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PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, SECOND SESSION

SENATE—*Friday, December 18, 1970*

(Legislative day of Tuesday, December 15, 1970)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God of the singing skies and starled men, help us to fix our vision on that which is transcendent and eternal, and like wise men of old find truth and wisdom at the manger-crib. May we be born again not to childish ways but to the childhood of simple trust and implicit faith. May the mind that was in Him be in us to guide us to the wisdom of Christmas and to the assurance of Emanuel—"God with us"—in our hearts and our homes, in our work and in our play, in factory and field, in the place of commerce and the committee room, and in these Halls until the Prince of Peace rules in the kingdom of righteousness without end.

In His name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, December 17, 1970, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1453 and Calendar No. 1475.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MARKETING QUOTAS FOR BURLEY TOBACCO

The joint resolution (S.J. Res. 249) to extend the time for the proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 249

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of Agriculture may defer until March 1, 1971, any proclamation under section 312 of the Agricultural Adjustment Act of 1938, as amended, with respect to national marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1442), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION

The only purpose of the resolution is to extend the time for the proclamation of marketing quotas for burley tobacco from February 1, 1971 to March 1, 1971.

Under existing law marketing quotas must be proclaimed by February 1, 1971, for the succeeding 3 marketing years.

The only effect of the resolution would be to extend for 1 month the time in which the Secretary of Agriculture would proclaim marketing quotas for the next 3 years. The additional time is needed to study bills which are now pending before the Senate regarding some aspects of the tobacco program and the leasing of tobacco acreage allotments.

EXPANSION OF U.S. EXPORT TRADE

The Senate proceeded to consider the bill (S. 4268) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude bank receipts and disbursements from the budget of the U.S. Government, and for other purposes which had been reported from the Committee on Banking and Currency with an amendment to strike out all after the enacting clause and insert:

That section 2(a) of the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635 (a)), is amended—

(1) by inserting "(1)" immediately after "SEC. 2(a)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the United States Government. In accordance with the provisions of the Government Corporation Control Act, the President shall transmit annually to the Congress a budget for program activities and for administrative expenses of the Bank."

SEC. 2. The President shall—

(1) not later than January 31, 1971, report to the Congress the amount by which the annual expenditure and net lending limitation imposed on the budget of the United States Government by title V of the Second Supplemental Appropriations Act, 1970, will be reduced as a result of the amendment made by section 1; and

(2) not later than September 30, 1971, report to the Congress with respect to the effect of the amendment made by section 1 on the operations of the Export-Import Bank of the United States.

SEC. 3. The amendment made by section 1 becomes effective on the date upon which the President makes the report to the Congress referred to in paragraph (1) of section 2.

Mr. SPARKMAN. Mr. President, S. 4268 would: First, exclude the receipts and disbursements of the Export-Import Bank of the United States in the discharge of its functions from the totals of the budget of the U.S. Government and exempt the Bank's operations from any annual expenditure and net lending—budget outlays—limitations imposed on the budget of the U.S. Government; second, require, in accordance with the provisions of the Government Corporation Control Act, as amended, that the President transmit annually to the Congress a budget for program activities and for administrative expenses of the Bank; third, require the President to report to the Congress not later than January 31, 1971, the amount by which the annual expenditure and net lending limitation imposed on the budget of the U.S. Government by title V of the Second Supplemental Appropriations Act, 1970, will be reduced as a result of excluding the Bank's fiscal year 1971 operations from the budget; fourth, require the President to report to the Congress no later than September 30, 1971, with respect to the effect on the Bank's operations from its exclusion from the budget and exemption from the fiscal year 1971 expenditure and net lending limitation; and fifth, provide that the provisions of the bill affecting the Bank will become effective on the date upon which the President submits to the Congress the required report on the reduction in the fiscal year 1971 expenditures and net lending limitation imposed on the budget as a result of enactment of this legislation.

Enactment of this bill will allow the Export-Import Bank the flexibility it needs in financing its operations over the next 2 years in order to increase substantially its support of the U.S. export trade. Under existing law the Bank's statutory life expires on June 30, 1973.

Sometime prior to the June 30 date our committee must conduct a thorough review of the Export-Import Bank activities and we must consider an extension of the Bank's charter. At that time our committee will review very carefully the authority this legislation bestows upon the Export-Import Bank and we will determine then whether this authority should continue.

I have received letters from the Department of Commerce, Council of Economic Advisers, Export-Import Bank, Office of Management and Budget of the Executive Office of the President, and the Department of State in support of the bill. I ask unanimous consent to have those letters printed in the RECORD at this point in my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

GENERAL COUNCIL OF THE
DEPARTMENT OF COMMERCE,
Washington, D.C., September 23, 1970.
Senator JOHN SPARKMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your request for the views of the Departemnt of Commerce with respect to S. 4268, a bill to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from The Budget of the United States Government, and for other purposes.

The basic objective of S. 4268 is to help achieve a long-term improvement in the U.S. balance of payments position through increased Export-Import Bank simulation of, and support for, U.S. exports. For that purpose, S. 4268 would exclude the receipts and disbursements of the Bank from the totals of The Budget of the United States Government and exempt such receipts and disbursements from any annual expenditure and net lending (budget outlays) limitations imposed on The Budget. Notwithstanding these changes, the President would transmit annually to the Congress a budget for the Bank's program activities and administrative expenses in accordance with the provisions of the Government Control Act, as amended.

While the abatement of domestic inflation remains the basic requirement for achieving a more satisfactory balance of payments position, the Department of Commerce's view is that a cooler economy will not alone restore the former competitive position of U.S. exports in international markets. Because of high interest costs in the United States, relatively higher prices of U.S. products, and aggressive export financing competition from other countries, the ability of U.S. exporters to offer adequate and competitive financing for their products can be a decisive factor in the success of U.S. export expansion efforts. Credit, moreover, is expected to become increasingly significant in view of the shift in the composition of our exports to high-value, high-technology products; the special importance of adequate and competitive financing in making sales in the newly emerging markets; and the global intensification of credit competition.

The Export-Import Bank is the principal U.S. agency that provides credit and other forms of financial support for U.S. exports. Its programs support and supplement private export financing in those areas where commercial sources are not able to meet the requirements of competitive financing. The Bank's management has taken important steps, particularly during the past year, to increase the effectiveness of its programs. Nevertheless, the credit demands associated with future vigorous export growth will require the Bank to improve and to broaden its present programs, particularly in meeting short-term financing needs. Current budgetary definitions and considerations have prevented the realization of these improvements. Enactment of S. 4268 thus represents an important step toward enabling the Bank to provide the additional financing support needed to expand exports and to assist exporters to compete in foreign markets on a basis of full financial parity.

Particularly important exports which would benefit from increased Bank short-term financing support include iron and steel, textiles and apparel, fertilizers and other agricultural products and a wide variety of consumer goods for which financing is a highly important factor in securing foreign markets. In addition, the flexibility provided by S. 4268 would permit the Bank to make a broader range of export paper eligible for discounting and to provide, as appropriate, greater financial incentives to export. These improvements are needed if the U.S. program is to be fully competitive with corresponding facilities in other countries which, as central to export efforts abroad, are supported and frequently subsidized by their governments.

In summary, and for the above reasons, the Department of Commerce strongly favors the enactment of S. 4268.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,
JAMES T. LYNN, *General Counsel.*

COUNCIL OF ECONOMIC ADVISERS,
Washington, September 11, 1970.
Senator JOHN SPARKMAN,
Chairman, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Council of Economic Advisers on S. 4268, "To amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the United States Government, and for other purposes."

A case can be made that lending activities of Federal agencies should be included in the budget. To reflect accurately the impact of the Federal Government in credit markets, as well as through purchases and transfers the budget should include these lending activities.

On the other hand, it can reasonably be argued that the activities of the Export-Import Bank are in many ways more similar to those of (solely or Federally assisted) private financial institutions than they are to many activities in the budget. Thus, a case can be made for excluding the Export-Import Bank from the budget.

Accordingly, the Council of Economic Advisers has no objection to the proposed legislation.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this letter.

Sincerely yours,
HERBERT STEIN,
Acting Chairman.

EXPORT-IMPORT BANK OF
THE UNITED STATES,
Washington, D.C., September 4, 1970.
Senator JOHN SPARKMAN,
New Senate Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: You have requested our comments on S. 4268 which would further amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the United States Government, and for other purposes.

The Export-Import Bank strongly supports and urges the enactment of this bill.

Commencing in May 1969, the Bank's management undertook a comprehensive overhaul and revision of all its programs and activities in response to the very urgent and demonstrated need of the U.S. exporting community. By reason of these revisions the Bank has been able to devise several ways to use substantial amounts of leverage in obtaining the maximum amount of exports for the dollars actually loaned. It has been able to do this through more extensive use of its guarantee authority and its insurance programs, as well as through the means of working in partnership with the commercial banks in the U.S. and abroad. This allowed the Bank to support $5.5 billion of exports in Fiscal Year 1970, an increase of 90 percent over Fiscal Year 1969. In future years, the Bank projects substantial increases in its support of the exporting community above the level attained in Fiscal Year 1970.

It has become clear that increasing exports is a significant means to assist this country in improving its balance of international payments account. This bill will enable the Bank to increase its support of a major sector of the nations export trade with a variety of carefully designed and administered programs.

In our opinion, the most urgent need at the present time in the U.S. exporting community is additional support in particular areas where the United States has not maintained its position in world trade because of the extremely strong competition from foreign government supported export financing agencies. These include such products as agricultural commodities basic iron and steel products, chemicals, lumber, fertilizers, and pharmaceuticals. At the same time, the need continues to increase for additional support for sales abroad of "technology-intensive" manufactured goods such as jet aircraft, nuclear power installations, thermal power installations, petrochemical plants, and computer complexes.

Enactment of S. 4268 would enhance the flexibility of operations of the Bank provided in its basic corporate charter and repeatedly confirmed by Congress through amendments to the Bank's original charter. It will also facilitate, without the requirement of any appropriated funds, the increases in export financing in amounts, cost, and flexibility necessary to meet competition from other exporting countries and it will strengthen the capacity of the Bank to rationally manage its financial affairs in the most economical and responsive manner.

Both under the old administrative budget concept and under the newer unified budget concept, the disbursement of direct loans by the Bank, as well as by other Government corporations, is accounted for as a part of budget outlays; collections on the principal of loans are accounted for as an offset to budget outlays. In a period of expanding activity, disbursements exceed collections, which results in the "net lending outlays" within the budget totals, attributable to the Bank's operations. This amounted to $246.3

million in FY 1969 and $219.1 million in FY 1970. However, these outlays created assets in the form of loans receivable, and therefore they were really the exchange of one kind of asset (cash) for another kind of asset (loans). Under generally accepted accounting procedures, the Bank did not lose money but in fact made a profit of $104 million in 1969 and $110 million in 1970, and paid a $50 million dividend to the general fund of the Treasury in each of those years. With the proposed removal of its receipts and disbursements from the budget, the Bank will be able to meet the needs of exporters without having its operations charged as a budget outlay.

As presently required by the Government Corporation Control Act the Bank will continue to submit its budget to the President through the Office of Management and Budget. The bill specifically provides, as does the Government Corporation Control Act, that the President shall transmit to Congress the Bank's budget for program activities and for administrative expenses. Thus, the ultimate decision as to the amount and kind of activities of the Bank will continue to rest with the Congress.

Pursuant to the Government Corporation Control Act the Bank's borrowing in the private market would continue to be subject to approval of the Secretary of the Treasury. This borrowing will not increase the money supply in the U.S. economy since it will merely be borrowing from one sector and applying those funds for use in another sector, i.e., the exporting sector. Although not so specified in the bill, the Bank would expect, with Treasury permission, to obtain most of its capital funds in the future on the private market. Eximbank will continue to pay dividends out of its net profit into the general fund of the Treasury and, to the extent that it has borrowings from the Treasury outstanding, will continue to pay interest to the general fund. The Bank's net borrowings from the Treasury, beginning with the current fiscal year, would be kept approximately equal to the sum of the dividend and interest payments to the Treasury, so that the Bank would have a neutral effect upon the general fund of the Treasury; that is, its net drawdown or payback each year would be near zero.

Arguments may be anticipated that enactment of the bill would establish a precedent for similarly excluding receipts and expenditures of other activities from budget totals. Eximbank purposes, however, are very different from those of most other Federal loan programs. In seeking to improve the U.S. balance of payments position, the Bank's object is to enhance our trade by making our financing of exports competitive with that of other nations. Moreover, the Bank's programs benefit nearly every segment of industry and the population of the United States and must be directly responsive to world economic conditions primarily to meet the competition from other exporting countries. These programs cannot be strictly conditioned upon the domestic economy of this country. Indeed, they generally run countercyclically with the alternative policies of budgetary restraint and relaxation. In many respects, therefore, the Bank is unique among Federal activities, and special treatment of its operations should not be considered a precedent for other programs.

The Bank urges early enactment of S. 4268 for the reasons stated herein.

We have been advised by the Office of Management and Budget that there is no objection to the submission to you of this report from the standpoint of the Administration's program.

Sincerely yours,

HENRY KEARNS.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., September 16, 1970.
Senator JOHN SPARKMAN,
Chairman, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Office of Management and Budget on S. 4268, a bill "To amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the U.S. to exclude Bank receipts and disbursements from the budget of the U.S. Government, and for other purposes."

S. 4268 would add a provision to Section 2(a) of the Export-Import Bank Act of 1945 to exclude receipts and disbursements of the Bank in the discharge of its functions from the totals of the Budget of the U.S. Government, and to exempt those receipts and disbursements from any annual outlay limitations imposed on the Budget. It would also require, as does the Government Corporation Control Act, that the President transmit annually to the Congress a budget for program activities and administrative expenses of the Bank. The bill would not alter the requirement for subsequent action on that budget by the Congress, as provided in the Government Corporation Control Act.

The Office of Management and Budget supports the important objective of greater expansion of our nation's export trade as a key element in improving our balance of international payments. While our trade account has strengthened recently, there are still a number of areas where the U.S. has had difficulty in maintaining its position in world trade because of strong competition from foreign government-supported export financing agencies. The Export-Import Bank comprises the principal U.S. mechanism for responding to this competitive challenge. It sponsors a variety of programs designed to supplement private capital in the financing of experts, including the provision of concessionary financing to stimulate export sales that might not otherwise have been achieved. Moreover, in contributing positively to our balance of international payments, the Bank's lending activities are unique among Federal credit programs. We understand that the proposed legislation is intended to enhance the Bank's capacity and flexibility to carry out its mission, with the goal of a significant and rapid expansion of U.S. export trade.

Accordingly, the Office of Management and Budget would support the enactment of S. 4268.

Sincerely,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

DEPARTMENT OF STATE,
Washington, D.C., September 16, 1970.
Senator JOHN SPARKMAN,
Chairman, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of September 9, 1970, enclosing for the Department's comments a copy of S. 4268.

The Department of State believes that an assured source of sufficient amounts of export credit at competitive interest rates is essential to a national foreign trade policy based on export expansion. To achieve this goal, a viable and flexible means of meeting the legitimate credit needs of U.S. exporters in a manner comparable to that of other major trading nations is required. The Department believes the necessary flexibility can be fostered by means of the proposed exemption of the receipts and disbursements of the Export-Import Bank from any Federal Budget and any annual expenditure and net lending limitations imposed on the Budget of the United States Government.

In view of the foregoing, the Department of State favors the proposed legislation.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

Mr. SPARKMAN. Mr. President, I am thoroughly convinced that this legislation will be extremely helpful to the operation of the Export-Import Bank and I urge favorable consideration by the Senate.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1462), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE LEGISLATION

S. 4268, as amended by the committee, would (1) exclude the receipts and disbursements of the Export-Import Bank of the United States in the discharge of its functions from the totals of the budget of the U.S. Government and exempt the Bank's operations from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the U.S. Government; (2) require, in accordance with the provisions of the Government Corporation Control Act, as amended, that the President transmit annually to the Congress a budget for program activities and for administrative expenses of the Bank; (3) require the President to report to the Congress not later than January 31, 1971, the amount by which the annual expenditure and net lending limitation imposed on the budget of the U.S. Government by title V of the Second Supplemental Appropriations Act, 1970, will be reduced as a result of excluding the Bank's fiscal year 1971 operations from the budget; (4) require the President to report to the Congress not later than September 30, 1971, with respect to the effect on the Bank's operations from its exclusion from the budget and exemption from the fiscal year 1971 expenditure and net lending limitation; and (5) provide that the provisions of the bill affecting the Bank will become effective on the date upon which the President submits to the Congress the required report on the reduction in the fiscal year 1971 expenditures and net lending limitation imposed on the budget as a result of enactment of this legislation.

Enactment of this bill will allow the Export-Import Bank the flexibility it needs in financing its operations over the next 2 years in order to increase substantially its support of the U.S. export trade. The Bank's statutory life expires on June 30, 1973. Prior to that time, the committee expects to conduct a thorough review of the Export-Import Bank activities during its consideration of extension of the Bank's charter, the Export-Import Bank Act of 1945, as amended, at which time the committee will review again the question of whether the Bank's operations should be included in the budget of the U.S. Government.

NEED FOR THE LEGISLATION

Congress established the Export-Import Bank as the principal U.S. Government agency having the responsibility and resources to assist in the financing of the U.S. foreign trade. Under its charter, the Export-Import Bank Act of 1945, as amended, the Bank was provided with broad authority to finance and manage its operations in the most economical and efficient manner in order to meet the changing needs of its only real client, the U.S. exporter. However, the flexibility which is required by the Bank to meet the demonstrated needs of the U.S. export community has been greatly curtailed since adoption of the unified budget concept under which the Bank's annual disbursements and receipts are included in the calculations of the overall budget of the U.S. Government. This budget restraint has deprived the Bank of the very flexibility it needs to support an increasing volume of exports at a time when the U.S. share of world trade is declining and the dollar is beset by a persistent imbalance in the U.S. international payments account.

While world trade has expanded at an average annual rate of 8.9 percent since 1960, the U.S. share of that trade during those years has dropped from 17.3 percent to 14.9 percent. The margin of U.S. exports over imports dropped from a high of $6.8 billion in 1964 to $428 million last year. Unless this trend is reversed sharply, there is little possibility of achieving a favorable balance of payments which, over the long run, affects the strength of the dollar.

At the same time that the total volume of world trade has expanded so markedly, international liquidity has increased by only 2.9 percent annually. The international liquidity shortage with its attendant increase in the need for offering financing on export sales, and buyers demanding credit terms that meet their needs, have forced U.S. exporters to extend credit on terms that will equal those offered by their foreign competitors if they are to be successful in the international marketplace and expand their export sales.

Until recently the Bank's facilities were required principally to assume risks and terms of repayment that were beyond the capability of the private sector. Under current and projected conditions, the Bank's facilities are required also to assure the export community of continuing liquidity for the financing of sales abroad and for making financing available at competitive rates when there is demonstrated need.

In response to the increasing requirement for competitive export financing, the Export-Import Bank has undertaken substantial revisions of its programs and operations over the past 2 years in order to obtain more leverage from its available resources. The Bank, for example, has increased the use of its guarantee and insurance authority and has required the participation in its credits by commercial banks and other private financial sources. Greater emphasis has been placed on active cooperation with private, international and public financial institutions at home and abroad. Through these various devices and the institution of several new programs, the U.S. exports supported by the Bank increased from $2.9 billion in fiscal year 1969 to $5.5 billion in fiscal year 1970.

Congress each year through the budget process establishes a ceiling for Eximbank annual loan authorizations. Bank loan disbursements follow these loan authorizations by an average of 2½ years and as long as 5 years after the date of commitment. It is, therefore, a distortion of the Bank's normal business to apply budget policy in the current year against trade policy previously agreed upon as long as 5 years earlier. The Bank's ability to fully utilize its authority and to fund its operations in the most economical manner is restrained by the inclusion of its annual disbursements and receipts in the calculations of the budget of the U.S. Government.

Eximbank does not require appropriated funds. Nevertheless, under the unified budget concept, first adopted in the fiscal year 1969 budget, Eximbank's net loan disbursements are accounted for as budget outlays, or expenditures, not loan receivables even though the money disbursed will return with interest; its collections from repayment of principal and interest on outstanding loans and so-called "sales of assets" are accounted for as receipts, or offsets to budget outlays. In periods of increasing need and rapidly expanding activity, such as the Bank is presently experiencing, disbursements exceed collections. The result is a "net lending outlay" from Eximbank activities in the overall annual Federal budget.

The negative impact on the budget attributable to Eximbank amounted to $246 million in fiscal year 1969, $219 million in fiscal year 1970, and is proposed at $195 million for the current fiscal year. However, for these same periods, under generally accepted accounting procedures (that is, where one kind of an asset—a cash disbursement—is exchanged for another kind of an asset—a loan receivable) the Bank's operations actually showed profits of $104 million in fiscal year 1969 and $110 million in fiscal year 1970.

The unified budget places a further restraint on the Bank in terms of the method that the Bank is required to use to fund itself. Although the Bank has authority under its charter to borrow up to $6 billion from the Treasury, it generally uses only around $1.5 billion of this authority for its daily cash requirements and had financed its operations primarily through use of the $1 billion stock, its accumulated reserves, funds collected from interest on loans and other fees, and borrowings from the private market.

Since adoption of the unified budget concept, however, borrowings from the private market through sales of participations in obligations held by the Bank or by issuance of the Banks' own obligations, such as debentures, are considered as borrowings and not receipts, and therefore, cannot be accounted for as budget offsets. Thus, the Bank in order to have the proceeds from such sales credited as budget receipts has been compelled to use a complicated and costly form of asset sale (Certificates of Beneficial Interest), which is difficult to market because it is nonnegotiable and not a familiar instrument to investors. In fact, the low net budget outlays attributable to the Bank in the last 2 fiscal years were realized only through this procedure.

The budget restraint has also precluded Eximbank from offering the support necessary to realize the export potential for U.S. suppliers of goods normally sold on short-term credits. Today more than 50 percent of total world trade is in commodities sold with short-term financing, including such important categories as agricultural products, chemicals, fertilizers, steel products and consumer goods. The U.S. exporter is facing increasingly severe competition in this field because of government supported financing offered by his foreign competitors.

If Eximbank is freed of its budget constraints, it proposes to extend its present medium-term commercial bank discount loan program to transactions moving on short-term credit. The Bank's medium-term program has provided a strong incentive for commercial banks to become involved in export financing because they are assured of the availability of funds if a liquidity-short situation develops. Extension of this medium-term program to cover short-term transactions, which could involve substantial budget outlays in its first year of operation, would further encourage commercial banks and other financial institutions to provide the financing necessary to assist increased U.S. exports in this important and extremely large area.

Eximbank activities result in a 100 percent direct, positive contribution to the U.S. balance of international payments.

Prompt enactment of S. 4268 as amended by the committee will permit the Export-Import Bank to provide the financial resources necessary if U.S. exporters are to compete aggressively and effectively with foreign competition. With the flexibility provided to the Bank as a result of this bill, the Bank will be able to create the stimulus needed to increase all segments of the U.S. export trade and thereby materially benefit the U.S. international payments accounts.

EXPLANATION OF PROVISIONS

S. 4268 amends section 2(a) of the Export-Import Bank as amended, by adding a new paragraph which provides that the receipts and disbursements of the bank shall not be included in the totals of the budget of the U.S. Government and shall be exempt from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the U.S. Government.

The bill provides further that in accordance with the provisions of the Government Corporation Control Act, the President shall transmit annually to the Congress a budget for program activities and for administrative expenses of the Bank. Thus the Bank will continue to follow its current procedures, as required under that act, of submitting its annual budget to the President for approval and transmission to the Congress. The Congress will retain its oversight of the Bank's operations through the annual budget review process, as well as through the periodic reviews of the Bank's enabling legislation.

The committee was advised that although enactment of S. 4268 would enable the Bank to replace its present unsatisfactory method of obtaining funds by direct borrowings in the private market, the provisions of the Government Corporation Control Act require that any such borrowings by the Bank will continue to be subject to approval of the Secretary of the Treasury, both as to amounts and interest rates as well as the timing of the issues.

COMMITTEE AMENDMENTS

The committee has amended the bill to require two reports from the President in connection with this legislation and to provide an effective date for operation of the bill's provisions.

The committee amendment provides that the President shall report to the Congress not later than January 31, 1971, the amount by which the annual expenditure and net lending limitation imposed on the budget of the U.S. Government by title V of the Second Supplemental Appropriations Act, 1970, will be reduced as a result of excluding the Export-Import Bank's fiscal year 1971 receipts and disbursements from the totals of the budget of the U.S. Government. The amendment provides further that the authority as contained in S. 4268 will become effective on the date upon which the President submits this report to Congress.

The amendment also provides that the President shall report to the Congress not later than September 30, 1971, with respect to the effect on the operations of the Export-Import Bank of excluding the Bank's receipts and disbursements from the budget, as authorized in this bill.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar for the time being, but it is anticipated that after Senators have had an opportunity to study the reports other unobjected to items on the calendar will be called up during the course of the day.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The **ACTING PRESIDENT** pro tempore. At this time the Chair lays before the Senate the pending business which the clerk will state.

The LEGISLATIVE CLERK. Report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

ORDER OF BUSINESS

The **ACTING PRESIDENT** pro tempore. Under the previous order the Chair now recognizes the distinguished Senator from Delaware (Mr. BOGGS) for 1 hour.

SENATOR JOHN J. WILLIAMS, "MR. INTEGRITY"

Mr. BOGGS. Mr. President, the end of the 91st Congress is now in sight. And it brings to a close the senatorial career of a great man who has served this Nation with distinction for 24 years.

It is a particularly great privilege for me to join at this time in paying tribute to a most distinguished colleague, my close friend and fellow Delawarean, Senator JOHN J. WILLIAMS. The man who has been labeled "Mr. Integrity" by the American press and public has chosen to retire, and will be sorely missed by his colleagues and by the American people.

In 1946, a poultry farmer and feed dealer from the small southern Delaware town of Millsboro was elected to represent the State in the U.S. Senate. He came to Washington and this Chamber quietly, without fanfare, in his typically unassuming manner. He has been here 24 years and has earned a reputation for diligence and integrity.

He has steadfastly guarded the taxpayer's dollar, and his mastery of the intricacies of government is the envy of many an economist and accountant.

Although he went no further than high school, he has more than held his own against lawyers and college professors in the course of heated debate when it was apparent he also had mastered the complex rules of this body.

Many Presidents and presidential advisers have known well the depth of his knowledge of their complex proposals on taxation, social security, and other subjects considered by the Finance Committee on which Senator WILLIAMS serves as ranking Republican.

He has worked hard to attain his position and knowledge. Many nights JOHN WILLIAMS has spent at his desk, toiling on the affairs of the Nation.

My fellow Delawareans admire him for his honesty and hard work and for the public notice he has focused on our small State.

I am proud to say I know JOHN WILLIAMS well, for we entered public service together in 1946. I was honored to be on the same ticket with Senator WILLIAMS. I was able to observe him from the other body, later from the Governor's chair, and the admiration and respect engendered by him and his abilities have multiplied enormously over that span of years. I have been proud to serve with him and have often sought his sage advice and wise counsel.

It has been history in the making to watch JOHN WILLIAMS for the past 24 years. Through it all, he has become the symbol of high principle and good government, withstanding immense pressures to maintain his stature. His conduct of office is an example for public servants at all levels of government.

The Nation's press has labeled him variously as "watchdog of the Nation," "Mr. Integrity," and "conscience of the Senate." All of those labels and other complimentary titles have been earned by the distinguished gentleman. His own decision to retire is indicative of his intense dedication to principle. Firmly believing that no one should run for office beyond the age when most corporations require their employees to retire, Senator WILLIAMS, despite a sharp mind and able body has chosen to leave.

He returns to his native Millsboro much the same as he came—quiet and unassuming but with the Nation's praise for his dedication. National fame has not changed him although he helped to change this Nation. He takes with him his storied files, chronicling many untold incidents that he deems either unfounded or not fully documented.

The Nation's Capital will miss JOHN WILLIAMS and his wife, Elsie, when they leave. Mrs. Williams, in her way, has been as active as her husband in his. She was president of the Congressional Wives' Club and has been involved in many worthy projects in Washington.

In his departing wake, Senator WILLIAMS leaves a nation better for his coming. As an American and fellow Delawarean I would like to thank Senator JOHN J. WILLIAMS for his valuable service and wish him well in his new endeavors.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Delaware yield?

Mr. BOGGS. I am happy to yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I wish to join the distinguished junior Senator from Delaware—who will soon become the senior Senator from the First State—in his remarks concerning the departure of our able and distinguished colleague, the senior Senator from Delaware, JOHN J. WILLIAMS.

Mr. President, it was with the deepest sense of personal regret that I noted some months ago Senator WILLIAMS' statement that he would not be a candidate for reelection. It is with that same sense of deep regret that I observe his departure from this body—not that we have always shared the same views—far from it. But at least we have been at all time open with one another. At all times, we knew where each stood; and most important perhaps, we respected each other's opinions.

Senator WILLIAMS has performed an outstanding job, and I use the word "job" advisedly, in carrying out his watchdog activities and in performing in a way that has tested the mettle of us all.

It was not an easy job Senator WILLIAMS undertook to perform. But it certainly was a most necessary job. It is my fervent hope that the foundations laid by this outstanding Senator will not crumble away with his formal departure at midday of January 3 of next year. What he has done, has had to be done. What he performed, had to be performed. And he did it all with great diligence and, I may say, impartiality. On that latter score, as far as JOHN WILLIAMS was concerned, in matters of financial integrity, it mattered not whether it was a Republican or a Democrat or an Independent who was involved. All were treated alike.

On so many occasions it was a thankless task; but necessary, nevertheless. The Senate is fortunate.

It will miss JOHN WILLIAMS. But what he will leave behind is a monument; a monument to integrity, to proficiency, to honesty and efficiency. What he has established is a high standard to which all of us may aspire and, hopefully even achieve at times.

John Williams is a great Senator. After his departure it will be said that he served this body, the State of Delaware, and the Nation well and faithfully. There could be no greater tribute.

Mr. BOGGS. Mr. President, I thank the Senator for his fine remarks. I know that we all appreciate them.

Mr. President, I yield now to the distinguished senior Senator from Utah (Mr. BENNETT).

Mr. BENNETT. Mr. President, there often seems to be some kind of pattern in the ways of Providence which brings to difficult situations men with the character, the ability and the attitude that the times demand. Such a man is JOHN WILLIAMS.

It has been my great privilege to serve in the Senate for part of his years of service, to have been seated with him on the Finance Committee, and to have had the benefit not only of his wisdom but also of his deep and abiding personal friendship.

One makes friends in the Senate—unfortunately, not too many. The Bennetts feel that they have been greatly blessed by the privilege of associating with JOHN and Elsie Williams.

At the risk of sounding a slightly different note and in the hope that JOHN will not misunderstand, he has not only been labeled the conscience of the Senate, but in some respects he is also a very deceitful man. He creates the impression of being very modest and retiring, almost shy, but underneath that appearance is a will of iron and the kind of backbone that keeps a man erect in the face of almost every kind of opposition.

He has often been labelled as a chicken farmer, the inference being that he is some kind of country bumpkin. But beginning with his very earliest experience in the Senate, the IRS discovered that this man was no country bumpkin. And they and others have rediscovered it many times since. Many people who thought they could outwit him, including some in the leadership of the Senate on occasion, have also discovered that he does not fit that picture.

There are many people who had looked at John Williams and said that with his high school education he could not possibly know very much about the important problems we face in Government. But as his junior colleague has said, those of us who from time to time have tried to contest with regarding the meaning or use of the rules of the Senate, or statistical or historical information have frequently found that he was two steps ahead of us.

I am happy to admit that I have been one of those.

I am a little disturbed at John's latest effort, in sponsoring a Constitutional amendment which would say that a person who reaches the age of 65 should not run for the Senate. I am one of those who, by having already violated that rule by inference, being condemned by that statement.

I am sorry that he is going to deprive us of his further services on the basis of an application of a principle. But that is John Williams. He develops a principle and applies it first to himself. That is one of the reasons we honor him.

I am sure all of us are sorry to see him go. But I serve notice on him that he cannot move to Delaware and get away from his friends in the Senate including the Bennetts. We all want to maintain our pleasant relationship with the Williamses.

Mr. BOGGS. Mr. President, I thank the Senator from Utah.

I yield next to the distinguished senior Senator from Alabama.

Mr. SPARKMAN. Mr. President, I certainly want to join briefly in these remarks concerning John Williams. I have expressed to him personally my regret that he is leaving the Senate.

I share the feeling of the distinguished majority leader I also have not always agreed with John Williams. But on checking back I found myself in agreement so many times that one day I said to him, "You know, John, in checking my voting record with yours, I have found that I voted with you nearly all of the time." He did not make any reply.

One time when the late Ralph Flanders—whom most of us remember quite well and favorably—was a Member of the Senate, I said to him, "Ralph, I have looked over your voting record. I find that you and I have been voting very much the same."

He said, "Yes. That is what bothers me."

I do not believe that it bothered John Williams that I was in agreement with him on so many occasions.

We came here about the same time. I came about 2 months before John Williams did. I came in November, since it was a special election.

I have enjoyed my service with him. I regret seeing him leave the Senate.

I must take note of what Senator Bennett said about John not wanting to let any Representative or Senator run for reelection after he is 65. Senator Bennett is all right. He was reelected 2 years ago. But I have an election coming up in 2 years. Not only would I become ineligible under the amendment to run again, but also I would have to quit the Senate now as I have reached the age of 70.

As a matter of fact—this is Friday—day after tomorrow I hope to pass another milestone.

John Williams has been a bulwark of strength in the Senate. As Senator Boggs said, he has been able to match the best legal minds, the best lawyers, the best philosophers, and so forth. I thought he might have added Members of the Senate because John Williams never has to give way to anyone when he believes he is right.

I have admired him and enjoyed my service with him. I regret seeing him leave the Senate. I wish to add that I also regret seeing Mrs. Williams leave the Senate. We have known her throughout the years and I have admired the very fine support she has always given to her distinguished husband.

John, we shall remember you, and we hope you will come back to visit us often, if you allow us to stay here. We shall always remember the fine work you did in the Senate during your years here.

Mr. BOGGS. Mr. President, I yield to the chairman of the Committee on Finance, the Senator from Louisiana.

Mr. LONG. Mr. President, I regretted deeply to learn that the distinguished senior Senator from Delaware was planning to retire at the end of this session. I am one of the many Members of the Senate who went to him and asked him to reconsider that decision. He has been one of the most diligent, if not the most diligent Member of this body. He has been a stalwart advocate of everything that his conscience would permit him to support and as vigorous opponent as anyone ever faced in this body with respect to those things his conscience would not permit him to support.

Some time ago I thought the attendance record of the Committee on Finance might increase if I kept a record of the time each member spent in executive sessions of the committee and committee hearings. If that record served no other purpose it kept the chairman there more than he would have been there otherwise because I discovered the senior Senator from Delaware was present for more hours and minutes than any other member of the committee; and try though I would to keep up with his record and to be there every moment he was there, I still could not catch up with him. He holds the record, without knowing the race was on, for being the most diligent member of the committee as well as probably the most effective member of the committee.

When he is for something he is the greatest ally one could have; when he is opposed to something there is no one who makes a greater fight to the end and makes it more difficult to enact a measure that he opposes than does the Senator from Delaware.

It is interesting to note that the Senator from Delaware has never engaged in filibustering. That is quite a record for one who has opposed so vigorously measures his conscience would not permit him to support. He is such an able parliamentarian that usually the matter winds up with someone else doing the filibustering.

I regret very much I will no longer see the senior Senator from Delaware across the aisle. I had looked forward to the day when the fortunes of politics would make him the chairman of the committee and I would be his ranking member. In seeking his support through the years I have told him, "The time will come when you will be the chairman of the committee and you will be seeking my help as I am now seeking your help." Apparently the Senator was not planning on that when he made his decision to retire.

Nevertheless, the record will show that no other Member of this body was more diligent than he in enacting measures to punish corruption, to prohibit corruption in the future, and to preserve those things about this Government that protect the public generally.

From time to time some of us have felt it necessary to support measures when we felt some particular individual or some particular concern in our States or among our constituents was getting the worst of it, and we felt that relief of some sort was in order. There has never been anyone who defeated more bills that sought relief in connection with individual problems than the Senator from Delaware because of his view that if a measure could not be passed for the benefit of a broad swath of people he did not like to see it passed at all.

From time to time some of us have had a very good case which would almost bring tears to one's eyes, but we could not persuade him to go along with it. But he has been persistent in his belief, and he has showed no favoritism to anyone.

Some years ago a measure was before us seeking relief from an unexpected court decision involving the DuPont Co., perhaps the largest constituent in the State the Senator represents. After virtually everyone else agreed to it, including the Senator who was then his colleague, and who was also the sponsor of the measure, the senior Senator from Delaware opposed it and, of course, it did not pass. It was years later before we were able to pass a measure which seemed to be fair to all concerned by the lights of the senior Senator from Delaware. That did not make him popular with the most prominent constituent in his State, but it demonstrated once again his devotion to the principle that legislation should have a broad application to all citizens and that he did not feel we should be doing something that would pick out the problem of one particular constituent and seek to solve that problem without solving the problems of many other people at the same time.

I regret very much that the Senator has made the decision that he has made. He has been relentless and determined in it and never has been kidding anyone about it.

Having observed politics down through the years, when one, who has many vigorous years ahead, announces his intention to retire, it is usually par for the course that he is urged to reconsider. He usually does reconsider, and he runs again and makes the sacrifice for one final round. In view of the fact that many of us felt he is vigorous and has many good years ahead of him, we hoped he would reconsider and make the race for one more term, which would have been assured had he run; but we found he was determined in his view and would not reconsider. And so he will not be with us when the new Congress convenes next month.

Mr. President, we suffer a great loss in the Senate. He has achieved as much as anyone has in this body. Not only has he placed many good laws on the books but he has also defeated a lot of bad laws.

So, as one who has performed and as one who has made himself a place among the greats in the Senate, he is entitled, if he wishes, to retire and leave this body in glory, and that he certainly does. He leaves a record that should be the envy of every Member of this body.

Mr. President, I salute my distinguished colleague and I hope that from time to time he will favor us with a visit to the Senate, because he has many good friends in all the Members of this body who have served with him.

Mr. President, at its last meeting, on December 11, 1970, the Committee on Finance, adopted a resolution of appreciation for the long service of the distinguished senior Senator from Delaware as a member of the committee. I ask unanimous consent that the resolution be printed in full in the RECORD at this point.

There be no objection, the resolution was ordered to be printed in the RECORD, as follows:

> Whereas, John J. Williams, of Delaware, has served honorably and faithfully as a member of the Committee on Finance since January 15, 1951, and also so served from January 10, 1949, to January 12, 1950, and
>
> Whereas, John J. Williams has served with high distinction as the senior Republican member of this Committee since January 3, 1959, and has demonstrated exemplary diligence in attending public hearings and executive sessions of the Committee, and
>
> Whereas, John J. Williams has generously devoted his knowledge and energy to the consideration of the many complex issues before this Committee during these periods, and
>
> Whereas, John J. Williams has unceasingly advanced the development of legislation relating to trade, government finance, and social welfare in execution of the broad responsibilities of this Committee: Now, therefore, be it
>
> *Resolved*, That the Committee on Finance hereby expresses to John J. Williams its sincere appreciation and gratitude for his outstanding contributions to the fulfillment of the obligations of this Committee, for his faithful and devoted service as a member of this Committee, and for his untiring efforts as the senior Republican member of this Committee.

Mr. LONG. Mr. President, Senator WILLIAMS has served on our committee continuously since January 15, 1951. He also served from January 10, 1949, to January 12, 1950. He has been the senior Republican member of our committee since January 3, 1959. I am sure it comes as no surprise to anyone that Senator WILLIAMS has been extraordinary in his faithful devoted service to the committee.

JOHN WILLIAMS has served 24 years in the Senate and it is well known among all our Members that if anyone deserves the title of a great statesman—it is JOHN WILLIAMS. During the years that I have served with Senator WILLIAMS, both on the committee and in the Chamber, I have come to respect and frequently acknowledge that he has one of the highest degrees of personal integrity of anyone I know.

As we all know, he has been given the title of the "Conscience of the Senate." Anyone who has worked with Senator WILLIAMS knows that this title is well-deserved. He has always made his positions clear and voted as his conscience dictated. Sometimes, there were only two or three Members of the Senate in agreement with JOHN on certain of his proposals. I am sure that Senator WILLIAMS at those times may have felt a little lonesome—however, I have observed that a person who feels he must follow his conscience and make his point—regardless of the consequences—does not always find himself with the crowd. In fact, one of the more familiar phrases I have heard JOHN WILLIAMS use is "I would certainly have welcomed your support 2 years ago when we first voted on this matter."

At this point, I would like to repeat one of Senator WILLIAMS' favorite stories about his vote and my vote on one of our oil questions. As I am sure most of you know, JOHN WILLIAMS and I have very different and opposite viewpoints on the oil depletion allowance. I have always maintained that this part of our tax law helped develop this country to the world position of leadership that it now has. I continue to feel that it would be a mistake to remove this incentive. However, JOHN WILLIAMS does not share this viewpoint. During the committee's deliberations on the Tax Reform Act of 1969 last year, an important vote was called on reducing the oil depletion allowance. To put this vote in proper prospective, I should explain that the committee had first voted on a motion to retain the percentage depletion allowance at the present 27½ percent. That motion, made by me, was defeated. The next motion was to decrease the oil depletion allowance to 23 percent. At this point Senator WILLIAMS maintained that it should go at least to 15 percent. However, because the previous vote had failed, I voted for the 23-percent oil depletion allowance; JOHN WILLIAMS voted against the 23-percent rate because he believed it should be reduced even further. Since that time Senator WILLIAMS has said several times:

> After battling Russell Long for 20 years on the oil depletion rate, when it finally came to a vote to reduce the oil depletion allowance, I found myself voting against the decrease and Russell Long voting for it.

To me the life of JOHN WILLIAMS is a magnificent example for our young people to look at—without question he has been a dedicated public servant. Senator WILLIAMS will be sorely missed in this body and his position will not be easily filled.

Mr. BOGGS. I thank the Senator. I yield now to the distinguished dean on the Republican side, the Senator from Vermont.

Mr. AIKEN. Mr. President, there are 2 hours frequently observed by this Senate which do not particularly appeal to me.

One is the alibi hour, and every Senator knows what that is.

The other is the eulogy hour during which we pay our respects to one of our Members who is leaving us and whom we hate to see go.

Today we are telling for the record what we think of JOHN J. WILLIAMS who is voluntarily retiring after having served 24 years in this Senate as the senior Senator from Delaware.

I do not know just what to say about JOHN J. WILLIAMS.

As I have intimated, I find these occasions rather depressing, and particularly so in this case.

I think I have voted with JOHN considerably more than half the time since we have served here together.

I think I am safe in saying that not a Member of this body wants him to retire at this time.

There may be, in fact I am sure there are, some people in this country who will think that JOHN's retirement may be a cause for rejoicing on their part, but if there are such I want to warn them that things may not turn out the way they would like to have them just because the senior Senator from Delaware is becoming a civilian once more.

He has in the past incurred the wrath of a good many people because he has refused to see things in their way and to do what they wanted.

He seems to have had a stubborn belief that people who can afford to pay taxes and ought to pay taxes should pay taxes and has opposed special legislation which might permit them to avoid their just share of this burden.

It is safe to say that he has been responsible for blocking a good many handouts for States and community enterprises some of which no doubt may have been worthy, but many of which, I am sure, were less worthy.

It is safe to say that he has insisted on plugging loopholes in some of our laws which permit certain groups of people to enjoy privileges which were denied to others.

It may be that some of our Federal agencies in the executive branch of Government will feel that with JOHN WILLIAMS out of the Senate they will not have to be quite so careful in making reports to the Congress, but I want to tell all these people right now that just because JOHN WILLIAMS and his very patient and understanding wife, Elsie, are retiring to Delaware it does not necessarily follow that these people to whom he has been a nemesis in the past will find the traveling any easier.

Yes, JOHN WILLIAMS is retiring from this Senate, but he is reasonably young and able bodied and unless I am mistaken is likely to become a leader among the taxpayers and the public of this Nation.

So I say to these people that John J. Williams, leader of public opinion, will undoubtedly wield as much influence in shaping the future of this Nation as did Senator John J. Williams as a Member of this body.

We do hate to have him go.

Mr. BOGGS. I thank the Senator.

Mr. President, I now yield to the distinguished Senator from Nebraska (Mr. Curtis).

Mr. CURTIS. Mr. President, if it were not for the provision in the 13th amendment to the Constitution which provides—

> Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction—

I would offer a resolution requiring John Williams to continue to serve in the Congress of the United States the rest of his days. I would also ask for its immediate consideration, and I daresay it would pass without a dissenting vote.

During this brief period of 1 hour for us all to speak, we cannot do justice to the record of this most unusual man. It would be my hope that at the conclusion of these several remarks today our distinguished friend the junior Senator from Delaware (Mr. Boggs) would ask unanimous consent that the Record be kept open for the remainder of this session, including the final issue of the Record, so that those of us who have spoken might add to that material and so that many other Senators might express themselves on the public record of our beloved friend, John Williams.

We could say a great deal about Senator Williams' ability, about his keen mind, about his ability to see through a proposition, his ability to understand what a legislative proposal will really accomplish. He is one of the most astute individuals that I know. He has exceptional ability. His devotion to duty, whether it is in attendance here on the floor or in committee, is most unusual, far beyond that which has been designated as the best up to now.

Oh, it is true, the Senate has not always agreed with John Williams, but I dare say the United States would be better off if the Senate had agreed more often with him. It is true his political party has not always followed John Williams, but it would be a greater party today if it had. It is true that not every Republican administration has conformed its policies to the principles enunciated and lived by John Williams, but it would have been a greater administration and would have served this beloved Republic of ours better had it done so.

All of us in the Senate will miss him, but there is something far sadder about John Williams' departure. The youth of the land have lost their best friend. As we see the ravages of inflation, as we look at the mounting fiscal problems of this country, as we see a moral decline—and I hope the decline is coming to a halt—as we see all those things, then we can get an idea of how much better a country we would have had if there had been 100 Senators like John Williams.

The lot of all Americans of the future will be better because John Williams served in the U.S. Senate.

Mr. President, we cannot, in one speech or a dozen speeches, do justice to this great man. He has done so much for our country.

Mr. BOGGS. I thank the Senator.

I yield now to the distinguished Senator from South Carolina (Mr. Thurmond).

Mr. THURMOND. Mr. President, we have set aside today to pay tribute to one of our most distinguished Members who chose not to return to the Senate at the end of his present term. My friend and colleague, Senator Williams of Delaware, has been a Member of the Senate for 24 years. Each year has seen him gain in stature and reputation. He is a man of steadfast devotion to principle and of impeccable integrity.

I know that the Senate will miss him, and that the State of Delaware will miss him. However, the greatest loss will be felt by all of the people of the United States who have become accustomed to looking to him for leadership in the never-ending battle to protect the taxpayers from both illegal and unwise expenditures by the Federal Government. Undaunted by political expediency, Senator Williams has regularly exposed and opposed excessive and improper appropriations with skill and dedication. His record in this area alone has created for him an outstanding reputation as one of the leading Senators.

In terms of personal qualities, the name of Senator John Williams has become synonymous with integrity. He has set for himself the highest of standards and has always met them successfully. Both by his example and his belief that those in positions of public trust should do likewise, he has been a steady influence in favor of honest and upright conduct.

Another personal quality of Senator Williams is his ability to master the intricacies of complicated economic problems both in legislation and in administration. When Senator Williams challenges a bill or a practice, his capacity for handling with ease a veritable maze of facts and figures is always impressive. He conducts himself with great ability and extensive knowledge of the subject in debate on the Senate floor.

Far more often than not I have found myself on the same side with Senator Williams on the issues. However, I believe it is fair to say that Members of this body have always retained the utmost respect for Senator Williams even when finding themselves on the opposing side from him.

Mr. President, it is always reassuring to see a man receive recognition for his accomplishments. Perhaps the honors accorded to Senator Williams are not commensurate with his contributions, but nevertheless the list of distinctions is impressive. Last year Senator Williams was honored for his distinguished service in the Senate by the first annual Conservative Awards Dinner sponsored by National Review, Human Events, Young Americans For Freedom, and the American Conservative Union. In addition, he has been honored by Americans For Constitutional Action, the American Political Science Association, Newsweek, and Nation's Business. He has gained the respect of both his political friends and foes.

Mr. President, I truly regret the decision of our distinguished colleague from Delaware not to seek reelection. He has won election to the Senate four times and no one doubts that he would have been elected to a fifth term had he chosen to run. His quiet effectiveness in promoting high principles will be genuinely missed by the Members of this body.

Mr. President, I could not take my seat without referring to the Senator's devoted wife, Elsie Williams. She is a lady of high principles and lofty character, whose life is well worth emulating. She has made Senator Williams a devoted companion, and has inspired him at all times.

Mr. President, Human Events recently featured an article on the career of Senator John J. Williams which deserves the attention of the Senate. I ask unanimous consent that the article, "Not Retiring, Just Changing Jobs," which appeared in the November 28, 1970, Human Events be printed in the Congressional Record following these remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

NOT RETIRING, JUST CHANGING JOBS: THE AMAZING SENATE CAREER OF JOHN J. WILLIAMS DRAWS TO A CLOSE

(By Carol D. Bauman)

(Note.—Mrs. Bauman has been editor of the New Guard, a member of the publicity staff of the Republican National Committee and director of publications for the American Conservative Union. A free-lance writer whose articles have appeared in several magazines including National Review, Mrs. Bauman last year moved with her family to the quiet of Easton, Md., after serving for seven months on President Nixon's White House staff. Her article, "Is the 'Freedom of Information Act' Really Working?," was in the May 30, 1970, Human Events.)

In describing Delaware's senior Sen. John J. Williams, usually cautious reporters can't seem to resist superlatives. They will characterize him with phrases that could only apply to a computer, a trained German shepherd, or the most exceptional paragon of virtue ever to sit in the U.S. Senate.

"Fiscal bloodhound! Watchdog of the Senate!" they call him. "Indefatigable! One-Man FBI! Conscience of the Senate! they crow. In his 24 years in the Senate, Williams' press notices have nearly always contained descriptive phrases like "conservative, conscientious, scrupulous, shrewd, folksy, frugal, honest, persistent, sensible, taciturn, homey, and thorough," and many more.

It was with great regret, therefore, that his many friends and supporters learned earlier this year that he would definitely "retire" from the Senate at the end of his current term. But the senator wouldn't put it that way. To him, leaving the Senate is simply a matter of "changing jobs."

Twenty-four years in any career ought to be enough, he believes, and it's now time for a new one. What that new career will be, he isn't telling. But a review of the one he is leaving is cause for hope that the "new career" will be something that will be just as beneficial to his country as was the old one.

The 66-year-old lawmaker, whose slender, erect carriage, thinning gray hair and bushy eyebrows mark him as a familiar figure on the Senate floor and in the Senate Finance Committee, is unfortunately not a "household word" to most Americans. In fact, many citizens, who really believe the old cliches such as "every man has his price," would find it hard to understand that such a giant of integrity actually serves them in an elected capacity.

And if Sen. Williams has one fault (surely, this devout Methodist and champion of public honesty would admit to having one), it is that he has little glamour and his style of politics therefore gets few imitators. His own publicity during 24 years in the Senate was usually overshadowed by the very scandal he was exposing. Most everyone remembers those charlatans Sherman Adams and Bobby Baker. But how many—outside Delaware—recall the name of the man who did the groundwork that led to their exposure?

The good that Sen. Williams has done will live after him, of course, but because he lacks glamour, his example might be lost on some of the idealistic young. A pity, because no one could more exemplify the idealism of a man thoroughly devoted to the concept that government is the servant, not the master of men, that his low-keyed, upright, self-educated former chicken-feed dealer from the Eastern Shore of Delaware.

"Sen. John J. Williams, Republican of Delaware, was born on May 17, 1904, on a farm near Frankford, Del., the ninth of 11 children. He attended Frankford High School and in 1922 moved to Millsboro, where . . . at the age of 18, he entered the grain business."

So begins the official biography which one is sent by the Senator's office in Washington.

"The senior senator from Delaware first sought public office when he successfully ran for election to the United States Senate in 1946. He was re-elected to a second, third, and fourth term in 1952, 1958 and 1964. At that time he became the first man in the history of the state of Delaware to be elected to four consecutive terms in the United States Senate."

So the biography continues. It also tells us he married the former Elsie B. Steels of Millsboro at the age of 20. They had one daughter, and now have three granddaughters. The biography also tell us he is a Methodist, a Mason, a Shriner, and a Rotarian.

No college degrees, no military service. Not even a bank presidency, or membership on the national board of some charitable, social or educational group.

Sen. Williams, who with his brother started a chicken-feed business (Williams' Super Feed) in Millsboro in 1922, became a wealthy man by dint of hard work, thrift and hard-nosed business practices.

In 1946, at the age of 42 he decided he had made enough money in chicken-feed, and leaving his brother to mind the store, set out on a second career. He determined to run for the U.S. Senate. He had never even met the state Republican chairman, he recalls, and has observed since that the party leaders were a bit peeved at his brashness for wanting to start at the top without consulting them.

"But I went into it on the principle a man has a right to seek office in this country without the consent of anybody," he says. Today, he acknowledged during an interview in his Capitol Hill office, that might be a little more difficult than it was in 1946. And, he says, "in a small state like Delaware you can do a lot more than you can in a large state."

Hitting the road to gain name identification and make his views on the issues known, he covered the little state from one end to the other. Before other Republicans realized what was happening, he had the nomination and then went on to beat his Democratic opponent by 12,000 votes out of the 113,500 cast. Then, as now, he says that the trend toward centralization of powers in Washington was his greatest concern.

He had no trouble being re-elected the next three times. There is no question but that he would be re-elected to a fifth term if he chose to run again. Williams says today that he detects a "conservative trend" in the country, despite some unpopular moves by the President.

When reminded of some recent public opinion polls showing that the voters were not leaning heavily Republican, he said:

"I ran four times and three times the polls said I would lose. I think you can get a 'feel' at election time just by talking to people and reading your mail. I have the feeling that the liberals are going to suffer in the '70s."

In 1964, despite the landslide win by Lyndon Johnson, Sen. Williams won re-election by a wide margin, outpolling all other Republicans in the state. How he survived the Democratic trend of that year is testimony to the staying power of a man whose first principle in politics is scrupulous honesty.

In that election, two Republican state legislators were found to have violated ethical standards for public office, and the party asked them to step aside. When they refused to do so, Sen. Williams renounced the support of anyone who supported them. The tainted state legislators were defeated, but Williams was victorious.

In 1947, Williams' first year in the Senate, the late columnist Drew Pearson said he was "out of place" in the Senate. "Class D Rating," Pearson pronounced. Pearson proved to be 100 per cent in error. And, as the senator points out with a grin, later on Pearson found reason to praise his war against corruption.

The affirmative judgment of Williams by the press, by political organizations, and by his peers in the Senate, is nearly unanimous.

In 1951, *Look* magazine called him "The Man Who Broke the Tax Scandal." (The Internal Revenue Bureau corruption unearthed by the Delaware sleuth led to the 1952 GOP campaign cry, "The mess in Washington!") In 1962, *Reader's Digest*, one of Williams' biggest supporters, termed him "The Senate's One-Man FBI." In September 1966, *Reader's Digest* again praised the senator in an article by John Barron entitled "The Case of Bobby Baker and the Courageous Senators."

In a 1960 *Newsweek* magazine poll, Washington correspondents chose Williams as one of the 10 most effective members of Congress. *Nation's Business*, in December 1969, featured him as the "giant" who is leaving the Senate.

There have been other honors. The American Political Science Association selected Williams in 1959 as one of four members of Congress to receive its first annual award for distinguished service. In 1960 Americans for Constitutional Action (ACA) chose Williams as its "outstanding conservative member of Congress," and in 1961 presented him with its Distinguished Service Award. In 1969 Sen. Williams, together with his counterpart in the House, Rep. H. R. Gross (R-Iowa), was honored by the first annual Conservative Awards Dinner sponsored jointly by the American Conservative Union, *National Review*, Young Americans for Freedom and HUMAN EVENTS.

Sen. Williams announced his decision to retire from the Senate on Feb. 18, 1969. Characteristically, he issued a straightforward press release, three single-spaced pages, explaining his decision and using it as an occasion to promote the adoption of a mandatory retirement age for members of Congress.

"I have long advocated a reasonable age limit for the top executives of government comparable to the practice in private industry. The federal government accounts for annual expenditures of nearly $200 billion, and it has always been my contention that the affairs of the government should be operated on a more businesslike basis."

Williams, who is 66, pointed out that if he served another term he would be 72 at the end of it, and would be two years beyond the age at which he believes all government officials should retire. He cites the fact that the Supreme Court has three members past 70 (one past 80) and that many district courts are presided over by federal judges well past normal retirement age. The result, says Williams, is slower action, delayed decisions, and ofttime, decisions prepared by assistant law clerks.

Sen. Williams notes that elderly public servants are often pressured into running for another term with appeals to party loyalty. Usually they would prefer retirement, but are talked into running for fear of letting their supporters down. Such officials would probably welcome a mandatory retirement age so they could retire with a minimum of guilt, Williams says. Many, he says, serve well past the age at which they can really be of service, thereby risking a failure both of health and neglect of duties, or death in office. Some ultimately face defeat by the voters who can see the incapacitating effects of age.

"I'm a firm believer that a man should live by the rules he lays down for others," Williams says. And thus, at the age of 66, he leaves the Senate at the end of 1970, even though, as Sen. Russell Long of Louisiana, chairman of the Senate Finance Committee says, he "has failed to convince me that he is doing the nation a favor by insisting on retiring."

The question inevitably arises—who will replace Williams as the Senate's most alert crusader on spending, taxes and corruption?

"None of us is indispensable," he says modestly.

But, who, among some of the younger senators, does he see taking on his role in the future?

"There are lots of able men," the senator says with a grin, and refuses to name them.

How does it feel to complete 24 years in the Senate?

"Well, to quote another retired senator I admired greatly," he smiles, "when I first came to the Senate, I looked around and wondered how in the world I ever got elected to a body of such able and wise men. Now, I look around and wonder how the devil some of these men ever got here."

Pressed to name some of the greatest senators with whom he has served over his 24-year career, Williams concentrates a while and firmly replies: "Harry Byrd, Sr., of Virginia, Walter George of Georgia, Robert Taft Sr., Arthur Vandenburg, and former Sen. Tydings of Maryland (father of the present Maryland senator)."

Questioned about the alleged disillusionment with the American system among some segments of American youth, Sen. Williams replies:

"Youth are idealistic, and when they see evidence of corruption in high office, they hastily blame it on the 'system.' It is our duty to make them see that a few bad apples don't make the system bad. But we should show them that we will do something about the corruption, even though these men may be our own buddies.

"People will only respect [elected officials] if we respect ourselves," Williams says. "And if we have any self-respect at all, we will expose the corruption and get rid of the unprincipled men among us."

Sen. Williams has always enjoyed a reputation of being thorough in the extreme when it comes to legislation in the fields of finance and honesty in government. It is here that he has built a reputation for being a "conservative," a title he warmly embraces.

The intricately constructed statements he releases to the press so frequently are the product of intense research, reading and investigation on matters not generally known to the public. And the senator himself is the man behind the work.

According to him, that's one reason why he has never joined the Washington party circuit. And it also explains his effectiveness. Singleness of purpose in all his endeavors has produced a legislative record that is remarkable for its consistency, and its independent attitude.

Taking 1969 as a sample year, the impossibility of fitting him into a neat pigeonhole becomes evident.

Using statistics supplied by the respected *Congressional Quarterly*, one gets an interesting picture.

The most significant statistic is found under "Bipartisan Roll Calls," as tabulated by *CQ*. These are the votes on which a majority of voting Democrats and a majority of voting Republicans agreed. In tabulating opposition, *CQ* explains, it takes the percentage of bipartisan rollcalls on which a senator voted "yea" and "nay" *in opposition to the bipartisan majority*.

Since bills passed by bipartisan majorities are often the kind of bills that it takes great political courage to oppose, the number of times a senator or congressman registers such opposition is of more than passing interest.

In the House, Rep. H. R. Gross (R.-Iowa) led in opposition with a score of 52 per cent. Gross and those who follow him in leading "bipartisan opposition" scores are all hard-core conservatives.

In the Senate Sen. John J. Williams led in the number of times he opposed bipartisan rollcalls—39 per cent of the time in 1969. He is followed by Senators Edward Gurney (R.-Fla.), Carl Curtis (R.-Neb.), and Strom Thurmond (R.-S.C.). In 1967–68, Sen. Williams' total opposition to bipartisan votes was still a high 33 per cent.

The Delaware senator was not among the nine top scorers when it came to over-all support of legislation backed by President Nixon. Instead, he was *third* in his over-all *opposition* to the President, trailing Senators Hatfield of Oregon and Cook of Kentucky. The percentage of times Sen. Williams opposed President Nixon during 1969—33 per cent—equaled the opposition scores of liberal Senators Case of New Jersey and Javits of New York. But, you may be sure, his votes were on totally different issues! Sen. Gurney of Florida, also a conservative, had a 32 per cent opposition to the President score for 1969. Even so, Sen. Williams' over-all support score for President Nixon's policies on rollcalls was a respectable 67 per cent.

Still further evidence of Williams' maverick voting performance may be seen in his scores under *CQ*'s "Conservative Coalition" ratings. Williams' name does not appear in the top seven for 1969. He supported the conservative coalition 67 per cent of the time, and opposed it 32 per cent of the time in 1969.

Sen. Williams' party unity score in 1969 (percentage of 89 Senate rollcalls on which he voted in agreement with a majority of his party) was a somewhat weak 70 per cent. For a comparison, consider that Senators Fannin (R.-Ariz.), Allott (R.-Colo.), Gurney (R.-Fla.), Cotton (R.-N.H.), and Curtis (R.-Neb. were all top scorers in the party unity ratings with 90 per cent. All of those senators are considered trustworthy conservaties. Thus, Williams can be hailed neither for his unwavering support for President Nixon's policies, for support of the Conservative Coalition, nor for support of party unity rollcalls.

Where he does distinguish himself is with an exceptionally high "voting participation" score of 97 per cent, while the average Republican senator's voting participation score was 87 per cent.

What were some of the issues on which the independent Delaware Republican snubbed his nose at both his President and his party?

He voted against the Senate amendment which eliminated the House-passed $20,000 crop subsidy for individual farmers.

Then there was the vote to extend the income tax surtax at 10 per cent through December 31, which was adoped by 51 to 48 and supported by President Nixon. Williams voted "nay."

On the nomination of Judge Clement Haynsworth to the Supreme Court, Williams opposed the President and the GOP by voting "nay."

On an amendment to restore 27.5 per cent oil depletion, a position supported by the President and by the Conservative Coalition, Williams voted "nay."

On adoption of the 1969 Cooper-Church amendment to bar use of Defense appropriations for introducing U.S. ground troops in Laos and Thailand, Williams voted "yea."

On adoption of the conference report of the Tax Reform Act of 1969, Williams voted "nay" in opposition to the bipartisan majority.

On a Mansfield motion to recede from Senate insistence on the Philadelphia Plan amendment to the fiscal 1970 supplemental appropriations, Williams voted "nay" in opposition to the President and the GOP.

Of course his most recent and widely publicized active opposition to President Nixon's controversial welfare "reform" measure is another indication both of his conservation and his independence.

In Williams' view, no candidate can ethically campaign on a platform of fiscal responsibility unless he is willing to live up to what he preaches. In terms of the staggering federal budget deficit for this year, Williams says it does no good for either Congress or the Administration to point fingers at one another, for both are equally guilty.

It is here that Williams has strong words of warning for his own party. "Unless we as a party, from the President to Capitol Hill, live up to our promises to balance the budget, then we have no business accusing the Democrats of irresponsibility," he says.

"Candidates who, during campaigns, use the issues of spending, taxes, or corruption in high office, must have good records on those issues themselves," he says firmly.

So one cannot judge Sen. Williams on "independence" alone. It is in that very independence of thought that he is most consistently found to be supporting the principles of sound government and fiscal integrity that *should* guide every one of his Senate collegaues.

Writing in the *Reporter* in 1965, Laurence Stern observed that Sen. John J. Williams' one concession to vanity was an exhibit of autographed newspaper cartoons, framed and hanging on the walls of his Capitol Hill office. They all characterize the Delaware senator's career, to quote Stern, as "the triumph of the foxy country boy over a rogues' gallery of tax cheats, corrupt officials, junketing congressmen and assorted malefactors."

And indeed his office walls are still covered with the cartoons, many of which date back to his early years in the Senate and refer to scandals no longer even remembered by the public. Also hanging in the office are the numerous awards, plaques and citations given the senator over the past 24 years.

"The foxy country boy" attitude referred to by Stern became evident before Williams had been in the Senate even for one year. He had been receiving complaints that the Internal Revenue Service was billing some of his constituents for taxes already paid. When Williams demanded to see the files of the Wilmington tax collector's office, he found that even his name was carried on the rolls as a delinquent taxpayer.

That was enough for the "country boy." By the time he was through, the IRS employe responsible had admitted that he had embezzled more than $30,000 and finally wound up in prison.

One good investigation leads to another, so on a tip, he began looking into a possible tax-fixing operation in New York, with satellites in St. Louis, Boston and Philadelphia. The single-minded persistence of Delaware's country boy uncovered a scandal that reached all the way to the White House. In time, grand jury indictments and convictions were made. Caught in the Williams exposé were Truman White House assistant Matthew Connelly, and Assistant Atty. Gen. T. Lamar Caudle. The GOP capitalized on Williams' sleuthing by campaigning in 1952 with the theme "the mess in Washington."

But Williams is no respecter of party when it comes to official dishonesty. "I dont believe that either party has a monopoly on good men—or scandals," he once said.

Sen. Williams proved his bipartisan dedication to truth by becoming the first Republican in the Senate to call for the resignation of Sherman Adams from the Eisenhower White House staff, during the scandals of that Administration.

Once established at the defender of public decency, it wasn't long before Williams became the target for anyone with a "tip" about alleged misdeeds in high places. But Williams managed to keep his perspective about all the "dirt" that is given him unsolicited.

"I investigate them just like any newspaper reporter covers a story," he once said "I get my facts straight, then I report them to the Senate."

Concern for the reputation of the accused is the motivation of Williams' caution. He told Washington Star reporter Paul Hope in 1966:

"You've got to be extremely careful. With the power of the Senate you can destroy a man, so you've got to be right. I have cases here that are maybe going to explode some day, but until I can document them they are going to stay right in that file. I'd rather let a dozen go than start a new one before it's ready."

Undoubtedly the best-known case of Williams' investigatory success was the Bobby Baker story, even though as of today Baker still manages to stay out of jail.

While the Senate Rules Committee used the well-worn tactic of delay to keep the ruinous facts of the overnight prosperity of Bobby Baker, protégé of Lyndon Johnson, from seeing the light of day, Williams ploded on.

"Whitewash put on over dirt won't stick. We country boys know that," he said.

When the Rules Committee attempted to cover up by closing down the investigation, Williams continued to dig. It was the mass of facts that he finally handed over to the grand jury that resulted in a nine-count indictment against Baker.

In pursuit of the facts, however, Williams took his own lumps from the Democratic Administration of Lyndon Johnson. For all Williams' trouble, the counsel of the Rules Committee called him a liar in public; the IRS audited his tax return twice in the two years during the investigation; it was charged that his mail to government agencies was being intercepted; and none other than President Johnson flew to Delaware in 1964 to try to defeat him for re-election. In spite of the Johnson landslide in Delaware, as elsewhere, Williams was re-elected by a 6,932-vote margin.

The most insulting blow of all was the clumsy attempt to besmudge Williams' character. At a news conference in Nashville, Carole Tyler, Bobby Baker's former confidential secretary, dropped a 10-megaton bomb:

"I wonder what you would think if you knew that the principal investigator of the Senate investigation [of the Bobby Baker case] was seen by me on July 6 at 6:30 a.m.

with a lady—not his wife—just after they finished breakfast?"

Pressed to name the senator, Miss Tyler, who later died in a freak airplane accident near Baker's Carousel Motel in Ocean City, Md., said: "I think you know who I mean."

John Williams, then 61 and married for 38 years, was both outraged and incredulous.

But rather than make a public denial of the charge, which he explained in private that he could not do, he wrote a one-sentence statement:

"Any newspaper, any wire service, any network that carries any report questioning my character assumes full responsibility for its truthfulness and had better be prepared to prove it."

Friends who wondered why the senator didn't openly deny the Tyler charge got a private answer:

The senator had been in a roadside diner with a pretty girl that morning. The girl was his granddaughter and he was driving her back home after the 4th of July weekend. (The Williams' maintain a beach home near Rehoboth Beach, Del.). But he refused to "drag my grandchild into this."

In another case, Sen. Williams' nose for skulduggery took him into the mortgage records of the Federal Housing Administration. For more than two years the General Accounting Office, the independent agency which reports to Congress on the fiscal soundness of government programs and departments, had been publishing in its GAO reports stories of the most incredible bungling, if not downright deception, in the awarding of FHA financing to dubious projects. Were it not for some concerned civil servants at FHA and for the crusading Delaware senator, Congress might have gone on blithely ignoring the facts.

Williams exposed some of the worst abuses. Homes for the elderly built with FHA-insured funds were never occupied and many were abandoned by the owners who left the government holding the bag. Apartment buildings that had been "doomed from the start," according to local reports, were given FHA approval because of political pressures. Individuals whose housing projects had failed consistently were still given FHA financing because of political connections.

One of the most startling of the scandals involved Webb & Knapp, Inc., a major contractor on urban renewal projects in New York City, Pittsburgh and Philadelphia. The company owed $27 million in federal taxes but was still approved for FHA mortgages totalling $67 million for seven urban renewal projects. The company filed for bankruptcy eventually, and the government admitted that it could expect to collect only about $1 million of the $27 million Webb & Knapp owed it.

The cases were made to order for Williams. He said: "In case after case the FHA has shown little concern for the housing needs of our people. It has seemed interested, instead, in pandering to politicians or slipping money into the pockets of questionable speculators."

While the Bobby Baker case and the FHA case occurred under Democratic administrations, Republicans have not been immune from Williams' searchlight.

In the matter of Judge Clement Haynsworth, rejected by the Senate when President Nixon nominated him for the Supreme Court last year, Williams explained his vote:

"For years I have been critical of federal judges neglecting their judicial duties and directing their energies toward outside activities for the purpose of financial gain, and to confirm Judge Haynsworth . . . in the light of his record would, in my opinion, be placing a stamp of approval on such outside financial operations."

While he admitted regret at having to make such a decision, his action was certainly in keeping with his straight-arrow view of public ethics.

It wasn't the first time he cast a vote against what politically would have been the more tenable position.

In 1959 he found himself holding the crucial vote in a Senate Finance Committee consideration of a special bill that would have benefited the taxable status of some General Motors stock owned by the duPont family. The duPonts, after lengthy litigation, were being forced to divest themselves of the $3.5-billion worth of stock, but wanted, understandably, to avoid paying regular tax rates on the income. Sen. J. Allen Frear, the Democratic senator from Delaware, home base of the duPont family, obligingly introduced special legislation to allow them to be taxed at a much lower rate.

Despite the fact that Sen. Williams, as the Republican senator from the duPont territory, was no doubt on good terms with the duPonts, he cast the vote that sent the bill to legislative limbo. The fiscal behavior which Williams expects from both government and citizen would not allow him to support legislation, even for his most powerful constituents, that violated that principle. He finally went on to help draft an amendment to the tax laws that did help the duPonts slightly in the matter of the forced disposition of the General Motors stock.

Sen. Williams keeps an especially alert eye on possible corruption in the distribution of government farm crop subsidies. Practicing what he preaches, he refuses government subsidies for his own farms in Delaware, and keeps a keen watch on those who do accept them. In 1965 he told the Senate that the Department of Agriculture was trying to cover up a major scandal involving large-scale overplanting in the acreage allotment of rice and cotton in the Arkansas area.

He has steadily supported the limitation to $20,000 of the amount of government subsidies that can be accepted by a single farmer. But Congress failed to adopt the lower subsidy limit, setting it instead at $50,000.

The efforts of the Delaware watchdog in trying to prevent waste can be prodigious. In 1967 he found two provisions in a House-passed salary increase bill that had the effect of making two Johnson appointees, both former Democratic congressmen, eligible for higher retirement benefits. Pointing out that the present law already gave the gentlemen involved liberal benefits, he provided Congress with carefully researched figures on just how much more of the taxpayers' money would go to making them comfortable in their declining years.

Williams argued on the basis of fairness alone that the two amendments should be deleted from the Act. But on a straight party-line vote, his motion was defeated.

"Who does the 'Great Society' think it is kidding?" he asked. "Who said that this 'Great Society' is not fighting its war against poverty—at least as far as its own hierarchy is concerned?"

The recent pay increases for the President, Cabinet officials and members of Congress were a real sore point with Williams. He gives several reasons for opposing the increases, most of which had to do with his predictions of a $15 to $20-billion budget deficit for fiscal 1970.

"This is no time to add to the burden of the taxpayer," he said. "Furthermore, I would hate to see the day when the Senate becomes an exclusive rich man's club. If a man can't live on $30,000 a year, then there's something wrong. These senators don't need to live in $100,000 homes."

Williams himself has always resided at the old Mayflower Hotel on Connecticut Avenue, commuting on weekends to his home in Millsboro, Del.

Williams' scrupulous reading of GAO reports uncovers some federal spending that might never be known publicly otherwise. In July 1968 he uncovered a Johnson scheme to have federal employes write a history of the agency for which they worked in the Johnson Administration, for placement in the LBJ library in Austin, Tex.

Williams called the order, which came from Special Assistant to the President Joseph Califano, "an unnecessary and irresponsible waste" of taxpayers' money. History should be left to the historians and not "distorted by a lot of high-powered propaganda initiated at taxpayers' expense," he said.

Last year Sen. Williams prodded Congress into asking more questions about the practice of modern American Presidents who take with them into retirement their own "papers"; i.e., government records compiled during their terms in office.

In the case of former President Johnson, the 31 million pages of private government files he took with him are appraised at almost $40 million. When they are donated to the LBJ library at the University of Texas, Johnson can take a tidy tax deduction on them. Furthermore, they would not even be released for other historians until Johnson himself used them as a basis for books and television interviews which will net him substantial royalties.

Williams introduced a bill to close the possibilities of this windfall to future ex-Presidents by making the value placed upon such property taxable as income, thereby offsetting the tax advantage.

"These people are making a profit out of property which properly belongs to the government. These papers are developed by government officials on government time, typed by government secretaries on government paper stored in government files."

A harsh critic of the Johnson Administration's much-ballyhooed Campaign Financing Act of 1967 (which finally died unmourned), Williams has his own ideas about the problem of campaign financing and the myriad ways in which reporting procedures are being circumvented.

His proposals (for which he was praised by even the liberal Ripon Society) include provisions for (1) a special income tax deduction for contributions of up to $100 to political candidates or parties; (2) reporting of contributions and expenditures by *all* political committees; (3) broadening of the Federal Corrupt Practices Act to cover primary elections; and (4) prohibition of solicitation of campaign funds from federal employes by political committees.

In a recent triumphant scene on the Senate floor, Williams won a victory for another government reform he has promoted for years. He offered an amendment to the Military Authorization Bill which would end the Defense Department's long-standing practice of giving advance information about the award of a government contract to the congressman serving that district.

Although it was considered a harmless enough practice, Williams felt it perhaps gives an incumbent unfair advantage over his opponents, and also, more importantly, could give the public the impression that office holders were influencing the awarding of defense contracts. The Senate, pinned down by Williams' insistence on a rollcall vote, adopted his amendment 78 to 0. Sen Hugh Scott, the Republican leader of the Senate, originally defended the practice on the grounds that it is one of the lawmakers' duties as "ambassador of the state," but finally voted with the majority when it became clear that his would be the only "nay" vote. It was later passed by the House.

Williams is both persistent and consistent when it comes to opposing budget deficits and unnecessary federal spending. As mentioned before, the pay raises for members of Congress, top Administration executives and federal judges, were a prime target for Williams' blue pencil.

Sen. Williams in the Senate and Rep. Gross in the House led the fight against the pay raises. Both introduced legislation to repeal the Salary Act of 1967, under which raises go into effect automatically on the recommendation of a presidential commission, unless the House or Senate objects within 30 days. In pressing for a repeal of that act, Williams predicted, in February 1969, that there would be massive deficits in both the 1969 and 1970 federal budgets. He warned Congress that the pay increase alone would add another $4 to $5 billion a year to the budget, while Congress was faced with the necessity of raising the national debt limit yet another time.

In August 1970, Williams took the floor to recall his prediction of a massive deficit, and attempted to stop more spending by offering an amendment that would have put a $205.6-billion ceiling on spending for fiscal 1971. That was the projected figure released by the budget bureau in May 1970. But without blinking, the spend-and-elect Senate voted down the Williams amendment 59 to 25.

It gave the ardent anti-deficit senator from Delaware a chance to say "I told you so" to his colleagues.

"I have felt for a long time that one of the greatest mistakes we have made in this Congress was made a year and a half ago when we raised congressional salaries by 40 to 41 per cent, and that of the top executives in government from 40 to 80 per cent," he said.

When President Nixon announced his revolutionary new "Family Assistance Program" to the nation in a televised speech in August 1969, Sen. Williams joined the majority of his Republican colleagues in indicating his conditional support of the bill. Like many others, Williams supported the "workfare" provisions of the legislation, but adopted a wait-and-see attitude on the substance of the legislation.

But in April 1970, when the Senate Finance Committee studied the House-passed version of the legislation to establish Nixon's Family Assistance Plan, Williams, as well as several other influential members of the committee, began to have serious doubts. After listening to testimony by the then Secretary of HEW, Robert Finch, Williams openly questioned the Administration's estimate of $4 billion for the first-year cost of the welfare program.

He enlightened Secretary Finch on the errors in the government's case, pointing to the fact that estimates were based on a national unemployment rate of 3.5 per cent, while the current figure was almost 4.5 per cent. That, Williams pointed out, would mean the cost of the program would be increased by $1.25 billion.

Williams also displayed charts prepared at his request by HEW staffers, which compared the amounts of total income that a welfare family could receive—combining benefits from the federal and state government, including such indirect assistance as public housing.

Williams' figures showed, incontrovertibly, that under the Nixon plan it was possible for a mother with three children and no earnings living in New York City, to get more from the welfare program than if she was earning enough money to make her family ineligible for food stamps and Medicaid. This was enough, despite protests from Secretary Finch, for the committee to insist that FAP be sent back to HEW for overhauling.

Yet even with the legislation patched up with haphazard Bandaids, it has still not met with the approval of the budget-conscious Williams. Even with its revisions, Williams predicts that the bill will not pass the Senate during the upcoming lame-duck session. He has also promised to engage in some length "educational" discussion of the issue on the Senate floor, a move that might well bring about a full-scale filibuster.

His objections to the legislation of course encompass more than the strain it would place on the already burdened federal budget. While not against certain kinds of government aid to truly needy persons, the senator believes that problems of unemployment and non-support of families goes deeper. He cites, in an interview, the poor regard in which manual labor is held today. He would prefer that more be done to restore the dignity of work itself, and to explode the myth that every working man must be a chief rather than an Indian.

Besides that, of course, the senator argues that in time of great inflation and an exploding budget, what the country needs least is new federal programs or an expansion of old ones.

If the President had asked for Williams' advice, he would have told him that the welfare plan, besides being basically unsound fiscally, would be politically disastrous for the President's re-election chances. Williams believes Nixon's political fortunes would be enhanced by the bill's defeat.

He declined to comment on the number of Democrats and ultra-liberals within the Nixon Administration who have been the brain-power behind such schemes as the welfare plan. He did note, however, that he knew many of his Republican colleagues had been dissatisfied. His advice to his own party was that unless it builds a better record on the issues of spending, budget balancing, and reducing government programs, it cannot very well point an accusing finger at the Democrats.

Sen. Williams is at his best when fighting both excessive spending and scandal in the same government program.

He told the Senate during the discussion of certain Medicare program scandals that parts of the program, indeed its major components, would run up costs in the next 25 years that would surpass the present national debt of $370 billion.

"In every single year since Medicaid started we have had to approve a supplemental appropriation for it," he said. "In 1969 the program will require some $278 million in additional funds, and next year the total cost of the program is expected to exceed $6 billion."

He uncovered numerous examples of waste and extravagance in Medicaid during his sleuthing. He even found some downright dishonesty.

One example was the profitable operation by chain organizations of extensive care hospitals and nursing homes. When a patient was through at the hospital, the administrator sent him to one of its nursing homes, picking up a nice federal fee.

Williams noted that lax rules and administration of the program by federal bureaucrats led to the explosion of health costs from $1.3 billion in 1965 to an estimated $5.5 billion in fiscal 1969. He charged that the fees set under federal Medicare average as much as two to four times the maximums allowed by Blue Cross and Blue Shield insurance programs.

The Wilmington (Del.) *News* disclosed on July 15, 1970, that Williams had uncovered more abuses in the Medicare program this year. Questioning Social Security Commissioner Robert M. Ball at a Senate Finance Committee hearing, Williams pried loose the information (which of course he already knew) that HEW had sent a bogus doctor to investigate reports of overcharges and other abuses of Medicare throughout the country. While the "doctor" was in the field visiting hospitals and nursing homes, presumably to clear up the "misunderstandings," he allegedly set up a dummy consulting firm with a former Nebraska welfare director that billed the government for fictional services, and collected.

Under Williams' questions, Commissioner Ball finally conceded that Dr. Bradley Near, the HEW official whose activities are now under investigation by the Justice Department, was a *veterinarian*.

No accountant himself, Sen. Williams shows an amazingly sharp eye for deceptive accounting practices in the government. He was one of the first to protest the practice of adding federal trust funds to the total of normal governmental revenue, pointing out that it was hypocritical and dishonest, since those funds were not expendable.

Such back-handed accounting, Williams said, "has but one purpose: that is to deceive the American people as to the serious state of our financial situation."

In 1968 he delivered a scathing attack on the Johnson Administration for the phony accounting method, but reminded his colleagues that they could not excuse themselves from the responsibility to take action to control spending and taxes.

"I have said many times that we cannot point a finger at the President and then excuse our own responsibility by inaction," he charged.

In 1969, Sen. Williams' position had not changed, even though a Republican President was now formulating the federal budget. In August of last year, he reported that the budget surplus claimed by the Nixon Administration was accounted for by the amount of money accumulated in special trust funds like Social Security and Medicare, which he again patiently explained cannot be used to defray normal operating costs of the government. Williams joined Sen. Carl Curtis in sponsoring legislation that would have forced a return to an administrative budget, to show clearly whether the general treasury was operating in balance. Williams called it his "truth in budgeting" proposal.

Williams constantly emphasizes the serious moral responsibility of Congress to keep spending at realistic levels. In debate in November 1969 he told the Senate:

"Congress has no moral right to instruct the President that we expect him to hold expenditures for fiscal year 1970 at $192.9 billion (which was the amount of a Senate-passed ceiling on spending for 1970) and then authorize new projects and programs which will require billions of additional expenditures.

"I will not be a part of such hypocrisy," Williams fairly shouted, straining his normally soft, low-volume voice.

Williams once called the Senate's attention to the fact that a Public Works bill being debated included 62 new projects, not one of which had anything to do with air and water pollution, the subject of the appropriation. The projects, he noted, had a total cost of more than $1.25 million.

"The record should be clear that when senators go home and expound their great interest in water and air pollution and motherhood, they can also let it be known that they do not have quite as much interest in the American taxpayer," he stormed.

Yet, on Williams' motion to recommit the giant boondoggle, only four others voted with him.

Sen. Williams is anything but delicate when it comes to laying the blame for inflation at the door of a liberal Senate. In December 1969, when despite his own best efforts, the Senate refused to delete $5 billion in cuts and $7 billion in Social Security benefits from a bill extending the federal income surtax, Williams was livid:

"It is the most irresponsible legislation passed in my 22 years in the Senate," he said.

He was so angry that he refused to lead Republican senators on the Conference Committee to iron out differences between the Senate and the House versions of the bill. He was still so angry by the time final passage rolled around that he voted against it in entirety.

Few examples of federal waste escape the Williams eagle eye.

On May 14, 1969, he voted against authorizing $480 million for a U.S. contribution to the International Development Association (IDA), arguing that the World Bank was not contributing its own fair share. Furthermore, Williams said, IDA funds would be used to finance the kinds of projects in other countries that many American communities could not afford.

He also opposed legislation to buy property to extend the Senate Office Building, explaining that the best way to approach the space problem was to cut back on some of the overstaffed subcommittees. He has frequently spoken out against the proliferation of committee staffs, which he charges result in the senators almost being run by their staffs.

In debate on appropriations for the Padre Island National Seashore in Texas, in June 1969, Sen Williams charged that the project had more than tripled in cost since it had been authorized seven years before.

"Congress was promised that all the land would not cost more than $5 million. We have already spent over $12 million and now we are asked to spend another $4,129,829. How can Congress with a straight face criticize the Defense Department for its overruns?"

Sen. Williams, as Sen. Clifford Hansen of Wyoming has well said, made such significant contributions to his country through his never-ending search for waste and graft, that it would be difficult, if not impossible, to put a dollar sign on the value of his services.

Moreover, Williams has been one of the least expensive of all the U.S. senators for the public to maintain. Ever since his arriving in Washington, he has regularly returned the unused portion of his Senate stationery allowance for redeposit in the Treasury. (It took him a while to convince reluctant bureaucrats that it was indeed legal and possible to do this.) He did this, he says, without stinting on the amount of supplies he needed to take care of his official duties.

When he cast his vote on a public issue in the Senate, it was always done with the utmost in sincerity, at times displeasing even the conservatives who call him their own. In the '50s, for example, he reluctantly voted for censure of the late Sen. Joseph McCarthy, whose behavior he feared damaged the dignity and sanctity of the Senate. He also voted for cloture in 1964 to break the deadlock on the hotly debated Civil Rights Act of 1965, a nemesis of many Senate conservatives. But he did so with complete conviction and honesty—not for political gain.

He has not often been confused with the other Sen. Williams—Sen. Harrison Williams of New Jersey, the liberal Democrat. But such a mistaken identity could have embarrassed the Democrats.

In 1966, when liberal Democratic Gov. Pat Brown was trying to hold off the assault of Ronald Reagan in the race for governor of California, his campaign manager telephoned Washington to ask "Sen. Williams" to make some campaign speeches for Brown. The caller suggested that the senator might want to bring a subcommittee to California so that the trip could be financed by the federal government.

When John Williams realized the mixup, he had his secretary reply without a hint of sarcasm that he would be happy to come to California to speak on "good government," and that he would even pay his own expenses. After Brown's campaign manager heard this reply, there was dead silence at his end of the line. Sen. Williams say he prefers to think they didn't get him confused with Williams of New Jersey; it was just that they found out he didn't have a subcommittee.

With a 24-year career in the U.S. Senate that has earned him the respect of colleagues of both parties and the admiration of reporters of all ideological shades and with no financial worries, Williams could retire and spend the rest of his life in self-indulgent relaxation. But that is not likely.

Williams insists he will engage in some activity to promote the principles he has tried to practice as a senator. Since he is not known as one of the country's better orators, he foresees no great demand for his services as a speaker. But his third career will definitely be consistent with the course he set for himself over the past 24 years.

No matter what he does, it is certain that the example of Sen. Williams will always be used by those who favor decency in public service. The senator recently expressed his concern about the poor example some members of the older generation had already given to American youth.

"When men holding high positions of trust betray that trust, we are creating in the minds of young people an element of doubt about the moral standards we are following ourselves, and are asking them to follow."

Perhaps insistence on the highest standards of public morality, whether in pursuing a Bobby Baker to justice, or in fighting to keep public spending within realistic limits, is the essential message Sen. Williams has for his country.

Mr. BOGGS. I thank the Senator. I am happy to yield now to the distinguished Senator from Connecticut.

Mr. RIBICOFF. Mr. President, John Williams is a good man. John Williams is a man of great character. And I do not suppose that that character has ever been better shown than in his determination to leave this great body which he has served so well.

It takes great courage to know that you have done your task, and though assured of reelection the day has come for other men to serve in this body.

I suppose that those who believe in labels would characterize the Senator from Delaware as being a conservative and myself a liberal. Yet if you look at our voting records within the Finance Committee, no two members have voted as consistently with one another in that committee as have the Senator from Delaware and I. We have often found ourselves together in a very small minority.

I have seldom known a man who knew his subjects better than John Williams. Whether you were a secretary, a member of the staff, or a fellow Senator, you had to doff your hat to the Senator from Delaware.

You can always talk to John Williams; and whether you are in disagreement or in agreement with him, you can invariably work out whatever differences exist. Nothing illustrates this better than the controversial social security bill now under consideration. Starting from opposite ends of this measure, after a few days of conversation we agreed on a procedure; and, though we are in exactly opposite positions on the measure, we did believe we had worked out an arrangement to give the Senate eventually an opportunity to vote on family assistance. As the Senator from Delaware remarked to me:

> Abe, I am going to do everything I can to defeat this bill; I think it is a bad bill, but I do not want to stop the Senate from having an opportunity to vote on it.

During the course of our conversations, the Senator from Delaware also said to me:

> You know, Abe, if they had let us alone, you and I together could have worked out a good Family Assistance Program.

John Williams is a courageous and an able Senator. He will be missed in this body. I join my colleagues in wishing him constructive and fruitful years as he goes back to his home, leaving behind one of the great records achieved in the U.S. Senate. I am proud to call John Williams "friend."

Mr. BOGGS. I thank the Senator. I am happy to yield now to the distinguished Senator from Georgia (Mr. Talmadge).

Mr. TALMADGE. Mr. President, it is a pleasure for me to associate myself with the remarks of my colleagues on both sides of the asile regarding the remarkable record and career in public service of our distinguished friend, John Williams.

He has served now for almost a quarter of a century in the U.S. Senate. It has been my privilege to have served with him on the Committee on Finance for almost 12 years. Prior to that time I served with him as a member of the Committee on Agriculture and Forestry. No man in the Senate has been more diligent in attending committee meetings, whether they be executive sessions or public hearings, than John Williams. No Senator has been more diligent and faithful in his attendance on the floor of the Senate than John Williams.

No man has worked harder to understand the complicated issues pending before our committee than has John Williams. In the Finance Committee, particularly, we deal with many complicated and complex problems. Sometimes, in the field of taxation, even the most outstanding tax lawyers in the country may disagree about the meaning and significance of a particular proposition. John Williams does his homework. When he comes to the committee sessions, he knows what the issue is. He is fully cognizant of what the facts are. He makes up his mind on what those issues are.

Whether he is on your side as an ally or whether he is on the other side as a foe, he prosecutes his views with vigor, with diligence, with integrity, and with great knowledge.

He is also one of the Senate's outstanding parliamentarians. He knows the rules of the Senate and how they apply. That, in turn, makes him a much more effective Senator.

I deeply regret that our distinguished colleague, at the very height of his mental vigor and promise, has seen fit to retire from the U.S. Senate. I would hope that at some future date he might reconsider that decision. The President is making some changes from time to time in his Cabinet. If he sees fit to make further changes, I hope that he will seriously consider John Williams to fill any Cabinet post that may become vacant. If John Williams accepted such a position, the country would be in good hands, and that position would be filled with integrity and diligence.

I wish John Williams and his charming wife, Elsie, continued good health, vigor, and prosperity in their retirement. We hope he will come to see us from time to time and still give us the benefit of his advice and counsel.

Mr. BOGGS. I thank the Senator.

I am happy to yield to the distinguished senior Senator from Iowa (Mr. Miller).

Mr. MILLER. Mr. President, in a few days, the Senate will lose one of its truly great Members as the 24 years of distinguished service of Senator John Williams of Delaware comes to an end.

Long before I came to the Senate 10 years ago, I had cultivated a deep admiration for the courage and forthrightness of this man, whom I first read about as a leader in bringing to light what became known as the Truman era tax scandals. As a tax lawyer, I was particularly interested in such developments, because it has been well said that taxation is the life blood of our Government, and when a substantial segment of the public develops the idea that there is favoritism in the administration of our tax laws, that life blood can be drained away. Perhaps worse yet, the moral fiber of the people can be destroyed.

Needless to say, following my first election to the Senate, I looked forward to working with this great Senator. My expectations have been more than fulfilled. He has been warm and gracious to me from my very first day in the Senate, and since we share so deeply the same philosophy of integrity in Government and of honesty in handling the taxpayers' money, it has been my privilege to work closely and harmoniously with him on a great many occasions. His reputation as "the conscience of the Senate" has been well placed. But it has taken courage to acquire and maintain that reputation, particularly in the face of the all-too-frequently practiced approach of expediency which has characterized a great amount of the work of the Congress.

We are proud that Senator Williams has sat on the Republican side of the aisle, but, at the same time, the respect which extends to him from both sides of the aisle reflects the knowledge that, when it comes to integrity in government, party labels have no relevance as far as John Williams of Delaware is concerned. What comes first is the people—all the people—of our country.

He has given each of us a high standard to follow—one which will be difficult to attain, but one which must be attained if the confidence of the people in the Congress is to be maintained. I know he leaves his post of duty with very mixed emotions—just as we bid him farewell with deeply mixed emotions. For we know that he has well earned his retirement, but, at the same time, the greatness of the Senate will be diminished when he no longer sits among us.

May you and Mrs. Williams have many long and happy years of retirement in the State and among the people you love.

Mr. BOGGS. I thank the Senator.

I am happy to yield to the distinguished senior Senator from Rhode Island.

Mr. PASTORE. Mr. President, I learned a long time ago that it is not how long one talks that counts; it is what one says that matters. What I have to say will not take me too long, but I trust that the sincerity of my words will endure in the heart of John Williams as long as he lives.

No other Member of the Senate has disagreed and agreed with John Williams more times than has the senior Senator from Rhode Island. But I have never sat down without a feeling of admiration for the gentleman with whom I was contesting.

It has been said that John Williams has been the conscience of the Senate, and indeed he has been. There have been times when he has more or less rubbed us wrong, and there have been many, many more times when he has really rubbed us well.

I supported him in many of his crusades, because I think he is a man of the people and for the people, and the people of Delaware have shown that he is a man by the people.

I am very happy to join my colleagues today in this short tribute. We regret that he is leaving; but that is his decision. We all join in saying to him and his lovely family, "Many years of good health, happiness, and success."

Mr. BOGGS. I thank the Senator.

Mr. President, I am happy to yield to the distinguished senior Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, the word "integrity" is a word that is used freely and easily in public life. It is a word that we all value. But I think there are few people who deserve being characterized as the personification of integrity as does the senior Senator from Delaware.

He has taken on jobs that I am sure no other Senator would want to take on, jobs that we all know in a way, are unwise to take on. It was the senior Senator from Delaware who argued with us against increasing our own salaries, and this was a crusade which all Senators must have viewed with at least mixed reactions. He has opposed paying our staffs more. He has taken a position on an issue in another area—oil—and in doing so he has taken on the strongest political and economic power in American life. He has insisted on fair and equitable treatment for the oil industry, which takes courage.

He represents a State in which there is a great concentration of power in one family. Yet, he had the remarkable integrity to insist that when the tax bill came out, they treat that family, with all its power and with all its influence, with complete equity, although I think it must have been painful to some of his most powerful constituents.

He has just assumed another task, a kind of Parthian shot for Senator Williams, and he has told us that we should consider mandatory retirement from the Senate at age 65. This is another delicate and difficult job, and I wish he would carry on so that he could lead us in that fight. Of course, he cannot do that and abide by his principles because of the unfortunate accident of age.

I think he has done the best job of any Senator in an area in which the Senate should be peculiarly effective, and that is in monitoring the waste, extravagance, incompetence, and corruption in some cases in Government agencies.

If there could be such a thing as a Williams Democrat, I would like to be that kind of Democrat. But, of course, there could not be, because John Williams is an honorable and vigorous partisan. That does not mean he is unfair to our party, the Democratic Party, but he is a proud Republican; he is a Republican all the way. He has fought hard for his party's interest, and always fairly. I certainly view his departure with great and deep regret.

Mr. BOGGS. I thank the Senator from Wisconsin.

Mr. President, I ask unanimous consent that the 1-hour time allotted to me may be extended 15 minutes.

The PRESIDING OFFICER (Mr. Hollings). Without objection, it is so ordered.

Mr. BOGGS. Mr. President, I ask unanimous consent that the Record may be left open for Senators to file further remarks, and that the Record may be left open until the last issue of the Record for this session of Congress, so that Senators may place in the Record any comments they may have on my distinguished colleague, Mr. Williams.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOGGS. Mr. President, I ask unanimous consent that all remarks and comments made about my distinguished colleague (Mr. Williams) today be placed together and printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Delaware yield?

Mr. BOGGS. I am happy to yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I am happy to join in the tributes that have been paid to the very able and very distinguished senior Senator from Delaware (Mr. Williams).

These tributes are highly deserved because the Senate is on the threshold of losing one of its truly great men.

I regret that John Williams has chosen to retire from the Senate, but I admire John Williams for the decision that he has made.

We can look about us in this great body and see men and women who may be remembered for this or that quality, but I believe that John Williams is a man and a Senator who combines within himself many of the great things for which we single out and admire various Senators.

John Williams has the courage and the ability to get to the heart of matters of a John Pastore.

He exercises the diligence of a William Proxmire.

He, at times, can show the firm determination of a Strom Thurmond.

He has mastered the rules of the Senate and has a great knowledge of its precedents and, in that respect, I think of him as the Dick Russell on the Republican side of the aisle.

He has the dedication to principle of a John Stennis. He possesses the equanimity of a MIKE MANSFIELD. In fine, JOHN WILLIAMS is a man of many talents. I have always respected this man because I have felt that the title "Mr. Integrity" was a just and appropriate and fitting one.

Mr. President, I shall miss JOHN WILLIAMS as I know many of my colleagues will miss him.

He will leave his influence upon this body even as he will have left his indelible imprint upon the laws of our country. Each of us, as Tennyson said, is "a part of all that we have met," and therefore, to that extent, will be a better man and a better Senator as a result of our having served with Senator JOHN WILLIAMS of the State of Delaware.

The roses red upon my neighbor's vine
Are owned by him, but they are also mine.
His was the cost, and his the labor, too,
But mine as well as his the joy, their loveliness to view.

They bloom for me and are for me as fair
As for the man who gives them all his care.
Thus I am rich, because a good man grew
A rose-clad vine for all his neighbors' view.

I know from this that others plant for me,
And what they own, my joy may also be.
So why be selfish, when so much that's fine
Is grown for me, upon my Delaware neighbor's vine.

Mr. BOGGS. I thank the Senator from West Virginia.

Mr. SCOTT. We will miss you, JOHN WILLIAMS.

For 24 years you have served your country, and served it well. You will long be remembered for your deep interest and concern to protect the pocketbook of the taxpayer and assure that a total dollar of service was performed for each dollar contributed. This has been an outstanding trait of yours. For this we are indebted to you.

You also will be long remembered for an outstanding record of attendance and an outstanding record of casting rollcall votes.

Your State and mine have always stood together as neighbors. Delaware, as the First State, has been fortunate to have you serve her so well for so many years. And the 92d Congress will look forward to working with your successor, Senator-elect BILL ROTH.

JOHN WILLIAMS, friend, associate, leader, all of us thank you for the privilege of your friendship during your distinguished career as Delaware's Senior U.S. Senator.

Godspeed and may your health and that of your family always be on the sunny side.

A LIGHT BURNS IN THE WINDOW FOR THE SENATOR FROM DELAWARE

Mr. McINTYRE. Mr. President, I consider it a real privilege to join my colleagues today to pay tribute to the distinguished Senate service of one of the most able and dedicated men who has ever served his country in this body.

JOHN WILLIAMS of Delaware came to Washington 24 years ago little known and unheralded. He has decided to leave after nearly two and a half decades of distinguished service to his State and his Nation.

He has sometimes been called the conscience of the Senate. He has been that. He has drawn us up short many times. He has delved deeply into all that has gone on in our Federal Government. He has found much that has been wrong and our Federal Government is better because he has kept it on its toes.

I have come to respect JOHN WILLIAMS as a dedicated public servant whose attention to little things has made him an outstanding legislator.

He richly deserves the chance to leave and pursue other interests. I know he will be busy in whatever he does because that is the kind of man JOHN WILLIAMS has always been.

So I say to my colleague from Delaware, we will miss you and there will always be a light burning in the window for your visits with us.

May you have a future as great as your service here in the Senate. The best of luck to you.

Mr. TOWER. Mr. President, I have a little story to tell about JOHN WILLIAMS which I think indicates his independence of mind and his patriotism. Back in 1967 this country was faced with a steadily deteriorating confidence in the dollar abroad. I am sure my colleagues remember. There had been some talk in the Johnson administration about the need for some action which would restore foreign confidence in the dollar abroad, but there was little action.

Now as everyone in this Chamber is aware, all revenue bills are supposed to originate in the House. But time was getting short, and European money markets were becoming restless.

JOHN WILLIAMS took matters into his own hands and—as ranking minority member of the Senate Finance Committee—pushed through the surtax legislation along with certain provisions requiring a mandatory reduction in Government expenditures and in the number of Federal employees on the public payrolls by adding it to a bill extending excise taxes. As a matter of fact, when the smoke cleared and the House caught its breath, the House did finally go along with the Senate-passed tax bill. This certainly was a breach of precedent in congressional fiscal matters. No one, of course, wants to be the prime mover in raising taxes, but Senator WILLIAMS' sense of fiscal stewardship overcame the political considerations which I believe are common to us all.

JOHN WILLIAMS has made a unique contribution to American Government. He has fulfilled his committee assignments with distinction, but rather than rest on his laurels, he has singlehandedly investigated malfeasance of officeholders when reliable information was received and he has not hesitated to inform the public of wrongdoings in high places when he was sure of his facts.

Several years ago Fortune magazine did an article on the distinguished senior Senator from Delaware, entitled "The Lone-Wolf Guardian of Federal Morality." I remember reading the article. It dealt, of course, with the Senator's well-deserved reputation as watchdog of the ethics of public servants.

The American people—taxpayers and voters—owe a debt of gratitude to the man we are honoring today on the eve of his retirement from this Chamber. His reputation is well known, and I think the citizens of this nation are aware of what he has done. But we also, as Members of the Senate, are in his debt. He has done credit to his office and this, of course, has reflected favorably on our governmental system as a whole.

Mr. MURPHY. Mr. President, I am extremely pleased and honored to have been given the opportunity to join with my colleagues in a salute to one of the finest Senators, I believe, in the entire history of our Nation. I would not presume to compete with the oratory which I have enjoyed this morning but would quickly say that I have heard very little here with which I could not completely agree.

I have been very lucky to have the opportunity to serve in the U.S. Senate, particularly because it gave me the chance to get to know this great man and get to know him very well. At the outset, when I first arrived I depended upon him for counsel and leaned on him for guidance and after serving with him for 6 years I realize now more than in the beginning what an important influence he has been in this body and certainly what a great aid and inspiration he has been to me.

I do not believe there has ever been a man in the Senate who had a better understanding and working knowledge of the rules under which this body operates. And certainly he had mastered to a degree surpassed by none the art of gathering needed information from the great maze of bureaucracy which surrounds and sometimes even threatens to engulf all of us. He has great courage. I can recall when President Johnson attempted to get him to change the agreed conditions pertaining to the tax agreement 2 years ago—and the determined effort from all sides which completely failed to budge Senator JOHN WILLIAMS from what he knew to be the exact right path.

I have never known JOHN WILLIAMS to approach a question in this Chamber, from a partisan political standpoint. And it has been my experience that at all times, his consideration and his conclusion has been based on what he firmly believed to be in the public interest.

His talents, ability, courage, and clear-sighted honesty will be sadly missed here in years to come.

Aside from his great talent as a legislator my good friend JOHN WILLIAMS was a delightful philosopher and an outstanding humorist. His wit and ability as a raconteur puts him in the same class with my good friend Bob Hope.

He was a warm, dependable friend and one of the finest gentlemen it has ever been my privilege to know. I can think of no one in whose company I would rather be and I shall miss him greatly.

I have one consolation, however, that cannot be shared with all of my colleagues. I, too, will be leaving the Senate at the end of this session. And throughout my long and varied lifetime I have always tried to make it a rule, whenever possible, to be in good company. And leaving with the great JOHN WILLIAMS of Delaware puts me in the very finest company possible.

Mr. HANSEN. Mr. President, character and true worth are qualities we hold in high esteem. Down through the long course of history, some men have stood out—proper objects of respect by their fellows. The simple but enduring virtues of honesty, hard work, dedication to principle, integrity, dependability and faithfulness to a trust are traits not found in all men. Add to these intelligence, perception, an innate ability to understand people, anticipating their actions, objectively weighing their logic, early discerning their goals and objectives, and the result is a rare person, indeed.

John Williams is properly and accurately described as the conscience of the Senate. But he is unique in other ways. His is a strong, clear and respected voice in fiscal matters. No one I have known better deserved the characterization "Watchdog of the Treasury." While occasionally some seek and win fleeting public acclaim as humanitarians and public benefactors by pretending to be able to do all things for all people, with borrowed money, John Williams has a way of reducing sophisticated schemes down to simple terms, making them understandable to the average man, exposing their fallacies, and clearly describing in plain English what the effect will be. He is the adamant, unyielding foe of waste and extravagance.

Those who have felt the impact of his challenge know better than to underestimate the force of his opposition. He comes prepared. Despite the fact that his is one of the smallest staffs, his research amazes colleagues and has brought more than one corrupt official down.

His presence, the probability that his probing, inquiring mind may well uncover wrongdoing that might escape the attention of others has had a salutory effect which goes far beyond the influence of most Senators. Graft and corruption never faced a more determined, persistent adversary.

He leaves the Senate at a time when many challenges confront America. But his quiet, unobtrusive example of gentlemanliness assures us all that courtesy and consideration for others is the lubricant that makes it possible for people to work together.

The high esteem in which he is held by his constituents in Delaware was evidenced by a most unusual action taken by that State's legislature.

He and his lovely, gracious wife Elsie, have won the friendship of most and the admiration of all who know them. But of greater, lasting importance to this country and its government is the encouragement and stimulation that his example gives to all citizens—especially young people—to make the most of their lives.

Let it be noted, too, that while those of us here in the Senate are well aware of Senator Williams' contribution to our country, general public understanding and comprehension of the scope and depth of his service will not be realized for many years, for his efforts to keep the Federal Government an honest tool of the people are far reaching.

Few, indeed, have earned a greater measure of the gratitude of their fellow men.

Mr. BOGGS. Mr. President, I ask unanimous consent to have printed in the Record a statement which the Senator from Colorado (Mr. Dominick) has prepared for delivery today.

There being no objection, Senator Dominick's statement was ordered to be printed in the Record, as follows:

Statement by Senator Dominick

Mr. President, the next Congress will not be the same without the wise counsel and warm friendship that we have all received over the past 24 years from our beloved colleague, the senior Senator from Delaware. His friends and admirers are legion on both sides of the aisle.

The late Senator Robert Kerr from the great State of Oklahoma once said jokingly about John Williams: "Anybody who can make a million dollars on chicken feed is a man you had better watch out for." John Williams applied the same unswerving diligence and sterling integrity to the conduct of the affairs of our Nation as he so successfully did in the management of his farms in Delaware.

He was extremely proud of the fact that although he left no stone unturned in his efforts to assist the American farmer, he never accepted a cent of federal subsidy on any of his own farms.

John Williams is a hunter. His skill and devotion to duck hunting are exceeded only by his dogged dedication to hunting down and exposing even the most cleverly hidden scandal in Government. John Williams is known not only to the citizens of Delaware and Washington, D.C., but to people all across our land as a man who lives by the golden rule. A 33d degree Mason, he neither smokes nor drinks, and is uncompromising in his belief that a man who keeps faith with himself cannot be untrue to his fellow men.

John is also noted for the delicious old fashioned ice cream which he turns by hand in the freezer on the back porch of his Washington home on warm Sunday afternoons.

We shall miss John Williams in countless ways. Many of us here, and many, many more of his friends and constituents tried in vain to persuade him to change his mind about retiring. Many of us share the feeling for him that it is said his grandchildren demonstrated when he was running for his second term in this body. He enjoyed his grandchildren and they were extremely fond of him. One day in the midst of the campaign Mrs. Williams received a telephone call from a neighbor saying that two of the grandchildren were knocking on every door in the neighborhood asking everyone not to vote for their grandfather in the coming election so that he could stay home and play with them.

I join with his host of friends in wishing him good health and great happiness in the years ahead.

Mr. BOGGS. I am happy to yield now to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, it is with equal portions of sadness and respect that I rise today to salute the senior Senator from Delaware upon his retirement from this Chamber.

John Williams' public record speaks for itself; he has served his country well. No words of mine can add to the high regard in which he is held by his colleagues, his constituents and his countrymen.

But the personal friendships and alliances which are so much a part of the workings of the Senate are not always so widely known. In the 4 years that I have been privileged to serve in this body, John has been a cherished friend and adviser. No Member has impressed me more with his absolute honesty, unfailing humor, dedication to the public welfare, and generosity to his colleagues.

Now, as he leaves this body after 24 years of exemplary service, I am reminded of the wish of Thomas Jefferson:

> If, in my retirement to the humble station of a private citizen, I am accompanied with the esteem and approbation of my fellow citizens, trophies obtained by the blood-stained steel, or the tattered flags of the tented field, will never be envied. The care of human life and happiness, and not their destruction, is the first and only legitimate object of good government.

For John Williams there is no "if;" the wish has been amply fulfilled.

John, you will be missed.

Mr. BOGGS. Mr. President, I thank the Senator from Massachusetts.

I am happy to yield now to the distinguished Senator from New Jersey.

Mr. CASE. Mr. President, I think this kind of observance is one of the Senate's best traditions. We do it out of full hearts. It has some resemblance to the obsequies that will eventually attend all of us.

It is unique in that category, of course, in that the subject is able to listen to the funeral sermon. I think he must do that with mixed feelings, as we all have mixed feelings in participating in this ceremony.

One might think in reading the words as they will appear in the handsome little book we always get up for people of great consequence, that John Williams was a paragon and that, perhaps like most paragons, he was a pretty stuffy guy.

Terms such as the "Conscience of the Senate," "Mr. Integrity," "Honest John," and all of these things usually apply to a kind of heavy man and, often, a dull person.

I like to remember John not only for all of the things that have been said about him, and said so well and so truly concerning what he means to us, but I like to remember him also for the fact that I catch him once in awhile in the Mayflower coffee shop indulging in a double banana split. No one is perfect, and if he were he would be an impossible fellow to get along with.

Seriously—and I have been serious all along—maybe it is a good thing that he is going. We get to rely on people like John to do the dirty things for us, sometimes things that we all ought to take responsibility for.

As his neighbor and one who has benefited from his wise advice and from his sturdy nature that he always exhibits in times of distress and sorrow, and as one who has enjoyed his warm friendship, I join my colleagues in bidding him and his lovely wife a happy journey out of here and the long life that we know they will still live.

Mr. BOGGS. Mr. President, I thank the Senator from New Jersey.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the time allotted to the junior Senator from Delaware be extended to 10:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOGGS. I thank the Senator.

Mr. President, I yield to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, each one of us can evaluate his colleagues on the floor of the Senate in one way. But the best chance we really have to evaluate other Senators is to see them through the eyes of the voters, constituents, and citizens of their own States.

I recall very vividly the moving experience I had of being in the State of Mississippi and seeing the distinguished Sentaor from Mississippi (Mr. STENNIS) through the eyes of his constituents there. I had the same pleasure last night in the great State of New York where I saw the affection and regard for my distinguished colleague, the senior Senator from New York.

Mr. President, I had the opportunity to be in Delaware as one of the 14 States I visited during the campaign of 1970. One of the most wonderful evenings and one of the most wonderful experiences I had was to appear there with both the junior and senior Senators from that State. I would say that one word would describe the feeling toward both Senators from Delaware, and that word is "affection." The people of Delaware have a deep affection for the junior Senator from Delaware who has been their Governor, Congressman, and now Senator; but their affection for their senior Senator (Mr. WILLIAMS) began 24 years ago, and the high regard in which their senior Senator is held is unparalleled.

The second impression I would like to mention is the tremendous contribution that smaller States have made to the Government of the United States through the Senate. Here we have a State in which we have only one Congressman but two Senators, and yet this State has given us men of integrity, men of depth of vision, of breadth, and men who have represented not just the citizens of their State but men who have tried to represent a constituency across the country.

I remember very distinctly when the senior Senator from Delaware (Mr. WILLIAMS) came into the State of Illinois during the course of one of my campaigns and appeared downstate. I recall the deep impact he had there, and the way the people of my State looked forward to his appearance, their firm impression of him and the wonderful time we had together.

So the Senate as an institution, by giving equal power to 100 men, regardless of the size of their States, has, in the concept of the Founding Fathers, provided great leadership to the country which otherwise the country would have been deprived of.

Mr. President, things being as they are, there is the possibility that some day I might become a member of the Committee on Finance, and it might be as early as next year. I would then have the good fortune to follow in the footsteps of the distinguished senior Senator from Delaware. I think of the matters we have differed on occasionally and of the matters on which I have been able to work together with my distinguished colleague during my 4 years in the Senate.

First would be the elimination of wasteful and unnecessary expenditures in government. I am considered a member of the so-called moderate or progressive wing of the party, but it is abhorrent to me to see waste. I have pledged to eliminate $4 billion in the 1971 budget. That pledge is prompted and encouraged because of the work of the Senator from Delaware.

It was a great experience to participate with Senator WILLIAMS in placing limitations on Federal spending and requiring a $6 billion cut in the budget. I do not know if this had ever been done before legislatively, but I do know the incumbent administration could not have had the fiscal year it had in its first year in office without the foresight of the Senator from Delaware in placing that absolute limitation on spending on the outgoing administration. That gave the Nixon administration a running headstart in its objective to have a balanced budget. Perhaps it is the closest we will come in some years. But unless there is an effort to cut expenses they continue to grow. And without the distinguished Senator from Delaware it would not have been possible.

Third, I would be compatible with Senator WILLIAMS' feeling toward restricted practices in foreign trade. I believe, as the Senator from Delaware believes, in freedom of the marketplace and established laws of supply and demand and having world markets available to American products. I know the Senator from Delaware intends to vote against what I consider to be a bad trade bill. And so will I.

Last, I would mention a responsible fiscal and monetary policy that is necessary to our Government. He has been its most effective advocate.

It is with a great deal of humility, that I would follow in his footsteps if I should go on that great committee. It has been the instrument for the Senator from Delaware working through the processes of the Congress to bring his powerful impact, his personality, his character, his integrity, and his tremendous understanding of problems and his willingness to dig deep into every single problem he works on.

He has shown great perseverance and strength of character in resisting the temptation to become an expert in everything, knowing that no one man can cover every waterfront, and concentrating on those crucial issues he feels are important to the country, and in which he has expertise.

It is with a great sense of appreciation for our distinguished colleague, the junior Senator from Delaware that I express gratitude for the opportunity we have been given to inadequately express our deep affection and warm feeling for our distinguished colleague who is retiring from this body. We shall all deeply miss him.

Mr. BOGGS. I thank the Senator.

I am happy to yield to the distinguished Senator from Arizona (Mr. FANNIN). I have already asked unanimous consent that other Members who have not been able to be present or who have not had a chance to speak may provide their remarks for the RECORD.

Mr. FANNIN. Mr. President, I express my thanks to the distinguished Senator from Delaware.

I am proud to join my colleagues in paying tribute to one of the most respected men in this Chamber, the senior Senator from Delaware. Not only is he respected in this Chamber but he is respected throughout the country.

On a visit to Rehoboth Beach in Delaware I found he has the great respect of his neighbors. On that visit I talked to one of the local merchants and he used the same expression used by so many people regarding this great man. He said, "Oh, yes. Honest JOHN WILLIAMS." He spoke of him with high praise.

Yes, Mr. President, I find the Senator from Delaware is respected throughout the country. This reputation has not been gained easily.

I have had the privilege to serve with JOHN WILLIAMS on the Committee on Finance and I have learned much from his remarks to me and his guidance and counseling. I will certainly miss him. Not only has he been outspoken, courageous, and a dedicated watchdog of Federal spending, but he has had many victories in saving taxpayer dollars throughout his career. He has demanded economy in other sectors of Government, and economy in the operations of the Senate itself.

He has always been unselfish in the handling of his affairs. Not only has he demanded the respect of others; he has shown that same respect for others.

He has followed the dictates of his conscience, as has been expressed here by many of his colleagues. He has shown no fear of taking a forthright position even when it was destined to put him in an unpopular position.

He is a renowned parliamentarian, as was brought out here, but that was as a result of experience and diligent study. He does his homework.

Earlier this week here in this Chamber we witnessed one of his many acts of statesmanship when he put forth a proposal to settle the vital business of the Senate before the end of the year. His proposal was generous and just.

Again, I repeat, he does his homework and he does it well, as is proven by his ability to succeed in his goals.

I remember the distinguished majority leader remarking to me on one of the occasions of Senator WILLIAMS' utilizing a special procedure—"He always does his homework."

I have great admiration for this Senator, who has had such an illustrious record of public service. I wish him the best in the future, and I know his services to the people will continue for many years.

We certainly will miss him in the Senate, where he has served so diligently for the past 24 years.

I join all my colleagues in saying, "Thank you, JOHN."

Mr. JAVITS. Mr. President, Senator JOHN WILLIAMS, of Delaware, will be sorely missed by all of us who have had the privilege of serving with him here in the Senate since he was first elected in 1946. For JOHN WILLIAMS, in addition to his skill and acument and deep sense of responsibility in all matters, has had a real passion for integrity in government. This has led him to make great efforts, even beyond the call of the duty of a Senator, of great benefit to the people. These efforts have also raised materially the level of performance and honesty in government. We can only hope that another Member will make this his chosen calling as did Senator WILLIAMS and, we have a right to hope that we may continue to benefit from the wisdom and guidance of JOHN WILLIAMS, as a private citizen. The example he has set in his career will long serve as an inspiration for other generations of Senators who will follow us.

In addition he is a very special human being who evokes love as well as respect. I bespeak for him all happiness in his new private role and many bountiful and long years.

Mr. ALLOTT. Mr. President, I wish to take this means to join with my colleagues in paying tribute to Delaware's senior Senator, JOHN WILLIAMS.

Many of those who spoke today have reviewed his outstanding record during his four terms in the Senate. I should only like to add a few thoughts:

I considered it a privilege to have served with him during my tenure here. We fought many battles together. Sometimes we were even on opposite sides. But the word of JOHN WILLIAMS was always good. Above all else, he is an honorable man.

I suspect that Senator WILLIAMS will be remembered as a symbol of truth in an era distressed by untruth. He never spoke unless he was sure of his facts. At a time when inconsistency has become to be regarded a near virtue, JOHN WILLIAMS remains totally consistent to his ideals and beliefs. He carried out his convictions to the extent of not seeking reelection to another term because he believed the time had come for a younger man to take his place, so he helped elect Congressman ROTH, another man of great integrity, to succeed him.

Senator WILLIAMS' expertise, especially on matters of finance, will be missed in the coming sessions of Congress.

Yet, these expressions of tribute are by no means given in a spirit of melancholy, because we know that JOHN WILLIAMS will devote the rest of his life to public service, helping the Republic whenever and wherever possible.

Mrs. Allott joins me in wishing John and Elsie Williams a most happy, prosperous, and fruitful retirement.

Mr. COTTON. Mr. President, the distinguished senior Senator from Delaware and I were elected to the Congress in the same year, 1946, he to the Senate and I to the House of Representatives.

With the enthusiasm and idealism which characterize all freshmen Congressmen—and which the best of our statesmen never lose—I immediately recognized in JOHN WILLIAMS those good qualities most mentioned when people generalize about my own area of the Nation and consequently I looked in a special way to his words and actions for guidance and inspiration.

He was solid—granite solid—like my own State of New Hampshire.

He was fiscally responsible and although his immediate constituency was in Delaware millions of taxpayers in his broader constituency which extended from coast to coast began to equate the name of JOHN WILLIAMS with that good old Yankee thrift in which we New Englanders take such justifiable pride.

Most importantly, though, it was obvious from the start that JOHN WILLIAMS had the type of basic integrity which marked those first settlers which landed on our northern shores and which is our most treasured heritage.

Integrity—that, perhaps, is the one word which best sums up the character of JOHN WILLIAMS, so much so, in fact, that as he leaves us he carries with him the well-deserved title of "the conscience of the Senate."

The senior Senator from Delaware would be the first to argue, I am sure, that the Senate will not lose its conscience with his departure, but as he leaves us, we want him to know that his foremost legacy to us is that through his service, he has made this conscience of the Senate stronger and more steadfast.

We shall all miss him as the great statesman he is; in addition, I shall miss him as a friend.

Mr. PEARSON. Mr. President, when our colleague, Senator JOHN J. WILLIAMS, announced a year ago he was retiring, he probably encountered the strongest opposition in his 24 years in the Senate. His decision was opposed by his fellow Republicans and Democrats in the Senate, by the leadership on both sides of the aisle, by the White House, and by his friends, admirers, and supporters in Delaware.

All to no avail. We should have known better. When JOHN WILLIAMS makes up his mind, after thoughtful and careful study, he is not likely to change it.

So we have to accept the fact that JOHN WILLIAMS will not be with us next year, when the 92d Congress convenes, much as we regret it.

We are certainly aware of his presence during these difficult days as this Congress draws to a close. There has been no letup in his heavy workload, in his quiet, tenacious attempts to persuade Congress to finish its legislative tasks.

That, of course, is one of the prime reasons why Delaware, the Senate, and America will miss him. No Senator ever took his oath of office, his responsibilities as seriously, or executed them as effectively as has JOHN WILLIAMS. Nor do I recall any Senator who was at the same time as unassuming, and genuine as JOHN WILLIAMS. He epitomizes the famous advice from Polonius: This above all, to thine own self be true.

He learned some good and stern lessons as a farm boy, as a young man establishing a small grain and feed operation, and as a very successful businessman and farmer.

He carried these principles with him when he became a Senator in 1947, and he is the same man today he was then. Personally warm and compassionate, no one has been as tough and unyielding when it came to dealing with public corruption. He believes that such conduct by a public official, elected or appointed is, indeed, mud thrown on the flag, the Constitution, the great traditions of his beloved country.

Nor is this a matter of partisan politics; he has fought relentlessly against any betrayal of the public trust, regardless of the political consequences.

For this he gained particular fame, and rightly so.

At the same time he has always displayed an intellectual humility, and a realistic appraisal of himself. This is all part of the genuineness of JOHN WILLIAMS.

Mr. President, we will indeed miss him. But the memory of his career and his approach to public duty will remain and this memory will serve to continue to strengthen this great institution which Senator JOHN WILLIAMS loved so well and served so magnificently.

Mr. JORDAN of Idaho. Mr. President, the 100 men gathered in this body represent 100 different concepts of what is a U.S. Senator. One of our colleagues, who is retiring, will be remembered in history as the personification of the truly conscientious Senator.

Americans have always admired the individualist who has no fear of standing alone with his belief against the popular sway. JOHN WILLIAMS has that quality in great abundance. So it is no surprise to us that the people of Delaware have chosen for the past 24 years to be represented in the U.S. Senate by JOHN J. WILLIAMS.

JOHN WILLIAMS has been an outspoken proponent of fiscal responsibility as well as governmental integrity. He has never hesitated to oppose unnecessary Government spending, regardless of the political consequences.

I have been fortunate enough to work closely with the Senator from Delaware on the Senate Finance Committee where he is ranking minority member. His vast knowledge of finance matters has been a great help to me in my service in the Senate, but the best part of our association has been the friendship which we have solidified during this time.

Senator WILLIAMS has conducted his office in a quiet, unobstrusive manner; yet, through incredible diligence and courage he has brought to light information that has on several occasions rocked the Nation. The term "Conscience of the Senate" is applied to him with admiration and accuracy both by the public and his colleagues.

His dedication to perform the responsibilities of his office will be remembered as the perfect example for students of the democratic process. When Plato envisioned government by philosophers, he dreamed of a body of men who think with the fairness, the honesty, and dedication of JOHN J. WILLIAMS. The U.S. Senate will miss his guidance and his conscience.

We shall all miss JOHN WILLIAMS and his lovely and talented wife, Elsie.

We hope they will come back often and give us the pleasure of their wit and wisdom.

Mr. BAKER. Mr. President, it is characteristic of JOHN WILLIAMS that he has offered, as one of his last official acts as a Member of the Senate, a proposed amendment to the Constitution to mandate retirement from certain public offices at age 70. Although Senator WILLIAMS has over many years earned many reputations, not the least of those reputations is his dogged adherence to matters of principle.

If the question of mandatory retirement should come to a vote in this Congress or in a later one, I do not know how I will vote on the issue. But I must say that I do not believe that the person of JOHN WILLIAMS is a very persuasive argument for it. It is easy for me, as a relatively young man, to believe that governments should be run by young men. But the vigor and ambition of young men is tempered and balanced by the wisdom and experience that can only come with the passage of time and with age. If losing men like JOHN WILLIAMS is the price we must pay for mandatory retirement, it is a heavy price and must give us pause.

We must respect and respect fully the strength of the principle and conviction that leads him to retirement at the height of his powers and influence. But we will surely miss him and the American people will be the lesser for his absence from this body.

Fortunately for all of us he will be nearby. We will continue to depend on his counsel and his example. I somehow suspect, and certainly hope, that when this Congress ends, we will not have heard the last of our fine and admirable friend.

Mr. FONG. Mr. President, as Senator from the 50th and last State to enter the Union, I rise to join my colleagues in paying well-deserved tribute to the truly able and distinguished senior Senator from the first State of the Union, Delaware, Senator JOHN J. WILLIAMS.

I know the people of Hawaii would want me to give public credit due the illustrious Senator from the first State, who has done so much for his State and his Nation.

I am sure the people of my State would want me to take this occasion to express their warm and deep appreciation to JOHN WILLIAMS for his vote in 1959 for statehood for Hawaii.

The people of Hawaii, like the people of all America, look up to JOHN WILLIAMS with respect and admiration. He has rightly earned the title "Mr. Integrity." By his adherence to high standards of ethics, he has done much to enhance public confidence in government, confidence that is so fundamental to the success of our form of government.

The people of Hawaii, like the people of all America, know JOHN WILLIAMS as the "Watchdog of the Senate"—not only of the Senate's morals and ethics, but of the morals and ethics in all three branches of our Government—legislative, executive, and judicial.

In his four terms in the U.S. Senate, JOHN WILLIAMS has exposed corruption in the Internal Revenue Service, in the Federal Housing Administration, in the U.S. Department of Agriculture, to name but a few examples where he has uncovered wrongdoing. Regardless of the party in power, either in Congress or in the executive branch, JOHN WILLIAMS has been a ardent champion of fiscal responsibility in Government and fair treatment of taxpayers. Trying to close loopholes in our Federal tax laws, which give favored treatment to some taxpayers, JOHN WILLIAMS has always worked for fairness in tax law application and tax collection, in behalf of the millions of quiet, hard-working self-supporting, typical taxpaying Americans.

While I have not had the privilege of serving on any legislative committee with Senator WILLIAMS during my 11 years in this body, I know from his diligence in the Senate Chamber that he is a man of great ability and courage and perseverance and a man who does his homework.

The voters of Delaware know well his valuable service, for they have paid him the signal honor of electing him four times to our Nation's highest legislative body. I congratulate the people of Delaware and on their good fortune in having had JOHN WILLIAMS as a candidate for U.S. Senate and in their good judgment in electing and reelecting him to office.

When the 92d Congress convenes next year, it will seem very strange not to have JOHN WILLIAMS answering the rollcall. But we all take heart from his promise of last year to be an active citizen for many years to come and to take part in community and government affairs.

As my friend begins a new career and a new way of life allowing him more time with his wife and family, Mrs. Fong and I want to extend to him and his gracious wife, Elsie, our best wishes for health, happiness, and future success.

Mr. BELLMON. Mr. President, the distinguished senior Senator from Delaware is one of the best loved, most famous, and highly respected Members of this body. I had admired him from afar before I came to the Senate last year and during my brief service with him this feeling has grown beyond bounds. He has won a large and devoted following in all parts of this country, as well as in many other countries of the world. In my own State of Oklahoma, may of our citizens look upon JOHN WILLIAMS as their third Senator. They particularly approve of his effective and tireless efforts to hold down waste in Government and to ferret out and remove dishonesty wherever it is found.

A recent editorial in the Oklahoma City Times succinctly sums up the feeling of respect which Oklahomans feel toward JOHN WILLIAMS. It reads:

A WATCHDOG RETIRES

Citizens of all shades of political opinion will join in paying tribute to "the watchdog of the Senate" as he retires voluntarily from office after 24 years.

We refer to Sen. John J. Williams (R-Del.) who has made an outstanding name for himself as a tireless foe of corruption in government and unnecessary governmental spending.

When he came to Congress in 1946, this feed store owner made so little impact he was named at the bottom of a ranking list of "most effective senators" compiled by newspapermen covering congress.

Then he began breaking open scandals in the Internal Revenue Department and gradually through other agencies.

The man who had been derided as "Whispering Willie" because he was so soft-spoken in Senate speeches became the Senator who had no trouble getting people to listen.

There is no way to calculate the millions of dollars he saved this nation by his attacks on waste and by his uncovering of skulduggery. Quite as important was the fact that his very presence undoubtedly kept many men honest who otherwise might have strayed. For he had fantastic contacts inside government and became the man to whom an endless flow of tips came.

His record includes never taking a foreign junket at public expense. And he opposed tax advantages for the wealthy.

Sen. Williams was a public servant par excellence. Without question he will be missed.

Mr. President, I join my fellow Oklahomans in this attitude and am pleased to have an opportunity to pay tribute to Senator WILLIAMS today. I commend him for his outstanding record and wish him equal success in his next career.

Mr. PROUTY. Mr. President, in February, when JOHN WILLIAMS announced his retirement, I tried to envision the Senate without him. It was difficult to do then. It still remains so.

In 24 years, Senator WILLIAMS has been the Senate's conscience and chief investigator. He has rigidly applied his high moral standards to all in public service. He has relentlessly sought to expose and eliminate corruption in Government. He has fought for the often forgotten American taxpayer when matters of spending are before us.

He has followed his principles and pursued his goals with unmatched dedication and energy. He is known as one of the Senate's hardest workers and he has earned the reputation.

He has been without equal in the thoroughness of his research. Time and again, he has presented this body with compelling statistics and arguments.

In his quiet way, he has been most persuasive. On those occasions when he has not convinced a majority to agree, I know he has compelled all of us to stop and think.

On the occasion of his retirement as I contemplate the Senate without JOHN WILLIAMS, I know that in my future service in the Senate, before acting I will often stop and consider "What would JOHN WILLIAMS do?"

He may be retiring but his example will long be before us. I cannot think of a finer example.

Mr. GURNEY. Mr. President, I am glad to join my colleagues in saluting one of the finest gentlemen in the Senate, Senator JOHN J. WILLIAMS, of Delaware. As he retires from the Senate, it is entirely appropriate that we pay him tribute for his years of dedicated and selfishless service to the Nation and to the State of Delaware.

He is a man of matchless integrity, determination and judgment—a man who always put the public's welfare ahead of any personal consideration. In fact, in the Senate he has become known as Mr. Integrity.

Over the years, he has served as a model for fiscal responsibility and economy in Government. His record of service really needs no amplification. His record stands by itself. It has earned him not only the esteem of his colleagues, but the thanks of the Nation as well. It is fair to observe that the Nation has profited greatly and is the richer because of the Senate service of JOHN WILLIAMS. He will be sorely missed when he leaves this body.

The best we can hope for our Nation, is that it will continue to attract to its public service, men of the caliber of JOHN J. WILLIAMS.

Mr. HOLLINGS. Mr. President, I deem it a distinct honor to join today in tribute to the retiring senior Senator from Delaware (JOHN WILLIAMS). In paying tribute to the man, we also honor an ideal. It is the ideal of unrelenting integrity. The career of the distinguished Senator from Delaware is founded on the integrity of thought and action. No matter what the issue, we could always count on JOHN WILLIAMS to pursue it with unyielding determination. And no matter what the consequences, we knew he would never falter in carrying his conclusions into action. His probity and candor won him the admiration of his colleagues and the respect of a nation. That respect transcends geographical boundary as well as political party affiliation. My own State of South Carolina is a goodly distance from Delaware, and the political sympathies of our people generally run toward a different political party than that of JOHN WILLIAMS. Yet, I know full well the respect with which South Carolinians look on the distinguished senior Senator from Delaware. In praising Senator WILLIAMS, then, I not only speak for myself but also for the people of my State.

The political climate has changed very drastically in the past few years. The standards of conduct observed by politicians have noticeably risen, and the cruder aspects of wheel-and-deal are today, for the most part, to be found in history. And while no single man can be credited with such profound change, some men deserve more credit than others. None, I think, deserves more than my good friend from Delaware. His service provides a legacy of unflinching integrity that will continue to influence this Chamber after he takes leave of it in January.

Mr. President, I count myself fortunate in having served alongside this man and in enjoying and profiting from his friendship. I join my colleagues in wishing for him a happy retirement.

Mr. SCHWEIKER. Mr. President, it is most fitting for the Senate today to honor one of our most outstanding Members, JOHN WILLIAMS of Delaware, and it gives me great pride to join this colloquy.

In his 24 years in the Senate, his record of integrity and commonsense has made him one of the most valuable Members of this body, and the example he has set in his personal conduct has been an inspiration to all of us.

Publicly known as the conscience of the Senate, he has performed an invaluable service to the Congress, and the Nation, by leading efforts to insure that congressional ethics are of the highest order, and by not being afraid to publicly point out when congressional conduct has failed to meet the high standards demanded of it.

In an era when many of our institutions and procedures have come under criticism for failing to remain as responsive as necessary to the changing demands of our times, Senator JOHN WILLIAMS has remained a rock of integrity, and has shown the people of our country that efforts will be made to keep our own house in order, and the Government can, and will, set high standards.

All of us can point to specific experiences when JOHN WILLIAMS' guidance, and example, has been helpful to us in carrying out our responsibilities. For instance, last year, when I was interested in setting up an auditing system for major defense contracts, JOHN WILLIAMS' ideas about fiscal integrity, and his warm support for my proposal, were of major assistance to me.

Since Pennsylvania is a neighbor of his great State of Delaware, I come into contact from time to time with constituents of his, and I can attest to the great esteem and pride with which the people of Delaware hold Senator WILLIAMS. In addition, because of his exemplary conduct and impressive record during his long career, the people of Pennsylvania also think highly of Senator WILLIAMS, and will often cite his record to me as an inspiration for my own work in the Senate.

All of us will miss JOHN WILLIAMS now that he has decided to retire, and his contributions to the work of the Senate and warm congeniality. However, his reputation and record of honesty and integrity are an integral part of Senate history, and will continue to be an inspiration, so that his work will continue.

I would like to say personally to JOHN that his counsel and guidance has been appreciated, and I look forward to his future visits to the Senate he has served so well.

Mr. GOLDWATER. Mr. President, it has been my distinct pleasure to have served 14 years in this body with the man we honor today, Senator JOHN WILLIAMS of Delaware. I feel that I have come to know him well, and I feel that I understand him, but more importantly, I know that this association has made a better man out of me.

He has that high integrity and everlasting honesty and forthrightness that all of us secretly wish that we possessed. His decision to retire this year, I think, will have an everlasting good effect upon the whole Congress, because he has set an example that I think we all should seriously consider, and I am very grateful to him for this.

As he continues life in his native Delaware, I hope and pray that he will yield to the pressures that will be put on him to further serve his Government in some capacity, because his talents are many, and his talents are sorely needed.

I wish for him nothing but a long life of happiness and continued success.

Mr. STEVENS. Mr. President, I am pleased to have the opportunity today to express the appreciation I have for the lessons I have learned in my first 2 years in the Senate from the distinguished Senator from Delaware. Those lessons have been lessons well learned, I hope

During the 24 years that JOHN J. WILLIAMS has served in this body, he has earned a reputation as the "fiscal watchdog" of the Senate. And, I can tell anyone, that no one has been able to get anything past him. Yet, he has been the first to offer suggestions and to assist new members without regard to whether he agreed with their goals. JOHN has served his State and his Nation well. He has probably prevented us from embarking on some grandiose, but ill-thought-out schemes that at the time seemed like a good idea; but in retrospect, it appears he has been right to question and check those who sought to act in haste.

I wish him the very best in his retirement and I am glad to have had the benefit of his presence during my freshman years. Above all, I know Delaware is very close and that JOHN will often be the 101st Senator on this floor for years to come. I shall welcome his advice and counsel, always.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER (Mr. FULBRIGHT). The pending question is on the adoption of the conference report on H.R. 17755.

ORDER FOR RECOGNITION OF SENATOR LONG TODAY

Mr. LONG. Mr. President, I ask unanimous consent that when the Social Security Amendments of 1970 are laid before the Senate at 3 o'clock, I be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. PROXMIRE. Mr. President, what was the unanimous-consent request?

Mr. LONG. I asked that when the social security bill was laid before the Senate at 3 o'clock, the manager of the bill be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of measures on the calendar beginning with Calendar No. 1459 and taking the rest of the calendar in sequence.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

LUANA GAJA

The bill (S. 3971) for the relief of Luana Gaja was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Luana Gaja shall be held and considered to be the natural-born alien daughter of Charles K. Hekekia, a citizen of the United States. The natural mother, brother, or sister of the said Luana Gaja, by virtue of such relationship, shall not be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1447), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to qualify for first preference status as the unmarried daughter of a citizen of the United States.

MAUREEN O'LEARY PIMPARE

The bill (H.R. 12962) for the relief of Maureen O'Leary Pimpare was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1448), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has been convicted of a violation of narcotic laws in behalf of the wife of a U.S. citizen and honorably discharged veteran of the U.S. Air Force.

JACK A. DUGGINS

The bill (H.R. 14271) for the relief of Jack A. Duggins was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1449), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to pay Jack A. Duggins $1,266.59 in settlement for his claims for losses he suffered in disposing of property and arranging his personal affairs in order to depart for an assignment in Hawaii as an employee of the Air Force, which was canceled just prior to the time he was to depart.

STATEMENT

The Committee on the Judiciary of the House of Representatives in its favorable report said:

"The Department of the Air Force in its report to the committee on the bill stated that it would not object to the bill's enactment if it is amended as recommended by the committee.

"Mr. Duggins, a civilian employee of the Department of the Air Force at Norton Air Force Base, Calif., was notified on February 5, 1969, that he had been tentatively selected for a position of program analyst, GS-11, with duty station at Hickam Air Force Base, Hawaii. He was counseled in writing at the time not to dispose of his home, sell his furniture, or take any action that would affect his present position, in the event the tentative selection did not result in a definite appointment.

"As a part of the processing requirements for his oversea employment, Mr. Duggins was instructed to report for a medical examination at the Norton Air Force Base dispensary on February 12, 1969. The medical examination was performed on that date and Mr. Duggins was permitted to handcarry a duplicate copy of the completed health qualification placement record to the civilian personnel office to expedite processing for his assignment to Hawaii. The duplicate copy of the health qualification placement record indicated that his physical handicap code was 'OO,' that is, no placement record indicating that the medical examination had been satisfactorily completed, the civilian personnel office at Norton Air Force Base requested permanent change of station travel orders for Mr. Duggins. Travel Order No. A-478 was prepared February 14, 1969, and issued February 17, 1969, authorizing Mr. Duggins to travel to Hickam Air Force Base, Hawaii, for permanent assignment with the Department of the Air Force. He was also authorized transportation of his dependents and shipment of household goods and personal effects not to exceed 11,000 pounds net weight.

"On February 14, 1969, a teletype message was received at Norton Air Force Base civilian personnel office from Hickam Air Force Base advising that Mr. Duggins would be required to perform frequent periods of temporary duty travel throughout the Far East, and requesting his acceptance of the added position requirement. Written concurrence was secured from Mr. Duggins and Hickam Air Force Base was advised on February 14, 1969.

"The original copy of the health qualification placement record and certificate of medical examination was received by mail in the civilian personnel office from the Norton Air Force Base dispensary on February 19, 1969. The form indicated a physical handicap code of '51' (organic heart disease) and restricted Mr. Duggins' assignment to the Hawaii area. An explanatory note on the transmittal memo routing slip from the dispensary to the civilian personnel office called attention to the change in the physical handicap code on the health qualification placement record and requested correction of the duplicate copy which had been given to Mr. Duggins after his medical appointment.

"Mr. Duggins was advised of receipt of the medical examination restrictions. He requested another medical examination by a different medical officer. A second medical examination was performed on February 19, 1969. It also precluded travel by Mr. Duggins to the Far East area, specifically excluding Thailand, Vietnam, or any combat or danger zone.

"Mr. Duggins was advised on February 19, 1969, that all processing actions were suspended pending further instructions from Hickam Air Force Base. A teletype message was sent to Hickam Air Force Base advising of the medical restrictions excluding Mr. Diggins from performing travel for temporary duty travel to Thailand or Vietnam, stating that Mr. Duggins was willing and available if TDY duty adjustment could be made, and requesting further instructions.

"Hickam Air Force Base responded that the temporary duty travel requirement of the position could not be adjusted because several military officers who normally had performed temporary duty travel to Southeast Asia had been reassigned without replacements, and that since it was necessary to assign the travel requirement to civilian positions, including the one scheduled to be filled by Mr. Duggins. Since the travel requirement could not be adjusted and since the medical examination precluded Mr. Duggins from performing such travel, his assignment to Hickam Air Force Base had to be canceled and the travel orders revoked."

Mr. Duggins states that it was necessary for him to have a sale of household goods prior to the anticipated move to Hawaii. He cites the following reasons for the sale: lack of authorization for nontemporary storage of household goods for employees making permanent change of station moves to Hawaii, weight limitation of 11,000 pounds on shipments of household goods, and the time element involved in his particular situations. He stated that all items of household goods were sold at a loss during the period from February 14, 1969, to February 19, 1969. Initially, he also claimed loss of earnings by his wife in the amount of $450 due to the loss of five music pupils when she notified her class of the expected move to Hawaii.

In its report to the committee on the bill, the Department of the Air Force stated that there are no known administrative remedies which would make it possible to grant Mr. Duggins relief in this situation. In fact he did submit a claim to the Air Force in March of 1969 and after being considered by the Air Force, Mr. Duggins was advised that the losses which were the subject of the claims were not cognizable under any statute or regulation administered by the Air Force.

The committee has determined that the circumstances of this case provide a basis for legislative relief. The Air Force reviewed the last of household goods that are involved in this matter and the Claims Division of the Air Force determined that had this been for damaged or lost household goods which might have been settled under existing statutes, the Air Force could have approved a claim in the amount of $1,266.59 based on the figures submitted by the claimant, and taking into account the amount received in the forced sale. This computation excludes that portion of the claim relating to loss of prospective earnings of Mr. Duggins' wife as a piano teacher. The amount fixed by the Air Force by applying applicable regulations concerning depreciation which came to $2,052.09 which was then reduced by the amount received by Mr. Duggins at the forced sale of the items which equaled $785.50. The balance of $1,266.59 is the amount recommended by the committee in its amendment.

"The Air Force stated that it did not object to enactment of the bill with the amendment reducing the amount to $1,266.59 and summarized its position as follows:

" 'In summary, a definite appointment commitment was made to Mr. Duggins for assignment to Hickam Air Force Base, Hawaii. The offer of appointment was made and accepted in good faith and Mr. Duggins completed all processing requirements for the assignment. On February 14, 1969, Mr. Duggins was orally advised by civilian personnel officials at Norton Air Force Base that his assignment to Hawaii had been approved and that his travel orders were being prepared. It can be considered that he had been given a definite appointment commitment at this point in time. The orders were subsequently delivered on February 17, 1969. Mr. Duggins was willing and available to perform temporary duty travel to Southeast Asia but, because of subsequent medical determinations, was precluded from performing such travel; his assignment to Hickam Air Force Base had to be canceled and the travel orders revoked and Mr. Duggins suffered losses incident to the unconsummated move. Based upon the foregoing, the Department of the Air Force interposes no objection to the enactment of H.R. 14271 in an amount the would have been allowable as a claim for lost or damaged household goods under existing statute or regulation. On this basis, the claim would be allowable in the amount of $1,266.59.

" 'As a part of his claim, Mr. Duggins has included $450 representing a loss of income to his wife. He indicates that five of her piano students quit her class, supposedly because of the pending transfer to Hawaii. This portion of the claim is strongly opposed. To extend the Government's responsibility to reimbursement of dependents for loss of income in their private endeavors is a most undesirable precedent. Furthermore, the students were free to quit the class at any time or for any reason. That the students were lost to Mrs. Duggins solely because of her husband's transfer and that she would have sustained a loss of $450 as a result is speculation.'

"In view of the foregoing and the circumstances of this particular case, the committee recommends that the bill be considered favorably, with the committee amendment reducing the amount provided in the bill to $1,266.59."

The committee believes the bill is meritorious and recommends it favorably.

DAVID L. KENNISON

The bill (H.R. 15272) for the relief of David L. Kennison was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1450), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT

The Department of Transportation in its report to the House Judiciary Committee on the bill stated that it endorses the proposed legislation. The U.S. Civil Service Commission in its report stated that it had no objection to the bill.

PURPOSE

The purpose of the proposed legislation is to pay David L. Kennison the sum of $1,307.88 in full settlement of all his claims against the United States for the amount he paid in expenses incurred in a move from the State of Arizona to the District of Columbia for the purpose of employment with the Department of Transportation after departmental representatives indicated the Government would pay or reimburse expenses incident to selling an Arizona residence and buying a Virginia residence, a per diem allowance for each member of his family, the cost of temporary quarters, and other miscellaneous expense.

Prior to accepting employment with the National Highway Safety Bureau of the Department of Transportation, Mr. Kennison was informed that his relocation expenses would be paid by the Government. Further, a travel authorization was issued in his name which confirmed this information. In its report to the committee on the bill the Department of Transportation noted that prior to accepting this offer of employment, Mr. Kennison had previously declined positions with the National Transportation Safety Board and the Bureau of Roads. In each of those instances he had declined the position because of the prohibitive cost of relocating his family of six from Phoenix, Ariz., to Washington, D.C.

Obviously the offer concerning relocation expenses was a factor in Mr. Kennison's decision to accept employment in Washington, D.C. This is also reflected in the report of the Department of Transportation which commented on these aspects of the case as follows:

"Since he accepted the offer of employment with the understanding his relocation expenses were fully reimbursable, it is our conclusion he would have declined had he been aware that he was not entitled to all of the allowances enumerated in travel authorization. The fact that he declined two previous offers of employment on this basis reinforces our judgment."

In its report the Civil Service Commission noted that a new employee under these circumstances could not be expected to know all of the technicalities of the regulations applicable in such a case. It observed that it would impose an unfair and unnecessary burden on Mr. Kennison under these circumstances.

The departmental report stated that Mr. Kennison's travel voucher has been reaudited to establish the extent to which he would have been eligible for reimbursement if his relocation expenses had not been disallowed. On the basis of this review, the original disallowance was found to include several items not eligible for reimbursement under any circumstances. These consist of an excessive appraisal fee ($245 too high), an insurance application and premium of $162.50 (not allowable) and a storage overclaim of $6.23 for a total of $413.73; which would have reduced his disallowance to $1,307.88. The Department stated that this has been discussed with Mr. Kennison who understands the necessity for reducing his claim by the amount indicated. Accordingly, the House committee recommended that the bill, H.R. 15272, be amended to provide for a payment of $1,307.88 in order to cover the expenses authorized in his travel order for which he cannot otherwise be reimbursed.

This committee is in agreement with the conclusion reached by the House Judiciary Committee and accordingly recommends favorable consideration of H.R. 15272, without amendment.

CERTAIN INDIVIDUALS EMPLOYED BY THE AIR FORCE AT KELLY AIR FORCE BASE, TEX.

The bill (H.R. 10150) for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1451), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve the following employees of the Air Force at Kelly Air Force Base of liability to the United States in the amounts shown opposite their names of overpayments of compensation due to administrative error received prior to July 1, 1960:

Individuals whose claims for overpayment were partially waived under Section 5584 of Title 5, United States Code

Name	*Amount of overpayment not waived*
Bryant, John M	$124.80
Courvier, Joe	97.32
Gillum, Richard A	542.45
Green, William R	43.44
Hernandez, Santos A	80.60
Herrera, Jimmie	93.40
Huntley, Dick M	89.60
Moore, Harvey L	84.81
Rosel, Consuelo O	21.60
Springs, Zea A	121.89
Vaughn, Betty L	106.90

Individuals with claims (either in whole or part) for overpayment to which Section 5584 of Title 5, United States Code, does not apply

Name	*Amount of overpayment*
Seay, Henry A	$20.78
Snyder, Donald A	109.84

The bill would authorize the payment of any amounts paid or withheld by reason of the liabilities referred to in the bill.

STATEMENT

The Department of the Air Force in its report to the House Judiciary Committee on the bill has indicated that it would have no objection to the enactment of the bill because of the circumstances surrounding the overpayments.

As has been outlined above, this bill would relieve certain Air Force civilian employees at Kelly Air Force Base, Tex., of liability to repay to the United States amounts representing overpayments of compensation received by them because of administrative error during a period before July 1, 1960 (and to which the waiver provisions of sec. 5584 of title 5, United States Code, do not apply.)

Overpayments involving the first 11 employees named in the bill resulted from administrative error in granting within-grade increases before the expiration of the required waiting period of service prescribed by 5 U.S.C. 5335. The other two employees named in the bill were overpaid because of administrative error in establishing their rate of pay upon their promotion during the 2-year salary retention period provided for in 5 U.S.C. 5337.

The overpayments were discovered during a General Accounting Office audit of civilian employee pay accounts at Kelly Air Force Base, and during a subsequent audit by Air Force personnel. The employees were informed of the errors and corrective personnel actions were taken.

The cases were submitted to the Comptroller General for consideration and possible waiver of the indebtedness under the provisions of Public Law 90–616, approved October 21, 1968. The Comptroller General's letter dated February 26, 1969 (B–160569), waived all of the debts involved, except those amounts which arose prior to July 1, 1960.

The committee recognizes that the overpayments referred to in this bill are similar to the overpayments at the same base which were the subject of consideration by the Comptroller General under section 5584 of title 5. That section was added to title 5 by Public Law 90–616 and grants authority for the waiver of claims by the United States for erroneous payments of pay to an employee of an executive agency when it is determined that collection would be against equity and good conscience and not in the best interests of the United States. Since this statutory authority only applies to payments on or after July 1, 1960, the relief granted to the employees at Kelly Air Force Base only applied to erroneous payments which were made after that date. As is affirmatively stated in H.R. 10150, the amounts set forth in the bill were paid before July 1,

1960. In effect the bill extends relief on the same basis as was granted to the other employees for payments after that date.

As is noted in the Air Force report, there are no administrative procedures under which the Air Force could relieve these individuals of their liability to repay these overpayments. The Air Force also found that the employees received the payments in good faith and in reliance upon determinations of responsible officials. In indicating that it had no objection to the bill, the Air Force stated:

> Based upon the circumstances surrounding the overpayments to the employees described in the bill, the Department of the Air Force interposes no objection to the enactment of H.R. 10150.

The committee is in agreement with the conclusion reached by the House committee that this bill has a meritorious purpose and accordingly recommends favorable consideration of H.R. 10150 without amendment.

SIU-KEI-FONG

The Senate proceeded to consider the bill (S. 2793) for the relief of Siu-Kei-Fong, which had been reported from the Committee on the Judiciary with an amendment in line 6, after the word "filed," strike out "in her behalf and insert "in his behalf"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Siu-Kei-Fong may be classified as a child within the meaning of section 101(b)(1)(F) of that Act, and a petition may be filed in his behalf by Hee Fong, a citizen of the United States, pursuant to section 204 of the Act: *Provided,* That no brothers or sisters of the beneficiary shall thereafter, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1452), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the entry into the United States in an immediate relative status of the alien child adopted by a citizen of the United States. The has been amended to correct an error in drafting to reflect the proper sex of the child.

ESTHER CATHERINE MILNER

The Senate proceeded to consider the bill (S. 4261) for the relief of Esther Catherine Milner, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Esther Catherine Milner may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Lee W. Milner and Nancy Ross Milner, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1453), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill as amended is to facilitate the adjustment of status as an immediate relative of the alien child adopted by citizens of the United States. The bill has been amended in accordance with established precedents.

DR. HAHN JOONG LEE

The Senate proceeded to consider the bill (S. 3977) for the relief of Dr. Hahn Joong Lee, which had been reported from the Committee on the Judiciary with amendments on page 1, line 5, after the word "to", where it appears the first time, strike out "be" and insert "have been"; in line 6, after "1965" strike out the period and insert "upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Hahn Joong Lee shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 30, 1965, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203 (a) of the Immigration and Nationality Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1454), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended in accordance with the suggestion of the Commissioner of Immigration and Naturalization to provide for the payment of the required visa fee and for an appropriate visa number deduction.

BILL PASSED OVER

The bill (H.R. 19868) to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communication services, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

RUTH V. HAWLEY, MARVIN E. KRELL, ALAINE E. BENIC, AND GERALD L. THAYER

The bill (S. 1009) for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following named individuals are hereby relieved of all liability to the United States in the amounts set opposite their names:

Ruth V. Hawley, $528.37;
Marvin E. Krell, $305.78;
Alaine E. Benic, $303.14; and
Gerald L. Thayer, $99.87;

in each instance representing the amount they were held to be required to pay out of their own funds to replace amounts taken from locked clerks' drawers on April 27, 1968, at the Clare, Michigan post office, when these drawers were broken open in a burglary which occurred that date.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1456), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Clerks Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer of liability to the United States for amounts stolen from their individual fixed credits during a burglary of the Clare, Mich., post office.

STATEMENT

The facts of the case contained in the report from the Post Office Department are as follows:

"The post office at Clare, Mich., was burglarized on the night of April 27, 1968. The burglars gained entry into the post office through a basement door by breaking the lock and splintering the door. An attempt was made to break into the walk-in vault of the post office, but the attempt failed. Investigation disclosed that Government loss of $1,237.16 was incurred when the vandals ransacked the envelope drawers of the four clerks causing shortages in stamp stock as follows:

"Ruth V. Hawley	$528.37
Marvin E. Krell	305.78
Alaine E. Benic	303.14
Gerald L. Thayer	99.87
Total	1,237.16

"The postmaster's claim for credit due to the loss was disallowed because the clerks had failed to place their stamp stock in the vault after their tour of duty ended, as required by postal regulations (Postal Manual 321.2).

"The enactment of S. 1009 would relieve the subject clerks of reimbursing the Government in amounts stated above opposite their respective names.

"Under existing law, the Department has no alternative but to charge losses of this character to the postmaster and/or other employees whose negligence contributed to the loss. This practice is not in accord with current viewpoints of enlightened personnel management. Although liability is expressed in terms of compensating the Government for its loss, it must be looked upon realistically as a punishment and its enforcement as a deterrent against future negligence.

"The assessment of liability as punishment is capricious. This is illustrated by this case in which the liabilty of the clerks vares from $528.37 to $99.87, although their fault was the same. Other equitable consideration likewise cannot be evaluated under current law.

"We believe some relief might be granted in this case. However, consideration should also be given to the fact that the employees were negligent. For the foregoing reason, we believe the bill should be amended to provide that the Postmaster General, upon a determination that it is appropriate to do so, is authorized to relieve the employees named on such terms as the Postmaster General deems just and expedient of liability in whole or in part with respect to the transaction involved."

The committee is of the opinion that hardship cases such as this should be handled by general legislation. However, the committee also feels that these claimants should not be penalized for the lack of such general legislation. Nor does the committee believe that the bill should be amended to handle this situation in a piecemeal fashion. Accordingly, it is recommended that the bill be passed in its existing state.

ALICE E. FORD

The bill (S. 1984) for the relief of Alice E. Ford was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alice E. Ford, of College Park, Maryland, the sum of $405 in full settlement of all her claims against the United States arising out of the administrative error made with respect to the amount of salary to which the said Alice E. Ford was entitled while an employee of the Office of War Information.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1457), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to authorize and direct the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated to Alice E. Ford, of College Park, Md., the sum of $405 in full settlement of all her claims against the United States arising out of the administrative error with respect to the amount of salary to which the said Alice E. Ford was entitled while an employee of the Office of War Information.

STATEMENT

The facts of the case contained in the report of the Civil Service Commission are as follows:

"The Commission's files and information furnished informally by the General Accounting Office indicate two instances when salary payments or allotments were erroneously made to Miss Ford.

"The first overpayment totaling $405 was during the period July 1944 through March 1945, while Miss Ford was serving with the Office of War Information in Dublin. Although her official personnel papers specified a salary of $3,200, she was paid at $3,800. This $405 overpayment was later liquidated by deductions from Miss Ford's salary and allowances and by her personal check.

"The second overpayment resulted from salary allotments credited to her account after her separation from the Federal service on August 15, 1946. To relieve this indebtedness, the State Department on June 2, 1947, requested the Civil Service Commission to withhold the sum of $611.66 from the refund of Miss Ford's retirement deductions. These retirement deductions then amounted to $668.91. The Treasury Department was authorized to pay the Government claim and the remaining $57.25 was refunded to Miss Ford.

"In August 1964, Miss Ford reentered Federal service and made redeposit to the retirement fund covering her earlier service.

"The Commission has no information about the basis on which Miss Ford is now claiming the $405 salary overpayment that was refunded in 1945 and 1946. Conceivably her action may be prompted by the enactment of Public Law 90-616, October 21, 1968 (5 U.S.C. 5584), which under certain conditions, permits waiver of claims of the United States for erroneous payments of pay. The provisions of that law, however, are applicable only where the error was made on or after July 1, 1960."

It is noted that the Comptroller General in a previous report on a similar House bill "would not object to legislative action to authorize refund to her (Miss Alice Ford) of the $405 overpayment in question".

The committee believes that this is a proper case for relief and in agreement with the views of the Comptroller General the committee recommends the bill favorably.

BILL PASSED OVER

The bill (S. 1985) for the relief of Randall L. Talbot was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

LT. ROBERT J. SCANLON

The bill (H.R. 12621) for the relief of Lt. Robert J. Scanlon was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-146), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize the Secretary of the Navy to pay severance pay to Lt. Robert J. Scanlon, formerly of the Supply Corps of the U.S. Navy, an amount equal to the difference between the severance pay received by him at the time of his discharge from the Navy and the severance pay that would have been paid him if the computation of that pay had been based on his total commissioned service, including his service as a line officer.

STATEMENT

The facts of the case as contained in House Report No. 91-1043 are as follows:

"The Department of the Navy in its report to the committee on the bill states that it has no objection to its enactment.

"Lieutenant Scanlon was commissioned as an ensign in the line of the Navy and served as a line officer for 3 years. He then transferred to the Supply Corps and served in that corps for 8 years. He failed of selection for promotion to lieutenant commander for the second time in fiscal year 1967, and on June 30, 1967, he was discharged pursuant to 10 U.S.C. 6382. At the time of his discharge, Lieutenant Scanlon was entitled to severance pay in the amount of 2 months' basic pay multiplied by the number of years of commissioned service as computed under the then existing provisions of 10 U.S.C. 6388.

"At the time of Lieutenant Scanlon's discharge, the Comptroller General and the U.S. Court of Appeals for the District of Columbia Circuit interpreted 10 U.S.C. 6388 to provide that a staff corps officer who had prior service in the line could count only his staff corps service in computing his total commissioned service (37 Comp. Gen. 747 (1958), 44 Comp. Gen. 1-49 (1964), *Payson* v. *Franke*, 282 F. 2d 851 (D.C. Cir. 1960)). The act of September 20, 1968, Public Law 90-502, 82 Stat. 852, amended 10 U.S.C. 6388 to correct this situation for officers discharged under similar circumstances after the effective date of the amendatory act. However, officers who were discharged prior to the enactment of the act of September 20, 1968, supra, do not have the advantages of that act.

"The Department of the Navy in its report observed that other former officers in situations similar to that of Lieutenant Scanlon have received relief through private legislation. The Navy report lists a number of private laws. The report also noted that general legislation has been proposed to correct the inequity illustrated by Lieutenant Scanlon's case where the law fails to provide for recognition of commissioned service by certain Supply Corps officers who previously served as line officers.

"The committee notes that a similar situation existed at the time it took favorable actions on the bills granting relief in the similar cases referred to by the Navy. It appears that as observed by the Navy, this situation should be corrected by public law, however, in the absence of such a law, Lieutenant Scanlon's only recourse was to appeal to the Congress for relief as provided in this bill. The committee has concluded that it is inequitable to deny this officer credit for his commissioned service as a line officer. In view of this fact and in view of the position of the Department of the Navy that it has no objection to relief in this instance, it is recommended that the bill be considered favorably."

In agreement with the views of the House the committee recommends the bill favorably.

JAMES M. BUSTER

The bill (H.R. 4983) for the relief of James M. Buster was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1459), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve James M. Buster, of Arlington, Va., of liability to repay $396.51 for overpayment of compensation paid him during 1967 as an employee of the U.S. Government Printing Office in Washington, D.C.

STATEMENT

The facts of the case as contained in House Report No. 91-1071 are as follows:

"The Comptroller General of the United States in his report to the committee on the bill indicated that the General Accounting Office would interpose no objection to private relief with the amendment recommended by the committee correcting the amount shown in the bill.

"As is noted in the report of the Comptroller General, the Government Printing Office, established a promotion plan for linotype machinist helpers, effective May 14, 1950, which provided that, for the first year, the helpers would receive wages equal to the prevailing skilled labor rate. Mr. Buster entered this plan on May 21, 1967, and agreed to accept an hourly pay rate of $2.06, plus a 15-percent night rate differential.

"On July 1, 1967, the plan was modified to provide that, for the first 6 months, apprentices and trainees would receive wages equal to 50 percent of the lowest paid GPO craft rate. This modification increased Mr. Buster's hourly rate to $2.09.

"The modified plan of July 1, 1967, also provided that the wages of trainees would be increased to 55 percent of the assigned craft rate after the trainee completed 6 months of the program. Although Mr. Buster was not eligible for this increase until November 19, 1967, his wages were erroneously increased on July 16, 1967, to 55 percent of his assigned craft rate, thus increasing his hourly wage to $2.47.

"From July 16 through November 18, 1967, the gross wages received by Mr. Buster, including night rate differential and overtime pay, amounted to $2,724.27. The GPO subsequently discovered the premature pay increase and computed the overpayment to be $422.07. The GPO then took action to collect this amount from Mr. Buster.

"The General Accounting Office review disclosed that in computing the overpayment the GPO used an hourly rate of $2.09 as the amount that should have been paid to Mr. Buster. This amount was in error because it did not take into consideration two pay adjustments which were made to the lowest paid GPO craft. Under the provisions of the modified plan of July 1, 1967, Mr. Buster was entitled to 50 percent of these pay adjustments. Therefore, the GPO should have used hourly rates of $2.13 and $2.18, effective October 4 and November 7, 1967, respectively, instead of the $2.09 used to determine the amount that should have been paid. The overpayment, recomputed on the basis of the adjusted pay rates, is $396.51.

"The Committee has carefully considered this bill in light of the recommendations of the General Accounting Office. Its review of Mr. Buster's case disclosed that there were no indications of fraud, misrepresentation, fault, or bad faith on the part of the employee in connection with the erroneous payments. The General Accounting Office further found that the erroneous payments made in Mr. Buster's case are of a type as to which the Comptroller General could have granted relief under Public Law 90—616 if that act were applicable to employees in the legislative branch of the Government. The problem is that that law does not presently apply to employees of the legislative branch, such as Mr. Buster. Accordingly, he can only obtain relief by private legislation. For these reasons, the General Accounting Office interposes no objection to the enactment of private legislation in his behalf. The committee agrees that legislative relief is merited in this situation and recommends that the amended bill be considered favorably."

In agreement with the views of the House, the committee recommends the bill favorably.

SAMUEL R. STEPHENSON

The bill (H.R. 10704) for the relief of Samuel R. Stephenson was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1460), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Samuel R. Stephenson, of Bessemer, Ala., of liability to the United States in the amount of $447.59 for overpayments of pay and allowances by the Department of the Air Force during the period from June 19, 1962, to April 30, 1968, as a result of administrative error. The bill would authorize the repayment of any amounts paid or withheld because of that liability.

STATEMENT

The facts of the case as contained in House Report No. 91-1232 are as follows:

"The Department of the Air Force in its report to the committee on the bill has stated that it has no objection to its enactment. Mr. Stephenson enlisted in the Air Force at Atlanta, Ga., on February 1, 1961. He was discharged from this enlistment on April 30, 1964, at Minot Air Force Base, N. Dak. He reenlisted in the Air Force for 4 years on May 1, 1964. He completed this enlistment and was discharged at Randolph Air Force Base, Tex., on April 30, 1968.

"Following his discharge, the Air Force Accounting and Finance Center made an audit of Mr. Stephenson's pay account covering the period of his active duty. This audit showed—

" '(*a*) After returning to duty from leave, which ended on June 19, 1962, he continued to receive payment for leave rations (subsistence allowance) through June 28, 1962, while he was being subsisted by the United States. This resulted in an overpayment of $10.83. (Payment of subsistence allowance under these circumstances is contrary to 37 U.S.C. 402(b).)

" '(*b*) He was erroneously granted a longevity pay increase on January 1, 1964, 1 month before he completed 3 years' service and before he was entitled to the rate of pay authorized for a member who has over 3 years' service, resulting in an overpayment of $10.

" '(*c*) When he was discharged on April 30, 1964, he received a payment of $66.25. This payment, identified as payment for basic allowance for quarters in connection with accrued leave, was not authorized since he was not entitled to payment for accrued leave. This resulted in an overpayment of $66.25.

" '(*d*) When he was discharged on April 30, 1964, he immediately reenlisted in the Air Force. He was paid a mileage allowance of $111.30 for travel from Minot Air Force Base, N. Dak., where he was discharged, to Bessemer, Ala., his home of record. This payment was contrary to the joint travel regulations which prohibit payment of mileage allowance to members discharged for the express purpose of reenlisting in the same uniformed service.

" '(*e*) He reenlisted in the Air Force on May 1, 1964, for 4 years and was paid a reenlistment bonus of $704.91. He was entiteld to a reenlistment bonus of $620 since on date of discharge he was being paid at the rate of $155 a month and under the law (37 U.S.C. 308(a)) the bonus is computed by multiplying base pay on date of discharge by the number of years specified in the reenlistment contract. This resulted in an overpayment of $84.91.

" '(*f*) During a period of hospitalization (April 8, 1968, until April 16, 1968), he was furnished meals and was paid basic allowance for subsistence totaling $10.56. Payment of this allowance while he was being subsisted by the United States is contrary to 37 U.S.C. 402(b).

" '(*g*) Upon discharge at Randolph Air Force Base, Tex., on April 30, 1968, he was paid $94.38 mileage allowance for travel to Minot Air Force Base, N. Dak., a distance of 1,573 miles, at the rate of 6 cents a mile. However, under the joint travel regulations he was entitled to mileage allowance totaling $51.72 for travel to his home of record, Bessemer, Ala., or place of original enlistment, Atlanta, Ga., a distance of 862 miles from Randolph Air Force Base. This resulted in an overpayment of $42.66.'

"After the introduction of this bill and, in the course of preparing its report to the committee, the Air Force made a reaudit of Mr. Stephenson's pay account. This audit showed that during his tour of duty from February 1, 1961, through April 30, 1964, he earned 97 days of leave. However, during this period he used 109 days of leave which was 12 days more than he had earned. A new leave record which was prepared following his discharge and reenlistment on May 1, 1964, did not carry forward the record of this excess leave and consequently he did not repay it. This leave was computed at $111.08 thus increasing his total indebtedness to $447.59.

"In concluding that it had no objection to enactment of the bill the Air Force found that there was no indication of a lack of good faith on Mr. Stephenson's part. It further found that the overpayment resulted from administrative errors. In this connection the Air Force stated:

" 'Mr. Stephenson's indebtedness resulted from administrative errors. There is no indication of lack of good faith on his part or on the part of Air Force personnel. In view of the circumstances the Department of the Air Force would have no objection to enactment of H.R. 10704.'

"The committee finds that the facts and circumstances of this case are such that legislative relief should be extended to Mr. Stephenson. Additional information concerning this liability asserted after discharge in this way has imposed a difficult and unfair burden on this former enlisted man. After his discharge in 1968, Mr. Stephenson was employed as an apprentice carpenter. Presently he is employed as a laborer by the United States Steel Co.

"The Air Force has found that this individual in good faith received the amounts which were subsequently disallowed. Under these particular circumstances the most equitable resolution of the matter is to grant the relief provided in this bill. Accordingly, it is recommended that the bill, amended to provide relief in the amount of $447.59, as recommended by the Air Force, be favorably considered."

In agreement with the views of the House, the committee recommends the bill favorably.

MAURICE MARCHBANKS

The Senate proceeded to consider the bill (S. 3885) for the relief of Maurice Marchbanks, which had been reported from the Committee on the Judiciary with amendments.

On page 1, after line 2, strike out "That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maurice Marchbanks the sum of $667.20 in full settlement of all his claims against the United States for the amount he paid in special expenses incurred in a "That Maurice Marchbanks is relieved of all liability to repay to the United States the sum of $667.20, the amount he was reimbursed by the United States in special expenses incurred in a "; on page 2, line 3, after the word "reimburse.", insert "In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full shall be given for the respective amounts for which liability is relieved by this Act."; after line 6, insert a new section, as follows:

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maurice Marchbanks, the sum of any amounts received or withheld from him with respect to the indebtedness for which liability is relieved by this Act.

At the beginning of line 12, change the section number from "2" to "3"; and at the beginning of line 13, strike out the word "first" and insert "second"; so as to make the bill read:

That Maurice Marchbanks is relieved of all liability to repay to the United States the sum of $667.20, the amount he was reimbursed by the United States in special expenses incurred in a move from the State of Texas to the State of Arizona for the purpose of employment with the U.S. Forest Service which expenses the U.S. Forest Service specifically promised to pay and/or reimburse. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the respective amounts for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maurice Marchbanks, the sum of any amounts received or withheld from him with respect to the indebtedness for which liability is relieved by this Act.

SEC. 3. No part of the amount appropriated in the second section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1455), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF AMENDMENTS

The purpose of the amendments is to carry out recommendations of the Department of Agriculture.

PURPOSE

The purpose of the bill as amended is to authorize and direct the Secretary of the Treasury to pay Mr. Maurice Marchbanks $667.20 in full settlement of his claims against the United States relative to reimbursement promised by the Forest Service for expenses incurred in a move from Texas to Arizona for employment with the Forest Service.

STATEMENT

The bill as amended bears a favorable recommendation of the Department of Agriculture.

The facts of the case as contained in the departmental report are as follows:

"Since the Forest Service did, in fact, erroneously advise Mr. Marchbanks in writing that travel and moving costs involved in reporting to his first duty station would be reimbursed and since Mr. Marchbanks bases his acceptance of the offer of employment on this fact—this Department recommends that S. 3885 be enacted if amended as hereinafter set out.

"The Heber Civilian Conservation Center is located near Heber, Ariz., and is operated under the supervision of the Forest Service in this Department. In the spring of 1967 there was need to fill a position of education and guidance officer, GS–12, at the Center. Candidates were sought and through administrative oversight erroneously advised that certain travel and transportation expenses to their first duty station would be paid by the Government. Mr. Maurice Marchbanks of Canadian, Tex., indicated an interest in the position.

"During the discussion that followed, it was determined that Mr. Marchbanks did not at that time meet the civil service requirements for initial employment at the GS–1710–12 level. He was selected for a GS–1710–11, principal teacher position for which he was qualified. He was again erroneously advised that the Government would bear the cost of travel and transportation expenses. Mr. Marchbanks has stated that he based his final determination to accept the offered position on these offers. Mr. Marchbanks is still employed by the Forest Service.

"Mr. Marchbanks was actually reimbursed the cost of travel and moving expenses in the amount of $667.20. The erroneous payment was discovered in a subsequent review of payments. Upon our request for repayment, Mr. Marchbanks asked that the case be presented to the Comptroller General of the United States requesting that collection action be waived. The Comptroller General denied the request, and also declined to recommend to the Congress that the claim be considered under the act of April 10, 1928 (31 U.S.C. 236). Pending resolution of measures for the relief of Mr. Marchbanks, we do not plan to instigate repayment procedures in this case. Therefore, we recommend that S. 3885 be amended to provide for relief from the repayment liability instead of payment to Mr. Marchbanks, and to make other technical amendments."

In agreement with the views of the Department, the committee recommends the bill favorably as amended.

BILL PASSED OVER

The bill (S. 4583) to authorize Secret Service protection of visiting heads of foreign states or governments, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

DEFINITION OF "METAL-BEARING ORES"

The bill (H.R. 6049) to amend the definition of "metal bearing ores" in the Tariff Schedules of the United States was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1465), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 6049 as reported by your committee is to amend the definition of the term "metal-bearing ores" in the Tariff Schedules of the United States in order that imports of manganese ores which have been roasted and sintered will be classified as manganese ore under item 601.27 of the tariff schedules.

GENERAL STATEMENT

Under headnote 2 of schedule 6 of the Tariff Schedules of the United States, only managanese ore which is crude or which has been concentrated by crushing, floatation, washing, or by other physical or mechanical separation not involving chemical change is considered to be a metal bearing ore. Such manganese ores and concentrates are dutiable under item 601.27 of the Tariff Schedules and are temporarily free of duty.

The committee has been informed by the Treasury Department that imports of manganese ore which has been concentrated by roasting or sintering (generally involving chemical change) are considered to be dutiable as "other metal bearing *materials*" under item 603.70 of the tariff schedules at the rate of duty of 10 percent ad valorem.

Ores of iron, lead, copper, and zinc which have been concentrated by roasting or sintering are defined and are dutiable as "metal bearing ores." Thus, the bill would provide for the same type of tariff treatment for manganese ores which have been concentrated by roasting or sintering as now is provided for such imported ores of iron, lead, copper, and zinc.

Enactment of H.R. 6049 would make clear that imports of roasted or sintered manganese ores should no longer be classified under tariff item 603.70 at 10 percent ad valorem, but under tariff item 601.27. The rate of duty provided for under item 601.27 is 0.17 cents per pound of manganese content which is scheduled to be reduced further to 0.12 cents per pound on January 1, 1972, as a result of the Kennedy round. As indicated above, however, the duty on imports of manganese ore under tariff item 601.27 is temporarily suspended.

There is little domestic production of manganese ore and imports account for over 95 perceent of total new supply in this country. At this time, imports of roasted or sintered manganese ore are believed to be very small. It is understood that deposits of manganese carbonate ore which requires roasting or sintering are being developed in Mexico. These deposits provide the primary basis for the current concern with the dutiable status of roasted or sintered manganese ore.

The committee received favorable reports from the Departments of Interior, Commerce, Labor, Treasury, and State. An informative report was received from the U.S. Tariff Commission. No objection to the bill was brought to the attention of the committee.

FREE ENTRY OF PEAL OF EIGHT BELLS AND FITTINGS FOR USE OF SMITH COLLEGE, NORTHAMPTON, MASS.

The bill (H.R. 6854) to provide for the free entry of a peal of eight bells and fittings for use of Smith College, Northampton, Mass., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1466), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 6854 is to provide for the duty-free entry of a peal of eight bells and fittings for the use of Smith College, Northampton, Mass.

GENERAL STATEMENT

H.R. 6854 would authorize and direct the Secretary of the Treasury to admit free of duty a peal of eight bells and fittings for the use of Smith College, Northampton, Mass. The bill further provides that if liquidation of the entry has become final, such entry shall be reliquidated and the appropriate refund of duty made.

The committee is informed that the peal of eight bells for the use of Smith College was entered and was subject to a duty of 9 percent ad valorem under item 725.34 of the tariff schedules. The committee is also informed that the peal of eight bells desired by Smith College was not available from domestic producers. In favorably considering similar bills in the past, the committee has been informed by appropriate agencies of Government, including the Tariff Commission, that such bells are not produced in the United States.

AMENDING THE TARIFF SCHEDULES FOR REIMPORTATION

The bill (H.R. 9183) to amend Tariff Schedules of the United States to provide that imported articles which are exported and thereafter reimported to the United States for failure to meet sample or specifications shall, in certain instances, be entered free of duty upon such reimportation was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1467), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 9183, is to provide that imported articles on which the duty has been paid and which are subsequently exported, but reimported for failure to meet sample of specifications abroad shall be accorded duty-free treatment in certain instances.

GENERAL STATEMENT

Insofar as articles exported and returned are concerned the Tariff Schedules of the United States provide that in the absence of a specific provision to the contrary, the tariff status of an article is not affected by the fact it was previously imported into the customs territory of the United States and cleared through customs whether or not duty was paid upon such previous importation.

There is no specific provision for imported articles, on which duties have been paid, which are subsequently exported, and returned to the United States due to failure of the articles to meet sample or specifications in the foreign country. The committee was informed that in at least one instance a shipment of articles was imported and the normal duty was paid. Thereafter the articles were sold and exported to a customer in a foreign country, who subsequently rejected them for the reason that they did not conform to specification. Upon return to the United States, the articles were again subject to duty under U.S. tariff law. The committee is of the opinion that the law should be changed, as proposed in H.R. 9183, to prevent a recurrence of double liability for duty payment on imported articles under similar circumstances.

For this purpose, the bill would insert a new duty-free tariff classification provision, item 801.10, in schedule 8 of the Tariff Schedules of the United States. This provision would permit duty-free entry for articles, previously imported, with respect to which the duty was paid upon such previous importation, under certain conditions. Such articles could be entered free of duty if: (1) exported within 3 years after the date of such previous importation; (2) reimported without having been advanced in value or improved in condition by any process of manufacture or other means while abroad; (3) reimported for the reason that such articles do not conform to sample or specifications, and (4) reimported by or for the account of persons who imported them into and exported them from, the United States.

With respect to condition (2) above, the bill as originally introduced would not have permitted the duty-free treatment if the articles had been advanced in value or improved in condition "at any time after such previous importation and before reimportation." At the suggestion of the Department of Commerce, the committee amended the bill so as to disallow duty-free treatment if the articles were advanced in value or improved in condition "while abroad." This would permit such duty-free treatment if advancement in value of improvement in condition of the articles takes place in the United States prior to exportation of the articles.

The committee also provided with respect to the effective date that the new provision would apply only to articles imported after the date of enactment which had not been previously imported before such date.

Favorable reports on H.R. 9183 were received from the Departments of Commerce, State, Treasury, Labor, and Agriculture, and the Office of Special Representative for Trade Negotiations. An informative report was received from the U.S. Tariff Commission.

BILL PASSED OVER

The bill (H.R. 10517) to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

AGRICULTURAL CREDIT INSURANCE FUND LOANS

The bill (H.R. 15979) to provide that the interest on certain insured loans sold out of the Agricultural Credit Insurance Fund shall be included in gross income was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1469), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

I. SUMMARY

The Consolidated Farmers Home Administration Act of 1961 authorizes the Farmers Home Administration to make loans both to local governmental units and to private bodies for such purposes as conservation, land use, water, etc., and to resell this debt to private parties as federally insured loans. The Internal Revenue Service has ruled that in those cases where the security originates with a local governmental unit the interest or other income paid on it continues to be exempt from Federal tax even after it is resold as a loan insured by the Federal Government. Because the Federal Government has concluded that the exemption of interest on these loans is costly and has inequitable results, it in recent years has been reluctant to make and then resell these loans on an insured basis to provide credit assistance to local governmental units. H.R. 15979 overcomes this problem by providing (in an amendment to the Consolidated Farmers Home Administration Act) that interest or other income paid to an insured holder on an insured loan sold out of the Agricultural Credit Insurance Fund is for income tax purposes to be included in gross income of the recipient of the interest. This is to be effective with respect to sales of insured loans by the Federal Government after the date of enactment of this bill.

This bill is favored by the Treasury Department and the Department of Agriculture.

II. GENERAL STATEMENT

Under present law (sec. 306(a)(1) of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1926(a)(1))), the Secretary of Agriculture is authorized to make conservation, land use, water, waste disposal, and recreational loans both to governmental units and to private bodies. These loans may be made either directly to the governmental unit or private body or may be made by providing insurance for these loans. Where the insured approach is used, the Farmers Home Administration makes a loan to the unit or body and receives in return a note or bond bearing an interest rate which by law cannot exceed 5 per centum. The FHA then resells the note to private lenders, insuring the bond's principal and interest, and pays out of its own funds the cost of any differential between the interest rate at which the insured securities are sold and the 5 per centum or lower interest rate specified by the securities which were acquired by FHA.

Direct lending, of course, has an immediate impact, to the full extent of the loan, on Federal budget outlays. Therefore, the volume of loans which could be made directly under the Consolidated Farmers Home Administration Act has been limited. At one time FHA supplemented these direct loans by reselling packages of these loans on an insured basis to private institutional investors. However, it has been held by the Internal Revenue Service that bonds of local governmental units which are acquired by the Farmers Home Administration and then resold on an insured basis continue to be tax exempt in the hand of the lender (Rev. Rul. 58–452). The result of this has been that in recent years FHA has greatly curtailed its program of insuring and reselling loans to local governmental units. This action was taken because the Federal Government concluded that federally guaranteed tax-exempt obligations involve a needlessly costly and inequitable method of financing. Studies by the Treasury Department and the Bureau of the Budget have indicated that it is costly to the Federal Government to use federally insured tax-exempt obligations to finance loans to local governmental units. The studies indicate that while the tax exemption makes it possible to resell the insured loans at a lower interest rate than would otherwise be possible, the loss of tax revenue resulting from the exemption more than offsets the benefits of the lower interest payments.

Additionally, it was concluded that the sale of bonds which are both tax exempt and insured by the Federal Government would give these bonds a competitive advantage over both State and local securities which are tax exempt but not federally insured, and also Federal securities which are subject to Federal income tax. As a result, the sale of such bonds could well have increased interest rates on other bonds, particularly those issued by States and localities and hampered their ability to finance other vital public needs.

H.R. 15979 eliminates these problems by providing that interest on federally insured loans sold out of the Agricultural Credit Insurance Fund after the date of enactment of the bill is for tax purposes to be included in the gross income of the holder of the debt. The interest on these loans is to be taxable for the following reasons. First, the purchase of the bond from the FHA is viewed to be the equivalent of a contract between the FHA and the bond purchaser to report the interest for Federal income tax purposes. Second, the interest on these loans is interest paid by a Federal agency and not by a State or local governmental unit (even though a portion of the interest payment is, in effect, reimbursed by interest received by the agency on tax-exempt municipal bonds). In view of these factors this does not represent a precedent for the Federal taxation of interest on State or local bonds.

The effect of this action is to make it practical to use federally insured loans to finance credit assistance to local governmental units for the purposes specified in the Consolidated Farmers Home Administration Act. This will be beneficial to the local governments since it should increase substantially the volume of these local governmental loans which the Federal Government will be able to acquire and to resell on an insured basis. At the same time the bill also will reduce the need for appropriations for direct Federal loans for the purposes specified in the Consolidated Farmers Home Administration Act since greater dependence can be placed on loans which are resold to prviate holders on an insured basis.

The proposed legislation will not increase interest rates to the local communities involved in the federally insured loans since these communities can continue to obtain loans at present low interest rates of not over 5 percent, which are below the current market rates on good quality, long-term, tax-exempt bonds. Moreover, the bill does not in any way interfere with the right of local governments to issue tax-exempt obligations.

BILL PASSED OVER

The bill (H.R. 16506), to amend the Internal Revenue Code of 1954 to clarify the applicability of the exemption from income taxation of cemetery corporations, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

SUSPENSION OF DUTY ON ELECTRODES FOR USE IN PRODUCING ALUMINUM

The bill (H.R. 16940) to extend until December 31, 1972, the suspension of duty on electrodes for use in producing aluminum was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1471), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of H.R. 16940 is to continue until the close of December 31, 1972, the suspension of duties on electrodes imported for use in producing aluminum.

GENERAL STATEMENT

Under the permanent provisions of the Tariff Schedules of the United States, electrodes of the kind covered by the bill are currently dutiable under item 517.61 at 8½ percent ad valorem, the third stage of a five-stage reduction from 12½ to 6 percent ad valorem agreed to in the Kennedy round. However, the duty on electrodes imported for use in producing aluminum was suspended from October 7, 1965, under Public Law 89–241, until July 15, 1966, was further suspended by Public Law 89–434 until July 15, 1968; to July 15, 1969, by Public Law 90–571; and to the close of December 31, 1970 by Public Law 91–26.

The committee is informed that the electrodes of the type covered by the bill usually are manufactured by aluminum companies themselves at the site where they are to be used in the electrolysis of alumina into aluminum. These electrodes generally of carbon or graphite are consumed in great quantities in the electrolysis process. A number of small aluminum plants have been importing electrodes due to an insufficient volume of aluminum production to permit efficient manufacture of electrodes at their plants, and due to the difficulty of purchasing such electrodes commercially from domestic producers.

The committee has received no information which would indicate opposition to the legislation, and the executive department had no objection to its enactment.

The committee believes that an extension of the suspension of duty on electrodes imported for use in producing aluminum for a 2-year period as provided in H.R. 16940 is warranted.

REMOVAL OF PROHIBITIONS AGAINST IMPORTING, TRANSPORTING, AND MAILING ARTICLES FOR PREVENTING CONCEPTION

The Senate proceeded to consider the bill (H.R. 4605) to amend the Tariff Act of 1930 and the United States Code to remove the prohibitions against importing, transporting, and mailing in the United States mails, articles for preventing conception, which had been reported from the Committee on Finance with amendments on page 2, after line 7, strike out:

Sec. 5. (a) Section 4001 of title 39 of the United States Code, relating to nonmailable matter, is amended by adding at the end thereof the following new subsection:

"(d) (1) Every article or thing which is unsolicited by the addressee and which is designed, adapted, or intended for preventing conception (except unsolicited samples thereof mailed to a manufacturer thereof, a dealer therein, a licensed physician or surgeon, or a nurse, pharmacist, druggist, hospital, or clinic) is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postmaster General directs.

"(2) Every advertisement of any article or thing which is designed, adapted, or intended for preventing conception is nonmailable, matter, shall not be carried or delivered by mail, and shall be disposed of as the Postmaster General directs if the advertisement is unsolicited, unless the advertisement—

"(A) is mailed to a manufacturer of such articles or things, a dealer therein, a licensed physician or surgeon, or a nurse, pharmacist, druggist, hospital, or clinic; or

"(B) accompanies in the same parcel any such article or thing mailed under conditions permitted under paragraph (1) of this subsection.

An advertisement shall not be deemed to be unsolicited for the purposes of this paragraph if it is contained in a publication for which the addressee has paid or promised to pay a consideration or which he has otherwise indicated he desires to receive."

(b) The eighth paragraph of section 1461 of title 18 of the United States Code is amended by inserting "or section 4001(d) of title 39" after "this section".

Sec. 6. The amendments made by this Act shall take effect on the day after the date of the enactment of this Act.

And, in lieu thereof, insert:

Sec. 5. (a) Section 4001 of title 39 of the United States Code, relating to nonmailable matter, is amended by adding at the end thereof the following new subsection:

"(d) (1) Any matter which is unsolicited by the addressee and which is designed, adapted, or intended for preventing conception (except unsolicited samples thereof mailed to a manufacturer thereof, a dealer therein, a licensed physician or surgeon, or a nurse, pharmacist, druggist, hospital, or clinic) is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postmaster General directs.

"(2) Any unsolicited advertisement of matter which is designed, adapted, or intended for preventing conception is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postmaster General directs unless the advertisement—

"(A) is mailed to a manufacturer of such matter, a dealer therein, a licensed physician or surgeon, or a nurse, pharmacist, druggist, hospital, or clinic; or

"(B) accompanies in the same parcel any unsolicited sample excepted by paragraph (1) of this subsection.

An advertisement shall not be deemed to be unsolicited for the purposes of this paragraph if it is contained in a publication for which the addressee has paid or promised to pay a consideration or which he has otherwise indicated he desires to receive."

(b) The eighth paragraph of section 1461 of title 18 of the United States Code is amended by inserting "or section 4001(d) of title 39" after "this section".

On page 4, after line 21, insert a new section as follows:

Sec. 6. Effective on the date that the Board of Governors of the United States Postal Service establishes as the effective date for section 3001 of title 39 of the United States Code, as enacted by the Postal Reorganization Act—

(1) such section 3001 is amended—

(A) by redesignating subsection (e) as (f); and

(B) by inserting after subsection (d) the following new subsection:

"(e) (1) Any matter which is unsolicited by the addressee and which is designed, adapted, or intended for preventing conception (except unsolicited samples thereof mailed to a manufacturer thereof, a dealer therein, a licensed physician or surgeon, or a nurse, pharmacist, druggist, hospital, or clinic) is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs.

"(2) Any unsolicited advertisement of matter which is designed, adapted, or intended for preventing conception is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs unless the advertisement—

"(A) is mailed to a manufacturer of such matter, a dealer therein, a licensed physician or surgeon, or a nurse, pharmacist, druggist, hospital, or clinic; or

"(B) accompanies in the same parcel any unsolicited sample excepted by paragraph (1) of this subsection. An advertisement shall not be deemed to be unsolicited for the purposes of this paragraph if it is contained in a publication for which the addressee has paid or promised to pay a consideration or which he has otherwise indicated he desires to receive.";

(2) section 4001(d) of title 18 of the United States Code, as added by section 5(a) of this Act, is repealed; and

(3) the eighth paragraph of section 1461 of title 18 of the United States Code, as amended by section 5(b) of this Act, is amended by striking out "4001(d)" and inserting in lieu thereof "3001(e)".

And on page 6, after line 10, insert a new section, as follows:

Sec. 7. The amendments made by this Act (other than by section 6) shall take effect on the day after the date of the enactment of this Act.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1472), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of H.R. 4605, is to remove the prohibitions against importing, transporting, and mailing in the U.S. mails articles for preventing conception.

GENERAL STATEMENT

Existing statutes completely prohibit the importation, interstate transportation, and mailing of contraceptive materials, or the mailing of advertisement or information concerning how or where such contraceptives may be obtained or how conception may be prevented. H.R. 4605 would amend or repeal these prohibitions for the most part by deleting references to articles "for the prevention of conception," or similar language, from provisions of law which cover articles the importation, transportation or mailing of which has been considered not to be in the public interest.

The first section of H.R. 4605 would amend section 305(a) of the Tariff Act of 1930 which prohibits the importation of "obscene or immoral" articles by removing the prohibition against importing articles for the prevention of conception. Section 2 of the bill would amend section 552 of title 18 of the United States Code by removing the prohibition against U.S. officers aiding in the importation of contraceptive devices and articles.

Sections 3 and 4 of the bill would amend sections 1461 and 1462 of title 18 of the United States Code, respectively, by excluding contraceptive materials from the obscene and crime-inciting materials, the importing, transporting, mailing, and advertising of which are subject to criminal penalties. However, as amended by section 5(b) of the bill, section 1461 of title 18 would be amended so that criminal sections would continue to apply to mailings of advertisements of contraceptive matter which would be considered, under the bill, as nonmailable when the advertising is not solicited by the addressee.

Section 5 of H.R. 4605 would amend section 4001 of title 39 of the United States Code so as to limit the unsolicited mailing of articles for preventing conception to unsolicited samples among certain authorized parties (manufacturers, dealers, and licensed physicians, nurses, pharmacists, druggists, hospitals, and clinics). The bill would continue the prohibition against the mailing of advertisement with regard to articles for preventing conception if unsolicited or if not mailed to a licensed person such as those indicated above. Section 6 makes similar amendments to section 3001 of title 39 (as revised and reenacted by the Postal Reorganization Act) to become effective when such section takes effect under the provisions of the Postal Reorganization Act.

Your committee received favorable reports on H.R. 4605 from the Departments of Health, Education, and Welfare, Commerce, State, Labor, Treasury, and Post Office. Informative reports were received from the U.S. Tariff Commission and the Department of Justice.

RATE OF DUTY ON STETHOSCOPE PARTS

The Senate proceeded to consider the bill (H.R. 7311) to amend item 709.10 of the Tariff Schedules of the United States to provide that the rate of duty on parts of stethoscopes shall be the same as the rate on stethoscopes, which had been reported from the Committee on Finance with an amendment at the top of page 2 srike out:

(c) The rates of duty in rate column numbered 1 for parts of stethoscopes under item 709.10 of the Tariff Schedules of the United States, as amended by subsection (a), shall be treated as not having the status of a statutory provision enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1473), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

EXPLANATION OF COMMITTEE AMENDMENT

The committee added a technical amendment which would delete subsection (c) of the House bill. This subsection was added by the House committee to make clear the tariff concession status on parts of stethoscopes reclassified by the bill, will be treated the same as stethoscopes for purposes of title III of the Trade Expansion Act of 1962. The committee amendment was suggested by the Department of State on the grounds that the reclassification made by the bill would, without any specific provision to this effect, subject parts of stethoscopes to the same staged duty reductions agreed to for stethoscopes in the Kennedy round.

PURPOSE

The purpose of H.R. 7311, as amended, is to provide that the rate of duty on parts of stethoscopes shall be the same as the rate of duty on stethoscopes. Stethoscopes are presently dutiable under tariff schedule item No. 709.10 at 15 percent ad valorem, the second stage of a five-stage duty reduction from 19 percent to 9.5 percent ad valorem pursuant to the Kennedy round of trade negotiations. Parts of stethoscopes are presently classified under item 709.27 at 28.5 percent ad valorem the second stage of a five-stage reduction from 36 percent to 18 percent pursuant to the Kennedy round agreement.

H.R. 7311, as amended, is similar to H.R. 6909 of the 90th Congress, which was unanimously approved by the House on September 30, 1968, but was not acted on by the Senate.

GENERAL STATEMENT

The existing differential between the dutiable status of stethoscopes and parts of stethoscopes was created by the Technical Amendments Act of 1965 under which the rate of duty on stethoscopes of 36 percent was reduced to 19 percent ad valorem in conformity with a U.S. Customs Court decision. However, the same provision was not made for parts of stethoscopes in the act of 1965, and for this reason, parts of stethoscopes have continued to be dutiable at 36 percent ad valorem until the rate was reduced to 32 percent and to 28.5 percent ad valorem subsequently, pursuant to the Kennedy round agreement.

The bill would provide the same rates of duty on parts of stethoscopes as would be applicable to stethoscopes by adding "and parts of stethoscopes" to the item description of item 709.10 of the Tariff Schedules. As a result, parts of stethoscopes will be subject to the same staged duty reductions agreed to for stethoscopes in the Kennedy round, noted above.

In the change in classification made for stethoscopes in the Technical Amendments Act of 1965, import entries of stethoscopes made after August 30, 1963, and on or before the date of enactment of that act were permitted to be liquidated or reliquidated at the lower rate of duty upon a request therefor filed with the customs officer concerned on or before 120 days after enactment. A similar provision for parts of stethoscopes was contained in H.R. 7311 as introduced. Due to the lack of information indicating that a retroactive provision for parts of stethoscopes is warranted and due to the complexities of determining the appropriate rate of duty in a situation such as this in which two separate stagings of duty reductions are involved, your committee deleted this retroactive provision from the bill.

Your committee also amended the bill to provide that the dutiable status of parts of stethoscopes, that is, identical to that of stethoscopes, shall be considered as having been proclaimed by the President pursuant to his trade agreement authority. The purpose of this amendment is to make clear the tariff concession status of parts of stethoscopes in relation to the various provisions of trade agreement law, including the trade adjustment provisions of title III of the Trade Expansion Act of 1962.

Favorable comments on this legislation have been received from the Departments of State, the Treasury, Labor, and Commerce.

EXEMPTING SHRIMP VESSELS FROM DUTY IMPOSED ON REPAIRS MADE AND PARTS AND EQUIPMENT PURCHASED FOR U.S. VESSELS IN FOREIGN COUNTRIES

The Senate proceeded to consider the bill (H.R. 16745) to exempt shrimp vessels from the duty imposed on repairs made to, and repair parts and equipments purchased for, United States vessels in foreign countries, and for other purposes, which had been reported from the Committee on Finance with an amendment on page 1, after the enacting clause, strike out:

That section 3114 of the Revised Statutes of the United States (19 U.S.C. 257) is amended by adding before the semicolon in the first sentence of that section the following: ", except that, in the case of any vessel primarily used for the catching of shrimp, such duty shall apply only with respect to so much of such cost as relates to fish nets and netting".

And in lieu thereof insert:

That section 466 of the Tariff Act of 1930 is amended to read as follows:

"SEC. 466. EQUIPMENT AND REPAIRS OF VESSELS

"(a) The equipments, or any part thereof, including boats, purchased for, or the repair parts or materials to be used, or the expenses of repairs made in a foreign country upon a vessel documented under the laws of the United States to engage in the foreign or coasting trade, or a vessel intended to be employed in such trade, shall, on the first arrival of such vessel in any port of the United States, be liable to entry and the payment of an ad valorem duty of 50 per centum on the cost thereof in such foreign country; and if the owner or master of such vessel shall willfully and knowingly neglect or fail to report, make entry, and pay duties as herein required, such vessel, with her tackle, apparel, and furniture, shall be seized and forfeited. For the purposes of this section, compensation paid to members of the regular crew of such vessel in connection with the installation of any such equipments or any part thereof, or the making of repairs, in a foreign country, shall not be included in the cost of such equipment or part thereof, or of such repairs.

"(b) If the owner or master of such vessel furnishes good and sufficient evidence that—

"(1) such vessel, while in the regular course of her voyage, was compelled, by stress of weather or other casualty, to put into such foreign port and purchase such equipments, or make such repairs, to secure the safety and seaworthiness of the vessel to enable her to reach her port of destination;

"(2) such equipments or parts thereof or repair parts or materials, were manufactured or produced in the United States, and the labor necessary to install such equipments or to make such repairs was performed by residents of the United States, or by members of the regular crew of such vessel; or

"(3) such equipments, or parts thereof, or materials, or labor, were used as dunnage for cargo, or for the packing or showing thereof, or in the erection of temporary bulkheads or other similar devices for the control of bulk cargo, or in the preparation (without permanent repair or alteration) of tanks for the carriage of liquid cargo;

then the Secretary of the Treasury is authorized to remit or refund such duties, and such vessel shall not be liable to forfeiture, and no license or enrollment and license, or renewal of either, shall hereafter be issued to any such vessel until the collector to whom application is made for the same shall be satisfied, from the oath of the owner or master, that all such equipments or parts thereof or materials and repairs made within the year immediately preceding such application have been duly accounted for under the provisions of this section, and the duties accruing thereon duly paid; and if such owner or master shall refuse to take such oath, or take it falsely, the vessel shall be seized and forfeited.

"(c) In the case of any vessel designed and used primarily for purposes other than transporting passengers or property in the foreign or coasting trade which arrives in a port of the United States two years or more after its last departure from a port of the United States, the duties imposed by this section shall apply only with respect to (1) fish nets and netting, and (2) other equipments, and parts thereof, and repair parts and materials purchased, or repairs made, during the first six months after the last departure of such vessel from a port of the United States."

On page 4, line 16, after the word "to", strike out "articles entered" and insert "entries made in connection with arrivals of vessels"; in line 21, after the word "Act,", strike out the entry of any article" and insert "any entry in connection with the arrival of a vessel used primarily for the catching of shrimp—"; and on page 5, after line 7, insert a new section, as follows:

SEC. 3. Effective with respect to entries made in connection with arrivals of vessels on or after the date of the enactment of this Act (or treated under section 2 as made on the day after such date), sections 3114 and 3115 of the Revised Statutes of the United States (19 U.S.C. 257 and 258) are repealed.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to limit, in the case of certain special service vessels, the application of the duties imposed on equipments and repair parts purchased for, and repairs made to, United States vessels in foreign countries."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1474), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE COMMITTEE AMENDMENT

Present law requires the imposition of a 50-percent duty on the value of repairs made on, and equipment purchased for, U.S. vessels engaged in foreign trade, when such repairs or equipment was made or purchased in a foreign country. The House bill would have exempted shrimp vessels from this duty.

The committee agrees with the House as to the desirability of this exemption but feels it should be limited to those instances where the vessel is abroad for extended periods of time and is not in need of repairs when it departs from this country.

In addition, the committee agrees with a recommendation of the Treasury Department that the relief from tariffs provided by this bill should be extended to noncargo carrying "special purpose" vessels.

Accordingly, a committee amendment would limit the duty-free treatment to repairs made after the first 6 months of any voyage in which the vessel operated in international or foreign waters for a period of 2 years or more, and would extend this duty-free treatment to any "special service" vessel that is not used primarily to carry passengers or cargo, and that has operated in international or foreign waters for a period of 2 years or more without returning to the United States during such period.

This amendment is intended to relieve from a 50-percent ad valorem tax on the value of repairs made, and equipment purchased, in foreign countries, those American shrimp and other vessels which must be away from U.S. ports for extended periods of time and which during the course of that time must make normal repairs if they are to remain competitive with their foreign counterparts. The amendment would not adversely affect American shipyards or American labor since these vessels would have to be in foreign or international waters for 2 years or more in order to be relieved from payment of the duty, and could not in any event be repaired in U.S. shipyards during their voyages. Besides shrimp boats, the amendment would apply only to "special service vessels", such as barges, oil drilling vessels, oceanographic vessels, which, like shrimp boats, in the course of their operations, cannot return to U.S. ports to secure the necessary repairs, without great inconvenience.

GENERAL STATEMENT

Under section 3114 of the Revised Statutes of the United States a vessel documented under the laws of the United States to engage in the foreign or coasting trade, or a vessel intended to be employed in such trade, is required to pay an ad valorem duty of 50 percent on the cost of repairs made to, and equipment purchased for, such vessels in a foreign country. Vessels licensed solely for the purpose of engaging in the fisheries may not engage in foreign or coasting trade.

However, if during a fishing voyage a vessel intends to touch and trade in a foreign port, it is required that a permit to touch and trade be obtained prior to departure of the vessel. Under such circumstances, the Department of the Treasury considers that such a vessel is documented to engage in foreign trade within the meaning of section 3114 of the Revised Statutes of the United States during the particular voyage.

The committee is informed that the imposition of the 50-percent duty on the cost of repairs made to, and equipment purchased fishery is particularly onerous.

The U.S. vessels which are engaged in the shrimp fishery off the northeast coast of South America land their catch at any of several South American ports. The catch usually is then transported to the United States as frozen raw headless shrimp. This distant fishery resource has been developed by U.S. companies using U.S. vessels.

It is the practice for shrimp vessels to remain on station for long periods of time (3 to 5 years). During this time, necessary repairs and equipment are obtained in nearby foreign ports, because the long voyage back to the United States would involve a lengthy period of absence from the station on the fishing grounds and comparable loss of income for the owners, operators, and crew of the shrimp vessel. Under these circumstances, one of the purposes of section 3114 of the Revised Statutes of the United States to encourage and support American repair facilities is not being served. At the same time, a penalty is being imposed on operations of U.S. shrimp fishing vessels.

The committee believes that an exemption should be made for U.S. vessels primarily used for the catching of shrimp and other "special service" vessels which also must stay away from U.S. ports for extended periods of time, from the 50-percent ad valorem duty imposed under section 3114 of the Revised Statutes of the United States.

H.R. 16745, as reported, provides for such an exemption but only if such vessels remain away from U.S. ports for a period of 2 years or more. Furthermore, the relief provided by the committee amendment would not apply to repairs made during the first 6 months of any voyage. However, the bill does not exempt a vessel from the liability to make entry on its first arrival in the U.S. port following repairs or purchases made abroad. The committee has been informed that the Bureau of Customs will continue to check the logs of such vessels, as it now inspects the logs of all vessels in such circumstances, to determine equipment purchases or repairs made abroad, and the entrant will have the burden of establishing his right to the exemption with respect to the equipment or repairs in question. Inspection of the ship's log will remain the major deterrent to evasion of this provision of law, and the failure to make a proper declaration will expose violators to criminal and civil penalties.

The committee bill provides that the exemption shall not apply to the cost of fish nets and netting.

Favorable reports on the bill and similar bills pending before the committee were received from the Departments of Interior, Commerce, Labor, State, Treasury, and Transportation. An informative report was received from the U.S. Tariff Commission.

Under the second section H.R. 16745, the amendment to section 3114 of the Revised Statutes is to apply to the arrival of vessels on or after the date of enactment of the bill. In addition, the bill as passed by the House and approved by the Committee would also apply to arrivals of shrimp vessels made after January 1, 1969, and before such date of enactment, subject to appropriate request to the Customs Officer concerned made on or before the 90th day after the date of enactment of the bill for the liquidation or reliquidation of an entry with respect to which there would have been no duty if the first section of H.R. 16745 had been in effect at the time of entry.

PARTIAL EXEMPTION FROM DUTY FOR AIRCRAFT MANUFACTURED OR PRODUCED IN THE UNITED STATES WITH USE OF FOREIGN COMPONENTS IMPORTED UNDER TEMPORARY IMPORTATION BOND

The Senate proceeded to consider the bill (H.R. 17068) to amend the Tariff Schedules of the United States to provide for a partial exemption from duty for aircraft manufactured or produced in the United States with the use of foreign components imported under temporary importation bond, which had been reported from the Committee on Finance with an amendment on page 4, after line 7, insert a new section, as follows:

SEC. 3. (a) Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by redesignating subsections (h), (i), and (j) as (i), (j), and (k), respectively, and by inserting after subsection (g) the following new subsection:

"(h) Upon the exportation of jet aircraft engines that have been overhauled, repaired, rebuilt, or reconditioned in the United States with the use of imported merchandise, including parts, there shall be refunded, upon satisfactory proof that such imported merchandise has been so used, the duties which have been paid thereon, in amounts not less than $100."

(b) The amendments made by subsection (a) shall apply with respect to articles exported on or after the date of the enactment of this Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to amend the Tariff Schedules of the United States to provide for a partial exemption from duty for aircraft manufactured or produced in the United States with the use of foreign components imported under temporary importation bond, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1475), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF COMMITTEE AMENDMENT

The committee amendment would provide that upon the exportation of jet aircraft engines that have been overhauled or rebuilt in the United States with the use of imported merchandise, there shall be refunded the duties which have been paid on the imported merchandise. The amendment is intended to preserve the competitive position of the U.S. aircraft engine overhaul industry. The amendment is prospective and no past refunds are involved.

PURPOSE

The purpose of H.R. 17068, as reported by the committee, is to amend the Tariff Schedules of the United States (TSUS) to provide for a partial exemption from duty thereunder for returned American aircraft which were manufactured in the United States with the use of foreign articles which had been admitted duty free under bond. Under the bill as reported, the returned American aircraft would, in general, be subject to a duty equal to the amount of duty which would have been payable on the foreign articles had they not been entered free of duty under bond.

GENERAL STATEMENT

Under present customs practice articles produced in the United States with the use of foreign articles imported under bond are excluded from entry under the provisions of item 804.00 as "American goods returned." However, articles produced in the United States with the use of foreign articles and exported with the benefit of drawback may be imported under item 804.00 as "American goods returned" upon repayment of the drawback.

The committee is informed that in the manufacture of aircraft in the United States, it is fairly common practice to use some materials from abroad. Export sales of aircraft produced in the United States are significant, and normally, the duty paid on the foreign articles used in the manufacture of such aircraft is subject to the drawback procedure under which 99 percent of the duty is refunded upon export of the completed aircraft. In some instances, foreign articles for aircraft are entered under tariff item 864.05 free of duty under bond. Such temporary duty-free entry arrangement is apparently preferred by some manufacturers since no large amount of capital is committed to duty payment for the period between the original entry of the foreign component and the drawback of the duty upon exportation of the aircraft.

Over the years both provisions, i.e., drawback and temporary importation bond, have been used with respect to eliminating the cost of U.S. duty on foreign articles used in the domestic manufacture of aircraft which are subsequently sold abroad. Competition in the sales of new aircraft in world markets is rising. Your committee is informed that very often the "trade-in" allowance for old aircraft is an important factor in obtaining contracts for sales of new aircraft abroad. Under these circumstances the dutiable status of the old aircraft being "traded in" and returned to the United States also becomes important.

The committee is of the opinion that in view of the growing importance of the "trade-in" of aircraft to sales of aircraft abroad, it is important to provide similar customs treatment to aircraft produced in the United States which are sold abroad and returned whether the drawback or temporary importation bond procedure was used with respect to foreign components. H.R. 17068 would provide such customs treatment for aircraft. It would also make certain technical amendments in the provisions of item 804.00 for the sake of clarity. These changes reflect existing customs practices.

FILING OF CERTAIN MANUFACTURERS CLAIMS FOR FLOOR STOCKS REFUNDS UNDER THE EXCISE TAX REDUCTION ACT

The Senate proceeded to consider the bill (H.R. 17473) to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965, which had been reported from the Committee on Finance with an amendment on page 2, after line 2, insert a new section, as follows:

SEC. 2. Section 231(d)(1) of the Tax Reform Act of 1969 is amended by striking out "July 1, 1970" and inserting in lieu thereof "January 1, 1971".

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HOLLINGS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill, insert the following:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for purposes of the tax imposed by section 2001 of the Internal Revenue Code of 1954 (relating to the estate tax), the value of the taxable estate of Martha W. Brice, who died on November 2, 1969, shall be determined by deducting from the value of the gross estate of the said Martha W. Brice (in addition to any other deductions and exemptions allowed by part IV of subchapter A of chapter II of such Code) an amount equal to any amounts transferred, prior to the time prescribed by law (including any extensions thereof) for the filing of an estate tax return for such estate, from the proceeds of such estate to a charitable use specified by item III of the will of the said Martha W. Brice, executed on July 3, 1969."

Mr. HOLLINGS. Mr. President, I should like to make a brief statement at this point. The substance of this amendment was considered by the Committee on Finance. A letter received by my colleague (Mr. THURMOND) from the Secretary of the Treasury states they have no opposition to the enactment of this bill.

The amendment I have introduced with my colleague Senator THURMOND would enable the University of South Carolina to receive a gift of approximately $5 million, which would be the largest single donation ever to be received by that school. The gift would be made pursuant to the will of Martha W. Brice of Sumter, S.C. who died November 2, 1969. The will, unfortunately, was improperly drawn and due to a technicality in the Federal estate tax regulation the executors of the estate are prohibited from fully carrying out the wishes of the testatrix.

By the language of the will it is clear that the true intent of Martha Brice would be served by the passage of this legislation since her intent was to make a generous donation to the University of South Carolina. This intent is circumvented by section 20.2055–2(b) of the estate tax regulations. I agree that our laws should be fair and be uniformly applied but I also believe our system of government should be flexible so that injustice will not result by stoic adherence to our laws. By this legislation we can prevent a grave inequity from resulting.

Such a gift to an institution of higher learning is always welcomed. This fact is especially true today when educational resources are stretching every dollar to meet current demands. The University of South Carolina is no exception to this unfortunate circumstance. Consequently, by the passage of this amendment we not only prevent an injustice but insure that a substantial gift will be directed for capital needs of a university.

So that there will be full disclosure of the situation, I ask unanimous consent to have printed in the Record a letter dated March 10, 1970, from Lester H. Wallace, chief, estate and gift tax branch of the Internal Revenue Service, to Sigmund W. Stoudenmire, CPA of Sumter, S.C., and the will of Martha W. Brice.

There being no objection, the material was ordered to be printed in the Record, as follows:

Internal Revenue Service,
Washington, D.C., March 10, 1970.

In re Estate of Martha W. Brice.
Mr. Sigmund W. Stoudenmire,
Certified Public Accountant,
Sumter, S.C.

Dear Mr. Stoudenmire: This is in reply to your letter of January 30, 1970, in which you request a Federal estate tax ruling for the above-captioned decedents' estate. Your request concerns the allowance of a charitable deduction under ITEM III of the decedent's will.

Specifically, you ask (1) whether the charitable deduction can exceed $1,000,000.00 in this case and (2) whether the executors must literally "erect" a building or structure in order to satisfy the requirements for any charitable deduction. In order to answer these questions it is necessary to consider the decedent's will in the context of the state law and the Federal estate tax law.

The decedent's will was executed approximately four months prior to her death. ITEM I of her will directs the prompt payment of her debts. In ITEM II of the will the decedent devises and bequeaths "all of the rest, residue and remainder" of the estate to her nephews, Thomas W. Edwards and Philip L. Edwards, "in equal shares and proportions, in fee simple." She provides for the children of the nephews to take shares by representation in the event that either or both of the nephews should predecease the testatrix. ITEM III of the will provides:

> For quite sometime I have desired to provide some suitable memorial in memory of the Williams family and since the death of my husband I now desire to include his name in such memorial. At the present time I am undecided on such memorial and intend in the future to either redraft this Will or make a Codicil thereto, but in the absence of such I direct my two nephews, the beneficiaries of this Will, to erect some suitable building or structure to be known as The Williams-Brice Memorial Building, Wing, Home, or whatever nature the structure might take, and in the absence of any later specific instructions from me, I leave the type and size of such memorial to the discretion of my two nephews, with the direction that the same be for benefit of the Trinity Methodist Church of Sumter, the Epworth Orphange or the University of South Carolina, or divided in any manner between the three.
>
> The cost of said structure or structures shall be paid for out of my estate and I leave to the discretion of my two nephews the amount to be expended for this purpose, but the same shall not be less than the sum of One Million ($1,000,000.00) Dollars.

In Item IV and Item V of the will the decedent provides for her burial and nominates her two nephews as executors.

Section 2055(a) of the Internal Revenue Code of 1954 provides that an estate tax charitable deduction is allowable for "the amount of all bequests, legacies, devises, or transfers" to a trustee if the contribution is to be used by the trustee for charitable purposes. Under this section "the amount" of all bequests, legacies, devises, or transfers includes an interest which falls into any such bequest, legacy, devise, or transfer as a result of an irrevocable disclaimer of a bequest, legacy, devise, transfer or power, if the disclaimer is made before the due date for filing the estate tax return.

It appears from the information you have submitted that a structure or building to be used by either the church, the orphanage, or the university would be considered to be a charitable purpose within the meaning of section 2055(a). The extent of the allowance of the charitable deduction in this case turns on the questions as to (A) what are the duties and powers of the two nephews as trustees and (B) whether any amount in excess of the one million dollar specific bequest can be treated as a disclaimed bequest that will fall into a charitable bequest. Your inquiry about the extent to which the executors may deviate from the direction to erect a building or structure would be answered by a reference to state law. We shall first consider the extent of the allowance of the deduction.

I. ALLOWANCE OF THE CHARITABLE DEDUCTION

A. Fiduciary duties and powers

There is an apparent inconsistency between Item II and Items III and IV of the decedent's will. Item II purports to give the nephews a "fee simple," or unqualified, interest in all of the residue. However, Item III directs the nephews to expend not less than one million dollars out of the estate. Item IV directs the payment of burial expenses. A general rule of will construction is that where two clauses or gifts in a will are inconsistent or irreconcilable, the last prevails. Atkinson, Law of Wills, section 146 (1953). The South Carolina Supreme Court has held that the residuary estate may be made subject to satisfaction of a subsequently described bequest if it is apparent that the testator intended for that bequest to be paid. *Bank of Florence* v. *Gregg,* 24 S. E. 64 (S. C. 1896). Thus, Item III and Item IV may be taken to modify Item II to the extent of the apparent inconsistency.

The net effect of ITEMS II and III is to require the nephews to pay not less than one million dollars to the prescribed charitable use and to give them the choice of diverting the balance of the residuary estate to the charitable use or to their own noncharitable use. Section 20.2055–2(b) of the Estate Tax Regulations states in part:

> If the legatee, devisee, donee, or trustee is empowered to divert the property or fund, in whole or in part, to a use or purpose which would have rendered it, to the extent that it is subject to such power, not deductible had it been directly so bequeathed, devised, or given by the decedent, the deduction will be limited to that portion, if any, of the property or fund which is exempt from an exercise of the power. * * *

This limitation upon the charitable deduction has been applied in several court cases.

The will in *Norris* v. *Commissioner,* 134 F. 2d 796 (7th Cir. 1943), directed the trustees to pay a sum "not exceeding" $5,000.00 to a charitable organization. After payment of the initial $5,000.00 sum the trustees were empowered to pay to other charities such additional available sums as the trustees deemed best. The court disallowed the charitable deduction in *Norris,* holding that the legacy to the named charitable organization was "absolute and mandatory, but for no more than one cent." See also *First Trust Company of St. Paul State Bank* v. *Reynolds,* 137 F. 2d 518 (8th Cir. 1943); and *Mississippi Valley Trust Company* v. *Commissioner,* 72 F. 2d 197 (8th Cir. 1934), cert. den. 293 U.S. 604, rehearing den. 293 U.S. 631. These latter two cases also hold that no charitable deduction is allowable for an interest that is conditioned upon the discretion of an individual.

The charitable bequest in the will of Martha Brice is mandatory, but for no more than one million dollars. Her will "directs" the nephews to erect a building or structure with the qualification that the cost "shall" be paid for out of the estate and that the amount expended "shall not" be less than one million dollars. The nephews have the discretion or power to divert the balance of the residuary estate in excess of one million dollars to their own (nondeductible) use. Thus, under the terms of the instrument only the minimum one million dollar fund is exempt from the nephews' power to divert the residue to a noncharitable use. Even if the nephews, acting as fiduciaries, were to expend sums in excess of one million dollars for the charitable purpose, no estate tax charitable deduction would be allowable for such excess.

* * * * *

Even if the ITEM III gift to charity were treated as a residuary bequest (which it would not be), a disclaimer by the nephews would not enhance the charitable bequest. The disclaimed residuary interest would pass to the children of the nephews (or to the intestate heirs of the decedent if the children also disclaimed). See 57 *Am. Jur.* Wills, section 1573 (1948), which states that generally, a testamentary gift which is renounced by the donee is regarded as a lapsed bequest or devise for purposes of determining the devolution of the property covered thereby with the result that a disclaimed residue will pass under the express provisions for its alternative devolution under the will, or as intestate estate in accordance with the principles of lapsed gifts generally. See also *Torre* v. *Chestnut,* 156 S.E. 906 (S.C. 1931), where a lapsed bequest under a residuary clause was held to become intestate property distributable to heirs and not to pass to other residuary legatees. In *Torre* the South Carolina Supreme Court cited with approval cases from several jurisdictions. These cases held that where a residuary legacy is not to a class, but is to persons by name, the lapse of one of the residuary interests will fall to the intestate heirs rather than to the remaining named residuary legatees. Note that the rejection of a testamentary interest by an intestate heirs is treated as a release and not as a disclaimer. *Hardenbergh* v. *Commissioner,* 198 F. 2d 63 (8th Cir. 1952), cert. den. 344 U.S. 836.

Since the residuary bequest in Martha Brice's will was not simply to a class such as "all of my nephews" but was to designated persons "Thomas W. Edwards and Philip L. Edwards," their interests would not fall to the benefit of any remaining residuary legatees. Thus, even if the charitable bequest could be characterized as a residuary bequest, it would not be enhanced by the failure of any other residuary interests. It follows that a renunciation or disclaimer of the nephews' residuary interest would cause their interest to fall to the children of the nephews, who are provided to take the residue in the event of lapse, or to the intestate heirs of the decedent Martha Brice. Whether a disclaimer caused the residue to pass to the heirs of Martha Brice or to the children of the nephews, charity's interest would not be increased by any disclaimer. Accordingly, the charitable deduction for the estate must be limited to one million dollars.

II. DEVIATION FROM LITERAL DIRECTIONS

Your second question is whether the charitable deduction would be jeopardized by a deviation from the provision in the will that directs the executors to "erect" a building or structure. The charitable deduction for one million dollars would not be disallowed in this case merely because the funds were devoted to paying of an indebtedness on a building, rather than erecting a building. The deduction would be allowable so long as the indebted building is charitable in nature in accord with the decedent's purpose in the will.

In this connection, see *Harter* v. *Johnson*, 115 S. E. 217 (S. C. 1922), where the executors under the will were given discretion to carry out according to their best judgment a provision setting aside the residue for the purpose of establishing, building, and equipping a public hospital. The argument was made that the decedent's objective appeared impractical under the circumstances. The court held that the decedent's charitable intent should nevertheless be fulfilled without the application of *cy pres*. The court had determined that the charitable nature of the bequest was certain and that the trustees had ample power to fulfill the stated purpose. The court noted that other trustees could be appointed in the event that executors should die, refuse to act, or for any other reason fail to execute the trust.

The charitable deduction is allowed in cases such as these in reliance on the mandatory terms in the will which provide the assurance that the state courts will not permit the bequest to pass to noncharitable recipients. Consequently, it is not necessary to predict *which* charitable purpose the fund is ultimately to be applied to, so long as the state court can be expected to restrict the executor to choices that are charitable.

It is important that you attach a copy of this letter to the return to be filed for the estate. An extra copy is enclosed for that purpose.

Very truly yours,

LESTER H. WALLACE,
Chief, Estate and Gift Tax Branch.

WILL OF MARTHA W. BRICE

STATE OF SOUTH CAROLINA,
County of Sumter:

I, Martha W. Brice, of the County and State aforesaid, being of sound and disposing mind and memory, do hereby make, publish and declare this instrument to be and contain my Last Will and Testament, hereby expressly revoking any former Wills heretofore made by me at any time.

ITEM I

I direct that all of my just debts be paid as soon after my decease as may be practicable.

ITEM II

All the rest, residue and remainder of my property, both real and personal, of whatsoever kind and wheresoever situate, I give, devise and bequeath unto my nephews, Thomas W. Edwards and Philip L. Edwards, in equal shares and proportions, in fee simple. Should either the said Thomas W. Edwards or Philip L. Edwards pre-decease me, his child or children shall take and represent his share.

ITEM III

For quite sometime I have desired to provide some suitable memorial in memory of the Williams family and since the death of my husband I now desire to include his name in such memorial. At the present time I am undecided on such memorial and intend in the future to either redraft this Will or make a Codicil thereto, but in the absence of such I direct my two nephews, the beneficiaries of this Will, to erect some suitable building or structure to be known as The Williams-Brice Memorial Building, Wing Home, or whatever nature the structure might take, and in the absence of any later specific instructions from me, I leave the type and size of such memorial to the discretion of my two nephews, with the direction that the same be for the benefit of the Trinity Methodist Church of Sumter, the Epworth Orphanage or the University of South Carolina, or divided in any manner between the three.

The cost of said structure or structures shall be paid for out of my estate and I leave to the discretion of my two nephews the amount to be expended for this purpose, but the same shall not be less than the sum of One Million ($1,000,000.00) Dollars.

ITEM IV

I direct my Executors to erect on my cemetery lot, or on some other suitable lot in Sumter Cemetery, a mausoleum for the interment of myself and my late husband. I desire such mausoleum to be a handsome structure, but I leave the size and cost of same to the discretion of my said Executors.

ITEM V

I hereby nominate, constitute and appoint my two nephews, Thomas W. Edwards and Philip L. Edwards, or the survivor of them, to be Executors of this my Last Will and Testament, without bond, and I hereby give and grant unto them, as such Executors full power and authority to sell, convey and deliver all or any part of my estate, at such times, and from time to time, and at such prices and on such terms as they may deem desirable and for the best interests of my estate.

In witness whereof, I have hereunto set my hand and seal this 3rd day of July, A.D., 1969.

MARTHA W. BRICE.

Signed, sealed, published and declared by the Testatrix, Martha W. Brice, to be and contain her Last Will and Testiment, in our presence, who, in her presence, and in the presence of each other, and at her request, have hereunto subscribed our names as witnesses thereto.

Mr. THURMOND. Mr. President, I am pleased to take this opportunity to urge passage of the pending amendment. It was originally introduced as S. 3854 and approved by the Senate Finance Committee.

This legislation will make it possible for the University of South Carolina to receive a bequest of approximately $5 million, an amount which represents the largest single gift in the history of the school. Mr. President, I cannot overemphasize what this money will mean to this old and respected institution.

Mr. President, this legislative route is necessary because of a technicality in the estate tax law and its application to the will which provides for the generous gift. It is clear from the will of the decedent that she intended to leave a very substantial amount of money to the university, and it is most unfortunate that technicalities have so far prevented this from being accomplished.

It is because this unusual situation, Mr. President, that my distinguished colleague, the junior Senator from South Carolina, and I, have introduced the pending corrective measure.

It is important to note that, although the Treasury Department normally opposes bills of a special nature such as this, they do not oppose our amendment. Treasury has carefully reviewed the facts surrounding this situation, and feels that only by means of special legislation can the true intent of the testator be implemented.

It is our hope that the Senate will adopt our amendment as soon as possible so that final congressional action may be taken before adjournment of the 91st Congress.

Mr. President, I ask unanimous consent that a letter I received from Mr. John S. Nolan, Deputy Assistant Secretary of the Department of the Treasury, dated December 16, 1970, follow these remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., December 16, 1970.

Hon. STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR THURMOND: You have requested a statement of the position of the Treasury Department on S. 3854, a bill for the relief of the estate of Martha W. Brice.

Mrs. Brice died on November 2, 1969, leaving a taxable estate for federal estate tax purposes after payment of debts and administration expenses of approximately $13,800,000. The will provided that not less than $1 million was to be given to three charities, one of which was the University of South Carolina. It appears that at the time of Mrs. Brice's death it was the understanding of her two nephews, who are the other beneficiaries of the estate, that a codicil to the will was anticipated in which a larger charitable gift would have been provided to the University of South Carolina. The gift is to be used for building construction on the campus and a gift of $1 million will not be large enough to provide the facility contemplated. The heirs now propose to substantially increase the charitable gift to the University and seek to treat the larger amount as a charitable contribution deductible for federal estate tax purposes. The bill would in effect allow a deduction for the amount actually distributed from the estate to the University.

This matter was brought up in Executive Session of the Senate Finance Committee on Friday, December 11, 1970. At that time I was unaware of the facts and reported to the Committee that in the absence of more information I opposed the bill on behalf of the Administration. Upon further review of the facts set forth above, particularly the fact that the amount in question will be used solely for charitable or educational purposes in accordance with what appears to have been the actual intent of Mrs. Brice, the Treasury Department has changed its position. The Treasury Department does not oppose the enactment of this bill.

Sincerely yours,

JOHN S. NOLAN,
Deputy Assistant Secretary.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment was agreed to.

Several Senators addressed the Chair.

Mr. THURMOND. Is this amendment agreed to, Mr. President?

The PRESIDING OFFICER (Mr. FULBRIGHT). The amendment is agreed to, and I was just about to say the bill is passed.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. MILLER. Mr. President, I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I am opposed to this amendment. It is clear that it represents nothing more than an attempt to divert tax money—perhaps in excess of $3 million—from the U.S. Government to a particular university. This would be accomplished by permitting the estate of the decedent to claim a charitable deduction of $5 million even though the decedent's will obligates the estate for a charitable gift of $1 million.

In this regard, we should not be deceived by any suggestion that this proposal is designed to correct a technical defect in a decedent's will or to adjust a tax inequity. On the contrary, the will in this case is perfectly clear. It provides for charitable contributions in excess of $1 million but only at the discretion of the executors. And while increasing a charitable gift from $1 to $5 million may look like a worthwhile project, the significant fact with respect to tax equity is that the Internal Revenue Code treats all taxpayers alike in these circumstances and does not permit a charitable deduction based on mere discretion. The proposed amendment seeks to override the statute and, in effect, to appropriate tax moneys due the United States to a favored donee but only in this one case. Other estates would not have an opportunity to make gifts after the decedent's death and receive an estate tax deduction.

The enactment of this proposal would result in a reduction in the amount of the decedent's taxable estate subject to tax by the amount of a charitable contribution not otherwise allowable. Thus, the taxable estate would be reduced by $4 million, and if the estate was subject to the maximum tax rate, then 77 percent of that amount need not be paid in taxes to the Government. It is my understanding that the actual rate is not far from this 77 percent. Consequently, in such a case, something like $3 million would be diverted from the Treasury to a privileged charitable donee. When the Government has such a great need for funds to support needed programs, can we afford such generosity without comparing the need of this institution with other needs before us?

I hope the Senate will vote against this amendment. The worst aspect of it is the precedent it would set for other special legislation.

Mr. MILLER. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MILLER. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER's amendment is as follows:

At the end of the bill add the following new section:

"(a) Section 56 of the Internal Revenue Code of 1954 (relating to imposition of minimum tax for tax preferences) is amended—

"(1) by striking out paragraph (2) of subsection (a) and inserting in lieu thereof the following:

"'(2) the sum of—

"(A) the taxes imposed by this chapter for the taxable year (computed without regard to this part and without regard to the taxes imposed by sections 531 and 541) reduced by the sum of the credits allowable under—

"'(i) section 33 (relating to foreign tax credit),

"'(ii) section 37 (relating to retirement income), and

"'(iii) section 38 (relating to investment credit); and

"'(B) the tax carry backs and carry overs to the taxable years.'; and

"(2) by adding at the end of such section the following new subsection:

"'(c) TAX CARRY BACKS AND CARRY OVERS.—If for any taxable year—

"'(1) the taxes imposed by this chapter (computed without regard to this part and without regard to the taxes imposed by sections 531 and 541) reduced by the sum of the credits allowable under—

"'(A) section 33 (relating to foreign tax credit),

"'(B) section 37 (relating to retirement income), and

"'(C) section 38 (relating to investment credit), exceed

"'(2) the sum of the items of tax preference in excess of $30,000,

then the excess of the taxes described in paragraph (1) over the sum described in paragraph (2) shall be a tax carry back to each of the 3 taxable years preceding such year and a tax carry over to each of the 5 taxable years following such year, except that such excess may not be a carry back to any taxable year ending on or before December 31, 1969. The entire amount of the excess for a taxable year shall be carried to the earliest of the taxable years to which such excess may be carried, and then to each of the other taxable years to the extent that such excess is not used to reduce the amount subject to tax under subsection (a) for a prior taxable year to which excess may be carried.'

"(b) The amendments made by subsection (a) shall apply to taxable years ending after December 31, 1969. In the case of a taxable year beginning in 1969 and ending in 1970, the excess referred to in section 56(c) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall be an amount equal to the excess determined under such section (without regard to the sentence) multiplied by a fraction—

"(1) the numerator of which is the number of days in the taxable year occurring after December 31, 1969, and

"(2) the denominator of which is the number of days in the entire taxable year."

Mr. MILLER. Mr. President, I am authorized to state that this amendment, which is not the one the Senator from Delaware just referred to, has been agreed to by the Finance Committee. Its purpose is to cure a defect which exists in the minimum income tax law which we attached to the Revenue Act of 1969—a defect recognized by all conferees during the conference, but which unfortunately could not be cured, because curative language was not before the conference.

I ask unanimous consent to have printed in the RECORD at this point an illustration of the defect to which I refer.

There being no objection, the illustration was ordered to be printed in the RECORD, as follows:

The defect can be illustrated as follows:

	Year 1	Year 2
Tax preference items (over $30,000)	$100	$200
Income tax	150	100
Minimum tax base	0	100

Under present law, as illustrated above, a taxpayer would receive *no benefit* from the excess of $50 of his tax over tax preferences in year 1. This distorts the theory of the Minimum Income tax, which is calculated to pick up tax lost due to an excess of tax preferences over income tax.

The defect can be substantially cured by permitting a carry over (and carry back in appropriate situations) of the excess of the income tax over tax preferences thus

	Year 1	Year 2
Tax preference items (over $30,000)	$100	$200
Income tax	150	100
Excess of taxes	50	[1] 50
Minimum tax base	0	50

[1] Carried over.

Because of the carry over, the Minimum Tax base in year 2 would be $50 instead of $100, as required by the present law.

Mr. MILLER. Mr. President, the cure for the defect which this amendment provides is to permit a carryback for 3 years and a carryover for 5 years of the excess of the taxes over the tax preferences considered, so that those individuals and businesses which have irregular income from one year to the next will not be discriminated against, as against those businesses and individuals which have a level amount of tax preferences and taxes.

I would be pleased to hear any comments by the distinguished chairman of the committee, who is thoroughly familiar with the amendment.

Mr. LONG. Mr. President, the committee discussed this amendment and agreed that it should be offered on some appropriate bill on the floor, and that the committee would support it. The Senator was the author of the minimum income tax measure which the Senate passed as an amendment to the tax reform bill last year; and in the Senate-House conference committee, the Senator himself pointed out that his own amendment should be amended so that if a person paid a very high tax in one year and had been subject to the minimum income tax the following year, because his circumstances were such that he had paid a great tax in one year and owed very little the next, that he should have the advantage of averaging for the purposes of a minimum income tax.

The conferees agreed that that was right, but they felt it would have to be done later, because it was not in conference between the Senate and the House of Representatives. It is my understanding that the distinguished chairman of the House Ways and Means Committee understands the problem, and he agrees, I believe, that this matter should be corrected.

Mr. MILLER. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965, and for other purposes."

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 1482, H.R. 16506.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCOME TAX EXEMPTION OF CEMETERY CORPORATIONS

The bill (H.R. 16506) to amend the Internal Revenue Code of 1954 to clarify the applicability of the exemption from income taxation of cemetery corporations was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1470), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

I. SUMMARY

H.R. 16506 would extend the tax-exempt status presently granted under the Internal Revenue Code to cemetery corporations which are chartered for burial purposes to cemetery corporations which operate a crematorium, either alone or in conjunction with their burial activities.

The Treasury Department has indicated that it has no objection to the enactment of this bill.

II. GENERAL STATEMENT

Reasons for the bill.—Present law provides tax-exempt status to a cemetery corporation which is chartered solely for burial purposes if it is not permitted by its charter to engage in any business not necessarily incident to its burial purpose and if no part of the earnings of the corporation benefits any private individual.

The Internal Revenue Service in 1969 ruled that the operation of a crematorium was not necessarily incident to a burial purpose and thus caused an exempt cemetery corporation operating a crematorium to lose its tax-exempt status.

The committee agrees with the House that the operation of a crematorium is of the same nature as the activity which an exempt cemetery corporation presently is permitted to carry on. In other words, human bodies may be disposed of either by burial or by cremation; these are merely alternative forms of accomplishing the same purpose. It is not appropriate for the exempt status of a cemetery corporation to depend upon which of these methods of disposing of bodies it utilizes. A cemetery corporation which operates a crematorium, either as its only activity or in conjunction with its burial purposes, should be permitted to qualify for tax-exempt status if it otherwise satisfies the requirements for exemption.

In 1964, the Internal Revenue Service ruled that the establishment and operation of a mortuary be an exempt cemetery corporation was not a business necessarily incident to the burial purposes for which it was organized and thus would cause the corporation to lose its tax exemption. The committee, by the action taken in this bill, intends no implications as to the tax status of cemetery companies operating mortuaries. In addition, by the action taken in this bill, the committee does not intend to affect, either favorably or adversely, the status under existing law of any other activities carried on by cemeteries, other than the operation of crematoriums.

Explanation of bill.—The bill modifies the tax exemption provided by the Internal Revenue Code for cemetery corporations to bring within the scope of the exemption corporations chartered solely for the purpose of the disposal of human bodies by burial or cremation. Thus, a cemetery corporation is to be permitted to operate a crematorium (either alone or in conjunction with burial) and qualify for tax-exempt status.

As under existing law, a corporation of the type specified above would not qualify for tax-exempt status unless it is not permitted to engage in any business not necessarily incident to the purpose for which it is created and unless no part of the net earnings of the corporation inures to the benefit of any private individual.

It is the committee's understanding that cemetery companies which qualify under present law for the separate exemption provided for "cemetery companies owned and operated exclusively for the benefit of their members or which are not operated for profit" may presently operate crematoriums. In view of this, the bill does not modify the exemption provided for these cemetery companies.

The amendment made by the bill is to apply to taxable years ending after the date of enactment of the bill.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

The report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. BIBLE. Mr. President, I know that the Senator from Indiana is going to seek recognition, and I want to protect his rights. He was to talk immediately upon resumption of consideration of the bill, but I do not know where he is. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Hollings). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BIBLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The adoption of the conference report.

Mr. BIBLE. Mr. President, on the adoption of the conference report, which I assume will be coming down sometime between now and January 3, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BIBLE. Mr. President, the day before yesterday, a number of questions concerning the supersonic transport were asked of me by the distinguished Senator from Wisconsin. I supplied him with answers in my question-and-answer period to many of the questions. The questions, I thought, were rather technical. I assured him, as the Record of the day before yesterday will show, that they were technical and that I would secure from the Department of Transportation the correct answers to the questions he posed. Now I should like to offer, as a response to those questions, the answers supplied to me by the Department of Transportation. I ask unanimous consent to have them printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Answers From the Department of Transportation

Question. How much would the $210 million program increase total program cost?

Answer. The impact of the reduction of the FY-71 requested appropriation from $290 million to $210 million is difficult to assess at this time. One uncertainty is when, and in what amounts, additional funds may be available from the 92nd Congress to support the program. Without an indication of the future funds that might be available, a definitive statement as to the exact impact of the reduction cannot be determined at this itme.

Uncertainties also exist as to what the response of the manufacturers will be to the reduced funding levels, as well as the subcontractors, and the thousands of smaller companies now supporting the SST prototype and engine programs. It is possible that because of financial difficulties many of the smaller companies may have to terminate their participation in the SST program.

It is also possible that the contracts with the prime contractors will have to be renegotiated if it became certain that the total costs of the manufacturers will be significantly increased as a result of the reduced FY-71 appropriation.

Under most favorable conditions of further funding and contract negotiations, the impact on cost and schedule could be relatively insignificant. On the other hand, unfavorable events could result in a program slippage of some three to nine months and increased costs of between $50 to $180 million. Again it must be noted that until actual negotiations with the manufacturers are completed and next year's funding is known it is not possible to ascertain specific program impacts associated with the proposed $210 million funding level.

For the above mentioned reasons, it is obvious that it is not to the Government's best interest to publicize specific impact estimates associated with the funding reduction until the DOT has the opportunity to negotiate further with the manufacturers.

Question.—How many GE employees now work on the SST?

Answer.—There are approximately 900 direct people and 700 indirect people currently involved in SST work at General Electric for a total of 1,600.

Question.—How many Boeing employees now work on the SST?

Answer.—DOT estimates 6,800 people are employed at Boeing on the SST.

Question.—How many employees would be laid off on a $210 million program?

Answer.—Under a $210 million program only minor layoffs would be anticipated—the lower appropriation would slow the manpower buildup at both the prime and subcontractor plants.

Question.—What is the total now employed in subcontracting at Boeing and General Electric?

Answer.—Subcontracting and Vendors: Boeing, 3600. GE, 2,000.

Question.—How many will be employed in full production—direct not using the multiplier effect?

Answer.—Prototype direct employment, 20,000; Production direct employment, 50,000.

Question.—When will production begin?

Answer.—Production is scheduled to begin in early 1974.

Question. When will production begin?

Answer. Start of production is scheduled for early 1974 building up to a peak rate of 5 per month in 1978. This coincides with the peak manpower level of 50,000 direct people.

Question. When will the program reach 50,000 jobs for production?

Answer. The peak manpower estimate of 50,000 jobs is projected for 1978.

Question. What amount would be owed under the contract to reimburse contractors?

Answer. As of 12/31/70 $79.8 million for Boeing and GE contracts.

Question. Would contractual obligation be $85 million? (Bible $79.8 million and the additional $12 million)

Answer. Question # 10 is answer for contractor share amounts. The additional $12 million is a DOT estimate of additional costs associated with terminating about a half billion dollar contractual package including necessary administrative costs incident to closing out the many contracts.

Question. Will contracting costs of construction of the prototypes be identical to the anticipated production version?

Answer. The government has no commitment beyond the two prototype aircraft; hence, the government is not involved in production contracting planning.

13. (Page 20358, Column 1.)

Question. What is the explanation of the weight difference between prototype and production airplanes?

Answer. The gross weight for the B2707 production airplane at certification, after test program development, is 750,000 lbs. The gross weight for the prototype design airplane has been set at 635,000 lbs. The major portion of the weight difference is due to an increase in fuel and passenger capability in order to provide the airlines with increased payload-range performance. The difference in airframe weight has been estimated to be approximately 10,000 lbs. based on historical records of the 707, 727, and 747 commercial aircraft.

The design gross weight of the prototype was selected by Boeing to take advantage of their experience with the growth of large jet aircraft. Historically, a large part of an airplane structure has strength capability higher than the design value. Local areas which have strengths below that of the majority of the structure are found and reinforced during intensive analytical, static, fatigue, and flight test programs. The component test program and the limit load test of the complete airframe are scheduled to support these improvements for the first production airplanes. The improved strength capability has been realized in commercial and military aircraft. When the deficient components are strengthened, increases in gross weight with accompanying improvement in payload-range results.

Some relative increases in weight to increase the structural strength can be provided with insignificant effect on cost. A preplanned program established between Engineering and manufacturing allows for structural strength growth by establishing complete ground rules in the initial detail design period. Thus tooling, manufacturing, and engineering work for the life of the program allows for minor revisions for growth purposes. This concept has been in successful operation in all of the Boeing commercial jet programs.

14. (Page 20358, column 2.)

Question. How can we test the planes if the production model is to be 20% wider: (Prototype 5-abreast, Production 6-abreast).

Answer. Until the production airplane is fully defined and a specification is submitted to the custom airlines, the specific differences between the prototype and the production aircraft are not completely established. The width of the fuselage is likely to be a fairly minor difference between the two, if it indeed does represent a difference. The general handling characteristics, structural characteristics, stability and control, and all the other major characteristics of the airplane are unlikely to be changed by fuselage width. Differences in fuselage width are tested in the wind tunnel and can be applied to test data from the prototype flight program.

There is a very strong possibility that the first production airplanes will use a 5-abreast fuselage or even if 6-abreast fuselages are produced in early orders that some airlines will specifically request 5-abreast in their first deliveries. The fuselage width of the prototype airplane was established as a reasonable starting point for development. It provided sufficient interior space for 234 passengers in a 5-abreast seating arrangement. Economic studies and subsequent to the design selection indicated that more passenger capability would provide a sound basis for reasonable operating costs. The airline advisory teams recommended a 6-abreast seating arrangement similar to the 707 airplane rather than extend the fuselage length in order to increase the passenger capacity.

The increase in fuselage width for the production airplane to provide for 6-abreast seating can be made and still utilize a major portion of the prototype airplane's component designs and tooling. These include the basic wing structure outboard of the fuselage; the inlets, pods and engine installation arrangement; forward and aft fuselage sections; the horizontal tail, central fin and major portions of the vertical tail, and major portions of the flight control surfaces. In addition, it includes all systems except for the environmental control system which requires some increasing of capacity due to the increase in the number of passengers.

Incorporation of the increased fuselage width is accomplished by spanwise displacement of the wing. In this manner, the design philosophy for the wing-to-fuselage structural attachment remains identical to that used on the prototype.

The utilization of wider fuselage sections without a complete tooling change is made possible by design and planning for the wing tools to be made to separate on the center line so that an insert can be installed in the wing subassembly. This permits the manufacture on a common set of tooling fixtures.

15. (Page 20358, Column 2.)

Question. What about fabrics for skin? Is brushed titanium honeycomb to be used as skin on prototype as it is on production?

Answer. Senator Proxmire's reference to "brushed" titanium skin is believed to mean "brazed" titanium skin. Optimization studies showed that the most efficient structure for the covers of the wing and tail consisted of two sheets of titanium stabilized by a core made up of titanium foil formed in the shape of a honeycomb and bonded between the two sheets. In the case of the SST, the method of bonding is by high temperature brazing. Brazed titanium honeycomb sandwich panels are being used for the covers of the wing and tail of the two prototype airplanes and are planned to be used for the production airplanes.

16. (Pages 20358 Column 3.)

Question. What about the interior and environmental controls for the prototype? Will they be the same as for the production model? Is it not true they would have to differ sharply?

Answer. The environmental control system for the SST prototoype will be essentially the same as the production airplane environmental control system (ECS). As a matter of fact, the concept of the ECS in the prototype and production airplanes is the same although the prototype uses off-the-shelf equipment where possible as a means to reduce costs. Valuable thermal and ECS test data will be obtained from the protoype flight test program that can then be incorporated into the production SST program to optimize environmental control system design.

17. (Pages 20358 Column 3.)

Question. What goal have Boeing and GE set for themselves for the noise level for the SST?

Answer. The noise objectives for production are:

112 EPNdB during takeoff at 0.35 nautical mile sideline distance.

108 EPNdB after takeoff at 3.5 nautical mile from brake release.

108 EPNdB during approach and landing at a point 1 nautical mile from threshold of runway.

With regard to S4547, the impact of the lower sideline noise level, i.e. 108 EPNdB, on the airplane is being evaluated.

The Boeing Company has prepared a sound tape that contrasts sideline and approach noise for a 707 jet transport and the SST. In order to assure technical validity, the National Bureau of Standards, at the request of DOT, conducted tests on the portable tape recorder and the tape. Their report dated 11 December 1970 states ". . . that the sound pressure levels measured at Boeing are probably substantially correct." This sound tape clearly portrays the difficulty, if not impossibility, for the human ear to distinguish between 112 EPNdB and 108 EPNdB. Noise standards for new subsonic jet transports included 108 EPNDB during takeoff measured 0.35 nautical miles from runway center line.

Mr. BIBLE. I yield the floor.

Mr. BAYH. Mr. President, I should like to propose the following motion:

I move to postpone the consideration of the pending conference report on Department of Transportation appropriations until tomorrow, Saturday, December 19, 1970.

Mr. BIBLE. Mr. President, I am not going to interpose an objection. I believe the parliamentary situation accomplished by this is that it permits a Senator to speak more than twice today on this bill, because we do not actually come to grips with the conference report itself until such time as it is laid before the Senate. I think this accomplishes it.

Since the vote on the cloture motion is set for 11 a.m. tomorrow, and since we are only going to work on this particular part of our many problems between now and 3 p.m., I interpose no objection to the request of the Senator from Indiana.

This is a motion to postpone the consideration of the conference report until 10 a.m. tomorrow. Is that correct?

Mr. BAYH. That is correct. I might say to the Senator from Nevada that I would be perfectly happy to discuss this motion with him from now until 12 o'clock.

Mr. BIBLE. I do not think it will take us quite that long to discuss it. I would ask only one question, which I think can be answered quickly, and I think I know the response: Does this meet with the approval of the distinguished Senator from Wisconsin, who has asserted himself in this SST problem for some period of time?

Mr. BAYH. Yes.

Mr. BIBLE. I think he made the same motion, himself, the day before yesterday. If it meets with his approval, I have no objection. I am sure that the Senators from Washington have no objection to this procedure. The only thing that is accomplished by it is that it permits those who want to talk on the SST to talk more than twice in this legislative day. Is that not correct?

Mr. BAYH. The Senator from Nevada is correct. The Senator from Indiana has no desire at this time to speak more than once. Technically, I think the Senator from Nevada is correct. The Senator from Indiana has checked with the Senator from Wisconsin, and he is in complete agreement with this motion.

Mr. BIBLE. Would the Presiding Officer have the clerk state the motion of the Senator from Indiana, so that I am clear on what is being done? I think I know what is being done, but I want to be sure.

The PRESIDING OFFICER. Will the Senator from Indiana please send the motion to the desk?

Mr. BAYH. I will be glad to read it myself, and then the clerk can read it, so that there will be no question about it.

I move to postpone the consideration of the conference report on Department of Transportation appropriations until tomorrow, Saturday, December 19, 1970.

Mr. MANSFIELD. Mr. President, I wish the Senator from Indiana would not press that motion, because I would have to oppose it. An agreement has been reached that this would be the pending business during the first shift so to speak from now up to and including the 22d of this month.

I think that the manager of the bill and those most interested on both sides have been most courteous and considerate in allowing other noncontroversial or slightly controversial proposals to intervene.

It was my understanding, in talking with the Senator from Indiana, that he wanted to clear up a conference report on national disasters, which I understand would only take 2 or 3 minutes and is noncontroversial. But I would hope that the Senator would not press that motion, because there is nothing to be gained. It is debatable, and it will be debated if it is pressed.

Mr. BAYH. The Senator from Indiana in no way wants to interfere with the normal legislative process that was established by the filing of the cloture motion yesterday.

I would be prepared to withdraw this motion and ask unanimous consent that I be permitted to deliver a speech which will not count against me.

The PRESIDING OFFICER. Is there objection?

Mr. BIBLE. Mr. President, would the Senator from Indiana restate that? Unanimous consent to do what?

Mr. BAYH. Let me rephrase it.

Mr. BIBLE. I assured the distinguished Senator from Wisconsin the other evening—if it throws any light on this parliamentary entanglement—that I had no objection to his speaking. I do not want to foreclose anybody's rights in this matter.

Mr. BAYH. Mr. President, I withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

The Senator from Nevada is recognized.

Mr. BIBLE. Mr. President, as I understand, the pending business is the adoption of the conference report.

The PRESIDING OFFICER. The Senator is correct.

Mr. BIBLE. The yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BIBLE. Mr. President, without losing my right to the floor, I yield to the distinguished Senator from North Dakota for 2 minutes.

POTATO AND TOMATO PROMOTION PLANS

Mr. YOUNG of North Dakota. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1181.

The PRESIDING OFFICER laid before the Senate S. 1181, an act to provide for potato and tomato promotion programs.

Mr. YOUNG of North Dakota. Mr. President, I move that the Senate insist on its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees.

The motion was agreed to, and the Chair appointed Mr. ELLENDER, Mr. HOLLAND, Mr. EASTLAND, Mr. AIKEN, and Mr. YOUNG of North Dakota conferees on the part of the Senate.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding officer (Mr. STEVENSON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. BIBLE. Mr. President, the pending business is on adoption of the conference report on the appropriation for the Department of Transportation, is that correct?

The PRESIDING OFFICER. Yes; and the yeas and nays have been ordered.

Mr. BIBLE. The yeas and nays are still ordered. I thank the Chair.

Mr. President, I now yield the floor.

Mr. BAYH. Mr. President——

The PRESIDING OFFICER. The Senator from Indiana is recognized.

FEDERAL PROGRAMS FOR RELIEF FROM EFFECTS OF MAJOR DISASTERS—CONFERENCE REPORT

Mr. BAYH. Mr. President, I ask unanimous consent that, without losing my right to the floor, or having this count as another speech against the Senator from Indiana, as the chairman of the Senate conferees on the Disaster Relief Act conference committee, we temporarily put aside the pending business long enough to consider a conference report on the Disaster Relief Act of 1970.

Mr. BIBLE. Mr. President, reserving the right to object—and I do not think I shall object—do I understand correctly that this is a request of the Senator from Indiana merely to call up a conference report, which has been agreed to on both sides of the aisle, if I am correctly advised, and will occupy not over 15 minutes?

Mr. BAYH. That is right.

Mr. BIBLE. I did not catch any time limit.

Mr. BAYH. Mr. President, I ask unanimous consent that the time allotted to the conference report not exceed 15 minutes.

Mr. BIBLE. With the further understanding that at the termination of the 15 minutes and disposition of the conference report, the pending business will be adoption of the conference report on the Department of Transportation.

Mr. BAYH. That certainly is the intention of the Senator from Indiana.

Mr. BIBLE. I was sure that it was, of course.

Mr. SCOTT. Mr. President, I take it there is no expectation of a rollcall vote to be taken on this matter which the Senator from Indiana has in mind.

Mr. BAYH. The Senator from Indiana does not intend to ask for a rollcall vote. He cannot speak for other Members of this body, of course, but he knows of no one who wants to ask for a rollcall vote.

The PRESIDING OFFICER (Mr. Stevenson). Is there objection to the request of the Senator from Indiana? The Chair hears none, and it is so ordered.

Mr. BAYH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3619) to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. Stevenson). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 15, 1970, pages 41523–41528, Congressional Record.)

Mr. BAYH. Mr. President, the conferees on S. 3619 have agreed on a bill that establishes a basic, comprehensive Federal disaster relief program. It is intended to be permanent law. It aims at coordinating disaster relief and recovery efforts of all appropriate Federal, State, and local authorities, and all disaster relief and assistance organizations under a single, coherent law, so that when a major disaster occurs anywhere in the country, the full resources and capabilities of both the public and the private sectors can be marshalled to cope with the immediate threat to life and property and to undertake the long, difficult and costly task of repair, restoration, reconstruction and replacement.

It reenacts a number of provisions earlier written into law in 1950, 1966 and 1969; it repeals existing laws of those years; and it advances several new programs for responding effectively to major disasters.

This is the culmination of years of effort by many earnest and hard-working members of both Houses. I wish to pay tribute to the statesmanlike approach demonstrated once again by our colleagues from the House Committee on Public Works, Representatives Jones of Alabama, Wright of Texas, Johnson and Clausen of California, and Schwengel of Iowa, who were the managers of the bill on the part of the House in this conference.

I wish also to express my deep appreciation for the intelligent and imaginative contribution made by my colleagues on the Special Subcommittee on Disaster Relief of the Senate Committee on Public Works: Senators Spong, Eagleton, Gravel, Dole, Gurney, and Packwood.

My special gratitude goes to the chairman of the full committee, the distinguished Senator from West Virginia, Jennings Randolph, under whose leadership the special subcommittee was formed and the investigations and hearings relating to enactment of this legislation were carried forward.

I also want to recognize the contribution of our distinguished ranking minority member, the Senator from Kentucky, John Sherman Cooper. Many of the provisions of the bill he introduced, S. 3745, the Administration's Disaster Relief Act, have been incorporated in the bill before us.

Likewise, I wish again to thank the members of the Senate Committee on Banking and Currency and especially its chairman, Senator John Sparkman, for the advice and counsel that they provided us in preparing this bill for submission to the Senate.

I will not take the time of the Senate to repeat the detailed description of this bill which appears in Senate Report 91–1157 and in the Congressional Record of September 9 of this year, beginning on page 31040.

It is enough to say, I believe, that, as agreed to in the conference, the bill follows the format of the Senate bill and includes a number of significant provisions that were contained in the House version.

Perhaps the most important of these is section 241 authorizing grants to local governments which, as a result of a major disaster, have suffered a substantial loss of property tax revenue. The Senate bill had proposed a community disaster loan fund for this purpose, but in the conference we were persuaded that the House approach was more equitable and would be a greater assistance to communities that had been ravaged by natural catastrophes.

It will be of interest to the members of the Senate Banking Committee that the disaster loan interest rate formula proposed by them was retained in the conference report with the addition of a 6-percent interest rate ceiling on any such loan. Likewise, the proposal of the Banking Committee, to treat veterans who hold direct GI loans in the same fashion as those who have guaranteed loans, was agreed to by the conferees. In addition, section 231 relating to small business disaster loans, including programs under both section 7(b)(1) and subsections (2) and (4) of the Small Business Act.

One feature of this legislation which has attracted widespread interest is the official recognition given to the Salvation Army and the Mennonite Disaster Service, as well as other relief and disaster assistance organizations.

Mr. President, in 1965 several Senators started work on a major overhaul of the disaster laws of this land. It has been a difficult struggle. The battle has been largely won and consummated by the adoption of this conference report. There are many people who are directly responsible for it. I allude to just two at this particular time; namely, the Senator from Virginia (Mr. Spong) who was a member of the special subcommittee on disaster relief and one of the conferees, and the Senator from Kansas (Mr. Dole), another member of the subcommittee and also one of the conferees. This was greatly helped by the strong assistance of our two colleagues from Mississippi, Mr. Eastland and Mr. Stennis. When Hurricane Camille ravaged the gulf coast, they were very helpful, as were many others.

Mr. EASTLAND. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I yield.

Mr. EASTLAND. Mr. President, the distinguished Senator from Indiana (Mr. Bayh) left himself out. I think that he and the other conferees did a magnificent job on this conference. This is a good bill. If it had not been for the dogged determination of my good friend from Indiana, I do not believe this conference report would be before the Senate today. It will be a monument to the distinguished Senator from Indiana in the future.

Mr. BAYH. I certainly appreciate the kind remarks of my friend from Mississippi. I should point out——

Mr. EASTLAND. I should add that all the conferees have performed a very distinguished service in this conference report. It certainly will mean a lot to my State.

Mr. BAYH. I certainly appreciate the thoughtful remarks of the Senator from Mississippi. He has been very helpful.

One member of his staff, Bill Simpson, has been doggedly determined also. He worked closely with me and other members of the conference committee, as well as with the Committee on Public Works, and I appreciate his fine work.

What this bill will do, let me say quickly for the sake of saving time, is to establish once and for all, in one place the bedrock law of the land, a national policy for the provision of assistance for those who suffer severe losses in major disasters.

The history of disaster legislation in this country has been such that it has been spread over the record in so many places that it would take a Perry Mason and all his assistants to discover it. How the statutes and regulations would apply in any given situation also compounded the problem. We have now established, in one law, in advance of the time a disaster strikes, the various kinds of help that will be available to aid the helpless souls stricken by acts of nature.

Mr. President, the bill will greatly increase the commitment and the responsibility of the Government so far as what should be done with respect to providing help for those individuals who are the victims of a disaster.

Some of us have been conscience stricken by the inequity of the situation, in which our people would spend hundreds of millions of dollars whenever other nations were hit by disasters, which of course is in the finest tradition of American concern for others, but our laws did not provide adequate relief and help for our own citizens, in our own land, when they were hit by disasters.

Now we will have on the statute books if the Senate will enact and the President will sign this measure, a law which should do much to remedy the situation and provide meaningful, substantial assistance to disaster victims.

Mr. President, that is all I care to say at this time.

Mr. SPONG. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I yield to the distinguished Senator from Virginia who has been so helpful in this matter.

Mr. SPONG. Mr. President, the Conference report before the Senate will establish a mechanism by which all levels of government can respond quickly and efficiently to the needs of individuals, communities and businesses which may be struck by natural disasters.

The major provisions of the Disaster Relief Act of 1969 are retained and made permanent. Moreover, several sections of the conference report are retroactive to Hurricane Camille, and may well provide additional assistance needed by the victims of that disaster.

The retroactive provisions of the bill are as follows:

First. The President could authorize on a temporary basis the assumption of mortgage or rental payments of victims who because of financial hardship caused by a disaster, have received notice of eviction or foreclosure. Such assistance can be provided for 1 year or for the duration of the financial hardship, whichever is lesser.

Second. The Small Business Administration and the Farmers Home Administration could make loans to major sources of employment in a disaster-stricken area without regard to the $500,000 ceiling imposed administratively by SBA and FHA. In order to be eligible, an enterprise must be damaged to the extent that it is no longer in substantial operation as a result of a disaster.

Third. The President could authorize grants to any local governments which have suffered a substantial loss of property tax revenue as a result of a disaster. Grants could be made for the tax year in which the loss occurred, and for each of the 2 following tax years.

Fourth. The President could authorize 100 percent of the net cost of repairing or replacing public facilities damaged or destroyed by a disaster. Such payments would be based on restoring facilities to their design immediately prior to the disaster. Public facilities are defined as flood control, public power, sewage treatment and collection, water supply and distribution, or airport facility, any non-Federal aid street, road or highway, and most public buildings.

Mr. President, the retroactive provision authorizing 100 percent Federal payments for the cost of repairing or replacing public facilities should be of significant assistance to States struck by Hurricane Camille.

Federal aid for repairing non-Federal aid highways under the Disaster Relief Act of 1969 was limited to 50 percent of the cost. Eligibility for 100 percent of the cost will be extremely beneficial to my State, where highway repair work was a substantial item in the recovery effort.

I also am pleased the conference report gives specific recognition for the first time to the Salvation Army and the Mennonite Disaster Service. These organizations have a tradition of magnificent service in disaster assistance, and should have status comparable to the American Red Cross.

Mr. President, I have some reservations over the authorization in the conference report for a grant program to local governments suffering substantial losses of property tax revenue. I acceded to the wishes of other members of the conference committee on this matter, but I maintain my belief that as a matter of policy such assistance should be conditioned upon State participation in the program. The States should be charged with some degree of responsibility for assisting localities where tax bases have been substantially destroyed by a disaster. We should not look solely to the Federal Government in this matter.

The Disaster Relief Act of 1969 was a temporary measure, but it was a useful tool in the Virginia recovery effort from recordbreaking floods caused by Hurricane Camille last summer in the James River Basin. Several key provisions of last year's measure expire in just 14 days, so it is particularly appropriate that we are considering permanent legislation at this time.

Mr. President, I wish to commend the distinguished chairman of the Public Works Committee (Mr. RANDOLPH) for establishing the Special Subcommittee on Disaster Relief, and to thank him for affording me an opportunity to serve on the subcommittee and to participate in the development of this legislation.

The product of our work, in my judgment, will be both workable and effective. We had the benefit of testimony from victims of Hurricane Camille in Virginia and Mississippi, and from officials responsible for administering disaster assistance programs.

It has been a pleasure to serve with our able subcommittee chairman, Mr. BAYH. He has been endeavoring since 1965 to secure the enactment of a permanent disaster assistance bill, and his background knowledge has been invaluable to me and other members of the subcommittee. I also wish to acknowledge the contribution made by other members of the subcommittee—Mr. EAGLETON, Mr. GRAVEL, Mr. DOLE, Mr. GURNEY, and Mr. PACKWOOD.

Also, I should like to take another occasion to thank this body on behalf of the citizens of Virginia for the swift consideration accorded both temporary and permanent legislation since Camille struck the gulf coast and the James River Basin of Virginia.

Mr. President, I commend the Senator from Indiana. Since 1965 he has been in the forefront of this fight. It is significant, as we adopt this conference report today, that we recognize here, just 15 months from the day, as Hurricane Camille struck, we are able to consider permanent legislation.

On the occasion when we adopted temporary legislation, that was done within a matter of weeks after Camille had struck.

Mr. BAYH. Mr. President, I certainly appreciate the kind remarks of the Senator from Virginia. As I said earlier, he has been one of those who has been a strong proponent of this legislation and was very helpful in getting more information and making it available to the committee when we held hearings in his State. We are all indebted to him for his efforts in this matter.

Mr. SPONG. Mr. President, I thank the Senator from Indiana.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. DOLE. Mr. President, first let me echo the views expressed by the Senator from Virginia, the Senator from Mississippi, and the Senator from Indiana.

Let me also suggest that this has been an area of cooperation between the executive branch and the legislative branch. There has been coordination, cooperation, and, I think, an effort to compromise some of the differences that have arisen.

I certainly share the views expressed by everyone that this is necessary legislation, that it is in the best interest of all America, and that this is an outstanding piece of legislation.

Perhaps only those in this Chamber recognize the importance of it when a disaster trikes their States or their areas, as has been the case in Indiana, Virginia, Mississippi, and to some lesser degree in Kansas.

No State is exempt. It can happen at any time and without warning.

I also express great thanks to the Senator from Indiana who has been a leader in this area of legislation.

Mr. President, today marks the culmination of our efforts to obtain comprehensive Federal disaster assistance legislation. Although attempts have been made in the past to improve the laws governing the Federal response to major natural disasters, not until passage of this legislation has there been one set of laws containing the programs and procedures necessary to insure effective Federal action.

In 1969, because of the unusually large number of natural disasters, and particularly after Hurricane Camille, it became apparent there was a need to review our disaster laws. To accomplish this task, the Senate Public Works Committee created the Subcommittee on Disaster Relief which held field hearings in Biloxi, Miss., Roanoke, Va., and here in Washington.

At the same time, the Office of Emergency Preparedness, the official arm of the President responsible for coordinating and implementing Federal disaster assistance, recognized the need to improve the Federal performance. In a special message to Congress, President Nixon proposed legislative and administrative changes necessary "to respond effectively when nature gets out of control and victimizes our citizens."

The legislation before us is a combination of the best elements of S. 3619, introduced by Senator BAYH, chairman of the Subcommittee on Disaster Relief, S. 3745, introduced by Senator COOPER, ranking minority member of the full Committee on Public Works, on behalf of the administration, and the House-passed bill. It contains new and revised programs that we hope will meet needs that have been inadequately or completely unmet in the past. It also consolidates existing programs that have proven satisfactory. By placing all disaster laws in one statute, we hope to simplify the task of the administrator and improve the delivery of assistance to disaster victims.

But while most problems have been dealt with, two questions remain unanswered. During our hearings, we heard many complaints about insurance coverage for property owners. Since that time, the national flood insurance section of the Housing and Urban Development Act of 1969, permitting Federal insurance assistance in flood-prone areas, has been implemented. We will be very interested to hear from the Federal Insurance Administrator and the Office of Emergency Preparedness whether the frustrations arising out of past insurance practices have ceased to occur. Further, the comprehensive study of property insurance coverage requested by the President is to be available early next year and should provide additional guidance.

The response of State and local governments to a major natural disaster is often closely related to the viability of State and local civil defense units. The relationship between the Federal Government's disaster assistance and civil defense activities has been under review by the President. I am hopeful the findings and recommendations of his study will be made available in order for the Congress to determine if statutory changes are needed.

Finally, I want to take this opportunity to comment on the bipartisan spirit of cooperation among both Houses of Congress and with the executive branch. Throughout our consideration of this legislation, the Members of Congress and their staff worked closely with the responsible officials in the Office of Emergency Preparedness. The comprehensive approach to disaster assistance achieved by the Disaster Relief Act of 1970 is a tribute to that cooperation.

I join my colleagues in urging approval of this conference report.

Mr. BAYH. Mr. President, I certainly appreciate the comments of the distinguished Senator from Kansas who is a member of the Public Works Committee and was a Member of special subcommittee and the conference committee.

The Senator from Kansas has been extremely helpful.

As he points out, this is an excellent example of what can be done when problems confront this country. There are those who say that the system will not work. Frankly, I am often frustrated that it does not work as well as I believe it can. We are all dedicated to doing something about this.

This measure is an example of what can be accomplished by cooperative effort. A group of Senators started from scratch 5 years ago, and, by setting a number of precedents, were able to forge ahead and settle their differences. This effort has certainly been nonpartisan. The administration made some excellent suggestions that were incorporated into the act.

It is an example of how we can make the system work if we are willing to expend the effort to do so.

Mr. President, how much time remains of the 15 minutes?

The PRESIDING OFFICER. Seven minutes.

Mr. BAYH. Mr. President, I ask unanimous consent that the Senate return to the previous order of business until the distinguished Senator from West Virginia (Mr. RANDOLPH), the chairman of the Public Works Committee, returns, and that his remarks then be made contiguous with those made heretofore.

Mr. GRIFFIN. Mr. President, reserving the right to object——

Mr. JORDAN of North Carolina. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BAYH. Mr. President, would the Senator withhold that request?

Mr. JORDAN of North Carolina. I withhold my request.

Mr. BAYH. Mr. President, I rephrase my unanimous consent request to provide that when the Senator from West Virginia (Mr. RANDOLPH) comes to the floor, he be recognized for not to exceed 5 minutes and that his remarks be made contiguous with the debate which has just transpired.

Mr. GRIFFIN. Mr. President, reserving the right to object, the understanding would be that after the interruption of not to exceed 5 minutes by the Senator from West Virginia, the pending business would again be the conference report on the Department of Transportation.

Mr. BAYH. The Senator is correct.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. RANDOLPH. Mr. President, I am very grateful to my colleague from Indiana who chaired the special subcommittee handling the disaster relief legislation in the Committee on Public Works. He has acted with knowledge and with perception of a problem that even though great today, perhaps could be even greater tomorrow, as we think in terms not of disasters spotted here and there throughout the States but of disasters that might have even greater impact on literally hundreds of thousands of people throughout America.

Mr. President, I express strong support of the conference report on S. 3619, the Disaster Relief Act of 1970. This is legislation that our country has long needed. Once it becomes law the Federal Government will be able, without special congressional action, to meet each new disaster—to move quickly and efficiently on a broad front to provide emergency relief and recovery assistance to affected citizens, businesses, farms, and States and local communities.

I commend the Senator from Indiana (Mr. BAYH) for his vision, his perseverance and his leadership in the long struggle to bring about enactment of this vital measure. He deserves the gratitude of all citizens.

Mr. President, the distinguished Senator from Mississippi (Mr. STENNIS) is now in the Chamber and he knows that earlier today we discussed the fact that disaster relief legislation had been a patchwork before hurricane Camille.

Mr. STENNIS. Mr. President, will the Senator from West Virginia yield?

Mr. RANDOLPH. I yield.

Mr. STENNIS. I commend the Senator from West Virginia highly for laying down the framework and the basis for enacting the necessary legislation to be ready to move in on these calamitous happenings. Although we did not have it at the time of hurricane Camille, we moved quickly after that. This legislation will be a great asset to the Nation. I know from experience that we need such a law as has been envisioned.

Mr. RANDOLPH. I am very grateful to my distinguished colleague from Mississippi for his kind words.

Now, Mr. President, the Senator from Indiana has had the dedicated support and assistance of the other members of the Special Subcommittee on Disaster Relief and of the full Committee on Public Works, both majority and minority members. As has been mentioned, the Senator from Kentucky (Mr. COOPER) in his bill, S. 3745, supplied many of the concepts which are embodied in the final version of the Disaster Relief Act. The Senator from Kansas (Mr. DOLE) made significant contributions during subcommittee and committee consideration, as did the Senator from Virginia (Mr. SPONG) and all members of the Public Works Committee.

While I did not serve as a conferee on this bill, I am aware of the spirit of cooperation and willingness to reach agreement manifested by the conferees on the part of the House, led by my dear friend, Representative BOB JONES of Alabama. I salute them and thank them for their help. Together, the conferees for both Houses have built a splendid edifice.

Mr. BAYH. Mr. President, before the Senator yields the floor, let me say that I appreciate his thoughtful remarks and reiterate what I said earlier that without his assistance the establishment of this Special Subcommittee on Disaster Relief, for the first time in history, would not have been possible. His interest and concern have been felt in every step of the deliberation process.

I, as the chairman of that subcommittee, am deeply grateful for his advice and counsel and perseverance in this area.

Mr. RANDOLPH. The Senator is very thoughtful.

Mr. TOWER. I originally offered an amendment to this bill designed to permit needed relocation payments to be made to owners and tenants who are forced by a major disaster to vacate homes or businesses which are subsequently included in an urban renewal project. At present, these people may be denied these payments simply because they are unable to return to their homes or places of business before they are condemned or acquired. Section 254 of the Senate version of the bill was designed to preserve their entitlement to the various kinds of relocation payments that can be made under section 114 of the Housing Act of 1949 notwithstanding this temporary situation resulting from the disaster.

I understand from the Senator from Indiana (Mr. BAYH) that the conference report on S. 3619 contains legislation designed to preserve this entitlement.

Mr. BAYH. Mr. President, I move that the conference report be approved.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. YARBOROUGH. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I yield.

Mr. YARBOROUGH. Mr. President, I firmly believe that history will record the adoption of S. 3619, the Omnibus Disaster Relief Act, as one of the most significant acts of the 91st Congress. For years, there has not been a comprehensive program of Federal relief designed to meet the many problems of the victims of major disasters. Instead we have sought to deal with each major disaster as an individual matter and have passed special legislation to assist its victims. All too often this emergency legislation has come too late and provided too little to be of the kind of assistance that such victims need. Furthermore, the basic disaster assistance act, Public Law 875, which was passed in 1950, is a limited measure which does not begin to touch the many human difficulties that result from such disasters. The bill before us today will fill this gap in our laws and will for the first time provide a coordinated program of assistance that will benefit all disaster victims.

During my 13 years in the Senate, my beloved State has suffered the devastating effects of many major disasters. Based on my experiences in assisting the victims of such disasters as Hurricane Beluah and Carla, I recognize the need for new programs of disaster assistance and therefore became an active cosponsor of this bill. While this bill was being considered by the Public Works Committee, Texas was again hit by three disasters of catastrophic proportions: The Lubbock and Plainview tornadoes, San Marcos flood and Hurricane Celia. I personally toured these disaster areas and talked with the victims and, based on this first hand experience, I realized that S. 3619 did not cover many of the special needs of these unfortunate people. Consequently, in an effort to make a good bill better, I introduced several amendments which the Senate accepted and which have been agreed to by the conferees.

First among these amendments was one which established a program under which the Director of the Office of Emergency Preparedness is authorized to make grants to persons who have suffered severe financial hardship as a result of a major disaster for the purpose of helping them meet their home mortgage or rent payments. In the Lubbock disaster, one of the hardest hit groups was the Mexican-American citizens who reside in the Guadalupe section of Lubbock. Not only did many of these people suffer major damage to their homes and physical injury, but also many of them lost their source of employment. Consequently they were unable to meet the payments on their homes and were in danger of being evicted. My amendment will provide relief to these people and enable them to retain their homes and also spare them the personal indignity of being dispossessed.

Second, I was successful in obtaining an amendment which would make the new programs provided for by S. 3619 retroactive to April 1, 1970, thus assuring the victims of the recent Texas disasters of receiving the benefits of this bill. Of particular importance to Texas disaster victims are the provisions that increase the amount of a Small Business Administration or Farmers Home Administration disaster loan that can be canceled from $1,800 to $2,500. Under the present law, a disaster victim who receives a loan from the Small Business Administration or Farmers Home Administration must repay the first $500 of such loan but can have the next $1,800 canceled. During these days of runaway inflation and high construction costs, this amount is of too little value to low- and middle-income disaster victims. S. 3619 wisely increases this amount to $2,500. My amendment assures the victims of the recent Texas disasters that they will have the benefit of this increased cancellation authority.

Third, the bill contains the legal assistance program that the distinguished junior Senator from Alaska (Senator GRAVEL) and I have advocated. More specifically, S. 3619 authorizes the Director of Office of Emergency Preparedness to provide legal services to low-income disaster victims who need help in obtaining their benefits under the disaster laws and also processing their claims arising out of the disaster. This program is of great importance because, in the confusion and despair which accompany a major disaster, many people do not know what rights they have and who to turn to for help in securing them. This amendment will provide these unfortunate people with the legal protection they so desperately need.

Mr. President, not only is S. 3619 a great piece of substantive legislation, it is also tangible evidence that the elective representatives of the people can and will respond to human needs. As I toured the disaster-striken areas of Texas, I assured these victims that Congress does care about their plight and would come to their aid. By passing this bill, Congress has fulfilled its duty and kept faith with the people.

Mr. President, I commend the distinguished junior Senator from Indiana (Senator BAYH) for all the work he has done on this important bill. I am particularly grateful to him for the concern he has shown for the Texas disaster victims. On their behalf, I thank Senator BAYH and all the members of the Public Works Committee for their efforts to help these citizens of my State. I urge all my colleagues to give this conference report their full support.

Mr. President, I commend the Senator from Indiana for his work on this bill and extend my thanks to him for accepting amendments which I offered as a result of having seen major disasters in Texas such as the Lubbock tornado where over 12 percent of the taxable property in the city of Lubbock, Tex., was destroyed and Hurricane Celia where an estimated 65,000 homes were either destroyed or damaged in Corpus Christi, Tex., and the surrounding counties. That hurricane was the most destructive storm that we have had in Texas since the Galveston disaster in 1900. I personally spent a good many days in the hurricane area. I also opened an office in Corpus Christi and sent five staff assistants there to help the people. The expense of this operation I had to personally bear.

All too often, we find that when a major disaster strikes it will receive a few big headlines. And for a short time, people will try to do something to help. However, a week later, when the headlines stop, the people pull out and the victims are left on their own. We have learned that is what happens in most situations.

This bill will prevent this from happening in the future. This is the best disaster bill this country has ever had. The 1950 bill was woefully inadequate. The amendments which the Senator from Indiana accepted and had written into the law will be of great help in the future.

In conclusion Mr. President, I wish to restate that this is an important bill. The distinguished minority leader has characterized this session of the 91st Congress as an "unmitigated disaster," or something to that effect. I disagree. I say that this session has been a blessing to the people. We have passed the best disaster assistance bill we have ever had. In the past week Congress has passed the first great occupational health and safety bill to help 80 million people. These two measures by themselves justify this session.

I compliment the distinguished Senator from Indiana for his leadership with this bill. It is truly a monumental piece of legislation.

Mr. BAYH. I thank my distinguished friend from Texas. He is one of those Senators who has been extremely helpful in bringing matters before the Senate, and he has the expertise he received in Texas as a result of the terrible disaster they had recently.

Mr. YARBOROUGH. I thank the Senator.

ORDER OF BUSINESS

Mr. BAYH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. Mr. President, am I correct in assuming the Senator from Indiana has the floor and that the order of business is the SST?

The PRESIDING OFFICER. The Senator is correct. The pending business is the Department of Transportation conference report.

Mr. KENNEDY. Mr. President, will the Senator yield for the consideration of a conference report?

Mr. BAYH. I am glad to yield.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, would the distinguished majority whip indicate a limitation of time for the matter he wishes to take up?

Mr. KENNEDY. I think the time of consideration would be no longer than 2 minutes.

Mr. GRIFFIN. Would the Senator incorporate a limit of 5 minutes in his request?

Mr. BAYH. Mr. President, I yield to the Senator from Massachusetts for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

REPEAL OF SECTION 7 OF THE ACT OF AUGUST 9, 1946 (60 STAT. 968)—CONFERENCE REPORT

Mr. KENNEDY. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 380) to repeal section 7 of the act of August 9, 1946 (60 Stat. 968).

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, which is as follows:

CONFERENCE REPORT (H. REPT. No. 91–1785)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 380) to repeal section 7 of the Act of August 9, 1946 (60 Stat. 968), having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate to the text and title of the bill, and agree to the same with an amendment as follows: In lieu of the text inserted by the Senate amendments insert the following: That section 7 of the Act of August 9, 1946 (60 Stat. 968), is amended to read as follows:

"SEC. 7. (a) A person who is not an enrolled member of the Yakima Tribes with one-fourth degree or more blood of such tribes shall not be entitled to receive by devise or inheritance any interest in trust or restricted land within the Yakima Reservation or within the area ceded by the Treaty of June 9, 1855 (12 Stat. 1951), if, while the decedent's estate is pending before the Examiner of Inheritance, the Yakima Tribes pay to the Secretary of the Interior, on behalf of such person, the fair market value of such interest as determined by the Secretary of the Interior after appraisal. The interest for which payment is made shall be held by the Secretary in Trust for the Yakima Tribes.

(b) On request of the Yakima Tribes the Examiner of Inheritance shall keep an estate pending for not less than two years from the date of decedent's death.

(c) When a person who is prohibited by subsection (a) from acquiring any interest by devise or inheritance is a surviving spouse of the decedent, a life estate in one-half of the interest acquired by the Yakima Tribes shall, on the request of such spouse, be reserved for that spouse and the value of such life estate so reserved shall be reflected in the Secretary's appraisal under subsection (a)."

SEC. 2. The provisions of section 7 of the Act of August 9, 1946, as amended by this Act, shall apply to all estates pending before the Examiner of Inheritance on the date of this Act, and to all future estates, but shall not apply to any estate heretofore closed.

HENRY M. JACKSON,
GEORGE MCGOVERN,
PAUL J. FANNIN,
Managers on the Part of the Senate.

JAMES A. HALEY,
ED EDMONDSON,
JOHN P. SAYLOR,
Managers on the Part of the House.

Mr. KENNEDY. Mr. President, I have a brief statement by the distinguished Senator from Washington which I will read:

Mr. President, the Act of 1946 limits the inheritance of trust land on the Yakima Reservation in the State of Washington to (1) enrolled members of the Yakima Tribes, (2) who have one-fourth degree or more of Yakima blood. An exception is made for a surviving spouse who is an enrolled member but possesses less than one-fourth degree of Yakima blood. Such person may inherit a life estate only in not more than one-half the property.

This law has worked unfairly against other Indians who may have intermarried with Yakima Indians. As a result, their children have frequently been disinherited. H.R. 380, as originally passed by the House, would have repealed this law. However, the Senate Committee attempted to reach a formula whereby the heirs and legatees would be treated fairly, yet at the same time the Yakima Tribes would be able to continue their very commendable program of maintaining a tribal land base within the reservation. Therefore, the Senate adopted a substitute which would have protected an individual's right to be compensated for an interest which, under the present law, he would lose if he does not qualify as a Yakima Indian. In effect, what the Senate provided was an option for the Tribes to pay the heir in lieu of having the property passed to him. If the Tribes choose not to pay, then the property would pass under State law. In addition, a surviving spouse who is prohibited from acquiring an interest by devise or inheritance is given the additional option of preserving a life estate in one-half of the interest acquired by the Tribes.

The Conference Committee adopted substantially the formula recommended by the Senate with modifications, one of which will be of benefit to the Tribes in planning for their land consolidation program. This gives the Tribes at least two years to budget for the funds necessary to carry out their program.

I think the solution is in the highest tradition of the legislative process, and I commend my colleagues in both the House and the Senate for their cooperation.

I move the adoption of the conference report.

Mr. President, that concludes the statement of the Senator from Washington.

I move the adoption of the conference report.

The motion was agreed to.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. GRIFFIN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the conference report on the Department of Transportation.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, the SST program has been attacked on grounds that supporting it represents a distortion of national priorities, that it would be excessively noisy, and that it would threaten permanent damage to the earth's environment. The aviation industry, on the other hand, has, by and large, enthusiastically supported the undertaking.

The SST poses a problem that is largely new in aviation technology. Until the SST, technological innovation in air transportation has typically combined improved quality of service in speed, comfort, and so forth, with reduced costs per seat-mile; in few prior cases has innovation brought about decreased economic efficiency. At least since the introduction of the DC–3 in the 1930's the American aircraft industry has played a major role in supplying the world's airlines with flight equipment. Since World War II with the introduction first of the large four-engined piston aircraft and then with the introduction of jet transports, the American aircraft industry has dominated the airways of the free world. This dominance has been developed, largely through the combination of designing technically superior aircraft and producing them in large enough volumes and with sufficient efficiency to make it possible for them to be operated more economically than their foreign rivals. Each new model typically was technically better and more economical than its predecessor.

With the SST the situation is very different and in a crucial way. Whereas it will offer many important technical advances and will, if it is produced, be a monument to sophisticated design and production capabilities of the American industry, it is expected, even by its most enthusiastic supporters, to be more costly per seat-mile than the subsonic jets it is intended to replace.

Its chief advantage will, of course, be its great speed; it is expected to cruise at nearly three times the speed of present jets. Yet, partly because only a fraction of the time in any door-to-door trip is spent in cruising, there is no conviction, even within the airline industry, that the bulk of air travelers will be willing to pay the additional cost of achieving such a speed advantage.

The problem is further complicated by two important facts: Whatever the diseconomies of an SST, other countries have undertaken to subsidize development of SST's of their own. This is seen as a threat to the leadership of the American aviation industry. Second, our aerospace industry is presently facing a reduction in Federal expenditures for space and for strategic arms. Some substantial—but difficult to measure—portion of the production efficiency of the U.S. aircraft manufacturers derives from milittary programs. With or without subsidization of a U.S. SST, aircraft manufacturers are likely to have difficulties over the next few years.

Should the U.S. industry wait until the technology has advanced to a point where a technically superior and more efficient vehicle can be designed and produced by the private sector alone? Can it afford to wait in light of the threats from abroad and from the shifts in Federal expenditures? Should the Government let the industry wait out its fortunes? The aviation industry has said no, it cannot wait and it must have public support if American aircraft manufacturers and airlines are to maintain their vitality and their world leadership.

The aviation industry's argument is basically that the Concorde—the British-French SST—is inevitable; that a Soviet SST is probable; that if either does appear in the world market, the United States and world air carriers will have to buy the foreign SST and displace U.S. built subsonic aircraft. As a consequence, in the absence of a U.S. SST, the United States will lose its leadership in world aviation. Further, the only way to avoid these consequences is through the development of an American SST, that will either permit the United States to recapture the SST market, or, hopefully, will preempt much of the market and soon relegate the Concorde to premature obsolescence, more or less as the U.S. jets did the Comet.

In my judgment there are several things wrong with this line of reasoning:

Neither the Concorde nor a Soviet SST is inevitable as an important commercial airliner.

Even if they are produced it will not be necessary for American or foreign carriers to buy them, certainly not for most of their operations.

Whether, even if there is a technically successful foreign SST, the United States will suffer aviation losses will depend primarily on U.S. Government policy.

Finally, the development of an American SST—under anything like the planned program—will probably have adverse effects on American aviation leadership and on the U.S. aviation industries.

Let us look at these points in turn, Mr. President; I think they make a valid rebuttal to the question and concern raised by the aviation industry.

WHAT ABOUT FOREIGN SST'S?

The combined British-French Concorde project is well advanced, the aircraft is undergoing flight tests now. The Soviet Union is reported to have a commercial SST in flight test also. Thus, both the British-French and the Russian SST's are well ahead of the United States in prototype development. The first flight of the U.S. SST is not expected until early 1973. However, both aircraft are expected to be small and with limited range and are expected to be inefficient. Although it is probable that either or both aircraft will evolve into technically adequate vehicles, it is by no means certain that they will. Little can be determined, of course, about Russian intentions, but the British have for many years been skeptical about the wisdom of developing the Concorde. One of the first acts of the Wilson Government was an unsuccessful attempt to cancel the program. DeGaulle's Government refused to let the British out of the contract, which the Conservatives had signed without a cancellation clause. Recently there has been criticism of the sonic boom generated by the Concorde in its trial runs and there was a particularly accute outcry a few weeks ago over the noise it made when weather forced it to land at London's Heathrow Airport—approaching at subsonic speeds, of course.

Recently, doubts have been expressed publicly in France. According to the Washington Post, September 28, 1970, Charles de Chambrun, formerly a junior minister under DeGaulle, has "charged that the Concorde was killing the French aircraft industry—however, there is no indication the criticism is making any impact on President Pompidou." The same article refers to "reports from London that the Tory government is eager to cancel the Concorde."

Mr. President, I ask unanimous consent that a letter from Prof. Alan Walters of the London School of Economics, a noted authority on the economics of air transportation, be printed in the Record at this point in my remarks. Dr. Walters points out that the threat to America's preeminent position in the world marketplace from the Concorde is more imagined than real. He goes on to say, with some envy:

> That the sad tale of Concorde can bring only a mixture of delight and relief to those taxpayers in the United States who have been spared the astronomical sum required to finance this madness.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The London School of Economics
and Political Science,
Aldwych, London.

I should have thought that the sad tale of Concorde can bring only a mixture of delight and relief to those taxpayers in the United States who have been spared the astronomical sum required to finance this madness. The situation is simply that the most optimistic estimates of the payload suggest that the aircraft will never be commercially viable and you must know, as I think everyone knows, that a very small variation in a payload of 4% or 5% is quite critical. The economic studies all point to a dismal commercial performance. The combination of high fares and cramped interior is thought to be a peculiarly unattractive one. Furthermore, airlines feel that by flying the Concorde they may only eat into some of their first class traffic. I cannot conceivably see how America will lose its "pre-eminent position in the market-place" to Concorde.

I had hopes that the present government would come to its senses and cut the whole programme. However, the recent support for Rolls-Royce in their RB211 programme gives one cause to wonder whether the government ever will mean what it says about not subsidising the aircraft industry. I suspect, therefore, that Concorde, if it is not scrapped, will limp along to be one more of the great white elephants of the British Aircraft Industry. I only hope it does not become another Comet; but with the new technology one can, of course, never guarantee these things.

Yours sincerely,

A. A. Walters.

Mr. BAYH. Mr. President, the British and French have deferred a decision to authorize production of four new Concordes—until information about its commercial prospects can be assessed.

I ask unanimous consent to have printed in the Record an excerpt from an article entitled "Plan To Build Four Concordes Is Deferred," published in the Washington Post of December 16.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Plan To Build Four Concordes Is Deferred

London, December 15.—The British and French ministers responsible for the Concorde supersonic jet project refused today to authorize production of four more aircraft until the commercial future of the $2 billion project is clearer.

Mr. BAYH. Ever since the mid-1950's, U.S. aviation enthusiasts have forecast Soviet "penetration" of aircraft markets throughout the world. To date, Soviet commercial transports have all been markedly inferior to United States, British, and French products. This obviously does not insure that they will not someday build a superior commercial aircraft, but it does mean that there is no assurance that they will. Further, as will be developed below, technical considerations will not be the determinants of the extent of foreign operation and sales of SST's.

As discussed later, the operational prospects for the Concorde and probably for any Soviet SST depend critically on the fare policy of the United States. The Concorde will be economically viable and commercially a significant threat only if the United States permits indirect subsidization of the Concorde through discriminatory fares. If the British and French had reason to believe that the United States would discourage such discrimination, their willingness to support the Concorde might be further eroded.

The FAA reports a British-French commitment of over 2 billion dollars to the development of the Concorde. The U.S. program is planned to cost $1.3 billion in direct subsidy. Whatever the benefits that might derive from the production of SST's, they are uncertain and will accrue to only a small portion of the population of the respective countries. Yet the activities of each reinforce the commitment of the others.

Senator Muskie has proposed a quadrilateral agreement: the United States, Britain, France, and the Soviet Union to discontinue SST development. With support in the U.S. Government, there would have been a reasonable prospect in the 1960's for such an idea or, at least, for cooperative SST development among the United States, Britain, and France.

It is not clear, then, that the United States needs to base its policy decisions rigidly on the assumption that a foreign SST will be developed and produced in large numbers in the next few years. That may be, but not only is that far from certain, it is of less significance than may at first appear.

DISPLACEMENT OF AMERICAN-BUILT JETS BY A FOREIGN SST

Much of the fear inducing America to raise the priority of the SST above domestic needs reflects the argument that airlines "will have to" buy a foreign SST if one becomes available. Upon examination, this assertion is less than obvious.

The Concorde technically is extremely limited. Internationally, it will be able to fly nonstop only New York-London or New York-Paris, New York-Caracas or similar distances. It will not be able to fly, for example, New York-Rome, Los Angeles-Europe, California-Tokyo, even Chicago-Frankfort. To make any of these longer flights will require at least one stop. Further, present laws and regulations require it to fly at subsonic speeds over land. This means that New York-Rome, Los Angeles-Europe or California-Far East will take virtually as long as, if not longer than, subsonic nonstop flights. Further, although it will have the range to make the flight, the Concorde will not be permitted by the European governments to fly London-Rome or other trans-European flights at supersonic speeds. Except for New York-Miami and California-Hawaii, virtually the whole U.S. domestic market will be foreclosed to effective competition by the Concorde because of the restriction against supersonic flights over populated areas. East of Athens, into Africa and to and from South America it may be possible to fly at supersonic speeds, but again it will frequently be competing with nonstop subsonics, and these markets are relatively thin.

Thus, if travelers are willing to pay the added cost of achieving supersonic speeds with the Concorde, or if fares are so distorted that they do not have to pay the extra cost, there is a place for the Concorde in the international, and possibly a small place in the U.S. domestic market. However, in contrast to the 707, the 747, the DC-10, and the other subsonic jets, the Concorde cannot be widely used throughout much of the networks of the major airlines. Therefore, the airlines will have to retain large numbers of subsonic jets—and if air travel continues to grow, they will have to buy more of them even if the Concorde is introduced. It can never play a role of the 707, becoming the standard vehicle over much of the world's airline network.

The fact that it will have, at most, limited usefulness will impose additional disadvantages on the airlines operating it and, hence, will tend to reduce its ability to penetrate the market. Being suitable for only a relatively few markets, the Concorde will tend to realize relatively low-utilization rates, thus raising the sea-mile capital costs of the operators. By adding to the types of aircraft in airline fleets rather than by replacing an existing type it will increase the complexity and, hence, the cost of fleet maintenance. So far as can be readily determined these arguments apply with equal force to the Soviet SST.

Even if the British and French go through with the Concorde, there will continue to be a demand for U.S.-built subsonic jets into the foreseeable future, so long as air travel continues to grow.

U.S. POLICY IS THE CONTROLLING FACTOR

Although it appears unlikely that there will be a foreign SST that can really force the U.S. subsonics off many of the world routes, it would, of course, be disadvantageous to the U.S. manufacturers to lose even a major portion of those markets in which the Concorde might be technically adequate.

Further, there is a real fear, often expressed by industry representatives, that if, for example, BOAC and Air France begin to operate supersonics on, say, New York-London, the U.S. carriers will have to follow suit. This argument implicitly ignores the critical role of air fares. Whether the Concorde, even if all its problems are solved, can penetrate a substantial portion of the markets for which it will be technically practical is primarily dependent upon fares, and specifically on the U.S. Government's fare policy. The executive and the Civil Aeronautics Board can influence and, in some critical areas, control fares. Within present law, they can do so in such a way as to prevent any SST currently under development anywhere, from forcing the U.S. subsonics out of the domestic American market. Indeed if the CAB where to behave in an equitable and economically rational way, that is exactly what its fare policy would do. Further, the U.S. Government could, in accordance with its laws and present international agreements, influence, if not determine, the extent of use of any SST in international service.

A key element in the discussion of fares is the cost of operating the Concorde relative to the U.S. subsonic jets. It is estimated, for example, that the Concorde would cost about 1½ times as much per seat-mile as would the wide-bodied subsonic jets—the 747, and so forth. These estimates, moreover, leave out of consideration all the cost penalties associated with either the sonic boom or noise, such as added costs resulting from circuitous routing, the imposition of curfews at various airports, the possibility of absolute embargos on the use of the supersonic into or over countries—that is, Switzerland—all of which could complicate scheduling and reduce utilization substantially. Obviously, it would be difficult at best to estimate the extent to which such penalties will be applied and, therefore, their cost implications.

The British Aircraft Corp. is reported—the Washington Post, November 9, 1970, page A6—as estimating that operating costs for the Concorde will exceed those of the 747 by 36 percent. The same source reports that the president of TWA foresees a 30- to 40-percent surcharge over today's fare to make the Concorde profitable to operate. By the time the Concorde is ready for extensive operation in the mid-1970's, the costs of subsonic jets will probably be reduced from present levels, so as to make the percentage differential still larger. Consequently, an assumption that the SST operating costs will be 1⅓ to 1½ times those of subsonics is probably conservative.

Such a cost difference means one of three things: First, direct subsidization of the operation of the SST so that its seat-mile cost to the airlines would be comparable to those of the subsonics. Second, charging a 30- to 50-percent premium for Concorde SST service. Third, to charge the same price per passenger-mile on the SST's as on the subsonics, or a modest differential, such as a 10-percent premium.

The first alternative, direct subsidization, may be a real danger when and if a U.S. SST is developed and produced under present plans. However, although the British and French Governments will have spent billions of dollars on the development of the Concorde and may induce their own airlines to buy it, it seems unreasonable that they will subsidize foreign airlines to operate the Concorde. Similarly, it seem unreasonable to expect the Russians to develop an effective program for subsidizing many non-Communist airlines. Subsidizing only the purchase of SST's would not be adequate.

The second alternative presents essentially the price policy that should be followed by the CAB and the executive. It is also the economically rational policy for most foreign governments. Such policy would probably result in the Concorde's being a financial failure. However, there appears also to be little interest in the American airlines industry for such a fare structure. There is a widespread belief, nevertheless, that supersonic speed is just not worth what it costs and that too few passengers would be willing to pay a premium proportional to the cost differential. This policy might be supported by some airlines before they have committed themselves to the supersonics. It will certainly be resisted by all the airlines that are ultimately induced to purchase Concordes. Backed by their governments, they can be expected to make every effort to force the third alternative.

The third alternative, charging little or no premium for supersonic service, will thus undoubtedly have a good deal of political support. In the industry there is talk of charging a substantial premium in the first year or two of subsonic operation and then rapidly reducing or eliminating it. The introduction of the SST, then, would tend to prevent or at least retard further reductions in fares. This would occur as follows: Without a substantial premium for supersonic services passengers would, of course, prefer the faster service, forcing airlines—if they could not reduce subsonic fares—to replace subsonic jets with Concordes. As more and more SST's are phased in, the average seat-mile cost of the whole fleet would increase. Consequently, to keep from incurring losses, as the Concorde becomes a larger proportion of the fleet serving particular markets; for example, New York-London, fares will have to rise progressively closer to the passenger-mile costs of the SST—or to decline less than they otherwise could. The volume of international air travel appears to be highly sensitive to fares.

Therefore, any increase in fares will cause a reduction in the number of passenger-miles sold; or, in more realistic terms, any retardation in or reversal of the downward trend of fares will reduce the rate of growth of air transportation. This is perhaps the most important economic fact in the whole SST debate so far as the welfare of the U.S. aviation industry is concerned.

An extensive analysis of fares in the North Atlantic, where the competition of the Concorde would be most severe, concluded that each 1-percent increase in fares tends to cause a 2-percent decrease in traffic, and each 1-percent decrease in fares tends to cause a 2-percent increase in traffic. Taking this estimate of elasticity, if, as a result of the limited introduction of the Concorde, fares were raised in the North Atlantic an average of only 20 percent, the traffic would be reduced by roughly 40 percent. If this were an overestimate of the "elasticity" by a factor of 2, which almost certainly far exceeds any error in the study, or, if we assume that the greater speed of the Concorde would offset half the effect of the price increase—if the advantages of supersonic speed were to offset entirely the effect of the price increase, there would be little basis for not directly introducing the second alternative—a 20-percent increase in fares would mean traffic would be about 20-percent below what it would be otherwise.

It seems inevitable that if the initial Concorde fares are too low to cover its costs, a chain reaction will be introduced that will force most fares in the North Atlantic up over a period of a very few years. If this happens, the traffic on the Atlantic will fall below its potential, to the detriment of American carriers. Unless the U.S. Government wants to see this, it should take steps to assure that the Concorde fares are high enough to pay its full cost. Although there are severe limitations on the ability of the U.S. Government, under present law, to control the level of international fares, as clearly demonstrated in the "crisis" of 1963, the United States does have great power to influence both the level and the structure of those rates, as was demonstrated by the fares introduced in the summer of 1964.

Whatever the difficulties of influencing fares internationally, the CAB clearly has the power to set rates domestically. It could and should—in the public interest—set rates such that the Concorde is required to compete without hidden subsidy. It would then be precluded from even those domestic operations for which it would be technically adequate; any aircraft precluded from a market as large as the U.S. domestic market will have a serious handicap in world aviation.

What, then, of the argument that the airlines of the world will "have to" replace American-built subsonics with the Concorde unless the United States builds its own SST? There is still some prospect that the Concorde will never be produced. If a Soviet aircraft is produced, its efficiency and other qualities may not be up to Western standards; in any event it is expected to be small and inefficient. Even assuming that all the technical, economic, financial, and political problems of producing it are solved, the Concorde, being forced to stop en route and to fly at subsonic speeds over populated areas, will have little time advantage over nonstop subsonic operations in the long-haul markets. So, even if the implementation of appropriate fare policy is prevented, the vehicle will be of limited usefulness. If equitable and efficient fare policies are introduced domestically in the United States, the high cost of Concorde operations will preclude it from those few domestic markets for which it is technically adequate. If such appropriate rates are also introduced internationally, it will be restricted by market forces to very small first-class operations in a few major markets. That is the size of the Concorde threat to American aviation.

DEVELOPING A U.S. SST WILL ADVERSELY AFFECT U.S. AVIATION LEADERSHIP

The prospect of a Concorde, or possibly even of a Soviet SST is not a serious or unavoidable threat to American aviation supremacy. If a foreign SST of something like present designs is developed, the United States has effective and efficient policy options for protecting the interests of American aviation without investing over a billion dollars of Federal money in its own new SST. Public indications now that the United States would pursue such a policy might help forestall the costly development of SST's abroad. The fare policy I have recommended here is not a policy of discriminating against a foreign-built aircraft, nor is it contrary to the interests of most of the other countries of the world. It is a policy of preventing discrimination in fares against travelers flying the subsonic jets and, hence, is in the interest of the bulk of travelers of all nations. It is also in accordance with sound principles of rate regulation. Just as it will protect the interests of American air carriers by precluding the need to take on the great financial burden of a highly inefficient $20 million aircraft, it will protect the airlines of other countries from the same pressures.

If the United States pursues the fare policy I have suggested, the subsidized development of a U.S. SST is not necessary to protect American aviation from the threat of a foreign SST. Even if the United States permits discrimination against the subsonic jets, the Concorde will penetrate only a small fraction of the market. In either event, the development of the U.S. SST under forced draft is likely to affect U.S. aviation adversely.

The U.S. SST is expected, if its technical problems can be overcome—and that is still a large "if"—to be a more efficient vehicle than the Concorde or the Soviet SST. It will be faster in cruising, it will be much larger, it will have fewer range disadvantages than the Concorde, its seat-mile costs are expected to be significantly less than those of the Concorde. It is intended to have greater growth potential than the Concorde. Yet, its advocates still do not think it is good enough to be produced without government subsidy. One reason for that is that while it will be more efficient than the Concorde, it is expected to less efficient, that is, more costly per seat-mile, than the subsonic jets that will be flying by the time the U.S. SST could be operating in large numbers.

At present, the FAA estimates that the seat-mile costs of the SST will approximate those of present subsonic jets at maximum range. They will be higher at shorter ranges and, of course, wherever the SST has to fly at subsonic speeds, that is, over populated areas according to present laws and regulations. Thus, its average cost, even by FAA estimates will exceed those of present jets. However, there are two additional problems. Cost estimates of new aircraft and other highly complex equipment have traditionally and understandably been highly optimistic; that may be true again here. More certainly in the 8 or 10 years before the SST is in extensive service, there will be improvements in the new wide-bodies subsonic jets which will reduce their operating costs. Historically, this has been the pattern with each new type of aircraft. Further, there are significant uncertainties associated with the SST. Not all of its technical problems may prove solvable without added cost; additional restrictions on its use, for example, restricting airport operations at night, may be imposed, raising its operating costs further relative to those of subsonic equipment. Consequently, it seems reasonable to suppose that the SST will be substantially more costly per seat-mile than the then-existing fleet of subsonic jets.

The basic economic fact about the U.S. SST is that if it were expected to be economical, there would be no need to subsidize it. A number of arguments have been raised by its advocates to dispute this: that the investment is too large for the private sector and that it is too risky. The argument that the investment required for its development and early production is so great as to require subsidy is, at best, weak. One can readily imagine that combinations of the great financial institutions could readily provide the few billion dollars thought to be required. The auto manufacturers, for example, raise $500 million annually for model changes. The fact that the very large financial institutions appear not to be interested in financing this particular venture, simply shows that the SST is not a good economic risk. The argument that the undertaking is too risky, rather than too costly, to justify private sources in providing the necessary funds is basically just a restatement that the prospects are not good enough to justify the costs and uncertainties. Thus, both the current cost estimates, realistically interpreted, and the arguments for subsidy indicate that the SST as it can be developed from the present technological base will be a high-cost, inefficient vehicle.

In broad terms, the discussion about fares and the Concorde applies to the U.S. SST as well, wherever it may be permitted to fly. Again, the appropriate rate policy could be to require a fare premium reflecting the cost differential between the supersonic and the subsonic vehicles. If the fares were set 20–30 percent above the corresponding fares of the subsonics, passengers on the SST would pay for the speed advantage and travelers at subsonic speeds would not have to subsidize SST operations through excessive fares; the advantages of each type of service would be available to passengers in accordance with their willingness to pay. However, even in the expectations of the SST advocates, this would visit financial disaster on the whole venture.

Aviation experts simply do not believe that, to most travelers, supersonic speed will be worth what it costs. It will be far harder politically for the U.S. Government to insist on economically sound pricing for U.S. SST services than for those of a foreign-built vehicle. Once the Government has subsidized its creation, and in various ways induced American and foreign carriers to buy it, to let the U.S. SST prove a financial failure would be, to say the least, politically difficult. To retain the appearance that the American taxpayers are recouping their investment in the SST, the Government will be under great pressure to force many of the same individuals to subsidize the SST through excessive fares.

If, as is to be expected, there is little or no fare differential, travelers will presumably prefer the time saving and fly on the SST. Payloads on subsonics will tend to be depressed. Their early retirement from the affected routes will be forced on the industry. A larger and larger proportion of at least the transocean fleets will become supersonic, and, hence, to avoid losses, the fares on those services will have to approach the seat-mile costs of the SST. Thus, such a fare policy will, almost certainly, force fares on virtually all types of aircraft substantially above the level to which they would otherwise fall.

Given the effect of the SST upon fares, the claims of "success" for the SST appear inflated. First and most obvious, there will be less air travel than otherwise. This is true no matter what the elasticity of demand—so long as one does not accept the obviously implausible position that in this one instance, demand is entirely insensitive to price. The more elastic the demand the greater the depressing effect on traffic.

If air travel is constricted there will be less employment in the airlines, less demand for aircraft and, hence, possibly less employment in the aircraft industry.

If the price elasticity of demand, after allowing for the advantages of extra speed, is only unity—a 1-percent increase in fares causes a 1-percent decrease in traffic—a 30-percent increase relative to what they could otherwise be, would force about a 30-percent contraction in volume of traffic and roughly comparable reductions in the demand for labor and aircraft. If price elasticity is greater, as is not unreasonable to expect the effects will be even greater.

These are the obvious direct consequences for the aviation industry if we were to assume a technically successful SST program—an assumption I am not yet prepared to make. There are other consequences. The subsonics will be displaced at a faster rate than would otherwise be the case. Accelerating the obsolescence of the new wide-bodied and other subsonics will increase interest and depreciation charges or equipment writeoffs, reducing airline profits. The financial problems of the airlines will be aggravated. Their debt is now at historic highs: major carriers are operating at large losses, and this trend is expected to continue. To burden present operations and financing with the prospect of billions of dollars of additional investment for a basically inefficient vehicle seems imprudent, to say the least.

Mr. President, the slump in air travel has caused the airlines to cut back on capital investments—if they cannot afford the 747 and others, how can they be expected to invest in the SST?

I ask unanimous consent to have printed in the RECORD an article on this subject published in the New York Times of October 16, 1970.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JET-ORDER REVIEW BY AIRLINES SEEN—OFFICIAL AT AMERICAN CITES SLUMP IN AIR TRAVEL

(By Robert Lindsey)

An American Airlines executive said yesterday that the continuing slump in air travel was prompting the nation's airlines to review orders for large jet airliners creating a situation that may add further problems for the aerospace industry.

Donald Lloyd-Jones, senior vice president-finance, said his company had not delayed delivery of any new planes. But he estimated, based on discussions with officials at other lines, that the trunk airline industry might have postponed delivery of 15 wide-body jets scheduled for delivery in 1971 and 1972.

One airline, United, subsequently acknowledged it delayed delivery of Boeing 747's it had on order.

FORECAST PESSIMISTIC

In a generally pessimistic forecast to the press on the airlines' prospects next year, Mr. Lloyd-Jones said that, due to the sluggish economy and financing problems, the 11 United States trunk (long-haul) airlines had decided to postpone $836-million worth of previously planned capital expenditures for aircraft and ground facilities over the next two years.

In 1969, before the airlines' traffic began to slide, he said they contemplated capital expenditures of $2.235-billion in 1971 and $2.448-billion in 1972. Now, he said, projected expenditures in 1971 were $1.71-billion and, in 1972, $1.78-billion.

Over the two years under the figures outlined by Mr. Lloyd-Jones, there would be a slight increase in spending for ground facilities, but $1.84-billion less would be spent on aircraft.

In many cases, airlines have proceeded with plans to acquire new aircraft through leasing arrangements.

Mr. Lloyd-Jones said it was his understanding that up to 15 "firm orders" for wide body jets—apparently Boeing 747's, McDonnell-Douglas DC–10's and Lockheed 1011's—were being renegotiated to permit later deliveries. Under original schedules, 58 of the large jets are scheduled for delivery in 1971.

Mr. Lloyd-Jones did not identify the airlines that he said had delayed deliveries. However, one company, United Air Lines, said yesterday that it had stretched out delivery of 18 747's it had ordered. As now planned, 12 will be in service by the end of this year instead of 14 and the full complement will not be in service until late 1973, a year behind the original timetable.

Mr. Lloyd-Jones, who met with newsmen at the American Airlines executive offices, 633 Third Avenue, said he expected the industry's traffic to pick up this spring, but doubted whether the total revenue passenger mile increase for the year would exceed 1 or 2 per cent.

"We at American are using a zero growth rate for the year for our planning and budgeting purposes," he said.

He said the airlines were cutting costs by sharply reducing flights and by taking other economy measures. But the executive contended that the trunk lines, which he estimated would collectively lose $110 million or more in 1970, needed a 5 to 7 per cent fare increase in 1971 for recovery.

Mr. BAYH. It is not possible to say in advance how the success of a U.S. SST would affect the aircraft industry as a whole. It seems clear that, through manufacturing the SST and its engines, Boeing and GE stand to benefit. By the same token, production and employment in McDonnell-Douglas and Lockheed and in Boeing's own 747, 707, and other subsonic jet production lines will be curtailed, and they will be curtailed faster, the greater the success of the SST program.

This brings me to the final question: American aviation leadership.

Aviation leadership has two relevant components—that of our manufacturers and of our airlines.

To begin with, it is clear that within the aviation community, both at home and abroad, the United States would certainly gain some prestige from producing a superior and ultimately dominant SST. Throughout the world many aviation authorities are afflicted with that form of myopia which prevents their seeing beyond technological advance to the more critical issues of social and economic utility. To such individuals, the introduction of a new, technically superior aircraft seems an end in itself.

The consequences for U.S. leadership in aircraft production, however, go much further. Today the United States has an indisputable lead in conventional subsonic, intermediate, and long-range transports: the world flies American equipment. This lead has been obtained in large part by the steady progression of technological development which has brought both greater speed and greater efficiency in air transportation. This leadership is soundly based on economic reality. To jeopardize this leadership with a speculative program whose economics are so unpromising that the private sector eschews its opportunities to participate fully would be, at best, a questionable choice.

The U.S. airlines enjoy a highly prestigious, traditionally profitable, and socially functional position in international aviation. This, too, is based more on superior economic efficiency than on any other single factor. To try to shift the basis of this leadership to some intangible and rather esoteric advantages associated with the employment of an elegantly inefficient vehicle is, at best, risky. Further, even if the gamble seems worth the taking, the U.S. international carriers will not, in fact, be in a position to introduce SST service internationally much, if any, before foreign carriers.

The FFA in the mid 1960's was careful to ration places in the waiting line for the U.S. SST in a way that would avoid the international repercussions of giving U.S. carriers a promise of an early preponderance of supersonic vehicles. Second, foreign governments will, if necessary to protect the interests of their own airlines, deny U.S. carriers the right to serve their countries. Thus it will be impossible for U.S. airlines, simply because an SST is built in the United States, to have any significant lead in the operation of that vehicle in international air commerce.

Indeed, one can easily foresee a long period of bitter controversy between the United States and its allied and friendly countries over the issue of the SST with certainly some prospect that the network of liberal bilateral agreements, which is the foundation of U.S. international air service, could be dealt a final blow by restrictionist pressures of foreign countries.

CONCLUSION

The federally subsidized development of the U.S. SST is not necessary to protect American aviation interests from foreign SST's now on the horizon. If the U.S. SST is nevertheless introduced and if a sound and equitable fare policy is pursued, it seems likely to be a financial failure, imposing great monetary losses on the Government, the manufacturers, and the airlines. If it is introduced, the political realities are such that it is likely that U.S. fare policy will permit or encourage discrimination in favor of the SST to the detriment of subsonic travel. Even then the consequences are little brighter.

The financial burden on the airlines will be increased, costs of all operations will tend to raise, profits will be put under further pressure, fares for subsonic as well as supersonic travel on long-haul routes will tend to rise—or decline less than would otherwise be possible and profitable. Travel will consequently be curtailed perhaps more than in proportion to the relative increase in fares. Airline operations and employment will decline or grow less than they otherwise would; there might even be a comparable reduction in the demand for aircraft.

The SST clearly is not in the interest of American aviation.

What would be appropriate policy for American aviation interests to recommend? First, it is important to point out that the aircraft industry is facing serious problems, not as a consequence primarily of any developments in the civil air market, but because of shifts and reductions in the nature and level of defense expenditures, especially the secular decline in the procurement of strategic weaponry and space equipment. No policy concerning civil aviation can solve that problem entirely. It is clearly not appropriate to undertake half measures to try to ease problems for some of the aircraft industry at the expense of American aviation interests in general. The problems of unemployment in the aerospace industry must be directly addressed through a national policy of maintaining high levels of employment in general and suitable manpower policies in particular.

Appropriate policy on the SST for most U.S. aviation interests would involve, first, opposing the present program to subsidize the SST. The SST should be allowed to develop in due course as technological advance in various areas and changes in air transport markets reduce the costs and uncertainties now associated with it—or produces other developments that obviate the need for the SST. Second, aviation interest should press for an early statement that American policy on fares will not permit discrimination either against foreign-built vehicles or, more particularly, against travelers using subsonic equipment. Third, support an international agreement to discontinue subsidization of SST development.

In general the self-interest of U.S. airlines and most manufacturers is served by policies that play to their established economic superiority, rather than to the unstructured game of competitive governmental subsidization.

ORDER OF BUSINESS—GERMANENESS RULE

Mr. BAYH. Mr. President, pursuant to the previous unanimous-consent request that the Senator from West Virginia be recognized and that his remarks be contiguous with those previously contained in the RECORD on the Disaster Relief Act, I ask unanimous consent that the Senator from West Virginia be recognized and that I then have the floor upon the termination of his remarks.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. STEVENSON). The Senator will state it.

Mr. BAYH. Is the Senator from Indiana correct in his understanding that the Senate, by unanimous consent, agreed to a motion that the Senator from West Virginia be recognized for a period of not to exceed 5 minutes and that this be considered as part of the debate on the Disaster Relief Act, the conference report, which was previously adopted by the Senate?

The PRESIDING OFFICER. There is such an order.

Mr. BAYH. And the Senator from Indiana would not lose his right to the floor?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAYH. I yield to the Senator.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object—and I do not want to object—the question here is whether or not we are going to waive the rule of germaneness, rule VIII, the so-called Pastore rule. I have talked with the able Senior Senator from West Virginia, and he is willing to wait another 10 minutes, at which time the Pastore rule will have run its course today.

Mr. BAYH. Does the Senator from West Virginia realize that we are talking about another conference report?

Mr. BYRD of West Virginia. Yes.

Mr. BAYH. Which has already been agreed to by the Senate, 30 minutes ago.

Mr. BYRD of West Virginia. Yes. But that is not germane to the business now before the Senate.

Mr. BAYH. May I ask the Senator why that was not a nongermane subject at that time?

Mr. BIBLE. It probably could have been invoked then, but it was not.

Mr. BYRD of West Virginia. Mr. President the waiver of the rule was not included in the unanimous-consent request at that time.

ORDER OF BUSINESS

Mr. BAYH. Mr. President, is it possible now, under the previous order, without losing my right to the floor, to yield to the distinguished Senator from West Virginia (Mr. RANDOLPH), the chairman of the Committee on Public Works?

The PRESIDING OFFICER (Mr. STEVENSON). The period for germaneness has expired.

The Senator from West Virginia (Mr. RANDOLPH) is recognized for 5 minutes.

(The remarks of Senator RANDOLPH appear at the appropriate place in the RECORD.)

Mr. McCLELLAN. Mr. President, will the distinguished Senator from Indiana yield to me without losing his right to the floor so that I may submit a report of the Committee on Government Operations with reference to the TFX airplane? After I submit the report, I should, of course, like to have an opportunity to discuss it. I think that my discussion will not last more than 30 minutes.

Mr. BAYH. Mr. President, I am glad to yield to the Senator from Arkansas.

Mr. COTTON. Mr. President, reserving the right to object, and I have no intention of doing anything to impede the Senator from Arkansas, a unanimous-consent agreement was entered into and not objected to. My recollection is that there was a limitation of time as to how long we were going to debate or discuss the matter that has already been passed.

I am curious to know whether the Senator from Indiana intends to go on after this matter has been taken care of and discuss this conference report that has already been adopted.

We have the spectacle of going on day after day under the eyes of the people. Certainly there would have been objection to that unanimous-consent request if we had not understood that it contained a time limitation.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COTTON. Mr. President, was there not a time limitation on the unanimous-consent agreement?

The PRESIDING OFFICER. This is on the conference report on the Department of Transportation bill. The Chair is unaware of any unanimous-consent agreement.

Mr. COTTON. There was a unanimous-consent agreement requested, and quite properly so, by the Senator from Indiana to permit discussion of another report that has already been acted upon.

Mr. BIBLE. The Senator is correct.

Mr. COTTON. And was there not a time limitation?

Mr. BIBLE. There was a limitation of 5 minutes. However, this is a completely unrelated matter. This is the TFX that the Senator from Indiana is discussing. He had regained the floor and had not surrendered it after.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. BAYH. Mr. President, is the Senator referring to the previous unanimous-consent request I made relative to the Senator from West Virginia?

Mr. COTTON. The Senator is correct.

Mr. BAYH. Mr. President, that matter has already been resolved. I was just alluding to the previous unanimous-consent request which had been accepted by the Senate which permitted the Senator to do the very thing he was doing. However, that matter has been resolved. I have yielded to the Senator from Arkansas.

Mr. COTTON. Mr. President, the Senator from Indiana has again addressed the Chair and has been recognized on a new subject.

Mr. BAYH. I was speaking on the pending order of business on which I have been making a few remarks over the last hour.

The PRESIDING OFFICER. The Senator from Indiana has never lost the floor.

Is there objection to the request?

Mr. COTTON. I shall not object to this request. I shall object to further requests to permit Senators to move to new subjects and at the same time hold the floor to resume their speech later.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Senator from Arkansas.

REPORT ON THE TFX CONTRACT INVESTIGATION

Mr. McCLELLAN. Mr. President, on behalf of the Senate Committee on Government Operations, I submit a report prepared by the Senate Permanent Subcommittee on Investigations, entitled "The TFX Contract Investigation."

The report is a history of the subcommittee's investigation of the TFX aircraft program and covers more than 8 years of arduous work. In December of 1962, we began this long and controversial task, the longest and most unpleasant inquiry ever conducted by the subcommittee.

We were subjected to severe criticism for initiating the investigation, and, as we proceeded, we encountered strong opposition from high quarters of Government. We had to endure heavy pressure from all sides, even within the Congress, from persons who sought to have us limit, curtail, and terminate our examination of the TFX contract award. Columnists and broadcasters wrote and spoke disparagingly of our efforts to disclose the facts. The general public on many occasions was given a distorted view of the subcommittee's intentions and procedures and also was inaccurately and incompletely informed about the executive hearings and the evidence being taken therein about the contract and the aircraft itself.

The subcommittee was not deterred, however, from carrying out its duties and meeting its responsibilities. I am proud and gratified to say that we completed our task; we ascertained, we believe, most of the pertinent facts in spite of all obstacles and deterrents, and we submit them with our conclusions in this report.

THE 1963 HEARINGS

On November 24, 1962, the Department of Defense announced that the General Dynamics Corp., after a year's competition with the Boeing Co., had been selected as the TFX contractor. Our inquiry into the contract award was initiated by a request from Senator HENRY M. JACKSON, who had been informed by the Boeing Co. that its design proposal for the new fighter-bomber had been judged the better of the two by the military Source Selection Board and that its cost proposals were lower.

The subcommittee's staff, examining appropriate documents and records, soon found substantial indication that the sound judgment of the top-ranking military officers and technical experts had been arbitrarily and imprudently overruled by the civilian secretaries, who had decided to buy the second best airplane at the higher price.

The Department of Defense signed the contract with General Dynamics on December 21, 1962, notwithstanding my personal request to Secretary Robert S. McNamara that the contract signing be delayed to permit the subcommittee to conduct its preliminary inquiry. The Pentagon justified the signing by stating that "it was considered to be in the national interest for the program to proceed further without delay." This contention was made in spite of the fact that the program had already been delayed for almost a year during four successive rounds of design competition for the contract. On February 26, 1963, the subcommittee started hearings on the contract decision.

A primary objective of the 1963 hearings was to examine the reasons offered by the civilian Secretaries in the Pentagon in support of their rejection of the military and technical experts' selection of the Boeing design. The reasons, listed in a short memorandum, contended that General Dynamics had offered a superior proposal. The Secretaries said that General Dynamics proposed a better aircraft design, more "cost realism," and more "commonality" between the Air Force and Navy versions of the biservice airplane.

Testimony established, however, that the Secretaries had no detailed studies of the cost or of the technical factors to substantiate or support the reasons which they cited for awarding the contract to General Dynamics. They did not consult with either the military source selection authorities or with the technical staff in the Office of the Secretary of Defense. The record shows that they held only cursory discussions on the merits of the competing designs, and that the memorandum justifying the award was prepared days after the decision was made. The subcommittee's report shows that two of the principals in the decision, Deputy Secretary Roswell Gilpatric and Navy Secretary Fred Korth, had such close prior ties with the General Dynamics Corp. that they should have disqualified themselves from taking part in the decision.

In fact, Secretary Korth resigned his position as Secretary of the Navy after certain disclosures were imminent.

The civilian Secretaries, testifying at length under oath in the 1963 hearings, maintained that the "memorandum for the record" gave the true reasons for their decision in selecting General Dynamics. They insisted that their choice was a matter of judgment. In relation to costs, for example, Secretary McNamara stated that he had no financial records to substantiate his view that General Dynamics offered more "cost realism." He said, instead, that he had made a "rough judgment" and that he had the figures in his head. The subcommittee, having disclosed in the public record the facts about the decision which were then available, recessed the hearings in November of 1963 to await the results of the Secretaries' judgment.

THE F-111 RESEARCH AND DEVELOPMENT PROGRAM

The subcommittee, during the intervening years, continued its inquiry into the F-111, as the TFX came to be known. Our report shows that, from the start of research and development, General Dynamics had serious problems with F-111 aerodynamics and weight growth. By February of 1964, the Navy found the problems so serious that it concluded that the F-111B, the Navy version, would be unacceptable as a carrier-based fighter. The Navy recommended a halt in production of test aircraft.

Navy experts called for a complete redesign, without the restrictions of commonality with the Air Force version. The civilian Secretaries rejected the Navy's plea, and the commonality requirement was maintained.

In July of 1964, the Navy again recommended that the F-111B undergo redesign, after more evidence showed that the Navy plane would be unsatisfactory. The Secretaries again rejected the Navy recommendation. In the fall of 1964, technical experts in the office of the Secretary of Defense predicted that the F-111B would be unsatisfactory. The advice was ignored; the program was continued, and the principle of commonality was maintained.

Our report shows that the only action taken on the serious problems of the Navy plane in 1965 and 1966 was a series of studies. Meanwhile, hundreds of millions of dollars were being spent and wasted in the futile attempt to produce a satisfactory F-111B which was fatally burdened with the commonality concept.

Also in 1965 and 1966, as our report states, the F-111 flight tests showed serious deficiencies in range and performance, attributable to the weight growth and aerodynamics problems disclosed at the start of the program in 1963. Furthermore, all F-111's had engine stall problems caused by a poorly designed air inlet. Serious problems notwithstanding, production of the airplanes was authorized in April of 1965.

During the summer of 1966, the hard facts of failure finally were recognized throughout the Pentagon. Although small improvements had been effected by the contractor, both Air Force and Navy airplanes fell far short of the services' operational requirements. Production aircraft were being built without solution of the air inlet problem. The program was headed for disaster, while grossly deficient airplanes were rolling down the production line. In August of 1966, Secretary of Defense McNamara personally assumed management of the F–111 program. He initited a series of meetings called Project Icarus.

PROJECT ICARUS

The Icarus meetings, attended by the top officials and engineers of the contractors and by the civilian Secretaries of the Pentagon, were held in the Pentagon, generally on a biweekly basis, for almost 2 years. In the beginning, the Secretaries "managed" the F–111 program without advice and counsel from Air Force and Navy program managers. After some months, the military experts were permitted to attend as observers but generally did not participate in discussions or decisions.

The subcommittee's report shows that the civilian secretaries wandered in a maze of technical design problems, discussing them in great detail at meeting after meeting. The only design changes they ever approved were "fixes" to the Navy plane that were supposed to enable it to operate from aircraft carriers. All these changes decreased commonality with the Air Force version—the first admission at high levels in the Pentagon that the commonality concept had failed.

The major effect of Project Icarus obviously was to waste time of the contractors and the services' technical experts. In December of 1966, the president of General Dynamics complained at an Icarus meeting that he did not have enough time between meetings to solve the problems of the airplanes.

The Project Icarus principals sidestepped a major management decision in the spring of 1967. In April of that year, an Air Force study warned of inherent structural weaknesses in the F–111's. In May, the chief inlet designer of the Air Force recommended a major change to the F–111 inlet. Dr. Foster, of Defense Research and Engineering, recommended stopping the production line for 6 months. His advice was ignored, the decision to stop production was not made, and the F–111A continued to move along the assembly line. As a consequence of that failure to act, our Air Force arsenal is now saddled with 141 F–111A airplanes with deficient air intakes and a history of structural failures and groundings.

THE RESULTS OF THE TFX PROGRAM

Originally, the TFX program called for 1,726 airplanes at a cost of $5.8 billion, an average per plane of $3.4 million. The Air Force was to receive 1,473 production F–111's to use as its only tactical fighter during the late 1960's and throughout the 1970's. The Navy was to receive 231 production F–111B's, to use as the sole Navy fighter on carriers from 1968 through 1975.

Present planning calls for the F–111 program to end in 1972 with a total of 538 airplanes to be built at total costs of at least $7.9 billion. This is $2.1 billion more than the original estimated cost of the 1,726 planes and the average cost, on that basis, is almost $15 million per plane, more than four times the original unit cost estimate.

The report summarizes other results of the F–111 program. The 141 F–111A's, produced prematurely in a deficient configuration, have an inadequate air inlet design; they are underpowered because of excessive weight growth and because their tactical mission emphasis was changed from nuclear to conventional bombs; their avionics are below the state of the art; they have had structural problems, and they have a high "wing loading" which restricts their maneuverability for the tactical fighter mission. Two other F–111 models—the D and E versions—have deficiencies in some degree. By September of 1971, the Air Force will have 96 F–111D's and 94 F–111E's. At that time, the contractor will produce the F–111F version, which will have most of the characteristics originally desired for the Air Force TFX: high power, modern avionics, and long range. However, it will lack the maneuverability to be an air-to-air fighter, an original objective of the TFX program. When the contractor begins to produce the F–111F, most of the money available for the program will have been spent, and therefore the Air Force can afford to purchase only 82 F–111F's.

This unfortunate and wasteful consequence of an arbitrary and imprudent decision to rush into production with a deficient aircraft is directly attributable to Secretary of Defense Robert McNamara and his service secretaries. They received clear warnings of impending disaster on a number of occasions over a period of years. Nonetheless, they plunged ahead with the production of hundreds of aircraft which they knew lacked the capabilities originally promised and originally contracted for. We will have 538 F–111's when the production line stops, and 456 of them will fall far short of providing most of the characteristics and capabilities called for in the specifications.

Among the 456 deficient aircraft will be 76 of the FB–111 strategic bombers. Mr. McNamara, with great fanfare, announced in December of 1965 that he intended to build the FB–111, which he said would give the Strategic Air Command a a bomber far better than the existing B–52's and B–58's. This announcement came at a time when he and all top-level civilians in the Pentagon knew, or should have known, according to the evidence in the subcommittee's hearings, that the entire F–111 program was in serious and rapidly expanding trouble. However, production went ahead, and the resulting FB–111 aircraft fell so far short of the range capability Secretary McNamara promised that orders for the bomber version were cut from 263 originally planned to 76 produced. Meanwhile, the costs of this version, as for all F–111's, skyrocketed.

Mr. President, there are 24 Australian F–111's in mothballs at the General Dynamics plant in Texas. The Australians haven't decided that they want the planes. Our Air Force may eventually take over 24 more deficient F–111's.

Additionally, we spent $145 million for engineering of a British version, the F–111K, and for two reconnaissance versions called RF–111's. None of these planes were produced; all were canceled; the money was wasted.

The other version, the Navy's F–111B, proved the most costly failure of all. That attempt to produce a successful Navy fighter was a complete disaster, and our report shows that the waste of $378 million of the taxpayers' money was not the fault of the Navy, whose technical experts insisted from February 1964 that the aircraft would prove unsuitable for use on carriers. The many repeated warnings of the Navy's experts were ignored at the top level of the Pentagon. The Navy repeatedly recommended design changes which would have greatly reduced the commonality factor, but the recommendations were rejected. Commonality had to be preserved, and as a consequence, $378 million was thrown away on a worthless aircraft.

In fact, Mr. President, it was not the Pentagon at all which eventually canceled the Navy TFX. In the summer of 1968, when the Defense Department budget request included many more millions for research and development and even production funds for the Navy plane, the Congress had to take the action obviously needed and long delayed. The Congress cancelled the F–111B program.

The costs of the failure are not reflected alone in the waste of $378 million. The Navy suffered a delay of 6 years in starting a new fighter to replace the F–4. An indirect penalty, but perhaps the most important one in terms of our national defense, is inherent in the design of the Air Force F–111's. The requirement for commonality, which was strictly enforced until the cancellation of the Navy plane in 1968, imposed severe penalties upon the configuration and structure of every single Air Force F–111. The fact that the Air Force does not have the airplane it wanted and needed is the final irony in the cancellation of the Navy version and the termination of the commonality requirement.

The Permanent Subcommittee on Investigations played an important role in congressional action which cancelled the Navy plane. In the summer of 1967, the subcommittee's staff developed and documented the complete history of the F–111B, working with the staff of the Senate Appropriations Committee. All of the aircraft's fatal deficiencies were disclosed in July of 1967 in a special hearing of the Department of Defense Subcommittee of the Appropriations Committee. At that hearing, over which I presided as chairman, the Department of Defense admitted for the first time that the Navy TFX was not suitable for carrier operations. A similar hearing, relating to the Air Force plane, was held in

1969, and again the staff of the Investigations Subcommittee, working with the Appropriations staff, prepared the background and documentation which established that the Air Force F–111, in all versions, fell far short of the capabilities proclaimed for it in 1962 and 1963 by Secretary McNamara and his civilian aides.

Furthermore, Mr. President, the report shows that the Government's interests were almost completely unprotected in the TFX contract. Evidence disclosed that the word "guaranteed" used in relation to performance characteristics was only window dressing. There were no binding provisions for performance of the guarantees and, moreover, penalties for failure to perform were negligible or omitted. As the subcommittee's report says:

> The most powerful leverage that the government can exert to compel a contractor to meet his obligations is the use of the default provision to terminate the contract for cause. In this case, in spite of the fact that the government knew or should have known that actual performance of the plane was going to be far below that specified; in spite of the fact that other severe technical problems had emerged; in spite of the fact that the Navy had recommended a stop work order, the civilian authorities signed a formal contract in 1964 in which they knowingly accepted terms which made termination for default impossible.

THE SUBCOMMITTEE'S CONCLUSIONS

The subcommittee's report finds five major errors in the management of the TFX program.

First. The original decision by Secretary of Defense Robert McNamara to produce a single aircraft to carry out multiple missions was wrong.

Second. The decision to choose the second-best TFX design at the higher price was wrong.

Third. The failure to heed many warnings that the Navy plane would be a failure cost hundreds of millions of dollars and severely impaired our Nation's defense posture.

Fourth. Secretary McNamara's decision to manage the program himself, via Project Icarus, showed a lack of perception of the disaster that loomed ahead.

Fifth. The rush to produce F–111A planes in April of 1967, when the aircraft was in serious technical difficulties, was imprudent for many reasons, not the least of which was the expenditure of most of the money in the program for the production of deficient aircraft.

All the errors noted above were poor management decisions. Had Secretary McNamara and his aides accepted the advice of their military and technical experts, offered so many times, the TFX program could have produced aircraft of operational value.

The subcommittee concludes that the TFX program has been a failure. More than half a billion dollars was wasted. Our national defense posture has suffered. These direct effects of the TFX fiasco have been serious and damaging. However, the subcommitee's report points out another effect, perhaps most important of all. I quote the language of the report:

> Understandably, this sorry record has done nothing to enhance public confidence in the integrity and competence of the people who are charged with preserving the national security. Nor has it improved the public image of the Department of Defense.

The subcommittee believes that measures announced by the Pentagon to decentralize the management system, to properly assess program status and progress, and to correct other problems disclosed by the record of the TFX case, can lead to improvements in weapons acquision and in management within the Pentagon.

The errors and blunders of the TFX program, however, could be repeated. A major finding of our report is that Congress must not hesitate, in exercising its oversight function, to scrutinize carefully the procurement procedures, decisions and programs of the Pentagon and other Federal agencies. Congress must always guard against repetition of the disastrous mismanagement which attended the TFX program from its inception.

In conclusion, Mr. President, I would like to state that this report is signed by eight of the nine members of the subcommittee. When it was presented to the full committee, with a quorum present, there was not a dissenting vote in authorizing the report to be submitted.

This has been a long, drawnout investigation. It was on December 4, 1962, just a little more than 8 years ago, that I was asked, as chairman, to initiate a preliminary investigation into the award of this contract. During that 8-year period we have held many long days of hearings. We have compiled a very voluminous record, not only of testimony but also of documents that have been made a part of the record. I believe that an objective review or analysis of those hearings will fully substantiate and sustain every comment made in the report that is being filed today.

This committee could not have performed this service as well or as creditably as it has without a competent and dedicated staff. We are fortunate to have such a staff on this committee and to have had such a staff during the years I have served as chairman of the committee. With their diligence and their competence to pursue leads and clues, to examine records and verify figures, and to make an accounting of what they found, we have been able to place in the RECORD the facts that I think cannot be refuted. In my judgment they will not be challenged successfully.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the following material: A table showing total numbers of all versions of F–111 aircraft, a table entitled "Navy Plane," a table entitled "Air Force Plane," a table entitled "1962 TFX Cost Estimates," and a table entitled "1970 TFX Program Cost Estimates."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Total numbers: All versions of F–111 aircraft

Air Force F–111A	141
Australian F–111C	24
Air Force F–111D	96
Air Force F–111E	94
Air Force F–111F (reduced from 98)	82
SAC Bomber FB–111	76
RDT&E Air Force	18
RDT&E Navy	5
F–111B Navy production planes to be used for test purposes	2
Total	538

Reference: Page 306, part 2, 1970 hearings. (Since the hearing on March 25, 1970, the F–111F total has been set at 82 instead of 98. Further, the 7 Navy planes are not mentioned on page 306.)

NAVY PLANE—F–111B SPECIFIED PERFORMANCE VERSUS ACTUAL CAPABILITY

	Specification performance	Actual performance	Deficiency (percent)
Weight empty	38,804 lbs	46,112	20
Maximum speed	2.5 mach	2.2	12
Loiter altitude	35,000 tt	30,000	14
Combat ceiling	55,000 tt	44,000	20
Loiter time:			
150 miles [1]	3.5 hrs	3.0	14
150 miles [2]	4 hrs	3.4	15
750 miles [2]	1 hrs	.5	50
Takeoff distance	2,200 ft	(3)	
Single engine climb	595 ft./min	(4)	(4)
Launch wind over deck	−8 kts	+19	(5)
Recovery wind over deck.	+5 kts	+12	(6)
Takeoff weight	62,788 lbs	79,000	26
Not covered in 1967 testimony:			
Acceleration time, M=.6 to M=2.	5.5 mins	10.0	[7] 80
Approach speed	113 kts	Unknown	

[1] Loiter in a configuration which will provide 2 g. maneuverability.

[2] Loiter in a configuration which will provide 1.25 g. maneuverability.

[3] Not caculated.

[4] Less than 100, over 85 percent.

[5] 27 knots.

[6] 7 knots.

[7] Over requirement.

AIR FORCE PLANE—F–111A (141 PLANES) SPECIFIED PERFORMANCE VERSUS ACTUAL CAPABILITY

	Specification performance	Actual performance	Deficiency (percent)
Takeoff weight	69,122 lbs	82,500	20
Maximum speed, high altitude.	2.5 mach	2.2	12
Maximum speed, sea level.	1.2 mach	1.2	0
Cruise speed, high altitude.	2.2 mach	2.2	0
Combat ceiling	62,300 ft	58,000	7
Acceleration time, M=0.9 to M=2.2.	1.45 min	4.0	[1] 275
Takeoff distance	2,780 ft	3,550	28
Landing distance	2,250 ft	2,320	3
Supersonic dash distance.	210 mi	30	85
Ferry range	4,180 mi	2,750	34

[1] Over requirement.

Note: Performance of the other versions of the tactical F–111's is classified. However, the performance of the 94 F–111E's, with the same engine, is roughly comparable. The 96 F–111D's, with a slightly more powerful engine, also have similar capabilities. Only the 82 F–111F's will have significantly improved acceleration, and their range capabilities are not improved by the higher thrust engine.

1962 TFX COST ESTIMATES

[This series of figures, extracted from exhibit No. 34, pp. 208–209 of the 1963 hearings, are the contractors' original proposals, as adjusted by the Air Force]

	General Dynamics	The Boeing Co.
Research, testing, development and evaluation	711.2	576.8
Production estimate	5,092.3	4,810.7
Total, program costs	5,803.5	5,387.5

Note: There are other sets of figures, such as the contractors' proposals before adjustments, the Air Force cost estimating standards, but the figures above are those used most frequently in the investigation.

1970 TFX PROGRAM COST ESTIMATES

It is impossible accurately to forecast exact totals to be spent on the F-111 program. The following estimates are taken from Subcommittee charts placed in evidence in the 1970 hearings:

Chart 4, P. 588, Part 3 of the 1970 Hearings

	Billion
Air Force total estimate as of December 31, 1969. This figure does not include funds wasted on canceled versions	$7.4+
Funds wasted on cancelled versions	.5+
Total (figure for 538 planes used in floor remarks and report; it does not include replenishment spares, certain ground equipment, and extra combat equipment	$7.9+

The unit cost for each plane in this estimate is almost $15 million.

Chart 4, P. 588, Part 3 of the 1970 Hearings

	Billion
Air Force total program estimate as of December 31, 1969. This figure does not include the funds wasted on cancelled versions; it does, however include replenishment spares, certain ground equipment, and extra combat equipment	$8.65
Funds wasted on cancelled versions	.52
Total Program	$9.2

The unit cost for each plane in this estimate is approximately $16.5 million.

Mr. JACKSON. Mr. President, one of the major attributes of Senator McClellan's chairmanship of the Senate Permanent Subcommittee on Investigations has been his willingness to undertake investigations that were highly unpopular in some quarters. The inquiry into the TFX aircraft is a case in point. In the face of tremendous adverse pressure from the executive branch of government and from within the Senate, Senator McClellan, exemplifying great personal fortitude and integrity, undertook the TFX investigation.

I know of no investigation in recent history that has been conducted under more adverse conditions. Those responsible for the TFX fiasco were determined to suppress the truth at all costs. But if these gentlemen ever really hoped to succeed in obstructing the subcommittee's work, they sadly underestimated the tenacity and resourcefulness of its chairman, the senior Senator from Arkansas.

It was through Senator McClellan's determined perseverance and tedious hard work, against every kind of obstacle placed in his way, that the subcommittee has brought to light the compelling facts surrounding the TFX procurement program, and in the process decisively contributed to bringing about a reevaluation of the entire program by the Congress and the executive branch, including the complete cancellation of the F-111B, the Navy version of the plane.

On March 21, 1963, Senator McClellan stated with reference to the TFX issue:

> When all the facts are in, the record will justify the committee's being sustained in the action it has taken.

Mr. President, the facts are now in and they clearly justify Senator McClellan's pursuit of the truth on the TFX.

The subcommittee's report published today tells it like it was, and I commend to Members of the Senate this case study of an extraordinarily inept exercise in decisionmaking in the upper echelon of the Defense Department.

This TFX report is significant for several reasons. It shows the price we pay for shoddy leadership at the highest levels of Government. As the report makes clear, the errors of judgment involved in the TFX decisions had an enormous impact on our defense effort and resulted in a monumental waste of public funds. Beyond this, the TFX story illustrates the tragic results that accrue when public officials reject professional judgments on technical matters and impose their own preconceived notions of what is right.

The senior Senator from Arkansas has made a notable contribution with this report on the TFX and the years of investigation that preceded it. He and the staff of the subcommittee who worked so long on this project deserve the thanks of the Senate for their efforts.

They have done far more than expose the details of one sorry episode in Federal decisionmaking. A key lesson of the TFX case is that major procurement decisions must be subject to close scrutiny by Congress if the public interest is to be protected. The subcommittee, despite extraordinary and persistent efforts from the executive branch and within the Senate to sidetrack the investigation, has reasserted and established the right of the Congress to oversee the conduct of the public business. Unless the appropriate committees, following this leadership, exercise constant and careful oversight, we are likely to find history repeating itself.

Mr. McCLELLAN. Mr. President, I thank the distinguished Senator from Washington, who is not only my colleague in the Senate but is a Member of the Government Operations Committee and has served with me as a member of the permanent Subcommittee on Investigations. For the past 18 years we have worked together on that subcommittee. We have conducted more than 100 investigations. I can say, without fear of contradiction, that we have saved this Government many hundreds of millions of dollars by exposing corrupt or improper practices and having them corrected. Often, through the subcommittee's work, the Justice Department and other agencies have been able to recover funds and to take needed administrative actions on these matters. Some of our work has never been published, but it has resulted in bringing about greater efficiency and economy in Government.

I can say, and Members of the Senate will bear witness, I am sure, that while I am grateful for the Senator's complimentary remarks about the chairman and the subcommittee, I believe my colleague will agree with me this has been the most unpleasant investigation we have ever conducted in our service on the subcommittee. I know he will verify the statement that I undertook the investigation with great personal reluctance and distress. However, I felt compelled to pursue a course of duty that was unpleasant and in many ways has been unrewarding so far as any personal gratification or satisfaction is concerned.

I felt there had to be some reasonable answers, some reasonable justification that could be accepted for the arbitrary decision to overrule the recommendations of the experts. Our investigation showed that the commonality concept just would not work. It seems to me anybody with any practical judgment—not sophisticated or technical judgment, but just practical judgment—would know that two planes could not be built from the same parts to perform the widely different missions required by the Air Force and the Navy.

I want to express my deep appreciation to Senator Jackson for the cooperation he has given in the course of these hearings and all subcommittee hearings over the years.

I shall soon turn the responsibility for these investigations over to someone else. Just how soon, I do not know, but the time will come. I hope that history will then reflect and record that this subcommittee has never been vindictive. That has not been its purpose nor its objective. We have simply sought to perform a duty placed on us by the membership of this body to meet certain obligations and to protect the interests of the United States and her people. It is the responsibility of an oversight committee to try to see that greater economy and efficiency are achieved in the administration of our Government. I deeply appreciate the efforts and remarks of my colleague.

Mr. JACKSON. I just want to supplement my remarks by saying that I have served with the able senior Senator from Arkansas on the full Government Operations Committee and this subcommittee, except for a brief period when we were off the subcommittee, for what will be 18 years on January 3. For 16 of the 18 years he has served as chairman of the permanent Subcommittee on Investigations. All during that time, including this particular 8-year investigation, the senior Senator from Arkansas, in my judgment, has exemplified the restraint, the moderation, and the other basic qualities that spell the best in what one might call good judicial temperament.

The senior Senator from Arkansas is a fair man. He is a just man. I must say that what he said a moment ago with reference to the patience we had to exercise and the persistence it took on our part to get answers in this case is exactly correct. There can be no complaints from others in the Senate or from the executive branch on the findings in this report. The chairman, with almost the unanimous support of the subcommittee—one out of the nine did not sign—is submitting a report that should be read by all Members of the Senate.

I get a bit amused, Mr. President, at some of the investigations that have been going on concerning waste in the Defense Department. I have read with interest of the fact that the executive branch officials responsible for those decisions have never appeared before the congressional committees conducting these investigations.

Has anyone ever heard of an investigation of waste in the Defense Department without taking testimony from the decisionmakers who were involved in the decisions made? There has been a lot of publicity, a lot of talk, and a lot of Johnny-come-lately grandstanding on TV time. But I must say that the only thorough full-scale investigation that has been made, in which the top decisionmakers themselves were confronted by the committee, was this particular TFX investigation; and I say, Mr. President, that this inquiry was undertaken at the time when some of the voices in the Senate that are now so strident were mute in the face of the waste and mismanagement that was going on in the Defense Department.

The chairman of this subcommittee, as always, has rendered a great service to the country by issuing today this important report. I cannot praise him too highly for the calm and fair way in which he has handled this entire investigation over a span of 8 years.

Mr. McCLELLAN. I thank my distinguished friend.

I yield briefly to the Senator from Virginia, without relinquishing my right to the floor.

Mr. BYRD of Virginia. Mr. President, I should like to join with the distinguished Senator from Washington in expressing admiration to the Senator from Arkansas for the work that he has done on this TFX program.

Mr. President, it was 6 or maybe 7 years ago that the distinguished senior Senator from Arkansas, in a conversation with me, made the first expression I had heard as to the need to thoroughly investigate this TFX contract and the purposes of the plane.

I began to take an interest in the TFX at that point as a result of my conversation with the distinguished senior Senator from Arkansas, and I have watched, over the past 6 years, the most effective work he has done in this regard.

I feel that the taxpayers of our Nation owe Senator McCLELLAN a great debt of gratitude for the dedicated, efficient, and thoughtful investigations that he has made of this multibillion dollar program.

I might say that at the time that the Senator from Arkansas began this investigation, the program which he was investigating had the full support of the highest officials of our Government, and was a favorite project of the most powerful man in the Department of Defense.

So I am pleased today to make these few remarks to express to the distinguished Senator from Arkansas my keen admiration for him and my gratitude to him for the service that he has rendered our Nation in the thorough investigation he has made of the TFX program. He has saved the taxpayers many, many millions of dollars.

Mr. McCLELLAN. I thank the distinguished Senator from Virginia. I yield now to the distinguished Senator from Arizona, without relinquishing my right to the floor.

Mr. GOLDWATER. Mr. President, I merely wish to add my words of commendation to those already spoken concerning the excellent work that has been done by the distinguished Senator from Arkansas.

I am not surprised that he conducted the examination in such a fashion. This is typical of the way he chairs these subcommittees. I know that because I was privileged to serve 4 years under him on the old Rackets Committee.

I was particularly interested in the comment made by the Senator from Washington relative to the seeming inability of other investigating committees to get the proper people to testify who were really responsible for the problems of the F-111 and the C-5A. With all due respect to my good friend from Wisconsin, whom I see at the front of the Chamber, at least three different times I suggested to him that Robert McNamara be called before his committee on the C-5A, but to my knowledge he was never called before that committee.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. GOLDWATER. When I get through I shall be happy to yield. I do not have the floor.

I do not think we have ever had testimony from the man who was responsible for all the mistakes made for 8 long years in the Pentagon and the Defense Department.

As the Senator from Arkansas knows, I have spent over two-thirds of my life in active interest in aviation. I first flew the F-111B a few years ago, before serious defects caused it to be called into Fort Worth for further testing. I am happy that further tests after modifications disclose it is now a sound plane, and it is being flown regularly by the Strategic Air Command. I have flown this new version of the aircraft; it is a vastly improved model, and the tests, as I say, showed nothing wrong. This airplane, I might add, has had a better safety record than any other jet aircraft we have ever introduced into the Air Force inventory.

I merely mention these things in saying again to my good friend from Arkansas that I have deep appreciation and thanks for the way in which he had made it possible for Americans to learn about this airplane which, in spite of all its trouble at the outset, is going on to be one of the great airplanes we have in our inventory.

Mr. McCLELLAN. I will say to the Senator that we have never tried to deter them from developing the best plane possible. They have tried. But the plan to design a single plane for the widely divergent missions of the Air Force and Navy has failed. They now have, possibly, a good attack bomber in the F-111F, but the other versions are far from being the planes originally desired. The Navy plane has been completely lost.

Mr. GOLDWATER. I could not agree with the Senator more. The whole purpose of the investigation has not been as to whether or not this was a good airplane. I think it was directed more at the contract problems, and at the commonality, which I hope is a word we have completely forgotten.

Mr. McCLELLAN. As I said from the beginning, I thought either company had the technical engineering capacity to build the kind of a plane that was desired, but I did not think that either could build it burdened as it was with commonality and poor management.

Mr. GOLDWATER. I could not agree with the Senator more; and if the committee's report does nothing more than point out to the Secretaries of the future that you cannot build a fighter and have it a bomber, or a tactical aircraft, or a recon aircraft, you build it for one purpose and it serves that, the effort will have been well worthwhile.

I thank the Senator for yielding.

Several Senators addressed the Chair.

Mr. McCLELLAN. I yield briefly to the Senator from Wisconsin.

Mr. PROXMIRE. First, Mr. President, I commend the Senator from Arkansas for a superb job on the TFX investigation.

My primary reason for seeking the floor is to respond to the remarks of the Senator from Arizona and the Senator from Washington concerning the allegation that our Joint Economic Committee did not call the principal witnesses responsible for the problems with the Defense Department.

I wish to tell the Senator from Arizona and the Senator from Washington that again and again we pleaded with Secretary McNamara to come before us. We wrote to him, we called him, and we asked him in person to come, repeatedly, just as I have repeatedly asked Secretary Laird to come before our committee, and he has refused to come. Secretary Laird sends Mr. Moot; he says he is an economist, and has jurisdiction over the Department's economic affairs.

We could not subpena the Secretary, because the Joint Economic Committee does not have subpena powers.

Mr. GOLDWATER. I think they have, if they would use them.

Mr. PROXMIRE. We do not have subpena powers.

Mr. GOLDWATER. They could try.

Mr. PROXMIRE. The Government Operations Committee, I understand, does. I am glad they do; they have done a marvelous job.

Mr. McCLELLAN. Mr. President, I yield to the distinguished Senator from Florida.

Mr. GURNEY. Mr. President, it has been my pleasure and privilege to serve on the subcommittee headed by the distinguished Senator from Arkansas during the latter part of this TFX investigation, and I certainly wish to join the other Senators who have made remarks previously here commending the distinguished chairman on the tremendous courage, thoroughness, and fortitude he showed in this TFX investigation in the face of great odds and pressure brought against him by the then administration as well as by some Members of Congress. No chairman ever showed greater courage or leadership than the distinguished senior Senator from Arkansas in this TFX investigation.

One other fact I think should be added and alluded to, which I do not think the other Senators have discussed, and that is the tremendous service rendered to the Nation by the distinguished chairman of our subcommittee, the Senator from Arkansas, in this investigation; because a great amount of money—no one will really know how much—was saved the United States in the redesign of the aircraft, so that we finally ended up with a good aircraft instead of a bad one, as well as the cancellation of the Navy version, which then led to the Navy designing a plane that it could use. Certainly, billions of dollars were saved to the United States because of the actions taken and precipitated solely by the investigation undertaken by the senior Senator from Arkansas on the TFX. He, indeed, has rendered a great service to the Nation. It has resulted in a saving of billions of dollars, and we should all be grateful for it.

Mr. McCLELLAN. I thank the distinguished Senator, and I extend my appreciation for the cooperation he has given to the chairman not only in this investigation but in others as well since he became a member of the subcommittee.

I yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, as I have said before, the Senator from Arkansas and his colleagues on the committee have rendered an outstanding service, a very timely service, and have been, as always, effective in developing the full facts.

With reference to the Navy plane to which the Senator from Arkansas has referred, the legislative branch of the Government declined to authorize more money for that plane. The Department of Defense was still asking for the money. The Navy was testifying in favor of the money, for the plane. At the Armed Services Committee hearings on the military authorization bill, we got two or three of the admirals before us at the same time and asked them a sequence of questions about the plane; that led to the answers that caused us to strike out the plane entirely and to deny the requested funds. That is the only way it could have been stopped. Of course, the plane was not in production at that time, and we substituted the F–14, which is now in progress.

Mr. McCLELLAN. The Secretary of the Navy was testifying for it. Secretly, however, Navy officials were telling Mr. McNamara that the plane would not work. We found that out, and we realized then with what we were confronted.

Mr. STENNIS. I commend the Senator very highly for the report.

With regard to the commonality question, regardless of who was honest and who was right and sincere in the beginning, this proves that a common plane is not possible now, on the same general design and plan, and that knowledge is worth a great deal, too.

I thank the Senator.

Mr. McCLELLAN. I thank the distinguished Senator.

ORDER OF BUSINESS

Mr. MUSKIE addressed the Chair.

The PRESIDING OFFICER. The Chair wishes to announce that, under the previous order, the Senator from Indiana was to have been recognized. In his absence, that order is vitiated, and the Chair recognizes the Senator from Maine.

CLEAN AIR AMENDMENTS OF 1970—CONFERENCE REPORT

Mr. MUSKIE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17255) to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. EAGLETON). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of Dec. 17, 1970, pp. 42283–42294, CONGRESSIONAL RECORD.)

Mr. MUSKIE. Mr. President, it is with considerable satisfaction that I report to the Senate that the Senate conferees on the Clean Air Amendments of 1970 have returned, just in time for Christmas, with the package ordered unanimously by the Senate on September 22.

This was a long conference with the House conferees. There were many points at issue, many provisions in the Senate bill which were not considered at all by the House committee or by the House, nor reflected in the House version of this bill. The conferees worked long and hard on resolving these differences and dealing with the House problem of including in the bill provisions which the House had not considered. I think that what we have is a tough bill.

I commend to all of my Senate colleagues the result of the conferees' painstaking efforts over the past 3 months. It is a strong, tough, air pollution control agreement. It will enable the country to clean up the air and protect the public health.

The conferees' agreement, no less than the Senate bill, intends that all Americans in all parts of the country shall have clean air to breathe within the 1970's.

The conferees' agreement, no less than the Senate bill, carries the promise that ambient air in all parts of the country shall have no adverse effects upon any American's health.

The conferees' agreement, no less than the Senate bill, faces the air pollution crisis with urgency and in candor. It makes hard choices, provides just remedies, requires stiff penalties.

The conferees' agreement, no less than the Senate bill, calls for the money and the manpower required to clean up the air. A threefold increase in manpower and a total of $1.1 billion in funding over 3 years are authorized.

Mr. President, I am convinced that nothing short of this kind of commitment to the fight against dirty air, against environmentally induced disease, will be enough.

That is why I am greatly encouraged by the support given to this legislation by the Senate and House conferees, and I am particularly grateful to each of them for his contributions to our work during these 3 months.

Let me now review briefly where we were in September, what we had learned from our experience with the existing law, what we felt was needed for a successful effort to obtain clean air and to protect public health, and what the conferees accomplished.

There was little doubt in the Senate, in September, that the country was facing an air pollution crisis. Cities up and down the east coast were living under clouds of smog and daily air pollution alerts. More than 200 million tons of contaminants were being spilled into the air annually.

The costs of air pollution were being counted in death, disease, and disability. The National Institute of Environmental Health scientists estimated the cost of environmentally induced disease at $38 billion a year. A 50-percent reduction in urban air pollution, it was estimated, would result in a saving of $2 billion a year in health care costs.

It was clear that the country was falling behind in its struggle for clean air. Automobiles were putting out 64 percent of the carbon monoxide and 50 percent of the hydrocarbons. Two steel companies in the Chicago area spilled 3,500 more tons of pollutants into the air in 1968 than they had spilled in 1963.

It was clear, too, that the new legislation then being considered would have to go beyond the limited objectives of the Air Quality Act of 1967. Senators will recall that the 1967 act was drawn to enhance air quality, to reduce harmful emissions, and to "give the Secretary authority to implement that objective in the absence of effective State and local control."

The 1967 act established procedures for the achievement and maintenance of federally approved regional standards of ambient air quality. These standards, based on Federal criteria documents describing the effects of pollutants on health and welfare, are adopted and enforced on the State and local level. In the event that adequate standards are not developed or enforced, the Federal Government assumes the responsibility.

The underlying wisdom of the original legislation was confirmed. We learned from the criteria documents issued for five pollutants that more decisive action must be taken. We learned from the standards-setting process that public participation is important. We learned from experience with implementation of the law that States and localities need greater incentives and assistance to protect the health and welfare of all people.

The effectiveness of existing law depends in great part on the willingness of people to make tough decisions concerning the quality of air they want to breathe. It depends on their willingness to make their wishes known in public hearings on the local level.

This experiment in public participation worked. People became involved in the standards-setting process. They learned of the threats to their health and they sought to make the program responsive to their needs.

From citizen concern and corporate resistance, we learned that air pollution is more severe, more pervasive and growing faster than we had thought. Unless we recognized the crisis and generated a sense of urgency, national lead times to find and apply controls measures could melt away without any chance for a rational solution to the air pollution problem.

It is also clear that ambient air quality standards which will protect the public health must be set as minimum standards for all parts of the Nation, and that they must be met in all areas within national deadlines.

Congress adopted emissions standards as the basic control technique for moving sources in 1965, because they are not controllable at the local level. Here we learned that tests of economic and technological feasibility applied to those standards compromise the health of our people and lead to inadequate standards.

In 1963, the Congress recognized that the Federal Government could not handle the enforcement task alone, and that the primary burden would rest on States and local governments. However, State and local governments did not respond adequately to this challenge. Enforcement had to be toughened. More tools were needed. The Federal presence and backup authority had to be increased.

Finally, no level of government has implemented the existing law to its full potential. On all levels, the air pollution control program was underfunded and undermanned. Greater financial commitments had to be made and met at all levels.

With these lessons in mind last September, the Senate laid down in its bill five sets of requirements for tougher standards and tighter enforcement against air pollutants and air polluters.

First, the bill provided for national ambient air quality standards for at least 10 major contaminants that must be met by national deadlines. This meant that in every region of the country, air quality had to be better than that level of quality which protects health.

Second, national air quality goals—protective against any known or anticipated adverse environmental effects were to be set for the major pollutants and had to be achieved within specific time frames on a regional basis. These goals were especially important because some pollutants could have serious effects on the environment at levels below those where health effects occur.

Third, the bill provided that newly constructed sources of pollution had to meet rigorous national standards of performance. While we cleaned up existing pollution, we were determined to guard against new problems. Those areas which have levels of air quality better than the national standards should not find their air quality degrade by the construction of new sources.

Fourth, the bill provided the Administrator authority to prohibit emissions of hazardous substances. The committee had received strong evidence that any level of emissions of certain pollutants might produce adverse health effects that could not be tolerated.

Fifth, the bill provided the Administrator with the authority to set emission standards for selected pollutants which cannot be controlled through the ambient air quality standards and which are not hazardous substances. These pollutants could later be covered by either ambient air quality standards or by prohibitions as hazardous substance.

The Senate also recommended significant changes in title II of the act dealing with moving sources, and especially with automobiles.

In 1968, moving sources were responsible for more than 42 percent of the total emissions of the five major pollutants.

In health effects, these pollutants mean cancer, headaches, dizziness, nausea, metabolic and respiratory diseases, and impairment of mental processes. Clearly, solving the air pollution problem depended on the achievement of significant reductions in the emissions from automobiles. Clearly, protection of the public health required quick and drastic reductions.

Since legislation to deal with the problem of automotive emissions was first introduced in 1964, the industry had known that they would have to develop the solutions to the problem. In 1965 they announced that national standards could be met in the fall of 1967.

It was clear that continued reliance on gradual reductions in automotive emissions would make achievement of the ambient air quality standards impossible within the national deadlines established in title I of the Senate bill. More important, it would continue hazards to health long after they should have been eliminated.

In order to maintain those standards set under title I—standards which are necessary to protect the public health and which must be met in the next 5 years—the emissions standards for carbon monoxide, hydrocarbons, and nitrogen oxides which have been projected for 1980 had to be met eariler. The bill required that this be done by 1975.

To insure that production line vehicles perform adequately, the Senate bill required that each vehicle manufactured comply with the standards for a 50,000 mile lifetime. The manufacturer was required to warranty the performance of each individual vehicle as to compliance with emission standards.

The Senate in setting the 1975 deadline made every effort to make that requirement consistent with what the industry had testified on many occasions over the years: It provided 2 years for research and development of the necessary technology, and 2 years to apply that technology in the mass production of vehicles.

In response to claims that these requirements could be met, the Senate included in the legislation an opportunity for an administrative review of the 1975 deadline. A 1-year extension would be necessary and justified. The bill also provided for a review of that decision by an appellate court.

The Senate was aware of the problems these requirements might create for individual companies. Therefore, the bill provided a procedure for mandatory licensing which would make available patents necessary to achieve compliance to any manufacturer who could show a need and to whom the information was not otherwise available. This provision was also applied to stationary sources.

Predictions of technological impossibility of infeasibility were not considered sufficient reasons to avoid tough standards and deadlines, and thus to compromise the public health. The urgency of the problems required that the industry consider, not only the improvement of existing technology, but also alternatives to the internal combustion engine and new forms of transportation. Only a clear cut and tough public policy could generate this kind of effort.

The third major area in which the Senate recommended significant changes is the area of enforcement. Standards alone would not insure breatheable air. All levels of government had to be given adequate tools to enforce those standards.

The Senate remains convinced that most effective enforcement of standards would take place on the State and local levels. It was here that the public could participate most actively and bring the most effective pressure to bear for clean air.

Public participation is still important in the development of each State's implementation plan. These plans do not involve technical decisions; they do involve public policy choices that citizens should make on the State and local level. They should be consistent with a rational nationwide policy and should be subject to the approval of the Administrator.

However, the powers to enforce these standards had to be increased for the State and local governments as well as the Federal Government. The bill thus required adequate State enforcement authority as a part of implementation plans and provided that abatement orders could be issued by the Administrator or his representative. Violations of these orders were to be punishable by statutory penalties of as much as $25,000 for each day of a first violation.

The bill also provided the Federal Government with the authority to use the influence of the Federal contract as an incentive to compliance with standards.

Federal contracts could be awarded only to facilities which were in compliance with the standards and requirements of this act.

The bill extended the concept of public participation to the enforcement process. The citizen suits authorized in this legislation would apply important pressure. Although the Senate did not advocate these suits as the best way to achieve enforcement, it was clear that they should be an effective tool.

Mr. President, those were the basic and principal portions of the package taken by the Senate conferees to the first meeting with the House conferees on October 8. On several of those points, the House bill was silent. I ask unanimous consent to include in the RECORD at the end of my remarks a summary of provisions of the conference agreement.

I ask unanimous consent that a discussion of the key provisions of this agreement and the implications of those provisions be included immediately following the summary.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MUSKIE. I have no doubt that this legislation, like its predecessor, will be subject to criticism. Already the auto industry has indicated it is unacceptable. Others will focus on its limitations and still others will find fault for political purposes.

That is the democratic process. It is not in the public interest that all critics be satisfied. But false implications are not needed. This is not a political measure—it had unanimous support from the Senate conferees—some of whom had differing views on specific language but all of whom knew that a public demand needed a stern response.

One issue on which there will be repeated interpretation and misinterpretation involves the deadline for achievement of emissions standards for passenger cars. The Senate did not get all that it wanted here. The Senate conferees had to accept two major changes in order to preserve the deadlines in the Senate bill and to obtain conference agreement.

First, the House insisted that an application for suspension from the effect of the deadline must be made earlier than 24 months before the effective date of the standard in question.

Second, the administration is required to make this decision within 60 days after receipt of such an application for suspension.

Conversely, two improvements were made. First, the Administrator no longer can be forced to rely upon the auto manufacturer to determine whether technology is available. He must test engine systems developed by private parties to ascertain whether they meet standards; thus, all available technology will be known. When a breakthrough occurs, the administration will know, and standards can be toughened even beyond the degree of control required by this statute.

Let me say, with respect to the conference agreement as it relates to the Senate agreement, that the Senate did not get all it wanted. It was necessary to compromise. Yet, in many instances, the compromise resulted in a stronger bill than either the Senate or the House bills. The key decision, the one on which the committee focused most over the past few months, was the deadline for the cleanup of the internal combustion engine in the passenger automobile.

The deadline has been retained. That deadline is January 1, 1975, for carbon monoxide and hydrocarbons, and January 1, 1976, for oxides of nitrogen. I repeat, that deadline has been retained.

The Senate bill provided, in addition, the possibility of an extension of 1 year beyond each of the deadlines. The limitation of a 1-year extension has been retained without change, except for the fact that the judicial review provisions of the Senate bill have been eliminated.

There has been one change made, upon House insistence. The date for applying for that 1-year extension of the deadline has been advanced by 1 year.

Mr. President, the Administrator would make the decision on whether an additional year should be granted on the basis of a review of the National Academy of Sciences on technological developments in the field as well as other information available to him. If the Administrator decides the deadline cannot be met, he must impose interim standards, achieving as high a level of emission control as technological developments permit. This advances the date for applying for the 1-year extension by 1 year, but no further extension is possible.

May I say that, in my judgment, the pressure is on the automobile industry. The deadline of 1975 and 1976 is still in the law, and only Congress can change it.

If the review procedure is followed and results in an extension, the maximum extension permitted for the 1 year as was the case in the Senate bill. Any extension beyond that can be provided only by action of Congress. That has not been changed by the conference agreement.

I think the action we have taken on the automobile deadline is a reasonable compromise, in light of the fact that the House bill contained nothing of the sort in its legislation. The House moved, I think, close to 100 percent toward the Senate provision. In other respects, the Senate bill is, I think, as tough now, following the agreement with the House, as it was when it left the Senate Chamber.

Other important features of the Senate bill were retained. Each individual manufacturer must, if suspension of the deadline is considered essential, apply to the Administrator and make the necessary showing. This means that the lack of technology or the leadtime to the smaller companies cannot be used as a justification for suspension by the major manufacturers.

Further, the companies must provide the Administrator with the information needed to judge their technical capability. The Administrator should require periodic reports on the progress of technology from each company—such reports and comments thereon should be a part of the report the Congress required by this section.

As in the Senate bill, the Administrator retains certain discretionary authority. He must, for example, prescribe the actual standard which the automobile must achieve to meet a 90-percent reduction from 1970–71 vehicle emission levels.

This technical judgment could be viewed as a way to vitiate the effect of the deadline by adjusting the measurement technique. This has been done once this year. Before the Senate completed action on this bill and before the decision to write a statutory standard for motor vehicles, the National Air Pollution Control Administration proposed a new measurement technique for vehicles. The new technique had the effect of increasing the allowable emissions for 1970–74 passenger cars. By the seemingly simple method of revising the base on which standards were calculated—new technology made pollutant quality and quantity easier to measure—the amount of allowable pollutants was increased.

The conference committee was aware of the potential for adjustment. The conference agreement mandates that measurement techniques be determined within 6 months after enactment. Should the base be adjusted again; that is, should a new measurement technique be adopted for carbon monoxide and hydrocarbons so as to increase the amount of emissions and thus alter the circumstances on which our judgment has been made, oversight hearings, and if necessary, corrective legislation will be the result.

Mr. President, this legislation is the product of an effort which involved many people over an extended period of time. The members of the Senate Committee on Public Works and their staffs deserve particular praise. Our hearings were numerous and there were more executive sessions. The members were patient, attentive, cooperative, and not partisan.

Chairman RANDOLPH and Senator COOPER, both of whom sit with the subcommittee, helped guide the bill through the full committee. Senators BOGGS, BAYH, MONTOYA, SPONG, EAGLETON, BAKER, and DOLE worked long hours on this bill and the final version represents their individual commitments to the goal of a clean environment.

Mr. President, there were many conferences with the House Committee on Interstate and Foreign Commerce. The chairman, HARLEY O. STAGGERS of West Virginia, who served as chairman of the conference, guided the legislation well. His constant reminder of the need to get a good, strong, reasonable bill helped maintain our determination. Representative PAUL ROGERS of Florida provided key proposals to break deadlocks and Representatives JOHN JARMAN, BILL SPRINGER, and ANCHER NELSEN worked diligently and patiently to formulate the compromise. The House conferees were ably and faithfully assisted by Kurt Borchardt and Bob Nordhaus, and without their cooperation with the Senate conferees' staff, this bill could never had been produced.

In conclusion, Mr. President, I want to emphasize again that committing the Congress with this legislation cannot be, and will not be, enough. In this Chamber, we can make promises to provide the funds and the manpower necessary to set and enforce the standards. That is not enough. We must carry our commitment through to the appropriations of those funds.

This program requires a commitment not only from the Congress and the Executive. It also requires a commitment from the people. And from all of us, it requires a new perspective. We all must recognize that the quality of our air is most valuable, most essential, to the quality of our environment and to the quality of our lives upon this planet.

EXHIBIT 1

SUMMARY OF THE PROVISIONS OF CONFERENCE AGREEMENT ON THE CLEAN AIR AMENDMENTS OF 1970

STATIONARY SOURCES

Air quality control regions: The agreement provides that areas of states not designated will be considered as air quaity control regions and provides authority for Administrator to designate interstate region.

Air quality criteria and control techniques: The agreement requires issuance of remaining air quality criteria for major pollutants within 13 months of date of enactment.

National ambient air quality standards: The agreement establishes procedures for setting primary national ambient air quality standards to protect public health and secondary national quality standards necessary to protect public welfare. Following promulgation of the standards (four months after issuance of criteria), the States will have nine months to develop and to adopt, after public hearings, a plan to implement the primary standards. Additional time will be provided to set implementation plans for secondary standards.

Implementation plans: The Administrator has six months to approve a submitted implementation plan or if no plan is submitted or the plan is inadequate, to substitute a plan of his own. The plan must be designed to achieve the level of air quality established by the primary standard within three years, and must include a description of steps which will be taken, including transportation and land use controls, emission requirements, and other enforcement procedure.

State standards: The agreement enables the State or local subdivision to adopt air quality emission standards that are stricter than the national standard.

New source performance standards: The agreement authorizes regulations to require that new major industry plants such as power plants, steel mills, and cement plants achieve a standard of emission performance based on the latest available control technology, processes, operating methods, and other alternatives.

Hazardous substance emissions: The agreement requires the administrator to regulate emissions of pollutants found to be hazardous to health.

Federal enforcement: The agreement prohibits violation of any air quality implementation plan, emission standard, etc. It provides criminal penalties and the authority to issue abatement orders. The agreement requires record keeping, authorizes subpoenas, requires emission monitoring, and authorizes right of entry.

Federal facilities: The agreement requires Federal facilities to control air pollution.

Moving sources: Standards—The agreement requires emission standards based on protection of public health and welfare without regard to the propulsion system and provides that the 1975 model cars must achieve at least a 90% reduction from emissions of the 1970 models. This would approximate the 1980 standards projected currently for automobiles. The agreement prohibits violation of standards.

Aircraft emissions: The agreement provides for regulation of aircraft emissions and Federal preemption of authority to regulate such emissions. Aviation fuels regulation is authorized also.

Penalties: The agreement sets penalties of up to $10,000 per vehicle and provides authority to seek injunctions against violators.

Certification: The agreement authorizes the Administrator to test any new vehicle submitted for certification for compliance with standards and authorizes certification for a year. It also provides for production line testing of vehicles.

On the road testing and compliance: The agreement requires warranty of 50,000 miles on emission system performance. The Administrator can test cars on the road, and can require recall if a representative sample fails the test.

State grants for vehicle inspection: The agreement authorizes 2-1 grants to the States for developing emission inspection systems.

Pre-emption: The agreement preempts State emission standard-setting authority, except for California.

Low emission vehicle: The agreement authorizes certification and purchase of Low-Emission Vehicles.

GENERAL

Research: The agreement authorizes $75 million for fiscal 1971, $125 million for fiscal 1972, and $150 million for fiscal 1973 research relating to fuels and vehicles. It authorizes research concerning the health effects of air pollution and authorizes an additional $15 million for long-term contracts to carry out these investigations.

State planning grants: The agreement provides 3 to 1 funding to states with a bonus now available only to interstate and intermunicipal programs; it also provides for the option of assignment of Federal personnel in lieu of cash grants.

Emergency powers: The agreement gives the Administrator authority to abate any pollution that presents an imminent and substantial endangerment to health.

Citizens suits: The agreement permits citizens suits to enforce violation of standards. Suits against the Administrator are limited to mandatory functions.

Federal contract compliance: The agreement prohibits the Federal Government from signing contracts with any company convicted of violation of air quality laws. The agreement authorizes the President to issue an executive order to provide uniform contract compliance language.

Judicial review: The agreement permits review of the standards, implementation plans, or other action taken pursuant to the Act.

Mandatory licensing: The agreement authorizes mandatory licensing of patents, on technology not otherwise reasonably available to facilitate compliance with provision of this Act.

Authorization: The agreement authorizes $650 million for three years for purposes other than Section 104.

Environmental policy: The agreement requires the Administrator to review any National Environmental Policy Act statements and major Federal actions and make his comments public.

Noise pollution: The bill establishes an Office of Noise Abatement and Control in the Environmental Protection Agency and authorizes $30 million to carry out functions.

DISCUSSION OF KEY PROVISIONS

Section 107–108. The conference agreement requires the designation of air quality control regions and the issuance of air quality criteria and control technique information within a statutory deadline. These are necessary administrative preconditions on which much of the rest of the agreement depends, and the conference committee felt it desirable to speed up their availability. Criteria have already been issued for five pervasive pollutants: sulfur oxides, particulates, carbon monoxide, hydrocarbons, and photochemical oxidants. Within the 13-month deadline, the Congress expects criteria to be issued for nitrogen oxides, fluorides, lead, polynuclear organic matter, and odors, though others may be necessary.

Section 109. Under section 109 of the agreement, national ambient air quality standards must be established, either within one month of enactment or simultaneously with any criteria issued. For each pollutant subject to a criteria document, there will be a primary ambient air quality standard, set at the level of air quality adequate to protect the public health, and a secondary ambient air quality standard to eliminate adverse effects on welfare.

Section 110. Section 110 requires each State to develop an implementation plan which assures the attainment of the primary ambient air quality region within three years from the date the plan is approved. The plan also must provide for reaching the generally more restrictive levels of air pollution of the secondary standards within a reasonable set time period and should be related to the difficulties with which a particular region is confronted.

With up to four months for the final promulgation of national standards, up to nine months for the States to develop their plans and up to four months for the Administration to either approve a State plan or decide to substitute his own authority in promulgating a plan, approval of plans for major pollutants is no more than 17 months away. Within four and one-half years, the level of air quality in American cities, as to these major pollutants, should be adequate to avoid adverse effects on public health.

In order to implement the national ambient air quality standards, these plans must provide for emission limitations on all services in the region covered by the plan, together with schedules and timetables of compliance, systems for monitoring both ambient air and emissions from individual sources, and adequate enforcement authority (including special provisions for air pollution emergencies). Implementation plans must provide that when adequate on-the-road motor vehicle emissions tests are developed, the State will have a system for periodic inspection. Federal grants are available to develop such inspection programs.

Implementation of standards will require changes in public policy: land use policies must be developed to prevent location of facilities which are not compatible with implementation of national standards. States must review the location of every new stationary source before construction to assure no interference with attainment of the standards.

Transportation policies must be developed or improved to assure that the impact of pollution from existing moving sources is reduced to the minimum compatible with the needs of each region. Construction of urban highways and freeways may be required to take second place to rapid and mass transit and other public transportation systems. Central city use of motor vehicles may have to be restricted. In some congested areas the number of operations of aircraft into an airport may need to be limited, or steps taken to reduce emissions while aircraft are on the ground. If such controls are required, the plan for implementation should so provide. If the plan is approved, the Congress expects the Federal regulatory agencies to take the steps necessary to assure compliance with the plan.

The conference committee was convinced that the Administrator of the Federal Aviation Agency would work closely with the States and the Environmental Protection Agency to attain these controls when necessary.

If, at the time of plan approval, it appears impossible to bring specific sources into compliance within three years, the Governor of the State may request an extension of the deadline up to two years. The Administrator must be satisfied that alternate means of achieving the standard have been considered (including closing down the source in question), that all reasonable interim measures will be applied, and that the State is justified in seeking the extension.

A Governor may also apply for a postponement of the deadline if, when the deadline approaches, it is impossible for a source to meet a requirement under an implementation plan, interim control measures have reduced (or will reduce) the adverse health effects of the source, and the continued operation of the source is essential to national security or the public health or welfare of that State. Such a postponement is subject to judicial review.

Section 111. The conference agreement, as did the Senate bill, provides for national standards of performance on emission from new stationary sources. Included under this section would be emissions from new or modified installations of major industries. These sources, important in themselves and involved in industries of national scope must be controlled to the maximum practicable degree regardless of their location. Standards of performance must be set at the greatest degree of control attainable through the application of the best system of emission reduction which has been adequately demonstrated.

Sources for which the Congress would expect standards of performance to be established include:
Cement manufacturing;
Coal cleaning operations;
Coke byproduct manufacturing;
Cotton ginning;
Ferroalloy plants;
Grain milling and handling operations;
Gray iron foundries;
Iron and steel operations;
Nitric acid manufacturing;
Nonferrous metallurgical operations (e.g. aluminum reduction, copper, lead, and zinc smelting);
Petroleum refining;
Phosphate manufacturing;
Phosphoric acid manufacturing;
Pulp and paper mill operations;
Rendering plants (animal matter);
Sulfuric acid manufacturing;
Soap and detergent manufacturing;
Municipal incinerators; and
Steam electric powerplants.

Section. 112. Under section 112, the Administrator must set emission standards for hazardous air pollutants, after public hearings on proposed standards. The standards must be set to provide an ample margin of safety to protect the public health. This could mean, effectively, that a plant would be required to close because of the absence of control techniques. It could include emission standards which allowed for no measurable emissions.

New sources of such pollutants may be constructed only if they meet the standards. Within two years, if installment of control equipment takes that long, existing sources must meet the standards, and during any relay in meeting the standards, alternate means must be used to protect the health of persons from imminent endangerment. Examples of substances which the Administration informed the Senate were likely to be controlled under this provision are beryllium, asbestos, mercury, and cadmium.

Section 113. Federal enforcement under section 113 leaves the primary responsibility with the States for enforcing requirements under implementation plans. The Administrator can issue an abatement order to a polluter or go to court seeking an injunction only after 30 days' notice to an individual polluter, or 30 days after notifying the State that the Federal Government is generally assuming enforcement powers in that State because of a widespread failure of States' enforcement. This gives States 30 days in which to take appropriate action themselves.

For Federal standards of performance for new sources and emission standards for hazardous air pollutants, the Administrator may enforce without delay by either issuing an order to abate or seeking an injunction in court. This authority may be delegated to States but the Administrator retains authority to act directly without notice to the State.

The conference agreement retains the existing abatement conference procedure for international pollution and for pollutants not subject to ambient air quality standards or emission standards for hazardous air pollutants. The effect of past enforcement actions is preserved.

Knowing violations of an order issued by the Administrator or of State implementation plan requirements (where the violator has received notice) or of Federal standards of performance for new sources or of Federal emission standards for hazardous emissions shall be punishable by a fine of not more than $25,000 per day of violation or by imprisonment for not more than 1 year. For second or subsequent violations, the fine is not more than $50,000 and imprisonment for not more than 2 years.

Section 114. The conference agreement grants authority to the Administrator or his authorized representatives to enter the premises of any emission sources, to require the owner or operator of any source to install and maintain emissions monitoring equipment (and to protect it against tampering), to require sampling of emissions, and to require records and reports. Violations of this provision are subject to restraining orders and knowing falsification of records, reports and other information required by this Act is subject to criminal penalties of $10,000, or imprisonment of six months, or both.

Section 202. The Administrator is directed to establish emission standards for pollutants from new motor vehicles or engines which are likely to endanger the public health or welfare. Such standards are to be applicable for the useful life of the vehicles or engines. The statute specifies that "useful life" shall be a period of use of at least five years or 50,000 miles, whichever occurs first. The effective date of the standards is to depend on the period necessary to develop the requisite technology, giving appropriate consideration to the cost of complying by such date.

Carbon monoxide and hydrocarbon emissions from light duty vehicles for 1975 model year and thereafter are to be reduced at least 90 per centum over 1970 standards for these pollutants. Oxides of nitrogen emissions from light duty vehicles for the 1976 model year and thereafter are to be reduced by at least 90 per centum over the actual emission of these pollutants from 1971 model vehicles, which were not subject to Federal or State standards for such emissions.

Any manufacturer may apply to the Administrator within specified time limits for a one-year suspension of the statutory time limits, and the Administrator is to issue interim standards if he approves such application. Such interim standards are to reflect the greatest degree of emission control which is achievable by application of technology determined by the Administrator to be available. The Administrator is to take into consideration whether the manufacturer has met statutory requirements relating to public interest and public health and welfare, availability of technology, and good faith efforts to meet standards.

The Administrator is to enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the feasibility of meeting statutory deadlines for the 1975 and 1976 model years. In entering into such arrangements, the Administrator is to request the Academy to submit its first report not later than July 1, 1971. The Administrator is directed to use all information-gathering authority granted to him to furnish to the Academy any information requested by it.

Section 207. The provisions for warranty of vehicle emission control systems or devices, contained in section 207 of the conference substitute, are among the most important in the Act. Standards for new cars will have little impact if we cannot assure compliance with those standards over the useful life of those vehicles. Testimony required by the Committee indicated significant deterioration from expected performance levels as between prototype models and production vehicles. According to information provided by the National Air Pollution Control Administration from the record of the Senate hearings:

"The production fleet data indicate that air quality in 1985 will be 25 percent higher in hydrocarbons and 13 percent higher in carbon monoxide than it would have been if there were no discrepancy in emissions rates. Oxidant concentrations are approximately a direct function of hydrocarbon concentrations, as indicated in the "Air Quality Criteria for Hydrocarbons." Thus the oxidant levels in 1985 will also be approximately 25 percent higher. This analysis is based on data gathered from 1968 and 1969 model year cars. To the extent that production fleet performance can be made to approximate prototype emissions more closely, in 1970 and later model years, the discrepancies in the projected curves can be reduced." (Volume 1, p. 372.)

This information, in addition to data which shows significant deterioration from the standard after a vehicle accumulates mileage, suggests that the investment in emission systems by the American public will be of no purpose and that the air quality objectives of existing and proposed legislation will have failed unless better performance is required.

The responsibility of the industry cannot stop at the factory gate. Without some degree of quality control which can only be assured through individual vehicle compliance, the motorists cannot be required to maintain emission performance—vehicle emission inspection programs will be meaningless—and air quality will not be maintained.

Conversely, by requiring the manufacturer to warranty performance, margins of safety will be built into each vehicle to insure better than required performance, systems will be designed to minimize deterioration, State vehicle emission inspection programs can cause proper maintenance to be observed by the motorists and the air quality objectives of this legislation will be implemented.

To achieve this, the conference agreement provides that motor vehicles be warranted by the manufacturer to comply with emission standards for 5 years or 50,000 miles. This performance warranty is in addition to a statutory warranty of freedom from defects in materials and workmanship.

The performance warranty cannot be enforced until the Administrator establishes methods for on-the-road testing of vehicles and states have individual vehicle compliance inspection systems and programs. A warranty will not become effective until the vehicle's deviation from the standards subjects the owner to some sanction, such as a fine or ban from the road. Proper operation and maintenance according to the manufacturer's reasonable instructions is a precondition to the warranty, but all repair work under the warranty, as in the case of vehicles recalled because of non-conformity with the standards, must be at the cost of the manufacturer.

Section 211. Section 211 of the conference substitute authorizes the Administrator to control or prohibit the manufacture or sale of motor vehicle fuels or fuel additives. This is combined with added information-gathering powers in the registration of all fuels and fuel additives. The Administrator may impose such controls or prohibitions if emission products of a fuel will endanger public health or welfare, or if the fuel or additive impairs to a significant degree a vehicle emission control system in general use, as long as the control of a fuel does not result in a greater danger to public health or welfare from a substitute fuel.

The concept of a control or prohibition should be taken to include requiring design changes in motor vehicles, as well as fuel handling equipment, to ensure maximum compliance with regulations specifying acceptable fuel use for various classes of vehicles. In developing any controls, the Administrator should consider the fuel needs of existing motor vehicles, as well as future production.

While the conference substitute specifies procedures under section 211 which the Administrator will use in determining whether to prohibit or control fuels or fuel additives, the conference committee wishes to call the Administrator's attention to the relationship between his functions under this section and the emission deadlines stipulated in Section 202. It is not the intent of the Congress to create a cumbersome, time consuming administrative procedure which will delay necessary controls on fuels and fuel additives required to meet these deadlines.

Neither is it the intention of the Congress to lock the Administrator into a rigid economic interpretation of the cost benefit analysis specified in this section in making his determination to prohibit or control fuels or fuel additives.

Rather, the conference committee wishes to call the attention of the Administrator to the broad environmental, esthetic and health considerations underlying the enactment of this legislation which should be kept in mind making these determinations.

States and localities are preempted from presenting or enforcing controls or prohibitions not identical to those of the Federal government, unless an approved State implementation plan under section 110 provides for fuel or additive control in order to attain the national ambient air quality standards. California, however, is free to have any regulation of fuels or additives it finds necessary.

Sec. 231–234. A new Part B of Title II, added by the conference agreement, provides authority for the Administrator to prescribe emission standards for civil aircraft and aircraft engines. This he must do after no more than 180 days of study and after public hearings in critically affected regions. The Secretary of Transportation, through the Federal Aviation Agency, will enforce the standards. States and localities are preempted from adopting or enforcing any but identical standards. The Administrator is also authorized to recommend standards for aviation fuels, which must be prescribed by the Administrator of the Federal Aviation Agency.

The conferees expect that critical standards for aircraft will go considerably beyond the present smoke reduction program which is being carried out for three-engine jets. To limit the standards to certain aircraft is unacceptable. To rely on smoke reduction alone ignores other, perhaps more important pollutants, which will have to be controlled as a part of the national ambient air quality standards program.

Section 304. The conference agreement authorizes citizen suits against polluters to abate violations of any emission limitation under the Act (including State implementation plans), and against the Administrator to require him to do any of the functions this Act assigns to him. Any polluter, including a government agency, is subject to such a suit after 60 days notice from the citizen-plaintiff. If a government abatement action is being diligently pursued in a United States or State court, a citizen action cannot be filed, but an interested party may intervene as a matter of right. There is no delay or notice requirement for violations of the Administrator's order or a violation of a hazardous pollutant emission standard. Cost of litigation, including attorney's fees and expert witness fees, could be awarded to either party, as the court thinks appropriate.

The Courts should recognize that in bringing legitimate actions under this section citizens would be performing a public service and in such instances the courts should award costs of litigation to such party. This should extend to plaintiffs in actions which result in successful abatement but do not reach a verdict. For instance, if as a result of a citizen proceeding and before a verdict is issued, a defendant abated a violation, the court may award litigation expenses borne by the plaintiffs in prosecuting such actions. However, there is no question that some persons may use section 304 to bring frivolous and harassing actions. In such case, the court could award costs of litigation to defendants as it is in the public interest to avoid such actions. This should have the effect of discouraging abuse of this provision, while at the same time encouraging the quality of the actions that will be brought.

Section 305. An important provision of the conference agreement is section 305, granting the Administrator the authority to represent himself in court if the Attorney General does not notify him that he will enter the case within a reasonable time. This is necessary if the Administrator is to have effective control of enforcement actions under this Act. The Administrator is required to initiate enforcement actions; this allows him to satisfactorily carry them out.

Section 308. In order to prevent the stringent standards of the Act from contributing to monopolist concentrations in any industries, the conference agreement provides for a limited mandatory licensing of the technology necessary to meet automobile emission standards, emission standards for hazardous air pollutants, or new source standards of performance, if covered by a U.S. patent. If rights under such a patent are not reasonably available, or the technology not commercially available through purchase of control equipment, the Attorney General may certify to a district court that some lessening of competition will result and seek a license on reasonable terms and conditions.

Section 310. The conference agreement instructs the Administrator to review and comment on Federal actions which affect environment and make such comments public upon completion of his review.

This policy conforms with Sec. 102 of the National Environmental Policy Act and was discussed with the Administrator of the Environmental Protection Agency, William D. Ruckelshaus, at his confirmation hearing on December 1, 1970.

The conference agreement thus removes the ambiguity concerning the public release of such reviews and comments which has emerged during the debate on appropriations for the supersonic transport. Those comments must be made public when the Environmental Protection Agency completes its review—not when the environmental impact agency decides the public should be informed.

Authorizations. The conference substitute adopts the House amount for Fiscal Year 1971 for Sec. 104 and Sec. 309—a total of $200 million. For Fiscal Year 1972 the conference agreement provides for a total of $350 million, of which $125 million is for research on fuels and vehicles. For Fiscal Year 1973 the authorization is $150 million for research under Section 104, out of a total of $450 million. In addition the conference substitute retains $15 million or long term contracts for air pollution effects research under Section 103, $30 million for funding the Office of Noise Abatement in the Environmental Protection Agency, and $55 million for low emission vehicle procurement, $5 million of which is authorized for Fiscal Year 1971 and $25 million each for Fiscal Years 1972 and 1973.

Mr. EAGLETON. Mr. President, will the Senator from Maine yield?

Mr. MUSKIE. I am happy to yield to the Senator from Missouri and commend him for his invaluable assistance in the committee, on the floor, and in the conference.

Mr. EAGLETON. I thank the Senator from Maine. I should like to propound to him a few brief questions just to illustrate further the significance and the parameters of this very noteworthy piece of legislation.

Before doing so, I wish to praise his enormous efforts in this valuable piece of legislation. But for the Senator from Maine, but for his diligence, his persistence, his persuasiveness, we would not have as good a bill as we today have before us.

We all recognize that this bill has great significance for our national effort to clean up the air pollution that afflicts virtually every citizen in the United States. I think we should also pause to record that this bill also marks a very significant step forward in the continuing development of more responsive and responsible relationships among the Federal Government and the State and local governments of our country. I want to thank the distinguished Senator from Maine for his vigorous and enlightened leadership on this less conspicuous but singularly important aspect of this bill. Would the Senator from Maine agree that this bill has very broad significance in the area of Federal-State relations?

Mr. MUSKIE. Yes. May I say to the Senator that during the deliberations on the bill I have been very much interested in preserving "local option" features, so that State and local authorities would be able to pursue options among a broad array, seeking a possible way of controlling or preventing air pollution that is most responsive to the nature of their air pollution problem and most responsive to their needs. In my judgment, the bill will give State and local authorities sufficient latitude in selecting ways to prevent and control air pollution.

Mr. EAGLETON. It seems to me that even with the strong provisions in this bill concerning automobiles, it will be necessary for us to devote more of our national resources to alternative ways of transporting people, particularly transporting them to and from our cities and within those cities, at less than supersonic speeds. Would the Senator from Maine care to comment on this proposition?

Mr. MUSKIE. Yes, I would. There is a tendency to focus upon the new car provisions in the bill, and understandably so. Nevertheless, what really moved the committee, the Senate, and the conferees to go in the direction of a tough deadline for new cars is the fact that there are used cars, and the used car population creates a problem. There are 100 million to 110 million automobiles that are moving about, heavily concentrated in the large urban centers and beyond the reach, really, of any effective technological control development.

Further, if we are to deal with the used car problem, we need a new car deadline in order to begin the process of cleaning up new used cars. We still have existing a mass of used automobiles to deal with. The bill before us deals with that problem by the requirement of national ambient air quality standards geared to help.

Those standards, realistically applied, will require that urban areas do something about their transportation systems, the movement of used cars, the development of public transit systems, and the modification and change of housing patterns, employment patterns, and transportation patterns generally. All of that is implicit in the concept of implementation plans for national ambient air quality standards and what they mean for the used cars in our country.

Mr. EAGLETON. Would the Senator from Maine agree with me that this bill is intended to afford to the citizens of the United States very broad opportunities to participate in the effort to prevent and abate air pollution? Are not the citizen suit provision and the requirement for public hearings on State implementation plans likely to result in higher quality and better air pollution control programs across the Nation than would likely be the case if there were less opportunity for citizen participation?

Mr. MUSKIE. That was the thrust of the Senate bill in many respects, and although we did modify the citizen suit provision I feel that thrust is retained. The Senate committee felt it would be impossible to do the total job of air pollution cleanup relying wholly upon the Federal bureaucracy.

This is why we emphasized the necessity for developing State and local programs. But in addition, this bill provides for other participation by citizens in various ways. We regard that as a key element in the successful prosecution of the air pollution goals which this bill undertakes.

Mr. EAGLETON. Mr. President, as the Senator knows, long after the Senate had completed action on the air pollution bill, well after administration representatives had been invited to react to the Senate's air pollution bill, and even after an announced agreement had been reached on the vital auto deadline, to which the Senator from Maine has already referred, the Nixon administration wrote an 11th-hour letter to the distinguished Chairman of the Senate Public Works Committee. In my view, that letter can only be interpreted as an attempt on the part of some in the administration to weaken the strong Senate bill and the tentative conference compromise.

Does the Senator from Maine think that the Richardson letter is an indication that we should carefully review implementation of this program in mid-1971 to be sure that the regulations are not weakened in application?

Mr. MUSKIE. Mr. President, I agree. The Richardson letter was badly timed. It did complicate the work of the conference and make it more difficult to reach agreement and to achieve what we ultimately achieved in the conference agreement.

On this point I concur with the Senator. We should carefully review the implementation of this program next year to insure that it is moving along in accordance with our interpretation of what we think the Senate is doing in this piece of legislation.

Regulations are not to be used to dilute and water down the strong policy which the Senate is adopting.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. MAGNUSON. Mr. President, I am not familiar with everything the conferees did. But I think that there is some confusion as to what department would be the enforcement agency.

Mr. MUSKIE. The Environmental Protection Agency.

Mr. MAGNUSON. What about the Department of Transportation? Would it have something to do with it, or the Motor Safety Division?

Mr. MUSKIE. The Senator refers to the low-emission vehicle program which the Senator from Washington introduced and of which I was a cosponsor. We had joint hearings on it with the Committee on Commerce. And it was reported out of the Committee on Commerce. It was passed as separate legislation. Then it was included in this bill. It is retained in the conference report.

Mr. MAGNUSON. Mr. President, I thoroughly agree with the Senator from Maine. We can set a deadline and then no one has any oversight over what is going on. So we come to the deadline and someone will say, "We have not done it."

They give us all the rigmarole and the reasons why they have not done it.

I am concerned about having some kind of surveillance over this as we move along toward the date decided by the conference. We could do that later. But we should have the legislative oversight committee or someone do it. Perhaps it should be the new Environmental Control Committee on which we will meet this afternoon. They might do that. I do not know.

Mr. MUSKIE. This could be within their area of jurisdiction. I think it might be useful to read this provision from the House RECORD of yesterday:

> There is established a Low-Emission Vehicle Certification Board to be composed of the Administrator or his designee, the Secretary of Transportation or his designee, the Chairman of the Council on Environmental Quality or his designee, the Director of the National Highway Safety Bureau in the Department of Transportation, the Administrator of General Services, and two members appointed by the President. The President shall designate one member of the Board as Chairman.

Mr. MAGNUSON. This is the sort of thing we have to keep on top of.

Mr. MUSKIE. The Senator is correct.

Mr. MAGNUSON. Otherwise we will wake up on a given date and they will say, "Well, we have not been able to do it." They will give all kinds of reasons why they have not been able to do it. There will then be an outcry to extend it.

I think we have to be sure that someone is on top of this thing all the time.

Mr. MUSKIE. Mr. President, I thank the Senator from Washington.

Mr. President, I now yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I shall ask the able chairman of the subcommittee several questions. The Senator from Maine who served so effectively as chairman of the Senate conferees, has, not only during this conference, but also during several years past, given much of himeslf to the development of this legislation. It is as he said in commenting on the conference report, good strong legislation.

I respectfully disagree with the words of the Senator from Maine and the words of the Senator from Missouri in reference to the appropriateness of the communication from Secretary Richardson.

Each person places his own interpretation on the content of the letter. I do not say this today for the first time. I said it when we discussed the matter within the Public Works Committee and when we discussed it within the conference. I am only repeating what I have said before.

I am very frank to say that I think the letter should have come to us sooner. This is something that I want the RECORD to reflect. I also want the RECORD to indicate that there had been no final decisions made here on Capitol Hill in reference to this important legislation at the time the communication was received. The democratic process is at work. The legislative process is at work. The advice from the executive branch is at work in reference to the finalization of this important legislation.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. MUSKIE. Mr. President, to clarify my position with reference to the administrator's prerogative to comment on this legislation or any legislation, it is not my intent in the remarks I made earlier that the administration does not have that prerogative. From the time we reported this bill out of the Subcommmittee on Air and Water Pollution, we publicly and in other ways solicited the administration's position on the provisions of the bill.

It would have been useful to have had the administration position in the course of the floor debate. We speculated about it, but we did not know what it was.

We went to conference, I think, about October 8 or 9. We reached a tentative agreement on the auto emission deadline on that day. The letter from the Secretary of HEW is dated November 17, some 6 weeks later. It is that to which I direct my criticism. Six weeks after we started the conference we got this letter on the administration's position. Certainly it is the administration's prerogative to send it up at any time it wishes. They could have sent it today. I am talking now about the very disruptive effect the timing had.

Mr. RANDOLPH. I have agreed with my distinguished colleague, the Senator from Maine, that I felt the letter was late in arriving. I made that statement at the very outset. But I do not look on a letter from the administration setting forth its views as disruptive.

I look on it as a further indication of the interest of the parties who are in the Federal Government either officially or indirectly, and that, I think, is the democratic process.

Mr. EAGLETON. Mr. President, will the Senator yield?

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Mr. President, who has the floor?

The PRESIDING OFFICER. The floor is held by the Senator from Maine, who had yielded to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I have some further remarks I am going to make in reference to the conference report, but I have just called attention to the colloquy here.

The PRESIDING OFFICER. The Senator from Maine has the floor.

Mr. MUSKIE. Mr. President, I yield the floor so the Senator from West Virginia can have the floor in his own right for the purpose of yielding to other Senators.

Mr. BAKER. I wanted to make sure who had the floor so that I know to whom I should address my inquiry so that I might comment on the colloquy between the Senator from Maine and the Senator from Missouri.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, because of the colloquy which has ensued, I yield next to the Senator from Missouri.

Mr. EAGLETON. I thank the Senator. As the Senator from West Virginia knows, the air pollution bill was pending before the Committee on Public Works for many months.

Mr. RANDOLPH. The Senator is correct.

Mr. EAGLETON. And on numerous occasions representatives of the administration, Dr. Middleton, and others in the Department of Health, Education, and Welfare, either testified before the Committee on Public Works, and I refer to the Subcommittee on Air and Water Pollution of that committee, or had conferences and communications with that committee.

Mr. RANDOLPH. The Senator is correct.

Mr. EAGLETON. It is well known that as the bill evolved through the committee process, in subcommittee, in full committee, in markup, and so forth, and it was widely disseminated in the public press that the Senate committee was considering a 1975 model year cutoff with respect to new cars.

Mr. RANDOLPH. At this point the able Senator knows that much of what is printed in the press on so-called executive sessions, and conversations of Members, is a constant problem, not that the press should not inform its readers. I commend the media for attempting to be accurate. But I think there is a constant question mark in stories of this kind. I would not say that what we were doing was precisely set forth.

Mr. EAGLETON. Passing for a moment from what had or had not been published in the press, it was abundantly well known in the Department of Health, Education, and Welfare that the Senate committee was considering and leaning strongly toward a 1975 cutoff with respect to new cars. Is that correct?

Mr. RANDOLPH. The Senator is correct.

Mr. EAGLETON. Then, I would like to ask this question, without for a moment wishing to detract from the excellent bipartisan cooperation in the committee and in the Senate which has made this bill possible: No one questions the prerogative of any Cabinet official to write a letter to any Senator or Representative at any time he is predisposed to do so; but what is raised by the timing of this letter is more significant than the content of the letter. Bear in mind that we worked on this bill for many months and that we had gone through laborious executive sessions in the Committee on Public Works, and we had Mr. Middleton for a part of those sessions, and the bill was reported to the floor. On the floor it was vigorously debated, and, in particular, the provision on automobiles was debated between the Senator from Maine and the Senator from Michigan. Then the bill went back to conference. There was a tentative agreement, and it was printed in the press before the election recess that the tentative agreement had been reached on this portion of the bill. After all of that, we hear in writing from Secretary Richardson for the first time after the election recess that he has some objection to the 1975 cutoff deadline.

The point I am trying to make is that I do not question Mr. Richardson's ability or authority to write the letter. But with that history behind this bill I do question why it took him until November 1970 to make his position clear with respect to this single most contentious portion of the bill.

Mr. RANDOLPH. I wish to reply. I have said that it would have been much better if the letter from Secretary Richardson had come sooner.

Frankly, in the matter of a conference report I am not interested in attempting to charge the administration with being weak. I am not attempting to charge them with being weak or strong on this subject matter. The Senate acted, the House acted, and now Congress is acting.

It is my feeling that that which has gone before—the expression of various viewpoints and possibly the late timing of the expression by the Secretary—are matters that perhaps are not as important as what we have done. That is why I have said it is a matter of interpretation. I respect my colleagues in their discussion of the matter and I understand they have their reasoned judgment on the matter. I am sure other members of the committee and of the Senate have their feelings with respect to the situation.

Mr. EAGLETON. I thank the Senator.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. RANDOLPH. Mr. President, I yield to the Senator from Tennessee.

(At this point Mr. EAGLETON assumed the Chair.)

Mr. BAKER. Mr. President, I was a conferee in connection with this bill. I am a member of the Subcommittee on Air and Water Pollution and have been since I came here in 1967. I have served with great pleasure under the chairmanship of the chairman of the subcommittee and the distinguished chairman of the full committee.

As far as I can recall, this is the first time the purposes of an air quality bill, or for that matter a water bill, have been subordinated in debate on the floor, or in committee, for political purposes. I feel that was the case in the colloquy that just took place between the Senator from Maine and the Senator from Missouri.

I feel the Senate passed a meaningful, worthwhile and strong bill. I think it will contribute materially to the business of cleaning up air in this country and taking care of the problem of automobile emissions. That has been accomplished because Republicans and Democrats on that committee for many years have cooperated not only between each other but at the staff level. Under the leadership of our chairman on the full committee and the chairman of the subcommittee staff members have cooperated, and there has also been cooperation with the agencies of government in the executive department which, for weeks, months, and years on end have conferred almost constantly with staff members on the minority side and the majority side as to how best to arrive at sound conclusions. This cooperation has been so close that some of these discussions are discernible in the platforms of both major parties and in the state of the Union message of the President of the United States. That is no small accomplishment for a committee or a subcommittee.

The Senator from Maine is to be commended without restraint for his leadership and motivation to the rest of us in this field. That makes it all the more tedious for me to sit in this Chamber on the eve of the adoption of a conference report underscoring a good bill and hear a political purpose being served by a bill that was worthwhile, notable, and nonpolitical, even under circumstances which might understandably have been suspect of producing a different atmosphere and a different set of circumstances.

If the Senator from West Virginia will yield for a moment more I wish to clarify my statement. I am referring specifically to the remarks, as I understood them, by the junior Senator from Missouri to the effect that the Richardson letter, referring to the Secretary of Health, Education, and Welfare, Elliot Richardson, dated November 17, 1970, and I quote: "must be interpreted as an attempt on the part of the administration to undercut the strong Senate bill."

Now I had not proposed to say anything about the automobile section at this time as the Senate considered this proposal because I believe my colleagues who were conferees on this bill will recall that I was the only conferee in the House or the Senate who did not agree and specifically voted against the first weakening of this bill.

I think my conferee colleagues might also agree that I have contended from the very beginning that Congress ought to do what we apparently have not chosen to do in this case, and that is to remove the serious business of deciding whether or not the automobile industry has made a good faith effort to comply with the bill's requirements beyond the tender mercies and the political motivations of a future Congress, and, rather, vest it in the independent judiciary to gather those facts and resolve those conflicts and decide, in 1976, a Presidential year, an election year for a third of this body and all of the House of Representatives.

The legislative department will be called upon to sit as a factfinding body to decide whether or not the automobile industry will be permitted to continue manufacturing automobiles, assuming it has not fully met this statutory deadline. I think it is a horrible prospect. I think it would be difficult enough for the independent judiciary to undertake it.

All of that, I say again, I have subordinated to the desires of the majority of the conferees, and I felt, and I still feel, we have a good bill, but I also feel that it is unfair to overlook the weeks and months of coordination between the members and staff of this committee and this administration and the previous administration, and the weeks and months and even years of nonpartisan cooperation between the members and the staff of this committee, and the inspired leadership of our committee chairman and our subcommittee chairman in trying to unravel probably the most delicate and complex domestic problem that has confronted the country in 100 years, and do it in a spirit of give and take; and then as we get to final passage of the bill, with a few Senators on the floor, we hear the charge that the position of the administration is to undercut a strong Senate position.

I submit that is not worthy of the effort that has gone into this legislation thus far and into previous legislation in previous sessions of the Congress.

Mr. RANDOLPH and **Mr. COOPER** addressed the Chair.

The **PRESIDING OFFICER**. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I wonder if I might complete a very brief comment on the conference report.

Mr. COOPER. I wanted to comment on the point just made.

Mr. RANDOLPH. I yield to my able colleague from Kentucky.

Mr. COOPER. Mr. President, I know the Senator from West Virginia will point out the constructive work the Senate and House conference have done on this most important bill. But before he speaks, I want to respond to the statements that have been made that the letter from the Honorable Elliot Richardson indicates that the administration will try to undercut this bill. I must say I have found nothing in the letter which supports the statement. In fact, while the letter disagreed with the Senate and House versions of the bill on some points, the letter states that the administration wants a strong bill. Secretary Richardson, said this in the closing paragraph of his letter:

> In conclusion we would like to reiterate the Administration's strong support for the effective control of air pollution by legislation embodying the major features of the House and Senate bills. Accordingly, we recommend the enactment of such legislation, incorporating the recommendations made above, during this session of the Congress.

Mr. President, I ask unanimous consent that the entire text of Secretary Richardson's letter be inserted at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., November 17, 1970.
Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to present the views of the Administration to the conference committee considering the House and Senate versions of H.R. 17255, amendments to the Clean Air Act.

To begin with, it is extremely gratifying to note that all of the major Clean Air Act amendments proposed by President Nixon in his February 10, 1970 environmental message to the Congress are reflected in both versions of the bill. I refer specifically to the President's proposals regarding national air quality standards, State adoption of implementation plans covering the whole area of every State, emission standards applicable to major new stationary sources of air pollution and to hazardous emissions from all stationary sources, expanded and streamlined enforcement powers, assembly-line testing of motor vehicles, and regulation of fuels and fuel additives.

We are, therefore, fully in accord with the objectives and the essential features of both the House and Senate bills. In our judgment, however, both bills have certain provisions that should be modified in the manner recommended below. While this letter makes reference to the Secretary of HEW throughout, as do both bills, we note that the Senate bill has the effect of vesting these authorities in the Administrator of the Environmental Protection Agency, as contemplated by Reorganization Plan Number 3 of 1970.

Automobile Emissions. The Senate bill would require, under provisions that have no counterpart in the House bill, that certain automobile emissions be reduced by 90 percent from the 1970 levels by 1975, unless the Secretary of HEW extends this period for one year, which extension would be subject to judicial review.

The objective of these provisions is to accelerate substantially the current timetable for controlling automobile emissions. The Senate bill does this by making effective in 1975 the standards administratively projected to take effect no later than 1980. We fully support the objective of accelerated control of automotive air pollution and support the proposed establishment of 1975 as a target date for achieving the proposed 90 percent reduction.

Based on the information available to us at this time, we are uncertain whether the requisite control technology will be developed and reduced to commercial practice on a mass-production basis by 1975–76. This presents the Federal government with a dilemma. On the one hand, if, despite a maximum effort, the necessary control technology cannot be developed and put into production, then emissions cannot in fact be reduced to the levels sought. On the other hand, the prospect of repeated deadline extensions based simply on the absence of control technology gives rise to an understandable concern that automobile manufacturers may not press the development of such technology and its application as rapidly as they should to meet air quality requirements.

The Senate bill would resolve this dilemma by providing an absolute statutory deadline of 1976, despite the fact that the very basis the bill provides for the single extension from 1975 to 1976—that all good faith efforts have been made to meet the standards, but no effective control technology has been developed—would logically justify additional extensions for a manufacturer on the basis of similar findings.

We believe that provision for additional extensions of the deadline can be made while at the same time assuring maximum effort by the manufacturers, as sought by the Senate bill. To accomplish this, we suggest that, using the 1975 standards as a yardstick, the manufacturers' efforts be examined periodically by a highly competent, impartial body outside of Government—the National Academy of Sciences and/or the National Academy of Engineers would be eminently qualified to play such a role. (We understand the conferees are interested in using the Academies in a manner that may be related to this proposal.) Such examination should involve periodic determinations of the manufacturers' level of effort and judgment as to the progress in developing adequate control technology, and its application to mass production. The results of such examinations would keep the Congress and the Secretary informed of the manufacturers' efforts and progress toward meeting the standards and provide the Secretary with a basis for determining whether to grant or deny any extension which a manufacturer might seek. It seems to us that such a procedure would provide a more orderly and equally beneficial process for achieving the results sought by the Senate bill.

We would also favor two other changes in the provisions of the Senate bill with respect to automobile emission standards. *First,* there is a serious question whether the bill, in fixing January 1, 1973 as the earliest time a manufacturer could seek a deadline extension, gives proper recognition to automotive production lead times. Establishing *any* specific date in the bill seems unnecessary to us, however, and we recommend that this matter be left up to the judgment of the Secretary. There is clearly a natural regulator at work here, since the earlier a manufacturer might seek an extension, the less credible would be its claim that it had made a good faith effort to meet the standards. *Second,* we also recommend that, instead of providing for essentially de novo judicial review of the Secretary's decision with regard to an extension request, the bill should provide for the customary more restrictive scope of judicial review.

Warranty of Automotive Pollution Control Systems. In provisions that again have no counterpart of the House bill, the Senate bill requires, effective 90 days after appropriate test procedures have been established, that the automobile manufacturers warrant that their pollution devices will meet prescribed emission standards for 50,000 miles.

In testimony before the Senate committee the Administration supported the principle of requiring a manufacturer's warranty of control devices, and we continue to support this principle. However, we regard the 50,000 mile warranty as inappropriate and unrealistic in the light of known technology and experience.

At the present time neither the Federal government nor the manufacturers have sufficient or reliable knowledge as to why, in some cases, a particular automobile in actual use fails to meet emission tests. This being the case, substantial and no doubt lengthly research and studies would have to be undertaken before the Secretary could, with any confidence, promulgate defensible test procedures, which under the bill would make the manufacturers liable for the satisfactory performance of emission devices for 50,000 miles. Thus, the provisions of the Senate bill could have the unintended result of actually delaying the imposition of *any* warranty requirements for a long period of time. If on the other hand the Secretary were to promulgate test procedures before the Government or the manufacturers better understand why some automobiles fail to meet emission requirements, manufacturers would almost certainly price the warranty at a level which would fully protect them from this lack of knowledge. Also, the manufacturers could understandably specify extremely stringent maintenance requirements as a condition of the warranty. Since most car owners would have little incentive to comply fully with all of these requirements, the warranty would be unenforceable in many cases and would make virtually no contribution to control of air pollution.

We favor including a provision in the bill which would authorize the Secretary to impose warranty requirements on the manufacturers as he determines that such requirements can be justified on the basis of adequate operating knowledge that has become available. Such warranty requirements could be made more stringent as more knowledge and experience in these matters are gained, with a view toward progressing to the goal of a 50,000 mile warranty requirement on all new automobiles. We also favor requiring from the outset a manufacturer's warranty against defects in material and workmanship.

State Vehicle Emission Standards. The Senate bill, in provisions not contained in the House bill, would empower States to fix special emission standards for new vehicles more stringent than the standards fixed by this legislation if the States could prove to the satisfaction of the Secretary that such action were necessary to meet air quality standards in regions within their jurisdiction.

We believe that existing law properly provides for Federal preemption of emission control standards for new vehicles, in recognition of the need for uniformity and the inability of manufacturers to produce different types of vehicles for a number of States. In addition, as a practical matter there would appear to be very little further reduction in automobile emissions available to the States, in view of the stringent Federal emission standards contemplated by the Senate bill for 1975. We recommend that the present Federal preemption concept be retained without change, and that the States attain air quality standards by the ample variety of other means contemplated by the bill—including control of emissions from other than new cars, and, if necessary, traffic controls.

Export Vehicles. The Senate bill would eliminate a provision in the existing Clean Air Act which exempts new motor vehicles and engines manufactured solely for export and sale abroad from applicable emission standards. The House bill would make no change in existing law in this regard.

We are unaware of any rationale to support this proposed change, and we believe that the considerations which supported the present export exemption provision are still valid. The emission standards adopted by a number of foreign countries on the basis of their air pollution control needs probably will continue to be significantly less stringent than the emission standards contemplated by the Clean Air Act. American motor vehicles are required, of course, to comply with applicable foreign emission standards, and requiring them to comply with the differing American standards could seriously prejudice their competitive position abroad.

Mandatory Licensing. The Senate bill compels holders of patents, trade secrets, or know-how on pollution control devices to grant licenses to all applicants for the use (upon payment of reasonable royalties) of these devices, if the Secretary of HEW determines that this is necessary to facilitate compliance with air pollution standards for automobiles, aircraft, and vessels, for hazardous facilities, or for new stationary sources. There are no comparable provisions in the House bill.

The constitutionally-recognized protection which patents afford has been a key element in encouraging innovation, and we are seriously concerned as to what the ultimate effects of this major change in policy might be. In particular, we are uncertain as to its possible deterrent effects on the incentive to invent in the pollution control field, where the need for innovation is so great. Moreover, we are not aware of the basis for assuming that developers of essential air pollution control technology would refuse to make it available either by license or direct sale to the users.

We recognize that this authority is permissive, and that the report of the Senate Public Works Committee emphasizes that very restrictive use should be made of it. Despite this, we are not convinced of the need for such a basic change in policy in light of its potential adverse effects and in the absence of known abuses. If in the future a situation arises in which a refusal to make technology available threatens to jeopardize the national air pollution control effort, Congress can then legislate to meet the particular problem.

Citizen Suits. The Senate bill authorizes citizens to bring civil actions against alleged polluters (including governmental entities) or against the Secretary of HEW to enforce compliance with the requirements of the Act. There are no comparable provisions in the House bill.

In authorizing citizen suits directly against alleged polluters, this provision builds on the trend of existing law, and we do not object to its enactment. Such suits can contribute to the effective enforcement of air pollution control measures.

However, the authorization of citizen suits against the Secretary to force him to take enforcement action in a particular case would have the unintended result of reducing the overall effectiveness of our air pollution control efforts by distorting enforcement priorities that are essential to an effective national control strategy. Therefore, we recommend the deletion of that portion of the provision authorizing suits against the Secretary. This deletion will not affect the right of citizens to move directly against alleged polluters, including Federal agencies.

We note that the Senate bill contains no express provisions either requiring bonds to be posted as a condition for granting preliminary injunctions (i.e., injunctions granted before full hearings) or explicitly stating the authority of the courts to fit final relief to the equities of the case. Adequate bonds and flexibility of relief can be very important in cases of this type. However, we trust that the courts will exercise their existing authority to fix preliminary injunction bonds at levels sufficient to protect any defendants later found upon full hearing to have complied with the Act and to frame final orders that fully take into account all of the circumstances of the case.

State Implementation Plan Deadlines. The Senate bill provides that within nine months after promulgation of any national ambient air quality standard each State is to submit to the Secretary for approval an implementation plan for each air quality control region, providing for the attainment of the standard within three years after approval of the plan. In addition to limited Secretarial authority for extensions based on new information, provision is made in the bill for judicially-granted one-year extensions of the three-year deadline, upon petition of the Governor of the State concerned (subsequent to the approval of the implementation plan) if the Court determines that such relief is in the paramount interest of the U.S. and that means to control the emissions have not been available for a sufficient period of time. The House bill contains no such provisions.

In providing for extensions of this deadline subsequent to approval of the implementation plan, the Senate bill plainly concedes that cases may very well arise where mariginal or inadequate emission control technology would render it impossible to meet the standard within the three-year period. Although both the State and the Secretary might agree that this is so at the time an implementation plan is submitted for approval, the Senate bill forbids the Secretary from approving anything but a three-year implementation plan, which in due course probably would be appealed by the Governor. The net effect of the bill's provisions in such cases would be to place both the Secretary and the State concerned in the untenable position of approving an implementation plan they know is unrealistic and probably unworkable.

To avoid this type of situation we favor an amendment which would, in the few cases where it might be necessary, permit the Secretary to extend the deadline at the time the State's implementation plan is being reviewed and approved. Such extensions should only be made if the Secretary determined that adequate control technology is not available and is not likely to be available, and he should be required to make public his determination and the specific grounds on which it rests. Moreover, once beyond the three-year period the Secretary should determine periodically whether adequate control technology is available and make known his findings and any requisite compliance determinations resulting therefrom.

Certification of New Sources. The Senate bill establishes a Federal requirement (which could be delegated to the States) to certify that all new stationary sources of emissions meet Federal performance standards reflecing the latest available control technology and processes. Such certification would involve (a) preconstruction review of locations and design of any new source, (b) performance tests within a reasonable time after operation commences, (c) methods to identify violations and enforce compliance, and (d) methods to assure that any new source will not prevent implementation of national air quality standards or goals. The House bill contains no comparable provisions.

We feel that this certification procedure is overly elaborate and would impose a heavy and unnecessary burden on both the Government and industry. Moreover, industry would appear to have ample incentive for preconstruction consultation with responsible officials even without this special mechanism. We see no reason why performance requirements could not be established and enforced in the same manner as other emission requirements. If compliance with performance standards were made part of a State's implementation plan, these adverse consequences would be avoided and there would also be the additional benefit of placing the basic enforcement responsibility in the State, as is generally the case under the Act, rather than in the Federal Government, as the Senate bill provides.

While we recommend that basic enforcement of performance standards should be in the States, we favor retaining the provision of the Senate bill which allows the Secretary to enforce these standards without being required to make a finding that a State has failed to perform adequately. We also would favor a similar pattern for the enforcement of emission standards established under section 114 of the Senate bill.

We can see merit to a statutory requirement that the emissions from all new sources would have to be measured at the time (or within a reasonable time thereafter) they begin operations, and we would support the retention in the bill of provisions to accomplish this purpose.

National Security Exemptions. The Senate bill authorizes the President to exempt Federal property, facilities, vehicles, or vessels from applicable emission standards, whenever he determines that this is necessary in the paramount interest of the United States. The bill also authorizes the Secretary of Defense to defer for one year, if necessary for the purpose of national security, the applicability of emission standards to military aircraft and vessels. The comparable provision in the House bill, which covers only emissions from new stationary sources, carries out the Administration's recommendations for exemptions by the Secretary of HEW when he determines they are necessary for the purpose of research, investigations, studies, demonstrations, or training, or for reasons of national security.

We would support the approach of the Senate bill, if aircraft are included under the Presidential exemption provision, since the reasons for authorizing exemptions for all other Federal facilities, vehicles, and vessels are equally applicable to aircraft, particularly combat aircraft. We also believe that the Presidential exemption should be made applicable to non-Federal facilities, since there could conceivably be instances where their exemption would be as much in the paramount interest of the U.S., as would be the exemption of Federal facilities.

Hazardous Emissions. The Senate bill requires zero emissions from facilities determined by the Secretary of HEW to be emitting pollutants hazardous to health even in trace amounts, with a specified timetable for compliance and enforcement, unless the owner of such facility can demonstrate that continued operation (under applicable emission standards) will not endanger the public health. The House bill contains no comparable provisions.

Of course, hazardous emissions should be effectively and quickly controlled, as was recognized in the Administration's bill. Because the Senate bill in Section 114 gives the Secretary general authority to set emission standards, down to zero levels, for all facilities, we think the Secretary should have the flexibility to deal with hazardous emissions on a priority basis within this general authority. In fact, the Secretary could move more swiftly and equally effectively under such general authority, in Sections 114 and 116 of the Senate bill, than he would be able to under the special hazardous emission control procedures contained in Section 115. Accordingly, we recommend deletion of Section 115 of the Senate bill, and any necessary modifications of Section 114 to fully cover hazardous emissions.

Low Emission Vehicle Procurement. The Senate bill requires the Federal Government, in provisions not contained in the House bill, to procure vehicles determined to be "low emission", and authorizes premium prices to be paid for such vehicles.

These provisions were contained in a separate bill added by amendment on the Senate floor. We had recommended a number of modifications in these provisions in comments on both that separate bill and a comparable bill in the House. We continue to support these changes, and particularly feel that there should be discretion in the President with respect to procurement of these vehicles in order to assure realistic accommodation to budgetary priorities and the special vehicular needs of the Government, and to permit orderly procurement should there be a number of "low emission" vehicles to select from.

Fuels and Fuel Additives. The House bill contains a number of restrictive provisions on the authority to fix standards respecting the composition of fuels or fuel additives. For example, standards on fuels and fuel additives could be fixed under this authority only if the Secretary could show that it is not otherwise technologically or economically feasible to achieve automobile emission standards. The Senate does not contain simillar restrictions.

The Administration recommended broad authority to regulate fuel and fuel additives, because it believed that such authority, in conjunction with controls over sources using such fuels, is necessary in order to mount the most effective overall attack on air pollution. We recommend, therefore, that these provisions be modified to conform with the Administration's air pollution bill, the essential provisions of which on this matter are incorporated in the Senate bill.

Also in connection with fuels, we would recommend that authority over aviation fuels and additives be lodged in the Secretary of HEW, who will have jurisdiction over all other fuels and additives, rather than being placed in the Administrator of the Federal Aviation Administration, as the House bill provides.

Personnel. Two troublesome provisions of the Senate bill, relating to personnel who would be authorized to participate in carrying out the Act's requirements, raise serious precedential and administrative problems and we urge their deletion. There are no comparable provisions in the House bill.

Section 10 of the Senate bill would authorize a sweeping exemption from the customary Civil Service appointment and classification laws, as they relate to the procurement of personal services to carry out the Act's requirements. We believe that the personnel needs of the air pollution control program, like similar needs in other urgent Federal programs, can be met within the Civil Service framework. In addition to creating a most undesirable precedent, this provision would constitute a marked departure from a long-standing Federal policy against the performance of clearly governmental functions by non-governmental personnel, which is of particular concern in this instance due to the important regulatory and enforcement actions to which such work could give rise.

The Senate bill provides in various sections, but most notably in proposed Section 305 of the Act, that attorneys appointed by the Secretary would be authorized to represent him in suits brought by or against the Government under the Act's provisions. Such authority is at odds with long-standing Federal policy of this and prior Administrations of placing litigating authority in the Attorney General, to be exercised as he deems appropriate. This policy derives from the sound administrative practice of relying on the Justice Department's established legal expertise and resources, rather than promoting the duplication of such expertise and resources in each of the Federal departments and agencies. We favor deleting Section 305 (as well as making comparable conforming changes in other provisions of the bill), the result of which would be that in actions instituted under this Act, officers of the Department of Justice under the direction of the Attorney General would appear for and represent the United States or any officer or agency thereof, including the Secretary.

Procedural and Technical Changes. We believe that there are a number of places in both the Senate and House bills where changes in procedural and technical provisions would avoid unintended results and materially improve the legislation. We would like to furnish such changes to the conferees informally along with the revisions needed to carry out the amendments recommended in this letter. In view of the sweeping and widespread implications of this bill, and in order to avoid, to the greatest extent possible, litigation that could slow down its implementation, we believe you will agree that its complex provisions need to be drafted with the greatest possible care and precision.

In conclusion, we would like to reiterate the Administration's strong support for the effective control of air pollution by legislation embodying the major features of the House and Senate bills. Accordingly, we recommend the enactment of such legislation, incorporating the recommendations made above, during this session of the Congress.

The Office of Management and Budget advises that enactment of H.R. 17255, if amended as recommended in this letter, would be in accord with the program of the President.

Sincerely,

Elliot Richardson,
Secretary.

Mr. COOPER. Mr. President, Elliot Richardson is a man of quality and integrity. He would not make statements to the Senate and to the Senate Public Works Committee which were in contradiction to his deeply held views.

The administration has made, from time to time, recommendations relating to the whole field of the environment and particularly on pollution control. It has responded more to these problems than any administration we have known.

I have always, and do now, pay tribute to the chairman of the subcommittee, whose leadership in this field is known not only to Congress but to the country. I pay tribute to the chairman of the Public Works Committee. I have served on this committee, I suppose, longer than anyone else on the committee. I served 2 years in the Senate in 1947 and 1948, and I was on that committee. We passed in 1948 the first pollution control bill. It was small in scope, but a good one, and was sponsored by the late Senator Robert Taft of Ohio and the late Senator Alben Barkley of my State of Kentucky.

We have been fortunate that Democrats and Republicans have served together under fine leadership. We have laid aside political matters. We have worked openly and honestly with each other. For that I am thankful, and I am sure that the Senate is thankful. But, in my opinion, I must say I think it is unfortunate to interject political views as we come to the point of approving what has been termed as the most complex, and one that will perhaps have greater significance and impact than any bill in this century. So I regret that those speculations have been made. I hope we will continue to go forward and work as we have in the past.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. MUSKIE. Mr. President, I made the statement earlier that I was disturbed by the Elliot Richardson letter, and I was. But I concede that to discuss it, in connection with this conference report is unfortunate. Whatever opinions we had about it we could discuss elsewhere, and we could discuss them as we wished. I wish the issue had not arisen most of all because the Republican side of this subcommittee and this committee has cooperated so wholeheartedly over so many years in the development of this legislation. I refer to the Senator from Kentucky, the Senator from Tennessee, the Senator from Delaware, the Senator from Florida, and the Senator from Kansas. There has never been the slightest bit of partisanship in any of our committee deliberations or in our conference work with each other over a period of some 7 or 8 years now. I want to underscore what my good friends from the Republican side of the aisle have said on that point this afternoon.

I want to say to them that I do regret that this argument has arisen this afternoon. I hope we will proceed now to dispose of the conference report.

I know the Senator from West Virginia desires to put some questions to me.

Mr. RANDOLPH. Yes; I do wish to do that.

Before doing so, I repeat that this legislation represents a significant achievement in the evolution of our national environmental policy—an evolution which has been carried forward, in great degrees, by the leadership of the Senator from Maine (Mr. MUSKIE). I think that we have to insure the protection of the health of the citizens of this Nation, and we have to protect against environmental insults—for when the health of the Nation is endangered, so is our welfare, and so is our economic prosperity.

I think that the emphasis here on the health benefits that will follow when implementation of the bill becomes law is very important.

I now ask the distinguished chairman of our subcommittee whether it is not a fact that, when we have dealt with previous legislation, we have concentrated primarily on the immediate problems of air pollution control and the environment, and it seems to me now that we are providing additional enforcement for those existing sources of air pollution, but, more significantly, we are providing effective means of prevention of future air pollution problems.

Is that the feeling and the understanding? I believe the record should reflect it.

Mr. MUSKIE. Yes; I think that to a greater extent than we might have in past legislation, we are undertaking to deal with the long-term aspects as well as the short term. I would agree with that.

Mr. RANDOLPH. And provision is made for performance standards for new stationary sources, to make sure that no industrial development will degrade the quality of the air so as to endanger public health and welfare, or interfere with and restrain further economic growth. I know at times on the subcommittee and on the committee we have talked about the economics of this legislation as well as the health standards of the legislation, and I know that the Senator from Maine has been one of those who have recognized that this legislation is both an economic measure and an air pollution measure.

I believe that is correct; may I inquire whether the Senator shares that view?

Mr. MUSKIE. The Senator is correct. It undoubtedly will have an economic impact all across this country.

Mr. RANDOLPH. Yes, it will, and it will be costly. And yet the ugly face of pollution must be erased.

The implementation of the policies that are contained in this measure will test the determination in this country to achieve a livable environment, not only for ourselves but for future generations. In turn, the legislation will test the willingness of the citizens—not just the various levels of government, but the citizens of this country—to control, abate, and prevent environmental pollution. And I wish to compliment the Senator from Maine that, in his addresses throughout the country, in his presentation of these problems before audiences on college campuses and elsewhere, he has emphasized the personal obligation which must be recognized—a rebirth, I should say, of responsibility on the part of the individual citizen of this country.

Is that the feeling of the Senator from Maine?

Mr. MUSKIE. Completely, may I say to the Senator. We cannot clean up the pollution problem with a piece of legislation. There has to be commitment to it by every citizen, not only with respect to the activities of others, but with respect to each citizen himself, to deal with this problem.

Mr. RANDOLPH. Yes. I appreciate the Senator's attitude.

I conclude by saying that ultimately each and every person will be called on to pay the increased costs—and we must not forget it—associated with the achievement of an environment that, at a minimum, does not endanger public health, for, frankly, if we do endanger public health, we shall have degraded the environment. Effective implementation will require a major commitment, as the Senator from Maine has said, of Government and of industry, of course, but also—and I appreciate his stressing its importance, as I have—of each individual citizen.

I am pleased that the House conferees have made an authorization of $1.1 billion for fiscal years 1971 and 1972. These figures represent the magnitude of the commitment that will be necessary to meet the challenge that is ahead. The next step must be to provide Federal staffing—and I think this is most important—commensurate with the effective implementation of what we are doing today. We must not allow understaffing —the Senator from Maine has discussed this matter in our subcommittee and our committee, and in conference—of this Federal program, because if that happens, it will be a major interference with the implementation of the National Air Quality Standards Act of 1970, as was the case, very frankly, in connection with the Air Quality Act of 1967.

I commend all those who have worked within the conference and all those who have worked within the House of Representatives and the Senate, and especially I commend the chairman of the conference, Representative HARLEY O. STAGGERS, who was a strong advocate, a fair negotiator, and a patient chairman. I commend also the very able chairman of the Senate conferees, my friend, Senator MUSKIE, and all the members of the Committee on Public Works and their staff, both majority and minority, who have put so many long hours into a bipartisan effort to bring forth what will be the most effective pollution control legislation yet enacted by the Congress.

Mr. SPONG. Mr. President, the conference report before the Senate, when fully implemented, will assure an accelerated rate of progress in our national effort to improve the quality of our air environment.

The Senate conferees acceded to several modifications in the bill approved unanimously by the Senate on September 22, 1970, but the final product is an effective and far-reaching environmental protection measure.

The conference report would establish as 1975 standards the automobile emission goals previously proposed for 1980 for carbon monoxide and hydrocarbons. We have accelerated by 1 year the date on which automobile manufacturers may seek an extension of that deadline. By allowing such applications to be filed on January 1, 1972, we have taken into fuller account the leadtime problems of the automobile industry.

The report also would enable the Administrator of the Environmental Protection Agency to set interim standards in the event he finds technology is not available to meet the standard provided by law. The Administrator, in making a decision on interim standards, would have the benefit of reports from the National Academy of Sciences on the progress that has been made in the development of technology and knowledge of the good-faith effort of the industry to meet the 1975 deadline.

The report sets a deadline of 1976 for meeting the standard for oxides of nitrogen, with provision for a 1-year extension. Automakers could apply for that extension on January 1, 1973.

The thrust of the section of the Senate bill requiring the establishment of national emission standards for hazardous substances has been changed. The Senate measure required the publication of a proposed prohibition of emissions of hazardous substances. The conference report requires the Administrator of the Environmental Protection Agency to publish a list of pollutants which in his judgment is extremely hazardous to public health. He would subsequently publish proposed regulations establishing emission standards. The modified provision requires the Administrator to "establish any such standard at the level which in his judgment provides an ample margin of safety to protect the public health from such extreme hazard."

The conference report retains concurrent Federal-State jurisdiction over enforcement activities, although the final product is a combination of the Senate and House approaches to the matter. We agreed that in situations where a State has primary enforcement responsibility, the Administrator of EPA would be required to give the State 30 days notice before issuing an order or seeking court action. The Administrator may act without notice to the State in cases where the Federal Government has primary enforcement responsibility.

Both bills provided for the establishment at the Federal level of national ambient air quality standards, and that concept is of course in the conference report. Implementation plans to be prepared by the States to meet the standards must provide for achieving the standards within 3 years. Again, there are provisions for an extension in the event technology is not available.

I wish to emphasize, Mr. President, that the implementation plans to be prepared by the States to meet the primary national air quality standards must include provision for land use and transportation controls. In my judgment, the term transportation controls is not restricted to motor vehicles. For some areas, the implementation plans may well specify a limitation upon the number of civil aircraft which may land at any airport within such areas. Such restrictions may be necessary in certain metropolitan areas in order to meet the ambient air quality standards.

The conference substitute retains the Senate provision for citizen suits against violators, although suits against the Administrator of the Environmental Protection Agency are limited to actions in which there is an alleged failure by the Administrator to perform mandatory duties imposed by the statute. Before a suit can be brought, 60-day notice must be given to the alleged violator, the Administrator and the State. The courts are given discretionary authority to award costs, including reasonable attorney and witness fees, to any party.

Mr. President, I understand the purpose of that section of the report which establishes a mechanism for the licensing of patents to those subject to emission standards to be set under the legislation. It is our intent to provide an assured supply of technology to all needing it to comply with the standards.

After reflecting upon the implications of the section, I would have preferred that the issues involved be reviewed by the Judiciary Subcommittee on Patents, Trademarks, and Copyrights. However, the conference report language on the matter is an improvement over the provisions in the Senate-passed bill. The section will not become generally operative for at least 2 years, and in the interim I would hope that the issues involved will be the subject of hearings and review.

Mr. President, the conference committee has devoted many hours of arduous work on its report. It has been a rewarding personal experience because of the dedication of those involved to see the objective of protecting the public health. I wish to thank and commend the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Maine (Mr. MUSKIE), the distinguished chairmen of our committee and subcommittee, for their leadership during the development of this legislation. I also wish to pay tribute to the invaluable contributions of the Senator from Missouri (Mr. EAGLETON), the Senator from Delaware (Mr. BOGGS), the Senator from Kentucky (Mr. COOPER), and the Senator from Tennessee (Mr. BAKER).

Mr. President, I wish to echo what has been said about the bipartisan approach to this legislation. As a member of the subcommittee and as a conferee, I can attest that Senators on both sides of the aisle have participated on a nonpartisan basis.

I should like to ask the Senator from Maine to answer one question. Section 110 of the conference report requires the development of implementation plans by the various States, and the approval of such plans by the Administrator. Paragraphs 2 and 2(B) of the section, governing those plans, read as follows:

> (2) The Administrator shall, within four months after the date required for submission of a plan under paragraph (1), approve or disapprove such plan or each portion thereof. The Administrator shall approve such plan, or any portion thereof, if he determines that it was adopted after reasonable notice and hearing and that—
>
> (B) it includes emission limitations, schedules, and timetables for compliance with such limitations, and such other measures as may be necessary to insure attainment and maintenance of such primary or secondary standard, including, but not limited to, land-use and transportation controls;

I should like to know if, in the opinion of the Senator from Maine, the term "transportation controls" is limited to motor vehicles.

Mr. MUSKIE. No; I think that that phrase ought to be considered in a much broader context, if we are to fully understand what the intent of the legislation is.

It seemed to the committee that transportation policies must be developed or improved to insure that the impact of pollution from all existing moving sources—automobiles, aircraft, trains, vessels, and so on—is reduced to the minimum compatible with the needs of each region.

For example, construction of urban highways and freeways may be required to take second place to rapid transit and other public transportation systems. The use of motor vehicles may have to be restricted and, in some congested areas, the number of operations of aircraft into an airport may need to be limited, or steps taken to reduce emissions while aircraft are on the ground.

If such controls are required, the committee believes the plan for implementation should so provide. If the plan is approved, Congress expects the Federal regulatory agencies to take the steps necessary to assure compliance with the plan; because what is involved in these greater urban areas, from the standpoint of air pollution, is the whole complex of residential patterns, employment patterns, and transportation patterns—the way in which people move about, go to their work, and live—and all of this ought to be subject to modification, and must be modified if the objective of clean air is to be achieved.

Mr. SPONG. I thank the Senator from Maine.

Mr. MUSKIE. Mr. President, I yield to the Senator from Delaware.

Mr. BOGGS. Mr. President, I thank the distinguished chairman.

I wish to express strong support for the conference report on these amendments to the Clean Air Act. This bill, I think, is the most far-reaching and important legislation for the control of air pollution ever to be considered by the Congress.

In time, it will bring our Nation clean air and a healthier environment.

It should be pointed out that this bill follows closely the concepts created in the legislation passed in September by the Senate. Further, it adheres in many details to the concepts and recommendations offered by the administration as long ago as last February.

Mr. President, I share the thoughts of the distinguished chairman of the subcommittee—I know how sincere and dedicated he is—when he stated that he regrets the partisan nature of the discussion of Secretary Richardson's letter. I share his feelings. I, too, am sorry that occurred. The chairman has pointed out, as have others, that we have maintained an absolutely bipartisan approach on environmental questions, certainly a major problem confronting our country. I have every confidence that it will continue to operate in a bipartisan manner. Therefore, I stand with the chairman of my subcommittee in regretting that the incident occurred.

In conclusion, Mr. President, I commend the leadership and cooperation offered by the distinguished chairman of the Committee on Public Works, Mr. RANDOLPH, the distinguished Senator from Maine (Mr. MUSKIE), the distinguished ranking Republican member of the committee, Mr. COOPER, the distinguished Senator from Tennessee (Mr. BAKER), and the distinguished Senator from Kansas (Mr. DOLE). Each has been most cooperative and helpful in studying a very difficult and complex subject. This legislation is going to involve not only the Federal Government but every other level of government—the States, the cities, the counties—as well as public and private organizations. In actuality, it will affect and benefit every individual in our country.

In addition, I wish to commend Representative STAGGERS of West Virginia, the chairman of the House committee, and the other conferees on the part of the House. And I thank the staffs of both the committees and the Members for their excellent assistance.

The conference was long and painstaking. It has produced a conference report that I believe will bring to the Nation effective control of air pollution. This bill is a credit to the country. I strongly commend it to my colleagues.

Mr. MUSKIE. I thank the Senator.

I yield to the distinguished Senator from Rhode Island.

Mr. PASTORE. Mr. President, I commend my distinguished colleagues, the Senate conferees, for the compromise legislative product which is now before us.

I would have liked to have had more opportunity to review the House-Senate conference report and all the details of these very important amendments to the Clean Air Act, but I recognize that expedition is mandatory if we are to deal with the major items of legislation still before the Senate at this session.

I did take the time to study the bill carefully to ascertain that the new amendments to the Clean Air Act will not interfere with or change the present statutory framework and implementing regulations for controlling radiological effluents from nuclear facilities. The new Environmental Protection Agency and the Atomic Energy Commission now have certain authorities and responsibilities with respect to such matters as radiation protection standards or the regulation and control of radiological effects from nuclear facilities. Under our present statutes we have very excellently safeguarded health and safety in regard to the use and regulatory control of nuclear facilities, and in my judgment it would have been unwise and potentially dangerous for a generally comprehensive legislative measure such as the one before us to dilute or interfere with our presently governing requirements.

I again want to congratulate my distinguished colleagues for bringing about this compromise, for doing a splendid job, and for rendering such an excellent public service.

Mr. MUSKIE. I thank the Senator from Rhode Island. He has accurately stated the effect of the bill on the point he has raised. I am happy to endorse his view of it.

I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, today the Senate members of the Conference Committee on the Clean Air Amendments of 1970 bring back for final action a bill which has been described as perhaps the most significant domestic legislation of the decade. The action today represents the culmination of a thorough exercise of the legislative process, beginning with 20 days of hearings in the subcommittee, followed by more than a dozen executive sessions of the subcommittee, more than 10 executive sessions of the full committee, 2 days of debate on the Senate floor in September and, finally 12 conference meetings with the House in order to bring to the Congress this conference report.

I would like to note for the Record that the number of conference meetings with the House was in no way related to any attempt or desire to obstruct or delay on the part of any Member of the Senate or the House conferees. Rather, it simply reflects the degree of the differences between the House and Senate bill and the great scope of the legislation. Every Member had the same objective, and the conference report before the Senate is truly a historically significant bill.

Great credit is due to the cochairmen of the conference committee of both Houses, Representative Staggers of West Virginia and Senator Muskie. Of course, special credit is due to Senator Randolph, chairman of the Senate Committee on Public Works, and to Senator Boggs, the ranking minority member of the subcommittee on Air and Water Pollution. But I would like to add that this conference was very well attended by all Members and I am especially proud that Senator Baker and Senator Dole on the minority side contributed so much in the development of this conference report.

The staffs of both committees also deserve special credit, for not only has the work been difficult and heavy with responsibility, but also, the parliamentary situation has compressed the time available and they have performed magnificently. Their work was most helpful, and I think their names should be placed in the Record.

It would be difficult to single out any provision in this bill for special attention. I think it represents a firm application of pollution control procedures, while at the same time being just and incorporating throughout, due process and fairness. The bill provides many procedural protections and involves the judicial branch of Government to a degree never before attempted in programs to achieve environmental quality.

The bill will place great responsibilities on nearly every aspect in our society. It certainly will place great burdens on industry, it will place great burdens on Government, both at the State and Federal level, and it will place great burdens on the people generally for they will ultimately have to bear the expense and, for the first time, possibly experience inconvenience so that we might achieve clean and healthful air. The provisions ask for the highest quality of Government activity, and I am pleased that the bill will become law nearly coincident with the establishment by the President of the Environmental Protection Agency. The administration of that agency is entrusted to Mr. Ruckelshaus, who I believe is an excellent choice to control the exercise of the many duties and responsibilities of the Federal Government under this law.

With the passage of this bill the time for resolute action has come, action that must not be based on recrimination or punishment, but based on the fair application of the law. The burdens are great and I trust that the Federal Government, State government, industry, and the people will all work together to achieve this goal.

Mr. MUSKIE. I thank the Senator. As he has said, the staff work has been superlative throughout the consideration of this measure.

In addition to the work of committee, Chief Clerk Richard Royce, Minority Clerk Bailey Guard, and Counsel Barry Meyer, the staff of the subcommittee including Leon Billings, Dick Wilson, Dick Grundy, Phil Cummings, Becky Beauregard, Frankie Williams, Sally White, Eleanor Putz, and the minority staff including Tom Jorling, Harold Brayman, Adrien Waller, Hester Dungan, and Ann Brown are to be congratulated.

Several staff members of Senators were also essential in the development of this legislation including Eliot Cutler of my staff, Allen Jones of Senator Spong's staff, Bob Maynard of Senator Eagleton's staff, Jim Jordan of Senator Baker's staff, and Ward White of Senator Dole's staff.

Mr. BOGGS. I share your views of the staff and their performance. It has been terrific.

Mr. MUSKIE. Mr. President, I yield to the distinguished Senator from Wisconsin.

Mr. NELSON. Mr. President, I concur in the remarks made by the distinguished Senator from Kentucky.

My staff and I have had occasion from time to time to consult and work with members of the staff of the Air and Water Pollution Subcommittee. They are all superbly able and cooperative and are making a great contribution to the environmental problems presented to that subcommittee.

I did not know that the conference report was going to be brought up today, so I did not have an opportunity to prepare any remarks. However, I do wish to say that the committee members on both sides of the aisle are to be commended for coming up with such a landmark piece of legislation.

I particularly want to say that this bill is a great credit to Senator Muskie, whose record in terms of his concern, his activities, and his constructive efforts in the environmental field are unexcelled by anyone else in public life. Today we see before us another solid environmental achievement from Senator Muskie and a landmark piece of legislation. I join all those who are concerned about the environment in commending him for his tremendous contribution.

Mr. MUSKIE. I thank the distinguished Senator from Wisconsin. My greatest regret in the work of this committee was that the Senator from Wisconsin left the committee several years ago. Yet, he has not abandoned his interest in this field. Indeed, he has continued to be a leader nationally in all environmental questions. It is always helpful to have his close interest and attention—and even prodding from time to time—to help us in our work.

Mr. DOLE. Mr. President, I join my colleagues in urging approval of the conference report on the Clean Air Amendments of 1970.

We are all familiar with the need to prevent the further deterioration of our air. Early this year, President Nixon devoted a major portion of his environmental message to the problem of air pollution.

The need was clear, and in response, the Subcommittee on Air and Water Pollution and the full Public Works Committee carefully considered and reported out a bill we felt would contribute to preserving and protecting our environment. Amendments were accepted on the Senate floor which improved that bill. But the legislation we have before us today combines the best elements of the House and Senate bills.

Everyone will not be completely satisfied with the final version of H.R. 17255, but it represents our best efforts to act with the knowledge available to us at this time in an affirmative but constructive manner. It is possible that we will face unanticipated problems in the future, but the Congress will have the opportunity to review the Clean Air Act upon its expiration.

I would point out that the passage of this act does not mean we will eliminate air pollution overnight. It would be impossible to physically accomplish that fact. But it does mean we have taken a substantial first step. It is now up to government at all levels, private industry, and every individual American to make this act work.

I commend my colleagues on the subcommittee and the full committee for their long but fruitful work on this important legislation, and urge approval of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 771. Concurrent resolution for the printing of environmental report;

H. Con. Res. 785. Concurrent resolution authorizing the printing as a House document the book entitled "Our American Government and How It Works: 1,001 Questions and Answers"; and

H. Con. Res. 790. Concurrent resolution to provide for the printing of 5,000 additional copies of parts I and II of the hearings before the Special Subcommittee on Education of the Committee on Education and Labor entitled "Discrimination Against Women."

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions:

H.R. 6114. An act for the relief of Elmer M. Grade and for other purposes;

H.R. 6400. An act for the relief of Reddick B. Still, Jr., and Richard Carpenter;

H.R. 15549. An act to amend title 10, United States Code, to further the effectiveness of shipment of goods and supplies in foreign commerce by promoting the welfare of U.S. merchant seamen through cooperation with the United Seamen's Service, and for other purposes;

H.R. 17809. An act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government and for other purposes;

H.J. Res. 1416. Joint resolution fixing the time of assembly of the 92d Congress; and

H.J. Res. 1417. Joint resolution extending the dates for transmission to the Congress of the President's Economic Report and of the report of the Joint Economic Committee.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were severally referred to the Committee on Rules and Administration:

H. Con. Res. 771. Concurrent resolution for the printing of environmental report;

H. Con. Res. 785. Concurrent resolution authorizing the printing as a House document the book entitled "Our American Government and How It works: 1,001 Questions and Answers"; and

H. Con. Res. 790. Concurrent resolution to provide for the printing of 5,000 additional copies of parts I and II of the hearings before the Special Subcommittee on Education of the Committee on Education and Labor entitled "Discrimination Against Women."

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. The question now recurs on the conference report on the appropriations bill for the Department of Transportation.

Mr. NELSON. Mr. President, what is the question?

The PRESIDING OFFICER. The question is on agreeing to the conference report on the appropriations bill for the Department of Transportation.

Mr. NELSON. Mr. President, I am not prepared to vote yet.

ESTABLISHMENT OF A NATIONAL MINING AND MINERALS POLICY

Mr. ALLOTT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 719.

The PRESIDING OFFICER (Mr. SPONG) laid before the Senate the amendments of the House of Representatives to the bill (S. 719) to establish a national mining and minerals policy, which were, on page 1, line 4, strike out "1969." and insert "1970".

On page 1, strike out all after line 4 over through and including "Act." in line 11, page 2, and insert:

> SEC. 2. The Congress declares that it is the continuing policy of the Federal Government in the national interest to foster and encourage private enterprise in (1) the development of economically sound and stable domestic mining, minerals, metal and mineral reclamation industries, (2) the orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security and environmental needs, (3) mining, mineral, and metallurgical research, including the use and recycling of scrap to promote the wise and efficient use of our natural and reclaimable mineral resources, and (4) the study and development of methods for the disposal, control, and reclamation of mineral waste products, and the reclamation of mined land, so as to lessen any adverse impact of mineral extraction and processing upon the physical environment that may result from mining or mineral activities.
>
> For the purpose of this Act "minerals" shall include all minerals and mineral fuels including oil, gas, coal, oil shale and uranium.
>
> It shall be the responsibility of the Secretary of the Interior to carry out this policy when exercising his authority under such programs as may be authorized by law other than this Act. For this purpose the Secretary of the Interior shall include in his annual report to the Congress a report on the state of the domestic mining, minerals, and mineral reclamation industries, including a statement of the trend in utilization and depletion of these resources, together with such recommendations for legislative programs as may be necessary to implement the policy of this Act.

Mr. ALLOTT. Mr. President, I will shortly ask that the Senate adopt the amendments of the other body to my bill S. 719, but first, I believe a few comments are in order.

There has been some misunderstanding with regard to my concerns over the inclusion of the energy minerals within the scope of the National Mining and Minerals Policy. The House Report on this measure contained this comment:

> One of the chief concerns appeared to be that the inclusion of these minerals in S. 719 would detract from the urgency of establishing a national energy policy. The Committee is fully aware of the need and urgency for an energy policy and it is also aware of the numerous studies now underway on the energy situation as well as the legislation now pending in both the House and the Senate to set up a commission to study this problem.

While this may be the concern of some, it is not my concern. Quite the contrary, the inclusion of the energy minerals would be a very positive step toward the establishment of an energy policy.

Without commenting upon the merits of a national energy policy, the matter of including the energy minerals concerned me because as the House Report points out:

> . . . The fuel minerals make about 65 percent of the total value of all domestically produced minerals.

To put it another way, two-thirds of our minerals industry is involved in the production of energy.

My concern is that the energy minerals, and especially in light of the present energy crisis, will dominate considerations in effecting the policy. It is not that I am unaware of the energy crisis—the whole Government is aware of it. There are a number of committees, commissions, and other groups, both governmental and non-governmental studying the problem, and it appears that there will be more. There seems to be little doubt that the energy problem will receive the attention it deserves. My concern is that the other minerals, so essential to our standard of living and national security, will not receive the attention and consideration they require and deserve.

I expressed this concern during the confirmation hearings on Dr. Osborn, the new Director of the Bureau of Mines. Dr. Osborn was asked if he would administer the programs of the Bureau of Mines and propose new programs under the authority of S. 719 which would place equal emphasis upon the general mineral industry as on the energy mineral industry. Dr. Osborn indicated that he thought it could be done, and affirmed his belief that it should be done. He concurred in my concern that the energy mineral extraction industry might tend to overshadow the "hard-rock" or general mineral industry, and confirmed his belief that the emphasis on each should be equal or comparable.

The question then is, how best to achieve this equality or comparability of emphasis?

There is little doubt in my mind that the problems of oil and gas are quite different, in general, from the problems associated with general mining. As I pointed out in the Senate hearings on this measure:

> In my view, there are many common factors to the energy picture that are peculiar to energy and which simply do not apply to minerals in general; and therefore, the problems of energy and of the energy mix should be treated separately.
>
> As an example of this, both the electric industry, which is the largest user of coal and in which uranium is becoming a larger factor, and the natural gas industry, are regulated by the Federal Power Commission, or by State regulatory agencies. Such questions as 'service area integrity', public versus private power, rate structuring et cetera, common to the energy field are simply not present in the general mineral field.

Oil and gas have been treated separately in the past, and there is an Office of Oil and Gas already established within the Department of the Interior. It would be my hope that this office would not only continue, but would be expanded so that it might more fully implement the National Mining and Minerals Policy as it relates to oil and gas.

With respect to uranium and other nuclear fuels, this has already been separated, and the program is largely under the jurisdiction of the Atomic Energy Commission. Parenthethically, it was largely because of this special authority within the Atomic Energy Commission that I originally intended to exclude the nuclear fuels from the scope of the minerals policy.

With respect to coal, this is a mineral which I believe is somewhat in the grey area. While it is a fuel, its importance as a feed stock for various synthetic and chemical materials is growing. In light of the tremendous responsibilities of the Bureau of Mines with respect to coal and coal mining, its retention within the Bureau was always contemplated by me.

The remainder of the minerals would, therefore, remain under the jurisdiction of the Bureau of Mines. This would include oil shale. Inasmuch as oil shale has not yet become a viable industry, there will be time to determine where it should fit in the framework I have outlined when it does emerge as a "going-concern."

Further, the oil shale research program has been under the jurisdiction of the Bureau of Mines for many years, and there is no present reason for considering a change.

There is another office under the Assistant Secretary of the Interior for Mineral Resources which would have a significant role in carrying out the purposes of S. 719, and that is the Office of Minerals and Solids Fuels. While its orientation is primarily directed toward emergency planning, it logically has responsibilities with respect to predicting shortages and recommending actions to prevent them.

Mr. President, I ask unanimous consent that the description of the Office of Oil and Gas, the Office of Minerals and Solid Fuels, and the Bureau of Mines, as they are contained in the "United States Government Organization Manual—1970 to 1971," be printed in the RECORD at this point.

There being no objection, the description was ordered to be printed in the RECORD, as follows:

OFFICE OF MINERALS AND SOLID FUELS

The Office of Minerals and Solid Fuels, successor to the Office of Minerals Mobilization, was established by the Secretary of the Interior on November 2, 1962, to provide more effective departmental attention to the problems of the minerals and solid fuels industries.

Under the supervision of the Assistant Secretary—Mineral Resources, it provides advice and staff assistance to the Secretariat and initiates specialized studies and evaluations which serve as the basis for departmental policy decisions affecting metals, minerals, and solid fuels.

The Office is responsible for planning and programing to provide for a supply of metals, minerals, and solid fuels adequate for essential civilian and military requirements under partial and full mobilization. It also assists the States in planning for the emergency management of solid fuels in coordination with efforts at the national level.

Appropriate action programs are also recommended to overcome potential materials deficiencies which are suggested as a result of supply availability and demand studies in the minerals area.

Advice and assistance are provided by the Office in the establishment and review of stockpile policies, including the development of stockpile objectives for individual strategic and critical materials, the acquisition of metals and minerals to meet stockpile objectives, and the organization of programs to dispose of surplus Government inventories of metals and minerals.

The Office maintains the Emergency Minerals Administration and the Emergency Solid Fuels Administration on a standby basis to direct the Nation's minerals and solid fuels industries in a defense emergency. The Office compiles data concerning production, manpower, capacity, and other information on essential minerals and solids fuels facilities for use in asessing damage after attack and to provide for continuity of industrial production during an emergency. It develops standby orders, regulations and plans, and trains executive reservists from industry to perform specified duties during an emergency period.

OFFICE OF OIL AND GAS

The Office of Oil and Gas was established May 6, 1946 by the Secretary of the Interior in response to Presidential Letter of May 3, 1946. Additional responsibilities are assigned under authority of the Defense Production Act and the Voluntary Agreement Relating to Foreign Petroleum Supply.

The Office of Oil and Gas serves as a focal point for leadership and information on petroleum matters in the Federal Government, and the principal channel of communication between the Federal Government, the petroleum industry, and the oil producing States. It also maintains the capability to respond effectively to emergencies affecting the Nation's supply of oil and gas.

This Office is under the Assistant Secretary—Mineral Resources and consists of a headquarters staff covering five principal areas: programming, emergency preparedness, technical studies, resources, and industry advisory committees. Five field representatives are stationed in Olney, Md., Denton, Tex., Battle Creek, Mich., Denver, Colo., and Santa Rosa, Calif.

The Office of Oil and Gas maintains the Emergency Petroleum and Gas Administration (EPGA) in standby readiness to mobilize and direct the Nation's petroleum and gas industries in the event of a national emergency. It develops national petroleum readiness plans and assists the States and industry in their petroleum emergency plans. It coordinates the measures taken by government and the petroleum industry to mitigate the effects of interruptions to foreign oil supplies which threaten the national security of the United States. It conducts studies, domestic and worldwide, to maintain data on the adequacy of oil and gas to meet demands, to define deficient areas, and to develop ways to alleviate actual or potential deficiencies. It provides leadership to the Federal Interagency Petroleum Statistics Program, provides advice and information on petroleum matters, and conducts an active interchange of information with the oil and gas industries through the National Petroleum Council and other advisory groups. It maintains liaison with the Interstate Oil Compact Commission and the conservation agencies of the oil producing States, and participates in a number of international groups having responsibilities for oil and gas.

BUREAU OF MINES

[For regulations codified under this heading, see Code of Federal Regulations, Title 30, Chapter I; Title 32, Chapter XIII]

CREATION AND AUTHORITY.—The Bureau of Mines was established July 1, 1910, in the Department of the Interior by the Organic Act of May 16, 1910 (36 Stat. 369; 30 U.S.C. secs. 1, 3, 5–7), as amended. The 1910 act, as amended, has been supplemented by several statutes, including those that authorize the production and sale of helium, the conduct of research on environmental problems associated with mineral wastes, and most recently the Federal Metal and Nonmetallic Mine Safety Act of 1966 (80 Stat. 772; 30 U.S.C. 721 note), and the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742; 30 U.S.C. 801 note), that deals with the inspection of domestic mines and enforcement of health and safety standards.

OBJECTIVES.—The Bureau of Mines conducts research and administers regulatory programs necessary for performance of the governmental function to stimulate the private sector toward the production of an appropriate and substantial share of the national mineral and fuel needs in a manner that best protects the public interest. Specifically, concern is directed toward the satisfaction of current and emerging needs; the real cost of such achievements; the assessment of related social-economic factors; minimization of occupational hazards to workers; reduction of wastes; and insurance that mineral raw materials are supplied and mineral-based products are used and disposed of without objectionable social and environmental cost. To accomplish these objectives, the Bureau performs research, provides information to the public, conducts inquiries, and enforces laws pertinent to the extraction, processing, use, reuse, and disposal of minerals and mineral fuels.

ORGANIZATION.—The Bureau is composed of a headquarters in Washington, D.C. and a field organization. The headquarters is divided into three functional categories: (1) Management staff, planning, administrative, and information functions which support all of the Bureau activities; (2) a Deputy Director, Health and Safety, responsible for compliance and enforcement obligations and powers; and (3) a Deputy Director, Mineral Resources and Environmental Development, responsible for research, resource, and environmental activities. Field activities include: (1) two administrative field offices; (2) in the health and safety function: coal and metal/nonmetal mine safety district and subdistrict offices, technical support centers, and field health groups; and (3) in the mineral resources and environmental development function: mining, metallurgy, and energy research centers and laboratories, for operation centers, and state liaison offices.

MINERAL RESOURCES AND ENVIRONMENTAL DEVELOPMENT.—Functions include surveillance and evaluations of the industrial and commercial outlets for minerals and fuel deposits; studies to determine the relationship of mineral supply, demand and technology to the national and world economy; studies and projects concerning the relationship of the mineral industries to environmental problems: collection, evaluation, and publication of mineral industry statistics; and conducting engineering studies regarding effective mining practices. Also included are research programs concerning extraction, processing, use, and disposal of minerals, mineral fuels, and helium production.

HEALTH AND SAFETY.—Programs are conducted to control health hazards and to reduce fatalities and injuries in the mineral industries. This is accomplished through mine inspections, field investigations, research and development, approval and testing of mining equipment and protective devices, analysis of accident statistics, safety education, training and motivation, health studies, and devising and enforcing appropriate health and safety standards.

Mr. ALLOTT. Mr. President, with this organizational structure in mind, I believe that an appropriate division of responsibility can be made whereby equal or comparable emphasis can be placed upon the fulfillment of the responsibilities and objectives as set forth in S. 719 as they relate to the nonenergy minerals and as they relate to the energy minerals.

It will depend in large measure upon the willingness of the appropriate administrators to achieve this balance. Indications which I have received so far are favorable towards administrative assignment of functions to achieve this balance. This is encouraging to me, because the importance of achieving such a balance cannot be over emphasized. In order to achieve the objectives of the sponsors of the measure, this comparable emphasis must be achieved.

With respect to the other amendments adopted by the House, I have no objections to them. They are amendments which more specifically state the underlying intent of the measure as my colleagues and I intended. Therefore, I am happy to accept those amendments, and feel that they add clarification to the bill.

Mr. President, I move that the Senate adopt the amendments of the House on S. 719, and thereby clear it for the President's signature.

The motion was agreed to.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

THE SST GROUNDED

Mr. YOUNG of Ohio. Mr. President, the Senate has voted 52 to 41 to save American taxpayers $290 million. This in addition to millions already down the drain toward development of the supersonic transport plane which, at that, would carry but two-thirds the passenger load of the 747. The proposed SST plane would get the jet set to Paris at a speed faster than sound—1,400 miles per hour. The Senate majority voted that environment protection should be much more important. Also, ending unnecessary Government spending for unneeded frills and thrills would be a step toward ending inflation. Why not employ aircraft industry's resources in socially beneficial projects? The jet set should be left alone with their own follies in France, Greece, and elsewhere. Two hundred ninety million could far better be spent to end hunger in America and to beautify our cities.

Supporters of the bill claim that many now at work on this project would be denied jobs if the appropriation fails. This sort of argument has been advanced on behalf of every boondoggle since the construction of the great pyramids along the Nile. Actually, the administration has not chosen to emphasize this point to the fullest extent possible. Scientists have pointed out that the damage to windows and walls from the sonic boom would result in an estimated 500,000 claims per day. Think of the number of jobs that would be created by processing these claims and repairing the structural damages to private homes.

Mr. President, men employed in the military-industrial complex making planes and armaments that would need jobs in the event that this $290 million project is canceled could have jobs working in urban renewal projects, urban rapid transit construction or antipollution projects, ending pollution in our lakes and rivers and building homes desperately needed by families. Although a temporary dislocation of the work force might result, it would be just that, a temporary one.

If overland supersonic flight is permitted, 500 million persons in America, Europe and Asia may be jolted every hour, day and night, by sonic booms from hit-and-run SST's. People working, relaxing, and sleeping will be banged repeatedly without apology. Aviation designed to be man's servant would instead become his scourge. Why should the public, 95 percent of whose members would never fly in an SST, be forced to provide billions of dollars for an inefficient, unnecessary plane that could destroy peace and quiet throughout much of the civilized world? Why concern ourselves about the jet set?

THE SST AS AN INVESTMENT

Mr. President, according to the Department of Transportation, the Federal Government's investment in the SST through the completion of phase III in 1973 will be $1.3 billion out of the total $1.5 billion program cost. If 300 SST's are sold, it is said, the Federal Government will get its $1.3 billion back. If 500 planes are sold, the Government will get back another $1 billion.

The Government's return on investment in the 500-plane case works out to 4.3 percent, according to FAA figures—not very impressive, especially when you compare it with the estimated 15-percent return on its investment that Boeing will get, or the 11.2-percent General Electric return.

But if there were no more to the SST program than this—if the Federal Government's investment was clearly going to be limited to $1.3 billion, and if the 4-percent return was solid and reliable—the controversy surrounding the program might at least be more subdued.

That, however, is not the case. There is a very strong likelihood, despite soothing assurances to the contrary from DOT, that the Government is going to have to shell out a lot more than $1.3 billion for this plane. And the Government's 4-percent return on investment rests on many questionable assumptions.

HOW MUCH WILL THE GOVERNMENT HAVE TO PAY?

How much the Government could end up paying for the SST depends to some extent on whether there are cost overruns in the program. Given past experience in advanced technology programs such as this, it is probably safe to assume there will be. I understand that the Transportation Department is already warning that delays and fund cuts over the past few months are going to lead to overruns.

Putting this to one side, however, the more important question seems to be: Who is going to pay for phases IV—production development and certification—and V—initial production?

Transportation Under Secretary James M. Beggs said in a news conference on March 31, 1970:

> Beyond the prototype phase . . . we expect that the program will move to completely private financing.

It is nice that Mr. Beggs expects this, but that is not the same thing as saying the SST will not go forward after phase III unless full private financing is forthcoming. Significantly, when DOT puts their expectations in more formal language, it comes out this way:

> It has been the Government's intent that the private sector finance the follow-on phase of the program, Phase IV, Aircraft Certification and Initial Production, *to the maximum extent possible.*

The Department's caution on this point is probably welladvised, since there are important indications that Government spending on the SST will have to continue beyond phase III. A financial planning study done for FAA in 1967 by Booz, Allen & Hamilton, for example, concluded that Boeing probably could not meet the financing demands beyond phase III, and that it would have to rely on the Government to act as a guarantor of the funds required, or to actually provide the additional funds needed. The Transportation Department sought to dismiss this study in the congressional hearings last year, arguing that the risk of Government involvement is much less now that the overlap of phases III and IV has been eliminated, since private financers will now have a chance to evaluate the results of the prototype tests before investing in production. This may be true, but if eliminating the overlap is the only safeguard we have against Federal funding beyond phase III, there is little cause for comfort. An indication of how tentative this decision to eliminate the overlap is can be obtained from the prepared statement of B. J. Vierling, acting director of the SST program, in the Senate hearings last November:

> Should subsequent pressures develop to deliver production aircraft earlier than is provided in our new schedule, the option to overlap can still be exercised through approximately September 1970 for delivery of production aircraft in early 1976. (Hearings, p. 602)

In other words, we may be back to costly overlapping again.

There is more grist for the skeptic's mill in the January 5, 1970 issue of Aviation Week & Space Technology, which is devoted entirely to the SST. In an article entitled "Financing Poses Unprecedented Challenge," there is this assessment of the likelihood of Government financing beyond phase III:

> Given the climate of 1970—severe credit stringency, inflating costs, declining airline earnings—some form of government participation is more than a possibility.

The article goes on to say:

> It is no exaggeration to say that Boeing must have a profitable, long-run 747 program to carry its share of the supersonic transport financing. Company growth at Boeing could increase its ability to finance the SST, the article notes, but the cash requirement of 4–5 times that of the 747 program would require growth of a remarkable degree.

An earlier report appearing in the New York Times on October 17, 1969, supports the Aviation Week analysis. In the Times story, Holden W. Withington, the Boeing vice president in charge of the SST program, is quoted as saying that "it's going to be a real tough job" to raise the capital needed to move from the Government-aided development and test flight phases of the project to actual production of the plane for airlines.

Under current forecasts, Withington said Boeing would have to raise "about $2 billion to go into production, and that is assuming that we get 50 percent progress payments from the airlines in the 1973–74 period. I am not so sure we will be able to do this."

Aviation Week agrees on this last point, noting that "airlines are telling manufacturers that they are not going to make 50 percent progress payments again, ever."

We may conclude, then, that it would be a rash man indeed who would give assurance now that the Federal Government can have its SST with an investment of $1.3 billion and no more.

HOW MUCH WILL THE GOVERNMENT GET BACK?

The Department of Transportation says the Government will get a 4-percent return on its $1.3 billion investment. This is based on the so-called FAA base case market of 500 airplanes by 1990 with sonic boom restrictions and a sales price of $37 million—in 1967 dollars.

Calculations of this sort are based on a great many unknowns, of course, and to come to any kind of judgment you simply have to make assumptions about those unknowns. It is fair to ask, however, how realistic some of the more important assumptions are.

Take, for example, the $37 million sale price of the SST. This may in fact prove to be the final, inflation-adjusted price of the SST, but given our past experience with cost overruns some skepticism is in order. Especially is this so in light of the statement by Boeing Vice President H. W. Withington—in the Times article quoted earlier—that the price of the SST could climb to between $50 and $60 million. It is not clear from the article how much of this increase would be due to inflation.

If the final price of the SST does go up to something on the order of $50 million, the rosy forecasts of a 500-plane market begin to fade away.

In a study prepared in April 1969 for the FAA by Charles River Associates, for example, upping the SST price to $50 million reduces their "base case" SST market to 435.

In another study prepared for FAA around the same time by the Boeing Co., the market estimate approached 500 only on the assumption of a $37 million price. When the price went up just slightly, from $37 million to $40 million, the market estimate declined to the low 400's.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. YOUNG of Ohio. I would prefer not to yield. However, I yield for a question without losing my right to the floor.

Mr. LONG. Mr. President, do I understand the Senator to say that these planes will cost from $37 to $40 million each?

Mr. YOUNG of Ohio. I do not know what the Senator understood about that. However, I said that in another study prepared for the FAA around the same time by the Boeing Co., the market estimate approached 500 only on the assumption of a $37 million price.

Mr. LONG. Mr. President, that would cause me to wonder if that would mean that the rates to an individual would be more than those charged on the general airplanes.

The thought occurs to me that if they are going to charge $37 to $40 million an airplane, one could not buy a ticket on the plane as cheaply then as he could on the planes flying over the ocean today.

I hope that the distinguished Senator might advise me on that.

Mr. YOUNG of Ohio. Mr. President, I could not advise the distinguished Senator from Louisiana on that. However, it appears to me that his assumption undoubtedly has basis in fact and that it would cost more.

Another crucial assumption in the various SST market estimates involves a judgment on how much people think their time is worth. If they think it is worth a lot, they will be willing to spend something extra to ride on an SST and get where they are going faster. If they do not, they will not, and Boeing will have some trouble selling SST's.

The Department of Transportation has decided that people value their time at 1½ times their hourly earnings. Others disagree. The Institute for Defense Analysis did a study of SST demand for the FAA in December of 1966, and they concluded that people valued their time at approximately their earnings rate. Other studies have indicated that travelers value their time at only 40 percent of their earnings rate, and still others say time is valued at twice the earnings rate.

The point is that no one really knows. But what you assume on this point has a striking impact on SST market predictions.

In the 1969 Boeing economic study mentioned above, for example, the market prediction is only around 300 if time is valued at the same as a traveler's earnings. If time is valued at 1½ times earnings, the market approaches 500, and if it is valued at two times earnings, the market prediction goes up to around 600.

The same uncertainty is found in the Charles River Associates study, with a predicted market ranging from 473 for the time equals earnings case, to 870 for the time equals two times earnings case.

None of this of course proves that the Federal Government is not going to get its modest 4-percent return on the money it spends on the SST. What it does show is that the 500-plane market on which this return depends is nowhere near as certain as the Transportation Department would have us believe.

IS IT WORTH IT?

Even the most fervent defenders of the SST generally will acknowledge that the program is pretty difficult to justify if you look only at the Government's predicted 4-percent return on investment. After all, the Government could do a good deal better than that simply by opening a rather large savings account, or by retiring its 8-percent Treasury bills. But, the defenders say, this is not the whole story—and they proceed to trot out charts and graphs showing all the jobs the SST program is going to create, the favorable impact it will have on our balance of payments, and so forth.

But now a new emphasis is beginning to creep into justifications for the SST. The SST, it turns out, is not really meant to benefit the Nation at large. Rather, it is now being justified primarily as a prop for the aviation industry, ailing because of the decline in military and space business, and perhaps also as a "prestige" item of sorts. It has become one part pyramid and two parts WPA project.

President Nixon hinted at this new emphasis when he announced a go-ahead on the SST last September. He said:

> I want the United States to continue to lead the world in air transport.

Then, in a Transportation Department press conference on March 31, things got a little more explicit. Transportation Secretary John Volpe began by declaring:

> The aviation industry is essential to our Nation.

If the SST project is not pressed to completion, he went on—

> About six or seven years down the road . . . you'd have a situation where you would have, not just thousands, but tens of thousands of employees that would be laid off and the aviation industry would just go to pot.

He added:

> President Nixon feels that same way.

FAA Administrator John Shaffer, you will recall, emphasized much the same point before this subcommittee earlier this month. His prepared statement read:

> I am quite concerned about the financial condition of the aircraft companies today. Their production lines have been slowing since last fall and very few new programs are appearing on the horizon. The SST, the B-1, possibly the STOL, the F-14 and 15 and a few others are not enough business to keep our aircraft industry at high capacity.

Perhaps there is nothing wrong with providing this kind of subsidy to the aircraft industry. After all, the Federal Government provides prodigious subsidies to farmers, to the merchant marine, to the oil industry, and to a host of lesser claimants, and no one seems to mind all that much. Still, I am not sure that reliance on Government subsidy is the best way to assure a healthy aircraft industry. Let me read to you, in this connection, a few excerpts from testimony given by Gen. Elwood R. Quesada before the President's SST Ad Hoc Review Committee last spring. General Quesada, you will recall, headed the Federal Aviation Administration from 1958–61, at the time the SST program was begun, and is now a director of American Airlines. He said:

> It was never anticipated that the Federal Government would be the major sponsor of a supersonic transport [General Quesada testified]. . . . I have very serious reservations about the Federal Government assuming the major burden of developing a commercial airplane. Serious reservations. The Federal Government is not motivated in such a manner that would cause them historically speaking to produce the most efficient and most economic transport.
>
> I gag, if I may use my own term, at the Federal Government by its positive action replacing economic demand. I feel that a supersonic transport or any other commercial device should be the product of economic demand. Our free enterprise system, at least in my opinion, has been a very successful system and I would hate to see it replaced by something else.
>
> I do not know why we should mimic or reproduce what England, France and Italy have done who did have a commanding position in the world market. They have failed. England, their aircraft industry is a miserable failure compared to ours. So I do not know why we should do what England has done. And certainly it is true in France. The French aircraft industry is 100 percent supported, or nearly 100 percent supported by the federal government, and I think it is fair to say that it is not nearly as good as ours. And I think that if we adopt the same philosophical approach as France, England and Italy I think we might replace them.
>
> I don't think that we should give up and adopt the system of Europe, which I think has proved a failure, and substitute it for our system which has been proved a success.

To answer the question of whether the Government's investment in the SST is worth it, you have to decide whether it is a good idea for the Government to be providing this kind of a subsidy for an industry; whether, in short, the benefits outweigh the costs. It is in part a question of philosophy. I come out on the side of free enterprise.

Mr. President, I would also like to continue my remarks about the economics of the SST with a discussion of the productivity of the airplane itself. The claim has been made that the SST will prove more productive than the present generation of jetliners, such as the 747, and so supplant them. Proponents of the SST have claimed that it will represent a significant advance in transportation efficiency.

A study recently completed indicates that the SST will actually be less productive than the 747. Productivity is a measure of passenger trips per dollar—seat miles per dollar—carried out in a given time period.

The new study, done by Mr. Russell A. Brown, senior research engineer with the Idaho Nuclear Corp., Idaho Falls, Idaho, is a parametric study of the transportation efficiency of the SST as compared with the 747. It is a report of the SST study committee of the Idaho Environmental Council. The report also includes a corroborative study done by the Research Analysis Corp. for the Library of Congress' Legislative Reference Service.

A letter accompanying the report also describes the misstatements that William Magruder, Director of the SST program, Department of Transportation, made before the Senate Appropriations Committee. Mr. Magruder has claimed that the SST was "twice as productive as the largest jumbo jet."

The conclusion of the report points out that the SST is as much as 15 to 35 percent less productive than the 747 in probable operating range. This report corroborates the point made by an aviation economist, Dr. George Eads of Princeton University in Appropriations Committee hearings in August. He said the SST would hurt both the airlines and the aircraft industry, because success for both depends on building quality aircraft.

Mr. President, I would also like to report that many newspapers in the State of Ohio also oppose this massive boondoggle. I would like to read some excerpts from some of their editorials. The Akron Beacon Journal comments:

> PROGRESS TOWARD WHAT?
>
> Even if one had a mind to do so, there seems to be no way under the sun to stop progress. Rational men ought to ask themselves from time to time, however, progress toward what?
>
> The supersonic transport (SST), into which the government has already sunk more than $500 million and which will cost taxpayers an estimated $1.2 billion in subsidies before Boeing's prototypes fly in 1972, is a good case in point.
>
> All the publicly-expressed concern about holding down federal spending, and the complaints about noise the SST will make in flight, seem to go unheeded on the basis that the SST represents progress in aviation that can't or won't be held back.
>
> If America doesn't move ahead, the argument goes, then our competitors—whether economic or political—will capture the air travel market and relegate us to second-class status. Airlines around the world will buy the Russian or English-French supersonic transports, which have already been tested in the air. By 1990, says General Electric which has the contract to build engines for the SST, the U.S. could lose up to $17 billion in sales of some 500 planes which will then be carrying passengers.
>
> But will the market for supersonic transports be anywhere near this large by 1990? It seems doubtful. In the first place, consider the noise, not only sonic booms but noise on the ground.
>
> A little over a year ago, Maj. Gen. J. C. Maxwell, on loan from the Air Force to the Federal Aviation Agency, commented that "people living around and below (the SST's) flight path had to accept it as part of the everyday environment."
>
> Subsequently, assurances were made that the SST's would be limited to flights over the oceans. Even in England, where the Concorde is viewed as a matter of pride, Prince Charles said the other day that the plane's worth would be questionable if it damaged ancient churches.
>
> Russell E. Train, chairman of the President's Council on Environmental Quality, has recently testified that the SST would be "three to four times louder" than present legal limits on aircraft engine noise. This means that even when just landing and taking off, the SST is bound to be more than a nuisance.
>
> This, in turn, raises the matter of ground accommodations and terminals, and who is going to have to pay for the vast expansion of airports. The public, of course, not only in taxes but in increased fares. For what? So a few may fly across the oceans in two hours less time than is now required.
>
> Airline executives are already agreeing that SST operations would probably need to be subsidized by fares of other operations.
>
> It is not likely, either, that supersonic passengers will fly in any super-style or super-comfort, at least in the early stages. The cabins will certainly be less spacious and less comfortable than those in the current jumbo jets, which themselves are achieving less than total acceptance.
>
> Finally, with all the worries about the environment today, there is one more argument against the SST. Four hundred of them flying, says Train, would inject about 150,000 tons of water vapor into the stratosphere every day, enough to increase cloud cover, reflect away some of the sun's heat and possibly cause "serious consequences on climate."
>
> Nobody, to be sure, wants to stop progress, but it would be nice to be able to enjoy it.

Then on May 26, 1970, the Springfield, Ohio, Sun, a great newspaper in my State, under the caption, "An Unneeded Plane," stated about the SST:

> The proposed aircraft that would create runway noise equivalent to that of 50 jumbo jets is having financing troubles. That mighty agent of the sonic boom, the Boeing SST, has already cost the government $640 million, and an additional $290 million will be needed for the coming fiscal year. The entire project is estimated to cost nearly $4 billion, and already there is a cost overrun of $75 million.
>
> Resistance is now beginning to stir in Congress. Nevertheless in this time of tight housing, cutbacks in education funds and medical research, deteriorating cities, and rising costs, the Nixon Administration seems firmly committed to see the SST through to a questionable existence.

May I say that the Springfield, Ohio, Sun is a Republican newspaper, and yet it editorially stated this criticism:

> Do we really need such an expensive aircraft whose only advantage will be the reduction of flying time by one-third? In exchange we will get greater noise pollution, increased air pollution, less air safety, and gargantuan costs.
>
> Builders say flights of the SST will be only over water, thereby eliminating the shock waves that cause so much damage. But what happens if the plane should prove to be unprofitable over water alone? Look out, people!
>
> All around, it's a bad investment of money so urgently needed elsewhere. And even the airlines don't want the SST—not for a long time, anyway.

That is a fine editorial published in the Springfield, Ohio, Sun, under the caption, "An Unneeded Plane."

And the Plain Dealer of my home city of Cleveland, a nationally known newspaper with a Sunday circulation of well over 500,000 and a daily circulation of well over 400,000, under the caption, "Harmful Shock Waves," stated that—

> The supersonic transport (SST) plane is a "big mistake" which could create serious physical and psychological hazards to millions of persons, an expert on noise pollution said here yesterday.
>
> Dr. Walter Carlein, mayor of Baden-Baden, West Germany, and a member of the national board of directors for the West German noise abatement council, told The Plain Dealer:
>
> "It would be best for mankind if plans for the supersonic transports were halted now."
>
> Too much money has been invested by the United States and other nations for them to even consider a halt, he said.
>
> "So the best we can do is to make sure that such planes are restricted to flying over the oceans," he added.
>
> U.S. transportation officials have promised SSTs would not be allowed to fly supersonically over U.S. territory. Conservationists fear the promise will be broken when the planes are in operation.
>
> Dr. Carlein was here to speak to the two-day Michigan-Ohio Pollution Conference. It is cosponsored by Cleveland State University.
>
> Dr. Carlein said a giant passenger plane flying at supersonic speeds across a continent would create shock waves on the ground 40 to 50 miles wide the length of the continent.
>
> These could cause heart attacks and hearing impairment in humans and extensive structural damage to buildings, he said.
>
> The United States has invested some $640 million in its SST. The administration seeks $290 million to continue the program for fiscal 1971.
>
> England and France are jointly building and test flying an SST. So is the Soviet Union.
>
> U.S. officials contend the SST should be built to preserve this country's aviation industry from foreign competition.
>
> Seven northeast Ohio conservation groups, representing several thousand persons, this week urged President in a letter to withdraw the $290 million request.
>
> "National priorities demand these funds be diverted to environmental medical research and to solving pollution problems, rather than creating them," the letter stated.

In the Cleveland Press, one of the great Scripps-Howard newspapers of our Nation, with a circulation of approximately 400,000 each day, there is headlined a news story:

SEVEN GROUPS HERE ASK NIXON TO DITCH THE SST

> Seven Cleveland area conservation organizations have appealed to President Nixon to withdraw his request for $290 million for development of a supersonic transport (SST).
>
> They asked that the funds be diverted to solving present pollution problems, instead of creating new ones.
>
> The President's chief environmental adviser, Russell Train, who today testified on the SST before a joint committee of Congress said yesterday in Cleveland, "As a generality, that's a good rule."
>
> Here to report to the American Mining Congress on the new Council on Environmental Quality, which he heads, Train would not comment on the testimony he is to give today. He said it hadn't been cleared.
>
> He did comment on other matters:
>
> Dredging disposal—Open lake disposal must be continued where diking is not now available "to prevent shutdown of the economy" by closing ports.
>
> Train said he has heard no negative reaction to the President's proposal that local communities share in the cost of diking. "They should share the cost because these are local problems to a great extent and local communities benefit."
>
> Industrial data: "I'm a firm believer in full public disclosure of all information," Train said in response to a question about the Bureau of the Budget's veto of a proposal to develop a national industrial waste inventory.
>
> President's program: "It's a constructive and realistic program that is reasonable and practical."
>
> Environment: "I don't think it's a fad that will go away. The problems are not imaginary and superficial. They are very real."
>
> The Cleveland area organizations that have urged the President to withdraw support for SST development are the Air Conservation Committee, Area Councils Assn., Lake County Citizens for Clean Air, Citizens for Clean Air and Water, Mothers' March on Pollution, Northeastern Ohio Air Conservation Committee and the Task Force on Pollution.

Mr. President, I shall read into the RECORD at this point an attached report, which provides an analysis of the comparative——

Mr. PROXMIRE. Mr. President, before the Senator reads that, will he yield for a question?

Mr. YOUNG of Ohio. Yes; I yield to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. As I understand, the Senator from Ohio has just read a list of conservation organizations that have requested President Nixon to drop his support of the SST; is that correct?

Mr. YOUNG of Ohio. That is correct.

Mr. BYRD of West Virginia. Mr. President, we cannot hear the colloquy on the left. Will the Chair ask Senators engaged in other conversations to be in order?

The PRESIDING OFFICER. The Senator's observation is correct. The Senate will be in order.

Mr. YOUNG of Ohio. The statement made by the distinguished Senator from Wisconsin is absolutely correct. The list of societies and organizations I read are, as far as I know, all conservation societies in my State.

Mr. PROXMIRE. Is it not true that those who support the SST have failed to indicate a single conservation group, or any other group that does not have either a direct interest in the aircraft industry or in the air line industry, or represents a Government agency which is under the direction of the President—that save those groups there is no significant group supporting the SST? I know of none.

Mr. YOUNG of Ohio. The statement made by the Senator from Wisconsin is absolutely true and correct. As far as I know, not one.

Mr. PROXMIRE. I know of a number of public polls, conducted primarily by Members of Congress, which are not scientific, but they all indicate overwhelming opposition to the supersonic transport. Does the Senator from Ohio know of any poll of any kind made of any public group, scientific or unscientific, which indicates public support of the supersonic transport?

Mr. YOUNG of Ohio. In answer to that question, I assert that I know of no such organization, and I am certain that there is none.

Mr. PROXMIRE. A recent poll conducted by Representative HENRY REUSS of Wisconsin of the newly elected, incoming Members of the House of Representatives indicates that the overwhelming majority of those newly elected Representatives—and by overwhelming I mean something like 6 to 1—are opposed to the supersonic transport, whereas the Representatives they defeated are, by and large, in favor of the supersonic transport.

I admit that this is not decisive, but would it not be at least some indication that the people who elected them had this issue in mind, that it was a real issue, and that the people, by their votes, indicated their real opposition to the supersonic transport?

Mr. YOUNG of Ohio. It seems to me that is very significant, indeed, because those men who were campaigning before their constituents, and meeting with people in their districts regularly, and who succeeded in being elected, were in a position to understand and did understand the views of their constituents, or else they would not, in my opinon, have been elected. While we have been here in Washington working, they have been in a position to know better than anyone else the views of the rank and file of the people. I say it is significant indeed that almost every one of them who was successful in the election expressed opposition to the SST.

Mr. PROXMIRE. Has the Senator noticed that the newspapers of this country represent the establishment, as much as there is an establishment in this country; they represent vested interests, often conservative forces, they are not known for opposition to industry. Does it not seem that the overwhelming majority of the newspapers have indicated by their editorials—and I have a large number of editorials which I am prepared to put into the record at a later time—have indicated their strong opposition to the SST? There may be a few newspapers that are for it; I am not aware of more than one or two that are, and I am aware of literally scores that are emphatically against it.

Mr. YOUNG of Ohio. I believe the statement the Senator has made is absolutely true and correct. I know of no newspaper in my State of Ohio that has urged otherwise. I read the editorials from the leading newspapers, and I know of no newspaper in my State that has advocated to the contrary.

Mr. PROXMIRE. Does it not seem to follow from this colloquy that virtually all of those groups that have looked into the SST—and we did not mention the scientists, as well as the environmentalists—and certainly the general public, to the extent that they have had any opportunity to express their position, either in elections or by responding to inquiries by Members of Congress—that the public by and large is against the SST; and does it not seem logical that they should be, inasmuch as their taxes will pay for the enormous amount we are appropriating, and they, to the extent that pollution develops from the SST, would have to suffer the adverse consequences of noise, possible increased radiation, and some of the other hazards which environmentalists and scientists have warned us might be the consequences of a very substantial fleet of supersonic transports?

Mr. YOUNG of Ohio. What the Senator has said is absolutely true; and it seems to me that we must give heed to the will and the wishes of the people, who have expressed their opposition so clearly to the SST, because they are the ones who will have to bear the burden of paying the tremendous cost of this boondoggle.

We should stop, look, and listen, and pay heed to their views and their wishes on this matter, because they are knowledgeable on this subject, and the newspapers that they read regularly have echoed their views in their editorials, some of which I have just read into the record.

Mr. PROXMIRE. Is it not true that this year there was one vote, and only one vote, on the merits of the supersonic transport in the U.S. Senate—that is, exclusively on that issue?

Mr. YOUNG of Ohio. I agree with the Senator.

Mr. PROXMIRE. Is it not also true that on that one vote the Senate voted 52 to 41 against the SST? And is it not further true that in the House of Representatives, the closest they could come to a vote on the SST was a vote, in the first place, to instruct the conferees in advance of the conference—which was obviously resisted by many Members of the House of Representatives, some of whom might not have been in favor of the SST, but felt that it would be insulting to the members of the conference to be instructed—and, second, that their only other vote on the supersonic transport was on their chance to instruct the conferees after the conference report had come back to the House, at which time the Members of the House of Representatives as well as the Members of the Senate were anxious to get home, anxious not to delay it, and if they had returned the conference report to the conferees, many of them would have felt that it would have prevented them from getting on to other business or from adjourning and ending the session.

Under these circumstances, will the Senator from Ohio agree that that vote could not be considered a fair and clear vote up and down on the supersonic transport, and that the fact that it was as close as it was—as I recall, it was 205 to 185 in favor of the SST—indicates that there may well be even now a majority of the Members of the House who, if they had a chance to vote up and down on the SST, would vote "no"?

Mr. YOUNG of Ohio. What the Senator has said regarding the action of the other body is, according to my understanding, precisely correct. They are no doubt more fully informed now than they were then, and it was not a direct vote. But in the Senate, where this matter has been carefully studied and debated, a clear-cut decision was made, by a vote of 52 to 41. Only 41 of 100 Senators supported the SST in the vote we had here. I think that if the vote were repeated today, it would be fewer.

Mr. PROXMIRE. So the only vote that has been held on the SST directly this year was adverse by a decisive margin.

Mr. YOUNG of Ohio. That is absolutely true. The only up and down vote, as we term it, was cast in the Senate, and it was against the SST.

Mr. PROXMIRE. This conference report contains many things. Many Senators, of course, favor providing an increase in funds for air safety. We have money for the highways. We have money for many other absolutely vital transportation needs.

Would the Senator from Ohio agree with the Senator from Wisconsin that, under these circumstances, to call upon Senators to vote against the conference report, since they have already registered their opposition to the SST, should not be considered a fair vote on the SST, and that for those of us who are strongly opposed, it would mean, in effect, that we would be giving away the whole show if this comes to a vote?

Mr. YOUNG of Ohio. Of course the Senate has clearly expressed its views on the expenditure of $290 million. It seems to me that to come in now with a conference report asking somewhat less than that, $210 million, would be unthinkable. We should not yield to that. That would be the camel's nose under the tent, and then more millions of dollars would follow that.

Mr. PROXMIRE. So what the colloquy of the Senator from Ohio and the Senator from Wisconsin has established is that, to the extent that we can get any record of it, there seems to be strong public opposition to the SST. No evidence has been submitted that there is public support for the supersonic transport.

The Senate, in the only vote conducted in either House of Congress this year, directly on the SST has voted emphatically against it. Yet, because of a parliamentary situation in which the SST has now been encompassed by conferees who were appointed in violation of the Senate rules, in the transportation we are now confronted with a situation that we either vote against providing funds for all our transportation needs or we vote in favor of providing a continuation of the supersonic transport; and if that continues, the ultimate cost to the taxpayer will be $160 million more than it would have been if the SST had gone through with $290 million.

Mr. YOUNG of Ohio. I agree fully with the Senator from Wisconsin. Our constituents have spoken out. Our colleagues in the Senate, by a loud and clear vote—a margin of 52 to 41—have expressed their views. It would seem to me that it would be an abominable and an unthinkable blunder were we to accept this conference report, putting in the $210 million.

Mr. PROXMIRE. I thank the distinguished Senator from Ohio.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I yield. I was about to yield the floor.

Mr. MAGNUSON. We have only 3 minutes remaining.

Mr. YOUNG of Ohio. I am glad to yield.

Mr. MAGNUSON. The Senator from Ohio has served in Congress a long time. He and I started out many, many years ago. I am sorry to see him leave.

Mr. YOUNG of Ohio. I thank the Senator.

Mr. MAGNUSON. I was hoping that he could have returned home for Christmas much earlier than this, and if it had not been for certain parliamentary moves here, he would have been.

Mr. YOUNG of Ohio. We all wanted that.

Mr. MAGNUSON. But the Senator knows—he has been on many conferences, as I have—that a conference is appointed literally for what it means. It is to get the two Houses together, not to have one House take an adamant position on one thing as against another, because then we would never have a piece of legislation get to the floor.

The SST happens to be 3 percent of the total of this bill. I get the impression from the Senator from Wisconsin that, therefore, the conferees should be people who are interested in that 3 percent. My idea of a conference over the years—and I think they have been pretty good—was that people are appointed who are familiar with the whole bill, on both sides.

I had some people in conference—the Senator from Rhode Island and I—who disagreed with us completely on rapid transit. But they were for the SST, against somebody on the House side who might have been against it—against rapid transit, too.

This is a big bill. Conferences are not supposed to consist of conferees appointed on one issue that involves 3 percent of the bill. That is part of it.

The Senator from Wisconsin suggests that this is the biggest—well, it has been made pretty big by many people who do not understand it very well. But that is neither here nor there. It has been warped way out of shape. It is one-eighth of 1 percent of the national budget.

When we talk about priorities, the big argument in conference on rapid transit was between $864 million as against $220 million which the House put in. That is pretty important, too, and the Senator from Washington and others fought for that. There was disagreement. That did not mean that someone was for the SST or against it on that. We have more than $700 million for air controllers in there. There was some argument about that. That is wages and everything.

So it is a big bill. I did not think the Senator was suggesting that we were going to appoint conferees on a big Department of Transportation bill solely on the basis of whether they are for or against the SST. We would never get anything done if we did that around here. The Senator from Ohio has been on many conferences; he and I have fought together on many conferences.

Mr. YOUNG of Ohio. Generally together.

Mr. MAGNUSON. On many things. But we had to give a little here and there in order to get something else done, and the viewpoints are all different.

This was not a conference on the SST. This was a conference on the biggest Department of Transportation bill we have ever had in the history of the Congress.

As for rapid transit in the Senator from Illinois' town, who fights for that? That is part of transportation. That was part of the conference.

Mr. PERCY. Mr. President, will the Senator yield on that point?

Mr. MAGNUSON. I have only 2 minutes.

Mr. PROXMIRE. The Senator from Ohio has the floor.

Mr. MAGNUSON. Yes. Will the Senator yield to me for 1 minute? He will be all through then.

But let us not get the idea that conferees are going to be appointed here solely because somebody is for or against something in one part of the bill. We would not have enough years to have sessions of Congress if we did that. We would never accomplish anything.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I yield to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I will be very brief.

Mr. MAGNUSON. The Senator's time is up.

Mr. PROXMIRE. Mr. President, this is typical of the way the SST forces have operated.

Mr. MAGNUSON. The hour is 3 o'clock.

Mr. PROXMIRE. Among other things, the SST forces have contrived and arranged a situation in which tomorrow we have an hour debate, which will be controlled on the one hand by Senator Bible and on the other hand by Senator Scott. The Senator from Nevada (Mr. Bible) is the Senator managing the bill. There is no fairer Senator but he is all out for the SST. The Senator from Pennsylvania (Mr. Scott) is the Senator who filed the cloture motion. Where does that leave us? Every step along the way the cards have been stacked against us. They stacked the conferees. It is no secret that the real controversy in the transportation appropriation bill is the SST. Sure, there are differences of opinion on mass transit and differences of opinion on other matters, but the controversial issue that really divides the country and the Senate, on which there was so much debate, is the SST. There is no secret about that. There is no secret that the conferees were appointed who would vote for the SST, which is a direct and express violation of the rules of the Senate.

Mr. YOUNG of Ohio. Mr. President, from my angle here at my desk the clock indicates a half a minute until 3 p.m. now, and I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, if I may have a moment just to answer the distinguished Senator from Washington as he pointed at me directly and said, "How about mass transit?" let me tell the Senate what happened. Included in the housing authorization bill were two amendments unanimously agreed to by the Banking and Currency Committee for mass transit. One was for $75 million to take care of failing mass transportation systems that are going out of business all over the country. The second was for $75 million to take care of mass transit systems that have incurred bonded indebtedness to modernize and yet that cannot meet their obligations.

Mr. MAGNUSON. That is an authorization.

Mr. PERCY. That is correct. And we lost every single solitary penny in conference. Why? Because apparently we do not have the money for mass transit systems that serve tens of millions of low-income people. The Senator asked, "How about mass transit?" The city of Chicago will lose $25 to $30 million in its mass transit operations this year. It will have an accumulated debt of $60 million. In the Banking and Currency Committees conference yesterday they apparently said they did not have one penny, not one penny, to take care of low-income people so that they can get to work, people who have to get to work on public transportation, many of whom do not have cars. What is the matter with the priorities we have in this country today that puts an SST ahead of mass transit in priority for funds?

Mr. PASTORE. Mr. President, may we have order in the Senate?

Several Senators addressed the Chair.

Mr. YOUNG of Ohio. Mr. President, I have the floor, do I not? I have the floor until the majority leader rules otherwise?

Mr. MANSFIELD. Yield the floor.

Mr. YOUNG of Ohio. Mr. President, I yield to the distinguished majority leader.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. Fannin). The Chair recognizes the Senator from Montana (Mr. Mansfield).

Mr. MANSFIELD. Mr. President, I yield 1 minute to the Senator from Nevada.

Mr. BIBLE. Mr. President, I thank the majority leader. My name was used here a moment ago in the matter of time control, in the matter of 30 minutes of time to the distinguished majority leader. I do not control the other 30 minutes. I assure the distinguished Senator from Wisconsin (Mr. Proxmire), as I have throughout, that he will get his fair share of the hour, that it usually works out, and always has, all along. We are going to try to be fair. We have always been fair. We have given them five times as much time as we have had in the past few days. We will see that they get fair treatment on tomorrow.

I just wanted to make that observation because it seemed to me he was saying he was being unfairly treated. I never treated anyone unfairly in my life.

Mr. MANSFIELD. The Senator from Nevada is correct.

SOCIAL SECURITY AMENDMENTS OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1443, H.R. 17550, under the agreement.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

> H.R. 17550, to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

Without objection, the Senate resumed the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from Louisiana (Mr. Long) is now recognized.

Mr. LONG. Mr. President——

Mr. PASTORE. Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. The Senate will please come to order.

Mr. LONG. Mr. President, I have not informed the Senator from Delaware what I am about to say, but I had informed the Senator from Georgia and I had mentioned the matter to the Senator from Rhode Island; namely, that I intend to move to table the pending amendment to the committee amendment when the bill is laid before the Senate.

Having made that explanation, Mr. President, I now move that the pending amendment——

Mr. JAVITS. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield only for a question.

Mr. JAVITS. I ask the Senator this question. In view of the fact that Members have not been notified, and I know of at least one Member who is on his way here, having heard the rumor. Does not the Senator feel some little time, say, 30 minutes, or a small amount of time, should be granted Members who are within reach but cannot get here——

Mr. LONG. I would be willing, if I could obtain unanimous consent to do so, without prejudice to myself or losing my right to the floor, to suggest the absence of a quorum in order that——

Mr. WILLIAMS of Delaware. Mr. President, we have debated this long enough. Let us face the issue. I would regret if it were tabled. As I said earlier, I did not support putting this provision in, but the Senate should stand up and vote on this trade proposal and I would hope they would not table it now. We could call the roll immediately and vote on it now.

On a direct vote I will vote against the measure.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. After that, they can offer the family assistance plan which I object to, as Senators know, and we can go to a rollcall on that in a short time. Let us do our business and go home. But if we are going to have to vote on this, let us not hide behind a tabling motion—and I say that with all due respect to the opinions of all. Let us face up to it like men. This is a committee amendment. Let us vote for it on its merits, up or down. I would be willing to call the roll right now to save time.

Mr. MONDALE. Mr. President, will the Senator from Delaware yield?

Mr. LONG. If Senators want to have some additional time, that is all right, but the motion is going to be made, and I will ask it in a moment.

I ask unanimous consent that I might suggest the absence of a quorum without prejudicing the rights of the Senator from Louisiana to the floor. I do not want to lose the floor as it might deny me my right to make my motion.

Mr. PASTORE. Mr. President, reserving the right to object——

Mr. MONDALE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. FANNIN). The Senator from Louisiana could make his motion to table and still call for a quorum.

Mr. MONDALE. Mr. President——

Mr. LONG. Does the Senator wish me to yield to him for a question or a statement?

Mr. MONDALE. I would like to ask the Senator a question prior to making the motion.

Mr. LONG. I yield for a question.

Mr. MONDALE. My question is this: The Senator is aware, I assume, that the amendment which he seeks to table was only offered yesterday afternoon, and that at this point those who oppose the legislation have not had 1 minute to discuss the merits of this revolutionary change in trade legislation. Does not the Senator from Louisiana think, in light of the fact that one side of this major issue has not been heard, that it might make the making of this motion somewhat premature?

Mr. LONG. What the Senator says, of course, has great logic. When I first came to the Senate, I liked to think, on matters of this sort, that an eloquent speech could change the vote. But this measure has been voted on a number of times, so I do not believe the most eloquent speech ever made in the history of this body would change a single vote. Thus, this Senator feels that this matter should be voted on, and if we could have unanimous consent to vote at some particular moment, I would be willing to consider a unanimous-consent request, but we cannot even get consent to accept the committee amendments en bloc, which is customary. So we must proceed the best way we can.

Mr. PASTORE. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield for a question.

Mr. PASTORE. Would the Senator from Louisiana consider a half hour on agreed time, to take a vote at the termination of the half hour on the merits of this particular amendment as suggested by the Senator from Delaware? We could have a unanimous-consent agreement for one-half hour, with 15 minutes to a side, to discuss this matter just as a recapitulation, because it has been talked to death, and then we would have a vote on the merits. What is wrong with that?

Mr. LONG. Well, Mr. President, if I——

Mr. PASTORE. Then the American people would know—if I may conclude my question please—exactly how the Senate feels about the textile industry.

Mr. LONG. Mr. President, I ask unanimous consent that I might make a unanimous-consent request, without prejudice to my rights to the floor.

The PRESIDING OFFICER. Is there objection?

UNANIMOUS-CONSENT REQUEST

Mr. LONG. Mr. President, I ask unanimous consent that there be 1 hour, to be equally divided between the proponents of the Williams amendment and the opponents of the Williams amendment, the time to be controlled by the Senator from Georgia or the Senator from Delaware if he desires——

Mr. WILLIAMS of Delaware. The Senator from Georgia can do that.

Mr. LONG. In favor of the amendment, and the time in opposition to be controlled by the Senator from New York; and at the conclusion of that 1 hour we will vote on the amendment.

Mr. SCOTT. Mr. President, I will support the motion to table the amendment of the senior Senator from Delaware because I believe it discriminates against other American industries facing similar economic hardships as a result of import policies and increased competition from abroad.

The textile and shoe industries are being seriously hurt by imports, and while I am in sympathy with the amendment offered by the Senator from Delaware, we must remember there are other American industries and American working men and women suffering financial hardships. I, therefore, believe we should act on their behalf also.

I urge the rejection of the amendment and the adoption of such trade legislation as will fairly protect all industries which are being injured by foreign competition.

Mr. LONG. Mr. President, I now move that the pending amendment be laid on the table.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. LONG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion to table——

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Louisiana asked for the yeas and nays. Is there a sufficient second?

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana (Mr. LONG) to table the amendment.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

CALL OF THE ROLL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 436 Leg.]

Aiken
Allen
Allott
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
McCarthy
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Connecticut (Mr. DODD), the Senator from Wyoming (Mr. MCGEE), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Maryland (Mr. TYDINGS) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from New York (Mr. GOODELL), and the Senator from Oregon (Mr. HATFIELD) are absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Maryland (Mr. MATHIAS) is detained on official business.

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the motion of the Senator from Louisiana to lay on the table the amendment of the Senator from Delaware (Mr. WILLIAMS). On this question the yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MURPHY (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Oregon (Mr. HATFIELD). If he were present and voting he would vote "aye." If I were at liberty to vote I would vote "nay." I withhold my vote.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Connecticut (Mr. DODD), the Senator from Wyoming (Mr. MCGEE), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Maryland (Mr. TYDINGS) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from New York (Mr. GOODELL), and the Senator from Oregon (Mr. HATFIELD) are absent on official business.

The Senator from Colorado (Mr. DOMINICK), and the Senator from South

Dakota (Mr. Mundt) are absent because of illness.

The Senator from Maryland (Mr. Mathias) is detained on official business.

If present and voting, the Senator from New York (Mr. Goodell) would vote "yea."

The pair of the Senator from Oregon (Mr. Hatfield) has been previously announced.

On this vote, the Senator from Maryland (Mr. Mathias) is paired with the Senator from Colorado (Mr. Dominick). If present and voting, the Senator from Maryland would vote "yea" and the Senator from Colorado would vote "nay."

The result was announced—yeas 31, nays 58, as follows:

[No. 437 Leg.]

YEAS—31

Aiken
Bellmon
Bennett
Burdick
Cooper
Cranston
Fong
Fulbright
Gravel
Griffin
Harris
Hart
Hughes
Inouye
Jackson
Javits
Kennedy
Long
Mansfield
McGovern
Miller
Mondale
Packwood
Percy
Ribicoff
Saxbe
Scott
Stevens
Stevenson
Yarborough
Young, Ohio

NAYS—58

Allen
Allott
Baker
Bayh
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cotton
Curtis
Dole
Eagleton
Eastland
Ellender
Ervin
Fannin
Goldwater
Gore
Gurney
Hansen
Hartke
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Magnuson
McCarthy
McClellan
McIntyre
Metcalf
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Schweiker
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Murphy, against.

NOT VOTING—10

Anderson
Dodd
Dominick
Goodell
Hatfield
Mathias
McGee
Mundt
Russell
Tydings

Mr. Long's motion to lay on the table the amendment (No. 1158) of Mr. Williams of Delaware was rejected.

Mr. SCOTT and **Mr. LONG** addressed the Chair.

The PRESIDING OFFICER (Mr. Cook). The Chair recognizes the Senator from Pennsylvania.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly?

Mr. SCOTT. Mr. President, I yield to the distinguished majority leader.

Might I yield first to the Senator from Rhode Island (Mr. Pastore) without losing my right to the floor?

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. TALMADGE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCOTT. Mr. President, I yield to the distinguished majority leader, if I may do so without losing my right to the floor.

Mr. MANSFIELD. Mr. President, the Chamber is getting a little crowded, and I would hope that there would be a little clearing out of the Chamber so that Senators can find their way around. I do not like the idea of attachés sitting on the floor in this Chamber. I would suggest that the Sergeant at Arms be instructed to make sure that those who have no business here go; the rest can stay.

The PRESIDING OFFICER. Without objection, the Sergeant at Arms is instructed to follow the order of the Senate.

Mr. SCOTT. Mr. President, I send an amendment to the desk and ask that the clerk read it.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment, as follows:

At the bottom of page 6, insert the following: "at the end of the table proposed to be stricken out."

At the bottom of page 6, insert the following:

"There shall be added to the primary insurance amount of each individual and the maximum amount of benefits payable on the basis of his wages and self-employment income, computed as provided above, amounts equal to those necessary to increase such primary insurance amount and maximum amount, respectively, to the amounts which would result from use of the following table, instead of the preceding table:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I (Primary insurance benefit under 1939 act, as modified) If an individual's primary insurance benefit (as determined under subsec. (d)) is— At least—	But not more than—	II (Primary insurance amount under 1967 act) Or his primary insurance amount (as determined under subsec. (c)) is—	III (Average monthly wage) Or his average monthly wage (as determined under subsec. (b)) is— At least—	But not more than—	IV (Primary insurance amount) The amount referred to in the preceding paragraphs of this subsection shall be—	V (Maximum family benefits) And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
--------	$26.94	$90.60 or less	------------	$113	$100.00	$150.00
$26.95	27.46	91.90	$114	118	101.10	151.70
27.47	28.00	93.30	119	122	102.70	154.10
28.01	28.58	94.70	123	127	104.20	156.30
28.69	29.25	96.20	128	132	105.90	158.90
29.26	29.68	97.50	133	136	107.30	161.00
29.69	30.36	98.80	137	141	108.70	163.10
30.37	30.92	100.30	142	146	110.40	165.60
30.93	31.36	101.70	147	150	111.90	167.90
31.37	32.00	103.00	151	155	113.30	170.00
32.01	32.60	104.50	156	160	115.00	172.50
32.61	33.20	105.80	161	164	116.40	174.60
33.21	33.88	107.20	165	169	118.00	177.00
33.89	34.50	108.60	170	174	119.50	179.30
34.51	35.00	110.00	175	178	121.00	181.50
35.01	35.80	111.40	179	183	122.60	183.90
35.81	36.40	112.70	184	188	124.00	186.00
36.41	37.08	114.20	189	193	125.70	188.60
37.09	37.60	115.60	194	197	127.20	190.80
37.61	38.20	116.90	198	202	128.60	192.90
38.21	39.12	118.40	203	207	130.30	195.50
39.13	39.68	119.80	208	211	131.80	197.70
39.69	40.33	121.00	212	216	133.10	199.70
40.34	41.12	122.50	217	221	134.80	202.20
41.13	41.76	123.90	222	225	136.30	204.50
41.77	42.44	125.30	226	230	137.90	206.90
42.45	43.20	126.70	231	235	139.40	209.10
43.21	43.76	128.20	236	239	141.10	211.70
43.77	44.44	129.50	240	244	142.50	214.80
44.45	44.88	130.80	245	249	143.90	219.20
44.89	45.60	132.30	250	253	145.60	222.70
		$133.70	$254	$258	$147.10	$227.10
		134.90	259	263	148.40	231.50
		136.40	264	267	150.10	235.00
		137.80	268	272	151.60	239.40
		139.20	273	277	153.20	243.80
		140.60	278	281	154.70	247.30
		142.00	282	286	156.20	251.70
		143.50	287	291	157.90	256.10
		144.70	292	295	159.20	259.60
		146.20	296	300	160.90	264.00
		147.60	301	305	162.40	268.40
		148.90	306	309	163.80	272.00
		150.40	310	314	165.50	276.40
		151.70	315	319	166.90	280.80
		153.00	320	323	168.30	284.30
		154.50	324	328	170.00	288.00
		155.90	329	333	171.50	293.10
		157.40	334	337	173.20	296.60
		158.60	338	342	174.50	301.00
		160.00	343	347	176.00	305.40
		161.50	348	351	177.70	308.90
		162.80	352	356	179.10	313.30
		164.30	357	361	180.80	317.70
		165.60	362	365	182.20	321.20
		166.90	366	370	183.60	325.60
		168.40	371	375	185.30	330.00
		169.80	376	379	186.80	333.60
		171.30	380	384	188.50	338.00
		172.50	385	389	189.80	342.40
		173.90	390	393	191.30	345.90
		175.40	394	398	193.00	350.30
		176.70	399	403	194.40	354.70

"I		II	III		IV	V
(Primary insurance benefit under 1939 act, as modified)		(Primary insurance amount under 1967 act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$178.20	$404	$407	$196.10	$358.20
		197.40	408	412	197.40	362.60
		180.70	413	417	198.80	367.00
		182.00	418	421	200.20	370.50
		183.40	422	426	201.80	374.90
		184.60	427	431	203.10	379.30
		185.90	432	436	204.50	383.70
		187.30	437	440	306.10	385.50
		188.50	441	445	207.40	387.70
		$189.80	$446	$450	$208.80	$389.90
		191.20	451	454	210.40	391.60
		192.40	455	459	211.70	393.80
		193.70	460	464	213.10	396.00
		195.00	465	468	214.50	397.80
		196.40	469	473	216.10	400.00
		197.60	474	478	217.40	402.20
		198.90	479	482	218.80	404.00
		200.30	483	487	220.40	406.20

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I		II	III		IV	V
(Primary insurance benefit under 1939 act, as modified)		(Primary insurance amount under 1967 act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	$26.94	$90.60 or less	----------	$113	$100.00	$150.00
$26.95	27.46	91.90	$114	118	101.10	151.70
27.47	28.00	93.30	119	122	102.70	154.10
28.01	28.68	94.70	123	127	104.20	156.30
28.69	29.25	96.20	128	132	105.90	158.90
29.26	29.68	97.50	133	136	107.30	161.00
29.69	30.36	98.80	137	141	108.70	163.10
30.37	30.92	100.30	142	146	110.40	165.60
30.93	31.96	101.70	147	150	111.90	167.90
31.37	32.00	103.00	151	155	113.30	170.00
32.01	32.60	104.50	156	160	115.00	172.50
32.61	33.20	105.80	161	164	116.40	174.60
33.21	33.88	107.20	165	169	118.00	177.00
33.89	34.50	108.60	170	174	119.50	179.30
34.51	35.00	110.00	175	178	121.00	181.50
35.01	35.80	111.40	179	183	122.60	183.90
35.81	36.40	112.70	184	188	124.00	186.00
36.41	37.08	114.20	189	193	125.70	188.60
37.09	37.60	115.60	194	197	127.20	190.80
37.61	38.20	116.90	198	202	128.60	192.90
38.21	39.12	118.40	203	207	130.30	195.50
39.13	39.68	119.80	208	211	131.80	197.70
39.69	40.33	121.00	212	216	133.10	199.70
40.34	41.12	122.50	217	221	134.80	202.20
41.13	41.76	123.90	222	225	136.30	204.50
41.77	42.44	125.30	226	230	137.90	206.90
42.45	42.20	126.70	231	235	139.40	209.10
43.21	43.76	128.20	236	239	141.10	211.70
43.77	44.44	129.50	240	244	142.50	214.80
44.45	44.88	130.80	245	249	143.90	219.20
44.80	45.60	132.30	250	253	145.60	222.70
		133.70	254	258	147.10	227.10
		134.90	259	263	148.40	231.50
		136.40	204	267	150.10	235.00
		137.80	268	272	151.60	239.40
		139.20	273	277	153.20	243.80
		140.60	278	281	154.70	247.30
		142.00	282	286	156.20	251.70
		143.50	287	291	157.90	256.10
		144.70	292	295	159.20	259.60
		$146.20	$296	$300	$160.90	$264.00
		147.60	301	305	162.40	268.40
		148.90	306	309	163.80	272.00
		150.40	310	314	165.50	276.40
		151.70	315	319	166.90	280.80
		153.00	320	323	168.30	284.30
		154.50	324	328	170.00	288.00
		155.90	329	333	171.50	293.10
		157.40	334	337	173.20	296.60
		158.60	338	342	174.50	301.00
		160.00	343	347	176.00	305.40
		161.50	348	351	177.70	308.90
		162.80	352	356	179.10	313.30
		164.30	357	361	180.80	317.70
		165.60	362	365	182.20	321.20
		166.90	366	370	183.60	325.60
		168.40	371	375	185.30	330.00
		169.80	376	379	186.80	333.60
		171.30	380	384	188.50	338.00
		172.50	385	389	189.80	342.40
		173.00	390	393	191.30	345.90
		175.40	394	398	193.00	350.30
		176.70	399	403	194.40	354.70
		178.20	404	407	196.10	358.20
		177.40	408	412	197.40	362.60
		180.70	413	417	198.80	367.00
		182.00	418	421	200.20	370.50
		183.40	422	426	201.80	374.90
		184.80	427	431	203.10	379.30
		185.90	432	436	204.50	383.70
		187.30	437	440	206.10	385.50
		188.50	441	445	207.40	387.70
		189.80	446	450	208.80	389.90
		191.20	451	454	210.40	391.60
		192.40	455	459	211.70	393.80
		193.70	460	464	213.10	396.00
		195.00	465	468	214.50	397.80
		196.40	469	473	216.10	400.00
		197.60	474	478	217.40	402.20
		198.90	479	482	218.80	404.00
		200.30	483	487	220.40	406.20

Mr. SCOTT. Mr. President, this is a perfecting amendment to the House language proposed to be stricken, and I propose to put into effect a minor change upward to the effected changes by the Senate committee in the social security charts.

Mr. RIBICOFF. Mr. President, I send to the desk an amendment to the amendment offered by the Senator from Pennsylvania (Mr. SCOTT) and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. The Senator from Connecticut (Mr. RIBICOFF) proposes an amendment to the amendment of the Senator from Pennsylvania, to add new language at the end thereof——

Mr. RIBICOFF. Mr. President, I ask

unanimous consent that further reading of the amendment be dispensed with. The amendment at the desk is the family assistance plan which has been at the desk since December 9, with renumbering of sections.

Mr. MILLER. Mr. President, reserving the right to object, may I ask the Senator from Connecticut a question? Will the Senator yield for a question?

Mr. RIBICOFF. I yield for a question.

Mr. MILLER. Do I understand that the way the amendment is now before the Senate, it is an amendment in the second degree and therefore no amendments to it are possible?

Mr. RIBICOFF. That is correct.

Mr. MILLER. I object to the unanimous-consent request.

The PRESIDING OFFICER. The clerk will read the amendment.

Mr. MANSFIELD. Mr. President, will the Senator withhold that for a while?

Mr. HANSEN. Mr. President, may we have order so we can hear every word of the amendment being read?

Mr. SCOTT. Mr. President, will the Senator yield for a request? The amendment is at the desk and it is about to be read and it is the pending business. Would the Senator consent to yielding for a moment, and I will ask unanimous consent for a colloquy with the distinguished majority leader on a matter of the highest importance?

Mr. RIBICOFF. Provided that I do not lose the floor.

Mr. SCOTT. I would like to ask the distinguished majority leader, because this is a matter of the very greatest interest to all Senators here——

Mr. LONG. Mr. President, I object to the request. The Senator cannot hold the floor and farm it out. It is all right with me to give consent, but I do not think any Senator can hold the floor while it goes on.

Mr. HANSEN. Mr. President, a parliamentary inquiry. Is it in order for the reading of the amendment to be interrupted?

The PRESIDING OFFICER. The clerk had not started to read the amendment yet.

Mr. SCOTT. Mr. President, I can only repeat, this is a matter of the greatest importance, which all Senators will want to hear.

Mr. HANSEN. I am sure they will.

The PRESIDING OFFICER. It is the ruling of the Chair that the request for dispensing with the reading of the amendment was made by the Senator from Connecticut and was objected to by the Senator from Iowa. The clerk will read the amendment.

Mr. LONG. Mr. President, I ask unanimous consent that the majority leader be recognized for 2 minutes prior to the reading of the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. ERVIN. Mr. President, from the last objection, I understood that the Senator would not consent to dispense with the reading of the amendment.

Mr. LONG. No, I am only asking unanimous consent that prior to the reading of the amendment the majority leader be recognized for 2 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Will Senators take seats, or at least walk in silence?

Mr. MANSFIELD. Mr. President, the distinguished minority leader and I have had several meetings over the last few days discussing the situation in which the Senate finds itself in the declining days of this Congress.

We are disturbed at the image which this body is showing to the American people, but we are more disturbed at the image we are showing to ourselves. We are facing a most difficult period in the history of the Senate and the Nation—and the two are synonymous—and we think that it is vital that we have a meeting to discuss this impasse, and it is the intention of the distinguished minority leader and me to ask for an executive meeting of the Senate at the conclusion of the vote on cloture tomorrow.

Mr. SCOTT. Which would take place at 11 o'clock, on the assumption that we are convening at 10 a.m. tomorrow, is that correct?

Mr. MANSFIELD. We are convening at 9. The first hour is set aside. Then the vote is to take place at 11 a.m. with the hour commencing at 10 a.m. under controlled time.

The purpose is that the leadership wants to lay the problem before the Senate and seek its advice as to what the Senate wants done to get out of the impasse in which we find ourselves. We will have a list of filibusters now in being and of filibusters proposed, and we will try to lay out to our colleagues just what the consequences will be if we do not get together and do what has to be done collectively. Alone, the leaders have no power—only that grace which Senators give them.

We want your advice and counsel. We are not disturbed about the image outside, but we are very disturbed about the image of the Senate to the Senate itself; and we would hope, on the basis of your considering this matter tonight, that when the meeting is called tomorrow, we will be able to get together and work ourselves, in some fashion, out of the impasse in which this body—and this body alone—finds itself at the present time. I think that the Senate owes the country no less.

Mr. SCOTT. Mr. President, would the distinguished majority leader permit me to make an observation? I simply want to say that I agree. Tomorrow we can meet with the filibusterers and those who would be the busters of the filibusters, and see whether or not it is possible for the Senate to begin to make sense this late in the day.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The time of the Senator from Montana has expired.

Mr. MANSFIELD. May we have 1 more minute?

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. I yield to the Senator from Rhode Island.

Mr. PASTORE. Does not the majority leader think it would be more expeditious that we hold such an executive meeting tonight, before the cloture vote is taken? I am afraid the cloture vote is going to stiffen a situation that is already too stiff: If we could have it before that cloture vote, maybe we could resolve some differences.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the hour of 7 o'clock this evening, the Senate go into a closed executive session.

The PRESIDING OFFICER. Is there objection?

Mr. MILLER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, I wish to announce that at the hour of 7 o'clock tonight, I will make a motion that the Senate go into closed session.

Mr. MILLER. Mr. President, I ask unanimous consent that I may ask the Senator from Connecticut a question.

The PRESIDING OFFICER. Is there objection?

Mr. MILLER. May I have the attention of the Senator from Connecticut?

Mr. MANSFIELD. Any time is all right with me, if we will just face up to our responsibilities and get away from this charade we have been going through. The Senator from Rhode Island wants it tonight.

Several voices. Five o'clock.

Mr. MANSFIELD. The Senator from Iowa wants it some other time.

Mr. MILLER. No. I want to ask the Senator from Connecticut a question.

Several voices. Right now.

Mr. STENNIS. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order has been called for, and the clerk will read the amendment.

Mr. STENNIS. The regular order is that the Senator from Montana has the floor.

Mr. MILLER. Mr. President, did not the Chair rule that unanimous consent had been granted for the Senator from Iowa to ask the Senator from Connecticut a question?

Mr. MANSFIELD. Mr. President, I believe I have the floor on the sufferance of the Senator from Connecticut and the Senate, and I wish to announce that at the hour of 5 o'clock there will be an executive session.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. What is the status of the Williams amendment?

The PRESIDING OFFICER. The Williams amendment is a pending amendment. It is a pending amendment, but the amendment by the Senator from Pennsylvania and the one by the Senator from Connecticut take precedence over that amendment at the present time.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield me 2 minutes?

Mr. MILLER. Mr. President, do I have unanimous consent to ask the Senator from Connecticut a question?

The PRESIDING OFFICER. Is there objection?

Mr. MILLER. Mr. President, I would like to ask the Senator from Connecticut whether he would consider making a unanimous-consent request that his pending amendment be open to amendments, and preferably with a time limitation.

Mr. RIBICOFF. Mr. President, let me explain to the Senator from Iowa why this cannot be done.

As the Senator realizes, yesterday when the Senator from Delaware made his unanimous-consent request, I was quick to accede to it, after discussions with the Senator from Delaware. I was most anxious to give every Member of this body an opportunity to file amendments and vote on the amendments to the family assistance program.

The unanimous-consent request to the Senator from Delaware was objected to. Then we found ourselves with the trade amendment. Now, if I make this unanimous-consent request, the family assistance program would then be open to any other kind of amendment, so we would be back in the same impasse where we were before.

I was reluctant to be in a position to offer family assistance on a take it-or-leave-it basis, but the attitude of many Members of this body was such that we had no alternative. I have had frequent discussions with my cosponsor, the Senator from Utah (Mr. BENNETT); and I have had frequent discussions with the leadership, and with the Senator from Delaware and the Senator from Oklahoma (Mr. HARRIS); and we thought we had worked out a procedure, keeping in mind the interests of the Senator from Iowa and the Senator from Oklahoma (Mr. HARRIS); but unfortunately what we tried to do we were frustrated in, and we now find that under the parliamentary procedures and the rules, we have no alternative but to follow the procedure that we have followed, in order to try to bring the family assistance program to a vote, and that is why I regret that I am unable to accede to the Senator's request at this time.

Mr. MILLER. Mr. President, may I ask unanimous consent that I may ask a further question?

The PRESIDING OFFICER (Mr. COOK). The Senator's question has been asked and answered, and the clerk will proceed with the reading of the amendment.

Mr. MILLER. Mr. President, a point of order. Is it not in order for the Chair to entertain a unanimous-consent request concerning the pending amendment?

The PRESIDING OFFICER. The Chair rules that the clerk had started to read the amendment. He should not have been interrupted, and the amendment will be read.

Mr. MILLER. Mr. President, a point of order. I thought I heard the Chair state that the clerk had not begun reading the amendment.

The PRESIDING OFFICER. The Chair never had that opportunity, I might say to the Senator from Iowa.

Mr. MILLER. Mr. President, may we have the reporter read back the RECORD on that point?

The PRESIDING OFFICER. The Official Reporter may do so.

Mr. LONG. Regular order, Mr. President.

The PRESIDING OFFICER. The regular order having been requested, the regular order is that the clerk shall read the amendment. So the clerk may proceed to read the amendment.

The legislative clerk read as follows:

Strike out title V of the bill and insert in lieu thereof the following:

SHORT TITLE

(1) The following paragraphs of this subsection with the following table of contents may be cited as the "Family Assistance Act of 1970".

TABLE OF CONTENTS

(11) Establishment of family assistance plan.

"PART D—FAMILY ASSISTANCE PLAN

"Sec. 441. Appropriations".

Mr. ERVIN. Mr. President, may we have order?

The PRESIDING OFFICER. It was the request of the Senate that the amendment be read. I would hope the Members of the Senate meant what they said and that they would do the clerk the courtesy of listening to the amendment.

Mr. WILLIAMS of Delaware. Mr. President, may we have the clerk start over again?

The PRESIDING OFFICER. I think the clerk should be allowed to continue to read where he left off.

The legislative clerk read as follows:

"Sec. 442. Eligibility for and amount of family assistance benefits.

"(a) Eligibility.

"(b) Amount.

"(c) Period for determination of benefits.

"(d) Special limits on gross income.

"(e) Puerto Rico, the Virgin Islands, and Guam.

"Sec. 443. Income.

"(a) Meaning of income.

"(b) Exclusions from income.

"Sec. 444. Resources.

"(a) Exclusions from resources.

"(b) Disposition of resources.

"Sec. 445. Meaning of family and child.

"(a) Composition of family.

"(b) Definition of child.

"(c) Income and resources of noncontributing individual.

"(d) Recipients of aid to the aged, blind, and disabled ineligible.

"Sec. 446. Payments and procedures.

"(a) Payments of benefits.

"(b) Overpayments and underpayments.

"(c) Hearings and review.

"(d) Procedures; prohibition of assignments.

"(e) Applications and furnishings of information by families.

"(f) Furnishing of information by other agencies.

"(g) Application for other benefits or payments".

Mr. HANSEN. Mr. President, may we have order?

The PRESIDING OFFICER. The clerk will suspend.

The Members of the Senate will please take their seats. Conversations should take place outside the Chamber.

The Clerk will proceed.

The legislative clerk read as follows:

"Sec. 447. Registration and referral of family members for manpower or rehabilitation services, training, and employment.

"Sec. 448. Denial of benefits in case of refusal of manpower or rehabilitation services, training, or employment.

"Sec. 449. Transfer of funds for on-the-job training programs.

"PART E—STATE SUPPLEMENTATION OF FAMILY ASSISTANCE BENEFITS

"Sec. 451. Payments under titles IV, V, XVI, and XIX conditioned on supplementation.

"Sec. 452. Eligibility for and amount of supplementary payments.

"Sec. 453. Payments to States.

"Sec. 454. Failure by State to comply with agreement.

"Sec. 455. Definitions.

"PART F—ADMINISTRATION

"Sec. 461. Agreements with States.

"Sec. 462. Penalties for fraud.

"Sec. 463. Report, evaluation, research and demonstrations, and training and technical assistance.

"Sec. 464. Obligation of deserting parents.

"Sec. 465. Treatment of family assistance benefits as income for food stamp purposes".

(12) Manpower services, training, employment, and child care programs.

"PART C—MANPOWER SERVICES, TRAINING, EMPLOYMENT, AND CHILD CARE PROGRAMS FOR RECIPIENTS OF FAMILY ASSISTANCE BENEFITS OR SUPPLEMENTARY PAYMENTS

"Sec. 430. Purpose.

"Sec. 431. Operation of manpower services, training, and employment programs.

"Sec. 432. Allowances for individuals undergoing training.

"Sec. 433. Utilization of other programs.

"Sec. 434. Rules and regulations.

"Sec. 435. Appropriations; and non-Federal share.

"Sec. 436. Child care.

"Sec. 437. Supportive services.

"Sec. 438. Advance funding.

"Sec. 439. Reports to Congress".

(13) Conforming amendments relating to assistance for needy families with children.

(14) Changes in headings.

(15) Pretesting and evaluation of family assistance.

(21) Grants to States for aid to the aged, blind, and disabled.

Mr. HANSEN. Mr. President, I am not following the clerk. It appears to me that some parts are being skipped. I think this is a very important bill. Senators are going to be called upon to vote on something about which most of them do not know. All they know is what they have read in the paper. I should like to observe that I think it is important that we follow the text.

The PRESIDING OFFICER. The Chair would inform the Senator from Wyoming that in the amendment proposed by the Senator from Connecticut certain sections have been stricken out in the amendment as proposed by the Senator, and these appear in the reading by the clerk. If they are not stricken out in the copy that the Senator from Wyoming has, he will consider them as having been stricken out if the clerk does not read them.

Mr. HANSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HANSEN. Is the section which was just read, "Grants to States for aid to the aged, blind, and disabled," numbered?

The PRESIDING OFFICER. Will the Senator from Wyoming come to the clerk's desk with the clerk and the copy submitted by the Senator from Connecticut?

The Chair might suggest to the Members of the Senate that the Senator from Connecticut has modified his amendment in relation to the amendment that the Senators have on their desks. The clerk is reading the modification.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER.** The Senator will state it.

Mr. CURTIS. When the vote comes up on the Ribicoff-Bennett amendment, will that vote be limited to voting up or down the language that the clerk has read? We are told that the amendment was to be read in full and that no amendment to the amendment would be allowed. My question is, When the vote is taken, will it be limited to the words that the clerk has read?

The **PRESIDING OFFICER.** The Senator's assumption is correct—that the vote will take place on the language as read by the clerk in the modified amendment as submitted by the Senator from Connecticut.

Mr. WILLIAMS of Delaware and **Mr. ERVIN** addressed the Chair.

Mr. CURTIS. No other language?

The **PRESIDING OFFICER.** That is correct. He may modify that amendment himself until the Senate takes some action on it.

Mr. RIBICOFF. Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER.** The Senator will state it.

Mr. RIBICOFF. Is the clerk reading the titles or is he reading the full text?

The **PRESIDING OFFICER.** He is reading the full text of the amendment as submitted by the Senator from Connecticut.

Mr. WILLIAMS of Delaware. Mr. President——

Mr. RIBICOFF. Mr. President, I suggest the absence of a quorum——

Mr. WILLIAMS of Delaware. Mr. President——

Mr. LONG. Mr. President, the clerk was reading the amendment, and I therefore insist on the regular order because the reading by the clerk is being interrupted to suggest the absence of a quorum.

The **PRESIDING OFFICER** (Mr. COOK). By unanimous consent it could be, otherwise the clerk will proceed to read the amendment.

Mr. WILLIAMS of Delaware. Mr. President——

The **PRESIDING OFFICER.** The regular order having been called for, the clerk will proceed to read the amendment.

Mr. WILLIAMS of Delaware. Mr. President——

The legislative clerk proceeded to read the amendment as follows:

"TITLE XVI—GRANTS TO STATES FOR AID TO THE AGED, BLIND, AND DISABLED

"Sec. 1601. Appropriations.

"Sec. 1602. State plans for financial assistance and services to the aged, blind, and disabled.

"Sec. 1603. Determination of need.

"Sec. 1604. Payments to States for aid to the aged, blind, and disabled.

"Sec. 1605. Alternate provision for direct Federal payments to individuals.

"Sec. 1606. Overpayments and underpayments.

"Sec. 1607. Operation of State plans.

"Sec. 1608. Payments to States for services and administration.

"Sec. 1609. Computation of payments to States.

"Sec. 1610. Definition".

(22) Repeal of titles I, X, and XIV of the Social Security Act.

(23) Transition provision relating to overpayments and underpayments.

(24) Transition provision relating to definitions of blindness and disability.

(31) Amendment to section 228(d).

(32) Amendments to title XI.

(33) Amendments to title XVIII.

(34) Amendments to title XIX.

PART D—GENERAL

(41) Effective date.

(42) Saving provision.

(43) Special provisions for Puerto Rico, the Virgin Islands, and Guam.

(44) Additional supergrades for Departments of Health, Education, and Welfare and Labor.

(45) References in other Acts.

(46) Additional remedies for State noncompliance.

(47) Amendments to title IV, part A.

(48) Meaning of Secretary and fiscal year.

DECLARATION OF GOAL

The Congress hereby establishes a national goal of assuring all citizens, through work or assistance, in this decade, an income adequate to sustain a decent level of life and to eliminate poverty among our people.

(11) Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended by adding after part C the following new parts:

"PART D—FAMILY ASSISTANCE PLAN

"APPROPRIATIONS

"SEC. 441. For the purpose of providing a basic level of financial assistance throughout the Nation to needy families with children, in a manner which will strengthen family life, encourage work training and self-support, and enhance personal dignity, there is authorized to be appropriated for each fiscal year a sum sufficient to carry out this part.

"ELIGIBILITY FOR AND AMOUNT OF FAMILY ASSISTANCE BENEFITS

"Eligibility

"SEC. 442. (a) Each family (as defined in section 445)—

"(1) whose income, other than income excluded pursuant to section 443(b), is at a rate of less than—

"(A) $500 per year for each of the first two members of the family, plus

"(B) $300 per year for each additional member, and

"(2) whose resources, other than resources excluded pursuant to section 444, are less than $1,500, shall, in accordance with and subject to the other provisions of this title, be paid a family assistance benefit.

"Amount

"(b) The family assistance benefit for a family shall be payable at the rate of—

"(1) $500 per year for each of the first two members of the family, plus

"(2) $300 per year for each additional member, reduced by the amount of income, not excluded pursuant to section 443(b), of the members of the family.

"Period for Determination of Benefits

"(c)(1) A family's eligibility for and its amount of family assistance benefits shall be determined for each quarter of a calendar year, beginning with the quarter in which application for such benefits is made and within 30 days following the date upon which such application is initially filed. Such determination shall be made on the basis of the Secretary's estimate of the family's income for such quarter, and such estimate shall in turn be based on income for a preceding period unless he has reason to believe that modifications in income have or are likely to occur on the basis of changes in conditions or circumstances. The Secretary shall redetermine eligibility for and amount of benefits of a family for a quarter if at any time during such quarter he has reason to believe that there have been changes affecting such eligibility or amount of benefits and such redetermination shall be effective beginning with the month following the month in which such changes occurred.

"(2) In the case of an application for family assistance benefits which is filed after the first day of a quarter, the amount determined pursuant to paragraph (1) for such quarter shall be reduced by an amount which bears the same ratio to the amount determined pursuant to such paragraph as the number of days in the quarter preceding the date on which the application was filed bears to the total number of days in such quarter.

"(3) The Secretary may, in accordance with regulations, prescribe the cases in which and the extent to which income received in one period (or expenses incurred in one period in earning income) shall, for purposes of determining eligibility for and amount of family assistance benefits, be considered as received (or incurred) in another period or periods.

"Special Limits on Gross Income

"(d) The Secretary may, in accordance with regulations, prescribe the circumstances under which the gross income from a trade or business (including farming) will be considered sufficiently large to make such family ineligible for such benefits. For the purposes of this subsection, the term 'gross income' has the same meaning as when used in the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.).

"Puerto Rico, the Virgin Islands, and Guam

"(e) For special provisions applicable to Puerto Rico, the Virgin Islands, and Guam, see section 1108(e).

"INCOME

"Meaning of Income

"SEC. 443. (a) For purposes of this part, income means both earned income and unearned income and—

"(1) earned income means only—

"(A) remuneration for services performed as an employee (as defined in section 210(j)), other than remuneration to which section 209 (b), (c), (d), (f), or (k), or section 211 would apply; and

"(B) net earnings from self-employment, as defined in section 211 (without the application of the second and third sentences following clause (C) of subsection (a)(9)), including earnings for services described in paragraphs (4), (5), and (6) of subsection (c); and

"(2) unearned income means all other income, including—

"(A) any payments received as an annuity, pension, retirement, or disability benefit, including veteran's or workmen's compensation and old-age, survivors, and disability insurance, railroad retirement, and unemployment benefits;

"(B) support and alimony payments,

"(C) rents, dividends, interest, and royalties; and

"(D) regularly recurring payments excluded from earned income under clause (1)(A), which are intended to replace earned income, whether for a temporary or indefinite period of time.

"Exclusions From Income

"(b) In determining the income of a family there shall be excluded—

"(1) subject to limitations (as to amount or otherwise) prescribed by the Secretary, the earned income of each child in the family who is, as determined by the Secretary under regulations, a student regularly attending a school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment;

"(2)(A) the total unearned income of all members of a family in a calendar quarter which is received too infrequently or irregularly to be included, if such income so received does not exceed $30 in such quarter, and (B) the total earned income of all members of a family in a calendar quarter which is received too infrequently or irregularly to be included, if such income so received does not exceed $30 in such quarter;

"(3) an amount of earned income of a member of the family equal to the cost incurred by such member for child care which the Secretary deems necessary to securing or continuing in manpower training, vocational rehabilitation, employment, or self-employment except that such amount may not exceed the cost, established for purposes of section 436(c), of child care of the same type as that provided pursuant to section 436;

"(4) the first $720 per year (or proportionately smaller amounts for shorter periods) of the total of earned income (not excluded by the preceding paragraphs of this subsection) of all members of the family plus one-half of the remainder thereof;

"(5) food stamps or any other assistance (except veterans' pensions) which is based on need and furnished by any State or political subdivision of a State or any Federal agency, or by any private agency or organization exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)) as an organization described in section 501(c) (3) or (4) of the Internal Revenue Code (26 U.S.C. 501(c) (3) and (4));

"(6) allowances under section 432(a) or under section 437(d);

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the reading of the amendment be temporarily suspended——

Mr. ERVIN. Mr. President, objection.

Mr. WILLIAMS of Delaware (continuing). In order that I might ask for the yeas and nays.

The PRESIDING OFFICER. Objection is heard. The clerk will resume the reading of the amendment.

Mr. ERVIN. Mr. President, is that the only purpose?

Mr. WILLIAMS of Delaware. That is the only purpose.

Mr. LONG. I object.

The PRESIDING OFFICER. Objection has been heard. The clerk will resume the reading of the amendment.

Mr. WILLIAMS of Delaware. Mr. President, I thought they wanted to vote.

The legislative clerk resumed the reading of the amendment as follows:

"(7) any portion of a scholarship or fellowship received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution;

"(8) home produce of a member of the family utilized by the household for its own consumption; and

"(9) any amounts received for the foster care of a child who is living in the same home as the family but is not a member of the family.

"RESOURCES

"Exclusions From Resources

"SEC. 444. (a) In determining the resources of a family there shall be excluded—

"(1) the home, household goods, and personal effects; and

"(2) other property which, as determined in accordance with and subject to limitations in regulations of the Secretary, is so essential to the family's means of self-support as to warrant its exclusion.

"Disposition of Resources

"(b) The Secretary shall prescribe regulations applicable to the period or periods of time within which, and the manner in which, various kinds of property must be disposed of in order not to be included in determining a family's eligibility for family assistance benefits. Any portion of the family's benefits paid for any such period shall be conditioned upon such disposal; and any benefits so paid shall (at the time of the disposal) be considered overpayments to the extent they would not have been paid had the disposal occurred at the beginning of the period for which such benefits were paid.

"MEANING OF FAMILY AND CHILD

"Composition of Family

"SEC. 445. (a) Two or more individuals—

"(1) who are related by blood, marriage, or adoption,

"(2) who are living in a place of residence maintained by one or more of them as his or their own home,

"(3) who are residents of the United States, and

"(4) at least one of whom is a child who (A) is not married to another of such individuals and (B) is in the care of or dependent upon another of such individuals,

shall be regarded as a family for purposes of this part and parts A, C, and E. A parent (of a child living in a place of residence referred to in paragraph (2)), or a spouse of such a parent, who is determined by the Secretary to be temporarily absent from such place of residence for the purpose of engaging in or seeking employment or self-employment (including military service) shall nevertheless be considered (for purposes of paragraph (2)) to be living in such place of residence.

"DEFINITION OF CHILD

"(b) For purposes of this part and parts C and E, the term 'child' means an individual who is (1) under the age of eighteen, or (2) under the age of twenty-one and (as determined by the Secretary under regulations) a student regularly attending a school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment.

"Income and Resources of Noncontributing Individual

"(c) For purposes of determining eligibility for and the amount of family assistance benefits for any family there shall be excluded the income and resources of any individual, other than a parent of a child (or a spouse of a parent in cases in which under applicable State law such spouse is responsible for the support of the child), which, is not available to other members of the family; and for such purposes such individual—

"(1) in the case of a child, shall be regarded as a member of the family for purposes of determining the family's eligibility for such benefits but not for purposes of determining the amount of such benefits, and

"(2) in any other case, shall not be considered a member of the family for any purpose.

"Recipients of Aid to the Aged, Blind, and Disabled Ineligible

"(d) If an individual is receiving aid to the aged, blind, and disabled under a State plan approved under title XVI, or if his needs are taken into account in determining the need of another person receiving such aid, then, for the period for which such aid is received, such individual shall not be regarded as a member of a family for purposes of determining the amount of the family assistance benefits of the family and his income and resources shall not be counted as income of a family under this part.

"PAYMENTS AND PROCEDURES

"Payments of Benefits

"SEC. 446. (a) (1) Family assistance benefits shall be paid not less frequently than monthly, except that such benefits may be paid quarterly in any case in which the Secretary determines that the amount of such benefits for a quarter will not exceed $30.

"(2) Payment of the family assistance benefits of any family may be made to any one or more members of the family, or, if the Secretary finds, after reasonable notice and opportunity for hearing (which shall be held in the same manner and subject to the same conditions as a hearing under section 446(c) (1) and (2)) to the family member or members to whom the family assistance benefits are (or, but for this provision, would be) paid, that such member or members have such inability to manage funds that making payment to such member or members would be contrary to the welfare of the child or children in such family, he may make payment to any person, other than a member of such family, who is interested in or concerned with the welfare of the family. If the Secretary makes payment to a person who is not a member of the family, he shall review his finding under the preceding sentence periodically to determine whether the conditions justifying such finding still exist, and, if they do not, he shall discontinue making payments to any person who is not a member of the family. If it appears to the Secretary that such conditions are likely to continue beyond a period specified by him, he shall attempt to secure the appointment of a guardian or other legal representative for the family member with respect to whom such finding is made, and take any other steps he may find appropriate to protect the welfare of the child or children in the family.

"(3) The Secretary may by regulation establish ranges of incomes within which a single amount of family assistance benefit shall apply.

"Overpayments and Underpayments

"(b) Whenever the Secretary finds that more or less than the correct amount of family assistance benefits has been paid with respect to any family, proper adjustment or recovery shall, subject to the succeeding provisions of this subsection, be made by appropriate adjustments in future payments to the family or by recovery from or payment to any one or more of the individuals who are or were members thereof, unless such adjustment or recovery (in the case of an overpayment) would defeat the purposes of this part, or be against equity or good conscience, or (because of the small amount involved) impede efficient or effective administration of this part.

"Hearings and Review

"(c) (1) The Secretary shall provide reasonable notice and opportunity for a fair hearing to any individual who is or claims to be a member of a family and is in disagreement with any determination under this part with respect to eligibility of the family for family assistance benefits, the number of members of the family, or the amount of the benefits, if such individual requests a hearing on the matter in disagreement within thirty days after notice of such determination is received. Until a determination is made on the basis of such hearing or upon disposition of the matter through default, withdrawal of the request by the individual or revision of the initial determination by the Secretary, any amounts which are payable (or would be payable but for the matter in disagreement) to any individual who has been determined to be a member of such family shall continue to be paid; but any amounts so paid for periods prior to such determination or disposition shall be considered overpayments to the extent they would not have been paid had such determination or disposition occurred at the same time as the Secretary's initial determination on the matter in disagreement if there would have been no matter in disagreement but for the fraudulent statements or willful misstatements of such individual or any other person who has been determined to be a member of a family. For purposes of hearings under this subsection, the Administrative Procedure Act shall not apply.

"(2) Determination on the basis of such hearing shall be made within ninety days after the individual requests the hearing as provided in paragraph (1) or within thirty days following the final day of the hearing, whichever is sooner.

"(3) The final determination of the Secretary after a hearing under paragraph (1) shall be subject to judicial review as provided in section 205(g) to the same extent as the Secretary's final determinations under section 205.

"Procedures; Prohibition of Assignments

"(d) The provisions of sections 206(a) (other than the penultimate sentence thereof) and 207 and subsections (a), (d), (e), and (f) of section 205 shall apply with respect to this part to the same extent as they apply in the case of title III.

"Applications and Furnishings of Information by Families

"(e) (1) The Secretary shall prescribe regulations applicable to families or members thereof with respect to the filing of applications, the furnishing of other data and material, and the reporting of events and changes in circumstances, as may be necessary to determine eligibility for and amount of family assistance benefits.

"(2) In order to encourage prompt reporting of events and changes in circumstances relevant to eligibility for or amount of family assistance benefits, and more accurate estimates of expected income or expenses by members of families for purposes of such eligibility and amount of benefits, the Secretary shall prescribe the cases in which and the extent to which—

"(A) failure to so report or delay in so reporting, or

"(B) inaccuracy of information which is furnished by the members and on which the estimates of income or expenses for such purposes are based,

will result in treatment as overpayments of all or any portion of payments of such benefits for the period involved.

"Furnishing of Information by Other Agencies

"(f) The head of any Federal agency shall provide such information as the Secretary needs for purposes of determining eligibility for or amount of family assistance benefits, or verifying other information with respect thereto.

"Application for Other Benefits or Payments

"(g) For purposes of determining the amount of family assistance benefits to which a family is entitled, the Secretary shall not consider as a member of the family any individual who refuses to take all steps necessary (excluding acceptance of any employment which would not be determined to be suitable for such individual under section 448(b)) to apply for and (if eligible) obtain unemployment benefits, old-age, survivors, and disability insurance, or any other payments of the type enumerated in section 443(a)(2)(A) for which the Secretary determines it is likely that such applicant or family or family member may be eligible.

"REGISTRATION AND REFERRAL OF FAMILY MEMBERS FOR MANPOWER OR REHABILITATION SERVICES, TRAINING, AND EMPLOYMENT

"SEC. 447. (a) Every individual who is a member of a family which is found to be eligible for family assistance benefits, other than a member to whom the Secretary finds paragraph (1), (2), (3), (4), or (5) of subsection (b) applies, shall register for manpower services, training, and employment with the local public employment office of the State as provided by regulations of the Secretary of Labor. If and for so long as any such individual is found by the Secretary of Health, Education, and Welfare, after reasonable notice and opportunity for hearing (which shall be held in the same manner and subject to the same conditions as a hearing under section 446(c) (1) and (2)), to have failed to so register, he shall be regarded as a member of a family but no family assistance benefits shall be payable to such family with respect to such member. In the case of such a finding such member, or, if there are two or more such members of a family to whom such a finding is applicable at the same time, the first and second members of such family with respect to whom it is so applicable, shall be treated as, respectively, the first member and first and second members of such family for purposes of section 442(b). No part of the family assistance benefits of any such family may be paid to such individual during the period for which the second sentence of this subsection is applicable to him; and the Secretary may, if he deems it appropriate, provide for payment of such benefits during such period to any person, other than a member of such family, who is interested in or concerned with the welfare of the family.

"(b) An individual shall not be required to register pursuant to subsection (a) if the Secretary determines that such individual is—

"(1) unable to engage in work or training by reason of illness, incapacity, or advanced age;

"(2) a mother or other relative of a child under the age of six who is caring for such child;

"(3) the mother or other female caretaker of a child, if the father or another adult male relative is in the home and not excluded by paragraph (1), (2), (4), or (5) of this subsection (unless the second sentence of subsection (a), or section 448(a) is applicable to him);

"(4) a child who is under the age of sixteen or meets the requirements of section 445(b)(2); or

"(5) one whose presence in the home on a substantially continuous basis is required because of the illness or incapacity of another member of the household. An individual who would, but for the preceding sentence, be required to register pursuant to subsection (a), may, if he wishes register as provided in such subsection.

"(c) The Secretary shall make provision for the furnishing of child care services in such cases and for so long as he deems appropriate in the case of (1) individuals registered pursuant to subsection (a) who are, pursuant to such registration, participating in manpower services, training, or employment, and (2) individuals referred pursuant to subsection (d) who are, pursuant to such referral, participating in vocational rehabilitation.

"(d) In the case of any member of a family receiving family assistance benefits who is not required to register pursuant to subsection (a) because of such member's incapacity, the Secretary shall make provision for referral of such member to the appropriate State agency administering or supervising the administration of the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act, and for a review of such member's incapacity and his need for and utilization of the rehabilitation services made available to him under such plan as frequently as may be appropriate, as determined by the Secretary taking into consideration the nature of the individual's incapacity and the likelihood of a change in his condition. If and for so long as such member is found by the Secretary, after reasonable notice and opportunity for hearing (which shall be held in the same manner and subject to the same conditions as a hearing under section 446(c)(1) and (2)), to have refused without good cause to accept rehabilitation services available to him under such plan, he shall be treated as an individual to whom subsection (a) is applicable by reason of refusal to register for manpower services, training, and employment.

"DENIAL OF BENEFITS IN CASE OF REFUSAL OF MANPOWER OR REHABILITATION SERVICES, TRAINING, OR EMPLOYMENT

"SEC. 448. (a) For purposes of determining eligibility for and amounts of family assistance benefits under this part, an individual who has registered as required under section 447(a) shall be treated as an individual to whom section 447(a) applies by reason of refusal to register for manpower services, training, and employment, if and for so long as he has been found by the Secretary of Labor, after reasonable notice and opportunity for hearing (which shall be held in the same manner and subject to the same conditions as a hearing under section 446(c) (1) and (2)), to have refused without good cause to participate or continue to participate in suitable manpower services, training, or employment, or to have refused without good cause to accept suitable employment in which he is able to engage which is offered through the public employment offices of the State, or is otherwise offered by an employer if the offer of such employer is determined by the Secretary of Labor, after notification by such employer or otherwise, to be a bona fide offer of employment.

"(b)(1) In determining whether any employment is suitable for an individual for purposes of subsection (a) and part C, the Secretary of Labor shall consider the degree of risk to such individual's health and safety, his physical fitness for the work, his prior training and experience, his prior earnings, the length of his unemployment, his realistic prospects for obtaining work based on his potential and the availability of training opportunities, and the distance of the available work from his residence.

"(2) In no event shall any employment be considered suitable for an individual—

"(A) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

"(B) if the wages, hours, or other terms or conditions of the work offered are contrary to or less than those prescribed by Federal, State, or local law or are substantially less favorable to the individual than those prevailing for similar work in the locality, or if the wages for the work offered are at an hourly rate of less $1.20; or

"(C) if, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

"(c) No family shall be denied benefits under this part, or have its benefits under this part reduced, because an individual who is a member of such family refuses work, if such individual is the mother, or other relative of a child (which child is a member of the family) who is caring for such child, unless child care provided pursuant to section 436, or child care of the same type and reasonably equivalent cost (as determined in accordance with criteria of the Secretary), is available for such child.

"TRANSFER OF FUNDS FOR ON-THE-JOB TRAINING PROGRAMS

"SEC. 449. The Secretary shall, pursuant to and to the extent provided by agreement with the Secretary of Labor, pay to the Secretary of Labor amounts which the Secretary of Health, Education, and Welfare estimates would be paid as family assistance benefits under this part to individuals participating in public or private employer compensated on-the-job training under a program of the Secretary of Labor if they were not participating in such training. Such amounts shall be available to pay the costs of such programs.

"PART E—STATE SUPPLEMENTATION OF FAMILY ASSISTANCE BENEFITS

"PAYMENT UNDER TITLES IV, V, XVI, AND XIX, CONDITIONED ON SUPPLEMENTATION

"SEC. 451. In order for a State to be eligible for payments pursuant to title V, XVI, or XIX, or part A or B of this title, with respect to expenditures for any quarter beginning on or after the date this part becomes effective with respect to such State, it must have in effect an agreement with the Secretary under which it will (1) make supplementary payments, as provided in this part and part F, to any family residing in the State other than a family in which both parents of the child or children are present, neither parent is incapacitated, and the male parent is not unemployed.

"ELIGIBILITY FOR AMOUNT OF SUPPLEMENTARY PAYMENTS

"SEC. 452. (a) The amount payable under the agreement with any State under this part to any family described in section 451 shall, subject to the succeeding provisions of this section, be no less than the difference between—

"(1) the payment level in such State, and

"(2) the family assistance benefits payable under part D without regard to any reduction in such benefits required by section 447 or 448 plus any other income (earned or unearned) not excluded under section 443 (b) (except paragraph (4) thereof) or under subsection (b) of this section.

The payment level in each State for any family shall be determined by the Secretary after consultation with such State. The payment level so determined shall be so designed that as nearly as practicable, payments under the agreement (when added to benefits payable under part D) to families with no other income will be equal to the maximum payment (exclusive of amounts designed to meet shelter needs) which families of the same size (and which were eligible for no additional payments to meet extraordinary needs, determined in accordance with criteria prescribed by the Secretary) would have received for November 1970 under the plan of such State: (i) which is in effect for such month (or in effect for January 1971 if the State has adopted prior to November 1, 1970, a change in the amount of such payments effective after November 1970) and (ii) which complies with the requirements for approval under part A as in effect for such month plus a uniform amount to meet shelter needs (adjusted as may be necessary to reflect differences in shelter costs between different areas of the State); except that this section shall not be construed to require a State to make payments with respect to that amount by which its payment level exceeds the poverty level (as defined in section 543(c)) applicable to such family.

"(b) For purposes of an agreement under this part—

"(1) the provisions of, and the rules and regulations under, sections 442(a)(2), and (d), 443(a), 444, 445, 446 (to the extent the Secretary deems appropriate), 447, and 448 shall be applied,

"(2) in the case of earned income to which paragraph (4) of section 443(b) applies, there shall be disregarded $720 per year (or proportionately smaller amounts for shorter periods), plus one-third of the remainder, and,

"(3) in the case of any State the plan of which, as in effect in December 1970, complies with the standards for approval under part A as then in effect and provides for meeting less than 100 per centum of its standard of need or provides for considering less than 100 per centum of requirements in determining need, there shall be disregarded, with respect to any family, an additional amount of income (whether earned or unearned) equal to the amount which (A) is in excess of the income which would have been disregarded pursuant to section 402(a) (8) as then in effect and (B) could have been received by a family of the same size whose needs were being met in such month under such plan without a resultant reduction in the assistance payment under such plan.

For special provisions applicable to Puerto Rico, the Virgin Islands, and Guam, see section 1108(e).

"(c) The agreement with a State under this part shall—

"(1) provide that it shall be in effect in all political subdivisions of the State;

"(2) provide for the establishment or designation of a single State agency to carry out or supervise the carrying out of the agreement in the State;

"(3) provide for granting an opportunity for a fair hearing before the State agency carrying out the agreement to any individual whose claim for supplementary payments is denied or is not acted upon with reasonable promptness;

"(4) provide (A) such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are found by the Secretary to be necessary for the proper and efficient operation of the agreement in the State, and (B) for the training and effective use of paid subprofessional staff, with particular emphasis on the full- or part-time employment of recipients of supplementary payments and other persons of low income, as community services aides, in carrying out the agreement and for the use of nonpaid or partially paid volunteers;

"(5) provide that the State agency carrying out the agreement will make such reports, in such form and containing such information, as the Secretary may from time to time require, and comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports;

"(6) provide safeguards which restrict the use or disclosure of information concerning applicants for and recipients of supplementary payments to purposes directly connected with the administration of this title;

"(7) provide that all individuals wishing to make application for supplementary payments shall have opportunity to do so, and that supplementary payments shall be furnished with reasonable promptness to all eligible individuals;

"(8) provide that no lien will be imposed against the property of any member of a family or his estate on account of payments made under the agreement (except pursuant to the judgment of a court on account of payments incorrectly made to such family), and that there will be no adjustment or any recovery of payments correctly made under the agreement; and

"(9) provide—

"(A) (i) for the development and implementation of a program under which the State will attempt—

"(I) in the case of a child born out of wedlock who is receiving assistance to needy families with children, or payments under the agreement, to establish the paternity of such child and secure support for him.

"(II) in the case of any child receiving such assistance or payments who has been deserted or abandoned by his parent, to secure support for such child from such parent (or from any other person legally liable for such support), utilizing reciprocal arrangements adopted with other States to obtain or enforce court orders for support, and

"(III) in the case of any parent (of a child referred to in clause (II)) receiving such assistance or payments who has been deserted or abandoned by his or her spouse, to secure support for such parent from such spouse (or from any other person legally liable for such support), utilizing any reciprocal arrangements adopted with other States to obtain or enforce court orders for support and

"(ii) for the establishment of a single organizational unit in the State agency or local agency carrying out the agreement in each political subdivision which will be responsible for the administration of the program referred to in clause (i);

"(B) for entering into cooperative arrangements with appropriate courts and law enforcement officials (i) to assist in administering the program referred to in clause (A) (i), including the entering into of financial arrangements with such courts and officials in order to assure optimum results under such program, and (ii) with respect to any other matters of common concern to such courts or officials and the State agency or local agency administering such program;

"(C) that the State will report to the Secretary, at such times (not less often than once each calendar quarter) and in such manner as the Secretary may prescribe—

"(i) the name, and social security account number, if unknown, of each parent of a child referred to in clause (A) (i)—

"(I) against whom an order for the support and maintenance of such child has been issued by a court of competent jurisdiction but who is not making payments in compliance or partial compliance with such order, or against whom a petition for such an order has been filed in a court having jurisdiction to receive such petition, and

"(II) whom it has been unable to locate after requesting and utilizing information included in the files of the Department of Health, Education, and Welfare maintained pursuant to section 205,

"(ii) the last known address of such parent and any information it has with respect to the date on which such parent could last be located at such address, and

"(iii) such other information as the Secretary may specify to assist in carrying out the provisions of section 407;

"(D) that the State will, in accordance with standards prescribed by the Secretary, cooperate with any other State carrying out an agreement under this part—

"(i) in locating a parent residing in such State (whether or not permanently) against whom a petition has been filed in a court of competent jurisdiction of such other State for the support and maintenance of his child receiving assistance to needy families with children or payments under the agreement of such other State, and

"(ii) in securing compliance or good faith partial compliance by a parent residing in such State (whether or not permanently) with an order issued by a court of competent jurisdiction against such parent for the support and maintenance of such child;

"(10) provide for arrangements to assure that there will be made a non-Federal contribution to meet the cost of manpower services, training, and employment and opportunities provided for individuals registered pursuant to section 447, in cash or kind, equal to 10 per centum of such cost; and

"(11) provide, in the case of any individuals who are members of a family receiving supplementary payments and who refuse—

"(A) to register as required under section 447(a),

"(B) to accept vocational rehabilitation services as required under section 447(d), or

"(C) without good cause, to participate or continue to participate in manpower services, training, or employment, as required under section 448(a), or to accept suitable employment as described in such section,

that such supplementary payments will be reduced by an amount which bear the same ratio to such payments as the number of such individuals bears to the total number of members in the family.

"PAYMENTS TO STATES

"SEC. 453. (a) (1) The Secretary shall pay to any State which has in effect an agreement under this part, for each fiscal year, an amount equal to 30 per centum of the total amount expended during such year pursuant to its agreement as supplementary payments to families not counting so much of the supplementary payment made to any family as exceeds the amount by which (with respect to the period involved)—

"(A) the family assistance benefit payable to such family under part D, plus any income of such family (earned or unearned) not disregarded in determining the amount of such supplementary payment, is less than

"(B) the applicable poverty level as promulgated and in effect under subsection (c).

"(2) The Secretary shall also pay to each such State an amount equal to—

"(A) the cost of carrying out the requirements of section 452(c) (9), plus

"(B) 50 per centum of its other administrative costs found necessary by the Secretary for carrying out its agreement.

"(b) Payments under subsection (a) shall be made at such time or times, in advance or by way of reimbursement, and in such installments as the Secretary may determine; and shall be made on such conditions as may be necessary to assure the carrying out of the purposes of this title.

"(c) (1) For purposes of this part, the 'poverty level' for a family group of any given size shall be the amount shown for a family group of such size in the following table, adjusted as provided in paragraph (2):

"Family size:	*Basic amount*
One	$1,920
Two	2,520
Three	3,120
Four	3,720
Five	4,270
Six	4,820
Seven	5,320
Eight	5,820
Nine	6,270
Ten	6,720
Eleven or more	7,170

"(2) As soon after enactment of the Family Assistance Act as may be feasible, and thereafter between July 1 and September 30 of each year, the Secretary (A) shall adjust the amount shown for each size of family group in the table in paragraph (1) by increasing such amount by the percentage by which the average level of the price index for the months in the most recent preceding calendar year exceeds the average level of the price index for months in calendar year 1969, and (B) shall thereupon promulgate the amounts so adjusted as the poverty level for family groups of various sizes which shall be conclusive for purposes of this part for the fiscal year beginning July 1 next succeeding such promulgation.

"(3) As used in this subsection, the term 'price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"FAILURE BY STATE TO COMPLY WITH AGREEMENT

"SEC. 454. If the Secretary, after reasonable notice and opportunity for hearing to a State with which he has an agreement under this part, finds that such State is failing to comply therewith or with any requirement imposed by or pursuant to this part, he shall withhold all, or such portion as he deems appropriate, of the payments to which such State is otherwise entitled under this part or Part A or B of this title or under title V, XVI, or XIX, but the amounts so withheld from payments under such part A or B or under title V, XVI, or XIX, shall be deemed to have been paid to the State under such part of title. Such withholding shall be affected at such time or times and in such installments as the Secretary may deem appropriate.

"SEC. 455. As used in this part, the term 'needy families with children' means families who are receiving family assistance benefits under part D and who (1) are receiving supplementary payments under this part, or (2) would be eligible to receive, under a State plan (approved under part A) as in effect prior to the enactment of part D, aid to families with dependent children as defined in section 406 as it was in effect prior to such enactment, if the State plan had continued in effect; and 'assistance to needy families with children' means family assistance benefits under such part D, paid to such families.

"PART F—ADMINISTRATION

"Agreements With States

"SEC. 461. (a) The Secretary may enter into an agreement with any State under which the Secretary will make, on behalf of the State, the supplementary payments provided for under part E, or will perform such other functions of the State in connection with such payments as may be agreed upon, or both. In any such case, the agreement shall also (1) provide for payment by the State to the Secretary of an amount equal to the supplementary payments made by the Secretary under such agreement, less any payments which would otherwise be made to the State under section 453(a), (2) at the request of the State, provide for joint audit of payments under the agreement, and (3) in the case of an agreement which will become effective at a future date, but not later than two years after the date as of which part D becomes effective for such State, provide for payments of the State's administrative costs found necessary by the Secretary for making supplementary payments pursuant to part E during the period after the execution of the agreement under this section and before its effective date, except that if the State takes any action which prevents such agreement from becoming effective at the end of such two years, the Secretary shall recover (by adjustment of any other amounts due the State under this Act, or otherwise) an amount equal to one-half the administrative costs paid pursuant to this clause (3).

"(b) The Secretary may enter into an agreement with a State under which the Secretary will determine eligibility for medical assistance under such State's plan approved under title XIX, or for surplus food commodities under such State's program conducted pursuant to section 416 of the Act of October 31, 1949 (7 U.S.C. 1431) or administer all or part of such State's food stamp program conducted pursuant to the Food Stamp Act of 1964 (7 U.S.C. 2011, et seq.), with respect to (1) individuals eligible under such State's plan approved under title XVI for aid to the aged, blind, and disabled (and individuals who would be eligible for such aid but for the income and resources requirements of title XVI), but only if the State has entered into an agreement with the Secretary pursuant to section 1605, and (2) all individuals other than those described in clause (1), but only if, in the case of any State required to make supplementary payments pursuant to section 452, the Secretary is carrying out an agreement with such State pursuant to subsection (a) of this section. In any such case, the agreement shall also provide for payment by the State to the Secretary of an amount equal to one-half of the cost of determining eligibility for medical assistance plus the cost of detremining eligibility for surplus food commodities and of administering the food stamp programs, but in computing such costs the Secretary shall include only those costs which are additional to the costs incurred in carrying out part D or in carrying out an agreement under subsection (a) or section 1605.

"(c) In the case of any State which has an agreement with the Secretary under subsection (a) (if the State is required to make supplementary payments pursuant to section 452), under subsection (b) with respect to medical assistance, and under section 1605, the Secretary may further agree to administer all or any part of any other program of such State under which cash benefits are provided on the basis of need, but only to the extent that he determines, with respect to any such program or part thereof which the State seeks to include in the agreement, that administration by him is feasible and will not result in undue administrative burden. In any such case the agreement shall provide for payment by the State to the Secretary of an amount equal to the cash benefits paid by the Secretary, plus the costs of administering any such program or part thereof included in the agreement, but in computing such administrative costs the limitations applicable to computation of administrative costs under subsection (b) shall apply.

"(d) In the case of an agreement, plan, or program, or any portion thereof, which the Secretary administers on behalf of a State under an agreement pursuant to subsection (a) or (b) of this section or pursuant to section 1605, the Secretary may waive any procedural requirements or methods of administration imposed by or pursuant to this or any other Federal statute and substitute the requirements or methods applicable to the administration of part D which serve the same purpose or relate to the same or comparable matters.

"(e) In the case of any State which has entered into—

"(1) an agreement under subsection (a) for the administration by the Secretary of supplementary payments under the State's agreement pursuant to part E, or

"(2) an agreement under section 1605 for payment of aid to the aged, blind, and disabled,

the State must maintain such agreement in effect in order to remain eligible for payments under part E of this title or title XVI, respectively, with respect to expenditures for any quarter beginning on or after the date such agreement under subsection (a) or section 1605 becomes effective.

"(f) The Secretary may also enter into an agreement with any State under which such State will make, on behalf of the Secretary, the family assistance benefit payments provided for under part D with respect to all or specified families in the State who are eligible for such benefits or will perform such other functions in connection with the administration of part D as may be agreed upon, or both, except that (1) the Secretary may not enter into any agreement under this subsection which would remain in effect for any period after January 1, 1974, under which any State would determine the eligibility of or make family assistance benefits payments to any family other than a family in which one parent of the child or children is dead, continuously absent from the home, or incapacited, and (2) the Secretary may not enter into an agreement under this subsection with any State if, under the State plan of such State, approved under part A and as in effect for January 1970, the total of the payments for such month as aid under such plan with respect to three dependent children and one relative with whom they were living, all of whom have no other income, would be less than $133.34. The cost of carrying out any such agreement shall be paid to the State by the Secretary in advance or by way of reimbursement and in such installments as may be agreed upon.

"(g) (1) Whenever, in accordance with this Act, the Secretary has agreed to make the supplementary payments provided for under part E to pay aid to the aged, blind, and disabled under the State's plan approved under title XVI, or to perform any other functions, on behalf of a State, it shall be a condition of such agreement that, notwithstanding any other provision of law, except provisions pertaining to retirement, insurance, health benefits, and length of workweek, arrangements are made, which are found by the Civil Service Commission to be fair and equitable, to provide or continue to provide employment to employees of the State or its political subdivisions whose employment is affected. The terms and conditions of such employment arrangements shall be specified in the agreement.

CLOSED SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent to dispense with the reading of the amendment which, I understand, is about one quarter through.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I move that the Senate go into closed session.

The PRESIDING OFFICER (Mr. CRANSTON). The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, if the Senator will yield, after we come back, we will resume the reading of the amendment; is that correct?

Mr. HANSEN. Yes.

Mr. MANSFIELD. If the Senate so desires.

Mr. WILLIAMS of Delaware. Yes, I think we should.

The PRESIDING OFFICER. The Chair would inquire, what was the question?

Mr. MANSFIELD. Mr. President, that was just an observation.

Mr. WILLIAMS of Delaware. Mr. President, I suggested to the majority leader that we resume the reading of the amendment after the closed session has concluded.

Mr. MANSFIELD. And my reply was, if the Senate so desires.

Mr. President, I move that the Senate go into closed session and that the usual aides on both sides of the aisle, the normal attachés who have been attending, be allowed to attend as in the past.

The PRESIDING OFFICER. Is there a second?

Mr. SCOTT. Mr. President, I second the motion.

The PRESIDING OFFICER (Mr. CRANSTON). The motion having been made and seconded that the Senate go into closed session, the Chair, pursuant to rule XXXVI, now directs the Sergeant at Arms to close the galleries and to close all the doors of the Senate.

(At 5:02 p.m., the doors of the Chamber were closed.)

LEGISLATIVE SESSION

At 6:34 p.m. the doors of the Chamber were opened, and the open session of the Senate was resumed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the amendment of the House to the bill (S. 1) to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17255) to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19504) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19877) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 18582) to amend the Food Stamp Act of 1964, as amended; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POAGE, Mr. MCMILLAN, Mr. ABERNETHY, Mr. ABBITT, Mr. BELCHER, Mr. TEAGUE of California, and Mr. WAMPLER were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 19401) to extend for 1 additional year the authorization for programs under the Vocational Rehabilitation Act.

SOCIAL SECURITY AMENDMENTS OF 1970

The Senate continued with the consideration of the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

Mr. RIBICOFF. Mr. President, I send to the desk a modification of my amendment.

The PRESIDING OFFICER (Mr. HUGHES). The Senator has a right to modify his amendment.

The modification is as follows:

On page 101, line 2, strike out the period and insert in lieu thereof "; and" and between lines 2 and 3 insert the following paragraph:

"(3) with respect to aid furnished under the plan for any month—

"(A) the total of the amounts used to determine the needs of an applicant for or recipient of aid shall be at least $10 higher than the total thereof which would have been used to determine his needs under the State plan as in effect for March 1971, or

"(B) in the case of two or more such individuals who are, as determined in accordance with regulations of the Secretary, members of the same household, the sum of such totals used for the month for which the determination is being made shall exceed the sum of such totals for March 1971 by $10 plus $5 for such individual in excess of one,

except that, in the case of any State the plan of which provides for meeting less than 100 per centum of its standard of need or provides for considering less than 100 per centum of requirements in determining need, such plan shall provide such methods as the Secretary may by regulation prescribe for achieving as nearly as possible the results provided for under the preceding provisions of this paragraph.

For purposes of paragraph (3), the 'State plan as in effect for March 1971' means the State plan (approved under this title) as in effect for March 1971 or, if there was no such plan in effect for such State for such month—

"(i) the State plan which was in effect for such month and was approved under title I, in the case of any individual who is sixty-five years of age or older,

"(ii) the State plan in effect for such month and approved under title X, in the case of an individual who is blind, or

"(iii) the State plan in effect for such month and approved under title XIV, in the case of an individual who is severely disabled,

except that if two or more of clauses (i), (ii), and (iii) are applicable with respect to an individual, it shall be the State plan under which the total is the higher (or highest), and except that if none of such clauses is applicable to an individual, it shall be the one of the State plans approved under titles I, X, and XIV which were in effect for such month, under which the total which would have been applicable to him is the higher (or highest)."

Mr. RIBICOFF. Mr. President, welfare reform is the most urgent domestic legislation——

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. RIBICOFF. For a question?

Mr. WILLIAMS of Delaware. No; to get the yeas and nays on the modification.

Mr. RIBICOFF. No, I will not yield to have the yeas and nays on the modification ordered, because it was discussed here during the meeting that there may be other Senators here——

Mr. WILLIAMS of Delaware. If not on that amendment can we get the yeas and nays on the amendment of the Senator from Pennsylvania?

Mr. RIBICOFF. No; I would object to that. I have the floor.

Several Senators addressed the Chair.

Mr. KENNEDY. Mr. President, regular order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. RIBICOFF. Mr. President, welfare reform is the most urgent domestic legislation now before Congress.

Men of all persuasions agree that our welfare programs have become a national tragedy. Uncontrollable costs, weak or nonexistent incentives to work and maintain the family structure, and categories which exclude up to one half of our poor, all contribute to the disastrous system now in operation.

The hour is late and it is imperative that the Senate consider this proposal on its merits before adjournment. We will fail our public trust if we allow the present system to be perpetuated any longer.

Therefore, Senator BENNETT and I today are proposing an amendment to the existing welfare system. Our proposal includes the major provisions of the administration's family assistance plan, first proposed 16 months ago and under careful consideration by Congress for almost a year.

Many believe this legislation goes too far; others argue that it does not go far enough. In my own mind, this amendment does not contain everything I believe is ultimately required in our welfare program. But, if this is not a perfect program, it is a necessary program.

Passage of the amendment Senator BENNETT and I propose would be the most important step in three decades toward developing a more workable, more efficient, and more humane public assistance system in the United States.

Under this proposal, fourteen and a half million Americans will be eligible for more assistance than under present law. Two million people will be helped out of poverty. For the first time, every family with a child will be assured a minimum income. Uniform national standards and eligibility criteria will simplify administration and equalize opportunity throughout the country.

Let us be clear about the nature of this amendment. It will not reduce Federal costs or the number of eligible recipients. Family assistance will cost an additional $4.3 billion in the first year of operation. These costs include $600 million for increased day care centers and work training programs, as well as almost $1 billion for the aged, blind, and disabled.

The needs of the poor, the disabled, the blind, and the elderly will not permit us to do less. This country must realize that we cannot save money by wasting lives.

THE PRESENT WELFARE SYSTEM

Welfare in the United States today is a failure.

Assistance payments are insufficient to meet minimal needs. Family and work incentives are lacking. Eligibility is based on arbitrary categories rather than need.

While Congress has established a legal right to assistance, it has provided a system which frustrates the exercise of these rights and demeans those who do exercise them.

Under present law, fully half of all poor people, including two out of every three poor children, do not receive any aid.

The aid to families with dependent children program—the largest assistance program—is in reality 54 different programs in 54 different jurisdictions throughout the United States.

No national standards exist for either benefits or eligibility. Payments vary from an average of $46 per month for a family of four in Mississippi to $265 for such a family in New Jersey. This disparity is further aggravated by complicated State variations in criteria for eligibility and methods of administration. Each State has developed its own prescription for need standards, assets tests, incapacity tests, and requirements for school attendance and the age of children who can receive benefits. In addition, the administration of the program has varied widely from State to State and locality to locality in terms of equity and responsiveness to the needs of recipients.

Mr. GRIFFIN. Mr. President, will the distinguished Senator from Connecticut yield at an appropriate time?

Mr. RIBICOFF. I am pleased to yield now to the Senator from Michigan, without relinquishing my right to the floor.

Mr. GRIFFIN. I wonder if there is a possibility of getting the yeas and nays on the Senator's amendment, when he has modified it to the extent that he desires, because if that is possible, then we can tell a lot of Senators they can go home. Otherwise, I have been served with notice that there may be a live quorum later in the evening, and I do not know whether to warn Senators or not.

Mr. WILLIAMS of Delaware. Mr. President, if the Senator will yield——

Mr. RIBICOFF. Mr. President, I have the floor. I will answer the question of the assistant minority leader, and then I shall be pleased to yield to the distinguished Senator from Delaware.

Mr. WILLIAMS of Delaware. I would like to have the yeas and nays ordered on both the Scott amendment and the Ribicoff amendment. Then Senators will know that this matter cannot go through on a voice vote but that there will be a rollcall vote.

The Senator has a chance to modify his amendment, and I did not object to that. He has another modification at the desk, and I have no objection to that. But since he has modified it I would like to ask for the yeas and nays on the two amendments tonight.

The PRESIDING OFFICER (Mr. HUGHES). The Chair will instruct the Senator that he cannot request the yeas and nays on the Scott amendment without unanimous consent.

Mr. WILLIAMS of Delaware. I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Delaware so that he may request unanimous consent that it be in order to ask for the yeas and nays on the Scott amendment?

Mr. RIBICOFF. I personally have no objection. I just want to make my position clear while the majority leader is here. I personally am satisfied with the Ribicoff-Bennett amendment as it stands. The majority and minority leaders asked us to try to work out as many as possible of the controversies. One of the controversies, of course, is that there are certain Senators who would like to amend the Ribicoff-Bennett amendment, and under the parliamentary situation this cannot be done. I happen to think it is a good, acceptable amendment as it is, and the only reason that I objected to it was out of consideration for other Senators.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield? I appreciate the Senator's position, but under the position that we are put in from a parliamentary standpoint and under the rules of the Senate it is not subject to an amendment.

That could mean that 99 Members of the Senate agreeing on an amendment could not get the amendment adopted unless the Senator from Connecticut approved. He is the only man out of the 100 who would have the right to amend this pending amendment. He could listen to the debate and amend it to his own satisfaction, but not the satisfaction of all others.

Mr. President, I do not wish to proceed with that power in the hands of any one Senator or in any one place. I tried hard to get this situation to where we could have the right to amend; but having failed I just want us to vote it up or down, and then we can offer amendments. Therefore, I would ask the Senator's permission to ask for the yeas and nays.

Mr. GOODELL. Mr. President, I object.

The PRESIDING OFFICER. The Senator from Connecticut has the floor. The Senate will be in order. Objection is heard to the request of the Senator from Delaware, and the Senator from Connecticut has the floor.

Mr. WILLIAMS of Delaware. It does not require unanimous consent, Mr. President.

Mr. MANSFIELD. Mr. President, will the Senator from New York withhold his objection briefly?

Mr. GOODELL. I withhold my objection.

Several Senators addressed the Chair.

Mr. SCOTT. Mr. President, will the Senator from Connecticut yield without yielding his right to the floor, so that I may explain my position?

Mr. RIBICOFF. Yes.

Mr. SCOTT. My position is that I have no objection, personally, to the yeas and nays on the Scott amendment, because, having introduced it in the form it is, I have not been advised of the desire to modify it. Some Senators may be for it and some against it, but no one has asked to modify it, and under those circumstances, if it will expedite the proceedings, I have no objection to the yeas and nays.

Mr. SAXBE. Mr. President, I object to the Senator yielding for that purpose.

The **PRESIDING OFFICER.** Objection is heard.

Mr. WILLIAMS of Delaware. That request will be made again later tonight.

Mr. RIBICOFF. The administrative inefficiencies and redtape associated with welfare programs are notorious. Individual States and localities must develop budgets of need with required close investigation of the economic status of each family. However, these standards are often unrelated to actual State payments and complicated formula, using ratable reductions and maximum payments, are necessary to calculate the final benefits payable to each eligible family. Tiny, but complex adjustments are made to reflect changes in the composition of the family, the ages of its members, its changing economic status, or as special emergencies occur. The resulting paperwork overwhelms the administrative structure. The organization is fraught with error and is largely incomprehensible to recipients and the public alike.

The major defect of AFDC however, which makes it impossible to reform by simply adding national standards or greater administrative efficiencies, is its categorical restriction of eligibility. AFDC does not provide assistance to those families headed by a full-time working man.

The assumption on which AFDC rests—that the income of full-time workers is by definition adequate—is simply not valid for large numbers of families. In 1968, 39 percent of the poor families with children in this country were headed by full-time workers. Their poverty is seldom the result of a defect of character or a failure to try. It is rather the result of the inescapable fact that large numbers of jobs, for a variety of economic reasons, just do not pay an adequate wage—especially for persons with large families.

As a result of this inadequate and inefficient system, welfare has become a costly shambles. Costs and caseloads under AFDC increased by almost 30 percent from June 1969 to June 1970.

The lack of incentives to work and maintain the family structure have meant that the number of children in families with female heads only under AFDC have more than doubled in 10 years.

The facts are very clear. Welfare in the United States has already become a national disgrace.

THE FINANCE COMMITTEE AMENDMENTS

It is regrettable that in the face of such chaos a majority of the Finance Committee has chosen not to come to grips with meaningful welfare reform legislation.

I share the view of the committee that far reaching and innovative social legislation should be tested thoroughly before implementation on a nationwide basis.

But, testing alone in a time of urgent need is not enough.

In August, 1969, the President outlined reform legislation which, while not perfect, would take several significant and constructive steps toward a strong welfare system.

The House of Representatives passed legislation embodying the basic principles of the President's proposal—the family assistance plan.

After many weeks of hearings, however, the Senate Finance Committee regrettably refused to consider this plan in detail and substituted an amendment calling merely for 2 years of tests.

Clearly, passage of a 2-year test program requiring more legislation at the end of that test period means no welfare reform until 1974 or beyond. Reform is much more urgent than that.

The proposal Senator BENNETT and I intend to make provides for extensive testing in the period between enactment and the effective date of welfare reform. The most innovative proposal, to assist the working poor, would be tested in several areas for more than a year.

Extensive pretesting of this nature would provide more than adequate time to iron out the problems in organization and administration of family assistance. Furthermore, information gained from careful evaluation of existing working poor programs in six States would be readily available.

THE PRINCIPLES OF REFORM

Welfare is not a subject of interest only to the poor and the welfare worker. The measure of a whole society is taken from the adequacy, equity, and efficiency of its programs for the needy. Their progress is our progress.

The principles of adequate welfare are simple and paramount:

First, assurance to all members of society of an income adequate to meet their basic needs;

Second, incentives and opportunity for the employment of all citizens;

Third, encouragement and support of the basic family structure;

Fourth, a uniform system of national standards supported and financed by the Federal Government; and

Fifth, simple and efficient administration dedicated to assisting rather than demeaning the poor.

We are a wealthy people. As the perquisites of citizenship have increased, so too have our responsibilities to our society and our fellow man. As a nation, we can no longer tolerate a system of public assistance which fails to meet the most basic principles of humanity.

THE FAMILY ASSISTANCE PLAN

The basic principles of family assistance are designed to meet the problems now plaguing welfare. By assuring a minimum payment to all families in need, it is designed to provide uniform national standards and simplified administration.

Most important, the program extends eligibility to those families who have been arbitrarily and unwisely excluded from assistance.

Family assistance will replace the 54 different State and territorial AFDC programs with a single program for families. It would also substitute a single integrated adult welfare system for the more than 150 different programs of aid to the aged, the blind and the disabled.

Americans are becoming more mobile. Poverty and welfare are national problems requiring national solutions. Foremost in any such national solution must be an effort to assure that citizens who live in differeint States do not receive grossly different treatemnt at the hands of their governments. Family assistance establishes minimum support levels: $1,600 per year—plus about $860 in food stamps—for a family of four, for citizens in all States.

Family assistance insures the provision of a minimum benefit by full Federal financing of that portion of the payment. In addition, the States, assisted by 30-percent Federal matching up to the poverty line, can then assure more adequate total benefits by supplementing the minimum payment.

Nationwide uniform eligibility rules will make possible another vital reform: simplification and streamlining of the notorious welfare paperwork and administrative morass. Family assistance terminates the present practice of basing benefits on minute investigations and computations of family budgets. Eligibility for aid would be determined on a simplified basis, which would include cross-checks of earnings data and a sampling of recipients' reports as protection for the system.

INCLUSION OF THE WORKING POOR

The most important advance proposed by this amendment is the extension of public assistance eligibility to the working poor. This innovative step is supported by several powerful arguments.

First, coverage of the working poor eliminates one of the major inequities in present laws. If we are to require recipients to work, we cannot then make them worse off financially than if they did not work.

Second, aid to the working poor promotes a consistent set of work incentives for the entire program. Recipients will always be better off by working more.

Third, coverage of the working poor is an effective means of combating poverty. Four out of ten poor Americans live in families headed by a full-time worker. Family assistance will move 2 million Americans over the poverty line.

WORK REQUIREMENT AND INCENTIVES

The Ribicoff-Bennett amendment takes a major step to increase work incentives for welfare recipients. To make these incentives increasingly effective there is included a major manpower training and child care program with over $600 million in additional funding; $150 million is required to be spent on a strong program of public service employment.

Recipients under family assistance will be required to register for and accept jobs or work training in order to receive FAP benefits. Benefit levels will be decreased by $500 per famly for a failure to register.

THE REVISED FAMILY ASSISTANCE PLAN

The latest administration revision of family assistance was submitted in October to the Senate Finance Committee. While this was a strong program—there were a number of changes which I felt were necessary to improve the legislation before it was presented to the full Senate.

I made these suggestions both in a formal letter to the Secretary of Health, Education, and Welfare and in informal conversations. Most of these improvements are contained in the Ribicoff-Bennett amendment.

A NATIONAL GOAL

Today, one in every eight Americans is poor. In the wealthiest nation in history, our poor outnumber the total population of Canada. More than a third of our poor are children. Many of the rest are ill, disabled or elderly.

These people are tragic evidence of our neglect, and lack of commitment to end poverty.

Our growing national affluence has not been fully shared. In a future which promises greater riches, for many, but continued poverty for some, we have, in the words of the President's Commission on Income Maintenance Programs, "the potential for social division unparalleled in our country."

Our failure has been a failure of commitment rather than resources. We have the means to end poverty. Let us resolve to do so.

As a beginning step, Congress must establish a national goal to end poverty in this decade.

UNEMPLOYED PARENT PROGRAM

As passed by the House of Representatives, H.R. 16311 provided for mandatory State supplementation—with Federal sharing—of families headed by an unemployed father—AFDC–UP. Under present law, this is an optional program which exists in 23 States.

In the administration revisions of H.R. 16311, this mandatory AFDC–UP has been deleted.

I strongly support inclusion of this program—as provided by the House of Representatives and the original administration proposal. Restoration of this provision would benefit some 90,000 families, or more than 300,000 poor people.

RESTORATION OF THE REQUIREMENTS IN SECTION 452 OF H.R. 16311 FOR USING "STANDARD OF NEED" FOR FAMILIES WITH INCOME

In August 1969, the President, in his welfare address to the Nation, strongly supported the principle that no recipient would be worse off under his proposal than under existing law. Unfortunately, a subsequent revision of H.R. 16311 would adversely affect families with outside income in 22 States by reducing State supplements. Restoration of the standard-of-need provision in section 452 will remedy this unwise provision.

MINIMUM WAGE LEVELS FOR WELFARE RECIPIENTS TAKING EMPLOYMENT

A universally recognized objective of welfare reform, clearly stated in the President's welfare message, is the great need to move the poor from relief rolls to payrolls. Legislation toward this laudable goal, however, must not sacrifice very basic objections to providing a ready-made pool of forced labor for employers paying substandard wages.

Substandard wages perpetuate poverty. At $1 an hour, a fully employed husband and father of two children falls almost $2,000 below the barest minimum income required for his family.

Therefore, I propose that provisions be added to this reform legislation stipulating that welfare recipients required to accept work be paid a reasonable wage, preferably the basic minimum wage of $1.60 an hour. The Ribicoff-Bennett proposal takes a major step in this direction by guaranteeing wages of at least $1.20 an hour.

ADEQUATE SAFEGUARDS FOR STATE AND LOCAL EMPLOYEES ASSIMILATED UNDER FEDERAL PROGRAMS

There must be assurances that State and local welfare employees, who would be encompassed by the new Federal program, are treated fairly with respect to their seniority, salary, and pension rights earned under their previous employers.

FEDERAL ADMINISTRATION OF FULLY FEDERALLY FINANCED WELFARE PROGRAMS

Welfare reform must reduce the major inequities and complexities that result from over 50 different welfare systems with their varied forms, requirements, and regulations. In many States today, the system is operated by three separate levels of government: Federal, State, and local. The redtape, inequities, and sheer complexities of these arrangements must be reduced.

Therefore, I propose that reform legislation include a provision for mandatory Federal administration of all welfare programs which are 100 percent funded by Federal money. This provision will be a major step toward our goal of universally applied standards for all recipients.

PUBLIC SERVICE EMPLOYMENT

The major goal of any public assistance program should be the provision of adequate employment opportunities permitting recipients to supplement and eventually replace welfare payments by earned wages.

Regrettably, the original family assistance plan presented to Congress contained not a single job opportunity.

Senator **Harris** and I have suggested an amendment establishing a strong program of public service employment. Such an amendment would complement the training provisions already suggested above by assuring a greater number of jobs at the end of the training cycle.

Therefore, I propose a public service employment program for recipients of FAP benefits or State supplementation.

Under the amendment, the Secretary of Labor would enter into grants or contracts with public or private nonprofit agencies to create jobs in a wide variety of enumerated fields of benefit to the public.

Special provisions were designed to assure that such jobs are not dead-end jobs and that they offer opportunities for career advancement. The Secretary of Labor is required to review each employment record at least once every 6 months.

The jobs provided must meet standards with regard to health, safety, and working conditions, not jeopardize existing employment, and otherwise conform to certain protections. Wages paid must at least equal the Federal minimum wage or, if higher, any applicable State or local minimum wage or the prevailing wage for such jobs in the same labor market area.

In order to encourage movement by participating individuals into regular jobs and to insure that these jobs involve the performance of useful work, provision is made for declining Federal matching over time. Ninety percent matching is provided for the first 24 months during which such employment is provided, and 80 percent thereafter.

The Secretary of Labor is obligated to expend at least $150 million annually on such public service jobs. The funds may come from appropriations pursuant to part C of title IV of the Social Security Act or from any other funds available to the Secretary of the Department of Labor under other acts.

WORK REQUIREMENTS FOR MOTHERS OF SCHOOL-AGE CHILDREN

In 1967, the Senate recognized the inherent social difficulties of forcing mothers of school-age children to accept employment. At that time, the Senate passed an amendment which exempted mothers of school-age children from required employment during the hours children are home from school.

The most cursory examination of history shows that the victims of legislation forcing mothers to work are the children of those mothers. Our own national traditions are based on the belief that the best interests of the child are best protected by its mother. The decision whether to accept employment while the child remains at home should be left solely with the mother.

While not exempting mothers of school-age children from work, the proposal of Senator **Bennett** and myself will guarantee that mothers of these children will only be required to work if adequate child care facilities are available. In actual fact, the work priorities practically assure that these mothers of school-age children will not be affected by work requirements.

ADDITIONAL SAFEGUARDS FOR THE LEGAL RIGHTS OF WELFARE RECIPIENTS

The administration's family assistance legislation provided for a marked and regressive change affecting the legal rights of welfare recipients by requiring that stepfathers assume legal responsibility for their stepchildren. Most States do not impose an obligation of support on a stepfather. Generally, our federal system has left matters of domestic relations laws to the wisdom of the States. Thus, the effect of the original FAP provision was to impose a discriminatory obligiation of the stepfathers or poor families.

STATE SAVINGS AND ADULT CATEGORIES

In addition to these provisions, two other provisions of the amendment are of utmost importance.

ADULT CATEGORIES

Senator **Bennett** and I propose to assure minimum payments to the aged, blind and disabled of $130 a month for an individual and $230 a month for a couple. This provision will increase payments to approximately 1.5 million recipients. For an individual old-age recipient, the amendment would increase payment levels in 31 States; for a couple, and it would increase payments in 47 States.

In addition, our amendment retains the uniform eligibility rules for all recipients under the adult categories. This provision extends the simplified administration concept proposed under the family assistance plan.

The amendment would also assure an individual aged, blind or disabled person an income equal to more than 80 percent of the poverty level. For couples the minimum income would be in excess of the poverty level.

STATE FISCAL RELIEF

Almost every State in the Union is facing a financial crisis over rising welfare costs. Under the proposal of Senator Bennett and I, each State would have the benefit of a virtual freeze on increased welfare expenditures. The freeze would be based on 90 percent of the State expenditures incurred in calendar year 1971. For the first year of operation, our program would provide over $400 million in direct State savings. In succeeding years these savings would increase in direct proportion to the expected increase in expenditures now expected under present laws. At the present time these costs are escalating by 30 percent a year.

I ask unanimous consent that the following table showing State savings be printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

STATE SAVINGS UNDER FAMILY ASSISTANCE WITH 90-PERCENT FREEZE ON STATE EXPENDITURES

[In millions of dollars]

State	State share of money payments (OAA, AB, APTD, AFDC)		
	Calendar year 1971 current law	Expenditure required by proposed 90-percent freeze [1]	State savings [1]
Total	4,040.9	3,637.3	403.6
Alabama	32.6	29.3	3.3
Alaska	9.5	8.5	1.0
Arizona	18.6	16.7	1.9
Arkansas	15.4	13.9	1.5
California	960.2	864.2	96.0
Colorado	41.8	37.6	4.2
Connecticut	53.3	48.0	5.3
Delaware	6.8	6.1	0.7
District of Columbia	34.1	30.7	3.4
Florida	98.0	88.2	9.8
Georgia	44.4	40.0	4.4
Hawaii	17.2	15.5	1.7
Idaho	6.2	5.6	0.6
Illinois	224.5	202.1	22.4
Indiana	27.0	24.3	2.7
Iowa	43.4	39.1	4.3
Kansas	28.3	25.5	2.8
Kentucky	28.2	25.4	2.8
Louisiana	50.4	45.4	5.0
Maine	14.5	13.1	1.4
Maryland	54.6	49.1	5.5
Massachusetts	191.2	172.1	19.1
Michigan	174.1	156.7	17.4
Minnesota	61.0	54.9	6.1
Mississippi	15.4	13.9	1.5
Missouri	52.4	47.2	5.2
Montana	5.1	4.6	.5
Nebraska	12.2	11.0	1.2
Nevada	3.2	2.9	.3
New Hampshire	11.8	10.6	1.2
New Jersey	181.4	163.3	18.1
New Mexico	12.3	11.1	1.2
New York	663.5	597.1	66.4
North Carolina	33.3	30.0	3.3
North Dakota	4.4	4.0	.4
Ohio	110.4	99.4	11.0
Oklahoma	46.8	42.1	4.7
Oregon	31.7	28.5	3.2
Pennsylvania	265.1	238.6	26.5
Rhode Island	20.9	18.8	2.1
South Carolina	8.3	7.5	.8
South Dakota	5.4	4.9	.5
Tennessee	34.7	31.2	3.5
Texas	85.9	77.3	8.6
Utah	9.6	8.6	1.0
Vermont	6.4	5.8	.6
Virginia	34.6	31.1	3.5
Washington	71.4	64.3	7.1
West Virginia	16.0	14.4	1.6
Wisconsin	40.4	36.4	4.0
Wyoming	2.5	2.3	.2
Guam	.6	.5	.1
Puerto Rico	19.2	17.3	1.9
Virgin Islands	.7	.6	.1

Footnotes at end of table.

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[1] These amounts would constitute estimated calendar year 1972 State expenditures under the new program, except for voluntary program liberalizations by the States between the bill's enactment and the effective date. Such liberalizations would be financed by the appropriate matching formulas for title IV, pt. E, and title XVI.

ADDITIONAL COMMITTEE AMENDMENTS

Mr. RIBICOFF. Mr. President, I also want to say a word about other committee amendments to the present welfare laws.

As I have pointed out, I believe these amendments to be entirely inadequate. Furthermore, many of them are actually detrimental to the present chaotic program. I shall briefly mention four of these amendments.

USE OF FEDERAL FUNDS TO SUPPORT THE LEGAL PROCESS

The first of the committee amendments prohibits the use of Federal funds to pay directly or indirectly the salary of any individual who participates in legal actions designed to interpret or test federal legislation.

This is a particularly unwise provision in a time when it has become of paramount importance to stress the need for settling differences within rather than without our institutions.

No Federal legislation should be immune from established and recognized judicial scrutiny. In our adversary system of justice, this scrutiny is best developed by legal actions originated by the parties in interest. Powerful corporations are fully entitled, in our system, to test laws in courts and deduct the costs of legal representation. In many cases, the only advocates for the poor are community legal services personnel who, by a conscious policy decision of Congress, are often supported by Federal funds. To deny these funds is to deny the right of effective advocacy to a large segment of our society.

American justice is based on the theory that all citizens are equal before the law. By denying effective representation in cases involving laws most directly affecting the immediate lifestyle of the poor, equality of rich and poor before the law becomes a myth.

MAN IN THE HOUSE

In addition, the committee has resurrected a provision permitting States to deny AFDC benefits to children in families where a man may be occasionally present, even though he has no legal duty to support the child.

In 1968, the Supreme Court struck down a similar "man in the house" provision on the ground that an unrelated adult in the home has no legal obligation to support the child, and, therefore, the child may be eligible for AFDC.

The committee's amendment set forth a long list of criteria by which a parental-type relationship could be established and the man be held responsible financially for the child.

In addition to the unrealistic burdens this would place on welfare administration, the provision would penalize the children for the conduct of the mother.

An unrelated man who visits a child's mother, no matter how regularly, cannot be relied upon to provide a meaningful parent-child relationship. If he does make financial contributions, these are counted in determining the family's benefits now.

RESIDENCE REQUIREMENTS

In 1969, the Court declared durational residence requirements unconstitutional because they interfere with the right to travel.

The committee has sought to reestablish residence requirements, requiring that a recipient only receive payments equal to the benefit level of the State from which he moved.

Whether this provision would correct the constitutional defect cannot be predicted, but it certainly would create inequities between residents of the same State. It would penalize new arrivals who were not previously on welfare but come to require it in the State to which they move, and would restrict the mobility of the poor who wish to seek better economic opportunity in a different State.

DEFINITION OF AN UNEMPLOYED PARENT

Present law authorizes a program, at State option to support families in which the father is unemployed. This program is now operational in 22 States. In its regulations, the Department of Health, Education, and Welfare has defined "unemployed" to mean less than 30 and in some cases 35 hours of work per week.

The committee amendment defining unemployment to mean less than 10 hours a week or 80 hours a month, is far too restrictive, and, in effect, defeats the purpose of the unemployed father program—AFDC–UP. It is hard to conceive that a man working 12 hours a week is fully employed. More to the point, it is unrealistic to expect that the wages of a few hours of work a week can adequately support a family. A more reasonable definition of employment will provide greater incentives for the partially employed to continue and improve their work skills.

Mr. President, I ask unanimous consent to have printed in the Record an excellent article by James Welsh on the family assistance plan which appeared in the Sunday Star and an explanation of the benefits accruing to the States under this plan.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Star, Dec. 13, 1970]

Nixon's Welfare Reform Plan Is on Legislative Ropes

(By James Welsh)

The Robertsons—father, mother and eight children—live in a weather beaten frame house on a farm near Rocky Mount, N.C.

By anyone's standards they are poor. They are also what the academics and the bureaucrats like to call an "intact family."

Among other things, this means that the father, James Robertson, lives at home and works to support his wife and children. It also means the family is entitled to no public assistance except for food stamps.

President Nixon's Family Assistance Plan, now facing a final showdown in the Senate, would change all that. Were the plan approved, James Robertson, beginning in 1972, would command more cash income than he has ever before seen in his life.

Robertson, a burly man in his early 40s, is a farm laborer. He lives rent free but owns none of the land on the farm where he works.

"WORKING POOR" FAMILY

During the non-growing season, from October until spring, Robertson is lucky to get three days work a week at about $8 a day wages. Then the work pace picks up, and in August and September, when the tobacco crop is ripening, Robertson is working 10-hour days, and his wife and their oldest boy, James Henry, are in the fields, too.

When the crop is sold, Robertson is due enough money to square away a year's accumulated indebtedness to his "boss man," with perhaps a few hundred dollars left over. For 1970, the family's income can be calculated at $2,688.

Under the Family Assistance Plan, the Robertsons would qualify as a "working poor" family. They would be expected to continue working but would also qualify for a large subsidy. Because of the size of the family and because of its low earnings through much of the year, that subsidy would amount to about $2,400 in cash, virtually doubling the family's income.

But the Robertsons probably will see none of that government money right now anyway. The Family Assistance Plan, alternately called the welfare-reform bill, is on the legislative ropes.

The measure has run a bizarre and tortuous course over the year, passing the House by a surprising margin only to run afoul of both conservatives and liberals in the unpredictable, stubbornly independent Senate Finance Committee.

FACES MANY OBSTACLES

After months of wrestling with it, the committee rejected the plan. It approved only a tiny test of its concepts and last week tied that test provision to a complicated bill dealing with Social Security and trade restrictions.

If the full Family Assistance Plan to pass the Senate and then a House-Senate conference committee, it must survive a parliamentary obstacle course and the temper of tired congressmen who want to go home.

Yet its champions continue to work for it. They hold to the hope that somehow it will be enacted into law this year.

It is a plan with trail-blazing promise but vast uncertainties, a proposal of such scope as to aim at new controversial ways of dealing with all of America's poor, the millions of the poor who work and growing millions who depend on welfare.

As such, it bears directly on problems as diverse as family breakup and the fiscal crisis of state and local governments. And it goes to the heart of the gut philosophical issues:

Who in our society should be required to work, and who should be exempted from work? What are the rights of the poor, and what are their responsibilities, and by how much should they share in the nation's wealth?

President Nixon has called the plan the centerpiece of his domestic strategy. On Friday he told a group of governors he may call a post-Christmas special session of Congress if it fails to pass the legislation.

The issue won't die, that's sure. If for no other reason than state and county governments, burdened by soaring welfare and medicaid costs, are screaming for the kind of fiscal relief the bill would bring, the 92nd Congress almost certainly will face the problem all over again if it isn't solved this year.

For the short term, failure of the 1970 Family Assistance Plan will bring bitter political recriminations, the White House blaming liberals, the liberals blasting the President and Congress.

TWO LARGE SEGMENTS

But if an epitaph must be written for the 1970 legislation, it might boil down to a simple, two-part proposition:

Nearly all the people who would benefit directly from the Family Assistance Plan don't know anything about it; most of the people who know all about it are scared to death of it.

To sort this out, it must be remembered that the plan deals quite differently with the two large, distinct segments of America's poverty population—those who work and now get no benefits, and those who get welfare but do no work.

Nearly all the emotionalism of the debate over the legislation centers on the welfare poor. Nearly all the tangible benefits of the plan, though, would go to the working poor.

Consider, first, the working poor, and once again James Robertson. He has heard of the Family Assistance Plan, but barely.

One day last week, waiting to purchase food stamps in the social services office of the Nash County, N.C., courthouse, he told a visitor:

"Yes, I think I did hear something on the radio about that," he said. "But I don't really know what it would do."

He had no idea it might bring him $2,400 a year. He was surprised to hear of the plan's single revolutionary premise—cash benefits going to a poor family without that family first going into a welfare category of no-work dependency.

Other people in the courthouse that afternoon, all potential recipients under the plan, were similarly ignorant or vague about the plan's provisions.

At least 5,000 low-income families live in Nash County—working intact families not now on welfare, who would average close to $1,000 apiece each year under the plan.

North Carolina is home to an estimated 119,000 working-poor families. Close to one million such families live in the South, more than half of them white. The national total is 1.8 million families, representing 10.8 million men, women and children. Under the Family Assistance Plan, these people would be eligible to share $1.3 billion in income supplements.

Seldom have so many people who stand to benefit by so much had so little awareness of it.

Mitchell Ginzberg, former welfare commissioner of New York City, now a troubleshooter for Mayor John V. Lindsay and one of a small group that has lobbied over the months for the bill, put it this way:

"Can you imagine the kind of pressure that would build up if this kind of money were available under any other program? But the poor, especially the working poor, are not an organized constituency. Nobody speaks for the working poor."

The legislation's unprecedented provision for subsidizing the working poor finds nearly all its opposition among conservatives.

CONSERVATIVE OPPOSITION

Some are attracted by the concept but are leery of the numbers involved—those 1.8 million working-poor families and billion-dollar-plus cost. Others reject the concept outright, looking on these supplements as just more welfare. Still others aren't so much frightened at what would happen immediately as what would happen later when the pressure grows to push assistance payments ever upwards.

"For all the defects of the present system, the mind of man is always capable of devising something worse," said Sen. Russell Long in a wry moment last summer.

In the South, coolness to the plan runs deep. Politicians, farmers and business know very well the plan will affect far more than the pocketbooks of that region's poor whites and blacks.

"This program, if it were to pass," said Robert Patrocelli, deputy assistant secretary of HEW, "would be the most important civil rights advance in the last 15 years. It's the kind of civil rights that comes from money in the pocket."

Liberals might question that, but many Southern conservatives believe it. And they don't like it.

Another factor is the enormous impact the plan would have on the Southern economy. Hundreds of millions of dollars in new purchasing power would pour in, a seemingly attractive feature for Southern businessmen. But the Southern economy, even in the parts of the region booming with new industry, is also reliant to a great extent on cheap labor.

Nash County, N.C., where James Robertson lives, is representative of the new South. In the last ten years, it has seen its industrial employment go up 50 percent, its per capita income almost double.

But plenty of farms remain, with plenty of share-croppers, tenants and laboring families. The cucumbers must be picked in the spring, the tobacco harvested and processed in the summer and fall. And there are shirts to be pressed.

"All I hear sometimes is who's going to press the shirts," said James Glover, the county's welfare director, possibly the only man in Nash County who is for the Family Assistance Plan.

Would the working poor work less hard or quit altogether if their earnings were supplemented.

Most students of poverty and the assistance plan think not. They are thinking mostly of the people who would have steady jobs and probably would go right on doing those jobs.

But for those who work at the lowest and most irregular jobs, the domestics and the farm laborers, the consequences could be unpredictable.

James Robertson said he'd go right on working at the farm. "I know I would," he added. Another farm laborer, younger, said the assistance payments might lead him to get off the farm and try a steadier job. A third, older, said he's been thinking about leaving to make more money. But he likes the farm, and cash from the government would enable him to stay.

But the third man's boss, farmer C. E. Bell, sees nothing good about family assistance.

New York's Ginzberg tells the story of going to Utah recently to speak on welfare reform to a group of western state legislators. After he described how the Family Assistance Plan would help the working poor, one legislator arose to say:

"Mr. Ginzberg, we're not interested in how many more people will get welfare. We're interested in how many we can get off welfare."

It is a feeling shared by countless Americans.

The welfare rolls are rising at a staggering rate.

At HEW, new figures now beginning to circulate show a one-month increase, August to September, of 214,000 people in the category of Aid to Families with Dependent Children (AFDC). That's exactly the increase of the month before, July to August, which was the highest in history.

At present rates, relief rolls across the country are growing at 2.5 million men, women and children a year—more than the nation's annual populaiton increase.

It is a nationwide phenomenon but with extremes to be found not in places like North Carolina but in the large urban centers.

In Los Angeles County, Calif., for instance, one person in every nine is on welfare.

Marvin Friedman, the county's assistant welfare director who was in Washington last week to urge passage of the Family Assistance Plan, talked of the impact on local finances, a $50 million boost in county spending on welfare this year, a property tax rate going up by nearly $1 for every $100 of assessed valuation.

"The reaction is fierce," he said. "The whole thing is a polarizing influence, and it's getting worse. The pressure is on our county supervisors to do something. But we're in a box."

There is evidence that great numbers of the welfare-poor also feel boxed in, their payments often inadequate to live decently and the hard-pressed states searching for ways to keep these benefits down.

It's because of such dilemmas that people use strong language to condemn the existing system. "A huge monster," President Nixon called it. "A godawful mess," was HEW Secretary Richardson's phrase.

The question is whether the Family Assistance Plan will do what the western legislator wants: get people off welfare.

If that's taken to mean putting a large portion of the welfare population to work, the answer is no.

The legislation treats people on welfare this way:

For the first time, it sets a minimum income floor to apply nationally. For a family of four with no earnings, that payment would be $1,600, paid entirely by the federal government. For every extra child, it goes up $300.

This income minimum, is also the base from which the working-poor supplements are computed. A family of four, for instance, can earn $720 a year and still get the $1,600 supplement. For every dollar it earns after that, the supplement goes down 50 cents.

SUPPLEMENTAL FUNDS

For most families on Welfare, the plan means nothing in the way of new income. The exception would come in the deep South and Puerto Rico, where welfare payment levels fall below the $1,600 line for a family of four (Mississippi now pays such a family $840 a year). In these states, about 217,000 welfare families would get a boost in income.

In the majority of states, where welfare payments are higher than the $1,600 level, the bill requires the state governments to supplement the federal payment to existing levels. Welfare families would get no more, no less than they now get, and the attraction to the states is the bill's promise that the federal government would pay all the add-on costs past 1971.

The bill also stipulates a strong work requirement.

To be eligible for payment, able-bodied adults would have to register for work or training. Mothers of pre-school children would be given the option of staying home. Where the children are old enough to go to school, the work requirement applies.

Should this last group of welfare mothers be required to work?

No, says the National Welfare Rights Organization. The requirement is punitive. Mothers should be able to stay with their children if they think that best.

Yes, says the administration. The requirement is conditional on child-care facilities being set up. Besides, 70 percent of the non-welfare women in similar circumstances—with school-age children but no husband—hold jobs.

But just how many welfare recipients can be expected to work. On this point, there also is often more heat than light.

In September, the latest month for which HEW has records, 11.9 million people were in the four federally aided welfare categories (another 900,000 are on general assistance paid entirely by the states).

Of those 11.9 million, subtract 2 million old people, 80,500 blind and 910,000 disabled. These are the non-controversial categories, their numbers showing little or no increase.

The 8.8 million people left are in the AFDC program. It accounts for nearly all the caseload growth and all the controversy.

Subtract another 6.5 million. They are the AFDC children.

Of the 2.4 million adults in the program, 413,000 are fathers. Most are judged incapacitated. But 105,000 of these fathers are able-bodied and jobless, their families made eligible for welfare in 23 states that have unemployed-father programs.

Of nearly 2 million welfare mothers, 302,000 are now working full or part-time. Many do so under relatively recent provisions of the law enabling welfare mothers to earn money and still draw benefits. Before lowering these benefits, the states disregard the first $30 a month the woman makes, plus one-third of what else she earns, plus work-related and child-care expenses.

Another 134,000 mothers are in work-training or waiting for enrollment to train under what is called the WIN program.

That leaves 1.7 million unemployed AFDC mothers. But HEW calculates that nearly 60 percent of these mothers have pre-school children, exempting them from work registration. Of the rest, because of health, education and other factors, HEW believes only about 50 percent are truly employable.

And so of 12 million welfare recipients, those who can be expected to work—the unemployed fathers and the employable mothers of school-age children—total about 500,000.

But even with these people, problems remain. Every survey shows that a large majority of welfare mothers want to work. But they face big barriers. Health is a frequent one. Child care is another. Transportation is a third.

The Nixon legislation includes, in its $4 billion price tag, $66 million for work training and child care programs. Yet as New York City's Ginzberg points out, these will not come along easily. Child care programs are particularly difficult and costly to establish.

"We should face the fact," said Ginzberg, "that not all that many people will come off welfare into jobs. What we can hope for is that the Family Assistance Plan may help keep people from going on welfare, from becoming dependent."

But no one knows to what extent the plan will do that.

Ginzberg's reasoning and hope are based in part on a belief shared by Presidential Counsellor Daniel P. Moynihan and others that money going to working-poor families can help reduce the kind of family break-up—desertion, divorce, separation—that leads to dependency.

But men like Ginzberg and Moynihan concede there is too little information on the characteristics of the army of mothers who in the last year have entered the AFDC rolls. No one is able to say, for instance, how many came out of the ranks of the working-poor intact families and how many were never there at all.

Much of the controversy over welfare and attempts to reform continue to turn on "workfare."

It may be significant that under the Family Assistance Plan the Labor Department would be responsible for administering the work-registration and work-requirement provisions. Heretofore, under WIN and similar programs, welfare recipients came to employment agencies only through referral by welfare case workers.

"This should help," said Los Angeles County's Friedman. "It will eliminate an awful lot of bureaucratic paper reshuffling. Besides, if someone loses a job, why the hell shouldn't he apply for a job rather than welfare?"

At the Labor Department, top officials are aware that, as Assistant Secretary Jerry Rosow put it, "If this program passes, the monkey's going to be on our back, not anyone else's. We won't be able to blame the welfare workers anymore."

SEES FULL EMPLOYMENT

Rosow rejects the argument that the work requirement is inconsistent with today's tight labor market. "By 1972," he said confidently, "we'll be back up to full employment."

Asked how many welfare clients he reasonably sees going to work, Rosow replied:

"If we can get about 100,000 to 200,000 people to work in first year or two, we'll considered it a success. I refuse to set up a long-range goal."

If conservative critics of the Family Assistance Plan find these figures unimpressive, they also continue to ask why this kind of reform effort has to be accompanied by payments to the working poor.

The justifications for tying the two together are complex, just as the plan itself is complex.

"I think it comes down to this," said Mrs. Alice Rivlin, one of the plan's designers, now at the Brookings Institution. "Payments to welfare families are inadequate. But it's very difficult to justify raising those payments because so many working people are paid less than that. The more welfare payments go up the greater the disparity, and the lower the incentive to go to work."

Supporters of family assistance believe it is a breakthrough on this dilemma, at least a start. It would put an income-floor under all families and say to them: Here is an incentive to work; the more you earn, the more you keep.

It isn't all that simple, of course. The plan's designers worked under several restrictions. It was prescribed that no family on welfare would get less than it is now getting, that the states should be given fiscal relief, and that the federal price tag go up by no more than $4 billion.

Within those limits, the designers were able to knock out nearly all the present system's inequities and "disincentives," the kind that sees a man with a full-time job worse off than a man keeping only a part-time job supplemented by welfare, or the kind that makes it possible for a woman to quit a full-time job, go on welfare, go back to some kind of work and, between welfare benefits and earnings, do far better than the working-poor mother.

But they were not able to build in the kind of positive monetary work incentives the conservatives on the Senate Finance Committee wanted. Time and again, told to make it more attractive for welfare families to work, HEW officials came back to say that was impossible within the $4 billion framework of the plan. It was a mathematical taffypull that no one could win.

Meanwhile, conservative resistance hardened. Some of the liberal groups, chiefly John Gardner's Common Cause, went to work for the bill. But other liberals, fearing to get too far away from George Wiley and his welfare mothers, continued to both damn and praise. The President, for his part, turned to talk of getting the welfare bums to work.

Time ran on, and now it is nearly out.

Mr. RIBICOFF. Mr. President, I also ask unanimous consent to have printed in the Record the impact on the States of the revised family assistance plan.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Impact on the States of the Revised Family Assistance Plan—The Ribicoff-Bennett Amendment

1. In the first year of the program, each State would have to spend only 90 percent of what it spent in CY 1971 on welfare. This

would be a flat ceiling. Thereafter, the State's obligation would increase only by an amount equal to the increase in the Consumer Price Index between 1971 and the year in question.

This means that from now on every State would know the dollar limits of its welfare burden, and could budget and set tax policies accordingly. The effect of placing this ceiling on State welfare costs is to transfer to the Federal Government the entire cost of caseload increases, which is the biggest element in soaring welfare budgets.

Quite beyond the cost ceiling involved in this amendment, each State would actually have positive fiscal relief of 10 percent of its 1971 welfare expenditures in the first year of operation of the new program. This is money saved.

2. If any State voluntarily increased its benefit levels in the future, it would receive 30 percent Federal matching, up to the poverty line, for the family (AFDC) category, and 25 percent matching in the adult (aged blind, disabled) category.

3. States are given major new options with regard to the administration of all income assistance programs, as follows:

a. If the State wants HEW to administer its program of State supplemention and adult category assistance, it will do so with the Federal Government paying full administrative costs. This produces major further savings for the States by eliminating present administrative costs—a possible total saving of about $100 million.

b. Further, the States may transfer to the Federal Government the administration of remaining income transfer programs, including general assistance, food stamps, and Medicaid and surplus commodity eligibility determinations. In these cases, the State would pay only one-half of *extra* costs to the Federal Government of assuming these administrative functions, which costs should generally be quite small since HEW would already have most of the needed information on file for welfare purposes.

4. Major amounts of additional Federal money would go to new working poor recipients in each State, thereby stimulating economic conditions.

5. Major increases, over $750 million in the first full year, are provided for expanded job training, public service employment, and child care programs, with increases over the current Federal matching shares in both the manpower and child care efforts.

Mr. RIBICOFF. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter on the White House stationery dated December 17, 1970, signed by Daniel P. Moynihan, Counsel for the President.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, December 17, 1970.

Hon. ABRAHAM RIBICOFF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RIBICOFF: In the aftermath of the President's veto yesterday of the Comprehensive Manpower Act, questions have been raised about the Administration's commitment to earmark $150 million of Department of Labor funds for public service job programs for Family Assistance recipients.

That commitment by the Administration remains fully in effect and will be honored if the amendment is enacted. If there is any imprecision in the text of your amendment as to whether this earmarking provision can stand alone, without passage of the Comprehensive Manpower Act, we would accept a clarifying change. Specifically, we would support deletion of the words "for public service employment programs or other similar activities," which appear on page 54, lines 20–21, of the Family Assistance bill (amendment no. 1097 to H.R. 17550) to make clear that the earmark applies to all Department of Labor funds, without regard to the source of their legislative authorization or the passage of the Comprehensive Manpower Act.

We are grateful for your strong and continued support on this critical legislation.

Respectfully,

DANIEL P. MOYNIHAN,
Counsellor to the President.

Mr. RIBICOFF. Mr. President, I ask unanimous consent to have printed in the RECORD a brief description of the family assistance proposal as offered in amendment to H.R. 17550.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BRIEF DESCRIPTION OF THE FAMILY ASSISTANCE PROPOSAL AS OFFERED IN AMENDMENT TO H.R. 17550

I. FAMILY ASSISTANCE BENEFITS

A. Eligibility for the new family assistance benefit

Each family with children whose includable income (for definition of excluded income see below) is less than the family benefit level—computed as $500 each for the first two members of the family and $300 for each additional member—would be eligible for a family assistance benefit. The amount of the benefit would be the difference between these amounts and the non-excludable income. For example, a family of four with no income would be eligible for a benefit of $1,600. Every low income family with children, including those now eligible under Aid for Families with Dependent Children (AFDC) and those not now eligible because an employable father is present (the working poor), would be eligible.

In determining income for the purpose of establishing eligibility for and the amount of the benefit, the following types and amounts of income would be entirely excluded:

(1) all earned income of adult members of the family at the rate of $60 per month plus ½ of the remainder (the so-called earnings incentive or disregard);

(2) food stamps and other public or private charity;

(3) allowances paid to those in job training;

(4) the tuition portion of scholarships and fellowships.

Subject to certain limitations prescribed by the Secretary of HEW, the following types and amounts of income would also be excludable:

(5) all earnings of a child under age 21 and attending school;

(6) infrequently earned or small amounts of income;

(7) earnings needed to pay for necessary child care.

Remaining earned income and all unearned income (not otherwise excluded above) would be counted and would therefore result in a dollar-for-dollar reduction in family assistance payments. Such non-excludable income includes social security, civil service, and railroad retirement benefits; veterans compensation and pensions; farm price support payments and soil bank payments; alimony and child support payments; and interest, rent, dividends and so on.

A family with more than $1,500 in resources, other than the home, household goods, personal effects, and property essential to the family's means of self-support, would not be eligible for family assistance benefits.

B. Definitions of family and child

An eligible family must consist of two or more people related by blood, marriage or adoption and living together in the United States, at least one of whom is a dependent child (under age 18 or under 21 if attending school). The Secretary would apply State law in determining family relationships.

C. Registration with public employment service

Each member of a family found to be eligible for family assistance benefits would be required to register with a public employment office unless he or she is:

(1) unable to work because of illness, incapacity, or advanced age;

(2) a mother caring for a child under 6;

(3) the mother, if the father is already required to register;

(4) a person who is required to care for an ill member of the household; or

(5) a child who is either under the age of 16 or a student.

Any person who falls into one of the above exempt categories can still voluntarily register at the employment office.

If an individual required to register refused to do so or refused a suitable training or job opportunity without good cause, he would lose his eligibility for family assistance and State supplementary (see below) benefits. The family would continue to receive a reduced benefit, however.

A suitable job is defined in the bill as one taking into account an individual's health, safety, prior training and experience, distance to work, and other relevant factors. It must pay at least the Federal or State minimum wage if applicable, or the prevailing wage for jobs not covered by minimum wage legislation (a job would not be considered suitable if the prevailing wage is less than $1.20 per hour).

The Secretary of Health, Education, and Welfare is required to make sure that any necessary child care services are provided where an individual is registered and participating in training or employment.

II. STATE SUPPLEMENTATION OF FAMILY ASSISTANCE BENEFIT

Each State which has an AFDC payment level in November 1970 higher than the family assistance benefit must agree to supplement the family assistance benefit up to that previous payment level (or up to the poverty level, if lower). State supplemental payments would be required for families where at least one parent is absent, incapacitated, or unemployed—the current AFDC and AFDC–UF groups—but not for the working poor.

The family assistance eligibility rules—e.g., the $1,500 resources limitation, the definition of family and child, the excludable income provisions (other than those related to the earnings incentive)—would be made applicable to the State supplementary programs, thereby resulting for the first time in national welfare eligibility standards. The States would have to exclude the first $720 a year of earned income plus ⅓ of the earnings in excess of $720 as an earnings incentive.

The Federal government would provide 30 percent matching for the cost of making these required supplementary payments, but there would be no matching for supplementary payments which exceed the poverty line.

III. ADMINISTRATION

The bill provides for Federal administration of payments to those ineligible for State supplementation (the working poor), and of payments to all families in States where the November 1970 AFDC payment to a family of four with no other income is less than the family assistance payment. In other States, the State may opt for program administration of payments to families eligible for State supplements. However, if a State agrees to Federal administration of its supplemental program, the Federal share of the administrative costs would be increased from 50 percent to 100 percent. This would mean additional fiscal relief to the States choosing this option.

IV. WORK AND TRAINING PROGRAM

A. New program established

The existing Work Incentive Program would be repealed and a new program would be established to take its place. The Secretary of Labor would assure the development of an employability plan for each individual registered with the employment office under the family assistance program according to a system of priority categories.

The individuals would then receive the services and training called for under the plan. The Secretary of Labor is directed to earmark $150 million for public service jobs, to provide employment opportunities for recipients. Appropriations (no dollar amount specified) are authorized to meet 90% of the cost of the program. A total of $750 million in new training and day care funds would be made available for members of families eligible for FAP benefits.

B. Training allowances

Each person participating in the training program would receive an allowance of $30 a month, or the amount of the Manpower Development and Training Act allowance if higher for those enrolled in such programs, in addition to FAP and State payments. The Secretary would also provide allowances to cover the transportation and other costs associated with the training.

C. Child care and supportive services

The Secretary of Health, Education, and Welfare is authorized to make payments for up to 100 percent of the cost of projects for child care needed by parents participating in the work, training, or rehabilitation programs. States would be required to provide other supportive social services—such as vocational rehabilitation, health and counseling—needed to enable recipients to enter training and jobs, and the Federal government would pay 90 percent of the cost of such efforts.

V. AID TO THE AGED, BLIND, AND DISABLED

A. Federal standards and requirements

The present separate titles for programs for aid to the needy, aged, blind, and disabled are repealed and a new combined Federal-State program is established to cover essentially the same people. Under the new program, the States could not have any duration of residence or length of citizenship requirement, or have relative responsibility provisions.

The States would be required to (1) provide a payment sufficient to bring each single recipient's total income up to at least $130 a month ($230 for a couple), of, if higher, the standard now in effect, (2) follow the Secretary's definition of blindness and severe disability, and (3) use the Federal definition of allowable resources applicable to the family assistance program ($1,500 plus home, personal effects and income-producing property essential to the person's support). The establishment of the high minimum income standards for the aged, blind, and disabled is accompanied by the elimination of food stamp benefits for these recipients.

The earnings incentives for the disabled and aged have been increased, requiring the States to exclude the first $85 per month of earnings plus ½ of the rest for the severely disabled (the same provision which now exists for the blind), and the first $60 per month of earnings plus ½ of the rest for the aged (the same as the family assistance earnings disregard).

B. Federal matching provisions

The Federal government would pay 90 percent of the first $65 average payments made to eligible persons, and 25 percent of the remainder up to a limit to be set by the Secretary. The Federal government would also pay 50 percent of the administrative costs.

C. Administration

As under the family assistance plan, the Secretary could enter into an agreement with a State under which the Federal government would perform all or some of the functions involved in administering the program for the aged, blind, and disabled. If the State chooses to contract with the Secretary to have him assume these functions, the Federal government would pay for 100 percent of the administrative costs.

VI. OTHER PROVISIONS

A. State savings provision

Each State must spend 90%, but no more than 90%, of its actual calendar year 1971 expenditures for maintenance payments in carrying out the bill's provisions. (The CY 1971 base amount would be adjusted annually for cost of living increases.) Thus, required State spending in the new program's first full year would be 10% less than the prior year's expenditures.

B. Special provisions for Puerto Rico, Guam, and the Virgin Islands

Both the new family assistance and adult category programs apply in these jurisdictions, but all of the dollar figures in both programs (except the initial earnings disregard—i.e., the first $60 per month in family assistance) are to be modified (but only downward) by the same proportion that the per capita income of each bears to that in the State with the lowest per capital income. This will not reduce the amounts for Guam and the Virgin Islands, but will result in about a 40 percent reduction for Puerto Rico.

C. Pretests

The bill authorizes tests of the Family Assistance proposal to begin as soon as possible after January 1, 1971. The Secretary of Health, Education, and Welfare is directed to report on these tests to the President and to the Congress by March 1, 1972. Tests of a wage subsidy approach to welfare reform are also authorized by the bill.

D. Cost of living differentials in benefit levels

The Secretary is directed to study the cost of living differentials which prevail among different sections of the nation and develop a plan for varying Family Assistance benefits based on these differentials. He is required to report on his plan to the Congress by January 1, 1972.

E. Effective dates

The provisions of the bill would be effective on January 1, 1972, except for the working poor program, which would begin on July 1, 1972, and the child care provisions, which are effective immediately upon enactment.

Mr. RIBICOFF. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is the Senator asking for the yeas and nays on his amendment?

Mr. RIBICOFF. That is correct.

The yeas and nays were not ordered.

Mr. RIBICOFF. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. RIBICOFF. And, Mr. President, I ask unanimous consent that I retain the floor.

Mr. HANSEN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HANSEN. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut? The Senator retains his right to the floor and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I ask for the yeas and nays on the Ribicoff-Bennett amendment to the Scott amendment and the yeas and nays on the Scott amendment.

Mr. BYRD of West Virginia. Mr. President, I ask that it be in order to order the yeas and nays on both amendments.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The yeas and nays were not ordered.

Mr. RIBICOFF. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that I retain the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MONTOYA). Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the yeas and nays be ordered on both amendments.

Mr. BYRD of West Virginia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Delaware?

Mr. RIBICOFF. Mr. President, I am pleased to yield to the Senator from Delaware and ask unanimous consent that I retain the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the yeas and nays be ordered on both amendments.

Mr. BYRD of West Virginia. I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Connecticut has the floor.

Mr. RIBICOFF. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that I do not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Connecticut has the floor.

Mr. LONG. Mr. President, will the Senator yield?

Mr. RIBICOFF. Mr. President, I ask for the yeas and nays on the Ribicoff-

Bennett amendment to the Scott amendment and the yeas and nays on the Scott amendment.

Mr. LONG. Mr. President, I ask unanimous consent that he may ask that.

The PRESIDING OFFICER. The Senate has already granted unanimous consent that it be in order to order the yeas and nays on both amendments.

Mr. LONG. Objection was heard.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. RIBICOFF. Mr. President, I think there is a misunderstanding. The request was made for the yeas and nays on the Ribicoff-Bennett amendment and then the yeas and nays on the Scott amendment as amended by the Ribicoff amendment. That is proper procedure.

Mr. LONG. Mr. President, I ask——

The PRESIDING OFFICER. The Chair informs the Senate that earlier unanimous consent was requested that it be in order to order the yeas and nays on both amendments at the same time. That request was granted, there being no objection. A request was made on one amendment later, and there was objection.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays on both amendments.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The Chair states that it requires 18 for a proper second.

Mr. GORE. Regular order.

The PRESIDING OFFICER. Regular order is requested. The Senator from Connecticut has the floor under regular order.

Mr. LONG. Mr. President, will the Senator yield?

Mr. RIBICOFF. Mr. President, I yield to the Senator from Louisiana without losing my right to the floor.

Mr. LONG. Mr. President, I ask unanimous consent that the yeas and nays be ordered on the two amendments.

The PRESIDING OFFICER. Is there objection?

Mr. GORE. I object. The Senate ought not to operate without some reasonable proximity of a quorum.

Mr. RIBICOFF. Mr. President, I suggest the absence of a quorum and ask unanimous consent that I not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LONG. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk resumed the call of the roll.

Mr. LONG. Mr. President, I ask unanimous consent that further proceedings under the quorum call be terminated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. RIBICOFF. Mr. President, I ask for the yeas and nays on the Ribicoff-Bennett amendment and the Scott amendment.

The PRESIDING OFFICER. Under the previous unanimous-consent order the yeas and nays can be ordered together.

Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered on both amendments.

ORDER OF BUSINESS

Mr. SPARKMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. RIBICOFF. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut yields the floor. The Senator from Alabama is recognized.

AMENDMENT OF THE BANK HOLDING COMPANY ACT OF 1956—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6778) to amend the Bank Holding Company Act of 1956, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. MONTOYA). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 15, 1970, pp. 41480–41484, CONGRESSIONAL RECORD.)

Mr. SPARKMAN. Mr. President, the conference on H.R. 6778, the Bank Holding Company Amendments of 1970, was one of the most prolonged and arduous in which I have ever participated. However, I am happy to report that we were able to obtain agreement on what I consider to be a very good bill.

The bill, incidentally, conforms in all major respects to the objectives and even the language of the Senate-passed bill. For instance, we were able to retain the primary concept originally passed by the Senate in which we set forth guidelines under which the Federal Reserve Board will continue to administer the act and, at the same time, provided the necessary flexibility of regulation and administration which the Federal Reserve Board requested in order to permit it to depart from past precedents and to permit expansion of bank and bank related activities which will be required in order to meet fully the rapidly expanding and varying financial needs of the economy of the Nation.

I am convinced that the bill finally agreed to is a good one and will meet this need for flexibility while, at the same time preserve ample protection for independent small businessmen to insure that they will continue to flourish.

Mr. President, before presenting an outline of the results of the conference on the Bank Holding Company Amendments of 1970, I should like to make a few general remarks about legislative history.

Of course, the language of the statute controls its meaning, in the absence of uncertainty or ambiguity. When the language is unclear, there are certain rules of statutory construction which come into play. Among these is the question of determining the intent of Congress by examining the reports and debates surrounding a particular issue. Often there are occasions when a conference committee will accept a provision originating in one or the other House of Congress which was not even considered in the other House. In cases such as this, the most authoritative sources in determining the most accurate legislative history are the committee reports and floor statements of the House which originated the particular provision in question.

Senate conferees traditionally do not write a "statement of managers" which accompanies the conference report, nor does the statement of managers on the part of the House necessarily reflect the views of the Senate conferees as to questions of interpretation and legislative history. Particularly, as indicated above, language in a statement of managers cannot be authoritative on the question of a Senate amendment.

Now, I think it will be helpful to describe briefly the provisions of the conference bill.

Both bills removed the exemption for one-bank holding companies, and, of course, the conference committee's bill accomplishes this result.

NONBANKING ACTIVITIES

Section 4 of the existing act prohibits a bank holding company having shares of any company which is not a bank, subject to certain exceptions. One of the exceptions is in section 4(c)(8), which, in its present form, permits a bank holding company to have shares of a nonbanking company "all the activities of which are of a financial, fiduciary, or insurance nature" and which the Board, after a formal hearing in each case, has determined to be "so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary" for the prohibition of section 4 of the act to apply "in order to carry out the purposes" of the act.

Former Board Chairman Martin and Chairman Burns each urged the Congress to amend section 4(c)(8) to provide a more flexible or less restrictive standard for permissible nonbanking activities for bank holding companies and their subsidiaries, and to change the present burdensome and time-consuming requirement for a formal hearing on every application, to a requirement for a hearing only when one is requested.

In so testifying at the Senate committee's hearing on this legislation, Dr. Burns advised that:

> The Board recommended that the applicability of the section 4(c) (8) exception should be made to depend on a determination by the Board, after opportunity for hearing if requested, that the particular "nonbanking" activity is "functionally related to banking in such a way that its performance by an affiliate of a bank holding company can be reasonably expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such

as undue concentration of resources, decreased competition, conflicts of interest, or unsound banking practices."

This was the approach adopted by the bill passed by the Senate. The House bill incorporated a similar "functionally related" test and the same modified hearing provision in its revision of section 4(c)(8), but confined the applicability of the section to "activities of a financial or fiduciary nature."

The House bill also had a list of prohibited activities which was opposed by all the Government agencies involved, including the Federal Reserve Board and the Justice Department.

The House conferees offered to give up this latter provision if the Senate conferees would agree to a return to the present language of the act in section 4(c)(8). When this was refused by the Senate conferees, the conference began discussing alternative language and the House conferees, by a letter to Chairman Burns of the Federal Reserve Board dated November 19, solicited the Board's views on alternative language. Chairman Burns replied in a letter addressed to the chairman of the House conferees dated November 23.

Mr. President, I ask unanimous consent to include in the RECORD Chairman Burns' letter and also the letter written by Representative Patman, chairman of the House conferees.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., November 19, 1970.

Hon. ARTHUR F. BURNS,
Chairman, Board of Governors,
Federal Reserve Board,
Washington, D.C.

DEAR CHAIRMAN BURNS: As you no doubt know, the House and Senate conferees on H.R. 6778, the bank holding company bill, have been meeting for the last two days to attempt to resolve the differences in their versions of the bill.

A majority of the House conferees has proposed, in return for dropping the so-called laundry list in the House version of H.R. 6778, that the conference adopt as the standard by which the Federal Reserve Board would make determinations in Section 4(c)(8) applications, the language of the 1956 Act with certain modifications including the deletion of the "financial, fiduciary and insurance" language. Enclosed is a copy of the compromise discussed above.

A majority of the House conferees has made it clear that it will not compromise further than the proposal outlined above in connection with the bank related activities issue. Therefore, I request the Board of Governors of the Federal Reserve to express its views on whether it would prefer having the one bank loophole to the Bank Holding Company Act of 1956 removed while retaining essentially the standard on Section 4(c)(8) applications stated in the 1956 Act, or would prefer that no legislation on this issue be enacted during this Congress.

We would appreciate your answer to this question as soon as possible, preferably by noon on Saturday. Since it appears that the conferees have narrowed this crucial issue down to the question propounded above, it would be appreciated if you would limit your reply to the above stated question.

Sincerely yours,

WRIGHT PATMAN,
Chairman.

ENCLOSURE

The House conferees agreed to recede with an amendment which reads as follows:

Section 4(c)(8) is amended to read:

"(8) shares of any company the activities of which the Board after due notice and opportunity for hearing, has determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adveres effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. In orders and regulations under this subsection, the Board may differentiate between activities commenced de novo and activities commenced by the acquisition, in whole or in part, of a going concern."

CHAIRMAN OF THE BOARD
OF GOVERNORS,
FEDERAL RESERVE SYSTEM,
Washington, D.C., November 23, 1070.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing in reply to your letter of November 19, 1970, regarding H.R. 6778, the bank holding company bill.

The Board has recommended, and continues to recommend, that section 4(c)(8) be revised to enable bank holding companies to engage, through nonbank subsidiaries, in any activity that is "functionally related to banking in such a way that its performance by an affiliate of a bank holding company can reasonably be expected to produce benefits to the public . . . that outweigh possible adverse effects . . ." Once a particular activity is determined to be permissible under this standard, Board approval would be required before a holding company could establish a subsidiary to engage in the activity. This screening process would identify the kinds of services related to banking that bank holding company systems are likely to be able to offer the public conveniently and efficiently, and would establish conditions under which entry into the authorized lines of business should enliven competition rather than diminish it.

These results could be reached by interpretation under the draft paragraph enclosed with your letter. However, less uncertainty and perhaps less need for future statutory revisions would be experienced if changes are made to solve two problems discussed in the next two paragraphs.

First, in the limited area in which applications have been approved under the existing section 4(c)(8), the Board has in the past interpreted the statute as requiring a "direct and significant connection" between the activities of the proposed subsidiary and those of the subsidiary banks of the holding company. But we do not believe it is desirable to unduly restrict entry by nonbank subsidiaries into markets that are distinct from those served by the subsidiary banks of the holding company. This position may lessen risks of tie-ins and is consistent with Governmental policies to promote competition. This was one of the reasons we recommended that "closely related" be changed to read "functionally related" in the statute; we wanted to avoid perpetuating the concept that a nonbank subsidiary's business must be related to the business of an affiliated bank. If the conferees prefer to keep "closely related" in the language of the statute, our objective would be served by changing the words "the business of banking or of managing or controlling banks" to read "banking or managing or controlling banks." We have in mind indicating that a nonbank subsidiary's activities should be related to banking (or managing or controlling banks) generally, rather than to the specific business carried on by the subsidiary banks of the particular holding company involved.

Second, we think the language of the statute should make clear that there are two tests to be satisfied in deciding whether nonbank subsidiaries of bank holding companies should be allowed to engage in a particular activity: (1) whether the activity is closely related to banking, and (2) whether it is a proper incident to banking, and that in applying the second test, the Board is to weigh the possible benefits to the public against the risks of adverse consequences. We believe that the language proposed by the House conferees might be misconstrued to apply three tests: (1) whether the activity is closely related, (2) whether it is a proper incident to banking, and (3) whether the benefits outweigh the risks. To avoid such a possibility, we suggest the following revision (which also incorporates the changes discussed above). Language in brackets would be omitted, language in italics would be inserted.

"(8) shares of any company the activities of which the Board after due notice and opportunity for hearing has determined [to be so] *are* closely related to [the business of] banking or [of] managing or controlling banks [as to be] *and are* a proper incident thereto. [and] *In determining whether a particular activity is a proper incident to banking or managing or controlling banks the Board shall consider whether its performance by an affiliate of a holding company* can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. In orders and regulations under this subsection, the Board may differentiate between activities commenced de novo and activities commenced by the acquisition, in whole or in part, of a going concern."

I have offered these comments in the hope that the conferees are prepared to consider suggestions designed to help accomplish objectives with which we believe you agree. In the Board's judgment, the modifications we suggest serve to clarify and are in harmony with the language attached to your letter.

The Board continues to feel it is highly important to enact one-bank holding company legislation this year, rather than start the process over again next year, with all the uncertainties and complications that might be invited. One member of the Board, Governor Robertson, would support the language attached to your letter without change.

Sincerely yours,

ARTHUR F. BURNS.

Mr. SPARKMAN. The language suggested by Chairman Burns in his letter formed the basis for the conference agreement on language for this section. In fact, there were very few changes made in the new language suggested by the Board, so that I am certain that the intention of both former Chairman Martin and Chairman Burns, in testifying for the Board, can and will be carried out under the language agreed upon. To reiterate what Chairman Burns stated in his letter:

> If the conferees prefer to keep "closely related" in the language of the statute, our objective would be served by changing the words "the business of banking or of managing or controlling banks" to read "banking or managing or controlling banks".

The conferees agreed to this suggestion, as well as others, made by Chairman Burns. The final provision agreed to by the conferees reads as follows:

> (8) shares of any company the activities of which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto. In determining whether a particular activity is a proper incident to banking or managing or controlling banks the Board shall consider whether its performance by an affiliate of a holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. In orders and regulations under this subsection, the Board may differentiate between activities commenced de novo and activities commenced by the acquisition, in whole or in part, of a going concern:

As is readily seen, this varies only slightly in language and none in substance from the language suggested by Chairman Burns in his letter of November 23. This language as agreed to will serve the purposes of the language in the Senate bill on this subject as explained in the Senate committee report.

I might say this was a free and open conference. It was worked out carefully between the conferees. I am pleased that we were able to work out this most troublesome part of the bill, to do the thing that we in the Senate had been proposing all along should be done.

It frees the Board of the restrictive precedents established under the present act and it provides that permissible activities may be related to the business of banking generally, rather than perpetuating the concept that such activities must be related to the specific business carried on by the subsidiary banks of the particular holding company involved. Furthermore, it defines "a proper incident" to banking in very broad terms of various benefits to the public as opposed to possible adverse effects.

As Chairman Burns stated in his letter of November 23, this result might have been obtained by interpretation of the proposal of the House conferees, which was rejected by the conference. However, as he stated, "Less uncertainty and perhaps less need for future statutory revisions would be experienced" if the changes suggested by him were made.

Your conferees are satisfied that the new language will provide the flexibility desired with proper safeguards for the public interest.

GRANDFATHER CLAUSE

After reaching the decision to remove the one-bank holding company exemption, it became necessary to determine what course of action was to be taken in regard to those one-bank holding companies which are engaged either directly or through subsidiaries, in activities to be prohibited by the Act.

The Conference agreed with the Senate's position that the most appropriate measure would allow existing one-bank holding companies to continue to engage in the activities and retain the subsidiaries they held on June 30, 1968, rather than requiring them to cease the activity or divest the subsidiary.

Congress had twice refrained from placing one-bank holding companies under the provisions of the Bank Holding Company Act. The latest such decision was only 4 years ago. Because of this, it was the desire of the conference to choose a grandfather date upon which all concerned parties should have had reasonable notice that the Bank Holding Company Act would probably be amended to remove the one-bank holding company exemption.

The June 30, 1968 date was chosen because it was about that time that it began to become clear that the major banks of this country were going to restructure themselves as subsidiaries or affiliates of one-bank holding companies. By that date, several such restructurings had already been announced or had been publicized as being planned. No significant nonbank acquisitions, however, had yet been made by such companies. The controversy engendered by the foregoing publicity substantially insured that Congress would have to restudy the one-bank exemption and to a certain extent the public was thus put on notice that the issue was going to be reconsidered by the Congress. While almost any date chosen could be considered as arbitrary, and while several other dates could also be considered as fair, it was the judgment of the conference that on balance the June 30, 1968, date chosen by the Senate was the most equitable.

The House conferees, though willing to go along with the June 30, 1968, date, were concerned that the holding companies who obtained the benefit of the grandfather clause, particularly those owning large banks, would be in a position to take undue advantage thereof and abuse the public. While we agree with all the Government regulatory agencies that no major abuses have been effectuated by the existing one-bank holding companies, nevertheless, in order to reach accord with the House conferees, it was decided to minimize even the potential for abuse by conferring on the Federal Reserve Board the power to terminate any authority obtained by holding companies under the grandfather clause.

Under the compromise, the Board may order such termination only if it determines that in the case of the particular holding company involved, it is necessary to do so in order to prevent undue concentration of resources, decreased competition, conflicts of interest, or unsound banking practice. The holding company involved must be given notice and the opportunity for a hearing.

In other words, though it is the general intention of the Congress, on the basis of fairness and equity, to permit holding companies who owned a bank on June 30, 1968, to continue to conduct the nonbank activities in which they were then engaged, the Board may, by application of the standards described above, limit the benefits conferred by the grandfather in any particular situation where abuse of the public is not merely remote or potential but more immediate or actual.

The Board may act under this power at any time. With respect to holding companies controlling banks with assets of $60 million or more, however, the Board will be required to review their nonbanking activities within the 2 years following the date of enactment of the bill or the date the banking assets controlled by the holding company reaches $60 million. It is important to note that the Board's authority with respect to such holding companies does not end after the 2-year period. The grandfathered benefits may at any time thereafter still be terminated if the Board subsequently finds such action to be necessary under the applicable standards.

A holding company whose grandfather rights are terminated by order of the Board will have the right to judicial review thereof under the applicable provisions of the act.

The grandfather clause does not permit a company who has the benefit thereof to eliminate competition in the grandfathered activities through the acquisition of the stock or the assets of a going concern. It is entirely appropriate, however, for a company to be allowed to continue to engage in those activities in which it was engaged on June 30, 1968, and to expand those activities other than by such anticompetitive acquisitions.

The reason for prohibiting a holding company from purchasing a going concern engaged in one or more of the grandfathered activities of the holding company is that such acquisition would tend to have an anticompetitive effect in that it would reduce the number of firms competing against each other in a given activity. Conversely, the bank holding company is left perfectly free to form a new company to engage in one or more of its grandfathered activities since such formation would have a procompetitive effect by increasing the number of firms competing in a given activity.

This restriction on the purchase of assets does not bar incidental purchases from another company. Nor does the restriction prevent a holding company from purchasing the assets of a company engaged in the grandfathered activities if that company is going out of business. A company going out of business is not a "going concern" within the meaning of the provision reported by the conference.

The conference adopted the Senate's view in including a provision which would allow the holding company the necessary flexibility to reorganize within its internal structure so that it can shift responsibility for operating one or more of its grandfathered activities from one subsidiary to another, from the holding company itself to a subsidiary and vice versa, or to form a new subsidiary for this particular purpose.

Thus, as has been pointed out, the holding company entitled to the benefit of the grandfather clause will be limited in the activities it may conduct under that clause and will be restricted in the type of acquisitions it may make. The basic long-term expansion of these companies that decide to keep their banks will be committed to those activities which are permitted to bank holding companies generally. In this regard, the one-bank holding companies which become registered bank holding companies as a result of this legislation will have the rights and privileges of any other registered bank holding company, including the right, subject to the approval of the Federal Reserve Board, to own more than one bank and engage in activities related to banking.

DIVESTITURE

As a result of the passage of this bill, some companies will be required to divest one or more subsidiaries, or cease to engage in one or more activities. In certain cases, the activities will have been commenced or the subsidiaries acquired after the June 30, 1968, grandfather date. In other situations, the Board may order divestiture despite the grandfather clause under certain conditions, as described earlier. Moreover, there will be a number of companies that will find it impossible to continue normal growth under the act even with the grandfather clause that has been adopted.

In deciding what provision to make for a divestiture period, there were several factors which were carefully considered by the conference.

It is anticipated that the Congress will follow precedent and pass a bill providing companies required to make divestitures under this legislation with relief from an undue tax burden as a result of such divestiture.

It would be inequitable to require these divesting companies to commit themselves to a divestiture plan without knowing what their tax situation will be in regard to such divestiture. Accordingly, it was deemed necessary to provide a divestiture period of sufficient length that these companies will have adequate time to make their divestiture plans after the appropriate tax relief measure is passed by Congress.

Another factor considered by the conference is the current state of the economy. Market conditions are far less than ideal, availability of money and credit is far below optimum, and the economy in general is going through a period of readjustment. These facts are persuasive that divesting companies should be given more time to divest than would seem to be necessary under better economic conditions.

Finally, the conference was aware that there may be a large number of banks or nonbanking subsidiaries which will be divested as a result of the passage of this legislation. Under these circumstances, the sellers may not be able to get fair market value for the assets they are divesting, particularly if they are all required to divest simultaneously within a relative short period of time.

As it passed the Senate, the bill would have allowed companies required to make divestitures an initial period of 5 years within which to do so, with the opportunity of obtaining up to an additional 5 years upon the approval of the Board. The conference decided to provide for a flat 10-year divestiture period. This will eliminate part of the additional burden upon the Board that will result from the enactment of the bill. Moreover, it was deemed to be more equitable to the companies that will be required to make divestiture.

In the case of divestiture ordered by the Board as a result of its termination of the authority acquired by a company under the grandfather clause, the 10-year period will commence to run from the time the order of the Board becomes final, after the conclusion of any appeals or after the time to appeal has expired. In all other cases, the time will run from the date of enactment of the bill.

The conference adopted the provision from the Senate bill which will allow any company covered by this legislation to retain or acquire whatever shares, or engage in whatever activities, it wishes so long as, within the applicable divestiture period, it either ceases to be a bank holding company or ceases to retain direct or indirect ownership or control of shares or to engage in activities that are not authorized under an applicable section of the act.

In order to insure that there is no evasion of the general intent and purpose of this provision, the bill provides that companies utilizing this authority must comply with such other conditions as the Board may by regulation or order prescribe. If it appears to the Board that there is some incentive for a holding company to make an acquisition that would not serve the purpose of this provision, then the Board is given the express authority to issue regulations or orders to prevent such an acquisition. It is contemplated that the Board will insure that the authority to make the acquisitions and engage in the activities provided by this particular provision will not be utilized by a bank holding company covered by this legislation to go into activities and make acquisitions which are totally unrelated to its present activities in order to gain an undue advantage during the applicable divestiture period, or for any other purpose inconsistent with the intent and purpose of the Act.

EXEMPTION FOR CERTAIN COMPANIES

The Senate bill contained a provision which would have exempted from section 4 of the act any one-bank holding company in existence on the date of enactment of the bill if (A) the net worth of the bank did not exceed $3 million, or (B) the net worth of the bank was not greater than $50 million and the bank's net worth was less than 25 percent of the net worth of the entire holding company. However, the Board was authorized to waive the $50 million limitation to avoid undue hardship or to meet a public need for banking services, or it could otherwise modify or terminate the exemption in order to prevent undue concentration of resources, decreased competition, conflicts of interest, or unsound banking practices.

The House bill contained no similar provision.

In lieu of the Senate amendment, the conference committee adopted a provision which gives the Federal Reserve Board broad authority to make exemptions from section 4 of the act for bank holding companies which controlled one bank prior to July 1, 1968, and have continuously controlled the bank since, "in order first, to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved, or second, to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or third, to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests." This substitute for the outright exemption provided in the Senate bill, I believe, is a reasonable solution. It recognizes the validity of the Board's consistent position that the legislation to remove the one-bank holding company exemption is necessary to prevent possible future abuses and is not being taken on the basis that abuses have occurred in the past. The Board is given ample authority to provide relief, by means of granting exemptions for those situations which are described in Senate Committee Report No. 91-1084, pages 9 and 10. I ask unanimous consent that that portion of the report be reproduced in the RECORD at this point.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

EXEMPTIONS FOR CERTAIN COMPANIES

As has been previously noted, the decision to remove the one-bank holding company exemptions is being taken as a necessary step to prevent possible future abuses and is not being taken on the basis that abuses have occurred in the past. Accordingly, as discussed, the committee adopted a grandfather date designed to allow companies existing prior to that date to continue to retain the subsidiaries and engage in the activities they held or in which they were engaged on that date. The committee is aware, however, of the existence of two other types of holding companies whose hardship will not be adequately relieved by the provision dealing with a grandfather date.

The first of these types is the one-bank holding company located in the small towns across the country whose banks are small, and whose nonbanking activities are generally limited to one or two other types of businesses. The committee believes that the possibility of abuse of the purposes of the act by such companies is remote. Accordingly, the committee adopted a provision which would exempt from the prohibitions against nonbanking activities all one-bank holding companies existing on the date of enactment of the proposed legislation, so long as the bank subsidiary does not have a net worth in excess of $3 million. These companies would be allowed to engage in whatever activities they want, without regard to the prohibitions in the act, as long as the bank does not merge with another bank without the express approval of the Federal Reserve Board; increase its capital by contributions from its nonbanking subsidiaries, its nonbanking parent, or from affiliates of such parent company without prior express approval; or pay dividends in excess of its current earnings.

The second type of bank holding company not relieved by the grandfather clause is the large diversified company which is the owner of a bank as well as numerous diversified nonbanking subsidiaries. These corporations are owners of banks for a variety of reasons. Some have owned their banks for a number of

> years and acquired the bank to prevent its failure, or to insure that their employees had adequate banking services at their disposal. Other such companies acquired their banks on a more recent date, again for a variety of reasons. The committee is convinced that these companies have not utilized their banking subsidiaries to gain any special advantage for their nonbanking subsidiaries nor have they perpetrated any other abuses in connection with their ownership or control of a bank.
>
> The nature of the businesses of these companies is such that they must continue to broaden their nonbanking activities and affiliations. Their growth must be directed toward those businesses and activities in which they are not engaged. Consequently, the existence of a grandfather clause offers little aid to such companies. Without some provision in the act, they would in fact be required to either divest their bank or cease to expand in their nonbanking activities. Thus, in order to prevent these companies from suffering undue hardship as a result of the proposed legislation, it would be necessary to adopt a provision exempting these companies from the prohibition contained in the act against engaging in new nonbanking activities.
>
> However, the committee was concerned that to allow such companies a complete exemption from the prohibitions against nonbanking activities might in time make it possible for one or more of these companies to obtain some advantage over their competitors as a result of their bank ownership, or to derive some other benefit or advantage thereby which would be contrary to the public policy. Also, it is possible that one or more of these companies might engage in practices contrary to the public interest.
>
> Accordingly, the committee adopted a provision which would prevent these companies from suffering undue hardship as a result of the enactment of this legislation and, at the same time, provide an adequate safeguard against possible abuses and against the possibility of their deriving undue advantage by reason of their ownership or control of a bank.
>
> The committee provided that these companies are exempt from the prohibitions against nonbanking activities or subsidiaries so long as the net worth of their bank does not exceed the greater of $3 million (which was mentioned earlier) or an amount equal to 25 percent of the combined net worth of the holding company and all of its subsidiaries, or $50 million, whichever is the lesser.
>
> In addition, the Board is given the authority to waive the $50 million limitation where it determines that such action is consistent with the purposes of the act and is necessary or appropriate to avoid undue hardship to either the bank or its parent holding company or is necessary to meet a public need for banking services that is not otherwise available.
>
> The Board is also given the authority to terminate or modify the exemption provided in regard to the 25 percent net worth test or to $50 million maximum, if the Board determines that such action is necessary to prevent undue concentration of resources, decreased competition, conflicts of interest, or unsound banking practices.

TIE-IN ARRANGEMENTS

Mr. SPARKMAN. The Senate bill included a broad provision against tie-in arrangements, which was the subject of some debate on the Senate floor and which is explained in Senate Committee Report No. 91–1084. There was no similar provision in the House bill. As stated in the Senate report:

> The purpose of this provision is to prohibit anti-competitive practices which require bank customers to accept or provide some other service or product or refrain from dealing with other parties in order to obtain the bank product or service they desire.

This statement was repeated in the supplementary views of the author of the amendment, the Senator from Massachusetts, Mr. BROOKE.

Although the amendment was modified during the debate in the Senate, the modification was made in order to conform the language of the amendment to the explanation in the Senate report. Therefore that explanation should continue to be the basis for interpretation of the amendment.

This provision was accepted by the House conferees with an amendment requested by the Justice Department. The amendment, however, does not affect the substance of the provision. It provides that whenever any enforcement action is instituted by the United States which could be the subject of a private suit under this section, the running of the statute with respect to private suits shall be suspended during the pendency of the enforcement action and for one year thereafter.

STANDING TO SUE

The Senate bill contained a section providing for judicial review under section 9 of the Bank Holding Company Act in any case where a bank holding company sought to engage in a nonbanking activity pursuant to section 4. It provided that a party who would become a competitor of the applicant by reason of its entry into the business or activity involved should have the right to be a party in interest in proceedings before the Board, in order that it could have the right of judicial review under section 9.

The conference committee agreed to this provision, but also adopted language extending these rights to cases under section 3 of the Bank Holding Company Act, controlling acquisition of banking subsidiaries, and section 106 of this act, relating to exemptions from the tie-in provisions. It also included language providing for judicial review not only under section 9 of the act but "as otherwise provided by law"; that is, the Administrative Procedure Act.

There are a number of cases pending in the courts where competitors have been granted standing to sue under common law principles, because they have not been afforded the right to intervene in adversary proceedings by the agencies involved. By providing specific rights to intervene under this act, together with specific forums for judicial review, these cases in the future should follow the procedures set forth in section 105 of this bill and section 9 of the act. In other words, in order to challenge an unfavorable Board decision in court, the aggrieved parties must participate in the administrative proceedings before the Board.

OTHER PROVISIONS

Both bills eliminated the partnership exemption, but the Senate bill provided that the Federal Reserve Board could not find control solely by aggregating the interest of individuals or attributing their interest to the interest of the company. The House provision was agreed to and the limitation in the Senate bill on finding control by aggregating interest of individuals was eliminated.

The House bill terminated the exemption for trust department holdings of bank stock in determining whether a company controlled a bank. The Senate provision also terminated this exemption, but provided that the termination was eliminated only as to stock acquired after the date of enactment where the bank had sole discretion to vote the stock. This provision was modified to make it applicable only if the bank has the right, consistent with its obligations under a trust agreement, to divest itself of the voting rights and fails to exercise that right within a reasonable period not to exceed 1 year after enactment.

The House bill would have removed the exemption for labor unions and agricultural and horticultural organizations. The Senate bill would have retained this exemption and the conference committee agreed to the Senate provision.

The Senate bill exempted from section 4 of the act any one-bank holding company existing on June 30, 1968, 85 percent or more of whose voting stock was collectively owned on June 30, 1968, and continuously thereafter, by members of the same family. The conference committee agreed to the Senate provision.

The Senate bill exempted federally insured trust companies and mutual savings banks which own one bank in a State, if owned on the date of enactment of the bill and ownership is authorized by State law. This was agreed to by the conference committee.

The Senate bill amended the definition of a bank to exclude an institution which does not engage in the business of making commercial loans. This was the amendment offered in the committee by the Senator from Massachusetts (Mr. BROOKE) and it was accepted by the conference committee.

The House bill had a provision which would exempt from coverage any bank controlled through a company wholly owned by thrift institutions, if the bank restricts itself to the acceptance of deposits from thrift institutions, deposits from business of its owners, or deposits of public moneys. The Senate bill had no similar provision, but the House exemption was accepted by the conference.

Both bills had language giving the Federal Reserve Board additional authority to determine where control of a bank by a bank holding company exists. The provisions of the two bills were substantially similar in this respect but the conference committee adopted the Senate language with some technical changes.

Mr. President, I want to make these few personal remarks before closing. This piece of legislation has been a particularly difficult bill. It is one that has caused a great deal of controversy and one that has been given a great deal of publicity, some of which, I believe, has been unjust, and unfair.

Nevertheless, as I have already indicated, I believe we have reached fair and equitable conclusions in the conference report, and I feel we are presenting a good compromise for Senate approval.

In this connection I want to take this opportunity to thank and commend all the members of the Banking and Currency Committee who worked so hard and so long on this matter. I especially want to commend those members of the committee who served the Senate as conferees. They did a magnificent job.

I also want to express my appreciation to the Banking and Currency Committee staff—especially to Mr. Hugh H. Smith, assistant counsel, and Mr. John R. Evans, minority staff director—for the very able assistance they gave and the outstanding job they did for the committee—the Senate, and, I shall add, for the good of the country, on this measure.

Mr. BENNETT. Mr. President, I should like to associate myself with the Senator from Alabama in his remarks expressing his gratitude to Mr. Hugh Smith and Mr. John R. Evans. They did yeoman service in helping the Senate conferees maintain the Senate position in what at times became a very difficult and heated conference.

Mr. JAVITS. Mr. President, will the Senator yield to me for just 1 minute?

Mr. BENNETT. I should like first to pay my respects also to the Senator from Alabama, the chairman of the Committee on Banking and Currency. He served as chairman of that conference for the Senate side in a masterful manner. It was a very difficult conference, because there was very serious basic disagreement between the representatives of the two Houses over what the ultimate effect of this legislation should be. The members of the Senate conference group stood firmly behind his leadership, and because his leadership was firm, we were able to accomplish what the Senate sent us to do. I believe the Senate should be very pleased with the report agreed upon by the conference committee on H.R. 6778, and I recommend that the conference report be adopted.

It will be remembered that the Senate approved its bill by a vote of 77 to 1 on September 16. I think the Senate should be pleased, as I have said, because those who were appointed to represent the Senate position found themselves up against a very restrictive House bill.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. SPARKMAN. The Senator mentioned the vote on the Senate bill being 77 to 1. That one Member happened to be a very able and esteemed member of the conference committee, and he signed the conference report.

Mr. BENNETT. Yes. I am happy to agree with the chairman that he was a very effective member of the conference, and that makes it unanimous. I appreciate the Senator's putting that into the RECORD.

The final result is a good bill, because it maintains maximum flexibility for the Federal Reserve Board to determine the activities in which a bank holding company and its subsidiaries may engage, but at the same time protects those nonbanking industries in which banks are allowed to compete from undue competition by the banks.

Mr. President, I ask unanimous consent, at an appropriate place in my remarks, to have printed in the RECORD a letter from the Chairman of the Board of Governors of the Federal Reserve System, addressed to the Honorable WRIGHT PATMAN, chairman of the House Committee on Banking and Currency, and a letter addressed to me by the Assistant Attorney General, Antitrust Division of the Department of Justice, together with certain other quotations from the committee records.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, will the Senator from Alabama yield?

Mr. BENNETT. I have the floor.

Mr. PROXMIRE. Will the Senator from Utah yield?

Mr. BENNETT. I am happy to yield.

Mr. PROXMIRE. Mr. President, I join the Senator from Alabama and the Senator from Utah in commending this conference report to the Senate. I do so as the one Senator referred to by the two distinguished Senators as the one Member of this body who voted against the one bank holding company bill when it passed this body. I think it had some very serious shortcomings, and I was strongly against it, but I think they were well worked out in conference, and the bill now before us is a good bill.

I wish to pay tribute also to the Senator from Alabama (Mr. SPARKMAN), who, as the Senator from Utah has said, showed great ability, as he always does in conferences. I am always amazed at the amount of knowledge the Senator from Alabama has in all these matters. The Senator from Utah is as tough a conferee as I have ever known, but he was constructive and cooperative. And, Mr. President, I also wish to say that Representative WRIGHT PATMAN, who felt very strongly on this bill and fought vigorously for the kind of bill that he wanted in the House of Representatives, was, of course, handling the conference as the chairman of the House position. I think that he agreed with us finally, after a great deal of discussion and debate, on a bill which will permit the banking industry to operate cooperatively and efficiently, and which does protect public interest.

Although there were wide and substantial differences between the House and Senate versions of this legislation, I believe the bill recommended by the joint House-Senate conference committee is fair compromise, and represents an effective approach to regulating one bank holding companies. Despite sharp differences of opinion over particular provisions of the bill, all the members of the conference committee cooperated in resolving those differences in a constructive manner.

Mr. President, perhaps the most important issue considered by the conference committee dealt with the extent to which bank holding companies may be permitted to engage in nonbanking activities. Under section 4(c)(8) of the present Bank Holding Company Act, bank holding companies may engage in activities "so closely related to the business of banking as to be a proper incident thereto." The House legislation deleted this language and said instead that bank holding companies would be permitted to engage in activities which are "functionally related to banking." However, the House bill also prohibited or substantially restricted the authority of bank holding companies to engage in six specified activities. While there is some confusion on the legislative history, this so-called "negative laundry list" apparently applied to commercial banks not part of a holding company structure. In the view of many, therefore, the House bill was substantially more restrictive than the existing law.

The Senate bill also permitted bank holding companies to engage in activities which were determined to be functionally related to banking. However, the Senate bill did not include the list of specified prohibitions contained in the House legislation. The Senate bill was therefore generally interpreted as a major liberalization of the range of activities permitted bank holding companies under the 1956 Bank Holding Company Act.

In resolving the differences over this issue, the conference committee agreed essentially to retain the standards of the existing 1956 Bank Holding Company Act. Under the legislation recommended by the conference committee, all bank holding companies would be permitted to engage in activities which are so closely related to banking as to be a proper incident thereto. This standard is quite similar to the existing 1956 Bank Holding Company Act, although the term "business of banking" was changed to read "banking." This change is intended to permit the Federal Reserve Board to determine a particular activity as closely related to banking, even though the activity in question may not be closely related to the specific activities of the affiliated holding company bank. For example, under the existing interpretations of the 1956 act, the Federal Reserve Board has permitted bank holding companies to establish mortgage banking affiliates, provided that the mortgages acquired by the affiliate were sold only to the holding company bank. The revised language recommended by the conference committee would permit the mortgage banking affiliates of bank holding companies to engage in a general mortgage banking business without confining their relationships to the holding company bank.

During the hearings before the Senate Banking and Currency Committee on the one bank holding company legislation, it was argued that the 1956 Holding Company Act was too restrictive and that a major liberalization was required. Although I repeatedly asked banking witnesses and the spokesmen for the bank regulatory agencies to list the specific activities which they felt were proper for bank holding companies and which were precluded by the 1956 Bank Holding Company Act, I was unable to receive a satisfactory response. About the only concrete example which was supplied involved the case of a mortgage banking affiliate which I previously described. Because of the vagueness associated with the term "functionally related" I felt that the Congress should not effect a major change in the 1956 Holding Company Act until it had a more precise idea of the specific kinds of activities in which it was authorizing banking holding companies to engage.

In this connection, it is appropriate to discuss the reasoning behind S. 1052, which I introduced on February 18, 1969, to regulate one bank holding companies. This legislation brought one bank holding companies under Federal regulation; however, it did not change the present standards of the 1956 Holding Company Act under section 4(c) (8).

In introducing this legislation, I stated that we needed to have a more comprehensive reform of our entire banking system before effecting a major change in the nonbanking activities of bank holding companies. In this connection, the legislation called for the establishment of a national banking commission to determine to what extent existing banking laws and regulations promoted vigorous and healthy competition in the banking industry.

I am happy to note that after 2 years of intensive study and debate, the final solution which emerged is closely similar to the approach taken by S. 1052. The President has already appointed a Commission on Financial Structure to review the role which banks and other financial institutions need to play in our economy in the years ahead. In addition, the legislation recommended by the House-Senate conference committee contains essentially the standards contained under section 4(c) (8) of the present Bank Holding Company Act.

Perhaps a case can be made in the future that the 1956 Bank Holding Company Act is too restrictive and should be liberalized. Hopefully, the President's Commission on Financial Structure will review the matter in detail and make specific recommendations to the Congress. The Congress can then consider these recommendations along with the other reforms proposed by the Commission.

In the meantime, we have closed the major loophole contained in the 1956 Bank Holding Company Act and have brought one bank holding companies under Federal regulation.

Mr. President, I was also pleased to note that the House-Senate conference committee recommended the elimination of the so-called conglomerate exemption which would have exempted nearly 82 percent of all one-bank holding companies from effective regulation. This amendment was substantially at variance with the major purposes of the bank holding company legislation and was strongly opposed by the Federal Reserve Board and the Justice Department. Even the Treasury Department offered a belated recognition that the exemptions contained in the conglomerate amendment were too broad, although it is unfortunate that the Treasury position was not received until after the Senate debate on the one-bank holding company bill.

In any event, I am satisfied that the joint House-Senate conference committee has removed this major defect from the Senate bill. The legislation recommended by the conference committee does however permit Federal Reserve Board to exempt one-bank holding companies from section 4 of the 1956 act in those few cases where regulation would invoke a genuine hardship and where an exemption would not be substantially at variance with the purposes of the act.

In summary, Mr. President, I believe the House-Senate conference committee has developed a fair and equitable solution to the one-bank holding company problem. The legislation closes a major loophole in the Bank Holding Company Act, and provides additional protections to the competitors of bank holding companies who might be endangered by unfair competition. I believe it is a tribute to the excellent leadership of the Senator from Alabama and Congressman WRIGHT PATMAN, the chairman of the House Banking and Currency Committee, that this important legislation has been brought to the floor. I recommend that the Senate approve the conference report as reported by the House-Senate conference committee.

Several Senators addressed the Chair.

Mr. BENNETT. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. BENNETT. I am happy to yield to the Senator from New York.

Mr. GOODELL. Mr. President, I commend the conferees on this conference report. I think they have done an excellent job. I think it is fair to the banks and I think it is fair to the public. I think it provides adequate protection under the circumstances, and I think it is not inflexible, as was the House legislation.

I should like to ask the chairman of the committee one question, for clarification. As to this question of related activities that are in the public interest: I take it that the intent of the conferees is that the burden is on the bank holding company not only to prove that the acquisition would provide benefits to the public, but also to show affirmatively that they outweigh the adverse effects involved with undue concentration of resources, decreased competition, conflicts of interest, or unsound banking practices.

I should like to divide the question. I think it is quite clear that there is a burden on the bank holding company to prove that it is in the public interest; but how much proof do they have to show that these adverse effects will not take place?

Mr. SPARKMAN. Mr. President, I do not believe we can measure it in terms of burden of proof. There would be a presentation to the Board, and it would surely have to meet the satisfaction of the Board that the good part would not be outweighed by the bad things.

In other words, what we have done here has been to make it flexible within the discretion of the Federal Reserve Board. We provide the right not only for the holding company to present its case, but for any aggrieved person or group or organization to have access to the Federal Reserve Board. When they set their regulations and their orders on any proceeding on any of these matters, there must be an opportunity for a hearing. And also, the Board is given the authority to make these determinations generally, as well as in individual cases.

In short, what we have tried to do has been to set general guidelines within which the Federal Reserve Board is to exercise discretion.

Mr. GOODELL. I appreciate the chairman's explanation. If I understand it correctly, then, there is no burden of proof, as such.

Mr. SPARKMAN. I would not call it so, because this does not have the formality which that would imply. There can be a hearing in which they are given the right to present their case, and I suppose the Federal Reserve Board will probably seek information to use in making its determinations.

Mr. GOODELL. Exactly.

Mr. SPARKMAN. The Board will certainly be able to seek information.

Mr. GOODELL. It is, in other words, it is up to the discretion of the Federal Reserve Board how they handle it, and what information is needed?

Mr. SPARKMAN. That is correct.

Mr. GOODELL. In assessing the benefits or the possible adverse effects?

Mr. SPARKMAN. That is correct.

Mr. GOODELL. I appreciate the explanation of the chairman.

I believe the public interest or benefit should be the most important consideration in any case and that the underlying component of the public interest is the maintenance of competition in each local market and the prevention of concentration of economic power.

In making its decision, I feel certain the Fed must strictly construe our requirement that the petitioning bank-holding company show in detail that the acquisition will be in the public interest. Only in this way will they clearly know the consequences of the acquisition and only with this knowledge can a fair, studied judgment be made.

Mr. President, this is a complex piece of legislation. Its primary purpose, which was agreed upon by all conferees, was to plug the loophole in the Bank Holding Company Act of 1956, which exempted from the coverage of that act holding companies owning only one bank.

However, once we agreed on this issue, there was substantial disagreement as to the implementation of this purpose, and to many other matters relevant to bank holding company legislation. Extended hearings were held in both the Senate and House, numerous bills were submitted for consideration, floor amendments were made in both Houses, and, generally, different approaches were taken by the Senate and House in the versions finally passed by each.

The House-passed one bank holding company bill, H.R. 6778, largely rewritten on the floor under the direction of Chairman WRIGHT PATMAN, was viewed by many observers as an extreme and unreasonable bill. It severely restricted the ability of bank holding companies to expand into bank-related activities. It prohibited bank holding companies from engaging in certain businesses including insurance, travel agencies, accounting, data processing and equipment leasing. In doing so, it thereby served as a protective shield for those industries—fearful of competing with banks in the same business.

The action of the Senate on the one bank holding company legislation can be interpreted as an equal and opposite reaction to the more restrictive bill passed by the House. The Senate-passed bill, which I supported, provided the banking industry with a great deal of flexibility regarding expansion into bank-related activities.

One of the major reasons for the polarization of approaches between the two Houses of Congress was to afford the widest possible latitude for compromises in the conference committee. The conferees had a difficult job resolving the major differences between the two versions. It is my opinion that in the main the compromise reached and now submitted for approval of the Senate is a fair compromise. It is a bill that can neither be labeled probank or antibank but one which regulates the expansion of one bank holding company activity in the public interest.

The key issue in the bank holding company legislation was the amendment of section 4(c)(8) of the Bank Holding Company Act of 1956 which defines the permissible nonbanking activities and acquisitions of multibank holding companies.

The House seemingly liberalized the section 4(c)(8) language by requiring that acquisitions be "functionally related" to the business of banking. At the same time, however, bank holding companies were enjoined from such activities as securities, insurance, travel agencies, accounting, data processing and equipment leasing. These prohibitions became known as the "laundry list."

The Senate adopted similar "functionally related" language for section 4(c)(8). It did not, however, include a "laundry list" of prohibited activities thereby permitting the Federal Reserve Board a greater flexibility in determining what nonbanking activities and acquisitions would be permitted bank holding companies.

The conferees agreed on a more narrow definition of permissible acquisitions for bank holding companies. They adopted the language of the 1956 Bank Holding Act which permits acquisitions that are "so closely related to banking as to be a proper incident thereto . . ."

The Federal Reserve Board, which will administer the legislation, must also determine that the prospective acquisition will best serve the public interest.

The "public interest" test is designed to avoid the concentration and misuse of economic power. First, it requires the bank holding company to demonstrate that the acquisition would provide benefits to the public such as greater convenience, increased competition or gains in efficiency. These benefits must outweigh possible adverse effects such as undue concentration of resources, decreased competition, conflicts of interest or unsound banking practices. The conferees make it perfectly clear that expansion into a particular activity should be authorized only where affirmative advantages to the public can be reasonably established.

The conferees, however, did reject the notion of a laundry list which would put a statutory freeze on bank holding company activities in certain industries. I believe this was a wise omission.

In order to remain dynamic, the banking industry must be able to respond to the growing demand for varied financial services and the flexible financial technology. The industry cannot perform a modern financial function if it is statutorally bound by a list of permissible or nonpermissible activities which becomes out of date and precludes growth.

The provisions of the act permit the Board to sanction activities of bank holding companies which become proper by virtue of this act upon a showing by the applicant that they are in the public interest. On the other hand, it could restrict otherwise sanctioned activities to instances where they are in the public interest, and, in certain cases, also where necessary to prevent undue hardship.

In general, the Fed has been given the authority to approve acquisitions and make decisions based on the individual facts and circumstances of the applicant bank holding company and its impact in its market area. I believe this flexible, case by case approach is a preferred method of handling the complex questions relating to varied aquisitions.

I congratulate the conferees on the excellent work they have done to present us with a good compromise to a very complex issue. I support this conference report and applaud the efforts of my colleagues.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Utah, who has the floor, yield to the Senator from New Jersey (Mr. Williams).

Mr. BENNETT. Mr. President, I would like to finish up this business first.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield to me?

Mr. BENNETT. No; I am sorry.

Mr. GRIFFIN. Mr. President, will the Senator from Utah yield to me for the purpose of asking a question?

Mr. BENNETT. I am happy to yield to the distinguished Senator from Michigan.

Mr. GRIFFIN. During the House consideration of the conference committee report on H.R. 6778, the following colloquy took place between Representative Brown of Michigan and Representative Patman:

> Mr. Brown of Michigan. When the bill left the House of Representatives, as I recall, it had a prohibition against banks engaging in insurance activities. Is that prohibition still in the conference report?
>
> Mr. Patman. Certainly it is, in substance.
>
> Mr. Brown of Michigan. Will the gentleman read the language?
>
> Mr. Patman. I refer——
>
> Mr. Brown of Michigan. Mr. Chairman——
>
> Mr. Patman. You asked me a question, and I would like an opportunity to answer. It so defines the companies that can be acquired as to limit it in a way that insurance companies or insurance agents cannot be made a part of a bank holding company.
>
> Mr. Brown of Michigan. Mr. Chairman——
>
> Mr. Patman. Wait just a minute. You asked me a question and it is a good one.
>
> Mr. Brown of Michigan. If it takes this long, Mr. Chairman, I doubt that it has any value.
>
> Mr. Patman. The acquisition must be so closely related to banking as to be a proper incident thereto. Therefore, it separates banking from nonbanking, and the insurance companies from nonbanking. I hope I have answered the gentleman sufficiently. (Congressional Record, December 16, 1970, page 41952.)

For the purpose of establishing legislative history, I should like to inquire of the distinguished Senator from Utah whether he agrees with Mr. Patman's interpretation of the conference committee's intent.

Mr. BENNETT. No, I do not agree. The Federal Reserve Board under the existing language of section 4(c)(8) for the past 14 years has approved insurance activities for bank holding companies, and there was no intent on the part of the conference committee to overrule these past decisions. Furthermore, the new language of section 4(c)(8) clearly gives the Federal Reserve Board broader discretion than it now has to make determinations of permissible activities. Federal Reserve Chairman Burns stated in his testimony before our committee that the Board believed that insurance was one of the activities bank holding companies should be permitted to engage in. Therefore, the Board will have ample authority to approve insurance activities, and we expect the Board will do so when it considers them proper.

I should like to ask the chairman, the Senator from Alabama, whether he agrees with this.

Mr. SPARKMAN. I feel that that is a fair statement. I suppose it might be well to point out, as the Senator from Michigan will recall, that the House bill had in it the so-called "laundry list." We decided in the Senate that that was not the way to handle the matter. First of all, we did not know whether we could include all of them. We do not know what the situation will be 10 years in the future, and so forth.

We reached a decision that the whole thing ought to be flexible, that it ought to be lodged in the hands of the Federal Reserve Board to carry out the guidelines we set. I think the answer would be that it is left in that manner.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. BENNETT. I am happy to yield to the distinguished Senator from Pennsylvania.

Mr. SCOTT. The senior Senator from Utah is aware, I believe, that there are a number of instances where the ownership of a bank by a nonbanking enterprise has been most beneficial to both the bank and to the community served by that bank. One instance that I have in mind in particular is that of the ownership of the Hershey National Bank, in Hershey, Pa., by the Milton Hershey School, a school established in 1909 by the philanthropist Milton Hershey for the benefit of poor orphan boys. The Milton Hershey School also owns a controlling interest in the Hershey Foods Corp., successor to the Hershey Chocolate Co., and in several other enterprises, such as Hershey Estates. Hershey Estates consists of a number of small service and utility companies and other local enterprises in Hershey which were owned by Hershey Chocolate Co., until 1927, and came to the school in 1918 with the stock of the chocolate company. The Hershey Foods Corp., of course, while it has a large factory in Hershey, has extensive manufacturing and sales operations throughout the North American continent, while the Hershey National Bank is a small community bank that serves the greater Hershey community of some 18,000 people.

The school's ownership of Hershey Foods and predecessor companies and of Hershey Estates dates back to 1918, and its ownership of the bank dates back to 1930. This common ownership has never resulted in any abuses. The Hershey National Bank does not loan money to any other element of the Hershey group. This policy, which has been in force for many years, is reinforced by the practicalities of the situation, for the bank is so small in comparison to Hershey Foods and the other components of the Hershey group that it is not in a position to service the credit needs of these entities, whose lines of credit are with large New York and Philadelphia banks.

Because the Hershey National Bank has always been a service bank that has always been most mindful of the needs of the Hershey community, not only would the school be penalized for no good reason if it had to sell the bank, but the community would suffer as well, since any sale would likely be to interests that were outside of the Hershey community—interests that might not be as responsive to the needs of the community as the present ownership of the bank is. I need not go into all the details of the school's ownership of the bank, for they are spelled out in a statement filed with the Banking and Currency Committee during its consideration of this legislation, and which appears as part of the record of that committee's deliberations. My inquiry of the chairman and the ranking minority member of the committee is how the conferees treated meritorious cases such as this. I remember that the bill as passed by the Senate contained an exemption that would enable the Milton Hershey School to retain its ownership of the bank, whereas the House-passed version of the bill would have required the Milton Hershey School to divest itself of the bank, or, at best, to have restricted the activities of its nonbanking components in order to keep the bank.

Mr. BENNETT. Let me assure the senior Senator from Pennsylvania that the conferees had situations such as that of the Milton Hershey School very much in mind during their deliberations on this legislation. The conferees recognized that requiring some one-bank holding companies to divest their bank could be against the public interest. As the Senator knows, during our hearings in the Senate, many companies which owned one bank but were primarily engaged in other activities made a case before the committee that they should be able to retain their bank and not be restricted in their ability to expand in other nonbanking activities. The bill approved by the conferees does not provide an outright exemption for any company. In line with the maximum flexibility which the Senate bill contained and which we felt was the very basis of legislation this year, we authorized the Federal Reserve Board to grant exemptions under certain conditions in instances where the bank was owned by a holding company prior to July 1, 1968. The basis for such exemptions were:

> First, to avoid disrupting business relationships that have existed over long period of years without adversely affecting the banks or communities involved, or second, to avoid sales of small locally owned banks to purchasers not similarly representative of community interests, or third, to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests.

It would appear to me that the school should have no difficulty in qualifying for an exemption under either one of the first two criterias set forth under this provision.

Mr. SCOTT. I appreciate the Senator's explanation. Does the provision enable the Federal Reserve Board to impose restrictions upon the expansion and diversification program that Hershey Foods is embarked upon as the price of obtaining or keeping an exemption?

Mr. BENNETT. Not unless such conditions are necessary to protect the public interest. To impose restrictions that would impede the normal activities of a nonbanking firm so long as it is not operating against the public interest would be tantamount to eliminating the authority for the company to retain its bank since no company can be expected to delay normal growth or acquisition patterns for the period of time that would be necessary to receive clearance from the Federal Reserve Board. The authority which we have provided is intended to be used to avoid abuses. I have every confidence that the Federal Reserve Board will use it properly. If the Federal Reserve Board feels that the activities of a one-bank holding company would not be in the public interest if it retained its bank, it would not grant the exemption from divestiture permitted under this provision.

Mr. SCOTT. I thank the Senator.

Mr. BENNETT. Mr. President, I yield to the distinguished Senator from New Jersey.

Mr. WILLIAMS of New Jersey. I have one question I should like to ask the chairman of the committee.

Both the Senate and House bills contained, in section 4(c)(8), substantially similar language reiterating the existing law embodied in the Glass-Steagall Act which provides, essentially, for separation of commercial banking and the securities business. This language does not appear in the bill agreed to by the conferees. I wonder whether there was any intention to imply that the very securities-related activities forbidden to banks directly may nevertheless be engaged in by bank-holding companies or their nonbanking affiliates.

Mr. SPARKMAN. The answer to the Senator's question is that there clearly was not. As it now stands, the Glass-Steagall Act broadly prohibits both banks and their affiliates from engaging in what we commonly understand to be the securities business. There are some specific exceptions, of course, but I can assure you that we did not mean to enlarge or contract them here. We regarded that general prohibition as being so clearly applicable to the subjects of this bill as to make a restatement of it unnecessary. The provision to which you referred is already complicated enough. In short, we did not intend to amend or modify, directly or indirectly, any limitations on the activities of banks, bank-holding companies or any of their affiliates, now contained in the Glass-Steagall Act. If Congress is to change that longstanding, fundamental statement of public policy, we will have to do so in other legislation. I hope there is no longer any misconception on that point.

Mr. WILLIAMS of New Jersey. It is reassuring, indeed, to know that the Glass-Steagall Act has not been disturbed in any way and that there is no intention at all here to do so.

I might say, on more personal terms, that serving on the conference with the Senator from Alabama was an education, a great pleasure, and a privilege.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. BENNETT. I yield to the distinguished Senator from California.

Mr. CRANSTON. Mr. President, I was delighted to learn some days ago that the Senate and House conferees had reached agreement on the final language of H.R. 6778, the Bank Holding Company Amendments of 1970, which embodied a very sound compromise on major differences between the House and the Senate bills. I confess, frankly, that I did not see how agreement could be reached on a sensible bill.

As a member of the Banking and Currency Committee, I know that Senator SPARKMAN, the able chairman of the committee, spent long hours working for legislation which would be in the best interest of both the banking and nonbanking communities. I want to pay tribute to him for the great work he did over so long a period, resulting in a bill that will serve the interests of the banking and the nonbanking communities in America.

I am also grateful to the distinguished Senator from Utah (Mr. BENNETT) for the very great and effective work he did on this measure, as well as the other conferees, including the Senator from Wisconsin who was so willing to work out sound agreements, along with others. They did a magnificent job for which I know myself and others are grateful.

Mr. President, there is one matter I should like to bring up, so that there will be no misunderstanding about it, and would like to ask the chairman one or two very brief questions about it.

The members of the Senate committee were almost in total agreement that the Federal Reserve Board should be given a great deal of flexibility to determine a bank holding company's scope of permissible nonbanking activities. Clearly, the Senate version of section 4(c)(8) reflects the feeling of the Senate committee in this regard. Although the Senate version of section 4(c)(8) was modified by the conferees is it not true that the Federal Reserve and the Senate conferees feel that the modified language gives the Federal Reserve the desired degree of flexibility?

Mr. SPARKMAN. Exactly. As the Senator knows, that is what we kept plugging for during the long time that this was under consideration by the Committee on Banking and Currency, of which the Senator is a very able and helpful member.

Mr. CRANSTON. Truly great work was done in that respect.

Mr. SPARKMAN. I feel well pleased with the outcome of the conference, and I believe that I am joined by the distinguished Senator from Utah in that regard.

Mr. CRANSTON. May I ask this final question:

Would I then be correct in assuming that the Federal Reserve would have a great deal more flexibility under the conferees' version of H.R. 6778 than under the 1956 act?

Mr. SPARKMAN. That is correct.

Mr. CRANSTON. I thank the distinguished chairman of the committee very, very much.

Mr. PERCY. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I yield.

Mr. PERCY. I reiterated at the outset of the hearing before the Committee on Banking and Currency that I felt the legislation conceived in the House was ill-conceived and was done in a punitive sense. There was deep concern throughout the financial community that this type of legislation, in the atmosphere in which it was created, could be disastrous in its consequences to the banking community.

I therefore wish highly to commend the distinguished chairman, as well as the ranking minority member, for working out what I consider to be one of the most difficult and complex problems I have seen in my business and public life. Certainly the increased flexibility that is now provided the Federal Reserve System will protect the public but also will not in any sense be punitive against business decisions made in the light of existing circumstances at that particular time.

I would like to associate myself with those on the committee who are filled with admiration for the splendid job done by the Senate conferees.

Mr. BENNETT. Mr. President, earlier today, the distinguished Senator from Texas (Mr. TOWER), who is a member of the conference, placed a statement in the RECORD regarding the conference and its work. I understand that that statement indicates he agrees with the chairman and the Senator from Utah that the result of the conference was a good bill, and that we were able to eliminate many of what we considered to be weaknesses that the House bill contained, and that we provide greater flexibility for the Federal Reserve in handling the problems that it must now take up.

Mr. President, the junior Senator from Massachusetts (Mr. BROOKE) was unable to be here for this debate and has requested that I read a statement for him. Although the Senator from Massachusetts was not a conferee and, therefore, did not have an opportunity to have the intent expressed in the conference by the conferees he has had a great interest in, and has made a great contribution to the bill.

I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, Senator BROOKE's statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BROOKE

Mr. President, I rise today to discuss a subject which has received the careful attention of the Banking and Currency Committee and its counterpart in the House: the Bank Holding Company Act Amendments of 1970. This measure is before us today in the form of a series of compromises which were arrived at after lengthy bargaining by representatives of both Houses.

I wish to commend the very able and dedicated Chairman of our Committee, Senator Sparkman, for his role in shaping this piece of legislation. It was an extremely difficult task and, I believe, Senator Sparkman's leadership has earned the admiration and respect of his colleagues in the Congress, other governmental officials and industry leaders throughout the country.

I also wish to commend the distinguished senior Senator from Utah, Senator Bennett, for his leadership and guidance in this area. Chairman Sparkman and Senator Bennett represented both the Committee and the Senate superbly and distinguished themselves by obtaining a bill which, in many respects, addresses the elusive problem of bank holding company growth.

In 1956, Congress passed the Bank Holding Company Act which defined bank holding companies, controlled their formation and expansion, and required divestiture of nonbanking interests. The Act related, however, to bank holding companies owning two or more banks and did not seek to regulate one bank holding companies.

Since 1956, the number of one bank holding companies has grown from slightly over 100 to approximately 1,100 according to Federal Reserve Board figures. This growth in one bank holding companies has occasioned problems which President Nixon described on March 24, 1969, as disturbing and representing an "erosion of the traditional separation of powers between the suppliers of money—the banks—and the users of money—commerce and industry."

The President stated:

"Left unchecked, the trend toward the combining of banking and business could lead to the formation of a relatively small number of power centers dominating the American economy. This must not be permitted to happen; it would be bad for banking, bad for business, and bad for borrowers and consumers."

He went on to conclude that "banking must not dominate commerce or be dominated by it."

Implicit in the President's comments is the dilemma between equipping banks with sufficient flexibility to enable them to compete with other centers of financial power without, at the same time, concentrating such vast caches of economic resources in their hands that they are able to foreclose independent businessmen from competing in their fields of endeavor.

I introduced legislation earlier this year (S. 3823) which did not place arbitrary or indefensible limits on the scope of banking, but rather contained a flexible regulatory scheme embodying stringent competitive ground rules.

The Banking and Currency Committee, concluded that vast discretion should not be vested in bank holding companies and that their operations should be circumscribed by reasonable limits. I accepted this judgment and abide by it today; however, I believe that a fair and reasonable interpretation of certain provisions in the bill before us may lead to the conclusion that bank holding companies have, in fact, been circumscribed rather than given greater flexibility.

I refer specifically to the conference language of Section 4(c)(8). This section unfortunately embodies the basic test contained in the Bank Holding Company Act of 1956: whether the activities of a holding company are "so closely related to banking or managing or controlling banks as to be a proper incident thereto." The Conferees specifically rejected the recommendation made by the Federal Reserve Board that the phrase "functionally related" govern the permissible activities of bank holding companies. While the ultimate meaning of the new language will probably be determined in the courts, it is fair to say that bank holding companies will carry a difficult burden in obtaining greater flexibility and, in fact, may experience problems with respect to already acquired subsidiaries as well as contemplated acquisitions.

The Conference version of Section 4(c)(8) appears to have embodied the concept contained in Senator Proxmire's earlier bill; namely that one bank holding companies be brought under regulation identical to that governing multi-holding companies, pending the results of a Presidential study of our financial institutions. This study which is now under way will presumably deal with the issues before us today and will provide additional guidance with regard to the permissible activities of bank holding companies. If the Commission determines that the standard contained in section 4(c)(8) is too rigid, we will have an opportunity to reexamine this issue at a later date.

As stated earlier, the legislation which I proposed contained a flexible regulatory scheme embodying stringent competitive ground rules, while at the same time eliminating arbitrary or indefensible limits on the scope of banking. Such an approach was justified on the ground that banks should be given sufficient flexibility to compete with other institutions as long as they did not abuse such authority. While the bill before us today raises serious questions concerning the flexibility of bank holding companies, it makes an important contribution to the competitive ground rules governing not only bank holding companies, but also individual banks and subsidiaries of such banks and bank holding companies, as well. I refer specifically to the antitying provision which was contained in the Senate bill and retained by the Conferees.

This provision represents a worthwhile addition to our antitrust laws and establishes per se illegality where a bank, a subsidiary of a bank, a bank holding company or a subsidiary of a bank holding company engages in express or implied tying. Despite opposition on my part, the original Senate provision was modified in such a manner as to preserve the right of banks to tie "traditional" banking services. Specifically, the anti-tying provision before us today has limited applicability where the transaction under consideration involves only loans, discounts, deposits or trust services carried on as part of the internal operations of a bank. These activities remain subject to traditional antitrust remedies and may, in fact, be actionable under this section if the Federal Reserve Board concludes that an "exception" is justified under the circumstances.

It is important to note that even where an exception is not granted, the right of banks to engage in express or implied tying of traditional banking services applies only where all of the components of a particular transaction involve two or more of the following banking services: loans, discounts, deposits or trust services.

It is important to note that per se illegality arises where either express or implied coercion is involved. Thus, where the totality of the circumstances indicates that the customer has not voluntarily entered into the transaction, but rather has been induced into doing so through coercion—either expressed or implied—the conduct under consideration is actionable under this provision. The new antitrust remedies thus developed will be an important supplement to existing remedies and will augment the Justice Department's powers under the *Fortner* decision and related cases.

This provision represents landmark legislation in that banks, bank holding companies, or subsidiaries thereof will hereafter subject themselves to per se illegality by requiring their customers to accept services offered by another department within the bank, or by an affiliate of the bank, bank holding company or subsidiary thereof. In addition, banks, bank holding companies and subsidiaries thereof would be prohibited from varying the consideration for banking services or other services as an inducement for still other services, when such actions result in anti-competitive consequences. Thus, a bank could not, in exchange for reducing the charge for courier services, vary the consideration for a loan or require the maintenance of deposits.

The anti-tying provision addresses Congressional concern over the tying of certain banking services with other banking services, as well as the coupling of banking services with non-banking services in such a way as to produce anti-competitive consequences. Enforcement powers pursuant to this section are vested in the Justice Department and private litigants, with the latter being entitled to treble damage relief.

The premise upon which remedies for private litigants are founded was set forth in the following statement by Assistant Attorney General McLaren of the Antitrust Division of the Justice Department:

"While we believe that the antitrust laws are applicable . . ., a serious question remains as to the extent to which they can practically eliminate [tie-ins] . . . in view of our limited enforcement resources. As a practical matter, many tie-in arrangements involving banks are so limited in their scope and involve such small amounts that they do not seem to justify the expensive and time-consuming efforts of full scale antitrust investigations."

Thus, this provision is designed to afford private litigants rights of action based on express or implied tying practices which heretofore involved little likelihood of redress.

In summary, a bank, bank holding company or subsidiary thereof will no longer be able—because of sheer economic power—to cause a borrower to use non-lending services in the hopes of improving his chances of obtaining credit from the bank. Similarly, other types of tying practices will be eliminated.

While I have some reservations about the flexibility provided under the instant legislation, I am satisfied that stringent competitive guidelines have been laid down to reduce, if not eliminate, anti-competitive practices in the banking industry. The establishment of these ground rules will provide a sound basis for healthy and sustained bank growth in the '70's. I commend the Senate Conferees for their efforts.

I have limited my discussion of this bill to two provisions for I feel the Conferees struck reasonable compromises on the remaining provisions in light of the circumstances involved. I hope this legislation has a beneficial, long-run effect on our economy and that sufficient flexibility has been retained to insure this result.

Mr. BENNETT. Now Mr. President, the Senate should be very pleased with the bill agreed upon by the Conference on H.R. 6778. I recommend that the conference report be accepted.

It will be remembered that the Senate approved by a 77 to 1 vote on September 16 of this year a bill which would bring virtually all one-bank holding companies under Federal Reserve Board regulation and which would increase the flexibility of the Federal Reserve Board in its regulation of bank holding companies.

SENATE BILL FLEXIBILITY RETAINED

I say that the Senate should be pleased with this conference report because the conferees who were appointed to represent the Senate position against the restrictive House bill were able to emerge from the conference with a conference report very close to the Senate bill. The final result is a good bill. It retains maximum flexibility for the Federal Reserve Board to determine the activities in which a bank holding company and its subsidiaries may engage but at the same time protects those bank-related industries with which banks are allowed to compete from unfair competition by banks. It also provides for a means through which the views of prospective competitors in fields related to banking may be fully represented before the Federal Reserve Board in proceedings to determine activities which are appropriate. In addition, such prospective competitors who may feel that the Federal Reserve Board has improperly decided against their interests are given standing to bring their case before the courts. The conference on this legislation was extremely difficult. Some strongly opposing views were represented in the two bills in conference, and the Senate was very fortunate in having conferees who were willing to stand for the Senate bill, regardless of pressures obviously intended to make it difficult for them to do so.

RESTRICTIVE BILL ADVOCATES DEFEATED

Having been so successful in the conference, the Senate conferees as well as some of the House conferees must have been surprised to read the statement of managers on the part of the House with regard to the conference report. It is very significant that three of the seven House conferees did not sign the managers' statement. Those who did sign the statement did not hide the fact in the House Committee, on the House floor, or in the conference committee discussions that they intended to make the Holding Company Act as restrictive as possible in its application to permissible bank related activities by covered companies.

The same Members who signed this managers' statement had earlier signed additional views when the House Banking and Currency Committee reported its bill. At that time they represented a minority of the House Banking and Currency Committee just as they later represented, a minority of the conferees who worked out this final bill. Failing to accomplish their stated purpose in the conference must have been a bitter disappointment to them. The fact that the managers' statement was not signed by some House Members of the conference makes it obvious that all the House conferees did not agree with the interpretation included in the House managers' statement. I regret that it is necessary to be critical of the statement, but the record should be made clear, and the apparent errors in the statement corrected.

REORGANIZATION ACT SOLVES INTERPRETATION PROBLEM

I take heart from the fact that the Legislative Reorganization Act of 1970 should put an end to any attempt by some Members of any conference to change the tone or meaning of conference reports to their own liking without consulting the conferees of the other body. Item 11, dealing with conference reports, states:

Conference reports

> 11. Each Senate and House conference report will be printed as a separate report of each House and will be accompanied by an explanatory statement, *prepared jointly* by the conferees of both Houses; it will be sufficiently detailed and explicit to inform their respective Houses as to the effect which the amendments or propositions contained therein will have upon these amendments or propositions to which they relate. If time for debate in the consideration of a conference report upon the Senate floor is limited, the time allotted for debate shall be equally divided between the majority and minority parties. (Sec. 125 (a) and (b).)

This reform is long overdue. I might add that a confidential record of conference proceedings as we have for executive committee sessions would also be helpful so that doubts about statements made could be officially resolved if necessary from the record. Even in the absence of such a record, in this case however, there is ample evidence to rebut many parts of the statement of managers on the part of the House on this conference report.

FINANCIAL, FIDUCIARY, OR INSURANCE DELETION IS IMPORTANT

The House managers' statement regarding the meaning of section 4(c)(8) is in my opinion a misconstruction of fact. It is hard for me to conceive of any way that an objective person present at the conference could interpret section 4(c)(8) as was done in the statement.

The first issue which the statement discusses is the removal of the phrase "of a financial, fiduciary, or insurance nature." The statement is supposed to trace history of this phrase through the legislative process and concludes that "it would be virtually impossible to fairly attribute any clear or precise intention to Congress in finally deleting the 'financial, fiduciary, or insurance' language." It goes on to quote from the Senate report and states that the report seems to concur that the language is redundant and has little substantive effect. During Senate committee discussions on this issue, it was decided to remove any reference to financial, fiduciary, or insurance. This was specifically debated by the committee in executive session and it was decided that this deletion would in no way restrict the flexibility of the Federal Reserve Board but in fact would increase it, since some activities which may be in the public benefit, and which may be closely related to banking, may not be financial, fiduciary, or involve insurance. The language in the Senate report was intended to explain this decision by the committee. The Senate language stated:

> The existing section 4(c)(8) refers to activities which are of a "financial, fiduciary, or insurance nature" as the criteria to be considered by the Board when considering an application to engage in a nonbanking activity. The new provision approved by the committee does not include reference to these types of activities. The deletion of these shall not be construed as indicating the committee's intent that these activities be no longer permitted. To the contrary, these activities are "functionally related to banking" and are included under the new provision adopted by the committee to the full extent that they were permitted under the existing act, and to such additional extent as the Board may find it desirable under the new criteria established.

DELETION BROADENS PERMISSIBLE ACTIVITIES

It should be noted that our committee report stated that these activities are to be permitted to the full extent they were permitted under the existing act and to such additional extent as the board may find it desirable under the new criteria established. The House statement makes a point of the fact that the word "functionally" in the Senate report was changed to "closely" in the final 4(c)(8) language contained in the conference report and makes the conclusion that activities permitted under section 4(c)(8) language as adopted by the conferees are the same whether the words "financial, fiduciary, or insurance" appear in the text or not. This is an interesting conclusion by conferees who tried repeatedly to have these three words incorporated in the conference report but failed.

I would like to discuss why in my judgment the conclusion in the managers' statement is erroneous. First of all, the final action on whether the words "financial, fiduciary, or insurance" were to be included in the conference report was not taken in the Senate committee or on the Senate floor, in the House Committee or on the House floor. The final action was taken by the conference committee. The conference committee considered this issue very carefully. The House conferees, early in the conference, offered to recede with an amendment in the nature of a substitute to section 4(c)(8) which reads as follows:

> (8) shares of any company all the activities of which are or are to be of a financial, fiduciary, or insurance nature and which the Board after due notice and opportunity for hearing, by order has determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. In orders and regulations under this subsection, the Board may differentiate between activities commenced de novo and activities commenced by the acquisition, in whole or in part, of a going concern.

The Senate conferees specifically rejected this proposal. The language was changed by the Senate and offered to the House conferees without the terms "financial, fiduciary, or insurance" included. The Senate conferees had agreed, as part of our proposal, to accept in place of "functionally related" the term "closely related" and also offered this alternative to the House. The House, in turn, requested that the words "of a financial or fiduciary nature" be inserted in line 7 of the proposed language between the words "benefits" and "to." The Senate rejected this language. The House conferees eventually receded to the Senate position. The discussion in the House managers' statement conveniently contains no mention of what happened in the conference committee on this issue. I believe, such a discussion destroys the point of view that the managers who signed the report were trying to convey.

NO SUBSTANTIAL DIFFERENCE BETWEEN "FUNCTIONALLY" AND "CLOSELY"

Since such a point is made in the statement of House managers about the meaning of "functionally related" and "closely related," I believe it is important to discuss the understanding of the conferees as to the difference in meaning between the terms. On page 22 of House Report 91-387 containing additional views which were signed by the four managers who also signed the statement of managers, we find their interpretation of the difference between "functionally related" and "closely related."

> H.R. 6778 as originally introduced did not change the "closely related to banking" test found in the Bank Holding Company Act for determining what nonbank activities are permissible for bank holding companies. During consideration of the bill by your committee the test "functionally related to banking" was adopted. While many preferred to use the term "closely related to banking" it is not felt that there is any substantial difference between the two tests.

Congressman PATMAN made virtually the same statement on the House floor which I also quote:

> Let me discuss for a moment in some detail H.R. 6778, as amended, and reported from the House Banking and Currency Committee. Under section 1(c) of the bill, section 4(c)(8) of the Bank Holding Company Act would be amended by modifying to some degree the basis on which the Federal Reserve Board determines what nonbank activities bank holding companies and their subsidiaries may lawfully be permitted to engage in. The new test for the Federal Reserve Board to apply is that the activity must be "functionally related to banking in such a way that its performance by an affiliate of a bank holding company can reasonably be expected to produce benefits to the public that outweigh possible adverse effects." While many members of the committee preferred to use the term "closely related to banking" instead of "functionally related to banking," it is not felt that there is any substantial difference between the two tests.

During the conference, signers of the managers' statement specifically referred to the additional views quoted from above as representing their views.

MEANING CONVENIENTLY CHANGES TO SUIT HOUSE MANAGERS

It is obvious to me from these conflicting statements that the conferees who now attempt to make a big point of the difference between the two terms are doing so in contradiction of what they said earlier and there is no doubt in my mind that it is being done in order to misconstrue the action of the conference committee. During the discussion of the conferees, some conferees suggested that the term "closely related" would provide even greater flexibility than the term "functionally related." After carefully considering the two phrases in the conference, however, Senate conferees agreed that neither term had been defined in any way which would make one term tighter or more restrictive than the other. I believe, an attempt at this point by four of 12 conferees to use the managers' statement to upset the clear legislative history regarding the terms "closely related" and "functionally related" and the deletion of "financial, fiduciary, or insurance" is very questionable, and cannot be considered to represent the understanding or intent of a majority of the conferees.

ATTEMPT TO BOLSTER DIFFERENCE BETWEEN "FUNCTIONALLY" AND "CLOSELY" STRAINED

The managers' statement goes to additional great lengths to try to make a point of the difference between the words "functionally related" as compared with "closely related" and uses statements made before the Senate Banking and Currency Committee in an attempt to uphold their reversed position. It is important to know that the term "functionally related" was used during the hearing to relate to a broader test in which many changes other than the term "functionally related" were contained. The term "closely related" was used to refer to present holding company law. To give to the specific terms themselves the entire meaning contained in the differences in the broader language to which the phrases referred is an inappropriate use of the terms. This conclusion is based not only on the discussion contained in the conference, which significantly is not referred to by the managers' statement, but on a letter sent to Congressman PATMAN by Chairman Burns of the Federal Reserve Board in answer to his specific question about language which the Congressman sent to Chairman Burns.

CONFEREES RELIED ON VIEW OF ADMINISTERING AGENCY

Chairman Burns in his letter of November 23, 1970 stated the Board's recommendations and discussed the Board's purpose in recommending the "functionally related" language. He also discussed the results the Board desired from that language just as he did before the Senate Banking Committee. I ask unanimous consent that Chairman Burns' letter be printed in full at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHAIRMAN OF THE
BOARD OF GOVERNORS,
FEDERAL RESERVE SYSTEM,
Washington, D.C., November 23, 1970.

HON. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing in reply to your letter of November 19, 1970, regarding H.R. 6778, the bank holding company bill.

The Board has recommended, and continues to recommend, that section 4(c)(8) be revised to enable bank holding companies to engage, through nonbank subsidiaries, in any activity that is "functionally related to banking in such a way that its performance by an affiliate of a bank holding company can reasonably be expected to produce benefits to the public . . . that outweigh possible adverse effects . . ." Once a particular activity is determined to be permissible under this standard, Board approval would be required before a holding company could establish a subsidiary to engage in the activity. This screening process would identify the kinds of service related to banking that bank holding company systems are likely to be able to offer the public conveniently and efficiently, and would establish conditions under which entry into the authorized lines of business should enliven competition rather than diminish it.

These results could be reached by interpretation under the draft paragraph enclosed with your letter. However, less uncertainty and perhaps less need for future statutory revisions would be experienced if changes are made to solve two problems discussed in the next two paragraphs.

First, in the limited area in which applications have been approved under the existing section 4(c)(8), the Board has in the past interpreted the statute as requiring a "direct and significant connection" between the activities of the proposed subsidiary and those of the subsidiary banks of the holding company. But we do not believe it is desirable to unduly restrict entry by nonbank subsidiaries into markets that are distinct from those served by the subsidiary banks of the holding company. This position may lessen risks of tie-ins and is consistent with Governmental policies to promote competition. This was one of the reasons we recommended that "closely related" be changed to read "functionally related" in the statute; we wanted to avoid perpetuating the concept that a nonbank subsidiary's business must be related to the business of an affiliated bank. If the conferees prefer to keep "closely related" in the language of the statute, our objective would be served by changing the words "the business of banking or of managing or controlling banks" to read "banking or managing or controlling banks." We have in mind indicating that a nonbank subsidiary's activities should be related to banking (or managing or controlling banks) generally, rather than to the specific business carried on by the subsidiary banks of the particular holding company involved.

Second, we think the language of the statute should make clear that there are two tests to be satisfied in deciding whether nonbank subsidiaries of bank holding companies should be allowed to engage in a particular activity: (1) whether the activity is closely related to banking, and (2) whether it is a proper incident to banking, and that in applying the second test, the Board is to weigh the possible benefits to the public against the risks of adverse consequences. We believe that the language proposed by the House conferees might be misconstrued to apply three tests: (1) whether the activity is closely related, (2) whether it is a proper incident to banking, and (3) whether the benefits outweigh the risks. To avoid such a possibility, we suggest the following revision (which also incorporates the changes discussed above). Language in brackets would be omitted, language in italics would be inserted.

"(8) shares of any company the activities of which the Board after due notice and opportunity for hearing has determined [to be so] are closely related to [the business of] banking or [of] managing or controlling banks [as to be] and are a proper incident thereto. [and] In determining whether a particular activity is a proper incident to banking or managing or controlling banks the Board shall consider whether its performance by an affiliate of a holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. In orders and regulations under this subsection, the Board may differentiate between activities commenced de novo and activities commenced by the acquisition, in whole or in part, of a going concern."

I have offered these comments in the hope that the conferees are prepared to consider suggestions designed to help accomplish objectives with which we believe you agree. In the Board's judgment, the modification we suggest serve to clarify and are in harmony with the language attached to your letter.

The Board continues to feel it is highly important to enact one-bank holding company legislation this year, rather than start the process over again next year, with all the uncertainties and complications that might be invited. One member of the Board, Governor Robertson, would support the language attached to your letter without change.

Sincerely yours,

ARTHUR F. BURNS.

Mr. BENNETT. Mr. President, in the third paragraph, he stated:

> These results could be reached by interpretation under the draft paragraph enclosed with your letter.

It is important to note that the draft paragraph enclosed with Congressman Patman's letter to which Chairman Burns referred included the "closely related" language as well as the "proper incident" language which the House managers attempt to construe as not providing a broadening of section 4(c)(8). This letter from Chairman Burns was not just his own opinion but the result of a Federal Reserve Board meeting to consider the Patman language. Thus, it is clear that the Federal Reserve Board which must make the determination under the final language decided that even under the Patman language which was rejected by the conferees, the Board would have had the flexibility which it had intended by the "functionally related" language which Chairman Burns had earlier recommended to the Banking and Currency Committee of the Senate.

JUSTICE DEPARTMENT STATES 4(c)(8) LANGUAGE MORE FLEXIBLE

In addition to the letter from the Board of Governors of the Federal Reserve System, in answer to my request, I received a letter on November 24 from Richard W. McLaren of the Department of Justice, commenting on the language sent to the Federal Reserve Board with the Patman letter and also on the reply which the Board sent to Congressman Patman and the other conferees. I ask unanimous consent to have printed in the Record a copy of that letter.

There being no objection, the letter was ordered to be printed in the Record, as follows:

DEPARTMENT OF JUSTICE,
Washington, D.C., November 24, 1970.

Hon. WALLACE BENNETT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BENNETT: I am writing in reply to your request for our comments on Chairman Burns' letter of November 23, 1970. That letter on behalf of the Federal Reserve Board was in response to a letter from Chairman Patman (which we have not seen) regarding Section 4(c)(8) of the Bank Holding Company Act of 1956 as it would be amended by H.R. 6778. Chairman Burns' letter indicates that he was commenting on the following suggested language:

"(8) shares of any company the activities of which the Board after due notice and opportunity for hearing, has determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. In orders and regulations under this subsection, the Board may differentiate between activities commenced de novo and activities commenced by the acquisition, in whole or in part, of a going concern."

In general, we concur in Chairman Burns' analysis of this proposed language. We believe that there is considerable ambiguity as to its practical application and that, as a result, uncertainty as to the appropriate areas of bank activity would remain until clarified by extensive litigation.

We entirely agree with the Federal Reserve Board's belief that ". . . the language of the statute should make clear that there are two tests to be satisfied in deciding whether nonbank subsidiaries of bank holding companies should be allowed to engage in a particular activity: (1) whether the activity is closely related to banking, and (2) whether it is a proper incident to banking, and that in applying the second test, the Board is to weigh the possible benefits to the public against the risks of adverse consequences. We believe that the language proposed by the House conferees might be misconstrued to apply three tests: (1) whether the activity is closely related, (2) whether it is a proper incident to banking, and (3) whether the benefits outweigh the risks." To avoid this uncertainty the Board proposed the following revision (with language in brackets to be omitted and language in italics to be inserted):

"(8) shares of any company the activities of which the Board after due notice and opportunity for hearing has determined [to be so] *are* closely related to [the business of] banking or [of] managing or controlling banks [as to be] *and are* a proper incident thereto. [and] *In determining whether a particular activity is a proper incident to banking or managing or controlling banks the Board shall consider whether its performance by an affiliate of a holding company* can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. In orders and regulations under this subsection, the Board may differentiate between activities commenced de novo and activities commenced by the acquisition, in whole or in part, of a going concern."

We regard this proposed revised language as very much preferable to that submitted to the Board in that it clarifies and simplifies the test to be applied. It is also preferable to the present statutory language of Section 4(c)(8) since it would give the Board greater flexibility to approve bank entry into other markets where the Board finds that such entry is supported by the public interest consideration set forth in the statute.

In our view, the same essential compromise could be struck in clearer terms by deleting all reference to "proper incident" and making clear explicitly that the Board is applying a two-fold test involving both the closeness to banking and the public interest considerations. This could be most appropriately accomplished, we believe, by striking the word "functionally" from Section 4(e)(1) of the House passed bill and substituting therefor the word "closely." This approach, which admittedly involves a greater departure from the language submitted to the Board for comment, does seem to us to be somewhat clearer and simpler than the Board's suggested revision of that language. We understand that such an approach would be acceptable to the Board, and that they felt constrained to adhere more closely to the suggested language in the proposed revision. By the same token, if such adherence is considered essential, we repeat that we subscribe to the Board's suggested language as a distinct improvement over the present law and the language submitted to it.

We appreciate the opportunity of commenting on the important issues raised in Chairman Burns' letter. Please feel free to circulate our comments among the other conferees as the position of the Department of Justice.

Sincerely yours,

RICHARD W. MCLAREN,

Assistant Attorney General,

Antitrust Division.

Mr. BENNETT. Mr. President, Mr. McLaren said:

> In general, we concur with Chairman Burns' analysis of this proposed language. We believe that there is considerable ambiguity as to its practical application and that, as a result, uncertainty as to the appropriate areas of bank activity would remain until clarified by extensive litigation.

In referring to the proposed revised language of the Federal Reserve Board, he said:

> We regard this proposed revised language as very much preferable to that submitted to the Board in that it clarifies and simplifies the test to be applied. It is also preferable to the present statutory language of section 4(c)(8) since it would give the Board greater flexibility to approve bank entry into other markets where the Board finds that such entry is supported by the public interest consideration set forth in the statute.

Very significantly, the Justice Department letter added:

> In our view, the same essential compromise could be struck in clearer terms by deleting all reference to 'proper incident' and making clear explicitly that the Board is applying a two-fold test involving both the closeness to banking and the public interest considerations. This could be most appropriately accomplished, we believe, by striking the word 'functionally' from Section 4(e)(1) of the House passed bill and substituting therefor the word 'closely.' This approach, which admittedly involves a greater departure from the language submitted to the Board for comment, does seem to us to be somewhat clearer and simpler than the Board's suggested revision of that language. We understand that such an approach would be acceptable to the Board, and that they felt constrained to adhere more closely to the suggested language in the proposed revision. By the same token, if such adherence is considered essential, we repeat that we subscribe to the Board's suggested language as a distinct improvement over the present law and the language submitted to it.

I do not know how anyone could interpret the language agreed upon by the conference committee as being essentially the same as that contained in present law after reading this interpretation by the Justice Department and the Federal Reserve Board. The letters were fully discussed by the conferees and no conferee questioned the interpretation given by either the Justice Department or the Federal Reserve Board. On the other hand, the action taken by the conferees was based on an understanding that even the language submitted by Mr. PATMAN to Chairman Burns would be sufficient to meet the flexibility desired by the Federal Reserve Board as demonstrated in testimony before the Senate Banking and Currency Committee.

CONFEREES ACCEPT CLARIFIED LANGUAGE ON 4(c)(8)

Senate conferees and three House conferees were of the opinion that those who eventually signed the managers' statement desired the conferees to approve language which was so ambiguous as to require "clarification by extensive litigation" as mentioned in the Justice Department's letter. On the basis of that opinion, the Senate conferees demanded that the language be clarified as requested by the Federal Reserve Board and a majority of the House conferees finally agreed to the clarified language. I ask unanimous consent that the clarified language be printed in the RECORD.

There being no objection, the clarified language was ordered to be printed in the RECORD, as follows:

> "(8) shares of any company the activities of which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto. In determining whether a particular activity is a proper incident to banking or managing or controlling banks the Board shall consider whether its performance by an affiliate of a holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. In orders and regulations under this subsection, the Board may differentiate between activities commenced de novo and activities commenced by the acquisition, in whole or in part, of a going concern;";

Mr. BENNETT. Mr. President, despite that deliberate action by the majority of the conferees, based on the interpretation of those whom we considered to be the experts in this matter, the Federal Reserve Board and the Justice Department's Antitrust Division, we now read in the managers' statement that—

> The decision of the conferees to reject the "functionally related test" advocated by those witnesses who argued for a more liberal and expansive approach by the Federal Reserve Board in authorizing nonbank activities for bank holding companies is intended to be construed to mean that the Congress was not convinced that such expansion and liberalization was justified.

We also read from the managers' statement that—

> Consequently the Congress intends that those activities which the Board and other witnesses claim would have been permitted under the "functionally related test" are not authorized by our decision to retain the "so closely related" test, which is considerably less expansive and liberal than the rejected "functionally related test".

If four of the 12 conferees want to save face when confronted with a defeat, that may be their privilege, but in my opinion they have no right to misconstrue the intention of the other conferees and the Congress. I believe the record speaks for itself.

"PROPER INCIDENT TO BANKING" TEST IS BROADER THAN "INCIDENTAL POWERS" CLAUSE

As part of the language making 4(c)(8) broader and more flexible, a new test is provided for determining if an activity is a "proper incident to banking." In order to make such a determination, the Federal Reserve Board is to weigh the possible benefits to the public against the risks of adverse consequences. This is a complete departure from past court decisions interpreting the incidental powers of banks under various banking statutes. These court decisions have tended to place a restrictive interpretation on the "incidental powers clause." The new public interest concept embodied in the revised section 4(c)(8) makes it perfectly clear that the Board is not bound in its decisions by court decisions relating to the incidental powers of banks. The Board has much broader discretion. Both former Federal Reserve Board Chairman Martin and present Federal Reserve Board Chairman Burns have given a general description of areas in which banks might be allowed to compete under this new concept.

In his testimony before the House Committee on Banking and Currency, former Federal Reserve Chairman Martin stated:

> The Board believes that a bank holding company should be permitted to acquire a subsidiary, subject to regulatory approval and supervisions, to engage in "related" activities without showing such a close connection between the business and that of a subsidiary bank. Permissible acquisitions might include, for example, companies engaged in the business of lending funds on their own account; investing in equities, subject to careful limitations, to assist in the economic development of low-income areas or to meet other pressing needs for financing that cannot be met adequately through debt instruments; acting as insurance agent or broker or as insurer in connection with extensions of credit by other subsidiaries of the holding company; providing accounting or data processing service; acting as fiduciary; and acting as travel agent.

In a similar vein, Federal Reserve Chairman Burns testified before the Senate Committee on Banking and Currency as follows:

> By weighing the prospects of realizing such benefits against the risks of undesirable consequences, a judgment may be formed about the kinds of services bank holding company subsidiaries should be authorized to provide. In the Board's judgment, authorized subsidiaries might well include those engaged in lending funds on their own account or for the account of others; acting as investment adviser; operating a "no-load" mutual fund; leasing equipment where the lease is really a form of security for financing; performing insurance functions in connection with services offered by other subsidiaries; providing bookkeeping or data processing services; originating, servicing, and selling mortgage loans; acting as travel agent or issuing travelers checks; and making equity investments in community rehabilitation and develop-

> ment corporations engaged in providing better housing and employment opportunities for people of low or moderate incomes.

In approving activities that the Board has determined to be closely related, the Board need only determine that the prospects of benefits to the public outweigh the risks. The House managers' statement dwells at length on the risks but fails to discuss the positive aspects of the new test. This is in keeping with what I consider to be the negative tone of the entire statement. It should be emphasized, however, that the Federal Reserve Board is given discretion to approve an activity that may have adverse effects if it determines that these may be outweighed by expected benefits such as greater convenience, increased competition, or gains in efficiency.

OTHER CHANGES MADE IN SECTION 4(C)(8)

In addition to the major changes thus far discussed dealing with the intent of the conferees in broadening the language of 4(c)(8), other changes were also made. These are not necessarily less important but I do not believe they have been misconstrued to the same degree in the statement of managers and therefore a brief discussion should suffice. The words "business of" were eliminated from the phrase "business of banking." Federal Reserve Chairman Burns stated in his November 23, 1970, letter to Congressman PATMAN that as a result of this phrase:

> The Board has in the past interpreted the statute as requiring a "direct and significant connection" between the activities of the proposed subsidiary and those of the subsidiary banks of the holding company. But we do not believe it is desirable to unduly restrict entry by nonbank subsidiaries into markets that are distinct from those served by the subsidiary banks of the holding company. This position may lessen risks of tie-ins and is consistent with Governmental policies to promote competition. This was one of the reasons we recommended that "closely related" be changed to read "functionally related" in the statute; we wanted to avoid perpetuating the concept that a nonbank subsidiary's business must be related to the business of an affiliated bank. If the conferees prefer to keep "closely related" in the language of the statute, our objective would be served by changing the words "the business of banking or of managing or controlling banks" to read "banking or managing or controlling banks." We have in mind indicating that a nonbank subsidiary's activities should be related to banking (or managing or controlling banks) generally, rather than to the specific business carried on by the subsidiary banks of the particular holding company involved.

The conferees agreed with this interpretation in altering the language.

The Board is also authorized to differentiate between activities commenced de novo and activities commenced by the acquisition of a going concern. It is expected that the Board will implement this authority by providing a simplified procedure with virtually automatic approval of permissible activities commenced de novo. Such a procedure would help reduce the workload of the Board, speed up the decisionmaking process, and increase competition in areas where additional competition is in the public interest.

The mandatory hearing requirement of present 4(c)(8) is also repealed. Under the present language, the Board is required to hold a formal hearing on each application regardless of whether or not such a hearing is desired by the Board or the applicant. The new language provides an "opportunity for hearing" and eliminates the necessity for time-consuming and expensive hearings when they are unnecessary.

PRESENT SECTION 4(C)(8) HAS BEEN LITTLE USED

Much ado has been made by the statement of managers as to whether these changes in section 4(c)(8) broaden the present law or narrow it. It seems to me that this argument misses the major point. The conferees have taken a little used provision of law and made those changes and only those changes needed to make it more flexible and useful. One reason it has been applied narrowly in the past is that few applications have been filed under it because it required a formal hearing on each application. The new bill changes this. Once the Board on the basis of a hearing, if it is requested, determines that an activity should be permissible, applications by holding companies to establish subsidiaries to engage in permissible activities will be screened to make sure they will not diminish competition, but approvals may be granted automatically under a notification procedure where the proposal meets guidelines set up to identify situations where entry would be procompetitive. Approvals may be granted by the Board as the result of a regulation or order. Under present law, there is no provision for approval by regulation.

NEW GROUND RULES

We can expect, then, that the revised section will be used to a greater extent than the existing section has been used in considering and screening applications for entry into related activities. The ground rules that finally emerge will depend, of course, on the evidence developed during the hearings on which the Board's new regulations will be based. The Board's preliminary views, as presented in the testimony on this bill referred to earlier, are that—

> Authorized subsidiaries might well include those engaged in lending funds on their own account or for the account of others; acting as investment adviser; operating a "no-load" mutual fund; leasing equipment where the lease is really a form of security for financing; performing insurance functions in connection with services offered by other subsidiaries; providing bookkeeping or data processing services; originating, servicing, and selling mortgage loans; acting as travel agent or issuing travelers checks; and making equity investments in community rehabilitation and development corporations engaged in providing better housing and employment opportunities for people of low or moderate incomes.

These views may change, of course, after the Board has considered the facts presented at administrative hearings. And the ground rules will inevitably change as times change. The important point is that this bill provides the Board with the kind of authority it has said it needs to establish guidelines under which bank holding companies can offer services to meet developing public needs.

ACTIVITIES "GRANDFATHERED" BY STATUTE

The conference report contains the authority granted in the Senate bill for one bank holding companies to retain all activities in which they were engaged on or before June 30, 1968. This conferred right was modified, however, by granting authority to the Federal Reserve Board to require divestiture in individual cases if it determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. The actual language accepted by the conference committee provides:

> That a company covered in 1970 may also engage in those activities in which directly or through a subsidiary (i) it was lawfully engaged on June 30, 1968 (or on a date subsequent to June 30, 1968 in the case of activities carried on as the result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and (ii) it has been continuously engaged since June 30, 1968 (or such subsequent date). The Board by order, after opportunity for hearing, may terminate the authority conferred by the preceding proviso on any company to engage directly or through a subsidiary in any activity otherwise permitted by that proviso if it determines, having due regard to the purposes of this Act, that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices; . . .

This confers by law an exemption from the divestiture requirements of the act. This exemption can in unusual cases be removed by the Federal Reserve Board if necessary. In order to remove this right to retain presently owned shares and continue to engage in activities in which such companies now engage, however, the Federal Reserve Board is required to establish that such action is necessary to avoid the antitrust and unsound banking problems listed in the language.

BURDEN OF PROOF ON BOARD TO SHOW NEED FOR DIVESTITURE

The House statement of managers completely misconstrues this "grandfather" clause in claiming that the Board will determine which activities it will allow to be continued. It also states:

> A decision by the Board to withdraw these benefits is required by the Act unless it can be established that there would not be undue concentration of resources, decreasing of unfair competition, conflicts of interest or unsound banking practices, . . .

What the House managers have apparently tried to do in the report is to reverse the burden of proof so that the right which the bill confers would be removed. There is nothing in this act requiring the Board to withdraw the "grandfather" privilege from any firm. The fact is that the Board cannot withdraw this right unless there is no other way to avoid the problems listed in this section. If one looks carefully at the items which must be considered, it will be found that they are antitrust and banking problems. There is already sufficient antitrust law with which the problems of concentration can be solved and therefore it is doubtful whether the Board would ever use this section to require divestiture on the basis of antitrust considerations. The other considerations are banking practices or conflicts of interest. The Federal Reserve Board and the other Federal bank supervisory agencies presently have considerable authority to prevent banks and their affiliates from engaging in these practices. Therefore, there is little or no need to use this section for that purpose. It would be very difficult, therefore, for the Board to establish the fact that the use of authority granted in this provision is necessary to avoid the situations to which the provision speaks.

The House managers' statement claims that the test required by the Board on the "grandfather" clause is similar to that to be used by the Board in applications under the new section 4 (c)(8) of the act, that is, the so-called public benefits test. The language of the conference report does not support that claim. The House conferees, in fact, offered a provision to the Senate which contained the public benefits test of section 4(c)(8) and the Senate rejected that alternative. There is no requirement under this provision that any benefits be shown in order for a company to retain the activities "grandfathered" under the provision.

Further, in the managers' statement, the four House conferees claim that—

> Board should within a reasonable amount of time examine all one bank holding companies created prior to July 1, 1968, to determine whether, under the stated test, any of them are entitled to exemptions from the Act.

Let me make it clear as the conference report does that all one bank holding company acquisitions prior to July 1, 1968, are granted by law an exemption from divestiture. This entitlement is not up to the Federal Reserve Board.

The managers' statement also claims that—

> Board should give no presumption of entitlement to exemption to a one bank holding company in the future. . . .

The Board does not need to give a presumption of entitlement since the entitlement is a matter of right by law and the Board must prove that the entitlement creates problems which cannot be corrected by other means before it can remove the entitlement.

The House managers' statement, discussing the "grandfather" clause activities authorized by law, states:

> The Board shall by its order impose such terms and conditions on the continuation of that activity so as to provide safeguards against future dangers that may arise from the conduct of that activity.

This requirement appears only in the managers' statement. No such requirement is contained in the conference report.

ACQUISITIONS DURING PERIOD ALLOWED FOR DIVESTITURE

The Senate provisions dealing with permissible acquisitions during the 10-year divestiture period by either a bank holding company which divests itself of now-approved activities under section 4 of the act or a bank holding company which disposes of its bank within the required period were retained. Such companies may continue, during the divestiture period, to engage in any activities they choose so long as the privilege is not abused. The Federal Reserve Board is authorized to prescribe conditions if necessary to eliminate abuses. The Board obviously could not be required to approve all new activities of such companies, nor is it intended that they should.

The original Senate bill language provided for an exclusion during the divestiture period for any—

> Shares retained or acquired, or activities engaged in, by any company (covered in 1970), or by any subsidiary thereof, if such company—
>
> (A) within the applicable time limits prescribed in subsection (a)(2) of this section (i) ceases to be a bank holding company, or (ii) ceases to retain direct or indirect ownership or control of those shares and to engage in those activities not authorized under this section; and
>
> (B) complies with such other conditions as the Board may by regulation or order prescribe;

The conferees amended the Senate version by striking "covered in 1970" and inserting in its place "which becomes, as a result of the enactment of the Bank Holding Company Act Amendments of 1970, a bank holding company on the date of such enactment," to assure that any bank holding company, regardless of when it acquired its bank, up until the date of enactment, would be granted a 10-year divestiture period. This applies whether the one-bank holding company chooses to divest itself of either its bank shares or of its shares in nonbanking activities. I ask unanimous consent to have printed in the Record that portion of the committee report which explains the intent of the provision.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> As was previously pointed out, the divestiture period will effect two types of companies. The first type will be the company which will divest its bank and cease to be a bank holding company. The second type of company is that which will be required to divest a nonbanking subsidiary or cease to engage in a nonbanking activity in order to comply with the grandfather clause, or in order to bring its entire operation under all provisions of the Bank Holding Company Act.
>
> In the case of the first type, the committee felt that there was no compelling reason to prevent by statute such companies from making any acquisitions or engaging in any activities during the period of time between the passage of the legislation and the time that the companies were ultimately able to effectuate divestiture of their bank as long as the purposes of the act are not evaded.
>
> In the case of the company making nonbanking divestitures the committee is aware that, in many instances, a more efficient divestiture is possible if the company is able to acquire additional assets to package with the asset or subsidiary to be divested. The committee wishes to insure that required divestitures are made as quickly as possible, as efficiently as possible, and with as little economic loss to the divesting company as possible.
>
> Accordingly, the committee adopted a provision which will allow any company covered by this legislation to retain or acquire whatever shares, or engage in whatever activities, it wishes so long as, within the applicable divestiture period, it either ceases to be a bank holding company or ceases to retain direct or indirect ownership or control of shares or to engage in activities that are not authorized under the applicable section of the act.

EXEMPTIONS IN "HARDSHIP CASES"

Mr. BENNETT. Mr. President, in addition to the right granted to all one-bank holding companies to retain and continue activities in which they were engaged on June 30, 1968, the conference report contains a so-called conglomerate provision under which the Federal Reserve Board is given permissive authority under such conditions as it deems necessary to protect the public interest, to exempt any bank-holding company owning one bank prior to July 1, 1968, from divestiture requirements and restrictions in section 4 of the act on engaging in new nonbank activities. During our hearings in the Senate, many companies which owned one bank but were primarily engaged in other activities made a case that they should be able to retain their bank and not be restricted in their ability to expand in other nonbanking activities. The bill approved by the conferees does not provide an outright exemption of this type for any company. In line with the maximum flexibility which the Senate bill contained and which we felt was the very basis of legislation this year, we authorized the Federal Reserve Board to grant exemptions under certain conditions in instances where the bank was owned by a holding company prior to July 1, 1968. The basis for such exemptions were first, to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved; or second, to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests; or third, to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests.

Examples of the kind of companies which the conferees had in mind in accepting this provision are the Milton Hershey School which owns controlling interest in Hershey Foods Corp., and the Hershey National Bank, and the Goodyear Tire & Rubber Co. owning the Goodyear Bank. Significantly, these two one-bank holding companies were described though not named in the House managers' statement and by various speakers on the House floor as examples of companies for which this provision is intended; other companies may, of course, also qualify.

Mr. President, in conclusion let me say again that this is a good bill. The many hours of effort expended by the members of our Banking and Currency Committee have been well rewarded. This conference report certainly deserves the support of the Senate.

Mr. SPARKMAN. Mr. President, I move adoption of the conference report.

The motion was agreed to.

HOUSING AND URBAN DEVELOPMENT ACT OF 1970—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19436) to provide for the establishment of a national urban growth policy, to encourge and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. BELLMON). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of Dec. 17, 1970, pp. 42299–42314, CONGRESSIONAL RECORD.)

Mr. SPARKMAN. Mr. President, I should like to make a statement on the conference report on the housing bill.

Before I comment on the details, I want to say how pleased I am with the fine job done by the members of the conference committee, of both Houses of Congress.

In resolving the differences, the conference committee worked together with speed, and in a spirit of good will and cooperation. However, as is usually the case there were compromises between the two sides. On the part of the Senate, we remained adamant on several items, and the same thing was true with the House. All in all, the conferees were satisfied that the final product represented the best interests of all concerned, and I am pleased to report that every member of the conference committee signed the report.

The Senate conferees were quite satisfied with the results of the conference.

This is an omnibus housing bill which broadly covers the many housing and urban development programs under the Federal Government including programs involving mortgage finance. The bill, as finally approved by the conferees, has nine titles. I would like to give a brief explanation of some of the principal differences in each of these nine titles on provisions which were in the Senate bill but were rejected by the conference committee.

TITLE I—MORTGAGE CREDIT

This title basically involves the extension of Federal Housing Administration programs already on the books. In addition to extending the authority for continuation of the programs, new funds were authorized for many of the programs through fiscal year 1972. Most important of these are the interest subsidy programs under section 235 and section 236 of the National Housing Act. The conferees agreed to increase the authority by $25 million for each of these programs for fiscal year 1971, and by $30 million for fiscal year 1972, making a total available authority of $150 million for fiscal year 1971 and $200 million for fiscal year 1972. This level of funding is a reasonable compromise between the two bills and should help meet the outstanding demand for these funds and keep us on schedule toward meeting the national housing goals.

Other provisions in the title are to amend and perfect existing FHA laws to make them more effective in carrying out the intent of Congress.

Among the significant provisions agreed to by the conferees was one in the Senate bill earmarking 10 percent of the subsidy funds under section 235 for use in connection with rehabilitated housing and one which would authorize the Secretary to use up to 30 percent of the section 235 subsidy funds for existing housing. Another provision in the Senate bill not in the House bill would authorize the Housing and Urban Development Secretary to compensate purchasers of section 235 subsidized existing housing in case of serious structural defects. The provision was agreed to by the conferees with an amendment giving the Secretary of Housing and Urban Development authority to require the seller of the property to agree to reimburse the Secretary for such compensation. The conferees, being aware of certain inequities in the administration of the section 235 program, urged the Secretary to tighten up his supervision, particularly in connection with limiting eligibilty to lower income families who could not afford to obtain decent homes without benefit of the subsidy.

A Senate provision which would have lowered down-payment requirements for FHA section 203(b) unsubsidized housing was not agreed to by the conference committee primarily because the House conferees were adamant in their stand that the provision was only a partial answer to the whole downpayment issue and that more time would be given next year to provide a more balanced and considered response to this issue.

TITLE II—PUBLIC HOUSING, URBAN RENEWAL, AND HOUSING ASSISTANCE PROGRAMS

This title provides new contract authority for public housing, urban renewal and other housing assistance programs. It also makes certain changes in existing law to improve the administration of these programs.

The conferees agreed to increase the public housing contract authority by $150 million for fiscal year 1971 and by $225 million for fiscal year 1972, making available authority of $320 million for fiscal year 1971 and $225 million for fiscal year 1972. The conferees further agreed to earmark $75 million of the 1971 authority for the Secretary to use exclusively for operating and maintenance expenses authorized by section 210 of the approved bill.

One provision in both bills but in different format involved authority for the Housing and Urban Development Secretary to finance congregate housing or dormitory housing under the public housing program and the FHA programs. The proposal was agreed to with an amendment to limit eligibility to the elderly, displaced and handicapped. Furthermore, no more than 10 percent of the public housing, section 236 or rent supplement funds are to be used for this purpose.

This title also contains authority to continue the urban renewal program through 1972. The conferees agreed to $1.5 billion for the program in fiscal year 1972. This is less than the $2 billion in the Senate bill but, in view of the outstanding unappropriated funds of over $1 billion, the House conferees were adamant in insisting that the additional $1.5 billion was all that the Administration could efficiently use for next year.

TITLE III—MODEL CITIES AND METROPOLITAN DEVELOPMENT PROGRAMS

Under this title, the conferees agreed to an additional authority of $200 million for fiscal year 1972 for the model cities program. This is a reasonable compromise between the $162.5 million contained in the Senate bill and the $250 million contained in the House bill.

TITLE IV—CONSOLIDATION OF OPEN SPACE PROGRAM

The only significant difference between the Senate and House bills in this title involved the authority for open space land grants for fiscal year 1972. The Senate bill contained $100 million authority and the House bill $90 million authority. The conferees agreed to the Senate provision.

TITLE V—RESEARCH AND TECHNOLOGY

This title consolidates all research and technology programs under HUD. However, the Senate bill contained two provisions extending the program to provide for demonstration of a new housing allowance program and a new program to test methods of arresting housing abandonment. The conferees agreed to these provisions with amendments reducing the housing allowance demonstration authority to $10 million for each of the fiscal years 1972 and 1973, and reducing the housing abandonment program to a 2-year program with a total appropriation authority of $20 million.

TITLE VI—CRIME INSURANCE

Both the Senate and House bills contained provisions authorizing the Secretary of Health and Urban Development to provide crime insurance in each State where a finding is made that such insurance is unavailable or available only at a prohibitive cost. The Senate bill would have implemented such a program in a State only after the close of one full legislative session of the State Legislature but, in no event, sooner than August 1, 1971. The House bill would have implemented the program of Federal Crime Insurance upon the date of enactment of this act. The conference committee agreed that the Secretary should be required to conduct a continuing review of the market availability of crime insurance at affordable rates in each of the several States. Upon determining that such insurance is not available in any State, the Secretary is authorized to provide crime insurance in that State on or after August 1, 1971. This gives State legislatures a reasonable period of time in the early part of next year to provide an adequate crime insurance program in the respective States in order to avoid the Federal Government undertaking such a program.

TITLE VII—URBAN GROWTH AND NEW COMMUNITY DEVELOPMENT

The Senate bill contained a provision for a new program of urban growth and new community development requiring a biennial report on urban growth to be transmitted by the President to the Congress, and establishing a greatly expanded program of guarantees, loans, and grants for new community development. No such provision was contained in the House bill. The conferees agreed to the Senate provision with four amendments, as follows: First, authority for the Housing and Urban Development Secretary, upon specific authorization by the President and using funds appropriated by the Congress, to plan and carry out new community demonstration projects on federally owned lands; second, authority for the Housing and Urban Development Secretary to make grants to States or local public bodies to provide public services to residents of new community projects during their initial period of development; third, authority to guarantee, in the case of a State land development agency, obligations covering up to 100 percent of land value and development costs; and fourth, authority for the Housing and Urban Development Secretary to provide grant assistance to developers to plan new community development programs.

TITLE VIII—FARM HOUSING

This title contains several miscellaneous provisions improving the statutory authority for carrying out an aggressive program of Federal assistance for farm and rural nonfarm housing. One of the provisions in the Senate bill under this title would have authorized Farmers Home Administration to provide financing for the purchase of mobile homes. The House bill contained no such provision. Conferees agreed to the House's position and rejected the Senate provision. The House conferees maintained that adequate authority existed under FHA title I to help provide financial assistance for the purchase of mobile homes in rural areas.

In connection with one of the provisions in both bills which increased the loan limit for rental housing for the elderly under the Farmers Home Administration, the Senate version would have placed the limit at $1 million, and the House version at $500,000. The conferees agreed to a limit of $750,000.

TITLE IX—MISCELLANEOUS

The Senate bill would have authorized the Secretary of Housing and Urban Development to impose a civil penalty for violating new statutory authority prohibiting the use of lead based paint on interior of dwellings. The House bill contained no such provision. The conferees rejected the provision on the basis that a bill covering the lead based paint issue, H.R. 19172, had already passed the House and was on the Senate calendar for prompt action.

The Senate bill contained a provision authorizing public utility holding companies to participate in the provision of low and moderate-income housing. The House bill contained no such provision. Conferees rejected the provision because the House conferees were adamant that such authority in a conference report involving housing legislation would be subject to a point of order by the House of Representatives.

The House bill contained a provision which would have extended for two years the log export amendment of the Foreign Assistance Act of 1968 which placed a ceiling of 350 million board feet on the amount of logs allowed to be exported annually from the Federal forest. The Senate bill contained no such provision. Conferees agreed to the House provision with an amendment which directed the Forest Service to correct any inequities that may exist because of the lumber export limitation and that the 350 million board feet exemption be allocated insofar as practical in proportion to the normal sales program for those Federal timber lands which have been designated to provide exemption quota volumes.

URBAN MASS TRANSPORTATION

The Senate bill contained provision for Federal emergency grants for outstanding indebtedness and operating deficits to meet urgent financial requirements to present local mass transit systems from terminated services through fiscal years 1971 to 1975. The House bill contained no such provision. The House conferees remained adamant and the Senate conferees had no choice but to agree to the House position that the Congress had earlier this year directed the Dept. of Transportation to study this matter once this report is received the Congress will procede to enact appropriate legislation to solve this very difficult problem.

AVAILABILITY UNDER PENDING LEGISLATION OF ASSISTANCE TO NEW COMMUNITY PROJECTS APPROVED BY HUD PURSUANT TO TITLE IV OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968

Mr. MONDALE. Mr. President, I understand that there may be some problem that the benefits of the proposed new community development program will not be available to projects previously approved by the Secretary of Housing and Urban Development pursuant to the provisions of title IV of the Housing and Urban Development Act of 1968.

The act provides that a developer whose project has been approved under title IV shall be eligible, "with respect to obligations thereafter issued by him, for guarantee assistance as authorized either by title IV or by this part." The term "guarantee assistance" is not defined, and the language omits any reference to the availability of the new benefits to public bodies for assistance in such matters as providing essential public services to the residents of new community developments approved by the Secretary under title IV. If narrowly and strictly construed, the term "guarantee assistance" could mean only that any obligation issued by a title IV developer after the effective date of the new law will be eligible for a guarantee continuing the improved language with respect to incontestability as set forth in section 727(a) of H.R. 19436.

Such a narrow and strict construction was not intended since the three projects, one of which is in my State, which have been approved by the Secretary of Housing and Urban Development under the title IV program are in their infancy and are greatly in need of the loan and grant assistance which will be made available by the new law. The "guarantee assistance" to a developer is insignificant in comparison to the needs of the public bodies who are facing the same problems and difficulties in the recently approved title IV projects as will be faced in projects approved under the new law.

In order to avoid any misunderstanding of the congressional intent and to make certain that the developers and public bodies identified with the title IV projects which have recently been approved by the Secretary of Housing and Urban Development will be eligible for the new assistance, I urge that it be understood that in providing for guarantee assistance to new community development programs or projects which, as of the effective date of the 1970 act, have been approved by the Secretary of Housing and Urban Development under title IV of the Housing and Urban Development Act of 1968, it is intended that such programs or projects, and the developers and public bodies identified therewith, shall be eligible for the assistance and benefits of the 1970 act on the same basis as if guarantees of obligations had been made under the provisions of the 1970 act.

Mr. SPARKMAN. In response to the inquiry by the Senator from Minnesota whether new community developments already approved for Federal guaranty assistance under existing law would be eligible for the Federal benefits under the new title VII of this bill before us, I would say such communities would need to fulfill all the statutory requirements of new law before receiving the benefits of this new law. I assume, of course, that the three projects already approved here met specifications under the old title IV statute and therefore would have little difficulty in fulfilling the requirements of the new law. However, until the Secretary approves the project under the new specifications, I am sure you would agree there is no automatic eligibility of these particular projects.

Mr. President, I have a statement by the distinguished Senator from Massachusetts (Mr. BROOKE) on the subject which he has asked me, on his behalf, to have printed in the RECORD, and I ask unanimous consent that that be done.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR BROOKE

HOUSING AND URBAN DEVELOPMENT ACT OF 1970

Mr. BROOKE. Mr. President, I rise today in support of the Conference Committee's version of the Housing and Urban Development Act of 1970. This piece of legislation represents another milestone along the road toward producing a decent home and a suitable living environment for every American family.

I commend the distinguished Chairman of our Committee, Senator Sparkman, and the distinguished ranking minority member, Senator Bennett, for their untiring leadership in this field. One cannot question the commitment of Congress to the goal of a decent home for every American family. I am hopeful that this legislation will be signed into law shortly and that it will provide much needed relief in the years to come.

Highlights of the Conference version include:

Clarification of an amendment to the 1969 Act to insure that adequate funds are provided to improve public housing;

Added flexibility for construction cost ceilings;

A national crime insurance program;

An urban growth and new community program; and

An experimental housing allowance program which may foretell the shape of future housing programs.

While each of these programs is extremely important and should be addressed in depth, I will confine my remarks to low-income family housing programs which are so vitally needed throughout the country.

Last year, Chairman Sparkman and I introduced legislation designed to alleviate intolerable conditions which have been allowed to exist far too long in public housing. The Sparkman Amendment made it clear that Federal assistance to local public housing authorities was not limited to debt service requirements, but could be extended to cover operating needs as well. At the same time, I introduced legislation which authorized HUD to contract with local authorities to make payments to insure the low rent character of public housing and to provide improved operating and maintenance services. The 1969 Act placed a ceiling equal to 25 percent of tenants' income on the rent which is required to be paid.

Seventy-five million dollars in contract authority was authorized for these purposes; however, Congressional intent was clear as to HUD's ability to provide funding in excess of this amount. These two pieces of legislation held the promise for reversing serious trends in public housing; however, the Brooke Amendment was later subjected to narrow administrative interpretations which limited its effectiveness. Specifically, while tenants' rents were limited to 25 percent of their income, additional funding was not provided to improve the quality of operating and maintenance standards.

I introduced legislation earlier this year which was designed to remove any uncertainty as to Congressional intent. I am pleased to note that the Conference Committee has accepted this provision. Thus, sufficient funds will be available to insure that public housing tenants are not forced to pay a disproportionate share of their incomes for rent; and to insure that public housing authorities will have sufficient funds to achieve and maintain adequate operating and maintenance services and reserve funds.

Among the operating and maintenance services which will be funded are the following: tenant counseling on family budgets and on care and upkeep of property; guard and other costs relating to the physical security of project residents; tenant access to available community services relating to employment, health, welfare, education, and personal counseling; effective management-tenant liaison on all aspects of housing administration, management and maintenance; recreational equipment and facilities; and adequate and timely repairs to structures, including the removal of any code violations.

The Conferees have earmarked contract authority in the amount of $75 million per year, which when added to the funds provided under last year's Housing Act, will bring the level of operating and maintenance subsidies to $150 million per year. Thus, adequate funds should be available to restore public housing projects to adequate levels of operating and maintenance services and to insure that a sound physical and social environment is maintained.

It should be emphasized that the Committee is not giving a blank check to local housing authorities, which will enable them to spend extravagantly or irresponsibly. These groups must act in a responsible manner and must insure that the additional funding is used to up-grade the quality of living in public housing and to improve legitimate services which contribute to a sound living environment.

It should be noted that although $150 million has been specifically earmarked for the subsidies discussed above, HUD is not limited to these funds if conditions require that additional funds be used.

I am extremely pleased that the Conference Committee has adopted the Experimental Housing Allowance Program, which I proposed earlier this year. Thus, the Secretary of HUD will be authorized to provide low-income families with housing allowances to assist them in obtaining existing standard rental housing of their choice.

The housing allowance will not exceed the difference between 25 percent of a tenant's monthly income and the maximum fair market rental for standard housing in the community involved. The benefits provided to public housing tenants last year under the Brooke Amendment will thereby be extended to those persons who qualify for public housing but are unable to obtain it for a myriad of reasons.

While public housing as we know it today will change immeasurably over the next few years in response to urban and rural requirements and to the infusion of funds under the Sparkman and Brooke Amendments, we must also begin thinking of alternative programs to address the needs of the poor. The Housing Allowance Program may represent the pattern for future housing programs. The Kaiser Committee and Douglas Commission provided us with valuable insights regarding the Housing Allowance Program, and I am hopeful that this experiment will bear out their optimism.

The Committee has provided $10 million in contract authority for each of the fiscal years 1972 and 1973. This financing mechanism is also utilized to fund public housing units and should expedite the financing of this program While these funds fall short of my original proposal, I am confident that the Housing Allowance experiment can be conducted utilizing 10,000 families at a cost of approximately $1,000 per family each year for two years. This program is a "bare bones" proposal and I am hopeful that Secretary Romney will seek additional assistance from Congress if such assistance is necessary.

I am also pleased to note that the Conference Committee has removed any bar on tenants serving on the board of directors of local housing authorities; extended the Section 235 leasing program to new construction as well as existing units, in addition to extending the term of leases; has adopted the abandoned housing proposal which I introduced earlier this year; and instituted a number of worthwhile changes designed to improve the quality of living for every American.

In conclusion, the Housing and Urban Development Act of 1970, which is pending before you today, constitutes another monumental piece of legislation designed to make further progress toward meeting the national housing goal of a decent home and a suitable living environment for every American family. Your Committee of Banking and Currency has worked hard to produce a reasonable and responsible piece of legislation, and I urge my colleagues in the Senate to lend their support to Chairman Sparkman in this matter.

Mr. GOODELL. Mr. President, would the Senator yield?

Mr. PERCY. Mr. President, would the Senator yield?

Mr. SPARKMAN. Mr. President, the Senator from Illinois had asked me a moment ago to yield to him. I yield now to the Senator from Illinois.

Mr. PERCY. Mr. President, I certainly support our conference report. But I would be negligent if I did not evidence deep disappointment that the House refused to act on a provision covering urban mass transit which was unanimously adopted by the Senate Committee on Banking and currency.

I think it very strange indeed that we have continued to extend, on a continuing resolution, around $20 million a month for the SST, when we have already overwhelmingly decided that we must help failing mass transit systems throughout the country with operating expenses to keep them going. We had decided to help these mass transit companies because they have incurred huge bonded indebtedness in an effort to improve their service. They will not be able to meet this bonded indebtedness and interest and principal, because we have no authorization to provide those funds. Yet at the same time, we seem to be able to find month after month the funds to support the SST which will serve such a relatively few Americans, as opposed to the millions and millions of people of low income who will be adversely affected by the unwillingness of the House to act.

I do know that the House conferees remained adamant. I know that the Senate conferees tried in every way they could to prevail. They finally had no choice but to agree to the House position that the Department of Transportation be required to study the problem and report to the Senate on its findings next year.

The House conferees said that once the report is recieved, the Senate and the House can proceed to enact appropriate legislation. But I feel that in conditions of emergency, such as we face now, for us to have to go back and study the problem is ridiculous. What is there to study when bus transportation companies and mass transit lines are failing? Service is interrupted. Low-income people are continually affected by the continuing rising rates.

I express my deep disappointment that the House conferees did not see fit to meet this need.

I hope it is apparent to the people in the urban areas where the responsibility lies.

I believe that the Senate faced up to its responsibilities and looked ahead trying to save transit lines that, if we wait too long, will not be replaceable at any time in the future.

Mr. SPARKMAN. Mr. President, I am sure the Senator from Illinois knows that I am in complete agreement with him. I think the Senate passed a good bill on this matter. We tried as hard as we could. We brought up all of these points. The conferees representing the House seemed to think that probably within the next year some plan will come out of the Department itself for an appropriate solution to this problem.

We had what I think is a fair understanding that this is not the end of it.

The Senator knows, I am sure, that urban mass transit originated in the Senate Banking and Currency Committee. That is where the first act was written in 1961. It was sent to the Senate and, with the approval of our able colleague, the Senator from New Jersey (Mr. WILLIAMS), it was passed. He has taken a very active part since that time.

This year, both the Senator from Illinois and the Senator from New Jersey had mass transit bills. The two Senators working together, worked up what I thought was a very fine proposal for solving these transit problems with which the country is confronted. The Senate agreed with these provisions, but I am sorry the House conferees were adamantly opposed.

I promise the Senator, that as far as I am concerned, we will continue to support the request for Federal solutions to this problem.

Mr. PERCY. Mr. President, I thank my distinguished colleague. I particularly commend the Senator from New Jersey (Mr. WILLIAMS), who has been an expert in this field. He has been a champion of this cause through the years. I have enjoyed working with him.

I deeply appreciate the support of my colleague, the senior ranking minority member of the committee, the Senator from Utah (Mr. BENNETT), for his understanding of the problem and his support.

Mr. SPARKMAN. The Senator from New Jersey (Mr. WILLIAMS) was on the conference. The Senator from Illinois knows we have a scrapper there.

Mr. PERCY. We could not have had a better exponent on that particular point.

Mr. President, I put the Senate on notice of one problem that the Illinois Housing Authority faced in their housing. Section 108, the new section, would cover them in their section 235 activities. It is my understanding this does not cover them, that this is a substantive matter that could not be brought on the floor.

I hope to present adequately the problem that Illinois faces in this respect with respect to fees and charges that can be included in the mortgage insurance premium, and I will try to correct this problem which I know is faced by other housing authorities in subsequent legislation that we will be taking up in our committee.

Mr. SPARKMAN. Mr. President, we have given considerable thought to that matter. We know the problem. We know it is a difficult problem and a difficult situation. If the Senator can work up something, I should be very pleased. The Senator is right. It covers section 236, but not 235.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield to the junior Senator from New York.

Mr. GOODELL. Mr. President, I rise to support the conference report on the 1970 housing bill. I think it is a good bill and a good compromise.

I am very pleased that the Senate and House conferees accepted many of the housing provisions I have introduced this session and in this regard, I deeply appreciate the cooperation and support I have received from the distinguished chairman, Mr. SPARKMAN, and the ranking minority Member, Mr. TOWER. I particularly want to commend the conference committee for including the first breakthrough legislation with reference to the problem of abandoned housing in our urban communities.

One of the most important issues I have worked on this session is the housing abandonment problem.

The phenomenom of housing abandonment is fast becoming our most severe urban housing problem. It usually begins in a transitional neighborhood where the costs of operating a building begin to exceed the rental income. Unable or unwilling to sustain the losses, the property owner simply walks away leaving the building in disrepair and in the hands of addicts, criminals, and teenage gangs who vandalize the building beyond restoration.

More importantly, abandonment is a highly contagious disease and eventually it infects whole neighborhoods. The abandonment of one building unmistakably points the direction in which the block is going—down. Investments are withdrawn from the neighborhood and family after family is left homeless or forced to live in unsafe, unsanitary quarters. Soon entire blocks empty and remain vacant for years, a symbol of urban decay at its worst.

In hearings held before the Senate Banking and Currency Committee in July, it became clear that abandonment is a national problem affecting major cities across the Nation. Over 130,000 apartments have been abandoned in New York City since 1965. In Philadelphia, 20,000 buildings have been abandoned; 7,500 in Houston; 5,000 in Baltimore; 1,500 in Detroit; 1,000 each in Boston and Washington, D.C.; 950 in Chicago; 900 in New Orleans.

Under the present system the Federal Government is unable to assist the situation where houses are abandoned in a block unless those abandoned houses are in an area covered by or soon to be covered by urban renewal plans. In an effort to stimulate direct immediate Federal action, I introduced three pieces of legislation, S. 4180, the Emergency Abandonment Assistance Act, S. 4181, the Housing Management Services Act, and S. 4182 to provide for fellowships in the field of housing management.

In addition, when the Senate housing bill, S. 4368, was brought to the floor in September, my colleague from Massachusetts (Mr. BROOKE) and I joined, along with Senator JAVITS, to offer an amendment authorizing the Secretary of Housing and Urban Development to make $25 million in grants available to selected cities for the purposes of demonstrating effective and prompt methods of fighting housing abandonment. This provision, the abandoned properties demonstration program, was not included in the House bill, H.R. 19436.

I am very pleased that the conferees agreed to accept this amendment—even though the program has been reduced by $5 million. The program will represent the first congressional recognition of the problem of housing abandonment and the need for an immediate remedy.

It is a demonstration program to show that, working with the States and the cities, we can focus in on the problem and where a single house is abandoned in a block, immediately move to demolish it or renovate it before the disease spreads throughout the entire block.

Although it is a modest grant program, it will serve as a good beginning for a thorough understanding and a major attack on housing abandonment.

I am very proud that the amendment I offered in the committee is in the bill and has survived the conference. I thank the Senator from Alabama for defending it as he did.

The compromise also includes a modified version of my bill, S. 4182. This provision authorizes matching grants to States to finance the training of employees of public bodies and nonprofit organizations in housing management with an emphasis on low- and moderate-income housing. Matching grants would also be available for housing management research by the States and local government. In hearings before the Banking and Currency Committee many witnesses testified that poor and inefficient housing management was a cause of housing abandonment. This provision will help to provide personnel and programs for good management and good maintenance of existing housing.

Another provision included in the conference report is a bill I introduced to provide section 235 homeownership payments to State-financed cooperative and condominium residents. Increasingly, ownership of cooperatives or condominiums in the urban areas has become the only feasible form of homeownership. Sky-rocketing costs for land and the scarcity of that precious commodity make the price tag for a single family dwelling prohibitive. Low- and moderate-income families can simply not afford the cost. Instead these families are taking advantage of cooperatives and condominiums as "homeownership city-style." This provision will add a Federal subsidy to reduce costs for the potential owner and thereby encourage cooperative-condominium ownership.

I am very pleased that the Senate conferees agreed to accept a House measure providing Federal housing assistance for our single population, particularly the nonelderly, and the displaced.

Existing Federal low- and moderate-income housing programs do not adequately serve this single population. By and large the programs are primarily designed to assist families, the elderly and the handicapped. As a result, the needs of this population group has become acute, particularly in areas designated for public clearance such as urban renewal areas. As renewal activities begin, municipal officials, who are responsible for relocating the displaced residents cannot find suitable units in sufficient number for the single population.

In an effort to help correct this inequity I introduced a bill, S. 4288, to allow Federal subsidies in the form of section 236, rent supplement and public housing funds to be used for the purpose of constructing congregate housing especially suited for nonelderly single persons.

Such housing would be dormitory-type rental housing with maximum feasible use made of common baths, community kitchens, common dining areas, and other shared facilities such as recreation rooms, workshops or health facilities. Under my bill only 10 percent of the appropriations in each program could be used for construction of this housing.

Competent and responsive housing management would be essential to the success of a project with such a diverse and complex tenantry. Therefore, my bill permitted the inclusion of management fees into the allowable project cost.

While my bill was adopted in committee, it was later deleted on the Senate floor.

In the other body, Congressman WILLIAM MOORHEAD of Pennsylvania took the lead by introducing a similar bill, although not as comprehensive as S. 4288. Mr. MOORHEAD's bill was approved by the Banking Committee and accepted by the House of Representatives. Since I believe housing assistance for the single, nonelderly population is so critical, I am delighted that the Senate conferees accepted the Moorhead provision. While it is not as far reaching as my bill, it is an important beginning—one that will be followed by a more extensive program in the years ahead.

Another provision accepted by the Senate conferees was a measure introduced by Congressman WILLIAM FITTS RYAN to provide section 236 and rent supplement assistance to all State or locally financed rental or cooperative housing without regard to the date of construction. Existing law prohibits the use of such funds for existing housing.

This bill provides the desperately needed financial assistance to the families now living in 23,000 units financed by the New York State Mitchell-Lama program. These units were originally financed with temporary, low interest loans. The low financing charges produced low rents—about $30 to $40 a room—which low- and moderate-income families could afford.

Now, at a time of soaring interest rates, the mortgages must be renewed—at a far greater cost. The greater costs, of course, are translated into higher rents for the tenants, some nearly double the original rent.

Clearly these increases would be more than the Mitchell-Lama families could afford. The influx of Federal subsidy, through Congressman RYAN's bill, will reduce the mortgage costs and therefore the rentals.

BILL RYAN worked long and hard for this measure and he has done a great service to the people of New York. Since 10 other States have similar programs, they will also benefit from this program.

There are two serious omissions in the compromise bill. First, the House conferees refused to accept a two-part mass transit assistance program aimed at serving commuter lines. One part of the program, introduced by the able senator from New Jersey (Mr. WILLIAMS), provided direct operating subsidies to failing commuter lines. The other approach, offered by my good friend, Mr. PERCY, provided interest subsidies for the debt service on capital equipment purchased by lines serving low-income areas or threatened with failure.

I share the regrets of the Senator from Illinois that this aid will not be forthcoming. It is apparent that rail transit, both commuter and intercity service, is in serious trouble. Only direct assistance, as provided in the Williams-Percy approaches will be able to stabilize this emergency situation. I hope the Congress will recognize this need in the years ahead.

The second omission was deletion of the House-passed amendment to increase mortgage limits for section 235-236, other FHA subsidized housing by 20 percent. I introduced a similar version on the Senate floor which was defeated.

I am deeply concerned about this omission. Construction costs—that for labor, materials, land—increase at a skyrocketing rate. The allowable project costs under our housing programs do not increase at a corresponding rate. Therefore, housing construction must be halted when actual construction costs exceed the statutory mortgage limits. Many cities across the country—high-cost areas—are now feeling the "cost pinch." I regret the failure of my amendment, the House-passed measure.

I believe the 1970 housing bill is an excellent one.

I have been privileged to work so closely on it. Once again, I extend my gratitude to Mr. SPARKMAN and Mr. TOWER for their support.

Mr. SPARKMAN. Mr. President, I thank the junior Senator from New York.

Mr. President, I now yield to the senior Senator from New York.

Mr. JAVITS. Mr. President, I would like to say a word about Senator GOODELL's part in the problem. We have both inspected enormous areas in New York—the South Bronx, Harlem, a disaster-hit area called Brownsville in Brooklyn, and another part of the city, Bedford-Stuyvesant, and have seen the problems existing.

We have seen the horrible price paid under almost inhumane circumstances because of these abandoned buildings which become, as the Senator so eloquently pointed out, the real dens of inequity of the city for narcotic addicts and pushers, and they become fire hazards, and hazardous to children and unsightly messes.

I pay tribute to the junior Senator from New York. I joined with him but he carried the ball and he worked very hard to get the matter through.

I tried hard to take this message of his effectiveness to the people of our State. I am sure the junior Senator from New York is happy to see this matter consummated. Knowing him, it is a greater satisfaction to him to have gotten this matter through than his political campaign. That is the greatest tribute one can pay to a colleague.

I join the Senator from Illinois (Mr. PERCY) and the junior Senator from New York in expressing my regret about mass transit, but there are other critical important parts of the bill.

I like very much the crime insurance part of the bill. That is an enormous problem in the ghettos. I like that part which will let small builders qualify for bonds for guarantees. The guarantee for mortgages is a very fine privilege.

New York is very grateful to the Senator from Alabama, the Senator from Texas, the Senator from Illinois, and my colleague from New York for the assistance with regard to section 236 mortgages and supplement programs, making them available in what we call the Mitchell-Lama housing in New York.

As always I have the greatest admiration for the Senator from Alabama. I have served on his committee and I know of his work firsthand. I wish to express the gratitude of the 18.5 million people of my State to him for the fine work he has done in this matter. While it is not the optimum, it is wonderful progress along the way.

Mr. SPARKMAN. Mr. President, I thank the senior Senator from New York. I was pleased to hear him make remarks with regard to his junior colleague. The senior Senator knows, of course, the junior Senator from New York has been serving on the Committee on Banking and Currency since he has been in the Senate. He has been one of our most able and faithful workers on that committee. During the time he has been there he has made many good proposals, many of which we have written into law; not all of them but most of them we have written into law. I appreciate what the Senator said about him. I found him a very good Senator to work with and to be associated with. I enjoyed his service on the committee and I am grateful for it.

Mr. JAVITS. I thank the Senator.

Mr. GOODELL. I thank the Senator for his comments. I enjoyed working under his fair and enlightened leadership. It means a great deal to me to have those comments made by a man for whom I have such great respect.

Mr. SPARKMAN. Mr. President, in conclusion I express my thanks to all members of the Committee on Banking and Currency and the Subcommittee on Housing and Urban Affairs for the wonderful work they did on this legislation. This is not easy legislation. It is complex. It was difficult and it was difficult because we saw so many things that needed to be done and we could not do all of them at one time.

I especially wish to pay tribute to Carl Coan, staff director of the Subcommittee on Housing and Urban Affairs and John Evans, the minority counsel, and other staff members who worked so well on the legislation.

Mr. President, I move the adoption of the conference report.

The motion was agreed to.

SOCIAL SECURITY AMENDMENTS OF 1970

The Senate continued with the consideration of the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

Mr. WILLIAMS of Delaware. Mr. President, I do not wish to delay the Senate, and I am not making any points of order tonight or discussing it, but I will mention this point: I merely invite attention to the fact that the Scott amendment which was offered to H.R. 17550 earlier, the amendment reported by the clerk, was different from the amendment appearing in the Journal. I am sure that the Senator from Pennsylvania may want to make a point of order himself on this and may ask for the amendment to be withdrawn. It appears that he sent it to the desk and the clerk reported the wrong amendment.

I detected this earlier and had a photostat copy made of the amendment as it was reported and that is what is officially before the Senate.

I have a photostated copy of both copies. I have seen a copy of the amendment as now before the Senate.

There has been a lot of confusion in the Senate in the past few days but this is evidence that the confusion has spread.

I merely call this to the attention of the Senate now to say that at an appropriate time I shall point out the effects of the amendment.

Mr. President, in connection with the Soctt amendment, at first glance it appeared that the Scott amendment had lifted the committee amendment pages 7 and 8 out of the bill and transposed it for parliamentary reasons in order to get an earlier vote on the family assistance plan. I can understand that.

I noticed the amendment at the desk, and I wondered if it was exactly right. I asked Mr. Brownrigg to get it from the clerk and to photostat the amendment as reported so that I would have a copy, and I have a photostat of the amendment as it was read and presented at the desk.

The amendment that was transferred to the journal clerk was a different amendment, but the amendment now before the Senate is the one that would be reported by the clerk that is officially before the Senate.

I have checked this with the staff, and the mathematical effect of the amendment before the Senate, and I think the Senator from Pennsylvania and others will want to know this, is that it does one of two things. It either raises everybody to a $221 minimum and repeals 90 percent of the Social Security Act. It reads that no benefits would be paid to anybody with wages of more than $488 monthly, and since virtually no one on the rolls would have wages that high the staff estimates that the effect would be that 90 percent of the people on social security would have their benefits reduced to zero under the Scott amendment as it is proposed by the Ribicoff-Bennett amendment.

That is the situation we have, and that is the amendment we have pending. I shall be glad to have the Senator from Pennsylvania review this matter. He can decide tomorrow how far he wants to pursue his amendment. I know that was not the intent, but that is the amendment at the desk, and it is not subject to modification or amendment.

Mr. RIBICOFF. Mr. President, will the Senator yield at that point?

Mr. WILLIAMS of Delaware. I yield.

Mr. RIBICOFF. Mr. President, I have asked the Senator to yield because the distinguished minority leader was not here when this discussion began.

It becomes apparent that at the desk either the bill clerk, or the reporter, or someone who transcribed caused a little confusion, because what the senior Senator from Delaware showed me on one set of photostats has two page 8's.

Mr. WILLIAMS of Delaware. That is correct.

Mr. RIBICOFF. In the other photostat, the journal clerk has only page 7, so it becomes apparent a page 7 and a page 8 were at the front desk. Who caused the confusion I do not know. But there was confusion as evidenced by the fact that the Senator from Delaware has two sets of photostats, one with two page 8's and one with page 7. Someone assumed they were the same and left one out.

Mr. WILLIAMS of Delaware. Apparently they were stapled together. The reading clerk could have made a mistake and so could anyone else. But in all fairness to the clerk, two pages numbered 8 were stapled together as the reading clerk read them. I do not want to put the reading clerk in the position of having made the mistake because all he could do was report the amendment that went to the desk, and I have a copy here.

It even has the name of the Senator from Connecticut on it first; that is crossed out, and it shows that Senator Scott offered it. At the end of page 6 it states "insert the following," and then there are some words stricken out, then two pages 8.

The effect of the amendment if adopted is to repeal the Social Security Act so far as page 7 is concerned. We shall have plenty of time in the next couple of days to straighten this matter out. The proposal is intended to include a family assistance plan now before us. We may need the family assistance plan and a greater welfare plan because if the whole package is adopted it would strike out 90 percent of the Social Security Act and place all those people on welfare.

Mr. RIBICOFF. Mr. President, I wish to point out at this time that I cast no aspersions on the reading clerk or the Journal clerk, but it becomes apparent that somebody in transmitting this amendment, some part of the inner workings of the Senate, made an error somewhere. If an error was not made I fail to understand how the Journal clerk can have page 7 and the reading clerk two copies of page 8. So someone caused confusion, because if the distinguished Senator had put in two page 8's, how could the Journal clerk get a page 7?

Mr. WILLIAMS of Delaware. No one knows exactly how it happened, but one could easily see how it could happen. One set was stapled together, and rather than putting in that set one page 7 and one page 8, they put two page 7's in one bill, and the reading clerk got the two page 8's and the Journal clerk got the two page 7's. The page 8's are officially before the Senate.

Mr. SCOTT. If the Senator will yield, I do not want to leave the record stand without saying I submitted the amendment, and no matter what the amendment shows, if there were flaws and errors in it, they were probably there when I submitted it, so I do not want to blame anyone else.

That may have been the case, but overriding that is the fact that nobody really knows what the case was, and overriding that is the fact that there are very important substantive changes offered by the amendment. As the Senator from Delaware says, it certainly is not the amendment that came out of the committee, and, therefore, it ought to have its right to be heard and debated and voted upon. We can discuss the point of order later, but it certainly seems to me that when one looks at page 6, and then looks at the bottom and sees nothing but a blank space, and then the amendment I offered contains some important and substantive changes between 6 and 7, if there is a chart or table left out, normally, if this were not near the end of the session, I am quite sure all Senators would agree that we could correct this kind of unfortunate error and get on to the merits of the substance.

But we are in a situation where we are not talking merit, we are not talking substance; we are talking page 7 and page 8, and I think we will have to have a point or order. The issue is whether this is a substantive change in the amendment.

Mr. WILLIAMS of Delaware. If the Senator will yield, I examined the amendment first with the thought that possibly a point of order would lie. I now say that a point of order would not be sustained. I agree with the Parliamentarian. This is a change. When 80 or 90 percent of the social security law is repealed that is different from what the committee did, and I will debate anyone who tries to raise a point of order. The Scott amendment is definitely in order. It is the biggest change in social security laws that has ever been proposed in this Congress. My first impression was that if this were the committee amendment—and I know the Senator from Pennsylvania intends to take pages 7 and 8—I was going to consider a point of order, but when I saw two page 8's only were offered, I had them photostated; I knew that all I needed was to have the yeas and nays ordered on this amendment, and we would discuss it in a clear atmosphere later. I am confident that neither the Senator from Connecticut nor the Senator from Pennsylvania would want to pursue an amendment which, if enacted, would repeal 80 or 90 percent of the Social Security Act. It is not subject to a point of order. I want to make that clear.

Mr. SCOTT. I must say the Senator from Delaware could have told me what he had in mind with regard to the request for the yeas and nays. I knew the Senator had something, because he always has something, but we did not know what it was. Now that we know what it is, perhaps we will appreciate it at a later date. But the Senator is in error if he thinks I am going to withdraw this amendment at this time.

Mr. WILLIAMS of Delaware. I am sure the Senator is not going to withdraw it. We are in agreement on that. I am going to be frank and say that I wanted the yeas and nays ordered to prevent the amendment from being withdrawn. I do not approve of amendments being offered in the Senate where only the manager of the amendment can change it. I doubt that the White House or the Senator from Pennsylvania will want a proposal acted on which would repeal 80 percent of the Social Security Act. I hope that tomorrow we can reach agreement. I am sure no point of order could prevail. I will defend the Parliamentarian on that. When the Senator from Pennsylvania proposed to repeal 90 percent of the Social Security Act it is a change, and I put that in capital letters.

Mr. RIBICOFF. Mr. President, if the Senator will yield, while there may be some error, no change was intended, and no change affecting any social security beneficiary will ever become law. This is a mighty big bill, with a lot of pages, and there will be plenty of opportunity as we go along perfecting various amendments and putting in amendments to make sure that in some subsequent amendment and in some subsequent procedure the complete charts are put in, so the Senate will arrive at a point where it can vote on a 10-percent social security increase and a $100 minimum. I am sure that between the Senator from Delaware, myself, and other Senators, there will not be difficulty achieving any result of that kind.

Mr. WILLIAMS of Delaware. I am sure of that, because I cannot conceive of the Senator from Pennsylvania wanting to repeal 90 percent of the Social Security Act. I cannot conceive of that, and that was what struck me when I saw the amendment at the desk. That is the reason why I wanted to get this outlined on the Record tonight; Senators should be on notice as to the situation before the Senate.

Mr. SCOTT. I do not think there is any question of good faith on the part of the Senator from Pennsylvania and on the part of the Senator from Connecticut in their desire to achieve what the committee has so well and carefully wrought; namely, an increase in certain social security benefits. I am not aware how the Senator from Delaware voted on those increases, but I will say now, and as often as I have the opportunity, I will vote for them. I am for the social security benefits. I am for these charts.

If the Senator from Delaware had advised us that we were offering a chart which would repeal part of the Social Security Act, we could have corrected the matter on the floor in less than 30 seconds, and we will always be willing to correct the matter on the floor in less than 30 seconds if the Senator will permit us.

Mr. WILLIAMS of Delaware. If the Senator from Pennsylvania had sought my advice I would have been delighted to have given it to him.

Mr. SCOTT. I assure the Senator I will. I always do.

Mr. WILLIAMS of Delaware. I was not asked my advice when the proposal was presented, so I took it at face value that he knew what he was doing. I have such respect for the Senator from Pennsylvania that it never dawned on me that he did not know what he was doing.

Mr. SCOTT. I was going to say that no Senator knows what he is doing when the Senator from Delaware gets through with him, because he has expertise which is so superior to the rest of us. I agree with that. That is why we are going to miss him. But the Senator from Pennsylvania knew what he was doing, all right. The Senator from Pennsylvania is not aware to this minute whether or not a chart had been changed or had not been changed. The Senator only knows the chart had been changed when it was in his hands, and another copy went to the desk, and that is where the mystery lies.

The Senator from Pennsylvania takes that responsibility in having concurred in sending up the second chart. The Senator from Pennsylvania's intention is good. His purpose is good. His desire to achieve a social security benefit increase is good. He will gladly consult the Senator from Delaware to see how, in the exercise of his infinite wisdom and mercy, we will achieve the desired result.

Mr. WILLIAMS of Delaware. Whenever the Senator seeks my advice I assure him that he will get it.

Mr. SCOTT. I will be glad to accept the advice up to the cliff, and there I will take a good look over it to see where we are going.

Mr. WILLIAMS of Delaware. I assure the Senator from Pennsylvania he will be well advised to be guided by any advice I give him.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Metcalf) laid before the Senate the following letters, which were referred as indicated:

Report of Department of Defense Procurement From Small and Other Business Firms

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense Procurement from Small and Other Business Firms for July-September 1970 (with an accompanying report); to the Committee on Banking and Currency.

Third Preference and Sixth Preference Classifications for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITION

The ACTING PRESIDENT pro tempore (Mr. Metcalf) laid before the Senate a resolution adopted by the Eastern Navajo Council of the Navajo Tribe of Indians, Crownpoint, N. Mex., praying for the necessary appropriation to construct a new hospital at Crownpoint, N. Mex., which was referred to the Committee on Appropriations.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The ACTING PRESIDENT pro tempore (Mr. Metcalf) announced that on today, December 17, 1970, he signed the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

S. 1785. An act for the relief of Irene Sadowska Sullivan;

S. 2162. An act to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes;

S. 2336. An act relating to the parishes and congregation of the Protestant Episcopal Church in the District of Columbia;

S. 3318. An Act to amend the Library Services and Construction Act, and for other purposes;

S.J. Res. 74. Joint resolution to provide for the designation of the first full calendar week in May, 1971, as "National Employ the Older Worker Week";

S.J. Res. 172. Joint resolution to authorize the President to issue a proclamation designating the first full calendar week in May 1971 as "Clean Waters For America Week";

S.J. Res. 187. Joint resolution to authorize the President to designate the third Sunday in June, 1971, as "Father's Day";

S.J. Res. 226. Joint resolution to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks"; and

S.J. Res. 236. Joint resolution authorizing the preparation and printing of a revised edition of the Constitution of the United States of America—Analysis and Interpretation of decennial revised editions thereof, and of biennial cumulative supplements to such revised editions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

H.R. 956. An act to rename a lock of the Cross-Florida Barge Canal the Henry Holland Buckman lock (Rept. No. 91-1497);

H.R. 3107. An act to officially designate the Totten Trail Pumping Station (Rept. No. 91-1498);

H.R. 7334. An act to designate the lake formed by the waters impounded by the Libby Dam, Mont., as Lake Koocanusa (Rept. No. 91-1499);

H.R. 8933. An act to provide that the lock and dam referred to as the "Jackson lock and dam" on the Tombigee River, Ala., shall hereafter be known as the Coffeeville lock and dam (Rept. No. 91-1500);

H.R. 12564. An act to rename a pool of the Cross Florida Barge Canal "Lake Ocklawaha" (Rept. No. 91-1501);

H.R. 13862. An act to authorize the naming of the reservoir to be created by the Little Goose lock and dam, Snake River, Wash., in honor of the late Dr. Enoch A. Bryan (Rept. No. 91-1502);

H.R. 14683. An act to designate as the John H. Overton lock and dam the lock and dam authorized to be constructed on the Red River near Alexandria, La. (Rept. No. 91-1503);

H.R. 18858. An act to change the name of the West Branch Dam and Reservoir, Mahoning River, Ohio. to the Michael J. Kirwan Dam and Reservoir (Rept. No. 91-1504); and

H.R. 19855. An act to designate the lake formed by the waters impounded by the Butler Valley Dam., Calif., as Blue Lake (Rept. No. 91-1505).

By Mr. BYRD of West Virginia (for Mr. RANDOLPH), from the Committee on Public Works, without amendment:

H.R. 17750. An act to grant the consent of Congress to the city of Boston to construct, maintain, and operate a causeway and fixed-span bridge in Fort Point Channel, Boston, Mass. (Rept. No. 91-1507).

By Mr. BYRD of West Virginia (for Mr. SPONG), from the Committee on the Judiciary, without amendment:

S. 4481. A bill granting and ceding to the city of Alexandria, in the State of Virginia, certain waterfront land along the Virginia shoreline of the Potomac River, and for other purposes (Rept. No. 91-1506).

By Mr. HRUSKA, from the Committee on the Judiciary, with amendments:

H.R. 14645. An act to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President (Rept. No. 91-1508).

REPORT ENTITLED "TFX CONTRACT INVESTIGATION"—REPORT OF A COMMITTEE (S. REPT. NO. 91-1496)

Mr. McCLELLAN, from the Committee on Government Operations, submitted a report entitled "TFX Contract Investigation," which was ordered to be printed.

Mr. McCLELLAN subsequently said: Mr. President, I ask unanimous consent that any members of the Government Operations Committee who might desire to file individual views on the report just submitted on the TFX may have the privilege of doing so.

The PRESIDING OFFICER (Mr. SPONG). Without objection, it is so ordered.

20TH ANNUAL REPORT OF THE ACTIVITIES OF THE JOINT COMMITTEE ON DEFENSE PRODUCTION—REPORT OF A COMMITTEE—SUPPLEMENTAL VIEWS (S. REPT. NO. 91-1509)

Mr. SPARKMAN. Mr. President, from the Joint Committee on Defense Production, I submit a report entitled "20th Annual Report of the Activities of the Joint Committee on Defense Production." I ask unanimous consent that the report be printed, together with the supplemental views of the Senator from Wisconsin (Mr. PROXMIRE).

The PRESIDING OFFICER (Mr. HUGHES). The report will be received; and, without objection, the report will be printed, as requested by the Senator from Alabama.

S. 4595—ORIGINAL BILL REPORTED ENTITLED "THE EMERGENCY RAIL SERVICES ACT OF 1970"—INDIVIDUAL AND MINORITY VIEWS (S. REPT. NO. 91-1510)

Mr. BYRD of West Virginia. Mr. President, on behalf of the able senior Senator from Washington (Mr. MAGNUSON), I report from the Committee on Commerce an original bill, and ask that the report be printed, together with individual and minority views.

The PRESIDING OFFICER (Mr. BELLMON). The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from West Virginia.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

James H. Gorbey, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania;

Ralph B. Guy, Jr., of Michigan, to be U.S. attorney for the eastern district of Michigan;

Frederick M. Coleman, of Ohio, to be U.S. attorney for the northern district of Ohio; and

Clarence A. Butler, of Maryland, to be U.S. marshal for the district of Maryland.

Mr. STENNIS. Mr. President, from the Committee on Armed Services I report favorably 31 flag and general officer nominations in the Army, Navy, and Marine Corps. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Vice Adm. Paul Masterton, U.S. Navy, and Vice Adm. Luther C. Heinz, U.S. Navy, for appointment to the grade of vice admiral, when retired;

Vice Adm. William I. Martin, U.S. Navy, for appointment to the grade of vice admiral, when retired;

Rear Adm. James L. Holloway III, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Adm. John J. Hyland, U.S. Navy, for appointment to the grade of admiral, when retired;

John R. Chaisson, and sundry other officers, for promotion in the Marine Corps;

Arthur B. Hanson, for appointment to the grade of major general in the Marine Corps Reserve;

William C. Chip, and sundry other officers, for promotion in the Marine Corps;

Richard Mulberry, Jr., for appointment to the grade of brigadier general in the Marine Corps Reserve;

Lt. Gen. Harry Herndon Critz, Army of the United States (major general, U.S. Army), to be placed on the retired list, in the grade of lieutenant general.

Mr. STENNIS. Mr. President, in addition, I report favorably 947 promotions in the Air Force in grade of colonel and below; 2,944 appointments and promotions in the Navy in grade of captain and below; 854 appointments and promotions in the Army in grade of colonel and below; and 546 appointments in the Marine Corps in grade of captain and below. Since these names have already been printed in the CONGRESSIONAL RECORD, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

1st Lt. Jack T. Kline, U.S. Marine Corps, for appointment to the grade of captain;

Phillip L. Abold, and sundry other officers, for promotion in the Regular Air Force.

Franklin S. Achille, and sundry other Naval Reserve Officers Training Corps candidates, to be permanent ensigns in the Navy;

Perry Ahthe, and sundry other officers, for promotion in the U.S. Navy;

William H. Mason, and sundry other officers, for promotion in the Regular Army of the United States;

Wayne D. McConnell, for reappointment in the active list of the Regular Army of the United States, from temporary disability retired list;

Helena M. Vernon, for reappointment in the active list of the Regular Army of the United States; from temporary disability retired list;

Thomas R. Ostrom, and sundry other persons, for appointment in the Regular Army;

Ronald L. Baggett, and sundry other persons, for appointment in the Regular Army of the United States;

Donald R. Ayers, and sundry other distinguished military students, for appointment in the Regular Army of the United States; and

Louis Acosta, and sundry other officers, for promotion in the Marine Corps.

BILLS INTRODUCED OR REPORTED

Bills were introduced or reported, read the first time, and, by unanimous consent, the second time, and referred or placed on the calendar, as follows:

By Mr. McCLELLAN:

S. 4592. A bill to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recordings, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. McCLELLAN when he introduced the bill appear below under the appropriate heading.)

By Mr. McCARTHY:

S. 4593. A bill to implement certain provisions in the act of September 7, 1957 (71 Stat. 619), as amended, relating to the construction, maintenance, and operation of a stadium in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. PELL (for himself and Mr. MONDALE):

S. 4594. A bill to provide minimum health benefits to employees and their immediate families and to provide for the distribution of health benefits, for medical education, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. PELL when he introduced the bill appear below under the appropriate heading.)

By Mr. BYRD of West Virginia (for Mr. MAGNUSON):

S. 4595. A bill to authorize the Secretary of Transportation to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes; placed on the calendar.

(The remarks of Mr. BYRD of West Virginia when he reported the bill appear earlier in the RECORD under the heading "Reports of Committee."

S. 4592—INTRODUCTION OF A BILL TO PROVIDE FOR THE CREATION OF A LIMITED COPYRIGHT IN SOUND RECORDINGS

Mr. McCLELLAN. Mr. President, as chairman of the Senate Subcommittee on Patents, Trademarks, and Copyrights, I introduce, for appropriate reference, a bill to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recordings, and for other purposes.

Information supplied to the Copyrights Subcommittee indicates a rapid increase in the unauthorized duplication and piracy of sound recordings. It has been estimated that as many as 18,000 illegal tapes are being produced each day depriving the record industry, its distributors, and performing artists of an estimated $100 million annually in tape sales. Recording artists and members of the musicians union are major victims of the record piracy racket because artists under contract loose royalties from the legitimate sale of albums and tapes, and the percentage of the sales price of each record that would normally go to the music performance trust funds and the musicians themselves is not conveyed by the pirates to the fund. Furthermore, Federal, State, and local governments are deprived of tax revenues they would otherwise receive from record manufacturers. The consumer is harmed by the frequently inferior quality of the pirated records and tapes.

Because the illegal duplication of recordings is rather simple, it affords a lucrative activity for organized crime. The pirates purchase for a few dollars a tape or record which represents to the record company substantial recording and manufacturing costs, transfer mechanically the music from the legitimate record or tape to the pirated tape and sell it at reduced cost in competition with the legitimate tape. Thus, the pirates, with virtually no financial investment, sell under their own labels, or with no label identification at all, the recordings of others. On the other hand, the costs to the record manufacturer of producing and promoting a modern album or tape can well be over $100,000.

Not surprisingly the pirates produce those albums that are proven money makers. It is well known that a substantial percentage of the recordings of classical music, such as operas and symphonies, do not make a profit. The sales of classical records have been further reduced by off-the-air taping. If the income of record manufacturers from the sale of popular records is significantly harmed by the activities of the pirates, this will further reduce the ability of such manufacturers to produce new recordings of classical music.

The existing U.S. copyright law, enacted in 1909, does not grant copyright protection to the owner of a sound recording. The remedies available to record manufacturers under State law are inadequate. Consequently, the Copyrights Subcommittee, in reporting the pending legislation for a general revision of the copyright law, included provisions establishing a limited copyright in sound recordings. The bill which I am introducing today is based on the provisions contained in S. 543, the copyright revision bill.

The earliest feasible effective date for the implementation of the general copyright revision bill is January 1, 1973. While the revision bill has been making its slow and tortuous progress through the legislative process, the Congress has endeavored by the passage of several joint resolutions and by various informal understandings to preserve the rights and equities of all parties. The widespread unauthorized duplication of recordings is causing irreparable injury to the record industry, performers, and the public. It may therefore be desirable for the Congress to act on this issue independently of the general revision bill.

The bill which I am introducing today seeks to combat record piracy by establishing a limited copyright in sound recordings. Alternative remedies, such as a criminal statute, may also have merit. The subcommittee can review this matter further in the 92d Congress. In the meantime any individuals having views on this subject should address their comments to the subcommittee.

I ask unanimous consent that there be printed at this point in the RECORD an article on piracy and counterfeiting of records and tapes which appeared in the Wall Street Journal on November 30.

The PRESIDING OFFICER (Mr. STEVENSON). The bill will be received and appropriately referred; and, without objection, the article will be printed in the RECORD.

The bill (S. 4592) to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recordings, and for other purposes, introduced by Mr. McCLELLAN, was received, read twice by its title and referred to the Committee on the Judiciary.

The article presented by Mr. McCLELLAN is as follows:

HOT NUMBERS: PIRATES AND COUNTERFEITERS OF STEREO TAPES STEAL HUGE SALES AND GIVE THE INDUSTRY FITS

(By Stephen Grover)

NEW YORK.—Heard about those hot new recording groups that are cutting new stereo tapes almost daily? One's called The Pirates, and the other is The Counterfeiters. They've got the whole industry talking.

Actually, muttering is a better word.

The pirates and the counterfeiters are real pirates and real counterfeiters. The pirates make illegal copies of tapes and peddle them cheaply to record shops, unabashedly admitting that they are pirated copies. The counterfeiters make illegal copies but then go a step further and copy the packaging that the originnal comes in, too; the counterfeiters then palm off their work as the original.

Last year the two groups sold about $100 million in copied tapes, accounting for about a fourth of all tapes sold, according to Jules Yarnell, counsel for the Recording Industry Association of America. This year the figure is believed to be sharply higher.

Pirating and counterfeiting musical works is nothing new; records have been copied illegally for years. But tape piracy is far easier than record piracy, and thus is far more of a problem for the industry. Record piracy has never accounted for more than 5% of total record sales, industry officials say. Last year the figure was 5%, equal to sales of about $60 million, the officials estimate.

WILL PRICES GO DOWN?

This big threat to the blossoming tape industry could have either of two major repercussions: The legitimate tape makers might cut the prices of their stereo tapes to try to make the copies less of a bargain and therefore less attractive to retailers. Or "it could mean the destruction of the business," one executive says.

No one really expects the industry to be killed by the pirates, but neither does anyone expect the pirates to be knocked off by the industry. Alarmed record companies have filed more than 100 lawsuits against pirates and counterfeiters in recent weeks, but "no sooner do we win one suit than another three counterfeit operations spring up," says a lawyer for one recording company.

The problem is simply that counterfeiting tapes is one of the easiest ways to make an illegal bundle. "You don't need metal presses or any of the other expensive equipment it takes to make records," says Henry Brief, executive secretary of the Recording Industry Association. All a person needs is a tape recorder, a tape playback deck and some machines that will produce many copied tapes at a time. "The cost of going into business as a tape pirate or counterfeiter is less than $10,000," says one person in the industry.

THE GRAND FUNK RAILROAD

There are other advantages. The pirate doesn't have to bother with the expenses of developing talent, promoting it, paying royalties when a recording is a hit or swallowing huge losses if a recording is a flop. Thus, the pirates and counterfeiters often get a high return on their investment. They often get $20 or more for a tape that cost them only 95 cents to produce—and that legitimate record companies sell for $6.95.

Pirates and counterfeiters often make as many as 5,000 copies of a hit tape, and they seem to have little difficulty selling them. Many record retailers regularly sell pirated tapes under the counter, and a few sell them openly. Capitol Records, for example, alleges that a Minnesota chain was recently advertising "a fresh shipment of regular $6.95

stereo tapes for only $2.99 each" and that the tapes included two pirated tapes by the Grand Funk Railroad, which is a rock group under contract to Capitol.

Capitol has sued the stores, which say they are blameless. Indeed, it's unclear what laws are broken by sellers of pirated records outside New York and California. There is a Federal law that prohibits the sale of counterfeited tapes, but only New York and California have statutes that specifically forbid the sale of pirated tapes. Some companies win actions that are based on the ground of "unfair competition," but these actions are long and costly.

The companies are pressing for more state laws against pirating and for changes in the U.S. copyright law to bar counterfeiting and piracy. At the moment, the copyright law applies only to the work performed, not to the performance; that is, if a pirate tapes a number rendered by the Grand Funk Railroad and written by the Beatles, the Beatles but not the Grand Funk Railroad would have an action for copyright infringement. The Beatle's action could be brought against both the pirate and the seller.

TAKING THE OFFENSIVE

"We know that tougher laws aren't the complete answer," says an industry executive, "but it would be a start. They have laws against piracy in Canada, and the problem there isn't a serious one anymore." The industry also complains that the New York and California laws are too lenient; they make the offense a misdemeanor and provide for a maximum sentence of a year in jail.

Record companies find it especially galling that some pirates have taken the legal offensive. In the past, two groups, Tape-a-Tape of Chicago and Tape Industries Association of America in Los Angeles, have made pirated tapes and made no bones about it. Each of their copied tapes carries this message: "No relationship of any kind exists between Tape-a-Tape (or Tape Industries Association of America) and the original recording company, nor between this recording and the original recording artist. . . . Permission to produce this tape has not been sought or obtained from any party whatsoever."

Both groups were sued by record companies on the ground of unfair competition, and both groups lost. The California company, however, is appealing to the Supreme Court. It says clothing makers are allowed to copy famous designs, and it argues that "the Supreme Court held an Illinois law on unfair competition could not Constitutionally be applied to prevent a competitor from copying the designs and selling identical products simply because consumers might be confused about the source of the product."

The judge in the lower court refused to accept that argument. He ruled that pirated tapes "actually take and appropriate the product itself—the sounds recorded on the albums—and commercially exploit the product."

A DIFFERENT ARENA?

Some people maintain that instead of fighting in court the tape companies should fight the pirates in the marketplace. "They could solve their problem if the record companies cut their listed prices," asserts one buyer of pirated tapes. "It still costs about a dollar more to buy a stereo cartridge than it does to buy a record containing the same music. That's just too much money."

Tape companies argue that their heavy overhead costs—royalties, promotion and the like—prevent them from reducing prices significantly. And they say that even if they cut expenses to a minimum they could never possibly approach the low prices offered by pirates and counterfeiters.

But industry officials do admit that if the pirates keep increasing their share of the market the industry will have to take a long, hard look at its pricing practices.

S. 4594—INTRODUCTION OF THE MINIMUM HEALTH BENEFITS AND HEALTH SERVICES DISTRIBUTION AND EDUCATION ACT OF 1970

Mr. PELL. Mr. President, I introduce, on behalf of myself and Mr. MONDALE, for referral to the Committee on Labor and Public Welfare, a bill to provide for the improved accessibility and availability of comprehensive health care services to all citizens, to provide for the creation of areawide health services and health education corporations, and to provide a minimum level of health benefits to employees and their families. My bill is to be entitled "The Minimum Health Benefits and Health Services Distribution and Education Act of 1970."

THE HEALTH CARE CRISIS

Mr. President, there are few other public policy problems of the magnitude, of the complexity, and of the seriousness of the health care crisis that is facing our Nation today.

By most every standard, the way this country cares for the health needs of its citizens can be judged inadequate.

We have an unorganized and very expensive nonsystem of health care which provides fine curative care to persons who can afford the care, which provides comparatively little curative care to most other persons, and which provides almost no preventive care to any person whether he can afford the care or not.

Babies die because their mothers were unable to obtain the prenatal and postnatal care they required.

Elderly persons die of diseases that could have been cured had they had regular medical examinations earlier in their lives.

Simple sickness becomes serious illness for the lack of early treatment.

Persons becoming suddenly ill or hurt can rarely obtain timely physician service and must be shuttled off to distant, crowded emergency rooms for cattle-car treatment of their illness or injury.

New miracle drugs are discovered, but they go unused because people cannot afford them.

Medical research provides us with machines and organs to assist or replace our hearts and our kidneys, but many people still die because costs and limited production make those advances unavailable to them. For example, in 1910 the death rate per 100,000 population was 287 for cardiovascular disease and 76.2 for cancer. In 1966 the death rate per 100,000 population was 520 for cardiovascular disease and 154.8 for cancer, that is nearly a doubling in the rates for those causes of death.

As the cost of health care continues to skyrocket, more people become reluctant to obtain the preventive health care they need.

Even with increased wages, more and more workingmen are becoming less and less able to pay for the health care their families need.

Medical care prices in the last 3 years have been rising at nearly twice the rate of the overall Consumer Price Index.

Although we spend more money on health care than any other country in the world, over $63 billion per year, and although we spend more money per capita than any other nation, $315 per person a year, we are still not bringing adequate health care to all of our people. We rank 11th in terms of female life expectancy, 12th in terms of maternal mortality, 14th among countries in terms of infant mortality rates, 16th in terms of the percentage of males who die between the ages of 40 and 50 years of age, and 18th in terms of male life expectancy.

Many people question this situation. They ask: "How is it that the country that can put men on the moon and that can put nuclear submarines under the North Pole, cannot put adequate health care services within the reach of each of its citizens?"

I suppose the answer rests in the nature of our national commitments. As I see it, the reasons why our American genius for developing sophisticated technology and for organizing armies does not extend to the provision of health care services are basically three in number.

First, we have organized ourselves to develop an industrial technology that is primarily required to provide for national defense. Nationwide corporations work hand in hand with our national defense machinery. Guns are exchanged for subsidized technological research. But no similar symbiotic relationship exists for health care. There is no overall organization or firm commitment to a national health care purpose within the health industry and within the public sector.

Second, we have had no awareness of the health crisis that faces us. We have been somewhat blinded by a dreamy-eyed faith in the capacity of the American economy and in the quality of American life. We have let Madison Avenue convince us that everyone is a member of the Pepsi generation—that no one gets sick in America.

And, third, we have somehow expected the invisible hand of the marketplace to supply us with all the health services we require. We have expected a cottage industry of private physicians and charitable hospitals to provide us with the same quantity of services as the quantity of goods we have been accustomed to receiving from our corporate dominated economy. We have expected health services to be produced as easily as we produce Fords and color televisions.

Even though we have had shortages of many thousands of doctors, nurses, and physicians; even though we have had and still have many areas of the country which lack needed medical facilities; even though we realized that private health insurance policies by their reimbursement policies were encouraging the needless use of the most expensive forms of health care, such as hospital bed care; and even though our medical schools are all going bankrupt, we still have been reluctant to make a national commitment necessary to the restructure of our system of delivering and financing health care.

A NEW APPROACH

Mr. President, I believe that the time is now at hand to act. I believe, as I mentioned in my speech a year ago, that, in the 92d Congress, we must act to provide for a radical restructuring of the financial organizational foundation of our Nation's health care system. I believe health care for all citizens should be our first priority. For that reason, I introduce today the Minimum Health Benefits and Health Services Distribution and Education Act of 1970.

I believe my bill represents a uniquely American and a uniquely comprehensive approach for solving our national health care crisis. It does not represent a plan for socialized medicine. It does not represent a plea for another large, never-ending Federal grant program. And, it does not represent a knee-jerk emotional approach toward a very complicated problem.

My bill is an attempt to develop a total systems approach to the health care problem. It is an attempt to create a closed system of health care financing, delivery, and education which will eventually be capable of operating as a self-sufficient system within our economy. And, it is an attempt to utilize some basic principles of public resource management and corporate finance in the best interests of the health needs of the Nation.

My bill is based on principles that are probably as well understood by economists as the principles upon which national health insurance plans are based; however, my application of these principles to the health care problem may well be considered too innovative. It is for this reason that I am introducing my bill at this time—at the end of the session. I am hopeful that after the general public and those particularly concerned with health care problems have had the opportunity to reflect upon the merits of my plan, they might be more ready to accept it and provide me with suggestions for improvement when I introduce it again in the next session of Congress.

I also am introducing my bill at this time in order that it will come within the reporting provisions of my study amendment to the recently enacted Health Improvement Act of 1970. My amendment requires the Secretary of the Department of Health, Education, and Welfare to report by March 1971, on national health care proposals introduced in this Congress and to complete a detailed systems analysis of alternative approaches to national health care, such as my own, before September 1971. I look forward to the Department's analysis of my bill.

MINIMUM HEALTH BENEFITS

The first key feature of my bill is my method of providing health benefits. I do not call for another tax on the workingman. I do not call for the Federal Government to make large payments to pay for health benefits. I do not call for a heavy tax on businesses. I simply ask that an employee be guaranteed a minimum level of health benefits by his employer, just as he is guaranteed a minimum wage. I use this minimum wage approach for a number of reasons.

Anyone who examines the present Federal budgetary situation from a national priorities point of view cannot help but to come to two basic conclusions. First, even with the ending of the Vietnam war, there will not be a large amount of additional funds available for major new initiatives for some time; and second, if new funds are to become available, new general taxes are going to have to be levied to provide for those additional funds, and neither business nor labor wants to pay more taxes. This I avoid in my plan.

Presently the average workingman pays about a third of his overall income for Federal, State, and local taxes. If additional Federal income taxes are levied, and if a national health insurance tax is added to the present employment taxes paid for social security, the workingman's tax burden may well become unbearable. Moreover, many small businesses would also have financial difficulty with an additional employment tax for national health insurance.

This tax situation and the limited Federal budgetary situation has lead me to search for a more reasonable alternative for the financing of health care than a national health insurance scheme which is dependent on more taxes on employee wages, on more taxes on employers, and on more money from the Federal Treasury.

Thus, I am proposing making a minimum level of health care services a direct cost of producing the country's gross national product. I am suggesting an "in kind" tax.

I am suggesting that every wage earner should not only be entitled to a minimum level of wages adequate to support his family as consideration for his labors, but he should also be entitled to a minimum level of health care benefits for himself and his family.

These minimum benefits would be primarily preventive in character and emphasize annual medical examinations and the use of ambulatory medical facilities care, which is the most economical and sensible way of approaching the problem. These benefits would emphasize walking care rather than death bed care. Curative benefits would be scaled to the employee's pocketbook and his medical condition. He would have to pay for the first 2 days of direct care, but the next 12 days of care would be provided as benefits. If the employee is simply recuperating rather than actually receiving direct medical treatment, he will be entitled to 10 days in a long-term care facility if a doctor so recommends. Costs of catastrophic illness exceeding one fourth of a worker's annual income is also provided as a benefit.

Most employees have already some coverage of curative benefits, such as hospitalization coverage, so the minimum benefits provided would be complimentary to those policies and would thus tend to reduce the pressure on the use of more expensive hospital care, which is now where most high cost reimbursable care is obtained under health insurance.

This approach would have the twin anti-inflationary effects of, one, reducing the use of expensive care facilities, and two, of the increasing of the bargaining power of the health consumer through the bargaining power of an employer who would, of course, have the incentive to contract for low cost health coverage for his employees. To reduce his costs the employer would be expected to contract for a prepaid health plan or to provide the health services directly himself as some industries, such as Kaiser, presently do.

For those businesses which might face unusual financial difficulties in providing benefits to their employees, I allow the Secretary of Health, Education, and Welfare to exempt them for a period up to 5 years or to provide matching per capita grants on prepaid health insurance plans for the cost of employees' benefits.

The exemption period would allow for a period of adjustment and planning for those businesses that may have long-term wage contracts or which may be facing unusual financial hardships.

AREA HEALTH SERVICES AND HEALTH EDUCATION CORPORATIONS

The second key feature of my bill is the means by which I would make health services available to all persons and the means by which I would provide for the education of necessary health personnel. I propose the creation of federally chartered corporations which would have all the advantages of modern business organizations plus all the advantages of a monopolistic public service agency. These corporations would be a means of getting the health care that people need to them and a means of supplying health manpower where it is lacking.

These corporations would be partially modeled upon the health maintenance organizations recommended by the Department of Health, Education, and Welfare, the area health education centers recommended by the Carnegie Commission on Medical Education, the health care corporation suggested by a study group of the American Hospital Association, and upon the form of a federally chartered corporation as encompassed in Public Law 91-518, the Rail Passenger Service Act of 1970, which has existing providers of service exchanging their assets for stock in a Federal corporation.

Areas of the country would have a number of incentives for supporting the incorporation of area health service and health education corporations.

Most areas of the country now lack the facilities and medical manpower needed to provide comprehensive health services to their citizens. Area corporations could fill this need.

Most areas of the country now lack the means for educating the health manpower they need. The Carnegie Commission on Higher Education has listed 126 areas where area health education centers should be established. Area corporations could provide for the balanced distribution of medical manpower among all regions.

Corporations could provide a means for an area to organize all its fragmented health services under one umbrella. Health providers would have a number of incentives for coming under a Federal corporate umbrella.

Existing providers of health services, such as doctors, hospitals, and medical schools could exchange their assets for stock in the corporation and receive the numerous financial and organizational benefits to which the corporation is entitled, including the ability to issue tax-exempted bonds guaranteed by the Government, including priority consideration in existing Federal grant programs and including eligibility for new Federal grants and loans provided for the initial operation of new corporations. Also, doctors would be able to reduce their medical liability and receive tax benefits by becoming corporate employees.

For employers in an area, corporations would be a low cost option for the provision of health benefits to their employees.

For State governments, corporations would be a low cost provider of medicaid services.

For the Federal Government, corporations would be a low cost provider of medicare services.

For a region's economy, the existence of an area health corporation would have a competitive effect on other providers of health services in the region and would tend to force down the price of health care.

After incorporation, the Secretary would appoint eight members of a corporation's 15-member board of directors, common stockholders—who would be those hospitals, medical schools, and doctors who have exchanged their assets for stock—would elect three directors, and preferred stockholders—such as health insurance companies—would elect four directors.

The majority of the board of directors would be weighed toward public interest representation. Of the eight members appointed by the Secretary, two members would be representative of qualified medical personnel, one member would be representative of medical education personnel, one member would represent the Secretary, one member would represent the State and local political subdivisions, and one member would represent health consumers.

The primary purpose of the corporations would be to provide an area with comprehensive health services on a prepaid basis and to educate the health personnel an area needs.

Through the corporate structure the cost of medical education would be merged into the cost of delivering health services. Over the long run, the demand for health services in an area would be expected to pay the full cost for the supply of health services and for health manpower in an area through the use of a corporation.

Corporations would be expected to operate neighborhood health centers within their areas of services and be able to provide either directly or by contract all levels of medical care from the level of intensive care down to the level of long-term care. They would be expected to handle medicaid and medicare beneficiaries.

Corporation health services would be provided primarily on a prepared per capita contract basis rather than on the more costly, and inefficient, traditional "fee for service" and "reimbursement for cost" method.

Since area corporations would have the power to raise funds through federally guaranteed tax-exempted bonds, since they would have a steady program of income from employers paying for the minimum health benefits due to employees, they should only require a minimum of Federal grants and loans for the initiation of their services.

Thus, in order to put the corporations on their feet, the Secretary of Health, Education, and Welfare is authorized to provide grants and loans under existing public health legislation or provide assistance through the new loans and grants authorized in the bill.

If an area lacks health personnel, the Secretary can assign, temporarily, Public Health Service personnel until sufficient area health personnel is trained.

For services which corporations provide to indigent persons or to persons employed by small businesses and charitable organizations not capable of paying for their health benefits, they would be reimbursed by the Secretary on percentage per capita basis depending upon the ability of the corporation to absorb those costs.

Corporations would be required to maintain high standards of medical quality and medical education and financial accountability. Each corporation would be required to submit on an annual basis a 5-year program financial plan to a regional planning agency in order that their operations and financing plans be coordinated within their State health plans and their regional health plans.

As a general rule, given all the corporate and public advantages provided in my bill, area health services and health education corporations might be expected to become completely self-sufficient economic entities within, at most, 25 years. Given the benefits of preventive care and comprehensive health care services provided by health corporations, the standards of good health for the population within a corporation's service area could be expected to improve significantly after, at most, 10 years of coverage.

I would add with a note of pride, that my own State of Rhode Island—the home of Aime Forand, the father of medicare, and the home of the late John Fogarty, a long-time crusader for health research—has been moving ahead with the ideas I have suggested. The AFL–CIO in Providence is establishing a prepaid group health care plan. A statewide public corporation to do health care demonstrations is being formed by the State department of health in conjunction with the hospitals in the State, the Brown University medical education faculty, and other interested health personnel. Hopefully, with the assistance of a Federal grant coming under a program I helped make law, this public corporation will make my State a model health care State.

REGIONAL HEALTH PLANNING COUNCILS

Mr. President, the third key feature of my bill is the method of providing for the rational allocation of health resources within the country.

I propose the establishment of regional health planning councils in each major geographic region of the country. These councils will have the responsibility of insuring that adequate plans are being made for the provisions of health services to each citizen and that adequate plans are being made for the education of needed health personnel and for the construction of needed health facilities.

Members of the regional planning councils would include representatives of State Governors, medical societies, and area health corporations. Regional planning councils would have the responsibility of approving State health plans and the program financial plans of area corporations. They would be responsible for submitting on an annual basis regional health care plans to the Secretary of Health, Education, and Welfare for his approval. Federal funds would not be sent on projects not included within an approved regional plan.

ADVANTAGES OVER THE NATIONAL HEALTH INSURANCE APPROACH

Mr. President, a fourth key feature of my bill is that it is, on the one hand, complementary to a national health insurance approach and it has, on the other hand, a number of advantages over the national health insurance approach.

It is complementary to a national health approach in that, if a national health insurance program were to be enacted, it would still require mechanisms, such as my bill's area health services and health education corporations, to supply the health services and health manpower that would be required to meet demand.

However, my bill has a number of distinct advantages over the national health insurance approach.

It not only provides health benefits for people, but it provides a method of getting those benefits to people.

My bill does not eliminate market forces as a regulator of health prices, but it creates a planned and balanced marketplace regulated for quality and providing a role for private enterprise.

By making employers the health consumers, the bargaining power of health consumers is increased. By making area health corporations provide health services on a comprehensive prepaid basis, an economical supply of health services is created. My bill, thus, creates a balance between supply and demand which has a built-in anti-inflationary tendency.

Also, my bill does not have a burdensome employment tax on workers or on businesses.

Rather my bill provides that, while a minimum standard of health benefits be provided employees, employers have up to 2 years to provide them, and, if any economic hardship is involved, up to 5 years. This means that, when wage agreements are being negotiated, employers would be able to include the cost of meeting these minimum health equipments as part of all of any new wage agreements.

Moreover, along that same line, my bill does not force employers to pay for health services for their employees through a Federal tax which is based upon costs over which they have no control and through a tax set according to national health care prices which might be higher than the actual prices of providing care in an employer's own particular area.

My bill provides a means for partially solving the financial crisis faced by our Nation's medical schools and provides a means of reducing the tremendous shortage of health manpower that exists in the country today.

And, finally, it creates a decentralized system of health care which can become, eventually, economically self-sufficient and independent of any future need for extensive Federal appropriations.

Mr. President, in sum, the failure of this country to provide adequate health services to its citizens is a most serious matter.

I offer a suggestion, for all to consider, as to a means of remedying our national health care crisis.

Today, I offer a bill to make health care our first national priority.

I offer a bill not only to guarantee health benefits to every citizen, but also to provide a means for getting those benefits to the people.

I offer a bill designed to make medical care a matter of "walking care" not "death bed care."

I offer a bill designed to take health care out of the Federal budget and make it self-supporting.

I offer a bill designed to halt inflation in health care costs by balancing health care supply and demand.

I am hopeful that my bill will meet these expectations, and I look forward to receiving the comments of interested persons on my bill.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record at this point.

The PRESIDING OFFICER (Mr. Cook). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 4594) to provide minimum health benefits to employees and their immediate families and to provide for the distribution of health benefits, for medical education, and for other purposes, introduced by Mr. Pell, for himself and Mr. Cook, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 4594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Minimum Health Benefits and Health Services Distribution and Education Act of 1970."

TITLE I—FINDINGS, PURPOSES, AND DEFINITIONS

FINDINGS AND PURPOSES

Sec. 101. (a) The Congress hereby declares and finds that: (1) the lack of adequate health care services available at reasonable costs to every citizen has had a detrimental effect upon the public health, safety, welfare, and economy of the Nation, (2) the good health of every citizen is fundamental to the productivity of the economy and for the general welfare of the country, (3) adequate health care services should be available and accessible to every citizen, (4) every citizen has a right to obtain adequate health care services for himself and his family as consideration for his labor, (5) the cost of health care services should be borne as a cost of producing the Nation's goods, services, and overall wealth, (6) employees and their immediate families have a right to receive from their employers minimum health benefits, and (7) the Federal Government has an obligation to insure that each area of the country has adequate health personnel and facilities organized to provide efficient, effective, comprehensive, and high quality health services to area resident.

DEFINITIONS

Sec. 102. When used in this Act—

(a) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa;

(b) The Term "Secretary" means the Secretary of the Department of Health, Education, and Welfare;

(c) As used in this Act, the term "comprehensive health services" means health care services to an identified population group in a primary service area and its environs on the basis of contractual arrangements for the provision of health maintenance, specialty, primary, restorative, and health-related care. Comprehensive health services include annual physical checkups; multiphasic screenings; ambulatory diagnostic and treatment services; necessary immunizations; surgery; anesthesia services; radiation therapy—in and out of the hospital; diagnostic X-ray services in a hospital; laboratory and pathology services in a hospital; in-hospital medical care—including concurrent care; care for pulmonary tuberculosis, mental disorders, drug addiction and alcoholism; obstetrical care; emergency treatment for accidential injury; consultation services; out-of-hospital diagnostic X-ray and laboratory and pathological services; physical therapy; home and office care; newborn care; physical examinations; outpatient psychiatric care inhalation therapy; ambulance service; phasthetic appliances and orthopedic braces; private duty nursing, care; drugs; vision care extended care services which are not post-hospital care services and other health services which are approved by the Secretary as appropriate for corporations created by title III of this Act;

(d) The term "corporation" means the area health services and health education corporations created by title III of this Act;

(e) The term "minimum health benefits" means the entitlements which are created in title II of this Act;

(f) The term "business associations and other entities engaged in commerce" means any organization or entity engaged in interstate commerce or affected with a Federal interest (entities shall be deemed to include the United States Government, States, and local political subdivisions which receive Federal financial assistance);

(g) The term "regional planning council" means the planning agencies created by title V of this Act for the purpose of securing effective allocation of health services and resources within a region of the United States;

(h) The term "program financial plan" means a plan which would be considered as an element of the program planning and budgeting system as defined by the Office of Management and Budget in the Office of the President and which each corporation created by this Act shall have the responsibility for developing;

(i) The term "castastrophic illness" means any illness or injury and associated medical care which would cost a patient more than 25 per centum of his gross income within a twelve-month period;

(j) The term "qualified provider" means any person, facility, or agency which meets the requirements of this Act for the provision of medical care within a corporation or through a contract with a corporation; and

(k) Unless otherwise stated, terms used in this Act are to be defined as they are defined in the Public Health Service Act, as amended (58 Stat. 682; 42 U.S.C. 201 et seq.), and in its legislative history.

TITLE II—BASIC HEALTH BENEFITS

PROVISION OF BASIC HEALTH BENEFITS

Sec. 201. Business associations and other entities engaged in commerce shall provide to their employees and families, as a cost of doing business, a minimum level of health benefits as defined in this Act and as further defined by regulations issued pursuant to the authority of this Act. Entities may provide minimum health benefits directly themselves; or by prospective contracts with providers of health services; or by contracts for comprehensive prepaid care plans; or through other means which are deemed economical and appropriate.

MINIMUM HEALTH BENEFITS

Sec. 202 (a) Each employee and his family in the service of a business association or other entity shall be entitled to receive from such entity the basic health benefits described herein and as further described in regulations issued by the Secretary.

(b) Minimum health benefits on a per annum basis shall be the following entitlements:

(1) one complete diagnostic examination and associated tests sufficient to analyze a person's overall medical condition;

(2) such visits to a physician, an outpatient clinic, or other ambulatory health facilities which may be necessary for treatment of an illness or injury or necessary for the prevention of illness or injury;

(3) twelve days of medical care within an intensive care or intermediate care unit, beyond the first two days of medical care, for treatment of a serious illness or injury, or for surgery;

(4) ten days of care within a long-term care unit necessary for recovery from a serious illness, accident, or surgery;

(5) services provided for in hospital emergency rooms for serious injuries or illnesses requiring immediate attention;

(6) physician, hospital, and diagnostic services associated with child delivery and prenatal care;

(7) professional services of physicians, furnished in their offices or elsewhere, consisting of preventive, primary or surgical or special care, which is provided in conjunction with the other basic entitlements of this section relating to the extent of treatment and care allowed;

(8) Paramedical and other support systems, such as provided by pathology and radiology laboratories, which are required in conjunction with the other basic entitlements of this section relating to the extent of treatment and care allowed;

(9) the professional services of optometrists in refractive measurement of the eye and in prescribing eye glasses, the professional services of podiatrists and chiropractors and the provision of therapeutic devices, appliances, equipment if such professional services or such equipment is important to the maintenance of employability of an employee or member of management;

(10) drugs which are provided in conjunction with the other basic entitlements of this section relating to the extent of treatment and care provided and which have been approved for use by the Secretary; and

(11) coverage by an employer of the costs associated with catastrophic illness within the limitations prescribed by the Secretary.

LIMITATIONS ON MINIMUM BENEFITS

Sec. 203. (a) The Secretary is authorized to issue regulations to insure a high quality of minimum benefits provided, to insure that provision of minimum benefits to recipients is a medical necessity unless the minimum benefits have a preventive purpose, to provide for a hearing for alleged denial of benefits, to require entities providing minimum benefits to utilize professional health services and facilities which are properly accredited, to establish uniform levels of basic benefits as prescribed in this Act, and to define within the boundaries of this Act the scope of minimum benefits provided or excluded.

(b) Minimum benefits do not include personal comfort items or, unless required for medical reasons, the additional cost of accommodations more expensive than semi-private accommodations; and do not include domiciliary or custodial care or institutional care of a person while he is not receiving active medical treatment.

(c) Minimum benefits do not include long-term care of an inpatient unless a physician has certified to the medical necessity of the patient's admission to the institution, and do not include such care (during a continuous stay in the institution) after such period (if any) as may be specified in regulations unless a physician has certified to the continued medical necessity of such care.

(d) Health services furnished or paid for under a workmen's compensation law of the United States or a State, or otherwise legally required to be so furnished or paid for, are not covered services. Such services, if furnished by a provider, shall nevertheless be treated as covered services in accordance with this Act unless and until a determination has been made pursuant to the workmen's compensation law that the services are covered by that law.

(e) Health services furnished in a primary or secondary school are not covered services.

(f) Surgery performed solely for cosmetic purposes (as defined in regulations), and hospital or other services incident thereto, are not covered services.

(g) The furnishing of a drug otherwise than in accordance with section 202 is not a covered service. The furnishing of a device, appliance, or equipment otherwise than in accordance with section 202 is not a covered service.

(h) The Secretary may by regulations exclude from covered services medical or surgical procedures (and services incident thereto) which he finds are essentially experimental in character and which, because of cost or because of shortage of qualified personnel or facilities, he finds cannot practicably be furnished on a nationwide basis.

DENIAL OF ENTITLEMENTS

SEC. 204. A person entitled to minimum benefits who has been denied provision of those benefits may sue in the Federal district court nearest to his residence for the costs of his lost benefits, damages which may be reasonable, and for an order of the court requiring his employer, or the entity with which he is associated, to provide the minimum benefits to which he is entitled. Upon the finding of a Federal district court that a person entitled to benefits has been denied those benefits or a finding that an entity has refused to provide the required benefits, the President, upon the advice of the Secretary, shall order the withholding of all Federal funds, services to, or contracts with, such entity. Such entity will be entitled to an appeal hearing before the Secretary upon the full record of the district court.

SEC. 205. This title shall become effective two years after the enactment of this Act.

SEC. 206. Upon a determination by the Secretary that the provision of minimum health benefits, because of long term wage contracts or for other reasons, would impose an undue burden upon the financial condition of a business association, the Secretary shall exempt the business association from the requirements of this title for a period of not longer than five years from the date of enactment.

TITLE III—CREATION OF AREA HEALTH SERVICES AND HEALTH EDUCATION CORPORATIONS

CREATION OF CORPORATIONS

SEC. 301. (a) There are authorized to be created area health services and health education corporations. The corporations shall be for-profit corporations, whose purposes shall be—

(1) to provide comprehensive health services to an identified population on a convenient and accessable basis in or near a specified service area, through contractual arrangements which embody prepaid group practice, or other definitive arrangements which will so far as practicable provide the benefits of prepaid group practice;

(2) to provide through contractual arrangements minimum health benefits to which persons may be entitled from a contractee;

(3) to provide for the education and development of qualified physicians, nurses, paramedical and other health personnel necessary to provide comprehensive health services and minimum health benefits to an identified population in or near a service area; and

(4) to provide for the construction, rehabilitation, maintenance, and operation of facilities required to provide comprehensive health service, minimum health benefits, and for the education and development of health personnel.

(b) The corporations shall be subject to the provisions of this Act and to the extent consistent with this Act, to the provisions of the District of Columbia Corporation Act. The right to repeal, alter, or amend this Act at any time is expressly reserved. Medical personnel serving in the employ of corporations shall not be liable for negligence within the scope of their professional duties pursuant to their employment. A corporation shall be liable for the negligence of its employees.

(c) Corporations and their property shall be deemed to be instrumentalities of the United States engaged in furtherance of interstate commerce.

PROCESS OF ORGANIZATION

SEC. 302. (a) Upon a determination by the Secretary that a corporation is needed in a defined area, the President of the United States shall appoint not fewer than three incorporators for the corporation, who shall serve as the board of directors for one hundred and eighty days following their appointment. The incorporators shall take whatever actions are necessary to establish the corporation, including the filing of articles of incorporation, as approved by the Secretary.

(b) The Secretary shall make a determination of the need for area health services and health education corporations in an area upon consideration of the following factors—

(1) the lack of reasonably priced comprehensive health services within the area;

(2) the lack of health manpower resources needed to provide health services within the area;

(3) the requests of public and private entities within the area for the establishment of a corporation;

(4) the willingness of existing providers of health services and health education to enter into contractual arrangements with a corporation and to contribute in capital or in kind to the assets of the corporation;

(5) the relationship of the establishment of a corporation in the area to the overall health needs of the region;

(6) the recommendations of State and regional planning agencies; and

(7) the future probability of the corporation becoming a self-sufficient economic entity without need of Federal assistance after twenty years of operation.

DIRECTORS AND OFFICERS

SEC. 303. (a) A corporation shall have a board of fifteen directors consisting of individuals who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. Eight members of the board shall be appointed by the Secretary, for terms of four years or until their successors have been appointed and qualified, except that the first three members of the board so appointed shall continue in office for terms of two years, and the next three members for terms of three years. Any member appointed to fill a vacancy may be appointed only for the unexpired term of the director whom he succeeds. At all times the members appointed by the Secretary shall include one member representing the Department of Health, Education, and Welfare, two members representing qualified medical personnel, one member representing qualified health education personnel, one member representing qualified health services organizations, one member representing the interests of the major political subdivisions within the area, and one member representing the interests of the health consumers in the area. Three members of the board shall be elected annually by common stockholders, and four shall be elected annually by preferred stockholders of a corporation. The members of the board appointed by the Secretary and those elected by common stockholders shall take office on the one hundred and eighty-first day after the appointment of incorporators. Election of the remaining members of the board shall take place as soon as practicable after the first issuance of preferred stock by the corporation. Pending election of the remaining four members, seven members shall constitute a quorum for the purpose of conducting the business of the board. Each of the directors not employed by the Federal Government shall receive compensation at the rate of $75 for each meeting of the board he attends. Members shall be residents of the area served by the corporation.

(b) The board of directors is empowered to adopt and amend bylaws governing the operation of the corporation. Such bylaws shall not be inconsistent with the provisions of this Act or of the articles of incorporation.

(c) The articles of incorporation of a corporation shall provide for cumulative voting for all stockholders and shall provide that, upon conversion of one-fourth of the outstanding shares of preferred stock, the common stockholders shall be entitled to elect four directors and the preferred stockholders shall be entitled to elect three directors; upon the conversion of one-half of the outstanding shares of preferred stock, the common stockholders shall be entitled to elect five directors and the preferred stockholders shall be entitled to elect two directors; upon the conversion of three-fourths of the outstanding shares of preferred stock, the common stockholders shall be entitled to elect six directors and the preferred stockholders shall be entitled to elect one director; and upon conversion of all outstanding shares of perferred stock, the common stockholders shall be entitled to elect seven directors. Any change of directors resulting from such stock conversion shall take effect at the next annual meeting of a corporation following such stock conversion.

FINANCING OF CORPORATIONS

SEC. 304 (a) A corporation is authorized to issue and have outstanding, in such amounts as it shall determine, two issues of capital stock, a common and a preferred, each of which shall carry voting rights and be eligible for dividends. Common stock may be initially issued only to a State or local political subdivision, to for-profit and nonprofit entities providing health services and operating health facilities, and to physicians located within the area. Common stock shall be initially issued either at a price set by the board of a corporation or in consideration for the transfer of health facilities and related properties to a corporation. Methods of property evaluation shall be established by the Secretary and he shall be the final arbiter of disputes relating to the value of property to be transferred to a corporation. Preferred stock may be issued to and held only by any person other than those initially eligible to receive common stock. The articles of incorporation of the corporation shall provide for the following respective rights of each issue of stock:

(A) Common stock.—Common stock shall have a par value of $10 per share and shall be designated fully paid and nonassessable. No dividends shall be paid on the common stock whenever dividends on the preferred stock are in arrears.

(B) (i) Preferred stock.—Preferred stock shall have a par value of $50 per share and shall be designated fully paid and nonassessable. Dividends shall be fixed at a rate approved by the board, and shall be cumulative so that, if for any dividend period dividends at the rate fixed in the articles of incorporation shall not have been declared and paid or set apart for payment on the preferred shares, the deficiency shall be declared and paid or set apart for payment prior to the making of any dividend or other distribution on the common shares.

(ii) Preferred stock shall be entitled to a liquidation preference over common stock, which shall entitle preferred stockholders to a liquidating payment not less than par value plus all accrued unpaid dividends prior to any payment on liquidation to common stockholders.

(iii) Preferred stock shall be convertible into shares of common stock at such time and upon such terms as the articles of incorporation shall provide.

(b) The articles of incorporation shall provide that no shares of any issue of stock may be redeemed or repurchased for five years, following the date of incorporation.

(c) A corporation is authorized to issue, in addition to the stock authorized by subsection (a) of this section, nonvoting securities, bonds, debentures, and other certificates of indebtedness as it may determine.

(d) The requirement of section 45(b) of the District of Columbia Business Corporation Act (D.C. Code, sec. 29-920(b)) as to the percentage of stock which a stockholder must hold in order to have the rights of inspection and copying set forth in that subsection shall not be applicable in the case of holders of the stock of the corporation, and they may exercise such rights without regard to the percentage of stock they hold.

GENERAL POWERS OF CORPORATIONS

Sec. 305. A corporation is authorized to provide comprehensive health care services and minimum health benefits through prospective contracts, arrangements for prepaid group practice, or through other arrangements which may be found efficient and effective; to contract with States and the United States for the provision of health services authorized by the Social Security Act of 1935, as amended (49 Stat. 620; 42 U.S.C. 301 et seq.): to establish ambulatory health facilities within the neighborhoods of the populations served; to provide through scholarship grants, contracts, loans, the creation or operation of accredited schools, and through other means deemed appropriate, for the education of physicians, nurses, and other medical personnel required for the delivery of health care services within an area; to issue degrees to qualified persons as medical doctors, nurses, and other medical personnel as may be appropriate and in conformance with the standards of accredited institutions of learning and the requirements of the Secretary; to own, lease, operate, rehabilitate, and construct medical education facilities; to contract for the education of health personnel, the provision of home health care services and long-term health care services, and the provisions of supporting, and other services which a corporation deems appropriate; and to undertake research and evaluation relating to the effective delivery of health care services. To carry out its functions and purposes, a corporation shall have the usual powers conferred upon a stock corporation by the District of Columbia Business Corporation Act, including the power to acquire, own, use, or convey real property, and to acquire property by condemnation where the property is not already devoted to a public or charitable use.

STANDARDS OF HEALTH CARE SERVICES, MEDICAL EDUCATION, AND OPERATION

Sec. 306. (a) Corporations, medical personnel in the employment of corporations, persons contracting with corporations, and agents of the corporations shall meet the standards of medical quality, professional qualification and accountability as prescribed in this Act and as further defined by the regulations of the Secretary.

(1) No person shall be denied health care services by reason of his race, creed, color, religion, sex, or economic status.

(2) A corporation shall, to the extent feasible—

(A) enter into agreements to provide comprehensive health services to all persons within its service area;

(B) provide health maintenance, primary, speciality, restorative, and health related custodial care;

(C) maintain community hospitals of outstanding quality, able to accept patients on a referral basis from smaller communities in the surrounding area;

(D) conduct educational programs under the supervision of the faculty of a university health science center with which the area corporation may be affiliated;

(E) have educational programs which include (i) residency programs, (ii) clinical instruction for medical doctorate candidates who would come from a university health science center on a rotating basis, (iii) clinical experience for students in allied health programs, (iv) continuing education programs for health manpower in the area, conducted in cooperation with local professional associations;

(F) provide guidance to colleges and community colleges in the area in the development of training programs for allied health professions;

(G) cooperate with area hospitals and community agencies in the planning and development of more effective health care delivery systems; and

(H) conduct limited research programs concerned primarily with the evaluation of health care delivery systems.

(3) A corporation shall furnish services in such manner as to provide continuity of care and (when services are furnished by different providers) ready referral of patients to such services and at such times as may be medically appropriate, and to the maximum extent feasible makes all services readily accessible to persons who live in the specified service area.

(4) A corporation shall provide for periodic consultation with representatives of the persons it serves regarding the policies and operation of the organization.

(5) A corporation shall encourage health education of persons it serves and the development and use of preventive health services, and provide that a committee or committees of physicians associated with the organization promulgate medical standards, oversee the professional aspects of the delivery of care, perform the functions of a pharmacy and drug therapeutics committee, and monitor and review the utilization and quality of all health services (including drugs).

(6) A corporation, to the extent practicable and consistent with good medical practice, shall employ allied health personnel and subprofessional and lay persons in the furnishing of services.

(7) A corporation shall undertake, to the extent required by regulations, to arrange for reciprocal out-of-area services by other comprehensive health service corporations, or to pay for health services furnished to its enrollees by other providers of health services in emergencies, within or outside the specified service area of a corporation.

(8) (A) A physician, optometrist, or podiatrist legally authorized to practice his profession in a State is a qualified provider of services for a corporation or as an employee of a corporation; subject, however, to the provisions of paragraphs (C) and (D). A practitioner first so authorized by a State is a qualified provider if, in addition, he meets national standards established by the Secretary (taking into consideration the criteria applied by any recognized national testing organization) for the practitioner's profession. A practitioner who is a qualified provider in one State, if he meets the national standards, is also in any other corporation a qualified provider of services which (1) are services to persons entitled thereto under this Act, and (2) are of a kind which such other State authorizes to be furnished by practitioners of his profession.

(B) For the purposes of this title—a doctor of osteopathy legally authorized to practice medicine and surgery in a State is a physician.

(C) The Secretary shall establish for professional practitioners such requirements of continuing education (taking into consideration standards approved by appropriate professional organizations) as he finds reasonable and necessary to maintain and enhance the quality of professional services to eligible persons. A professional practitioner who fails to meet a requirement established under this subsection shall, if the deficiency persists after notice and a reasonable opportunity to correct it, cease to be a qualified provider.

(D) A physician qualified in accordance with subsection (a) is not qualified to perform major surgery as a covered service, or to furnish as covered services other specialized services designated in regulation, unless he holds a certificate from the appropriate national specialty board or possesses the qualifications requisite to such certification; except that a physician may be found qualified to furnish any specialized services as covered services if (1) prior to July 1, 1973, he has engaged in furnishing such services as a specialist or as a substantial part of his medical practice, (2) he meets standards established by the Secretary, and (3) where appropriate, a finding that he is so qualified is recommended by a participating hospital in which he has engaged substantially in furnishing such services.

(9) A general hospital is a qualified provider for a corporation or as a division of a corporation if it is an institution which—

(A) is primarily engaged in providing to inpatients (other than mentally ill persons) diagnostic, therapeutic, and rehabilitation services, furnished by or under the supervision of physicians, for medical diagnosis, treatment, care, and rehabilitation of injured, disabled, or sick persons;

(B) maintains adequate clinical records on all patients;

(C) has bylaws in effect with respect to its staff of physicians, and has filed with the Secretary an agreement that in granting or maintaining medical staff privileges it will not discriminate on any ground unrelated to professional qualifications;

(D) has a requirement that every patient must be under the care of a physician;

(E) provides twenty-four hour nursing service rendered or supervised by a registered professional nurse, and has a licensed practical nurse or registered professional nurse on duty at all times;

(F) has a pharmacy and drug therapeutics committee which establishes policies for the selection, acquisition, and utilization of drugs;

(G) has in effect a hospital utilization review plan;

(H) meets all applicable requirements of the law of the State in which it is situated; and

(I) meets such other requirements as the Secretary finds necessary in the interest of the quality of the care and the safety of patients in the institution.

(10) A skilled nursing home is a qualified provider to contract with a corporation if it (or a distinct part of it) is an institution which—

(A) is primarily engaged in providing to inpatients (other than mentally ill persons) skilled nursing care and related services for patients who require medical and nursing services;

(B) has written policies, which are developed (and reviewed from time to time) with the advice of a group of professional personnel, including one or more registered professional nurses, to govern the services it provides;

(C) has a physician, a registered professional nurse, or a medical staff responsible for the execution of such policies;

(D) operates under the supervision of an administrator licensed by the State in which such institution is situated;

(E) has a requirement that the health care of every patient be under the supervision of a physician, and provides for having a physician available to furnish necessary medical care in case of emergency;

(F) maintains adequate clinical records on all patients;

(G) provides twenty-four-hour nursing service sufficient to meet nursing needs in accordance with the policies developed as provided in subsection (b), and has at least one registered professional nurse employed full time;

(H) provides appropriate methods and procedures for the dispensing and administering of drugs;

(I) has in effect a utilization review plan;

(J) meets all applicable requirements of the law of the State in which it is situated, and (unless the Secretary finds that such law provides equivalent protection) meets the provisions of the Life Safety Code of the National Fire Protection Association applicable to nursing homes; and

(K) meets such other requirements, including requirements relating to the physical facilities, as the Secretary may find necessary in the interest of the quality of care and the safety of patients in the institution.

(11) A home health service agency is a qualified provider for a corporation or as a division of a corporation if it—

(A) is primarily engaged in furnishing, on an intermittent and visiting basis in patients' homes, skilled nursing and other therapeutic services to patients (other than mentally ill persons) who are under the care of physicians;

(B) has policies developed (and reviewed from time to time) by a group of professional personnel associated with the agency or organization, including one or more physicians and one or more registered professional nurses, to govern the services which it furnishes, and provides for supervision of such services by a physician or registered professional nurse;

(C) maintains adequate clinical records on all patients;

(D) meets all applicable requirements of the law of the State in which it furnishes services; and

(E) meets such other requirements as the Secretary may find necessary in the interest of the quality of care and the safety of patients of the agency or corporation.

(12) (A) Physicians, (optometrists, podiatrists, professional nurses, and practitioners and other health professions or occupations who meet national standards established by the Secretary in consultation with recognized medical associations, are authorized to practice in the service of, or by contract with, a corporation notwithstanding any restriction of State laws.

(B) A corporation and its subsidiaries and agents, whether hospitals or other types of health delivery facilities, which meet national standards established by the Secretary in consultation with recognized professional organizations, are authorized to operate notwithstanding any restriction of State laws.

(13) The Secretary, in consultation with appropriate professional, medical, and accreditation associations, shall issue regulations for the development of accelerated medical education programs by corporations, for the integration of preprofessional and professional curriculums provided by a corporation, for the awarding of a master's degree at the end of basic training in health-related sciences essential to the operation of a corporation, for the provision of clinical training and for the requirements of residency training in a corporation.

(14) Persons receiving medical education training through arrangements with a corporation shall enter into a contract to remain in the employment of the corporation for a specified period of not less than three years and not more than ten years. Persons not remaining in the service of a corporation for an agreed upon period of time shall treat the cost of their medical education through the corporation as a loan repayable on terms agreed upon with the corporation before or during the period of education. Corporations may enter into agreements for the transfer of medical personnel among themselves without penalty as to repayment agreements for training.

(15) Corporations shall be subject to the laws and regulations of the Securities and Exchange Commission unless exempted by the Secretary.

(16) Each corporation, upon the approval of its board of directors and after comment by the planning agency of the State, shall submit for approval at the end of its fiscal year to the Regional Planning Agency for subsequent ratification by the Secretary a five-year program financial plan outlining its corporate goals, its plans for financing, evaluating the relative effectiveness and efficiency of its services, describing the benefits it expects to provide at different levels of cost, and containing such other data as may be requested by the Regional Planning Agency.

TITLE IV—FEDERAL FINANCIAL ASSISTANCE

NEW FEDERAL GRANTS

SEC. 401. There is authorized to be appropriated to the Secretary in each fiscal year through fiscal year 1990, to remain available until expended, such sums as may be necessary for payment to corporations for the purpose of assisting in—

(a) the initial organization and operation of corporations;

(b) the financing of health care services to low-income individuals on a per capita basis by each corporation to the extent such individuals are unable to pay for their services or not otherwise entitled to health care benefits;

(c) the financing of health care benefits through corporations established by this Act or through similar comprehensive health organizations for employees of small businesses and charitable organizations, not exempted by section 206, to the extent a determination is made by the Secretary that the cost of providing minimum health benefits may cause undue financial hardship to a business or charitable organization.

(d) for the subsidization of medical education to the extent a corporation is not able to finance over a period of time the actual cost of the development of the health care personnel required for its operation;

(e) for the construction and staffing of hospitals, ambulatory and diagnostic centers, and medical education facilities for corporations serving areas lacking such facilities required for the purposes of the corporation;

(f) for research and development of new and improved methods of health care delivery of national significance.

GUARANTY OF LOANS

SEC. 402. The Secretary is authorized, on such terms and conditions as he may prescribe, to guarantee any lender against the loss of principal or interest on securities, obligations, or loans issued for the purposes of a corporation. The maturity date of such securities, obligations or loans, including all extensions and renewals thereof, shall not be later than thirty years from their date of issuance. The Secretary shall prescribe and collect from the lending institution a reasonable annual guaranty fee. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

LOANS

SEC. 403. The Secretary is authorized, on such terms and conditions as he may prescribe, to make loans to corporations for purposes consistent with the intent of this Act. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section. Any sums appropriated shall be available until expended.

PREEMPTION OF FEDERAL GRANTS, LOANS, AND GUARANTEES

SEC. 404. A corporation, not providing profits to its shareholders, shall be eligible for Federal assistance as a nonprofit corporation, or to the extent that its division, such as its hospital or medical, may have been eligible for grants, loans, interest subsidies, or guarantees under the provision of the Public Health Service Act, as amended (58 Stat. 682; 42 U.S.C. 201 et seq.). Corporations shall be given priority consideration by the Secretary and State agencies in the provision of Federal assistance. No public or private entity which may be eligible for the same assistance as a corporation may receive such assistance if such entity is located within the service area of a corporation and if the corporation has made an application for similar assistance.

ACCOUNTABILITY

SEC. 405. Section 201 of the Government Corporation Control Act (31 U.S.C. 856) is amended by striking out "and" immediately preceding "(6)" and by inserting immediately before the period at the end thereof the following: "and (7) the Area Health Services and Health Education Corporations".

RECORDS AND AUDIT OF CORPORATIONS

SEC. 406. (a) (1) The accounts of a corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of a corporation are normally kept. All books, accounts, financial records, reports, files, and other papers, things, or property belonging to or in use by a corporation and necessary to facilitate the audit shall be made available to the person conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person.

(2) The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly a corporation's assets and liabilities, surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of a corporation's income and expenses during the year, and a statement of the sources and application of funds, together with the independent auditor's opinion of those statements.

(b)(1) The financial transactions of a corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the Comptroller General of the United States in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General. Any such audit shall be conducted at the place or places where accounts of the corporation are normally kept. The representative of the Comptroller General shall have access to all books, accounts, records, reports, files and other papers, things, or property belonging to or in use by a corporation pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of a corporation shall remain in possession and custody of the corporation.

(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations and condition of the corporations, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the Secretary and to the corporation at the time submitted to the Congress.

TITLE V—REGIONAL PLANNING COUNCILS

CREATION OF REGIONAL PLANNING COUNCILS

SEC. 501. (a) The Secretary shall establish planning councils in each major geographic region of the country which may be identifiable by the proximity of major metropolitan areas within it to each other, by the greater frequency of commerce and transportation among its population than with the population of other areas, and by the existence of a regional medical program established under title IX of the Public Health Service Act, as amended (58 Stat. 682; 42 U.S.C. 299–299(j)), within its boundaries.

(b) The purpose of a regional planning council shall be to develop plans for the provision of comprehensive health services to all persons within the region and for the development and allocation of health manpower and facilities adequate to provide comprehensive health services to all persons within the region. These plans shall be developed in cooperation with State and local planning agencies authorized under titles III and VI of the Public Health Service Act, as amended, area health service and health education corporations, medical schools and institutions of health education, and professional medical associations. A regional planning agency shall have authority to approve or reject by a majority vote of its members State comprehensive and State health facilities construction plans required under the Public Health Service Act, as amended, and corporations' program financial budgets as required by this Act. State agencies or corporations may appeal decisions of a regional planning council to the Secretary whose decisions will be final. No Federal funds may be expended for projects or services not in conformance with an approved plan by the regional council. Each regional planning council shall submit to the Secretary on an annual basis a comprehensive health resources allocation plan for the region. Each annual plan shall describe projects and services eligible for Federal assistance.

APPOINTMENT OF REGIONAL PLANNING COUNCIL

SEC. 502. The Secretary shall appoint not more than nineteen and not less than eleven members of the regional planning council. He shall appoint one member who shall be his representative, serve as chairman of the council, and serve as the executive director of the administrative staff of the council and whose term shall be at the discretion of the Secretary. He shall appoint one member on the advice of each Governor within the region and whose term shall be coterminous with the terms of each Governor; and he shall appoint at least two representatives of the corporations within the region and at least two representatives of professional medical personnel within the region, whose terms shall be five years. All other members appointed by the Secretary shall have terms of five years unless they are filling vacancies. A majority of the council shall constitute a quorum for a meeting. The Secretary is authorized to provide staff for the council which he deems appropriate. To the extent possible, the Secretary shall coordinate the regional planning council staff's operations and location with other federally created regional organizations. Members of a council shall be considered full-time employees of the council and shall receive salaries at the grade level of GS–18.

SEC. 503. There is authorized to be appropriated to the Secretary such funds as may be necessary to carry out the purposes of this title, to remain available until expended.

TITLE VI—MISCELLANEOUS PROVISIONS

NONCONFORMING LAWS

SEC. 601. The provisions of this Act supersede any other provisions of law in conflict with the purposes of this Act.

SEPARABILITY

SEC. 602. If any provisions of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

ADDITIONAL PERSONNEL

SEC. 603. Nothwithstanding any other provision of law, the Secretary is authorized to provide Federal medical personnel to corporations for initial staff support and to provide the additional personnel he deems necessary for the administration of the provisions of this Act.

RULEMAKING AUTHORITY

SEC. 604. The Secretary is authorized to make rules and regulations under the procedures established in section 4 of the Administrative Procedure Act, as amended (60 Stat. 237; 5 U.S.C. 553), which are necessary to fulfill the purposes of this Act.

EFFECTIVE DATE

SEC. 605. Unless otherwise provided in this Act, the provisions of this Act shall become effective upon enactment.

ADDITIONAL COSPONSOR OF A BILL

S. 4564

At the request of the Senator from Montana (Mr. MANSFIELD), his name was added as a cosponsor of S. 4564, to establish a national cancer authority in order to conquer cancer at the earliest possible date.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, December 18, 1970, he presented to the President of the United States the following enrolled bills and joint resolutions:

S. 1785. An act for the relief of Irene Sadowska Sullivan;

S. 2162. An act to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes;

S. 2336. An act relating to the parishes and congregation of the Protestant Episcopal Church in the District of Columbia;

S. 3318. An act to amend the Library Services and Construction Act, and for other purposes;

S.J. Res. 74. Joint resolution to provide for the designation of the first full calendar week in May 1971 as "National Employ the Older Worker Week";

S.J. Res. 172. Joint resolution to authorize the President to issue a proclamation designating the first full calendar week in May 1971 as "Clean Waters for America Week";

S.J. Res. 187. Joint resolution to authorize the President to designate the third Sunday in June 1971 as "Father's Day";

S.J. Res. 226. Joint resolution to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks"; and

S.J. Res. 236. Joint resolution authorizing the preparation and printing of a revised edition of the Constitution of the United States of America—Analysis and interpretation of decennial revised editions thereof, and of biennial cumulative supplements to such revised editions.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENT

AMENDMENT NO. 1159

Mr. METCALF. Mr. President, I submit today an amendment to the social security bill, H.R. 17550, to redefine disability by adding the same words as appear in the administration's family assistance bill, "available to him within a reasonable distance from his residence." The amendment would return the definition in the Social Security Act to its meaning prior to the 1967 amendments, would conform with court decisions, with basic workmen's compensation law and veterans compensation cases.

The PRESIDING OFFICER (Mr. STEVENSON). The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 1160

AMENDMENT TO PROVIDE IMMEDIATE RELIEF TO STATE AND LOCAL GOVERNMENTS

Mr. CASE. Mr. President, I am submitting today an amendment to the social security bill (H.R. 17550) to increase the Federal share of the cost of medicaid and current public assistance programs from the present minimum of 50 percent to a new minimum of 72 percent.

The effect of this amendment would be to provide $2.3 billion in urgently needed Federal aid to more than half the Nation's 50 States. These include the States bearing the heaviest burden of welfare costs.

For New Jersey, the amendment would mean an additional $101 million in Federal aid next year.

The need for immediate Federal help is urgent. Many States are facing severe financial crises and some cities are virtually on the brink of bankruptcy. Without help of this sort, they simply will not be able to meet the costs, not only of welfare, but the whole range of basic community needs—education, health, sewerage, water, garbage collection, police and fire protection—which traditionally have been handled locally and which should continue to be.

Assumption by the Federal Government of a larger share of welfare costs is essential if local governments are to meet more effectively other pressing local problems.

My amendment would provide immediate help to State and local governments in the area it is most needed. The most rapidly growing expenditure in State and local budgets is the cost of welfare. For example, New Jersey Governor William T. Cahill recently stated:

> In order to continue our state public welfare assistance programs in fiscal 1972 on the same basis on which it is being operated during the current fiscal year, we must expect up to a $100 million increase in appropriations over and above the amount appropriated for fiscal 1971 . . . This would mean a 53 percent increase over the amount appropriated for this year and this would be accompanied by a 38 percent rise during fiscal 1972 in the average number of persons receiving welfare every month.

Similar skyrocketing costs are being projected in Indiana, Michigan, Washington and many other States across the country.

Despite the fact that States have little control over the growth of welfare caseloads, the present cost-sharing formula forces to spend a much larger proportion of their resources on welfare than the Federal Government spends. Last year 16 percent of State expenditures and 7.8 percent of local expenditures went for welfare programs, compared to 5.7 percent spent by the Federal Government.

My amendment, moreover, would correct a long-standing inequity in the Federal cost-sharing formula for welfare programs. That formula has never been fair or just to many of our States, but the rising cost of relief has made the inequity intolerable. Under present law, the States with the heaviest welfare caseloads receive the Federal help. My amendment would not completely equalize Federal cost-sharing because some States would still get Federal reimbursement up to 83 percent. But it would go a long way toward correcting an injustice that has put our States in a financial crisis.

Finally, my amendment would provide emergency help until the family assistance program, if adopted by the Congress, goes into effect. My proposal is in no way antagonistic to or inconsistent with welfare reform or revenue sharing, nor is it intended as an alternative to those proposals. It is offered in recognition of the fact that neither FAP nor revenue sharing will provide funds soon enough to help States and cities next year.

I believe my amendment provides a realistic approach to a very urgent national problem. While the total cost of $2.3 billion is high, it is less than one-fourth of the $10 billion sought by the Republican Governors Conference and a number of the Nation's mayors.

No solution to the problem of helping our States and cities meet their obligations will be painless. There is no Aladdin's lamp that will make raising revenue easy, whether it is done at the Federal, State, or local levels.

The needs are here. They have to be met. My proposal involves no additional costs to the Nation's taxpayers. It simply transfers to the Federal Government costs that now have to be met by sorely pressed State and local governments.

Unless the Federal Government assumes a larger share of responsibility for what is a national problem, we may well be faced in the not distant future with the question of whether State and local governments will be able to continue as viable elements of our federal system.

Mr. President, I ask unanimous consent that a table be printed in the Record.

The **PRESIDING OFFICER** (Mr. Eagleton). The amendment will be received and printed, and will lie on the table; and, without objection, the table will be printed in the Record.

The table, presented by Mr. Case, is as follows:

INCREASE IN FEDERAL FUNDS WITH 72 PERCENT MINIMUM FEDERAL MEDICAL ASSISTANCE PERCENTAGE

States shown receiving no increase under this formula already receive reimbursement of 72% or more of their welfare costs from the Federal Government. The Federal share currently ranges from 50% to 83%.

	Increase
Alabama	------------
Alaska	$1,859,000
Arizona	7,489,000
Arkansas	------------
California	636,051,000
Colorado	26,794,000
Connecticut	39,910,000
Delaware	2,707,000
District of Columbia	21,017,000
Florida	------------
Georgia	------------
Hawaii	9,874,000
Idaho	836,000
Illinois	153,103,000
Indiana	20,533,000
Iowa	14,786,000
Kansas	14,686,000
Kentucky	------------
Louisiana	------------
Maine	2,311,000
Maryland	47,234,000
Massachusetts	142,780,000
Michigan	125,290,000
Minnesota	46,089,000
Mississippi	------------
Missouri	12,755,000
Montana	1,852,000
Nebraska	7,962,000
Nevada	2,238,000
New Hampshire	3,343,000
New Jersey	101,129,000
New Mexico	------------
New York	535,052,000
North Carolina	------------
North Dakota	413,000
Ohio	62,085,000
Oklahoma	6,422,000
Oregon	$15,162,000
Pennsylvania	126,414,000
Rhode Island	14,804,000
South Carolina	------------
South Dakota	582,000
Tennessee	------------
Texas	------------
Utah	1,713,000
Vermont	2,511,000
Virginia	12,368,000
Washington	52,444,000
West Virginia	------------
Wisconsin	37,950,000
Wyoming	1,245,000
Totals	2,311,793,000

AMENDMENTS NOS. 1161 AND 1162

Mr. **HARTKE** submitted two amendments, intended to be proposed by him, to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 1163

Mr. **CURTIS** submitted an amendment, intended to be proposed by him, to House bill 17550, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 1164

Mr. **BROOKE**. Mr. President, on behalf of myself and Senators Case, Cotton, Griffin, Hart, Inouye, Javits, Kennedy, McGovern, McIntyre, Mondale, Muskie, Nelson, Pell, Proxmire, and Prouty, I submit an amendment to H.R. 17750 and ask that it be printed. This amendment which I plan to offer would strike section 304A of this bill. As presently written, section 304A would prohibit the use of tariffs by the President as a means of relief when it is found that the import of a particular commodity threatens to impair our national security. In effect the section would leave the President only quotas as a means of relief. This section would have a most immediate and devastating effect upon the importation of crude oil and petroleum products.

The **PRESIDING OFFICER** (Mr. Cook). The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 1165

NATIONAL COUNCIL ON HEALTH POLICY

Mr. **KENNEDY**. Mr. President, I send to the desk an amendment to H.R. 17550, and I ask that the amendment may be ordered to lie on the table and be printed.

The purpose of the amendment is to create a National Council on Health Policy. The Council would be modeled along the lines of the Council of Economic Advisers and the recently created Council on Environmental Quality. It would be located in the Executive Office of the President, and would consist of three full-time members appointed by the President with the advice and consent of the Senate.

The principal function of the Council would be to establish a national health policy for the United States, and to make recommendations to the President and Congress on methods to achieve the goals of the policy. The Council would provide new executive leadership at the national level in health affairs. As a high-level coordinator and policymaker in the health field, the Council would study and evaluate health activities throughout the Federal, State, local, and private sectors, and would suggest new programs and new approaches in all areas of health policy, such as research, facilities, services, manpower, and the organization, delivery, and financing of health care.

The amendment would authorize the appropriation of $300,000 for the operation of the Council for fiscal year 1971, $500,000 for fiscal year 1972, and $1 million for each fiscal year thereafter.

I believe that the creation of a National Council on Health Policy is overdue, especially in light of the tremendous growth of Federal health programs in recent years, and the lack of an adequate existing mechanism for setting national health policies and long-range goals.

Numerous bills have been introduced in past Congresses to create such a council. Although temporary, short-term groups, including Presidential commissions, ad hoc committees, and interagency committees have been created in the past to deal with specific problems in the health field, none of these groups has had the scope or the authority of the ongoing Council recommended in the amendment I am proposing.

In the current Congress, the extensive hearings and report of the Senate Subcommittee on Executive Reorganization and Government Research, chaired by Senator Abraham Ribicoff, have documented the confusing maze of existing Federal health programs and the absence of any effective national health policy. For example, the Nation's highest health officer—the Assistant Secretary of Health, Education, and Welfare for Health Affairs—controls only 22 percent of HEW's total health expenditures of $14 billion for fiscal year 1970, and only 16 percent of the total health expenditures of $19 billion for all the 24 Federal departments and agencies engaged in health programs. As the result of its study, one of the subcommittee's principal recommendations was for the creation of a Council of Health Advisers, thereby giving new impetus to the movement for the creation of such a council.

The National Council on Health Policy would fulfill a function in the area of health affairs similar to the function now fulfilled by the Council of Economic Advisers in the area of economic affairs. Since its creation shortly after the Second World War, the Council of Economic Advisers has played a major coordinating and policymaking role in economic matters; it has established itself as a prestigious entity in the White House Office, distinct from the Departments of Treasury, Commerce, and Labor, and the Federal Reserve Board, each of which also has an important role in economic affairs.

The Health Council proposed by the amendment would perform a corresponding function in health policy, and would establish itself as an entity distinct from the existing Federal departments and agencies with operating responsibilities in health affairs. Ideally, the annual report of the Health Council would become the same sort of major health event in the Nation that the annual report of the Council of Economic Advisers represents for the economy.

The role of the National Council on Health Policy would be one of making reviews, evaluations, and recommendations. Those Federal departments and agencies—for example, HEW, the Veterans' Administration, and the Department of Defense—with existing health programs would retain full control and direction of their programs, as well as continuing responsibility toward their particular beneficiaries as set forth in their existing statutory authority.

The deepening health crisis in the Nation is in large part the result of the failure to create a coherent and coordinated national health policy, capable of defining the health needs of contemporary America, assessing our health resources, and proposing adequate health programs. I believe that the establishment of a National Health Council, capable of setting and coordinating national health policy, is a necessary precondition if the Nation is to bring order out of the current disarray of Federal health programs.

Mr. President, I hope that this amendment will be approved by the Senate, and I ask unanimous consent that it may be printed in the Record at this point.

The PRESIDING OFFICER (Mr. Cook). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the Record.

The amendment (No. 1165) is as follows:

Amendment No. 1165

On page 540, insert the following new section after line 7:

"NATIONAL COUNCIL ON HEALTH POLICY

"Sec. 614. (a) There is hereby established, in the Executive Office of the President, a National Council on Health Policy (hereinafter referred to in this section as the "Council"), which shall consist of three members who shall be of distinguished competence in the field of health or any field related thereto, and who are not otherwise in the employ of the United States. Members of the Council shall be appointed by the President, to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman.

"(b) Each member of the Council shall hold office for a term of three years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the President at the time of appointment, one at the end of the first year, one at the end of the second year, and one at the end of the third year, after the date of appointment. A member shall not be eligible to serve continuously for more than two terms.

"(c) Members of the Council shall serve full time, and the Chairman of the Council shall be compensated at the rate provided for level III of the Executive Schedule (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for level IV of the Executive Schedule (5 U.S.C. 5315).

"(d) It shall be the duty and function of the Council to conduct studies, research, and investigations for the purpose of setting goals for a national health policy for the United States and of making recommendations to the President and to the Congress of various means whereby such goals may be attained.

"(e) In carrying out its duty and function, the Council shall—

(1) conduct a continuous evaluation of policies and programs related to the Nation's health (including policies and programs related to disaster planning) and make recommendations for the revision, expansion, and improvement of such policies and programs;

(2) initiate, study, and develop measures designed to assure the provision of adequate manpower, services and facilities for the Nation's health, including the mobilization, allocation, and utilization of such manpower, services, and facilities;

(3) evaluate studies and surveys made by or concerned with departments and agencies of the Federal Government in relation to the Nation's health needs and resources;

(4) advise and consult with departments and agencies of the Federal Government on policies and programs concerned with health services, manpower, and facilities; and

(5) upon the request of the President with respect to any matter concerning the Nation's health, submit to the President a report containing such information, data, or recommendations on such matters as the President may indicate in such request.

"(f) The Council shall submit annually to the President and the Congress a report of its activities together with a statement of the national health policy and goals established by it and its recommendations of measures designed for the attainment of such goals.

"(g) The various departments and agencies of the Federal Government shall cooperate with the Council in carrying out its responsibilities.

"(h) The Council shall have authority to employ such professional, technical, and clerical staff as may be required to carry out its duty and function. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary to carry out its duty and function, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

"(i) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated $300,000 for the fiscal year ending June 30, 1971, $700,000 for the fiscal year ending June 30, 1972, and $1,000,000 for each fiscal year after the fiscal year which ends June 30, 1972.

AMENDMENT NO. 1166

BENEFITS FOR UNADOPTED GRANDCHILDREN

Mr. PERCY. Mr. President, under the present social security law, some children who are dependent on their grandparents cannot obtain benefits based on their grandparents' earnings. A grandchild must be adopted by his grandparents before he qualified for a child's social security benefits. This is most unfortunate, as there are cases in which the grandparents, for valid reasons, are either unable to or do not wish to adopt the child, yet still maintain a quasi-parental relationship.

The purpose of social security is to provide the family with a continuing source of income when the family income stops because of the death, retirement, or disability of a worker. Following this, social security benefits are paid to children whose parents have died, retired, or become disabled on the theory that children are generally dependent on their parents and suffer a loss of support when the parents' income stops. However, if that "parent" is a grandparent the child suffers in being denied a social security benefit. Benefits are extended to grandchildren only when they are legally adopted.

This distinction which prohibits the unadopted child living with and supported by his grandparents from receiving the same benefits he would receive if he were adopted is grossly unfair. A child dependent on his grandparents is as deserving of social security benefits as is a child who is dependent on his parents—perhaps even more deserving as grandparents very possibly would have less income. The payment of these benefits should be based on the realities of the situation.

I, therefore, urge favorable action to permit the payment of social security benefits to the dependent grandchildren of disabled, retired, or deceased workers when it can be shown that the child is actually dependent for support upon the grandparents.

My amendment, that I am herewith sending to the desk, redefines the term "child" so that benefits would be provided for a grandchild if, at the time the grandparents died or became entitled to benefits, he had been living with the grandparents at least 1 full year—except in the case of death or disability of the grandparent, within the same year as the loss of support from the parents. In addition, it would have to be shown that the grandparents actually furnished at least one-half of the child's support during this time.

Adoption of this measure would correct an anomaly in the social security program. It would make actual dependency the criterion for payments to a grandchild.

Although this is not a major change when measured in terms of the number of people affected, it is nonetheless a major change when measured by the effect it will have on the incomes of those individuals who will qualify for benefits. Moreover, the social security actuaries inform me that, because only a relatively few people could be expected to qualify for benefits, adoption of the proposal would have no significant effect on the total cost of the social security program. The "level-cost" would be 0.01 percent of the taxable payroll. Passage of the bill would eliminate the need for taking action on about 300 private bills annually.

The **PRESIDING OFFICER** (Mr. Cook). The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 1167

SUBMISSION OF AMENDMENT TO AMENDMENT NO. 1097

Mr. BAYH. Mr. President, today I am substituting an amendment to the Ribicoff-Bennett proposed Family Assistance Act.

The passage of my amendment would assure us that a program of comprehensive welfare reform will include a provision calling for a test of income adequacy. The central objective of this amendment will be to allow an additional evaluation of income support as an antipoverty strategy.

The Ribicoff-Bennett proposal is aimed at revising the Nixon administration's October revision of the family assistance plan. While it does deal with a number of the objections raised to the FAP measure it does not deal with the central concern many of us have that the minimum income floor of $1,600 for a family of four is insufficient.

Mr. President, my amendment calls for setting up a test program which will use as its basis a minimum income guarantee of $5,500 for a family of four. In the discussion of the family assistance plan to date, there has yet to be proposed a figure which would define adequacy. As a result of this test proposal, a number of questions will be clarified.

First. What is the increase in well-being of once-poor families whose incomes are raised above the defined poverty level by a more adequate income program?

Second. How does their actual well-being, as measured by their actual purchases of goods and services in the market, compare with the well-being of hypothetical families in corresponding budget studies and with the well-being of families at similar levels of income who achieved those levels in the absence of the adequate income program?

Third. Is poverty simply a matter of insufficient income, or is it more a matter of culture and life-style as some have argued?

Fourth. Do people rapidly take on the economic and social characteristics of the income strata into which they move?

Fifth. What are the gains to society from substantial investment in its low income citizens; for example, to what extent do substantial inputs of money help people live better now and help them to achieve a future life of self-support?

In short, the main question this body should ask itself is: To what extent can we rely on a money strategy as the principal component of our anti-poverty efforts? We will never know the answer to this question, obviously, until we have tested a figure that can be determined to be adequate. The Bureau of Labor Statistics has estimated that a family of four with an "employed male head" needs $6,567 a year on a lower standard budget in order to lead a decent life. The Bureau of Labor Statistics has also figured that a family with an "unemployed male head" in 1967 needed between $4,381 and $4,889 a year for a decent life standard. It is my opinion that an adequate income figure on which to test income adequacy for a poor family should be within the range of these BLS figures. It is for these reasons that I have selected the $5,500 figure for an adequate test. With the proper work incentives provided, I feel certain that it can be shown that families living under this standard will be able to free themselves from the bonds of poverty and enter into the mainstream of American society. My amendment will therefore allow the Secretary of Health, Education, and Welfare to develop a test program to determine the true impact of an adequate income plan.

Mr. President, on August 8, 1969, the President of the United States proposed a bill designed to overhaul and reform our national system of welfare. Since its introduction, this proposal has undergone numerous changes and revisions, has been acclaimed by some and termed grossly inadequate by others. Some in the social welfare professions view it as a first step in increasing the effectiveness of the welfare system. However, many welfare recipients, along with such groups as the National Welfare Rights Organization, cite ways in which this bill is a step backward from present law.

In my view, the proposed family assistance plan—the Nixon plan—is more than just another bill about welfare reform. It is symbolic of what those in power think of welfare as an issue. This Nixon plan appears to be aimed more at improving the bureaucracy of the system than at eliminating the problem of welfare. The basic question remains: Does the Nixon plan deal with the real problem at hand? Does it effectively meet the needs and desires of the Nation's poor.

This is not the first time that the Congress has been told that by passing a bill it could solve the welfare problem. In 1962, a law was enacted, the public welfare amendments, which provided social and rehabilitation services to the poor, and instituted new matching formulas. It increased the Federal matching share and raised reimbursements to the States. We were then told that this would mean fewer welfare recipients in the long run. Despite this legislation the welfare rolls continued to grow.

In 1967, the Congress enacted the work incentive program for adult AFDC recipients to train those on welfare and force them to work in the belief that this would reduce the number of needy Americans. But the welfare rolls continued to grow.

These earlier measures had attractive features—just as does the new Nixon plan. For example, extending assistance to working people presently ineligible is only a first step. The new measure will raise the benefits for the poor in six Southern States: Alabama, Arkansas, Louisiana, Mississippi, South Carolina, and Tennessee, where a family of four currently receives less than $133 a month.

On the other hand, there are many repressive features in the bill which must be removed before it is approved. Rather than being an incentive for work, it is quite possible that the Nixon plan could serve as an incentive for family breakup. In its present form the Nixon plan would allow financial benefits to be reduced or cut off for many recipients, including those who work. For example, current standards established by the States of New York and New Jersey are above the $3,720 absolute minimum income for a family of four recommended by the U.S. Social Security Administration.

Additionally, there are 35 States in which total payments to a family of four exceeds $2,000 and 22 States in which total payments to a family of four exceeds $2,500. Under the present Nixon plan of a $1,600 minimum income for a family of four, 1,450,000 welfare recipients in New York and New Jersey face a reduction in income. This will also be the case in the other States which currently provide AFDC payments above the $1,600 level.

However, before we consider this or any legislation we should be clear as to the nature of the problem with which we are dealing. Perhaps one reason that past attempts at solving the welfare problem have failed is because we have misunderstood the nature of the problem.

We assume that growing welfare rolls are a sign of national sickness. We assume the problem rests solely with those people who receive assistance. Hence, we have enacted legislation to deal with those people. And we have provided services for them while at the same time looking down upon them as second-rate citizens.

We have rarely ever considered that the problem may not be solely in the people but rather in our attitudes toward the poor. Experience has shown us that our changing social and economic climate encourages the poor to dream of a better way of life while at the same time depriving them of adequate income.

In order to better understand the complexity of the problem, we have to confront the issue of welfare head on. Our national program of public assistance was designed in the thirties to aid certain categories of people in situations which made employment either difficult or impossible. It was established for the aged, the blind, the disabled and primarily for mothers with dependent children. Persons in a normal working situation were ineligible. Even those who received aid were given benefits that did not provide enough money for a decent life.

Yet, many people think that welfare recipients are lazy and unmotivated. Requirements for eligibility demonstrate that people receiving welfare are on the periphery of the working population. The statistics of the Department of Health, Education, and Welfare in February 1966 pointed out that less than 50 percent of welfare recipients are able to get off the welfare rolls by working. The latest estimate is that at the end of August 1970, there were a total of 2,269,000 families in the AFDC category. That adds up to a total of 8,659,000 idividuals. Of this number, 6,349,000 are children. In addition, there are 2,054,000 individuals covered by the old age assistance category. Another 899,000 are disabled and 80,200 are blind people receiving aid. These are the people whose lives will be affected by any welfare reform bill. Many of them are anxious to join the work force.

Indeed, 14.5 percent of the heads of welfare households work but still require supplementation. A recent HEW study has shown that over a third of women receiving welfare are trained for and willing to work. Another study has shown us that 70 percent of the mothers on AFDC roles want to work. The heart of the problem is not the willingness on behalf of the poor to work, but rather the lack of job opportunities of which the poor can take advantage. I think it is time that we faced up to these facts and stopped burying our heads in the sand of social and administrative irresponsibility.

The Nixon proposal would repeat the forced work and training provisions of the 1967 amendments but would also provide for benefits to families in which the male head of the family is employed. Let it be clear that I support the concept of aiding the working poor. It is essential that welfare recipients be encouraged to work to their capacity and be provided with sufficient incentive to take maximum advantage of available services.

I would go even further than the procedure envisioned by the Nixon plan by saying that welfare recipients should be able to earn a decent salary without giving up their welfare assistance payment on what is almost a dollar for dollar basis. Continued assistance to the working poor would be a major step in providing the incentive needed for a person to free himself from the bonds of poverty. The poor want to work. It is our job to encourage that desire. For this reason I believe that one of the key provisions to any welfare reform bill must be a strong work incentive provision which realizes as its goal the need for encouraging and supporting the working poor.

It has long been established that the concept of the poor being lazy is a myth. The facts tell us just the opposite. For example, the preliminary results of the New Jersey graduated work incentive experiment shows that, "Indepth interviews with participants indicate that the low-income individual is strongly motivated toward work." When are we, the representatives of the American people, going to respond to the motivations of those citizens?

Those who are most deeply involved in the mechanism of the welfare system now say that this system has failed. One of the obvious indicators of this failure is recipient dissatisfaction. Recipients are dissatisfied because they receive such inadequate income. In most States, recipients receive only a tiny portion of what Americans need to live on. In my home State of Indiana, for example, a family of four can receive a maximum AFDC payment of $1,800 a year. With food stamps it comes to about $2,500 a year for a family of four. It should also be noted that only 40 percent of those eligible for food stamps actually receive them. Many as yet do not know that they are eligible to qualify.

In addition, AFDC payments vary from State to State. In the State of Washington, this payment reaches $3,648 a year while in Mississippi it totals only $828 a year. Although these amounts do vary widely, they have one thing in common. All are clearly insufficient. An estimate given by the Bureau of Labor Statistics shows us that a family of four with an "employed male head" needs $6,567 a year for a lower standard budget. This is the minimum standard for a decent life. For a family with an "unemployed male head" in 1967, this figure can be reduced to between $4,381 to $4,899. Too often welfare recipients are regarded as leeches of our society rather than human beings struggling to survive. Too many potential recipients have been turned away for the wrong reasons. For too long welfare recipients have been treated with disrespect. We have all heard the stories of long lines and social worker investigations. These conditions still exist and continue to shape our attitudes about the welfare system. This must not continue. It is time to put an end to a system which is underfunded and overburdened with callous insensitivity. Through the years, many dedicated workers have struggled to make our welfare system a bit more responsible to the needs of recipients. Any proposal of welfare reform must recognize their struggle and provide assurances of more sensitive and enlightened welfare administration.

The question that must now be raised is why is the public dissatisfied with the welfare system? The public knows that hunger exists in America and wonders why this system has not dealt with it. Again, the failure has been that the welfare system did not supply enough resources and the administration of the program has not been able to reach all of those who are in need. The public expects the welfare system to deal with problems that it is just not suited to handle.

Another myth which has misled the public is that welfare recipients cheat to qualify for welfare. This is not true. The percentage of those who cheat is surprisingly low. A special study of the declaration system in New York shows that less than 2 percent of those who have received welfare checks cheated. HEW estimated in 1969 that only 0.4 percent of all welfare cases were fraudulent. This percentage of fraud is quite low when compared to the rates of fraud and evasion by those who pay Federal income tax. Past estimates by the Internal Revenue Service has pointed out that nearly 28 percent of the income of small businessmen and farmers goes unreported. It was reported that receivers of interest do not report about 34 percent of their income. There is a lot about welfare that most of us simply do not know. Our image of welfare has been inaccurate and distorted. To admit this is the beginning of both wisdom and constructive reform.

Prosperity in America increases, yet the welfare rolls do not decrease. Better use of our tax money would make greater welfare expenditures possible. Welfare is no longer the hidden program it once was. The need and the poor have always been there. However, America's will and resources have never been committed to meet that need. Our welfare system has only dealt with a certain category of people. Many others are in need of assistance, such as poor families with working fathers who do not earn enough income; and also needy childless couples. Thus, our system does not provide for all the poor. Where it does provide some assistance it does not provide adequate income.

Until 2 years ago our welfare system provided no incentive to work. Every dollar earned by the recipient was deducted from the welfare dollar. The system now provides for only a small work incentive. Our system has flagrantly denied the rights of people and denied them the respect due to all human beings. Our system has not provided the opportunities for people to find the jobs and receive the necessary services that would give them the incentive to vastly improve their economic condition. We have blocked their path. The system can and must be improved if we are truly going to attack the root causes of poverty and I offer the following suggestions.

The basic ingredient involved in improving our concept of welfare is the development of a system which provides an adequate income. One of the creative plans offered to date is the proposal of the National Welfare Rights Organization calling for an adequate income for all categories of the poor based on a figure of $2,000 for a single individual and $5,500 for a family of four. This plan would allow continuation of payments based on family size. Eligibility would continue to be based on need. Under the NWRO plan a family could earn money while continuing to receive a level of welfare benefits on a reduced scale.

There are a number of things which must be taken into consideration. It is first of all not important to talk only of expenditures. Emphasis must also be placed on increasing the amount and quality of social welfare services.

It is not only our job to find a plan which will eliminate welfare but also to determine which plan will give us more return on our tax dollar. Yet, more important than this, we must back the plan which is best suited for eliminating poverty.

The question this body should ask itself is: Are we pursuing a meaningful solution as vigorously as we are complaining about the weight of the burden?

It is quite possible the adequate income plan of the National Welfare Rights Organization will be a positive step in helping America find that solution. It is unfortunate that this organization was not invited to present their views before the Senate Finance Committee during the hearings on the proposed family assistance plan. Their expertise in this field is extensive and they represent the views of thousands of welfare recipients who will be affected by this bill. The adequate income plan is directed at assisting the too often voiceless poor. Serious evaluation should be made by the Congress concerning this plan. I recommend that we give this plan a chance to prove its value. This could be done by setting up a test program which would enable us to clearly see what the results would be. The $1,600 level for a family of four in the Nixon plan is not enough. A positive alternative, such as that offered by NWRO, could in the long run be one of the soundest investments this country has ever made.

We should continue to work toward insuring the promotion of day care centers, the searching out of job opportunities and the creation of jobs to meet the labor demand. This would allow welfare recipients to find adequate jobs and have a place to send their children while they are at work. We should provide expanded legal and health services. Our program in the past has been discriminatory, inadequate, narrow in scope, and clouded with too many prejudices. We must create new ideas for the future.

After the defeat of the October revision of the Nixon plan in the Senate Finance Committee, a number of Senators, myself included, presented the Department of Health, Education, and Welfare with a list of reforms that we felt should be made in order for the program to be acceptable. A number of these proposed changes were agreed to by HEW Secretary, Elliot Richardson. They are now included in the Ribicoff-Bennett amendment. However, a number of key reforms in the FAP measure have yet to be changed. It is essential that any newly revised program include these reforms. As the Nixon plan is now written, it does not effectively deal with the problems that I have previously outlined.

The Nixon plan as defined in the Ribicoff-Bennett amendment still maintains a provision requiring forced work. This provision requires mothers with school-age children to accept a job. This disregards the fact that it may be necessary for her to remain home with her children. It is inconsistent to reform a welfare program with the goal of strengthening family unity while requiring mothers who may be desperately needed in the home to leave the home in search of employment. We should let each mother make the determination whether it is in the best interest of her children for her to seek outside employment.

This forced work provision has a number of dangerous loopholes. The administration has not adequately explained what safeguards will be taken to make sure that welfare recipients in certain areas of the country will not be exploited through substandard wages. I am also afraid that this provision could lead to unforseen circumstances such as using people on welfare to break strikes. The administration to this point has not even offered to stipulate that those in the work program be guaranteed the minimum wage. It is unconscionable to think that many Americans would be required to work at less than the recognized minimum standard. In short this is a negative aspect which can only reap negative results.

The Nixon plan does not provide for certain categories such as childless couples and single adults. Additionally, the Nixon plan weakens the rights of welfare recipients by requiring the stepfather to support the children of a woman whom he marries. This sets a double standard because State laws do not now require that a stepfather support the children in a nonrecipient household. If this provision is allowed to stand it would discourage working males from marrying women with families and thus discouraging family unity.

The version of the FAP measure now pending does not take into account the rise in the cost of living which all of us experience. Those beneath the poverty line have the least effect on the rise in the cost of living. Yet, they must still pay higher prices. The Department of Labor estimates that the cost of living as of October had increased by 5.9 percent over a 12-month period. Any welfare reform measure which becomes law should provide for this very real increase in expense. These are some of the areas where the Nixon plan fails. Where does it succeed?

One positive provision is that it makes the working poor eligible for assistance for the first time in 42 States. It provides for a greater number of day-care centers. It will raise the grants of people on welfare in six Southern States where payment level for a family of four is currently below $1,600. It will also set a minimum standard for adult categories.

I am glad to see that the administration has agreed to include some of the positive features that have been recommended. One of these features is the provision of assistance to unemployed fathers. Another is the retention of the State "standard of need" which was included in the House-passed bill. This would mean the restoration of reduced benefits to an estimated 16,000 families in Indiana alone.

These are just a few of my reactions to the pending reform of our welfare system under the family assistance plan. This is a very crucial issue. An understanding of the dynamics of welfare is essential before we can deal with the means for eradicating it. Above all, we must view a decent economic way of life as a right and not a privilege. The Nixon administration has suggested a start at welfare reform. However, this plan does not go far enough. More money is needed. Better services must be provided. As we disengage ourselves in Vietnam, we should reorient our priorities so that eradicating poverty, and the unequal opportunity that breeds it, becomes our primary goal. I therefore suggest that we stop experimenting with welfare reform and act to pass a measure which includes a test of adequate income that will show the American people our determination to eliminate the problem.

The **PRESIDING OFFICER** (Mr. HUGHES). The amendment will be received and printed.

AMENDMENT NO. 1168

Mr. SCOTT proposed an amendment to House bill 17550, which was ordered to be printed.

(The remarks of Mr. SCOTT when he proposed the amendment appear earlier in the RECORD under the appropriate heading.)

AMENDMENT NO. 1169

Mr. RIBICOFF (for himself and Mr. BENNETT) proposed an amendment to the amendment of the Senator from Pennsylvania (Mr. SCOTT), numbered 1168, to House bill 17750, supra, which was ordered to be printed.

(The remarks of Mr. RIBICOFF when he proposed the amendment appear earlier in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENTS NOS. 1109 AND 1110

At the request of the Senator from Montana (Mr. METCALF), the Senator from Montana (Mr. MANSFIELD), the Senator from New Mexico (Mr. ANDERSON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. JACKSON), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. YARBOROUGH) were added as cosponsors of amendments Nos. 1109 and 1110 to H.R. 17550, to amend the Social Security Act.

ADDITIONAL STATEMENTS OF SENATORS

THE PRESIDENT'S ADDRESS AT THE WHITE HOUSE CONFERENCE ON CHILDREN

Mr. BAKER. Mr. President, I read this morning for the first time the remarks of President Nixon at the White House Conference on Children, remarks delivered on December 13. There is no news in the President's speech, and I suppose that relatively few people in this country will ever come into contact with it. But I wish that every American concerned about his country—and that includes most of us, I think—could know about this speech.

In his book "The Plague," one of Albert Camus's characters muses on the existential dilemma of the moral man. Challenged on every side by the seemingly irreducible meaninglessness of life, the pointlessness of every human exertion, Camus concludes that if any act is a moral act it is to reduce the number of suffering children in the world.

The Christmas season is a time that brings home to us in a special way the value of our children. Hostages as we are to the commercial exploitation of a holy celebration, the occasion is redeemed by the innocence and joy of children. It is the spirit of a crippled child: "God bless us, every one."

As an institution, the Presidency can isolate, in great degree, its occupant from the people. Although constantly in the klieg light of publicity and controversy, it is often difficult for any President to convey to the people his essence as a man. Perhaps it is even more difficult for some Presidents than for others.

I think that in this speech of the President we are given a very clear view of the man. I was particularly interested in the little story that the President told about Walter Judd, who refused to help his child with her arithmetic, because he knew it was so important that she learn to do it herself. This story tells so much about the approach of this President to the Presidency, and I think it is little understood by the country at large.

The President has been criticized from the outset for his "failure to exercise the great moral leadership" of his Office. Although I sincerely believe that much of this criticism is genuine and deeply felt, I think it is misguided. It is misguided, in my judgment, because it is based on the premise that public utterances by a President can serve as a substitute for individual moral character. It is a great error, in my judgment, to ask that Government serve a religious function, and I am confused by the evident eagerness of some people to surrender their own personal responsibilities for the nature of our policy to institutions and to individuals whose chief function is and ought to be political.

Listen to the President:

> A sense of dignity, a sense of identity, of pride, of self respect—these no government can provide. It can help remove obstacles to the child's development. It can mobilize research and provide services. It can offer advice and guidance. But all these only help make success possible. The love, the understanding, the compassion, the human concern that touch the child and make him what he can become—these are provided by people.

I hope that the people of this country will not seek to abdicate this precious personal responsibility, lulled by the deception that it can somehow be supplanted by public posturing. I urgently commend to my colleagues this speech of the President, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT AT THE WHITE HOUSE CONFERENCE OF CHILDREN, THE SHERATON PARK HOTEL, WASHINGTON, D.C.

Mr. Secretary, Mr. Mayor, Mr. Chairman, and ladies and gentlemen, all of the delegates to this Conference:

Before I begin my prepared text, I would like to express my deep appreciation to all of you who have come to this Conference, and also for the very special entrance that was arranged on this occasion.

One of the great privileges for the President of the United States, of course, is to hear Hail to the Chief, I have heard it many times since I became President almost two years ago. I have never heard it played better than by the East Atlanta School from over here, an elementary school.

Speaking as one who played a very poor second violin in a high school orchestra, I appreciate all of the work and the talent that is represented therein by the leader who was able to develop those talents.

I am very proud tonight to share with six of my predecessors, starting with Theodore Roosevelt and most recently, Dwight Eisenhower, the honor of convening a White House Conference on Children. I take very special pleasure in welcoming all of you here.

Our concern at this Conference is with the wellbeing of 55 million individual human beings who happen to be children under the age of 14, and who represent one-fourth of all the people in America.

When I refer to them as 55 million individual human beings, I mean to put the emphasis precisely on that—in fact that nothing is so intensely personal as the private world of the child; nothing so removed from the statistical abstractions of a chart or a computer.

In talking about our children, we are talking about our world and about its future, but in the most special, the most human, the most individual sense of anything we do or consider.

The refreshing little flower emblem that has been used as the symbol of this Conference is a reminder to us of one very simple and very basic truth: that the world of the child is different and very special, and full of promise and very much alive.

It also reminds us that whether we speak of a community of 200 people or of 200 million, the important thing to remember is that no two are alike.

I am sure some of you have heard the little television commercial, a musical one, that has the little ditty that goes "No one else in the whole human race is exactly like you."

Because of this, what is right for one child may be all wrong for another.

Here in Washington, in government, we have a tendency to think about things in the mass, about cities of more than a million or less than a million, of people over 65 of those under 21, about whole school systems or health delivery systems.

Just yesterday, I spent a great part of the day working on next year's Federal budget, on billions for this and billions for that, and how perhaps $100 million could be saved here in order to do something we want to do someplace else; trying to balance the needs and hopes of dozens of government departments and agencies that operate thousands of programs involving millions of people. Sometimes, after a day like that, I find myself reflecting on both the necessity and then the impersonality of it all. Budgets have to be made and they have to be followed because that is the way the real world operates. And governments have to deal with great masses of people because this is the way governments operate.

But how far removed this can get us from the perspective of the individual person. How great a tendency there is in government to lose track of people as people, to get so wrapped up in charts and projections and columns of numbers that we lose sight of what ultimately it is all about.

If there is one thought more than any other that I would like to leave with you, all of the 4,000 delegates to this Conference, it is this: to remember that what matters is one person, one child, unlike any other, with his own hopes and his own dreams and his own fears, who lives at the center of his own separate and very personal world.

I am sure that each one of you is here taking part in this great Conference because you do care not only about children in the mass, but about the child. I hope you will help us in government to keep the focus on that one child.

One of the special glories of America is that we are a nation of individuals and individualists. We produce people, not automatons. We recognize diversity not as an evil but as a virtue. We turn not to one institution alone but to many to perform the great task of achieving a better life for all of us.

We recognize, of course, the role for government, for the church, the home, the school, the volunteer agencies that are so distinctive a feature of American life. And we do know that this is a case in which individual cooks, and additional cooks, do enrich the broth.

There is, of course, a large and vital role government must play in insuring the best possible opportunities for the child.

Tonight I would like to speak briefly to you about just one government program, a Federal Government program presently being considered by the United States Senate, which I believe particularly deserves your support.

The great issue concerning family and child welfare in the United States is the issue of family income.

For generations, social thinkers have argued that there is such a thing as a minimum necessary family income, and that no family should be required to subsist on less. It is a simple idea, but very profound in its consequences.

On August 11, 1969, over a year ago, I proposed that for the first time in America's history we in this great, rich country establish a floor under the income of every American family with children. It has, in turn, been called by others the most important piece of domestic legislation to be introduced in Congress in two generations.

In terms of its consequences for children, I think it can be fairly said to be the most important piece of social legislation in the history of this Nation. I am sure you know the story of the legislation. In April, it passed the House of Representatives by almost 2-to-1. Then it became mired down in the Senate. It is still stuck there, but it is not lost. There is still an opportunity for the 91st Congress to change the world of American children by enacting Family Assistance.

In these closing days of that Congress, I want to emphasize once again unequivocally my personal support for welfare reform this year, and to urge your support for welfare reform this year.

In the last 10 years alone—listen to this—the number of children on welfare in America has tripled to more than six million. Think of it—six million children—six million children caught up in an unfair and tragic system that rewards people for not working instead of providing incentives for self-support and independence; that drives families apart, instead of bringing them together; that brings welfare snoopers into their homes, that robs them of pride and destroys dignity. I believe we should change that.

The welfare system has become a consuming, monstrous, inhuman outrage against the community, against the family, against the individual, and most of all against the very children who are our concern, your concern, in this great Conference, the children it is meant to help.

We have taken long strides—not enough, but long strides—toward ending racial segregation in America. But welfare segregation can be almost as insidious.

Think what it means to a sensitive child.

Let me give you one example. My daughter Tricia does tutoring at an inner-city school here in Washington. She tells me of her deep concern each day to see the welfare children herded into an auditorium for a free lunch while the others bring their lunches and eat in the classroom.

We have to find ways of ending this sort of separation. The point is not the quality of the lunch. As a matter of fact, she tells me that the free lunch is probably nutritionally better than the one the others bring from home.

The point is the stigmatizing by separation to the welfare children as welfare children.

I remember back in the Depression years—and if this dates me, if you can remember, you can remember, too—of the 1930's, how deeply I felt about the plight of those people my own age who used to come into my father's store when they couldn't pay the bill, because their fathers were out of work, and how this seemed to separate them from others in our school.

None of us had any money in those days, but those in families where there were no jobs and there was nothing but the little that relief then offered suffered from more than simply going without. What they suffered was a hurt to their pride that many carried with them for the rest of their lives.

I also remember my older brother. He had tuberculosis for five years. The hospital and doctor bills were more than we could afford.

In the five years before he died, my mother never bought a new dress. We were poor by today's standards, and I suppose we were poor even by Depression standards.

But the wonder of it was that we didn't know it. Somehow my mother and father, with their love, their pride, their courage and self-sacrifices were able to create a spirit of self-respect in our family so that we had no sense of being inferior to others who had more.

Today's welfare child is not so fortunate. His family may have enough to get by on and, as a matter of fact, they may have even more in a material sense than many of us had in those Depression years. But no matter how much pride and courage his parents have, he knows they are poor and he can feel that soul-stifling patronizing attitude that follows the dole.

Perhaps he watches while a caseworker—a caseworker who himself is trapped in a system that wastes on policing talents that could be used for helping—watches while this caseworker is forced by the system to poke around in the child's apartment, checking on how the money is spent, or whether his mother might be hiding his father in the closet.

This sort of indignity is hard enough on the mother. It is enough of a blow to her pride and to her self-respect. But think of what it must mean to a sensitive child.

We have a chance now to give that child a chance—a chance to grow up without having his schoolmates throw in his face the fact that he is on welfare and without making him feel that he is therefore something less than other children.

Our task is not only to lift people out of poverty but from the standpoint of the child our task is to erase the stigma of welfare, illegitimacy and of hardship, and to restore pride, dignity and self-respect for every child in America.

I don't contend before this sophisticated audience of critics that our Family Assistance Plan is perfect. Secretary Richardson, who has been before the Senate, will be able to answer questions that you may put to him because he has been before a very, very critical body.

But I am only going to suggest this: In this confused, complex and intensely human area no perfect program is possible, and certainly none is possible that will please everybody. But this is a good program, and a program immensely better than what we have now, and vastly important to the future of this country—and especially to the neediest of our children. It is time to get rid of the present welfare program and get a new one, and now is the time to do it.

For the United States Senate to adjourn without enacting this measure would be a tragedy of missed opportunity for America and particularly for the children of America.

I have dwelt at some length on Family Assistance because of its vital and even historic importance and because now is the time for Senate decision.

This represents, as I indicated, one of the things the Federal Government can do to give children a better opportunity.

There are others: our programs for the right to read, our emphasis on the first five years of life through the new Office of Child Development in the Department of HEW, on education reform, on food, nutrition, and in many others where we are trying to meet what I believe is a great responsibility that rests with the Federal Government.

I know in this Conference you will have many new ideas for things we in Government, in the Federal Government, might do.

We shall do our best to meet our responsibility in those areas where the Federal Government can best do what needs to be done. But I would also stress that equality and often more important is what States and communities do, and the school, the church, the family, the mass media, the volunteer organizations, each of us as individuals. For the child is not raised by government; the child is raised by his family. His character is shaped by those people he encounters in his daily life.

I think especially of the millions of Americans who give their time, their energy and their heart to volunteer activities working with children. You know them in your communities—thousands, hundreds of thousands all over America.

Before becoming President, I served as National Chairman of the Boys Clubs of America. I saw from the inside the wonderful work organizations like the Boys Clubs and others do, and also the spirit and dedication of the people who make them possible. There are churches and service organizations, hundreds, thousands of organizations all across America helping. They can help more.

And most important, these volunteer organizations can do what government cannot do: they can give heart and inspire hope, and they can address themselves not simply to children as a group but to that one special, precious child.

Before closing tonight, I would like to leave with you a few very personal reflections from the perspective of the office I hold.

A President of the United States always thinks about the legacy that he would like to leave the country from the years he serves in this office. I think often about that in terms of what I can leave for America's children.

I know that the first thing I would like to do for them is to bring peace to America and to the world. And here I speak not just of ending the war, but of ending it in a way that will contribute to a lasting peace, so that theirs, at last, can be what we have not yet had in this century—a generation of peace.

I speak not only of the absence of war, but also of a peace in which we can have an open world in which all the peoples of the world will have a chance to know one another, to communicate with one another, to respect one another.

The second thing that as President I would like to leave for America's children is a strong, productive and creative economy—one that can provide every family with a floor under its income higher than what is now the ceiling for most of the world's peoples.

I want to leave them an economy that provides jobs for all with equal and full opportunity, job producing not for war but producing for peace.

And beyond this, I want, as you want, America's children in the last generation of this century to have the best education, the best health, the best housing that any children have had anywhere, anytime.

I want them to enjoy clean air, clean water, the open spaces, to restore the heritage of nature that is rightfully theirs.

Although we will always have differences here in America, because this is a very diverse country, I hope that Government can help achieve a better understanding among the generations, the races, the religions, among those with different values and different life styles.

I would like to do all this and do it in the climate of freedom.

I want this generation of children to develop a new sense of patriotism.

Edmund Burr pointed out that patriotism translated literally means love of country. And he went on further to say that for us to love our country, our country must be lovely.

We do love our country—most of us—but we know it has many unlovely features. I want young Americans to learn to love America, not because it is the richest country, or the strongest, or merely because they were born here, but because America is truly a good country and becoming better, because it is truly a lovely country.

I am convinced that in my term as President we made some progress towards these goals that I outlined and I think that we, by the end, will have made more progress. But even if all these goals could be fully achieved, it still would not meet our duty to our children.

No matter what Government does for people, no matter what we provide in the way of income, housing or food, we still have not reached the essential element as far as a full and meaningful life is concerned, because what is most important is that every person in this country must be able to feel that he counts.

We have to let 55 million very young Americans, as well as those a little older perhaps, know that what they do matters, that their ideas count, that the country needs their thoughts, their creativity, their contributions.

I recall Dr. Walter Judd once said that he loved his daughter very much, and then when she asked him to help her with her arithmetic, he really could do it much better than she could, the easiest thing for him to do would be simply to do it for her. But because he loved her, he would not do it for her. He helped her learn to do it herself.

While this conference will and should make recommendations as to what Government can do for children, about how we can make life better for them, let us remember that what is most important is to provide the opportunity for each of our children to participate, for each child.

It is not just a matter of what more Government is going to do for him, but how his own life is going to be enriched so that he can do something for his fellow man.

A sense of dignity, a sense of identity, of pride, of self respect—these no government can provide. Government can help to create better conditions. It can help remove obstacles to the child's development. It can mobilize research and provide services. It can offer advice and guidance. But all these only help to make success possible.

The love, understanding, the compassion, the human concern that touch the child and make him what he can become—these are provided by people, people like you.

And the way we shape the character of the next generation we test our own character as people. And the vigor and the realism with which we approach the needs of the next generation, of each and every child in that generation, tests our devotion to humanity and our belief in ourselves.

I am confident we will meet that test. And I am grateful, very grateful, to all of you here for the concern you have shown, the dedication you have demonstrated, in helping us to do so.

Your recommendations at the conclusion of your conference on Friday will receive the most careful consideration by the various agencies to which they will be referred and by the President of the United States, not only because we in this Administration respect your view, but also because we share your concern. We share your concern about our Nation's children, our children. We share your concern that our children should receive the best that America can give them.

Now, ladies and gentlemen, having concluded my formal remarks, I would like to give you a very special invitation and explain the nature of it.

When I learned about this conference, I suggested to your Chairman, Steve Hess, that Mrs. Nixon and I would like to receive all of the delegates to the conference at the White House. He said, "There are 4,000."

I checked with our staff to see whether that would be possible, and they figured out that based on an experience over the past two years of moving receiving lines as fast as we possibly could, it would take six hours and 18 minutes to get 4,000 people through the line.

I said we couldn't do that because I thought the people at the end of the line might get tired by the end of six hours and 18 minutes.

But I do think you should know that tomorrow the Christmas decorations at the White House will be completed. Those who have seen them think they are the most beautiful they have seen.

We have various nights blocked out. Monday night is the Congress; Tuesday night is the Congress; Thursday night is the diplomatic children, and so forth.

But Wednesday night belongs to you.

We have arranged for a special tour. Mr. Hess and his staff will arrange the buses and all the other various means of transportation that are needed to get you there.

We have arranged a special tour of the White House to see the Christmas lights and we hope that some members of our family can be there at least part of the time to greet some of you.

Thank you very much. We wish you the very best.

THE PLIGHT OF JEWS IN THE SOVIET UNION

Mr. TALMADGE. Mr. President, for the past year there has been a marked increase in the persecution of Jews in the Soviet Union by the Russian Government. This is an intolerable and inhumane situation not worthy of any civilized nation in the world.

It appears to be a calculated attempt to destroy the spirit of Soviet Jews, who number almost 3 million, and to deny them their religion, culture, and heritage. Soviet Jews are not permitted to worship in freedom or to educate their children in the ancient Jewish culture. They are discriminated against by the state in securing employment and in entering universities. They are systematically denied permission to emigrate to Israel.

In fact, Soviet Jews are relegated to second-class citizens in a state society that pretends to have no class consciousness. They are subjected to the worst kind of discrimination as individuals and as an ethnic group. For example, according to the best information available, the country's almost 3 million Jews have only 60 synagogues at their disposal. There is only one such house of worship and two prayer rooms in Moscow for 400,000 Jews. By contrast, the Soviet Union's 540,000 Baptists operate 5,500 churches. Members of the Russian Orthodox faith and Soviet Baptists have a central organization, but this privilege is denied Jews.

As other Senators have pointed out and as we are well aware, one could go on and on citing cases of persecution against Soviet Jews. They are being harassed and even jailed on trumped-up charges, not because they are guilty of any wrongdoing, but simply because they happen to be of the Jewish faith. I am glad to note that Soviet Jews are not remaining silent or docile in their plight. They are speaking out and protesting with increasing intensity, and their voices are being heard around the world.

Perhaps the most compelling indictment of all is found in the fact that severe mistreatment of Soviet Jews primarily dates back to the infamous Stalin era. Stalin's dictatorship, especially during his last years, was characterized by an open policy of anti-Semitism. Although Stalin has been denounced again and again by his successors for his terroristic regime, it is of more than passing interest to me that no mention is ever made by the Soviet hierarchy today of anti-Semitism as one of his excesses. One could come to the conclusion, therefore, that successors to Stalin have accepted anti-Semitism and they even promote it, as part of official state policy.

Now, in still another blatant manifestation of the state's anti-Jewish policy, 31 Soviet Jews have been arrested and charged with involvement in a so-called aircraft "hijacking" incident, and the Soviet Union is threatening to conduct "show trials" to make examples of them. This is a travesty and an affront to all people the world over who believe in religious freedom and the dignity of man. These Jews are not hijackers or criminals of any kind. Their only desire is to leave the Soviet Union and emigrate to Israel which they revere as their ancestral homeland. I hope that the Soviet Union abandons whatever plans there may be for these "show trials," which would be a mockery of justice. These trials should be called off and the falsely accused Jewish prisoners should be released. I rise in the Senate today to express the earnest hope that the Soviet Union will listen to world opinion and renounce anti-Semitism.

AID TO VETERANS

Mr. DOLE. Mr. President, during the recent campaign and particularly on Veteran's Day, I visited with many veterans in my State. One common theme ran between them: a fear of receiving a reduction in their veterans pensions as a result of the 15-percent social security increase effective last January. In many cases, the reduction in their pensions effective January 1, 1971, would have more than offset their social security increases, thus leaving these veterans worse off financially than if the much heralded social security increase had not been enacted.

Mr. President, I am happy that yesterday, the Senate passed H.R. 15911, a bill designed to prevent any veteran from taking a pension cut as a result of the recent social security increase. This bill is consistent with the pattern of Congress on three occasions over the past 10 years in passing legislation to protect veterans from such loss. And I am glad that we have not let our veterans down, but have passed this bill in time so many veterans should not have to take a cut beginning January 1.

Also, this bill will provide an average increase of $7.47 a month for pensioners, or an average increase of 9.5 percent. This will mean that many veterans will receive a slight increase in their pension. The provisions of this bill are a giant step forward. Yet, in light of the 11 percent increase in the cost of living index since the last pension increase became effective on January 1, 1969, the increase is no windfall.

Mr. President, our veterans have served an outstanding service to this country and the freedom of the world. This bill will basically assist those veterans of World War I and their dependents. The average age of the World War I dependent is 74. We cannot afford to do less than assure them that they will not have to suffer cutbacks in their present level of income.

MILITARY ASSISTANCE TO SAFETY AND TRAFFIC PROGRAM

Mr. TOWER. Mr. President, I wish to again call attention to the Military Assistance to Safety and Traffic program, known by its acronym "MAST," which has enjoyed great success as a pilot project in my home State of Texas.

This program utilizes military helicopters for transportation of highway and other accident victims who suffer injury far from required medical services. The program is a cooperative effort of the Federal Government and State and local authorities.

Due to the success in Texas, the program is now underway in several other States.

Earlier this week, Transportation Secretary Volpe said at least 61 lives may have been saved through this experimental program during its first 3 months of operation.

I am pleased that operation of this program is being continued, and I look forward to the time when it is possible to establish it across the Nation on a full-time basis.

ALBERT GORE—THE END OF A POPULIST

Mr. RIBICOFF. Mr. President, each election brings changes in the U.S. Senate. One of the great losses to the Senate and the country will be the absence of Senator ALBERT GORE when the 92d Congress convenes on January 21, 1971. We all recognize ALBERT GORE as one of the great and able Senators of our time.

David Halberstam, an outstanding journalist, has written an excellent and most interesting article in the January 1971 issue of Harper's magazine. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE END OF A POPULIST

(By David Halberstam)

October, Nashville. It is not home but it has, I think, those qualities which people think of in terms of home. The good times seem a little sweeter, the bad times fade into the background; there was no loneliness, my decrepit cars never broke down, I was always able to pay my phone bills, I was never frightened to death covering Klan meetings. It all seems so mellow. All antagonists become friends, having shared common battles. I wrote *that* about the Governor? He said *that* about me? I become in my mind and theirs a good old boy. Can it be? Old Halberstam. Nashville was a happy time for me: four years here as a reporter, where one fought good battles, winning sometimes but not always, finding even in the ones that I lost a certain belief in the processes of the country, a trust in my profession. That was a long time ago. When people wore the American flag then it was to show that they were not segs, because the segs of course wore the Confederate flag. Now on behalf of a stupid and futile war the segs wear the American flag, and whether we have converted them or they have converted us is a moot point. But I have an abiding affection for this city, this state, the people here, a feeling for the *Tennessean,* the paper I worked for (in a way I never felt a part of the *New York Times*); a belief about the world around me, that it would somehow, despite this disappointment, or that one, become a more decent and equitable society.

A mood of course depends on your perspective. Warsaw to many who arrive from Paris is drab and joyless; to those who arrive from Moscow it is colorful, joyous, swinging. I did not come to Nashville from Harvard, but rather, in 1956, at the age of twenty-two, I had arrived from West Point, Mississippi, after less than a year there as the one reporter on the smallest daily in the state. Mississippi is different now, it is going through its own amazing revolution, but then it had a special darkness; for a variety of reasons it lacked freedom of speech. There was a guarded freedom of conversation on the race question if you knew whom you were talking to, but speaking openly in public about obeying the law, about race, about integration would cost a man, white or black, his job. As such it was probably the only state in the union with a genuine set of exiles, young, talented men who could no longer stand it and were driven out, going to New York, Atlanta, or Washington, and keeping in touch with the homefolks almost by under ground. The contrast between the particularly suffocating atmosphere and Tennessee was startling, and it was against this background that I measured Tennessee.

Tennessee was still a Populist state then, with little of the Deep South cotton mentality. It was Southern enough to see the race question raised year after year in campaigns, but enlightened enough to strike it down. As the gas and power people had used race so successfully to camouflage their political power grabs in the Deeper South, here the TVA with its cheap electrical power had given Populist, liberal (even radical) candidates an economic base from which to campaign. It had strengthened the liberal forces, and they had broken the poll tax and thus smashed the Crump machine a few years before I arrived. In those days of the mid-Fifties the ranking political figures were Kefauver, Gore, Clement—all liberal and sometimes radical on economic matters, all humane on race, all men of national stature. A young man traveling the state was constantly surprised by the capacity for change in Tennessee, the ability of a public figure to speak difficult truths.

I had left here in 1960 the day after Kennedy was elected, but in that year I had covered Estes Kefauver's last race, against a West Tennessee judge named Tip Taylor. The Taylor campaign was put together out of the traditional ingredients for those challenges: race, patriotism, and local chauvinism ("A Senator For Tennessee, not From Tennessee") and everyone was scared. The reports were that Estes was in bad trouble, that they were going to get him this time (*they* were always going to get Estes, it seemed). We were campaigning one day in Portland, in Middle Tennessee, and we had entered with the usual warnings about disaffection. Estes was not with us that day—he was voting in Washington—and so his campaign manager, Frank Gray, a lawyer who looked like a local Fred Allen, spoke for him. "I realize I'm a damn poor substitute for Estes Kefauver," he began, "but then so is Tip Taylor." Laughter. Heightened interest. "Now I'm just a country lawyer from Franklin, Tennessee, and my client is charged with voting for the 1957 civil-rights act, and I just want you to know that I'm here to plead him guilty. And I want you to know that if he hadn't voted for it, I wouldn't be here speaking for him." Those old farmers may not have known what the civil-rights bill was, and they may have suspected that they didn't like it anyway, but they did know something about honesty and courage, and they began to cheer and applaud, and I never doubted from that day that Estes would win reelection, which he did, almost two-to-one.

Now ten years later I was coming back in a time of limited faith. I was flying from Boston where I had spent a week at Harvard, had seen one bomb go off, and had watched the anger, alienation, and nihilism of Harvard undergraduates; blacks bullied whites, the smell of Crow Jim was in the air; one set of values had collapsed, as yet not replaced by anything else. One, of course, does not go to Harvard for reassurance, nor to New York, the greatest of our many navel-watching centers, and so in this year of political turmoil I had come back to Tennessee not so much to seek or find reassurance, because I do not think we can find reassurance anywhere in the nation, but to go back to a place I knew best, to find out what had happened in the years I had been away. I knew that Albert Gore was in for the most terrible fight of his life, and because he is an old friend and someone I admire I could not in conscience be anywhere else.

I took with me the words of David Riesman. We had talked at Harvard about the war. He had recalled a 1961 meeting with two of the intellectual activists of the New Frontier, and they had been talking about limited war with the combative aggressiveness of that era. He had listened in some pain and finally had asked them if either had ever been to Utah. No, they had not, and why Utah? Had he ever been to Utah? No, Riesman had answered, but he had read a great deal about the Church of the Latter-Day Saints and because of this he did not for a minute underestimate the evangelical tradition in America, the emotion of certain issues, like war and religion, and he thought that limited war was a dangerous concept. Could one limit the emotion of a limited war? The United States, he had said, was not some small Eastern Atlantic seacoast elite which could understand these lofty terms and respond in kind, but a nation held together by a thin fabric, with latent passions barely submerged, passions which pulled in different directions. And now I was going back to see what those passions had done in Tennessee, particularly against Albert Gore, who, knowing about those passions, had fought long and hard to avoid the war, as far back as 1964.

The man. I spent the first day looking at Albert's television commercials. Tennessee is a small state, and it is a mark of the old-breed politicians that they are known by their first names—not Kefauver, Gore, and Clement, but Estes, Albert, and Frank. The state is bigger now and the new breed less interesting, less personal in approach, separated by television, and perhaps last names will do. Howard Baker, the new Republican Senator, is not known as Howard, or, for that matter, Baker. He is known as Howard Baker. Bill Brock will probably be known as Brock. I wondered if Gore's TV would be any good, particularly since this is essentially a television campaign. I had a certain amount of doubt. Albert is an old-style Senator, a Roman Senator really. One can almost imagine him seated with Webster, Calhoun, and Clay. In fact, it is hard to imagine Albert as anything *but* a Senator. But if he has almost an old-style politician's looks and tends to be a little hot in style in an age of cool, I wonder if he could adapt to the new media. Brock, after all, was said to be new and slick, so understated as almost not to be there; his best commercials were other people speaking for him.

No worry. It is an amazing transition for a politician of his generation, particularly for a Populist. The Gore stuff is excellent. Charley Guggenheim, one of the new bosses of American politics, a specialist in political TV commercials, did it for him and it worked out well, though there was a certain uneasiness about the length of the hair on the Guggenheim crew. All *cinéma verité,* $85,000 worth. I think the clips might seem too hot for the Eastern seacoast, but down here it all feels just right, all natural against a Tennessee background. One spot shows the

Senator with his young son, in uniform and headed for Vietnam, a poignant moment because of the charges against his father's patriotism. Albert reaches out, touches his son's hand, and then says very gently, "Son, always love your country." The best of the chips shows Albert in his hometown of Carthage at the courthouse, surrounded by country folk. One goes to his car and gets a checkerboard. He's playing Albert and is beating him. "If you beat me two straight games I'll take away your Medicare." Flashes to gnarled hands gripping canes. Back to the checkerboard, Albert's piece disappearing, and the Senator laughs. "I've been up there in Washington working to raise his Social Security and he's been down here laying to beat me at checkers." As he gets up, a voice behind him calls, "Albert!" He turns around and says to an old and withered man, "Yes, Benton." "Albert, do you remember six years ago when I said that if I lived another six years I'd be here to vote for you?" "Yes, I do, Benton." Pause. "Well, here I am, Albert." Albert has survived television the way most politicians of his generation have not. Part of it, I think, is the sheer intelligence, the ability to adopt to new styles, without losing old beliefs. That plus the looks: he is a strikingly handsome man. The hair is thinning but still Senatorial white, the face is ruddy, the skin young, and he looks very good on the tube. Besides, he is a forceful speaker, with quick, pungent responses to interviewers' questions.

He is, however, an old-fashioned man, with old-fashioned gestures. Even his words are old-fashioned. Tactics used against him are a *damnation*. Some people are the *scourge* of politics. He is courtly, a rare trait in American politics, and there is a slight tendency to overstatement, befitting a Tennessean born in his generation, weaned on stump-speaking, who has never seen anything about his past or his beliefs that he ought to change. He has an extraordinarily fine voting record, and more than just a voting record, an exceptional record as a Senator. Yet he has never connected with the Eastern intellectuals, he is not their kind of man, he does not speak their language, not the same style or wit, because, of course, he is a Populist and the sworn enemy of any good Populist is an Eastern intellectual.

His race was, I think, the most important one in the country—no less than an authority than Spiro Agnew says so, and named him victim number one—and yet there was little interest in New York about it. In Tennessee, Albert has always been considered a little arrogant and uppity in contrast to Kefauver, who was merely folksy. Part of this is the mails. Estes flooded the U.S. mails with thousands and thousands of letters telling everyone that their help was mighty good, that he was, well, if nothing else, thinking of them. Albert does not write letters, in part because he does not like to, but also because he believes it is wrong to waste the government's time and money to send foolish letters to boost the egos of constituents. (One lawyer who was a friend of Albert's wrote him congratulating him for not signing the Southern Manifesto in 1956; he got back a letter which was the same one sent to people who jumped on Albert for failing to sign it.) Albert is, of course, always compared with Estes here and is considered immodest whereas Estes was considered humble. Estes was no more humble than Lyndon Johnson, if the truth were to be known, having run twice for the Presidency, largely in response to his own urging, but he concealed his ego better than any man I ever knew. Albert wears his openly, almost naively. He is so pleased with being a United States Senator, that identity is so complete for him that he cannot hide the sheer joy of a poor Smith County farmboy who was a schoolman in the day and drove to Nashville at night to attend the YMCA law school, and who always wanted to go to Congress, and indeed did go and spent thirty-two years there. It is not so much his ego which is on display, it is the U.S. Senate's ego and dignity which is on display, which is why he seems at times aloof and untouchable. To affront Albert Gore is to affront the Senate.

He is, despite thirty-two years in Washington, still ferocious on the subject of big money and what it can do to political processes—the tax benefits the rich have, the ability to use their money to bend the system their way. He hates and fears large concentrations of money, be it in business, people, or foundations. The Populist quality has helped keep him out of step in Washington; these are not good days for Populists, and he was never a part of those happy and exciting Kennedy years. He was the outsider even then. Gore had hoped to be Secretary of the Treasury, and he had not minded losing it, but saw in the choice of Douglas Dillon the annointing of the enemy. He remained out-of-step in the Johnson years; Johnson had a Populist streak in him, that and a capacity to get along very well with big money, but the difference between the two was personal as much as anything else, a lingering animosity. Johnson, above all else, liked to control and dominate other men, and Albert Gore is a loner, a man not to be controlled.

The TV stump. Campaigning in Memphis, flying down here with the Senator. He is optimistic, full of himself. He had debated Brock the night before and had eaten him alive. Brock is a weak speaker, and though his campaign is filled with charges against Gore, he does not make them in person. "Subliminal smut" is what young Al Gore calls it. A month ago the Gore campaign had been going very poorly, but in the past few weeks it has begun to catch on and is moving; indeed, there are reports that Brock's polls show Albert ahead now. The staff (the staff today is his son and a twenty-three-year-old press aide, for there is not even an advanceman on his trip) is trying to keep the news away from him. They think he is cocky enough without it.

The schedule is like this: jet rides into the four great media sections of Tennessee, trying to hit at least two a day, makes news, get on the night news show, and then move out. It is almost completely different from campaigning ten years ago. In those days, television had not yet arrived locally as a political factor. Local television newsmen were, in effect, ambulance chasers, arriving on the scene of an accident, doing short clips of bodies hauled from wrecks and stuffed into ambulances. Now the local stations have beefed up their crews and put on good strong shows at night. On the city editor's desk at the *Tennessean—O tempora, O mores*—are three television sets. Of course, the courthouses have dried as a center of communities here anyway; they were the center of a poorer time when people had more time on their hands; now people have less time and they are more mobile, a different class of people, younger, affluent, more in a hurry. So there is little stump speaking; one visits a community more to let the people know you were there. A courtesy call. So campaigning is not nearly as much fun. It is all plastic now. There is a good deal of apathy about the election in the state—and I suspect that one reason is that television has made it all less personal, less direct in one sense, standing between the voter and the electorate; and yet it has made the campaign too long in another sense, bringing the candidates into everyone's home every night for five months.

The question, of course, is how much a media campaign will hurt Albert. Television killed Frank. Frank Goad Clement. He did not like the middle name, perhaps it seemed too country. In 1952, when he ran for Governor the first time, he had been sensitive about both the middle name and his age, or lack thereof. Thirty-two years old. Bill Maples had written a much-admired lead in the *Tennessean* when Frank returned to his hometown of Dickson: "Frank Goad Clement today returned to the scene of his recent boyhood." A poor boy with an ambitious father and an enormous ambition of his own, evangelical, with a Populist streak in him too. The Boy Orator of the Cumberland. In his late twenties, elected the head of something every year, be it the American Legion or the Young Democrats. Running for Governor at thirty-two, with the Biblical phrases running from his lips, closing meetings saying, "Take my hand, precious Lord, and lead me on." ("I'm sure the Lord would like to," said Gordon Browning, his opponent, "but Mister Crump has him by one hand and Daddy Clement has him by the other, and it's just a little difficult for the Lord to get very close to him.") He was an old-style orator, silver-tongued, and people came from everywhere to hear him speak, three, four thousand people turned out. When he spoke near the borders of the state, a quarter of the audience would be out-of-staters come over to hear this young man make his speech. He would talk, one hour, two hours, saying nothing really, but saying it brilliantly. At thirty-two, the world seemed open, he would be Governor, with a beautiful wife named Lucile; he was liberal or liberal enough (the first Southern Governor to protect Negroes at an integrated school in his own state); he could charm any and all with his personality, and did. He charmed Harry Truman, who made sure that Frank keynoted the 1956 Democratic convention, a job that young Senator Jack Kennedy wanted. It was the greatest platform of his life. He was on the cover of *Newsweek* that week, and there were hopes—and fears—among those who knew him well that he would go up there and sweep them off their feet, stampede them with words, maybe not just the Vice Presidency, but the Presidency, too. It could happen with that voice.

Well, history is cruel. The 1956 convention will be remembered as much for giving us the Stevenson-Kefauver ticket, as for giving us the Huntley-Brinkley ticket. It was the coming of television to American politics, and Frank never understood. He gave the last radio speech at the first television convention. How long, oh, how long, America? "The Republican party," someone typed in the pressroom that night, "was smote by the jawbone of an ass." When the convention ended, Clement was finished as a national figure. From there, the downward spiral seemed to accelerate. He was out as Governor at thirty-eight, and he had gone up so quickly that he was unprepared for the fall, and no one opened the car door for him when he got out. He began for the first time to come apart, drinking more, though swearing, as a good Populist should, that a drop of liquor had never passed his lips. He began to age quickly, and he did not have the kind of looks which aged well; he ran to flesh and the decadence seemed to show in his face. In 1962 he was reelected but the margin this time was slimmer, the crowds were smaller, and it was all getting away from him. He tried television and it betrayed him and in 1966 he ran for the Senate seat using the old techniques, but the crowds were not there. A few of the old country people did come, but he had lost the old appeal, the people did not want to hear the old speeches, or see galluses, or hear about God; they wanted respectability and he reminded them of the past, of what they were trying to forget. He lost and at forty-six was an old man. This year, with his wife suing for divorce, Frank Clement drove his car one night across the stripes of a highway and was killed in a head-on collision, dead at fifty, one more American tragedy.

The opponents. We had finished up the night in Memphis very late after the debate between Brock and Gore at a Jewish Community Center. Brock is absolutely shameless; he seems to be the founder of the State of Israel: Gore is pro-Israel, but his style is more correct. It is my first look at Brock. Young, rich, sincere. But Brock is sincere. (His bill-boards and TV clips say: Bill Brock Believes. Believes is the code word for Nigger. Against busing, for the war, for Carswell and Haynsworth and someone worse if they nominate him, I'm sure. They expanded the billboards later in the campaign to say, Bill Brock Believes in the Things We Believe In.) Bill Brock is young and up-and-coming. An achiever. Gets into clubs and becomes the President. He has the look of the President of the local Jaycees who has just led the other young Turks in the club against the old order on the issue of serving better luncheon meals. For good government and against muscular dystrophy. A success in business, rising to the head of his company (the Brock Candy company). Runs for Congress, wins, and the real Bill Brock emerges; the Democratic party had deserted him all right, he votes a straight Goldwater economic line. A great record for Albert to run against, and he is running very hard indeed against him. It has made Brock vulnerable and has helped turn the campaign around; Gore now has a chance.

Brock is, in fact, a pretty pallid piece of work. Yet, it is not a pallid campaign. Though in debates and in personal confrontation and in his own speeches he stays away from the issues he has raised, this is in fact the most disreputable and scurrilous race I have ever covered in Tennessee. It is made all the more shabby by the fact that he injects this stuff into the atmosphere at one level and them acts the nice young man. His newspaper ads and television ads are hitting away daily at the most emotional issues they can touch. His media firm came down here a year and a half ago and found that the five most emotional issues were race, gun control, the war, busing, and prayer, and they are making this the campaign. Keep Gore answering false charges. It is not the old, sweaty, gallus-snapping racism that was once used against Claude Pepper; rather it is cool and modern. And while I have covered shabby racist campaigns in the past, there is something about this one which is distinctive. This is the first time that a campaign like this has been tied to the President, the Vice President, and the Attorney General of the United States.

Old Estes. The optimism at Gore headquarters is both real and manufactured, but I am very uneasy. Albert is in serious trouble, the whole voting shift in Tennessee is against him. It has been shifting to a new Republicanism for the past decade. Prosperity has come to the sons of the old solid Democrat dirt farmers who first elected Gore. The TVA worked, brought factories, raised the income, and made some Republicans here. Ten years ago the Democrats had both Senate seats, seven of the nine House seats, and the statehouse. Now the Republicans have one Senate seat, are favorites to get the second, are even greater favorites to take the statehouse, and have four of the nine House seats. East Tennessee has always been Republican; in West Tennessee the race question has driven the whites to the Republican party, and in Middle Tennessee the race question plus new prosperity has hurt the Democratic party. In 1964, Dan Kuykendall of Memphis challenged Gore and, in a year that Johnson beat Goldwater here, 558,000 to 413,000, Gore narrowly beat Kuykendall, 471,000 to 420,000. The figures have not improved since then, and the erosion of the Democratic party has continued at an alarming rate. The drift has been going one way in Tennessee, but Albert has defiantly been going the other way, voting against Haynesworth and Carswell and then against the ABM. So the voters have edged away from him. What is particularly chilling is the erosion in Middle Tennessee, normally his heartland. In 1958, despite the racial slurs, he had carried Davidson County (Nashville) against former Governor Prentice Cooper by a margin of 44,000 to 15,800; in 1960 Kefauver carried it against Taylor, 66,000 to 24,000. Yet this year in a primary against very weak opposition, Gore won by only 400 votes, 39,100 to 38,700 against a former television newscaster who picked up the Wallace vote. The Gore people know this and they are aware of the fact that the polls have not been good, but they point out that Estes had this same problem, but no one was ever for Estes until after the election, that people did not like to admit they were for Estes because they were immediately accused of being nigger-lovers.

Estes, of course was *sui generis*. Not just Estes, but Old Estes. (It is inconceivable to think of calling Gore Old Albert.) A maze of contradictions, folksy Old Estes, who was one of the least folksy people I have ever met, donning that coonskin hat because it was good politics, but hating it, the wearing of it dictated by necessity and his consuming ambition. He was in reality the almost icy Yale Law School graduate. "I've met many self-made highbrows in my life," Max Ascoli once said of him, "but Estes is the first self-made lowbrow I've ever met." I knew hundreds of people who thought they were good friends of Estes, mighty good friends indeed, though if you asked them what he had said to them, they could not recall, the reason being, of course, that Old Estes had never said anything to them. He had listened to them, or better still, had seemed to listen. A farmer would ask him what he thought about Red China, and Estes would say, Well, now isn't that interesting, what do *you* think of Red China, and so the farmer would tell Estes what *he* thought of Red China, while Estes would listen, though I often sensed that his mind had wandered off somewhere else, that it was dwelling in other places amidst sweeter pleasures. That night, the farmer would go back to his wife and tell her that he had met the famous Senator Kefauver, and they had talked about Red China and the Senator had a lot of good ideas (if a farmer asked Albert about Red China, Albert, bless him, would tell all; duty-bound as a United States Senator, it would be very good, very intelligent, and would no doubt annoy the farmer no end). Estes was reputed to have total recall of names and faces, though it was not true, I had seen him stumble over the names of his own family. But people believed he knew their names and they would line up to shake hands, and there would be a moment of silence while Estes grasped for their name until they supplied it. "Bill Robbins, Senator." "That's right," he would answer, "you're Bill Robbins, I remember you." He bumbled through everything, always getting things wrong, but like everything else he turned this defect into an asset. People would watch him stumble through and they would say to themselves—there's Old Estes up there and he's not going to make it without my help, I've got to help Old Estes. It was a participatory democracy before its time.

His last campaign had been very tough. It was mostly racial stuff the opposition playing "Dixie" everywhere. A young college boy on Estes staff, angered by this and by Tip Taylor's superpatriotism, played an old World War II hillbilly song as the Estes theme:

I'd see Lincoln, Custer, Washington, and Perry,
Nathan Hale and Colin Kelly too.
There's a star-spangled banner waving somewhere,
Waving o'er the land of heroes brave and true.
God gave me the right to be a free American
For that precious right I'd gladly die.
There's a star-spangled banner waving somewhere,
That is where I want to live when I die.

Though I realize I'm crippled, that is true sir,
Please don't judge my courage by my twisted leg.
Let me show my Uncle Sam what I can do, sir,
Let me help to bring the Axis down a peg.

There were towns in West Tennessee where no one would shake hands with him, or show him around. They wanted to humiliate him, but he had gone through it, and never lost his dignity, nor shaved it on the race question. The old coalition had worked in those days. He had run twice for the Presidency and in 1960 it was past him, it was going to be Kennedy and for some strange reason he was committed to Johnson. He had wanted desperately to go to the convention, presumably to help Lyndon, but in reality because he thought it just might work, he might just walk on the floor and the lightning would strike. It would not have happened of course, though he had strength and character and intelligence, and in 1968 he would have looked very good indeed walking on the floor. But that was all hopeless. The charge they had made was that Estes, well, he was all right on domestic affairs, but he didn't know foreign affairs, those people from Harvard did, and perhaps they were right, although I knew Estes well and I cannot conceive of him ever undertaking a Bay of Pigs or getting us into Vietnam.

The workers and the guv. If the old coalition still worked for Estes, it is clear that it will take extra work to put it together for Albert. He has the labor leaders, but that is vastly different from having the working man. You can make any number of cases for what went wrong between the Democratic party and the working man. My own favorite is the great failure of the party over the past twenty years to do anything about changing the tax burden placed on the working class and the middle class, while the very rich acquired smart tax lawyers to teach them how to escape responsibility. Thus the working people found themselves paying high taxes and getting very little in the way of services, since the money was going largely for defense and corollary needs. The problem is particularly acute in Tennessee, where labor was unusually susceptible to Wallace—particularly among young workers, new to unionism, new to the working class, not having grown up in families where labor and its ties to the Democratic party were part of a certain tradition, where the old myths were passed on generation to generation. A classic example is the local United Auto Workers chapter at the local Ford Glass plant here, a plant which was founded in 1956 and a union which is now a hotbed of Wallace support. "The first time most of my people ever got interested in politics was because of George Wallace," said Don Corn, the head of the local. "The first rally they ever went to, the first button they ever put on, the first bumper sticker, all of it was for George Wallace. Hell, they took up a collection for him in buckets outside here and they got $1,100. I can't get that for a dead man in the union. George Wallace was theirs—they felt they were a part of George Wallace and he was a part of them."

The local, the only one in the UAW to support Wallace in 1968, is a good example of the new industrialization in the South and what it has done to politics. Ford came here in 1956, and offered about 2,200 jobs, and the pay, currently averaging about $8,500, is the best in the area. Most of the workers here, as in most new factories in Tennessee, do not come from the cities; three-quarters of them are country boys who do not even live in Davidson County but commute from rural counties: country boys with little education. In the old days, in order to make a living they had to go to Detroit or Chicago, where they spent their money on rent, food, and other essentials; otherwise they stayed home or hunted and fished, and worked on fringe part-time jobs. In most cases, no one in the family ever made more than $2,000 a year and so $8,000 seemed astronomical. They were rich, they went on buying sprees for new houses, $14,000 houses, two cars, new furniture on the installment plan, color television, and boats to fish from. In the process, they came up with enormous debts. Union officials throughout the area now estimate that up to 40 per cent of their members have serious debt problems; the newest thing for unions to teach is something called "debt management." Out of this comes an enormous amount of frustration, to be making that much money, to be paying that much tax, and still be in debt. A friend of mine, who does tax returns for local workers, says he knows the cycle very well: "They've made about $7,000 a year in the factory and picked up another $2,000 through the soil bank. You go through their returns and they owe $1,500 in taxes. And they're pissed off. Mightily. You can see them thinking, 'Where does the tax money go? Welfare. And who gets the welfare? The niggers. And who did I just see on my color TV raising hell and carrying on and burning some damn thing? The niggers.' And so they're angry as hell. They're having to pay for the first time in their lives for what they've always been getting in the past."

The Wallace thing seethed through the local union. No one could stop it. There was no effective state Democratic party leadership on the issue, no real regional labor leadership on it. Local union officials who tried to fight it were run out. The new unions were unstable, the membership had little ties to the parent organization, or to past battles and victories. In Nashville the frustrations began to show racially. Incident after incident took place. When Martin Luther King was killed, Ford wanted to fly the flag at half-mast. The workers threatened a wildcat strike; we ain't working behind no damn half-mast flag, for no Martin Luther King. The strike was averted. Then when Lurleen Wallace died they wanted the flag at half-mast for her. Another strike was narrowly averted. As they say in Tennessee, it was rough, I mean *rough,* out there.

The national issues were coming home. From 1956 to 1966 Ford, acting on its own, began to show radically. Incident after incihired about 2,300 whites and 50 blacks. In 1966, under the Johnson Administration's pressures for equal employment—hire Negroes or lose your government contracts—Ford made a major effort. About 280 of the next 300 workers taken on were Negroes. The whites, of course, all had cousins and brothers and kinfolks they wanted jobs for. But they lived with it. Ford did not go out and hire unskilled blacks. It went to Avco and Temco and Alladdin and hired their best blacks away, men with nine and ten years' experience, something relatively easy to do because Ford paid such good wages. Then in 1969 when the grinding and polishing line was automated and phased out, 300 workers had to be laid off; they were cut loose by seniority and they were almost all blacks. The blacks then formed the Black Labor Caucus, demanding their jobs back, wanting Instant Seniority. It became a genuine *cause célébre*. They appeared on television, demanded and got NLRB hearings, and met with union officials. And it all simply heightened white fears—they were not just demanding the same as whites, but wanting more, wanting specal treatment, just like the ones up North on the TV every night. Pushing too hard. Just like they knew they would.

After the primary, Gore began to work on the unions, hitting the old economic issues. The feeling against him among the workers was fairly strong, and Corn, the local leader, who tries to stay out of national political issues, was not eager to be involved with him. But people in Tennessee and elsewhere began to pressure Corn, and he finally was willing to go to the plant with Gore, though the Gore people noted that he stood about five feet back from the Senator. But now in late October it is beginning to turn around; the economic issues are coming home; polls taken among the workers show Gore leading about two-to-one. He has to carry people like this at least two-to-one to win, and so there is a new optimism in the Gore camp.

Carlton Petway. It is not just the whites who are a problem. It is the blacks as well. The problem with them is apathy. The black vote in the primary was small in part because it rained that day, because the ballot was too long, and perhaps because there was some foot-dragging in the Negro community. Now there is nervousness about the black vote (the last day of the dog tracks in West Memphis, Arkansas, just over the border, is on the night of the election. Legend has it that the blacks just *love* the dog track. Will they skip voting to make the track? Things like this haunt the Gore headquarters). That and the fact that the blacks are a little cool to Albert; he has never cultivated them because he doesn't really cultivate anybody. So they may stay home. Those who vote will vote for Gore and John Jay Hooker, Democratic nominee for Governor. But how many will there be?

Perhaps they feel their problems can't be remedied by the ballot. Four years ago, the Negro leaders came to the headquarters of Ross Bass, who was running for the Senate, and said they wanted to work for Ross. He had been good on civil rights, even as a Congressman. In the past, the negotiators of the black vote had always talked in terms of money to bring out the black vote, to grease the skids. But with Bass, they had not wanted money, this time they were partners, they wanted to be treated just like white folks. And it worked very well. This year, however, the same group of black leaders from the Tennessee Voters Council showed up to talk with the Hooker and Gore people and presented a budget of around $220,000. The pols were appalled; the assumption among the whites was that the mood was bad in the black community, that the black leaders knew this, and knew they couldn't get out the vote, and so presented an outrageous budget, knowing in advance that the whites would have to turn it down and thus preparing their own alibi in case the black vote failed.

If the problem with Gore is his own lack of emotion with the blacks (his failure to make special gestures, his belief that his record speaks for itself is not unlike that of Gene McCarthy), the problem with Hooker is another thing. He is in the Kennedy image, which means that he wears an Eastern suit with no padding in the shoulders and has a good-looking wife. He ran a very liberal campaign in 1966 and just narrowly missed the Democratic nomination for Governor. Now Hooker has trimmed, and instead of running an ideological race, he is running a classically factional one, trying to hold together the Democratic state machine—throw the rascals back in—all the Democratic groups which have traditionally warred with each other. "In 1966," says my old friend John Seigenthaler, now editor of the *Tennessean,* once Bobby Kennedy's right-hand man and a close friend of Hooker, John Jay got up there and said, 'I'm against capital punishment.' It was a hell of a thing to do in this state. [Death row in Tennessee is largely populated by Negroes.] Well, if he says it now, he's beat and the blacks know he's beat. So he's not saying it and, hell, they know why he's not saying it, and they're still for him, but they've got to be saying to themselves, 'Should we really care, should we really make the effort—here's a man who thinks it but he won't say it.' Is that good enough anymore?"

I asked Seigenthaler how Wallace was able to carry Davidson County. "The Chicago convention," he said. "That was the flashpoint. That did it. These people are Democrats, it was always their party and they watched television for four days and saw the whole place come apart—kids with beards, and cops, and dirty words, riots, the whole thing. Just like George Wallace had promised them. And that did it. It all came home to them."

A breakdown, Carlton Petway is taking about black political apathy. Gore? Well, it's hard to get people in a housing project interested in a race for a Washington office. "Gore does things for blacks as the poor but not for the blacks as blacks. His staff is all white, I hear. If this were a local race, with control of police up for grabs, they would vote. No problem on things that touch them." Carlton Petway is thirty years old, black, a member of the State House of Representatives, from Nashville. We are at a swank integrated civic club. Everyone here seems to know Petway—waiters, lawyers, everyone. Petway is a classic example of the product of the new Negro revolution. Ten years ago he was a student at Tennessee and sitting-in at lunch counters, getting arrested. Then on to law school, returning as an attorney for the Labor Department, the first black one in memory here, then an assistant U.S. attorney trying civil-rights cases. Good at it, very good, and now a state legislator. He tells me about the differences among young Negroes in Nashville. They are trying to find themselves in the history books, wanting to find their identity. "Five years ago they wouldn't have said a thing about the books, about what it said of them, about black cheerleaders. Any of that. All they wanted was to make a good impression. Like their parents told them to. All the middle-class values."

The talk shifts. I suggest that it seems in some ways more relaxed here, less tense, with a more genuine sense of community at certain levels than in the North. It is a hard thing to describe, but integration does exist here at more levels than in New York, and it has a more natural feel. Petway thinks it is true. "The black ghettos in the North and South are different," he said. "In the North there is ghetto as far as the eye can see—there is no escape from it, you get the feeling you can't get out of it. Here it's easier. You can be less than middle-class and move into an integrated new housing project in a suburban area. There's simply more space." I mention the names of Negro leaders I used to know. To a degree they play less of a role, the problems are different now, there are no longer the overwhelming questions of survival and minimal rights. Now the issues are more subtle. People in a housing project get stirred up, have a meeting, get on TV, and find a leader. Petway says, "It's better this way. More degree of community participation. No longer just a few spokesmen and the rest of the community following, ratifying it. Now the community speaks for itself." We head for the courthouse. Along the way everyone, black and white, seems to know Petway. The greetings are friendly, easy, respectful. He is not a Tom and yet they are at ease with him; glad, I think, finally, because he is not a Panther, carries no weapon, and is simply a lawyer; there is an acceptance of him that is staggering—Petway has integrated the most exclusive club of all—Carlton Petway is a good old boy.

The family and others. It is a lonely campaign. At the beginning, one man and his family alone. Little money, little help from established politicians—although he was a senior Senator when his aides tried to put a businessmen-for-Gore ad together, they could get virtually no reputable big names. No organization at all throughout the state. People help him during an election and then slide away. ("If he wins," says one friend, "the day after, Albert is going to think that the people of Tennessee are the greatest and finest people in the world. The second day after the election he's going to be grateful to the people who worked for him, and the third day it'll be something the people of Tennessee owed to him.") to a large degree it is a family campaign—Pauline (Mrs. Gore, a strong, sensitive, intelligent woman), Nancy Gore Hunger, his daughter, and Tipper (Mrs. Albert Gore, Jr.), speaking everyday throughout the state. Pauline was not that anxious for him to make the race, although, faced with this kind of challenge, she did not want him *not* to make it. A large part of the reason is their son. Young Al graduated from Harvard this year; he is militantly anti-war and did not want to go into the Army. But he was faced with a terrible choice: to stay out and avoid the draft in a state like Tennessee would cost the Senate one of its leading doves. His family told him to make his own choice, that they could not care less whether Albert ran and won. In fact, Pauline, who is bitterly and militantly against the war, told young Al that she would be glad to go to Canada with him. Young Al called an uncle down in West Tennessee who questioned him on why he was so antiwar. "I guess," he said, "it's my Baptist religion." "I never knew there was anything in the Baptist religion against war," the uncle said. "What about the sixth commandment, thou shalt not kill," young Al answered. But the conversation had given young Al the feeling of what the campaign against his father would be like and he had decided to serve. Those who know the Senator suspect that he would not have minded at all running a campaign with a son who refused to go to Vietnam, that he would in fact have relished it—the drawing of the line, the ethic of it. Show Albert the grain, says a friend, so he can go against it.

So, on his own, Albert turned the campaign around. He hit the economic issues. When Agnew arrived in Memphis, Albert showed up to greet him. When the Republicans used the theme of fox hunting as a gimmick to get the gray fox, Albert picked up the nickname and ran with it. Calling himself the Gray Fox, giving Gray Fox speeches ("As a boy from the hills I learned that the Gray Fox—particularly the breed from Carthage, which is now known as Gray Fox country—knows his way through the briar patches, can run all night and stay well ahead of the hounds"). Right after the primary, when both Gore and Hooker had been nominated, the two groups met to discuss a joint campaign, which would in effect save money and organization. The Hooker people, who were then far ahead, quietly scuttled the idea. In early October, it was clear that Gore was running strong and hard and that Hooker was stalled, and suddenly the Hooker people wanted to get together; now in the last couple of days of the campaign they *are* getting together. The problem now is not Hooker carrying Gore, but Gore carrying Hooker, and there is fear that in a close race, and this is now seen as a very close race, Hooker may pull Gore back. The Hooker people engineered their own downfall. In 1968, he had started a chicken franchise company, Minnie Pearl's, and for a time in the inflated economy looked like a financial wizard. Then, like a lot of other things this year, it collapsed. But beyond the failure of that venture, Hooker has a more subtle problem: he allowed a lot of very influential people in Tennessee, editors, television broadcasters, lawyers, judges, to have the stock when it was low, and, in his own words (Hooker never being one to hide his success in a dark room) "made thirty-eight millionaires in this state." So there is the sense that someone who four years ago ran as a new white hope was indeed manipulative politically with the stock. In contrast, his opponent, Winfield Dunn, a Memphis dentist, is able to run as Mr. Clean.

If the prosperity holds. We are driving through the new real estate subdivisions of Nashville—all new, nice, secure houses, row on row, the gleaming new post-Fifties America. Savings, hopes, fears are tied into these houses. "These are your new Republicans," George Barrett is saying. He is a labor lawyer, an old-style liberal, a gadfly between labor and the black community, and this is essentially the enemy camp. "Ten years ago they were Democrats. Not your old Southern Democrats who always used the party as a front and then switched over in general elections. These people really voted with us. Maybe they were never that much at ease in the party. Their daddies were all Democrats. But the TVA brought in some jobs and we have some prospertly here. White collar people—gone Republican. We call them $10,000-a-year-millionaires. It's socially very respectable for young people here to call themselves Republicans—a sign of breaking from the past, of a new cultural independence. Not like up East, where when people make it, they go from being Democrats or Republicans to being *Independents,* which is socially respectable up there. Maybe if the prosperity holds we'll have some Independents down here in a few years. To be upwardly mobile down here now, you call yourself a Republican." Barrett was saying that it wasn't just economic gains which were hurting the Democrats down here, it was the sum total of frustration and fatigue with government, which tends to be blamed on the party which has been in power the most. "Sometimes I think we're simply tired of the complexities of life. So many promises have been made and there are still so many problems. Nothing seems to make it better. Take Metro," he said, referring to Metropolitan government, the decision to have a unified governmental system for Nashville and Davidson County instead of the motley of satellite cities which had existed before. "It was supposed to be a panacea for everything. Well, we have Metro and we have as many problems as before. Same tax problems, same problems of financing. Same problems of blacks and cops." I ask if it's any better. "Well, I guess the best you could say is that it hasn't deteriorated. But there was some optimism that went with it, that it would improve things, and that's gone."

Later that day I talked with Gene Graham, an old friend from the *Tennessean* who now teaches at the University of Illinois. He is back in Tennessee on a year's sabbatical to do a book on reapportionment, had dropped into the Gore office, found no one there, and has more or less taken on handling the press, producing ideas, and chiding volunteers—all without pay. We are talking about the effect of reapportionment of Tennessee (*Baker* v. *Carr* originated here) and Graham is saying that it had a profound effect. Chiefly, it led to revitalization of the Republican party. In the past, most of the state's population was in East Tennessee, but rural West Tennessee, which was underpopulated, had far greater representation. Now it has shifted, with far more equitable representation. A decade ago the Tennessee legislature was three-to-one Democratic. Now it has a Republican majority. Reapportionment gave new vitality to the Republicans, brought them to the surface, and developed confidence to run for offices they were afraid to seek in the past. The people who were getting cheated were not in the cities, the cities were a constant; given urban renewal, which had removed a certain number of people, the city representation was fairly stable. The people who were getting cheated were in the suburbs, all the new people were living there, more affluent and more powerful, and were underrepresented. They were bound to be Republican, and now with reapportionment they have their representation and new political strength. "We knew that would happen when we were fighting for reapportionment," Graham was saying. "Some of your do-good people thought—oh boy, this will help the liberals. But I knew better. I was a Democrat and I knew we were screwing the Democratic party in the short run when we pushed it, but, hell, it was the right thing to do. You had to do it."

Gilbert Merritt, Jr. has a good Nashville name, a Yale degree, and a strong decent liberalism. He seems to have all the proper credentials plus charm, intelligence, and considerable ambition, but unlike most ambitious young men, particularly lawyers, he never seemed to be in too much of a hurry. Thus it was something of a surprise to read in 1964 that at twenty-eight Gil Merritt had become a United States district attorney. He moved quickly without seeming to move at all, his liberal ideas never seemed alien in Nashville, and so it was also not surprising to return to Nashville in 1970 and find that Gil Merritt was considered the most attractive young politician in town. He had taken a very attractive wife, had been an outstanding district attorney, had taught at the Vanderbilt Urban Affairs Center, and was, in fact, considered the hot candidate for mayor of Nashville, surely a stepping-stone to greater things. A Nashville Lindsay. He was also John Hooker's brother-in-law, but the particular resentment which many young people felt toward the audacious Hooker never touched Gil. Last year, like a prizefighter training for a fight, he had begun to give speeches all over town, tuning up for the 1971 mayoralty race.

We talked about what had happened to the liberal coalition in Tennessee—here and in the country as well. It had been hit by apathy, but something stronger than that, a sense of alienation from the processes, a sense of doubt about institutions and what they could accomplish. Much of it, he said, went back to the Johnson years, and the war. But the sense of doubt which came with the war and its subsidiary effects hit the liberals much harder than the conservatives, he said, and for two reasons. First, because it was a Democratic Administration which had gotten us into the war. But second, and far more important, the liberals had always thought that you could make things move through activist government, make it work, change lives. The conservatives had always said in effect that you couldn't, that it was all hopeless, that government could really do very little. Leave man in his natural state. "Our assumptions have been knocked to hell. We who had more positive beliefs are in more trouble at a time like this; our political enemies have always believed in negative things and now find events going their way."

He had been running for mayor, he said, giving all those speeches. With a wife and three small children. "You never get to see your family, and you have to balance it off. Is it worth it? Well, I thought it was. Then I went out to Vanderbilt and was in on the urban-affairs program and the more I understood the tougher it seemed. I mean I would do it, give up the time, if I could make a difference. But the way it is, no money, you couldn't do it. Simply not enough money to do anything. You'd be standing for good things, but just spinning your wheels, promising things you couldn't deliver. Maybe you could make the police thing a little better. But on the real things someone else could do it as well as you. You might give it a little better image, but in any real substantive thing, you'd be kidding yourself and your own people. So I decided not to run."

Brock's people believe that whoever owns the issues that are being discussed in the last few days of the campaign wins the election. So they're hitting hard on prayers-in-school. A real blitz. Full-page ads in papers all over the state. Television spots. The Gore people knew it was cooking, even knew the time on it; it is precisely the same schedule that was used against Ralph Yarborough in Texas. There is some feeling of frustration with the Senator that he did not take the initiative and predict that the smear was coming. It is all the nervousness of the last few days of the election; the Gore people were reasonably sure they had it won, the Senator himself was particularly optimistic. He still is. But there is some uncertainty now, not knowing how much the religious issue will hurt, not knowing whether the Hooker campaign, which is going poorly, will pull him down, not knowing what the national trend will be.

Colonization of the mind. One of my favorite people in the world is the Reverend Kelly Miller Smith, minister of the First Baptist (black) Church of Nashville. He was Martin Luther King's man in Nashville during the Sixties, playing a crucial role during the Nashville sit-ins, linking the young restless students with the black community, and making its demands in terms that the white community had to honor and respect. Whenever Kelly was in a room, he exuded dignity, power, and force. Ten years ago, he had lived essentially outside the white community; now he has his church but also a major job in the white community. Fifty now, he looks about thirty, like a fine NFL cornerback about to retire and go on to a movie career. He is not optimistic about the political scene. Likes Gore. He sees hope for Hooker as a man, a capacity to grow and change, which is about the best that Nashville Negroes can hope for. "You can't ask for a ready-made candidate down here." I ask him if the quality of life is any better. "A little," he says. There are a few more things blacks can do. Like eating this lunch together. The sit-ins, that was the dramatic part, the visible tip of the iceberg, he is saying. "Now I am convinced that the most important things are beneath the surface. In institutions, in schools, churches. Right here, for instance. When you set a curriculum for a theological seminary, you don't say that Negroes are inferior, you just exlude them from any consideration. They don't exist. Invisible men. Even if you look at the courses of our liberal professors, you will not find references to anything the blacks did in the churches of this country. I call it, by what it does, colonization of the mind.

"When I first came to this church nineteen years ago," he continued, "a Fisk student had painted a mural on the wall of my church, and there they were, black angels. Well, all my people saw them and died laughing—they knew that everything like that, angels and good things, were white. Now that's different, if there can be white angels, there can be black ones too. Or when I took my little boy to buy some shoes a few years ago. The store clerk was trying to be nice and he looked at my son, and said, 'Why, what *good* hair he has.' So I said what do you mean, good hair. And he said, hair like his own, which meant that it wasn't too kinky. Kinky hair was bad hair. So I told him all hair that stays in was good hair and hair which falls out was bad hair." But the problem of identity, he said, is breaking down. The impact of the radicals on the middle-class black is wider than most whites realize. Just a few days ago an older member of Kelly's church had told him, "Why, Reverend Smith, you know these bushy-haired young children are making all of us notice a few things."

He continued to talk: nonviolence has ebbed as a main weapon. "You must remember that in the Sixties nonviolence was not a philosophy of the black community. It was a technique to get something done. That's changed. I don't think the people here are more violent, I think they are a lot less nonviolent. There is less of a disposition to sit passively by." Have his own views changed very much in ten years? "I had a more limited view ten years ago, I was like everyone else, I did not see the dimensions of the problem. You go out and accomplish something, pull one strand of the problem away only to find out how much more there really is, how tough and complex it is. Ten years ago we knew something was wrong, we said we were working for integration, but what we really wanted was liberation and we didn't know it. I believed that you could convince the whites who had their feet on our necks to get off by proving ourselves with nonviolence. I still believe in nonviolence, but mostly for what it does to the individual. I believe less in its effectiveness, and I know more of its limitations."

We talk about the future of Nashville. Kelly is not particularly optimistic. The mood of the black community is more militant than people realize, the local white leadership has not been very good. "I'm very disenchanted. Things come up that are very basic and almost simple and you can't get it done. They put an interstate route right through the heart of the black community. A bitter thing which tore the community apart. Destroyed it. We didn't get much support from the whites. They wouldn't go through Belle Meade (the rich white section) with an interstate but they did it to us because we're poor and we're black."

The day. The same nervousness, people grabbing at every bit of information. Big turnout in Memphis among the blacks. Good. Big turnout in East Tennessee. Bad. Early returns: the absentee ballots from Knoxville come in and Albert has 45 per cent. Considered excellent. A harbinger? Then suddenly, quickly, too quickly really, there is no chance to think, the returns are really coming in. They are not good. The Gore people figured they would have to stay within 55,000 of Brock in East Tennessee to win, and it now looks as if the margin there will be closer to 80,000, and maybe more. The fourth Congressional district, which is in Middle Tennessee, is Gore's, but not by a large enough margin to offset the East Tennessee vote. By midevening Brock has a 5,000-vote lead as the returns come in from Middle Tennessee; it never closes.

It will be a long evening. The Gore headquarters is unique for a Tennessee politician on election night, none of the old pros, just young people and some labor people and old friends from around Carthage, many of them wearing homemade "Here I am, Albert" badges. The young people are interesting: they worked terribly hard for Gore, and very effectively. In Nashville, where a young attorney named Jim Sasser employed them well, Gore is running way ahead of predictions. What is also interesting is the fact that during the campaign Nixon came to East Tennessee State Teachers College, General Westmoreland came to the University of Tennessee for a football game, and Agnew came to Memphis, and there was not one demonstration against them; the reason being that the young really had a candidate. Brock is winning now and the national television commentators are giving the Nixon-Agnew Southern strategy credit for the victory, but I think they are wrong. The credit should go to the TVA and the prosperity it brought to the area. Tennessee is becoming a Republican state anyway. If the Republicans had run a more decent, more liberal, more honorable campaign, I think they would have won even more votes, and more important, built the basis for a strong party in the future. It seems to me now, looking around at the young people here, that this is like the Stevenson race of 1952, which set the stage for the Kennedy election of 1960. I think the same is true nationally. Nixon's gains tonight seem very slight indeed and though the pundits will point out that the President never gains in off-year elections, I think this is deceptive. The fact is that given the disrepair of the Democratic party in 1970, the breakup of the old coalitions, his failure to make greater inroads is astounding; that if he were really a smart politician he would have used this period in American life to build a new and lasting Republican party, that as he kicked away a landslide in 1968, he has failed again to take root. Nixon has allowed the Democratic party to go through the most painful stages of breakdown and reevaluation without losing its political hold.

Brock has clearly won though Gore runs well ahead of Hooker. The Memphis returns are coming in and despite an enormous black vote for Hooker and Gore, Brock is expanding his lead; it will finally be 559,000 to 513,000. Gore comes down to concede. There is more emotion, more pride in the room than in any winner's headquarters I have ever visited. His concession speech is feisty as ever—the truth, he says, will rise again. He has been a part of the system and exulted in it. Then back up to his room. He is refusing to congratulate Brock because he cannot bring himself to congratulate a man who ran the race he did. He is still muttering over the campaign. Can you imagine it, coming down here to find out not what the people wanted, what they needed, but what their fears were? A damnation. Pauline Gore almost seems relieved that it is all over. They go back to the farm on Wednesday; zinc, she says, has been found in their land. Someone tells me that zinc lobbyists heard of this and came to see Albert, wanting him to favor some pro-zinc tax break. He ran them out of his office. Reagan comes on television. Albert makes them turn off the set momentarily. He and Pauline are busy cheering up the young people around them. I find myself curiously at ease. Not depressed. Not sad. I had not really thought he was going to win, my heart had said yes and my mind no, but I am touched by his race, and in a curious way I feel better about this country than I have in a long time.

THE AUTO INDUSTRY AND ITS CRITICS

Mr. GRIFFIN. Mr. President, the December issue of Ward's Auto World carries an article entitled "Closing the credibility gap," which includes a series of informative interviews conducted by David C. Smith, editor of Ward's. Those interviewed were Roy D. Chapin, Jr., board chairman of American Motors Corp.; John J. Riccardo, president of Chrysler Corp.; Lee Iacocca, the new president of Ford Motor Co.; and James M. Roche, board chairman of General Motors Corp., Mr. President, I ask unanimous consent that the article by printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Closing the Credibility Gap

(By David C. Smith)

Seldom in the history of American business has one industry come under such an intensive barrage of criticism as that which the automobile industry has experienced in recent years.

As the nation's largest industry it is also the biggest target for critics, both the informed and responsible cadre and those who have hopped on the bandwagon for their own self interests.

Hardly a facet of the industry has escaped the fusillade: Cars are unsafe, pollute the atmosphere, are sloppily built, and are costly and difficult to repair, the critics charge.

Almost overlooked are such contributing factors to safety as slipshod driver licensing, almost non-existent car inspection and questionable highway design. Lost in the auto emissions smog are the other contributors to air pollution. Quality improvements are overshadowed by the drama of a massive defect recall campaign in which perhaps just a few defective cars are really involved. A critical shortage of mechanics and the fact that the cost of repairing practically everything has risen sharply have been obscured in the repairability flap.

These issues—plus charges of footdragging in the hiring and developing minority group personnel—have added up to an indictment that the industry has been and continues to be socially irresponsible.

Ward's Auto World published a lengthy report concerning dissent as it affects business and the auto industry in its August/September issue and urged the industry to speak out on the issues in its editorial. Now, in the interest of providing the auto companies an opportunity of stating their cases, we are devoting the following twelve pages to "Closing the Credibility Gap," a series of indepth interviews—developed entirely at our initiative—with top men at each of the four auto manufacturing companies. They are Roy D. Chapin Jr., board chairman of American Motors Corp.; John J. Riccardo, president of Chrysler Corp.; Lee A. Iacocca, president of Ford Motor Co.'s North American automotive operations; and James M. Roche, board chairman of General Motors Corp.

Our goal is to provide a balance between the concerned and sometimes colorful rhetoric of the critics and the concerned and sometimes colorful rhetoric of the men responsible for solving the industry's problems.

AMC's Chapin—"Everybody likes the idea that you can light a fire under the industry. Well, there isn't anybody that is moving any faster."

SMITH. It's become quite popular politically and otherwise to attack the auto industry. What is your reaction to this tremendous barrage of criticism over the last five years?

CHAPIN. Well I don't think that anybody either subjectively or objectively would deny that certainly some of it is warranted. And I think that you'll find most people in the industry feel that way. I think that we've in a sense asked for some of it, but it's risen to a level now that is disproportionate. It doesn't take into consideration the activities the industry is engaged in and the progress that has been made. These things are very hard to do when you get in a position of being on the defensive and where things come at you as fast as criticism has come at our industry. Hell, four years ago nobody knew what ecology was, or at least what the word meant. Obviously we as an industry are the prime targets for anything like that and we have been dealt with rather unnecessarily harshly. I think in the beginning we could have moved faster, meaning, four or five years ago. But once we got moving, I think we've made more progress than any other industry in existence in the country in our contribution to the problem of the pollution of the atmosphere.

SMITH. Is the current round of criticism really informed and responsible or do you think it is politically expedient?

CHAPIN. That's awfully hard to evaluate. I think people think they're responsible. I don't think that they're informed in many cases. I think Ralph Nader obviously does his homework very well. Unfortunately his impact is from one point of view, dramatized, but from another point of view, nullified because he tries to do something in such a dramatic fashion that he overplays one aspect of a problem. That's his way of going.

SMITH. Do you think he's been good or bad for the industry?

CHAPIN. I think he's been good from the point of view of having sort of dramatized the problem. But I think he's been bad in that he has made the problem seem too specifically nothing but the responsibility of the four automobile manufacturers.

SMITH. Are there any dangers of the widening criticism for the auto industry?

CHAPIN. Whether it's criticism or what, I think that there are going to be increased car costs to the car buyer as a result of—in some cases—some of the dubious requirements. But, after all, we built this business to the point where it is by a very simple technique. That was to satisfy the wants and the desires—I don't know whether you want to call them needs or nots—of people. Frankly, I think the biggest problem—speaking outside the industry now—is how do you sell people on mass transit? How do you get them, once they've had a little automobile of their own, to go back and stand in a bus or subway car, or whatever?

SMITH. How many changes have been directed by the government and how many by your company?

CHAPIN. A lot was stimulated as a result of pressures, partly from the government. Why don't we start with emission controls. The thing that bothers me is the concept that you can achieve emission control by legislation. There just isn't any way in the world that you can move it faster. Everybody likes the idea that you can light a fire under the industry. Well, there isn't anybody that is moving any faster. This just isn't a question of can you put more people on it, or do you stop bending the fenders a different way and put your body designers working on emission problems and that sort of stuff, because that isn't how it works.

SMITH. If you devoted more dollars to emission control, you still couldn't solve it any sooner?

CHAPIN. Yes, in my opinion. I don't know anything that we would do here any more effectively or any differently if we said tomorrow we're going to take all of our stylists and all of our body designers and all of our trim designers and put them all working on emissions.

SMITH. Why do you think it is people don't believe you when you say that?

CHAPIN. Because they don't understand the technicalities of it. Because it's exactly like saying that if we decided that facial surgery was no longer necessary we would put all of those fellows to work on heart surgery. It's two different things. It's something that takes years; it's a different kind of engineering technique. My problem is not with legislation that says by 1975 you have to reach these emission levels. My problem is the way the legislation is presently constructed. It's "that's it" and if you don't get there, boy you're finished. Well I think that's completely improper, because there isn't anybody in the world that can tell you that as of a certain date they can or cannot do what we're talking about. The fact remains that when any one of us in the industry speaks, we're automatically suspect and that's understandingable. What the hell, we're a big industry, we're a very publicly exposed industry and this is a period when nobody believes. But we're not about to panic. It's awful easy to have people who are the aggressors try to push you into a position of almost panic, but the minute we do that, progress stops.

SMITH. One of the things that comes up is that the industry has this tremendous investment in internal combustion engines and wouldn't go for another power source because of this.

CHAPIN. It isn't going to happen in six months or something like that. But with the kind of capital investments that we're all used to making this is not an insurmountable problem at all assuming that you do it on a phase-over basis. Let's assume it happened. You'd still never find that it was the perfect source of power. You'd undoubtedly start at one end or other of the line. There's really no point in speculating on something like that, because it isn't going to show up. Nobody's even gotten close enough to smell something like that. But if it gave a competitive advantage, we'd all find ways of doing it and a hell of a lot quicker than you might otherwise conceive and that's about all you can say because in the final analysis this business is built on that one factor and that is you have an extremely competitive environment and anything you can do to give you a leg-up you're damn well going to do.

SMITH. Is your electric car program ended?

CHAPIN. Well, it's not getting anywhere. We know how to build the automobile, but we haven't yet found anybody that can build a battery-source of power that will come anywhere near doing the kind of job, even a minimum job. But I think the chance of something different happening on a limited scale in the next 10 years would be damn good.

SMITH. On the '75 emission deadline. What alternatives would you ask for?

CHAPIN. Primarily a reasonable appraisal of the problem as we get close to the deadline. I guess in a sense you have to have a date but you ought to have a date not by legislation, but with some interpretation attached to it.

SMITH. On safety: The industry is still under criticism for dragging it's feet. What's American Motors doing on its own aside from legislation?

CHAPIN. In 1961 or 1962 we put a so-called dual braking system on a Rambler, the lowest priced automobile in America. And that was a substantial cost penalty in a vehicle where you're measuring your cost in fractions of pennies. My recollection was it was around $8 or $9. That's a hell of a lot of money in terms of design cost. You fight for a year to get that cost out of a car.

SMITH. Are head rests a big waste of money as some charge?

CHAPIN. There's no question that they obscure your vision. We decided not to face the cost penalty of making seat belts standard and you couldn't make people buy them. But times have changed and I'm not arguing whether there ought or ought not to be seat belts in a car. I use mine and years ago I wouldn't have thought of using a seat belt.

SMITH. Do you use a shoulder harness too?

CHAPIN. When I think of it, yes, which is very seldom. There's just so much that you'll consciously do to protect yourself and I have to admit there's a very real rationale in a passive restraining system. And I think you have to protect people against themselves. Now whether the air bag is the way to do it, I have some very real doubts. I've seen the air bag developed, I've seen it demonstrated. I've never driven a car in which the bag was activated, but I've stood right there when it happened. It was done with a convertible and I was standing right by the front door. When that thing went off, I nearly went right through the roof and this is not in the confinement of regular cars. It sounded like someone shot a 12 gauge shotgun right off in your ear. But I think whatever the technique, I still agree with the idea that you have to have some restraints—you have to try to help people protect themselves. I think for example the retractable steering column is a good idea, I think that interior paddling is a good idea.

SMITH. What other areas of safety is American Motors working on?

CHAPIN. I guess we were the first with the absolutely flush recessed exterior door handles. We've got the special Owens-Corning windshield composition in our Javelins and our AMX's which has a very high elasticity factor. It's a very effective additional passive restraint.

SMITH. Getting back to the air bag. What is your feeling about it?

CHAPLIN. It's still an area where there's much to be done. This is the thing that is wrong with these arbitrary deadlines. There's so much to be done and every day you find out that there's something else about it that is in some cases a plus and in other cases a minus.

SMITH. Quality, warranties and serviceability . . . they're all part of the end product and the critics have abounded in their criticism of the quality of cars. What about the shrinking warranty coverage? Critics say this admits you've had quality problems.

CHAPIN. Well, I don't agree with that at all. We have developed over the past several years a quality control technique that I can tell you honestly is, as far as we're concerned, the best we have ever had. We have a separate group, called the customer quality assurance group, and their job is to monitor the cars coming off the line from a customer's point of view and they have a standardized technique in which they evaluate problems and the evaluation itself.

SMITH. What about the 12 and 12 warranty?

CHAPIN. We've worked damned hard to get warranty costs down, but not because we changed our warranty. In fact if anything it's, in some ways—from the customer's point of view—better now than it was. One of the biggest problems we all got ourselves into in warranty in the industry was the complete misunderstanding inherent in this game of let's out-warranty the other guy. It caused more ill-feeling and more unnecessary paper work and more lost motion trying to keep track of everyone of the—it winds up in the millions—of total potential problems. We now have it on a basis where it's spelled out very explicitly. Our idea is it says "here's what you are supposed to do as an owner in order to maintain your car. Here's the dealer's responsibility and here's what we're responsible for." And it's spelled out in good plain English—in plain type.

SMITH. Volkswagen still has a 24-24 warranty. Doesn't this put you at a disadvantage?

CHAPIN. We haven't seen any evidence of it. I can't find—excepting perhaps as a used car—that the 5 and 50 was really ever a selling tool except for Chrysler, which was there first.

SMITH. What about repairability?

CHAPIN. Back when we revived the Rambler-American, we decided we would put an owner's do-it-yourself manual in the glove box. And when we brought the Hornet out last year our owner's manual had all of the little stuff, you know, how to adjust your spark-plug and how to set your points and how to adjust the carburetor—although we're not allowed to do that anymore under the emissions regulations. There's also the Gremlin's plastic grille. It includes the headlights and the whole central part of the grille with the grille opening and the mesh visors in one ABS plastic piece, and there are screws that hold it on. You can put a whole new grille on the car and the retail price is $24. Now we have already made some improvements in our impact resistance of our bumpers and we'll be making more.

SMITH. What about the hot engines and the flap from the insurance indutsry?

CHAPIN. I know they were trying to protect themselves. I guess they had some astronomical costs. I can't blame them for trying to recover at least part of their costs. I'd hoped that we as an industry and they as an industry could come up with a little less vitriolic approach to the problem. Some companies handled it in a rather statesmanlike way, but others said the auto industry was going on without regard for damage or safety or injury. I'm not going to bleed about it. It's unfortunate, but I also think it's going to have an effect on the level of the horsepower ratios for some period of time.

SMITH. What is American Motors doing to improve service?

CHAPIN. The problem really is the same old story of people and I don't know what else you've had that you've tried to get fixed lately, whether your washing machine or television set or wrist watch or even a pair of shoes. Finding people who are competent workmen or who are willing to do a competent job is not easy. Fixing automobiles is a complex thing. We haven't made it any easier with all the power assists and all the other things that are now part of most automobiles. We just put out two more mobile training schools because we couldn't get dealers to send their people to our service training schools. So we now have eight which travel continuously.

SMITH. Why aren't car inspection laws passed?

CHAPIN. The biggest argument against it is the political one which says that there's too much room for pork barreling. If it's run by the state, it's just a place where you can hire your brother-in-law. If it's privately owned, then there's too much under the table. I was on the president's task force for highway safety and we had a hell of an argument about whether or not there ought to be state licensing laws. I'm not going to tell you the other people that were involved in this, but I was a minority. Every politician there didn't want it.

SMITH. What are your thoughts on driver licensing and highway design? Why are they shoved under the rug and not much is done about them?

CHAPIN. I think more stringent driver's licensing in light of today's operating conditions and the complexities of traffic problems, the complexities of the vehicles with the speeds that we travel, all the rest of it are an almost absolute must. But you keep coming back to the fact that it's awfully easy to point your finger at four fellows and say why don't you fellows fix something when you have 50 million people with driver's licenses. I just went and got a license. It's a joke, it really is. That isn't the way it ought to be. I think at some point, there's got to be much more stringent requirements. As far as highway construction is concerned, I'm a director of the Highway Users Federation and there's a lot of time and money and effort being spent in trying to direct, to educate the highway engineers, highway planners and highway departments, state by state—bringing them up to date on the modern techniques of highway construction. Look right here in the City of Detroit. You can't drive from here to Grosse Pointe without seeing somewhere between three and twelve of those ridiculous lamp posts knocked down. They've got a real big beautiful highway, put safety banks on either side and then stick a lamp post right in the middle of it. It's just preposterous. Just plain dumb. We just have a lot to learn.

SMITH. The communications gap and believability. Do you believe this is a big part of the problem?

CHAPIN. I think it's the biggest problem. I don't think it's relatively speaking as big a problem for us as it is for some of the others. As to how we accomplish the closing of this gap, I honestly don't know any way excepting every chance we get we should take advantage of it and just tell it how it is. I can't get up and make a little speech on how wonderful we are as a company. The minute you start doing that I think you widen the gap. I think you have to do it by action. By the frame of mind, the attitude that you express.

Chrysler's Riccardo—"Our concern is that the American public gets and pays for what it really ought to have."

SMITH. Let's start with safety. The main criticism is that the industry pooh-poohed safety for a long time and has gone along reluctantly with demands of the critics and of the government.

RICCARDO. I think the record speaks for itself. I think that we accomplished, and always have accomplished a great deal in this area. Go back to the beginning. We made improvements of all kinds right from the start. The steel body was a safety improvement. Improved visibility, lighting, braking, improved seating, you know, to give you more comforts and keep the driver better prepared to be alert. Certainly the most valuable things that we have in our cars today, safety wise, are the collapsible steering column and the seat belts and the windshield construction, all of which were in the cars before we had a safety regulation. But I don't know that we gain anything arguing about whether we should do more or could do more. The point is that we have a safety law under which we operate and I think that the industry and the government have a pretty good dialogue established in this area and I for one don't see any benefit to be gained by hashing over whether we should have done more—or did all we could, because I don't know what that's going to accomplish particularly. I think our job at the present time is to continue to do what's necessary to make these cars as safe as possible.

SMITH. What are you doing on your own toward developing safety features that might be competitive?

RICCARDO. We just can't take one example. We might design a car for visibility or for braking or for anything else. Those are all safety features and Chrysler has got quite an impressive list of firsts in this whole area . . . safety wheels, the first steel body, there are more than 40 of them which are all safety related items. They didn't used to be considered so because safety didn't get the special attention that it gets today, so you know what we've done kind of gets lost in the shuffle. All of these items are related to engineering. That's where they all come from and we have always done our own thing, so to speak, in designing cars that are unique. Take our torsion bars, for example. They give you better riding qualities. You only find them in two of the most expensive U.S. cars other than Chrysler cars. All Chrysler cars have them. Our uni-body construction, we think, is a very very definite safety advance. It builds the strength all around you, instead of just underneath. So I mean our whole way of life has been one after another of these types of things.

SMITH. What about the air bag? Is this an insurmountable problem?

RICCARDO. Well, no, not if you're talking a certain time frame. They're insurmountable if you're going to say "X" date when we don't know how to do it yet and the date is such when D-day comes—decision day—and we don't know how to do it, I don't know how we can say we can have it because it takes a certain amount of development time and trial time and production time and test time and all the rest. I think that the air bag is certainly very worthwhile to develop and one that we're working very hard on, but I can't tell you today when we'll be in a position to put them in the cars—so that we can mass produce them by the hundreds of thousands as we do and make them as effective as they ought to be. The problem is not whether or not they will work because we ultimately will have them. It's a matter of whether we will be ready.

SMITH. What about the other passive restraints? Are you working in that area too?

RICCARDO. Sure, in such areas as increased padding and improvement of the seat belt system itself. Things of this sort that are in the general area of passive restraints.

SMITH. Do you think this consumerism movement has actually helped sell safety?

RICCARDO. I don't know whether it has or not. We've been interested in consumerism for a long time, because as you know, the customer has always been the guy who calls the shots. If he didn't like the product, he didn't buy it. We learned many, many years ago that the consumer was king and we've never forgotten it and his tastes change and his tastes modify and we have to modify along with him.

SMITH. Of all the contributors to accidents and highway deaths the auto has been singled out even though there are other things, like driver licensing, highway construction and inspection of vehicles. Do you think that you've been dealt with unfairly?

RICCARDO. Well, again, I don't know what we gain by saying we have or have not. Some people will say we have, others will say we have not. I don't really care either way. I don't see that really accomplishes anything. All I'm concerned about is getting a total all-around job done so that we can do everything possible to minimize deaths. Certainly we've had a lot of emphasis on the car itself and it's proper that we should have, but in addition I think we're going to need help in other areas. Certainly driver licensing is a very important area, driver training, the road system itself, drunk driving and that whole problem of what it entails, stricter licensing laws, I think they're all required.

SMITH. Why aren't they doing anything in those areas?

RICCARDO. Well I don't think I can answer that. I think you've got as good information on that as I have. I mean, why don't we do a lot of other things, you know in the way of laws passed? I'm no expert in that area. I can't tell you. All I know is that a well-rounded program is what is required and I for one would hope that we could make progress in all these areas, on all these fronts.

SMITH. People apparently just don't seem to believe that you can't either produce a clean engine or go to another power source. What are your feelings about that?

RICCARDO. Well again, I'm going to sound like a one way record here. I'm not going to dwell with you, Dave, as to the recriminations and all that sort of stuff. I'm not interested in that. I'm accepting the facts as they are and we go from there as to whether more progress should have been made or not. Someone else is going to be the judge of that. All I want to talk about is what it's going to take to get the job done and in this whole field of emission control a tremendous job has been done already. We've got all the statistics and I think the automobile industry has done more to clean up it's problems than any other industry has done. But more can be done and more remains to be done and I think that the only concern that we have is that we don't try to accomplish by legislative fiat what can't actually be accomplished by proven fact. That's our concern.

SMITH. You are on record as saying you can't meet the proposed Muskie standards?

RICCARDO. Not at the present time. There's no way we know how to meet them. Nor do I think anybody else in the industry knows how to meet them at the present time.

SMITH. What about the internal combustion engine? Again, your critics say that you will not move quite so fast toward something else because you have millions of dollars invested in the engine.

RICCARDO. We've done a lot of work in these other areas, in all these types of power plants, and it's our firm conviction that we can do a better job of cleaning up the IC engine than any of the others that are possible and avoid some of the problems that they bring in of other sorts. We see the way to do as good a job on the IC engine as we think needs to be done. See in this whole area, I think one of the things that we've never really established is the actual standards themselves. There is no proof, there is no information, there is no backing for how restrictive the standards ought to be. I don't think you can find that. It just doesn't exist. This is part of the problem. It's one thing to say you know there should be absolutely emission free engines. It's another thing to say that the health of the country demands absolutely emission free controls. There is no information that supports that today. And so our concern is that the American public gets and pays for what it really ought to have and not get and pay for what it really doesn't need.

SMITH. In other words, it's going to be pretty costly to add all this equipment if you don't really need it?

RICCARDO. Unquestionably. It's going to require exotic devices of the sort that aren't manufactured today, of the sort that we have not mass produced in quantity before so we don't completely know everything that we ought to know about them. We can make one and make it work, but our problem is to mass prdouce them and make them by the millions and my greatest concern in this whole area is that we do not overreact. I think that certainly we should provide for everything that is required to safeguard the health standards of the nation. I just wish we had more information as to what those health standards really ought to be.

SMITH. Say you made a crash program to eliminate almost all emissions by 1975. Could you do it?

RICCARDO. It isn't a matter of a crash program. It's a matter of knowing what you have to do. We don't know what you have to do to get that. If we knew what to do, we could make a crash program. The point is, we don't know how to do it. What do we crash? Our turbine is a good case in point. In 1963 it was a great pollution-free engine, but that was before they discovered some of the things in emissions. We don't today, for example, know how to solve the "nox" (nitrogen-oxides) problem in the turbine engine.

SMITH. Is the turbine a dead program, then?

RICCARDO. No, we keep developing all the time. We are currently in the process of trying to qualify a turbine engine for "nox" requirements but we're not along enough yet to know what it takes. But we're going to try because we don't know whether it would be easier or not. But we're certainly researching that particular area. But you see, that's a relatively new development and it's one that's completely turned the tables on that particular type of engine. So we still firmly believe that the IC engine is one that can be cleaned up in the best fashion.

SMITH. What is going to be the successor to the IC if there is going to be one?

RICCARDO. I wouldn't have any idea at the present time.

SMITH. You're working in all of these areas?

RICCARDO. We do research on all of these areas. We know as much about steam as anybody, and electric engines and turbines, we're the proven leaders in that area and we have developed several new engine modifications since we had those 50-car consumer turbine tests in the early '60s, and we're into at least the fifth, sixth or seventh—I'm not sure which generation—of turbine engine. So we keep improving it all the time.

SMITH. With a lot of money going into safety and emissions, do you agree that there's going to be less going into annual model changeovers?

RICCARDO. Oh, I don't think that there is any question about that. I think we're living in a whole new era as far as the building of automobiles is concerned and I would think that we're most definitely going to be looking at longer runs on these cars and less changes of the sort that we've been accustomed to having in the past.

SMITH. This has been one of the criticisms too—that the industry has sloppy workmanship. Quality is becoming more important, particularly now with imports taking such a big hunk of the market.

RICCARDO. There's been another effect in this whole area. With the emphasis that has been placed on the automobile and this whole area of safety and pollution and repairability and so forth by the various legislative committees and the news that goes on today, I think you're dealing with a much more sophisticated, knowledgeable customer than you ever had before too. I think a part of this reaction is based on increased awareness and increased knowledge on the part of the customer. This is good, because the customer ought to be as knowledgeable as he is or as he can be and we don't object to that at all. In fact, we're favorable to that. I think that's what it takes to keep a manufacturer on his toes.

SMITH. What are you doing to improve quality?

RICCARDO. We've done quite a bit in this whole area, through the years and recently. But we've had to learn to live with some other factors in this whole area which is quality which is quite a bit different to what it was four or five years ago. And this is, again, part of the adjustment that we've had to make. We've had a lot more turnover and absenteeism than we ever used to have. It's a sign of the times. It goes along with the way of life we have today. We just have a lot of new employees who don't want to come to work every day and they take a day off a week or a couple of days now and then and we have a lot of people that we hire that don't remain in our plants very long and they keep turning over so this increases our training time. As a result, our foremen and our management in our plants have had to learn how to cope with this particular problem. As I say, this is something that in just the last three or five years alone has changed tremendously and so this has just been another part of our learning processes. We've had to adapt to this particular situation and we've done a lot in the last few years on maybe increasing the amount of supervision that we have or increasing the amount of training time before a man goes into a job . . . breaking down the work content in a different manner so that it might make it somewhat easier to learn the assignment that the man has. It's just been really kind of a whole new look at the way we build these cars to make sure that we are able to cope with these particular problems because they aren't going away. If anything, they'll probably get a little worse before they get better so that you have to crank that into your system too and work around that problem . . . which we're doing.

SMITH. Do you agree the industry let stylists go rather rampant in making bumpers more something to look at than functional?

RICCARDO. I don't agree with that. I don't think that there's any question that you'll be seeing a lot of changes in this area as again, the customer is much more knowledgeable and demanding in this area of repairability. As his costs go up, it becomes actually a more important subject and so I think you will be seeing constant and continuing improvements in this area of repairability and serviceability so that we can minimize damage in collisions and one thing and another. You'll be seeing continuing evidence of this as we go along.

SMITH. What is your view as far as states passing legislation individually affecting cars? California and Florida have done that.

RICCARDO. Obviously, it makes it more difficult. The more of these states you have to conform to differently, the more difficult your job becomes. It's a little bit like the common market situation or the situation in Europe today where you're building cars for five or six different countries and they're all different.

SMITH. This whole area of social responsibility . . . things have been changing rather rapidly in the last three or four or five years. Do you feel that as far as Chrysler in concerned that you're on target in your hiring programs and advancement of minority group employees?

Riccardo. We're not satisfied by a long shot, but I think we like other businesses have realized that we must be more socially responsible than we've ever been before. I've said in my speeches that "just building a product, making your money and paying your taxes is not enough anymore. We must be responsive to these and other demands." And I think we're all working in that direction and I think Chrysler has made some good strides, but we're certainly not happy where we are. We've got more progress to make and we're working on it.

Smith. Getting back to the critics. Do you think they've been good or bad for the industry?

Riccardo. I don't try to classify them. All I'd like to do is read whatever is said and if it's something that we should be doing that we're not, take it to heart and go to work at it. I'm not in the business of trying to classify criticism as responsible or irresponsible. I'm in the business of selling cars and trucks to the public and anything that can help me sell more cars and trucks to them is what I want to do. And if the criticisms are of an area as such whereby listening to them we can do that and we can benefit the public in addition to selling more cars and trucks, I guess that's the answer. I personally don't worry much about whether they're responsible or irresponsible.

Smith. Do you think that Chrysler has got a fair shake in terms of the press coverage of all these issues?

Riccardo. I don't have any complaints about the press.

Smith. Do you think you've gotten "equal time?"

Riccardo. I make no comment one way or the other. You know, the press has a job to do and they're doing it and I have a job to do and I'm trying to do mine.

Ford's Iacocca—"I have more motivation than a Ralph Nader to do right by the consumer."

Smith. Knocks are coming from everywhere in terms of safety, emissions, product quality and social responsibility. Is this criticism really merited?

Iacocca. Sometimes we feel beleaguered because there's been so much in too short a span of time to really digest it all. But it's no different from any other set of problems you have in a big company. You try to put down priorities as you see them. There's a school of thought that says that a guy like me sitting here in my spot just makes money and the hell with everything. We don't operate that way. It's like life itself, you balance things out. You've just got to know what the hell's going on. The only point of frustration is that in this country it seems that if you're big and powerful and rich—and I use that not to describe myself or Ford Motor Co., by the way; I use it to describe someone who's in a position of power who makes goods, who produces jobs, who pays taxes, who makes it good, and what the hell's wrong with that? Whatever happened to the profit motive in this country? Now, right away the guy says "are you sure you're not making too much profit?" What the hell are they talking about?

Smith. Profits have to come first?

Iacocca. Only good healthy, profitable companies or people that pay their taxes can be socially aware. I mean if a guy's socially aware of the problem and doesn't have the wherewithal to do it, who cares a damn frankly about those kind of people—the guys who just yell and flail away and wave their arms. That's why I say I get alarmed when I see Ford Motor Co.'s profit margins dropping to the 3 percent level. But hell, I shouldn't be the only one alarmed—the whole U.S. government should be alarmed, the beneficiaries not just of taxation but of any good viable entity known as a corporation. If things start going to hell, you don't think any company operating at breakeven or loss can take the offensive in doing what are considered the socially needed things to do, do you?

Smith. Can you give an example of what you mean?

Iacocca. Here's a case in point: How can anybody but a healthy company decide it's time to stop fooling around with stationary pollution on say, a day like today? That plant (seen in a distance from his office) is pretty well cleaned up. Now the guy driving by here or coming here as a tourist . . . how does he know that's cleaned up? But it is virtually cleaned up.

Smith. Are you talking about Rouge Plant?

Iacocca. I'm talking about stationary sources of pollution. We'll spend $70 million in the next 24 months to lick it around the country. So I have a question. If you're not profitable and strong and healthy, how the hell can you spend it? By the way, that $70 million will be the most non-productive fixed capital investment we've ever spent because you dont' get any productivity or more output per man hour because we're cleaning up the stacks beyond what the law requires. You know why we can do it at Ford? Henry Ford says do it. Henry Ford says do it because we have the money to do it. And somewhere here, Dave, is this whole question of how do you start to worry about the environment? You know people want to dwell in the past and say, "Why didn't you worry about it 10 or 20 years ago?" I'll be damned if I knew what the problem was 10 or 20 years ago. I look back to the early 50's when California said "we have a problem." You ask what problem? They couldn't even identify what smog was.

Smith. Couldn't see it?

Iacocca. Yes, and here 20 years later they think they are now finding out what the real problem was and, guess what? Maybe it wasn't the hydrocarbons unburned that were creating the real photo-chemical smog. It may be the nitrogen oxides. There's really been a change in the last 24 months. Highly complex problems. It's O.K. for some guys to say, "where were you guys when we needed you?" Like on safety. Well, where was It? I was trying to peddle the safety bels in '56. Where was the public awareness, where was the press? Where were the do-gooders for safety? Nobody knew. And 15 years later, guess what? We got a few people using seat belts but we're still in the same old wicket. How about the drunks? How about state inspection in the State of Michigan? We're still talking about the same old chestnuts.

Smith. Why isn't state inspection and closer licensing of drivers being pushed?

Iacocca. Because you get to individual rights and you affect politically the individual when you say, "Hey, Dave, your car has a torn front tire." In Pennsylvania, bango, no certificate . . . you can't drive. In Michigan, more power to you. Let it blow. Take inspection. When I go to control that problem, I've got to get Dave to get a new tire. I'm talking to you as an individual. In our political system, I may be talking to you as a voter. I don't get despondent over this—I just call facts, facts. It's much easier to say, "Look, Dave won't know if we put in a tire standard that's twice what he needs, because he'll get charged $10 more for his Ford in '73." So we can sort of fog that up and that gets back to the old cliche that says "well, it's easier to get to three big auto producers than it is to 10,000 legislators in various subdivisions of the U.S. Civil rights are involved. In this country a lot of people don't know what that means; that means everybody's rights. But with the rights come the responsibilities. With the rights, by the way, come the costs. As a businessman, my role in life is to provide transportation, but to provide it at a cost that a guy can afford. And I look anybody in the eye and say "what's so money grubbing about that?" I mean I can give you an air bag, but I don't know if it will work. I can give you 10 mile-an-hour bumpers, but they'll cost a lot, too. This isn't by way of saying we haven't made a lot of mistakes because I'm as embarrassed as the next guy about the trend of style in cosmetic type bumpers. There's no defense for that.

Smith. Why do you have "cosmetic" bumpers?

Iacocca. Well, we styled cars frankly with bumpers that tied into the overall style of the cars. There is some fragility when you make designs. It's like a guy saying "why are you wearing that suit?" Levis wear longer. Well, I can't wear Levis to go to Ford can I? But they are more durable. You go so far and our customers themselves are saying, "Gee, what happened to my insurance premium?" We will have a five-mile an hour bumper. When you say that to the public at large they say "What are they now?" You say 2.8. "And you're going all the way to 5?" That sounds so little, you know, even the definition of the term. The insurance companies, one of them says, "we will reduce your premium 20 percent." You know what? I don't believe it.

Smith. Why not?

Iacocca. Well, we've got our work cut out for us and I want to get this clear with you. We will correct the bumper problem, but the property damage of all the insurance premiums in the United States, including total losses, is under the 30 percent level of the total premium. The other 70 percent—get this now—administrative costs, legal fees, and doctor fees, salesmen's commissions. That five mile an hour bumper's not going to help them. So, you can see we've got a cut of the pie to work on. Whatever we reduce, even if it's minimal, will be tied up in economics at the other end. Better known as red tape. I don't want to get into that, and I'm not arguing with the insurance companies on this. But the point I'm making is that whether you talk bumpers or emissions or airbags, each of them has a price tag on them, and in each of them people hate to talk about costs. Does anybody really stop to think of this? So that to me is what our job is.

Smith. In other words, you have to provide what people want at a price they can pay?

Iacocca. I don't look at this as a big game. I'm a voter. I'm a taxpayer. I, too, am a consumer. I, too, have children. I want my cars to be safe. I, too, worry about pollution. Especially my front lawn with the damned beer cans all the kids throw out of cars. Why in the hell don't they put them in returnable bottles and take them back? They're the same kids saying to me, "What the hell are you doing about pollution?"

Smith. You're saying costs are involved in all of this?

Iacocca. I have an obligation to give the guy who buys transportation from me his car at the lowest possible cost. We must mass produce them and do it over some tremendous hurdles and we must get quality into the car even with the problems we have in doing that and we must be responsible to doing it the way the people want it, meaning the social problems. But when it's all said and done we've got to give him his money's worth. What people are losing sight of is that somebody's got to pay for all this.

Smith. Somebody has to foot the bill.

Iacocca. The process is slow. That's what they are claiming about us . . . the monolithic big corporation. But when all the shouting is over, if you're a business guy, you've got to remember what the consumer is all about. What I'm saying, what it's difficult to say to our critics today is maybe, just maybe, is it wrong for me as a businessman, who has to worry about his customers to say, "We don't have all the facts but it's conceivable as we learn more that I can give you a virtually pollution free engine for $100 as an example, rather than give you a completely pollution free engine for $500?" For me it's that simple. But the critic is going to say "The hell with that. That's his bag at Ford—he's got to work it out." I have more motivation than a Ralph Nader to do right by the consumer. I shouldn't be here if they could legitimately question my integrity in wanting to do this. I have one problem: I've got to put it together and make it work. I've got to put it into cost, which translates into prices, and I've got to tell the customer, "Man, we're really taking care of you."

SMITH. Do you think Nader's doing a lot of good?

IACOCCA. Well, there are catalysts who say "Hey, there's a problem and there's a lot of things in that area that aren't going on right," and public attention or public awareness is aroused and you move more quickly in that direction. There's nothing wrong with that, but when it goes from him to a man in government responsibility who then says "Well, not only do they have a problem, but in the interest of public health and common good, we will not only point out that problem, but we will tell them what the solution is," well that isn't even too bad, except when the guy says we will tell you how to solve it. That's when you say, isn't that carrying things too far?

SMITH. Washington doesn't consider the costs involved?

IACOCCA. We get opportunities to state our case. Just because we aren't on every front page in the U.S. doesn't mean we aren't behind the scenes trying to talk to people about what we think some of the problems are and we better, if they are problems, find out how to lick them. But I am a little offended when four auto presidents go to Washington and some of the Washington writers try to make it sound like some clandestine CIA caper, coming in by nightfall and doing something illicit. What the hell are they talking about? Whether I'm talking as a guy at Ford or a citizen, that's part of that democratic process. When all is said and done, somebody has got to stand up and be counted and, sure, I'm posing some of these problems and I don't even have solutions. I'm saying if inflation outruns productivity 100 percent, won't we be in trouble down the pike? Would it be a crime if we spent hundreds of dollars on pollution devices and we didn't get our money's worth?

SMITH. Do you still hear that same argument that you don't want to get rid of the internal combustion engine because of your vested interest? What do you say to that?

IACOCCA. Well, I say what Henry Ford said last year: We do have a vested interest if you go around and look at our engine lines. But as much as we have a vested interest because of the high capital investment in engine lines, we have a bigger vested interest that overrides that. Do you know what it is? It's on every piece of stationery that says Ford Motor Co. We are a motor company. We don't give a damn how it's powered. Our vested interest is in the Ford Motor Co. because, if you just stop to think of it, think of the motivation for us to stay in business. Do you mean to tell me we would let some guys use water to run our cars and we wouldn't be the first? Would we let General Electric come out with an electric engine and obsolete our whole company? So that's our vested interest—it's the company. So obviously we spend a lot of money to make sure that doesn't happen. It's taken 57 years to get here, but the internal combustion engine is a tough, hardy competitor. It's like aspirin for headache; aspirin is tough to beat and no one has knocked it off yet. It's that simple. You know just because we said we can't meet the '75 Muskie standards, maybe somebody could invent something that would bring us damn close. Well, we'll try, but you know when I get done talking about all of this, all I say, every day after I talk to you and after I read the letters of complaint from the people on the social issues, when I'm all done, I've got to sit down and—since our '73 cars are finished—I have to say: "What did we do, how are we doing it, and by the way how much does it cost?" Soon as I say it, a guy looks at me like I don't have my marbles.

SMITH. Things like productivity aren't of concern to the critics?

IACOCCA. There are only two ways to get productivity. Take your capital. What capital? The money you made in the last few years. Ah, profit motive, huh? I won't even have the capital to clean the stacks and do the research that tries to obsolete myself with an alternative power source. I can't get along with my stockholders showing a 3 percent return—he can beat that on municipal bonds. Now, if profits were exorbitant, a guy would come in down in Washington and say, "Let's have an excess profits tax" like they did during the war. Well, that can happen, but in this country it won't in our lifetime. So, what are you willing to pay for, is what I'm charged with. We found out there was a big segment of the population not willing to pay for complicated cars. Enter the Pinto. We hope to sell the guys who would buy foreign. There's another cliche. The guy asks "do you make as much on a Pinto as on a Continental?" I say "don't ask me silly questions—you know we don't. If we have the same volume, we make less money. But that's my problem with stockholders so don't you worry about that, huh?" I know that—I've got to get some incremental business; anyone can figure that out real quick. Here's another myth—well, they're buying small cars. Because they're safer? Oh, come on. They're buying them because they're easier to park? No. Everybody's missing the point. You know why they're buying them? Inflation. I could take a Torino tomorrow and price it at $1919 and I tell you you'd see the biggest damn gang of people in our showrooms you ever saw. They'd say "Oh, I *can* get it in my garage and parking isn't *that* important." Money. Money. That's what worries me on all of this thing.

SMITH. A lot of pressures seem to be emanating from the outside. What is Ford doing on its own to try to keep ahead of the regulators?

IACOCCA. Well, I think we're doing quite a bit. I'm not going to tell you all the details. But we bought an interest in a company for shock absorbing type bumpers. We're doing a lot of work in that area. We're trying, for example, putting S frames on cars, putting the three-point restraint system on some of our cars this year to make it easier to use. There are a whole host of things that we're trying to do. Skid-control . . . you know it's expensive. I took a chance on that, making it standard equipment on a car, Mark III, and it's worked pretty well. On a $9,000 car, you can get away with that. I'll say this to you: unilateral movement of leadership isn't likely to do much for clean air. That will happen only when *all* exhausts are cleaned-up.

SMITH. How do you respond to the charge the auto industry has been socially irresponsible?

IACOCCA. I can't speak for the industry, but I'll certainly stand by Ford's record in the area of social responsibility. Our efforts are reflected in a broad range of activities, including hiring of more than 19,000 so-called hard-core employees, efforts to provide members of minority groups with upward mobility in the company, placement of company funds in black-controlled banks, recruiting and training of more black dealers and black dealership personnel, special assistance to minority suppliers, and company aid in the establishment of minority manufacturing plants.

GM's Roche—"We've been accused of dragging our feet on safety, but we were worrying about safety a long time before some of the critics were born."

SMITH. Five years ago the safety issue began in earnest and since then the auto industry has been criticized for lack of movement on safety. What has General Motors done on its own to improve safety—beyond pressures from the government?

ROCHE. Well, I think one of the popular misconceptions that exists today is that you'd think safety had just been discovered in the last five years whereas it has been an important consideration in the design of the production of automobiles from the very beginning. Look back over the record of the industry and look at the developments that have occurred in the performance of the vehicles, the engine, the brakes, the steering and the safety glass. These are all the things that the automobile industry has brought to the present state of perfection over the years as a result of the development work. But this is all forgotten in recent years. We had such things as safety belts (a long time ago) and they are all important. If you want to avoid being injured in an accident, the best thing you can do is to wear your safety belt and the best thing you can do is to wear your shoulder harness too. Very few people wear either of them.

SMITH. Do you wear a shoulder harness?

ROCHE. No, I wear a safety belt. To wear both of them you want to be in the safest possible position. This is what people should do, but surveys indicate that there's only about 30 percent wear safety belts and probably only two or three percent wear the shoulder harnesses. Four way flashers, for example, were compulsory safety additions. They're all fine and everyone of them has its place, but the basic part of the thing is the vehicle itself and the basic strength and protection that can be built into the structure of the car. I think there has been tremendous progress that the industry has made in the United States, even though we have been accused of a lot of things. We've been accused of dragging our feet on safety, but we've been worrying about safety a long time before some of the critics were born.

SMITH. Would this progress have been made without pressures from outside?

ROCHE. I think, in most cases, it would have . . . yes. The side bars, the energy absorbing steering column, all these things.

SMITH. Why do you think the auto industry is singled out for perhaps 95 percent of the problem?

ROCHE. I think part of it has to be a political approach. There are four automotive manufacturers and 90 million drivers. We still must come to grips with compulsory maintenance, tighter driver licensing laws and the problem of the effect of alcohol on accidents; most surveys indicate that over half of the fatal accidents involve the use of alcohol somewhere along the line. Until we can have stricter driver licensing laws and until we can have vehicle inspection that will be meaningful from the standpoint of maintaining the vehicle in good driving condition, we're never going to solve this problem, regardless of what we do to the car.

SMITH. Would you say that the politicians or the government forces are unduly severe in their criticism of the industry and at the same time dragging their feet in other areas?

ROCHE. No, I think there are very practical political considerations. I don't think that anybody is deliberately being unfair; I don't mean to create that impression at all. But what I'm saying is that the vehicle is very tangible and the vehicle is an important part of it. The vehicle is an easier thing to identify. When you get into talking about compulsory maintenance you're starting to spend some taxpayer's money. When you get into tougher driving laws and restrictions, you're restricting the individual's mobility. And both of these things have political aspects that have to be considered in development of programs along these lines.

Smith. Not much seems to be done, though, does it?

Roche. They're beginning to rumble in this area, Dave. There's some thought being given to it, but up to now, we're almost five years into the safety legislation and over this period practically all of the attention has been focused on the vehicle and not enough on these other two areas.

Smith. What about the air bag?

Roche. We're going ahead with our development work on it, but we've still got a long, long way to go. The problem with the air bag is making certain that it will be actuated when it's needed and that it won't be inadvertently actuated. You have noise problems and you have the problem of where to put it. You've got the problem of how do you test it. You have a car and you've got a new air bag in it, for example and you're fortunate and don't have an accident. Five years from now is the air bag still going to work the way it was intended? Could something go wrong with the mechanism, will the material deteriorate to the point where it won't be effective? We have all these problems to work out and nobody knows the answer to them today. You can put on a very convincing demonstration for air bags and everything works just perfectly and the thing goes off on schedule in the right place and you have a certain type of accident and it can be very effective. We still don't know how to put them in on a reliable basis. They're talking about making it impossible to start the car unless the passenger has the seat belts fastened. An electric signal of some kind. That's a requirement which I've been asked for comments on and I am in the process of getting these together.

Smith. The chief issue confronting the industry is emissions and the implication that the industry has been dragging its feet for many years. Are you going to be able to meet the 1975 emissions standards set by the Muskie bill?

Roche. We can't meet the provisions of the Muskie bill; we're on record with that. Those standards are not definite yet. Whether or not they will be modified or what standards will be developed, we don't know.

Smith. But you can meet the HEW standards?

Roche. We are planning to meet the HEW standards that were set for 1975. One of the problems is we're always shooting at a moving target and this becomes very difficult. If we can set these standards on a realistic basis, one which everyone could agree represented a practical approach to it, then we could direct all of our efforts to accomplishing that objective. I think we'd be much farther ahead in the long run, but here we've been operating on the basis of trying to keep up with a different standard each year and trying to meet a set of standards and doing a lot of work in this area, then having them changed again. It really hasn't contributed to the successful completion of the program and as far as the industry is concerned and as far as the dragging of our feet is concerned, I think again that that's a very unfair criticism because we've made very substantial progress starting back in 1960 which was the last uncontrolled (emissions) car of any kind, we have succeeded in the 1971 models in eliminating about 80 percent of the unburned hydrocarbons, and about two-thirds of the carbon monoxide and that's pretty substantial progress. We haven't got rid of the last 20 percent of the one and the last third of the other and it's going to take some time to do that because this is a very complicated formula. This isn't just a simple saying we know how to do it or that we don't want to do it, because frankly many of the answers that we need we still don't have. But we think we're approaching the final solutions to it and it's going to take some time to get it in. Here again, the attention is focused on the 20 percent that we haven't done instead of the 80 percent that we have.

Smith. Another criticism is that the industry put a lot of money into styling changes instead of cleaner engines.

Roche. I think that's a very unfair criticism. We do put money in styling, but we have never attempted to deny that. Whether you call it body or style changes, the automobile has been steadily improving each year. The annual model change is an important discipline in the automobile industry and were it not for that discipline—and I've lived through a lot of it during my years' association with the industry—the automobile would not be in it's present state of perfection and it would not be available to the average person in the same sense as what it is today.

Smith. With all that money going into emission controls and safety, does this indicate longer cycles in styling changes to wring the money out someplace and keep car prices reasonable?

Roche. That's a possibility, Dave, yes. I think it's a thing that's going to be on the side of priority. In trying to meet the emissions standards and trying to meet safety standards, whatever they may be, you're playing with a very basic design of the automobile. And these reach into the heart of the car in many different respects and they're all going to have to be factored in on some basis and this may bring about a different time schedule with respect to our important styling changes. But only time is going to tell that and these changes are sometimes going to have to be put in connection with a model change because many of these things you can't say, well we'll add it to this existing model. For example, one of the things they're talking about is moving the windshield ahead. You couldn't move a windshield ahead in a vehicle unless you changed the whole roof structure and column and whole front end of it.

Smith. What about alternative power sources? GM just purchased the rights to the Wankel rotary engine. Would you scrap traditional internal combustion engine if you could find something better?

Roche. Well, if we could find a substitute for the ICE that would do the job and that would be practical from a standpoint of our being able to still produce a vehicle that a person could buy, I don't think we'd have any hesitancy in scrapping. But we don't know of any other power source. We don't think that steam is practical or workable. If we ever find a way to store electrical energy in the quantities needed to provide the operation of a car and in keeping of the needs of people, that might be a breakthrough. We continue to believe that the internal combustion engine remains the best source of power for automobiles in the foreseeable future. To meet these standards, we're going to have to make modifications to this engine, there's going to have to be devices added and we're working on them.

Smith. Do you know why people don't believe you when you say that?

Roche. No, other than it's a very simple thing to say, "well they have millions of dollars invested in internal combustion engine so why would they want to change?" We change tooling quite frequently . . . when we can find a better way to do it. And we would not hesitate to change tooling for our engines if we knew we had a better one. We just don't have that and neither does anybody else.

Smith. About the product itself—repairability, quality, warranties, bumpers and so on. GM has come under sharp criticism in these areas.

Roche. With respect to the repairability, I think that the increased cost of the service rates has focused a lot of attention on this, both from the standpoint of insurance companies and also as far as an individual is concerned because of the costs of the service industry. The rates per hour charged, whether it applies for automobiles or almost any other kind of service—plumber or electrician—have increased tremendously over the past 10 or 12 years, much more so than the cost of manufacturing goods—especially automobiles. So this has placed a premium on all of us to do what we can to improve the repairability of our cars . . . to simplify repair procedures. During this period when this has been developing, the automobile has become much more complex. We're trying to simplify the procedures by which servicing can be accomplished. The bumper comes in for a lot of criticism and we are trying to meet that by improving it. Here again, the bumper has become an integral part of the car, part of the sheet metal grille complex. How much it can be improved to meet some of the objectives that we hear talked about, I don't think that anybody knows now. We know that by extending the length of the bumper the way that it used to be in previous cars we can obtain some energy absorption that's not present in our present bumpers. What the compromises are going to have to be from the standpoint of overall length in the vehicle and from the standpoint of the appearance of the vehicle, we're not exactly sure at this moment.

Smith. What about overall quality of today's cars? There have been dozens of recall campaigns because of defects.

Roche. I don't think quality has very much to do with recalls, really. It's caused primarily by a very few incidents of failure. And we've literally called back millions of cars because we've found an incident of failure in maybe 15 or 20 cases. We call them back not because of the quality problem on 4 million cars but because if this could happen to anyone of the others and we fix it ahead of time, we thought that was the right thing to do. This is not commonly understood in connection with these recalls.

Smith. The argument that the imports have taken a bigger toll of the American market is because they stress more quality throughout. They say their quality is superior to some American cars.

Roche. Well, I think that's "puffery" on the part of the advertising for import cars because they have exactly the same problems that we have. I don't think there's any justification for that at all. I think that the quality of American cars is fully as good as foreign cars. I think that the growth of the foreign market in the United States is occasioned largely by the growth in multiple car families. The kids need a car to go to school, the wife needs a car to go to the supermarket. You can get by with a smaller less expensive car to operate. There was a void in this market in the United States which we are attempting to fill it with the Chevrolet Vega.

Smith. What about these charges of lack of social responsibility?

Roche. First of all, Dave, with respect to the minority employment in General Motors: The end of last year, we had approximately 100,000 minority employees in General Motors which was relative, as I recall, to 15.6 percent of our total employment in the U.S. That represented a very substantial increase over the last four or five years. We have done a very good job in my opinion in connection with the hiring of the hard-core and we have cooperated in the National Alliance of Business and we have exceeded by far in each one of these directions. When you talk about so-called top executives in the corporation, we do not have minority people as such represented in these top positions. We don't have any black vice-presidents for example, or Indian vice presidents or Spanish-American vice presidents, but we are building into our management group as the individuals can qualify and as the opportunities present themselves.

SMITH. Do you think there's any danger of a criticism overkill?

ROCHE. I would say that there is a danger of overkill and it comes from listening only to the criticism and listening to the suggested solution of the problems, without any regard for the other side of the story. Talk about pollution, for example. It's too easy to say, "well the automobile accounts for 50 percent of the pollution." You name your number . . . I've seen it from 85 down to 12 and these figures, usually voiced by one of the critics, are being taken as the gospel truth. And that's the headline depending on who the speaker might be. Then you're dealing with such a highly complex technical response to it. By the time the recipient of the criticism gets around to trying to answer it, you get a big thick book with a lot of statistical data in it and a lot of scientific and engineering approach to it and it just makes a lot of jargon that nobody can understand. But this is the thing that we've got to find a way to level off before we're much older if we're going to get both sides of the story told. I think we've got too much of the atmosphere that business in general doesn't want to fix some of these problems. We also have the attitude that, in too many instances, business is going to be able to pay for all of this out of their profits, and nothing could be further from the truth. The people that are going to pay for this are going to be the American public. If the government does it, we're going to pay in taxes. If we have to add a lot of things to our cars in order to meet these standards—which looks as if we're going to have to do—then the price of our cars is going to have to reflect this. These are things that aren't commonly understood. In Washington they're gradually trying to bring some of these agencies together to bring all the problems into perspective and come up with some conclusions based on logic, rather than rhetoric, and work out a program that the U.S. can live with, and that will accomplish the desired results.

THE U.S. TRAVEL SERVICE

Mr. INOUYE. Mr. President, on November 13, the following article by Paul J. C. Friedlander appeared in the New York Times.

In the article Mr. Friedlander discusses the revival of the U.S. Travel Service, to which I am pleased to have contributed. I chaired hearings on the bill which expanded the jurisdiction and activities of the USTS and on the nomination of C. Langhorne Washburn, who was recently confirmed as Assistant Secretary of Commerce for Tourism.

I am heartened by the recognition which the USTS is receiving. I am hopeful that the agency will be as successful in promoting tourism as have other governments. Not only will our balance of payments improve, but increased tourism can contribute meaningfully to a better understanding of people all over the world.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A NEW TITLE, A REVIVED SERVICE

(By Paul J. C. Friedlander)

By recent act of Congress, C. Langhorne Washburn, director of the United States Travel Service in the Department of Commerce, was elevated to the rank of Assistant Secretary of Commerce for Tourism. He was authorized to spend up to $15-million a year for this fiscal year and the next two fiscal years ($4½-million had been authorized previously) and was given a fairly free hand to match his Federal funds with those put up by state and local tourist officials to be spent cooperatively in promoting foreign travel into the United States.

The United States Travel Service was established in 1961 when this country's balance of payments had become unbalanced and it finally became obvious to Washington that one of the best ways to adjust this economic imbalance was to increase the number and spending of foreign travelers here to match as nearly as possible the dollar spending of American tourists abroad. The service muddled along in its early years, its authority and budget limited by the refusal of some rather powerful if not otherwise prominent members of Congress to recognize the facts of international economic life.

A HOUSE OF DEADWOOD

Some taxpayers, including this one, also held the opinion that the service was boondoggling along, floundering in bureaucraft growing pains, overloaded with Government-type deadwood and not only not producing its tax-money's worth but also creating a poor public image at home and abroad that reflected the ineptitude of its early advertising and public relations program.

Its friends and supporters argued that the service needed stature to stand up to and with the near cabinet-level tourism commissioners of other countries, and enough money to begin doing creative promotion. The Travel Service also suffered from some friends and supporters, like the ubiquitous travel experts, consultants and spokesmen for carriers and other private interests who swarmed onto its official advisory committee with the stultifying effect consultants so often achieve in government.

But in the last year or so, there seems to have been a stirring within the agency, a recovery of its sense of direction. And now, at last, it has the budget it has been clamoring for and the prestige of a director whose assistant secretaryship requires him to take no protocolary back seat to anyone else's tourist commissioner at those proliferating international travel meetings. Soon the taxpayers will have an opportunity to evaluate the U.S.T.S. fairly, to determine whether it can produce efficiently, although it is always difficult to measure the efficacy of a Government tourism office.

The present prosperity in Europe and parts of Asia, in contrast to America's Recession, could easily inspire a substantial growth in foreign travel here. The flow of travelers to the United States from the United Kingdom this year rose to 310,000 and Secretary Washburn hopes for 550,000 next year.

UNFETTERED FLOW

Much credit for this increase has to go to the British Government's relaxation of its previous £50 ($120) limit on the amount of money its subjects could take out of the country on pleasure travels. The same thing happened in Japan—its flow of tourists to the Western Hemisphere leaped overnight when restrictions were eased on spending yen abroad.

However, there are some things that the U.S. Travel Service, and only the Travel Service, can do to shape the interest of foreign travelers in America and to help organize their reception and handling once inside the country. This catering to the needs of foreign travelers is highly developed in Europe, Asia, the Middle East and in parts of Africa as a major industry, but horribly amorphous and disorganized inside the United States.

The American tourist knows he can—through his airline, ship line or travel agent—arrange and even pay for a car, driver, guide, interpreter and many other services that will be awaiting his arrival almost anywhere in the world. For the foreign traveler coming here such services are difficult to arrange, terribly expensive and, in many parts of the country, just plain impossible to set up in advance.

BIG WHEELS TAKE TURNS

One of the more successful of the U.S.T.S. director's programs is the World Tourism Seminar, a series of travel promotion sales meetings sponsored by the service as the occasion warrants all around the world. For these meetings with the travel trade, Washburn has enrolled the presidents and chairmen of the boards of some of the top companies in American tourism. With permission of the Civil Aeronautics Board, airlines are allowed to carry the seminar teams overseas free, where they are paired off at tables with their competitors to confer jointly with foreign tour operators and travel agents.

Thus, the chief executives of Hertz and Avis sit together to explain to foreign wholesale travel agents the mechanics, costs and financing problems, and solutions thereto, of booking rental cars for foreign visitors to this country. Between them, they ought to be able to resolve all doubts and answer all questions, selling not their individual companies but the basic idea of renting cars here.

The chief executives of the Sheraton and Hilton hotel chains shared a joint representation at the seminar last month in Amsterdam preceding the World Travel Congress of the American Society of Travel Agents. Greyhound Lines and Gray Line Sightseeing buses were there, as were Walt Disney's tourist extravaganzas, American Express and Ask Mr. Foster and Carte Blanche, the New York City Convention and Visitors Bureau; and Nasa with Astronaut Capt. John Young and a moon rock guarded by the F.B.I. This surely was a composite picture of America functioning in a purely American buddy system of cooperation.

PILOT FOR FISCAL SHOALS

Another pet project of director Washburn is a pilot study by the Export Import Bank of Ways of extending credit to foreign tour operators to help them develop business to the States. The wholesale travel agent must book his airplane and ship space, his hotels and domestic transport, sightseeing guides and buses, and print his four-color brochures at least a full year in advance of his first tour. Carrying this expense until his package tours are sold through retail travel agents and paid for by the tourist can be an impossible burden; some kind of revolving credit system might prove helpful, Washburn hopes, and lead to a further increase in pleasure travel to this country.

Since half of this fiscal year is almost gone and more will be gone before Congress takes action, Washburn says he does not anticipate shooting for the full $15-million this year: "We intend to seek a supplemental appropriation sufficient to permit us to initiate this year the new program activity authorized under the recently enacted legislation." A good guess is less than a million dollars.

One project that takes money as well as long-range planning is the convention office in Paris whose function is to persuade international organizations to hold their future congresses in the United States. Twelve international conventions, some far in the future, have already been signed.

Another idea on the Secretary's mind is to persuade the 1976 Bicentennial Commission to make the Travel Service the official voice of invitation to this country's 200th birthday party. Another spoke in his wheel related to the Bicentennial proposal is revival of the relatively dormant legislation to eliminate the need for visas for tourists from countries that do not require visas of American travelers.

Still another Washburn plan is to consolidate all the tourist promotion activity of widespread government agencies into one operation, preferably the Travel Service. He notes that 26 Federal agencies now allocate funds in their budgets for some kind of tourism promotion, like the National Parks, National Forests, Tennessee Valley Authority, etc.

Consolidation of these efforts and cooperation with state and regional promotions, with Federal funds matching local contributions, will, he believes, increase such promotion abroad and make it possible to convert hitherto weak and sometime amateurish attempts into polished professional programs.

BON VOYAGE

It all sounds encouraging and hopeful and we wish the new Assistant Secretary of Commerce for Tourism well in his pursuit of a project that stands to do all of America a great deal of good economically and spread to the rest of the world the message of who and what Americans are on their home playing grounds.

There is one possible hitch in the program provided by the new act and that is the creation in Section 6 of "a commission to be known as the National Tourism Resources Commission composed of 15 members." Each of the Departments of Commerce, Interior, State and Transportation will name one commission member, the others, appointed by the President from private life, are to be people "who are informed about and concerned with the improvement, development and promotion of United States tourism resources and opportunities or who are otherwise experienced in tourism research, promotion or planning."

The commission is "to determine the domestic travel needs of the people of the United States and of visitors from abroad through 1980, the travel resources of the United States to 1980, policies and programs to meet future domestic travel needs, a recommended program of Federal assistance to states in promoting domestic travel, and, finally, to decide whether a new or existing Federal agency should "consolidate, and coordinate tourism research planning and development activities presently performed by different existing agencies of the Government."

GRIM RECOLLECTIONS

Forgiving the legalistic language, it sounds great until one recalls all the advisory groups the Travel Service has endured and, above all, the famous McKinney Report made at President Johnson's request to endorse the subsequently rejected travel tax.

That report took the concentrated work of a great many people—they called themselves task forces—and considerable Federal money. The platitudinous mice it produced in the way of naive recommendations and suggestions staggered even the phalanx of "consultants" in the travel business whose stock in trade is just such platitudes.

Can the new Assistant Secretary of Commerce for Tourism put together a commission that will really produce something constructive for the $750,000 to be spent on and by the commission? Is it possible for such a wide-open field to be guided away from official doubletalk and doublethink? The taxpayers can only hope and wait for the report to fall at the end of the two years the law gives the commission to think, ponder and pontificate.

CASES AGAINST THE SST PRODUCE LOTS OF BALONEY

Mr. GOLDWATER. Mr. President, during the current debate on the SST, there have been several times when I had to shake myself to believe that I was sitting in the U.S. Chamber listening to what is supposed to be sound debate. Never have I heard such wild assertions made as are being made about the SST and what it might do to our living conditions and the living conditions of all things on earth; never have I heard such distortions—wrong statements on what the aircraft will or will not do.

I intend to answer these allegations at some length, but in the meantime I was happy to see that a very perceptive aircraft writer in Arizona, Mr. Paul Dean, had already caught the shameful trend of the statements being made, and he has written on it, so I ask unanimous consent that his column, "Cases Against the SST Produce Lots of Baloney," be inserted at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CASES AGAINST THE SST PRODUCE LOTS OF BALONEY

Along with communism, cigarettes and the atom bomb, the nation's proposed supersonic transport is being billed as the rat fink for just about everything.

And that now includes skin cancer, cracked ceilings, heart attacks, bad weather, air pollution and radiation sickness.

It's entirely possible that in the coming months, the SST will be tagged as the probable cause of spastic gastritis in newborn babes, collar rings, the Roadrunners' lousy season and the Johnstown Flood.

As a relative innocent in the field of national economics and spending priorities, I hesitate to make a dollars and cents judgment for an airplane that has already cost $1 billion, is seeking another $210 million from the government and will require another $300 million to get a prototype into the air.

And I'm a staunch believer in microscopic examination of any tax-funded project, whether it be developing a supersonic transport or a superspouted teapot.

But as a barstool authority on most things aeronautical, I figure it's high time to lever bias from beliefs concerning the SST.

For openers, the thought that high-level radiation will bombard SST passengers into globs is sheer idiocy. At 65,000 feet, the altitude to be skewered by SSTs, radiation has been scientifically measured as less than in downtown Manhattan.

Military pilots have been exposed to SST speeds and altitudes for more than two decades. They remain bright-eyed and bushy-tailed.

At 1800 miles per hour, an SST will fly to London from New York in 2½ hours. A Boeing 707 makes the same trip in almost 7 hours. Which means today's 707 passengers are actually exposed to more high-altitude radiation than they would be aboard the SST.

There's no denying that the SST will produce sonic booms. But public worries about the boom factor are predicted entirely by public experiences with the sonic sounds of military jets.

Once more, measurements have shown that a diving, twisting, tactically maneuvering military jet punches out a boom of between 10 and 15 pounds per square foot (psf). Dynamite on ears and windows. Tests on the Anglo-French Concorde SST, which has already popped the double sound barrier, show that in level flight at cruise altitude, the Concorde barely snickers with a maximum 2.2 psf factor.

That, noted aerospace writer Harvey Ardman in his recent thesis on "The Case for the Supersonic Transport" is the equivalent of the psf shock "that hits the ears of a Volkswagen driver when he swings his car door shut."

And remember, the government has already proposed, and airlines have accepted, that SST flights over the continental United States will be restricted to subsonic speeds.

Despite expert testimony from the National Research Council of the National Academy of Sciences and the Office of Meteorological Research, thousands of misinformed amateurs continue to believe that SST flights will destroy the earth's ozone shield (allowing cancer-causing ultra violet rays to burst through) and produce moisture-stuffed vapor trails culminating in a permanent cloud cover over the globe.

Yet the military has been hard-pressed to produce supersonic vapor trails at SST altitudes. Weathermen have proved that one severe thunderstorm can dump as much water in the stratosphere as 400 SSTs flying four transoceanic flights. And there have been up to 6,000 thunderstorms logged each day since the year dot.

There is also no proof that water vapors will erase the earth's ozone layer. Weathermen have once more said that "there will be no appreciable disturbance of the earth's normal atmospheric balance by a fleet of SSTs making 1,600 flights a day."

Let expert Ardman sum it up again:

"These objections are of this sort. Arsenic is poison. There is arsenic in sea water. So sea water will give you arsenic poisoning. It will not. Because the volume of water you'd have to drink would kill you first."

Many of the anti-SST arguments are carbon copies of the naivete of years past; public expressions which once claimed the human lungs could not pump against automobile speeds of 60 mph and all airplanes would disintegrate when they hit the sound barrier.

Worthy of more specific note is an editorial that appeared in the New York Times in 1903 when Prof. Langley's Flying Machine had crashed in the Potomac.

The Times called his attempt a "ridiculous fiasco" and that it would take "from one million to ten million years" to build a machine that could fly. Providing science could eliminate "the existing relation between weight and strength in inorganic materials."

Fortunately, neither the Times nor the world had to wait for ten million years. Three months later the Wright Brothers teetered into the air at Kitty Hawk.

CIGARETTE ADVERTISING

Mr. MOSS. Mr. President, in a very few days now, one of the most significant acts of this 91st Congress will take effect: Cigarette advertising will vanish from all broadcast media.

But this event—dramatic and uprecedented as it may be—represents but a single episode in the war against death and disease caused by cigarette smoke. And, as we contemplate the end of broadcast cigarette advertising, it is timely to remind ourselves that hundreds and thousands of Americans are still dying each year from lung cancer and heart disease directly attributable to cigarette smoking; that millions of Americans are still debilitated by the diseases directly caused by cigarette smoking; and that millions of young people are still becoming habituated to cigarette smoking, heedless of the verdict of the scientific and medical communities.

And we must face yet another deeply disturbing fact: Members of the cigarette industry, despite their acceptance of the public verdict that the promotion of cigarettes on broadcast media was not in the public interest, show no signs of slackening their quest for new consumers through every conceivable promotional and marketing technique, which the genius of Madison Avenue can conjure up.

Mr. President, let's look at the evidence of unconscionable hucksterism running amuck within the cigarette industry:

Item—Advertising Age reports that cigarette billboard advertising will escalate from the present less than $10 million level to $40 million—polluting the landscape in the interest of polluted lungs.

At the time we debated the cigarette act on the Senate floor, the distinguished ranking minority member of the Commerce Committee (Mr. COTTON) agreed with me that a doubling or trebling of the number of billboards advertising cigarettes would constitute a "gross abuse."

Item—Sample cigarettes are blanketing the mails addressed to occupant.

Item—Preparations are underway to subvert the manifest intent of Congress in banishing cigarettes from broadcast media through such devices as the sponsorship of bowling tournaments, auto races, tennis tournaments, and so forth, naming tournaments by cigarette brand names, pasting huge brand names on the sides of racing cars and on billboards along the track, plastering stadiums with brand promotion placards. You can visualize the smirk on the ad manager's face as he turns to his colleagues and says: "Who could possibly object to Reynolds underwriting the 'Winston-Salem' Classic."

Item—Chairman MAGNUSON brought to the Federal Trade Commission's attention the apparent scheme by which the American Tobacco Co. was planning to market Pall Mall and Silver Thin pipe tobaccos in a package virtually identical in design and color with their namesake cigarette packs, putting those packages on television in a not very subtle indirect promotion of the cigarettes.

Item—The Cigarette Advertising Code, the industry's much heralded effort at self-regulation, has expired unlamented by those who felt that its impact on advertising abuses was minimal; but its demise serves warning that uncontrolled anarchy may be forthcoming in cigarette advertising practices without Government action.

Warren Braren, perhaps the Nation's leading analyst of cigarette advertising abuses, the former director of New York office of the Broadcasters Code of Self-Regulation, has documented for the Federal Trade Commission a series of deeply disturbing cigarette advertising themes and techniques presently emerging. These include:

First. Print advertising expenditures possibly reaching $150 million.

Second. Industry abandonment of the weak Cigarette Advertising Code.

Third. Representations implying health benefits which were once prohibited by the now abandoned code.

Fourth. Public concern over pollution being used as a marketing tool for cigarettes.

Fifth. Promotional tie-ins with clothing manufacturers.

Sixth. Pictorial representations on packages diluting the health warnings.

Mr. President, there is but one agency which has the power and the responsibility to police these grotesque abuses of our marketplace. Although the Federal Trade Commission is restrained until July of next year by the legislation which we enacted this year from issuing a trade regulation rule requiring warnings in advertising, it is otherwise free to move against any and all advertising practices for cigarettes as for other products which are either unfair or deceptive within the broad limits of those terms as they have evolved. Not only is the FTC free to do so, but it must do so.

The Federal Trade Commission must act now, before the January 1 termination of broadcast advertising unleaches an orgy of unbounded cigarette promotion in nonbroadcast media. The Commission must serve notice on the cigarette industry and the broadcast industry to whom the law also applies that it has every intention of prosecuting, with all of the regulatory weapons at its command, abuses of the public interest such as I have cataloged. And the Commission must follow that statement of policy with appropriate action.

Mr. President, let me add only one more observation. As chairman of the Senate Consumer Subcommittee, I want Chairman Kirkpatrick and his fellow commissioners to know that I will stand behind any such action by the FTC. It is my judgment that there will be widespread support in Congress for such action, that the Commission need not fear today, as perhaps it had reason to fear in the past, the political power of either the cigarette industry or print media anxious to profit from the "ill fortune" of the broadcast media. In my judgment Congress will no longer tolerate the unrestrained promotion of a product which is both lethal and insidious.

THE 100TH ANNIVERSARY OF THE BEET SUGAR INDUSTRY

Mr. BENNETT. Mr. President, it is my privilege to call the attention of my colleague to a significant milestone reached by a great and important industry in this country.

I refer to the fact that on November 17, the U.S. beet sugar industry celebrated the 100th anniversary of its first commercial success in this country.

From an extremely modest beginning in California a century ago, the American beet sugar industry has progressed to become the largest single source of sugar for this Nation's consumers. Today there are 59 modern beet sugar manufacturing plants located in 19 States. During the industry's centennial year these facilities produced more than 3¼ million tons of refined sugar for the country's households and for our vital food processing industry. In 1970, tens of thousands of farmers in more than a score of States harvested upwards of 29 million tons of sugar beets necessary to achieve this marvelous production record.

Perhaps little note of this centennial has been taken in areas geographically removed from the centers of sugar beet farming or beet sugar manufacturing. However, in those parts of our country where sugar beets are an important cash crop and where the beet sugar industry is a way of life and valued for its positive contributions to the culture as well as to the economy, the citizens have chosen to honor the industry on the occasion of its 100th birthday.

Thus, it was that over the past few months the States of California, Michigan, Wyoming, Texas, Washington, Idaho, and my State of Utah, have taken official note of this auspicious anniversary.

I ask unanimous consent that these formal declarations emanating from the heartland of the beet sugar industry be printed in the RECORD.

There being no objection, the declarations were ordered to be printed in the RECORD, as follows:

STATE OF UTAH, OFFICE OF THE GOVERNOR—DECLARATION

Whereas, November 17, 1970, marks the 100th anniversary of the beet sugar industry in the United States; and

Whereas, from a modest beginning 100 years ago the United States beet sugar industry has become the largest single source of sugar for America's households and for the country's vital food processing industry, providing consumers with sugar at reasonable prices produced from sugar beets grown on family farms in 29 states and processed in sugar factories in 19 states; and

Whereas, the beet sugar industry in the State of Utah provides economic opportunity for many farmers and farm workers on sugar beet farms, and for many workers employed in processing facilites operated by Amalgamated Sugar Company and Utah-Idaho Sugar Company; and

Whereas, subsequent economic benefits accrue to the entire state and to the nation through the purchase of raw materials and goods and services both for sugar beet farming and for beet sugar processing; and

Whereas, the significant tax revenues generated by the beet sugar industry help provide for the general welfare of all citizens in the state:

Now, therefore, I, Calvin L. Rampton, Governor of the State of Utah, do hereby declare Tuesday, November 17, 1970, as Beet Sugar Day in the State, and the industry is commended for its contributions to the general good, and wishes are extended for continued progress during the coming 100 years.

CALVIN L. RAMPTON,
Governor.

Resolution by the Assembly Rules Committee—California Legislature

Relative to commending the beet sugar industry

Whereas, 1970 marks the 100th anniversary of the beet sugar industry in the United States; and

Whereas, Alvarado, California, was the site of the nation's first commercially successful beet sugar processing facility; and

Whereas, From its modest beginning 100 years ago, the United States beet sugar industry has become the largest single source of sugar for America's households and for the country's vital food processing industry; and

Whereas, The beet sugar industry provides consumers with sugar at reasonable prices, which is produced from sugar beets grown by more than 3,000 members of the California Beet Growers Association in 31 counties, as well as growers in 28 other states, and the beets are processed in sugar factories in 19 states; and

Whereas, California is the nation's leading producer of sugar beets and beet sugar, providing economic opportunity for thousands of growers and farm workers on sugar beet farms and for thousands of workers employed in processing facilities operated by American Crystal Sugar Company, Holly Sugar Corporation, Spreckels Sugar Company, and Union Sugar Division, Consolidated Foods Corporation; and

Whereas, Subsequent economic benefits accrue to the entire State of California, and to the nation, through the purchase of raw materials, goods and services for both sugar beet farming and beet sugar processing; and

Whereas, The significant tax revenues generated by the beet sugar industry help provide for the general welfare of all citizens in the state; now, therefore, be it

Resolved by the Assembly Rules Committee, That the Members recognize the significant contributions that the beet sugar industry has made within the state and throughout the nation, applaud the efforts of those associated with the enterprise during its 100 year history, and wish the industry continued success and progress during the coming 100 years; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to each of the following: the California Beet Growers Association, the American Crystal Sugar Company, the Holly Sugar Corporation, the Spreckels Sugar Company, and the Union Sugar Division, Consolidated Foods Corporation.

Resolution No. 648 approved by the Assembly Rules Committee.

A Concurrent Resolution for the Centennial of the Beet Sugar Industry

Whereas, The beet sugar industry of the United States celebrates its Centennial in 1970 and its hundred years' growth from modest beginnings to the present greatest single source of sugar for American households and the vital food processing industry; and

Whereas, The family farms of 29 states produce sugarbeets, factories of 19 states process the sugar, and millions of consumers are provided their daily superior product at reasonable prices; and

Whereas, In Michigan, the 1969–1970 sugar production of the five factories operated by the Michigan and the Monitor Sugar Companies was 340,500,000 pounds from 1,431,339 tons of sugarbeets harvested from nearly 88,000 acres of farms in the greater Saginaw Valley area. Two principal byproducts of extraction in 1969 yielded 78,633 tons of dried beet pulp and 66,642 tons of molasses. The total gross income for the Michigan sugarbeet growers and processors approximates 42.9 millions of dollars; and

Whereas, With a combined annual payroll of nearly $6,500,000 and their $600,000 yearly taxes, the Michigan and the Monitor Sugar Companies contribute significantly to Michigan economy. Further, their purchase of huge quantities of raw materials, including coal, natural gas, chemicals, packaging items and their extensive use of the State's transport facilities stimulate directly much related commerce, as do their large scale plant renovations and expansion for contractors and suppliers throughout Michigan; now therefore be it

Resolved by the House of Representatives (the Senate concurring), That by these presents the Centennial of the Beet Sugar Industry is recognized and Michigan's farmers and her producers, the Michigan Sugar Company and the Monitor Sugar Company, are accorded tribute and felicitations for their continuing success which is to say, the State's and her citizens' progress; and be it further

Resolved, That copies of this centennial tribute be presented to the Michigan Sugar Company, the Monitor Sugar Company and to the Farmers and Manufacturers Beet Sugar Association, in testimony of the esteem of The Michigan Legislature.

Adopted by the House May 28, 1970.

Adopted by the Senate June 11, 1970.

Proclamation by the Governor of Wyoming

Whereas, 1970 marks the 100th anniversary of the beet sugar industry in the United States; and

Whereas, from its modest beginning, the U.S. beet sugar industry has become the largest single source of sugar for America's households and for the nation's vital food processing industry; and

Whereas, the beet sugar industry in the State of Wyoming provides economic opportunity for hundreds of growers and farm workers on sugar beet farms, and for hundreds of workers employed in processing facilities operated by Holly Sugar Corporation and The Great Western Sugar Company; and

Whereas, subsequent economic benefits accrue to the entire State of Wyoming and to the nation through the purchase of raw materials and goods and services for both sugar beet farming and beet sugar processing; and

Whereas, the significant tax revenues generated by the beet sugar industry help provide for the general welfare of all citizens in the state; and

Whereas, the 1970 beet sugar harvest has recently been completed and has brought forth another bountiful crop;

Now, therefore, I, Stanley K. Hathaway, Governor of the State of Wyoming, do hereby congratulate those involved in the beet sugar industry in Wyoming, and urge the citizens of the state to give proper recognition to this 100th anniversary observance.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Wyoming to be affixed this 23rd day of November 1970.

Stanley K. Hathaway,
Governor.

State of Idaho Proclamation

Whereas, 1970 marks the 100th anniversary of the beet sugar industry in the United States; and

Whereas, From its modest beginning 100 years ago, the U.S. beet sugar industry has become the largest single source of sugar for America's households, and for the country's vital food processing industry, providing consumers with sugar at reasonable prices produced from sugarbeets grown on family farms in 29 States and processed in sugar factories in 19 States; and

Whereas, The beet sugar industry in the State of Idaho provides economic opportunity for thousands of growers and farm workers on sugarbeet farms, and for thousands of workers employed in processing facilities operated by The Amalgamated Sugar Company and the Utah-Idaho Sugar Company; and

Whereas, Subsequent economic benefits accrue to the entire State of Idaho and to the nation through the purchase of raw materials and goods and services for both sugarbeet farming and beet sugar processing; and

Whereas, The significant tax revenues generated by the beet sugar industry help provide for the general welfare of all citizens in the State;

Now, therefore, I, Don Samuelson, Governor of the State of Idaho, do hereby proclaim the week of November 23, 1970, as Beet Sugar Week in Idaho and do further applaud the efforts of those associated with the enterprise during its 100-year history and wish to the industry continued success and progress during the coming 100 years.

Don Samuelson,
Governor of the State of Idaho.

State of Washington, Office of the Governor

November 17, 1970, marks the 100th anniversary of the beet sugar industry in the United States.

From a modest beginning 100 years ago the United States beet sugar industry has become the largest single source of sugar for America's households and for the countrys' vital food processing industry, providing customers with sugar at reasonable prices produced from sugar beets grown on family farms in 29 states and processed in sugar factories in 19 states.

The beet sugar industry in the State of Washington provides economic opportunity for many farmers and farm workers on sugar beet farms, and for many workers employed in processing facilities operated by U and I Sugar Company.

Subsequent economic benefits accrue to the entire State and to the nation through the purchase of raw materials and goods and services both for sugar beet farming and beet sugar processing.

The tax revenues generated by the expanding beet sugar industry help provide for the general welfare of all citizens in the State.

Now, therefore, I, Daniel J. Evans, Governor of the State of Washington, shall designate Beet Sugar Day in Washington, commend the industry for its contributions to the general good, and extend best wishes for continued progress during the coming 100 years.

Daniel J. Evans, *Governor.*

Official Memorandum by Preston Smith, Governor of Texas

Greetings: 1970 marks the 100th anniversary of the beet sugar industry in the United States.

From its modest beginning 100 years ago, the U.S. beet sugar industry has become the largest single source of sugar for America's households and for the nation's vital food processing industry, providing consumers with sugar at reasonable prices produced from sugarbeets grown on family farms in 29 states and processed in sugar factories in 19 states.

The beet sugar industry in the State of Texas provides economic opportunity for hundreds of growers and farm workers on sugarbeet farms, and for hundreds of workers employed in processing facilities.

Subsequent economic benefits accrue to the entire State of Texas and to the nation through the purchase of raw materials and goods and services for both sugarbeet farming and beet sugar processing, and significant tax revenues are generated by the beet sugar industry.

Therefore, I, as Governor of Texas, do hereby call to the attention of all citizens the significant contributions that the beet sugar industry has made within the State and throughout the nation, and extend best wishes for the continued success and progress of the industry.

In official recognition whereof, I hereby affix my signature this 13th day of April, 1970.

Preston Smith,
Governor of Texas.

VICE PRESIDENT'S REMARKS AT CONGRESSMAN AYRES' TESTIMONIAL DINNER

Mr. SAXBE. Mr. President, I read with interest this morning the speech that was delivered by the Vice President last night. He was appearing in Akron, Ohio, to honor Congressman BILL AYRES who was defeated for reelection after serving 10 terms in Congress.

We can all join in his words of commendation for our good friend BILL AYRES, who has served his district well and has gained the admiration and respect of members of both parties here in Washington.

The Vice President then went on to say that division is a necessary part of elections in this country and afterwards in the best American tradition we bind up the wounds and proceed to the business of the country. So be it.

What needs further to be said is that there must be a mutual effort to close ranks both within and without the party. Angry rhetoric can be forgiven and forgotten, and should be if made in the heat of a campaign. Overstatement has rightly or wrongly been a part of American politics. We learn to live with it and most participants are willing to let time heal the inflammation that results.

Unfortunately, in the last election some proceeded from overstatement to threats and from threats to the questioning of loyalty and patriotism of other candidates and noncandidate officials. This has always been repugnant to men of good will and patriots who zealously guard our hard-won and fragile independence and liberty—repugnant because many of us know through our daily mail that there is no shortage of bigots who in their misguided patriotism readily proffer lists of persons they consider traitors and who, they urge, should be behind bars that they could not interfere, as they say, with the good and true men of our country.

The people who make these demands need no encouragement; threats, however veiled, by persons of substance and position are seen as a green light by such zealots. I am sure that the Vice President had no intention of unleashing such sentiments in others less erudite and informed. But the result regardless of intention is what we must ponder.

We all admire President Nixon for his coolness and restraint. I truly feel he desires to bring us together. His appointees daily reflect this concern in their dealings with Congress.

It is good that we make reappraisals, however agonizing, of our part in contributing to victory or defeat in our continuing contests. But it is also good that we profit by our experience and resolve to do better.

As we end this session of Congress it is a particularly timely occasion for such resolve. We have made mistakes, we have sinned grievously, but we have also won some battles and by good offices occasionally been peacemaker, the best role of all.

I read into the Vice President's remarks a touch of the olive. If this is so then we should all take heart; look to our own households, recall that this country's welfare eclipses all pettiness and constantly calls us to observe that the main thrust for all segments of our society is to preserve liberty, to respect properly constituted authority and to carry on the business of the country with dignity and purpose.

I ask that the Vice President's speech be printed in the RECORD and I hope that others of my colleagues find there what I do and that we go into the new Congress free of partisan and personal rancor, willing to learn from the past but not be its captive. Not certainly abandoning our privilege to partisan views and statements but with a resolve that such activities are only an incidental part of our primary obligation to our country.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

CONGRESSMAN AYRES' TESTIMONIAL DINNER, AKRON, OHIO, DECEMBER 17, 1970

It is a pleasure to be with you tonight to pay tribute to one of the finest among the many fine Congressional leaders I have known—Bill Ayres.

Bill has always been a fighter. It came as no surprise to me to learn that he is the only Republican officeholder in modern times ever to win re-election in Summit County. The fact that he served ten straight terms in Congress is eloquent testimony to the representation he gave the City of Akron and Summit County. The absence of Bill Ayres from the next Congress will be a loss to the nation, as well as to Ohio.

Ohioans will never forget Bill Ayres' leadership in the neglected field of vocational education, an interest which your great Governor, Jim Rhodes and I share. Nationally, hundreds of thousands of ex-servicemen are indebted to Bill as the author of the Cold War GI Bill of Rights which has enabled them to continue their training and education.

Bill also has an identity with the youth of this area. They tell me that years ago, when he was running for re-election, he gave his children T-shirts that had "Bill Ayres is my Daddy" painted on the front. But when his children went to school with those T-shirts on, the other kids wanted one, too. Pretty soon there were hundreds of kids in Akron wearing shirts that said, "Bill Ayres is my Daddy." I'm not sure how Mrs. Ayres felt about that one, but it was great for the Republican party. Sort of made Bill Ayres the Father of Akron.

I realize that this dinner is primarily to honor Bill Ayres and his service in the Congress, but there is another prominent Republican from Akron that I would like to recognize. I'm talking about Ray Bliss, one of the greatest chairmen that the National Republican party has ever had.

It's because of Ray that the national party was able to make such a strong showing in the 1968 elections—and for that President Nixon and I are grateful.

We salute the City of Akron for giving us both of these outstanding Republicans—Ray Bliss and Bill Ayres.

Tonight I would like to discuss with you a topic that I believe pertinent, now that the elections are over.

Many qualities have made this country great. I would like to focus on two that concern the politician particularly: first, the willingness to fight hard, and, second, the commitment to unity, the readiness to fall in behind the winner, when the battle is over. It boils down to positive division before an election, and a realistic reuniting after the election. Some may consider these two incompatible—I do not.

As you know, this Administration went on the offensive this fall and fought aggressively for Republican candidates. For doing so we were labeled "divisive." We were raked over the coals by some of the leading politicians and commentators for attacking our opponents. Somehow, it was forgotten that in 1964 the Democrats had run an ad on television, that showed a little girl pulling petals off a flower, and then an H-Bomb going off behind her. Somehow, it was forgotten that in 1964 a number of prominent American politicians and opinion leaders, called the Republican Party's nominee for President the closest thing to Hitler this country had yet seen. Also, it was forgotten that not too many months ago one of the most prominent members of the United States Senate likened me to Joseph Goebbels and a senate candidate of the other party referred to me as the "Baltimore Greek who should be put back on the leash."

But never mind—never mind the fact that these attacks seem to have been forgotten. What I am interested in is in the implication that the harsh thrust of partisan debate suddenly in 1970 no longer has a place in American politics.

I disagree. Division can be constructive. I believe that what is called the adversary system in our legal profession also has a place in other areas of our society. I say this as one who was trained in the law, who for many years practiced the law and taught the law.

Consider for a minute what the adversary system accomplishes. Both prosecution and defense fight vigorously for victory. They seek our facts and witnesses that support their client's cause and hurt their opponent's cause—then they marshal their arguments with but a single thought in mind: to win. For victory they strain every nerve, and no one can deny their right to do so. Indeed, it is their duty.

To some this may seem far removed from justice. But remember: there are several advocates, one for each competing position. And the decision is not handed down by them: it is handed down by the judge, or by the jury.

Judge and jury depend upon the advocates for a knowledge of the facts and weigh their credibility. For it is the assumption of the adversary system that only an advocate who thirsts for victory will possess the requisite intensity of spirit and of intellect to ferret out the pertinent details, no matter how minute, and to construct from them the most persuasive arguments. And it is the further assumption of this system that when committed advocates present opposing sides of any issue, all the necessary facts and arguments will be brought before the judge and jury for consideration. Thus the decision will be based on complete enlightenment and information that has borne the test of hostile investigation.

Such is the role of the adversary system in the law courts. It is also the role of tough political partisanship in the public forum. It is a constructive role. It brings to the attention of the public all the facts and all the arguments. And both sides know that the public will judge between them on the basis of what they have brought into open confrontation.

This partisanship must be pursued zealously, vigorously, without hesitation.

But, by the same token, the verdict of the public must also be accepted without hesitation: even as the lawyers in a trial accept the verdict of the judge and jury. Win or lose, the litigants counsel remain committed to our system of justice, and they prepare themselves for the next trial, where justice will again be determined on the basis of hard partisan debate.

So also in politics, both within a party and within the nation. Once the primary or the election is past, the winner has the right to expect the reasonable support of the losing side, and the loser has the duty to pledge that support. I say this in full knowledge that seldom in a democratic election does the winner win with much more than 50% of the vote. In other words, almost one-half of the electorate is expected, after every election, to give their support to someone they did not want. And in not a few elections under the American system, a *majority* of the voters are asked to support a man that they opposed.

In the State of New York, for example, within the past four years, the Governor, the Mayor of New York City and a United States Senator have been elected with less than 50 per cent of the vote.

On the national level, Abraham Lincoln, Woodrow Wilson, John F. Kennedy and Richard Nixon were all elected President with less than a majority of the vote.

Yet in all of these victories, and in many others in our history, the men who were elected did not hesitate to assume the powers and responsibilities of office because they knew that under our system they had a mandate to govern and could expect the loyalty of the great majority of American citizens.

If this thought of acquiescence by the people in properly implemented governmental decisions appears to obviate the right of dissent, let me emphatically reject that premise. Certainly there should be full freedom to lawfully disagree with the decisions of public officials and to demonstrate dissent in accordance with our constitutional prerogatives. But attempts to dissuade duly constituted authority from a chosen course of action should not cross the line to disruption and other illegal procedures. They should be proper and constructive. They should not be carried on for the purpose of harrassment, but for the purpose of enlightenment and the focus of attention on a point of view. Public officials once elected deserve the opportunity to carry out their mandates without willful obstruction at every turn.

It is exactly the same within a party. Conventions and primary contests for a nomination often can be extremely bitter. But after the battle, a party's ranks should close. I believe the Democrats have traditionally understood this lesson better than we.

Party unity is essential to party strength. I say this not only with an eye to the health of the Republican Party, but also to the welfare of the nation. A strong, two-party system is vital to democracy in this country. A loyal opposition puts pressure on the incumbent and forces him to be alert, cautious and honest. But in order to provide this service to the nation, the opposition must be strong, it must be able to offer an alternative at every step of the way; at national, state, county and municipal elections, everywhere throughout the land. A fragmented party cannot be strong. Strength requires party loyalty and party discipline.

That is why this Administration welcomes the new Senator from New York, even though he was elected not as a Republican, which he happens to be, but as a Conservative. He has given every indication that he will be a loyal Republican and I would hope that he will be accepted into the Republican Senate caucus, not for his ideology, but for his loyalty.

And in another sense, that is why I have come to Akron tonight: to indicate to you and to Bill Ayres that, win or lose, I remain loyal to this man who served so long and so well his party, his constituents, and his country. He has been true to his principles and to the interests of the residents of this district. He has upheld steadfastly and continuously the American system which for 20 years enabled him to represent you in the Congress. I have no doubt he will continue to uphold that system and will be entirely constructive in his attitude toward the man he fought so hard to beat. This is as it should be. We must not hesitate to fight for the things that we believe in. And when we fight, let us be tough. But when the fight is over, let us put aside the battle gear and join together for a better nation.

MR. SAMUEL PISAR ON EAST-WEST TRADE

Mr. KENNEDY. Mr. President, last week, the Subcommittee on Foreign Economic Policy of the Joint Economic Committee received important new testimony in its continuing series of hearings on East-West economic relations.

One of the witnesses who appeared before the subcommittee was Mr. Samuel Pisar, one of the most distinguished authorities on East-West trade. Mr. Pisar is best known for his recently published book, "Coexistence and Commerce," an excellent current analysis of the philosophy and practice of East-West trade.

In his testimony before the subcommittee last week, Mr. Pisar dramatically demonstrated the declining role of the United States in East-West trade, as the major industrial nations of Western Europe begin to expand their own role in this sphere.

Mr. Pisar spoke clearly of the challenges we face in this important area and the pitfalls we must avoid. I believe that his testimony will be of interest to all of us in Congress concerned with this problem, and I ask unanimous consent that it may be printed at this point in the Record.

Coexistence and Commerce: Practicing the American Ethic

(Testimony of Samuel Pisar, Joint Economic Committee, Subcommittee on Foreign Economic Policy, Hearings on East-West Economic Relations)

Presumably it is to the recent publication of my book, here and abroad, that I owe the privilege of appearing before this Committee. Yet, what I have to say derives primarily not from academic research but practical experience as a counsellor to multinational corporations and banks in this country and in Western Europe. Assuming you want my views on what U.S. economic policy toward the East should be, I will point out newly arisen opportunities for a change of course and offer some specific proposals.

Twenty years after World War II it has become clear that the Soviet Union's effort to build a cohesive, separate and self-sufficient communist commonwealth has failed. It has failed because the political interests of an industrialized Russian giant and the national aspirations of the smaller Eastern European countries cannot be reconciled. It has failed in a larger sense because the economic system of state socialism has proven too rigid to meet the needs of the masses and the demands of the new technological age. Indeed, it has not only failed in its own orbit, but has discredited socialism in the West as well. The British Labor Party and similarly inclined political groups in Europe have abandoned the platform of nationalization, in part because the Soviet model has resisted both efficiency and democratization. Can there be a clearer admission of the failure of Marxist-Leninist economics than to invite Fiat, Ford and IBM to Russia, after half a century of communist power, to show how modern automobile and computer industries should be built?

The more enlightened communist leaders know that they are facing a painful choice: if they do not allow the warm winds of Western know-how to blow Eastward, their bloc will end up with stagnating economies; if they loosen up their system they may unleash changes that will sweep away their authoritarian power. I believe that the social and economic pressures within communism's own bosom are sufficiently strong to tip the balance in favor of those willing to relax the iron grip, in return for the material benefits their people want so much and need so badly.

The conservative Stalinists remain wedded to the dogma that capitalism is doomed to oblivion. Fearing external influences, ill at ease with an emboldened class of intellectuals they would consign the most spirited and original minds to a mental institution. But this blindness to the inevitable link between industrial progress and human freedom has proven costly. In an era of galloping technological invention there can be no sustained economic advance unless minds are free. The cost was succinctly tabulated by an elite member of the Soviet establishment, the atomic scientist Andrei Sakharov: "Comparing our economy to that of the United States we find that we are behind not only on the quantitative plane, but also—and this is much sadder—on the qualitative plane. The gulf is all the greater in the newest and most revolutionary sectors of the economy. We are ahead of America in coal extraction, but behind in oil, gas and electric energy; we are ten years behind in chemicals and infinitely behind in computer technology. . . . We simply live in another era."

Eastern economic planners have lately come to value Western goods, services and methods. The Soviet Union is now engaged in external commercial operations on a larger scale, in terms of volume, variety and geography, than at any time since the Bolshevik revolution. It has given official endorsement to the law of comparative advantage, by which each nation trades what it can produce more efficiently, for what it needs most urgently. The smaller Eastern European countries, which Russia tried to incorporate into its own closed trade circuits have moved even more daringly in the direction of industrial and commercial involvement with the outside world.

In the last decade, Eastern trade with the West has spiraled upward at a hefty annual rate of 10%; with the less developed world at a spectacular rate of 20%. Moreover, the growth extends beyond the conventional exchange of physical goods to the new dimension of scientific, technological and industrial cooperation and joint business ventures of various types. Particularly significant is the emergence of the transideological corporation through which communist and capitalist firms pursue their profit-making objectives in partnership.

The new opportunities offered by this development are now being seized elsewhere in the world. Our allies are in the forefront of the quest to roll back the ramparts of the cold war. For sometime, and more so in the wake of the new Russo-German non-aggression treaty, their business communities have been enjoying a feast in the Eastern markets. American firms, deprived of an equal right to compete, are left only with the crumbs.

East-West commerce still accounts for a small fraction of the total \$300 billion value of world trade. It will therefore be a major new frontier of the international economy. Yet America, the leading repository of man's technological know-how, with a gross national product of almost one trillion dollars and a stake of over 25% in the total merchandise going to the world market, represents less than 1% of East-West commerce, hardly one-tenth of the share commanded by the European Economic Community. And its position is constantly declining. In the process, the United States is becoming steadily less relevant to the dynamics of the East-West situation and less influential in Europe, as the continent is going its own separate way. I submit that in the present context of international relations, this constitutes both bad business and bad diplomacy.

If there are strategic considerations which prevent Ford from building trucks in Russia, why are Daimler-Benz of Germany, Renault of France and Leyland of England (all protected by six costly American divisions, not to mention our nuclear umbrella) free to bid for the same project, with the most eager support of their governments? The United States seems to be holding back trade without being able to enforce its professed aims. The goods which we think the communists should not have get there anyway, to the detriment of American business, American labor and the American balance of payments.

In short, U.S. policy has become outdated, incoherent and dangerously out of step with the rest of the alliance. Western Europe and Japan, traumatised by a surge of protectionist sentiment in this country, are pushing ever more aggressively to open alternative markets in the East. Were such sentiment to become law, it would lead to an economic fragmentation of the free world and a weakening of the common front against communism.

Efforts to expand our economic dealings with the East are controversial, for in the background lie potent and legitimate concerns. The Soviets will probably continue to raise threats, as they have been doing over Berlin, at the Suez Canal and in the SALT negotiations of Helsinki. But the mutual interest in survival and prosperity requires that we continue the arduous process of building bridges across the underlying gulf of hostility.

The long neglected Eastern masses are yearning for a consumer society. It is in our self-interest to help them build such a society, not only because there is profit in it, but also because this offers us a chance to take the fuses out of communism's hostile ideology and to enable its social and economic system to evolve toward ours.

There is one area, and one alone, in which the Russians have become self-sufficient: in their war machine. While it would be foolhardy and immoral to sell them strategic goods, it is naive to think that by not trading with the East we can make it militarily weaker; our embargoes have not significantly diminished communist strength. Realistically, all we can hope for is to render the communist world less willing to go to war. At a time of thermonuclear stand-off, this hope can best be furthered by selling it the peaceful goods and technology needed to build a consumer society. Whatever risks might be entailed in such a course have now become small and are worth taking.

As the communist societies falter beneath the burden of excessive regimentation, and the free enterprise societies brace themselves for the onslaught of internal disorder, the two are creeping closer together. Each has more to gain from closer intercourse with the other. Ironically, the newly found bond is common desperation: the urban problems, social problems, problems of poverty and inequality which plague all industrial nations. In this context the promise of East-West trade becomes more than economic. It is a venture on a scale to reawaken the idealism of an alienated generation of youth which feels that not all in the West is good and not all in the East is evil. It is enough to refire the enthusiasm of our beseiged industrial society. For it offers a chance to extend the frontiers of individual initiative, material progress and human freedom not only to Eastern Europe and Soviet Russia, but eventually to China as well.

I am proceeding from the assumption that both communism and free enterprise will survive into the indefinite future. Neither side will voluntarily dismantle its own social structure or try to overwhelm the other with armed force. This stalemate holds out the relatively cheerful prospects of coexistence and, with luck, constructive cooperation and competition. But to turn these prospects into reality, the United States must shift the focus from military to economic diplomacy.

The main thrust of my argument is this: In the present phase of the historic contests with communism it is not our costly and far-flung military arsenal, but our superior capacity for economic progress that constitutes our most effective (and most neglected) weapon. In a figurative sense, we can only conquer the East with the peaceful sword of commerce and industry, and the human freedoms that goes with it. This sword is best wielded by the imaginative American businessman. I call it a "tender conquest" because deeply within the psyche it is welcomed by the victim.

In this spirit, and in order to give concrete shape to my ideas, I have attempted to draft a model charter for East-West economic relations, a charter designed to remove the bureaucratic racks and screws by which trade is still tortured, and to help establish a permanent framework for commerce between state enterprise and free enterprise systems. No final instrument can spring from the mind of a solitary draftsman as Pallas Athene is fabled to have sprung fully equipped from the head of her father Zeus. My guidelines, addressed (not too pretentiously I hope) to policymakers, legislators, administrators, adjudicators and, above all, those engaged in day-to-day business transactions may, perhaps, offer a departure for a new policy approach. I would be glad, if you wish, to have them included in the records of this distinguished Committee.

In conclusion, permit me to formulate what I see as a double challenge, one for businessmen, the other for statesmen.

Since time immemorial, merchants venturing into remote markets have somehow managed to build friendly and lasting relationships, and to overcome the obstacles of religion, racism, nationalism and witchcraft. What they are presently facing in the East is no more than the hesitant resistance of a faltering ideology, one that is in awe of their accomplishments, willing to employ their techniques, but unable to embrace certain of their objectives. The pragmatic American businessman must be unshackled to play his part in the long process of competition and reconciliation that lies ahead, and to make an honest profit too. This is at the very heart of the American ethic.

For the great trading nations of the West which are at the center of world commerce, the challenge is how to assimilate the communist state monopolies into an orderly pattern of international economic cooperation, and thus enable East-West exchange to realize its full potential for prosperity and peace.

VETO OF MANPOWER TRAINING BILL

Mr. TOWER. Mr. President, unlike the views previously expressed by some of my colleagues, I am most pleased that the President has vetoed the manpower training bill passed by the Congress.

Although I was unable to be here the day the conference report was taken up, I was positioned against the bill. It is indeed true that reform of the existing manpower training programs has received careful scrutiny by the Congress in this session. When we debated this bill, my distinguished colleague from Colorado (Mr. Dominick) offered a number of amendments on behalf of the administration. I believe that it was unfortunate that these amendments, encompassing most of the original provisions of the President's recommendations, were defeated.

Instead of adopting reforms to both consolidate existing manpower programs and decentralize their control, the main emphasis of the Senate bill and the conference report was on providing federally subsidized public service employment jobs. By adopting this concept the Congress had returned to the philosophy of government that was most popular in the 1930's.

It is my hope that the Congress of the United States will recognize the problems of the 1970's are not the same as those we experienced in the 1930's. By implementing public sector employment for the unemployed, this Nation will again embark on the institution of another federally financed welfare program.

There is no incentive provided in this type of program. What would result is the perpetuation of another program lacking opportunities for further advancement. The bill the President vetoed represents an emotional reaction to a high unemployment rate.

The emphasis of Government should be to provide a system of long-range training opportunities emphasizing the input that can be made by State and local governments with the assistance of the private sector. This is the main thrust of the President's original proposal.

I am hopeful that the Congress, especially the Senate, will recognize the advantages of decentralization of this type of program. In the meantime, I am most confident that the economic situation, which provided the impetus for consideration of the vetoed bill, will show notable improvements in both the fight on inflation and the reduction of unemployment.

GENOCIDE CONVENTION IS NOT A THREAT TO SOVEREIGNTY OF UNITED STATES

Mr. PROXMIRE. Mr. President, many of the foes of the Genocide Convention are making false accusations concerning this convention. One of the more prominent false rumors which has been spread concerning this convention is that if the United States ratified the treaty our Nation's sovereignty would be threatened. This is an absurd rumor and has no basis in fact.

The fact is, as the section on individual rights and responsibilities of the American Bar Association said, and I quote:

> The idea that treaties are the most solemn of international commitments, that they may and should be used to limit the actions of states and engage them in common pursuits, has been accepted, in the United States and universally. Further, and most relevant here, the idea has been accepted that treaties may and should be used to define what areas of individual and governmental activity are matters of international concern. In other words, nothing in the United Nations Charter nor in the many subsequent treaties—including the Genocide Convention—alters the basic principle that matters essentially within the domestic jurisdiction of states must be left to the states without outside interven-

tions. What the Charter, and some of the treaties—including the Genocide Convention—do, is to say that certain kinds of activity are now the concern of all.

This portion of the section on individual rights and responsibilities of the ABA states that genocide is a threat to all mankind and thus is more than an internal matter for any nation. The fact that the entire world went into outrage at the atrocities committed by Germany against the Jews is a prime example of this fact.

The report goes on to say that—

> Seen in terms of a threat to international peace and security, the occurrence of genocide anywhere in the world is as much a matter of international concern as, for example, the spread of nuclear weapons.

The result of outlawing genocide for states and individuals is not an infringement upon the right of a state to make genocide, but more importantly it is a protection and guarantee for the right to life for all men. There is a correlative found in individual states outlawing murder. None of us view the restriction on us against committing murder as a restriction or an infringement upon our sovereignty as individuals, but rather we see this restriction as a protection against man's inhumanity to man.

It has become very easy for us to make accusations without analyzing the details and effects of certain treaties and programs. Certainly this has been the case with the Genocide Convention. I believe the time has come for us to debate the actual content and intent of this treaty. Twenty years is long enough to wait.

TRIBUTE TO BOB BENNETT

Mr. ALLOTT. Mr. President, it has come to my attention that Bob Bennett, the Director of Congressional Relations at the Department of Transportation, and son of our distinguished colleague Senator WALLACE BENNETT of Utah, is leaving his post to join a private firm.

While he deserves congratulations on this promotion, I would be remiss if I did not say that we who have worked in this transportation field will miss him greatly. There is no doubt that his efforts contributed in no small way to the passage of the many pieces of landmark legislation in the transportation field over the last 2 years.

Much like his father, Bob Bennett is a hard-working, dedicated, and completely honorable man. He did an outstanding job, and as a matter of fact, the rougher the situation, the better his performance.

I wish him continued success and prosperity in his new assignment.

IN THE SPIRIT OF THE SEASON

Mr. INOUYE. Mr. President, I wish to share with my colleagues a most moving article which appeared in last Sunday's Honolulu Star-Bulletin and Advertiser written by Samuel Crowningburg-Amalu. Known to all Hawaiians as Sammy Amalu, this descendent of Hawaii's kings is one of our most perceptive observers and recorders of the passing scene.

Without once mentioning Christmas and, indeed, without once mentioning peace, he has written what I can only describe as a most superlative testament to the spirit of the season we now celebrate. I commend it to you most highly and I wish to associate myself with the thoughts here so wonderfully expressed. I can think of no more descriptive portrayal of the key issue of our times nor a more meaningful statement of the nature of the unmet obligation before us.

I wish to share this message with you and also take this opportunity to extend to you the greetings of the season. Mele Kalikimaka me ka Hauoli Makahiki Hou.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BOY MEETS GIRL: THE OLDEST STORY . . . AND STILL THE BEST

(By Samuel Crowningburg-Amalu)

Once I was asked a question—if you had been granted but one wish, for what would you ask? Immediate answers quickly rose to my lips. Happiness, wealth, honors, fame and prestige, good health. And all as quickly died and faded away. Not for any of them would I ask. Not if I had but one wish and only one. Long reflection and the searching of my own soul evoked the only possible answer for me. I would ask that I be wanted by the one I loved. This and naught else.

Wash away the caparison accrescent to life, those false trappings with which we have accoutered life, and what is left but the intrinsic of a boy and a girl. Here is the essential of man—a new Adam, a new Eve, each day resurrected anew. Each new hour brought back to life again. Here lie the seeds whence are to be born the coming generations of man. A boy and a girl. No more. No less.

I watched them as they gathered from all over this vast land. Women. Some of them almost children. They had come for one single purpose—to gather again to their breasts, long starved by separation, the men they loved. To hold them again in their arms. To know their flesh again and the warmth of their lips. To see again in the eyes of their men that spark of love and of wanting that through all the long hours apart, they had never forgotten.

I looked upon these women, these girls, and my heart bled for them. I knew a joy akin to their own joy that they would soon greet the boys they loved. But I also knew a great sadness for I could not forget the hour that only too soon would come to them when they and their men must part again. They to return to their own lonely beds. Their men to the battlefields and perhaps to death.

How painstakingly these girls must have dressed this morning. Each hair in place; the lipstick just right. And just the right dress to please one guy, to recall again to some lad a girl and an hour that once they both knew. They stood in two long lines—nervous, anxious, and most of all filled with the fear that he might not come. They stood in two long lines, and each heart prayed a silent prayer of aching tears and lonely nights. A prayer that their men would indeed return to them from the war torn marshes and fens of Annam, of Cochin China, and of Tonkin. For their men were soldiers and sailors and marines and boys of the air force. Their men were flying in from Saigon and Da Nang. They were flying in by chartered planes and would then be ferried by bus to the Rest and Recuperation Center at Fort DeRussy. Twice a day do they come—eight busloads of them—day after day for 365 days a year.

And twice a day this same scene is enacted—a girl waiting for the boy she loves. Just so, through all the past ages, women have waited for their warrior men to come home. Some did. Others never did. Is there ever to be an end to this? Might we not have wrought some more fortunate design in life than war? Is not Death already so sure in the lives of human kind; must we speed his coming and sharpen his scythe with our endless wars? Is there no respite for us and for the women who must waste their days in waiting?

I just do not see how they manage to do it and to continue doing it, the men and women who work at the R and R Center. I certainly could not. The air is too heavily charged with emotion, too drowned in waves of anxiety. I listened to Army Chaplain James R. Linderman as he led these anxious girls through their last hour of waiting, right up to the climactic point when the bus arrived, and their boys were there.

I watched him skillfully weave a web of distraction and diversion. It was an art, but one that only a kindly and loving heart could perform. It was a generous gesture for it prepared the girls in a way that they could never have done for themselves. Without a crook, without a staff, he is the good shepherd. He leads these girls out of the valley and into the arms of their men.

I talked to Captain Sybil Lawless of the WAC, the Operations Officer at the Center. And I asked her—My God, how can you stand this day after day? Do you ever get inured to it, ever get used to it? And she looked at me with a wistful eye and a shy smile, and she replied: No, I can never be inured to it. But we must do it. They are our boys. And our girls.

I talked to Dave Ziebenhenne, the coordinator at the Center for the Hawaii Visitors Bureau, and he gave me the figures. Ten thousand men a month arriving at Fort DeRussy. Almost $9 million spent by these men each year in Hawaii. The R and R program represents a not inconsiderable portion of our state's economy. The figures are there, and they are astonishing. Almost 57,000 military personnel and their dependents in only the first quarter of this fiscal year.

And then I went back to the girls and stood beside them as they waited for their men to come home. I watched their excitement mount, their anxiety build to a near frenzy as the moment neared when a bus would draw up to the door and a lad would jump out into their arms—perhaps. I watched some who stood there all atrembling, hands shaking, barely able to stand. Others tried their best to appear calm, perhaps even disinterested—except for the tears in their eyes. I watched these girls, and I thought to myself—Good God, what are we doing to you and to the men you love? What are we doing to you who are our children?

Then, before you knew it, the entire thing was done. The bus had arrived. A boy had leaped out, took his girl in his arms, held her to him with a hunger that almost hurt, and kissed her—a long, long kiss. And they were gone.

I walked away and went back to my helicopter where Cecil Harris, a soldier lad, was waiting to take me home. I gazed long at Cecil, and he looked back at me. And in that moment, I think we both managed to bridge the years that separated his generation from mine. Only then did I finally understand the agony of our days. We were both caught in a seine that neither of us had woven, nor could we ever escape.

I saw the youth of him, the strong and silent courage of him. And I knew that this was the way of every soldier who would live for his country—or die for it if he must. I saw again in Cecil a shadow of myself a quarter century ago. And I knew in my own heart that I had failed him somehow, that I had not done enough in my own days to assure that this child and any child in all the world would never again have to go to war. To assure that never again would any girl have to come from the ends of the Earth to wait for her warrior lad back from the wars.

There is no escape for any of us. Cecil will go back to Vietnam. That is where a soldier goes. That is where the war is fought. And I will go back to Mokuleia and wonder what I might have done—what I could have done. But this one truth I learned this day—there is only one essential in life. A boy and a girl. No more. No less.

THE SST

Mr. FANNIN. Mr. President, I am sure my colleagues will be interested in the conference held December 7, 1970, at the Wings Club in New York City's Biltmore Hotel concerning the SST. Major airlines of the United States held the press conference. Attending were Najeeb Halaby, president and chief executive of Pan American World Airways; Charles Tillinghast, chairman of the board, TWA; George Spater, president and chief executive officer, American Airlines; Floyd Hall, president and chief executive officer, Eastern Air Lines; and John Blackman, vice president public affairs representing George Keck, president and chief executive officer, United Airlines.

In a statement on behalf of those present, Mr. Halaby said:

We are here today to express our convictions that the United States should proceed with the program to build two prototype supersonic transports for test and research purposes.

This program is essential so that we do not foreclose the possibility of our country building the airplane of the future and forefeit that opportunity instead to the British, French or Russians.

The Senate's reversal of America's supersonic transport program is a drastic, extreme measure. Here was a nine year old policy supported by three Presidents—initiated by President Kennedy and supported by Presidents Johnson and Nixon—and by five Congresses since then, a program studied by scores of Congressional committees. We thought there was no doubt as to the country's policy, only the question of how much appropriation should be allocated on what schedule.

After studying the debate, the Chief Executives of the airlines represented here today realize that 52 Senators of the United States do not understand the program and the Senate has reversed field in the ninth year of the program.

There have been a number of questions properly asked about the U.S. Supersonic transport. We would like to reply to them very briefly.

The first question is whether or not the airlines support the program.

The answer is unequivocal. We support the program to build two prototypes, then to decide on whether or not a production model should be built, what its specifications should be with all the test data, actual facts, before us, and not make a decision on speculations by scientists pro and con but actual hard facts before us. This program, therefore, the President's program, has the support of the airline industry.

Second, are we able to pay for our part of the program?

We believe that the Government and the aerospace industry and the airlines will be able to arrange for each to pay its part in the time period 1976 to 1980.

Third, are we prepared to invest in the program?

Twenty-six airlines have already put up $81 million in the program—$18 million for Pan Am alone—money we could have used otherwise, but which we paid into the U.S. Treasury five years ago as our evidence of faith in the program.

Fourth, how about the airplane engine and engine manufacturers?

They have invested some $206 million and are committed to invest further as the program progresses.

Fifth, what about jobs?

The American program means jobs . . . tax revenues . . . a favorable balance of trade. It means the creation of jobs for Americans, not the export of jobs—not only for 1971 and 1972 but for the entire decade and probably the next two decades. We think that keeping thousands of highly skilled people employed in any economy that has almost five million unemployed would be a high national priority.

Sixth, is this a subsidy by the U.S. Government?

It is not a subsidy to labor, the manufacturers, or to the airlines. The Government estimates that the SST, if successful will return its investment to the U.S. Government—a billion dollars if 500 aircraft are sold.

Seventh, what sort of a supersonic will we as airlines accept?

Only one that is safe and economically and socially acceptable.

We haven't the slightest intention of sonic booming our passengers or prospective passengers or our prospective shippers.

We haven't the slightest intention of making any more disturbances at airports than we now make and we have assumed all along that none of the Governments in which we might be permitted to operate this airplane would permit any such social damage or disturbance. Not only does the Government prohibit such damage or disturbance, but we would not undertake it. The fact is that we do not yet know whether there would be any damage or disturbance. We will only know when development and testing are complete.

The SST is coming. The sole question is whether we do it, or whether we let someone else do it. If we do it we will gain the benefits.

If somebody else does it, we will lose world leadership in aviation as we have lost it in shipping. As we look around the world and see what is happening in steel production, automobile production, textile production, is there not some basis for the conclusion that we had better hold tight to what production advantages we still have?

We believe opponents of the SST have been misguided in wanting to cancel the prototype program when that program is specifically designed to determine whether or not an environmentally satisfactory SST can be built.

We believe opponents of the SST have seriously underestimated the adverse economic effects, both immediate and long term, of canceling the program.

Also, two airline presidents who could not be present at the Wings Club conference wired Mr. Halaby at the conference as follows:

Braniff International,
Dallas, Tex., December 7, 1970.
To: Najeeb E. Halaby.

"Regret unable to be with you today, but I take this opportunity to go on record again as wholeheartedly endorsing the SST development program.

At this point it is almost inconceivable that we could consider wasting the ability and knowledge we have gained from the research and development already placed into this program. It must be continued so that we do not lose this momentum.

The SST proposed by the United States represents not only logical technical advancement, but also a new and necessary tool by which this country will be able to maintain its leadership in world transportation and trade. I firmly believe that its economic advantages far outweigh any disadvantages.

We respect the opinion of those who oppose the SST on environmental and/or economic grounds, but we submit that there are solutions which will certainly not be brought about if research and development is brought to a standstill."

/s/ Harding L. Lawrence,
Chairman of the Board, and Chief Executive Officer.

Continental Air Lines, *December 7, 1970.*
To: Najeeb E. Halaby, Pan American World Airways, Inc.

"All of us at Continental Air Lines join with you in requesting further Congressional review and support of the United States' Supersonic aircraft. This nation has always led the world in the air age. To resign this leading role in international industry and retreat from greatness would be a grievous error with unhappy results in every phase of the air transport industry."

/s/ Robert F. Six, *President.*

CIGARETTE ADS

Mr. MOSS. Mr. President, after January 1, 1971, cigarette advertisements will no longer be allowed on radio and television in this country. Other nations are also beginning to take action to discourage the use of tobacco, knowing as we do, of the health hazard involved.

The New York Times of December 16 contains an article regarding such action taken in the British Parliament, and I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Wed., Dec. 16, 1970]

House of Commons Accepts Private Antismoking Bill

London, Dec. 15.—The House of Commons gave a nod of approval today to a plea for stricter measures to discourage the use of tobacco.

Sir Gerald Nabarro, a back-bench Conservative, introduced a private member's bill, with House approval, that would require a "lurid" warning on all cigarette and other tobacco packages about the health hazards involved. Also it would require a statement of what Sir Gerald called the "poison" contents—tar and nicotine.

Such private members' bills do not usually get very far in Parliament unless the Government decides to support them. The Conservative Government's attitude on the Nabarro measure is unknown, but today's favorable reception could encourage support.

INDUCING THE PROFIT MOTIVE AMONG EMPLOYEES

Mr. TOWER. Mr. President, a most thoughtful article on the profit incentive as an employee motivation appeared in the November edition of the magazine, the Chief Executive. The author is the newly elected chairman, president, and chief executive officer of Ling-Temco-Vought, Inc., Mr. Paul Thayer. I might note that Paul Thayer speaks from a commanding position on this subject as a look at L-T-V's sales history during the period from 1965 to the present will show. Under Paul Thayer's presidency over that time sales grew from $195 million to $714 million.

I ask that the text of the article be reprinted for the benefit of my colleagues in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Inducing the Profit Motive Among Employes

In employe communication, the profit motive is the end, and other rationale is merely means to its achievement.

Too many businessmen fail to recognize the goal of any effort to communicate within their organizations. In a recent study made here in Dallas, only one of 22 editors of employe publications stated his charter was to help make a buck. Others reasoned their objective was employe recognition, information, motivation, entertainment, to link distant personnel, "unify the family," or "create 'one big happy family.' "

They're aimed in the right direction. By recognizing an employe's accomplishments you express appreciation, encouragement to continue and set the example for those around him. Recognition boosts morale and motivation. Motivated employes are the ones who will turn out a better product, be on the job and on time regularly and stay with you the longest.

When they reduce rejections and remakes and save you recruiting and training costs through low turnover, they've taken a big step in helping you to a healthy financial statement.

To many, this may seem like cold logic. Not upon closer examination. The informed and motivated person who makes a real contribution to his company's progress is the person who will enjoy promotion, security and long tenure. He recognizes that when the company is profitable, he also profits.

Commands are given by monologue. But understanding is reached through dialogue. Dialogue demands that we earn the right to be heard by lending our ears to what others have to say. Others' opinions can illuminate and often cause a change in our own direction.

Many authorities say a good employee communication plan is a two-way street. On it, questions, opinions and suggestions flow upward, and answers, information and positions flow downward.

I submit that it's more than that: The best plan is an omnidirectional plan. In today's economy, when everyone is aware of outside and uncontrollable threats to his security, it's not uncommon for, say, the engineers and the marketing men to be hostile, or the accounting section to be wary of the computer section, for no other reason than each not understanding the role of the other.

It's not enough for the management above each to know what's going on. Each section should understand the other's importance to the over-all goal and how their functions are related. With effective dialogue from side to side, as well as up and down, "them and we" work can become teamwork.

Some managers hold to the touching belief that they are the sole possessors of all that is right in economics, education, religion or culture—or all four. Through dialogue, the communion of men's minds is likely to broaden and expand their ideas.

A program in which all levels of employes and management enjoy equal access to the ideas, philosophy and opinions of all other levels is one which will provide open channels to more profitable operations.

By opening his mind to his staff and motivating them to do the same to him and their own staff, the chief executive sets the spirit of any communication plan. If he is free with his ideas, those down the line will be, too. But if he feels that "what they don't know won't hurt them," his attitude will silence the entire organization.

His philosophy must be relayed by day-to-day example. No written directive can transmit this message.

To reach today's employe, he must first be identified. What are his needs, his background and interests, his aspiration? He's far more sophisticated today, and is taking home more money, thus making him a more affluent citizen.

Much of what we read and watch today is opinionated—most, subtly, but much, brazenly—and much is slanted against business interests. On a steady diet of such programing the audience is swayed to the media's philosophy.

Communication between the various groups within an organization thus takes on even more importance. To counteract the newspapers' bold headlines about demonstrators at corporate meetings, for example, there must be open, forthright communication channels within the company.

To answer the commentator's over-attention to dissenters, there must be confident understanding among all levels of management and employes.

In any organization there are key individuals who have become natural opinion centers—people others have confidence in and respect Without charter of any kind, they merely evolve into positions of *ex officio* leadership. They're on top of things. They know what's going on and how to pull strings. And they pass it on or use it to impress those around them.

Union leaders and other groups have understood this process and used it to their advantage for years. Management can, and should, do the same. In most cases their views are no more than the result of having seen only one side of the issue. Reveal the other side to them, candidly, and they'll become important keys to an effective employe communication program.

The media of employe communication are as diverse as the imagination, but what is appropriate for one organization may be impractical to another. An elaborate, full-color monthly magazine is obviously out of the question for a 200-employe company, but a mimeographed newsletter may be perfect.

Closed-circuit TV and videotape presentations are available to only the richest corporations, but a well-prepared 35mm slide show will serve a small, one-plant operation just as well.

Employe publications give personnel a tangible item they can easily identify with; they're the "stars." The articles are written for, by and about them. They can show them to their families and friends.

Company bulletin boards can also be useful to employes when shared with management. Their personal items, such as "for sale," "ride wanted," etc., placed beside official notices helps dissolve the invisible line between "them" (employes) and "us" (management).

Employe meetings give all levels the opportunity to rub elbows and exchange ideas, allowing face-to-face problem-solving not available every day.

Management and supervisors' meetings allow the same opportunities, plus lend an air of exclusivity to those who've advanced far enough to be included.

Letters addressed to employes from top management on a regular basis keep a continuing image of the executive before the employe. Sent to the employe's home, the letter involves his wife and family, an added benefit when seeking his support.

Payroll check or voucher stuffers with relative information are a well-read communications medium.

Booklets and brochures on company-provided benefits, new programs and other pertinent information go far in keeping employes aware that they're working for more than just that $3.50 or whatever an hour.

An easily understood and efficient system for receiving and answering employes' complaints, questions and suggestions goes far in convincing employes that the company is, indeed, concerned about them as individuals.

Finally, a good communication system will withstand a measurement of its effectiveness, the result of which will answer our original question, "Why employe communication?"

In making the test, short-term, interim objectives and the long-term, and basic, goal of profitability must be considered. A short-term goal might be the prevention of a walkout or strike; "selling" a new pension plan; introducing new parking rules; reducing the number of grievances, and always, safety. The list is long and familiar and measuring the results is relatively simple.

Measuring the long-term success of employe communication in helping the company attain its ultimate goal is more difficult. As a measure, have there been improvements in employe attendance, on-time performance, production and morale?

Many variables—improved technology, management planning and decisions, idiosyncrasies of customers, changes in the economy—may affect these results, so effectiveness is measured by feedback, written and oral response to communication; employe attitude surveys; nondirective interviews; employe relations indices which reflect the state of employe morale in terms of absenteeism, tardiness, turnover, safety, suggestions, grievances, work stoppages, disciplinary suspensions and others; surveys by outside organizations, and the measure of assimilation of communication.

To achieve the corporate goals of a fair profit through improved products, increased sales, reduced absenteeism and lower costs, businessmen must understand that their proficiency in the art of communicating is a major factor in their daily activities.

Any business organization is in a continual process of formation and re-formation, and all employes should participate. The perfect company has yet to be organized, the perfect product yet to be produced. All of these we work toward, and the way to reach them is by communication.

ELECTORAL COLLEGE REFORM

Mr. ERVIN. Mr. President, one of the most interesting aspects of this year's debate on electoral college reform was the dialog between Judge Edward Gossett, of Texas, and the National Chamber of Commerce on the issue of the national chamber's policy position on electoral reform. To complement this dialog, I ask unanimous consent that a letter of October 21, 1970, from Mr. J. Harvie Williams, director of the Committee on Electoral College Reform, to Mr. Hilton Davis, legislative manager of the Chamber of Commerce of the United States, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

October 21, 1970.

Mr. Hilton Davis,
General Manager, Legislative Action, Chamber of Commerce of the United States, Washington, D.C.

Dear Mr. Davis: I have just read today, in the Congressional Record of September 30th, your letter to Judge Gossett describing the development of the National Chamber's policy position on electoral reform.

I would question only a part of one sentence at the end of the next to last paragraph. You may well "believe that no other organization has made a more thorough study of electoral reform . . ." The facts are quite different. Here at the American Good Government Society we have studied the question much longer and much more thoroughly.

None of the National Chamber's material that I have seen, which is most of it, including all testimony before the Committees of Congress, takes cognizance of the nature and structure of the Constitution. A more thorough study would have discovered the simple fact that "the more perfect Union" of the Constitution is a National-Federal Union—a National Union of People in the House of Representatives and in the President, and a Federal Union of States in the Senate and in the President. As the source and foundation of the separated legislative and executive Powers, the National-Federal Union is superimposed on both Congress and the President. The sap of every action of Congress and every action of the President rises through the same electoral roots, from the same soil—the People as a Nation, and the same People as the States—so far as the Constitution goes.

However, that structure has been tortuously distorted by the State Legislatures' adoption of the statewide general ticket for the election of Electors apportioned to the People with Representatives. The consequences of these actions by the State Legislatures have always been the source of the electoral reform movements. In the main, proponents of the many reform proposals have sought to reform the results of various elections without reference to the structure of the Constitution, which shapes the American Political System.

More thorough study would have shown clearly that the Electors are the necessary links between the legal Parties of the States and the Constitution to which Parties are unknown. They are at once Officers of the Constitution and representatives of their state parties. As far as the Constitution is concerned they are the Parties. If you abolish them you necessarily bring in all the apparatus of Party or leave the Constitution without means to fill its own offices. Too, you transform Presidential elections from the present aggregation of *intra*-state elections to one inter-state election, a further centralization of our system.

Of course, the contingent election, when no one has a majority, should be moved from the House voting by States, to a joint session of the House and Senate with each Representative and Senator having one vote. This would carry the National-Federal Union into the contingency.

If this seems simple, it is. Better yet, such a Constitutional Amendment could be effective in the next election if ratified as late as October, 1972, because present state election laws for Representatives could be readily adapted to the National Electors.

With all good wishes.

Sincerely,

J. HARVIE WILLIAMS,
Director, Committee on Electoral College Reform.

FELLOWSHIP DAY

Mr. SCOTT. Mr. President, as we enter this Christmas season, I would like to bring to the attention and consideration of this body, a program which has been initiated by Mr. Carl E. Mau, of Media, Pa., and other interested parties. Their proposal, known as Fellowship Day, is intended to develop new communications and understanding at a grassroots level between people of different races.

The concept, while simple, has far-reaching effect. Fellowship Day will be Sunday, December 20, and will begin with church services held in each other's church or synagogue. White and black families will be encouraged to break bread together, with white families inviting black families to dinner, and vice versa. I believe this program will go far to enhance the spirit of togetherness between people of all races and colors, and give real meaning to the guiding force of the holiday season, "Peace on Earth, Good Will Toward Men."

Mr. President, I ask unanimous consent to place in the RECORD for the consideration of my colleagues the proclamation of Fellowship Day by the mayor of Chester and various supporting news articles.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROCLAMATION, CITY OF CHESTER

Whereas, The United States of America was founded almost two hundred years ago on enduring principles which have enabled this country to become strong and righteous; and

Whereas, The pages of our history in recent years have been stained by racial tensions and conflicts which threaten the very life-blood of this country; and

Whereas, The precious heritage passed on to us by our forefathers must be safeguarded against the undemocratic influences using this means to destroy us; and

Whereas, This can best be accomplished 'through the individual initiative of all Americans, black and white, by the "breaking of bread" in the peace and tranquility of the American home; and

Now, therefore, I, John H. Nacrelli, Mayor of the City of Chester, designate the date of December 20, 1970, being at the height of the Christmas season, when "Peace on Earth, Goodwill Towards Men" is in our hearts, be, and is hereby proclaimed Fellowship Day-U.S.A.; and

Further resolved, That all citizens be urged to extend the hand of friendship to members of other races on that day, with the hope that the fellowship and goodwill exhibited on this occasion endure not only through the Christmas season, but for the entire year.

Proclaimed this 3rd day of December, 1970, A.D.

JOHN H. NACRELLI,
Mayor.

[From the Delaware County Daily Times, Nov. 26, 1970]

FELLOWSHIP DAY YEAR-ROUND

We endorse any program which we think has a chance of promoting better understanding between the black and white races. The upcoming Fellowship Day is no exception.

Dec. 20 has been designated as Fellowship Day by its sponsors. On that Sunday, white families are encouraged to invite black to their homes for dinner, and black families are urged to welcome whites into their homes for a meal.

People sitting down with each other at the table will have ample opportunity to gain a fuller understanding of their fellow men—black or white.

Media, a community that provides examples of how whites and Negroes can live together, has been the first to recognize officially Dec. 20 as Fellowship Day. We hope other boroughs and townships will follow that lead.

Similar interracial activities have been attempted across the nation in past years. To our knowledge, these have produced no easy answers to the great problems of today.

But we would be surprised if most participants did not have their new-found friends' homes without a little more understanding than when they entered.

No one expects a sudden difference in the racial climate of Delaware County after Dec. 20. However, subtle changes between the black and white communities can help build a better county for tomorrow.

With proper direction and true understanding, Fellowship Day may grow into fellowship the year-round.

[From the Delaware County Daily Times, Nov. 20, 1970]

FOR RACIAL UNDERSTANDING: FELLOWSHIP DAY APPROVED IN MEDIA

MEDIA.—Borough council voted Thursday night to set aside Dec. 20 as "Fellowship Day" here in an attempt to promote better racial understanding.

Carl Mau, a Media publisher who sought the resolution, said before the council meeting that he thought of Fellowship Day after working with black families this fall to raise money for the Chester High School band.

"That was the first time I ever worked with black people," said Mau. "I thought, 'If this is what black people are like, let's get with it.' "

"There have been groups meeting in public halls for a long time, but I felt by meeting in the sanctity of the home, there would be more genuine expression." He emphasized, "I'm not saying this is the complete solution, but I hope it will open the door to better understanding between black and white citizens."

Mayor Robert Mickle, who proclaimed Dec. 20 as "Fellowship Day" here, called Mau a "big booster of Media."

"He makes all kinds of telephone calls and contacts to boost the borough and he has helped the boys going into the service. He is a tireless worker," the mayor said.

The official proclamation asks "that all citizens be urged to extend the hand of friendship to members of other races on that day (Dec. 20) with the hope that the fellowship and goodwill exhibited on this occasion will endure not only through the Christmas season but for the entire year."

Mau, an active member of the Veterans of Foreign Wars (VFW), said he hoped the program will attract "at least 500 families in Delaware County and a half million over the country."

Media is the first community in the nation to support the day officially, Mau said.

He said he plans to introduce a similar resolution to the county commissioners at their weekly meeting at 10 a.m. next Wednesday.

"I hope to send out 10,000 to 25,000 copies of ideas on implementation to churches, service clubs and other organizations," Mau said, "It's lucky this is a printing firm."

He said he would ask the organizations to serve as intermediaries taking names of families who wish to spend an evening with a family of another race.

"I'm hoping just as many black people will invite whites, as whites, blacks," he said. "It would be too easy for me to ask a black family over. I hope some black family invites me."

Mau said he believed "it has just never occurred" to many people to share a dinner with a family of another race. Fellowship Day could provide the necessary impetus, he added.

He also suggested the day be celebrated regularly every third Sunday in December, just at the beginning of the Christmas season, when the spirit of "peace on earth, good will to men" prevails.

Mau said he has asked President Richard Nixon to declare the day a national observance. The proposal is still being evaluated, by the President's assistants, he said.

"The White House will advise us how to handle this—we may have to introduce this to the Senate for action," he said.

He said he had received a letter from Sen. Hugh Scott (R-Pa.) supporting the idea of Fellowship Day. Several other officials also have responded favorably, Mau said, including Philadelphia's Mayor James Tate.

Mau said he wrote letters outlining the proposal to every senator and governor in the country as well as about one-third of the congressmen.

[From the Suburban and Wayne Times, Nov. 5, 1970]

A GRAND NEW IDEA

Once in awhile someone comes up with a new idea which gives hope for the future.

Such a "new idea" is "Fellowship Day," proposed for Sunday, December 20, in an effort to bring the black and white people of our nation together.

"Fellowship Day" would, in the words of its originator, Carl Mau, of Media, "be a day when white families will invite black families to dinner and vice versa. American white and black families 'breaking bread' at the same table at the beginning of the Christmas Season will give new meaning to 'peace on Earth, Good Will Toward Men,' and hopefully, this spirit will continue throughout the year."

Thus far, Mr. Mau has received enthusiastic endorsement from Senator Hugh Scott, who has written the White House urging the President to proclaim Sunday, December 20, as "Fellowship Day."

Sen. George McGovern and former Pennsylvania Governor William Scranton, as well as Philadelphia Mayor James Tate have gotten on the bandwagon .(If you think it's easy to get large-bore politicians to agree to anything in a hurry, try it sometime.) Their acquiescence indicates that they recognize that Mr. Mau has a gem of an idea which may help toward reconciliation of the races.

As Carl Mau says: "All of us, black and white, are going to be here in America together for a long time."

We should all look into our hearts and see if "Fellowship Day," by bringing a family of the other race into our homes, might contribute to a better spirit of understanding and tolerance in our land.

Will you join? Just take that first step and invite someone to your home—or get your church or service club to sponsor group events at which a white family would sponsor a black family at dinner—or vice versa. There are many ways in which "Fellowship Day" could get under way and be a success in turning away our races from alienation.

Let's start this year, not next.

NATIONAL OCEANIC AND ATMOSPHERIC AGENCY—TEXAS TEKTITE PROGRAM

Mr. TOWER. Mr. President, one of the most encouraging and exciting developments of this year, I believe, has been the establishment of the National Oceanic and Atmospheric Agency by the administration. Previous administrations had ruminated over the plan for years, and nothing had come of it. This administration has finally made the dream of oceanographic- and conservation-minded people a reality. I am proud to have played a role in this matter. My staff and I had met with administration officials many times, urging them to take this action and working on some of the details. I look forward to NOAA's being adequately funded so that it can begin in earnest the truly momentous tasks that lie ahead of it. I urge the involved committees to give this item a high priority in the consideration of expenditures early during the next Congress.

Having long been concerned with marine affairs and having been a leader in the fight to establish NOAA, I view with great interest the developments in this area. My own State of Texas has many hundreds of miles of coastline where yearly literally millions of people work or relax near or on the ocean. We Texans have a long tradition of working with and on the ocean, and recently even in it. For this reason, I was extremely pleased recently to learn of the plans, developed by the city of Galveston in conjunction with Texas A. & M. University and the University of Texas Medical Branch at Galveston, to establish a far-reaching land-ocean complex in Galveston to study and expand upon man's relationship with the sea. This plan is known as the Texas Tektite program. Part of this energetic program—the Marine Biomedical Institute—has already been established and is functioning well.

The area of the Texas gulf coast offers one of the truly unique locales in which such a complex could conceivably be established. Not only is the climate right for year-round operations, but, more importantly, the vast technical background that is necessary for the support of such a project is already available. The Texas A. & M. campus is currently doing much work in the field of marine biology, while the University of Texas medical branch has been one of the leaders in the study of marine related medical advancements. In addition, Rice University and the University of Houston, which have done outstanding work in many, many fields, are proximately located along with numerous other universities and junior colleges.

I am pleased to give the Texas Tektite program my wholehearted support and ask the Members of this body to familiarize themselves with it. When this is done, I feel certain that everyone will share my support of this truly exciting and, in terms of human betterment, greatly rewarding program.

UNFAIR CAMPAIGN TACTICS

Mr. McGEE. Mr. President, no one can be more interested in protecting the good name of the profession of politics than the Members of the Congress of the United States. Our profession is politics; that is why we are here.

When unfair campaign tactics pollute the political atmosphere, however, our profession becomes something less than the highest calling. Any effort to keep campaigns clean, therefore, not only protects the voter but also helps the candidates.

The Fair Campaign Practices Committee has been working in this field since 1954. The committee's report on its work during a campaign is not completed until long after the political dust has settled. We do not yet know the effect of its work during the 1970 campaigns.

But there are some indications in news stories written near election day. It is worthwhile looking at the overall picture as presented in the following stories: First, a Scripps-Howard Newspaper Alliance story from the Washington Daily News, October 23, 1970; next, an Associated Press story in the Washington Evening Star, November 2, 1970; then a postelection story from the Boston Globe, November 10, 1970. I ask unanimous consent that these news stories be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Oct. 23, 1970]

POLITICAL SMEAR WARNINGS UP

(By Ted Knap)

An official of the Fair Campaign Practices Committee today warned television viewers to watch out for a flood of "sophisticated smear" in the final week of the Nov. 3 election campaigns.

Executive Director Samuel J. Archibald said candidates in a record 75 per cent of the races have signed the fair campaign pledge, and complaints of violations thus far are running slightly behind 1968 and 1966.

"But that does not mean this campaign is cleaner," he said. "Right now is when dirty politics hits the fan. We are starting to get more complaints and we expect a huge surge in the final week."

In an effort to stem the flood, the committee has written to all radio and TV stations and newspapers asking them to refuse to sell time and space for any new attacks after midnight Friday. The committee suggests no restriction on political advertising that already has been running or that does not feature new attacks.

Mr. Archibald said a pre-campaign survey disclosed that half of the stations and newspapers put no restriction on political ads in the final few days, when it becomes too late for the attacked candidate to make an adequate response.

PRIVATE ORGANIZATION

The committee is a private, nonprofit organization founded in 1954 and financed by foundations. It is headed by Charles P. Taft, Cincinnati attorney, and its directors include leaders of both political parties. It has no enforcement powers, but investigates and publicizes complaints.

The committee has detected a trend toward what Mr. Archibald calls the "sophisticated smear" which insinuates but does not flatly state an allegation. He said it is especially prevalent in TV spots.

"It takes the opponent's voting record, or some stand or statement he has made on the issues, and presents it out of context in a highly dramatized way that appeals to the emotions. It's hard to put your finger on it because it's not obviously false," Mr. Archibald said. He declined to cite examples.

The committee reported earlier that it had received a number of complaints about campaign ads that implied guilt association, particularly ads in which a candidate tries to picture long-haired young people as supporters of his opponent when in fact they were only members of the opponent's audience. There have been reports of some hippie types being hired by candidates to appear with their opponents.

[From the Washington Evening Star, Nov. 2, 1970]

SENATE RACES ROUGH: CAMPAIGN COMPLAINTS SOAR

Formal charges of unfair campaigning in Senate contests more than doubled this year, reflecting the intense battle being fought over control of the chamber, according to the head of the Fair Campaign Practices Committee.

Samuel J. Archibald, executive director of the committee, says Senate candidates have registered 19 complaints, compared with nine in 1968 and nine in 1966.

"It could reflect the importance the White House has attached to the Senate races," he said, "and perhaps the greater interest in Senate races."

AN OVERALL DECLINE

Yet the 56 complaints received in the 35 Senate, 435 House and 35 governor's races is a marked decrease from the 68 complaints in 1966 and 67 in 1968, Archibald said in an interview.

He doesn't believe those figures represent a cleaner campaign.

"Maybe with professional campaign managers getting into it more and more, the smears are more subtle and make it difficult to get our finger on it," he said.

"I would like to think politics is getting a little cleaner but frankly we haven't seen anything new. Every trick that has been reported to us is as old as the game of politics."

REPUDIATIONS RECEIVED

The Fair Campaign Practices Committee is a private nonpartisan organization formed in 1954 at the suggestion of Congress. It gathers information on complaints from both campaign camps and disseminates the facts to news media, but has no enforcement powers.

Yesterday, Archibald received telegrams from two Republican senatorial candidates repudiating newspaper advertisements linking their opponents and six other Democratic candidates to crime and violence.

Nelson Gross of New Jersey said, "Neither I nor any member of my campaign staff had any knowledge of the ad . . . prior to its publication. We in no way participated in its preparation nor did we approve its insertion."

Anderson Carter of New Mexico said he subscribes to the fair campaign practices code which condemns distortion of a candidate's record or views and that he repudiates "any activities on my part which do distort."

Archibald said the Democratic Senatorial Campaign Committee had lodged a protest against ads run in at least 61 papers and paid for by the Committee for Responsible Congress headed by Republican National Committeeman Carl L. Shipley of the District of Columbia.

FIVE ARE INCUMBENTS

Targets of the ads were Sens. Joseph Montoya, D-N.M.; Harrison A. Williams Jr., D-N.J.; Edmund S. Muskie, D-Maine; Joseph D. Tydings, D-Md., and Gale McGee, D-Wyo., and Democratic senatorial candidates Rep. John Tunney of California, Adlai Stevenson III of Illinois and Lawton Chiles of Florida.

In Waterloo, Iowa, yesterday, Sen. Harold Hughes blamed President Nixon and Vice President Agnew for the "dirtiest politics I have ever seen" in their campaign swings around the country.

Archibald said most protests this year allege misinterpretation, distortion or falsification of a candidate's record or position. Incumbents and challengers have registered the same number of complaints.

Democrats filed more protests this year, 33 to 20, in an about-face from the previous two elections, when Republicans were higher. Archibald says that may be because Democratic candidates are on the defensive this year.

PROBE INDICATES "SMEAR" TACTICS DO NOT WIN POLITICAL CAMPAIGNS

(By Richard H. Stewart)

WASHINGTON.—Political smear tactics are proving to be poor campaign strategy, according to a preliminary analysis of the Fair Campaign Practices Committee.

The independent organization, formed in 1954, estimates that 84 percent of the candidates who filed valid complaints against their opponents' unfair practices won election this year.

The trend has been growing against smear campaigns in recent years. In 1966, a survey showed that 68 percent of those who filed valid complaints won election, and two years ago the figure jumped to 81 percent.

One of the more questionable advertisements sponsored by the Republican-oriented Committee for a Responsible Congress was directed against eight Democratic candidates for the Senate. Only one, Joseph Tydings of Maryland, lost.

When the Fair Practices Committee contacted the eight Republican candidates about their support for the advertisement, they repudiated it. The advertisement was created in Washington.

The committee will issue a final analysis of its findings later this year.

The preliminary analysis indicates that television is the medium in which unfair campaign advertisements are growing.

A spokesman for the committee said the complaints this year involving television advertising were four times as large as those from previous years.

REMARKS OF THE PRESIDENT TO THE U.S. DEPARTMENT OF AGRICULTURE CORN BLIGHT CONFERENCE

Mr. DOLE. Mr. President, yesterday, December 17, 1970, President Nixon addressed a group of distinguished farmers at the U.S. Department of Agriculture research facility at Beltsville, Md. The farmers were attending a conference on the problems and solution to the corn blight that is plaguing this crop, and it was fitting that President Nixon took time to speak to this group.

More important, however, was the content of the President's remarks in which he recognized the progress agriculture has made in efficient production capabilities that far exceed any other segment of our economy. He stressed the fact that the American housewife through these efficiencies is able to serve her family better food at a smaller percentage of her spendable income than ever before in the history of this Nation.

President Nixon also commended Secretary of Agriculture Hardin for his efforts on behalf of the farmers and indicated the bipartisanship of the recently passed farm legislation.

Mr. President, I ask unanimous consent that the text of the President's remarks be placed in the RECORD so the Nation may know of his recognition of American agriculture and his expression of thanks for its efforts.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT

Mr. Secretary, and all of the distinguished guests here at Beltsville:

In checking the record I found that this is the first visit that a President of the United States has made to Beltsville since President Eisenhower was here in 1954. And consequently, I feel particularly privileged to have the opportunity to see this very famous agricultural research station and also to meet, at the same time, with a group of distinguished farm leaders from across the nation on a subject of enormous importance, not only to the people of the United States in terms of corn and its production—we know what that means—but also, in terms of what it will do for people throughout the world who might have a similar problem and where we, of course, have been so generous in sharing our knowledge with others in terms of helping them with agricultural problems.

I am going to take, I understand, a brief tour of the facility after our remarks here. But I thought that this particular occasion was one that gave me an opportunity to say some things that I have been wanting to say to leaders in the agricultural community about the Department of Agriculture, about our Secretary of Agriculture and his colleagues and also, about the American farmer, the agricultural community generally, and what we in America, all of us, owe to American agriculture.

First, with regard to the Secretary of Agriculture, he has spoken generously about the support he has had from the President and the White House on the policies that he has recommended. When he took this position I told him that it was very difficult to be a popular Secretary of Agriculture. I told him that Congressmen and Senators, Democrats and Republicans, for years got elected by running against the Secretary of Agriculture; and that I hoped he avoided that.

There are many interpretations of the last elections, but I don't know anybody that ran against Secretary Hardin. So, I congratulate him on that particular point.

I want to say, too, though, that when I did appoint him, I wanted a man who would speak for the farmers and for American agriculture to the White House rather than the other way around. He has done that. Beneath that very pleasant and disarming exterior of his is a very strong and persuasive and determined mind. And in these matters that come before us and the high decisions that have to be made at the White House with the legislative leaders, in the Cabinet, on the budget and other matters, I can assure you that agriculture has a very strong advocate.

I have appreciated that fact, because I do not want those who simply are there to parrot the views that we may have developed in advance. I want those there that will represent this community and represent it well. He has done that.

I don't mean to suggest by that that all of the decisions that we have made in this Administration meet with unanimous approval by the leaders of American agriculture. I found that when we were trying to develop a Farm Bill this year that it was very difficult to find any common ground of agreement.

There were certainly no partisan lines that divided Democrats from Republicans on agricultural issues. As you know, generally speaking, it is a question of the corn people and the wheat people and the cotton people and the peanut people and the people that don't have subsidies and the people that do and so on down the line.

And so the problem is to find a piece of farm legislation that is in the best interests of American agriculture and, at the same time, will serve the interests of the country generally.

This Farm Bill, I would have to candidly admit, did not meet with as much approval from all of the various agriculture organizations as I would like. And I read the publications. I know what some have been saying about the farm legislation. The Secretary has told me a little about it, too.

I do want you to know, however, we do think it is an improvement. We do think it is a good start in the right direction. We hope you will work with us in implementing the new farm legislation and we are open to new suggestions as to how we can do better in the future. This is said to you quite candidly and quite honestly, for a reason that I will now develop with regard to what the American people owe to American agriculture generally.

Some of you may have noted that in a recent speech to the National Association of Manufacturers in New York I referred to a new Commission on Productivity that we have set up in the United States. This Commission has not received as much publicity as some more spectacular organizations of that type might receive, but it is a very high powered group, high powered in the sense that it has representatives of labor, of management, of the general public, of the scientific community and it comes from all over the United States.

That Commission has had several meetings since I established it several months ago. And as I sat there with these top leaders of American industry and American labor and the American academic community, American agriculture was also represented, a very significant point was made, not only in the first meeting, but in the second and in the third. On every occasion, it is this: That that area of the American economy that has had the greatest growth in productivity and that has the highest productivity per man hour, any way you want to rate it, is American agriculture.

The point being made that we think of industry and this is a great industrial country, we think of services and we do have many areas where we have led the world in the field of services, but whether it is in the field of industry or in the field of services, there is nothing in the United States that even approaches the growth in productivity of American agriculture.

This is a great record. It is a record that is due, of course, to the fact that we have had good people on the land, farmers. A farmer these days, of course, is much more than a farmer. He is a scientist, he is a technician, he is a businessman, he is a man who knows how to market, he has to be one who can be able to handle this complex business that we call agri-business in many parts of the country. But we also owe a very great debt to those in the Department of Agriculture, those that have given their lives to this area of research, this area of developing the capability to produce more from the land and to produce it at less cost and with less people.

So, once I heard this particular fact brought home, that American agriculture was that area of the American economy that had had the greatest growth in productivity and that was the most productive area of any part of this nation, I then checked a little further. And I had been hearing and some of you have been reading, not in the agricultural press, but in the press generally, about the costs of our farm program.

And so I found that when we checked to see the percent of family income that goes into food, that at the present time, the American housewife pays a smaller percentage of her family income for food in America than she has ever paid in our history; and second, that the American housewife in this country, that is by far the best fed country in the world in terms of what the American people have available on their table and in their stores and through their markets, but in spite of that fact, that the American housewife today pays a smaller percentage of her family income for food than the housewife in any other country of the world.

What does this mean? It means that despite all the problems that we hear about American agriculture, despite the condemnation we hear of farm programs, that American agriculture, and particularly the American farmer, must be doing something right. It means also that the nation owes American agriculture a very great debt, a very great debt which perhaps has not been adequately reflected in agricultural income.

I am not happy about the fact that agricultural income has not been at the rates that it should have been over these past few years. I think that the farmer, as I said during the campaign of 1968 and in campaigns before that, deserves a fair share of the nation's increasing wealth and its increasing productivity, due to the fact that American agriculture is so productive.

But I do think that it is important that representing all of the American people in this Christmas season, that I am able to say to the farmers of America, through this very distinguished group, that we are aware of the great debt that we owe to our farmers. We are aware of the great debt we owe to agriculture. We are aware of the great debt that we owe to all of those who work in this particular field.

We are the best fed people, but at the lowest cost, the lowest percentage of our income, of any country in the world. And for that, we are most grateful.

That brings me finally to another point that particularly occurs since I met today with the British Prime Minister. And we talked about problems around the world. One of the problems we discussed was the problem of hunger in the world. We have problems of hunger in this country, as you are aware, and there are problems of hunger in all countries, rich and poor, around the world.

But the problems of hunger in this country, of course, are, in terms of magnitude, nothing compared to what the problems are in countries that simply do not have the enormous productivity that we have.

And so, as we look around the world and as we think of the future of the world and what is going to happen, we realize how much American agriculture can contribute. I speak not simply of those foods that we may export to other countries, and we are very interested in those export markets. Believe me, nobody is fighting as hard for those markets as Cliff Hardin is fighting. After he returns from each trip, he goes over to the State Department and then he comes to the White House. Sometimes he wins, I might say. We hope he wins a little more often in the future. But, be that as it may, I think that we should recognize that in terms of the long-range prospect, that American agriculture is doing more, far more, than simply seeing to it that we in America have the benefit of an enormously rich society in terms of what we can put on our tables at Christmas time or Thanksgiving or, for that matter, any day of the week, we owe it to the productivity of American agriculture, but also in terms of the future of the world, what we have learned in America and the knowledge that we are able to share with other people may make a difference in these next 10, 15, 25 years, a difference as to whether millions of people all over the world will grow up without enough to eat at all or whether they may have a better chance, not as good a chance as our people have, but at least a better chance than they would otherwise have to survive.

And I leave on that particular note. I leave on it because I think it is well for us in this Christmas season to recognize that this is one time of the year when we naturally think of our own private concerns and the problems that we have of meeting our family budgets and the like, but also it is a time when we think of what we can do and what we are doing to help other people, to help other people in the United States, and what we are doing to help other people in this world, to make it a more peaceful world, to make it a better world, to make it a world in which children don't go hungry, not here, not any place else.

That is an ideal people could never dream of before. It is an ideal that perhaps we can reach for now. But if we can reach for it, we will be standing on a little bit higher plateau, perhaps a considerably higher plateau from which to reach, because American agriculture has built that plateau, built it by its productivity, by its devotion, by its dedication in developing the most productive economy in terms of agriculture ever in the history of the world, let alone the history of the United States.

And so, I express my deep appreciation to the representatives of agriculture for coming to this particular meeting, dealing with this problem, which is only a small part of the problem in a way, a small part of the problem, but symbolizes it all.

There was a time, I suppose not 10, maybe not 25 years ago, we should say, there was a time 25 years ago when corn blight came we might not have had enough in storage to take up the slack, but beyond that, we might not have developed the capability to deal with the problem.

But now we not only have the amount in storage to take up the gap, but we also, as I understand, due to the enormous facilities of research and the brains and the overtime and genius that has gone into it, we are finding an answer to this problem.

And that means that in the future we will be able to deal with it more effectively. It means also we can share this knowledge with other people throughout the world.

So with that, thank you to all the farmers of America and through you, to all the farmers of America, thank you for making it possible for us in America to have a much better table on Christmas Day for that Christmas dinner, or that Christmas lunch, whichever it happens to be, and to have it at lower cost in terms of our total income than we have ever had it before and at lower cost in terms of our total income than any other people in the world can enjoy.

Thank you.

THE CURIOUS ROLE OF THE RETURNING VIETNAM VETERANS

Mr. DOLE. Mr. President, the Senate has spent considerable time debating U.S. policy in Indochina over the past years. Amid considerable disagreement on many issues, there has been one point of substantial consensus, and that is the fact of the gallantry and personal courage of the American military personnel who serve in that theater of combat. In every debate in Congress, although severe criticism has been leveled against policy decision and the overall conduct of the war, Members of Congress have repeatedly paid tribute to the individuals—many of them draftees—who are serving their country in the face of daily peril, discomfort, and separation from loved ones.

However, there is a substantial difference in public attitudes toward this war and those who serve in it compared with past conflicts involving the United States.

On December 4, John Chancellor of NBC News discussed the "Curious Role of the Returning Vietnam Veterans." His commentary is thought-provoking and conscious-stirring. It points out an unsettled truth, and I believe it merits widespread consideration by Members of Congress and the public. Mr. President, I ask unanimous consent that Mr. Chancellor's commentary be printed in the RECORD.

CURIOUS ROLE OF THE RETURNING VIETNAM VETERANS

(By John Chancellor, on NBC Radio's "Emphasis")

Among the lamentations we can express about the Vietnam War is the curious role of the returned veteran of that conflict; a sort of forgotten man in our society. Out of the longest war we have ever fought have come no national heroes and no songs of praise; and a feeling among some who return that it may all have been in vain.

I don't usually read the mail over the radio, but I got a letter the other day which I found quite moving, and I would like to read it now. It begins, "Last night on NBC Nightly News you praised the Marine Corps. It was the first time I have heard that kind of praise since my son served in Vietnam in 1968 with the Marines. He was wounded badly twice and had malaria twice and he got a lot of medals. He didn't have to go, he could have gone to college like all of his friends were (doing). I didn't want him to go." The letter continues: "From what he told me the Marines he was with never killed any civilians. They had to give two or three days warning to the villagers before they were able to go into a village. He actually played cards with the old village ladies. The physical hardships he endured were unbelievable. Once, they went without food for three days. When he came home it was not (as) the victorious hero, as after World War II. I could sense he felt a certain antagonism among some people toward what he did."

"After the Kent State affair," the letter continues, "he argued with his friends about the rightness of our being in Vietnam. They couldn't see his side, and one night I heard him sobbing and crying out for his lost buddies. He kept saying over and over, 'It was all in vain.' His father and I spent hours calming him down, telling him it was not in vain. One of the things he told us then (was) that his friends who were killed in Vietnam thought (ours) was the greatest country in the world."

And the letter ends this way: "I will never forget that night because somehow we have not honored their sacrifice enough. If you can ever do a program about the boys who died in Vietnam without glorifying war, and dedicate it to the Marines, it would be a great public service. Sincerely, a mother."

Whether you are for the war or against it, this lady has pointed out something important: We have not, in fact, honored enough the sacrifice of hundreds of thousands of young Americans who didn't want to go but went anyway, who served with valor and who didn't go crazy and shoot civilians.

Many of those were against the war, just as many who serve today in Vietnam are against the war. And so, perhaps, a special sort of monument should be put up to honor these veterans. It is one thing to be shot at in a popular war; how much worse to be shot at in an unpopular one. And the worst thing of all is to come home to find it may have been all in vain.

PRIVATE AMERICAN INVESTMENTS OVERSEAS ARE NOT FOREIGN AID

Mr. HART. Mr. President, the Nixon administration has said the main thrust of the foreign aid program must come from the private sector. That policy is being promoted vigorously at home and abroad.

In my view, private American investments overseas are not foreign aid. Private investment may speed up a country's economic development, but it receives a high return in exchange. It is not motivated by charity; it is motivated by a desire to earn profits, and that is not to be criticized.

Taking the position that the activities of American companies overseas are part of the overall American aid program may be doing the United States more harm than good in its relationship with developing nations. The slogan "trade, not aid" may fool the American people, but the leaders of developing nations may find it insulting.

Mr. President, I ask unanimous consent to insert at this point in the Record a column by L. F. Goodstadt, titled "Asia, Inc.," discussing this subject. The column appeared in the November 7, 1970, issue of the Far Eastern Economic Review, a conservative English-language weekly, published in Hong Kong.

There being no objection, the article was ordered to be printed in the Record, as follows:

Asia, Inc.

(By L. F. Goodstadt)

With men like Spiro Agnew at the top, the United States does not have to work very hard at creating an unfavourable national image abroad. But why does the Nixon administration as a whole make such an effort to make their country unpopular overseas? A couple of recent official statements deserve much wider publicity than they have received so far because of the current foot-in-mouth posture typical of Washington today.

At the end of last month, the chairman of the Presidential Task Force on International Development decided to speak his mind on aid, and a miserable performance he made of selling America's new policies in this field. He made reasonable sense on making greater use of multilateral agencies to reduce the irritation caused by some US aid missions in developing nations. But he went on to say: "The main thrust of any foreign assistance programme can and should come from the private sector."

He must know as well as the underdeveloped world that the overwhelming bulk of international companies investing abroad are not interested in the developing nations (except where they can get their hands on such commodities as oil). In any case, private investment is not aid. Foreign capital has a valuable role to play in speeding up economic growth but to pretend it is based on anything except a hunger for greater profits than can be made at home is unashamed hypocrisy.

The chairman questioned "whether we belong in any country that does not provide the climate and incentives needed to encourage the role of private enterprise". This remark sounded like Washington waving a big stick. Between the lines, the developing economies will naturally read the message: make our American companies happy or run the risk of no more US handouts. Intentionally or not, this sort of attitude smacks of gross interference with other nations' internal policies. Anyway, South America, the profitable preserve of US business for so long, is no model of how private enterprise brings prosperity for all.

To add insult to injury, the all-American chairman stated the day had now arrived when in providing aid, the old "teacher-student relationship" could be dropped. Even if Washington has viewed poor countries in this patronising way in the past, why reveal such arrogance in these brutal terms today?

Another chairman, this time of the Council of Economic Advisers, also got into the act last month. He was painting a rosy picture of the way inflation is being tackled. Fair enough. The predictions that by the end of 1970 the US dollar would be under heavy attack once again have proved incorrect. But the basic weakness of the American economy remains, as this particular American spokesman brought out. Any significant inflation in the US sets off an overwhelming demand for imports. He quoted 1968 when the economy, capable of a real growth rate of 4%, expanded by 9% in money terms. This internal overheating pushed the import bill up by a massive 23%. In simple terms, US industry has lost its competitive edge. Any serious strain on its productive capacity pushes costs up so fast that the flood of foreign goods cannot be held back.

The chairman was not telling the outside world anything it had not realised long before. But the dangerous passage in his speech was his attempt to explain away America's present weakness by talking of the advantages in export market enjoyed by countries which have devalued in recent years. The implication seemed plain enough. Authoritative voices in Washington were willing to confess—however discreetly—the US dollar is overvalued. The only remedy for this situation is calculated to send cold shivers down the spines of the international financial community—devaluation of the dollar.

From the rest of the speech, this possibility was not a serious prospect in the minds of the Council of Economic Advisers. But a clumsier attempt to pass the buck for the US balance of payments crisis can hardly be imagined.

The general lack of finesse in top-level pronouncements on US aid and trade highlights the single biggest threat to the American economy today: the continuing failure of the Nixon administration to seize firm and effective control of the nation's economic trends. Given the dominant role of the US in the world's business life, this inability to direct American industry and commerce rapidly on to a healthier course must continue to cause serious concern overseas.

GRAZING FEES ON PUBLIC LANDS

Mr. CANNON. Mr. President, last Friday the Departments of Agriculture and Interior raised grazing fees on public lands by 18 to 20 cents. In my State of Nevada, 49 percent of the grazing ranges are under the BLM's management, and thus affected by this increase. I will have more to say regarding the poor economics of this move soon, when I introduce legislation that would bring sense to the fees structure. However, I want to point up the lack of coordination prevalent within the executive department today that has resulted in an erosion of confidence in the Federal Government among my constituents back home who are part of the domestic livestock industry.

The President of the United States says he is against rapidly rising food prices, but the bureaucrats raise grazing fees by up to nearly 50 percent thus making certain higher market prices for beef and lamb next year if the stockmen are to survive.

The President says he is against the rising unemployment that is plaguing our country, but the departments raise grazing fees and throw thousands of industrious small ranchers into potential bankruptcy.

The President of the United States says he is against loss of confidence in the Government's word, but his agents raise grazing fees by an amount more than double the so-called Udall formula of fees increases.

Mr. President, I need not remind this body that we are deep into a time of economic trouble. Rising prices make doubly difficult the plight of the rising numbers of unemployed. We need more than verbal assurances that prosperity lies just around the corner. We do not need bureaucratic decrees that make the economic situation worse, and that are contradictory to previous statements. We do not need a grazing fees increase at this time.

I am renewing my request that the administration retain the grazing fees structure at the present level, at least until the economy returns to a state of expansion. In so doing we would demonstrate to the people that their Government works for their interests and that it stands by its promises.

FRUSTRATION

Mr. BAKER. Mr. President, "frustration" is a difficult word to define. Authors such as Tolstoi, Lawrence, and Bronte have attempted to capture its meaning; but it cannot be explained—it can only be felt.

Those most familiar with this emotion today are the wives and families of those held prisoner in North Vietnam. Frustration to them means hoping some miracle will free their husbands.

It means wondering if their fathers are being maltreated.

It means wishing they knew if their loved ones were even alive.

The intensity of their feeling cannot be measured. It is theirs alone. And it is needless.

Needless because the North Vietnamese could alleviate the greatest doubt by a single act of human decency. They could, at the very least, publish the names of those they hold. This would not solve the problem. It is only a beginning. But it would solve the anguish of hundreds of Americans waiting at home for news—any news—of the fate of these men.

VIETNAMIZATION'S BITTER FRUIT

Mr. CHURCH. Mr. President, the exceptionally able columnist for the New York Times, Tom Wicker, has written a penetrating article on the latest twist in our Vietnamization policy. Mr. Wicker correctly points out that recent bombing raids over North Vietnam indicate a new policy by the United States. Yet, like the Johnson administration, the American people are not being candidly informed about this alteration in U.S. policy. The controversy centers on the 1968 "understandings" between the United States and the North Vietnamese.

As Mr. Wicker analyzes this development:

> The question is not, therefore, whether the Administration has stated a new policy—it has; not whether it is preparing a public position for the moment when it may decide to resume the bombings—that obviously is what it is doing. The question is why, since however obstreperous it may be otherwise, Hanoi has not seriously violated the 1968 "understanding" except perhaps in the matter of reconnaissance planes.
>
> But American troop withdrawals have not pushed Hanoi to make negotiating concessions, either, as it was claimed they would; insisted, after two years of it, Mr. Nixon is approaching exposure to the inherent weakness of his Vietnamization policy—the possibility that American troop strength may be reduced enough to invite devastating attack that could be prevented or defeated only by air power.
>
> If the pursuit of Vietnamization comes to that, renewed bombing would be the bitter fruit of Richard Nixon's own policy decisions. Not truth, half-truth or untruth could justify it by the "understanding" of 1968.

I ask unanimous consent that the full text of Tom Wicker's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIETNAMIZATION'S BITTER FRUIT

(By Tom Wicker)

WASHINGTON, December 16.—Whatever else it may be doing with its recent flurry of statements designed to justify a substantial resumption of the bombing of North Vietnam, the Administration is flirting with the same tactics that opened President Johnson's fatal credibility gap—the half-truth, the untruth and anything but the truth.

At Defense Secretary Laird's news conference this week, for instance, he read a background statement of Oct. 31, 1968, from an unnamed Pentagon official who was, in fact, Clark Clifford, then the Secretary: "If the good faith which was attached to Hanoi's effort to get substantive talks disintegrates or disappears, and if it is ascertained that they are not proceeding in good faith in their negotiations and that efforts are being made to violate the good faith understandings with movements of one kind or another, then the decision could be made" to resume bombing.

Mr. Laird used this statement, without any further quotation, to bolster his contention that "there has been no basic change in policy," despite recent Administration statements. Those statements include, notably, Mr. Nixon's news-conference warning that he would retaliate with bombing for unspecified increases in North Vietnamese military activity that might threaten American troops, and Mr. Laird's argument that renewed bombing would be justified unless Hanoi made the Paris negotiations more productive.

Mr. Clifford and other officials of the Johnson and Nixon Administrations have stated many times that the "understanding" of late 1968 was that the United States would halt the bombing of the North if the Paris talks were expanded to include Saigon and the N.L.F., if the North Vietnamese refrained from major troop infiltrations across the demilitarized zone, and if they and their Vietcong allies stopped shelling and rocketing South Vietnamese cities. The Nixon Administration never stated any other view of the "understanding" until recent weeks, although it was also asserted that an American right to fly reconnaissance missions over North Vietnam was included.

After Mr. Laird's claim of "no basic change," Mr. Clifford stated flatly that he had understood that "the talks were to be conducted so long as the other side proceeded in good faith. And the test of their good faith was that they would not violate the DMZ and would not shell the cities." If that is so, and Mr. Clifford was one of those most involved in the "understanding," then Mr. Laird's advance justification for renewed bombing (lack of progress in the talks) is not just a change but a major change of policy. It also represents at least a partial return to the vain notion that Hanoi can be threatened or bombed into concessions that it has never, under the heaviest blows, been willing to make.

Mr. Nixon's stated "understanding" that certain North Vietnamese military movements, supply concentrations, etc., would justify his bombing the North is an ever more remarkable change of policy.

In effect, that is a restatement of the almost forgotten "San Antonio formula," under which Mr. Johnson held out a standing offer to stop the bombing in return for "productive discussion" and said he would "assume" that North Vietnam would not take military advantage of such a bombing cessation. Hanoi never agreed to that formula, and the "understanding" of 1968, according to every authoritative version of it, specifically excluded any such "assumption" except for those concerning the cities, the DMZ and—in the American view—reconnaissance planes.

The question is not, therefore, whether the Administration has stated a new policy—it has; nor whether it is preparing a public position for the moment when it may decide to resume the bombings—that obviously is what it is doing. The question is why, since however obstreperous it may be otherwise, Hanoi has not seriously violated the 1968 "understanding" except perhaps in the matter of reconnaissance planes.

But American troop withdrawals have not pushed Hanoi to make negotiating concessions, either, as it was claimed they would; instead, after two years of it, Mr. Nixon is approaching exposure to the inherent weakness of his Vietnamization policy—the possibility that American troop strength may be reduced enough to invite devastating attack that could be prevented or defeated only by air power.

If the pursuit of Vietnamization comes to that, renewed bombing would be the bitter fruit of Richard Nixon's own policy decisions. Not truth, half-truth or untruth could justify it by the "understanding" of 1968.

SUPERSONIC TRANSPORT

Mr. CANNON. Mr. President, we have heard many pros and cons recently in the heated debate on the merits of the SST. Many of the claims have generated more heat than light.

A letter to the editor of the New York Times, dated December 2, 1970, by Mr. James J. Harford, executive secretary of the American Institute of Aeronautics and Astronautics, sheds some light on some of the issues involved and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SUPERSONIC TRANSPORT: CONJURED AND REAL

To the Editor:

The Times's Dec. 1 editorial accuses SST advocates of "making desperate efforts to assure approval" of the appropriation before the Senate on Dec. 2.

I find "desperate" too soft a word for The Times's editorial which marvels at William Magruder's audacity in accusing "leading economists" of not understanding aviation economics but offers no evidence to contradict him. Is it a fact or isn't it that you must go back to the DC–3 to find a major U.S. commercial airplane not developed largely from a base of Government funding? The only thing really new about the Government funding of SST is that Boeing will return the investment in royalties.

You accuse me of "breathtaking assertions," such as my statement that flights at 60,000 feet will be smooth, and you assert that "air traffic controllers report that the SR–71 . . . has already encountered severe clear air turbulence at that altitude," as if this contradicted my statement. There is clear air turbulence at SST flight levels, and the SST will be designed to withstand it just as today's jets do at lower altitudes.

You assert that "while climbing from zero to 1,500 feet, the SST will make ear-shattering noise louder than anything today's jets produce" but you fail to make the connection between the fact that, because it climbs out faster, this noise reaches the surrounding community with less intensity than jets give today.

You assert that "cloudbursts do not put water vapor into the stratosphere." Simply false. I cited at least 3,000 cloudbursts per day—each depositing as much water vapor as the whole SST fleet—but I was very conservative. A reputable geophysics handbook estimates 50,000 thunderstorms a day, many extending into the lower stratosphere.

Will you accept as an objective spokesman for environmentalists Dr. William W. Kellogg, chairman of M.I.T.'s Working Group on Climate Effects? He states: "Nowhere have we indicated that we believe the SST development should be held up or delayed pending the results" of studies on the SST's effect on the stratosphere.

Finally, you say the "airlines are running away from it." Every airline president involved has given his strong support in writing for the SST prototype development. Why don't you run their position rather than speak for them irresponsibly?

In general, the SST that The Times and critics like Senator Proxmire have constantly conjured up, any conscientious person would be against. But those who have looked carefully into the facts do not oppose the *real* SST.

JAMES J. HARFORD,
Executive Secretary, American Institute of Aeronautics and Astronautics.

NEW YORK, December 2, 1970.

AMERICAN BAR ASSOCIATION POSITION ON THE GENOCIDE CONVENTION

Mr. THURMOND. Mr. President, the International Convention on the Prevention and Punishment of the Crime of Genocide has been reported favorably to this body by the Committee on Foreign Relations. Although every man finds the concept of genocide abhorrent, there are grave reservations whether it ought to be made a crime, as such, subject to international jurisdiction. Some of the best legal minds of this generation have repeatedly pointed out the threat which this conventon poses toward our liberties and our system of justice.

Prominent among the opponents of this convention has been the American Bar Association, which has gone on record in 1949 and as recently as 1970 with resolutions presented in the ABA's House of Delegates. I therefore find it regrettable that the ABA was not allowed to testify before the Foreign Relations Committee on this matter. I quote from the report issued by the committee on December 8:

> A request by the American Bar Association to be heard on this convention was received under date of September 17 and this was considered at a meeting on November 23. The committee took note of the fact that the House of Delegates of the American Bar Association in February rejected by a vote of 130 to 126 a motion to reverse its opposition to ratification of the Genocide Convention and therefore upheld the 1949 resolution presented to the committee at the 1950 hearings which are available for the information of the Senate. The committee then voted, 10-2, to report the convention favorably to the Senate, subject to the understandings and the declaration.

In other words, even though the most distinguished legal group in the United States asked to present its views on this matter to the Senate, the committee held that a statement made 20 years ago was sufficient to represent the ABA's position.

I do not know what additional light the ABA would have presented, if it had been allowed to do so, but I certainly believe that one's understanding of issues deepens over the years, and it would have been useful to have these added insights and perceptions on hand. I assure the Senate that when this matter comes before us it will be thoroughly explored and discussed in detail for as long as necessary, and it will not be passed over in such summary fashion.

Fortunately, however, the Senate still has an opportunity to learn something of the ABA's views on the treaty because of a recent article in the ABA Journal entitled, "Pitfalls of the Genocide Convention," by Orie L. Phillips and Eberhard P. Deutsch, both of them outstanding lawyers, well-known in the fields of constitutional and international law.

Mr. President, I ask unanimous consent that this article from the ABA Journal, July, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PITFALLS OF THE GENOCIDE CONVENTION

(By Orie L. Phillips and
Eberhard P. Deutsch)

(Everyone is against genocide, but the ratification of the Genocide Convention by the United States would raise thorny and serious questions and might subject our citizens to trials in which our constitutional safeguards are not observed. Concurrence in the lofty ideals that engender the promotion of moral issues should not substitute the ephemeral tissue of those ideals for the enduring fiber of constitutional limitations)

On September 8, 1949, the American Bar Association, through its House of Delegates, expressed the sense of the Association "that the conscience of America like that of the civilized world revolts against Genocide[1] . . .; that such acts are contrary to the moral law and are abhorrent to all who have a proper and decent regard for the dignity of human beings, regardless of the national, ethnical, racial, religious or political groups to which they belong; [and] that Genocide as thus understood should have the constant opposition of the government of the United States and of all of its people".

The House nevertheless placed the Association on record as opposing approval by the Senate of the United States of the Convention on the Prevention and Punishment of the Crime of Genocide "as submitted" to the Senate for its advice and consent by President Truman less than three months earlier—on June 16.[2]

At its Midyear Meeting in Atlanta on February 23 of this year, the House reaffirmed the position taken in 1949, voting down by a narrow margin a recommendation for reversal of that position and for unreserved approval of the convention.

The authors of this article are in complete accord with both the declaration of and the conclusion reached by the Association. This article is written as a record of the background of that position, which, in the last analysis, is simply that wholehearted concurrence in the lofty ideals that engender promotion of moral issues should not be permitted to substitute the ephemeral tissue of those ideals for the enduring fiber of constitutional limitations.

The Genocide Convention originated in the United Nations. On December 11, 1946, the General Assembly adopted a declaration to the effect that genocide "is contrary to moral law and to the spirit and aims of the United Nations"; that 'many instances . . . of genocide have occurred when racial, religious, *political* and other groups have been destroyed, entirely or in part"; and that genocide is a crime, whether it "is committed on religious, racial, *political* or any other grounds" (emphasis supplied). The declaration invited "the Member States to enact the necessary legislation for the prevention and punishment of this crime".

The United States joined in this declaration. Standing foremost as a world leader in the protection of individual rights, she could do no less. The authors of this article are in complete and unequivocal accord with the following statement made by the American Bar Association's Section of Individual Rights and Responsibilities in its report on the Genocide Convention submitted to the House of Delegates in February of this year:

> . . . The United States, which was founded on the basis of protest against government excesses, and which grew great in substantial measure because it was a haven and the hope for oppressed persons everywhere, should be in the lead in joining in the declaration of revulsion at the organized effort to eliminate a whole people during World War II, and of determination that such an effort should not be undertaken ever again.

But the conviction of the authors is equally firm that having joined in such a declaration as to a matter which lies ultimately within the domestic sphere of each of the world's nations, the United States has gone far enough. She should not, in our opinion, join in a convention by which she would commit herself in advance to protect the people of other nations against their own governments. Nor should she agree that such other countries may determine what is to be deemed to be genocide within the borders of the United States and invite them in advance, in the words of Article VIII of the Genocide Convention, to take through "the competent organs of the United Nations, such action under the Charter of the United Nations as they consider appropriate" for the "suppression" thereof.

The Section report itself makes this point abundantly clear. It is stated therein that under Article VIII of the Genocide Convention:

> . . . Even if the complaint involved alleged prohibited action by one country against an ethnic group within its own country . . . the claim that the United Nations could not consider the matter because it concerned the domestic jurisdiction of one state . . . would be foreclosed. The Secretary Council, or the General Assembly, or the Economic and Social Council would all be authorized to hear the complaint. In appropriate cases, where the complaint was borne out by the facts, the United Nations organs could recommend or decide on measures to be taken. . . .

TREATIES SHOULD NOT BE USED FOR INTERNAL GOVERNMENT

It is submitted that treaties with other nations are not the proper constitutional means for the government of the people of the United States in their internal affairs, which should continue to be regulated by our own federal, state and local legislative bodies through enactments that have their foundation in our own constitutional processes.

We subscribe wholeheartedly to the statement made by John Foster Dulles as Secretary of State, testifying before a subcommittee of the Senate Judiciary Committee on a proposed constitutional amendment to limit the effect of treaties as internal law within the United States:

> I do not believe that treaties should, or lawfully can, be used as a device to circumvent the constitutional procedures established in relation to what are essentially matters of domestic concern. [The United States should] favor methods of persuasion, education and example rather than formal undertakings. . . .

Footnotes at end of article.

We do not ourselves look upon a treaty as the means which we would now select as the proper and most effective way to spread throughout the world the goals of human liberty to which this Nation has been dedicated since its inception.

The authors of this article do not agree with the extravagant statement in the Section report that "in terms of a threat to international peace and security, the occurrence of genocide anywhere in the world is as much a matter of international concern as, for example, the spread of nuclear weapons"; or that "when some state—or, as in this case, 74 states—consider a matter to be of sufficient concern to make a treaty about it, then realistically it is of international concern."

This is the old bootstrap doctrine by which a domestic issue, not subject as such to regulation by treaty, can be transmuted, by the very prohibited act of making it the subject of a treaty, into the arena of international affairs subject to regulation by treaty. It is the same doctrine that gave rise to the 1950 dictum by the Department of State that "there is no longer any distinction between 'domestic' and 'foreign' affairs." [3]

If the limitations contained in the Constitution of the United States are subject to circumvention by this jurisprudential sorcery, the matter becomes one of broad constitutional policy rather than of strict constitutional law. Our constitutional philosophy should not be so impaired by transplanting matters within our domestic jurisdiction into the international forum, subject to legislation by treaty and adjudication by international tribunals.

GENOCIDE BY GOVERNMENT IS NOT IN THE CONVENTION

There can really be no question, as stated in the Section report, that "the crimes which gave rise to the Genocide Convention—mass murder of Jews . . . by the Nazis was, of course, done with the encouragement and indeed at the direction of the government of Germany". It is the position of the authors of this article that in order for genocide to be an international crime, and therefore a matter of international concern appropriately the subject of a treaty, it must, by definition, be committed with the complicity of the government concerned, not merely by individuals.

When the convention was being formulated, the representatives of the United States, backed by those of other Western nations, sought as a *sine qua non* to have genocide defined as having been committed "with the complicity of government", because its "delegation felt in fact that genocide could not be an international crime unless a government participated in its perpetration".[4]

This demand was rejected, and under Article IV of the convention states-parties are required merely to enact legislation providing punishment for "persons committing genocide" and requiring the trial of "persons charged with genocide", whether they are "public officials or private individuals". Instead of including government complicity as an element of the offense, Article VIII of the convention permits "the competent organs of the United Nations" to interfere in the domestic affairs of member nations by hearing complaints as to the conduct of their individual citizens, and to "take such action . . . as they consider appropriate" against them.

The type of problem with which the United States might be faced in this regard, if it became a party to the Genocide Convention, is illustrated graphically and startlingly by a recent news item in *Time* of December 12, 1969, which reported that a "San Francisco lawyer who represents the [Black] Panthers . . . revealed plans to go before the United Nations and charge the United States with 'genocide' against the Panthers".

VAGUE LANGUAGE CAUSES PROBLEMS

Another constitutional question of some significance arises from the vagueness of certain provisions of the convention. It provides in Article II, for instance, that genocide consists of certain "acts committed with intent to destroy in whole or in part a national ethnical, racial or religious group, as such" by "(b) causing serious . . . mental harm to members of the group".

There would seem to be grave doubt as to whether so vague a provision as that of "mental harm" could be cured by implementing legislation such as, for example, that proposed by the Section of Individual Rights and Responsibilities in an annex to its report on the convention, which refers to conduct "with the intent to destroy" and which "causes serious harm to the . . . mind". Even the February 19, 1970, message of the Persident to the Senate, with its attached letter from the Secretary of State, requesting advice and consent to ratification, recommends that this be done with an "understanding" that the words "mental harm" be construed as having a clarifying narrow meaning.

Language so broad and vague, if not unconstitutional in legislation defining crime, could well have been held to characterize racial segregation practices prior to 1954 as genocide. In *Brown* v. *Board of Education*, 347 U.S. 483, the Supreme Court held expressly that separation of Negro children "from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone . . . [and] has a tendency to [retard their] education and mental development".

POLITICAL GROUPS REMOVED FROM THE CONVENTION

Just as the United States and her political allies were unable to get "complicity of government" into the definition of genocide, they also acquiesced at the insistence of the Communist bloc in the omission of "political" from the categories of groups as to which genocide is to be prohibited.

The original United Nations declaration denounced genocide whether "committed on religious, racial, *political* or any other grounds" (emphasis added). When this declaration was being converted into the convention, the Communist nations insisted on omission of "political" from the listed categories, and the United States capitulated. None of the Communist nations, therefore, can be charged under the convention with committing genocide by inflicting intolerable "conditions of life" on a political group and seeking to destroy its members.

When this point was raised in the House of Delegates last February, Nicholas de B. Katzenbach, a former Under Secretary of State of the United States said, in effect, that omission of "political" from the convention was simply a "trade" in the course of compromise between the Communist and Western nations by which "we succeeded in getting 'ethnical' included among the groups in place of 'political' ". Considering that "ethnical" in its ordinary meaning is defined as "pertaining to or designating races" and that "racial" already was in the draft of the convention, a compromise for the inserting of "ethnical" in return for the omission of "political" seems to have been a one-sided trade, with our side the loser.

The elimination of "political" groups and "with the complicity of government" now permits genocide where it goes on (Czechoslovakia, Hungary, Africa, Asia). Sir Hartley Shawcross, a former British Attorney General, said that the adoption of the convention will delude people into believing that a great step forward has been taken, whereas nothing has been accomplished.

This "legislative history" as to the circumstances under which "political" was omitted on the insistence of the Soviet Union and other Communist nations, so that assassination of political groups is not prohibited by the convention, is explained and confirmed by the refusal of the Soviet Union to ratify the 1957 Convention on the Abolition of Forced Labor, because it prohibits the imposition of forced labor as a means of political coercion or as punishment for the expression of political views opposed to those of the government.

WHERE CAN GENOCIDE TRIALS BE HELD?

Aside from the answerability of governments for violation of the convention on charges filed with the United Nations, the treaty provides (Article VI) that "Persons charged with genocide . . . shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction."

In an article in the January, 1970, issue of this *Journal* (page 71), Bruno V. Bitker inadvertently omitted the words "in the territory of which the act was committed" when he quoted from Article VI. In a letter to the editor in the April issue (page 296), the omission was corrected by Mr. Bitker, but his January article concludes that a United States citizen charged with genocide under no circumstances could be tried elsewhere than in a court of the United States.

And in the report of January, 1970, on the genocide convention submitted by the Standing Committee on World Order Under Law to the House of Delegates, the same egregious *non sequitur* is drawn to the effect that since there is no such international tribunal as is contemplated under this article, no "American citizen could be deprived of his constitutional right to trial by jury, or be forced into a trial in some foreign court under procedures not American".

It seems especially difficult to understand this fallacious syllogism in light of the provisions of Article VII of the convention that genocide is not to be considered a political crime and that the parties to the convention "pledge themselves in such cases to grant extradition", presumably for trial in "the State in the territory of which the act was committed" (Article VI), "in accordance with their laws and treaties in force".

These jurisdictional and "extraditional" provisions raise important practical problems for the United States. The authorities in Hanoi have charged that members of the Armed Forces of the United States have been guilty of genocide in "the alleged massacre of civilians in a South Vietnamese village". If the United States were a party to the Genocide Convention, she would necessarily have agreed that these soldiers are subject to trial in Vietnam under the provisions of Article VI and, if the United States and Vietnam should ever have an extradition treaty, would be subject to extradition for trial in Vietnam, even if deemed or found innocent in this country.

Of course, no extradition would be necessary as to our American prisoners in North Vietnam. That country, it may be assumed, would cite the Genocide Convention, if we were a party to it, as our consent to the trial of those prisoners on genocide charges in that country, with the Nuremberg trials as a sanctioning precedent.

WHAT HAS HAPPENED TO THE "NUREMBERG DEFENSE"?

This suggestion in turn raises another interesting, serious and dangerous question for the United States. The "Nuremberg defense", universally pleaded in war crimes trials, is that the accused was following orders he was required to obey. Article IV of the Genocide

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Footnotes at end of article.

Convention provides: "Persons committing genocide . . . shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals." As stated in the report of the Section of Individual Rights and Responsibilities: "The Genocide Convention makes clear, in Article IV, that in respect of the crimes specified, no one, not governmental officials, not private individuals, can escape responsibility for his action through this [Nuremberg] defense."

We join in asking the rhetorical question posed in his dissent by Ben R. Miller, a member of the council of the Section:

> Would not the military strength of this nation and hence the nation itself be endangered if in following orders of a superior officer in the heat of battle subordinates would be faced with instant decisions of whether to risk court martial for refusing to follow orders, or punishment for genocide if a [tribunal] in the calm aftermath of a war could consider the result of following a particular order to have been genocide? For the Treaty abolishes the defense of subordinates that they were but following orders of their superior officers.

INTERNATIONAL PENAL TRIBUNAL STANDING IN THE WINGS?

Opponents of the Genocide Convention have insisted that if the convention were ratified by the United States, there would be the possibility of the trial of an American citizen accused of genocide before an international penal tribunal when, as and if such a court should be established and its jurisdiction accepted by the United States. The trial would be without the constitutional safeguards by which he would be protected in a court of the United States.

To this the proponents of the convention said in the Section report that "the answer is simple. No such tribunal has been established." They added:

> If one were established, parties to the Genocide Convention would have the option whether to accept its jurisdiction or not. For the United States, that option would have to be independently exercised through the Treaty Power, that is only with the advice and consent of the Senate by a two-thirds vote.

Issue is taken, in the first place, with the last-quoted statement. This is just the type of action that, like recognition of a new foreign government, might be accomplished by an executive agreement without the advice and consent of the Senate. The point is well illustrated by the recent case of the International Anti-Dumping Code, concluded by the United States with seventeen other nations in Geneva on June 10, 1967. All those countries treated the code as a formal treaty requiring parliamentary approval—and so ratified it. The United States alone dealt with the document as an executive agreement, and because certain of its provisions were in direct conflict with corresponding provisions of Congressional tariff acts, the code was not submitted to the Senate for its advice and consent for fear of adverse action by that body.[5]

There possibly would be no practical way in which to assert the invalidity of an executive agreement accepting, in behalf of the United States, the jurisdiction of an international penal tribunal established for the trial of offenders under the Genocide Convention, once that convention itself been ratified by the United States.

Nor can it be said cavalierly that it is not contemplated by the United States that an international penal tribunal is to be established. The minutes of the 74th meeting of the Sixth (Legal) Committee of the General Assembly of the United Nations, held at Paris in October, 1948, contain a significant statement to the effect that the United States delegation stated that it "intended, at a later stage to show the need for the establishment of an appropriate international tribunal" in connection with Article VI of the Genocide Convention.

George A. Finch, a former Deputy Under Secretary of State, professor of international law at Georgetown University, Vice President of the American Society of International Law and editor-in-chief of its journal, in an address before the annual meeting of the society at Washington on April 29, 1949, said: "The proposals . . . to prevent genocide . . . have been framed so as to take American domestic questions out of the jurisdiction of American courts and place them under some form of international jurisdiction."

In a book on international enforcement of human rights, Professor Paul Gormley of the University of Tulsa School of Law states: "A private individual must be able to prosecute an action before an international tribunal—in his own name—against an offending government, particularly his own."

The Bangkok Conference on World Peace Through Law, held in September, 1969, unanimously adopted a resolution commending its committee engaged in a project entitled "Toward a Feasible International Criminal Court" and giving it all possible support and assistance.

How can it be said in good conscience, in the face of this wealth of background material to the contrary, that Americans may rest assured that ratification of the Genocide Convention by the United States at this time will not carry with it the ultimate establishment of an international penal tribunal for the trial of citizens of the United States charged with commission of offenses thereunder?

An American citizen or any other person residing in the United States who is tried by an international tribunal created for the trial of persons charged with the offense of genocide would be deprived of many of the rights provided in our Constitution for persons charged with offenses against the laws of United States in our national courts. Among these are the right to be charged for a capital or infamous crime only on a presentment or indictment of a grand jury and the right to a speedy and public trial by an impartial jury of the state and district wherein the crime is alleged to have been committed. The privilege against self-incrimination and the protection against unreasonable searches and seizures also might disappear.

Another reason militating against ratification of the Genocide Convention arises from the provision of Article III(c) making punishable "direct and public incitement to commit genocide" vis-a-vis the First Amendment's guarantees of free speech and press. Suffice it to say here that there is at least grave doubt under recent decisions of the Supreme Court as to the effect to be given, even by that Court, to such a treaty provision in the circumstances of different cases—certainly completely incomprehensible to judges of an international tribunal to whom our concepts of freedom of thought and expression might be chimeric mysteries at best.

RESERVATIONS ON ADHERENCE WOULD BE INEFFECTIVE

It is extremely doubtful that objections to the ratification of the convention by the United States can be obviated by reservations attached to our adherence. It will be recalled that by the Connally Amendment to the reservation of the United States to its declaration of adherence to the International Court of Justice, it is stipulated that the United States is not to be subjected to the processes of that court as to disputes which are essentially within her own domestic jurisdiction "as determined by the United States of America".

To circumvent that reservational safeguard, it was provided by Article IX of the Genocide Convention:

"Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."

This article clearly overrides the Connally Amendment and subjects the United States to the unreserved jurisdiction of the International Court of Justice as to all matters involving the "interpretation, application or fulfillment" of the convention. Thus, if our Supreme Court should hold that a case under the convention is within this country's domestic jurisdiction and the conduct protected by the First Amendment, any party to the treaty could take the matter before the International Court of Justice, which need not follow our Court's decision. It might hold that the case was not within our domestic jurisdiction, and the United States would be bound by that decision despite the Connally Amendment.[6] This is a constitutional consummation devoutly to be avoided.

HOW EFFECTIVE COULD THE GENOCIDE CONVENTION BE?

In the final analysis, the prohibition of genocide by treaty must become an exercise in futility. Adolf Hitler would hardly have restrained the frightful acts of genocide that gave rise to the convention, even if it had been in existence and Germany had been a party to it during the Nazi reign of terror. The Soviet Union and her Communist-bloc allies were not deterred from the 1968 invasion of Czechoslovakia by the nonaggression provisions of the Charter of the United Nations.

The Genocide Convention places in the hands of nations whose peoples have never known the freedoms guaranteed under our Constitution the power to judge whether those freedoms are being protected properly within our domestic borders.

It is submitted that an international convention whose provisions may be invoked in an international forum when an individual commits a crime within the domestic jurisdiction of a state would cause far more friction between peoples and governments than does the evil it seeks to correct. It would tend to promote war rather than to maintain international peace and security within the letter and spirit of the Charter of the United Nations.

FOOTNOTES

[1] The word "genocide' was coined by the late Professor Raphael Lemkin (1900–1959) of the Yale Law School, whose parents were purged in Poland.

[2] In 1950 the Senate Foreign Relations Committee, headed by Senator Connally of Texas, having before it the genocide treaty from President Truman for advise and consent, ordered hearings by a subcommittee under the chairmanship of Senator McMahon of Connecticut. Hearings were extensive, running over a number of days. Many persons appeared in support of ratification. Carl B. Rix of Milwaukee, a former President of the American Bar Association, the late George Finch of Washington, D.C., then and for many years Editor-in-Chief of the *American Journal of International Law* and professor of international law at Georgetown University, and Alfred J. Schweppe of Seattle, formerly Dean of the University of Washington Law School and at the time Chairman of the American Bar Association's Committee on Peace and Law Through United Nations, appeared and testified against ratification, pointing out the grave inadequacies and risks of the proposed convention.

Footnotes at end of article.

The testimony taken at the hearings is part of the Senate records. After these 1950 hearings, the proposed convention became dormant for some twenty-one years, until revived by President Nixon in February, 1970.

It appears significant that Dean Rusk, who as Assistant Secretary of State presented the State Department's position to the McMahon subcommittee in 1950, was Secretary of State for eight years under two recent Presidents, but did not revive the Genocide Convention, even with a heavy Democratic majority in the Senate. Equally significant is the fact that during the Eisenhower Administration John Foster Dulles, the Secretary of State, announced that the administration would not bring up the Genocide Convention.

[3] State Department Publication 3972. Foreign Policy Series 26 (1950).

[4] See record of the proceedings of the Ad Hoc Committee in 1948, and especially the statement made on April 15, 1948, by Mr. Maktos of the United States, chairman of the committee, as to the position of the United States, and also the proceedings and votes in the sixth (Legal) Committee (75th and 128th meetings), and the Official Records of the Third Session of the General Assembly, Part I, "Legal Questions".

[5] See Public Law 90–634, 82 Stat. 1347 (October 24, 1968), 19 U.S.C.A. § 160, note (Suppl.), suspending certain provisions of the code, and its legislative history in *U.S. Congressional and Administrative News* (1968), Vol. 3, 4359 *ff*. See also Long, *United States Law and the Anti-Dumping Code,* 3 INT'L LAWYER 464 (1969).

[6] See Phillips, *The Genocide Convention,* 35 A.B.A.J. 623, 625 (1949).

AN ALASKAN SAMARITAN

Mr. STEVENS. Mr. President, Alaska's history is replete with examples of individual deeds of heroism performed by one Alaskan for another. Mr. William M. Bettis of Fairbanks, Alaska, has added another chapter to this legendary camaraderie of Alaskans by rescuing an 83-year-old pioneer from a burning cabin. I wish to insert at this point in the RECORD the text of a Department of Transportation news release relating to the details of Bill Bettis' bravery.

Secretary of Transportation John A. Volpe today in Washington presented the Award for Valor to William M. Bettis, Special Agent for the Alaska Railroad in Fairbanks.

The Award for Valor is the Department of Transportation's highest award for acts of heroism involving great personal risk by civilian employees under unusual circumstances.

The Award to Bettis was made for his action in Fairbanks in February of 1968 when he entered a burning cabin containing gasoline and other combustibles and rescued John Borgeson, then 83, who had been overcome by smoke.

Working in 38 below zero temperature, Bettis threw the fuel containers from the cabin, located Borgeson and removed him to safety and fought the flames by throwing snow on them until the fire department arrived.

Bettis' action was credited with saving Borgeson's life.

Special Agent Bettis previously has been cited for bravery for this action by the Carnegie Hero Fund Commission.

In many parts of Alaska the environment is demanding. It has often been said Alaskans are drawn together in their common efforts to adapt to severe climate or remote location. Bill Bettis has clearly illustrated that we may continue to have faith in the legend of the Alaskan Samaritan. I have known Bill since I was the U.S. attorney in Fairbanks in the early 1950's. Those of us who know him realize that for Bill this is just one of the many things he has done to help his fellow man without thought for his own safety.

Bill Bettis is an excellent law enforcement officer and he is a real human person in all that he does.

JOHN GARDNER THE CRITIC

Mr. DOLE. Mr. President, recently Mr. John Gardner, the former Secretary of Health, Education and Welfare, formed a lobbying group called Common Cause, ostensibly to work on behalf of legislation and proposals that Mr. Gardner deems in the best interests of the country.

Now, nobody can criticize this approach. It is legal, it is legitimate and it could be effective.

Unfortunately, Mr. Gardner, who is a nominal Republican, is using Common Cause to support his own disapproval of President Nixon.

In other words, he is using Common Cause, which the eager, the innocent, the enthusiastic and the unwary can join at $15 a head, for partisan political purposes.

It is one thing to seek to override a veto or even to change the congressional seniority system, both of which Mr. Gardner has sought to do. These are issues that can and do transcend politics.

But it is difficult to put in the same category Mr. Gardner's attack on the President in last Sunday's Washington Post. I have no intention of giving that attack wider circulation or credibility by repeating it here. At the same time, I do not deny Mr. Gardner's right to be critical of the President or anybody else he chooses to be critical of. That is not my point.

My point is that Mr. Gardner, despite his piety, is a political figure. I must assume he has political ambitions either for himself or for someone else, although obviously not Richard Nixon.

Those ambitions have led him to organize a number of issue-oriented and urban-oriented organizations. I suspect they have led him also to be critical of President Nixon.

What other steps these ambitions will lead him to take I can only speculate on.

But I do believe that those people contributing to Common Cause in the belief that they are participating meaningfully to advance one man's political ambitions, ambitions that may or may not fit in with their own political beliefs or desires.

John Gardner has every right to run for President or to support the candidate of his choice. But the supporters of, and contributors to, Common Cause should have the right to know whether he intends to do this and whether, as his statement seems to indicate, he intends to continue his attacks on the President.

ONE-BANK HOLDING COMPANY LEGISLATION

Mr. TOWER. Mr. President, the Senate-House conference on the one-bank holding company bill has reported a compromise bill which accomplishes its principal mission of placing one-bank holding companies under a modified set of regulations which have been applicable to multibank holding companies since 1956. In my opinion, this is the only step that should be taken at this time, since the President's Commission on Financial Structure and Regulation is currently studying the entire financial framework of our economy. The Commission's forthcoming recommendations for restructuring our financial laws and regulatory system will merit our careful consideration.

The primary function of the compromise bill is to remove the exemption of the one-bank holding companies from the Bank Holding Company Act of 1956. The principal provisions adopted by the conferees would: first, define a more flexible area for the performance of bank-related functions for nonbank subsidiaries of bank holding companies; second, give the Federal Reserve Board flexibility to exempt certain existing one-bank holding companies from divestiture in cases where an undue hardship would result to the company or community involved; third, allow certain other existing one-bank holding companies a limited freedom to keep their nonbanking companies, owned prior to June 30, 1968, in order to avoid enacting an unfair post facto law; and fourth, allow a fixed 10-year divestiture period for all one-bank holding companies forced to divest due to the provisions of the act.

Much controversy has centered on whether this bill is "pro-bank" or "pro-independent business." I think that the Senate bill, which the conference bill most closely resembles, is a propublic bill. It provides flexibility in financial operations for commercial banking, separates these operations from activities in the general field of commerce, and protects the independent businessman against unfair competition from bank-holding companies. Both the banking industry and the affected independent businesses worked diligently for their respective points of view, and I think that the conference bill is a feasible compromise of their two concerns plus the public's interest in fair competition. What some have inappropriately called "loopholes" in the Senate bill and the final conference bill are actually nothing more than exemptions for holding companies which had relied in good faith on the existing banking law at the time they acquired their banks. They represent no unfair competition to the affairs of independent businessmen. The whole purpose of the bill was simply to separate banking from general commerce for the future, as a matter of general prospective congressional policy. I repeat, no current problem really exists for the public interest. Over the long-run, however, Congress has decided to prohibit the future creation of close operational connections between banking and general commerce, with the proviso that current operational connections be allowed, in all fairness, to exist under certain limitations. Some of the existing bank-holding companies may not qualify under the various terms of the several exemptions and will have to divest. I do not think that this is fair to them, but I was only one member of the conference, and other members felt differently.

In sum, I feel that the conference bill is a workable, viable approach to the long-run concern of Congress over the future prospect of closely related banking and general commerce sectors of the economy. No problem really exists at this time, but as a matter of prospective legislation to prevent future problems, this bill is adequate to the task. I recommend it to the full Senate.

KEEPING CONGRESS INFORMED

Mr. CHURCH. Mr. President, for the health and well-being of balanced constitutional government, it is necessary that the Senate continue to do all it can to reassert its authority in formulating foreign and security policy. Along these lines, the Case bill, requiring the Executive to inform the Congress about all international agreements within 60 days of making them, is an important building block in the reconstruction of our political system now taking place. The Senate will be considering the Case bill early in the next Congress. I will support this important proposal, and I hope the majority of my colleagues will, too.

I ask unanimous consent that a poignant account of this legislation, appearing in the December 19 New Republic, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ADVISE AND CONSENT

"Foreign policy must take precedence in the White House. It must also take precedence in this Senate. The only safe way to grant the necessary priority in foreign policy is to restore bipartisanship, not on a political party basis alone but between the branches of Government before decisions are made. That, in turn means restoring the habit of consultation between the White House and the Congress, for only consultation gives substance to the idea of bipartisanship."

—Senator GEORGE AIKEN.

President Nixon has an opportunity to do what Senator Aiken wants by supporting, or at least not opposing, Sen. Clifford Case's proposal to formally require the executive branch to tell Congress about all international agreements within 60 days of making them. It's an old idea, originating with Republicans in the Eisenhower administration but never enacted. Treaties, of course, must be ratified by the Senate. And existing law requires the Secretary of State to make an annual accounting to Congress of agreements which the administration chooses not to call treaties.

But that law is honored in the breach, usually on the grounds that national security considerations preclude public disclosure. In practice this means the President can make secret promises of military and other support without any congressional oversight or public debate. If we ever learn of them at all it's often too late to do anything to affect policy. Senator Stuart Symington's Foreign Relations Subcommittee on U.S. Security Agreements and Commitments Abroad has provided a number of examples of once-secret pacts that make the case for Case—a 1966 contingency plan under which U.S. troops would help Thailand repel a North Vietnamese attack launched from Laos, a quid-pro-quo agreement with Korea involving military aid for the Koreans in exchange for Korean troops in Vietnam, military aid to Ethiopia in return for a base.

As Senator Aiken said in his Senate speech November 24, the Vietnam war is itself the prime example of failure of consultation between the President and Congress. In 1965, "the aim of preventing defeat in Vietnam was replaced by the aim of military victory—and the great escalation started, without consultation with the Senate." Aiken, senior Republican on the Foreign Relations Committee, generally supports Nixon. He believes, naively in our judgment, that "if there is discontent in the Senate over the conduct of foreign policy, it is because President Nixon has not yet restored the habit of consultation that lapsed during earlier years." (Aiken says he might even have supported the invasion of Cambodia if only he'd known about it in advance.)

The legislation revived by Senator Case was originally introduced in 1954 by the conservative Republican Sen. William F. Knowland with the support of the State Department. It differed from Case's proposal in that it would have forced disclosure to senators, but not representatives. The Case bill would require the Secretary of State to send Congress transcripts of all agreements as soon as possible, but in no event later than 60 days after they've been completed. In those cases where public disclosure would be, in the President's opinion, "prejudicial to the national security," the texts of agreements would go to the Senate Foreign Relations and House Foreign Affairs Committee and be protected by "an appropriate injunction of secrecy to be removed only upon due notice from the President." The Members under such circumstances would know but couldn't tell. For a branch of government whose function is to advise and consent, that's preferable to not knowing at all.

It's too early to tell from where support for Case will come. Soundings are being made at the State Department and the White House. On the Foreign Relations Committee all but perhaps hawkish Sen. Gale McGee are likely to be receptive. Senator Aiken hasn't yet said he'll go along, though failing to do so would seem to contradict his views on consultation. Senator Fulbright, a private supporter, has been publicly silent, as has Senator Symington, whose only move so far was to insert in the *Congressional Record* a newspaper report explaining the Case bill.

WHITE HOUSE CONFERENCE ON INFLATION AND UNEMPLOYMENT

Mr. GURNEY. Mr. President, yesterday, the distinguished senior Senator from Arkansas (Mr. MCCLELLAN) introduced Senate Resolution 496.

The resolution provides that it is the sense of the Senate that the President should call immediately a White House conference to study and recommend proposals to cope with inflation and unemployment.

I wish to express my support of this resolution. The suggestion of the Senator from Arkansas has great merit. Especially significant is the nonpartisan-bipartisan nature of the proposal, a sincere, genuine, and concrete idea for a universal attack on all fronts of our troublesome and nagging economic problems.

EQUAL OPPORTUNITY IN BUSINESS ENDEAVOR FOR MINORITIES

Mr. TOWER. Mr. Prseident, for many years members of minority groups in America have suffered inequities in their efforts to become entrepreneurs. Traditional sources of financing have in the main, been unavailable, and numerous obstacles, unknown to majority businessmen have stood in their way.

This problem was not unknown to the President and some six weeks after he took office he created the Office of Minority Business Enterprise, placing it under the responsibility of Secretary of Commerce Maurice H. Stans.

The role of the Office of Minority Business Enterprise was clear: To coordinate all Federal activities relative to the minority business enterprise effort, and enlist the support and cooperation of the private and public sectors.

Today the status of this effort through June of 1970, has been made known in a report to the President by Secretary Stans. It is a good report and most worthy of mention here today.

The report shows that great difficulty was experienced in the early stages of the program effort. It was something new that was being undertaken and there were no guidelines to point the way. Some starts turned out to be in the wrong direction, but changes were made as necessary. The efforts were not without criticism, unjust and unreasonable in most cases.

But out of it all, as the report shows, a firm course of direction emerged, and bit the pieces for progress began to fall into place.

Today the program is on a steady course and activity is rapidly expanding at the national and local levels. Statistics are now available, and each one shows significant progress. Innovative programs and concepts have been introduced, legislative changes have been recommended and, in some cases, made.

The achievements to date, the dedication of the people behind and in support of this effort, the groundwork that is laid for the future, all are to be highly commended. It is a job that, although, by far, is not finished, has been well done.

I wish to personally recognize this effort, and to ask my distinguished colleagues to join me in lending our full support to this deserving undertaking.

At long last the obstacles to equal opportunity in business endeavor for minorities are being removed. This is as it should be in this great Nation—equal opportunity on every front for all deserving citizens.

LITTER CLEANUP ON THE NORTH SLOPE AREA

Mr. STEVENS. Mr. President, as concern for our natural environment has increased, attention has been focused on the litter left by exploring oil crews. One of the chief examples given has been the empty oil drums left by the Navy during their exploration of Naval Petroleum Reserve No. 4, during World War II. After lengthy negotiations with the Navy Department, an agreement has been reached to clean up the petroleum reserve. At the same time that this action was being taken on Federal land, the Alaska Oil and Gas Association has been taking action on the State land in the Colville River Delta area. This area adjoins the petroleum reserve.

I ask unanimous consent that the press release of the Alaska Oil and Gas Association describing their achievements in cleaning up the North Slope area be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

ALASKA OIL AND GAS ASSOCIATION,
Anchorage, Alaska, October 9, 1970.

The first phase of a pilot program for litter clean-up on the North Slope has been completed, according to the Alaska Oil and Gas Association. The project covered more than 33,000 acres in the Colville Delta.

The industry experiment is in addition to programs conducted by individual companies and groups of operators. The pilot program will assess efficiencies and costs of one method of sweeping an entire area clean. The task is to remove all litter and debris encountered, regardless who may have discarded it.

Eskimo crews were hired to gather the debris consisting mostly of empty barrels, discarded boxes, paper, and clothing. The barrels and non-burnable litter were stacked at specific pick-up locations, while the other material was burned in existing pits. The litter pick-up crews were flown to the area, then lived in tents for six weeks. Guided by air reconnaissance, the crew swept the area on foot gathering debris as they traveled.

After freeze-up, November or December, the barrels and bags of debris will be removed by Eskimo snowmobile crews to central sites where they can be transported out of the delta.

A local contractor cooperated with a Colville area resident to make arrangements for the workers and supervised the project, which was initiated and funded by members of the Alaska Oil and Gas Association.

NEW DRAFT CONSTITUTION OF RED CHINA

Mr. THURMOND. Mr. President, in recent months much attention has been given to the question of Communist China's status in the world. The recognition of the totalitarian regime by Canada, and the recent close vote in the United Nations have once more given rise to the argument that the United States must extend diplomatic recognition to the Peking rulers and seat them in the U.N.

Most of this argument runs along the line that we have diplomatically opposed Red China for more than 20 years, that it is fruitless to continue opposition any longer, and that, at any rate, more and more of the world has come to accept the so-called reality of the existence of a Communist state. Such an argument is nothing more than a kind of self-fulfilling prophecy; that is, propaganda designed to bring about the event predicted. The fact remains that we are the leaders of the free world, and the position that we take is more likely to be decisive in world affairs than the positions of lesser nations. If we recognize Red China, then most assuredly many other nations would follow our lead.

Another school of thought takes the gradualist approach. This view holds that we cannot recognize Red China right now, but that we should take small steps which will eventually bring the mainland giant into closer communication with the rest of the world.

This position is equally fallacious. It is parallel to the discredited "Soviet communism is mellowing" theory. All the time that we have been waiting for the Soviets to mellow, they have grown more aggressive, more sophisticated in subversion and propaganda, and militarily stronger, until today the Soviets present the greatest threat to world peace.

Similarly with the Peking regime: While some were waiting for the Peking regime to consolidate its power and moderate its excesses, the Chinese mainland erupted in turmoil and purges time and time again. Instead of growing "mellow," Mao Tse-tung has become more ruthless and more dedicated to the revolutionary process. Any pretense at democracy has been boldly stripped away. During the Red guard purges, the Chinese Communist Party was practically destroyed at all levels, except for the Maoist clique. Mao is now moving to impose his power once more in an exceptionally brutal and totalitarian manner.

A key exhibit in the current Mao campaign is the draft constitution which was approved at the second plenary session of the CCP Ninth Central Committee on September 6. In the translations which have recently reached this country, the Maoist plan is shockingly evident. Never has there been a totalitarian document which has so boldly dropped the veils. This is the first "constitution" in history which actually designates a living person as head of state. Needless, to say, that person is Mao Tse-tung. I repeat, Mao Tse-tung is named in the constitution itself as the head of state. Moreover, the constitution also names his successor, who is Lin Piao, and it lays down "Mao Tse-tung thought" as the guiding principle of the country. I quote article 2 of the draft constitution:

> Chairman Mao Tse-tung is the great leader of the people of all the nationalities of the whole country, the head of the proletariat of our country, supreme commander of all armed forces of the whole country; Vice Chairman Lin is Chairman Mao's close comrade-in-arms and successor, deputy commander of all armed forces of the whole country. The thought of Mao Tse-tung is the guiding principle of all work of the people of the whole country.

These are actually words from the draft constitution. Moreover, the constitution goes on to lay down the whole apparatus of dictatorship, with the power concentrated in the hands of the Mao-Lin group. It is instructive to compare this draft with the present Communist Chinese constitution. The draft has 30 articles, as compared to 106 at present. It was formulated in secrecy and handed down. It boldly states that the workers are subject to the Communist Party, and that the party is subject to Mao. All pretense of "a people's democratic state" has been removed.

Mr. President, the text of the draft constitution appears in the December 1970 edition of the journal Issues and Studies, and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

Mr. President, the same journal, Issues and Studies, has also presented an analysis of the draft constitution by scholars in Chinese affairs, and I ask unanimous consent that this analysis, also from the December 1970 issue, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN APPRAISAL OF PEIPING'S NEW DRAFT "CONSTITUTION"

I. A "CONSTITUTION" FORMED IN SECRET

A new "draft constitution" was adopted by the second plenary session of the CCP Ninth Central Committee on September 6, 1970. This was a big thing for the Maoists.

The present "constitution" was ratified at the first session of the "National People's Congress" on September 20, 1954. Liu Shao-chi explained that a drafting committee led by Mao Tse-tung had been established on January 13, 1953. In March 1954, the committee accepted the CCP Central Committee's draft "constitution" which was then the subject of serious discussions for more than two months by over 8,000 representatives from every "democratic party," every mass group and every sphere of society in Pieping and other large cities. Having been revised, the draft was promulgated by the "Central People's Government Committee" on June 14, 1954, and discussed by the whole people. More than 150,000,000 persons were said to have participated in the discussions. The draft revised according to the opinions gathered from these discussions was approved at the 34th session of the "Central Government Committee" on September 9, 1954. It was then submitted to the first "NPC." In short, the "constitution," in form, was enacted openly.

It is said that the new draft adopted by the second plenary session of the CCP Ninth Central Committee had been handed down to local organs for discussion, but has since been recalled. The so-called "democratic parties" no longer exist in substance. Consequently, the participants in the discussions belong to the Maoist clique only, for instance, the revolutionary committees. The reason for recalling it might be a need to re-examine its contents. This time there have been no public discussions so far.

II. SYSTEMATIZING MAO TSE-TUNG'S AUTOCRACY

In a democratic country the constitution is a fundamental law of a permanent character that cannot be easily discarded or amended. Its purpose is to protect the rights of the people. A Communist regime treats the state as an instrument for class oppression, and the purpose of its constitution is to safeguard the policy of the ruling class (the Communist Party), not to protect the rights of the people. The Communists say they think the state will finally wither away, the constitution, therefore, can be amended in accordance with necessity in the course of the Communist revolution. As a result, the Communist constitution is filled with "class" characteristics.

The so-called "socialist constitutions" from that of the Soviet Union down to those of the Communist regimes founded after World War Two have, however, a more or less pseudo-democratic character. Even the old "constitution" of the Peiping regime was copied from that of the Soviet Union. At present, the new draft of the "constitution" has even cast aside this "democratic" facade, revealing the genuine character of the Maoist regime—that is, an absolute dictatorship under the autocracy of Mao Tse-tung. The names of Mao Tse-tung and Lin Piao are written into the "constitution" so as to consolidate their ruling position.

The draft of the "constitution" emphasizes: 1) the socialist economy; 2) the proletarian dictatorship; 3) the leading and ruling position of the Communist Party, and particularly the personal supremacy of Mao Tse-tung; 4) permanent revolution. The aim here is to systematize the unified leadership and personal autocracy of Mao Tse-tung and his "thought."

III. THE PARTY ABOVE THE "STATE," MAO ABOVE THE PARTY

In the economic sphere the socialist component is emphasized. Among the forms of ownership listed in the old "constitution" (state ownership, that is, ownership by the "whole people"; collective ownership by the "working masses"; ownership by individual working people; and capitalist ownership, chapter one, article 5 of the old "constitution"), only two survive in the draft: state and collective ownership. The draft also permits individual workers in non-agricultural occupations to engage in "individual labor without exploiting others," subject to many limitations (chapter one, article 5 of the new draft).

In the political sphere, the overwhelming emphasis on proletarian dictatorship contrasts with the old "constitution," which is based on the "Common Program of the Chinese People's Political Consultative Conference." The draft crosses out the words, "forging a broad people's democratic united front composed of all democratic classes, democratic parties and groups and popular organizations" which were in the preamble of the former "constitution". The "People's Republic of China" is changed from "a people's democratic state" (chapter one, article 1 of the old "constitution") into "a socialist state under proletarian dictatorship" (chapter one, article 1 of the draft). The organs through which the people exercise their powers are transferred to the "people's congresses" at all levels "under the predominance of the deputies of workers, peasants and soldiers" (chapter one, article 3 of the new draft).

The new draft of the "constitution" pays particular attention to the leadership of the Communist Party. Thus "a state led by the working class . . ." in article 1 of the old "constitution" is transformed into "a state led by the working class (through the Chinese Communist Party) . . ." In addition, the "National People's Congress" has been modified: it is now—"the highest organ of state authority, led by the Chinese Communist Party" (chapter two, article 16 of the new draft); the "Premier of the State Council" in the draft is appointed "according to the recommendation of the Central Committee of the Chinese Communist Party" (chapter two, article 17 of the draft); "the People's Liberation Army and the militia are soldiers who are the sons and little brothers of the workers and peasants; and which are led by the Chinese Communist Party" (chapter one, article 15 of the new draft). In a word, the "Party" and the "State" exist in the vertical relationship of the leader and the led. The same is true of the relationship between the "Party Constitution" and the "State Constitution."

The rights of the people and the functions and powers of the people's congresses as well as the "State Council" are curtailed to such an extent that their powers are in effect shifted to the Party which is chaired by Mao Tse-tung, with Lin Piao as "vice-chairman." As a result, these two men become the supreme leaders. The draft further stipulates: "Chairman Mao Tse-tung is the great leader of the people of all nationalities of the whole nation, the head of the proletariat of our country, the supreme commander of all armed forces of the whole nation; Vice Chairman Lin is Chairman Mao's close comrade-in-arms and successor, the deputy commander of all armed forces of the whole nation. The thought of Mao Tse-tung is the sole guiding principle of all work of the people of the whole nation" (chapter two, article 2 of the draft). Not only are Mao's thought and dictatorship institutionalized, but his successor is also designated in the "constitution", so as to pave the way for the future dominance of Mao's thought and line after his death.

The new draft drops the former preamble and cuts down on the contents of the former "constitution." That document had 106 articles divided into four chapters, while the draft has only 30 articles in four chapters. The section on the "chairmanship" in chapter two, along with the "National Defence Council" and the "Supreme State Conference" headed by the "Chairman", disappears from the new draft. There is nothing about the "chairmanship"; instead, Mao and Lin, who are not elected by the people, serve as chief and deputy chief of the regime with endless tenure as well as unlimited powers. (There are no detailed statements or restrictions on their powers.)

IV. ARROGANCE TOWARDS FOREIGN COUNTRIES

Fifteen out of the thirty articles in the draft deal with general principles. The draft formalizes the people's communes of the great-leap-forward period and the later three-stage ownership as well; it endorses both the policy and the nomenclature (e.g. the "revolutionary three-in-one combination") that has come about since the launching of the Cultural Revolution. It also seeks to perpetuate the duties unfulfilled in the Cultural Revolution, and is, therefore, a "constitution" for continued revolution.

Aside from the provision that the PLA and the militia shall "prevent the subversion and invasion by imperialism, socialist imperialism and their running dogs" (chapter one, article 15), there is nothing concerning foreign policy. But the Maoist party constitution is superior to the "state constitution". This article on the PLA and the militia is the reflection of the "three-anti" line which has already been defined in the party consitution ratified by the CCP Ninth National Congress.

The "Standing Committee" of the "NPC" is converted into a "Permanent Committee"; the "Chairman and Vice-Chairman" of the "Committee" become "Director" and "Deputy Director." This seems to mean that the body has been greatly degraded. The post which "receives foreign diplomatic representatives" has been shifted from the "Chairman of the State" to the "Permanent Committee" of the "NPC." That is to say, a foreign envoy who presents his credentials sees the director of the "NPC" permanent committee instead of the Maoists' chief. If Mao Tse-tung personally receives a foreign envoy, this would be an additional honor. Such arrogance is rare in diplomacy!

The Maoists persist in "permanent revolution" in both foreign and domestic matters and usually take an "offensive" position. Despite Peiping's friendly diplomatic gestures, war preparedness is being built up in the mainland (this becomes part of the new draft).

V. NO SOLUTION TO INTERNAL AND EXTERNAL PROBLEMS

Nevertheless the new draft "constitution" still emerges with the characteristics of a document for a transitional period, it cannot remedy the Maoist crises in this period.

It is said in the new draft that "The People's Liberation Army is forever a combat group, and is also a working team and production group. The duty of the armed forces of the People's Republic of China is to safeguard the achievements of socialist revolution and socialist construction . . ." (chapter one, article 15). This shows that both military training and military control will continue to be employed on the Chinese mainland, because both socialist revolution and socialist construction require military "protection."

"To support Chairman Mao and his close comrades-in-arms Vice Chairman Lin" is not only a fundamental "duty" of citizens, but their fundamental "right" (chapter one, article 26). Does this not imply that opponents still exist?

The new draft of the "constitution," which can be said to be Mao's own "constitution," is quite different from those of western countries. It will be repudiated by democratic countries and people. Nor is it like those of the Soviet Union and other Communist regimes. In addition, it talks about opposing "socialist imperialism." The Soviets may consider the Maoist regime unorthodox. This benefits them in their struggle against Peiping.

From the viewpoint of political science, this kind of "people's congress" and "constitution" (the new draft) is useless. The Maoists, however, may soon be able to claim that they have the "National People's Congress" and the "Constitution", and thus give the whole world the impression that their internal crises have been conquered and things are gradually getting back to normal.

We doubt whether Mao's deceit can attain its goals. It is very hard for Mao Tse-tung to deceive all the people of the world.

REVISED DRAFT OF THE "CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA"

(NOTE.—The second plenary session of the CCP Ninth Central Committee (August 23—September 6, 1970), in addition to proposing to the Standing Committee of the "NPC" that necessary preparations be made for the convening of the fourth "National People's Congress" at an "appropriate time," also approved on September 6, a revised draft of the "Constitution of the People's Republic of China.")

The old "Constitution" of the Peiping regime has a preamble and four chapters, totaling 106 articles with the second chapter divided into six sections. The revised draft of the "Constitution", without a preamble, contains four chapters and thirty articles, and the second chapter has only five sections. The second section on "the Chairman of the People's Republic of China" is dropped. In comparison with the old "Constitution", the new one has been considerably simplified and hence its contents are more ambiguous.

It is said that the Maoists had distributed the draft to local organs for discussions, but soon took it back for reasons still unclear.

Since the draft had been adopted by the second plenary session of the CCP Ninth Central Committee, although for some reason or another, it has been recalled, it will still be the standard copy when the fourth "NPC" is convened; further, the draft, according to the precedent of the revision of the "party constitution" adopted at the CCP Ninth National Congress, will not be revised to any large extent. The draft is translated below for reference.

Revised Draft of the Constitution of the People's Republic of China. (Adopted on September 6, 1970, by the Second Plenary Session of the Ninth Central Committee of the Chinese Communist Party.)

CHAPTER 1. GENERAL PRINCIPLES

Article 1. The People's Republic of China is a socialist state under proletarian dictatorship led by the working class (through the Chinese Communist Party) and based on the alliance of workers and peasants.

Article 2. Chairman Mao Tse-tung is the great leader of the people of all the nationalities of the whole country, the head of the proletariat of our country, supreme commander of all armed forces of the whole country; Vice Chairman Lin is Chairman Mao's close comrade-in-arms and successor, deputy commander of all armed forces of the whole country. The thought of Mao Tse-tung is the guiding principle of all work of the people of the whole country.

Article 3. All powers of the People's Republic of China belong to the people. The organs through which the people exercise powers are the National People's Congress and the local people's congresses under predominance of the deputies of workers, peasants and soldiers. The National People's Congress, the local people's congresses and other state organs practice democratic centralism. Deputies to the National People's Congress and local people's congresses are produced through democratic consultations and elections; the electoral units and electorates have power to supervise and to replace at any time the deputies they elect according to the procedure prescribed by law.

Article 4. The People's Republic of China is a united multi-national state; all the national autonomous areas are inalienable parts of the People's Republic China; all the nationalities are equal. Great nationalism and local nationalism are opposed; all the nationalities have freedom to use their spoken and written languages.

Article 5. At present, the following basic forms of ownership of means of production exist in the People's Republic of China; socialist ownership by the whole people and socialist ownership by the laboring masses; the state permits individual laborers in non-agricultural occupations to organize the production group of the rural people's commune in the municipality, the township, the street, under the unified arrangement, to engage in individual labor without exploiting others, as prescribed by law, but at the same time they must be gradually led toward the road of socialist collectivization.

Article 6. The state sector of the economy is the guiding power of the national economy. Mines, water-ways national forests, wilderness and other resources all belong to the whole people; the state may buy, requisition or nationalize land and other means of production both in the cities and the countryside as prescribed by law.

Article 7. Rural people's communes are organizations uniting politics and society. At the present stage, the collective ownership economy of the rural people's communes ordinarily applies three-stage ownership, based on the group. The three-stage ownership consists of the commune, the great brigade, and the production group with the production group as the basic accounting unit. Under conditions which guarantee the absolute superiority and development of the collective economy of the people's communes, commune members may manage small scale private plots.

Article 8. Socialist public property is inviolable. The state guarantees the consolidation and development of the socialist economy, and forbids any person to use any means to damage the socialist economy and the interests of public property.

Article 9. The state practices the socialist principles of "he who does not work, neither shall he eat"; "from each according to his ability"; "to each according to his work." The state protects the right of citizens to own the income from their labor, savings, houses and other means of livelihood.

Article 10. The political work is the life line of all work; the state grasps revolution, promotes production, promotes work, promotes war preparedness, promotes the socialist economy, planned, ordered development; it gradually improves the material and cultural life of the people, and consolidates national independence and security on the basis of continually raising the social productivity.

Article 11. All state organs and workers of these organs shall study and apply the thought of Mao Tse-tung in a lively way, give prominence to proletarian politics, oppose bureaucratism, closely unite with the workers, peasants and all laboring masses, serve the people with their whole hearts and minds. Workers in state organizations must participate in collective labor; all organs must practice the principle of simplification of administration; the leading organizations all shall implement the revolutionary three-in-one combinations of soldiers, cadres, masses, and of old [cadres], middle [-aged cadres] and young [cadres].

Article 12. The proletariat shall implement full dictatorship against the bourgeoisie on the matters pertaining to the superstructure, including all spheres of culture. Culture, education, literature and art, and scientific research all shall serve the proletariat, serve the workers, peasants and soldiers, and combine with those engaged in labor.

Article 13. Great blooming, great contending, big character posters and great debate are socialist revolutionary forms created by the popular masses.

The state protects the use of these forms by mass movements to create a political situation characterized by democracy, centralization, order, freedom, unified will, personal contentment and vigorous living. This is beneficial to consolidating the proletarian dictatorship.

Article 14. The state protects the socialist system, suppresses all treasonous and counter-revolutionary activities, and punishes all traitors and counter-revolutionaries. The state deprives landlords, rich peasants, reactionary capitalists, counter-revolutionaries and other bad elements of their political rights for a specific period of time, as prescribed by law; at the same time it provides for them basic means of livelihood and transforms them through labor to become citizens who earn their livelihood by their own labor.

Article 15. The People's liberation Army and militia, whose soldiers are the sons and little brothers of the workers and peasants, and which are led by the Chinese Communist Party, are the armed power of the nation. The People's Liberation Army is forever a combat group, and is also a work team and a production group. The duty of the armed forces of the People's Republic of China is to safeguard the socialist revolution and the achievements of socialist construction, to defend the sovereignty, territorial integrity and security of the country, to prevent subversion and invasion by imperialism, socialist imperialism and their running dogs.

CHAPTER 2. THE STATE STRUCTURE

Section I. The National People's Congress

Article 16. The National People's Congress is the highest organ of state authority under the leadership of the Chinese Communist Party. The National People's Congress is composed of deputies elected by provinces, autonomous regions, municipalities directly under the central authority, the armed forces and Chinese resident abroad. If necessary, some patriotic personages may be specially invited to attend. The National People's Congress is elected for a term of five years. Should exceptional circumstances arise, the term may be prolonged. The National Peoples Congress meets once a year. Under special circumstances it may be convened before its due day, or postponed.

Article 17. The National People's Congress exercises the following functions and powers: to amend the Constitution; to enact the Constitution; to appoint and dismiss the Premier of the State Council according to recommendation of the Central Committee of the Chinese Communist Party; to examine the state budget and the financial report; and to exercise such other functions and powers as the National People's Congress considers necessary.

Article 18. The Permanent Committee of the National People's Congress is a permanent acting body of the National People's Congress. The Permanent Committee of the National People's Congress exercises the following functions and powers: to convene the sessions of the National People's Congress; to interpret the laws; to adopt decrees; to decide on the appointment or recall of plenipotentiary representatives to foreign states; to receive foreign representatives and approve and annul treaties with foreign states. The Permanent Committee of the National People's Congress is composed of the following members elected and subject to recall by the National People's Congress; the Director, several Deputy Directors and several Members.

Section II. The State Council

Article 19. The State Council is the Central People's Government. The State Council is responsible to the National People's Congress and its Permanent Committee and reports to them; The State Council is composed of the Premier, the Vice-Premiers, the Ministers, the Heads of Commissions.

Article 20. The State Council exercises the following functions and powers: to formulate administrative measures, and issue decisions and orders in accordance with the Constitution, laws and decrees; to coordinate and lead the work of Ministries, Commissions and local administrative organs of state throughout the country; to submit and put into effect the national economic plans and provisions of the state budget; to administer national administrative affairs; and to exercise such other functions and powers as are vested in it by the National People's Congress and its Permanent Committee.

Section III. The Local People's Congresses and Local Revolutionary Committees

Article 21. Local people's congresses at all levels are the organs of state authority in their respective localities; the term of office of the congresses of provinces and municipalities directly under the central authority is five years; the term of office of the people's congresses of special districts, municipalities, counties is three years; the term of office of the local people's congresses of rural people's communes and towns is two years.

Article 22. Local revolutionary committees are the permanent organs of the local people's congresses and are also the local people's governments at corresponding levels. A local revolutionary committee is composed of the director, several deputy directors, severals members elected and subject to recall by the respective local people's congress. The local revolutionary committees are responsible to the people's congresses at corresponding levels and to the administrative organs of the state at the next higher level, and report to them.

Article 23. The local people's congresses and the local revolutionary committees produced by them at corresponding levels ensure the execution of laws and decrees in their respective administrative areas; fully develop the local activism under the unified plans of state; lead socialist revolution and socialist construction at the local level; examine and approve local budgets; safeguard the revolutionary order; safeguard the rights of citizens.

Section IV. The Organs of Self-Government of National Autonomous Areas

Article 24. Autonomous regions, autonomous *chou* and autonomous counties all are autonomous areas of nationalities. The organs of self-government of the national autonomous areas are people's congresses and revolutionary committees. The organs of self-government of the national autonomous areas, besides exercising the functions and powers of local state organs specified in Section III of Chapter Two of the Constitution, exercise autonomy within the limits of the authority prescribed by the law. The higher organs of state shall fully safeguard the rights of the organs of self-government in the national autonomous areas to exercise autonomy, and shall actively assist the various minorities to implement socialist revolution and socialist construction.

Section V. Judicial Organs and Procuracies

Article 25. The Supreme People's Court, local people's courts and special people's courts exercise judicial authority. People's courts at all levels are responsible to the people's congresses at corresponding levels and their permanent organs, and report to them. The chiefs of the people's courts at each level are appointed and recalled by the people's congresses at the corresponding level.

In examining and judging cases, the mass line shall be implemented; grave counter-revolutionary criminal cases must be discussed and criticized by the massess.

CHAPTER 3. FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS

Article 26. The fundamental rights and duties of citizens are: to support Chairman Mao and his close comrad-in-arms Vice Chairman Lin, to support the leadership of the Chinese Communist Party, to support proletarian dictatorship, to support the socialist system, to abide by the Constitution and law of the People's Republic of China, to defend the homeland, to resist invasion. These are the supreme duties of each and every citizen; it is an honorable duty of citizens to perform military service according to law.

Article 27. Citizens who have reached the age of eighteen, except persons deprived by law of the right to vote and stand for election, have the right to vote and stand for election; citizens have the right to education; working people have the right to material assistance in old age, and in case of illness or disability; women enjoy equal rights with men in all spheres; the state protects marriage, the family, and the mother and child; the state protects the proper rights and interests of Chinese resident abroad.

Article 28. Citizens enjoy freedom of speech, freedom of correspondence, freedom of press, freedom of assembly, freedom of procession, freedom of demonstration and freedom to strike; they enjoy freedom of religious belief and freedom not to hold religious belief; freedom to spread atheism. The personal freedom and the homes of citizens are inviolable; no citizen may be arrested except by decision of a people's court or a public security organ.

Article 29. The People's Republic of China grants the right of asylum to any foreign national persecuted for supporting a just case, for taking part in the revolutionary movement or for engaging in scientific activity.

CHAPTER 4. NATIONAL FLAG, NATIONAL EMBLEM, CAPITAL

Article 30. The national flag is a red flag with five stars; the national emblem is: in the center. Tien An Men under the light of five stars, framed with ears of grain, and with a cogwheel at the base; the capital of the People's Republic of China is Peking.

LEGAL SERVICES PROGRAM OF THE OFFICE OF ECONOMIC OPPORTUNITY

Mr. TOWER. Mr. President, in the Thursday, December 3, edition of the Dallas Times Herald, there appeared a very penetrating editorial on the legal services program of the Office of Economic Opportunity. There has been much controversy lately over this program, and I am glad to see one of the leading dailies in Texas speak out so clearly on the issue.

In order to better inform the Senate and the public of what I believe to be the view of many Texans, I ask unanimous consent that the Times Herald editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LEGAL SERVICES DOOMED?

As appears to be the case nationally, the director and staff of the War on Poverty's Legal Services project here seem bound and determined to wreck a vitally important service to the poor because of myoptic pursuit of their own ideological goals.

And the proponents of Legal Services, as it now operates, are aiding and abetting this unfortunate destructive process.

The patent truth of the matter is that Legal Services, here as elsewhere, has too often raced far afield from the purpose originally intended by Congress. It was created as a free legal aid and protection for the poor in their striving for a better economic and social life.

Wielded by "idealists" who captured it, Legal Services too often instead has become an instrument for defense of militants and revolutionaries, whose sole and avowed objective is destruction of the established political and social order.

The certainty that this course, if pursued unchecked, will send the Legal Services project headlong toward oblivion was graphically expressed by columnists Rowland Evans and Robert Novak on this page Monday. Evans and Novak, two of the best of the reporters on the Washington scene, told of Legal Services lawyers representing members of a Black Panther front organization in New Orleans. The defendants were charged with attempted murder, assault and other felonies.

"Thus, taxpayer funds were used to defend a violence-prone black extremist organization," said Evans and Novak. "This clearly violated federal law barring antipoverty legal services from criminal cases and violated federal policy requiring these services to be used directly by the poor and only the poor."

The columnists also cited a Dallas Legal Services project case, as illustrative of similar violation of federal policy.

"Using federal funds intended to help the poor, Legal Services there (in Dallas) defended the underground publisher, Brent Lasalle Stein (Stoney Burns)."

The New Orleans and Dallas cases are belived primarily responsible for the firing of Terry F. Lenzer, head of the Federal Legal Services program, and his deputy, Frank Jones, by OEO Director Donald Rumsfeld.

Now, Ed Polk, controversial director of Dallas Legal Services, has blasted Rumsfeld's action and mounted a campaign demanding reinstatement of Lenzer and Jones. Polk, in fact, was responsible for Legal Services' entry into the Stein case, and other highly questionable cases.

Furthermore, a poverty target area group here has joined Polk in this misguided campaign and has appealed for funds to send a busload of supporters to Washington to attend Senate hearings on Legal Services. They can hardly devise a more effective course against their own best interests.

Said Evans and Novak: "What Lenzer failed to understand (and we add what the target area people and other supporters here of Polk's legal services philosophy fail to understand) is that Rumsfeld must control militant excesses or risk congressional obliteration of the antipoverty program—particularly its much-needed legal services."

It would be a terrible pity indeed if the militant excesses are not controlled and if those responsible for the excesses do succeed in killing the program. For if there is any segment of society which stands in dire need of legal representation in their true interest, it is the poor, for whom such representation must be provided without cost.

UNEMPLOYMENT AND THE WELFARE ROLLS

Mr. FANNIN. Mr. President, millions of Americans are deeply worried about two related problems—unemployment and the growing welfare rolls.

Unemployment is at the unacceptable level of 5.8 percent, and the problem promises to grow worse in the next few years as millions of persons now involved in the national defense start looking for new jobs. It will grow worse, that is, unless we can do something to plug the current American job drain.

A major cause of our current high unemployment is the flood of imported goods sold in this country, largely as a result of unfair trade practices abroad. Jobs and technology are now the Nation's biggest exports—and we have to stop this some way.

Advocates of so-called "free trade" give us plenty of rose-colored theory but no practical answers to our employment dilemma.

Where are we going to find employment for the tens of thousands of Americans whose jobs are being exported each year?

When I ask the free trade theorists about this, they do not have any answers.

They speak in vague terms about American technology creating new industries. But what new industries?

The theorists talk about expansion of service industries and putting more people in professional ranks. But how does this create anything that we can trade with other nations? What will we have left to exchange for the goods that we need—goods that we no longer manufacture here at home?

I am not advocating a return to isolationism or protectionism. What I am saying is that we must bring some order and control to our rapidly deteriorating situation in manufacturing and world trade.

Mr. President, there are numerous examples of what is happening to American jobs as a result of the deluge of imports.

For instance, Department of Labor statistics show that in fiscal 1970 there was a loss of 25,000 jobs in manufacturing radios and television receivers. It is evident that import competition was responsible for much of this job drain.

In 1966, imported consumer electronic products claimed less than 10 percent of the American market. By 1969 the imports soared to 21.5 percent of the American market. Now, in 1970, the imports have taken over almost one-third of the American market.

In the first 9 months of this year, the sales of American-made television sets declined 25 percent. At the same time, total imports increased 12.7 percent over last year.

This is an alarming trend that must be at least slowed if not reversed.

The extent of our problem is such that it is now hard to find genuine made in the U.S.A. products in some areas of manufacturing. And it is difficult to identify essentially foreign-made merchandise. Products with well-established American trademarks are now, in many cases, made largely out of parts manufactured abroad.

Mr. President, we need to reexamine the American foreign trade philosophy that has been followed since World War II. Conditions have changed tremendously. We are now being exploited by the very nations our foreign trade policy was originally designed to help in recovery from the war.

America has moved unilaterally toward free trade in the past three decades. We remain essentially alone in this crusade for free trade.

Part of our current dilemma comes from the Kennedy round of negotiations under the General Agreement on Trade and Tariffs—known as GATT. Attempts have been made and are being made to sell us a bill of goods on the Kennedy round. We are bombarded with propaganda about GATT.

In fact, it is made to sound as though the General Agreement on Trade and Tariffs is a sacred pact that cannot be tampered with.

Actually, Congress never has given sanction to GATT. Some authorities doubt its legality. As for the Kennedy round of tariff discussions during the last decade, this was a dismal failure as far as U.S. trade is concerned.

Other nations have flouted the agreements reached in the Kennedy round. The only time these foreign powers abide by the principles of free trade or by the provisions of GATT is when it is to their distinct advantage.

When the original GATT agreement was written in 1947, the United States had $10 billion trade surplus. Now it takes some fancy bureaucratic book juggling to make it look as though we have a very slim trade surplus. Actually, we are in a deficit situation.

Supporting revision of our trade laws is not the most popular thing to do at this time. Self-styled consumer advocates and spokesmen for foreign interests are swarming around Washington these days ready to whip up public emotions against any law that might inhibit cheap imports.

It is my contention, however, that what is pro-consumer. It is pro-labor. It is pro-American business. If a person is to be a consumer, he has to have an income. And most Americans depend on their jobs for this income. When the jobs go, so goes the ability to consume.

Mr. President, there are three large contributors to our current job drain.

First, there are the unions who have caused many industries to take flight overseas. Irresponsible wage demands have made it virtually impossible for American plants to compete in the world market in many instances. Union leaders have been appallingly shortsighted as they push industries into oblivion.

Some industry leaders must share the blame. They have taken the easy way out. They cave in to wage increase after wage increase then suddenly move their operations to foreign shores where inexpensive and eager labor awaits.

The third major factor in the job drain is the unfair competition from abroad. Foreign manufacturers are using trading tactics that are denied to American businessmen. The United States Government has failed to enforce such statutes as the Antidumping Act and the countervailing duties law. In addition, our trading partners have closed their doors to a number of American-made products.

Because of the combination of circumstances, the United States is now in a serious predicament. One industry after another is suffering serious cutbacks in employment. One industry after another is faced with extinction.

As the economic theorists once envisioned it, the shift in industries from one nation to another was supposed to be a long and drawn out process which happens over a long period of years. These theorists conceded that there would be some temporary hardships, but that adjustments would be made gradually in the gentle flow of time.

This is the jet age. Industries pick up and move over night. Small towns which once had thriving small plants are now dying pockets of poverty. Workers who thought they were employed for life now find themselves out on the street.

Some people are saying that this does not matter—all we have to do is to expand the welfare system to take care of these unemployed workers.

This is obviously ridiculous. Expansion of welfare would be felt the most by struggling workers who will have to foot the bill to pay the way of the unemployed.

Some people are saying we could take a stopgap measure by encouraging trade with Communist nations. That is equally ridiculous. The Communists would take advantage only of any trade which would help them to reach their pronounced goal of burying us.

Attempts are being made to intimidate Congress by warning that the trade bill could touch off a disastrous international trade war. We are told all kinds of dire steps may be taken in retaliation.

If this is the case, then our trading partners are not nearly as wise as I think they are.

Other nations know they now have much to lose than us. Many of the items we sell abroad are essential to other nations and they could not possibly close their doors to these products.

One example frequently mentioned is soybeans. Farmers fear that the trade bill could result in Europe rejecting American soybean exports.

Europe consumes 5.2 million tons of soybeans, but produces only 50,000 tons. So it is that Europe must have more than 5.1 million tons from the United States—and there is no other source for this quantity. European businessmen are too smart to cut off this trade.

Even if we pass this trade bill, America still will be the model of free trade when compared with the other major powers.

Many American products are virtually excluded from markets in other major trading nations. Just try selling American television sets in Japan. You certainly could sell them—if you could get them into the country.

Mr. President, this trade bill is simply an attempt to bring some commonsense and reality to our system of dealing with imports. Our free trade dream bubble has burst. Our task at this point is not to apportion the blame, but to make repairs while the American economy is still repairable.

ARCHITECT-ENGINEER FEE LEGISLATION PREMATURE

Mr. PROXMIRE. Mr. President, I must register my objection to the bill H.R. 16443 which is designed to lock into the law the present method employed in the Government for procurement of architecture-engineering services without competition. In my opinion, hasty action by this body on this bill is most unwise under the circumstances at the present time.

This bill has been reported from the Senate Government Operations Committee without hearings, and the report itself seems to differ substantially from the legislative history which accompanied the amendment made on the floor of the House designed to assure adequate competition in the procurement of architect-engineering services.

Even more importantly, this Congress enacted Public Law 91–129 just last year creating a high-level commission to study procurement practices in the Government and to recommend ways in which they might be improved. We are informed that the distinguished chairman of the House Government Operations Committee and a member of the Commission informed the House during its debate that this very subject matter is currently under study by the Commission.

Can we not wait to see what recommendations the Commission might make? They are studying how best to contract for professional services of all types, and we should at least have the benefit of that study before enacting this bill which relates only to one profession.

My staff has been informed by members of the profession that the reason it is so important to enact this bill now is that, without such a law, the Comptroller General would move to enforce the opinion he stated in his 1967 report and declare illegal any architect-engineer contract which was entered into without competition.

The Comptroller General himself in a letter to the Senate Government Operations Committee and in testimony before the House Government Operations Committee has recommended that the action be deferred pending the report of the Commission on Government Procurement. The Comptroller General's ruling was made prior to the establishment of the Commission on Government Procurement. To make certain of his position, we have contacted him today, and he has authorized me to give the Senate assurance that no action is contemplated on the part of the General Accounting Office in view of the Procurement Commission's study. He advises me that he has also given this assurance to the associations involved. I fail, therefore, to see why this bill should be enacted. Certainly there is time to give it careful and more considered review after the Congress has had a chance to receive the report of the Procurement Commission.

TICK! TOCK! THE TRILLION DOLLAR CLOCK

Mr. PROXMIRE. Mr. President, on Tuesday, December 15, it was announced that the gross national product had reached $1 trillion. In anticipation of this event, the Commerce Department constructed a "clock" which continuously registers the estimated annual rate at which our economy is turning out goods and services at any particular moment. President Nixon visited the Commerce Department on December 15 in order to watch this clock pass the trillion-dollar mark. I understand that various distinguished Government officials took advantage of this occasion to speak with pride about the size and the productive capacity of our economy.

I was not present at this ceremony. However, I want to go on record as being as impressed as everybody else with the wonderful productive capacity of the American economy. I also want to make a few other points about the present state of our economy which I suspect were not emphasized at the Commerce Department ceremony.

CLOCK MEASURES CURRENT DOLLARS

Of course, our economy may or may not have passed the trillion dollar mark at 12:02 p.m. on December 15. We do not yet have available the data to tell us what has actually happened to the gross national product during the current quarter. But I do not mean to quibble. If GNP did not reach a trillion on December 15 it surely will do so at some time this month. The reason it will do so is because the Commerce Department clock measures GNP in current dollars.

This means that when prices go up, dollar GNP goes up even if real output has not increased at all. Just the continued inflation which we have had over the past 3 months will have brought current dollar GNP over the trillion dollar mark before the end of this quarter.

CLOCK RUNS SLOW—SOMETIMES BACKWARD

Unfortunately, the numbers on this clock tell us nothing about what is happening to output in real terms. If we had a clock which measured total output after adjustment for price increase it would tell a very different story. During some recent quarters it would have run backward, for we have recently experienced some quarters when real output declined. Unfortunately, I feel sure that the current quarter will be another of those disastrous time periods when the level of real output is going down, not up. All the indicators for industrial production, retail sales, employment, hours of work and so forth, indicate that real output has been declining over the past few months. Of course, this was partly due to the auto strike. Similarly, any increase in real output we see in the economy in the months immediately ahead will be partly due to the recovery from the auto strike. But even after making all reasonable adjustments for the statistical distortions produced by the strike, we are still left with a picture of an economy which is far from healthy.

SOME OTHER CLOCKS?

By itself, a clock which measures current dollar GNP is not very useful. I propose that the Commerce Department consider constructing some additional clocks. A clock to measure the instantaneous rate of price increase would be very useful. It would be simple enough to construct, for, despite a great deal of rhetoric about changes in the rate of change, the rate of price increase has actually been fairly constant in recent months. Each month for the past 16 months, the Bureau of Labor Statistics has reported again that the wholesale industrial price index has increased between 3.4 and 4 percent over its level of a year earlier. The GNP deflator, a more comprehensive measure of price changes increased at an annual rate of 4.3 percent in the second quarter and 4.4 percent in the third, not really a very significant variation.

WHY NOT AN INFLATION CLOCK?

So, I suggest an inflation clock even though its hands might have to point constantly to the same rate of price increase. I suggest too, an unemployment clock. Based on our experience for the past 12 months, an unemployment clock could tell us that the ranks of the unemployed are being swollen by 1,897,000 persons per year, or 5,197 persons per day, or 217 persons per hour.

A REVENUE CLOCK?

We might also have a revenue clock. This clock could be set to measure the instantaneous rate at which the Federal Government is losing revenues due to the impact of the recession on tax payments. Based on 1970 experience, this clock could tell us that the Federal Government is losing revenues at the rate of $15 billion per year, or $41 million per day, or $1.7 million per hour.

CLOCKS FOR POLLUTION, DEMOLITIONS, AND ELECTORAL VOTES?

I am tempted to go on and on. We could have clocks to measure the hourly amount of pollution which our trillion dollar economy pours into the atmosphere. Clocks to measure the rate of deterioration of our housing supply. A double-faced transportation clock—one side to measure increases in average delay experienced by commuters, the other to measure increases in Federal financial commitments to the SST and the Penn Central. We could even have political clocks to measure the rate at which the administration hopes it is capturing 1972 electoral votes through new Cabinet appointments.

THURBER AND CLOCKS

I am reminded of James Thurber's story, "The Thirteen Clocks." This marvelous fantasy describes a cold and gloomy old castle inhabited by a cold, gloomy, hard-hearted old duke. There are 13 clocks in the castle, but none of them will run. They all froze 7 years ago at 10 minutes to 5. Let me read just a bit of this wonderful story.

> Travelers and mariners would look up at the gloomy castle on the lonely hill and say, "Time lies frozen there. It's always Then. It's never Now."
>
> The cold Duke was afraid of Now, for Now has warmth and urgency, and Then is dead and buried. . . . The Duke was afraid of Now, but he tampered with the clocks to see if they would go. out of a strange perversity, praying that they wouldn't.
>
> Tinkers and tinkerers and a few wizards who happened by tried to start the clocks with tools or magic words, or by shaking them and cursing. but nothing whirred or ticked. The clocks were dead.

I think our economy is in somewhat the same state as these 13 clocks. It is frozen. It is stagnant. It is not growing. The tamperers and tinkerers play with economic policy. The administration utters magic words. But nothing happens. The economy does not grow. Is the administration afraid of "Now"? Do they secretly pray for continued stagnation? Surely not. Yet one is certainly puzzled by the absence of any positive program to start our economy going again.

STAGNATION CLOCKS

I thought of suggesting that the Commerce Department build 13 clocks, all pointing to stagnation, but so many clocks might only confuse us. I want to propose in all seriousness that one of the best single measures of the health of our economy is the gap between what is actually being produced and what we could produce if our manpower and other productive resources were fully employed. This gap can be estimated from the potential GNP figures provided regularly by the Council of Economic Advisers. If we had a clock which measured the instantaneous gap between actual and potential output—and I think such a clock would in fact be a very good idea—it would tell us that between the third quarter of 1969 and the third quarter of 1970 this gap increased by $46.8 billion. This is a rate of $900,000,000 per week, or $128,571,429 per day, or $5,357,143 per hour.

These figures are based on the third quarter. We are now in the final weeks of the fourth quarter. I asked the Joint Economic Committee staff to make some rough estimates of how large the GNP gap has now become. They tell me that it has just about reached the $75 billion mark. It can be expected to reach $100 billion sometime during the first 3 months of next year. I do not think we should let these markers of our economic performance pass unnoticed. During the early part of next year, resources capable of producing $100 billion worth of goods and services per year will be lying idle. Certainly this is as important to keep in mind as is the fact that inflation has pushed the economy over the trillion dollar mark. I hope that my reminder today of the size of the gap potential and actual, between promise and performance, will serve to introduce a becoming touch of humility into the rhetoric of our economic policymakers, and more importantly, I hope it will serve to encourage in all of us a greater sense of urgency regarding the need to do what must be done to bring the economy back to full employment.

LIVING ON HOPE

Mr. GRIFFIN. Mr. President, George Cantor of the Detroit Free Press has written with sympathetic understanding about the families of Michigan men who are held prisoner by the Communists in Southeast Asia.

I ask unanimous consent that Mr. Cantor's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Detroit Free Press, Dec. 16, 1970]

POW Families Living on Hope

(By George Cantor)

Almost three years ago a young Army officer from Warren was shot down while piloting a helicopter near Hue, South Vietnam.

Two months later a woman civilian released by the Vietcong identified a picture of Michael O'Connor as an American she had seen being held as a prisoner of war.

Then the darkness closed in. After 32 months of suspended hope, the O'Connor family has yet to hear another word about the fate of Michael.

Letters they send him care of the Vietcong are returned. Prisoner lists put out by the North Vietnamese government do not contain his name. All they can cling to is that one identification from an Army photograph.

"It's always in your mind, never far below the surface," said his father, Virgil. "You wake up in the middle of the night and it's the first thing you think of.

You never know how you'll react to anything. The emotional impact at church—it's a source of strength for us, but we remember it as the place where the family was all together."

And always there is the terrible fear that there will be no end to it, that the O'Connors may never know what happened to their 23-year-old son.

The O'Connors are one of about 50 Michigan families with relatives in the enemies' POW camps. The lucky ones have been told officially that their men are in captivity.

Others, like the O'Connors and the John Sexton, Jr. family of Warren, base their hopes on sketchy identifications or Vietcong propaganda that mentions their men.

And a few, like the family of Patrick Carroll of Southgate, proceed only on the knowledge that their men haven't been listed as dead and on the suspicion that the enemy hasn't given out all the names of those it holds captive.

A total of 457 men are officially listed as POWs by the Vietcong and North Vietnamese. But another 1,090 American servicemen still are described only as "missing in action." There is no way of knowing how many of them are dead and how many are prisoners.

Even the families at home aren't sure how many of them there are. Sen. Robert Griffin's office counts 52 in the state. But Virgil O'Connor, chairman of the Prisoner of War Committee of Michigan, has been able to contact only 44 Michigan families of POWs.

The military holds periodic briefings for the families but has not encouraged them to organize or to seek publicity.

"But keeping quiet wasn't doing any good," said O'Connor, a financial analyst for Chrysler Corp. "We were just getting more and more frustrated. Public opinion seems to be the only weapon we have."

The state committee, affiliated with the National League of Families, has tried to mobilize opinion with letter-writing campaigns, bumper stickers, mailbox tags and speeches to church groups, unions, the Jaycees, anyone who will listen.

"People don't seem to understand the situation," said the elder Sexton, who works at Chevrolet's Warren plant. "They know my boy is a POW and they keep asking me at the plant what's the latest I hear from him.

"No one realized I haven't heard anything from him since he was captured 16 months ago. They just don't believe me when I tell them that."

First Lt. Patrick Carroll, 28, whose F–100 jet went down 13 months ago, is among those listed as missing.

His wife Kathleen and their two daughters live in the Southgate apartment Carroll moved them into eight days before being shipped overseas.

It's an anonymous sort of place, the kind that doesn't bother to list names next to the doorbells. For the first several months after her husband was shot down, Mrs. Carroll was content to retreat into it.

"You don't know what to do, at first," she said. "You just don't believe the uncertainty can go on. But then you begin realizing, egads, there are quite a few men in this situation and it could be years and years and years.

"When I started to realize that there were so many others in the same boat, it made it a little easier. If you had told me a few years ago that I'd be out giving speeches to the steelworkers union or being interviewed by newspaper reporters, I never would have believed you. But it feels so good to be doing something."

Mrs. Carroll, a slight, attractive woman in her mid-20s, was raised in Allen Park and met her husband, a career Air Force man who was brought up in Berkley, while she was working for Michigan Bell. They were married in 1965 and have two daughters.

"Pat just brought us back here from Arizona where he had his training before he left for Vietnam. We hadn't even bought furniture yet," she said.

"I was told that he was missing in action on Nov. 2, 1969. Then last April a ground crew found a downed plane they thought was his. There was no ejection seat so they felt he had a chance to parachute out.

"Given half a chance I think he could have taken care of himself. He'd had enough training."

Although she's had no word at all about her husband, Mrs. Carroll put together an 11-pound Christmas package of medicine and nutritional food this month that she hopes somehow will get to him.

Increasingly involved in the POW committee, she has brought along her neighbor across the hall, Mrs. Neil Crowley, who has plunged into the activities with a good deal of verve.

"I have no personal involvement except for Kathy," said Mrs. Crowley. "It's just a feeling that these men were fighting for us and we should do something for them. It isn't a political thing at all. It's humanitarian. But the moment you mention Vietnam, people assume you're involved politically."

Mrs. Crowley's enthusiasm has transmitted itself to the more reserved Mrs. Carroll.

"Kathy spoke to about 200 steelworkers the day before Thanksgiving and it was something to see," Mrs. Crowley said. "She didn't know in advance that she would be called on and she hadn't prepared anything to say.

"But she got up there and you could just feel every guy in the place rooting for her. After she'd spoken two sentences you could have heard a pin drop. They voted to back our campaign unanimously."

John Sexton's parents don't go in much for speech-making. They restrict their activity to passing out "Free the Prisoners" tags and forms for the "Tell It to Hanoi" letter-writing campaign.

But even that is something to get them out of the house, empty now except for them and the insistent ticking of a wall clock and the closets and cedar chests full of their son's clothes. His room has remained almost untouched since the day he left for Vietnam four years ago, right out of Warren's Lincoln High School.

"Both of us had to go under a doctor's care for nerves," said Sexton, whose small frame and spectacles seem out of sync with his thickly muscled arms.

"It happened a year ago August. John was leading an armored patrol that was struck by rocket fire. He was wounded and the evacuation teams couldn't get him out. The next morning his tank was empty, surrounded by sandal prints.

"Then one month later our troops found leaflets from the Vietcong in which John supposedly sent messages to his buddies saying he was all right and recovering in a hospital.

"And that's all we ever heard."

The facts are all neatly summarized in a two-page, stapled statement provided by the Army that Mrs. Sexton reads from. The pages are well worn by the Sextons, as though they had pored over them repeatedly in the hopes of finding the hidden word, the phrase that would put their fears to rest.

"The day after I got the news I went to my supervisor." Sexton said. I explained the situation and told him I didn't know if I could work and he said I could come in any hours I wanted. There was a lot of overtime then, so I wound up staying at the plant 12 and 14 hours so I'd get home exhausted and could go to sleep.

"Even so, every time a car would pull up or the phone would ring, we'd look at each other and think: 'Well, this is it.' "

Families like the Sextons, the O'Connors and the Carrolls were reluctant to speak out until recently. But as the Nixon Administration consciously moves the POW issue to stage center and public awareness increases, the affected families have changed their attitude.

"We were told at the start that secrecy would protect the prisoners if they were still at liberty, and we'd also protect ourselves from harassment by anti-war groups." O'Connor said. "So we kept quiet and nothing happened."

"Now we feel we have to become more militant ourselves and alert people to what's going on so more pressure will be brought on the Vietnamese."

The families go out of the way to stress the apolitical nature of their campaign. They feel it's an issue that transcends the question of the war itself.

"I don't know who's right in Vietnam," Sexton said. "All I know is that the boys had to go and we should do all we can to get them out.

"I feel every day they spend there is a day injurious to their health and mentality. It seems to me that if some of these politicians who are always criticizing—Fulbright and Kennedy and McGovern—would use their good offices in a different way it would be better."

The name of H. Ross Perot, the Texas millionaire who tried to airlift supplies to the POW's last Christmas, comes up repeatedly in conversations with the families. Although he failed, many of the families feel that Texas POWs have been given greater access to mail from home since that venture.

"If someone like Henry Ford would get behind us in this state it could make a difference," Sexton said. "Why should the Vietnamese listen to me and my relatives? But they might listen to a man like him."

The airborne raid on the North Vietnamese prison camp last month encouraged the families. They weren't as much concerned about the chance their relatives would be brought out as they were cheered to see public attention riveted on the POWs under such dramatic circumstances.

Most of all, the families fear their men are being used as pawns in the Paris peace talks, that the Vietnamese Red intentionally withhold information on the POW's as a psychological weapon.

"Being a prisoner is a contingency of war," O'Conner said. "But subsequent treatment of the prisoners is something else. You have to wonder what kind of people these Vietnamese are.

"If this is part of their culture, of their social forms, then their make-up must be rather primitive. They boast of their 1,000 years of culture, but there must not be much to it if this is how it leads them to behave.

Overall, though, the POW-families seem more baffled than vindictive toward the enemy. They try to equate the situation in terms of their own experience and attitudes and nothing will balance. The numbers slip from their grasp and obey no law known to them.

All that they know for sure is that Michael O'Connor's snapshot, taken the day he left for Vietnam, sits in its frame in a Warren living room.

And that Darlene Carroll, 4, tells her playmates not to go into the living room because her mother is working "to bring my daddy home sooner."

And that John Sexton's clothes hang the way he left them in his room before he went half a world away to vanish in Asian void.

ORDER FOR RECESS FROM CLOSE OF BUSINESS SATURDAY UNTIL 10 A.M. ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in recess until 10 a.m. on Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

What is the will of the Senate?

RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 o'clock tomorrow morning.

The motion was agreed to; and (at 8 o'clock and 42 minutes p.m.) the Senate took a recess until 9 a.m. tomorrow, Saturday, December 19, 1970.

NOMINATIONS

Executive nominations received by the Senate December 18 (legislative day of December 15), 1970:

U.S. Coast Guard

The following-named officers of the Coast Guard for promotion to the grade of commander:

James W. Brawley, Jr.
Robert E. Nielsen
Earl E. Martin
Raymond E. Womack
Frank E. Braman
William C. Parish
Richard W. Michaels
Douglas B. Thurnher
Henry J. Harris, Jr.
James C. Osborn
Harold E. Fallon, Jr.
Richard D. Thompson
Arnold B. Beran
Donald M. Morrison Jr.
Donald B. Davis
Thomas P. Nolan
Peter J. Rots
Everett L. Crowell
Ralph Z. Delgiorno
John R. Erickson
Thomas T. Matteson
Harry J. Reckitt
John P. Flaherty, Jr.
Carol E. Conry
John R. Mitchell
Richard J. Marcott
Edward B. Holtzman
Dick G. Taylor
Warren J. Frederick
Waymond Davis
Maurice V. Goodroe
Bruno A. Forsterer
Milton J. Thompson
Jack A. O'Donnell
William H. Dotson
Carlton D. Leonard
Floyd A. Rice
Benjamin S. Beach, Jr.
Albert D. Grantham
Roy E. Nichols, Jr.
Ara E. Midgett, Jr.
Russell E. Sawyer
Richard N. Westcott
Wallace A. Herrington
Sanford H. Pierpoint
Paul E. Peterson
Richard B. Eldridge
William P. Penney
Rudolph T. Sommer
Robert C. Nichols
Richard M. Connor
Lea I. Levy
Robert Farmer
John C. Hanson
Karl F. Welty, Jr.
Richard H. Wight
Ronald C. Eastman
Mark W. Byrd
Robert H. Elkins
Donald P. Wachtway
Theottis Wood
Duane P. Gatto
Ralph T. Martin
Robert E. Hynds
Dorwin W. Newman
Philip P. Coady
Robert A. Janecek
Franklin E. Thrall
James G. Lang
John J. Janda, Jr.
Philip R. Spiker
Charles H. Leckrone
Thomas W. Finnegan
Albert D. Super
Charles W. Busby
Gennaro S. Duca
Ralph W. H. Bartels
Jackson C. Arney
Emil Capinha
William E. Whaley, Jr.
Charles R. Corbett
Marvin D. Henderson
Leonard W. Garrett
Alan C. Peck
Kenneth F. Franke
Ernest Bizzozero
John B. Ekman
John R. Wells, Jr.
Eugene E. E. O'Donnell
Martin H. Daniell, Jr.

The following-named members of the permanent commissioned teaching staff of the Coast Guard Academy for promotion to the grade of commander:

George P. Vance
Robert L. Demichiell

The following-named retired officer recalled to active duty for promotion to the grade of commander:

James A. Hadley

The following-named Reserve officers to be permanent commissioned officers of the Coast Guard in the grade of lieutenant:

Bobby T. Chambers
David W. Kennedy, Jr.
John P. Shioli
Robert C. Houle
Jerry L. Millsaps

National Railroad Passenger Corporation

The following-named persons to be Incorporators of the National Railroad Passenger Corporation for a period of one hundred and eighty days following October 30, 1970:

Frank S. Besson, Jr., of Virginia.
David E. Bradshaw, of Illinois.
John J. Gilhooley, of New York.
David Walbridge Kendall, of Michigan.
Arthur D. Lewis, of Connecticut.
Charles Luna, of Ohio.
Catherine May, of Washington.
John P. Olsson, of Connecticut.

In the Marine Corps

The following named (Naval Reserve Officer Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Adkins, Arthur A.
Alvidrez, Frank C.
Anderson, Barg A.
Ashley, William G.
Ashton, David, Jr.
Bailey, David O.
Bates, James M.
Baughman, Dale T.
Beale, Frederick T.
Benim, Thomas E.
Bermingham, George C.
Bloxom, James E.
Boeckman, Richard A.
Boyce, Michael H.
Brown, Dennis L.
Brown, Mark W.
Buck, Everett R., Jr.
Burns, Frank N., Jr.
Carpenter, George E.
Caughlan, Thomas A.
Cavallaro, Richard C.
Chadwick, David L.
Chaney, Christopher H.
Christenson, Eric C.
Claunch, Gary W.
Cobb, James P.
Cocke, John M.
Coffelt, Michael D.
Collins, James T.
Corley, Max A.
Crandall, James A.
Davis, Donald L.
Davis, Hartley R.
Davis, John A.
Decker, David G.
DeWitt, Van D.
Doermann, Geoffry M.
Dowd, Henry R., Jr.
Dunkelberger, Thomas E.
Easterday, Steven G.
Ellison, Stephen L.
Featherkile, Steven M.
Ferguson, Ronald J., Jr.
Flanagan, Robert M.
Freeman, Robert J.
Gausch, Paul G.
George, Kenneth P.
Gossett, William R.
Goulding, Vincent J.
Gouzie, David R.
Grant, Wyatt W., III
Greenough, Kent C.
Hadden, Oliver J.
Hardin, Lloyd T.
Harris, Michael T.
Hatten, Steven A.
Hoar, Robert J.
Hughes, Jeffery O.
Igo, William S.
Jackson, Charles H., IV
Jacobs, Robert B.
Jannik, Joseph, Jr.
Jelinski, Joseph R.
Kahrs, James R.
Kasica, James A.
Kessack, Phillip D.
Kletzel, Joseph R.
Knight, Edward A.
Leinenbach, Joseph, Jr.
Loring, Gregory S.
Lott, Douglas E.
Maloney, Richard A.
Martinoli, Martin J.
Martinson, Martin J.
McAdoo, Albert T.
MacKenzie, John D.
McClure Ronald L.
McKinley, William W.
McGuire, Bernard J.
Merrill, Bruce E.
Miller, Charles M.
Miller, Stephen W.
Morris, Henry O.
O'Donnell, Hugh K.
Owen, Garey D.
Owens, Richard L.
Patton, Robert S., Jr.
Penrod, Roger E.
Perea, Lawrence R.
Pittman, Clifford C.
Polk, James A.
Prout, Bruce W.
Quigley, Kenneth W.
Ray, Homer G. III
Renz, Hilary J.
Revolinsky, Joseph A.
Ritterspach, Carl R.
Roesch, Robert W., Jr.
Schier, Kim B.
Schneider, Robert L.
Skinner, Paul D.
Smalley, Stephen H.
Sobolewski, Thomas E.
Spires, James M., Jr.
Strock, James N.
Stocks, Thomas J.
Stokes, Steven H.
Stone, Donald S.
Tamayo, Rudolph L.
Ullman, John B.
Vansciver, Leroy D.
Vintar, James S.
Walker, Franklin, Jr.
Walker, James H.
Watson, Dale M.
Wesner, Michael H., Jr.
Wemlinger, James J.
West, Richard D.
Wilcox, James P.
Williamson, David L.
Wilson, Cornell, Jr.
Yates, Bobby L.
Yost, John P.

The following named (Navy enlisted scientific education program) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Amiotte, Donald P.
Bogardus, David L.
Farlow, Timothy N.
Gravseth, Arlo D.
Horn, James A.
Hughes, Patrick J., Jr.
Kunicki, Joseph A.
Landry, Tony C.
Mays, John S.
McIlroy, Hugh M.
Meade, Ronald B.
Michaud, Maurice G.
O'Connell, James S.
Perkins, Ernest R.
Robertson, Raymond M.
Webber, Alfred W.
Whitney, John H.

HOUSE OF REPRESENTATIVES—*Friday, December 18, 1970*

The House met at 12 o'clock noon.

Msgr. Joseph C. Walen, director, Catholic Social Services, Roman Catholic diocese, Grand Rapids, Mich., offered the following prayer:

Let us pray.

Almighty and Eternal God, source of all wisdom, bless the deliberations this day of the Members of the House of Representatives of the United States.

As we approach the commemoration of the feast of the coming of Your Son, Jesus Christ, inspire all of us, citizens and our elected representatives alike, to imitate Your Son in His complete dedication to the love of You and to all mankind, a dedication unto death.

We pray that the Prince of Peace will bring to our world and to our day peace on earth.

We pray in gratitude to You for the blessings You have sent to each of us during this year.

We pray in petition that You will bless us throughout the coming year.

And we pray that You will bless particularly our retiring Speaker.

This we ask through Christ, our Lord, the Prince of Peace.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Does the gentleman from Iowa make the point of order before the Chair receives a message from the Senate?

Mr. GROSS. Mr. Speaker, I do insist upon the point of order at this time.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 425]

Abbitt
Adair
Addabbo
Anderson, Tenn.
Ashbrook
Ashley
Aspinall
Ayres
Biaggi
Blackburn
Bolling
Brock
Brooks
Brown, Calif.
Brown, Mich.
Broyhill, Va.
Burke, Fla.
Burton, Utah
Button
Carey
Celler
Chisholm
Clancy
Clark
Clay
Collins, Ill.
Cowger
Cramer
Daddario
Davis, Ga.
Delaney
Derwinski
Diggs
Dingell
Donohue
Dowdy
Downing
Edwards, Calif.
Edwards, La.
Fallon
Farbstein
Friedel
Gallagher
Giaimo
Gilbert
Gray
Green, Oreg.
Griffiths
Grover
Hagan
Halpern
Hébert
Heckler, Mass.
Hunt
Jacobs
Jarman
Kee
King
Kleppe
Kluczynski
Kuykendall
Landrum
Langen
Leggett
Long, La.
Lukens
McClure
McCulloch
McFall
McKneally
Martin
Mathias
May
Meeds
Meskill
Michel
Mize
Montgomery
Morton
Moss
Murphy, Ill.
O'Hara
O'Konski
O'Neal, Ga.
Ottinger
Pike
Pollock
Powell
Price, Tex.
Purcell
Quillen
Rarick
Reid, N.Y.
Reifel
Rivers
Roberts
Roe
Roudebush
Ruppe
Scheuer
Shipley
Sikes
Snyder
Stephens
Taft
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Tunney
Ullman
Waldie
Watson
Weicker
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wydler
Young
Zwach

The SPEAKER. On this rollcall 312 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

Mr. GROSS. Mr. Speaker, I object to dispensing with further proceedings under the call.

MOTION OFFERED BY MR. ALBERT

Mr. ALBERT. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The question is on the motion of the gentleman from Oklahoma.

Mr. HALL. Mr. Speaker, I move to table that motion.

The SPEAKER. The motion to dispense with further preceedings under the call is not debatable and is not amendable. The Chair rules that the motion of the gentleman from Missouri is not in order. The question is on the motion of the gentleman from Oklahoma.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 307, nays 10, not voting 116, as follows:

[Roll No. 426]

YEAS—307

Abernethy
Adams
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biester
Bingham
Blanton
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carney
Carter
Casey
Cederberg
Chamberlain
Chappell
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins, Tex.
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Crane
Culver
Cunningham
Daniel, Va.
Davis, Wis.
de la Garza
Dellenback
Denney
Dent
Devine
Dickinson
Dingell
Dorn
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Forsythe
Fountain
Fraser
Frelinghuysen
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Green, Pa.
Griffin
Gubser
Gude
Haley
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keith
Koch
Kyl
Kyros
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McCloskey
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
Mayne
Melcher
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mizell
Mollohan
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Passman
Pepper
Perkins
Pettis
Philbin
Pickle
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Railsback
Randall
Reid, Ill.
Rhodes
Riegle
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Sebelius
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Sm'th, N.Y.
Springer
Stafford
Staggers
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wright
Wylie
Wyman
Yates
Yatron
Zablocki
Zion
Zwach

NAYS—10

Andrews, Ala.
Buchanan
Dennis
Gross
Hall
Landgrebe
Patten
Schmitz
Scott
Wyatt

NOT VOTING—116

Abbitt
Adair
Addabbo
Anderson, Tenn.
Ashbrook
Aspinall
Ayres
Biaggi
Blackburn
Blatnik
Bolling
Brock
Brooks
Brown, Calif.
Brown, Mich.
Broyhill, Va.
Burke, Fla.
Button
Carey
Celler
Chisholm
Clancy
Clark
Clay
Collins, Ill.
Cowger
Cramer
Daddario
Daniels, N.J.
Davis, Ga.
Delaney
Derwinski
Diggs
Donohue
Dowdy
Downing
Edwards, Calif.
Edwards, La.
Evins, Tenn
Fallon
Farbstein
Friedel
Gallagher
Giaimo
Gilbert
Gray
Green, Oreg.
Griffiths
Grover
Hagan
Halpern
Hanley
Hansen, Wash.
Hébert
Heckler, Mass.
Hunt
Kee
King
Kleppe
Kluczynski
Kuykendall
Landrum

Langen
Long, La.
Lukens
McClure
McCulloch
McKneally
May
Meeds
Meskill
Michel
Mize
Monagan
Montgomery
Morton
Moss
Nelsen
O'Konski
O'Neal, Ga.
Patman
Pelly
Pike
Powell
Price, Tex.
Purcell
Quie
Quillen
Rarick
Rees
Reid, N.Y.
Reifel
Reuss
Rivers
Roudebush
Ruppe
Shipley
Sikes
Snyder
Stanton
Stephens
Taft
Teague, Calif.
Thompson, N.J.
Tunney
Ullman
Waldie
Watson
Weicker
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wydler
Young

So the further proceedings under the call were dispensed with.

The result of the vote was announced as above recorded.

The doors were opened.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 15911. An act to amend title 38 of the United States Code to increase the rates, income limitations, and aid and attendance allowances relating to payment of pension and parents' dependency and indemnity compensation; to exclude certain payments in determining annual income with respect to such pension and compensation; to make the Mexican border period a period of war for the purposes of such title; and for other purposes;

H.R. 19401. An act to extend for one additional year the authorization for programs under the Vocational Rehabilitation Act;

H.R. 19402. An act to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library; and

H. Con. Res. 791. Concurrent resolution authorizing the Clerk of the House to make changes in the enrollment of H.R. 17867.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 14169. An act to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act;

H.R. 18582. An act to amend the Food Stamp Act of 1964, as amended; and

H.R. 19172. An act to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation.

The message also announced that the Senate insists upon its amendmends to amendments of the House to the bill (S. 1181) entitled "An act to provide for potato and tomato promotion programs," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr HOLLAND, Mr. EASTLAND, Mr. AIKEN, and Mr. YOUNG of North Dakota to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1626) entitled "An act to regulate the practice of psychology in the District of Columbia," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPONG, Mr. EAGLETON, and Mr. PROUTY to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 18582) entitled "An act to amend the Food Stamp Act of 1964, as amended," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. HOLLAND, Mr. TALMADGE, Mr. MCGOVERN, Mr. AIKEN, Mr. MILLER, and Mr. CURTIS to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 1. An act to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 380) entitled "An act to repeal section 7 of the act of August 9, 1946 (60 Stat. 968)."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17825) entitled "An act to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 4439. An act for the relief of Carlo Bianchi & Co., Inc.

THE JOURNAL

The SPEAKER. The Clerk will proceed with the reading of the Journal.

Mr. HALL. Mr. Speaker, I demand that the Journal be read in full.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

CALL OF THE HOUSE

Mr. GROSS (during the reading). Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. DORN). The Chair will count.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from New York will state his parliamentary inquiry.

Mr. STRATTON. Mr. Speaker, is it in order for a Member to be recognized during the reading of the Journal which is a highly privileged document which we all want to hear in full?

The SPEAKER pro tempore. The Chair will inform the distinguished gentleman from New York that a point of order that a quorum is not present is always in order.

A quorum is not present.

Mr. PEPPER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 427]

Abbitt
Adair
Addabbo
Alexander
Ashbrook
Aspinall
Ayres
Biaggi
Blackburn
Bolling
Brock
Brooks
Brown, Calif.
Brown, Mich.
Burke, Fla.
Bush
Button
Cabell
Carey
Casey
Celler
Chisholm
Clancy
Clark
Clay
Collins, Ill.
Colmer
Conyers
Cowger
Cramer
Daddario
Daniels, N.J.
Delaney
Derwinski
Diggs
Donohue
Dowdy
Downing
Edwards, Calif.
Edwards, La.
Fallon
Farbstein
Ford, William D.
Foreman
Fraser
Frelinghuysen
Friedel
Gallagher
Gilbert
Goldwater
Green, Oreg.
Griffiths
Grover
Hagan
Hansen, Wash.
Hawkins
Hébert
Heckler, Mass.
Holifield
Howard
Hunt
Karth
Kee
Keith
King
Kleppe
Kluczynski
Kuykendall
Landrum
Langen
Long, La.
Lukens
McClure
McCulloch
McKneally
MacGregor
Mailliard
Mathias
May
Meeds
Meskill
Michel
Mize
Montgomery
Morton
Mosher
Moss
Murphy, N.Y.
O'Konski
Olsen
O'Neal, Ga.
Ottinger
Patman
Pike
Podell
Pollock
Powell
Price, Tex.
Purcell
Quillen
Rees
Reid, N.Y.
Reifel
Reuss
Rivers
Rostenkowski
Roudebush
Ruppe
Scheuer
Shipley
Sikes
Sisk
Snyder
Steed
Stephens
Symington
Taft
Thompson, N.J.
Tunney
Ullman
Waldie
Watson
Weicker
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wydler
Young

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 303 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE JOURNAL

The Clerk proceeded to read the Journal of the proceedings of yesterday.

Mr. EDMONDSON (during the reading). Mr. Speaker, I ask unanmous consent that further reading of the Journal be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, I object.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

CALL OF THE HOUSE

Mr. RARICK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count.

Evidently a quorum is not present.

Mr. EDMONDSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 428]

Abbitt
Adair
Addabbo
Alexander
Anderson, Ill.
Ashbrook
Ashley
Ayres
Berry
Biaggi
Blackburn
Blanton
Bolling
Brock
Brooks
Brown, Calif.
Brown, Mich.
Burke, Fla.
Burton, Utah
Bush
Button
Celler
Chisholm
Clancy
Clark
Clay
Collins, Ill.
Conyers
Cowger
Cramer
Daddario
Daniels, N.J.
Delaney
Derwinski
Diggs
Donohue
Dowdy
Downing
Edwards, Calif.
Edwards, La.
Fallon
Farbstein
Fascell
Foley
Foreman
Fraser
Friedel
Gallagher
Giaimo
Gibbons
Gilbert
Goldwater
Green, Oreg.
Griffiths
Grover
Hagan
Halpern
Hansen, Wash.
Hébert
Heckler, Mass.
Hunt
Jarman
Kee
Kleppe
Kluczynski
Kuykendall
Landrum
Langen
Leggett
Long, La.
Lowenstein
Lukens
McClure
McCulloch
McKneally
Mathias
May
Meskill
Mills
Mize
Montgomery
Moorhead
Morton
Moss
O'Konski
Olsen
O'Neal, Ga.
Ottinger
Patman
Pepper
Pike
Podell
Powell
Price, Tex.
Pryor, Ark.
Purcell
Quillen
Reifel
Reuss
Rivers
Rogers, Colo.
Rosenthal
Rostenkowski
Roudebush
Ruppe
Sandman
Scheuer
Shipley
Sikes
Snyder
Steed
Stephens
Taft
Thompson, N.J.
Tunney
Ullman
Vigorito
Waldie
Watson
Weicker
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wydler
Young

The SPEAKER. On this rollcall 306 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE JOURNAL

The SPEAKER. The Clerk will read.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

CALL OF THE HOUSE

Mr. HALEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 429]

Abbitt
Adair
Addabbo
Alexander
Ashbrook
Ashley
Aspinall
Ayres
Berry
Biaggi
Blackburn
Blanton
Bolling
Brock
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Burke, Fla.
Burton, Utah
Button
Cabell
Celler
Chisholm
Clancy
Clark
Clay
Collins, Ill.
Conyers
Cowger
Cramer
Daddario
Delaney
Dent
Derwinski
Diggs
Donohue
Dowdy
Downing
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Evins, Tenn.
Fallon
Farbstein
Foley
Fraser
Friedel
Fuqua
Gilbert
Green, Oreg.
Griffiths
Grover
Hagan
Halpern
Hébert
Heckler, Mass.
Hosmer
Hunt
Ichord
Jarman
Kee
Kleppe
Kluczynski
Kuykendall
Landrum
Langen
Long, La.
Lujan
Lukens
McClure
McCulloch
McKneally
McMillan
MacGregor
Mathias
May
Meeds
Meskill
Michel
Mize
Montgomery
Morton
Mosher
Moss
Murphy, Ill.
Nelsen
O'Konski
Olsen
O'Neal, Ga.
Ottinger
Patman
Philbin
Pike
Podell
Powell
Price, Tex.
Purcell
Quillen
Reifel
Reuss
Rivers
Rogers, Colo.
Rooney, N.Y.
Rostenkowski
Roudebush
Ruppe
St Germain
Sandman
Schneebeli
Shipley
Sikes
Snyder
Springer
Staggers
Steiger, Ariz.
Stephens
Stokes
Taft
Teague, Tex.
Thompson, N.J.
Tunney
Ullman
Waldie
Watson
Weicker
Whalen
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wydler
Young

The SPEAKER. On this rollcall, 298 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE JOURNAL

The SPEAKER. The Clerk will read the Journal.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

Mr. ALBERT (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the Journal be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, would it be the plan to call up this bill (H.R. 19446) this week?

Mr. ALBERT. The distinguished chairman of the Committee on Education and Labor is here. Would the gentleman yield to him for the purpose of answering the question.

Mr. GROSS. Yes; of course.

Mr. PERKINS. I have already communicated with the distinguished gentleman from Iowa that it would not be my purpose to call this bill up this week. I know that it is very controversial, and there is so much other legislation here that we should get to immediately.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Journal of the proceedings of yesterday was approved.

UNIFORM RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES ACT OF 1969

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 1) to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs, with Senate amendments to the House amendment thereto, and concur in the Senate amendments to the House amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendments to the House amendment as follows:

Page 4, of the House engrossed amendment, strike out lines 10 to 17, inclusive, and insert:

"EFFECT UPON PROPERTY ACQUISITION"

Page 4, line 18, of the House engrossed amendment, strike out "(b)" and insert "SEC. 102. (a)".

Page 4, line 21, of the House engrossed amendment, strike out "(c)" and insert "(b)".

On Page 4, line 24, of the House engrossed amendment, strike out "on" and insert "immediately prior to".

Page 12, lines 1 and 2, of the House engrossed amendment, strike out ", to the extent that can reasonably be accomplished,".

Page 12, line 10, of the House engrossed amendment, after "employment" insert ", except that the head of that Federal agency may prescribe by regulation situations when such assurances may be waived".

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. DON H. CLAUSEN. Mr. Speaker, reserving the right to object, would the gentleman explain the Senate amendments so that we can have a full understanding of what is taking place?

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. DON H. CLAUSEN. I am happy to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. The substance of the amendments added to the House bill by the Senate can be stated in about 1 minute.

In the first place, the Senate strikes out language which they thought operated to limit judicial review. They make it quite clear as to any eminent domain or condemnation case that there would be full judicial review afforded. I believe it is agreeable to both sides, insofar as the committee is concerned, to accept this amendment.

They also strike from the House-passed bill the word "on" and substitute "immediately prior to" for clarifying purposes.

They also strike out the phrase "to the extent that can reasonably be accomplished." By that amendment, I believe, they make even more certain the requirement that there be relocation housing available before people are displaced from their homes by a Federal land-taking action.

The final amendment is that they add:

> Except that the head of that Federal agency may prescribe by regulation situations when such assurances may be waived.

That is to provide for an emergency situation of very critical nature, a defense requirement that was very critical or something of that sort.

I believe the overall effect of the Senate amendments is to make a better bill. I believe the Senate has in that sense clarified a point or two which needed clarification, and I believe the House should concur in the Senate amendments.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding. I want to compliment the managers on the part of the House for bringing up this bill in this manner. In view of their content, strengthening, germaness, and lack of additional cost, it simply expedites our business.

I agree with both the gentleman from California and the gentleman from Oklahoma who have conferred with me about this. It takes the rights of the individuals who are not "willing sellers" into greater consideration and assures them of proper relocation before the right of eminent domain is enforced on them. This is important in areas where there have been sudden condemnations for additional land rather than using some of the 34 percent of the land acreage of the United States that the Federal Government already has under its control.

I compliment the committee, and I appreciate the gentleman yielding to me.

Mr. DON H. CLAUSEN. Mr. Speaker, I want to make a final comment that this legislation is the culmination of some 7 years of work on the part of the Committee on Public Works. It has brought about what I think will be one of the most significant pieces of legislation advanced in this Congress. Having served on the original Select Subcommittee on Real Property Acquisition that held hearings prior to the advancement of this bill.

I want it known that we Republican members of the minority support the position taken by the committee unanimously.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Senate amendments to the House amendment were concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 18582, FOOD STAMP ACT OF 1964

Mr. DE LA GARZA. Mr. Speaker, by direction of the Committee on Agriculture, I ask unanimous consent to take from the Speaker's table the bill (H.R. 18582) to amend the Food Stamp Act of 1964, as amended, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. Poage, McMillan, Abernethy, Abbitt, Belcher, Teague of California, and Wampler.

CONFERENCE REPORT ON H.R. 380 TO REPEAL SECTION 7 OF THE ACT OF AUGUST 9, 1946 (60 STAT. 968)

Mr. HALEY submitted the following conference report and statement on the bill (H.R. 380) to repeal section 7 of the act of August 9, 1946 (60 Stat. 968):

Conference Report (H. Rept. No. 1785)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 380) to repeal section 7 of the Act of August 9, 1946 (60 Stat. 968), having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate to the text and title of the bill, and agree to the same with an amendment as follows: In lieu of the text inserted by the Senate amendments insert the following: That section 7 of the Act of August 9, 1946 (60 Stat. 968), is amended to read as follows:

"Sec. 7.(a) A person who is not an enrolled member of the Yakima Tribes with one-fourth degree or more blood of such tribes shall not be entitled to receive by devise or inheritance any interest in trust or restricted land within the Yakima Reservation or within the area ceded by the Treaty of June 9, 1855 (12 Stat. 1951), if, while the decendent's estate is pending before the Examiner of Inheritance, the Yakima Tribes pay to the Secretary of the Interior, on behalf of such person, the fair market value of such interest as determined by the Secretary of the Interior after appraisal. The interest for which payment is made shall be held by the Secretary in Trust for the Yakima Tribes.

"(b) On request of the Yakima Tribes the Examiner of Inheritance shall keep an estate pending for not less than two years from the date of decedent's death.

"(c) When a person who is prohibited by subsection (a) from acquiring any interest by devise or inheritance is a surviving spouse of the decedent, a life estate in one-half of the interest acquired by the Yakima Tribes shall, on the request of such spouse, be reserved for that spouse and the value of such life estate so reserved shall be reflected in the Secretary's appraisal under subsection (a)."

"Sec. 2. The provisions of section 7 of the Act of August 9, 1946, as amended by this Act, shall apply to all estates pending before the Examiner of Inheritance on the date of this Act, and to all future estates, but shall not apply to any estate heretofore closed."

James A. Haley,
Ed Edmondson,
John P. Saylor,
Managers on the Part of the House.

Henry M. Jackson,
Paul J. Fannin,
Managers on the Part of the Senate.

Statement on the Part of the House

The managers on the part of the House at the conference on the disagreeing votes between the two Houses on the amendments of the Senate to the bill, H.R. 380, to repeal section 7 of the Act of August 9, 1946 (60 Stat. 968), submit this statement in explanation of the effect of the language agreed upon and recommended in the accompanying conference report.

A 1946 statute prohibits the inheritance of trust or restricted land on the Yakima Reservation by anyone who is not an enrolled member of the Tribe, with one-fourth degree or more of Yakima blood, subject to a limited exception in the case of a surviving spouse.

H.R. 380 as passed by the House repealed that provision, and allowed the inheritance of land to be controlled by local law, which is the situation that exists on all other Indian reservations.

The Senate amendment leaves the existing law in effect, but adds an exception that permits a non-Yakima heir to inherit if the Tribe fails to pay him for his interest in the land. In other words, the non-Yakima heir is entitled either to the land or its value in money, and the choice rests with the Tribe.

The language agreed upon incorporates the substance of the Senate amendment, but revises the language to:

(1) Delete an open ended appropriation authorization to buy land within the Reservation,

(2) Delete an open ended authority for the Secretary to reopen probate cases after they are closed,

(3) Give the Tribe title to the land for which it pays,

(4) Remove an internal conflict in the language used.

Although the language agreed upon still provides for the Yakima Reservation a rule of inheritance that is different from the rule that applies on all other reservations, the special rule will correct the inequities that previously existed, and should meet the needs of the Indians concerned.

James A. Haley,
Ed Edmondson,
John P. Saylor,
Managers on the Part of the House.

COMMUNICATION FROM COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the Committee on Public Works, which was read and, together with the accompanying papers, referred to the Committee on Appropriations:

Washington, D.C.
December 17, 1970.

Hon. John W. McCormack,
The Speaker, U.S. House of Representatives, the Capitol, Washington, D.C.

My Dear Mr. Speaker: Pursuant to the provisions of Section 201 of Public Law 89-298, the Committee on Public Works of the House of Representatives on December 15, 1970, adopted Committee resolutions authorizing the following water resources development projects:

Black River Harbor, Alcona County, Mich.
Calcasieu River, Devils Elbow, La.
Central and southern Florida small boat navigation.
Corpus Christi Beach, Tex.
Delaware Bay-Chesapeake Bay Waterway, Delaware, Maryland, and Virginia.
Dunkirk Harbor, N.Y.
East River, N.Y.
Edgartown Harbor, Mass.
Frenchboro Harbor, Maine.
Geneva-on-the-Lake, Ohio.
Humboldt Harbor, Alaska.
Lee County, Fla.
Ludington Harbor, Mich.
Mobile Harbor, Ala.
New Jersey coastal inlets and beaches; Great Egg Harbor Inlet and Peck Beach; Corson Inlet and Ludlam Beach; townsend Inlet, and Seven Mile Beach.
Ottawa River Harbor, Mich. and Ohio.

Revere and Nantasket Beaches, Mass.
San Leandro Marina, Calif.
South shore of Lake Ontario: Fort Niagara State Park, N.Y.
Waukegan Harbor, Ill.
Fort Chartres and other drainage districts, Ill.
Marion, Kans.
Placer Creek, Wallace, Idaho.
Posten Bayou, Ark.
Reedy River, Greenville, S.C.
Running Water Draw, Plainview, Tex.
San Luis Rey River, Calif.
Scajaquada Creek and Tributaries, N.Y.
Steele Bayou Basin, Miss.
Streams in vicinity of Fairfield, Calif.
University Washington and Spring Brook, Riverside County, Calif.
Wenatchee, Wash.
Western Tennessee tributaries, Tennessee.
Zintel Canyon, vicinity of Kennewick, Wash.

Sincerely yours,
GEORGE H. FALLON,
Chairman.

CONFERENCE REPORT ON H.R. 19877, RIVERS AND HARBORS AND FLOOD CONTROL ACT OF 1970

Mr. BLATNIK. Mr. Speaker, I call up the conference report on the bill (H.R. 19877) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. HARSHA. Mr. Speaker, reserving the right to object, may I inquire of the distinguished gentleman from Minnesota whether or not the gentleman intends to explain to the House what is contained in this conference report

Mr. BLATNIK. Mr. Speaker, if the gentleman will yield; yes, we have a full explanation as well as a summary explanation of both titles I and II.

Mr. HARSHA. Will there be an opportunity for the minority to express its position on the bill?

Mr. BLATNIK. Yes; there will.

Mr. HARSHA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 17, 1970.)

Mr. BLATNIK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference report which is before the House at the present time is on H.R. 19877, the Omnibus Rivers and Harbors and Flood Control Act of 1970. The bill as agreed to by the conferees is a sound measure which would continue the vitally important water resources development program of the Corps of Engineers.

The Subcommittees on Rivers and Harbors and Flood Control held 3 weeks of hearings on this bill. Testimony was received from the Corps of Engineers on the technical details of the project, the estimated costs and the economic justifications. The committee also heard testimony on a number of projects on items which it felt should be considered in connection with the bill. On those projects considered controversial, testimony was received from Members of Congress, Federal and State officials, representatives of local organizations, and from interested citizens.

The conferees from the House and the Senate met and with a fine attitude of cooperation worked out the difference in the two versions of the bill. As in most conferences, the views of the House prevailed on some matters, and the views of the Senate on others. I believe that we have brought together a good bill, one that I can endorse to this body.

Included in the Senate version were 30 projects for rivers and harbors and flood control, each of which are estimated to cost less than $10 million. These projects were not included in the House bill because we utilized a procedure authorized in the Flood Control Act of 1965 which makes possible more expeditious authorization of these relatively small water resource development projects. This procedure permits the Committee on Public Works of the House of Representatives and Senate to review such projects and to approve them by committee resolution. This procedure makes possible prompt congressional action on numerous badly needed projects throughout the Nation.

It is our intent that this procedure will be utilized in the future so as to approve these projects in an orderly manner without having to wait upon an Omnibus Rivers and Harbors and Flood Control Act, which generally does not occur more often than once every 2 years.

The Senate conferees accepted the House position on this matter and the conference substitute does not include these projects. I would point out that the Committee on Public Works has approved each of these projects by the resolution procedure which I have described.

There are certain provisions in H.R. 19877 which I would specifically point out to my colleagues as being worthy of special note.

Section 107, which I am pleased to have authored, is the direct outgrowth of the study included in the River and Harbor Act of 1965 and authorizes the Secretary of the Army, acting through the Chief of Engineers to conduct a survey to the Great Lakes and St. Lawrence Seaway to determine the feasibility of extending the navigation season, in accordance with the recommendations of the Chief of Engineers in his report entitled "Great Lakes and St. Lawrence Seaway-Navigation Season Extension." Preliminary investigations conclude that practical measures are available for deicing waterways and lock structures, but that solutions to the icing problem on the Great Lakes and St. Lawrence Seaway are complex, and additional studies are necessary.

The section also authorizes the Secretary of the Army, acting through the Chief of Engineers, in cooperation with interested Federal agencies—primarily the Coast Guard and the Maritime Administration—and non-Federal public and private interests to undertake an action program to demonstrate the practicability of extending the navigation season. This program will complement the survey by serving as a means of testing and developing various methods which may be recommended and also by encouraging the participation in the development and use of these methods and shipping interests.

The program will include, but not be limited to, ship voyages extending beyond the normal navigation season; observation and surveillance of ice conditions and ice forces; environmental and ecological investigations; collection of technical data related to improved vessel design; ice control facilities and aids to navigation; physical model studies; and coordination of the collection and dissemination of information to shippers on weather ice conditions.

Subsection (c) of the section authorizes a study of ways and means to provide reasonable insurance rates for shippers and vessels engaged in waterborne commerce on the Great Lakes and St. Lawrence Seaway beyond the present navigation season. One of the deterrents to winter navigation is higher insurance rates for this season, and the provision of reasonable rates is a necessary part of any program for extending the navigation season.

Section 108 is a most important provision which we hope has nationwide significance—it is the cleaning up of the Cuyahoga River, one of the four dirtiest rivers in the United States—a river so dirty that it actually caught fire on several occasions. The purpose of this section is to establish, on a test-case basis, what can be done in the way of physical and engineering improvements working in conjunction with other Federal and State treatment programs, to improve the total quality of a river—both its appearance and its quality—so that it may assume, through recreational, environmental, wildlife, and water quality values, a functional and viable role in the area it serves.

Section 122 requires that not later than July 1, 1972, the Secretary of the Army, acting through the Chief of Engineers, shall submit to Congress, and, not later than 90 days thereafter, promulgate guidelines to assure that adverse economic, social, and environmental effects relating to any proposed project have been fully considered in developing such projects and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for flood control, navigation and associated purposes, and the cost of eliminating or minimizing such adverse effects and the following: First, air noise and water pollution; second, destruction or disruption of manmade and natural resources, esthetic values, community cohesion, and the availability of public facilities and services; third, adverse employment effects and tax property value losses; fourth, injurious displacement of people, businesses, and farms; and, fifth, disruption of desirable community and regional growth. Such guidelines shall apply to all proposed projects after the issuance of such guidelines including the projects authorized in this act.

Section 123 provides for a program of construction of contained spoil disposal facilities in the Great Lakes in order to eliminate pollution associated with open water disposal of contaminated dredged spoil. The section is similar in import to a proposal submitted earlier this year by the administration. It differs from the administration proposal mainly in the area of cost sharing, by providing for waiver of the required local cooperation where the Administrator of the Environmental Protection Agency finds that the local interests are participation in an approved plan for the construction, modification, expansion, or rehabilitation of waste treatment facilities and are making progress satisfactory to the Administrator.

The section authorizes the Secretary of the Army, acting through the Chief of Engineers, to construct contained spoil disposal facilities subject to conditions of non-Federal cooperation, as soon as practicable. Construction priority of the various facilities would be determined after considering the views and recommendations of the Administrator of the Environmental Protection Agency.

I would also note section 208 involving combined beach erosion hurricane projects; section 109, a statement of congressional intent regarding objectives to be included in federally financed water resource development projects; section 211, establishing a new position of Assistant Secretary of the Army for Civil Works; section 221, requiring written agreements from local interests before initiation of projects; and section 235, authorizing an important water quality study of the Susquehanna River Basin. My colleague on the conference committee, the very able chairman of the Subcommittee on Flood Control, the gentleman from Alabama (Mr. JONES), will discuss these provisions in more detail. The conference substitute includes 11 navigation projects and one beach erosion project in the River and Harbor Act at an estimated Federal cost of $153,354,000 and 20 flood control projects in the Flood Control Act at an estimated cost of $407,301,200. The total of the projects authorized is $560,655,200. This is the smallest Omnibus Rivers and Harbors and Flood Control Act in the last 20 years.

I would conclude by thanking all the members of the conference on both sides of the aisle for their outstanding efforts on this legislation. I sincerely appreciate the support and counsel of my good friends, the gentleman from Alabama (Mr. JONES); the gentleman from California (Mr. JOHNSON); the gentleman from South Carolina (Mr. DORN); the ranking minority member of the committee; the gentleman from Florida (Mr. CRAMER); the gentleman from Ohio (Mr. HARSHA); and the gentleman from California (Mr. DON H. CLAUSEN).

Mr. Speaker, I now yield such time as he may consume to the distinguished gentleman from Alabama (Mr. JONES).

Mr. JONES of Alabama. Mr. Speaker, H.R. 19877, which we now bring back from conference for approval of this House is another example of excellent cooperation between this body and the Senate. Yesterday, I was able to note this spirit of cooperation in dealing with the Senate conferees on the Disaster Relief Act of 1970, and today I am pleased to report the same attitude prevailed in the River and Harbor and Flood Control Acts of 1970.

The agreed-upon conference substitute authorized a total of 20 flood control projects, and 12 navigation and beach erosion projects. The estimated amount of these projects is $560,655,200. I would point out that this total is $24 million less than the original House bill and considerably less than the Senate version.

H.R. 19877 is a comprehensive measure to authorize the Corps of Engineers to carry forward vital programs for the development and improvement of waterways and harbors as an essential element of the Nation's transportation system, for the protection of lives and property of our citizens against the ravages of floodwaters, for the protection of our valuable coastal resources from erosion, for the generation of low-cost hydroelectric power, for the development of water supplies of suitable quantity and quality to serve our Nation's cities and industries, for the conservation and enhancement of fish and wildlife resources, for providing increased opportunities for our citizenry to enjoy healthful outdoor recreation opportunities, and, in general, for inducing economic development as a means of enhancing the general welfare.

There are certain provisions which I believe to be particularly important. I would call the attention of my colleagues and the appropriate Federal agencies to section 209. This section provides for the consideration and determination of all costs and benefits in the formulation and evaluation of water resource projects. The inclusion of this section in the bill is the reflection of Congress continuing concern that our water resources be managed and developed consonant with contemporary concerns for the environment, for the urban problems, and for our concern for our regions.

We are aware that the Water Resources Council in the report of its special task force has forthrightly addressed the problem of developing principles and standards that would allow for the evaluation of water resource projects in terms of all objectives and has developed more detailed guidance for this purpose. But only within the past few weeks have we become aware of the position of the Office of Management and Budget in opposition to this type of analysis. In their initial review of the special task force report, OMB has, in effect, stated that we should not pursue multiobjective approaches to formulating our water resource plans and that, in fact, we should evaluate potential development plans on a basis even narrower than our present standards provide.

We have repeatedly urged the executive branch to develop new guidelines and procedures that would more appropriately reflect the concerns Congress has expressed with respect to making our water projects responsive to a broad range of current and future national concern. We believe the special task force of the Water Resources Council provides that basis. It is disturbing that the OMB is now taking a position which contravenes existing national goals and seriously endangers the development of water resource plans truly responsive to our national needs. Section 209 expresses the intention of the Congress that we formulate our plans and evaluate benefits and costs in the context of all objectives—national economic development, environment, quality of life, and regional development. We can ill afford to ignore the proper role of water resources development in enhancing our environment and helping to resolve the problems of our urban areas and depressed regions.

Proposals by the Office of Management and Budget that would result in a further increase in interest rate for evaluation of water projects; that would limit the benefits to be considered in the formulation and evaluation of plans; and that would preclude the full consideration of all objectives in developing long-range water resource programs would clearly run counter to a growing national concern that all resource development programs squarely address our Nation's problems. We cannot neglect the pressing problems of our cities, of our obligation to improve our environment and to rid ourselves of pollution. It is less costly to attack these problems now than to pay the high costs of correcting ills after they are created. The statement of the objective for water resources as set forth in section 209 expresses the intent of Congress that the contribution that water resource projects can make to a growing list of priority concerns be considered in the formulation and evaluation of projects. We feel confident that through a broadening of the objectives and criteria by which we plan for the future use of our water resources, we can better utilize funds for water development.

I would further note that the Congress in 1965 granted to the Water Resources Council the responsibility of establishing principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans, and for the formulation and evaluation of Federal water and related land resource projects.

In the event that the Water Resources Council is prevented from carrying out the responsibility granted to it by the Congress, the Congress may find it necessary to reassert its authority in this field.

I would insert in the RECORD at this point a copy of the OMB memorandum which states its position to the Water Resources Council:

EXECUTIVE OFFICES OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

December 2, 1970.

MEMORANDUM

To: Mr. W. Don Maughan, Executive Director, Water Resources Council.

Subject: Proposed principles, standards, procedures for evaluating water resource plans and projects.

This is in response to your letter of October 29, 1970, to Mr. Weinberger on the above subject.

As Mr. Weinberger indicated at our meeting with you and representatives of the members of the Council on October 7, the proposed principles and standads should be carefully scrutinized because of the long range implication of these guidelines on future water resource development. We, therefore, are making an intensive review to assure that this is the best possible planning tool from the Administration's standpoint. As promised, our views will be furnished to the Council within 90 days.

So war, we have noted some changes that we believe should be made in the proposed standards. We believe the following changes are necessary to meet the goal of better decision making in water resource investments

ADDITIONAL NON-FEDERAL PARTICIPATION IN DEVELOPMENT COSTS

Everyone agreed at the October 7 meeting that beneficiaries of water resource projects should be required to participate more in the costs for project development. Except for recommendations regarding cost sharing for water quality control, the WRC task force recommends no change in current policies regarding apportionment of costs to local interests.

We commend the task force for its proposal for water quality control cost sharing and concur in that recommendation. However, other cost-sharing proposals are also needed. Non-Federal interests should be required to pay substantially more of the investment costs in the future. For example, local cost sharing for flood control projects should be consistent with the Federal flood insurance program. More importantly, equity calls for increased local participation in water development projects.

WRC is considering new cost sharing policies for flood control. We strongly urge that this study be concluded soon since it has been identified as a possible 1972 program reform by the President. This study should be approved prior to approval of the proposed principles and standards.

DISCOUNT RATE

In determining the discount rate for government investments in water resources, we believe that the real opportunity cost of capital should be used. We recognize that the rate of movement from the current level of 5⅛ percent will have to be worked out but a significant increase from the current level should be made immediately.

MULTIPLE-OBJECTIVES

The task force report provides for the recommendation of plans to meet objectives of regional development, environmental quality and quality of life even when costs, on a national income basis exceed the benefits. We strongly disagree and believe no plan should be recommended unless the addition to national income exceeds the costs.

BENEFITS FROM INCREASES IN OUTPUT RESULTING FROM EXTERNAL ECONOMIES

The task force recommends that external economies and diseconomies resulting from water development be included in planning reports. It recognizes that present techniques are not well developed for measuring external economies and diseconomies. We do not agree that those economies or diseconomies attributable to influencing the economies of scale of processors or other producers should be included as benefits to a water resource project. Where such economies exist, they not only are almost impossible to measure but are probably offset by reverse phenomena elsewhere. However, external effects caused by a project such as increased costs imposed on parties other than project beneficiaries can be evaluated with sufficient confidence to warrant their inclusion in the national benefit-to-cost estimates.

BENEFITS FROM UTILIZATION OF UNEMPLOYED AND UNDEREMPLOYED RESOURCES

The task force report states that benefits should be counted when a water plan creates an opportunity to use resources that would be unemployed or underemployed in the absence of the plan. The report states that utilization of such resources may come about (a) as a result of implementing a plan, including construction, operation, maintenance, or replacement; (b) as a result of the use of intermediate goods and services resulting from the plan; or (c) as a result of expansion of output by firms who are indirectly affected by the installation of the project or indirectly affected by consumers and firms who use final and intermediate goods.

Use of unemployed or underemployed resources, namely manpower, on a project is now counted as area redevelopment benefits. Counting benefits under (b) and (c) above are conjectural, for example, the employment of unemployed persons in an area because an industrial plant is expected to locate there because of flood protection to be provided by a project. It is difficult to forecast plant locations. In addition, the plant may only relocate from one region to another so that there is no net addition to national income. Also, a plant planned for one location in a region might locate in another area within the region because of the project, in which case, there is no net addition to the region attributable to the project.

In addition to the question of private investments required to produce these benefits, non-Federal public investments, such as streets, water supply and sewers, may also be required before the benefits will occur. Thus, these types of benefits are not only conjectural but must be allocated among the various investments.

Benefits from the use of underemployed or unemployed resources in (b) and (c) above should not be included in the national income account and only included in the regional development account as a side calculation for information as to possibilities and not enter into the benefit-cost analysis of the cost allocation.

BASINWIDE ANALYSIS

The standards will apply to the preparation of framework studies or assessments, regional or river basin studies, and implementation (individual project) studies. Conceptually, basin-wide or regional analysis is the proper way to formulate water resource plans. In particular, one should be careful to eliminate double counting from the same population base. Further, this should assure a multi-agency effort which will facilitate trade-offs among agency objectives. In addition, however, water development should be an integral and necessary part of a regional economic development plan prepared by others than water planners.

INTERNAL EFFICIENCIES (INCREMENTAL ANALYSIS)

The standards need a stronger statement on the use of incremental analysis to determine optimum scale of development. The statement should stress the optimization of each project of a group of projects, and including each separable segment and each purpose of a project, as well as optimizing the scale of physical development.

APPROVAL OF PROPOSED PRINCIPLES, STANDARDS, AND PROCEDURES

We agree that the President should approve the statement of principles. With regard to the approval of the statement of standards, we believe it would be an appropriate task for the Office of Management and Budget. The standards, as well as the principles, will guide the course of future water resources planning and development. The importance of the standards suggests that the review and approval responsibility should be in the Executive Office of the President.

OTHER ISSUES

There are other areas that we are concerned with and now have under deliberation. We will communicate with you on these at a later time. Examples are:

Proposal to apply standards to activities not now covered by water resources standards, primarily land resources.

Proposed procedures for calculating navigation, recreation and agricultural related benefits.

Practicability of the social well-being or quality of life objective as an explicit planning objective.

Implication of publishing a national program for water resource development.

Recommended cost allocation procedures compared to other alternatives.

Validity of projections set forth in the standards to be used in planning.

Criteria for establishing period of analysis for a water resource plan.

We are furnishing this information in order to be more responsive to the Council's request for our views on the proposed principles and standards. This should allow you to focus early on some major areas of disagreement between the Council's task force and OMB. OMB staff, of course, is available to work with you on this matter.

DONALD B. RICE.

Mr. Speaker, section 208 amends existing beach erosion control authority to permit, within the discretion of the Chief of Engineers, application of a cost apportionment procedure that is generally similar to that now applied to hurricane flood protection projects.

At the present time, projects which serve the single purpose of protection of beach erosion are subject to different cost-sharing formulas determined by ownership and use which can vary the Federal contribution from 50 percent in the case of non-Federal publicly owned land, to 70 percent for non-Federal publicly owned land used as a park or conservation area.

The cost-sharing formula for hurricane and tidal flood protection, established by the projects authorized under the 1958 Flood Control Act, contemplates a Federal contribution of up to 70 percent of the project cost. In multiple-purpose beach erosion and hurricane and tidal flood protection projects the costs allocable to each purpose are apportioned on the basis of the formula established for each such project purpose.

The section permits a desirable flexibility in the statutory cost apportionment required for beach erosion benefits and permits a discretionary determination of the proper Federal share of project cost up to 70 percent in all hurricane and tidal flood protection projects having beach enhancement aspects.

I wish to stress that this in no way

affects the present policy for cost sharing on hurricane protection projects which do not include beach erosion. The basic difference would be that hurricane projects without beach erosion control features would permit 70 percent Federal contribution, but, unlike the multiple-purpose projects, would continue to permit any lands finished by local interests to be credited as part of their required contribution.

Section 211 provides for an additional Assistant Secretary of the Army for Civil Works who would have as his principal duty the overall supervision of the Department of the Army's functions relating to programs for the conservation and development of the national water resources including flood control, irrigation, shore protection, and related purposes.

Within the Department of the Army, the responsibility for supervising the civil works program has, for the past several years, been assigned to the General Counsel of the Army who, in this capacity, acts as the special assistant for civil functions to the Secretary. In January 1966, the Secretary of the Army released a report covering the civil works program of the Corps of Engineers, prepared by the Civil Works Study Board which recommended establishment of an office of an Assistant Secretary of the Army with responsibilities primarily for the civil works missions. This recommendation was based upon the conclusion that the importance of the civil works program to the Nation and the Army warranted a higher degree of personal involvement at the Secretarial level.

The need for more effective interdepartmental coordination at the Departmental level has increased during the more than 4 years since the Secretary submitted the Study Board report. The requirement of departmental membership on the Water Resources Council, established by the Water Resources Planning Act, and the problems stemming from the increasing involvement in water resources development of the Department of Transportation, the Department of Housing and Urban Development and the Environmental Protection Agency have contributed to the need for an Assistant Secretary who can devote his primary efforts to the civil works mission.

The civil works program exceeds in magnitude the total programs of several existing Federal departments and is extremely important to the Nation's water resources. From these standpoints, and others, there is full justification for proposing an Assistant Secretary to assist the Secretary of the Army in discharging his broad civil works responsibilities.

Section 221 is a result of our long-held belief that there should be a uniformity of obligation in water resources development projects and the associated items of local cooperation, and that before Federal moneys are invested in a project, the non-Federal interests should be bound to perform the required cooperation.

Under this section the construction of any water resources project by the Secretary of the Army shall not be commenced until the non-Federal interests enter into a written agreement with the Secretary of the Army to furnish the cooperation required under the project authorization or other law. The requirement for such an agreement also applies where local interests commence work on a Federal project for which they will be reimbursed. It does not apply, however, to those cases where the United States is merely contributing part of the cost of a non-Federal project in recognition of the Federal purposes it will serve, such as flood control.

The non-Federal interests entering into these agreements must be legally constituted public bodies with full authority and capability to perform the terms of the agreement and to pay damages, if necessary, in the event of failure to perform. The agreements will be enforceable in the appropriate district courts of the United States.

The section also provides that after commencement of construction of a project, the Chief of Engineers may undertake performance of those items of cooperation necessary to the functioning of the project, such as operation and maintenance or completion of a partially completed project, if he has first notified the non-Federal interest of its failure to perform the agreement and has given such interest a reasonable time to perform. The purposes of this provision are to protect the Federal investment and to prevent property damage and loss of life which might result from a partially completed or improperly operated or maintained project.

The section also requires that a continuing inventory, be kept of agreements and the status of their performance, and that an annual report be made to the Congress.

This section will provide a necessary uniformity of obligation among non-Federal interests and insure that Federal investments in water resources projects will be economically and judiciously made.

Section 235 authorizes and directs the Secretary of the Army, acting through the Chief of Engineers, as part of the comprehensive study of the water and related resources of the Susquehanna River Basin, to investigate and study, in cooperation with the Administrator of the Environmental Protection Agency and other interested Federal and State agencies, the availability, quality, and use of waters within the basin with a view toward developing a comprehensive plan for the development, conservation, and use of such waters. The studies and investigations authorized by this section will include the development of plans, for recommendation to the Congress, concerning the construction, operation, and maintenance of water conveyance systems; regional waste treatment, interceptor, and holding facilities; water treatment facilities and methods for recharging ground water reservoirs.

There was some question raised as to the relationship of this study with the recently passed S. 1079 which established the Susquehanna River Basin Commission as a coordinating Federal-interstate agency for planning, development and use of the water resources of the basin. It was never intended by the inclusion of this study authorization to bypass the new River Basin Commission. There can be no question that we anticipate only the highest degree of cooperation between the Corps of Engineers, the Environmental Protection Agency, and the Susquehanna River Basin Commission.

I would conclude by commending the conferees for their excellent work. My appreciation, as always, is extended to my fellow conferees, the chairman of the Subcommittee on Rivers and Harbors, the gentleman from Minnesota (Mr. BLATNIK), the gentleman from California (Mr. JOHNSON), the gentleman from South Carolina (Mr. DORN), the gentlemen of the minority including the ranking member of the Committee on Public Works, the gentleman from Florida (Mr. CRAMER), the gentleman from Ohio (Mr. HARSHA), and my colleague on the Subcommittee on Flood Control, the gentleman from California (DON CLAUSEN).

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the distinguished gentleman from Ohio.

Mr. HARSHA. Mr. Speaker, I appreciate the gentleman yielding. However, I would like to inform the Members of the House that I did not sign the conference report. I did not sign it for the following reasons:

This report gives approval to some 16 projects which have not been approved by the Office of Management and Budget. Heretofore it has been the policy of the Committee on Public Works to approve in the final version of the conference report only those projects that have been approved by every Federal agency involved, including the Office of Management and Budget.

Indeed, it was my understanding that projects which had not received Office of Management and Budget approval by the time the conference completed its business, would not be enacted into law at this time. If I did not so believe, I would not have voted to include these projects in the bill reported by the Public Works Committee, and I would not have voted to include these projects on the floor of the House.

Mr. Speaker, as I say, in these 16 projects this was not done. In my opinion by digressing from this position we will make a shambles of the procedure which allows for the orderly, progressive consideration of projects of this kind. Heretofore we have insited that the projects clear not only the State and Federal agencies but also the Office of Management and the Budget.

This has not been done in this case. But, it need not stop there. If we dispose of the review and approval of the Office of Management and Budget, next we may find ourselves disposing of the review and approval of other Federal agencies. After that, we can find ourselves disposing of the approval of the State and local authorities. Field hearings would become meaningless. The expression of the public will could only be made in fora that have no significance.

In short, I can see that this practice could well lead to the approval of projects contrary to the public will, contrary to the desires of the administration and contrary to the interests of the United States. I believe that this practice should not be condoned, and, therefore, have refused to sign the conference report.

I am afraid this kind of procedure is going to come back and haunt us. I wanted the opportunity to express my concern over this method of legislating.

I will admit and concede that there are some precautions taken in this bill because the construction of the projects cannot be commenced until the President and the Secretary of the Army approves them, but irrespective of that they are authorized. And these 16 projects, or the authorizations in this bill, are for $241 million, and there is an additional $193 million of unauthorized monetary value to these projects, so what we are talking about is not some little matter, it involves something over $434 million as indicated in the following table:

PROJECTS FOR WHICH OFFICE OF MANAGEMENT AND BUDGET APPROVAL HAS NOT BEEN RECEIVED

	Authorization	Total cost
Baltimore Harbor, Md. and Va	$40,000,000	$99,500,000
Atlantic Intracoastal Waterway bridges, Virginia and North Carolina	11,220,000	------------
Pamlico River and Morehead City Harbor, N.C	2,642,000	------------
Freeport Harbor, Tex	13,710,000	------------
Nawiliwili Harbor, Kauai, Hawaii	1,952,000	------------
Saint Georges Creek, Md., to Harry Lundeberg School of Seamanship at Piney Point, Md	475,000	------------
Ouachita and Black Rivers, Ark. and La	13,500,000	------------
Arkansas Red River Basin, Tex., Okla., and Kans	------------	------------
Mississippi River at Davenport, Iowa	12,263,000	------------
Sandridge Dam and Reservoir, Ellicott Creek, N.Y	19,070,000	------------
Portugues Dam and Reservoir, P.R	11,110,000	------------
Cerrillos Dam and Reservoir, P.R	16,351,000	------------
Ponce, P.R	$14,295,000	------------
Cottonwood Creek, Calif	40,000,000	$174,000,000
Merced County streams, California	37,260,000	------------
Kaneohe-Kailua area on the east coast of Oahu, Hawaii	7,249,000	------------
Total, authorization	241,097,000	------------
Unauthorized project cost	193,500,000	------------
Total cost	434,597,000	------------
Total cost (2 projects)		273,500,000
Authorized cost (2 projects)		80,000,000
Unauthorized cost (2 projects)		193,500,000

Nearly a half billion dollars is, I think, a great deal of money. But perhaps even more important than a half billion dollars is the precedent established by this procedure. Under such precedent, the review procedure requiring Office of Management and Budget review is eroded and indeed dispensed with. Such a practice is highly undesirable, and I think that this is a regrettable way to legislate in this manner, and that is why, Mr. Speaker, I refused to sign the conference report.

Mr. GERALD R. FORD. Mr. Speaker, would the gentleman from Minnesota yield?

Mr. BLATNIK. I will be delighted to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, approximately 2 years ago I introduced legislation that would have prevented the Army Corps of Engineers from dumping in the Great Lakes the dredgings that they acquire from their various operations. Earlier this year the President of the United States also recommended to the Congress that such prohibiting legislation be approved by the House and the Senate.

I was reading the conference report on page 25, and would the gentleman from Minnesota explain what has been done in this legislation that involves this particular problem? Because we do have a serious situation concerning the dumping of soil dredgings, particularly in the Great Lakes from the various operations of the Corps of Engineers and others.

Mr. BLATNIK. Mr. Speaker, the gentleman from Michigan raises not only a very important question, but the gentleman is directing himself to a very vexing problem.

Section 123 of the legislation, as agreed to by both the Senate and the House, has a program for construction of spoil disposal facilities for the Great Lakes in order to eliminate this very serious problem. We did not adopt all of the recommendations made by the administration. I would point that the basic difference was in cost sharing, because at this stage much of this will be of an advanced demonstration program of what to do with these materials. The gentleman knows, the problem can vary from place to place.

Again let me emphasize that the difference was not in concept but merely in cost sharing. The administration asked for a 50–50 sharing between the local units and the Federal Government. We changed that to a requirement for local cooperation of 25 percent. Also in some instances the Corps of Engineers, with proper justification, can waive the local contribution because the local interests are in compliance with an ongoing program of sewage treatment facility construction.

We do make what is, in our judgment, a very significant forward step in coping with this problem in a workable manner, and in as efficient a manner as we can to handle this problem of disposal.

Mr. GERALD R. FORD. Mr. Speaker, if the gentleman will yield further, let me say that I applaud the action taken by the conference, even though it does not go the full length recommended by the administration. This is a forward advance from the conditions of the past, and perhaps after we have had some experience with this law perhaps we can take further steps in the future to prohibit this kind of a problem from existing at all.

Mr. BLATNIK. Mr. Speaker, I appreciate the good words from the distinguished minority leader.

I also want the Record to show the gentleman's persistent and continuing interest in advocating that action be taken on this important problem.

If I may now direct my remarks to a valid point made by the gentleman from Ohio, the ranking minority member of the Subcommittee on Flood Control, a very valuable member of that subcommittee. Originally, we felt that we should keep projects out that did not have the usual approval of the Office of Management and Budget. But as time went on we found that there were several very important projects that had been approved at all levels—at the local level right on up to the State level and all agencies of the Federal Government that had some concern with respect to a given project. The projects had advanced at the time of the conference through all stages except for final OMB approval.

We felt it would be unfair insofar as these projects are concerned where many have been under consideration for several years to eliminate them arbitrarily for a possible period of 2 more years until the next omnibus bill. This did not seem appropriate when they are so close to being approved and all indications are that they shall be approved.

However, the gentleman is correct—the Congress ought to protect itself and certainly ought to give an opportunity for the President to protect himself.

So we put specific and precise language in each one of these projects that have not completed the approval stages by the OMB and the Secretary of the Army.

The language is essentially this: That no construction of any work whatsoever shall be initiated in any of these projects until such approval is obtained.

Mr. HARSHA. Mr. Speaker, will the gentleman yeld?

Mr. BLATNIK. I yield to the gentleman.

Mr. HARSHA. The committee probably did not want to eliminate arbitrarily the projects and no Member wants to eliminate arbitrarily the projects. This has been the policy of the committee for years and it has been the policy of the Congress, that we do not authorize these projects until they are cleared by the Bureau of the Budget.

Just to give you an example of what we are getting into here—we have a project here which we have not only made conditional upon the ultimate approval of the President and the Secretary of the Army, but we have directed that studies be made to determine alternatives for those projects. Before that project is to be constructed, those alternatives are to be considered and reported back to the Congress.

Now I am informed that a certain State is in the process, based on this representation in our committee bill, of acquiring land. Where are the people who have to give up their homes in a case like this and who have to give up their property in a case like this? Where are they left after the State purchases the property? And suppose the administration turns the project down?

This is one of the situations you are going to get into—just one of them—and I still say an instruction of this type is going to come back to haunt us.

Mr. BLATNIK. Mr. Speaker, I have no further response other than to say the gentleman does raise a point and we go up to the 1-yard line before the projects are approved all the way. When you come that close to it, we feel it just would not be doing justice in the case of a badly needed project to delay it for another year or two, especially when they are meritorious or justifiable.

Mr. Speaker, I yield to the gentleman from New York, a member of the committee.

Mr. McEWEN. I thank the gentleman from Minnesota for yielding. I will say to the gentleman that I would like to associate myself with the concern expressed by the gentleman from Ohio. Particularly I would like to emphasize to the gentleman from Minnesota that one of these projects, which the gentleman from Ohio has referred to, we had a very thin benefit-cost ratio, and we conditioned our approval on there being a direction for a study of alternatives and a report back to this Congress before going ahead with it. Notwithstanding this, I am also informed that the State where this project is located may be proceeding with the acquisition of the land before the report back by the corps to our committee and before possibly the review and approval of the Office of Budget and Management. I want to associate myself with the remarks of the gentleman from Ohio and say to the gentleman from Minnesota that I am concerned about this. I understand there are going to be steps taken under this authorization before there has been not only review by all of the executive agencies that should review it, but before we have had a report back from the corps as to what alternatives there are, if any, to this project.

Mr. BLATNIK. I would like to point out that the gentleman from New York has some valid points. But this is the only project that can be pointed out in that connection. There is some question about it, but what the gentleman has expressed does not exist in relation to the other projects. This is a flood control project. I believe it is in the district of the gentleman from New York (Mr. McCarthy).

I yield to the gentleman from New York (Mr. McCarthy).

Mr. McCARTHY. I thank the distinguished gentleman for yielding.

Mr. Speaker, for the record, I would merely like to clarify the situation that in committee we did accede to the request of the distinguished gentleman from New York (Mr. Conable), in whose district the dam will be located, and where the property is being acquired under the Republican administration in New York. I should point out that the impact of this is mainly within the district that I presently represent. The Governor of New York wants it desperately. It is an essential ingredient in a $1.5 billion complex associated with the new University of Buffalo. This project cannot go through if there is going to be flooding throughout that area.

The dam is essential. We have gone along with the minority, which asks for a study of alternatives. So it seems to me that all interests here have tried to be cooperative, and your own Governor is most anxious to see this project proceed.

Mr. BLATNIK. I should like to make one comment. The gentleman from New York (Mr. McCarthy) is correct. I do not know whether it has been made clear to the membership that this land acquisition is being undertaken, as I understand, by the State, or perhaps some local interests. In most local flood protection projects, the local interests are required to furnish lands, easements and rights-of-way. However, this is not required until after the project has been approved. We cannot stop a State or a municipality from acquiring land if they want to do so prior to approval. They are doing so in the hope that the project will be approved. I would note, however, that the acquisition of the lands at this time is a risky proposition on the part of the State since there is no assurance that the project will receive the necessary approvals or that it might not be relocated.

Again, I repeat, our safeguard is in the language of the bill, directing that in relation to each project, if the project does not get approval by the President, the Secretary of the Army, and the OMB, there will be no Federal expenditure on the project.

Mr. McEWEN. Mr Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from New York.

Mr. McEWEN. I thank the gentleman for yielding. I would say to my dear friend and colleague from New York that I do not propose here to debate all questions on the Sandridge Dam and Ellicott Creek. But I do think this is a unique situation. It appears in this list, to which the gentleman from Ohio has referred, of projects as to which there has not been a review and approval by the Office of Management and Budget; where there was not a particularly strong benefit-cost ratio; where the study was not made by the corps but by engineers employed by the State in behalf of the corps, and where we have directed a review and report back to this Congress. Yet, I am told that the State may go ahead and acquire land for the project.

I would say also to my colleague from New York that I further understand that on the campus of the University of Buffalo there are flood control protections incorporated now in the site for that campus.

So ever since the action by our committee, I would say to my friend, the gentleman from Minnesota, I have been told that this does not relate just to the campus of the University of Buffalo, but that there is incorporated in it, apart from this project, flood control measures. I just regret to see, Mr. Speaker, a project where there are serious questions which our committee has recognized, there are questions where we direct by the language in this bill that there be further study and report back, that we go ahead and authorize it when there has not been approval by the Office of Management and Budget.

Mr. ROBISON. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from New York (Mr. Robison).

Mr. ROBISON. Mr. Speaker, changing the subject matter for a moment, I would like to take this opportunity to thank the acting chairman and other members of the committee who were conferees in this matter for having worked out in satisfactory manner, as I think they have, the jurisdictional problems relating to developing a comprehensive plan for the conservation and protection of the water resources of the Susquehanna River. They have done so in such a fashion that the jurisdiction and responsibilities of the newly created Susquehanna River Basin Commission will be protected and recognized, along with that of the new Environmental Protection Agency, while the Corps of Engineers will still have the needed authority to proceed.

Mr. BLATNIK. I thank the gentleman from New York.

Mr. ROBISON. If the gentleman will yield a moment further, the gentleman knows of my longstanding interest in this regard, and I am grateful to him and the other members of the committee, on which I used to serve, for their actions in saving this section.

Mr. BLATNIK. I would like to make a very frank statement, that if it were not for the assistance of the gentleman from New York and other Members from both the House and Senate we would not have succeeded as well as we did on this. It is a very worthy project, and the gentleman deserves a great deal of credit for assisting in preserving the project.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, the project was held up about 20 minutes, I might say, in order to see that the position of the gentleman from New York was taken into account and to see that it was worked out in a satisfactory manner.

Mr. EDMONDSON. Mr. Speaker, within the past 5 years, this Congress has enacted a number of important items of legislation all of which reflect our national concern that our water and related resources be developed and utilized in the most effective way possible to serve the needs of our present and future generations. These include:

The Appalachian Regional Development Act of 1965;

The Federal Water Project Recreation Act of 1965;

The Water Resources Planning Act of 1965;

The Public Works and Economic Development Act of 1965;

The Water Quality Act of 1965;

Authorization of the Northeastern Water Supply Study in 1965;

The Clean Water Restoration Act of 1966;

The Wild and Scenic Rivers Act of 1968;

The National Flood Insurance Act of 1968;

The Estuary Protection Act of 1968;

The National Environmental Policy Act of 1969; and

The Environmental Quality Improvement Act of 1970.

Impressive as this list may appear, there is yet a need to assure that the Federal agencies required to execute plans for water resources development have clear and explicit guidelines that fully incorporate planning and development concepts that will assure that water resource projects to be considered by this Congress do, in fact, address our critical environmental, economic, and social problems.

Section 209 of this bill is clear expression of our intent that all objectives and all benefits and costs associated with those objectives are considered in the formulation and evaluation of plans.

We strongly urge the development without further delay of specific guidelines and procedures necessary to implement this conservative intent. This Nation must avoid further compounding the serious problems we now face in trying to cure the ills of congestion and pollution in our increasingly urbanized society.

The bill before us not only authorizes a series of specific projects to help in this effort, it also provides in section 209 the broad policy cornerstones needed for a full-scale national effort to meet national needs of growing urgency.

We urge cooperation by the administration in the meeting of those needs.

Mr. FALLON. Mr. Speaker, it is a distinct privilege for me to rise in support of the conference report on H.R. 19877, the omnibus rivers and harbors and flood control bill of 1970. The agreed-upon conference report on the bill authorizes 12 navigation projects and 20 flood control projects in 21 States and Puerto Rico. The Committee on Public Works has made every effort to keep down the total authorization contained in the bill, while at the same time including those projects which are urgently needed for the economic well-being of the Nation. The projects in this bill will provide valuable benefits to the people of this Nation through improvement of navigation, prevention of floods, water supplies for our cities and towns, water quality, and recreation. The total authorization contained in this bill for these 32 projects is $560,655,200. At a time when economy in our Government is so important, I think the members of the Committee on Public Works and the Subcommittee on Rivers and Harbors and Flood Control are deserving of our highest commendation for the success of their efforts to keep the cost of this bill down.

One of the projects approved for authorization in this bill is the Baltimore Harbor and Channels, Maryland, and Virginia. This project is particularly important to the State of Maryland since it concerns the deepening of the existing channels and the approach of Baltimore to meet the existing and prospective needs of navigation. Specifically, it provides for Cape Henry, York Spit, and Rappahannock Shoal Channels, 50 feet deep, and 1,000 feet wide; a main ship channel, 50 feet deep and 800 feet wide; three branch channels, 50, 49, and 40 feet deep and all 600 feet wide. The present depths are not adequate for fully loaded large bulk cargo carriers now in use and today's technology is moving so fast and the economic growth is increasing so rapidly that I am gratified by the inclusion of this project which confirms the need for these additional depths while taking into account the necessary protection of the environment.

Mr. Speaker, I wish to commend the conferees, as well as the members of the full committee and the subcommittees, who, in spite of other pressing business, devoted so much time and effort to the consideration of this bill. I particularly commend the gentleman from Minnesota who chairs the Subcommittee on Rivers and Harbors, and the gentleman from Alabama, who chairs the Subcommittee on Flood Control, for their outstanding efforts with regard to this bill.

Mr. JOHNSON of California. Mr. Speaker, as a conferee representing the House on the Rivers and Harbors and Flood Control Act of 1970, I rise in support of this proposal. I feel that the differences as resolved by the House and the Senate conferees represent a reasonable program of development of very necessary navigation and flood control.

While I recognize that in the past months, we have had considerable discussion concerning public works construction and spending, I do not believe that this should affect the authorizing legislation. As my colleagues are well aware, the Congress must take two independent steps before a project can actually be put under constructive contract—the authorizing and the appropriating procedures.

The legislation we have here before us is, of course, the first step, the authorizing bill. It is a bill which you can say does not cost the Federal Government anything, as actual work cannot begin on this project until the appropriating bill is approved by Congress. It seems only reasonable to me to go ahead with this step so that if a need develops for public works construction to stimulate our economy—and I would emphasize that one out of every three people in the heavy construction industry in my home State of California is unemployed—then we will have the authorizing step behind us.

Each of these projects included in the omnibus bill reported by the House-Senate conference has undergone some preliminary feasibility studies and has withstood the rigorous engineering and economic studies of the appropriate agencies. Each has a favorable benefit-cost ratio which make them worthy of our consideration.

Accordingly, Mr. Speaker, I join with the other managers of the House in urging approval of the conference report on H.R. 19877, the Rivers and Harbors and Flood Control Act of 1970.

Mr. DORN. Mr. Speaker, it was a great honor and a privilege to serve on this conference committee, representing the House. We have brought to you a good conference report, which I wholeheartedly endorse and recommend to the House. Each of the projects authorized in this legislation have been found to be essential to the flood protection and resource development of its area and the Nation. The bill authorizes navigation and flood control projects in 21 States and Puerto Rico. Mr. Speaker, may I take this opportunity once again to pay tribute to the great chairman of Public Works Committee, Mr. GEORGE FALLON. Likewise, I pay special tribute to the distinguished and able gentleman from Minnesota (Mr. BLATNIK). Special recognition should also be given to the gentleman from Alabama (Mr. JONES); the gentleman from Texas (Mr. WRIGHT); the gentleman from Ohio (Mr. HARSHA); and all the conferees and the distinguished members of our Public Works Committee.

I would also like to pay tribute to our colleagues from the Senate, the distinguished gentleman from West Virginia, Chairman JENNINGS RANDOLPH and all the members of his great committee. Also sitting on the conference, was my neighbor from the great State of North Carolina, Senator JORDAN, whom we all love and admire.

Mr. Speaker, this is an excellent piece of legislation and I strongly recommend its passage.

Mr. BLATNIK. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report on H.R. 19877, just agreed to.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

CONFERENCE REPORT ON H.R. 19504, FEDERAL-AID HIGHWAY ACT OF 1970

Mr. WRIGHT. Mr. Speaker, I call up the conference report on the bill (H.R. 19504) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 17, 1970.)

Mr. WRIGHT. Mr. Speaker, the conference report we are considering now is on the Federal-Aid Highway Act of 1970. I think it is accurate to conclude that this report contains some of the most significant and far-reaching developments for the future of the highway program since the passage of the original Interstate Highway Act of 1956.

The report now pending comes before this body as a result of very careful and very deliberate and in some instances rather difficult considerations within the conference. For the better part of three weeks the conferees for the House met with the conferees of the other body, and in those intensive conferences I am convinced that we have worked out a conference report which embodies the best features both of the House bill and of the bill enacted by the other body.

The composite legislation embodied in this report does the following things, essentially: It agrees to extend the Interstate System through the year 1976, and this extension thereby increases the total authorization for the interstate program by an amount of $9,775,000,000.

In addition to this, the bill extends the authorization for the regular ABC programs—the primary, secondary, and urban programs—through 1972 and 1973 by an amount of $1.1 billion.

The remaining traditional and necessary programs for forest highways, public lands highways, forest development roads and trails, park roads, parkways, and Indian reservation roads and bridges are extended for various amounts which are shown on page 39 of the conference committee report.

This legislation also creates for the first time—and I believe this is worthy of note—a Federal-aid urban system to take care of the extremely urgent problems of the movement of traffic within the urbanized and congested areas of our country.

Additionally, the conference report incorporates the basic House provision of aid to urban highway public transportation, so that high-speed express lanes may be provided to link the fringe parking areas authorized in the 1968 bill and made a permanent part of the law in this bill, on the perimeters of our downtown urban areas, so that they may be connected with the downtown hearts of those central cities by means of preferential bus lanes, thus encouraging the movement of more people by that form of mass transportation and curtailing the glut and congestion that is so often found in our cities.

The conference report contains other important features, among which is the authorization of a 2-year period for funding the highway safety program partially out of the highway trust fund. This was, quite frankly, a compromise reached between the Senate position and the House position. It was agreed that the portion of the highway safety program already authorized in existing law could be funded to the extent of two-thirds from the highway trust fund, with the other one-third of that cost coming from appropriated funds.

The House position on economic growth center development highways—so as to aid in the dispersal of population and the decentralization of industry out into those areas capable of absorbing them, areas which are not yet glutted beyond endurance by pollution and overcrowding—is preserved and protected within the conference committee report. This in my opinion is one of the most innovative features of the bill. It was a House initiative, sponsored originally by the gentleman from California (Mr. Don H. Clausen).

Also, the National Highway Institute, which was authorized in the House bill, is preserved in the conference report. This was an original idea fostered by the gentleman from Oklahoma (Mr. Edmondson). We believe that this is an excellent feature for training those who in the future will handle this ever-increasingly sophisticated program of highway construction.

The bill authorizes completion of the Inter-American Highway through the Darien Gap below the Panama Canal, and its linking up with the Pan American Highway. This is a project in which many of us have long been interested—including the gentleman from California (Mr. Don H. Clausen), the gentleman from New Jersey (Mr. Howard), and myself.

Mr. Speaker, for the purpose of establishing a clear legislative record and to place in that record the full intent of the conferees in connection with the section of the conference report, entitled "Emergency Relief," section 109 of that report, I should like to state that where the word "State" appears in the following language: "The repair and reconstruction of bridges which have been permanently closed to all vehicular traffic by the State" it is intended by the conferees that the word "State" shall include any political subdivision of a State, and that, of course, would include any authority authorized by State law, including a bridge commission.

Mr. Speaker, I should like, on behalf of the chairman of the full committee, the gentleman from Maryland (Mr. Fallon), to express appreciation to all the conferees on both sides of the House, and of the Senate, for the fine and painstaking work which has produced this conference report. I believe it is worth our note that the chairman of the full committee, the gentleman from Maryland (Mr. Fallon), labored long and hard in the conference, devoting many hours to its endeavors.

Also, the chairman of our Roads Subcommittee, the gentleman from Illinois (Mr. Kluczynski), the gentleman from Oklahoma (Mr. Edmondson), the ranking minority committee member, the gentleman from Florida (Mr. Cramer), the gentleman from Ohio (Mr. Harsha), and the gentleman from New Hampshire (Mr. Cleveland) devoted many hours to this conference, and I am persuaded that our joint labors were productive of an excellent bill.

Permit me also to express to the staff, which I am convinced is one of the most professional and most competent staffs anywhere on the Hill, our gratitude for their painstaking and tireless work.

Particularly, I should like to commend and single out the committee engineering consultant, Lloyd Rivard, who at this time is hospitalized. Mr. Rivard, in the opinion of the committee, is one of the finest experts in the field of highways in the entire United States, and his contribution during these hearings has been enormous.

Mr. Speaker, I intend to yield to the gentleman from Ohio (Mr. Harsha), but if the gentleman has no objection, I would yield first to the gentleman from New York (Mr. Bingham).

Mr. BINGHAM. I thank the gentleman for yielding.

I would like only to express my satisfaction that the conference report does authorize the interstate program on through fiscal year 1976 rather than through 1978, thus accepting the amendment I offered for its consideration.

Mr. WRIGHT. The gentleman is quite correct. The Senate position was to extend it only through 1976, and this is one of the compromises reached. It does not in any way foreclose the continuation of the Interstate System to its permanent completion.

It is fair to state, I think, that members of the committees on both sides and the conferees from both House and Senate are committed to the ultimate completion of that system. To this end, the House bill had authorized the extension of that program until 1978.

The gentleman is exactly correct; however, we did agree with the Senate position, which the gentleman from New York espoused on the floor, to continue it here until 1976.

Mr. BINGHAM. I thank the gentleman.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I do indeed. I yield to the distinguished gentleman from Ohio, a very effective ranking member of the committee.

Mr. HARSHA. I thank the gentleman for his kind remarks and for yielding.

I would like to associate myself with the remarks of the distinguished gentleman from Texas insofar as they relate to the commendation of the staff. We have indeed a very dedicated, excellent, expert, and effective staff, without which I am sure we could not come to this floor with the kind of legislation we have here today.

I would also like to join him in commending other members of the conference committee. We spent many weeks, until late hours of the day in each instance, and it was a difficult task. The conferees were very eloquent in their expression of their different positions. We have come back to this body with a bill that is probably one of the most significant pieces of legislation since the inception of the interstate highway program. We have laid the groundwork for the so-called after 75 program, which is the Federal-aid highway program to follow completion of the Interstate System. The committee and the Congress should consider the enactment of legislation for this program in 1972.

While it is true that we cut back authorizations for the Interstate System to fiscal year 1976, the conferees and the administration are totally committed to the completion of the Interstate System. So I do not think our action represents a material departure from the original House position.

In my judgment, this bill represents substantially the position of the House, with a number of economizing measures. We cut back over $1 billion in authorizations for the next fiscal year and the year thereafter. These are matters which are of deep concern to the administration. We now have this legislation in a form which I am sure the administration will accept and sign into law.

I do commend it to my colleagues. We have come up with the most comprehensive bill that we could possibly have. By and large, the conferees have sustained the position of the House in its original bill.

Mr. CRAMER. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Florida, the ranking minority member of the committee.

Mr. CRAMER. Mr. Speaker, I too join in the remarks which have been made with reference to this conference report. The conference, although it was a long and difficult one, was one in which I think the basic position of the House evidenced over many, many years—since the 1956 interstate defense highway program was started—the basic position of the House was maintained.

Mr. Speaker, I wish to congratulate the conferees and to say that I believe this bill is one that should be supported.

I made my principal remarks on the bill itself. I am glad to say that in conference we were able to maintain the basic House position on most of the fundamental policy positions in contention for many years. I congratulate the gentleman from Ohio and those who served in this very productive conference. This is a very comprehensive highway and safety measure. It means a great deal to this country.

Mr. WRIGHT. I think at this point it should be noted that the distinguished gentleman from Florida for the past 16 years has been an active, energetic, devoted member of this committee and that the contributions which he has made not only to highway legislation, but to all facets of legislation emanating from the Public Works Committee, have been truly monumental.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I am glad to yield to my good friend, the distinguished gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in support of the conference report.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the gentleman yielding.

I wonder if it would be possible to get some explanation as to the action taken by the conference in deleting language from that passed by the House on the demonstration projects in title II under the highway safety title?

It is my understanding that the action of the conference in deleting this separate program does not jeopardize those ongoing demonstration projects in alcohol and the others but, rather, puts or adds provisions separate to the action-type programs into the general title of safety authorization contained in the House bill. Am I correct in that analysis?

Mr. WRIGHT. The gentleman is exactly correct in his interpretation. It does not do any violence to those ongoing projects but, rather, funds them as regular parts of our highway activities. As I pointed out earlier, two-thirds of the safety program will now come directly from the trust fund.

Mr. STEIGER of Wisconsin. May I inquire as to what happened to the provision that was contained in the House-passed bill that would have said that not more than one demonstration project could be carried on in any one State? Is that language, therefore, not in the report?

Mr. WRIGHT. Inasmuch as there is no language relating directly to specific demonstration projects anywhere in the bill at this point, of course that limiting language was left out.

Mr. STEIGER of Wisconsin. And, Mr. Speaker, if the gentleman from Texas will yield one more time—and I am most grateful for his being willing to yield, the provision found under "Public Hearings" in the conference report, for which there was no comparable provision in the House——

Mr. WRIGHT. Would the gentleman identify for me the page in the conference report to which reference is made?

Mr. STEIGER of Wisconsin. Page 56.

As I understand what was done, due to the fact that there was no comparable House provision, you have then taken what seems to be a more lengthy procedure and in more detail and end up with a sentence—and I am asking this question to try and get some understanding as to what is meant—requiring that the certification of the hearings be accompanied by a report indicating the consideration given to the economic, social, environmental, and other impacts of the plan, highway location, and the design and the various alternatives raised at the hearings or otherwise considered by the certifying officer.

Mr. WRIGHT. As the gentleman will recall, there was some question about this on the floor of the House during our consideration of this bill, in which some Members expressed concern that some of the social and environmental questions involved would not be given adequate consideration, even though public hearings were held. As the gentleman is aware, the existing law requires the holding of hearings and requires that those hearings should take into account certain factors including those named here. If I understand correctly the concern that has been expressed by some Members on both sides of the aisle, they fear that public hearings might be held and yet nobody might not come forward with valid data concerning these particular considerations.

It was the effort of the conferees to embody in the law a requirement that upon completion of the hearings they be accompanied by a report certifying that these matters had been taken into account.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate very much the explanation given by the gentleman from Texas on that. I might say that I think that this one provision at least is certainly a step in the right direction, and I would hope would be handled appropriately by the State agencies and by the Federal Department of Transportation in an effort to give consideration to these other factors.

I thank the gentleman for yielding.

Mr. DORN. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from South Carolina (Mr. DORN), a member of the committee—and a member who, incidentally, made significant contributions to the highway bill, including in particular the provision to help eliminate dangerous railroad crossings.

Mr. DORN. Mr. Speaker, I appreciate the kind remarks of my distinguished and able friend from Texas (Mr. WRIGHT). I want to join with the distinguished gentleman from Texas in commending the conferees from the House and Senate. They labored tirelessly and have done a superb job in commending our staff. I believe they did a fine job, which is a continuation of the fine work that they have done here on our side of the Capitol. The staff of the Public Works Committee of the Senate are also to be commended for their splendid service. This is a very significant bill, and a great piece of legislation which will go down in history, a bill that is a tribute to this conference, and to both great committees.

Mr. Speaker, this is landmark legislation. It would provide for the completion of the Interstate Highway System, which is the greatest project of its type in world history. It is my high honor to serve on the Roads Subcommittee of the House Public Works Committee, for it was this subcommittee and this full committee which originated this legislation. And again I would like to pay tribute to the progressive leadership of the subcommittee's chairman, the honorable JOHN C. KLUCZYNSKI, the chairman of the full committee, the gentleman from Maryland (Mr. FALLON), and the gentleman from Texas (Mr. WRIGHT).

Mr. Speaker, this bill in its entirely is a highway safety bill. Merely by completing the Interstate System we will be saving lives by providing for safer roads. The fatality rate on completed interstate highways expressed in terms of deaths per hundred million vehicle-miles traveled on the system, is less than half the rate on other heavily traveled highways. It is estimated that for every 5 miles of interstate highway opened to traffic an average of one fatality will be avoided each year. The completion of the entire 42,500-mile system will lead to an annual reduction of about 8,000 fatalities year after year. So it is, Mr. Speaker, that this bill merits our support as a safety bill, aside from its many economic advantages.

Mr. Speaker, one highway safety aspect of this legislation which particularly pleases me is the section on rail crossings. Our House legislation provided, and the Senate accepted, a section which would authorize a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings in the East from Washington to Boston and also in my hometown of Greenwood, S.C.

Mr. Speaker, I am particularly and especially proud that my hometown of Greenwood has been authorized as a demonstration project. The Greenwood demonstration project will be a model for the Nation. This will be a tribute to the citizens of my hometown of Greenwood, the railroads, the Federal Highway Administration, and the Federal Railroad Administration. The local track-removal committee had made careful studies and had taken the initiative in making this necessary safety project a reality. Accordingly, our Public Works Committee was able to turn to Greenwood as a demonstration project for the entire Nation. Greenwood thus will afford a unique opportunity to demonstrate in a single project, whether or not an approach to the rail-crossing problem will bring about substantial improvement in both traffic flow and safety.

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I am happy to yield to the gentleman from Illinois, chairman of the Public Building Subcommittee.

Mr. GRAY. Mr. Speaker, I thank my distinguished friend for yielding. I just want to join my colleagues in extending commendations to the conferees on this very important piece of legislation, and to say to the committee that the National Safety Council just recently estimated that when the Interstate System has been completed it will save an estimated 8,000 lives per year. I think this points up graphically just how important this legislation is safetywise, and for the economy of our country.

Again I certainly want to commend our conferees for doing a very great job.

Mr. WRIGHT. Mr. Speaker, I thank the gentleman for his kind words. I recall very well that in 1956, during our consideration of the Interstate Highway Act, the gentleman from Illinois made an eloquent appeal for this system, based upon the saving of human lives. I think it might be worth noting that the number of highway fatalities measured per million passenger miles on those completed sections of the Interstate System measure only approximately one-half the rate of facilities that are recorded on the other road and street networks of America.

From that I think it can be well concluded that this program, a product of this Congress, has certainly saved human lives.

Mr. FALLON. Mr. Speaker, I rise in strong support of the conference report on H.R. 19504.

This is one of the most significant pieces of highway legislation in many years.

Among other things it authorizes an extension of the Interstate System construction through 1976 and authorizes the ABC highway program and other related programs for fiscal years 1972 and 1973. It establishes an urban system for metropolitan areas, the first major system addition since the creation of the Interstate System. It provides for exclusive bus lane construction to facilitate urban transit systems by more effectively using the Nation's highways. It funds the highway beautification program for a 3-year period and creates a Commission to report back firm recommendations within 1 year on some of the thorny problems involved in the beautification program. In addition, it funds highway safety activities two-thirds from the trust fund and one-third from the general fund. It provides for a change in the formula of allocation of funds to States from the basic 50–50 formula to 70–30, as of July 1, 1973. This will be the cornerstone for a future new Federal highway program.

These are some of the basic features of this legislation. I am pleased with the fact that the bill also authorizes the funding out of the highway trust fund of some $65 million for the Baltimore-Washington Parkway in the State of Maryland to bring that portion of parkway to the geometric and construction standards of the Interstate System. There is an urgent need to bring the parkway to these standards. The flow of traffic that moves over it daily is probably among the greatest in the entire Washington Metropolitan area. The upgrading of this portion of the parkway will bring it up to the safety standards that we established for such heavily traveled roads. I anticipate that eventually the balance of the parkway will at some future date be developed to interstate standards. I am certain that that day will arrive.

I am also pleased to note that legislation that I introduced to eliminate railway grade crossings along the route of the Metro system between Washington-Boston is in the conference report and is funded properly so that the work can be implemented as expeditiously as possible. I have been concerned with highway safety for many years, not only on the problem of elimination of grade crossing but the overall problem of cutting down the deaths and accidents on our highway system. The approach we take to safety in this legislation is a major step in the direction of solving this problem. The highway safety program for the first time is funded on a two-third basis from the trust fund and one-third from the general fund. With this funding and the cooperation between the various State agencies concerned with safety and the responsible Federal officials in Washington, I would expect that we will finally get moving to resolve the problem.

May I close by commending all my fellow conferees for their diligence and hard work on this report. I also would like to thank the staff and in particular an outstanding staff member, the engineer consultant, Mr. Lloyd Rivard.

Mr. KLUCZYNSKI. Mr. Speaker, as chairman of the Subcommittee on Roads of the Committee on Public Works and as one of the conferees on the conference report the House is now considering, may I say that I wholeheartedly recommend its adoption to this body.

This conference report culminates almost a full year's work by the Roads Subcommittee on what I consider to be the most important single piece of highway legislation since the passage of the 1956 act. This legislation extends the construction of the Interstate System, it funds the program; it establishes an urban system; it beefs up the highway safety program.

It creates a commission to finally resolve the thorny question of highway beautification. Let me comment briefly on the Commission. There are 11 members on it, eight from the Congress, three to be named by the President. This Commission if properly funded will, we believe, give the Congress the recommendations we need to finally come up with a meaningful bill in the field of beautification.

The conference report embodies the best features of the House and Senate bill.

I urge its adoption. May I close by thanking my fellow conferees for their fine work on this bill. May I commend the staff for its work and, in particular, its engineer, Lloyd A. Rivard, the engineer-consultant of the Committee on Public Works.

GENERAL LEAVE TO EXTEND

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the Federal-Aid Highway Act of 1970 conference report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WRIGHT. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HARSHA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 319, nays 11, not voting 103, as follows:

[Roll No. 430]

YEAS—319

Abernethy
Adams
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashley
Baring
Barrett
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biester
Blatnik
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carey
Carney
Carter
Casey
Cederberg
Chamberlain
Chappell

Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins, Tex.
Colmer
Conable
Conte
Corman
Coughlin
Cramer
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dennis
Devine
Dickinson
Dorn
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Feighan
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frey
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Gross
Gubser
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keith
King
Kyl
Kyros
Landgrebe
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McCloskey
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
Mayne
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Railsback
Randall
Rarick
Reid, Ill.
Reuss
Rhodes
Riegle
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Roth
Rousselot
Roybal
Ruth
Satterfield
Saylor
Schadeberg
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Ware
Watts
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Wold
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Zablocki
Zion
Zwach

NAYS—11

Bingham
Conyers
Harrington
Kastenmeier
Koch
Mikva
Rees
Reid, N.Y.
Rosenthal
Ryan
Scheuer

NOT VOTING—103

Abbitt
Adair
Addabbo
Annunzio
Ashbrook
Aspinall
Ayres
Beall, Md.
Biaggi
Blackburn
Blanton
Bolling
Brock
Brooks
Brown, Calif.
Brown, Mich.
Burke, Fla
Burton, Utah
Button
Celler
Chisholm
Clancy
Clark
Clay
Collins, Ill.
Corbett
Cowger
Cunningham
Daddario
Delaney
Denney
Dent
Derwinski
Diggs
Dingell
Donohue
Dowdy
Downing
Edwards, Calif.
Edwards, La.
Eilberg
Fallon
Farbstein
Fascell
Findley
Foreman
Friedel
Fulton, Tenn.
Gilbert
Griffiths
Grover
Hagan
Halpern
Hébert
Heckler, Mass.
Hunt
Kee
Kleppe
Kluczynski
Kuykendall
Landrum
Langen
Long, La.
Lukens
McClure
McCulloch
McKneally
May
Meeds
Meskill
Mize
Montgomery
Morton
Moss
O'Konski
O'Neal, Ga.
Ottinger
Pike
Powell
Price, Tex.
Purcell
Quillen
Reifel
Rivers
Rostenkowski
Roudebush
Ruppe
St Germain
Sandman
Shipley
Sikes
Snyder
Stephens
Taft
Thompson, N.J.
Waldie
Watson
Weicker
Whalen
Winn
Wolff
Wydler
Young

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Reifel.
Mr. Hébert with Mr. Corbett.
Mr. Celler with Mr. Hunt.
Mr. Thompson of New Jersey with Mr. Ashbrook.
Mr. Biaggi with Mr. Grover.
Mr. Addabbo with Mr. Clancy.
Mr. Dent with Mr. Brown of Michigan.
Mr. Donohue with Mr. Kuykendall.
Mr. Rostenkowski with Mr. Findley.
Mr. Shipley with Mr. Burke of Florida.
Mr. Sikes with Mr. Halpern.
Mr. Fulton of Tennessee with Mr. Morton.
Mr. Fascell with Mr. Blackburn.
Mr. Eilberg with Mrs. Heckler of Massachusetts.
Mr. Edwards of Louisiana with Mr. McClure.
Mr. Long with Mr. O'Konski.
Mr. Wolff with Mr. Price of Texas.
Mr. Young with Mr. Cowger.
Mr. Aspinall with Mr. Mize.
Mr. Brooks with Mr. Meskill.
Mr. Daddario with Mr. Beall of Maryland.
Mr. Delaney with Mrs. May.
Mr. Montgomery with Mr. McCulloch.
Mr. Moss with Mr. Button.
Mr. Kluczynski with Mr. McKneally.
Mr. Blanton with Mr. Langen.
Mr. Dingell with Mr. Ayres.
Mr. Downing with Mr. Lukens.
Mrs. Griffiths with Mr. Kleppe.
Mr. Rivers with Mr. Derwinski.
Mr. Purcell with Mr. Foreman.
Mr. O'Neal of Georgia with Mr. Burton of Utah.
Mr. St Germain with Mr. Adams.
Mr. Stephens with Mr. Denney.
Mr. Landrum with Mr. Cunningham.
Mr. Meeds with Mr. Brock.
Mr. Clark with Mrs. Chisholm.
Mr. Waldie with Mr. Diggs.
Mr. Ottinger with Mr. Clay.
Mr. Brown of California with Mr. Collins of Illinois.
Mr. Edwards of California with Mr. Powell.
Mr. Hagan with Mr. Roudebush.
Mr. Pike with Mr. Wydler.
Mr. Abbitt with Mr. Taft.
Mr. Dowdy with Mr. Watson.
Mr. Fallon with Mr. Ruppe.
Mr. Farbstein with Mr. Snyder.
Mr. Friedel with Mr. Winn.
Mr. Gilbert with Mr. Whalen.
Mr. Kee with Mr. Sandman.
Mr. Quillen with Mr. Weicker.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17255) entitled "An act to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air."

PROVIDING FOR CONSIDERATION OF H.R. 18874, COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1970

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1301 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1301

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18874) to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against section 332 of said substitute are hereby waived. Said substitute shall be read for amendment by titles instead of by sections. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. PEPPER) is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1301 provides an open rule with 1 hour of debate for consideration of H.R. 18874, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970. The resolution also makes it an order to consider the committee substitute as an original bill for the purpose of amendment and all points of order are waived against section 332 of the substitute because it contains a reappropriation of funds. The substitute shall be read for amendment by titles instead of by sections.

The purpose of H.R. 18874 is to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism.

The bill establishes a National Institute on Alcohol Abuse and Alcoholism within the National Institute of Mental Health, through which the Secretary of Health, Education, and Welfare shall coordinate all Federal health, rehabilitation, and other social programs related to the prevention of alcoholism. The Secretary of Health, Education, and Welfare shall also administer the programs established by the legislation. Federal assistance is provided to States and local groups or organizations for planning and development of effective programs for alcoholics throughout the country. Also programs are required to be established for Federal civilian employees.

The bill authorizes appropriations totaling $300 million for fiscal years 1971, 1972, and 1973.

Mr. Speaker, I urge the adoption of the rule in order that the bill may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, as stated by the distinguished gentleman from Florida (Mr. Pepper) the resolution, House Resolution 1301, does provide for an open rule with 1 hour of general debate for the consideration of the bill, H.R. 18874, and waives points of order against section 332 of the substitute amendment now printed in the bill.

Mr. Speaker, I think this is a much better bill than the one passed by the other House. Although I realize that probably a number of members of the distinguished Committee on Interstate and Foreign Commerce lent their talents in writing this bill, I would like to commend the distinguished gentleman from Kentucky (Mr. Carter) for the tremendous amount of time and effort he put into the work involved in making it possible to bring this bill to us today.

Mr. Speaker, in the hope of getting home by Christmas, I will extend my remarks at this point.

The purpose of the bill is to initiate a strong attack on the problem of alcoholism in our society today.

The bill creates in the National Institute of Mental Health a new Institute on Alcohol Abuse and Alcoholism. The Secretary of Health, Education, and Welfare is required to coordinate all Federal health, rehabilitation, and related programs dealing with prevention and treatment of alcoholism under this new Institute.

Federal assistance in the form of grants to States and local organizations are authorized. These are to be aimed at communitywide planning and development of effective prevention and treatment programs. Finally, the bill requires the establishment of programs of alcoholism prevention and treatment for Federal civilian employees—which programs can be used as national models.

The bill authorizes a 3-year program, fiscal 1971–73, and authorizes $300,000,000 over this period, with $180,000,000 used in the program of formula grants to States and $120,000,000 for project grants over the same period. The totals are:

Year	Total	Formula grants	Project grants
1971	70,000,000	40,000,000	30,000,000
1972	100,000,000	60,000,000	40,000,000
1973	130,000,000	80,000,000	50,000,000

The problem of alcoholism and the problems connected with it are well known; it is also growing to the point where it is now the Nation's No. 1 health problem and the fourth largest killer. The Department of Health, Education, and Welfare estimates that there are 18,000,000 alcoholics and problem drinkers in the United States today. A Federal program of assistance is needed.

The creation of the new Institute on Alcohol Abuse and Alcoholism is aimed at undertaking comprehensive research, along with training and education programs on a broad and ever-increasing scale. Also created is an Advisory Council charged with the responsibility of reviewing the research projects of the Institute and suggesting future improvements.

Formula grants, totaling $180,000,000 through fiscal 1973 are authorized to be made to the States for their prevention and treatment programs. No State will receive less than $200,000 each year.

Project grants totaling $120,000,000 over a 3-year period are authorized. The Institute will make grants to agencies, organizations and institutions engaged in developing new programs of prevention and treatment. The States may comment on any such plan or project when it is forwarded to the Institute with an application for a grant, but cannot stop its approval for assistance by the Institute.

Finally, the bill mandates the Civil Service Commission to undertake and develop a program of prevention and treatment of alcoholism among Federal civilian employees.

There are no minority views. The administration is not supporting the bill with any enthusiasm. Although it is much better than the bill which passed the Senate it still contains a number of features opposed by the administration, including the creation of the existing Alcoholism Division, and the formula grants to the States; these the Department of Health, Education, and Welfare believes to be duplicative of existing effort and wasteful.

Mr. Speaker, I urge adoption of the rule.

Mr. PEPPER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 17255, CLEAN AIR AMENDMENTS OF 1970

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (H.R. 17255) to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 17, 1970.)

Mr. STAGGERS. Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore (Mr. Albert). The gentleman from West Virginia is recognized.

Mr. STAGGERS. Mr. Speaker, I am gratified to bring to the House the conference report on the Clean Air Act Amendments of 1970. I am proud to say to the House that the conference report embodies clean air legislation which is stronger than the bills passed by either House.

I say this because the conferees after numerous and arduous working sessions have worked out a bill which promises to give to the American people clean air to breathe within the shortest feasible time.

The conferees have been guided by two principles: to do what is feasible and to do what is reasonable.

The bill passed by the other body incorporated many provisions which had not been included in the bill as passed by the House. The House conferees scrutinized carefully each of these provisions and applied to them the test of reasonableness and feasibleness. On the basis of these two tests, many of these Senate provisions have been revised. The revisions, however, do not weaken those provisions. On the contrary, the revisions strengthen them because they make more likely that we shall achieve the desirable goals which these provisions were designed to achieve.

The conference report and the Statement of Managers are lengthy and complex documents. Let me point out briefly the highlights of the legislation.

First. With regard to automotive emissions, the legislation provides for statutory deadlines by which new automobiles must be substantially pollution free. These deadlines which apply to the 1975 and 1976 models are reasonable and, based on our best judgment, are also feasible. An independent body of experts—the National Academy of Sciences—is going to monitor the feasibility. If on the basis of the Academy's advice, the 1975 deadline cannot be met for carbon monoxide and hydrocarbons, the Administrator of the Environmental Protection Agency is authorized to grant a 1-year extension and to establish interim standards. A similar provision for a 1-year extension is contained in the legislation for the third important automotive pollutant—oxide of nitrogen. The Administrator, upon the advice of the Academy, may extend the statutory deadline from 1975 to 1976.

If after these extensions the companies are still not in a position to produce substantially pollution-free automobiles, it will be up to the Congress to determine what is to be done about this gravest of all air pollution problems which contributes about one-half of air pollution in the United States.

Second. Another complex issue with regard to automotive emissions involved the question whether the manufacturers should be required to warrant the performance of automobiles with regard to the achievement of emission standards for the useful life of automobiles—defined in the statute as 5 years or 50,000 miles. The legislation provides that the performance warranty will come into effect as soon as the Administrator finds that suitable road tests have been developed to test emissions from automobiles and as soon as adequate facilities are available to apply such road tests.

Third. The enforcement of air pollution regulations is partly the responsibility of the States and partly that of the Federal Government. The legislation provides that the Federal Government shall have primary responsibility for the enforcement of performance standards for new stationary sources and hazardous emissions from stationary sources. The States on the other hand will have primary responsibility for the enforcement of State plans and the emission limitations provided for in those plans with regard to existing stationary sources. There was a provision in the bill as passed by the other body calling for precertification of new stationary sources. This provision was dropped as impractical.

Fourth. A provision which has received a lot of attention deals with citizen suits. The legislation will permit such suits against polluters as well as against the Administrator. However, citizen suits against the Administrator will be limited to those duties which are mandatory under the legislation and the suits will not extend to those areas of enforcement with regard to which the Administrator has discretion.

Fifth. Many Members of Congress have received communications with regard to a provision dealing with the compulsory licensing of patents. The legislation has modified substantially a provision on this subject contained in the bill as passed by the other body. Under the legislation the Attorney General will be authorized to seek compulsory licenses if he determines that the failure to make such licenses available under any patent makes impossible the achievement of air pollution limitations and results in a restraint of trade or a monopoly. In these exceptional cases, the Attorney General would go to court seeking the licenses and requesting the court to establish reasonable terms and conditions for such licenses.

I have touched on the provisions in the legislation which have received the greatest attention and I shall be glad to answer any questions which the Members may have with regard to this important legislation.

I want to say to the Members that this legislation has received the most careful consideration by the committees in the House and in the other body and by the conferees. All of the House Members of the conference committee, John Jarman of Oklahoma, Paul Rogers of Florida, William Springer of Illinois, and Ancher Nelsen of Minnesota, contributed greatly to making this legislation possible. Particular credit must go to Paul Rogers of Florida, who proposed some of the important provisions contained in the conference report. Among the Senate conferees, Senator Muskie of Maine and Chairman Randolph of West Virginia, were most helpful. Congress and the Nation owes all of these men a great debt. Last but not least, I want to say that this legislation would not have been possible without the outstanding cooperation between the committee staffs of the Senate and House committees, and they too are to be commended for working long hours and suggesting alternative ways in which the many differences between the bills passed by the two Houses might be resolved.

In conclusion, let me say that I consider this one of the most important pieces of legislation that this Congress has an opportunity to enact. It will affect every man, woman, and child in this Nation and hopefully it will contribute substantially to improving our environment which unfortunately we have neglected for far too long.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Speaker, one of the great problems we have had in mounting a meaningful environment program has been the fragmentation of responsibilities. Is the chairman of the committee satisfied that the enforcement provisions of this act are now sufficiently centralized so that we can also pinpoint the responsibilities of the Federal agencies?

Mr. STAGGERS. Yes. That was one of the great concerns of all the conferees, and I am satisfied on this point.

Mr. KYL. Mr. Speaker, if the gentleman will yield further, I would hope that the distinguished gentleman from West Virginia may now, having done such a great job, use his great influence in this body to achieve a similar centralizing of authority and responsibility at the House of Representatives level where the responsibilities are still unfortunately very fragmented.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, can the Chairman assure us that in the case of California, which this year enacted additional and stricter laws in the field of air pollution, California will not now be required to come to the Department of Health, Education, and Welfare and obtain a waiver in order that those laws can be implemented?

Mr. STAGGERS. I might answer the gentleman this way: California required a waiver only with regard to new automobiles. With regard to aircraft the Federal Government would preempt the field, however.

Mr. ROUSSELOT. My understanding was that it was only in the case of aircraft. In other words, the Federal Government is now in effect preempting the State of California in the field of aircraft, but it does not apply in the field of automobiles.

Mr. STAGGERS. The State is free with regard to fuels, stationary sources, and used automobiles. California is preempted in the field of aviation. That is right.

Mr. ROUSSELOT. So those laws that were put on the books this year by the State of California and, in fact, which are stricter and more rigid than the national criteria will not, in fact, be preempted by this legislation.

Mr. STAGGERS. The only exception I know of is the exception of aircraft, and the waiver requirement in case of new automobiles.

Mr. ROUSSELOT. I thank the gentleman.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from California.

Mr. CORMAN. May I inquire as to the compositon of fuel. It is my understanding California has a different requirement concerning the composition of fuel than that established under the Federal regulation. Will the State of California continue to be in a position to exercise police power in that field of the composition of fuel?

Mr. STAGGERS. We must distinguish between fuels used in stationary sources and fuels used in motor vehicles. With regard to fuels used in stationary sources, all States are completely free to adopt and enforce more stringent emission standards.

With regard to motor vehicle fuels, all States with the exception of California, are preempted from imposing more stringent fuel standards. But the other States, subject to the approval of the Administrator, may include in their State plans standards for motor vehicle fuels if such standards are necessary to achieve air quality standards.

Mr. CORMAN. I thank the gentleman.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from California.

Mr. HOLIFIELD. I thank the gentleman for yielding. I should like to have an exchange with him on a different subject matter which pertains to the functions of the Joint Committee on Atomic Energy and its statutory responsibilities.

I believe that the conference report is satisfactory, and I believe I can conscientiously support it.

In the Senate report there were two words which referred to "radioactive substances." As I understand it, the conference report is the report which now obtains, so far as consideration is concerned, and that the conference report does not have those two words referring to "radioactive substances"; is that true?

Mr. STAGGERS. In the conference report there was no reference whatsoever to them.

Mr. HOLIFIELD. Under these circumstances I assume the same conference report is being presented in the other body.

Mr. STAGGERS. That is correct.

Mr. HOLIFIELD. I understand that the bill before us would not encompass the radiological aspects of nuclear facilities. I refer now to the nuclear plants of the Government. I also understand that the authorities and responsibilities of the Environmental Protection Agency and the Atomic Energy Commission with respect to such matters as radiation protection standards from nuclear facilities would remain unchanged by virtue of the bill now before us.

Mr. STAGGERS. That is correct, because of the fact that this radiation was not considered in the air pollution.

Mr. HOLIFIELD. The gentleman understands that the functions of the Federal Radiation Council were transferred by the presidential plan over into the Environmental Protection Agency, and they have now taken over these functions. Therefore, we will have to look to the Environmental Protection Agency to perform those particular functions transferred from the Atomic Energy Commission.

I just wanted to be sure that this Clean Air Act did not interfere with those functions of the Federal Radiation Council now transferred by presidential plan into the Environmental Protection Agency or those functions remaining in the Atomic Energy Commission.

Mr. STAGGERS. That is correct, so far as this bill is concerned.

Mr. HOLIFIELD. I thank the gentleman.

I also thank the gentleman and the conferees for protecting the right of California in respect to automobile emissions to have stricter standards than those required in other places in the Nation because of the peculiar atmospheric conditions in California. I appreciate the cooperation of the conferees.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman from West Virginia yield?

Mr. STAGGERS. I am happy to yield to my colleague from West Virginia.

Mr. HECHLER of West Virginia. I want to commend the gentleman from West Virginia for his leadership in bringing out the conference report on this outstanding piece of legislation. As the gentleman knows, in our State we have had long and frustrating experiences in attempting to curb air pollution. In my congressional district in the mid-Ohio Valley, we started 5 years ago to set the official machinery in motion to control air pollution in the Vienna, W. Va., area. Air pollution abatement conferences were held in Vienna, W. Va., in 1967 and 1969.

Several air pollution abatement conferences have been held in West Virginia, and also interstate conferences involving air pollution along the borders of Ohio and West Virginia. Recommendations have resulted from these conferences. Since the new act does away with this conference procedure, do we have to start all over again, or will these conference recommendations still be enforced by the National Air Pollution Control Office?

Mr. STAGGERS. Any of the conferences that have been held and that have made recommendations will not be affected at all.

Mr. HECHLER of West Virginia. I thank the gentleman for this clarification. We certainly should not throw out the results of all the work which has gone forward in these abatement conferences.

It would be useful to ascertain the periodic progress which the automobile manufacturers are making, including funds expended, toward meeting the 1975 and 1976 deadlines prescribed in the act. In the requirement of the act that the Administrator report annually to Congress, will the committee insure that progress reports are also required from the automobile manufacturers?

The public and the Congress are entitled to know precisely how far the companies are progressing, particularly since they fought and lobbied so hard against any provision of this nature. Since they contended they could not meet the deadlines, the companies will be probably eager to prove that they cannot meet the deadlines. The point I am making is that we ought to be sure that we know how much money is being spent and specifically what the companies are doing so that we do not wake up in 1975 and discover they have not met the deadline? What is there in the bill beyond requiring the Administrator to report to Congress every year?

Mr. STAGGERS. Not only that, but we have an additional safeguard. We have directed the Administrator to make arrangements with the National Academy of Sciences to monitor everything and to make progress reports to the Congress beginning July 1, 1971.

Mr. HECHLER of West Virginia. May I pose one further question?

Mr. STAGGERS. Yes.

Mr. HECHLER of West Virginia. The Department of Health, Education, and Welfare has had a number of State implementation plans before it since May of this year, and so far none of them have been approved. The delay since May implies that these State plans do not meet the Federal requirements, and I wonder if this means that the Environmental Protection Agency under the new legislation will be promulgating a Federal implementation plan at an early date?

Mr. STAGGERS. Let me say this: Any plan submitted under existing law may be approved under the new law but the Administrators may require appropriate revisions of the plan to meet the new law.

Mr. HECHLER of West Virginia. I thank the gentleman from West Virginia. I would hope that the committee could plan hearings to find out how this Administrator plans to implement this law, because it is a very complicated piece of legislation.

Mr. STAGGERS. I can assure you of that.

Mr. HECHLER of West Virginia. I also hope at some time in the near future, a year or less from now, if the act can be strengthened the committee will recommend amendments to this act.

Mr. STAGGERS. We hope to get reports every year.

Mr. HECHLER of West Virginia. I commend my colleague from West Virginia and the gentleman from Florida (Mr. ROGERS) and others who brought in this excellent report.

The Administrator has been given wide discretion in dealing with the emissions of highly hazardous substances. I would hope that in this area the Administrator will vigorously enforce the act to the point of setting zero emission levels for these highly hazardous substances, which should be listed and defined. A great deal also must be done to define more explicitly the precise standards involved in the 90-percent reduction of carbon monoxide hydrocarbons and oxides of nitrogen which will be applicable in 1975 and 1976.

Mr. Speaker, our Nation has had a sad and frustrating history of weak-kneed inaction by those who have been charged with protecting the divine right of every citizen to breathe clean air. Not only have the laws been weak and shot through with loopholes, but the underfunded administration of legislation to combat air pollution has been ineffective. We have allowed the excuse of expanding technology and production to over-ride the paramount interest of the average citizen in protecting the environment and the air we breathe.

Now I hope the pendulum will swing dramatically and drastically in the opposite direction. The very survival of human life on earth depends on the ability to breathe. We are getting choked with air pollution. Now that this excellent piece of legislation has been passed, the challenge is clearly how well the act will be administered. At the highest level of Government, leadership is demanded in order to protect clean air. The President of the United States must insist that this act be administered forcefully, fearlessly, and where any benefit of the doubt exists it should be resolved in favor of clean air and against those who pollute the air. We can no longer afford the pussyfooting, artful dogging, delays, end runs, and outright flouting of the intent of the legislation which has characterized the history of air pollution control. I trust that the President and the Environmental Protection Agency will seize this challenge and thus protect the right of every citizen to breathe clean air.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may use to the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Speaker, I thank the gentleman for yielding.

I think I might outline for my colleagues the fundamental points that were involved in this conference.

First of all, I would like to say that this conference went on beginning back before the election in November. We were on this in conference for some 3 months. This gives you some idea of the amount of time consumed in working out differences. There has never been a conference in the 20 years that I have been a member of this committee where there was more consideration given to a bill than there was to this bill.

Second, most of the differences between the two bills on stationary sources of pollution are matters of language and emphasis. They were worked out to keep the basic framework of the House bill. I do not need to go into detail in trying to explain the results that we achieved. It does no violence to what was done here in the original bill.

The big difference between the House and the Senate position on automotive emission standards was this: The absolute deadline of 1975 for a 90-percent reduction imposed by the Senate bill is retained. A 1-year extension is possible, as it was under the Senate bill. The House did insist upon an adequate lead time for the industry to request an extension.

Third, aircraft emissions will be entirely under Federal control. That is preempted to the Federal Government.

Fourth, patents cannot be taken over by compulsory licenses except in the most compelling circumstances and with the agreement of the Attorney General and the U.S. District Court.

Fifth, citizens suits may be instituted against Federal installations and also against violators.

Citizen suits may be instituted against the administrator only for failure to act where he must. In other words wherever he is given discretion in the act, he may may not be sued. He may be sued only for those matters imposed in the bill upon the administrator as a matter of law.

Lastly, Mr. Speaker, I would like to compliment the chairman, my distinguished colleague from Oklahoma (Mr. JARMAN), the distinguished gentleman from Minnesota (Mr. NELSEN), and also the distinguished Senator from Tennessee (Mr. BAKER), the distinguished Senator from Delaware (Mr. BOGGS), the distinguished Senator from Kentucky (Mr. COOPER) and the distinguished Senator from Missouri (Mr. EAGLETON) for the fine contributions that they all made.

May I say that if these members of the conference had not introduced compromises upon which we could have agreed, we never would have been able to finish this conference. I think all of the gentlemen whom I have named have made contributions, in addition to those who have been mentioned by the chairman previously.

Mr. Speaker, in view of the difficulties that we had in this conference, I have never run into anything like it in my entire experience such as we had in this conference. I want to say that I believe we came back with the very best bill that possibly could have been agreed to considering all of the difficulties we had in resolving the differences between the House and the other body.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the distinguished gentleman from Alabama.

Mr. NICHOLS. I thank the chairman very much. I appreciate the chairman yielding to me.

I, too, want to compliment the distinguished chairman of the committee upon this very fine report which I certainly feel will be very meaningful in the years ahead.

I would like to ask a question of the chairman, if I may.

I am sure the distinguished chairman would recognize and agree with me, I hope, that many automobile improvements in the efficiency and the safety of motor vehicles have resulted from experience gained in operating motor vehicles under demanding circumstances such as those circumstances encountered in motor racing. I refer to the tracks at Talladega in my own State, to Daytona and Indianapolis, competition.

I would ask the distinguished chairman if I am correct in stating that the terms "vehicle" and "vehicle engine" as used in the act do not include vehicles or vehicle engines manufactured for, modified for or utilized in organized motorized racing events which, of course, are held very infrequently but which utilize all types of vehicles and vehicle engines?

Mr. STAGGERS. In response to the gentleman from Alabama, I would say to the gentleman they would not come under the provisions of this act, because the act deals only with automobiles used on our roads in everyday use. The act would not cover the types of racing vehicles to which the gentleman referred, and present law does not cover them either.

Mr. ROGERS of Florida. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the distinguished gentleman from Florida.

Mr. ROGERS of Florida. Mr. Speaker, I simply want to commend all who participated in the conference. It was a long and difficult conference. We have a significant bill.

The fact that the Congress in this legislation has committed itself in the strongest possible terms to bringing about clean air in America is of paramount importance. If when the President signs the bill—and I hope and believe that he will—then the President will commit the administration to the same degree that the Congress is committed to bring about clean air, and we will have clean air in this Nation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. Yes, I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Since racing cars are apparently exempt from this legislation, would O. Roy Chalk's buses also be exempt?

Mr. STAGGERS. No, they certainly are not because they run on the highways.

Mr. GROSS. I certainly would hope not.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Speaker, as I understand, this grants 5 years for allowing the automobile industry to set instruments in the automobiles which will prevent the emission of foul air. If that is the case, I want to ask the able gentleman whether it is absolutely necessary to allow that long a period of time?

Mr. STAGGERS. I will say to the gentleman from Florida that even under present law emissions from automobiles have been steadily decreasing. The question is how soon can we have substantially pollution-free automobiles. Once we have the technology, and we may not have it at present as the manufacturers contend, it takes at least 24 months, really, before the cars so equipped can start rolling off the assembly line.

The legislation gives them enough leadtime to build the best available technology into the 1975 model cars. The manufacturers have to make their plans in 1972 for the 1975 model cars. We give them 1 year leeway if they cannot achieve the statutory standards in those models. So they really do not have very much leeway.

Mr. PEPPER. So the able gentleman feels that we have done the very best job we could on this?

Mr. STAGGERS. That is correct.

Mr. PEPPER. I thank the gentleman.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of the conference report on H.R. 17255, the Clean Air Act amendments.

Over the years, I have become increasingly convinced that such legislation should have a top congressional priority. Pollution is getting more serious every day. This is evidenced both by people's mounting concern about the perils and the costs of air pollution, and the increasing body of medical evidence that contaminated air endangers the health and well-being of man.

This year, we hurled 140 million tons of pollutants into the air; last year, we dumped 130 million tons into the atmosphere.

Concern about the deterioration of the air manifests itself among the people in the 17th Congressional District of California that I am privileged to represent. The recent campaign and the questionnaires that I have sent out, show that the great majority of the people I have talked to and corresponded with, consider air pollution to be a most critical problem.

That the situation is deplorable is shown by the fact that air pollution costs the United States over $12 billion annually. Dirty air ruins crops and vegetables; causes steel in bridges, rails, and ships to deteriorate; and it causes buildings and clothing to age more rapidly. But the cost in dollars is not the worst of it. Dirty air is shortening our lives and damaging our health.

The menace of prolonged air inversions has increased the rates of death—especially among our elderly citizens. Doctors have been documenting, with increased frequency, that repeated exposure for prolonged periods to unclean air can severely damage a person's health. Medical evidence has associated air pollution with higher rates of serious illness and mortality from asthma, emphysema, lung cancer, chronic bronchitis, and heart disease.

Mr. Speaker, we know that automobile emissions account for 87.7 percent of the air pollution in the Los Angeles Basin. While the relation of the automobile to air pollution has long been known, little has been done by automobile manufacturers to alleviate the problem. Rather, many of us have contended that they have stalled research which might have helped to clear our skies, except when Government pressure has been brought to bear.

The bill before us now—the Clean Air Act—is designed to correct this situation. It has a provision which requires that automobiles manufactured in 1975 and thereafter, produce at least 90-percent less emissions than the 1970 model.

A number of us attempted to amend H.R. 17255 to include this provision when it was before the House of Representatives in June of this year. We were narrowly defeated; however, Senator MUSKIE was successful in the Senate.

I was extremely pleased when it was announced on October 8 that this provision had been adopted by the conferees. Then, on October 17, the administration made a futile effort to dissuade the conferees. I am grateful that the conferees rejected the auto industry's position as espoused by the administration.

This is not only a great victory for the health of our country and for our environment; it is a great personal victory for those who have worked for so long to clean up our air. The efforts of the House conferees cannot be exaggerated. Chairman STAGGERS, Congressman JARMAN, Congressman PAUL ROGERS, Congressman SPRINGER, and Congressman NELSON deserve our praise and our thanks.

The public is angry and upset, and rightfully so, because it realizes that the black pall hanging over our cities is not only unnatural, it is unhealthy and uncomfortable.

Detroit had best realize that not only is pollution in the air, but that legislation for its correction is in the wind.

Mr. RYAN. Mr. Speaker, the adoption of the conference report on H.R. 17255, the Clean Air Act Amendments of 1970, should signal a massive assault on air pollution—an assault which some of us have long urged, and which is possible now that the public has become aroused to the perils posed by the degradation of our environment.

On June 10, the House passed H.R. 17255. At the time, it was inadequate—a half step where 10 giant steps were required. In order to register our dissatisfaction with that bill, as it passed the House, a number of us introduced legislation, entitled the Air Pollution Abatement Act of 1970, which incorporated the much stronger provisions of the Senate-passed Clean Air Act amendments. This bill is H.R. 19706. Our purpose was to exert pressure on the House conferees by demonstrating that we demanded strong, effective action.

The bill which has emerged from the conference committee makes possible such action. Without analyzing the details of the conference report, I would point out that among its major provisions is that largely banning polluting automobile emissions after 1975, with no more than 1 year's extension to 1976 on that ban. The Congress is starting to drop the rhetoric and demand results. Since I came to this House in 1961, I have been pushing for meaningful antipollution legislation; legislation such as that reported out of the conference committee is indeed welcome after these years of effort.

I do want to discuss in some length title IV of the bill, because this deals with an aspect of our environment which only recently has begun to receive widespread attention—that is, noise pollution. Title IV of the bill is entitled "Noise Pollution and Abatement Act of 1970." It directs the Administrator of the Environmental Protection Agency to establish an Office of Noise Abatement and Control for the purpose of investigating and identifying the sources of noise and its effects on public health and welfare, and to report to the President and Congress within 1 year of enactment the results of the investigation and study. Thirty million dollars is authorized to carry out title IV.

I am particularly concerned about this title because, in the House, I have introduced the Noise Control Act of 1970—H.R. 15473. Subsequent to my initial introduction of it on January 20, 1970, 22 of my colleagues joined me when I reintroduced this bill as H.R. 16520 and H.R. 16708.

My bill would have established an Office of Noise Control within the Office of the Surgeon General of the United States. A chief function of the office would be to act as a clearing house for all information on noise—its causes and effects, its prevention, its control, and its abatement. On request, the office would make this material available to States, local governments, and private groups interested in the problem of noise and its abatement.

In addition, the bill would provide for grants to States, local governments, commissions, and councils for programs of noise control—research into the effects of noise, the investigation of existing causes of excessive noise in our society, and research into new ways of controlling, preventing, and abating noise.

The bill also would provide for research grants to public or nonprofit private agencies, organizations, and institutions. Grants would also be provided for training of professional and technical personnel in methods to effect proper control, prevention, and abatement of noise.

The Noise Control Act of 1970 would also provide for a Noise Control Advisory Council, which would advise the Director of the Office of Noise Control of his responsibilities, and would review all proposed project grants. This Council would be made up of nine individuals interested in the problems of noise and its control, who are skilled in the fields of medicine, psychology, government, law or law enforcement, social work, public health, or education.

Since I introduced the Noise Control Act of 1970, Reorganization Plan No. 3 of 1970, creating the Environmental Protection Agency, went into effect. Therefore, it is appropriate that the Office of Noise Abatement and Control created by title IV of the Clean Air Act amendments be placed in that agency. I do recommend that grants for research, for professional and technical training, and for demonstration projects be made as outlined in my original bill.

The problem of noise pollution demands attention. It is an increasing factor in even the simple amenities of urban living; the intrusiveness of noise pervades virtually every urban home. But inconvenience aside, noise pollution poses a peril to human health. Consequently, the inclusion of title IV in the Clean Air Act amendments, as reported out of the conference committee, is particularly welcome.

Mr. VANIK. Mr. Speaker, I want to take this opportunity to commend the conferees on the part of the House for their work on H.R. 17255, the Clean Air Amendments of 1970.

On June 10, 1970, the House of Representatives passed a good clean air bill. But in the last week of July the eastern half of the Nation was "attacked" by a blanket of smog that demonstrated—if we did not fully realize it before—the enormity of the air pollution problem facing the Nation.

As a result of the demonstration of the severity of the air pollution problem—literally a matter of life and health—the Senate passed a much stronger Clean Air Act of September 22. This bill required a 90-percent reduction of pollutants from automobiles by 1975–76. Automobile pollution is the most serious source of contaminants in our Nation's—and the world's—air. In urban centers, the automobile is estimated to cause between 60 and 85 percent of the pollution in our cities. The House bill failed to set a definite timetable for the reduction of auto emissions. As the conferees on the part of the House themselves note:

> The House bill did not amend the provisions of existing law relating to the establishment of standards for new motor vehicles. The Senate amendment deleted the requirements that such standards be based on a test of technical and economic feasibility, and provided statutory standards for passenger cars and required that such standards be achieved by a date certain.

Although the bill in its final form provides for a possible 1-year extension for meeting these deadlines, the Congress has finally given the American people a clean air bill that has teeth, that has force, that will be meaningful and which will result in noticeably lower levels of air pollution in this decade.

Human health and comfort has been placed in the priority in which it belongs—first place.

There can be no doubt that we possess the technology needed to develop a clean car and a car that can meet the emission standards set by this act.

If anyone doubts that fact, they need only consider the results of the Third Annual Trans-Continental Clean Car Race. This coast to coast race was won by an ordinary 1970 model car that had its exhaust system modified by four part-time night students at Wayne

State University. These students put together an exhaust system that beat the pollution standards that the Federal Government had been proposing for 1980 model cars. If four students can accomplish this, I am sure that the auto industry, with all its massive resources, will be able to do even better—if it really tries.

Again, Mr. Speaker, I want to commend the House conferees for agreeing to accept the stronger Senate-passed provisions in so many cases. Their action, and the action of the Congress in passing this bill will be—next to solving the dread disease of cancer—the single most important thing that the Congress can do to improve the health of the American people.

I also want to thank those 43 other Members of the House who joined with me in introducing in the House the Senate-passed version of the Clean Air Act. Forty-four of us introduced this bill as an indication of the concern in this Chamber for the strongest possible bill. Of those sponsoring the Senate-passed version in the House, I would particularly like to commend our retiring colleague, Leonard Farbstein of New York, for his hard work in this area. He was one of the leaders in the House on June 10th in the effort to strengthen the bill then before the House. He is one of those who joined me in cosponsoring the Senate bill in October. The list of cosponsors follows:

COSPONSORS

Mr. Addabbo, Mr. Bell, Mr. Brasco, Mr. Brown of California, Mr. Button, Mrs. Chisholm, Mr. Clark, Mr. Clay, and Mr. Conyers.

Mr. Donohue, Mr. Edwards of California, Mr. Eilberg, Mr. Farbstein, Mr. Fascell, Mr. Fraser, Mr. Gaydos, Mr. Gude, Mr. Halpern, Mr. Harrington, and Mr. Hechler of West Virginia.

Mr. Koch, Mr. Lowenstein, Mr. Madden, Mr. McCloskey, Mr. Mikva, Mr. Moorhead, Mr. Olsen, Mr. Ottinger, Mr. Patten, Mr. Pike, Mr. Podell, and Mr. Price of Illinois.

Mr. Reid of New York, Mr. Rees, Mr. Reuss, Mr. Rodino, Mr. Rosenthal, Mr. Ryan, Mr. Scheuer, Mr. Schwengel, Mr. Tunney, Mr. Vanik, Mr. Wolff, and Mr. Yates.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18874) to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 18874, with Mr. Moorhead in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. Staggers) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. Springer) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we bring to the House a very important bill that I believe every American recognizes is of supreme importance to this land right now. It came out of the subcommittee unanimously. The full committee had quite a discussion on it, but I do not believe there were any dissenting votes after we completed our discussion on the bill.

Mr. Chairman, I might just cite a few statistics to show how important this measure is:

ALCOHOL STATISTICS

Deaths. Each year there are 72,000 alcohol-related deaths: 26,000 motor vehicle accidents; 11,000 alcoholism stated on death certificates; 35,000 accidental at home or work; 7,300 alcohol-related suicides each year—one-third of 22,000 and 27,000 alcohol-related homicides—one-half of 14,000.

Two million arrests annually for drunk in public—40 percent of all non-traffic-related arrests.

Three-hundred thousand arrests driving while intoxicated.

Of 50,000 people killed on the highways, 28,400 have significant alcohol level in their blood.

Two million disabled yearly in auto accidents of whom 500,000 directly involve alcohol.

Five hundred thousand patients in State mental health programs are alcoholics—one-third of 1,500,000.

Fifty percent male admissions to mental hospitals, ages 45 to 64 for alcoholism.

Mr. Chairman, I think this is enough to make every Member of the Congress realize it is time for us to do something to create a national program to do something about this problem. That is what this bill is designed to do.

Mr. Chairman, this bill would establish a 3-year program at a total authorization of $300 million to deal with the overall problem of alcoholism, the most serious health problem in America today.

There are four major features of this bill. First, the bill establishes, in the National Institute of Mental Health, a new Institute, to be known as the National Institute on Alcohol Abuse and Alcoholism.

Second, the bill establishes a program of formula grants to the States for programs dealing with problems of alcohol abuse and alcoholism. Third, the bill provides for the establishment of a program of project grants for specific projects in the States dealing with this problem. Fourth, the bill provides for establishment of a program by the Civil Service Commission to deal with alcoholism and alcohol abuse among Federal employees. A recent report by the General Accounting Office indicates that the establishment of such a program, at an estimated cost of $15 million a year would save the Federal Government a minimum of $135 million a year, and possibly as much as $280 million a year.

A bill having a similar purpose (S. 3835) passed the Senate earlier this year, and I introduced H.R. 18874, which was identical to the Senate-passed bill. Our Subcommittee on Public Health and Welfare held 3 days of hearings, and a number of executive sessions. The full committee considered the bill in executive session, and a number of questions were raised concerning the breadth of language contained in many areas of the bill, particularly in the congressional findings and declarations. The Health Subcommittee met again, and recommended further revisions in the bill to the full committee, proposing deletion of most of the language which had raised problems.

The bill authorizes $300 million over a 3-year period for formula grants and project grants. $180 million of that $300 million is provided for formula grants to the States, with $40 million for 1971, $60 million for 1972, and $80 million for 1973. Of the $120 million authorized for project grants, $30 million is provided for 1971, $40 million for 1972, and $50 million for 1973.

All the testimony at the hearings was favorable to the bill. The Department of Health, Education, and Welfare favored the overall objectives of the bill, but questioned some features of it. All these points were considered by the committee, and the recommendations of HEW were adopted in the bill, except that they had recommended against establishment of a separate Institute, and were opposed to having a program of formula grants. The committee did not agree with these objections but adopted their other recommendations, as well as the recommendations of the Civil Service Commission with respect to the Federal employees program.

The bill as reported provides for coordination of its programs with the existing construction and staffing program relating to facilities for alcoholics under the Community Health Centers Act. We believe that passage of this bill will do a great deal toward solving what many consider to be the No. 1 health problem in America today—alcoholism.

We urge its adoption by the House.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman.

Mr. KYL. Mr. Chairman, we have a lot of wonderful rhetoric in this report. For instance, on page 4, in stating the need for the legislation, the report says:

> It is apparent that an adequate response to a health problem of this magnitude requires broadly based, dramatic, and creative Federal legislative action. All of the witnesses before the committee agreed that this was the case.

I make the suggestion seriously. There is not any question but that alcohol abuse is the most costly drug abuse that we have in the United States. We talk about drugs and control programs—here is the biggest one. Yet, we can do two things as legislators—we may write law; and as individuals we can set a personal example.

Now does it not seem to the chairman—and I am asking this rhetorically, of course, but doesn't it seem rather ridiculous that we stand here in the Hall of this great body talking about what we must do to solve these problems of alcohol and so on—and then do nothing to discourage the round of 2,000 or 3,000 cocktail parties, that are going to take place again after we come back into session in January?

I am reminded of the situation we had last year on one occasion when a private group dedicated to stopping juvenile delinquency—dealing specifically with the problems of youth—had the longest and biggest cocktail party before they got to their dinner that I have ever seen in Washington. This kind of example is seen by the public. No amount of legislation we can pass will ever create the kind of desirable result that we want unless, as individuals, we and others like us make some effort to improve the image we project.

Mr. STAGGERS. Let me tell the gentleman that there is no alcohol or drinking in my office or in my rooms that I know about and if the gentleman will do that and all the rest of the Members, we will not have anything to worry about.

Mr. KYL. I was not talking of the gentleman's office, of course, because I know him and I know him to be a moral individual. But the gentleman also must obviously know what I am talking about.

Mr. STAGGERS. I do—yes, sir—I do.

Mr. KYL. I thank the gentleman.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Chairman, I thought I might dwell on something that this bill accomplishes. The bill would establish a National Institute on Alcohol Abuse and Alcoholism within the National Institute of Mental Health, through which the Secretary of Health, Education, and Welfare shall coordinate all Federal health, rehabilitation, and other social programs related to the treatment of alcohol abuse.

In the committee there was unanimous support in the hearings for the objectives of the legislation and there was universal agreement that legislation was necessary. The bill was endorsed by the American Medical Association, the North American Association of Alcoholism Programs, the National Council on Alcoholism, the National Association of State Mental Health Program Directors, the American Psychiatric Association, the American Psychological Association, United Automobile Workers of America, and the Licensed Beverage Industries, Inc.

Medical authorities are nearly unanimous in their recognition of alcoholism as a disease.

Dr. Egeberg testified that it was the Nation's most important health problem.

HEW estimates there are possibly 18 million alcoholics and problem drinkers in the United States.

Alcoholism is rated as the fourth major killing illness in America.

An alcoholic has roughly 12 years shorter average life than a nonalcoholic.

Approximately 50 percent of highway fatalities can be attributed to problem drinking. 25,000 of 800,000 collisions involve alcoholics.

The President's Crime Commission in 1965 reported that one out of every three arrests were for public drunkenness, thus causing heavy financial and time loss on behalf of the police and the judiciary.

The National Council on Alcoholism puts the annual cost to employers of an estimated 2,697,000 untreated alcoholic cases as $4,267,033,000 and these are low estimates.

The legislation here proposed has a number of major components which should be discussed. It would establish a comprehensive range of administrative tools in a single visible and broadly based Institute structure within the National Institute of Mental Health and gives a strong mandate for leadership and action to the Federal Government. The legislation provides for a carefully structured program for Federal assistance to States and local groups and organizations to encourage community-based planning for and development of effective treatment and rehabilitation programs throughout the country for alcoholics. It requires the establishment of programs of prevention and the recognition and encouragement of treatment and rehabilitation programs for Federal employees. It provides sufficient funding authorizations to enable a program of necessary magnitude to get underway immediately.

In direct response to a recommendation of the Secretary's Advisory Committee on Alcoholism we have already elevated the former National Center for the Prevention and Control of Alcoholism to division status within the NIMH, immediately under the Institute Director. Specifically we are moving toward doubling the number of staff positions of the new division in fiscal year 1971.

In order to give alcoholism the attention it needs, it must receive separate institute status, at least within the National Institute of Mental Health.

Section 321 provides that public or private general hospitals which receive Federal funds for alcoholism programs are required to admit alcohol abusers and alcoholics on the basis of medical need, and not to discriminate against them solely because of alcoholism.

It establishes a new National Advisory Council on Alcohol Abuse and Alcoholism, to be composed of 15 members with the Secretary of Health, Education, and Welfare as chairman.

The Chief Medical Officer of the Veterans' Administration will be a member and also the medical officer designated by the Secretary of Defense. There will be 12 appointed members, and six will be skilled in medical and scientific study and diagnosis and treatment of this disease.

The appropriations will be $300 million over 3 years. The formula grants the first 3 years will be $40 million, $60 million, and $80 million, and the project grants will be $30 million, $40 million, and $50 million.

Applications from the States can be commented on by a State agency but it may not prevent the applications from being sent to the institute for consideration. As with formula grants, money which is made available through project grants will be used to supplement rather than replace funds which the States or localities would otherwise have devoted to alcohol programs.

Mr. Chairman, I feel this is a very good bill. It has been changed considerably from the form in which it was sent to us, and certainly I favor its passage.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the distinguished gentleman from Iowa.

Mr. SCHERLE. I appreciate the gentleman yielding.

Mr. Chairman, I have had the opportunity to read the bill as it came from the other body and to read the House version, and I consider the House version far superior.

I wonder if the gentleman in the well would explain to the House some of the objectionable portions of the bill as it came from the other body. I think it would be very interesting.

Mr. CARTER. I would be better prepared to explain what is in the bill here, I will say to the distinguished gentleman from Iowa. The bill as it came from the other body had great volumes of rhetoric, many, many words filled with sound but signifying not much other than a propensity for oratory. Does that answer the gentleman's question?

Mr. SCHERLE. That is a marvelous explanation.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding.

I commend the gentleman and the chairman and other members of the committee for bringing this important piece of legislation to the committee and to the House today. I associate myself with the remarks of the gentleman who has worked diligently on this legislation.

Mr. Chairman, I want to add, if the gentleman will yield further, that I am happy to see that not only medical and scientific personnel, but also nonprofessionals are included on the advisory committee.

I am also happy that this legislation will give guidance and direction and stimulus to local and State initiatives. In my own district I want to call attention to the fact that the Lake County Committee on Health and Alcoholism is an aggressive and useful agency in my own community, my congressional district. As I see it, and as I interpret this legislation, there may be opportunity for close cooperation and for support measures to further stimulate the activities of that organization.

Mr. CARTER. The distinguished gentlemen from Illinois is correct. Such assistance will be available.

I compliment the gentleman on his remarks.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the distinguished gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I rise in support of H.R. 18874, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970. Such a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism is long overdue. The grim statistics of the family tragedies, accidents and human wrecks caused by alcoholism are staggering evidence that we have too long neglected this problem which is growing more serious every day. Crime breeds on alcoholism. Fortunately, the treatment seems to be simpler and more direct than mental disease, yet the problem has not been faced up to with the same determination and through the mobilization of the full resources of the community. I hope that this legislation will accomplish that purpose, and also alert the Nation to the danger of allowing this seriously mounting problem to proceed unchecked.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the chairman of the subcommittee that handled this legislation, the gentleman from Oklahoma (Mr. JARMAN).

Mr. JARMAN. Mr. Chairman, I rise in support of this bill.

Our Subcommittee on Public Health and Welfare held 3 days of hearings and numerous executive sessions for the consideration of this bill, and we were unanimous in recommending it to the full committee and to the House.

In testimony before our committee in overall support of the intent of this legislation, Dr. Roger Egeberg, Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs said:

> I am more firmly convinced than ever of the absolute necessity for this nation to address alcoholism for what it is, one of the most prevalent, destructive, costly and tragic forms of illness in the United States.

One indication of the extent of which alcoholism constitutes a health problem is the number of deaths each year arising out of alcohol abuse and alcoholism. For example, according to the National Center for Health Statistics, 11,000 deaths in 1967 could be directly attributed to alcoholism. These figures were obtained from the cause of death recorded on the death certificates, which included the following three categories: "alcoholism," "cirrhosis of the liver with alcoholism," and "alcoholic psychosis."

This figure of 11,000, of course, seriously understates the number of deaths from alcoholism, since it does not include other causes of death in which alcoholism has played a dominant role. A recent study indicates that 58 percent of adults fatally injured off the highway have a history of alcoholism or serious problem-drinking. Add to this the fatalities on the highways, and the accelerated death rate of alcoholics from almost all causes, and it can be seen that alcohol abuse contributes very significantly to our national death rate.

Estimates of lost man-hours from employment arising out of alcoholism represent, of course, only informed best guesses, but $4 billion annually would seem to be a conservative estimate of the cost to our economy of this problem.

It is unfortunately true that alcoholism has also been one of the most ignored overall health problems nationwide.

In 1968, the Congress amended the Community Mental Health Centers Act to provide authority for construction and staffing of facilities for treatment of alcoholics, and the program was expanded somewhat in this year's amendment to that legislation.

Our hearings revealed, however, that substantially more must be done if we are to make any significant progress in handling this problem, and this bill is designed to accomplish that result.

We feel that it is essential to create a new institute in the Public Health Service to deal with this problem, in order to provide greater visibility, and to stimulate more action in the executive branch on this problem. We concluded that the institute should be located in the National Institute of Mental Health, so as to provide for better coordination of Federal programs dealing with the mental health aspects of alcoholism.

The legislation also provides for formula grants to the States to stimulate them to establish programs, as well as a program of project grants for specific programs.

As I mentioned, the subcommittee was unanimous in recommending this legislation to the committee, and we urge its adoption by the House.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS of Florida. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of H.R. 18874, a bill to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism.

The subcommittee on Public Health of the Interstate and Foreign Commerce Committee held 3 days of hearings with testimony received from a broad range of governmental and public witnesses. During these hearings some rather startling facts concerning the magnitude of the alcohol abuse and alcoholism problem were presented to the subcommittee by various concerned individuals.

The Department of Health, Education, and Welfare has estimated that there are approximately 18 million alcoholics and problem drinkers in the United States today. According to one witness alcoholism is now rated as the fourth major killing illness in America, and that the alcoholic in this country dies 12 years sooner than does the average citizen. According to a former director of the National Highway Safety Bureau, approximately 50 percent of all highway fatalities can be attributed to the drinking problem. The U.S. Department of Transportation cites 25,000 deaths and 800,000 motor vehicle crashes each year as a result of the use of alcohol.

A recent study made by the Nation's business management estimated that industry costs from alcoholism attributed to absenteeism, accidents, sickness, benefit payments, lowered morale, and damaged customer and public relations, may run as high as $7 billion annually.

Federal legislation is urgently needed at this time to zero in on the alcohol abuse problem. The States urgently need assistance from the Government in order to coordinate and expand their somewhat disorganized and invariably insufficiently funded alcohol programs.

H.R. 18874 provides for a comprehensive program for the prevention and treatment of alcohol abuse and alcoholism. Title I of the bill provides for the establishment of a National Institute on Alcohol Abuse and Alcoholism within the National Institute of Mental Health. The Institute will be the focal point of the Government's program of alcohol abuse, where health, education, training, research, planning, and project grant and State formula grant evaluation will be housed. Naturally, due to the close association of mental health with alcohol abuse problems and due to the presence of limited existing alcohol abuse programs within the Institute of Mental Health, it was fitting for the subcommittee to recommend that this legislation be administered in close connection with the existing mental health program.

Presently the entire Federal effort in the area of alcohol abuse is staffed by only 12 full-time professionals with a division budget of $14 million, $6 million of which is for research. Considering the magnitude of the alcohol-related health problem in this Nation, these figures seem significantly low to even begin to meet our needs.

The bill directs the Civil Service Commission to develop policies and services for the prevention and treatment of alcohol abuse and alcoholism among Federal employees. Federal leadership in encouraging States to establish comprehensive alcohol abuse and alcoholism programs can best be served by taking the initiative in establishing such a program within the Federal Government.

Title III of the bill provides for the authorization of $40 million for fiscal 1971, $60 million for fiscal 1972, and $80 million for fiscal 1973 for a total of $180 million over a 3-year period for block-formula grants to be provided to States to assist them in planning, establishing, maintaining, coordinating, and evaluating projects for the development of programs for the prevention and treatment of alcohol abuse and alcoholism.

Each State must develop a State plan in order to receive a block allotment under this grant program. Within the plan the State must assure the Federal Government that a single agency or interdepartmental agency will have the sole responsibility for the administration of the plan or for the supervising of the administration of the plan.

Each State must assure the Federal Government that all funds made available through the block grant, shall be so used as to supplement and increase to the extent feasible and practical, the level of existing State, local, and other non-Federal funds available to the State for alcohol programs.

Naturally, the State plan is required to provide reasonable assurances that the money will be used in a manner which would not duplicate facilities and services of existing State programs, but which would rather serve to coordinate and broaden those programs, and to coordinate such new programs with mental health related programs within the States, if such programs are available to that end.

Title III of the bill also provides for $30 million for fiscal 1971, $40 million for fiscal 1972, and $50 million for fiscal 1973 for a total of $120 million for the next 3 years for grants made directly to public and private nonprofit agencies, organizations, and institutions and individuals to conduct demonstration, service, evaluation, training, education, and counseling projects and to provide special projects for programs and services in cooperation or within schools, courts, penal institutions, and other public agencies for the prevention and treatment of alcohol abuse and alcoholism and for the rehabilitation of alcoholics. The project grant funds authorized under this section would be added to existing funds under the Community Mental Health Centers Act earmarked directly for alcohol abuse and alcoholism programs. The bill requires that each application for a project grant must contain reasonable assurances that the program will be consistent with the overall State program for alcohol abuse and alcoholism, the comprehensive health plan for the State under section 314 of the Public Health Service Act, and the State mental health program. The Secretary would not approve an application unless he was satisfied that the project would not result in duplication of other State programs, would coordinate and cooperate with all other State programs or Federal projects, and that such grants would be used to supplement rather than replace funds which the States or localities would otherwise have devoted to alcohol programs.

The bill also requires that the comprehensive State health plan, required under existing law under the provisions of section 314(d) of the Public Health Service Act as amended, must provide for services for the prevention and treatment of alcohol abuse and alcoholism, commensurate with the extent of the problem. This provision will act as an additional assurance that the States will zero in on the alcohol abuse problem in our Nation and will serve to coordinate alcohol programs with other health programs within a given State.

Lastly, the bill provides for a 15-man national advisory council on alcohol abuse and alcoholism whose purpose is to advise, consult with, and make recommendations to the Secretary on matters relating to his activities and functions in the area of alcohol abuse and alcoholism.

In conclusion, I believe that there is a drastic need for the Federal Government to take a close look at its present alcohol abuse and alcoholism program. If the Government follows this course, it should come to the conclusion that not nearly enough has been done, considering the tremendous magnitude of the alcohol abuse problem. It is time for the Congress to take the initiative in spotlighting this critical problem and in taking the necessary action to cope with its ramifications. I urge the support of my colleagues of H.R. 18874.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Chairman, I rise only to commend the distinguished committee for bringing this bill to the floor.

I wish to add that those who are saying—many of them young people—that marihuana is no worse than liquor do not realize the facts, as reported by the distinguished gentleman from West Virginia in the conference report, and the terrible toll taken by liquor. We cannot afford to fasten another culprit of possible injury upon the people of our country.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 18874, the Alcoholic Abuse, Prevention, and Treatment Act of 1970.

Alcoholism is a major problem in the United States. It now ranks third among the killing sicknesses in the United States. It causes death, destruction, and despair. Social and economic damage caused by alcoholic consumption exceeds the damage caused by the use of all other stimulating and depressing drugs. According to Jerome Jaffee in the Pharmacological Basis of Therapeutics:

> Alcoholism is a more significant problem than all other forms of drug abuse combined.

Alcoholic intoxication is a factor in over 50 percent of automobile accidents in which a death has occurred. Alcohol is involved in 70 percent of single car fatalities and as much as 20 percent of private plane fatalities.

In 1965, approximately 2 million arrests were made for the offense of public drunkenness. This represented one of every three arrests made for all causes in America for that year.

In California, alcoholism is the 10th leading cause of death. Between the ages of 20 and 40, one-third of all deaths result from alcohol. Life expectancy of an alcoholic is 10 to 12 years below the general average.

Fifty percent of the people in our prisons for murder, rape, and burglary committed those crimes after the excessive consumption of alcohol.

The Los Angeles County Commission on Alcoholism has estimated that for fiscal year 1969, the cost of the misuse of alcohol to the Los Angeles County government exceeds $73 million. The largest portion—$35.6 million—of this cost is for law enforcement.

The saving to the taxpayer would be tremendous if we could curb the misuse of alcohol. Again, in Los Angeles County, the District Attorney estimates that 52.5 percent of all misdemeanor and felony crimes result from the misuse of alcohol. If this were eliminated, the savings to the taxpayer would be $6.7 million in the district attorney's office alone.

We know there is a shortage of hospital beds and medical personnel, yet, in 1968–69, there were 2,137 acute or chronic alcoholism patients in Harbor General Hospitals and their average stay in the hospital was 7 days.

The bill before us now, H.R. 18874, is designed to curb the misuse of alcohol. First, it recognizes the need for action in this area by creating the National Institute of Alcohol Abuse and Alcoholism within the National Institute of Mental Health. Second, the bill authorizes the Civil Service Commission to develop and maintain a program for the prevention, treatment, and rehabilitation of alcohol abuse among Federal civilian employees. Third, the bill, H.R. 18874, authorizes grants for States to establish programs and grants for pilot projects under the direction of the Department of Health, Education, and Welfare. In addition, the bill requires hospitals, that are currently receiving Federal funds, to admit alcohol abusers on the basis of medical need.

Mr. Chairman, the sheriff of Los Angeles County believes that the misuse of alcohol is one of the major public health problems of our society. I wholeheartedly agree and I feel that the passage of H.R. 18874 will begin to correct this problem in our society.

Mr. BROOMFIELD. Mr. Chairman, our best estimates indicate that there are as many as 18 million alcoholics in the United States. Alcoholism is now rated as the fourth major killer in America, and the average alcoholic dies 12 years sooner than the normal citizen. One-third of the admissions to State mental hospitals and one-sixth of the admissions to veterans hospitals are alcohol related. Half of all highway fatalities can be attributed to drunken driving. Half of the criminal arrests in urban areas are for public drunkenness. Mr. Chairman, the extent of this problem is shocking and unacceptable.

But these figures show only part of the picture. They do not reveal how many broken families result from alcoholism. Nor do they recognize the enormous cost of this disease to the public. The fact is that alcoholism, more than any other illness, is destroying the fabric of our society. Not only the alcoholic, but his household, his employer, and his Government suffer from his problem. There are no statistics to measure the number of families lost to an alcoholic parent, the number of innocent persons victimized by drunken drivers, the number of crimes committed by these desperately ill people. How much of what we spend for welfare services, job programs, correctional institutions is actually subsidy for the alcoholic? How high a price does business pay for absenteeism and accidents related to alcoholism?

No matter how difficult it is to measure the exact scope of this problem, we must at least recognize that it is much more extensive than commonly understood. It is a problem that demands maximum attention at all levels of government. The bill before us today gives us the tools with which we can attack alcoholism in the United States.

The measure would create a National Institute of Alcohol Abuse and Alcoholism within the National Institute of Mental Health. This body would coordinate all Federal health and rehabilitation programs related to the prevention and treatment of alcohol abuse; $300 million is authorized for assistance to States and local groups to spur community based planning for programs dealing with the abuse of alcohol. Finally, the bill requires the development of specific programs for the treatment and rehabilitation of federally employed alcoholics.

In a much broader sense, this measure recognizes the true nature of alcoholism: that it is a disease, not a sin, and that it must be met not by criminal action, but by medical treatment. Much of our trouble in the past has derived from the atmosphere of moral disapproval surrounding the entire subject; the deplorable custom of treating alcoholics as sinners or criminals has simply obscured the nature of the problem. What this bill achieves is a recognition of alcoholism as an illness—no more immoral than tuberculosis or schizophrenia. Indeed, it is an illness that ranks with cancer and heart disease as one of our country's most important health problems. It is about time, Mr. Chairman, that we took steps to solve the mystery of alcoholism as well as the mysteries of cancer and heart disease.

Mr. McCLORY. Mr. Chairman, I am aware of the terrible cost in terms of lost wages and salaries as well as in terms of broken homes and broken lives which result from the excessive use of alcohol.

According to the December issue of the Department of Labor's magazine—Manpower—alcoholism affects more than 6 million Americans and costs industry as much as $3 billion or more per year. According to the committee report, other indirect losses bring the total bill to as much as $7 billion yearly.

The magazine article reveals that business executives are the worst offenders, and are most in need of a program to control and reduce alcohol abuse.

Mr. Chairman, the pending legislation may not be perfect, but it is a dramatic and constructive start. The bill recognizes the prerogatives of State and local programs in providing solutions to the problem of alcohol abuse. It is my expectation that this Federal effort will be perfected within a short time and that the dangers and losses that result from alcoholism may be reduced and that the welfare of the Nation itself may be served by a comprehensive and intelligent attack against this serious and highly complicated problem which permeates every branch and segment of our society.

Mr. STEELE. Mr. Chairman, I am very pleased with the passage of the Comprehensive Alcoholism Abuse Act of 1970. It is particularly gratifying that Congress, after passing legislation in October to rehabilitate drug addicts, is now turning around to provide similar aid to those who cannot lick the drinking habit. In recent months public attention has been focused primarily on the alarming rise in drug abuse. I think we have to make a maximum effort to combat drug abuse before it becomes a runaway catastrophe. However, we must not lose sight of the fact that in sheer magnitude, the problem of alcoholism is much more widespread than drug addiction.

Nationwide it is estimated that there are 27 million persons who have developed a serious dependence on alcohol. By comparison, latest estimates show that there are 190,000 hard-core drug addicts in the United States. In the State of Connecticut we have 130,000 hard-core alcoholics, while there are between 10,000 and 12,000 drug addicts. In my State over one-half million persons—the family members of the alcoholics—are seriously affected by this problem. Last year alone we admitted 5,100 alcoholics to our State mental hospitals. That is 40 percent of the admissions total for the State. By comparison drug addicts made up 8.5 percent of the total. I could go on and list grim statistics on the problems, heartbreaks, and fatalities that drinkers cause or contribute to in the home, in law enforcement, in industry and on the highways.

One of the first things we have to realize is that alcoholism is a medical problem. For too long we have regarded the heavy drinker as a morally depraved or even despicable person. This, of course, has made the problem of rehabilitation just so much more difficult. The Alcoholism Abuse, Prevention, Treatment, and Rehabilitation Act gives recognition to the fact that the problem drinker needs medical and psychological help. One great advantage of this bill is that it provides for treatment centers close to home.

The State of Connecticut is proud of its innovative programs to help the heavy drinker. It was the first to set up a comprehensive State-supported alcoholism rehabilitation service back in 1949. Over the past 2 years my State has spent over $2 million on providing for alcoholics in outpatient clinics, intensive treatment centers, detoxification centers, halfway houses, and three-quarter-way houses. These programs are expensive, and the related costs for drug addiction treatment have more than doubled the expenditures for these two related problems.

This is a lot for a small State, but it is still not enough. We must provide help to these persons who live in a misery from which they cannot liberate themselves.

This legislation will provide approximately $1.5 million in Federal grants to the Connecticut alcoholism rehabilitation program. Specific projects will be eligible for additional funding. My hope is that some of this money can be used to set up community treatment centers throughout the State. Right now, much of the treatment effort is centered in the big cities. We should have help available to anyone as close to home as possible, regardless of whether he lives in a large or small community.

I hope that conference action on this bill is completed quickly so this legislation can be signed into law before the end of the session. This action is urgent, necessary, and long overdue.

Mr. O'NEILL of Massachusetts. Mr. Chairman, in 1968, the Congress recognized the seriousness of alcoholism and demonstrated an understanding that alcoholism is a disease and not a crime. We did not, unfortunately, act on that understanding and provide the funds and mechanism for research into the causes of that disease, its prevention, cure and rehabilitation of the victims of alcoholism.

This bill today finally takes that step. We authorized $300 million over the next 3 years for the creation of a National Institute on Alocohol Abuse and Alcoholism within the existing National Institute of Mental Health. This institute will administer a program for the prevention and treatment of alcoholism. The States are authorized to set up alcoholism programs and will be reimbursed with formula grants. Educational institutions, governmental agencies and foundations who deal with alcoholism will be funded under project grants.

Recognizing that alcoholism pervades every level of society and every occupation, this bill authorizes the creation of an alcoholism program for Federal employees and attempts to guarantee that their jobs and occupational security will not be jeopardized by participation in such programs.

I think this bill is an excellent piece of legislation and long overdue. The toll in human and economic terms taken by alcoholism in this country is phenomenal. Most of us do not realize the seriousness of the problem nor the extent of alcoholism. The United States has 18 million alcoholics and problem drinkers. That is almost 10 percent of our entire population. One-third of all admissions to mental hospitals are alcohol related, and one must particularly think of the families of these people in order to realize the extent of this destruction and the depth of the tragedy produced by alcoholism.

Alcoholism is the Nation's fourth major killing disease. One should think in comparative terms. It is as much a health problem as cancer and heart disease, about which we are all concerned. One of every six patients in veterans hospitals across the Nation is there for a drinking problem. We are talking about a great number of people, who suffer directly, and an even larger number of people who suffer from having alcoholics in their families, as employees, and employers, as friends and neighbors. It is estimated that more than $5 billion a year is wasted in America industry because of absenteeism, accidents, and damages caused by alcoholics. The extent of this problem is almost overwhelming.

We can make progress in the prevention and treatment of alcoholism and the rehabilitation of alcoholics. I think this is an excellent bill, and I urge my colleagues to support it.

Mr. GUDE. Mr. Chairman, I rise in support of H.R. 18874, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970. As you are most critically aware, we are in need of a broad and significant program to provide a comprehensive range of services—from prevention of alcohol abuse to treatment and rehabilitation for those who are in need of help. Alcohol abuse and alcoholism have been rapidly increasing throughout the country, and we must use all our resources to curtail this problem before it does further damage to the society. As a conscientious body of men and women, we must follow the lead of the Senate in order that it not be said that the House ignored a measure to help the ill; alcoholism is an illness and one that we can no longer turn our back on, as in the past.

With up to nearly 5 percent of our population affected, it is certainly difficult to deny the urgency of the problem, and yet we have allowed it to become one of America's most neglected and costly illness. However, the legislation which we are considering today is the vehicle by which the Congress can face the realities of the situation from the standpoint of the Federal Government, and can offer the necessary leadership to the other levels of government in America and to private organizations in this country.

As a cosponsor of this bill and having testified in committee I am most critically aware of the merits of this legislation and therefore, very eager to see its passage this session. I am merely asking that we face the problem of alcohol abuse in our society realistically, before it destroys the health and stability of our society, which it is well on the road toward doing. If this legislation does nothing else, it clears the air and accepts alcoholism as a valid and ethical public health problem to be treated the same as any other public health problem.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of H.R. 18874, to provide a comprehensive Federal program for prevention and treatment of alcohol abuse and alcoholism.

I doubt if there is a single Member of this House who has not watched with sorrow, anguish, and helplessness, the physical and mental deterioration and the eventual untimely death of a relative or loved one due to excessive use of alcohol. I have.

Not only have alcoholics suffered from public neglect and disdain, but their families, their mothers, their wives, their children, have suffered immeasurably from the embarrassment, the shame, the moral disapproval of their communities, and often desertion, poverty, and personal injury or death, all because of the failure of their community and their Nation to help.

Historic public attitude that the alcoholic is a sinner or a criminal has changed. But our belated recognition that the alcoholic is a sick man and not a sinner is not enough. Alcoholism and alcohol abuse constitute the fourth major killing illness in America today; the alcoholic dies some 12 years younger than the average American; the alcoholic represents one-third of the population of our State mental hospitals, and one-sixth of the Veterans' Administration hospital cases; and drinking drivers are responsible for 50 percent of our highway deaths. The time has come for the Congress to recognize the seriousness of the problem and to take the necessary steps to solve it.

For years Congress has devoted much of its efforts and billions of dollars to improve education, provide better health care, reduce poverty, assist the aged, halt crime, and, most recently to curb drug abuse.

Yet, until this Congress, little effort has been directed toward serious examination of the impact of alcohol abuse and the prevention, treatment, and rehabilitation of those afflicted with alcoholism. This Congress and the Nation itself owes the members of the Senate Committee on Labor and Public Welfare and the House Committee on Interstate and Foreign Commerce a great debt of gratitude for their work to ferret out the facts. The statistics which have been amassed by these committees stagger the imagination and cry out for correction.

No Member of this House is more anxious to reduce Federal spending than I am. But what good will it do for us to have already spent billions of dollars in an effort to improve our Nation's health and social conditions if one-fourth of the people we assist in these other programs become victims of alcoholism? I am convinced that the legislation we have before us, to establish a National Institute on Alcohol Abuse and Alcoholism through which to coordinate Federal health, rehabilitation, and social programs related to alcohol abuse; and the authorization of $300 million over 3 fiscal years in formula grants to the States and project grants to groups, organizations, and individuals to implement community programs for treatment and rehabilitation, will result in savings in both money and lives in years to come far in excess of what we are authorizing today.

It is also important that we establish a separate institute rather than expand existing programs of the National Institute of Mental Health and elevate the present National Center for the Prevention of Alcoholism to Division status within the NIMH. As America's most important health problem, alcoholism demands more concentrated attention than it can be given by only 12 full-time professionals and a proposed Division budget of $14 million, $6 million of which is for research.

Another argument for a separate institute is the fact that any treatment and rehabilitation program for alcoholics and problem drinkers must inspire interest and participation by a broad cross-section of the American public, inducing physicians, scientists, social workers, and persons interested in practical training programs, as well as those skilled in research. I am convinced that public education about alcohol abuse and alcoholism must be an essential part of such a program and can best be accomplished by a separate institute.

The new National Advisory Council on Alcohol Abuse and Alcoholism, to be composed of 15 members, including the Secretary of Health, Education, and Welfare, the chief medical officer of the Veterans' Administration, a medical officer selected by the Secretary of Defense, and 12 appointed members, six skilled in medical, scientific study, diagnosis or treatment of the disease, and a significant number of the rest chosen because of practical experience with alcoholism, including recovered alcoholics, is an essential part of the program, and will lend the prestige needed to attract wide interest and support.

Mr. Chairman, alcoholism and its prevention and treatment is first a local, even person-to-person problem, and this approach is recognized and funded in this legislation. But solution depends also on wide national interest and Federal participation in the necessary research and development. This, too, is provided for in this legislation.

The actions to correct alcohol abuse and alcoholism we have taken as a nation in the past have been too little and too low in priority. We need a new approach to the problem, and this bill sets up the machinery needed to attack the problem.

Mr. Chairman, this legislation provides for a long overdue and desperately needed program, and I urge its enactment.

Mr. CARTER. Mr. Chairman, I have no further requests for time.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read by titles the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 18874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970".

TITLE I—NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

ESTABLISHMENT OF THE INSTITUTE

Sec. 101. (a) There is established in the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism (hereafter in this Act referred to as the "Institute") to administer the programs and authorities assigned to the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary") by this Act and part C of the Community Mental Health Centers Act. The Secretary, acting through the Institute, shall, in carrying out the purposes of section 301 of the Public Health Service Act with respect to alcohol abuse and alcoholism, develop and conduct comprehensive health, education, training, research, and planning programs for the prevention and treatment of alcohol abuse and alcoholism and for the rehabilitation of alcohol abusers and alcoholics.

(b) The Institute shall be under the direction of a Director who shall be appointed by the Secretary.

REPORTS BY THE SECRETARY

Sec. 102. The Secretary shall—

(1) submit an annual report to Congress which shall include a description of the actions taken, services provided, and funds expended under this Act and part C of the Community Mental Health Centers Act, an evaluation of the effectiveness of such actions, services, and expenditures of funds, and such other information as the Secretary considers appropriate;

(2) submit to Congress on or before the expiration of the one-year period beginning on the date of enactment of this Act a report (A) containing current information on the health consequences of using alcoholic

beverages, and (B) containing such recommendations for legislation and administrative action as he may deem appropriate;

(3) submit such additional reports as may be requested by the President of the United States or by Congress; and

(4) submit to the President of the United States and to Congress such recommendations as will further the prevention, treatment, and control of alcohol abuse and alcoholism.

TITLE II—ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION PROGRAMS FOR FEDERAL CIVILIAN EMPLOYEES

ALCOHOL ABUSE AND ALCOHOLISM AMONG FEDERAL CIVILIAN EMPLOYEES

SEC. 201. (a) The Civil Service Commission shall be responsible for developing and maintaining, in cooperation with the Secretary and with other Federal agencies and departments, appropriate prevention, treatment, and rehabilitation programs and services for alcohol abuse and alcoholism among Federal civilian employees, consistent with the purposes of this Act. Such policies and services shall make optional use of existing government facilities, services, and skills.

(b) The Secretary, acting through the Institute, shall be responsible for fostering similar alcohol abuse and alcoholism prevention, treatment, and rehabilitation programs and services in State and local governments and in private industry.

(c)(1) No person may be denied or deprived of Federal civilian employment or a Federal professional or other license or right solely on the ground of prior alcohol abuse or prior alcoholism.

(2) This subsection shall not apply to employment (A) in the Central Intelligence Agency, the Federal Bureau of Investigation, the National Security Agency, or any other department or agency of the Federal Government designated for purposes of national security by the President, or (B) in any position in any department or agency of the Federal Government, not referred to in clause (A), which position is determined pursuant to regulations prescribed by the head of such agency or department to be a sensitive position.

(d) This title shall not be construed to prohibit the dismissal from employment of a Federal civilian employee who cannot properly function in his employment.

(e)(1) Section 7352 of title 5 of the United States Code is repealed.

(2) The table of sections of subchapter V of chapter 73 of such title is amended by striking out the item relating to such section 7352.

TITLE III—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

PART A—FORMULA GRANTS

AUTHORIZATION

SEC. 301. There are authorized to be appropriated $40,000,000 for the fiscal year ending June 30, 1971, $60,000,000 for the fiscal year ending June 30, 1972, $80,000,000 for the fiscal year ending June 30, 1973, for grants to States to assist them in planning, establishing, maintaining, coordinating, and evaluating projects for the development of more effective prevention, treatment, and rehabilitation programs to deal with alcohol abuse and alcoholism. For purposes of this part, the term "State" includes the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in addition to the fifty states.

STATE ALLOTMENT

SEC. 302. (a) For each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated for such year pursuant to section 301 among the States on the basis of the relative population, financial need, and need for more effective prevention, treatment, and rehabilitation of alcohol abuse and alcoholism; except that no such allotment to any State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) for any fiscal year shall be less than $200,000.

(b) Any amount so allotted to a State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount, remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Secretary determines will remain unobligated by the close of such next fiscal year, may be reallotted by the Secretary, to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under subsection (a) to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such next two years, which the Secretary determines will remain unobligated at the close of the second of such next two years, may be reallotted by the Secretary, to be available for the purposes for which made until the close of the second of such next two years, to any other of such four States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the State for the same period.

(c) At the request of any State, a portion of any allotment or allotments of such State under this part shall be available to pay that portion of the expenditures found necessary by the Secretary for the proper and efficient administration during such year of the State plan approved under this part, except that not more than 10 per centum of the total of the allotments of such State for a year, or $50,000, whichever is the least, shall be available for such purpose for such year.

STATE PLANS

SEC. 303. (a) Any State desiring to participate in this part shall submit a State plan for carrying out its purposes. Such plan must—

(1) designate a single State agency as the sole agency for the administration of the plan, or designate such agency as the sole agency for supervising the administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter in this section referred to as the "State agency") will have authority to carry out such plan in conformity with this part;

(3) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of alcohol abuse and alcoholism, to consult with the State agency in carrying out the plan;

(4) set forth, in accordance with criteria established by the Secretary, a survey of need for the prevention and treatment of alcohol abuse and alcoholism, including a survey of the health facilities needed to provide services for alcohol abuse and alcoholism and a plan for the development and distribution of such facilities and programs throughout the State;

(5) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

(6) provide that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

(7) provide that the Comptroller General of the United States or his duly authorized representatives shall have access for the purpose of audit and examination to the records specified in paragraph (6);

(8) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary any modifications thereof which it considers necessary;

(9) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event supplant such State, local, and other non-Federal funds; and

(10) contain such additional information and assurance as the Secretary may find necessary to carry out the provisions and purposes of this part.

(b) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

PART B—PROJECT GRANTS AND CONTRACTS

GRANTS AND CONTRACTS FOR THE PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM

SEC. 311. Section 247 of part C of the Community Mental Health Centers Act is amended to read as follows:

"GRANTS AND CONTRACTS FOR THE PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM

"SEC. 247. (a) The Secretary, acting through the National Institute on Alcohol Abuse and Alcoholism, may make grants to public and private nonprofit agencies, organizations, and institutions and may enter into contracts with public and private agencies, organizations, and institutions, and individuals—

"(1) to conduct demonstration, service, and evaluation projects,

"(2) to provide education and training,

"(3) to provide programs and services in cooperation with schools, courts, penal institutions, and other public agencies, and

"(4) to provide counseling and education activities on an individual or community basis, for the prevention and treatment of alcohol abuse and alcoholism and for the rehabilitation of alcohol abusers and alcoholics.

"(b) Projects for which grants or contracts are made under this section shall, whenever possible, be community based, provide a comprehensive range of services, and be integrated with, and involve the active participation of, a wide range of public and nongovernmental agencies, organizations, institutions, and individuals.

"(c)(1) In administering the provisions of this section, the Secretary shall require coordination of all applications for programs in a State.

"(2) Each applicant from within a State, upon filing its application with the Secretary for a grant or contract under this section, shall submit a copy of its application for review by the State agency designated under section 303 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, if such agency exists. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the project to other projects pending and approved and to the State comprehensive plan for treatment and prevention of alcohol abuse and alcoholism under such section 303. The State shall furnish the applicant a copy of any such evaluation.

"(3) Approval of any application for a grant or contract by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria established by the Secretary that—

"(A) provide that the activities and services for which assistance under this section is sought will be substantially administered by or under the supervision of the applicant;

"(B) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

"(C) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant; and

"(D) provide reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this section, and will in no event supplant such State, local, and other non-Federal funds.

"(d) To carry out the purposes of this section, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1971, $40,000,000 for the fiscal year ending June 30, 1972, and $50,000,000 for the fiscal year ending June 30, 1972."

Part C—Admission to Hospitals

ADMISSION OF ALCOHOL ABUSERS AND ALCOHOLICS TO PRIVATE AND PUBLIC HOSPITALS

Sec. 321. (a) Alcohol abusers and alcoholics shall be admitted to and treated in private and public general hospitals, which receive Federal funds for alcoholic treatment programs, on the basis of medical need and shall not be discriminated against solely because of their alcoholism. No hospital that violates this section shall receive Federal financial assistance under the provisions of this Act; except that the Secretary shall not terminate any such Federal assistance until the Secretary has advised the appropriate person or persons of the failure to comply with this section, and has provided an opportunity for correction or a hearing.

(b) Any action taken by the Secretary pursuant to this section shall be subject to such judicial review as is provided by section 404 of the Community Mental Health Centers Act.

Part D—General

COMPREHENSIVE STATE HEALTH PLANS

Sec. 331. Section 314 (d)(2) of the Public Health Service Act is amended—

(1) by striking out "and" at the end of subparagraph (J);

(2) by striking out the period at the end of subparagraph (K) and inserting in lieu thereof "; and"; and

(3) by adding after subparagraph (K) the following new subparagraph:

"(L) provide for services for the prevention and treatment of alcohol abuse and alcoholism, commensurate with the extent of the problem."

SPECIALIZED FACILITIES

Sec. 332. Section 243(a) of the Community Mental Health Centers Act is amended (1) by inserting "or leasing" after "construction", and (2) by inserting "facilities for emergency medical services, intermediate care services, or outpatient services, and" immediately before "post-hospitalization treatment facilities".

CONFIDENTIALITY OF RECORDS

Sec. 333. The Secretary may authorize persons engaged in research on, or treatment with respect to, alcohol abuse and alcoholism to protect the privacy of individuals who are the subject of such research or treatment by withholding from all persons not connected with the conduct of such research or treatment the names or other identifying characteristics of such individuals. Persons so authorized to protect the privacy of such individuals may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceeding to identify such individuals.

TITLE IV—THE NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

ESTABLISHMENT OF COUNCIL

Sec. 401. (a) Section 217(a) of the Public Health Service Act is amended—

(1) in the first sentence thereof, by inserting "the National Advisory Council on Alcohol Abuse and Alcoholism," immediately after "the National Advisory Mental Health Council,";

(2) in the second sentence thereof, by (A) inserting "the National Advisory Council on Alcohol Abuse and Alcoholism," immediately after "the National Advisory Mental Health Council,", and (B) inserting "alcohol abuse and alcoholism," immediately after "psychiatric disorders,"; and

(3) in the fourth sentence, (A) by inserting "(other than the members of the National Advisory Council on Alcohol Abuse and Alcoholism)" after "the terms of the members"; (B) by striking out "and" before "(2)"; and (C) by striking out the period at the end and inserting a semicolon and "and (3) the terms of the members of the National Council on Alcohol Abuse and Alcoholism first taking office after the date of enactment of this clause, shall expire as follows: Three shall expire four years after such date, three shall expire three years after such date, three shall expire two years after such date, and three shall expire one year after such date, as designated by the Secretary at the time of appointment."

(b) Section 217(b) of such Act is amended, in the second sentence thereof, by inserting "alcohol abuse and alcoholism," immediately after "mental health,".

(c) Section 217 of such Act is further amended by adding at the end thereof the following new subsection:

"(d) The National Advisory Council on Alcohol Abuse and Alcoholism shall advise, consult with, and make recommendations to, the Secretary on matters relating to the activities and functions of the Secretary in the field of alcohol abuse and alcoholism. The Council is authorized (1) to review research projects or programs submitted to or initiated by it in the field of alcohol abuse and alcoholism and recommend to the Secretary any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis and treatment of alcohol abuse and alcoholism, and (2) to collect information as to studies being carried on in the field of alcohol abuse and alcoholism and, with the approval of the Secretary, make available such information through appropriate publications for the benefit of health and welfare agencies or organizations (public or private) or physicians or any other scientists, and for the information of the general public. The Council is also authorized to recommend to the Secretary, for acceptance pursuant to section 501 of this Act, conditional gifts for work in the field of alcohol abuse and alcoholism; and the Secretary shall recommend acceptance of any such gifts only after consultation with the Council."

APPROVAL BY COUNCIL OF CERTAIN GRANTS UNDER PART C OF COMMUNITY MENTAL HEALTH CENTERS ACT

Sec. 402. Section 266 of the Community Mental Health Centers Act is amended (1) by inserting "(other than part C thereof)" immediately after "this title", and (2) by adding immediately after the period the following: "Grants under part C of this title for such costs may be made only upon recommendation of the National Institute on Alcohol Abuse and Alcoholism established by by such section."

TITLE V—GENERAL

Sec. 501. If any section, provision, or term of this Act is adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provision, or term of this Act, and the remaining sections, provisions, and terms shall be and remain in full force and effect.

Sec. 502. (a) Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the grants or contracts entered into under the provisions of this Act under other than competitive bidding procedures.

Sec. 503. Payments under this Act may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the substitute committee amendment be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENTS OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Chairman, I offer two technical amendments.

The Clerk read as follows:

> Amendments offered by Mr. STAGGERS: Page 64, line 2, strike out "Institute" and insert in lieu thereof "Advisory Council".
>
> Page 64, add at the end of line 16 the following: "or contract".

The amendments were agreed to.

AMENDMENT OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. BROWN of Ohio: Strike sections (c), (d), and (e) of title II, line 8 on page 5 and all that follows through line 3 on page 51.

Mr. BROWN of Ohio. Mr. Chairman, the purpose of this amendment is to strike out the language in the legislation that provides—and I quote:

> No person may be denied or deprived of Federal civilian employment or a Federal professional or other license or right solely on the ground of prior alcohol abuse or prior alcoholism.

My amendment would also strike a section which includes an exemption to that provision in the case of certain sensitive agencies such as the Central Intelligence Agency, the Federal Bureau of Investigation, the National Security Agency, and other sensitive agencies involving national security. And it would strike a section that says:

> This title has not be construed to prohibit the dismissal from employment of a Federal civilian employee who cannot properly function in his employment.

And it would strike a further section which says:

> Section 7352 of title 5 of the United States Code is repealed.

Section 7352 of title V of the United States Code reads, and I quote:

> Excessive and habitual use of intoxicants. An individual who habitually uses intoxicating beverages to excess may not be employed in the competitive service (Public Law 89-554, Sept. 6, 1966, 80 Stat. 527.)

Mr. Chairman, I submit that the action of striking this section of the code may be precedential with reference to narcotics abuse of various types in addition to the use of intoxicating alcoholic beverages, and that also this language may be confusing the situation of the dismissal of a person in the civil service for the use of those beverages to the extent that he cannot perform his job.

If I am employed in the civil service, Mr. Chairman, and it is suggested that I am not able to perform my functions and I say, "Well, all right; you caught me; I am an alcoholic;" Or if I have been off the job because of alcoholism; Or if I have been unable to do my job because of alcoholism but I say, "I am willing to take the cure," which the first part of this section sets up for people who are alcoholic, can I, in fact, be fired and have it stick? I think not if I am willing to take the cure. That will be fine and dandy; they will dry me out and get me back on my feet; and so long as I perform I guess I will be in no danger, until the next time I am unable to perform my job because of alcohol.

And then what? Am I then dismissed? No. I am willing to take the cure again, Mr. Chairman, and I think I can probably keep my job on that basis and maintain myself in the Federal civil service for a good long time before the invocation of part (D) of this comes into effect, which says that this title shall not be construed to prohibit the dismissal from employment of a Federal civilian employee who cannot properly function in his employment.

As long as I am willing to take the cure set up by this section I think I can keep my job. I think we would be better off not to speak to this problem whatever and leave the basic law stand, which says than an individual who habitually uses intoxicating beverages to excess may not be—and it does not say "shall not be" but "may not be"—employed in the competitive Civil Service.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment.

I think the gentleman has certainly given his views. I think we have appropriate provisions in the bill to deal with this. In one of the sections the gentleman read it says "this title shall not be construed to prohibit the dismissal of a Federal civilian employee who cannot properly function in his employment." We think that gives discretion to handle the problem. The bill also states that in the case of people in the CIA, the FBI, the NSA, or any department or agency of the Federal Government designated for the purpose of national security by the President or in positions in any department or agency of the Federal Government and so on, that the individual can be dismissed.

We also take another perspective. The Civil Service Commission has testified that they are generally for this part, perhaps with some minor changes, but they did testify they were for it.

Mr. BROWN of Ohio. Will the gentleman yield?

Mr. STAGGERS. Yes. I yield to the gentleman.

Mr. BROWN of Ohio. What about the case where a man is repeatedly unable to perform his function because of alcoholism but he is willing indeed and submits himself to the cure provided by the Civil Service and gets dried out and goes back on his job and holds that job for weeks or months or years and then cannot get the job again because of the problem?

Mr. STAGGERS. On that question, as the gentleman said, that could have occurred, but we deleted that provision of the bill. Under the bill, a person who cannot perform his job can be fired immediately. There is no reason to take him back. Even though he may say he should be taken back, because he has taken the cure, that will have nothing to do with his dismissal.

Mr. BROWN of Ohio. Why should we not say that he should not have his job back if he uses habitually alcohol beverages to excess?

Mr. STAGGERS. Well, I would say this to the gentleman. I think this is just as strong as that is, because it says he can be fired. The Civil Service, when asked about this provision, said they had no objection to the change.

Mr. BROWN of Ohio. I am not concerned about their viewpoint as much as I am about my own.

Mr. STAGGERS. I think he can be fired immediately, and that is the end of it.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we worked over his very problem at length in the committee. In paragraph (D) of section 201, I think it adequately covers this since it states that this title shall not be construed to prohibit the dismissal from employment of a Federal civilian employee who cannot properly function in his employment. This does give the right for immediate discharge in case the man cannot function. Of course, no department will put up with a habitual drunkard. The idea of drying out and coming back and so forth and things like that is a figment of a fertile imagination. Certainly none of us mean for habitual drunkards to hold positions of trust in the offices of our Government.

Mr. BROWN of Ohio. Will the gentleman yield?

Mr. CARTER. I yield to the gentleman.

Mr. BROWN of Ohio. Perhaps we could strike a compromise, then, and leave off section (e) which repeals the language which says an individual who uses intoxicating beverages to excess may not be employed in the competitive service.

Now, if the gentleman's purpose is as he stated, then none of us want to see people who are habitual drunkards employed in the Federal Civil Service, then I am sure he would have no objection to that.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the distinguished chairman of the committee.

Mr. STAGGERS. Let me say this to the gentleman. In the original bill, there is this language:

> (d) This title should not be construed to prohibit the dismissal from employment of a Federal civilian employee who cannot properly function in his employment.

The committee amended this language from the original version so as to deal with this problem. However, I do not mind the attempt of the gentleman to repeal that particular section of the bill and I do not believe the gentleman from Kentucky would. If the gentleman from Ohio thinks this will help in some way, I am willing to accept it.

Mr. CARTER. I certainly will agree to this portion of the gentleman's amendment.

Mr. BROWN of Ohio. Mr. Chairman, if the gentleman will yield further, the way to amend my amendment, then, I believe is to strike line 8 on page 50 and all thereafter down through line 23, and down through line 3 on page 51 be stricken from the legislation.

I wonder if I could have an expression

from the chairman or a representative from the majority side as to that?

Mr. STAGGERS. That would be perfectly all right with me to strike this repealer out because I do not believe it would make any difference in the interpretation to be given the bill as it is presently written.

Mr. CARTER. Certainly we are in agreement in principle on it.

Mr. STAGGERS. I would be willing to accept that amendment, as modified.

Mr. ROGERS of Florida. Mr. Chairman, if the gentleman will yield, I would suggest that the gentleman from Ohio withdraw his other amendment and offer this amendment now.

The CHAIRMAN. Does the gentleman from Ohio ask unanimous consent to withdraw his original amendment?

Mr. BROWN of Ohio. Mr. Chairman, I ask unanimous consent to withdraw my initial amendment and to substitute therefor that line 24, page 50, and all after that thereto down through line 3, page 51, be stricken.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio to withdraw his original amendment?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Ohio.

AMENDMENT OFFERED BY MR. BROWN OF OHIO

The Clerk read as follows:

> Amendment offered by Mr. BROWN of Ohio: Strike out line 24, page 50, and all that follows down through line 3 on page 51.

The amendment was agreed to.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I have listened intently to the discussion of this bill and I am sure there is abuse of alcohol and that there are alcoholics. This bill is undoubtedly a worthy bill. It does provide for the expenditure of a lot of money in the initial stages, and I have the feeling that this is barely a start in the amount of money that will be spent. But the thing that intrigues me, in view of some of the statements that have been made as to the terrible situation that exists with respect to the abuse of alcohol and alcoholism in this country, is the fact that there is no provision in this bill for any kind of curbs with respect to interstate shipment and thereafter the sale and use of alcohol.

It seems to me that there might well have been some kind of a mandatory provision on the interstate transportation of liquor to provide that it could not be sold to a known alcoholic, or someone who abused the use of alcohol. In certain States where there are package stores, liquor cannot be sold to a person who uses alcohol to excess, and I do not understand why there were not some curbs in this bill other than a restriction, such as the one we just heard, as to employment within the Federal Government.

Every package of cigarettes carries a label to the effect that "This package of cigarettes may be hazardous to your health."

Did the committee give any thought to a label on liquor saying that this may be injurious or hazardous to health, habit-forming, and so on and so forth?

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I would say this: that it is a problem for the States. I would also say to the gentleman that I introduced a bill recently to prohibit advertising in any way on the airways across State lines such as we made in the tobacco industry. This is up to the States at the present time, and I am not so sure if it is abused but that it could be a deadly thing if abused. That is what we are trying to get at in this measure, and try and prevent it, and for rehabilitation. We recognize this. We had the Volstead Act at one time, and it did not work.

Mr. GROSS. I understand that. I am not advocating a return to prohibition. Not at all.

Mr. STAGGERS. This we think is the best we can do under the circumstances. And as I said, I have introduced a bill to prohibit advertising.

Mr. GROSS. I will say to the gentleman from West Virginia that I am going to support this legislation, but having set the pace with cigarettes and the hazards that it may present to the health of an individual, I am surprised that this legislation does not contain some kind of a warning to consumers of alcohol that their health as well may be jeopardized.

Mr. STAGGERS. Mr. Chairman, I think in answer to the inquiry of the gentleman from Iowa that most people in America know the hazards to health and understand this, and there are those who say that, used in moderation, it is not that. I do not know. I am not a doctor, and I do not know whether the doctors even know. But we are talking about the abuse and what has already occurred in the country. We are trying to get at that in some way.

Mr. GROSS. I am well aware of the potentialities of damage to health by cigarettes also, but that has not prevented Congress from mandating a notice on each package of cigarettes that says "Warning: The Surgeon General has determined that cigarette smoking is dangerous to your health."

And we might well give consideration to supplementing this legislation next year, or as soon after Christmas as possible, with some kind of a warning on every bottle of liquor.

Mr. STAGGERS. If the Surgeon General tells us this we will put it on there.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, of course, I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, certainly I understand the gentleman's point, and we know that many labels are put on many products from our States in the South and south-central areas; they have been labeled, and I trust that there will be no effort to label others as being hazardous to one's health. It would be extremely hard on the industry in that area.

Mr. GROSS. I will say to the gentleman from Kentucky that I was opposed to sticking a warning label on every package of cigarettes because I think everyone of us who uses them are aware that they can be dangerous to health. I will smoke them just the same. It makes little difference how many warnings are put on packages of cigarettes or bottles of liquor. Those who want to smoke and perhaps take a small-sized drink will do so. But I do think it is unfair to brand one and not the other.

Mr. CARTER. The gentleman may be quite right in what he is saying, but I would regret to see everything that comes from my native State so labeled.

The CHAIRMAN. Are there any further amendments to the committee amendment? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MOORHEAD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 18874) to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism, pursuant to House Resolution 1301, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 3835) to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate bill.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> **Mr. STAGGERS of West Virginia moves to strike out all after the enacting clause of the bill (S. 3835) and insert in lieu thereof the provisions of the bill (H.R. 18874) as passed, as follows:**

SHORT TITLE

SECTION 1. This Act may be cited as the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970".

TITLE I—NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

ESTABLISHMENT OF THE INSTITUTE

SEC. 101. (a) There is established in the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism (hereafter in this Act referred to as the "Institute") to administer the programs and authorities assigned to the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary") by this Act and part C of the Community Mental Health Centers Act. The Secretary, acting through the Institute, shall, in carrying out the purposes of section 301 of the Public Health Service Act with respect to alcohol abuse and alcoholism, develop and conduct comprehensive health, education, training, research, and planning programs for the prevention and treatment of alcohol abuse and alcoholism and for the rehabilitation of alcohol abusers and alcoholics.

(b) The Institute shall be under the direction of a Director who shall be appointed by the Secretary.

REPORTS BY THE SECRETARY

SEC. 102. The Secretary shall—

(1) submit an annual report to Congress which shall include a description of the actions taken, services provided, and funds expended under this Act and part C of the Community Mental Health Centers Act, an evaluation of the effectiveness of such actions, services, and expenditures of funds, and such other information as the Secretary considers appropriate;

(2) submit to Congress on or before the expiration of the one-year period beginning on the date of enactment of this Act a report (A) containing current information on the health consequences of using alcoholic beverages, and (B) containing such recommendations for legislation and administrative action as he may deem appropriate;

(3) submit such additional reports as may be requested by the President of the United States or by Congress; and

(4) submit to the President of the United States and to Congress such recommendations as will further the prevention, treatment, and control of alcohol abuse and alcoholism.

TITLE II—ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION PROGRAMS FOR FEDERAL CIVILIAN EMPLOYEES

ALCOHOL ABUSE AND ALCOHOLISM AMONG FEDERAL CIVILIAN EMPLOYEES

SEC. 201. (a) The Civil Service Commission shall be responsible for developing and maintaining, in cooperation with the Secretary and with other Federal agencies and departments, appropriate prevention, treatment, and rehabilitation programs and services for alcohol abuse and alcoholism among Federal civilian employees, consistent with the purposes of this Act. Such policies and services shall make optimal use of existing governmental facilities, services, and skills.

(b) The Secretary, acting through the Institute, shall be responsible for fostering similar alcohol abuse and alcoholism prevention, treatment, and rehabilitation programs and services in State and local governments and in private industry.

(c) (1) No person may be denied or deprived of Federal civilian employment or a Federal professional or other license or right solely on the ground of prior alcohol abuse or prior alcoholism.

(2) This subsection shall not apply to employment (A) in the Central Intelligence Agency, the Federal Bureau of Investigation, the National Security Agency, or any other department or agency of the Federal Government designated for purposes of national security by the President, or (B) in any position in any department or agency of the Federal Government, not referred to in clause (A), which position is determined pursuant to regulations prescribed by the head of such agency or department to be a sensitive position.

(d) This title shall not be construed to prohibit the dismissal from employment of a Federal civilian employee who cannot properly function in his employment.

(e) (1) Section 7352 of title 5 of the United States Code is repealed.

(2) The table of sections of subchapter V of chapter 73 of such title is amended by striking out the item relating to such section 7352.

TITLE III—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

PART A—FORMULA GRANTS

AUTHORIZATION

SEC. 301. There are authorized to be appropriated $40,000,000 for the fiscal year ending June 30, 1971, $60,000,000 for the fiscal year ending June 30, 1972, $80,000,000 for the fiscal year ending June 30, 1973, for grants to States to assist them in planning, establishing, maintaining, coordinating, and evaluating projects for the development of more effective prevention, treatment, and rehabilitation programs to deal with alcohol abuse and alcoholism. For purposes of this part, the term "State" includes the District of Columbia, the Virginia Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in addition to the fifty States.

STATE ALLOTMENT

SEC. 302. (a) For each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated for such year pursuant to section 301 among the States on the basis of the relative population, financial need, and need for more effective prevention, treatment, and rehabilitation of alcohol abuse and alcoholism; except that no such allotment to any State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) for any fiscal year shall be less than $200,000.

(b) Any amount so allotted to a State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount, remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Secretary determines will remain unobligated by the close of such next fiscal year, may be reallotted by the Secretary, to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under subsection (a) to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such next two years, which the Secretary determines will remain unobligated at the close of the second of such next two years, may be reallotted by the Secretary, to be available for the purposes for which made until the close of the second of such next two years, to any other of such four States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the State for the same period.

(c) At the request of any State, a portion of any allotment or allotments of such State under this part shall be available to pay that portion of the expenditures found necessary by the Secretary for the proper and efficient administration during such year of the State plan approved under this part, except that not more than 10 per centum of the total of the allotments of such State for a year, or $50,000, whichever is the least, shall be available for such purpose for such year.

STATE PLANS

SEC. 303. (a) Any State desiring to participate in this part shall submit a State plan for carrying out its purposes. Such plan must—

(1) designate a single State agency as the sole agency for the administration of the plan, or designate such agency as the sole agency for supervising the administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter in this section referred to as the "State agency") will have authority to carry out such plan in conformity with this part;

(3) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of alcohol abuse and alcoholism, to consult with the State agency in carrying out the plan;

(4) set forth, in accordance with criteria established by the Secretary, a survey of need for the prevention and treatment of alcohol abuse and alcoholism, including a survey of the health facilities needed to provide service for alcohol abuse and alcoholism and a plan for the development and distribution of such facilities and programs throughout the State;

(5) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

(6) provide that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

(7) provide that the Comptroller General of the United States or his duly authorized representatives shall have access for the purpose of audit and examination to the records specified in paragraph (6);

(8) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary any modifications thereof which it considers necessary;

(9) provide reasonable assurance that Federal funds made available under this part

for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event supplant such State, local, and other non-Federal funds; and

(10) contain such additional information and assurance as the Secretary may find necessary to carry out the provisions and purposes of this part.

(b) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

Part B—Project Grants and Contracts

GRANTS AND CONTRACTS FOR THE PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM

SEC. 311. Section 247 of part C of the Community Mental Health Centers Act is amended to read as follows:

"GRANTS AND CONTRACTS FOR THE PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM

"SEC. 247. (a) The Secretary, acting through the National Institute on Alcohol Abuse and Alcoholism, may make grants to public and private nonprofit agencies, organizations, and institutions and may enter into contracts with public and private agencies, organizations, and institutions, and individuals—

"(1) to conduct demonstration, service, and evaluation projects,

"(2) to provide education and training,

"(3) to provide programs and services in cooperation with schools, courts, penal institutions, and other public agencies, and

"(4) to provide counseling and education activities on an individual or community basis,

for the prevention and treatment of alcohol abuse and alcoholism and for the rehabilitation of alcohol abusers and alcoholics.

"(b) Projects for which grants or contracts are made under this section shall, whenever possible, be community based, provide a comprehensive range of services, and be integrated with, and involve the active participation of, a wide range of public and nongovernmental agencies, organizations, institutions, and individuals.

"(c)(1) In administering the provisions of this section, the Secretary shall require coordination of all applications for programs in a State.

"(2) Each applicant from within a State, upon filing its application with the Secretary for a grant or contract under this section, shall submit a copy of its application for review by the State agency designated under section 303 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, if such agency exists. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the project to other projects pending and approved and to the State comprehensive plan for treatment and prevention of alcohol abuse and alcoholism under such section 303. The State shall furnish the applicant a copy of any such evaluation.

"(3) Approval of any application for a grant or contract by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria established by the Secretary that—

"(A) provide that the activities and services for which assistance under this section is sought will be substantially administered by or under the supervision of the applicant;

"(B) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

"(C) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant; and

"(D) provide reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this section, and will in no event supplant such State, local, and other non-Federal funds.

"(d) To carry out the purposes of this section, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1971, $40,000,000 for the fiscal year ending June 30, 1972, and $50,000,000 for the fiscal year ending June 30, 1973."

Part C—Admission to Hospitals

ADMISSION OF ALCOHOL ABUSERS AND ALCOHOLICS TO PRIVATE AND PUBLIC HOSPITALS

SEC. 321. (a) Alcohol abusers and alcoholics shall be admitted to and treated in private and public general hospitals, which receive Federal funds for alcoholic treatment programs, on the basis of medical need and shall not be discriminated against solely because of their alcoholism. No hospital that violates this section shall receive Federal financial assistance under the provisions of this Act; except that the Secretary shall not terminate any such Federal assistance until the Secretary has advised the appropriate person or persons of the failure to comply with this section, and has provided an opportunity for correction or a hearing.

(b) Any action taken by the Secretary pursuant to this section shall be subject to such judicial review as is provided by section 404 of the Community Mental Health Centers Act.

Part D—General

COMPREHENSIVE STATE HEALTH PLANS

SEC. 331. Section 314(d)(2) of the Public Health Service Act is amended—

(1) by striking out "and" at the end of subparagraph (J);

(2) by striking out the period at the end of subparagraph (K) and inserting in lieu thereof "; and"; and

(3) by adding after subparagraph (K) the following new subparagraph:

"(L) provide for services for the prevention and treatment of alcohol abuse and alcoholism, commensurate with the extent of the problem."

SPECIALIZED FACILITIES

SEC. 332. Section 243(a) of the Community Mental Health Centers Act is amended (1) by inserting "or leasing" after "construction", and (2) by inserting "facilities for emergency medical services, intermedite care services, or outpatient services, and" immediately before "post-hospitalization treatment facilities".

CONFIDENTIALITY OF RECORDS

SEC. 333. The Secretary may authorize persons engaged in research on, or treatment with respect to, alcohol abuse and alcoholism to protect the privacy of individuals who are the subject of such research or treatment by withholding from all persons not connected with the conduct of such research or treatment the names or other identifying characteristics of such individuals. Persons so authorized to protect the privacy of such individuals may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceeding to identify such individuals.

TITLE IV—THE NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

ESTABLISHMENT OF COUNCIL

SEC. 401. (a) Section 217(a) of the Public Health Service Act is amended—

(1) in the first sentence thereof, by inserting "the National Advisory Council on Alcohol Abuse and Alcoholism," immediately after "the National Advisory Mental Health Council,";

(2) in the second sentence thereof, by (A) inserting "the National Advisory Council on Alcohol Abuse and Alcoholism," immediately after "the National Advisory Mental Health Council,", and (B) inserting "alcohol abuse and alcoholism," immediately after "psychiatric disorders,"; and

(3) in the fourth sentence, (A) by inserting "(other than the members of the National Advisory Council on Alcohol Abuse and Alcoholism)" after "the terms of the members"; (B) by striking out "and" before "(2)"; and (C) by striking out the period at the end and inserting a semicolon and "and (3) the terms of the members of the National Council on Alcohol Abuse and Alcoholism first taking office after the date of enactment of this clause, shall expire as follows: Three shall expire four years after such date, three shall expire three years after such date, three shall expire two years after such date, and three shall expire one year after such date, as designated by the Secretary at the time of appointment."

(b) Section 217(b) of such Act is amended, in the second sentence thereof, by inserting "alcohol abuse and alcoholism," immediately after "mental health,".

(c) Section 217 of such Act is further amended by adding at the end thereof the following new subsection:

"(d) The National Advisory Council on Alcohol Abuse and Alcoholism shall advise, consult with, and make recommendations to, the Secretary on matters relating to the activities and functions of the Secretary in the field of alcohol abuse and alcoholism. The Council is authorized (1) to review research projects or programs submitted to or initiated by it in the field of alcohol abuse and alcoholism and recommend to the Secretary any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis and treatment of alcohol abuse and alcoholism, and (2) to collect information as to studies being carried on in the field of alcohol abuse and alcoholism and, with the approval of the Secretary, make available such information through appropriate publications for the benefit of health and welfare agencies or organizations (public or private) or physicians or any other scientists, and for the information of the general public. The Council is also authorized to recommend to the Secretary, for acceptance pursuant to section 501 of this Act, conditioned gifts for work in the field of alcohol abuse and alcoholism; and the Secretary shall recommend acceptance of any such gifts only after consultation with the Council."

APPROVAL BY COUNCIL OF CERTAIN GRANTS UNDER PART C OF COMMUNITY MENTAL HEALTH CENTERS ACT

SEC. 402. Section 266 of the Community Mental Health Centers Act is amended (1) by inserting "(other than part C thereof)" immediately after "this title", and (2) by adding immediately after the period the following: "Grants under part C of this title for such costs may be made only upon recommendation of the National Institute on Alcohol Abuse and Alcoholism established by such section."

TITLE V—GENERAL

SEC. 501. If any section, provision, or term of this Act is adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provision, or term of this Act, and the remaining sections, provisions, and terms shall be and remain in full force and effect.

Sec. 502. (a) Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the grants or contracts entered into under the provisions of this Act under other than competitive bidding procedures.

Sec. 503. Payments under this Act may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The similar House bill (H.R. 18874) was laid on the table.

EMERGENCY HEALTH PERSONNEL ACT OF 1970

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1302 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1302

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19860) to amend the Public Health Service Act to authorize the assignment of commissioned officers of the Public Health Service to areas with critical medical manpower shortages, to encourage health personnel to practice in areas where shortages of such personnel exist, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith), pending which I yield myself such time as I may consume.

The SPEAKER. The gentleman from California is recognized.

Mr. SISK. Mr. Speaker, House Resolution 1302 provides an open rule with 2 hours of general debate for consideration of H.R. 19860, Emergency Health Personnel Act of 1970. The resolution also provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment.

The purpose of H.R. 19860 is to provide for the use of commissioned officers of the Public Health Service to provide health services to persons living in communities and areas of the United States where health personnel and services are inadequate.

After receiving a request from a State or local health agency and certification by State and district medical societies for an area that health personnel are needed, the Secretary of Health, Education, and Welfare determines which communities or areas may receive assistance.

Persons receiving services through this program shall be charged at rates prescribed by the Secretary. If payment for services is authorized under medicare or medicaid, or through insurance programs, the Secretary is required to collect from such program. Amounts paid for services rendered under the legislation will be deposited in the U.S. Treasury.

A National Advisory Council on Health Manpower Shortage Areas is established, consisting of 15 members, to consult with and make recommendations to the Secretary.

The sum of $10 million is authorized for fiscal year 1971, $20 million for fiscal year 1972, and $30 million for fiscal year 1973.

Mr. Speaker, I urge the adoption of the rule in order that H.R. 19860 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, again in the interest of trying to save time so we can get home by Christmas, I will not make any additional statement repeating what the gentleman from California (Mr. Sisk) has said.

The purpose of the bill is to authorize the use by commissioned officers of the U.S. Public Health Service to provide health services to persons living in areas of the United States where either health personnel or services, or both, are inadequate.

In the United States today, we are suffering from a shortage of health personnel. While the ratio of physicians to population has remained steady since 1940 more and more doctors have turned to specialization; thus the number of doctors in general practice has greatly decreased—from 90 for every 100,000 in 1940 to a ratio of 31 per 100,000 in 1967. Particularly in rural areas is the shortage acute. Because the number of general practitioners continues to decline, these same rural areas will continue to suffer the greatest problems from a shortage of doctors, as the specialists naturally tend to practice in urban areas.

The bill seeks to alleviate this shortage somewhat by authorizing Public Health Service officers to provide needed health services in areas facing a doctors shortage. The Secretary of Health, Education, and Welfare will determine those areas which qualify for such assistance based upon his own evaluation and the recommendations of a State's dental and medical health associations.

When an area has been designated for assistance, the Secretary may assign public health officials if he receives a request for such services from the State or local health authority and he receives a certification that such assistance is needed, given by the State and district medical—or dental—societies.

Persons receiving assistance will be charged rates set by the Secretary.

Authorizations contained in the bill total $60,000,000 and are as follows: $10,000,000 for fiscal 1971, $20,000,000 for 1972, and $30,000,000 for fiscal 1973.

There are no minority views. The administration urges deferral on the bill until it has completed its study of all public health programs.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19860) to amend the Public Health Service Act to authorize the assignment of commissioned officers of the Public Health Service to areas with critical medical manpower shortages, to encourage health personnel to practice in areas where shortages of such personnel exist, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 19860, with Mr. Boland in the chair.

The Cleark read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. Staggers) will be recognized for 1 hour, and the gentleman from Kentucky (Mr. Carter) will be recognized for 1 hour.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill has the title, "The Emergency Health Personnel Act of 1970." It is intended to provide physicians, dentists, and other health personnel, to provide health services in areas of the United States where there is a critical shortage of health manpower. This would be accomplished through assignment of commissioned officers and other personnel of the Public Health Service to those areas to provide needed services.

The bill would authorize appropriations of $60 million over a 3-year period to provide for payment of the costs of the program under which commissioned officers and other personnel of the Public Health Service would be assigned to provide medical services in areas of the United States which are critically short of health manpower.

The United States is today suffering from a shortage of physicians and other health manpower, which means that in many areas of the United States no doctors are available; or, if doctors are available, there are too few of them.

The distribution of physicians in the United States is quite uneven, so that shortage is much more acute in some areas than in others. This bill provides that the Secretary of Health, Education, and Welfare will determine which areas of the United States are suffering from critical shortages of health personnel, and then if a proper request is made by the appropriate authority of that area, personnel of the Public Health Service may be assigned to provide health services in that area.

In order for the Secretary to have authority to assign personnel to an area, he must first receive a request from a State or local health agency or a public or nonprofit private health organization in that area for the assignment of health personnel. The Secretary must also receive a certification from the State medical society, and from the district medical society covering that area, as well as from the local government, that such health personnel are needed in the area.

The bill provides that a charge will be made for services, based upon the costs to the United States of providing those services with provision for services being provided to persons who cannot pay therefor, and for recovery of costs from insurance carriers or other Government programs such as medicare and medicaid.

A similar bill, S. 4106, has passed the Senate, and we think this bill would be particularly helpful as a means of providing health services to people in areas of the United States where there are no doctors available.

Our Subcommittee on Public Health and Welfare held hearings on this legislation, and revised it in a number of respects to meet objections made to it. As was pointed out by the Surgeon General in his testimony, the appropriations authorizations contained in the bill are at a low enough level where it is apparent that the bill authorizes pilot projects and demonstrations. In my opinion we ought to pass the bill, as an experiment to determine if this approach is a desirable one for furnishing health services in areas which are critically short of health manpower.

Mr. CARTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the principal purpose of this bill is to provide medical assistance in areas of critical need by use of the Public Health Service.

The authorization the first year will be for $10 million; and for 1972, it will be $20 million; and for 1973, it will be $30 million.

While the ratio of physicians to population has remained constant between 1950 and 1963, the ones in private practice have declined from 109 per 100,000 to 97 per 100,000. General practitioners declined from 90 per 100,000 in 1940 to only 31 per 100,000 in 1967.

While the above shows a national picture, consider that in 1963 there were 181 physicians per 100,000 in large metropolitan areas as contrasted with 50 per 100,000 in isolated rural areas.

The Secretary of Health, Education, and Welfare in this will determine who can receive assistance. The Secretary must consider the following:

First, need of the area for health services;

Second, willingness of the community to assist and cooperate with the service—and that includes the State and district medical societies, and they must ask for it;

Third, recommendations of any comprehensive, areawide planning group covering the area; and

Fourth, recommendations of the State medical, dental, or other health associations, and from other medical personnel of the community or area.

This bill does not include financial inducements found in other bills which would encourage recently graduated medical students to serve in these areas.

The administration has not responded to the request for opinions. However, it is felt they may well favor this.

It is my feeling that this will provide services, and will provide young people, young commissioned officers of the Public Health Service who will go into the ghetto areas where they are needed, and who will go into the rural areas where there are very few physicians. The need in these areas is great. Certainly I think this will help give medical assistance where it is most needed, and I strongly recommend passage of this bill.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, the chairman of the committee will recall I testified before the subcommittee in favor of this bill. I think it is potentially an enormously useful bill, but I was a little disturbed in some of the amendments that have been made in the committee and also in the committee report at the degree of emphasis that appears now to be in the bill on the subject of rural areas.

I would like to ask the chairman of the committee this question. Is it still the intention of the committee that this bill would apply in urban areas as well as rural areas where there is a shortage of medical personnel?

Mr. STAGGERS. Yes, indeed. That is the intent of the bill—completely. I can assure the gentleman from New York of that.

Mr. BINGHAM. I thank the chairman. I would like to comment that in my district in New York City and in parts of our other great cities we do have extraordinary shortages of medical personnel, particularly general practitioners.

They are almost disappearing in some areas. I am glad to have the reassurance that it is the purpose of the committee that this program be available under the conditions laid down to go into urban areas.

Mr. STAGGERS. I thank the gentleman.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am happy to yield such time as he may consume to the gentleman from Florida, a member of the committee.

Mr. ROGERS of Florida. Mr. Chairman, I rise in support of H.R. 19860, a bill to amend the Public Health Service Act to authorize the assignment of commissioned officers of the Public Health Service to areas of our Nation with critical health manpower shortages.

We all know that there is a critical shortage in health manpower throughout the Nation. It has been estimated that this shortage amounts to approximately 50,000 physicians, 20,000 dentists, 200,000 nurses, and thousands of other health professionals and paramedical personnel.

This manpower shortage is extremely severe in isolated rural areas and in urban poverty areas. Doctors, nurses, and other health professionals are gravitating toward the urban areas, leaving a void in health care delivery in the rural areas. Another very serious factor is the steady decline in the number of general practitioners available to serve rural or urban poverty areas.

H.R. 19860 provides for the establishment of an identifiable administrative unit within the Public Health Service to administer a program to improve the delivery of health services in health shortage areas. This program would not deal with the overall problem of decreasing the shortage of health personnel in the United States. Rather, this legislation is directed at attempting to alleviate the acute problems in health care delivery arising in health manpower shortage areas. There is a substantial number of counties which do not have even one doctor in residence to provide services to the people.

A State or local health agency or other public or nonprofit private health organization in a critical health manpower shortage area, so designated by the Secretary of Health, Education, and Welfare, may request the Public Health Service to assign health personnel to that area to provide health care and services under the provisions of this bill. Before the Secretary may send health personnel into any area, the State and district medical societies, or dental or other health societies, would be required to certify that such an area has a shortage of doctors, dentists, nurses, or any other types of health personnel represented by such societies. Such certification as to substantiate a health manpower shortage would also be required from the community or communities directly affected by the proposed program.

The Secretary, in cooperation with the State and local governmental agencies, the State medical, dental, and other associations, and the other medical or governmental personnel of the community or area considered for assistance, shall provide health care services through the Public Health Service. Any person receiving health care would be charged to the extent practicable for such service at a rate established by the Secretary, pursuant to regulations, to recover the reasonable cost of providing such service. If a person receiving assistance is determined under regulations of the Secretary to be unable to pay the established fee, then the Secretary may provide for the furnishing of such service at a reduced rate, without charge, or under other governmental programs such as medicaid and medicare established for that purpose.

This legislation also provides that the Secretary shall, to the extent feasible, utilize the health facilities existing in the area to be served or to otherwise arrange for the use of the nearest health facilities, or lease or otherwise provide facilities in the area.

The bill also provides for the establishment of the National Advisory Council on Health Manpower Shortage Areas, which will be composed of 15 members representing the public consumers of health care, medical, dental and other health professions, State health agencies, Public Health Service, and the National Advisory Councils on Comprehensive Health Planning and Regional Medical Programs. The Council shall consult with, advise, and make recommendations to the Secretary in carrying out this important program.

It shall be the function of the Secretary under the provisions of subsection (f) of section 329 of the Public Health Service Act to establish guidelines with respect to how the service will be utilized in the designated need areas. It is the intent of the Subcommittee on Public Health of the Interstate and Foreign Commerce Committee that the Secretary provide in such guidelines for the establishment of residency training programs and residency accreditation for students who have graduated from medical schools, while these students are participating in the Public Health Service program established pursuant to this legislation. I believe that this provision will offer a tremendous incentive to medical school graduates to participate in this program upon graduation.

Since this is a new and innovative program, the committee decided that a modest 3-year program first be implemented in order to evaluate its potential in solving the problem of health care delivery in rural and other health manpower shortage areas. The committee is authorizing in this bill, $10 million for fiscal 1971, $20 million for fiscal 1972, and $30 million for fiscal 1973.

I am urging the administration to wholeheartedly proceed with this vital program immediately upon its enactment. We cannot ignore the state of health care delivery and shortage of health services in any areas in our Nation. I urge my colleagues to join with me in helping to meet this need by supporting the Emergency Health Personnel Act of 1970.

Mr. Chairman, I have received information from reliable sources that while the Nation is in the midst of a health crisis, the administration is considering closing eight public health hospitals and 30 clinics.

The facilities under consideration are located in 32 States and the District of Columbia and last year administered to more than 535,000 patients for a total of 1,700,000 visits. The hospitals have a bed total of more than 2500, and logged 37,000 admissions last year.

The Department of Health, Education, and Welfare made the recommendation to the President and it was originally scheduled to be announced Thursday, but has been delayed. I have wired the President asking him not to close the facilities.

At a time when this Nation is in a desperate health crisis I find it unbelievable that the administration would add to the problem by closing health facilities. We need more facilities and more health personnel, not less.

We should be opening these hospitals to more people, not burdening other facilities with the patients in these public health hospitals who would be transferred. The VA hospitals would have a problem absorbing these patients and it would cost us millions to contract them to other public and private hospitals.

The public health facilities are treating mostly merchant seamen, Coast Guardsmen. None of the public health Indian facilities were mentioned on the close list.

There might in fact be less need for these facilities because of the limited definition of patients admissible for these facilities, but we should expand the use of these facilities instead of closing them.

I hope that the House will pass the Emergency Health Personnel Act today because it is a logical extension of the public health facilities and personnel which are involved in the shutdown.

This bill would encourage the expansion of the Public Health Service so that the Secretary of Health, Education, and Welfare could assign medical personnel into areas where there is limited or no facilities or manpower. We should use these eight hospitals and 30 clinics and help these cities and the people who need health treatment in these areas.

I have no information as to the status of the narcotics centers in Lexington, Ky., and Fort Worth, Tex., but I would hope these would not be affected.

Those hospitals on the list are, along with beds, San Francisco, 366; New Orleans, 403; Baltimore, 238; Boston, 190; Staten Island, 636; Galveston, 160; Norfolk, 210; and Seattle, 281.

The clinics are: Mobile, Ala.; San Diego, San Pedro, Calif.; Jacksonville, Miami, Tampa, Fla.; Atlanta, Savannah, Ga.; Honolulu, Hawaii; Chicago, Ill.; Portland, Maine; Detroit, Mich.; St. Louis, Mo.; Buffalo, New York City, N.Y.; Cincinnati, Cleveland, Ohio; Portland, Oreg.; Philadelphia, Pittsburgh, Pa.; San Juan, P.R.; Charleston, S.C.; Memphis, Tenn.; Houston, Port Arthur, Tex.; and Washington, D.C.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding.

I have studied the bill and the committee report in detail. I believe I have heard every word spoken in favor of the bill by its proponents here today.

I am conscious of all those who support the bill, and through the years have been not only conscious of but also intimately associated with the needs of the Nation, whether they be in the civilian or military area, for the services of the critically scarce and highly trained personnel such as physicians and their ancillary aides in giving and maintaining quality care to the people.

I believe the report is very forthright, and I complement the committee on it. It states that the proportion of physicians is generally the same in this great United States of America of ours as it was after World War II. This is true, although there is, of course, a constant question of where the specialist vis-a-vis the general practitioner may decide to practice, whether it be in his workshop or another area.

At the same time, concomitantly, there is also a question of whether or not in the town of No Go, Mo., one may not get better medical care by getting in a modern car, with a telephone call ahead, with modern communications, and on a modern interstate highway going to a nearby hospital, as compared to the old-time doctors, when there were five in No Go, Mo., who could of course have hitched up their horses and gone to the bedside.

Outside of all that, there are a few questions I believe ought to be answered about this bill.

First. Where is the U.S. Public Health Service going to get these young general practitioners they are going to assign to the lesser advantaged areas of the metropolis or to the rural area?

Mr. ROGERS of Florida. If the gentleman will permit, I will say I know he is one of the most expert Members of the House in this whole field, and we have appreciated his advice to the committee all through the years.

I believe they are going to find these young doctors mainly will be attracted as they come out of school. We had a great deal of testimony from the organization that represents these young doctors, some 20,000 of them, and they do want to get into serving the general public, with the general delivery of services, family practice and community practice.

I was impressed by some of the testimony that it is beginning in the junior, sophomore, and freshman years, that as many as 80 percent in the classes now have indicated they want to go into this type of practice. This gives them an out.

To the other point the gentleman made about the community, I am sure this is true. It may be better just to drive a car to a close community, if it is close enough and so forth.

This would be controlled in the medical association, which must give approval. I believe we have to put in all the safeguards for really trying to do a competent job, and there is a critical area with respect to which everyone agrees, the community, and the medical people say this should be done.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, I appreciate his statement and I appreciate the safeguards that the committee has written in here as to who will decide about what is a critical area and so forth. However, in that connection I do want to point out that the business of medicine itself has done a pretty good job of increasing its annual output of physicians and ancillary aides. The number of medical schools has gone from 64 to 113 since 1949 to my knowledge. The annual increment of graduates has gone up from around less than 7,000 to over 13,000 per annum. That is why the ratio is still generally, as stated in the committee report, overall one physician for less than every 1,100 citizens in the United States in spite of our population explosion.

Now, insofar as the source of personnel is concerned, I am glad to hear the testimony of the gentleman that more and more young people, even in their junior and senior years, will be interested in participating, but there is nothing in the world to keep them participating as private practitioners in private practice. I received the award of the year, although I am a specialized specialist in surgery, in family practice in Missouri, and I am very proud of that. As the gentleman knows, I aided and abetted him in his bill to provide more family physicians which went through earlier this year. Your report forthrightly said that there are other bills and that this is minimum additional funding for that purpose. Are these people going to receive constructive military credit for service in these courses when so assigned? Let us get to the nub of the problem.

Mr. ROGERS of Florida. Yes; as is the present law. If they sign up presently in the Public Health Service for 2 years, they get credit. So we are not changing this at all. Only if the military does not need them.

Mr. HALL. Is that written into this bill in any proviso?

Mr. ROGERS of Florida. No. We do not change it at all. We have not touched the present law. This bill does not touch it at all.

Mr. HALL. I am sure the chairman and the distinguished gentleman from Florida know constructive military credit has been removed from the U.S. Public Health Service officers who were given certain assignments heretofore and maybe 2, 3, or 4 years ago, and I have forgotten the exact time. That was removed as far as providing draft deferment was concerned and so forth.

Mr. ROGERS of Florida. That is true. We do not touch on that at all.

Mr. HALL. One final question, Mr. Chairman, or two other questions, if the gentleman will permit and indulge me.

Mr. ROGERS of Florida. Certainly.

Mr. HALL. No. 1, there is considerable statement in the report about the testimony of the Surgeon General of the United States. You know, we have many surgeons general. The surgeons general of the armed services. However, the law itself and the statutes we have enacted say that the Surgeon General of the U.S. Public Health Service is the Surgeon General of the United States. I am not sure whether he is going to assign his own professional commissioned Officer Corps to these duties or whether the Secretary of Health, Education, and Welfare and maybe some social worker and adviser to the Secretary or an assistant in charge of what-you-may-call-it or someone else who never knew a doctor or had a treatment and so forth was going to assign the personnel. What is the committee's thinking on it?

Mr. ROGERS of Florida. It ought to be done by the Surgeon General. It is the intent that it must be done by the administrative unit in the Public Health Service. We tied it down.

Mr. HALL. I appreciate that, and it is a good legislative record to have in this enactment.

I notice on page 3 of the report a paragraph headed "Revitalization of the U.S. Public Health Service." Mr. Chairman, for the benefit of those who are here, the commissioned officer corps of the U.S. Public Health Service—and this is one of the principal reasons why I was concerned about the procurement of trained physicians, a rare and scarce category of personnel who have only their training to sell and for the most part have paid for it and endured the rigors of training for 13 or 14 years in order to obtain it—has been going downhill. In fact, I appeared before the distinguished gentleman's committee as long as 4 years ago and predicted then that unless something was done the commissioned officer corps of the U.S. Public Health Service was then under a Surgeon General who would preside over its demise.

This has become a fact as surely as one wants to track the points of deterioration, and it is still going on.

Does the distinguished gentleman know, for example, that today on the desk of the Commander in Chief, the President of the United States, is an order from the Secretary of Health, Education, and Welfare to close five additional HEW and U.S. Public Health Service hospitals that are in being and are used for many purposes, including the men of the U.S. merchant marine and others, and there are only eight remaining, if this is signed into law and five will be closed with the stroke of a pen, including between 54 and 72 outpatient clinics?

I ask the gentleman from Florida (Mr. ROGERS), the chairman of the full committee, the gentleman from West Virginia (Mr. STAGGERS), and the Committee of the Whole House on the State of the Union wherein does it avail us to appropriate additional funds and call up additional personnel on the one hand and close down institutions and preside over the demise of institutions that are now engaged in quarantine work, engaged in international research, on immunology, and all of these other things, and so forth. In other words, on the one hand we are closing them down and on the other hand we are asking for these increases. It just does not make logic and sense.

Mr. ROGERS of Florida. I agree with the gentleman from Missouri. I have wired the President and have asked him not to permit this to happen and I am sure the gentleman from Missouri has probably done the same. I think you will find that this committee will go into this problem in depth at the earliest opportunity.

Mr. HALL. I have done more than that, I will say to the gentleman from Florida. I have tried to call the President, but I cannot get to him. However, I hope the gentleman or the chairman of the committee can get to him, because it is a sad state when the physician at the White House is used only to take care of sniffles when the President can call upon the Assistant Secretary of Health, Education, and Welfare, the Assistant Secretary of Defense for Health and Environment or others on matters of policy pertaining to such things that would allow them to close down as they already have in Memphis and many other fine public service hospitals while we in the Congress are appropriating more and more funds for brick and mortar and staffing and personnel on the one hand to build up care in the other areas.

I think the gentleman has a good bill and I shall support it as it is written. However, I hope we will get off the stick of this paradox and begin to exercise some responsible legislative oversight.

Mr. ROGERS of Florida. I share the gentleman's feelings and I am sure the committee will take action accordingly.

Mr. HALL. I thank the gentleman.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask a question with reference to the language in the bill in order to clarify my thinking and perhaps help me in the preparation of an amendment at the appropriate time.

On page 6 at the bottom thereof, section 329, subsection (b) there is the following language:

> Upon request of a State or local health agency or other public or nonprofit private health organization, in an area designated by the Secretary as an area with a critical health manpower shortage, to have health personnel of the Service assigned to such area, and upon certification to the Secretary by the State and the district medical societies——

My question of the gentleman is this: What is a nonprofit private health organization? Is that one of these ad hoc groups that can be put together by any group of interested citizens to look after their concerns about the public health or whatever it is?

Well, does that refer to any defineable designated agency? Because it seems to me if it does apply to ad hoc groups that can throw themselves together to express their concern about the medical situation in any broad community, that it may be made up of people who have no particular knowledge or expertise in medical and health problems, and services, and certainly need the health service personnel, from the way they work, and it may be self-defeating.

Mr. ROGERS of Florida. I share the concern of the gentleman that it just would not be a temporary group gotten together. I think we would have to have it established as being a nonprofit private health organization that has had concern, that is an on-going organization. But also I may point out to the gentleman that this nonprofit group—it would have to be certified, I would agree, but it would have to also have the approval, as the gentleman knows, not only of the community and the governmental bodies there, but it would also have to have the approval of the medical societies, the dental societies. So even if anybody asked for it, I do not care if they are just—although this is not so, even if not, you know, it is fully protected. But this would have to be a medical group, I would anticipate, a nonprofit private health organization such as a hospital group, or a clinic group, or something like that, that would have knowledge.

Mr. BROWN of Ohio. What about the OEO CAP Council, for instance?

Mr. ROGERS of Florida. Well, I would agree they could ask.

Mr. BROWN of Ohio. That is my question. In other words, from whom would you permit this request? It could come from just anybody, any sort of a little group that says that the health service on Capitol Hill is not sufficient, and not enough.

Mr. ROGERS of Florida. No; it could not be, but if it is an established group that is an on-going group, and it is knowledgeable in the field, then they would be qualified to request. But you have the protection where the request has to be joined in by all of the other groups, it is not a single request by this group that would bring it about.

Mr. BROWN of Ohio. Would the gentleman have any objection to eliminating the word "nonprofit"?

Mr. ROGERS of Florida. I think it would be an error to do so, because the intent is clear. We have every safeguard required in it.

I might yield for a moment to the gentleman from Kentucky who was very specific about this perfection, and I would yield to the gentleman from Kentucky to comment on it.

Mr. CARTER. Mr. Chairman, I thank the gentleman for yielding, and if you will read further down in the paragraph, it goes on to say:

> And upon certification to the Secretary by the State and the district medical societies (or dental societies, as the case may be) for that area, and by the local government for that area. . . .

All of these are necessary before such an organization which the gentleman mentions can receive this assistance.

But actually, when we get down to it, why should not a nonprofit private organization receive the help if it is properly certificated?

Mr. BROWN of Ohio. Another question in further clarification, if the gentleman will yield further:

Do I understand the procedures, then, that the organizations indicated on line 25 on page 6, and line 1 on page 7, first make their request to the local units, general local units of government, and to the local medical and dental societies before the administration at the Federal level is involved in the redtape and paper work? Or do they make their request directly to the Department of Health, Education, and Welfare or Secretary of Health, Education, and Welfare, and we get into all of the redtape and paper work before they check with the local medical and dental societies and the general units of local government?

Mr. ROGERS of Florida. I presume they would ask that their local groups be coordinated first. I think this would be in the prerogative of the Secretary to try to set up the exact procedure, this I think would be the logical way, and I am sure that is what will be done, otherwise there is no reason in making a request unless you have agreement within the area.

Mr. CARTER. Mr. Chairman, if the gentleman will yield further, the first thing is this area must be designated as one which needs the physician or health services by the Secretary, then the group applies and it must be certified.

Mr. BROWN of Ohio. If the gentleman will yield further, I am sure the gentleman knows very well how these things work when all you have to do is get some nonprofit local group together to make a request on the Federal Government, to hawk up some sort of group like that, and the request is made, then the Federal Government comes in like the U.S. Marines, or the Cavalry, to save a bad situation which may or may not be realistic.

My concern is whether or not the general units of the local government, the local and medical dental societies are brought into the issue for expert judgment first before starting involving the Federal Government into the question.

Mr. CARTER. I am quite sure, I must say to the distinguished gentleman, he is fighting dangers that do not exist.

Mr. BROWN of Ohio. Good.

Mr. CARTER. Those dangers are not there and certainly private nonprofit organizations, as may exist, can ask for this relief when they are in an area designated as needing health care. Of course, it must have approval after that.

I can see nothing bad coming out of this such as the distinguished gentleman envisions. All I can see is that we are making this bill to help people in the ghetto areas and the rural areas of America.

It is a good bill and I am for it. I urge support for it.

Mr. BINGHAM. Mr. Chairman, I wish to express my support for the Emergency Health Personnel Act of 1970. This bill reflects much of the substance of my bill, H.R. 19659, the National Health Service Corps Act of 1970 and provides a means for meeting the health needs of communities where doctors, dentists, and other health personnel and services are generally unavailable.

The fact that doctors and other health professionals are not attracted to areas of urban and rural poverty is a fact of life which hardly needs documentation. Yet in considering the need for health care, urban areas are often overlooked since almost all major cities do have established hospitals and often medical centers along with them. Unfortunately, the large number of people these facilities have to serve often means that there are large groups of people within the cities who, for all practical purposes, are not served by the facilities which do exist.

This legislation, by expanding the Public Health Service beyond its important but presently limited role, would bring much needed health care to impoverished urban as well as rural communities. Under present law, the Service can only provide direct health care to American Indians, merchant seamen, the Coast Guard, and Federal prisoners. With today's recognition that Federal assistance is needed to break the symbiotic relationship that exists between poverty, ignorance, and disease, it is entirely fitting that the Public Health Service be expanded to embrace this new recognition of the need and the Federal responsibility to meet it.

Mr. Chairman, while I support this bill, I do have reservations about two changes which the Subcommittee on Public Health and Welfare has made. First, the bill before us states that the Secretary of Health, Education, and Welfare, in determining which communities or areas may receive assistance under this bill, shall take into consideration the recommendations of State and local medical associations and personnel. But the bill also gives a veto power to State and local medical societies and to local governments over the use of Public Health Service personnel in their communities. I certainly agree that the views of local medical and governmental officials should be given serious consideration by the Secretary, as the bill provides, but I believe that to give such people an absolute veto over this program could unnecessarily hinder the delivery of health care to people who sorely need the benefits of this bill. I therefore intend to offer an amendment at the appropriate time to delete this veto power from the bill.

Second, the purpose of this bill is to provide health services to areas where such services are presently inadequate or totally unavailable. Since the shortage of physicians in the country is great, and since the scope of this legislation is limited, my bill specified that priority would be given to those areas of the United States where poverty conditions exist and where health facilities are inadequate. My bill would have authorized the Secretary to utilize Public Health Service personnel to provide needed services without charge, except in the case where the Secretary had to establish a mechanism for providing health care requiring the establishment of programs not otherwise authorized by law. Only in such a case would the Secretary be authorized to charge for the services.

The present bill, on the other hand, does not specify that poverty areas should be given priority and does require that any person who receives a service under this act shall be charged for the service. The bill does specify that the

Secretary may provide for the furnishing of such service at a reduced rate or without charge if a person is unable to pay the usual charge.

I am concerned, however, that this change does not place the needed emphasis on the fact that poverty areas should receive first priority for programs under this act. Furthermore, the fact that the recipients will, whenever possible, be charged the full cost of providing services to them is actually an incentive to set up programs in communities where the Public Health Service will be able to recover its costs. I want to make clear my assumption that the Public Health Service will not succumb to this temptation but will establish its programs in areas where the need is greatest, recognizing that this cost recovery provision is primarily a means of assuring that persons who can afford to pay for all or part of the services rendered will do so. It is my belief that if the programs are set up in the areas of greatest need, there will be few such people.

Finally, Mr. Chairman, let me raise one final point. It is not fair that doctors, who have been able to obtain a complete medical education, are able to serve in the Public Health Service as a means of fulfilling their military obligation while male nurses, technicians, and other paramedical personnel do not have this alternative available to them. The crisis in the availability of medical care will not be solved without the services of these paramedical professionals and I believe that everything possible should be done to encourage young people to enter this important field.

If this legislation is enacted into law, as I hope it will be, I will introduce, in the new Congress, legislation to amend the Selective Service law to give paramedical personnel in the Public Health Service the same alternative, vis-a-vis the draft, as is now accorded to doctors. I might also mention that the principle that a young man should be able to choose civilian service in lieu of military service is something I have sought for all young men. The details of my proposal are embodied in the National Service Act of 1970—H.R. 18025—which I also plan to reintroduce in the new Congress.

Mr. ADAMS. Mr. Chairman, concern has been expressed regarding the need to have some control on the Secretary of Health, Education, and Welfare being able to assign members of the commissioned officers corps to areas designated as medical need areas.

The committee, in order to prevent a wide scale assignment of public health personnel to deprived areas has undertaken to insert an amendment on the Senate bill and the subcommittee bill which would provide a built-in check system.

Their amendment would require that before the Secretary could send in any public health personnel to a critical need area there would have to be a certification of the need for such personnel by the State and district medical society and the local government.

While this protective certification process may indeed be a necessary thing, concern has been raised by a number of groups representing associations who have members serving in the commissioned corps that the State and district medical society would have the power to certify the need of a nurse, osteopathic physician, pharmacist, veterinarian, optometrist, or sanitary engineer to name a few.

These groups feel that when the Secretary or appropriate State agency or other persons makes a request that they have an area of critical health manpower shortages, that in many cases the shortage may not necessarily be one requiring a medical doctor, and therefore if it should require the certification of the appropriate health association involved.

The committee amendment did make reference that certification to the Secretary would also be by the dental societies, as the case may be which indicates that there is a realization that the dental society would certify the need for dentists from the Public Health Service Corps and not the medical society.

The same should be true regarding the use of public health officers who are nurses, osteopathic physicians, pharmacists, veterinarians, or optometrists. Their local society should have some input into the determination of members from their professions who may or may not be needed.

Therefore, Mr. Chairman, I ask that the following amendment be considered: That section 329(b) of the bill be amended as follows:

On line 17 after the words "dental societies," and before the word "as" the words "or other appropriate health societies" be inserted.

Thus Mr. Chairman, the safeguard control the committee included would be left intact but the concern of those other health professionals who provide a fine service as commissioned officers of the Public Health Service would also be protected.

Mr. MINISH. Mr. Chairman, I rise in support of the Emergency Health Personnel Act of 1970. I support this legislation because its intent is most commendable. The bill proposes that commissioned officers of the Public Health Service be utilized in communities where health personnel and services are inadequate.

There is certainly a noticeable shortage of physicians and other health manpower. The distribution is so uneven, moreover, that in 1963, the total number of physicians in private practice varied from 59 per 100,000 to 183 per 100,000.

To deal with this very problem, I earlier sponsored H.R. 19036, the Community Health Act. This legislation would relieve the shortage of physicians and other health personnel in small communities and other medically deprived areas. The measure that I sponsored would accomplish its purpose by repaying in full the educational debt of any physician, dentist, optometrist or other critically needed health specialist signing a contract to practice for 3 years in a medically deprived area. Such a measure would have a dual purpose; it would provide the needed manpower to deprived communities, in addition to helping health manpower afford training.

There is no question about the shortage of doctors and dentists in America, as well as others in allied health fields. We know, too, how impossibly expensive medical training prevents many worthy individuals from obtaining the medical education they could utilize to the benefit of the public.

While I applaud the purpose of the bill under consideration, I must add that its program requires much supplementing. The Congress should recognize the need for additional legislative action in addition to the Emergency Health Personnel Act of 1970 in order to provide citizens with the health care to which they are entitled.

Mr. SCHMITZ. Mr. Chairman, I am strongly opposed to H.R. 19860, the Emergency Health Personnel Act, and urge that it be wholly rejected by the House. The purpose of this bill is frankly and clearly stated on the first page of the committee report:

> The principal purpose of the bill is to provide for the use of commissioned officers of the Public Health Service to provide health services to persons living in communities and areas of the United States where health personnel and services are inadequate.

Yet the full significance of this has not yet been brought out in our debate.

The Public Health Service was never intended to provide personal medical services in competition with private physicians—whether or not some bureaucrat thinks that their services in a given area are "inadequate." The Public Health Service is supposed to deal in public health, not private care—in disease prevention and in research and development, not in the treatment of patients. To bring the Public Health Service into direct medical care is to take another long step toward socialized medicine—the last thing we need, considering the rate at which we are already plunging into it. Enthusiasts for programs of this kind should be reminded over and over again that socialized medicine has been a colossal failure in every country that has tried it—and, to their sorrow, there have been many. We can still block it in the United States. The defeat of this bill would be a good place to start.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

Mr. CARTER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, pursuant to the rule the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Health Personnel Act of 1970".

SEC. 2. Part C of title III of the Public Health Service Act is amended by adding after section 328 the following new section:

"ASSIGNMENT OF MEDICAL AND OTHER HEALTH PERSONNEL TO CRITICAL NEED AREAS

"SEC. 329. (a) It shall be the function of an identifiable administrative unit within the Service to improve the delivery of health services to persons living in communities and areas of the United States where health personnel and services are inadequate to meet the health needs of the residents of such communities and areas.

"(b) Upon request of a State or local health agency or other public or nonprofit health organization, in an area designated by the Secretary as an area with a critical health manpower shortage, to have health personnel of the Service assigned to such area, and upon certification to the Secretary by the State and the district medical societies (or dental societies, as the case may be) for that area, and by the local government for that area, that such health personnel are needed for that area, the Secretary is authorized, whenever he deems such action appropriate, to assign commisioned officers and other personnel of the Service to provide, under regulations prescribed by the Secretary, health care and services for persons residing in such areas. Such care and services shall be provided in connection with (1) direct health care programs carried out by the Service; (2) any direct health care programs carried out in whole or in part with Federal financial assistance; or (3) any other health care activity which is in furtherance of the purposes of this section. Any person who receives a service provided under this section shall be charged for such service at a rate established by the Secretary, pursuant to regulations, to recover the reasonable cost of providing such service; except that if such person is determined under regulatioins of the Secretary to be unable to pay such charge, the Secretary may provide for the furnishing of such service at a reduced rate or without charge. If a Federal agency or a State or local government agency or other third party would be responsible for all or part of the cost of the service provided under this section if such service had not been provided under this section, the Secretary shall collect from such agency or third party the portion of such cost for which it would be so responsible. Any funds collected by the Secretary under this subsection shall be deposited in the Treasury as miscellaneous receipts.

"(c) Commissioned officers and other personnel of the Service assigned to areas designated under subsection (b) shall not be included in determining whether any limitation on the number of personnel which may be employed by the Department of Health, Education, and Welfare has been exceeded.

"(d) Notwithstanding any other provision of law, the Secretary, to the extent feasible, may make such arrangements as he determines necessary to enable officers and other personnel of the Service in providing care and services under subsection (b) to utilize the health facilities of the area to be served. If there are no such facilities in such area, the Secretary may arrange to have such care and services provided in the nearest health facilities of the Service or the Secretary may lease or otherwise provide facilities in such area for the provision of such care and services.

"(e)(1) There is established a council to be known as the National Advisory Council on Health Manpower Shortage Areas (hereinafter in this section referred to as the 'Council'), The Council shall be composed of fifteen members appointed by the Secretary as follows:

"(A) Four members shall be appointed from the general public, representing the consumers of health care.

"(B) Three members shall be appointed from the medical, dental, and other health professions and health teaching professions.

"(C) Three members shall be appointed from State health or health planning agencies.

"(D) Three members shall be appointed from the Service, at least two of whom shall be commissioned officers of the Service.

"(E) One member shall be appointed from the National Advisory Council on Comprehensive Health Planning.

"(F) One member shall be appointed from the National Advisory Council on Regional Medical Programs.

The Council shall consult with, advise, and make recommendations to, the Secretary with respect to his responsibilities in carrying out this section.

"(2) Members of the Council shall be appointed for a term of three years and shall not be removed, except for cause. Members may be reappointed to the Council.

"(3) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on the business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5 of the United States Code for persons in the Government service employed intermittently.

"(f) It shall be the function of the Secretary—

"(1) to establish guidelines with respect to how the Service shall be utilized in areas designated under this section;

"(2) to select commissioned officers of the Service and other personnel for assignment to the areas designated under this section; and

"(3) to determine which communities or areas may receive assistance under this section taking into consideration—

"(A) the need of the community or area for health services provided under this section;

"(B) the willingness of the community or area and the appropriate governmental agencies therein to assist and cooperate with the Service in providing effective health services to residents of the community or area;

"(C) the recommendations of any agency or organization which may be responsible for the development, under section 314(b), of a comprehensive plan covering all or any part of the area or community involved; and

"(D) recommendations from the State medical, dental, and other health associations and from other medical personnel of the community or area considered for assistance under this section.

"(g) To carry out the purposes of this section, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1971; $20,000,000 for the fiscal year ending June 30, 1972; and $30,000,000 for the fiscal year ending June 30, 1973."

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Staggers: On page 11, after line 18, insert the following:

"Sec. 4. Title II of the Public Health Service Act is amended by adding after section 223 the following new section:

"'DEFENSE OF CERTAIN MALPRACTICE AND NEGLIGENCE SUITS

"'Sec. 223 (a) The remedy against the United States provided by sections 1346(b) and 2672 of Title 28, or by alternative benefits provided by the United States where the availability of such benefits precludes a remedy under section 1346(b) of title 28, for damage for personal injury, including death, resulting from the performance of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigation, by any commissioned officer or employee of the Public Health Service while acting within the scope of his office or employment, shall be exclusive of any other civil action or proceeding by reason of the same subject-matter against the officer or employee (or his estate) whose act or omission gave rise to the claim.

"'(b) The Attorney General shall defend any civil action or proceeding brought in any court against any person referred to in subsection (a) of this section (or his estate) for any such damage or injury. Any such person against whom such civil action or proceeding is brought shall deliver within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon him or an attested true copy thereof to his immediate superior or to whomever was designated by the Secretary to receive such papers and such person shall promptly furnish copies of the pleading and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought, to the Attorney General, and to the Secretary.

"'(c) Upon a certification by the Attorney General that the defendant was acting in the scope of his employment at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28 and all references thereto. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merit that the case so removed is one in which a remedy by suit within the meaning of subsection (a) of this section is not available against the United States, the case shall be remanded to the State Court: *Provided,* That where such a remedy is precluded because of the availability of a remedy through proceedings for compensation or other benefits from the United States as provided by any other law, the case shall be dismissed, but in the event the running of any limitation of time for commencing, or filing an application or claim in, such proceedings for compensation or other benefits shall be deemed to have been suspended during the pendency of the civil action or proceeding under this section.

"'(d) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28 and with the same effect.

"'(e) For purposes of this section, the provisions of section 2680(h) of title 28 shall not apply to assault or battery arising out of negligence in the performance of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations.

"'(f) The Secretary or his designee may, to the extent that he deems appropriate, hold harmless or provide liability insurance for any officer or employee of the Public Health Service for damage for personal injury, including death, negligently caused by such officer or employee while acting within the scope of his office or employment and as a result of the performance of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations, if such employee is assigned to a foreign country or detailed to a State or political subdivision thereof or to a non-profit institution, and if the circumstances are such as are likely to preclude the remedies of third persons against the United States described in section 2679(b) of title 28, for such damage or injury.'"

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. STAGGERS. Mr. Chairman, the Surgeon General came to my office and asked that this amendment be put into the bill because of the low pay that so many of those who work in the U.S. Public Health Service receive. They just cannot afford to take out the customary liability insurance as most doctors do. So they have asked, if in the event there is a suit against a PHS doctor alleging malpractice, the Attorney General of the United States would defend them in whatever suit may arise.

Mr. Chairman, that is what the amendment means in simple words. I think it is a good amendment, and is an amendment that ought to be adopted by the House. It is needed because of the low salaries that they receive and in view of their low salaries, they cannot afford to take out the insurance to cover them in the ordinary course of their practice of medicine.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am glad to yield to the gentleman.

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding.

I think the gentleman's amendment is fundamental to the use intended of this personnel under this bill.

But I would like to ask the gentleman if his committee is also looking into the general problem in the United States of malpractice insurance? It would seem to me that this should be a first step forward, in dealing with this impossible situation that exists, especially in category V of high risk. Unfortunately, today medical practitioners find themselves at a point where they can no longer procure in the private market, at any price, including up to $10,000 a year, premium insurance for malpractice, in this day and time.

Now even Lloyds of London will no longer insure this particular category of practitioner. So it seems to me to be elemental that at some day in the not too distant future the distinguished gentleman's committee should address itself to the problem of either limiting liability or disassociating that paradoxical team in harness, of the ambulance chasing barrister and the not too ethical practitioner—or else taking over this insurance itself from the Federal point of view.

There may be other alternatives, but if there are, I cannot say what they are, and I hope that this committee will soon address itself to this problem. I know of innumerable numbers of these scarce and critically trained personnel who are retiring early because of the lack of availability of malpractice insurance.

Mr. STAGGERS. I appreciate the remarks of the gentleman from Missouri. I assure him that the committee will be going into aspects of that particular situation to which the gentleman has referred.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. Staggers).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ADAMS

Mr. ADAMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Adams: Page 7 line 6; after the words "dental societies" and before the word "as", insert the words "or other appropriate health societies".

Mr. ADAMS. Mr. Chairman, I hope that the Committee will accept this amendment.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the chairman of the committee.

Mr. STAGGERS. I believe the amendment would accord with the concept of what was intended, and personally I have no objection to it.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Kentucky.

Mr. CARTER. I would like to ask to what other health groups the gentleman refers.

Mr. ADAMS. The other health groups would be those such as nurses, pharmacists, optometrists, or osteopathic physicians as groups that are typical of those who have appropriate medical societies. Those would be the kind of people who would be included.

Mr. CARTER. In that case I would accept the amendment.

Mr. ADAMS. I thank the gentleman.

PARLIAMENTARY INQUIRY

Mr. BINGHAM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BINGHAM. I have an amendment at the desk which affects in part the same lines that are to be amended by the amendment offered by the gentleman from Washington. I am not sure whether I would be foreclosed from offering my amendment, since that passage would be amended if the gentleman's amendment is agreed to. Otherwise, I could offer my amendment as a substitute amendment or as an amendment to the amendment offered by the gentleman from Washington.

The CHAIRMAN. The Chair will respond by saying that the gentleman from New York would not be foreclosed from offering his amendment, because it would strike additional language and insert new language.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Michigan.

Mr. BROWN of Ohio. I should like one further clarification of the gentleman's amendment. It does not, I gather, add ad hoc groups, nonprofit organizations, or that sort of thing?

Mr. ADAMS. No; it does not.

Mr. BROWN of Ohio. People who do not have medical expertise within the grasp of their own purse?

Mr. ADAMS. The gentleman is correct in his interpretation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. Adams).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bingham: Page 7, line 4, delete all after the comma down through and including the comma on line 7, and insert in lieu thereof, "upon consultation with the State and district medical societies (or dental societies, as the case may be) for that area, and upon certification to the Secretary by the local government for that area".

The CHAIRMAN. The gentleman from New York is recognized in support of his amendment.

Mr. BINGHAM. Mr. Chairman, if this amendment is agreed to, I will ask unanimous consent that it be amended to conform to the amendment just offered by the gentleman from Washington. I agree with the gentleman's amendment, and it is not my purpose to contravene what he has just added to the bill.

The purpose of this amendment is to make it a matter of consultation with the State and District medical societies, rather than giving them a veto power over whether the Secretary shall certify that the medical facilities in the area are not available.

The local government would still have the requirement that it certify that health personnel are needed for the area, but the State and District medical societies would be consulted rather than be required to certify.

I would call attention to the fact that at a later point in the bill it is required that their recommendations be taken into account and my amendment is consistent with that.

The medical societies certainly should be consulted, but I am afraid from the experience that some of us have had with local medical societies in particular that I would not be happy with the situation where they would be in a position to say, oh, yes, there is plenty of medical care available in this particular area, and thereby be able to block the Secretary from certifying that health personnel were needed in that area.

That is the essence of my amendment, that the State and District medical societies would have to be consulted but they would not have to certify that the health personnel were needed. Only the local government for the area would have to certify.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment. I might say to the House that this bill would not have reached this House unless these very words were placed in here as a safeguard. We did not want doctors being assigned to an area where other doctors say they are not needed or where it is not certified there is a critical need. There is no one better qualified to do this than the local doctors and medical societies.

This bill would not have come to this House floor, I can assure Members, if these words had not been in the bill. We are not trying to make this a bill that would send the doctors into every area in the country, but only into the areas where it is certified they are needed.

Mr. CARTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the reason we placed this particular statement in the bill was because we wanted to obviate the very thing the distinguished gentleman from New York mentioned: that is, where a district group would certify, rather than a local group. It is to keep one man or one jealous physician—as I think the distinguished gentleman from New York perhaps envisions—from blocking another physician going into an area where he may be very much needed.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I thank the gentleman for yielding.

I am not sure I correctly understood the language of the bill, but I pose this situation. Suppose a situation would arise in my own Bronx County where we have a Bronx County Medical Society, and there is no smaller medical society. Supposing it was shown a medical officer was needed in a large area of Bronx County. Would it be the Bronx County Medical Society that would have to certify that medical care was not available?

Mr. CARTER. I do not know how it is in the gentleman's area, but the medical society in the area would have to certify that need. Surely in God's good heaven if there were such a need, they would certify that need.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, the reason this language was put in the bill was to bear directly on the point the gentleman has raised, which is that the local medical and dental societies are considered to be competent judges of whether or not there is a gross medical need in an area.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM).

The amendment was rejected.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM: Page 7, line 23, delete the word "pay" and insert in lieu thereof the word "afford".

Mr. BINGHAM. Mr. Chairman, it may well be that this amendment can be taken care of by legislative history. I do not want to create additional difficulties for the committee, but I do raise the point that the way the bill now reads in the committee amendment, an interpretation could be made that if the individual in question physically had the funds in his possession to pay the medical charges he would not qualify. Surely that is not a desirable situation. What I assume the committee had in mind was that the person be determined under regulations of the Secretary to be unable to afford to pay the medical charges.

If the committee can assure me that is the interpretation which is intended, I shall be glad to ask unanimous consent to withdraw my amendment.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I agree with what the gentleman had to say.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Kentucky.

Mr. CARTER. I will say to the distinguished gentleman from New York, the purpose is to confine services to those who are unable to pay, basically. That is the purpose of the bill. Of course, if they have money to pay, if they are wealthy people, they should pay unless provisions are made for this to go back to the Secretary.

Mr. BINGHAM. Now I am confused, because I understood the chairman of the committee to agree with my position that the committee meant to say they were unable to afford to pay. That is quite different from having money in hand.

Let us say that they have some money available, but it is available to pay for groceries for the youngsters, and they cannot afford to pay medical bills. Surely that is the situation many times. Generally many of these people have some income, either from public assistance or other sources. They get some few dollars a week, but they should not have to pay medical bills before they pay for food for the children.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Kentucky.

Mr. CARTER. I do not believe any officer in the U.S. Public Health Service would take grocery money from the pockets of a poor man. I feel they will be men of principle and will feel as this bill means, for them to deal charitably with poor people.

Mr. BINGHAM. On the basis of the gentleman's statement and the statement of the chairman of the committee, Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York.

There was no objection.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 19860) to amend the Public Health Service Act to authorize the assignment of commissioned officers of the Public Health Service to areas with critical medical manpower shortages, to encourage health personnel to practice in areas where shortages of such personnel exist, and for other purposes, pursuant to House Resolution 1302, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 4106) to amend the Public Health Service Act in order to provide for the establishment of a National Health Service Corps, a bill similar to the one just passed by the House.

The clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. HALL. Mr. Speaker, reserving the right to object, can the gentleman from West Virginia assure us that S. 4106 is an identical bill?

Mr. STAGGERS. If the gentleman will yield, it is not identical but it is similar and it is a National Health Service Corps bill.

Mr. HALL. Is it the purpose of the distinguished gentleman from West Virginia to strike out all after the enacting clause of S. 4106 and substitute the House-passed bill and, if necessary, go to conference?

Mr. STAGGERS. Yes.

Mr. HALL. Mr. Speaker, I thank the gentleman for his statement, and withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate bill as follows:

S. 4106

An act to amend the Public Health Service Act in order to provide for the establishment of a National Health Service Corps.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Health Service Corps Act of 1970".

SEC. 2. Title II of the Public Health Service Act is amended by adding at the end thereof a new part as follows:

"PART J—NATIONAL HEALTH SERVICE CORPS

"ESTABLISHMENT OF NATIONAL HEALTH CORPS; FUNCTIONS

SEC. 399h. (a) There is established in the Service a National Health Service Corps (hereinafter in this part referred to as the 'Corps') which shall be under the direction and supervision of the Surgeon General.

"(b) It shall be the function of the Corps to improve the delivery of health services to persons living in communities and areas of the United States where health personnel, facilities, and services are inadequate to meet the health needs of the residents of such communities and areas. Priority under this part shall be given to those urban and rural areas of the United States where poverty conditions exist and the health facilities are inadequate to meet the needs of the persons living in such areas.

"STAFFING; TERM OF SERVICE

"SEC. 399i. (a) The Surgeon General shall assign selected commissioned officers of the Service and such other personnel as may be necessary to staff the Corps and to carry out the functions of the Corps under this part.

"(b) Commissioned officers of the Service in the Corps and other Corps personnel shall be assigned for service in the Corps for a period of twenty-five months. An individual assigned to the Corps may voluntarily extend his service in the Corps for a period not to exceed an additional twenty-five months. As individual shall have the right to petition the Director (appointed pursuant to section 339j of this part) for early release from service in the Corps at the end of twenty-four months of service therein.

"DIRECTOR OF THE NATIONAL HEALTH SERVICE CORPS

"SEC. 339j. The Corps shall be headed by a Director who shall be appointed by the Secretary, in consultation with the Surgeon General of the United States Public Health Service. It shall be the responsibility of the Director to direct the operations of the Corps, subject to the supervision and control of the Surgeon General and the Secretary.

"AUTHORITY OF SECRETARY TO UTILIZE CORPS PERSONNEL

"SEC. 399k. The Secretary is authorized whenever he deems such action appropriate to utilize commissioned officers of the Service and other personnel assigned to duty with the Corps to—

"(1) perform services in connection with direct health care programs carried out by the Service;

"(2) perform services in connection with any direct health care program carried out in whole or in part with the Department of Health, Education, and Welfare funds or the funds of any other department or agency of the Federal Government; or

"(3) perform services in connection with any other health care activity, in furtherance of the purposes of this Act. Should services provided under this subsection require the establishment of health care programs not otherwise authorized by law, the Secretary is authorized and directed to establish mechanisms whereby recipients of such services, or third parties shall pay, to the extent practicable, for services received. Any funds collected in this manner shall be used to defray in part the operating expenses of the Corps.

"SEC. 399l. It shall be the function of the Director—

"(1) to establish guidelines with respect to how the Corps shall be utilized;

"(2) to assist the Surgeon General, at his request, in the selection of commissioned officers of the Service and other personnel for assignment to the Corps, and to approve all assignments of Corps members.

"(3) to establish criteria for determining which communities or areas will receive assistance from the Corps, taking into consideration—

"(A) the need of any community or area for health services provided under this part;

"(B) the willingness of the community or area and the appropriate governmental agencies therein to assist and cooperate with the Corps in providing effective health services to residents of the community or area;

"(C) the prospects of the community or area for utilizing Corps personnel after their tour of duty with the Corps;

"(D) the recommendations of State and local health agencies; and

"(E) recommendations from the medical, dental, and other medical personnel of any community or area considered for assistance under this part.

"MANPOWER LIMITATIONS SUSPENSION

"SEC. 399m. (a) Commissioned officers of the Service assigned to service with the Corps and other personnel employed in the Corps shall not be included in determining any limitation on the number of personnel which may be employed by the Department of Health, Education, and Welfare.

"(b) Notwithstanding any other provision of law, the Corps may, to the extent the Secretary determines such action to be feasible, utilize the facilities and personnel of hospitals and other health care facilities of the Service in providing health care to individuals as authorized under this part, and to lease, renovate, or purchase such other facilities as may be required to carry out the purposes of this Act.

"AUTHORIZATION FOR APPROPRIATIONS

"SEC. 399n. There is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1971; $10,000,000 for the fiscal year ending June 30, 1972; $12,000,000 for the fiscal year ending June 30, 1973; and $15,000,000 for the fiscal year ending June 30, 1974."

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: Strike out all after the enacting clause of S. 4106 and insert in lieu thereof the provisions of H.R. 19860, as passed, as follows:

That this Act may be cited as the "Emergency Health Personnel Act of 1970".

SEC. 2. Part C of title III of the Public Health Service Act is amended by adding after section 328 the following new section:

"ASSIGNMENT OF MEDICAL AND OTHER HEALTH PERSONNEL TO CRITICAL NEED AREAS

"SEC. 329. (a) It shall be the function of an identifiable administrative unit within the Service to improve the delivery of health services to persons living in communities and areas of the United States where health personnel and services are inadequate to meet the health needs of the residents of such communities and areas.

"(b) Upon request of a State or local health agency or other public or nonprofit private health organization, in an area designated by the Secretary as an area with a critical health manpower shortage, to have health personnel of the Service assigned to such area, and upon certification to the Secretary by the State and the district medical societies (or dental societies, or other appropriate health societies as the case may be) for that area, and by the local government for that area, that such health personnel are needed for that area, the Secretary is authorized, whenever he deems such action appropriate, to assign commissioned officers and other personnel of the Service to provide under regulations prescribed by the Secretary, health care and services for persons residing in such areas. Such care and services shall be provided in connection with (1) direct health care programs carried out by the Service; (2) any direct health care program carried out in whole or in part with Federal financial assistance; or (3) any other health care activity which is in furtherance of the purposes of this section. Any person who receives a service provided under this section shall be charged for such service at a rate established by the Secretary, pursuant to regulations, to recover the reasonable cost of providing such service; except that if such person is determined under regulations of the Secretary to be unable to pay such charge, the Secretary may provide for the furnishing of such service at a reduced rate or without charge. If a Federal agency or a State or local government agency or other third party would be responsible for all or part of the cost of the service provided under this section if such service had not been provided under this section, the Secretary shall collect from such agency or third party the portion of such cost for which it would be so responsible. Any funds collected by the Secretary under this subsection shall be deposited in the Treasury as miscellaneous receipts.

"(c) Commissioned officers and other personnel of the Service assigned to areas designated under subsection (b) shall not be included in determining whether any limitation on the number of personnel which may be employed by the Department of Health, Education, and Welfare has been exceeded.

"(d) Notwithstanding any other provision of law, the Secretary, to the extent feasible, may make such arrangements as he determines necessary to enable officers and other personnel of the Service in providing care and services under subsection (b) to utilize the health facilities of the area to be served. If there are no such facilities in such area, the Secretary may arrange to have such care and services provided in the nearest health facilities of the Service or the Secretary may lease or otherwise provide facilities in such area for the provision of such care and services.

"(e)(1) There is established a council to be known as the National Advisory Council on Health Manpower Shortage Areas (hereinafter in this section referred to as the 'Council'). The Council shall be composed of fifteen members appointed by the Secretary as follows:

"(A) Four members shall be appointed from the general public, representing the consumers of health care.

"(B) Three members shall be appointed from the medical, dental, and other health professions and health teaching professions.

"(C) Three members shall be appointed from State health or health planning agencies.

"(D) Three members shall be appointed from the Service, at least two of whom shall be commissioned officers of the Service.

"(E) One member shall be appointed from the National Advisory Council on Comprehensive Health Planning.

"(F) One member shall be appointed from the National Advisory Council on Regional Medical Programs.

The Council shall consult with, advise, and make recommendations to, the Secretary with respect to his responsibilities in carrying out this section.

"(2) Members of the Council shall be appointed for a term of three years and shall not be removed, except for cause. Members may be reappointed to the Council.

"(3) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on the business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5 of the United States Code for persons in the Government service employed intermittently.

"(f) It shall be the function of the Secretary—

"(1) to establish guidelines with respect to how the Service shall be utilized in areas designated under this section;

"(2) to select commissioned officers of the Service and other personnel for assignment to the areas designated under this section; and

"(3) to determine which communities or areas may receive assistance under this section taking into consideration—

"(A) the need of the community or area for health services provided under this section;

"(B) the willingness of the community or area and the appropriate governmental agencies therein to assist and cooperate with the Service in providing effective health services to residents of the community or area;

"(C) the recommendations of any agency or organization which may be responsible for the development, under section 314(b), of a comprehensive plan covering all or any part of the area or community involved; and

"(D) recommendations from the State medical, dental, and other health associations and from other medical personnel of the community or area considered for assistance under this section.

"(g) To carry out the purposes of this section, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1971; $20,000,000 for the fiscal year ending June 30, 1972; and $30,000,000 for the fiscal year ending June 30, 1973."

Sec. 4. Title II of the Public Health Service Act is amended by adding after section 223 the following new section:

"DEFENSE OF CERTAIN MALPRACTICE AND NEGLIGENCE SUITS

"Sec. 223(a) The remedy against the United States provided by sections 1346(b) and 2672 of Title 28, or by alternative benefits provided by the United States where the availability of such benefits precludes a remedy under section 1346(b) of title 28, for damage for personal injury, including death, resulting from the performance of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigation, by any commissioned officer or employee of the Public Health Service while acting within the scope of his office or employment, shall be exclusive of any other civil action or proceeding by reason of the same subject-matter against the officer or employee (or his estate) whose act or omission gave rise to the claim.

"(b) The Attorney General shall defend any civil action or proceeding brought in any court against any person referred to in subsection (a) of this section (or his estate) for any such damage or injury. Any such person against whom such civil action or proceeding is brought shall deliver within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon him or an attested true copy thereof to his immediate superior or to whomever was designated by the Secretary to receive such papers and such person shall promptly furnish copies of the pleading and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought, to the Attorney General, and to the Secretary.

"(c) Upon a certification by the Attorney General that the defendant was acting in the scope of his employment at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28 and all references thereto. Should a United States district court determine on a hearing on a motion held before a trial on the merit that the case so removed is one in which a remedy by suit within the meaning of subsection (a) of this section is not available against the United States, the case shall be remanded to the State Court: Provided, That where such a remedy is precluded because of the availability of a remedy through proceedings for compensation or other benefits from the United States as provided by any other law, the case shall be dismissed, but in the event the running of any limitation of time for commencing, or filing an application or claim in, such proceedings for compensation or other benefits shall be deemed to have been suspended during the pendency of the civil action or proceeding under this section.

"(d) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28 and with the same effect.

"(e) For purposes of this section, the provisions of section 2680(h) of title 28 shall not apply to assault or battery arising out of negligence in the performance of medical, surgical, dental or related functions, including the conduct of clinical studies or investigations.

"(f) The Secretary or his designee may, to the extent that he deems appropriate, hold harmless or provide liability insurance for any officer or employee of the Public Health Service for damage for personal injury, including death, negligently caused by such officer or employee while acting within the scope of his office of employment and as a result of the performance of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations, if such employee is assigned to a foreign country or detailed to a State or political subdivision thereof or to a non-profit institution, and if the circumstances are such as are likely to preclude the remedies of third persons against the United States described in section 2679(b) of title 28, for such damage or injury."

Amend the title so as to read "An Act to amend the Public Health Service Act to authorize the assignment of commissioned officers of the Public Health Service to areas with critical medical manpower shortages, to encourage health personnel to practice in areas where shortages of such personnel exist and for other purposes."

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed.

The title was amended so as to read: "A bill to amend the Public Health Service Act to authorize the assignment of commissioned officers of the Public Health Service to areas with critical medical manpower shortages, to encourage health personnel to practice in areas where shortages of such personnel exist, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 19860) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the two bills just passed.

The **SPEAKER.** Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 19333, SECURITIES INVESTOR PROTECTION ACT, 1970

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report on the bill H.R. 19333.

The **SPEAKER.** Is there objection to the request of the gentleman from West Virginia.

There was no objection.

INTERNATIONAL COFFEE AGREEMENT ACT

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1295 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1295

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19567) to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1295 provides for the consideration of H.R. 19567, which, as reported by our Committee on Ways and Means, would continue until July 1, 1971, the President's authority to carry out and enforce certain provisions of the International Coffee Agreement of 1968. While the International Coffee Agreement itself will not expire until September 30, 1973, the President's authority to implement that agreement, as provided in the International Coffee Agreement Act of 1968, Public Law 90–634, expired on September 30, 1970. The resolution provides an open rule with 1 hour of general debate, after which the bill shall be read for amendment under the 5-minute rule. After the bill has been reported to the House with such amendments as may have been adopted, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit.

Briefly, the act which H.R. 19567 would extend provides the President with necessary authority:

First, to require that valid certificates of origin accompany coffee imports from any member of the International Coffee Organization and to limit coffee imports from countries that are not members of the agreement;

Second, to impose special fees and other measures to offset discriminatory treatment by other governments in favor of the export or reexport of processed coffee;

Third, to require the keeping of certain records and the rendering of certain reports relating to the importation, distribution, prices, and consumption of coffee; and

Fourth, to issue and enforce such rules and regulations as may be necessary to fully implement the obligations of the United States under the International Coffee Agreement.

Mr. Speaker, as a representative of the only State in the Union which produces coffee commercially, I can attest to the fact that the International Coffee Agreement has achieved its primary objective—relative stability of price at a level which is reasonable to consumers and equitable to producers of coffee. The extension of the President's authority under the International Coffee Agreement Act of 1968 would be beneficial to American consumers, who drink more coffee than the citizens of any other country.

Mr. Speaker, I urge the adoption of House Resolution 1295 in order that H.R. 19567 may be considered.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. I have read with interest the report accompanying this bill, and particularly the language which appears on page 2 which says:

> In the early 1960's losses from declining coffee prices offset development aid and frustrated our efforts to promote growth and stability in the less-developed countries of the world.

I happen to serve on the Inter-American Subcommittee of the Committee on Foreign Affairs, and I can see no difference in the stability of the Latin American countries since this bonanza of the International Coffee Agreement came their way. And if the gentleman from Hawaii can cite me any substantial change in the stability of the various governments in that area I will be glad to hear about it.

Mr. MATSUNAGA. As the gentleman well knows, the stability of South American countries is not determined wholly by the coffee agreement. The coffee agreement was intended to stabilize the price of coffee, and this objective the agreement has succeeded in obtaining.

Mr. GROSS. Oh, yes, you bet your life it has succeeded; it has succeeded in stabilizing coffee prices to Americans at the highest constant levels we have known.

Mr. MATSUNAGA. That is not correct, as the gentleman knows. Before the agreement was entered into, the gentleman from Iowa, if he drinks coffee, must have been paying a fluctuating price, at times rising as much as a dollar to $1.25 a pound, for coffee. The price has been stabilized at about 60 percent of that high price since the coffee agreement has been put into effect.

Mr. GROSS. When did you pay $1.25 for a pound of coffee except during the war days, when it was rationed?

Mr. MATSUNAGA. There were periods after the war. As I stated earlier, and as the gentleman perhaps knows, Hawaii is the only State in the Union which produces coffee commercially. At one time our industry produced as much as $17.5 million worth of coffee, but because of the instability of the price of coffee on the domestic market, as well as on the world market, that industry has dwindled to a production of only $1.3 million annually. Before the coffee agreement was entered into, at times when the price of coffee was good everybody went into the coffee business; the following season the price would plummet down because of the oversupply and then everybody would go out of the coffee business. As a consequence the supply would then become so limited that the price of coffee would go sky-high, and once again everybody would go into the coffee business. This vicious cycle continued throughout the seasons before the International Coffee Agreement was entered into.

Mr. MILLS. Mr. Speaker, would the gentleman yield?

Mr. MATSUNAGA. I yield to the distinguished gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, I appreciate the gentleman yielding, and I want to address myself to the point raised by the distinguished gentleman from Iowa.

Let me just point out that the Consumer Price Index for all goods and services increased 24 percent between 1965 and September 1970. The price index for all goods increased 23 percent during the same period. The price of coffee, however, increased only 16 percent, whereas the price of cola drinks increased 31 percent. So coffee has increased less than the others.

Mr. GROSS. Mr. Speaker, if the gentleman would yield further, does the gentleman know what a 1 percent increase in the price of coffee means to the consumers of the United States?

Mr. MATSUNAGA. It is an increase of 1 percent.

Mr. GROSS. What is it related in terms of dollars paid for coffee?

Mr. MATSUNAGA. At 60 cents a pound, that would be 0.6 cent.

Mr. GROSS. Have you got some coffee in Hawaii you are selling for 60 cents a pound that is worth drinking?

Mr. MATSUNAGA. Yes, at wholesale, of course.

Mr. GROSS. There is a lady, Helen Sewell, who runs a shop right back here in the corner, off the House floor and she sells coffee by the cup. The wholesale price of the coffee she buys has doubled since this international cartel was established.

Mr. MATSUNAGA. Well, is the gentleman going to believe the coffee shop owner or the distinguished chairman of the Committee on Ways and Means, who has just stated that while the average increase in the price of all goods was 23 percent and the price of cola drinks increased 31 percent in the last 5 years, the price of coffee increased only 16 percent? Will not the gentleman from Iowa accept the word of the distinguished chairman of the Committee on Ways and Means?

Mr. MILLS. Let me give the gentleman a little bit more of the statistics here.

The wholesale price of regular coffee in 1964, before we had an agreement, was 79.3 cents on the average.

The regular in 1969 was 78.6 cents on the average—which is less.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. Speaker, I will have more to say on this later. But I would like to ask the gentleman from Arkansas (Mr. MILLS) if he has consulted with his wife lately on what she pays for any name-brand coffee?

Mr. MATSUNAGA. Mr. Speaker, I yield to the gentleman from Arkansas.

Mr. MILLS. She always takes me into her confidence on matters of that sort.

Mr. GROSS. You may supply the money and she may have consulted with you about that, but I will say to the gentleman that I do not think he has consulted with his wife lately on the price of coffee.

Mr. MATSUNAGA. The last time the gentleman from Iowa raised a question about a product of Hawaii, he confessed he had never tasted Hawaii's delectable papaya. I hope the gentleman is not saying that he has not enjoyed our Kona coffee which is the best in the world.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman.

Mr. VANIK. I would like to say in response to the inquiry raised by our good friend, the gentleman from Iowa, that I share his concern on the effect that this arrangement has on coffee prices. I raised that issue before our committee. All that this present proposal does is to put this on probation for another 6 months, after which we can decide if we are going to continue such an arrangement or whether we should permanently terminate it.

I think this is the effect of the present bill and urge my good friend to support it at this time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I think the rule has been adequately explained—and probably the bill has been explained so that we can vote on it shortly.

But there is one thing possibly that has not been explained. As I understand it, in recent years Brazil has continuously violated the agreement with respect to its shipments of soluble coffee.

The report suggests that unless Brazil ceases all such violations which seek to increase its exports, the United States will impose a special duty on Brazilian coffee to bring its price up to that of other nations and, thus, restore a balance in the coffee market.

That is the reason, I believe, at this time we are only extending the agreement for 6 months, until July 1, 1971. In the past it has usually been extended for 2 years. I think the gentleman from Arkansas (Mr. MILLS) is going to straighten this out in one way or another before we have another extension of this agreement.

Mr. Speaker, I have no further requests for time.

Mr. MATSUNAGA. Mr. Speaker, there being no further requests for time, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the bill (H.R. 19567) to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968, be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill as follows:

H.R. 19567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302 of the International Coffee Agreement Act of 1968 (19 U.S.C. 1356f) is amended by striking out "October 1, 1970" and inserting in lieu thereof "October 1, 1973".

With the following committee amendments:

Page 1, lines 5 and 6, strike out "October 1, 1973" and insert "July 1, 1971".

Page 1, after line 6, insert the following: "SEC. 2. The amendment made by the first section of this Act shall take effect as of October 1, 1970."

The committee amendments were agreed to.

Mr. GROSS. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, it would hardly be expected that officials of the State Department, especially those who held forth in Foggy Bottom during the 1960's, would blush with shame for having taken the citizens of this country for a ride. They did it so often that it became commonplace and they were hardened to it. That is why they got away with establishing and operating one more gravy train for the foreigners—the International Coffee Agreement.

But in the light of what has happened to American coffee consumers in the last decade, there ought to be some blushing and red faces in the present State Department and on the part of the Ways and Means Committee in seeking today to keep this foreign handout gravy train in operation for even another 6 months.

When legislation first came before the House of Representatives to put the United States into this International Coffee Agreement, I predicted that coffee prices to American consumers would never be the same again; that the stability which the striped-pants crowd and the Ways and Means Committee prated about would mean just one thing to American consumers—prices stabilized at the highest levels the traffic will bear. I was told, in effect, by the chairman of the Ways and Means Committee, Mr. MILLS, that I did not know what I was talking about. But on May 27, 1964, when Mr. MILLS brought to the floor a bill to provide for free importation of instant coffee, there was this discussion:

> Mr. GROSS. I would say to the gentleman from Arkansas that the International Coffee Agreement has worked in reverse insofar as American consumers are concerned. We have seen nothing but increasing prices for coffee to consumers.
>
> Mr. MILLS. I must say in connection with the gentleman's statement that I have been somewhat disappointed in the developments that have occurred since the House did act on this legislation implementing this coffee agreement. The price of coffee has gone up.

And then Mr. MILLS further confirmed on May 27, 1964, the devious nature of this coffee deal when he said:

> We were told in the committee that the agreement itself could not go into effect until the implementing legislation was passed and I so stated on the House floor. But I find, even though the other body has not passed the implementing legislation to this good date, that they are operating, as a practical matter, under the treaty as though the treaty had been implemented.

Yet we are asked here today to go right on picking the pockets of U.S. consumers to satisfy the avariciousness of an international coffee cartel.

If anyone doubts what I have said I invite you to go to the nearest store and try to buy a pound of so-called name-brand coffee for less than 90 cents. Then compare that with the lowest retail prices for the same brand prior to the cartel this Government and Congress helped establish.

The legislation adopted in the early sixties provided that the President issue annual reports on the operation of the coffee agreement. Well, the Comptroller General took a look at one or more of these reports and on October 23, 1969, he reported that contrary to the pledge made by the State Department that—

> We do not envisage the use of the agreement as a device for the transfer of U.S. resources to the less developed countries.

That is exactly what happened. The Comptroller General indicated improper transfer of resources of some $300 million per year, or perhaps $1½ to $2 billion over the life of the agreement.

The above cited pledge of the State Department was made to get the original legislation through Congress. It attests to the shabbiness of the methods that were used.

Since the Comptroller General's action, and apparently with the cooperation of the State Department, the coffee producing countries, using the cartel, staged a raid on the coffee market. It is estimated this may well cost U.S. coffee consumers $900 million in 1970 and perhaps more in 1971. And there is no shortage of coffee. The cartel has made an artificial shortage by virtue of its restricted export quotas.

When the original legislation was before the other body the specific question was raised as to what would happen if foreign coffee producers tried to manipulate supplies for the purpose of heavily raising prices. Secretary of State Rusk answered that—

> Provision has been made to adjust quotas to prevent marked price rises.

And then Under Secretary of State Averell Harriman, that great pacifier, rushed to Congress to repeat that "we can prevent increases in the price of coffee." 1962 is long gone, as are the Rusks and Harrimans from the Washington scene, but their memory should linger long in the minds and pocketbooks of American coffee consumers.

Barron's Weekly puts it well when it says that—

> If Congress had not been bamboozled by the Alliance for Progress it would never have gone along with taxing American housewives to fill the coffers of Brazilian and Colombian landowners.

And the Journal of Commerce says:

> When performance consistently falls short of intent, as in the case with the international coffee agreement, the time has clearly come to ascertain why.

That is what the sponsors of this legislation owe the consuming public of this country—a frank and precise explanation of how they can justify a continuation of this raid upon them for the benefit of foreigners most of who have been and still are wallowing in the trough of foreign aid handouts, financed by these same taxpayers and consumers.

I said before and I repeat—this legislation, deliberately creating an international coffee cartel, had a shabby course through Congress when it was first conceived. The State Department advised and a subservient Congress consented to putting the United States into this nefarious deal. Neither has had the decency to tell Americans that it is another foreign aid program piled on top of the $200 billion that has already been scattered to the four winds in the form of foreign handouts.

Now is the time to terminate this underhanded raid on the American public—not 6 months from now.

Mr. FINDLEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I noted that this bill came to us without hearings by the Ways and Means Committee. Am I correct on that?

Mr. MILLS. Mr. Speaker, if the gentleman will yield, the gentleman is incorrect.

Mr. FINDLEY. I asked for the hearings and I could not get a copy.

Mr. MILLS. The hearings were in connection with the trade bill which we passed earlier.

Mr. FINDLEY. I might say to the gentleman that I inquired at the desk for hearings on this bill and could not secure a copy.

Mr. MILLS. The hearings were held and were part of the hearings on the foreign trade bill. There were 16 volumes, in total, on the trade bill; the coffee testimony appears in volume 14. We specifically included the coffee agreement in our announcement.

Mr. FINDLEY. I am disappointed they were not available here today during consideration of this, but I do hope the Ways and Means Committee, before it brings another proposed extension of this authority to the House, will have hearings at which all questions connected with the consumer interest in this bill can be explored.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Arkansas.

Mr. MILLS. Let me repeat, the hearings with respect to the coffee agreement are in part 14 of the hearings. The hearings on that part were held on June 12 through June 15, 1970, and they have been in print for all that period of time.

Mr. FINDLEY. Then I have a series of questions I would like to raise. To what extent do the producers of coffee get direct benefit from the price improvement under the agreement? I raised that question, because when I was in Colombia about a year ago, I asked the agricultural people in that country, and it was their impression the people in Colombia got the same price irrespective of the price achieved by the coffee agreement.

The difference went to the Government. To be sure, that is a benefit to the Government but hardly one to the producer. Can the gentleman shed any light on that?

Mr. MILLS. Mr. Speaker, if the gentleman will yield, the agreement itself does not attempt to control who gets the sale, who gets the benefit of the sale, or anything of that sort.

Mr. FINDLEY. The quota goes to the country, I assume; does it not?

Mr. MILLS. The country may ship to the other countries which consume coffee what is the agreed amount for that country in the council for that particular year. But there is never any amount agreed upon which is less by any margin than that which is anticipated will be consumed. For example, in the United States our quotas with respect to the countries shipping to the United States are always in excess of what is anticipated will be our demand here in the United States.

But I do not know of the situation to which the gentleman refers.

Mr. FINDLEY. Is the arrangement with the government of the country where the quota is established?

Mr. MILLS. If the gentleman will yield, the arrangement is between various governments. There are 62 governments, as I remember, which are parties to the International Coffee Agreement the Senate ratified in 1968.

Mr. FINDLEY. I note on the top of page 3 of the committee report that since the establishment of the agreement the annual earnings of the exporting members have averaged about $500 million above the preagreement level, while consumers generally have enjoyed moderate price levels. This is ambiguous language. I wonder if this means that the U.S. consumers are paying higher prices to the tune of roughly 40 percent, up to the $500 million set forth in that sentence?

Mr. MILLS. Mr. Speaker, if the gentleman will yield, that may appear somewhat misleading, unless you also read the subsequent sentences. After reading it when printed I had the same thought in my mind the gentleman has, as to that particular sentence; but it appears clear later.

Most of this increase in earnings over the preagreement level is due to the increased consumption of coffee especially in Europe, where there has been a rather sizable increase in the consumption of coffee in the past 3 or 4 years.

Mr. FINDLEY. I can understand easily why the average price today—at least, the average price in recent months—compared to the peak price just before the agreement was established would be somewhat lower, but can the gentleman tell me how the average price, say, for the past 12 months or any selected period of time compares with a similar period of preagreement time?

Mr. MILLS. If the gentleman will yield, I can. The gentleman must bear in mind a very significant fact which has occurred during the course of this year. The price of coffee throughout the world was affected by a freeze or a frost that reduced the amount of coffee produced in Brazil. There was an increase in the price of coffee some time in March or April of this year due to that very fact. Of course, there was speculation and manipulation, perhaps, which went on as a result of the world knowledge that there was likely to be a shortage of coffee.

It turned out that there was not a shortage of coffee. We had access to all we needed and the other 62 countries had access to all they needed.

The price now, since we reported the bill, is some 4 cents under what it was prior to the time we reported the bill on October 6.

I have in my hand a letter which I will ask unanimous consent to have printed in the RECORD in connection with my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The SPEAKER. The time of the gentleman from Illinois has expired.

(On request of Mr. MILLS, and by unanimous consent, Mr. FINDLEY was allowed to proceed for 3 additional minutes.)

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Arkansas.

Mr. MILLS. This letter is from the general manager of the Folger Coffee Co. in Cincinnati, dated November 19. He says in this letter to me:

> This week most of the country's coffee manufacturers have announced price declines of 4¢ per pound on their various brands of Vacuum Coffee—Folger's included. These moves have been made possible by recent declines in world market prices of green coffee.

He goes on to point out the fact that our action on October 6 in reporting this legislation for this short extension to July 1 had the effect of causing this very thing to happen to the coffee market. Then he ends his letter in the last paragraph as follows:

> Once again, Mr. Mills, whatever the outcome of the enabling legislation, there is little doubt that millions of concerned coffee drinkers throughout the country appreciate the contribution that you and your committee have already made in their behalf. Moreover, it is our sincere belief that if the House and Senate support your recommendation for a limited extension of the United States participation in the agreement of June 30, 1971, to permit further Congressional review of the whole subject, the United States coffee-drinking public will stand to benefit even further.

Mr. FINDLEY. Can the gentleman inform me as to how the price paid for coffee in the United States would compare with the price paid locally for coffee in a typical producing country? That might be an index as to how much more the consumer here pays.

Mr. MILLS. I cannot give you that information. I frankly do not know what the profit margins are. But I know what the price of green coffee is. It is about 51 cents a pound. That is green coffee. The world price now is about 51 cents a pound. I have some ads here that somebody brought me from today's newspaper showng that Giant is selling Colombian coffee, which the gentleman from Iowa (Mr. GROSS) mentioned a moment ago, I believe, at 79 cents a pound. Roast Right coffee is selling at 77 cents. Here is another one on Colombian coffee at 85 cents, and here is fresh coffee, 75 cents, which is another ad from some other store. However, those are apparently the prices being paid today by Washington housewives. But 51 cents is the price of green coffee.

Mr. FINDLEY. Does the distinguished chairman plan to hold hearings before any further extension of the agreement authorization expires?

Mr. MILLS. We have always had hearings, I will say to my friend from Illinois, on this.

Will the gentleman yield to me for just one moment further?

Mr. FINDLEY. Surely.

Mr. MILLS. I have had as much concern and reservation about this extension as anybody in the world can have, because I am getting sick and tired of us trying to help countries throughout the world by these types of arrangements and assuming a responsibility in connection with it, and then the minute we get the ink dry on the agreement they do something in turn to violate the agreement. Of the 62 countries in the world who are in this agreement, there is at least one, in my opinion, today that has violated this understanding and discriminated. That is the country of Brazil. However, I cannot bring myself to penalize all of the other countries just because Brazil wants to wear a black hat.

What we said to the President is this: In place of giving you an extension of two or three years, like you asked for, we will give you an extension up to July 1, and we serve notice on you and Brazil that the Committee on Ways and Means will not report out any further extension of this program unless you tell us by April 1 that you have succeeded in getting Brazil to withdraw its discriminatory treatment. They tax the green coffee that they ship out of Brazil and ship to all of the consuming countries, but they do not tax the green coffee used in Brazil by the soluble coffee industry of Brazil. They thought that they would equate the situation by putting in a 13-cent tax on the soluble coffee being exported from Brazil, but it takes at least 30 cents to equate that difference and eliminate the discrimination. If we do not pass this legislation and give the President the opportunity that is in this legislation and Brazil refuses to eliminate the discrimination, then he cannot do anything about it. He can, if this legislation is extended, put a tax of 17 cents on soluble coffee when it arrives in the United States to accomplish the necessary results.

The SPEAKER. The time of the gentleman from Illinois has again expired.

(By unanimous consent, Mr. FINDLEY was allowed to proceed for 1 additional minute.)

Mr. FINDLEY. Mr. Speaker, I appreciate the responses which the chairman has made, but I am still not convinced that this has really been answered from the standpoint of the consumer.

Mr. Speaker, I would like to express the further hope that when this legislation again comes before the House, it will come a little bit earlier in the session. It seems that we always take up the coffee agreement extension in the twilight of each session. It would be gratifying if we could have an opportunity to have a more extended discussion and the availability of the hearings.

Mr. MILLS. Mr. Speaker, if the gentleman will yield, I want the gentleman to bear in mind that it may be we will never be faced with another opportunity to continue this coffee agreement, because if we do not get this discrimination eliminated, this Committee on Ways and Means will not ask for further continuation of it beyond July 1. We served notice on the President of Brazil to that effect.

AMENDMENT OFFERED BY MR. MORSE

Mr. MORSE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Morse: On page 1, immediately after line 8, insert the following:

"Sec. 3. (a) On or before April 1, 1971, the President shall submit to Congress a report with respect to (1) the benefits of the International Coffee Agreement to United States consumers, and (2) the effect of such Agreement on international trade."

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. MORSE. I yield to the gentleman from Arkansas.

Mr. MILLS. The gentleman from Massachusetts very kindly called to my attention, before offering the amendment, the contents of his amendment and I told him I had no objection to it and as far as I am concerned I am perfectly willing to accept the gentleman's amendment.

Mr. MORSE. I thank the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MORSE. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding. I only wish he had included in the instructions and in his amendment language to the effect that the committee take a look at the Comptroller General's report in connection with this matter as of October 23, 1969, and that the committee or someone in Congress go into this business of U.S. taxpayers' funds being used through the medium of the International Monetary Fund and other international lending institutions to lend money to the coffee producers in some of these countries to finance their withholding of coffee from the market in order to keep prices high in this country.

I think that is a matter that deserves the attention of the committee, if not the President of the United States, and that something be done about it.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. MORSE. I yield to the gentleman from Arkansas.

Mr. MILLS. This report came out after the committee had reported the legislation implementing the 1968 agreement. This bill only extends the President's authority for 6 months. As far as I recall I did not know anything about the report and as far as I know no other member of the committee did before we acted at that time. But it is a matter, as well as the entire subject, that will be looked into by the committee before there is any further extension of this agreement, if there ever is any extension of it.

The SPEAKER. The question is on the amendment offered by the gentleman from Massachusetts (Mr. Morse).

The amendment was agreed to.

Mr. FASCELL. Mr. Speaker, I shall not impose very long on the attention of my colleagues but I would like to make three brief comments about the legislation to implement the International Coffee Agreement.

In the first instance, I agree wholeheartedly with the distinguished chairman of the Committee on Ways and Means that the International Coffee Agreement, worked out nearly a decade ago, has brought benefits to the producers as well as the consumers of coffee.

By moderating the fluctuations in the price of raw coffee, this agreement has assured an adequate and growing supply of this popular product, with increasing income to coffee producers in the developing countries.

Simultaneously, the agreement has been of benefit to the consumers. As pointed out in the Ways and Means Committee report, the price of raw coffee has declined from 41 cents per pound in 1965 to 38 cents per pound in 1969. An unexpected freeze in Brazil, followed by a severe drought, subsequently distorted the coffee price structure—but we hope only temporarily.

My second point, again based on the information submitted to the House by Chairman Mills, is that a collapse of this agreement, which could occur without U.S. participation in it, can result in a sharp cut in U.S. exports to the developing countries.

This point is stressed on page 3 of the Ways and Means Committee's report and it makes sense: for how can we expect other countries to purchase our goods, particularly the industrial products which form the backbone of the income-profit-employment formula of our national prosperity and growth, if we do not allow them to earn some funds with which to purchase American-made commodities?

Now my third and final point is this:

Considering the importance of the International Coffee Agreement to the producers, to the consumers, and to the general well-being of the United States;

Considering, further, that this agreement, already consented to by the U.S. Senate and ratified by the U.S. Government, runs until 1973;

Why is it then, I ask, that the bill reported by the Ways and Means Committee would only extend the implementing statute for 9 months—until June 30, 1971?

This is the second time that the implementing legislation is being enacted—but for periods far short of the duration of the agreement itself.

From the standpoint of foreign policy—and this is the thing which concerns me in particular as chairman of the Inter-American Affairs Subcommittee—I question the soundness, and the utility, of such an unusual approach.

The problems that could develop are obvious if every one of the 60-some countries which are parties to the International Coffee Agreement would decide to follow our lead and implement it on a month-to-month or year-to-year basis.

We would not have an operational agreement then—and we would be right back where we started in 1961, deprived of all the benefits which this agreement has brought to us and which Chairman Mills has described so eloquently.

(Mr. MILLS asked and was given permission to extend his remarks at this point in the Record and to include tables and a letter.)

Mr. MILLS. Mr. Speaker, as has been indicated, the purpose of H.R. 19567 as reported by the Committee on Ways and Means is to continue to July 1, 1971, the authority of the President contained in the International Coffee Agreement Act of 1968, Public Law 90-634, to carry out and enforce certain of the provisions of the International Coffee Agreement, 1968. Mr. Speaker, Members of the House will recall that the Senate gave its advice and consent to the ratification of the International Coffee Agreement, 1968, on June 28, 1968, and that agreement was ratified by the President on June 10 of that year. Although the agreement expires on September 30, 1973, the authority of the President to implement the agreement under Public Law 90-634 expired on September 30, 1970.

The main objective of the agreement is to stabilize coffee prices at levels which are reasonable to consumers and equitable to producers through the establishment of export quotas.

By participation in the International Coffee Agreement, the United States recognizes that consumers as well as producers suffer from extreme fluctuations in prices which characterized trade in coffee prior to the establishment of the first International Coffee Agreement in 1962. As the world's most important coffee consuming country, the United States has a substantial interest in fostering international cooperation aimed at assuring a sufficient supply of coffee at reasonable prices and in avoiding the peaks in prices which sometimes caused the retail price of coffee to rise to well over $1 per pound.

Of equal significance in terms of this country's participation in the agreement is the adverse effect which the instability of foreign exchange earnings from coffee can have on the development efforts of many of the less developed countries which have been the beneficiaries of U.S. assistance. In the early 1960's, losses from declining coffee prices offset development aid and frustrated our efforts to promote growth and stability in the coffee-producing countries of Latin America, Africa, and Asia.

Since the establishment of the International Coffee Agreement, the annual earnings of the exporting members have averaged about $500 million above the preagreement level. At the same time, consumers generally have enjoyed moderate price levels. The expansion in export earnings was accomplished largely by increasing coffee consumption, particularly in Europe.

Control of the volume of exports through allotment of quotas to each producing member is the principal means by which the agreement influences prices. At least 30 days before the beginning of each coffee year, the International Coffee Council, by a two-thirds majority vote of both producing and consuming members, adopts an estimate of total world imports and exports for the following coffee year. Based on such estimates, the Council establishes a total annual quota for all producing members, which is then prorated among the producers in proportion to their individual base quotas.

Consuming countries generally have benefited from stable prices which until recently have trended downward during the life of the agreement. The composite indicator price of green coffee as measured by the International Coffee Organization declined gradually from 41 cents per pound in September 1965 to 38 cents a pound in September 1969. However, in the summer of 1969, this downward trend in prices was dramatically reversed due to a freeze in Brazil followed by a severe drought. The psychological impact on the coffee trade of a prospective sharp reduction in fresh supplies in 1970 sparked a rise in coffee prices, and in the summer of 1970, the composite indicator price of 52 cents per pound resulted. If it had not been for the efforts that the consumer members of the coffee agreement made to arrest the rise in prices, there is little doubt prices would have shot up to their preagreement peaks. Decisions reached in the Council regarding the annual quota and provisions for selective and composite increases in export quotas are intended to provide an adequate safeguard against further increases in prices during the 1970-71 coffee year.

In terms of our own price statistics as measured by the Bureau of Labor Statistics Consumer Price Index, the retail price of coffee in September 1970 was 110 as compared with 137 for all goods and services and 133 for all foods.

Of major concern to the Committee on Ways and Means in considering this legislation has been the failure of Brazil to comply fully with its obligations under the coffee agreement. That agreement provides specifically in article 44 that exporting countries may not discriminate in favor of their exports of processed coffee as compared to their exports of green coffee. Despite this provision, Brazil tax policy continues to favor its soluble coffee exports.

As indicated in its report, the committee believes that the principle behind article 44 is a fair and reasonable one in the context of a commodity agreement and should be adhered to by all members of the coffee agreement. What is at issue is the question of access to a raw material on equitable terms. U.S. processors of soluble coffee pay a price for their raw material that incorporates a very stiff export tax which in terms of today's prices is the equivalent of 25 cents per pound. The Brazilian soluble coffee manufacturer buys his raw materials at the domestic price and pays only a token tax of 13 cents per pound when his finished product is exported. Since it takes about 3 pounds of green coffee to produce 1 pound of soluble coffee, American manufacturers of soluble coffee are at a distinct disadvantage.

The committee believes that Brazil should take action to end the discrimination and fulfill its obligations under the International Coffee Agreement. Failing this, the United States should remedy the situation. Section 302(1)(c) of the act which would be extended by H.R. 19567, was written specifically for this purpose. It provides the President with the necessary authority to impose a special fee as he deems appropriate to offset discriminatory treatment by other governments in favor of their exports of soluble coffee.

This issue has been the subject of lengthy consultations and negotiations between the United States and Brazil. In view of the previous delays in reaching the solution to this problem, it is believed that action either by Brazil or by the President is necessary. The Committee on Ways and Means in its report requests that the President report to the Congress by April 1, 1971, as to whether action has been taken either by Brazil or under the President's own authority to terminate the effects of the discriminatory treatment of soluble coffee imports into the United States from Brazil. Further, the committee has given notice that it will not consider further requests to extend the International Coffee Agreement Act of 1968 in the absence of such action.

With this situation in mind, your committee has amended H.R. 19567 so that the law authorizing the implementation of the coffee agreement will expire on July 1, 1971. Mr. Speaker, subject to the conditions I have just discussed, the committee is satisfied that it would be to the overall interest of the United States to extend the legislation allowing the United States to carry out its obligations under the International Coffee Agreement. On behalf of the committee, I urge the passage of H.R. 19567, as amended.

I include the following material:

COFFEE PRICES, TRENDS IN CONSUMER PRICE INDEX

Year	All goods and services	All foods	Coffee	Cola
1953	93.2	95.6	105.5	84.0
1954	93.6	95.4	150.9	89.0
1955	93.3	94.0	109.9	90.0
1956	94.7	94.7	116.8	91.7
1957	98.0	97.8	114.0	95.9
1958	100.7	101.9	101.1	99.2
1959	101.5	100.3	84.9	105.0
1960	103.1	101.4	83.1	107.4
1961	104.2	102.6	81.6	111.0
1962	105.4	103.6	78.8	112.5
1963	106.7	105.1	77.4	118.6
1964	108.1	106.4	92.8	124.5
1965	109.9	108.8	94.8	125.8
1966	113.1	114.2	93.1	129.8
1967	116.3	115.2	88.4	137.8
1968	121.2	119.3	87.3	147.7
1969	127.2	125.5	85.5	155.3
1969:				
September	129.3	127.5	86.6	156.8
October	129.8	127.2	87.0	158.0
November	130.5	128.1	90.0	158.7
December	131.3	129.9	92.3	158.4
1970:				
Januray	131.8	130.7	94.9	159.2
February	132.4	131.5	97.4	160.3
March	133.2	131.6	99.7	161.9
April	134.0	132.0	102.2	162.0
May	134.6	132.4	103.6	163.0
June	135.2	132.7	105.4	164.2
July	135.7	133.4	107.3	164.8
August	136.0	133.5	108.7	165.0
September	136.6	133.3	109.9	165.2

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[1] The Consumer Price Index for all goods and services increased 24 percent between 1965 and September 1970. The price index for all goods increased 23 percent during the same period. The price of coffee, however, increased 16 percent. At the same time the price of cola drinks increased 31 percent.

THE FOLGER COFFEE CO.,
Cincinnati, Ohio, November 19, 1970.

Hon. WILBUR D. MILLS,
Committee on Ways and Means,
House of Representatives,
Washington, D.C.

DEAR MR. MILLS: This week most of the country's coffee manufacturers have announced price declines of 4¢ per pound on their various brands of Vacuum Coffee—Folger's included. These moves have been made possible by recent declines in world market prices of green coffee.

This welcome news has produced a great deal of comment and conjecture in the press—some of it conflicting—as to the reasons for the reversal in green coffee prices after more than 15 months of consistent and substantial increase.

With Congressional action still pending on the enabling legislation for renewal of U.S. participation in the International Coffee Agreement, we felt it would be appropriate to provide you with a brief updating of what has happened to the coffee market since we last wrote you on October 1, as well as an indication of what we have concluded from these developments.

First, our conclusions.

We believe that world coffee prices have eased in recent weeks for these basic reasons:

1. The most important contributing factor, in our judgment, may have been your Committee's announcement on October 6 that it had voted to extend U.S. participation in the International Coffee Agreement only through June 30, 1971—rather than for the three-year period originally under consideration. Evidence to this effect:

(a) Almost immediately following announcement that it was the intent of the Congress to take another "hard look" at the agreement next June, coffee-producing countries that had been withholding coffee in anticipation of higher prices started selling coffee rather aggresively.

(b) The composite world market price of green coffee, which had been rising steadily for 15 months, peaked at a high of 52.31¢ per pound on October 5, the day before announcement of your Committee's decision. Since then it has declined slowly but steadily. On Monday, November 16, the composite price stood at 50.61¢ per pound, down 1.7¢ per pound from the October 5 peak; and certain classes of coffee, principally those used in the popular Vacuum Coffee blends, have declined by greater amounts, thereby justifying the 4¢ per pound price declines referred to above.

2. A second contributing factor, in our judgment, is that unreasonably high green coffee prices have hurt coffee consumption in this country. Our figures show that total U.S. retail sales of all types of coffee are down about 1.5%, comparing the 6-month period ending October 1, 1970 with the same 6 months a year ago. This plus the fact that usage of imported soluble coffee has been increasing over this time span has, of course, temporarily lessened U.S. demand for green coffee.

We believe that these events, plus the fact that world supplies of coffee have been plentiful all along, add strength to the argument that the size of the increases in green coffee prices dating back to the Brazilian frost of 1969 was unwarranted and prices are still unreasonably high today.

We are certainly encouraged by the recent downtrend in export prices, but we sincerely hope that this will not result in a relaxing of the very sound and constructive position that you and your Committee have taken toward renewal of the International Coffee Agreement. To this point we would offer these facts for your consideration.

1. Although the composite price of green coffee is down 1.7 cents per pound from its October 5 peak, the price is still more than

15 cents per pound higher than it was just prior to the Brazilian frost.

2. It is by no means yet clear that the mechanisms of the Agreement or the new world export quotas established in London in August are working effectively to return prices to reasonable levels or that they will prevent resumption of the uptrend. For example:

(a) Although world export quotas have been increased twice since October 1, the classes of coffee receiving the largest quota increase have actually declined the least in market price.

(b) The real test, however, will occur when and if the composite price of green coffee reaches 48 cents per pound, only 2.6 cents per pound below the price on November 16. At that point, under the provision established in London for the current coffee year worldwide export quotas will be cut back sharply. It remains to be seen whether this action will work to stabilize prices or whether it will drive them back to new highs.

Once again, Mr. Mills, whatever the outcome of the enabling legislation, there is little doubt that millions of concerned coffee drinkers through the country appreciate the contribution that you and your Committee have already made in their behalf. Moreover, it is our sincere belief that if the House and Senate support your recommendation for limiting extension of U.S. participation in the Agreement to June 30, 1971, to permit further Congressional review of the whole subject—the U.S. coffee drinking public will stand to benefit even further.

Sincerely,

E. L. ARTZT,
General Manager.

Mr. BYRNES of Wisconsin. Mr. Speaker, I support H.R. 19567, a bill to continue for a period of 9 months—until July 1, 1971—the International Coffee Agreement Act of 1968. In view of the detailed explanation the chairman has already given, my remarks will be brief.

The international coffee agreement was first negotiated in 1967 and 1968, ratified as a treaty, and implemented through legislation in 1965. The current agreement was negotiated in 1967 and 1968, ratified as a treaty and implemented legislatively through the International Coffee Agreement Act of 1968, which is extended by this bill. The act provides authority for the United States to require that valid certificates accompany importation from member countries and to limit imports of nonmember countries. The act also contains provisions safeguarding consumer interests and authorizing the President to take action to prevent discrimination by other countries against U.S. producers.

The coffee agreement, which is subscribed to by 62 countries involving 98 percent of the world coffee trade, is designed to moderate the extreme fluctuations in price that characterized coffee trade during the 1950's and early 1960's. The agreement provides a mechanism for insuring a more stable relationship between supply and demand that will avoid prices peaking, as they have in the past, at over $1 per pound retail. Additionally, the adverse effect on our efforts to assist underdeveloped countries resulting from extreme fluctuations in foreign exchange earnings of countries in Latin America, Africa, and Asia, which rely heavily on coffee exports, is an objective of the agreement.

Both consuming and supplying nations are accorded representation in the International Coffee Council and the Executive Board in proportion to their share of the international coffee trade. Pursuant to this representation and authority contained in the basic implementing legislation, the United States, which consumes about 40 percent of world exports, has been able to insure that consumers are fully protected against unwarranted increases in prices.

The committee has been assured that the agreement has accomplished the goal of reasonable price stability in a way that is advantageous to both the supplying and consuming countries, which have a mutual interest in avoiding wide price fluctuations. The retail price of coffee has risen more slowly since the agreement was implemented in 1965 than both the consumer price index generally and the components of the consumer price index relating to foods.

However, the continued discrimination of Brazil against U.S. producers of soluble coffee is of great concern to the Ways and Means Committee. Although article 44 of the cofffee agreement specifically prohibits exporting countries from discriminating in favor of their exports of processed coffee as compared to green coffee, Brazil imposes a tax on soluble coffee exports that is substantially less than the tax on exports of green coffee. This means that American producers of soluble coffee, who use about 3 pounds of green coffee to produce one pound of soluble, have substantially greater costs as a result of this discrimination.

This issue between the United States and Brazil was submitted to arbitration in accordance with procedures of the agreement, and a ruling issued finding Brazil in violation of the agreement and recommending that the discrimination against U.S. producers be eliminated. While Brazil took some token action in response, the discrimination against U.S. interests remains largely intact.

Action to eliminate this discrimination by Brazil is essential to continued U.S. participation in the agreement. This action should be taken by Brazil, but if Brazil does not so act, the President should use his authority under the 1968 legislation to impose fees offsetting the discriminatory treatment by Brazil.

The bill before the House, therefore, only extends the agreement for 9 months instead of the 3 years requested by the administration. The committee has, in our report, requested the President to report to the Congress by April 1, 1971, as to whether or not the discriminatory treatment has been remedied. We make it clear in our report that we will not entertain requests to extend the implementing legislation beyond the period provided by this bill unless such action is taken.

Mr. Speaker, in view of the benefits accruing from the international coffee agreement and the safeguards the Committee on Ways and Means has provided, I recommend that H.R. 19567 be passed by the House.

GENERAL LEAVE

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill H.R. 19567.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

The title was amended so as to read: "A bill to continue until the close of June 30, 1971, the International Coffee Agreement Act of 1968."

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 12962. An act for the relief of Maureen O'Leary Pimpare.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have taken this time for the purpose of asking the distinguished majority leader the program for tomorrow.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in reply to the inquiry of the gentleman from Michigan, may I say that we plan to take up the firefighters bill, and the U.N. Building bill, and conference reports that might be ready.

There is a possibility that the housing conference report and the supplemental appropriation bill conference report might be ready tomorrow.

Mr. GERALD R. FORD. Mr. Speaker, I would further ask the distinguished majority leader if the investors protection bill conference report will also be taken up? Was that not filed?

Mr. ALBERT. May I state to the gentleman that I am not aware of it—the gentleman from Iowa (Mr. GROSS) has just indicated to me that it has been, so we could also take that conference report up, too.

Mr. GERALD R. FORD. Mr. Speaker, I thank the gentleman.

THE PRESIDENT WONDERS

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, the President wonders why he has difficulty convincing the poor he is concerned about them. The President wonders why black people in this country do not believe he really stands behind his rhetoric about equality of the races. The President wonders why the youth of this country refuse to fall in line behind his pragmatic politics of the silent majority.

Yesterday's newspapers brought us the news that the Nixon administration, as part of a 23-percent cut in antipoverty funds, is considering cutting out entirely the funds for VISTA and for the rural loans program in the fiscal 1972 budget request now being prepared. Today's newspapers bring us the news that the Peace Corps budget will be cut by $20 million, representing a 22-percent slash.

And the President wonders?

THE 91ST CONGRESS NOT GOING OUT IN A BLAZE OF GLORY

(Mr. HALL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, last night on one of the local Washington television stations, the Novak half of the Evans-Novak team, discussed the apparent chaos that has overtaken the 91st Congress. To say the least, they did not portray us as going out "in a blaze of glory."

Mr. Novak, while noting that the President has not contributed a great deal of help toward alleviating the situation, nonetheless laid the blame for the congressional disarray squarely at the doorstep of the majority leader in the U.S. Senate.

According to Mr. Novak, the Senate majority leader has stood by, his face cloaked in a self-beknighted, kindly smile, while measure after measure has remained bottled up in committee, legislation that should have been brought to the floor months ago. Now, here it is, 7 days before Christmas, the 92d Congress set to convene in a little more than 4 weeks, and we are just now finally voting on appropriations that should have been enacted and signed into law by last July.

It pains me to remind this body that the last time such legislation was ready on time, was during the 83d Congress during the Presidency of Dwight Eisenhower.

Mr. Speaker, if I may take the liberty of paraphrasing the well-known poem by Clement Clarke Moore: "Twas the night before Christmas, when all through the House there were quorum calls."

I am afraid that is the predicament in which we will find ourselves in a few days. Do you not think it is time we shut down this "budget busting" enterprise, and give the American people a respite for Christmas?

MILITARY SURVEILLANCE OVER CIVILIANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MIKVA) is recognized for 60 minutes.

(Mr. MIKVA asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. MIKVA. Mr. Speaker, I have no desire to overdramatize the disclosure in recent days pertaining to the allegations that the Army was spying on elected officials and other civilians in the Chicago area. In fact, they cannot be overdramatized.

If true, they constitute a major constitutional crisis which threatens this House, the other body, and every other political institution in this country. If true, the allegations mean that the worst form of corruption has taken place in our Military Establishment—the corruption of office. If true, the charges mean that there are persons in the military who have totally violated their oath of office and superimposed their judgment on that of the electorate in terms of the manner in which the country is to be run. In frightening summary, the allegations if true mean that there are some military men who are prepared to impose a military control over the people of this country in order to "save the country." It becomes very important then, to find out if the charges are true.

According to Secretary of the Army Resor, we have nothing to worry about. He has "received information" that the charges are not true. I regret to tell the Secretary that there is ample information to suggest that the information is true. More important, I cannot believe that the Secretary, assuming he understands the seriousness of the crisis, is willing to let the matter rest on his quickie investigation. It does not even come up to the level of a whitewash—it is a "no wash." It appears that he looked in the personnel jackets of the elected officials involved. I am no spy, but it did not ever seem likely that these alleged spies would put their snooping results in my Army personnel file, or in Senator STEVENSON's Marine Corps file. About the only reassurance that I can find from Secretary Resor's statement—and it is not much—is that he wants to emphasize that "had any such alleged activities been conducted, they would have been in violation of Army policies."

I say that is not much reassurance because if that is not true, we are certainly undone. I never dreamed that it was otherwise. Let me also say at this point that I have no doubt that the President and the Secretary of Defense, and indeed Secretary Resor were as shocked by the charges as was I. It boggles the mind to think otherwise.

If the President of this country or the civilian heads of the military ever become a part of or condone such a program of surveillance, then the hour of our undoing has arrived. Our free institutions are threatened not because of a Republican plot to embarrass Democrats, or a conservative plot to embarrass liberals, or a hawkish plot to embarrass doves. The threat comes from the fact that if the allegations are true, there are a group of militarists who have the power and desire to choke off any disagreement with military policy—which they are going to make.

Mr. POFF. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman.

Mr. POFF. Mr. Speaker, it is sometimes easier to stand mute than to speak. It is nearly always safer. But no man who loves liberty can stand neutral when freedom stands in jeopardy.

When the military asserts the right to maintain clandestine surveillance over the conduct and convictions of a civilian, freedom stands in jeopardy.

What the military has done is outrageous. It is altogether reprehensible. It is utterly indefensible. If the military can spy upon the people's freely chosen representative, it can spy upon those who chose him. And then, no man's liberty is secure.

And here I take my stand. I stand not only to rebuke the wrongdoer but to defend the victim. Hon. ABNER MIKVA is honorable, he is patriotic, he is immensely gifted, he is a sincere and sensitive gentleman. His views and mine frequently conflict, but we are spokesmen of different electorates. He speaks the sentiments of those who chose him to speak, those who have affirmed and reaffirmed their confidence in him.

Can any man honorably deny another the right to disagree? Can society survive and remain free if it hushes dissent?

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman.

Mr. YATES. Mr. Speaker, I want to associate myself with the remarks made by the distinguished gentleman from Virginia (Mr. POFF).

Mr. Speaker, I think the gentleman's eloquent and powerful statement has a great foundation, in fact, particularly insofar as the gentleman from Illinois is concerned, my very good friend Mr. MIKVA.

Mr. Speaker, I want the gentleman from Illinois to know that following our colloquy on the floor a few days ago with the chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON) in which I expressed myself as being outraged over the report that the Army had under surveillance the gentleman from Illinois, the junior Senator from Illinois and the former Governor Kerner of Illinois.

Following that colloquy I want the RECORD to show that I wrote a letter to the distinguished chairman of the Appropriations Committee in which I urged him to carry out the investigation that he promised to make as chairman of the Defense Subcommittee of the Committee on Appropriations on the surveillance of the Army, particularly the surveillance that had been the subject of newspaper reports, conducting a vigorous and aggressive and thorough investigation and getting to the bottom of this, because certainly we in America, the people of America, do not want a police state; above all, they do not want a military police state. I thank the gentleman.

Mr. MIKVA. I thank the gentleman from Illinois.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from California.

Mr. BURTON of California. I would like fully to associate myself with the remarks of our distinguished colleague from Illinois (Mr. YATES). The reaction in the part of California that I represent has been one of shock and deep concern with respect to the report of our most able, distinguished, and highly respected colleague from Illinois (Mr. MIKVA), who has reportedly been subject to this unbelievable abuse of responsibility.

Those of us who have worked with our colleague from Illinois (Mr. MIKVA), have found him to be on all occasions one of the most thoughtful, energetic, and concerned Members ever to serve in the House of Representatives, and it is perhaps in some curious way fortunate that if such a circumstance had to occur and be brought to the public view, that it would involve a Member whose personal character and integrity is so far beyond any possibility of reproach that there could be no possible justifiable explanation of the conduct of the military in this particular regard.

So I would like to say to my colleague that though perhaps this incident has created some moments of unhappiness for him, perhaps for the rest of us in the House and, for that matter, for all Americans in the country who are concerned and determined that the military in a free and democratic society have its place—which place can certainly never be to look into the actions of the elected representatives of the people of this country—so I say to my colleague from Illinois (Mr. MIKVA) that whatever discomfort the surfacing of this reported conduct may cause you, perhaps we are all fortunate that it involved someone of your undisputed high character and grand repute.

Mr. MIKVA. I thank my colleague for those kind words.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from New York (Mr. REID).

Mr. REID of New York. I thank the gentleman from Illinois for yielding.

I believe the gentleman from Virginia (Mr. POFF) has put the matter simply, starkly, and eloquently. He has drawn the line of the right of liberty and the right of dissent with unmistakable clarity. It is totally clear that the military should not be engaged in clandestine research on elected public officials. I believe that the initial statement of the Secretary of the Army, Mr. Resor, stated categorically that this was an endeavor that did not have his approval, if it existed at all, and I believe that the White House has issued an equally sharp and categorical disclaimer.

It is further my understanding that Senator ERVIN may be conducting an inquiry into this next year. And I can only state my regard for the gentleman in the well and my conviction that the House and Senate must make abundantly plain and clear the principle here involved and, as necessary, must ascertain all the facts surrounding this question. If the allegations bear any truth whatsoever, this body and the Senate and the Executive must relentlessly discover all the facts and make clear beyond peradventure that this kind of operation will not continue in a free society, and that all Americans, including elected Representatives, may be assured of their basic and fundamental rights.

Finally, one thing this country does not need is further fear or suspicion. What we need is a rebirth or reasoned inquiry so that hope and freedom may bring forth the best in America and encourage the free exchange of ideas so that all men can make an important and valid contribution to our country and to principles of liberty under which our country was born and by which it must be sustained.

I commend the gentleman in the well for bringing this matter to the attention of the House tonight, and I pledge to him that I, as one Member, along with him, will not rest until we get to the bottom of the matter and all of the facts are clearly and unmistakably ascertained.

Mr. MIKVA. I thank the gentleman from New York.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I commend the gentleman for taking this time to discuss this very critical problem that has come to light. I am sure we can all agree it would be difficult to improve upon the very eloquent words of the gentleman from Virginia (Mr. POFF) in commenting on the ability of the gentleman in the well, the gentleman from Illinois (Mr. MIKVA), but this problem goes much further than infringing on the rights of Members of Congress. This investigation by the Army intelligence unit, as reported in Chicago, involved spying on some of our most outstanding citizens in Government and out of Government, and involved spying and surveillance on our businessmen on both sides of the political spectrum; and involved surveillance on Mr. W. Clement Stone, who is one of the largest contributors to President Nixon and the Republican Party; and involved an investigation of young Republicans; and involved an investigation of Father Lawler, an outspoken foe of busing in Chicago; and involved surveillance of the Reverend Jesse Jackson, who is head of the Operation Breadbasket in Chicago; and involved surveillance of our former State treasurer and now Senator from Illinois, Mr. ADLAI STEVENSON.

So we can see from the pattern of the people who have been under surveillance by this Army unit that what they were really doing here was investigating the religious beliefs of people and investigating the political beliefs of people and various other views—economic and whatnot.

I believe this really shows the enormity of the transgression on the rights of citizens. This would be despicable in itself if it were merely surveillance of men in public office, because of their disagreement with some views on Vietnam or on this or on that issue; but here we have the broad scope of citizens investigated in a clandestine manner without any of them being advised they were under surveillance. The unit even went so far as to investigate newsmen, including Morton Kondracke, of the Chicago Sun-Times and Richard De Sutter, of the Chicago Daily News, so we can see how deeply rooted was this whole practice by the Army.

I submit that this is what Hitlers are made of. The next step is the knock on the door in the middle of the night.

I agree with the gentleman in the well that he has every right to be incensed. I do not know whether I was under investigation or not, but that does not in any way temper my outrage at this practice, and I believe we ought to have a full investigation of this practice.

The thing that disturbs me is that we have had some statements from the Defense Department indicating that there is no record of this, nor any knowledge of this when the fact of the matter is that some time back Secretary of the Army Resor ordered these records destroyed; and then the office in Chicago microfilmed the records of every one of these dossiers.

Those microfilms are now somewhere here in Washington at one of the intelligence agencies. So, obviously, the orders were not carried out. This information is still floating around. It means there is somebody somewhere in this Government who continues to feel the necessity for preserving this information and these records.

It seems to me that while we can be comforted by the statement of the President, as reported by his press secretary, Mr. Ziegler, that the President was outraged by this report and wanted a full investigation, we cannot rest until we are completely assured that the military in this country has not and is not continuing this practice.

It is, I believe, a fundamental thing. What it shows is the arrogance of the military in usurping the very keystone of this democracy of civilian rule, when the military decides it is going to set up its own intelligence service to spy on the civilian authorities of this country.

This is one of the greatest threats to America.

We Americans pride ourselves that our President, a civilian, is the Commander in Chief of our Armed Forces. We pride ourselves on the fact that the Secretaries of the Army, Navy, and Air Force are civilians. We pride ourselves on the fact that the Secretary of Defense is a civilian.

This whole country is based on the concept of civilian rule; yet, we see here the military, perhaps without the knowledge of the civilian authorities, conducting this kind of a secret, clandestine operation. I believe this fact in itself shows how far down the road we have gone and how every American ought to be outraged by this practice.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from New York.

Mr. REID of New York. I thank the gentleman for yielding.

The gentleman from Illinois (Mr. PUCINSKI) is familiar, is he not, with an article which appeared a number of months ago in the Washington monthly relative to certain activities which were apparently carried on at Fort Holabird as to the compilation there of a certain list? I wrote Mr. Robert Jordan, General Counsel, Department of the Army, two letters on that matter, and I was assured in a letter from him dated April 16 that the blacklist had been destroyed and in a letter dated August 5 that a computerized data bank discovered at Fort Hood had been destroyed.

I understood the gentleman to say he had information to indicate that some such list as this in Chicago allegedly had been destroyed but in fact had been microfilmed. Does he have any evidence that the material at Fort Holabird of the same character, supposedly destroyed, was also microfilmed?

Mr. PUCINSKI. It is my understanding, so far as the intelligence information gathered by the intelligence detachment 113, stationed in Chicago, with headquarters at the 2200 block of Howard Street, that those records were ordered destroyed but before they were destroyed they were micofilmed and the microfilms were sent here to Washington. So far as I know they are still somewhere in some intelligence agency in Washington.

It occurs to me we certainly ought to have a full investigation to make sure, if this report is incorrect, that it is so established.

So far as my information is concerned, those microfilms are still very much usable. There has been some talk about the fact that the computer programing has been destroyed and therefore the microfilms would be of very limited use. I believe we all know that is not too much of a problem, to reestablish the programing and to put those microfilms back to full use if anybody wants to use them.

Mr. REID of New York. I appreciate the gentleman's comment. I want to say further that I will pursue that question, as one Member and as a member of the Committee on Government Operations. If the gentleman could give me any further information I will include it in a letter I will send to the Army, to the Secretary and the General Counsel of the Army. If these lists have not been destroyed, as the General Counsel's letters to me explicitly stated they have, then there has been a clear violation of both the spirit and the communication between the Executive and the Congress on this matter. The gentleman is eminently correct. This should be looked into and set clearly before the American people and the facts established. If this practice is still continuing, it should be stopped cold.

Mr. PUCINSKI. I will be very happy to cooperate with the gentleman.

Mr. MIKVA. I want to assure the gentleman that I will turn over all of the information I have.

One of the points I am making in my remarks is that there must be a full investigation by the Government Operations Committee of the House of Representatives into this matter starting back with the original charges that were made in the Washington magazine and including those charges made on the NBC documentary earlier this month and including the charges of the sergeant involved and several other military operatives who have spoken out or are in the process of speaking out, because there is a great deal of confusion.

I share the gentleman from New York's refusal to believe that any hiring agency in connection with this was aware either of the operations when they were going on or that perhaps the orders to destroy had not been carried out. Perhaps, for instance, Sergeant O'Brien, of Chicago, specifically stated that when the first Washington article appeared he was told to cool it for a few days, but shortly thereafter, according to him, operations resumed full blast.

These are the kinds of things that I think once and for all a responsible committee of this House and of the other body and the Executive must get to the bottom of. Until we do know the situation no one can feel secure that in fact the military is in control of it.

Mr. REID of New York. If the gentleman will yield, I look forward to working with him and seeing that the Government Operations Committee does get to the bottom of it and very promptly at that. I will endeavor to set this in motion at the earliest possible time, perhaps next week. Further, I will welcome any and all material that the gentleman has and make it a part of the official record and see if we cannot get to the bottom of this. The facts are a bit confused. Genuine fears have been raised. This is not an area that should be in doubt, but instead must be as clear as the fundamental rights of every Member.

I have been apprised that the basic investigative jurisdiction of the Army over civilians was established in the Delimitations Agreement of February 9, 1942, was subsequently updated, and is currently being revised. I believe the Government Operations Committee should conduct further investigation into this matter also to ascertain precisely what the regulations are at this time.

Mr. MIKVA. I agree with the gentleman from New York completely on that.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding.

Mr. Speaker, of course, we are all appalled at the possibility that the military may have been spying on elected officials in America and most particularly the gentleman from Illinois (Mr. Mikva). But there may be some rewarding result from their activities. I say this because I think if they have been observing the gentleman from Illinois, they have been observing a good influence in this Nation and they may be better people when they finish than when they began; because they would have been observing a man of great character, a man of great dedication, dedication to his country and to his countrymen. They would have been observing a public servant who shows great concern, sensitivity, and sympathy for the aspirations of his fellow Americans that he serves so well.

So it could be that the end result would be, rather than an appalling situation—and appalling it is—that the people who did the spying will find out when it is all over that they may be a little bit better people because of their association with the gentleman from Chicago, just as I know I am a better person merely for the association I have been honored to have with a dedicated public servant such as the gentleman from Illinois (Mr. Mikva).

I thank the gentleman for yielding.

Mr. MIKVA. I thank the gentleman for his remarks.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, if there were any question about the need for Members of this body to come to the defense of the gentleman from Illinois (Mr. Mikva), I know that the entire Chamber would be full tonight. There, of course, is no such need.

The reason that I and other Members of the House of Representatives on both the Republican and Democratic sides are here is not to defend the gentleman from Illinois (Mr. Mikva), who patently needs no defense. Any suggestion that his loyalty and character have been in any way reflected upon is so ludicrous that it is beyond discussion.

What is important is the national question that has been raised by the allegations that have been made by Sergeant O'Brien and others—allegations that the elements of the military service have been involved in political intelligence surveillance, not only of public officials but of other civilians in the United States.

Mr. Speaker, we have in the United States a body of law to protect the internal and national security of our country. The responsibility for enforcing that law lies with the Department of Justice and with its duly constituted agencies. The function of the military services in no way extends to the investigation and suspected national or internal security violations of law by civilian citizens of the United States. I know of no basis in law or otherwise to justify political surveillance of civilians by any units of the military services.

So, I want to concur with the gentleman in the well. There is a most important question that has been raised by these very disturbing allegations which requires the fullest investigation.

I share the view of others tonight that assurances from Mr. Resor, the distinguished Secretary of the Army, are gratifying. His insistence that no approval from the civilian command in the Army, authorized any of the alleged activities described by Sergeant O'Brien are reassuring as are the strong statements that have come from the White House itself describing the President's personal outrage and concern with the reports.

But it is not enough for the Congress and the country to be assured that if these conditions and activities did in fact exist they will no longer be permitted to exist. It is very important, I think, that we know with certainty if they did take place in the first instance, and which areas of the service were involved, which officers authorized them, and a detailed, meticulous investigation of every scrap of information that can be brought to public notice about the entire matter. I hope that we see in both the House and the Senate a most exhaustive investigation produce detailed information concerning the truth or falsity of these charges and if these charges are true on the conduct of every military officer and civilian official who might have in any way approved, authorized, conducted or supervised any such activities.

If these charges are true to any substantial degree we must not only disclose that fact but trace precisely what was done, precisely how it was authorized, and involve ourselves closely in the knowledge of those individual military officers and others who were in any way connected with the activity. I am convinced that if these allegations are true we will need more than assurances and more than policy statements, repudiating them; we may perhaps need a revision of the law of the United States. If these allegations are true, I think this is a matter toward which both Houses of the Congress have the greatest responsibility. Not only to assure that a personal outrage to a man of such enormous capacity, loyalty and dedication to his country as the gentleman from Illinois (Mr. MIKVA), does not again occur, but more fundamentally that the proper function of military and civilian responsibility is clearly and conclusively restored.

Mr. Speaker, I think it is gratifying tonight that Members who have joined in this special order are Members from both sides of the aisle and from every political persuasion, and viewpoint. I would personally want to be categorized as a supporter of a strong national military policy for the United States. I find myself in agreement with the general foreign and defense policies of this administration. Nevertheless, I am convinced that our democratic society can face no greater danger than the intrusion of the military into the civilian political processes of our country, particularly by secret, covert investigations of the political conduct of civilians by units of the military services.

In my judgment the military services of the Nation can have no greater pride in their magnificent contributions in peace and war than in their traditional dedication to our constitutional tradition of civilian political responsibility and control.

Every military and civilian citizen should hold that tradition dear—he is no friend of the Republic or its constitutional freedoms who holds otherwise.

Again I compliment the distinguished gentleman in the well, the gentleman from Illinois (Mr. MIKVA), for whom I have a special admiration and regard and assure him again of my determination to join with him in this critically important undertaking.

Mr. MIKVA. I thank the gentleman.

Mr. ANDERSON of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Tennessee.

Mr. ANDERSON of Tennessee. Mr. Speaker, I want to associate myself with the excellent remarks of the distinguished gentleman from Washington, and those of all of our colleagues who have spoken on this matter this evening, and to commend especially the distinguished colleague in the well, the gentleman from Illinois (Mr. MIKVA) for facing up so squarely and so forthrightly and so courageously to a very, very serious matter.

The reported invasion of military intelligence operatives into the private, political, and business lives of candidates for public office and public servants and other citizens, seems to me to indicate that as we anticipate the early arrival of 1971 that we are perhaps destined to wonder whether or not we are really emerging into 1984 quite rapidly; and certainly we shall, unless these present trends are summarily spotlighted and reversed.

Liberty, we must recall, is a very fragile thing. The question we must ask today is who are the protectors of this cherished American tradition? The White House has given a good statement abhorring the situation. Former Defense Secretary Clifford said that he knew nothing about it. Army Secretary Resor has given a good statement denying any responsibility and intimating that he knows nothing about it.

Well, the question is, Just who is in charge here? Is the machine running itself? Where is the accountability? And, yes, where is the credibility?

I think it is time for those of us in this Congress to shoulder our own responsibility as elected representatives of the people and to take back to this representative branch and, therefore, take back to the people those constitutional powers that have been gradually but persistently absorbed by the executive and judicial branches.

A proper, immediate, and very full investigation of the matter before us is an excellent place to start. The lack of adequate congressional oversight of all intelligence gathering activities—not only the military but the CIA and the FBI would be an appropriate addition to the agenda.

Mr. Speaker, I thank the gentleman for yielding to me.

Mr. MIKVA. Mr. Speaker, I thank my distinguished colleague for his remarks.

Mr. PRYOR of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman.

Mr. PRYOR of Arkansas. Mr. Speaker, I rise today to join my colleague from Illinois (Mr. MIKVA) in calling for a congressional investigation of the recent revelations of U.S. military surveillance of political figures.

If the allegations made by a former Army intelligence man, John O'Brien, are in fact true, a dangerous precedent has been established and must be stopped and stopped now before it becomes established practice.

Thus far, the press has only reported that Illinois has felt the sting of this obnoxious "snoop-job"—but where else has the same invasion occurred? Who else has been under surveillance—whether public official or businessman, housewife and journalist? Who else must now feel that every political acquaintance must lead to his eventual political destruction? Who else must be forced to feel that to talk with or meet members of our society they must first obtain Army clearance?

Ours is a nation built upon the principles of freedom which holds itself out to the world as the watchdog of freedom everywhere. While this is not the time for vitriolic rhetoric, I believe that we must now take steps to insure that our own House is kept in order and that the light of freedom will not be dimmed at home.

There is always a tendency to magnify the importance of individual and singular events, and there will be those who will accuse my colleague of doing precisely that. However, Mr. Speaker, if the U.S. Army is engaging in investigating the political activities of Members of Congress, and other public officials, I can think of no more dangerous threat to the basic foundations of a government which prides itself on civilian control of the military. How ironic it would be if the very security of the republican form of government were threatened in the name of security.

I want to make it clear that I am not presuming the truth of these allegations. That is why I am joining my colleagues in calling for a full-scale examination of this incident. But I do want to make it clear that I am so shocked even by the possibility of such activity that I must join in this protest today.

Over a century ago, one of this Nation's greatest leaders offered the following indictment:

> Accustomed to trample upon the rights of others, you have lost the genius of your own independence, and become the fit subjects of the first cunning tyrant who rises among you.

The man was Abraham Lincoln, and the place was Illinois. Once again, over a century later, Illinois is the scene, and I must add my voice in protest.

Mr. MIKVA. Mr. Speaker, I thank the gentleman from Arkansas for his remarks.

Mr. SCHEUER. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman.

Mr. SCHEUER. Mr. Speaker, I want to congratulate the gentleman in the well for his leadership in bringing this matter to the attention of the Congress and for obtaining this special order. I want to join my two distinguished colleagues who just preceded me in urging a thorough-going, painstaking, and deep-rooted investigation of all the facts and circumstances surrounding the allegations of the former member of Army intelligence.

I am, of course, not presuming the facts. It is for us to produce the facts through the time-honored method of the congressional investigation. I think all of my colleagues would join me in assuming, without any question, that neither the Secretary of the Army, Mr. Stanley Resor, nor our distinguished former colleague, the Secretary of Defense, Mr. Melvin Laird, had any knowledge of these goings-on at all. It would be unthinkable that either of those two men, with their demonstrated and acknowledged love of our institutions, would for one moment permit such a state of affairs to exist. But the fact is that as our security institutions grow larger, we begin to make trade-offs, buying a certain amount of security at the price of a certain amount of freedom.

And maybe in an anxiety-ridden, urban society, we must do this. Maybe "search and frisk" is justified. Maybe "no-knock" is justified. Maybe "preventive detention" is justified. But what are we achieving for these trade-offs?

We must be sure, without a peradventure, that we are controlling these trade-offs, these unhappy elements of attrition on our constitutional rights and liberties, and as the security invasions grow larger, it becomes increasingly more difficult for the men at the top in charge to know what is going on many levels below them.

It is merely for those purposes that, No. 1, establishing what has gone on; and, No. 2, making certain that the men in charge at the top of the pyramid will be able, really, to keep control of the security instruments, the security systems, and the security personnel that should be at the forefront of the legislative purpose of such an investigation.

A former Secretary of the Army said many decades ago that "Gentlemen do not read each other's mail." Do you remember that Secretary of War Stimson said this when he was asked to scrutinize the in-coming correspondence of the German Embassy?

Unfortunately, I think we must accept the fact that today gentlemen do read each other's mail. Gentlemen do intercept each other's private conversations, and for purposes of high national security, that may be necessary. But it is up to the Congress to determine the circumstances when it is necessary. It is up to the Congress to make sure that we have adequate protective devices, very rigorously to limit the occasions on which these invasions of privacy take place and to assure the safety and propriety in every way of such investigation.

Never was there a clearer challenge to the integrity of the Congress, to the integrity of the separation of powers than in this challenge that the distinguished Member from Illinois has laid before us, and I congratulate him for his leadership, and I hope that every Member of Congress, across party lines, across this aisle, will feel not only that the integrity of this institution has been threatened, but the integrity of our system of freedom, of our system of protection against tyranny, protection against totalitarianism in every form, is threatened. The chips are down, and the challenge is to us. I congratulate the Member for bringing this so starkly and so classically to our attention.

Mr. MIKVA. I thank the gentleman.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I join, perhaps last tonight, a line of speakers who have addressed themselves to a most important subject brought on at the instance of the gentleman from Illinois (Mr. MIKVA), about a subject that I think has been examined with unusual ability tonight, particularly on the part of the gentleman in the well and the gentleman from Washington (Mr. FOLEY).

As I have listened to the various observations and suggestions and recommendations, it occurred to me that the situation perhaps is far worse than any of us would honestly care to recognize. I say that, taking into the consideration the full depth and breadth of the many cogent remarks that have been made here on the subject of the incursion of the military authority into the civilian activities in this country.

I suggest that many of the Members here are no longer startled by the fact that they, themselves, may be the subject of a dossier in any one of a number of internal security offices and agencies that now operate within this Government.

I say this because many of the Members in this body may very well believe, and with good reason, that their phones are not a source of private communication and that their other business may be the subject of scrutiny and observation, all contrary to the duly established procedures that ought to obtain in this country.

So what the gentleman from Illinois has done, I think, is to bring very ably this question home to the Members—and, of course, we are outraged, as we should be. But there are many thousands of citizens who do not have this platform, who are unknown even to us tonight and who have no possibility of redress against the similar and frequently worse invasions of privacy that security agencies, including the FBI, the CIA, and who knows what other military authorities have been engaged in, and thus curbing the rights that we presume and speak so eloquently of from day to day in this Hall.

So I see a much more serious picture than any Member has presented here. I am hopeful that out of the example of the gentleman from Illinois, more Members will begin to consider exactly the direction this country may be headed in—a directon that I do not speak pessimistically about, because I think it can be reversed. I am not one of those patriots in this body who thinks that things always were better than they are now, who imagines that there may not ever have been any kinds of constitutional violations that have gone on in an earlier period of this country's 196-year history, but I feel that in a sense today there are more people in America who have become conscious of the problem, even though at the same time it might not be getting better.

It is out of the courage and ability of the gentleman in the well that we have been brought to focus on this question, far beyond his own personal incense, and the skill of the Members that have preceded me tonight on this special order gives me sound reason to hope that this country can some day become what it has said that it is, but which it very clearly is not, because until we have extended the freedoms that we write and speak about to every single one of our 200 million citizens that share our birthright, then, indeed, what happened to the gentleman in the well could happen to any one of our citizens anywhere.

Mr. MIKVA. I thank the gentleman for his comments.

Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Missouri.

Mr. ICHORD. I regret that I did not hear the opening remarks of the gentleman from Illinois.

May I state first, before I put my question to the gentleman from Illinois, that the only thing I know about this whole controversy is what I have read in the newspapers. In that respect I am pretty much like Will Rogers: I believe nothing that I hear, half of what I see, and some smaller percentage of what I read in the newspapers.

Has the gentleman concluded that the Army actually spied upon him and the Senator-elect from Illinois, ADLAI STEVENSON? Has this been conclusively determined?

Mr. MIKVA. Let me say first of all that Mr. STEVENSON is now the junior Senator from Illinois. He took his oath of office last month.

The answer to your question is "No." In my remarks, I would say to my distinguished colleague from Missouri, I made it very clear that the allegations have not yet been proven. In every one of my remarks I have prefaced them by saying, "If true."

What I have said, and what I believe every Member of the House who has participated in the dialog tonight has said, is that the allegations touch on such a fundamental part of our free society that even if they were offered with no substantiation they must be addressed immediately, forthrightly, and completely.

Unfortunately, as I pointed out in my remarks, and as others have pointed out, this is not the first set of allegations about this practice which has come before the country in the past year. In previous instances it turned out that at least where there had been some smoke there also was some fire.

So I would say to the gentleman from Missouri that what I have called for tonight—is a full-scale investigation by the executive, by the Army and by the Department of Defense. Moreover, we need a full-scale investigation by this House and by the other body, so that if the allegations are not true we can purge from the public mind the suspicions that they may be, and that if the allegations are true we can purge from the military service the cancer that will destroy us if left unchecked.

Mr. ICHORD. I would agree with the gentleman from Illinois that as a general rule I would state that Army intelligence has no business whatsoever spying on civilians.

Is it not true, I would ask the gentleman from Illinois, that the President of the United States has stated unequivocally that the Army does not have this prerogative?

Mr. MIKVA. Yes. I must say that there has never been any doubt in my mind that this President—and indeed every President this country ever had—shares that view; because it would boggle the mind if ever a Commander in Chief, himself an elected official, did not share that philosophy.

I have not the slightest doubt that President Nixon was as outraged as his press secretary said he was. Indeed, I think all the civilian heads of the agencies involved were equally outraged.

What is needed, as I indicated in my remarks and as others have indicated, is the kind of thorough sifting and winnowing of the allegations and charges which have come before the public and which now are coming before the public, so that we can once and for all make it clear to all that the military establishment in our country is run by civilians for civilians and not by the military for the military.

Mr. ICHORD. I have no difficulty in concurring, no difficulty at all in concurring with the statement of the gentleman from Illinois; but has not the Army denied the allegations that the gentleman from Illinois and the new Senator from Illinois, ADLAI STEVENSON, and Senator McCARTHY were spied upon?

Mr. MIKVA. Let me say that Secretary Resor this morning issued a denial. I think I have no doubt again that Secretary Resor was not aware that this practice was going on. I must say the denial was something less than complete. In parts it seemed that he or some one had examined my personnel files from when I was in the military service back in the 1940's and found no entry since 1945; and therefore he assumed that this allegation was not true. I did not expect that information about espionage would be appearing in my personnel file. Let me say very clearly to the gentleman from Missouri that there has been no effort in my remarks or in those of anyone who spoke here tonight prior to the gentleman's return to the floor to prejudge this matter. What we all expressed is something that I know the gentleman from Missouri shares; namely, a deep concern about our country if these charges are true. We also have a deep concern for the military's sake if these charges are true.

Let me say also that I am very grateful for the comments of all of my colleagues who spoke here earlier tonight.

Maybe I should be grateful whatever way the allegations made by Sergeant O'Brien turn out. The remarks of all of my colleagues have been very kind.

I do not feel personally threatened or attacked. As one of the earlier speakers suggested, I have a forum from which to respond, and it is one of the greatest forums in the world. I have a constituency to which I can appeal for support. I worry, as other speakers indicated, that if there is truth to these allegations, there are 200 million people whose freedom is at stake more so, perhaps, than mine. What we seek to do by this special order tonight, and the call for action I have made and which others have made, is, not to prejudge the military or to damn it, but indeed to see what proof or disproof of these allegations which can be brought before this body or the other body or the executive branch.

Mr. ICHORD. Will the gentleman yield, if I can interject at that point?

Mr. MIKVA. Let me finish.

We are 435 Members of a free, deliberative body and I have not the slightest doubt, despite the political and ideological differences that exist between us, that there is not one person in this body who does not agree with the proposition that elective officials are responsible to the electorate and not to the military services. That is the proposition.

Mr. ICHORD. I will say to the gentleman from Illinois, from what I have heard since the gentleman from Michigan (Mr. CONYERS) addressed the House—and specifically referring to the words of the gentleman from Illinois—I cannot disagree with the gentleman. It is my understanding that the Senator from North Carolina, Mr. ERVIN, as head of a subcommittee of the Senate Judiciary Committee, does intend fully to investigate this matter and see that the facts are made explicit. Is that not correct?

Mr. MIKVA. That is correct. And part of my remarks tonight were to urge an appropriate committee of this body to engage in a similar investigation so that, as I said before, we can get to the truth or the falsity of these and similar allegations.

I thank the gentleman from Missouri for his contribution and thank all of my colleagues for their contributions.

As I said at the beginning, it becomes very important to find out if the charges are true and it becomes very important, not to the gentleman in the well and indeed perhaps not to any single Member of this House, or to any Member of the other body or to all of us collectively, but to the electorate that we represent to see to it that if the charges are not true that they are disproved fully; and, that if they are true, that we remove the source that otherwise would destroy our country.

And so, once again, we are back to the central question; namely, are the allegations true? In order to answer that question, we ought to look not only at the current charges, but at the whole sorry record of Army intelligence in domestic matters. When we do, we find so much smoke that there is a very great likelihood of the fire we fear. Let us look at that record.

THE VALIDITY OF THE CHARGES

Late last year, the first trickle of information about this pernicious practice began to leak out of the vast military bureaucracy. Christopher Pyle, a former Army intelligence officer, wrote a long, detailed, and thoroughly documented article for the Washington Monthly magazine describing the widespread use of undercover agents by Army intelligence to monitor civilian political activities. Mr. Pyle noted that the results of this covert surveillance were maintained in extensive files kept by the Army. Although various excuses and justifications were offered for these activities, it was clear from the beginning that there was absolutely no sanction, either in law or in the traditions of this Nation, for the kind of snooping which the military was carrying out.

Mr. Pyle's disclosures were followed by a flurry of denials, then of admissions and contrite explanations, and finally by promises to cease further secret spying on civilians and to destroy existing files on domestic political activities. The sincerity of these promises may be judged from events which have followed in the ensuing months.

Earlier this month it was revealed in an NBC special report that there had actually been secret military agents present on the floor of the Republican and Democratic conventions in Miami and Chicago. This revelation, too, was followed by a spate of denials from high-level civilian officials in the Department of Defense that any such activities by military personnel had been authorized. This left two possibilities: either these high-level civilian officials were being deceived by their subordinates about the nature and extent of military spying on civilian politics, or these officials were willfully misrepresenting the existence of authorized military spying. In either case, some investigation should have been conducted. Apparently, none ever was.

The public service performed by NBC in its special report is only now being appreciated. For it was that report which convinced a former Army intelligence agent in Chicago, Mr. John M. O'Brien, to come forward with his hair-raising story of Army surveillance of civilian politics and elected public officials.

At this point, Mr. Speaker, I wish to take just a moment to voice my appreciation to Mr. O'Brien for his courageous act in coming forward with the details of the Army's ill-advised meddling in civilian politics. Many citizens in Mr. O'Brien's position would—indeed, many have—simply kept quiet about the activities in which they were engaged, despite the fact that many of them must have known that there was no legal or other authority for the military to police civilian politics, and despite their own misgivings about such efforts. Mr. O'Brien has responded to a higher kind of patriotism, a partiotism which requires citizens to speak out against the illegal usurpations of their government. I believe that Mr. O'Brien's courage is the true patriotism, the patriotism which will keep this nation free.

John O'Brien's revelations have profoundly shocked the people of Illinois and the people of this Nation. What those revelations made plain is that military authorities have not limited themselves to surveillance of alleged "radicals" or violent demonstrators. The Army high command has decided that even elected officials—the very establishment itself, if you will—contains among their ranks persons who must be "watched," or whose activities must be "monitored." Among those untrustworthy souls who needed these special attentions were a candidate for the U.S. Senate, a sitting Member of the House of Representatives, a former Governor of the State of Illinois and present member of the U.S. Court of Appeals for the Seventh Circuit, and at least two members of the Chicago City Council. In addition, they were watching lawyers, newspapermen, television newscasters, teachers, philanthropists, and Republicans. They even made sure that there was no racial discrimination in the surveillance and included civil rights leaders and other black citizens. What were the criteria for such surveillance? According to Mr. O'Brien, they were people who were outspoken against the war, people who belonged to peace organizations, people who criticized the President on matters either foreign or domestic. In short, it was aimed at active citizens.

The implication of the O'Brien disclosures and those which preceded them are overwhelming. How many candidates for Congress, for Governor, for mayor, for city council, for State legislature, for any public office have been subjected to this unworthy scrutiny? How many private citizens will in future years be deterred from participating in the political process—the lifeblood of a free society—by fears of the military's intervention—fears of having their children watched, their wives watched—the kind of agonizing questions I now worry about as to what effect my outspokenness on public questions is having on my family's privacy, and my friends' privacy.

Many have called John O'Brien's revelations incredible. Yes; it strains one's credibility; but I believe that we can ignore these charges only at our peril if we wish to remain a free country. I would remind my colleagues that reports of the My Lai massacre were also first labeled "incredible." Only after a thorough, prolonged probe of the incident were the true facts brought to light. I believe that only after a thorough investigation—by both Congress and the Department of Defense—will the fears of the American people be quieted. But before describing the kind of investigation which is required, and what such an investigation should cover, I believe it is worth discussing the dangers which military surveillance of civilian politics present to the kind of free society which we believe exists in America.

DANGER TO A FREE SOCIETY

It seems improbable that one should have to enumerate the reasons which make military surveillance of civilian politics dangerous to a free society. But apparently there are those in government and in the military who do not understand the dangers.

First, of course, is the danger that surveillance—or even the popular belief that it exists—will discourage the kind of full, free, and unrestrained exchange of ideas and viewpoints on which democracy is based. When citizens and participants in political debate feel that they must restrain their utterances, that they must watch their tongues, because "someone might be watching," then we have taken the first step toward totalitarianism. Then we are on the way to having in America the very Gestapo tactics which we fought to defeat in World War II.

It has long been the hallmark of totalitarian societies—police states—that only "approved" persons could participate, and that only "acceptable" ideas could be heard. Military surveillance of civilian politics raises the specter that such official "approval" and "acceptability" will someday be a requirement of American politics as it has long been in the Communist countries we condemn.

Indeed, those military officials who would arrogate to themselves the duty to watch peaceful civilians' political activities are the true subversives in our society. It is they who, more than critics of the Vietnam war, pose a threat to the continued freedom of political expression and political action.

I call these militarists subversive because they have betrayed the trust of the American people. They have betrayed their oath of office. Military officials who have misused their authority to spy upon civilian officials to whom they are constitutionally responsible will in the long run do far more damage to our constitutional form of government than all the dissenters and critics put together. For who will protect us when our protectors pervert their constitutional function and turn their authority against the citizens they are pledged to serve?

The second danger to America from military surveillance of civilian public officials is the possibility that the existence of such activities, or even the belief among public officials that it exists, will sway the judgment, influence the decisions which these officials are bound by oath to make on the basis of the public interest alone. This subtle but very real form of intimidation has undoubtedly already begun to work. From jokes among legislators and executive officials that "someone may be listening" to his telephone conversation we move on to the firm belief and then to the fear that every move is watched, every public and private action judged by some unseen military agent.

It would probably be going too far to say that the wide acceptance of military programs by the Congress has been influenced by the fear of covert military surveillance. But who can say that in future months—if the present military spying program is continued—none of us will have second thoughts about a vote on military affairs? But who can be certain that his judgment will not be swayed, perhaps even unconsciously, by the belief that he is being watched, and that the right vote may free him from continued surveillance.

What was my credential for eligibility to the club? Was it a proposal to cut military manpower by 10 percent—which idea looks better and better—or my cosponsorship of H.R. 1000, the proposal to end the war in Vietnam? Or, as Mr. O'Brien put it, my general outspokenness against the war?

And so the second danger to democracy from military spying of civilian government officials resides in the very real possibility of intimidation and interference in the free decisionmaking process by Government officials.

The third danger which covert military surveillance poses to a free society is that such activities—if they go long undiscovered and unchallenged—may actually convince a small handful of military personnel that their information gives them the power and the right to control civilian government.

I do not mean to suggest here that those who ordered or condoned military spying activities are numerous or at a high level of command. I simply do not know—and apparently neither does the White House or Secretary Laird—how far and high this military conspiracy to disrupt our form of government extends. But quite obviously if this spying took place in Illinois and involved some 800 citizens, then it has almost unquestionably taken place elsewhere. This indicates that there is a sizable group of military officers and enlisted men who have ordered, supported, or engaged in spying on civilians and civilian officials. How many men do you need to make a putsch?

And now is the time to weed them out of military service. Because if not now, then never. How satisfying, how encouraging, to this misguided group of military men it will be if after the disclosures which have recently taken place, they are not investigated and rooted out of the military service.

How else could these men interpret events, I ask, Mr. Speaker, if they are merely slapped on the wrists, and their actions do, in fact, have the tacit approval of the Nation and its civilian leadership? How could they help but be encouraged in their ill-conceived efforts to protect America from free political discussion and debate? Such a result would bring us closer than I like to think in making "Seven Days in May" a reality in America.

The principle of "civilian control of the military" has a long tradition in America. The Founding Fathers enshrined that principle in the Constitution, not once but several times.

> The President shall be Commander-in-Chief of the Army and the Navy of the United States . . . (Art. II, Sec. II of the Constitution)
>
> The Congress shall have power . . . to raise and support Armies . . . to provide and maintain a Navy, to make rules for the government and regulation of land and naval forces; to provide for calling forth the milita to execute the laws of the Union to suppress insurrections, and repel invasions; to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States . . . (U.S. Const. Art. I, Sec. 8).

All of these functions—clearly the sum and substance of control over the Nation's military forces—are vested in a civilian legislature. The founders could have chosen to place a control of the military in the hands of a general staff, or a military council. Instead, having clearly in mind the abuses to which unchecked military power might lead, they chose to place firm control over the military in the hands of elected civilian leaders. And every military leader worth his oath has acknowledged that control.

Thus, it is a founding principle of our Nation and an axiom of our Constitution which have been jeopardized by the Army's direct involvement in monitoring civilian politics. If "civilian control of the military" means anything, it must mean that the military authorities have no responsibility, no reason, and no right to engage in surreptitious-surveillance of the political process. To the extent that we allow the men responsible for it to continue in positions of authority, we are putting in jeopardy the very freedom of our people and independence of our form of government.

The fourth danger to America from the military activities revealed in recent days is perhaps the most subtle, and therefore, the most dangerous. I said earlier that military spying on public officials was bad enough because it would discourage free political exchange, because it would inhibit qualified men from participating actively in public life, and because it would tend to intimidate legislators and officials of the executive branch. All of this is true, but it is only a part of the danger.

For the misguided snooping of which we have been hearing was not limited solely to public officials, although that is what has received the widest publicity. Surveillance included, if we may believe the stories, included journalists, religious leaders, professional men, and just ordinary citizens. What this means to the average citizen is that no one is free from covert surveillance, no one is safe from secret observance and recording of his conversations and activities. And in this belief of under present surveillance we have the beginning of the end of our way of life.

It is because of its potential for destruction of our free system that I consider the recently revealed military surveillance of peaceful civilian political activities most dangerous. As a public official—one who was allegedly spied upon—my sense of shock and outrage is, of course great. But when I consider the future of my country it is the larger implication of widespread civilian surveillance, not limited to public leaders which give the greatest cause for concern. For it is this more widespread practice which contains the seeds of destruction of our free society. It is this practice which begins the mutual distrust of citizen by citizen; it is this practice which promotes insecurity, even in the home and office; it is this practice which will make fear the watchword of America. I have a forum, at least temporarily, to defend my freedom and reputation. I have a constituency to appeal to for support. Who shall the average citizen look to for succor when the military behemoth turns its spyglass on him?

When I contemplate the implications of widespread, unchecked, military spying on private citizens, I tremble for my country, just as Jefferson did. No society can long remain a free society when it is permeated by fear, when it is governed by mutual suspicion, when it is racked by distrust of citizen by fellow citizen. That is not the America we have known, Mr. Speaker, and I hope it is not the America which we bequeath to our children.

WHAT MUST BE DONE TO STOP MILITARY SPYING

A. INVESTIGATION BY EXECUTIVE AND CONGRESS

I have tried to summarize the dangers which unchecked military spying on civilians presents to Americans. If I have missed some of the threats, it is perhaps because my mind is not as devious and Machiavellian as those who first perceived these activities.

But let me move on now to what must be done. To stop this insidious, odious, and pernicious practice, action must be taken immediately by those civilian officials in the executive branch who are in command of the military personnel involved in these activities. I would begin with the White House which apparently had no knowledge of these efforts and called them "inconceivable." I would hope that the President will order a full-scale and detailed investigation by the Department of Defense and every other executive agency that can help ferret out the facts.

Secretary of Defense, Melvin R. Laird has a responsibility not only as Chief Executive Officer of the Department of Defense but as a former Member of this House and the Defense Appropriations Subcommittee, to assure Members and all citizens that he has thoroughly and carefully investigated every aspect of this sorry episode, and that he has eliminated root and branch of every vestige of military spying activity aimed against civilian activities. I also hope that Secretary Laird will not again seek to pass off the latest revelation as a mere matter of partisan politics. Apparently unaware that John O'Brien's activities extended as late as June 1970, Secretary Laird's initial reaction to reports of military spying on civilians was that these activities occurred only under "the previous administration." Unless the influence of "the previous administration" has persisted longer than most of us in Congress had believed, it is difficult to see how military spying which occurred in June 1970, could be the responsibility of any single administration. As I said before, it is inconceivable that either President Johnson or President Nixon were aware of these activities—which make them all the more disloyal.

Equally important, I hope that the President and Secretary Laird will direct all their subordinates to cooperate fully with all congressional investigators. Because whatever action is taken by the executive branch, it will always appear somewhat suspect in the eyes of the population—it will be another case of the military investigating itself.

Therefore, I believe that to restore the confidence of Americans and the freedom of our political system, congressional action is absolutely essential. There are at least three forms which this should take.

First and foremost, a thorough investigation by committees of the Congress must be conducted in order to reveal the full extent of military spying on civilians, who is responsible for it, what action is appropriate and to those responsible, and what steps must be taken to preclude a recurrence of this sorry chapter in our history. Senator SAM ERVIN, the disinguished chairman of the Senate Judiciary Committee on Constitutional Rights, has already announced that such an investigation will be conducted in the other body. I believe that a parallel investigation in the House would be more than useful. Congressman OBEY and other Members of the House have filed a formal resolution directing the Government Operations Committee, under the distinguished chairmanship of Representative HOLIFIELD, to conduct such an investigation. My colleagues from Illinois who are members of that committee and others have made similar requests. Chairman MAHON of the Appropriations Committee has similarly expessed concern. Since one of the purported justifications for surveillance by military personnel was the freer availability of such personnel, I am sure that the Appropriations Committee would like to find out if they have been euchred as charged. Such investigations should call Mr. O'Brien, his superior officers, and all others who have or should have some knowledge about the affairs. One ground rule that is absolutely necessary is that there are no "national security" labels used to spare the military from full exposure of military intelligence on domestic activities. It has become abundantly clear that military intelligence must get out of the domestic business completely. Whatever needs there are to be protected for national security at home should be handled by the FBI, the Secret Service, or somebody other than the military who do not belong in the business at all. I believe that the national interest will be served by bringing to light the full facts of these matters and assuring the American people that Congress stands ready to protect them from the unwarranted and illegal intrusions of unauthorized military snooping.

B. LEGISLATIVE REMEDIES

But there are other possible congressional actions than mere investigation and exposure. We are a legislative body, and I believe we are not helpless to fashion legislative remedies for the evils which I have been describing. The first and most obvious legislative remedy is a limitation in the next upcoming Defense Department appropriations bill on the expenditure of any appropriated funds to finance military surveillance of the civilian population. I would hope that after looking into the present scope and nature of military spying on civilians, the Defense Appropriations Subcommittee might write such a limitation into the next DOD appropriations bill. In any case, I plan to offer such a prohibition if it is not included in the committee's bill. My prohibition would be worded approximately as follows:

> No part of the appropriations contained in this act shall be expended for salary of personnel, purchase or maintenance of equipment or premises, or support of operations which involve in whole or in part, surveillance, monitoring, information gathering—reporting, record-keeping (whether on cards, mechanically by means of electric data processing equipment, or otherwise), or any other intelligence activity by active-duty military personnel directed against any federal, state, or local public official, or candidate for public office, or against any citizen of the United States who is not on active military duty and is located within the United States, except that such activity may be carried out to the extent specifically authorized by regulation by the Sec. of Defense with respect to a citizen not on active military duty, and within the United States who has applied or been nominated for a position of trust within the Dept. of Defense which requires access to classified information.

As important as the passage of such a prohibition would be it is clearly not adequate by itself. After all, the distinguished gentleman from Texas (Mr. MAHON) has assured me that there never has been—to his knowledge—any appropriated money available for the kind of military spying which has already been disclosed. Thus, it seems obvious that a mere limitation on expenditure of appropriations, will by itself, not guarantee against a recurrence of this activity and ease the mind of Americans.

Another legislative safeguard which I think should be adopted, would allow private citizens to bring suit in Federal court to enjoin and collect damages for any unauthorized intelligence activity carried out against them by military personnel. The bill would make military personnel individually liable for carrying out unauthorized surveillance, monitoring, record-keeping, or other spying activities, and would subject them to suits for damages for invasion of privacy and to equitable actions for injunctions to prohibit further unauthorized activity of any intelligence nature. Such an enactment would put Congress clearly on record against illegal military snooping against civilians and would act as a deterrent against overzealous military commanders who feel called upon to usurp the legitimate function of civilian government.

A third legislative proposal is that offered by my distinguished colleague, Congressman ED KOCH of New York. Under his bill every citizen would have the right upon request to have access to any dossiers kept on him by any Federal agency. The names of informants would be deleted and other appropriate safeguards are provided for in the bill. The citizen would have the right to supplement his dossier with any additional information he deemed relevant. Surely in a free society this is a minimum protection to the citizen given the fact that his government of necessity must collect information about him.

THE FUTURE OF OUR FREE SOCIETY AT STAKE

Mr. Speaker, it is probably not an overstatement that the action which is taken—or not taken—with respect to secret military spying on civilans will tell a great deal about what kind of a country in which future generations of Americans will live. The O'Brien revelations and those which preceded them have so shaken the confidence of Americans in the integrity of their government, that I do not hesitate to say that we have reached a crisis of confidence. My profound hope is that decisive, forthright action will be taken by officials of the Executive Branch to investigate and reveal the full extent of military spying on civilians. That action must include—at a minimum—dismissal from the service of all military personnel with command responsibility who authorized or condoned these spying activities.

But for the reasons I have indicated earlier, executive action alone will not be sufficient. The American will rightly demand that investigations be carried out by a branch of government not implicated in the very spying which is being investigated. For this reason, committees of the Congress should also move immediately to expose the fact of this unwise and unconstitutional activity, and to assure the American people that adequate steps are being taken—both administratively and legislatively—to preclude any future recurrences of these practices.

Finally, Mr. Speaker, I invite Members of the House to join in sponsoring the three legislative safeguards against future military spying on civilians which I outlined above, namely to limit the expenditure of any funds appropriated to the Defense Department for intelligence activities directed against non-military citizens of the United States, the right of action in Federal courts for injunctions and money damages against individual military personnel who engage in unauthorized spying on civilians, and Congressman KOCH's proposal to give citizens access to their dossiers.

This is an hour in which the elected civilian representatives of the people must move decisively to reassure their constituents that the reins of government are still firmly in the grasp of proper civilian authorities.

We read books and see movies like "Seven Days in May," "Z," the World War II movies about Hitler's Germany, and we smugly congratulate ourselves that none of this could happen in our beloved country. Except that it could be happening right now. Right now, who is tapping your telephone, screening your mail, watching your family, your office staff? How many Members of this body have their own sergeants watching them—how many of your Senators? How many of your alderman are being kept under secret watch. How many of you will think again about voting against the war? How many of your constituents will think again about running for public office, or writing their Congressman, or just going to a political meeting? In this hour of our national need, the Republic you save may be your very own.

Mr. Speaker, I would like to insert at this point the very able articles which first brought these serious allegations to public attention—articles written by Mr. Jared Stout of the Newhouse News Service. They speak eloquently of the importance of a free press, and of the dependence that a free society has on that institution. Mr. Stout has served his country and his profession nobly by the work he has done.

The articles follow:

SPECIAL REPORT: ARMY SPYING ON OFFICIALS

(By Jared Stout)

WASHINGTON.—A former Army undercover agent in Chicago says top-ranked Federal and State officials, including Sen. Adlai E. Stevenson III (D-Ill.), were secretly watched by Army intelligence operatives.

Former agent John M. O'Brien, who said "I was a domestic spy for the Army," also named Rep. Abner Mikva (D-Ill.) and U.S. Circuit Court Judge Otto Kerner as targets of military surveillance.

"The Army wanted to determine their political views so that in certain situations we would know how they would react; whether they would condone violence or be for nonviolence," O'Brien said in an interview.

The surveillance was part of an Illinois-wide effort to get the names and background on anyone who opposed Vietnam war policy or "who openly opposed the Nixon administration's controversial domestic policies," the former agent said.

O'Brien, a former staff sergeant, said the spying was done by the region one office of the 113th military intelligence group (MIG) in Chicago and was paralleled by other Army intelligence units across the country.

O'Brien is the first former agent to detail for the record year-old charges the Army had watched high-ranking elected officials as well as those thought to be behind civil disturbances.

Only last Friday, Defense Secretary Melvin Laird told Sen. J. William Fulbright (D-Ark.) the military kept no files and did not watch elected officials.

But O'Brien insisted that from June, 1969, until his honorable discharge as a staff sergeant on June 8, 1970:

"My entire effort as a military intelligence agent was directed toward the offensive activities conducted by the Army involving collection of information pertaining to individuals and organizations decreed by the Army to be subversive in nature."

Informed of the O'Brien disclosures, Sen. Sam J. Ervin (D-N.C.) said the spying was "intolerable in a free society." Ervin has invited O'Brien to testify before the Senate Subcommittee on constitutional rights on his first-hand knowledge of domestic intelligence in hearings set for late February.

O'Brien agreed to come forward after reading Newhouse News Service accounts and seeing an NBC television report on unauthorized Army spying on civilians. By law, the job belongs to the FBI and local police.

The Newhouse account probed the still secret role of military agents at the 1968 Democratic and Republican National Conventions. The NBC report detailed Army infiltration and surveillance of protest groups.

"This activity had been troubling me for more than a year," O'Brien said in interview. "I realized this wasn't the Army's job, to be spying on other Americans. When I saw the reports, I decided to speak up."

According to O'Brien, the officials he named were among 800 individuals on whom the 113th Military Intelligence Group (MIG) kept dossiers. He said the records were called "the subversives file."

The file, comprising 120-feet of manila folders in four-drawer file cabinets, was kept at the 113th Region One headquarters at 2231 W. Howard St. in Chicago. O'Brien worked there as an agent from June 1969, until his discharge.

The Chicago-area native had been assigned to intelligence duties in Germany for his four previous years of Army service. He joined the service in August 1965, after his college funds ran out during his junior year at Loyola University.

O'Brien said his own spy work involved antiwar protest groups and that he participated in direct surveillance of meetings held by students for a Democratic society and the Chicago peace council, among others.

In his position, he said he had frequent access to the 113th files and it was from his recollection of those files that he told his story. He had no physical evidence of the files or the reports that filled them.

O'Brien said in his first indoctrination briefing at the 113th, he was told that "we would be targeted against civilians." He said his superiors justified the activity this way:

"Certain elements of our society have resorted to illegal methods to attain political recognition and eventually their own political goals.

"These elements have resorted, in many instances, to use of violence and the infiltration of non-political elements of our society. Such elements represent a direct threat to the existence of the constitutional form of Government in the United States and the general well-being of our society," he recalled.

"Therefore, all attempts were made to monitor the activities of such elements," O'Brien added, saying they ranged from the Daughters of the American Revolution to

Alabama Gov. George A. Wallace and Bobby Seale of the Panthers.

"My superiors told me it was the responsibility of the Army to maintain watch over potentially dangerous organizations and individuals," O'Brien said.

When he suggested this was a job for civilian agencies, O'Brien said he was told the FBI and Secret Service were short of men and "did not have the availability of personnel as did the Army."

By O'Brien's account, his superiors "believed the Army was better staffed to conduct large-scale collection operations targeted against the civilian population," and the FBI got all they collected anyway.

O'Brien said he never saw any Army directives spelling out this civilian activity. "It just was the understood policy of how we were to operate," he said.

O'Brien said the 113th MIG's judgments on who would be watched was based, in part, on a political standard that put William F. Buckley, Jr., a conservative columnist, "just left of center" and Sens. Eugene J. McCarthy (D-Minn.) and George McGovern (D-S.D.) on the "far left."

The "new left" in Army parlance was "virtually equal to Communist," O'Brien said so his unit had a wide scope of choices. "It was a blank check to investigate, penetrate and disrupt any group we choose," he said.

What triggered his disenchantment with his unit's activities, O'Brien said, was the designation of Adlai Stevenson III as a surveillance target in September, 1969. At that time Stevenson was Illinois State treasurer and had staged a picnic at his family farm in Libertyville, Ill., that was to preclude his candidacy for the Senate.

Several political powers attended the picnic, including Mayor Richard J. Daley and Negro leader Jesse Jackson.

Also among the crowd was a military intelligence agent assigned to watch Jackson, who was "considered by the Army to be Illinois' most powerful black," O'Brien recalled. "We also were targeted on the picnic,' he said.

During the course of the picnic, the Army agent took a photograph of Jackson whispering in Stevenson's ear. The picture and an agent report describing the event and "the new relationship" between Jackson and Stevenson was sent through intelligence channels to Ft. Holabird, Md., a collection center for the Army's domestic intelligence.

After that picnic, O'Brien said, "military intelligence agents of the 113th covered every appearance of Stevenson in Chicago, at least up to June, 1970", when O'Brien was discharged. He could not say what surveillance, if any, was maintained thereafter.

Jackson was targeted because of his role as leader of (CAP) Operation Breadbasket and a spokesman for Chicago Negroes. Stevenson was watched, O'Brien said, because of his antiwar views.

Mikva became a person of interest "because of his outspoken criticism of (Vietnam) war policy and because he aided draft resisters."

Mikva said Tuesday he had offered legal counseling to draft resisters but did not condone flight to avoid service.

Judge Kerner was not subject to direct surveillance, O'Brien said, "as far as he knew." "We just started keeping files on him after the Commission report." The report of Kerner's Violence Commission said there was no evidence of a conspiracy in urban violence.

According to O'Brien, intelligence agents generally held to the view there was a conspiracy by dissidents to foment violence and their operations would help uncover its existence. "They didn't understand the nature of riots or the protesting," he said.

O'Brien stressed he did not condone violence or law-breaking of any kind. "But people do have the right to dissent and speak out on what they believe," he said.

He acknowledged there may be some need for intelligence by Government to uncover those who are dedicated to doing violence. "That's not a job for the Army," he said. "That job belongs to the FBI."

Military Spies and the Press

(By Jared Stout)

WASHINGTON.—A $250,000 contributor to President Nixon's campaign, Chicago insurance executive W. Clement Stone, was watched by Army intelligence agents for at least a year, because he once loaned money to a street gang to open a store and restaurant.

At the same time, the Army undercover men also kept close watch and detailed files on the activities of two Chicago newsmen, two Negro aldermen, and the wife of a millionaire Chicago lawyer who was a prominent backer of Sen. Eugene J. McCarthy.

All of the individuals—Stone, Henry Dezutter of the Chicago Daily News, Mortcn Kondracke of the Chicago Sun-Times, alderman William Cousins, Jr., and A. A. (Sammy) Rayner, Jr., and Lucy Montgomery, the lawyer's wife—were tucked away in a massive "subversives file" maintained by the Army.

These new disclosures were made Wednesday by former Army spy John M. O'Brien in an interview. Earlier, O'Brien revealed military spying on several top-ranked Illinois political figures.

O'Brien said Sen. Adlai E. Stevenson III (D-Ill.), Rep. Abner Mikva (D-Ill.), and U.S. Circuit Court Judge Otto Kerner were targets of his former unit, the region one office of the 113th Military Intelligence Group (MIG) in Chicago.

O'Brien was assigned as an undercover agent for the 113th MIG from June, 1969, until his honorable discharge as a staff sergeant on June 8, 1970. His personal account of political spying during his service with the 113th MIG provoked outrage in Congress Wednesday and demands for a full public disclosure of Army activities.

Irate lawmakers wanted to know why political figures and other prominent Chicagoans were watched, and became part of what O'Brien called "a subversives file" for 800 Illinois individuals and organizations.

Chairman George H. Mahon of the House Appropriations Committee promised an investigation of the reported spying, saying "we will do all we can to prevent its recurrence." Mahon, who also heads the Defense Appropriations Subcommittee that controls military intelligence funds said the acts were "an outrage."

Mikva said of O'Brien's account, "the implications of this for the country are horrifying. The whole concept of civilian control of the military is in jeopardy, and if this thing is not stopped, all the people will have left to do is salute."

Stevenson told a news conference that "as long as this remains a free country the people will judge their elected officials—not the Army.

"There is no place in a free society for snooping by the military in the peaceful political affairs of citizens," Stevenson said.

On the Senate floor, Sen. Sam J. Ervin (D-N.C.) said O'Brien would be called to testify before his Subcommittee on Constitutional Rights, which will hold February hearings on military spying and the secret creation of a domestic intelligence network.

At the White House, Presidential News Secretary Ronald L. Ziegler said it was "inconceivable" to President Nixon that such activities were going on. He told reporters Defense Secretary Melvin Laird was looking into the situation.

Ziegler said "we certainly don't condone that activity" and that Laird would put a stop to it, if he found the surveillance effort was still going on.

While Congress pressed for an inquiry, O'Brien revealed these other aspects of the 113th MIG's operations:

Clement Stone, 68, was selected for surveillance because of his $60,000 loan to the vice lords, a Chicago street gang. The money was intended to help the gang open a restaurant and store on Chicago's West Side. But it was enough of a link to a group considered "possibly subversive" by the Army to warrant a file on Stone, O'Brien said.

Stone is president of the combined insurance company of America. By his own claim, he gave more than $1 million to Republican candidates in 1968, plus $250,000 to the Nixon-Agnew ticket. Those who know him in Chicago consider him a conservative prone to charitable works.

Stone's book on the power of a positive mental attitude is said to have been a source of inspiration to Nixon. He is known as the "Mr. Big" in the Illinois GOP's money circles.

Lucy Montgomery is the wife of millionaire lawyer Kenneth F. Montgomery who came to public attention in the Chicago area as a contributor and backer of Senator McCarthy's presidential campaign. She has long been a backer of liberal causes. O'Brien said Mrs. Montgomery's file included "intimate details of her personal life."

Alderman Cousins and Rayner have been outspoken black members of the board of aldermen controlled by Mayor Richard J. Daley. They have voted frequently against the Daley machine position.

Army interest was sparked by Rayner's ties to Chicago street gangs, particularly the black P-Stone Nation. He has worked to move the gangs into legitimate enterprises.

Cousins came to Army attention as a strong supporter of the Rev. Jesse Jackson, another black Chicago leader prominent in the Southern Christian Leadership Conference. Jackson was also watched by the 113th MIG.

Judge Kerner came to the unit's attention after the national violence commission made its finding that riots were not caused by a national conspiracy, a view that O'Brien said differed from the Army's belief a conspiracy did exist. A former Governor of Illinois, Kerner was commission chairman.

The 113th mig clipped from newspapers all accounts of the Kerner commission report and called the Illinois State Police and Springfield, Ill., police to see if they had any personal information on Kerner. Both agencies supplied some data, O'Brien said.

Newsmen Dezutter and Kondracke were interesting to the 113th mig because of their sometimes critical stories on Vietnam war policy in their coverage of the war protest movement, O'Brien said. Both men's articles were clipped from newspapers. Some personal data on their personal lives also was included in their files.

A third newsman's writings, James Singer of the Chicago Sun-Times, also were kept. He, too, had covered protest demonstrations.

Dezutter is the education writer and Chicago Daily News reporter assigned to coverage of the protest movement in Chicago. Kondracke is assigned to the Sun-Times Washington Bureau; Singer works for the Sun-Times in Chicago.

At the Pentagon, Army General Counsel Robert E. Jordan III did not deny intelligence information on political activity in the Chicago area had been collected.

But Jordan insisted "current army policy specifically and emphatically prohibits collection of any information of the type referred to in these allegations."

In earlier statements, however, Jordan has conceded the Pentagon's civilian leaders did not know how far Army feld commanders may have gone in the domestic intelligence area.

Mr. EDWARDS of California. Mr. Speaker, I want to join my colleagues in calling for a full investigation of the allegations against the Pentagon raised by the chairman of the Senate Subcommittee on Constitutional Rights.

If Army intelligence has, in fact, been engaging in wholesale spying on the domestic political scene, the persons responsible for these activities should be treated as national enemies and should be disciplined to the fullest extent possible. I can imagine no greater threat to the integrity of our Republic than the kinds of activities described in these allegations. The word "subversive" does not begin to describe these activities.

If these activities were, in fact, ordered, I have no doubt that the persons who ordered them did so with the best intentions—no doubt with a fulsome sense of self-righteousness. But good intentions and self-righteousness are no excuse for violating the basic principles of human dignity and freedom on which this Republic was founded.

Mr. Speaker and colleagues, if I read the signs correctly, the American people have many misgivings about the ability of our democratic system to hold the Nation together and to solve its pressing domestic problems. The American people do not need to have their confidence further undermined. They need reassurance that the system is sound and workable and flexible enough to surmount any crisis.

The activities described in these allegations would have exactly the opposite effect. Instead of inspiring confidence, they would serve to sow fear and suspicion, to deepen the divisions in our society, and to further rent and weaken the already sorely tried fabric that holds us together as a nation.

What the American people need now is certain knowledge that these allegations will be fully investigated and that if they are found to be true, those responsible will be appropriately disciplined.

Mr. WHALEN. Mr. Speaker, I am deeply disturbed by the information made public Wednesday by the Honorable Sam J. Ervin, Jr., a Senator from North Carolina, concerning alleged U.S. Army surveillance of public officials and other citizens.

In my view, there is no justification whatever for actions of this kind by the Army or any of the military services. If such a program is in effect, it should be discontinued forthwith. The individuals responsible for such steps should be brought before the Congress to explain themselves and appropriate disciplinary actions considered.

For the Army to subject private citizens to investigation by its agents because of political views those citizens hold which are contrary to some sort of line that someone in the Army has determined is both ludicrous and outrageous. Since the disclosure of such activities comes from so highly a respected Member of Congress as Senator Ervin, I feel compelled to demand that Congress investigate this matter immediately.

I, therefore, Mr. Speaker, join with my colleague, the gentleman from Wisconsin (Mr. Obey) in introducing a resolution to this effect yesterday. The measure provides for a full and complete investigation by the Military Operations Subcommittee of the House Committee on Government Operations. I urge all Members of the House to support this resolution and provide for its immediate enactment.

I am aware that the Army has expressed grave concern about this matter, and well it should. I am happy to note that the President has taken note of Senator Ervin's information and authorized his spokesman, Mr. Ziegler, to state that a situation like this is "inconceivable—we certainly do not condone it."

However, a matter with implications as serious as alleged Army spying on civilians because of their political views demands complete elucidation by the Congress at the earliest possible moment.

Mr. DERWINSKI. Mr. Speaker, I share the concern that the Members have expressed, and especially the concerns of my colleague from Illinois, over the charge that Army intelligence units were carryinig on surveillance of certain public officials.

Obviously, when any allegation of this nature is made and there exists the possibility of such surveillance by the military, a full disclosure of the facts must be made. I will join my colleagues from Illinois and other interested Members in any necessary steps that we could properly take to bring about a complete disclosure of the facts.

The Illinois situation might be unique, it might be commonplace, it might be an exaggeration, or it might be understated. It is, however, a very serious matter and should not in any way remain unanswered by Army authorities.

Mr. UDALL. Mr. Speaker, recently this country was shocked and outraged by an incident involving the U.S. Coast Guard and a Lithuanian defector from a Russian fishing boat. Due to an error in judgment by Coast Guard officials and inaction by the State Department, Russian nationals were allowed to come aboard a Coast Guard cutter and forcibly return the Lithuanian to the Russian boat.

The President expressed his sense of outrage over this incident, and he should have. The President personally ordered an investigation of the affair and took steps to prevent its recurrence.

This week, Mr. Speaker, an even more outrageous situation came to attention. John M. O'Brien, a former Army intelligence agent, revealed that he participated in a widespread, systematic, and secret program of military investigations of civilian political activities and public officials. Included in the latter group are Senator Adlai Stevenson of Illinois, Congressman Abner J. Mikva of Illinois, and former Gov. Otto Kerner of the same State.

According to Mr. O'Brien, these men were among 800 persons who the 113th Military Intelligence Group in Chicago kept dossiers on. Mr. O'Brien said these dossiers were called the "subversives file."

In my opinion, Mr. Speaker, there are no finer Americans than these three public servants. I know each one personally and for any military official to question their loyalties even slightly is both ignorant and arrogant. The records these men have compiled speak for themselves. It would be demeaning to them and to our system for me or anyone else to feel compelled to defend their patriotism because of these preposterous events.

Of even greater importance than the reputation and integrity of any one man is the implication that this activity carries for our Nation. If Mr. O'Brien's allegations are true, the traditional civilian control of our military is in jeopardy. If we lose control of the military, we may lose control of the Republic.

I do not mean to impugn the members of our Military Establishment, Mr. Speaker. They have done their job well. But the military concept of life, the strict standards the military imposes on its own members, are completely incompatible with the rough-and-tumble principles of democracy that our Constitution commands us to follow. The military is absolutely essential in the business of war. In civilian affairs, it is equally essential that the military remain aloof from the normal processes of Government.

It is imperative then that we ask and discover how some arrogant men in the military service have arrived at the conclusion that they have the duty to monitor the activities of duly elected public officials. The Congress has not appointed the Army a civilian investigative body. The President has not issued an Executive order commanding the Army to conduct investigations into civilian affairs, and it is inconceivable to me that either would do so.

My colleague and good friend, Congressman Mikva, one of the most able and promising new Members, has called on both the Congress and the Secretary of Defense to investigate this incredible probe. I join him in that call.

Further, I would urge the President to personally intervene here in the same manner that he did in his position as Commander in Chief in intervening in the Lithuanian affair. Our people are entitled to know just how extensive these military investigations are and precisely who ordered them. We must bring those who are responsible for this reprehensible conduct to account and hold them liable for their activities.

The President may be the only American with both the moral authority and the power to wind his way through the complexities of our military structure in an effort to find out just what is going on. The President surely has sufficient reason to involve himself. The rights of 800 loyal Americans—and perhaps even more—are certainly as sacred as the rights of one, unfortunate Lithuanian seaman.

Mr. McCLORY. Mr. Speaker, I have declined to participate in the special order requested by my colleague the gentleman from Illinois (Mr. Mikva) on the basis that I have not been able to secure credible evidence upon which to contribute to any "searching and complete discussion" such as my colleague has described in his invitation to me.

Mr. Speaker, in this connection I am attaching copy of my letter to the gentleman from Illinois to further explain my position in this behalf:

DECEMBER 18, 1970.

Hon. ABNER J. MIKVA,
House of Representatives,
Washington, D.C.

DEAR ABNER: Thank you for inviting me to take part in the Special Order which you propose to request for Friday, December 18.

It goes without saying that any such electronic eavesdropping as has been alleged by former Sgt. John M. O'Brien would be abhorrent to all Members of Congress and this Administration.

Beyond that, it seems to me decidedly premature to speculate and comment on unverified charges concerning which appropriate committees of the House and Senate will conduct investigations and hearings. Indeed, I would prefer to join in a request that the House Judiciary Committee conduct such a hearing following the convening of the 92nd Congress.

I feel that substantially more information should be available before undertaking to condemn and criticize acts revealed solely in a letter from a former Army Sergeant to the Chairman of a Senate Subcommittee. In addition, I understand that the statements contained in the letter were based upon letters and other documents which Mr. O'Brien alleges he saw in Army files. It is reported that he has made his charges on the basis of his recollection of what he saw in the files that came to his attention.

Accordingly, I would feel that your efforts to have "a searching and complete discussion by Members of Congress" is a little premature. If the allegations are backed up by more concrete evidence I feel that the best approach would be to request and secure full dress hearings in order to fully expose and forever condemn and prohibit practices such as are charged in Mr. O'Brien's letter.

Sincerely yours,

ROBERT MCCLORY,
Member of Congress.

GENERAL LEAVE TO EXTEND REMARKS

Mr. MIKVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

INVESTIGATION OF ARMED SERVICES

The SPEAKER pro tempore (Mr. PU- House the gentleman from Illinois (Mr. CINSKI). Under a previous order of the ERLENBORN) is recognized for 5 minutes.

Mr. ERLENBORN. Mr. Speaker, I have joined with my colleague and fellow Illinoisan, Mr. FINDLEY, in asking that the House Committee on Government Operations investigate the recent allegations of surveillance by military personnel of the activities of political leaders in our State.

Because a Member of this House, Mr. MIKVA, is said to have been the object of this surveillance, I believe we ought to delve into this matter thoroughly. It is said that the comings and goings of two other men were watched by the Army, Senator ADLAI STEVENSON III and Otto Kerner, former Governor and now a judge on the U.S. Court of Appeals.

The Armed Services have no business in this sort of activity. If the allegations are verified, we must stop the practice and censure the persons responsible for it. Until we have more evidence, however, we must accept the reassurance of Stanley Resor, Secretary of the Army, that the charge is false.

During his recent news conference on television, President Nixon conceded that he had spoken too hastily about the guilt of persons facing criminal charges. I suggest that we proceed with restraint in this case, so that we will not have to make a similar retraction.

My colleague, Mr. FINDLEY, and I have asked the chairman of the Government Operations Committee, Mr. HOLIFIELD, to call promptly for a study of this case. This committee is charged with examining the operations of all executive offices. It has a Subcommittee on Military Operations and it carries on a watch over the Freedom of Information an Invasion of Privacy Acts.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The sale of electrical housewares in the United States more than doubled from 1960 to 1969. In 1960, 35 million units were sold compared to over 78 million in 1969.

PANAMA CANAL SOVEREIGNTY: ANATOMY OF THE 1964 ASSAULT ON THE CANAL ZONE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, on May 2, 1958, in what appeared to most of our people as a sudden raid into the U.S.-owned Canal Zone territory, Panamanian University students planted 72 Panama flags at various spots in the zone, including one in front of the canal administration building while police looked on in an imposed official impotence.

This flag planting was not an innocent boyish prank by overzealous students but a carefully planned and expertly executed demonstration called operation sovereignty that I had foreseen and sought to prevent by giving timely warning in an address to the Congress. Other incidents about which I also gave similar warnings followed. These included my prediction in an address to this body on August 31, 1960, that after the Congress adjourned the President of the United States, on recommendation of the Secretary of State, would authorize the formal display of the Panama flag in the Canal Zone. Precisely as predicted, and in disregard of the provisions of House Concurrent Resolution 459, 86th Congress, adopted by the House on February 2, 1960, by a vote of 381 to 12, and of the Gross amendment to the Department of Commerce appropriation bill, 1961, adopted unanimously by the House on February 9, 1960, the President, after adjournment of the Congress, on September 17, 1960, authorized the formal display of the Panama flag in the Canal Zone in one place equal with that of the United States. The people of our country were truly shocked by this striking of the U.S. flag.

These incidents were not individual unrelated events but a sustained series of psychological probes to test the willpower of our highest officials and to serve for propaganda purposes. Instead of meeting those challenges as recommended by local police officials and snuffing them out at the start, which would have been easy to do, the highest officials of our Government temporized and tried to appease the radical elements in Panama and elsewhere responsible for them. The inevitable outcome, also foreseen, was a massive Red-led Panamanian mob assault on the Canal Zone on January 9, 1964, that for 3 days threatened the security of the Panama Canal and required the use of the U.S. Army to prevent the zone from becoming the scene of a Communist blood bath of wholesale murder, pillage, and rape, as well as damage to the canal. In spite of this dangerous situation, I am happy to report that the Panama Canal continued to operate without interruption to transit. This was possible because loyal U.S. citizens filled security positions essential for the maintenance and operation of the vital waterway. Their splendid performance again showed the wisdom of our statesmen early in the 20th century in securing full sovereign control of the Canal Zone and canal for the United States.

In an address to the House on March 9, 1964, I emphasized that the hoisting in 1960 of the first Panama flag in the Canal Zone did exactly what it was designed to do: it clouded the sovereignty of the United States over the Canal Zone and canal in a tidal wave of distorted publicity—See House Document No. 474, 89th Congress, pages 305–44.

An admirable summary by Eugene H. Methvin of facts about the Communist planned and led 1964 Panamanian mob assault on the Canal Zone was published in a recent issue of Orbis, a quarterly journal of World Affairs published by the Foreign Policy Research Institute of the University of Pennsylvania.

Because of the importance for editors, historians, and other publicists as well as for officials of our Government to have authentic information about the 1964 attack on the Canal Zone and for the benefit of historical accuracy, I quote the entire article as part of my remarks. The facts presented, as well as anything that I have read, emphasize the imperative necessity for the United States to continue its undiluted sovereign control over the Canal Zone and Panama Canal.

The indicated article follows:

THE ANATOMY OF A RIOT: PANAMA 1964

(By Eugene H. Methvin)

On January 10, 1964, world headlines screamed the news that Panama's President Roberto F. Chiari the night before had "suspended relations" with the United States amid rioting by Panamanian students who invaded the Canal Zone. U.S. forces attempting to quell the violence reportedly had killed half a dozen people, and Panama's ambassador at the United Nations demanded nationalization or internationalization of the Canal, passionately accusing Americans of "aggression" and "mass murder." New York Times headlines proclaimed, "Capital Stunned by Panama Break."

For three and a half days, the maelstrom of violence continued, leaving twenty-four dead, 400 injured, and a loss of $2 million in property destruction.

Distraught State Department diplomas in Washington decried another propaganda black eye for America. Even two weeks later, Under Secretary of State W. Averell Harriman returned from Europe to report in dismay that the United States' NATO allies were aghast at the news. Top West European officials who were proven friends, relying mainly on accounts from America's own wire services, generally believed the Panama version of the riot story: that brutish U.S. colonialists had used tanks and machine guns to shoot down masses of Panamanian civilians in cold blood. The U.S. press launched the usual round of self-examination and *mea culpa*, sending feature writers to Panama to cable back descriptions of U.S. policy mismanagement and the grievous socio-political ills that afflicted the little country and its poverty-stricken people. For weeks a bitter debate bubbled in the American capital over whether to release information gathered by the U.S. intelligence community showing that Castro-communist manipulation was behind the violence.[1]

What nobody had the courage or acuteness to say was that from the start the rioting was carefully planned and conducted by communist conflict managers schooled in the academies of subversion maintained by Moscow, Peking and Havana. From intelligence sources, evidence gathered by the respected International Commission of Jurists, and known communist procedures, the real story of how the Panama rioting was staged can be told. Consider these clues:

"Molotov cocktails" thrown against U.S. homes, businesses and automobiles contained meticulously hand-sewn wicks, not improvised rags stuffed into bottlenecks. Contents followed recipes given in communist manuals. One Panamanian mother reported that a daughter and other students who were members of a pro-Castro communist organization had stayed after school making the firebombs a full week before the riots.

Rocks hurled at Canal Zone police in front of Balboa High School had to be transported to the scene in advance. During the assault student agitators sought instructions from an adult who vanished when police moved to get his picture for identification purposes.

An amazed American witness in downtown Panama City stood beside a radio commentator broadcasting into a portable transmitter: "Ten thousand persons are defying the bullets, going toward the Canal Zone . . . The North American troops are machine-gunning the brave Panamanian patriots for the sole reason that they love their country . . . Tanks are now in our territory." But what the commentator was sending out over the airwaves bore no resemblance to the scene before them—a small, churning but peaceful crowd of spectators watching a firebombed Braniff Airlines office burn. Not one U.S. tank or machine gun was used during the four-day disorders.

One of the first stores looted after nightfall was the Compania America Arms Shop. Thus armed, snipers in the Legislative Palace and other buildings adjoining the Canal Zone poured hundreds of rounds of rifle and pistol fire at U.S. soldiers, killing four and wounding others. An informant described how known communist leaders handed out submachine guns with instructions to "go shoot up the Zone."

Through high-powered lenses U.S. troops sandbagged at the Hotel Tivoli watched a Panamanian carrying a camera rush from the Legislative Palace, draw a pistol and shoot a man in the crowd of petrified onlookers. Then, as affidavits from onlookers confirmed, the killer snapped a photograph of the body, stepped into a waiting auto and sped away. The next day, not surprisingly, six known communists who earlier had been busy agitating the crowds were identified leading a mammoth funeral procession for fallen "martyrs murdered by the North American imperialist troops."

When U.S. troops relieved the overwhelmed eighty-man Canal Zone police, they paced forward with unloaded rifles and fixed bayonets to push back the crowd, and most marauders left peacefully. But one agitator stepped to the front, rallying two dozen mobsters in a rock-throwing charge. Attempting to grab the soldiers' rifles, many were cut in the scuffle. The agitator was none other than communist Andres Galvan, whose record included sojourns in Cuba, the Soviet Union and China.

President Chiari, under pressure from his communist Minister of Education, Solis Palma, and another communist, Eloy Benedetti, legal adviser in the Foreign Ministry, ordered Panama's efficient U.S.-trained *Guardia Nacional* to stay in its barracks for four days. During the peak of the violence, he appeared on the Presidential Palace balcony with expert communist agitator Victor Avila, who tongue-lashed the crowds on to new attacks against the *Yanquis*.

U.S. intelligence authorities identified seventy communists—fifty-five of them trained in Cuba—agitating and directing mob action. Typical was Floyd Britton, a riot-tested veteran who had spent a year in Cuba studying special courses on guerrilla warfare, infiltration and mob demonstration methods, aimed specifically at Panama and taught by Soviet army officers. Assigned to organize students at Panama University, he brutally beat with a chair one who dared to oppose him.

When the rioting subsided, Cesar Carrasquillo, twenty-three-year-old leader of the Panama Student Federation, the FRU, and Hugo Alejandro Victor, fifty, the Communist Party chief, flew to Moscow to report. Few doubt that KGB experts eagerly interrogated them and integrated the operational lessons learned in their never-ending quest to perfect their technology of planned violence and deception.

THE STAGE SETTING

The Communist Party as such had been illegal in Panama since 1953. But 600 hard-core communists of the pro-Soviet, Castro or Mao variety operated openly. With an estimated 5,000 trusted fellow-travelers, sympathizers or controllable dupes to draw on, their strength was formidable despite the small number. Several score attended schools of guerrilla war, political infiltration and mass manipulation in either China, the USSR or Cuba. A tight core of twenty leaders forming the "general staff" were trained and skilled field generals of political warfare.

These professional revolutionaries operated through a vast constellation of satellite organizations, fronts and special interest groups. The two chief communist fronts were the PDP (*Partido del Pueblo*) or People's Party which was the actual Communist Party of Panama, and the VAN (Vanguard of National Action), a Marxist and militantly anti-American illegal political group which advocated violence to bring about a Castro-type revolution. The VAN cooperated closely with the PDP. Several of its members received arms training under Soviet army supervision in Cuba; the VAN leader, Alvaro Menendez-Franco, a thirty-one-year-old Panama City councilman, made at least six trips to Cuba between 1960 and January 1964.

The mightiest single organizational weapon of the communists, however, was the FRU (University Reform Front). The FRU was the most powerful student political party at the University of Panama. It included many nationalists and leftists of varying degrees, as well as many students attracted to its popular university reform program. But its policies were largely set by its communist leaders. The FRU was a coalition of student groups scattered throughout the university's seven schools.

Located just across Fourth of July Avenue from the Canal Zone in Panama City is the Panama National Institute, a high school. In 1963 the noncommunist students, banded together in the REI (Student Reform Institute), captured the student federation from the communist-oriented VAI (Vanguard of Institute Action), which maintained close liaison with the FRU and was largely directed by University of Panama students.

The Panamanian communists also had heavily infiltrated the mass communications media, both broadcast and newspapers. Some journalists were suspected of being actual party members, and many more ultra-nationalists and leftists would not hesitate to cooperate with the communists on any occasion. Panama City's Radio Tribuna, for example, was owned by Thelma King, a member of Panama's National Assembly and an ardent Castro admirer who made numerous trips to Cuba. She denied Communist Party membership, but admitted "long-standing ties" to the party.[1] On that fateful January 9, she was to prove her value with highly inflammatory broadcasts.

But communists and political demagogues and opportunists found a readily accessible hate target in the 36,000 U.S. military and civilians who lived in the Zone on a visibly higher living standard. In November 1959 the communists and the politicians combined to stir violence with demands that Panama's flag fly alongside the U.S. flag in the Zone as recognition of Panama's "titular sovereignty." American businesses were stoned and some looting occurred before Panama's *Guardia Nacional* restored order. In 1960 President Eisenhower made a "voluntary and unilateral decision" that both U.S. and Panamanian banners fly together in the Shaler Triangle, where Zone territory juts 250 yards into the heart of Panama City, and authorized a 10 per cent raise for unskilled and semi-skilled Panamanian employees of the canal company; an apprentice program to help them win promotions to pay rates based on those in the United States enjoyed by American citizens; new modern housing for the 10,000 Panamanians living in the Zone; and numerous other economic benefits. President Chiari went to Washington in June 1962 and won President Kennedy's agreement to a list of still more concessions, including flying Panama's flag in the Zone at numerous additional locations, to be fixed by high-level representatives of the two presidents in negotiations. Anti-American feelings continued.

PREPARATION FOR CHAOS

On November 1, 1963 a Venezuelan fisherman on a lonely peninsula discovered a three-ton cache of weapons and ammunition buried on an isolated beach. The Venezuelan police quickly identified them as Cuban army weapons. Within a few days they caught a Castro agent carrying blueprints for an armed insurrection that would have produced a general slaughter of thousands. The outraged Venezuelans pressed the Organization of American States hard for vigorous anti-Castro action. The Cubans desperately sought some diversion to distract the hemisphere's attention. Panama offered the best bet, a perennial tinderbox for "hate America" violence.

In late December 1963 employees of the U.S.-owned Zone bus company went on strike for higher wages. Since the company was a private one operating under franchise, the Zone government tried to stay out of the disagreement, but Panama's President

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Footnotes at end of article.

Chiari, with an eye on the 1964 elections, did not. His public statements undermined the company's bargaining position and made a reasonable settlement virtually impossible. Finally Chiari called in the American owners and advised them to tell Governor Robert J. Fleming that unless he settled the strike on the strikers' terms within days, the Panamanian government intended to take "drastic"—but unspecified—action.

As the strike dragged on, tension built up. For several days in early January 1964 rumors spread that the communists planned a "general strike" in sympathy with the bus workers against the "Yankee" employers, which they would convert to violence. On the morning of January 9, one Panamanian newspaper quoted from "reliable sources" that "certain communist and leftist leaders," then meeting, were "awaiting the start of a general strike and seek to start riots in order to get the National Guard into action so they can say the National Guard is mistreating the people." [3] But most ominous was an intelligence report: Members of the communist student organization had been staying after school for a week to make Molotov cocktails.

Meantime, the "Zonians" providentially dropped another issue in the communists' laps. On December 30 Governor Fleming, while announcing that both flags would fly at every official Zone location, declared that after January 2 no flag at all would fly at the four Canal Zone high schools, where heretofore the U.S. flag had flown alone. The intention was to avoid friction between national groups in the student bodies, but Fleming's attempt to circumvent trouble backfired. The students returned to Balboa High School, the Zone's largest with 1,851 students, all but seventy-four U.S. citizens. They protested the no-flag decision vehemently and collected 400 to 500 signatures on a protest petition to President Johnson.

In Panama City, too, agitation began on the flag issue. That night on the "El Socialist" radio program, the commentator gave a vicious twist to Governor Fleming's announcement:

"The invaders of our territory, instead of putting up a mast for the Panamanian flag at sites where the U.S. flag has been flying, have decided—in order to mock us—to eliminate the Yankee flag from every possible site. The main purpose of the Yankees is systematically to refuse to recognize our rights. For this purpose they apply all of their shrewdness to a policy typical of an imperialist country. We Panamanians should realize that the gringos do not look upon us as their equals. Rather, they look on us their suppliers of raw materials and . . . cheap manual labor . . . They are interested in Panama simply as a source of wealth, a market for their industry, an appendix to their economy . . . Let us launch the definite struggle for national liberation, the struggle against imperialism." [4]

The Communist Party pushed this interpretation. The former secretary-general of the Communist Party wrote a "letter to the editor" of the tabloid *El Dia* on January 7 denouncing "aggressions" against the flag and country of Panama. Eliminating flagpoles at the schools was a "crude, offensive and dangerous trick," he said.

Two dozen Balboa students showed up early on Tuesday, January 7, intent on raising the Stars and Stripes on their school's lone flagpole. They found the halyards locked and two policemen standing guard; school officials had got wind of what was afoot. Nevertheless, the crowd grew quickly and some of the boys tried to climb the pole. Soon 200 to 300 students and a dozen adults were there, most clamly waiting for school to open and watching the eighty students gathered around the flagpole who finally got the halyards loose and ran the flag up. Classes began routinely at 7:45, and school officials lowered the flag during the first-period class. When the class ended, less than an hour later, 150 students gathered, raised another smaller flag, and recited the pledge of allegiance. Governor Fleming decided not to interfere. Some of the boys had vowed to keep the flag flying against any and all comers, and he had no wish to order the police to use force against them. He hoped to find some other way out, perhaps by flying both flags.

That evening, six schoolboys lowered the flag. Supplied with blankets and food by sympathizers, twenty-five students spent the night out under the stars to keep authorities from cutting down the flagpole. Fleming tried just that the next day—but the students refused to move and the workmen sent to do the job retired rather than risk a physical clash.

This commotion made big news. Radio Miramar on Wednesday declared that the "Zonians" were inflaming the same sort of emotion that had moved American settlers in Texas to declare independence and then move toward annexation to the United States: "The same thing happened in Texas and in all the countries which were absorbed by the American empire." Radio Mia intoned: "Well, these are the children of those who are taking advantage of our soil in the Canal Zone, who are living like gods, kings, and who are rude to Panamanians!" The newspaper *Critica* on Thursday front-paged a picture of Americans gathered around the Balboa flagpole and a two-inch headline in red ink, "The Zone Students Say: The Panama Flag NO!"

To the communist general staff, the Balboa incident was a gift almost too good to be true. But schooled as they were in Leninist doctrine, they were prepared for "all forms" of "revolutionary struggle," and as the revolutionary textbooks command, were ready to switch instantly from one form to another to take advantage of fast-breaking circumstances.

On Wednesday afternoon, three Panamanian students walked into the Balboa principal's office. One introduced himself as Guillermo Guevara Pas, a reporter for the Panamanian National Institute student newspaper *Impacto*. He said they wanted to know all about the American students' demonstrations. The principal politely sent them to the Canal Zone Administration Building, a block away, to talk to the Canal's public relations officer, who told them the students were violating official U.S. policy and he hoped this stubbornness would not last long. Pas himself belonged to the democratic student group at the National Institute, the REI. But with him was Francisco Diaz, a member of the communist-oriented VAI; the third student remained unidentified. Undoubtedly, Diaz or the unidentified third student reported in full to the comrades of the communist-led FRU at the University of Panama. Diaz arranged to borrow National Institute's treasured Panamanian flag used by student movements in 1947 and 1958 and the November 3, 1959, march into the Zone.

That night, the communist high command worked furiously to exploit the situation. Special logistics units secured loudspeakers, gathered firearms and Molotov cocktails. Agents in key government posts were alerted to see that police would not interfere with their plans. Infiltrators in the radio stations and newspapers were contacted and briefed, so they could arrange instantaneous broadcasts summoning forth excited crowds. Selected "shock troops" were assigned to overturn and burn automobiles as beacons signaling the mob that law and order were suspended. Other squads were to hurl firebombs into the offices of American businesses so that clanging fire engines would assure ever-growing crowds and international headlines would convey the desired impression of spontaneous and massive anti-Americanism. Veterans of Cuba's guerrilla and terrorism training, skilled with automatic weapons, were assigned to raid gun shops and lead snipers. One assignment, euphemistically called "special work" in the communist academies of violence, went to the party's most trusted and secret agents: the manufacture of martyrs.

THE BALBOA FLAG EPISODE

On Thursday at 4:30 p.m., a breathless runner burst into the auditorium of the Panamanian National Institute, just as the democratic REI students were installing their newly elected officers. "The *Vanguardia* are marching on the Zone," the messenger shouted. "They're going to raise our Institute flag at the *Yanqui* high school to show our national sovereignty!" The new leaders hurriedly consulted: they could not afford to let the rival Red group they had just beaten in a narrow election take the lead now in such a patriotic demonstration. "We march too!" they declared. Guillermo Guevara Pas let them out. News photographers, radio broadcasters with portable units and television photographers were already on hand, and the VAI students carried signs proclaiming, "Panama Is Sovereign in the Canal Zone," "Panama Is No Protectorate—It Is Free and Sovereign," "Fleming Go Home!," "The Panamanian Flag *Only!*"

The demonstrators entered the Canal Zone at 4:40 p.m. heading for Balboa High, about a mile inside the border. Within half a block of the school, twelve Canal Zone policemen stopped them. Guevara Pas, speaking excellent English, told Captain Gaddis Wall, the police commander, they wanted to raise their flag on the Balboa High flagpole and sing their national anthem. Speaking through an interpreter so there would be no misunderstanding, Wall explained that he could not permit the whole group on the school grounds, since some 200 Americans were gathered there and the possibility of trouble was too great. He proposed to conduct five Panamanian student leaders to the flagpole where they could display their flag and sing their anthem, but they could not run the banner up since the U.S. flag was already flying.

When Guevara turned to address his group, they drowned him out with shouts of "No! No! No!" Wall had his police car driven up, and helped the young man up on the fender so he could command attention. Fourteen of the radicals in the VAI group refused to go along with the compromise; they insisted that they be allowed to run up their banner—a sure bid for trouble. Guevara pleaded and cajoled for almost an hour, while individuals in the crowd hurled a steady stream of invectives at the policemen. The VAI students were in obvious control; although Guevara Pas of the REI was still at the front, he was a prisoner of the crowd. Police identified eight known VAI leaders actively running the show.[5] Wall and the other policemen noticed that one adult Panamanian was in the crowd and seemed to be supervising things; the troublemakers referred to him as "the professor" and continually ran to consult him. But as soon as a police photographer moved to get a picture this mysterious adult disappeared.

About 6 p.m., Guevara won agreement to Wall's proposal, or so it seemed. He and four other students passed through the police line bearing their flag and the National Institute standard; a sixth ran through, too, carrying a sign proclaiming Panama sovereign in the Zone, but Wall did not object. Photographs of the five students carrying the flag unfurled in front of them showed a tear of four to six inches in the middle seam of the top edge. One of the carriers held both edges of the split, keeping it closed; a Canal Zone policeman offered them an insigna pin to

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Footnotes at end of article.

fasten it together, but they refused. The existence of this tear was later to be a hotly contested point.

By this time 400 to 500 American students and adults were gathered in front of the school. For five minutes, the Panamanians posed with their flag for the photographers. Then for their ceremony they insisted on occupying the steps leading to the flagpole where thirty American students were sitting. All had been quiet to this point, but now some of the adults raised the cry, "Stay! Stay! Stay!" As Wall allowed the Panamanians to cross the hedge ringing the pole, the Americans joined in "The Star Spangled Banner." This angered the Panamanians. Three of them demanded that they be allowed to raise their flag on the pole instead of going through the ceremony previously agreed on. Arguments flared, and as a yelling contest developed Wall deployed his policemen in a line between the two groups. He tried to persuade the Panamanian students to proceed with their ceremony, and when they refused he ordered them to rejoin their group and leave. When they refused this, too, Wall ordered his policemen to move them out. What was supposed to be a quick and peaceful ceremony had been stretched to twenty-five minutes and tension was rising dangerously.

With riot batons held horizontally, the officers began to push the six Panamanians backward. As they resisted, scuffling violently, stumbling backward over the hedge, they held tight to the flag, which tore along the already-ripped seam almost to the top of the coat of arms in the middle. "Now you made us tear our flag," one of the bearers cried in Spanish.

Across the road most of the Panamanians were orderly and quiet, but fifteen or twenty shouted, shoved and waved. The flag bearers soon stopped struggling and walked back to their crowd. They then held up the torn banner and cried, "Look what they did to our flag!" At that a roar went up and the student agitators began shouting loudly and surging against the police line. A few stones began to fly. (They had to be carried to the scene, since there were none there.) One hit a policeman, piercing his helmet liner and cutting his scalp. All the while, the portable broadcasters poured out inflammatory accounts of what was happening.

It was now 6:30. The episode had lasted more than an hour. The flag bearers returned with the flag in a Volkswagen bus to the Republic of Panama, where President Chiari personally received them,[6] while their comrades marched back to the border along Gorgas Road, en route shattering windows and street lights, overturning garbage cans and stoning automobiles. Canal Zone police followed in their cruisers at a distance, under orders to make no arrests as long as the students did no more than damage property and continued on their way out of the Zone. They crossed the boundary between 6:45 and 7 p.m., two full hours after the march began.

THE PLANNED EXPLOSION

At precisely 6:35 that Thursday evening, U.S. District Judge Guthrie F. Crowe sat down at home and tuned in the regular evening broadcast of New York stock market news.[7] His wife called from the front porch: "Come here! They're turning over a car in the street." Judge Crowe saw "seven or eight" men—not students—around a car parked along Kennedy Avenue. Looking up and down the street, he saw a number of people milling around, screaming, throwing stones and interfering with traffic. The men finally toppled the car, a small Morris Minor, dragged it to the middle of the street and set it on fire. A Panama police car drove by and parked on the adjacent corner of "H" Street. Blithely ignoring the arsonists, one policeman got out and began directing traffic. With this visible demonstration that law enforcement was not functioning, a dozen crowd members joined the firebugs in turning over and firing a second car.

This incident occurred a good ten minutes *before* the student rioters reached the border. The comrades were touching off their explosion according to plan, though a bit prematurely. Crowds attracted to the border by the radio harangues from the Balboa High School scene were quickly swept into the rioting started by these clumsy and too obvious shock troops. The evidence gathered by the International Commission of Jurists presents a clear picture of planned, manipulated violence. As Captain Wall later testified, the crowds "became infected with this excitement" and a "sort of social contagion" caught up many people in the early stages "by their mere associations with those who were already rioting."[8]

Within minutes 500 to 600 people were milling in the street, pressing against the high wire fence in front of the judge's home. His wood frame house sits on a high bank some twenty-five yards back from the street. Chunks of concrete came sailing through the windows. A few agitators began hurling Molotov cocktails over the fence. The first ones did not shatter, and Judge Crowe was able to throw them off the porch. But two on the porch and one through an upstairs window set the house afire. The judge ran to the district courthouse nearby and summoned five or six policemen, who fought the blazes with buckets and dishpans. Meanwhile, somebody in the crowd produced bolt cutters and tore through the fence. When the Canal Zone firetrucks arrived, rioters let them through. The policemen fire a volley of shots over their heads, the crowd parted, and the firemen extinguished the blaze.

Judge Crowe kept some of the unshattered Molotov cocktails for souvenirs. Each had one of the meticulously sewn wicks that later so impressed the ICJ Investigating Committee.[9] They also were half filled with sand to help the gasoline spread and burn faster—a sophisticated little trick taught in Castro's schools of social demolition and hardly likely to pop up spontaneously in a random crowd. Agitators within the crowd particularly impressed Judge Crowe. They were screaming slogans, and one picked up a handful of earth and held it high over his head crying, "It's our land! We're going to get the Yankee out!" Across the street others appeared with paint and paintbrushes to daub the buildings with the favored signs: "Yankee, go home!" "Yankee murderers!" And a block away loudspeakers were already blaring boisterious Panamanian dance music to add to the riotous atmosphere.

By the time the student column reached the border, half a block from the National Institute and Judge Crowe's home, it was 6:45 to 7 p.m. and several automobiles were already burning as beacons to the lawless and the excitement-seekers. Students joined grown-ups in stoning every car that passed bearing Canal Zone license plates. A snarling crowd surrounded one car driven by a woman and almost overturned it before she gunned her way through to the Zone, where she collapsed in hysteria.

From the start of the Balboa High incident, the radio broadcasters accompanying the Panamanian students poured out a barrage of hate to the effect that the Aemricans had "invaded" Panama, were murdering great numbers of innocent students, and had torn and trampled Panama's flag. Invariably the Panamanian rioters were referred to as "heroes." For example, at 7:55 p.m. Onda Popular aired this piece of "news":

"A total of 400 University students are retaliating for action of the Balboa High School demonstrators who stepped on and tore apart a Panamanian flag earlier this evening. The Panamanian students are now burning an American flag. They have joined a demonstration of 15,000 people in Panama City in protest against Canal Zone treatment of the national emblem."[10]

The announcers, not only according the rioters the nation's blessings for their depradations, repeatedly provided assurance that they were immune from the law. Radio Aeropuerto at 7:30 broadcast, "The National Guard has remained aloof from all the incidents." As the violence reached high pitch, fellow traveler Thelma King's Radio Tribuna blared, "The National Guard reportedly is siding with the Panamanians to defend our sovereignty." A short while later the same station proclaimed, "The National Guard is helping the Panamanians."

Not one station appealed to the people to keep the peace, move out of the streets, get into their homes and stay away from trouble. That was left for Canal Zone authorities; they sent a small single-engine plane up with a loudspeaker to fly along the border for more than an hour appealing to people in Spanish and English to stay calm and go home. The appeals were clearly audible on the ground, but no one heeded them. By 7:15 to 7:30, a crowd of several thousand milled along the mile of Canal Zone border adjacent to downtown Panama City, on Fourth of July Avenue and Kennedy Avenue between Balboa Road and the Ancon Railroad Station. The violence, sustained by the inflammatory broadcasts, was fissioning.

The tiny Canal Zone police force was overwhelmed. Captain Wall had nineteen officers on duty when the trouble started at 4:40 p.m. By 7:30 his entire force of eighty-five men was deployed, trying to police the border and turn back marauding, rock-hurling, firebomb-throwing mobs. Between 6:30 and 8 p.m. Zone authorities, following set procedures, made eight desperate pleas to Panama's efficient U.S.-trained *Guardia Nacional* for help. Finally they appealed directly to President Chiari through the U.S. Embassy. But when at last the *Guardia* radios crackled, U.S. monitors in the Zone could hardly believe their ears: they said that President Chiari had personally given strict orders for the *Guardia* to stay in its barracks!

Meantime, there was chaos on the border. In the triangular Shaler Plaza the crowds numbered well over a thousand. From the transistor radios many carried, and from agitators running among the crowd, they heard wild tales that Canal Zone police had shot down several "defenseless students." Waves of people crossed the plaza throwing rocks and firebombs, and attacked the Tivoli Hotel, both areas being completely inside the Zone. One officer caught two men behind the large wooden hotel, trying to set it afire. Flying rocks and Molotov cocktails by 8 p.m. had caused ten casualties among the police. Rioters stoned and mobbed cars with Canal Zone license plates all along the border, dragging out passengers and beating them with sticks, pipes, stones and machetes. Bobby Sander, a twenty-one-year-old American who had been born in the Zone, lost an eye from a rock thrown through his windshield as he was driving his fiancée home after a movie.

THE BATTLE OF ANCON LAUNDRY

By 7:30 a mob of 2,000 was attacking cars and beating people in the vicinity of the Ancon Laundry and Railroad Station, a quarter of a mile from Shaler Triangle. Defending the boundary were a police sergeant and eight men, positioned between the laundry and a housing area where U.S. civilians lived. Part of the mob surged forward, throwing rocks and firebombs at the police and at windows in the laundry. The police fell back toward the residences, then used tear gas. The crowd retreated and set fire to the station and some railroad coaches, looting

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Footnotes at end of article.

freight packages as they went. Ten rioters wheeled a burning automobile into the laundry, which began to burn. The police heard gunfire behind the mob and one officer saw bullets richochet off the pavement in his direction.[11]

After the police exhausted their meager tear gas supply the sergeant called a retreat until their backs were to the residential area and told his men, "We can't retreat beyond this point. We've got to hold here." Then he had them pull their service revolvers and fire in unison, by command. Following their training in riot drills, they fired at the pavement in front of the rioters. Such fire normally ricochets low, into the legs of the crowd, but may hit higher. About 7:45, a student of the National Institute, Ascanio Arosamena, twenty, was hit in the shoulder by a bullet from a police revolver; he died half an hour later. The Panamanian radio stations began to broadcast hysterical accounts of his death about 8:30.

A few minutes after the first firing, eleven policemen arrived to reinforce the nine, and together they began firing into the air over the rioters' heads.

At the other end of the riot zone, more than a mile away, a horde 1,500 to 1,800 strong rushed over the boundary, forcing police back into the Zone. The police fired two volleys, shooting over the rioters' heads. At each volley the crowd fell back, without apparent casualties. On the third round, when the police sergeant gave the standard preparatory command, "Ready on the firing line," the crowd broke and ran. Meantime, tear gas was delivered and the police were able to hold until relieved by troops.

At about 7:40 Thursday evening, a crowd of rioters moved from Fourth of July Avenue down Kennedy Avenue toward the uproar in Shaler Plaza. As it surged along, hundreds of people reinforced it from side streets in Panama City, smashing store windows, turning over cars and breaking street lights as they went. At the Pan American Building intersection another large crowd joined in, bringing the total in the Tivoli Hotel-Shaler Plaza area to about 3,000. They swarmed over the low border fence between the Tivoli and the Legislative Palace. Canal Zone police fired tear gas canisters, whereupon the mob moved out into Shaler Plaza and the Canal Zone Bus Terminal. At the terminal, rioters ripped the roofing loose, broke windows and doors, and set the inside afire.

Agitators urged the milling people on and formed small groups into assault waves to storm the fence in front of the Tivoli. Police drove wave after wave back with tear gas. Some people noted that most male agitators who were inciting the mobs to burn, destroy and pillage seemed to wear predominantly red sport shirts. Women agitators carried a unique identification insignia: each had a zebra-skin handbag.[12]

THE U.S. ARMY TAKES OVER

Governor Fleming having left on a routine trip, Lieutenant Governor Parker made a reconnaissance along the border at 7:45. He found that a crowd he estimated at 3,000 was storming along Kennedy Avenue and in many places had overrun the tiny Canal Zone police contingents. Four *Guardia* pickup trucks had been seen driving along Kennedy Avenue, the officers paying no attention to the rioters. The bus terminal in Shaler Plaza was already in flames. At 7:59, as Acting Governor, he asked General Andrew P. O'Meara to take command.

The first company of 110 U.S. troops arrived in trucks at the Tivoli Hotel at 8:35. Before them, Shaler Plaza was a battleground. The few Canal Zone police, having exhausted their tear gas, were firing service revolvers and shotguns loaded with birdshot to ward off the mobs. The troops' orders were to use the minimum force necessary to secure the Zone's borders. They deployed along the fence in riot formation, confronting some 500 rioters who were hurling stones and Molotov cocktails. There was close contact, and many of the soldiers were burned or hurt by rocks. The first to arrive began firing riot-control shotguns, but before a dozen rounds were fired the officers stopped them and they then used their rifles as prods to move the crowds out with wedge and close formations. Two or three dozen soldiers were wounded by flying sticks, stones and bottles.[13]

About 10 p.m. twenty-four-year-old Private Donald C. Hronek, watching the mobs on Fourth of July Avenue, noticed one particular man carrying a camera. He saw the man drop the camera on the pavement, pull a pistol and fire two shots into the mob. Another man fifteen to twenty feet away fell. "The crowd sort of fell back away from him," Hronek testified. "Then several people came back up, took the man up by the arms off the pavement, and carried him across the avenue into Panama. Shortly thereafter an ambulance showed up. . . . The man that did the shooting walked back over into Panama too." This was the first of several such shootings of Panamanians *by Panamanians* observed by Americans, both soldiers and civilians. A number of sworn affidavits were later collected.

Meanwhile, in Panama City itself, the communist shock squads were busy. As soon as it became dark, they led mobs in attacking and burning key American properties. A National Guard detail surrounded the U.S. Embassy, and the American diplomats praised the Guardsmen for "a fantastic job" of protecting the embassy offices from the threatening throngs. Nevertheless, the Americans burned secret records and evacuated all but two employees from the building. The U.S. Information Service office was burned out. About 11 p.m. activists pushed two automobiles through the Pan American Building's windows and fired shots into the gas tanks. The building went up in flames. Later seven bodies of suffocated and burned victims were found, either looters or deliberately manufactured martyrs trapped in the structure.

The sign painters' work on Shaler Plaza and along Kennedy Avenue—"Get out Yankee!" "Down with the Yankee Murderers!"—was assiduous. They also renamed Kennedy Avenue "Avenue of the Assassins." One obviously got carried away. At the base of the Shaler Plaza flagpoles he painted, "Down with the Government!" But this gaucherie was painted out after President Chiari at 11:10 p.m. announced via radio a diplomatic break with the United States and ordered a state funeral for the Panamanian "martyrs."

THE SNIPERS

At 10:30 p.m. snipers began shooting at U.S. troops standing guard in front of the Tivoli Hotel. Within twenty minutes, one U.S. civilian and two soldiers were wounded. The snipers were shooting from the Legislative Palace and the vicinity of the Pan American Building. General O'Meara's chief of staff asked permission to return fire. O'Meara refused; instead, he tried by phone to get the *Guardia Nacional* to stop the shooting. A U.S. Army liaison officer stationed in the National Guard headquarters delivered the general's request, but nothing happened. So at 10:50 O'Meara authorized his units at the Tivoli Hotel to use directed and controlled shotgun fire to suppress identified shooting from the Legislative Palace. The fire was limited to No. 4 and No. 7½ shot, the sizes used to kill ducks and doves. At the 100-yard distance separating the hotel and the Legislative Palace, neither dove nor duck would be greatly annoyed, much less snipers.

At 11:15, O'Meara got Panama's Foreign Minister Galileo Solis on the phone to tell him that U.S. troops were being wounded by sniper fire from the Republic of Panama. "Under the circumstances I've authorized the use of controlled shotgun counterfire," the general said. "Mr. Minister, I'll cease fire immediately if the National Guard will stop the sniping." Solis replied that he would see that the National Guard got immediate orders to seize all snipers, and O'Meara ordered a cease-fire. Nevertheless, the sniping did not stop, and by half past midnight, four more soldiers were wounded.

The Southern Command's special Marksmanship Unit prepared to begin counterfiring when the order should come. The men in this unit had marksmanship shooting as a full-time duty; they staff the U.S. Army team that competes in the yearly Pan-American matches. Shortly after midnight the snipers began coordinated automatic weapons fire. One, on top of the palace, would pop up over the wall, spray the area with about twenty-five submachine gun rounds, and duck. A minute or two later another would cut loose from a second-floor window with a submachine gun. Another on top would fire with a .22 caliber rifle. Still another, using a .30 caliber high-powered hunting rifle, would fire a few rounds, while on the ground three or four men fired with pistols. This coordinated firing continued for six hours, until dawn.[15]

At 12:30 a.m., with six U.S. soldiers in the Tivoli area wounded, General O'Meara again authorized controlled counterfire. The American marksmen, using high-powered scopes, were closely supervised by their first sergeant to shoot not to kill but to near-miss the snipers for psychological effect. Some snipers persisted until the marksmen shot back to kill—and as best they could tell in the darkness, they succeeded.[16] But the counterfiring was strictly limited; O'Meara stopped it completely after about ninety minutes in the Friday pre-dawn.

THE ATLANTIC SIDE

In Colon, forty miles away at the Canal's Atlantic entrance, transistor radios and identified communist crowd-leaders spread the rioting. Three U.S. Army soldiers deployed to guard the Zone border were killed by snipers during the night. A young second lieutenant, instructed to close off Bolivar Avenue boundary and unaware that the border runs down the middle of the street, marched one squad to the far side. For about fifteen minutes he occupied ten feet of the Republic of Panama, until the battalion executive officer came by and moved the line back. The International Commission of Jurists found this to be the only real border violation by the Americans in the four-day "flag war." [17]

The agitators would address American troops directly through their loudspeakers. "Puerto Ricans, you should drop your weapons and come over to our side. You have no flag!" they would say. (Ironically, the second U.S. Army soldier killed was a Puerto Rican sergeant who was directing his men toward protected positions.) Similar appeals were addressed to the Negro soldiers.[18] These tactics were right out of the Bolshevik handbooks for revolutionary fraternization and penetration, now taught in communist propaganda schools. Later, communists spread the rumor that the Puerto Rican sergeant had been shot by his own officers for refusing to fire on his fellow Latins.[19]

THE VIOLENCE SPUTTERS ON

As Friday dawned sniping sputtered spasmodically over deserted streets. As the morning wore on, a crowd began to gather opposite the Tivoli. Red agitators collected crowds, harangued them, and then tried to lead them in storming the Zone. (Dozens of the communists were photographed and lated identified by American intelligence officers.) Sergeant Clark, the Marksmanship Unit's first sergeant, provided revealing eyewitness testimony to the ICJ:

Footnotes at end of article.

"On Friday morning when this mob started there wasn't 35 people there. First they started with a—scattered up and down here (pointing to a map)—they were going in and prowling around the Pam Am Building. From a small group. I estimate about 200. It just started with eight.

"There were several gentlemen in this crowd when it started that were acting like sideshow barkers in a circus; they were talking under control at this time. I don't think anybody would have ever gotten hurt. These deaths, as a result of all the action out here, could have been avoided. One platoon of soldiers or policemen could have policed these people up and stopped this nonsense, without causing unnecessary deaths. I don't believe you would have had to use tear gas." [20]

The communists brought up a sound truck to urge new attacks. General O'Meara watched them operate and told newsmen in disgust: "Those people were trained operators. They were not students. We could see one fellow. If he hadn't been through Mister Castro's school on how to handle such situations, then he's been through someone's, and I daresay it was Mr. Castro's." [21]

For the crowds collected by these techniques, storming the Zone became a game. All day long, every time a score or so got together, they would charge the border, and American soldiers concealed from the snipers behind various cover would hurl tear gas grenades to drive them back.

In mid-morning, two more U.S. soldiers were wounded, and counterfiring was renewed for four more hours, and again for five minutes at 7:10 p.m. U.S. forces fired an estimated 400 to 500 rounds,[22] and also used shotguns intermittently. About noon on Friday, an eleven-year-old girl was killed in an apartment building near the Legislative Palace. Medical evidence indicated that the bullet was not of U.S. Army caliber. Still, the ICJ concluded that "in all probability" she was hit by a marksman shooting at a sniper in the same building.[23] A taxi driver died of a .30 caliber wound received on Friday near the Legislative Palace, probably shot by U.S. marksmen. The sergeant commanding the Tivoli marksmen estimated that his men killed or wounded twenty snipers.[24]

The only time the Panama National Guard troops appeared on Friday was to remove three of the bodies burned in the Pan American Building. On Saturday, five or six Guardsmen strolled by and mingled with the crowds as they were rallying to storm the Zone and stone the U.S. military police.

On Friday night snipers poured more than 800 rounds into the U.S. positions in the Panama City end. On Saturday night the firing was most intense and accurate. One sniper with a .22 rifle and telescopic sight was a crack shot. In one twenty-minute period more than 500 rounds came in. By telephone the Americans were told, "Tell us the locations of the snipers exactly, and we will call the *Guardia* and they will arrest them." All Friday night Sergeant Avery phoned in locations—but no one ever saw the *Guardia*. Repeatedly on Saturday night he asked permission to shoot back, and was denied every time.

On both nights, Panamanians generally knew that the Americans were not shooting back. Molotov cocktail throwers went to work on the Tivoli Hotel and the Maryknoll Convent nearby. The Americans watched them light the wicks of their firebombs, dash across the street, and throw them into cars or onto the hotel. Once they used a sling device, hit high up and nearly burned the hotel. The firebugs had an audience that laughed and applauded. One got himself a bow and arrow, soaked the end in gasoline, and lit it. But as he drew back to fire, he pulled the bow too far back, and burned his hand, and dropped the bow while the Americans laughted and applauded for a change.

The sergeant finally asked permission to have his marksmen break the bottles in the firebombers' hands as they were running across the street to bomb the hotel. Again permission was denied. The sergeant's sardonic comment: "I have never been in a position where I had to sit there and watch somebody try to burn a building up from under me without taking any action to protect myself. I think this is more than should be asked of any man." But it was asked—and obeyed.

The Americans also noted additional instances of Panamanians shooting each other. On Saturday afternoon a Panamanian standing by the Boyd Building fired a pistol twice toward his countrymen in front of an apartment building, pocketed his pistol and walked down the street. Ten minutes later he reappeared from the Legislative Palace, firing this time back toward the Boyd Building. It seemed to the American sharpshooters watching through high-powered lenses that he wanted to shoot somebody and blame it on the U.S. Army. Again about 3 p.m. on Saturday or Sunday (sleepless and fatigued, the G.I. witness could not recall which) a *Guardia* trooper fired toward a man standing along a wall lining Fourth of July Avenue. The man jumped back. After a second shot, he slumped down against the wall. The crowd shied back a minute, and then several people, including the trooper who did the shooting, walked over to the body.[25]

After three and a half days, at 5 a.m. on Monday, January 13, by prior arrangement with the U.S. Army, the *Guardia Nacional* moved into Colon by truck. Until this hour the sniping and firebombing had continued there along the entire eight-block front. The Guardsmen searched the buildings across the street from the Canal Zone from top to bottom. Not another shot was fired or firebomb thrown. The same thing happened along the tortured Panama City border. The ICJ report concluded: "The Investigating Committee feels satisfied that, if the *Guardia Nacional* had taken charge of the situation early on the evening of the 9th or soon thereafter, the violence and the damage to property and the tragic casualties would not, in all probability, have taken place." [26]

EPILOGUE TO AN OPERATIONAL TRIUMPH

To serve their own ends, many noncommunist or even professedly anti-communist governments may actually cooperate with their local communists in staging anti-Western riots or other operations. In Lima in 1958 before Vice President Richard Nixon arrived many Peruvians felt that a little Red disturbance would help the foreign aid income, and hence police winked at communist plans. After a military junta in 1963 overthrew Juan Bosch, the Dominican Republic's first elected president in thirty years, the United States withdrew recognition. Members of the government, to encourage U.S. recognition, purposedly set up and armed (ironically, with U.S. weapons furnished under a police aid program) a band of communist guerillas As soon as the gambit succeeded, the sixteen hard-core leaders were rounded up and shot. Sometimes dictators will use the communists because they are expert in organizational skills. Cuba's Batista allowed the communists to run many labor unions and the Reds, in return, behaved docilely. Indonesia's Sukarno used the organizational and agitational talents and mob-management expertise of his local communists to attack and gut the British Embassy in his feud over Malaysian independence.

Something of this kind seems to have been what occurred in Panama. Government leaders eager for a little anti-American "pogrom" to benefit their domestic political purposes, and were content to acquiesce in known communist planning. Perhaps Chiari was persuaded by secret communists within his palace guard. The legal adviser in his Foreign Ministry, Eloy Benedetti, and his Minister of Education, Solis Palma, were identified communists and were close to the President in the Presidential Palace much of the time. Indeed, Chiari even appeared on the balcony of the Presidential Palace at the height of the rioting with two professional communist agitators, Victor Avila and Floyd Britton, and looked approvingly while Avila urged the crowds to new "vengeance" attacks against the Canal Zone.

The OAS rushed a special peace commission to Panama to try to stop the violence. It arrived on Saturday, and immediately American diplomats complained bitterly to the Panamanian government representatives, in the presence of the OAS Commission, about the known communist agitators trained in Cuba, the Soviet Union and China who were out haranguing and leading the crowds to invade the Zone. "Give us their names, and we will arrest them," the Panamanians replied. That evening U.S. authorities gave them ten names. Despite this, the next morning, Sunday, January 12, six of the ten named agitators turned up leading the state funeral procession for the "martyrs of Yankee aggression" that marched through Panama City.

The Panama tradegy proved nothing so dramatically as the power of the instantaneous communications media and the effectiveness of a handful of trained social demolitionists who know how to exploit and manipulate this electronics marvel. The staged Balboa incident gave communist agents and collaborators in the broadcasting stations the opportunity to call out the crowds. The subsequent rioting followed a classic pattern, except that the communist hand became obvious a little sooner and more clearly than usual, and, thanks to the OAS and ICJ, was more thoroughly documented. Communist infiltrators, fellow travelers and Yanqui-haters were sufficiently embedded in the radio stations and governmental machinery to provide an initial wave of crowds to screen the paramilitary apparatus. The ordinary ruffians who come out of the woodwork of any community at the first sign of free loot and unpoliced fighting quickly reinforced the roving communist shock squads. These rioters who stoned, overturned and burned automobiles, and wounded Americans, shot their own people and committed other crimes won praise without distinction as heroes and patriots, and many ordinary Panamanians, especially youth, joined the glory.

Yet after the first mad excitement wore off, most of the ordinary citizens quickly retired, depriving the communists of the crowd shield and leaving them inconveniently exposed for all to see. At no time on Thursday evening did the crowd total exceed 15,000 [27] in Panama City and Colon combined although this was sufficient cover for the initial dirty work. The ICJ investigators found that on Friday and Saturday the crowd in Panama City diminished dramatically, leaving only about a thousand in the streets. Movies on these days show that the Red cadres had trouble raising crowds for their "mass" invasions of the Zone; there were no great "masses" to be found. The American sergeant who declared that a single platoon of soldiers could have cleaned up the trouble in a few minutes was undoubtedly right, and the ICJ agreed.

Certainly even 100 people milling, shouting, throwing rocks and firebombs can create considerable havoc—especially if trained agitators and paramilitary squads are operating in their midst to egg them on. But it is no difficult trick to raise a crowd of 15,000 when one considers that a three-alarm fire in

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Footnotes at end of article.

any city in the world can raise that many in no time. Considering Panama City's population of 271,000 and Colon's of 59,000, in a nation of 1,067,000, the crowd is shown to be a small minority and the communist accomplishment seems less impressive. In this perspective the facts would seem to indicate that the Panamanians are a far more decent and peace-loving people than the behavior of some of their politicians and the professional communist wreckers implied.

The casualty figures corroborate the conclusion that, except for the first wave of mass hysteria, the pattern of managed violence became so obvious that most Panamanians backed off and stayed home. By 6 p.m. Friday, the U.S. Army had suffered three killed and ten wounded by sniper fire, and fifty-one wounded by rocks, firebombs, sticks and bottles. One Panamanian student was killed in the vicinity of the Ancon Laundry battle, and another nineteen-year-old boy was shot down sometime during the night and died two days later of wounds from an undetermined type of firearm. One Panamanian was killed by an automobile driven by another, and an old fruit peddler was shot while lying or resting in the Avenida Central. He may have been a victim of one of several reported instances of apparently wanton shooting of Panamanians by Panamanians. The ICJ speculated that other deaths occurred as shopkeepers defended their shops from looters.[28] In addition, seven Panamanians burned to death in the Pan American Building. The total of dead Panamanians resulting from the first night of rioting was at least ten, with no allowance for snipers hit by U.S. Army sharpshooters, while the injured numbered in hundreds. Clearly, most of the deaths and injuries occurred in the first night's violence.

By Sunday the vanishing crowds left the communists so naked that even Panama's President felt compelled to grumble about them. Nudging him were the OAS emergency mission and President Johnson's personal emissaries, Assistant Secretary of State Thomas Mann and Secretary of the Army Cyrus Vance, who had arrived from Washington at 6 p.m. Saturday and complained bitterly about the communist agitation. Chiari, obviously shocked by the bloodshed and furor of the genie he had uncorked, began trying to recork it while simultaneously maintaining the nationlist emotion for his own political goals. He told a press conference: "For the past 24 hours there has been infiltrated and is active within the popular movement alien influence of pro-Castro and pro-communist tendency, but this is apart, and not necessarily identified with, the purely civic movement in which the overwhelming majority of Panamanians are engaged."[29] Considering that Chiari had stood on the Presidential Palace balcony touching elbows with two Cuba-trained communist professionals the afternoon before, his perceptiveness left a little to be desired.

The communist-Panamanian diplomatic offensive against Washington was so effective, however, that those engaged in it became overconfident, and on January 21 they made a serious blunder. The Panamanian Bar Association with its government's nod asked the UN-recognized International Commission of Jurists of Geneva, Switzerland, to investigate, charging the United States with violating the Universal Declaration of Human Rights. The ICJ sent an Amsterdam University law professor, a Swedish judge, and a distinguished Bombay lawyer. Before this panel the United States paraded witness after witness—participants, Canal Zone officials, experts—and the U.S. attorney virtually dared the Panamanian Foreign Ministry and Bar Association representatives to put their own responsible government officials on the stand. (They did not.) Once U.S. officials even caught the Panamanians trying to slip in fake evidence: a picture showing street lampposts of the kind used at the time of the 1959 disturbances but since removed. At one point the Indian lawyer, who chaired the ICJ Committee, spoke sharply to the Panama Bar delegate: "Dr. Illueca, I will be quite frank with you, my colleagues and I are not very impressed with this witness. We do not think that he is very reliable. . . We would strongly urge you that when you bring the other witness you tell them to answer directly and truthfully."[30]

In their findings, the jurists rejected point by point the Panamanian charges:

"Considering all the grave acts of violence and the threat to life and security involved, we have come to the conclusion that, even if the force used by the Canal Zone authorities and the United States Army may have been at certain stages somewhat in excess of what was absolutely necessary at the time, the force used seems to have been justified; taking into account such rapidly moving, critical, and violent conditions, it is impossible to lay down a fine distinguishing line of what should have been the absolute minimum necessary."[31]

The jurists reported that they found indications of "some degree of premeditation and planning."[32] And then they delivered this stinging rebuke—which, added to the one declaring that prompt Panamanian police action could have prevented the tragic deaths and violence, makes a shocking indictment of President Chiari's regime:

"We regret deeply that the Panamanian authorities made no attempt during the critical early hours, as well as for almost three days thereafter, to curb and control the violent activities of the milling crowds. On the contrary, there is considerable evidence to indicate that broadcasts over radio, television and loud-speakers, newspapers, and other means were adopted to incite and misinform the Panamanian public without any action by the Panamanian authorities to curtail or moderate such activities."[33]

Nevertheless, from the communist standpoint the Panama "flag war" was a glowing success, strategically and tactically. The OAS was diverted from single-minded concentration on Castro's attempt to topple Venezuela's constitutional regime. The world press was totally taken in. Not until the third day did the public begin to get the slightest hint of communist participation. Not until months later did some of the basic data begin to come to light. The propaganda damage was done.

FOOTNOTES

[1] On one side, Secretary of State Dean Rusk and other "don't-rock-the-boat" diplomatists argued to keep the data secret. On the other side were the new Assistant Secretary of State for Latin America, Thomas Mann, an appointee of President Johnson; Central Intelligence Agency Director John McCone, and a minority of other action-minded individuals. Rusk and his allies won—throwing away a tremendous advantage an outstanding intelligence performance has provided.

[2] Jules Dubois, *Danger Over Panama* (Indianapolis: Bobbs-Merrill, 1964), pp. 294–295.

[3] *Guerra*, January 9, 1964.

[4] U.S. Presentation on February 14 and 15, 1964, to the Committee established under resolution of the OAS, February 6, 1964, Exhibit B, p. 1.

[5] Dubois, *op. cit.*, p. 310.

[6] *Report on the Events in Panama, January 9–12, 1964,* prepared by the Investigating Committee appointed by the International Commission of Jurists (Geneva: International Commission of Jurists, 1964), p. 15. (Hereafter cited as *ICJ Report*.)

[7] Unpublished transcript of testimony before the Investigating Committee of the International Commission of Jurists, March 10, 1964, pp. 61–62. (Hereafter cited as ICJ testimony.)

[8] *Ibid.*, p. 24,

[9] *ICJ Report*, p. 20.

[10] U.S. Presentation to the Committee established under resolution of the OAS, February 6, 1964, "Background and Chronology of the Events in Panama and the Canal Zone on the Ninth, Tenth and Subsequent Days in January 1964," p. 79.

[11] ICJ testimony, March 10, 1964, p. 24.

[12] Dubois, *op. cit.*, p. 290.

[13] Transcript of press conference by General O'Meara held on January 12, 1964.

[14] ICJ testimony, March 11, 1964, p. 118.

[15] *Ibid.*, pp. 84–87.

[16] *Ibid.*, pp. 42–43.

[17] *ICJ Report,* p. 30; ICJ testimony, March 12, 1964, p. 39.

[18] ICJ testimony, March 12, 1964, p. 56.

[19] *Ibid.*

[20] ICJ testimony, March 11, 1964, p. 103.

[21] *Washington Post,* January 12, 1964.

[22] *ICJ Report,* p. 26.

[23] *Ibid.*, p. 27. Cf. medical testimony, March 13, 1964, p. 3.

[24] ICJ testimony, March 11, 1964, p. 101.

[25] *Ibid.*, pp. 112, 120.

[26] *Ibid.*, pp. 20, 28.

[27] This estimate is based on a careful study and comparison of all crowd estimates in all locations along the riot zones in both cities contained in the ICJ hearings and OAS documents. The only overall estimate in Panama City made by a competent observer on the scene was by Captain Gaddis Wall. A veteran of twenty-four years of police work with much experience at estimating crowds, in 1958 he had attended the University of Louisville (Kentucky) police training program and had a course in "flash recognition." As a part of this course pictures of crowds flash momentarily on a screen, after which students make estimates and compare them with the known count. Wall used the technique of block-uniting a group of 100, then multiplying for the total area in view. He estimated a total of 8,000 people strung out along the mile and a quarter of Canal Zone boundary in Panama City, from Frangipani Street intersection in the Ancon area to Balboa Road intersection at the opposite end of town. (ICJ testimony, March 10, 1964, p. 33.) The largest crowd estimate in Colon was 1,500 in the flag-raising ceremony at the Administrative Building. When all other estimates in the pertinent documents are considered, 15,000 seems a highly generous total for the number of people taking part throughout the night.

[28] *ICJ Report,* p. 26.

[29] *Washington Post,* January 13, 1964.

[30] ICJ testimony, March 7, 1964, p. 55.

[31] *ICJ Report,* pp. 37–38.

[32] *Ibid.*, p. 21.

[33] Cf. Dubois, *op. cit.*, p. 297; also OAS chronology (see note 10, *supra*), p. 74.

SPEAKER McCORMACK IS HONORED BY THE REPUBLIC OF ITALY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New Jersey (Mr. RODINO) is recognized for 15 minutes.

Mr. RODINO. Mr. Speaker, it is with warmth and affection that I congratulate you upon the receipt of the Republic of Italy's highest honor, the "Cavaliere di Gran Croce" of the Order "Al Merito della Repubblica." And, I cannot help feeling a special sense of pride in sharing this award with such distinguished company.

But you, Mr. Speaker, have much more often been a giver than a receiver. You—who has done so much toward fulfilling the dream of a life of dignity, health, and happiness—have endowed us with a legacy of selfless dedication.

As a man who cares deeply for his fellow man, your example will always live in the minds of those who have known and have had the privilege, as I have had, to work with you. Your lofty ideals have provided me with a great source of inspiration; your wise counsel was gratefully taken. And your keen direction has guided the course of countless pieces of legislation which have affected the lives of virtually every American.

I feel especially fortunate to have been touched by your compassion, warmed by your generosity. Our long and close association has been one of my most valued and I shall always carry the treasured touch of your friendship.

Mr. Speaker, it is with the deepest affection and admiration that I congratulate you and wish you the continued enjoyment of life's blessings.

SENSE OF CONGRESS: REAFFIRM TRADITIONAL U.S. POLICY FOR REFUGEES

(Mr. RODINO asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. RODINO. Mr. Speaker, I have introduced a "sense of Congress" resolution calling upon the United States to reaffirm its traditional concern for refugees and for the individual human being and to reaffirm the policy of the United States to offer asylum to all escapees and refugees from totalitarian persecution and tyranny.

I never anticipated, Mr. Speaker, that I would ever feel compelled to introduce this resolution. This great country of ours, throughout history, has maintained a world image of humanity and the land of the free and a free land for those who escape from persecution and oppression.

But, the recent fiasco aboard a U.S. Coast Guard vessel and the forced return to a Russian vessel of a young Lithuanian, Simas Kudirka, seeking cherished freedom has shocked the conscience of the United States.

The United States has never ceased to recognize those Baltic States of Estonia, Lithuania, and Latvia as separate sovereign nations, notwithstanding their subrogation and subjection by the Communist Soviet Union. Thus, it is particularly tragic that asylum was denied to this native of Lithuania.

Much has been said and much will be said concerning the facts surrounding the attempted escape of this young Lithuanian and his seeking of political asylum. If there is anything to come out of this tragic misfortune, it should be the rededication and reaffirmation to the basic tenets of our way of life and our tradition as a land of asylum for the oppressed and the persecuted.

In revewing just the recent legislative history of the United States since World War II in the refugee field, the Congress and the executive have consistently taken action to effectuate in a fast and effective manner measures to insure the escapees and refugees were offered a chance for asylum in the United States. During this period we had a succession of laws including the Displaced Persons Act, the Refugee Relief Act, Hungarian Refugee Act, the Fair Share Refugee Act in recognition of World Refugee Year, as well as U.S. participation in the United Nations High Commissioner for Refugees, and the Intergovernmental Committee for European Migration. Special programs for Chinese refugees from Hong Kong, Dutch refugees from Indonesia, Old Believers from Asia were undertaken; a continued alertness to assist refugees from Eastern Europe was never forgotten. More than 1 million refugees have been accepted in the United States since 1945.

The United States is a signatory to the United Nations Protocol Relating to Refugees. This protocol adopted the definition of refugees from the 1951 Convention Relating to the Status of Refugees as persons who are outside of and are unwilling to return to their respective countries of nationality or habitual residence because of well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion. By becoming a signatory to this protocol, the United States is automatically bound to the basic provisions of the 1951 convention prohibiting the expulsion or return of refugees to territories where life or freedom would be threatened.

The protocol and the refugee provisions of the Immigration and Nationality Act are the foundation of our current policy toward refugees.

The Immigration and Nationality Act provides that 10,200 defined refugees may enter the United States each year. Additionally, this act provides that the Attorney General can parole persons into the United States for emergent reasons or for reasons deemed strictly in the public interest.

Only a few months ago, when it became evident that numbers for refugee admissions would be exhausted prior to the end of the fiscal year, the members of the Judiciary Committee suggested to the Attorney General, who readily agreed, that refugees be paroled until members became available so that the United States would not have to turn its back on persons seeking freedom.

The decades of good works and good services dedicated to helping the oppressed should not be forgotten because of the tragic incident involving this young Lithuanian freedom seeker. Therefore, I call upon the Congress to approve this sense of Congress resolution reaffirming the traditional concern of the United States for refugees and for the individual human being.

THE NUCLEAR THREAT INSIDE AMERICA

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in the December 15 issue of Look magazine, our colleagues will find a fascinating article entitled "The Nuclear Threat Inside America" by Mr. Jack Shepherd. The article adds to the growing literature on nuclear reassessment and is particularly worthy of the close attention from all Members of Congress.

Considering that the circulation of the magazine is over 7,800,000, it is not unlikely that the article could create the impetus for a truly national, grassroots movement which would force the Congress to reexamine the statutory underpinnings of the nuclear-Government-industrial complex. I have been calling for such a review for almost 15 years; such a reevaluation of nuclear policy is long overdue.

It is my hope that the public, and the conservation and environment organizations throughout the country will make nuclear review the No. 1 issue of 1971. I make a fair warning that I will be doing everything in my power to make this the primary environment issue of the next session of Congress.

The political clout of the AEC-industrial complex is well known and well documented; nevertheless, there is real hope that the public can regain control over the "nuke pushers," The AEC–industrial complex is already reeling from the onslaught of two, just two, scientists. Scattered here and there across the Nation, various ad hoc groups have been able to slow down the headlong rush to nuclearize the countryside. Consider now, the prospects for the future safety of the whole of the population if a majority of the Members of Congress, plus the conservation groups in concert, demanded a rational, safe, national policy on future nuclear development. It is, in a word, quite a vision. It is, in another word, obtainable.

Mr. Shepherd's article from Look magazine follows:

[From Look Magazine, Dec. 15, 1970]

THE NUCLEAR THREAT INSIDE AMERICA

For 24 years the Atomic Energy Commission has grown up fat, powerful, unquestioned. Its vast, loyal band of scientists, functionaries, businessmen and politicians talk about "nuclear enhancement," nuclear events," and "nuclear landscaping," license and run atomic-power generators and weapons factories that dump "radwaste," which will bubble for thousands of years—lasting longer than governments, records, perhaps man himself. AEC has spent $49 billion. It's got friends.

Now AEC is under attack. More than 112 nuclear power plants are promised by 1980. Private citizens have blocked six in 1970. University of Nevada researchers checking the buildup of iodine-131 in cattle thyroids across the West conclude: "The principal known source of I–131 is exhaust gases from nuclear reactors and associated fuel-processing plants."

Scientists argue that our underground blasts for research—more than 23 so far this year versus two in Russia—are expensive, repetitive and careless. Radioactive plutonium now covers 250 square miles of the Nevada Test Site. AEC admits the desert is contaminated. "It's going to be contaminated a long, long time," says a spokesman. "That's why we're testing here. That's the kind of thing we have to do."

Many AEC officials are working hard to overcome their reputation. Others are skating fastest where the ice is thinnest. Critics bristle at a nuclear policy run by insiders impatient with environmental questions and want a voice in safety and radiation standards used by the AEC. They argue against AEC's dual role of promoter and regulator of atomic energy. "That," says a critic, "is like letting the fox guard the hen house."

AEC sees its mission as a crusade. Howard B. Brown, Jr., assistant general manager, says: "We have circumnavigated the globe many times over, spreading the gospel about the peaceful atom." Opponents are heretics.

Two of them, Drs. John Gofman and Arthur Tamplin of AEC's Lawrence Radiation Laboratory (Livermore, Calif.), argue that AEC's "safe radiation dose" is unsafe. If everyone got AEC's safe dose, they claim, there would be 16,000 to 24,000 more cancer and leukemia deaths a year in the U.S. They demand an immediate reduction to a tenth of the AEC level.

AEC fumes. "Gofman, Tamplin and their allies are . . . trying their case in the press and other public forums," said James T. Ramey, an AEC commissioner. "We used to call such characters 'Opera Stars.'"

Dr. Gofman has rebutted: "There is no morality . . . not a shred of honesty in any one of them—none. I can assure you, from every bit of dealing I've had . . . there is absolute duplicity, guaranteed duplicity, lies at every turn, falsehood in every way, about you personally and about your motives."

Any exposure to radiation may be cumulative; the damage is irreversible. There are five dangers: cancer, leukemia, genetic defects, fetal and neonatal deaths. They may take generations to show up.

Radioactivity tends to accumulate in specific tissues and organs. Iodine-131 seeks the thyroid; strontium-90 builds into bones and teeth, Cesium-137, muscle. Krypton-85 is already concentrating in our fatty tissues, and this accumulation could exhaust two-thirds of AEC's "radiation budget" for man for the coming century.

Critics charge that the present standards don't consider concentration, or accumulation, that all radiation damages cells, that there is no safe limit or threshold. AEC standards come from two groups of scientists and the Federal Radiation Council, which also balances risk versus benefits.

Dr. Gofman believes: "Citizens . . . will be puzzled by benefit versus risk calculations, where the benefits are expressed in corporate profits and the risks expressed in cancer, leukemia and genetic diseases to themselves and their children."

On Sunday, May 11, 1969, the most expensive fire in American industrial history burned through building 776–777 at the AEC's Rocky Flats plant near Denver. That $45 million fire tells much, good and bad, about the AEC.

The fire alarm that rang at 2:27 p.m. had a familiar sound: Over 200 fires have occurred at Rocky Flats since 1953. The plant, run under contract by Dow Chemical Company, makes plutonium triggers for hydrogen bombs and missiles. An AEC press release brags: "Rocky Flats ranks first in AEC facilities for safety and holds the fourth best all-time mark in American industry. . . ."

Plutonium discs—3" x 1"—burned in uncovered cans in Glovebox 134–24 and spread to cellulose laminate storage cabinets. The fire went uncontrolled for more than four hours. Some $20 million of plutonium burned, enough to build 77 Nagasaki-size atom bombs. AEC assured Coloradans: "No appreciable amount of plutonium escaped from the building and no off-site contamination resulted from the fire."

That was a lie.

Dr. Edward A. Martell is a West Point graduate, a former program director for the Armed Forces Special Weapons Project, and now a biophysicist at the National Center for Atomspheric Research in Boulder. Martell asked Dow for soil samples to check if plutonium had carried beyond the plant. Dow and AEC did nothing. Martell and an aide circled the plant and took 20 soil and seven water samples.

They found: Two to four miles east of the plant, plutonium "of Dow Rocky Flats origin"; that was "five to 300 times" normal readings of plutonium fallout from all nuclear testing. "The estimated total plutonium deposited in off-site areas which we have examined so far is in the range from curies to tens of curies. Depending on the amounts deposited nearer the plant and in other areas, the total could be much greater. Stack effluent data furnished by Dow Rocky Flats indicate that the total stack release during the past year . . . was less than one millicurie. The actual off-site accumulation of plutonium is at least one thousand times greater."

An AEC commissioner has called plutonium a "fiendishly toxic" substance. Its radiation destroys lung tissue and may cause cancer.

Winds at Rocky Flats sometimes reach 120 mph and kick up dust clouds. Almost half of Colorado's population lives within 25 miles of the plant. Denver is 16 miles downwind. So are the suburbs of Westminster, Broomfield Heights and Arvada. Broomfield draws its water from the Great Western Reservoir. Martell found the highest plutonium concentrations at the reservoir.

A 1965 fire exposed 400 Rocky Flats workers to high concentrations of plutonium in the air; 25 workers got up to 17 times the permissible level. In one 18-month period, there were 24 fires, explosions, plutonium spills and contamination incidents. Some 325 workers have been contaminated by the radiation since 1953. Fifty-six workers got cancer; 14 have died. Still, says Lloyd Joshel, general manager of Rocky Flats, "Radiation may very well be good for you."

Martell discovered one other plutonium source. Since 1958, Dow had stored machine cutting oil with high plutonium concentrations outside in 1,400 55-gallon drums. Some drums were buried. The drums corroded, the oil contaminated the soil and the winds blew plutonium dust toward Denver. In March, 1967, air-filter samples in Denver showed ten times more plutonium than anywhere else in the U.S. Last year, Dow covered the contaminated two-acre area with a four-inch slab of asphalt. Coloradans want Dow to dig it all up and truck it to an AEC burial site. Last spring, Dow began digging up some barrels. Not all the pits have been located. Company records are vague about the locations.

Such short-term disposal doesn't work with plutonium. It takes 24,360 years for only half of plutonium's radio-activity to decay.

In discussions last April 10, at the Joint Committee on Atomic Energy offices in Washington, Rep. Chet Holifield, chairman, met with members of the Rocky Flats union, AEC and others. Holifield complained about "these professors who have been scratching around in the sand trying to find something wrong within the radius of 50 miles" of Rocky Flats. He was worried about the drums of "hot waste": ". . . You know the problems this sort of thing can create from a public-relations standpoint. It can be magnified many times by these sensationalists." Capt. Edward Bauser of the Committee spoke up: "Mr. Chairman, I don't think we know right now whether it was an authorized burial or not. It was a very poorly supervised thing."

Holifield then replied: ". . . This would be a very serious thing if Dow was taking upon itself the burial of plutonium waste without going through established procedures. I would assume if this is low-level waste that there would be probably a prohibition against this convenient burial and that it should have been put in some permanent high level waste burial ground like we have at Hanford."

Capt. Bauser: "I don't know, but I doubt if that site is an authorized burial site for any level waste." Someone thought barrels had been buried outside the plant's fence. Holifield: "Then they had better build a new fence. . . ."

The AEC can't fence its mistakes in western Colorado. Vast uranium deposits were discovered by the early 1950's, and, by 1960, there were 1,000 uranium mines across the West. AEC published its first price schedule in 1948. But it wasn't until July, 1967 that any safety standard was enforced for uranium miners. Then it was too late.

By the end of 1966, 98 uranium miners had lung cancer. A report projects 1,150 cases by 1985.

About 90 million tons of waste ore, or tailings, piled up outside 35 uranium mills from Texas to Oregon. The tailings emit gamma radiation. Excessive exposure can result in leukemia. Radium from tailings decays into radon gas and its daughter products, which cause lung cancer.

Of 26 mills still operating in 1963, ten discharged liquid effluent into streams. In 1958-59, the Animas River below uranium mills in Durango, Colo., contained almost "300 percent" of the maximum daily intake for radium. Crops raised on farms irrigated by the Animas River had twice as much radium-226 as crops irrigated with clean water.

By 1960, the radium downstream was still 20 times higher. It didn't reach acceptable limits for 60 miles. Radium from tributaries of the Colorado mixed with sediment and moved downstream to Lake Mead. Studies of Lake Mead—with its tributaries, a major drinking- and irrigation-water source for seven states—showed radium concentrations in bottom sediments three times the normal level.

By 1966, the U.S. Public Health Service was checking tailings piles. El Paso Natural Gas Company's uranium tailings in Tuba City, Ariz., on Navajo land, showed radium radiation levels up to 1,000 times the average background. Gamma radiation was 12 times the level. El Paso came in and covered the pile. Tailings at the empty A–Z Minerals Corporation mill in Mexican Hat, Utah, in May, 1968, also Navajo land, had radon-gas concentrations around the pile up to five times the maximum level.

Things were worse in Grand Junction, Colo. For 15 years, builders removed 300,000 tons of tailings from the American Metal Climax mill's pile. The gray sand-like material was used to level ground for concrete slabs, as back fill around basements, and underneath the Main Street mall and in children's sandboxes.

The Colorado Health Department first warned residents in 1966 against radon-gas seepage. Some basement walls glowed. G. A. Franz III, the state health physicist in Grand Junction, started sampling the air in the homes. This fall, ten teams are checking all 6.500 buildings in town. So far, of 534 buildings checked, 95 have excessive gamma radiation or radon gas. One has 180 times the acceptable level.

Colorado and other states are doing an excellent job stabilizing the tailings piles by leveling and covering. AEC says of the mill tailing: "We aren't responsible for them."

Elsewhere, AEC's Nevada Test Site is riddled with fractures wide enough for a man to stand in. An internal AEC study recommended in 1968 that underground nuclear blasts above one megaton not be made at the Nevada site because of the chance of radioactive leakage through the fissures. A 1969 report by the U.S. Geological Survey said that all large tests in Nevada had been followed by earthquakes. One shot caused earth quakes out to 387 miles for 18 hours. Another created 10,000 earthquakes for nearly four months.

Operation Plowshare is AEC's idea of peaceful development of nuclear energy. There have been 14 ventings of radioactivity from underground tests since the 1963 Nuclear Test Ban Treaty. These ventings have blown 200 to one million curies into the air per explosion—equal to a Hiroshima bomb. These shots violate the National Environmental Policy Act. Project Schooner was a 1968 chain explosion of nuclear devices in an excavation test. It violated the Nuclear Test Ban Treaty. Radioactivity from Schooner was measured in Mexico and Canada.

In fact, Plowshare has found the treaty a bit of a damper. In 1969, Reps. Craig Hosmer and Chet Holifield sponsored an amendment to the Atomic Energy Act, to excuse Plowshare from Test Ban Treaty restrictions. The "Plowshare Amendment" still sits in the Joint Committee.

Project Rulison was a 40-kiloton Plowshare shot September 10, 1969, 8,431 feet below Grand Valley, Colo. It combined private enterprise with the AEC. Austral Oil Co., Inc. footed 90 percent of the bill. CER Geonuclear Corp. advised. Rulison was a test to see how much gas can be freed from the Mesa Verde rock. If Rulison succeeds, it may lead to a series of 100 kiloton shots, two a year, for perhaps ten years. Rulison was based on the argument that we are short on natural gas. Yet we export 50,000 million cubic feet of it a year to Japan alone.

Coloradans brought four lawsuits against AEC over Rulison; AEC was forced to make public daily radioactivity readings from the flaring (burning off of gas). Dr. John Emerson of the Colorado State Health Department says, "We may have picked up radioactivity two-three times the background for tritium at the site. . . . We don't expect to find any increases elsewhere. But, of course, we haven't reached the high level of flaring yet." That level comes this winter.

Strontium-90, iodine-131, krypton-85 and tritium might enter water and plants. David Evans, a geologist at Colorado School of Mines worries about radioactivity getting into the groundwater, flowing into the Colorado River and the Southwest.

Ruth Kiesler, mayor of Grand Valley, is also uneasy: "I've always felt pretty secure by what the AEC said about safeguards. . . . Now, I'm not sure. They seemed more concerned about the dollars and cents than people."

Dollars play a big role in nuclear reactors. AEC licenses nuclear reactors. (Interestingly, there are no physicians, biologists or geneticists on AEC's Safety and Licensing Boards.)

Nuclear power plants provide only 1.2 percent of the country's total electric power. But the demand for electricity is doubling every ten years. AEC estimates that nuclear power plants will furnish 25 percent in ten years, almost 60 percent by 2000.

To meet this demand, AEC has spent $2.3 billion to make nuclear power plants safe, profitable and competitive. In fact, nuclear reactors discharge low-level radioactive gas and liquids into the air and water. Highly radioactive wastes must be shipped for reprocessing or permanent burial. David E. Lilienthal, former AEC chairman, says ". . . You cannot have an atomic power plant unless you produce large quantities of radiation."

A 1957 AEC study, WASH–740, shows what would happen to a hypothetical reactor of 100–200 megawatts, near a large body of water and about 30 miles from a major city of about 1,000,000 if it became super-critical and all safety devices failed.

WASH–740 predicted an explosion that would kill 3,400 people up to 15 miles away, injure 43,000 up to 45 miles, contaminate up to 150,000 square miles—about the size of California—and damage property to $7 billion. Such a catastrophe, says AEC, is unlikely.

But plants of 1,000 megawatts—five times the WASH–740 plant—are planned for Illinois, Michigan, California, Alabama, New Jersey and Pennsylvania. By 1990, most nuclear power plants will be 1,000-4,000 megawatts, a few up to 10,000.

How safe will these plants be?

In 1966, there were 42 accidents at nuclear plants around the world, 37 in the U.S. Six U.S. plants had more than one accident. These included fuel-rod leaks, control-rod failures, explosions in beam tubes, fission gas release, fuel meltdown and plugged cores.

*On October 10, 1957, the Number One Pile (reactor at the Windscale Works in England malfunctioned, spewing radioactivity and contaminating milk and vegetables over a 400-square-mile area. All the reactor's safety features failed.

*In 1961, an accident at the SL–1 reactor in Idaho killed three workers.

*In 1966, the Enrico Fermi plant, within 20 miles of Detroit, nearly had a WASH–740 runaway. A piece of metal blocked the liquid-sodium coolant, causing fuel to heat up dangerously. Fermi was broken down for four years.

Sloppiness, error and surprises abound. At the Big Rock Point Nuclear Plant, a reactor near Charlevoix, Mich., control rods stuck in position, studs failed or cracked, screws jostled out of place and into machinery, a valve malfunctioned, foreign material lodged in critical moving parts, welds cracked at 16 points. At Humboldt Bay in California, fuel tubes cracked because cheaper stainless steel had been used instead of a more reliable alloy. Workers repaired the cracks, and the plant broke down again. AEC files show error elsewhere: 3,844 pounds of uranium hexafluoride lost owing to a mistake in opening a cylinder; a $220,000 fire in a reactor because of accidental tripping of valves by electricians.

In Illinois, the Advanced TRIGA Reactor was humming along at 1.5 million watts last spring. Someone flushed a toilet, which dropped the main water pressure, which stopped a pump that stopped another pump, which triggered a safety device, which shut down the reactor.

"Once a bright hope, shared by all mankind, including myself," Lilienthal said, "the vast proliferation of atomic power plants has become one of the ugliest clouds overhanging America."

Nuclear reactors require enormous amounts of cooling water. A 1,000 megawatt nuclear plant needs 850,000 gallons of cool water a minute. In one day, 1.2 billion gallons will be sucked in and spewed out 10-30 degrees hotter. By 2000, tower plants will cool themselves with about one-third of the daily U.S. freshwater runoff. In low-water periods it will be 100 percent. The hot water, called "thermal enrichment" by AEC friends, decreases dissolved oxygen, increases the toxicity of pollutants, cuts off sunlight to water plants, spurs the growth of noxious blue-green algae, changes the metabolic rates, behavior, reproductive cycles, defense mechanisms and eating habits of fish and other organisms.

Sixteen nuclear plants are operating or ordered for the shores of the Great Lakes. Lake Michigan gets ten. This fall, the Federal Water Quality Administration made a decisive attack on thermal pollution: It wants "no significant discharge" into Lake Michigan. The study of Lake Michigan said heat addition was cumulative and would lead to the death of all fish and plant life within 30 days.

There are choices. Power plants could use cooling towers, ponds or canals instead of lakes and rivers.

Nuclear plants may run out of fuel. Dr. Dean E. Abrahamson, in a pamphlet *The Environmental Cost of Electric Power*, says: "Because the reserves of natural uranium in commercially recoverable deposits are extremely limited, today's reactors cannot operate for more than a very few decades without exhausting the total world reserves of uranium-235. . . ." Uranium demands will be about one million tons in 2000. Counting all uranium reserves and AEC estimates of undiscovered resources, there will be just 1,020,000 tons available that year. Then it's gone.

AEC, which has grabbed 84 percent of the Federal energy-research dollar for the past 20 years, is spending more than $2 billion on fast-breeder reactors that could extend the nuclear supply. Little research is being done on solar power, tidal energy, geothermal power, magneto-hydrodynamics (MHD), fuel-cell generation, gas turbines, even garbage incineration for power. The areas of most promise, fuel cells, solar power, MHD, will get just $300,000 for research this year.

All nuclear plants and nuclear-weapons making produce waste. Fuel assemblies must be removed from reactors and shipped to reprocessing plants where contaminants are separated from the salvageable fuel. Liquid residue is highly radioactive, and must be stored until safe.

Some low-level waste is diluted and discharged into the environment. This waste, says an AEC pamphlet, can "have no more than about 1,000 times the concentrations considered safe for direct release." Some 650,000 cubic feet of low-level junk was buried at AEC-licensed plants in 1969. There will be one million cubic feet this year, three by 1980.

High-level waste contains hundreds to thousands of curies per gallon from the chemical processing of nuclear fuels. This waste, says AEC, poses "the most severe potential hazard. . . ." AEC stored 100,000 gallons this year. By 1980, commercial nuclear reactors will produce some 3.5 million gallons of high-level waste a year. AEC already has 80 million gallons of high-level waste stored in 194 underground tanks. It may boil for ten centuries.

By 1963, AEC had reported 47 accidents in waste shipments by public transport: 18 spills; 15 "severe impact accidents." Eleven storage tanks at the Hanford Atomic Products Operation have leaked "some liquid into the dry soil under the tanks." Only 180 feet separates the tanks from underground water. Hanford also dumps diluted waste into the Columbia River, where river plankton now average 2,000 times the radioactivity in the water; fish, 15,000; ducks feeding in the river, 40,000 times; young swallows fed on river insects, 500,000 times. Four ducks recovered by AEC at Hanford had radioactive phosphorus-32.

A report by the National Academy of Sciences, which AEC requested and sat on for four years, advises against dumping high-level wastes at its Savannah River Plant (SRP). Still, AEC has gone ahead with $1.3 million for a 2,000 foot shaft into the bedrock below the plant.

The NAS report warned AEC about escape of radioactivity from the bedrock and recommended that the bedrock studies be stopped. "At the same time," it said, "the entire Committee urges against any thought of permanent storage or disposal of high-level wastes above or in any of the fresh-water aquifers at the SRP site. . . . Apparently the only safe disposal for high-level wastes would be an off-site disposal, presumably involving solidification, before transportation."

Also: "None of the major sites at which radioactive wastes are being stored or disposed of is geologically suited for safe disposal of any manner of radioactive wastes other than . . . very low-level liquids. . . ."

AEC is trying to get permission to bury these wastes in a Lyons, Kan., salt mine. The Kansas Geological Survey has refused to endorse the AEC plans until completing a two-year study on the area's geological safety.

And the NAS committee? "AEC's concerns over the report were not resolved before the decision to dissolve the committee and replace it with one having a broader spectrum of scientific discipline." Like obedience.

If the AEC is lax in handling radioactive wastes, what will be the record of commercial firms?

Nuclear Fuel Services, Inc., of West Valley, N.Y., is the only private company now reprocessing irradiated nuclear-reactor fuel. It's on a 3,300-acre, state-owned site 30 miles from

Buffalo. Most nuclear reactors in the Northeast ship to NFS. Every 404 days, for example, the Yankee Atomic Power Reactor in Rowe, Mass., puts 8,000 to 10,000 highly radioactive 12-foot fuel rods on a special flatcar with its own cooling system. The Boston & Maine Railroad hauls it to NFS. But B&M has its difficulties. In April, 1969, there were three accidents in a week on the line.

NFS dissolves the reactor rods in a solution and processes this nuclear soup—to reclaim the fuel-through chemicals. There's waste. "The cheapest thing to do," says the AEC, "is pour it down the nearest stream." That's Buttermilk Creek.

In 1968, scientists from Cornell went, AEC reports, "under the fence." They got samples from the holding ponds and Buttermilk Creek with 36,000 to 100,000 times the maximum permissible radioactivity.

AEC warned NFS in a letter May 31, 1968: ". . . release from the NFS plant should be significantly reduced. . . ." NFS, on July 9, 1969, applied to AEC for permission to drill a 6,000-foot well for discharge of radioactive wastes. On May 27, 1970, AEC responded by urging that NFS put in more chemical cleaning processes. NFS still has its proposals to make.

The New York State Bureau of Nuclear Engineering, formerly the Radiological Bureau, has checked NFS: "Our surveillance program has detected a reconcentration of radionuclides, such as strontium-90 and cesium-37 . . . in fish and wildlife around the facility."

There are 389 dairy herds within ten miles of NFS. About 240 square miles of the nearby land is used as a source of public-water supply. One public system is within five miles, six more within ten. The New York State Public Health Department's *Radioactivity Bulletin* lists water radiation levels near NFS at ten times the AEC limit.

How serious are all these wastes? Dr. L. P. Hatch of the Brookhaven National Laboratory says: "If we were to go on for fifty years in the atomic power industry, and find that we had reached an impasse, that we had been doing the wrong thing with wastes and we would like to reconsider the disposal methods, it would be entirely too late, because the problem would exist and nothing could be done to change that fact for the next six hundred or a thousand years."

Now we must all ask: Should ecologists be added to safety and licensing boards? Should underground weapons testing continue? Should any further blasts for gas be made? Is the state of the art advanced enough so that under highest possible safety standards, utilities can go ahead with nuclear power?

PROPHECY THAT DETERGENT CHEMICAL WILL PROVE DANGEROUS COMES TRUE

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, this morning's newspapers carried another horror story about untested chemicals being brought into the marketplace and that now these chemicals prove to be dangerous to life.

The chemical in question is the complex acid NTA, nitrilotriacetric acid, being used by a number of detergent manufacturers to replace phosphates in detergents. While it is commendable to try to replace phosphates in the Nation's washday products since phosphates contribute to the eutrophication and destruction of the waters into which they flow, we must not be so shortsighted as to replace them with a more dangerous product.

According to press reports, the Surgeon General of the United States, in secret meetings, has described Government studies that seemed to bear out recent warnings that NTA could prove even more dangerous than phosphates. The tests reportedly have shown that a natural byproduct of NTA is said to have caused birth defects in a significant number of animal offspring as well as a marked increase in cadmium toxicity.

Mr. Speaker, I first warned the Congress about the terrible dangers inherent in NTA in a speech of October 5. Since that time, apparently little has been done to discourage the giant detergent manufacturers from moving into the production of this unknown and dangerous chemical. There are reports that these companies will soon be manufacturing and dumping into the waterways of the Nation 2 billion pounds per year of this chemical.

For some time now I have been working to develop legislation to prevent the interstate sale of any new chemical compound—such as NTA—which ultimately find their way into our systems of water supply and which have not been thoroughly tested and approved by the Public Health Service.

The urgency for such legislation has now been confirmed.

I will introduce this legislation on the first day of the 92d Congress. I will ask for cosponsors, and it will be my hope that the new Congress will make this legislation a matter of the highest priority.

Our environment—and the health and life of each one of us—depends on such action.

The Washington Post article of today more fully discusses the problem:

DETERGENT CHEMICAL CAUSES DEFECTS IN RATS

(By Victor Cohn)

Federal health officials told leading detergent makers yesterday that NTA—the chemical some firms are using to replace troublesome phosphate—has caused grave birth defects in animals.

At a closed, high-level meeting at the Department of Health, Education, and Welfare, Surgeon General Jesse L. Steinfeld described government studies that seemed to bear out recent warnings that NTA could prove even more dangerous than phosphates.

HEW officials would confirm only that such a meeting was held, and said there "could be an announcement" today.

The warnings about NTA have come from worried environmental scientists. Some have complained that "nothing is known yet" about possible NTA effects on human cells, genes or fetuses.

Despite such doubts, one firm alone—Procter & Gamble—has committed itself to replacing 25 per cent of the phosphates in its detergents with NTA, and has already made the switch in much of its products. It has called NTA safe "for use at the levels contemplated."

P&G has made a $6.8 million capital investment in NTA, and contracted with chemical firms for $167 million more, according to a severely critical report to be released by the Senate Public Works Committee this week. Some other detergent and chemical firms have also made large investments and started plant expansions.

The extent of these, said one observer, "made faces long" yesterday as Steinfeld and the detergent makers—and observer William D. Ruckelshaus, director of the new Environmental Protection Agency—heard details of the new experiments.

The studies were made at the National Institute of Environmental Health Sciences at Research Triangle, N.C., by Drs. Diane Courtney and Neil Chernoff.

They were also present—to tell of two complicated effects.

Both, according to an informed source, were caused not by NTA directly but by one of its breakdown products, a chemically tight blend of NTA (nitrilotriacetic acid) and cadmium. Chemically, this is called cadmium chelate (pronounced "kee-late").

In both rats and mice, both orally and by injection, the chelate is said to have caused birth defects in a significant number of offspring.

In both, too, it caused what was described as "a marked increase" in cadmium toxicity.

Cadmium is commonly present in water supplies. It comes from the metal in pipes, for example.

Some detergent makers have claimed NTA is completely "degraded" or broken down when it enters lakes and streams. "But much of the time it does not, and then it chelates with cadmium and other metals," says the report to the Senate by Dr. Samuel D. Epstein of Children's Cancer Research Foundation, Boston.

Epstein calls NTA "a serious health hazard." Prof. G. Fred Lee of the University of Wisconsin last month called it "a serious potential problem," and advised detergent makers to continue to use what you're using until more research is done.

Phosphates help cause water pollution and kill lakes by stimulating overgrowth of algae. Environmentalists propose two other possible solutions to the phosphate problem. (1) eliminate it in sewage treatment; or (2) go back to soap.

THE SOUNDS OF CHILDREN AS INTERPRETED BY MISS KATHERINE DUNHAM

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, the White House Conference on Children featured a 90-minute program depicting the story of the music of American kids. Sponsored by the Music Educators National Conference at the Sheraton Park Hotel the program entitled "The Sounds of Children" included a group of talented youngsters from East St. Louis, Ill., trained at the Performing Arts Training Center under the direction of the center's founder, Miss Katherine Dunham. The center is part of Southern Illinois University, Edwardsville, Ill.

In its review of the program the Washington Evening Star called the group downright brilliant, a strong echo in dance and music of Miss Dunham's own tremendous intensity and vitality. In sum the group was the best to appear.

This is not unexpected. Miss Dunham, one of the foremost ladies of dance, an internationally famed choreographer and writer, has shared her tremendous talents with the youngsters of East St. Louis, imbuing them with the discipline and spontaneity which culminated in their stunning performance at the Sheraton.

It has been my pleasure to know Miss Dunham and to work with her on behalf of the people of East St. Louis. I feel especially fortunate to have such a great lady as Miss Dunham working with our young people.

So that my colleagues might share some of the pride I hold for having such a fine constituent as Miss Dunham, I include in the RECORD the cited article in the December 16 Evening Star:

THE SOUNDS OF CHILDREN: KIDS TURN THE MUSIC ON, LIKE IT IS

(By Irving Lowens)

Some time ago, the planners of the White House Conference on Children (now in session all over town) came to the Music Educators National Conference with an interesting proposition.

"We'll give you 90 minutes of time and a large audience of opinion-makers interested in children," they told the 65,000-member professional organization which represents the country's music teachers. "You give us the story of music as it really is among America's kids today."

The MENC accepted the challenge and appointed an eight-member committee headed by Louis G. Wersen, director of music education in the Philadelphia public schools, to plan such a program.

Last night at the Sheraton-Park Hotel, the MENC told its story to the White House Conference, and the show they put on probably will generate quite a bit of talk across the land, both pro and con, for some time to come.

If you think music in American schools is still hopelessly stuck in the genteel tradition, take another guess. Wild things are going on in classrooms these days. That former enemy of high culture, pop, has been revealed as its staunch ally. And that veritable devil in music, rock, has been transformed by our teachers into art's avenging angel.

NO SURPRISE

"The Sounds of Children" was produced and directed for MENC by committee-member Edward M. Greenberg, newly appointed executive producer of the St. Louis Municipal Opera. Since Greenberg has put on more than 200 musicals during his career, it came as no surprise that "The Sounds of Children" was designed as a fast-paced, loosely-knit string of production numbers.

As well as could be, the hotel's International Ballroom was transformed into a multilevel theater, complete with three screens for visuals, different size stages and acting areas, and pretty good sound amplification.

As you entered the ballroom, you discovered the Lawton Elementary School Handbell Choir from Philadelphia in the lobby prettily playing music from Tchaikovsky's "Nutcracker Suite." Shortly after you sat down, the East Atlanta (Ga.) Elementary Band's brass section tried to stir your blood with a series of shaky fanfares and flourishes from the rear of the hall.

Lights down. Spot on Ruth McLain, right stage, a pretty miss from Hindman, Ky., prettily singing an Appalachian ballad and accompanying herself on a dulcimer. Enter Marge Champion, the Los Angeles Times 1969 "Woman of the Year" (for her work with children in Watts) and the evening's M.C.

CENTER STAGE

Sudden switch to center stage where three very young teen-agers from the King Philip School in West Hartford are putting the Electreconn, a miniature electronic music laboratory, through its paces.

A 3-year-old scene-stealer, left stage, throws herself into a violin performance of "Baa, Baa, Black Sheep" with such infectious elan that she takes the spotlight away from the other performers in the demonstration from Dorothy's Maynor's Harlem School of the Arts, where they believe deeply in getting the parents involved in their children's music making activities.

More fiddling youngsters from a string research project at the University of Illinois have lots of fun, a la Shinichi Suzuki and Emile Jaques-Dalcroze, with Bach and Bartok.

The parade continued at a fast trot.

Some groups, I regret to say, were pretty awful.

The smartly costumed All-Philadelphia Boys Choir provided me with 10 of the worst minutes in my long listening career by singing some incredibly tasteless versions of patriotic songs and other pap with astonishing virtuosity.

A large, elaborately costumed company from Philadelphia's Conwell Middle School mounted a gaudy, pretentious, singularly claptrappy production number.

Blame for such horror should be placed squarely on the shoulders of the adults who foist such trash, masquerading as art, on defenseless kids.

To my great relief, there weren't many catastrophies.

Much more respectable was the Dalton School's charming New York Pro Musica version of an elementary rhythm band, complete with krummhorns, rebecs and even a Carl Orff marimba.

THE BEST IS LAST

The best came last, however.

Out in the slums of East St. Louis, rumor has it, Katherine Dunham has been accomplishing near-miracles with her Performing Arts Training Center. That rumor is plainly erroneous—she has accomplished not near but full miracles.

What she demonstrated yesterday was downright brilliant, a strong echo in dance and music of Miss Dunham's own tremendous intensity and vitality.

Everything Miss Dunham's kids did was absolutely right, absolutely spontaneous.

The Dunham presentation was climaxed with a miniature jam session to the beat of the New Borns, a stunningly musical teen-aged rock group which even used microphone feedback in artistic fashion. Ultimately, everybody joined the act, including Miss Dunham herself and members of groups who had performed earlier, and the joy went on long after the formal end of the show.

Watching the free-and-easy happiness generated by the New Borns and their dancing fans, I couldn't help feeling that here, for the first time during the evening, were some very genuine "sounds of children."

Most of what had preceded it may have been nice, but it was pretty much a matter of "the sounds of adults" imposed on kids.

The MENC is organizationally committed to the use of rock (which it prefers to call "youth music") in the schools. It teaches its teachers that it isn't whether it's rock or Rachmaninoff that matters—it's what's genuine and good.

It could just be that this was the real conclusion the MENC hoped its large audience of opinion-makers would draw from experiencing "The Sounds of Children."

VISTA AND OEO GUTTED

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. RYAN. Mr. Speaker, were the administration's actions taken to be an accurate reflection of the state of the Nation, one would have to conclude that there are no more poor people in America. The fact is, however, that poverty is still very much an aspect of the American scene, and ignoring it is just not going to make it go away.

The administration's latest plans—to slash the budget of the Office of Economic Opportunity and to abolish VISTA—are only the latest, but certainly among the most outrageous, examples of its refutation of the disadvantaged. According to a just revealed OEO internal memorandum, the White House's Office of Budget and Management proposes to cut OEO's budget for fiscal year 1972 by 23 percent. In addition, it proposes to abolish VISTA.

This same memorandum records the breakdown of the proposed cuts—41 percent for research and development, 17 percent for community action, 18 percent for health and nutrition, and total elimination of the rural loan program, as well as VISTA.

This latest revelation follows the recent attempts of the Office of Economic Opportunity to gut the Legal Services program by regionalizing it and, thereby, expose it to untoward political pressures. Contemporaneous with that attempt was the firing of the Director and Deputy Director of the Legal Services program—Terry Lenzner and Frank Jones, respectively.

The disclosure of the proposed OEO cuts and the abolition of VISTA follows only by days the President's veto of the manpower bill, a well-reasoned, progressive legislative measure aimed at alleviating the massive unemployment which afflicts the country because of the administration's economic policies, and aimed at revamping the manpower programs so that they can effectively—finally—provide the job training so many youths and adults desperately need and want.

The list of refutations of the poor by this administration could go on: Headstart crippled by a 13.5 percent funding cut; 59 Job Corps Centers closed, and the promise to open 20 new ones by this past July broken; cuts in community action funding under the Economic Opportunity Act; restrictive regulations interpreting the Brooke amendment, which aimed at easing the fiscal difficulties of public housing. These are some of the other actions to add to the list.

This administration must wake up. The disadvantaged citizens of this country are not going to be abandoned; they cannot be abandoned. We will continue to resist and to override these efforts to break faith with the poor. Their voice will be heard.

RALPH NADER AND THE CORVAIR

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, on several recent occasions I placed in the RECORD September 16, 1970, at page 32253 and October 14, 1970, at page 36635, copies of the major documents, discussing the controversy over the Corvair automobile's safety. These documents have been exchanged between Ralph Nader, Senator ABRAHAM RIBICOFF, public officials in the Department of Transportation, and officials of the General Motors Corp.

I have learned that a new and significant aspect has been added to this controversy by an open letter from Ralph Nader to Senator Ribicoff. The text of this letter analyzes in detail some of the oral and written testimony given to the Senate Government Operations Subcommittee on Executive Reorganization on March 22, 1966. Because I believe that this letter, the response of Senator Ribicoff's committee, and a Wall Street Journal article quoting the Director of the National Highway Safety Bureau on this matter have certainly not been reviewed in detail by any significant number of the 600,000 Americans who are most seriously affected by this controversy because they still drive these 1960–63 Corvairs, I submit the text of these letters and the relevant portion of the newspaper article for the Record:

October 23, 1970.

Hon. Abraham A. Ribicoff,
Chairman, Senate Committee on Government Operations, Subcommittee on Government Reorganization, U.S. Senate, Washington, D.C.

Dear Senator Ribicoff: In response to your letter of September 12, 1970, I have now compiled the following analysis of certain documents and issues concerning the safety of the Corvair automobiles manufactured and sold by General Motors from 1960 through 1969. This analysis summarizes the relationship and contradictions between documents suppressed by GM and GM's March 1966 testimony before your Subcommittee. I believe the now emerging record shows that much of that GM testimony was inaccurate, dishonest or both with regard to many matters, and particularly the stability and safety of the 1960 through 1965 Corvairs.

The examples below are illustrative of this massive conspiracy:

MISREPRESENTATION NO. 1: THE CONTINUING FRAUD IN GM'S LEGAL DEFENSE OF THE CORVAIR

Background facts and GM's statements to the U.S. Senate

During your March 22, 1966 hearings in Washington, D.C. you questioned the General Counsel of GM as to the reasons for GM's investigation of me. In his response, Mr. Aloysius Power testified that GM had investigated my charges of an "unsafe and inherently improper and unsafe design" since GM's "own people, engineers, have advised us that it [the Corvair] isn't unsafe."

The exact testimony, at page 1447, was:

Senator Ribicoff. Do you investigate everybody who writes an article about a General Motors car?

Mr. Power. No. We don't find many people doing it on the scale that this was done, and we don't find anybody writing where they are saying that it is unsafe and inherently improper and unsafe design. That is a pretty serious charge.

Senator Ribicoff. Well, it is.

Mr. Power. But if someone else writes an article on that, we will check into that one, too. Now, we have got the question of whether or not we are going to stand for disparagement of a product where our own people, *engineers have advised us that it isn't unsafe, and they have testified in two cases already in court and a jury has accepted their testimony.* [Emphasis added.]

Senator Ribicoff. Couldn't you write a book or an article saying that the Corvair was safe?

Mr. Power. Well, I know it is—

In addition, the March 22, 1966 hearing record contained large amounts of material involving the safety and stability of the Corvair. Indeed, this was the underlying issue which had instigated most of the actions by all parties. I specifically brought this issue to the Committee's attention at pp. 1469–1501.

At the conclusion of my testimony, Mr. James Roche, then President of GM, asked for and received permission to insert, as part of the record at page 1554, GM's testimony by Mr. Louis H. Bridenstine, Assistant General Counsel of GM, and Mr. Frank Winchell, Chevrolet Chief Enginer for Research and Development, before the Michigan Senate Committee on Highways on February 21, 1966. This testimony ridicules court challenges by plaintiffs injured in Corvairs. Mr. Bridenstine's purpose was in his own words "to assure that [the Michigan] Committee is not misled" as to the issues involved. His intent was to deter the enactment of Michigan auto safety legislation. Mr. Bridenstine purported to show that juries, with the best first-hand access to facts, had all exonerated GM after examining a complete record of Corvair driving performance. The implication of Mr. Roche's insertion in your hearing record was clear—that since all the evidence had been fairly studied and the assertions of plaintiffs had been deemed by juries to be unsubstantiated, the U.S. Senate Committee need not examine the safety of the Corvair's handling characteristics.

Mr. Bridenstine's remarks, a part of the Ribicoff Committee record at page 1555, were:

"Therefore, consistent with our policy and practice, we have not included in this statement to your committee evidence establishing the safe design of the 1960–63 Corvair.

"However, *to assure that your committee is not misled,* we can advise you regarding litigation already terminated. In the only two cases in which this claim that the Corvair is defectively designed has been tried and decided, the juries in both instances returned verdicts in favor of General Motors. The first case involved a trial of ten weeks in San Jose, California. The second case, in which Mr. Philo and his law firm participated, involved a six weeks' trial in Clearwater, Florida. In his statement before your committee, Mr. Philo named Dr. Thomas Manos an authority for Mr. Philo's assertions. It is interesting that Dr. Manos testified at length for the plaintiff and was cross-examined in both trials regarding his tests and conclusions on the Corvair design.

"In these two trials we, of course, presented evidence and our witnesses were cross-examined regarding the development, design and performance of the Corvair. *In both cases and under proper rules of procedure and evidence,* the juries disagreed with plaintiffs' counsel and agreed with out position." [Emphasis added.]

EFFECT OF THESE MISREPRESENTATIONS

GM's insinuations that several litigated law suits had conclusively determined the safety of the Corvair were persuasive. No further examination of Corvair design defects was made by the U.S. Senate. More important, the entire Congress was deceived as is evident from the auto safety legislation enacted later in 1966. Had it been realized that a vehicle marketed for six years and sold by the million was secretly known by the manufacturer to be susceptible to rollover at low speeds under normal operating conditions, surely the Congress would not have hesitated to legislatively require mandatory recall and criminal penalties for willful neglect by the manufacturer. It is anguishing to speculate how many millions of Americans have perished or been maimed since 1966 because of the absence of these necessary deterrents in the basic auto safety law.

GM's testimony in February and March 1966 necessarily was both an assertion by GM that they had testified accurately before the courts, and that they knew of no existing evidence which would rebut their testimony. To that extent, this testimony directly conflicted with GM's own internal documents, such as PG 17103, which were being withheld from courts across the country, from the Michigan Senate Committee and from your U.S. Senate Subcommittee.

DETAILS OF GM'S MISREPRESENTATION

Mr. Carl Thelin, a former GM engineer, has now publicly stated that at the time Mr. Power was testifying before your Subcommittee in 1966, Mr. Thelin was discovering a macabre scheme, originating inside GM before 1966, to hide from the courts and even from some of their own defense witnesses the existence and contents of reports critical of the Corvair's safety. This scheme was a deliberate frustration of an injured person's basic right, embodied in the rules of evidence of state and Federal law, to receive in a law suit the product maker's data about the safety tests of his product without having first to identify the information itself.

The suppressed documents included the now renowned PG 17103, which showed that the 1962 Corvair would, if subjected at a speed of less than 30 mph to a simple J-turn (essentially the situation any car experiences if it hits a wet patch or rought spot in the road or if it makes a sudden turn while passing another car), roll over on a level surface. Also suppressed were other test reports, such as PG 15699, where the Corvair, in nine out of ten tests, rolled over while the Chevrolet sedan did not roll over under the same test conditions. These documents provide substantial evidence of the defects in the suspension system of the 1960–64 Corvairs. Mr. Thelin's statements and referenced documents make it clear that the GM conspiracy was known to, if not directed by, Mr. Power's legal staff.

The essence of the GM plan was to keep any damaging relevant information from potential witnesses, including some witnesses for GM. Thus, the testimony of these witnesses could reflect only what they knew, which was necessarily less than the complete truth or clear untruths. This scheme was therefore a deliberate, premediated attempt first to mislead injured plaintiffs and the courts, and then the Michigan and U.S. Senate Committees, and finally the public, as to the safety of the Corvair. Mr. Power's assertions that he knew the Corvair was a safe car could have been repeatedly contradicted by the release of the evidence requested by plaintiffs, but suppressed by Mr. Power's staff inside General Motors.

As a further example of the misrepresentation by GM as to the safety of the Corvair, the public record shows that the data which GM supplied to the courts in the two completed trial cases (*Anderson* v. *General Motors Corporation* and *Collins* v. *General Motors Corporation*) was purposefully inaccurate and incomplete. GM's boasting to the Michigan Senate and your Subcommittee about these cases compounded the fraud.

For example, in the Anderson case in Clearwater, Florida, GM in the person of Mr. Frank J. Winchell, then Chevrolet Chief Research and Development Engineer, was grossly misleading in its response to plaintiff's questions about whether written records were kept of the proving ground tests on 12 to 24 Corvair automobiles of the model years 1960, 1961 and 1962.

Despite the existence of PG Reports 17103, 15699 and other tests of a similar nature, pages 4802–4806 of the transcript (Law No. 17,013) shows that Mr. Winchell asserted the following under oath:

VOIR DIRE EXAMINATION

By Mr. Masterson:

Question. Mr. Winchell, were there Corvair automobiles involved in this testing?

Answer. Yes, sir.

Question. How many?

Answer. Well, I tried to estimate that a moment ago. I think I—I couldn't say it very precisely, 12 to 24, in that area.

Question. Does it include 1960, '61 and 1962 models?

Answer. Yes, sir.

Question. And were the results of your testing reduced to writing?

Answer. No. Our—our testing was a development, exploratory kind of work where we are seeking fundamental facts.

Question. And the results of these tests were not reduced to writing?

Answer. Not formal reports with——

Question. Well, was any of the data preserved?

Answer. Well, when you say "any of the data," I—I would be hard pressed to say. Our custom in this thing, I have to explain to you, Mr. Masterson, is—

Question. Well, my question was: Is any of the data preserved?

Answer. I can't—I can't say positively whether there was any or not. I presume there was some.

Question. Where would it be if it was preserved?

Answer. Probably in our Research and Development files.

Question. Of which you are the head?

Answer. Yes sir.

Question. Do you know whether it was preserved or not?

Answer. I can't really say, Mr. Masterson. It was—

The COURT. Are you telling us that you do a great deal of research and keep no records of what you find out?

Answer. Well, we don't—what I said is we don't issue any formal reports. When you are—when you are in the exploratory range of this thing you are not in a position to come to any conclusions.

The COURT. But do you keep any written records of what you find out each day or do you just try to keep that in your mind?

The WITNESS. No, we do note our results, and we meet and discuss them, and they are held for some period of time, but I couldn't tell you whether they are still in existence or not.

The COURT. All right, sir.

FURTHER DIRECT EXAMINATION

By Mr. Nunez:

Question. Mr. Winchell in that connection what is the—what is the usual procedure for—that is set in motion at Chevrolet—for doing something to or with an automobile that will result in a formal test report?

Answer. Well, the procedure is—originates with the—what we call the product engineer, the man who is responsible for releasing this component to production. He is called the Production Engineer. He writes a test order or a build order or a design order. If it is a test order, the test order goes to the laboratory head or the proving ground head. He assigns certain people to the conduct of the test, they meet and discuss what they are going to do. The test is conducted, and the produce [sic] engineer gets the—gets the facts from the test immediately, verbally, and then as a matter of record, if we think that that—that test has any use to us in future design work, or as a reference, a formal report is written by report writers under the direction of the test engineer.

The COURT. Do you keep any record of the tests that were made that you decided had no use to you so that you don't repeat that test the next month or next year?

The WITNESS. Well, our Research and Development Group, sir, is rather small, and we don't run that——

Mr. NUNEZ. Excuse me, Mr. Winchell, I think the Judge can hear you quite clearly, but I would——

The COURT. You face the Jury——

Mr. NUNEZ. Address your answers to me.

The COURT. So everyone can hear, then.

The WITNESS. We have—as I say, in this particular program I had about two engineers to start with, and I don't run the hazard of this thing being repeated by that personnel.

By Mr. Nunez:

Question. Well, you were telling me about a particular device that makes a record on a—on a running piece of graph paper, some kind of paper.

Answer. Well, Mr. Masterson asked me specifically——

Mr. MASTERSON. May I ask that the witness respond to the Judge's question? The Judge asked you if you preserve data so that you don't repeat the test which was not useful to you.

The WITNESS. Well, I can't give just a yes or no answer on that. Sometimes we do, and sometimes we don't. I say, if—if, in our opinion, we think it has some influence on our future conduct we keep it for some period of time. If we don't think so, we don't keep it.

The COURT. Proceed, Mr. Nunez.

The WITNESS. Could I say something by way of explanation here?

The COURT. Yes, sir.

The WITNESS. In writing a report that is going to be useful to engineers of, say, three or four or five years hence, it has to be a very comprehensive report. Just to—to supply him with a data sheet of some measurements you've taken doesn't necessarily do him any good. And what I'm trying to say is the composition of a very comprehensive report that an engineer some five or six years hence or farther can make use of, requires a good deal of effort by the reporting engineer. And so we don't bother with things that we don't think have that kind of value in research and development.

By Mr. Nunez:

Question. All right. Did any of the—the data that you gathered in your testing and evaluation of vehicle handling back in the 1960 through 1962 era, was any of it resulted into any sort of formal form or written form or a form which would preserve the information that you derived from those tests?

Answer. Not to my recollection.

Thus, by these untruthful answers, GM withheld significant GM proving ground test reports and records from the plaintiff which were essential to her case. Just as misleading is the fact that GM's suppressed test reports, such as PG 17103, tend to rebut and discredit the limited test results which GM did produce as evidence.

The depositions of other key GM employees were equally inaccurate as to the existence of past records of proving ground tests. The transcript of the case of *Collins v. General Motors Corporation* (Superior Court of the State of California, Santa Clara County) partially reveals the contents of depositions of GM Vice President Harry Barr and GM Chassis Design Chief Kai Hansen.

In the questioning, the plaintiff's attorney was attempting to establish the existence of written records of proving ground and other Corvair tests. The transcript in that case, Docket No. 149317, shows at page 3264:

By Mr. Harney:

Question. As of 1962 is it correct that practically everything that had to do with testing the Corvair had been destroyed by General Motors?

Answer. Not to my knowledge.

Question. Have you read the deposition of Harry Barr in which he said that was true?

Answer. No. I did not read that.

Question. Did you read the deposition of Kai Hansen in which he said that was true?

Answer. I did not.

Question. You only read the portion of Kai Hansen's deposition on the subject of whether he was against the location of the engine in the rear?

Answer. I believe Kai Hansen had his deposition taken a number of times and I didn't read them all.

Question. Which one did you read?

Answer. It has been more than a year ago and I don't know which one I read, Mr. Harney.

Question. Who asked you to read the deposition?

Answer. I think Mr. Gilliland of our legal staff at that time asked me.

I believe that as your Subcommittee examines the records it will find numerous similar examples. But this will not be easy. Recognizing the treachery of its activities, General Motors has, as a matter of corporate policy, attempted to destroy the public and private records of all litigation. For example, we have been told that GM has purchased the court's only file copy of the *Collins* transcript from the court reporter. Luckily, parts of that transcript were previously secured by various plaintiffs. This partial transcript alone reveals the enormity of the fraud perpetrated by General Motors. In the *Collins* transcript at pages 3213–15, Mr. Winchell denied the existence of lateral acceleration tests on a 1960 Corvair, although skid pad rollover tests revealing lateral acceleration information are detailed in PG Report 11106 of 6/10/59, in PG Report 11285 of 8/25/59, and PG Report 12207 of 5/5/60, and were actually available but hidden in GM files.

By Mr. Harney:

Question. These tests that you have told the jury about were not in any way connected with the decision to put the Corvair on the American market, were they?

Mr. WHITNEY. Which tests are we referring to?

Your Honor, I object to it. He said these tests. Mr. Winchell has been on the stand for time after time and he has testified to many tests.

By Mr. Harney:

Question. Each and every test you talked about in this case was never ever done in connection with the original decision to put the Corvair on the market, correct?

Mr. COSTANZO. I object to that upon the ground counsel has already referred to certain tests that were shown to the jury. When he follows that up with another question about this, obviously it leaves the impression he is talking about the tests that were shown to the jury. I object to that question, Your Honor.

The COURT. Will you repeat your question?

Mr. HARNEY. Yes.

Question. With respect to each and every test that you as a witness have participated in in connection with showing to the jury, each and every test was done in connection with litigation and not in connection with the decision to put the Corvair on the market?

Answer. The decision to put the Corvair on the market was made in 1957 or 1958.

Question. Can you answer my question?

Answer. Are you talking about the 1960 or 1965 Corvair?

Question. I am talking about all the tests you have talked about in this trial in front of these twelve ladies and gentlemen plus the alternatives.

Answer. Some of the tests that were run [sic] were certainly related to the 1964 and 1965 Corvair. The 1960 Corvair, no.

Question. Like this set you brought in here, did you have that set?

Answer. Not that particular one, but that is not a novel demonstration of lateral acceleration.

Question. Did you have such a thing to demonstrate the lateral acceleration of a 1960 Corvair?

Answer. No, sir.

Question. No, sir. How about this table here?

Answer. No, sir.

Question. How about that chart behind you?

Answer. Well, this is a reproduction of a very ordinary chart that we use.

To reestablish the record for the benefit of your Subcommittee's review and the public file, I strongly recommend that you procure the entire *Collins* transcript from General Motors. We would, of course, appreciate the opportunity to study it, and to assist your Subcommittee with further comments.

The GM statement to the public on September 26, 1970 said: "Test Report 17103 has not been produced because, in the opinion of our counsel, it has not been called for."

No objective analysis can fail to discredit this statement. In fact, GM suppressed Test Report 17103 inside the company and deliberately withheld it in several court cases I have checked already—even where the plaintiff had requested all the relevant tests of the Corvair.

For example, in the *Collins* case in California on June 11, 1965, the plaintiff had requested and received a valid Superior Court order for GM to produce . . . all tests, studies, reports, movies, photographs and other documents pertaining to Milford, Michigan or Mesa, Arizona or other General Motors Proving Ground Tests of stability and handling characteristics of Corvair prototype, Corvair pre-production and 1960 Corvair automobiles and such Proving Ground tests of other rear engine cars used as a comparison to or model for the design of the said Corvair automobile.

In response to this court order, GM simply never produced or acknowledged the existence of many essential proving ground tests some of which are identified in this letter. Thus, the plaintiff who requested such tests from GM in *Collins* was denied his legal rights.

Although the films GM suppressed in the *Collins* case clearly would have changed the character of the trial, the plaintiff was forced, by his own ignorance, to accept GM's statement that there was only *one* proving ground test for which film existed from all the Corvair testing up to that time. The plaintiff did subpoena that short film of a 1961 Corvair which went out of control and was allowed to show it to the jury on June 30, 1965; however, GM weakened its effect by not producing any precise details or data for the film and no films or data of existing GM comparison tests run with other U.S. cars. As a result, the test showed the jury just as little as GM had intended.

There were essential proving ground tests such as PG 11245 of August 7, 1959 and PG 11285 of August 25, 1959, which were never admitted by GM even to exist. Mr. Carl Thelin has already made a public statement that these omissions were familiar to him, were the result of a corporate policy consciously to withhold this evidence from injured parties and even to mislabel film to implement its difficult retrieval. Other GM employees will confirm this conspiracy and allow you to identify the persons responsible for the creation of this monstrous scheme.

A primary agent in the GM plot was Mr. Winchell. For example, he testified to the *Collins* jury on July 12, 1965, at the time he was serving in a key executive position with responsibilities for the legal defense of the Corvair, that he knew of no written records that were kept of the testing of the Corvair before it was released to the public in late 1959. His testimony at page 2690 was:

VOIR DIRE EXAMINATION

(By Mr. Harney)

Question. Were you present when any stability or handling tests were done on the Corvair before it was released to the public?

Answer. Yes, sir.

Question. Where was that, sir?

Answer. At the proving ground and at our Manitou proving grounds in Colorado. We have a Pike's Peak proving ground in Colorado. It was located in Manitou Springs.

Question. What year was that, sir?

Answer. That was '58.

Question. You were personally present?

Answer. Yes. I was in the car. I was not during the testing period; I was a passenger in the car.

Question. Were written reports made?

Answer. Not to my knowledge.

Mr. HARNEY. All right. Thank you.

The above testimony, under oath, should be compared with the contents of PG Reports such as PG 11245 of August 7, 1959, which is a tire blowout comparison at 60 mph, or PG 11106 of June 10, 1959, which was a skid pad roll test on the then soon to be released Corvair, so that the Committee can ask itself whether such test results could even possibly have been unknown to Mr. Winchell.

Two other examples illustrate the utter depravity and insolence with which GM conducted its legal defense of the Corvair in courts and before your Subcommittee. Despite the existence of over one dozen fully documented rollover test reports involving hundreds of trial runs of Corvairs, completed from 1959 through May 1965, with uncounted numbers of rollovers and other examples of instability of these cars, Mr. Winchell told the jury in the *Collins* case that "I have never seen the Corvair rolled over on the GM skid pad." (P. 3855.)

In addition, despite the fact that GM had made at least several movies of Corvair rollovers by 1964, Mr. Winchell testified to the California court in 1965 that the only skid pad test for which movies existed was the rollover test at one and one half miles per hour, a movie which had been shown to the jury there. In summary, Mr. Winchell's assertions of ignorance about the rollovers on film in PG 17103 and PG 15699 are totally implausible in light of his position at GM at that time. Mr. Winchell's exact testimony was:

Mr. Harney:

Question. Do you know who the man at General Motors is who developed a method of turning cars over?

[Mr. Winchell]. No, Sir.

Question. Do you know whether or not it is extremely difficult to make a modern car roll over except for the Corvair?

Answer. I wouldn't agree to that.

Question. Isn't it true that at General Motors in order to get non-Corvairs to turn over, they had to build tremendous ramps that practically turned the thing over in the air or run them into soft dirt off an embankment?

Answer. No, I don't think that is true.

Question. Have you ever at General Motors seen a car turned over on the skid pad except for a Corvair?

Answer. Yes, sir.

Question. What kind?

Answer. Renault.

Question. A Renault, any others?

Answer. Volkswagen.

Question. Any others?

Answer. I can't recall of any others.

Question. Each and every one was a rear engine car?

Answer. Those two are rear engine cars.

Question. And Corvair is a rear engine car?

Answer. Yes.

Question. You have seen the Corvair roll over on the skid pad?

Answer. I have never seen the Corvair rolled over on the skid pad.

Question. Didn't you see the movies that were presented?

Answer. I saw those. When you said skid pad, I thought you were referring to our skid pad.

Question. General Motors' skid pad.

Answer. I thought you were referring to Dr. Manos' test.

Question. No, there is another film that was shown to the jury in this case at the General Motors skid pad where a Corvair automobile comes out from the right going to the left and the driver jerks the wheel and then he jerks it back and it rolled over.

Answer. I remember that. I am sorry.

Question. Who was driving the car?

Answer. I don't know the man's name.

By Mr. Harney:

Question. Mr. Winchell, since you have been here in San Jose, have you seen any General Motors test on the lateral stability or the directional stability with instrumentation of the Corvair automobile?

Answer. Since I have been in San Jose? That would be tests conducted here in San Jose?

Question. No, the physical presence of any such report in San Jose since you have been here?

Answer. Yes, I think so.

Question. And you know where such test reports would be located?

Answer. I was shown a stack of material that I understood had been submitted to the plaintiff in this case and was asked was I familiar with these tests. I said I couldn't say. Some of them I had some familiarity with, some I did not.

Answer. I am asking, Mr. Winchell, about lateral stability and directional stability tests on the Corvair with instrumentation. Do you understand my question?

Answer. Yes, sir.

Question. And you have seen such reports?

Answer. There were quite a few reports there. Some of this test, I seem to recall having seen several roadability tests.

Question. With instrumentation?

Answer. Yes, sir, all the roadability tests are with instrumentation.

Question. What type of instrumentation?

Answer. I don't know precisely what type, but I know the data they get. What particular instruments they used in getting it, I can't testify to that.

Question. Would it be correct that the only instrumentation in any test of what you are aware of was in the one mile an hour test?

Answer. If I understand your question correctly, absolutely not.

Question. Then you have seen other test reports pertaining to the lateral stability and the directional stability of the Corvair with instrumentation, true?

Answer. If I understand your question correctly, yes, sir.

Question. You have seen it here in San Jose?

Answer. I saw the reports that I spoke of. I saw the data that I read to you in evidence. I saw the photographs that were submitted in evidence. I saw the film that was submitted in evidence of this one and a half mile an hour test. That is all I can recall at the moment.

Question. Any movies you have seen of any lateral stability or directional stability test is the one mile an hour test, correct?

Answer. I believe that's correct, yes, sir.

Mr. COSTANZO. Are you referring only to the Corvair automobile, Counsel?

Mr. HARNEY. Yes, sir.

By Mr. Harney:

Question. On exhibit——

Answer. Excuse me. Just a moment. I saw Dr. Manos' movie.

Question. I am talking about emanating from General Motors.

Answer. I don't believe so, Mr. Harney.

This testimony shows how GM has been able to obtain untold numbers of fraudulent judgments or settlements across the country. To document the size of this injustice for your Subcommittee and the public record, I urge you to request from GM a summary of the number and location of all payments made by General Motors in settlement to injured Corvair plaintiffs or potential plaintiffs, and to find out from GM what they plan to do to give justice to those people (like Mr. Anderson and Miss Collins) who have been injured at least twice by GM's avarice.

MISREPRESENTATION NO. 2: THE CORVAIR'S INSTABILITY COMPARED TO OTHER AMERICAN CARS

Background facts and GM statements

During your 1966 Subcommittee hearings, then GM President Roche presented the history of GM's continuous addition of safety features to GM cars since 1910. In the course of that presentation, Mr. Roche discussed the improvements made in the stability of GM cars. As proof of that assertion Mr. Roche cited the difference in rollover capacity of today's automobiles with their 1935 predecessors. Mr. Roche's exact words, at pages 660 and 661, were:

"The center of gravity of vehicles has been lowered substantially over the years, improving vehicle stability.

"Since 1935, on a regular Chevrolet the center of gravity, the point at which the car's weight will balance, has been lowered from 24.8 to 19.6 inches. This is a reduction of over 5 inches—or more than 26 percent—in center of gravity during the past 30 years. Similar lowering of the center of gravity has been achieved on the other General Motors car lines. These changes have made our cars less top heavy and more sure footed, decreasing the possibility of rollovers.

"We have film footage and data concerning earlier destructive tests run with cars on what we now call the J-turn. A 1935 car traveling at about 50 miles per hour on a grass field would roll over when put into a severe J-turn. *Today's automobile, even at higher speeds, is almost impossible to turn over in the same type of sharp turn unless the outside wheels strike an obstacle.* This J-turn test is included in the GSA specifications for testing the ability of tires to remain inflated during such a turn at 50 miles per hour on a concrete surface.

"Our modern frames, which are much sturdier, have also contributed to this increased stability. New design concepts have allowed us to lower the side rails for a lower car and these rails are integrated more closely with the body than those of earlier years. This provides greater rigidity and strength for the overall body structure." [Emphasis added.]

Mr. Edward N. Cole, in a letter of September 7, 1970 to Secretary of Transportation John Volpe, said that the test reports to which Mr. Nader referred were "reports of engineering development tests in which Corvairs, specially equipped with experimental parts, were intentionally overturned by experienced test drivers using violent maneuvers designed to overturn them."

The conflict between GM's statements and its own proving ground tests

If Mr. Roche's 1935 model car rolled over at 50 mph, then "one of today's automobiles", such as a 1963 Corvair, is revealed in the suppressed PG Report 17103 (in test run #120) to have rolled over on its roof, a roll of 180°, when taken into "a simple J-turn" at 28 mph—or at less than 60% of the 50 mph speed. Moreover, there were other separate test runs in PG 17103, such as the 18 test runs from 115–119 and 121–133, which indicate that the few changes made there in the shock absorber design and configuration were GM attempts to stabilize that production model system. In test runs 135 and 136, where 1962 shock absorbers were used with slight shimming to limit the rear rebound angles slightly, which would tend to increase stability, the test report results in both cases said that the car "exhibit[ed] unstable characteristics."

In summary, the actual words of test run No. 120, as a "'63 production" vehicle, totally conflict with both Mr. Cole's explanation that the only Corvairs tested were "experimental", and Mr. Roche's testimony that GM had done so much to increase the stability of its cars since 1935.

The actual text of the results and conclusions of PG Report 17103 are even more damning of the Corvair. At page 1 that document says:

"These tests showed that the dynamic stability of the current production 1963 Corvair was not substantially improved through practical modifications to the shock absorber design and configuration . . . A 1964 prototype suspension installed in the car made the dynamic stability characteristics acceptable for several different test conditions."

Conclusions

Test run No. 120 of PG 17103, together with PG 15699, illustrates that GM has clearly misrepresented the stability of the 1960–63 Corvairs both in 1966 and again in 1970. In short, GM's own proving ground reports on the performance of their Corvairs refute Mr. Roche's statements before your Subcommittee, and Mr. Cole's statement last month.

Although Mr. Roche did not define where "today's automobile" would be "almost impossible" to roll over, Mr. Roche could only have been referring either to a grass surface or to the proving ground surface.

If Mr. Roche has testified that the 1960–63 Corvairs would be "practically impossible" to roll over on a grass field at 50 mph, then he must be asked to document this to your Subcommittee since engineering authorities appear to agree that a grass field would have (in comparison to the proving ground) several factors that would make a rollover *easier* than at the proving ground. (These factors are the variable surface and a greater likelihood of a "plowing" effect, which would probably more than offset the grass field's lower coefficient of friction.)

Alternatively, if Mr. Roche has assumed or stated that the 1960, 1961, 1962 and 1963 Corvairs would be very difficult to roll over on the proving ground, while a 1935 car would not, then he has clearly told the Subcommittee a tale which is directly and specifically contradicted by his proving ground report 17103, which documents that the 1963 production model Corvair rolled over at speeds of 28 and 30 mph. Indeed, the suppressed PG Reports, particularly PG 17103, illustrate that despite the improved, less roll-inducing surface of concrete, the 1960–63 Corvairs would, and did, roll over at speeds of 26, 28 and 30 mph. In fact, this 1962 PG test 17103 may suggest that if these Corvairs had a 1935-type suspension system the rollover night have been averted. In short, if Mr. Roche was saying that GM's 1966 suspension systems would prevent rollover except at speeds far above 50 mph because GM has improved them so much, the 28 mph rollover in PG 17103 indicates that he is not only totally inaccurate, but also that the 1935 suspension may actually have been more stable than the 1960–63 Corvair suspension.

The overall significance of PG 17103 is also made explicit in the text of that document. The summary of test run 136 on page 8 of PG 17103, after the conclusion of over 24 test runs, says:

"The decision was made by the Chevrolet Motor Division engineers to discontinue testing on this shock absorber and suspension system configuration since it was quite obvious that the car could be rolled."

The additional significance of this test with 1962 shock absorbers is its applicability to 1960 and 1961 Corvairs. The testimony of Chief of Chevrolet Chassis Design, Mr. Kai Hansen, in the Anderson court transcript at page 975, has affirmed that there is no significant difference between the 1960 through 1962 Corvairs in regard to their suspension and shock absorber systems.

MISREPRESENTATION NO. 3: THE LIKELIHOOD OF CORVAIR WHEEL RIM HITTING ROAD COMPARED TO OTHER CARS

General Motors' statements in 1966

Prior to 1966, plaintiff's attorneys and safety engineers had all suggested that there was an unusually high likelihood that the rim of the 1960–63 Corvair wheel would hit the pavement when the Corvair went into maneuvers like the J-turn. The essence of their argument was that such a touching of the rim of the wheel was more likely in the Corvair than with other autos, and that this was additional evidence of the unusual lack of stability in the Corvair. (If the wheel rim firmly hits the pavement, even GM's experts have agreed that a rollover of the Corvair is imminent, if not inevitable; but GM has insisted that this is only an effect of a rollover already underway from other very unusual circumstances.)

Mr. Winchell's 1966 testimony to the Michigan State Senate, which Mr. Roche inserted in your hearing record of March 22, 1966, stated that the tire distortions of the Corvair were not significantly different from "any other automobile" in the "proximity of the rim to the pavement". This testimony was offered as the essential part of his conclusion that the Corvair was as stable as other American cars. Mr. Winchell also offered the misleading explanation that Corvairs may roll over, but that this was because rollovers occur in any car which strikes an embankment, obstacles, or goes off the road. Mr. Winchell's exact statement, at page 1561, was:

"Photographs of tire distortions with a car sliding sideways will show no significant difference between the proximity of the rim to the pavement of the Corvair and any other automobile."

The conflicting evidence in PG Report 17103

The tests for PG Report 17103 were performed at the GM proving ground in late 1962 and early 1963. Over 30 test runs were made during these tests which involved either an exact production model Corvair, Corvairs with insignificant variations from production models, or Corvairs with modifications which increased (or were intended to increase) stability over the 1960–63 production models. Indeed, Mr. Winchell acknowledged to your Senate Government Operations Subcommittee staff in September 1970 his awareness of PG Report 17103 about the time it was performed; however, both the text and the photos of PG 17103 contradict his assertions as to tire distortion given to the Ribicoff Subcommittee in 1966.

For example, in the first *12 out of 12* tests of PG 17103 (before the stabler 1964 type suspension was tried), the paint on the Corvair tires was scraped off every time at least way up to the rim, and in five test runs *all the way up to the rim* itself (see pp. 4, 5 and 6 of PG 17103). This scraping of the tire illustrates that even in the test runs without a rollover result, a rollover was most certainly only narrowly avoided. Moreover, the scraping was greater (was higher on the tire) on these 1962 and 1963 production Corvairs than on the Corvairs with the 1964 suspension system, which were tested in runs 137 through 146, where no tire scraping was mentioned. In test 118, the Corvair was actually described as "quite unstable" by the engineers, even where the changes in the suspension system (from production standards) were those designed to increase stability beyond that of the 1960–63 models (see pp. 4, 5 and 6 of PG 17103).[1]

This illustration of the instability of the Corvair was also known to GM from PG 15699. The photographs of the tires in the tests in PG 15699 also show the difference in tire scraping on the 1962 Corvair used in this test compared to the virtual absence of this phenomenon on the standard 1961

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[1] The use of the word "unstable" and other similar potentially damaging words probably have been removed from most now existing versions of GM proving ground reports. It was part of Mr. Thelin's job to substitute softer phrases for or totally eliminate such language.

Chevrolet, even though these vehicles experienced identical maneuvers. Thus, much of the significance of the first 12 tests of PG 17103 (compared to the last five tests, where a 1965 type suspension system was used) was shown by the difference in the scraped paint phenomenon. This paint phenomenon indicates that large portions of the sides of the tires touched the road—even in the cases where the Corvair did not actually roll over.

Conclusion

Although Mr. Winchell has acknowledged that he was aware of PG 17103 at the time of his 1966 testimony, its conclusions are omitted from his testimony. This omission is significant because those test conclusions (from 1963 tests) about Corvair tires are in direct conflict with his own proving ground reports, particularly PG 17103 and PG 15699. In particular, Mr. Winchell's 1966 testimony is rebutted by the photos and tests of the last 11 tests of PG 15699. In summary, he misled the Subcommittee into the belief that (1) no evidence existed which would illustrate the radical difference between the Corvair and other automobiles and (2) he made no mention of the significant increases in the stability of the Corvair and the reduced tire scraping when the suspension changes were adopted for the 1964 Corvair.

Final conclusion

I am sending a copy of this letter to Senator Warren Magnuson, Chairman, Senate Committee on Commerce and Senator Vance Hartke, Chairman, Senate Commerce Subcommittee on Surface Transportation, in view of the fact that GM's conduct now clearly involves matters of great public safety for Corvair owners and thus falls within the purview of the National Traffic and Motor Vehicle Act of 1966. I would be happy to sit down with you and your staff or Senator Magnuson and his staff to discuss further or amplify any of the statements in this letter.

In view of the seriousness of the above findings, I strongly urge you or Senator Magnuson thoroughly to examine GM's conduct and to convene a public hearing to determine:

(1) Precisely who is responsible for these misrepresentations to your Subcommittee;

(2) Whether your Subcommittee should proceed to request the Department of Justice to undertake an investigation to determine the nature of possible violations of Title 18, § 1001. This section of the U.S. Code provides for the fine and imprisonment of individuals who are determined to have engaged in fraud, false statements or misrepresentations to an agency of the U.S. Government;

(3) Whether other action should be recommended to any other U.S. or State District Attorneys who were engaged in earlier litigation regarding the Corvair in which GM's representatives were inaccurate and incomplete. At a minimum, I believe you or Senator Magnuson should obtain from the state records and from GM a summary of how many past cases they have defended in a manner like the *Anderson* and *Collins* cases, in the light of their General Counsel's statement to you in 1966 that there were over 106 lawsuits in 23 states attacking the design of the Corvair; and

(4) Whether to recommend to the Department of Justice that General Motors Corporation be assessed the maximum penalty under Sections 108 and 109 of the National Traffic and Motor Vehicle Safety Act of 1966 for failure to effect Safety Defect Notification to all owners of 1960–63 Corvairs under § 113.

Sincerely,

RALPH NADER.

U.S. SENATE,
Washington, D.C., November 17, 1970.
Mr. RALPH NADER,
Washington, D.C.

DEAR MR. NADER: As you know, I was out of the country for two weeks in October and November. Accordingly, it is appropriate on my return to acknowledge receipt of your letter to Senator Ribicoff concerning the Corvair and certain additional documents relating thereto.

The Subcommittee is now engaged in reviewing your material and that submitted by General Motors. I understand that certain additional documents regarding this matter remain in your possession. I hope that you will provide them to the Subcommittee shortly so that we may conclude this investigation as rapidly as possible.

Sincerely,

ROBERT J. WAGER.

[From the Wall Street Journal, Nov. 25, 1970]

HIGHWAY SAFETY CHIEF BACKS SOME CHARGES BY NADER ON CORVAIRS

DETROIT.—Douglas W. Toms, director of the National Highway Safety Bureau, said auto-safety crusader Ralph Nader "does have some merit in his charges" of defects in Corvairs made by General Motors Corp.

"We know Corvairs do tip over" and "data does suggest" that carbon monoxide in the passenger compartment "is a problem in the Corvair" Mr. Toms told a news conference. He said his remarks were based on preliminary investigation.

Mr. Nader asserted recently that GM has continually suppressed company test reports and films he says prove clearly that the Corvair is "uniquely unstable with unprecedented roll-over capability." He also urged the Senate Commerce Committee or Government Reorganization subcommittee to hold a hearing that might lead to a recommendation to the Justice Department that GM be assessed the maximum penalty under the auto-safety law for failing to notify owners of 1960–63 Corvairs of a safety defect.

General Motors has denied Mr. Nader's charges. A spokesman said GM would have no comment on Mr. Toms' remarks. "It (the Corvair) has been defended successfully in court," the spokesman said. "The Corvair is a safe automobile."

GM discontinued the Corvair in May 1969 because of lagging sales.

Mr. Toms said it was his opinion that the 1962–63 Corvairs, even though they were prone to tip over, were no worse than other rear-engine, rear-drive cars of the same vintage that, like the Corvair, tended to oversteer.

SECURITIES INVESTOR PROTECTION ACT OF 1970—CONFERENCE REPORT

Mr. STAGGERS submitted the following conference report and statement on the bill (H.R. 19333) to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges:

CONFERENCE REPORT (H. REPT. No. 91–1788)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19333) to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE; TABLE OF CONTENTS.—This Act, with the following table of contents, may be cited as the "Securities Investor Protection Act of 1970".

TABLE OF CONTENTS

Sec. 1. Short title, etc.
  (a) Short title; table of contents.
  (b) Section headings.
Sec. 2. Application of Securities Exchange Act of 1934.
Sec. 3. Securities Investor Protection Corporation.
  (a) Creation.
  (b) Powers.
  (c) Board of Directors.
  (d) Meetings of Board.
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Sec. 4. SIPC Fund.
  (a) In general.
  (b) Initial required balance for fund.
  (c) Assessments.
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  (e) Prior trusts; overpayments and underpayments.
  (f) Borrowing authority.
  (g) SEC loans to SIPC.
  (h) SEC notes issued to Treasury.
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Sec. 5. Protection of customers.
  (a) Determination of need of protection.
  (b) Court action.
  (c) SEC participation in proceedings.
Sec. 6. Liquidation proceedings.
  (a) General purposes of liquidation proceeding.
  (b) Powers and duties of trustee.
  (c) Application of Bankruptcy Act.
  (d) Completion of open contractual commitments.
  (e) Notice.
  (f) SIPC advances to trustee.
  (g) Payments to customers; no proof of claim required.
  (h) Proof of claim by associates and others.
  (i) Reports by trustee to court.
  (j) Effect of Act on claims.
Sec. 7. SEC functions.
  (a) Administrative procedure.
  (b) Enforcement of actions.
  (c) Examinations and reports.
  (d) Financial responsibility.
Sec. 8. Examining authority functions.
Sec. 9. Functions of self-regulatory organizations.
  (a) Collecting agent.
  (b) Immunity.
  (c) Inspections.
  (d) Reports.
  (e) Consultation.
  (f) Financial condition of members.
Sec. 10. Prohibited acts.
  (a) Failure to pay assessment, etc.
  (b) Engaging in business after appointment of trustee.
  (c) Embezzlement, etc., of assets of SIPC.
Sec. 11. Miscellaneous provisions.
  (a) Public inspection of reports.
  (b) Application of Act to foreign members.
  (c) Liability of members of SIPC.
  (d) Liability of SIPC and Directors.
  (e) Advertising.
  (f) SIPC exempt from taxation.
  (g) Section 20(a) of 1934 Act not to apply.
  (h) SEC study of unsafe or unsound practices.
Sec. 12. Definitions.

(b) SECTION HEADINGS.—Headings for sections and subsections, and the table of contents, are included only for convenience, and shall be given no legal effect.

Sec. 2. Application of Securities Exchange Act of 1934.

Except as otherwise provided in this Act, the provisions of the Securities Exchange Act of 1934 (15 U.S.C., sec. 78a and fol.; hereinafter referred to as the "1934 Act") apply as if this Act constituted an amendment to, and was included as a section of, such Act.

Sec. 3. Securities Investor Protection Corporation.

(a) Creation.—There is hereby established a body corporate to be known as "Securities Investor Protection Corporation" (hereafter in this Act referred to as "SIPC"). SIPC shall be a nonprofit corporation and shall have succession until dissolved by act of the Congress. SIPC shall—

(1) not be an agency or establishment of the United States Government;

(2) be a membership corporation the members of which shall be—

(A) all persons registered as brokers or dealers under section 15(b) of the 1934 Act, and

(B) all persons who are members of a national securities exchange,

other than persons whose business as a broker or dealer consists exclusively of (i) the distribution of shares of registered open end investment companies or unit investment trusts, (ii) the sale of variable annuities, (iii) the business of insurance, or (iv) the business of rendering investment advisory services to one or more registered investment companies or insurance company separate accounts; and

(3) except as otherwise provided in this Act, be subject to, and have all the powers conferred upon a nonprofit corporation by, the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-1001 and fol.).

(b) Powers.—In addition to the powers granted to SIPC elsewhere in this Act, SIPC shall have the power—

(1) to sue and be sued, complain and defend, in its corporate name and through its own counsel, in any court, State or Federal;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) subject to the provisions of this Act, to adopt, amend, and repeal, by its Board of Directors, bylaws and rules relating to the conduct of its business and the exercise of all other rights and powers granted to it by this Act;

(4) to conduct its business (including the carrying on of operations and the maintenance of offices) and to exercise all other rights and powers granted to it by this Act in any State or other jurisdiction without regard to any qualification, licensing, or other statute in such State or other jurisdiction;

(5) to lease, purchase, accept gifts or donations of or otherwise acquire, to own, hold, improve, use, or otherwise deal in or with, and to sell, convey, mortgage, pledge, lease, exchange or otherwise dispose of, any property, real, personal or mixed, or any interest therein, wherever situated;

(6) subject to the provisions of subsection (c), to elect or appoint such officers, attorneys, employees, and agents as may be required, to determine their qualifications, to define their duties, to fix their salaries, require bonds for them and fix the penalty thereof;

(7) to enter into contracts, to execute instruments, to incur liabilities, and to do any and all other acts and things as may be necessary or incidental to the conduct of its business and the exercise of all other rights and powers granted to SIPC by this Act; and

(8) by bylaw, to establish its fiscal year.

(c) Board of Directors.—

(1) Functions.—SIPC shall have a Board of Directors which, subject to the provisions of this Act, shall determine the policies which shall govern the operations of SIPC.

(2) Number and appointment.—The Board of Directors shall consist of seven persons as follows:

(A) One director shall be appointed by the Secretary of the Treasury from among the officers and employees of the Department of the Treasury.

(B) One director shall be appointed by the Federal Reserve Board from among the officers and employees of the Federal Reserve Board.

(C) Five directors shall be appointed by the President, by and with the advice and consent of the Senate, as follows—

(i) three such directors shall be selected from among persons who are associated with, and representative of different aspects of, the securities industry, not all of whom shall be from the same geographical area of the United States, and

(ii) two such directors shall be selected from the general public from among persons who are not associated with any broker or dealer, within the meaning of paragraph (18) of section 3(a) of the 1934 Act, or similarly associated with a national securities exchange or other securities industry group and who have not had any such association during the two years preceding appointment.

(3) Chairman and Vice Chairman.—The President shall designate a Chairman and Vice Chairman from among those directors appointed under paragraph (2) (C) (ii) of this subsection.

(4) Terms.—

(A) Except as provided in subparagraphs (B) and (C), each director shall be appointed for a term of three years.

(B) Of the directors first appointed under paragraph (2)—

(i) two shall hold office for a term expiring on December 31, 1971,

(ii) two shall hold office for a term expiring on December 31, 1972, and

(iii) three shall hold office for a term expiring on December 31, 1973,

as designated by the President at the time they take office. Such designation shall be made in a manner which will assure that no two persons appointed under the authority of the same clause of paragraph (2) (C) shall have terms which expire simultaneously.

(C) A vacancy in the Board shall be filled in the same manner as the original appointment was made. Any director appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A director may serve after the expiration of his term until his successor has taken office.

(5) Compensation, etc.—All matters relating to compensation of directors and the determination of dollar volume of trading on exchanges shall be as provided in the bylaws of SIPC.

(d) Meetings of Board.—The Board of Directors shall meet at the call of its Chairman, or as otherwise provided by the bylaws of SIPC.

(e) Bylaws.—

(1) As soon as practicable but not later than forty-five days after the date of enactment of this Act, the Board of Directors shall adopt initial bylaws and rules relating to the conduct of the business of SIPC and the exercise of the rights and powers granted to it by this Act, and shall file a copy thereof with the Commission. Thereafter, the Board of Directors may alter, supplement, or repeal any existing bylaw or rule and may adopt additional bylaws and rules, and in each such case shall file a copy thereof with the Commission.

(2) Each such initial bylaw or rule, alteration, supplement, or repeal, and additional bylaw or rule shall take effect upon the thirtieth day (or such later date as SIPC may designate) after the filing of the copy thereof with the Commission or upon such earlier date as the Commission may determine, unless the Commission shall, by notice to SIPC setting forth the reasons therefor, disapprove the same, in whole or in part, as being contrary to the public interest or contrary to the purposes of this Act.

(3) The Commission may, by such rules or regulations as it determines to be necessary or appropriate in the public interest or to effectuate the purposes of this Act, require the adoption, amendment, alteration of, supplement to or rescission of any bylaw or rule by SIPC, whenever adopted.

(f) Other Members.—

(1) Any person who is a broker, dealer, or member of a national securities exchange and who is excluded from membership in SIPC under subsection (a) may become a member of SIPC under such conditions and upon such terms as SIPC shall require.

(2) Notwithstanding anything contained in subsections (c) and (d) of section 4, any person who becomes a member of the corporation under this subsection shall be subject to such assessments as SIPC determines to be equitable

Sec. 4. SIPC Fund.

(a) In General.—

(1) Establishment of fund.—SIPC shall establish a "SIPC Fund" (hereinafter in this Act referred to as the "fund"). All amounts received by SIPC (other than amounts paid directly to any lender pursuant to any pledge securing a borrowing by SIPC) shall be deposited in the fund, and all expenditures made by SIPC shall be made out of the fund.

(2) Balance of the fund.—The balance of the fund at any time shall consist of the aggregate at such time of the following items:

(A) Cash on hand or on deposit.

(B) Amounts invested in United States Government or agency securities.

(C) Confirmed lines of credit.

(3) Confirmed lines of credit.—For purposes of this section, the amount of confirmed lines of credit as of any time is the aggregate amount which SIPC at such time has the right to borrow from banks and other financial institutions under confirmed lines of credit or other written agreements which provide that moneys so borrowed are to be repayable by SIPC not less than one year from the time of such borrowings (including, for purposes of determining when such moneys are repayable, all rights of extension, refunding, or renewal at the election of SIPC).

(b) Initial Required Balance for Fund.—Within one hundred and twenty days from the date of enactment of this Act, the balance of the fund shall aggregate not less than $75,000,000, less any amounts expended from the fund within that period.

(c) Assessments.—

(1) Initial assessments.—Each member of SIPC shall pay to SIPC, or the collection agent for SIPC specified in section 9(a), on or before the one hundred and twentieth day following the date of enactment of this Act, an assessment equal to one-eighth of 1 per centum of the gross revenues from the securities business of such member during the calendar year 1969, or if the Commission shall determine that, for purposes of assessment pursuant to this paragraph, a lesser percentage of gross revenues from the securities business is appropriate for any class or classes of members (taking into account relevant factors, including but not limited to types of business done and nature of securities sold), such lesser percentages as the Commission, by rule or regulation, shall establish for such class or classes, but in no event less than one-sixteenth of 1 per centum for any such class. In no event shall any assessment upon a member pursuant to this paragraph be less than $150.

(2) General assessment authority.—SIPC shall, by bylaw or rule, impose upon its members such assessments as, after con-

sultation with self-regulatory organizations, SIPC may deem necessary and appropriate to establish and maintain the fund and to repay any borrowings by SIPC. Any assessments so made shall be in conformity with contractual obligations made by SIPC in connection with any borrowing incurred by SIPC. Subject to paragraph (3) and subsection (d)(1)(A), any such assessment upon the members, or any one or more classes thereof, may, in whole or in part, be based upon or measured by (A) the amount of their gross revenues from the securities business, or (B) all or any of the following factors: the amount or composition of their gross revenues from the securities business, the number or dollar volume of transactions effected by them, the number of customer accounts maintained by them or the amounts of cash and securities in such accounts, their net capital, the nature of their activities (whether in the securities business or otherwise) and the consequent risks, or other relevant factors.

(3) Limitations.—Notwithstanding any other provision of this Act (other than section 3(f))—

(A) no assessment shall be made upon a member otherwise than pursuant to paragraph (1) or (2) of this subsection,

(B) an assessment may be made under paragraph (2) of this subsection at a rate in excess of one half of one percentum during any twelve-month period if SIPC determines, in accordance with a bylaw or rule, that such rate of assessment during such period will not have a material adverse effect on the financial condition of its members or their customers, except that no assessments shall be made pursuant to such paragraph upon a member which require payments during any such period which exceed in the aggregate one per centum of such member's gross revenues from the securities business for such period, and

(C) no assessment shall include any charge based upon the member's activities (i) in the distribution of shares of registered open end investment companies or unit investment trusts, (ii) in the sale of variable annuities, (iii) in the business of insurance, or (iv) in the business of rendering investment advisory services to one or more registered investment companies or insurance company separate accounts.

(d) Requirements Respecting Assessments and Lines of Credit.—

(1) Assessments.—

(A) ½ of 1 percent assessment.—Subject to subsection (c)(3), SIPC shall impose upon each of its members an assessment at a rate of not less than one-half of 1 per centum per annum of the gross revenues from the securities business of such member—

(i) until the balance of the fund aggregates not less than $150,000,000 (or such other amount as the Commission may determine in the public interest).

(ii) during any period when there is outstanding borrowing by SIPC pursuant to subsection (f) or subsection (g) of this section, and

(iii) whenever the balance of the fund (exclusive of confirmed lines of credit) is below $100,000,000 (or such other amount as the Commission may determine in the public interest).

(B) ¼ of 1 percent assessment.—During any period during which—

(i) the balance of the fund (exclusive of confirmed lines of credit) aggregates less than $150,000,000 (or such other amount as the Commission has determined under paragraph (2)(B)), or

(ii) SIPC is required under paragraph (2)(B) to phase out of the fund all confirmed lines of credit,

SIPC shall endeavor to make assessments in such a manner that the aggregate assessments payable by its members during such period shall not be less than one-fourth of 1 per centum per annum of the aggregate gross revenues from the securities business for such members during such period.

(2) Lines of credit.—

(A) $50,000,000 limit after 1973.—After December 31, 1973, confirmed lines of credit shall not constitute more than $50,000,000 of the balance of the fund.

(B) Phaseout requirement.—When the balance of the fund aggregates $150,000,000 (or such other amount as the Commission may determine in the public interest) SIPC shall phase out of the fund all confirmed lines of credit.

(e) Prior Trusts; Overpayments and Underpayments.—

(1) Prior trusts.—There may be contributed and transferred at any time to SIPC any funds held by any trust established by a self-regulatory organization prior to January 1, 1970, and the amounts so contributed and transferred shall be applied, as may be determined by SIPC with approval of the Commission, as a reduction in the amounts payable pursuant to assessments made or to be made by SIPC upon members of such self-regulatory organization pursuant to subsection (c)(2). No such reduction shall be made at any time when there is outstanding any borrowing by SIPC pursuant to subsection (g) of this section or any borrowings under confirmed lines of credit.

(2) Overpayments.—To the extent that any payment by a member exceeds the maximum rate permitted by subsection (c) of this section, the excess shall not be recoverable except against future payments by such member in accordance with a bylaw or rule of SIPC.

(3) Underpayments.—If a member fails to pay when due all or any part of an assessment made upon such member, the unpaid portion thereof shall bear interest at such rate as may be determined by SIPC by bylaw or rule.

(f) Borrowing Authority.—SIPC shall have the power to borrow moneys and to evidence such borrowed moneys by the issuance of bonds, notes, or other evidences of indebtedness, all upon such terms and conditions as the Board of Directors may determine in the case of a borrowing other than pursuant to subsection (g) of this section, or as may be prescribed by the Commission in the case of a borrowing pursuant to subsection (g). The interest payable on a borrowing pursuant to subsection (g) shall be equal to the interest payable on the related notes or other obligations issued by the Commission to the Secretary of the Treasury. To secure the payment of the principal of, and interest and premium, if any, on, all bonds, notes, or other evidences of indebtedness so issued, SIPC may make agreements with respect to the amount of future assessments to be made upon members and may pledge all or any part of the assets of SIPC and of the assessments made or to be made upon members. Any such pledge of future assessments shall (subject to any prior pledge) be valid and binding from the time that it is made, and the assessments so pledged and thereafter received by SIPC, or any examining authority as collection agent for SIPC, shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of such pledge shall be valid and binding against all parties having claims of any kind against SIPC or such collection agent whether pursuant to this Act, in tort, contract or otherwise, irrespective of whether such parties have notice thereof. During any period when a borrowing by SIPC pursuant to subsection (g) of this section is outstanding, no pledge of any assessment upon a member to secure any bonds, notes, or other evidences of indebtedness issued other than pursuant to subsection (g) of this section shall be effective as to the excess of the payments under the assessment on such member during any twelve-month period over one-fourth of 1 per centum of such member's gross revenues from the securities business for such period. Neither the instrument by which a pledge is authorized or created, nor any statement or other document relative thereto, need be filed or recorded in any State or other jurisdiction. The Commission may by rule or regulation provide for the filing of any instrument by which a pledge or borrowing is authorized or created, but the failure to make or any defect in any such filing shall not affect the validity of such pledge or borrowing.

(g) SEC Loans to SIPC.—In the event that the fund is or may reasonably appear to be insufficient for the purposes of this Act, the Commission is authorized to make loans to SIPC. At the time of application for, and as a condition to, any such loan, SIPC shall file with the Commission a statement with respect to the anticipated use of the proceeds of the loan. If the Commission determines that such loan is necessary for the protection of customers of brokers or dealers and the maintenance of confidence in the United States securities markets and that SIPC has submitted a plan which provides as reasonable an assurance of prompt repayment as may be feasible under the circumstances, then the Commission shall so certify to the Secretary of the Treasury, and issue notes or other obligations to the Secretary of the Treasury pursuant to subsection (h). If the Commission determines that the amount or time for payment of the assessments pursuant to such plan would not satisfactorily provide for the repayment of such loan, it may, by rules and regulations, impose upon the purchasers of equity securities in transactions on national securities exchanges and in the over-the-counter markets a transaction fee in such amount as at any time or from time to time it may determine to be appropriate, but not exceeding one-fiftieth of 1 per centum of the purchase price of the securities. No such fee shall be imposed on a transaction (as defined by rules or regulations of the Commission) of less than $5,000. For the purposes of the next preceding sentence, (A) the fee shall be based upon the total dollar amount of each purchase; (B) the fee shall not apply to any purchase on a national securities exchange or in an over-the-counter market by or for the account of a broker or dealer registered under section 15(b) of the 1934 Act or a member of a national securities exchange unless such purchase is for an investment account of such broker, dealer, or member (and for this purpose any transfer from a trading account to an investment account shall be deemed a purchase at fair market value); and (C) the Commission by rules and regulations may exempt any transaction in the over-the-counter markets in order to provide for the assessment of fees on purchasers in transactions in those markets on a basis comparable to the assessment of fees on purchasers in transactions on national securities exchanges. Such fee shall be collected by the broker or dealer effecting the transaction for or with the purchaser and shall be paid to SIPC in the same manner as assessments imposed pursuant to subsection (c).

(h) SEC Notes Issued to Treasury.—To enable the Commission to make loans under subsection (g), the Commission is authorized to issue to the Secretary of the Treasury notes or other obligations in an aggregate amount of not to exceed $1,000,000,000, in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury may reduce the interest rate if he determines such reduction to be in the national interest. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

(i) "Gross Revenues" Defined.—

(1) In general.—For purposes of this Act, the term "gross revenues from the securities business" means the sum of (but without duplication):

(A) commissions earned in connection with transactions in securities effected for customers as agent (net of commissions paid to other brokers and dealers in connection with such transactions) and markups in respect of purchases or sales of securities as principal,

(B) charges for executing or clearing transactions in securities for other brokers and dealers,

(C) the net realized gain, if any, from principal transactions in securities in trading accounts,

(D) the net profit, if any, from the management of or participation in the underwriting or distribution of securities,

(E) interest earned on customers' securities accounts,

(F) fees for investment advisory services (except when rendered to one or more registered investment companies or insurance company separate accounts) or account supervision in respect of securities,

(G) fees for the solicitation of proxies with respect to, or tenders or exchanges of, securities,

(H) income from service charges or other surcharges in respect of securities,

(I) except as otherwise provided by rule or regulation of the Commission, dividends and interest received on securities in investment accounts of the broker or dealer,

(J) fees in connection with put, call, and other option transactions in securities, and

(K) fees and other income for all other investment banking services.

Such term does not include revenues received by a broker or dealer in connection with the distribution of shares of a registered open end investment company or unit investment trust or revenues derived by a broker or dealer from the sale of variable annuities or from the conduct of the business of insurance.

(2) Consolidated group.—Except as otherwise provided by SIPC by bylaw or rule, gross revenues from the securities business of a broker or dealer shall be computed on a consolidated basis for such broker or dealer and all its subsidiaries, and the operations of a broker or dealer shall include those of any business to which such broker or dealer has succeeded.

(3) Meaning of terms not defined.—SIPC may by bylaw or rule define all terms used in this subsection insofar as such definitions are not inconsistent with the provisions of this subsection.

Sec. 5. Protection of Customers.

(a) Determination of Need of Protection.—

(1) Notice to SIPC.—If the Commission or any self-regulatory organization is aware of facts which lead it to believe that any broker or dealer subject to its regulation is in or is approaching financial difficulty, it shall immediately notify SIPC, and, if such notification is by a self-regulatory organization, the Commission.

(2) Action by SIPC.—If SIPC determines that any member has failed or is in danger of failing to meet its obligations to customers and that there exists one or more of the conditions specified in subsection (b)(1)(A), SIPC, upon notice to such member, may apply to any court of competent jurisdiction specified in section 27 or 21(e) of the 1934 Act for a decree adjudicating that customers of such member are in need of the protection provided by this Act.

(3) Effect of other pending actions.—An application under paragraph (2)—

(A) with the consent of the Commission, may be combined with any action brought by the Commission including an action by it for a temporary receiver pending an appointment of a trustee under subsection (b)(3), and

(B) may be filed notwithstanding the pendency in the same or any other court of any bankruptcy, mortgage foreclosure, or equity receivership proceeding or any proceeding to reorganize, conserve, or liquidate such member or its property, or any proceeding to enforce a lien against property of such member.

(b) Court Action.—

(1) Issuance of decree.—

(A) Findings by court.—A court to which application is made pursuant to subsection (a)(2) shall grant the application and issue a decree adjudicating that customers of the member named in the application are in need of protection under this Act if it finds that such member—

(i) is insolvent within the meaning of section 1(19) of the Bankruptcy Act, or is unable to meet its obligations as they mature, or

(ii) has committed an act of bankruptcy within the meaning of section 3 of the Bankruptcy Act, or

(iii) is the subject of a proceeding pending in any court or before any agency of the United States or any State in which a receiver, trustee, or liquidator for such member has been appointed, or

(iv) is not in compliance with applicable requirements under the 1934 Act or rules or regulations of the Commisison or any self-regulatory organization with respect to financial responsibility or hypothecation of customers' securities, or

(v) is unable to make such computations as may be necessary to establish compliance with such financial responsibility or hypothecation rules or regulations.

(B) Uncontested, etc., applications.—If within three business days after the filing of an application pursuant to subsection (a)(2), or such other period as the court may order, the debtor shall consent to or fail to contest such application or shall fail to show facts sufficient to controvert any material allegation of such application, the court shall forthwith grant the application and issue a decree adjudicating that customers of the member named in the application are in need of protection under this Act.

(2) Exclusive jurisdiction over debtor.—Upon the filing of an application pursuant to subsection (a)(2), the court to which application is made shall have exclusive jurisdiction of the debtor involved and its property wherever located with the powers, to the extent consistent with the purposes of this Act, of a court of bankruptcy and of a court in a proceeding under chapter X of the Bankruptcy Act. Pending an adjudication under paragraph (1) such court shall stay, and upon appointment by it of a trustee as provided in paragraph (3) such court shall continue the stay of, any pending bankruptcy, mortgage foreclosure, equity receivership, or other proceeding to reorganize, conserve, or liquidate the debtor or its property and any other suit against any receiver, conservator, or trustee of the debtor or its property. Pending such adjudication and upon the appointment by it of such trustee, the court may stay any proceeding to enforce a lien against property of the debtor or any other suit against the debtor. Pending such adjudication, such court may appoint a temporary receiver.

(3) Appointment of trustee.—If the court grants an application and makes an adjudication under paragraph (1), the court shall forthwith appoint as trustee for the liquidation of the business of the debtor in accordance with section 6, and as attorney for such trustee, such persons as SIPC shall specify. No person shall be appointed as such trustee or attorney if such person is not "disinterested" within the meaning of section 158 of the Bankruptcy Act.

(4) Debtor and filing date defined.—For purposes of this Act—

(A) Debtor.—The term "debter" means a member of SIPC in respect of whom an application has been filed pursuant to subsection (a)(2).

(B) Filing date.—The term "filing date" means the date on which an application with respect to any debtor is filed under subsection (a)(2); except that if—

(i) a petition was filed before such date by or against the debtor under the Bankruptcy Act, or

(ii) the debtor is the subject of a proceeding pending in any court or before any agency of the United States or any State in which a receiver, trustee, or liquidator for such debtor was appointed which proceeding was commenced before the date on which such application was filed,

then the term "filing date" means the date on which such petition was filed or such proceeding commenced.

(c) SEC Participation in Proceedings.—The Commission may, on its own motion, file notice of its appearance in any proceeding under this Act and may thereafter participate as a party.

Sec. 6. Liquidation Proceedings.

(a) General Purposes of Liquidation Proceeding.—The purposes of any proceeding in which a trustee has been appointed under section 5(b)(3) (hereafter in this section referred to as a "liquidation proceeding") shall be:

(1) as promptly as possible after such appointment and in accordance with the provisions of this section—

(A) to return specifically identifiable property to the customers of the debtor entitled thereto;

(B) to distribute the single and separate fund, and (in advance thereof or concurrently therewith) pay to customers moneys advanced by SIPC, as provided in subsection (f);

(2) to operate the business of the debtor in order to complete open contractual commitments of the debtor pursuant to subsection (d);

(3) to enforce rights of subrogation as provided in this Act; and

(4) to liquidate the business of the debtor.

(b) Powers and Duties of Trustee.—

(1) Trustee powers.—A trustee appointed under section 5(b)(3) (hereinafter referred to as "trustee") shall be vested with the same powers and title with respect to the debtor and the property of the debtor, and the same rights to avoid preferences, as a trustee in bankruptcy and a trustee under chapter X of the Bankruptcy Act have with respect to a bankrupt and a chapter X debtor. In addition, a trustee shall have the right—

(A) with the approval of SIPC, to hire and fix the compensation of all personnel (including officers and employees of the debtor and of its examining authority) and other persons (including but not limited to accountants) that are deemed by such trustee necessary for all or any purposes of the liquidation proceeding, and

(B) to operate the business of the debtor in order to complete open contractual commitments pursuant to subsection (d),

and no approval of the court shall be required therefor.

(2) Trustee duties.—Except as inconsistent with the provisions of this Act or otherwise ordered by the court, a trustee shall be subject to the same duties as a trustee appointed under section 44 of the Bankruptcy Act, except that a trustee may, but shall have no duty to, reduce to money any securities in the single and separate fund (provided under subsection (c) (2) (B)) or in the general estate of the debtor.

(c) Application of Bankruptcy Act.—

(1) General provisions applicable.—Except as inconsistent with the provisions of this Act and except that in no event shall a plan of reorganization be formulated, a liquidation proceeding shall be conducted in accordance with, and as though it were being conducted under, the provisions of chapter X and such of the provisions (other than section 60e) of chapters I to VII, inclusive, of the Bankruptcy Act as section 102 of chapter X would make applicable if an order of the court had been entered directing that bankruptcy be proceeded with pursuant to the provisions of such chapters I to VII, inclusive; except that the court may, for such period as may be appropriate, stay enforcement of, but shall not abrogate, the rights provided in section 68 of the Bankruptcy Act and the right to enforce a valid, non-preferential lien or pledge against the property of the debtor. For purposes of applying the Bankruptcy Act in carrying out this section, any reference in the Bankruptcy Act to the date of commencement of proceedings under the Bankruptcy Act shall be deemed to be a reference to the filing date (as defined in section 5(b) (4) (B)).

(2) Special provisions.—The following subparagraphs of this paragraph shall apply to a liquidation proceeding in lieu of section 60e of the Bankruptcy Act:

(A) Definitions.—Except as otherwise expressly provided in this section, for purposes of this section and the application of the Bankruptcy Act to a liquidation proceeding—

(i) "property" includes cash and securities, whether or not negotiable and all property of a similar character;

(ii) "customers" of a debtor means persons (including persons with whom the debtor deals as principal or agent) who have claims on account of securities received, acquired, or held by the debtor from or for the account of such persons (I) for safekeeping, or (II) with a view to sale, or (III) to cover consummated sales, or (IV) pursuant to purchases, or (V) as collateral security, or (VI) by way of loans of securities by such persons to the debtor, and shall include persons who have claims against the debtor arising out of sales or conversions of such securities, and shall include any person who has deposited cash with the debtor for the purpose of purchasing securities, but shall not include any person to the extent that such person has a claim for property which by contract, agreement, or understanding, or by operation of law, is part of the capital of the debtor or is subordinated to the claims of creditors of the debtor;

(iii) "cash customer" means, with respect to any securities or cash, customers entitled to immediate possession of such securities or cash without the payment of any sum to the debtor, and for purposes of this clause, the same person may be a cash customer with reference to certain securities or cash and not a cash customer with reference to other securities or cash;

(iv) "net equity" of a customer's account or accounts means the dollar amount thereof determined by giving effect to open contractual commitments completed as provided in subsection (d), by excluding any specifically identifiable property reclaimable by the customer, and by subtracting the indebtedness, if any, of the customer to the debtor from the sum which would have been owing by the debtor to the customer had the debtor liquidated, by sale or purchase on the filing date, all other securities and contractual commitments of the customer, and for purposes of this definition, accounts held by a customer in separate capacities shall be deemed to be accounts of separate customers; and

(v) "securities" has the same meaning as such term has under section 60e of the Bankruptcy Act.

(B) Single and separate fund.—All property at any time received, acquired, or held by or for the account of a debtor from or for the account of customers except cash customers who are able to identify specifically their property in the manner prescribed in subparagraph (C), and the proceeds of all customers' property transferred by the debtor, including property unlawfully converted, shall constitute a single and separate fund; and all customers except such cash customers shall constitute a single and separate class of creditors, entitled to share ratably in such fund on the basis of their respective net equities as of the filing date and in priority to all other payments, except that (i) there shall be repaid to SIPC, in priority to all other claims payable from such single and separate fund, the amount of all advances made by SIPC to the trustee to permit the completion of open contractual commitments pursuant to subsection (d), and (ii) to the extent that any other assets of the debtor may be available therefor or as otherwise ordered by the court, all costs and expenses specified in clauses (1) and (2) of section 64a of the Bankruptcy Act shall be paid from such single and separate fund in priority to the claims of such single and separate class of creditors, and any moneys advanced by SIPC for such costs and expenses shall be recouped as such. If such single and separate fund shall not be sufficient to pay in full the claims of such single and separate class of creditors, the creditors of such class shall be entitled, to the extent only of their respective unpaid balances, to share in the general estate with general creditors. In, or for the purpose of, distributing such fund, all property other than cash shall be valued as of the close of business on the filing date. To the greatest extent considered practicable by the trustee, the trustee shall deliver in payment of claims of customers for their net equities based upon securities held on the filing date in their accounts (after giving effect to open contractual commitments completed as hereinafter provided), securities of the same class and series of an issuer ratably up to the respective amounts which were so held in such accounts. Any property remaining after the liquidation of a lien or pledge made by a debtor shall be apportioned between his general estate and the single and separate fund in the proportion in which the general property of the debtor and the property of his customers contributed to such lien or pledge.

(C) Specifically identifiable property.—The trustee shall return specifically identifiable property to the customers of the debtor entitled thereto. No cash or securities at any time received, acquired, or held by or for the account of a debtor from or for the accounts of customers shall for the purposes of this paragraph be deemed to be specifically identified, unless such property remained in its identical form in the debtor's possession until the filing date, or unless such property was allocated to or physically set aside for such customers on the filing date. In determining whether property was allocated to or physically set aside for such customers, it shall be sufficient that on the filing date:

(i) securities are segregated individually, or in bulk for customers collectively;

(ii) in the case of securities held for the account of the debtor as part of any central certificate service of any clearing corporation or any similar depositary—

(I) the records of the debtor show or there is otherwise established to the satisfaction of the trustee that all or a specified part of the securities held by such clearing corporation or other similar depositary are held for specified customers, or for customers collectively, and

(II) such records of the debtor also show or there is otherwise established to the satisfaction of the trustee the identities of the particular customers entitled to receive specified numbers or units of such securities so held for customers collectively; or

(iii) such property is held for the account of customers of the debtor in such other manner as the Commission, for the protection of customers and other creditors on a fair and equitable basis, by rule or regulation shall have determined to be sufficiently identifiable as the property of such customers.

If there is any shortage in securities of the same class and series of an issuer so segregated in bulk or otherwise held for customers pursuant to this subparagraph, as compared to the aggregate rights of particular customers to receive securities of such class and series, the respective interests of such customers in such securities of such class and series shall be prorated, without prejudice, however, to the satisfaction of any claim for deficiencies as otherwise provided in this section.

(D) Where such single and separate fund is not sufficient to pay in full the claims of such single and separate class of creditors, a transfer by a debtor of any property which, except for such transfer, would have been a part of such fund may be recovered by the trustee for the benefit of such fund, if such transfer is voidable or void under the provisions of the Bankruptcy Act. For the purpose of such recovery, the property so transferred shall be deemed to have been the property of the debtor and, if such transfer was made to a customer or for his benefit, such customer shall be deemed to have been a creditor, the laws of any State to the contrary notwithstanding. Subject to the provisions of paragraph (D), if any securities received or acquired by a debtor from a cash customer are transferred by the debtor, such customer shall not have any specific interest in or specific right to any securities of like kind on hand on the filing date, but such securities of like kind or the proceeds thereof shall become part of such single and separate fund.

(d) Completion of Open Contractual Commitments.—The trustee shall complete those contractual commitments of the debtor relating to transactions in securities which were made in the ordinary course of debtor's business and which were outstanding on the filing date—

(1) in which a customer had an interest, except those commitments the completion of which the Commission shall have determined by rule or regulation not to be in the public interest, or

(2) in which a customer did not have an interest, to the extent that the Commission shall by rule or regulation have determined the completion of such commitments to be in the public interest.

For purposes of this subsection (but not for any other purpose of this Act) (i) the term "customer" means any person other than a broker or dealer, and (ii) a customer shall be deemed to have had an interest in a transaction if a broker participating in the transaction was acting as agent for a customer, or if a dealer participating in the transaction held a customer's order which was to be executed as a part of the transaction. All property at any time received, acquired, or held by or for the account of the debtor (except for cash or securities that are specifically identifiable as the property of particular customers and are not the subject of an open contractual commitment), and all property in the single and separate fund, shall be available to complete open contractual commitments pursuant to this subsection. Securities purchased or cash received by the trustee upon completion of any such commitment shall constitute specifically identifiable property of a customer to the extent that such commitment was completed with property which constituted specifically identifiable property of such customer on the filing date, or was paid or delivered by or for the account of such customer to the debtor or the trustee after the filing date.

(e) Notice.—Promptly after his appointment, the trustee shall cause notice of the commencement of proceedings under this section to be published in accordance with a designation of the court, made in accordance with the requirements of section 28 of the Bankruptcy Act, and at the same time shall cause to be mailed a copy of such notice to each of the customers of the debtor as their addresses shall appear from the debtor's books and records. Except as the trustee may otherwise permit, claims for specifically identifiable property (other than securities registered in the name of the claimant or segregated for him in his individual name) or claims payable from property in the single and separate fund or payable with moneys advanced by SIPC, shall not be paid other than from the general estate of the debtor unless filed within such period of time (not exceeding sixty days after such publication) as may be fixed by the court, and no claim shall be allowed after the time specified in section 57 of the Bankruptcy Act. Subject to the foregoing, and without limiting the powers and duties of the trustee to discharge promptly obligations as specified in this section, the court may make appropriate provision for proof and enforcement of all claims against the debtor including those of any subrogee.

(f) SIPC Advances to Trustee.—

(1) Advances For Customers' Claims.—In order to provide for prompt payment and satisfaction of the net equities of customers of debtor, SIPC shall advance to the trustee such moneys as may be required to pay or otherwise satisfy claims in full of each customer, but not to exceed $50,000 for such customer; except that—

(A) insofar as all or any portion of the net equity of a customer is a claim for cash, as distinct from securities, the amount advanced by reason of such claim to cash shall not exceed $20,000;

(B) a customer who holds accounts with the debtor in separate capacities shall be deemed to be a different customer in each capacity;

(C) no such advance shall be made by SIPC to the trustee to pay or otherwise satisfy, directly or indirectly, any claims of any customer who is a general partner, officer, or director of the debtor, the beneficial owner of 5 per centum or more of any class of equity security of the debtor (other than a nonconvertible stock having fixed preferential dividend and liquidation rights) or limited partner with a participation of 5 per centum or more in the net assets or net profits of the debtor; and

(D) no such advance shall be made by SIPC to the trustee to pay or otherwise satisfy claims of any customer who is a broker or dealer or bank other than to the extent that it shall be established to the satisfaction of the trustee, from the books and records of the debtor or from the books and records of a broker or dealer or bank or otherwise, that claims of such broker or dealer or bank against the debtor arise out of transactions for customers of such broker or dealer or bank, in which event, each such customer of such broker or dealer or bank shall be deemed a separate customer of the debtor.

To the extent that moneys are advanced by SIPC to the trustee to pay the claims of customers, SIPC shall be subrogated to the claims of such customers with the rights and priorities provided in this section.

(2) Other Advances—SIPC may advance to the trustee such moneys as may be required to effectuate subsection (b)(1)(A). SIPC shall advance to the trustee such moneys as (with those available pursuant to subsection (d) may be required to effectuate subsection (d).

(g) Payments to Customers; No Proof of Claim Required.—It shall be the duty of the trustee to discharge promptly, in accordance with the provisions of this section, all obligations of the debtor to each of its customers relating to, or net equities based upon, securities or cash by the delivery of securities or the effecting of payments to such customer (subject to subsection (f)(1), to the extent that such payments are made out of advances from SIPC under such subsection) insofar as such obligations are ascertainable from the books and records of the debtor or are otherwise established to the satisfaction of the trustee, whether or not such customer shall have filed formal proof of such claim. For that purpose the court among other things shall—

(1) in respect of claims relating to securities or cash, authorize the trustee to make payment out of moneys made available to the trustee by SIPC notwithstanding the fact that there shall not have been any showing or determination that there are sufficient funds of the debtor available to make such payment; and

(2) in respect of claims relating to, or net equities based upon, securities of a class and series of an issuer, which are ascertainable from the books and records of the debtor or are otherwise established to the satisfaction of the trustee, authorize the trustee to deliver securities of such class and series if and to the extent available to satisfy such claims in whole or in part, with partial deliveries to be made pro rata to the greatest extent considered practicable by the trustee.

Any payment or delivery of property pursuant to this subsection may be conditioned upon the trustee requiring claimants to execute in a form to be determined by the trustee, appropriate receipts, supporting affidavits, and assignments, but shall be without prejudice to the right of any claimant to file formal proof of claim within the period specified in subsection (e) for any balance of securities or cash to which he may deem himself entitled.

(h) Proof of Claim by Associates and Others.—The provisions of this section permitting discharge of obligations of the debtor to pay cash or to deliver securities without formal proof of claim shall not apply to any person "associated" with the debtor as defined in section 3(a)(18) of the 1934 Act, to any beneficial owner of 5 per centum or more of the voting stock of the debtor, or to any member of the immediate family of any of the foregoing.

(i) Reports by Trustee to Court.—All reports to the court by a trustee (other than reports required to be filed pursuant to section 167(3) of the Bankruptcy Act) shall be in such form and detail as, having due regard to the requirements of section 17 of the 1934 Act and the rules and regulations thereunder and the magnitude of items and transactions involved in connection with the operations of a broker or dealer, the Commission shall determine by rules and regulations to present fairly the results of such proceeding as at the dates or for the periods covered by such reports.

(j) Effect of Act on Claims.—Except as otherwise provided in this section, nothing in this section shall limit the right of any person to establish by formal proof such claims as such person may have to payment, or to delivery of specific securities, without resort to moneys advanced by SIPC to the trustee.

SEC. 7. SEC FUNCTIONS.

(a) ADMINISTRATIVE PROCEDURE.—Determinations of the Commission, for purposes of making rules or regulations pursuant to section 3(e) and section 9(f) shall be after appropriate notice and opportunity for a hearing, and for submission of views of interested persons, in accordance with the rulemaking procedures specified in section 553 of title 5, United States Code, but the holding of a hearing shall not prevent adoption of any such rule or regulation upon expiration of the notice period specified in subsection (d) of such section and shall not be required to be on a record within the meaning of subchapter II of chapter 5 of such title.

(b) ENFORCEMENT OF ACTIONS.—In the event of the refusal of SIPC to commit its funds or otherwise to act for the protection of customers of any member of SIPC, the Commission may apply to the district court of the United States in which the principal office of SIPC is located for an order requiring SIPC to discharge its obligations under this Act and for other relief as the court may deem appropriate to carry out the purposes of this Act.

(c) EXAMINATIONS AND REPORTS.—

(1) EXAMINATION OF SIPC, ETC.—The Commission may make such examinations and inspections of SIPC and require SIPC to furnish it with such reports and records or copies thereof as the Commission may consider necessary or appropriate in the public interest or to effectuate the purposes of this Act.

(2) REPORTS FROM SIPC.—As soon as practicable after the close of each fiscal year, SIPC shall submit to the Commission a written report relative to the conduct of its business, and the exercise of the other rights and powers granted by this Act, during such fiscal year. Such report shall include financial statements setting forth the financial position of SIPC at the end of such fiscal year and the results of its operations (including the source and application of its funds) for such fiscal year. The financial statements so included shall be examined by an independent public accountant or firm of independent public accountants, selected by SIPC and satisfactory to the Commission, and shall be accompanied by the report thereon of such accountant or firm. The Commission shall transmit such report to the President and the Congress with such comment thereon as the Commission may deem appropriate.

(d) FINANCIAL RESPONSIBILITY.—Section 15 (c)(3) of the Securities Exchange Act of 1934 is amended to read as follows:

"(3) No broker or dealer shall make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills) in contravention of such rules and regulations as the Commission shall prescribe as necessary or appropriate in the public interest or for the protection of investors to provide safeguards with respect to the financial responsibility and related practices of brokers and dealers including, but not limited to, the acceptance of custody and use of customers' securities, and the carrying and use of customers' deposits or credit balances. Such rules and regulations shall require the maintenance of reserves with respect to customers' deposits or credit balances, as determined by such rules and regulations."

SEC. 8. EXAMINING AUTHORITY FUNCTIONS.

Each member of SIPC shall file with such member's examining authority such information (including reports of, and information with respect to, the gross revenues from the securities business of such member, including the composition thereof, transactions in securities effected by such member, and other information with respect to such member's activities, whether in the securities business or otherwise, including customer accounts maintained, net capital employed, and activities conducted) as SIPC may determine to be necessary or appropriate for the purpose of making assessments under section 4. The examining authority shall file with SIPC all or such part of such information (and such compilations and analyses thereof) as SIPC, by bylaw or rule, shall prescribe. No application, report, or document filed pursuant to this section shall be deemed to be filed pursuant to section 18 of the 1934 Act.

SEC. 9. FUNCTIONS OF SELF-REGULATORY ORGANIZATIONS.

(a) COLLECTING AGENTS.—Each self-regulatory organization shall act as collection agent for SIPC to collect the assessments payable by all members of SIPC for whom such self-regulatory organization is the examining authority, and members of SIPC who are not members of any self-regulatory organization shall make payment direct to SIPC. An examining authority shall be obligated to remit to SIPC assessments made under section 4 only to the extent that payments of such assessments are received by such examining authority.

(b) IMMUNITY.—No self-regulatory organization shall have any liability to any person for any action taken or omitted in good faith pursuant to section 5(a)(1).

(c) INSPECTIONS.—The self-regulatory organization of which a member of SIPC is a member shall inspect or examine such member for compliance with applicable financial responsibility rules, except that if a member of SIPC is a member of more than one self-regulatory organization, SIPC shall designate one of such self-regulatory organizations to inspect or examine such member of SIPC for compliance with applicable financial responsibility rules. Such self-regulatory organization shall be selected by SIPC on the basis of regulatory procedures employed, availability of staff, convenience of location, and such other factors as SIPC may consider appropriate for the protection of customers of its members.

(d) REPORTS.—There shall be filed with SIPC by the self-regulatory organizations such reports of inspections or examinations of the members of SIPC (or copies thereof) as may be designated by SIPC by bylaw or rule.

(e) CONSULTATION.—SIPC shall consult and cooperate with the self-regulatory organizations toward the end:

(1) that there may be developed and carried into effect procedures reasonably designed to detect approaching financial difficulty upon the part of any member of SIPC;

(2) that, as nearly as may be practicable, examinations to ascertain whether members of SIPC are in compliance with applicable financial responsibility rules will be conducted by the self-regulatory organizations under appropriate standards (both as to method and scope) and reports of such examinations will, where appropriate, be standard in form; and

(3) that, as frequently as may be practicable under the circumstances, each member of SIPC will file financial information with, and be examined by, the self-regulatory organization which is the examining authority for such member.

(f) FINANCIAL CONDITION OF MEMBERS.—Notwithstanding the limitations contained in sections 15A and 19 of the 1934 Act and without limiting its powers under those or other sections of the 1934 Act, the Commission may by such rules or regulations as it determines to be necessary or appropriate in the public interest and to effectuate the purposes of this Act—

(1) require any self-regulatory organization to adopt any specified alteration of or supplement to its rules, practices, and procedures with respect to the frequency and scope of inspections and examinations relating to the financial condition of members of such self-regulatory organization and the selection and qualification of examiners;

(2) require any self-regulatory organization to furnish SIPC and the Commission with reports and records or copies thereof relating to the financial condition of members of such self-regulatory organization; and

(3) require any self-regulatory organization to inspect or examine any members of such self-regulatory organization in relation to the financial condition of such members. In the case of a broker or dealer who is a member of more than one self-regulatory organization the Commission, to the extent practicable, shall avoid requiring duplication of examinations, inspections, and reports.

SEC. 10. PROHIBITED ACTS.

(a) FAILURE TO PAY ASSESSMENT, ETC.—If a member of SIPC shall fail to file any report or information required pursuant to this Act, or shall fail to pay when due all or any part of an assessment made upon such member pursuant to this Act, and such failure shall not have been cured, by the filing of such report or information or by the making of such payment, together with interest thereon, within five days after receipt by such member of written notice of such failure given by or on behalf of SIPC, it shall be unlawful for such member, unless specifically authorized by the Commission, to engage in business as a broker or dealer. If such member denies that he owes all or any part of the amount specified in such notice, he may after payment of the full amount so specified commence an action against SIPC in the appropriate United States district court to recover the amount he denies owing.

(b) ENGAGING IN BUSINESS AFTER APPOINTMENT OF TRUSTEE.—It shall be unlawful for any broker or dealer for whom a trustee has been appointed pursuant to this Act to engage thereafter in business as a broker or dealer, unless the Commission otherwise determines in the public interest. The Commission may by order bar or suspend for any period, any officer, director, general partner, owner of 10 per centum or more of the voting securities, or controlling person of any broker or dealer for whom a trustee has been appointed pursuant to this Act from being or becoming associated with a broker or dealer, if after appropriate notice and opportunity for hearing, the Commission shall determine such bar or suspension to be in the public interest.

(c) EMBEZZLEMENT, ETC., OF ASSETS OF SIPC.—Whoever steals, unlawfully abstracts, unlawfully and willfully converts to his own use or to the use of another, or embezzles any of the moneys, securities, or other assets of SIPC shall be fined not more than $50,000 or imprisoned not more than five years or both.

SEC. 11. MISCELLANEOUS PROVISIONS.

(a) PUBLIC INSPECTION OF REPORTS.—Any notice, report, or other document filed with SIPC pursuant to this Act shall be available for public inspection unless SIPC or the Commission shall determine that disclosure thereof is not in the public interest. Nothing herein shall act to deny documents or information to the Congress of the United States or the committees of either House having jurisdiction over financial institutions, securities regulation, or related matters under the rules of each body. Nor shall the Commission be denied any document or information which the Commission, in its judgment, needs.

(b) APPLICATION OF ACT TO FOREIGN MEMBERS.—Except as otherwise provided by rule or regulation of the Commission, if the head office of a member is located, and the member's principal business is conducted, outside the United States, the provisions of this Act shall apply to such member only in respect of the business of such member conducted in the United States.

(c) LIABILITY OF MEMBERS OF SIPC.—Except for such assessments as may be made upon such member pursuant to the provisions of section 4, no member of SIPC shall have any liability under this Act as a member of SIPC for, or in connection with, any act or omission of any other broker or dealer whether in connection with the conduct of the business or affairs of such broker or dealer or otherwise and, without limiting the generality of the foregoing, no member shall have any liability for or in respect of any indebtedness or other liability of SIPC.

(d) LIABILITY OF SIPC AND DIRECTORS.—Neither SIPC nor any of its Directors shall have any liability to any person for any action taken or omitted in good faith under or in connection with any matter contemplated by this Act.

(e) ADVERTISING.—SIPC shall by bylaw or rule prescribe the manner in which a member of SIPC may display any sign or signs (or include in any advertisement a statement) relating to the protection to customers and their accounts, or any other protections, afforded under this Act. No member may display any such sign, or include in an advertisement any such statement, except in accordance with such bylaws and rules.

(f) SIPC EXEMPT FROM TAXATION.—SIPC, its property, its franchise, capital, reserves, surplus, and its income, shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority, except that any real property and any tangible personal property (other than cash and securities) of SIPC shall be subject to State and local taxation to the same extent according to its value as other real and tangible personal property is taxed. Assessments made upon a member of SIPC shall constitute ordinary and necessary expenses in carrying on the business of such member for the purpose of section 162(a) of the Internal Revenue Code of 1954. The contribution and transfer to SIPC of funds or securities held by any trust established by a national securities exchange prior to January 1, 1970, for the purpose of providing assistance to customers of members of such exchange, shall not result in any taxable gain to such trust or give rise to any taxable income to any member of SIPC under any provision of the Internal Revenue Code of 1954, nor shall such contribution or transfer, or any reduction in assessments made pursuant to this Act, in any way affect the status, as ordinary and necessary expenses under section 162(a) of the Internal Revenue Code of 1954, of any contributions made to such trust by such exchange at any time prior to such transfer. Upon dissolution of SIPC, none of its net assets shall inure to the benefit of any of its members.

(g) SECTION 20(a) OF 1934 ACT NOT TO APPLY.—The provisions of subsection (a) of section 20 of the 1934 Act shall not apply to any liability under or in connection with this Act.

(h) SEC STUDY OF UNSAFE OR UNSOUND PRACTICES.—Not later than twelve months after the date of enactment of this Act, the Commission shall compile a list of unsafe or unsound practices by members of SIPC in conducting their business and report to the Congress (1) the steps being taken under the authority of existing law to eliminate those practices and (2) recommendations concerning additional legislation which may be needed to eliminate those unsafe or unsound practices.

Sec. 12. Definitions.

For purposes of this Act:

(1) Self-regulatory organization.—The term "self-regulatory organization" means a national securities exchange or a national securities association registered pursuant to subsection (b) of section 15A of the 1934 Act.

(2) Financial responsibility rules.—The term "financial responsibility rules" means the rules and regulations pertaining to financial responsibility and related practices which are applicable to a broker or dealer, as prescribed by the Commission under subsection (c)(3) of section 15 of the 1934 Act or prescribed by a national securities exchange.

(3) Examining authority.—The term "examining authority" means, with respect to any member of SIPC, the self-regulatory organization which inspects or examines such member of SIPC or the Commission if such member of SIPC is not a member of any self-regulatory organization.

And the Senate agree to the same.

Harley O. Staggers,
John E. Moss,
John M. Murphy,
Hastings Keith,
James Harvey,
Managers on the Part of the House.
John Sparkman,
Harrison A. Williams,
Edmund S. Muskie,
Wallace F. Bennett,
John G. Tower,
Bob Packwood,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19333) to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck all after the enacting clause of the House bill and inserted a substitute text. The conference agreed to a substitute for both the text of the Senate amendment and the text of the House bill.

The conference substitute uses the structure and format of the House bill. Aside from technical, clerical, and minor drafting changes, the substantive differences between the bill as passed by the House and the substitute agreed to in conference are noted below.

1. *Board of Directors.* The House bill provided for a convertible Board of Directors. The board would have had seven members—a majority of whom would have been industry representatives—until there was an application for funds from the United States Treasury. At that time the President would have been required to appoint four additional public directors so as to convert the Board into one that had a majority of public members. Under the House bill the Board of Directors would have had 4-year, staggered terms, and the Chairman would have been elected by the Board.

The conference substitute provides for a seven member Board of Directors composed as follows:

One member, designated by the Secretary of the Treasury, from the Department of the Treasury;

One member designated by the Federal Reserve Board from the Federal Reserve Board; and

Five members appointed by the President with the advise and consent of the Senate. Of these five members, three are to be persons associated with and representative of the securities industry and two are to be from the general public. The term for each director is three years, and the terms are staggered. The chairman and vice chairman are to be designated by the President from the two members selected by him from the general public.

2. *Ceiling on Assessments.* The House bill, as amended by the Interstate and Foreign Commerce Committee (the "committee") amendment on the House floor, provided for a ceiling on assessments of 1 percent of gross revenues from the securities business.

The conference substitute includes this 1 percent ceiling, but it specifies that assessments above ½ of 1 percent should only be used in times when the financial condition of the industry is sufficiently strong to support such an increased assessment without compounding any financial difficulties of the industry (with the increased danger to investors that would imply). This is totally consistent with the debate on this amendment on the House floor. At that time it was stated that the committee did not intend that the Board of Directors impose an assessment above ½ of 1 percent without regard to what the industry could properly afford. It was clearly recognized that this increased assessment should be imposed only when the conditions in the industry could economically accept an assessment above ½ of 1 percent and if it is needed for the proper build-up and maintenance of the SIPC fund. When good times occur, the interests of the securities industry, as well as the public interest, may be well served by a higher than ½ of 1 percent assessment.

3. *Gross Revenues from the Securities Business.* The House bill, in effect, exempted revenues from the sale of mutual funds, variable annuities and investment advice to registered open-end investment companies, as well as revenues from the business of insurance. In addition, it exempted commissions earned in connection with the distribution of bonds, bills and notes of the U.S. Treasury when the broker was acting as agent for the Federal Reserve Board.

The conference substitute continues the exemption for commissions on the sale of mutual funds and variable annuities; revenues from the business of insurance; and revenues derived from the rendering of investment advice, but the exemption would include advice to both open-end and closed-end registered investment companies.

The conference substitute does not include an exemption for commissions earned in the sale of U.S. Treasury securities. In initially providing for such an exemption, your committee sought to protect reporting dealers for the Federal Reserve Board from suffering competitive disadvantages with certain commercial banks which are also recognized as reporting dealers. However, it became apparent to the conferees that such relief could not be formulated without other unintended effects—notably competitive disadvantages between broker-dealers who are recognized as reporting dealers and broker-dealers who are not so recognized. The conference substitute, therefore, does not include an exemption on this subject.

The conferees attention was also directed to the section of the bill which provides that gross revenues of a broker-dealer shall be computed on a consolidated basis with the broker-dealer's subsidiaries. This is desirable in order to avoid the possibility of evasion of assessments by the use of subsidiaries. It should be clear, however, that in the case of subsidiaries, as in the case of the parent broker-dealer, gross revenues from the securities business shall include only such revenues as are defined in the bill.

In addition, both the Securities and Exchange Commission and (the "Commission") and SIPC are given certain exemptive powers in view of the possibility that certain revenues will be subject to assessments when this is not equitable nor in accordance with the purposes of the Act. For example, the Commission or SIPC well might determine that it would be inequitable and not in accordance with the intended purposes of this legislation to include in the assessments levied on a parent company income that a subsidiary which is a registered investment company receives from investments which are really investments for the benefit of its (the subsidiary's) public investors (and the income from which inures to the benefit of its public investors).

4. *Extent of Customer Protection.* The House bill provided that SIPC should advance monies necessary to satisfy claims of each customer of a member broker-dealer in liquidation, but that such advances should not exceed $50,000 for any one customer.

The conference substitute continues the $50,000 limitation, but provides further that, insofar as all or any portion of a customer's claim is for cash (as distinct from securities), the amount advanced for such claim to cash shall not exceed $20,000.

5. *Financial Responsibility of Broker-Dealers.* The House bill would have amended section 15(c)(3) of the Securities Exchange Act of 1934 so as to grant broad rule making authority to the Commission to promulgate rules to provide safeguards with respect to the financial responsibility and related practices of broker-dealers.

The conference substitute also provides for such broad rule making authority but strengthens it by requiring that the Commission promulgate such rules and by specifying that such authority includes authority to make rules relating to the acceptance of custody and use of customers' securities and the carrying and use of customers' deposits or credit balances. In addition, it specifies that such rules shall require the maintenance of reserves with respect to customer's deposits or credit balances.

The intent of the House provision has always been that the general authority granted to the Commission by the original House language includes the specific language now contained in the conference substitute. Your committee has been concerned about the need for a general upgrading of financial responsibility requirements of broker-dealers, and it recognized this when it stated in its report: "It is clear that the protections provided by the proposed SIPC fund are really only an interim step. The long-range solution to these problems is going to be found in the ultimate raising of the financial responsibility of the brokerage community." Your committee has always intended that the provisions of the House bill would give the Commission broad authority to deal effectively with this matter.

Two parts of the Senate amendment were extensively and thoughtfully discussed in the conference, but are not included, in their specifics, in the conference substitute. One of these parts set forth, in detail, certain requirements for a broker-dealer with respect to the custody and use of customers' securities. The other would have, in effect, required entrance requirements for future broker-dealers before they would have been admitted into SIPC membership.

With respect to the detailed provisions on custody and use of customers' securities, it was the clear intent of your committee that the general authority provided in the amendment to section 15(c)(3) contained in the original House bill (and clearly the language of the conference substitute) grants to the Commission authority to set forth in Commission rules the details contained in the Senate amendment. By not embodying that detail in the legislation, the Commission's hand is stronger in that it has the flexibility to meet changing siuations and needs. Indeed, a situation may develop in which the Commission determines that it is in the public interest to promulgate rules even more restrictive than the specific provisions contained in the part of the Senate amendment in question. The Commission, under the conference substitute, has broad power, and it is expected that it will use that power in a strong and vigorous manner to protect the interests of investors and the public interest.

With respect to the entrance requirements for future broker-dealers, the conference substitute does not contain the specifics of the Senate amendment. Obviously, this amendment was designed to raise ultimately the standards in this industry, and your conferees strongly share that desire. However, your conferees believe that this, too, can better be handled by the broad grant of rulemaking authority to the Commission in section 15(c)(3). In addition to having the advantage of flexibility, this also avoids the disadvantages which your conferees found in the Senate amendment—namely, the discriminatory features of having different standards for existing broker-dealers as opposed to broker-dealers registering in the future; and the situation in which the customers of some broker-dealers would be protected by the SIPC fund and the customers of other broker-dealers would not have such protection.

Your committee shares completely the concerns which are indicated by these parts of the Senate amendment. However, your conferees believe strongly that the concerns will be better and more flexibly handled by giving the Commission a broad delegation of authority to deal with financial responsibility and related practices of broker-dealers. Your conferees, as your committee, expect and direct the Commission to be vigorous in this area. As was stated in the debate on this bill on the floor of the House and in your committee's report: ". . . [Y]our committee directs and expects the Commission to be alert and strong in this area. This will, of course, require similar alertness and strength from the self-regulatory organizations, and if that is not forthcoming, the Commission and, if necessary, the Congress, will have to insure it."

5. *Study of Industry Practices.* The conference substitute adds a provision which did not appear in any form in the original House bill. This provision requires that the Commission make a study of unsafe and unsound practices of broker-dealers, and that the Commission report to the Congress within twelve months, the steps being taken to eliminate these practices and its recommendations for additional legislation which may be necessary to eliminate such practices.

6. *Minimium Initial Assessments.* The House bill provided for an initial assessment of one-eighth of 1 percent of gross revenues from the securities business for 1969, with a minimum assessment of $250.

The conference substitute also provides for an initial assessment of one-eighth of 1 percent but reduces the minimum assessment to $150.

7. *Required Size of SIPC Fund.* The House bill provided that the Securities and Exchange Commission could increase the ultimate size of the SIPC fund.

The conference substitute provides that the Commission may increase or decrease the ultimate size of the fund.

8. *Public Access to Information.* The House bill provided that the public would have access to information about the affairs of SIPC unless SIPC or the Commission determined that disclosure would not be in the public interest. The conference substitute contains this same provision.

The conferees' attention was focused on this provision, and they clearly intend that any documents or information shall be provided under conditions and in a manner which will assure that customers of SIPC members and the public interest in confidence in the securities markets will be protected.

Harley O. Staggers,
John E. Moss,
John M. Murphy,
Hastings Keith,
James Harvey,
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Pelly (at the request of Mr. Gerald R. Ford), from December 19 to December 24, 1970, on account of illness.

Mr. Kluczynski (at the request of Mr. Albert), for today, on account of illness.

Mr. Shipley (at the request of Mr. Albert), for today, on account of official business.

Mr. Price of Texas (at the request of Mr. Gerald R. Ford), on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Mikva) to revise and extend their remarks and include extraneous material:)

Mr. Flood, for 15 minutes, today.

Mr. Rodino, for 15 minutes, today.

Mr. Conyers, for 6 minutes, today.

(The following Members (at the request of Mr. Kyl) to revise and extend their remarks and include extraneous material:)

Mr. Erlenborn, for 5 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

Mr. Dorn, for 30 minutes, December 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Fallon (at the request of Mr. Wright), immediately following the remarks of Mr. Wright on the Federal-Aid Highway Act Conference Report today.

Mr. Kluczynski (at the request of Mr. Wright), immediately following the remarks of Mr. Fallon on the Federal-Aid Highway Act Conference Report today.

Mr. Broyhill of Virginia, to extend his remarks during debate on H.R. 18874 today.

Mr. Schmitz during general debate on H.R. 19860.

Mr. Gude immediately prior to passage of H.R. 18374.

(The following Members (at the request of Mr. Kyl) and to include extraneous material:)

Mr. Skubitz in two instances.

Mr. Robison in two instances.

Mr. Riegle.

Mr. Mailliard.

Mr. Wyman in two instances.

Mr. Goodling in two instances.

Mr. Hosmer in two instances.

Mr. Buchanan in two instances.

Mr. Goldwater.

Mr. Findley.

Mr. Ruppe.

Mr. Schmitz.

Mr. Shriver.

Mr. McDade.

Mr. Anderson of Illinois.

Mr. Cleveland.

Mr. Rhodes.

(The following Members (at the request of Mr. Mikva) and to include extraneous material:)

Mr. Hathaway in two instances.

Mr. Dingell.

Mr. Rodino in two instances.

Mr. Kluczynski in two instances.

Mr. Fountain in two instances.

Mr. Giaimo.

Mr. Tunney.

Mr. Jones of Tennessee.

Mr. Waldie in two instances.

Mr. Pickle in five instances.

Mr. Symington.

Mr. Burke of Massachusetts in three instances.

Mr. Vanik in two instances.

Mr. Yatron.

Mr. Taylor in three instances.

Mr. Holifield.

Mr. Moss in two instances.

Mr. Johnson of California in three instances.

Mr. de la Garza in 10 instances.

Mr. Cabell.

Mr. Hagan in three instances.

Mr. Dulski.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 6114. An act for the relief of Elmer M. Grade and for other purposes;

H.R. 6400. An act for the relief of Reddick B. Still, Jr., and Richard Carpenter;

H.R. 15549. An act to amend title 10, United States Code, to further the effectiveness of shipment of goods and supplies in foreign commerce by promoting the welfare of U.S. merchant seamen through cooperation with the United Seamen's Service, and for other purposes;

H.R. 17809. An act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes;

H.R. 19401. An act to extend for 1 additional year the authorization for programs under the Vocational Rehabilitation Act;

H.R. 19402. An act to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library;

H.J. Res. 1416. Joint resolution fixing the time of assembly of the 92d Congress; and

H.J. Res. 1417. Joint resolution extending the dates for transmission to the Congress of the President's Economic Report and of the report of the Joint Economic Committee.

ADJOURNMENT

Mr. MIKVA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 1 minutes p.m.), the House adjourned until tomorrow, Saturday, December 19, 1970, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2626. A letter from the Director of Science and Education, Department of Agriculture, transmitting a report for fiscal year 1970 of Department of Agriculture assistance to the States in providing additional facilities for research at the State agricultural experiment stations, pursuant to section 10 of Public Law 88-74; to the Committee on Agriculture.

2627. A letter from the Secretary of State, transmitting a report for fiscal year 1969 on the extent and disposition of U.S. contributions to international organizations, pursuant to section 2 of Public Law 806, 81st Congress (H. Doc. No. 91-432); to the Committee on Foreign Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee of conference. Conference report on H.R. 380; with amendment (Rept. No. 91-1785). Ordered to be printed

Mr. ULLMAN: Committee on Ways and Means. H.R. 14873. A bill relating to the income tax treatment of just compensation received from the United States with respect to property taken under the act of the Congress which established the Redwood National Park; with an amendment (Rept. No. 91-1786). Referred to the Committee of the Whole Houes on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 19909. A bill to amend the Renegotiation Act of 1951 to provide that the Court of Claims shall have jurisdiction of renegotiation cases, and for other purposes; with amendments (Rept. No. 91-1787). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of Conference. Conference report on H.R. 19333; (Rept. No. 91-1788). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. REID of New York:

H.R. 19978. A bill to establish a National Cancer Authority in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. ROTH (for himself and Mr. WYATT):

H.J. Res. 1418. Joint resolution proposing an amendment to the Constitution to provide maximum age limits for certain officers of the Government; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H.J. Res. 1419. Joint resolution authorizing the acceptance, by the Joint Committee on the Library on behalf of the Congress, from the U.S. Capitol Historical Society, of preliminary design sketches and funds for murals in the east corridor, first floor, in the House wing of the Capitol, and for other purposes; to the Committee on House Administration.

By Mr. RODINO:

H. Con. Res. 792. Concurrent resolution expressing the sense of the Congress with respect to U.S. policy toward political refugees; to the Committee on the Judiciary.

By Mr. DULSKI:

H. Res. 1316. Resolution expressing the sense of the House of Representatives with respect to the traffic in obscene and pornographic material by means of the U.S. mails and otherwise; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CASEY:

H.R. 19979. A bill for the relief of Ed Benavides; to the Committee on the Judiciary.

By Mr. VANIK:

H.R. 19980. A bill for the relief of Ruben P. Red; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

OPERATION NOEL

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. LUKENS. Mr. Speaker, recently I was privileged to be invited to attend the second annual Operation NOEL—no one ever lonely—Christmas party held for wounded veterans hospitalized in Washington area military hospitals.

As many of my colleagues know this party is sponsored by Capitol Hill secretaries who personally see to it that hundreds of GI's are not forgotten during the holiday season.

The idea for Operation NOEL was conceived last year by Joe Westner of Western Gear Corp. Joe enlisted the help of his wife, Fran, legislative assistant to Representative THOMAS S. KLEPPE, Republican, of North Dakota, Kathy Pierpan, secretary to Representative OTIS G. PIKE, Democrat, of New York, and Jayne Gillenwaters and Pat Rinaldi, both secretaries to Representative JOHN G. SCHMITZ, Republican, of California.

The unheralded workers of the Operation NOEL staff who handled the less glamorized tasks such as wrapping 1,500 gift packages, decorating the Longworth Cafeteria, and worrying about a myriad of details included Chris Negley, receptionist for Representative BENJAMIN ROSENTHAL, Democrat of New York, Bill Westner, a Capitol policeman, and Joe Dougherty, another Capitol Hill policeman who brought cheers from the guests because of his portrayal of Santa Claus.

Although the guests of honor included many Congressmen, Senators, Cabinet officers and some of the Nation's highest ranking military officers, it was clear that the VIP's honored at the party were the wounded GI's who have sacrificed so much for our country.

One Army private, recuperating from shrapnel wounds caused by an enemy mine, told me, "This is one of the best nights of my life."

We are to be proud of the many fine young ladies who work as congressional secretaries, case workers, file clerks, and stenographers who acted as hostesses and made sure that each one of the military guests had a night they will never forget—a night when no one was ever lonely.

I would like to share with my colleagues the following story which appeared in the Cleveland Press on Operation NOEL, written by Alan Horton who was recently appointed to the Washington staff of the Ohio Scripps-Howard newspapers:

HONORED GUESTS: VIET VETS

(By Alan Horton)

WASHINGTON.—Washington Society can keep its Perle Mesta, Gwen Cafritz and other highfalutin party givers if thousands of wounded Vietnam veterans in the area have their way.

They'd rather go to the Operation Noel party a former Ohioan gives in their honor each Christmas. The holiday heroine is Mrs. Fran Westner, secretary to Cong. Thomas S. Kleppe (R-ND) and foster daughter of Mr. and Mrs. Clifton T. Lawson of Willowick.

Fran and her husband, Joseph Westner V., are vice president and president of a nonprofit corporation, Operation Noel (No One Ever Lonely), which gives one of Capitol Hill's biggest Christmas parties.

Last year was the party's first, but it was attended by Mamie Eisenhower, Secretary of Defense Melvin R. Laird, most of the military's top brass, hundreds of congressmen and many more hundreds of "military patients." That's what Fran calls the men for whom she plays Santa.

"We want the fellows to have the most fun they've ever had," Fran said. "There will be no midi-skirts. Only minis.

"There will be plenty of champagne, plenty of dancing, plenty of luscious lady lovelies."

Mrs. Kathy Pierpan, lady lovely and secretary in New York Cong. Otis Pike's office and co-chairman of the party with Fran, added, "There's something special about a soldier who has been wounded being greeted by the Secretary of Defense with a 'Hi, I'm Mel Laird.' "

This year's party is set for Wednesday, from 6 to 10 p.m. Teams of pretty girls will take invitations to the six Washington area military hospitals from 2 to 4 p.m. Six hundred wounded servicemen and 300 congressmen and senators will attend, in the cafeteria of the Longworth House Office Building.

Washington businessmen have donated watches, cameras, transistor radios, dinners-for-two, wallets, ashtrays, books and scores of other gifts.

Fran and Kathy already have collected $2,000 for other things. Some 2,000 gift packages will be distributed at the hospitals. Each package will contain razors, blades, lighter, shave cream, aftershave lotion, tooth paste and brush and playing cards.

Kathy even solicited a nice donation from her doctor who in turn canvassed his doctor friends. Scores of congressmen have sent nice checks.

Fran and Joe and their two children, Joseph VI who is 4 and 3-year-old Sharon, live in Silver Spring, Md. He is assistant to the Washington representative of a large West Coast manufacturer. Joe got the idea for a party last fall.

"One thing for sure," Fran said, "we're going to have at least 30 cases of champagne. The fellows are tired of beer."

SOVIET JEWISH POLITICAL PRISONERS: BACKGROUND REPORT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. WALDIE. Mr. Speaker, apparently the Soviet Union is about to begin a new series of trials of Jewish citizens charged with attempted hijacking of aircraft.

There is ample evidence that these impending trials are but another step in the mounting anti-Semitic effort in the Soviet Union.

I share the views of the Jewish Community Relations Council for Alameda and Contra Costa Counties in California that this ominous threat can be blunted by exposure of this treatment to the world.

Thus, it is my privilege to insert in the RECORD a recent Jewish Community Relations Council publication on this matter:

SOVIET JEWISH POLITICAL PRISONERS: BACKGROUND REPORT

Thirty-four Soviet Jews, arrested and held incommunicado within the past six months in Leningrad, Riga, Kishinev and Tbilisi, face the imminent prospect of political trials that can lead to life imprisonment, and even the death penalty.

The weight of evidence, filtered out to the outside world by close relatives and friends, leaves little room for doubt that regardless of the legal specifications that may be brought at the trials their thrust will be anti-Jewish.

In the larger context of recent Soviet policy, it is clear that the immediate purpose of the arrests and any accompanying trials is to stifle the voices of the scores of Jews who, in the last year, have undertaken to struggle to leave the USSR for Israel, where they can maintain their Jewish identity. The long-range objective may be to crush a larger-scale renascent Jewish national consciousness among many thousands of Soviet Jews.

All the available information leads to the conclusion that last spring a high-level policy decision was made to initiate a nationally coordinated, concerted secret police (KGB) action against militant Jews which used entrapment and provocation and involved large-scale searches and seizures, confiscation of printed matter, interrogations and, ultimately, forced confessions that can be used as incriminating evidence in public trials.

The known facts are these:

At 8:30 A.M. on June 15, 1970, nine Riga Jews were apprehended at Leningrad's Smolny Airport as they were walking from the terminal to an airplane. That afternoon, *Vecherny Leningrad*, the main afternoon paper, carried a brief announcement of the action, indicating that those arrested had planned to hijack the plane out of the country. The same item appeared the next day in *Leningradskaya Pravda*, the main morning newspaper.

As a matter of policy the Soviet press rarely publishes crime news, and even then it is not until long after the event. The fact that these papers carried this report within less than twenty-four hours suggests that they were alerted in advance. The fact that the Jews were arrested while walking on the ground is a sure sign of the KGB's advance information and planning.

The probability of a meticulously coordinated police provocation is enhanced even further by the virtual simultaneity of other actions that day.

At about the same hour of the arrests at Smolny Airport, eight Leningrad Jews were arrested in scattered places—at work, at home, on assignment some distance from the city, and even on vacation as far away as Odessa. Within a few hours searches were carried out in dozens of homes in Moscow, Leningrad, Riga and Kharkov; scores of people were detained for questioning and then released. Since June there have been more arrests in Tbilisi, Kishinev, Riga and again in Leningrad, bringing the number of Jewish political prisoners at this date to thirty-six, including two sentenced prior to the new arrests.

The man in charge of "the Leningrad case," involving at least the prisoners from Riga and Leningrad itself, is the chief city prosecuter, S. Ye. Soloviov, well known to local Jews as an anti-Semite.

In 1961 he served as a judge in the city's criminal court, and presided over two notorious trials involving Jews. In one case, he handed down a series of death sentences for alleged economic crimes to a group of Jews. In another, he sentenced Leningrad synagogue leaders, including an 84-year-old man, to lengthy prison terms on charges of subversion. The charges were due to the defendants' determined efforts in behalf of Jewish religious observances, and their active contacts with synagogue leaders in other cities.

I

The new arrests and the ominous possibility of trials must be understood within the larger context of official policy, as reflected in the massive winter propaganda campaign against Israel during January-March 1970. What began as a concerted nationwide chorus of condemnation of Israeli policies swiftly degenerated into a general anti-Jewish campaign. Publications in the thousands all over the country, through articles, editorials, pamphlets, letters to the editor, and caricatures, assumed an anti-Semitic tone and character.

The campaign itself was an expanded but more intensified, version of the Soviet propaganda line that now views Judaism as the ideological progenitor of Zionism, and Zionism as the equivalent of Nazism. The whole amalgam is a key element in the doctrine of "International Zionism" as the Jewish ally and servant of Western imperialism—an updated and refurbished adaptation of the discredited Tsarist "Protocols of the Elders of Zion."

A number of Jews, both prominent and obscure, were pressed into service in this campaign, to proclaim their loyalty to the Soviet Union, to reiterate official apologetics about Soviet Jewry, to sign attacks on Israel and world Jewry, and to brand as betrayal any desire to leave for Israel. The apex was reached at a Moscow press conference on March 4, when 52 prominent Jews were brought together by the Foreign Ministry to speak to the world and, indirectly, to Soviet Jews.

What must have shocked the authorities, however, was the instantaneous reaction of dozens of Soviet Jews, as individuals and in groups, in Moscow, Leningrad, Riga and elsewhere, repudiating the assertions of the "house-broken" Jews and their right to speak for all of Soviet Jewry. It was very likely in reaction to this unprecedented audacity that the regime decided to intensify anti-Jewish pressures.

Of course, the authorities have been aware for some time of the growing frustration and resentment of many Soviet Jews at the discrimination they face in higher education and employment, the widespread anti-Jewish propaganda, the hostility they and their children frequently encounter in the streets, at school or at work, and, not least, at the deprivation of their cultural and religious rights, foreclosing the possibility of perpetuating their heritage and maintaining their group identity.

Furious with official anti-Semitism, and inspired by the spiritual self-regeneration which Israel represents to them, a rising generation of young Soviet Jews rejects this situation as intolerable. Tens of thousands have applied for exit permits to emigrate to Israel. With few exceptions, their applications have repeatedly been turned down.

Several hundred of the more daring have circulated appeals and open letters addressed to the Soviet leadership, to the UN Human Rights Commission, to UN Secretary General U Thant, to the International Red Cross, and also to President Richard Nixon and Israel Premier Golda Meir. In effect, they have appealed to public opinion and to the conscience of the world. Such letters have been written by individuals and by groups in every major city.

This wholly unanticipated upsurge of pride and national consciousness has manifestly so upset the regime that it has resorted to severely repressive measures. The striving for Jewish national identity has begun to be treated like a criminal or anti-social act, with procedures of intimidation used against many who applied for exit permits, including interrogation by the KGB, expulsion from the Party, suspension from the university, discharge from employment, and general social hostility at work.

II

But, what of the imminence of a trial of those arrested since June?

In order to better understand what may happen, it must be borne in mind that there are basically two separate groups involved in "the Leningrad case."

We know precious little about their fate. No indictment has been issued. The prisoners have been kept incommunicado. Relatives, friends and even potential defense counsel have been forbidden to visit them, and they have evidently been under intensive interrogation. Since we have no precise idea of how they will be charged, it is only possible to speculate on the circumstances in which they will be tried, and the penalties they are likely to incur.

According to law, conspiracy to hijack an airplane is considered treason and is therefore subject to the death penalty. Even knowledge of such a plan and failure to report it can be subsumed under a charge of anti-Soviet activity and entails life imprisonment. Attempted hijacking can be treated as a plot to damage or steal State property, and may also entail the death penalty.

About the Riga group, relatives and friends living abroad but in the closest feasible contact at home believe that the Riga Jews were entrapped by someone in their midst.

We have learned, in a letter from the wives, mothers and sisters of eight of the Leningrad group, that police interrogators informed the women that the prisoners confessed to "anti-Soviet activity" and the attempted hijacking of a plane. The women made it clear that they believe these were forced confessions.

Forced confessions raise the ominous spectre of show trials. Such staged trials, using forced confessions as decisive evidence, are no innovation in Soviet law and public life, even though they have been in disuse in the last few years. This sad tradition goes back to the early 1920's and culminates, of course, in Stalin's notorious Great Purges of 1936-40, with their anti-Jewish component.

For Soviet Jews, this form of terror as an anti-Semitic expression began in earnest only after World War II, in the last five years of Stalin's death, known to them as "the Black Years." Those years witnessed a series of grim experiences: a massive anti-Semitic campaign of propaganda and purge against "unmasked cosmopolitans" (a thinly veiled and well-understood euphemism for Jewish intellectuals, large numbers of whom publicly "confessed" their sins); the liquidation of Jewish cultural institutions and the arrest and execution of hundreds of Jewish cultural leaders; a series of anti-Semitic show trials, replete with confessions, of the top leadership of Communist parties in the Soviet satellites, especially the infamous "Slansky trial" in Czechoslovakia, plotted by Stalin in 1952.

The wave of terror culminated with the announcement, in January 1953, of an alleged "plot" by which Soviet Jewish doctors had murdered, or were planning to murder, Soviet political leaders at the behest of an international Jewish conspiracy in league with Western imperialism—a charge that is closely akin to the present Soviet trilogy of Judaism=Zionism=Nazism! Only the death of Stalin, in March 1953, ended what most observers believed was going to be a vast new purge, with an emphasis on trials and the deportation of Jews.

It is also essential to recall the experience and the lessons of the more recent widespread economic crimes campaign of 1961-64. This was another of those nationally coordinated enterprises which the police authorities stage so well. All of the institutions of Soviet power were used to expose and eradicate those accused of alleged large-scale economic offenses, such as theft of State property, embezzlement, dealing in foreign currency, counterfeiting, and bribery.

The Communist Party apparatus, the Komsomol (Young Communist League), the militia, the secret police, the regular police, local prosecutors and courts, and the national and regional press were brought into service. Crude propaganda material, overtly anti-Jewish, blanketed the country and mass trials were staged in which the accused invariably confessed and were given stiff penalties.

For the purposes of this campaign, the death penalty was reinstituted after a lapse of many years. Of the several hundred executed, more than fifty per cent were Jews, who constitute just over one per cent of the total population. Just six years ago the International Commission of Jurists, in a meticulously detailed study, pointed up the anti-Semitic taint of the campaign. Certain Soviet jurists themselves, in a moment of criticism, noted its legal excesses.

More immediately and directly relevant to our present concern is the case of Boris Kochubiyevsky, the first of the Soviet Jewish political prisoners—a 33-year-old electronics engineer from Kiev, in the Ukraine.

Kochubiyevsky was arrested in December 1968, and five months later he was tried and sentenced to three years of forced labor for "anti-Soviet slander." His "slander" consisted of a public defense of Israel in June 1967, and his public assertion in September 1968 that Babi Yar—the ravine outside Kiev where the Nazis slaughtered scores of thousands of Jews in 1941—was a tragedy for the Jewish people. Also included were his statements, in a November 1968 letter to the Soviet leadership, that it was impossible for him to live as a Jew in the USSR since there are no Jewish educational, cultural or communal institutions, and that he consequently wanted to go to Israel.

In short, the accusations against Kochubiyevsky were essentially identical with the regime's real grievances against its present Jewish prisoners. His trial is now being viewed as a harbinger of gloom for additional trials, and as a foreboding precedent.

In the Kochubiyevsky case, *Khronika*, the generally reliable "Chronicle of Current Events" disseminated by the Soviet democratic underground, reported segments of the trial transcript as well as reports by persons present at the trial which painted the following picture.

Some prosecution witnesses were provocateurs. Several repudiated the testimony they gave at the preliminary hearings; one admitted to having given his testimony while drunk; others said they testified under pressure from the KGB interrogators. The general public was kept away.

Not even friends or relatives were permitted inside the courtroom. At the same time, the KGB packed the courtroom with its own members, as well as with citizens who were mobilized and instructed to act hostile to the defense. Witnesses were sent out of the court immediately after their testimony, which is against Soviet legal procedures. The judge acted like a prosecutor, indulging in remarks that were hostile to the defense in tone and substance, and generally permitted anti-Semitic and hooligan behavior in his court. At the same time the defense counsel assumed the role of assistant prosecutor, not only accepting the basic validity of the charges against his client but actually indicating his disbelief of Kochubiyevsky's own defense.

It is, of course, entirely conceivable that Soviet authorities will attempt to underplay or even avoid, in any direct way, the essentially anti-Jewish, political character of the new case. Very likely apprehensive about protests in the outside world over a mass anti-Jewish trial, they may seek to divert attention to the narrow legal question of a hijacking plot through an emphasis on forced confessions. This would serve them especially well at a period when much of the civilized world has gone through a period of shock with regard to airplane hijackings.

But regardless of how the trial is conducted, and how Soviet propaganda handles it, it will be difficult to shift the focus from the fact that people are on trial for their convictions, and that Jews are being persecuted as Jews. The defendants had no desire to attack, change, subvert or overthrow the Soviet system. On the contrary, their only desire was to leave that system altogether, and to exercise their elementary human right to leave their country of origin and to settle in Israel, which they now regard as their ancestral homeland and as the sole place where they can live as Jews.

The materials confiscated from those interrogated and arrested demonstrate conclusively that this will be a Jewish case. Among the items seized were Hebrew grammars, Jewish history books, open letters of appeal for help to leave, postal cards from Israel, and Jewish encyclopedias. In short, as some have written, everything with the words "Jew," "Jewish," "Judaism" was confiscated.

Within days after the June 15 action a young Leningrad Jew, Viktor Boguslavsky, wrote an impassioned letter pleading the innocence of his friends. He noted that "a lively interest in the fate of one's people and love for one's people cannot be considered an offense. Their only crime was that they were born Jews and they sought to remain Jews."

In July, Viktor Boguslavsky was arrested.

TRIED AND SENTENCED

(Ukrainian SSR): Boris L. Kochubiyevsky, 34 years old. Engineer. Married. One child: a year-old daughter. Former address: Kiev, Ukraine SSR. Charged with anti-Soviet slander December 1968. Sentenced May 1969 to three years at hard labor.

Lilya A. Ontman: Married; family includes a sister and an adopted child. Former address: Chernovitz, Ukraine SSR. Charged with anti-Soviet slander. Sentenced January 1970 to two and a half years in prison.

AWAITING TRIAL

(With arrest dates indicated*)

(Georgian SSR): Abraham Danilashvili, June 1970*. Biniamin Dzhaneshvili, June 1970*.

(Leningrad, Russian SFSR): Vladimir Osherovich Mogilever, June 15, 1970*. 30 years old. Engineer. Wife: Yulia Issavena Mogilever. One child: a two-year-old son. Address: Ul. Telmana D. 36, korp. 1, kv. 209.

David Iserovich Chernoglaz, June 15, 1970*. 30 years old. Agronomist. Wife: Berta Petrovna Veinger. One child: an eight-month-old infant. Address: Pr. Maklina D. 26, kv. 25.

Grigory Ilya Butman, June 15, 1970*. 37 years old. Engineer. Wife: Yeva Shmulevna Butman. One child: a four-year-old daughter. Address: Vitebsky pr. D. 23, korp. 4, kv. 33.

Lassal Kaminsky, June 15, 1970*. 40 years old. Engineer. Wife: Serafima Mayerovna Kaminsky. Two children: ten and seventeen. Address: Ul. Vosstaniya D. 6, kv. 4.

Lev Leibovich Kosenblit, June 15, 1970*. 48 years old. Mathematician. Wife: Reveka Moiseyevna Korenblit. One child: a daughter. Address: Ul. Vereiskaya D. 12, kv. 10.

Solomon Dreizner, June 15, 1970*. 38 years old. Engineer. Married: wife hospitalized. One child: a five-month-old son. Address: 19 Olega Koshevogo, Apt. 23.

Anatoly Moiseyevich Goldfeld, June 15, 1970*. 24 years old. Engineer. Unmarried. Mother: Liya Samsonovna Shimanovich. Address: Pr. Shaumyan D. 58, kv. 18.

Lev Naumovich Yacman, June 15, 1970*. 30 years old. Wife: Musya Khaim-Leibovna Yagman. Two children: 2 and 6 years old. Address: Ul. Karbysheva D. 6, korp. 1, kv. 80.

Viktor David Boguslavsky, July 12, 1970*. 30 years old. Unmarried. Mother hospitalized. Address: Pr. Shaumyana 47, apt. 25.

Hillel Zalmanovich Shur, September 5, 1970*. 34 years old. Marital status unknown. Sister: Kreina Zalmanovna Shur. Address: Ul. Zhukovskogo D. 20, kv. 20.

Viktor Shtilbans, November 16, 1970*. 28 years old. Physician. Married.

Mikhail Korenblit, November 16, 1970*. Brother of Lev Korenblit.

(Riga Latvian SRR): Leib G. Khanokh, June 15, 1970*. 26 years old. Address: 21 Milisnas Street.

Meri Mendelevich Khanokh, June 15, 1970*. 20 years old. Wife of Leib G. Khanokh. Same address.

Yosif M. Mendelevich, June 15, 1970*. 23 years old. Brother of Mary M. Khanokh. Address: 176/44 Lenin Street.

Edvard Kuznetsov, June 15, 1970*. Address: 45 Vaidenbaum Street, apt. 22.

Silva Zalmanson Kuznetsov, June 15, 1970*. Wife of Edvard Kuznetsov, Same address.

Isak Zalmanson, June 15, 1970*. 26 years old. Brother of Silva Z. Kuznetsov. Same address.

Wolf Zalmanson, June 15, 1970*. 31 years old. Brother of Isak Zalmanson and Silva Kuznetov. Same address.

Anatoly A. Altman, June 15, 1970*. 38 years old.

Boris Pestner, June 15, 1970.

Mendel Bodnia, July 1970*. 33 years old. Wife: Zelda Bodnia. Address: Shkolnaya Street 7, apt. 2.

Arkady Shpilberg, August 4, 1970*. 32 years old. Engineer. Wife: Margarita Mikhailovna Shpilberg. One child: a daughter. Address: Lenina Street 205, apt. 6.

Boris Maftsier, August 4, 1970*. 23 years old. Wife: Genia Moiseyevna Maftsier. Address: Siltsiema Street 15, korp. 5, apt. 61.

Ruth Aleksandrovich, October 7, 1970*. 23 years old. Nurse. Address: Suvorova Street 16, apt. 20.

Mikhail Shepshelovich, October 16, 1970*. 27 years old. Address: Yuglas Street 5, apt. 42.

(Kishinev, Moldavian SSR): Aleksander Galperin, July 24, 1970*. 24 years old. Unmarried. Mother: Makhlia Yefimovna Galperina. Address: 37, Ul. Tesbashevskaya 11-13.

Arkady Voloshin, August 15, 1970.* Address: Ul. Kievskaya 41, kv. 5.

Gari Kirshner, August 15, 1970*.

David Rabinovich, August 15, 1970*.

Abraham Trakhtenberg, August 15, 1970*.

Semeon Abramovich Levit, November, 1970*. Address: Ul. Svoboda 8.

WHO MAKES WAR?

HON. CLAIBORNE PELL

OF RHODE ISLAND

IN THE SENATE OF THE UNITED STATES

Wednesday, December 16, 1970

Mr. PELL. Mr. President, the distinguished Senator from New York (Mr. JAVITS) recently delivered an excellent speech at the Woodrow Wilson School of Public and International Affairs at Princeton University, Princeton, N.J.

As a long friend and colleague of Senator JAVITS and as a member of the advisory committee of the Woodrow Wilson School, I was particularly impressed by the speech.

I believe it will be of interest to the Senate; therefore, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WHO MAKES WAR?

A great Constitutional issue before the nation today concerns the exercise of the nation's war powers. The struggle over the war powers, has been somewhat dormant in the past few months, following the spotlight attention it received at the time of the President's Cambodia "incursion" in May and the historic Senate debate in passing the Cooper-Church amendment. It has been now revived by the latest bombings of North Vietnam, the abortive attempt to rescue prisoners of war by a commando raid, and the President's request for a large military assistance program for Cambodia. The Administration has accompanied its bombing and commando raids on North Vietnam with new assertions about the nature of the President's Commander-in-Chief's powers. In a significant related action, however, the Senate Appropriations Committee last week voted tight new prohibitions on the use of regular Defense Department funds in Cambodia.

In his testimony before the Senate Foreign Relations Committee on December 1, Defense Secretary Laird maintained the position that the President, as Commander-in-Chief, has the right and the duty to stage rescue forays for prisoners of war held in foreign countries with whom we are not at war in a *de jure* sense—and without any advance consultation with the Congress. If, hypothetically, one of these commando rescue teams should itself become trapped, is it the implication of Secretary Laird's testimony that the President has the right to send in even bigger rescue forces, until we reach the stage of an invading expeditionary force?

I have chosen as the title of my remarks this evening the question: "Who Makes War?". That question is pertinent in a double sense, for much of the present Constitutional confusion over the delineation of the respective war powers of the Congress and the President dates back to the action of the Constitutional Convention in changing its original draft, which gave Congress the exclusive power to "make war," to state that Congress has the exclusive power to "declare war." There is no doubt in my mind that the Founding Fathers very clearly intended the phrase "declare war" to mean "authorize war" in 1787—an age of declared wars. The lack of verbal clarity in drafting the final revisions of the Constitution has contributed greatly to the present confusion in this age of undeclared wars.

The main focus of my remarks concerns the legal and constitutional process of how this nation gets into war. The corollary to this—how does the nation get out of war—is an equally pertinent question at this time. On this aspect of the problem, I would like to call your attention to the opinion expressed by the most famous member of the Princeton class of 1771—Mr. James Madison, fourth President of the United States. Madison is widely regarded as the "Father of the Constitution" and any rereading of the record of the Constitutional Convention of 1787 shows how commandingly his ideas dominated that historic session.

Although his motion did not carry, I think it is instructive to note that in the debate on Friday, September 1, 1787, Madison moved to authorize two-thirds of the Senate to make treaties of peace without the concurrence of the President.

"The President," he said, "would necessarily derive so much power and importance from a state of war that he might be tempted, if authorized, to impede a treaty of peace."

Our experience in Vietnam has shown how much harder it is to get out of that kind of war than it was to get into it. Now, how can effective checks be reestablished with respect to the Presidential initiation of undeclared wars? In this thermonuclear age, it may well be unlikely that we will be faced again with "declared" wars.

The area of contention between the Congress and the President over the war powers is centered on the question of "undeclared" war. Our bitter national experience in Vietnam has brought this issue urgently to center stage. The danger of the war expanding to Cambodia has heightened our anxieties. Congress has learned from experience that it must devise practical new means for exercising, in relation to "limited" and "undeclared" wars, the war powers reserved to it in Article I, Section 8 of the Constitution. The essential object is for Congress to devise ways to establish its authority at the *outset* of military hostilities which, in the absence of a declaration of war, heretofore have left Congress behind at the starting gate. Yet, Congress must assert itself in a manner compatible with the President's exercise of his Constitutional responsibilities as Commander-in-Chief. We have learned that the power of the purse, alone, is not an effective instrumentality for asserting Congressional authority in undeclared wars.

Our national experience has demonstrated right from the beginning that there are situations in which military hostilities may have to be initiated in the absence of a Congressional declaration of war—such as the undeclared naval war against France in 1798–1800 and President Jefferson's actions against the Barbary Pirates beginning in 1801. Throughout the 19th and early 20th centuries a body of precedents evolved concerning limited hostilities without a declaration of war. This evolved on an *ad hoc* basis essentially from a case-by-case exercise by the President of his discretionary executive authority as Commander-in-Chief. While our Presidents have shown great vigor and ingenuity in adapting and expanding the Commander-in-Chief function to deal with undeclared war and limited hostilities, the Congress has done little or nothing to adapt its "declaration of war" power, and its other major Constitutionally-specified war powers to deal with the exigencies of our national history.

It is clear from the debates of the Constitutional Convention of 1787 that a major objective of the Founding Fathers was to devise a system of government which would prevent the Executive authority from initiating, or involving the nation in, war without the approval of the people as represented in the Congress. The power reserved to Congress to declare war was meant to be the power to authorize war. The Constitution—quite explicitly and in some detail—gives the *policy* war powers to the Congress. It gives to the President the command or executive authority as Commander-in-Chief, and the Constitution defines the executive capacity of the President to "take care that the laws be faithfully executed."

While a member of Congress, Abraham Lincoln summed the situation with the characteristic succinctness:

"The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention understood to be the most oppressive of all Kingly oppressions; and they resolved to go frame the Constitution that no one man should hold the power of bringing oppression upon us."

The expectation of the Founding Fathers, on the crucial question of war powers, has not worked out in practice. Congress has underexercised its powers while the Presidents have developed the Commander-in-Chief function in novel and vastly expanded ways never contemplated in the Constitution. Undoubtedly, there was an historical logic behind this turn of events and even today I know of no Senator who questions the need for vigorous, vigilant and decisive exercise of the Commander-in-Chief function. Our national security requires it.

But the unilateral expansion of Presidential power in war-making has now reached dangerous limits and could undermine the whole system of checks and balances underpinning our constitutional system of government. The point has been reached where any effort simply to check the further expansion of Presidential war power is regarded by some defenders of the Presidency as an encroachment on the Office of the President. Many advocates of Presidential prerogative in the field of war and foreign policy seem to be arguing that the President's powers as Commander-in-Chief are what the President alone defines them to be.

The implication that the Presidency is beyond the power of Congress to check in the exercise of war powers raises a constitutional danger. It could leave the nation solely dependent on the good judgment and benign intent of the incumbent President. While we have had a high standard for eminence in the Presidency throughout our history, experience has shown that our liberties require firmer institutional safeguards if they are to survive.

There has been considerable public note of recent efforts, particularly in the Senate, to reassert the war powers of Congress specified in the Constitution. What has not been noticed is that this reassertion of Congressional authority has been met by a countervailing hardening and intensification of assertions of unilateral and unfettered Presidential prerogative. Our action has stimulated a reaction. The situation is now one of dynamic tension. It is impossible for us to stand still; if we back off we may not be able to preserve even the position we now hold.

Within this very year it has been asserted in the Senate that the President has the power to acquire foreign bases by executive agreement without reference to Congress;

that he has the power to deploy the armed forces abroad without reference to the Congress; that he has the duty to take whatever action he deems necessary to protect the armed forces, wherever deployed, without reference to Congress. Moreover, it has been asserted that pertinent information required by the Senate to exercise its constitutional function of advice and consent can be withheld on "security" grounds—indeed, although details may be communicated to foreign governments who are not a party to the negotiations in question.

The situation requires a remedy and I believe there is a simple and effective one within Congress' own reach. What is most needed is new legislation which provides a contemporary delineation of the war powers of Congress and the President and which codifies the rules and procedures to be followed in circumstances where military hostilities are to be initiated in the absence of a Congressional declaration of war.

I have introduced a bill (S. 3964) to accomplish this objective.

It specifies four broad categories, derived from historical experience, wherein the President, as Commander-in-Chief, may initiate military action in the absence of a declaration of war. It requires the President to report fully and immediately to the Congress the circumstances and details of the military action he has initiated. His authority to sustain such military actions terminates within thirty days unless affirmative legislative action is taken by Congress to sustain for a longer period the action initiated by the President.

The four categories in which the President may act are:

First, to repulse a sudden attack against the United States, its territories and possessions;

Second, to repulse an attack against the Armed Forces of the United States on the high seas or lawfully stationed on foreign territory;

Third, to protect the lives and property, as may be required, of U.S. nationals abroad;

Fourth, to comply with a national commitment affirmatively undertaken by Congress and the President.

Under my bill, even the 30-day period may be shortened by joint resolution of Congress.

The bill also contains provisions assuring action can take place in Congress within 30 days avoiding the danger of overly extended debate or filibuter.

The Senate Foreign Relations Committee is proposing to hold hearings on my bill, and the general subject of the exercise of the nation's war powers, early in the next session of Congress. In this connection, I feel that there is a major role to be played by the great universities. I would like to call upon Princeton, and specifically the Woodrow Wilson School, to make a contribution to the Foreign Relations hearings. I hope other universities will join in also, for this is a question in which universities are uniquely equipped to help out through research and scholarship, and by the direct testimony of academic authorities. I shall be in further contact with Dean Lewis on this matter as soon as the dates of the Foreign Relations Committee hearing have been established.

A TRIBUTE TO SENATOR HOLLAND

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Wednesday, December 16, 1970

Mr. TALMADGE. Mr. President, recently Dixie Business magazine reprinted from its July 1940 issue, an article reporting SPESSARD HOLLAND as the Democratic nominee for Governor of Florida. In view of Senator HOLLAND's forthcoming retirement from the Senate—and we shall all miss him greatly—I found the article to be memorable. I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SPESSARD HOLLAND, FLORIDA'S MAN OF DESTINY, ELECTED

(By Hubert F. Lee)

Emerging the victor from one of the hottest campaigns in Florida's political history, Spessard L. Holland, State Senator from Bartow, on May 28 became the Democratic nominee for Florida's Governor, which is tantamount to election.

With his unruly shock of iron-grey hair, his piercing brown eyes, and his tall, straight figure, Spessard Holland is a striking personality. His long reputation as a man of unquestioned integrity and sincerity of purpose commands respect. His enviable record of public service culminating in his eight year tenure in the State Senate, of which he was an acknowledged leader, eminently qualifies him for this higher office.

He has a lovely wife, the former Mary Groover of Lakeland, and four children, two boys and two girls, ranging in age from seven to nineteen, who will lend charm and grace to the Governor's mansion.

Holland is young (48), vigorous, intelligent, and with his great statewide popularity promises to bring an administration that will be an epoch of acheivement and progress for all Florida.

REPORT TO NINTH DISTRICT RESIDENTS, NOVEMBER 23, 1970

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. HAMILTON. Mr. Speaker, Congress has moved into its first post-election session in some 20 years with a spectacular lack of enthusiasm. It is apparent that little more than the essential legislation will be enacted in this interim session.

Even as the session began, the leadership was voicing pessimism about its success. Senate Minority Leader HUGH SCOTT predicted it would be an "unmitigated disaster," while Senate Majority Leader MIKE MANSFIELD expressed the hope that it would be at least, "mercifully short".

The uncertainty about the productivity of the post-election session stems, too, from the after effects of one of the bitterest congressional election campaigns in recent years. And among those having a say in the passage of these 11th-hour bills are 11 Senators and 49 Representatives who will not be returning for the 92d Congress.

Among the "must" items for enactment in the coming days are seven appropriation bills, totaling some $110 billion. Also on the agenda is the trade bill, welfare reform, manpower training, occupational health and safety, and consideration of the President's veto of the political broadcast spending bill, among others.

The leadership announced at the time of recess last month that Congress would return to closeout its post-election business in a 2-week session. That optimistic estimate has been revised, however, and now it appears that Congress will be in session up to a few hours before Christmas.

Hopefully, Congress post-election exercise will impress upon its leadership the fact that the operation of Congress is a year-round business, requiring the same attention to workload scheduling and planning which is given to private business. The day of adjourning Congress at midyear is gone. The scope and complexity of the legislative calendar no longer permits haphazard scheduling or half-year sessions.

Several changes in scheduling would, in my view, vastly improve the operation of the Congress. Among them:

A schedule which sets up 3 weeks of legislative business in Washington—from Monday through Saturday, if need be—and 1 week to permit legislators to return to their States or districts.

This arrangement would, first of all, end the "Tuesday through Thursday Club" in Congress—the practice of bringing up important legislation only on those days, permitting legislators long weekends away from Washington.

It also would give legislators more productive use of their time in their States or districts, permitting them to schedule weekday meetings or conferences. It would help to stop the endless and hectic weekend flights to and from congressional districts.

A congressional vacation during the month of August should be continued, and definite holiday breaks should be announced.

Congressmen who are diligent about returning often to see to the needs of their districts and constituents do so at the expense of their family life. Like any other employee, they deserve a respite, and should be able to plan on a definite vacation period.

The primary need is for an element of certainty in scheduling Congress business. Members do not know from week to week, even from one day to the next, what is in store. Commitments for meetings or appearances must be made with the understanding that a last-minute decision by the leadership for an extended session will cancel a weekend meeting in the District.

Many individuals and many groups are inconvenienced because of the uncertainty of the congressional schedule. They deserve better treatment.

CONSUMER PAYS LESS AND LESS FOR FOOD

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. ZWACH. Mr. Speaker, during the past decade, we find the consumer paying less and less of his take-home income for food.

In 1950, American families were spending about 25 percent of their take-home pay for food. A decade later it had dropped to 20 percent.

In 1965 it reached the then all-time low of 18.5 percent.

Continued advances in production and marketing efficiencies brought further cuts in family food outlays so that now only 16 percent of the take-home income goes for this purpose.

While the consumer has been paying less and less of his disposable income for food, retail prices of food products originating on American farms have been climbing much of the time since World War II.

The prices farmers receive for most of their food products are among the lowest in years while marketing charges have steadily increased. While at-the-farm prices are way down, marketing charges have increased over 42 percent since World War II days. Retail prices of farm-originated food averaged over 18 percent higher in 1969 than in the 1947–49 period.

The farmers' share of the consumer food dollar fell from 51 percent in 1947 to 41 percent today.

This is just another example of the economic squeeze in which our food producers find themselves. They get a smaller share for producing the food than the processors and distributors get for putting it in the hands of the consumers and the consumer is getting the greatest food value in the world.

CONGRESS: THE HEAVY HAND OF SENIORITY

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. HARRINGTON. Mr. Speaker, the fundamental truth about the seniority system in Congress is that it is antiquated and unrepresentative and sacrifices both democracy and efficiency in order to insure gerontocracy. The December 14 issue of Time magazine includes a feature story by Gerald Clarke entitled "Congress, the Heavy Hand of Seniority," and expresses in capsulized form the burden of seniority on Congress. As Clarke states: "The congressional seniority system is thus the last and most important stronghold of a near-medieval system of fealty."

I hope as we get ready to end one session of Congress and to begin another, that my colleagues heed Mr. Clarke's words. I insert the following article in the RECORD:

CONGRESS: THE HEAVY HAND OF SENIORITY

"All things are changing," Republican Leader Hugh Scott told his Senate colleagues not long ago. "And we are changing with them. *Omnia mutantur, et nos mutamur in illis.*" Right on, Senator Scott! Congress may be changing, but at what a pace. About as often as the planet Pluto swings around the sun, Congress does indeed bestir itself, examines the archaic rules by which it conducts the nation's business and gently blows away some of the accumulated dust of more than 180 years. But never enough to disturb one tradition—the hallowed rule of seniority—that has often prevented Congress, whether liberal or conservative, Democratic or Republican, from working effectively to represent the will of the electorate.

The effect of the seniority system on the Federal Government can be explained by three facts: 1) most of the real work in Congress is done in and by committees; 2) the chairmen of these committees have vast, often dictatorial influence over the legislation that falls within their realms; 3) with almost no exception, these chairmen have gained their exalted positions for the simple reason that they have been on their committees longer than anyone else in the majority party, which, of course, always controls the committees. The seniority rule thus gives the U.S. the peculiar distinction of having the only legislative gerontocracy on the globe.

A Greater Degree. Consider the results: twelve of the 16 Senate committee chairmen are 65 and over; five of these are in their 70s, and one is 80. Fourteen of the 21 chairmen in the House of Representatives are 65 and over, seven in their 70s, two in their 80s. The figures are comparable for the Republicans and will be about the same in the new Congress, despite the death, retirement, or defeat in the recent elections of several powerful patriarchs.

Admittedly, age is not an automatic disability. Some statesmen—like Churchill or De Gaulle—come into their own when those around them are heading for the nursing home and the checkers table. But one does not have to join the youth cult to suggest that length of tenure should not be the sole criterion for choosing the men who help determine the country's future.

Despite some restraints instituted in recent years, chairmen on many committees still control the agenda and can bring up a bill at their own convenience. In some committees a chairman can refuse to bring up a bill altogether. Mississippi's James Eastland, 66, chairman of the Senate Judiciary Committee and one of the most notorious racists in the upper body, has often ignored and sometimes killed civil rights bills by that method. Through similar control procedures, Wilbur Mills, the Representative of a rural Arkansas constituency, has as much as or more power than the President in determining changes in tax, welfare and Social Security laws, simply because primogeniture has given him the chairmanship of the House Ways and Means Committee (even his opponents, however, concede that he is able and conscientious).

Control of the agenda is only the beginning of the chairman's powers. He rewards his supporters and punishes those who vote against him by granting or withholding favors. He can even reward or punish their constituents by influencing the allocation of federal grants and the placement of installations. Since charity begins at home, he can almost always point to the many benefits seniority has brought his own district.

Marginal Role. The congressional seniority system is thus the last and most important stronghold of a near-medieval system of fealty. The House Armed Services Committee, for example, is subdivided into 21 other committees, each with great if somewhat lesser power than the whole, and each with a great if somewhat lesser chairman. While he owes allegiance to his chairman, the head of a subcommittee still has considerable power of his own and considerable authority over those under him. As a result of so much power being concentrated at the top, there is virtually none at the bottom. In the House, where the seniority system is most oppressive, a new member is virtually impotent. Whatever his talent or promise, he must resign himself to a marginal role in Congress for his first few terms. "The damage you never see is the worst," says Columbia University Philosopher Charles Frankel, who watched Capitol Hill from 1965 to 1967 as Assistant Secretary of State for Educational and Cultural Affairs. "Young, bright Congressmen come to Washington full of ideas and interest, and shortly become discouraged."

Many of the men who run Congress are stodgy and opposed to new ideas. But their age is only part of the problem. To get to the top they must be elected over and over again; generally those constituencies that give such automatic approval are in rural, one-party districts or are dominated by big-city machines. In either case their Congressmen are unlikely to be responsive to change and sensitive to the strong currents that buffet junior and more vulnerable colleagues from swing districts.

There are, to be sure, significant arguments in favor of seniority. It provides stability and expertness, it eliminates the possibility that outside pressure groups or cliques could elect complaint chairmen, and it guarantees access to power to representatives of minority groups—if they will only wait their turns. Without the seniority system, for example, it is doubtful that Harlem's flamboyant Adam Clayton Powell could ever have become head of the powerful House Education and Labor Committee. Moreover, it is by no means true that senior Congressmen are all incompetent or senile. One case in point is Carl Hayden, who was an able chairman of the Senate Appropriations Committee for most of his 14-year tenure, until his retirement in 1968 at the age of 91. Sometimes, too, a good chairman, secure in his fortress of seniority, can use his position to kill or modify a popular but unwise measure that colleagues support. Over the years, New York's Emanuel Celler, 82, chairman of the House Judiciary Committee, has quietly smothered several injudicious anti-subversive and anticrime bills.

Still, the price of these booms is exorbitant. No other American institution respects seniority the way Congress does. "Of all the institutional failings of American Government," says Political Scientist James MacGregor Burns, "the seniority system of Congress is by far the most serious."

Several Alternatives. Paraprahasing Churchill, House Majority Leader Carl Albert admits that the seniority system may be "the worst possible system—except for all the alternatives." Albert notwithstanding, several alternatives have been proposed by angry congressional juniors. One plan would give a party caucus the authority to choose a chairman (or for the minority party, the ranking member) from that party's three most senior members on a committee. Even such a limited change might have dramatic impact. Thus Stuart Symington, a Viet Nam dove, could be chosen to replace the hawkish John Stennis as chairman of the Senate Armed Services Committee, and James Eastland could be bumped for Sam Ervin Jr., a scholarly constitutionalist, as head of the Senate Judiciary Committee. Obviously, the system would not always benefit one faction; it could work to advance conservatives as well as liberals.

The proposal would probably have less impact on the House, however, where committees are much larger and where the Democrats have no fewer than four of the 65-and-over set patiently waiting to take the place of Chairman L. Mendel Rivers, 65, on the Armed Services Committee. But the plan would at least give the rank and file some leeway in picking its leaders. More important, it would put a chairman on notice that he held his post by approval and not by right.

A second proposal would give the Speaker of the House authority to choose chairmen from the entire membership of the majority. Since he is chosen by all members of his party, the theory goes, the Speaker would be sensitive to their needs and demands. Instead of the system of divided responsibility that now prevails, one man could be charged with leadership. In fact, this was the system used by the House until 1910, when Congressmen revolted against the autocratic rule of Speaker Joseph Cannon. Better 21 dukes than one monarch, opponents might well argue.

A third suggestion would put the choice of chairmen up to the caucus, which could choose from any of its members. This would be the most democratic method and, in theory anyway, would allow choices to be made on merit alone. The principal objection to this plan is that it could lead to all sorts of unseemingly plotting and bargaining: conceivably, it might take Congress weeks to organize itself after every election.

Still a fourth plan would either set an age limit, 65 say, for any chairman, or limit his tenure in the post. (A dethroned chairman could still remain in Congress, of course, since the Constitution, which sets a minimum age of 25 for Representatives, 30 for Senators, does not provide a maximum.) Most other institutions have mandatory retirement ages; only last month Pope Paul VI ruled that cardinals over 80 could henceforth neither hold "Vatican Office" nor vote in a papal election. If chairmen were forced to step down at 65, three-fourths of the Senate chairmen and two-thirds of the House chairmen in the current Congress would have been replaced. William Colmer, 80, an unreconstructed Southerner, for example, would have given way to Richard Bolling, 54, a liberal from Missouri, as head of the House Rules Committee. The same plan, however, would have pushed aside George Mahon, 70, the able chairman of the House Appropriations Committee, for Jamie Whitten, a Mississippian who is best known as a regular sponsor of anti-Negro measures.

Other Faults. In both House and Senate, younger members are vigorously pressing for changes in the seniority system in the 92nd Congress. Indeed, Republican House elders, who have no chairmanships and no immediate prospects, are likely to acquiesce to the recent recommendation of a G.O.P. study group. Under this scheme, the Committee on Committees would nominate top-ranking committee members and the caucus—all the Republicans in the House—could either accept the choice or demand another. The Democrats however, have yet to come up with a reform plan that would appeal to their veteran Congressmen.

An end to the oppressive rule of seniority would not cure all the ills that plague Congress; to a great extent, Congress is still the legislative body designed for and by the 18th century rural gentry. Research staffs are often inadequate. There is far too much duplicated effort and far too little concern for even the rudimentary lessons of modern management. While it has appropriated millions for computers for the executive agencies, the House is only now buying itself one so that it can understand where all the federal billions are going. The Senate apparently feels that adding machines are enough. Compared to the seniority system, however, other faults seem small. No great improvement can be expected so long as power is placed in the hands of men for no other reason than that they endure.

LAST ELECTION NOT A DISASTER TO THE REPUBLICANS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. HUNT. Mr. Speaker, contrary to the partisan prognosticators of the left who lead the Democrat Party, this last election was not the disaster to the Republicans they have attempted to portray. In fact, the growing trend favors the cause of the minority party and suggests a definite rejection of the policies promulgated by the majority party which, although losing the White House in 1968, still retains a diminishing lead in both the House and Senate.

Indicative of this growing Republican trend are the statistics for the U.S. Senate since 1962. In that year the Republican Party held only 32 seats in the Upper House. This margin grew to 33 in 1964, 36 in 1966, and 42 in 1968 with the election of President Nixon. In this past election, the minority party added two more seats to their growing total plus one ally in the gratifying election of Senator-elect JAMES BUCKLEY of New York, the Conservative Party candidate. With the antics now taking place in the other body, the majority party's loss of 13 seats since 1962 should continue in a downslide with the result being the gain for all Americans.

It would appear that President Nixon and Vice President AGNEW did score some gain in the past election through their combined efforts. Is it not strange how many Monday morning quarterbacks there are?

FEDERAL AID TO EDUCATION INEQUITIES

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. CARTER. Mr. Speaker, many years ago and in the hills of Kentucky I had as a geometry teacher Mrs. Leona P. Young, nee Pardue. She has continued in the teaching profession and is one who is dedicated to teaching the youngsters not only the basic studies, but also the principles of successful living.

Federal aid to education has brought about many problems, many inequities, and has resulted in much waste in certain instances. I supported this program, but feel it is necessary for efficiency and saving that it be restructured.

I enclose two letters from Mrs. Young which disclose certain inequities in the present program and insert them in the RECORD.

HORSE CAVE, KY.,
November 14, 1970.

Hon. TIM LEE CARTER,
House of Representatives
Washington, D.C.

HONORABLE SIR: Congratulations upon your many achievements since those Tompkinsville High School days of 1927 when we studied geometry together. I probably did more studying and learning than did any of you students. I remember you and Kathleen most pleasantly. Right in the beginning. I want to send greetings to her.

While my successes have been low keyed, I have for the most part enjoyed the passing years. My late husband was with Burroughs Adding Machine Company for sixteen years. We were frequently transferred. I was busy during those years with housekeeping for my husband and two daughters. However, I found time for church and club work. I did not return to the school room until several years after my husband came back to Kentucky to enter the motel business.

Previous to 1958, I taught for four and one-half years in Memorial High School in Hart County. That year my husband bought a motel in San Bernardino, California. Soon afterwards. I accepted a position in Upland's excellent school system. My husband was wounded, Christmas Eve, 1959, in a holdup and passed away a week later. I continued to teach in Upland, California, until I met mandatory age retirement in June, 1968.

I was asked that year to return to Hart County, Kentucky, to teach. This leads to the factor that is causing me to write to you. I know how valuable your time is. Thus I will present my observations as briefly as I can. I feel that they concern our state and our country. If you wish for further particulars, you may write to me.

I am teaching four classes of language arts and two classes of social studies in Le Grande School, a school of 224 students, grades one through eight. This school is located three miles from the home where Governor Louie B. Nunn grew up, and is an above-the-average rural neighborhood.

At present in this school there are eight teachers, a teaching principal, two aides, and a part-time librarian. The instructor of physical education is under the federal Title I Program. For both seventh and eighth grades there are two forty-five minute periods of physical education. Two of our teachers of reading are also under this program. For each of their classes they have full-time aides and a class limit of fifteen students. Our principal teaches two classes. All the remainder of his time is spent on state and federal reports.

Our reading teachers are not limited to slow readers. During the forty-five minute periods they and their aides teach fifteen for each reading teacher, I am scheduled to teach reading, grammar, composition, spelling, and handwriting to classes of mixed ability, ranging in size from twenty-five to thirty.

I realize the scheduling is largely a matter for our state department. I am presently writing our assistant superintendent about this matter.

The next complaint is entirely federal. All of our children are served breakfasts for five cents each at the federal government's expense. At noon many of them get free lunches. I have thirty in my home room. Sixteen of these are on the free lunch program. The government pays the school forty-two cents each for these lunches while the others buy theirs for twenty-five cents. All get as much milk as they will drink, which is paid for out of federal funds. During the afternoon break, most of the students who get funds for free lunches spend from ten to twenty cents for cokes and popsicles.

Last week a number of federal inspectors were at our school. They approved the building of two additional classrooms, a library, and a remedial reading room. Right now the reading teachers under the federal program have costly reading equipment, which is not available to the rest of us teachers of reading. Last spring very costly kitchen equipment was bought with federal funds.

I have been outspoken about the unnecessary expenses necessitated by these federal programs. My principal tells me that if our school does not avail itself of these funds, others will get them. Without them I am sure our educational program would be as good. Certainly we teachers would have better balanced schedules. As a result we would be happier and more successful.

Right now N.E.A. is inspecting Kentucky schools. Taxpayers are not going to vote for higher school taxes as long as the present waste of money continues. Upland, California, had good schools and teachers were well paid. They had almost none of this Title I Program.

Use your influence to fight this "two-headed monster", and I shall be in Monroe

County four years from now, supporting you. However, you never seem to need any additional help in getting votes.

Sincerely yours,

LEONA PARDUE YOUNG
Mrs. Paul L. Young.

HORSE CAVE, KY.,
December 14, 1970.

Hon. TIM LEE CARTER,
Congress of the United States,
House of Representatives,
Washington, D.C.

HONORABLE SIR: Thank you for your kind letter in reply to mine in regard to the discrimination in our school system in favor of those employed under Title I. You may feel free to use any or all parts of it in any way you may see fit in working to cut down waste in Federal appropriation for education.

It is a deplorable situation when a principal is necessitated to spend most of his time, counting and making state and federal reports of money as is needed under present federal aid programs. Equally unfortunate is the situation where a first-grade teacher has thirty-seven pupils, and in the same school a teacher under Title I program is limited to fifteen students. The former teacher does not have an aide and the latter does. This happened in our school last year.

The above is a problem for local school officials, but such would not happen if Federal legislation did not furnish the setting for it.

I appreciate your interest in educational matters.

Sincerely yours,

LEONA P. YOUNG
MRS. PAUL L. YOUNG.

RED CHINA ADMISSION INTO UNITED NATIONS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, under leave to extend my remarks, I would like to call to the attention of my colleagues a letter addressed to the editor of the Washington Evening Star in response to a recent article by Clayton Fritchey which appeared in the same newspaper on the same subject: admission of Red China into the United Nations.

The letter follows:

NOVEMBER 30, 1970.

EDITOR
Evening Star
Washington, D.C.

SIR: Clayton Fritchey, in his desire to win support for admission of Red China to the U.N., is doing what seems to be popular these days in journalistic tactics. It is the deliberate slanting and falsifying of information—selectivity in the choice of facts—truths and falsity are relative factors to be exploited in whatever way that helps their side—stressing the appeasement line now being pressed upon us for a settlement for our Asian problems.

No better example was provided in his column of Nov. 14, "China Should Speak For 800 Million Chinese."

He said, "Many historians feel there might not have been a Korean war if the United States had recognized the mainland government rather than Chiang's. In any case, it is improbable that China would have come into the Korean war if the United States had not marched to its borders." Well, quite naturally, there would be peace, no war over all the world, if we could settle for peace the Orwellian way. The truth though is, that, Red China was condemned by the United Nations in 1951 for its aggressive armed intervention in Korea. The United States militarily participated in the U.N. peacekeeping action to prevent the takeover in South Korea.

Further in the Nov. 14 column Fritchey stated, "The present argument at the United Nations is not, as most think, over admitting China, for 'China' is already a member. In fact it is a founding member and is one of the five permanent members of the Security Council." He goes on, "The issue is over who is entitled to occupy China's seat—mainland China (Pop. 800 Million) or Taiwan China (14 Million). It is in short, a representative question." Clarification should be made of the fact that it was not the communist government of Mainland China that was seated in the United Nations at the time of its founding in 1945, but the Government that existed there before the communist takeover a few years later. The communists no more represented the Chinese people then, than do the Black Panthers represent the Americans in the United States, now.

Fritchey is concerned about Chiang Kai-Shek's Government in Taiwan referring to that rule as a military dictatorship in which the people have no voice. While this may be technically correct, no reference is made to the fact that on the mainland China the people have no voice in anything, just as in the Soviet Union, where 97% of the people who are anti-communists live under absolute totalitarianism having no freedom of speech, religion or right to elective government. Parenthetically, Chiang-Kai-Shek tried to set up a constitutional form of government in China in 1946 before the communists came to power. He failed in this attempt by the United States error of denying him the aid he needed to resist the communists. The same techniques applied then are now being used to build the image of the communist leaders as one of benevolence and the opposite of such being made of the anti-communist leaders—Chiang-Kai-Shek.

The real question is should the Chinese people be allowed to continue to be represented by those leaders who desire their people to live in freedom, which is technically what the majority of Chinese want, or should they be represented by those who desire to continue their illegal oppressive rule of communistic-socialism of a one-party system of tyranny. To have them represented by the latter, amounts to nothing more than a betrayal of the free Chinese who have remained loyal to us in spite of our mistakes that have caused endless grief. It would provide our enemies with a means of our conquest by the socialistic-communistic complex.

DOROTHY COFFMAN.

DUNDALK SOLDIER DIES IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. LONG of Maryland. Mr. Speaker, Pfc. Leonard P. Kunsman, Jr., a courageous young man from Dundalk, Md., was killed recently in Vietnam. I should like to honor his memory by including the following article in the RECORD:

DUNDALK SOLDIER DIES IN VIETNAM

An infantryman from the Dundalk area has been killed in Vietnam, the Army announced yesterday.

The youth from Dundalk was PFC Leonard P. Kunsman, Jr., 19, of 7805 St. Fabian Lane, in North Point Village.

He was killed last Wednesday when a booby trap detonated at a night defensive position, according to information from the Defense Department received by his family.

He had served with the Americal Division and had been in Vietnam since September 2, his father said.

PFC Kunsman's father said his son had attended Our Lady of Hope Elementary School, in Dundalk, and had been graduated from Sparrows Point High School in 1968.

After graduation, he worked as an apprentice electrician on various construction jobs in the area.

In addition to his mother and father, he is survived by two sisters, Mrs. Linda Elliott and Susan Kunsman.

THE PRESIDENT AND JUSTICE DEPARTMENT PROCEDURE

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. SYMINGTON. Mr. Speaker, in his press conference last Thursday, December 10, the President was asked his view of the accusations reportedly made by FBI Director Hoover against two men.

The President replied in part:

> The Justice Department is looking into that testimony that Mr. Hoover has given, and will take appropriate action if the facts justify it.

Passing the suggestion, undoubtedly not intended, that facts can justify any kind of action other than appropriate, we are compelled to consider actions that might be warranted by one of two possible factual discoveries by the Justice Department: One, that there is at present no demonstrable evidence to sustain the referenced charges; two, that there is such evidence. In the latter case appropriate action would consist of a timely filing of official charges. In the former, appropriate action would consist of a public retraction, apology, and reaffirmation of our respect for our rule of law, and administrative proprieties that reflect it.

A number of colleagues and constituents have expressed dismay at the President's overall response to the inquiry. Some say he was too noncommittal. Others express regret that by implication he appeared to chastise the Nation's FBI Director. The record shows that the President acknowledged that Mr. Hoover made the referenced charges; that the Justice Department was looking into "that testimony"; and, that he, the President, "generally approved" of the Director's actions. The ambiguity of the latter two observations has caused the concern. People wonder if the Justice Department is looking into "that testimony" from the point of view of implementing it, or retracting it. They wonder also if the President's asserted, "general approval" implies disapproval in this instance. "General approval" is too faint Presidential praise for the Nation's chief investigator at a time when total confidence in the bureau is essential to national harmony.

We do remember well how quickly the White House moved this past fall to counter the impression that the President's comments on the Tate trial were intended to prejudge the issues. Moreover, in last Thursday's conference the President, himself, candidly admitted the inappropriateness of those and other similarly spontaneous remarks. Yet nearly 3 weeks have now passed since the Director's charges were made, and no public explanation, implementation, or retraction has been forthcoming.

We have been asked if the President feels bound by a standard of accountability higher than that to which he would hold the Director or the Attorney General. What is to be our reply?

The President has amply demonstrated his willingness to differ publicly with other appointed officials. It would not be a healthy thing for the public to be encouraged to surmise that this independence of mind is inversely proportionate to the seriousness of the issue or the vulnerability of the official in question.

What is at stake is not simply the Nation's continued high esteem for the FBI and its distinguished Director, but its confidence in the steady application in our highest councils of the principle of procedural due process and assumed innocence until guilt be proven.

In the meantime the charges hang heavily not only over the heads of the two accused men, but over the entire system through which they have received justice, and must continue to receive it, over the entire fabric of codified laws and uncodified trust that binds us together as a nation, over us all.

PROGRESS IN CONSERVATION

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. WYATT. Mr. Speaker, in the last 2 years the Department of the Interior has made great strides in the field of conservation and the environment. Among their major decisions are their policies designed to protect eight species of whales by banning importation of their oil, meat, and other products and to ban billboards from certain public land. Considerable question arose after the departure of Secretary Hickel as to whether or not these orders would be rescinded. I am pleased to have learned today that Acting Secretary Fred J. Russell has announced his intention not to change these policies. Mr. Russell also announced his plans for deferring to the new Environmental Protection Agency possible modification of oil-spilling regulations, since such matters will now fall under the jurisdiction of the new organization.

This decision by Mr. Russell is indicative, I feel, of the continued progress in conservation and the environment which we can expect under his leadership and after January under ROGERS MORTON. For the interest and information of my colleagues in this area of critical concern to us, I am submitting the Department's press release in its entirety:

CONSERVATION ISSUES

Some confusion has arisen regarding the Department of the Interior's position on three major conservation issues: Protection of whales and other endangered species; ban on billboards on public lands; and new regulations on oil pollution.

Here are the facts:

Whales: The move to safeguard eight species of whales by banning importation of their oil, meat, and other products was announced originally November 24, 1970, in a press release. The ban became effective when the order was published in the Federal Register December 2, 1970. (See page 18319, et seq, of volume 35, No. 233 of that date).

Ban on billboards: The final adoption of strong, new regulations to ban billboards from public lands managed by the Department of the Interior was announced by the Department on December 7, 1970. See the Department's press release of that date and the formal regulations that were published in the Federal Register December 9, 1970. (See page 18663, et seq., of volume 35, No. 238 of that date.)

New oil pollution regulations: The Department of the Interior has deferred to the new Environmental Protection Agency regarding possible modification of oil-spill regulations, since EPA became the responsible organization in this area on December 2, 1970.

In line with the above, Acting Secretary Fred J. Russell has stated that he has no intention of changing any of the Department of the Interior policies on conservation or environmental matters which were in effect or in process on November 25, 1970, when he assumed his present duties.

OUTSTANDING PROGRESS ON COAL MINE SAFETY THROUGH RESEARCH AT BRUCETON, PA., EXPERIMENTAL COAL MINE

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to call the attention of the Congress and the American people to the progress in coal mine safety being made a' the experimental coal mine in Bruceton, Pa. The Bureau of Mines of the Department of Interior is to be complimented on their outstanding research in this important area.

I insert the following news release:

AMMONIUM SALT SPRAY CHECKS COAL DUST EXPLOSIONS

The explosion hazard posed by coal dust on shuttle-car roadways in mines can be controlled by application of an ammonium phosphate solution, the Interior Department's Bureau of Mines reports in a new technical publication.

Some coal dusts can spread the force of a mine explosion, when an explosion of gas disperses the dust into the air and then provides flame to ignite it. Wetting the coal dust, or covering it with incombustible rock dust (usually limestone) are methods currently used to prevent dust explosions from propagating. The Federal Coal Mine Health and Safety Act of 1969 requires mine operators to minimize the dust explosion hazard by methods no less effective than rock dusting and wetting.

The disadvantages of using these two methods where shuttle cars operate, however, prompted the Bureau to investigate possible alternatives. Too much water can make the roadways slippery or muddy. Rock dust alone can be stirred into the air by the passage of shuttle cars, exposing miners to the danger of breathing the rock dust, which can be a respiratory irritant. Rock dust and water combined can be especially slippery.

According to the Bureau, tests in its Experimental Coal Mine near Bruceton, Pa., showed that the ammonium phosphate spray is 3¾ times more effective than rock dusting for arresting floor dust explosions. In addition, the spray keeps shuttle cars from stirring up airborne contaminants.

Compared to explosion control by wetting, the addition of ammonium phosphate cuts by 11 percent the amount of water needed. Roadways are then less muddy, and the possibility of accidents from falls and skids is reduced. While other flame-inhibiting salts would probably be effective also, the ammonium phosphate is nontoxic and causes little corrosion.

Included in the new report are results of tests on inerting floor dusts with water alone, water with a wetting agent, dry limestone dust, and combinations of wetting and rock dusting. A commercial latex solution was also tested as a way of keeping the dust from being dispersed, but adequate binding of the dust could not be achieved on a large scale. In all tests, roof and wall dusts were inerted by rock dusting.

Full details of the tests are presented in "Control of the Dust Explosion Hazard on Coal Mine Shuttle-Car Runways," Bureau of Mines Report of Investigations 7446, by John Nagy, Edward M. Kawenski, and Edward A. Barrett. Single copies of the report can be obtained free from Publications Distribution Center, Bureau of Mines, 4800 Forbes Ave., Pittsburgh, Pa. 15213.

IN PRAISE OF DOGS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. FINDLEY. Mr. Speaker, a notable tribute to the dog as man's best friend was published December 9 in the Herald-Whig, Quincy, Ill., written by the farm editor, Keith L. Wilkey. Because Quincy is situated between two places in the Midwest where dogs are memorialized it is appropriate that this exceptional article, even though dealing with two historic points beyond my district, be entered in the RECORD:

LET US PRAISE THESE FAITHFUL FRIENDS!

(By Keith L. Wilkey)

"Dog is man's best friend," is an old and familiar adage.

Few people are opposed to dogs. or really classified as "dog haters." As family pets, stock dogs around the farm—even racers for gamblers and betters at racetracks, the dog has many friends. Some ardent dog lovers insist that "some dogs have more sense than some people."

Dogs are found in every country in the world. According to the World Book Encylopedia, there are about 25 million dogs in the United States.

Dogs have been immortalized in song, poetry and art and some have been perpetuated in granite and cement. Recently I had occasion to observe two statues of dogs one in Fulton County Illinois and the other in Johnson County Missouri.

Unfortunately not much is known of the Fulton County dog, who died almost 70 years ago. For many years he has reposed in concrete on top of his master's grave, even as he did in real life. I was unable to find anyone who knew the dog's name.

In the city cemetery at Cuba, Illinois, located seven miles north of Lewistown, seven miles southwest of Canton and 33 miles east of Macomb, is a granite monument bearing the name, "Thomas A. Cather." The deceased was born on Jan. 24, 1879 and died at the age of 23 in 1902. Behind the tombstone lies the concrete dog, the marks of more than a half century apparent by the patches of green moss that appears in the more secluded areas on the inaminate body.

The dog's head is resting on his front paws and the soulful expression in his eyes has been remarkably transferred into the mixture of sand and cement. Few people, especially on their first trip through the cemetery, pass the place without stopping and reflecting on the scene.

According to local legend, young Cather loved the dog very much and the faithful pet returned the affection. When the young man sickened and died, the dog could not be consoled. He reportedly made daily trips to the cemetery and lay, just as he is in the statue, with his sorrowing head between his front paws, as close to his master as he could be.

Not too long after his master's demise, the dog died. The family and neighbors were moved by the animal's faithfulness and devotion to his young master, so a craftsman fashioned the likeness of the faithful dog into a mold which was filled with concrete. After the mixture hardened it was placed on the grave, where in life, the dog mourned his loss.

It has been a long time since the incident of the concrete dog. It is significant that the episode happened in the very neighborhood where the famous writer, Edgar Lee Masters, wrote of a Fulton County cemetery in his immortal "Spoon River Anthology." Date of the Anthology's publication was 1915, but local residents are unable to fix the exact date of the dog's placement in the cemetery. The consensus was, however, that the locating of the concrete dog preceded Master's epic of the long-dead voices relating their experiences from the graves of the Spoon River burying grounds.

It seems to many visitors of the cemetery that some note should be taken by the busy world of this rather touching scene. Yet, according to citizens of the community, no "write-ups" have appeared in public print that anyone could recall.

I was unable to locate anyone who knew whatever happened to the Cather family, though there may be relatives living in the community of which I was unaware. But anyone, and especially dog lovers as well as those who appreciate the finer virtues and beauty of life as expressed by loyalty and devotion, who will stop and meander through the cemetery when passing through Cuba on Route 97, will find the experience, as have many over the years, impressive.

Two weeks ago there was a bouquet of artificial flowers behind the monument, right near the dog's nose. Someone remembered.

The other dog monument and the story that goes with it has received world-wide attention. It was not so much the killing of the dog, but the moving and eloquent tribute to man's best friend given by the prosecuting attorney, Senator George Graham Vest, at the trial for damages brought by the dead canine's owner.

Even older than the incident of the Cuba dog, the killing of a black and tan hound named Drum, occurred more than a century ago. On the night of October 28, 1869, old Drum, the property of a Johnson County (Missouri) farmer named Charles Burden, was shot and killed. Burden charged his brother-in-law, Leonidas Hornsby, with the foul deed. Some dog, or dogs, had been killing Hornsby's sheep, though Drum was never proven to have been involved. Burden sued for $50 damages, a fair amount in those post-Civil War days.

As a result of various appeals and-or mistrials, four trials were held before a final verdict was reached and appeals denied by the higher courts for re-trials. Burden won the case, as he had in the lower courts. In the long and involved legal battle, some of the most imposing legal talent in Missouri's history was involved.

At the first trial in Warrensburg, the county seat, Hornsby was represented by David Nation, who was later a newspaper editor. His greatest claim to fame, however, was due to his wife, the famous hatchet-swinging Carrie Nation, who broke into saloons wielding her famous hatchet during the early prohibition wave that shook neighboring Kansas.

Burden was represented by Elliott and Blodgett. Elliott was later judge of the Court of Common Pleas of Johnson County and Blodgett served with distinction in the Missouri state Senate.

Other attorneys involved in the trials included the firm of Crittenden and Cockrell. T. T. Crittenden was later Governor of Missouri and his partner, Francis Cockrell, represented Missouri in the United States Senate for 30 years.

In the final and most famous trial, Burden was represented by the firm of Philips and Vest. Philips in later years was United States District Attorney and Vest, who delivered the eloquent oratory, was a U.S. Senator from 1879 until 1903.

On September 23, 1870, Vest made his final plea to the jury. His words were so eloquent that they not only won the case for his client, but won the hearts of millions over the years. The speech has become recognized as one of the literary gems of American literature.

For many years the story of Senator Vest and old Drum lived in the community only from court records and classical literature. In the fall of 1956 the citizens of Warrensburg, under the direction of the local Chamber of Commerce, decided to perpetuate the memory of the principal character in the drama. An appeal was made for volunteer funds and the response came from dog lovers everywhere.

Today, in the southeast corner of the courthouse lawn in Warrensburg, is a large granite base, adorned on the top with the life-sized statue of a hound, as near an exact replica of old Drum as historians were able to find. A local black and tan coon hound served as a model.

Attached to the front of the pedestal is a bronze tablet inscribed with Senator Vest's moving plea.

Though the trial actually took place in the old courthouse, located several blocks west of the present structure, the statue is located at the present site. At the time it was erected, the long-neglected old courthouse was a private residence. It was completed as a courthouse in 1842 and served the county until 1878, when it was sold at a sheriff's sale. This of course, occurred after completion and occupancy of the present structure.

However, during the last year or two, much of the old courthouse has been restored. A grant of federal funds has been applied for and local enthusiasts hope that when restoration is complete, perhaps the statue can be moved to the original site of the famous oration

Senator Vest's plea to the jury, immortalized on the bronze tablet affixed to the base of the monument, follows:

"Gentlemen of the jury. The best friend a man has in this world may turn against him and become his enemy. His son or daughter that he has reared with loving care may prove ungrateful Those who are nearest and dearest to us, those whom we trust with our happiness and our good name, may become traitors to their faith. The money that a man has, he may lose. It flies away from him, perhaps when he needs it the most.

"A man's reputation may be sacrificed in a moment of ill-considered action. The people who are prone to fall on their knees to do his honor when success is with us may be the first to throw the stone of malice when failure settles its cloud upon our heads.

"The one absolutely unselfish friend that a man can have in this selfish world; the one that never deserts him and the one that never proves ungrateful or treacherous is his dog.

"Gentlemen of the jury, a man's dog stands by him in prosperity and in poverty; in health and in sickness; he will sleep on the cold ground, where the wintry winds blow and the snow drives fiercely, if only he may be near his master's side. He will kiss the hand that has no food to offer. He will lick the wounds and sores that come in encounters with the roughness of the world. He guards the sleep of his pauper master as if he were a prince. When all other friends desert, he remains.

"When riches take wings and reputation falls to pieces, he is as constant in his love as the sun in its journey through the heavens. If fortune drives the master forth an outcast in the world, friendless and homeless, the faithful dog asks no higher privilege than that of accompanying him to guard against danger, to fight against his enemies, and when the last scene of all comes and death takes the master in its embrace and his body is laid away in the cold ground, no matter if all other friends pursue their way, there by his graveside will the noble dog be found, his head between his paws his eyes sad but open in alert watchfulness, faithful and true, even to death."

THE PENNSYLVANIA AGRICULTURAL EXPERIMENT STATION AND THE PENNSYLVANIA COOPERATIVE EXTENSION SERVICE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. EILBERG. Mr. Speaker, last Thursday, December 10, the Pennsylvania Delegation to the Congress had the honor of lunching with Dr. Rusell E. Larson, Dean of the College of Agriculture and Director of the Agricultural Experiment Station at the Pennsylvania State University.

Dean Larson reported to the delegation on the work of the Agricultural Experiment Station at Penn State. He told of the efforts of Cooperative Extension to bring the results of that work into all sections of Pennsylvania. Since other land-grant colleges throughout the country do similar work, I wish to enter Dean Larson's prepared remarks into the RECORD. I think the efforts of the College of Agriculture at Penn State are a good example of the effective use of Federal funds for the benefits of our whole society:

THE PENNSYLVANIA AGRICULTURAL EXPERIMENT STATION AND THE PENNSYLVANIA COOPERATIVE EXTENSION SERVICE

(By R. E. Larson)

I am greatly appreciative of the privilege of meeting with you today and for the opportunity to discuss the Pennsylvania Agricultural Experiment Station and the Pennsylvania Cooperative Extension Service, both of which are responsibilities of the College of Agriculture of The Pennsylvania State University.

Food production in the United States runs so smoothly that people tend to lose sight of how it achieved this condition and the factors that are basic to the continuation of its efficiency. The thought of going without food in the United States seldom occurs to anyone.

Recently, however, something happened that made many people conscious of the fact that we could be subject to a food problem of serious proportions and we were very close to such a happening.

A serious corn leaf blight disease surfaced in southeastern United States and moved from there to the Corn Belt and on into the northern states. Fortunately the disease did not spread into the Midwest or North until August and unlike the losses in the Southeast, the reduction in corn yields was limited to about 15 per cent in the Corn Belt and to less than 5 per cent in Pennsylvania and New York.

USDA figures show a national loss of about 720 million bushels. We can weather this without catastrophic disturbance although Commodity Credit Corporation corn reserves have reportedly been cut from 275 million bushels to 140 million bushels.

Knowledge based on previous research will make it possible to reduce this threat in 1971 and essentially to eliminate it in 1972.

I relate this situation to you because I am an administrator in a publicly supported College of Agriculture with responsibilities for education and research in agriculture. We are dependent upon federal and state resources for our support, and it is men such as you who make the decisions concerning a substantial part of the budgets of the state agricultural experiment stations and the state cooperative extension services.

The corn situation illustrates that even in the United States we live on a "thin line of abundance" and even deducting for my biased view of the importance of agriculture, unless this country and the Commonwealth continue to provide adequate support for agricultural research and training, we could be subject to food problems of crisis proportions. And this is not a problem of farmers but rather of over 11.6 million consumers in Pennsylvania and 204.7 million in the United States.

Your predecessors developed a concept and you have retained what has been described by many as the greatest educational system of all times. That is the Land-Grant Agricultural Colleges with its Resident Education, Research, and Extension. Many countries throughout the woird have attempted to emulate this system.

I appreciate that you are aware of legislative history, but permit me to very briefly review the evolution of these classical Federal acts.

1. The Land-Grant Act written by Senator J. S. Morrill establishing unique Land-Grant institutions to provide formal education in agriculture and the mechanic arts was signed into law by President Lincoln in 1862. The General Assembly of Pennsylvania designated The Agricultural College of Pennsylvania on April 1, 1863, to carry out the provisions of the Morrill Land-Grant Act.

2. In 1890 the Morrill-Nelson and later the Bankhead-Jones bills were enacted to provide Federal appropriations for "further endowment" of instructional programs at Land-Grant institutions.

3. The Hatch Act was passed in 1887 and Federal funds were made available to establish and incorporate an agricultural research function in the Land-Grant idea.

The Pennsylvania General Assembly acted by establishing the Pennsylvania Agricultural Experiment Station in the College of Agriculture at Penn State in 1887.

4. The Smith-Lever Act of May 8, 1914, provided matching funds to establish and maintain an educational outreach to offer practical knowledge to all people. The Pennsylvania General Assembly assigned the agricultural and home economics extension function to the College in 1915.

5. The McIntire-Stennis Act of 1962 is the most recent legislation making funds available for research in forestry.

Most of these funds are made available to states on the basis of a formula calculated from rural populations, geographic size, and other factors.

Pennsylvania ranks 14th among states in importance of agriculture and forestry.

Let me present a few interesting statistics: In 1969, Pennsylvania farm and forest sales exceeded one billion dollars. There were 128,000 people employed on farms and 210,000 employees in food and fiber processing industries. There were 3,925 agriculture-related manufacturing firms and raw product sales and the manufactured product value of agriculture and forest output in Pennsylvania exceeded $8 billion per year.

The economic values of raw and manufactured products are shown in Table 1. The diversity of Pennsylvania's agriculture is also illustrated in Table 1.

Few people realize that the agri-business complex in Philadelphia, Delaware, Montgomery, Chester, and Bucks Counties annually employs 42,000 people and pays $300 million in salaries and wages; or that Allegheny County has 244 manufacturing firms processing food products; or that Allentown-Bethlehem-Easton have 73 food processors employing 3,718 people.

Anyway, although the amount of funds provided for agricultural research and education is not great, the economic and social returns from these investments have become legend. The return to the consuming society far exceeds that to the aggregate farm producing sector. Let me give a few brief examples:

1. The return on investment which resulted in the discovery of the role of molybdenum and zinc in plant nutrition probably exceeds 800 per cent/year since the discoveries were made.

2. Hybrid corn has had an estimated return of better than 700 per cent/year since its development and adoption.

3. The control of *Bovine vibriosis* in Northeastern United States—an accomplishment of cooperative regional research—is estimated to save almost $39 million per year. In this case, the expenditure of $1 million Hatch funds has saved $500 million to date for the dairy industry and the consumers in the Northeast.

Your Pennsylvania Agricultural Experiment Station, other state stations, and the USDA were instrumental in some way in each of these developments. Penn State has also been responsible for a multitude of other contributions from the development of improved crop plants ranging from Pennmead Orchardgrass to Penngift Crown Vetch to the developments in reproductive physiology leading to superior sire selection and artificial insemination to produce superior dairy cattle.

TABLE 1.—*Economic values of agricultural and forest products in Pennsylvania*

[Millions of dollars]

Farm and forestry raw products sales—1969*:	
Dairy products	$424
Poultry products	165
Meat animals	154
Cereal and feed grain crops	53
Horticultural specialties	43
Mushrooms	43
Vegetables	40
Fruits and nuts	38
Forest crops	15
Tobacco	11
Miscellaneous	18
Total	1,004

*Source: Supplement to *Farm Income Situation*, July, 1970.

MANUFACTURING INDUSTRIES RELATED TO AGRICULTURE, 1969[1]

Industry	Establishments (no.)	Employees	Wages	Value of production
Food and kindred products	2,252	115,000	$741,000,000	$4,621,000,000
Lumber and wood products	1,006	12,000	67,000,000	278,000,000
Leather	209	27,000	129,000,000	393,000,000
Tobacco	55	8,000	35,000,000	221,000,000
Paper and allied products	403	48,000	362,000,000	1,515,000,000
Total	3,925	210,000	1,334,000,000	7,028,000,000

[1] Source: Pennsylvania Department of Commerce, Industrial Census Series, data in press.

As I have stated, there have been innumerable pay-offs but the point I want most desperately to make is that "agricultural research and extension are not expenses; they are investments of proven high return."

We are not concerned solely with economics or the production of adequate quantities of food, however. Our prime responsibility has always been to the people and the better life which they seek.

A capsule look at some of the present day programs in the College of Agriculture gives evidence that People problems have a high priority. We have, for example, greatly increased research and Extension emphasis in such areas as: (1) environmental quality; (2) consumer health, nutrition, and wellbeing; and (3) raising the level of disadvantaged people.

Nutrition Aides—Nutrition aides, trained and supervised by Penn State's Cooperative Extension Service, are reaching families from center city to mountain shacks. This unique program was launched in January 1969 with special funds allocated by the USDA for "hiring and training aides to help improve the diets of low-income people and families through education."

Today in Pennsylvania we have 208 nutrition aides working with 14,716 program families in 29 counties. The number of families being reached is expected to double within the year.

Youth—As has always been true, our country's most precious crop is youth. The choices these young people make, the careers they pursue, and the knowledge and skills they gain, will determine this nation's future. Extension's 4-H programs reach more than 100,000 young Pennsylvanians annually, nearly half of them as regular members and the rest through special youth projects such as the TV science and action programs.

Rural Development—40 per cent of the nation's disadvantaged persons live in rural areas. Our Commonwealth has many hard-pressed rural communities facing declining job opportunities and tax bases on one hand, and the need and demand for improved quality of public services on the other. Our Rural Development programs, in the simplest terms, are aimed at making rural areas a better place to work and a better place to live.

Our Rural Development Agents, backstopped by University-based specialists, are working with township and community governments; planning and zoning commissions; authorities and boards; and regional economic development associations to help them evaluate their situations and to develop progressive courses of action. In some cases it is seeking an orderly pattern for growth; in others it is attempting to attract industry to expand job opportunities. Problems of environmental pollution; wise use of land; training programs for youth and re-training programs for unemployed adults; the impact of new highways, such as Interstate 80; the potential for tourism—all are in the realm of rural development. Sometimes it is simply creating an awareness that a problem exists—and that something can be done about it through cooperative effort. Sometimes it is simply advising people where they can find help.

Environmental Concerns—In recent years it has become apparent that much of our own technology, developed for the benefit of mankind, may be creating an environment that is unsuitable for man. . . . as well as other forms of life. It will require great wisdom and much future effort to correct the problems technology has created. . . . while retaining its gains.

A considerable amount of Penn State's agricultural and forestry research is directed toward waste management and pollution control as well as other problems affecting the quality of our Pennsylvania environment. Let me give you a few examples:

RECYCLING WASTES

1. For a number of years, Penn State scientists have been pumping sewage effluent onto the land . . . using the soil as a "living filter" to remove the plant nutrients and to restore clean, pure water to the ground table. We know that sewage effluent can be utilized both as a fertilizer and as irrigation water to greatly increase crop and forest yields. (Under conditions of the studies made, 129 acres of land can handle the 1 million gallons of effluent water produced daily in a community of 10,000 persons.)

Recently, a Penn State Forest Hydrologist has applied aspects of this research to another Pennsylvania problem—the revegetation of spoil banks. He has proven that grasses, legumes, and trees can be grown on harsh spoil bank sites by irrigation with municipal sewage effluent and sludge.

2. We know that the nutritive values of much of Pennsylvania's horticultural wastes (684,000 tons produced annually) are such that they might be effectively incorporated into livestock feed rations. These wastes, now a serious problem of the processing industry, could provide a substantial part of the ration for many thousand head of finishing cattle annually. Systems approaches are needed to make such a program feasible.

Other preliminary studies involve the use of aerobically digested soft city garbage; wastes from milk and paper plant operations; utilization of energy and nitrogen from cooked poultry waste; and use of sawdust and similar wood wastes as roughage substitutes in high-energy livestock rations.

3. Pennsylvania, with poultry product sales totaling $165 million last year, has concentrated poultry operations in excess of 250,000 birds. The poultry waste from the Commonwealth's 18 million birds amounts to more than 815,000 tons annually. Penn State research has shown that this waste can be dried and processed for use as a practically odorless organic fertilizer.

Our researchers are working in numerous areas, other than those I have cited, to obtain the answers needed to solve Pennsylvania's waste management problems. What we are developing, and what we will have as soon as the resources are made available, is an Agricultural Waste Management Center. We plan a full-time continuing staff of qualified people assigned to this Center, whose total responsibility will be to work on the problems of waste management and waste utilization.

FOOD SAFETY RESEARCH

When we talk about improving the quality of our environment, we sometimes forget that man's closest link with the environment is the food he eats. We are concerned about possible health hazards that may accompany our food supply.

A cooperative program with the Pennsylvania Department of Health centers on work with egg, poultry processing and dehydrated foods industries. Products from these areas have been responsible for certain food poisoning outbreaks in the past and they have been unfairly accused in other cases.

In 1963–64 some Pennsylvania milk was dumped because the DDT levels were above the FDA's legal tolerance levels of 1.25 parts per million. Within two years, research and educational programs virtually eliminated the problem and most Pennsylvania dairy producers now have levels below 0.5 ppm.

MOTHER'S MILK UNSAFE

So cows' milk is safe, but what about human milk? With the cooperation of the Greater Philadelphia Childbirth Education Association, we have one of the few studies underway in the country to test pesticide levels in mother's milk. More than half of the 48 mothers being tested (75 percent of whom are from the Philadelphia area and 25 percent from Central Pennsylvania) are lactating milk with pesticide levels *in excess* of the FDA tolerance level. Two of the women showing high pesticide levels reported eating "primarily organic or natural foods" having no chemical sprays or fertilizers. Women who have nursed several children seem to have lower pesticide levels, indicating they are passing the residues on to their children. Needless to say, more research is needed in this area.

POPULATION CONTROL

For almost 25 years, personnel at Penn State's Dairy Breeding Research Center have been studying certain aspects of male reproductive physiology related to artificial insemination of dairy and beef cattle. In addition, current research with bulls and rabbits is directed at one of our major world problems—The Population Crisis. Our scientists hope to develop a reversible prevention of sperm maturation within the male reproductive system as a promising approach for an urgently needed *male contraceptive*.

NEED FOR CONTINUING RESEARCH

The need for continuing research and educational programs . . . . and public support for these programs . . . . is reflected in three current problems facing Pennsylvania agriculture.

1. *Corn Blight*—This disease which I discussed earlier is a mutant of Southern corn leaf blight. It swept through the South and the Midwestern Corn Belt this year. It eventually reached fields in the southern two-thirds of Pennsylvania. Up to 90 per cent of our U.S. corn hybrids are susceptible to this fastspreading fungus. Corn is a major crop in the United States and the problem is frightening.

The nation lost an estimated 14 per cent of the 1970 corn harvest. Yes, we have corn and feed grains in reserve—certainly enough to counterbalance the 1970 losses. Our agricultural economists tell us we could absorb a 20 per cent loss in 1971 but beyond that we could be in serious trouble.

Pennsylvania corn growers, as a group were not hit as hard as their southern and midwestern counterparts. But we feed more grain than we grow and, of course, the buyer of feed, as well as the eventual consumer of livestock, poultry, and dairy products would eventually be affected by price increases.

You probably noted that news media coverage of this agricultural problem emphasized the "fear" of price increases, not the "fear" of lack of food. In many countries, a crop shortage of real magnitude would mean considerable hardship—perhaps hunger and famine.

When it was evident that Southern Corn Blight could become a major problem, the state agricultural experiment stations and extension services and the USDA responded quickly and effectively. For example, forty scientists and seed producers from New York, New Jersey, and Pennsylvania met at Penn State to discuss aspects of the disease and its possible impact. Fortunately we have a pool of germ plasm from which we can immediately transfer resistant genes to the inbred corn lines. This is in progress at Penn State and elsewhere. However, even by rushing into emergency winter production of blight-resistant seed corn in Hawaii, Mexico and South America, U.S. growers figure only 21 per cent of the seed corn available to farmers next spring will be of the resistant type. (A full supply of resistant seed is expected to be available in 1972.)

Make no mistake about it; this was a "close one" and we are not out of the woods yet. The history of agriculture is full of documented biological changes which have decimated crops and changed the course of man and nations. The Irish of Boston might still be the Irish of Dublin without the "late blight" of the potato crop. We are also aware of what happened to our fine stands of American chestnut trees . . . . and what is happening to our American elms. These biological changes have occurred in the past, are occurring now, and will occur in the future.

2. *Stone Fruit Disease*—Stem pitting has caused severe losses to nurserymen and producers of stone fruit in Pennsylvania and throughout the stone fruit production areas of the East.

It is estimated that Pennsylvania peach growers alone have lost 75,000 trees with a dollar value of $500,000 and that growers of other stone fruits have lost 30,000 trees valued at approximately $200,000 since the problem was first noted in the mid 1960's.

Pennsylvania nurserymen who supply trees to a wide geographic area have also suffered such severe losses that it is now questionable if it is economically feasible for our nurseries to continue propagating stone fruit trees. Direct losses in discarded trees and in trees given to growers as replacements have varied up to 25 per cent with individual nurseries. These losses have been at least $150,000 since 1967 and continue at a rate above $40,000 annually.

We established a broad based program of research at the fruit research laboratory in Adams County in 1967. We must determine the cause of this disease, its method of spread, and develop control measures if this important Pennsylvania agricultural industry is to survive. A fruit tree nursery improvement program has also been established in cooperation with the USDA with a goal of producing virus-free trees.

3. *Gypsy Moth*—The gypsy moth is the most destructive forest pest in the eastern United States and now infests nearly one-half the land area of Pennsylvania. Trees have been defoliated in urban, suburban and agricultural areas as well as in forested areas. Watersheds are damaged and the forest ecology is extensively disrupted.

Gypsy moth infestations in Pennsylvania were reduced below detection levels by 1951 using aerial applications of DDT. This pesticide was outlawed for gypsy moth control by the Pennsylvania Department of Agriculture in 1963. The substitution of the carbamate "Sevin" has resulted in only limited control in areas placed under treatment.

By 1970, ten million acres were infested in the Commonwealth and approximately 11,000 acres of forest land were completely defoliated in Monroe and Pike Counties. There is a good probability of a ten-fold increase in defoliation to more than 100,000 acres in 1971.

Hope for control rests in research leading in development of new biological and non-chemical control techniques. The gypsy moth sex attractant has been synthesized in the laboratory. It is extremely effective in pulling male moths into traps where they can be destroyed. Also, this female sex odor may possibly be used to saturate the habitat and thus make the male unable to orient to find the female.

A polyhedrosis virus is also known to occur in nature that is lethal to the larvae. However, considerable research needs to be done to develop efficient technics for use.

CONCLUSION

Agriculture and rural areas have many other problems, some of which are indicated in Table 2, but agriculture is nonetheless "the strongest weapon in the U.S. Arsenal."

We are capable of maintaining the dynamic nature of our programs providing that influential men like you and your associates will help to make the necessary resources available.

Thank you.

TABLE 2.—Some of the Problem Areas in Pennsylvania Requiring Early Agricultural Research and Education Attention.

Agricultural waste management.
Low income and development problems of rural Pennsylvania.
Gypsy Moth.
Pesticide replacement by biological or other control means.
Improved timber production.
Nutrition expansion.
Food contamination control.
Southern corn blight.
Stone fruit decline disorder.
Expansion of youth programs.

A NATIONAL LAND USE PLANNING POLICY

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. UDALL. Mr. Speaker, 2 days ago the Senate Committee on Interior and Insular Affairs reported S. 3354 with amendments, a bill sponsored by Senator JACKSON and others to expand the Water Resources Planning Act to provide for a national land use planning policy.

The bill is of such major importance to the Nation—and to each of the individual States, including my own—that I intend to introduce an identical measure when the 92d Congress convenes next month. I hope that many of my colleagues will join me in so doing.

Mr. Speaker, this bill would set up the machinery needed to establish a national land use planning policy, and would authorize for State and interstate agencies $100 million a year for Statewide land use planning grants. To administer the program and make possible contractual studies an additional $16 million would also be authorized.

States would be required to submit within 5 years of the effective date of the law a land use plan, drawn under the terms of the act, or face the loss of existing or proposed Federal grants for projects with substantial environmental impact. Federal projects and agencies also would be required to comply.

Administering the program would be the Land and Water Resources Council, an expansion of the existing Water Resources Council. Represented would be six Cabinet agencies and the Army, the Federal Power Commission, and two environmental quality agencies. The Vice President would head the Council.

Today land ranks as one of the Nation's fastest dwindling resources in terms of available privately owned supplies. The demands of technological advances, population growth, and social change are bringing about conflicts over the use of land and in maintaining the quality of that land and the natural resources it bears.

There is little land, there are few resources in the Nation today which are not subject to conflicting uses—existing or planned.

We have watched the development of summer communities on the cool shores of manmade lakes in Northern States—and we have watched those waters fouled by inadequate sewer systems or the installation of septic tanks in inadequate soils.

In Arizona we have watched tracts of winter estates carved out of our State, roads and driveways gouged out of the land without sewer or water facilities available or planned—and sold through the mails and through advertisements in the back pages of the Nation's magazines.

The result of such poor development practices has been the pollution of our countryside, and of our waters, the waste of our limited resources, and the pollution of our society as a whole.

The problem reaches farther than that, however. It reaches to the suburbs and beyond, with the perceptible shift being felt in many States of urban workers moving back into the countryside to raise their children. Among the farms that their parents left not many years ago, many families are now seeking their education and their recreation.

With farm next to homesite, with fields cut by the modern highways being constructed to bear the added traffic to the cities, problems ranging from solid waste disposal to erosion controls are being forced on the States and localities in areas untroubled a decade ago.

Industries and utilities, taking our timber and dumping their wastes in our waters, have at last been confronted by those citizens whose rights to a liveable environment are being violated.

The choice facing such States—and my State is among them—is between planned growth to preserve those rights, and chaos.

These conflicts are joined with the clash over land use plans, and the results can be seen on our communities. The results include a polarization of community sentiment, costly court battles, and economic instability in many regions.

The bill I will offer, Mr. Speaker, approaches the need for a national land use planning policy as a tool of protecting the environment, and focuses that task at the State level. Provisions are included for local and regional involvement.

It combines incentives, guidelines, and requirements aimed at achieving that environmental quality, economic growth and the conservation of our natural resources.

It adds to the concept of existing "701" local planning grants a broader horizon, stretching to long range goals while maintaining the essentially urban emphasis, and immediate aims of the "701" grants.

Through the creation of a Land and Water Resources Council, Mr. Speaker, and the State services that will be provided through the Federal Planning Information Center called for under the Council, we will add a substantial weapon in the fight to protect our environment through a national land use policy.

YOUTH AND DEMOCRACY

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. HUNT. Mr. Speaker, I feel that any time during the year is appropriate to reflect upon our country and what it means to be an American. The occasion is the more significant when I read the thoughts of some of our younger citizens whose faith and belief in our way of life are the real cornerstones of any plan to build a better tomorrow. The following thoughts are those of a young man, Jack C. Kerlin, who at 23 has already served his country well in the U.S. Navy. I think you will be interested in what he has to say about "Democracy":

> The very life's breath of America is contained in the single word DEMOCRACY, defined as . . . "A government that is run by the people who live under it" . . . "Treatment of others as one's equals". The treatment of others as equals must be the spiritual bond of a self-governing people. As Theodore Roosevelt wrote, "Ours is a government of laws, but . . . no law is worth anything unless there is the right kind of man behind it". He wasn't talking about one man; he was talking about American citizens, millions of individuals, white or black, rich or poor, who as rational human beings must together give meaning to the word JUSTICE.
>
> As I watch my children grow, I realize that even though they are my children, they are also America's children. My hope for America . . . America's hope for America, lies within its children, and our (America's) ability to instil in their hearts the love of freedom and patriotism which gave birth to our great nation. We must fill them with the compassion of a Lincoln, the wisdom of an Eisenhower, the valor of a Nathan Hale, the wit of a Benjamin Franklin, the vitality and courage of a John F. Kennedy, and the spirit of '76. We must hand them our flag with the knowledge that they will fly it proudly throughout the land, long after our passing. We must prepare them to seek peace, but to defend and preserve their freedom at all costs.
>
> During a speech in Chicago (September 29, 1952), Adlai Stevenson said, ". . . as citizens of this democracy, you are the rulers and the ruled, the lawgivers and the law-abiding, the beginning and the end". It is the responsibility of each of us, as Americans, to see

that there is no end to the democratic freedom we cherish, and to insure that our children and our children's children are able to preserve it. Their minds must be sound, their bodies strong and their faith boundless . . . Only then will they be able to shoulder the responsibilities of a nation.

On June 14, 1954, the late President Dwight David Eisenhower added two words to the Pledge of Allegiance . . . "Under God". Since then these words have (regretfully) been dropped from the school systems, but to prosper as we have and to maintain that prosperity, we must truly be . . . "one nation, under God". The cornerstone of our country is faith; without it the pioneers of our history would never have beheld the vastness and beauty of the land we call our home, nor could Neil Armstrong have stepped onto the surface of the moon and planted our flag in its crust.

I hope and pray that long after I die, my children, America's children, will continue to make their homeland . . . "one nation, under God, indivisible, with liberty and justice for all". Perhaps with what they learn from us and from our efforts to uphold these ideals, they will be able to insure liberty and justice for all mankind. They are our hopes, our dreams, and our future . . . God gave us the wisdom to guide them, for without them we are lost.

TRIBUTE TO THE LATE ROBERT W. LISHMAN

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. MACDONALD of Massachusetts. Mr. Speaker, the death of Robert W. Lishman comes as a severe loss to the Committee on Interstate and Foreign Commerce. His service as Chief Counsel to the Special Subcommittee on Investigations has been invaluable, and it was the nature of his work for the subcommittee that much of it remain uncompleted. It was also the investigative nature of his work that much of it necessarily took place behind the scenes, so that only those who worked closely with the affairs of the special subcommittee could be aware of his diligence, competence, and effectiveness.

Bob Lishman devoted a number of the most productive years of his life to direction of the special subcommittee staff and was instrumental in bringing to a successful conclusion a number of investigations of national importance, including exposure of television quiz program scandals and lobbying improprieties. He served as chief counsel from 1958 to 1961; he returned to a lucrative private practice until 1966, when he answered the call to return to the subcommittee.

His earlier career was also devoted to private practice alternating with periods of public service. He was a native of Boston and a graduate of Harvard College and Harvard Law School. In 1934 he began a period of public service as assistant corporation counsel of the city of New York. During the war years he served in Washington with the Reconstruction Finance Corporation.

His latest work for the special subcommittee involved investigations of television news staging and improper transfers of broadcasting licenses, as well as probes of improper influences on the staffs of the regulatory agencies. Other investigations and studies he initiated now must go forward properly, for he regarded his mission with the subcommittee as serving the highest national interests.

As one who worked with him on many occasions, I agree. Under his staff direction I believe the subcommittee has been able to make major contributions to the important work of the Congress and the Nation. He shall be sorely missed.

OKLAHOMA 4-H CLUBS LEAD THE NATION

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. EDMONDSON. Mr. Speaker, Oklahoma frequently scores first, and many times you have heard me take this floor to speak with pride of these Oklahoma "firsts."

This is my purpose for speaking today, but today I speak with a very special pride because a group of Oklahoma's outstanding young people scored a spectacular first last week in Chicago.

Oklahoma's representatives to the National 4-H Club Congress received more national honors and brought home more money in scholarships than the representatives of any other State. Twenty-one Oklahomans were called to the platform during the congress to receive recognition for excellence at everything from veterinary science to home food preservation.

These 21 winners earned scholarships worth a total of $12,200, and every one of them plans to use the scholarship to go on into higher education.

Mr. Speaker, I believe all of us know the value of the 4-H Clubs of America. These clubs give our rural young people outstanding training in meeting citizenship responsibilities, in addition to developing the kind of technical skills which enabled one of these young Oklahoma winners to exhibit pigs which have earned four grand championships, three reserve grand championships, 13 breed championships, six reserve breed championships, and 25 first place ribbons over an 8-year period.

Mr. Speaker, these young people are champions themselves, and I salute them for bringing this honor to Oklahoma. They are Randy DuBois, Grove; Ted Weber, Carmen; Cathy Bennett, Guthrie; Clayton Taylor, Oktaha; Alane LeGrand, Stillwater; Yvonne Moore, Ninnekah; Denise Nelson, Carrier; Jimmie Williams, Smithville; Vicki Hutchens, Tishomingo; John Roush, Cherokee; Jane Mayer, Hooker; John Lawler, Orlando; Tony Engelke, Amber; Janet Johnson, Mulhall; Larry Shockey, Chickasha; Latriece Baker, Carter; Gwen Shaw, Burlington; Roellen Gentry, Shawnee; Lou Ann Schiltz, Ponca City; Lanny Bates, Ada; and Bill Stasyszen, Tecumseh.

PANAMA CANAL SOVEREIGNTY AND MODERNIZATION: ACTION BY THE CONGRESS NEEDED

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. WYMAN. Mr. Speaker, one of the most brilliant achievements in the history of our country was the construction of the Panama Canal. Located on the strategic Isthmus of Panama its control by the United States is indispensable for the security of the entire Western Hemisphere. The net investment by the American taxpayers in that project, including its defense, from 1904 through June 30, 1968, totals more than $5,000,000,000; which sum, if converted into 1970 dollars, would, of course, be far greater.

On December 1, 1970, the final report of the Atlantic-Pacific Interoceanic Canal Study Commission under Public Law 88-609 was filed with the President. This action closed a 5-year inquiry that cost $21.4 million out of a total of $24.0 million appropriated.

The latest significant contribution to the cumulating canal literature is an illuminating letter to the editor of the Manchester Union Leader, a leading New England newspaper, by Capt. Franz O. Willenbucher.

An experienced naval officer and able lawyer, Captain Willenbucher, while on duty in the Office of the Chief of Naval Operations in the Navy Department, was a participant in the formulation of some of the defense provisions of the 1936 Hall-Alfaro Treaty between the United States and Panama. Conversant with the problem of the canal through his many transits of it on naval vessels, he has followed subsequent developments concerning it with interest and understanding.

Captain Willenbucher's letter follows:

[From the Manchester (N.H.) Union Leader, Dec. 2, 1970]

TIME FOR ACTION NOW ON IMPROVING PANAMA CANAL

To the Editors: Recently (Nov. 13 and 14), major segments of the United States news media, based upon an obvious leak from the Atlantic-Pacific Interoceanic Canal Study Commission, announced that the commission's report favoring the construction of a new canal of "sea level" design will be submitted to the President on Dec. 1.

The site selected is in the Republic of Panama, approximately five miles west of the U.S. owned Canal Zone. Its initial estimated cost goes as high as $3.5 billion for construction by conventional methods. This does not include the cost of acquiring the right of way and the inevitable huge indemnity that would be demanded by Panama.

Nuclear excavation is eliminated because of the danger of contamination of surrounding populated areas and the restrictions of the test ban treaty.

Apparently mentioned in this report is the problem which has been raised concerning ecological hazards in constructing a salt water channel to connect the two oceans, seemingly dismissed by the commission as matters of little consequence.

Respected independent marine biologists have warned that the opening of such salt water channel might result in biological catastrophe in both oceans, including danger of invasion of the Atlantic by poisonous Pacific sea snakes, related to the cobra, which might spread as far as the coasts of Virginia and Brazil. These biologists urge retention of the fresh water barrier provided by the existing high-level lake and lock type canal.

The plan for increased transit facilities, favored by many independent engineers and by defense and other canal experts, is the enlargement of the existing Panama Canal, as provided in the celebrated Terminal Lake-Third Locks Plan, developed in the Panama Canal organization during World War II. This can be accomplished with every assurance of success at "comparatively low cost" and does not require a new treaty with Panama. Moreover, it would retain the fresh water barrier as well as provide the best canal for navigation at least expense.

Rep. Daniel J. Flood, one of the nation's leading authorities on interoceanic canal problems, when testifying Aug. 3, 1970, before the House Subcommittee on Foreign Affairs, stressed that there are only two major issues: (1) safeguarding our indispensable sovereignty over the Canal Zone and (2) the major modernization of the existing canal.

As to the super vessels that the proposed sea level canal would accommodate, they would not use it for the reason that it is more economical to route such ships around Cape Horn than to pay transit tolls—and they are built with that in mind.

The canal subject has been actively studied since 1945. Much time has been lost in making new additional investigations. Moreover, $171,000,000 already has been expended toward the major modernization of the existing canal and channel improvements—too large a sum to be thrown away and which has been expended in furtherance of the construction of the Terminal Lake-Third Locks Plan.

Without further delay, Congress should act on the program outlined by Representative Flood. Since the recommendations in the forthcoming report hinge upon surrender of U.S. sovereignty over the Canal Zone to Panama, and do not mention the only common sense solution of the canal problem, the Terminal Lake-Third Locks Plan, the report of the Presidential study group should not be allowed to divert attention from what is needed at Panama in the way of increased capacity and operational improvements of the existing canal.

The time for further procrastination is over.

The time for action has come.

FRANZ O. WILLENBUCHER,
Captain, USN (Ret.).

CORBIN, KY., MAN HONORED

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. CARTER. Mr. Speaker, today I am including in the RECORD the article from the Lexington Herald, Lexington, Ky., dated December 9, 1970, concerning Robert A. Blair of Corbin, Ky.

Mr. Blair is well known for his work in forestry and conservation. He is one of Kentucky's finest conservationists.

CORBIN MAN HONORED
ENVIRONMENTAL MEASURES URGED BY FORESTERS

WINCHESTER, KY.—Members of the Kentucky-Tennessee Section of the Society of American Foresters urged passage of bills calling for state systems of "natural areas" and stronger regulation of strip mining at their annual meeting held in Nashville.

Charles J. Crall, Winchester, public affairs officers for the group, said two resolutions dealing with natural area systems and strip mining were adopted.

The first resolution urged support of legislation leading to the establishment of state systems of natural areas in Kentucky and Tennessee. The resolution stated: "Members of the Kentucky-Tennessee Section of the Society of American Foresters have long recognized the scientific, educational and esthetic importance of formally designating appropriate tracts of wild land as 'natural areas,' and maintaining them free of human activity which may disturb native plants and animals."

The second resolution, which dealt with strip mining, expressed concern from the group for the "environmental effects of strip mining."

The resolution recommended additional state legislation to prevent lasting damage to natural resources and to insure rapid reclamation of the land, a strengthening of the existing enforcement organization through adequate financing, additional professional staffing, and firm support by the governor, and long-range planning leading to future productive use of reclaimed lands.

A RESOLUTION COMMENDNG THE INTERSTATE COMMERCE COMMISSION

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. KUYKENDALL. Mr. Speaker, the oldest regulatory agency of the United States—the Interstate Commerce Commission—has recently come under sharp attack by a number of Members of the other body. I call your attention to the attached resolution passed by the National Association of Regulatory Utility Commissioners commending them for their diligent activities and attention to duty since 1887.

NARUC ANNUAL CONVENTION ADOPTS RESOLUTIONS RE AEC, WATER UTILITIES, MOTOR CARRIERS, ICC, INTERSTATE RAIL RATES, OZARK PLAN, PROMOTIONAL PRACTICES, AND ENVIRONMENTAL PROTECTION

The NARUC, assembled in its 82d Annual Convention on November 19, 1970, in the vicinity of Las Vegas, Nevada, adopted the following resolutions:

RESOLUTION RE PRESERVATION OF THE INTERSTATE COMMERCE COMMISSION AS AN INDEPENDENT REGULATORY AGENCY

Whereas, the National Association of Regulatory Utility Commissioners was established in 1889 and is dedicated to serving the public by engaging in the study and discussion of subjects concerning the regulation of public utilities and carriers, promoting the uniformity of their regulation among jurisdictions, encouraging cooperation among the Federal and State governmental members of the Association, and advocating courses to improve the quality and effectiveness of public regulation in America; and

Whereas, certain members of the Congress of the United States are now giving consideration to the abolishment of the Interstate Commerce Commission through the transfer of its regulatory functions to the Department of Transportation or to a single Federal transport regulatory agency to exercise jurisdiction over air, surface and maritime transportation; and

Whereas, the Interstate Commerce Commission was established by the Interstate Commerce Act in 1887 and is the oldest of the several independent Federal regulatory agencies; and

Whereas, the Interstate Commerce Commission, as an arm of the Congress of the United States, is insulated from political influence to the maximum extent practicable; and

Whereas, the basic concept of the regulation of surface transportation in the public interest, as defined by the National Transportation Policy and the Interstate Commerce Act and as administered by the Commission, has proven to be sufficiently flexible to meet the needs of both consumers and regulated industry; and

Whereas, the Interstate Commerce Commission has advanced the welfare of people in all parts of the Nation and has strengthened and unified the economy of the various regions of the Nation by preventing or eliminating unreasonable preferences and advantages to any persons, points, regions or commodities; and

Whereas, the preservation of this regulatory function is vital to the future growth of the Nation and to the continued promotion of economic opportunity to people in all parts of the Nation; and

Whereas, the users of surface transportation in particular have benefited from the Commission's ability to maintain transport rate levels significantly below the general indexes measuring the inflationary spiral of our expanding economy, with some rates today being below comparable levels of the 1950's; and

Whereas, the transfer of the regulatory functions of the Interstate Commerce Commission to a massive bureaucratic organization would adversely affect the public interest because the welfare of the users of surface modes of transportation and the modes themselves would receive less consideration and promotion in the government process; now, therefore, be it

Resolved, that the National Association of Regulatory Utility Commissioners, assembled in its Eighty-second Annual Convention in the vicinity of Las Vegas, Nevada, hereby supports the continuation of the Interstate Commerce Commission as an independent regulatory agency exercising jurisdiction over surface transportation, and hereby opposes legislation or other proposals to transfer its regulatory functions to another Federal agency, or to significantly diminish the Commission's regulatory authority over surface transportation; and be it further

Resolved, that copies of this resolution be furnished by the General Counsel of the Association to the President of the United States.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How Long?

DANGER IN U.S. NUCLEAR POLICY

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. COHELAN. Mr. Speaker, the discussions at the SALT talks continue and I am hopeful that they will culminate in a limitation of nuclear weapons.

With all of the discussions about nuclear weapons some basic points are often overlooked. In a recent article, "Danger in U.S. Nuclear Policy," Herbert Scoville details the horrible consequences of a nuclear confrontation. It is important that the essential human tragedy that would result from a nuclear exchange be constantly stressed.

I commend the reading of this brief yet important article to my colleagues and the readers of the RECORD.

DANGER IN U.S. NUCLEAR POLICY

(By Herbert Scoville)

The rumblings of a fundamental change in U.S. nuclear strategy are beginning to be heard outside the confines of our national security structure. Deterrence, the cornerstone of our strategic policies for many years, is now beginning to be decried as deficient. Nuclear "sufficiency" would be extended to include forces to fight a nuclear war, not merely to prevent one.

For the past two years Secretary Laird has justified his strategic weapons programs by invoking the need to maintain the security of the deterrent. The Safeguard ABM, he said, was required to defend Minuteman against the Soviet SS-9 missiles. U.S. MIRV's were needed to increase the retaliatory warheads against Soviet targets.

Now, arguments for new weapons to preserve the deterrent have begun to wear thin. People remember that only a few nuclear weapons launched in retaliation would cause tens of millions of Russian casualties. McGeorge Bundy pointed out in the October 1969 issue of Foreign Affairs that no political leader would launch a nuclear attack knowing that in retaliation even a few of his cities might be hit by hydrogen bombs.

Under Congressional and public scrutiny it has become increasingly difficult to defend the need for new weapons. SALT could reduce further the requirement for new weapons since it might freeze the existing state of mutual deterrence. New weapons programs might wither on the vine unless supporters could create new justifications.

The first public hint of a new approach to strategic policy was the trial balloon in President Nixon's State of the World message on Feb. 18, 1970:

"Should a President, in the event of a nuclear attack, be left with the single option of ordering the mass destruction of enemy civilians, in the face of the certainty that it would be followed by the mass slaughter of Americans?"

With this question the doctrine of flexible nuclear response was reborn. This was a return to the discredited notion of the early sixties that limited strategic war was practical; counterforce nuclear weapons to destroy aseptically military targets without endangering populations would be in vogue.

The following scenario has recently been given considerable public attention: Soviet SS-9's carrying MIRV's would destroy our Minuteman force. Their submarine missiles would knock out U.S. bombers on the ground. The President should have weapons capable of surviving this attack and then to eliminate remaining Soviet missiles so that he would not be forced to initiate population warfare.

In other words, the U.S. should be prepared to fight a circumscribed nuclear war, restricted to a duel between opposing weapons while the people were spared.

Unfortunately, the objective can never be realized since at the very least Soviet submarine missiles will be immune from attack. To attain partial success our forces would have to be vastly improved and expanded. New highly invulnerable missiles with many accurate MIRV's would be needed.

Such sophisticated weapons could not be distinguished from first strike weapons. This would develop strong pressures for further escalation of the arms race. This new counterforce strategic policy would justify expensive advanced weapons programs directed toward invulnerability, mobility, high accuracy, multiple MIRV's, and retargeting with continuous instantaneous intelligence. A meaningful agreement at SALT would probably be foreclosed or be restricted to a ceiling on offensive missiles with free substitution to allow new deployments. An agreement of this sort would only legalize an expanded arms race.

But what an unreal world it is in which these strategists live! To knock out the Minuteman force, the Soviets would have to fire at the U.S. 1,500 or more multimegaton nuclear weapons. Not only would many Americans be killed by blast and fire, but hundreds of thousands of square miles would be contaminated by fallout. Remember, in 1954 one fifteen-megaton bomb produced lethal fallout over 10,000 square miles in the Pacific. Destroying our bombers would require many additional nuclear explosions and produce many more casualties. The combined attack would kill millions of Americans and devastate large areas.

But assuming complete Soviet success, the U.S. would still have 41 Polaris submarines with a total of 656 missiles and 1,400 warheads. When Poseidon is deployed, we would have about 5,000 warheads, each with an explosive power several times that which devastated Hiroshima.

Can a sane man believe that the Soviets would launch such an attack on the chance that the U.S. would restrict its retaliatory attack so as to avoid Soviet cities? Even the most careful retaliation would inevitably kill millions of Russians.

To believe that the Soviets would run the risk of national suicide on the gamble that the U.S. would exercise such superhuman restraint is pure fantasy. Those who postulate such scenarios have lost touch with the realities of the world.

To attempt to give the President the option to wage a bloodless nuclear war is only to increase the risk that a nuclear disaster will occur.

DRAFT STATEMENT ON "SHOW TRIALS" OF JEWS IN RUSSIA

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. SYMINGTON. Mr. Speaker, the "show trials" of some dozen Jews accused of plotting to hijack a commercial airliner last June began this week in Leningrad.

The phenomenon of international piracy manifested in airline hijacking has occupied world attention in recent months. Along with a number of my colleagues I have introduced resolutions designed to deter and punish persons who violate the rights of peaceful air travelers.

But the issues in the Leningrad trials go beyond the matter of punishing hijackers to larger questions of systematic anti-Semitism and the rights of citizens to free and unhampered emigration.

Since the 1967 Middle East War, political and physical harassment of Soviet Jews has increased. Propaganda against Israel has escalated into a general anti-Jewish campaign which considers Judaism the father of Zionism, and identifies Zionism with Nazism. This tenuous logic is most obvious in the Soviet refusal to allow Jews to emigrate to Israel. For indeed, this desire to avail themselves of their right to emigration seems to be the root cause of the charges against the alleged hijackers.

These trials—instances of the Soviet Union's system of "exemplary justice"—are related to the case of Leonid Rigerman, arrested on November 9, 1970, while trying to enter the U.S. Embassy in Moscow to establish his American citizenship. Mr. Rigerman was involved in protests against restrictions on emigration to Israel. Why the Soviet regime would wish to corroborate former Premier Khruschev's inference that Russia itself is a prison is difficult to understand.

This is not a case of Russian rights, or Jewish rights; it transcends both; it is a question of basic human rights. For a denial of the right to emigrate contradicts the United Nations Declaration on Human Rights—vested with the same mandatory legal force as the United Nations charter to which the Soviet Union subscribes.

The U.S. position, as a leader in the cause of human rights, would be strengthened, however, if—beyond the declaration on human rights—we were to ratify the International Covenants on Human Rights adopted by the United Nations in 1966, but never transmitted by the President to the Senate. If we are to stand in judgment on Russian violations, U.S. consideration and ratification of these U.N. covenants would be a meaningful step toward enhancing our own credibility and dedication to the principle of universal human justice.

A PIKE COUNTY CHRISTMAS TREE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. HUNGATE. Mr. Speaker, with the Christmas season upon us and in the absence of our poet laureate, the distinguished gentleman from New Jersey, now Judge Charles Joelson, I would like to offer a Christmas poem.

A PIKE COUNTY CHRISTMAS TREE

I ricollect a Christmas tree that onct we had in Pike;
There was me and Minky Peters, Joe Bowers, his brother Ike,
And haff a dozen other ducks as constitooted then
The "Bible Class" in Sunday school and helped to grunt "Amen!"
When the parson prayed partic'lar—we-alls chopped a cedar tree
And stuck it up inside the church ferninst the jubilee.

We'd done the same a dozen years and helped the gals to trim
Them trees with Christmas fol-de-rols on every bloomin' limb.
There was popcorn balls and candy bags for Jim and Jess and Nell,
And mother Goose's poetry for kids that couldn't spell,
And skates and tops and jumpin'-jacks, and dolls and hoods and caps,
With here and there a Testament for solemn little chaps.

When Christmas Eve was on the slate we'd all collect in there,
And Parson Jones 'uld cut the stack and start the game with prayer;
And then we'd yank the curtain back and show that blessed tree,
Lit up with teeny candles that 'uld fill the kids with glee;
And while the organ played a chune some awkward guy would come
A-plagiarizing' Santy Claus—and every kid was dumb!

The porest child in Sunday school was little Jennie Kerr;
She didn't have no Santy Claus to put things on for her,
So Minky Peters, or Joe Bowers, his brother Ike or me
Would always buy some trick for her and sneak it on the tree
And write her name acrost the card, so when the deal begun
That little orphant tuck a hand and mingled in the fun.

When Marthy Simpson run away from Kerr some years before
Old Simpson turned agin his gal and tuck his oath and swore
He'd never lift a hand to help his darter—or her brats—
Which same I 'low was middlin' mean; for Simpson—dog my cats!
Had money to incinerate; he kep' the village store
And run a bank, and had the scads to start a dozen more.

When Kerr himself skinned out one day and shook his wife and kid,
Old Simpson kep' his word intact, and nary thing he did
In all them years to aid the gal, who had to work and slave
With one foot on the porehouse stoop and t'other in the grave.
So little Jennie's pathway wasn't filled with dolls and things—
Exceptin' when us grown-up guys got sorter soft, by jings!

Well, this partic'lar Christmas tree we'd started in to pick,
And Santy—alias Joseph Bowers—was doin' of the trick.
He'd yank a present off a limb and sing out whose it wuz,
And somewhere back among the pews there'd be a kind of buzz,
And then some bashful boy or gal, a-sportin' of a smile,
To rake that Christmas present in would mosey down the aisle.

The kids had mostly tuck their tricks, and I must shore confess
Of that there sanctuarium they'd made a holy mess!
For there was 'lasses candy on the cushions of the pews,
And haff the hymn-books in the church was smeared with it, profuse.
But what's the odds? for all the kids was full of Christmas cheer,
Exceptin'—I regret to state—exceptin' Jennie Kerr.

There sot that little orphant on her shrinkin' mother's knee,
Away off in a corner, and the sight flustrated me,
For all at onct I tumbled that we'd clean forgot that night
To put a present on the tree and make her Christmas bright;
So I winked at Minky Peters, and he winked at Santy Claus,
And Santy winked at Isaac, who enlisted in the cause.

We-alls went behind the scenery and held a short confab,
The result of which my aim on this occasion is to blab.
Joe Bowers—which was Santy—was to entertain the gang
With some most amusin' antics and some edifyin' slang
'Bout chimbley-tops and reindeers, and Kris Kringle and his packs,
While the rest of us for Christmas goods to Simpson's store made tracks.

Old Simpson waited on us. When he axed us what we'd like
We said we'd buy a present for the porest child in Pike;
Then his hard face sorter sof'ened, and he hung his ornery head
As he handed me a letter, and this is what he said:
"I guess you-alls' mistaken if you speak of Jennie Kerr;
You needn't buy no present, boys—jist put this on for her."

We-alls was somewhat doobious, but we tuck the letter in
And sneaked it on the Christmas tree, while Bowers drowned the din
And read the name of Jennie Kerr, who toddled down the aisle
As gay as any young 'un there, though somewhat out of style.
She tuck the mail from Bower's fist and in her mother's lap
Deposited that envelope from Marthy's ornery pap.

When the widder read the contents of old Simpson's envelope
She up and fainted dead away, as if she'd swallered dope.
Then Minky Peters scowled at me, and I scowled back at him,
And we-alls started for the store to douse a certain glim—
A-countin' on a present on a Christmas tree outside,
With the devil's name writ on it acrost old Simpson's hide!

We'd swiped a rope from Simpson's barn, when Bowers called us back,
And likewise called us several names—in language which I lack;
And when we got to church agin he read that letter out,
And every lung among the crowd was bustin' with a shout.
Was it an insult to the kid? Not on your liver-pads!
He's sent that little gal his check for twenty thousand scads!

(From "Poems All the Way From Pike.")
—*Robertus Love.*

"PERIL ON THE JOB"

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. KARTH. Mr. Speaker, the House has recently considered and passed an Occupational Health and Safety bill in response to a long-recognized need to better protect workers who are exposed to often times deadly hazards arising out of the new technology. During the debate necessarily we could touch on only some of the real horrors experienced by many of the country's workers in the course of their day-to-day employment.

An old friend of mine, Ray Davidson, editor of The Oil, Chemical and Atomic Union News, has published a book, "Peril on the Job," which dramatizes some of the daily dangers faced by men and women on their jobs. Ray has put together an important book from the graphic accounts told by the workers themselves. It certainly deserves wide circulation.

I want especially to call attention to the contribution made by Mr. Rene' Dubos, professor of environmental biomedicine at the Rockefeller University at the beginning of the volume.

Dr. Dubos' views follow:

VIEWS OF DR. RENÉ DUBOS, PROFESSOR OF ENVIRONMENTAL BIOMEDICINE AT THE ROCKEFELLER UNIVERSITY

Many readers of Peril on the Job will probably find the book frightening. But I found it reasonable and constructive.

The facts reported by Ray Davidson are indeed frightening; if they did not frighten me it is simply because I was aware of most of them. Indeed, I suspect that the problems of industrial disease will probably soon become even more alarming than appears from what Mr. Davidson reports and postulates. It is fairly easy to estimate the numbers of workers killed or made obviously sick by industrial poisons. But this is only one part of the story. Levels of toxic materials so low that they do not cause health disturbances exert in many cases deleterious effects that become detectable only long after initial exposure—often after many years. This is well recognized with regard to ionizing radiations and cigarette smoking. It is certainly true also for a host of substances widely used in industrial processes. Many chronic and degenerative diseases that now plague our society—the so-called diseases of civilization—can probably be traced to increase in the prevalence of chemical pollutants. From this point of view, it is surprising and indeed disturbing that the campaign for a better environment has placed so little emphasis on the fact that a large percentage of industrial plants—as well as offices—expose workers to highly objectionable environmental conditions—not only unpleasant, but potentially dangerous. All over the world, millions upon millions of workers are the guinea pigs of the technological environment.

I found Peril on the Job a reasonable book because it acknowledges the social complexities of the problems posed by health protection in industrial plants. Concern for efficiency and the economy must of course prevail at all levels of management; this is true irrespective of political system—capitalist, socialist, or communist. As stated by Mr. Davidson, "Most managers assert that they are deeply concerned with the health and safety of their employees. Most of them are undoubtedly sincere. But for a manager to take really effective action to protect his employees puts him squarely into conflict with his basic role in the profit system"—and indeed in any social system.

When a decision has to be made between safety and production, safety is in almost all cases the loser. This is not because of criminal neglect, as Mr. Davidson acknowledges. "There probably is not a manager in North America who would knowingly cause or permit a death even to save a million dollars. But the financial incentives pressing on managers to take risks leading to possible illness, injury or death are overwhelming. Management spokesmen testifying before legislative bodies assert that they have financial incentives as well as humanitarian reasons for maintaining safe and healthful work places, but this is not quite true. By and large, it pays to operate equipment until it collapses rather than keep it in constantly good repair. To make repairs for health and safety sake is a nonproductive cost item."

In most cases, furthermore, the supervisor is incapable of making health judgments; he has been trained primarily to keep production going and is acquainted only with primitive safety measures. Finally, few are the situations where there is enough knowledge of health effects to permit adequate medical management. And this brings me to the constructive aspects of the book.

So little is known of industrial medicine that vast research programs are needed to determine the potential dangers of the various types of working conditions. Some of these programs must be focused of course on the development of medical techniques for the treatment of the disease after it has become manifest. But equally or perhaps more important is the search for causes of disease, since only this kind of knowledge can provide a basis for the formulation of preventive measures. In other words, the environment must be studied as much as the disease. Another requirement is to learn to incorporate environmental knowledge in the design of plants and processes. At present, "metallurgy and fluid dynamics get more attention than men . . . cryogenics are better researched than emphysema. . . . Precise design of the shipping drums will be specified, but nothing is said about the man to fill the drum or what the material in the drum will do to him." Clearly the time has come to give as much thought to working conditions and health hazards as is given to engineering design and to purchase specifications.

There are, furthermore, important psychological aspects to the formulation and application of safety rules. The worker does not like to be talked down to; he wants to be "taken into partnership in a manner which reveals no condescension by the other party." Effective application of safety rules calls for more than a simple enunciation. It requires explanation, discussion, and participation. This is particularly true with regard to health matters less obvious and more complex than traumatic accidents.

In my opinion, it is unrealistic to hope that safety measures could completely prevent industrial diseases, even if they were based on much greater knowledge than we now have. New procedures and substances are continuously being introduced into industrial operations, so rapidly that there is no chance to evaluate their potential dangers to health. The only way to deal with this unhappy but inevitable state of affairs is to carry out on samples of the working population a variety of simple clinical tests, to the end of detecting as early as possible any change in the state of health. This approach could be called prospective epidemiology or medical alarm system.

Maintaining adequate health policies and medical alarm systems will be costly. But the cost, however great, will be small compared with the medical load now created by the chronic disabilities resulting from industrial exposure—let alone humanitarian considerations. In a truly civilized society, protection of the worker should be regarded as the most essential, irreducible aspect of production cost. Technology is constantly creating new environments, but modern men still have the anatomical and physiological needs and limitations our caveman ancestors had. We have no instinct to warn us of dangers that lurk in a new kind of vapor or in an invisible beam of radiation. The worker cannot possibly take responsibility for his health in a complex world which he does not control and which the experts themselves do not fully understand. Technological societies can survive and remain successful only if they learn to take into account in the price system the protection of the labor force engaged in the production of economic wealth, as well as the environment in which they live.

The problems posed by *Peril on the Job* are not peculiar to the chemical industries; they apply to all aspects of technological civilization. We shall experience human and ecological disasters unless we learn to give as much attention to man and the environment as we do to the production of goods. This requirement need not interfere with the efficiency of the technological enterprise and the maintenance of high living standards. Anyone familiar with the history of science and technology knows that progress has always resulted from the necessity to meet reasonable constraints and regulations. Scientists and technologists are so inventive that they can and will improve technological efficiency even as they develop working conditions compatible with the maintenance of health.

CONGRESSMAN HAMILTON FISH

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. WHALEN. Mr. Speaker, last Sunday's Washington Star contained a column by Alan Emory commenting on the service in this House by our distinguished colleague from New York, Hamilton Fish. As you know, he is the third Hamilton Fish to serve in this Chamber.

I take this opportunity to congratulate Ham Fish on the contribution he already has made to this House, his district and State, and to the Nation. Certainly, the 70 percent election margin he received last month attests to the acceptance of his efforts by those he represents. From my own observations, I believe we can expect even greater success by him in the future.

Mr. Speaker, so that we all might give recognition to Ham's accomplishments, I insert Mr. Emory's article at this point in the Record:

"Ham" Fish—the Third

(By Alan Emory)

A Fish in the House of Representatives is definitely not out of water. In fact, he is in his element.

The third of three Congressmen named Hamilton Fish from upstate New York is completing his first term, and his moderate views on issues are about as far removed from the staunch conservatism of his father—the famed anchorman of Franklin D. Roosevelt's "Martin, Barton and Fish"—as those of the vociferous left are from most Congressional liberals.

Just how much of a generation gap exists in the Fish family is open to question. The lanky, broad-shouldered man who now upholds a family public service record covering nearly two centuries rarely discusses politics with his father.

They did discuss the Cambodian invasion on the telephone last spring, and former Rep. Hamilton Fish—noted as an isolationist—told his son he felt the Nixon Administration would accept the Cooper-Church amendment to block future moves in the same direction. He said he would have voted for the amendment, and his son did—contrary to most Republicans.

Despite his substantial background for congressional service, 44-year-old "Ham" Fish still reacts strongly to its satisfactions and frustration. Understaffing and the need to devote 80 percent of his time to responding to constituent requests and publicizing his positions on issues hamper "getting a handle" on the big events that go on every day, he finds.

"Unless a bill comes out of your committee you don't have a lot to say about it," Fish observes. "Your choice on the floor is frequently not what shape the bill should take, but whether there should be any bill at all."

Fish finds, however, that there is more activity for a freshman congressman than he had expected. On his committee, Judiciary, senior Republican Rep. William McCullough of Ohio asks all members to participate in debate and become a specialist on at least one section of each committee-approved bill.

Among his top activities of his first term, Fish says, was the voting rights extension, where a good bill eventually triumphed over a bad one originally passed by the House, and hearings on electorial reform, with a parade of prominent witnesses, 80 different proposals and two weeks of closed-door-working sessions.

"I looked around, and all we needed were white wigs," he recalled, "because we were rewritting the Constitution and every word counted."

Fish is unhappy, however, about the lack of before-the-fact consultation between the White House and Congressmen. Sometimes, he says, it looks like the Republican leadership is going down the line for something the White House has decided on, but the legislators never were briefed on the decision.

"We are following, rather than participating in, the decision," he said. "When James Madison mentioned checks and balances he didn't mean you don't even talk to each other."

He also deplores the lack of regular social contact between younger lawmakers with persons in their own age group in the executive branch of government or the press, "a situation that tends to isolate us."

Times have changed significantly from the days when his father had only two secretaries. Fish can easily be on the telephone to his district eight times in a single morning.

He makes sure he gets back to his sprawling Hudson Valley constituency every weekend, holds regular district meetings with residents and three times a month goes on radio for hour-long "call-in" programs.

His attention to his constituents pays off, and, he says, "you have to like being responsible for people's problems. Then there is a sense of satisfaction in breaking a bureaucratic logjam."

Although he lost his first race for the House—he is the fifth generation in the family to run for Congress—he squeaked through by 5,000 votes in 1968, then collected a whopping 70 percent of the ballots in November. He ran ahead of Gov. Nelson A. Rockefeller in seven of his district's nine counties.

His major political concern seems to be with the Nixon administration's "playing footsy with the Southern strategy."

"I objected violently to that," he says, "and I hope we never try it again."

For the future, he is concerned with such large issues as health and growing unemployment. He has sponsored a solid-waste disposal plan that earned him the endorsement—one of 12 so honored—of the Sierra Club's political arm. "Every time you pick up a paper you read about a trash problem. A solution cannot be delayed," he says.

In his district he is working on the problem of high dams in the Delaware River Valley and making the home of President Martin van Buren in Kinderhook a historic landmark.

Fish was born in Washington. A Harvard graduate with a touch of the ivy still in his speech, Fish served in the Navy in World War II, was a vice consul in the Foreign Service in Ireland from 1951 to 1953 and has served as a lawyer with the state assembly's judiciary committee and as civil defense director of Dutchess County.

He and his three sons and daughter were struck by tragedy in March 1969, when his wife was killed in an automobile accident.

Fish refuses to appear on the same speaking platform with his father.

Says the congressman, "He has 40 years' oratory over me. I made the mistake once. It doesn't make any difference whether you follow him or precede him."

This year Hamilton Fish Sr. supported James L. Buckley for the Senate, while his son backed Sen. Charles E. Goodell. The father's problem was more acute than just the split, though.

Buckley was running as the Conservative candidate, and the Conservatives also were running a candidate against Hamilton Fish Jr. The father found a solution by urging Buckley votes on another line on the ballot, and both his favorites wound up winners.

FRIEND IN NEED

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. DENT. Mr. Speaker, I would like to relate to this House a true story about the people that comprise the district I represent, Westmoreland County, Pa. I believe that my colleagues and all who hear this story may find the same warmth in it that I did.

The Greensburg Tribune-Review, the only countywide newspaper in Westmoreland County, initiated a special column entitled a "Friend in Need." This section introduces the needy families in the county to the reading public, so that concerned citizens may help in any way possible, which is a commendable gesture in itself.

Mr. and Mrs. Hyrczyk's problem, which was printed in this column, was so unique that the response was such that I have seldom witnessed in my 38 years of public service. And this response merits the repetition of this story in this chamber.

Mr. and Mrs. Hyrczyk's young son was born almost 6 months ago without two vital bile ducts, the absence of which was causing the baby to be poisoned by his own liver. The only course of medical action that could save his life was a kidney transplant and the only facility possessing the necessary equipment for this delicate operation was in Denver, Colo.

Mr. Hyrczyk could neither afford the medical costs nor the trip to Denver. And he also has the problem of making some financial arrangement for his two older children who would have to remain home while he and his wife went to Colorado with the baby. I suppose the parents resigned themselves to the fact that their baby boy would almost certainly die within the next several months. Therefore, in their despair they permitted their desperate situation to be printed in the Tribune-Review's "Friend in Need" column.

Mr. Speaker, their pleas for help were answered overwhelmingly.

Mr. Speaker, special commendation should be made to the Tribune-Review, the Greensburg Fire Department, Boy Scouts, and literally hundreds of young people who went door to door soliciting funds for this family; and especially to all those generous citizens who contributed. Because, you see, Mr. Speaker, these wonderful people solicited and donated over $18,000 for this family, and donations are still coming in.

This action has demonstrated again that the passion for brotherhood has not been diffused by our increasingly pragmatic way of life, as many scholarly reports would tend to indicate; but instead, is as intense as it always has been.

Mr. Speaker, I am proud to know that I represent these people. And if I may, I would call on all my distinguished colleagues to join with me in saluting the people of the 21st Congressional District of Pennsylvania, for their unselfish act of kindness.

Perhaps, just perhaps, this country, which is being condemned from without and within for its faults, injustices, and inconsistencies, is not diseased as many think. I submit to this legislative body, that as long as there are people inhabiting this country such as the type I have described we may be optimistic in looking toward our future.

U.N. DISASTER RELIEF EFFORTS TO BE REVISED

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. HAMILTON. Mr. Speaker, I was quite distressed by the Pakistani cyclone disaster. I have also been quite distressed by the inadequacy of the relief efforts connected with that disaster. There is an obvious need for general restructuring of present worldwide disaster relief programs. The following Christian Science Monitor article by Bertram Johansson describes a positive suggestion to meet that need. I recommend it to my colleagues and the article follows:

UN PLANS AGENCY—DISASTER-RELIEF EFFORT

(By Bertram B. Johansson)

UNITED NATIONS, N.Y.—Initial steps are being taken here toward establishing within the United Nations an international disaster-relief agency.

It would have the stature, equipment, and personnel, eventually, to deal as quickly as possible with calamities such as the recent tidal-wave disaster in East Pakistan, earthquakes in Turkey or Peru, floods in Tunisia.

The intent of the effort under way here is to add to the UN another arm that will strengthen its ability to become the international humanitarian organization, among other functions, it was intended to be.

The effort, spearheaded by Turkey, Pakistan, and other delegations, is gaining widespread support. The enormity of the relief and reconstruction problem in East Pakistan, where an estimated 500,000 persons were killed, is being impressed on the international community here. Several million East Pakistanis still are in neeed of food, housing, clothing, and economic reconstruction over a wide area.

A resolution, already sponsored by some 50 nations among the current 127-nation membership, is being drawn up in the Third (social) Committee of the General Assembly, to implement establishing the disaster-relief agency. It is recognized it may take several years to form it.

The first step would be to have Secretary-General U Thant engage in a study of the concept before the UN committed itself to such an ambitious undertaking.

Turkey's Ambassador Umit Haluk Bayulken, who is shepherding the resolution through the committee work, acknowledges that while the UN has done much in the past, it is not enough.

He urges that strengthening the international machinery for the coordination and effectiveness of assistance in cases of natural disasters is necessary.

The comprehensive study that the Secretary-General is to be asked to undertake and report on to the next General Assembly in the fall of 1971 is expected to involve:

Organizational arrangements for a permanent office in the UN responsible for action relating to natural disasters and similar emergency situations and the resources required for this.

An invitation to UN members and specialized agencies to communicate to the Secretary-General information on the kinds of facilities and services they might be in a position to provide immediately—such as the number and type of vehicles or other means of delivering supplies to disaster areas by air, sea, and land.

Predisaster planning at the national and international levels, including the definition of machinery and contingency arrangements capable of coping immediately with disaster situations.

The stockpiling of emergency supplies, including medicines, nonperishable foodstuffs, blankets, clothing, etc. and the earmarking of other facilities, such as logistical equipment and helicopters.

Ways to ensure better mobilization and coordination of the assistance to be provided through the UN, as well as the league of Red Cross societies and other nongovernmental organizations.

The application of technology to and scientific research for the prevention and control of natural disasters or a mitigation of the effects of such disasters, including developing and improving early warning systems.

The creation of such a UN disaster relief agency is not meant to discourage bilateral aid to affected countries. Nor is it conceived in such a way as to replace the aid that an affected country provides for itself. The latter type of aid is usually much larger in quantity than that which comes from outside.

Long-term plans for reconstruction and development of disaster areas are to be included in the study.

The International Bank for Reconstruction and Development (IBRD), which already is planning a large rehabilitation outlay for East Pakistan, will be asked to give special consideration to requests for assistance from governments of countries affected by disasters.

CONGRESSMAN CLAY ASKS FOR INVESTIGATION INTO ATTEMPTED ASSASSINATION

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. CLAY. Mr. Speaker, I want to bring to the attention of my colleagues the letter which I directed to Col. James

Sanders, president of the board of police commissioners in St. Louis concerning the shooting of Police Officer Steven Georgeff. The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 9, 1970.

Col. JAMES SANDERS,
President, Board of Police Commissioners, St. Louis Metropolitan Police Department, 1200 Clark Avenue, St. Louis, Mo.

DEAR COLONEL SANDERS: I have sufficient reason to believe that an effort is being made to "white wash" the case involving the shooting of police officer, Steven Georgeff. This incident evolved out of the arrest of Wesley Copeland at the George Washington Hotel. Information available to me indicates that the case, presently under investigation by the Inspectors Office, may be affected by influential persons who are interested in protecting the accused police officers.

Therefore, I request that the Board of Police Commissioners hold a full and open hearing in this case. The highly questionable circumstances surrounding the shooting of Officer Georgeff, dictates that the public interest would be best served by an open hearing. Many citizens, elected officials, and some of the news media harbor the opinion that these men were attempting an assassination.

The only way to dispell this cloud of doubt is by publicly disclosing all pertinent data relative to the case. Anything short of this would leave a lot to be desired.

I further request, in line with the stated policy of the St. Louis Metropolitan Police Department, that you conduct "an evaluation of the mental fitness" of the officers involved in this incident.

Additional information received by my office indicates that Sergeant Lodl, who was at the scene of the shooting of the policeman, has been accused by more than 30 citizens of abusive acts, some criminal in nature. Thirty individual accusations on separate occasions, ranging from charges of "police brutality" to "planning an armed robbery" certainly ought to demand a re-evaluation of this officer's fitness for duty.

Sincerely,

WILLIAM L. CLAY,
Member of Congress.

ADDRESS OF W. B. CAMP

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. DORN. Mr. Speaker, one of the greatest agriculturists and conservationists of our time is Bill Camp of Bakersfield, California. Mr. Camp is a graduate of Clemson University in my congressional district and is a member of the board of trustees of that great land grant university. Mrs. Camp is a beautiful, charming and talented lady from Edgefield, also in my district. Mr. Camp delivered an outstanding address recently to the annual meeting of the South Carolina Soil and Water Conservationists. Mr. Camp's address is particularly timely in view of the recent efforts to curb our great soil and water conservation program. I commend Mr. Camp's splendid address to the attention of each Member of Congress and to the American people:

Talk by W. B. Camp, farmer, Bakersfield, Calif., before the Annual Meeting of the South Carolina Soil and Water Conservation Commission, Columbia, S.C. Dec. 8, 1970

THE EXPANDING ROLE FOR SOIL AND WATER CONSERVATION A MUST FOR AMERICA

It is indeed a signal honor to be invited to speak to the South Carolina Soil and Water Conservation District Commissioners today. Nineteen years ago, I was the keynote speaker at the annual meeting of the South Carolina Soil Conservation Districts at Myrtle Beach.

Most of you are too young to have attended the Myrtle Beach meeting! I remember how pleased and thrilled I was on learning that you and the State Chamber had been given government permission to use a postage meter carrying the message, "Soil Conservation, the Key to Better Living." My comment then was: "This is mighty fine, but it doesn't go far enough—it doesn't say a word about *water* conservation,—without which soil is worth very little!"

It is my understanding that following this meeting your people decided that *water* should be added to the overall name of your organization. So, now you have "Soil and Water Conservation Districts." A most appropriate name for the great work you are doing.

Many important things have happened in the world since that Myrtle Beach meeting. Scientists in all fields, including agriculture, have made many discoveries. If we are intelligent enough, and morally courageous enough, we can make use of these discoveries for the benefit of all mankind. It is your responsibility and mine to work diligently toward that goal.

If I were to be asked to list, according to basic importance, the many organizations working in South Carolina today, I would have to place "Soil and Water Conservation Districts" at or near the top. Your work is the foundation necessary for other groups to build on. I am sure your organization will be called upon to take a leading part in the tremendous job of cleaning up the ugly, and much too long overlooked, pollution, which we find everywhere.

I have been a booster for the work you folks do right from the beginning. For years you labored almost alone in your endeavor to reclaim or restore much of our badly abused land and water resources. However, leaders all over America now know you have come of age, ready and capable of doing the full job, if given the freedom to do it. The task ahead is big—very big. It will require a lot of time, manpower, money and full understanding and cooperation on the part of all our people—in all businesses.

My brother, Willie, was an active cooperator in the upper part of the state from the very start of this organization. Recently you named one of your watershed districts—"The Willie C. Camp Watershed Conservation District." For myself, his family and all the Camp clan, I thank you.

Also, Mr. Ed McArthur from Gaffney, the first National Chairman of the Soil and Water Conservation Association, was a cousin of ours. His sister, "Miss Nancy", was my teacher at Possumtrot School!

Before I go further with what I came here to talk about, let me say this: It has been my privilege to see most of the United States and much of the other countries, and I don't believe there is a finer place in the world than South Carolina in which to really live and enjoy the beauties of life. You have an excellent climate, rich soil, bountiful natural resources—and a wonderful people.

I like your project "SCORE" in South Carolina.

Demonstrating to young leaders and workers that they should remain in South Carolina.

Now, back to Soil and Water Conservation.

Recently I read a statement attributed to an enterprising young man who said: "You can't do today's job with yesterday's methods and be in business tomorrow."

In other words: "There is nothing so constant as change." This is particularly true in American agriculture. We are in the middle of an agricultural revolution all over America.

Today,—less than 5 per cent of our people—live in the country. Less than half of these depend solely upon farm income for a livelihood for themselves and their families.

This shrinking farm population has been a sign of strength, rather than weakness—the inevitable consequence of rapidly expanding agricultural efficiency.

In spite of this dwindling farm population, farming remains our biggest industry. Nearly 40 per cent of all workers in America are employed directly or indirectly by agriculture.

However, the proportion of people who understand agriculture is small and continually declining. Even so, it is important to remember that farmers, and the farms, are absolutely essential. Food and fiber must be produced if the people are to live and work. They can do without television, fancy automobiles and modern conveniences, but they must be fed and they must be clothed.

Rising productivity characterizes most of our overall economy, but farm productivity has risen fastest of all.

Man hour productivity in nonfarm industries has increased about 50 per cent since 1950, but it has increased 164 per cent in agriculture.

In 1940 one farm worker could produce only enough food and fiber for 11 people. Ten years ago this had risen to 25 people. Today one farm worker grows enough for himself and 50 other people.

In spite of this efficiency on the part of the farmer, some alarmists predict that soon we will run out of land on which to produce enough food and fiber for our increasing population. This is not so, and will not be so in the foreseeable future. By merely doing a better job, using only our present knowledge of scientific agriculture, we can again more than double the production we are now getting from the farms presently under cultivation.

Research and education are the fundamental bases for all progress, and the progress made in American agriculture up to now is but a stepping stone to what we may expect in the future. We have hardly scratched the surface.

Twenty-five years ago the percentage of cotton grown under irrigation was small, but last year much over one-half of the total cotton produced in the United States was grown under irrigation, or with the aid of supplemental irrigation. These yields were big and the quality high.

What does this mean to the older cotton belt? Simply this, our farmers have got to produce more cotton to the acre, and produce it cheaper—or else. It means that soon their operation has got to be large enough and the farm productive enough to permit complete mechanization.

At this point I wish to say that if the boll weevil is eliminated, and I believe it will be, cotton growers in these Southern states will definitely be able to produce cotton cheaper than California and Arizona. Then much of your lost cotton acreage will come back home. Of course, I mean you must have water available to irrigate if need be.

It is my conviction, based upon my own personal experience and observation, that supplemental irrigation is the most important single thing now offered for the improvement of agriculture in the Rainfall Belt, and especially so in the Southern states. Supplemental irrigation is the best and cheapest form of "Crop Insurance obtainable.

Mrs. Camp and I, also our three sons, own and operate farms in California, South Carolina and Washington states. We are prepared to irrigate everything. In my opinion, the time is not far distant when all the better farmers across the country will accept irrigation just as readily as they accept milk-ing machines, tractors and electricity today. Certainly a revolutionary change!

Right here I wish to pay special tribute to my good friend, and your good friend, Jim Eleazer, retired Information Specialist at Clemson, for the very vigorous and continuing crusade he waged in South Carolina and throughout the Southeast. Jim did a fine job acquainting farmers and others, with the great potential of Supplemental Irrigation. Southern agriculture owes much to Jim Eleazer for the great work he has done in this field.

We do have abundant water in the course of a year all over the South. But the trouble is it doesn't all come exactly at the right time. Until your organization started conservation work much of the surplus water had about all gone when drought struck.

However, thanks to your fine work, our farmers are now practicing water conservation—along with soil conservation. Ten years ago you had already built 25,000 ponds in South Carolina—and heavy equipment was busy everyday building more. You have a lot more now. A similar program is underway in other states.

We can't say enough about the good work already done by the Soil and Water Commission. This is fine for a starter, and does help tremendously with immediate needs. But for the much bigger and long-range program, we must arouse everybody concerning the needs and the opportunities of soil and water conservation development on a statewide—yes, Southwide basis.

There is now a new irrigation project in California nearing completion. It has been many years in the planning and building. It is a good water project for California. Originally estimated to cost 3¼ billion dollars to carry water from the northern part of California to the Southern end, a distance of 1,000 miles. This calls for building many dams, and the boring of many very large and long tunnels through mountains, and on and on through open ditches. The cost may double before finished. It is a gigantic project but water for irrigation and for domestic and industrial use is the life blood of that area. Water is the life blood of all other areas too—including South Carolina.

I hope you realize that some of your Federal tax money is helping to pay for the project I have just mentioned.

This is why I say we must demand of our lawnmakers and government agencies that if Federal tax money is to be spent to provide water conservation and distribution for anyone in agriculture, proper consideration should be given to conserving and distributing water to our long-established families of drought distressed people in South Carolina and throughout the rainfall area.

It may surprise you to know that the first *official meeting* ever called by the U.S. Department of Agriculture, for the purpose of discussing Supplemental Irrigation in the Rainfall Belt, was held in Washington, D.C. in the summer of 1951. And this conference came about as a result of an irrigation article appearing in one of our leading farm magazines. This showed a South Carolina farm being irrigated. I don't like to be personal but it was our farm—though we didn't sponsor the article.

Not long ago I was again called to Washington by the Secretary of Agriculture to confer and argue with a small group of agricultural people from other parts of the country, for the purpose of studying the department's overall conservation program. I shan't try to tell you of the many things that were studied and discussed. However, to me, the most significant single thing that came out of the deliberations was a unanimous recommendation to the Secretary that hereafter his department and the Department of Interior should make sure that in studying irrigation it be considered from a national standpoint rather than just the Western states, as has been the case for much too long.

Twenty years ago the U.S. Department of Agriculture was opposed to spending money for such a "foolish notion" as irrigation in the Rainfall Belt. They told me so themselves. However, ten years later the Department said in an official bulletin, and in the 1958 yearbook: Quote, "Perhaps because of the experience in the West, we have become accustomed to link irrigation with lack of rainfall. The greatest potential of irrigation in the United States lies not in reclaiming the deserts, but in correcting the seasonal deficiencies of moisture in the sections where we used to consider the rainfall to be adequate." End of quote. So, again I can speak of a "change"!

Many newspaper cartoons still picture farmers wearing patched overalls and seedy straw hats. We don't mind this too much.

Though for a long time I have argued that farmers must not be considered a separate or a special class of the American society. No longer should we use the term, "Farmers and Businessmen". It should be "Farmers and other Businessmen."

Awareness of the mutual interdependence of agriculture and industry is growing generally. This interdependence is due primarily to the development of a more fully mechanized commercial agriculture. And while increasing commercialization has at times brought more prosperity to the farmer, it has also made it possible for him to go broke much faster. Before 1930 it took 8 or 10 years for a farmer to go broke—while today the job can be done in 8 or 10 months! Everyone knows it now takes a lot of money to buy, equip and successfully operate a modern farm.

Again I speak of "change". For the country as a whole, the tendency over a period of years has been toward the consolidation of small farms into larger farms. That tendency will continue, if we are to have the greatest advance in economic production. We must recognize this as a normal result of progress, and as a perfectly natural outgrowth of our changing times. This does not mean that these larger farmers are not still family farmers—most of them are.

Nine years ago in this city, I had the privilege of speaking to the annual meeting of South Carolina young farmers. I pointed out to them the farms that are disappearing in South Carolina are largely small, inefficient farms—whose operators have never made an acceptable living—even with good farm prices—they merely existed. These people have not been liquidated. They are being elevated to a new and a higher standard of living. New industries, including agricultural industries, afford much greater opportunities for many of these families.

I wish to congratulate the people of South Carolina for recognizing this problem and for the official action taken by your General Assembly in appropriating money to build the dozen or more Technical Educational Centers in the state. These have already trained thousands of workers for important jobs. South Carolina leads the nation in this field of advanced thinking, planning and doing.

The most important single ingredient in the success story of the American farmer has been that of freedom. Yet, we have in parts of this country, including some in Washington, a bunch of irresponsible do-gooders, many of whom know little or nothing about agriculture—some of them don't know the difference between a steer and a bull—yet blindly arguing for programs that would be utterly destructive. They advocate higher and higher wages for everybody. We farmers would all like to pay high wages—actually we do. But the farmer's ability to pay is determined by what he gets for his product. These do-gooders also yelp for cheaper food. I'm for that too, provided there is profit left to provide a decent living for the farmer and his family.

These people insist that all this be done on small family farms where efficient mechanization is not possible.

This type of loose-lipped mouthing has its appeal to many unthinking people, but the cold facts are: these three things—higher and higher wages, cheap food and very small inefficient farms—never have gone together, do not now go together and never will go together. We all know that a pair of shoes, a tractor or an automobile would cost a great deal more if they were made in thousands of little shops, and—if present high rates of pay maintained. I insist that farmers are entitled to just as good wages and just as good living as anyone else.

Progress marches on. We cannot and should not attempt to reverse a natural economic trend. We should not by legislation, try to artifically prevent the shift of crops from one state or area to another.

These shifts are often very disturbing to the persons involved, and unfortunately, sometimes disastrous to entire communities. However, I have always been one of those who feels that just as surely as water runs downhill, crops and livestock are also going to flow, or migrate toward those areas in this country where they can be most economically produced and marketed. This same reasoning also applies to industrial plants. If this were not so, South Carolina would not now have the hundreds of new businesses that have come here during the past thirty years. This is as it should be—though it can only happen under a free economy. This is not the way they do it in Russia!

There are some things that continually bother me when I try to project my thinking into the future to see what the farming pattern is going to be when the time comes for my eleven grandsons to take over. I am by no stretch of the imagination an alarmist, some call me an optimistic pessimist. I prefer in this case to think of myself as a realist, willing to acknowledge the facts and then to face them. Be that as it may, I have had certain personal experiences that just can't be lightly dismissed from my mind. For several years I sat across the table from communist agents in Washington and watched them and their fellow travellers move with incredible skill—through the farm areas, doing their dirty work.

If I could bring myself to believe there is no longer danger from these internal enemies I have known so long, I would not ask you to listen. But, I do know there is a definite long-time program being vigorously pushed by these termites, looking to the day when they will "bury" American agriculture in a "planned economy." You and I have simply got to be on our guard, day and night, to prevent these vicious agents of the "Welfare State" from taking over.—So, all the good things I have said about the future of agriculture, depend entirely upon our keeping America free.

Freedom is no a physical object. It is a spiritual and moral environment, and it is *this* that our Constitution was intended to protect. The constitutional integrity of the states is our best defense. That is why the communists, at home and abroad, are dedicated to the complete destruction of our States' Rights.

Unfortunately, too many Americans are still unaware of the evil forces trying, by devious means of one sort or another, to shape their future for them. Some are losing sight of the human values upon which our democratic society is based. Efficiency in our agricultural operations will mean little to us—if we fail to preserve our liberty.

When the farmer is told how much acreage he must plant—when the laboring man is told he must join a union in order to work—when the merchant or manufacturer is told how much he can charge for his product—

then we are dangerously close to a controlled economy.

When the power to tax is used to redistribute our wealth—then we are dangerously close to socialism.

It is my opinion, that if America is to be saved from the horrors of communism, it will be because of the convictions, courage and good sense of the God fearing people in our Southern States.

Abraham Lincoln said: "You cannot help the wage earner by pulling down the wage payer. You cannot further the brotherhood of men by encouraging class hatred. You cannot help men permanently by doing for them what they could and should do for themselves." Unquote.

More than 100 years ago, a great French liberal politician and writer wrote in his "Democracy in America"—Quote:

"I sought for the greatness and genius of America in her commodious harbors and her ample rivers, and it was not there. In her fertile fields and boundless prairies, and it was not there. In her rich mines and her vast world commerce and it was not there.

"Not until I went to the churches of America and heard her pulpits aflame with righteousness did I understand the secret of her genius and her power.

"America is great," de Tocqueville concluded—"Because she is good, and if America ever ceases to be good, America will cease to be great." End of quote.

You and I are dedicated to the conviction inscribed on our coins: "In God We Trust." The question is: What are we doing about it. It is urgent that every redblooded, loyal American stand up and be counted.

It is not enough to have convictions; one must have the courage to defend those convictions.

We must recognize and acknowledge that the moral purposes of our society are not manmade, but come from God, who is the sole source of goodness, and the final judge of our performance.

Let us, then as good citizens, recognize the challenge before us. Let us as Christian businessmen and statesmen, prove to all the world, and particularly to the weak among us, that the soul of America is still good—because—there are so many good Americans.

Let me underpin all that I have been saying by again pointing out that the productivity of the farms of America is a bulwark of strength for our country in this troubled world. For this, we should all be sincerely appreciative and grateful.

The history of civilization is the history of agriculture. Just as we recognize that it's the mainspring that causes a watch to tick—so, we must recognize that agriculture is the "mainspring" in the overall economy of any nation.

If we will read our histories, we will find that the independence of the farmer is basic to democracy. A dictatorship cannot succeed where the farmer is free and independent. Every dictator has recognized this. The first act of the dictators in Russia was to destroy the freedom and independence of the farmer. This was done in Red China—it was done in Cuba—my fear has been that here in the United States we may accomplish the very same thing under the guise of helping the farmer.

Thomas Jefferson said: "If we let Washington tell us when to sow and when to reap, the Nation shall soon want for bread."

Summing up, then we might ask: What do our farm and other environmental problems mean to each of us as individuals here today? Or what do they mean to the man behind an assembly line in an auto factory? To the man behind a desk in a New York skyscraper? To the salesman behind a counter in a Columbia Supermarket?

Or to the South Carolina Soil and Water Conservation Commission?

Not much? Only the breath of economic, as well as physical life—only the difference between hunger and plenty—only the difference between success and failure—that much and nothing less.

Thank you very much.

MIKE CASTLEBERRY: ALTHA'S FIRST EAGLE

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. FUQUA. Mr. Speaker, this past weekend I had the privilege of participating in a program in Altha, Fla., as Mike Castleberry was awarded his Eagle Scout badge.

With some pride I point to the fact that Altha is my home town and that I was formerly a member of this troop.

The Methodist church, where the ceremonies were held, was filled with friends from the community who were genuinely proud of the accomplishments of this young man. Mike is the first member of troop 136 to attain the rank of Eagle.

His advancement was a particular source of pride to my good friend, Pack Bowden, who serves as scoutmaster of the troop. It was his dedication and inspiration that encouraged Mike to excel.

In paying tribute to them, I pay tribute to the Boy Scouts of America. I consider this to be an organization which molds character in American youth and deserves the support of all of our people.

I might add that Mike's older brother, Tommy, was a contemporary of mine and is now a scoutmaster in Pensacola, Fla.

Mike is the son of Mr. and Mrs. Castleberry of Altha and has three older brothers, two older sisters and a younger sister.

Scout Castleberry is a member of the Altha United Methodist Church which he has attended regularly. He is presently the church music director and active in the Methodist Youth Fellowship.

He will graduate from Altha High School in May 1971, where he is active in many school positions, a member of the Beta Club and selected for the honor roll most of the time.

He was a Cub Scout for 3 years prior to beginning his scouting career, having attained the highest rank in the Cubs, the Webelos Award. He has been a very active member of Scout Troop 136 since March 1964.

As a member, he has served as troop scribe, bugler, senior patrol leader and junior assistant scoutmaster. Other achievements include Philmont Scout Ranch at Cimarron, N. Mex., in 1968, four summer camps, Brotherhood member Cowikee Lodge Order of Arrow, 26 merit badges, six NRA awards, the 50-miler Award and Camp Rifle Range Award.

Mike's interest in humanity has caused him to plan a career in the field of medicine for his life's work.

It is a privilege to pay tribute to this fine young man and in so doing, to commend all of those who are genuinely interested in the youth of our Nation.

The people of Altha and Calhoun County are truly proud of Mike's accomplishment in becoming the first Eagle Scout from an Altha troop.

RANGERS WHO CARE ABOUT OUR NATIONAL PARKS

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mrs. HANSEN of Washington. Mr. Speaker, all too often the people who work for the U.S. Government in our various facilities, national parks, and other installations, are forgotten. Those of us on the committee who have been cognizant for so many years of the tremendous job that our National Park Service is doing are only too happy when we note that others are observing the kind of people who are making these parks a joy to visit day after day.

I am delighted to place in the RECORD an article from the Washington Post of Sunday, December 13, "Clean Parks, and Rangers Who Care":

SOMETHING TO CONSERVE—CLEAN PARKS AND RANGERS WHO CARE

(By Hal Willard)

It took us a long time to put a mountain goat in our bag. You have to travel high and look sharp and quick to see one because they are among the rarest and most elusive wild creatures in America. They inhabit the most inaccessible areas of the country: the tops of mountains.

So perhaps you taxpayers will excuse me tromping on your grass in my eagerness to keep my binoculars on four mountain goats cavorting atop a peak at the Continental Divide, in Logan Pass of the Rocky Mountains in Glacier National Park, Mont.

We had emerged from the visitor's center in the Pass and started across a large meadow, following asphalt walkways to the area from which we had been told we might be able to spot the goats. And there they were, grazing on greenery surrounding patches of snow.

They were far away and high, and difficult to see even with binoculars. So I moved off the walkway a few feet to lean against a boulder to steady myself as I held the binoculars up.

"Sir," I heard a voice saying, "you are doing something highly detrimental to this park and the ecology of the area. You must not do that."

I wonder what some poor dolt is doing, I thought, but was reluctant to turn around and look for fear of losing the goats.

"I'm sorry, sir, but you'll have to return to the walkway." The voice was more insistent this time, and closer. I turned and discovered the speaker was a park ranger, and the dolt was me.

"What's the matter" I asked as I scurried back to the asphalt.

"Look where you were standing and where you had to walk to get there and back here," he said with considerable feeling.

I looked and what I saw was grass, acres of it in all directions, and a bare patch about a foot square in front of the boulder. I looked back at the ranger in disbelief that he could be worried about this bit of grass on a vast meadow.

"If everybody (and he swept his arm around at the dozens of people moving up and down the wide walkways) did what you have just done we soon would have no grass here at all," he said.

"Okay," I said. "I'm sorry. I won't do it again."

As the ranger moved off to look for more culprits, I said to my wife: "That guy's a nut. He's let this ecology thing go to his head."

"No," she said, "he's just protecting the park." She was right.

This story illustrates the fact that National Park rangers really care about National Parks. The parks show it. The people who use the parks get the idea almost immediately and soon are as protective as the rangers.

I say this after visiting eight national parks, six national monuments, two national historic sites, two national memorials and one registered natural landmark—all run by the Park Service—in the course of an 11,000-mile tour of the Northwest by pickup truck/camper.

We had thought trash would be a problem in the parks, what with millions of people traipsing through, but we quit worrying about it after carefully studying every inch we could see of Rocky Mountain National Park (the first National Park on our trip) for most of two days and spotting only one item, a beer can bobbing in a mountain stream.

That was the pattern for the other park areas. Well, we did see some candy wrappers and other waste paper blowing about near Old Faithful in Yellowstone National Park, but two park employees were chasing after the trash with spiked sticks.

The National Forests were much the same as to cleanliness and the attitude of rangers and tourists toward natural reesources. At the ranger station in the Salmon National Forest in Idaho, just south of the border with Montana, a ranger suddenly broke off giving information to tourists and hurried outdoors to prevent three young men from carrying away armloads of large rocks gathered from the edge of the woods, for whatever purpose.

"You can't take those rocks," the ranger said. "They help prevent erosion along that bank there," and he pointed to where the forest's edge dipped down to the highway.

The universal concern of rangers about keeping the areas under their charge free of trash and in their pristine state to the extent possible is, of course, magnified by the tremendous increase in the numbers of people trooping through the parks, forests, monuments, etc.

While the people increase, the sizes of the parks stay the same, although every once in a while a new park is added to the nationwide system. The latest is North Cascades National Park in Washington state, north of Seattle near the Canadian border.

The droves of visitors have caused the National Park Service to consider closing some parks to automobile traffic and requiring tourists to either ride shuttle buses through the park, or walk or ride horseback in. As an experiment, a portion of heavily used Yosemite Valley in Yosemite National Park, California, has been closed to cars.

From my observation, there is no question that there are large numbers of people battling about in the parks, but the crowds are not excessive or depressing or oppressive—and we made our tour in July and August, at the height of what was regarded as the most crowded season in history.

The National Parks recorded 157 million visits in 1969. The estimate for fiscal 1971 is 186 million.

Ending our trip, we felt that the millions of park users should be congratulated for their neatness, their courtesy to each other and the care with which they treated the parks—and for their willingness to follow instructions of the rangers.

I would like to admit here that before I left on the trip I expected to write afterwards about the population explosion, man's destruction of nature and inhumanity to himself in the National Parks. The facts did not bear out the preconception and did not support the scare-stories I had read. Yosemite Valley, for example, certainly was jammed, but the Valley area is about six-tenths of 1 percent of the park's total area. Most of the rest of the park was like Wall Street on Sunday afternoon: deserted.

Why not open a little more of Yosemite to the public? It wouldn't have to be made as fancy as the Valley, but enough facilities could be put in to enable more people to more conveniently see one of the great scenic wonders of the world.

The same goes for the rest of the parks, specifically including Yellowstone, which is so big it took us about 2½ days just to drive around in it, stopping only briefly to examine various natural wonders. But the actual area to which the public has easy access is but a fraction of the total. Yellowstone is almost as big as Rhode Island and Delaware combined.

In addition to the National Parks, we have vast sections officially set aside as forest and wilderness areas, with limited access. Why not provide a few facilities to make parts of these areas possible to visit without the visitor having to be a latter-day Kit Carson?

Just to give you Easterners a little idea about the vastness of the open spaces out West, Montana has 147,138 square miles of territory and Prince George's County, Maryland, has 496 square miles. Both have about the same population: around 700,000.

And there still are quite a few areas of Prince George's County where you can wander around for a considerable time without seeing anyone.

"Easy access" to parks and wild areas doesn't have to mean roads. The Department of Interior's publication "Park Road Standards" points out that research is being done into the possibilities of using tramways, monorails, rail conveyor systems, buses, helicopters and hydrofoils.

My only lament about our past experience was that there weren't enough rangers. They can be so helpful to the visiting public, but there are so few of them. The parks, without exception, were noticeably understaffed. By "noticeably," I mean we hardly ever saw a ranger.

Yellowstone, for example, has hundreds of dangerous geysers and other thermal marvels. Most of them are marked with signs warning people to stay on the walkways, but the signs are small and unobtrusive and there were no rangers anywhere in the vicinity of the geysers we saw.

A 9-year-old boy fell in one last summer and was scalded so badly he died a few days later.

While we and several score other persons were sitting on the benches safely out of range waiting for Old Faithful to spout off, two middle-aged women wearing high heels approached the steaming geyser, apparently intent upon peering into it. They finally turned back after many of us whistled and yelled at them that the geyser was due to blow any minute. (Old Faithful isn't precise. The periods between blows vary by several minutes.)

We watched many young and middle-aged people stop along the road to feed the famous black bears, which are notoriously unpredictable, and get out of their cars to photograph them. We saw people walk across large open fields to take pictures of bull moose and bull elk grazing.

We didn't see anyone killed or injured and I can't figure out why.

The Park Service issued warnings through a few signs and in brochures, but there were no rangers present at any of the above incidents and I saw none patrolling the park.

Other dangers include no railings or even warning signs around the rims of precipitous canyons. You can't build a railing around a whole canyon, but one could be placed along the edges where people go to gawk, near parking lots.

Another failing at Yellowstone and Glacier, for example, was the lack of rangers to check people in and out of campgrounds. The only way to find empty sites was to drive through and look over the entire campgrounds. At Yosemite, rangers checked people in and out of sites on a master chart.

To pay for our campsite in Yellowstone, it was necessary to find the right ranger at the right time of day, and I failed in three attempts during two days. I finally gave up and left owing Uncle Sam $4.

The rangers who were on duty were magnificent, everywhere—particularly the ranger-naturalists and ranger-historians. They are genuinely dedicated to helping visitors gain as much from the park experience as possible.

But where was the ranger-money collector?

THE GHOST OF KATYN CONTINUES TO HAUNT THE KREMLIN

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. PUCINSKI. Mr. Speaker, the continuing outrages being committed by the Soviet Union against all those who seek the truth must sooner or later arouse the conscience of the free world.

The latest such outrage comes to light in an Associated Press dispatch from Moscow which appeared in the Washington Evening Star calling attention to a number of trials and convictions recently held in the Soviet Union.

Among these trials was one of Svetoslav Karavansky, who was convicted for anti-Stalinist activities 21 years ago. Recently, Karavansky received a 5-year extension of his 25-year sentence for smuggling out a manuscript calling for reconciliation between East and West, and an eyewitness account of "a mass execution of Polish troops by the Soviet military during World War II."

This reference to an eyewitness account of a mass execution of Polish troops by the Soviet military during World War II has reference to the infamous Katyn Forest massacre in which the Soviets methodically destroyed 15,000 Polish Army reserve officers because they feared that after the war these Polish officers would constitute the core of opposition to the Communist takeover of Poland.

A select committee of the Congress of the United States headed by our distinguished colleague RAY MADDEN in 1952 conducted a very extensive and exhaustive investigation of the Katyn Forest massacre.

It was my great privilege to serve as chief investigator for this House committee and at that time, based on indisputable evidence, we concluded that the Soviet Union was responsible for this monstrous crime.

The conscience of the world will not be able to rest until the Soviet Union and those responsible for this mass murder are brought to the bar of justice. There is no statute of limitation for murder.

The fact that the Soviet Union would tack on another 5-year sentence to Svetoslav Karavansky for trying to smuggle out an eyewitness account of the Katyn massacre is yet another proof of how desperately the Soviets have tried over the years to conceal their guilt for this crime.

The Polish army officers were taken to three Soviet camps near Smolensk, Russia, ostensibly to help regroup the Polish armed forces which had been routed by the invading Nazi forces during the first 3 weeks of September 1939 when Hitler started World War II.

While the heroic Polish armed forces were fighting against enormous odds to hold the line of the invading Nazi hordes in 1939, on September 17, 1939, the Soviet Union told the Polish Government that it was coming to the rescue of Poland and that Soviet troops were crossing the eastern borders into Poland in an effort to help the Poles hold off the Nazi invasion.

The enormity of Soviet deceit is best exemplified by the fact that the Soviets did not tell the free world they had signed the secret Ribbentrop-Molotov agreement on August 26, five days before the Nazi invasion of Poland, and that they were moving into Poland on September 17 as part of this secret agreement with Hitler.

The agreement provided for the division of Poland, with eastern Poland going to Russia and western Poland going to Germany.

To compound this scandalous deceit, the Soviet high command rounded up the 15,000 Polish army officers and transported them to the three camps near Smolensk under the guise of having them reorganize the Polish armed forces. It was only after the Polish army officers arrived at these three camps that they realized they had been duped and that they were being held prisoners by their ostensible ally.

The mass executions of these Polish army officers, ranging from the grade of lieutenant to general, began in the winter of 1939 and spring of 1940. The systematic destruction of these Polish army officers constitutes one of the most brutal crimes of history and is a violation of every agreement ever enacted in the history of conflicts between nations.

This horrible crime was carefully concealed by the Soviets until 1944, when German armies occupying the territory of Smolensk and finally the Katyn Forest, which was a rest camp for the Soviet high command, near Smolensk, deep within the borders of Russia, uncovered the huge mass graves into which the Polish army officers were dumped after being shot through the head by Soviet bullets fired by the Soviet NKVD.

The Soviets denied this crime and in a most clumsy manner tried to say that the Polish Army officers were killed by Nazi soldiers invading the territory. This Soviet claim was so preposterous that the free world could not help but reject it. Nevertheless, in the name of military expediency and allied solidarity, the free world, including the United States, brutally closed its eyes to this monstrous atrocity.

It was not until the congressional committee of 1952 that we finally laid the bare facts before the conscience of the world.

We apparently now have a new standard and concept of international justice.

The United States did nothing more than issue a slap on the wrist to the Soviet Union when in 1953 the American Ambassador to the United Nations merely reported the findings of the congressional committee to the United Nations.

Today, 18 years later, we are watching an American soldier being tried for the Mylai massacre involving somewhere around 100 civilians killed in Vietnam.

I wonder where are those who have voiced such outrage over Mylai in demanding a similar trial of the Soviets for Katyn.

I wonder where are the voices of outrage in demanding that Svetoslav Karavansky be brought before an international tribunal to tell his eyewitness account of the Katyn massacre.

Mr. Speaker, it is obvious that man is motivated by many standards.

I can only say here today that it is crystal clear the Soviet Union continues to fear the exposure of its diabolical responsibility for the murder of the Polish officers at Katyn.

It is significant that even at this late date the Kremlin would add another 5 years' prison sentence to Karavansky, obviously hoping that in these next 5 years he will die and carry with him to the grave his eyewitness knowledge of the Katyn massacre.

The Soviet Union can use every device at its command, as it has up to now, but it will never be able to purge itself as the architect of mass destruction. The Katyn massacre shall withstand time itself as a living reminder of the brutality of the Communist mind.

We have heard a great deal about de-Stalinization. On a number of occasions the present Soviet leadership would have you believe that somehow things have changed in the Kremlin and that we are dealing today with honorable people.

Mr. Brezhnev and Mr. Kosygin can demonstrate the sincerity of this claim by releasing Svetoslav Karavansky from prison, permitting him to tell the world of what he saw, and then at least try to make up to the families of the victims of Katyn in some small measure the enormous loss they have suffered.

The ghost of Katyn will continue to haunt the Soviet Union into perpetuity. Only a soul cleaning and frank admission by the Soviets will help put that ghost to rest.

EAST-WEST TRADE

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. REID of New York. Mr. Speaker, the promotion of increased east-west trade should be an important goal for us and our Western allies. A healthy economic relationship is the cornerstone of a viable and peaceful political relationship among nations. In this spirit I am pleased to include in the RECORD a thoughtful paper on the subject by a consultant to Senator JAVITS, Mr. Arthur Ross of New York, which was presented at a meeting of the North Atlantic Assembly in The Hague last month. I enthusiastically commend this paper to the attention of my colleagues:

"EAST AND WEST: THE TIES THAT BIND"

Introduction

1. The most promising opportunity for easing the strains between the NATO countries and their Eastern European counterparts lies in accelerating the growth of trade between these two great areas. Trade intertwines the self-interest of each and promotes that interdependence which is such an important bulwark of stability.

2. Russia, with its population of 239 million, and the other Eastern European countries, with a combined population of 120 million, provide a well-organized market of 360 million people who are well-educated and many of whom have backgrounds not unlike their counterparts in Western Europe. Eastern Bloc countries have a good record of fulfilling their contracts with Western corporations. Business law and ethics in the Communist World are surprisingly similar to those in the West, despite the fundamental structural differences in business organizations and the differing theoretical assumptions regarding the social functions of business activity and commerce. These countries exceed the Common Market's population of 200 million and are not far behind it in productivity and consumption. Nevertheless, only 4% of all the foreign trade of the members of NATO is with this great trading area.

3. Trade among the nations of the Free World is expected to continue to grow at close to the 10–15% rate that it has averaged over the last fifteen years, but such trade is well-established and relatively mature. In contrast, trade with the Eastern Bloc is only marginally familiar to most business and government exporting organizations in the West.

This brief review of the current state of trade between NATO and the East and of the areas where a fresh approach might increase that trade is presented in the firm belief that such an increase should be an important NATO goal.

I. BACKGROUND

4. There are three major structural differences in the circumstances governing NATO's trade with Communist Bloc countries from those governing the balance of its trade with other countries.

(1) Eastern Bloc business transactions are consummated by government organizations, and their buying and selling decisions are often affected as much by political as by economic considerations.

(2) Communist nations are not members of the General Agreement of Tariffs and Trade (GATT). The most important results of this are that: A. a Western country may have a bi-lateral trade agreement with a Communist country; and B. a Western country need not grant Communist countries Most Favored Nation status in its tariffs.

(3) Trade with the Eastern Bloc countries for most members of NATO is governed by the Coordinating Committee (COCOM) list of some 160 strategic commodities that may not be exported from NATO countries to Communist countries. Items embargoed from export to Communist China are in the so-called CHINCOM list.

5. Within this institutional framework, trade between NATO members and the East has grown at a rapid percentage rate from an extremely low base.

TABLE 1.—NATO TRADE WITH EASTERN EUROPE

[U.S. dollars in billions]

	1968	1962	1957
Exports to the Eastern European Bloc[1]	4.1	2.2	1.1
Imports from the Eastern European Bloc	3.9	2.2	1.1
Total NATO-Eastern European trade	8.0	4.5	2.3
Total NATO trade	257.0	154.1	107.3
NATO trade with Eastern Europe as percent of total NATO trade	3.1	2.9	2.2

[1] Soviet Union, Czechoslovakia, East Germany, Hungary, Poland, Rumania, Bulgaria, and Yugoslavia.

Sources: OECD, Foreign Trade Statistical Bulletin, Series I, 1957–60; OECD, Foreign Trade Statistical Bulletin, Series A, 1961–68; IMF, International Financial Statistics.

NATO members are taking some steps to encourage their trade with the East. In the light of the special circumstances affecting this trade, some of the trade promotion measures being taken are worthy of note.

II. CREDIT

6. Practically all trade involves credit arrangements, and without such arrangements it will advance little beyond the level of barter. Internal trade involves difficulties and risks that make credit to either the buyer or seller, or both, and some kind of insurance to the seller almost essential. An international transaction involves an extended period of time to complete. Circumstances of either the buyer or the seller may change during that time; or the political or economic conditions in the buyer's or seller's country may change. The risks are well-known: insolvency of one party; devaluation; confiscation; war; revolution; changes in import regulations; and loss or damage to goods in transit. The longer the time during which the transaction takes place, the greater the risk, so all of these factors bear most acutely on the export of specially ordered and manufactured capital goods.

In addition, and again particularly with capital goods, the buyer by necessity wishes to defer payment. To meet these needs, all governments, I believe without exception, have set up agencies that will either grant credit directly to exporters or will rediscount a major part of the credit granted by banks or other private financial institutions to exporters. They have also established official or quasi-official agencies to insure export credits.

7. Financing is such an important competitive tool in promoting exports that the major industrial countries, through the Berne Union, have set up guidelines limiting the amount of government-supported financing. However, the line between commercial export financing, which is subject to the limitations set up by the Berne agreements, and the financing of development projects, which is not, is not clear.

The following table shows official domestic and export interest rates. There is little doubt that on major projects interest rates are modified, and repayment schedules are extended well beyond the five-year limit set by the Berne Union.

TABLE 2.—MEDIUM TERM INTEREST AND REDISCOUNT RATES[2] (SEPT. 1, 1969)

[In percent]

	Central Bank		Commercial Bank	
	Domestic	Export	Domestic	Export
United States	6.0	6.0	8.5	9–11.0
France	7.0	4.0	7.5–9.0	4.3– 4.8
Italy	3.5	2–6.5	8.5	5.5– 6.9
United Kingdom	7.0	5.5	8.0	5.5
West Germany	6.0	4.5–6.25	6.7–8.25	4.5– 7.5

[2] Source—U.S. Department of Commerce, as quoted in "Report on Preferential Interest rates within Export Credit Schemes of Major Trading Competitors", U.S. Chamber of Commerce, August 1970.

8. The importance of credit as a competitive tool in promoting exports is hardly open to question, yet little statistical evidence has ever been put together to support it. The fact that the U.S. Export-Import Bank does not participate in financing trade with Communist countries provides an opportunity of comparing trade levels where there is government-supported credit and where there is not. Such figures can at best provide only tentative evidence, but they indicate that government-supported financing can as much as double exports of major capital goods.[3]

9. There are also indications that either direct government grants of credit or government guarantees or rediscounting of credit generates additional, unsupported export business. The following table compares exports to Eastern countries of heavy machinery and electrical machinery (Group 7 in the U.S. Department of Commerce commodities classification) of thirteen Western industrial nations (excluding the U.S.) with the government-supported credits of over five years that were granted by these same countries. The correlation is that most export credits of over five years will be for capital goods of the Group 7 variety. As can be seen, there are about $3 of exports for each $1 of credit.

TABLE 3.—EXPORT CREDITS AND EXPORTS OF HEAVY MACHINERY

[U.S. dollars in millions]

	1966	1965	1964	1963
SITC 7 exports to Communist countries[4]	1,208	899	922	NA
Officially supported credits of over 5 years covering exports to Communist countries	446	294	224	45

[4] The exporting countries include are Austria, Belgium, Canada, Denmark, France, West Germany, Italy, Japan, the Netherlands, Spain, Sweden, Switzerland, and the United Kingdom.

Source: Hearings before the Senate Subcommittee on International Finance, of the Committee on Banking and Currency on S.J. Res. 169 (1968).

Clearly, continued improvement of credit, insurance, and guarantees of export financing can be an important factor in promoting trade with the Communist Bloc—as well as with the rest of the world.

III. TAX INCENTIVES

10. One of the problems in promoting exports is that it is more attractive for a company to sell in its home market than to cope with all the problems of language, foreign regulations, currency, credit checking and the like that are involved in export operations.

An important way of making exporting more profitable is to exempt export profits from certain taxes. One of the great beauties of the Value Added Tax is the nearly automatic way taxes can be refunded on exported goods. All indirect taxes have similar advantages as compared to income and other direct taxes. Among NATO countries, the U.S., Canada, and the U.K. rely most heavily on direct taxes. The U.K. has made a series of complicated exceptions and adjustments to its tax schedules to promote exports. The U.S. and Canada have thus far done very little. In fact, the U.S. tax system in some ways discourages exports: by deferring income tax liability on certain foreign profits, it encourages U.S. corporations to set up manufacturing subsidiaries abroad rather than to export U.S. made goods.

11. This spring, however, the Treasury proposed to allow U.S. corporations to set up a new type of subsidiary to be called a Domestic International Sales Corporation (DISC). To qualify as a DISC company, the subsidiary would have to derive at least 95% of its income from the export sales or activities ancillary to such sales, including interest received on any credit extended to finance its export sales; also, 95% of the DISC company assets would have to be related to export activities.

The profits of a DISC company would not be subject to U.S. income tax until they were distributed to the parent. In addition, where the U.S. parent company manufacturers the products that the DISC company exports, the Internal Revenue Service would allow a greater allocation of profits to the DISC company than the present arms-length allocation rules allow. The Treasury estimates that under its proposal, DISC companies could defer all their income taxes for a minimum of ten years and that DISC companies whose profits were growing could defer all their income taxes for longer than that.

12. Other countries have authorized similar tax-favored entities to promote exports, and a further use of tax-forgiving measures can help encourage all overseas trade, with particular benefit to trade with the East, which has been so neglected.

IV. BILATERAL TRADE AGREEMENTS

13. GATT, to which all NATO members belong, forbids any member to enter into a trade agreement with any one member nation that it does not offer to every other member nation. There are few exceptions, but that is the basic element in the system of multi-lateral trade that GATT is designed to encourage. However, the Communist countries are not GATT members, and a major part of the trade of NATO members with Eastern Bloc countries is carried on under bi-lateral agreements.

Such agreements are so varied in form and substance that they lend themselves to few generalizations. Some are specific contracts covering one carefully-described and enumerated exchange of specified amounts of goods. At the other extreme, some are little more than statements of intent to exchange a certain value of goods over a certain period of time. Most lie somewhere in between and enumerate kinds of goods that each party intends to ship and agrees to accept; sets forth the general rules for pricing; and often sets up an arbitration procedure.

Such agreements are not much better than extended barter agreements. As a prevailing way of doing business they are primitive, cumbersome, inflexible, and far less economic in their use of productive resources than a multi-lateral trade system. Nevertheless, since the Communist countries have so far not chosen to join the complex of treaties that make up the trading system of the Free World, such bi-lateral agreements must provide the basic framework for trade with the East.

14. A recent trend in such agreements combines trade with financing. Probably the best publicized is the agreement between West Germany and the Soviet Union under which West German manufacturers are supplying the Soviet Union with large-diameter steel pipe, delivery of which is to be completed by 1972. A consortium of German banks is financing a major part of the purchase price, and the government is guaranteeing the loan. Payment will be made by delivery of natural gas to Germany from 1973 to 1993. It appears that the pipe, with its financing supported by the German Government, will be used to transport the gas that will pay for the pipe.

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[3] Prof. Robert Hawkins and Thomas Wolf of the New York University Graduate School of Business are studying comparisons of U.S. exports of consumer goods versus capital goods versus capital goods to Communist and to non-Communist countries, and comparing those ratios with similar ratios of Western countries that do not differentiate between Communist and non-Communist countries in offering their credit support to exports. The study is still in progress, and the results can only be tentative; but the preliminary indications of the significant effect of governmental credit support are most interesting.

In a similar transaction, English contractors have undertaken to build a $3 million irrigation project in Rumania. It is being financed by British banks, with the financing guaranteed by the Export Credits Guarantee Department of the government. Payment is to be made over the next ten years with agricultural products expected to be grown at the irrigation project.

15. Clearly, there are opportunties for creative salesmanship and financing on a bilateral basis, and perhaps the surface has just been scratched. But note again the cumbersomeness of having to work out a deal like this for each transaction as compared to the simplicity of the normal money contract that is basic to a multi-lateral trade system.

V. IMPORTS, TARIFFS AND QUOTAS

16. One of the factors inhibiting trade with the Eastern Bloc countries has been their tendency to try to keep their trade with each individual country in approximate balance. (Another example of bi-lateralism and another example of the way the multilateralism of Free-World trade, despite the stresses to which the system is so frequently subjected, generates a more productive and efficient economic result.) It appears, however, that country-by-country balanced trade will remain one of the adverse conditions that traders with the Eastern Bloc countries will have to accept.

17. Since the Communist countries are not members of GATT, their exports to GATT members do not automatically receive Most Favored Nation tariff treatment. The difference can be significant. In the U.S., for instance, imports from countries not receiving Most Favored Nation status are subject to the rates of the Smoot Hawley Act of 1930. On a representative group of commodities,[5] the Smoot Hawley rates average 2.6 times the Most Favored Nation rates. The Communist nations also set tariffs at differing rates for different countries. However, individual bi-lateral agreements can modify the tariff rates for individual commodities in particular instances. Also, since Soviet purchasing policy is often governed by factors other than economic, prices can be set to effectively increase or reduce any given tariff rates.

18. It is difficult to document, but trading patterns suggest that Eastern Bloc countries trade more with countries with lower tariff barriers against their commodities. This is, of course, to be expected. Its significance is that, as in all other commercial relations, foreign trade with Communist countries is a two-way street and must be approached with the expectation of, and planning for, increased imports as well as exports.

In practice, this planning has sometimes appeared to be negative. There are several instances where countries, including members of NATO, have negotiated bi-lateral agreements with Communist countries providing for the exchange of groups of named commodities, where such countries have subsequently placed a quota on one of the commodities that it was to import under the agreement. Such quotas appear to have been imposed to protect the importing country from becoming too dependent on one source of supply. Perhaps such actions do not violate the letter of the preceding trade agreements, but they certainly put a severe strain on their spirit. Future trade would be better served by recognizing the limitations in the original agreement.

CONCLUSION

19. Before closing I would like to call special attention to developments indicating that the U.S. Government is taking steps toward a more positive attitude toward trade with Communist countries. The Export Administration Act of 1969, which replaces the Export Administration Act of 1965, directs the Secretary of Commerce to review the list of prohibited commodities and to remove those items the export of which may no longer present a threat to the national security. In making such determination, the Secretary is to consider whether such commodities are available to Communist countries from other non-Communist countries. That consideration was explicitly excluded from the predecessor act. Less tangible, but possibly more significant, the promotion of foreign trade is emphasized as the goal of the legislation, and the limitation of that trade to protect the national security is stated second and as an exception.[6] Furthermore, in September, 1970, the United States Treasury ceased requiring foreign subsidiaries of U.S. corporations to obtain a Treasury permit for an export to a Communist country in addition to the basic Export Control permit.

20. Although this paper concerns itself primarily with the NATO trade opportunities with Eastern Europe, nevertheless it is interesting to note that the United States has begun to substantially readjust its posture in connection with trade with Communist China. Thus within the past year, the ban on all material transactions of a commercial or financial nature between the U.S. citizen and his agent has been modified. This ban had been in effect since December 1951. The first exception was made in July 1969, when the State Department announced that an American citizen traveling abroad could bring home with him up to $100 worth of Chinese merchandise, so long as it was not intended for resale or for commercial use. On December 23, 1969, the ceiling of $100 and the requirement that the goods enter the U.S. with the traveler were removed. In addition, certain tax-exempt organizations such as museums were allowed the same import privileges. More important, the foreign branches and subsidiaries of U.S. firms were allowed to trade with China, so long as Chinese goods to the U.S., and foreign branches of American firms could deal "presumptively" Chinese goods, but not import them into the United States. Each such change in itself may not be dramatic, but overall they reflect important policy changes.

21. The last three decades of the twentieth century are now unfolding before us. Despite discord and differences in many parts of the world, the forces that bind Eastern Europe and the NATO countries together should be greater than forces that are divisive. It is incumbent upon government leaders at all levels to energetically exploit all means available to bind together and build bridges amongst our member nations and their Eastern European counterparts. Trade, with its many collateral advantages, is the single most effective channel on which to concentrate our thoughts and energies to meet this end.

THE DOUGLAS INVESTIGATION

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. WYMAN. Mr. Speaker, the nearly 1,000 pages of Celler Subcommittee report of a purported investigation of complaints of a lack of judicial good behavior on the part of Associate Justice William O. Douglas are labeled on the front cover as a "final report." From a review of the contents of the document it becomes apparent that no witnesses were called and no testimony was taken under oath and subject to penalties of perjury.

The Celler report is more significant for the extent of the questions it acknowledges remain unanswered, than for its purported explanations of the Justice's activities. It is clear that a truly meaningful investigation in response to the constitutional obligation of the House of Representatives in such cases has not yet taken place.

In this connection the following column by James J. Kilpatrick appearing in the Washington Star of December 15th is of interest:

WHY DOUGLAS OUGHT TO BE TAKEN OFF THE COURT

(By James J. Kilpatrick)

The judges of the United States Supreme Court, says the Constitution, "shall hold their offices during good behavior." The plain implication is that judges shall no longer hold their offices if their behavior is not good. By this standard, Justice William O. Douglas ought to be booted off the court.

Yet the odds are 10,000 to 1 that the House Judiciary Committee, when it meets this week, will accept the recommendation of a subcommittee that charges against Justice Douglas be dropped. For the time being, at least, the whitewash job will be complete.

What does the Constitution mean by "good behaviour"? The term defies precise definition. Manifestly, it means something less than—or more than—the provision that impeachment shall lie for "treason, bribery, or other high crimes and misdeameanors."

The requirements of good behavior, as a condition for continuance in office, applies specifically to judges. A fair reading is that "good behaviour" embraces simply that high standard of propriety which the nation has a right to expect from its federal judges in their official or public lives.

Such an interpretation has nothing to do with a judge's opinions. It excludes inquiry into his wholly personal life. The rightful concern of the people, through their Congress, is with the conduct of judges as judges, and with the contribution they make toward the public image of justice.

Whatever the standard may be for lower judges, surely a pattern of impeccable rectitude is demanded of a man who sits upon the U.S. Supreme Court. This is the pinnacle.

It is ludicrous to say of such a judge merely that he has done nothing for which he might be indicted, that he has not engaged in treason, or taken bribes, or committed high crimes or misdemeanors, and therefore may not be impeached. The constitutional requirement is that his behavior be "good."

Former Justice Abe Fortas understood this clearly. His acceptance of a large fee from the Wolfson Foundation was not an impeachable offense, but it tarnished the image of the court. It was not good behavior. And Justice Fortas resigned.

The distinctions between the Wolfson Foundation and the Parvin Foundation would not appear to be vast. But over a period of years, Justice Douglas accepted more than $100,000 for vague and undefined services to the Parvin Foundation. Was this, in Justice Douglas, "good behaviour"?

When Justice Douglas writes for Playboy magazine, he writes under the identifying byline of "Associate Justice, U.S. Supreme Court." The same high title appears in his free-lance contributions to Avant-Garde and the Evergreen Review.

Regardless of the literary merit of his writing, these articles, so identified, tend to lend the respectability of the court to publications that may not be actionably obscene but surely are offensive to many Americans. Is this casual commerce, in these cases of Justice Douglas, "good behaviour"?

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[5] Cheese, carpets, glassware, typewriters, motorcycles and parts, footwear and still cameras.

[6] Export Administration Act of 1969, Section 4(c).

Some of these extracurricular involvements have directly affected Justice Douglas's work on the court. Since the term began in October, he has disqualified himself from participating in the consideration of at least 21 cases.

Several of these, especially in the law of free speech and free press, are of major importance. A California case, Shaffer vs. Valtierra, raises grave questions under the 10th and 14th Amendments. But Justice Douglas is out of these cases.

The subcommittee's report was prepared without one word of sworn testimony, without one moment of public or private hearings. At this late date, the report can only be interred with the 91st Congress. The incoming 92nd Congress, if it wishes, can insist on something better than has been provided by Chairman Celler and his whitewash crew.

DE FACTO RACIAL STATUS IN SCHOOLS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. DERWINSKI. Mr. Speaker, one of the most complex domestic problems in our land is the matter of de facto racial status in our schools. This is an emotional issue with some individuals. Attempts to solve the problem have included many unworkable formulas prescribed by members of the judiciary and politically motivated plans advocated by pressure groups. If there is a problem that requires understanding and patience, it is the entire subject of racial factors in school attendance.

A very timely editorial discussing recent figures published by the huge Chicago public school system emphasizing the complexity of the matter appeared in the Monday, December 14, Chicago Tribune. The problems faced by the Chicago system are by no means unique and would be comparable to the situation in most major cities of our country. I insert the following editorial in the RECORD:

FACTS ON DE FACTO SCHOOL SEGREGATION

The recently released annual count of black students and teachers in individual Chicago public schools illustrates yet again the stubborn facts that impede progress toward de facto racial integration in the public schools.

By assignment on new and newly certified teachers on a racial basis, the Board of Education has increased faculty integration within the last year, as the federal government has been pressing it to do. But tho the number of schools meeting federal guidelines for integrated faculties has risen from 33 to 67, that is out of 609 schools. As long as the Chicago Teachers Union prevents mandatory transfers of certified teachers, faculty integregation will be a long time coming to most schools.

Pupil integration is not advancing at all. Some individual schools, as others before them, are moving quickly from integrated toward all-black, with such shifts within one year as from 20 per cent black to 67, 33 to 73, 47 to 92. In District 13 [Du Sable High School], of 19 schools the lowest proportion of black enrollment is 99.4 per cent; in District 20 [Parker High], the lowest is 99.5 per cent. At the other extreme, in District 5 [Foreman, Kelvyn Park and Schurz], the highest percentage of black enrollment in any school is 4.2. Within a few exceptional districts, one elementary school may have 100 per cent black pupils and another may have none at all. The number of Chicago public schools with black enrollments stabilized between 20 and 80 per cent is very small. De facto racial segregation is a fact in Chicago public schools.

The schools are powerless to eliminate singlehandedly anything so largely beyond their control as de facto racial segregation. De facto segregation is rooted in housing patterns, which in turn are influenced by other considerations beyond the authority of the Board of Education. Only mandatory pupil and teacher assignments and long-distance busing of large numbers could conceivably accomplish integrated classrooms for most now in Chicago public schools. Where is either the money or the popular support for that? Chicago whites are not rallying in substantial numbers to that cause, and Chicago blacks are far less interested than they were a few years ago in pursuing the objective of school integration.

We suspect that principled, sound rejection of de jure school segregation has in recent decades carried many Americans, both black and white, into an unrealistic and unwarranted confusion of de facto school segregation with de jure segregation. De jure segregation was found unconstitutional by the United States Supreme Court and was found indefensible by the minds and hearts of millions of American citizens. Such imposed segregation constituted action by government in matters within government's power to decide. But attempts to eliminate de facto segregation have led government to pursue unattainable objectives, sometimes at the expense of optimum education for pupils.

Moral imperatives often cause people to attempt the impossible, but neither individuals nor government agencies should pursue impossible objectives under the delusion that they are embarked on projects that can succeed. By now all of us should recognize that the elimination of de facto racial segregation in Chicago schools must await social developments beyond the power of the Board of Education to bring into being.

AIR TRAFFIC CONTROLLERS AND RETIREMENT PAY BILLS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. WALDIE. Mr. Speaker, though there has been some dispute on the manner in which the Department of Transportation has handled the dispute involving the Federal Aviation Agency and its air traffic controllers, there is little dispute that the controllers have one of the most difficult and taxing jobs of any in this highly technical age.

The pressures that face air traffic controllers daily are debilitating and bring emotional and physical hardships on controllers many years ahead of men their own age working at less taxing jobs.

It is for this reason that air traffic controllers are seeking passage of H.R. 18311, rather than the Department of Transportation-Federal Aviation Agency-sponsored H.R. 19415.

In order that the views of air traffic controllers might be better understood, I am placing the comments of some 90 controllers in the form of a petition in the RECORD.

I would urge my colleagues in the Congress to give consideration to the arguments of the air traffic controllers in this matter.

The petition follows:

A PETITION TO THE CONGRESS OF THE UNITED STATES OF AMERICA

We, the undersigned, are Air Traffic Controllers and Supervisors currently employed at the Oakland Air Route Traffic Control Center in Fremont, California. We all share in a commonality of purpose and that is to reveal our united opposition to the so-called "retirement bill" (H.R. 19415) submitted to Congress by the Federal Aviation Administration.

We feel that this bill is submitted by the Agency under the guise of a retirement bill. In actuality, even under the most conservative interpretation, it could be used as a legal method of taking away our present retirement benefits and even to remove us from our profession at the administrator's discretion. The F.A.A. bill, does in fact, take away a great deal of job protection afforded us by Civil Service Commission rules and regulations. The above would not only be detrimental to the Controllers at present but to our posterity as well.

We also take the liberty to ask our Congress to give their complete support and immediate attention to the retirement bill submitted to them by the Professional Air Traffic Controllers Organization (H.R. 18311). This bill was drafted by and submitted by Controllers; it shows our true needs.

Congress, we are sure, is aware of the tremendous pressures and responsibilities that the Controllers must contend with in their jobs. It would not be unrealistic, and could be medically proved, to say that due to these pressures, the Controller puts sixteen months of wear and tear on his heart and mind in a matter of twelve months. To dramatize this point may we call your attention to our facility record. Being one of the largest in the nation, handling more than one million operations per year, we have not had a man yet live long enough to enjoy a normal retirement. The few retirements that we have had have been medical. We had one supervisor, in his mid fifties, die two days before he was forced to retire. The records are yours to analyze gentlemen, please do so.

The reasons for Controller's early retirement are obvious. One good reason would be to look at the retirement record and see how very few controllers in these United States have actually retired. The second and most important would be the safety of the Air Traffic System in this nation. A man over forty-five in our profession is all but "washed up". He feels the strain of his job ten-fold to that of the man of twenty-five. The Agency suggests by their bill to cast him aside like a piece of used tissue; we say no, that is not right. This man has done one of the most strenuous jobs his nation has developed and he should be rewarded for doing it safely rather than being punished by being demoted.

We humbly request your attention to the above described and anxiously await your decision.

We remain,

Respectfully yours,

CHARLES A. HIATT,
Controller for Oakland Center Controllers.

LIST OF NAMES

Domenic V. Torchia, George A. McComichio, Joseph R. Pepe, James E. Doyle, Myron L. Zhomsen, Roberts J. Toney, Mariano

Balanzine, Stuart D. Dodge, Floyd C. Bishop, L. D. Thompson, Kenneth W. Barton, Charles A. Hiatt, Don L. Weller, Laurence Branch, Carl A. Dickson, William R. Luxburg, Edmund A. Chadwich, Harley H. Jones, John D. Conrad, and Thomas J. Martin.

Melvin R. Dierks, Harvey Johnson, Harry D. Spangle, Harley Bugles, John F. Linut, E. J. Bowman Jr., D. O. Solomon, James Welker, Joe I. Sequra, Paul Lodin, Landon Fickel, Thomas W. Hopson, Glas. Juan, Jr., Charlotte Kositch, Leroy D. Falk, Gerald A. Dickson, Robert L. Stonz, Earl N. Holliday, Daryl L. Finch, and Stephen R. Lowens.

Delbert K. Morris, Walter L. Slack, James E. Fahey, Martin McCain, Robert G. Zimmerman, Eliah I. Miller, Charles M. Olsen, James C. Heath, Forrest E. West, Gerald D. Gibson, Frank R. Taylor, Edward L. Ferguson, Harold B. Choate, Pedro B. Roman, Stephen J. Brashear, Joseph Ellingsworth, Stephen L. Bradley, Frank R. Micco, Robert C. Veagey, and Daniel Tellez.

Charles F. Abele, Robert W. Egan, Victor T. Parker, P. W. Hartman, George E. Wright, James A. Point, Richard K. Trewhitt, John F. Dodson Jr., Davy Jones, Roy B. Blood, Owen R. Kane Jr., James A. McRory, H. J. Turner Jr., Wilton F. Maddox, Edward DeVille Jr., Frank B. Wilcoxen, John H. Kerr, Paul L. Clemente, Warren J. Kresch, and Thomas E. Kutsch.

R. F. Bowen, Larry L. Scheuffle, Terrance L. Duffy, Donald M. Sherborne, Larry W. Swanson, Harry M. Hempy, Charles S. Alain, Charles H. Hobbs, Raymond H. McKinney, and Thomas A. Hager.

THE LAW OF FRANCHISING

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Thursday, December 17, 1970

Mr. HARTKE. Mr. President, while all of us are aware of the profusion of hamburger stands along American roads, few of us have any idea of the enormous growth of the marketing concept behind those hamburger stands. The franchise system of distribution has emerged as a major factor in American business; it is an "industry" soon to reach the $100 billion per year level; there are already 600,000 franchises in operation and well over 1,000 franchisors.

Because of the unique aspects of the franchise as an investment or a form of corporate growth, it has a widespread appeal and application to millions of Americans who are not generally considered a part of the business community and who are not protected by existing law and regulations. Although measures have been proposed before this Congress and a number of State legislatures, franchise law is far from catching up to the franchise boom. In the current "consumerism climate," it is imperative that it does.

Perhaps the clearest statement of the current state of flux of the franchising industry and the effects of existing and proposed legislation on franchisee and franchisor, is made in a new book, "The Law of Franchising", by Coleman R. Rosenfield, published by the Lawyers Cooperative Publishing Co. of Rochester and Bancroft-Whitney Co. of San Francisco. Mr. Rosenfield, a practicing attorney in Miami, Fla., with a long record of successful management in franchising, points out the dangers, difficulties—and promises—of franchising as an investment and a form of business growth.

Mr. Rosenfield recognizes that the relatively small initial investment required—plus the lure of quick profits promised by many advertised franchise offerings—attracts thousands of retired couples with their hard-earned savings and hundreds of thousands of skilled and unskilled workers seeking self-employment and an entrance into the mainstream of the American economy. Too often they are ill- or misinformed and their dreams end in disaster, a fate also reserved for underfinanced or ill-equipped business enterprises seeking to expand with or capitalize upon the franchise system.

"The Law of Franchising" deftly describes the lawyer's key role as an advisor to franchisee or franchisor; it shows how to analyze the franchise offering as an indication of the company's integrity, sufficient funding, proper allocation of funds and fees; it details the precautionary steps a company should take when it is considering the decision to franchise. Most important, it explores and explains the franchise agreement, step-by-step and clause-by-clause, indicating traps to avoid, performance guarantees to seek, and how to insert important modifications for the parties' protection. In the absence of specific franchising law, this contract is the heart of the franchise and practically the only safeguard of the parties' rights.

Mr. Rosenfield discusses the history of the franchise concept and the current state of reform legislation, in a most helpful way both for legislators and for those involved in franchise operations: Franchisees, franchisors, and associated third parties, such as banks or owners of commercial property.

Mr. Rosenfield has "told it like it is" from the growing dangers of the "celebrity franchise" to the serious question of the franchise as a security; it is now up to us to do something about it.

RETURN OF LITHUANIAN SEAMAN ANGERS MANY

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. HOGAN. Mr. Speaker, the tragic case of the Lithuanian seaman who was denied in his attempt to defect to this country has stirred the anger of many Members of this body. Thus, it was gratifying that during his press conference last Thursday night President Nixon made the strongest possible statement about this inexcusable incident.

After first noting his own shock and anger when he learned about the case, President Nixon stated:

> I can assure you it will never happen again.

He then went on to say:

> The United States of America for 190 years has had a proud tradition of providing opportunities for refugees and guaranteeing their safety, and we are going to meet that tradition.

Mr. Speaker, this bitter affair is now history. Realistically, there is nothing this country can do to convince the Soviet authorities to allow Simas the freedom he sought in this Nation.

But in the aftermath it is at least reassuring that his plight caused such an overwhelming wave of sympathy in this country. It is clear that we have not deviated and will never deviate from the principles of freedom and liberty on which this country was founded.

IMPORTS POSE THREAT TO AMERICAN MUSHROOM INDUSTRY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. YATRON. Mr. Speaker, although most of the debate on the Trade Act of 1970 has centered upon textile and leather footwear products, another industry is threatened by the spiraling volume of imports—the American mushroom industry.

The agricultural economy of Berks County, in my congressional district, has been adversely affected by this wave of mushroom imports, particularly from the Far East.

Mushroom processing requires extensive hand labor. In Taiwan, for example, processors pay workers between 7 and 11 cents an hour. Needless to say, wage scales like this have placed American mushroom growers and processors at a severe competitive disadvantage.

Mushroom imports from Taiwan, which were virtually nonexistent in 1960, soared to 11.3 million pounds by 1963. Last year mushroom imports represented one-third of the total U.S. market. Imports for the first 4 months of 1970 increased sharply, from 5 million to 9 million canned pounds.

While Taiwan supplies the greatest proportion of these imported mushrooms, another Asian country, Japan, has now entered the picture and has quickly become the second largest supplier. In addition, a third Far East nation, South Korea, appears to be playing a more active role in this market.

At present the Common Market absorbs more Far East mushrooms than the United States, but despite all the rhetoric about free trade, increasing protectionism in Western Europe would seem to suggest a decline in imports. For example, a common tariff on canned mushrooms has been established and at least one country, France, is reportedly subsidizing exports to West Germany—the largest per capita consumer of mushrooms—to meet Taiwan prices.

These economic trends indicate that the United States is rapidly becoming the largest, most lucrative, and most readily exploitable outlet for mushrooms from the Far East.

Mr. Speaker, the Mushroom Producers

Association recently published a detailed report on this situation prepared by the Foreign Agriculture Service of the Department of Agriculture. I include the section of the report dealing with imports from Taiwan in the RECORD at this point:

MUSHROOM IMPORTS

The mushroom canning industry of Taiwan has expanded rapidly since its inception in the late 1950's. Within a span of only a few years, Taiwan became the world's leading exporter of canned mushrooms. A trial export of canned mushrooms was first made from Taiwan in 1958. Thereafter, exports continued to rise sharply and by 1967, movement abroad had risen to 2.3 million standard cases (24-lb. net drained weight per case). Taiwan's successful penetration of the world market can be attributed in large part to its very low production costs, at both the grower and cannery level.

The mushroom cultivated in Taiwan is of the same type as that produced in the United States. Although some modernization is evident, mushrooms continue generally to be grown in empty granaries or in self-built, bamboo-walled and thatch-roofed sheds. The mushroom beds are made of weaved bamboo splits placed on bamboo shelves, all of which involves little in the way of out-of-pocket costs to growers. Since mushrooms are grown in the winter when other crops have been harvested, growers are able to utilize their otherwise unemployed time and labor.

Although the production of mushrooms is scattered throughout Taiwan, it is concentrated mostly in the central part of the western coastal plain. The mushroom growing houses generally range from 32 to 65 feet in length, 10 to 16 feet in width, and 15 to 19 feet at ceiling height. The area of mushroom beds per grower ranges mostly from 50 to 150 pings (1-ping equals 36 sq. ft.) or 1,800 to 5,400 sq. ft.

While some production of early-type mushrooms is harvested in late October, the bulk of the crop is produced during the four-month period, December through March. Preparations for the new crop begin in September with the preparation of compost, made from chopped rice straw and chemical fertilizers. From early October through mid-November, the spawn is planted. Within two weeks the first growth appears and a layer of soil is spread over the beds. At the preparation stage, the temperature is maintained at 77° F. Within 20 to 30 days, the temperature is dropped to the optimum for mushrooms production—55° to 59° F. at 80% relative humidity. This temperature is maintained, as far as possible, through the harvest season.

Yields normally average about 33 pounds per ping (0.92-lbs. per sq. ft.). Harvesting is performed daily, or twice a day during the period of peak production. A few years ago, farmers were more than willing to produce mushrooms. More recently, however, grower interest has declined because of the attractiveness of off-farm income. During the 1968–69 season, there were 45,900 mushroom producers as compared to 50,000 producers in 1967–68, and 59,000 in 1966–67.

In order to counteract this trend, the government has introduced several new techniques to increase yields so as to make mushroom production a more profitable pursuit. These include the lining of mushroom houses with polyethylene film, the addition of an electric blower and the sterilization of compost. These devices were initiated to control fly infestation and to control inside temperatures. In the first year's trials, yields were reported to have doubled in some cases.

In addition to the many small individual mushroom growing operations, each cannery may produce up to a permitted maximum of 30% of its own requirements. This limitation was designed to protect the many small producers but at the same time, to permit canners to produce a significant share of the raw product in order to insure quality. Mushrooms produced by canners are generally of higher quality, with less insect infestation, than those produced by small growers. The annual planted area and production of mushrooms in Taiwan as well as the derived yields are shown below:

Crop year, December—March	Planted area (thousand square feet)	Production (thousand pounds)	Yields (pounds per square foot)
1959–60	1,620	1,587	0.98
1960–61	7,020	6,878	.98
1961–62	35,280	34,568	.98
1962–63	77,400	75,838	.98
1963–64	55,800	47,950	.86
1964–65	81,144	72,531	.89
1965–66	112,680	87,082	.77
1966–67	128,880	118,387	.92
1967–68	133,740	122,796	.92
1968–69	81,072	68,784	.85

The sharp reduction in the planted area and production for 1968–69 reflected in part, the large carryover of canned mushrooms (413,000 standard cases) from the preceding pack year. This excessive carryover was, in turn, a reflection of the smaller-than-anticipated exports to the United States and Western Europe. Unfavorable weather during the growing season served to further reduce output in 1968–69.

Taiwan's most recent 4-year development plan, which went into effect in 1969, calls for the following targets in mushroom production:

	Metric tons	Equivalent (million pounds)
Year:		
1969	54,000	119
1970	57,600	127
1971	57,500	131
1972	63,000	139

A study conducted in 1966 indicated a total production cost of about $4.39 per ping (36 sq. ft.) Itemization of the costs elements is shown in the following:

Item:	*U.S. Dollars/35 sq. ft.*
Straw	1.500
Fertilizers	.731
Tools	.050
Spawn	.250
Depreciation (on shed)	.600
Interest	.250
Electricity	.019
Labor	.862
Other (incl. pesticides)	.131
Total	4.393

The 1966 study further indicates that the total revenue derived sales of the units surveyed, amounted to U.S. $7.25 per ping, thus leaving a profit of U.S. $2.86 per unit. (Yields were not identified).

Most of the Taiwanese farmers are members of the so-called Farmers' Associations. These associations are organized at three levels, namely—in the townships, at the county and city level, and the province. They are similar to cooperatives, offering services and materials to the farmer and provide an outlet for his produce.

Grower prices for canning mushrooms are established by the Government after consultations with the Farmers' Associations and canners. In recent years, grower prices have averaged about 15 U.S. cents per pounds for No. 1 grade mushrooms and 14 U.S. cents, No. 2 grade. A deduction of approximately 1.1 U.S. cents is made by the Farmers' Associations for the so-called mushroom Fund. The grower's contribution for the 1969–70 season will be reduced to 0.8 U.S. cents per pound. Canners contribute 5 U.S. cents to this Fund for each standard case moving into export. Thirty % of the Fund is allocated for disease and pest control, 25% of research and 20% for the study of plastic covered mushroom sheds.

Mushroom growing facilities are inspected periodically by an inspection team to determine whether the sanitation practices prescribed by the Government are being followed. In addition, all nurseries producing the mushroom spawn are inspected by the Provincial Department of Agriculture & Forestry and only those nurseries receiving a certificate of approval from the Department are permitted to supply spawn to growers for the production of canning mushrooms for export. Growers purchase spawn through the Farmers' Associations at 30 U.S. cents per bottle. One and one-half bottles are required for each ping (36 sq. ft.) of mushrooms cultivated.

The number of canneries engaged in the production of canned mushrooms increased dramatically during the initial phases. According to reports of the American Embassy in Taipei, 31 canneries were operating in early 1962. Two years later, the number had increased to 78. Today, 84 canneries are operative. Only five of these pack over 100,000 cases per season, these firms accounting for one-third of the total industry output. The largest single packer—Taiwan Pineapple Corporation—packs about 10% of the total.

Wages paid by canners for women on the packing lines range from U.S. $0.60 to U.S. $1.00 per 9-hour day. The larger canneries have a small nucleus of permanent workers with the balance of the labor force consisting largely of young girls living in the vicinity of the cannery and subject to call whenever the produce arrives from the farm for canning. Although some of the canneries only operate during certain months of the year, year-round production as well as a diversification of operations have become common. The majority are engaged in the canning of: asparagus in the spring and autumn, pineapple, mushrooms, oranges and water chestnuts during the winter, bamboo shoots and a variety of other products during the summer.

Generally, 80% or more of the annual mushroom harvest is utilized by canneries. The annual pack of canned mushrooms for the period 1958 through 1968 is as follows:

	Standard cases (24-lbs.: drained weight)
1958	500
1959	2,000
1960	43,077
1961	245,900
1962	975,159
1963	1,334,313
1964	1,180,887
1965	1,941,262
1966	1,863,819
1967	2,872,604
1968	2,149,612

Most of the canned mushrooms produced in Taiwan move into export. West Germany and the United States are, by far, the most important markets. These two markets alone account for three-fourths or more of Taiwan's total exports. The following table sets forth the annual exports by the principal countries of destination:

[In thousands of standard cases]

Year	West Germany	United States	Canada	Nether-lands	Sweden	Other	Total
1962	368	295	6	10	1	29	709
1963	754	513	9	37	19	46	1, 378
1964	703	312	37	58	24	38	1, 172
1965	928	489	56	50	15	68	1, 606
1966	923	602	38	98	32	152	1, 845
1967	1, 102	706	86	49	36	324	2, 303
1968	1, 039	787	172	34	29	259	2, 320

The rapid growth of Taiwan's mushroom industry prompted the enactment of a number of controls at the cannery level designed to prevent overproduction, price cutting amongst exports as well as insure the maintenance of a quality product in export.

Each year the Board of Foreign Trade of the Ministry of Economic Affairs establishes an annual canned-mushroom production goal for export covering the entire industry. The establishment of this goal is based on an analysis of the world market as well as the productive capacity of both growers and canners. The overall production quota is then parceled out to the individual canners on the basis of their historical performance. This procedure, in effect, imposes a ceiling on the number of mushroom canners. Any mergers or reorganization of mushroom canners is subject to Government approval. In order to qualify as a producer for export, the individual canneries must pass various types of sanitary and quality inspections. Those canners who fail to abide by the Government reglations can be dropped or penalized in their allocation.

After the production quotas have been established by the Government, the Taiwan Mushroom Packers' United Export Association (TMPUEC) determines the allocations for export. In practice, the TMPUEC, too, recommends the industry's overall production goal. The Government generally accepts such recommendations.

The TMPUEC was established in November of 1963. It is a privately owned corporation to which all mushroom canners engaged in export activity must belong. Canner membership is accomplished through the purchase of capital stock in the corporation. Its declared purpose is "to promote joint export of canned mushrooms by stabilizing prices, protecting the interest of foreign importers and fixing unified prices based on production costs."

All export sales of canned mushrooms are made at uniform prices set by the TMPUEC. This system was adopted to eliminate price competition amongst exporters. In addition to the allocation of overall shares to individual member packers, the TMPUEC establishes annual export quotas by markets.

The total export target for the 1969–70 season has been set at 2.2 million standard cases, the same as in 1968–69, but 300,000 cases below that of 1967–68. The 1969–70 target for the U.S. market is pegged at 900,000 standard cases, the same as the unattained goal of a year earlier. Actual shipments to the United States in 1968 only totaled 787,000 cases.

CONSIDERATION OF SUGAR ACT EXTENSION IN 1971

HON. MILTON R. YOUNG

OF NORTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Thursday, December 17, 1970

Mr. YOUNG of North Dakota. Mr. President, one of the important legislative matters to be considered by Congress next year will be the extension of the Sugar Act.

Since its original passage in 1934, this act has served well in maintaining adequate sugar supplies at reasonable prices for the American consumer. While I feel that some changes are needed in the framework of the act, I also feel very strongly that it must be extended.

In a recent speech before the Red River Valley Sugarbeet Growers annual meeting in Moorhead, Minn., the distinguished Senator from Nebraska (Mr. Curtis) did his usual outstanding job of analyzing the Sugar Act and its importance to consumers and producers of sugarbeets and cane.

Since this is such a thorough and careful review of the problems confronting the sugar industry—particularly sugarbeet producers—and because we will be dealing with the Sugar Act in the coming months, I feel that his speech will be of great interest to all Members of the Senate as well as others concerned with the sugar industry.

I ask unanimous consent that the speech be printed in the Extensions of Remarks.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech by Senator Carl T. Curtis

I am pleased that I could arrange my schedule to be here for this occasion. Perhaps I cannot tell you anything about the Sugar Act that you do not know but I assure you that it is beneficial to me to be here. I am glad for the opportunity of mingling with farmers and businessmen in this area of the country not too far from my native State of Nebraska.

It is rural America that constitutes the last great hope for these United States, which we all love. I could make a long speech about the advantages of rural America. We could talk about air and water pollution. We could talk about crime and violence. We could talk about good citizenship. In each case we would end up extolling our part of the country.

Economically, rural America has a battle on her hands and will have an increasing battle. Farmers, compared to the rest of the population, are getting to be few in number. Politicians make loud and long speeches in behalf of the consumer without always giving the consumers a full picture of where their money is going. You and I know that an inordinately small portion of the consumer's dollar is going to farmers generally, or specifically for sugar.

The Sugar Act is not without its problems and occasional criticism but it is one of the best agricultural acts that we have on the books. This Act has a threefold purpose: First, to protect the welfare of the United States sugar industry; secondly, to provide our consumers with ample sugar at reasonable prices; and thirdly, to promote and strengthen the trade of the United States. It does all three of these things.

Many of you here know the history of our present Sugar Act. It became law in 1934. Since then it has been extended and amended a number of times but the basic framework of the Act has not changed. It has worked well.

Prior to the Act of 1934, the United States had for about a century and a half regulated our sugar industry solely through the tariff. By the early 1930's, however, problems of price supply, surplus, fluctuations, and general farm depression were such that the tariff alone was not adequate. It was then that the Congress passed the Jones-Costigan Act.

"The proof of the pudding is in the eating." The Sugar Act has maintained a price for the producers of sugar beets and sugar cane that has not dipped to disastrous lows. It has been a stabilized price. Many times I have wished that the return to the sugar beet farmers was greater, but all-in-all the Act has worked well and has assured an adequate and fair return.

The consumer has been well served by the Act. Sugar is a good food and it is one of the lowest priced foods in comparison with all other foods that the housewives can buy in the marketplace. There are people who are always complaining about the price of sugar and the price of food, generally. I have two answers for those people. One is they should investigate just what makes up the price of anything and who gets the greatest portion of the price. Secondly, I contend that there is no moral or legal reason why we should expect to pay the farmers who produce our food less than a fair price than it is for us to expect that industry should sell at a loss or that labor would forego its gains and sell their services at substandard rates.

The Sugar Act has paid its own way. It has been good for the United States Treasury and the taxpayers. The one-half cent per pound excise tax on sugar consumed in this country pays all of the expense of the Act, including its administration and the payments to farmers. In addition to all of that, there has been a surplus or an excess of income to the Treasury, over outgo, of more than a half billion dollars since the Act was passed.

The Sugar Act will be up for extension by the Congress in 1971. It just happens that under the procedures in the House of Representatives, the Sugar Act is handled by the Committee on Agriculture. When the bill gets over to the Senate, it is referred to the Committee on Finance. I have been a member of the Finance Committee for many years and I have had a genuine interest in sugar legislation since I entered the Congress 32 years ago.

I also happen to be a member of the Senate Committee on Agriculture. I expect to take an active part in the sugar legislation that will come before us next year. It is my hope that it will be considered early in the year. Too often it has been delayed until the closing days of the session, and this is not a good time to legislate carefully.

There will be a number of issues raised when the Sugar Act is extended. Probably there will be some people in and out of the Congress who will propose a limitation on payments that go to the farmers who produce our sugar. You will recall that in the general farm act that was passed a few months ago, there was for the first time a limitation placed on the amount of payments that any one producer could draw. For most sections of the country it was not too difficult an issue. It did involve the production of cotton. The Congress, however, will not be faced with the same problems in reference to sugar. The pressures should not be great for any drastic or disrupting limitation for two reasons. In the first place, the Act pays its own way and the general Treasury is not involved, but more importantly, the existing Sugar Act already contains a scaled down provision whereby the rate of payment declines as the volume of cane or beets which is marketed from a farm increases.

Another issue that will be discussed in connection with the extension of the Act will be sugar prices. I have already stated that I believe the Sugar Act has been a protection to consumers and that the price of sugar is certainly not out of line. There will be pressures referring to price, however. There are those who cite instances where the world price for free sugar is very low at times compared to our domestic price. This is not an accurate picture. This so-called free world price fluctuates and is sometimes very low, but we must also keep in mind that most of the sugar that is sold in the world, in practically all of the developed countries, is sold under laws that regulate the production and sale of sugar, and those prices are very much like our prices. When individuals talk about the free world price, they are talking about a very small and unpredictable portion of the world's consumption of sugar.

Years ago housewives bought the greater portion of our sugar. Bakeries, confectioners, and bottlers bought the lesser amount. Now that situation is reversed. Our big purchasers of sugar are industrial users such as bakeries, confectioners, and bottlers. Those people, like all businessmen, face rising costs for their labor, both wages and fringe benefits and for their taxes, insurance, and general overhead. These problems are common to all Americans and do not give these industrial users any moral or just right to pressure for lower priced sugar. In fact, it ought to point up the need for considering increased prices to growers.

Another issue that is always with us is the allocation of import quotas among foreign countries. Every country in the world would like to get a portion of the American market. This is true of all products. It is not limited to sugar. It involves automobiles, textiles, chemicals, steel, and everything. Personally, I am for the largest domestic quota that the American farmers can handle without disruption and which can be sustained in future years. We should not lead any foreign country to believe that they have a right to a portion of our market for all the years to come or that they have a right to share in our increased consumption. If we do that then we will produce ill will when we have to make a change. We should let the whole world know that we are concerned, first about our domestic producers and that we reserve the right whenever we extend the Sugar Act. or possibly even between times, to grant additional quotas to our domestic producers if it is in the best interests of our agricultural economy to do so.

Another matter that will probably come before the Congress in extending the Act relates to Puerto Rico. They have not been using their entire quota and Puerto Rico's deficit could well be used to increased the sugar beet area.

Last but not least, the Congress should give full consideration to the possibility of a provision that would enable new localities to enter sugar beet production. This was done in 1962. I had a part in the writing of that law. It was my hope at the time that my own State of Nebraska could expand its sugar beet production, that Nebraska could have some new areas of production, and some new sugar factories. Unfortunately for a variety of reasons that did not develop. I want to say to you Minnesota and North Dakota farmers and to my Nebraska farmers and to sugar beet farmers elsewhere that I still favor an increased domestic production of sugar from sugar beets.

In 1962 the Congress set aside an acreage reserved for new areas. That Act authorized the reserving each year, from the national sugar beet acreage requirement, of the acreage required to yield 65,000 short tons of raw value sugar. This made it possible for the bringing into production of sugar beet areas in: Mendota, California; Hereford, Texas; Drayton, North Dakota; Auburn, New York; Presque Isle, Maine; and Phoenix, Arizona.

And an expanded production at: Ottawa, Ohio; Idaho Falls, Idaho; Carrollton and Crosswell, Michigan.

So long as we have general farm problems facing us, it should be our national policy to produce in the United States the full requirement of our domestic consumption insofar as possible. At the present time agriculture in the United States, generally, is faced with acreage retriction and limitation on production, which result in lesser farm income and costly programs to operate. Whenever we expand sugar beet production by one acre or a thousand acres, we are helping to solve the problems of all farmers in the United States that are faced with overproduction and depressed prices. Our continuing national policy should be one of expanding our domestic production of both sugar cane and sugar beets. I do not advocate a rash or ill-considered expansion. Our expansion should be gradual, well thought out and planned and on a basis that that expansion can be maintained in future years. I do not believe that we can maintain the respect of foreign countries when we fail to do what we can to solve our own problems. The domestic market belongs to the American farmer.

For several years now our sugar beet farmers have not been subject to an acreage restriction. This alone will not permit an expansion of the industry or the development of new areas. Sugar beet processing plants cost many millions of dollars. Farmers cannot shift from one crop to the other on a sudden and temporary basis. The cost of farm equipment and other factors make it necessary to plan for the long range. It is important that we provide for orderly expansion of the production of sugar beets in the Act itself.

A prosperous sugar beet industry contributes to a prosperous agriculture in the United States. A prosperous agriculture is absolutely necessary if we are for long to have a sound and prosperous economy in our country. Even though it is true the number of persons needed to produce our food gets fewer and fewer, agriculture is still as important a part of our economy as it ever was. Agriculture is the most important means whereby man produces new wealth. The production of our farmers must be processed, transported, packaged, labeled, advertised, wholesaled, retailed, financed, bought and sold and insured. In other words, when a farm commodity is produced, it sets in motion a whole chain of activity that means jobs and business and wages and profits for Americans. The fact that fewer individuals are involved does not lessen the importance of agriculture. It is the foundation of our economy.

Today we live at a time when there are many problems. There is crime and there are riots. There is war, and the threat of wars. Taxes are too high and our government at Washington is beset with financial problems beyond description. Many people become discouraged. It is necessary that we count our blessings from time to time. It is necessary that we turn our attention away from the ills that beset us and think about what is right with America.

There are more things right with our country than are wrong. America is still the greatest place on earth. America is the most kind, benevolent, and helpful nation that ever existed in all history. Our standard of living exceeds the standard of living any place in the world. Our basic liberties are still unimpaired. Thanks to the leadership of our great President, our involvement in the war in Southeast Asia is being wound down and progress is being made in establishing law and order.

As we approach the beginning of 1971, we need to count our blessings and to apply ourselves to the solution of the problems we face. The greatest disservice that responsible people could render, not only to our country but to all mankind, would be to say that the United States is not worth saving and that they were ready to throw in the towel. It is the greatest place on earth and it is worth saving, regardless of the sacrifice that it takes.

THE WASHINGTON INSTITUTE OF TECHNOLOGY

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. NELSEN. Mr. Speaker, I am attaching a copy of a letter dated December 10, 1970, from Dr. Cleveland L. Dennard, president of the Washington Technical Institute, wherein he recommends that the name of the Washington Technical Institute be changed to the Washington Institute of Technology.

There is a threefold reason for this name change. First, the new name would more clearly define the educational aims and achievements of this institution. There is a desire on the part of the president and the board of the Washington Technical Institute to make this institution into a technological school which would permit at least a small percentage of students to obtain a baccalaureate degree in what is referred to in some States as the "upside down curriculum." Technical Institute is identified more with a 2-year program than is the term institute of technology as used by a number of colleges in the country.

Second, permitting the name change would more clearly identify the Washington Technical Institute as a land-grant institution which, under current legislation, it will be.

Third, this school is doing a fine job in this community of preparing its students with the technological skills necessary to obtain jobs. At the first and most recent graduation in June, 84 percent of the graduates of the Washington Technical Institute had jobs. However, at the same time, some 16 percent went on to other institutions to obtain a baccalaureate degree. It appears that because the Washington Technical Institute is a 2-year institution rather than a 4-year degree-awarding institution, it does not have the stature it might otherwise have notwithstanding the fine job being done by the President and the administration.

Accordingly, I think for all the foregoing reasons that the conferees on the District of Columbia revenue bill for 1970 should give consideration to the name change for this institution and I will so advise them of my feelings on this matter.

The letter follows:

WASHINGTON TECHNICAL INSTITUTE,
Washington, D.C., December 10, 1970.
Hon. ANCHER NELSON,
U.S. House of Representatives, Rayburn Building, Washington, D.C.

DEAR CONGRESSMAN NELSON: As a follow-up to our earlier discussion relative to the name change for the Technical Institute, I am recommending that the *Washington Institute* *of Technology* be used. This institutional name is in common usage throughout the United States to emphasize that the school is technological in its mission rather than liberal arts. Neither the land-grant designation nor the name Institute of Technology would prevent the Institute from assuring that its major thrust is to train a generation of highly skilled craftsmen to assist in improving the quality of life in the physical environment of the District of Columbia. The name of the institution provides the level of social prestige that makes both students and faculty feel that preparation for a career in technology is as important as the learned professions.

I visualize an institution that would offer a baccalaureate degree to approximately 15 to 20 per cent of the student body and junior college and proficiency certificates to 80 to 85 per cent—what is referred to in the industrial states as the upside down curriculum. The idea is comparable to a big city department store having main floor basic goods, bargain basement goods and upper floor specialty shops. Regardless of what the customer purchases, when he leaves the store the package carries only one label, that of the store.

From a social factor point of view, a student knowing that he is attending a full-fledged college would not object to learning a skill offered through extension if the certificate gives his ego the same boost that the elite image institutions allege to do.

This slight modification in name of the institution and in the title of the Board should set the Institute on the course for significance both to its students and in the higher education community.

Sincerely,

CLEVELAND L. DENNARD,
President.

HOMEGROWN GOLD

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. ALBERT. Mr. Speaker, as almost everyone knows, it was the discovery of gold at Sutter's Mill that started the celebrated California gold rush.

Little known, however, is the fact that the former owner of Sutter's Mill had sold it—to go search for gold in the Yukon.

People so many times overlook the gold lying right at hand. Like owning U.S. saving bonds, which can turn to gold in the future of their security.

But, more women than men recognize the safety factor of setting something aside against tomorrow's tide.

Safety is by far the big attraction to women buyers of savings bonds. They know that saving with safety is one of the surest ways of bolstering individual and family security.

Steady sales of "Star-Spangled Savings Bonds"—backed by the faith and integrity of the Government—indicate their public acceptance as guaranteed investments. Currently, there are total holdings of $52 billion in the hands of tens of millions of Americans everywhere.

That figure represents some 24 percent of the privately held portion of the public debt—a sizable safeguard for the family; a bulwark against the forces of inflation.

We know that American women handle most of the family spending, directly and indirectly. Research shows that wives write more family checks than husbands. And we have every evidence all around us that women want to save.

They want a better life for their children and they want to be able to save for it. That is why women lead the way in family purchases of U.S. savings bonds. When the man signs up at work for the payroll savings plan, he knows who pushed the idea at home.

However, on their own, there are many women among the millions who buy bonds regularly through the payroll plan. All of which makes it all the more fitting that women have become the beneficiaries or coowners of most of the $52 billion bonds now outstanding.

Look around the country. You will find millions of new homes and household appliances that the bonds of Uncle Sam helped make possible. Also countless young Americans educated and useful and fruitful lives. Also increasing numbers of elders whose bond savings have made retirement more satisfying, more secure.

I very much want to commend the women of America—particularly those in my State of Oklahoma—who continue giving so much of themselves through distinguished service—as volunteers—to the bond program. Outstanding example is Jeanie Smith—Mrs. Ronald R.—of Tulsa, who is the current "Mrs. U.S. Savings Bonds." She travels the country as "good will ambassador" of the Treasury bond program.

In her words to group meetings—"No one ever gets back one penny less than the amount that he puts into U.S. savings bonds. Where else can you find that kind of guarantee, with interest? And the interest is now 5½ percent—when held to maturity of 5 years and 10 months—when the half percent is added as a bonus for your prudence."

By encouraging the ownership of savings bonds—the women of Oklahoma and, indeed, all America not only serve the best interests of neighbors, relatives, and friends—they are also aiding the advance of a more stable economy; a better environment to bequeath their children's children. They have discovered how to harvest homegrown gold.

A TIMELY DISCUSSION OF THE PRESIDENT'S VIETNAM POLICY

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. CHAMBERLAIN. Mr. Speaker, despite the fact that casualty rates have been at record lows for months and the withdrawal of U.S. troops from South Vietnam is ahead of schedule, there are some who would, nevertheless, have us believe that the President is interested in escalating the war. It is apparent to me, and I believe, to the great majority of Americans that the bold, though regrettably unsuccessful, attempt to rescue American prisoners of war in North Vietnam and the actions taken to protect our reconnaissance flights, which are so vitally important to keep a close check on any attempt by the Hanoi regime to increase infiltration to the South, are not designed to escalate the conflict. These decisions seek only to impress upon North Vietnamese that they, too, must wind down the war and end their barbaric treatment of American prisoners of war. Station WJIM-TV of Lansing, Mich., broadcast an editorial on December 14, which provides a most timely and clear-headed discussion of the President's Vietnam policy, and I commend it to the attention of my colleagues.

It is time for some plain talk about the Nixon policy in regard to the Vietnam conflict. The politically motivated effort of certain Congressmen to quote recent press conference remarks by the President as an indication this country plans to escalate the air war over North Vietnam, is an irresponsible action.

Clearly, those statements by the President were an honest and open attempt to *avoid* escalation. He cautioned Hanoi that if enemy infiltration threatens to intensify the ground fighting in the South as U.S. troops *withdraw,* our forces must seek to reduce . . . or eliminate . . . that danger, so that the evacuation can continue. Whether Americans agree with their President or not, he has a very plainly stated plan and to date he has operated totally within that blueprint. The plan is labeled "Vietnamization", meaning literally the gradual turning over of the war to the forces of South Vietnam as American troops continue a steady withdrawal.

By his actions in relentlessly pursuing "Vietnamization" Nixon is in a current stance that essentially dictates credibility. In other words, what he says deserves to be believed both here in American and in Hanoi.

As a recent article by James Reston of the New York Times points out . . . whatever the failing of the President's policy may be, there is a far *greater* danger in the miscalculation that he means anything other than precisely what he says.

Nixon has determined that precipitous withdrawal from Vietnam is not in this nation's best interests. In making that judgment the has had the widest range of advice ever offered up to an American President on a matter of foreign policy. From the campus to Congress a full range of available options has been urged. Mounting evidence indicates that the vast majority of Americans support the President's plan.

In this fragile framework, it is counterproductive for politicians in Washington or Hanoi to fill the air with self-serving alarms and pointless predictions.

THE WASHINGTON TECHNICAL INSTITUTE AS A LAND-GRANT BENEFICIARY

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. NELSEN. Mr. Speaker, on Monday of this week, the House passed the District of Columbia revenue bill for 1970, H.R. 19885. Section 401 of title IV of that bill provides for the equal sharing of land-grant funds by the Federal City College and the Washington Technical Institute. I will not reiterate what was contained in the House report accompanying H.R. 19885 (H. Rept. 91-1672).

I think the record is clear that the congressional intent in 1968 was that these colleges would share the land-grant funds.

On Monday, I addressed myself to the matter of the land-grant funds currently obtained by the Federal City College and which under this amendment to the District of Columbia Public Education Act would be shared by the Federal City College and the Washington Technical Institute. There are 17 States with two land-grant colleges. Now it is my understanding that in these States there is but one director of extension services. I indicated in my statement on the floor in support of this measure that I did not want there to be additional administrative expense by reason of the amendment providing for the sharing of funds under the Smith-Lever Act and administered through the Department of Agriculture. Nor do I believe there is any need for additional expense.

I have received a letter from the president of the Washington Technical Institute, dated December 10, 1970, quoted in part below, wherein President Dennard assures me that he, as the president, and the board of the Washington Technical Institute, would employ every method available to insure that duplication of programs and administrative expense is eliminated for the administration of funds obtained under the Smith-Lever Act:

> In an attempt to assure that any problems of administrative implementation in the equal sharing of Land-Grant funds between Federal City College and Washington Technical Institute would be minimized, if not eliminated, a meeting was held with land-grant college program officers from the Department of Agriculture and HEW on Tuesday, December 8, 1970.
>
> To assure that program duplication is eliminated, I am certain that the Board of the Technical Institute would require, as a matter of policy and operating procedure, that only one Federal Director of Extension Service would exist in the District of Columbia. The Board would seek to develop an arrangement with the Board of the Federal City College to determine a workable procedure for filling that position whenever a vacancy occurs.

THE NEED FOR A COMPREHENSIVE ENERGY PROGRAM AND COMMENTS ON THE BREEDER PROGRAM

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. PRICE of Illinois. Mr. Speaker, on November 18, 1970, Chairman CHET HOLIFIELD of the Joint Committee on Atomic Energy addressed the annual joint meeting of the Atomic Industrial Forum and the American Nuclear Society. Chairman HOLIFIELD is completing his third term as chairman of the Joint Committee on Atomic Energy; and I believe that it is particularly fitting at this time to print in the CONGRESSIONAL RECORD, for the benefit of our colleagues, the thoughts expressed in the aforementioned talk.

The talk essentially covers two themes. The first pertains to some extremist views about environmental considerations. The second stresses the need to get on with our National program to bring into being fast breeder reactors.

Although a few nuclear powerplants have been generating electricity during this past decade, it is only now that large nuclear units are beginning to come on the line in increasing numbers and can be expected to contribute significantly to the electric generating capacity of this Nation. It has always been recognized that present-day reactors, although economic, do not efficiently utilize the total energy content of the uranium fuel. The fast breeder reactor concept, which is now under development, will utilize fuel efficiently; it will produce more nuclear fuel than it consumes. And the operation of this type of reactor should not impose a burden on the environment. This concept is the long-range answer for fulfilling our electric generation needs.

Our supply of fossil fuels is limited. The development and demonstration of other concepts such as fusion as a source of electrical power will require, at least, several decades. It is mandatory that this country's fast breeder program be given the full support it warrants both by the administration and by the Congress. I commend to you Chairman HOLIFIELD's remarks, which follow:

THE NEED FOR A COMPREHENSIVE ENERGY PROGRAM

It is a privilege for me once again to address the membership and guests of your associations gathered in annual convention.

I have several remarks relating to the need for an effective, comprehensive energy program. I am not going to justify the need; it's painfully obvious. I am going to take advantage of this opportunity to lay it on the line concerning the atomic energy portion of the overall energy program—especially the Liquid Metal Fast Breeder Reactor Program. Before I comment on some of the unpleasantries of that situation, I would like to refer to a few general developments relating to the overall energy and environment picture.

A year ago, in San Francisco, I spoke to you about the 1970's as a critical era in nuclear power. Most of the difficult problem areas I commented on then are not only still with us, but in many respects have worsened. I refer, of course, to environmental considerations, to a sensible, practical approach to power plant siting, and to the urgent necessity for proceeding without further delay toward bringing into being fast breeder demonstration reactors. I want to go into these major items in some depth tonight.

Despite clear indications for at least half a decade that this Nation would be facing serious power shortages if reasonable provision was not made for our clearly foreseeable needs, this country is now confronted with an energy crisis of serious proportions. The old adage "forewarned is forearmed," which I have always particularly liked because it is an acknowledgment of man's reasoning faculties, is apparently no longer operative. No matter that it has made simple good sense since at least as early as the Biblical period of Genesis, when Jacob interpreted a dream by the Pharaoh of Egypt to signify that seven years of famine were coming, and counseled him to appoint officers to store food, and to organize a plan for dealing with the lean years ahead.

Why are we failing to respond adequately to realistic projections of our needs? The answer, admittedly, is complex, but I think its component, inter-related parts include these features:

1. Self-flagellation: There are among our countrymen significant numbers who are firmly convinced that mankind is irredeemably bad. And that the species is getting worse because increased knowledge inevitably results in greater damage and harm, and because population expansion by geometric progression is irreversible and a destructive imposition on other forms of life and the natural resources of this planet. Mankind is seen as the cancer of earth, the dirtiest and cruelest of all the creatures on this planet, purely a garbage maker, and the despoiler of the whole environment. My friends, such a distorted sense of hopelessness is completely alien to my own disposition and faith. It is an illness which I believe is impossible to endure. It must have been just such an ailment that—according to the old vaudeville joke—made a man promptly reach for his pistol and blow his brains out when he caught himself cheating at solitarie.

2. Bad guys, good guys, and victims: There are missionaries and followers who strongly hold the belief that, like ancient Gaul, our people are divided into three parts. We are categorized as bad guys, good guys, and victim guys. Bad guys they say are epidemic among capitalists, manufacturers, ranchers and livestock raisers, engineers, and scientists—and of course politicians. They admit that few in these categories are not bad guys, and also admit that there are bad guys in other groups too. Of course, if you're an electric utility or automobile manufacturer you automatically get a black hat. By implicit definition bad guys are greedy, villainous, contemptible, and worthy of no consideration. Their prompt elimination is deemed to be a highly desirable goal. And elimination is recommended without any suggestion of practical alternative.

Apparently these self-annointed critics profess that the good guys are found among those who effectively use public forums to alarm and oppose, and among those who rigidly evangelize an individual objective without regard to other needs intricately meshed with and necessarily affected by their peculiar advocacy. For example, a good guy is a scientist who goes straight to the public to trumpet his own study and alarmist conclusions on infant mortality which he attributes to the operation of a nuclear power plant—by-passing the acceptable reporting and review processes carefully devised to assure that his scientific peers impartially consider and pass judgment on his work and observation. Good guys, according to them, are single-interest environmentalists who oppose any worthwhile activity or function that can have any effect on the environment. The latter suffer terrible pangs of conscience when they take their dogs out to respond to calls of nature. Because it is their dogs they wind up conveniently rationalizing their own contributions to contamination while loudly calling attention to their neighbors and their pets. This stance is equally applicable to the use of air conditioners, the internal combustion engine, beer in glass bottles or cans, or what have you.

Victim guys are the consumers. The fact that they buy and drive the automobiles that befoul the air, cheerfully enjoy the refrigerators, air-conditioners and other appliances and tools that are electrically driven, and use detergents, pesticides, and fertilizers that drain into our rivers and lakes and adversely affect our environment, does not militate against their victim status.

3. Doom and Doomsday: Almost equally as gross and distorted as the views in positions 1 and 2 are the occasional individual solemn pronouncements by scientist-proph-

ets directly to the public that man's degradation of the environment has now brought doomsday into the projected picture of the foreseeable future. Yet, I know of no body of reputable scientists that believe this. In our extensive hearings on "Environmental Effects of Producing Electric Power," Dr. Abel Wolman of The Johns Hopkins University made a very interesting statement from which I would like to quote. Incidentally, I cannot recommend too highly the three-volume print of these hearings. They contain a wealth of information and data on the environmental effects of all types of electric-generating facilities—fossil, hydro, and nuclear.

Dr. Wolman, in part, said the following:

"The impact of man upon his environment has existed since man himself walked the earth. Whatever man does changes the ecology of his surroundings for good or evil. As populations grow, as urbanization and industrialization move forward, and as science and technology burgeon, the potentiality for ecological disturbance and degradation increases. This is the history of the centuries and the impressive lesson of the last quarter of a century.

"Given the thesis that man creates and modifies his environment for good or evil, what are the means available to him for avoiding the bad and multiplying the good consequences of his existence?

"The most valuable tool is in his better understanding of the environment, and how his actions affect it. This awareness alone, however, does not guarantee that he will act militantly to take those measures to safeguard his surrounding. Motivation is the high ingredient necessary, followed by the availability of money and professional manpower."

I am continuing my quote from Dr. Wolman:

"I come, however, to the point which I do want to discuss with respect to electrical energy, and that is, if I may put it in its baldest terms, a suggestion which is increasingly being made, that we put a moratorium on science and technological advancement.

"I am interested in this more than philosophically. This is the most distressing symptom of both popular view and even some scientific views. The nihilists who feel that we should stop in our tracks and reverse the trend of our operations because they feel that either we have damaged the environment or we will do so, or that we cannot control or manage it to our advantage, to my mind is an extremely distressing signal for American society."

I highly commend to you all of Dr. Wolman's testimony. He did a fine job of putting into perspective the factors we are forced to consider relative to our life on earth.

4. The credibility chasm: Related to the good-guy-bad-guy syndrome is the position adopted by some of the opinion molders and those they influence that all the so-called members of the establishment are not to be believed—that they all manipulate scientific information and data to accommodate expediency or some ulterior purpose. In our print of the "Environmental Effects of Producing Electric Power" appears a copy of a letter which I found particularly apt and appealing. It was written by Dr. H. H. Seliger, who is a biology professor and Chairman of the Committee on Radiation Safety at Johns Hopkins University. He wrote the letter to the Editor of the Johns Hopkins Newsletter. Dr. Seliger said—and I quote in part:

"I personally deplore the tactic of promulgating scientific results by publishing in a Letters to the Editor column or by reporting them to one's Senator or to a newspaper reporter. The concept of publishing new and hitherto unknown results in recognized scientific journals subject to review by other scientists is too important to the continued well-being and objectivity of science as a discipline, that the motives of anyone taking the circuitous routes above might be treated as suspect."

"It is indeed unfortunate that those of us in the scientific community who have labored (quietly) in an effort to uncover all of the available information relating to radiation effects, isotope ingestion effects, environmental effects, etc. * * * as well as the theory and practice of nuclear-powered reactors, in order to attempt to consider the concept of a nuclear power industry in the objective manner, must be placed in the awkward position of either remaining quiet in the presence of demogogic and inflammatory statements, or of speaking out and possibly being related to the herd of so-called AEC apologists.

"The AEC is not immoral. To say that it is or to say that it is not scientifically truthful is to attack the integrity of a large number of excellent and dedicated and moral scientists, many of whom I know personally. To assert that the AEC knew facts that it did not share with the public or to imply that it has 'discovered' facts recently (which have been known for a generation) in a field in which the AEC has sponsored independent unclassified university scientific research since its inception, is irresponsible and morally reprehensible.

"I can think of no better way of destroying the public confidence in independent science as an institution in this country than by impugning the morality of the scientific decision of an independent government agency whose main claim to being is the quality of its science. I believe this is a disservice to science and can only reflect on the source."

Happily, there are relatively few scientists in this category. You all know them. They advertise by intemperate and inaccurate public accusations against the motives and views of their more eminent peers and by setting off public alarms with unwarranted "scientific" pronouncements that are not supported by the facts or by reputable bodies of their scientific peers. Most of them seem to prefer bombast, rhetoric and invective to unemotional, truthful and accurate statements, and they deliberately avoid competent juries of their peers and go directly to the lay public who are really unable to make a scientific judgment on their theories. They strive to trade credible scientific scrutiny and evaluation for the opportunity to make a sensational impact on a mass lay audience.

5. Trouble-makers for profit or kicks, misguided zealots, the let's-wait-for-the-new-breakthroughs advocates, and the o.k.-we-need-it-but-why-not-put-it-someplace-else boys: I could almost add one more to this list, which the Forum joins infrequently—namely, friends who from well-intentioned motives create potential problems. For example—with apologies to my host—I chide the Forum for the manner in which it has used in its publications an initial report by the Joint Committee which the Committee never released and, in fact, replaced with an amended version that it formally issued; and I chide the Forum for inaccuracies in its analysis and discussion of the Committee's report. Of course, I realize the handicap the Forum was under in that, for a period of time, we were not in a position to discuss background details with them or anyone else due to the delay in obtaining full Committee consideration of the final form of the report. This recently published material by the Forum cannot possibly assist the beneficial forward movement of the legislation involved—on which, incidentally, as most of you know, the Committee had labored greatly; nor can it be helpful to interested readers.

I think of an old story about two young friends—one named John who lived and worked in New York City and the other named Sam who was in Chicago. Each year, in the fall, they would join in a hunting trip to a remote area in Pennsylvania. One year, while hunting, they were surprised by a sudden severe storm that forced them to seek shelter in unfamiliar surroundings. Luckily, they eventually came to a large clearing in the woods which set off a large impressive dwelling. They knocked on the door and were admitted by an attractive looking woman. She made them welcome, fed them, and afforded them shelter for the night. John and Sam were shown to separate bedrooms, when the young woman—who explained that she was a widow and that the servants were on a holiday—retired. John, who was very tired, fell asleep at once and never stirred until morning. Then, after a good breakfast, John and Sam thanked their hostess profusely and departed. Almost a year later, John telephoned Sam in Chicago and the following conversation ensued:

"Sam, you remember that lovely looking widow in Pennsylvania, don't you?"

"Sure, why?"

"Sam, when I went to bed that night, did you retire, or did you rejoin the widow?"

"Well, to tell you the truth, I did go back to get better acquainted. But why are you so interested now?"

"One more question, Sam, and I want the truth. In the course of getting better acquainted did you use my name as your own?"

"Gosh, John, this is embarrassing. I can't tell you why, but I did tell her I was you. I never saw her again. Can you forgive me? What's this all about?"

"Sam, don't worry about it. Everything's clear now. You did very well. A few minutes ago I received a wire from a lawyer in Pennsylvania informing me that the widow had died suddenly, soon after making her will, and that she left her sizeable estate to me."

This long story does illustrate that sometimes an inaccuracy can turn out to help someone. So, I'll add this footnote to my judgment on the Forum's premature comments on a bootlegged draft report of our Committee: If it ever turns out to do some good, I'll see that you're properly credited.

Now, the cumulative effect of the foregoing items frequently amounts to a fully orchestrated dirge of negativism that produces a high state of anxiety and fear among our concerned citizenry. I believe that professional bodies—such as the National Academy of Sciences, the National Council on Radiation Protection and Measurements, and other generally recognized associations of scientists, engineers, doctors and other professionals—must come to the fore and see to it that their views are clearly and widely made known on esoteric issues on which informed laymen cannot possibly form intelligent judgments of their own. ANS and AIF, it seems to me, must do more, in collaboration with others, to help minimize public confusion. I hope, too, that Federal agencies such as the Council on Environmental Quality, the Office of Environmental Quality established by the Environmental Quality Improvement Act 1970, the Office of Science and Technology, and the Environmental Protection Agency which will soon come into being by virtue of the President's Reorganization Plan No. 3 of 1970, will strive to disseminate promptly to the general public their findings and views on scientific and technical issues that come to the forefront of public attention from time to time. My friends, I stress these items because I believe an energy program cannot be successfully mounted and effectuated unless it includes adequate measures to deal with unfounded charges.

THE BREEDER PROGRAM—A TIME FOR ACTION

Now to turn to the principal topic—what I really wish to stress to you tonight. That topic is, of course, the breeder program—a top priority need that will be met only if we, in the nuclear community and in the top echelons of Government, rise to our momentous responsibility to do everything we can to assure the provision of energy which this Nation must have for its survival and well-being. We must not forfeit this opportunity to solve our future needs for clean electrical energy.

In my opinion, the situation is even more critical than when I described it to you last year. I must frankly acknowledge we have not yet achieved that unity of will and action which the breeder program demands for success.

In my remarks tonight, I want to face up to this with all the candor and constructive thoughts I can summon.

In addressing this group last year, I emphasized two equally important challenges that were facing us:

1. developing a technically successful and economically useful breeder reactor; and

2. solving the problem of siting nuclear and conventional-types of electric generating plants, with particular regard for the need for power and the objective, which we all share, of protecting and enhancing the quality of our environment.

The vital importance of meeting these interrelated challenges has been underscored by events over the past year. Few can deny the present realities and the probable future consequences we now face with respect to the shortages of electric power and fossil fuels. Few will question our inability to tolerate further degradation of the air we breathe and the need to improve the quality of our environment.

These worsening trends can no longer be dismissed as the preoccupation of a worried few; they have become the abiding concern of all of our citizens. They have reinforced even further the validity of the questions which many of us have discussed year after year as to this Nation's capability to provide the energy sufficient to sustain future full employment, our health, safety and welfare, and our defense requirements—while preserving and improving the quality of our environment.

These national priority needs of energy and a cleaner environment are so closely interrelated as to constitute, in effect, a single urgent mission—and for this mission, the fast breeder reactor is indispensable.

Almost every major industrial country in the world has identified the LMFBR program as a priority national goal and is concentrating government and industrial resources on reaching this goal. If we fail to support the breeder, we will have abdicated our responsibility for international leadership in the atomic energy field. I, for one, do not propose to watch other nations proceed with their breeder programs while the United States' program is compromised or halted.

At last year's meeting, I pointed out that my Joint Committee colleagues and I were not satisfied with the progress being made in carrying out the National breeder program. Though it was scientifically well-structured and ready, management in the Executive branch was not proceeding effectively to convert the LMFBR concept to practical reality. I spelled out the challenge, urged that we keep our eye on the ball and maintain our drive toward the goal, and warned against blocking the quarterback, confusing the signals or fumbling the ball.

I further indicated my intention to propose the establishment of a three to five man Blue Ribbon Ad Hoc Committee to try and find out why we were not moving ahead more rapidly and effectively. But the more I explored these matters with other interested people, the more it became evident to me that the Blue Ribbon Committee I had envisioned was not needed to clear the air and get on with the job. As a result of some rather plain talk with key leaders in and out of Government, I have several observations and suggestions I'd like to present to you.

I have spent much time during the past year reviewing the principal aspects of the breeder effort, keeping in mind past history, particularly the experience for over two decades in the civilian power program and the Navy's highly successful nuclear power activities. I have taken into account the extensive in-depth testimony we have received over the years in the course of comprehensive hearings before the Joint Committee and many informal, candid discussions. I visited most of the major laboratories and industrial establishments where the civilian power program is being carried forward. I have talked to energy community leaders, both from this country and abroad, in industry and in Government, in the nuclear field and the energy field generally.

I sought the views of leaders in the Congress and in other branches of the Government, and most especially, those who have demonstrated by their actions a full appreciation of the vast implications of our energy and environmental problems. And through extensive discussions with those who have had direct management responsibility for large technical development programs, I have deepened my understanding of the magnitude and complexity of the breeder program, of the organizations and the individuals involved, of the factors impeding progress, and of those that are helping to effectively thrust this important program forward.

Let me summarize some of the results of this.

The breeder program has a solid scientific base. It now has the commitment by the key laboratories and the industrial organizations presently involved in the total effort. It has the technological basis required for moving forward into the large scale engineering applications and the demonstration plant phases that must now be mounted. Additionally, it has the highly qualified, dedicated, technical management organization within the Government essential for the successful conduct of the program; the members of this organization are not only determined to achieve success, but have demonstrated their ability to achieve it—if they get the support they need. And I plan to return to that last point a little later.

In weighing the results of my review, I have concluded that probably the most important recent developments are those attributable to the strong management and organizational changes that were finally effected by the AEC during the past year. These basic changes have set the stage for the intensive actions which can and must now follow to implement the national Liquid Metal Fast Breeder Program (LMFBR) plan. The establishment of the Hanford Engineering Development Laboratory (HEDL) and the consolidation of all reactor development work at Argonne National Laboratory (ANL) into a reactor engineering research and development group will make a major contribution toward the success of the LMFBR program. One can perhaps appreciate the importance to the breeder program that we of the Joint Committee attach to these changes when one reflects on the vital role of the Bettis and KAPL laboratories in the naval nuclear power program.

In emphasizing these strengthening actions in the Commission's own laboratories, I also want to commend those companion changes that have been initiated within the three reactor manufacturer organizations presently engaged in the Project Definition Phase of the LMFBR demonstration plant program. All in all, it is evident that sweeping and beneficial changes have been brought about within the laboratory and industrial organizations participating in the LMFBR effort. It is well recognized that it will take the cooperative efforts of all to carry this program through to successful completion.

In addition to the developments I have just described, I am pleased to report to you that I have found an increasingly favorable climate for the breeder within the Government agencies and advisory groups. Those familiar with the stormy history of major nuclear energy programs know full well of the internal opposition—sometimes massive—to developments such as thermonuclear weapons, naval reactors, and even the light water reactor in its earliest days. Often the Joint Committee has had to move deeply into the fray in order to assure that these programs moved forward in an effective manner. All too frequently, we have had to help provide a protective shield around those responsible for getting the job done—sometimes to interpose directly when others with direct responsibility failed in the effective discharge of their duty.

As you know, we started the Navy program with a multitype reactor program and continued the multitype approach in the civilian power plant reactor program. We were successful in both programs.

We are being denied, unfortunately and unnecessarily in my opinion, the multitype approach to the development of a breeder-type reactor. We must therefore concentrate available funds on the approach which seems to have the maximum support at this time.

I realize that there are those who advocate a different approach on the conduct of the program, and are even at this late date considering major deviations in the plan for fuel testing. Such an approach *could* be desirable if it could be financed somehow, without diversion from our meager available funds. After great efforts, the interested parties in the atomic field have agreed upon a single specific developmental program to obtain a breeder reactor. We cannot now afford to delay or jeopardize the approved program by diversion of funds.

I have noted that increased recognition has developed with respect to the interdependence that exists between commercial light water reactors and the LMFBR, particularly the vital relationship between the plutonium produced in the light water reactors and its use in the LMFBR. Literally tons of plutonium will be produced through the operation of the light water reactors in the 70's and early 80's. While much of this can be recycled to the light water reactors, we know that this plutonium should be economically more valuable as a breeder fuel than when recycled as fuel for the water reactors. This fact provides a powerful incentive for the support of the breeder by the industry and utilities and by the Government.

The interdependence of the two reactor types in terms of fuel cycle, personnel, facilities and other resources is very close indeed and is reflected by the increasing support by the manufacturers and utilities. Five major U.S. reactor manufacturers, all pioneers in the development of nuclear power in this country, have identified the LMFBR program as their priority advanced reactor program. In addition, about one-hundred major utilities in this country are also supporting this LMFBR program effort in cooperation with these industrial organizations and the Atomic Energy Commission. Thus there is an ever widening appreciation in industry and Government that failure to pursue the LMFBR program at this time could well jeopardize the massive investments and other large stakes riding on light water reactors in this country and abroad. And equally important, only through the success of the light water reactor will the breeder be permitted to play the vital role it must have in solving our energy and environmental problems.

With the existence of all the factors con-

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ducive to progress, the failure to move faster on the breeder seems to present somewhat of an enigma. However, the enigma is quickly cleared up when one looks behind the priorities and the policy statements and tests their substance in the hard realities of competitive funding.

I am more convinced than ever that we have a sound plan for achieving the breeder objective, and that only the development of a suitable funding formula now stands between early progression from the Project Definition Phase into appropriate definitive cooperative arrangements for the development, design, construction and operation of demonstration plants. There is no doubt in my mind that if we adhere to our National LMFBR program plan and if the needed support from Government, industry, and the utilities is forthcoming, this program can be accomplished and a strong industrial breeder capability established by the early 1980's.

Of course, we will have to face up to the fact that we aren't going to attain our goal of getting satisfactory demonstration plant proposals by January, pursuant to the current Project Definition Phase arrangement and the present statutory framework. This is mainly due to the insufficiency of the Government's portion of the total funds which the program, both the base program and the demonstration plant program, will require. I believe developments have shown that the fears we expressed concerning the inadequacy of the Government's funding authorization were well-founded. Another reason for the failure, I believe, could be laid at the doorstep of the utility participants. I don't think the utilities have become involved sufficiently with the development of the demonstration plant proposals. More specifically I believe the utilities did not consider this phase of the program seriously enough and therefore did not develop funding plans adequate to carry out such projects.

The Joint Committee has many times pointed to the problem of inadequate funding by the Government in relation to the LMFBR demonstration program, as well as in regard to the base program. We have stressed that this whole job is just not going to be accomplished within the budgets proposed to the Congress; that overall funding must be increased, consistent with the requirements well identified in the Program Plan, if we are to achieve success.

Recognizing that I may have been too subtle some years back with the "Cowbird" metaphor, I'll now pose questions this way:

Is the LMFBR program going to be treated and supported as a hardline priority program, in recognition of the great need of our country for clean energy, or is it going to continue to be a budget "shock absorber" and "an interesting project," "if only we could afford it."? Will our National eye on the atomic energy program continue to be diverted by the discovery of, say, Fossilinium–110, while we procrastinate on the high priority need to produce the LMFBR?

We just cannot wait any longer for the answer. During this next year we're going to have to make the decision to pursue the goal with the funding and support required, or acknowledge default. Halfway measures won't do. The Joint Committee is going to take every precaution, in line with its own statutory responsibility, to see to it that it remains fully informed and that any steps taken in implementation of the LMFBR program are realistic and potentially effective. For example, we may deem it advisable to ask Mr. Shaw, Director of Reactor Development and Technology of the AEC, to appear before the Committee on a regular basis to apprise us of the current posture of specific needs and plans. We had to resort to this technique to help Admiral Rickover get the job done.

We would hope that the Commissioners, in carrying out their responsibilities will be forthright and courageous in their support, and in their efforts to obtain adequate Government funds, for their highest priority civilian program. We would hope that the Commission will not come before us to recommend any half-way measures.

To put it simply, the breeder program should receive from the Commissioners and from the Administration the same kind of support and priority treatment that was required for the successful outcome of the Navy's nuclear power program and the nuclear weapons program. I am convinced that this type of priority attention and support will result in significantly increased support from private industry and the utilities.

This Nation needs Presidential leadership in developing electrical energy. It is the basic challenge of this decade.

Dream with me not the "impossible dream" but a "possible dream."

We should start building two liquid metal breeder plants now. It may be that one of these should be the loop type and the other the pot type in order to obtain maximum assurance of achieving our goal.

At the end of six years they should be in operation. In three or four years after the start of the initial projects, we should be able to start the third demonstration plant—a reactor which we could well expect to be successful both technically and economically.

Such a program is vital to our Nation—as vital as any other national objective. It is unworthy of this great Nation to stand irresolute, counting our pennies, as precious years rush by.

On October 4, 1968, when he was seeking the Office of the President, Mr. Nixon said: "The breeder reactor is a national priority."

In our FY '71 authorization report the Joint Committee stated:

"The Joint Committee urges the Commission to proceed forward with the first of the breeder demonstration plants without delay. The program objectives are well laid out. Delays in carrying them out will only be costly."

Action must now give effect to these words. The Administration and the Congress cannot afford to lose another year to indecision or inaction.

At the beginning of the last decade, President Kennedy set as a National goal the landing of a man on the moon and his safe return. We have achieved that goal, not once but twice. Today we need a Presidential declaration of a new National goal. That goal may not appear to be as spectacular as the moon mission, but I think it will bring mankind far greater benefits.

This National goal would have these Siamese-twin features:

1. The attainment of an adequate supply of dependable and economical electric energy from an inexhaustible fuel source, so we can serve the human and industry needs of our society.

2. The production of such energy in the cleanest manner possible, so as to safeguard the quality of our environment.

These two features are interdependent. We cannot really improve the quality of the environment in context of mankind's welfare and well-being, unless we solve the need for an adequate supply of electrical energy. Nor can we attain a truly effective solution to our energy problem unless it materially contributes to an improved environment.

We spent $55 billion to achieve President Kennedy's moon goal.

We need to spend less than $2 billion to achieve an inexhaustible, new, clean, and safe source of electricity.

I have devoted over two decades now to furthering the development and beneficial employment of nuclear energy. My Joint Committee colleagues and I take pride in the role we have played in seeing to it that nuclear energy is available for the defense needs of this Nation. We have made a strong start towards the equally important mission of making sure that the full potential of nuclear energy is made available for our civilian needs. We laid the foundation for the development and application of the light water reactor. But this is only part way down the road toward realizing the potential benefits of nuclear power. The largest part and the greatest rewards lie ahead.

I am determined to do everything I can toward the success of our breeder program. All of us, our children and future generations will be deeply grateful. National leadership, and high purpose and resolve by our industrial and utility entities, simply must meet this urgent challenge.

PROF. GEORGE ANASTAPLO'S MESSAGE ON THE TYRANNY OF THE PRESENT GREEK GOVERNMENT

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. MADDEN. Mr. Speaker, John Anastaplo, of radio station WJOB, Hammond, Ind., and one of the Midwest's outstanding news commentators, submitted the following factual information regarding some of the dictatorial operations of the military government which now controls the destiny of the great nation of Greece. This broadcast was excerpts from George Anastaplo, professor of international affairs of Chicago University. George Anastaplo is a recognized authority and a longtime advocate for free and democratic government in Greece.

The following excerpts from a radio broadcast by Prof. George Anastaplo reveals some of his personal experiences with the tyrannical military leaders of Greece, and I include it with my remarks:

AMERICAN AID AND GREEK TYRANNY: A MEMORANDUM [1]

(By George Anastaplo [2])

The announcement a fortnight ago of the resumption of American military aid to Greece is the painful culmination of our sadly inept policy toward Greece since a handful of colonels betrayed their oaths, King and comrades by seizing power three years ago.

American policy has been characterized the past three years by our inability to appreciate the extent (and hence the responsibility) of American influence in Greece, thereby leading us to let down old friends in that country, to permit tyranny there, and to damage seriously our longterm strategic interests in the Mediterranean.

Illustrative of how the United States misuses its influence in Greece is how the American Embassy in Athens responded to the order denying me admission to Greece which awaited my arrival September 15 at Athens airport. (This happened, it might be of interest to note, ten years after I was expelled from the Soviet Union for alleged "subversion of public order." I have been visiting Greece annually since 1962.) There was among Embassy personnel considerable sympathetic talk about my predicament, but talk which was immediately rendered ineffectual by their sincere belief that "nothing can be done." The serious, and ultimately successful, efforts to secure my admission to that country were made by English and Canadian newspapermen (whom I had come to know over the years in my capacity there as a foreign correspondent) who intervened with the Deputy Prime Minister—with the results that I received in Rome, after my exclusion from Greece, an apologetic invitation from the Office of the Prime Minister to return immediately to Athens.

Thus, misunderstanding of the situation led American officials in Athens to do far less than they should have done on behalf of someone whom they had come to know both there and in Washington as a recognized student of Greek affairs. In fact, they considered my matter so "hopeless" that they would not even send someone from our Embassy to Athens airport during the ten hours I was detained there (despite requests by me and others that they do so) to help me delay my departure while my colleagues of the press tried to reach the highest levels of the Greek government. (The most effective argument used by my colleagues evidently relied upon the recent efforts of the Greek military dictatorship to persuade American public opinion that genuine liberalization is really taking place in Greece these days. Thus, the Greek government appreciates better than does ours the significance for Greece of American influence and power.[3])

It is somewhat encouraging to me personally to learn that my exclusion was based on the anger of Greek foreign press officials and security police at the articles I have published in the United States, particularly those which have been reprinted in our *Congressional Record* and which have dared advise our government to withhold its support from the present Greek government and to do what it can to help the oppressed Greek people secure a government of its choice.[4]

It is a dangerous state of affairs for everyone when the American government consistently miscalculates the extent of American power. Such miscalculations have led us to try to do far more than we can do in Vietnam and to put up with far more than we need have in Greece. It is ominous to hear even Greek conservatives bitterly condemn the United States as primarily responsible for the survival in Athens of the self-righteous tyranny which our NATO ally now seems destined to have to endure for a decade (behind a facade of "liberalization") while we Americans continue to proclaim our dedication to the defense of "the free world."

FOOTNOTES

[1] This memorandum originated as a Letter to the Editor, written from Sparta, Greece, September 24, 1970. It has been published in that form (edited in various ways) in *The International Herald-Tribune*, September 30, 1970, *The Guardian* (London), October 7, 1970, *The Chicago Daily News*, October 6, 1970, *Manchester Guardian Weekly*, Oct. 17, 1970.

[2] George Anastaplo (who was born in St. Louis and now lives in Chicago) is Lecturer in the Liberal Arts, The University of Chicago, and Professor of Political Science and of Philosophy, Rosary College.

[3] The Russians never have invited me back: their regime *is* much more repressive than even that of the Greek colonels, partly because they are less dependent than the colonels on American public opinion. See, on my expulsion from the Soviet Union, *London Observer*, August 14, 1960. See, also, the appendix to my doctoral dissertation, *Notes on the First Amendment* (University of Chicago, 1964).

[4] My articles on Greek affairs have been reprinted in Volume 115 of the *Congressional Record* at pages E1875 (March 11, 1969), E2631 (April 2, 1969), E2632 (April 2, 1969), E5156 (June 23, 1969), E5978 (July 15, 1969), E6294 (July 28, 1969), and E10873 (December 20, 1969), and in Volume 116 at pages E935 (February 16, 1970), E1818 (March 10, 1970) and S7535 (May 20, 1970).

THE PIKE COUNTY NEWS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. HUNGATE. Mr. Speaker, great concern about whether people in Missouri know how to celebrate properly was recently expressed by a local paper which I understand is printed on a daily basis enjoying a national rating exceeded only by two other Washington institutions—the Senators and the Redskins.

In the course of their comments they remarked that:

> Missouri's observance of its 150th birthday is striking no sparks. The celebration is supposed to last a year, ending next August 10, and to include a dedication of the restored First State Capitol in St. Charles, along with the issuance of commemorative items. Of course 150 is not the same as 200, but it is a good long time and it is a bit surprising that the state has not made more of it. Perhaps it is not too soon for Missourians to start planning a celebration for 2021.

For their information, most Missourians and all Pike Countians would prefer the Pike County News to the Washington Post as the following lines will indicate:

THE PIKE COUNTY NEWS

(From *Poems All The Way From Pike* by a Subscriber in New York City)

You-All can read your Trybune, your Herald and your Sun,
Chuck full of furrin nonsense, and talk that's never done,
And what goes on in Congress, at Washington, D.C.,
Where we pay politicianers to jine that jabbaree.
You can read your high-tone' papers, with tariff rates and rot,
And political palaver; but for me—I'd ruther not.
When I'm a-wantin' readin' I'm as like as not to choose
A little old Mizzoury sheet—the Pike County News.

It hain't no glarin' headlines a-scarin' you to death,
Nor pictures of disasters that makes you hold your breath,
Nor any ornery poetry by some jimcrack galoot
The editor was sorry for and didn't like to shoot;
Nor it hain't no blamed opinions on things you don't know what
And no man livin' onderstands—like all these sheets has got.
It's jist the plain old homespun fac's a feller can peruse
When readin' in a paper like the Pike County News.

I like to see the mail man a-comin' Friday night;
It makes me peart and chipper-like and tones me up a sight.
All week I be'n perusin' of these picture sheets they sell
Here in Noo York, but mostly gits their contents out o' hell
Or some'eres in that latitood, and serves it up red-hot
To sear the souls of youngsters, and spil 'em like as not.
I tell you, when the mail man comes a-Fridays I enthuse,
For I know he's got the sheet I want—the Pike County News.

I grab them papers eager, and I hustle for my room,
And when I yank the wrapper off there's always a perfume
Of good old Country Campbell press and honest printers' ink,
Purt'-nigh intoxicatin' as a raal old-fashion' drink.
Jist does me good to snuff it up and sniff the aromer in—
It beats your French sham-pag-ne and it lays all over gin!
No use to drownd myself in drink to chase away the blues:
Jist gimme this old sofy, and the Pike County News.

W'y, here's the "Personal" column that tells how Homer Smith
Has gone to take his bridal tower—and who he tuck it with;
And how MaxMichael's in Noo York a-layin' in his stock
(I'll hunt him up and chin him, if it takes till twelve o'clock!);
And how Ras Pearson, that I knowed when he was 'bout fourteen,
Is State's Attorney now and fights "the ring" at Bowlin' Green.
These things is all important, and ever' one I'd lose
If I didn't pay my dollar for the Pike County News.
And here's a piece about Will Gray, that used to run "The Press"
When I done local on it and made a holy mess.
He's got to be the Probate Jedge and passes on estates—
A lucky journalist, for now he gits the legal rates.
He used to offer me advice 'bout what he called "career,"
And when I mentioned lit'ratoor he said: "Now, look-ee here,
You'll only starve to death at that; think well before you choose."
But still I live on lit'ratoor—the Pike County News.
W'y here's a picture of Dave Ball, a feller that was raised
'Longside o' punkins in the fields; I'm not a-tall amazed
To read that he's a candidate for gov'nor of the state,
For that's the kind o'cornstalks that has the runnin' gait;
And when he gits elected—as you better bet he'll git—
I'm headin' for Mizzoury, to strike him for a sit;
I hanker for a sinecure, a job where I can snooze
And git my breath, and sal'ry, and the Pike County News.
This page is where the marriages and births and deaths is found;
There ain't a name that I don't know from all the country 'round.
Here's 'bout Frank Chapman's weddin'—he runs a grocery store;
And here I see the Walker folks has got a Walker more.
'Twas on this page a year ago with reverent eyes I read
A boy I went a-fishin' with was numbered with the dead;
And one whose name I name not—no need to ask me whose—
I read about her fun'ral in the Pike County News.

—*New York, 1897, by Robertus Love.*

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UKRAINIAN CONGRESS COMMITTEE CONDEMNS EXTRADITION OF LITHUANIAN DEFECTOR

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. FLOOD. Mr. Speaker, the editor of the Ukrainian Quarterly in New York City has forwarded to me a copy of a press release issued by the Ukrainian Congress Committee of America and a copy of a telegram by that organization sent to President Nixon on the matter of the Lithuanian sailor who sought political asylum in this country. On Monday, December 14, 1970, I made an address in the House on this subject and my remarks appear in the RECORD beginning on page 41421.

As part of my remarks today, I include a letter of transmittal from the editor of the Ukrainian Quarterly, Mr. Walter Dushnyck, as well as copies of the aforementioned press release and telegram.

THE UKRAINIAN QUARTERLY,
New York, N.Y., December 12, 1970.

Hon. DANIEL J. FLOOD,
The Rayburn Building,
Washington, D.C.

DEAR CONGRESSMAN FLOOD: Enclosed please find a copy of our press release and telegram sent to President Nixon in connection with the extradition of the Luthuanian defector, Simas Kuderka. We would appreciate your kindess in inserting it in your proposed address in the House of Representatives and sending a copy of it to us. Thank you.

Sincerely yours,
WALTER DUSHNYCK,
Editor.

UKRAINIAN CONGRESS COMMITTEE CONDEMNS EXTRADITION OF LITHUANIAN DEFECTOR

NEW YORK, N.Y.—The Executive Board of the Ukrainian Congress Committee of America (UCCA), a nationwide organization of some 2 million Americans of Ukrainian origin, strongly condemned U.S. Coast Guard officials who handed over the Lithuanian defector, Simas Gruze, (later identified as Simas Kuderka) to his Soviet captors. Terming the act a "most disgraceful violation of our traditional policy of political sanctuary," the UCCA expressed its full support of an immediate investigation and bringing those responsible for this crime to account.

In a telegram sent to President Nixon, Secretary of State William P. Rogers and Secretary of Transportation John A. Volpe, the Ukrainian Congress Committee said that "to surrender a political defector to the claws of the KGB at a time when the U.S. Government is pleading with the world for its intervention for humane treatment of our POW's in North Vietnam, is the acme of inhumanity, folly and responsibility."

[Telegram]

Hon. RICHARD M. NIXON,
President of the United States of America,
The White House,
Washington, D.C.:

On behalf of Ukranian Congress Committee of America, speaking for over 2 million Americans of Ukrainian ancestry, we lodge the sternest protest against the illegal, immoral and inhuman handing over of the Lithuanian defector, Simas Gruze, by U.S. Coast Guard authorities to the Soviet guards.

This act, in total definiance of the U.N. Convention Relating to the Status of Refugees, occurred in American waters and constitutes a most disgraceful violation of our traditional policy of political sanctuary for those fleeing oppression and tyranny.

To surrender a political defector to the claws of the KGB at a time, when the U.S. Government is pleading with the world for its intervention for human treatment of our POW's in North Vietnam is the acme of inhumanity, folly and irresponsibility. Therefore, we fully support your order for an immediate investigation to bring those responsible for this tragic and shameless crime against human rights to account.

This event undoubtedly has marred the American image abroad and makes a mockery of our professed dedication to human freedom at home and abroad. Only immediate rectification of the perpetrated violation, by bringing those culpable to account, can restore in the captive nations behind the Iron Curtain and the free world at large faith in our democracy and respect for our principles of personal freedom and human rights and justice.

EXECUTIVE BOARD,
UKRAINIAN CONGRESS COMMITTEE OF AMERICA.
DECEMBER 2, 1970.

PRESIDENT MASTER OF THE PRESS CONFERENCE

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. DEVINE. Mr. Speaker, once again, last week President Nixon came off as the master of the press conference. He proved, as he must do at each one, that he can handle with equal facility the tough questions, the loaded questions, and the rude questions.

He proved that the press conference can be a worthy vehicle for transmitting news to the American people.

The press also proved something. It proved it can ask searching, meaningful in-depth questions. And it proved that it can ask questions that are self-serving, impudent, designed to embarrass and are utterly asinine.

The points the good questions made in favor of more frequent press conferences were offset by the other questions that proved that some members of the Washington press do not deserve the courtesy of any such conferences.

Mr. Speaker, it is true the President must meet his responsibilities to keep the people informed. But it is equally true that a free press has a duty to keep the people informed in a responsible manner.

MESSAGE TO CONSTITUENTS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. HOSMER. Mr. Speaker, annually I send the citizens I am privileged to represent in the Congress a message advising them of some of the services of my office and how they can become available. Within the next few days I will mail this message which is entitled "A Message from Craig Hosmer 'Your Man in Washington'" and reads as follows:

A MESSAGE FROM CRAIG HOSMER—"YOUR MAN IN WASHINGTON"

As your Representative in the United States Congress I respectfully invite your views on the issues facing this Nation which are of special concern to you.

In addition to legislative duties, much of my effort is devoted to assisting with the difficult problems of our area which must be solved at the Nation's Capitol.

It also is my pleasure to be of help to you when you encounter a personal problem with a Department or Agency of the Federal Government.

Your letters will reach me for prompt attention when addressed as follows: Congressman Craig Hosmer, Rayburn Building, Washington, D.C. 20515.

On the obverse of the foregoing message is a home or office calendar for 1971.

HOUSE OF REPRESENTATIVES—*Saturday, December 19, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

For God, who commanded the light to shine out of darkness, hath shined in our hearts, to give the light of the knowledge of the glory of God in the face of Jesus Christ.—II Corinthians 4: 6.

Almighty God, who hast declared Thy love to men by the birth of the Holy Child at Bethlehem: Help us to welcome Him with gladness and to make room for Him in all our common days, so that we may live at peace with one another and in good will with all Thy family: In His holy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 4983. An act for the relief of James M. Buster;

H.R. 6049. An act to amend the definition of "metal bearing ores" in the Tariff Schedules of the United States;

H.R. 6854. An act to provide for the free entry of a peal of eight bells and fittings for use of Smith College, Northampton, Mass.;

H.R. 9183. An act to amend the Tariff Schedules of the United States to provide that imported articles which are exported and thereafter reimported to the United States for failure to meet sample or specifications shall, in certain instances, be entered free of duty upon such reimportation;

H.R. 10150. An act for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex.;

H.R. 10704. An act for the relief of Samuel R. Stephenson;

H.R. 12621. An act for the relief of Lt. Robert J. Scanlon;

H.R. 14271. An act for the relief of Jack A. Duggins;

H.R. 15272. An act for the relief of David L. Kennison;

H.R. 15979. An act to provide that the interest on certain insured loans sold out of the agricultural credit insurance fund shall be included in gross income;

H.R. 16506. An act to amend the Internal Revenue Code of 1954 to clarify the applicability of the exemption from income taxation of cemetery corporations; and

H.R. 16940. An act to extend until December 31, 1972, the suspension of duty on electrodes for use in producing aluminum.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4605. An act to amend the Tariff Act of 1930 and the United States Code to remove the prohibitions against importing, transporting, and mailing in the U.S. mails articles for preventing conception;

H.R. 7311. An act to amend item 709.10 of the Tariff Schedules of the United States to provide that the rate of duty on parts of stethoscopes shall be the same as the rate on stethoscopes;

H.R. 16745. An act to exempt shrimp vessels from the duty imposed on repairs made to, and repair parts and equipments purchased for, U.S. vessels in foreign countries, and for other purposes;

H.R. 17068. An act to amend the Tariff Schedules of the United States to provide for a partial exemption from duty for aircraft manufactured or produced in the United States with the use of foreign components imported under temporary importation; and

H.R. 17473. An act to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 719. An act to establish a national mining and minerals policy.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3619) entitled "An act to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6778) entitled "An act to amend the Bank Holding Company Act of 1956, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19436) entitled "An act to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes."

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1009. An act for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer;

S. 1984. An act for the relief of Alice E. Ford;

S. 2793. An act for the relief of Siu-Kei-Fong;

S. 3885. An act for the relief of Maurice Marchbanks;

S. 3971. An act for the relief of Luana Gaja;

S. 3977. An act for the relief of Dr. Hahn Joong Lee;

S. 4261. An act for the relief of Esther Catherine Milner;

S. 4268. An act to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, and for other purposes; and

S.J. Res. 249. Joint resolution to extend the time for the proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971.

A NEW MODERN ATLAS, ELMER M. GRADE

(Mr. SMITH of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New York. Mr. Speaker, I rise today to pay particular tribute to a modern Atlas, one Elmer M. Grade, a patriot, who has, through the vagaries of the legislative process, finally, on Thursday last, managed to carry on his back that historic symbol of a bygone era, the *Delta Queen*, to a resounding victory for nostalgia. Mr. Speaker, I would hope that the Greene Line Steamers, Inc., who are apparently the owners of the *Delta Queen*, would grant Mr. Elmer M. Grade a lifetime pass on this now historic ship for his unwitting services above and beyond the call of duty. Mr. Speaker, I yield back the balance of my time.

CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 431]

Abbitt
Adair
Addabbo
Alexander
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Ashbrook
Aspinall
Ayres
Beall, Md.
Bell, Calif.
Biaggi
Blackburn
Blatnik
Bolling
Brasco
Bray
Brock
Brooks
Brown, Calif.
Brown, Mich.
Burke, Fla.
Burton, Utah
Button
Byrne, Pa.
Camp
Carey
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collins, Ill.
Conyers
Corbett
Coughlin
Cowger
Cramer
Cunningham
Daddario
Davis, Ga.
Delaney
Denney
Dent
Derwinski
Devine
Diggs
Dingell
Donohue
Dowdy
Dwyer
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Eshleman
Evins, Tenn.
Fallon
Farbstein
Feighan
Fish
Ford, William D.
Fraser
Friedel
Fulton, Tenn.
Gallagher
Gaydos
Gibbons
Gilbert
Goldwater
Gray
Green, Pa.
Griffiths
Grover
Gubser
Hagan
Haley
Halpern
Hanna
Harrington
Hastings
Hawkins
Hays
Hébert
Henderson
Hungate
Jarman
Jones, N.C.
Kee
Kleppe
Kluczynski
Kuykendall
Landrum
Langen
Leggett
Long, La.
Lowenstein
Lujan
Lukens
McCarthy
McClory
McCulloch
McDade
McKneally
McMillan
MacGregor
Martin
Mathias
Matsunaga
May
Meeds
Meskill
Michel
Mikva
Mize
Montgomery
Morgan
Morton
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
O'Konski
O'Neal, Ga.
Ottinger
Patten
Pelly
Pettis
Philbin
Pike
Pirnie
Podell
Pollock
Powell
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Reid, Ill.
Reid, N.Y.
Reifel
Riegle
Rivers
Rostenkowski
Roth
Roudebush
Ruppe
St Germain
Sandman
Sebelius
Shipley
Sikes
Snyder
Staggers
Stephens
Stokes
Sullivan
Symington
Taft
Thompson, N.J.
Waldie
Watson
Weicker
Whalen
Whalley
Whitehurst
Winn
Wolff
Wydler
Wylie
Yatron
Young
Zion
Zwach

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 251 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 19885, DISTRICT OF COLUMBIA REVENUE ACT OF 1970

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 19885) to provide additional revenue for the District of Columbia, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONFERENCE REPORT ON H.R. 19436, HOUSING AND URBAN DEVELOPMENT ACT OF 1970

Mr. PATMAN. Mr. Speaker, I call up the conference report on the bill (H.R. 19436) to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 17, 1970.)

Mr. PATMAN (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the further reading in view of the fact that it has been printed in the RECORD and copies are available to all Members right now.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, do I understand that the gentleman is going to explain the conference report and we will have time to hear those who may be in opposition to it?

Mr. PATMAN. Yes.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the conference report on H.R. 19436, the Housing and Urban Development Act of 1970, which is now before the House, includes necessary authorizations for fiscal year 1972 for our housing and urban development programs and authorizes several important new programs.

This bill is not controversial. It passed the House in nearly the same form by a vote of 328 to 30. It passed the Senate by a vote of 59 to 2.

I am pleased to report that the House conferees prevailed on roughly two out of every three items of difference between the two bills. Most important, the total dollar authorization in the bill—approximately $2.8 billion—is much closer to the House-passed bill, which was $2.4 billion, than the Senate bill, which was approximately $4 billion.

Mr. Speaker, the principal changes made in conference are as follows:

First. The conference report contains the urban growth and new community development provisions which were deleted from the House bill by a narrow vote. These provisions provide for the development of an urban growth policy by the President and establish a greatly expanded new community development program within the Department of Housing and Urban Development.

Second. The conference report contains provisions authorizing the Secretary of Housing and Urban Development to initiate a program of Federal insurance against crime. The House bill made this program effective immediately; however, the conference report provides a short grace period during which the States can move to provide crime insurance. The report provides that the Secretary would conduct a continuing review of the availability of crime insurance at affordable rates; if he determines that such insurance is not available, he would be authorized to provide crime insurance directly on or after August 1, 1971. Of course, we hope the States take action by themselves; but, we urge the Secretary to be prepared to implement the program immediately on August 1, 1971.

Third. The conference report contains Senate amendments dealing with public housing rent requirements and Federal assistance for public housing operating and maintenance expenses. Prior legislation has restricted the maximum rent which may be set by public housing authorities at no more than 25 percent of tenant income. The conference report establishes a definition of income for purposes of this provision, which modifies slightly the definition contained in the Senate bill. In addition, the report makes clear that HUD is permitted to pay additional amounts to public housing agencies to help improve maintenance and operation of projects and to provide services to tenants. This action clears up a year-long dispute between the Congress and the Department.

Mr. Speaker, there are many other differences between the conference report and the House-passed bill. However, its essential features are the same as the bill which was overwhelmingly passed by the House. A summary follows:

AUTHORIZATIONS IN HOUSING BILL AGREED TO BY CONFEREES

[In millions]

	Fiscal year—		
	1971	1972	1973
Title I—Mortgage Credit:			
Section 235	$25	$30	
Section 236	25	30	
Rent supplements		40	
Title II—Renewal and Housing Assistance:			
Urban renewal		1,500	
Public housing	150	225	
College housing		12	
Title III—Model Cities and Metropolitan Development:			
Model cities grants		200	
701 comprehensive planning		30	
Neighborhood facilities		50	
Title IV—Open-space Land Programs: Open-space, urban beautification, historic preservation		100	
Title V—Research and Technology:			
Housing allowance demonstration		10	$10
Abandoned properties demonstration		20	
Title VII—Urban Growth and New Community Development:			
Planning grants	5	5	
Supplementary grants	36	66	66
Loans to cover interest charges	240		
Title IX—Miscellaneous: Technical assistance to small business contractors	1.5	1.5	1.5
Totals	482.5	2,319.5	77.5
		2,879.5	

Mr. Speaker, there is a matter of concern I wish to mention and that is the way in which the Farmers Home Administration is administering the technical assistance grants for self-help housing authorized under section 523 (b)(1)(A) of their authority under title V. This program was enacted in 1968 building on the experience of the Office of Economic Opportunity's Migrant Division, which has been funding self-help housing sponsors to work with migrant and seasonal farmworkers.

A major purpose in providing Farmers Home Administration with this authority was to supplement the limited funds which OEO's Migrant Division had to put into the program. Another purpose was to make the program available to a wider spectrum of low-income families, since those self-help organizations funded by the Migrant Division were limited to serving only farmworkers and only families below the official poverty line. Now I learn that the Acting Assistant Administrator for Rural Housing in the Farmers Home Administration is imposing some artificial limitations of his own on this program which cannot be justified on the basis of the law nor even on the basis of Farmers Home's own written procedures.

The artificial limitation to which I refer is the requirement—evidently expressed verbally to applicant self-help organizations, but not put in writing—that they assure Farmers Home Administration that a majority of the families they serve will not be farmworkers.

Now, for the Migrant Division of OEO to, in effect, discriminate in favor of farmworkers is in accordance with its special legislative mandate. But, for Farmers Home Administration to discriminate against farmwork by enforcing a quota system is another matter entirely and is without support in the legislation. The intent of the legislation was to help low-income families—whether farmworkers or nonfarmworkers—get better housing through the self-help process. The law says nothing about establishing quotas or limits either for or against farmworkers and neither does Farmers Home's Instruction 444.10, which deals with the self-help technical assistance program. With regard to those organizations eligible for grants, it requires that they be "organized for the primary purpose of assisting low- and moderate-income families to obtain adequate housing"—it does not require that they serve only a certain quota of farmworkers or a certain quota of nonfarmworkers.

Mr. Speaker, I want to serve notice here and now—to the Secretary, to the Administrator of Farmers Home, and most particularly to the Acting Assistant Administrator for Rural Housing—that I do not find in the legislation any justification for a policy of quotas affecting farmworkers and their being served by agencies funded under section 523(b)(1)(A). I do not find any such justification in their own procedures. I do not believe there is any adequate justification, and I suggest that this arbitrary and unsupported policy be discontinued immediately unless and until the agency is prepared to seek a legislative basis for it from the Congress.

I further suggest that the Farmers Home Administrator take affirmative steps to offset any adverse effects which this quota system may have had on earlier applicants for self-help technical assistance grants or on potential applicant agencies.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from North Carolina.

Mr. JONAS. I would most respectfully

have to dissent from the statement made by the distinguished chairman of the committee. The legislation incorporated in the conference report bears slight resemblance to the bill that passed the House. The gentleman has talked about the House passing the bill so overwhelmingly. That was an entirely different bill. One entire title that was stricken in the House has now been restored in conference.

In the House we closed back-door spending. The conferees came in and surrendered on that proposition. This bill is now filled with back-door spending, which would permit the Secretary of Housing and Urban Development to bypass the appropriation process. The activities of the Corporation are not controlled by the Corporation Control Act. We wrote a provision in the bill on this floor requiring that it be subject to that act.

Mr. PATMAN. I will yield to the minority if the minority wishes time.

Mr. JONAS. Mr. Speaker, will the gentleman yield 1 additional minute?

Mr. PATMAN. I yield.

Mr. JONAS. If the parliamentary situation were such that it would be possible to do so, I would offer a motion to recommit this conference report with instructions to restore the appropriation process in the financing sections of this bill, and subject the Corporation created under it to the Corporation Control Act. But I understand that such a motion would not be in order because the Senate has already adopted the conference report and dismissed its conferees.

So the only opportunity that those of us who are opposed to back-door spending will have to register our objections will be to vote down the conference report, and I intend to vote to do that.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I share the views of the gentleman from North Carolina. The House passed a far more acceptable housing bill, having knocked out title I, which was bad legislation. This conference report took the Senate version of that provision and then added to the Senate version two provisions which were in the House version, and both of those provisions were very unacceptable. So you took a bad provision from the other body and added two provisions in the defeated proposal in the House version, and we end up with the worse of two worlds.

The conferees, by capitulating to the Senate, did not stand up to the House of Representatives direction.

Mr. PATMAN. The conferees are proud of what they did, because they examined the bill very thoroughly, very carefully, and sat for several days trying to agree. It was thoroughly gone into, and I think really it is a good bill. The conferees think it is a good bill.

I would like to say that the Senate passed it unanimously. I do not share the views of the distinguished gentlemen who have spoken in opposition to it.

Mr. ASHLEY. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Ohio.

Mr. ASHLEY. I think it might be pointed out with respect to title I of the House bill was stricken out but, of course, it was an appropriate subject for the conference. It is worth noting that all of the conferees, the conferees on the part of the House and the conferees on the part of the Senate, were of a mind that the Senate version should prevail, and that title I should be reinstituted.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. The conferees are supposed to go over there and defend the House position, and you did not do it.

Mr. ASHLEY. Let me say to the gentleman from Michigan that title I was stricken by a very close vote in the House—very close. That same title was adopted by the Senate with four votes dissenting; it was adopted overwhelmingly on the part of the Senate, and it was very close on the part of the House. It was the judgment of your conferees and those on the part of the minority of the other body that the Senate position should prevail.

Mr. GERALD R. FORD. Do you not have an obligation to uphold the version approved by this body? Why do you go over there with the idea that you are going to capitulate when you are on the way over to a conference?

Mr. ASHLEY. As the chairman said, on two out of every three issues that were raised in the conference, the House position prevailed.

Mr. PATMAN. We did have some provisions in the House bill we could not defend because the Senate conferees were adamantly opposed to them.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Will the gentleman please explain to me what provisions in the House bill the gentleman supported that he could not defend, when the gentleman voted for this bill

Mr. PATMAN. There were a couple of provisions that had to be removed due to the insistence of the Senate. That is what I am talking about.

Mr. WAGGONNER. Tell me what provisions of the House-passed bill the gentleman supported and endorsed that he could not defend?

Mr. PATMAN. I did not say I endorsed them.

Mr. WAGGONNER. The gentleman endorsed them when he voted for them.

Mr. PATMAN. No.

Mr. WAGGONNER. Does the gentleman mean he voted for the bill and did not endorse what he voted for?

Mr. PATMAN. The gentleman has to give me time to answer. He cannot just keep asking me questions.

Mr. WAGGONNER. I would like to have an answer to the first one.

Mr. PATMAN. We did have a provision in the Senate bill the gentleman from Michigan was much in favor of but it did not prevail in conference. It was to permit the utilities to go into the housing business through wholly owned subsidiaries. The conference just could not get a majority vote for it.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield on that point?

Mr. WAGGONNER. I am not through yet. Let me at him a little while longer, if the gentleman will yield to me.

Mr. PATMAN. It is the gentleman's amendment so I am constrained to yield to him.

Mr. WAGGONNER. Will the gentleman yield to me for another question?

Mr. PATMAN. Yes.

Mr. WAGGONNER. How many times, how long, how many hours did this committee sit with the Senate in conference on this bill?

Mr. PATMAN. We sat for several hours; about 12 over 3 days.

Mr. WAGGONNER. For several hours, and the House conferees gave in in several hours?

Mr. PATMAN. Our motives were good.

Mr. WAGGONNER. Let me tell the gentleman I do have some questions, because the gentleman continually refuses to defend the House position, and he continually brings back something else, and I am getting sick and tired of it. I am getting sick and tired of reading in the newspaper that the Senate takes control of House-passed legislation. Anytime we do not yield to them, they have a filibuster, but we always yield to them. It is time for our conferees to start defending the House position.

Mr. PATMAN. The gentleman sounds as if he were speaking from knowledge.

Mr. WAGGONNER. I know about as much of what is in the bill as the gentleman does, because he cannot answer my questions. This conference report has just now been made available.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I am glad the distinguished chairman brought up this amendment which was in the bill from the other body, which would authorize the public utilities to get into low-cost housing. The gentleman from Texas has opposed that particular provision, and I understand he fought doggedly against accepting the Senate version in this instance. He had his heart set in opposition to that amendment. But when he went over there with the House version on title I, he obviously did not have his heart set on defending the House position, so he capitulated.

I will say only one thing. From now on we will have to instruct the House conferees so they will at least be told to defend the House position.

Mr. PATMAN. The gentleman said I was opposed to the provision before I went over there. That is not true. In fact, I did not even know it actually was retained in the Senate bill until we went to conference. I thought it had been eliminated. I am surprised the gentleman would even offer it. It would have amended the Public Utilities Act of 1935 in a HUD bill.

Mr. GERALD R. FORD. If the gentle-

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man will yield further on that point, the gentleman knows very well that provision was in the Senate version. It was coauthored by the distinguished Senator from Michigan, Senator HART, and the distinguished Senator from Michigan, Senator GRIFFIN, a bipartisan effort. The gentleman from Texas knew very well that provision was in the bill.

Mr. PATMAN. I am surprised that the distinguished gentlemen, such as the distinguished gentleman from Michigan and the distinguished minority leader, would insist on something that is really out of order and subject to a point of order.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from North Carolina.

Mr. JONAS. Would the distinguished chairman of the committee tell the House now how many new provisions are in this conference report that were not even considered in the House?

Mr. PATMAN. I could not tell that, there are no new programs put in by the conference.

Mr. JONAS. There are several I know.

Mr. PATMAN. You could very quickly find out.

Mr. JONAS. I did not have the conference report until today.

Mr. PATMAN. You have it right now.

Mr. JONAS. I cannot read 35 pages in 5 minutes. You were in the conference. You can tell us how many new provisions were inserted.

Mr. BARRETT. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. I want to say to the gentleman, in answer to his question, there are no new provisions in this conference report. We did try to change one provision in it and the Senate objected and we yielded to the Senate because we felt it would be subject to a point of order.

Mr. JONAS. The gentleman from Texas, in the well, stated in his opening remarks that there were three or four provisions included in the conference report that were not considered in the House. I asked him to specify them.

Mr. PATMAN. No. I do not think the statement is exactly correct. I said there were two provisions in the conference that we could not accept, and I referred to one of them.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. WAGGONNER. I do not think the gentleman made an exact statement, because if he will read the record book that has been transcribed, what the gentleman said was that there were two positions that the conferees could not defend.

Mr. PATMAN. That is correct.

Mr. WAGGONNER. The latter statement is correct.

Mr. PATMAN. There were several I did defend.

Mr. WAGGONNER. You did not say "defend"; you said "could not defend."

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I thank the gentleman for yielding.

Without speaking to the report now before us, but to a much broader issue—I know nothing about the conference on housing—I would say I have participated in conference meetings where on the House side we have fought tenaciously for a certain provision and have prevailed, and I have gone to conference committees and seen the House recede on point after point after point, so that the bill comes back and there is no resemblance in the conference committee report to the position taken by the majority of the House.

My suggestion today, for what it is worth, is that a major change in the rules might well be considered by the House, that the majority of the conferees on the majority side and the majority of the conferees on the minority side should be chosen on the basis that they supported the position taken by the House before we go to conference.

It seems to me, no matter what the conference session is, then the House, without giving instructions, would be assured that the majority of the House conferees would be defending the House position, as the rules require.

I thank the gentleman for yielding. This does not pertain to this conference report.

Mr. PATMAN. I thank the gentlewoman. She made a very wise suggestion. If you want to change the rules, change them; but in this case the conferees appointed were certainly in sympathy with the House position.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I thank the gentleman for yielding. Now the Senate has acted; is that correct?

Mr. PATMAN. That is correct.

Mr. WAGGONNER. They have dismissed their conferees?

Mr. PATMAN. Yes.

Mr. WAGGONNER. Which means we cannot move to recommit it to conference. But we can vote it down, and the Senate will be forced to reappoint conferees.

Mr. PATMAN. Certainly you have a right to vote it down.

Mr. WAGGONNER. I think that is what this House ought to do, too.

Mr. PATMAN. Of course you have a very fine housing bill here you would be voting against. People are desperately in need of housing.

Mr. WAGGONNER. You are talking to one man who has the courage to vote against it. I know it is not all bad. I know FHA must be extended but you have forsaken the House position.

Mr. PATMAN. We have a goal of 2.6 million houses a year commencing in 1968, and we have not produced 40 percent of that number. So we are badly and sadly behind on housing construction. We need housing. I think you had better think twice before you vote against a good housing bill like this.

Mr. BARRETT. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. I just want to inform the House if they vote this conference report down they will vote down the money for public housing, they will vote down the money for the 235 and 236 programs, they will vote down the rent supplement program. There will be no money left for these very essential and very important programs. So I hope the House will not take that action.

Mr. PATMAN. Mr. Speaker, I have no further requests for time.

Does the gentleman from New Jersey (Mr. WIDNALL) want time?

Mr. WIDNALL. Yes, I would like time.

Mr. PATMAN. How much time do you want?

Mr. WIDNALL. We have a total of 1 hour?

Mr. PATMAN. We have an hour.

Mr. WIDNALL. What have you taken up to now?

The SPEAKER pro tempore. The gentleman has consumed 20 minutes.

Mr. WIDNALL. Would you yield me 20 minutes?

Mr. PATMAN. Certainly, if you want 20 minutes. And you may yield to anybody you want to.

Mr. Speaker, before I yield, let me say in conclusion this report was signed by all of the conferees of the House and Senate. It is a very carefully prepared report, and we are all proud of it. It furnishes housing to the people who need housing so badly.

Mr. PATMAN. Mr. Speaker, I also include in my remarks a letter recently received by me from the president of the National Association of Homebuilders in support of the conference report bill:

DECEMBER 1, 1970.

HON. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I understand that H.R. 19436, the proposed Housing and Urban Development Act of 1970, is due for consideration on the floor of the House tomorrow. This extremely significant bill will enable the many essential housing and development programs of HUD to keep going. Without it, many of the FHA and other HUD programs will not have sufficient funds to carry on at least through the next fiscal year.

It is essential to the nation and the homebuilding industry that there be no interruption in HUD's ability to continue its part of the job of housing our citizens. This bill would enable HUD to do this. Other proposals, which we understand have been made for a short extension of the FHA insuring authority plus minimal authorizations for some of the HUD programs, are not adequate to assure that HUD and the housing industry will be able to maintain their present pace. In the current period of uncertainty in the economy, such a downgrading of housing could be disastrous.

We urge your resistance to efforts that would strip the substance from H.R. 19436, leaving only a bare bones skeleton. The housing and urban development needs of the country demand more than skeleton legislation.

Sincerely,

LOUIS R. BARBA,
President.

Mr. BARRETT. Mr. Speaker, will the gentleman yield to me before he leaves the floor?

Mr. PATMAN. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Speaker, I rise in

strong support of the conference report on the bill, H.R. 19436, the Housing and Urban Development Act of 1970. This conference report is the result of 3 days of long and arduous meetings to reconcile the House and Senate differences on the 1970 housing bill. There were some 85 major differences to be agreed upon in the conference, as well as many more minor and technical differences. It was a difficult conference, because this bill was a long and complex piece of legislation with a number of controversial provisions, but we were able to reach a bipartisan agreement on all matters before the conference. As the members will see, the conference report has been signed by all of the minority members participating in the conference.

We have gone a long way in this year's housing bill in establishing new directions toward a much-needed long-term policy on the problems of urban growth and new communities. We have also sought to keep with our commitments in meeting the housing goals, which we set for ourselves in 1968 or 26 million units of housing over the next decade, with 6 million of these units being for federally assisted low- and moderate-income housing. We have also established for the first time a much needed program to guarantee the availability of crime insurance by the Federal Government. This new provision is much needed in many of our cities, particularly by small businessmen and homeowners. There are also provisions to assist the Department of Housing and Urban Development in simplifying a number of their housing programs.

This conference report is basically the same bill that was the Stephens' substitute, which was considered by the full House on December 2 and 3. There was very little change made in the conference with regard to the Stephens' substitute, so that this conference report is basically very close to what the House passed December 3, with the exception that the conferees included in the conference report, Mr. ASHLEY's urban growth and new communities title which was defeated very narrowly by a teller vote December 3. We have cut back on a number of authorizations in the conference report, particularly the urban renewal program and model cities program. We increased the authorization for public housing for fiscal year 1972, and we have included a number of provisions regarding the operations of the public housing program that were contained in the Senate-passed bill. These amendments, sponsored by Senator BROOKE of Massachusetts, which had my strong support, will go a a long way, I hope, in aiding local public housing authorities to meet the rising cost of maintenance and operation. We have also provided additional funds for the very important section 235 homeownership assistance program and the section 236 rental housing program. The conference report adopted the House provisions on farm housing, which will liberalize a number of programs for housing in rural areas, particularly for migrant farm laborers. I would urge the Secretary of HUD to take all necessary steps, immediately, to assure that the benefits of the section 235 program are limited to families which cannot afford to obtain decent homes without subsidy. This has been a matter which has been before our committee all year and before the full House, it has been discussed and debated considerably, so that I urge the Secretary to proceed along these lines with all deliberate speed. In particular, the Secretary should make sure that a family who can afford an old house without a subsidy not be given a subsidy to buy a new house with a subsidy.

Mr. Speaker, before closing I would like to take this opportunity to compliment the distinguished ranking minority member of the Banking and Currency Committee, Mr. WIDNALL, who has contributed more to this housing bill, than to any other housing bill on which he and I have worked over the past few years. Without his assistance and leadership, I do not believe that there would have been a housing bill this year. I would also like to compliment the distinguished gentleman from Ohio (Mr. ASHLEY), whose 2 long years of work have resulted in the adoption, for the first time, of the urban growth and new community program. Also, I would like to extend my compliments to the distinguished gentleman from Georgia (Mr. STEPHENS), who has done much to assist us in acting on this very important bill. He has cooperated with us and assisted us in every step of the way in expediting this piece of legislation; and finally, I would like to thank the distinguished chairman of our committee, Mr. PATMAN, for all of his cooperation and leadership which he has exercised this year in the field of housing and urban development. Mr. Speaker, I urge the adoption of the conference report.

Mr. HANNA. Mr. Speaker, I say to the gentleman from Pennsylvania (Mr. BARRETT), I note that section 821 of the House-passed version of the bill is now section 920 of the bill agreed to by the conferees. This is the section dealing with the relationship between savings and loan associations which are controlled by holding companies, and the service corporations of these savings and loan associations. There is a technical aspect of the legislative language which I believe needs some clarification. The language does not specifically spell out the purposes for which the proceeds of the loan, discount, or extension of credit received by the third party may be used. I understand it was intended that the proceeds of the loan, discount or extension of credit granted by an association to a third party on security of property acquired from the service corporation could be paid over to the service corporation in consideration for the property as well as services rendered by the corporation in connection with the transaction. Would the gentleman kindly advise me as to whether my understanding of this is accurate?

Mr. BARRETT. Yes; that is the intention of the legislation. The language of the section will extend equal powers to all savings and loan associations, whether under holding companies or not, in their dealings with their service corporations and its dealings.

Mr. HANNA. Then I assume all savings and loans and their service corporations will be able to operate under policies now in effect.

Mr. BARRETT. That is correct. At this point I wish to include the Bank Board regulations relating to service corporations:

THE REGULATION: 6.545.9–1 SERVICE CORPORATIONS

(a) General service corporations.

Subject to the provisions of this section, a Federal association which has a charter in the form of Charter N or Charter K (rev.) may invest in the capital stock, obligations, or other securities of any service corporation organized under the laws of the State, District, Commonwealth, territory, or possession in which the home office of such association is located if:

(1) The entire capital stock of such service corporation is available for purchase by, and only by, any and all savings and loan associations with a home office in that State, District, Commonwealth, territory, or possession, and the capital stock is owned by more than one savings and loan association;

(2) Not more than 10 percent of the outstanding capital stock of such service corporation is, or may be, owned by any savings and loan association, except that in any State, District, Commonwealth, territory or possession in which the home offices of less than 15 savings and loan associations are located, not more than 33⅓ percent of the outstanding capital stock of such service corporation is, or may be, owned by any savings and loan association;

(3) Every eligible savings and loan association is permitted to own an equal amount of the capital stock of such service corporation or, on such uniform basis as may be fixed by such corporation, each such association is permitted to own an amount of capital stock that is a stated percentage of its assets or savings capital at the time of any purchase by it of such stock, but capital stock outstanding on December 31, 1964, may be disregarded in determining compliance with this requirement; and

(4) Substantially all of the activities of such service corporation, performed directly or through one or more wholly-owned subsidiaries, consist of one or more of the following:

(i) originating, purchasing, selling, and servicing loans, and participations in loans secured by first liens upon real estate and mobile homes, including brokerage and warehousing of such real estate and mobile home loans;

(ii) originating, purchasing, selling, and servicing educational loans;

(iii) making any investment of the types specified in § 545.9 and § 545.9–3;

(iv) performing the following services, primarily for savings and loan associations with home offices in the same State, District, Commonwealth, territory, or possession:

(*a*) clerical services, accounting, data processing, and internal auditing;

(*b*) credit information, appraising, construction loan inspection, and abstracting;

(*c*) development and administration of personnel benefit programs, including life insurance, health insurance, and pension or retirement plans;

(*d*) research, studies, and surveys;

(*e*) purchasing of office supplies, furniture, and equipment;

(*f*) development and operation of storage facilities for microfilm or other duplicate records;

(*g*) advertising and other services to procure and retain both savings accounts and loans.

(v) acquisition of unimproved real estate lots, and other unimproved real estate for the

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purpose of prompt development and subdivision, principally for construction of housing or for resale to others for such construction, or for use as mobile home sites;

(vi) development and subdivision of, and construction of improvements (including improvements to be used for commercial or community purposes, when incidental to a housing project) for sale or for rental on, real estate referred to in subdivision (v) of this subparagraph;

(vii) acquisition of improved residential real estate and mobile homes to be held for rental;

(viii) acquisition of improved residential real estate for remodeling, rehabilitation, modernization, renovation, or demolition and rebuilding for sale or for rental;

(ix) maintenance and management of rental real estate referred to in subdivisions (vi), (vii), and (viii) of this subparagraph, and any real estate owned by holders of its capital stock;

(x) participation in any manner (without regard to the requirement that activities be performed direcely or through a wholly-owned subsidiary) with any service corporation which meets the requirements of this section, or with any non-profit organization in any of the activities referred to in subdivisions (v) through (ix) of this subparagraph or activities reasonably incidental thereto;

(xi) activities resonably incidental to the activities described in the foregoing subdivisions of this subparagraph (4); and

(xii) such other activities, including a joint venture in any other activity or in any activity specified in this paragraph (4), as the Board may approve upon application therefor by any such service corporation or otherwise.

(b) Other service corporations. In addition to investment in a service corporation which meets the requirements of paragraph (a) of this section, a Federal association which has a charter in the form of Charter N or Charter K (rev.) may invest in the capital stock, obligations, or other securities of any service corporation organized under the laws of the State, District, Commonwealth, territory, or possession in which the home office of the association is located if:

(1) The entire capital stock of such corporation is held by one or more savings and loan associations or Federal associations with a home office in that State, District, Commonwealth, territory or possession;

(2) The activities of such corporation, performed directly or through one or more wholly-owned subsidiaries, consist solely of one or more of the activities specified in subdivisions (i) through (xi) of paragraph (a)(4) of this section, and such other activities, including acting as insurance agent or broker, escrow agent, or trustee under deeds of trust, and including a joint venture in any such other activity or any activity specified in said subdivisions (i) through (xi), as the Board may approve upon application therefor by such corporation or otherwise; and

(3) The following limitations are complied with:

(i) If 5 or more savings and loan associations (including any Federal association) hold capital stock in such corporation and no one such association holds more than 40 percent of such stock, such corporation, including any subsidiary, does not incur or have outstanding at any time unsecured debt, other than to a holder of its capital stock, in excess of an amount equal to 2 percent of the assets of the holders of its capital stock, and does not incur or have outstanding at any time secured debt, other than to a holder of its capital stock, in excess of an amount equal to 4 percent of such assets (secured debt will be deemed to be unsecured for purposes of this subparagraph (3) to the extent that such debt exceeds the market value of any security therefor); and

(ii) If less than 5 savings and loan associations (including any Federal association) hold capital stock in such corporation or one such association holds more than 40 percent of such stock, such corporation, including any subsidiary, does not incur or have outstanding at any time debt in excess of the following limitations:

(*a*) In the case of unsecured debt, other than to a holder of its capital stock, the lesser of an amount equal to (*1*) 1 percent of the assets of the holder or holders of its capital stock, or (*2*) the investment in the stock, obligations, or other securities of such corporation by the holder or holders of its capital stock, excluding secured debt owed by such corporation to such holder or holders; and

(*b*) In the case of secured debt, other than to a holder of its capital stock, the lesser of an amount equal to (*1*) 4 percent of the assets of the holder of its capital stock or (*2*) 4 times the investment in the stock, obligations, or other securities of such corporation by the holder or holders of its capital stock, excluding secured debt owed by such corporation to such holder or holders.

(c) Limitations.

A Federal association may make any investment under this section if its aggregate outstanding investment in the capital stock, obligations, or other securities of service corporations and subsidiaries thereof (including all loans, secured and unsecured, to service corporations, or any subsidiaries thereof, and to joint ventures of such service corporations or subsidiaries, whether or not the Federal association is a stockholder in such service corporations) would not thereupon exceed 1 percent of the association's assets. For the purposes of this section, the term "aggregate outstanding investment" means the sum of amounts paid for the acquisition of capital stock or securities and amounts invested in obligations of service corporations less amounts received from the sale of capital stock or securities of service corporations and amounts paid to the Federal association to retire obligations of service corporations.

(d) Examination.

No Federal association may invest in the capital stock, obligations, or other securities of any service corporation unless said service corporation has executed and filed with the Supervisory Agent of the Board at the Federal Home Loan Bank of the district in which such corporation is located a written agreement, in form prescribed by the Board, that:

(1) in the case of a service corporation described in paragraph (a) of this section, such corporation will permit and pay the cost of such examination of the corporation by the Board as the Board from time to time deems necessary to determine the propriety of any investment by a Federal association under this section; and

(2) In the case of a service corporation described in paragraph (b) of this section, such corporation, if not one which meets the requirements of § 6.545.14–3, will permit and pay the cost of such examination and/or audit by the Board as the Board may from time to time deem necessary.

(e) Disposal of investment. Whenever a service corporation engages in an activity which is not permissible for or exceeds the limitation on, a service corporation in which a Federal association may invest, or whenever the capital stock ownership requirements of this section are not met, a Federal association having an investment in such corporation including any subdivision thereof, shall dispose of such investment promptly unless, within 90 days following the date of mailing of written notice by the Board to such investing association, the impermissible activity is discontinued, the limitation is compiled with, or the capital stock ownership requirements are met.

(f) Corporate name. No Federal association may invest in, or retain any investment in, the capital stock, obligations, or other securities of any service corporation the corporate name of which includes the words "National", "Federal", or "United States" or the initials "U.S.".

(g) Applications. Any application which is made to the Board under this section shall be in form prescribed by the Board and filed with the Supervisory Agent of the Board at the Federal Home Loan Bank of the district in which the applicant is located. In the case of a proposed service corporation which has not yet been organized, any application provided for in this section may be made by one or more Federal associations which propose investment in such corporation.

(h) Revision of specified activities and limitations. The activities and limitations specified in this section for service corporations in which Federal associations may invest are subject to revision from time to time.

(i) Limitations on activities. The activities which are specified in this section for service corporations in which Federal associations may invest do not include their use to acquire "scheduled items", as defined in § 561.15 of this chapter, from an "insured institution", as defined in § 561.1 of this chapter.

(j) Previous approvals. In the case of any investment by a Federal association in a service corporation which was specifically approved by the Board under paragraph (b) of this section prior to July 2, 1970, said approval is hereby deemed to apply to such investment on and after July 2, 1970, if the activities of such corporation consist only of those activities specifically approved by the Board and any activities described in paragraph (b)(2) of this section, and if the limitations of this section are complied with.

(k) Definition of "joint venture." The term "joint venture" as used in this section means any joint undertaking with one or more persons or legal entities in any form, including a joint tenancy, tenancy in common, or partnership and including investment in a corporation other than a wholly-owned subsidiary.

(Mrs. SULLIVAN, at the request of Mr. Barrett, was given permission to extend her remarks at this point in the Record.)

Mrs. SULLIVAN. Mr. Speaker, most of the Members from both Houses who served on the conference committee on the housing bill had just gone through a very long and wearying and often bitter battle over the one bank-holding company bill—and then we engaged in another protracted series of hard negotiating sessions on the bill now before us. Hence, we knew we had to make numerous concessions on both sides in a desire to reach agreement on a compromise bill which we could pass in these final days of the 91st Congress. There are many good features in the conference agreement, and I hope it succeeds in stimulating a desperately needed expansion in our housing supply and in the availability of construction and mortgage funds.

Four provisions of the House bill were directed to the elimination of scandalous situations in home financing practices uncovered here in the District of Columbia, and found to be true elsewhere in the country as well, by an ad hoc subcommittee on Home Financing Practices and Procedures which I chaired in this Congress, by appointment of Chairman PATMAN of the Committee on Banking and Currency. Three of those four reforms are contained in the conference report.

PENALTY FOR FALSE CLAIMS

One of them makes it a Federal crime to submit false data to an insured savings and loan on the true value of a property on which a mortgage is to be granted—a protection against fraud which the law already accords to Federal financial institutions and to nearly all federally insured financial institutions, such as banks, credit unions, and so forth.

Because of a longstanding loophole in this section of the Criminal Code, insured savings and loans have not had this same protection. From now on they will be protected in this fashion. This should help to end the deliberate falsification of sales prices on homes, often achieved through fictitious transfers through straw parties—one of the major devices used in Washington, and in many other parts of the country, to inflate the cost of inner city housing.

The Government's own stake in this is extremely high. That is because many of these properties carry mortgages issued by insured savings and loans at excessive levels compared to the property's real value. When defaults occur, as they often do on these overpriced properties, the Federal Savings and Loan Insurance Corporation may then have to pick up the loss. In addition, and this is becoming increasingly significant, the FHA often subsidizes the interest rate for low-income families buying these homes at inflated prices, and if the mortgage is based on fraudulent claims as to the property's value, the Government is then paying up to 7½ percent or 8 percent interest per year on a mortgage which may be as much as twice what the property may really be worth.

These fraudulent valuations practices must be halted. Giving the savings and loans the protection of the criminal code provisions against false claims should help to deter these abuses, if the law is enforced.

REGULATING DISTRICT OF COLUMBIA SAVINGS AND LOANS

Another provision of the House-passed bill contained in the conference bill brings all insured savings and loans or similar institutions in the District of Columbia under the direct supervision and regulatory authority of the Federal Home Loan Bank Board, eliminating a no-man's-land, the nonregulation of savings and loans in the District which are insured by the FSLIC but are not federally chartered institutions. As we found in our investigation, at least one major savings and loan in the District had all of the advantages of Government insurance of its deposits, but none of the responsibilities flowing from effective Government regulation. It was able to get away with practices we now hope to see eliminated completely here.

SPECIAL ASSISTANT TO HUD SECRETARY FOR ASSISTED HOUSING

A third section of the conference bill resulting from the work of the ad hoc subcommittee provides for the creation in the Department of Housing and Urban Development of a new position of Assistant to the Secretary for assisted housing—to help nonprofit groups which are interested in providing better housing for low-income families to obtain the assistance they urgently need in coping with the bureaucratic requirements for clearance of their applications and funding. This would be a central clearing office for all applications, for the dissemination of information, and—most important—for actual service in the preparation of forms and other required data. This office will also have as its assignment the development of simpler procedures, so that the mass of paperwork can be reduced and much of it eliminated. We heard testimony in our hearings of individuals having to prepare and sign hundreds of separate documents for qualification of an assisted housing project and in one case there were 80 documents required for a single house. This is ridiculous.

SAVINGS AND LOAN CONFLICTS OF INTEREST

One of the most important recommendations of my ad hoc subcommittee was that strong and effective regulations be developed and enforced by the Federal Home Loan Bank Board covering insider-dealing, self-dealing, and conflicts of interest of all kinds by officials of insured savings and loans. These regulations, we said, should cover such things as preference to appraisal services or title companies or insurance firms in which officials of the savings and loan have a personal interest, and the whole range of abuses we uncovered in which savings and loans were run as virtually private little empires rather than as membership organizations imbued with public accountability requirements.

At my request, the Home Loan Bank Board submitted language to our committee for inclusion in the housing bill—language which carried out the subcommittee's intention that the Board have sufficient authority to issue the kind of regulations we proposed. The Board itself took no stand on that legislative language—it merely provided it to me as a drafting service. Subsequently, however, the House modified that language to such an extent that, in my opinion, it became meaningless. The Home Loan Bank Board, at that point, submitted to the conferees revised language for a conflict-of-interest amendment which it formally endorsed and supported.

In conference, we could not persuade the Senators at this late date in the 91st Congress to pursue this complex issue, on which the Senate committee had held no hearings, and so we dropped from the legislation the language on conflict of interest passed by the House.

However, the Senate conferees indicated that in their opinion the Home Loan Bank Board under existing law already had far more power in this area of regulating conflicts of interest among officers and directors of insured savings and loan institutions than it has ever attempted to use. The conferees agreed that in the statement of managers on the part of the House to accompany the conference report, we would indicate that the Senate conferees joined the House conferees in calling now for vigorous use of the Board's regulatory authority to stop abuses growing out of conflict-of-interest situations such as my subcommittee had spotlighted.

Furthermore, the chairman of the Senate committee and the chairman of the House committee agreed that in the new Congress hearings will be scheduled on both sides of the Capitol to go into this issue comprehensively.

Mr. WIDNALL. Mr. Speaker, this conference report is the product of much deliberation on the part of both the Senate and House conferees. The House was able to retain the large part of the bill as it passed this body. There are provisions in this conference report which improve the House-passed bill.

Let me draw attention to title VI dealing with the direct writing of crime insurance by the Federal Government.

The unavailability of crime insurance at reasonable rates is a serious problem in a number of States. The House bill would have required the HUD Secretary to begin writing insurance immediately in those States where crime insurance is not available or available only at unreasonable rates.

The conference report delays the direct Federal writing of crime insurance until August 1, 1971.

This was a sound compromise. Insurance is basically an item for State regulation. It is hoped that by delaying the date when the Secretary of Housing and Urban Development must provide crime insurance, those States which have a serious problem in making crime insurance available, will take the appropriate action to provide a solution to this crisis at the State level, and thereby make Federal direct crime insurance unnecessary.

The conference report contains a provision relating to the compensation of the owners of existing houses, bought under the section 235 program, for defects in the house which should reasonably have been detected and recognized by a competent FHA appraisal. Attention was first brought to this problem through an investigation of the 235 program, which is being conducted by the Banking and Currency Committee. There has been evidence of serious abuses in this program. There are families who are now living in houses which have major defects, and yet were insured by the FHA. These families now stand alone as innocent victims of vicious speculators, and have no effective recourse.

It is hoped that this section will provide some means to make these home buyers whole again, and to encourage HUD and its Federal Housing Administration to scrutinize more closely, the quality of homes which are being insured under the 235 homeownership program.

There are also new provisions within the bill on section 235, leased housing, the rent certificate program.

The demand for this program, both for its use in the existing housing field and as a basis for new construction, have made certain adjustments necessary. I hope the decision of the conference committee in these particulars will prevail.

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The rent certificate program was termed by one of the members of the majority serving on the conference committee as "the most worthwhile housing program that we have." I am grateful for his remarks.

For 5 years I have struggled to make this program successful, to gain for it an opportunity to show its worth. With the support of both the majority and the minority for measures proposed in the conference compromise, I hope this has finally been accomplished.

Mr. BARRETT. Mr. Speaker, would the gentleman yield to me for a question?

Mr. WIDNALL. Yes. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Is it not true that the Senate had $750 million for operating subsidies for mass transit companies in their language and we cut this down to zero?

Mr. WIDNALL. It was eliminated completely by the conferees. There is where the House stood up completely against the operating subsidies that were going to be offered in the Senate bill.

Mr. JONAS. Mr. Speaker, will the gentleman yield to me?

Mr. WIDNALL. I yield to the gentleman from North Carolina.

Mr. JONAS. I asked the gentleman from Texas while he was in the well to explain to the House how many provisions are contained in this conference report that were not even considered in the House. My recollection is that the gentleman could not answer that question, but the gentleman from Pennsylvania (Mr. Barrett) then stated that there were none.

Now my question—and I have only had access to this conference report since noon and I did not participate in the conference—it is a 35-page report and I am not sure whether I am correct or not—but as I casually review it now I can find at least three provisions in this conference report that I do not think were even considered in the House, one of which is a new program providing for the direct payment of rents.

Another one is permitting the use of residual receipts from the public housing program to make up operating deficits. I do not think that was considered, and I do not think the section dealing with demonstrations with respect to abandoned property was considered in the House. There may be some others as well.

Will the gentleman tell us whether there are some new programs inaugurated by this conference report that were not considered in the House?

Mr. PATMAN. Mr. Speaker, will the gentleman yield to me for a brief observation?

Mr. WIDNALL. I yield to the gentleman from Texas.

Mr. PATMAN. May I suggest to the gentleman from North Carolina that the gentleman is mistaken about not having that report available until noon today. It was in the Record at midnight the night before last and was available here today, yesterday, last night and this morning, and the gentleman had an opportunity to see it if the gentleman had wanted to see it.

Mr. JONAS. Mr. Speaker, if the gentleman from New Jersey will yield further, I say it was not available at the desk until today.

Mr. PATMAN. It was available in the Congressional Record for you to see and also at the desk.

Mr. JONAS. It was not available until today. I think the gentleman from Texas who was manager of the conference on the part of the House, should be able to tell us whether there are any new programs inaugurated in this conference report that the House did not consider. That is the issue and not when the report was available.

Am I correct that there are some new programs inaugurated in this conference report?

Mr. WIDNALL. The gentleman is correct. There are several changes that have been made in order to help in some very critical situations.

Mr. JONAS. Mr. Speaker, if the gentleman will yield further, I would like for some conferee to explain the new programs that are being inaugurated in this conference report that were not even considered when the bill was before the House.

Mr. BARRETT. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. There are no new programs in this conference report. There are improvements in the existing programs; namely, in the Brooke public housing amendments. That was in the Senate bill. That is in the statutory language with reference to an income eligibility for public housing tenants. We improved that for the benefit of the taxpayers. That is not a new program.

Mr. JONAS. May I say, with all due respect to my friend, that this is the first time I have heard of the Federal Government going into the direct payment of rent. This is a new program, a substantial variation from the rent supplement program, and the section 230 program; it is a brandnew one.

Mr. BARRETT. No; there is no direct payment of rent.

Mr. JONAS. I would like for the gentleman to explain section 504 as contained in the conference report wherein it says:

> In carrying out activities under section 501, the Secretary shall undertake on an experimental basis a program to demonstrate the feasibility of providing families of low income with housing allowances to assist them in obtaining rental housing of their choice in existing standard housing units.

In other words, this is on an experimental basis, a program to demonstrate the feasibility of providing families of low income with housing allowances for the purpose of paying their rent.

Mr. WIDNALL. For the purpose of the Record, since I control the time, let the Record show that I have yielded to the gentleman for the question he just asked.

Mr. JONAS. I thank the gentleman.

Mr. WIDNALL. Mr. Speaker, this is something that we felt would be most helpful in connection with the program to have a complete demonstration of how it would operate, and how it would affect the entire programs that are now in existence.

Mr. STANTON. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Ohio.

Mr. STANTON. Mr. Speaker, I appreciate the gentleman from New Jersey yielding. I would simply like to say to the Members of the House at this time that, as one of the conferees, there are several important points that should be pointed out. First of all, while the gentleman from Michigan is right in pointing out that we did reinsert title I, that was formerly stricken in the House action, I wish to point out at this time that this title I, which is title VII of the bill as it now exists, is far different from the original title as originally proposed by the gentleman from Ohio (Mr. Ashley), and I know the gentleman would agree with that, as far as administration is concerned, in the administration section, that it had set up a council of advisers to the White House with Presidential status—assistant status—has been stricken. What has been done, this advisory council is now within the Department of Housing and Urban Development itself, and in my understanding of it, I really cannot conceive of the Housing and Urban Development having much objection to this bill, because, as a conferee on our side of the aisle, when you have people of the caliber of Senator Tower of Texas, Senator Bennett of Utah, and Senator Sparkman of Alabama, and when I watch these gentlemen operate, first in the one-bank holding bill, then in this particular housing bill, and when these gentlemen fight to sustain their positions, I think that the House conferees, with the exception that it is true that on this particular point on giving way on this title, I think in general the conference report was perhaps the best we could get.

I would point out to the House one thing that I have observed in these conferences, and I make this observation primarily for the benefit of our chairman, when the subject of the public utilities question came up, in which the chairman of our committee participated vigorously, I say to the gentleman from Michigan that I want him to know that the minority Members of the House on our side of the aisle fought hard for this. The Senate fought very hard because of the backing of the two Senators from the State of Michigan, but there was capitulation entirely on the majority side of the House Members, and I wish to make that clear to the gentleman from Michigan.

Further than that, I will say that in the conferences that I have attended that the majority and the minority sides of the Senate conferees, when one Senator has a particular point that he wants to make, they forget about ideologies, or partisanship, and they stick by that.

So I have certainly learned a great deal in the last few conferences I have attended, and I have to second the gentlewoman from Oregon, that the House conferees certainly should make some greater effort on certain issues.

Again I appreciate the gentleman's yielding.

Mr. BARRETT. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Speaker, I just want to point out to the House that there was no capitulation to the Senate on this conference report. We took to the conference a bill after we had cut $4 billion out of the bill here in the House, and cut Senate recommendations by $1.5 billion. There was certainly no capitulation to the Senate or anybody else. Economically, I think this bill is better than any housing bill we have brought back to the House.

Mr. WIDNALL. Mr. Speaker, I now yield to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. I thank the gentleman for yielding.

Mr. Speaker, I want to say that I am extremely disappointed with this conference report. As I told the Members of the House when we were considering this bill, we have a crying need for homes in every city in this country and in many, many depressed rural areas.

You have already heard the chairman of the committee, the gentleman from Texas (Mr. PATMAN), state today that we have only been achieving 40 percent of our desirable goal for the construction of new housing units. I can tell you if we are going to waste our housing money on unproven theoretical proposals such as new community developments, we are going to be lucky to continue to have 40 percent of the new housing starts in this country that we need.

I think it is deplorable that we are now going to put money into this new community title—money that can so sorely be used elsewhere.

I have heard it stated on the floor of the House here this week that there are State treasuries that are in bad shape. I have also heard it said on the floor of the House this week that the school districts throughout the country are on the verge of bankruptcy.

You can take all the troubles of the State treasuries and the school districts and roll them together into one and they will not even come close to approaching the difficulty that the U.S. Treasury Department is experiencing today.

Our national debt is racing toward $400 billion. The projection for the fiscal year 1973 in interest payments on our national debt was originally $30 billion—and it is going to substantially exceed that. Now, we are taking money away from much needed housing to try this theoretical, unproven "new communities" program.

Mr. Speaker, I do not think our conference did a very good job when they not only accepted the Senate version on the title on new communities, but also put in the provisions of the title which this House rejected.

I also want to state I think we are making a serious mistake in permitting this backdoor spending, thereby completely circumventing the power of this House to go through the appropriation process. I really believe we could have come out of this thing with a much better conference report which would have provided our cities and our depressed rural areas with the housing that they so sorely need today.

Mr. WIDNALL. Mr. Speaker, I yield to the gentleman from Ohio (Mr. STANTON).

Mr. STANTON. I appreciate the gentleman yielding once again.

Mr. Speaker, I would simply like to say to the gentleman from Pennsylvania that no one is charging any of these conferees with being particularly fiscally irresponsible.

I am sure that we would like to point out to the House that when we started—when our committee first brought the housing bill on the floor here it was well in excess of something over $7 billion.

Second, when we passed it in the House, it was something like $2.9 billion.

When we went into conference with the bill, the Senate had passed it with over $4 billion.

We are back with a bill, as I understand it, that is slightly under $2.9 billion.

I make that statement because I would like the RECORD to be clear in that particular.

Mr. WIDNALL. Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Speaker, I would like to state, apparently, there is a discrepancy between the figures the gentleman from Ohio is using and the figures that the chairman, Mr. PATMAN, is using.

I understood the chairman to say that the bill we passed here in the House provided for an expenditure of $2.4 billion and that eventually we settled for $2.8 billion or an increase of $400 million.

In addition to that, I would like to call to the attention of the gentleman from Ohio another fact and that is that the original bill reported to this House covered 2 additional fiscal years. That is how we got up to over $5 billion in expenditures and it was this removal of the money for future fiscal years that cut down the total that is contained in this bill.

Mr. STANTON. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman.

Mr. STANTON. I would simply like to clear the record on that—when you say it was over $5 billion—we agreed on a bill up over $7 billion.

Mr. WIDNALL. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Speaker, I have after a number of years been becoming increasingly alarmed and I believe the American people have become seriously concerned over the extent to which the Congress of the United States and the executive agencies have delegated to private, oftentimes so-called nonprofit organizations, the power to spend the taxpayers' money.

I note in section 504(c) this language which I would like the gentleman to explain:

> (c) The Secretary is authorized to contract with public or private organizations to provide the services required in the selection of families of low income for the distribution of monthly housing allowance payments to such families. In contracting with such organizations, the Secretary is authorized (without limiting his authority under any other provision of law) to delegate to such organizations the authority to make the ministerial findings necessary to enable the Secretary to make such payments to families selected by such organizations.

Do I correctly construe that language to mean that the Secretary has the right and the power to select a group, any private organization, to determine who shall get these allowances, and that he in turn will make those payments? Is that the meaning of that section?

Mr. ASHLEY. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Ohio.

Mr. ASHLEY. I thank the gentleman. I think the language does mean that. There is precedent, I might say, because under present existing law, of course, the Secretary has authority to delegate to local public housing authorities which are not official city units of government. They are private organizations with certain specific powers. Local public housing authorities clearly have been delegated the authority to select tenants for public housing which is supported by the Federal Government.

Mr. FOUNTAIN. But do they not have a direct responsibility and obligation to the city officials, and in many instances do not elected public officials serve on those authorities?

Mr. ASHLEY. My impression is that this is true in some instances. It is greater where a public official serves on a local public housing authority. That is rare.

Mr. PATMAN. Mr. Speaker, may I suggest to the Members that we cannot possibly bring in a bill in which you could not pick out something that you would rather see changed. I do not think it is possible. But we are grasping for every opportunity to make housing available to the people. We talk about environmental quality. If there is anything that contributes more to environmental quality than a decent home, I do not know what it is. You must have a decent home to have good environmental quality. Of course, you must have food, clothing, and things like that for a family, but housing is essential.

We have brought in a bill for 1971–72 that will provide an estimated 3 million homes—3 million homes—and you talk about our having to do it in some other way. We have tried every other way. We will try more ways. We want more homes. We have at least 55 million families in this country, and they are increasing in number all the time. A number of those families are living in dilapidated houses. They are not good homes. You could not say that they are the type of homes that American families should live in. Some are even required to live in trailer camps, mobile homes of the cheapest type, in order to have some kind of makeshift home in which to live. We have brought in a bill that will provide 3 million decent homes—3 million decent homes—and if you want to vote against the measure, think a long time about what the people want. They want these homes.

XUM

This legislation makes provision to provide those homes.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Earlier in our colloquy the gentleman from Texas indicated that one of the reasons why he fought so adamantly against the provision in the Senate version that would have really expedited the building of a great many homes by public utilities in many areas of the country was that it was subject to a point of order in the House version. I just happened to notice that section 910 of the conference report which the chairman of the committee brings back to us provides for the eligibility of American Samoa banks of the Federal Deposit Insurance Corporation.

On page 67 of the conference report it clearly indicates that this particular provision would have been subject to a point of order when the housing bill was before the House of Representatives. How do you reconcile the treating of one provision one way and the other provision another way?

Mr. PATMAN. I intend to stay on housing. I am not going off into tangents and talk about something that is impossible even to consider under the circumstances. Anybody who wants to bring that thing up at the proper time could have done so.

The gentleman has referred to utilities going into the housing business. They can go into the housing business through the partnership program.

But there is not much support for the utilities to go into the housing business in this way, so that if a family does not pay the housing rent to the utilities, they can have their lights cut off. That is a great deal of power.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I am not yielding until I answer the gentleman's question. He asked me a question and I am willing to answer it.

Mr. GERALD R. FORD. The gentleman has not answered it.

Mr. PATMAN. That question was passed on on its merits. There was no reason to propose an amendment to this bill that is clearly out of order, not germane under the rules. A point of order would be good against it. Why spend all this time? We have a bill here that will construct 3 million houses, and people are begging and pleading all the time for an opportunity to buy homes at reasonable prices and at reasonable interest rates. We are trying to make it possible.

Mr. GERALD R. FORD. Will the gentleman acknowledge that section 910 would have been subject to a point of order?

Mr. PATMAN. What is section 910? It is not germane to this discussion on housing.

Mr. GERALD R. FORD. Section 910 was not germane to the House bill.

Mr. PATMAN. The gentleman is talking about the Samoa Islands?

Mr. GERALD R. FORD. Yes.

Mr. PATMAN. Why did the gentleman not make a point of order on it?

Mr. GERALD R. FORD. It was not in the House version.

Mr. PATMAN. The Senate insisted on it. I do not see anything wrong with it myself in principle

Mr. GERALD R. FORD. One of the arguments the gentleman made against certain public utilities building housing in Detroit and all over the country was that the provision was not germane to the House version.

Mr. PATMAN. It was.

Mr. GERALD R. FORD. And here he capitulates and lets another provision get into the bill that also is not germane.

Mr. PATMAN. The gentleman is clear off base. He is usually on solid ground, and sane and stable in his convictions, but he is talking about something different now. The Public Utilities Act of 1935 is a respected act. It is respected by the Congress. Why would anybody propose to try to put an amendment in the Public Utilities Act of 1935 into a housing bill that is administered by HUD? That is what I cannot understand.

Mr. GERALD R. FORD. Would the gentleman yield on that point?

Mr. PATMAN. I do not think the gentleman can help his prestige. He has a great deal of prestige, and I think he is a wonderful leader, but I do not want him to minimize his importance and his prestige by insisting upon something like that.

That is going too far.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I am surprised that the distinguished chairman would criticize two very fine Senators, one a Democrat and one a Republican, who jointly sponsored the amendment which was approved by the U.S. Senate. I am surprised at the attitude of the distinguished gentleman, the chairman.

Mr. PATMAN. May I suggest, Mr. Speaker, we should be glad of the opportunity to vote for a bill that will provide more housing for the American people. They need housing and they need it now, and we should not quibble further on it. We should vote for this bill. I ask for a vote, Mr. Speaker.

Mr. MOORHEAD. Mr. Speaker, I rise in support of the conference report on H.R. 19436, the Housing Act of 1970. The members of my committee, who were the conferees on this bill, put in much time and effort and as usual, they have reported a fine piece of legislation which I will vote for.

However, I must make note of section 911 of the report which stems from a provision that I added to the legislation when it was still being debated in the subcommittee.

Section 911 of the report says:

> The Administration may, in consultation with the Secretary of Housing and Urban Development and upon such terms and conditions as it may prescribe, guarantee and enter into commitments to guarantee any surety against loss, as hereinafter provided, as the result of the breach of the terms of a bid bond, payment bond, or performance bond by a principal on any contract up to $500,000 in amount, subject to the following conditions.

When I first introduced the bill, I sought to answer the need of small contractors who have great difficulty securing surety bonds from insurance companies. A contractor must have a surety bond before he can work on anything but the most insignificant jobs. Insurance companies for their own reasons have set up surety standards that have excluded small and minority contractors from getting these vital guarantees.

My original bill directed the Secretary of Housing and Urban Development, and I quote, to "provide or guarantee any bid payment or performance bond applied for, by or on behalf of a construction contractor or subcontractor." Obviously, this would apply only to small contractors who have been denied bonds in the marketplace.

The important element in this language, and the element which the conferees left out when they put a hybrid bonding provision in the conference legislation, is the word "provide."

By allowing the Secretary of Housing and Urban Development to provide bonds, in addition to guaranteeing them, my original language gave the Secretary added ammunition to administer the program. And it also gave him a recourse should the insurance industry, which must provide the bonds, refuse to provide bonds in return for only a 90-percent guarantee.

When the American Insurance Association testified before our Housing Subcommittee, their representative expressed the hope that their services would be guaranteed to a total of 100 percent of any potential losses, plus a service expense.

Our good chairman, the very able gentleman from Philadelphia, noted what he felt was an unwillingness to accept a mutual underwriting of any losses. These days, the insurance industry does not seem to be interested in anything but sure things, with a little extra gravy thrown on top.

There are arguments to be made for a 100-percent guarantee, especially if this guarantee produces bonds for almost all who qualify.

But there are stronger arguments to be made for giving the agency administering the bond program the power to write bonds on its own, should contractors meet closed doors at surety offices.

I hope the joint HUD–SBA effort, called for in the report, succeeds in making bonds available to those contractors who need them. But I have my reservations.

For this reason, although I will lend every effort to this new bonding program, next spring I plan to introduce a bill identical to the language that was included in our housing bill but which did not survive conference.

Mr. RYAN. Mr. Speaker, the conference report on H.R. 19436, the Housing and Urban Development Act of 1970, is a good bill. It is a bill carefully worked out by the House and Senate conferees. I do not want to detail all the provisions of the bill as reported out of conference, but I should like to make particular reference to section 118, because this section embodies my bill H.R. 49—companion bill H.R. 4308.

Section 118 makes pre-1968 State and locally financed limited-profit housing projects eligible for section 236 rental assistance and for rent supplements. It builds on previous law which, due to the adoption of a previous bill of mine, already makes post-1968 projects eligible for section 236 rental assistance and for rent supplements.

Section 118 is of particular importance to New York State and to New York City, because the State and city Mitchell-Lama programs fall within its ambit. But the provision is also helpful to similar programs in several other States, as evidenced by the communications and testimony I have received from housing officials of six States registering support for this provision.

I am particularly gratified that section 118 was retained by the House and Senate conferees. I know of their deep concern for the housing needs of all Americans. I personally know that the inclusion of section 118 is evidence of the particular concern of our distinguished and able colleagues, the gentleman from Pennsylvania (Mr. BARRETT) the gentleman from Ohio (Mr. ASHLEY), who sat as conferees on H.R. 19436.

I also want to commend my distinguished colleague from New York (Mr. HALPERN), who sits on the Subcommittee on Housing of the House Banking and Currency Committee. While not a conferee on H.R. 19436, I can attest to his diligence in working to insure that section 118, as well as other provisions of particular significance to large cities such as New York, were retained. Our distinguished colleague from Wisconsin (Mr. REUSS) also played a significant role.

Credit is also due the senior Senator from New York (Mr. JAVITS), New York State Senator Manfred Ohrenstein, and the distinguished Governor of New York Nelson Rockefeller for their efforts.

The junior Senator from New York (Mr. GOODELL), also deserves special credit for his work in assuring progressive, imaginative housing legislation. Not only did he work to obtain legislation to allow Federal subsidies for dormitory-type housing, in order to help meet the desperate plight of thousands of single people presently housed in decaying SRO's—single room occupancy dwellings—an endeavor also particularly pushed by our distinguished colleague from Pennsylvania (Mr. MOORHEAD); but, in addition, he succeeded in having adopted an amendment to the Senate version of the Housing and Urban Development Act of 1970—an amendment retained in the final version of the bill coming out of conference which authorizes $20 million in grants for demonstration projects to deal with the severe problem of abandoned housing which afflict our major cities. Senator GOODELL has made a real contribution to the housing field in his capacity as a member of the Senate Banking and Currency Committee.

Section 118—which, as explained in the conference report, will make pre-1968 Mitchell-Lamas under temporary financing eligible for section 236 subsidies and for rent supplements—is not going to work a miracle in housing in New York City. The problems there are so manifold, so extreme, that it can offer only some relief. But relief—to any degree—is essential. I support the conference report on the Housing and Urban Development Act of 1970, and I strongly urge its passage.

Mr. KOCH. Mr. Speaker, I will vote for the housing bill because it is the best one that we can get at this time. But it is not good enough, and none of us in this House should believe that we are meeting the housing crisis in this country with the passage of this bill. The distinguished chairman of the committee, WRIGHT PATMAN, told us that so far we have failed miserably the promise we made to the American people in the passage of the Housing Act of 1968. In that bill Congress promised that it would provide the moneys needed to construct 26 million housing units within a 10-year period. Chairman PATMAN told us this afternoon, and we all know it to be true, that we are currently meeting only 40 percent of our promise.

I am also disappointed by another aspect of this bill—and that is the deletion by the conference committee of the Federal operating subsidy for mass transit added by the Senate. I am surprised that the committee's distinguished ranking minority member from New Jersey (Mr. WIDNALL) took the floor to congratulate the House Members of the conference committee for their success in removing the $750 million 3-year authorization for a mass transit operating subsidy. This very week this House gave final approval to a bill which extended the highway program an additional 4 years and authorized some $17 billion for expenditure during this time period. I believe that our colleagues in the Senate should be congratulated for having included mass transit operating subsidies in their bill, and I will work in this House to secure support for such funds next year.

I am voting for H.R. 19436 because it will provide some moneys for housing. This Congress must keep its promise to provide decent housing at reasonable rentals for the people of this country. And, we must provide construction funds and operating subsidies for our mass transit systems which are so inadequate and desperately needed in the metropolitan areas of the country. The Congress authorizes subsidies for farmers, highway users, shipping and oil interests, and numerous industries, but then it is so sparing when it comes to the needs of the average city dweller. There must be a change in our priorities. Congress made a promise to the cities of this country to provide adequate and decent housing. Let us keep this promise.

Mr. PATMAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. GERALD R. FORD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 168, nays 104, not voting 161, as follows:

[Roll No. 432]

YEAS—168

Adams
Albert
Alexander
Anderson, Calif.
Ashley
Barrett
Bevill
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Broomfield
Broyhill, N.C.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Carey
Carney
Casey
Clark
Cohelan
Conte
Conyers
Corman
Culver
Daniels, N.J.
de la Garza
Dellenback
Downing
Dulski
Eckhardt
Eilberg
Evans, Colo.
Fascell
Feighan
Flood
Foley
Ford, William D.
Forsythe
Fraser
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Gonzalez
Gray
Green, Oreg.
Gude
Hamilton
Hanley
Hanna
Hansen, Wash.
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Holifield
Horton
Howard
Hungate
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keith
Koch
Kyros
Latta
Leggett
Long, Md.
McCarthy
McCloskey
McDade
McDonald, Mich.
McFall
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Mathias
Melcher
Miller, Calif.
Minish
Mink
Mizell
Mollohan
Monagan
Moorhead
Morse
Mosher
Natcher
Nedzi
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Patman
Patten
Pepper
Perkins
Pickle
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Quie
Railsback
Randall
Rees
Reuss
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roybal
Ryan
Scheuer
Schwengel
Shriver
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Stafford
Stanton
Steed
Steele
Steiger, Wis.
Stokes
Stratton
Stuckey
Taylor
Teague, Tex.
Thomson, Wis.
Tiernan
Tunney
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Wampler
White
Widnall
Wilson, Charles H.
Wyatt
Yates
Zablocki

NAYS—104

Abernethy
Anderson, Ill.
Andrews, Ala.
Arends
Baring
Belcher
Bennett
Berry
Betts
Bow
Brinkley
Brotzman
Brown, Ohio
Broyhill, Va.
Buchanan
Burleson, Tex.
Bush
Byrnes, Wis.
Cabell
Caffery
Carter
Cederberg
Chamberlain
Chappell
Collier
Collins, Tex.
Colmer
Conable
Crane
Daniel, Va.
Davis, Wis.
Dennis
Dickinson
Dorn
Duncan
Edwards, Ala.
Erlenborn
Findley
Fisher
Flowers
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Frey
Goodling
Griffin
Gross
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Hogan
Hosmer
Hunt
Hutchinson
Jonas
King
Kyl
Landgrebe
Lennon
Lloyd

XUM

McClure
McEwen
Marsh
Mayne
Miller, Ohio
Mills
Minshall
Myers
Nelsen
Nichols
Passman
Poage
Poff
Rarick
Reid, Ill.
Rhodes
Roberts
Rousselot
Ruth
Satterfield
Saylor
Schadeberg
Schmitz
Schneebeli
Scott
Skubitz
Smith, Calif.
Springer
Steiger, Ariz.
Stubblefield
Talcott
Teague, Calif.
Thompson, Ga.
Waggonner
Ware
Watts
Whitten
Wiggins
Williams
Wilson, Bob
Wold
Wyman

NOT VOTING—161

Abbitt
Adair
Addabbo
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Ashbrook
Aspinall
Ayres
Beall, Md.
Bell, Calif.
Biaggi
Blackburn
Brasco
Bray
Brock
Brooks
Brown, Calif.
Brown, Mich.
Burke, Fla.
Burton, Utah
Button
Byrne, Pa.
Camp
Celler
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collins, Ill.
Corbett
Coughlin
Cowger
Cramer
Cunningham
Daddario
Davis, Ga.
Delaney
Denney
Dent
Derwinski
Devine
Diggs
Dingell
Donohue
Dowdy
Dwyer
Edmondson
Edwards, Calif.
Edwards, La.
Esch
Eshleman
Evins, Tenn.
Fallon
Farbstein
Fish
Foreman
Friedel
Fulton, Tenn.
Gaydos
Gibbons
Gilbert
Goldwater
Green, Pa.
Griffiths
Grover
Gubser
Hagan
Haley
Halpern
Harrington
Hastings
Hays
Hébert
Henderson
Hull
Jarman
Jones, N.C.
Kee
Kleppe
Kluczynski
Kuykendall
Landrum
Langen
Long, La.
Lowenstein
Lujan
Lukens
McClory
McCulloch
McKneally
McMillan
MacGregor
Martin
Matsunaga
May
Meeds
Meskill
Michel
Mikva
Mize
Montgomery
Morgan
Morton
Moss
Murphy, Ill.
Murphy, N.Y.
O'Konski
O'Neal, Ga.
Ottinger
Pelly
Pettis
Philbin
Pike
Pirnie
Podell
Pollock
Powell
Price, Tex.
Pucinski
Purcell
Quillen
Reid, N.Y.
Reifel
Riegle
Rivers
Rostenkowski
Roth
Roudebush
Ruppe
St Germain
Sandman
Scherle
Sebelius
Shipley
Sikes
Snyder
Staggers
Stephens
Sullivan
Symington
Taft
Thompson, N.J.
Udall
Waldie
Watson
Weicker
Whalen
Whalley
Whitehurst
Winn
Wolff
Wright
Wydler
Wylie
Yatron
Young
Zion
Zwach

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Corbett for, with Mr. Denney against.

Mrs. Dwyer for, with Mr. Bray against.

Mr. Addabbo for, with Mr. Ashbrook against.

Mr. Halpern for, with Mr. Blackburn against.

Mr. Coughlin for, with Mr. Scherle against.

Mr. Celler for, with Mr. Goldwater against.

Mr. Dent for, with Mr. Watson against.

Mr. Fish for, with Mr. Snyder against.

Mr. Thompson of New Jersey for, with Mr. Price of Texas against.

Mr. Wolff for, with Mr. Martin against.

Mr. Green of Pennsylvania for, with Mr. McClory against.

Mr. Pirnie for, with Mr. Kleppe against.

Mr. Annunzio for, with Mr. Morton against.

Mr. Kluczynski for, with Mr. Andrews of North Dakota against.

Mr. Reid of New York for, with Mr. Adair against.

Mr. Matsunaga for, with Mr. Camp against.

Mr. Morgan for, with Mr. Devine against.

Mr. Whalen for, with Mr. Zion against.

Mr. Riegle for, with Mr. Lukens against.

Mr. Biaggi for, with Mr. Henderson against.

Mr. Dingell for, with Mr. Quillen against.

Mr. Sandman for, with Mr. Wylie against.

Mr. Murphy of New York for, with Mr. Derwinski against.

Mr. Podell for, with Mr. Jones of North Carolina against.

Mr. Donohue for, with Mr. O'Neal of Georgia against.

Mr. Brasco for, with Mr. Cramer against.

Mr. Hays for, with Mr. Cunningham against.

Mr. Rostenkowski for, with Mr. Hagan against.

Mrs. Sullivan for, with Mr. Montgomery against.

Mr. Delaney for, with Mr. Hastings against.

Mr. Byrne of Pennsylvania for, with Mr. Abbitt against.

Mr. Evins of Tennessee for, with Mr. Burke of Florida against.

Mr. Edmondson for, with Mr. Dowdy against.

Mrs. Griffiths for, with Mr. Haley against.

Mr. Moss for, with Mr. McMillan against.

Mr. Harrington for, with Mr. Jarman against.

Mr. Fulton of Tennessee for, with Mr. Sikes against.

Mr. Kee for, with Mr. Rivers against.

Mrs. Chisholm for, with Mr. Stephens against.

Mr. Meeds for, with Mr. Michel against.

Mr. Pucinski for, with Mrs. May against.

Mr. St Germain for, with Mr. Mize against.

Mr. Shipley for, with Mr. Del Clawson against.

Until further notice:

Mr. Anderson of Tennessee with Mr. Ayres.

Mr. Hull with Mr. Clancy.

Mr. Aspinall with Mr. Esch.

Mr. Farbstein with Mr. Bell of California.

Mr. Long of Louisiana with Mr. Cowger.

Mr. Gaydos with Mr. Clay.

Mr. Edwards of Louisiana with Mr. Brock.

Mr. Landrum with Mr. Don H. Clausen.

Mr. Waldie with Mr. Button.

Mr. Brooks with Mr. Beall of Maryland.

Mr. Lowenstein with Mr. Collins of Illinois.

Mr. Udall with Mr. Burton of Utah.

Mr. Davis of Georgia with Mr. Cleveland.

Mr. Mikva with Mr. Diggs.

Mr. Edwards of California with Mr. Eshleman.

Mr. Philbin with Mr. Foreman.

Mr. Pike with Mr. Grover.

Mr. Purcell with Mr. Gubser.

Mr. Fallon with Mr. Kuykendall.

Mr. Friedel with Mr. Langen.

Mr. Gilbert with Mr. McCulloch.

Mr. Staggers with Mr. O'Konski.

Mr. Gibbons with Mr. McKneally.

Mr. Hébert with Mr. Pelly.

Mr. Brown of California with Mr. MacGregor.

Mr. Daddario with Mr. Pettis.

Mr. Murphy of Illinois with Mr. Pollock.

Mr. Ottinger with Mr. Reifel.

Mr. Symington with Mr. Roth.

Mr. Wright with Mr. Roudebush.

Mr. Yatron with Mr. Sebelius.

Mr. Young with Mr. Taft.

Mr. Winn with Mr. Ruppe.

Mr. Wydler with Mr. Weicker.

Mr. Zwach with Mr. Whalley.

Mr. Meskill with Mr. Whitehurst.

Mr. CHAPPELL changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report on H.R. 19436 just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 380, TO REPEAL SECTION 7 OF THE ACT OF AUGUST 9, 1946 (60 STAT. 968)

Mr. TAYLOR. Mr. Speaker, I call up the conference report on the bill (H.R. 380) to repeal section 7 of the act of August 9, 1946 (60 Stat. 968), and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 18, 1970.)

Mr. TAYLOR. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. SAYLOR), one of the conferees, to explain the conference report.

Mr. SAYLOR. Mr. Speaker, I thank the gentleman for yielding.

This conference report adopts only amendments which are germane to the bill. The language agreed upon incorporates the substance of the Senate amendment, but revises the language to:

First, delete an open ended appropriation authorization to buy land within the reservation;

Second, delete an open ended authority for the Secretary to reopen probate cases after they are closed;

Third, give the tribe title to the land for which it pays; and

Fourth, remove an internal conflict in the language used.

Mr. Speaker, I urge that the conference report be agreed to.

Mr. TAYLOR. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

RETIREMENT FOR FEDERAL FIREFIGHTING PERSONNEL

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1310 and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 578) to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations. After general debate, which shall be confined to the bill and shall continue not to exceed one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1310 provides an open rule with 1 hour of general debate for consideration of S. 578 to provide preferential retirement for Federal firefighting personnel.

The purpose of S. 578 is to extend to Federal firefighter personnel the same preferential retirement treatment accorded Federal law enforcement personnel under the hazardous duty provisions of the civil service retirement system.

Federal law enforcement personnel may retire at the age of 50 after 20 years service at the rate of 2 percent of the employee's high 3-year average salary multiplied by his years of service. There are approximately 11,000 Federal firemen whose duties entail exposure to hazards more perilous than those to which law enforcement personnel are subjected. They are required to work a 72-hour week for 52 weeks a year, minus leave, including Sundays and holidays.

Extension of the preferential retirement benefits to the firefighting personnel will facilitate the maintenance of relatively younger and more vigorous forces.

It is estimated that enactment of the legislation will increase the unfunded liability of the civil service retirement fund by approximately $176 million to be amortized by an annual appropriation of $9.25 million in each of the next 30 years.

Mr. Speaker, I urge the adoption of the rule.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Massachusetts has explained House Resolution 1310, which does provide for 1 hour of debate under an open rule for consideration of S. 578, a bill entitled "Retirement for Federal Firefighting Personnel."

Mr. Speaker, I think this is a very bad bill.

In addition to what the gentleman from Massachusetts (Mr. O'Neill) stated, I should like to add that the estimated cost of the legislation, as made by the Civil Service Commission, is an increase of $176 million in the unfunded liability of the retirement fund. This would be amortized by an annual appropriation of $9,250,000 for a period of 30 years.

The bill is opposed by the Civil Service Commission, the Office of Management and Budget, and the Department of Defense, which employs most of the employees affected by this bill.

About 10 days ago, Mr. Speaker, Mr. Robert E. Hampton, Chairman of the U.S. Civil Service Commission, called me on the telephone and stated he had heard the bill was going to be before the Rules Committee and he was very much opposed to it. I asked him if he would write me a letter explaining his opposition, which he did.

I should like to read that letter to the Members now:

U.S. Civil Service Commission,
Washington, D.C., December 11, 1970.

Hon. H. Allen Smith,
Committee on Rules,
House of Representatives.

Dear Mr. Smith: I am informed that the Rules Committee has scheduled a hearing on the bill S. 578, "To include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations."

This bill, if enacted, would accord more liberal civil service retirement rights and benefits to over 12,000 Federal firefighters than are now provided for Federal employees generally, including thousands of employees who are in lines of work that are equally and often much more hazardous than firefighting.

My purpose in writing to you now is to let you know that the Civil Service Commission, which administers the Civil Service Retirement System (as well as the Department of Defense, which employs most of the firefighters the bill would benefit), is very strongly opposed to enactment of S. 578 and, if it is enacted, would recommend to the President that it be vetoed.

Briefly, the Commission opposes enactment of S. 578 because:

It would establish a bad and costly precedent with respect to many other occupations, e.g., customs inspectors, marine officers, immigrant inspectors, aircraft pilots, and internal revenue agents, among numerous other groups employed by the Government.

The hazard entailed in firefighters' work is compensated for by higher pay, which in turn produces a larger retirement benefit. Hazardous duties should not be compensated for through the retirement system.

There is no demonstrated need for permitting Federal firefighters to retire at an earlier than normal age, as S. 578 would do. The Department of Defense has explained that there is a lower incidence and lesser severity in fires at Federal installations than in cities and that early retirement is not essential in maintaining effective Federal fire departments.

S. 578, if enacted, would impose an additional burden on taxpayers of over $9 million dollars a year for each of the next 30 years—a total of over $275 million.

I hope the Rules Committee will consider the Commission's position on S. 578 in its deliberations.

Sincerely yours,
Robert E. Hampton,
Chairman.

Mr. Speaker, I am opposed to the bill. I reserve the remainder of my time. I do not have any requests for time.

Mr. O'NEILL of Massachusetts. Mr. Speaker, in reply to the gentleman may I say that according to the report there are approximately 11,000 Federal firemen whose duties entail exposure to hazards more perilous than present in other occupations. They are required to work a 72-hour week. We are merely trying to put them into the same category as other people who do such perilous work.

Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DULSKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 578) to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 578, with Mr. Burke of Massachusetts in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York (Mr. Dulski) will be recognized for 30 minutes, and the gentleman from Maryland (Mr. Hogan) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York (Mr. Dulski).

Mr. DULSKI. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I rise in support of S. 578.

The purpose of this bill is to extend to Federal firefighters the same retirement treatment accorded other Federal personnel engaged in hazardous duty.

For more than 20 years, the civil service retirement law has provided that certain Federal employees whose duties involve hazardous conditions may retire after age 50 and after having served a minimum of 20 years in such duty. Historically the law recognized hazardous occupations as only those in the criminal law enforcement segment of the Federal work force.

However, a review of the hearings before our Retirement Subcommittee revealed that the work of Federal firefighters is often more hazardous than that of persons engaged in enforcing the Federal criminal laws.

Certainly, under these circumstances, the legislation under consideration today not only is justified, but will correct an inequity of more than 20 years.

The necessity for enactment of this bill is also evidenced by the fact that it was reported unanimously by our committee, 17 Members being present.

I sponsored a similar bill, H.R. 422, on January 3, 1969.

I wish to commend the chairman of our Retirement Subcommittee, the distinguished gentleman from New Jersey (Mr. Daniels), and his colleagues on the subcommittee, for the outstanding work they performed in bringing this legislation to the floor today.

The bill amends section 8336(c) by inserting the language relating to firefighters after the words "United States." Such words appear in both the first and second sentence of section 8336(c).

The purpose of this legislation will be accomplished by the addition of the appropriate language in the first sentence only. No purpose is served by adding the language to the second sentence, nor does the addition of the language to the second sentence change the meaning or application thereof in any significant manner.

Mr. Chairman, I urge adoption of the bill, and I yield now to the chairman of the Subcommittee on Retirement, the gentleman from New Jersey (Mr. DANIELS), such time as he may use.

Mr. DANIELS of New Jersey. Mr. Chairman, I support S. 578, the purpose of which is to amend the first sentence of section 8336(c) of title 5, United States Code, to extend to Federal firefighter personnel the same preferential retirement treatment accorded Federal law-enforcement personnel under the hazardous duty provisions of the civil service retirement system.

This provision, upon initial enactment, was limited in application to agents and similar employees of the Federal Bureau of Investigation, but subsequently extended to other Federal employees engaged in positions whose duties involve the investigation, apprehension, or detention of persons suspected or convicted of offenses against the criminal laws of the United States. Such employees may elect to retire after having reached the age of 50 and after having served for at least 20 years in such capacity. Retirement in each instance must be recommended by the head of the employing agency and approved by the Civil Service Commission. This preferential treatment is accorded these classes of employees on the basis that law enforcement activity requires a staff of active, physically capable men, and to encourage young men to enter and remain in Federal law enforcement work and older men to leave it at an earlier age.

Recently published data with respect to fire losses involving Federal property, contained in the Federal Fire Council's report for the fiscal year 1967, discloses that in over 22,000 fires the U.S. Government suffered property losses of approximately $266 million, exclusive of that sustained in combat operations in Southeast Asia. Injuries incurred in those 22,000 incidents exceeded 1,700, and deaths totaled 354. The Council's report covering fiscal year 1968 reveals that 376 persons died and 2,232 were injured because of fires, and that property losses so incurred amounted to almost $300 million. These figures, I believe, are indicative of the magnitude of responsibility and risk undertaken by civilian employees of the Federal firefighting services.

As indicated by the committee report, it is the judgment of the Committee on Post Office and Civil Service that Federal firemen are subjected, on many occasions, to circumstances of a more hazardous nature than those engaged in law enforcement activity. The same safeguards applied to law enforcement personnel will be applicable to firefighters; that is, in recommending and approving an applicant's request for early retirement, both the agency and the Civil Service Commission will be required to give full consideration to the degree of hazard to which he is subjected in the performance of his particular duties, in contrast to the general duties of the class of position occupied. A Federal fireman who had not in fact been exposed to hazards over a 20-year period would not be entitled to the preferential consideration proposed by the bill.

By enacting S. 578, Congress will recognize the value of services rendered the Federal Government and the relative equities of civilian firefighting personnel as Congress has so recognized with respect to law enforcement personnel. Enactment of this legislation, I believe, will also facilitate the maintenance of relatively younger and more vigorous firefighting forces throughout the Federal Establishment.

Mr. Chairman, I urge the House's wholehearted support of this remedial legislation.

Mr. HOGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to associate myself with the remarks of the distinguished chairman of the subcommittee and the distinguished chairman of the full committee. I agree that this legislation would correct an inequity.

Mr. Chairman, I rise in support of S. 578, to extend to Federal firefighters the same preferential retirement treatment now accorded Federal law enforcement personnel under the hazardous duty provisions of the civil service retirement system.

Federal firefighters, for the first time, would be eligible for full retirement after attaining age 50 with 20 years of service. The annuity would be computed at the rate of 2 percent of the employee's high 3-year average salary multiplied by his total years of service.

The same criteria used to justify preferential treatment to law enforcement personnel will, under this legislation, be applied to Federal firefighters as it should. Firefighting requires a staff of active, vigorous, and physically capable men. We also need this legislation to provide an incentive to encourage younger men to enter and remain in Federal service, and older men to leave it at an early age.

The occupation of firefighting is one of the most hazardous in the world. The fact that the firefighters' fatality rate is 275 percent greater than the rate for the overall work force certainly substantiates this statement. Although this survey is 2 years old, the new one for 1969 is in the process of being completed. This survey shows that firefighters suffer 92 deaths per year per 100,000 firefighters.

Federal firefighters are required daily to handle chemicals and radioactive materials. Nuclear materials are becoming commonplace at numerous Federal installations and in the event of a nuclear accident, the Federal firefighter is the first one called upon to respond.

Firefighters perform their duties during emergency situations, all times of the day and night, exposed to extreme heat and cold. This type of duty is often heavy, performed in extreme high temperatures. Noted physicians say that this is a burden on the cardiovascular system. The pulse rate increases and the stroke volume of the heart decreases.

Federal firemen also perform much of their duties in the extreme cold. Authorities, in their research, have found that this may produce persistent hypertension. A firefighter is exposed to carbon dioxide and other poisonous gases, which unquestionably do damage to the heart and vascular system.

At a nearby Federal installation, in a 5-year period, 10 percent of the firefighting force was lost because of heart ailments—the average age of these men was only 44 years.

I would like to point out that the U.S. Civil Service Form 8, entitled "Position Description" states that a Federal firefighter is expected to perform his duties with utmost proficiency in the face of personal danger. Clearly, this position falls within the category of a hazardous duty occupation.

As a former Federal law enforcement officer myself, I feel that firefighting is as dangerous as any of the other occupations now covered under the 20-year, age 50 retirement.

For the record, the Federal Agency employees now receiving hazardous duty retirement benefits are as follows: Federal Bureau of Investigation; Secret Service; U.S. marshals; Department of Correction, District of Columbia government; U.S. prison guards; Border Patrol; Fish and Wildlife Service; Headquarters of Special Investigation, Air Force; Headquarters of Special Investigation, Army; Headquarters of Special Investigation, Navy; U.S. Board of Parole; U.S. Custom Service; I.R.S. agents and investigators; and Immigration and Naturalization Service.

I have in my district a number of military installations. One is the Naval Ordnance Laboratory at Indian Head, Md. I do not know of any place in the world more hazardous than that facility, where they actually make propellants, rockets, torpedoes, and other things, and the firefighters there have an unbelievably difficult and hazardous job.

Mr. Chairman, this is certainly good legislation which would correct an inequity. I urge my colleagues to join me in approving it.

Mr. DULSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I thank the distinguished gentleman for yielding me this time.

I would like to say that I strongly support this legislation, and commend the chairman and the Members of the House for coming in at this very difficult period of time to emphasize the importance of the legislation on the floor of the House, which is being considered and passed this afternoon.

Again I commend this committee, and I want to thank them for recognizing the need of this legislation.

Mr. DULSKI. Mr. Chairman, I yield

such time as he may consume to the gentleman from Texas (Mr. Pickle).

Mr. PICKLE. Mr. Chairman, I thank the distinguished gentleman for yielding, and I rise in support of S. 578, which will extend to Federal firefighter personnel the same preferential retirement treatment accorded Federal law enforcement personnel.

I concur in the opinion of the committee that this legislation will facilitate the maintenance of a relatively younger and more vigorous firefighting force throughout the Federal Establishment. The heavy responsibility which our firefighting forces shoulder dramatically illustrates the need for a young and vigorous force.

Further, and more important, our firefighting forces often have their own lives placed in great jeopardy. They suffer a ratio of injuries and deaths far higher than other Federal civil employees. And the ability of the average man to overcome and to avoid the hazards involved in firefighting naturally decreases as he grows older. This bill is a move to protect and to save lives.

I do not believe that we are opening the floodgates to a hodgepodge of separate retirement systems. Rather, I believe we are pointing the way to a more equitable and more just retirement system.

The nine and a quarter million dollars which this program will cost per year is a small price to pay for the lives it will protect and for the improvement in our firefighting forces it will foster.

Mr. DULSKI. Mr. Chairman, I reserve the balance of my time.

Mr. HOGAN. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. Scott).

Mr. SCOTT. Mr. Chairman, I hesitate to oppose any Federal employee legislation and as the ranking minority member of the Subcommittee on Retirement which considered this bill especially regret having to oppose it. I believe it is a bad bill. Many Federal employees live in my district and I have sponsored a measure that would permit retirement of all Government employees after 30 years of service, regardless of age. This seems to me to be the better approach. In other words the question of retirement should generally relate to all employees rather than to pick out particular segments of employees for the purpose of enacting special legislation.

We are told by the Civil Service Commission that this bill will add $176.2 million to the unfunded liability of the civil service retirement and disability fund.

Our committee and this House in the past year have tried to strengthen the civil service retirement fund. I believe we have done a good job in working toward that end, and I hate to see us pick out particular branches of Federal employees for special legislation which will add an additional burden to the financing of Federal retirement.

Unfortunately, this fragmentation of Government employees started some time ago with the FBI agents and it has spread, as the gentleman from Maryland (Mr. Hogan) indicated a few minutes ago to various segments of employees.

With regard to firefighters, I am told there are less fatalities with the Federal firefighters than firefighters in general. We have on page 54 of the hearings before our subcommittee, a statement by the Department of Defense indicating that it employs 12,000 firefighters and in the past 5 years there have only been three fatalities out of these 12,000 firefighter employees.

Just a few days ago someone from the Federal Aviation Agency came to my office and indicated support for similar legislation for the air traffic controllers.

I do not know where this type of legislation will end if we start picking out these special people. Will we also include customs inspectors, as has been suggested? Where will it end? In my opinion we should approach the question of retirement from the viewpoint of all Federal employees through general legislation. I believe this is a bad bill and urge that it not be approved by this House.

At the appropriate time, Mr. Chairman, I will offer a motion to recommit the legislation.

Mr. HOGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. Broyhill).

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of the bill, S. 578.

What we are doing here today, Mr. Chairman, is nothing new. The Congress for many years has recognized that there are certain groups of Federal employees who are engaged in hazardous occupations. From time to time we have included additional groups of these employees into that category and have provided retirement benefits which are a little more liberal than provided under the regular civil service retirement system.

This is not only necessary but also desirable for people who are engaged in hazardous occupations. When they get a little bit older, they find there is a greater threat to their security and even to their lives by being engaged in this type of operation.

Then again, if we provide more liberal retirement, this will encourage younger people to come into this type of occupation in the Federal service.

What we are doing here today, Mr. Chairman, is including into the hazardous employment system for retirement purposes 11,000 Federal firefighters. I do not think there is any question that the facts will show that Federal firefighters are every bit as qualified for these special retirement benefits as the other 14 occupational groups.

Mr. Chairman, the fatality rate in firefighting is 275 percent higher than it is in other industries. The injury rate in the Federal service for Federal firefighters is three times greater than for all other Federal employees.

As was pointed out by the gentleman from Maryland (Mr. Hogan), these employees have to work a 72-hour week. They have to work in the heat and in the cold and all hours of the day. They are subjected to the dangers of carbon monoxide and poison gases which unquestionably cause damage to the heart and to the cardiovascular system, and which contribute a great deal to the shortening of the lives of these people who are engaged in this occupation.

The Federal form for application for a position as a Federal firefighter provides for a medical examination for hazardous and occupational duty, the same type of medical examination required for the other 14 positions.

So what we are doing here today, Mr. Chairman, is adding one additional group to the 14 categories which have already been granted a special retirement benefit. I do not mean to imply that the 14 groups that we are already providing special retirement benefits for are not qualified or eligible, but I do feel that firefighters certainly are more entitled to this special retirement benefit than many of these 14 groups for which we have provided this special benefit: For example, the Fish and Wildlife Service, the U.S. Customs Service, the Internal Revenue agents, investigators, Immigration and Naturalization Service. There is no question that the Federal firefighters are engaged in a more hazardous occupation than these other particular groups, and what we are doing here is to provide additional benefits for these people. They would average at least 1¾ percent compared to 1⅛ percent under present law.

What we are providing is a 2-percent formula retirement after 20 years of service and 50 years of age. I would say the average firefighter in this country has a much more liberal retirement system than that which we are providing today for our Federal firefighters. I hope the committee and the House will adopt this legislation.

Mr. HOGAN. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Chairman, I rise in opposition to this bill which will only compound a situation that never ought to have existed. Hazardous pay, where warranted, should be paid as a part of salary rather than early retirement.

It would be repetitive for me to go back over the excellent arguments made against the bill by the gentleman from California (Mr. Smith) and others. If we are going to expand this sort of thing all through the Federal Government—and in my opinion that is what this bill will lead to—the Post Office and Civil Service Committee ought to go into this subject in depth and ascertain whether hazardous pay is justified where it is being paid and, if not, remove those from hazardous-pay status rather than add others to it without adequate investigation and hearings. That ought to be the first order of business next year for the House Post Office and Civil Service Committee and the subcommittee that handles this type of legislation.

Moreover, there is every reason to believe that it will be vetoed, and properly so.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Maryland.

Mr. HOGAN. I know the gentleman would not want to give the impression

XUM

that hearings had not been held on this legislation. They have, in fact, been held and all the witnesses interested in testifying were given an opportunity to testify.

Mr. GROSS. I insist the committee ought to go back into this whole business and revise the law, if necessary. I believe it is bad business to establish hazardous pay on the basis of early retirement, with such pay coming out of the retirement fund.

Mr. KEITH. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Massachusetts.

Mr. KEITH. If I understand correctly, it would be possible for firefighting personnel covered by the legislation to retire at the age of 50 with a pension in the vicinity of $400 a month. Is that correct?

Mr. GROSS. It would permit retirement at the age of 50. I believe the per-month cost would be as the gentleman states. I know it would amont to something in the neighborhood of $176 million.

Mr. KEITH. I just did a little computation, and figuring that $100 a month is worth about $25,000, if you were to buy that kind of annuity, and you multiply it by 4, it would be $100,000. That would be the equity that the man would have in that pension at that time, and when you spread that over a period of 25 years, it is pretty good pay to accumulate that kind of equity for retirement.

Mr. GROSS. I thank the gentleman from Massachusetts for the excellent observation he has made, and urge defeat of the bill.

Mr. HOGAN. Mr. Chairman, I have no further requests for time.

Mr. DULSKI. Mr. Chairman, I yield myself 1 minute.

I know the estimate of the unfunded liability in the Retirement Fund is $176 million, but I would like to bring to the attention of the House that that amount would be paid over a period of 30 years, and would amount to only $9¼ million each year for the next 30 years.

The gentleman from Iowa (Mr. GROSS), a distinguished member of our committee, referred to hearings. We did have hearings on a similar measure in the last Congress, and we also had hearings on this bill in this Congress.

I yield 1 minute to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Mr. Chairman, I thank the gentleman for yielding.

I want to bring out the fact that the Senate on August 18, 1970, passed this bill unanimously. It was also passed by the Senate in the 90th Congress, but no action was ever taken in the House. In view of the fact that this bill has been considered by the other body in this and the previous Congress, and having come from the Senate unanimously, I urge all Members of the House to support it.

Mr. DULSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. GARMATZ).

Mr. GARMATZ. Mr. Chairman, I think it is important that these men be paid for this hazardous job. In case some fire should happen. I hope we will be able to call on them for their support.

Mr. MATSUNAGA. Mr. Chairman, there are, not one, but two, compelling reasons why the House should today approve S. 578, a bill to extend to federally employed firemen the same early retirement option now available to Federal law enforcement personnel.

First, it is clear that allowing a more generous retirement to firemen at an earlier time will yield a younger, more vigorous and physically able, Federal firefighting force.

Second, and more importantly, the Federal firefighter deserves this equitable treatment.

We now recognize, Mr. Chairman, that certain Federal employees, working in the field of law enforcement, perform extraordinarily hazardous duties, subjecting them to physical and psychological pressures not experienced in other Federal jobs. They are permitted to retire at an earlier age, with fewer years of Federal service, than the ordinary Federal employee.

There are approximately 12,000 Federal firefighters, about 350 of them in Hawaii. In 1968 alone, these men battled over 19,000 fires nationwide. In those fires, 376 persons lost their lives, another 2,200 were injured, and almost $300 million of property was lost. Can there be any doubt of the peril faced constantly by these brave men?

In view of this substantial threat to the health and safety of Federal firemen, and the increasing susceptibility to injury that normally comes with advancing age, I believe that firefighters should be offered this opportunity to shorten their careers.

Passage of S. 578, Mr. Chairman, will mean that the Federal fireman will be able to retire at age 50, following 20 years of hazardous service, on an unreduced annuity. This annuity will be computed at a flat rate of 2 percent of the employee's average pay, multiplied by his years of service.

I want to emphasize here that eligibility for early retirement will be determined individually, on a case-by-case basis, in the same manner now applied to law enforcement personnel. The head of the employing agency must recommend such retirement, on the basis of the fireman's actual work assignments. The Civil Service Commission must concur in the recommendation.

Although I am no longer a member of the House Post Office and Civil Service Committee, I remain vitally interested in all Federal employee matters. In this case, I am the sponsor of H.R. 11329, which is identical to S. 57 as introduced. Speaking, therefore, as a principal proponent of the legislation, I urge the House to approve this equitable and long-overdue measure.

The Senate passed this bill unanimously, Mr. Chairman, on August 18, 1970. In the 90th Congress, similar legislation passed the Senate, gained House committee approval, but never passed the House. We must not permit this injustice to persist; the House should pass without amendment and send to the President, S. 578.

Mr. OLSEN. Mr. Chairman, I rise to wholeheartedly support S. 578 and to commend the committee's unanimous action in bringing this worthwhile legislation to the floor of the House.

The early retirement provisions of existing law were initially limited in application to agents and subsequently extended to other Federal employees such as U.S. marshals, prison guards, Federal policemen, and Treasury agents, who are subjected to those hazards inherent in the performance of their duties. The preferential treatment has been justified on the basis that law-enforcement activity requires a staff of active, vigorous, physically capable men; and further, to encourage younger men to enter and remain in Federal service, and older men to leave it at an early age.

I believe there is general agreement that the ability of the average man to avoid and overcome the hazards involved in firefighting decreases as he grows older. In view of the increasing susceptibility to injury with each year on the job, it is the committee's belief that Federal firemen should be accorded the opportunity to shorten their careers.

I believe it is also recognized that enactment of this legislation will facilitate the maintenance of relatively younger and more vigorous firefighting forces throughout the Federal establishment.

To confine a preference of law to a group of employees engaged in hazardous duty without recognizing other employees performing equally or, at times, more hazardous duties is, in itself, an inequity. Mr. Chairman, let us remedy this inequity, which has existed far too long, by unanimously adopting this legislation.

Mr. NIX. Mr. Chairman, I rise in support of S. 578, a bill which will, at long last, correct an inequity that has existed in the civil service retirement law for more than two decades.

Since the late 1940's the retirement law has contained a provision which grants special early retirement privileges to employees serving in positions, the duties of which are hazardous and primarily involve the investigation, apprehension, or detention of persons suspected or convicted of offenses against the criminal laws of the United States. This particular class of employees may, after having served for at least 20 years in such capacity and having reached age 50, request retirement on an immediate annuity.

However, this preferential provision applies only if the head of the employing agency recommends such an employee's retirement and only if the Civil Service Commission approves that recommendation. Further, the law stipulates that both the agency and the Commission must consider fully the degree of hazard to which the applicant is subjected in the performance of his duties, as opposed to the general duties of the class of position held.

Essential to making such early retirement economically practical is a related provision of the law which prescribes that the annuity allowable under these provisions is an unreduced benefit and is computed at the rate of 2 percent of the employee's high 3-year average salary multiplied by his total years of service.

The Congress has accorded this special treatment to Federal law enforcement personnel on the premise that that law enforcement activity requires the maintenance of a relatively young and physically active work force.

S. 578 proposes extending to Federal firefighters whose duties entail exposure to hazards not present in other occupations—hazards more dangerous on occasion than those to which law enforcement personnel are subjected.

The nationwide firefighter's fatality rate in 1966 was approximately five times as great as on-the-job deaths incurred in industry—92 firemen's deaths, as compared to 19 industrial deaths per 100,000 workers. Of greater significance, perhaps are the findings from data compiled by the Bureau of Employees' Compensation in its publication, Federal Work Injury Facts, November 1969. These findings disclose that, in 1966, the ratio of injuries and deaths to total Federal civilian employees amounted to 4½ percent, whereas the ratio of injuries and deaths involving Federal firemen amounted to 14 percent of the Federal civilian firefighting force. Thus, Federal firemen experienced three times the average of compensable injuries incurred by the total Federal civilian employee population.

While this legislation would presumably cover 11,000 Federal firemen, it is emphasized that the same safeguards applied to law enforcement personnel will be applicable to firefighters—that is, in recommending and approving an applicant's request for early retirement, both the agency and the Civil Service Commission will be required to give full consideration to the degree of hazard to which he is subjected in the performance of his particular duties, in contrast to the general duties of the class of position occupied. As pointed out by the Chairman of the Retirement Subcommittee, the gentleman from New Jersey.

A Federal fireman who had not in fact been exposed to hazards over a 20-year period would not be entitled to the preferential consideration proposed by the bill.

Accordingly, Mr. Chairman, I urge the adoption of S. 578.

Mr. DOWNING. Mr. Chairman, I rise in full support of other legislation. This recognition of our Federal firefighters is long overdue.

I have many military facilities in my district, each of which has an excellent firefighting unit. These men are on hazardous-duty call 24 hours a day, 7 days a week, the year-round. Their courage has never been questioned and their effectiveness has been proven time and time again.

These special people deserve this special recognition and I hope all Members will give it their enthusiastic support.

Mr. DULSKI. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

S. 578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8336(c) of title 5, United States Code, is amedned by inserting after "United States" the following: "or are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment".

SEC. 2. The amendment made by this Act shall be applicable only in the case of persons retiring after the date of enactment of this Act.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. BURKE of Massachusetts, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 578) to include firefighters within the provisions of section 8336 (c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SCOTT. In its present form, I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SCOTT moves to recommit the bill S. 578 to the Committee on Post Office and Civil Service.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 158, nays 104, not voting 171, as follows:

[Roll No. 433]

YEAS—158

Adams
Albert
Anderson, Calif.
Andrews, Ala.
Ashley
Baring
Bennett
Bevill
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brinkley
Brown, Ohio
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Burton, Calif.
Carey
Carney
Casey
Chappell
Clark
Cohelan
Conte
Conyers
Corman
Culver
Daniels, N.J.
de la Garza
Dorn
Downing
Dulski
Eckhardt
Eilberg
Evans, Colo.
Feighan
Flood
Foley
Ford, William D.
Fraser
Fulton, Pa.
Fuqua
Gallagher
Garmatz
Gettys
Giaimo
Goldwater
Gonzalez
Gray
Griffin
Gubser
Gude
Hamilton
Hanley
Hansen, Wash.
Harvey
Hathaway
Hawkins
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Horton
Howard
Ichord
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Koch
Kyros
Leggett
Lennon
Long, Md.
McCarthy
McCloskey
McDade
McEwen
McFall
Macdonald, Mass.
Madden
Mailliard
Mann
Mathias
Melcher
Miller, Calif.
Miller, Ohio
Minish
Mink
Monagan
Moorhead
Morse
Myers
Natcher
Nichols
Obey
O'Hara
Olsen
O'Neill, Mass.
Patten
Pepper
Perkins
Pickle
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Railsback
Randall
Rees
Reuss
Rodino
Roe
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rousselot
Roybal
Ryan
Saylor
Scheuer
Schwengel
Sisk
Slack
Smith, Iowa
Stafford
Steed
Steele
Steiger, Ariz.
Stokes
Stratton
Stubblefield
Stuckey
Teague, Calif.
Tiernan
Tunney
Ullman
Van Deerlin
Vanik
Waggonner
Wampler
Watts
White
Widnall
Wilson, Bob
Wilson, Charles H.
Wyatt
Yates
Zablocki

NAYS—104

Abernethy
Alexander
Anderson, Ill.
Arends
Belcher
Berry
Betts
Bow
Broomfield
Brotzman
Broyhill, N.C.
Buchanan
Burlison, Mo.
Byrnes, Wis.
Cabell
Carter
Cederberg
Chamberlain
Collier
Collins, Tex.
Conable
Coughlin
Crane
Daniel, Va.
Davis, Wis.
Dellenback
Dennis
Dickinson
Duncan
Edwards, Ala.
Erlenborn
Findley
Fisher
Flowers
Ford, Gerald R.
Foreman
Forsythe
Fountain
Frelinghuysen
Frey
Galifianakis
Goodling
Green, Oreg.
Gross
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Hechler, W. Va.
Hosmer
Hunt
Hutchinson
Johnson, Pa.
Jonas
Keith
King
Kyl
Landgrebe
Latta
Lloyd
McClure
McDonald, Mich.
Mahon
Marsh
Mayne
Mills
Minshall
Mizell
Mollohan
Morton
Nedzi
Nelsen
Passman
Poage
Poff
Quie
Rarick
Reid, Ill.
Rhodes
Roberts
Ruth
Satterfield
Schmitz
Schneebeli
Scott
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Springer
Stanton
Steiger, Wis.
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Vander Jagt
Vigorito
Ware
Whitten
Williams
Wold
Wyman

NOT VOTING—171

Abbitt
Adair
Addabbo
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Ashbrook
Aspinall
Ayres
Barrett
Beall, Md.
Bell, Calif.
Biaggi
Blackburn
Brasco
Bray
Brock
Brooks
Brown, Calif.
Brown, Mich.
Burke, Fla.
Burton, Utah
Bush
Button
Byrne, Pa.
Caffery
Camp
Celler
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collins, Ill.
Colmer
Corbett
Cowger
Cramer
Cunningham
Daddario
Davis, Ga.
Delaney
Denney
Dent
Derwinski
Devine
Diggs

Dingell
Donohue
Dowdy
Dwyer
Edmondson
Edwards, Calif.
Edwards, La.
Esch
Eshleman
Evins, Tenn.
Fallon
Farbstein
Fascell
Fish
Flynt
Friedel
Fulton, Tenn.
Gaydos
Gibbons
Gilbert
Green, Pa.
Griffiths
Grover
Hagan
Haley
Halpern
Hanna
Harrington
Hastings
Hays
Hébert
Henderson
Hull
Hungate
Jarman
Jones, N.C.
Kee
Kleppe
Kluczynski
Kuykendall
Landrum
Langen
Long, La.
Lowenstein
Lujan
Lukens
McClory
McCulloch
McKneally
McMillan
MacGregor
Martin
Matsunaga
May
Meeds
Meskill
Michel
Mikva
Mize
Montgomery
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nix
O'Konski
O'Neal, Ga.
Ottinger
Patman
Pelly
Pettis
Philbin
Pike
Pirnie
Podell
Pollock
Powell
Price, Tex.
Pucinski
Purcell
Quillen
Reid, N.Y.
Reifel
Riegle
Rivers
Robison
Rogers, Colo.
Rostenkowski
Roth
Roudebush
Ruppe
St Germain
Sandman
Schadeberg
Scherle
Sebelius
Shipley
Sikes
Snyder
Staggers
Stephens
Sullivan
Symington
Taft
Thompson, N.J.
Udall
Waldie
Watson
Weicker
Whalen
Whalley
Whitehurst
Wiggins
Winn
Wolff
Wright
Wydler
Wylie
Yatron
Young
Zion
Zwach

So the bill was passed.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Bush.
Mr. Hays with Mr. Camp.
Mr. Hébert with Mr. Cowger.
Mr. Thompson of New Jersey with Mrs. Dwyer.
Mr. Addabbo with Mr. Bray.
Mr. Biaggi with Mr. Devine.
Mr. Celler with Mr. Corbett.
Mr. Delaney with Mr. Blackburn.
Mr. Dent with Mr. Esch.
Mr. Matsunaga with Mr. Clancy.
Mr. Henderson with Mr. Beall of Maryland.
Mr. Fulton of Tennessee with Mr. Eshleman.
Mr. Rivers with Mr. Ayres.
Mr. Green of Pennsylvania with Mr. Fish.
Mr. Rostenkowski with Mr. Burton of Utah.
Mr. Shipley with Mr. Ashbrook.
Mr. Byrne of Pennsylvania with Mr. Grover.
Mr. Barrett with Mr. Button.
Mr. Sikes with Mr. Brown of Michigan.
Mr. Evins of Tennessee with Mr. Don H. Clausen.
Mr. Edmondson with Mr. Halpern.
Mr. Symington with Mr. Andrews of North Dakota.
Mr. Long of Louisiana with Mr. Denney.
Mr. Edwards of Louisiana with Mr. Del Clawson.
Mr. Davis of Georgia with Mr. Bell of California.
Mr. Dingell with Mr. Derwinski.
Mr. Murphy of New York with Mr. Cleveland.
Mrs. Chisholm with Mr. Rogers of Colorado.
Mr. Farbstein with Mr. Clay.
Mr. Diggs with Mr. Friedel.
Mr. Gilbert with Mr. Collins of Illinois.
Mr. Kee with Mr. Cramer.
Mr. Kluczynski with Mr. Burke of Florida.
Mr. Colmer with Mr. Adair.
Mr. Montgomery with Mr. Cunningham.
Mr. Abbitt with Mr. Brock.
Mr. O'Neal of Georgia with Mrs. May.
Mr. Philbin with Mr. Hastings.
Mr. Pike with Mr. Meskill.
Mr. Purcell with Mr. Pirnie.
Mr. Pucinski with Mr. Michel.
Mrs. Griffiths with Mr. Pollock.
Mr. Hagan with Mr. Martin.
Mr. Haley with Mr. Price of Texas.
Mr. Harrington with Mr. Powell.
Mr. Podell with Mr. Quillen.
Mr. Flynt with Mr. MacGregor.
Mr. Edwards of California with Mr. Pettis.
Mr. Gaydos with Mr. McKneally.
Mr. Gibbons with Mr. Reid of New York.
Mr. Morgan with Mr. Reifel.
Mr. Moss with Mr. McCulloch.
Mr. Murphy of Illinois with Mr. Riegle.
Mr. Daddario with Mr. Mize.
Mr. Donohue with Mr. Robison.
Mr. Brooks with Mr. Kleppe.
Mr. Brasco with Mr. Roth.
Mr. Aspinall with Mr. Mosher.
Mr. Hull with Mr. McClory.
Mr. Jones of North Carolina with Mr. Roudebush.
Mr. Anderson of Tennessee with Mr. Kuykendall.
Mr. Udall with Mr. Ruppe.
Mr. Wolff with Mr. Lukens.
Mr. Young with Mr. Lujan.
Mr. Meeds with Mr. Sandman.
Mr. Mikva with Mr. Sebelius.
Mr. Nix with Mr. Brown of California.
Mr. McMillan with Mr. Scherle.
Mr. Caffery with Mr. Pelly.
Mr. Dowdy with Mr. Schadeberg.
Mr. Fascell with Mr. Langen.
Mr. Hanna with Mr. O'Konski.
Mr. Fallon with Mr. Snyder.
Mr. Stephens with Mr. Taft.
Mr. Staggers with Mr. Watson.
Mr. Landrum with Mr. Weicker.
Mr. Jarman with Mr. Whalen.
Mr. St Germain with Mr. Whalley.
Mrs. Sullivan with Mr. Zion.
Mr. Patman with Mr. Wylie.
Mr. Hungate with Mr. Whitehurst.
Mr. Wright with Mr. Zwach.
Mr. Yatron with Mr. Wiggins.
Mr. Waldie with Mr. Winn.
Mr. Ottinger with Mr. Wydler.

Mr. BROTZMAN changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill S. 578, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19504 entitled "An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19877) entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes."

PERSONAL EXPLANATION

Mr. FUQUA. Mr. Speaker, on rollcall No. 422, on adoption of the conference report on H.R. 17809, I was in a conference and unavailable to be present. If I had been present, I would have voted "yea."

PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, I was not recorded on rollcalls Nos. 414 and 415. Had I been present I would have voted "nay" on rollcall No. 414 and "yea" on rollcall No. 415.

REQUEST FOR AUTHORITY FOR SPEAKER TO DECLARE RECESSES

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that during the remainder of the day it may be in order for the Speaker to declare recesses subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, reserving the right to object, may I inquire of the distinguished majority leader what would be the purpose of the action this late in the afternoon on this day of the week and so far into the session?

Mr. ALBERT. The conferees on at least two of the appropriations bills are meeting to consider certain matters related to the resolution of the difficulties between the two Houses on the several bills, and as soon as they get through and report back, we would assemble for the purpose of simply finishing the business of the day.

There is a possibility of a conference report from the Committee on Post Office and Civil Service. That is all the legislative business. That is only prospective.

We will have the usual 15-minute notification.

Mr. HALL. Mr. Speaker, do I understand from the distinguished majority leader that this is in consideration of the backing and filling and wheeling and milling with the other body such as went on in their star-chamber proceedings yesterday afternoon, from which no conclusion ultimately arrived except that we diddled and dawdled and spent more and more of the taxpayers' money?

Mr. ALBERT. The gentleman responding has so little knowledge of the subject matter the gentleman is discussing that he is not able to give a correct answer.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, can the gentleman from Oklahoma, the distinguished majority leader, give us any information as to why the other body only a short time ago was in recess in the nature of a vacation from their duties, their supposed duties and business over there?

Why should we go into recess and sit and wait at the feet of these people?

Mr. ALBERT. May I say to the gentleman, I have no knowledge of why the other body went into recess. We are doing this at the request of the gentleman from Texas, the chairman of the Committee on Appropriations.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Missouri yield?

Mr. HALL. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. If I might, I should like to ask the distinguished majority leader this question: It was my understanding that the reason for the recess was to wait developments that might result in several conference reports coming over to the House. Am I correct that if they come over they would not be called up for action?

Mr. ALBERT. They will not be called up for action today; no.

Mr. GERALD R. FORD. They would be eligible for action on Monday.

Mr. ALBERT. We hope so.

I should like, if I get agreement on this unanimous-consent request, to make another unanimous-consent request in that regard.

Mr. HALL. Mr. Speaker, under the circumstances and in view of what we have done the past week, including early adjournment, and in view of the lack of decision of the other body, I am constrained to object.

Mr. GERALD R. FORD. Mr. Speaker, would the gentleman from Missouri withhold for a moment and yield to me for a comment?

Mr. HALL. Mr. Speaker, I will withhold and yield.

Mr. GERALD R. FORD. It would seem to me if we had the assurance that any conference reports coming over from the other body would not be acted upon today, but would be held for subsequent action——

Mr. ALBERT. I can give the gentleman that assurance. We should think we might have the Federal Salary Comparability Act conference report, if it comes over, which has no relation whatever to the major problems.

Mr. HALL. Then, Mr. Speaker, there is no use for the recess. I appreciate the words of the majority leader, and I do object.

The SPEAKER. Objection is heard.

REQUEST FOR PERMISSION TO CONSIDER CONFERENCE REPORT ON H.R. 19911 ON THE SAME DAY REPORTED

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order to consider a conference report on the bill H.R. 19911 on the same day reported.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Well, Mr. Speaker, reserving the right to object, just what, exactly, is this bill?

Mr. ALBERT. This is the supplemental authorization for foreign aid.

Mr. GROSS. I cannot think of anything deserving less attention, Mr. Speaker. I object.

The SPEAKER. Objection is heard.

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, I take this time to advise the gentleman that this action would give the House control of this measure if the Senate passed it. That is the reason for the request.

Mr. GROSS. I will say to the gentleman, that is not very much of an inducement, in view of what has happened in the House in the past.

AUTHORITY FOR CLERK TO RECEIVE MESSAGES FROM SENATE AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS NOTWITHSTANDING ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday, December 21, 1970, the Clerk be authorized to receive messages from the Senate and the Speaker be authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PROGRAM FOR NEXT WEEK

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I have requested this time for the purpose of asking the distinguished majortiy leader the program for next week.

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I am announcing the program for Monday and the balance of the week. Hopefully, that will be Monday and Tuesday.

Monday is Consent Calendar day.

We also have listed three suspensions and the Speaker may get a request for a fourth suspension from the Committee on Public Works regarding the naming of a lock and dam. The Speaker does not have the request yet, but he has had some oral modification to that effect. The three suspensions are as follows:

S. 11, Intergovernmental Personnel Act of 1970;

H.R. 14233, modifying ammunition recordkeeping requirements; and

S. 4571, to amend the Central Intelligence Agency Retirement Act.

Also, Mr. Speaker, I would like to announce that the Speaker may recognize under suspension of the rules on procedural matters on Monday.

Mr. HALL. Mr. Speaker, would the distinguished gentleman yield at that point?

Mr. GERALD R. FORD. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, does the distinguished majority leader from Oklahoma mean that he is invoking the rule of suspension prior to the fixation of a date certain for sine die adjournment?

Mr. ALBERT. Mr. Speaker, if the distinguished gentleman from Michigan will yield further, this applies only to Monday. It is the regular suspension day. If it is possible to move fast on some of these things and get procedural matters out of the way, we hope to do so.

In addition to the program which I have previously announced, there is for the consideration of the House the following measures:

House Resolution 1238, relating to the Speaker of the House of Representatives in the 91st Congress, under an open rule with 1 hour of general debate;

House Joint Resolution 1146, expansion of United Nations Headquarters in the United States, under an open rule with 1 hour of general debate;

H.R. 19953, Emergency Rail Services Act of 1970, under an open rule with 1 hour of debate; and

H.R. 19446, the Emergency School Aid Act of 1970.

Mr. Speaker, this announcement is made subject to the usual reservation that conference reports may be brought up at any time and any further program may be announced later.

Mr. Speaker, we have announced that the Speaker may use his authority to recognize suspensions of the rules on procedural matters on Monday.

Other than this, Mr. Speaker, we know of no business that will be before the House except the disposition of outstanding conference reports.

Mr. HALL. Mr. Speaker, would the minority leader yield one more time?

Mr. GERALD R. FORD. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I notice that the distinguished majority leader has again listed the bill H.R. 19446, the so-called Emergency School Aid Act of 1970.

Is that the same bill that was referred to in colloquy all this week as the desegregation or busing emergency school act?

Mr. ALBERT. It is the same bill.

Mr. HALL. It is the bill that was withdrawn?

Mr. ALBERT. It is the bill that we were debating earlier in the week.

Mr. HALL. And it would be subject only to the chairman of the committee asking that we resume its consideration in the Committee of the Whole House on the State of the Union, subject to further consideration?

Mr. ALBERT. The gentleman is correct. May I say that I failed to state that the gentleman from Arkansas (Mr. MILLS) had previously advised and I had advised the House that the gentleman from Arkansas may call up some day this week certain bills from the Committee on Ways and Means, but the distinguished gentleman has put them over until Monday or Tuesday of next week. These are bills which have been unanimously reported from the Committee on Ways and Means.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Wisconsin.

XUM

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the gentleman yielding so that I might address a question to the gentleman from Oklahoma, the distinguished majority leader:

Under the unanimous-consent request on the first and third Mondays under suspensions, the gentleman from Oklahoma indicated that certain procedural matters might be recognized by the Speaker. Does that cover the so-called FEOC bill, which is pending now before the Committee on Education and Labor?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further, I would state to the gentleman from Wisconsin that that would not be a procedural matter. An example of a procedural matter would be such a thing as taking up a conference report on the same day we received it, or something like that.

Mr. STEIGER of Wisconsin. I thank the gentleman for yielding.

Mr. GERALD R. FORD. Mr. Speaker, I yield back the balance of my time.

A TREND TOWARD MISUSE OF ECONOMIC LEVERAGE BY CONGLOMERATE MUTUAL FUNDS

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. THOMPSON of Georgia. Mr. Speaker, I rise to call to the attention of Members of Congress several incidents which suggest a trend toward a misuse of corporate economic leverage by officers of conglomerate mutual fund complexes to support or oppose political parties or candidates. Corporate officers have the same right and civic duty as other individuals, to contribute financially and speak for or against candidates and parties. They do not have a right to use their corporate offices to advance their personal views. Corporations are forbidden such activity by the Corrupt Practices Act. A misuse of corporate power by a mutual fund officer to impose economic reprisals against a political party or candidate would not only violate the Corrupt Practices Act, but would violate his fiduciary obligations to the shareholders, especially those who might not share the same political views, under the Federal securities laws. It would also raise grave questions of public policy and run counter to the constitutional safeguards of free speech implicit in the democratic electoral process. The use of corporate economic leverage by mutual funds to stifle the exercise of free speech by others is unthinkable.

During my own recent reelection campaign, it was brought to my attention by very responsible sources of unimpeachable character that persons alleged to represent a large New York mutual fund which was identified to me by two independent sources had approached at least two commercial banks in my district with the suggestion of significant corporate deposits if the banks would by some means unknown to me supply my opponent with $25,000 of campaign funds. The president of the mutual fund, an able and honorable man, when contacted disclaimed any knowledge and was shocked by the suggestion of such a proposal. He gave assurances he had no knowledge of and would not permit such a thing. Whether the proposal came from one of his corporate officials without his knowledge I cannot say. However, of one thing I am certain—the proposition was made. While I have agreed not to disclose the names of the bank officials who made known this proposition to me, I am nonetheless outraged but will not involve my informant since I have agreed not to do so.

However, this incident recalled to my mind that in the 1968 presidential campaign, a Robert Loeffler, vice president of Investors Diversified Services, Inc., of Minneapolis, caused the widespread circulation of a politically inspired counterattack on a Nixon campaign proposal to bring a more evenhanded approach to regulation by such Federal agencies as the Securities and Exchange Commission. To what extent Mr. Loeffler's efforts reflected the policy or attitude of IDS I cannot say—but in financial and political circles, there was some thought that IDS was fighting the Nixon candidacy.

According to the New York Times, we now find this same vice president of IDS, Mr. Loeffler, announcing that he, as a Democrat, was offended by some Republican Party political advertising, and used his corporate authority to impose economic reprisals against the sponsoring group.

Investors Diversified Services, Inc., is a large Minneapolis-based conglomerate. It is one of the largest mutual funds in the world. It has within its complex two securities broker dealer firms, a seat on a regional stock exchange, an oil and gas drilling fund, an insurance company, a leasing company, a credit company, a mortgage corporation, a real estate company and other enterprises. The serious antitrust problem of conglomerates in the financial field has been before Congress in the one-bank holding company bill and other proposals. Despite serious criticism of oil and gas funds by the Securities and Exchange Commission, IDS has launched into this field of economic activity.

Such considerations as these underline the wisdom of present laws forbidding the use of corporate or labor union power in political contests. Economic reprisals against political opposition encourage counterreprisals.

The great balance wheel of representative government is the two-party system. The participation in one or the other of the two great political parties is the very heartbeat of democracy. Every man is equal at the ballot box. Corporate officers, including mutual fund executives, should set an example of personal and individual participation by corporate employees. But they must take care that they do not violate their fiduciary duties to shareholders by misusing corporate assets, corporate economic leverage, or corporate power to support or oppose the political candidates or party they personally like or dislike.

Because of the incidents I have referred to above, I intend to raise some questions in the next Congress about this problem. Perhaps we need to review the Corrupt Practices Act, or include some specific prohibitions in the Federal securities laws against misuse of corporate power for political goals in violation of fiduciary responsibilities to shareholders. This may well be an area of special danger where a mutual fund conglomerate is concerned.

ENVIRONMENTAL EDUCATION ACT

(Mr. STEIGER of Wisconsin asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STEIGER of Wisconsin. Mr. Speaker, as a member of the Education and Labor Committee, I was interested recently to read the floor debate in the other body on final passage of H.R. 18260, the Environmental Education Act.

In the course of that debate the junior Senator from Wisconsin, and my esteemed colleague, Senator NELSON, discussed the intent of the Congress in adapting certain amendments to this bill which we agreed to on October 13. Specifically, Senator NELSON suggested that the Congress intended to require the U.S. Commissioner of Education to place the office of environmental education created by H.R. 18260 in the Immediate Office of the Commissioner.

As you may know, Mr. Speaker, I sit on the Select Subcommittee on Education which held hearings on this bill. In addition, I was a cosponsor of this legislation in the House of Representatives. Thus, I think that I am rather familiar with the purpose of this House, at least, in enacting this legislation.

I believe that our subcommittee chairman, the gentleman from Indiana (Mr. BRADEMAS), stated this intent precisely in the floor debate on October 13 when he noted:

> It is the clear intention of the House that activities in environmental education be coordinated chiefly under the control of the new office of environmental education and that the office have a prominence within the Office of Education which will insure that it has the authority effectively to carry out the programs authorized by this act.

It would seem to me that this prominence of which the gentleman from Indiana (Mr. BRADEMAS) spoke can certainly be achieved without requiring placement of the office under the direct supervision of the Commissioner. There are programs administered by the Office of Education with a hundred times as much money appropriated, yet we do not require that the Commissioner keep minute-by-minute account of the activities in these units. Such a requirement, even if legislated, would certainly be an impossible task. It was partly as a recognition of this difficulty that we agreed to the administration's request to refrain from reorganizing the internal structure of the Office of Education.

Mr. Speaker, I must respectfully disagree with Senator NELSON'S reading of congressional intent. I do not believe that any such requirement was ever intended.

H.R. 19973—INCOME TAX DEDUCTION FOR SOCIAL SECURITY CONTRIBUTION

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. Rarick), is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, the social security contributions which originally had been relatively insignificant, have today through continued increases, become another form of taxation.

For example, the original program called for a 1-percent contribution by both employee and employer on the individual's first $3,000 of earnings—or $30 withholding by each. By 1966 the taxable base had increased to $6,600 and the rate to 3.85 percent.

The present base taxable salary is $7,800 on which the tax payable by both employee and employer is 4.8 percent. This means that under the present law the maximum contribution by an individual is $374.40 with an equal amount payable by the employer for a total tax of $748.80. Any income above the $7,800 taxable base is not taxable by social security.

In 1971, the taxable base is scheduled to automatically increase to $9,000 at a rate of 5.2 percent. This means that a person earning the maximum $9,000 or more in 1971 will pay $405.60 as will the employer.

Legislation currently being considered in the House and Senate would increase the tax contribution in 1971 to as high as $468. The tax rate is scheduled to increase to 5.9 percent by 1987 and reform proposals under consideration may even extend the rate to 7.6 percent with higher rates and contributions against self-employed individuals.

The social security contribution is not only a tax but is a double tax on the taxpayer's earnings. That part of the earnings taxed for social security is also subject to tax as income. In other words, an individual not only must pay his social security taxes on the first $9,000 of his earnings, but he must also pay income tax on it.

To avoid this double taxation, I have introduced H.R. 19973, a bill to authorize deduction of the social security contribution from the income tax.

As time passes the American people laboring under the yoke of double taxation will cry out for relief.

Mr. Speaker, I include the text of H.R. 19973 here following my remarks:

H.R. 19973

To amend the Internal Revenue Code of 1954 to allow an income tax deduction for social security taxes paid by employees and by the self-employed

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 164(a) of the Internal Revenue Code of 1954 (relating to deduction for taxes) is amended by inserting immediately after paragraph (5) the following new paragraph:

"(6) Taxes described in subsection (g)."

(b) Section 164 of such Code is amended by redesignating subsection (g) as subsection (h), and by inserting after subsection (f) the following new subsection:

"(g) Social Security Taxes Paid by the Self-Employed or by Employees.—There shall be allowed as a deduction (for the taxable year within which paid) taxes imposed by section 1401 (tax on self-employment income) or section 3101 (tax on employees)."

Sec. 2. Section 62 of the Internal Revenue Code of 1954 (defining adjusted gross income) is amended by inserting immediately after paragraph (9) the following new paragraph:

"(10) Social security taxes paid by employees and by the self-employed."

Sec. 3. Paragraph (1) of section 275(a) of the Internal Revenue Code of 1954 (relating to certain taxes) is amended—

(1) by striking out so much of such paragraph as precedes subparagraph (B) and by inserting in lieu thereof the following:

"(1) Federal income taxes (other than the tax imposed by chapter 2), including"; and

(2) by redesignating subparagraph (B), (C), and (D) as subparagraph (A), (B), and (C), respectively.

Sec. 4. The amendments made by this Act shall apply to amounts paid after December 31, 1970.

INTRODUCTION OF THE FISH FARMING ASSISTANCE ACT OF 1971 ON DECEMBER 19, 1970

The SPEAKER. Under a previous order of the House, the gentleman from Mississippi (Mr. Griffin) is recognized for 10 minutes.

Mr. GRIFFIN. Mr. Speaker, today I introduced legislation entitled the Fish Farming Assistance Act of 1971.

The wholesale crop—in 1969—of farm-raised fish in the United States was in excess of $33 million. This amounted to only a small portion of the total value of fish consumed in the United States.

Seventy percent of all fish products consumed in this Nation are imported. Of the remaining 30 percent, most are salt-water varieties and only a small portion are pond-raised fish.

Mr. Speaker, with the growing pollution of our rivers, streams, and coastal waters, fish raised on farms under controlled conditions may provide a significant source of healthy food. This problem is dramatically underscored by the fact that today there may be, in the hands of consumers, many cans of tuna contaminated by mercury.

Farm-raised fish are produced under closely supervised and controlled conditions in a pollution-free environment.

As importantly, my proposal can add significantly to the income of farm families. As you know, the family farm is a rapidly vanishing institution in 20th-century America. This has contributed to overcrowding in urban areas and has resulted in social disintegration.

I was raised on a farm near Utica, Miss., and I have personal knowledge of values inherent in a stable rural environment. These values instill in children the virtues of honesty, duty, responsibility, hard work, and love and respect for God's creations.

Mr. Speaker, fish farming is not new in the sense of being an untested and uncharted venture. It could better be described as an underdeveloped and untapped agricultural resource.

The Bureau of Sports Fisheries and Wildlife, in their publication Report to the Fish Farmers, states:

> The prospects for pond production of fish is limited mostly by technological development, farmer enterprise, and product merchandising.

"Farmer enterprise" means money. That, along with the problems of technical assistance and product merchandising, are things that we in Congress can help to solve by reasonable and appropriate legislation.

As an example of the growth potential of this industry, there were 16,870 acres of land under intensive warm water fish cultivation in 1963. In 7 years, that has increased to nearly 70,000 acres. This is a promising report for an infant industry, but I feel its growth can add materially to the economy of rural areas. I also feel that Congress can and should provide this impetus to fish farming to speed an increase in income to people in many depressed areas.

I would also like to point out, Mr. Speaker, that fish farming is not restricted to any one particular type or species of fish. Among the types of fish which are now being raised under such controlled conditions are buffalo fish, wide-mouth bass, crappie, bluegill, sunfish, salmon, goldfish minnows, and various kinds of trout and catfish. Of course, the state of the art is well developed in regard to certain types of fish and still in the developmental stages in others, but the culture of fish under controlled conditions is proving commercially feasible in the majority of States.

The bill I am proposing has two essential features. First, it would place in the Department of Agriculture all responsibility for the scientific and marketing research, technical assistance, and equipment development for fish-farming. Fish-farming is an agricultural enterprise as much as the production of livestock or crops. While the Bureau of Sport Fisheries and Wildlife, of the Department of the Interior, and the National Marine Fisheries Service, of the Department of Commerce, have both done commendable and outstanding jobs in the research and development of this industry, the consolidation and unification of appropriate programs and facilities would eliminate much existing confusion in the minds of fish-farmers as well as duplication of effort in ongoing programs.

Second, my proposal would authorize the Federal Government to make various forms of financial assistance available to persons to enable them to engage in this enterprise. It seems appropriate that we make direct loans and mortgage and rent guarantees available to U.S. citizens who are otherwise qualified but simply cannot get the money at reasonable rates. I am recommending that the Government participate to the extent of 90 percent of the cost of a proposed venture, but limit the direct loans to 50 percent of the proposed governmental assistance, with the remainder being in the form of guarantees.

THE SHADOW OF FEAR—DOMESTIC INTELLIGENCE

The SPEAKER. Under a previous order of the House, the gentleman from Texas

XUM

(Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, throughout the year we have heard reports of Army domestic intelligence activities. We have heard that the Army compiled a national computerized data bank containing the names of various individuals thought to be potentially dangerous. Then we heard that the computerized lists had been destroyed, but that the files on which the data banks were built had not. Then we heard the names of some of the people who have been the subjects of this domestic spy activity—including elected public officials from State legislators to Members of the U.S. Congress. Throughout all of this we have felt the long shadow of fear—the fear that created this domestic military spy apparatus and the fear of its consequences.

There has been much blaming of the Army for all of this, but we must recognize that the responsibility lies not with the Army, but with all of us. Those of us who have supported legislation designed to limit legitimate constitutional rights, who voted for the so-called Riot Act and all the rest, helped create the climate of fear that resulted in the Army's decision to create its domestic spy network, a network that eventually cast its eyes of doubt on men whom we know to be loyal and patriotic.

That climate of fear had the majority of Congress saying that we should imprison people who crossed State lines with the intent of creating a civil disturbance. Enforcement of such a law requires knowing what is in a traveler's mind. Enforcement of such a law would require the erection of a police state.

The climate of fear had us believing that riots were to be a way of life in the United States, and so the Army was instructed to be prepared to cope with civil disorders.

What was the Army to do, but follow the lead of Congress? It is little wonder that some charged with protecting against civil disorder read their mandate broadly, broadly enough to have them set up a network designed to find out what was in the minds of people whom the Army felt might cause trouble—people whom the majority of Congress said should be in jail—oddballs, loud dissenters, unconventional people.

I personally deplore that the Army has engaged in domestic spying. But I cannot say that it surprises me that the Congress reflected the same fears that it did. Those who sought to limit liberty should not be surprised to find what the apparatus to carry their desires out looks like. If it looks like the apparatus of a military police state, they should not be surprised, for they enacted laws that demanded the creation of exactly that kind of apparatus.

So I do not wholly blame the Army.

Perhaps it is true that the Secretary of the Army did not know, and does not know even now, the extent of domestic intelligence operations by his military subordinates. His intelligence agents do not report through regular channels, and he has things to do other than worry about what a few relatively small detachments might be doing.

Perhaps we should not be surprised if even high military authorities do not know what has gone on.

I have some acquaintance with this domestic military intelligence system, and I take this opportunity to acquaint some of you with it.

It all began, as I noted, with a climate of fear. There was widespread opinion that violent dissent was going to become a way of life in our cities. The phrase we heard then was "long hot summer" and we heard that every summer the cities would be engulfed in flames and pillaging.

Many believed that police forces could not hope to contain violence, most of which was racial in nature.

So Congress created special summer youth programs, and at the same time the Army got the word to be prepared to deal with riots. Some Army units got special training, and as things happen to be in the Army, planners began to consider how to deal with riots in cities where they might be expected to develop.

But then the Army discovered that in order to plan for riot control, they would need to know where the riot might be, so that they could develop plans for the quick and effective deployment of troops.

As the sixties move on, the character of the problem began to change, and political dissent rather than racial disorder was the problem.

The Army found itself facing the march on the Pentagon, and there were widespread fears that the great march might end in violence. Again came the troops, and the planned deployment. But along with the troops came intelligence agents, whose job was to follow events and report any signs of violence.

By 1968, when the riots broke out here in Washington, the Army was able to move out a trained, previously designated body of troops, and deploy them throughout the city in a preplanned manner. The troops were on the scene in a matter of hours, moving in patrols according to plan. There was little confusion—the only faux pas I can remember was the error of judgment a machinegun unit made in establishing its post on the Senate steps. Within hours of its arrival, the Army had the situation well in hand, and the riot ended with a minimal loss of life.

A good military commander takes into consideration every contingency. He does not want to be surprised. Forewarned is forearmed, and so it was only good military policy to see that military commanders had notice of any possible trouble before it happened, if possible, or if that were not possible, before the trouble could spread.

So was born the domestic spy network.

As my colleagues can see, it just grew like Topsy.

By the time of the Democratic Convention of 1968 most people had forgotten pretty much about race riots, and were thinking about political riots. The Republicans had holed up in a Miami fortress, but the Democrats chose an accessible place. So, with everyone expecting violence, we should not be surprised now to learn that the Army, trying to anticipate events, puts its agents into places where trouble might conceivably be hatched—by planning or by accident.

The Army thought it was doing its job but in so doing it created a network with the potential for complete disaster, as far as our liberties are concerned. For it is not the job of the Army to seek out the identities of troublemakers or political malcontents. That is the job of the Federal Bureau of Investigation. The Army is not supposed to carry out any function involving political processes. No agency of government in a free society can lightly take on the role of secret police. But the climate of fear thrust the Army into the role of a secret military police, spying on a free people—all in the name of protecting against riots.

No one really wanted it this way, but because so many feared the consequences of liberty, they were more than willing to run the risk of creating a police state. Those who fear liberty and who are willing to forego political liberty are the people who truly rate the name of subversive.

I have said that the Army intelligence network just grew like Topsy. The consequences have been interesting.

As recently as a few months ago, the Army had four field offices engaged in domestic intelligence collection and evaluation.

Generally, these offices are independent. They are not shown on any organization charts, any they do not have to answer to local military authorities. Most military officials do not know what these offices are or what they do; even a local two-star general may not know who those mysterious civilian looking types may be.

Those field offices maintain surveillance of situations that may turn into disorder, and they maintain current information on all types of people who may be troublemakers. Moreover, they utilize informers to gain access to the leadership of groups considered to be subversive, so as to gain information on plans of such groups.

Now I have said that the FBI has similar responsibilities. Apparently the Army does not coordinate its spying with that of the FBI. One former military intelligence officer told me of a meeting involving five individuals who were planning some kind of demonstration on the west coast. Two of the five were informers—one for the FBI, and one for the Army.

Sometimes Army intelligence is careless, and "blows its cover" as the saying goes. Thus, in one demonstration, Army agents disguised as reporters were taking pictures, when some of the demonstrators recognized the bogus newsman's Army glasses. That blew the cover, and the agent had to retreat. After that the field office got its agents some civilian glasses.

In another case, local police raided a subversive looking outfit, only to find they had bagged a half dozen agents, all working for the U.S. Army.

Aside from the perils of this operation to liberty, it has its moral problems.

The Army gets informers through the means that you would expect, usually blackmail. A GI in trouble with the law finds that if he cooperates, he will never get a court-martial. So informers are born, and they are used as long as possible, then discarded. The Army is also beginning to use as agents men who have long been overseas, and who are not exactly gentle operators when it comes down to decency and fair play. There is some indication that the Army is seeking to recruit as domestic agents college freshmen, who can be used for a much longer period than can ordinary informers, and who can be expected to develop a far higher degree of professional competence in their work.

And so it goes.

The point is that the Army is not alone to blame for all of this. Those who created the climate of fear must also shoulder the load. Those who seek to read the political minds of legitimate dissenters must expect the mind readers to read any mind they please.

The police power is much to be feared. Political police power is much more fearsome, and nowhere so much as in a society that would be free.

I applaud those who would defend freedom. But I say that we must begin defending freedom by our own actions, by our own responsibilities, by our own respect for the integrity of free men. Those who have fantasies of conspiracies, and who enacted their fears into statutes, should not be surprised that the powers selected to enforce those laws also have fantasies and faults of judgment.

It is time for all of us to dispel the fear.

Mr. Speaker, I place in the Record at this point an article by Tom McGowan of the San Antonio Light:

Gonzalez Charges: "Civilians Spied On"

(By Tom McGowan)

Military intelligence agents are spying on on the U.S. civilian population, Rep. Henry B. Gonzalez charged Wednesday.

The Army, the San Antonio congressman said, has set up a "supersnooper" network which would have been the envy of the colonels' junta which took over Greece.

"In the mid 1960s, violent dissent seemed to be threatening many cities. The long, hot summer riots of 1966, and student unrest made it seem that many cities would be engulfed in violence no police agency could handle," the congressman said.

RIOT CONTROL

Under these circumstances, the Army was asked to provide a force of troops trained in riot control to deal with civil disturbances.

By 1968, the Army had fully prepared troops and contingency plans for dealing with civil disturbances in major cities.

"But beyond planning troop movements and how to employ troops in riot situations, the Army began to beocme interested in anticipating events.

"PLANNED" VIOLENCE

"They wanted to uncover incipient riots from the beginning and even to learn of planned violence or protests that could lead to violence.

"So, military intelligence began to set up a network of agents to operate within the United States and to be independent of local police agencies, the FBI or the normal Army chain of command," the congressman said.

"For example" he said, "Army intelligence had agents present in the planning and actual march on the Pentagon in the summer of 1968."

Military intelligence, Gonzalez said, "has no mandate, and probably no legal authority to set up a clandestine intelligence network in the U.S."

EXTRALEGAL

This intelligence network is extra-legal and is in no way coordinated with an already extensive system run by the FBI, which has legal authority to perform this type of work, Gonzalez said.

The congressman said the Army has four or more field intelligence offices in the United States and added that "most of these offices use clandestine agents to infiltrate civilian organizations and report on their activities and plans."

He said that since Army Intelligence does not coordinate with the FBI, it can lead to ludicrous circumstances.

"In one meeting, numbering a total of five persons planning a demonstration, two were government agents—one from the FBI and the other from Army intelligence."

INFILTRATION AIM

At present, Gonzalez declared, the Army activity seems aimed at infiltration of organizations which have a "potential" to cause civil disturbances.

Defining what is "potentially dangerous" is tricky, the congressman pointed out.

"It is clear that the intelligence net may very well maintain information on perfectly legitimate groups.

"For one thing, there aren't enough real revolutionaries around to keep the agents busy. For another, the Army has a growing number of well-trained agents coming back from Vietnam, and they must be given jobs.

"Employing such agents, trained for clandestine jobs overseas, in the United States seems neither safe nor legal.

"They may, in fact, be a real menace," he warned.

Gonzalez said that, generally speaking, this intelligence function is not well known even within the Army.

"The intelligence field officers do not report to the local generals, but have their own chain of command.

DRESS AS CIVILIANS

"Intelligence agents appear on no organization charts and they generally dress as civilians."

Gonzalez warned that the Army "today plans to create a professional intelligence force within the United States.

"This group would not consist of informers but would be recruited from among students who would serve as career men.

"And all of this came from the Army's need to plan for containing civil disturbances.

"The Greek colonels would like to have what our Army already has developed."

H. R. 19446 THREATENS OUR NEIGHBORHOOD SCHOOLS

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. Randall) is recognized for 15 minutes.

Mr. RANDALL. Mr. Speaker, I deplore the manner in which this body has operated the last few days. But maybe after all there is an element of good that comes from this kind of mismanagement. It has been the fact that we were able to sidetrack the so-called Emergency School Aid Act of 1970.

Yesterday, Friday, December 18, there was quorum call after quorum call in a House type filibuster against the consideration of this measure which was commenced on Thursday. Although I did not call the quorum or demand that the Journal be read, I must say frankly that I was in sympathy with the effort to get this kind of matter off the legislative calendar. Now it seems this ill-advised bill be given another chance on the floor in the few days we have left before Christmas.

I had planned on my own sine die adjournment tonight because I honestly believe the greatest service I could perform to my constituents would be to contribute to a situation where there would be no quorum because if there has ever been a lameduck session ill-fated from the very beginning it has been this one. Those who argue there was work to do should recognize work cannot be done in haste and in the manner we have proceeded. It would be difficult to estimate how much we have cost our own constituents by this first lameduck session in 25 years

But, Mr. Speaker, contrary to our preferences some of us have little alternative but to set aside the plans we had made and return next week if for no other reason than to vote against such a monstrosity as HR 19446. I have not engaged in any extensive research as to the history of this great offering that comes to us from the House Committee on Education and Labor.

I observe it was not introduced until September 24. However, I do know that quite patently, obviously and most apparently it is an effort by two or three Members to try to make some kind of a name for themselves by passing what could very well be one of the most expensive pieces of legislation of this lameduck session.

For several reasons, I happen to be one of those who hopes that this matter is put back on the calendar and that we will be given an opportunity to vote "no." I say this because the best way to be on record on a thing of this kind is to have the roll called, when every Member can be counted. It is easy to say what we might or could have done if we had a chance. The best way to put this kind of a bill out of the way for good is to bring it up for a vote and soundly defeat it and put it to rest forever.

The authors of this bill have dreamed up a very catchy title when they call it the emergency school aid bill of 1970 making it seem as if this must be enacted in response to some extreme emergency situation. The impression is left if something is not done soon our schools are going to be in bad shape all because school districts must have financial assistance to carry on desegregation. Perhaps the authors give themselves away, however, in the statement of purpose when they announce that the main objective is to improve education in racially impacted areas. Well, of course, such improvement is no emergency. Everything which could be funded under this bill can be funded under existing Federal legislation. The bill is a complete misnomer and instead of any emergency, what they are trying to do is start a new program

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of very doubtful value which they hope to make a permanent program.

I suppose the worst of the bill is revealed in section 6. There the cat is really let out of the bag, by the wording on page 26 of the bill, which states the provision of transportation purposes for students is to overcome racial imbalance. But then the authors of the bill hasten to add in the same section that this does not mean the bill sets up a requirement that students be transported to overcome racial imbalance. Of course, the bill does not have to make such a provision a requirement. Our misguided Health, Education, and Welfare bureaucrats have set guidelines and even some State agencies have set up legal requirements concerning racial imbalance. All that is needed from this bill then is to provide the funding for the destruction of our neighborhood schools.

If this bill should be enacted the very authorization of the funding will become a source of major inducement for both the bureaucrats at HEW and all the courts to order mass busing programs. The programs would proliferate so the extravagant funding of this legislation would not prove adequate.

The real issue here is whether we are going to abandon the policy of neighborhood schools. Every poll I have seen shows people oppose such an abandonment. Even the parents of the blacks prefer neighborhood schools, because those who argue that there must be a racial and ethnic balance if youngsters are to have a quality education know they are so very, very wrong.

I have not always agreed with our President but at his news conference last week he stood up and spoke out that he was committed to preservation of neighborhood school concept. All Americans applauded him for that statement. The busing provision of this bill is inconsistent with the President's well-reasoned and logically sound policy for the preservation of neighborhood schools.

This bill is misnamed, unneeded, extravagant, potentially dangerous, divisive of our people, and a waste of the taxpayer's money. It should never have been scheduled and should promptly be defeated.

THE LAW IS AN OUTLAW

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I would like to bring to the attention of our colleagues an article authored by Jack Newfield which appeared in the Village Voice of December 17. It is entitled "The Law Is an Outlaw." It describes what happened in two New York City jails shortly after these institutions' inmates had rioted on October 5.

These prison riots—which I brought to the attention of this House at that time—were the result of what New York City Corrections Commissioner George McGrath admitted as being conditions that constituted violations of prisoners' rights. He, himself, told me at a meeting at city hall that the complaints of the prisoners were justified. The following is the published list of the prisoners' grievances, as they appeared in the press:

First. There is a denial of due process, speedy justice, and adequate legal representation.

Second. The Legal Aid Society does not provide its clients with a vigorous defense.

Third. There is brutal treatment of prisoners, primarily blacks and Puerto Ricans.

Fourth. Wives, sisters, mothers who visit are indecently proposed to by officers at the prison.

Fifth. Food is unpalatable, poorly prepared, and "not fit for human consumption."

Sixth. There should be more law books available to prisoners preparing their own legal documents.

Seventh. The prison is infested with "body lice, roaches, rats and mice."

Eighth. Clothing should be supplied to prisoners detained for long periods of time.

Ninth. There is an inadequate medical staff.

Tenth. There should be no reprisal against "any of the inmates involved in this protest."

As always happens in these matters, every public official responsible for the prisons pledged that conditions would be improved; and most important, Mayor John Lindsay and his corrections commissioner pledged that there would be no retaliation against the prisoners for their participation in the prison rebellion. One must assume that this amnesty was the result of an acknowledgement that the grievances of the prisoners were just.

While criminal charges were not immediately brought against the inmates by the corrections department, prisoners were brutally beaten. What occurred in these prisons is now the subject of a lawsuit in the U.S. District Court of the East District of New York. When I read the Newfield article, I was deeply angered because it described in such compelling graphic terms man's inhumanity to man. Last year I read a book, "Barbarism in Greece," which described in affidavit form what took place in the prisons of the Greek junta. The beatings described in the Voice article are comparable.

In relating what happened, Jack Newfield wrote:

> The Correction officers began to systematically club the prisoners in the courtyard of the 86-year-old brick jail with ax handles, baseball bats, and riot sticks. They beat them so savagely that a photographer from the Daily News vomited at the sight of the flowing blood and cracked bones.

Three weeks after this attack on the prisoners, the prison officers were exonerated, despite the stories of independent witnesses and photographic evidence, and eight prisoners—seven blacks and one Puerto Rican—were indicted. Furthermore, all journalists were locked out of the city's prisons by Commissioner McGrath.

The barbaric beatings that took place in New York in October surely are duplicated in other cities in this country. I believe it is a matter of prime importance that we hold hearings on H.R. 16794, the bill I introduced by our colleague ABNER MIKVA of which I am proud to be a cosponsor. This bill would establish minimum standards for correctional institutions and provide Federal funds to assist State and local prisons in meeting these standards.

I urge our colleagues to read Jack Newfield's article which follows and to become cosponsors of H.R. 16794:

THE LAW IS AN OUTLAW

(By Jack Newfield)

It was about 7.45 a.m. on Monday, October 5. Mayor Lindsay and his press secretary Tom Morgan were inside meeting with the inmates of the Long Island City Men's House of Detention after they had ended their revolt peacefully. Released hostages were telling reporters on the sidewalk outside that the inmates had protected them, had saved their lives, and that the basic demands of the rebels—lower bail, speedier trials, less overcrowding—were just.

It was 7.45 a.m. when correction officers—mostly white—began to beat prisoners—mostly black—who had been promised no reprisals by the warden. The correction officers began to systematically club the prisoners in the courtyard of the 86-year-old brick jail with ax handles, baseball bats, and riot sticks. They beat them so savagely that a photographer from the Daily News vomited at the sight of the flowing blood and cracking bones.

Michael McCardell is a reporter for the Daily News. He witnessed the beatings from the ninth floor window of a factory-warehouse that looked down on the courtyard. This is how he described what he saw the next morning in the Daily News.

"It was a gruesome scene.

"About 250 prisoners were sitting on the grass. Behind them, 30 Correction Department guards were lined up, all of them holding weapons—ax handles, baseball bats, and night sticks.

"One inmate was dragged out a doorway onto a loading platform and five guards attacked him with their clubs. They battered his head and blood flowed over his face and body. He was kicked off the platform and several other guards pounded him again with their clubs.

'His limp form then was lifted off the ground and thrown into a bus as another prisoner was hauled out and belted across the back with a club. Then more clubs rained down on him until he was motionless and blood-soaked. He too was thrown into the bus.

"Another man was pushed out, his hands above his head. A bat caught him in the stomach and he doubled over. More clubs came down on his spine. Eight guards were slugging away at one time.

"A fourth prisoner emerged but the guards seemed to let go of him. He began running but the guards caught him and one put a knee into his groin. He toppled over and more guards kicked him over and over.

"Six more prisoners got the same treatment. . . .

"A police official who would not give his name was asked about the beatings. 'We don't know,' he replied. 'That's Correction Department domain. We're only here if they need us.'

"It was 7:45 a.m. then and Lindsay had been in the prison since 6:20. From behind police barricades one could see the prisoner-occupied east wing of the sixth floor.

"Victor Martinez, a leader of the insurrection, leaned out and shouted through a megaphone: 'Prisoners are being beaten. They are being killed. The mayor is lying.'

"Lindsay left at 8:20 a.m. Asked about the beatings, he said, 'I have been told there were injuries on both sides.' "

When Tom Morgan left the jail that morning after 72 sleepless hours, reporters told him about the beatings. He just couldn't believe it. Later he saw the dark, grainy films on television and was sickened by them. Another Lindsay aide, Barry Gottehrer, who had helped negotiate the settlement with the inmates, was so heartbroken by the brutality that he had to leave town on a vacation to get his emotions back intact. After Mayor Lindsay learned about the beatings, he directed Corrections Commissioner George McGrath to submit a "full and speedy" report on the incident. He also asked Corporation Counsel J. Lee Rankin to look into the matter.

Three weeks after the beatings, Queens District Attorney Thomas Mackell anticipated the inverted justice at Kent State by announcing the indictment of eight inmates, seven of them black, two of them Panthers. He exonerated all the guards, despite the substantial film and photographic evidence. The inmates were indicted on such charges as kidnapping, attempted larceny, and conspiracy.

That was two months ago. Time passes and people forget. All journalists have been barred from monitoring the city's jails by Commissioner McGrath. New outrages in Vietnam and Spain compete for our attention. The appropriate speeches and editorials urging six-point or 10-point court and penal reforms were churned out, duly noted, and filed away. Once again there was no communication between the outside world and the municipal Cancer Wards. The inmates continued to suffer worse food, worse health care, and less space than the animals caged in the Central Park zoo. But until the next riot it would not be news anymore.

This week I telephoned the office of Commissioner McGrath to see if he had yet submitted his "full and speedy" report to the Mayor.

"What report?" asked the Commissioner's press secretary, Al Castro.

"The one about correction officers beating up inmates with ax handles two months ago," I answered.

"What are you, some wise guy? No one got hit with any ax handles. I don't know when that report will be finished."

I repeated this conversation to William vanden Heuvel, the recently appointed chairman of the New York City Board of Correction, and asked him to ascertain the status of McGrath's report.

The next day Vanden Heuval told me he had been informed by McGrath that the "full and speedy" report was not yet even half finished, and might not be completed until February.

Kew Gardens is another jail in Queens. There too, last October, prisoners rioted, surrendered on the promise of no reprisals, and were beaten. Only these beatings were administered in secret behind the stone walls, days after the trouble was over. The brutality was so total, so systematic it can fairly be described as torture.

But four young lawyers for the Legal Aid Society—William Hellerstein, Barbara Shapiro, William Nelson, and Joel Berger—have now collected sworn affidavits from the victims. These statements read like they were smuggled out of Brazil, or Greece, or Stalin's labor camps. But they came from New York City and have now been submitted to the Eastern District Court in a class action law suit in behalf of the 800 inmates against Mayor Lindsay, Commissioner McGrath, Kew Gardens Warden John Kennedy, and Deputy Warden Albert Ossicow.

The suit was argued last week before Justice Orin Judd. The lawyer who represented the Correction Department (Irwin Herzog) is the same lawyer who is investigating the Correction Department's conduct at the Long Island City Jail for the Corporation Counsel, J. Lee Rankin.

Somehow neither the affidavits nor the case have been noticed by the daily press. I will quote at some length from several of these simple, dignified accounts, all from citizens who assert they did not participate in the revolt and did not resist when it was over. Several of these inmates were indicted by Queens District Attorney Mackell on sodomy, bribery, and other felony charges right after they began to talk to Legal Aid Society lawyers about their plight.

From Jonathan Williams:

"The officers were shooting more gas onto the floor at this time (October 3). Inmates were hollering, 'We give up.' I heard people screaming things like this: 'Don't hit me no more,' 'We give up,' 'Oh my God, my head.'

"Then the C.O.'s (correction officers) came onto Upper D where I was lying in a corner . . . As I went downstairs, as ordered, the officers were hitting me and all the other prisoners with nightsticks and ax handles. As I came off the steps an officer drew his club back to hit me on the head. I put my arm up to protect my head and the blow hit my right arm, breaking it . . .

"I saw people bleeding profusely from the head. I saw one man with a bloody towel around his head trying to get up to get a fresh towel. . . . The C.O's then ordered us to chant, 'Power to the C.O.'s. If you didn't say it, you would get beaten. One Spanish boy from the Upper D gallery who couldn't understand a word of English got beaten because he did not say, 'Power to the C.O.'s.'

"Around 8 or 9 a.m. Sunday morning, (October 4), we were put into cells, three or four to a cell. . . . Happy Gray, who was put on Upper C side, where a man died of head wounds. (Correction officers claimed the inmate died of an 'overdose of darvon.')

"After a cast was put on my arm I was in the custody of a C.O. named P. Baily, handcuffed to him. This was early Tuesday morning, October 6, and I had had nothing to eat since the sandwich early Sunday morning. . . .

"We were taken from the bullpen on the third floor 'bing' (solitary) on Tuesday afternoon. . . . I was in the cell for about an hour when the beatings began again. I heard about a dozen beatings. One man was hit with a stick across the knees and fell down opposite my cell. The C.O.s beat him until his head opened up.

"This continued through Tuesday night. On Thursday or Friday (October 8 or 9) I saw many inmates, naked, being beaten in the dayroom. . . . I have been kept in the bing all this time. I am locked in my cell 24 hours a day. I have gotten no mail from my wife, and I am unable to write to my two children. I know that my wife has written to me. . . . In over three weeks I have been allowed only one shower. All my clothes and other possessions were taken from me, including my mail and my pictures of my family.

"About 18 days after I was put in the bing, deputy warden Schaeffer came around and gave everyone an envelope and one sheet of paper. He said we could write to our families and tell them everything was all right with us. I wrote my wife telling her my arm was broken and asking her to send a lawyer to see me. No lawyer has come, and I am sure the letter was not mailed."

Donald Leroland's affidavit:

"Late Saturday night or early Sunday morning warden Kennedy spoke over the public address system, telling everyone to lock in their cells and turn their lights on as a signal of surrender. He said that if this were done there would be no reprisals. I locked in and turned my light on. . . .

"During the next few days many men were brought down from the floors above, beaten with sticks and clubs. . . .

"Friday, October 9, 20 or 30 C.O.'s came onto my gallery and ordered everyone to strip naked. We were then marched, hands over heads, into the dayroom. . . . In the dayroom I was lined up with about 40–45 other inmates in three rows, facing a wall. Deputy warden Ossicow ordered us to turn around and face him, saying, 'I want to see if any of my friends are here.'

"Officer McCoy then said, 'Everybody line up, ——— to ———. Everyone who gets a ——— can walk' (meaning anyone who got an erection would not be beaten).

"McCoy then started beating everyone in the back row with a club on their buttocks and legs. . . . The physical beating was not as painful as the humiliation."

Ralph Valvano's affidavit:

"From what I heard there was no resistance by the prisoners on the fourth floor, that no resistance was possible. The guards came in and brutally beat the prisoners. I heard the screaming and the next day the injured were taken to the third floor. In all about 40 prisoners were beaten. . . . A man named Rabbi is still in Kings County Hospital with a broken leg. Someone named Shorty, a black man, was killed. Although the guards said he died of an overdose, he was seen in a sheet with his head wide open, and the sheet with large red stains, by at least two men: Raymond Minori and Happy Gray. . . .

"From Sunday, October 4, to Friday, October 9, the entire prison population was subjected to beatings. I heard many screams and saw with my own eyes three men, naked, being beaten with sticks down the stairs, in three separate incidents. . . . The official in charge of these beatings was Captain Hall.

"On Monday, October 5, I was put in the bing, or segregation. No reason was given. I was locked in 24 hours a day, with no mattress, no visiting rights, and I can neither send nor receive mail. For the first 10 days I was without blankets. My cell is 3 LC 9.

"On October 18 one of the prisoners, Richard Tucker, swallowed glass in order to get out of the prison. He was badly beaten, taken to Kings County Hospital, and beaten again when he returned.

"I have been threatened with an indictment for leading the riot by Captain Hall. Deputy Warden Ossicow told me, 'Valvano, I'm going to get you without even laying a hand on you.' "

Richard Flowers' affidavit:

"I don't know what happened to Sonny Shearan. Another correction officer came by shortly after his beating and said to me, 'It's a damn shame the warden ordered these beatings.' This particular correction officer did not take part in the beating and he was put on 12-hour turnkey duty as punishment. . . .

"The evening of October 5, Monday, we were herded into the dayroom, naked. A correction officer ordered us to stand closer: 'I want your ——— in the man's ——— in front of you,' he said. 'Anyone whose ——— gets hard, you walk without a beating.' I can identify the correction officer who made this order, but I do not know his name. Captain Hall was present."

"There are a dozen more statements like this, describing wounds not treated, warnings not to talk to Legal Aid Society lawyers, the confiscation of inmates' letters; pictures, and lawbooks, reprisals against guards horrified by the cruelty, days in the bing without toilet paper or blankets or solid food, and sadistic beatings committed in front of Deputy Warden Ossicow.

On November 12, Ralph Valvano dictated a supplemental statement to a Legal Aid lawyer. It concluded:

"I am frightened of losing my life. I find the constant intimidation and abuse almost unbearable. I wish to state here that I have no intention of harming myself—if I come to harm it will be because the guards have harmed me."

A few facts to meditate on. Almost all the inmates of the Kew Gardens jail, of the Tombs, and of the Long Island City jail have not been convicted of a crime. According to the Constitution, they are innocent until proven guilty, by a jury. These institutions are detention facilities, not punishment prisons. The men are detained there usually because they could not raise the $500 or

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$1,000 bail on the single phone call they are allowed. Most of them have been in these dungeons, for six and 12 months waiting for their trial to begin, 25 per cent on bail of $500 or less. Under any name, this is preventive detention. They rot in these Cancer Wards because they are poor, and because some criminal court judges are political hacks who work only five hours a day. Most of these judges are opposed to the penal reform supported by Chief Justice Burger and Mayor Lindsay, and already adopted by the state of California, the reform that places a 60-day legal limit on the time between arrest and trial.

Even before the first prison riots last August, the conditions in these detention facilities were sub-human. The Tombs last summer was 900 prisoners above its 930 capacity. The Kew Gardens detention center, with a capacity of 520, held more than 1,000 inmates. During the riots, the bodies of giant dead rats were hurled through the broken shards of glass in the Tombs down onto the sidewalk. The city's entire corrections system has only two exterminators on its payroll. And there are 11 part-time psychiatrists for the approximately 10,000 prisoners.

Today, after all the promises and publicity, nothing has changed. Vague speeches about future court, bail, and penal reforms do not affect daily life in the dungeons. The bing cells, as infamous as the tiger cages of South Vietnam, are still used in all the city's detention facilities without comment by the press. Three inmates have committed suicide just within the last few weeks. Commissioner McGrath has rejected Father Laurence Gibney's (the chaplain at the Tombs) modest requests that the inmates be permitted more than one phone call to raise bail, that they be given more than one uniform for their entire stay in jail, that there be more law books in the prison library so they might help prepare their own defense, and that reporters be given permission to visit and monitor the jails. (In 1968, the Vera Institute of Justice and the Mayor's Criminal Justice Coordinating Council conducted a study that showed that a prisoner with direct access to a telephone was twice as likely to make bail, and suggested that such access would ease the crisis of overcrowding.)

"We have no mouth and we must scream," the anonymous voice screamed last summer. But there is no one now behind the walls to hear the mouthless voices.

It is always difficult to isolate accountability in a case like this, where there is a closed cycle of error. Who is to blame? Is it the individual guards? The warden? Commissioner McGrath? D. A. Mackell? The nameless, impersonal thing called "the system"?

Why has Commissioner McGrath covered up these beatings? Why hasn't McGrath submitted his report to the Mayor? Why hasn't Lindsay fired McGrath, whose four-year tenure in office has been characterized by riots, brutality, and suicides? How did Corporation Counsel Rankin permit the same lawyer who is investigating the Correction Department behavior at the Long Island City jail represent the Correction Department in the court hearing on the Kew Gardens jail?

What can be done now? Can Governor Rockefeller convene a special grand jury to indict the guilty guards and wardens? Can the City Council hold its own public hearing and subpoena the perpetrators of violence? Why has Investigations Commissioner Ruskin been silent about the whole affair?

Perhaps the answer is that legal authority in New York has become as corrupt as in the film "Z." Once a long time ago in Mississippi, Bob Moses, the old SNCC organizer, asked me, after Goodman, Chaney, and Schwerner had been murdered by the local sheriff, "What do you do when the law is an outlaw?"

More and more that is a question that haunts me. It was the National Guard who killed the four students at Kent State. It was the Chicago police who murdered Fred Hampton. Here in two jails, it was the guards and the wardens who broke the law, and so far no one seems interested in remedying this parody of law and order.

The law is an outlaw. And all the mouthless voices are screaming behind the thick walls for justice.

THE PLIGHT OF THOSE ON WELFARE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on December 15, I shared with our colleagues my observations during a visit to the Broadway Central Hotel in New York City, which is being used by the city's social service department to shelter more than 75 welfare families. Howard Blum, a reporter for the Village Voice, accompanied me on that inspection. He has written a superb article reporting his observations. I urge our colleagues to read his article which follows. I will remember for a long time to come my meeting with some of the families placed in the hotel. Many of these people are dispirited and without hope. I did meet some who, notwithstanding the adverse conditions they are living under, have still maintained their self-respect and dignity. Howard Blum beautifully described the difference:

> Two families living on welfare in the Broadway Central Hotel. One is trying. The other is no longer able. It does not matter. Life is impossible. Impossible.

Howard Blum's article is not only totally accurate but brilliantly written and should bring home to those who have not been in such a situation what it means in terms of degradation and the life and death of a family.

The article follows:

LIFE AND DEATH IN THE BROADWAY CENTRAL

(By Howard Blum)

A family. Five people in a small room. The mother is sick with asthma. It is difficult for her to breathe. One son, Ernest, sits on a bed suffering from lead poisoning and recovering from pneumonia. He is eight years old. His lips are swollen and he sucks on a tv wire. He is shaking, his head rolling from side to side. No one pays any attention. His 10-year-old brother sits next to him. He is playing with a bottle of vitamins. The bed is not made. The sheets are urine-stained. The room is dark like a cave. The paint is peeling in onion skin layers. The pipes are exposed. There is no stove, only a hot plate. It is stained with old food. Empty pots lying next to it are also heavy with food cooked long ago. Next to the mother's bed, crowded on a small table, is the pantry: a bottle of 7-Up, vaseline, ketchup, cough syrup, and a loaf of Silvercup bread. A family. This is home. It costs the city $271.95 a week.

Down the hall, another family. The room is dark, but clean. Red blankets are pulled tightly over single beds. Three children sleep in one of these beds. The hot plate is clean. The mother cooks for 10 people on it. On one wall is a clock framed in gold plastic. The face of the clock has two pictures of Jesus. Below the clock, near the floor, is a large crevice. The mother complains that this is a rat hole. She is afraid for her children. They sleep with a light on to watch for the rat. The father adds that they also sleep in their clothes; they do not want to be trapped in a fire. The father does not work. "I have to stay home to protect my family," he explains.

Two families living on welfare in the Broadway Central Hotel. One is trying. The other is no longer able. It does not matter. Life there is impossible. Impossible.

Representative Edward I. Koch, accompanied by members of Community Planning Board No. 2 and members of the press, conducted an inspection last Saturday of the Broadway Central Hotel. The death of seven-year-old Gerald Wilmore earlier in the week prompted the visit. The child, according to reports from tenants, was playing in a stairwell outside his fifth-floor room at 2 a.m. Moments later he was dead. He had fallen through the banister, down the funnel-like stairwell, five floors. His mother's room was two floors below. She was not home when the death occurred.

The death occurred on the Monday before the Congressman's visit. According to a source at the Urban Task Force office, the city's Human Resources Administration knew about the death the next day. The HRA, according to this source, ordered an inspection tour of the hotel last Thursday because of the death. But members of the press who accompanied the inspectors were not informed of the death. Maryanne McNellis of the Daily News complained over the phone: "No one said a damn thing about a death to us. We passed a banister on the fifth floor that was broken. But no one told us that a child had fallen from there." Congressman Koch suggested, "There is no question that the city would sweep all this under the rug if it could."

The Congressman moves slowly from room to room. He is obviously embarrassed about bothering the residents. He politely asks permission to enter their rooms. He reminds me of a doctor asking questions, gently probing. "Have there been any fires?" he asks one tenant. "Eight in one night last week," she explains. Softly he suggests, "You mean eight in one week?" She responds, "No, eight in one night." The Congressman is quiet for a few seconds. He says, not knowing what to say (what can he say), "Oh my gosh. Something has got to be done. Something has got to be done."

A fire door on the second floor is clearly labeled, "This door may save your life in case of fire." It is nailed shut. The Congressman points this out to Leo Tencer, the hotel manager. The manager brushes it off: "Oh, it's all right. The Fire Department knows about it." Minutes later a tenant complains, "If there is a fire in that part of the hotel, someone is going to die because of that locked door."

We pass the room where the five brothers and sisters of the dead Gerald Wilmore sleep. The children do not know where their mother is. Inside the room, a child sits inches away from a TV set staring directly into it. The picture is floating up and down, up and down. The child continues staring into it.

A woman shows us a large glass jar. She uses the jar, she explains, for chasing rats. She tells how earlier in the week she chased a rat the size of a kitten from under the refrigerator. Another woman in the room does not seem to notice the new people who have entered. She is sitting by a table, leaning her head against her heavy arm. During the 15 minutes we are in the room, she does not look up once.

Someone points out a broken light. The manager of the hotel grabs me because I am near. "A broken light, big deal," he says. "The problem with this hotel," he continues, "is that these kids don't have mothers. These kids are not disciplined. They are animals. All the mothers have lovers. They are all on dope. Last night a woman was taken from 5A because she OD'd. Who's watching her children now? No one talks abcut this."

One mother, Mrs. Inez Brown, tells the Congressman that she found an apartment last Friday on Staten Island. Five and a half rooms for $200 a month. Mrs. Brown relates that a caseworker told her the family was not large enough to qualify for such a huge rent. She cannot take the apartment. She continues living in the Broadway Central. The city is being charged $1600 a month for the two rooms, on two separate floors, that she now occupies with her four children. Later Koch charged, referring to the Staten Island apartment, that there were no federal or state regulations setting rent limits. "If there are restrictions they are of the city's own making," he said.

According to some tenants, nearly 200 of the children in the hotel do not go to school. They stay home all day. They play in the halls. They ride the elevators. Now they are excited by the presence of outsiders. They follow the press photographer. Every time the flashgun goes off, they giggle. Fascinated. They all want their pictures taken. The photographer agrees to snap a few. He asks them to pose. They do not know how. One of the children suggests, "Take a picture of us fighting." They all begin to fight. The camera flashes.

Billy Cool runs the hotel recreation room. Cool is not paid. He does the work because he "digs it." The recreation room is surrounded by a row of chairs. In the middle a table is filled with old magazines. I pick one up. It is Young Miss. Its lead article advises, "Get Set for Summer." In a corner of the room is a broken ping-pong table. Cool shows me a letter from the Presbyterian Church promising $150. He explains how he is going to fix up the room. At one end of the room is a Christmas tree. The manager of the hotel points out that he donated the tree.

An older boy, certainly in his 20s, remarks, "A lot of these mothers are depressed. They don't have their man with them. The only thing they can do is get high. At least that way they can feel good for a little while."

Someone asked a boy of about 15 how he liked living in the hotel. He replied, "How can you ask me a question like that?"

"BANKS AND THE POOR" PROVES THE NEED FOR PUBLIC BROADCASTING

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, many educational channels around the Nation are still showing the excellent documentary, "The Banks and the Poor." This program, which originally appeared on television November 9, has done more than any other television production to explain the banking industry and its relationships to the public.

It is obvious that this show could not have been produced and shown without people in the Public Broadcasting Service and the National Education Television network who were willing to stand up to the pressures from the banking industry. In my mind the justification for support of public broadcasting centers around its willingness to face forthrighly controversial issues such as banking. Certainly "The Banks and The Poor" has justified the congressional support of the Corporation for Public Broadcasting.

The public comments made by bankers and officers of the American Bankers Association make it plain that the banking industry is highly displeased with PBS's exposition of its problems and shortcomings. In some areas, the banks placed direct pressure on stations in an effort to prevent the program from being shown to the public. Some of the comments that have been made since have displayed an irrational and bitter anger toward the producers of this excellent show. So it would not be surprising if some of these bankers—and their organizations—tried to lobby Congress against educational television and the Corporation for Public Broadcasting.

Mr. Speaker, I am convinced that any such efforts will be firmly rejected by the Congress. The "Banks and the Poor" illustrates the need for independent, noncommercial television, and this program should increase, not decrease, congressional support.

Mr. Speaker, the producer of this show, Morton Silverstein of New York, did a tremendous job in producing the documentary. It obviously took a great deal of creativity and hard work to illustrate on television the complex issues involved in banking. More important, the show obviously took a rare kind of courage. Mr. Silverstein is to be commended in the highest of terms and I only hope that his work on "The Banks and the Poor" will serve as an inspiration for other networks and producers who have shown a marked lack of both courage and imagination on economic issues.

Mr. Speaker, I place in the RECORD some recent reviews of "The Banks and the Poor":

[From the Detroit Free Press, Nov. 11, 1970]

"TOUGH, INFORMATIVE REPORT" ABOUT BANKS AND THE POOR

(By Bettelou Peterson)

"Banks and the Poor," on "Realities," (P BS, Monday) was the sort of tough, informative reporting that TV does too seldom. It was an hour that probably could have turned up only on public TV.

The commercial networks have never been noted for their probing in areas where sponsors might holler "foul." Bankers are good advertisers.

Producer-writer Morton Silverstein covered the entire catalog of money matters that concern the poor and dealt with banking's performance in three principal areas: housing, personal loans and consumer credit. The firms investigated ranged from a Goliath like the Chase Manhattan Bank to small local loan offices.

Banking performance, good and bad, in areas of social responsibility was documented. So was legislative response to new laws governing bank business. David Rockefeller, of the Chase, spoke, ably for the bankers. Rep. Wright Patman, chairman of the House Banking and Commerce Committee, covered some legislative problems.

The man foreclosing the mortgage or collecting the loan has been the classic villain for centuries. Yet, Silverstein was able to achieve a fair measure of balance in his report, though many of the questions raised were not answered.

Particularly knotty is the subject of legislative ethics. It was noted that nearly 100 congressmen have private interests in banks or in law firms with client banks. No accusations were made beyond noting that there was an appearance of conflict in disregard of a Congressional rule. The hour ended with an unreeling of the names of those legislators involved. (Two were from Michigan, Edward R. Hutchinson and Phillip E. Ruppe, both Republican.)

BEFORE "Banks and the Poor" went on the air, BPS was already under fire and ducking for cover. The Texas Bankers Association protested. One Texas station refused to carry the show. PBS advised stations that its legal counsel did not believe the list of names violated the FCC "personal attack" rule. (In any case, the list rolled by so fast it was virtually impossible to study it).

NET, the producer, showed the film to some of the bankers named several days ago and inserted some of their comments. Stations also were asked to send any complaints to NET where a study would be made to see if a follow-up program would be needed later.

Such extreme care would seem to show less courage than might be hoped from public TV. Sad to say, it comes under pressures quite similar to those of commercial TV. PBS is partly financed by Congress. Financial institutions have been large contributors to funding for non-commercial TV.

The reactions of Congress and banks, as well as the strength of public TV in upholding the program, may give the viewer an answer on the viability of public TV as a medium of public interest.

"Free play" followed on Channel 56, with another example of something public TV can and should do, something that commercial TV rarely touches. The hour was devoted to a play, "Smouldering," written by Detroit actress Berneice Avery, and performed by Outlet for Opportunity, a group formed to encourage and develop talent among the under-privileged.

Miss Avery's play was without the subtle nuances needed to better mirror real life, and the acting was rudimentary, with actors too obviously speaking lines, rather then feeling them.

Don Vest, as the husband caught between wife and mother, was the surest in his role. Vernett Smith, as the shrill wife, and Synovia Donder, as the vengeful mother, handled their single facet roles rather well. Dwight Garland and Larry Westcott were the son and his friend.

"Smouldering" was indeed an outlet for opportunity to say something via drama, to showcase local talent. Channel 56 should do more of the same.

[From the Pittsburgh Post-Gazette, Nov. 11, 1970]

CHANNEL 13 DUCKS CONTROVERSY

At five o'clock, just four hours before air time, the powers that be at WQED, Channel 13, decided the station would not pick up the Monday night NET Network program "Banks and the Poor." The decision was made by Lloyd Kaiser, president and general manager of the local NET outlet, after attending a preview at the current meeting of the National Association of Educational Broadcasters in Washington, D.C. The one-hour program, which drew favorable reviews in the New York Times and by the Associated Press, investigated the credit policies of commercial and savings and loan banks, pointing out how these policies ultimately affect the poor in the areas of housing, personal loans and consumer credit.

The program also cited the potential conflict of interest when a Congressman or Senator having bank holdings or directorships votes on banking legislation. It concluded with a list of 98 United States Senators and Congressmen in this category.

On this list were the names of four Western Pennsylvania Congressmen: William S. Moorhead (D-Allegheny Co.), Thomas E. Morgan (D-Fredericktown, Washington Co.), John P. Saylor (R-Cambria Co.) and J. Irving Whalley (R-Somerset Co.). Moorhead was specially noted as being a member of a com-

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mittee "most pertinent to banking legislation," the Banking and Currency Committee.

Senator Hugh Scott (R-Pa.) was among four membership in law firms representing banking clients.

"Bankers may have some legitimate reservations about the TV study of credit policies of the banking industry, but for the layman the program was a fine and laudable example of pinpointing crucial economic practices that require wide discussion. . . . Special kudos go to 'Banks and the Poor' for meeting head on the issue of conflict of interest in Congress . . ."

If the WQED management isn't ashamed of itself for running scared, I at least, am ashamed for it.

Just prior to the preemption of the program on Monday night John Roberts, speaking for WQED, made a brief announcement to the effect that the NET show would be carried at a later date, when a more balanced presentation would be possible.

Yesterday a station spokesman explained that the management felt that the program backed objectivity as presented on NET. He stated that a local "answering program" locally oriented and designed to bring out "other aspects" of the case is being prepared. It will be run immediately following the delayed telecast of Monday's report.

No date has been set for this back-to-back telecast.

While there can be no question that local station management has not only the right, but the obligation to decide what will and will not be broadcast by the station, it seems to me that in this instance, particularly in consideration of all the advance publicity, "Banks and the Poor" should have been carried as advertised. The "answering program" could then have been carefully prepared and aired with attendent publicity at a later date.

As Jack Gould, of the Times, noted in his review carried in yesterday's late editions of should stop having the jitters. Morton Silverstein's documentary . . . was a job well worth doing for non-readers of the Wall Street Journal.

[From the San Francisco Examiner, Nov. 9, 1970]

Trouble Brewing for TV Bank Show

New York.—A program to be aired tonight on about 180 TV stations raises two controversial issues affecting Congressmen and banking, and could lead to official protests.

One is whether Congressmen should be allowed to own bank stocks or serve as bank directors or consultants. The chairman of the ethics committee of the Association of the Bar of New York City Louis H. Loeb, contends Congressmen should divest themselves of all interest or affiliation with banks.

"BATTLE HYMN"

The other is whether the program, "Banks and the Poor," violates the Federal Communications Commission's rules against personal attack. The Texas Bankers Association has charged it does.

(The program will be seen at 9 tonight on KQED, Channel 9.)

The climax of the program, which generally charges that banks victimize the poor by discriminating in favor of the well-to-do in offering their services, shows a list of 124 senators and representatives with bank affiliations.

The list was furnished by Loeb's ethics committee. On the program, it is run to the tune of the "The Battle Hymn of the Republic."

The Public Broadcasting Service and National Educational Television network claim the program does not violate the personal attack rule, which requires TV stations contemplating a personal attack on anyone to give him seven days notice and an opportunity to reply.

ROCKEFELLER

Yesterday PBS notified the 180 stations scheduled to carry the program of the possibility of official protests.

Chairman David Rockefeller of Chase Manhattan Bank in New York and Treasury Secretary David Kennedy also are involved in the dispute.

Rockefeller is shown on the program engaged in a debate with Rep. Wright Patman (D-Tex.), chairman of the House Banking Committee. He asked to see that part of the program in advance and was turned down.

NET said Kennedy refused to discuss with its reporter Patman's assertion that he still gets a $5000 monthly pension from the Continental Illinois Bank, of which he formerly was chairman.

[From the Memphis Press-Scimitar, Nov. 10, 1970]

Shocking Revelations Are Made On NET's "Banks and the Poor"

(By Mary Ann Lee)

"The rich get richer and the poor get poorer," the song says. "Banks and the Poor," last night's "NET Realities" production on channel 10 was a revealing hour that showed some of the reasons "the poor get poorer."

The hour-long examining of credit policies was a public relations nightmare for the nation's banking institutions, exposing, among other uncomfortable matters, the role banks play in perpetuating slum conditions in ghetto areas. The documentary showed how savings and loan banks finance slum housing by lending to slumlords and speculators.

It also exposed how a well publicized plan to rebuild the Bedford-Stuyvesant area of New York—in which 80 banks promised to invest $100 million—has only amounted, so far, to an $8 million investment. The big hitch comes from the fact that the promised money is largely earmarked for single family dwellings, a commodity there is little call for in low income ghettos. Congressman Wright Patman of Texas, a long time critic of banking institutions, categorized the explanations of the Bedford-Stuyvesant stall by the Chase-Manhattan Bank's David Rockefeller as "hogwash."

One of the most shocking revelations of the program came as Bess Myerson Grant, New York's Consumer Affairs commissioner, explained the "Holder in Due Course" doctrine. Under this doctrine—which exists in 45 of the 50 states—a consumer who buys on credit from a retail company or home repairs contractor may find that his debt has been sold to a bank.

The buyer then owes the bank the money, not the original creditor, and the debt is legal even if merchandise is never delivered, home repairs are shoddy or the merchandise is faulty. The bank has no responsibility to make good on the retailer or contractor's bargain. The consumer is left in the lurch.

Although statistics show that 95 per cent of all borrowers, including poor ones, pay back their debts, banks are reluctant to loan money to poor people. The only recourse is to borrow from finance companies which, in some states, can charge a maximum annual interest rate of 36 per cent on small loans. Although banks don't like to lend money to the poor, the program charged that they liberally lend money to the high interest finance companies to which the poor must turn for loans.

Informative and, by its very nature, highly controversial, the program was an unusually brave piece of reporting. Producer Morton Silverstein stepped on some highly-placed toes in his effort to pore light into some dark corners of society.

The program, which focused on the conflict of interest faced by senators and congressmen who have banking connections, showed the names of all such elected officials. Sen. Howard Baker of Tennessee was listed among the senators who serve on the board of directors of a bank.

[From the Houston Chronicle, November 10, 1970]

PBS' "Realities" Snaps at Banking Giants

(By Ann Hodges)

Well, what do you know—fearless investigative reporting on TV isn't entirely dead after all. It came out from wherever it's been hiding Monday night on Ch. 8 and PBS with a snap at the heels of such mighty giants as the Chase Manhattan Bank, savings and loan associations and some legislative gentlemen on Capitol Hill.

With its Realities report on "Banks and the Poor," PBS has stirred up the hornet. Indeed, the buzzing began even before the show, some of it in the form of protest from the Texas Bankers Assn. PBS stations in Lubbock and Austin-San Antonio decided not to run it at all.

Happily, Houston stuck to the schedule. Ch. 8 did add a local disclaimer, pointing out that two of the six situations examined cannot happen in Texas, namely garnishment or attachment of wages and forced sale of a person's home to satisfy default on a loan payment. The station also announced that local bankers will have equal time to refute or answer any PBS charges they consider unfair.

The date of that program has not been set, but it is a wise move of Ch. 8 to provide the time. The documentary was a sharp and provocative indictment that banking institutions have failed to meet the needs of low-income America, in specific details—naming names, addresses and cases.

The editing was slick and pointed to support the show's charges, with music, careful placement of participants statements and even TV commercials extolling the contributions of big money institutions, counterbalanced by scenes of slum dwellers and consumers hounded by creditors.

One of the most effective sections was a combined playback of separate plain-talk interviews with chairman David Rockefeller of Chase Manhattan Bank and Rep. Wright Patman, D-Texas, chairman of the House Banking Committee.

"Chase Manhattan has millions for gambling casinos and only pennies for the poor," said Patman.

"I understand he (Patman) was turned down once by one of his Texas banks, and he hasn't felt very kindly towards banks since then," said Rockefeller.

Hidden cameras were used to illustrate loan practices: and another sequence showed how a Philadelphia bank was the object of a street demonstration after alleged insulting harrassment of delinquent debtors.

All of it was businesslike and hard-hitting, and while the producers were plainly on the side of the poor, the financiers did get a chance to be heard, too.

Among their spokesmen was Houston's Nat Rogers, president of First City National Bank and immediate past president of the American Bankers Assn. He noted that finance companies are legitimate business and banks serve them as such. "They fill a special niche in the financial community, though we have seen important advances in small loans in banking in the past 20 years."

At the end, there was roll call of 98 senators and congressmen who, as shareholders or directors of banking institutions, have disregarded a congressional rule prohibiting voting on legislation when there is a conflict of interest.

Finally there were suggestions for possible remedies. Judging from the disturbing TV hour, remedies are indeed in order.

[From the Memphis Commercial Appeal, Nov. 11, 1970]

TV TAKES A STERN LOOK AT BANKERS

(By Larry Williams)

Just as satire is not serving its purpose when it fails to needle and cause anger, a documentary is nothing when it fails to arouse.

Just how much the Realities documentary, "The Banks and the Poor," got under a lot of skin, no one at this point seems to know. Channel 10 here had received only one phone call yesterday in response to the show, this from a man who cheered and asked for others like it.

Some television stations didn't even run the documentary for fear it would make bankers mad. But, thank all that's holy, Channel 10 didn't take that route. It occasionally has in the past, unfortunately, and that should stop.

I sat amazed as Morton Silverstein's documentary rolled on the screen. It pinpointed economic practices that should be discussed openly and brought to the attention of as many people as possible. It did so without hedging or copping out.

"The Banks and the Poor" explored the job of the banking industry in aiding low-cost public housing and it did so mostly in the form of statements of Representative Wright Patman (D-Texas) and David Rockefeller, chairman of the Chase Manhattan Bank.

Rockefeller, of course, defended the bank industry and drew the ire of Patman, the chairman of the House Banking and Currency Committee. There was more than just talk. Silverstein effectively intermingled shots of a luxurious gambling resort in the Bahamas—for which Chase Manhattan arranged the financing—with terribly depressing ones of ghettos and the shocking conditions there.

What is more, he documented the role of the banks in lending money to finance companies which charge unbelievably high interest rates to poor people. The banks turn down these same people for loans, the documentary pointed out. It stressed that there is nothing illegal about this, but it left no doubt that the situation should be relieved.

Louis M. Loeb, chairman of the Ethics Committee of the New York City Bar Association, said certain members of Congress are either officers of banks or represent them as attorneys and that "it isn't relevant that the members of Congress may not have voted for their personal interests. Such a possibility should never even be allowed to exist in the public mind."

The program ran off the names of senators and representatives who have bank connections and have voted on legislation pertaining to them. The names were run off too fast; this is my big complaint about the show. Each name (and the list was lengthy) should have been in focus for at least five seconds before a new one appeared.

Perhaps the most effective portion of the show dealt with the practice of unscrupulous businessmen contracting to perform a service they never intend to carry out, selling the contract to a bank, skipping town, and then the bank insisting on payment for a service never rendered. It is termed the "holder in due course" doctrine.

It is legal in 45 states, but is it ethical? The show left little doubt that the banks could move to stop this on their own initiative before Congress does it for them. It was after this portion that the list of senators and representatives with bank connections was run off.

The powerful banking lobby was touched on, too.

I'm sure many bankers are unhappy with television after this fine bit of reporting. Since they use TV for many commercials about chummy, altruistic banks, perhaps their answer is forthcoming in this medium.

One thing is for sure: Everyone, not just bankers, is interested in money. It's a good subject for TV.

"The Banks and the Poor" is a documentary that deserves—indeed, demands—repeating. I hope Channel 10 will get around to it.

And I hope Channel 10 also will keep the lines open on controversial shows. I understand this documentary was shown to a group of Memphis bankers before it went on the air. It makes you wonder. If the bankers had raised enough sand, would Channel 10 have refused to carry the show?

As for the documentary reaching a lot of people, there is this encouraging note. The most recent audience survey for Channel 10 shows that it has improved its rating by 158 per cent over a year ago, the largest path in the nation.

[From the Buffalo Courier Express, Nov. 15, 1970]

FRONTIER FOCUS

A great fuss has been raised over the documentary, "Banks and the Poor," a production of the Public Broadcasting Service to be repeated on "Realities" at 7 tonight on Ch. 17.

It seems to the public TV stations fear protests from legislators named as bank directors, associated with law firms having bank clients, or as having financial holdings in banks. It would be difficult to find a lawyer-legislator outside these categories.

But even more foolish is the stations' fear of reprisals for saying in the program that it is more difficult for a poor man to get a bank loan than a rich one. So what else is new?

[From the Texas Observer, Nov. 27, 1970]

BANKS AND BROADCASTING

AUSTIN.—On Mon., Nov. 9, the National Educational Television network aired the fifth program in its Realities series. The program, titled "The Banks and the Poor," appeared on only two of the five N.E.T. outlets in Texas.

Stations KUHT in Houston and KERA in Dallas showed the hour documentary, which runs down the relation between banks and slumlords, between banks and loan sharks and between banks and consumer credit practices that are particularly burdensome to the poor.

The program was not seen on channels KLRN in Austin and San Antonio, KAMU in College Station, nor KTXT in Lubbock. All three stations had aired the previous segments of the Realities series.

About one-week before the program was scheduled to appear, the executive vice-president of the Texas Bankers Association, Sam O. Kimberlin, Jr., sent a letter to all five N.E.T. outlets in the state. The letter stated that the association believed the program to be inaccurate and biased against bankers. The letter did not, however, request that the program not be aired and in fact carefully avoided making any such suggestion. It did however suggest that the boards of the stations be called together to preview the show and decide for themselves whether or not it was fair.

In Dallas, station manager Larry Welles said KERA received several calls of inquiry about the show before it appeared from local bankers and one letter from a local bank. He said all the callers and the letter writer believed that the show was biased against bankers. None of them had seen the show. Welles, who works in a town which is widely considered to be an oligarchy run by bankers, said he felt there was no pressure on him not to air the show and that there were no implied threats in the calls he received. He said station personnel previewed the program carefully and stood ready to offer the bankers equal time to present their point of view if they wished it.

One irony in the Dallas situation: the same day that the T.B.A. sent out its letter on "Banks and the Poor," KERA sent a letter out to members of the Dallas banking community asking them to support the station. Welles said he believed the bankers in Dallas had behaved more than fairly about the program.

In Houston, Nat Rogers, an officer of the American Bankers Association and president of First City National Bank of Houston, who appears in the documentary to defend the bankers' role, made what seems to have been the most intelliegnt response to the program. Rogers and several other Houston bankers did ask KUHT if they could preview the program, but when they came to the station to do so, they brought several representatives of Houstons' poor with them. Staffers from O.E.O. and the Houston Legal Foundation came with the bankers and participated in the discussion after the preview.

Station manager Jim Bowers said there was never the slightest suggestion from the bankers that the program not be aired. The station offered the bankers equal time but they have not yet decided whether they will take it.

Rogers said, "The only real complaint I have is that the program tarred the bankers and the savings and loan people with the same brush. But we're accustomed to oversimplification. When people see the contrasts we have in this country between great wealth and great poverty, they're apt to think that the banks, with their great wealth, could solve the problem. And of course it's just not that simple."

At KTXT in Lubbock, program director John Hanson said the station's decision not to air the show was made even before Kimberlin's letter arrived at the station and was made only by station personnel. According to Hanson, Lubbock bankers did not contact the station about the program but KTXT did ask five local bankers in to preview the program.

"We felt the program was somewhat biased and didn't go into depth on Texas banks. You know that some of the problems treated in the program, such as garnishment of wages and the power to claim and sell a house for a defaulted debt, simply do not apply in this state."

Hanson said the decision not to show the program was made solely by himself and by his boss, D. M. McElroy. McElroy was formerly assistant comptroller (business manager) of Texas Tech.

There was no indication that outside bankers intervened directly at KAMU at College Station. Norman Godwin, program director, said the decision not to aid the program was made by with the counsel of the university's administration and specifically with the counsel of Frank Hubert. Hubert is dean of the College of Education at A & M and as such is directly responsible for the educational television station. However, Hubert is also on the board of directors of the Bank of A & M at College Station.

At station KLRN, which serves with Austin and San Antonio, the situation is less clear. The station's general manager and president Robert Schenkkan said that the program has been "temporarily cancelled."

"Pressure is not the question at stake here," he said.

The station has offered the bankers three alternatives: a short time after the program for response, a 30-minute spot the following week, or an hour spot the following week.

KLRN previewed the program for two T.B.A. officials in Austin and for a group of bankers in San Antonio. According to station sources other than Schenkkan, Schenk-

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kan spent quite a bit of time after the preview convincing the bankers that it would be very bad public relations if they were to insist that the program not be shown at all, that it would, in effect, be an admission of guilt.

The original plan at KLRN was to have a meeting of the stations board of trustees to decide on whether to air the program. The meeting had not been held as of Monday. Four of the 36 members of the board are officers of banks including Howard Cox, the board vice-chairman, who is also vice-chairman of the board of Capitol National Bank. Several other board members are big businessmen who deal with banks regularly. Nine banking and financial institutions contribute to KLRN, which, like most N.E.T. outlets, is in financial straits.

None of the N.E.T. outlets reported hearing from any of the states U.S. representatives. Several of them appear on the program.

Wright Patman, that crusty old bugbear of the bankers, is naturally featured. Interviews with Patman and David Rockefeller, chairman of the board of Chase Manhattan Bank, are neatly interspliced so that they appear to be rebutting one another.

Five Texan congressmen are featured on an un-honor roll toward the end of the program: a list of congressmen who either have bank holdings or are bank directors and who have violated the House rule by taking part in votes on banking legislation. They are Jack Brooks, Bob Casey, J. J. Pickle, Ray Roberts, and Omar Burleson. Burleson, lucky fellow, got a star after his name on the list because he sits on a committee which is pertinent to banking legislation.

Schenkkan told *The Daily Texan* that he considered the list unfair since it makes no distinction as to whether the men voted for or against banking interests in the roll calls in which they participated. The House rule makes no distinction either.

It is difficult to judge the fairness of the documentary according to the Federal Communication Commissions fairness doctrine, which is death to investigative reporting. Strictly interpreted, the doctrine would require a documentary on air pollution to spend half its time on why air pollution is good for people. "Banks and the Poor" is an investigation into oppressive banking practices. It does not spend half its time dwelling on all the worthy and charitable endeavors of bankers.

[From the Roanoke Times, Nov. 14, 1970]

ETV Stations Shouldn't Black Out Hard-Hitting Investigative Reporting

We were disappointed to learn that the Central Virginia Educational Television Corp. chose not to air a recent documentary film entitled "Banks and the Poor."

In our view, Richmond's publicly supported station is guilty of gross negligence of its responsibility to viewers. (Roanoke and Norfolk ETV stations ran the program despite adverse background pressure from elements of the banking community.)

The program, as its title implies, deals with the relationship between the American banking industry and the nation's poor—particularly in the areas of personal loans, consumer credit and slum housing. The industry's reluctance to finance low-cost housing and to make personal loans to the poor—often forcing the needy to borrow from other sources at high interest—was made very clear. So were bankers' ties to congressmen.

Banks are in business to make money, of course, and their reluctance to invest in high-risk ventures is completely understandable in that context. The banks' point of view was given considerable time in the program.

The important point about the program, however, is that—so far as has been determined—it contained nothing that is not true It simply was made to appear that altruism is not among the industry's most prominent charcteristics. And on that point, there is really little basis for debate.

Nor has the industry, sc far as we know, claimed that the show was inaccurate. The principal objection apparently is to the program's dramatic techniques. As an example, shots of slum housing or other poverty conditions frequently were shown in sharp contrast with views of bank-financed affluence.

The dramatic impact of the technique is obvious, and perhaps industry spokesmen are right in saying that it portrayed banking unfairly. If that is the case—and the matter is under study by the Public Broadcasting Service—then the banks ought to receive time for rebuttal.

But at not time should serious investigative reporting be withheld from the air waves simply because its dramatic techniques are held by some to be objectionable. Accuracy ought to be the sole determining factor on whether a show is aired.

One of public television's strongest points is that it—unlike commercial television, which depends on advertising and at times has catered to the prejudices of its sponsor—can freely indulge in responsible muckraking. If public television bends to the pressures of government, private backers or powerful interests such as the banking community the way commercial TV too often bends to the whims of its advertisers, then it becomes a useless and innocuous medium.

In preparing programs like "Banks and the Poor," public television does a job that commercial network news departments largely leave undone. As such, public television discharges a vital responsibility to its viewers—and it is up to regional ETV stations to help in carrying out that responsibility.

[From Variety, Nov. 11, 1970]

Banks and the Poor—Realities

Exec. Producer: A. H. Perlmutter; Producer-Writer: Morton Silverstein; 60 Mins., Mon., 9 p.m.; PBS (via NET).

Producer Mort Silverstein ("What Harvest for the Reaper?". "The Poor Pay More." "Justice and the Poor") has created enough telemetry hours to stage a festival on economic oppression.

And that's not a bad idea for public television in years to come, once it is wrested from the clutches of Congress and their bureaucratic sisters of the system. Anyhow, in this latest effort, Silverstein showed himself an experienced master of this kind of expose. With considerable imagination and technical skill, Silverstein—and researcher Carol Anshien and editor Larry Solomon—left no loopholes for legitimate screaming by the bankers and solons who were the principal marks of this muckraker.

For example, David Rockefeller, chairman of the mighty Chase Manhattan, was given ample air time to defend the credit policy of his institution, especially its sorry record of social responsibility in the ghettos. But, as his arguments were cut back and forth with crusty Rep. Wright Patman, chairman of the House Committee on Banking and Currency, and as they followed the plushy and unctuous Chase Manhattan TV blurb on the bank's good works in the ghetto, Rockefeller's case suffered audibly and visibly from lack of cogency. The same applied to stiff and proper spokesmen for the American Banking Assn. and the First Pennsylvania Bank of Philadelphia, which was scored for its brutally rude collection policies among the poor. Beads of perspiration are a telling video prop.

All this explaining away was submerged in clear and vital statistics and apparently far more deeply involved spokesmen on the other side, not to mention the emotional impact of the view from the poor themselves.

To the trade, this was an excellent example of how to lay in an appearance of balance while making your editorial points, the hard moral being: there are not two sides to every story, but almost always people on two sides of every story.

Even if it shivered the staves of that oozing Washington public tv pork barrel, it was inspired viewing to see the names of all those PTV Senate and Congressional bankrollers listed as having bank connections and scored for, shall we say, possible unethical practices.

Bill.

[From Newsday, Nov. 12, 1970]

The Other Side of Banking

(By Marvin Kitman)

Anyone who watches television commercials gets the impression that bankers are benign, kindly, humane, helpful men, someplace between doctors and social workers in the range of professionals who want to be our friends. Nothing seems to make bankers happier than giving away wonderful presents for the privilege of watching our money.

I can hardly remember the old days, when bankers had a reputation for committing a lot of unfriendly acts. There was a song, a kind of commercial during the depression, which began: "The banks are made of marble/There's a guard at every door/The vaults are filled with silver/That the workers sweated for." It was very popular around the foreclosure courts.

It always gave me a sense of joy and wonderment that the evil and rapacious banker had reformed, had seen the light and was now the friend of the poor, regardless of how much money he earned. Earlier this week the Public Broadcasting Service came along with a documentary titled "Banks and the Poor"—it will be repeated on Ch. 13 Saturday at 3 PM—which suggests that it has all been an illusion.

David Rockefeller and Friends at the Chase Manhattan Bank, for example, are into helping slumlords milk properties and are out of low-income housing. What really excites the fiduciary department is not rebuilding Bedford-Stuyvesant, as the commercials lead one to believe, but building gambling casinos in the Bahamas. Well, tourists, gamblers and resort owners are people, too, and if Chase Manhattan didn't help them, some other bank would.

Then Morton Silverstein's documentary revealed that a lot of self-respecting banks and savings and loan associations are financing the finance companies, like Beneficial, which lend money to the same poor people whom the banks turn away as bad credit risks. They also are the money men supporting the home-improvement companies, which have been known to fleece their customers.

Silverstein makes the bankers sound like ordinary businessmen with recognizably human faults, such as greed, close-fistedness, untrustworthiness, and a poorly developed sense of social consciousness. Nobody I would want as a friend.

The first fellow to be dropped from my circle is David Rockefeller. A man of whom it has been said that he is so rich that he keeps his Swiss money in American banks, Rockefeller appears in the documentary as an affable friend of the absentee owner, a euphemism for slumlord. But he is a rather bland villain.

Rockefeller seems bemused by all the interest paid to the activities of bankers by men like Rep. Wright Patman (D-Tex.), the friend of the poor in the House banking establishment. He suggests that Patman's interest in the subject stems from his once being turned down by a Texas bank for a loan. Patman, in another interview, denies the charge. It was a very mild bit of character assassination, considering what could have been said.

Equally interesting is the list of congressmen and senators which concludes the show. These are the 123 legislators Silverstein claimed had bank holdings, served as bank directors or belonged to law firms with bank clients.

I certainly don't want to be the one to defend bankers or congressmen. What impressed me about the list, however, was the great number of men who are not personally involved in an industry which they regulate. The running of a list of names like this is sometimes more formidable than meaningful. The implication of the list is that the representatives and senators are in the pockets of the banking industry; but who is to say that the legislators don't have the banks in their pockets? "Banks and the Poor" makes the mistake of assuming that there is something unethical about conflict of interest today.

The best that can be said for the list is that 123 of our representatives in Washington must be very familiar with the banking business. Because of this familiarity, the hope is that they will someday have suggestions for making banking a more positive voice in society.

[From the New Republic, Nov. 28, 1970]

Potted Plants, Padded Banks

But NET's interests extend far beyond How To Do It—even into How Not To Do It, which might well be the subtitle of its new documentary, "Banks and the Poor." This program is powerful stuff—imagine Public Broadcasting attacking Fortress Money, exposing the failure of financial institutions to help the ghetto poor. It was shown in most areas in the second week of November on the PBS network, but because of its controversial nature PBS warned its 198 affiliate stations to stand ready for protests. Sure enough the Texas Bankers Association turned on the protest pressure before broadcast time, causing one of the five Texas educational stations to decline to carry the program, another to postpone it. Just how many other stations refused to air it won't be known for several weeks. NET's counsel advised the stations that the program did not, in their opinion, violate the "personal-attack" provision of the rules of the Federal Communications Commission—but many stations doubtless have other advisors. And what is the furor about?

House Banking and Currency Chairman Rep. Wright Patman and David Rockefeller of Chase Manhattan set the tone for the show, dueling with each other smartly. "Chase Manhattan has millions of dollars for gambling casinos but only comparative to pennies [sic] for housing for the poor," charges Rep. Patman. Rockefeller suggests that Patman "was once turned down for some loan that he tried to make in his local Texas bank, and he seems to have taken a rather dim view of bankers ever since." Yet as "Banks and the Poor" reveals, there are plenty of other good reasons for one to take a dim view of bankers.

For example, the alliance—inadvertent or not—between banks and high-interest loan companies. In Washington, D.C., banks often turn down low income applicants who could have been charged only eight percent, forcing them to deal with loan companies across the Maryland state line, where the maximum legal rate for a small loan is 36 percent. Who lends the loan companies the money to run their blood-draining business? The bank that turned down the low income applicant in the first place.

Or there's the Sheriff's sale, dramatically filmed by NET, during which the homes of the poor are sold because of defaulted consumer debts. Since banks are large buyers of installment contracts, they stand as the impersonal machine behind the confiscation of homes in many cities. A Philadelphia woman uses her home as collateral to co-sign an auto loan for her brother, who then falls behind in his payments. Her house is put on the auction block, even though only $157.69 is owed on the original automobile debt.

The program suffers somewhat from poor organization; also it doesn't always manage to reduce its complex subject to understandable form for the layman. Still, its flaws are more than offset by its boldness. "Banks and the Poor" winds up by showing the names of nearly 150 members of the US Senate and the House of Representatives who either have financial holdings in banks, serve as bank directors or are associated with law firms having bank clients. The list comes from the ethics committee of the New York City Bar Association, which has repeatedly, and without effect, called for Congressmen to divest themselves of such interests so as to remove the taint of conflict of interests. I wouldn't be surprised if some of those interests now called on PBS to divest itself of its missionary spirit, but the spirit, and Morton Silverstein's production, are grand.

[From the Boston Globe, Nov. 10, 1970]

"Banks and the Poor"—Documentary on Banks and Poverty

(By Percy Shain)

It began and ended most agreeably and deceptively with a line of scantily clad chorus girls singing about the virtues of "Money," led by a young-looking Ginger Rogers, as clipped from a 1930 movie musical.

But in between was as savage and hard-hitting a documentary on banking abuses as has ever hit the television screen. In raking banks and bankers over the coals for their alleged deficiencies in neglecting the poor, the program spread its shots over the whole finance field, including home improvement frauds, and even the activities of Washington lobbyists and the links between congressmen and the banking industry that perpetuate inequitable conditions.

This "Realities" expose on PBS last night did not hesitate to name names of the very rich and influential who have sanctioned or indulged in these tactics and, in fact, listed at the end a roll-call of all senators and representatives who have bank directorships or other ties with the industry they are called on to consider legislation about.

The main burden of producer-writer Morton Silverstein's theme was the pitiful "pennies"—as he put it—that trickle down to the poor for low-income housing as compared to the millions that go to the slumlords to perpetuate ghetto conditions, as well as to the luxury resorts where a handsome return is assured on the investment.

He cited impressive statistics, including the Savings and Loan Assns., with assets of $170 billion "which are devoting" a fraction over zero percent" to low-income homes; the $100 million pledge by 80 participating banks to redevelop New York's Bedford-Stuyvesant section, which somehow dwindled to $8 million.

But, more than that, he portrayed in personal terms the human suffering caused by bank turndowns when the poor, in desperation, have to go to loan sharks, charging "usurious rates of interest," who get their money from the same banks, that rejected the original applications.

Many of the most damaging charges came from Rep. Wright Patman (D-Tex.), chairman of the House Banking and Currency Committee, who engaged in dialogue—via alternating scenes—with David Rockefeller, president of the Chase Manhattan Bank, second largest of the world.

New York City Comr. of Consumer Affairs Bess Myerson Grant also had some choice words of denunciation regarding the "due course doctrine" that forces buyers to pay in full for defective merchandise, as hidden cameras recorded typical transactions in which promises were never kept.

The contrast of promises vs. deeds, as expressed in the TV commercials shown in juxtaposition with the realities, also told its own damning story in an atmosphere tinged with sarcasm.

Silverstein has staked out a juicy area for himself, as shown in previous documentaries on "The Poor Pay More," "Justice and the Poor" and "What Harvest for the Reaper?" His type of indignant, finger-pointing muckraking is much needed as a salubious factor in a sensitive area.

[From the Village Voice, Nov. 19, 1970]

Are You There, Mr. Sulzberger?

"Banks and the Poor," an NET documentary shown on Channel 13 on November 9 is a prime example of the kind and quality of investigating reporting that has all but disappeared from the commercial networks. (Can you imagine Mike Wallace or Harry Reasoner saying this: ". . . . The total assets of savings and loan associations have grown to $169,630 million. These banks are required under federal charter to provide for the financing of homes, to be a main resource for a community's housing funds. But of the $169 billion plus assets, the best estimate by the House Banking and Currency Committee is that only a fraction over zero per cent has gone toward the financing of low income housing."

Or this—"Compounding this figure is the charge by a Congressional ad hoc subcommittee that money is lent instead to slum speculators, and that many slums are perpetuated by Savings and Loan Associations through their financing of absentee owners—in this case a euphemism for slumlords."

There was a lot more, much of it harsher, all of it documented. Many of those who watched the program, by the way, are likely to see David Rockefeller in quite a changed perspective from now on. I mean those middle-class liberals who previously had more or less bought the Rockefeller line that his end of the banking business was now attached to the social gospel.)

I was glad to see that the program received the space and credit it merited in newspaper reviews by Jack Gould in the Times and Kay Gardella in the Daily News. But it might have occurred to Mr. Gould to question why this subject has been so little explored in the daily press as well as on commercial television. Specifically in the New York Times. With such first-rate investigative reporters as Richard Severo, Earl Caldwell, Homer Bigart, Nick Gage, Steven Roberts, Martin Arnold, and others, the Times should long ago have pursued this subject in depth. But the program, I expect, was as much a revelation for Times readers as for the rest of the populace.

My unsolicited suggestion to Arthur Ochs Sulzberger is that he ponder this, and that he also obtain a copy of a new Doubleday book, "The Pentagon Watchers: Students Report on the National Security State." A team of graduate students—going through the public record and interviewing at the Pentagon, the State Department, and in "defense" industries—have compiled an extraordinary and frightening amount of information, all of it scrupulously documented, little of it made known in anything like this degree of detail and perspective to Times readers. What does that Times Washington bureau do?

[From the New York Daily News, Nov. 10, 1970]

Banking Practices Probed On Channel 13

(By Kay Gardella)

"Banks and the Poor," the controversial one-hour documentary seen on National Educational Television's Realities program last night, was shown on all but one of the 180 ETV stations throughout the country and that one, pardner, was in Texas. It was seen

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here on Channel 13. The noncommercial outlet that elected not to take the program was in Lubbock, so one can only hope that money is no major issue in the Lone Star State.

But money and banking procedures are burning issues with everyone else today, which is what makes the Mort Silverstein-produced hour a serviceable, informative and challenging documentary that brought to light some questionable practices in our current banking system. These may be elementary to students of banking, but not to the average viewer.

TOOK NO CHANCES

How, the question arises, does one make such an intangible topic dramatically interesting and exciting? Well, let's first admit the subject alone always gets a rise out of someone but Silverstein took no chances. He, somehow through the use of hidden cameras, interviews and on-location films of some of our major slum areas in New York City (Bedford-Stuyvesant), North Philadelphia and Washington, D.C., gave a visible life to the subject matter, even to the point of opening with Ginger Rogers in an old Busby Berkeley musical, singing "We're in the Money."

Four major aspects of banking were focused on during the hour. One involved the credit policy of our banks and how frequently the very poor are forced to do business with high interest loan associations for help because they've been turned down at their local banks. Another dealt with credit made available for low-income housing and redevelopment of slum areas.

The program used as its example the $100 million promised by a group of 80 banks, including Chase Manhattan, to refurbish the Bedford-Stuyvesant area. the mortgage lending pool, as it developed, has only parted with $8 million and Chase Manhattan, which the program said had been most vocal in its concern for rehabilitation, shelled out a mere $700,000.

In addition, the hour pointed out, the pool won't affect 80% of the families in Bedford-Stuyvesant, since it is restricted to houses of four families or less.

Banks' contributions to perpetuating slum conditions was stressed. The program pointed out that they are not making money available for low-income housing when $169 billion plus are the total assets of our savings and loan associations, which are required by federal charter to provide for the financing of homes. "Only a fraction over zero percent has gone toward the financing of low income housing," said narrator Philip Sterling.

ABSENTEE OWNERS

Too, the program said, compounding this figure is the charge by a congressional ad hoc subcommittee, headed by Rep. Wright Patman (D-Texas), that money is lent instead to slum speculators, and that many slums are perpetuated through the financing of absentee owners, or slumlords.

The banks, as the "holder in due course," was another target of the program. As anyone who has purchased on time knows, an outfit that you've done business with can sell your contract to the bank and you then are indebted to the bank, not the company. The problem with this system, of course, is that your purchased merchandise can be delivered in faulty or damaged condition and you then have no recourse, since the bank is not responsible.

POSSIBLE CONFLICT

A final aspect of the program, and one we question, dealt with the possible conflict of interest that might arise with legislators who are shareholders or directors of banks. Listed were 124 senators and House members. The segment has been challenged by the Texas Bankers Association, which said it violated the personal attack rules of the Federal Communications Commission.

Whether it did or didn't, we do not think this segment was developed fully enough to have the impact the show intended. It did raise the question, but answers are necessary, too, when we're walking on such thin ground. Examples were certain legislation may have been passed because of this would have helped.

Among those interviewed on the hour were David Rockefeller, who defended the credit policy of the banking industry, and New York City Consumer Affairs Commissioner Bess Myerson Grant, who advocates changing state laws to eliminate the "holder in due course" doctrine.

[From the New York Post, Nov. 10, 1970]

ON THE AIR

(By Bob Williams)

The government-supported, sponsor-free medium of public TV took a promising step forward on Ch. 13 here last night with a documentary examination of Banks and The Poor, amid prospects of considerable protests from the financial community.

Morton Silverstein's rundown on the money business left a viewer with the impression that the big banks simply don't deal with the poor, but divert them to loan outfits at outrageous interest rates, while financing the loan outfits and cutting down on the basic small bookkeeping work.

As noted yesterday, the documentary unreeled the names of scores of Congressmen and Senators with banking interests, who somehow blithely vote on financial measures without regard for conflict of interest considerations. The roll-call, provided by the Assn. of the Bar of the City of New York, rolled too fast probably for viewer identification of the legislators.

The documentary, it seemed here, hit its major point in disclosing easy bank (and saving and loan association) credit to slumlords and no credit whatever to poor tenants.

The program aimed an eye at the financial community's much-publicized $100 million interest in the restoration of Brooklyn's Bedford-Stuyvesant ghetto. Chase Manhattan's David Rockefeller conceded that only $700,000 had actually "gone out" toward the social project against a $5,000,000 commitment by his bank. For local viewers, the program didn't sufficiently investigate the Bed-Stuy project.

Public TV or NET or whatever the commercial-free homescreen medium wants to call itself has merely started to unveil the money business for everybody to see. Further investigation would be in order.

[From the Louisville Courier-Journal, Nov. 10, 1970]

KET HANDLES TOUGH DECISION WELL

(By James Doussard)

When the program topic is "Salad Nicoise" and involves following Julia Child around a market in Nice and into her kitchen, the noncommercial broadcaster offered it by the Public Broadcasting Service network doesn't face much of a decision.

If he carries it, reaction probably will be so small it passes unnoticed; if he carries something else, only a loyal few fans will squawk. ("French Chef," 8 p.m. Wednesday, PBS–15 and KET).

The "carry or not-carry" decision becomes tougher when PBS offers more controversial fare—such as last night's "Banks and the Poor," a documentary sufficiently explosive that the network put out a special alert to member stations warning about the possibility of protest.

As on previous occasions, Kentucky's public broadcasters arrived at different decisions.

WKPC–15 in Louisville carried the program, preceded by a warning that the subject and treatment was controversial and did not necessarily reflect the viewpoint of the station.

The 13-station Kentucky Educational Television network was not scheduled to telecast the program until Wednesday night.

TO DELAY BROADCAST

Last week, after a closed-circuit preview of "Banks and the Poor" by staff members, members of an advisory committee on programming and representatives of both the banking industry and the poor, KET"s executive director, O. Leonard Press, decided to delay the telecast until "sometime in January" and until a companion "mini-documentary" can be prepared to:

"Report what is actually being done in Kentucky toward alleviating the very real problems raised in the original 'Realities' program.

"Ask representatives of the advisory group to comment on the more serious emotive distortions in the original production."

Those who previewed the program seemed to agree that it "was guilty of a number of presentational sins, such as distortion; oversimplification and insufficient research by the producers," Press said.

At the same time, there was "near unanimity that much of the information presented in the program was important, substantially accurate, and that it should be broadcast," he added.

While both decisions are sound, the KET approach is the better.

Were Channel 15 completely into its new quarters and thus able to take on such a project as a complementary program, I feel certain it would have chosen a similar route.

The bright side of the Kentucky picture lies in the fact that neither outlet took the easy out of simply ignoring the program.

"Banks and the Poor" was the second program in the new "Realities" series that sparked controversy and found Channel 15 and KET emerging with different decisions.

"The Triumph of Christy Brown" on Oct. 12 contained a short scene in which the titled character's sister stripped to the waist unaware that the adolescent Christy was watching.

In context, the scene proved vital to the story of how the Irish writer overcame cerebral palsy. It was tastefully handled.

Channel 15 rejected the drama because of it; KET carried it.

No pattern of timidity on the part of one or the other Kentucky noncommercial broadcaster seems to be emerging.

One time a seemingly bold decision is being made by KET, another time by Channel 15. Good.

Public broadcasting is designed to offer viewers alternatives, both to commercial fare and within its own community.

[From the Louisville Times, Nov. 11, 1970]

CHANNEL 15 MAY HAVE BEEN HASTY IN CARRYING DOCUMENTARY ON BANKS

(By Howard Rosenberg)

The controversy surrounding the *National Educational Television* (*NET*) documentary, "Banks and the Poor," raises some fundamental questions:

Is it proper for documentaries to contain editorial comment?

Should NET programs be backstopped, when necessary and when possible, by public television stations?

The answer to both questions is yes.

"Banks and the Poor," written and produced by Mort Silverstein, is a searing attack on the banking industry's dealings with the poor in housing, personal loans and consumer credit.

It also puts the crunch on members of Congress who have direct or indirect associations with the banking industry, something Silverstein obviously believes to be a conflict of interest.

DELAYED BY KET

Part of the NET "Realities" series, "Banks and the Poor" was carried Monday night on WKPC–TV, Channel 15. Its showing on the 13-station Kentucky Educational Television (KET) network, originally scheduled for tonight, was postponed until January.

Leonard Press, KET executive director, said the show will be presented then with companion data outlining "what is being done in Kentucky to alleviate the real problems" cited in the documentary.

"Banks and the Poor" has been criticized for being imbalanced.

If what is meant by imbalance is that Silverstein is trying to sell viewers a bill of goods, then the program certainly is imbalanced.

If by imbalance it is meant that the program was subjective, that Silverstein obviously feels that the banking industry is not living up to its "social responsibility toward the poor that, in fact, the poor are victimized by bankers, then the program was not balanced.

MUST HAVE LEARNED EARLY

But viewers must have been aware of all this before the program was five minutes old, so it was no wolf in sheep's clothing.

Moreover, Silverstein had every right to hard-sell a bill of goods. Documentaries without points of view usually are dull and ineffectual affairs.

Silverstein's sin, then, was not his soapbox, but the manner in which he sometimes presented his message, seemingly a blanket indictment of ALL of the banking industry, which he apparently feels is monolithic.

Furthermore, the program cited some instances of the banking industry's shoddy treatment of the poor which are not universally applicable. Regulations governing bank transactions vary from state to state.

So what should public television stations have done about "Banks and the Poor?" Should they have scrapped it because it has significant flaws? I don't think so. Should they have shown it "as is" with the knowledge that the bulk of it is well done and factual? That's not the answer, either.

KET took the correct approach in postponing the broadcast until it has time to prepare some Kentucky-oriented material elaborating on the original program.

Channel 15's decision to carry the program without elaboration—except for a disclaimer of the content—was ill-conceived.

At the end of the show, viewers were shown a list of representatives and senators alleged either to have financial holdings in banks, bank directorships or associations with law firms having banks as clients.

Among the 124 persons named were Kentucky Reps. Tim Lee Carter, Carl D. Perkins and John C. Watts.

Channel 15 should have solicited the comments of all three, if for no other reason then authentication of their bank associations. Hopefully, KET will do that in January.

[From the Baltimore Sun, Nov. 11, 1970]

"Banks and Poor" a Skillfully Executed Documentary

(By Judy Bachrach)

If you didn't catch Channel 67's Realities Monday night, you owe it to yourself to see the repeat this Saturday at 5:30 P.M. If you were lucky enough to have watched it, a second viewing might help to make the formidable mound of information presented in this documentary easier to assimilate.

It was called "Banks and the Poor," which is not exactly a very snappy title, and for a moment there, your critic paled with dread at the prospect of 60 uninterrupted minutes of well-intentioned drudgery that has been the hallmark of Realities this year. There is something so insidious about those well-intentioned amoebas: they spread out everywhere in all directions; they pussyfoot around all sorts of Social Injustices; and, worse of all, they bore you to tears.

But "Banks and the Poor" turned out to be a ruthless expose on the exploitation of the lower classes by certain savings and loan associations, and it was out for blood. It was not fair; it did not set out to give equal time to the men and institutions it attacked (although it pretended to) and it was unmercifully biased. It was also one of the most skillfully executed documentaries this critic has seen to date; there was a very special excitement intrinsic to every frame of footage that is peculiar to the evangelical form of art.

Writer-producer Morton Silverstein interviewed Representative Wright Patman (D., Texas), who expounded with evident relish on the very renumerative associations between many absentee landlords and the financial institutions that back their decaying tenements. He investigated, by means of a hidden camera, the unctuous tactics of some small financing companies that are used to entice the desperate into paying exorbitant interest on borrowed money. And he pointed out that in Maryland, the maximum interest rate for financing companies is 36 percent—a rate that is considered usurious in many states.

But Mr. Silverstein did not restrict himself to statistical generalities. He and his crew penetrated into the decaying homes of the poor, where a family of eight was crammed into one room. He focused a hidden camera on an aluminum-siding salesman in the process of making false verbal claims about the credit financing plan to a customer.

He intercut this sequence with footage of Mrs. Bess Meyerson Grant pointing out that in New York, even if the product bought with credit is never delivered or turns out to be defective, the customer must pay or he will be sued by banks that have bought up the contractor's bill of sale.

MASTERS OF BOTH

Credit financing and loans can be a dreary business to report unless the photography and editing are exceptional. Mr. Silverstein's and his crew appear to be masters of both; and the artistry of the film was as deftly handled as the research and quality of the narration. Brief segments from Busby Berkely films, several TV bank commercials and excellent juxtapositions of the Wright Patman/David Rockefeller diatribes were interspliced with hard background research.

Some of it was, shall we say, a little too deftly handled; quick-cuts between slum children and tourists bathing in streaming Bahama sunlight were a teensy bit too obvious; and we could have done without the "Battle Hymn of the Republic" blaring behind a list of congressmen who hold interest in banks. Otherwise it was just fine; a remarkably documented work of art that could serve as a model of investigative reporting (if not impartiality) for certain local TV stations we could name.

[From the Houston Chronicle, Nov. 9, 1970]

"Banks and the Poor"—Show Raises Storm

A program to be aired tonight on around 180 educational television stations (including Houston's Ch. 8 at 8 p.m.) raises two controversial issues affecting congressmen and banking and could lead to official protests.

The program, "Banks and the Poor," on the Public Broadcasting System's Realities series, generally charges that banks victimize the poor by discriminating in favor of the well-to-do in offering their services.

The show, described by The Chronicle's TV Key previewers as "excellent, hard-hitting, investigative journalism," also discusses two situations which, while they can happen in other states, cannot occur in Texas: garnishment or attachment of wages and forced sale of a person's home to satisfy a default on a loan payment. Ch. 8 officials have taken note of this in disclaimers which will run both before and after the show.

One of the controversial issues raised is whether or not congressmen should be allowed to own bank stocks or serve as bank directors or consultants. The chairman of the ethics committee of the Assn. of the Bar of New York City, Louis H. Loeb, contends congressmen should divest themselves of all interest or affiliation with banks.

The other issue is whether the program violates the personal attack rules of the Federal Communications Commission. The Texas Bankers Assn. has charged it does.

The climax of the program shows a list of 124 senators and representatives with bank affiliations. The list was furnished by Loeb's ethics committee of the New York Bar.

Public Broadcasting System and the National Educational Television network claim the program does not violate the personal attack rule, which requires television stations contemplating a personal attack on anyone to give him seven days notice and an opportunity to reply. PBS Sunday notified the 180 stations scheduled to carry the program of the possibility of official protests.

Ch. 8 officials said they have offered time, at a future date to be announced, for Houston banking representatives to present their views on the program and related matters.

Chairman David Rockefeller of Chase Manhattan Bank in New York and Treasury Secretary David Kennedy also are involved in the dispute. Rockefeller is shown on the program engaged in debate with chairman Wright Patman, D-Tex., of the House Banking Committee. He asked to see that part of the program in advance and was turned down. NET said Kennedy refused to discuss with its reporter Patman's assertion that he was still getting a $5000 monthly pension from the Continental Illinois Bank, of which he formerly was chairman.

Banks Take Thrashing In

There was a time in this country when the banking industry had a rather poor public image.

Between then and now, the bankers—whom editorial cartoonists used to picture as porcine, cigar-smoking tycoons—hired high-priced public relations people to change the image. Over the years the banking industry got its money's worth: it became a symbol of community spirit, human progress, friendliness and all sorts of virtues.

But the image was altered slightly, some of the shiny, smooth edges were chipped away, by a TV program which was aired on Channel 6 Monday night.

The program was called "Banks and the Poor." It was an excellent documentary, conceived and executed to picture banking in human rather than institutional terms. Producer-writer Morton Silverstein and narrator Philip Sterling combined their talents to present to viewers an unflattering, sometimes sarcastic account of practices and policies that make bankers rich and help keep poor people poor.

ADMIRABLE ROLE FOR NONCOMMERCIAL TV

And it was a fine example of the results that can be achieved when noncommercial TV, casting about for a significant role to play in the electronic communications field, decides to allow someone such as Silverstein to be an ombudsman.

"Banks and the Poor" was divided into three segments. It dealt in detail with the part played by the banking industry in financing—or failing to finance—low-income housing. It explained how banks and finance companies work together, often to the dis-

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advantage of poor people who need loans. It delved into consumer credit laws, which also discriminate against the poor.

One of the highlights of the program was a colloquy between David Rockefeller, president of the Chase Manhattan Bank (second largest in the world) and Rep. Wright Patman, D-Tex., chairman of the House Committee on Banking and Currency.

CONGRESSMEN TIED TO BANKING INTERESTS

They argued about lending policies, interest rates, and related matters, and Patman seemed to have the best of it.

However, the congressman might be hard put to argue with equal persuasiveness on behalf of more than 100 of his colleagues in the House and Senate who are themselves involved in some way with the banking industry.

The program concluded by running their names over pictures of scenes in Washington, D.C.—with the "Battle Hymn of the Republic" being played in the background—and pointing out that they have disregarded a congressional rule which prohibits them from voting on legislation involving a conflict of interest.

The names came from the Association of the Bar of the City of New York, and its chairman, Louis M. Loeb, appeared on the program to express his conviction that legislators should not be shareholders or directors of banks.

The point of view expressed by the program wasn't that banks are bad, but that some of the things they do are bad. If it should be determined, on weighing its content, that there was an imbalance in the presentation, it is because spokesmen for the banking industry weren't as convincing as those who had contrary stories to tell.

Not that "Banks and the Poor" was faultless; Silverstein weakened his case by overemphasizing the racial discrimination issue which is a part of the problem. All ghettos aren't black.

FCC MEMBER HITS TV, GOVERNMENT

Nicholas Johnson, controversial member of the Federal Communications Commission, has found a new "silent majority."

[From the Boston Globe, Nov. 24, 1970]

A TV Show Too Many Missed

(By Dexter D. Eure)

On any particular evening between 7 and 11, a majority in metropolitan Boston's 1,654,500 households will be watching television. Most of these viewers will be tuned in on commercial network television. According to viewer-ratings, PBS (Public Broadcasting Service), the noncommercial network, which has its local affiliate with Boston's educational channel WGBH-TV, has the least number of viewers.

Two weeks ago, during the 9 o'clock slot, the four major networks catered to different groups. Men were attracted to ABC's football game between the Baltimore Colts and Green Bay Packers. CBS served up some light comedy with "Mayberry RFD." The "Sergeant 3" movie was the choice of NBC. At the same hour, PBS showed an investigative documentary, "Banks and the Poor," which revealed how the poor are victims of commercial bank practices in consumer credit, housing and personal loans.

Taking an educated guess, as many as 250,000 Greater Bostonians watched David Rockefeller, chairman of the Chase Manhattan Bank (world's second largest) being verbally brutalized by Rep. Wright Patman, the Texas Democrat who is chairman of the House Banking and Currency Committee. Rep. Patman's comments fortified the arguments that the banker's participation in the free enterprise system had pitted the rich and powerful against the poor and helpless.

It isn't every day that you get the opportunity to view one of America's foremost business leaders, such as Rockefeller, being blasted over the video tube, or any other medium.

PBS was so nervous before it showed the program that it alerted WGBH-TV and 179 other non-commercial stations that there would probably be some loud protests from the banking industry.

There was even talk that the banks might try to get the Federal Communications Commission (FCC) to apply the fairness doctrine, as they felt that there was a violation of the personal attack provision

The program got right down to the nitty-gritty as it interviewed several people who had been exploited by the banks. One sequence showed an irate black woman who lost her home because of a mere $40 debt

The viewers were reminded that the savings and loan associations in this country (assets more than $169 billion) are, under their Federal charter, supposed to be the main resource for a community's housing funds. According to the best estimates of the House Banking and Currency Committee, there is just a fraction of one percent that has gone toward the financing of low income housing.

The comment from Schuyler Barrack, an attorney in charge of the Legal Aid Society in Harlem, said, "The record shows that 95 percent of all borrowers, even the poor borrowers, pay back"

There was the disclosure that some 98 U.S. Senators and Congressmen—including Massachusetts Representative Thomas P. O'Neill—who are shareholders or directors of banking institutions and have disregarded a congressional rule which prohibits voting on legislation where there is a conflict of interest.

This educational program offered valuable information for everyone. Yet the poor, most probably, where not watching. Instead, they gave priority to football, comedy and movies.

Isn't this because public television, more often than not doesn't try too hard to provide programs such as this? Poor people are not in the habit of watching educational TV. Public television has a responsibility to let them know when the too-rare programs that affect them will be shown.

LEONID RIGERMAN'S U.S. CITIZENSHIP CONFIRMED

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RYAN. Mr. Speaker, this morning the State Department informed me that Leonid Rigerman's application, and the application of his mother, Mrs. Esther Rigerman, for registration at the U.S. Embassy in Moscow as U.S. citizens have been approved.

This is indeed welcome news, for Leonid Rigerman, who was born in the Soviet Union in 1940 and whose mother is a native-born U.S. citizen, has been repeatedly harassed by Soviet authorities as he tried to establish his U.S. citizenship.

In fact, on November 10, in his latest attempt to come to the U.S. Embassy in Moscow, he was restrained physically, arrested, and jailed for 7 days. The action of the Soviet police, in preventing Leonid Rigerman from coming to the Embassy to establish his U.S. citizenship, violated the consular agreement between the United States and the Soviet Union.

I commend the State Department for reaching the decision confirming the citizenship of Mrs. Esther Rigerman and her son, Leonid Rigerman, who, it has been determined, acquired U.S. citizenship at birth. I have studied this matter in depth, having been constantly in touch with the State Department since Rigerman's arrest, urging confirmation of their citizenship.

I should also like to commend Daniel Greer, deputy commissioner of the New York City Department of Ports and Terminals, who voluntarily representing the Rigermans before the State Department and persisted until this just decision was made.

I urge the State Department to take immediate steps to insure that Leonid Rigerman and his mother receive the full protection to which their U.S. citizenship entitles them.

I urge the U.S.S.R. to permit them to leave the Soviet Union and rejoin their family in the United States.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. It has been estimated that Americans eat enough food each year to fill eight freight trains, each one stretching from New York to San Francisco.

DISTRICT OF COLUMBIA REVENUE ACT OF 1970—CONFERENCE REPORT

Mr. McMILLAN submitted the following conference report and statement on the bill (H.R. 19885) to provide additional revenue for the District of Columbia, and for other purposes:

Conference Report (H. Rept. No. 91-1789)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19885) to provide additional revenue for the District of Columbia, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

That this Act may be cited as the "District of Columbia Revenue Act of 1970".

TITLE I—REVENUE

Sec. 101. Section 1 of article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, sec. 47-2501a) is amended (1) by striking out "1970" and inserting in lieu thereof "1971", and (2) by striking out "$105,000,000" and inserting in lieu thereof "$126,000,000".

Sec. 102. The Office of Management and Budget shall carefully examine and review each request of the District of Columbia for regular, supplemental, and deficiency appropriations to determine (1) the priorities of the expenditures for which each appropriation is requested, and (2) where reductions can be made in such expenditures.

Sec. 103. (a) Subsection (b) (1) of the first section of the Act of June 6, 1958 (D.C. Code, sec. 9-220(b)(1)) (relating to the borrowing authority of the District of Columbia), is amended—

(1) in subparagraph (A), by striking out "1968, 1969, or 1970" and inserting in lieu thereof "1971 or 1972" and by striking out "6 per centum" and inserting in lieu thereof "9 per centum"; and

(2) in subparagraph (B), by striking out "1970" each place it appears and inserting in lieu thereof "1972" and by striking out "6 per centum" and inserting in lieu thereof "9 per centum".

(b) Section 214 of the District of Columbia Public Works Act of 1954 (D.C. Code, sec. 43-1613) is amended by striking out "$32,000,000" and inserting in lieu thereof "$72,000,000".

(c) Section 402(a) of the District of Columbia Public Works Act of 1954 (D.C. Code, sec. 7-133(a)) is amended by striking out "$85,250,000" and inserting in lieu thereof "$110,000,000".

(d) Section 2(a) of the Act entitled "An Act authorizing loans from the United States Treasury for the expansion of the District of Columbia water system", approved June 2, 1950 (D.C. Code, sec. 43-1540(a)) is amended by striking out "$35,000,000" and inserting in lieu thereof "$51,000,000".

SEC. 104. (a) The fifth paragraph under the heading "General Expenses" in the first section of the Act of July 11, 1919 (D.C. Code, sec. 5-316), is amended by inserting immediately after the period at the end thereof the following: "Notwithstanding the provisions of the preceding sentence and section 7 of the Act of February 22, 1921 (41 Stat. 1144), in the case of a single unit motor vehicle which has three or more axles and is designed to unload itself and which is operated in the District of Columbia under an annual hauling permit of the District of Columbia, the fee for such permit shall be as follows:

"(1) $680 if such motor vehicle is first placed in service after July 1, 1970.

"(2) If such motor vehicle is in service on or before July 1, 1970, and operated at a gross weight—

"(A) in excess of the weight permitted under normal operations under applicable regulations of the Commissioner of the District of Columbia but less than 50,000 pounds, a fee of $380;

"(B) of 50,000 pounds or more but less than 55,000 pounds, a fee of $480;

"(C) of 55,000 pounds or more but less than 60,000 pounds, a fee of $580; or

"(D) of 60,000 pounds or more, not to exceed 65,000 pounds, a fee of $680.

The Commissioner of the District of Columbia is authorized to increase, from time to time, the fees prescribed by paragraphs (1) and (2), taking into account expenditures for the purpose of repairing or replacing highway structures and roadway pavements requiring such repair or replacement as a result of the operation of the motor vehicles for which hauling permit fees are prescribed under the preceding sentence. Proceeds from fees from annual hauling permits for such vehicles shall be deposited in the highway fund created by the first section of the Act entitled 'An Act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes', approved April 23, 1924 (D.C. Code, sec. 47-1901)."

(b) The amendment made by subsection (a) shall take effect on the ninetieth day following the date of enactment of this Act.

SEC. 105. (a) The second sentence of subsection (a) of section 101 of title I of the District of Columbia Public Works Act of 1954 (D.C. Code, sec. 43-1520(a)) is repealed and the third sentence of such subsection is amended to read as follows: "In computing the charge for the consumption of water in excess of the minimum amount allowed for metered service, if such charge is for a period beginning prior to a change in water rates and ending thereafter, the charge for such excess consumption shall be based upon the rate in effect at the time the charge is rendered."

(b) Subsection (b) of section 101 of such Act (D.C. Code, sec. 43-1520c(b)) is amended to read as follows:

"(b) The District of Columbia Council is authorized from time to time to fix the rates charged by the District for water and water services furnished by the District water supply system, at such amount as the Council, on the basis of a recommendation made by the Commissioner of the District of Columbia, determines is necessary to meet the expense to the District of furnishing such water and water services."

(c) Section 207 of title II of such Act (D.C. Code, sec. 43-1606) is amended to read as follows:

"SEC. 207. The District of Columbia Council is authorized, in its discretion, from time to time to establish one or more sanitary sewer service charges at such amount as the Council, on the basis of a recommendation made by the Commissioner of the District of Columbia, finds is necessary to meet the expense to the District of furnishing sanitary sewer services, including debt retirement."

(d) Subsection (b) of section 208 of title II of such Act (D.C. Code, sec. 43-1607) is repealed and subsection (c) is redesignated as subsection (b).

(e) Section 211 of title II of such Act (D.C. Code, sec. 43-1610) is repealed.

(f) Section 212(a) of title II of such Act (D.C. Code, sec. 43-1611) is amended by striking out ", and such charges shall be predicated on the value of water and water services received by such facilities of the Government of the United States or any department, independent establishment, or agency thereof from the District water supply system".

TITLE II—MISCELLANEOUS TAX MATTERS

SEC. 201. (a)(1) The second proviso in section 114(a)(6) of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2601, par. 14(a)(6)) is repealed.

(2) Section 125(1) of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2602 (1)) is amended by striking out "and" immediately preceding "(C)" and by striking out the semicolon and inserting in lieu thereof the following: ", and (D) charges for rental of textiles if the essential part of the rental includes recurring services of laundering or cleaning of the textiles;"

(b) Section 128 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2605) is amended by adding at the end thereof the following new paragraph:

"(r) Sales of textiles to persons who are engaged in the business of renting such textiles, if the essential part of such rental business includes recurring services of laundering or cleaning such textiles."

(c)(1) The second proviso in section 201 (a)(4) of the District of Columbia Use Tax Act (D.C. Code, sec. 47-2701(1)(a)(4)) is repealed.

(2) Section 212(1) of the District of Columbia Use Tax Act (D.C. Code, sec. 47-2702 (1)) is amended by striking out "and" immediately preceding "(C)" and by striking out the semicolon and inserting in lieu thereof the following: ", and (D) charges for rental of textiles if the essential part of the rental includes recurring service of laundering or cleaning of the textiles;".

SEC. 202. Paragraph (h) of section 1 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (D.C. Code, sec. 47-801a), is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, any building—

"(1) which is financed in whole or in part with (A) a mortgage insured under section 221(d)(3), (h), or (i) of the National Housing Act and receiving the benefits of the interest rate provided for in the proviso in section 221(d)(5) of such Act, or (B) a mortgage insured under section 237 of such Act;

"(2) with respect to which periodic assistance payments are made under section 235 of the National Housing Act or interest reduction payments are made under section 236 of such Act;

"(3) with respect to which rent supplement payments are made under section 101 of the Housing and Urban Development Act of 1965;

"(4) which is financed in whole or in part with a loan made under section 202 of the Housing Act of 1959;

"(5) which contains dwelling units constituting low-rent housing in private accommodations within the meaning of section 23 of the United States Housing Act of 1937; or

"(6) with respect to which there is an outstanding rehabilitation loan made under section 312 of the Housing Act of 1964,

shall not, so long as the mortgage or loan involved remains outstanding or the assistance involved continues to be received, be considered a building used for purposes of public charity; except that this sentence will not apply to those organizations granted an exemption under this paragraph before the date of enactment of this sentence."

SEC. 203. (a) Subject to the provisions of subsection (b) of this section, the following property in the District of Columbia owned by the American Institute of Architects Foundation, Incorporated, a nonprofit corporation organized and existing under the laws of the State of New York, shall be exempt from taxation by the District of Columbia:

(1) The real property (including the improvements thereon known as the Octagon House) which is described as lot 36 in square 170.

(2) The furniture, furnishings, and other personal property located in any improvements on such real property.

(b) The property described in subsection (a) shall be exempt from taxation by the District of Columbia so long as (1) that property is owned by the Foundation referred to in subsection (a) and is used in carrying on its purposes and activities and is not used for any commercial purposes; and (2) the Octagon House is (A) maintained by that Foundation as a historical building to be preserved for its architectural and historical significance, and (B) accessible to the general public without charge or payment of a fee of any kind at such reasonable hours and under such regulations as may, from time to time, be prescribed by that Foundation. The provisions of section 2 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (D.C. Code, sec. 47-801b), shall apply with respect to the property made exempt from taxation by this section, and the Foundation shall make the reports required by section 3 of that Act (D.C. Code, sec. 47-801c) and shall have the appeal rights provided by section 5 of that Act (D.C. Code, sec. 47-801e).

(c) This section shall apply with respect to taxable years beginning after June 30, 1969.

SEC. 204. Section 3(a)(7) of title III of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47-1557b(a) (7)) is amended by adding at the end thereof the following new sentence: "In the case of property held by any taxpayer on the first day of his first taxable year beginning after December 31, 1968, which, on such first day, was property described in this paragraph,

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any reduction in the basis of such property for purposes of computing the allowance under this paragraph which resulted from the enactment of the District of Columbia Revenue Act of 1969 shall be treated as an additional depreciation deduction which shall (subject to paragraph (14)) be allowable under this paragraph ratably over such period (beginning not earlier than the first taxable year of the taxpayer which begins after December 31, 1968), not to exceed ten taxable years, as may be agreed upon by the taxpayer and the Commissioner."

Sec. 205. (a) Title III of article I of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47-1557b) is amended by inserting after paragraph (15) of section 3(a) the following new paragraph:

"(16) Real estate investment trusts.—In the case of a real estate investment trust as defined in section 856 of the Internal Revenue Code of 1954, which meets the requirements of section 857(a) of the Internal Revenue Code of 1954, the dividends paid by the real estate investment trust which qualify for the dividends-paid deduction under section 857(b)(2)(C) and section 857(b)(3)(A)(ii) of the Internal Revenue Code of 1954, including dividends considered as having been paid during the taxable year by reason of section 858 of the Internal Revenue Code of 1954."

(b) The amendment made by subsection (a) shall apply with respect to taxable years of real estate investment trusts beginning after December 31, 1970.

TITLE III—MEDICAL AND DENTAL SCHOOL SUBSIDY

Sec. 301. This title may be cited as the "District of Columbia Medical and Dental Manpower Act of 1970".

Sec. 302. It is the purpose of this title to assist private nonprofit medical and dental schools in the District of Columbia in their critical financial needs in meeting the operational costs required to maintain quality medical and dental educational programs and to increase the number of students in such institutions as a necessary health manpower service to the metropolitan area of the District of Columbia.

Sec. 303. (a) The Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the "Secretary") is authorized to make grants to the Commissioner of the District of Columbia (hereinafter in this title referred to as the "Commissioner") in amounts the Secretary determines to be the minimum amounts necessary to carry out the purposes of this title. The total amount of grants under this section for any fiscal year shall not exceed the sum of (1) the product of $5,000 times the number of full-time students enrolled in private nonprofit accredited medical schools in the District of Columbia, and (2) the product of $3,000 times the number of full-time students enrolled in private nonprofit accredited dental schools in the District of Columbia.

(b) For the purposes of this section and section 307, in determining eligibility for, and the amount of, grants with respect to private nonprofit medical and dental schools, consideration shall be given to any grants made to such schools pursuant to the portion of the program under section 772 of the Public Health Service Act (42 U.S.C. 295f-2) relating to financial assistance to schools which are in serious financial straits to aid them in meeting their costs of operation.

(c) There are authorized to be appropriated $6,200,000 for the fiscal year ending June 30, 1971, and such sums as may be necessary for the fiscal year ending June 30, 1972, to make grants under this section.

Sec. 304. The Secretary may from time to time set dates by which applications for grants under section 303 for any fiscal year must be filed by the Commissioner. A grant under section 303 may be made only if application therefor—

(1) is approved by the Secretary;

(2) contains such information as the Secretary may require to make the determinations required of him under this title and such assurances as he may find necessary to carry out the purposes of this title; and

(3) provides for such fiscal control and accounting procedures and reports and access to the records of the Commissioner and the applicant schools as the Secretary may from time to time require in carrying out his functions under this title.

Sec. 305. For the purposes of section 303 and section 307, regulations of the Secretary shall include provisions relating to the determination of the number of students enrolled in a school, or in a particular year-class in a school, as the case may be, on the basis of estimates, or on the basis of the number of students who were enrolled in a school, or in a particular year-class, as the case may be, in an earlier year, or on such basis as he deems appropriate for making such determinations.

Sec. 306. Grants under section 303 may be paid in advance or by way of reimbursement at such intervals as the Secretary may find necessary and with appropriate adjustments on account of overpayments or underpayments previously made.

Sec. 307. From funds received under section 303, the Commissioner shall make payments (in amounts determined by the Secretary under such section 303) to private nonprofit schools of medicine and dentistry in the District of Columbia. The total of the payments under this section in any fiscal year to a medical school shall not exceed the product of $5,000 times the number of full-time students enrolled in such school, and the total of payments to a dental school shall not exceed the product of $3,000 times the number of full-time students enrolled in such school.

Sec. 308. The Commissioner may from time to time set dates by which applications for payments by the Commissioner under section 307 for any fiscal year must be filed. A payment under section 307 by the Commissioner may be made only if the application therefor—

(1) is approved by the Commissioner upon his determination that the applicant meets the eligibility conditions of this title; and

(2) contains such information as the Commissioner and the Secretary may require to make determinations required under this title and such assurances as they may find necessary to carry out the purposes of this title.

Sec. 309. Payments under section 307 by the Commissioner may be paid in advance or by way of reimbursement at such intervals as the Commissioner may find necessary and with appropriate adjustments on account of overpayments or underpayments previously made.

Sec. 310. For purposes of this title:

(1) The term "full-time students" means students pursuing a full-time course of study in an accredited school of medicine or school of dentistry leading to a degree of doctor of medicine, doctor of dentistry, or an equivalent degree.

(2) The terms "school of medicine" and "school of dentistry" mean a school in the District of Columbia which provides training leading, respectively, to a degree of doctor of medicine and doctor of dentistry, or an equivalent degree, and which is accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education of the United States.

(3) The term "nonprofit" as applied to a school of medicine or a school of dentistry means one which is owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

TITLE IV—FUNDS FOR HIGHER EDUCATION

Sec. 401. (a) Section 107 of the District of Columbia Public Education Act (D.C. Code, sec. 31-1607) is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by adding "and" at the end of paragraph (5);

(3) by adding after paragraph (5) the following new paragraph:

"(6) section 108(b) of this Act,"; and

(4) by striking out "Federal City College shall" and inserting in lieu thereof the following: "Federal City College and the Washington Technical Institute shall each".

(b) Section 109(a)(1) of such Act (D.C. Code, sec. 31-1609(a)(1)) is amended by striking out "Federal City College shall" and inserting in lieu thereof the following: "Federal City College and the Washington Technical Institute shall each".

(c) Section 110 of such Act (D.C. Code, sec. 31-1610) is redesignated as section 112 and the following new sections are inserted immediately after section 109:

Sec. 110. Grants to the District of Columbia under the Acts referred to in section 107 and under section 109(b) and the earnings of sums appropriated under section 108(b) shall be shared equally between the Federal City College and the Washington Technical Institute.

"Sec. 111. Sections 107 and 109 provide that the Washington Technical Institute shall be considered to be a college established for the benefit of agriculture and the mechanic arts in accordance with the provisions of the Act of July 2, 1862, for the purpose of enabling the Washington Technical Institute to share, under section 110, with the Federal City College (1) grants under the Acts referred to in section 107, (2) grants under section 109(b), and (3) earnings of sums appropriated under section 108(b)."

(d) The amendments made by this section shall apply with respect to (1) grants made to the District of Columbia under the Acts referred to in section 107 of the District of Columbia Public Education Act and under section 109(b) of such Act for fiscal years beginning after June 30, 1971, and (2) any earnings, on and after July 1, 1971, of sums heretofore appropriated to the District of Columbia pursuant to section 108(b) of such Act.

Sec. 402. Any institution of higher education located in the District of Columbia and described in the first sentence of section 1201(a) of the Higher Education Act of 1965 (other than District of Columbia Teachers' College, Federal City College, Gallaudet College, and Howard University) may borrow money at such rates of interest as the institution may determine, without regard to the restrictions of any usury law applicable in the District of Columbia, and shall not plead any statutes against usury in any action.

TITLE V—INDUSTRIAL SAFETY

Sec. 501. Title II of the Act of September 19, 1918 (D.C. Code, secs. 36-431—36-442) is amended as follows:

(1) Section 2 of such title (D.C. Code, sec. 36-432) is amended—

(A) by striking out in paragraph (a) "industrial employment, place of employment," and inserting in lieu thereof "place of employment"; and

(B) by striking out in paragraph (d) "industrial".

(2) Section 3 of such title (D.C. Code, sec. 36-433) is amended by adding at the end thereof the following new sentence: "To promote the safety of persons employed in existing buildings or other existing struc-

tures, such rules, regulations, and standards may require, without limitation, changes in the permanent or temporary features of such buildings or other structures.".

(3) Section 6 of such title (D.C. Code, sec. 36-436) is amended to read as follows:

"Sec. 6. The Board may, upon written application of any employer affected by such rule or regulation, permit variations from any provisions thereof if it shall find that the application of such provision would result in unnecessary hardship or practical difficulty, and notwithstanding such variance, that the protection afforded by such rule or regulation will be provided. The Board may grant a hearing open to the public on such application upon request of the applicant or other interested party or parties, or on its own initiative. The Board's decision thereon shall be subject to review by the District of Columbia Court of Appeals upon petition of the applicant or other affected party or parties. The Board shall keep a properly indexed record of all variations permitted from any rule or regulation, which shall be open to public inspection.".

(4) Section 12 of such title (D.C. Code, sec. 36-442) is amended by striking out "more than $300" and inserting in lieu thereof the following: "less than $100 or more than $600".

TITLE VI—SALE OF DAIRY PRODUCTS IN DISTRICT OF COLUMBIA

Sec. 601. (a) The Act entitled "An Act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes", approved February 27, 1925 (D.C. Code, secs. 33-301—33-319), is amended to read as follows:

"Section 1. None but pure, clean, and wholesome milk, cream, milk products, or frozen desserts conforming to standards established by the District of Columbia Council, not inconsistent with standards established by the United States Government, shall be produced in, or be shipped into, the District of Columbia.

"Sec. 2. As used in this Act—

"(1) The term 'person' includes firms, associations, partnerships, and corporations in addition to individuals.

"(2) The term 'Commissioner' means the Commissioner of the District of Columbia or his designated agents.

"(3) The term 'District' means the District of Columbia.

"Sec. 3. No person shall keep or maintain within the District a dairy farm, milk plant, or frozen dessert plant producing, as the case may be, milk, cream, milk products, or frozen desserts for sale in the District, or bring or send into the District for sale any milk, cream, milk product, or frozen dessert, without a permit so to do from the Commissioner, and then only in accordance with the terms of such permit. Such permit shall be valid only for the calendar year in which it is issued, and shall be renewable annually on or before the 1st day of January of each calendar year thereafter. Application for such permit shall be in writing upon a form prescribed by the Commissioner.

"Sec. 4. The Commissioner is authorized to suspend any permit issued under the authority of this Act whenever, in his opinion, the public health is endangered by the impurity or unwholesomeness of milk, cream, milk product, or frozen dessert supplied by the holder of the permit, and the suspension shall remain in force until the Commissioner finds the danger no longer continues. Whenever any permit is suspended the Commissioner shall in writing furnish to the holder of such permit his reasons for such suspension, and each dealer receiving milk, cream, milk product, or frozen dessert from such holder shall also be promptly notified by the Commissioner in writing of the suspension of the permit.

"Sec. 5. Nothing in this Act shall be construed to prohibit (1) the shipment into the District of milk, cream, or milk products from shipping stations or plants having a sanitation compliance and enforcement rating of 90 per centum or better as determined by a milk sanitation rating officer certified by the Secretary of Health, Education, and Welfare, or (2) the shipment into the District of milk or cream for manufacture into frozen desserts and frozen desserts containing milk or cream which has been produced and transported in accordance with specifications established by a State or Federal regulatory or certifying agency and approved by the Commissioner.

"Sec. 6. No milk, cream, milk product, or frozen dessert shall be sold or offered for sale to a consumer in the District unless it has been pasteurized by a method acceptable to the Secretary of Health, Education, and Welfare.

"Sec. 7. The Commissioner is authorized to seize all milk, cream, milk products, or frozen desserts which may be brought into the District in violation of the provisions of this Act. The owner of any such milk, cream, milk product, or frozen dessert shall immediately be notified of such seizure, and if he shall fail within twenty-four hours from the time such notice is given to him to remove or cause to be removed from the District the seized milk, cream, milk product, or frozen dessert, the Commissioner is authorized to destroy or otherwise dispose of it.

"Sec. 8. The District of Columbia Council is hereby authorized to make from time to time all such reasonable regulations or standards consistent with this Act as it deems necessary to protect the milk, cream, milk product, and frozen dessert supply of the District. Such regulations for standards shall be published once in a daily newspaper of general circulation in the District at least thirty days before any penalty may be exacted for violation thereof.

"Sec. 9. No person in the District shall sell or offer for sale any milk, cream, milk product, or frozen dessert from any source until he shall have first determined that the person providing such milk, cream, milk product, or frozen dessert holds a permit from the Commissioner to ship milk, cream, milk products, or frozen desserts into the District.

"Sec. 10. Any person who violates any provision of this Act or the regulations or standards promulgated hereunder shall be punished by a fine of not more than $300 or imprisonment for not more than thirty days, or both. Prosecutions shall be conducted in the Superior Court of the District of Columbia in the name of the District of Columbia by the Corporation Counsel or any of his assistants."

(b) The amendment made by subsection (a) of this section shall take effect on December 31, 1971.

TITLE VII—MISCELLANEOUS

Sec. 701. Section 2 of the Act entitled "An Act to declare the Old Georgetown Market a historic landmark and to require its preservation in continued use as a public market, and for other purposes", approved September 21, 1966 (D.C. Code, sec. 5-807), is amended by striking out ", but not to exceed in the aggregate $150,000".

Sec. 702. (a) Section 4(b) of the District of Columbia Minimum Wage Act (D.C. Code, sec. 36-404) is amended (1) by striking out "or" at the end of paragraph (4), (2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon and "or", and (3) by adding after paragraph (5) the following new paragraph:

"(6) any employee (A) with respect to whom the Interstate Commerce Commission has power to establish qualifications and maximum hours of service pursuant to the provisions of section 204 of part II of the Interstate Commerce Act, and (B) who is not employed for more than 50 per centum of any workweek within the Washington metropolitan region."

(b) The amendments made by subsection (a) of this section shall take effect as of February 1, 1967.

Sec. 703. (a) Section 2 of the District of Columbia Minimum Wage Act (D.C. Code, sec. 36-402) is amended by adding at the end thereof the following:

"(8) The term 'Washington metropolitan region' means the area consisting of the District of Columbia, Montgomery and Prince George's Counties in Maryland, Arlington and Fairfax Counties and the cities of Alexandria, Fairfax, and Falls Church in Virginia."

(b) Section 3 of such Act (D.C. Code, sec. 36-403) is amended by adding at the end thereof the following:

"(f) A wage order under this Act may establish at any one time only one wage rate for the occupation or the classification of employees within an occupation, as the case may be, to which the wage order applies."

(c) Section 6 of such Act (D.C. Code, sec. 36-406) is amended as follows:

(1) The first sentence of subsection (a) of such section is amended (A) by striking out "wage order" the first time it appears and inserting in lieu thereof "wage rate within a wage order", and (B) by striking out "the wage rates" and inserting in lieu thereof "such wage rate".

(2) The first sentence of subsection (b) of such section is amended (A) by inserting "and" immediately after "occupation," the second time it occurs, and (B) by striking out ", and one or more representatives of the agency designated by the Commissioners to administer this Act." and inserting in lieu thereof a period and the following: "The chairman of the agency designated by the Commissioner to administer this Act shall be an ex officio member of the Committee."

(3) Clause (3) of the second sentence of subsection (e) of such section is amended by striking out "District of Columbia" and inserting in lieu thereof "Washington metropolitan region".

(4) Subsection (f) of such section is amended by inserting immediately before the period at the end thereof the following: "and after taking into consideration the matters referred to in the second sentence of subsection (e)".

(d) The amendment made by subsection (b) of this section shall apply with respect to any wage order under the District of Columbia Minimum Wage Act issued or revised after the date of enactment of this Act.

Sec. 704. (a) The Administrator of the Environmental Protection Agency, in consultation with the Secretary of the Interior, the Chief of Engineers of the Corps of Engineers of the United States Army, and the Commissioner of the District of Columbia, shall conduct a special study of and make recommendations with respect to—

(1) the water pollution problems of the part of the Potomac River that is located within the Washington metropolitan area,

(2) the water resources of the Potomac River for such area,

(3) the problems relating to the provision of adequate facilities for water, sewer, sanitation, and related services for such area, and

(4) the establishment of an appropriate independent area or regional entity to control and resolve such water pollution problems, to regulate and control such water resources, and to provide such services at reasonable costs.

The study shall contain specific recommendations as to the extent and amount of funding that would be necessary to establish and maintain such an area or regional entity, recommendations as to any functions now performed by Federal and District of Columbia entities which should be transferred to

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such an area or regional entity, and recommendations as to provisions for protection of employees of entities that would be affected by such transfers.

(b) The Administrator of the Environmental Protection Agency shall report to the Congress the results of the study under subsection (a), together with his recommendations, on or before March 31, 1971.

SEC. 705. (a) Notwithstanding any other provision of law, the Commissioner of the District of Columbia is authorized to enter into lease agreements with any person, copartnership, corporation, or other entity, which do not bind the government of the District of Columbia for periods in excess of twenty years for each such lease agreement, on such terms and conditions, including, without limitation, lease-purchase, as he deems to be in the interest of the District of Columbia and necessary for the accommodation of District of Columbia agencies and activities in buildings or other improvements which are in existence or are to be constructed by the lessor for such purposes, or on unimproved real property.

(b) No lease agreement entered into under subsection (a) shall provide for the payment of rental in excess of the limitations prescribed by section 322 of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932 (40 U.S.C. 278a), except that the provisions of this subsection shall not apply to leases made prior to the date of the enactment of the District of Columbia Revenue Act of 1970 except when renewals thereof are made after such date.

(c) (1) Section 6 of the District of Columbia Appropriation Act, 1945 (D.C. Code, sec. 1–243) is repealed.

(2) Section 12 of the District of Columbia Appropriation Act, 1959 (D.C. Code, sec. 1–243a) is repealed.

SEC. 706. The second sentence in the second paragraph of section 7 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25–107) is amended by striking out "any election" and inserting in lieu thereof "the presidential election".

TITLE VIII—GENERAL PROVISIONS

SEC. 801. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 802. Nothing in this Act, or any amendments made by this Act, shall be construed so as to affect the authority vested in the Commissioner of the District of Columbia or the authority vested in the District of Columbia Council by Reorganization Plan Numbered 3 of 1967. The performance of any function vested by this Act in the Commissioner of the District of Columbia or in any office or agency under his jurisdiction and control, or in the District of Columbia Council, may be delegated by the Commissioner or Council, as the case may be, in accordance with the provisions of such plan.

SEC. 803. (a) The repeal or amendment by this Act of any provision of law shall not affect any other provision of law, any act done or any right accrued or accruing under such repealed or amended law, or any suit or proceeding had or commenced in any civil cause before repeal or amendment of such law; but all rights and liabilities under such repealed or amended laws shall continue, and may be enforced in the same manner and to the same extent, as if such repeal or amendment had not been made.

(b) In the case of any offense committed or penalty incurred under any provision of law repealed or amended by this Act such offense may be prosecuted and punished and such penalty may be enforced in the same manner and with the same effect as if this Act had not been enacted.

And the Senate agree to the same.

JOHN L. MCMILLAN,
DON FUQUA,
ANCHER NELSEN,
JOEL T. BROYHILL,
Managers on the Part of the House.

THOMAS F. EAGLETON,
W. B. SPONG, JR.,
CHARLES MCC. MATHIAS,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19885) to provide additional revenue for the District of Columbia, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report;

The Senate amendment to the bill struck out all of the House bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the House bill and the Senate amendment to the bill. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House bill and the substitute agreed to in conference.

FEDERAL PAYMENT AUTHORIZATION

Under section 101 of the House bill the authorization for the annual Federal payment to the District of Columbia was increased with respect to fiscal years beginning after June 30, 1970, from $105 million to $120 million—an increase of $15 million.

The Senate amendment provided that such payment for any fiscal year, after fiscal year 1970, would be equal to 30 percent of the District of Columbia general fund revenues derived from taxes, charges, and miscellaneous receipts. It was estimated that for fiscal year 1971 the Federal payment would have been $132 million.

The conference substitute provides for an increase in the Federal payment of $21 million, thus establishing the annual authorization level at $126 million.

It is the position of the managers on the part of the House that the Federal payment authorization provided in the conference substitute is sufficient to cover any expense to the District of Columbia government which may accrue as a result of salary increases for D.C. government employees during the present fiscal year.

BORROWING AUTHORITY

The ceiling on the amount which the District of Columbia may borrow from the United States to carry out capital improvement programs financed by the general fund of the District of Columbia is based on the ability of the District of Columbia to pay from the general fund the interest and principal on its aggregate, outstanding indebtedness to the United States. That is, the measure for such borrowing authority is based on a ceiling on the amount of the revenues from the general fund of the District of Columbia that the District may use to pay the principal and interest on such indebtedness. The present ceiling is 6 percent of the sum of the District's general fund revenues (including the annual Federal payment) for fiscal year 1970.

Under section 102 of the House bill the percentage factor was raised from 6 percent to 8 percent and, with respect to fiscal years 1971 and 1972, the ceiling was to be computed on the basis of the general fund revenues for those years, respectively, and with respect to fiscal years after 1972 the ceiling was to be computed on the basis of such revenues for fiscal year 1972.

The Senate amendment changed the percentage factor from 6 percent to 10 percent and, with respect to fiscal years 1973 and 1974, permitted the ceiling to be based on general fund revenues received in those years, respectively, and with respect to fiscal years after 1974, permitted the ceiling to be based on such revenues received in fiscal year 1974.

The conference substitute is the same as the House bill except that the percentage factor is 9 percent instead of 8 percent.

The House bill provided that the ceiling on borrowing for the D.C. Sanitary and Sewage Works Fund be increased from $32 million to $72 million. The Senate amendment provided that effective fiscal year 1975, the ceiling for borrowing for that fund for projects approved prior to June 30, 1974, be increased from $32 million to $93.9 million. The conference substitute adopts the House provision.

The House bill provided that the ceiling on borrowing for the D.C. Highway Fund be increased from $85.25 million to $110 million. The Senate amendment provided that effective fiscal year 1975, the ceiling on borrowing for this fund for projects approved before June 30, 1974, be increased from $85.25 million to $146.8 million. The conference substitute adopts the House provision.

The House bill provided that the ceiling on borrowing for the D.C. Water Fund be increased from $35 million to $51 million. The Senate amendment provided that effective fiscal year 1975, the ceiling on borrowing for this fund for projects approved prior to June 30, 1974, be increased from $35 million to $62.9 million. The conference substitute adopts the House provision.

The conference substitute is estimated to produce for general fund requirements $610 million borrowing authority for 1971 and $626 million for 1972.

The conferees, by retaining the House-passed increases referred to in the special funds, thus has provided a total borrowing authority for the general fund and the special funds named of $843 million for 1971 and $845 million for 1972.

FEES FOR HAULING PERMITS FOR CERTAIN SELF-UNLOADING TRUCKS

Section 104 of the House bill contained a provision not in the Senate amendment authorizing the Commissioner of the District of Columbia to charge certain fees for permits required for the operation in the District of Columbia of self-unloading motor vehicles having three or more axles. The provision in the House bill authorized the Commissioner to increase the fees under certain circumstances and also provided that the fees from the permits would be deposited in the District of Columbia highway fund.

The conference substitute adopts this provision and makes it clear that it is designed to enable the District of Columbia to charge revenue-raising fees for hauling permits for self-unloading motor vehicles of three or more axles and that such fees are to be deposited in the District of Columbia highway fund. The provisions in the House bill authorizing the District of Columbia to require hauling permits and prescribing related administrative authority was not included in the conference substitute because the District of Columbia under existing law has the authority to require such permits and to make such regulations as may be necessary for their issuance and enforcement.

WATER AND SEWER RATES

Section 105 of the House bill repealed the ceiling on water rates that may be fixed by the District of Columbia Council.

The Senate amendment contained a similar provision which also repealed the ceiling on sewer rates that may be fixed by the District of Columbia Council. In addition, the Senate amendment provided that charges for water or sewer service during a period in which a rate change is made would be based on the higher rate rather than based on an average of the two rates.

The conference substitute is the same as the Senate amendment.

REAL ESTATE INVESTMENT TRUSTS

Section 701 of the Senate amendment contained a provision not in the House bill which provided that dividends of a real estate investment trust would be treated by the District of Columbia in the same manner that such dividends are treated under the Internal Revenue Code of 1954. Thus, if the dividends paid by a real estate investment trust would qualify for the dividends-paid deduction under the Internal Revenue Code of 1954, such dividends would be allowed as deductions from gross income in computing net income for purposes of the District of Columbia income tax.

The conference substitute contains the provisions of the Senate amendment.

LAND GRANT FUNDS FOR HIGHER EDUCATION

The House bill contained a provision which provided that the Washington Technical Institute, in addition to the Federal City College, shall be considered a college established for the benefit of agriculture and the mechanic arts in accordance with the provisions of the Act of July 2, 1862, for the purpose of enabling the Washington Technical Institute to share equally under section 110 of the District of Columbia Public Education Act, with the Federal City College, (1) grants under the Acts referred to in section 107 of the District of Columbia Public Education Act, (2) grants under section 109(b) of such Act, and (3) earnings of sums appropriated under section 108(b) of such Act.

The Senate amendment contained no comparable provision.

The conference substitute conforms to the House language with an additional provision intended to insure that the action taken to designate the Washington Technical Institute as a land grant college is for the purpose of enabling the Institute to share equally under section 110 of the District of Columbia Public Education Act, with the Federal City College, in land grant funds and is not otherwise to be considered as a precedent.

The conference substitute, while providing that grants under section 109(b) of the District of Columbia Public Education Act are to be shared equally between the Washington Technical Institute and the Federal City College, intends that there be only one director of cooperative extension work in the District of Columbia and that the two educational institutions enter into a cooperative arrangement to carry out non-duplicative areas of work mutually agreed upon.

INDUSTRIAL SAFETY

Title IV of the Senate amendment contained a provision not in the House bill which amended the industrial safety law of the District of Columbia as follows: (1) the law was made applicable to all places of employment, not just industrial, (2) the Minimum Wage and Industrial Safety Board was authorized to order changes in temporary as well as permanent features of existing buildings, (3) the Board was authorized to grant hearings on applications for variances from the requirements of the industrial safety law, (4) decisions of the Board with respect to applications for such variances were made reviewable by the District of Columbia Court of Appeals, (5) fines for violations were changed from a maximum of $300 to a minimum of $100 and a maximum of $1,000, (6) no forfeiture of collateral in cases involving death or serious injury is permitted, and (7) an Assistant Corporation Counsel was to be assigned to the Board to conduct prosecution for violations of industrial safety laws.

The conference substitute adopts the changes in the industrial safety law referred to in clauses (1), (2), (3), and (4) and in lieu of the change described in clause (5) provides for a minimum fine of $100 and an increase in the maximum fine from $300 to $600. The conference substitute does not contain the changes described in clauses (6) and (7).

SALE OF DAIRY PRODUCTS IN D.C.

The House bill provided that dairy products from outside the District of Columbia may be sold in the District if the sources of such products are inspected and approved by certified inspectors of the Department of Health, Education, and Welfare, thus repealing the provision of present law which requires that such sources of dairy products be inspected and approved also by inspectors of the D.C. Department of Public Health. The effective date for this provision was July 1, 1971. The Senate amendment contained no comparable provision. The conference substitute adopts the House provision, but with an effective date of December 31, 1971.

OVERTIME EXEMPTION FOR CERTAIN MOTOR CARRIER EMPLOYEES

Section 502 of the House bill contained a provision not in the Senate amendment which provided an exemption from the overtime requirements of the District of Columbia Minimum Wage Act for employees with respect to whom the Interstate Commerce Commission has power to establish qualifications and maximum hours of service pursuant to the provisions of section 204 of part II of the Interstate Commerce Act. There is in the Federal minimum wage law (the Fair Labor Standards Act of 1938) an exemption for such employees from the overtime requirements of such law. The employees who are exempted from overtime requirements under the Federal law and who would be exempted under the provisions of the House bill are drivers of motor vehicles operating in interstate commerce, driver's helpers on such vehicles, mechanics who repair and service such vehicles, and loaders of such vehicles. The amendment in the House bill was made retroactive to February 1, 1967, the effective date of the revision of the District of Columbia Minimum Wage Act which applied its provisions to men for the first time.

The conference substitute provides that the employees exempted by the House bill from the District of Columbia overtime requirements will be exempted from such requirements in any work week if in such work week such employees were not employed for more than half of such work week within the Washington metropolitan region, which is defined as the area comprised of the District of Columbia, the counties of Montgomery and Prince Georges in Maryland, and the counties of Arlington and Fairfax and the cities of Alexandria, Fairfax and Falls Church in Virginia. The exemption as in the House bill, is made retroactive to February 1, 1967.

MINIMUM WAGE RATES UNDER THE DISTRICT OF COLUMBIA MINIMUM WAGE ACT

Section 503 of the House bill contained amendments, not in the Senate amendment, to the District of Columbia Minimum Wage Act. Such amendments provided the following: (1) the wage rate in any wage order could not be changed until it had been in effect at least one year, (2) the District of Columbia was not to be represented on ad hoc advisory committees created to advise the Commissioner with respect to proposed wage order revisions, (3) in considering proposed wage rate revisions, the advisory committee was directed to consider the applicable wage rates being paid in the Washington metropolitan region, and (4) the minimum wage rate established in a wage order could not exceed by more than 10% the highest minimum wage rate in effect under the Federal minimum wage law.

The conference substitute adopts the changes made by the House bill described in clauses (1), (2), and (3). In addition, it provides that the chairman of the District of Columbia Minimum Wage and Industrial Safety Board shall be an ex officio member of the advisory committee referred to in clause (3) and makes it explicit that a wage order may not provide for more than one increase in a minimum wage rate. That is, the current practice of providing multiple increases in one wage order or revision thereof in the minimum wage rate is now prohibited. Thus, for example, a wage order which now provides for a wage rate of $1.60 an hour effective January 1, 1971, a minimum wage rate of $1.80 an hour effective July 1, 1971, and $2.00 an hour effective January 1, 1972, is not allowed under the amendment made by the conference substitute. Under the example given, separate action would be required for the minimum wage rates of $1.80 an hour and $2.00 an hour. However, the Board may continue to establish in any wage order or revision thereof separate wage rates for different classifications of employees within the occupation to which the wage order applies.

STUDY OF POTOMAC RIVER RESOURCES AND POLLUTION PROBLEMS

The House bill contained a provision not in the Senate amendment which authorized the Administrator of the Environmental Protection Agency to conduct a study of and make recommendations with respect to the water pollution problems on the part of the Potomac River located in the Washington metropolitan area, the water resources of the Potomac River for such area, the problems relating to the provision of adequate facilities for water, sewer, sanitation, and related services for such area and the establishment of an appropriate independent area or regional entity to control and resolve such water pollution problems, to regulate and control such water resources and to provide such services at reasonable costs. The Administrator was directed to report to the Congress the results of such study, together with his recommendations, on or before March 31, 1971.

The conference substitute contains the provision of the House bill. It is expected that the Administrator in carrying out such study and formulating his recommendations will consult with appropriate public officials of the jurisdictions in Maryland and Virginia which will be affected by his recommendations.

AMENDMENT TO THE DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL ACT

The Senate amendment contained a provision not in the House bill which repealed the change made to the District of Columbia Alcoholic Beverage Control Act by the District of Columbia Delegate Act (Public Law 91–405). Before that Act liquor sales in the District of Columbia were prohibited on presidential elections day. Under the amendment made by that Act liquor sales were prohibited on any election day. Under the Senate amendment liquor sales would be prohibited only on presidential election days.

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The conference substitute contains the provision of the Senate amendment.

JOHN L. McMILLAN,
DON FUQUA,
ANCHER NELSEN,
JOEL T. BROYHILL,
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RANDALL, for Monday, December 21, and Tuesday, December 22, on account of official business (to hear complaints on location of missile site radar of the Safeguard system in Pettis County and to discuss criteria for location of such site in Pettis and Johnson County, Mo.).

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DANIEL of Virginia) to revise and extend their remarks and include extraneous material:)

Mr. RARICK, for 15 minutes, today.

Mr. GRIFFIN, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. RANDALL, for 15 minutes today, to revise and extend his remarks, and include extraneous material.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BARRETT and Mr. HANNA to extend their remarks during consideration of conference report on H.R. 19436.

(The following Members (at the request of Mr. KYL) and to include extraneous material:)

Mr. BUCHANAN in two instances.

Mr. WYMAN in two instances.

Mr. WIDNALL in two instances.

Mr. ROUSSELOT.

(The following Members (at the request of Mr. DANIEL of Virginia) and to include extraneous material:)

Mr. MINISH in five instances.

Mr. O'NEILL of Massachusetts in three instances.

Mr. RARICK in five instances.

Mr. ROONEY of New York.

Mr. RYAN in two instances.

Mr. KLUCZYNSKI in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1009. An act for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer; to the committee on the Judiciary.

S. 1984. An act for the relief of Alice E. Ford; to the Committee on the Judiciary.

S. 2793. An act for the relief of Siu-Kei-Fong; to the Committee on the Judiciary.

S. 3885. An act for the relief of Maurice Marchbanks; to the Committee on the Judiciary.

S. 3971. An act for the relief of Luana Gaja; to the Committee on the Judiciary.

S. 3977. An act for the relief of Dr. Hahn Joong Lee; to the Committee on the Judiciary.

S. 4261. An act for the relief of Esther Catherine Milner; to the Committee on the Judiciary.

S. 4268. An act to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, and for other purposes; to the Committee on Banking and Currency.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 380. An act to amend section 7 of the act of August 9, 1946 (60 Stat. 968);

H.R. 4983. An act for the relief of James M. Buster;

H.R. 6049. An act to amend the definition of "metal bearing ores" in the Tariff Schedules of the United States;

H.R. 6778. An act to amend the Bank Holding Company Act of 1956, and for other purposes;

H.R. 9183. An act to amend the Tariff Schedules of the United States to provide that imported articles which are exported and thereafter reimported to the United States for failure to meet sample or specifications shall, in certain instances, be entered free of duty upon such reimportation;

H.R. 10150. An act for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex.;

H.R. 10704. An act for the relief of Samuel R. Stephenson;

H.R. 12621. An act for the relief of Lt. Robert J. Scanlon;

H.R. 12962. An act for the relief of Maureen O'Leary Pimpare;

H.R. 14271. An act for the relief of Jack A. Duggins;

H.R. 15911. An act to amend title 38 of the United States Code to increase the rates, income limitations, and aid and attendance allowances relating to payment of pension and parents' dependency and indemnity compensation; to exclude certain payments in determining annual income with respect to such pension and compensation; to make the Mexican border period a period of war for the purposes of such title; and for other purposes;

H.R. 15979. An act to provide that the interest on certain insured loans sold out of the agricultural credit insurance fund shall be included in gross income;

H.R. 16506. An act to amend the Internal Revenue Code of 1954 to clarify the applicability of the exemption from income taxation of cemetery corporations;

H.R. 16940. An act to extend until December 31, 1972, the suspension of duty on electrodes for use in producing aluminum; and

H.R. 19504. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1. An act to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs;

S. 704. An act to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act;

S. 719. An act to establish a national mining and minerals policy;

S. 2102. An act for the relief of Percy Ispas Avram;

S. 2193. An act to assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the act; by assisting and encouraging the States in their efforts to assure safe healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes; and

S. 3619. An act to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn until 12 o'clock noon on Monday next.

The motion was agreed to, accordingly (at 3 o'clock and 28 minutes p.m.), the House adjourned until Monday, December 21, 1970, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McMILLAN: Committee of conference. Conference report on H.R. 19885; with amendment (Rept. No. 91–1789). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII,

Mr. GRIFFIN introduced a bill (H.R. 19981) to authorize the Secretary of Agriculture to establish a program to enable individuals to enter into, and engage in, the production and marketing of farm-raised fish through the extension of credit, technical assistance, marketing assistance and research, and for other purposes, which was referred to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. CHAPPELL introduced a bill (H.R. 19982) for the relief of Aleyda Arias Veru, which was referred to the Committee on the Judiciary.

SENATE—*Saturday, December 19, 1970*

(Legislative day of Tuesday, December 15, 1970)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou infinite and eternal Spirit, we thank Thee that Thou hast revealed thyself in the vast stretches of nature, in the tumultuous events of history, in the mighty deeds of men, and also in tiny things like an atom or a baby.

We thank Thee, O God, that Thou didst not come a giant to little folk but a baby nestling in the heart of humanity. We thank Thee for the wise simplicity of the manger-scene. At this season may we come to know the mighty power of love, the beauty of motherhood, the simple trust and open faith of a little child. May we see beyond the visible the message of the invisible. May we this day open our hearts to divine love, to think as the Man of Nazareth thought, to sacrifice as the Man on the cross sacrificed, and to help bring to fulfillment the promise of Bethlehem "Peace on earth among men of good will."

In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 19, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Friday, December 18, 1970, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 1489.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SOUTH PACIFIC COMMISSION

The Senate proceeded to consider the joint resolution (H.J. Res. 1162) to amend Public Law 403, 80th Congress, of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission which had been reported from the Committee on Foreign Relations with an amendment on page 1, line 9, after the word "exceed", strike out "$325,000" and insert "$250,000".

The amendment was agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1477), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

House Joint Resolution 1162, as proposed to be amended by the committee would raise the authorized limit on annual U.S. contributions to the South Pacific Commission from not to exceed $200,000 a year to $250,000.

BACKGROUND

The South Pacific Commission was created in 1948 by the six countries then having administrative responsibilities for territories in the South Pacific: Australia, France, the Netherlands, New Zealand, the United Kingdom, and the United States. The Netherlands withdrew when it ceased to be an administering authority, but two newly independent nations—Western Samoa and Nauru—have joined. The following table gives the present membership and assessments:

	Percent
Australia	31
United States	20
United Kingdom	17
New Zealand	16
France	14
Western Samoa	1
Nauru	1

It is expected that Fiji will become a member in the near future.

The purpose of the Commission is to promote the economic and social advancement of the people in the area. Its role in this task is entirely advisory and consultative, consisting of research, training, technical conferences, seminars, and other means of supplementing and complementing the programs carried on by the metropolitan powers and independent countries in the area. It has been described as a "sparkplug" organization and one which the peoples of the South Pacific area consider to be "their organization." There is no other regional organization in this area and the U.N.'s modest programs there are coordinated by the South Pacific Commission with those of its member nations.

HEARINGS RELATING TO VARIOUS BILLS TO REPEAL THE EMERGENCY DETENTION ACT OF 1950

The concurrent resolution (H. Con. Res. 788) authorizing the printing of additional copies of "Hearings Relating to Various Bills To Repeal the Emergency Detention Act of 1950," 91st Congress, second session, was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1478), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

House Concurrent Resolution 788 would authorize the printing for the use of the House Committee on Internal Security of 3,000 additional copies of the publication entitled "Hearings Relating to Various Bills To Repeal the Emergency Detention Act of 1950," 91st Congress, second session.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

Back to press, first 1,000 copies	$6, 624. 70
2,000 additional copies, at $1,585.95 per thousand	3, 171. 90
Total estimated cost (H. Con, Res. 788)	9, 796. 60

PRAYERS OF HOUSE CHAPLAIN

The concurrent resolution (H. Con. Res. 789) to provide for the printing of the prayers offered by the Chaplain as a House document was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1479), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

House Concurrent Resolution 789 would provide (1) that the prayers offered by the Chaplain, the Reverend Gardiner Latch, D.D., L.H.D., at the opening of the daily sessions of the House of Representatives of the United States during the 89th, 90th, and 91st Congresses, be printed, with appropriate illustration, as a House document; and (2) that 3,000 additional copies of such document be printed and bound for the use of the House of Representatives, to be distributed by the Chaplain of the House of Representatives.

The printing-cost estimate, supplied by the Public Printer, is as follows:

XUM

Printing-cost estimate

To print as a document (1,500 copies)	$10, 281. 50
3,000 additional copies at $1,692.18 per thousand	5, 076. 84
Total estimated cost (H. Con. Res. 789)	15, 358. 34

HEARINGS ON U.S. SECURITY AGREEMENTS AND COMMITMENTS ABROAD

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 85) authorizing the printing as a Senate document of a compilation of the hearings on U.S. security agreements and commitments abroad which had been reported from the Committee on Rules and Administration with an amendment to strike out all after the resolving clause and insert:

That there be printed for the use of the Senate Committee on Foreign Relations four thousand additional copies each of parts 1 through 11 of its hearings of the Ninety-first Congress on United States Security Agreements and Commitments Abroad.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

The title was amended, so as to read: "Concurrent resolution authorizing the printing of additional copies of Senate hearings on United States Security Agreements and Commitments Abroad".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1480), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Concurrent Resolution 85 as referred would provide (1) that there be printed as a Senate document a compilation of the hearings on United States security agreements and commitments abroad, held before the Subcommittee on United States Security Agreements and Commitments Abroad of the Senate Committee on Foreign Relations, and (2) that there be printed 4,000 additional copies of such hearings for the use of that committee.

The Senate Committee on Rules and Administration has amended Senate Concurrent Resolution 85 by deleting the provision that the hearings be reprinted in the form of a Senate document. The Rules Committee has amended the title also, to conform with the deletion. In its amended form the concurrent resolution would provide the Senate Committee on Foreign Relations with 4,000 additional copies of each of parts 1 through 11 of its hearings on security agreements and commitments abroad.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

Back to press, first 1,000 copies	$11, 074. 83
3,000 additional copies, at $2,138.15 per thousand	6, 144. 45
Total estimated cost (S. Con. Res. 85)	17, 489. 28

CLIFFORD DAVIS FEDERAL OFFICE BUILDING

The bill (H.R. 19890) to name a Federal building in Memphis, Tenn., for the late Clifford Davis was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill, H.R. 15188, to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft, was announced.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

LT. COMDR. LeROY E. COON, U.S. NAVY, RETIRED

The Senate proceeded to consider the bill (S. 2956) to provide private relief of Lt. Comdr. LeRoy E. Coon, Supply Corps, U.S. Navy, retired, continued on active duty in a retired status after June 30, 1967, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, notwithstanding the provisions of footnote 1 of section 1402(a) of title 10, United States Code, Lieutenant Commander LeRoy E. Coon, Supply Corps, United States Navy (retired), who served on active duty in a retired status from July 1, 1967, through June 30, 1969, shall be entitled to have his retired pay recomputed effective July 1, 1969, and the rate of basic pay used for such recomputation shall be that rate in effect on June 30, 1969.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1495), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF AMENDMENT

The purpose of the amendment is to reflect the views of the Department of the Navy.

PURPOSE

The purpose of the bill as amended is that, notwithstanding the provisions of footnote 1 of section 1402(a) of title 10, United States Code, Lt. Comdr. LeRoy E. Coon, Supply Corps, U.S. Navy (retired), who served on active duty in a retired status from July 1, 1967, through June 30, 1969, shall be entitled to have his retired pay recomputed effective July 1, 1969, and the rate of basic pay used for such recomputation shall be that rate in effect on June 30, 1969.

STATEMENT

The facts of the case as contained in the departmental report to the committee chairman dated June 30, 1970, are as follows:

Present retired pay statutes provide that a retired officer who serves on active duty following such retirement and who is subsequently released from that active duty shall be entitled to recompute his retired pay only if he has served at least 2 years on active duty following his retirement. When the member concerned has established his eligibility to recompute his retired pay based on the fact that he has served on active duty in a retired status for at least 2 years, he may or may not be eligible to recompute his retired pay based on the rates of basic pay in effect at the time of his release. This determination depends on whether he has been entitled to basic pay under the rates of basic pay in effect upon his release from active duty for a continuous period of at least 2 years. If the member has served on active duty for at least 2 years but has not been entitled to basic pay for a continuous period of 2 years under the rates of basic pay in effect at the time of his release, he is entitled to recompute his retired pay under the rates of basic pay replaced by those in effect upon his release from active duty, (10 U.S.C. 1402 (a), footnote 1.)

Lieutenant Commander Coon served on active duty for 2 years following his retirement on July 1, 1967. On that date the rates of basic pay which became effective July 1, 1966, were in effect. Lieutenant Commander Coon was released from active duty on June 30, 1969, and the rates of basic pay which became effective on July 1, 1968, were in effct on that date. Under operation of footnote 1, section 1402(a), title 10, United States Code, he became eligible to recompute his retired pay based on the rates which came into effect on October 1, 1967, plus the consumer price index increases authorized by section 1401 (a), title 10, United States Code. The reason that his eligibility is computed on the basis of the October 1, 1967, pay rates is that he had not served for a continuous period of 2 years under the rates of basic pay in effect at the time of his release. However, since he had served on active duty for a continuous period of 2 years, he was entitled to compute under the rates of basic pay replaced by those in effect upon his release from active duty, to wit, the October 1, 1967, rates of basic pay.

The foregoing has common application to all officers who were involved in situations similar to Lieutenant Commander Coon's. The records of the Department of the Navy indicate that Lieutenant Commander Coon had been informed of the method by which his retired pay would be computed prior to his voluntarily agreeing to remain on active duty in a retired status. There appears to be no reason for providing relief for Lieutenant Commander Coon without similarly providing for others in the same or similar situations.

The Department of Defense has recommended general legislation which would permit Lieutenant Commander Coon, and all others similarly situated, to recompute retired pay based on the rates of basic pay in effect at the time of release so long as the member had served on active duty for a continuous period of at least 2 years. (See the Department of Defense substitute bill recommended in its report on H.R. 15142 as set out at p. 4, H. Rept. No. 836, 91st Cong., second sess. (1970).) Accordingly, the Department of the Navy has no objection to that portion of S. 2956 which would permit Lieutenant Commander Coon to recompute his retired pay based on the rates of basic pay in effect on June 30, 1969, although the Department of the Navy prefers the general legislation envisioned in the Department of Defense substitute bill recommended in its report on H.R. 15142. The Department of the Navy does not favor enactment of that portion of S. 2956 which would provide Lieutenant Commander Coon with a constructive release date of July 1, 1969, since he in fact was released on June 30, 1969, and there appears to be no equitable reason for changing that date.

Enactment of S. 2956 would not result in any increased budgetary requirement to the Department of Defense.

In agreement with the views of the Navy the committee recommends that the bill as amended be favorably reported.

BILL PASSED OVER

The bill, S. 3908, for the relief of the widow and children of Thomas Fillifant was announced.

Mr. MANSFIELD. Over, Mr. President.

The **ACTING PRESIDENT** pro tempore. The bill will be passed over.

THOMAS J. BECK

The bill (H.R. 4982) for the relief of Thomas J. Beck was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1483), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay Thomas J. Beck $479.96 in settlement of his claims against the United States for travel and relocation expenses incurred in 1967 incident to a transfer from Tuscaloosa, Ala., to Washington, D.C., as an employee of the U.S. Naval Air Systems Command. The amended bill would also have the effect of waiving any outstanding claims of the United States against the employee incident to the same move.

STATEMENT

The facts in this case as contained in House Report 91–1238 are as follows:

The Department of the Navy in its report to the committee has questioned the relief provided in the bill. The Navy also suggested amendments as to the amount stated in the bill and the waiver of any outstanding liability on the part of the claimant to the United States incident to the same matter. The committee has recommended amendments embodying the substance of the recommendations of the Department.

Immediately prior to accepting employment with the Department of the Navy, Thomas J. Beck attended the University of Alabama and just prior to receiving his bachelor of science degree in mechanical engineering, he was interviewed and hired in 1966 by the U.S. Naval Air Systems Command. At that time he entered into the junior engineering training program of that command and followed a course of education at the same university from September 1966 to August 1967. On completion of that program, he performed the travel referred to in the bill. As is noted in the Department of the Navy report, the travel was performed from August 19 to 21, 1967 and was followed by a short period during which he sought permanent housing in the Washington area.

The problem in this case, as is noted in the Department of the Navy letter, is that Mr. Beck was incorrectly advised by a letter from the Navy dated March 30, 1967, that he would be reimbursed for the following expenses:

(*a*) Payment of per diem to an employee's dependents.

(*b*) Payment of temporary quarters or subsistence expenses incident to occupancy of temporary quarters.

(*c*) Miscellaneous expenses associated with discontinuing residence at one station and establishing residence incident to permanent duty travel.

The Navy report notes that under applicable laws and regulations, the three items mentioned above are not authorized as the basis for payments to employees assigned for training to a non-Government facility. Mr. Beck was authorized to be reimbursed for travel expenses in the amount of $111.96 and per diem in the amount of $40, for a total of $151.96.

Mr. Beck claimed reimbursement for the expenditures incurred by him and his family as follows:

Travel expenses	$111.96
Per diem (for self, wife and children	99.00
Temporary quarters and subsistence (9 days)	324.00
Miscellaneous moving costs	200.00
Total	734.96

The committee has carefully considered this matter and has concluded that this is an appropriate case for legislative relief. The Navy has stated that Mr. Beck was incorrectly advised by letter that he would be reimbursed for the expenses in three categories subsequently determined not to be applicable in his case. Mr. Beck has stated that he was not only assured by letter but also orally before making arrangements for his move that these three items would be paid. He has further stated that had he been informed correctly concerning reimbursement, he would have made other arrangements. Furthermore, he had just completed 4 years of full-time schooling which necessitated his taking part-time work to support his family prior to being hired by the Naval Air Systems Command. The sequence of events which culminated in denial of payment of the three items discussed in this report created a financial hardship on him. Since the Government is not without fault in this situation and it appears that the employee was misled by a letter received from the Government, the committee has concluded that the most equitable resolution on the matter would be to grant legislative relief. However, the committee agrees that the amount stated in the bill should be reduced to $479.96, the figure recommended in the Navy report, which is the amount originally claimed reduced by the amount of $225 originally advanced to Mr. Beck for the trip. As is also noted by the Navy, the amount of allowable expenses for the trip was $151.96. As things now stand, Mr. Beck is indebted to the United States for the balance of $103.04. The amended bill, in addition to settling Mr. Beck's claim, would waive this overpayment by including language providing for such a waiver. The committee recommends that the amended bill be considered favorably.

The committee concurs in the action of the House of Representatives and recommends that the bill be favorably considered.

HERSHEL SMITH

The bill (H.R. 6100) for the relief of Hershel Smith, publisher of the Lindsay News, of Lindsay, Okla., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1484), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Hershel Smith, publisher of the Lindsay News of Lindsay, Okla., of liability of $966.77 for a subsequently determined underpayment of postage on second-class mailings of the Lindsay News in the period from September 22, 1962, through July 22, 1964.

The bill would provide for the refund of any amounts paid in reduction of the obligation referred to in the bill.

STATEMENT

The facts of the case, as contained in House Report No. 1367, are as follows:

The Post Office Department in its report to the committee on the bill indicated that in view of the circumstances and the action of the General Accounting Office in relieving the postmaster, it would have no objection to the bill's enactment. The Comptroller General in his report questions relief.

As is outlined in the Post Office Department report, the underpayment of postage referred to in this bill resulted from an erroneous interpretation on the part of the postmaster at Lindsay, Okla., of the instruction applicable to the computation of postage on second-class mail. The Post Office Department stated that the mailer relied in good faith on the postmaster's interpretation of the instructions. It further noted that the Comptroller General ruled that the instructions were misleading and, for that reason, the postmaster was relieved of financial responsibility for failure to collect proper postage. In this connection, the report of the Comptroller General on the bill stated that "investigation of the matter indicated that the instructions and exhibitions in the Postal Manual upon which the Postmaster had relied in his computation of the postage here involved were sufficiently confusing and unclear as to warrant the finding that his miscomputation was not the result of negligence or lack of due care on his part. Hence, at the request of the Postmaster General and under the authority of 39 U.S.C. 2401 (b) and (c), we relieved the postmaster of financial responsibility for the undercharge."

The situation is such that notwithstanding the circumstances of the case, the Lindsay News remains legally liable to pay the difference between the amount which should have been paid and the amount actually paid for the postage. The report of the Comptroller General states that the mistake was not made by the Lindsay News and agrees that payment was made in good faith on the basis of the rate specified by the postmaster.

The Comptroller General has also noted that under applicable law he does not have the authority to waive the collection of fees of this type. It is obvious that this was the case because this is the reason that an appeal has been made to the Congress.

As has been noted in this report there is no question but that the mistake was made by a representative of the Post Office, that this determination was the basis of reliance by the newspaper for an extended period of time, and that the publisher of the newspaper acted in good faith in the matter. The conclusion of the Post Office Department summarizes the equities of the case in the opinion of the committee. That report states:

"In the light of these circumstances, and especially since the General Accounting Office relieved the postmaster's account, the Department would have no objection to the enactment of H.R. 6100."

In view of the circumstances of the case and the above position of the Department concerned, it is recommended that the bill, amended, be considered favorably.

After review of the facts of this claim, the committee concurs in the recommendation of the House committee and recommends that the bill (H.R. 6100) be considered favorably.

BILL PASSED OVER

The bill (H.R. 7264) for the relief of Mrs. Pearl C. Davis was announced.

Mr. MANSFIELD. Over, Mr. President.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

XUM

FRANK E. DART

The bill (H.R. 13182) for the relief of Frank E. Dart was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1486), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to provide that the claim of Frank E. Dart, Chief Radarman, U.S. Navy, for the loss of his household goods and personal effects in a warehouse fire is to be considered and, if found meritorious, paid in accordance with the provisions of the Military Personnel and Civilian Employees Claims Act to 1964. It is further provided that the United States is to be subrogated to the rights of the said Frank E. Dart against any third parties based on the same loss to the extent of the amount so paid.

STATEMENT

H.R. 13182 as originally introduced in the House of Representatives provided for the payment of $6,678, to Frank E. Dart in compensation for the loss of his personal effects and household goods. The Department of the Navy in its report on the bill indicated it had no objection to the bill subject to certain modifications as outlined in its report. The House of Representatives adopted those modifications in the present bill.

Chief Radarman Frank E. Dart's household effects were destroyed by fire on February 18, 1969, while being stored at Collings Moving and Storage, Westerly, R.I. These effects had been temporarily stored at Government expense, but the 180-day time limit for such storage had expired on February 1, 1969. Chief Dart was awaiting Government housing which had not become available during the 180-day period. Under these circumstances he left his effects in "private storage" and it was during this period that they were destroyed.

Chief Petty Officer Dart originally filed a claim for $6,552.90 and the claims investigating officer recommended favorable consideration on March 7, 1969. However, the Navy pointed out that the amount recommended on the basis of the Military Personnel and Civilian Employees Claim Act and its implementing regulations would have been $4,654. The inequity of the situation is clear when it is considered that Chief Dart would have been paid this amount had the effects continued in storage at government expense, or had the fire occurred during the 180-day period. This figure is based on the value of items claimed, less depreciation in accordance with standard depreciation tables. The original claim listed all items at original cost. These depreciation figures are based on depreciation from the date of acquisition to the time of placing them in storage, August 1969, and not to the date of the loss. This is the standard approach taken by the Navy in such cases.

The bill authorizes the settlement of Chief Dart's claim by the Navy under the procedures set up by the Military Personnel and Civilian Employees Claims Act.

The committee is in agreement with the conclusions arrived at by the House committee and accordingly recommends favorable consideration of H.R. 13182 without amendment.

It has been noted that relief has been granted in a similar case, S. 948 of the 90th Congress signed by the President on May 17, 1968 which granted relief to Eugene Sidney Markovitz under similar circumstances.

RELIEF FOR CERTAIN RETIRED OFFICERS OF THE ARMY, NAVY, AND AIR FORCE

The bill (H.R. 13676) for the relief of certain retired officers of the Army, Navy, and Air Force was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1487), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay certain retired officers the amounts opposite their names in full settlement of their claims for retroactive payment of retired pay as authorized by the act of April 14, 1966, Public Law 89-395 (80 Stat. 120).

STATEMENT

The facts of the case as contained in House Report No. 91-1044 are as follows:

"The Department of the Army in its report on an earlier bill, H.R. 10541 of the 90th Congress, suggested the language contained in the bill H.R. 13676. In that report the Army stated that it was not opposed to intent of the earlier bill, that is to grant relief to these retired officers, but that in view of the limited number involved it was recommended that relief take the form of a private bill naming the individuals affected. It was further suggested that the committee secure from the General Accounting Office the names of the officers in this particular category. The names included in the bill introduced in the present Congress are those identified by the General Accounting Office.

"The officers named in the bill were in the category of persons meant to be covered by Public Law 89-395, that is retired military personnel whose rights to retired pay within the meaning of paragraph 4, section 15 of the Pay Readjustment Act of 1942 had been reorganized by the Comptroller General, but who were barred by the 10-year statute of limitations from payment prior to that period. In effect, Public Law 89-395 waived the 10-year limitation when claims were filed within a year of the date of enactment of that law. The committee understands that the officers named in this bill filed timely claims under the 89th Congress law. These claims were denied because each officer had previously brought cases before the Court of Claims involving other issues concerning retirement and the Comptroller General held that the precise issue concerning retirement under the 1942 act could have been litigated in those cases and therefore the officers were barred of subsequent payment even though the statute of limitations had been waived by Public Law 89-395.

"This committee feels that this small group of retired officers should not be denied payments to which they would have been entitled but for the fact that they were involved in earlier litigation. As were noted by the Army in its report on H.R. 10541, of the 90th Congress, the legislative history of Public Law 89-359, indicate a desire to permit payment of the full amount of retired pay to the retired officers of this category. The eligibility of these officers is defined in Public Law 89-395 which provided:

"'That the limitation of time prescribed by the act of October 9, 1940 (54 Stat. 1061; 31 U.S.C. 237), is hereby waived with respect to claims for increased retired pay by any retired officer of the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service, if (1) he served in any capacity as a member of the military or naval forces of the United States prior to November 12, 1918; (2) he was retired under any provision of law prior to June 1, 1942, and was subsequently called to active duty; and (3) he was returned to an inactive status on a retired list after May 31, 1942: *Provided*, That a claim for such retired pay shall be filed with the General Accounting Office by each such officer or by his designated beneficiary, within 1 year following the date of enactment of this act.'

"Public Law 89-395, supra is identical to proposed legislation suggested to Congress by the Department of the Army, on behalf of the Department of Defense, in a report dated August 27, 1963, addressed to the chairman of the House Committee on the Judiciary, concerning H.R. 3354 88th Congress, a bill 'For the relief of certain retired officers of the Army, Navy, and Air Force' By a series of decisions commencing with *Carroll* v. *United States* (117 Ct. Cl. 53 (1948)), the Court of Claims determined that officers who served on active duty before November 12, 1918, were retired before June 1, 1942, and were ordered to active duty and returned to the retired list after May 31, 1942, by reason of physical disability, were 'hereafter retired' within the meaning of paragraph 4, section 15, of the Pay Readjustment Act of 1942 (56 Stat. 359) and were entitled to retired pay at the rate of 75 per centum of active duty pay at the time of their second retirement. These decisions permitted such officers to include time spent on retired lists for pay purposes. The Comptroller General initially objected to the re-retirement theory of the court and did not acquiesce until 1952. The court extended its holding in 1956 to cover officers retired on the basis of longevity (*Gordon* v. *United States*, 134 Ct. Cl. 840 (1956)). In 1958 the Comptroller General determined that he would follow the decisions of the court with respect to those officers reretired for longevity (Ms. Comp. Gen. B-13764, Sept. 30, 1958).

"The Army in its report noted that while the officers who sued in the Court of Claims could not recover, by such suit, the unpaid portion of their retired pay accruing during the periods preceding six years prior to the filing of their petition in the Court of Claims. This recovery was barred by the 6 year statute of limitations (28 U.S.C. 2501). These officers and many other similarly situated who did not file suit in the Court of Claims, or who filed and withdrew their petition, filed claims with the General Accounting Office.

"The legislative history of Public Law 89-395 (H. Rept. No. 257, 89th Cong., first sess. (1965) and S. Rept. No. 892, 89th Cong., first sess (1965)) indicates that the House Committee on the Judiciary and the Senate Committee on the Judiciary were under the impression that after the General Accounting Office acquiesced in the Court of Claims decisions and the officers presented their claims to the General Accounting Office, they were paid the remaining accrued unpaid retired pay not barred by the 10-year statute of limitations (act of October 9, 1940, 54 Stat. 1061, 31 U.S.C. 71a and 237). It was apparently assumed that when the General Accounting Office claims were paid the claimants had received all their retired pay accruing, under the law as determined by the Court of Claims, during the 10 years preceding the filing of their claims with the General Accounting Office. The money had been received from one or a combination of the following three sources: (1) By regular monthly payments from their respective services: (2) under a Court of Claims judgment; or (3) from the General Accounting Office. In other words, for this 10-year period, they had received sums the total of which was equal to what they would have received for the period had the law, as determined by the Court of Claims, been followed from the date of their re-retirement. The Department of the Army was under the same impression and, speaking for the Department of Defense, so informed the House Committee on the Judiciary when reporting on H.R. 3354, supra (H. Rept. No. 257, supra, and S. Rept. No. 892, supra). It now appears that the officers filing claims, without Court of Claims judgments, received settlement for the full 10 years preceding the filing of their claims with the General Accounting Office. Those with Court of Claims judgments received settlement from the date 10 years preceding the filing of their claims with the General Accounting Office to the date 6 years preceding the filing of their petition in the Court of Claims. This appears to be the case notwithstanding the fact that the period upon which the judgment was computed did not cover, in all cases, the full 6 years.

"In the General Accounting Office report on H.R. 10541 on July 10, 1967, referred to the case of one of the officers named in the present bill, Maj. Oliver Holden. The Army in its report noted that Major Holden's case was one of the 12 in which judgment was entered and it appears, therefore, that the problem is limited to 12 or less persons. Under Frizzell (*Frizzell* v. *United States*, 123 Ct. Cl. 337 (1952)) and the series of decisions commencing with *Carroll* v. *United States*, supra, Major Holden was entitled to increased retired pay from September 21, 1944. Under the Court of Claims judgment he was paid $2,322.35.

"The Army report details the attempts of Major Holden to clarify his retirement situation. In that connection the Army reviewed the various statements concerning the principle of res judicata as applied to these officers. The Army report contains the following quotation of the Comptroller General's statement which the committee feels is a good expression of the basis for the denial involved in these cases:

"'As previously pointed out, Major Holden was entitled upon his reversion to an inactive duty status on the retired list (September 21, 1944), to the re-retirement benefits of the fourth paragraph of section 15 of the 1942 law. The Court of Claims has held that entitlement to monthly retired pay constitutes a continuing claim and that a new cause of action accrues at the end of each monthly pay period. Also, that all the monthly payments which become due within the 6-year period prior to the filing of a petition in the Court of Claims are not barred by the provisions of 28 U.S.C. 2501. (See *Lerner* v. *United States*, 168 Ct. Cl. 247 (1964); *Gordon* v. *United States*, 134 Ct. Cl. 840 (1965); and *Friedman* v. *United States*, 159 Ct. Cl. 1 (1962).) Hence, at the time of filing of Court of Claims petition No. 50147 by Major Holden, the court had complete jurisdiction of his then existing cause of action for the full amount of retired pay due for the 6-year period preceding May 16, 1951, the date the petition was filed. Therefore, in the action instituted by him in that petition he could have presented a claim for increased monthly retired pay computed in accordance with the provisions of the fourth paragraph of section 15 of the 1942 law for the period commencing May 16, 1945.'

"[Then follows quotations from and citations to the following: *Stradley* v. *Bath Portland Cement* Co. 77 A. 242 (1910) *Keller* v. *Olson*, 173 S.W. 28 (1915) *Metropolitan Life Insurance Co.* v. *Richter*, 78 P. 2d 307 (1937) 34 C.J. 838. Judgments, Successive causes of action.]

"'The rule indicated above appears particularly appropriate for application in situations involving judicial action to collect the amount believed to be due as retired pay at the time such action is commenced, based on a less favorable legal theory and for a shorter period of time than actually was involved. All of the facts relating to Major Holden's retired pay rights during the period May 16, 1945, to May 16, 1951, arising from the failure of the Government to pay him increased retired pay computed in accordance with the provisions of the fourth paragraph of section 15 of the 1942 law were known to him when he filed his petition No. 50147 on May 16, 1951. Consequently, his claim for any monthly installments of increased retired pay which were past due and unpaid for the period not barred from the jurisdiction of the court by 28 U.S.C. 2501 could and should have been included in that action. Having filed suit for and obtained a judgment covering only a part of that period, no consideration may now be given that part of his claim relating to the earlier portion of that period.'

"In reply to this, the Army report stated:

"'The Comptroller General is legally correct in denying the claims for the periods subsequent to 6 years preceding the filing of the Court of Claims petitions (May 15, 1966, in the case of Holden). The Comptroller General is legally correct in denying, before the enactment of Public Law 89–395, all claims for retired pay accruing prior to the date 10 years preceding the filing of the claims by the General Accounting Office. Accordingly, the claimants have no legal right to the money now claimed. But, as a general rule, no legal right or obligation is presupposed in private relief legislation. The obligation, if any, is a moral obligation based on equity and good conscience or, as was stated by the U.S. Supreme Court, "such as are based on the conscience or honor of an individual" (*United States* v. *Realty*, 136 U.S. 427 (1896)). The Comptroller General's correct application of the general legal principle of res judicata to the case of Major Holden and others similarly situated, after the enactment of Public Law 89–395, appears to have caused a result now anticipated by, and contrary to the intent of, Congress as evidenced by the enactment of Public Law 89–395 and the legislative history thereof.

"'The legislative history of 89–395 indicates that it was the intent of Congress that the beneficiaries of that act were to receive a sum which, when added to the sum received as retired pay from their respective services, the sum paid on the Court of Claims judgments in their cases, and the sum paid on their claims with the Comptroller General, would equal the sum which they would have received as retired pay from their respective services had their retired pay been computed under the law, as determined by the Court of Claims from the date of their retirement.

"'The Department of the Army on behalf of the Department of Defense did not oppose Public Law 89–395 which it was thought would reach the apparent result intended by Congress as stated above. The Department of the Army, on behalf of the Department of Defense, is not opposed to the intent of the present bill, but, in view of the limited number of persons involved (12 or less), it is suggested that the bill be amended to award named individuals stated amounts. The names and amounts, computed as suggested above, should be available from the Comptroller General. This approach would avoid the undesirable precedent of waiving established legal principles for a limited number of people but still accomplish the desired result. An outline of a bill designed to accomplish this purpose is inclosed.'

"The committee agrees with the views expressed in the Army report of 1968 on the bill in the 90th Congress. It is recommended the bill H.R. 13676, as amended, be favorably considered."

In agreement with the views of the House, the committee recommended the bill favorably.

Attached hereto and made a part hereof are the reports from the Secretary of the Army and the Comptroller General of the United States.

DEPARTMENT OF THE ARMY,
Washington, D.C., October 2, 1968.
Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense on H.R. 10541, 90th Congress, a bill to amend the act of April 14, 1966, for the relief of certain retired officers of the Army, Navy, and Air Force. The Department of the Army has been assigned responsibility for expressing the views of the Department of Defense on this bill.

The purpose of this bill is to amend Public Law 89–395 (80 Stat. 120) by adding:

"SEC. 2. Notwithstanding any prior decision or the bar of res judicata, any claim filed with the General Accounting Office within the time specified in section 1 of this Act shall be considered and, if found meritorious, paid in accordance with applicable law."

The Department of the Army on behalf of the Department of Defense is not opposed to enactment of the bill amended as suggested below.

Public Law 89–395 (80 Stat. 120) provides:

"That the limitation of time prescribed by the act of October 9, 1940 (54 Stat. 1061; 31 U.S.C. 237), is hereby waived with respect to claims for increased retired pay by any retired officer of the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service, if (1) he served in any capacity as a member of the military or naval forces of the United States prior to November 12, 1918; (2) he was retired under any provision of law prior to June 1, 1942, and was subsequently called to active duty; and (3) he was returned to an inactive status on a retired list after May 31, 1942: *Provided*, That a claim for such retired pay shall be filed with the General Accounting Office by each such officer or by his designated beneficiary, within 1 year following the date of enactment of this act."

Public Law 89–395, *supra*, is identical to proposed legislation suggested to Congress by the Department of the Army, on behalf of the Department of Defense, in a report dated August 27, 1963, addressed to the chairman of the House Committee on the Judiciary, concerning H.R. 3354, 88th Congress, a bill "For the relief of certain retired officers of the Army, Navy, and Air Force." By a series of decisions commencing with *Carroll* v. *United States* (117 Ct. Cl. 53 (1948), the Court of Claims determined that officers who served on active duty before November 12, 1918, were retired before June 1, 1942, and were ordered to active duty and returned to the retired list after May 31, 1942, by reason of physical disability, were "hereafter retired" within the meaning of paragraph 4, section 15, of the Pay Readjustment Act of 1942 (56 Stat. 359) and were entitled to retired pay at the rate of 75 per centum of active duty pay at the time of their second retirement. These decisions permitted such officers to include time spent on retired lists for pay purposes. The Comptroller General initially objected to the retirement theory of the court and did not acquiesce until 1952. The court extended its holding in 1956 to cover officers retired on the basis of longevity (*Gordon* v. *United States*, 134 Ct. Cl. 850 (1956)). In 1958 the Comptroller General determined that he would follow the decisions of the court with respect to those officers re-retired for longevity (Ms. Comp. Gen. B–137364, Sept. 30, 1958).

The officers who sued in the Court of Claims could not recover, by such suit, the unpaid portion of their retired pay accruing during the periods preceding 6 years prior to the filing of their petition in the Court

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of Claims. This recovery was barred by the 6-year statute of limitations (28 U.S.C. 2501). These officers and many others similarly situated who did not file suit in the Court of Claims, or who filed and withdrew their petition, filed claims with the General Accounting Office.

As reported in Senate Report No. 892, 89th Congress, first session (1965), the Comptroller General stated, in reporting on H.R. 9262, 86th Congress (substantially identical to the bill enacted as Public Law 89–395, except the beneficiaries were named):

"Of the 61 officers named in H.R. 9262, 57 filed petitions in the U.S. Court of Claims for increased retired pay. Twelve obtained judgments against the United States for increased retired pay from a date 6 years prior to the date of filing of the petition to date of judgment. All 57 officers presented claims to the General Accounting Office for increased retired pay for periods preceding those covered by the claims set out in the Court of Claims petitions. The officers whose petitions did not progress to judgment deposited motions to dismiss the petitions with the Attorney General to be held in escrow pending settlement of their claims by the General Accounting Office. Upon settlement, the dismissal motions were filed in the Court of Claims. In each of the 57 cases—with two exceptions—the General Accounting Office authorized payment of the increased retired pay from the date 10 years prior to the date of receipt of the claim in the General Accouning Office to a current date, except that in the judgment cases settlement was allowed to the day preceding the commencement date of the period covered by the court judgment. It is understood that the increased retired pay was paid monthly thereafter, from the terminal dates of the judgments and Accounting Office settlements, by the administrative offices concerned."

The legislative history of Public Law 89–395 (H. Rept. No. 257, 89th Cong., first sess. (1965) and S. Rept. No. 892, 89th Cong., first sess. (1965)) indicates that the House Committee on the Judiciary and the Senate Committee on the Judiciary were under the impression that, after the General Accounting Office acquiesced in the Court of Claims decisions and the officers presented their claims to the General Accounting Office, they were paid the remaining accrued unpaid retired pay not barred by the 10-year statute of limitations (act of October 9, 1940, 54 Stat. 1061, 31 U.S.C. 71a and 237). The committees were under the impression that when the General Accounting Office claims were paid the claimants had received all their retired pay accruing, under the law as determined by the Court of Claims, during the 10 years preceding the filing of their claims with the General Accounting Office. The money had been received from one or a combination of the following three sources: (1) By regular monthly payments from their respective services; (2) under a Court of Claims judgment; or (3) from the General Accounting Office. In other words, for this 10-year period, they had received sums the total of which was equal to what they would have received for the period had the law, as determined by the Court of Claims, been followed from the date of their re-retirement. The Department of the Army was under the same impression and, speaking for the Department of Defense, so informed the House Committee on the Judiciary when reporting on H.R. 3354, supra (H. Rept. No. 257, supra, and S. Rept. No. 892 supra). It now appears that the congressional committee and the Department of Defense misunderstood the circumstances. It now appears that the officers filing claims, without Court of Claims judgments, received settlement for the full 10 years preceding the filing of their claims with the General Accounting Office. Those with Court of Claims judgments received settlement from the date 10 years preceding the filing of their claims with the General Accounting Office to the date 6 years preceding the filing of their petition in the Court of Claims. This appears to be the case notwithstanding the fact that the period upon which the judgment was computed did not cover, in all cases, the full 6 years.

In reporting on the current bill (Ms. Comp. Gen. B–145158, July 10, 1967), the Comptroller General cited the case of Maj. Oliver Holden (*Holden* v. *United States,* 123 Ct. Cl. 866) to illustrate the problem that H.R. 10541 is designed to overcome. Major Holden's case was one of the 12 in which judgment was entered and it appears, therefore, that the problem is limited to 12 or less persons. Under Frizzell (*Frizzell* v. *United States,* 123 Ct. Cl. 337 (1952)) and the series of decisions commencing with *Carroll* v. *United States, supra,* Major Holden was entitled to increased retired pay from September 21, 1944. Under the Court of Claims judgment, he was paid $2,332.35.

On April 2, 1957, Major Holden filed two claims with the General Accounting Office for his increased pay from March 1, 1947. These claims were predicated, according to the Comptroller General, on the Court of Claims decision in the case of Gordon (*Gordon* v. *United States,* 134 Ct. Cl. 840 (1956)). Both were denied on May 13, 1957, because the General Accounting Office did not accept Gordon as precedent for settlement action on such claims (Ms. Comp. Gen.A–56721, May 7, 1959). Reconsideration was requested and, in response thereto (Ms. Comp. Gen. A–56721, May 7, 1959), the Comptroller General stated:

"Since this claim was received in our office April 2, 1957, that portion of the claim covering the period prior to April 2, 1947, being over 10 years old, is barred by the act of October 9, 1940, 54 Stat. 1061.

"The judgment obtained by Major Holden in the case of *Holden* v. *United States,* covered the period from June 29, 1948, to April 30, 1952. While this is only a part of the period covered by his present claim the reretirement question decided in the *Gordon* case might have been litigated in the *Holden* case. Since this was not done and the judgment entered in the *Holden* case has been paid, the present claim is of such doubtful validity as not to warrant favorable action by us at this time, 28 U.S.C. 2517. See also *Heiser* v. *Woodruff et al.,* 327 U.S. 726; *Grubb* v. *Public Utilities Commission,* 281 U.S. 407, 479 and *United States* v. *California and Oregon Land Co.,* 192 U.S. 355, 358."

Major Holden apparently again filed a claim after enactment of Public Law 89–395, for, in a decision dated January 23, 1967 (46 Comp. Gen. 620), the Comptroller General mentioned a request for "review of the action taken in General Accounting Office settlement dated September 30, 1966, on the claim of Maj. Oliver Holden, U.S. Army, retired, for increased retired pay sought by him by reason of the enactment on April 14, 1966, of Public Law 89–395, 80 Stat. 120." He further stated that the $2,332.35 received by Major Holden under the Court of Claims judgment represented the amount due Major Holden for the period June 29, 1948, through April 30, 1952. The judgment was entered on July 15, 1952, and there is nothing in the judgment to show that the sum awarded is for retired pay accruing during the period June 29, 1948, through April 30, 1952. It appears that the sum could as easily represent the sum accruing during the period August 12, 1948, through judgment (July 15, 1952) as, according to the Comptroller General (46 Comp. Gen. 620), and as stated in the petition, the suit was "for increased retired pay benefits for the period commencing August 12, 1948, and extending until the date upon which the judgment may be entered therein."

The Comptroller General again refers to the September 30, 1966, settlement action as follows (46 Comp. Gen. 620):

"The bar of the 10-year statute of limitations Major Holden's claim for increased retired pay computed in accordance with the provisions of the fourth paragraph of section 15 of the 1942 law has been removed by Public Law 89–395, and the amount of $10,785.69, representing such increased retired pay for the periods September 21, 1944, to May 15, 1945, and July 16, 1952, to August 31, 1966, inclusive, was certified due him in the settlement of September 30, 1966. However, that part of his claim covering the period May 16, 1945, to July 15, 1952, inclusive, was denied for the reason that such period "is barred by the doctrine of *rest judicata* as a result of the Court of Claims decision in the case of *Holden* v. *United States,* 123 Ct. Cl. 866 (1952).' You object to application of the bar of *res judicata* to the periods May 16, 1945, to June 28, 1948, and May 1, 1952, to July 15, 1952, inclusive."

He explains the denial of the claim for the period May 1, 1952, to July 15, 1952, inclusive, as follows:

"The claim advanced by Major Holden in Court of Claims petition No. 50147, expressly covered the period to the date 'upon which judgment may be entered herein.' Since judgment was entered therein on July 15, 1952, the matter of applying the bar of *res judicata* to the period May 1, 1952, to July 15, 1952, inclusive, falls squarely within the holding of the Court of Claims in the case of Joseph A. Herbert plaintiff No. 6 in *Armstrong, et al.* v. *United States,* 155 Ct. Cl. 177, decided July 19, 1961.

"Joseph A. Herbert was plaintiff No. 26 in the case of *Aguinaldo, et al.* v. *United States,* Ct. Cl. No. 49726, wherein he sued for increased retired pay computed in accordance with the decision in *Sanders* v. *United States,* 120 Ct. Cl. 501 (1951) 'commencing with his release to an inactive duty status and continuing to date of judgment.' A judgment was entered in that case on April 7, 1953, allowing Herbert increased retired pay under the Sanders rule for the period November 7, 1946, to September 30, 1949, inclusive.

"Subsequently, Herbert became plaintiff No. 6 in the *Armstrong* case in which the court in the decision of July 19, 1961, pointed out that he, Herbert, was seeking judgment for increased disability retired pay computed under section 402(d) of the Career Compensation Act of 1949, chapter 681, 63 Stat. 818, for the period from October 1, 1950, through December 31, 1958. (Since the *Armstrong* petition, Ct. Cl. No. 431–56, was not filed until Oct. 5, 1956, the provisions of 28 U.S.C. 2501 barred the Court of Claims from jurisdiction of the period Oct. 1, 1949, to Sept. 30, 1950, inclusive.)

"The court concluded that the judgment of April 7, 1953, on the *Aguinaldo* petition had been erroneously entered 'for the entire period' for which Herbert had sued and directed that such judgment be amended to accord with the stipulation of the parties which actually covered the period November 7, 1946, to September 30, 1949, only. See the order issued by the Court of Claims July 19, 1961, in *Aguinaldo, et al.* v. *United States* (Ct. Cl. No. 49726), amending the judgment of April 7, 1953, indicating that the judgment of April 7, 1953, otherwise would have barred any further claim by Herbert for additional retired pay for the period preceding April 8, 1953."

"Many other similar *Sanders* type judgments were amended by the court. See, for example, Court of Claims order of September 21, 1962, amending among others, the judgment of October 6, 1953, in the case of *James Bernard McCarthy, et al.* v. *United States* (Ct. Cl. No. 49959). Thus, it is clear that unless amended the judgments in those cases would have raised the bar of res judicata 'to date of judgment.' That rule is applicable in Major Holden's case and in the absence of an amendment by the court of the judgment rendered on July 15, 1952, on Court of Claims petition No. 50147 effectively restricting the bar of res judicata to the period preceding May 1, 1952, the disallowance of that part of the claim covering the period May 1, 1952, to July 15, 1952, inclusive, is sustained."

There is no explanation of the view that the period May 1, 1952, through July 15, 1952, was included in the Court of Claims judgment but there was no payment of accrued pay for that period of the judgment. Nor is there an explanation of the view that the period June 29, 1948, to August 12, 1948, is covered by the judgment and he was paid the accrued pay for that period under the judgment. Note that Holden asked in his Court of Claims petition for unpaid accrued retired pay for a period "commencing August 12, 1948" and ending with judgment.

The Comptroller General explains the denial of the claim for the other periods subsequent to May 15, 1945 (the date 6 years preceding the date of the filing of the Court of Claims petition), as follows:

"As previously pointed out, Major Holden was entitled upon his reversion to an inactive duty status on the retired list (Sept. 21, 1944), to the re-retirement benefits of the fourth paragraph of section 15 of the 1942 law. The Court of Claims has held that entitlement to monthly retired pay constitutes a continuing claim and that a new cause of action accrues at the end of each monthly pay period. Also, that all the monthly payments which became due within the 6-year period prior to the filing of a petition in the Court of Claims are not barred by the provisions of 28 U.S.C. 2501. See *Lerner* v. *United States* (168 Ct. Cl. 247 (1964)); *Gordon* v. *United States* (134 Ct. Cl. 840 (1956)), and *Friedman* v. *United States* (159 Ct. Cl. 1 (1962)). Hence, at the time of filing of Court of Claims petition No. 50147, by Major Holden, the court had complete jurisdiction of his then existing cause of action for the full amount of retired pay due for the 6-year period preceding May 16, 1951, the date the petition was filed. Therefore, in the action instituted by him in that petition he could have presented a claim for increased monthly retired pay computed in accordance with the provisions of the fourth paragraph of section 15 of the 1942 law for the period commencing May 16, 1945."

(Then follows quotations from and citations to the following: *Stradley* v. *Bath Portland Cement Co.* 77 A. 242 (1910); *Keller* v. *Olson,* 173 S.W. 28 (1915); *Metropolitan Life Ins. Co.* v. *Richter* 78 P. 2d 307 (1937) 34 C.J. 838, judgments, successive causes of action.)

"The rule indicated above appears particularly appropriate for aplication in situations involving judicial action to collect the amount believed to be due as retired pay at the time such action is commenced, based on a less favorable legal theory and for a shorter period of time than actually was involved. All of the facts relating to Major Holden's retired pay rights during the period May 16, 1945, to May 16, 1951, arising from the failure of the Government to pay him increased retired pay computed in accordance with the provisions of the fourth paragraph of section 15 of the 1942 law were known to him when he filed his petition No. 50147 on May 16, 1951. Consequently, his claim for any monthly installments of increased retired pay which were past due and unpaid for the period not barred from the jurisdiction of the court by 28 U.S.C. 2501 could and should have been included in that action. Having filed suit for and obtained a judgment covering only a part of that period, no consideration may now be given that part of his claim relating to the earlier portion of that period."

The Comptroller General is legally correct in denying the claims for the periods subsequent to 6 years preceding the filing of the Court of Claims petitions (May 15, 1966, in the case of Holden). The Comptroller General is legally correct in denying, before the enactment of Public Law 89–395, all claims for retired pay accruing prior to the date 10 years preceding the filing of the claims by the General Accounting Office. Accordingly, the claimants have no legal right to the money now claimed. But, as a general rule, no legal right or obligation is presupposed in private relief legislation. The obligation, if any, is a moral obligation based on equity and good conscience or, as was stated by the U.S. Supreme Court, "Such as are based on the conscience or honor of an individual" (*U.S.* v. *Realty*, 136 U.S. 427 (1896)). The Comptroller General's correct application of the general legal principle of res judicata to the case of Major Holden and others similarly situated, after the enactment of Public Law 89–395, appears to have caused a result not anticipated by, and contrary to, the intent of Congress as evidenced by the enactment of Public Law 89–395 and the legislative history thereof.

The legislative history of 89–395 indicates that it was the intent of Congress that the beneficiaries of that act were to receive a sum which, when added to the sum received as retired pay from their respective services, the sum paid on the Court of Claims judgments in their cases, and the sum paid on their claims with the Comptroller General, would equal the sum which they would have received as retired pay from their respective services had their retired pay been computed under the law, as determined by the Court of Claims, from the date of their re-retirement.

The Department of the Army on behalf of the Department of Defense did not oppose Public Law 89–395 which it was thought would reach the apparent result intended by Congress as stated above. The Department of the Army, on behalf of the Department of Defense, is not opposed to the intent of the present bill, but, in view of the limited number of persons involved (12 or less), it is suggested that the bill be amended to award named individuals stated amounts. The names and amounts, computed as suggested above, should be available from the Comptroller General. This approach would avoid the undesirable precedent of waiving established legal principles for a limited number of people but still accomplish the desired result. An outline of a bill designed to accomplish this purpose is enclosed.

Enactment of this legislation, amended as suggested, will cause no apparent increase in budgetary requirements of the Department of Defense.

This report has been coordinated in the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

STANLEY R. RESOR,
Secretary of the Army.

A bill for the relief of certain retired officers of the Army, Navy, and Air Force

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of funds not otherwise appropriated, to each individual named in section 2 of this Act the sum opposite his name. The sum stated is to constitute full satisfaction of each named individual's claim for unpaid retired pay accruing subsequent to his return to an inactive status on a retired list of an Armed Force after May 31, 1942, and before the settlement of a claim filed with the General Accounting Office under the Act of April 14, 1966, Public Law 89–395 (80 Stat. 120).

SEC. 2. The claimants under this Act and the amount due each are as follows:

The report of the Comptroller General on the bill H.R. 13676 commenting on the contents and policy implications of that bill is set out below. The Comptroller General concluded that whether special relief such as is provided in this bill is to be accorded the individuals named in the bill, is a matter of policy for determination by Congress.

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., December 1, 1969
B–145158.
Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary, House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your letter of November 12, 1969, requesting our views on H.R. 13676, 91st Congress, a bill for the relief of certain retired officers of the Army, Navy, and Air Force.

Section 1 of the bill would authorize and direct the Secretary of the Treasury to pay to each individual named in section 2 the sum stated opposite his name. Such payment is to constitute full satisfaction of each named individual's claim for unpaid retired pay accruing subsequent to his return to an inactive status on a retired list of an armed force after May 31, 1942, and before the settlement of a claim filed with the General Accounting Office under the act of April 14, 1966, Public Law 89–395 (80 Stat. 120).

The names of the claimants and the amount due each individual are set forth in section 2 as follows:

	Amount
"Maj. Charles F. Frizzel, U.S. Army (retired)	$5,805.67
"Mrs. Grace D. Harrington, designated beneficiary and widow of Col. James B. Harrington, U.S. Army (retired)	2,247.94
"Maj. Oliver Holden, U.S. Army (retired)	6,304.93
"Comdr. Frank G. Kutz, U.S. Navy (retired)	9,496.11
"Comdr. Charles E. Lofgren, U.S. Navy (retired)	16,376.11"

The act of April 14, 1966, Public Law 89–395, waived the 10-year statute of limitations (31 U.S.C. 237)—which bars consideration of all claims against the United States not received in the General Accounting Office within 10 full years after the date the claim accrues—with respect to claims for increased retired pay by any officer of the uniformed services there mentioned if he otherwise met the requirements prescribed in that law. In settling claims under the act of April 14, 1966, we authorize payment only as to such periods of time that the 10-year barring act would be the sole legal impediment. No other statutory provision or established legal doctrine, such as the bar of res judicata, was affected by the 1966 law.

By reports dated June 16, 1969, and August 7, 1969, B–145158, we furnished your committee with the names of the claimants and the amount due each individual as set forth in section 2 of H.R. 13676. These claimants were denied additional retired pay for specified periods under Public Law 89–395 because of the doctrine of res judicata.

While H.R. 13676 makes no reference to the bar of res judicata, it would, in effect, make that doctrine inapplicable to the persons named in section 2, insofar as the payments here involved are concerned. See in this connection H.R. 10541, 90th Congress and our report to you on that bill dated July 10, 1967, B–145158, copy enclosed.

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The question whether a few individuals, like those named in section 2 of the bill, should be granted a preferential benefit not accorded claimants generally is a matter of policy for determination by Congress.

Sincerely yours,

R. F. KELLER,
Assistant Comptroller General of the United States.

(The report of the General Accounting Office on the bill H.R. 10541 of the 90th Congress, which questioned the relief proposed in the bill in that Congress is as follows:)

COMPTROLLER GENERAL OF
THE UNITED STATES,
Washington, D.C., July 10, 1967.

B-145158.
Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your letter of June 20, 1967, requesting our views on H.R. 10541 to amend the act of April 14, 1966, for the relief of certain retired officers of the Army, Navy, and Air Force.

The act of April 14, 1966, Public Law 89–395 (80 Stat. 120), waived the 10-year statute of limitations (31 U.S.C. 237)—which bars consideration of all claims against the United States not received in the General Accounting Office within 10 full years after the date the claim accrues—with respect to claims for increased retired pay by any retired officer of the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service, if (1) he served in any capacity as a member of the military or naval forces of the United States prior to November 12, 1918; (2) he was retired under any provision of law prior to June 1, 1942, and was subsequently called to active duty; and (3) he was returned to an inactive status on a retired list after May 31, 1942. The law required that a claim for such retired list after May 31, 1942. The law required that a claim for such retired pay be filed with the General Accounting Office by each such officer or by his designated beneficiary, within 1 year following the date of enactment of the act.

In settling claims under Public Law 89–395, and having in mind the clear language of that act and the equally clear purpose underlying its enactment, we authorized payment (when otherwise proper) only as to such periods of time that the 10-year barring act would be the sole legal impediment. No other statutory provision or established legal doctrine, such as the bar of res judicata, was affected by the enactment of Public Law 89–395.

H.R. 10541 would amend Public Law 89–395 by adding a new section to read as follows:

"SEC. 2. Notwithstanding any prior decision or the bar of res judicata, any claim filed with the General Accounting Office within the time specified in section 1 of this act shall be considered and, if found meritorious, paid in accordance with applicable law."

The new section 2 would, as we understand it, remove the bar of res judicata on claims filed in the General Accounting Office within the time limitation in which such bar was applied. While we have no statistics respecting the number of claims in which the bar of res judicata was applied, it is believed that the number involved is relatively small.

As an example of one of the few claims under Public Law 89–395 which was denied in part by our Office because of the bar of res judicata, there is enclosed for your information a copy of our decision of January 23, 1967, A-56721, concerning the case of Maj. Oliver Holden, U.S. Army, retired.

Generally, we do not view with favor legislation, such as H.R. 10541, which would waive or remove the bar of res judicata in connection with the settlement of claims. Claims of many other individuals, not coming within the scope of Public Law 89–395, have been denied because of the doctrine of res judicata. See for example enclosed copy of our report to your committee dated October 26, 1966, B-63549, B-129993, on H.R. 18037, 89th Congress, for the relief of Commander Albert G. Berry, Jr. The question of whether a few individuals who have received one special benefit under Public Law 89–395 not accorded claimants generally (relief from the bar of the statute of limitations) should be granted a second preferential benefit (relief from rule of res judicata) as a matter of policy for determination by Congress.

Sincerely yours,

FRANK H. WEITZEL,
Assistant Comptroller General
of the United States.

IRWIN KATZ

The bill (H.R. 13806) for the relief of Irwin Katz was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1488), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay $800 to Irwin Katz, of Brooklyn, N.Y., in full settlement of his claims for losses and expenses and penalties due to the cancellation of a contract for the purchase of a home in New York because of his forced transfer of employment from the Naval Applied Science Laboratory in Brooklyn.

STATEMENT

The facts of the case, as contained in House Report No. 1505, are as follows:

"The events referred to in the bill date back to April of 1969 when Mr. Irwin Katz entered into a contract to purchase a house on Staten Island, N.Y. At that time he made a deposit of $2,000 as required by the contract. As is noted in the Navy Department report on the bill, on April 24, 1969, the Naval Applied Science Laboratory employees were advised that the laboratory would reduce operations and, in particular, Mr. Katz' function would be transferred to the Navy Weapons Laboratory, Dahlgren, Va. Acting upon this notice of his transfer to the Naval Weapons Laboratory, Dahlgren, Mr. Katz canceled his contract. The general release was dated May 16, 1969. Before the contract was canceled a representative of the Navy Applied Science Laboratory communicated with the Navy Office of Civilian Manpower Management to determine whether there was any existing authority to favorably consider Mr. Katz' potential claims for financial losses in connection with the transaction. He was advised there was none. At that time Mr. Katz was scheduled to be transferred to the Naval Weapons Laboratory in the month of October 1969. In the meantime, however, he obtained a position with the Federal Water Pollution Control Administration, Department of Interior, Edison, N.J., effective October 19, 1969. The Navy stated that it was advised that this area is also outside the commuting area of Staten Island.

"The Navy has based its opposition to relief in this instance on the fact that existing law does not provide for reimbursement in Mr. Katz's case. This, of course, is why he has appealed to the Congress for relief. The Navy has further objected to relief on the following grounds:

"'Nor do we believe the Government can be the insurer of every property transaction of its Federal employees. The alternatives available to Mr. Katz were not under the control of his employer and thus the Government should not have to reimburse him for any cost which resulted from the course he chose.'

"The committee has considered this objection, and has concluded that it fails to consider the basic equity in the case, and that is that the employee suffered a loss due to the transfer made necessary by reductions at the Naval Science Laboratory. It is not contended that the Government exercised control over the employee's contract or his decision to enter the contract. At best, this seems a collateral point. In the opinion of the committee the issue is that under applicable law, employees are presently reimbursed for costs and expenses incident to forced sales of property due to transfers, but that no such authority exists for a loss such as suffered by Mr. Katz. Had he closed the real estate transaction and been conveyed title to the property, then he would have been covered by the laws referred to by the Navy. The fact that he received notice of the transfer shortly after the contract was signed caused him to act to attempt to adjust the matter. He was able to limit the forfeiture to $800. This probably is less than the reimbursable costs and expenses generally recognized under the law concerning real estate sales incident to transfer. The committee feels this is a proper case for legislative relief. It is recommended that the bill, amended to provide for payment of $800, the amount of the deposit withheld, be favorably considered."

After review of the facts of this claim, the committee concurs in the recommendation of the House Committee and recommends that the bill H.R. 13806 be considered favorably.

THADDEUS J. PAWLAK

The bill (H.R. 15270) for the relief of Thaddeus J. Pawlak was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1489), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay a sum not to exceed $1,042.50 to Thaddeus J. Pawlak, of the Department of the Army, formerly of Chicago, Ill., who reported to a new duty station at Fort Sheridan, Ill., on May 7, 1967, for relocation allowances authorized by the Administrative Expenses Act of 1946 (60 Stat. 806), in accordance with the provisions of the regulations of the Bureau of the Budget contained in circular No. A-56, revised October 12, 1966, except that the time limits contained in section 4.1d of the circular will not be applied to expenses incurred in connection with the relocation.

STATEMENT

The facts of the case as contained in House Report No. 91–1560 are as follows:

"The Department of the Army in its report on the bill indicated that it had no objection to its enactment.

"The events giving rise to the introduction of this bill date back to January 10, 1967, when Mr. Pawlak was a civilian employee in Headquarters, 5th Army, Chicago, Ill., in grade GS-12. On that date he was notified of a transfer on a permanent change of station to Fort Sheridan, Ill., on the outskirts of the city of Chicago. He reported for duty at the new station on May 7, 1967. On November 29, 1967, Mr. Pawlak signed a contract to purchase a building under construction. The contract specified a completion date of April 30, 1968. On March 18, 1968, Mr. Pawlak anticipated that, due to weather conditions, the completion date would not be met. He wrote to the housing officer, Reviewing and Approving Authority, Headquarters, Fort Sheridan, and requested an extension until June 30, 1968, to claim reimbursement of relocation expenses. The Army report indicated that Mr. Pawlak acted in good faith. The extension was not granted but on April 30, 1968, he was advised by Mr. Heany, the acting chief of the Finance Services Branch, Deputy Chief of Staff, Comptroller, 5th Army, that '* * * the contract date within the 1-year limitation could be construed as the settlement date for entitlement purposes and that he should have no difficulty in securing reimbursement. * * *' Mr. Pawlak states that he relied on this information and that he could have settled before the expiration of the 1-year limitation but did not because of the erroneous information that he received. The closing statement for the purchase of the residence at the new duty station is dated May 31, 1968, and the closing statement for the sale of the residence at the old station is dated June 13, 1968. The new residence was not completed until September 5, 1968.

"On January 15, 1969, Mr. Pawlak applied to the Department of the Army for reimbursement of expenses in the amount of $224.50 for the sale of his residence at his old duty station and $818 in connection with the purchase of his residence at his new duty station. The application was denied, and he was advised by letter from the assistant adjutant, Headquarters, Fort Sheridan, dated January 21, 1969, that '* * * under existing regulations settlement must be completed not later than 1 year after employee reports for duty at new station. Closing statements were after the 1-year limitation.'

"Relocation expenses for civilian employees of the Government are covered by the provisions of Public Law 89–516, 80 Stat. 323 (1966), as amended, 5 U.S.C. 5724(a) (1967). Section 23 provides:

" 'Under such regulations as the President may prescribe and to the extent deemed necessary and appropriate, as provided therein, appropriations or other funds available to the departments for administrative expenses shall be available for the reimbursement of all or part of the following expenses of travel and transportation under subsection (a) of section 1 of this Act:

* * * * *

" '(4) The expenses of the sale of the residence (or the settlement of an unexpired lease) of the officer or employee at the old official station and purchase of a home at the new official station required to be paid by him when the old and the new official stations are located within the United States (including the District of Columbia), its territories and possessions, the Commonwealth of Puerto Rico, and the Canal Zone, but reimbursement for brokerage fees on the sale of the residence and other expenses under this subsection shall not exceed those customarily charged in the locality where the residence is located and no reimbursement shall be made for losses on the sale of the residence. This provision applies regardless of whether the title to the residence or the unexpired lease is in the name of the officer or employee alone, in the joint names of the officer or employee and a member of his immediate family alone.'

"While the Congress did not specifically impose any time limitations, the Office of Management and Budget regulation did so in interpreting and implementing the statute in its Circular No. A–56, revised, October 12, 1966, entitled, 'Regulations governing payment of travel and transportation expenses of civilian officers and employees of the United States.'

"Sections 4(1) (a) and (d) of the circular, supra, provide for reimbursement under the following conditions:

" '(a) A permanent change of station is authorized or approved and the old and new official stations are located within the 50 States, the District of Columbia, the territories and possessions of the United States, the Commonwealth of Puerto Rico, or the Canal Zone, and the employee has signed an agreement as required in subsection 1.3c.

* * * * *

" '(d) The *settlement dates* for the sale and purchase or lease termination transactions for which reimbursement is requested *are not later than one year after the date on which the employee reported for duty at the new official station*, except that an appropriate extension of time may be authorized by the head of the department or his designee when settlement is necessarily delayed because of litigation.' [Emphasis added.]

"On June 26, 1969, section 4(1)(d) was replaced by section 4(1)(e) so as to authorize the head of an employee's agency to extend the 1-year period to 2 years. This authority is only applicable, however, to transactions which occur after that date.

"The Office of Management and Budget circular provision which is pertinent to this claim only provides for an extension beyond the period of 1 year in the event of litigation (sec. 4(1)(d), supra). In a comparable case in which adverse weather conditions delayed the construction and ultimate purchase of a residence, the Comptroller General ruled that a claim could not be allowed (B–164393, June 18, 1968). (See also B–160799, May 20, 1968; B–163700, May 6, 1968.)

"In its report the Army, after outlining the facts referred to above, specifically referred to the erroneous advice given Mr. Pawlak and stated on the basis of these circumstances that it is of the opinion that relief is warranted in this case. In this connection, the Army stated:

" 'However, since erroneous advice was given to Mr. Pawlak when he requested "an interpretation of what constituted a settlement date," and since Mr. Pawlak apparently failed to act expeditiously because of the erroneous advice, the Department of the Army is of the opinion that relief is warranted in this case.'

"It is recommended that the bill be considered favorably."

In agreement with the views of the House, the committee recommends the bill favorably.

JACK M. SMITH AND CHARLES N. MARTIN, JR.

The bill (H.R. 15505) for the relief of Jack B. Smith and Charles N. Martin, Jr., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1490), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation, is to relieve Jack B. Smith, postmaster, and Charles N. Martin, Jr., publisher of Atlanta's Suburban Reporter of Atlanta, Ga., of liability of $3,572.18 for revenue deficiencies resulting from errors in postage on second-class material at the post office at East Point, Ga., in the period from July 1964 through 1967.

STATEMENT

The facts of the case as contained in House Report 91–1561 are as follows:

"The Post Office Department in its report on the bill stated it had no objection to its enactment, and recommended that the amount stated in the bill be reduced to $3,572.18. The committee has recommended that amendment.

"As a result of an examination of the East Point Post Office in 1967, errors were discovered in the postage charged for mailings of the Reporter for the period July 29, 1964, through 1967. It was determined from postal records that a postage deficiency had been incurred as follows:

" '*Year*	*Deficiency*
" '1964: Incorrect rate	$846.38
1965:	
Incorrect rate	1,400.32
Excess sample copies	124.62
Total	1,524.94
1966: Incorrect rate	959.74
1967: Incorrect rate	365.74
Total	3,696.80'

"The Post Office Department made a demand on Mr. Martin for payment of the deficiencies. He denied liability for the deficiency except for the $124.62 representing excess copies mailed in 1965. He stated that he had followed all instructions of the Post Office during the course of years. Prior to initial mailings he had made inquiry concerning the postage rate and the Postal Service Center had advised the postmaster that the mailings should be accepted at the third-class rate.

"In its report the Post Office Department noted that while it is apparent in this case that the Postal Service Center made a mistake in quoting the third-class bulk rate and Mr. Martin acted in good faith in relying on the advice he received, the postmaster is required, under 39 U.S.C. 2209, to collect all revenue of the Post Office. The Department, pursuant to the Federal Claims Collection Act of 1966 (31 U.S.C. 951 et seq.) as implemented in Parts 101 through 105 of title 4 of the Code of Federal Regulations is required to take aggressive action to collect postage deficiencies.

"On the basis of the facts of this case which establish that the mailings were made at incorrect rates which were quoted by postal authority, the Department indicated it would not object to the bill's enactment with a reduction in the amount so as to exclude a payment of $124.62 which Mr. Martin had agreed to pay. In this connection, the Post Office report stated:

" 'Inasmuch as the Department is without legal authority to grant relief for this postage deficiency resulting from mailings of the Atlanta's Suburban Reporter at incorrect rates quoted by postal authority, this Department has no objection to the enactment of H.R. 15505. However, since Mr. Martin previously agreed to pay the $124.62 representing the deficiency for excess sample copies mailed in 1965, we recommend that the amount of the relief stated in the bill be reduced to $3,572.18.'

"It is recomended that the amended bill be considered favorably."

In agreement with the views of the House of Representatives the committee recommends favorable enactment.

GARY W. STEWART

The bill (H.R. 16502) for the relief of Gary W. Stewart was considered, ordered to a third reading, read the third time, and passed.

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Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1491), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Gary W. Stewart of Baldwin Park, Calif., of liability to the United States in the amount of $553.21 representing the total amount of overpayments of active duty pay received by him from January 1966 through December 1967, as a result of administrative errors on the part oof the U.S. Marine Corps with respect to his pay and allowances allotments during his active service as a member of the U.S. Marine Corps and received in good faith on his part.

STATEMENT

House Report 91–1509 reveals the following:

"The Department of the Navy in its report to the committee on the bill stated that it supports the enactment of H.R. 16502. The report of the Comptroller General recommended the correction of the figure as provided in the committee amendment, and stated that the General Accounting Office does not object to favorable consideration of the bill.

"Gary W. Stewart, 2234486, U.S. Marine Corps, was discharged from the Marine Corps on October 27, 1967. As is normal in such cases, a postseparation audit of his pay records and related documents was conducted. To obtain an accurate audit it was necessary to comprehensively analyze Private First Class Stewart's pay records for the whole of his active service. Such analysis revealed that numerous errors of commission and omission had been made in his account and that, as a consequence, the Marine Corps had paid to or on behalf of Private First Class Stewart $537.67 in excess of the amount he earned for his service. The principal errors were: payment of a dependency allotment for 1 month after Private First Class Stewart's discharge; payment of a savings bond allotment for 2 months after discharge; failure to charge a cash payment against his pay record; and payment for a period while Private First Class Stewart was in an "excess leave" status and not entitled to pay.

"The Navy in commenting on the bill outlined the various errors and the circumstances under which they were received by Private First Class Stewart. It was noted that his earnings were comprised of seven different elements, none of which remained constant throughout his service. The payments which form the overpayments took three different forms. These were: (1) cash or check payments direct to him; (2) allotment payments to third parties; and (3) pay deductions. The Navy then outlined the items which provide the basis for the $537.76 stated in the bill as originally introduced. The Navy concluded that the complexity of this analysis demonstrated the fact that the inexperienced private accepted the money in good faith. In this connection it stated:

"The complexity manifest in the above analysis shows that an inexperienced member—or an experienced member, for that matter—could be paid an aggregate of $500 too much without his realizing that something was amiss. The Department of the Navy believes that Private First Class Stewart accepted the overpayments in complete good faith.

" 'In view of the foregoing, the Department of the Navy supports enactment of H.R. 16502.'

"The committee feels that the equities of this case are even more evident when the report of the Comptroller General is considered. That report noted that an examination of the Marine Corps records shows that Mr. Stewart was inducted into the Marine Corps on January 18, 1966, and that he was discharged for hardship reasons on October 27, 1967. During this period he was assigned to Vietnam on July 28, 1966, and was avacuated to the U.S. Naval Hospital, Camp Pendleton, Calif., on September 21, 1966.

"The complexity referred to in the Navy report is further illustrated by the fact that the General Accounting Office review disclosed additional errors which increased the overpayments by an additional $15.45. The analysis shows the full amount to be $553.21 and the committee has recommended that the bill be amended to reflect that figure. The General Accounting Office found that the overpayments resulted from:

" 'A September 1966 cash payment not recorded in the pay record	$50.00
An allotment payment to Mr. Stewart's wife in November 1967 after his discharge from the Marine Corps in October 1967	123.10
Purchase of a Government bond in December 1967 not covered by payroll deductions	18.75
Pay and allowances for excess leave	174.14
Pay and allowances for unauthorized absences	117.87
Various errors in accounting for such items as commuted rations and clothing maintenance allowances	69.35
Total	553.21'

"The amount of $15.45 in excess of the amount shown in H.R. 16502 is comprised of additional errors found by General Accounting Office auditors in the accounting of the Marine Corps for commuted ration allowance, foreign duty pay and excess leave.

"In indicating that it had no objection to relief, the report of the Comptroller General stated:

" 'On the record before us, the overpayments in this case appear to have resulted solely from administrative error and, in view of his short period of military service, there appears to be no reason to believe that Mr. Stewart was aware that he was being overpaid. In such circumstances and since Mr. Stewart's hardship discharge from the Marine Corps indicates that he and his dependent will suffer deprivation if he is required to refund the overpayments, we do not object to favorable consideration of the bill.'

"In view of the position of both the Navy and the General Accounting Office and the particular circumstances of the case, it is recommended that the amended bill be considered favorably."

The committee concurs in the action of the House of Representatives and recommends that the bill be favorably considered.

RICHARD N. STANFORD

The bill (H.R. 16965) for the relief of Richard N. Stanford was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1492), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Richard N. Stanford, a retired Air Force chief warrant officer, of liability of $1,921.62 for living quarters allowance paid him as a civilian employee of the Air Force in Germany from June 13, 1966, to April 30, 1968.

STATEMENT

The Department of the Air Force has no objection to favorable consideration of the bill as passed by the House of Representatives.

Mr. Richard N. Stanford became a civilian employee of the Air Force on June 13, 1966, at the Rhein-Main Air Base, Germany. At that time the Air Force determined that he was entitled to living quarters allowance under applicable regulations applicable to civilian employees hired for service overseas. The problem in his case which ultimately resulted in a ruling that the Air Force determination was wrong relates to the fact that immediately prior to Mr. Stanford's local hire for the Air Force position at Rhein-Main Air Base, he was employed by International Standard Engineering, Inc., a U.S. firm, which had hired him locally in Germany, in November 1965, under conditions which did not provide for his return transportation to the United States.

This is significant because the provisions of the Department of State "Standardized Regulations (Government Civilians, Foreign Areas)" (Standardized Regulations) must be applied in determining if a Government civilian employee is eligible to be paid the living quarters allowance. Section 031.12c of those regulations grants eligibility to a locally hired Government employee if he had been working in the foreign area for an employer named in that section and "the employee was recruited in the United States, the Commonwealth of Puerto Rico, the Canal Zone, or a possession of the United States" by that employer, "and had been in substantially continuous employment by such employer under conditions which provided for his return transportation to" such U.S. area. In these circumstances, when Mr. Stanford was appointed to the Air Force position at Rhein-Main Air Base, effective June 13, 1966, he was not entitled to the LQA since he did not meet the above eligibility criteria. As has been noted, through administrative error in applying the provisions governing entitlement to LQA, however, he was determined eligible for and was granted LQA.

The error was discovered during a review of LQA eligibility determinations for local hires conducted by Rhein-Main Air Base civilian personnel officials at the request of officials in Headquarters, U.S. Air Forces in Europe (USAFE). Accordingly, it was found that Mr. Stanford's LQA eligibility determination was erroneous for he did not meet the conditions of section 031.12c of the Standardized Regulations, since he had not been recruited in a U.S. area by any employer for employment in a foreign area under conditions providing for his return transportation to such U.S. area.

Mr. Stanford provided information both on his application for employment (standard form 57) and on his application for the quarters allowance (standard form 1190) which should have alerted the person responsible for determining quarters allowance eligibility that either additional information and clarification by the employee or a careful review of his official personnel folder was necessary before arriving at a decision about whether or not he was eligible for the LQA.

The Air Force has concluded that the erroneous determination of eligibility and the resulting overpayment were due solely to administrative error in failing to consider properly the available information and to obtain the necessary additional information and clarification on a timely basis. The Air Force found that there was no fault on the part of Mr. Stanford causing this erroneous payment.

In indicating that it had no objection to relief under the particular circumstances of this case, the Air Force in its report to the House Judiciary Committee stated:

"There are no administrative procedures under which the Air Force could relieve Mr. Stanford of his liability to refund the $3,044.16 LQA overpayment. At the time of his separation on October 31, 1969, his lump sum leave payment of $1,122.54 for 318 hours of annual leave was withheld as partial repayment. On February 17, 1970, Mr. Stanford was advised by the Air Force Accounting and Finance Office, Ramstein, Germany, that deducting this lump sum annual leave payment amount of $1,122.54 from the overpayment, leaves a balance due the United States of $1,921.62. No further collection action was taken. Mr. Stanford received the LQA payment of $3,044.16 in good faith and in reliance upon determinations made by responsible officials.

"Based upon the above, the Department of the Air Force interposes no objection to the enactment of H.R. 16965."

The committee is in agreement with the conclusions arrived at by the House Judiciary Committee and accordingly recommends favorable consideration of H.R. 16965 without amendment.

JOINT ARMY-AIR FORCE EFFORT TO LIBERATE AMERICAN POW'S HELD CAPTIVE BY NORTH VIETNAM

The Senate proceeded to consider the resolution (S. Res. 486) relating to the joint Army-Air Force effort to liberate American prisoners of war held captive by North Vietnam, which had been reported from the Committee on the Judiciary with an amendment:

Beginning on page 3, line 1, after the word "Resolved" strike all through line 17, and on page 4, line 1, strike the words "rescue mission,"; and insert in lieu thereof the following:

That the official command, officers and men involved in the military expedition of November 21, 1970, seeking release from captivity of United States prisoners of war believed to be held by the enemy near Hanoi, North Vietnam, be commended for the courage they displayed in this hazardous and humanitarian undertaking which has lifted the hopes and spirits of our brave men imprisoned and fighting, as well as Americans everywhere.

Resolved further, That a copy of this resolution be forwarded by the Secretary of the Senate to each person who participated in the special joint Army-Air Force rescue mission.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The preamble was amended and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 81–1493), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The sole purpose of the resolution is to commend the courage of the officers and men who carried out the hazardous mission of the special joint Army-Air Force task force to Son Tay, North Vietnam, on November 21, 1970.

Senate Resolution 486, the subject of this report, was introduced November 25 by Senator Dole for himself and 34 cosponsors. It was ordered to lie over under the rule, and on November 30 it was ordered to be placed on the calendar. On December 8, the resolution was referred to the Committee on Foreign Relations with instruction to report within 10 days.

On December 14 and 15, the committee received the written comments of the Departments of State and Defense, respectively, endorsing the resolution. Under the instructions of the Senate, the committee considered the resolution in executive session on December 14 and 17. On the latter date, the resolution was ordered reported with an amendment in the nature of a substitute.

The resolution, with its preamble, reads as follows:

Whereas conditions have not materially improved in the year since Congress passed H. Con. Res. 454 calling for humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; and

Whereas increasing numbers of American military personnel remain in captivity in North Vietnam in circumstances which violate the Geneva Convention of 1949 on prisoners of war and offend standards of human decency, some having so remained for as long as six years; and

Whereas the Government of North Vietnam and the National Liberation Front have refused to identify the prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, and to release seriously sick and injured prisoners, as required by the Geneva Convention, despite repeated entreaties from world leaders: Now, therefore, be it

Resolved, That the official command, officers and men involved in the military expedition of November 21, 1970, seeking release from captivity of United States prisoners of war believed to be held by the enemy near Hanoi, North Vietnam, be commended for the courage they displayed in this hazardous and humanitarian undertaking which has lifted the hopes and spirits of our brave men imprisoned and fighting, as well as Americans everywhere.

Resolved further, That a copy of this resolution be forwarded by the Secretary of the Senate to each person who participated in the special joint Army-Air Force rescue mission.

Mr. DOLE subsequently said: Mr. President, earlier today the Senate adopted Senate Resolution 486. On November 25, I submitted that resolution, which was ultimately sponsored by 40 Senators, and asked unanimous consent that it be given immediate consideration in order to demonstrate the Senate's gratitude and respect for the courage demonstrated by the Army and Air Force personnel who carried out the Son Tay prisoner rescue attempt.

It was hoped the Senate would act on the resolution with the same dispatch as the House did in order that the expression of gratitude by both Houses of Congress could be available at the time special ceremonies were held honoring the men involved in the rescue mission. However, the resolution was referred to the Committee on Foreign Relations.

On December 7, the House of Representatives passed a similar resolution—the text of which was read by the resolution's sponsors at the awards ceremony on December 9. While the sentiments of the U.S. Senate could not be represented at the ceremony, today's action affirms not only the Senate's recognition of the courage demonstrated by the men who took part in the hazardous mission to rescue American prisoners of war from the Son Tay Prison but it also must be interpreted as a strong indication to North Vietnam that we condemn the continued inhumane treatment of American prisoners of war held by North Vietnam and the National Liberation Front. Their refusal to comply with even the minimal standards of human decency is not acceptable to Americans, whatever their personal opinion of the Vietnam war. Passage of this resolution during the Christmas season cannot be a substitute for the return of those American prisoners to their families and loved ones, but it is appropriate that these families know the American people care and join them in their prayers for the safe return of their men.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair now recognizes the distinguished Senator from Florida (Mr. Gurney) for not to exceed 1 hour.

TRIBUTES TO THE HONORABLE SPESSARD L. HOLLAND, THE SENIOR SENATOR FROM FLORIDA

Mr. GURNEY. Mr. President, we are here today to honor my most distinguished colleague, the senior Senator from Florida, Spessard Holland, who is retiring after almost 25 years of service in this great legislative body. In preface I wish to make some general remarks. These are troublesome times and with American involvement in the war in Vietnam, racial strife, rising crime, and other problems there has been in recent years much public soul searching and introspection about the American commonwealth. It has been suggested in some quarters that the American spirit has been marred, even that the national psyche has been mortally wounded. There is much hand wringing and pessimism about our future; many recriminations about our recent past.

Mr. President, I do not, and I cannot share this pessimistic mood. While I recognize the frailties and the fallibility of men, and while I think our mistakes and wrong turnings must always be exposed and corrected, I have ultimate confidence in basic goodness of the American system and the durability of the American spirit.

I think one of the roots of my optimism has been my experience here in the Senate in the last 2 years. And my confidence is justified, I think, because of the caliber and the dedication I have found in the Members of this august Chamber. We are today honoring one of the most distinguished Members as his retirement approaches—the distinguished senior Senator from Florida, the Honorable Spessard L. Holland. I suggest that the fact our country has produced a man like Spessard Holland is cause for optimism; I suggest that the presence of Spessard Holland in public life shows the basic good sense of our people, and I suggest that his entire career is a monument to the best elements in our national life.

Senator Holland's career and presence in public life justifies our faith in de-

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mocracy and reinforces my belief in the essential virtue and goodness of our Republic.

Senator HOLLAND was born in Bartow, Fla., on July 10, 1892. He was the son of Benjamin Franklin Holland, a native of Georgia and a confederate veteran who came to Florida in 1881, and Fannie Virginia Spessard Holland, who had been born in Virginia.

He was graduated from Summerlin Institute, which is now the Bartow High School, in 1909, and in 1912 he received his bachelor's degree, magna cum laude, from Emory College in Atlanta. Senator HOLLAND graduated from the University of Florida Law School in 1916.

In college, he earned membership in the Phi Beta Kappa Society and qualified for a Rhodes scholarship, which he was unable to accept because of the outbreak of World War I.

He was, of course, an outstanding college athlete who played varsity football, baseball, and basketball in college—when he was not busy as a member of the track team. He was, in fact, offered a contract in 1916 by Connie Mack to play professional baseball with the Philadelphia Athletics. If he had chosen to go that route, he would doubtless be in the Hall of Fame at Cooperstown. But World War I intervened.

In 1917, he entered in the service of his country. Commissioned a second lieutenant in the coast artillery, he went to France in 1917 and transferred to the Army Air Corps and saw action at the Meuse Argonne, Champaign, St. Mihiel, and Luneville in 1918. He is credited with officially downing a German aircraft and he lost his own plane in combat. In 1918, he was awarded the Distinguished Service Cross with the citation noting "extraordinary heroism in connection with military operations against an armed enemy." At the end of the hostilities, he was a captain.

In 1919, he returned home and made one of the wisest decisions of his life: He married Miss Mary Groover of Fort White, Fla. The Hollands have two sons and two daughters and 13 grandchildren. Both sons, who are now attorneys practicing in Florida, saw action in World War II.

After his war service, Senator HOLLAND practiced law briefly before accepting an appointment as prosecuting attorney for Polk County. In 1920, he was elected county judge.

In 1932, he was elected to the Florida State Senate where he served for 8 years. In that role, he sponsored various measured aims at reducing taxes, overhauling the Florida school code and improving the State's public educational system, increasing teacher salaries, and setting up retirement benefits. He also wrote and sponsored legislation to create the citrus commission, and legislation for old age assistance, workman's compensation, and unemployment insurance. He also sponsored the soil conservation districts act, the cooperative market act, and the fair trade act. He was a leader in the fight to abolish the State poll tax.

Senator HOLLAND was elected Governor of Florida in 1940 and served from January 1941 to January 1945, his term roughly covering the World War II period.

He was appointed to the Senate to fill the unexpired term of the late Senator Charles Andrews in September 1946 and was elected to the U.S. Senate for the first time in November 1946. He was reelected in 1952, 1958, and 1964.

During his almost 25 years in the U.S. Senate, Senator HOLLAND had missed only a tiny fraction of the thousands of record votes—and those for the most part occurred when he was excused from the Senate to be away from Washington on official business.

The Senator serves on three important standing committees: Agriculture and Forestry, Appropriations and Aeronautical and Space Sciences Committee.

There are simply too many legislative accomplishments we could speak of concerning Senator HOLLAND in my allotted time. But, I will mention a few areas only:

Senator HOLLAND fought the poll tax throughout his distinguished career. He first introduced a constitutional amendment to prohibit it in Federal elections in 1949 and reintroduced it in succeeding Congresses. In 1962, finally, it was approved by Congress and sent to the States. In 1964, it was ratified by the requisite number of States and became the 24th amendment to our Constitution.

The Tidelands Act which restored to the States the property rights in submerged coastal belts lying within the State's boundaries. Senator HOLLAND personally argued the constitutionality of the Tidelands Act before the Supreme Court in 1959.

Senator HOLLAND is, as we know, the father of our uniquely beautiful Everglades National Park. It was his foresight as Governor of Florida which preserved it; it was he who sponsored the Federal legislation which made it a national park and fixed its boundaries.

Senator HOLLAND took a leadership role in the central and southern Florida flood control project, and in many other rivers and harbors projects which have proven to be of enormous benefit both to Florida and to the Nation.

Senator HOLLAND played a large role in the Highway Act of 1956 which started our interstate highway program.

As my colleagues know, I could go on and on with a recitation of accomplishments, but our time is short and I know my colleagues wish to speak also.

But let me say this:

Mr. President, my prayer is that the Senate of the United States will, in the years ahead, be graced by the presence of other patriots and statesmen of the caliber of SPESSARD HOLLAND.

Senator HOLLAND's long and honorable service to the Nation and to the State of Florida can never be forgotten. For almost 25 years, he has given this Chamber the benefit of his wisdom, his experience, and his mature judgment. The Senate is infinitely richer because of his presence.

In many ways, the distinguished senior Senator from Florida is the embodiment of an ideal—the personification of the qualities which the American people hope to find in their own Senator: dignity, certainty, and courtesy, but also scrupulous integrity; perception of the broad issues and at the same time attention to detail; diligence and the mastery of public issues—that is the product of long hours of preparation; independence and the willingness to speak his mind, regardless of which of our great political parties controls the White House: firmness of matters of principle and, at the same time, gentleness and respect for the honest opinions which are different from his own. There is not a Member of the Senate now who does not respect and esteem SPESSARD HOLLAND. And, Senator HOLLAND has earned that respect, by the example he has set and by the manner in which he has conducted himself.

We cannot hope to summarize in a few moments SPESSARD HOLLAND's record of service and accomplishments in the U.S. Senate, or as Governor of Florida before that.

We can, however, mention a few of the qualities which have distinguished the Senator during his long and honorable legislature career:

He is a man of honor and integrity.

He is a man of principle, whose word is his bond.

He is a scholar and man of wide learning and great understanding.

He is a patriot, and a man of great strength.

At the same time, he is gentle and compassionate.

First, last, and always, Senator HOLLAND is a gentleman.

And now, rich in honors, in friendships, in the esteem of his colleagues, Senator HOLLAND is leaving Washington.

Our State and our Nation are richer, sir, because you have chosen to serve them. We are now, and we always will be, in your debt.

Your colleagues thank you for your service to Florida and to our country; we wish for you, Senator HOLLAND, and for your wonderful lady, Mary, good health, and God's blessing for a wonderful retirement.

Mr. President, I ask unanimous consent to have printed in the RECORD certain newspaper editorials and articles.

Mr. GURNEY. Mr. President, I ask unanimous consent that the RECORD be kept open until the adjournment of this Congress for the inclusion of written statements by our colleagues who are not present at this moment and who may wish to file at a later day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GURNEY. Mr. President, I further ask unanimous consent that our tributes to Senator HOLLAND on this occasion be collected and suitably bound and inscribed for presentation to our beloved colleague.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Orlando (Fla.) Sentinel, Nov. 14, 1969]

SENATOR SPESSARD HOLLAND HAS EARNED THE GRATITUDE OF EVERY FLORIDIAN

Whatever their party, Floridians have reason to be grateful to retiring U.S. Sen. Spessard L. Holland for his long, faithful and distinguished service to his state and the nation.

For Sen. Holland's political leadership has been too big to accommodate petty partisanship. He earned and continues to hold the friendship of Democratic and Republican presidents, of congressional colleagues of every political hue, and of the people who sent him to Tallahassee as governor and then elected him to four full six-year terms in the Senate.

The Senator, now 77, will be coming back to Florida in semiretirement after his present term ends. An angina condition prompted his doctors to advise against another campaign. He expects to return to his home in Bartow to practice law, as his health permits, and to write a couple of books, one about his career and another about his wife, Mary, who is a remarkable person in her own right.

The leadership of Sen. Holland has been middle-of-the-road conservative but he was always his own man in matters of conscience. Before the present civil rights movement began, he fought successfully for the 24th congressional amendment abolishing the poll tax, a crusade that was not popular in some quarters at the time.

His contributions to Florida as governor were many. He formed the nonpolitical Fresh Water Fish and Game Commission, sponsored a gasoline tax amendment that strengthened the counties in road building, and lowered the intangible tax ceiling by 60 per cent.

As a ranking member of the Senate Agriculture Committee, Holland works constantly to improve the lot of farmers. He also serves on the Senate Appropriations Committee, the first Floridian to do so in 40 years. The Central and South Florida Flood Control District is largely Holland's doing. So was the $4 million federal appropriation to start work on the cross-state barge canal. But his Senate interests were far from parochial; they included space, military security, federal highways, airports, federal buildings, parks, forests and conservation of resources.

But no list of bills or statutes would be adequate to sum up the character and integrity of the man from Bartow. He was endowed with exceptional physical courage that made him a volunteer combat aviator in the World War I days of flying the windswept egg crates.

The young law school graduate and schoolteacher flew in France with his old school chum Sam Keesler, for whom Keesler Air Force Base in Mississippi is named. Keesler was shot down and killed, but Holland came back and applied that same raw courage to Florida's political leadership.

Thrift was and is a part of Sen. Holland's creed. Martin Andersen, publisher of The Sentinel at the time, recalls Holland's first trip to Washington in 1946: "He came through Orlando in an old beat-up Ford filled with his charming wife, his children, household pets and some of his worldly goods."

When the question came up a few years ago, Holland was one Senator who didn't hesitate to make a voluntary disclosure of his personal assets. He is comfortably well off but by no means a wealthy man—the result of having served Florida and America as a scrupulously honest politician.

The senator's physicians say he may live to be 100 if he takes things a bit easier. Thousands of his fellow Floridians wish him many more years of health and contentment. If any man in public life has earned it, Spessard Holland has. And Florida Democrats who yearn for a comeback could do worse than adopt him as a model for everything they should be and too often aren't.

[From the Evening Star Editorial, Nov. 17, 1969]

Florida To Lose Able Senator in the Retirement of Holland

Florida loses a great United States senator when Spessard L. Holland completes his fourth term and retires to private life in his native city of Bartow. The Senate and nation will miss him, too.

Even many Republicans who will be in greatly improved positions by Senator Holland's retirement regret to see him leave office. He had been in the Senate since 1946 and had built up a seniority which has meant much to the Sunshine State.

No matter who succeeds him, Democrat or Republican, it will take more than a score of years for any Floridian to build up as long a period of service in the Senate as has the conservative independent voting Democrat from Bartow. And seniority is important in Congress.

In addition to ranking fifth in seniority among Senate Democrats, Senator Holland has made many friends in both parties which stands him in good stead when he has a legislative or other problem affecting the Sunshine State.

Florida's senior senator is one of the outstanding members of the Senate and is the natural leader of the Southern bloc. He is a high-ranking member of the vital Senate Appropriations Committee and he is second among Democrats on the important Agriculture and Forestry Committee.

Some indication of the importance of seniority in the Senate is indicated by the fact that Senator Holland was the first Floridian to be named to the Appropriations Committee in 40 years.

Having served a distinguished term as governor of his native state after a long period of other public service dating back to 1919, Senator Holland was immediately accepted by his colleagues as a potential leader.

In recent years the now 77-year-old senator has been considered a great statesman as well as a pragmatic and powerful politician. First elected in 1946, Senator Holland was re-elected in 1952, 1958 and to his present term in 1964. Many practical political observers believe he could have been elected again in 1970, had he chosen to run.

While Republicans are relieved that Spessard Holland's name will not be on the next ballot, thousands of his Republican friends regret that a long-time heart condition forced him to decide not to make another race for office.

But the senator deserves a rest, for he has worked hard and effectively for Florida. Although he has received credit for scores and scores of "good jobs" done for his state, even those who know his work best can never fully appreciate what Spessard Holland has meant to the progress and welfare of Florida.

The man who succeeds him will have some big shoes to fill, and it will take him years and years in office to reach the pinnacle of power and influence of Senator Holland. Florida will miss his experience, many Senate friendships and his seniority.

The fight is on for the position which Spessard Holland has filled so well and so long. A half dozen or so Democrats and Republicans are contending for the Senate seat. While no election is won until the votes are counted, political observers in Tallahassee and in Washington believe Florida will have two Republican senators when the election is over.

[From the Sun Sentinel, Nov. 14, 1969]

Senator Holland's Retirement Marks End of an Era

(By William A. Mullen)

An era ends with a certain event or events inevitable in coming and sad in arrival.

Such was the case Wednesday when Spessard Lindsey Holland announced that he will not seek a fifth consecutive term in the U.S. Senate.

His retirement will end an era in Florida politics, an era of the southern gentleman of the old school serving his constituents diligently and dignifiedly, in the stately chambers of the Capitol.

His retirement also marks the wane of an era in the Senate, the slow erosion of the conservative coalition that from time to time in the course of the nation's affairs turned back unwise or misguided plans of the liberal bloc in the Congress.

This is not to denigrate Florida's junior Senator, Edward J. Gurney, a Republican and also a conservative.

But Senator Holland, a Southerner and a Democrat of the classic southern conservative tradition, lent substance and force to the coalition.

By seniority, by culture, by character, by consistency, he "belonged" to the group of senators who placed national interest before party, who placed duty before self, and who brought statesmanship to politics.

For Florida, Senator Holland was a steadying influence in the national government, often countering the votes of more liberal co-senators with whom he represented the state over the years.

Spessard Lindsey Holland was the 28th governor of Florida, serving during the World War II years of 1941–45, and as chief executive was responsible for instituting and aiding many military programs in Florida during those years.

He did so with knowledge and experience, having served with the U.S. Army's 24th flying squadron in France during the First World War. Assigned there by his request, Senator Holland won the Distinguished Service Cross.

And as governor, he was instrumental in pledging gasoline tax revenues for highways, strengthening the ad valorem tax structure and in the creation of Everglades National Park.

Nominated for the Senate by his party when then Sen. Charles O. Andrews announced he would not seek re-election, Senator Holland was appointed to succeed Senator Andrews upon his death.

As the record shows, Senator Holland brought to the Senate experience of governor, judge, prosecutor, state legislator and smalltown lawyer.

In the ensuing years, he was not a headline grabber, although he rose to ninth in seniority in the Senate. Instead, he worked for the interests of Florida and was particularly effective in promoting the state's agricultural interests, the industry that ranks second to tourism.

The senator kept his constituents informed of his activities in a homey newsletter, in which he frequently noted that "Mary and I" enjoyed meeting Floridans who visited his office while in Washington.

Meanwhile, he lent his steadying hand to the Senate, voting as high as 90 per cent on the conservative side of the issues coming before the Upper Chamber.

But now, advancing age and a heart condition that has caused a number of "incidents," as the senator puts it, have led him to decide it is time to call a halt to his public service career.

It is an eminent and distinguished and fruitful career that comes to a close. His retirement is hard-earned and well-deserved. The one regret is that it brings to an end an era we are sure will not be duplicated, for all the qualifications of the state's congressional delegation.

This is because time has changed, conditions have changed. It would be a fitting gesture for all his constituents to thank him for a job well done and to wish him health and happiness in the golden years ahead.

[From the Florida Times-Union, Nov. 13, 1969]

A Big Pair of Shoes To Fill

While Florida's political complexion has changed with bewildering rapidity during the past decade, the thread of continuity—exemplifying the best of the past—has been maintained by U.S. Sen. Spessard Lindsey Holland.

Yesterday, Holland announced the end of an era. He said he will not seek reelection in 1970 although he will serve out his present term.

The wisdom of his decision cannot be disputed. Troubled with angina for the past eight years, the 77-year-old senator said he had been advised by his doctors that it would not be wise for him to seek a fifth term.

The State of Florida will be the loser. In seniority alone, the loss is acute.

Holland is the second-ranking Democrat on the Agriculture and Forestry Committee, fifth on the Appropriations Committee, and a member of the Aeronautical and Space Sciences Committee.

But even more important is the respect and trust his colleagues in the Senate have for Holland. He is known as a man whose word is good and whose motives are good. When Holland tells his colleagues what a bill he introduced is designed to do, they believe him.

This respect cuts across party lines and philosophical differences. Senate liberals do not agree with his conservative views but they recognize his integrity.

Holland's ability to rally his Senate colleagues round him was demonstrated in a confrontation during the early 1960's with Rep. Clarence Cannon, the late autocratic head of the House Appropriations Committee.

Cannon was bitterly opposed to putting the final planning funds for the Cross Florida Barge Canal in the budget and Holland insisted they be included. The appropriations bill went to a conference committee of House and Senate.

Up to that time, Cannon was reputed never to have lost a major battle but he lost this one. Holland held his ground and the Senate conferees supported him. So sure were many of the House members that no change would be made in the House version of the bill that they went home to their constituencies.

However, with the Senate conferees refusing to budge, the House had to be called back into session to vote the barge canal planning funds.

Holland has not been a flashy figure on the national scene. He has been a senator whose accomplishments for his state and nation have spoken more loudly than his words.

Born in 1892 in Bartow, Holland won Florida's governorship in 1940. Although Florida governors have traditionally done very poorly when seeking another office after their terms expired, Holland reversed the trend. He was appointed to the U.S. Senate seat in 1946 and won election to a six-year term that same year. He has won reelection handily ever since—the last time over Claude Kirk who went on to win the governorship.

Now the speculation will be rife over possible successors to Holland, a question that will be decided in next year's elections. We leave that speculation to others.

The one thing that is clear at the present time is the fact that Florida's voters are being left with a big pair of shoes to fill.

[From the Tallahassee (Fla.) Democrat, Nov. 13, 1969]

Holland Has Set Pattern for Success in Senate

We are sorry *Sen. Spessard Holland* has decided against running for another term.

He has served Florida honorably, diligently, with consistent devotion to conservative constitutional and economic principles for nearly 40 years—as State Senator, as Governor, and these past 23 years in the United States Senate.

Many Floridians have disagreed with his philosophy, but they have always known where he stood; and his continued success in the elections have demonstrated that the positions he took were those of the majority of Floridians.

Those principles have been on the losing side in Washington as often as on the winning side; but he has not abandoned them for political expedience.

Florida, the South, the whole nation need more men of such principle, in the Congress—and we can ill afford to lose another of the stalwarts.

However, Sen. Holland has more than earned his retirement. He is 77 years old. Another six-year term beginning in 1971 would carry him well into his 80s. Those of us who know him don't believe advanced age would be a handicap to a Spessard Holland. But his doctors have found signs of heart trouble. He has had cataracts removed from both eyes.

His true friends and loyal supporters would not insist that he stay and die there, perhaps prematurely, with his boots on in their service.

There are capable younger men in Florida politics—both Democrat and Republican who are anxious to succeed him. Some of them, sensing opportunity, already are running, forcing his decision. This is legitimate. And it is characteristic that Holland should advance his announcement to help clear the track for the aspirants.

It is a year before the election. The people will have every chance to study the behavior and record of the candidates—some in the State Legislature which will convene twice before then, others in executive and congressional offices, and all on the campaign trail.

We wouldn't expect Sen. Holland to become involved in any candidate's campaign, unless it should be in behalf of the Democratic ticket next fall. But he has set a pattern of policy, of personal conduct, and of political acceptance that will be hard for any of them to break.

Thus, Spessard Holland, in withdrawing, may continue the stable influence he has maintained throughout his active political career.

[From the Tampa (Fla.) Tribune, Nov. 13, 1969]

Holland's Decision: Regrettable Necessity

Spessard Holland is a man of independent mind but in one major political decision he has let others tell him what to do.

On advice of his doctors, Florida's 77-year-old senior Senator announced yesterday that he will retire at the end of his term in January, 1971. A chronic heart ailment (angina) has become increasingly troublesome, he said.

We accept the wisdom of the decision as we regret the necessity for it.

Spessard Holland has served with distinction in the United States Senate, as he did earlier in the Governorship of Florida and in the State Senate.

He took to Washington a rare knowledge of the needs and problems of Florida, as well as a standard of conduct which in the halls of Congress sometimes seems also rare.

The seniority acquired in four terms in the Senate, and the respect in which he is held by his colleagues, have benefited both state and nation. He has contributed a conservative weight to a body which in recent years has been overbalanced on the liberal side. His influence has been particularly strong on the important Appropriations and Agriculture Committees.

But Holland's conservatism has never blinded him to the need for reform; he has insisted only that change be wrought by constitutional process. Accordingly, he was the chief sponsor of the 24th Amendment, adopted after a long fight, which prohibited states from requiring payment of a poll tax to vote in Federal elections. (Florida had abolished the poll tax years earlier).

He also was principal author of the Tidelands Act which settled long controversy over state-Federal jurisdiction in coastal waters.

His loss will be especially great for Florida because the junior Senator, Edward J. Gurney, began his first term this year. Thus, in 1971, this state will have two freshman Senators in a body where seniority carries a higher value than it deserves.

Senator Holland's retirement gives the Republican Party a definite advantage in the coming campaign.

Congressman William C. Cramer of St. Petersburg, who in 1954 became the first Republican Congressman elected in Florida since Reconstruction days, hopes to become the second Republican Senator since that period (Gurney is the first). He is generally favored to win his party's nomination over Lt. Gov. Ray C. Osborne.

Cramer has proved himself an able and resourceful politician, in Florida and in Washington. He can expect the full support of the Nixon Administration in the 1970 general election. Most analysts have concluded that, barring a sharp drop in Nixon popularity, no Democrat other than Holland would have a good chance of defeating him.

The ease with which Gurney overwhelmed former Governor LeRoy Collins last November lends validity to this theory. So does the fact that a wide-open fight for the Democratic nomination is in prospect, leaving in its wake the usual party-splitting animosities.

But the only certainty of politics is that victory is never certain until the votes are counted.

Candidates for Florida's second Senate seat will have ample opportunity in coming months to explain their philosophies and cite their qualifications. Citizens, meantime, can be thankful that Spessard Holland, God willing, will continue as their Senator for another 14 months.

[From Today, Nov. 15, 1970]

Faithful Servant

Sen. Spessard Holland has made a wise choice in stepping down next year, while he is still in command of his mental faculties and, perhaps to a lesser extent, his physical health.

The people of Florida should be grateful, for the hard-to-make decision and for his 23 years of dedicated service in the U.S. Senate.

The 77-year-old statesman saved his critics the unpleasant task of challenging his reelection on the basis of age.

"I wouldn't want to give the people of Florida a damaged article for the next six years," he said. "I've seen some people—good friends of mine—stay here (in the Senate) too long."

All the people of Florida join in the fervent hope that his angina attacks will not hamper him in serving out his 24th year in the Senate, nor prevent him from living many more productive years.

He has served his state and nation well. He can take this knowledge into his retirement with confidence.

In his early years in the upper chamber, Holland was a member of the Southern Democratic bloc that practically controlled the Senate. He was an early holdout against civil rights legislation but mellowed later. He was a leader in the move that abolished poll taxes by constitutional amendment.

Sen. Holland is a completely scrupulous man. He is one of the few members of Congress whose personal fortune has decreased as a result of his service in the Senate.

Florida will love a faithful servant when he retires next year.

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[From the Tampa (Fla.) Times, Nov. 14, 1969]

Senator Holland's Decision

No Floridian who has held important public offices, we daresay, has won a greater place in the affection and admiration of the people of this state than has Senator Spessard L. Holland.

Likewise, a man of 77 who has been working for the same boss—the people—for 50 years has a right to call it quits and a claim on the gratitude of his employer.

Undoubtedly, his decision not to seek re-election next year for a fifth full term in the U.S. Senate was a difficult one to reach. But in light of a heart condition he has had for eight years and two angina attacks in the past few weeks, along with his own acknowledgment that he had "seen some of my friends stay too long" in the Senate, it was the right one. Indeed, there is real wisdom in knowing when it is time to step aside for younger men.

It is interesting to note that Florida's senior U.S. senator began his elective career as a prosecuting attorney in Polk County in 1919. He later was a county judge, state senator and governor. In fact, Spessard Holland, born in Bartow, was the first native Floridian to serve the state as both governor and U.S. senator.

Throughout his public career he has represented the people with dignity and distinction.

Some persons, of course, have insisted his legislative record leans too much to the conservative side. True, he has not followed the path of the knee-jerk liberals. Nor is he one to agree with those in Congress who think every problem can be solved by carrying out a policy of "tax, tax, tax and spend, spend, spend." His votes in committee and on the Senate floor have not been based on snap judgments but on what he sincerely believed were the wishes of the majority of his constituents and his own concern for fiscal responsibility in governmental operations.

It is quite obvious that many people in this state approved of his decisions else they would not have returned him to the Senate each time by substantial margins.

Now, with the actual retirement date only a little over a year away, Senator Holland's decision to bow out eliminates one question about the Democratic primary in 1970 but increases speculation regarding those who will seek to obtain the party nomination for his seat. State Sen. Lawton Chiles of Lakeland, State Sen. Robert Haverfield of Miami and State Rep. Fred Schultz of Jacksonville are definite starters. There may be more, which will increase the likelihood of a bitter as well as a wide-open Democratic contest.

In this connection, Senator Holland, during his press conference, offered Florida Democrats some excellent advice. He said they must "work together" or a third straight state-wide race will be lost to the Republicans. The reference was to Claude Kirk's gubernatorial victory in 1966 and GOP Rep. Edward Gurney's defeat of former Gov. LeRoy Collins last year for the U.S. Senate seat vacated by the retirement of Democrat George Smathers.

He also called attention to the fact that he moved his announcement timetable ahead because Florida Democrats are planning a dinner in his honor on November 29 in Miami.

There isn't any doubt that Florida Democrats need unity and cohesiveness in the months ahead. We can't think of a better time to start striving for it than at that dinner.

[From the Sarasota (Fla.) Herald-Tribune, Nov. 14, 1969]

Bad, Good News

The announcement by Florida's senior U.S. Senator Spessard Holland that he will retire at the end of his present term is bad news for some and good news for others.

It is bad news for the people of Florida who will lose the services of one of the state's most distinguished public officials.

Senator Holland won his first election more than a half century ago to become prosecuting attorney of Polk County. In the years that followed he was county judge, state senator and governor of Florida. He has been a United States Senator since 1946.

As a conservative though by no means hide-bound Democrat, he has accurately reflected the political philosophy of his constituents. Both by the length of his service and the esteem in which he is held by his colleagues, he has been an influential and effective Senator.

He continues, even in the timing and manner of the announcement of his retirement, to be honest and straightforward with the people of Florida. We must all regret the state of his health which caused him to decide against running for another term, but we must respect his decision and admire him for saying, "I wouldn't want to give the people of Florida a damaged article for the next six years. I've seen some people—good friends of mine—stay here too long."

Senator Holland's retirement, of course, is good news for the candidates for his seat—announced and unannounced, Democrats and Republicans.

Had he chosen to run, Sen. Holland, despite his age, would have been an odds-on favorite for re-election. Without him, the race is wide open.

Republicans have at least two contenders for the party's nomination—U.S. Rep. William C. Cramer and Lt. Governor Ray Osborne, both from Pinellas County. Both of them would appear to be better known statewide than any of the Democratic candidates, and Republicans feel that they "have the momentum" now because of the victory last year of Ed. Gurney in the contest for Florida's other Senate seat.

On the Democratic side, State Senator Lawton Chiles of Lakeland, has been campaigning unofficially for months, saying that he would run if Holland didn't. Another state senator, Robert Haverfield of Miami, is already an official candidate. Fred Schultz of Jacksonville, Speaker of the State House of Representatives, is considered almost a certain candidate. There may be others.

So, the prospect is for a hotly-contested primary in each party and an equally interesting general election campaign.

Every election involving Senator Holland was settled, for all practical purposes, in the Democratic primary. But Florida now is a two party state, and the name of Florida's next U.S. Senator will not be known until after the election of November, 1970.

Senator Holland's term is far from over. He has more than a year yet to serve. The people of Florida wish him well and can be assured that he will be working hard for them and for the nation every day that he is in Washington.

[From the Miami (Fla.) News, Nov. 14, 1969]

Full Measure of Service

It was characteristic of Spessard Holland to step down from the U.S. Senate when he felt he could no longer render a full measure of service.

Sen. Holland has never given Florida or the nation anything less than his total energy since he entered politics as a county judge 47 years ago.

Even at age 77, and with a Republican wind blowing across the state, the Senate seat was almost certainly his for another term had he decided to run.

A dedicated Democrat, his decision must have been doubly difficult because of his realization that his party will be hard pressed to elect a successor.

His friends would agree, however, that after a life of service, he and his beloved Mary deserve some rest and privacy.

The Miami News has differed frequently with Sen. Holland's policies, but never with the man. He is an honest conservative, dedicated to his convictions, who provided the kind of reasonable balance a democracy demands.

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Sen. Holland has served Florida exceptionally well as county judge, state senator, governor, and U.S. Senator. The public will accept his decision to retire with regret.

[From the Miami Beach (Fla.) Sun, Nov. 14, 1969]

Senator Spessard Holland

Although this newspaper has not always agreed with the ideas and approaches of Sen. Spessard Holland, it is genuinely saddened by his planned departure from the political scene of this State and of our nation.

For, a difference of opinion—if and when it is an honest one, as it has been in our case—is what made this country great. And the courage and integrity of a man, even though he may not feel or think the same way you do, are the only qualifications that really count.

Sen. Holland has served Florida well and he has served his country well. The candor with which he withdrew from the opportunity to win another term only underline his stature and his character.

We hope when he departs from Capitol Hill the sun will continue to shine onto his path of retirement, lightening and brightening the years of leisure which he and Mrs. Holland deserve so well.

[From the Fort Myers (Fla.) News-Press, Nov. 14, 1969]

Holland's Retirement a Blow

There is no Floridian in official life who has served this state and its people more diligently and more effectively than Spessard L. Holland during a career in public office that spans half a century, the last quarter century of which has been served in the United States Senate. He has richly earned the retirement at the end of next year which now, at a still vigorous 77 years of age, he has elected to take. When he goes home to Bartow to stay, universal good wishes and thanks of his fellow Floridians will accompany him.

Holland's decision not to run for the fifth six-year term that he probably could have had appears to have been dictated less by considerations of his years than by the fact, unpublicized until his announcement, that he has suffered some angina attacks. Thus his decision must command public approbation.

But it will be a blow to Florida. By virtue of his ability as well as his seniority, Holland was a powerful and respected figure in the Senate, and Florida benefitted from his influence in many ways. He was the ranking majority member on the Senate Agriculture Committee and a member of the powerful Appropriations Committee as well as the Aeronautical and Space Committee. The Everglades National Park, which he sponsored as governor and brought to achievement as senator, is one monument to his public service.

Holland's retirement also will be a blow to the Florida Democratic party. With such formidable contenders as Congressman William C. Cramer and Lt. Gov. Ray C. Osborne in the field for the GOP senatorial nomination, it is not only quite possible but quite likely that with Holland out, Florida next November will send a second Republican to Washington to sit beside Sen. Edward J. Gurney.

In contrast to both Cramer and Osborne, the three Democratic candidates so far in the field are little known outside their own counties. House Speaker Frederick H. Shultz of Jacksonville has been in the Legislature only six years while the two state senators seeking Holland's mantle, Robert M. Haverfield of Miami and Lawton M. Chiles Jr. of Lakeland, have been in the Senate only four years, although Chiles did serve eight years previously in the House. Haverfield, incidentally, says in his official campaign biography that he spent his "formative years" in Fort Myers and graduated from high school here.

By their campaigns and their activities in next spring's legislative session, the three Democratic candidates can build statewide images, of course. But their identification with the Legislature could prove a political liability, too, which the Republican nominee, whether Cramer or Osborne, would escape.

While Holland's retirement will deprive the state of his services, it apparently will not remove his conservative philosophy of government from the state's representation in Congress. For all of his would-be successors of both parties are busily proclaiming their own dedication to the principles for which Holland so long and so staunchly has stood.

[From the Fort Lauderdale (Fla.) News, Nov. 17, 1969]

Holland's Political Career Has Held To Principles, Attained Statesmanship

Spessard L. Holland, Florida's senior United States Senator, has needed very little urging from his constituents to reflect accurately their interests and wishes.

This has been because the silver-haired legislator has known his state and its people as few others have known them.

Florida owes a great debt to this dignified gentleman. He has dedicated five decades of his life to public service, starting out in 1920 as County Judge of Polk County.

Those five decades were political in nature but had a character of statesmanship.

His "Washington Report" of 10 days ago was typical, He reported: "Last Monday night I listened attentively and sympathetically to President Nixon's broadcast address on Vietnam. This certainly is the most serious problem, short of recommending a declaration of war, with which any President could be confronted. I approve of the great candor with which he spoke and appreciated also his fortitude in supporting a position unpopular in many quarters. In my opinion, his position is a sound one, and I strongly support his attempt to achieve a responsible withdrawal from South Vietnam and his insistence upon an honorable peace. . . ."

As in so many instances, this highly-respected Democrat placed principle above partisanship. And this trait won for him the high regard of senators and politicians in both major parties.

But, his 77 years have begun to weigh heavily on his shoulders. And he has decided his four full terms in the United States Senate will wind things up for him. In 1970 he will not be a candidate for reelection.

Replacing him will be almost impossible. His shoes are too big to fill readily, and his years in the Upper House have given him seniority and power which cannot be handed on to his successor.

Florida will lose. The South and the conservative coalition will lose.

Nevertheless, few will deny that at his age he is entitled to shed the load that has been his—most willingly to be sure.

He will leave as an enduring monument his innumerable accomplishments and contributions to his state and nation. He will leave also a record of quality service, dedication to duty and devotion to principles that, we hope, his successors will strive to duplicate.

[From the St. Petersburg (Fla.) Times, Nov. 13, 1969]

Senator Holland's Decision

Few men ever retire willingly from the United States Senate. Sen. Spessard Holland's decision to do so after 23 years must have been a difficult one, but it is by the same token an expression of the responsibility he has always typified during a half-century of public service.

No devious reasons need be sought behind his announcement yesterday that he will not seek reelection next year for a fifth term. At 77, he has decided to step down, and to make his intentions known early to clear the way for other Democrats who may aspire to their party's nomination.

We believe his decision was the right one. It signals the end of a public career dating back to 1919, and including distinguished service as a state senator and governor of Florida.

In each office, he has brought to public service the character of a true gentleman and an unassailable personal integrity. In recent years he has sometimes been out of tune with rapidly changing needs of the nation and state, but his votes have always been true to his own conscience. One might question the correctness of a Holland position, but never the fact that it was arrived at with honesty and courage.

Many Florida Democrats have hoped that he would be a candidate, in the belief it was necessary to avoid a disruptive primary contest and assure the party its strongest candidate against a formidable Republican challenge in the general election next November.

But the party can refresh itself and remain strong only by developing new, young and vigorous candidates. That is the challenge it now faces.

With the field open, it must be hoped that a number of able younger men, with the capacity to provide the party leadership within the state that should go with the office of U.S. senator, will now present themselves for the Democratic nomination.

Florida voters deserve the opportunity to make a choice among the best and most qualified candidates.

[From the Lakeland (Fla.) Ledger, Nov. 17, 1969]

A Lifetime of Service

"The Lord doesn't make many men like him."

The words are those of a Polk County political figure of considerably less political stature than the man to whom he was referring, United States Senator Spessard L. Holland.

We agree with the observation.

While this newspaper has not always agreed with Senator Holland's stand on many issues, we respect him for the courage to stand by his convictions, and the Senator's announcement that he will retire at the end of his present term in 1971 is a distinct loss to Florida and this nation.

The seniority he has achieved through four terms in the Senate has meant much to his state, and to his party. Florida will not soon enjoy such distinction again.

His has seen a lifetime of service, starting in 1921 when he was elected Polk County judge. Then it was the Florida Senate, then the governor's chair during the critical years of World War II. And finally, the U.S. Senate.

His standard of conduct in all these years was impeccable, never tarnished. Indeed, news stories earlier this year indicated Holland was probably among the lowest-ranking members of the Senate in terms of net worth.

But men like Senator Holland cannot be measured in terms of material goods, but rather the intangibles of integrity and principle and service.

Here, where it counts, he has no peer.

Senator Holland was instrumental in winning adoption of two major pieces of legislation. He was the chief sponsor of the 24th Amendment to the Constitution prohibiting the states from levying a poll tax to vote in federal elections. The Senator's battle on this was a long one and only his persistence and patience brought ultimate victory.

Holland also was the chief author of the Tidelands Act which settled the long-standing dispute over federal-state jurisdiction in coastal waters.

Florida and especially Polk County should be proud of Senator Holland. It would seem fitting that the county's present-day leaders should begin now making plans to welcome the Senator and his gracious lady, Mary, back to that modest home on South Broadway in Bartow when he completes his term, the good Lord willing.

With countywide, even statewide, participation, it could be a real whing-ding for Florida's most distinguished citizen.

[From the Palm Beach (Fla.) Post,
Nov. 13, 1969]

A Great Honor To Represent State of Florida

Washington.—Following is the text of U.S. Sen. Spessard Holland's (D-Florida) announcement yesterday that he was retiring following his present term as U.S. Senator from Florida.

"I announced today the fact that I shall not seek reelection next year for a fifth full term in the U.S. Senate from Florida. The people of Florida know that I am now over 77 and will be 78 and a half at the end of my present term. This alone would not cause me to decline a bid for re-election, but I doubt if many know that since early 1961 I have had a mild case of angina. This heart condition has become more troublesome with passing time and in the last few months it has brought on more frequent and more severe instances.

"Through the years the Capitol physician and his assistants and other Navy doctors at Bethesda have been watching this situation as well as my general health. While otherwise my present health is good they join me in the opinion that because of the progressive development of my angina problems I am wise to conclude my Senate service with this present term. By taking due care I have every expectation of rendering continued vigorous service until the end of 1970 but I do not feel that I should attempt to continue in the Senate for an additional six years or until I am 84 and a half.

"As a life long Democrat I plan to take no part in the Democratic primary except as a voter and to support the Democratic nominee in the general election.

"It has been a great honor to represent the state of Florida and its people as governor and later in the Senate and to serve the nation as a whole here since September, 1946. I am deeply grateful to the people of Florida for giving me this marvelous opportunity. My wife Mary and our family all join in this expression of gratitude. I am particularly appreciative of the many courtesies which you representatives of the press, radio and television have shown me for which I thank you warmly."

[From the Miami (Fla.) Herald, Nov. 13, 1969]

Poor Health To Force Holland Out of Senate

(By Clarence Jones)

Washington.—Sen. Spessard L. Holland will not run for reelection next year.

Angina attacks, increasingly frequent and severe, forced his retirement decision, the 77-year-old senator announced Wednesday.

The announcement came in his dim, wrinkled leather and memento-cluttered office here.

Holland came into the roomful of newsmen after lunch. His hair freshly cut, he went around the room shaking hands. He seemed in a big hurry to get it said and done.

Still, with his sense of timing, he made another, insignificant announcement first. He kept his eyes down, apparently enjoying the moment of absolute silence and attention.

"This second one is one of those announcements," he said, looking up finally and speaking quickly, "that's happy to some and unhappy to others. I'm one of those that's rather unhappy."

Then he read a prepared statement, keeping control of his voice all the way through. At the door and in the reception room outside, the women in his staff were crying quietly.

"I wouldn't want to give the people of Florida a damaged article for the next six years," he said, rocking back in his chair. "I've seen some people—good friends of mine—stay here too long.

"They weren't reflecting complete credit on themselves or rendering the best service to their state. I've said many times that I didn't want that to happen to me. I certainly expect to be vigorous here next year in the Senate, and I can be more vigorous by confining myself to my duties here in Washington.

"I couldn't, in my condition, be down there in Florida campaigning half the time and up here half the time."

Holland's angina attacks—and his decision to leave the Senate after more than 40 years in public office—were two of Washington's best-kept secrets.

Angina attacks result from fatty deposits in the arteries leading to the heart. Discomfort usually occurs when exercise, emotion or even a heavy meal causes the heart to speed up, forcing an increased amount of blood through the partly plugged arteries.

He has suffered with angina since 1961, Holland disclosed. Two severe attacks in the last three weeks convinced him it was time to step down. He received medical treatment for the attacks but was not hospitalized.

The word had not leaked past his doctor and the few people on his staff who were aware of the pains in his chest and down his left arm.

The most severe, he said, came on Oct. 30, after he had made a quick overnight trip to Panama City to speak to a Farm Bureau Federation meeting.

Back in his office on the 30th, he said he "had a rugged day all that day, and after I got home that evening, I had an even more rugged evening.

"The doctors say it's a warning. They say I might live to be 100 and still have these things. But they said they would not seek reelection if they had to make the decision for themselves."

"He's the sort of man you can't slow down," Mrs. Ruth Fisher, Holland's personal secretary, said. "For a while I got him to take a nap every afternoon, but he wouldn't keep it up. He thinks he has to be busy all the time."

Ironically, Holland came to the U.S. Senate in 1946 to take the seat of an elderly senator who had chosen not to run for reelection because of ill health.

Holland was elected to succeed Sen. Charles O. Andrews, but came to the Senate three months early when Andrews died in office. Then-Gov. Millard Caldwell appointed Holland to fill out the remaining months of Andrews' term. Holland then began the term he was elected to serve in January 1947.

Holland is a Florida native, the son of a Civil War veteran. He grew up in Bartow, went to Emory University to be graduated magna cum laude, then came back to the University of Florida for a law degree. He was the university's first elected student body president.

Before he could get to England to accept a Rhodes scholarship, World War I broke out. Holland transferred from the Artillery to the brand-new Army Air Corps in France.

Flying in biplanes held together by canvas and wire, Holland was an aerial observer who destroyed one German plane and had his own plane shot down by enemy fire.

He came back to Bartow and was elected county judge in 1920. He left the bench after eight years to form a law firm that still exists as Holland and Knight in Bartow.

In 1932, Holland was elected to the Florida Senate, where he served until he was elected governor in 1940. He served as governor during the war years, at a time when there was neither the money nor the material to leave landmarks of his administration.

The tax structure was changed. A constitutional amendment forbidding income taxes was approved. Holland's own account of his administration stresses a balanced budget, more free textbooks and sounder school financing when he left the governor's mansion.

He was the first governor of the state to become U.S. senator. He quickly established himself as a charter member of the conservative Southern Democratic clique that ran the Senate and could effectively block any legislation they opposed in those days.

It took him a long time to become accustomed to integration. He helped filibuster Civil Rights bills. Yet he was a leader in the move that eventually abolished poll taxes by constitutional amendment.

He was courted and cultivated by Big Business, and he usually voted their way. But not because he was bought or kept. He wasn't.

He is one of the few congressmen and senators whose personal fortune has decreased as a result of his position in the Senate. Holland believes that what is good for Big Business is good for his constituents and his state.

Since early this year, the pressure and interest had been building up whether Holland would seek reelection. He said he would not decide until after he had undergone a thorough medical examination to determine whether a man of his age was still physically able to expect six more good years.

Talking about it in recent months, he was the perfect sphinx. No matter how long he discussed the decision, or how the question was phrased, he never gave any indication of which way he would go.

Probably because he, himself, didn't know for sure.

His wife wanted him to quit. She is tired of living in an apartment here and wanted to spend the rest of their years together back in their Bartow home.

Many Democrats became increasingly alarmed at the thought of his retiring. Democrats had lost the governorship in 1966, and a U.S. Senate seat in 1968, after bloody primary battles. Holland, they felt, was the one man who could avert a repeat performance.

An organized write-in campaign was started, urging Holland to run again. A few young, ambitious state legislators tried to cool the encouragement. They wanted a crack at the seat and knew they could never try unless Holland stepped down.

The Democratic Party tried to organize a testimonial dinner for Holland in Miami in mid-October. A great deal of pressure was applied to have him announce his plans at the dinner. To put it off any longer gave Republicans an increasing edge. Holland was told, if he decided not to run.

Although Republican Rep. William Cramer was already running for the seat, Holland stubbornly refused to be pushed.

And the testimonial dinner was postponed until Nov. 29 at the Dupont Plaza in Miami.

In the last week, The Herald learned, the pressure was applied once more, to try to get Holland to hold off until Nov. 29. If he announced before the fund-raising dinner, Democratic leaders argued, it might hurt ticket sales.

Once again, Holland chose to go his own way.

"As a lifelong Democrat," Holland said in his prepared statement, "I plan to take no part in the Democratic primary, except as a voter, and to support the Democratic nominee in the general election. It has been a great honor to represent the state of Florida and its people."

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Holland said he did not really make up his mind until after the Oct. 30 angina attack.

His family knew about it, and perhaps two members of his staff. The rest of the office staff was called in late Wednesday morning to be told.

Holland telephoned several members of the congressional delegation and some of his closest friends in Florida to tell them.

"I never had any pre-election period," he said Wednesday, "with so many warm requests to run again. So many promises of support and contributions. Some polls have shown me to be way, way out in front of everybody, either Democrat or Republican. I didn't have the polls made, but other people did, and I saw them. So I wasn't afraid of losing."

He was most wistful Wednesday when he talked about the current condition of the Democratic Party, both nationally and in Florida. Holland is one of those politicians of another era who regarded his party with a great deal of reverence and absolute allegiance.

In recent years, that allegiance had become much more difficult for him, and sometimes impossible.

"The Democratic leaders are now moving too far to the left," he said Wednesday. "The Democratic Party was always the umbrella party, with room for everyone. It was a truly national party.

"I think the Republican Party has become the national party." Here, his voice was lower and sadder. "But it's suffering from the same ills and not finding a way to reconcile its liberals and its conservatives.

"In Florida, in the last few elections, we've broken up like a bunch of blackbirds when the primary was over and gone in every conceivable direction. Party unity? I know something about that subject.

"When I ran for governor, there were 11 of us. And every one of those men—including my opponent in the second primary—has been my very close friend, always.

"The most unexpected race I ever had was with Claude Pepper, in 1958. Now, we don't always agree in our political philosophy, but from the moment that race was over, we have been friends. He has helped me and I have helped him. We've got to have a feeling of cohesion and unity that's been largely absent in 1966 and 1968."

Holland was asked what he plans to do in retirement.

"Retirement?" he shot back. "I don't plan to retire. I'm going back to my law firm, where they tell me I'm needed as a consultant. I want to write two books. One about my experiences up here. And one about Mary (his wife) and me throughout the years.

"We haven't seen nearly enough of our 15 grandchildren. There are places we want to go, and things we want to do."

[From the Lakeland (Fla.) Ledger, Nov. 17, 1969]

SEN. HOLLAND'S CAREER SPANS HALF A CENTURY

(By Lonnie Brown)

Cokes were selling for a nickel a bottle. The Whipple Music Company on East Main was having a sale on pianos. Moore's Style Shop was selling suits for $37. Neil Hart was starring in "Hell's Oasis" at the New Casino, which offered "big shows at little prices."

The roaring 20s had started. On the November ballot, a Democrat from Bartow was running unopposed for County Judge. Spessard L. Holland had begun a political career which would span half a century. Twenty-five of those years would be spent in the U.S. Senate.

Also on the ballot, running for County Attorney, was another young Democrat from Lakeland. J. Hardin Peterson would go on to be subsequently elected to serve in the U.S. House of Representatives.

Last Wednesday afternoon, Sen. Holland, who can still shoot a turkey on a hunting trip, stepped out of politics. It was recent attacks of angina that made the senator bow out.

Holland served eight years in the Florida Senate before he ran for Governor in 1940. And just maybe he won in the May primary because of a black tie.

On election day, Tom Session, a 70-year-old Negro handyman at an Emory University fraternity house sent Holland a telegram. Session said Holland should wear a black tie on election day, because it would bring him good luck. Holland did his undergraduate work at Emory.

The senator didn't have a black tie, so he sent one of his campaign managers down to a local men's store to buy one. Holland ran top-man in the field of 11 contenders, and went on to win the governorship.

Thomas W. Bryant, a Lakeland attorney who went to the University of Florida law school with Holland, urged Holland to run for the Florida Senate in 1929. John Sweringen, then the State Senator for Polk County, was killed in an auto accident between here and Bartow.

"I went to his (Holland's) house with Sam Farabee, who then owned The Lakeland Ledger after Sweringen's funeral," Bryant said. "We urged him to run for the seat. He wanted to talk it over with Mary (his wife). The next day he got telephone calls from all over the county urging him to run."

Bryant said he tried to get Holland to run for the U.S. Senate in 1940, but Holland wanted to run for governorship.

"I told him, 'Spessard, that's going to be a hard race. You can win the Senate seat with no trouble.' Well, he said that's why he wanted the governorship. Because it will be a hard race and he thought he should know the state before he ran for the Senate."

Holland made Bryant his finance manager. "I guess I saw him the least of his intimate friends during his stay in Washington. I have had people call me up and tell me to call the Senator and have him vote such-and-such a way, but I never did," Bryant said. "He knew his job, and he had his convictions.

"He was a Godsend to this state. He knew the state, and he fought for the agricultural and citrus growers," Bryant added.

"Holland," Bryant said, "would stand up for what he thought was right. And he'd fight hard for it." Bryant pointed out that after the Tidelands Bill passed the Legislature, which gave Florida control of lands out to the 10-and-a-half-mile limit, Holland helped the Justice Department defend it.

"I think he is one of the most honest, the ablest men that has served this state," Bryant said.

Bryant was right about the Governor's race. Holland faced ten men in the May Democratic Primary, and winning the primary in those days was just as good as winning the Governor's race.

"We started our campaign in November of 1939," Bryant said.

It was a whirlwind campaign during the closing weeks of the primary. Television hadn't come in to use, and a candidate couldn't cheerfully greet hundreds of thousands of voters while half-sitting, half-standing on a walnut desk with the American and Florida flag on either side of him.

Those were the days that the successful candidate had fishfries-with-hushpuppy cookouts in Munn Park and met each voter handshake by handshake while a band played "Sweet Violets" from the white and green gazabo.

During the final week of the campaign in May of 1940, Holland spoke in all four corners of the state.

In 1945, Gov. Millard Caldwell appointed Holland to fill the U.S. Senate seat held by the late Charles Andrews. Holland had turned down a career in major league baseball to go into politics. At 54, he was just half-way through his political career.

Holland defeated J. Harry Schad, his Republican opponent for the U.S. Senate in 1946.

In that same election, J. Hardin Peterson Sr. was elected to the U.S. House.

Peterson said he and Holland have been friends for a lifetime, "and I have supported him and admired him throughout his political career."

The former city attorney remembers when he and Holland ran for county judge and county attorney.

"We didn't do too well around Willow Oak. Several years later, I saw Holland in Washington when I was elected to the House," he said.

"'Well, I carried Willow Oak this time,' I told him. And he said, 'I carried it while I was running for the State Senate, so I guess they wanted to get us as far away from there as they could,'" Peterson related.

Holland's crowning legislative achievement was to get an amendment passed to eliminate a poll tax in Federal elections. He introduced the amendment into every session of Congress starting in 1949.

Similar amendments had started in the House as early as 1942, but for seven years the amendment died in the Senate, three times as a result of Southern filibusters.

In 1962, Holland got the amendment through, and it was later ratified by the states to become the 24th amendment to the U.S. Constitution.

The Everglades National Park was established in 1947 on land which was largely deeded to the federal government by Florida, as a result of efforts from the ex-governor of the state, Spessard Holland.

Holland was able to remove price ceilings on fresh fruit and vegetables in 1952 by adding an amendment to the Defense Production Amendments of 1952.

In 1960, he offered an amendment barring the Secretary of Labor from regulating wages and conditions for native farm workers. The amendment was rejected.

Holland ran unopposed for reelection to the Senate in 1952. In 1958, he defeated Leland Hyzer, the Republican candidate, in his bid for a third term.

And he defeated a new-comer to the political arena in his fourth term bid, a Republican named Claude R. Kirk, Jr.

Holland, the fifth oldest Senator in Congress, said he's going to write a book about his political experiences in Washington, and his life in Florida with his wife of 50 years, Mary.

The ship is pulling into port, after leaving a lot of Republican and Democratic rafts overturned in its political wake.

[From the Orlando (Fla.) Sentinel, Nov. 13, 1969]

HOLLAND HELPED STATE GROW DURING 50-YEAR CAREER

(By Earle Martin)

The political career of native Floridian Spessard Lindsey Holland has spanned more than 50 years and ranged from Polk County prosecuting attorney to U.S. Senator.

He was born July 10, 1892, in Bartow. His father, Benjamin Franklin Holland, was a Georgian and a Confederate veteran who came to Florida in 1881. His mother, Mrs. Virginia Spessard Holland, a Virginian, came to Florida in 1888.

Sen. Holland graduated from Bartow public schools and finished at Summerlin Institute, now Bartow High School, in 1909.

He was graduated magna cum laude with a Ph. B degree from Emory University in 1912. He received his law degree in 1916 from the University of Florida Law School, where he was a member of Phi Beta Kappa and Phi Kappa Phi, honorary scholastic fraternities;

Alpha Tau Omega, social fraternity; and Phi Delta Phi, honorary legal fraternity.

Holland won letters in track, football, basketball and baseball in college. While at the University of Florida he was offered a baseball contract by Connie Mack of the Philadelphia Athletics.

He was the first president of the student body at the University of Florida. He also qualified for the Rhodes Scholarship but did not receive an appointment because of the outbreak of World War I.

Holland taught in the public schools at Warrenton, Ga., from 1912 to 1914 and started his law practice in Bartow following his graduation from law school.

He volunteered for military service shortly after the United States declared war in 1917 and later was commissioned a second lieutenant in the Coast Artillery.

In France he was made brigade judge advocate and assistant brigade adjutant. Later he received a requested transfer to the Air Service and saw action as an observer with the 24th Flying Squadron on the Meuse-Argonne, Champaign, St. Mihiel and Luneville fronts. During this time he officially brought down one enemy plane and had his plane shot down by ground fire.

He came out of the war a captain and was awarded the Distinguished Service Cross. After his return from France, he toured the country with an artillery train in behalf of the Victory Loan Drive.

Holland was married in 1919 to Miss Mary Groover of Lakeland, a native of Fort White. They have four children: S. Lindsey Holland Jr., Mrs. Mary Groover Lewis, William Benjamin Holland and Mrs. Ivanhoe Elizabeth King.

Holland resigned his Army commission in July 1919 and resumed his law practice in Bartow. He was appointed immediately as prosecuting attorney for Polk County. In 1920 he was elected Polk County judge and served eight years before giving up the office to resume private law practice.

Holland was elected to the state senate in 1932 and served until 1940, when he was elected Florida's 28th governor.

Four constitutional amendments sponsored by him and adopted during his term were: The gasoline tax amendment, by which the county road bond structure was strengthened; the Intangible Tax Amendment, which lowered the intangible tax ceiling from 5 to 2 mills; a provision allowing, in an emergency, for a shortened period for amending the Constitution; and an amendment creating a non-political Fresh Water Fish and Game Commission.

Holland won the Democratic Party nomination to the U.S. Senate May 7, 1946, defeating three opponents in the first primary by more than 72,000 votes.

He was appointed Sept. 25, 1946 by Gov. Millard Caldwell to succeed Sen. Charles O. Andrews of Orlando, who was not a candidate for reelection because of ill health. He started his first regular term Jan. 3, 1957 and was reelected to six-year terms in 1952, 1958 and 1964.

Holland ranks fifth in seniority among Senate Democrats in the 90th Congress, seventh among Democrats on the Appropriations Committee and second among Democrats on the Agriculture and Forestry Committee. He was the first Florida member of the Appropriations Committee in 40 years.

From the beginning of his service in the U.S. Senate, his work there has included a leading role in securing authorization and appropriations for the Central and Southern Florida Flood Control project and for navigation projects throughout the state.

He sponsored and managed on the Senate floor passage of the Tidelands Act which restored to the coastal states ownership of submerged lands from the shore line seaward to their historic boundaries. This Act restored to Florida more than 4,000 square miles of offshore areas.

Holland also had a prominent part in adoption of the 24th Amendment, which banned the poll tax in federal elections.

He is credited with securing the appropriation of $4 million to get work started on the Cross-Florida Barge Canal.

His work in the Senate also included space, military matters, federal highways, airports, federal buildings, parks and forests and many other projects.

In 1966, when Holland began his 21st year as a senator, party leaders Sen. Mike Mansfield, D-Mont., and the late Sen. Everett M. Dirksen, R-Ill., joined other senators in an hour-long tribute to the Florida senator.

Holland's memberships include the Kiwanis Club, Masonic Lodge, Shrine, Elks Lodge, American Legion, Veterans of Foreign Wars, and the Florida and the American Bar Association.

[From the Tampa (Fla.) Tribune, Nov. 16, 1969]

Holland Achieved Vote Reforms

(By John Steen)

WASHINGTON.—When Sen. Spessard Holland, D-Fla., packs his suitcases a year from now and heads home to Bartow to conclude 24 years in the U.S. Senate, his major achievements must include a recent change in the nation's constitution:

"Amendment XXIV—Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax. Section 2. The Congress shall have power to enforce this Article by appropriate legislation."

But it wasn't this legislative success as chief sponsor of the Amendment which outlawed poll taxes in 1964 that Holland mentioned after his formal announcement he was retiring in 1970 after a half-century in the political ring.

Perhaps the impending fight on the Senate floor shortly afterwards, which he won handily, kept in Holland's mind the Central and South Florida Flood-Control program as a high point in his Senate career.

He also said he was "proud to have led the Southerners" in the filibuster earlier this year which thwarted liberal efforts to further weaken the Senate's Rule 22, or unlimited debate. But indirectly the 77-year-old Holland, whose retirement is being compelled by a heart condition, had vote reform in mind when he added that he has "one more thing," in which he'd like to participate in his final year in office.

He hopes Congress will enact changes in the electoral college to avoid future possibilities that a Presidential election could be thrown into the House of Representatives, as was feared last year because of third-party candidate George Wallace.

"I'd like to have a part in that," he commented, with "proportional weighing" of the electoral votes among the states. Holland opposes direct election.

"Ending the Vietnam war and other issues may be worthwhile to the nation," Holland continued, "but electoral reform" of a proportional type "is needed more for stable government than any other thing."

It was with this same concern that Holland said in 1962, when the poll-tax amendment to the Constitution was being debated: "I'm as much of a Southerner as anyone, but this is a moderate proposal. It seems to me the South can help its own cause by taking an affirmative position on this."

While he leaves these legislative legacies to the nation, the tall and courtly Holland will create a void of a different nature that any successor will find tough to fill. He epitomizes what a U.S. Senator should be, a person of honor and unquestioned integrity whose support cannot be bought and who tries to clearly represent his constituents.

Holland's low-pitched approach to problems also had a tendency to lull opponents into complacency, as he did with Sen. Gaylord Nelson, D-Wis., earlier this year during hearings about funds for the Central and South Florida Flood Control District. Nelson wanted funds cut off as a threat that could destroy Everglades National Park.

But Holland, acting chairman of the Appropriations subcommittee conducting the hearings, virtually smothered Nelson with kindliness and had the Wisconsin Senator agreeing with him before it was over. Nelson recovered enough this week to offer an amendment to freeze the same funds. But Holland, who Nelson acknowledged as the "father of Everglades National Park," fought back and won a showdown vote, 55–33.

His courtesy towards Nelson in the floor fight was the same as he exhibited in his office last January, when rumors flew that the Dixie Democrats' leader, Georgia's Richard Russell, was stepping aside in the filibuster-rule fight and Holland might take over.

When queried about the rumors, Holland didn't hedge. Turning aside from his questioner, he telephoned Russell to decide when the change in Southern leadership could be announced.

"Dick, this is Spessard," the conversation began. "When do you think we want to get the boys together to decide who should take over for you on Rule 22?" Holland refused to accept the role, without full approval of his Southern colleagues, although everyone agreed the Floridian was second in command to Russell.

"11 A.M. tomorrow?" continued Holland to Russell's proposed time. "That's fine, but I don't think we should say anything until everyone has had his say," ended Holland. With that, he turned to the questioner and invoked a promise of silence until the Southern caucus had broken up.

A simple nod was enough for Holland, who honored his own commitments and expected others to do the same.

[From the Lake Wales (Fla.) Highlander, Nov. 13, 1969]

Holland's Retirement a Serious Loss For Florida

As predicted on this page several weeks ago, U.S. Sen. Spessard Holland has announced that he will retire from public life at the end of his current term.

We feel a personal loss in Senator Holland's retirement, but the full impact of his decision will not be felt by the state as a whole until his successor takes office, whoever that may be.

Because of the Senate's seniority system which governs committee assignments, Senator Holland is a high ranking member of the Appropriations Committee, a post which has helped Holland enhance Florida's economy time and again when budget cutbacks affecting military expenditures, coastal and harbor improvements, etc., were achieved without undermining Florida's stake in the over-all budget picture.

Senator Holland is also the second highest ranking member of the Agriculture and Forestry Committee which has enabled him to obtain for Florida a wealth of research grants and extension assistance in the segments of Florida's economy.

In addition to 24 years of distinguished service in the Senate, Florida's elder statesman also compiled an enviable record as governor of the state during some of our most difficult years—The World War II era. With all public energies directed at winning the war, the governor was left with shrinking funds, large public debts and the extra demands placed on the state by the many military training bases that dotted the peninsula.

Holland responded with an effort which produced progress in road-building, education and reform of tax laws despite the restrictions imposed by the war.

His years of diligent work in the State Legislature representing Polk County had prepared him well for the chief executive position and his role in the national legislative process.

Of Senator Spessard Holland, we say that Florida will keenly feel the loss of his services and influence, but at the same time, we can understand his desire to return to Polk County and take better care of his health than the rigors of his office and the weather in the nation's capital will allow.

Welcome home!

[From the Palm Beach (Fla.) Post, Nov. 13, 1969]

SPESSARD HOLLAND: A QUIET MAN IN POLITICS

(By Elvis Lane)

Maybe Spessard L. (Lindsey) Holland, when he retires from the U.S. Senate in January 1971, will devote more time to bird watching.

In recent years, the white-haired, bespectacled Holland, who will be 78 when he bows out of the U.S. Senate after a quarter of a century there, and his wife, Mary, have enjoyed roaming the Virginia countryside near Washington, D.C., to study birds.

Around Bartow, both Holland's birthplace and still his home, there are just as many if not more varieties of birds than there are around the nation's capital.

The venerable legislator said yesterday in Washington that when he returns home to which he describes as "Imperial Polk County," he will rejoin his law firm there, write and do some traveling.

Holland, in his college days at what is now Emory University in Atlanta, was an outstanding athlete, earning letters in football, baseball, basketball and track.

He was so good in baseball that in 1916 the late Connie Mack offered him a contract with the Philadelphia Athletics. Holland, quite reluctantly, turned it down.

He was also a conspicuous student, a Phi Beta Kappa, and this, since he was a proven athlete, qualified him for a Rhodes Scholarship at Oxford University in England.

But World War I started and Holland, who was now a University of Florida Law School graduate, entered the U.S. Army as a second lieutenant.

In France, Holland managed to be transferred from the Coast Artillery to the then fledging U.S. Army Air Corps. He shot down one hostile plane and in turn was shot down by an enemy aircraft.

At the end of World War I Holland resumed his law practice in Bartow. But only for a few, brief months.

He was then appointed prosecuting attorney for Polk County and a year later, in 1920, he was elected county judge.

And ever since, with the exception of a four-year period between 1928 and 1932, he has held public office.

He was a county judge for eight years, a state senator for eight years, Florida governor during the World War II years (1941–45) and he was appointed to the U.S. Senate in 1946 by Gov. Millard Caldwell to fill the vacancy caused by the death of Charles O. Andrews.

Since then, Holland has been elected four times to six-year terms in the U.S. Senate.

Lyndon B. Johnson, while president, called Holland "one of the six most powerful senators in the U.S."

Holland is a member of three influential Senate committees—Appropriations, Aeronautical and Space Sciences, and Agriculture and Forestry.

Always, Holland has been a quiet worker and he is credited with being his most effective at behind-the-scenes committee meetings. He has portrayed dignity rather than the flamboyancy displayed by George Smathers when he was Florida's junior U.S. senator.

Some observers say this is partially the reason why Holland decided not to seek reelection.

His orderly but almost noiseless service in the U.S. Senate, they continue, has resulted in Holland being an almost unknown personality to thousands of new residents and to the youthful generation in Florida.

And since he is aging and has a heart condition, they continue, Holland lacks the energy for a vigorous, town after town, handshaking campaign to make himself well known to the vast thousands of new voters in the state.

There are other political pundits, however, who insist that Holland would have easily been re-elected simply because he is known far and wide as one of the most conservative of the U.S. senators.

Of his numerous actions in the U.S. Senate, Holland is probably best remembered for these:

—His leadership in passage of the Tidelands Act in 1953, which restored to individual states their property rights in the submerged coastal belts beside the Atlantic, Pacific and Gulf of Mexico. This added millions to some state treasuries when they taxed oil companies for their offshore drilling operations.

—The amendment which Holland first introduced in 1949 and which was finally passed in 1962 by both Houses of Congress to abolish the poll tax.

The creation of the Central and Southern Florida Flood Control District and Everglades National Park.

Holland always obtained federal appropriations for harbors at Miami, Canaveral, Port Everglades, Port of Palm Beach, Pensacola, Tampa and Jacksonville. He also saw that there were federal funds available for the East and West Coast Intracoastal Waterways.

He has taken credit for rescuing the Cross-Florida Barge Canal project when it had been scuttled by the House Appropriations Committee in 1963.

The canal, now about one fourth finished and which to date has cost $40 million, has been challenged in federal court by conservationists. They want the canal's construction halted because they charge it "is destroying the environment."

Holland was also the first U.S. senator from the South to favor statehood for Hawaii.

While governor of Florida, Holland lists the following as the greatest accomplishments during his administration:

Lowering the intangible tax from five to two mills.

Strengthening the county road bond structure so millions of dollars have been saved in interest payments.

Increasing state assistance to the needy and the blind.

Adopting a retirement plan for public school teachers.

Doubling the appropriations for free text books in the public schools.

His mother's maiden family name is Spessard, Holland frequently explains, and then he proudly adds that she came from Virginia.

His father, Benjamin Franklin Holland, he continues, was a native of Georgia and he served in the Confederate Army.

Sen. Holland and his wife have two sons, two daughters and 13 grandchildren.

[From the Bradenton (Fla.) Herald, Nov. 17, 1969]

A LOSS FOR THE STATE, NATION

Decision of Senator Spessard Holland to retire from the Senate at the end of his term next year throws the race open. Unfortunately it may also throw the state to the wolves. For one thing is certain in the Holland decision—it'll be a long time before his equal serves this state again.

This newspaper has shared the hope of many that Senator Holland would decide to run again. It has shared also the faith that only if he were convinced that his health would permit another six years would he do so. We feel now that Senator Holland's decision was made as his major ones always have been made—after thorough study, careful consideration, and sincere conviction as to what is best for his state.

Few men in the history of Florida have records of public service as long or as distinguished as Spessard Holland's. And few will match it in the future, for the life expectancy of hones and competent public servants in this politically hectic state is decreasing steadily.

This is not to say that Floridians are incapable of selecting a competent and qualified successor to Senator Holland. Prior to his announcement no hats had been tossed into the ring which were apt to set the blood racing and the hopes soaring. But now that Senator Holland is out of the running there may be an improvement in the offerings.

Still, the state will have lost its Senate seniority and the services of a distinguished and able senator. However good the replacement, he will be a long time becoming as effective.

Senator Holland merits no criticism for this loss, however. He has served the state well and far longer than the public had a right to insist. He deserves a long and peaceful retirement. He deserves also the lasting gratitude of Floridians, and Americans in general.

Mr. ERVIN. Mr. President, I am deeply grateful to the Senator for yielding.

As I view the closing days of the 91st Congress, I have two great regrets in respect to the approaching retirement from the Senate of our great friend, SPESSARD L. HOLLAND.

One of these regrets is personal in nature. I have had the rare privilege of sitting just behind SPESSARD in the Senate Chamber for a number of years. I have depended upon him more than upon any other Member of the Senate for advice in respect to legislation as it came before the Senate for enactment or amendment or rejection.

I regret that SPESSARD is going to retire at the end of this session because I will have to find another counselor. I know of no one who can counsel me with the wisdom with which SPESSARD has counseled me. So I am going to have to do a lot more hard work myself in arriving at conclusions. I have such great confidence in SPESSARD's judgment that I never hesitated to accept his advice in respect to any legislative proposal on a matter which I had not had the opportunity to make sufficient study to satisfy my mind as to what course of action we should take on that proposal.

My other great regret is on behalf of my country. I frankly regret SPESSARD HOLLAND's retirement from the Senate because—despite the fact that there are many able men in this body and there have always been very many able men in this body, and I pray God that there will always be many able men in this body—I do not think any person has answered more fully the description of a good public servant than SPESSARD.

I can say of him that he has done well and been faithful in every obligation life has imposed upon him. Moreover, he has distiguished himself in war as well as in peace.

He was awarded the Distinguished Service Cross in the First World War for extraordinary heroism in action. Those words "extraordinary heroism" have characterized SPESSARD HOLLAND in all of his public services as prosecuting attorney, county judge, State senator, Governor of his great State, and a Member of the U.S. Senate for a long term of years. He has exemplified what a public servant should be, one of whom we can say, "Well done, thou good and faithful servant."

I happen to believe that experience is the best teacher of all things. I do not think anyone ever brought to the Senate a finer background of experience to qualify him as a Member of the Senate than SPESSARD HOLLAND. Not only did he bring that experience, but he brought great strength and learning in law and in history and in economics and in all other fields in which the Congress of the United States has to work.

He has a strong mind. Indeed, he has a powerful intellect. He also has the great characteristic of intellectual integrity, as much so as I have ever known any man to possess.

Furthermore, as he exhibited in the First World War, he not only has physical courage, but he also has an extraordinary amount of moral and political courage.

Of him it can be truly said that he never sold the truth to serve the hour.

There was another man who bore the surname of Holland, Gilbert Holland, who wrote a poem which I myself call "America's Prayer" though that is not the name which the poet assigns to it. The poet named it "Wanted."

As I recall, the poem is as follows:

God, give us men. A time like this demands
Strong minds, great hearts, true faith, and ready hands;
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie;
Men who can stand before a demogag
And damn his treacherous flatteries without winking.
Tall men, sun-crowned, who live above the fog
In public duty and in private thinking.

SPESSARD HOLLAND is a perfect answer to the prayer embodied in the poem which I call America's prayer.

My good wife, Margaret, and I have been privileged to know SPESSARD and Mary Holland for almost 17 years. We have formed for them a deep attachment.

As they return to Florida to enjoy a well-merited retirement, our love goes with them and we wish for them nothing but joy in the days that lie ahead.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Florida yield?

Mr. GURNEY. I yield.

Mr. MANSFIELD. Mr. President, I join my colleagues in the Senate today who are expressing their deep regret at the voluntary retirement of one of the most respected Members of this body.

Senator HOLLAND has served his State and his Nation well. He has served as a soldier and, as the distinguished Senator from North Carolina has pointed out, he was decorated for extraordinary bravery. He has served in the judicial branch of his State. He has also served as a State senator as well as Governor and, for lo these many years, as a Senator from the State of Florida.

SPESSARD is a man of high moral principles and deep convictions. That is well known. It is well known also that he is most determined in what he sets out to achieve. He is determined, yet always willing to listen to the other man's point of view. No one could ask for more, because there are always at least two sides to every question.

I have come to admire SPESSARD HOLLAND and to have great personal affection for him because toward me he has always been most considerate and courteous; and as he has been toward me, so he has been toward all his fellow Senators.

It is with a feeling of deep personal sorrow that I note the departure of this great Senator from this Chamber to return home to his great State of Florida. But with this sorrow there is a sense of gratification; gratification for the outstanding manner with which this man has served his Nation and his State.

I could not let this occasion pass without expressing also my affection and admiration for his devoted wife Mary. Together, the HOLLANDS of Florida have provided an example which the country as a whole could follow. They make an excellent team.

So, when SPESSARD HOLLAND leaves, Mary Holland leaves as well. It is a passing from one scene to another.

We wish them both well. We hope they will find time on occasion to come back to Washington to give us the benefit of their advice and their counsel, because it will always be appreciated, it will always be needed, it will always be valued.

Mr. GURNEY. Mr. President, I yield to the distinguished senior Senator from Nevada.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. BIBLE. Mr. President, I thank the Senator.

It is entirely appropriate that this morning we pause with mingled emotions to pay our tributes to a man who for a quarter of a century provided legislative leadership in the Senate of the United States.

SPESSARD HOLLAND, the senior Senator from Florida, has earned the respect and admiration of all of us, regardless of political persuasion. He has given generously of his time, great energy, and considerable talent to build a record of distinguished achievement. Many of our most important laws bear the imprint of his keen mind.

Equally important, we have relied upon him for his outstanding judgment and wisdom. We know him as a clear, analytical thinker with the ability to shape objective conclusions. Certainly all of us have benefited from his counsel, and not once but many times.

Senator HOLLAND's entire life has been a series of chapters of excellence. As an educator, as a decorated combat soldier, as a practicing attorney, as a member of the judiciary, as a State legislator, as Governor of the State of Florida, and as a U.S. Senator he has served the citizens of his State and Nation with honor and distinction.

I know of his great love for a great national park in his State, the Everglades. In my judgment, he is properly the father of the Everglades. To show his persistence and his belief in preservation I can attest firsthand to the many, many times he has pressed me on, and on, and on, to do more, and more, and more to help to preserve and make the Everglades the great place it is today. That is but one example of the many things he has accomplished. I remember him very vividly for that because his persuasion has been overwhelming.

He has been a great Senator. He will always truly be a great American. I count myself fortunate to have been his contemporary. I hope our warm friendship will endure throughout our remaining years here on earth. To his life partner, Mary, and our good friend Senator HOLLAND, our best wishes, whether here in the Nation's Capital or in the State of Florida.

Mr. GURNEY. Mr. President, I yield to the distinguished Senator from North Carolina.

Mr. JORDAN of North Carolina. Mr. President, this is a happy occasion and at the same time a sad occasion. I rise on an occasion like this not to say goodbye but to say so long for a short period of time because I expect to see my good friend and his wife Mary often. I know they will not stay away from here long and that they will be coming back to give us the pleasure of seeing them.

Mr. President, I wish to associate myself with the remarks of distinguished Senators who have said so many nice things about our good friend, SPESSARD HOLLAND, particularly the remarks of my colleague from North Carolina, Senator ERVIN.

I have known SPESSARD HOLLAND a long time before I had the pleasure and the privilege of serving in this body. Long before I came to the Senate I was chairman of the Democratic Party in North Carolina. At my invitation he came to Raleigh, N.C., to deliver the Jefferson-Jackson day address, which was one of the first opportunities I had of really knowing him.

SPESSARD HOLLAND was a great personal friend of Willis Smith, who served in the Senate until his passing, and his wife Dolly, who is still living, and who

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is a great friend of the Hollands. I had the pleasure of knowing SPESSARD HOLLAND long before I came to the Senate. This gave me the added opportunity when I came here to have a friend whose help I could seek because I did respect his knowledge and understanding of things I did not know at that time, and I have continued to turn to him for answers to questions on matters which have come before his committees on which I did not serve, because his answers would be the very best that he could give me and I knew I could trust him all the way.

We are going to miss SPESSARD HOLLAND. All of us will miss him. Last night I had the pleasure of riding hime with him. He lives close to my residence. Quite often I have that privilege, which gives me time away from the bustle of this Chamber just to visit with him. I have enjoyed the many occasions when we were together, especially in connection with legislative affairs.

Mr. President, I say to SPESSARD and his charming wife, Mary, who is in the gallery now, that our hearts go with them. He has earned retirement, every minute of it. We wish him a long life in his native State. I hope they will both come back to visit us here because they will always receive a warm welcome.

I thank the Senator.

Mr. GURNEY. Mr. President, I yield to the distinguished senior Senator from Rhode Island.

Mr. PASTORE. Mr. President, I could not write what I have to say about my seatmate and colleague, this giant of the U.S. Senate, SPESSARD HOLLAND, for what I have to say comes from the spontaneity of the heart and not from the meditated word.

If anyone should ask me what it takes to make the whole man, I would readily say without hesitating, "Look at SPESSARD HOLLAND." He is a gentleman in all seasons, regardless of what the tensions might be, or what the disputes might be, a man who never loses his posture or composure. He may disagree with you, but he is never disagreeable. He has been an inspiration to this institution. To me he has been "Mr. U.S. Senator."

I have sat alongside him for many years. I have received his very sagacious counsel and his advice. I have served with him on the Committee on Appropriations. He will fight, he will contest, but he always has that innate ability of practicality, and that is to know when to compromise, to know when to say yes, and when to say no. I have never known him once to relinquish or retreat from his convictions; but that does not mean he has not been an understanding man. I think he understands better than most of us who comprise this august body would ever understand.

One of the great satisfactions I have had as I have sat alongside him has been to look to that gallery from time to time and see his Mary watching him to see that he did not exert himself too much, and always with a very gracious and pleasing smile, as any adoring woman would have for a husband she loves.

To me SPESSARD HOLLAND is a great American, a great scholar, graduating from his alma mater with magna cum laude distinction, a great soldier in the U.S. Armed Forces during the war, a great Governor for his State of Florida, and an exemplary and excellent Senator in the years he has served in this great body.

Naturally we hate to see him go but sometimes in the lives of all of us we have to make these decisions and, frankly, I am happy to see that he made it when he did because he still has the vigor and the energy, and I think he has earned the right to relax together with his loving wife and enjoy all the rest of the days that lie ahead with great satisfaction and pleasure.

Mr. President, I wish to say in this blessed and holy season may the Lord crown him and all of his with many years of happiness in good health, and whatever his goal may be may he always reach it and especially may be remember that he has behind him the affection, the gratitude, and the best wishes of all his friends, including JOHN PASTORE.

Mr. GURNEY. Mr. President, I yield now to the distinguished Senator from Vermont (Mr. AIKEN).

Mr. AIKEN. Mr. President, it seems almost superfluous for me to participate in this hour of tributes to the Senator from Florida, because I cannot think of anything to say now that I have not said so many times before, both privately and publicly.

In the first years that SPESSARD HOLLAND was a Member of this body, I sort of regarded him as a superb representative for his State of Florida, both as a Governor and as a Senator. But as time went on, I began to realize that he was not only a Representative of Florida, but also a stalwart Representative of the United States; and he has been particularly effective in guarding the democratic principles of all the people of this country, including, of course, the people of Florida.

That has been particularly noticeable in his work as a member of the Appropriations Committee and the Committee on Agriculture and Forestry, and I have served with him on that committee, ever since he has been here.

As far as I am concerned, I would like him to remain as a Member of the Senate for the next 100 years. He seems to think that is a little unreasonable, however, and, unfortunately for us, he is voluntarily retiring—I will not be considerate enough to grant him retirement. I certainly do not want him to retire, but, as I said about the Senator from Delaware (Mr. WILLIAMS) yesterday, he is bound to be a leader not only of the citizens of his State, and from all over this Nation they are going to look to him for advice and leadership. I do want him to come back very frequently to give us the benefit of his views, and perhaps some of the Members of this body will listen to more closely if he comes back as the head of a host of privite citizens than they did when he was a Senator. I certainly hope they will do that.

But I want him to come back on condition that when he does, I want him to bring his wife Mary with him.

Mr. GURNEY. Mr. President, I yield now to the distinguished Senator from Georgia (Mr. TALMADGE.)

Mr. TALMADGE. Mr. President, I am proud indeed to join my colleagues in the Senate in paying tribute to my good friend SPESSARD HOLLAND, the distinguished Senator from Florida, on the eve of his retirement.

It has been my pleasure to know and work with Senator HOLLAND for some 30 years. Our association goes back to the time when he was Governor of Florida. He became Florida's chief executive after a distinguished career in the State senate.

We almost claim SPESSARD HOLLAND as a Georgian. His father was born in Carroll County, Ga., and Senator HOLLAND graduated magna cum laude from Emory College at Oxford, Ga. He presently serves as a trustee of Emory University in Atlanta. His first position after graduation from college was in Warrenton, Ga., as a school teacher. So SPESSARD HOLLAND's roots go deep in Georgia, and I am proud to count him as one of my warmest longtime friends.

It has been my privilege to serve on the Senate Committee on Agriculture and Forestry with Senator HOLLAND for 14 years. He is one of the ablest Senators I have ever known and one of the hardest working. He is on the floor of the Senate more than any other Member, except the leadership.

Senator HOLLAND has tirelessly dedicated himself to service to his Nation and the State of Florida. He has distinguished himself in the Senate as a man of great courage and conviction on all legislative issues. His devotion to duty in the Senate over the years has characterized him as a champion of the strength, security, and well-being of the United States and all its citizens. We all congratulate him for a job done exceedingly well.

Senator HOLLAND has been a source of inspiration and leadership to us all. I for one—and I know every Member of the Senate will dearly miss him when he leaves us.

As he retires to go back to his beautiful and lovely State of Florida, we wish for him and his lovely and charming wife Mary future good health, happiness, and prosperity. I hope his taking leave of the Senate will not be permanent, but that he will return frequently to Washington and give us the benefit of his wise counsel and advice.

Mr. President, it is a matter of deep regret to my distinguished colleague, the senior Senator from Georgia (Mr. RUSSELL), that his hospitalization prevents him from being here to join in these tributes. He has provided me with a statement for insertion in the RECORD.

Mr. President, I ask unanimous consent that his remarks be included in the RECORD as though delivered, and that they also be included in the separate document to be printed at a later date.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, it is a distinct pleasure for me to join the encomiums expressing respect and affection for our beloved colleague, the senior Senator from Florida.

Even if I dealt with this subject at filibuster length, which would be easy enough to do in view of his long and distinguished record of public service, I do not believe I could adequately express my admiration for SPESSARD HOLLAND.

Mr. President, there are many reasons I regret that he will be leaving this body at the conclusion of this session and not the least of them is the realization that his wisdom, diligence, and profound knowledge of agriculture will no longer be applied in the management of the agriculture appropriations bill.

Senator HOLLAND comes from a farming family and is basically a man of the soil. As a result of this background, he has acquired a natural interest in farming and farm problems.

Daniel Webster said that the cultivation of the earth is the most important labor of man and there is no segment of our economy that is more vital to the welfare of our Nation than the agricultural community. The Nation has incalculably benefited because SPESSARD HOLLAND, with his amazing capacity for work and outstanding ability has been concerned with farm problems.

He and I have shared a common interest in this subject through the years and were it not for the fact that someone of his ability and interest was in line to assume the chairmanship of the Agriculture Appropriations Subcommittee, I daresay I would have been far more reluctant to relinquish it for Defense Appropriations several years ago.

If his service were measured only in terms of his contributions to agriculture, he would be considered one of the great Senators of the past three decades. As important as this subject is, his service, however, should be considered in far broader terms.

As an outstanding attorney and jurist, he has a depth of understanding of constitutional government and has been a fierce defender of our basic system against the assaults of those who would capriciously change it. He likewise understands the unique role of this body in our form of government and has been a guardian of its position and power.

He has never failed to fight for the things in which he believes and never at any time has this man departed from his honest opinions under pressure from any source.

He brought to the floor of the U.S. Senate the strength of character and courage which won for him the Distinguished Service Cross in France during World War I. He received this award from "Black Jack" Pershing for action as an aerial observer when the use of aircraft in warfare was far more dangerous than it is today.

Mr. President, I believe I can state without fear of successful contradiction that few Senators of this era have been accorded greater trust and confidence by their constituencies than SPESSARD HOLLAND.

They have called on him to serve them throughout the past three decades—first as Governor during the early 1940's, and for the past 24 years as a U.S. Senator.

Their trust and confidence has been well placed because the State of Florida has reaped manifold benefit from his service and he has never once misused his public office. I have no doubt that if he had stood for reelection last November they would have overwhelmingly returned him to this body and I was interested to note in statements earlier this year that the junior Senator from Florida—a Republican—shares this opinion.

We Georgians feel justified in sharing in large measure the feeling of pride that the people of Florida have for Senator HOLLAND, because his roots are deep in our State. His family moved to Florida from Carroll county, Ga., and he received his college education at Emory University near Atlanta. Prior to entering law school at the University of Florida in Gainesville, he taught school for a couple of years at Warrenton, Ga., and today, he continues to serve as a member of the board of trustees at Emory.

Senator HOLLAND and I have many things in common. We come from the same region; we have similar convictions; and we have shared an unusually warm friendship throughout the years. He has manifested this friendship in many ways and I have tried to reciprocate in full measure.

Mr. President, I know his decision not to seek reelection last fall was difficult to make because he shared with me many of his thoughts during the period in which he was trying to reach this conclusion. But he can enter retirement with the knowledge that no one is more entitled to enjoy the pleasure and contentment that are in store for him in the years ahead.

When he takes leave of this body, he carries with him the deep affection and respect of his colleagues and the profound gratitude of people throughout the Nation, as well as Florida.

Mr. GURNEY. Mr. President, I yield now to the distinguished Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. Mr. President, this is not a happy day for me, nor a happy occasion, noting the retirement of one of our most dedicated and one of the stalwart Members of this body. I told Senator HOLLAND last spring, that I regretted his decision to retire, but that I respected it, and that is the way I still feel about it now.

In addition to the fine qualities that have been mentioned—and I do not believe we have a subject about whom there could be a more sincere and earnest praise in appreciation of his character and his fine record—I want to emphasize that I have noticed that so long as he was around, Florida never lacked for a determined, able, well-prepared, effective advocate and worker. That was in the little things as well as the big things.

Senator HOLLAND has always known his State and its needs as few men have, and he has sought and effectively followed up every opportunity there was—and there were many—to advance the State's industrial growth, economic strength, beauty, its place in the Nation, and everything that goes with those qualities and goals of the State.

He never forgot who sent him here, the people of his own State; it was to them he felt he owed his primary obligation, subject, of course, to the national welfare as a whole.

I have been impressed, too, by his inexhaustible energy, and he still has it even though he is retiring. He applied himself, as I said, to many subjects beyond his State, of national concern, and he was versed in those categories, too.

I would like to emphasize that I have always felt he had his hand right on the pulse, too, of what was reasonably necessary for the national security.

He was never given to lavish spending or reckless appropriations, but he never hesitated, when he thought a question of what was necessary for our national security was involved, to give the matter his active, vigorous attention, and support.

I have said before at a social function, regarding our friend—and I say these things now not as one who always agreed with him; we found ourselves at difference sometimes, but his fine qualities always came through—that someone told me, when I first came here, "HOLLAND, of Florida, is one Senator that you cannot buy," meaning by that not just money matters, but that you could not buy him off with flattery, appeals to vanity, or in any other way, but that he would keep his eye on the ball and strike for what he thought was right and sound.

My informant also said you could not bluff him, either. I have seen many times since that that was true; not that anyone tries to bluff him on anything, but we all get in tight places in legislative battles. He might have to yield from what he thought was reason and logic, but he would never retreat from principle, nor under a threat of reprisal.

I express my best wishes also to his wonderful wife, Miss Mary, as I call her. I remember, too, their daughter, who was just a very young lady when I first came here. The sons I did not have a chance to know well, but they are certainly splendid, valued citizens.

So we will not say goodby here. We will just say, "so long" for the time being, for we want both of them to come back. Their records, their career, their social life, everything is summed up in the words ,"genuine gentlemen and ladylike lady." God bless them, and thank God that they have been here and for what they are. Mrs. Stennis joins me in the sentiment of this entire statement.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. GURNEY. I yield to the Senator from Wisconsin (Mr. PROXMIRE).

Mr. PROXMIRE. Mr. President, it is with sorrow that I rise to add my remarks on the retirement of our esteemed colleague, SPESSARD HOLLAND. As a member of the Agriculture Appropriations Subcommittee it has been my great privilege to work with Chairman HOLLAND for 7 years. In addition before I joined the Appropriations Committee I served

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with the Senator on the Agriculture Committee.

To my mind two words can best sum up Senator HOLLAND'S—they are consideration and industry. He has been unfailingly considerate of the problems and needs of the people of my State. He has always been willing to listen to those problems and try to find solutions with me. His leadership on matters such as the special milk program for schoolchildren have been essential to the success of these programs in the face of sharp criticism—and this has benefited not only my State of Wisconsin, but the Nation as a whole.

But Senator HOLLAND has not acted on these matters simply out of consideration for others. He has always looked at the problem objectively and acted in the best interests of the country. And this is where the second descriptive word comes in. He has shown remarkable industry in dealing with the matters that fall within his jurisdiction.

I do not know of any Senator who has worked longer, harder, or more conscientiously or faithfully than has Senator HOLLAND. He has acted in full possession of all the facts and only after the most thorough knowledge of the pros and cons. This has entailed a tremendous effort—long hours in the hearing room and in his office. But it has resulted in a better agriculture policy for these United States.

Mr. President, I have worked with Senator HOLLAND on numerous occasions. It has always greatly strengthened my position when I worked with him. There have been times when he and I disagreed very strongly on some issues, both in committee and on the Senate floor, but Senator HOLLAND has been a gentleman, very considerate, very understanding, always working to achieve the best interests, in his view, of the country, and never taking opposition personally, or feeling that it is something mean or petty. I think he is a superlative Senator in every sense.

In summation I can only say that I can think of no man in this body who is better equipped to fairly and knowledgeably judge issues of national import than Senator HOLLAND. He will be sorely missed.

Mr. GURNEY. I yield now to the distinguished assistant majority floor leader, the Senator from West Virginia (Mr. BYRD).

Mr. BYRD of West Virginia. Mr. President, I wish to express appreciation to the junior Senator from Florida for taking this time today so as to permit his colleagues to pay these very just tributes to a truly great Senator.

The Senate is about to lose another great Member. I first heard about SPESSARD HOLLAND when he was Governor of Florida, 25 years ago. I was a welder in the shipyards, living in Tampa. While Governor Holland was then building the State of Florida, I was helping to build the ships which brought liberty to oppressed peoples and victory to the free world.

Now, a quarter of a century later, I am glad to join in these tributes to him as a U.S. Senator. I suppose I have sat on this floor as much as has any other Senator in recent years. That has not been without its costs, but neither has it been without its rewards. One of those rewards has been that of watching other Senators as they serve their people daily here. As I have observed SPESSARD HOLLAND, I have thought of him as a man who is most conversant with just about every issue that comes up on the Senate floor. I have seen in him a composite of all the good qualities of the other Senators who serve here. I see in him the good will of an ALAN BIBLE, the dedication to duty of an ALLEN ELLENDER, the compassion of a JOHN PASTORE, the gentleness and kindness of a MILTON YOUNG, the fairness of a MIKE MANSFIELD, the keen mind of a HERMAN TALMADGE, the respect for law of a JOHN MCCLELLAN, the good humor of a GEORGE AIKEN, and the love and dedication for the good name of the Senate of a DICK RUSSELL.

I regret to see SPESSARD HOLLAND retire from service in this body. Yet, I think that this demonstrates one of the marks of greatness in a man, that he recognizes the realities of life while he is still in the full possession of his mental and physical powers. However, Senator HOLLAND'S services to his country will not end with his retirement, I am sure, but will continue—in one way or another—as long as he lives. For it is in the very nature of great and good men to want always to serve and sacrifice for others:

"How far away is the temple of fame?"
Said a youth at the dawn of the day.
He toiled and strove for a deathless name;
The hours went by and the evening came,
Leaving him old and feeble and lame,
To plod on his cheerless way.

"How far away is the temple of good?"
Said another youth at the dawn of the day.
He toiled in the spirit of brotherhood,
To help and succor as best he could,
The poor and unfortunate multitude,
In its hard and cheerless way.
He was careless alike of praise or blame,
But after his work was done,
An angel of glory from heaven came
To write on high his immortal name,
And to proclaim the truth that the temple
of fame
And the temple of good are one.
For this is the lesson that history
Has taught since the world began;
That those whose memories never die,
But shine like stars in the human sky,
And brighter glow as the years go by,
Are the men who live for man.

Such a man is SPESSARD HOLLAND.

I close, Mr. President, by transgressing one of the rules of the Senate—that rule which admonishes us not to address another Senator in the second person.

SPESSARD, you will leave behind you many friends, but remember, as you go, that these friends wish for you and Mrs. Holland:

Work for your hands.

A straight path for your feet.

A coin for your purse.

Sunshine on your window pane at morning.

A song in your treetop at evening.

The hand of a friend on your latchstring.

Soft rains for your garden.

Love at your fireside.

Happiness in your heart.

And God's wonderful blessing always.

Mr. GURNEY. Mr. President, the majority leader has reminded me that, because of urgent legislative business, I will have to yield the floor at 10 o'clock.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. MANSFIELD. Perhaps later in the day, those who want to speak will be given that opportunity. We have to honor that obligation to the Senate as a whole, despite our personal feelings.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I join my colleagues in paying tribute to SPESSARD HOLLAND, a man who is recognized as a great American.

SPESSARD HOLLAND is a man who, upon assuming public office, accepted it as an opportunity to serve the people of his State and his country.

I came to the Senate just 3 months after SPESSARD. During these 24 years, both Elsie and I have developed a great respect for SPESSARD and his gracious wife, Mary, as well as a personal friendship. As he returns to his native State of Florida, they both carry with them the very best wishes of all his colleagues and friends. Good luck, and many years of happiness.

Mr. GURNEY. Mr. President, I yield to the Senator from Wyoming (Mr. HANSEN).

Mr. HANSEN. Mr. President, I thank the distinguished junior Senator from Florida for his courtesy.

I have not had the privilege nor the opportunity of serving as long as have many Senators with our distinguished and beloved friend from Florida; but the years during which it has been my privilege to know the distinguished senior Senator from Florida personally have been rich ones, indeed.

I am aware, as has already been pointed out by the distinguished majority leader, that Senator HOLLAND has a very wonderful background of service to his country, including service in the military.

He has served, also, as Governor of the State of Florida, and I should like to say a word or two about that. It occurs to me that he, better than some, has a very keen appreciation of the importance of keeping government as close to the people as possible. I think his record here in that regard speaks for itself.

While he is a Democrat and is revered and respected widely, known the country over as a very effective spokesman for the Democratic Party, he is, first of all, a spokesman for America.

In that respect, he has done yeoman service not only for his State of Florida but also for all the 50 States, including my own State of Wyoming. Through former colleagues of his from Wyoming, I knew and appreciated the tremendous dedication of this man—his desire to serve in order that he might contribute something to the people of America and help make our Government work better.

I think that, as he retires from the Senate by his own action, he leaves a great record, a great inspiration for all of us to try to follow. I am aware that he served with great distinction as a member of the Committee on Agriculture and Forestry. When one contemplates his service to agriculture on the one hand and his interest in and support for the space program on the other, one gets some concept of the breadth and capacity of this man to involve himself in many things that are good for America.

I salute him. I have nothing but good wishes for him and his lovely wife, Mary. I can assure him that Mrs. Hansen and I shall look forward to seeing them many times.

Mr. GURNEY. Mr. President, we have only 5 minutes remaining, and I am sure that the senior Senator from Florida will want to make some remarks himself. I now yield to my distinguished senior colleague from Florida.

Mr. HOLLAND. Mr. President, I am grateful to my distinguished junior colleague not only for what he has said and for what he has allowed all the other gracious Senators to say, but I am grateful as well for his yielding to me that I might make brief remarks.

In the first place, I want to thank my friends who have come here so early this Saturday morning for the fact that, after recessing in the Senate last night at nearly 9 o'clock, so many of them have shown up here at 9 o'clock this morning. I think that is something for the Record to show, and something which I deeply appreciate.

I would not want anybody to think that I am other than humble and other than understanding of the courtesy of the Senate and that I realize that many, many of these statements have been overgenerous. But I am very grateful for them, every one of them.

May I say that as I terminate more than 24 years of service in the Senate, and as Mary and I wend our way homeward to our native State which both of us love so much, I take with me not only great gratitude for these overgenerous statements of our wonderful friends in the Senate, but also, I take with me the feeling that it is the Senate as an institution, as the greatest parliamentary body existent in this Nation and in the world for the safeguarding of the freedom of men and women and children—it is the Senate that all of us think about most here and think about most this morning. We will all be grateful, to the end of our days, that we have been privileged to be Members of that great, sturdy body, the Senate of the United States. I feel that way. My beloved wife will feel that way always.

I want that to be my first statement this morning; that I realize completely that it is the Senate in which the love of all of us is centered and will always be centered.

The second thing I want to say is that I am sensible, particularly this morning, but have been for a long, long time, of the fact that it is the personal friendships and the personal contacts and the personal mutual respect of other Senators, and of ourselves for other Senators, that will linger in my mind always as being the most memorable thing that we take home from the Senate. The admiration, the respect, the deep affection which I have felt and will always feel for fellow Senators is what has characterized my own presence here for these few passing years as the thing which is most memorable and completely unforgettable.

I love the Senate. I have loved many Senators in a way which I cannot adequately express at this time. I just want the Record to show that these two things, love of the Senate and the respect, admiration and affection of other Senators, are the two lasting things which I think every Senator takes with him and every Senator's wife takes with her as we leave the Senate.

We are deeply grateful for all these kind expressions, but we are even more grateful for the chance to serve in this great body which has known so many fine people, to have shared service with them, and to leave with our own admiration, respect and affection for them so deeply ingrained in us that it can never be forgotten.

Mr. PELL. Mr. President, I am delighted to join in these tributes to Senator Holland, the senior Senator from Florida. He was one of the few Senators whom I had met before I joined this body. To me, he has always exemplified the qualities and intelligence that one looks for in a Member of this body.

A sensible, gallant, and able gentleman, his departure means a very real loss to us all. I know how much we all have come to know and admire his abilities in the course of the years.

Accordingly, it is with every good wish that I extend best wishes to him and Mrs. Holland on his retirement. I know we shall all miss him and hope that we shall see him as he returns to visit this body, of which he has been an important part for such a long time and to which he has contributed so much of himself.

Mr. INOUYE. Mr. President, Spessard Lindsey Holland will be long remembered in the Halls of the U.S. Senate and that memory will linger not primarily because for so long this has been his home—his place of work—but because of the contributions he has made and the gentleman he has been in all his efforts.

Senator Holland and I have not always agreed on legislative matters. In fact, I would hazard that we have disagreed on many of the so-called key issues on which Members of the Senate and members of my party have been divided. He has, however, always espoused positions honestly held and done so with great good manners for the rights of those who held a differing point of view. There is an old saying that "manners maketh man" and certainly Spessard Holland is deserving of accolades on that premise.

Senator Holland has been part of the so-called southern bloc, as one would expect, given the State he represents. It therefore came as some surprise to those who knew him less well when he took the leadership in the fight to get rid of the poll tax which had for so long been a factor in limiting the effective right to vote. This was a great breakthrough in extending democracy more widely and he will be long remembered for his leadership, but it was not a departure for this man, who has in so many ways during his years here in the Senate demonstrated his concern for the public good and for the rights of all our people.

Mr. President, I wish to associate myself with those who this day pay tribute to one of our most respected and outstanding Members. He will be sorely missed and I wish him many years of happiness in the company of his many friends and loved ones. May he return often to share moments with us here for he is most welcome.

Mr. MURPHY. Mr. President, I am pleased and honored to join in this tribute to Senator Holland whom I regard as a great Senator, a close friend, and an outstanding American.

Through my early involvement in farm problems, I had the good fortune to work with Senator Holland almost from the outset of my Senate career. My respect for his good judgement, his knowledge of both subject matter and the Senate rules was immediate. This admiration and respect grew with each passing year.

Senator Holland is one of the most highly respected Members of this distinguished Chamber. He is a Senator's Senator. He is a recognized authority in agriculture and other areas. He is very articulate and informed on the many and complex subjects that come before the Senate. When he rises to speak, Senators listen, and well they should, for in every speech is evidenced his long experience, his knowledge and his commonsense approach to the problems confronting the country at home and abroad.

Mr. President, political scientists and other commentators often question the extent, if any, Senate floor debate changes Senate votes. In my first term in the Senate, I remember that I was prepared to vote for the Elementary and Secondary Education Act, and, indeed, had prepared a statement in support of the measure. Prior to the final vote, Senator Holland made an eloquent speech hitting hard on the bills' formula for allocating funds. Although I had shared Senator Holland's misgivings with respect to the formula, I had decided to support the bill, but Senator Holland's statement convinced me that the bill was unfair to poorer States, and as a result, I voted against it. It is important to note that the following year the formula was altered, giving poorer States a better break.

Senator Holland has represented his State and the Nation well. He is a great American and a great patriot. I believe it was Emerson who stated that "an institution is but the lengthening shadow of man." While obviously many great men have helped to make the Senate the important institution that it is today, it is Senators like Spessard L. Holland whose "shadow" and good example will continue to inspire others to run for public office and to serve their State and Nation with dignity and distinction.

I will hope that his leaving the Senate as well as my own, will not bring an end to our association, but rather pro-

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vide me with more leisure to enjoy my friendship and esteem for this great man.

Mr. McGEE. Mr. President, it has been my privilege to have served for a dozen years in this body with the senior Senator from Florida, and to have worked with him on the Appropriations Committee for that span of time as well. His decision to retire from the Senate after nearly a quarter of a century of service, which caps an even longer record of public service going back to the days of his youth, will take from our immediate midst a man of truly great talent for lawmaking.

Over the years, I have been most impressed with the thoroughness of the Senator from Florida, and particularly with his role on the Appropriations Committee, where I have served with him, and on the Agriculture Appropriations Subcommittee, which he has chaired. These years have seen great changes in the all-important industry of agriculture in America, and these changes have required constant attention by those responsible for the formulation and implementation of policies affecting the industry. Senator HOLLAND has been always vigorous and capable of taking the initiative to see that developments within the Government keep pace with the times. Always, under his guidance, the business at hand has been taken care of expeditiously and fairly. Fairness, in fact, is a hallmark of Senator HOLLAND's character. Prior to his rise to the governorship of his State, and to this body, the Senator served as a judge in Florida. He was, I am sure, a very good judge, indeed, just as he has been a very good U.S. Senator. We who number ourselves among Senator HOLLAND's friends will greatly miss his contributions, just as we will miss him personally when this Congress adjourns and his retirement becomes fact. But I believe I can say without fear of contradiction that there are many Senators here today who will themselves provide a better quality of representation for their own constituents and for all Americans because of his example.

Mr. President, I wish my colleague from Florida many days of happy, fruitful retirement.

Mr. EASTLAND. Mr. President, I regret that we in the Senate will soon lose one of the outstanding men and Members to have ever served in the body. I refer, of course, to my friend, SPESSARD HOLLAND.

SPESSARD HOLLAND is bringing to a close a career in public life spanning a period of more than 50 years. This remarkable career began when he was appointed prosecuting attorney for Polk County, Fla., in 1919, and it includes 8 years' service as county judge of Polk County, and 8 years as a member of the State Senate of Florida.

In 1940, the people of Florida elected SPESSARD HOLLAND to be Governor of the State. He served in that high position from 1941 to 1945 with distinction during the difficult times of World War II. As Governor, he contributed greatly to the welfare of his great State and its people. He demonstrated his willingness and ability to fight for the rights of the people of Florida and the South against oppressive and discriminatory treatment by taking leadership in the successful effort of the Southern Governors' Committee on Freight Rates to reduce the unfair and unjust southern freight rates.

After the successful completion of his term as Governor, Senator HOLLAND was elected to this body in 1946, succeeding the late Senator Charles O. Andrews, who was not a candidate for reelection because of ill health. Senator HOLLAND won the Democratic primary election in the first primary, defeating three opponents by more than 72,000 votes.

The high esteem in which the people of Florida regard Senator HOLLAND and his valued service in the Senate is attested to by the fact that he was overwhelmingly reelected to the Senate by the voters in 1952, 1958, and 1964. In 1964, his most recent reelection campaign, he carried all of Florida's 67 counties in the primary, and, in the general election he carried every county but one, leading the entire ticket, and polling a record-breaking 997,585 votes.

As a Member of the Senate, SPESSARD HOLLAND has furnished strong and effective leadership on behalf of many good causes. I have had the good fortune to serve for almost 20 years with him as members of the Committee on Agriculture and Forestry, of which he is ranking member. He has been an extremely fair and strong member of that committee, and I can personally state that the farmers and others who are dependent on agriculture, including the consuming public, are greatly in his debt. Senator HOLLAND has consistently favored measures which would assure an adequate supply of food, fibers, and natural resources, with a fair return to the farmers.

The millions of motorists who use and enjoy our system of interstate highways have also benefited by Senator HOLLAND's work in the Senate. He was one of the leaders in the Senate in the passage of the landmark Highway Act of 1956, which launched the 41,000-mile national network of interstate and defense highways.

There are many other facets of Senator HOLLAND's contributions to the work of the Senate and the Congress, but I would like to close with some observations about SPESSARD HOLLAND, the man.

In his dealings with his fellows, SPESSARD HOLLAND has been unfailingly kind and courteous, the perfect southern gentleman. However, this kindness and courtesy bespeaks not weakness or vacillation, but courage and determination. You never have to wonder about where SPESSARD HOLLAND stands, and he will fight to the end for a cause that is just. SPESSARD HOLLAND does not know how to cut and run, and if you do not want to hear the truth, then do not ask him a question.

This quality of courage, which is a hallmark of his character, has manifested itself all of his life. SPESSARD HOLLAND entered the first officers training camp when the United States was engaged in World War I, and was later commissioned a second lieutenant in the Coast Artillery. After being sent to France, he successfully sought a transfer to the Army Air Corps. As an aerial observer, he saw action on four fronts, including the Meuse-Argonne. During this period he officially downed an enemy plane and had his own plane shot down by ground fire. For these heroic acts, he was awarded the Distinguished Service Cross in 1918.

His love of country, supported by great courage, have motivated his actions as a man and as a public servant.

Although he will soon leave our number for a well-deserved rest and retirement, I hope that he will be able far into the future to seek and receive the sage counsel and advice of this great man.

Mr. FONG. Mr. President, I join my colleagues in paying richly deserved tribute to SPESSARD HOLLAND, senior Senator from the State of Florida. It is most appropriate that we who have been closely associated with him have this occasion to offer our congratulations and to say farewell to our good friend and distinguished colleague.

Long after he has left this Chamber, SPESSARD HOLLAND will be remembered as one of the most beloved, effective, and dedicated of our Senators, and justly so. He retires after nearly a quarter century of outstanding service in the U.S. Senate with a record of accomplishments that will long endure in the annals of this Nation and of his native State of Florida.

During his Senate service, numerous compliments have been expressed to describe the qualities which have made him great—qualities such as character, courage, integrity, knowledge, tenacity. These expressions of high praise ring true because they have been well earned by him. We who are his associates in this body can attest to the accuracy of these compliments.

Even before he came to the U.S. Senate in 1946 and began his magnificent career of service in the Nation's Capital, SPESSARD HOLLAND already had devoted many years of labor to the people of Florida. He served ably in a variety of public offices in his State: prosecuting attorney, county judge, State senator, and Governor. One success led to another. He became the first native Floridian to serve as both Governor and U.S. Senator.

Although my State is geographically far removed from Florida, our feelings for Senator HOLLAND are close and warm. For he was the first southern Senator to espouse statehood for Hawaii. He cast his vote for the Statehood bill that made Hawaii the 50th State in 1959.

The people of Hawaii are grateful, too, for his interest in Hawaii's leading industry, agriculture, and his assistance in our agricultural research, conservation, and other vital projects in the State. It was my privilege to serve on the Senate Appropriations Subcommittee on Agriculture under his able and skillful chairmanship.

On this day of tributes, I salute SPESSARD HOLLAND. May the retirement years for him and his charming wife, Mary, be filled to overflowing with happiness, serenity, and good health.

Aloha.

A RECORD FEW AMERICANS COULD ACHIEVE

Mr. McINTYRE. Mr. President, magna cum laude, lawyer, teacher, prosecuting attorney, county judge, State senator, Governor, distinguished soldier, and veteran, and 24 years in the Senate of the United States with leadership on many important committees and chairmanship of major subcommittees—this is a record few Americans could achieve.

Yet, this is the record of the able senior Senator from Florida who will be leaving the Senate at his choice, not that of the the people of his State at the end of this session of the 91st Congress.

SPESSARD HOLLAND has never been bashful about fighting for the ideas he believed were right. He stated his position forcefully and with vigor.

He has handled billions of dollars of Federal budget requests for a broad range of national needs from rural electrification, soil conservation, and forestry through matters relating to the foreign policy of the Nation and the public working of our natural resources. He has been ever mindful that there is a limit to what we can take from the public treasury.

The 92d Congress will be a different body without the presence of SPESSARD HOLLAND.

I am pleased to join with my colleagues in paying tribute to him and to wish him and his lovely wife a most rewarding, enjoyable and well-deserved future after years of devotion to the service of his State and the Nation.

Mr. COTTON. Mr. President, it is obvious to anyone who knows the Senate that in this body in which all Members are officially equal, some are more equal than others.

These outstanding individuals can be recognized easily for when they rise to discuss an issue, they receive the most careful attention from both sides of the aisle, regardless of the matter under consideration or the position they are espousing.

Such a man is the distinguished senior Senator from Florida, my good friend SPESSARD HOLLAND.

Yes, Mr. President, when SPESSARD HOLLAND speaks, the Senate and, indeed, the Nation listens, and it is to his credit that he receives this attention because of the wise and well-balanced content of his speeches rather than the number of decibels in which they are delivered.

It has been my privilege to serve with SPESSARD HOLLAND on the Appropriations Committee, and my respect and affection for him have grown year after year as I have watched him approach each new problem with wisdom, warmth, poise, understanding, and a deep dedication to those fundamental Christian principles he exemplifies so well.

Although the States we represent are separated by an entire coastline and our seats are on different sides of the aisle, there is no man for whom I have greater respect and regard than I do for the senior Senator from Florida, and I shall miss him as a colleague and a friend.

May he enjoy his retirement years with the justifiable satisfaction of knowing that the type of statesmanship he has personified will always be a model for those of us whom he is leaving and for those who will occupy these seats in the distant years ahead.

Mr. FANNIN. Mr. President, with pleasure I join my colleagues in accolades to the distinguished Senator from Florida, SPESSARD L. HOLLAND, to whom we are paying tribute today.

He is one of the most experienced men in the U.S. Senate with a very illustrious career—educator, attorney, judge, soldier, State legislator, Governor, and 24 years in the U.S. Senate.

His wide range of experiences equip him with ability and knowledge to discuss the various subjects that come before us during a Senate session. His work in the field of agriculture has been most outstanding, always with a consideration of Senators from the other States, but with a determination to protect the interests of his beloved State.

His accomplishments are many and varied. If any man or woman here has earned the right to enjoy a productive retirement, Senator HOLLAND has.

I suppose he will insist on going home to his native Florida to soak up the sun. It would do no good, I am certain, for me to put forth the obvious argument that the sun shines brighter and the citrus is more succulent in my own great State of Arizona.

A true southern gentleman in all his actions, this great Senator has given a helping hand to many of his colleagues, especially the junior Senators who need advice and counseling, so he has gained not only respect, but true admiration from all his colleagues on both sides of the aisle. It is with pride that I praise him for the outstanding services to his State and Nation, and wish him many, many years of happiness and further accomplishments in his retirement years.

Mr. BOGGS. Mr. President, I would like to join in congratulating the distinguished senior Senator from Florida (Mr. HOLLAND), on his long and most valued service to the Senate.

It has been my pleasure to serve with Senator HOLLAND on two committees during my term in the Senate, for 6 years on the Agriculture Committee and for the past 2 years on the Appropriations Committee. In that committee work, as well as on the Senate floor, I have come to know Senator HOLLAND as a man of great integrity and great perception. Invariably, he has been most helpful in focusing the attention of Members on the important issues and in helping to achieve workable answers. Senator HOLLAND began his first elected 6-year term in the Senate in January of 1947 when it was my honor to become a Member of the House of Representatives. He was the first native Floridian to serve as both Governor and U.S. Senator from that State. His accomplishments since his election to the U.S. Senate are many. He was most effective in creating such important accomplishments as the central and southern Florida flood control project, creating the Interstate Highway System, and the Tidelands Act restoring offshore property rights to individual States.

When the 92d Congress convenes next month, I know that I express the sentiment of the Senate when I say that we will greatly miss the wise counsel, friendship, and leadership of SPESSARD LINDSEY HOLLAND.

Mr. FULBRIGHT. Mr. President, for 24 of the 25 years I have served in the Senate it has been my pleasure to be associated with and to work alongside SPESSARD HOLLAND.

During this period the Senator from Florida has made a great contribution to this body, as well as to his State and the Nation. In the Senate he has worked long and untiringly on a variety of important matters, particularly in the field of agriculture. In this Chamber he has been a strong advocate and an effective questioner. He has always brought wisdom and knowledge to our debates and discussions.

I am pleased to join in paying tribute to the Senator from Florida, who is leaving the Senate after four distinguished terms of service, and I extend my best wishes for the years ahead.

Mr. PEARSON. Mr. President, there are among us Senators who have achieved great national fame. Their names are readily recognized in every part of the country.

There are Senators as equally distinguished in terms of ability and talent whose names appear in national headlines only rarely.

Only when one has the honor to serve in the Senate, does he appreciate the unique and tremendous contributions of this second group.

The senior Senator from Florida, SPESSARD HOLLAND is such a man. Few have given so much in terms of public service to their State and the Nation—and in so quiet a manner.

In Florida, he served as county prosecutor, judge, State senator, Governor, before coming to the Senate in 1946. His is the classic example of building a career from his home country to the Nation's Capitol.

Few men have set certain long-range goals for themselves and achieved them. SPESSARD HOLLAND in his early political career determined that the poll tax requirement for voting should be eliminated. In the Florida State senate he was able to persuade the State legislature to repeal the tax. He carried the same goal with him into the U.S. Senate, introducing in each successive Congress a constitutional amendment forbidding such tax. He felt it to be unjust, and one that had frequently been used to bar Negroes from voting. He also believed that such a change must be made by constitutional amendment rather than by statute or court decision.

The Holland amendment was finally passed by House and Senate in 1962 and ratified by the necessary three-fourths of the States in 1964, becoming the 24th amendment to the Constitution.

But he has never been a "one-issue" Senator. Few men have devoted as much

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time and effort to committee work and floor debate as has Spessard Holland. It is literally true he has worn himself out in this work. For several years he has borne in silence the evidence, the painful evidence, that his heart no longer can support his devotion to duty. Once convinced he could no longer carry the heavy workload he thought he owed to the electorate, he simply and quietly made up his mind to retire.

As a young man, he was a fine athlete, in fact good enough to have been offered a contract as a professional baseball player by the fabulous Connie Mack.

As a World War I pilot, Spessard Holland was awarded the Distinguished Service Cross.

Such accomplishments are rare on the part of a man of such unassuming and mild demeanor. But those who have worked with Spessard Holland know he is a very resolute and determined man, a gifted strategist, and one unafraid to take a stand and do battle no matter what the odds.

The Senate will miss him, but we wish to congratulate the Florida electorate for their good judgment in giving to us for these 24 years such a stouthearted public servant.

Mr. JORDAN of Idaho. Mr. President, it is my pleasure to join my colleagues in paying tribute to the distinguished Senator from Florida, Spessard L. Holland. For the past 24 years, he has combined a wealth of natural talents with ceaseless dedication and vitality in the U.S. Senate. The result has been that his State and the Nation have benefited from his leadership in the field of education, law, finance, and public welfare.

His record in the Senate has been remarkable; an outstanding attendance record through the years both on the floor and in committee; a champion for the causes of agriculture and natural resources and a tireless soldier in the battles for public welfare.

His dedication to his job, the people of his State and the Nation have made him one of the most respected and beloved Members of the Senate. Certainly, he has been one of the most effective Senators of this century.

The State of Florida and the Nation owe a debt of gratitude to this Senator who has served so well for so many years.

Mr. GOLDWATER. Mr. President, the insignia of the distinguished Service Cross, the second highest decoration given for valor by our Government, which is worn in the lapel of Senator Spessard Holland of Florida, indicates that his great service to our country did not begin when he first entered politics. It began in the air battlefield over France and Germany during World War I, and as a brother airman, I salute him for the valorous achievements of his during that conflict.

His contributions, though, in the field of politics, while they cannot be recognized by the presentation of any such medal, can certainly be recognized by the unseen medal of honor that we would all pin on him as he retires from the U.S. Senate and from active politics.

There has not been a man amongst us who has served as a better example to the young as they come into the Senate or as a continuing guide to us as we grow older and pursue the Senate's many paths. His personal life, with his charming wife, Mary, has also been an example to married couples all over this country who have watched both of them as they have helped each other and have raised their outstanding children.

Florida is going to be a better place with him at home, but Washington is going to be a sorrier place for his absence. Peggy and I wish for Spessard and Mary the very happiest of lives and long and continued success in their devotion to birdwatching.

Mr. BYRD of Virginia. Mr. President, it was 22 or 23 years ago that I first met the senior Senator from Florida.

Senator Holland addressed a large meeting in my hometown, and he did Mrs. Byrd and me the honor of spending the night in our home.

I have cherished my friendship with Senator Holland through the years.

But it was not until I came to the Senate 5 years ago that I fully realized just how outstanding a legislator Spessard Holland has been.

He is a great American who consistently through his long Senate service, has put the best interests of his Nation ahead of partisan political considerations—and ahead of his own personal considerations.

Senator Holland believes deeply in the principles of government which have made our Nation great. He has been a staunch and consistent defender of these principles on the Senate floor.

The senior Senator from Virginia regrets deeply that Senator Holland concluded that he should voluntarily retire from public life after serving with great distinction as a member of the Florida Senate, a Governor of Florida, and as a Member of the U.S. Senate for 24 years.

The Senate will miss him.

I shall miss him greatly.

I shall miss him as a friend.

I shall miss him as I continue to serve the people of Virginia as a Senator. I shall miss him because he is a friend in whom I have great confidence and whose judgment I value highly.

Many times have I sought his views on vital legislation. Many times have I followed carefully his well-reasoned and always fair discussions of far-reaching legislation upon which the Senate has been called upon to vote.

As Spessard Holland retires to private life, I want to state for the Record that, in my judgment, no Senator with whom I have served has exceeded Spessard Holland in kindliness, in fairness, in dedication to the people of his State and Nation, in steadfastness to principle.

I salute the distinguished and able senior Senator from Florida as a great American and beloved friend.

Mr. ALLEN. Mr. President, we meet in the U.S. Senate today in a period set aside to pay tribute to the beloved senior Senator from Florida (Mr. Holland).

Senator Holland is one of the great Senators, not only of our times, but of all times. When he leaves the Senate, the Senate will lose much of its luster and much of its greatness as the greatest deliberative body in the world.

On November 13, 1969, the date on which the press carried the news of Senator Holland's planned retirement, and then again on July 8, 1970, after Senator Holland had steered the Department of Agriculture bill through the Senate, I spoke, expressing my great love and admiration for Senator Holland and my regret at his intention of retiring from the Senate.

Mrs. Allen and I wish for Senator and Mrs. Holland many years of happiness and rewarding service in the future.

I ask unanimous consent that my two speeches referred to above be included in the Record at this point.

There being no objection, the speeches were ordered to be printed in the Record, as follows:

[From the Congressional Record, Nov. 13, 1969]

THE ANNOUNCED RETIREMENT OF SENATOR SPESSARD L. HOLLAND

Mr. Allen. Mr. President, an item in the newspaper this morning caused me great sadness, for it reported the decision of Florida's great and distinguished senior Senator not to seek reelection to the Senate at the end of his present term. This is a decision that causes sadness and a sense of great loss—a loss for the Senate of the United States, a loss for the Members of the Senate, who love him and have the greatest respect and admiration for him, and a loss for the people of Florida and of the Nation.

Senator Holland and Senators of his type have won for the Senate the accolade "the greatest deliberative body in the world."

His great intellect and silver-tongued eloquence; his integrity and statesmanship; his fairmindedness and sincere desire to serve the people of his State and Nation; his logic and his leadership cause him to rank as one of the greatest Senators in this body. His 24½ years in the Senate have been years of distinguished service. I have followed his career since his days as Governor of Florida. I heard him speak boldly at the Democratic Convention in Chicago in 1952 in opposition to punitive proposals leveled against southern delegations at that convention.

I admired his leadership in the successful fight in the Senate earlier this year to preserve the protection afforded by rule 22 to freedom of expression in the Senate.

I look foward to enjoying and profiting by Senator Holland's remaining months of service in the Senate for I have leaned heavily on his leadership in the past and expect to continue to do so in the remaining length of time that we shall have the benefit of his services in the Senate.

On behalf of the people of Alabama, I congratulate our distinguished neighbor on his outstanding and illustrious career in the U.S. Senate.

Though Senator Holland is leaving the Senate, he will continue to be active in many worthwhile endeavors for years to come.

Mrs. Allen joins me in wishing Senator Holland and Mrs. Holland many happy and rewarding years in the future.

[From the Congressional Record, July 8, 1970]

DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. Allen. Mr. President, I have had the pleasure of knowing personally the distinguished senior Senator from Florida, SPESSARD HOLLAND, only since coming to the Senate in January 1969. However, as a member of the Alabama State Legislature, and as Lieutenant Governor of Alabama, it was my privilege to follow Senator HOLLAND's career from the time of his distinguished service as Governor of the great State of Florida, on through his able, distinguished, and illustrious period of service of 24 years in the Senate.

It was my privilege to hear Senator HOLLAND make a great extemporaneous address in Chicago at the 1952 Democratic National Convention. The Democratic Party then, as now, was beset with many differences of opinion, and many things that divided our party. The distinguished senior Senator from Florida made a great speech in which he sought to smooth over some of the differences that existed in the party.

Since coming to the Senate, it has been a great privilege for me to enjoy a close association, I believe, with the distinguished Senator from Florida. Many times I have had occasion to sit at the same table with him at lunch in the Senators' private dining room at the table reserved for Democratic Senators. While I figuratively sit at his feet on those occasions, I do actually sit beside him, and I have enjoyed discussing, and hearing Senator HOLLAND discuss, elaborate upon, point out, and explain to the junior Senator from Alabama, some of the great history and traditions, and the great personalities of the Senate in the years that he has served in the Senate. I have enjoyed and profited greatly by these periods when I experienced this close association with the senior Senator from Florida.

It has been my privilege, too, of serving on the Committee on Agriculture with him. His grasp and great familiarity with the intricate bills that he has mastered and that he presents from time to time on the floor of the Senate have been a constant source of amazement to me. I have been truly amazed with his familiarity and grasp of major bills coming before the Senate that are not his specialty. I have profited by the experience that I have had serving as a junior colleague of the distinguished senior Senator from Florida.

Mr. President, I remember most vividly one of the first matters that the U.S. Senate considered after the junior Senator from Alabama became a Member of this body. It was the consideration of an amendment of Senate rule XXII, which would have allowed the application of cloture on the vote of three-fifths of the Senators present, rather than the two-thirds majority as is required under the Senate rules. The distinguished Senator from Florida led the fight of those who opposed that amendment or that effort to amend the Senate rules.

In the judgment of the junior Senator from Alabama the most important vote that has been taken in the U.S. Senate in the 91st Congress, whether the first session or the second session, was on the appeal by the distinguished senior Senator from Florida from the ruling of the Chair, the then Vice President Hubert Humphrey of Minnesota, under which the then Vice President had ruled that cloture had been applied to debate on the amendment because, on the motion to apply cloture, a majority of the Members of the Senate had voted to apply cloture. The Vice President ruled that since the vote was taken at the start of the session, a majority of the Senate should not be denied the right to amend the rules of the Senate for that session. The distinguished Senator from Florida appealed from that ruling, and the Senate overturned the ruling of the Chair, deciding in effect that it takes a two-thirds vote rather than a bare majority to apply cloture at the start of a session or any other time.

The Senator from Florida holds the distinction of being the only Member of either body of the Congress who is the son of a veteran of the War Between the States. His father was a teenager who fought alongside Senator HOLLAND's grandfather and was seriously wounded in that war in the battle of Kennesaw Mountain, near Atlanta. The fact that Senator HOLLAND's father and grandfather were Georgians, fighting for their homes and for the South does not make the junior Senator from Alabama think less kindly of the distinguished Senator from Florida.

Mr. President, a man is judged by the company he keeps, by his deeds, by his thoughts and motives, by his dedication and sincerity, by his integrity—yes, and by the books he reads, by the music to which he listens. But, Mr. President, I suggest that a man can be judged by the men he most admires—by who his heroes are. So, the junior Senator from Alabama is proud to be categorized as an admirer of the distinguished senior Senator from Florida.

The distinguished senior Senator from Florida is one of the great Senators of this time or of any other time, and the Senate as an institution and the individual Members of the Senate will miss Senator HOLLAND. The Senate will lose some of its greatness because of his leaving the Senate. It will lose some of its luster as the greatest deliberative body in the world if Senator HOLLAND should leave the Senate at the expiration of his present term.

So it is my privilege to salute the senior Senator from Florida, Mr. SPESSARD HOLLAND, whom I admire greatly, whom the people of Alabama admire and look on as a great U.S. Senator.

Mr. PASTORE. Mr. President, I consider it a great privilege to rise at this time to associate myself with all of our colleagues who have been paying these deserved tributes to my friend and seatmate, the distinguished Senator from Florida, SPESSARD HOLLAND.

I have been in the Senate now for 20 years. When I came here, SPESSARD HOLLAND was already here. Scholar and soldier—lawyer and statesman, to me, in a great sense, he has been a guiding light. If one characterization is to be made of this fine gentleman from Florida, I must say he is Mr. Integrity of the U.S. Senate. In all my associations in this great body, I have never found a man with more desire and more compelling concern to live by his convictions. It makes no little difference to SPESSARD HOLLAND whether the issue is popular or unpopular. . . .

Mr. WILLIAMS of New Jersey. Mr. President, my good friend and esteemed colleague, the senior Senator from Florida, over a span of more than four decades of public service, 24 years of that service in the Senate, has a record of achievement, so diverse and so lengthy, that it could not possibly be cataloged here today. Indeed so numerous have been his achievements and contributions that some of his friends may have difficulty in fixing on the most memorable experience they have shared with SPESSARD HOLLAND. In my own case, I have no difficulty at all, because his help and support was indispensible to the enactment of farmworker programs which are now part of the public law.

When I became chairman of the Migratory Labor Subcommittee in 1959, there were virtually no programs in this Nation which dealt directly with the needs of the farmworker family. In that year Senator HOLLAND extended an invitation to me to come to the great State of Florida to learn about this problem firsthand. I accepted that invitation and went to Florida to talk to the worker, to the farmer, and to the crewleader. I visited clergymen and community leaders. I saw the housing camps and the schools in which migrant children were enrolled.

Out of that work, legislation was drafted to meet the need for crewleader registration, child day-care centers, family health clinics, education for the migrant children, and adequate housing for the migrant family.

Senator HOLLAND made invaluable suggestions for improving these bills. He also supported them eloquently and persuasively when they came to the Senate floor for consideration and debate. His interest did not diminish upon passage of these bills. It continued unflaggingly on the enormous task of getting the necessary funds and otherwise making the deeds match the words of the statute.

Today, on a variety of farmworker problems, we do have national programs and the programs do help those they reach. The funding is not as adequate as I would like, but, compared to 1959, the Nation is now investing substantial sums in health, education, child day-care, in retraining and rehabilitation and in other services for the migrant family. Senator HOLLAND's continued concern and effort played an instrumental role in bringing this about.

Finally, I recall that while we did not find ourselves in agreement on all facets of the farm labor problem, there was always a spirit of mutual respect and friendship. In the course of our work we found ourselves on opposite sides of the questions of minimum wage and the importation of foreign workers. Even on these hotly contested economic issues, the experience was pleasurable and rewarding.

For these and many other rich memories, I shall always be grateful.

Mr. RANDOLPH. Mr. President, all of us in public life must accept the march of time and anticipate the day when we close the book on a long career.

In my opinion, none can do it with greater satisfaction and deserved recognition than Senator SPESSARD HOLLAND, whom we honor here today. His outstanding contributions as a teacher, lawyer, jurist, and war hero would serve the ordinary man.

But he has, in the nearly quarter-century in the Senate, built a memorial of dedicated service to his constituency which few men can hope to match.

Our association has been a particularly memorable one for me. I can recall our many pleasant and good-humored colloquies on the floor in which I reminded him that he was, in fact, an honorary Mountaineer because his mother, Fannie V. Spessard, was from Monroe County, W. Va. I recall, too, our discussions of his baseball prowess in the rough industrial leagues of West Virginia.

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On his retirement, I wish every joy and deferred pleasure. Mrs. Randolph joins in our knowledge that he and his dear wife, Mary, will have continued happiness and sweet contentment.

My colleagues and I will miss the valued counsel of SPESSARD HOLLAND in the months ahead—and that, I believe, is the highest tribute we can pay.

Mr. PROUTY. Mr. President, I would like to join with my colleagues in paying tribute to the distinguished Senator from Florida (Mr. HOLLAND) upon his retirement at the conclusion of this Congress. In 1946, SPESSARD HOLLAND brought to this body a wealth of experience and a distinguished record of service to Florida and the Nation.

In World War I, he received the Distinguished Service Cross for his courageous service as an aerial observer over France.

He served his community as a teacher, his county as a judge and his State as a State senator, and Governor.

Upon this strong foundation of service, Senator HOLLAND built a brilliant record of 24 years of service in this body.

His service has not been flamboyant. Instead, he has been a hard-worker relentlessly pressing for his goals. He first proposed his Anti-Poll Tax Amendment in 1949. Thanks to Senator HOLLAND's unceasing efforts we now have the 24th amendment.

Senator HOLLAND is without doubt one of the hardest working Senators with whom I have had the privilege of serving. I have always listened attentively when he has addressed this body, for his arguments have been persuasive and based on diligent research.

Senator HOLLAND is a man of many interests and I trust that his retirement will give him more time to follow baseball, study nature, and further delve into the history of Florida.

I know he shall find that he has made one of the most distinguished marks in Florida's history. He has served his State and Nation well and I know he is the kind of man who shall continue to serve us.

Mr. MILLER. Mr. President, I am pleased to join with my colleagues in paying our great respect to the senior Senator from Florida, my good friend, SPESSARD L. HOLLAND.

During my 10 years in the Senate, he has been warm, cordial, and helpful. I have particularly appreciated my opportunity to serve with him on the Senate Agriculture Committee, where we have worked harmoniously together on a great many measures affecting the many facets of our Nation's agriculture. At all times, it has been very apparent that he was a strong advocate for the best interests of our farmers while, at the same time, doing his utmost to balance their needs against the realities of majority sentiment in a Congress where the so-called "farm bloc" has long ago lost so much of its influence.

As becomes the great Senator he is, all of us can attest to his high principles. These first came to my attention when, during World War II, when I was assigned to Orlando, Fla., with the Air Force, he was the Governor of Florida. Word quickly got around that the Governor of Florida was ready to use his powers and his influence—anytime and anyplace—in behalf of the needs of our men serving in the various military establishments, and their families.

Not until recently did I learn that he was a member of the original World War I Army Air Corps, which, perhaps, explains his deep, personal concern for our military services which he has so often displayed here in the Senate—as well as when he was the Governor of his State.

As further evidence of the character of this good man, he has continued, to the very last days of his service, to work as hard as any other Member of the Senate—in fact, carrying more than his fair share of the heavy load of legislative responsibilities. Not until he takes fond leave of the body he has served so long will there be any relaxation of his zeal for hard work and leadership.

I repeat what all of us feel in our hearts—a profound regret over his decision to retire. The Senate will not be the same without SPESSARD HOLLAND and his dear wife, Mary, at his side.

Mr. YOUNG of North Dakota. Mr. President, I wish to associate myself with the comments made by Members of the Senate in praise and commendation of our distinguished and beloved colleague, the senior Senator from Florida, Senator SPESSARD HOLLAND. While we can understand why one who has spent a lifetime in public service would want to retire and have a few years of rest and time to enjoy life and with his family, we cannot help but be saddened to know that he will no longer be serving with us. This busy life as a Member of the Senate—and it is getting more difficult each year—permits little time for relaxation with one's family.

As one of those who has served with SPESSARD HOLLAND all of his 24 years in the Senate, I treasure the close friendship that we have enjoyed over these many years No Member of the Senate has ever been more considerate of me or more helpful. Naturally our views differed on some legislation and policies, but always our friend from Florida, SPESSARD HOLLAND, was the real gentleman—courteous, considerate, and understanding.

During his 24 years in the Senate, Senator SPESSARD HOLLAND has handled some of the most difficult of all legislation—one being the tidelands oil legislation. He has always been an untiring, effective, and powerful advocate of the things he believes in.

Certainly no Senator has ever more faithfully and ably fought for the interests of his State. Apparently the people of Florida are aware of it and very appreciative of what he has done for them. They have accorded him exceptionally high honors over the years, and especially recently.

I would not want the record to indicate that our friend, Senator HOLLAND's interests did not go beyond his beloved State of Florida. He has been very active, interested, and influential in all of the many issues facing this Nation and world and he has been a powerful voice for good. One thing I cannot help but especially note is that, even though he announced his retirement quite some time ago, he continues to work just as hard and diligently right up to and including these closing days of the last session in which he will be serving. What a great Senator and citizen he has been—and a truly wonderful friend.

Mr. President, I shall always treasure my close friendship with Mary and SPESSARD HOLLAND. I know they will greatly enjoy retirement and I want them to know we will always remember them with affection.

Mr. YARBOROUGH. Mr. President, when the Honorable SPESSARD HOLLAND leaves the Senate at the end of this Congress, the Senate will be losing one of its most energetic, most diligent members. During my 13 years, 8 months in this body, I have watched with admiration this dedicated man serve his State and his country.

For the past 6 years, it has been my privilege to serve as a member of the Agriculture Appropriations Subcommittee which the Senator from Florida so ably chairs. As chairman of that subcommittee, he has given meticulous attention to every detail in every appropriation the subcommittee has submitted. No Senator has worked harder on this vital appropriation than has the Senator from Florida. The people of America will never know the many years, months, weeks, and days of service he has given to these measures. Agriculture in America owes him a debt so large that agriculture itself will never learn of all of it. It is so large that agriculture itself cannot measure it. Week after week I saw him study in meticulous detail the operation of every agricultural research facility in the United States, as he sought means to increase the food and fiber production of the United States, for all the ill-fed and ill-housed in the United States and all over the world. I never heard SPESSARD HOLLAND boast of his humanitarianism, but he acted in a realistic way to help clothe and feed the suffering. Our great agricultural production reflects his determined support of scientific agricultural research.

The citizens of Florida and of America also owe him thanks for his many other legislature achievements. One of the most notable, perhaps, is the preservation of the Everglades as a national park. Were it not for the dedicated efforts of the Senator from Florida, this area of great recreational and naturalistic interest might well have fallen to the bulldozers and land speculators.

The Senator from Florida has served in this body for 24 years. He has earned his retirement and I wish him the very best.

One final note: When I first came to the Senate in 1957, one of the first couples my wife and I met were the Senator from Florida and his gracious wife. On one of Mrs. Yarborough's first visits to the gallery, Mrs. Holland was kind enough to sit with her and explain the events on the floor as the two of them watched. Mrs. Yarborough and I will never forget the many kindnesses we received from Senator and Mrs. Holland

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over the years. They are one of the most devoted husband-wife teams we know in the Senate. We wish them both a long and happy life together. Relieved of the vexations and arduous duties of an appropriations subcommittee chairmanship, with the tug of war between the great needs of our country and the shortage of dollars to meet them, and knowing of Senator HOLLAND's love of the outdoors, I have no doubt that his retirement will add years to his life.

Mr. THURMOND. Mr. President, it has been a pleasure to serve with the distinguished senior Senator from Florida, my good friend SPESSARD HOLLAND, during the past 16 years I have been a Member of the Senate. SPESSARD HOLLAND is a man for whom I have great respect, not only because he is a person of outstanding ability, but he is also a man of stanch character and unquestioned integrity and sound judgment. It has been a distinct privilege for me to have served in this body with him and I shall greatly miss his wise counsel and advice in the future.

Senator HOLLAND has been active in many fields of activity while a Member of the Senate. He is an acknowledged expert in agricultural matters and as a member of the Agriculture and Forestry Committee he has sponsored many projects, programs, and legislation in behalf of the farmers of the Nation. He is a member of the Aeronautical and Space Sciences Committee and has made fine contributions in this important field. He is a member of the powerful Appropriations Committee, which handles expenditures for every activity of the Federal Government, and he has fathered many worthwhile activities that have improved the standard of living for our people. He is not a big spender, but a believer in sound fiscal policies and as a member of the Joint Committee on Reductions in Federal Expenditures, has been helpful in preventing extravagance and waste.

His devotion to duty and willingness to set party interest aside have largely contributed to his effectiveness as an outstanding leader. Few men can be called statesmen, but that adjective certainly describes SPESSARD HOLLAND. He has provided outstanding leadership in committees, on the floor of the Senate, in his State, and in the Nation. Such leadership will be sorely missed.

SPESSARD HOLLAND is a true patriot and a great American. The Senate will be poorer because of his departure. His constituents have consistently supported him because of their great faith in him, and he and they can be proud of the impressive record he has made in this body.

Not only will the Senate miss Senator HOLLAND but we shall greatly miss the lovely and most gracious Mrs. Holland, one of the most distinguished and popular women in Washington. I am sure that all of my colleagues join me in wishing Senator and Mrs. Holland good health and happiness in the years ahead.

Mr. President, on September 22, 1962, I had the pleasure of attending and speaking at a ceremony given by the Young Americans for Freedom, honoring Senator HOLLAND at Orlando, Fla. A considerable portion of my address that evening was about SPESSARD HOLLAND, his service in the Senate, and the manner of performance of his Senate duties. What I said about Senator HOLLAND on that occasion is pertinent today, and I ask unanimous consent that a copy of that address follow these remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR STROM THURMOND

It is an honor for me to be in the great State of Florida, and in the beautiful City of Orlando. I have had the pleasure of serving for 8 years in the United States Senate with Florida's two distinguished Senators, Spessard Holland and George Smathers.

I am glad to be with this fine group tonight to join in paying tribute to one of my most respected and distinguished colleagues in the Senate.

I am proud of the great work and the remarkable service which your organization, Young Americans for Freedom, is performing in promoting among our young people increased awareness and interest in the preservation of freedom, our most precious national legacy.

When one becomes a member of the United States Senate, one is asked to join the board of directors of many organizations. I have particularly been extended numerous invitations to join various groups as an honorary leader or adviser in the past year or so. I finally decided to make a rule against becoming associated with groups outside of my Senatorial duties, because I found that I just did not have the time to check into every organization or would probably not be able to agree with all the principles or plans of the various groups. Recently, however, I was asked to serve on the Board of Advisers of Young Americans for Freedom, and I made an exception to my rules in this particular case because of the importance and urgency of your great mission in instilling in your fellow students across this country a sense of patriotism and interest in the preservation of freedom.

During the past year or two I have also received numerous speaking invitations across this country. I have had to decline many of these invitations because of the number, but I have never turned down an invitation to address a student group on a college campus if there was any possibility at all of working it into my schedule. Within the past few years, I have spoken at Tulane, Yale, Emory, Harvard, Georgia and Columbia Universities and M.I.T. My calendar now shows that I have engagements at Oklahoma State, Fordham, and Boston Universities and other educational institutions. Everywhere I have gone I have been impressed with the work of your great organization and the rising tide of student interest in domestic and foreign policies of this government—sound domestic policies and winning foreign policies.

More and more of our young people are coming to realize that freedom is in jeopardy in this country, and indeed, wherever it seeks to exist in a world threatened by the forward march of what Mr. J. Edgar Hoover has aptly described as the communist "masters of deceit", and also all those misguided idealists who envision a solution to all the world's problems through a system of planned state economies, with all its attendant regulations and controls and its diminuation of freedom. They realize that we in the United States, this once great bastion of freedom, take freedom too much for granted, much as we do the convenience of electricity. We have the feeling that because freedom is guaranteed in this country by the Constitution, that it will, by some magic formula or by right of inheritance, always be with us. We tend to forget that other peoples in other nations have had this same naive notion, but their freedoms have long since vanished because they did not appreciate Voltaire's old truism that "Eternal Vigilance is the Price of Liberty." We seem to have forgotten that liberty must be earned, and once it is earned—as it was for us by our forefathers—then it must be preserved, not just for the enjoyment of our generation, but as a legacy for the next generation, and even for unborn generations of Americans.

In fact, freedom, according to Lord Acton, is supposed to be the highest end of government. However, in viewing our government bureaucracy today, with all its spending, controls, red tape, and its ever-growing centralized power apparatus, it is easy to get the idea that perhaps government has some other end to serve—such as accumulation of power.

More of our young people are learning that man cannot have freedom unless he accepts the moral task it imposes. It is a combination of self-assertion and self-denial, of independence and responsibility. For instance, in granting us the blessings of self-government, our forefathers contemplated that the people would take sufficient interest in educating themselves on affairs of government to govern themselves intelligently, and that they would be so concerned with the preservation of their freedoms that they would reject selfish proposals which would result in restricting or mortgaging their freedoms.

Some misguided leaders and advisers in government, whose principal aim for government seems to be the creation of a socialistic welfare state, would lead our young people to believe that the wave of the future in socialism—call it democratic socialism as Mr. Schlesinger has dubbed it, or fabian socialism as the British have named it—and that we can have this "pie in the sky" state, and still maintain freedom for our people. As a matter of fact, however, capitalism, which is no more and no less than economic freedom, is the only economic system which will work in a free society. Let us not forget that freedom can be preserved only when it is decentralized in the hands of the people and local government, and not in the hands of a bureaucracy of elites who rule from an all-powerful central government in Washington.

Since coming to the Senate in 1955 as an independent write-in candidate, I have made my principal preoccupation the preservation of our freedoms, not just in one field, but all across the board. In trying to carry out this mission I assigned to myself, because of my firm conviction that this should be the primary concern of all our people, I have had the good fortune of being able to work shoulder to shoulder with some colleagues in the Senate who, I feel, share a similar concern about freedom, and its preservation.

Among those who have impressed me most in their concern about constitutional government, and the preservation of our freedoms, is your distinguished and able Senior Senator from Florida, my good friend and colleague, Spessard Holland.

It is a great pleasure to be here tonight, to join in these tributes to his courageous and dedicated record of service in the greatest deliberative body in the world. Spessard Holland is one of the most respected members of the Senate, and he bears a sterling reputation as a man of honor, of dignity, and of dedication to duty to his State and Nation.

This great statesman possesses the basic qualities which are so vital in winning and holding the respect and confidence of his colleagues in the Senate, and of the people of the great State which he is honored to represent in the Senate. He is a man of great intellect, wisdom, judgment, industry,

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integrity, sincerity, and courage. In my opinion, he is one of the ablest debaters ever to serve in the Senate. In addition, he is one of the most handsome and personable gentlemen in public life. All these qualities have played an important part in the outstanding service he has rendered as a servant of his people in the State of Florida as County Judge, State Senator and Governor, and in Washington as a United States Senator.

Of all the qualities I have mentioned tonight in describing your Senior Senator, there is one upon which we must place a premium in our country today, especially for public servants. That quality is courage. Winston Churchill has well said that "courage is rightly esteemed the FIRST of all human qualities, because it is *the* quality which guarantees all others."

Spessard Holland has demonstrated this priceless quality on many occasions in performing his duties as a United States Senator. Believe me, ladies and gentlemen, it takes courage to vote your convictions today in the United States Senate. This is especially true when your convictions run counter to the "gimme gimmicks," continually being proposed to provide more and more services for people, and to redirect more and more tax dollars out of the Treasury into the pockets of individuals, who are looking for "something for nothing," out of the big federal "grab-bag" in Washington. The easy course for a politician to follow in the Senate, is to spend and spend with the rest of the crowd, and leave it to you young people or your children to pick up the tab at some future date. That is also the easy way, because the political parties seem to have bought the old New Deal theme of "spend and spend and elect and elect."

Spessard Holland is a statesman and not a politician.

He has had the courage to oppose the demands of special interest groups, when their demands were not in the public interest or in the best interest of the preservation of freedom—which to me runs parallel to the public interest.

He has fought to correct the corrupt practices of big union bosses in the interest of the working people, realizing the power of the union bosses to work or buy their will in election contests.

He has fought to preserve your and my personal freedoms during this period when conformity appears to be the order of the day.

He has promoted programs and ideas to help our farmers be more competitive and prosperous, but jealously guarding their freedoms in doing so.

He has stood up for the Constitution and the right of the States as against usurpation of power and the centralization of government in Washington.

He has spoken up against deficit financing, and in his voting record he has hewed to the line in favoring fiscal sanity and a balanced budget.

He has defended our great free enterprise systems against the rising tide of socialism, and has supported bold, firm foreign policy proposals designed to *win* the struggle with, rather than succumbing to a socialist accommodation with, those forces which would destroy capitalism, dethrone God, and communize the world.

And, he has advocated a program of national defense which would insure a supremacy of military power, and readiness to cope with the aggressive intention of any enemy power, whether it be the forces of world communism, or fascism, or any other "ism," opposed to freedom for the people.

In closing, I want to say that it is stimulating to me to have a part in this program, which tonight honors an able Senator, a dedicated statesman, a true patriot, a distinguished citizen, and a great and courageous American, my good friend and colleague, Spessard Holland.

Mr. McCLELLAN. Mr. President, I join my colleagues today in paying tribute to Senator SPESSARD HOLLAND who has been, over the last 24 years, a most distinguished Member of this body. By his voluntary retirement, Senator HOLLAND will deprive this body of his wise counsel and high statesmanship. He has set a standard of excellence that will be sorely missed and difficult to match. Senator HOLLAND is an outstanding citizen, an able Senator, and a great American. Senator HOLLAND always put country first, and yet he represented with dignity the interests of his State and his region of our country.

He served his State with distinction as Governor during the trying war years, when the coast of Florida was exposed to constant danger due to its geographical posture. In September 1946, he joined us in the Senate and since that time has contributed to the debates and deliberations of this body in a constructive manner which will be of benefit to many succeeding generations of Americans. I am sure that each manager of a bill coming before the Senate for debate in the future will miss the penetrating and incisive questions of Senator HOLLAND, which have provided in dialog much clarification to the legislative history of acts of the Congress.

There is, of course, an instinctive kinship among lawyers serving in this body as representative of the Southern States. Many times there is also a common kinship of origin and experience in early childhood. Senator HOLLAND, like so many of us was raised in less than affluent surroundings. In Bartow, Fla., as in Grant County, Ark., the family fare often consisted of a fish and game obtained from the then unpolluted and virgin rivers and forest of the South. We have seen a great change in the environment we knew in childhood, a change which promises to become even greater, if we do not act to conserve and enhance the quality of our environment. We can pay no greater tribute to Senator SPESSARD HOLLAND than to devote our energy and attention to the environment and wildlife he has loved and enjoyed. Hopefully, during his retirement he will not have to witness further deterioration or destruction of our natural resources. I sincerely desire that his children and grandchildren will be able to enjoy the beauties of nature that he has enjoyed and treasured.

It was my privilege to serve with him on the Senate Appropriations Committee for a number of years. Serving on committees with a fellow Senator gives one a rare opportunity to judge his statesmanship capacity and legislative ability. On that committee he always approached his duties with a sense of dedication and sincerity which served the welfare of our country according to his concepts of its best interest and security.

I shall always remember SPESSARD HOLLAND as a sincere, articulate, and intelligent legislator; as a gracious and eloquent colleague during Senate debate; and as an experienced and capable advocate for those causes he deemed just. My life and experience have been enriched by having known and served with him and having the benefit of his views for many years in the U.S. Senate.

Mrs. McClellan joins with me in extending every good wish to Mary and SPESSARD HOLLAND for the full enjoyment of the years to come following his retirement from this Chamber, where he has served with such distinction and has achieved so much.

Mr. CANNON. Mr. President, I know that the people of Nevada want me to participate in honoring Senator SPESSARD LINDSEY HOLLAND, and to convey for them a sense of their high esteem for his work here in the Senate.

I came to know Senator HOLLAND over the years primarily through knowledge of his positions on important national issues and for his leadership role in helping resolve those issues. It was with a great deal of pride and respect that I served with the Senator on the Aeronautical and Space Sciences Committee for a number of years. I think it a mark of the character of Senator HOLLAND that other Senators could disagree with him on particular issues, just as they disagreed among themselves, but could agree and did agree in according Senator HOLLAND the utmost respect in recognition of the integrity of his motives and the sincerity of his convictions. Such respect transcends the issues and it transcends ephemeral public opinion.

Mr. President, my initial respect for Senator HOLLAND was quickly allied with sincere admiration—a result attributable, in part to his devotion and concern for the people of Florida. The senior Senator from Florida has served his constituents and the Nation very well for over 20 years in the Senate. The Senator's desire to serve has been coupled with an insight into history and a capacity for action which enabled him to play a key role in one of the most productive eras the Congress of the United States has ever known.

For those of us who came to the Senate when his star was already in its ascendancy, he was a teacher and an inspiration. He tutored us, just by being himself, in the art of eloquence, the skill of advocacy, the art of compromise, and the power of persistence, Senator HOLLAND is first rank. The Senate will miss his presence here and we will all remember him well.

Mr. STEVENS. Mr. President, when the new Senate convenes in January, there will be missing from its ranks a man whose career has spanned two world wars and a troubled peace. Born in the last century he has risen to meet the challenge of this century with strength and conviction I refer, of course, to SPESSARD LINDSEY HOLLAND who will retire at the expiration of the fourth term to which he was elected by the people of Florida.

Senator HOLLAND's varied career has included teaching, practicing law, and serving his country first as a soldier, later as a Governor of one of her sovereign States, and for the past quarter century as a U.S. Senator. His contributions to the work of such committees as Agriculture and Forestry, Appropriations and Aeronautical and Space Sciences are known to us all. We will miss him.

Mr. SPARKMAN. Mr. President, I wish to join with my colleagues in the Senate in paying tribute to SPESSARD HOLLAND who is voluntarily retiring from the Senate.

Senator HOLLAND entered the Senate on September 25, 1946. I entered on November 6, 1946, just 6 weeks later. I was attracted to Senator HOLLAND from the first by his interest in and his dedication to his work as a Senator. He was diligent and thorough, always mastering the facts of any legislation on any situation with which he dealt.

For a time I served on the Public Works Committee with Senator HOLLAND. He was one of the most effective members of that committee. Of course I have observed his work here in the Senate. He is always well prepared on whatever legislation is up for consideration and always expresses his views clearly and forcefully.

Different Senators have expressed favorably on his watchfulness and effectiveness in matters affecting the welfare of his State. I believe that is not only the duty and expectation of every Senator but that it results in the best interest of the Nation as a whole, a Nation of great expanses, of diverse interests, and of able, and similar representation of all the areas and interests of our country.

Senator HOLLAND had a remarkably successful record before coming to the Senate. The same hard work and great ability on his part that brought about that success have served to continue that great career of success here. He has been a great and fine representative of a great State.

We regret to see him leave. I should say that we regret to see the great team of Mary and SPESSARD HOLLAND leave the Senate. We shall bid them Godspeed and wish for them both good health, great happiness and success throughout many years of retirement. They have well earned it all.

Mr. LONG. Mr. President, for 24 years SPESSARD HOLLAND has exemplified what we of the South like to regard as a true southern gentleman.

He represents the ultimate in terms of honesty, sincerety, truthfulness, courage, diligence, devotion to duty, kindness, and sympathy for persons and things.

The people of Florida did not act capriciously when they sent him to us. They sent us a great wartime Governor whose background in State affairs even prior to becoming Florida's chief executive had already earned him impressive credentials. They sent us a man whose record as a volunteer pilot in the early days of aviation serving his Nation on and over the battlefields of Western Europe confirmed his heritage.

In this body he acquired the reputation of a conservative in the best meaning of the word—one who would preserve the better things of the existing order. His service here has in fact to a considerable degree saved for this Government its first fundamental—the right of people to govern themselves.

For the right of self-government in this Nation is vested in the people at the State level. Our cities and counties are creatures of our State government. The same is true of our national Government. Thus wherever the States are stripped of their power, then the people whose effective vote is at the State level, have lost their power to govern themselves.

SPESSARD HOLLAND realized this and he fought against a theory advanced by judicial unsurpation to the effect that the national Government existed prior to the States and that as a consequence the timetable of sovereignty of the United States followed from the top down rather than from the bottom up.

The tideland saw the Holland Act restore to the States of this Union the submerged lands within their historic boundaries. This was more than an act to vest title to submerged land. It was an act to restore sovereignity to the people of America.

George Washington, in his farewell address, warned us of those who would change our laws and destroy our institutions by usurpation. SPESSARD HOLLAND has been a sturdy rampart across their path. His logical, penetrating mind has personally thrown back the force of their attack, his eloquence has exposed the folly of their purpose.

Yet as persistently as SPESSARD HOLLAND has fought to preserve all that is good about America, as much as he has been a part of the southern establishment, he has led the way to needed and desirable changes to make America fulfill its purpose and accept the challenge of a changing world.

The proper method for the repeal of the poll tax as a condition of suffrage was by means of a constitutional amendment. The amendment is now a part of our Constitution. We can proudly call it the Holland Amendment in tribute to the man who insisted that the issue should be resolved, not by usurpation, but by the method provided in the Constitution.

Alaska and Hawaii are today States of a greater Nation because men of the South were willing to join with statesmen of other parts of the Nation to make it so. SPESSARD HOLLAND provided the leadership to encourage southern Senators—including me—to join in bringing about that worthy extension of American democracy.

The thousands of good things achieved by Senator HOLLAND in this would fill volumes, never would we find a single item unworthy of a great statesman.

SPESSARD HOLLAND'S service here has been supported by his beloved wife Mary. Together they have shared many endeavors and many interests. It has always impressed me that the two of them have enjoyed birdwatching. Their friends have enjoyed noticing the interest that each of them has demonstrated in seeing an unusual and beautiful bird. I have often noticed how SPESSARD, on spying a rare specimen, would express the desire that Mary would share his pleasure.

This interest in things, as well as people, is typical of this devoted couple. Together they have made a life which any young couple would hope to parallel.

Many of us hoped to dissuade SPESSARD HOLLAND from retiring. We did not prevail. He was firm in his decision as he always has been. Perhaps he was right.

SPESSARD HOLLAND leaves here capable of much more good work, still possessed of his brilliant intellect. He hangs up his gloves as the undefeated champion. He will remain one of the Senate's all-time greats.

Mr. BELLMON. Mr. President, during my brief time in the Senate I have been privileged to serve with the distinguished senior Senator from Florida on the Senate Agriculture Committee, and as a result of this close relationship I have gained the very highest regard for his sense of fairness, for the wide extent of his knowledge, and especially for his dedication to and understanding of the legislative process.

Senator HOLLAND'S long experience in the Senate coupled with his distinguished prior service to the people of Florida has equipped him ideally to cope with the many important problems which his growing State has in its relationship with the Federal Government. The people of his State have shown extremely good judgment by keeping Senator HOLLAND in their service over these many years.

Mr. President, I regard Senator HOLLAND as one of the finest men and ablest government leaders I have ever known. I am proud to add my voice to the others in commending him and his splendid work to his State and to our country and in wishing him complete happiness in his new endeavors.

Mr. McGOVERN. Mr. President, I am grateful for this opportunity to express a few words of appreciation for the long and distinguished service of the senior Senator from Florida, SPESSARD HOLLAND. It has been my privilege to serve with Senator HOLLAND as a member of the Agriculture Committee for the past 8 years. During all that time, he has always demonstrated personal consideration and courtesy toward me even when we were in sharp legislative disagreement.

There are three qualities about Senator HOLLAND that I especially admire.

First, I keenly appreciate his unfailing respect for the Senate as an institution.

Second, I admire his steadfast devotion to the process of self-government.

Third, I appreciate the reliability of his word. He has the rarest virtue of absolute personal integrity.

I shall miss Senator HOLLAND and his lovely wife Mary. But I do wish for each of them many more happy years together in their retirement.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971—CLOTURE VOTE

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the pending business.

The time between now and 11 a.m. is under control, on the motion to invoke cloture with respect to H.R. 17755, the conference report on the Department of Transportation and related agencies appropriations, 1971. Time is equally divided between the distinguished Senator from Nevada (Mr. Bible) and the designee of the minority leader, the distinguished Senator from Arizona (Mr. Goldwater).

Who yields time?

Mr. BIBLE. Mr. President, I yield myself 3 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized for 3 minutes.

Mr. BIBLE. Mr. President, we move along now into another chapter of the Department of Transportation and related agencies appropriations bill, and obviously, primarily into the area of the SST.

Time is limited. Twenty minutes is under my control and 30 minutes is under the control of the minority leader.

I have discussed this with the minority leader and his designee, the distinguished Senator from Arizona (Mr. Goldwater), and we are in agreement that the time should be equally divided between myself and the designee of the Senator from Arizona, and the Senator from Wisconsin (Mr. Proxmire), who has been the leader in the SST fight. So this obviously limits the discussion, but 15 minutes of that will be under my control and 15 minutes of that I will yield to the Senator from Wisconsin and, I understand, that is exactly the same method which the minority leader will use.

Mr. GOLDWATER. Mr. President, will the Senator from Nevada yield?

Mr. BIBLE. I yield.

Mr. GOLDWATER. That is precisely what the minority leader instructed me to do, and I shall yield 15 minutes to the Senator from Wisconsin (Mr. Proxmire) and retain 15 minutes for our own use.

Mr. BIBLE. I thank the Senator. Now I obviously will be very brief. I think that everything has been said and resaid insofar as the SST is concerned. We have discussed the pros and cons over the months and, yes, over the years. It seems to me that this is a program which should go forward. It is a program that is approximately eight and one-half years along its way on a 12-year program, with $800 million out of a projected $1.3 billion.

We are discussing today the conference report that came back as a result of the conference between the Senate and the House, and that is the issue that is at stake here today.

The PRESIDING OFFICER (Mr. Stevenson). The time of the Senator from Florida has expired.

Mr. BIBLE. Mr. President, I yield myself 1 additional minute.

The PRESIDINI OFFICER. The Senator from Nevada is recognized for 1 additional minute.

Mr. BIBLE. Mr. President, the problem is a difficult one because, in a nutshell, what is involved here is that one side wants to kill the SST and the other side wants to keep it alive.

Notwithstanding all the statements that have been made, we found the House conferees extremely adamant. They want to keep the SST alive. The opposition wants to kill the SST. That is the problem we face now, to try to resolve this dilemma.

There is also at stake, as we are well aware, many other items, some $2.7 billion in new budget authority and some $4 billion-plus in trust fund moneys that are necessary for control towers, highways, the Coast Guard, urban mass transit, and many other areas. These are the problems with which we are faced today.

Mr. President, I now yield 15 minutes or such time thereof as he desires—he has the full 15 minutes, of course—to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the distinguished Senator from Maine (Mr. Muskie).

PRIVILEGE OF THE FLOOR

Mr. MUSKIE. Mr. President, I ask unanimous consent that staff members of the Public Works Committee and such additional staff members as may be necessary be permitted in the Chamber.

The PRESIDING OFFICER (Mr. Stevenson). Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, since the Senate voted to delete funds for the SST, supporters of the SST have said that termination of the program threatens America's economic stability and technological leadership. President Nixon himself painted a dark picture—the loss of 150,000 jobs and a crippled aerospace industry.

Cancellation of the SST program at this date will not mean the loss of 150,000 jobs. That figure represents the level of employment at full production and includes allowances for employment among the manufacturers of support equipment and in other associated areas. Full production would be many years in the future. The allegation that 150,000 jobs are at stake now is a hoax.

In fact, Department of Transportation statistics indicate that a maximum 8,000 workers are employed during the current prototype phase; less than 1,000 would be employed on the SST program at the end of this phase. These are the jobs that are at stake.

It is important that these workers continue to be employed. And it is important that as many of these jobs as possible remain in the aerospace industry, a sector of the economy hard hit by changes in our national priorities.

But it is not important that these workers build an SST. That project is as much a waste of their talents as it is a waste of our money.

The men and women of the aerospace industry have helped America gain technological leadership not only in aviation and space, but in many other areas as well. This industry is known for its expertise in advanced research and engineering, systems development and management and for its innovative leadership. These skills could help solve our pressing urban transportation crisis.

Many contend that the Boeing and General Electric technical and production capabilities cannot be readily adapted to the design and construction of urban transportation systems. But the two most striking characteristics of the industry point to the opposite conclusion.

First, the Department of Transportation itself is now finding that aerospace talents are directly and almost immediately transferable to other areas requiring high technical expertise and systems analysis capability. In fact, it was DOT's forceful argument of this point that permitted the Department to take over the Cambridge Research Center from the National Aeronautics and Space Administration. The Center and its employees, once working on sophisticated space technology, are now working on solutions to our urban transportation dilemmas.

The Department also has current contracts with research firms such as RAND, the Institute for Defense Analysis and MITRE. These firms had little experience in nonmilitary work until defense and space budget retrenchments forced them to apply their talent in other fields.

Other aerospace and defense firms have found it possible to change as our priorities have changed. The North American Rockwell Corp. has a DOT contract to develop a high-speed urban tracked system. The Rohr Corp. is building cars for the Bay Area Rapid Transit in San Franciscco and an air cushion vehicle for France. The Garrett Research Corp. is developing a linear induction motor, and United Aircraft built both the vehicles and the propulsion system for the Boston-New York Turbotrain.

These aerospace concerns have found that dependency on aerospace contracts—such as the SST—is neither the way of the future in transportation, nor the key to their corporate survival. There is no reason to keep that knowledge from Boeing and GE.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I yield the Senator from Maine 2 additional minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized for 2 additional minutes.

Mr. MUSKIE. Mr. President, the second characteristic of the aerospace industry that indicates great flexibility is the high rate of turnover among scientific and technical employees. These professionals, who comprise most of the workforce, stay with one company for an average of less than 3 years. This transferability of workers among companies, the highest of any industry in the Nation, is the result of workers following contracts from company to company. Few contracts have had as lengthy a term as the SST contract; the industry could absorb its termination.

More than money will be wasted if the SST project is continued. The valuable expertise of the aerospace industry and the skills of its workers will be paid by public funds to develop a plane the public does not want and does not need.

So, Mr. President, I will vote against cloture because I think that only in this way can we effectively stop the momentum which has been built by these purchases, and which will continue if the conference report is approved by Congress.

The second good reason for voting against cloture, I think, is to stimulate the leaders on both sides of this argument to work out a substantive compromise. Without a vote turning down cloture today, the prospects for that compromise will vanish.

Mr. BIBLE. Mr. President, I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 2 minutes.

Mr. HART. Mr. President, as one who has been troubled by rule XXII on several occasions, I want to make clear in the Record why I shall vote for cloture.

I would like to believe that I have never sought to persuade the Senate to apply cloture on any proposition until the issue was fully discussed and clearly understood. But I have argued that once that point in time has arrived, the Senate should be permitted to act. And I have meant what I said in argument and will apply it to my vote now. As one who opposes the SST lock, stock, and barrel, I am caught in a very difficult dilemma.

I cannot persuade myself that we do not know our position on the SST and that everything that needs to be said has not been said.

Whether it is a civil rights bill, a supersonic transport, or the time of the day in Timbuktu, there is a priority that attaches to permitting the majority of the Senate to vote.

I hope that in January those who feel frustrated by the difficulty of getting to a vote will join those of us who have long sought to modify rule XXII.

Mr. BIBLE. Mr. President, I yield 3 minutes to the junior Senator from Washington.

The PRESIDING OFFICER. The junior Senator from Washington is recognized for 3 minutes.

Mr. JACKSON. Mr. President, I want to say a few words on the question of employment.

The real issue facing the Senate in connection with the SST and employment does not involve the question of diversification or converting the aerospace industry into other areas. The Boeing Co. converted from military work to the production of civilian aircraft and other products a number of years ago.

The issue before the Senate is whether American workers will build this plane or whether those jobs are going to be done by the working people of France, Britain, and Russia.

This would not be a question were it not for the fact that the SST is already flying in Britain, France, and Russia.

So, we have a choice of whether American workers are going to do those jobs.

I, of course, believe that there should, where appropriate, be a gradual conversion in the aerospace industry to other areas in which they can render service to the public and to the economy. This applies to the shoe industry and to other industries seeking protectionist legislation. Why should not these industries convert as well? But, Mr. President, why does not this same argument apply to shoes? Should not shoes be manufactured abroad, too?

Opponents of the program are saying that this plane can and should be manufactured abroad. Why should not shoes and other products which are before the Senate in connection with the trade bill also be manufactured abroad so that the American consumer can get those products at lower prices?

I point out again to my colleagues that one of the major issues before the Senate is whether American workers are going to build this plane or whether it is going to be built by British, French, or Russian workers. That is the same argument, the identical argument, that the protectionists use in connection with the trade bill.

Second, as one who has always supported cloture, I must say that I am a little disturbed by some of my colleagues who are going to vote against cloture should take this position on adoption of a conference report—a situation where there is no justification for extended debate.

Mr. President, the SST has been debated over and over again. It was debated when the bill was being considered in the House and when it was being considered in the Senate.

We are now asked to apply cloture to a situation in which the leaders of the opposition have announced they are going to talk it to death. What more notice do we need as a condition precedent to voting for cloture than the situation that which now prevails in the Senate?

Mr. President, I hope that the Members of the Senate will see to it that this matter comes before the Senate for a vote by voting for cloture.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. GOLDWATER. Mr. President, I yield 15 minutes to the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 15 minutes.

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I can well understand the frustration and concern felt by the citizens of this country when they observe the U.S. Senate bogged down in a seemingly endless, confusing controversy over major issues such as social security increases, the SST, the trade bill, and the Family Assistance Act. But sometimes the people stand to benefit most when action is not taken if the action might be ill advised.

I can recall Charlie Halleck, the former minority leader of the House, when he described the 88th Congress as the biggest do nothing Congress in the history of the country. He said, "The country is probably better for it." Sometimes the country is better off if we do not adopt a particular measure or pass a particular bill.

I do believe that many of the matters pending before the House and the Senate today involve such enormous consequences that no action may well be a price well worth paying to avoid penalizing our citizens for generations to come.

I happen to believe the trade bill is one example. Another example is the SST.

Mr. President, I would like to refer very briefly to the legislative history of the SST. First, it was begun by President Kennedy in 1963 with the statement:

> In no event will the Government's share of the SST program go above $750 million.

With this appropriations bill, we will have invested $920 million in the SST.

Mr. STENNIS. Mr. President, I consider this matter as highly important. Will the Chair see that we have quiet in the Chamber? I can hardly hear the Senator from Illinois, sitting a few feet from him, because of the disturbance in that corner.

The PRESIDING OFFICER. The Senate will be in order.

Mr. PERCY. Mr. President, I thank my distinguished colleague, the Senator from Mississippi.

The Department of Transportation appropriation bill passed the House on May 27. The Senate subcommittee reported the bill on November 25, some 6 months after the House action was taken, spending four times as long considering the bill than was spent on the next most time-consuming bill. In the interim, five other appropriation bills cleared the House and Senate—Agriculture, Public Works, Labor-HEW, District of Columbia, and Military Construction.

The Senate voted down the SST on December 3 by a margin of 52 to 41.

The conference committee was appointed. Those of us who oppose the SST feel very strongly it was stacked against us in the House—which did by a small majority carry the SST. But among Senate conferees the majority of those who favor the SST outnumber those who oppose it, which we believe to be in violation of the Senate rules.

The conference reported a $210 million "compromise" funding for the SST. By doing so it rejected the Senate mandate and it will make the SST more expensive, by the admission of the Secretary of Transportation who indicated that delays would double the cost. Therefore, this costly compromise growing out of the $80 million in the end will cost $160 million more.

We all know that delays cause inefficiency and that the effects of inflation jack up the ultimate cost. I urge the Senate to bite the bullet, to make a decision, which the Senate has made, and the decision is "go" or "no go"—to be or not to be.

As far as the American public is concerned, they are clearly determined that this does not stand up in the order of national priorities. If I were to list the urgent needs of this country, I could not imagine including the SST, the finding of a way to move a relatively limited number of people above the speed of sound. I could not imagine that it would even get on a list of national priorities much less be funded at this level.

Therefore, I recall the statement made by former President Kennedy that this Government should not put in any money above $750 million. If this bill is approved, the Government share would

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be $900 million, and we are a long way from completion.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. I yield 2 additional minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 additional minutes.

Mr. PERCY. Mr. President, I urge that the cloture motion be defeated. I say that first of all because there has not been a filibuster in the traditional sense. There have been no dilatory tactics or delaying quorum calls. I would call myself a leader on the Republican side in connection with the SST. I think this is the first speech I have given since the conference report and I have spoken perhaps a total of a half hour on the floor heretofore.

This is not a filibuster in the traditional sense. There has been an effort to air the issues which, because there are so many questions left unresolved, require appropriate debate and discussion.

The conferees flagrantly ignored the Senate's mandate and thus, the present debate is necessary to uphold the will of the majority.

In conclusion I think that what is at the core of all the controversy surrounding this bill and the others which are being made the subject of long debate is whether our priorities are going to be reordered for all Americans or for the benefit of relatively powerful special interest groups and individuals.

There is no military need for this plane. If there were that would be quite a different thing. But when the military cannot see any benefit from moving men or materiels at this speed, with the cost factor involved, I cannot see a commercial justification for it.

The American people deserve the best, most forward looking, most progressive legislation we can give them, and they deserve more consideration than they have been geeting in this case.

If that requires longer debate, so be it. The future of this country and the ability to reorder our national priorities are worth the price of some extended debate in this matter.

Mr. GOLDWATER. Mr. President, I yield 2 minutes to the Senator from Alabama.

Mr. ALLEN. Mr. President, I am opposed to the SST. I voted against the $85 million appropriation last year and voted against the $290 million appropriation this year. If we get an opportunity to vote on the conference report, I will vote against the conference report and for instructions to the conferees that they insist upon the Senate position in voting against the SST. I do not favor the cloture motion. I do not favor seeing the Senate tell the opponents of the SST that they must vote on the conference report. I am prepared to vote. I would like to vote, and I hope that an agreement can be made later for a vote. I want to see a vote, and have not engaged in the filibuster to prevent a vote.

It is encouraging to see some very distinguished recruits to the noncloture position. I am delighted to see the senior Senator from Illinois (Mr. Percy), the distinguished senior Senator from Wisconsin (Mr. Proxmire), and the distinguished Senator from Maine (Mi Muskie) take the position that cloture should not be invoked in this case. I hope they have enlisted for the duration and that they are going to take this position next year when an effort will be made to amend rule XXII.

Mr. President, I oppose the cloture motion and I will vote against applying cloture with respect to the conference report on the Department of Transportation bill.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. I yield 5 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I was glad to hear the distinguished Senator from Alabama say what he did. Actually the history of cloture was that in the beginning, in the early stages, it was always the minority, which was at that time considered the progressive or the liberal element, that utilized it. It got a bad name only in that period when civil rights was the controversial issue here and that alienated, I think, or caused many people to get the wrong impression of the significance of it.

I certainly shall oppose forced cloture. I have on nearly every occasion I can recall in the history of the Senate opposed cloture.

The senior Senator from Georgia (Mr. Russell) used to make the most eloquent and persuasive argument here. He usually made it on a high plane—and that is what is involved in this case—with respect to the preservation of the system under which we operate, because the Senate is a very important element. Much was said about the Senate being the only legislative body in the world in which this tradition of extensive debate, if one wishes, prevails.

While it can be abused and perhaps has been abused, he used to make a much better argument than I could make now even if I had an hour to do so and not just 5 minutes. But it is far more important than the issue of the SST, or any other, that we preserve the Senate as a functioning institution, and about the only one left which is not completely at the domination and the subjection of the executive department.

When we look around the world today, we find that this is about the only Government that still exists in which the executive is separated from the legislative. All the others have turned into dictatorships. When there has been no separation the executive compares with the President of the Senate and directs and influences the legislative. As it is, we are isolated from the President to a great extent. We communicate with him through the press, television, and individual statements, but I think it is extremely important beyond the significance of the SST that the Senate grow and that our Government be preserved.

In this case, in connection with the SST, there has not been any delaying action. The Senate has spoken on the merits and decided on the merits that the SST at this time is not in the national interest.

Under our traditions we appoint conferees. The tradition is that the conferees should represent the sentiment of the Senate. That tradition is followed more in the breach than in actuality. The truth of the matter is that in many cases the conferees do not represent the sentiment of the Senate, in my opinion. They did not here. And so they go to conference, and a few men, especially those in the Appropriations Committee—and I will come to that at a later stage—especially if the senior members happen not to agree with the Senate, are in a position to undo what the Senate has deliberately decided is the policy of the Senate, after debate, without the pressure of cloture, as to what the proper policy is.

I think if we give in and accept cloture and accept a vote, in which the SST is simply part of a much bigger bill, in most of which all of us are interested——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. May I have 2 minutes?

Mr. PROXMIRE. I yield 2 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. In which we are all interested—I guess 90 percent of the Members of the Senate are for the rest of the bill—I think it will put us in an intolerable position. Rather than do that, it strikes me a better alternative would be to adopt a continuing resolution for all the Department of Transportation, or if there is a way to separate the SST item from it and have another debate, if Senators like, on the SST in the next Congress, not under the gun of its being charged as a filibuster, when we are not filibustering, that would be a better way. There have not been more than 2 or 3 hours of debate, at the most, on this item since we acted on it before.

But beyond that, all Senators, aside from what they think about the SST or any one of these specific provisions, should be interested in preserving the Senate's role.

One comment about last night. It was a most interesting closed session. At the moment I accepted the idea that the Senate was showing up badly in the eyes of the public, and even in our own eyes. When I got home and started thinking about it, I rejected that idea. I think what the Senate is doing now is stirring itself, trying to reassert its traditional role in our Government, and that is to have some influence on the course of events on most important national policies.

There seems to be the idea that if, for some reason or another, the House is adamant, the Senate must give in. Again, history shows, when that is done, all upper bodies, whether they were called senates or comparable bodies, have become ceremonial bodies, just like the House of Lords. If we do not stand up, that is what the Senate will become, and you will have a nice, prestigious job with absolutely no responsibility.

Mr. BIBLE. Mr. President, I yield 2 minutes to the distinguished Senator from Washington (Mr. Magnuson).

Mr. MAGNUSON. First, Mr. President, I ask unanimous consent to have printed at this point in the Record an editorial which appeared in this morning's Washington Post.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Filibuster Senate

For some years this newspaper has contended that the Senate is not a modern legislative body because of its toleration of unlimited debate. During the last few weeks the Senate itself appears to have proved the point beyond the shadow of a doubt.

The filibusters in the lame-duck session have been of the mini variety, but their result has been to throw the legislative program into a state of deep confusion and frustration. The Senate has been literally unable to cope with several of the great issues of the day because a few of its members insist on thwarting the majority will. There was a time when the word "filibuster" conjured up images of long-winded Southerners talking a civil rights measure to death. Now it is the commonest tactic of liberals and conservatives alike and of tiny factions as well as large minorities.

Despite the great pressure on the Senate to clear its congested calendar in the few days that remain, Senators Fulbright and Gravel held up the foreign aid bill for two days in a futile effort to convince their colleagues that the proposed $255 million in aid for Cambodia would lead to a commitment to the present regime in that country even though the legislation itself would prohibit the President from sending in any ground troops or military advisers. Fortunately a vote was finally permitted. The Senate has been further plagued by threats of extended debate on the trade bill and on the conference report involving the controversial SST project. This newspaper has opposed both the trade bill and the SST, but we do not condone stringing out the debate so as to prevent a vote.

The basic trouble is, of course, that the Senate has dawdled along through most of its 1970 session. Several long filibusters when the pressure was less intense left it with an unmanageable burden as the end of the session approached. Undoubtedly many of its debates were highly educational, to use the euphemism customarily employed by the filibusterers themselves. The seven weeks of discussion of the Cooper-Church amendment to limit the war in Cambodia, for example, was of truly national significance. Yet the fact remains that a legislative body confronted by a mountain of vital issues can no longer afford the luxury of unlimited debate on anything.

Nor is there any real hope in the cloture rule which can be invoked only on a two-thirds vote. It is rather an invitation to the obstructionists to keep on talking. One of the most constructive proposals to come before Congress in recent years—the proposed constitutional amendment for direct election of the President—failed a few months ago because the Senate majority in favor of it could not muster a two-third vote to end a filibuster. In our view, the Senate's first order of business in 1971 should be reform of its cloture rule.

Mr. MAGNUSON. Mr. President, the Senator from Arkansas just mentioned that this has been a short discussion, and not a filibuster, or perhaps an educational discussion, or whatever one wants to call it. I proposed yesterday, in the closed session—there was not anything particularly secret about it—to those who opposed the Department of Transportation appropriation bill, that they might agree upon a time certain to vote. It could be next week. It could be January 2. We would give them all the time they want. They rejected that suggestion.

For many years I have voted to have the Senate come to a vote after what was in my mind a reasonable time for debate. The question of filibuster is a relative one. It is a question of whether now we have got to the point where a minority in the Senate wants to tie up the majority, whether it be on the SST or anything else.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. May I have 2 more minutes?

Mr. BIBLE. Mr. President, I yield the Senator from Washington 2 more minutes.

Mr. MAGNUSON. I naturally have an interest in this. We had a conference. If the Senator thinks that when we appoint conferees they are supposed to go to conference and sit in the conference and demand that the Senate's position be upheld, then when the House conferees uphold their own position, we will never have a law passed in the Congress. A compromise is supposed to be just that—it is a compromise.

The Senator from Illinois said we did not compromise. We did. Some people do not like the compromise. I have been on many conferences on appropriations. I have never yet been able to satisfy everybody. But we tried to reach a compromise consistent with the views of each body. It was an honest conference. Conferees on the Department of Transportation appropriation bill are not appointed simply on the basis of their position on the SST. That is only one minor part of the bill. The big point in the conference was the matter of mass transit, and that is important to me, and to all of us, and it is important throughout the country. I have fought for it many times. Some of the conferees who were for the SST were against that. Is that correct?

Mr. PERCY. Mr. President, if the Senator will yield to me, I will take only 1 minute on our time.

Mr. MAGNUSON. I do not have enough time.

Mr. PERCY. On our time.

Mr. MAGNUSON. I will yield on the other side's time.

Mr. PROXMIRE. Mr. President, I yield 1 minute.

Mr. PERCY. When I use the word "compromise" I could not now put into verbalization the language I used at that time, because I gave those notes to the reporter and they were in quotes, but I can say it is no compromise as far as I am concerned. When it comes to dilatory tactics, it was by the proponents of the SST, who refused to let the Senate consider it because they did not want the proponents of the SST taking a position on it before the election. They tried to protect them from taking a position on the SST. That is where the dilatory tactics were. We have had less than 1 hour's debate on this issue on the floor. That is not a filibuster.

Mr. MAGNUSON. I think the Senator from Michigan put it well. I have no qualms about voting for cloture. I have always wanted the Senate to work its will. I guess I have voted for cloture more than any other Member of this body, after a reasonable time for debate, so the Senate could work its will. Many Senators who are now going to vote against cloture have voted for it at other times. That is their business. I could put into the Record a record of the votes that certain Senators cast on cloture in the past, but that is their problem.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. May I have half a minute?

Mr. BIBLE. I yield half a minute to the Senator from Washington.

Mr. MAGNUSON. May I say this to the Senator from Maine? We are concerned about our balance-of-payments deficits. I am concerned about American industry. But here is the most amazing thing: The one thing we have that is the most exportable is airplanes—cash on the line—and we are superior to everyone in the world in that. It is the most positive aspect of our balance of trade, also.

Mr. BIBLE. Mr. President, I will insist upon staying within the time limitation.

Mr. MAGNUSON. All right. I do not know how one can take one position on this and one on other issues.

Mr. BIBLE. Mr. President, may we have this discussion at some other time?

Mr. MAGNUSON. I want to say I am going to vote for cloture.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, may we have order in the galleries, in the Chamber, and especially in the rear of the Chamber?

The PRESIDING OFFICER. There will be order in the Senate and in the galleries.

Mr. BIBLE. Mr. President, I notice by the clock that we have 20 minutes remaining. How much time do we have left on each side?

The PRESIDING OFFICER. One minute remains to the Senator from Nevada, 13 minutes remain to the Senator from Arizona, and 8 minutes remain to the Senator from Wisconsin.

Mr. BIBLE. Mr. President, I reserve my 1 minute.

Mr. GOLDWATER. Mr. President, I yield 2 minutes to the Senator from Alaska (Mr. Stevens).

Mr. STEVENS. Mr. President, I have never voted for cloture, but I intend to do so today. There is much more in this bill than the SST. There is money in it for controllers, there is money in it for CAB carrier payments, there is money in it for the Alaska railroad. I do not see how we possibly could hold up all of the increases that are in the bill—

Mr. BIBLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Conversations will cease.

Mr. STEVENS. I do not see how we could hold up all the increases involved in the bill because of the dispute that

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exists between the House and the Senate on the SST.

The House of Representatives has three times said it wants the SST. By a narrow margin the Senate decided not to fund the SST program. In the process of the conference, the committee approved a lower funding for the SST.

I think the SST appropriation itself is miniscule in relationship to the rest of the benefits of this bill, and suggest that those who oppose the SST can work their will next year if they decide to do so. But I believe this measure should go ahead. I can state very clearly that if we cannot get cloture on a bill of this magnitude and importance to all the transportation industries of this country, then I think rule XXII has to be changed, and I shall assist in seeking to do it next session.

The **PRESIDING OFFICER**. Who yields time?

Mr. **GOLDWATER**. Mr. President, I yield myself 4 minutes.

Mr. President, for the first time in my career as a U.S. Senator, I put my name to a petition for cloture, and I shall, for the first time, and maybe the last time, vote for it.

I have a reason. Mr. President, I have sat through almost all of the debate, if we can call it that, on this issue. I was subjected to the pressures last fall, when we left here—and I think that is where this SST got in trouble—when conservation groups—and I am a member of nearly every one of them—met with Senators when they went home, and started relating mythology as it applies to ecology.

Mr. President, I have studied in this field most of my life. I have spent 41 of my 61 years flying. I have done something no one else in this body has done: I have been up there. I have flown at 81,000 feet, at 3.1 mach, and I can tell this body there is nothing happening there that will harm the ecology of this world of ours. Nature itself, Mr. President, does more damage to our environment than man does or man ever will—not that man does not add to it; he does. But to say that the SST is going to cause the icecaps to melt, is going to cause ozone to form, is going to circle this earth with moisture, is nothing but pure unadulterated poppycock.

Mr. President, I shall vote for cloture for that reason. I have heard a lot here about what supersonic flight will do. We have had 538,000 supersonic flights in this country. That works out to about 107,000 a year, about 10,000 round trips to the nearest shores of Europe a year, or about 25 a day. And, Mr. President, there has never been one single complaint lodged with the military, which has made these flights, by the scientists or by any interested citizen.

Yes, we get an occasional complaint about the sonic boom. I live in probably the most heavily boomed part of the country, with maybe 20 to 50 a day, and I will have to say it is not pleasant, but you get used to it. I am not using that as a defense, but we are making progress in this field of the sonic boom, and I think we will some day have it down to the point where it is not objectionable at all.

I think this discussion throughout has been more on an emotional basis than on a basis of science and facts. I look on this aircraft as a research and development project, and I think we would be utterly stupid to stop it. It may be true that the airlines do not want it tomorrow, or next year; but some day, some year, some airline in this world is going to want an SST, and if they have to buy that aircraft from Russia, from West Germany, from England, from France, or from Japan, the United States is going out of the subsonic aircraft business, and we will then have lost the last major industry that we dominate in this world.

Mr. President, we have heard about sideline noises. We have not even developed the engine yet; how can a scientist tell what the sideline noises will be?

I can tell you what I have heard. I have listened to a simulation or a mockup, and the engine noises of the SST are 4 decibels lower than the approach noises of a 707. You cannot tell the difference in 4 decibels.

The **PRESIDING OFFICER**. The Senator's time has expired.

Mr. **GOLDWATER**. I yield myself 1 more minute.

You cannot tell the difference in 4 decibels, but you can in 12. And this engine, theoretically at least, will develop 12 fewer decibels on takeoff, in community noise, than the 707. And I might add, Mr. President—I wish we could have the chart in here but we cannot—that the community noise level of the SST as projected will be less than that of the 727, the 707, or any of the smaller jets.

Mr. President, I intend to vote for cloture for the first time in my life on this measure, because I think we have passed the area of commonsense, and are dealing entirely in emotion here, and in facts that cannot be substantiated.

I ask unanimous consent, without inferring any reflection on the two Senators, to have printed in the RECORD at this point in my remarks a diagnosis that has been made of the statements of Senators NELSON and HUGHES contained in the CONGRESSIONAL RECORD of December 17, 1970, to point up what I have been trying to bring out.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESPONSE TO SENATORS' NELSON AND HUGHES STATEMENTS CONTAINED IN THE DECEMBER 17, 1970, CONGRESSIONAL RECORD (PAGES 42092 THROUGH 42190)

SENATOR NELSON

Statement

We know the Department of Transportation has to be funded. There is a very simple answer to that: Pass a continuing resolution, fund the Department of Transportation without the SST funds in it. As a matter of fact I suppose there would be no problem with bringing up a continuing resolution with the SST fund in it and then having a vote as to whether we include it in or not. We will vote again and get the decision of the Senate again to eliminate the SST funds, which we would do, and pass the continuing resolution. It is our responsibility. Let us not hold the Department of Transportation budget as hostage because we have some people who insist on the other side that we have to have funds for the SST.

Response

SST Program critics have ignored and continue to ignore the benefits of the SST while carrying on a campaign to "kill it" at any cost.

The 87th through 81st Congresses conducted 15 separate appropriation hearings on the SST and in each case concluded that the public value was justified. To date, $708 million in appropriations have been voted for this program. The program has been reviewed nine times by the special committees of the House and Senate—a total of 24 Congressional reviews. In addition, support for the program has been expressed within the past 60 days by all affected members of the President's Cabinet as evidenced by their letters which have been made a part of the Senate Subcommittee appropriation hearings.

The Executive Council of the AFL–CIO during its session on 3 August recognized the employment benefits of the SST by adopting a supporting resolution which its President, Mr. George Meany provided for the record. However, the SST's potential benefits are manifold and not just limited to some 50,000 direct jobs in the aircraft industry and 100,000 or more supporting activities as implied. In addition to providing substantial employment, national benefits will be realized in all areas of economic life of the Nation; in helping to maintain a strong, competitive aircraft and airline industry, contributing technological techniques in manufacturing and materials applicable throughout all industry and providing a positive contribution to the U.S. balance of payments through the export trade account.

Also, the importance of the SST in providing service to the public and in relieving airways and airport conjestion is further emphasized by the fact that in 1985 fewer SST's will carry as many passengers as the total 1969 Free World Traffic.

Statement

I agree with that sentence, too. He continues:

But there would have been no question about continuing the present experimental program except for the political power of the conservationists lobby on Capitol Hill.

I agree with that sentence, too. In fact I am thrilled by the idea that the environmental issue has come of age in this country and that it is going to be considered henceforth. It is going to be woven into the discussion of every technological development we get involved in henceforth. It is a historic development in the dialog about the status of the human and all other species. Everybody should be pleased that it has happened.

Now, I shall read the next sentence.

The arguments of the conservationists are weak because they are very largely unproven.

Well, that is the sentence with which I disagree, that the arguments are weak because they are unproven. It is true that some of the arguments are unproven, and others are so obvious that it would hardly take any more proof to conclude that the environmental consequences are serious.

Response

The Office of SST Development has been and is well aware of the environmental concerns relative to the SST.

First of all it should be established that the Office of SST Development is in full accord with Mr. Train who is the Chairman of The President's Council on Environmental Quality when he says that further study is necessary. From the outset, the SST development program has taken into account a number of concerns about the environment. Recently more questions have been raised and many theories postulated. However, according to existing data and available evidence, there is no evidence of likelihood that SST operations will cause significant adverse effects on our atmosphere or our environment. That is the considered opinion of the scientific authorities who have counseled the government on these matters over the past five years. Nevertheless, the desired degree or certainty about these matters has not been attained and, for this reason, we have formed an Environmental Advisory Committee composed of some of the most knowledgeable atmospheric specialists in the United States to further explore and advise on these matters. The Committee will suggest and plan research in any areas where lack of information, doubts or uncertainties still exist. Where further research is necessary, it will be conducted so that more concise answers will be available in the 1973–1974 time period. This assures that before U.S. SST production is initiated the most expert scientist in the United States will have available pertinent information and definitive data necessary to determine whether or not environmental degradation could result from any SST fleet operations.

Statement

Just 10 years ago a very great lady, Rachel Carson, wrote a book called "Silent Spring." You all remember that. Rachel Carson raised the alarm that we are polluting and degrading the environment worldwide by the indiscriminate use of pesticides and herbicides. It was a great book.

The entomologists and many others attacked her. They said she was not qualified to reach those conclusions; she was a foolish alarmist; her case was unproved. She was attacked all across the country by the chemical industry, the herbicide industry, the pesticide industry, agriculture authorities, scientists of all kinds. They attacked Rachel Carson because her case was unproved and she exaggerated—a terrible exaggeration, they said.

I remember the issue very well because 6 years ago I introduced a bill to ban the use of DDT, and I could not find any Senator who would cosponsor it.

Response

Rachel Carson is deserving of substantially more recognition than has ever been accorded her efforts. She did a service for mankind in pointing out a potential problem and research was undertaken as a result of her efforts. She has in a very real sense contributed in a positive sense to the structuring of the SST program. This is a program in which the research is being undertaken before the decisions are reached.

Statement

Senator PROXMIRE has made a most thoughtful and telling case against it from a budget and financial feasibility aspect. He has made a superb case. But he lost all those lonely battles until the environment got involved.

Response

The financial and environmental aspects of the SST program are favorable when viewed in their proper perspective.

In fact the SST program has a consistent record of congressional support as evidenced by the following:

1. The 87th through 91st Congresses conducted 15 separate appropriation hearings on the SST and in each case concluded that the public value was justified. To date, $708 million in appropriations have been voted for this program. The program has been reviewed nine times by the special committees of the House and Senate—a total of 24 Congressional reviews. In addition, support for the program has been expressed within the past 60 days by all affected members of the President's Cabinet as evidenced by their letters which have been made a part of the Senate Subcommittee appropriation hearings.

2. It should also be noted that: The Executive Council of the AFL–CIO during its session on 3 August recognized the employment benefits of the SST by adopting a supporting resolution which its President, Mr. George Meany provided for the record. Moreover, Congress has continually recognized that the SST's potential benefits are manifold and not just limited to some 50,000 direct jobs in the aircraft industry and 100,000 or more in supporting activities as implied. In addition to providing substantial employment, national benefits will be realized in all areas of economic life of the Nation; in helping to maintain a strong, competitive aircraft and airline industry, contributing technological techniques in manufacturing and materials applicable throughout all industry and providing a positive contribution to the U.S. balance of payments through the export trade account.

Additionally the importance of the SST in providing service to the public and in relieving airway and airport congestion is further recognized by the fact that in 1985 fewer SST's will carry as many passengers as the total 1969 Free World traffic.

The environmental concerns over the SST are to a great extent a red herring. Two prototypes are not going to disturb this planet's environment. The environmental impact statement submitted by the Department of Transportation also indicates there is little to be concerned about with a fleet of SST's. In any case, the two prototypes and parallel study programs are expected to resolve prior to production whether any of the concerns are real.

Statement

What kind of a priority is that?

I do not really care whether my old pal, who has to suffer the consequences of going to London three times a year on business for his corporate clients, is saved 3 hours each way or not. That does not matter very much. Who is going to ride it? Its only virtue is speed. That is all; it has no other virtue. And that virtue has already been compromised; because you cannot fly it over the land at supersonic speed. Everyone concedes that.

Response

To put the role of American air travellers in proper perspective it should be noted that air travel is considered a dominant mode of travel which is continually growing. In 1969 over 50 million citizens (25% of U.S. population) travelled by air. In 1985 it is estimated that over 151 million citizens will be travelling by air. 25 million on international routes planned to be serviced by the SSTs. Without a new generation airplane having the productivity and capability of the U.S. SST the demand for larger fleets would have significant repercussions on airways congestion, airports, airlines and on fare levels and traffic growth.

Advantages of the SST are not limited solely to saving time for air travellers. The importance of the SST in providing service to the public and in relieving airways and airport congestion is further emphasized by the fact that in 1985 fewer SST's will carry as many passengers as the total 1969 Free World traffic. Further, the SST's potential benefits are manifold. They will provide substantial employment, national benefits which will be realized in all areas of economic life of the Nation; in helping to maintain a strong, competitive aircraft and airline industry, contributing technological techniques in manufacturing and materials applicable throughout all industry and providing a positive contribution to the U.S. balance of payments through the export trade account.

Finally with regard to SST productivity and profitability it should further be emphasized that SST economic studies for the past several years have been based on the assumption that SST operations will be restricted because of the sonic boom. The 500 SST base market estimate prepared for the FAA by the Institute for Defense Analyses, was based on this assumption as was Boeing's analysis of 142 major international routes that resulted in a 515 market by 1989. Moreover, the 500 SST market was based on a 1966 traffic forecast that is already 25 percent below actual traffic in 1969. Updated traffic distribution by length of route and more accurate income distribution data, when combined with a revised traffic forecast, produce a new market estimate for the SST 50 percent higher than the original 500 SST estimate.

Statement

Will it change the migration of great flocks of the wide varieties of birds that fly all over the world, between the continents; that migrate from North to South and East to West, from island to island in the Pacific, from Canada to South America and from South America to Africa? What will happen? Will it change their flight patterns, throw them off course? Who knows?

Will they fly into an area where every 30 minutes, there is a sonic boom 50 miles wide at 132,000 pounds per acre? Does anybody know whether it will turn them around, whether they can stand that buffeting? In fact, they will get hit with a slug about their own weight. The Canadian goose would get hit with more than that because he is much bigger than a square foot. What will happen? Nobody knows. So let us go ahead and do it and find out. After all the argument that they may be seriously affected is unproven.

Response

To date there have been better than 536,000 hours of supersonic flight accumulated using various types of aircraft. The Department of Transportation has checked with the Department of Defense where most of this flight time has been accumulated, and there is no evidence to indicate that migrating birds have been affected in any way whatsoever. One of the purposes of the prototype program for the SST is to develop answers which will afford the basis for subsequent decisions. This applies to the environment, to the ecology areas, as well as to commercial production of a fleet of supersonic commercial transports.

Statement

On top of it all, I have not even seen a word from anybody, even the scientists—not a word about the delicate life systems on the surface of the ocean. They are part of that great living body, that little area just along the surface, where tens of billions of little insects and other living creatures exist and breed and are used and eaten by other marine creatures. Will it affect them? Nobody knows. So, since the case is unproven, let us try it.

What has happened? We are now well on our way to the final destruction of the productivity of the oceans of the world. There is not any doubt about that. The question is, How many years? That is the question, not whether it will happen, but when will it all be over. And it will all be over unless we reverse the trend of the deterioration of the ocean's environment.

Response

The Office of SST Development has dealt with this and other questions extensively. The sonic boom will not be heard along the entire route of the SST as it must fly subsonically at each end of its flight for approximately 100 miles when approaching and leaving coastal airports. Hence, life in these coastal regions cannot be affected. With regard to the possible effect of the SST sonic boom on marine life, Dr. John C. Calhoun, Chairman of the National Academy of Sciences Committee on Oceanography, informs us that—"A substantial amount of work has been done on the effects of explosions in air, which demonstrates clearly that acoustic energy is transmitted very inefficiently from the atmosphere to the ocean. Other experi-

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ments on attempts to influence fish acoustically are trivial if detectable."

A special report to the Secretary of Interior also indicates that it seems unlikely that the pressures from sonic boom could have any effect on aquatic life, especially "since the overpressures from sonic booms are much less than differences in pressure between the top and bottom of a small ocean wave."

For more than 20 years, military aircraft have been conducting extensive supersonic operation off the East and West coasts of the United States, as well as other ocean areas throughout the world. To date, no Government agency including the Air Force, Navy and the Coast Guard have received any sonic boom complaints or damage claims resulting from this overocean supersonic operation. During this period of time, boats and ships of all classes, fishing industry operations and the like have been frequently exposed to sonic boom with no adverse effect on them.

Statement

Well, it does not do any good to build these two prototypes, for they will prove nothing. They are not going to prove anything about the stratosphere. We already have all kinds of military planes that fly faster than this one. They can be put up in the stratosphere. We do not need to build a prototype to prove what will happen up there. I strongly doubt that very much can be proved up there, in any event. You can just go ahead and do it and find out whether you have created a world of disaster. Because what you are dealing with at 65,000 feet is the very fragile, very stable atmosphere, and we do not have a great deal of knowledge about it.

Response

Nowhere has it been claimed that the sole purpose of the SST is to prove out the effects on the stratosphere.

First and foremost the objective of the Supersonic Transport Program is to develop a commercial supersonic airliner which is safe for the passenger, economically sound for the world's airlines, and whose operating performance is superior to that of any comparable airplane. The program is an investment intended to insure the continued growth and prosperity of a vitally important sector of the National economy—air transportation.

This objective must be accomplished within constraints imposed by the Government to protect U.S. and world citizens. Protection is not limited to passengers' safety of flight but includes protection of world citizens from potential hazards of noise, environmental pollution, sonic boom and possibly other yet unknown phenomenon.

If there were nothing more to be learned about the environment than could be learned using current equipment and if sufficient data were available from the suggested sources, there would be no environment questions concerning the SST. However, since there is nothing available that can duplicate the SST flights, and since the environmental questions continue to exist, there appears to be no substantiation to Senator Bayh's claim.

Now insofar as the employment aspects are concerned, it has already been demonstrated and continues to be demonstrated at this very moment that you cannot develop programs and put people to work in them just by saying so.

We do not have "all kinds of military planes that fly faster than this one" and we have none that can sustain supersonic flight at SST ranges. There are none of the SST size that can exceed the speed of sound. While we do not believe there is any problem in sustained supersonic flight at SST altitudes, the only aircraft that came anywhere close to being able to gather data are the Concorde and TU-144.

Statement

It is like the SST. They say if we stop production it will not make any difference because someone else will fly it. If the Russians and the British and French are going to build their Concordes and their TU-144's and fly them in the stratosphere and pollute the earth with sonic booms, let us join them. If they are going to engage in destruction, we have to join in destruction, too.

So, the jurisdiction is in mankind. If there is an issue here which is important—and there is—and which involves all mankind, it is that the environment is shared by all mankind. We all share a part of the same environment in the oceans and in the atmosphere. So, we share a responsibility.

We are the only creature that intrudes into the environment, degrades it, and destroys it for other creatures. We have a responsibility to protect the environment and we are risking great danger if we go ahead and deploy the SST.

Response

First of all, to my knowledge, no one from the Department of Transportation has ever stated that we should join with the Russians and the British and French for the express purpose of polluting the earth with sonic boom as these statements imply. This is an absolute distortion.

Now in the area of jurisdiction it is agreed that this rests in mankind, *who should act responsibly*. Our people have taken the lead in sponsoring research efforts in order to resolve the many unknowns associated with such a program as this. We are acting responsibly toward mankind's interests and to suggest that our effort be halted would be to act irresponsibly.

Statement

The only purpose to build the two is to build 500 and if they build two, do not forget the race is on because if we build it the French and the British will feel they have to build it and subsidize it, if necessary, and the same is true of the Russians; but if we do not build it and tell them that they cannot land it here in this country the ball game is over. It is not really very important to spend money to find a quicker way to send about one-tenth of one-hundredth of 1 percent of the population, or whatever it is, to Europe.

Response

First and foremost the objective of the Supersonic Transport Program is to develop a commercial supersonic airliner which is safe for the passenger, economically sound for the world's airlines, and whose operating performance is superior to that of any comparable airplane. The program is an investment intended to insure the continued growth and prosperity of a vitally important sector of the National economy—air transportation.

This objective must be accomplished within constraints imposed by the Government to protect U.S. and world citizens. Protection is not limited to passengers' safety of flight but includes protection of world citizens from potential hazards of noise, environmental pollution, sonic boom and possibly other yet unknown phenomenon.

Statement

Mr. President, I think the testimony of Dr. Richard Garwin, which starts on page 1623, should be put in the RECORD in full, because I can tell from the mail I get that people around the country do not know that the President's scientific committee came out against it. I get letters from people saying, "What kind of a nut are you? You do not know anything about engineering flight. You are trying to stop progress. Your environmental questions do not amount to anything. You cannot solve them until you get the supersonic transport."

They do not know that the head of the scientific committee for the President is on our side. So I think we ought to put it in the RECORD so that everybody can have a careful look at what Dr. Garwin said.

Response

While we value every man's opinion, let us look at the opinion of many distinguished scientists throughout the country.

The following statement, prepared by the President's Science Adviser, Dr. Edward E. David, Jr., has been endorsed by a group of distinguished American scientists who opposed the action of the United States Senate in denying funds to continue experimental work on the Supersonic Transport Aircraft:

"The recent Senate Action denying funds for experimental work on the Supersonic Transport represents the wrong approach in dealing with new technology. Our society must not suppress technological advances, but through research, development, and experimentation make sure that those advances are obtained without undesired side effects. Instead of canceling work on the SST, we should mount a vigorous program of experimentation aimed not only at solving the technical problems of economic supersonic transportation but also at assuring no undesirable effects."

The following eminent scientists have expressed individual support for this statement (affiliations are given for identification purposes only):

Dr. Harold M. Agnew, Los Alamos Scientific Laboratory, Los Alamos, New Mexico; Dr. Ernest W. Anderson, Iowa State University, Ames, Iowa; Dr. Charles A. Barth, University of Colorado, Boulder, Colorado; Dr. Raymond L. Bisplinghoff, National Science Foundation, Washington, D.C; Dr. Robert A. Charpie, Cabot Corporation, Boston, Massachusetts.

Also, Seymour J. Deitchman, Institute for Defense Analyses, Arlington, Virginia; Dr. Stark Draper, MIT Instrumentation Laboratory, Cambridge, Massachusetts; Dr. Eugene Fubini (formerly IBM), Washington, D.C.; Dr. Thomas Gold, Cornell University, Ithaca, New York; Dr. Robert Milton Howe, University of Michigan, Ann Arbor, Michigan.

Also, Dr. Richard H. Jahns, Stanford University, Stanford, California; Dr. William W. Kellogg, University of Colorado, Boulder, Colorado; Dr. Winston E. Koch, Bendix Corporation, Detroit, Michigan; Dr. Eric B. Kraus, University of Miami, Coral Gables, Florida; Dr. Paul W. Kruse, Jr., Honeywell, Inc., South Hopkins, Minnesota.

Also, Dr. Helmut D. Landsberg, University of Maryland, College Park, Maryland; Dr. Frank T. McClure, Johns Hopkins University, Silver Spring, Maryland; Dr. William G. McMillan, Jr., The Rand Corporation, Santa Monica, California; Dr. Ruben F. Mettler, TRW, Inc., Redondo Beach, California; Dr. Rene H. Miller, Massachusetts Institute of Technology, Cambridge, Massachusetts.

Also, Dr. Wilbur R. Nelson, University of Michigan, Ann Arbor, Michigan; Dr. William A. Nierenberg, Scripps Institution of Oceanography, LaJolla, California; Frank A. Parker, Jr., Research Analysis Corp., McLean, Virginia; Dr. Walter O. Roberts, Univ. Corp. Atmospheric Research, Boulder, Colorado; Dr. Leonard S. Sheingold, Corporate-Tech. Planning, Inc., Waltham, Massachusetts.

Also, Dr. Chauncey Starr, University of California, Los Angeles, California; Karl V. Steinbrugge, Pacific Fire Rating Bureau, San Francisco, California; Dr. Henry S. Stillwell, University of Illinois, Urbana, Illinois; Dr. C. Guy Suits, Crosswinds, Pilot Knob, New York; Dr. Edward Teller, University of California, Berkeley, California.

Also, Dr. Frederick E. Terman, Stanford University, Stanford, California; Dr. Milton J. Thompson, University of Texas, Austin, Texas; Dr. G. L. Von Eschen, Ohio State University, Columbus, Ohio; and Dr. Eric A. Walker, Pennsylvania State University, University Park, Pennsylvania.

SENATOR HUGHES

Statement

We would be ill-advised if we took on faith the assurance that SST's would be banned from flying over land areas of the United States. We would be derelict in our duties if we neglected to press for this legislation even before we vote to appropriate any funds for the SST. I do not want the Senate to be put in the position next year, if funds for the SST are somehow continued, of being told that our restrictions are to be disregarded because the money we had spent on the SST would be wasted unless it was allowed to fly over land areas.

Response

The President and the Secretary of Transportation have stated that supersonic flight which would produce a sonic boom will not be permitted over the United States. Since that pronouncement in September 1969, the FAA has issued a Notice of Proposed Rule Making which clearly establishes that sonic booms will not be allowed over land in this country.

An addition to the President's statement and the FAA proposed rule concerning sonic boom, Public Law S–4547 prohibiting flights by commercial aircraft at sonic-boom producing speeds over the United States, its estuaries, islands and territories has been passed by the Senate, and awaits only action by the House.

Statement

The most important consideration in the minds of the people who have written to me has been the predicted impact of the SST on the environment. What damage the SST will do to the upper atmosphere remains an unanswered question. What damage the sonic boom will cause is more certain, because we have decided to ban such boom-causing flights over our own land. More research needs to be done on these questions, of course, but I believe that the wise policy is to ask and answer the questions first—then make any decision to go ahead with production of a potentially dangerous plane.

Response

The Chairman of the Working Group on Climatic Effects at the referenced MIT-sponsored meeting was Mr. W. W. Kellogg, Director of the Laboratory of Atmospheric Sciences of the National Center for Atmospheric Research. In a letter to the Director of SST Development, Mr. Kellogg made the following pertinent observations which tend to dispel the "expressed great concern" . . .

"The purpose of this letter is to clarify some of the conclusions of the report of the Study on Critical Environmental Problems (SCEP, commonly known as the MIT Summer Study)."

"It seems that one particular statement in our report has been misunderstood by the press, and I would like to make the record perfectly clear."

"Nowhere have we indicated that we believe the SST development should be held up or delayed pending the results of this study."

Additional information which should alleviate concerns and uncertainties associated with the program is contained in a memorandum to the President from Mr. Russell E. Train, Chairman of the Council on Environmental Quality. It states in part:

"As my testimony before the Joint Economic Committee sought to make clear, the concerns and uncertainties which this Council has identified relate solely to the possible future operation of a fleet of commercial SST's. The two prototype SST commercial aircraft, as proposed by the Administration, would not in themselves give rise to any significant environmental problem."

Statement

My point is that we have not yet sunk as much as other nations into building an SST. Those nations, understandably, want to justify and protect their investment. They, like many of our own contractors, want to try to capture the supposedly large market for SST's. We in America, however, do not need the SST for our fine aircraft industry to survive. Even if the greatest hopes of these nations were fulfilled—and they built a popular SST while we did not—our own loss would be relatively minor: At the most an outflow of money to those nations and the failure of some jobs to materialize. Those are minor problems, in my opinion, because we could easily make up the difference in foreign sales and domestic employment by turning our aircraft industry to the equally promising fields of short-takeoff-and-landing and vertical-takeoff-and-landing aircraft.

Response

Aside from the statistics which totally disregard the true impact on people in terms of career disruptions, family dislocations, school considerations, etc., the prototype phase of the program is being conducted only to demonstrate the viability of the production aircraft. In the production phase, the SST will provide 50,000 direct jobs and more probably concern 150,000 jobs. These will entail high paying employment for skilled craftsmen in an area in which the United States is dominant.

To default the SST program will export this employment and the benefits which accrue as a result of such employment to foreign countries. That we should strive to move from a position of dominance to one of lesser stature hardly appears a reasonable approach to solving employment problems of this country.

Apparently the British and French who are building the supersonic Concorde aircraft are not in agreement that an SST will be regarded as not being useful and desirable by society.

What really happens when a U.S. SST is replaced by a Concorde? The demand for goods and services in the U.S. economy is finite and in a competitive economy a finite number of employees are required to produce those goods and services. The loss of U.S. SST sales would result in loss of both primary and indirect employment opportunities.

From all indications, forfeiture of the long-term SST program, in favor of higher immediate welfare expenditures would be a "penny wise-pound foolish" policy. In 1968 the net contribution to the U.S. balance of payments from aerospace product exports was $2.6 billion, of which $2.1 billion was in civil aircraft and aircraft parts. Without a market follow-on to the large-capacity subsonic jets, that export advantage will recede and the economic benefits of U.S. aviation leadership will decline or disappear.

Looking only at the aircraft trade account, the balance of trade impact has been revised from the 1969 estimate of a $17 billion swing from the trade effect with a U.S. SST program to the effect without an SST program. The swing in the aircraft trade account under realistic assumptions is now estimated to be almost 100% greater or $30 billion.

The greater balance of trade impact reflects several more realistic business considerations. Without a U.S. SST, a Concorde II design with better economic potential is highly probable. There are indications this may occur in any event. The consortium producing the A–300B is estimating sales of 400 airplanes, excluding U.S. airlines, but are no doubt counting on sales to U.S. carriers as replacement for the 727–200 and the DC–9–30 when traffic density necessitates. Offset agreements providing for participation by foreign manufacturers in U.S. programs are currently in effect for over $2 billion, and should be at least this much in the period to 1990.

The higher impact on the balance of trade reflects the sales appeal of a family of aircraft offered by foreign manufacturers, the Concorde/A–300B/Mercure. Without an SST, U.S. industry will be offering only a 747/trijet family. There are no plans at present to produce any other advanced jets, particularly designs that would be competitive with the A–300B and the Mercure. It is very likely that U.S. airlines will be interested in the two-engine airbus and the 134-seat Mercure, in view of sales prices that will probably be below those of the jets now offered by U.S. manufacturers.

Regarding probable production of V/STOL and STOL airplanes to replace the SST Program, the industry is still looking for a breakthrough in the design of an economically viable aircraft. The noise and other environmental problems resulting from operations at close-in airports near urban centers are more formidable than those facing the SST, and the amounts of Government investment involved could be much greater.

Statement

Pollution of the upper atmosphere was only one of the drawbacks of the SST. The other environmental argument has been the physical and emotional damage which the noise of the planes might cause. Already we are blanketed by too many loud noises. Constant sonic booms would be unnerving, to say the least. The sideline noises during take offf would be at least three to four times louder than current standards and at least four to five times louder than the current 747's. Those figures come from Russell Train, Chairman of the President's Council on Environmental Quality. Another scientist, Dr. Richard Garwin, predicted the astonishing and frightening figure of noise equal to the simultaneous takeoff of 50 jumbo jets.

Response

In keeping the noise issue in perspective, it should be kept in mind that the preponderance of noise complaints originate from the community as opposed to airport noise. The U.S. SST will actually be only half annoying as today's 707 and DC–8, over the communty and today's sideline noise concerns are relatively new in airport considerations. For example, no airport in the free world presently requires sideline noise limitations. Emphasis has been on approach and take-off noise. In this regard, testimony was offered by the Director of the SST Program in his appearance before the Senate Appropriations Subcommittee as follows:

"I had the head of the Port of New York Authority come down and talk to us recently. He assured me that at JFK they have yet to have their first civil complaint on sideline noise. Every complaint they have ever had has been over the community.

"This is a good point to make, because we must not get so fascinated with a technical rule that we think sideline noise will be so bad that the SST is untenable. There is no evidence yet as to what the proper sideline noise level of acceptance really is.

"We have just guessed at it in the rules for subsonic jets," . . . .

However, long before the U.S. SST is built the FAA will have rules governing noise. The very existence of the Concorde which is scheduled for commercial service in 1973, will make such rules mandatory. In fact, sideline and community noise standards for supersonic aircraft are in the process of being developed through Advance Notice of Proposed Rule Making (ANPROM) issued 6 August 1970 (Published in Federal Register [35 F.R. 12555],

Statement

How much will this project cost? We have spoken many times of the expense figures

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and I have heard a lot of them quoted again today. The official estimates, of course, were only $1.3 billion. When we look at what good could be accomplished through just a few million dollars in neighborhood health centers, or job retraining, or drug treatment programs—it is shocking that we can so easily say "only" $1.3 billion. That estimate has now been increased by $150 million because of Secretary Volpe's statement that any decrease in fiscal year 1971 funding would increase costs on a 2-to-1 ratio.

These figures, themselves, grossly understate the probable costs. Again relying on past experience with cost overruns, which have been so ably documented by Senator PROXMIRE, we can feel confident in predicting that the ultimate cost to the Government of an SST program would be at least $3.5 billion and perhaps as much as $7 billion.

Response

The $1,283 million estimate is the government estimate and not the contractors. The contractors, Boeing and GE, are not in agreement with this government estimate and believe that the cost will be less. They are still planning to their lower figures and scheduling November 1972 as first flight date.

On this point the President of Boeing, Mr. T. Wilson presented his position in a letter which has been made a part of his testimony. The letter states in part:

"I would state further on this subject that there is no overrun of program cost estimates at this time, nor any critical schedule slippage. As a matter of interest we are completing one of our major fiscal '70 objectives, that being the design and construction of the full-scale Class II structures mock-up within schedule and budget."

To further assure that SST cost targets will be met the following elements of the overall cost management system provide the confidence that cost overruns above this number will not occur.

1. The contracts require early notification of any potential overrun in any funding period and the Government is not obligated to fund the overrun but can terminate the program.

2. The contracts require notification of any estimated deviation from total cost of 5%. If the Government elects not to proceed with the program, the contractor is refunded only a portion of his share.

3. The contractors share 25% of all allowable costs over their cost incentive points. This same cost sharing arrangement is passed on to many of Boeing's first tier major subcontractors.

4. There is no escalation clause that would allow the cost incentive point to change with price level increases.

5. There is no limit to manufacturers liability—no ceiling on the amount they may be required to share.

6. The contractor and OSTD management control systems are predictive and provide sufficient information to forecast probable program outcome.

7. Program cost data are available to the Congress and deviations from planned expenditures are subject to Congressional Review.

Certain witnesses have expressed "their opinions" or "beliefs" about the SST program costs increasing. Such statements ignore the fact that expenditures of both contractors have consistently run below and are currently below the predicted expenditure levels. More significantly, overlooked is the fact that all cost overruns require the contractors' rate of cost expenditure to increase 150%. It is unlikely that the manufacturers would vigorously proceed with this program or assure the Administration of their financial forecasting if there were any reasonable possibility of a substantial additional financial burden.

The welfare problem of the 1970s derives from the planning of the 1960s. We must not default on the forward-looking programs under development now, but must recognize that benefits to the public will be delivered in the 1980s. The SST is such a program; it provides jobs, national revenues and a healthy industry in the 1980s in return for a "loan" to the industry in the 1970s. The priority of preserving and nuturing seed corn for future crops must always outweigh the desire to satisfy immediate hunger pangs.

Statement

The huge anticipated cost of the SST is only part of the problem. Let us remember who is paying the cost—the American taxpayers—all of us together. Everyone is footing the bill despite the fact that very few people will ever be able to fly in these planes.

SST's will not be permitted to fly within our own country. Not that many people fly overseas. And the high purchase price and tremendous operating costs make it unlikely that we will see any lowering of prices. That was one of the supposed benefits of the jumbo jets, but air fares have continued to rise. Thus, everyone would be taxed so that a few people would be able to get to Paris faster.

Response

To put the role of American air travellers in proper perspective it should be noted that air travel is considered a dominant mode of travel which is continually growing. In 1969 over 50 million citizens (25% of U.S. population) travelled by air. In 1985 it is estimated that over 151 million citizens will be travelling by air. 25 million on international routes planned to be serviced by the SSTs. Without a new generation airplane having the productivity and capability of the U.S. SST the demand for larger fleets would have significant repercussions on airways congestion, airports, airlines and on fare levels and traffic growth.

Advantages of the SST are not limited solely to saving time for air travellers. The importance of the SST in providing service to the public is further emphasized by the fact that in 1985 fewer SST's will carry as many passengers as the total 1969 Free World traffic. Further, the SST's potential benefits are manifold. They will provide substantial employment, national benefits which will be realized in all areas of economic life of the Nation; in helping to maintain a strong, competitive aircraft and airline industry, contributing technological techniques in manufacturing and materials applicable throughout all industry and providing a positive contribution to the U.S. balance of payments through the export trade account.

Statement

Consider, for instance, the slippage which has occurred between the characteristics specified in the original SST contract and those of the planned prototypes. The noise level, measured in perceived noise decibels, has been allowed to increase for takeoff from 93 to 110, for approach from 109 to 112, and for airport noise from 116 to 129. At the same time, other characteristics have been allowed to slip. Speed required for liftoff has been increased from 162 knots to 197 knots. This will require a much longer runway—10,300 feet instead of the planned 7,500.

Response

The trends in performance characteristics for the U.S. SST are continually monitored with respect to the program objectives. After Boeing was selected to design and build the U.S. SST a crucial development was the critical weight build-up as they entered detail design, test, and analysis of the Boeing variable sweep aircraft. As more detailed engineering design data became available, it became apparent that the original performance objectives could not be met with the variable sweep configuration. This was primarily due to prohibitive weight penalties required to correct aerodynamic control difficulties and associated aeroelastic problems. After intensive investigation of possible alternative approaches on improved fixed wing design was selected, the 2707–300.

The moderately swept delta wing with a horizontal tail has good supersonic performance as well as good takeoff, landing and subsonic cruise characteristics for the 2707–300.

Takeoff-landing performance

Although there was a moderate increase in takeoff and landing speed, the field length requirements are met with substantial margins. This assures the 2707–300 has the capability to use existing airport runways without costly increases in runway lengths.

Range, payload and speed

The production aircraft range and payload objectives have been increased while maintaining the same cruise speed requirements of Mach 2.7. The higher payload translates into more productivity with the increase in numbers of passengers from 277 to 298.

Noise characteristics

Generally, the noise characteristics are in line with the Phase III RFP objectives. Major emphasis on noise suppression has led to increased knowledge of the jet engine noise phenomena which will result in a minimum attainable noise impact from the SST. Community noise of the SST is significantly less than from many current subsonic aircraft. In fact, SST noise levels while over the community after takeoff and during landing approach are the same as in the FAA's noise rule for new aircraft. It is doubtful that many of the long-range international jets currently in service will ever be able to achieve these levels and still have an economically viable retrofitted aircraft. Emphasis is being directed to reduce the sideline noise without degrading the excellent community noise characteristics. The objective of SST noise reduction research is to reduce these sideline noise levels by 50% by the time the Production SST goes into service.

The knowledge and technology improvements made during the prototype design and flight test program will be used to achieve the desired range/payload and noise objective in the production aircraft designs. Load tests of the airframe will enable the structure to be improved as planned to carry the larger design gross weight more efficiently. The advanced tooling concepts planned for the prototype aircraft also provide for structural growth without recourse to new tooling. Planned aerodynamic and engine technology improvements will also contribute significantly to improved aircraft performance characteristics.

We have tightened up as far as the United States is concerned. The FAA issued a rule in November 1969 which established noise levels for subsonic aircraft. Subsequently, the FAA issued on 4 August 1970 an Advanced Notice of Proposed Rule Making to establish noise levels for civil supersonic transport aircraft.

The SST noise objectives have been lowered as much as is technologically practicable and appropriate for the particular design since the start of the program in 1963. A comparison of these objectives with noise levels of subsonic jets of the same time period follows:

Year and SST objectives EPNdB	Subsonic jet noise EPNdB	Point
1963:		
115	118	Approach.
126	108	T. O. sideline.
107	118	T. O. community.
1964:		
113		
124		
103		
1966:		
104		
122		
100		

Year and SST objectives EPNdB	Subsonic jet noise EPNdB	Point
Now:		
108[1]	[1] 108	Approach.
112	108	T. O. sideline.
108	108	T. O. community.

[1] All noise levels were expressed in PNdB prior to 1969. However, these data have been adjusted to EPNdB and distances specified in the current rule for new subsonic jets for ease of comparison.

Statement

Never before has the U.S. Government subsidized a purely commercial airplane. In 1951 the Congress rejected a demand to support development of commercial jets. But the airplane manufacturers thought they could profit from such development, so they went ahead on their own. Our leadership today is the result of their competitiveness. They not only took over the field from the British, who first developed a commercial jet, but they did it all on their own. If there really is such a profit to be made in building SST's, the companies will act on their own. If the risks are too great, so be it.

Response

Government financial assistance to the Supersonic Transport Program is not much different than the aid that the government has given directly or indirectly to major advancements in commercial air transportation over the past 30 years through the development of military aircraft and engines. During World War II large military orders for the C–54 (DC–4) C–118 (DC–6) and the C–121 (Constellation) provided the development and production base for the fine propeller driven commercial fleets of the 40's and 50's. In the early 1950's the B–47 program provided the key to jet engine application to large swept wing aircraft. The B–52 followed shortly entering service in 1956. The bulk of this development had direct application to the commercial subsonic jet aircraft.

In parallel with the B–52 program Boeing built a commercial jet prototype 367–80 model, a bold and unprecedented development effort requiring some $16 million of company money on a high-risk program. Experience from this "dash 80" program and the B–47, B–52, and KC–135 military programs led to the 707, the first American commercial jet transport.

During this same time period, the mid 1950's, Douglas Aircraft also obtained necessary data and experience on high performance swept wing jets from the B–52 and KC–135 programs and their own A3D and B–66 programs that were applied to the DC–8. Again, as in the case of Boeing, Douglas heavily depended on military funded programs to provide the technical know how, and on already developed equipment that was applicable to commercial jets. Thus the commercial jet transports flying today had a technology base resulting from over a 10 year period of large government development test and production programs.

More recently the Boeing 747 was a daring venture to introduce the wide bodied "jumbo jets." In this case, Boeing had unsuccessfully bid on the C–5 program but was reimbursed by the Government by approximately $6 million on a cost sharing basis during the program definition and design competition phases. Based on this competition experience, the company took the gamble that an aircraft that size could be made into a saleable commercial transport.

From the foregoing, it is apparent that commercial aircraft development has been Government supported one way or another many times. Government participation in the SST prototype program should not therefore, be considered extraordinary or as a detriment. The $1.3 billion required to develop the SST is simply too large a price tag to expect contractors and financial concerns to pick up. Government financing of other transportation programs in shipping and railroads has occurred in the history of our country when the magnitude of the effort was beyond industries' financial capabilities.

The one unique feature of the SST prototype financial arrangement is that the taxpayers will get their investment back, with interest. By the time the 300th airplane is built the government will, through royalties, get back its $1.3 billion. By the sale of the 500th airplane it will receive another billion. Under terms of the contract the Government will pay for about 76% of the costs. The remaining 24% is being financed by the participating contractors Boeing and GE.

Initially the Government's participation is an investment as opposed to a subsidy and is restricted to the development phase.

The feasibility of industry financing of the development phase has been considered on numerous occasions. The answer is quite uncomplicated—no single manufacturer in the aircraft industry has the ability to do this through normal commercial channels and particularly so far in advance of having a prototype aircraft with which to evaluate the production program risks.

One definitive measure of the magnitude of the problem is demonstrated by the fact that the Concorde program is being financed by two governments—the British and the French. The other supersonic aircraft, the TU–144, is being financed by the Russians. In neither of these programs is there any participation by the manufacturers or by airlines—they are totally government financed.

Our own program has been designed to maintain the normal commercial relationship between the manufacturers and the airlines while assuring that the program moves forward. In accomplishing this we have required the manufacturers to become risk participants in the development phase. By contractual agreement their participation also works as a cost containment measure in that their share becomes increasingly burdensome as program costs move beyond established amounts.

More specifically there are three basic types of investments which the manufacturers will make in the program. These involve (1) a share of the allowable contract costs, (2) furnishing of testing and manufacturing facilities, and (3) nonallowable costs which must be borne totally by the manufacturer. It is estimated that through the development phase these three types of investments will total $228 million for Boeing and $94 million for General Electric.

Statement

The current plan calls for the U.S. Government to provide 90 percent of development costs of the SST. Despite this huge contribution, the companies will reap most of the profits. Boeing, it is estimated, will make a $150 million profit if 139 planes are sold—yet the Government will still be taking a $1.2 billion loss. If the maximum predicted number of planes are sold—450 or so—the Government will get back $1 billion more than it spent. Yet Boeing will make a staggering profit of $6.5 billion. That profit, for which Boeing risked only 10 percent of the development costs, would be enough to finance our current levels of expenditures for disease prevention and control, environmental health problems, and consumer protection for 10 years. In other words, Boeing would receive in profits more than 10 times the amount of funds which our society would put into programs to protect us from just such machines.

Response

The above profit figures are obviously absurd, since they indicate either $10.8 million profit per airplane, depending on what figures are used. However, no aircraft manufacturer in the past has been able to break even on less than 200 or 250 airplanes.

Boeing's profit for a 500-SST Program is estimated at a maximum of $4 million *before taxes,* after allowing for interest and commercial expenses. This is reduced to $2 million after taxes, or about a 5% margin, which is less than most manufacturiing industries would be willing to make and stay in business.

The Senator's statement seems to imply that it would be wrong for Boeing to realize a profit, after investing its own funds, facilities and key personnel for over 15 years without getting back one penny in return. If profits were not available, the various levels of government would have no tax funds to support the many health and education programs in existence today and into the future. Placing the aircraft industry in a second-rate position will only reduce the source of tax revenues in the future.

Statement

No one argues the legitimacy of a fair profit in our free enterprise system. But I do not believe that the American people would tolerate such a lopsided dedication of public tax money to private profitmaking. The only reasons the people are not proclaiming their outrage are, first, that they are not aware of the contract provisions, and second, that they doubt—as I do—that such profits will be forthcoming in sales of such a small return on the public's investment is a bad principle.

Response

Our county is not the only one that recognizes the public value of SST's. The importance of government involvement in the development of a supersonic transport was most clearly stated by Sir George Edwards, managing director of British Aircraft Corporation (builder of the Concorde SST) in a recent speech at Oxford University.

Edwards said that it now has to be accepted that the main partner for high technology industry has to be the government, and he added:

"The product of risk and investment required is too great, and the monies themselves too large for it to be any other way if we are to gain the large world market prizes which Britain has to win, and must continue to win, if she is to survive."

"In fact, the time has already come when really big ventures to the frontiers of knowledge involve too much money for one government on its own, even if the government is that of the United States."

The accusation has been unfairly made that even if the plane is a big success, the Government gets its money back with only 4.3 percent interest—less than the Federal Government pays for money its borrows. Keeping in mind that the Government does not compete with financial agencies on the rate of loans, the following points are made:

1. The 4.3% represents only the royalty return to the Government, considering the time value of money. In strict dollar terms, this is a $2.3 billion return for a $1.3 billion investment or nearly 50%.

2. Direct tax benefits of more than $6 billion are not included. Considering this aspect, the return is 16.7% on sales of 500 aircraft.

3. The related benefits of 150,000 jobs, over $22 billion swing in positive balance of trade, of technological fallout, of reduced adverse environmental effects as opposed to all SSTs built by foreign nations, of the international marketing advantage of demonstrated aviation leadership, are not included.

Statement

The arguments for going ahead with the SST are not very strong. I have already alluded to the fact that our prestige in aircraft production is not so shaky that this costly supersonic gamble is required to shore it up. The possible adverse effect on the

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balance of payments is unclear—both because of the difficulty in making such predictions and because of the alternative developments which might be made to offset losses to buy foreign aircraft.

Response

National prestige is not an input into the SST Program but rather is an output which necessarily attaches. It is something which is earned when our free enterprise system plans ahead, succeeds in competing with the nationalized systems abroad, and produces benefits for the nation as a whole. As the Secretary of Commerce submission to the President in early August 1970 points out—"An American SST program will mean a higher level of employment in those areas where aircraft manufacturing is considered a substantially stronger industry, and a more manageable international financial position."

Looking only at the aircraft trade account, the balance of trade impact has been revised from the 1969 estimate of a $17 billion swing from the trade effect with a U.S. SST program to the effect without an SST program. The swing in the aircraft trade account under realistic assumptions is now estimated to be almost 100% greater or $30 billion. The two estimates are compared in the following table:

AIRCRAFT TRADE ACCOUNT 1974-90

[In billions of 1967 dollars]

	With U.S. SST (plus)	Without U.S. SST (negative)	Swing
Concorde I only	$10.1	$7	$17.1
Concorde I and II, A-300B Airbus imports, offset agreements	10.1	7	29.8

The greater balance of trade impact reflects several more realistic business considerations. Without a U.S. SST a Concorde II design with better economic potential is highly probable. There are indications this may occur in any event. The consortium producing the A-300B is estimating sales of 400 airplanes, excluding U.S. airlines, but are no doubt counting on sales to U.S. carriers as replacement for the 727-300 and the DC-9-30 when traffic density necessitates.

Statement

Today, we are asked to finance the beginning of a potentially dangerous program that is certain to multiply astronomically.

I would like to point out that I am saying "potentially." The questions of ecology have not been determined with finality on either side of the question, but if past history with such projects is any guide, once we are underway with the SST, the course will be irreversible.

Response

The DOT was aware of its responsibility to the public to have an independent appraisal of the research program being formulated to resolve atmospheric uncertainties; to insure that the research effort is so structured as to produce the answers which will be needed to make a decision regarding production of the U.S. SST. Thus the Department of Commerce Technical Advisory Board, (CTAB), a group of 16 top non-government academic professional and industry leaders were asked to consider the uncertainties raised, to examine research already accomplished and determine if the research program being developed by DOT in coordination with the SST Environmental Advisory Committee, NOAA and other supporting agencies, is indeed adequate and timely.

The Department of Transportation has carefully separated prototype development from possible future commercial development. The SST development program is committed to the development of prototype aircraft that will demonstrate the performance, economics, safety and environmental qualities of the design before proceeding into large-scale production. The decision to proceed into commercial production of the SST is not scheduled to be made by the United States until 1973. If at that time the environment or noise aspects of the production SST are assessed to be unacceptable, the program office would recommend cancellation.

Statement

Mr. President, we face a real dilemma if we continue with the SST. Either we will condemn ourselves to frequent sonic booms, or we will have an inefficient, fuel-gulping plane that will add to our air pollution. Either noise pollution or air pollution—we can not escape the problems.

Response

SST program decisions have been based on the assumption that the SST is to be operated primarily on international, long range, over water flights. Even so, the SST market is estimated to be 500 aircraft which yields an economically attractive return on investment for the production program. Therefore, its economic success is not dependent upon supersonic flight over land.

The President and Secretary Volpe have said, "It is the unequivocal policy of this Administration that SSTs will not be operated in the United States at speeds which produce sonic booms on the ground."

The FAA issued a Notice of Proposed Rule Making on 16 April 1970 which formalizes this edict. In addition, a proposed law to this effect has recently been introduced in Congress and already passed by the Senate.

The results from the noise research program have a high degree of probability of providing the knowledge required to achieve the SST production noise objectives. This is true because the jet noise suppression technology to obtain this significant reduction is considered within the demonstrated art. We are hopeful that this noise research program will develop methods for achieving even greater reduction of noise levels than the current objectives require. The SST, in order to be a successful commercial air transport, must achieve noise characteristics compatible with the airports from which it will operate and cause no significant detrimental adverse affect to the world's environment.

Other potential polluting aspects of the SST will be examined in depth by established environmental panels prior to production decision.

Statement

The pending conference report, I am happy to say, contains $50 million for payments to air carriers so that they can continue to provide some service. I do not know how much would be required for fully adequate service. But I do believe that we should put a much higher priority on improving domestic service and on improving the safety conditions of our existing airports before we throw more money after the SST.

Response

The Department of Transportation budget provides money for rapid ground transport, airports and airways, and water transportation as well as the SST.

In the 1971 budget, $1.5 billion is programed for Airports and Airways with $5.0 billion planned over the next five years. For Ground Transportation $5.7 billion is budgeted for Highways and $3.1 billion for Urban Mass Transportation. Water Transportation has $420 million in 1971 with plans for construction of 30 merchant marine ships per year for over the next ten years. The funds requested for the SST for FY-1971, the peak funding year, represents only about 2.6% of the total transportation budget for FY-1971. Dollarwise it is not considered as a high priority program seeking national resources.

The SST program represents planning for the future, to avoid the problems of the 1980's. Better planning in the 1960's would have precluded many of today's problems. We can't let the short-sighted people of this country sacrifice our transportation future.

Mr. PROXMIRE. Mr. President, I yield 3 minutes to my colleague from Wisconsin.

Mr. NELSON. Mr. President, I would just like to ask, once again, the same question I have asked five times on this floor. That question is, will any proponent, anyone, the Senator from Arizona, the Senator from Washington, or anyone, stand up on the floor and tell us why the White House has not released the scientific committee's recommendation, the committee headed by Dr. Richard Garwin?

The attack is continually made that there is no basis for criticism of the environmental implications. Why does not someone—I repeat the question I have just asked; Why does not someone stand up and give us the report made to the President by his own scientific committee.

Dr. DuBridge appointed a scientific committee to study the SST at the request of the President. It was headed by Dr. Garwin. Its report was presented, but it has never been released.

I ask him, "Why do you not tell the public? This is the taxpayers' money. It is an issue with worldwide implications."

A scientific report sits there in the hands of the White House. Why is it not here?

Dr. Garwin appeared before the House committee, he appeared before the Senate committee, and he recommended, "Stop the development of the prototype."

What is his language?

> Dr. GARWIN. I would cancel the prototype program. I would go ahead with an enhanced research program, to look at these environmental matters.

Why does the head of the Scientific Committee recommend canceling the program, saying, "You have got to go ahead and study the environmental implications," when down here on the floor of the Senate the proponents are saying there is nothing to it?

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. NELSON. I yield for a question.

Mr. JACKSON. Why did not this particular scientist and other concerned scientists study propose studies of the environmental effects, if any, of supersonic military flights during the last 15 years?

Mr. NELSON. The military planes are owned by the Government. The question is, why did not the military sponsor a study of the implications of the sonic boom?

Mr. JACKSON. Why did not the scientists come before Congress and point out to the Congress these dangers that they allege apply to the SST, but are deathly silent about with respect to the military planes? Why did they not speak out?

Mr. NELSON. I suppose that scientists, like everyone else, when they are looking at a Government program, have to do such things on their own time. The question is not why did not some scientist in some university get a leave of absence, stop receiving his income, and say, "Now I am going out and study this matter"; the question is, Why did not the Government, that sponsored the program, make the study?

Mr. JACKSON. Again I ask the question——

Mr. NELSON. Does the Senator from Washington mean to say that he is going to attack scientists all over the country because they did not take time off to study a project that the Government should have started studying 9 years ago?

Mr. JACKSON. What I am saying is that if their argument has any merit—and any American can understand this—if their argument has any merit, if it applies to the SST it applies to every form of supersonic plane, military or civilian.

Mr. NELSON. Mr. President, the Senator is talking on my time. Will he tell me where that scientific report is?

Mr. JACKSON. I am asking the Senator a question.

Mr. NELSON. I will tell the Senator where it is. The President appointed a scientific committee, selected by Dr. Dubridge, to study the question, and the committee comes out and says, "Do not build it."

Mr. JACKSON. Why does the Senator not answer my question?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MAGNUSON. Now we will never know.

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. I yield myself 20 seconds.

The PRESIDING OFFICER. The Senator from Arizona yields himself 1 minute.

Mr. GOLDWATER. One minute. Mr. President, in answer to the Senator's question as to why the Air Force did not do it, the Air Force conducted a 1-year study on the effect of the sonic boom on 16 different families living off the runways of Edwards Air Force Base. The report is available to any Senator who would like to read it. I mentioned that about a year ago.

The PRESIDING OFFICER. Who yields time?

Mr. BIBLE. What is the remaining time? The clock says 9 minutes.

The PRESIDING OFFICER. One minute to the Senator from Nevada, 5 minutes to the Senator from Arizona, and 4 minutes to the Senator from Wisconsin.

Mr. PROXMIRE. I yield myself the remainder of my time.

Mr. President, we have been accused on the floor of delaying the conference report. We have spoken on the conference report for less than 9 hours. The fact is that from May 27 to after Thanksgiving, not for hours or days or weeks, but for 6 months, the Appropriations Committee held up the transportation appropriation bill. This was the longest time the Senate Appropriations Committee took on any appropriation bill by 4½ months.

Then, after the bill passed and after the Senate had registered its majority decisively against the SST, conferees were appointed, and they were not only in direct violation of the traditions of the Senate but also of the rules of the Senate.

The rules of the Senate are clear. The conferees should reflect majority opinion, and there is no question that mass transportation was not a divisive issue. It has taken very little time on the floor of the Senate or on the floor of the House. The divisive issue was the SST, and everybody knows it. It was the big environmental issue and the big priorities issue.

Those conferees reflected not a majority but a minority of the Senate.

Then the conferees went to conference and said the conferees tried hard to get an agreement. They came back in almost record time. Most conferences that are controversial take a week or 2 weeks or months. One of them took a year. This one took less than 1 day. They came back and recommended that the SST continue.

Mr. President, the only way we can get a vote up or down on the SST is to stop the conference report. If we are required to vote on the conference report, Senators will be constrained to vote on whether or not they want to go ahead with airport safety. They will be constrained to vote on whether or not they want to go ahead with highway construction and many other issues on which many would be constrained to go ahead, because the SST is indeed only part of this.

All we are asking is that the SST be taken out of this bill so that we can vote on it next year, when we come back; that the program be held up for 3, 4, or 5 weeks. That is all. We will be back here a few weeks from now. The present continuing resolution continues the SST until January 3.

Mr. President, I asked the Library of Congress to prepare a study of the votes on cloture. They told me this:

> An examination of cloture votes from 1917 until 1960 indicates extended debate before any cloture vote is held.

That was from 1917 to 1960. Since 1960, "with only a few exceptions, research shows that the Senate has traditionally allowed extensive debate on controversial measures before attempting to invoke cloture."

In the view of many of us, this is the most significant conference report and the most significant issue on priorities and on the environment to come before the Senate. To invoke cloture under these circumstances, it seems to me, is not permitting us to state our case fully and thoroughly.

I yield the floor.

Mr. GOLDWATER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. GOLDWATER. I yield 5 minutes to the distinguished Senator from Mississippi.

Mr. STENNIS. I thank the Senator from Arizona.

Mr. President, my remarks will be directed to the situation in which we found ourselves at this conference.

This was the case of a total deadlock between the House and Senate conferees. The House had had solid votes time after time, and certainly that is confirmed by their last vote of 319 in favor of this conference report and less than a hundred against it. There was a total deadlock.

I put the question to them: "What will you agree to?" They stood firmly on a direct mandate they had had the day before and said they stood on the House vote.

What are we going to do under those circumstances? A good deal has been said here about these conferees. I do not personally resent any of that, but there has been talk about selling out the Senate. Look at who some of them were.

There is the Senator from Maine, who had voted to knock out the SST, lock, stock, and barrel. There is the Senator from New Jersey. He did not sign the report as to this item, but he deliberated in this case. Here is the Senator from Colorado. Here is the Senator from Rhode Island, one of the most active Members at all conferences. He knows what he is doing. He knows the spirit of this conference. He did not sign as to this item. Not one thing has been said by them, publicly or privately, that this was anything less than a bona fide conference.

What are we going to do—come back and ask Senator GOLDWATER, Senator PERCY, or Senator FULBRIGHT or some other individuals what to do or what they will agree to? This is national legislation, in its last stages, for an entire department of the Government.

So what are we going to do? I determined that there was sentiment among Senators who voted to take it out that, after all, they did not mean to kill the program. I can mention names, if necessary. They did not want to kill this program, to stop it immediately. And that is what would happen if that one Senate vote should prevail as the final vote of the Senate.

One signed as a conferee, and that Senator can speak for himself, of course.

But I say, on my honor, that there was sentiment here among Members—and it will show up if we ever can get to a vote—among Members who voted to strike it all out, that they really did not mean to kill it.

So that was the spirit that gave us a new start in that conference.

I find that some of my colleagues cannot accept the fact that $105 million of this money already has been spent and it is therefore meaningless, except that we have an obligation of the Government upon which there could be judgment against the Government if we did not do it. So we put that $105 million in the House, and then they matched it for the remainder of this year.

There is a great sentiment that this thing has not been proved to be worthy of death, and I believe a vote here on this conference report will prove it. If it does not, I have nothing more to say about that figure.

I want to make clear that I am not going to vote for cloture. I am constitutionally opposed to it, unless a vital matter of national security is involved or something of equal importance.

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But to say that this has not been a genuine conference or that there was a capitulation, that is not the fact, and it cannot be sustained; and one gentleman who made that charge was man enough to withdraw it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BIBLE. Mr. President, the time remaining is short. Everything has been said again and again. I think the issue on the SST becomes a very clear one. Do Senators want to kill it and bury it or do Senators want to let it live? The program has now gone on 8½ years out of a total of 12 years. It is eight-twelfth of the way along, to where we will know what will happen to the environment and to the accusations that have been made and tossed around this Chamber time and again.

In defense of the conferees—and I was one of them—I think it was a tough and hard conference. The fact that it did not take days or weeks or months to resolve might be due to the fact that Christmas is less than a week away and the end of Congress only 10 days away. We had, in other words, to resolve the issue.

Mr. President, I yield the floor.

CALL OF THE ROLL

The PRESIDING OFFICER (Mr. Stevenson). The Senate will come to order.

The hour of 11 a.m. having arrived, under rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 438 Leg.]

Aiken
Allen
Allott
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Dole
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Goodell
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Holland
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Connecticut (Mr. Dodd), the Senator from South Carolina (Mr. Hollings), and the Senator from Georgia (Mr. Russell) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. Curtis) is necessarily absent.

The Senator from Oregon (Mr. Hatfield) is absent on official business.

The Senator from Colorado (Mr. Dominick) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from North Dakota (Mr. Young) is detained on official business.

The PRESIDING OFFICER (Mr. Byrd of West Virginia). A quorum is present.

Mr. COTTON. Mr. President, a point of order. Some of us would like to keep a tally on the vote. We have not been able to do that on the last two or three votes because of the hum of conversation. I hope that we will be able to hear the responses.

The PRESIDING OFFICER (Mr. Byrd of West Virginia). The Senator's point of order is well taken.

Mr. MANSFIELD. Mr. President, and no attachés sitting on the rugs, please.

The PRESIDING OFFICER. The majority leader's point is well taken.

The Chair will enforce rule XIX, which places a duty upon the Chair, without any points of order being made by Senators, to take the initiative in enforcing order and decorum in the galleries and in the Chamber.

The Chair will also enforce rule XXXIII which provides for the privilege of the floor to clerks to Senators only when in the actual discharge of their official duties.

The Sergeant at Arms will proceed forthwith to escort any and every Senator's clerk from this Chamber who is not here at this moment in the actual discharge of his or her official duties.

The Chair observes that during the rollcall vote, no clerk is needed in the Chamber or in the lobby in the actual discharge of his official duties.

The Chair, therefore, instructs the Sergeant at Arms to clear the Chamber and the lobbies of all clerks to Senators until the vote on this rollcall is announced.

The Chair will await the action of the Sergeant at Arms in carrying out the order.

Senators will please remain in their seats.

The Senate will be in order.

Mr. BIBLE. Mr. President, a parliamentary inquiry——

The PRESIDING OFFICER (Mr. Byrd of West Virginia). Pursuant to rule XXII, a quorum call has been had, and a quorum is present. The question before the Senate now is, Is it the sense of the Senate that debate on the pending motion shall be brought to a close? The yeas and nays are automatic.

Mr. BIBLE. Mr. President, a parliamentary inqury.

The PRESIDING OFFICER. The Senator from Nevada will state it.

Mr. BIBLE. Mr. President, I do not know whether this is a parliamentary inquiry, but I should like to ask whether it is proper to say that I greatly admire the Presiding Officer for his diligence in making this the quietest Chamber we have had in a long time prior to a rollcall vote. If that is not properly a parliamentary inquiry, I will withdraw it.

[Laughter.]

The PRESIDING OFFICER. The Chair thanks the senior Senator from Nevada.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Connecticut (Mr. Dodd), the Senator from South Carolina (Mr. Hollings), and the Senator from Georgia. (Mr. Russell) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. Curtis) is necessarily absent.

The Senator from Oregon (Mr. Hatfield) is absent on official business.

The Senator from Colorado (Mr. Dominick) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from North Dakota (Mr. Young) is detained on official business.

On this vote the Senator from Nebraska (Mr. Curtis) and the Senator from Oregon (Mr. Hatfield) are paired with the Senator from Colorado (Mr. Dominick). If present and voting the Senator from Nebraska and the Senator from Oregon would vote "yea" and the Senator from Colorado would vote "nay."

On this vote the Senator from South Dakota (Mr. Mundt) would vote "yea."

The yeas and nays resulted—yeas 43, nays 48, as follows:

[No. 439 Leg.]

YEAS—43

Allott
Baker
Bellmon
Boggs
Brooke
Byrd, W. Va.
Cook
Cooper
Cotton
Dole
Fannin
Fong
Goldwater
Gravel
Griffin
Gurney
Hart
Hartke
Inouye
Jackson
Jordan, Idaho
Long
Magnuson
Mathias
McGee
Metcalf
Moss
Murphy
Packwood
Pearson
Pell
Prouty
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Stevens
Symington
Tower
Tydings
Yarborough

NAYS—48

Aiken
Allen
Bayh
Bennett
Bible
Burdick
Byrd, Va.
Cannon
Case
Church
Cranston
Eagleton
Eastland
Ellender
Ervin
Fulbright
Goodell
Gore
Hansen
Harris
Holland
Hruska
Hughes
Javits
Jordan, N.C.
Kennedy
Mansfield
McCarthy
McClellan
McGovern
McIntyre
Miller
Mondale
Montoya
Muskie
Nelson
Pastore
Percy
Proxmire
Sparkman
Spong
Stennis
Stevenson
Talmadge
Thurmond
Williams, N.J.
Williams, Del.
Young, Ohio

NOT VOTING—9

Anderson
Curtis
Dodd
Dominick
Hatfield
Hollings
Mundt
Russell
Young, N. Dak.

The PRESIDING OFFICER. The Chair will state most respectfully to our guests in the galleries that the rules of the Senate do not permit any demonstrations of approval or disapproval from the galleries. Visitors, therefore, are asked to please remain quiet after the vote is announced; else the galleries will be cleared.

On this vote, there are 43 yeas and 48 nays. Two-thirds of the Senators present and voting not having voted in the affirmative, the cloture motion is rejected.

Mr. BYRD of West Virginia subsequently said: Mr. President, I voted earlier today in favor of the cloture motion.

During my service in this body, over a period of 12 years, I have been very reluctant to vote for cloture. My vote today in support of cloture was only the second time in these 12 years that I have voted for cloture.

I did not speak prior to the rollcall because I did not want it to appear that I was attempting in any way to influence the vote of any other Senator. But now that the rollcall has been taken and the result has been announced, I think I should explain for the RECORD why I voted for the motion to invoke cloture.

At the present time there are five appropriations bills which have not yet cleared the Congress and been sent to the President for his signature, and they are as follows:

H.R. 17755, the transportation appropriations bill;

H.R. 17867, the foreign assistance appropriations bill;

H.R. 18515, the Labor-HEW appropriations bill;

H.R. 19590, the Defense appropriations bill; and

H.R. 19928, the bill making supplemental appropriations for 1971.

In addition to these five appropriations bills which have not yet been enacted by Congress—although they have been to conference, and some of the conference reports are awaiting action in one body or the other—there is the bill which will make possible increased payments to recipients under the Social Security Act.

I feel that our elderly citizens are highly deserving of an increase in social security benefits in view of the spiraling rise in the cost of living, and they should not be forced to wait for that increase. They need the increase now.

I feel that all of the bills which I have mentioned should be enacted before this Congress adjourns sine die. Yet, Mr. President, we are confronted with a serious time problem.

If the Senate were not to meet on Sundays—and Sunday meetings would not be without precedent, as the Senate has met on Sunday heretofore—and if the Senate were not to meet on Christmas Day and were not to meet on New Year's Day, there would only be 10 days remaining for us in which to complete our work before January 3, 1971.

According to the schedule which has already been announced—which is a tentative schedule and not yet firm—the Senate is not expected to meet on next Wednesday or Thursday, the 2 days immediately preceding Christmas Day, or on Saturday, the day after Christmas. This means that, excluding Sundays, we would have only 7 days remaining before January 3, the date when, according to the constitution—unless otherwise changed by law—the new Congress would convene.

So, in view of this very difficult situation, Mr. President, our time being extremely limited, and the Senate being faced with so many appropriation bills needing to clear both Houses, I felt constrained to vote for cloture today.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, on the basis of the closed meeting of the Senate last night there was an agreement that a series of conferences would be held. They will start immediately. Some will be held in the office of the Secretary of the Senate, others will be held in the office of the majority leader, and others, hopefully, will be held elsewhere. I would hope that out of these conferences, maintaining the high tenor of the debate up to this time, it would be possible, as reasonable men, to arrive at reasonable solutions to difficult problems.

Mr. President, I suggest the absence of a quorum.

Mr. SCOTT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator has suggested the absence of a quorum. Does the Senator withhold his request?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Does the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I would like to call to the attention of the Senate that, as the distinguished majority leader has said, there was a meeting with the bipartisan leadership of the other body. Among other suggestions made to them, recognizing their restlessness and apparent feeling, was the suggestion that it would be helpful if they could remain in session as long as possible today, pending possible agreement on this side on some of the matters in controversy. We are also indicating to them today that if they can make a quorum on Monday and Tuesday next it would be appreciated.

Mr. MANSFIELD. May I say the joint leadership did meet with the Speaker and the joint leadership in the House this morning. We found them receptive, open minded, and considerate.

Hopefully, something can be done today. I agree with the distinguished minority leader that we may well be in session for some hours today in the hope that in the meantime something can be accomplished.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I would not ask the Senator to yield but what I have to say bears on the efforts to settle our problems. The vote we have just taken can be very misleading. I hope it will not mislead the proponents of the position—among them myself—against the SST. I think that the matter should be settled and I hope they will make every effort in a spirit of comity to settle it and not be deceived in respect of that purpose by the lopsided nature of this vote.

Mr. MANSFIELD. I am sure that will be the attitude which the Senate conferees will undertake to maintain on a Senate matter. We are hopeful that on the basis of progress, up to this time, little though it may be, further progress will be made.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

The Senate will be in order so that Senators can hear.

Mr. EAGLETON. Mr. President, I move that the conference report on the Department of Transportation appropriation be postponed until Monday, December 21. In making that motion it is not my intention to press it.

Mr. MANSFIELD. Mr. President, I would hope that the Senator would not press this matter. It is the intention of the leadership to stay on the pending business until approximately 3 p.m. under an agreement already in effect and unanimously approved by the Senate.

The Senator, of course, realizes any motion is debatable. I would hope that he would reconsider and give us this opportunity at this time to continue with the debate and related matters.

Mr. EAGLETON. I will not press the motion but I take it the motion is still pending.

The ACTING PRESIDENT pro tempore. Does the Senator withdraw the motion?

Mr. EAGLETON. Mr. President, I would like to speak on it, with the firm understanding that it is not my intention to press the contravention of the understanding previously agreed to.

Mr. MANSFIELD. Mr. President, could the Senator inform the Senate how long he intends to discuss this matter?

Mr. EAGLETON. At some length.

Mr. MANSFIELD. Would the Senator mind, without losing his right to the floor, yielding to other Senators to bring up noncontroversial matters or matters on which there is very little controversy, conference reports, and for others to make statements now and again?

Mr. EAGLETON. I have no objection to yielding to others for the transaction of business with the understanding that I do not lose my right to the floor and with the understanding that my resumption of the floor not be counted as a second speech.

Mr. BIBLE. Mr. President, if I may address the Senator from Missouri and the majority leader, I think we must have some understanding as to what length of time this will go on if the floor continues to be yielded for the purpose of calling up conference reports.

We are in a very difficult situation here. We all recognize it. We all have certain options and rights under the rules. Yesterday, in all good faith, I yielded, after conferring with the proper people, for what I thought was 10 minutes; 1 hour and 30 minutes later I still did not get the floor back.

I have no personal objection, but we must make headway and progress on

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this overall problem. I am hopeful we may be able to do it as a result of the suggestions of the majority leader that men of good will can reason together and work matters out. I do not know, but I hope I would get some indication as to how long, in each case, the time limit would be.

Will the distinguished Senator and the distinguished majority leader be kind enough to advise me what that time limit would be? I am a reasonable man, and we could possibly come to an agreement, but I do not want to yield for 10 minutes and then, 1 hour and 40 minutes later find that I still do not have the floor.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. BIBLE. Yes; if I have the floor.

Mr. MAGNUSON. I heard this morning that the opponents did not have time to explain their position. I think I might possibly have objected to the first unanimous consent that we have a split session, but I did not want to hold up a great deal of business. When we are trying to do the right thing and let legislation move, we are accused of trying to shut somebody off from discussing something. I think in all cases when we yield from this time on there should be a reasonable time limit.

Mr. RANDOLPH. Mr. President, who has the floor?

Mr. BIBLE. The Senator from Missouri (Mr. EAGLETON) has the floor.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield for a question.

Mr. RANDOLPH. Mr. President, we have two conference reports, one on highways and one on rivers and harbors. These conference reports come with the approval of Members, both Democrats and Republicans, who served as conferees from this body with the House. Both measures as Senators know, have passed the other body and are now ready for prompt action.

I would be glad to go over until next week, if that is what Senators want, but I believe there is such intense interest in these matters that we might want to proceed. I want to be cooperative, and I ask the Senator from Kentucky (Mr. COOPER), the ranking minority member of the committee, if he believes we could complete debate on the highway conference report in 15 minutes.

Mr. COOPER. My statement can take 1 minute.

Mr. BIBLE. Mr. President, to move this matter along quickly, I make no objection if the Senate puts a 20-minute time limitation on it.

Mr. EAGLETON. Mr. President, I yield the floor with the understanding that upon my resumption of the floor it will not count as a second speech.

The PRESIDING OFFICER. Is there objection?

Mr. BIBLE. With the further understanding that the yielding is for 20 minutes.

Mr. EAGLETON. Twenty minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, that is 20 minutes on the highway conference report.

Mr. BIBLE. And on the next one?

Mr. RANDOLPH. Fifteen minutes.

Mr. BIBLE. Let us say 30 minutes. I have no objection to 30 minutes on both.

Mr. EAGLETON. Mr. President, I have no objection, with the same understanding that on my resuming the floor, the resumption of my remarks will not be counted as a second speech.

Mr. BIBLE. And that the total for the two conference reports is 30 minutes.

Mr. EAGLETON. That is fine with me.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the Senator from West Virginia is recognized.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senator from Missouri (Mr. EAGLETON), could I be recognized for 15 minutes after the distinguished Senator from West Virginia completes his remarks, without his losing his right to the floor, or having anything he says counted as a second speech, or whatnot?

Mr. EAGLETON. Mr. President, with that understanding, I am delighted to yield an additional 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

FEDERAL-AID HIGHWAY ACT OF 1970—CONFERENCE REPORT

Mr. RANDOLPH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19504) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of Dec. 17, 1970, pp. 42257–42266, CONGRESSIONAL RECORD.)

Mr. RANDOLPH. Mr. President, may we have order, please?

The ACTING PRESIDENT pro tempore. The Senate will be in order. If Senators want to continue their conversations, they will please go in the cloakrooms or elsewhere. The Senate will be in order.

Mr. RANDOLPH. Mr. President, I hope the time is not running against me.

The ACTING PRESIDENT pro tempore. The time is not running against the Senator and will not until the Chair gets order.

The Senator from West Virginia is recognized, and the time has now begun to run.

Mr. RANDOLPH. Mr. President, the conference committee on the Federal-Aid Highway Act of 1970, which completed its work Thursday, met on 9 days in an effort to resolve the differences in the bills passed by the Senate and House. The report was approved in the House yesterday by a vote of 39 to 11. While several similar provisions appeared in both versions, there were many other sections reflecting deep differences of viewpoint and philosophy.

The conference was marked by hard bargaining complemented by a spirit of cooperation and the desire to produce legislation that would further the proper development of our national highway program.

I believe we achieved the goals we sought with equitable resolutions.

At this point I wish to pay tribute to Representative GEORGE H. FALLON, chairman of the House Public Works Committee, who served as chairman of the conference. Representative FALLON, who retires at the end of this session, along with our distinguished colleague, Senator ALBERT GORE of Tennessee, was instrumental in bringing into being the accelerated interstate highway construction program, which we extend in this act.

I wish the Senator from Tennessee (Mr. GORE) might be on the floor at this time, because I shall briefly, but very earnestly, express my tribute to ALBERT GORE, who leaves the Senate at the end of this term. It was under his leadership that we were instrumental in bringing to passage the Interstate Highway construction program.

Mr. FALLON exhibited great patience and leadership in achieving the compromises which resulted in the bill we are considering today.

Principal among the differences which existed when the conference began were questions of using revenues from the highway trust fund for other than construction purposes and those problems concerned with the building of interstate highways in the District of Columbia.

The bill as reported by the conferees provides for the continuation of the Federal highway program on an orderly basis. Authorizations for the Interstate System are extended for 2 years, through fiscal year 1976, as provided in the Senate bill. The conferees recognized that this extensive program will not be completed by 1976 and that additional authorization will be required. The House bill called for completion of the system by 1978, and contained the authorization to do so. In agreeing to the Senate approach, the conferees acknowledged that further review of the program will occur in 1972 and consideration will have to be given to extending the interstate program. At that time we will have the benefit of a new cost estimate on which to base our revised judgment as to the final completion date.

As the Senator from Kentucky will recall, when that program was envisaged at the outset, even those who were expert in this field thought that the total Federal cost of the National System of Interstate and Defense Highways, would run to approximately $27 billion. The current revised figure for that system anticipates a cost of approximately $70 billion. Substantial increase in the costs of rights-of-way, wages, and materials all have made this larger estimate, and even it will perhaps have to be raised to the figure we must face in the future.

Authorizations for the Interstate System are maintained at the existing level of $4 billion a year. Other trust fund expenditures totaling $1.896 billion for 1972 and $1.914 billion for 1973 are authorized. General fund authorizations total $413 million for 1972 and $422.5 million for 1973.

Programs for the primary and secondary systems and their urban extensions are authorized at a level of $1.1 billion for each of the 1972 and 1973 fiscal years. The special primary-secondary program adopted in 1968 is authorized at $125 million for each of these 2 years. The traffic operations program to increase capacity and safety—TOPICS—is authorized at $100 million annually for the 2 years.

Also of great concern to the conferees is the problem now being faced by States which are nearing completion of their portions of the Interstate System. To assure that these States can maintain an ongoing highway program in the face of possible reduced interstate allocations, the conference bill provides that each State will receive a minimum of one half of 1 percent of the total National Interstate authorization. Also adopted was the Senate provision directing the Secretary of Transportation to study this problem and make recommendation to the Congress by January 1972, on how it might best be resolved. I emphasize the importance of careful development of this report and its prompt presentation to the Congress.

Among the major innovations of the 1970 legislation is the creation of an Urban Highway System. This was proposed in both the Senate and House bills, and is the first new system created since the Interstate System was authorized in 1944. The final form contains only variations in technical language.

Establishment of the Urban System is an important step in responding to the traffic movement requirements of our metropolitan areas, where large numbers of American people live and travel. Implementation of this system will involve local public officials in the planning and execution of arterial highways within their area.

Recognizing the need for increased Federal participation in our Federal-State road program, the Senate conferees accepted House language providing for a 70 percent Federal share of the cost of highway construction starting in 1974.

The Senate approach to equal employment opportunity training programs was adopted and authorizations of up to $5 million for each of 1972–73 were approved to implement this important work.

To improve the utilization of highways as a mass mover of people, the conferees agreed to the House provision authorizing construction of exclusive or preferential bus lanes, highway traffic control devices, and bus passenger loading areas and facilities. This action was taken in conjunction with approval of a provision from the Senate bill establishing the construction of fringe and corridor parking as a permanent part of the highway program. Such action, the conferees believe, will improve the efficiency of highways as a means of transportation.

A highway program for the Virgin Islands, Guam, and American Samoa is authorized at a level of $2 million each for the Virgin Islands and Guam and $500,000 for American Samoa for each of the 3 years beginning with fiscal year 1971.

A program of training and research fellowships to upgrade the skills of Federal and State highway departments personnel, as included in the House bill, was adopted by the conferees.

The Secretary of Transportation is directed to report to the Congress by January 1972, and make recommendations on the future direction of the Federal highway program in the period 1976 to 1990.

Proposals concerning highway beautification proved to raise some of the most difficult and controversial questions faced by the conference. The final action on beautification reflects the only basis upon which agreement could be reached.

Appropriations for the beautification program are authorized from the general fund for a 3-year period rather than from the trust fund. It was agreed that a Highway Beautification Commission would be established consisting of four members from each of the Senate and the House and three public members to be appointed by the President. The Commission is directed to study the highway beautification program and make recommendations as to how it might be more effectively implemented and to recommend legislative changes to carry out an effective program.

The conferees stress that creation of the Commission should in no way delay the implementation of the existing beautification program. This desire is underlined by the 3-year authorization contained in the bill.

Senate language to facilitate the demonstration of billboard removal by acquiring all of the nonconforming signs on a company-by-company basis was not adopted because the conferees felt existing law already adequately provides for such programs. We hope that the Department of Transportation will utilize the money provided in the 1971 Appropriation Act to test the validity of this approach.

Mr. MOSS. Mr. President, will the Senator yield at that point?

Mr. RANDOLPH. Yes, I yield to the knowledgeable Senator from Utah, who has given particular attention to this problem with his own legislation, S. 1442, which has been before our Subcommittee on Roads and enacted by the Senate.

Mr. MOSS. I appreciate the chairman's yielding to me.

I, of course, have served under his chairmanship for a number of years on the Public Works Committee. While I was serving there, I had to do particularly with the matter under discussion, the matter of billboard removal.

It will be recalled that Congress adopted in 1965 the Highway Beautification Act, Public Law 89–285, which had in it the requirement that signs and billboards adjacent to the interstate and primary highways be removed by July 1, 1970. But since that time, there has been great difficulty in getting this accomplished.

In 1969, I introduced a bill (S. 1442) which was heard in the Public Works Committee and passed by the Senate, to provide for pilot control programs. That bill, having passed the Senate, was sent to the House of Representatives. The House, in considering the bill, determined that it could deal with this matter of signs in the omnibus highway bill. The House report on the conference now under consideration says, as shown in the Record of December 17:

> The specific demonstration project authorized in the Senate amendment has been deleted since existing law, in the opinion of the conferees, already authorizes this type of demonstration project.

I am told that it is the opinion of the Department of Transportation, and I want to ask the chairman if it is the opinion of the Senate conferees as well as the House conferees, that, indeed, under the authority now in existence, the type of demonstration projects envisioned by that bill (S. 1442) can indeed be carried out.

Mr. RANDOLPH. Yes; we felt so, because we are cognizant of the problems of small business. We are cognizant, of course, of the need to make our highways as scenic as possible, and these programs can, and I think will, move forward. There is no lack of appreciation on the part of the conferees for the approach of the Senator from Utah, and what he has said is correct.

Mr. MOSS. The Senator has the feeling that the Department now has the authority, and can proceed under existing law in the manner that would have been provided had S. 1442 been passed by the House of Representatives as well as the Senate?

Mr. RANDOLPH. I reassure my colleague that we think that would be true, and we will watch what is done.

Mr. MOSS. Mr. President, I ask unanimous consent that an excerpt from the report (No. 91–520) filed by the chairman of the committee on S. 1442 be printed in the Record at this point. It is not very lengthy.

There being no objection, the excerpt from the committee report was ordered to be printed in the Record, as follows:

SUMMARY OF THE BILL, AS AMENDED

S. 1442, as amended, would authorize the Secretary of Transportation to enter into agreements with one or more States for the purpose of carrying out pilot programs to determine the best means of accomplishing the purposes of the control of outdoor advertising provisions of section 131 of title 23, United States Code.

As amended by the committee, the bill provides that preference would be given to any State which has entered into agreements with the Secretary and private individuals or businesses designed to carry out outdoor advertising control as provided for under present law.

The bill would authorize the appropriation of $15 million to fund such pilot programs.

The Secretary would be directed to report to the Congress the results of pilot programs carried out under this legislation, together with such recommendations as he deems necessary to improve the implementation of the national policy of outdoor advertising control.

BACKGROUND OF THE PRESENT OUTDOOR ADVERTISING CONTROL PROGRAM

The enactment of Public Law 89–285, the Highway Beautification Act of 1965, established as a national policy that the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate and Primary Systems should be controlled.

In carrying out that policy, the law stated that after January 1, 1968, if a State was not effectively controlling the erection and maintenance of outdoor advertising signs, the Secretary could withhold up to 10 percent of Federal-aid funds from the State. Effective control was defined to mean that after January 1, 1968, signs within 660 feet of the right-of-way would be restricted to three categories: (1) Directional and other official signs conforming to national standards promulgated by the Secretary; (2) signs advertising the sale or lease of the property on which located; and (3) on-premise signs.

The legitimate needs of business were recognized by providing that advertising signs, displays, and devices along the interstate and primary systems would be allowed in zoned and unzoned industrial and commercial areas subject to size, lighting, and spacing control, such control to be consistent with customary use of such signs in such areas in the particular spaces involved. Control of signs in zoned and unzoned industrial and commercial areas was to be determined by an agreement between the Secretary and the State.

Signs lawfully in existence as of September 1, 1965, which did not conform to requirements of the act, would not be required to be removed until July 1, 1970.

Specific travelers' service information signs within the right-of-way were authorized.

Just compensation was required for the taking of any sign and for the taking from the owner of the real property on which the sign is located the right to erect and maintain such signs. The Federal share of such compensation was set at 75 percent.

All public lands and reservations of the United States were made subject to effective control. States were permitted to establish controls which would be more restrictive than Federal requirements.

The act also required that, prior to the promulgating of standards, criteria, rules, and regulations necessary to carry out the outdoor advertising provisions, the Secretary was to hold public hearings in each State for the purpose of gathering relevant information on which to base such standards, criteria, rules, and regulations. A report to the Congress by January 10, 1967, on all the standards, criteria, rules, and regulations to be applied together with an estimate of the cost of carrying out the program was also requested.

The requested report was filed with the Congress and published as Senate Document No. 6, 90th Congress, first session. That report estimated that the cost of removing nonconforming outdoor advertising devices, some 889,000 signs, at $558,660,000.

As enacted, the Highway Beautification Act of 1965 authorized the appropriation of not to exceed $20 million for each of the fiscal years ending June 30, 1966, and June 30, 1967. During 1967, the Committee on Public Works considered and the Senate adopted S. 1467 which would have authorized $5 million to carry out the advertising control program for fiscal year 1968. The House did not act on the measure.

The Senate version of the Federal-Aid Highway Act of 1968 authorized $5 million for each of the fiscal years 1970 and 1971. As enacted by the Congress, Public Law 90–495 provided an authorization of $2 million for fiscal year 1970. In addition that act delayed the required removal of signs, displays and devices if Federal funds to pay the Federal share of the just compensation were not available.

Of the $42 million authorized for the program, less than $3 million have been appropriated and only $1.9 million expended. Most of the funds were expended on the sign inventory conducted prior to the cost estimate filed with the Congress in January, 1967. To date, no nonconforming signs have been removed as a result of the Highway Beautification Act of 1965.

Following the enactment of the 1965 act through July 1, 1969, 33 States enacted legislation relating to outdoor advertising control:

Alaska, Arkansas, California, Colorado, Connecticut, Georgia, Hawaii, Idaho, Indiana, Kansas, Kentucky.

Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Montana, New Hampshire, New Mexico, New York, North Carolina.

North Dakota, Oklahoma, Rhode Island, South Dakota, Utah, Vermont, Virginia, West Virginia, Wyoming, District of Columbia, Puerto Rico.

During the same period, 19 States, the District of Columbia, and Puerto Rico entered into agreements with the Secretary to effectuate control of outdoor advertising as provided for in the act.

HEARINGS

On June 18 and 19, 1969, the Subcommittee on Roads conducted hearings on the highway beautification program. The committee had before it two bills: S. 561, a bill to amend section 131 of title 23 of the United States Code; and S. 1442, a bill to amend section 131 of title 23 of the United States Code, relating to control of outdoor advertising along Federal-aid highways, in order to authorize one or more pilot programs for the purpose of such section.

Testimony was received from 11 witnesses, and statements on behalf of three organizations were submitted for inclusion in the record of the hearings.

Testimony at the hearings indicated quite clearly that small and medium-sized firms engaged in outdoor advertising were being severely harmed by the failure of Congress to properly fund the program and require its active implementation.

NEED FOR AND PURPOSE OF THE LEGISLATION

While dissatisfaction with the outdoor advertising program enacted in 1965 has been expressed by many people concerned with the program, such as conservationists, sign company operators, advertisers, citizens generally, and Members of the Congress, the law has been in effect since October 22, 1965, and action has been in effect since October 22, 1965, and action has been taken by States and private parties in light of the requirements of the law. The effect of the legislation to date has been to introduce great uncertainty into the operations of small- and medium-sized sign companies doing business in predominantly rural areas and to increase rather than reduce sign clutter along the Nation's highways. This latter effect is the result of the inability of many small- and medium-sized operators to properly maintain their signs.

Testimony presented to the Subcommittee on Roads by Senator Frank E. Moss of Utah, the author of S. 1442, shows that of some 22 sign companies operating in his State 17 face bankruptcy within the next year "if the present Federal and State laws are enforced without providing needed financing for the beautification program."

Under the present situation, the law prohibits the erection of signs along the Interstate and Primary Systems outside of zoned and unzoned industrialized and commercial areas. It requires the eventual removal of existing nonconforming signs; that is, signs located in rural areas outside of the excepted zones, even though lawfully erected at the time of the enactment of the 1965 act. The sign companies involved have been unable to properly finance their ongoing operations and have been unable to liquidate the investment in order to go into other commercial activities. In effect, the current situation involves the subsidization of a supposedly Federal program by private businesses to which the law promised just compensation for loss and sign removal to carry out the national policy set forth in section 131 of title 23 of the United States Code.

In view of the substantial amount of money involved in sign removal, which the 1967 cost survey estimated in excess of $500 million, new methods and new means of carrying forward the outdoor advertising control program must be found. At the same time steps must be taken to assist adversely affected sign companies to leave a declining industry and start again in some new endeavor.

It is the committee's understanding that the Department of Transportation is currently reviewing the highway beautification program in order to make recommendations for new approaches. In the meantime it is important that the Congress authorize pilot programs which can demonstrate other methods of securing sign removal at costs less than those estimated in the Department of Transportation's 1967 report. One such idea was presented to the committee in some detail during its hearings, the plan referred to as the "Utah plan," or the "Snarr plan," which envisions the State acquiring by contract all the nonconforming signs of a company at one time and provides that the company will dismantle and remove such signs in accordance with a predetermined schedule. This approach would replace the sign-by-sign method of removal on which the 1967 cost estimate was based. Evidence presented to the committee by the Department of Highways of the State of Utah and Brigham Young University indicated that a savings of between one-half and two-thirds of the cost as originally forecast can be realized.

The plan which the Committee on Public Works urges the Department of Transportation to fund, in addition to others which may be devised, requires that—

(1) The State appraise all the nonconforming signs of a single company within its boundaries in accordance with already established and approved appraisal procedures and techniques;

(2) A contract be entered into between the State and the sign company for the purchase of all the company's nonconforming signs within the State;

(3) Such contract contain an agreed-upon price for all such signs and contain a schedule setting forth the date upon which each sign is to be removed (for the State of Utah it is estimated that the 10,000 nonconforming signs presently located along the Interstate and Primary System could be removed at the rate of 2,000 per year).

This program would enable sign companies to phase out their operations while using existing employees and plant equipment to do the job. It would insure that nonconforming signs would be removed by their owners rather than abandoned when the companies cease to be able to function as profitable concerns. Such abandonments would of course add to the burden of the State in implementing the program.

Adoption of S. 1442 and the implementation and execution of pilot projects designed to test various methods of implementing the outdoor advertising control program would not conflict with that program as enacted in 1965 or as amended in the interim. It should provide valuable information to the Department of Transportation and the Congress in considering legislation to improve the program. It would enable outdoor advertising companies which have been damaged by the program to phase out their operations pending a final determination by the Congress as to the future of the highway beautification program. Such pilot programs will enable those States which are desirous of actively pursuing outdoor advertising control programs to develop more effective methods of achieving their goals.

Mr. RANDOLPH. Both the Senate and House conferees agreed that steps must be taken to determine which sections of the Interstate System will or will not be constructed. A number of segments of the system are currently embroiled in controversy so that their ultimate fate is unknown and planning for completion of the system is hampered.

In addressing itself to this problem, the bill requires that States establish expenditure schedules by 1973 on all interstate segments they intend to construct. Plans, specifications and estimates for all of these segments must be filed by 1975. Failure to meet either of these deadlines will result in affected interstate segments being eliminated from the system. Only by such procedures can the highway decisionmaking process be brought to a head and final determinations made on the Interstate System.

The experience gained under the highway program of the Appalachian regional development program and title V of the Public Works and Economic Development Act of 1965 was utilized in writing the section dealing with economic growth center highways. This section permits the Secretary of Transportation to designate communities as economic growth centers and to provide additional Federal participation in the construction of primary highways serving them. The Secretary could provide an additional 20 percent of the construction cost, but Federal participation would be limited to a maximum of 95 percent of the total expenditure.

The most controversial sections of the two bills were those relating to the construction of interstate highways in the District of Columbia. Senate and House provisions were different, and arriving at a conference agreement occupied considerable time and discussion.

Behind the original positions of both Houses were strongly held convictions: the Senate—that the District of Columbia should be treated as a State, as the highway law provides, in determining the construction of highways; the House—that nonconstruction in the District of Columbia has seriously delayed completion of the Interstate System.

The conference decision, I believe, was the only one we could reach to avoid an impasse that would have imperiled the national highway program. It is a reasonable compromise in that there is no mandating of freeway construction in the city. The studies which the bill directs in an effort to determine the best way to resolve this very difficult program could be carried on without specific authorization.

The coordination of our total national transportation system will be furthered by the bill's provision that priority consideration be given to roads providing access to airports and water ports.

The problem associated with upgrading several toll roads on the Interstate System was addressed by the conference in agreeing to a provision permitting the use of Federal funds to reconstruct two-lane toll roads that have been designated part of the Interstate System even though the States have not yet acquired ownership of the roads. Restrictions prohibit the toll authorities from incurring additional debt and require that these roads be made free when existing indebtedness is retired.

One of the most important sections of the report improves the machinery to make the highway program more responsive to public needs and wishes. The Senate considered improvements in the public hearing process to be a central feature of this year's highway legislation, and I am glad to report that our approach generally was adopted by the conference.

Public hearings are now required on both the location and design of new Federal-aid highways. The conferees agreed on provisions requiring that reports to the Secretary of Transportation on the consideration given to economic, social, and environmental aspects of highway construction raised at the public hearings be filed following all public hearings.

This, I believe, will lead to a more effective critical analysis and consideration of proposals raised at hearings. It should do much to answer persistent public criticism that little or no attention is given to questions raised at hearings. Through this section we can be sure that in the hearing process, the appearance of fairness is buttressed by the reality of fairness.

Provisions to improve consideration of economic, social, environmental and other impacts in highway design and construction were expanded by the conferees to implement our belief that highways should enhance communities rather than degrade them. Proper design and engineering practices can, in many instances, avoid, overcome or minimize adverse impacts on people and their surrounding environs.

In direct response to an extremely troublesome problem, the report calls for the issuance of guidelines to control soil erosion in connection with highway construction projects. This action expands provisions of the 1966 Highway Act which required consultation between the Departments of Transportation and Agriculture on developing such guidelines. Far too many highway projects result in uncontrolled water runoff that spreads silt over large areas and clogs streams, damage that can be prevented through the employment of sound conservation practices.

The report directs the Secretary to promulgate guidelines to assure that all possible adverse economic, social, and environmental aspects of roadbuilding be fully considered and that plans, specifications, and estimates include the best engineering methods of avoiding them. This section when fully implemented will establish the proper responsibility of highway builders in protecting our environment and people. It also requires that noise level standards be established and highways be constructed in conformity with them.

In addition, the conference report assures the implementation of the ambient air standards of the Clean Air Act.

Continuing our desire to develop an integrated transportation system, the report calls for the designation of critical transportation regions. This provision was sponsored by the Senator from Kentucky, JOHN SHERMAN COOPER.

The Baltimore-Washington Parkway carries a heavy load of traffic, far beyond that which it was originally designed to accommodate. It is in urgent need of improvement. The report authorizes the expenditure of $65 million to reconstruct the Federal parkway portion of this important highway link in Maryland after which the road will be turned over to the State for incorporation in its highway system.

Highway safety continues to be an important part of our overall effort and the conferees agreed to the changes in the Highway Safety Act proposed by the House with modification. The safety program was given increased financial strength by authorizing two-thirds of its cost to be taken from the Highway Trust Fund and one-third remaining a general fund expenditure. This breakdown reflects the proportion of use of Federal-aid and non-Federal-aid highways.

The Nation has become acutely aware in recent years of the need to replace a number of highway bridges that are no longer capable of carrying the traffic loads placed on them with safety and efficiency. The conferees agreed to a comprehensive bridge replacement program, authorizing $100 million for the 1972 fiscal year and $150 million for the 1973 fiscal year. Bridges would be scheduled for replacement on the basis of priority established by the Secretary of Transportation, with Federal participation of up to 75 percent of the cost.

A serious safety problem was recognized by the conference in adopting House provisions setting up a demonstration program on the elimination of highway-railroad grade crossings.

Finally, the conference report extends the highway trust fund for an additional 5 years as recommended by the House Ways and Means Committee and agreed to by the Senate Finance Committee.

Mr. President, the Federal-Aid Highway Act of 1970, is comprehensive and far-reaching legislation. In fiscal terms, it is substantial, providing additional authorizations from the trust fund of $9.775 billion for the Interstate System and more than $3.8 billion for other purposes, and $835 million from the general fund. I ask unanimous consent that tables showing the authorization categories be printed in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

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AUTHORIZATIONS H.R. 19504

[Interstate System: $9,775,000,000,000 for fiscal years 1974, 1975, and 1976, out of the Highway Trust Fund]

Category	Fiscal year 1972	Fiscal year 1973
HIGHWAY TRUST FUND AUTHORIZATIONS		
Primary and secondary systems and their ubran extensions	$1,100,000,000	$1,100,000,000
Primary and secondary systems exclusive of their urban extensions	125,000,000	125,000,000
Federal-aid urban system	100,000,000	100,000,000
Traffic operations projects in urban areas	100,000,000	100,000,000
Forest highways	33,000,000	33,000,000
Public lands highways	16,000,000	16,000,000
One-half of 1 percent of total apportionment	55,000,000	55,000,000
Economic growth highways	50,000,000	50,000,000
Baltimore-Washington Parkway	[1] 65,000,000	
Highway safety	50,000,000	66,666,000
Highway safety research	46,666,000	71,666,000
Highway safety design	20,000,000	20,000,000
Design research	6,666,000	6,666,000
Bridge replacement	100,000,000	100,150,000
Railroad grade crossings	[1] 9,000,000	
Totals	1,802,332,000	1,844,148,000
Total (funds to be available until expended)	74,000,000	

Category	Fiscal year 1972	Fiscal year 1973
GENERAL FUND AUTHORIZATIONS		
Forest development roads and trails	$170,000,000	$170,000,000
Public lands development roads and trails	5,000,000	10,000,000
Park roads and trails		30,000,000
Parkways	20,000,000	20,000,000
Indian reservation roads and bridges	30,000,000	30,000,000
Highway beautification, administrative expenses	[2] 1,500,000	[2] 3,000,000
Landscaping and scenic enhancement (sec. 319(b))	1,500,000	10,000,000
Territorial highways	[3] 4,500,000	[3] 4,500,000
Darien Gap Highway	[1] 100,000,000	
Outdoor advertising control	[4] 20,500,000	[4] 50,000,000
Junkyard control	[5] 3,000,000	[5] 5,000,000
Urban transportation planning	[1] 500,000	
Highway safety	20,000,000	33,333,000
Research	23,333,000	43,333,000
Design safety	10,000,000	10,000,000
Design research	3,333,000	3,333,000
Railroad grade crossings	[1] 22,000,000	
Totals	412,666,000	422,499,000
Total (funds to be available until expended)	22,500,000	
Total, General fund authorization for fiscal 1971	36,000,000	

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[1] Funds to be available until expended.
[2] $1,500,000 also authorized for fiscal year 1971.
[3] $4,500 000 also authorized for fiscal year 1971.
[4] $27,000,000 also authorized for fiscal year 1971.
[5] $3,000 000 authorized for fiscal year 1971.

Mr. RANDOLPH. In substantive terms, the new Urban System, the facilitation of more responsive public hearings and the emphasis on the need for the highest caliber design and construction techniques to protect our environment make this bill one which I am proud to present for approval to my colleagues. This legislation is in keeping with the tradition established by our predecessors and in many ways should remind my distinguished colleague from Tennessee (Mr. GORE), to whom I have already paid tribute, that the standards which he set in the mid-1950's in his handling of the basic interestate legislation are being maintained.

Members of the Senate Public Works Committee were faithful in their attendance and diligent in their participation at conference sessions.

The Senator from North Carolina (Mr. JORDAN) brought to us his experience as a seasoned legislator and his wisdom in producing reasoned legislation. The Senator from New Mexico (Mr. MONTOYA) was particularly forceful in presenting the case for provisions relating to additions to the Interstate System. The Senator from Virginia (Mr. SPONG) was an effective negotiator for resolution of differences on the highway safety program.

Minority conferees from the Senate contributed significantly and by their attitudes and cooperation showed once again that party affiliation has no meaning in the Senate Committee on Public Works. The distinguished Senator from Kentucky and ranking minority member (Mr. COOPER) focused his concern and abilities especially on the highway beautification and District of Columbia problems. Reasoned judgment and forceful advocacy was displayed throughout the conference by the Senator from Delaware (Mr. BOGGS). The ability of the Senator from Tennessee (Mr. BAKER) to see issues clearly and to delineate the paths to resolution was invaluable. His help in fashioning the provision to demonstrate that highways are an important tool for economic development was outstanding.

Mr. President, the Senate could not have been represented in this conference by a more dedicated team.

We urge the acceptance by the Senate of this conference report.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield to the Senator from Indiana.

Mr. BAYH. Mr. President, I want to pay special tribute to the chairman of the Committee on Public Works. I know that it is not an easy job to reconcile the differences between the two Houses. The fact that he has been willing to do this in the manner contained in the conference again exhibits the type of leadership he has given to the entire committee.

I want to offer a particular note of thanks to him for recognizing the plea of some of our citizens in southern Indiana that the Markland Dam continue to have the authorized funds for a bridge over the Ohio River. I know that without the Senator's help, this would not have been possible; and this is a very worthwhile cause.

Having been there, and being very familiar with this, and knowing the tremendous effort that has been devoted to it by the citizens who live in that area, I want to offer a word of thanks in their behalf to our distinguished committee chairman, in addition to the other fine work he has done.

Mr. RANDOLPH. Mr. President, often, in bills that are national in nature, opportunities are given to conferees to accept something that might be provincial; but that provincialism takes the posture of helping a situation at a certain locality in the United States. That is what we did with respect to the matter which has been spoken of by the Senator from Indiana. We were glad to do it, and I am grateful for his words.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. COOPER. Mr. President, we have before the Senate the final form of a bill—the Federal-Aid Highway Act of 1970—which I believe is generally approved by Congress and by the people of the United States.

Some sections in the bill have aroused controversy. I may say, however, that in our deliberations with the House, the Senate conferees, led by our able chairman, the distinguished Senator from West Virginia, made a strong fight to improve some of the sections—not only those from the House which we did not like, but also in some that came from our committee.

There are several sections in this bill which are of new interest and I think, great importance. Safety on the highways is one of the tragic problems of our time. More than 50,000 Americans were killed last year on the highways, and thousands more were injured. For the first time, the House agreed to the proposal, which the Senate made in 1968 and which the administration recommended this year, that the highway safety program for the Nation, which is under the supervision of the Department of Transportation, shall be funded from the highway trust funds. Heretofore, such moneys as could be secured came from general appropriations. I believe that with the provision in this bill to provide the two-thirds of the safety funds from the highway trust fund, we now can embark on an adequate safety program. For that reason alone, I think this bill is worthwhile.

I pay tribute to our chairman for his insistence that a Federal-Aid urban highway system be established. That highway system will now be established and funded, and we hope it will help relieve the traffic problems and better serve the needs in cities of more than 50,000 population, as the bill provides.

There is a provision in the bill, new section 109(h) of title 23, which provides that standards and guidelines shall be established to govern each project—standards which take into consideration the economic, social, and environmental problems. That, I believe, will assure that projects undertaken in our great highway system will not be initiated without a thorough review of their effects. This is a change in emphasis, and a very worthwhile one.

I am very pleased that the bill retains, as a new subsection (b) of section 134 of title 23, the provision I offered in the Senate enabling the Secretary of Transportation to designate critical transportation regions and critical transportation corridors. He may establish planning bodies, and provide them assistance, to undertake coordinated intermodal transportation planning for these critical interstate corridors between great urban centers. I note that section 134 now provides for similar planning embracing various modes of transport, but is presently limited to the urban areas themselves. While the conference bill leaves discretion with the Secretary of Transportation, I consider it of the greatest importance that such planning be undertaken and vigorously pursued without delay. I hope very much that the Secretary, who has authority to designate critical transportation regions and to pursue coordinated transportation planning under this provision, will seize the opportunity to implement this provision and begin this work early next year.

Our committee, for the first time, provided assurance of "marine highways"—ferry boats—to the new States, Alaska and Hawaii, and improved roads for the Virgin Islands, Guam, and American Samoa. The people of Alaska and Hawaii should know of the interest of their Senators, of their steady appeal to the committee, which has had results.

The question of the District of Columbia highways arose again. I still consider, as I have for years, that the Congress should not attempt to lay out a highway system in the District of Columbia. On our side, we strove diligently to bring some order to this problem; to put full responsibility back where it belongs, with the officials and people of the District of Columbia. We held out as long as we could for the Senate provision, to repeal section 23 of the 1968 act. There was no sign by the House of accepting the Senate provision, and we have ended our work. Perhaps the courts will now look at the proposed District of Columbia highway system. We cannot do it legislatively with any success.

I thank my chairman, the Senator from West Virginia, and every member of the committee. I see a number of them in the Chamber. I also thank our staff. It was a pleasure to work with them on a bill with many improvements over the present program.

Mr. President, 2 years ago when the Senate considered the Federal-Aid Highway Act of 1968, I stated that the Senate-House conference had been the most difficult in which I had ever participated. The conference report before us today, on the Federal-Aid Highway Act of 1970, is the result of a Senate-House conference which was of equal if not greater difficulty, but this has been a Congress of many arduous conferences.

In 1968 I did not sign the conference report and voted against final passage of that bill. I have signed the conference report this year and I will vote for final passage of the 1970 Highway Act despite some reservations about certain provisions of this legislation. I support its enactment because the bill contains several very important sections which were part of the Senate bill. These sections have not received the public attention which the beautification and District of Columbia highway provisions have, but they will have highly significant impact on the future direction and conduct of the Federal-aid highway program.

The Senate bill extended authorization of appropriations for interstate highway construction for 2 additional years, beyond the existing authorization through fiscal year 1974. The authorization for fiscal year 1974 is raised to $4 billion, an increase of $1.75 billion over existing authorizations for fiscal year 1974. For fiscal year 1975 and 1976 a total of $8 billion is added, bringing the total of funds authorized in this bill for construction of the Interstate System to $9.75 billion. This is consistent with the request of the administration for funding this program, and I am gratified that the conference agreed to maintain the Senate's position.

In a related area, the conference version contains a title III extending the Revenue Act, which provides funds for the highway trust fund, for 5 additional years beyond its present expiration date of October 1, 1972. This title was added to the House version of the Highway Act and had not been included in the Senate version. It is included in the conference version and was discussed by the Senate Finance Committee, in executive session only on December 2 following House passage and while the House bill lay at the desk awaiting referral. But it is my feeling that as the administration favors a 3-year extension of the fund, as opposed to a 5 year extension and since the Senate as a whole has not considered legislation concerning the extension, we are moving with insufficient attention to the importance of this title. The Secretary of Transportation has indicated that he will present to the Congress early in the 92d Congress proposals to create greater equity and flexibility in the funding of various modes of transportation. The Secretary so testified in June before the Senate Public Works Committee. Therefore, I feel that our action in this legislation, extending the highway trust fund for 5 years, may be premature.

This bill also contains provisions for the establishment of a new urban-aid highway system. The Senate provisions were designed to achieve two goals, and I believe that the language settled on by the conferees will achieve those purposes. First, it was designed to assure that more funds be provided to urbanized areas which currently contain 70 percent of the Nation's population. Formerly, urban areas were eligible for 25 percent of funds apportioned for primary and secondary road construction, as well as for other funds in special categories, such as TOPICS. But the definition of urban areas used in the apportionment of those 25-percent funds was for any area over 5,000 population.

Our second purpose was to assure that local officials, and citizens speaking through their elected leaders, would have a more secure position in the planning and programing of highway and street projects within their localities. I believe that the language settled upon by the conferees will achieve this goal and bring greater local execution of the determination to the highway program in urban areas—except for Washington, D.C.

The conference version of the Federal-Aid Highway Act of 1970 provides for the establishment of full-fledged road programs in the territories of Guam, American Samoa, and the Virgin Islands. The Senate had provided that these programs be funded with trust fund revenues; the House contended that since the territories contributed nothing to the trust fund in terms of Federal taxes, the funding of their highway programs from trust funds would be inequitable. Therefore, the programs will be funded from general revenues, with the future probability that once they are firmly established with appropriate revenue raising mechanisms, trust funds can be used. There is precedent for this procedure in the experience with Puerto Rico and its highway program.

The Senate Committee on Public Works has had a role of active leadership in the area of equal employment opportunity in connection with the Federal-aid highway program. The conference settlement contains, in section 110, further assistance designed to bring truly equal opportunity in employment practices and manpower development in the highway construction field. The language provides authority for the conduct of training programs on a year-round basis. This is highly important to the development of fully trained individuals to work in all areas of highway construction without discrimination or bias.

One of the most significant sections of the bill before us is that which allows for a fixed deadline for the elimination of segments of Interstate System. With the establishment of the Interstate System in 1956, the country took an extraordinary step which called for the construction of a highly specialized highway system for the purposes of National Defense and interstate movement of goods and people. Despite our high goals, and the substantially successful construction which is providing safe travel to millions of people, I don't believe that we were in 1956 wholly aware of the consequences of the construction of the Interstate system, of its economic impact, and its developmental importance. Unfortunately many people may have attributed to the original projected routings benefits beyond their worth. Certain segments have come into intense controversy because of the impacts they would have upon the immediate locality. In most cases, rerouting of these segments to avoid irreversible damage to the areas involved would not impair the success of the Interstate System as a whole. Such was the case with the Vieux Carré section of highway in New Orleans, which was removed as part of the Interstate System by Secretary Volpe earlier this year. Section 124 of the legislation we are now considering would establish two dates, by which time sections in question could be removed as

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part of the Interstate System. The first deadline, July 1, 1973, would be the date by which all segments must be scheduled for obligation and expenditure of funds for construction and completion. The second deadline is July 1, 1975, after which time any project for which plans, specifications, and estimates have not been submitted for approval of the Secretary would be redesignated. I believe it appropriate to point out here that a 1968 provision added to title 23 provides that routes built to interstate standards by the States under the regular Federal-aid program can be added to the Interstate System. So segments eliminated under the 1970 provisions could later be redesignated as interstate routes if they are ever built up to standard. It is also important to note that enactment of this section should help assure that we can see the end of the interstate construction program, with its accentuated 90 to 10 funding incentives which have resulted to a good extent in the neglect and deterioration of our other road systems.

Mr. President, another section of the bill would establish economic development highways to stimulate the growth of small cities and growth centers in rural areas. We have learned through the experience in Appalachia what a difference adequate and safe roadways can make to the economic recovery effort. The program of supplementary grants for a number of demonstration projects in the construction of growth center highways, initiated in this bill, will yield greater understanding of the interrelationship between highways and economic development, and we hope may further the process of formulating priorities for highway construction.

Undoubtedly, one of the most significant sections of the Senate bill was that requiring development by the Secretary of Transportation of guidelines for construction of highways which will take full account of the social, environmental, and economic consequences and impact of highway construction. I am pleased that the conference committee determined to retain this section, for its value cannot in my view be underestimated. The chairman of the Committee on Public Works, Senator RANDOLPH, has dealt with this subject, so I will not say more than this: These impacts must be considered at the earliest stages, when decisions as to whether, where, and how to build are being made. I hope very much that this section will assure better development and construction of highways in the future.

Mr. President, there are a number of sections in this bill which do not please me in any way. I do not wish to take much time in discussing them, but I would not feel right about telling my colleagues about this bill unless they were mentioned. I have already mentioned the length of the trust fund extension, which troubles me in title III of the bill.

Another section, which also deals with the funding of the Federal-aid highway program, is the section which provides that starting in fiscal year 1974 the matching share of Federal to State funds for primary, secondary, and urban highways will be increased from 50 to 70 percent. It is true that the 70 to 30 percent matching formula has been discussed before the Committees on Public Works and across the land—but in connection with the follow-on program after completion of the Interstate System. The goals attached to such a change in matching formula are quite clear, it seems to me, and of merit. For example, the exceedingly favorable Federal funding for interstate mileage has proved a great incentive to pursuing its construction; in fact its 90 to 10 matching has created a situation in which that system has priority over all others, often to the detriment and deterioration of the primary and secondary systems. The 70 to 30 matching has been discussed as a uniform ratio to be applicable to all systems, thereby leaving the States in a freer economic position to make judgments and set priorities for the kinds of roads they wish to build, according to the needs of their States. With the same matching, whether the needed road were expressway, limited access, secondary, primary, urban arterial, rural or whatever, States would be in a better position to weigh alternatives and put resources to best use. The 70 to 30 formula has also been discussed in the context of decentralization of Federal control over the highway program.

But the proposal contained in this legislation is different, because nothing is done to reduce the Interstate matching formula from 90 to 10 at the same time as the 50 to 50 formula is raised. This action is a promise—and premature in my view—of the matching formula for the follow-on program, at a time when the outline and shape of the follow-on program has not yet been determined. We have not yet decided what kind of highway program will follow the construction of the Interstate System; yet in this bill we appear to establish the future matching formula. This is, in my opinion, unwise. What it means in simplest terms, is that the Federal moneys are going to be increased and the surplus in the Trust Fund—$2.8 billion in 1971, on which interest is paid—will be absorbed. Alternatively, as my colleague on the committee, Senator BOGGS, has pointed out, the change in matching formula means that less mileage will be constructed with the same amount of money expended. If the same amount of new miles are to be constructed under the new formula as under the old, more and higher taxes will have to be raised. I believe that our committee has not given these questions adequate consideration and our action is therefore premature.

Another section which troubles me greatly is the beautification section. The administration strongly supported the Senate provisions of the Federal-aid Highway Act of 1970. For the first time since the passage of the Beautification Act, an administration made positive recommendations for the program's improvement, strongly urging its implementation. The program has been plagued by inadequate funding and confusing implementation, and the recommendations proposed by the administration would have done much to improve the situation. But those recommendations, including trust funding of the program, were not retained by the conference committee.

The beautification program has been studied and restudied, independently and at the request of Congress. The bill before us authorizes yet another study. This time the body to make the study is an unusual one. It will be composed of 11 members, eight of which will be members of the Senate and House Public Works Committees, the bodies who have responsibility to legislate on the recommendations of the Commission. The other three members of the Commission would be chosen by the President. The Commission will study the existing program and many areas which the current program does not cover, such as commercial areas and on premise signs. I believe those areas may need to be studied, but to spend $200,000 in a year so that the committees already having jurisdiction over this program can study it again can only be called silly.

The saving features of the sections on beautification are those which authorize significant amounts for vigorously pursuing the existing program for the next 3 years, as proposed by the administration, and the assurance in the statement of House managers that "the creation of this Commission is not construed as derogating in any way from active implementation of the existing program without reduction and as authorized during this study." With that assurance, I hope that the money will be appropriated to finally give the beautification program a chance to prove its worth.

Mr. President, the last section which concerns me is that reference to construction of highways in the District of Columbia. My colleagues will remember that I voted against final passage of the Federal Aid Highway Act of 1968 because of the presence of section 23 in that act, which in my view attempted to displace the rights of the citizens of the District to be treated as all other citizens of the United States in determining their own highway program. I was glad when the Public Works Committee of the Senate, and the whole Senate, this year supported repeal of section 23 of the 1968 act. It was especially important that we took that action, for the bill which issued from the House Public Works Committee included provisions which went even further than in 1968 in attempting to require the construction of interstate highways within the District—and without the fundamental provision which we were able to attach in 1968, so often overlooked, that all construction must be carried out according to all applicable provisions of title 23 of the United States Code.

The result of the conference was to reject any mandate for any new highway construction, or for designation or removal of designation of interstate routes, within the District of Columbia. The conference agreed to no more than another study by the District of Columbia government and the Department of Transportation of the North Central Freeway, and also of the East and the North Legs. Of course, these routes have been studied before, and a study of the North Central Freeway is now being carried out, and the administration supported the Senate position in this matter.

Mr. President, I ask unanimous consent that there be printed at this point in the Record the text of a letter from the Secretary of Transportation, John Volpe, expressing the administration's position with respect to repeal of section 23 of the Federal-Aid Highway Act of 1968, and that excerpts from the Senate report on the Federal-Aid Highway Act of 1970 and my views from that report also be included.

There being no objection, the material was ordered to be printed in the Record, as follows:

Department of Transportation,
Washington, D.C., December 15, 1970.
Hon. John Sherman Cooper,
Senate Committee on Public Works,
U.S. Senate,
Washington, D.C.

Dear Senator Cooper: In response to your request, I am hereby stating my views on the sections of the proposed 1970 highway legislation regarding projects for the District of Columbia now pending before the House-Senate Conference Committee.

As you know, although I totally support a balanced transportation program for the Washington metropolitan area, including necessary freeway projects as well as a subway system, I would prefer that specific highway projects be planned, designed, and constructed in accordance with the same procedures as apply to other cities and states under the interstate program.

Should the Congress in its wisdom determine to repeal those provisions of Section 23 of the 1968 Highway Act calling for construction of specific projects for the District of Columbia, I would nonetheless assure the Committee that work on the construction of the Three Sisters Bridge will proceed as expeditiously as possible within the requirements of the law and the decisions of the courts—both because this Department and the District government are already committed to this project and because I believe it is necessary for a balanced transportation system for the area.

In the absence of Congressional action repealing those provisions of the 1968 Act, I would hope that no further construction or studies would be required by the Congress. As you know, my Department is already engaged in a 16-month study of the North Central Freeway which, again, will continue no matter what the Conference action is because I believe such a study to be needed.

Warm personal regards.

Sincerely,

John A. Volpe.

DISTRICT OF COLUMBIA

The committee recommends the repeal of section 23 of the Federal-Aid Highway Act of 1968. Section 23 mandates the construction of certain segments of the Interstate System in the District of Columbia. That action was a departure from the traditional Federal-State relationship which has been the principal characteristic of the Federal-aid program during its more than 50 years of operation.

Basic to the Federal-aid highway program is its reliance on local decisions with regard to planning and execution of projects, including those on the Interstate System. Federal-aid highway law defines the District of Columbia as a State, and gives to the officials of the District responsibility for initiating projects. The responsibility of the Federal Government is approval of such plans, review of their implementation, and reimbursement of the Federal share of the costs of construction. Local initiative and execution are essential.

By adopting section 23 of the 1968 act, the Congress directly interceded in this process. The section effectively superseded local responsibility and initiative in the District of Columbia, and could create a precedent for similar action with respect to highway controversies in the several States.

Section 23 has resulted in confusion and conflicts in interpretation. Court action has stopped construction of two projects required by section 23, the Three Sisters Bridge and the east leg of the inner loop.

The committee emphasizes that the repeal of the section would neither initiate nor halt any specific highway project. It would not affect lawful actions taken pursuant to section 23 during the time it was in effect, nor is it intended to reverse any local decision properly made with respect to highways and bridges. It would simply remove the uncertain effects of section 23 and make clear that the District of Columbia has the same prerogatives respecting highway construction enjoyed by any State.

It is essential that Federal-aid highway law not direct the construction of specific highway segments or bridges in any State. The elimination of section 23 would remove the Congress from involvement in local decisions which rightly belong to the citizens of the District of Columbia, their responsible officials, and the Department of Transportation.

DISTRICT OF COLUMBIA HIGHWAYS

I am very pleased with the action of the committee in reporting a Federal-Aid Highway Act of 1970 which includes repeal of section 23 of the Federal-Aid Highway Act of 1968—the section which was the cause of my refusal to sign the report of the Senate-House conference in 1968 and my subsequent vote against final passage.

In section 23 the Congress for the first time—and the only time to my knowledge—directly interceded in the process of planning and approving specific projects in the Federal-aid highway program. Section 23 directed the District of Columbia and the Department of Transportation to construct all projects included in the District 1968 cost estimate "in accordance with all applicable provisions of title 23 of the United States Code." As to four projects, section 23 directed that work commence within 30 days following enactment. Remaining projects were to be given further study and a report "including any recommended alternative routes or plans" made to Congress within 18 months.

Section 23 contradicted the principles of federalism underlying the Federal-aid highway program. Under title 23 the District of Columbia is defined as a State, and the States are given responsibility for initiating the planning and approval of specific projects. The Federal Government then approves the plans and the process of their local development at a number of stages, and reimburses a portion of the cost of construction. Local initiative and execution is essential. I said in 1968 that I believed Members of Congress lacked the expertise, experience, and authority necessary to determine the need, desirability, location, and design of specific highway projects. The major objection which I raised was that the section effectively superseded local responsibility and initiative in the District of Columbia and created a dangerous precedent for similar action with controversial highways in the several States.

Section 23 has created confusion and dismay in the District of Columbia. It has, in my opinion, been misinterpreted by some, to require the construction of all highways included in the 1968 cost estimate without regard to any local or Federal laws. In fact, however, its directive was specifically qualified by a clause requiring that all action be taken according to all applicable provisions of title 23. Judge Skelly Wright of the U.S. court of appeals pointed out in an opinion involving one of the projects included in section 23, an interpretation which "would result in discrimination between District residents * * * and all other residents affected by highway projects in their localities" would condemn section 23 as unconstitutional.

Section 23 was not included in the Senate version of the Federal-Aid Highway Act of 1968. Much of the confusion about its meaning has resulted from the statement of House managers, which accompanied the conference bill, and which set forth detailed location and design instruction. I do not believe that the manager's statement reflected the views or the understanding of the Senate conferees.

A great deal of the confusion created by section 23 has resulted from conflicting interpretation by the same District and Federal officials. At President Johnson's direction, the National Capital Planning Commission and the District of Columbia developed and adopted, in December of 1968, a comprehensive highway plan that omitted two of the most controversial projects included in section 23 and modified the location and design of others. But last summer, faced with the threat of discontinuing the rail rapid transit system construction for the District because of blocked appropriations, the District government and the Department of Transportation decided, in effect, to follow the directions in the statement of House managers without regard to any other laws. Citizens' lawsuits have not resulted in stopping construction of two of the projects included in section 23—the Three Sisters Bridge and the east leg of the inner loop—until all applicable provisions of title 23. United States Code, are complied with.

Mr. President, rather than solve the controversy in the District of Columbia, section 23 has inflamed it. Events in the Nation's Capital in the past 2 years have confirmed the Senate's wisdom in not attempting to approve construction of specific highway projects. Section 23 of the Federal-Aid Highway Act of 1968 should be repealed.

The Department of Transportation has acted with care and concern in fulfilling the study requirements of section 23. I included their report in the Congressional Record of February 24, 1970, and applauded the report of the Secretary of Transportation for its goals and direction. The Department has not, however, in my view dealt according to their own procedures in requiring the adherence to all the planning and approval requirements of title 23, with respect to the most controversial segments of the District's highways. They have, rather, accepted the judgment of Congress, which in this case, in my judgment, is neither qualified, nor authorized by law, to make such decisions.

The action of the committee in repealing section 23 does not express support or opposition to any highway system or specific part of a system for the District of Columbia. It expresses the principle which had been adhered to by the Congress prior to 1968. That principle is, that it is not the function of the Congress to prescribe and force upon the citizens of a State or the District of Columbia a particular highway construction program. It is certain that the Congress would not attempt to direct the highway program of the 50 States for local initiative is crucial to the success of the Federal-aid highway program—it should not be ignored in the Nation's Capital.

Mr. COOPER. Mr. President, this is important legislation. It continues one of the most significant building programs in the history of the Nation, and perhaps in the history of mankind. We are becoming increasingly aware of the myriad consequences of this tremendous

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program, and this bill contains sections which recognize those consequences. My hope is that we will continue modifying the program in future years to meet new and more fully recognized needs.

I want to express my appreciation for the position of the Secretary of Transportation—his open and constructive advice and proposals. His work had contributed very much to this bill.

Mr. RANDOLPH. We did have the cooperation of our colleagues, and we had the valuable service of the staff members of the committee. All of the members of the Committee on Public Works are most appreciative of the outstanding contributions of the staff in bringing this legislation to fruition. We thank our staff director, Richard B. Royce, the assistant chief clerk, minority, Bailey Guard, counsel M. Barry Meyer, assistant staff director, J. B. Huyett, together with the professional staff, both majority and minority, John Yago, Adrien Waller, and Hal Bragman, and the clerical staff, Kathleen Forcum, Pauline Medlin, LaVerne Douglas, Ann Brown, and Hester Dungan. In concert with the staff of the individual members they aided our efforts greatly.

Mr. SPONG. Mr. President, I am pleased that the conference report on the Federal-Aid Highway Act of 1970 includes provision for designation by the Secretary of Transportation of economic growth center highways.

The implementation of the section should help revitalize the economy of the Nation's rural areas and, hopefully, will help stem the population migration from rural communities to metropolitan centers.

The report authorizes the Secretary to provide an additional 20 percent of the construction costs of primary highways serving communities designated as economic growth centers. Total Federal participation will be limited to 95 percent of the total expenditure.

I also am pleased that the conferees agreed in principle to the use of revenue from the highway trust fund for financing a share of the highway safety program. The effectiveness of the program has been hampered in the past by the uncertainty of the traditional appropriations process. While the flow of trust fund revenue for highway safety will continue to be tied to a degree to general fund appropriations, I hope the mechanism established in the report will enhance the operation of safety programs.

The efficiency of highways in urban areas no doubt will be improved through the authorization for construction of exclusive or preferential bus lanes, and bus passenger loading facilities. We have established on a permanent basis the authorization for construction of fringe and corridor parking.

Mr. President, the reconciliation of the Senate and House provisions dealing with the freeway system in the District of Columbia proved to be difficult.

Highway development in the District is embroiled in controversy and litigation under existing law. Having concluded that any additional legislation might contribute to the turmoil, I would have preferred that both the Senate and House provisions be stricken. I reluctantly acceded to the compromise, which provides for additional studies but mandates no additional construction.

I wish to acknowledge and pay tribute to the leadership of our able committee chairman, the distinguished Senator from West Virginia (Mr. RANDOLPH), who demonstrated great patience and understanding throughout the conference. I appreciate the contributions of my fellow Senate conferees, the Senator from North Carolina (Mr. JORDAN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Kentucky (Mr. COOPER), the Senator from Delaware (Mr. BOGGS), and the Senator from Tennessee (Mr. BAKER).

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. GRAVEL. Mr President, in the interest of time, I will not have the opportunity to go into what affects Alaska in this bill. It is probably the most significant bill concerning Alaska since statehood itself, certainly in economic terms.

I feel a great deal of gratitude to the chairman and to the ranking minority member of the committee for what has taken place in this regard. It can only cap it by adding one piece of admiration that has been foremost in my mind ever since I have been a member of the Committee on Public Works. Many people can show leadership; many people can have the ability to compromise. The chairman, the Senator from West Virginia, is a quiet man, but he has been unusually gifted in his ability to effect leadership and at the same time meld compromise. In many regards, in a legislative career, that is probably the most important gift a person can have. I am happy he has that gift. I am happy that that gift can shower benefit upon States such as my own and the entire Nation. For that I thank him, not only in behalf of Alaskans but in behalf of all residents of this great country as well.

Mr. RANDOLPH. I am very grateful. This is my personal expression. But, for the committee, we are cognizant of the greatness of Alaska and of the need of its people. We are not going to forget Alaska.

Mr. STEVENS. Mr. President, will the Senator from West Virginia yield?

Mr. RANDOLPH. I yield.

Mr. STEVENS. I join my colleague from Alaska in commending the work of the chairman of the Public Works Committee and the ranking minority Member the Senator from Kentucky (Mr. COOPER) on the provisions which are in this bill for Alaska. They are farsighted. Both Senator GRAVEL and I discussed these matters with the Senators from West Virginia (Mr. RANDOLPH) and from Kentucky (Mr. COOPER) and I say to my friends on the conference committee that the revisions which have been made in the conference are understandable. We applaud the Senator from West Virginia and his colleagues on the committee for the fact that he has been able to bring back so much for Alaska, because there was so much in this bill that we did not know how much would actually survive the conference.

All the people of Alaska are grateful for what has been provided for us in this bill.

Mr. RANDOLPH. The two Senators from Alaska have been most understanding and have assisted us and we are grateful for their cooperation.

Mr. BAKER. Mr. President, will the Senator from West Virginia yield?

Mr. RANDOLPH. I yield.

Mr. BAKER. I shall not detain the Senate long and will not impose on the time of the Senator from West Virginia, but I do want to take this opportunity to pay him an accolade and to offer my sincere congratulations to him as chairman and to the Senator from Kentucky (Mr. COOPER) as the ranking member of the Public Works Committee, and as conferees, in producing a bill that is meaningful, and in navigating through a difficult conference, and finally reporting this piece of legislation that not only is appropriate to these times and circumstances but is even more appropriate in trying to set an example. We compromised where difficult judgments needed to be made if Congress was to adjourn.

This spirit of give-and-take between the House and Senate, so well exemplified by both the chairman and the ranking member, the conferees in both Houses took to heart. It took us many days to get a bill. One particular section, the District of Columbia section, was a highly volatile issue, I dare say as emotional as almost any other issue, if not any issue that has been before the Senate in the past several days. But it was worked out according to an old Tennessee adage that if no one is really happy with it, therefore it must be very good. But it was worked out, and we have a bill, and we will be using that as a point of departure for getting even better bills in the future.

So, without further detaining the Senate, I want to say, as a junior conferee on this and other bills emanating from the Public Works Committee, I think a good job has been done in an expeditious way under the most competent leadership on both sides of the aisle.

Mr. RANDOLPH. The keenness of the Senator from Tennessee and his incisiveness was shown in our work in the subcommittee, in the committee, and in the conference. I know that the Senator from Kentucky (Mr. COOPER) and I are both grateful for such men as the Senator from Tennessee and all others who have served with us.

Mr. MONTOYA. Mr. President, I was privileged to be involved in the development of the Federal-Aid Highway Act of 1970 from its consideration in the Senate Roads Subcommittee through its completion in the Senate-House conference which completed work on Thursday. I consider it excellent legislation which furthers the development of our national highway system.

There were several provisions of the bill in which I was particularly interested and which are related to my other legislative responsibilities.

I call the Senate's attention to the section which provides for the future designation of interstate highways. This section opens the door to expansion of this nationwide system of freeways without creating an additional financial commitment on the Federal Government of the type now utilized for interstate construction.

Under this provision, the Secretary of Transportation may, at the request of any State, designate any primary highway which is a logical addition or connection to the Interstate System as a future part of that system. This could be done, however, only if the affected State or States promised to bring this highway up to interstate standards within 12 years.

In order to prevent confusion or avoid misleading road users, there would be no reference to the highway as a part of the Interstate System, including signs, until it is actually constructed to interstate standards.

This secion responds to the requests of many communities throughout the United States for assistance in obtaining interstate connections with other parts of the country.

The provision which evolved from the conference, while not as strong as the original Senate bill language, will enable the citizens of communities not now served by the interstate system to effectively petition their State governments so that the economic benefits which follow from location on or near the interstate system will be part of their future. The language of the bill is based on the record developed at hearings by the Committee on Public Works in Carson City and Ely, Nev., in Roswell, N. Mex., and in Washington, D.C. There are at least five major interstate connections which could be designated under this provision. These connections are essential to the people of the areas involved. There is the U.S. 219 route from Buffalo, N.Y., to Bluefield, W. Va., covering New York, Pennsylvania, Maryland, and West Virginia; the route from Augusta, Ga., to Tallahassee, Fla.; and the route from Birmingham, Ala., to Memphis, Tenn., through northern Mississippi; the route I-70 from the Nevada-Utah border to San Francisco and U.S. 70 from Amarillo, Tex., to Las Cruces, N. Mex., which would serve one of the great areas of potential growth and development in eastern and south central New Mexico.

The adoption of this provision and the completion of the interstate system in the latter part of this decade will enable the people of these areas to achieve parity with those who are and will be served by the present 42,500 mile interstate system.

Another provision with potentially widespread impact is that authorizing the designation of economic growth center highways. This section allows the Secretary of Transportation to provide additional financial assistance for the construction of primary highways leading to cities he declares to be economic growth centers.

An authorization of $50 million for each of the fiscal years 1972 and 1973 would be available to supplement the Federal share of eligible projects with an additional 20 percent of the cost, except that the Federal share would in no case be more than 95 percent.

This provision is patterned after and based on the same philosophy behind development highways constructed under the Appalachian Regional Development Act and authority for regional transportation planning in title V of the Public Works and Economic Development Act, as amended in 1969.

It was my pleasure to chair the hearings which developed the 1969 amendments to the Public Works and Economic Development Act. It was during those hearings that I became convinced that there was a need for a developmental highway program to demonstrate the positive force in economic development which highways are. The experimental program contained in this bill will undoubtedly be helpful in bringing a better standard of living to rural America. This program should provide a better understanding of the direct relationship between proper economic growth and rural development and highway location.

Highways are generally recognized as a central factor in the economic development of a region, and a modern highway system is felt to be essential to any region which is attempting to strengthen its economic base. This provision of the bill would be an important aid to many communities and would essentially expand what we believe to be a valid and proven program now operating in a limited number of States.

Mr. President, these are but two of the important provisions of the Federal-Aid Highway Act of 1970, but they are of great concern and importance to many people and communities.

I hope the Senate will keep them in mind as we act affirmatively on this conference report.

Mr. RANDOLPH. Mr. President, I move adoption of the conference report.

The motion was agreed to.

RIVERS AND HARBOR AND FLOOD CONTROL ACTS OF 1970—CONFERENCE REPORT

Mr. RANDOLPH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19877) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. Cranston). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 17, 1970, pages 42274–42280, Congressional Record.)

Mr. RANDOLPH. Mr. President, conferees of the Senate and House met December 16, to consider differences in H.R. 19877, the rivers and harbors omnibus bill of 1970. The session was one of cordiality. The two committees have always been able to compose differences in a spirit of cooperation and accommodation. I feel that we have brought back a sound and useful measure which retains most of the items and provisions included in the version passed by the Senate.

Basically, this measure is composed of projects which have the approvals of the Chief of Engineers, the Secretary of the Army, the Governors of the affected States, the concerned Federal agencies, and the Office of Management and Budget. In a few instances the Office of Management and Budget has not completed its review of the project proposals. Therefore, the conferees have included language at appropriate places in the bill providing that construction shall not be initiated until such review has been completed and the project has been approved by the President. I stress this point because both committees realized the importance of thorough review of all the measures contained in the bill, especially by the Office of Management and Budget. However, in the consideration of this type of legislation there are always a few projects in transit awaiting Budget review when the committees conclude action thereon. As a consequence, action on a relatively few projects would be delayed 2 years until consideration of the next omnibus authorization bill. Inasmuch as these projects provide much needed flood relief and expedients to correct serious deficiencies in the Nation's harbors and navigation channels, the conference committee has included these worthy projects in the bill, with safeguards, of course, that full review will be made by the Office of Management and Budget.

The version that passed the Senate contained authorization for a number of navigation and flood control projects costing less than $10 million. Those projects were not in the bill as it came to the Senate, and the House Public Works Committee subsequently approved them under the provisions of section 201 of the Flood Control Act of 1965. In view of this action, the Senate conferees receded and agreed to their deletion in the conference. On December 17, 1970, the Senate Public Works Committee, in executive session, on the motion of the able Senator from Delaware (Mr. Boggs), adopted resolutions approving these projects under the provisions of section 205.

The Members of this body should know, therefore, that the projects costing less than $10 million which were contained in the bill as it passed the Senate are now authorized and eligible for construction by the Chief of Engineers, subject to the availability of funds.

Mr. President, I ask unanimous consent that the designations of the projects, together with other pertinent details, be printed at this point in the Record.

There being no objection, the tables were ordered to be printed in the Record, as follows:

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H.R. 19877—River and harbor bill, total of bill as agreed to in conference

	Estimated Federal cost
Navigation:	
Pleasant Bay, Mass	$10,221,000
Baltimore Harbor, Md	40,000,000
Atlantic Intercoastal Waterway, Va. and N.C	11,220,000
Manteo (Shallowbay) Bay, N.C	10,769,000
Pamlico River, N.C	2,642,000
Port Sutton Harbor	Maintenance
Tampa Harbor, Fla	40,000,000
Freeport Harbor, Tex	13,710,000
Coos Bay, Oreg	9,100,000
Nawiliwili Harbor, Hawaii	1,952,000
New York Harbor Drift	16,227,000
Ouachita and Black Rivers, Ark. and La	13,500,000
Subtotal	169,341,000
Beach erosion: Lido Key, Fla	240,000
Total title I	169,581,000
Flood control:	
Arcadia Reservation, Okla	24,900,000
Arkansas-Red Chloride	----------
Avoyelles Parishes, La	15,333,000
Blue River, Kans. and Mo	40,000,000
Oahe Dam and Reservoir, N. Dak	732,000
Wild Rice River, Minn	6,359,000
Sheyenne River, N. Dak	20,000,000
Souris River, N. Dak	29,240,000
Goleta, Calif	13,830,000
Sabine River, Tex	40,000,000
Davenport, Iowa	12,263,000
Mill Creek, Ohio	32,642,000
Red Run Drain, Mich	40,000,000
Ellicott Creek, N.Y	19,070,000
Portugues Dam, P.R	11,110,000
Cerrillos Dam, P.R	16,351,000
Ponce, P.R	14,295,000
Cottonwood Creek, Calif	40,000,000
Merced County streams, California	37,260,000
Kaneohe-Kailua Area, Hawaii	7,249,000
Total (20)	422,634,000
Grand total (33)	592,215,000

Projects in Senate version of the river and harbor bill approved for construction by adoption of committee resolutions on December 17, 1970, under the provisions of section 201 of the Flood Control Act of 1965

	Estimated Federal Cost
Navigation:	
Black River Harbor, Alcona County, Mich. (H. Doc. 91–361)	$484,000
Calcasieu River, Devils Elbow, La. (Doc. 91–)	3,700,000
Central and southern, Florida, small boat navigation (H. Doc. 91–394)	5,554,000
Corpus Christi Beach, Tex. (H. Doc. 91–415)	525,000
Delaware Bay-Chesapeake Bay waterway, Delaware, Maryland and Virginia	6,887,000
East River, New York (S. Doc. 91–60)	2,230,000
Edgartown Harbor, Mass. (S. Doc. 91–108)	1,755,000
Frenchboro Harbor, Maine (S. Doc. 91–32)	560,000
Geneva-on-the-Lake, Ohio (H. Doc. 91–402)	605,000
Humboldt Harbor, Alaska (H. Doc. 91–393)	2,300,000
Lee County, Fla. (H. Doc. 91–395)	608,000
Ludington Harbor, Mich. (H. Doc. 91–342)	1,650,000
Mobile Harbor, Alabama (H. Doc. 91–335)[1]	$7,254,000
New Jersey coastal inlets and beaches (H. Doc. 91–160):	
Great Egg Harbor Inlet and Peck Beach	4,350,000
Corson Inlet and Ludlam Beach	3,910,000
Townsend Inlet and Seven Mile Beach	3,490,000
Ottawa River Harbor, Mich. and Ohio, (H. Doc. 91–396)	848,000
Revere and Nantasket Beaches, Mass. (H. Doc. 91–211)	2,200,000
South Shore of Lake Ontario (H. Doc. 91–319) Nr. Niagara State Park, N.Y	1,309,000
Waukegan Harbor, Illinois	1,197,000
Total	51,416,000
Flood control:	
Fort Chartres and other drainage districts, Illinois (H. Doc. 91–412)	2,310,000
Marion, Kans. (S. Doc. 91–256)	2,146,000
Placer Creek, Wallace, Idaho (H. Doc. 91–357)	1,510,000
Posten Bayou, Arkansas (H. Doc. 91–318)	1,379,000
Reedy River, Greenville, S.C. (H. Doc. 91–356)	1,609,000
Running Water Draw, Plainview, Tex. (H. Doc. 91–192)	3,200,000
San Luis Ray River, California (H. Doc. 91–106)	7,900,000
Scajaquada Creek and tributaries, N.Y	1,020,000
Steele Bayou Basin, Mississippi (S. Doc. 91–74)	3,970,000
Streams in vicinity of Fairfield, Calif. (H. Doc. 91–159)	2,740,000
Wenatchee, Wash., (H. Doc. 91–370)	8,400,000
Western Tennessee tributaries, Tennessee (H. Doc. 91–414)	1,924,000
Zintel Canyon, vicinity of Kennewick, Wash. (H. Doc. 91–416)	1,860,000
Total	39,968,000
Grand total	91,384,000

[1] Approved by the Committee on Public Works, U.S. Senate, on July 16, 1970.

Mr. RANDOLPH. Mr. President, an item of importance in the report agreed to in conference deals with the matter of construction of spoil disposal facilities in the Great Lakes in order in eliminate pollution associated with open-water disposal in contaminated dredged spoil. The provision is similar to one proposed by the administration earlier this year. The main difference is in the area of cost sharing.

Your conferees are aware of opposition expressed by some Members of the Senate to this provision and thorough consideration was given to their views. However, the situation with respect to the Great Lakes is critical and the hour is late. Action is required now if we are to save these valuable resources and permit the uninterrupted flow of commerce on these waterways.

Mr. BAKER. Mr. President, will the Senator from West Virginia yield?

Mr. MANSFIELD. Mr. President, the Senator is over his time now. I would ask unanimous consent that he may proceed for an additional 5 minutes.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

Mr. BAKER. Mr. President, while I am not a conferee, I am a member on the Air and Water Pollution Subcommittee and I would like to put this question to the distinguished chairman of the committee:

Section 23 of the conference agreement was not in the Senate bill. It provides for construction of dredge spoil disposal areas in order to provide alternatives to the dumping of spoil in the Great Lakes.

Earlier this year the Congress approved legislation which prohibited such dumping by the corps in violation of water quality standards and required licensed dumpers to obtain a certificate of water quality compliance from the affected State.

Does this provision in any way alter that statute? Is dumping of spoil in violation of standards by either a public or private agency still prohibited? In other words does this section vitiate or implement section 21 of the Water Quality Improvement Act?

Mr. RANDOLPH. Mr. President, I say to my able colleague that the conference report language clearly states that spoil disposal activities must comply with section 21 of the Federal Water Pollution Control Act. This is set forth on pages 8 and 25 of the conference report.

Mr. BAKER. I thank my chairman, the manager of the bill, for the information. I think it is a good bill. I fully intend to support the conference report.

Mr. RANDOLPH. Mr. President, I thank the Senator. Some of the Senate conferees felt that the House provision was more acceptable with respect to cost sharing than the administration proposal and, accordingly, receded from its disagreement to this item.

Mr. President, for the purpose of clarification, I draw attention to the section in the bill which amends existing beach erosion control authority to permit, within the discretion of the Chief of Engineers, application of a cost apportionment procedure that is similar to the one applied to hurricane flood protection projects. The language included in the conference report permits a desirable flexibility in the statutory cost apportionment required for beach erosion benefits. In addition it permits a discretionary determination of the proper Federal share of the project cost up to 70 percent of the total cost, exclusive of land costs, in all hurricane and tidal flood protection projects having concomitant beach enhancement aspects. However, existing hurricane flood control policy, as derived from the 1958 Flood Control Act, provides for cost sharing on the basis of 70 percent Federal and 30 percent non-Federal, the local share including the cost of land, easements, and rights-of-way. Clearly, the language contained in the bill relating to cost sharing on combination beach erosion control-hurricane flood control projects has no application to the general hurricane flood control project program developed as a result of the provisions contained in the Flood Control Act of 1958.

Mr. President, the conference report on H.R. 19877 is a good measure. It has been well thought out and the projects were carefully analyzed. I urge the Senate to adopt the conference report.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. COOPER. Mr. President, under the leadership of the Senator from West Virginia (Mr. RANDOLPH), the conference committee on the omnibus Rivers and Harbors and Flood Control Acts of 1970 produced a bill which includes several new provisions and a number of projects that are very important.

I did not sign the conference report, because I wanted to point out in the RECORD that, despite the efforts of the Senator from West Virginia, we were faced, certainly this time, with a list of projects which have not been approved in the proper way.

We found ourselves in the conference faced with many projects, including some very large ones, which have not been approved by the Bureau of the Budget, and which in some cases have not even been approved by the Secretary of the Army. As I said, I did not sign the report because I wanted to bring this fact out.

I will submit for the RECORD a statement calling attention to this problem and some of the difficulties I find in the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. COOPER. I believe that if not corrected and guarded against, this situation could expand. Any Member could get a project authorized, even though the proper procedure has not been followed. The Senator from West Virginia and I have discussed this matter, and recognize the importance of following proper and improved procedures.

EXHIBIT 1

STATEMENT OF SENATOR JOHN SHERMAN COOPER

I wish to erpress my reservations with respect to the Conference Report on the Omnibus Rivers and Harbors, and Flood Control Act of 1970. I was a Conferee on behalf of the Senate Committee on Public Works. I did not sign the Conference Report.

I believe this legislation authorizes too many projects costing too much money on the basis of too little information. This is a time when many Americans have raised questions of national priorities; I believe more careful study should have been given to authorization of several of the proposals in this bill.

The dollar figures in the bill may be misconstrued. Several large projects contain authorizations limited to $40,000,000. When the full cost of the projects approved in Sections 101 and 201 is calculated, this bill carries a cost to the Federal Government of nearly $1.4 billion. It should be noted that the Senate bill came to the floor earlier this month with a Federal cost less than half that large.

The arbitrary $40,000,000 limit originated in the House bill. The House used this approach, it may be said, to give Congress greater control to review the projects in the future. But it is unrealistic to think the Congress would seriously reconsider authorization of a half-built dam or half-dredged harbor.

If we wish to use a partial-authorization procedure for review—and not simply to hold down the apparent cost of the Omnibus bill—I would suggest that we seek a procedure for review after pre-construction planning. The Congress then could authorize the sum needed for the next stage, such as initiation of construction. A review process could be used. Also to assess the merits and costs involved in each component of a multicomponent project. If such a review found the balance of a project uneconomic or unnecessary, a single dam or channel would at least exist to serve a useful public purpose.

Some projects, of course, could never be built in component parts. In such cases, I believe it meaningless to authorize less than the full sum needed to complete the project.

It was my thought, shared by several Conferees, that a more effective method for limiting the bill's total Federal cost would have been elimination of any project not yet sent forward to the Congress by the Office of Management and Budget.

Over a third of the projects in this legislation lack review and approval by the Office of Management and Budget. Some have not yet reached the stage of clearance by the Secretary of the Army. Yet the twelve projects lacking clearance by either or both the Army and OMB involve a cost to the taxpayers presently estimated at $625,546,000.

This OMB review process, I should add, is not a technicality. The letter from the OMB is a most helpful document for identifying the merits, benefits, and any potential difficulty involved in a project. It often identifies problems with specific benefit or cost calculations made by the Chief of Engineers. Such calculations can be vital in consideration of a project with a benefit-cost ratio of 1.2 or 1.3 to 1.

More important, however, the issuance of the letter by the Office of Management and Budget is coincident with the release of letters of comment and review from other agencies, and accompanies submission to the Congress of the Report of the Chief of Engineers and the Secretary of the Army.

These letters and reports are the only basis on which an effective hearing can be held, in order to give all interested parties an opportunity to express their views on a project.

None of the twelve projects lacking OMB clearance has been the subject of public hearings by the Senate. No record of any House hearing that may have been held has been published.

To give some perspective on this problem of authorization without study, I would like to discuss a project for construction of two dams in the Cottonwood Creek basin in northern California. This project, with a Federal cost of $174,000,000 is pending approval by the Secretary of the Army.

I should hasten to say that my argument should not be considered as against the merits of this project. Construction of these dams may be most necessary and meritorious. They will prevent flooding, and supply water for irrigation and for the needs of the Los Angeles area 500 miles distant.

The problem is that the necessary information for the Congress to properly evaluate the project is not at hand. The only information officially presented to the Senate Committee on Public Works consists of a brief environmental statement prepared by the Corps of Engineers. In this case, however, I requested and was furnished a copy of an interim survey prepared by the District Engineer.

These studies show that the Cottonwood Creek project will flood 25,000 acres to provide protection and enhancement for 20,000 acres, mostly agricultural and pasture land. The project will enable 12,000 acres of that land to be brought under irrigation.

While the District Engineer's study concentrates attention on the disputed recreational benefits of the project, and the need for flood control at Cottonwood, California, a town of 1,650 population, the project carries heavy benefits for industrial and municipal water supply. Those $8,400,000 in anual water supply benefits, I should point out, represent two-thirds of the project's total annual benefits.

While the study implies that the water is needed locally, paragraph 75 on page 40 of the District Engineer's Interim Survey states that the water will go to Los Angeles.

Specifically, the annual benefit of $8,400,000 for water supply over the project's life is based on selling 235,000 acre-feet of water yearly to Los Angeles—beginning in 1989—at a price that returns $50 an acre-foot for the project.

What may be significant is that a full return will not take effect on these water supply benefits until at least 1989. With significant benefits so far in the future, I see no reason for authorization now, before the Congress has an opportunity to receive, under the regular procedures, the completed factual report of the Chief of Engineers, together with the comments of the Secretary of the Army and the OMB.

Other questions with respect to this project appear to be unresolved. The water to be extracted for sale to Los Angeles nearly two decades hence represents half the annual runoff of the Cottonwood Creek basin. Thus, a reduction will occur in the volume of water flowing from Cottonwood Creek to the San Joaquin-Sacramento River Delta and into San Francisco Bay.

In a letter commenting on the Cottonwood Creek project, the Department of Interior states: "Maintaining water quality at levels specified in Federal-State water quality standards will be dependent in part on the maintenance of an adequate outflow from the Delta. Since this project will reduce that flow, it may contribute to a violation of the standard."

Information such as this statement, has not been available for a sufficient period to foster a proper evaluation by the public. Conservation groups have gone on record to say they do not object to this project if the stored water is used to increase Delta outflows. This project sharply reduces Delta outflows.

It may also be significant that the project will be built in an area that is characterized as possessing significant beauty. The Corps of Engineers environmental statement gives this description of the area: "The basin has a wide range of topographic, vegetative, and wildlife resources. . . . The unspoiled natural resources of the area have high aesthetic value and together with the pleasant climate, contribute to making the entire upper Sacramento Valley an important natural resource . . ." The area also has a "large and varied wildlife population." . . . "Important prehistoric and historic (archeological) sites are known within Cottonwood Creek basin." At least 23 significant archeological sites will be flooded.

The Fish and Wildlife Service says the project will adversely affect both fresh water and anadromous fisheries. The California Fish and Game Department says that the lands protected from flooding and development are some of the State's most valuable bird nesting areas. Yet the project carries $490,000 in annual benefits for "fish and wildlife enhancement."

The project lists $315,000 in annual recreational benefits. According to the Bureau of Outdoor Recreation: "This project would compete with use of other nearby recreational areas, and because the Redding-Red Bluff area has a large concentration of water-oriented recreation opportunity, additional reservoir-associated recreation use in the

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Cottonwood Creek area does not have a high priority in the California statewide comprehensive outdoor recreation plan."

As I stated earlier, I am seeking in no way to pass my own judgment on the merits of the Cottonwood Creek project. I take it as an example of the several projects in this bill on which limited information has been officially provided to the Congress.

Nearly half of the total Federal cost of the projects authorized by this bill represents projects on which we are similarly lacking in information. I ask unanimous consent that a list of the six projects not approved by the Secretary of the Army, and the additional six projects pending consideration in the Office of Management and Budget, be listed in the Record at the conclusion of my remarks.

The provisions in Section 123 on Great Lakes dredging and disposal of dredged spoil are necessary and represent a major advance toward water quality.

Section 122 requires the Secretary of the Army to promulgate guidelines in 1972 to assure full consideration of possible adverse economic, social, and environmental effects in future projects. This is a most significant addition to directives given the Corps of Engineers.

Section 211 establishes another position of Assistant Secretary of the Army. He would oversee the operations of the Corps of Engineers. This may be a good and needed provision, but I see no need for its hasty adoption without hearings.

The Senate Committee on Public Works intends to hold hearings and discussions on its procedures for evaluating Corps of Engineers' projects some time early in 1971. I know all the Committee members share my hope that these hearings will enable us to establish a more effective procedure for handling Corps of Engineers projects, so that we can avoid this last minute rush. Our Committee can go far on its own to improve handling of rivers and harbors and flood control projects.

Our distinguished Chairman (Mr. Randolph) has been a leader to the Committee in attempting to resolve these questions. I do not make my argument to derogate the work of either the House or Senate Committee in Public Works; but I do believe we should help establish proper standards, and stick with them.

I ask that a letter from the Office of Management and Budget on the subject of Corps of Engineers' projects be printed at this point in the Record.

(The letter follows:)

Office of Management and Budget,
Washington, D.C., December 16, 1970.
Hon. Jennings Randolph,
Chairman, Committee on Public Works, U.S. Senate, New Senate Office Building, Washington, D.C.

Dear Mr. Chairman: We would like to state for the consideration of the conference committee the Administration's views on certain provisions in the House and Senate versions of H.R. 19877, the omnibus rivers and harbors and flood control authorization bill.

MULTIPLE OBJECTIVE PLANNING

Both bills include a statement regarding the intent of the Congress that the objectives of enhancing regional economic development, environmental quality, the well being of people, and the national economic development are objectives to be included in the evaluation of benefits and costs for water resource projects. The only difference in the House and the Senate versions is whether the provision is applicable to all Federal agencies or only to the Corps of Engineers.

We believe that endorsement of these water resource planning objectives by the Congress is premature at this time. The Executive Branch has not completed review of the Water Resources Council task force's recommendations on multi-objectives approach to planning which set forth in some detail the manner in which the basic objectives cited would be evaluated. In view of the importance of the objectives and the long range implication of their use in future resource development, we strongly recommend that Congress delete this provision until the Executive Branch agencies have had an opportunity to complete their review and make appropriate recommendations.

UNREVIEWED PROJECTS

The bill provides for the authorization of a number of projects on which the Executive Branch has submitted views and recommendations. However, the bill would also authorize a number of projects not yet reviewed by the Executive Branch. The House version of the bill includes 10 projects that have not been formally submitted to the Congress by the Secretary of the Army, and does not give effect to the reservations expressed by the Executive Branch on a number of projects and other proposals that were reviewed. The Senate bill includes 8 unreviewed projects.

We strongly recommend that those projects pending review in the Executive Branch be deleted from the bill or if such projects are included that the provision contained in the Senate version making construction contingent upon approval by the Secretary of the Army and the President be adopted. We support the language in the Senate version which gives effect to agency reservations on certain projects, as noted above.

COST SHARING GENERALLY

Both bills include provisions that would decrease local cost-sharing requirements in water resource developments. The Administration believes that non-Federal interests should be given more control over programs that benefit localities. At the same time, local interests should assume more responsibility for the costs of those projects. Apppropriate cost sharing provides the strongest test of the value of these kinds of projects—the willingness of the immediate beneficiaries to pay.

Recreational Boat Harbors—The bill provides that the operation and maintenance of recreational boat harbors is a Federal responsibility. This runs counter to one of the President's 1971 program reforms, which calls for local sponsors of these projects to assume the costs of maintenance and operation. This program reform would make Federal participation in recreational boating consistent with other Federal water resource recreational development. More local participation is also necessary since this program benefits a small privileged group of the population in specific geographic areas. We continue to urge that the President's program reform be adopted.

Diked Spoil Disposal Areas—The House version would authorize construction of diked spoil areas for the disposal of polluted material dredged from harbors and navigation channels. Local interests would be required to furnish the necessary lands, easements, and rights-of-way necessary for the construction, operation, and maintenance of the facility, and contribute 25 percent of the construction costs for the dikes. The 25 percent participation in the construction costs by local interests could be waived by the Secretary of the Army, upon a finding by the Administrator of the Environmental Protection Agency that the State or States involved, or an appropriate political subdivision of the State, or an industrial concern, is participating in an approved plan for the general geographic area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities, and is making progress satisfactory to the Administrator of EPA.

Last April, proposed legislation was submitted to the Congress by the Administration, pursuant to a Presidential message on Great Lakes pollution, which would have authorized a dike construction program for the Great Lakes. The Administration's bill provided for 50–50 cost sharing—an arrangement comparable to that for Federal grants for construction of municipal waste treatment facilities. The need for these dikes is primarily for pollution abatement and not for navigation.

We recommend that the Administration's proposal be substituted by the conferees for the provision in the House version.

Beach Erosion Control Policy—The House version includes a provision that would authorize the Corps of Engineers to pay up to 70 percent (exclusive of land costs) of costs of beach erosion control projects. Although the intent of this provision is not clear, it is assumed that it would amend existing beach erosion control authority to permit application of a cost apportionment procedure that is generally similar to that now applied to hurricane flood protection projects. The Corps is now authorized to pay up to 70 percent of the cost for hurricane protection while Federal participation in beach erosion control varies from zero to 70 percent of the cost depending upon non-Federal ownership and public access to the beaches. The House provision would be both inequitable and undesirable since it would single out one type of Federal water resource project for unique cost allocation and apportionment procedures. It would in effect eliminate the principle of pro-rata cost sharing for multipurpose hurricane flood protection and beach erosion projects. We recommend its deletion from the bill.

OTHER NEW AUTHORITIES

There are a number of other provisions that would authorize the Corps to undertake certain activities that have not been evaluated and reviewed within the Executive Branch. On the surface, some of these items do not appear to be the responsibility of the Federal taxpayers and are provided mainly to relieve certain geographic areas of financial responsibilities. We believe that authorization of these activities should be deferred pending review in accordance with standard procedures.

We believe that the adoption of these recommendations would contribute greatly to sound water resource development and would be glad to discuss them further if you wish.

Sincerely,

Caspar W. Weinberger,
Deputy Director.

Unapproved projects

PROJECTS LACKING APPROVAL BY THE SECRETARY OF THE ARMY	
Ellicott Creek, New York	$19,070,000
Merced Streams, California	37,260,000
Cottonwood Creek, California	174,000,000
Nawiliwili Harbor, Hawaii	1,952,000
Mississippi River, Iowa	12,263,000
Ouachita, Arkansas and Louisiana	13,500,000
Total	258,045,000

PROJECTS LACKING OFFICE OF MANAGEMENT AND BUDGET CONSIDERATION	
Baltimore, Harbor, Maryland	99,500,000
Atlantic Intercoastal Waterway Bridges, Virginia and North Carolina	11,220,000
Freeport, Texas	13,710,000
Pamlico River, North Carolina	2,642,000
Kaneohe-Kailua, Hawaii	7,249,000
Arkansas-Red River Basin, Texas, Oklahoma, and Kansas	233,180,000
	367,501,000
Total	625,546,000

Mr. DOLE. Mr. President, I urge my colleagues to approve the conference report on the Rivers and Harbors and Flood Control Acts of 1970. The bill authorizes many water resource improvements that will bring widespread benefits to present and future generations, including two flood control projects in Kansas.

One of these projects, the channel improvements and system of four multipurpose reservoirs to be constructed in the Blue River Basin, requires specific comment. During the hearings on the Blue River project, questions were raised on the advisability of constructing the Tomahawk Creek Reservoir. However, the Congress has decided that the corps should proceed with necessary preconstruction planning, while at the same time insuring that all feasible alternatives to construction of the Tomahawk Creek Reservoir have been carefully considered.

Consideration of this conference report provides an opportunity to again emphasize my interest in reviewing the questions raised in the section of the Senate report on this bill, Senate Report No. 91–1422, entitled "Impact of Water Resource Development on the Environment." The enormous body of complex rules, regulations, and guidelines which govern the procedures by which a water project is authorized and public moneys are appropriated for its construction, make it difficult for the Congress to intelligently perform its constitutional responsibilities.

Furthermore, the public must participate at all stages of the planning and development of proposed water projects in a meaningful way. Too often, interested parties understand little about the complex procedures and as a result, are at a distinct disadvantage in making their voices heard. With the increased interest in the environment, the public can play a positive role if we establish procedures that will protect their rights.

In addition, I have serious doubts about the long-range advisability of including projects in authorizing legislation that have not received the approval of the Secretary of the Army and the President. This practice unfairly heightens public anticipation and relinquishes to the executive branch the ultimate decision as to whether the project should be approved. This problem is partially a result of the fact that Congress considers water projects on a biennial basis. The oversight hearings to be held by the Senate Public Works Committee next year will provide an opportunity to explore possible alternatives to the present congressional authorization process.

Mr. YARBOROUGH. Mr. President, the Omnibus Rivers and Harbors and Flood Control Act which the Senate and House have agreed to represents Congress continued commitment to progress for America. Included in this bill are a wide variety of flood control, navigation, beach erosion, and water development projects, which are located in 21 States. Of particular significance are several projects which will materially benefit the people and economy of our State.

First, the bill includes an authorization of $13,710,000 for improving and enlarging the harbor at Freeport, Tex. At present, the existing channel and basins are not adequate to accommodate the ever-increasing traffic of supertankers and large cargo vessels. The funds included in this bill are very necessary if the Freeport Harbor is to be capable of handling the rapidly growing commerce along the Texas gulf coast.

Second, the bill authorizes funds for the construction and operation of a comprehensive Red River chloride control project. The purpose of this project is to control and eliminate the salt pollution in the Red River which is seriously affecting the farms and communities in Texas and Oklahoma which must depend on this river as a source of water. I am glad that this important work will go forward.

Third, the bill also authorizes the beginning of the Sabine River Basin flood control project along the Sabine River in southeast Texas. At present there is no major flood control project in the Sabine River Basin. As a result, frequent flooding has caused a great deal of property damage in this area in the last few years. It is estimated that floods along the Sabine River cause an average of $5.2 million in damages each year. This project will not only correct the flood problem but also provides a source of water for the growing towns and cities in this area.

The bill as originally reported by the Senate Public Works Committee did not include this project, however, the Senate in its wisdom agreed to my floor amendment and restored this important project to the bill. Therefore, up to $40 million is now authorized to start work on this project.

Fourth, I am pleased that the conferees agreed to include in the final version of this bill authority for the Chief of Engineers to construct an elevated roadway to provide an alternate access to the Wolf Creek Park area in Ochiltree County, Tex. I am very glad that the Senate conferees agreed to my arguments for this project and included it in the bill.

In conclusion, Mr. President, I commend the distinguished chairman of the Senate Public Works Committee, Senator RANDOLPH, and all the members for their efforts on this bill. Congress can take pride in their work.

Mr. COOPER. Mr. President, when the Senate considered the Omnibus Rivers and Harbors and Flood Control Act of 1970 on December 9, the senior Senator from Oregon (Mr. HATFIELD) was absent from the Senate on official business. He had left with me a statement to include in the RECORD of the debate on that bill which reflected his great concern about the Coos Bay, Oreg. navigation project.

I inadvertently mislaid the statement so that it was not included with the regular consideration of that legislation. Now with the adoption of the conference report as our pending business on the rivers and harbors and flood control legislation, I ask unanimous consent that the statement of Senator HATFIELD before the Committee on Public Works at the time of the public hearing on the Coos Bay project be included in the RECORD at this point. He was so interested in seeing that the Coos Bay project was authorized that he presented testimony during committee hearings urging its approval. I am happy that it was included in the Senate and House versions of the bills.

I also want to place Senator HATFIELD's statement in the RECORD as it indicates his deep interest and advocacy of the Coos Bay, Oreg., project. His strong support caused our Public Works Committee to support his request.

There being no objection, the statement was ordered to be printed in the RECORD as follows:

STATEMENT OF HON. MARK O. HATFIELD, A U.S. SENATOR FROM THE STATE OF OREGON

Mr. Chairman, included in H.R. 15166 is a harbor improvement project at Coos Bay, Oregon. I appear here today to offer my full support for this project.

The city of Coos Bay is located on the Southern Oregon coast. The population of Coos Bay is about 15,000 and serves Coos County with 55,000 people.

In the past, Coos Bay has been a lumbering area and a shipping center. I will not repeat here what you on this Committee have heard me saying on the Senate floor ever since I have been in the Senate regarding the connection between high interest rates, the decline in new housing starts, and the slowdown in Oregon's lumber economy. Coos Bay has suffered, as have other Oregon towns, by this decline. The area is suffering from economic doldrums.

Currently, the existing Federal project consists of a twin-jetty protected entrance channel, interior channels, anchorage areas, and turning basins. We all are aware of the growth in vessel size in recent years. In Coos Bay, existing channel depths are not adequate for modern cargo vessels under full load. In addition, wave conditions in the entrance channel coupled with insufficient depths in the channel often cause vessel delays.

Mr. Chairman, Coos Bay is the largest port facility between the Columbia River, over 200 miles to the North, and the San Francisco Bay, over 450 miles to the South. As a port, it stands ready to grow, hampered only by the problems set out above. An adequate labor force is available to meet increased growth in port activities.

As you are aware, the proposed improvement generally consists of modifying the existing project by deepening and widening the project channels to provide a 45-foot depth in the entrance channel, a 35-foot depth in the interior channel, construction of an anchorage area 1,000 by 2,000 feet to a depth of 35 feet near mile 6, deepening and widening existing turning basins and abandonment of existing authorized anchorages at mile 3.5 and mile 7.

The cost of this project is not great. Figured at a 1967 price level, it totalled $9,200,000, with $9,100,000 in Federal funding and $100,000 of non-Federal funds. Inflation will have increased these costs, but this same inflation is what is hurting the economic life in the Coos Bay area.

In conclusion, Mr. President, I would like to say that I had the pleasure of speaking in Coos Bay recently at the dedication of a new downtown mall.

As I said, the lumber slowdown has hurt this area greatly and the people would have had cause to complain and grumble. Instead of this, however, I found complete faith in their community, as evidenced by the personal dedication needed to launch such an ambitious undertaking to create a downtown mall.

This harbor improvement project would demonstrate that their faith in the future of Coos Bay is well founded. Completion of this will give the local economy a needed shot in the arm. I hope this Committee will act favorably on this project.

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Last week, when I learned this hearing was scheduled, I talked with people in the Coos Bay area. I asked for some expressions of support and details of the effect of this project from them. The most complete statement came from William S. Schroeder, President of the Coos Bay Port Commission. I would like to quote his telegram, and then refer to some of the points he raises:

Coos Bay, Oreg., *April 10, 1970.*

Senator Mark O. Hatfield,
U.S. Senate, Washington, D.C.

Dear Senator Hatfield: When the request for an improved channel was initiated in 1963, the 250 vessels using Coos Bay averaged about 450 feet in length and 10,000 deadweight tons. Last year, 1969, 450 vessels used the port and averaged over 500 feet in length. One hundred and fifty vessels varied between 13,000 and 38,000 deadweight tons. The remainder, with few exceptions, are from 10,000 to 13,000 tons. Today we have vessels 650 feet in length 98 feet in width making regular calls at our port. These deeper draft vessels suffer a financial loss of over $125 per hour by the delays incurred in waiting for high tide and the hazards of navigation are increased considerably with all traffic attempting to depart the port simultaneously.

The 1963 tonnage of 1,288,634 has increased to, in 1969, 3,552,850 tons. This increase of 2,264,216 tons which is almost triple the 1963 figure, has contributed to a more favorable balance of trade. Coos Bay in 1969 exported to foreign countries 2,729,250 tons of lumber, logs, plywood, and wood chips. Your attention is invited to the Corps of Engineers projection for the year 2020, which assumed that 3,050,000 tons of cargo would be handled through the port of Coos Bay. Actually this figure was surpassed in 1968. Conceivement of such an increase in the export trade was not possible in the mid-1960's. Our increased tonnage has all been in the foreign market.

We request our present channel entrance be deepened from 40 feet at the entrance to 45 feet and the inner channel from 30 feet to 35 feet. The upper half of the channel to be widened from 300 feet to 400 feet. Since the docks are concentrated in the upper bay there is little need to widen the lower bay part of the channel.

The Corps of Engineers have found a favorable cost benefit ratio of 1.62 to 1 and this without knowledge of 1969 actual tonnage. We will continue our increase in this foreign trade if our channel can be improved to accommodate the ever larger vessels.

The port of Coos Bay is the largest lumber shipping port in the U.S. and if our channel is not improved we anticipate that within 5 years we will lose one-third of our shipping. This means that 10,000 persons will be directly affected. The wage loss will be $1.5 million in stevedore wages, a quarter million dollars each in tug boat and teamster wages . . . this does not include the financial impact upon persons engaged in services. The port of Coos Bay is an export port, 90 percent of the forest products in Coos County are shipped by water out of the port of Coos Bay in deep draft vessels.

Sincerely,

William S. Schroeder,
President, Coos Bay Port Commission.

The points raised in this telegram point out the urgency of this matter. The growth in vessel size, the increase in traffic, and the growth potential all call for this project to be considered now.

In addition, telegrams of support were received from the Coos Bay Mayor and City Manager, Board of Commissioners, Chamber of Commerce, and Mayors and City Councils of North Bend, Eastside, and Myrtle Point.

I ask permission of the Chairman that these short telegrams be incorporated as part of my statement. Thank you.

Coos Bay, Oreg.,
April 10, 1970.

Senator Mark Hatfield,
Senate Office Building, Washington, D.C.

Dear Senator Hatfield: This is to express support from the mayor and city council of Coos Bay for the proposed Coos Bay harbor improvements, including the deepening and widening the ships channel turn basins and improvement of the bar itself. As you are well aware the Coos Bay area depends to a great degree on the lumber industry for its jobs. Since the port of Coos Bay is one of the largest shipping centers of wood products in the world you can appreciate how important this port is to the economy of the area. With the trend to larger and larger ships it is imperative that the bar and channel facilities be improved to enable these vessels to continue to use the port of Coos Bay.

Sincerely,

Harold A. Leedom,
City Manager.

Coquille, Oreg.,
April 10, 1970.

Senator Mark Hatfield,
Senate Office Building, Washington, D.C.:

It is our understanding that the public works commission will be holding a hearing on the proposed improvement of the Coos Bay harbor in the very near future. The continued and proper development and maintenance of the Coos Bay Harbor is vitally important to the economy of the entire county and much of the Pacific coast and since Coos Bay Harbor handles more lumber for export than other ports in the world we feel it is vitally important that these improvements go forward with the best possible haste and receive your full support for which we thank you in advance.

Sincerely,

Coos County Board of Commissioners,
Frank L. Rema,
Chairman.
William L. Miller,
Lonnie Vanelsberg.

April 10, 1970.

Coos Bay, Oreg.,
Hon. Mark O. Hatfield,
Senate Office Building, Washington, D.C.

The Coos Bay REA Chamber of Commerce heartily supports your efforts in behalf of H.B. 15166, the Comprehensive Harbor Improvement Act, as being of vital importance to the primary lumber export city. Please advise how we can be of further help toward passage of this bill.

Fred M. Brenne,
Manager Coos Bay Area Chamber of Commerce.

April 10, 1970.

North Bend, Oreg.,
Senator Mark O. Hatfield,
U.S. Senate Office Building, Washington, D.C.

The North Bend City Council wishes to go on record as supporting the Coos Bay deep channel project.

Harry M. Graham,
Mayor.

April 11, 1970.

Coos Bay, Oreg.,
Senator Mark O. Hatfield,
U.S. Senate, Washington, D.C.

We support the deep channel project for the port of Coos Bay.

Mayor and Council.
Eastside, Oreg.

April 10, 1970.

Myrtle Point, Oreg.,
Hon. Mark Hatfield,
U.S. Senate, Washington, D.C.,

City of Myrtle Point fully supports deep channel project for port of Coos Bay. Improvement needed for shipment of forest products so vital to economy of this area.

Ervin R. Wilberger,
Mayor.

Mr. RANDOLPH. Mr. President, I move adoption of the conference report.

The PRESIDING OFFICER (Mr. Cranston). The question is on agreeing to the conference report.

The conference report was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order, the Chair recognizes the Senator from Montana for 15 minutes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 3835) to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 4106) to amend the Public Health Service Act in order to provide for the establishment of a National Health Service Corps, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H.R. 19567) to continue until the close of June 30, 1971, the International Coffee Agreement Act of 1968, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 12962) for the relief of Maureen O'Leary Pimpare, and it was signed by the Acting President pro tempore (Mr. Allen).

HOUSE BILL REFERRED

The bill (H.R. 19567) to continue until the close of June 30, 1971, the International Coffee Agreement Act of 1968, was read twice by its title and referred to the Committee on Finance.

THE PRISONERS OF WAR AND THE PARIS TALKS

Mr. MANSFIELD. Mr. President, in recent weeks statements of merit that are worthy of our most serious consideration have been made by the distinguished Senator from Washington (Mr. Jackson), advocating a cease-fire not only through Christmas and the New Year's season, but through Tet as well.

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The administration has indicated its support of such proposals.

Furthermore, the distinguished deputy minority leader, the Senator from Michigan (Mr. GRIFFIN), has advocated a proposal which likewise has the support of the administration, relative to the release of a certain number of prisoners of war held in South Vietnam in the hope that it would bring about reciprocal action by the North Vietnamese.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Kansas (Mr. DOLE) has been very active in behalf of the POW's—more active, perhaps, than anyone else in the Senate, with some exceptions, and certain people in this country.

The Senator from Kansas (Mr. DOLE) is to be commended for his unflagging and unfailing interest.

It is the reporting by the Foreign Relations Committee to the Senate of Senate Resolution 486, which was submitted by the distinguished Senator from Kansas joined in by 30 or 40 Senators, and its adoption this morning, that I would like to use as a basis for the remarks which I am about to make, because my thesis has to do with the talks in Paris and their possible relations to negotiations seeking to bring about a release of all the POW's held by North Vietnam at the present time.

Mr. President, the President's policy in bringing about a steady reduction of forces in Vietnam has been commended, properly, many times on the floor of the Senate. The withdrawal is all to the good; it is in the interests of this Nation. The Senate has supported the progressive reduction; I have supported it, personally, expressing only the hope that the exodus might be speeded up. At the very least, it has seemed to me that nothing ought to be permitted to interfere in any way with the progressive reduction of U.S. forces, provided, of course, that the forces still remaining at any time are adequately safeguarded.

I would hope, for example, that neither the words nor the actions of the executive branch or the Congress would delay in any way the departure of all American forces from Indochina because only a full withdrawal, in my judgment, can serve the vital interests of the United States. Only a full withdrawal will finally end all American casualties which is, after all, a fundamental of present policy, as I understand it. I repeat, Mr. President, not some but all American casualties must be ended as soon as possible. There is not and cannot be a tolerable level of American casualties in a misbegotten war.

So once more, let me say that the President is to be commended for hewing to his policy of continuing to draw down U.S. forces and for exceeding the target figure of reduction which he had established for this point in time. It is no mean achievement to move the machinery of the executive branch to bring about a shift of this kind. Notwithstanding, I must note, in all candor, that we are far from out of the jungle in Indochina.

To sense how tightly we continue to be ensnared, we had better look most carefully not only to the U.S. forces remaining in Vietnam—there are almost 350,000 still there—well below the total of almost 550,000 2 years ago—but also to the contingents of U.S. personnel in Laos and Thailand. We had better look, too, to U.S. military activities other than ground action, whether air bombardments, naval engagements, or whatever, which are still taking place throughout the Indochinese peninsula. We should note, also, the expanding area of military action in which our forces—be they on the ground, in the air, or on the sea—are engaged. A U.S. serviceman is no less a casualty if he is killed when his helicopter strikes a mountain in Laos or his plane is shot down while flying close support for a Vietnamese battalion in Cambodia than when he is shattered by a boobytrap outside Saigon.

We had better take a look, too, at the degree to which we continue to assume and to increase—not only by our acts but by our words—U.S. responsibilities for the survival of governments in the capitals of all three Indochinese countries. Finally, we will gage more accurately the distance yet to go in ending this involvement by noting the lack of progress in the meetings in Paris.

I regret to have to say it but I must say it most soberly—by any of these other measures there are no indications of an end in sight to the involvement in Indochina. I do not see that the scope of that involvement has even shrunk in the past year or so, with the significant exception already noted of the tactical curtailment of the use of U.S. forces, air, sea, and ground.

We may well ask ourselves, for example, what is changed in our relationship with the Saigon government? What is its life expectancy without a continued powerful U.S. military presence, not to speak of a steady flow of massive U.S. aid? What of the Government in Laos? Does it stand closer to survival as a neutral or in any other independent way, now that many Americans are engaged there and the dollars flood into that country? Is there a cutoff of either U.S. casualties or aid in sight? When can the withdrawal of the American contingents be expected? What of the related aid and contingents with regard to Thailand?

Then there is Cambodia. This time last year there were perhaps 11 Americans in a miniscule diplomatic mission and no aid program of any kind. Hostile forces were present only along the Cambodian-Vietnamese borders. No Americans were involved anywhere in Cambodia. No U.S. casualties of any kind were being incurred in that country. To be sure, there was a government in Phnom Penh with only a fingertip grip on neutrality. Some considered that government not to be very friendly to the United States and, indeed, in its public utterances frequently it was not.

Now there is a government which seems more friendly to the United States. However, that government's hold on the country is dubious, even a few miles outside the capital city in any direction. North Vietnamese forces are no longer concentrated in the border sanctuaries but together with Cambodian guerrilla forces, they have spread in reinforced strength over one-half to three-quarters of Cambodia.

The staff of 11 Americans at the U.S. mission in Phnom Penh a year ago has burgeoned to 60 at present and it is still growing. The executive branch on its own has already funneled through that mission a commitment of $105 million to the new Government of Cambodia. It has asked the Congress not only to underwrite that commitment, but to join in committing another $155 million, a step which the Senate on Wednesday last said that it was prepared to take. I would be less than honest if I did not express my concern at that decision although I bow, of course, to the collective wisdom of the Senate.

It should be noted that the request was made under a familiar slogan: "spending dollars is better than spending lives." Of course, it is better to spend dollars; who would disagree with that order of priority? But is the evaluation valid?

Before we travel much further down that road, we had better note that the same slogan marked the beginning of the U.S. involvement in Vietnam as well as in Laos. Since then, we have scattered over a hundred billion dollars of the people's taxes along that slippery road. Far more tragic, a total of over 53,000 American lives have ended and over 290,000 others have suffered wounds on that tragic trail. In short, the accurate evaluation in Indochina is not to be found in the slogan: "better to spend money than lives." No, Mr. President, if we must use slogans, the more appropriate phrase in Indochina would appear to be "aid-money first and lives later." That has been the pattern to date.

We may ask ourselves, too, whether our involvement in Indochina is shrinking or growing when we perceive that the airwar has long since been extended from Vietnam to all of Laos and appears, now, to be on the verge of an extension to all of Cambodia. Moreover, what began as an understandable sympathy for the 1,500 Americans who are believed to be prisoners of Hanoi has given rise to words and actions, in multiplying indication that the area of our military involvement may well be expanding still further to reembrace bombing raids over North Vietnam. It will be recalled that it was the bombing of the North which led originally to the deaths of many American airmen and the capture of almost all of the Americans whom we now seek to free from the prison camps of North Vietnam. The raids were curtailed under the previous administration and this wastage of American lives was, at last, halted. Are we now about to begin it all over again?

Finally, if we would measure the distance to the end of our involvement we should take into consideration what is transpiring in the Paris talks. The overwhelming fact, there, is that, until now, there was little worth mentioning. The talks are back almost to the beginning of a beginning. Two years later, they are as far from bonafide negotiations as they have ever been.

All in all, then, we would be well ad-

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vised, I believe to face frankly the reality that there is more to bringing about an end to our involvement in Indochina than the removal of a substantial part of our expeditionary forces from Vietnam—a step which I do not deprecate but commend in every way. The fact is, however, that what we are dealing with is hydra-headed. While the drawdown of U.S. ground forces has helped to reduce casualties in one area, the other entrapments have tightened their hold upon this Nation.

I would hope the Senate, therefore, in the closing days of the expiring Congress, in a time of haste and weariness, will not have acted in a fashion which lends encouragement or support in any way, shape, or form to a deepening of this tragedy which has already done so much to erode the foundations of the Nation's unity and stability.

I would hope, too, that the President in his continuing search for a responsible settlement, might consider directing that a pointed effort be made to seek new ingresses to a peaceful solution either in Paris or elsewhere. It seems to me that the executive branch might try to concentrate its negotiating attention at this time in an effort to determine whether the release of all U.S. prisoners of war might not better be secured as a quid pro quo, if we were prepared to set forth a timetable for the progressive withdrawal of the balance of the U.S. forces in Vietnam at this time, both events to take place under the umbrella of a ceasefire which would bring, of course, an immediate end to all U.S. casualties. Something along these lines is within the scope of the President's October 7 statement. At the same time, the release of U.S. prisoners is within the scope of peace proposals which were made by North Vietnam on September 17.

This week, at the 95th session of the peace talks in Paris, Madam Nguyen Thi Binh repeated a previous proposal offering an immediate cease-fire in Vietnam in return for a declaration of United States and allied troop withdrawal by June 30, 1971.

She also stated that U.S. acceptance of this proposal would mean immediate negotiations on the release of captured American prisoners. Madame Binh ignored the U.S. proposal that meetings be held every day to try to bring about the release of all U.S. prisoners by Christmas.

Shortly after that meeting concluded, Xuan Thuy, the chief of the North Vietnamese delegation, noting that Ambassador Bruce has rejected the proposal for a U.S. withdrawal by June 30, 1971, said:

> I, therefore, propose that if the United States is not willing to accept June 30, 1971 as the date for final withdrawal of all its troops, then it should suggest *another reasonable date*. In that case, we can immediately consider the American suggestion.

At the 95th conference, Ambassador Bruce, after calling for "immediate negotiations on an internationally supervised ceasefire-in-place throughout all of Indochina," repeated the readiness of the United States to negotiate on an agreed timetable "for complete troop withdrawal as part of an overall settlement in Vietnam, Laos, and Cambodia."

Perhaps in this give-and-take at Paris and also based in part on the President's proposals of October 7 and Hanoi's proposals of September 17, the two points to which reference is made—that is, the release of all U.S. prisoners of war coupled to a timetable for the final withdrawal of U.S. forces—might be explored exclusively—and I emphasize that word "exclusively" because that would mean setting these two issues apart—to see whether or not they may be reconciled as a starting point of a ceasefire to be followed by the negotiation of a complete settlement. It would be my hope, Mr. President, that this approach may light a clear signpost to peace.

May I say that I submit these thoughts with an understanding and appreciation, I think, of the complexities and intransigences which confront the President. I submit them, nevertheless, in concern lest we find ourselves operating under a new fail-safe—deeper within this tragic involvement—a new point of no return in Indochina.

ORDER OF BUSINESS

Mr. GRIFFIN. Mr. President, would the distinguished Senator from Missouri (Mr. EAGLETON) yield briefly to me, without losing his right to the floor?

Mr. EAGLETON. Mr. President, I am willing to yield for a brief period to the Senator from Michigan with the understanding that I do not lose my right to the floor and that on resuming the floor my remarks do not constitute a second speech. I do want to add that I have a gentleman's understanding with the Senator from Nevada (Mr. BIBLE) that after a not unseemly period he should be notified so he may come back and proceed on the DOT appropriation conference report.

Mr. GRIFFIN. May I have 10 minutes?

Mr. EAGLETON. May I inquire of the Chair how long we have been on matters unrelated to the DOT conference report?

The PRESIDING OFFICER. Fifty-eight minutes.

Mr. PELL. Mr. President, would the Senator yield to me for 6 or 8 minutes?

Mr. EAGLETON. I would be pleased to yield to any Senator who wants me to yield, but I feel under some moral obligation to the manager of the conference report.

Mr. MANSFIELD. Mr. President, I think the Senator from Missouri would be doing the manager of the conference report a favor at this time by yielding.

Mr. EAGLETON. Mr. President, with those words of the majority leader, I shall yield first to the Senator from Michigan, then to the Senator from Rhode Island, and then to the Senator from Kansas.

PRISONERS OF WAR AND THE PARIS TALKS

Mr. GRIFFIN. Mr. President, I listened with close attention to the remarks of the distinguished majority leader, and I appreciate his reference to a proposal made earlier this week by the junior Senator from Michigan concerning prisoners of war.

As I reported to the Senate earlier, I had a very interesting experience about a month ago when I met for over an hour with North Vietnam's Delegate General to France, Mr. Mai Van Bo. At that time I discussed with him some of the same matters which the distinguished majority leader has discussed today.

Unfortunately, in her speech, Madam Binh, gave no indication that the Communist side at the Paris talks would be willing to discuss the release of prisoners unless we first announce that all American troops will be out of South Vietnam by a given date.

Mr. MANSFIELD. By June 30.

Mr. GRIFFIN. By June 30. And, as the distinguished majority leader has pointed out very appropriately, President Nixon's proposal or initiative of October 7 indicated that our side is ready to discuss the matter of a withdrawal timetable. This is a matter we are willing to discuss. But to be realistic we must keep in mind that the other side has refused to talk about the subjects. The other side refuses to discuss the release of prisoners. The other side refuses to discuss the matter of a timetable. Madam Binh has taken the position that her side will not even engage in discussions concerning the release of prisoners of war unless and until after we unilaterally announce that all troops will be out by June 30.

Hopefully, the other side may change its unreasonable position at some point. But, unfortunately, that is their position now, as I understand it. They will not even discuss the matter.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. GRIFFIN. I yield.

Mr. MANSFIELD. I tried to bring out in my speech a reference made by Xuan Thuy, the chief of the North Vietnamese delegation in Paris this week, at the 95th session, which goes beyond what Madam Binh has said, because the Senator's statement about Madam Binh was absolutely correct. After that meeting, at which Madam Binh restated the old theme, "Withdraw by June 30, 1971, and then we will discuss the prisoners of war," Xuan Thuy, chief of the North Vietnamese delegation, said:

> I, therefore, propose that if the United States is not willing to accept June 30, 1971, as the date for final withdrawal of all its troops, then it should suggest another reasonable date. In that case, we can immediately consider the American suggestion.

So it appears to me there is a good deal of flexibility there, which may be tied in with the proposals made by the President on October 7 of this year, because I think the President's proposal had a great deal in the way of substance and a great amount of flexibility.

Mr. GRIFFIN. I certainly would agree with the majority leader's description of the President's proposal. He proposed, for example, that all prisoners of war be released by both sides.

His other proposals were not necessarily tied to each other. They could be considered as a whole, or in parts, or in groups related or unrelated, but there were no conditions.

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I hope that perhaps the majority leader's interpretation of Xuan Thuy's remark may indicate some greater degree of flexibility than was the case before. I do not know if it does, but at least there is a possibility.

When I was with Delegate General Mai Van Bo in the conference, I took very careful notes of our conference, and drafted a memorandum following it.

We had a conversation on that point, that went like this:

I said to the Delegate General:

> In Madam Binh's speech, she spoke about "discussing" the release of captured military men if the U.S. would first declare that all troops will be withdrawn. Perhaps you can clarify a point for me. Did Madam Binh mean that prisoners would be released if troops were withdrawn—or only that there would be "discussions" if all troops are withdrawn?

Delegate General Bo responded in this way:

> That question has already been answered in the talks. If you read carefully the text of our response you would know that "discussions" "Leading to release" will be held if the U.S. declares that all troops be out by June 30, 1971.

Then I said to the Delegate General:

> When you say that "discussions" will be held "leading to release," does that contemplate that other conditions besides the withdrawal of all troops could be involved?

He avoided the question, and said:

> If you read the history of the Vietnamese people, you will know how we look upon the question of captured American pilots—

And went on into a discussion of prisoners of war.

I again commend the distinguished majority leader for focusing attention on this very important subject. I thought perhaps my experience rather recently might help put the situation in focus, and indicate how really very difficult it is.

I am happy now to yield to the Senator from Kansas.

Mr. DOLE. I think the Senator from Rhode Island has the floor.

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. EAGLETON. I yield to the Senator from Kansas, under the previous stipulation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I appreciate the Senator's yielding in accordance with the stipulation. I share the view expressed by the majority leader that perhaps, in the closing stages of this session, it is well that we turn our attention to the plight of the American prisoner of war, wherever he may be in Indochina, and that we make an effort again, in cooperation with the excutive branch, to seek to do whatever it may entail to secure the release of American prisoners.

I also acknowledge and appreciate the interest of the majority leader and the interest of the assistant minority leader in Senate Resolution 486, which was passed earlier today.

Mr. President, I ask unanimous consent that additional sponsors not listed on Senate Resolution 486 as reported by the Committee on Foreign Relations be properly noted, as follows: The Senator from Iowa (Mr. MILLER), the Senator from New Mexico (Mr. ANDERSON), the Senator from Oklahoma (Mr. BELLMON), the Senator from Rhode Island (Mr. PASTORE), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from New Hampshire (Mr. MCINTYRE).

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

Mr. DOLE. Mr. President, I find myself in general agreement with the statement of the distinguished majority leader. I share the view expressed by the majority leader that we must do everything possible, and as quickly as possible, to extricate ourselves from South Vietnam. I appreciate the majority leader's reference to the efforts by President Nixon. As indicated, the troop level has been reduced by about 200,000 Americans in less than 2 years' time. There will be a further reduction of some 50,000 or 60,000 by next May 1. At that point in time, about 80 percent of the combat troops will have been withdrawn, and about 50 percent of the total American forces, the troop level, as compared to January 20, 1969.

This is progress, as the distinguished majority leader indicated. But I recognize, as others recognize, that there is still one very difficult problem that has not been resolved, at least we see no evidence of any resolution, and that is the plight of the American prisoners and the plight of the Americans missing in action, whether they be in North Vietnam, South Vietnam, or some other place in Indochina.

There is one theory that if we continue the Vietnamization program, if we reduce the troop level, then we take away our bargaining power, and if we leave these American prisoners, some 1,500 to 1,600 American prisoners and Americans missing in action somewhere in Indochina, we, in effect, desert them for the goal of Vietnamization; that if we take away this bargaining power and reduce our own military power, we, in effect, write off some 1,600 Americans.

That is not the intention of anyone in the Senate. That is not the intention of this administration. It is not the intention of any administration, past or future.

I share the view expressed by the Senator from Michigan that we are willing now to exchange—the suggestion of the Senator was 1,500 and some prisoners without any reciprocity, as I understand it—just merely to release that many.

Mr. GRIFFIN. If the Senator will permit, as he knows, the President has proposed that both sides release all prisoners which would involve a 10-to-1 advantage to the other side.

Mr. DOLE. Yes.

Mr. GRIFFIN. I have proposed, on my own, that we not only release unilaterally all sick and wounded being held by our side, but that we, as a gesture, go ahead and release 1,500 North Vietnamese prisoners unilaterally, to increase the world pressure and moral pressure on the other side.

Mr. DOLE. I share this suggestion. There is no doubt in my mind that the North Vietnamese are feeling the heat of world opinion. Having read the memorandum prepared by the junior Senator from Michigan following his conference with Ambassador Bo of North Vietnam, there is little doubt in my mind that they are experiencing the effects of world public opinion.

In fact, as I recall, one of their last gestures was to present the Senator with the North Vietnamese paper which indicated, among other things, that the American prisoners were properly cared for.

But above and beyond that, I share the view expressed by the distinguished majority leader that there must be flexibility, there must be a continuing effort, I assume there is a continuing effort by Ambassador Bruce and others responsible for the Paris peace talks, toward finding some way to resolve the knotty issues relating to American prisoners of war.

I joined with the Senator from Washington (Mr. JACKSON) in suggesting a standstill cease fire, as did many others with differing views on the war in Indochina. I was pleased that President Nixon, in effect, advocated a somewhat similar cease fire proposal on October 7.

It occurs to me that we may be reaching some agreement. There may be some movement at the Paris peace talks. The question may be what comes first, the standstill cease fire, the exchange of prisoners, or setting some date in the future for the withdrawal of all American troops.

This body has debated at great length the so-called amendment to end the war, which would have, in effect, set a deadline. I think the last deadline proposed was March 1, 1972, which seems to be, and of course is, many months away.

But I feel that this is one decision which must be left with the executive branch, with the President.

Mr. MANSFIELD. Mr. President, will the Senator yield at this point, when he is referring to a date?

Mr. DOLE. I yield.

Mr. MANSFIELD. I agree. If the Senator will recall, in my remarks I did not state that a final date for withdrawal should be made publicly. I agreed that it should be the President's prerogative, and I thought I had worded it in such a way that while questions could be raised, the intent was clear.

Mr. DOLE. I was going to say that the Senator from Montana left that option for the President, and that is why I find myself in very close agreement with his statement.

I find this particularly true, again, with reference to the American prisoner of war. I find this particularly true because it appears that every other course has failed, including the courageous raid by Americans on the Son Tay prison compound on November 21.

So I would, for the most part, subscribe to the efforts of the distinguished majority leader, again to emphasize a willingness on the part of our Government, to exercise a willingness to cooperate between the legislative and executive branch in bringing about, hopefully, a cease-fire, but, if not, of the release of the American prisoners of war; and, hopefully, through negotiations. If the President, through Ambassador Bruce, should suggest to the North Vietnamese negotiators in Paris some date in the future, and if this would mean some movement and some flexibility and some release of American prisoners, then certainly this would be a great step forward—not only in the release of some 1,500 Americans but, beyond that, perhaps a first step in arranging standstill cease-fire which would, of course, reduce all casualties.

I share the view expressed by the majority leader that, notwithstanding that casualties have been reduced from 300 or more per week to 20 or more per week, one is too many in South Vietnam; and it makes no difference whether it is in combat or some accident in Indochina. One is too many.

So we have a responsibility in the Senate, and certainly one we all recognize too well.

I again would express my appreciation for Senate action on S. Res. 486, which was simply a resolution commending the brave acts of some 100 or more Americans who participated in a raid on the Son Tay prison camp on November 21.

It again demonstrates our appreciation of the courageous acts, above and beyond the call of duty, of Americans. That was the purpose of the resolution, that was the intention of the resolution, and that was the resolution reported unanimously by the Committee on Foreign Relations.

I thank the Senator for yielding.

Mr. MANSFIELD. It was agreed to unanimously.

Mr. DOLE. Yes.

Mr. PELL. Mr. President——

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. EAGLETON. Mr. President, I ask unanimous consent that I may yield to the Senator from Rhode Island, under the previous limitation; that in yielding to him for the purpose of his delivering a brief speech, I do not lose my right to the floor; and that upon my resumption, it will not be counted as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I not only listened to but also carefully read the speech of the senior Senator from Montana, and I find myself in complete agreement with its logic, its facts, and its thrust.

There is no doubt that the number of our ground forces in South Vietnam have been reduced. But there is no doubt that geographically the war has enlarged. When we think of the increasing commitments in Cambodia and Laos and also of the escalated dimensions in the air, the war is being enlarged.

We should recognize, too, that as the war is enlarged in the air, most of the prisoners of war—or, from the North Vietnamese viewpoint, our captured military men—are basically pilots, and their situation results from the policy of bombing which many of us here opposed vigorously under the previous administration. We see this policy of bombing being resumed. If it is resumed, one of the inevitable results will be that the number of American prisoners of war will be increased, and that problem, rather than being simplified, will be complicated.

I would think that we should recognize this fact and try to push harder along the lines advanced by the majority leader, according the North Vietnamese what they have always sought, which is an iron-clad assurance of the withdrawal of all American military men from an area where, from their viewpoint and my viewpoint and that of some of my colleagues, we have been interfering in what is a civil war. If that assurance were given, I think many of the pieces would fall into place.

I think back to the war between the States, in our own country, when, if Britain had been ill advised enough to have intervened and follow the policies we follow in Vietnam, that war, bloody as it was before unification was achieved, would have gone on considerably longer and been even bloodier.

The majority leader brought out the remarks of Xuan Thuy, who said:

> I, therefore, propose that if the United States is not willing to accept June 30, 1971, as the date for final withdrawal of all its troops, then it should suggest another reasonable date. In that case, we can immediately consider the American suggestion.

That seems to me to leave the door open.

In diplomacy, you can look at doors that are ajar, and see them as either closed or possible to open. Too often in recent years, we have considered diplomatic doors closed, rather than seeking the openings that exist and pressing ahead—rather than doing what President Kennedy did at the time of Cuba, acting on the good side of things and ignoring the bad. If President Kennedy at that time had followed the last note of Khrushchev, I think we would have been in for the nuclear confrontation about which we were all concerned. But, by following the earlier note, President Kennedy was able to move along the course that relieved the tension there.

By the same token, instead of slamming each statement that the North Vietnamese make, if we look for openings in them, I think our diplomacy will be more successful.

In saying this, I say it in a completely bipartisan vein, because the whole mess was really escalated under the administration of my party, and it has so far been improved under the administration of another party, although now we see that the graph of escalation is starting to go the wrong way and rise once again.

THE RESIGNATION OF AMBASSADOR YOST

Mr. PELL. Mr. President, I rise at this time to say what a superb job I believe Ambassador Charles Woodruff Yost has done and is doing at the United Nations.

Here I speak, too, not only as a U.S. Representative to the 25th General Assembly of the United Nations, but as one who has known Ambassador Yost for some 25 years. In fact, he was my chief twice when I served in the Foreign Service.

If ever there was a Foreign Service officer who combines the qualities of intelligence, imperturbability, decency, sensitivity, and tact, it is Charles W. Yost. These qualities he has shown in all his tours of duty in difficult and arduous assignments in the almost 40 years he has served out Nation as a professional diplomatist in the truest sense of the word. It is, in fact, because of his abilities that he was one of our few career ambassadors before he retired from the Foreign Service in April 1966. And, it is because of his ability that he was recalled from retirement to serve as our first career professional diplomat to be our principal representative at the United Nations.

Always, he has handled Foreign Service assignments unflinchingly and with ability and grace.

I believe the spate of newspaper stories concerning his withdrawal treated a fine man in a shabby way and I, for one, wanted to take the floor and say what a superb job Ambassador Yost has done and how lucky we are to still have him in the service of our Nation. I only hope his talents and abilities may be drawn upon in the future for the benefit of our Nation. Rich a country as we are, we cannot afford to lose the services of men like Charles Yost.

I ask unanimous consent to have printed in the Record a copy of Ambassador Yost's letter of resignation and President Nixon's reply.

There being no objection, the letters were ordered to be printed in the Record, as follows:

December 11, 1970.

The President,
The White House

Dear Mr. President: I have the honor to submit my resignation as Permanent Representative of the United States to the United Nations, to take effect upon my successor's assumption of the office.

I have greatly appreciated the opportunity to serve my Government in this capacity, and hope that during my tenure I have been able to express the continuing commitment of the American people to the United Nations and their desire to make it a more effective instrument for maintaining the security of nations and the peace of the world.

Respectfully yours,

Charles W. Yost.

The White House,
Washington, D.C. December 11, 1970.

Hon. Charles Yost,
U.S. Representative to the United Nations, New York, N.Y.

Dear Charlie: Two years ago when you agreed to return to public life as this nation's Permanent Representative to the United Nations I felt that your appointment was among the best that I was making in forming my Administration. Your performance during these two years has more than confirmed that judgment.

Your performance at the United Nations has been a source of great strength to the foreign policy of the United States and has been characterized by the highest degree of professionalism. You have understood, and have brought others to understand, the full dimensions of the contribution which the United Nations can make and must make to a world of peace and justice. Your entire career has exemplified the best American traditions of public service. At the United Nations you have been the embodiment of the oldest American tradition, that of a decent respect for the opinions of mankind.

I count upon being able to benefit in the future as I have in the past from the wisdom and prudence which you have so unselfishly contributed to the counsels of your nation for forty years.

I am grateful to you, and accept your resignation with regret and with the warmest personal best wishes.

Sincerely,

Richard Nixon.

Mr. JAVITS. Mr. President, I associate myself with the fine remarks the Senator from Rhode Island (Mr. PELL) has made about Ambassador Yost, with whom we have both served at the United Nations.

Ambassador Yost has had a long and distinguished career in the service of our country, and has performed with distinction all the tasks he has been given over the years.

We were indeed fortunate to have had the services of a fine professional such as Mr. Yost in the delicate position of Ambassador to the United Nations.

I wish him the best of luck in whatever future endeavors he may undertake, whether in the service of our Government or in private enterprise.

SEABED RESOURCES

Mr. PELL. Mr. President, over the past few weeks, I have had the privilege to be a delegate to the 25th session of the United Nations General Assembly, participating in and observing firsthand the culmination of 3 years of work aimed at establishing international control of the wealth of the seabed and deep ocean floor. The internationalization of this vast area—with its untold resources—will not only serve to strengthen international cooperation and understanding but will, in time, permit the world community of nations to advance a number of common objectives, particularly more rapid economic development on the part of the less-industrialized nations.

On December 18, 1970, the General Assembly gave its stamp of approval to these measures by adopting overwhelmingly two companion resolutions.

The first of these is a declaration of legal principles stating that the seabed and seabed resources lying beyond continental shelf limits shall be treated as "the common heritage of mankind"; that the area shall be free from national appropriation or the exercise of national sovereignty or sovereign rights; that it shall be utilized exclusively for peaceful purposes; that it shall be developed in accordance with international rules and regulations to be established; and that a new international agency shall be created to implement and enforce the procedures agreed upon.

To give added significance to the declaration of legal principles, a companion resolution establishes the timetable for the convening of a general law of the sea conference in 1973. In preparation for the conference, the United Nations Seabeds Committee will begin early next year to draft treaty articles based upon the declaration of legal principles. It will, at the same time, build on the 1958 Geneva Conventions of the Law of the Sea in an effort to resolve all outstanding law of the sea issues, including the boundary of the continental shelf, the breadth of the territorial sea, passage through international straits, and coastal fishing preferences.

In the near future, Mr. President, I shall submit my report on this year's General Assembly. However, I did want to take this opportunity to point out that these two resolutions are unprecedented. Never before in history have nations agreed to set aside a portion of this planet—let alone two-thirds—for the purpose of developing it in the interest of all. Never before in history have nations agreed to place a portion of this planet under firm international control and management. And never before in history do I recall nations acting in such a rational and sensible way to improve their common lot.

Mr. President, the internationalization of the seabed and ocean floor, together with the Assembly's earlier decision to bar nuclear weapons from the area, constitute a milestone in the history of mankind, and it is most fitting that such action was taken during the 25th anniversary session of the United Nations. I am gratified to have been a part of it, and I extend my sincere congratulations to those who labored long and hard to make this dream a reality. I ask unanimous consent that the General Assembly resolutions to which I have referred be inserted in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

UNITED NATIONS GENERAL ASSEMBLY RESOLUTION

The General Assembly,

Recalling its resolutions 798 (VIII) of 7 December 1953, 1105 (XI) of 21 February 1957 and 2574 (XXIV) of 15 December 1969,

Recalling further its resolutions 2340 (XXII) of 18 December 1967, 2467 (XXIII) of 21 December 1968 and 2574 (XXIV) of 15 December 1969,

Taking into account the results of the consultations undertaken by the Secretary-General in accordance with paragraph 1 of resolution 2574 A (XXIV) which indicate widespread support for the holding of a comprehensive conference on the law of the sea,

Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole,

Noting that the political and economic realities, scientific development and rapid technological advances of the last decade have accentuated the need for early and progressive development of the law of the sea, in a framework of close international co-operation,

Having regard to the fact that many of the present States Members of the United Nations did not take part in former United Nations conferences on the law of the sea,

Convinced that the elaboration of an equitable international régime for the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction would facilitate agreement on the questions to be examined at such a conference,

Affirming that such agreements on these questions should seek to accommodate the interests and needs of all States, whether land-locked or coastal, taking into account the special interests and needs of the developing countries, whether land-locked or coastal,

Having considered the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction,

Convinced that a new conference on the law of the sea would have to be carefully prepared to ensure its success and that the preparatory work ought to start as soon as possible after the termination of the twenty-fifth session of the General Assembly, drawing on the experience already accumulated in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and using fully the opportunity provided by the 1972 United Nations Conference on the Human Environment to further its work,

1. *Notes with satisfaction* the progress made so far towards the elaboration of the international régime to the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction through the Declaration of Principles adopted by the General Assembly on . . .;

2. *Decides* to convene in 1973, in accordance with the provisions of operative paragraph 3 hereof, a conference on the law of the sea which would deal with the establishment of an equitable international régime, including an international machinery, for the area, and the resources of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction, a precise definition of the area and a broad range of related issues including those concerning the régimes of the high seas, the continental shelf, the territorial sea (including the question of its breadth and the question of international straits) and contiguous zone, fishing and conservation of the living resources of the high seas (including the question of the preferential rights of coastal States), the preservation of the marine environment (including, *inter alia*, the prevention of pollution), and scientific research;

3. *Decides further* to review at the twenty-sixth and twenty-seventh sessions of the General Assembly the reports of the Committee referred to in operative paragraph 6 hereof on the progress of its preparatory work with a view to determining the precise agenda of the Conference, its definitive date, location and duration, and related arrangements. If the twenty-seventh General Assembly determines the progress of the preparatory work of the Committee to be insufficient, it may decide to postpone the Conference,

4. *Reaffirms* the mandate of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction set forth in resolution 2467 A (XXIII) of 21 December 1968 as supplemented by the present resolution;

5. *Decides* to enlarge the said Committee by forty-four members, appointed by the Chairman of the First Committee in consultation with regional groups and taking into account equitable geographical representation thereon;

6. *Instructs further* the enlarged Committee to hold two meetings in Geneva in March and July-August 1971 in order to prepare for the Conference draft treaty articles embodying the international régime, including an international machinery, for the area and the resources of the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction, taking into account the equitable sharing by all States in the benefits to be derived therefrom, bearing in mind the special interests and needs of developing countries, whether coastal or land-locked, on the basis of the Declaration of Principles, governing the Sea-Bed and the Ocean Floor and the Subsoil thereof beyond the Limits of National Jurisdiction adopted by the General Assembly on . . .; and a comprehensive list of subjects and issues relating to the law of the sea referred to in operative paragraph 2 hereof which should be dealt with by the conference, and draft articles on such subjects and issues,

7. *Authorizes* the Committee to establish such subsidiary organs as it deems necessary for the efficient performance of its functions, bearing in mind the scientific, economic, legal and technical aspects of the issues involved;

8. *Requests* the Committee to prepare, as appropriate, reports on the progress of its work to the General Assembly;

9. *Requests* the Secretary-General to circulate those reports to Member States and Observers to the United Nations for their comments and observations;

10. *Decides* to invite other Member States which are not appointed to the Committee to participate as observers and be heard on specific points;

11. *Requests* the Secretary-General to render the Committee all the assistance it may require in legal, economic, technical and scientific matters including the relevant records of the General Assembly and specialized agencies for the efficient performance of its functions;

12. *Decides* that the Enlarged Committee, as well as its subsidiary organs, shall have summary records of its proceedings;

13. *Invites* UNESCO and its Intergovernmental Oceanographic Commission, FAO and its Committee on Fisheries, WHO, IMCO, WMO, IAEA and other intergovernmental bodies and specialized agencies concerned to co-operate fully with the Committee in the implementation of the present resolution, in particular by preparing such scientific and technical documentation as the Committee may request.

U.N. Resolution

The General Assembly,

Recalling its resolutions 2340 (XXII) of 18 December 1967, 2467 (XXIII) of 21 December 1968 and 2574 (XXIV) of 15 December 1969, concerning the area to which the title of the items refers,

Affirming that there is an area of the seabed and the ocean floor, and the sub-soil thereof, beyond the limits of national jurisdiction, the precise limits of which are yet to be determined,

Recognizing that the existing legal régime of the high seas does not provide substantive rules for regulating the exploration of the aforesaid area and the exploitation of its resources,

Convinced that the area shall be reserved exclusively for peaceful purposes and that the exploration of the area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole,

Believing it essential that an international régime applying to the area and its resources and including appropriate international machinery should be established as soon as possible,

Bearing in mind that the development and use of the area and its resources shall be undertaken in such a manner as to foster healthy development of the world economy and balanced growth of international trade, and to minimize any adverse economic effects caused by fluctuation of prices of raw materials resulting from such activities,

Solemnly declares that

1. The sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as the area), as well as the resources of the area, are the common heritage of mankind;

2. The area shall not be subject to appropriation by any means by States or persons, natural or juridical, and no State shall claim or exercise sovereignty or sovereign rights over any part thereof;

3. No State or person, natural or judicial, shall claim, exercise or acquire rights with respect to the area or its resources incompatible with the international régime to be established and the principles of this Declaration;

4. All activities regarding the exploration and exploitation of the resources of the area and other related activities shall be governed by the international regime to be established;

5. The area shall be open to use exclusively for peaceful purposes by all States whether coastal or land-locked, without discrimination, in accordance with the international régime to be established;

6. States shall act in the area in accordance with the applicable principles and rules of international law including the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1970, in the interests of maintaining international peace and security and promoting international co-operation and mutual understanding;

7. The exploration of the area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole, irrespective of the geographic location of States, whether land-locked or coastal, and taking into particular consideration the interests and needs of the developing countries;

8. The area shall be reserved exclusively for peaceful purposes, without prejudice to any measures which have been or may be agreed upon in the context of international negotiations undertaken in the field of disarmament and which may be applicable to a broader area.

One or more international agreements shall be concluded as soon as possible in order to implement effectively this principle and to constitute a step towards the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race;

9. On the basis of the principles of this declaration, an international régime applying to the area and its resources and including appropriate international machinery to give effect to its provisions shall be established by an international treaty of a universal character, generally agreed upon. The régime shall, *inter alia,* provide for the orderly and safe development and rational management of the area and its resources and for expanding opportunities in the use thereof and insure the equitable sharing by States in the benefits derived therefrom, taking into particular consideration the interests and needs of the developing countries, whether land-locked or coastal;

10. States shall promote international co-operation in scientific research exclusively for peaceful purposes:

(a) By participation in international programmes and by encouraging co-operation in scientific research by personnel of different countries;

(b) Through effective publication of research programmes and disemination of the results of research through international channels;

(c) By co-operation in measures to strengthen research capabilities of developing countries, including the participation of their nationals in research programmes.

No such activity shall form the legal basis for any claims with respect to any part of the area or its resources;

11. With respect to activities in the area and acting in conformity with the international regime to be established, States shall take appropriate measures for and shall co-operate in the adoption and implementation of international rules, standards and procedures for, *inter alia:*

(a) Prevention of pollution and contamination, and other hazards to the marine environment, including the coastline, and of interference with the ecological balance of the marine environment;

(b) Protection and conservation of the natural resources of the area and prevention of damage to the flora and fauna of the marine environment;

12. In their activities in the area, including those relating to its resources, States shall pay due regard to the rights and legitimate interests of coastal States in the region of such activities, as well as of all other States, which may be affected by such activities. Consultations shall be maintained with the coastal States concerned with respect to activities relating to the exploration of the area and the exploitation of its resources with a view to avoiding infringement of such rights and interests;

13. Nothing herein shall affect:

(a) The legal status of the waters superjacent to the area or that of the air space above those waters;

(b) The rights of coastal States with respect to measures to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat thereof resulting from, or from other hazardous occurrences caused by, any activities in the area, subject to the international regime to be established;

14. Every State shall have the responsibility to ensure that activities in the area, including those relating to its resources, whether undertaken by governmental agencies, or non-governmental entities or persons under its jurisdiction, or acting on its behalf, shall be carried out in conformity with the international régime to be established. The same responsibility applies to international organizations and their members for activities undertaken by such organizations or on their behalf.

Damage caused by such activities shall entail liability;

15. The parties to any dispute relating to activities in the area and its resources shall resolve such dispute by the measures mentioned in Article 33 of the Charter of the United Nations and such procedures for settling disputes as may be agreed upon in the international régime to be established.

ORDER OF BUSINESS

Mr. EAGLETON. Mr. President, on a point of clarification, is the pending order of business my motion to postpone the pending business until Monday, December 21?

The PRESIDING OFFICER (Mr. Mondale). The Senator is correct.

Mr. EAGLETON. I thank the Chair.

Mr. AIKEN. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. Mr. President, I yield to the Senator from Vermont with the understanding that I do not lose my right to the floor, and that upon resumption of my speaking it will not count as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

ESTABLISHMENT OF A DEPARTMENT OF SCIENCE AND TECHNOLOGY IN THE EXECUTIVE BRANCH

Mr. AIKEN. Mr. President, several months ago, a proposal was made to some of us Members of the Senate for the establishment of a Department of Science and Technology in the executive branch of the Government. To this department would be transferred the functions of the National Science Foundation, the Atomic Energy Commission, the National Aeronautics and Space Administration, the National Bureau of Standards, the Department of Defense's research, the Smithsonian Institution, and the Department of State.

I was apprehensive about that proposal but there has since been a bill introduced, S. 4453, which would accomplish this purpose.

As a member of the Joint Committee on Atomic Energy, I was so apprehensive that I wrote to one who I know is one of our leading scientists in this country today, Adm. H. G. Rickover, asking his opinion of the creation of such a department, which I believe would have had Cabinet status.

On September 22, 1970, I received a letter from Admiral Rickover. Unavoidably, I was not here soon after receiving the letter so that I could not have it printed in the RECORD. I think that Members of the Senate will find it very interesting and very convincing and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., September 22, 1970.
Hon. GEORGE D. AIKEN,
U.S. Senate.

DEAR SENATOR AIKEN: This is in response to your recent letter, in which you asked for my views on the proposed establishment of a Department of Science and Technology, to centralize all Federal research and development programs in a single Cabinet-level agency. I have reviewed the report on this proposal which you enclosed with your letter, and which I am returning herewith.

I would not favor the establishment of such an agency. To a point, consolidation of like functions and centralization of management will yield advantages in economy and efficiency. However, it has been my observation that, particularly in Government, these advantages tend to be greatest in small- and medium-scale operations. As larger operations are involved, a point of diminishing returns is reached, at which the new organization created by the consolidation of functions becomes simply another huge, self-perpetuating bureaucracy, as unwieldy and inefficient as those whose functions it absorbed.

There is also, in my view, a limit to the number of disparate technical programs which can be effectively managed by a single official. Some of our technical programs, most notably the Defense Department's research and development program, are already too big and complex for efficient central management. As you know, the ponderous size of the Pentagon's multi-layered research and development bureaucracy has seriously impeded the development of critically needed weapons systems and technology. In light of this experience, I believe it would be extremely unrealistic to make a single Cabinet officer responsible to the President not only for the management of these huge defense programs, but also for the scientific and technical portions of our space, nuclear, health, transportation, education, and agricultural programs, as well as the various other programs named in the report.

Further, creating an integrated scientific and technical program for the Federal Government would have a major *dis-* integrating effect on all of the other programs involved (defense, space, nuclear, etc.), by splitting each of them into two segments, technical and non-technical, and removing the technical portion from the control of the agency responsible for the program overall. The problems of inter-agency coordination inherent in such an arrangement would very likely outweigh the benefits of consolidating the technical aspects of the work. I would, for example, see little advantage and much to be lost by transferring the research and development portion of the naval reactors program from the Navy and AEC to another agency not familiar with or responsible for the military end-use of the propulsion systems involved.

Finally, I would note that the experience of the British Government in this respect is not necessarily valid for a scientific and technical effort as large as that of the United States. There are several agencies in the United States Government whose research and development programs are already greater than that which is managed by the British Ministry of Technology; a few of our research and development programs (Defense, NASA) are several times greater than the entire research and development effort of the British Government in all fields combined. The difficulties of organizing and managing a consolidated U.S. scientific and technical effort in a single agency would be orders of magnitude greater than anything the British have ever encountered.

This is not to say that the management of our national scientific and technical resources could not be improved. It is likely that some functions could be usefully centralized at the Federal level. In other cases, however, I believe the movement should be in the opposite direction—toward decentralization of functions into more manageable units, with more decisionmaking power placed in the hands of the end-user agency. I do not believe consolidating all of our research and development programs into one gigantic technical bureaucracy would provide an effective answer to our many problems in this field.

Sincerely,

H. G. RICKOVER.

Mr. BYRD of Virginia. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. Mr. President, I yield to the Senator from Virginia with the understanding that I do not lose my right to the floor, and that upon resumption of my speaking it will not count as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEDICATION OF PHOENIX INDIAN MEDICAL CENTER

Mr. BYRD of Virginia. Mr. President, on Sunday, December 13, the Arizona Republic published a photograph and an article concerning a beloved former member of this body, Senator Carl Hayden, who attended the dedication of the Phoenix Indian Medical Center in Phoenix, Ariz.

The article points out the great contributions that former Senator Hayden, as a Senator, made to his State.

It was sent to me by a mutual friend of Senator Hayden's and the Senator from Virginia, former State Senator from Arizona, James Minotto, whom I first met in Portugal when he was a top assistant to the Ambassador to Portugal from the United States, Ambassador Robert Guggenheim.

Having had the privilege of serving with Senator Hayden, and knowing of his great qualities and that he served in the Senate longer than any man in the history of this body, I ask unanimous consent to have the article from the Arizona Republic printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, Dec. 13, 1970]

HAYDEN HAPPY AT REALIZING DREAM

(By Dom Frasca)

He sat there in his wheelchair, his figure frail but his back upright, and looked at the mortar and the steel that was once just a dream.

The sun splashed on the few thin strands of gray left on his head. Behind him, Old Glory was swayed by a gentle southeast wind in 72 degree weather.

It was 12:35 p.m. yesterday.

Some of Carl Hayden's many accomplishments were, perhaps, greater than this one—the completion and dedication of the 200-bed Phoenix Indian Medical Center at 4212 N. 16th St.; but it is doubtful any other accomplishment stirred more happiness within him.

They called him "the father" of this hospital; "the symbol of hope and progress for all American Indians" during a public service career that began at the turn of the century and ended in 1968 when he retired as Arizona's senior U.S. senator.

They recalled how Hayden, as chairman of the U.S. Senate Appropriations Committee, unlocked federal purse strings for the construction of the new hospital.

They recalled how he began his fight for the $6 million hospital 15 years ago and how he continued to fight when controversy flared as others tried to shatter the dream that he shared with his friends, the Indians.

And above all, they said Carl Hayden, an amazingly young 93, still is the best friend Arizona ever gave the Indians.

While Arizona's big-name politicians stayed away from the dedication ceremonies or sent telegrams and representatives offering apologies, Hayden arrived early and stayed late. He was there three hours in all.

He sat in his wheelchair near the main entrance to the hospital for 40 minutes before the dedication ceremony began at 1:15 p.m. They came up to him, scores of them. Indians from Arizona, Montana, Nevada and from as far away as Alaska.

Indian men shook Hayden's hand and thanked him for turning a dream into reality.

"No one has done more for us," said Lloyd L. House, executive director of the Phoenix Urban Indian Project.

Indian women—Annie Wauneka and Susie Yellowtail and others—kissed him in gratitude. And so did the children.

"Thank you," Hayden could be heard saying on occasion. "I'm as proud as you are of the hospital."

Minutes before the ceremony began, Hayden rose from his wheelchair with scarcely any aid. With House gently holding his left arm, Hayden walked 30 feet to the speaker's platform and climbed four steps to a first-row seat.

He rose and stood erect, head slightly bowed, when the national anthem was played by a Marine Corps Reserve band from the Phoenix Indian School.

Hayden remained standing while the invocation was offered by the Rev. Roe B. Lewis, counselor for Indian education for the United Presbyterian Church.

As Mr. Lewis intoned "bless this hospital so that whatever may be said and done here will be to thy honor and glory," Hayden shook his head a bit as if to indicate his approval of the words.

The plaudits for Hayden then came from all the speakers: Dr. Charles S. McCammon, director of the Phoenix Area Indian Health Service; Dr. Ernest C. Siegfried, director of the new hospital; Alexander Lewis, governor of the Gila River Indian Community Tribal Council; Dr. Emery A. Johnson of the U.S. Indian Health Service, and Dr. Robert L. Bennett, director of the Indian law center at the University of New Mexico.

A bronze plaque commemorating Hayden's work for the hospital was presented to him by Thomas A. Segundo, chairman of the Papago Tribal Council.

Segundo described Hayden's work for the hospital as "an achievement in American statesmanship unsurpassed in this century."

A crowd of 500 rose and applauded. Hayden stood up, too, but he did not move to the microphone. He extended his right hand toward the crowd and uttered, "Thank you, thank you."

When he sat down, he turned to look at the hospital once more. A smile graced his face, his eyes sparkled beneath the glasses and for a few fleeting seconds it seemed as though he was invigorated by the pride and joy and the satisfaction of helping others achieve greater human dignity.

That, this day, was Carl Hayden's reward for a lifetime of helping others from every walk of life.

And he obviously considered it priceless.

WELFARE PROGRAMS

Mr. BYRD of Virginia. Mr. President, I feel it would be completely irresponsible for the Senate to pass a far-reaching welfare proposal in a session which, at the most, has only 8 more days to run.

The proposal has been called welfare reform but in no sense of the word is it a reform of the welfare system.

In fact, it would more than double the number of persons on welfare. According to the Department of Health, Education, and Welfare, there are now approximately 10 million persons on the welfare rolls.

Under this proposal, the one which is now before the Senate, the number would rise to 24 million.

It would increase the Federal cost of welfare programs from $4.4 billion in the last fiscal year which ended June 30, to $11.8 billion in the next fiscal year.

Mr. President, after a great deal of difficulty, I obtained this $11.8 billion figure, in a letter to me from Secretary of Health, Education, and Welfare Richardson. That is the figure for fiscal 1972.

Legislation now before the Senate, presented to it only yesterday, is 139 pages long and extremely complex. It was worked out by the Department of Health, Education, and Welfare and a few Senators, after the Senate Finance Committee had rejected similar proposals on three separate occasions.

In the words of Secretary Richardson himself, this proposal is, "revolutionary and expensive."

Mr. President, I submit that this revolutionary and expensive plan should be fully debated. There is plenty of time to do that in January. There is no reason why it should be rushed through here in the last 8 days of the session.

I think it would be a great mistake. I think it would be very ill advised should the Senate attempt to rush this legislation through in the closing hours of the session.

Mr. President, I want to say in that regard, however, that I shall vote against any tabling motion. I would like to present my own views in some detail, but within a reasonable length of time. I have no desire to hold up a vote on this welfare program.

I do want to say, however, that in my judgment it would be completely irresponsible in the closing 8 days of this session for the Senate to pass a welfare bill which would more than double the number of people on the welfare rolls.

I state again that the Federal cost of the welfare programs for the fiscal year which ended this past June was $4.4 billion. Under the new program, it would be $11.8 billion for fiscal year 1972.

Mr. President, I ask unanimous consent that an article published in the Des Moines Sunday Register of December 13, 1970, written by Clark Mollenhoff, the Register's Washington bureau chief, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Des Moines Register, Dec. 13, 1970]

CLAIMS WELFARE TEST "RIGGED": GAO SAYS FIRST REPORT "MISLEADING"—FAMILY AID PLAN BASED ON PROJECT

(By Clark Mollenhoff)

WASHINGTON, D.C.—New Jersey tests that were the basis for Nixon administration confidence in the family assistance plan were "rigged," Senator John J. Williams (Rep., Del.) said Saturday.

He told The Register that the record of the Senate Finance Committee will demonstrate that White House Counselor Daniel Patrick Moynihan had a key role in the "rigging" of reports to make them appear favorable.

Moynihan argued that the Office of Economic Opportunity (OEO) reports on the New Jersey graduated work-incentive experiment showed "no evidence that work effort declined among those receiving income support payments."

"On the contrary," Moynihan said, there is "an indication" that those receiving the welfare payments "increased . . . the work efforts."

SEQUENCE TOLD

The Senate Finance Committee record shows the following:

Moynihan was put on notice by Dr. John Wilson, OEO research director, that the test period was too short and the data inadequate.

Moynihan directed that Dr. Wilson prepare the report, and under this pressure the report was prepared last February.

The White House staff used the OEO report to prepare charts to sell the family assistance program to President Nixon and to sell it to the House Ways and Means Committee.

The Senate Finance Committee directed the General Accounting Office (GAO) to examine the OEO report on the New Jersey project. The GAO said the OEO conclusions were "premature," prepared on the basis of "inadequate data," and were "misleading."

Senator Williams said he will make an issue of the "rigged" record when the family assistance program comes before the Senate in the next week.

TELLS OF OBJECTION

Senator Williams said he is certain President Nixon had no knowledge of the manner in which Moynihan and the Department of Health, Education and Welfare used the OEO tests to sell the family assistance plan.

Senator Williams said that he questioned Dr. Wilson and obtained vertification that he has objected to using the data, but had given in.

The OEO funded the New Jersey experiment in late 1968. Some parts of the program in Trenton, Paterson and Passaic had been under way less than a year when Dr. Wilson was directed to make a report.

Dr. Harold W. Watts, who designed the project, stated in a paper read before the American Economic Foundation in May, 1969, that any reliable result of the New Jersey experiment would not be available until the project had run at least two years, Senator Williams noted.

He said that Dr. Wilson had acknowledged that there was a "colorful" exchange with Moynihan at the White House in which Moynihan's temper flared as he criticized economists as "never having an answer until it is too late."

It was in that setting that Dr. Wilson had snapped back: "I'll get some answers."

Dr. Wilson said he told Moynihan of the difficulty of drawing conclusions on the program, but insisted that the report he presented in February, 1970, was his best judgment in the light of the limitations.

DEFINES "REFORM"

Senator Williams said he is in favor of "reform" of the present welfare programs, but that the present family assistance program is not the "major reform" it was hailed as by former HEW Secretary Robert Finch and the present Secretary, Elliot Richardson.

"When the term 'reform' is used in connection with legislative proposals it means one of two things," Senator Williams said. "Either it proposes to take away from someone something which he is now receiving, but to which he is not entitled, or it is to give someone something which he is not getting but to which he is entitled."

Williams declared that the so-called "reform" of welfare now pending before the Senate is filled with "disincentives" that flow from reports such as the one from New Jersey. He said members of the Senate Finance Committee became aware of the lack of "reform" in the plan, and this explains why the majority of the Republican committee members have been opposed to it.

The fact that the House Ways and Means Committee relied upon the New Jersey OEO report is found in the committee report that states:

"We believe that these preliminary data suggests that fears that a family assistance program could result in extreme, unusual, or unanticipated responses are unfound.

"Furthermore, we believe these preliminary data from the New Jersey project indicated that a family assistance program is practical. The data suggests that: There is no evidence that work effort declined among those receiving income support payments. On the contrary there is an indication that the effort of participants receiving payments increased relative to the work effort of those not receiving payments," the report said.

The General Accounting Office found "serious questions as to the appropriateness of the conclusions drawn" about the same program.

"The data reflected in the OEO report represent less than a year's activity," the GAO stated. "Moreover, on the basis of the material in the OEO report and the other material to which we were given access, we do not believe the data has been subjected to sufficient analysis to support conclusions from it. Finally, we believe that such conclusion as may eventually be drawn from this data are likely to vary with the plans and strata defined in the experiment. In such cases, premature conclusions drawn from the aggregated data could be misleading."

Senator Williams said the GAO report stated flatly that "it is wrong to conclude" that the persons on welfare roles increased their work effort when compared with those who are not receiving government checks.

"The only evidence we find in the OEO report to support this statement," said the GAO, is a chart that has "defects both in the underlying data and in the preparation of that chart sufficient to preclude conclusions from it."

The GAO stated that the report it was making could not be based upon access to full data because the OEO placed "constraints on our access to the full data base accumulated during the experiment."

GAO auditors said: "We believe that a number of important qualifications which are omitted from the OEO report are necessary to proper understanding of the issues which the report seeks to address. We found problems in the collection and analysis of data supporting the OEO report—and in the completeness of the presentation of the data in that report.

"Our work proceeded with some difficulty because of the objections raised by OEO and OEO's contractors as to the propriety of GAO's access to data which they considered preliminary and experimental," the GAO explained.

QUESTIONABLE CONCLUSION

In one instance a controversial chart is based on only 318 of the 509 families participating in the experiment in Trenton, Paterson and Passaic.

"The data on 191 of the families (37 per cent of the families) was not used by OEO's contractor in preparing Chart IV because of problems in the interviews and coding of the data," the GAO stated. "Based on generally accepted statistical standards, we believe that the conclusions are made highly questionable if drawn from data in which this large an attrition has occurred."

It was noted in the GAO report that the OEO contractors' basis for for determining whether family earnings changed was a comparison of weekly earnings.

The study compared the family's weekly earnings in the period prior to the enrollment interview with earnings 10 to 12 months later. The criteria for determining whether a family's earning had increased or decreased was that it must be 20 per cent up or 20 per cent down to register as either an "increase" or a "decrease." Otherwise, it was registered "not to have changed."

The GAO called attention to the combining of periods of one year and 10 or 11 months in the same chart, and also noted that in one city the comparison was in August and in the other it compared income in January with November and December.

This practice is "a violation of good statistical practice" and it termed the conclusions drawn from this key chart as being "highly questionable."

Senator Williams said the cost figures presented before the House Ways and Means Committee are now "admittedly unrealistic."

In the committee, the administration had initially projected a cost of $8.2 billion annually, compared to present welfare cost of about $4.5 billion.

The amended version submitted to the Senate Finance Committee June 23, projects $9.1 billion—an increase of $900 million over figures mentioned only a few weeks earlier.

Following the questions raised by Senator Harry F. Byrd, Jr., (Dem., Va.) during the hearings, HEW has now projected costs of $10.8 billion—a 25 per cent increase over estimates made just a few months ago.

MORE RECIPIENTS

Williams asked "what kind of a reform is it" that boosts the number of welfare recipients from 10,436,000 to 23,784,000—a 128 percent increase. He noted that in many states the number of welfare recipients will increase more than 400 per cent.

Iowa had 92,300 on welfare rolls as of January, 1970, but under the Nixon administration's program the number would be increased to 235,700—an estimated 155 per cent.

Williams noted that an agricultural state like North Dakota had only 16,583 on welfare in January, 1970, but would have 96,900 on welfare under the Nixon administration program—an increase of 485 per cent.

South Dakota had 22,110 on welfare rolls last January, but under the bill would boost welfare rolls to 107,400—an increase of 386 per cent.

Mr. BYRD of Virginia. Mr. President, I point out that this article deals with the welfare program and with an interview that Mr. Mollenhoff—a very able, conscientious, and reliable reporter—had with the distinguished senior Senator from Delaware (Mr. Williams) who has made such a study of this program and under whose leadership the facts concerning the new program were developed so fully in the Finance Committee. To a considerable extent, as a result of Senator Williams' ability and his probing into the cost of this program and into its lack of work incentives. I think that Senator Williams of Delaware, more than any other individual, deserves the credit for the Finance Committee three times turning down this program. The committee substituted what I think is a sound suggestion. It would test the program by setting up some pilot projects and letting some experiments be made and then bringing the results back to the Senate. The Senate then can accept the good parts and reject the bad parts.

Let us not go into a new program which the Secretary of Health, Education, and Welfare himself says is "revolutionary and expensive" until we first test it out on a smaller scale before we put it into effect nationwide.

I thank the distinguished Senator from Missouri for yielding.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, will the able Senator from Missouri yield to me with the understanding that he not lose his right to the floor and with the further caveat that the resumption of his remarks will not count as a second speech against him?

Mr. EAGLETON. Mr. President, I yield under those circumstances.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar beginning with U.S. Army.

The PRESIDING OFFICER (Mr. Mondale). Is there objection? The Chair hears none, and it is so ordered.

U.S. ARMY

The legislative clerk read the nomination of Lt. Gen. Harry Herndon Critz, major general, U.S. Army, to be a lieutenant general.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. NAVY

The legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. DISTRICT COURTS

The legislative clerk read the name of James H. Gorbey, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, IN THE ARMY, IN THE NAVY, IN THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Air Force, in the Army, and in the Navy and Marine Corps, which were on the Secretary's desk.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, will the able Senator from Missouri yield?

Mr. EAGLETON. Mr. President, I ask unanimous consent that I might yield to the able Senator from West Virginia without losing my right to the floor and without my resumption constituting a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FILIBUSTER IN THE SENATE HAS CREATED A LEGISLATIVE SHAMBLES

Mr. RANDOLPH. Mr. President, before I came to the Senate in 1958, I had stated to the West Virginia constituency that I wished to represent them on the basis of the facts. I said many times that I felt there was a deterioration in the consideration of the public business when a filibuster was resorted to in the Senate of the United States by either the proponents or opponents of a legislative proposal or proposals.

I felt very strongly then, as I feel very strongly now, that there is a need to ac-

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commodate ourselves not only to the principles of the legislation before us, but also to the practicalities of the legislative procedure.

Such a situation exists today. The impasse in the Senate has created a legislative shambles.

I sense that the people of the United States today and in the days ahead will be well within their rights in criticizing the Senate if it fails to resolve the matters that are before it. It leaves us in a posture of a failure as individuals and as a composite body to do business and to do it within a prescribed period of time . . . a reasonable time.

Mr. President, I am not critical of any Senator in presenting his viewpoint. But I think that we must realize now that we have only a reasonableness of debate in the presentation of vital matters. But we have discussed hour on hour in this Chamber points of view prior to the few minutes that I am now talking. Debate needs to be well reasoned in content. There is a responsibility which we have to the people of the United States, as well as to ourselves, to accommodate our procedures to the needs of the American people for the legislation which is still pending and is crucial legislation. We seek to aid people and communities, to advance work programs, and to strengthen the economy and provide for the public welfare. All of these issues are of concern to millions of our citizenry.

We must not allow ourselves to be hung up, as it were, on three or four or five items which sometimes become really obsessive with either the advocators or those who oppose them.

Mr. President, I want to be certain that my words are in propriety and good taste because I recognize the deliberateness of this body, the ability and, yes, the earnestness with which Members discuss matters of importance to them, to the country, and to the world. But there is a time to desist.

In 1958, one of those planks in the platform on which I ran was to do what I could to revise the Senate rules in reference to debate. I believe, frankly, that when a majority of Senators wish to come to grips with an issue they should do just that.

I have been chosen in elections in West Virginia to serve in this body, not by two-thirds or three-fourths of the votes of those who were present and voting in my State on those occasions, but by a majority of those who went to the polls. They either elected or rejected the candidates on the basis of majority rule.

So it is not satisfactory to me to see three-fourths of the Senate present and voting or two-thirds of the Senate present and voting, to bring cloture. A majority of Senators present and voting, I repeat, should work their will and to bring about a lessening of debate. Even then—and we often forget this—there is 1 hour which could be used by each Member of this body after that cloture has been invoked, if it were invoked by a majority of the Members of this body, rather than the present two-thirds of formerly the three-fourths.

Mr. President, this morning the Washington Post published a lead editorial entitled "The Filibuster Senate." It is not often I agree with all the words or the general concensus of an editorial. But to this editorial comment I give my complete endorsement. I call to the attention of my colleagues and others who may read the RECORD and read thereon this editorial, that the Post writer has set forth very valid presentation of the situation—almost a legislative shambles—in which the Senate now finds itself. We must not do again, what the Senate is now doing—or has not done—in the years ahead.

When the 92d Congress begins in January, we must address ourselves quickly to a revision of the rules.

The editorial states:

> Nor is there any real hope in the cloture rule which can be invoked only on a two-thirds vote. It is rather an invitation to the obstructionists to keep on talking. One of the most constructive proposals to come before Congress in recent years—the proposed constitutional amendment for direct election of the President—failed a few months ago because the Senate majority in favor of it could not muster a two-third vote to end a filibuster. In our view, the Senate's first order of business in 1971 should be reform of its cloture rule.

I supported that amendment for the direct election of the President.

Mr. President, I ask all Senators to give exceedingly careful consideration not so much to my words, but to the commitment that I think they, with me, must make.

Yes, we must have well-reasoned debate as to time and content and then a vote of "aye" or "no" by Senators.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the editorial entitled "The Filibuster Senate," published in today's Washington Post.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE FILIBUSTER SENATE

> For some years this newspaper has contended that the Senate is not a modern legislative body because of its toleration of unlimited debate. During the last few weeks the Senate itself appears to have proved the point beyond the shadow of a doubt.
>
> The filibusters in the lame-duck session have been of the mini variety, but their result has been to throw the legislative program into a state of deep confusion and frustration. The Senate has been literally unable to cope with several of the great issues of the day because a few of its members insist on thwarting the majority will. There was a time when the word "filibuster" conjured up images of long-winded Southerners talking a civil rights measure to death. Now it is the commonest tactic of liberals and conservatives alike and of tiny factions as well as large minorities.
>
> Despite the great pressure on the Senate to clear its congested calendar in the few days that remain, Senators Fulbright and Gravel held up the foreign aid bill for two days in a futile effort to convince their colleagues that the proposed $255 million in aid for Cambodia would lead to a commitment to the present regime in that country even though the legislation itself would prohibit the President from sending in any ground troops or military advisers. Fortunately a vote was finally permitted. The Senate has been further plagued by threats of extended debate on the trade bill and on the conference report involving the controversial SST project. This newspaper has opposed both the trade bill and the SST, but we do not condone stringing out the debate so as to prevent a vote.
>
> The basic trouble is, of course, that the Senate has dawdled along through most of its 1970 session. Several long filibusters when the pressure was less intense left it with an unmanageable burden as the end of the session approached. Undoubtedly many of its debates were highly educational, to use the euphemism customarily employed by the filibusterers themselves. The seven weeks of discussion of the Cooper-Church amendment to limit the war in Cambodia, for example, was of truly national significance. Yet the fact remains that a legislative body confronted by a mountain of vital issues can no longer afford the luxury of unlimited debate on anything.
>
> Nor is there any real hope in the cloture rule which can be invoked only on a two-thirds vote. It is rather an invitation to the obstructionists to keep on talking. One of the most constructive proposals to come before Congress in recent years—the proposed constitutional amendment for direct election of the President—failed a few months ago because the Senate majority in favor of it could not muster a two-third vote to end a filibuster. In our view, the Senate's first order of business in 1971 should be reform of its cloture rule.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. EAGLETON. Mr. President, just last week the Senate discussed the issue of the supersonic transport at some length and agreed to the amendment sponsored by the Senator from Wisconsin (Mr. PROXMIRE) deleting the requested $290 million from the Department of Transportation appropriation bill.

In fairness, Mr. President, the discussions on the floor of the Senate and the debates on the floor of the House have not dealt with the many questions that are raised by the request for funding for the SST prototype program in sufficient detail. There are still many unanswered questions that go to the heart of the ultimate decision as to whether the Government should continue to provide taxpayer funding for this private endeavor.

The potential environmental problems that have been identified by a number of distinguished Senators and Congressmen and scientists remain unsolved for the most part. It is not productive to suggest, as President Nixon did at his recent press conference, that the "arguments" advanced by the conservationists "can be answered." Rather, we must insist that the potential as well as the existing, acknowledged environmental problems be exhaustively investigated over a time frame that will be sufficient to produce reliable evidence that the effects of the SST will be tolerable and acceptable to man and his natural surroundings.

In this connection, I have been impressed with the statement made on behalf of the Federation of American Scientists that the time schedule established by the administration for testing and investigating the environmental effects of the SST is insufficient. In essence, the federation says that we will know whether the SST is economically plausible before we know whether it is truly environmentally safe. They say that an economically plausible but possibly environmentally very unsound SST may be produced and flown in fleet service as a consequence of the fact that we must hurry our scientific investigations of the environmental effects of this most unique aircraft to meet the schedule set for the prototype program.

It is always difficult to prove a negative. It will be difficult and time consuming to prove to an acceptable degree of certainty that we can live with the SST. But that is one of the important issues that we must consider carefully and thoroughly. Can we afford to pay $290 million now to produce a plane that may create environmental hazards that may cost more millions or billions of dollars to rectify. Some of those problems would be irremediable at any cost. Is it not the height of fiscal irresponsibility to pay for this generation's slight travel convenience at the risk of exposing this and the next several generations to potentially huge dollar liabilities for correcting environmental damage?

One of the many letters I have received from Missourians who oppose continued funding of the SST prototype program enclosed an article by Eliot Porter in the St. Louis Post-Dispatch, dated Tuesday, October 20, 1970, and entitled "Skeptical Reaction to SST Assurances." That editorial reads as follows:

Administration assurances that the proposed supersonic transport plane will leave the environment unscathed have met with skepticism.

Among the questions raised, but so far not resoundingly answered, are:

(1) Will the giant plane be permitted to fly at supersonic speeds over the United States?

(2) Will its engines consume ozone in the upper layers of the atmosphere, resulting in an increase in the amount of ultraviolet radiation reaching the earth's surface?

(3) Will gaseous exhaust particles form a layer of dust in the stratosphere that will cut down on the sunlight reaching the earth and alter weather patterns?

(4) Will water vapor from the exhaust condense in the icy upper air, much like the exhaust of an automobile on a winter morning, adding an almost permanent new stratum of wispy cirrus clouds to cut down sunlight even further?

The official position of the Federal Aviation Administration and the Department of Transportation is that supersonic speeds will not be permitted except over the ocean so long as the boom is "unacceptable." The FAA has declined to exercise its authority, conferred by Congress last year, to ban overland supersonic flights altogether.

William M. Magruder, the Government's SST project chief, recently characterized the sonic boom as "an annoyance, a nuisance," and suggested that aircraft design improvements combined with public familiarity with the experience would lead eventually to public acceptance.

President Richard M. Nixon promised when he endorsed the SST development program in September 1969 that supersonic overflights would be prohibited. Doubts rose when he told children on an Art Linkletter broadcast last summer, "In 1980, you will go from Washington to Los Angeles in an hour and a half."

The sonic boom is an unavoidable fact of nature, like gravity. It is created by the rolling shock wave that follows the plane like the wake of a ship. Though it continues as long as the plane's velocity exceeds the speed of sound, the listener hears it only once, as the wave crashes against his eardrum.

The shock wave is generated because above the speed of sound the air cannot move out of the way of the plane and so piles up in an invisible mound at the plane's nose.

As with a boat, there are actually two waves, one at the prow and one at the tail. The distance between them partly determines the magnitude or "pressure signature" of the blast. The 300-foot SST would generate a larger pressure signature than any plane now aloft.

The pressure signature is influenced also by the weight of the plane, which forces the air into a split-second increase above normal air pressure, followed by an equally sudden drop below normal levels.

In a series of supersonic flights conducted by the Air Force over Oklahoma City in 1964 to test public reaction, the average overpressure reading was 1.3 pounds a square foot.

Engineers of Boeing Airplane Co. estimate that the SST boom overpressure will range from two to four pounds a square foot. However, they concede that certain weather conditions and some landscape or building configurations can focus and channel the shock wave to produce a superboom with an overpressure of as much as eight pounds.

The Oklahoma City tests cracked windows and plaster and caused other building damage. Claims paid so far have totaled $218,338.

Using the Oklahoma City experience as a base, opponents of the SST project conclude that the damage from SST flights along the nation's commercial airways would total $24,000,000 each day.

Some damage has been beyond price. In 1966, a sonic boom loosened 80 tons of rock in Canyon de Chelly, Arizona, destroying several prehistoric Indian cliff dwellings.

Local action is useless, opponents point out. A federal court ruled in a case in which Hempstead, N.Y., tried to prohibit overflights from Kennedy Airport that the Federal Government had sole jurisdiction over air traffic.

Federal officials admit that the SST will create more noise during takeoffs and landings than do conventional aircraft. There is disagreement among them about the degree.

According to the FAA's own guidelines for residential development in the vicinity of airports, even the lowest official estimate of SST takeoff noise would render the area surrounding a medium-activity airport, such as Lambert-St. Louis, unfit for human habitation for a radius of nine miles.

Ambiguous as the administration's assurances on overland flights by SST's in the United States may be, and regrettable as it may be that the bill to ban overland flights of SST's will not become law in this session of Congress, there is no question that SST's will fly at supersonic speeds over water if they fly anywhere at supersonic speeds. That would seem to suggest that nothing can be hurt by supersonic flights over the oceans, but authoritative suggestions to the contrary have been made.

I recently received from the author a copy of a paper by Bo Lundberg, a Swedish aviation consultant and former director general of the Aeronautical Research Institute of Sweden, entitled "The Economy and Sonic Boom of the Sea-Limited SST." Mr. Lundberg states in his paper that if boom tests over ocean areas are not made soon, the proponents of the SST run the risk of having to scrap all SST's because of the effects of oversea booms. I will first read the abstract of the paper and then the paper itself:

ABSTRACT

The SST boom would be at least 10 times too strong for being acceptable *over land*. Several countries have already, de facto, prohibited supersonic overflights. Nevertheless building of production aircraft of Concorde and prototypes of the US SST has been started on the assumptions (a) that the boom will not cause appreciable harm *over sea*, and (b) that supersonic operation restricted to sea routes will be an economic success.

Both assumptions are incorrect. SST booms will undoubtedly cause severe disturbance, fright and risks of accidents to people at sea. The burden of proof that these effects are acceptable rests with the SST investors. They should therefore carry out adequate *boom tests over sea*, this being also in their own interest: If such tests are not made very soon, they run the future risk of having to scrap all the SSTs when the operation has become so extensive that the frequent oversea booms have definitely become intolerable. Then people at sea and governments of shipping and fishing nations will certainly find ways and means of stopping the activity.

Restriction to supersonic speed over water only will result in huge operation losses. A thorough *investigation of the magnitude of the losses* is of paramount importance also for people at sea: The result would contribute to solving the boom problem by discouraging many airlines from buying SSTs.

The only real argument for sea-restricted SST-operation—the huge investments already made—is, however, apparently deemed so strong that the prospects of halting the development, while waiting for the results of oversea boom tests and economic studies, seem remote. Most likely, therefore, oversea SST operation will be launched.

But then, as the operation losses escalate, the SST investors will be severely tempted to request permissions to fly supersonically over land. To resist this there is an urgent need for *sleep disturbance research* for confirmation that the SST boom is far too severe for being acceptable over land.

REVIEW OF THE MOST ESSENTIAL CONSIDERATIONS

The question of meaningful sonic boom research required for governmental SST boom policies must be judged on the basis of the whole current situation with respect to the SST, above all the *boom policies already adopted* and the *economic viability* of and *need* for civil supersonic flight.

Several countries have already forbidden supersonic SST flight either unconditionally or conditionally, the condition for permission usually being that the boom must not cause hazards to health or damage to property.

For sick and old people, and people who have sleeping difficulties—the "critical group"—frequent sleep disturbance by SST booms would be detrimental to their health. The vast boom carpets will inevitably cover also such people. In order to comply with the "sleep criterion"—i.e. people belonging to the

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critical group must not be subjected to appreciably sleep disturbance, at night or in day time—the boom must be reduced to less than 1/10th of the predicted level for current SST projects.

For these projects the sonic boom cannot, of course, be reduced at all. For future SST generations even a reduction of the boom to half the level for the current projects would be entirely insufficient for acceptability over land—disregarding the fact that such a reduction is generally deemed impossible even on very optimistic assumptions about advances in boom minimization. The current "conditional bans" of SST booms over land have therefore the same prohibitive significance as unconditional bans.

The national *de facto* prohibitions already issued make SST operation over land essentially unfeasible. In spite of this, decisions have recently been made to build production aircraft of Concorde and prototypes of the Boeing SST. These decisions are stated to be based on a supersonic market reduced to oversea routes only. This is in direct contradiction to the following condition for acceptance of the SST stipulated by IATA in 1962, the year of the decision to build Concorde:

"Economic operations at supersonic speed must be practicable (i.e., not be hampered by the boom) over inhabited areas at any time of the day or night."

Surely, no one—least of all the current SST investors—would at that time have dreamt of proceeding with huge investments in SST developments had it been foreseen that the aircraft will not be permitted to fly over land at the speed it is designed for—an exceptional handicap in competition with subsonic aircraft.

The only conceivable *real* reason for the decisions to proceed is the enormous investments in SST developments already made, today almost 2 billion dollars. The decisions are defended by firm statements (a) that the SST boom will be acceptable over sea, and (b) that the "sea-limited" SST will be an economic success. Both assumptions appear to be incorrect.

The SST booms will be particularly strong in waters close to the coasts where the climb boom carpets will be placed. In the first vast portion of these carpets the nominal (i.e., unmagnified) boom will amount to 3 or 4 psf. Most likely such booms will *in calm weather* be almost equally startling to people on deck of boats *at low speed* (sailboats and boats at reduced engine power) as they are to people outdoors on land. In the Edwards test almost 100% of the test subjects judged such booms as entirely unacceptable. Booms of 3 or 4 psf were also found to be equally disturbing as airport noise of 129 PNdB, a level commonly considered as unbearable.

Furthermore, the climb boom will sometimes be magnified by atmospheric effects to superbooms of some 6 psf, and occasionally 10 psf or more. And the focusing of the shock waves in the "horseshoe" initiating each boom carpet will *always* result in superbooms of 6 to 15 psf. The horseshoes are thin, some 200 ft, but they will undoubtedly hit boats occasionally because it will not be possible to place the horseshoe accurately enough for avoiding any particular object.

It is beyond doubt that superbooms exceeding 6 or 8 psf will be very frightening in relatively calm conditions, and also that such booms will often effectively penetrate the noise and draught usually prevailing on boats. Because of the startle effect such booms, at any rate those exceeding about 10 psf, must be regarded as potentially dangerous for crew members working on deck and for passengers with a heart disease.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. EAGLETON. I am pleased to yield for a question.

Mr. PROXMIRE. I would like to ask the Senator, in connection with what he has been saying, if he does not think that under these circumstances, that is, the circumstances, as I understand them, that the sonic boom could have a serious adverse psychological effect on the health of the person who suffers it, it is absolutely essential that those who serve on the environmental commission which would use the $27 million provided partly in this bill should include at least one competent person from the Department of Health, Education, and Welfare—one person who has some knowledge of physiology, some professional background, some experience in this area—especially in view of the fact that Dr. Egeberg, the top health man in our Government has written to Secretary Volpe and indicated his deep concern over the effect on health of not only the sonic boom, but various other aspects of supersonic flight, and has suggested lines along which research should proceed in order to provide effective answers.

Under these circumstances, does it not seem fair and logical that the committee should include at least one person from HEW or some other health group—AMA, perhaps, or some other competent medical group—that could evaluate this information?

Mr. EAGLETON. I think the Senator from Wisconsin is eminently correct. Most people, in their discussion of the sonic boom problem, have viewed it in terms of its inconvenience and its momentary discomfiture. If it were reduced to just that, meaning a minor inconvenience or a minor irritant, perhaps, it might be deemed to be tolerable. But the very point that Mr. Lundberg is making in his paper, and that others have made likewise, is that it is more than just an inconvenience and a temporary discomfiture, and it poses very serious, genuine, and deep questions insofar as human health is concerned.

Thus, I think that the Senator, in posing his question to me, where he states, "Is it not almost inconceivable that someone representing the field of health"—he suggested perhaps someone from HEW, in the public field, or in the private field he suggested AMA—"someone knowledgeable in health effects and experience in the ramifications that might be created by going into a new program that would have far-reaching and unforeseen health effects, that someone from that important area is not represented on this important policymaking body," is absolutely correct, and I agree with him wholeheartedly, that not only with respect to the boom, which is the point we are discussing momentarily, but also with respect to other aspects of the SST, whether it be take-off and landing noise, with the health effects that might have on the ability to hear, with its potentially dangerous and deleterious thermopollutant aspects, and so forth, that health is as much in the picture of the SST as any one separate area in government or any separate area of concern. It is not just the economy, albeit that is important. It is not just priorities, albeit that is important. It is not just what it would do to the environment, and we all know that is important. But, in this mix, along with environment, along with the economy, along with priorities, is the health question. Someone from the field of health, someone knowledgeable in this area and concerned about it, should be part of the body that would be overseeing this kind of undertaking.

Mr. PROXMIRE. Is it not true that in the President's ad hoc committee which considered the SST at his request in 1969, one of the agencies represented was the Department of Health, Education, and Welfare; and the Department of Health, Education, and Welfare's representative expressed some very serious reservations on the supersonic transport, so serious that, as I understand it, that was one of the principal reasons why it was agreed that further research was essential and that we should spend these tens of millions of dollars on research before we proceeded with full production of the SST?

Under these circumstances, and in view of the fact that, to all of us, human health, human life, is the most precious asset, most precious element we can protect, it just seems unconscionable to this Senator that that Commission was appointed without anybody of any competence in this area. This Commission includes representatives of the aircraft manufacturers, of the airlines, of the Air Force, of the Space Agency, of the Transportation Department. And these are fine people. But there was nobody in a position to evaluate these findings from the standpoint of health. So that in the event that some information is available that does suggest that the SST would cause illness of some kind, that it would have the kind of adverse physiological effects to which Mr. Lundberg refers in the article to which the Senator from Missouri was referring, there would not be anybody on that committee who could give a competent professional judgment; and therefore we would get a report on the SST to Congress and the people in which we could have very little credibility and very little reliance.

Mr. EAGLETON. I could not agree more with the Senator from Wisconsin.

It is at least curious—if not some other more applicable word—that when some serious questions were raised in the past, in not the far-distant past but the recent past, by the Department of Health, Education, and Welfare about potentially deleterious health effects of the SST, and their suggestions were that more research would have to be done and should be done in the interest of public health, on a Commission of this prestige would be left out any representative from the agency that had leveled this previous criticism. I do not know whether the price of criticism is that you will find that your advice is further discontinued or ignored or that you will but shut out from any further deliberations. But it would appear in this instance that the health effects have just been dismissed; that insofar as the Commission is concerned, they will consider matters of production, matters of technique, matters monetary, and so forth. But those things relating to human health will be ignored, at least by their underrepresentation and nonrepresentation on this committee.

Mr. PROXMIRE. If the Senator will permit me one more question at this point——

Mr. EAGLETON. I yield for a question.

Mr. PROXMIRE. Is it possible that the typical American taxpayer, the typical American who is concerned about many things, who is concerned greatly about the health of his family and himself and about the heavy taxes he has to pay to the Federal Government, gets very little out of this that is positive? He is going to have to pay for it. He is going to have to pay $290 million or $210 million if this conference report goes through this year. It will be $1.5 billion if we stick to the present plan, and many experts think we will have to expend $3 to $4 billion, all of which may very easily be lost. In addition, if some scientists and physiologists who have expressed their concern about this are correct, he has to suffer the risk and take a serious risk with respect to his health.

It seems to me that in view of the fact that a fraction of 1 percent of the American people fly regularly overseas—even projecting this 20 years, very few people, no more than 2 or 3 percent of the American people, will fly regularly overseas—the overwhelming majority of the people can get nothing out of it but higher taxes and danger to their health. So it is beyond me to understand how we can argue that this is something in the public interest, in the interest of the American people.

Mr. EAGLETON. I think that by that question, the Senator has really gone to the very heart of the issue here, going beyond the ecological ramifications of the SST. He is correct, of course, in his analysis that were this aircraft ever to become operational, were it to be economically viable, insofar as commercial aviation is concerned, at the very best, at the best of all circumstances, its utilitarian value would be but for a few. Indeed, it would be even for an insignificant few of those who constitute the European traveling public, which, as the Senator from Wisconsin pointed out in his question, is less than 1 percent. A miniscule few of that group, in my judgment, would avail themselves of SST-type transportation, since it is known and agreed that one would have to pay an incremental fare, a substantially increased fare, to travel transatlantic or transpacific on an SST. Even among the small European traveling public or the Atlantic traveling public from the United States to those two continents, I doubt whether there are too many who are willing to pay a fare that some have estimated to be as much as 15 or 20 percent, perhaps higher, than what would be called regular fares, for the luxury of saving an hour or an hour and a half of time.

Mr. PROXMIRE. If the Senator will yield further, the Senator's response recalls to my mind the fact that I did, as a matter of fact, overstate the case in favor of the SST when we talked about people who fly overseas.

If the Senator will recall, just a few days ago the Senator from Illinois (Mr. PERCY) pointed out that he had recently completed an 18,000-mile trip in which he had flown between Europe, Africa, and Asia, flown to various parts of the world. After the trip was over, he sat down to try to figure out when he could have used an SST that would have saved him any time. He said that, for the life of him, he had great difficulty figuring out how he could possibly have used an SST that did not fly over land.

As we know, the administration has committed themselves to prohibiting flights over land. We are hopeful that we can get a bill through that passed the Senate unanimously, prohibiting commercial supersonic flights over land.

Under these circumstances, as the Senator points out, a really small number, a really small proportion of the American people, would use this plane, and even they wolud use it so little as to make this terrific investment, really, for a triviality.

Mr. EAGLETON. Once again, I express my total agreement with the hypothesis and the thrust of the question posed by the Senator from Wisconsin.

I think it was in a recent edition of one of the eastern newspapers—I cannot recall whether it was a New York newspaper or a local Washington newspaper—that there was a little human event item—within the last several weeks—it was not the headline type of story, or on page 1, but buried back in one of the papers in New York or Washington, that a supersonic flight, a 747, from Paris to New York, had landed with a crew of 22 and eight passengers. I think a 747 seats between 340 and 350 passengers in terms of a payload.

Mr. PROXMIRE. Would the Senator repeat that? A 747, a great big jumbo jet?

Mr. EAGLETON. A jumbo jet.

Mr. PROXMIRE. And only eight passengers?

Mr. EAGLETON. And only eight passengers. A regulary scheduled commercial flight from Paris to New York.

Admitting it was off-season, admitting the economy is in some of its more desperate straits, and admitting that there is not much European travel in the months of October and November, admitting all that, the fact is, that attendant on such a dismal payload in this particular instance, shows beyond that fact that there is a breaking point, a point of economic no-return that a traveling member of the public is unwilling to go, insofar as how much he is willing to pay for a ticket to get from New York to Europe is concerned.

As we all know, and as I am sure the Senator from Wisconsin knows because of his extensive research on this subject, the most sought after mode of travel to Europe now, the most coveted and about which there is the most glamor, is to join a travel club, to join the bar association of some city, or join the outdoor garden club of greater New York, and by a nominal payment of dues one becomes eligible to get on a charter flight to foreign countries. These chartered planes fly from all over the country. They fly from St. Louis, and I am sure in the larger cities in Wisconsin, such as Milwaukee, and all the other big cities. They have these charter groups where an individual can save two or three hundred dollars in transportation costs traveling to and from Europe. That is what people are interested in. They are not so much interested in whether they will have the choice of three or four movies. One is enough—indeed, maybe one would be better off without any. Plus the fact that whether we are going to have chef so-and-so, who is now on the radio waves for United Airlines and describes the menu, whether lobster thermidor or steak a la Burgundy, or what have you. Most people, I believe, are willing to forgo all that in the interest of saving two or three hundred dollars. Even a ham sandwich is rather edible if $200 can be saved.

I think since it is so abundantly clear that the traveling public is not willing to be gouged just for the sake of paying more to get an extra frill, a movie, or, indeed, the saving of an hour of time, that the SST is already almost foredoomed, before it would ever fly, to economic failure.

I think, even though some airlines have indicated they would like to have it, and sometimes their indications are a little guarded and some have indicated privately that they do not want it, but even though some airlines indicate they might like to have an SST, in the current scheme of things, I believe that we would be doing the airlines the greatest favor this session of Congress could do for them by discontinuing this program. We have got to protect them from themselves. We have got to protect them from what was mentioned in an earlier speech as the "Judas Goat" theory. That in essence means, I guess, that in the sacred name of competition we go down the course, full steam ahead, although that means economic disaster for both, because if one has a certain item the other must have it regardless of its devastating economic consequences.

I think, maybe, we would, as I say, be doing as great a favor as possible for the airlines, to discontinue the SST operation and to prevent them from their own unintended but resultant self-annihilation.

Mr. PROXMIRE. Is it not true that the airlines in general are in financial difficulty, which is not good, of course. Some of them are losing money. If we take the best year any airline ever had, I believe that this is a fact—I am not positive—the most money any airline ever made was a net profit of $50 million.

How much would the SST cost? They estimate, if everything works well, with no overruns—and I am sure there will be overruns because they are working in a new kind of technology with brushed titanium honeycomb—it will cost $40 million.

What has hurt the airlines and put them in a painful and difficult position is just what the Senator from Missouri is talking about, the fact that they have to follow this "Judas Goat" theory and get what everyone else gets. If one airline gets a jumbo jet, then the other one has to get a jumbo jet. They all have to get into it—in this case of a plane which can fly only in certain areas. So they will be in serious straits.

This is one of the principal reasons why the payment made by the airlines is not the usual 5 percent. It is 2½ per-

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cent. They are only making a $1 million downpayment. So if they can escape from this, if the plane does not meet certain narrow requirements, then the $1 million will be returned so that the risk is minimized.

I have talked to some top airline officials, to American airlines, Mr. Quesada, for example, who flatly says that the airlines will be far better off if we kill the SST operation because they would be in a difficult position.

True, as a matter of form, the airline association is in favor of the SST. They have made that commitment. The airlines are in a difficult position, with the CAB and the FAA determining what routes the airlines shall get. The airlines are influenced by these agencies, who are vigorously trying to promote the SST.

The judgment expressed by the Senator from Missouri seems sound to me, that they will be far better off if they are going to be put in the position where they will have to pay out tens of millions of dollars that they do not have, or will have to borrow the money at interest rates which are extraordinarily high in order to buy something that is very likely to be a commercial failure.

Mr. EAGLETON. I agree once again with the Senator from Wisconsin. I think the result will be as I hope it will be, that Congress does cancel and eliminate and end the SST endeavor.

I would speculate that the technical and official announcement from the airline association and, indeed, from some of the air carriers might be that they are for this airplane, but perhaps beefed up in slightly stronger words in the official public relations release, but within the confines of the boardrooms of the giant air carriers of this Nation, there might be almost a victory celebration that they had been spared the burden of getting into this inevitably losing undertaking under the so-called Judas Goat theory, and that some outside force—in this instance the Congress of the United States—had rescued them from themselves and from their own folly.

So I do not think there will be buckets of tears shed by the giant air carriers of this country if the position as taken by the Senator from Wisconsin and others, including myself, ultimately prevails.

Mr. PROXMIRE. If I may ask the Senator one question, to get back on what the Senator was talking about, because I think this is of importance in terms of the priorities, he was pointing out that the sonic boom could have an adverse effect on human health and the other elements that could affect human health adversely.

Is the Senator aware of the fact that this year we are asked to spend $290 million for the SST, which could have an adverse effect on human health, and a total of $350 million, that is all, from the Federal Government to try to find a cure for cancer?

In other words, we are spending very nearly as much on the SST that could injure human health, when no one is admitting that it will help or cure any illness, any sick child, or any sick person, yet we are spending only a little bit more, as a nation, to combat one of the three top scourges that mankind has to face.

Mr. EAGLETON. Mr. President, the Senator also well knows that other bills in other areas are sometimes either vetoed or we have a hint of a veto if they contain $200 million or $300 million above certain Presidential recommendations in certain areas. However, in this area, as the Senator points out, $290 million for the SST is said to be well and good and certainly in the public interest. However, the Senator contrasts that against our national expenditures for research in the area of cancer—and that might also be contrasted with our expenditure in the areas of heart disease, stroke, and other diseases—on a priority basis.

I hope to get into that subject a little later on in terms of those things being available to mankind and the average people of this country. No one is convinced clearly that there is a greater urgency for the SST now vis-a-vis some of the backward situations we find ourselves insofar as public health and welfare are concerned.

Mr. President, I want to continue my analysis of the article I was discussing before the colloquy between myself and the Senator from Wisconsin (Mr. PROXMIRE). I recall that we were talking about some of the potential health consequences and hazards of the SST created sonic boom.

Going on, Mr. Lundberg points out:

> In order to prevent appreciable disturbance and hazards to people on boats, the Swedish Air Force has set the lowest permissible altitude for supersonic operation over sea to 5000 m, thereby limiting the nominal boom to 2.8 psf. The nominal SST climb boom (up to 4 psf) will thus exceed this level by up to 40%. And the average daily frequency of SST booms in many coastal areas will be incomparably greater than that caused by the sporadic military operations. In the most "critical" areas, south Long Island, Nova Scotia and Ireland, where the sea traffic is dense, the SST boom frequency will be of the order 50 per day or more.
>
> To sum up, the SST oversea booms will cause severe disturbance, fright and even risks of accidents to people at sea. The incessant and intense SST booms will also in all likelihood have *serious effects on maritime wildlife,* in particular some kinds of seabirds in the breeding sessions.
>
> Clearly, the burden of proof that these harms and hazards are acceptable rests with the SST investors. They should without further delay carry out adequate *boom tests over sea* under international observations.
>
> The number one SST boom research topic is of great importance for people at sea and for all shipping and fishing nations. It is clearly also in the best interest of all SST investors, including potential SST airlines, because of the prospect (which even they must recognize as a possibility) of a later economic disaster: That of having to scrap all the numerous SSTs in service at a future point of time when the detrimental effects of the increasingly frequent oversea booms reaches an intoleratble level, such that a ban on supersonic oversea flights is irresistibly demanded and enforced.
>
> The deficiency in *production economy* of the U.S. SST is illustrated by investigations by two consultants to FAA. Production (including development) cost per SST *vs* numbers built is compared with airline demand of sea-limited SSTs vs price per aircraft. There would be a demand for only 280 SSTs at the often-announced price of $40 million (1967 value) per SST. But the production cost at such a small quantity would amount to $67 million per SST, a loss per aircraft of $27 million, and a total loss of $7.5 billion.
>
> The deficiency in *operation economy*—even assuming a subsidized price of $40 million—is confirmed by some seriously unrealistic assumptions in recent economic analyses, made by (or for) the American SST investors (on which they seem to base their optimism about the profitability of the sea-limited SST). They have *correctly stated* that, because the purchase price of an SST per passenger seat (as well as other cost items) is about 3 times higher than for competing subsonic jets the *productivity per passenger seat of the SST must be 3 times greater,* implying that the SST must be able to make 3 times more flights per year (or on the average per day) on a given distance, e.g., over the North Atlantic. But they have *incorrectly claimed* that the SST can do this because its cruise speed is about 3 times greater than that of the subsonics.
>
> In this surprising statement it is neglected (a) that the block speed (the average speed between airports) of the SST is only about twice that of the subsonic, (b) that every flight is "burdened" by the turn-around time between landing and take-off making the sum of all turn-around times proportional to number of flights, and (c) that also the time required for daily or weekly maintenance and periodic overhauls is roughly proportional to number of flights, not to hours flown, because the wear and tear, number of defects in the systems, and structural fatigue is in the first place dependent upon numbers of flights; this being particularly pronounced with respect to the SST due to the severe aerodynamic heating cycle during each supersonic flight.
>
> The implications of these facts are easily illustrated for the important North Atlantic routes. Whereas the subsonic jet easily makes 2 single flights per day, it seems hardly possible for the SST to average more than 3 single flights. But even if we optimistically assume an average of 3.5 single flights per day, this would only be (3.5/6=) 58% of the number of flights (6) that the SST *should* be able to make in order to be sufficiently productive for competing with subsonic jets.
>
> Furthermore the *amortization time* for the SST is assumed to 15 years instead of the 10 or 12 years applied for subsonics. But 3.5 single flights per day over the Atlantic, to be compared with 2 for the subsonic jet, means that the SST "consumes" its service life at a (3.5/2=) 1.75 times faster rate, implying that the total usable service life of the SST, counted in years, would be correspondingly shorter. This calls for an amortization time for the SST of (11/1.75=) 6.3 years, rather than the 15 years assumed. In reality it would be wise to reduce the amortization time for the SST still more, say to 5 years, because the aerodynamic heating is likely to make each flight relatively more exhaustive than is the case for the "cold" subsonic aircraft.
>
> Against these observations will probably be objected that the structure and systems of the SSTs will be sujected to endurance tests to verify about the same service life in hours of flight as for subsonic jets (some 50,000 hours). This implies a requirement of a safe and reasonably maintenance-cheap life of the SST which, counted in number of flights, has to be no less than (15/11 x 3.5/2=) 2.5 times longer than the life of subsonic jets (corresponding to their average amortization time of 11 years). This would seem impossible to achieve—without an increase in design weight that reduces the payload to zero—even if the SST were not subjected to aerodynamic heating. The severe

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heating and cooling cycle of each flight makes the requirement of a service life 2.5 times longer than that of "cold" subsonic jets completely unattainable. It is to demand a miracle.

And the prospective SST buyers will get no proof about the real usable service life of the SST until many years after the purchases, because of the exceptionally long times required for fatigue and endurance tests when a heating cycle must be applied for each simulated flight.

The great deficiency in the productivity of the SSTs and the shortness of their usable service life will result in much higher operating costs than for subsonics. Theoretically the increase could be covered by a high SST fare surcharge. But in practice even a moderate surcharge would scare away practically all potential SST passengers. Why should they pay even a moderate surcharge for gaining a couple of *hours* over the Atlantic when it then usually takes several *days* to adjust to the new local time and be fit for work or tourism?

It follows that "sea-limited" SST operation is bound to result in enormous losses. This has, however, not been recognized in the SST market analyses which all assume a good return on investments. Clearly, the demand for SSTs will fall down drastically once the prospective SST airlines fully recognize the magnitude of the losses.

Quantitative assessment of the losses, both in production and operation, should be of great importance also for the oversea sonic boom issue, because the result would undoubtedly contribute to solving the boom problem by discouraging many airlines from buying SSTs—and this might even lead SST-engaged governments to terminate their projects. *Research on the economic viability of the SST* may therefore be regarded as an urgent SST boom research topic in a broadened sense.

The only sensible thing to do in the present dilemma would be to stop further investments in SST developments until adequate oversea boom tests and economic studies have been made. The weight of the "investments already made" argument is, however, so heavy—and gaining momentum so rapidly now that SST hardware is being produced—that it would be over-optimistic to believe in a "moratorium". We must count with oversea SST operation becoming a reality.

But then, when the losses to the SST airlines have become very great and the "SST governments" find that the airline demand for sea-limited SSTs is much below expectations, these SST investors will be severely tempted to request permission to fly supersonically over land—to begin with over sparsely populated areas.

To resist such requests, by confirmation beyond any doubt that the SST boom is far too severe for being acceptable over land, some further overland boom research should be carried out and be concentrated on topics that are "critical" with respect to the maximum acceptable boom intensity, in particular *sleep disturbance*.

Such research is, in fact, a matter of great urgency, not because present knowledge is insufficient—as shown in this report and stated above the boom tests already made as well as previous research about sleep disturbance due to very weak noise stimuli clearly imply that the SST boom would be at least 10 times too severe for being acceptable over land—but because this knowledge has apparently not been recognized, or deemed as convincing proof, by all the SST-engaged parties. And it is those parties that without further delay need to know, for their decisions in the near future, whether or not there are any chances at all of boom-producing SST operation over land being permitted in the distant future.

This plea for conduction of extended boom sleep-disturbance research as soon as possible must, however, not be misinterpreted to mean that those governments which have not yet decided on their overland SST boom policies should postpone the decisions until this research is finished. It is, on the contrary, highly important that these still undecided governments formulate their boom policies very soon in order to contribute to an unambiguous picture of the prospects and conditions for overland SST operation as a basis for further decisions on the part of the SST investors. As existing knowledge about the effects of overland booms has been deemed sufficient by those countries, including the USA and England, which have already formulated their boom policies, it should be sufficient also for the remaining countries.

That ends the very interesting, and I think problem-posing, if not problem-solving, Lundberg report.

A second category of objections to proceedings with funding for the SST prototype program is concerned with the economic aspects of the venture. The SST will be expensive, and its purchase by airlines would follow massive investments in jumbo subsonic craft that have revolutionized air transportation. According to recent accounts, the airlines already are financially hard-pressed.

In the Washington Evening Star for December 12, 1970, Stephen M. Aug wrote that the 12 major airlines in the United States anticipate a loss this year of $123 million. His story indicates that only four domestic air carriers expect to make a profit this year. But this is only the beginning of the bad news. The Air Transport Association estimates that losses in 1971 will rise to $192 million and in 1972 will reach $279 million.

Mr. Aug's story deals with this subject in some more detail, and I think it goes into the very interesting situation of the current financial dilemma of the airlines. He writes:

TWELVE AIRLINES PUT LOSS THIS YEAR AT $123 MILLION

(By Stephen M. Aug)

The 12 major airlines in the United States anticipate a loss this year totaling $123 million and, for the first time in memory, a decline in traffic growth.

The predictions were made today by the Air Transport Association, a trade organization that represents the scheduled airlines. Association officials said the material made public today was substantially what was reported privately yesterday by airline industry leaders in a briefing for government officials at the Department of Transportation.

Of the 12 major airlines, whose operations account for about 90 percent of the total traffic flow among U.S. schedule airlines, only four are expected to make a profit this year—predicted at $134 million.

ATA did not identify the four airlines, but they are Eastern, Northwest, Delta and Continental.

EIGHT EXPECT LOSSES

The other eight, expected to show a loss totaling $257 million, are TWA, National, American, United, Western, Northeast, Braniff and Pan American.

The anticipated 1970 loss predicted for the 12 last July was $16 million. But instead of continuing growth in airline traffic, the last six months have shown a decline from last year and losses have plunged deeper.

George W. James, ATA senior vice president for economics and finance, said in his statement that domestic traffic for the 12 months of this year will be about one percent less than last year.

The ATA, basing its figures on material supplied by the individual airlines, said the 12 major carriers would probably operate at a loss next year of $192 million, and at a loss of $279 million in 1972. Earlier the predicted losses were $493 million in 1971 and $413 million in 1972.

The association proposed several possible solutions to the airlines' "critical financial situation."

It said the airlines "believe the most immediate and essential step is a general upward adjustment in the fare level."

The association said the industry already has taken a number of steps to cut losses. These include reductions in advertising, passenger services, research and development, future investment and employment. The airlines this year have furloughed nearly 7,000 workers, the ATA said.

The companies also cut back on flights, with the result that there were less frequent flights in the 1,000 largest city pairs last month than there were in November, 1969. The airlines see further cutbacks in service.

They also suggested to government leaders at yesterday's meeting that supplemental airlines "should not be allowed to encroach further into scheduled service markets and the regulations governing their activities should be tightened and enforced."

MERGERS POSSIBLE

The industry also considers mergers to be another possible avenue to improved profits.

James said, "There is also a need throughout government to bring into its decision-making process a general awareness of the serious financial plight of the airlines."

James said that the $192 million loss anticipated for next year could be turned into a $100 million profit with a 5.1 percent increase in average revenues per passenger mile. But he added that in order for the airlines to earn at the rate of profit of 10.5 percent allowed by the CAB, the 12 major airlines would need nearly $1 billion of pre-tax profits.

Despite deficits predicted for the next two years, the ATA sees a five percent increase in domestic airline traffic next year and 15 percent more international travel.

James showed how profits of the airlines have been steadily shrinking in the past four years. For the 13 major lines, a $412 million profit was reported in 1967. By 1968 it had declined to $262 million, and last year $147 million—for a rate of return of about one percent.

Mr. President, moving onto another issue that is meshed into the SST controversy, I would like to mention, of course, that the Senate's decision on the SST prototype funding was, as we all know, to delete that item from the DOT Appropriation bill.

The Senate's decision on the SST prototype funding was, as we all know, to delete the item from the appropriations bill. Following that action, the Washington Post for December 8, 1970, addressed in an editorial the third category of objections to continued funding of the SST prototype program—the question of priorities and values.

I think it is one of the best editorials that I have read on this subject, and I should like to read it now:

THE SST: WHAT—WE REPEAT—IS THE HURRY?

The House now has an opportunity to nail down rather more tightly the Senate's decision last week to deny further funds for

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> the production of two prototype supersonic transports (SSTs). Specifically, the lower chamber will be voting—probably today—on a motion by Representative Yates which would reverse an earlier House vote in favor of the project and instruct the House delegates to follow the Senate's lead when the issue comes before a joint House-Senate conference. Since the House originally upheld the SST by only a margin of 102 to 86, there is a very real prospect of a reversal now; some 18 senators have reversed *their* position over the past year, and we hope that at least as many, or more, House members will take a hard look at the nature of that Senate vote and do the same.
>
> For that was no idle expression of narrow interests or shallow sentiment on the Senate's part; it was, in its way, almost an explosion of public concern, as surprising to the backers of the move as it was apparently shocking to the supporters of the SST. What had been "too close to call" turned into a comfortable, thoroughly bipartisan 52 to 41 majority and what it said was that somewhere out there, away from the corporate boardrooms and the offices of the Federal Aviation Administration and the corridors of Congress, a lot of people care more about the quality of life and the nation's urgent economic and social needs than they do about breakfasting in London and New York at roughly the same time on the same day. It was a popular expression of national concern, and the tragedy of it is that the administration, with its characteristics combativeness and quick sense of challenge, couldn't see it, apparently doesn't even suspect it, and can think of nothing better than to strike blindly back with the customary overkill.
>
> One result is that the President's statement in response to the Senate vote, rather like his comments in response to the Carswell vote, becomes by its disingenuousness, not to say downright deception, an argument *against* his cause. The Senate's action, he said, is a "devastating mistake" because, among other things, it will mean the loss "of at least 150,000 jobs"; As Senator Proxmire has pointed out, there is no way to reach that figure unless by counting in all the workers that might be involved in full production of SSTs over the next 10 years which is a long way ahead to look, in terms of the aeronautics industry; that industry has its troubles and its centers, such as Seattle, surely have theirs. But they are troubles related to deeper malaises; according to the Boeing people, less than 5,000 of their workers are involved with the SST as of now.
>
> Mr. Nixon would have us believe that it will cost $277 million to terminate the SST contract, without bothering to add that over $80 million of this sum is not taxpayers' money but payments which the airlines have handed over as an "advance" of sorts on future SSTs and that $105 million of it is money that already has been spent. The President would have us believe, on the one hand that the funds in question will build only two prototype aircraft which can't do much noise or pollution damage by themselves, and that on the other hand it would be a sin and a shame not to press on when we have already spent so much (nearly $800 million) and he can't have it both ways. If it is a sin not to press on now, it will be doubly so when the prototypes are in hand, when the claim will be that we have to go into production and never mind the noise or the pollution threat, because look at what we have invested in them up to now.
>
> So these prototypes cannot be counted as pure and innocent, for they will in the nature of things become a powerful new argument for full production of a monster fleet of SSTs with a frankly unknown—and at this point unknowable—potential for fouling the upper atmosphere and working dangerous climatic changes and encroaching upon our lives with deafening noise and damaging sonic booms. And all this for what has to be counted a striking example of marginal utility gained—a few hours faster flying across the oceans which may not even be a few hours. When you have built new airports and located them a decent distance from population concentrations, the time saved supersonically in the air may well be spent on the ground, in a taxi or an airport limousine.
>
> So we say again: what's the hurry, either to cross the oceans or to build the SST? The President would have us believe, finally, that we might as well hurry because others—the French and the British and the Russians—are going ahead anyway. And our answer is that is not necessarily true. The Russians will have trouble marketing their product in any case. And the British and the French could well prove a lot more receptive than you might suspect to a demonstration of American leadership, in a new direction and founded on a new sense of values which is responsive to new and genuinely urgent human needs.

Mr. PROXMIRE. Mr. President, will the Senator yield with reference to that editorial?

Mr. EAGLETON. I yield.

Mr. PROXMIRE. As I understand, it was an editorial published in the Washington Post; is that correct?

Mr. EAGLETON. That is correct.

Mr. PROXMIRE. It is my understanding also that this is the first time the Post came out against the supersonic transport, though Herblock has had a number of cartoons that have contributed very greatly to an evaluation, as I would look at it, or a critical appraisal of the supersonic transport. But this is the first time the Washington Post came out flatly against it; and I thought it was a superb editorial.

Mr. EAGLETON. In response to the Senator from Wisconsin, I thought it was one of the best that I had read in the entire area, and almost every large newspaper in the country has editorialized on this subject in one way or the other.

To indicate my interest in the editorial and the way it succinctly summed up the issues, I undertook to read it at this time. I believe the Senator is correct that this is the first time the Post had editorialized on this issue.

Mr. PROXMIRE. Since that editorial was written, there has been an interesting new development in the House situation. That editorial was a kind of pitch for House support for our position against the SST, and, of course, we did not get that majority support, in my view in part at least because they did not get a chance to vote directly on the SST; their vote was a matter of instructing the conferees, which is somewhat different.

But a most encouraging development, from my point of view, is that Representative Henry Reuss conducted a poll of the newly elected Representatives who will take office when we come back January 21, and he was successful in obtaining answers from a very large majority of those newly elected Representatives; and on the basis of the answers he received, if those newly elected Representatives had been voting instead of the lame ducks, those who have been defeated, the SST would have lost in the House of Representatives, even on the instruction motion, which, of course, is a harder motion for those who oppose the SST to win on.

This indicates two things to me. It means a different situation for us in the future, that we will be in a stronger position next year, but it also means that when the people have an opportunity, it is hard to know what people are thinking on various issues, but when they had a chance to vote between a representative who favored the SST and one who did not, they voted, on the basis of the most recent election, in favor of those candidates who opposed the SST; and I think that development adds strength to the very fine editorial the Senator from Missouri has just read.

Mr. EAGLETON. I thank the Senator from Wisconsin. I had not heard, frankly, of Representative Reuss' survey of the incoming members of the House of Representatives. It is, I think, heartwarming to have those facts, and to look forward to a brighter future day, although, in my judgment, and I think in the judgment of the Senator from Wisconsin, so far as we are concerned, we are willing to reconcile this matter in this session of Congress, without having to wait on it for another session of Congress to remedy what we ought to be doing here now.

I have one other article I should like to read, and I think this will be of particular interest to the Senator from Minnesota, who has joined us in the Chamber, because he brought this article to my attention. I think that in its own way it sums up as cogently as possible the picture we find with respect to the SST. This is not an article from the Washington Post, which one might have predicted, based on the past track record of those in opposition to the SST, nor is it an article from the New York Times or the St. Louis Post Dispatch. Rather, this is a column by Mr. James J. Kilpatrick, who has joined many other Americans who question the need for the SST. In his column, published in the Washington Evening Star earlier this year, Mr. Kilpatrick reviewed the arguments for and against the SST and came down on the side of those who favor discontinuing funding for the SST prototype program.

Mr. Kilpatrick's thoughts on the program are as follows. The article is entitled "Who Needs The SST? Not the Airlines or the Public." Mr. Kilpatrick writes;

> Secretary of Transportation John A. Volpe, speaking for the President, last week renewed the administration's appeal for funds to continue work on the supersonic transport plane.
>
> The appeal contained at least a demi-semiquaver of desperation. "The aviation industry is essential to our nation," Volpe said. If the SST should be dropped, "then in six or seven years you would have tens of thousands of employees laid off and an aviation industry that would go to pot."
>
> Volpe also renewed a number of other arguments in support of the SST: Its sale would help our balance of payments. A successful SST would boost American prestige. And as for the problem of the plane's sonic boom, there would be no problem. The plane would never be permitted to fly at supersonic speeds over land. He concluded by contending that if the United States fails in the supersonic field, France, England and Russia will pick up the marbles.

A more specious line of reasoning seldom has been assembled. For the taxpayers to invest another $290 million in this venture—and that is the sum to be asked this week—would be a throwing of good money after bad boondoggles. Do we learn nothing from such wretched experiences as the military F111? Do we ever examine all the implications of "progress?"

The SST does not represent a change in kind, in the fashion of jet planes replacing prop jobs. It is only a change in degree: It will fly faster than one of the new 747s. That is the sole advantage claimed for it.

Except for speed, the SST offers not a single advantage in range, comfort, passenger volume, profits, safety, ease of handling—none of these. And unlike the 747, which the industry developed at its own expense, the SST would cost the taxpayers a fortune in subsidies unlikely ever to be recouped.

Who needs the SST? Well, the Boeing Company, out in Seattle, needs the SST. But surely, with deference to the great State of Washington, something more than this is required. Who else needs the SST?

Not the traveling public. Relatively speaking, only a handful of passengers could be expected to pay the supercharges that would be required to make the SST a profitable operation. In theory, an SST flying flawlessly on schedule could carry 100,000 passengers a year; allowing for realistic factors of downtime and normal loads, the number is probably half that.

Not the people down below. Let us take with great grains of salt the promise that the SST would "never" be permitted to fly over the U.S. mainland. At less than supersonic speeds, the SST is a dead loss; it offers no advantages whatever.

But when it flies beyond the speed of sound, the plane leaves a destructive path of sonic booms behind. Before a House Appropriations subcommittee grants the requested sum, it should study recent reports, notably from France, on the damage this phenomenon causes.

It becomes increasingly doubtful that even the airline industry needs the SST. The latest cost projection puts the cost of each supersonic transport at $60 million. How do you recoup that capital investment? Pan American, our largest airline, is beginning to wonder.

In February, Aviation Daily and Business Week reported some highly pessimistic observations by Pan Am's president Najeeb Halaby. The British-French Concorde, he remarked, may wind up with only 112 comfortable seats.

Its tubelike cabin will seem cramped and narrow to passengers grown accustomed to the airborne living rooms of the 747. High costs per seat-mile indicate poor profits; and if there is one thing Pan Am does not need, it is a new plane with a poor profitability picture.

Let us pause. The overriding question, here and in many other areas of our civilized society, is the extent to which man will let himself be victimized by his own machines. A needless surrender of values to speed and noise isn't progress. It's needless surrender.

In conclusion, Mr. President, the proponents of the SST have failed to discharge the burden of proof on the SST. But in the course of the discussions on this subject we may have made some assumptions that paint too bleak a prospect for the SST. I doubt that the action of the Senate recently, if upheld on this occasion, will spell the death-knell for all American SST's. I believe that the private sector of the American economy will build an American SST—indeed, the best, fastest, and least expensive SST in the world—when it becomes economically and technically possible to build such an aircraft that will operate without undesirable environmental effects. I do not believe that the aluminum-skinned Concorde and Russian SST can put those nations so far ahead of us that we will never be able to catch up with them with a technologically much more advanced American SST. I doubt the airlines' ability to pay for the SST, to say nothing of their willingness to buy and then have it compete with the jumbo subsonic carriers on which the airlines already carry heavy indebtedness.

Mr. President, there are too many unresolved problems and too many unanswered questions to let the conference report on this appropriation be approved. Having recently spoken clearly and definitively on this issue, the Senate must not reverse itself now.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

Mr. **MANSFIELD**. Mr. President, will the Senator withhold that request?

Mr. **EAGLETON**. I withhold the request.

Mr. **MANSFIELD**. Mr. President, will the Senator allow me to obtain the floor in my own right?

Mr **EAGLETON**. I yield the floor to the Senator from Montana.

Mr. **MANSFIELD**. I yield to the distinguished minority leader.

CLOTURE MOTION

Mr. **SCOTT**. Mr. President, I send to the desk a motion for cloture and ask to have it read.

The **PRESIDING OFFICER**. The cloture motion having been presented, the clerk will read it.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to adopt the conference report on H.R. 17755, fiscal 1971 appropriations for the Department of Transportation and related agencies:

HUGH SCOTT, BARRY GOLDWATER, MIKE GRAVEL, HOWARD BAKER, HENRY JACKSON, WARREN MAGNUSON, HENRY BELLMON, RICHARD SCHWEIKER, ROBERT DOLE, EDWARD W. BROOKE.

BOB PACKWOOD, TED STEVENS, JAMES B. PEARSON, J. CALEB BOGGS, LEE METCALF, GORDON ALLOTT, PAUL FANNIN, JENNINGS RANDOLPH, DANIEL INOUYE.

PROGRAM

Mr. **SCOTT**. Mr. President, will the distinguished majority leader yield briefly?

Mr. **MANSFIELD**. I am delighted to yield to the Senator from Pennsylvania.

Mr. **SCOTT**. Mr. President, before we reach the question of an adjournment or recess motion tonight, I should like to indicate that, in view of the statement of the President in connection with which an announcement has been made of the possibility of a special session on the 3d of January 1971, which I personally hope will not by any means be necessary, and which is certainly not something I have in any way initiated, I would hope that we could expedite the business of the Senate further by recessing until tomorrow, Sunday morning, and also consider very seriously remaining in session, either on an around-the-clock, 24-hour basis, or on a very late night basis.

Mr. President, I realize that this is no way to make friends or influence people. I realize, too, that it is the responsibility of the leaders to make suggestions at times which can be highly unpleasant; but it is my duty to transmit this message. It is my obligation to request it.

It is my desire that we hear now the desire of the distinguished majority leader, since he and I have worked all this time in amity and concord and we must, of course, continue to do so if we are to conclude the necessary business of the Senate.

Mr. **WILLIAMS** of Delaware. Mr. President, will the Senator yield?

Mr. **SCOTT**. With the consent of the majority leader, I yield.

Mr. **MANSFIELD**. Of course.

Mr. **WILLIAMS** of Delaware. Mr. President, I want to get our business done as much as anyone else does. I have been working here for days trying to get consent agreements. Every Member in this Chamber knows there is a certain amount of political maneuvering going on so far as the so-called guaranteed annual income and social security amendments, and so forth, are concerned.

As one who has taken an active interest in that measure over the months, worked on it, and stayed in this Chamber diligently I will be here Saturday and if necessary on Christmas Day, but if the Senate is in session Sunday I will not be present. Take whatever action is desired.

Mr. **MANSFIELD**. In response to the most interesting proposal advanced by the distinguished minority leader, I seem to detect the voice of Jacob but the hand of Esau. [Laughter.]

Mr. **SCOTT**. Each of them has a vote.

Mr. **MANSFIELD**. Only one of them has a vote here in the Senate, though.

So far as all-night sessions are concerned, the answer is "No." I have been majority leader for 10 years. We have never had round-the-clock sessions; and unless we face a grave national emergency connected with the security of this country, I would not anticipate that we would.

So far as meetings on Sundays are concerned, I am perfectly willing, speaking personally, to meet on Sunday; but I do not think that is a responsibility, at this late date, that the joint leadership can take so far as the membership of this body is concerned.

I note that the President has stated, according to the wire service, that if we do not have a vote up or down on his legislation by midday of January 3, 1971, he will withhold his signature to the resolution which was sent to him by the Congress, calling for a convening of the next Congress on January 21, and that we would thus convene at noon on January 3, 1971.

I believe that the Democratic leadership included such an option in its statement last night to the membership.

XUM

It was said that that was a distinct possibility.

If that is what the President wants to do, that of course is his privilege, to withhold his signature from the resolution; and if we do not vote whatever he has sent up by midday of the 3d of January to call us back into session. I would point out that the leadership—and when I say the leadership, I mean the joint leadership—has been doing everything within its combined power to face up to its responsibility and to bring before this body the legislative proposals which the President has indicated he is intensely and personally interested in.

They are: The conglomerate package containing social security, the family assistance, and trade quotas in certain fields—shoes and textiles.

We have been doing everything we possibly can to see that the President is given every consideration achievable, and some which are possibly nonachievable. It is our intention—and again I speak for the joint leadership—to stay with this bill at least until the 3d of January at midday, to see if it cannot be faced up to and disposed of, one way or the other.

Frankly, I have no personal preference, but I would like to see the Senate given the opportunity to express its will on a personal basis, so far as we are concerned as Senators and, on a collective basis, so far as the Senate as a whole and as an institution is concerned.

So far as the second proposal on which the President places great stress, namely, the SST, which is contained in the Department of Transportation appropriation bill, conferences are now going on and are being participated in by the distinguished Senator from Nevada (Mr. BIBLE), the distinguished Senator from Mississippi (Mr. STENNIS), the distinguished Senator from Wisconsin (Mr. PROXMIRE), and the distinguished Senator from Illinois (Mr. PERCY).

I cannot say that they are making any progress, but I think I can say that on the basis of their talking alone, there is the possibility of progress.

Insofar as the other bills are concerned, namely, the authorization bill on the President's proposed help to Cambodia, Vietnam, Indonesia, Korea, Jordan, and Lebanon—I think that is the group, outside of the Israel credit for $500 million, which is in another category—the conferees, I understand, are on the verge of coming to an agreement and, on the basis of meetings held in another office in this building, this agreement may well bring about a satisfactory conclusion of the difficulties which confront us in the Department of Defense appropriation bill, in the foreign aid appropriation bill, and in the supplemental appropriation bill.

So we are making progress. We will do the best we can. Every proposal made by the President has been made by the Senate leadership to the Senators themselves. We are doing the best we can and we will continue to do the best we can.

I personally am willing to meet tomorrow, if that is the will of the Senate, but the Senate will have to let me know. I am not going to place the question before this body.

I am willing to meet on New Year's Day, if that is the will of the Senate. But I will not be the one to tell the Senate or to suggest to Senators that they should come in on New Year's Day.

The President, I think, only suggested Sundays. He did not mention New Year's Day. There is a possibility we will have that day off.

He did not mention Christmas. I assume that he would like us to be around our trees as we hope he will be around his.

As far as round-the-clock sessions are concerned, the answer is "No."

Mr. SCOTT. Mr. President, will the distinguished majority leader yield further?

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, I see two instances where we might clarify matters.

I agree with what the distinguished majority leader has said about our joint efforts to bring all these issues to a vote. Surely we have done all we can possibly do within the rules of the Senate.

I do want to point out that the President's indication is not of a large laundry list or even of a moderate shopping list, but a very limited want list which, as I understand it, covers the appropriation bill on which, indeed, a great deal of progress is being made quite rapidly today, conference reports, and on the major bill, which is the pending order of business this afternoon.

The position taken by the President, therefore, as I understand it, is with regard to a limited number of items.

Then I read the teletype and I note that instead of the President's saying—and I think this was simply an unintentional oversight on the part of the majority leader—that he would withhold his signature from the joint resolution providing for the convening of Congress on January 21, he was considering the withholding of his signature.

Mr. MANSFIELD. Mr. President, if the Senator would yield at that point, I am delighted to stand corrected.

Mr. SCOTT. Mr. President, knowing that every single word counts now, and trying to find any placatory phrases I can discover in view of the continuing impasse, I wanted to mention that.

I am delighted that the majority leader pointed out the number of meetings going on.

I know that various knights errant of yesterday are no longer as errant tonight as they were yesterday. There is a mood of amity and concord—and that is good—on the appropriations bill.

We may find ourselves very shortly in agreement with the other body so that we may be talking about something that is not going to happen.

I am sure that everyone here is entirely concerned to be cooperative. I have had some discussions on the family assistance plan with the Senator from Delaware and with others. We are certainly anxious that some fair and just resolution be accomplished. However, essential to that fairness is the full opportunity for the Senator from Delaware to be fully heard as to his views. And I want that statement to appear in the RECORD.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I noticed that in the President's suggestions for action at this session are the so-called guaranteed annual income, more development funds for the supersonic transport, a quota on textile imports—which will cost the consumers more money—larger social security benefits, vital appropriation bills—all of which are spending proposals.

I am a little concerned that there is no emphasis placed on the need for revenue-producing measures, such as the excise tax extension.

I can appreciate the political expediency of putting emphasis on the spending programs. However, I wonder if the Senator has discussed with the President why this bill was ignored.

These revenue-producing measures are matters of great national concern. I am greatly concerned with the trend that we have of inflation now and in the years ahead.

When we realize that we are headed for a $15 billion to a $20 billion deficit this year I am concerned that this bill was omitted from the list of important legislation.

Was that discussed at the White House, or was that considered to be one of the measures that could go over? I certainly hope not.

Mr. SCOTT. Mr. President, if it were up to the Senator from Pennsylvania, I would favor paying for these items within the fiscal provisions which Congress should, and certainly ultimately must, provide.

So far as the administration is concerned, the Senator knows that there may be some exchange of correspondence on this on Monday. I would rather defer any discussion in depth until that time.

Mr. WILLIAMS of Delaware. Mr. President, I raise that question because unless we take some action in this session the excise taxes on telephones and automobiles go off on December 31. This would represent a substantial loss of revenue.

I am somewhat concerned that we have to wait until Monday to find out the position of the administration.

I would hope that the Senator from Pennsylvania would recognize that, as a party which has always prided itself on fiscal responsibility, we cannot start straying to the wayside as freewheel spenders. Would the Senator carry that message to the proper sources?

Mr. SCOTT. Mr. President, if the Senator wants a vote on the excise taxes in this session, I would vote for it.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. MONDAY, DECEMBER 21, 1970 AND TUESDAY, DECEMBER 22, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 o'clock Monday morning next, and on completion of its business on Monday to 9 o'clock Tuesday morning next.

XUM

Mr. HOLLAND. Mr. President, if the Senator would yield, I understand that we have already entered into a unanimous-consent agreement for convening on Monday morning at 10 o'clock.

Mr. MANSFIELD. I would like to change that to 9 o'clock for both mornings.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

SOCIAL SECURITY AMENDMENTS OF 1970

Mr. MANSFIELD. Now, Mr. President, under the agreement which has been operating and which expires at the conclusion of business on Tuesday next, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1443, H.R. 17550, and that it be laid before the Senate.

The **PRESIDING OFFICER.** The bill will be stated by title.

The **LEGISLATIVE CLERK.** Calendar No. 1443, H.R. 17550, a bill to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

The **PRESIDING OFFICER.** Without objection the Senate will proceed to its consideration.

Mr. LONG. Mr. President, since our meetings on yesterday, we have held some discussions.

Mr. COTTON. Mr. President, we cannot hear the Senator.

The **PRESIDING OFFICER.** The Senate will be in order.

The Senator may proceed.

Mr. LONG. Mr. President, since our meetings yesterday, there have been some discussions about the most expeditious way to move ahead with the social security bill. We have not been able to reach any sort of agreement.

My impression is that the administration is very hopeful of obtaining a vote on the family assistance plan or, if not that, then, in the alternative, a test vote to give some indication of how the Senate feels about the measure.

I have inquired of the possibility of obtaining a limitation to assure a time certain to vote on this measure. That cannot be obtained at this time.

Mr. President, I am convinced that the Senate is not going to pass this measure and that, for whatever political advantage it might give one group or the other or any particular individual, it will be time wasted which could have been used in passing some of these bills that it is possible to pass in this session.

Accordingly I will make a motion to table the pending amendment. I believe the Senator from Delaware wanted me to yield to him before I made that motion.

I ask unanimous consent that I might yield to the Senator from Delaware without losing my right to the floor.

Mr. HARRIS. Mr. President, I object.

Mr. WILLIAMS of Delaware. Mr. President, do I understand that the Senator will be making a motion to table the measure even before some of us can get a chance to present our case against the bill?

Mr. LONG. That is my intention. But prior to doing that, I would like to yield—

Mr. HARRIS. Mr. President, reserving the right to object, I think we ought to have an up and down vote on the family assistance plan.

I would vote against the motion to table, hoping that we could get a vote on it.

I wonder if the Senator might not put some kind of request to the Senate for a limitation of time on the merits. Perhaps we could arrive at some kind of an agreement at some day certain, even if it is after we come back from Christmas.

We should try to get a vote on the merits. Could the Senator put that question?

Mr. LONG. If the Senator wants that done, I ask unanimous consent that we vote on the pending amendment, which is the family assistance plan, at 5 o'clock on Tuesday next.

Mr. WILLIAMS of Delaware. Mr. President, what is the request?

Mr. LONG. Mr. President, I ask unanimous consent that the Senate vote on the family assistance plan at 5 o'clock next Tuesday.

Mr. WILLIAMS of Delaware. Mr. President, I presented a unanimous-consent proposal for the Senate to vote on all amendments as well as final passage of the bill as amended. Many of those Senators now standing up and speaking on this matter apparently were not in favor of that agreement.

If we can get consent to vote on the entire bill I would go along with the request. I offered such a unanimous-consent agreement before.

However, I will not be a party to political hypocrisy to get a vote on the family assistance plan when in the back of the Chamber it is being said it will die anyway. That is the greatest act of political hypocrisy I have heard. I have so expressed myself downtown to those proposing that this farcical procedure be followed.

If we are to vote on social security and a family assistance plan let us vote on them in good faith with the intention that it will become law and not so that Members can go home and brag about having done something in order to get votes. We are dealing with people who should not be kidded by either political party.

I am ashamed that some Senators from our side would seem to cooperate in that hypocritical suggestion.

The **PRESIDING OFFICER.** Is there objection to the unanimous-consent request?

Mr. DOLE. I object.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. MANSFIELD. Mr. President, before the pending measure was called up I promised to call up S. 3835.

Mr. LONG. Mr. President, I yield to the distinguished majority leader for that purpose.

COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3835.

The **PRESIDING OFFICER** (Mr. FANNIN) laid before the Senate the amendment of the House of Representatives to the bill (S. 3835) to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism, which was to strike out all after the enacting clause, and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970".

TITLE I—NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

ESTABLISHMENT OF THE INSTITUTE

SEC. 101. (a) There is established in the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism (hereafter in this Act referred to as the "Institute") to administer the programs and authorities assigned to the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary") by this Act and part C of the Community Mental Health Centers Act. The Secretary, acting through the Institute, shall, in carrying out the purposes of section 301 of the Public Health Service Act with respect to alcohol abuse and alcoholism, develop and conduct comprehensive health, education, training, research, and planning programs for the prevention and treatment of alcohol abuse and alcoholism and for the rehabilitation of alcohol abusers and alcoholics.

(b) The Institute shall be under the direction of a Director who shall be appointed by the Secretary.

REPORTS BY THE SECRETARY

SEC. 102. The Secretary shall —

(1) submit an annual report to Congress which shall include a description of the actions taken, services provided, and funds expended under this Act and part C of the Community Mental Health Centers Act, an evaluation of the effectiveness of such actions, services, and expenditures of funds, and such other information as the Secretary considers appropriate;

(2) submit to Congress on or before the expiration of the one-year period beginning on the date of enactment of this Act a report (A) containing current information on the health consequences of using alcoholic beverages, and (B) containing such recommendations for legislation and administrative action as he may deem appropriate;

(3) submit such additional reports as may be requested by the President of the United States or by Congress; and

(4) submit to the President of the United States and to Congress such recommendations as will further the prevention, treatment, and control of alcohol abuse and alcoholism.

XUM

TITLE II—ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION PROGRAMS FOR FEDERAL CIVILIAN EMPLOYEES

ALCOHOL ABUSE AND ALCOHOLISM AMONG FEDERAL CIVILIAN EMPLOYEES

SEC. 201. (a) The Civil Service Commission shall be responsible for developing and maintaining, in cooperation with the Secretary and with other Federal agencies and departments, appropriate prevention, treatment, and rehabilitation programs and services for alcohol abuse and alcoholism among Federal civilian employees, consistent with the purposes of this Act. Such policies and services shall make optimal use of existing governmental facilities, services, and skills.

(b) The Secretary, acting through the Institute, shall be responsible for fostering similar alcohol abuse and alcoholism prevention, treatment, and rehabilitation programs and services in State and local governments and in private industry.

(c)(1) No person may be denied or deprived of Federal civilian employment or a Federal professional or other license or right solely on the ground of prior alcohol abuse or prior alcoholism.

(2) This subsection shall not apply to employment (A) in the Central Intelligence Agency, the Federal Bureau of Investigation, the National Security Agency, or any other department or agency of the Federal Government designated for purposes of national security by the President, or (B) in any position in any department or agency of the Federal Government, not referred to in clause (A), which position is determined pursuant to regulations prescribed by the head of such agency or department to be a sensitive position.

(d) This title shall not be construed to prohibit the dismissal from employment of a Federal civilian employee who cannot properly function in his employment.

TITLE III—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

PART A—FORMULA GRANTS

AUTHORIZATION

SEC. 301. There are authorized to be appropriated $40,000,000 for the fiscal year ending June 30, 1971, $60,000,000 for the fiscal year ending June 30, 1972, $80,000,000 for the fiscal year ending June 30, 1973, for grants to States to assist them in planning, establishing, maintaining, coordinating, and evaluating projects for the development of more effective prevention, treatment, and rehabilitation programs to deal with alcohol abuse and alcoholism. For purposes of this part, the term "State" includes the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in addition to the fifty States.

STATE ALLOTMENT

SEC. 302. (a) For each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated for such year pursuant to section 301 among the States on the basis of the relative population, financial need, and need for more effective prevention, treatment, and rehabilitation of alcohol abuse and alcoholism; except that no such allotment to any State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) for any fiscal year shall be less than $200,000.

(b) Any amount so allotted to a State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount, remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Secretary determines will remain unobligated by the close of such next fiscal year, may be reallotted by the Secretary, to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under subsection (a) to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted it for such purpose for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such next two years, which the Secretary determines will remain unobligated at the close of the second of such next two years, may be reallotted by the Secretary, to be available for the purposes for which made until the close of the second of such next two years, to any other of such four States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the State for the same period.

(c) At the request of any State, a portion of any allotment or allotments of such State under this part shall be available to pay that portion of the expenditures found necessary by the Secretary for the proper and efficient administration during such year of the State plan approved under this part, except that not more than 10 per centum of the total of the allotments of such State for a year, or $50,000, whichever is the least, shall be available for such purpose for such year.

STATE PLANS

SEC. 303. (a) Any State desiring to participate in this part shall submit a State plan for carrying out its purposes. Such plan must—

(1) designate a single State agency as the sole agency for the administration of the plan, or designate such agency as the sole agency for supervising the administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter in this section referred to as the "State agency") will have authority to carry out such plan in conformity with this part;

(3) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of alcohol abuse and alcoholism, to consult with the State agency in carrying out the plan;

(4) set forth, in accordance with criteria established by the Secretary, a survey of need for the prevention and treatment of alcohol abuse and alcoholism, including a survey of the health facilities needed to provide services for alcohol abuse and alcoholism and a plan for the development and distribution of such facilities and programs throughout the State;

(5) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

(6) provide that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

(7) provide that the Comptroller General of the United States or his duly authorized representatives shall have access for the purpose of audit and examination to the records specified in paragraph (6);

(8) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary any modification thereof which it considers necessary;

(9) provide reasonable assurance that Federal funds made avilable under this part for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event supplant such State, local, and other non-Federal funds; and

(10) contain such additional information and assurance as the Secretary may find necessary to carry out the provisions and purposes of this part.

(b) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

PART B—PROJECT GRANTS AND CONTRACTS

GRANTS AND CONTRCTS FOR THE PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM

SEC. 311. Section 247 of part C of the Community Mental Health Centers Act is amended to read as follows:

"GRANTS AND CONTRACTS FOR THE PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM

"SEC. 247. (a) The Secretary, acting through the National Institute on Alcohol Abuse and Alcoholism, may make grants to public and private nonprofit agencies, organizations, and institutions and may enter into contracts with public and private agencies, organizations, and institutions, and individuals—

"(1) to conduct demonstration, service, and evaluation projects,

"(2) to provide education and training,

"(3) to provide programs and services in cooperation with schools, courts, penal institutions, and other public agencies, and

"(4) to provide counseling and education activities on an individual or community basis,

for the prevention and treatment of alcohol abuse and alcoholism and for the rehabilitation of alcohol abusers and alcoholics.

"(b) Projects for which grants or contracts are made under this section shall, whenever possible, be community based, provide a comprehensive range of services, and be integrated with, and involve the active participation of, a wide range of public and nongovernmental agencies, organizations, institutions, and individuals.

"(c)(1) In administering the provisions of this section, the Secretary shall require coordination of all applications for programs in a State.

"(2) Each applicant from within a State, upon filing its application with the Secretary for a grant or contract under this section, shall submit a copy of its application for review by the State agency designated under section 303 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, if such agency exists. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the project to other projects pending and approved and to the State comprehensive plan for treatment and prevention of alcohol abuse and alcoholism under such section 303. The State shall furnish the applicant a copy of any such evaluation.

"(3) Approval of any application for a grant or contract by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria established by the Secretary that—

"(A) provide that the activities and services for which assistance under this section is sought will be substantially administered by or under the supervision of the applicant;

"(B) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

"(C) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant; and

"(D) provide reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this section, and will in no event supplant such State, local, and other non-Federal funds.

"(d) To carry out the purposes of this section, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1971, $40,000,000 for the fiscal year ending June 30, 1972, and $50,000,000 for the fiscal year ending June 30, 1973."

PART C—ADMISSION TO HOSPITALS

ADMISSION OF ALCOHOL ABUSERS AND ALCOHOLICS TO PRIVATE AND PUBLIC HOSPITALS

SEC. 321. (a) Alcohol abusers and alcoholics shall be admitted to and treated in private and public general hospitals, which receive Federal funds for alcoholic treatment programs, on the basis of medical need and shall not be discriminated against solely because of their alcoholism. No hospital that violates this section shall receive Federal financial assistance under the provisions of this Act; except that the Secretary shall not terminate any such Federal assistance until the Secretary has advised the appropriate person or persons of the failure to comply with this section, and has provided an opportunity for correction or a hearing.

(b) Any action taken by the Secretary pursuant to this section shall be subject to such judicial review as is provided by section 404 of the Community Mental Health Centers Act.

PART D—GENERAL

COMPREHENSIVE STATE HEALTH PLANS

SEC. 331. Section 314(d)(2) of the Public Health Service Act is amended—

(1) by striking out "and" at the end of subparagraph (J);

(2) by striking out the period at the end of subparagraph (K) and inserting in lieu thereof "; and"; and

(3) by adding after subparagraph (K) the following new subparagraph:

"(L) provide for services for the prevention and treatment of alcohol abuse and alcoholism, commensurate with the extent of the problem."

SPECIALIZED FACILITIES

SEC. 332. Section 243(a) of the Community Mental Health Centers Act is amended (1) by inserting "or leasing" after "construction", and (2) by inserting "facilities for emergency medical services, intermediate care services, or outpatient services, and" immediately before "post-hospitalization treatment facilities".

CONFIDENTIALITY OF RECORDS

SEC. 333. The Secretary may authorize persons engaged in research on, or treatment with respect to, alcohol abuse and alcoholism to protect the privacy of individuals who are the subject of such research or treatment by withholding from all persons not connected with the conduct of such research or treatment the names or other identifying characteristics of such individuals. Persons so authorized to protect the privacy of such individuals may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceeding to identify such individuals.

TITLE IV—THE NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

ESTABLISHMENT OF COUNCIL

SEC. 401. (a) Section 217(a) of the Public Health Service Act is amended—

(1) in the first sentence thereof, by inserting "the National Advisory Council on Alcohol Abuse and Alcoholism," immediately after "the National Advisory Mental Health Council,";

(2) in the second sentence thereof, by (A) inserting "the National Advisory Council on Alcohol Abuse and Alcoholism," immediately after "the National Advisory Mental Health Council,", and (B) inserting "alcohol abuse and alcoholism," immediately after "psychiatric disorders,"; and

(3) in the fourth sentence, (A) by inserting "(other than the members of the National Advisory Council on Alcohol Abuse and Alcoholism)" after "the terms of the members"; (B) by striking out "and" before "(2)"; and (C) by striking out the period at the end and inserting a semicolon and "and (3) the terms of the members of the National Council on Alcohol Abuse and Alcoholism first taking office after the date of enactment of this clause, shall expire as follows: Three shall expire four years after such date, three shall expire three years after such date, three shall expire two years after such date, and three shall expire one year after such date, as designated by the Secretary at the time of appointment."

(b) Section 217(b) of such Act is amended, in the second sentence thereof, by inserting "alcohol abuse and alcoholism," immediately after "mental health,".

(c) Section 217 of such Act is further amended by adding at the end thereof the following new subsection:

"(d) The National Advisory Council on Alcohol Abuse and Alcoholism shall advise, consult with, and make recommendations to, the Secretary on matters relating to the activities and functions of the Secretary in the field of alcohol abuse and alcoholism. The Council is authorized (1) to review research projects or programs submitted to or initiated by it in the field of alcohol abuse and alcoholism and recommend to the Secretary any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis and treatment of alcohol abuse and alcoholism, and (2) to collect information as to studies being carried on in the field of alcohol abuse and alcoholism and, with the approval of the Secretary, make available such information through appropriate publications for the benefit of health and welfare agencies or organizations (public or private) or physicians or any other scientists, and for the information of the general public. The Council is also authorized to recommend to the Secretary, for acceptance pursuant to section 501 of this Act, conditional gifts for work in the field of alcohol abuse and alcoholism; and the Secretary shall recommend acceptance of any such gifts only after consultation with the Council."

APPROVAL BY COUNCIL OF CERTAIN GRANTS UNDER PART C OF COMMUNITY MENTAL HEALTH CENTERS ACT

SEC. 402. Section 266 of the Community Mental Health Centers Act is amended (1) by inserting "(other than part C thereof)" immediately after "this title", and (2) by adding immediately after the period the following: "Grants under part C of this title for such costs may be made only upon recommendation of the National Advisory Council on Alcohol Abuse and Alcoholism established by such section."

TITLE V—GENERAL

SEC. 501. If any section, provision, or term of this Act is adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provisions, or term of this Act, and the remaining sections, provisions, and terms shall be and remain in full force and effect.

SEC. 502. (a) Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the grants or contracts entered into under the provisions of this Act under other than competitive bidding procedures.

SEC. 503. Payments under this Act may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

Mr. HUGHES. Mr. President, a little over a year and a half ago, in May of 1969, Senator YARBOROUGH, the chairman of the Labor and Public Welfare Committee, created the Special Subcommittee on Alcoholism and Narcotics. After the subcommittee held extensive general hearings on alcoholism, I, as chairman of the subcommittee, introduced the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

Substantially similar legislation was reported favorably by the Committee on Labor and Public Welfare and, in the form reported, was unanimously passed by the Senate on August 10, 1970.

I am gratified to report that, in somewhat modified form, it has now passed the House of Representatives.

As chief sponsor of the Senate bill, I would like to review briefly the main provisions and intent of the legislation and to point out the difference between the House and Senate versions.

First of all, let me say that I am deeply grateful that both Houses of the Congress have recognized the critical need for an across-the-board, locally oriented attack on the massive and growing alcoholism problem in this country. The main thrust of the legislation approved by both Houses, if creatively administered

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and adequately funded, can provide the realistic framework for giant steps toward the prevention and treatment of alcoholism in our country.

This legislation can save the country—and the Federal Government itself—millions of dollars each year.

It authorizes governmental programs which, for every dollar invested, will bring back dividends to our society many times over the amount spent. A recent study, carried out by the General Accounting Office, concluded that savings ranging from $135 to $280 million could be effected by the Federal Government by establishing alcoholism programs among Federal civilian employees alone.

The provisions in the legislation approved by both Houses can make significant inroads into the estimated $7 billion lost by private industry each year because of alcoholism and alcohol dependence.

Most important of all, this legislation can save human lives—lives presently being destroyed by the disease itself, and by the crime and highway accidents to which alcohol abuse is a major contributing factor. And it can alleviate the suffering in hundreds of thousands of American homes where alcoholism has caused misery and poverty and heartache.

Briefly, the bill as passed by the House would:

Require the establishment of a National Institute on Alcohol Abuse and Alcoholism;

Require that the U.S. Civil Service Commission establish alcoholism prevention, treatment, and rehabilitation for civilian Federal employees and guarantee employees with alcoholism the same employment conditions and benefits as persons who are ill from other causes;

Authorize formula grants totaling $180 million over the next 3 years to help State governments develop and administer programs for dealing with alcohol abuse and alcoholism;

Authorize project grants totaling $120 million over the next 3 years to public and private nonprofit groups and organizations, to help finance specific alcoholism prevention and treatment projects;

Require a report by the Secretary of Health, Education, and Welfare to the Congress, similar to the earlier report on cigarette smoking, which will set out the health consequences of using alcoholic beverages;

Establish an independent National Advisory Council on Alcohol Abuse and Alcoholism, to insure outside evaluation of the Federal efforts in this area.

With reference to the action taken by the House of Representatives on this legislation, let me express, first of all, my immense appreciation for their responsiveness to the urgency of the need by acting upon the legislation at this time, rather than waiting until next year. All of us here are well aware of the enormous pressures that the Congress is under at this time.

I am especially grateful to Congressman STAGGERS, chairman of the Interstate and Foreign Commerce Committee; to Congressman JARMAN, chairman of the Subcommittee on Public Health and Welfare, which handled the bill; and to Congressman PAUL ROGERS, who has also shown a deep concern about the problems of alcoholism; as well as to many other conscientious Members of the House. This has been a highly constructive joint enterprise by the two Houses.

I should also like to express my appreciation to my colleagues in the Senate, particularly the Senator from Utah (Mr. Moss) and the Senator from New York (Mr. JAVITS), whose work on alcoholism in previous years and whose assistance in drafting S. 3835 was invaluable, as well as the Senator from Colorado (Mr. DOMINICK) and the other members of the subcommittee and committee for the diligent assistance they gave to this cause.

The House made a number of improvements in the legislation, the most important of which involved a strengthening and broadening of the confidentiality provisions of the bill and a clarification of the original Senate bill with respect to comprehensive State planning provisions.

The House also made some additional changes. They dropped the findings and declarations, the definitions, and the functions enumerated in the legislation as passed by the Senate. This was done, as I understand it, because of a feeling on the part of the Members of the House that it was not necessary to spell out the requirements of those sections in the legislation itself—that our legislative intent in these areas could just as well be spelled out in regulations and administrative guidelines.

Mr. President, based on my own experience in this area, I, quite frankly, differ with our colleagues in the House on these last points. I prefer the more detailed and specific language of the Senate bill.

The findings in the Senate bill, for example, included provisions stating that alcoholism is an illness or disease and strengthening present findings to more clearly indicate that the criminal law is not an appropriate vehicle for preventing or controlling a health problem such as alcoholism. The Senate version was also more specific in directing that all existing Federal legislation should be utilized to help control alcohol abuse and alcoholism problems.

The definitions title of the Senate bill would have defined "prevention and treatment" in the broadest possible way, so as to make our intent that the term be so construed as clear as possible. In addition, it would have defined the various kinds of services which are to be made available by the new Institute, so that, again, the congressional intent was clear.

Administrative, planning, coordinating, statistical, research, training, educational, and reporting functions of the Secretary were spelled out in some detail in the Senate bill. This was done so that the program would necessarily attempt to attract a broad cross section of individuals able to contribute to solving the problem of alcoholism. Such a cross section would include members of the medical professions, individuals interested in the causes and ramifications of alcohol abuse and alcoholism, persons interested in practical programs of training and delivery of services, and persons skilled in research.

As I have stated, the House felt that it was not necessary to spell out all of this in detail—that it could be done administratively by rules and regulations. While I disagree, I see their point.

If the administrative route does not work and the legislative intent is not recognized, there is always the option, of course, of future legislative changes to restore the more specific provisions.

The House made one substantive change in the structure of the legislation which I wish to point out with some emphasis. They modified language in the Senate bill which provided that hospitals which discriminated against alcoholics can receive no "Federal financial assistance under the provisions of this title or any other Federal law administered by the Secretary." The House modified this language to provide that such hospitals can receive no "Federal financial assistance under the provisions of this act."

This section of the House bill clearly runs counter to the intent of the Senate version. Both the American Medical Association and the administration testified in favor of the Senate provision, and if this important point is lost, I see no alternative to introducing legislation in the next session to restore it.

Last, on the floor of the House a change was made in the section of the bill which establishes alcohol abuse and alcoholism programs for Federal employees. That change simply involved the deletion of a repealer provision in that section. It will not make a difference in the interpretation of the language of that section of the bill as it is presently written.

Despite these differences, Mr. President, I believe the House version preserves the basic intent and the major provisions of the Senate bill.

As such, the legislation represents a giant step forward for the estimated 9 million Americans who suffer from the human blight of alcoholism and for the countless other human beings whose lives are warped or destroyed because of alcohol abuse.

Mr. YARBOROUGH. Mr. President, under the able leadership of the distinguished Senator from Iowa (Mr. HUGHES), the Subcommittee on Alcoholism and Narcotics has spearheaded the drive for the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 of which I have the honor to be a cosponsor with him. That bill, which unanimously passed the Senate on August 10, passed the House on December 18 with minor amendments which the Senate should agree to. As chairman of the Labor and Public Welfare Committee, I created the first Senate Subcommittee on Alcoholism, Narcotics, and Dangerous Drugs. The very able and distinguished Senator from Iowa (Mr. HUGHES) agreed to become chairman of that new subcommittee. In less than 2 years, he has written an outstanding record of service with bill after bill written into law to aid in the very grave social problems of alcoholism, narcotics, and dangerous drugs. This bill,

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the Alcohol Abuse, Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 is another landmark act, to the great credit of this new leader from Iowa, this humanitarian Senator, HAROLD HUGHES.

Alcoholism is a major problem in the United States, as the following statistics clearly indicate:

ALCOHOL STATISTICS

Deaths: Each year there are 72,000 alcohol-related deaths; 26,000 motor vehicle accidents; 11,000 alcoholism stated on death certificates; 35,000 accidental deaths at home or work; 7,300 alcohol-related suicides each year.

Arrests: 2 million arrests annually for drunk in public—40 percent of all non-traffic-related arrests; 300,000 arrests driving while intoxicated.

Of 50,000 people killed on the highways, 28,400 have significant alcohol level in their blood.

Two million disabled yearly in auto accidents of whom 500,000 directly involve alcohol.

A total of 500,000 patients in State mental health programs are alcoholics—one-third of 1,500,000.

Fifty percent male admissions to mental hospitals, ages 45 to 64 for alcoholism.

Mr. President, I think this is enough to make every Member of the Senate realize it is time for us to do something to create a national program to do something about this problem. That is what this bill is designed to do.

Mr. President, this bill would establish a 3-year program at a total authorization of $300 million to deal with the overall problem of alcoholism, the most serious health problem in America today.

There are four major features of this bill:

First, the bill establishes, in the National Institute of Mental Health, a new Institute to be known as the National Institute on Alcohol Abuse and Alcoholism;

Second, the bill establishes a program of formula grants to the States for programs dealing with the problems of alcohol abuse and alcoholism;

Third, the bill provides for the establishment of a program of project grants for specific projects in the States dealing with his problem; and

Fourth, the bill provides for establishment of a program by the Civil Service Commission to deal with alcoholism and alcohol abuse among Federal employees. A recent report by the General Accounting Office indicates that the establishment of such a program, at an estimated cost of $15 million a year would save the Federal Government a minimum of $135 million a year, and possibly as much as $280 million a year.

Again, I commend the able Senator from Iowa (Mr. HUGHES) for his outstanding work and leadership in this area.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

SOCIAL SECURITY AMENDMENTS OF 1970

The Senate continued with the consideration of the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

Mr. LONG. Mr. President, I have no doubt that this motion should be tabled. The parliamentary situation in which we find ourselves at this moment is that we have several hundred committee amendments.

Mr. TALMADGE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Louisiana may proceed.

Mr. LONG. Mr. President, we have agreed to one amendment, which is an amendment to strike the table of contents of the House bill. Assuming we plan to pass the Senate bill, that table of contents does not belong there.

Now, we are on the next committee amendment, and we have been on it for some time. This is an amendment to strike and insert. We have an amendment pending on the insert part, the tail end of the amendment, which we cannot dispose of because a motion to table failed on that by a vote of about 1 to 2.

Now we are confronted with another amendment, one that would be on the front end of the committee amendment, on the strike part. That is an amendment that we will be debating for a long time before it comes to a vote—if indeed it does come to a vote, which I doubt.

In addition, Mr. President, the amendment is offered in such a way that it cannot be amended and there are at least 100 different provisions that are extremely controversial in the amendment. It is offered as an amendment to an amendment.

I understand that due to the imperfections in it, which cannot be corrected without unanimous consent—and I am under the impression unanimous consent will not be given—it would repeal most benefits under the social security program, an unintended defect. But this is the situation, and obviously this is no way to legislate.

This matter should be brushed aside; it cannot become law anyway. All we are doing is wasting time. But in the hope that it might give some indication of how the Senate feels about the amendment, I move that the amendment be laid on the table.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator withhold that?

Mr. LONG. I withhold the motion for 2 minutes.

Mr. WILLIAMS of Delaware. Mr. President, I have opposed the guaranteed annual income proposal for reasons I think are valid. During the discussion of this bill as yet I have never been able to obtain the floor in my own right due to the arrangement from the White House offtimes and the minority leadership of the Senate that recognition would go to those in favor of the plan. The result has been that none of us who have reasons to oppose the plan have had a chance to speak to point out what is wrong with the Ribicoff-Bennett amendment.

Our committee worked on this proposal for months. I would certainly hope—and I say this as one who opposes the amendment—that the Senate defeats the motion to table which has been made. I plead with my colleagues to defeat this motion in the hope that we may have a chance to debate this matter on its merits.

I think we should. I suggested a procedure to get it before the Senate. I respect the Senator from Louisiana. I understand he is making this motion at the request of the White House representative. I do not know what they will accomplish by it. I am sure it will not be agreed to. I hope it is not, and I appeal to all Senators who have said they are for the family assistance plan and those who are against it to vote against the motion to table so that we may discuss it on the merits. Surely the proponents of this measure are not afraid to debate and vote on its merits.

I thank the Senator for yielding. I am ready to vote.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. RIBICOFF. Mr. President, I appreciate what the distinguished chairman is trying to do. He is trying to be very realistic to find out what the sentiment of the Senate is. I respect the position of my distinguished friend, the Senator from Delaware, with whom I am opposite on this proposal. I hope the Senator from Delaware would have an opportunity to state how he feels with respect to this matter. I know he feels strongly against the proposal and his views are entitled to be heard. I hope he has time to explain his views.

But personally, I shall vote against the motion to table because if it is presented it could very well be the only test by which the Senate can possibly be heard as to whether Senators are for or against family assistance. It would be my hope that the Senate would be for the family assistance program and could so indicate by voting against the motion to table.

Mr. WILLIAMS of Delaware. Mr. President, this will not be a test of how the Senate feels or would vote on the plan because I for one am going to vote against the motion to table. I know that I am going to vote that way and many other Senators are going to vote that way even though they are opposed to the bill. If a vote is what the Senate wants we can go ahead and vote, but it is only a waste of time and proves nothing except that there are those who are afraid to debate this fantastic proposal on its merits. Apparently they have very little confidence of their ability to defend the bill.

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Mr. LONG. Mr. President, under those circumstances I do not believe we would have a test of how the Senate feels about the amendment so I am not going to make the motion.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. COTTON. Mr. President, what the Senator has said makes what I was going to say completely nongermane. But it seems to me I find myself at this time in disagreement with my friend from Delaware, as much as I like him and respect him.

It seems to me we have reached a point in this session—and we discussed this point very frankly when we were by ourselves—where much of what we are doing is utterly useless and serves no good purpose, and I do not care what the executive branch says. As a matter of fact, it might do them some good, and it would not do them any harm, to send some of their boy scouts to sit in the galleries for a few hours. They might learn something. Some of them have never even sat in galleries of State legislatures and they do not seem to be well versed in legislative procedures.

But whatever the executive branch said, and whatever the distinguished minority leader feels compelled to say—and I respect him and try to follow him at least part of the time—the issue is whether we are going to spend more time discussing the merits and demerits of the so-called family assistance plan which has come out of the committee in one form, and is before the Senate in the form of an amendment by the Senator from Connecticut, the Senator from Utah, and others. It has all kinds of phases. We are just wasting our time, and for what? I was hoping that the Senator from Louisiana would make the motion.

I was hoping, whatever our feelings are on the family assistance plan, that we would vote on the question of whether it is sensible and whether it is going to accomplish anything for the people of the United States and for the prestige of the Congress to continue this way. It is a matter of just plain commonsense, which has been conspicuously lacking for the last few weeks.

I do not like the idea of voting against a motion to table so as to conceal from somebody how I feel. I feel very strongly that whatever may be the merits of the family assistance plan in a different form—and I do not find too many merits in it right now—it is useless to take time on it now, and if the opportunity comes to vote on the motion to table, I am going to vote for commonsense procedure in the Senate to gain some respect from the people and from the executive branch.

Mr. LONG. The Senator encourages me to make the motion. Frankly, what we are doing is wasting time. This welfare proposal is not going to become law as part of this bill. It will have to come off this bill one way or the other. All we are doing is wasting time until we come to a decision. It does not require the Senator from Delaware to persuade me that it should not be in the bill. I am convinced that it should not become law. I move that the amendment be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the Ribicoff amendment, No. 1169.

Mr. LONG and Mr. HOLLAND requested the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana to lay the amendment on the table. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Connecticut (Mr. DODD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. McCARTHY), the Senator from Utah (Mr. MOSS), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting the Senator from Rhode Island (Mr. PASTORE), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "nay"

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. CURTIS) is necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

Also necessarily absent are the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), the Senator from California (Mr. MURPHY), and the Senator from Texas (Mr. TOWER), and, if present and voting, would each vote "nay".

If present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), and the Senator from South Dakota (Mr MUNDT), would each vote "nay."

The result was announced—yeas 15, nays 65, as follows:

[No. 440 Leg.]

YEAS—15

Allen
Bellmon
Bible
Cannon
Cotton
Eastland
Ellender
Ervin
Gore
Holland
Jordan, N.C.
Long
Sparkman
Stennis
Young, N. Dak.

NAYS—65

Aiken
Allott
Baker
Bayh
Bennett
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Cooper
Cranston
Dole
Eagleton
Fannin
Fong
Fulbright
Goodell
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hruska
Hughes
Inouye
Jackson
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Muskie
Packwood
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Spong
Stevens
Stevenson
Symington
Talmadge
Thurmond
Williams, Del.
Yarborough

NOT VOTING—20

Anderson
Burdick
Curtis
Dodd
Dominick
Goldwater
Hatfield
Hollings
Javits
McCarthy
Moss
Mundt
Murphy
Nelson
Pastore
Russell
Tower
Tydings
Williams, N.J.
Young, Ohio

So the motion to lay on the table was rejected.

Mr. WILLIAMS of Delaware. Mr. President, first I want to thank my colleagues for rejecting the tabling motion regardless of what their position may be on this bill. This at least gives those of us who have worked on it for a period of months an opportunity to explain some of the bad provisions in the bill and to point out why some of us feel that it is in the best interests of our country that it not be enacted.

First, there is much being said in this country about the need for reform. The administration's family assistance or guaranteed annual income plan has been sold to the American people under the slogan of "Workfare versus Welfare."

The present welfare system has been recognized by all concerned as a program full of inequities. Secretary Richardson, in his testimony before the Committee on Finance, described the present program as a gigantic failure, and the administration's new family assistance plan was described as a major reform.

Mr. TALMADGE. Mr. President, may we have order. We cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. WILLIAMS of Delaware. When the term "reform" is used in connection with legislative proposals it means one of two things. Either it is proposed to take away from someone something which he is now receiving but to which he is not entitled, or it is proposed to give to someone something which he is not getting but to which he is entitled.

While there is general agreement on the part of all concerned that our existing welfare program is in need of major reform, it should be emphasized that the administration bill as it is now pending before the Senate as reported by the Committee on Finance, does not embrace reform of the existing law. In fact, the Secretary of HEW admitted to the Finance Committee that under the particular proposal now before us—and the authors will confirm this—not one welfare recipient in America, in any State in the Union, will receive a dime less than that which he is now getting under existing law. We therefore proceed on the premise that there is no reform in this bill, assuming there are abuses now. Quite to the contrary, all the inequities in existing law will be frozen into the new program plus some more being added.

I should like to mention at this point just a few of the things that can happen under this bill if enacted.

One of the problems of the existing welfare system we hear much about is the promotion and encouragement of illegitimacy and of families with generation after generation on welfare.

I should like to point out what the bill before us would do. This bill actually provides a $1,300 cash bonus from the Federal Government to a mother to have an illegitimate baby, over and above what would be paid if the baby were born in wedlock.

Mr. LONG. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. WILLIAMS of Delaware. I cite this example which was called to the attention of the committee. Use, for example, two welfare families.

Mr. TALMADGE. Mr. President, a point of order. The Senate is not in order. I ask that the Chair bring the Senate to order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. WILLIAMS of Delaware. We asked the department to check how this bill would work in actual practice in four States. We picked two large States and two small States. The large States we picked were Illinois and New York, and we picked Arizona and Delaware for the small States. I said we wanted to pick mine as well as someone else's.

Suppose, for example, there are two welfare families under the provisions of this bill, if it passes.

Family A has a boy 17, a girl 12, and a girl 6. Family B has a girl 16, a boy 11, and a girl 8. Each family will get welfare payments based upon the size of the family. This means that for this boy or girl below the age of 18 as dependents they will collect, first, $300 from the Federal Government; they will collect a larger mandatory supplement from the State; they will benefit from medicaid if they need medical attention; they will get additional rent allowance, housing allowance, and so forth; they will get additional food stamps as a result of the larger dependency in each family.

If this boy and this girl get married each family loses one dependent, and their welfare payments are automatically reduced proportionately. When this boy and girl are married they do not get anything under this bill, even though they have no jobs or anything else for support. They can starve, so far as this bill is concerned, until they have been married long enough to have the first baby. Then they become a new welfare family, eligible for payments under the AFD program. No provision would help them, no matter how destitute they may be the first year; they have this handicap until they can produce the first child.

On the other hand, suppose the boy and girl want to get married but realize they cannot do so financially, and the girl becomes pregnant. He does not marry her until the baby is born. Then they can move off and start collecting welfare as a family of their own, under the aid to dependent children. I repeat, if this bill is enacted, by postponing the marriage until the baby is born they can collect a cash payment in the first year of $1,300 more than he can if he marries the girl before the baby is born.

What kind of social bill is this where the Federal Government underwrites a proposal of paying a $1,300 bonus to bring that first child into this world as an illegitimate baby? What chance has that child in later life? Is that what Senators want to approve.

This situation was called to the attention of the committee, and we called it to the attention of the Department. All the Department said was, "We'll correct it next year." I say correct it before you pass this bill. I will not support any bill that will pay a cash benefit on the part of the Federal Government, a premium of $1,300, to have an illegitimate baby, more than they would if it is born in holy wedlock.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the table furnished by the committee and the staff, approved by the Department, relating to the problem of illegitimacy.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SELECTED CASES: FEDERALLY SHARED WELFARE BENEFITS UNDER ADMINISTRATION REVISION

	Phoenix, Ariz.	Wilmington, Del.	Chicago, Ill.	New York, N.Y.
All persons unemployed, no income other than welfare:				
1. Welfare benefits to 2 families, each headed by a woman:				
Family A—boy 17, girl 12, and girl 6	2,208	[1] 2,172	[1] 3,252	[1] 4,032
Family B—girl 16, boy 11, and girl 8	2,208	[1] 2,172	[1] 3,252	[1] 4,032
Total	4,416	4,344	6,504	8,064
2. Welfare benefits to same families if boy 17 marries girl 16 and establishes separate household:				
Family A	1,836	[1] 2,004	[1] 2,964	[1] 3,408
Family B	1,836	[1] 2,004	[1] 2,964	[1] 3,408
Family C—boy 17 and girl 16	(2)	(2)	(2)	(2)
Total	3,672	4,008	5,928	6,816
3. Welfare benefits to same families if boy 17 marries girl 16 after she has had a baby:				
Family A	1,836	[1] 2,004	[1] 2,964	[1] 3,408
Family B	1,836	[1] 2,004	[1] 2,964	[1] 3,408
Family C (with baby)	1,300	[1] 1,300	[1] 1,300	[1] 1,300
Total	4,972	5,308	7,228	8,116
Increase over case 2	1,300	1,300	1,300	1,300

[1] Eligible for medicaid, surplus food, and housing.

[2] Eligible for food stamps.

Mr. WILLIAMS of Delaware. It is clearly evident that the bill has been improperly labeled as a reform package. For example, this bill does not correct the problems of existing law whereby family breakups are encouraged.

Under this bill, suppose a family is living together—an unemployed father and mother and four children. If the father and mother will separate, either because of problems or by mutual agreement—perhaps only moving across the corridor in separate apartments—they then become two families eligible for welfare, instead of one.

This is the bonus in welfare which they as a group collect as the result of split families.

In Phoenix, Ariz., under the administration's plan they will get $936 more by living as a split family than if they live together. They can visit across the corridor, and if an additional child is born it can go on the welfare rolls. Everything is taken care of. But they collect more welfare if they live in separate apartments.

In Wilmington, Del., they will collect an extra $1,104 in assistance under this bill by splitting the family. They can collect $1,104 in benefits more than they can if the family stays together.

In Chicago, Ill., as a split family they will collect $2,064 more in assistance. Think of it—$2,064 more benefits under the bill of the administration if the husband will desert, take two children, and leave the wife two children.

Is this the kind of reform that the Congress wants?

In New York a welfare family will collect a higher premium on family splitting; they collect $2,508 more as two families than if they live as one family. They can collect that every year under this bill if they will just separate—the husband taking part of the children and the wife taking the other children. Again, it is claimed that that is reforming the existing law. I challenge anyone to say that that is reform. I say that this is making a farce of the situation and think what this does to these children.

As to the unemployed father, they claim to have corrected that under this Ribicoff-Bennett plan, but I am not sure. I understand that the Ribicoff-Bennett amendment is intended to correct that point, and I will withhold comment until I have had it fully analyzed; I will pass over that point for the moment.

The pending bill cannot be labeled under the guise of reform in any way, shape, or form.

This bill should not pass until corrections have been made.

I think that these problems are why a majority of us have opposed this bill in committee. We have had three different votes in the committee. Once the bill was unanimously sent back to the Department for revision. They brought back practically the same package. The House-passed bill was rejected by a vote of 14 to 1 on a rollcall vote in the Finance Committee. They had another vote in the committee, in which the bill as revised was rejected by 10 to 6. But each time the Department comes back and wants another vote. All they want is a vote. Is it not time someone thought about a reform of our welfare system instead of about the votes involved?

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. TALMADGE. Does the Senator recall what particular revision of this plan it is, from HEW? Is it six or seven? How many different versions of this plan has the Department submitted?

Mr. WILLIAMS of Delaware. It is at least six. I have lost count and I understand the present bill was revised again yesterday at the suggestion of the administration just a few minutes before the Senate convened.

Mr. TALMADGE. I have lost count, also. It has been six or seven.

The Senator will recall the time just prior to adjournment, when we had a recess for the elections, when the Under Secretary of Health, Education, and Welfare came in with a stack of amendments, about 12 inches high, that no member of the Finance Committee had ever seen, and no member of the Finance Committee knew what was contained in there. He insisted on the Finance Committee voting at that particular time on a stack of amendments they had never seen. Does the Senator recall that?

Mr. WILLIAMS of Delaware. That is correct. The bill as proposed consisted of approximately 400 or 500 pages and was only delivered to the offices of Senators about 5:30 the night before.

Mr. TALMADGE. I never got mine.

Mr. WILLIAMS of Delaware. I did not, either, until about 20 minutes before the committee met.

We walked in, and the Department said, "All we want is a vote." The committee gave them a vote and rejected it by a margin of 10 to 6.

Now we are told the Department wants another vote in the Senate even though they accept the fact that it cannot get cleared in a conference before adjournment.

Mr. TALMADGE. The Senator has been in the Senate 24 years. Has he ever seen such irresponsibility as that during that period of time?

Mr. WILLIAMS of Delaware. Never. And I hope it will be 24 years before it is repeated.

Mr. TALMADGE. So do I.

Mr. WILLIAMS of Delaware. As the Senator knows, that vote was on the eve of the adjournment, just before the recess for the election. As I recall, it was just a few days before. The committee soundly rejected that proposal. The committee did not have any idea what it was, and by unanimous vote, as I recall it, we instructed the staff to analyze the bill which the Department had sent down to us that morning. We had never seen it before. We instructed the staff to send each member of the Finance Committee to our homes during the recess an analysis and a copy of the bill—to get it printed and send each a copy and an analysis—in order that we could study it, so that when we came back into session in November our Committee would be ready to proceed in an orderly manner and to vote intelligently for or against it.

I have here a letter sent by Mr. Vail of the staff of the committee, which I will put in the RECORD, that he sent to me and the other members of the committee on October 26. This was after the recess. I read the letter dated October 26, 1970:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., October 26, 1970.
Hon. JOHN J. WILLIAMS,
Millsboro, Del.

DEAR SENATOR WILLIAMS: You will recall that during executive session of the Finance Committee on Tuesday, October 13, Mr. Veneman, Under Secretary of the Department of Health, Education and Welfare, submitted to the Committee a revised version of the Family Assistance Plan and urged that the Committee vote on it before the recess.

The revised plan, described as a "core" bill, covers more than 150 pages. The Committee felt that a major amendment of such proportions should be carefully studied before a vote was taken. Therefore, it directed the staff to publish the "core" bill, related amendments, and supporting tables, documents, and charts to be prepared by the Department and submitted to the Committee. It was the Committee's instruction that this material together with an analysis prepared by the staff of the Committee be forwarded to each member of the Committee at his home during the recess. In this way all of the members would have an opportunity to study the Administration's most recent welfare proposal before the Committee reconvenes in November.

I had hoped that the printing job and the staff analysis could have been completed before now. The staff analysis of the October 13 version has been completed. Unfortunately, the Department apparently is making further revisions in the material submitted on October 13. Although the version presented to the Committee has been set in type, the Department has not completed its proofreading task—apparently because of the additional drafting and rewriting they are undertaking. It would seem to serve no useful purpose to send you the staff analysis if the "core" bill we have analyzed is still being changed by the Department.

I wanted to let you know why we have not yet complied with the Committee's instruction to promptly forward the printed material to the members at their homes.

Sincerely,

TOM VAIL.

Mr. Vail apologizes for the fact that he could not get the information from the Department to complete the analysis.

A second letter from Tom Vail, chief of staff, dated November 5, states that the material has just been received.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., November 5, 1970.
Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: I am enclosing a copy of the Administration's revised revision of H.R. 16311, the Family Assistance Act of 1970.

You will recall that Under Secretary John Veneman of the Department of Health, Education, and Welfare submitted a revised revision of the bill to the Committee during its executive session on October 13 and asked that the Committee vote on the new version of the bill. Instead of voting on the new version at that time, the Committee decided that it should be printed, together with other materials prepared by the Department and an analysis by the staff, and sent to members of the Committee during the recess.

The enclosed Committee Print represents this document. A brief analysis with comments, tables and charts prepared by the Committee staff is printed on blue paper at the beginning of the document. This is followed by materials prepared by the Department, the text of the Department's revised revision, and additional amendments prepared by the Department for possible Committee consideration, all printed on white paper.

If you have a copy of the bill submitted by Mr. Veneman on October 13, you will note that the Department's latest version of the bill differs in a number of respects from the October 13 version due to the changes made by the Department fairly continuously between that date and the date of final printing. Unfortunately, it was this continual revising which prevented us from printing the document and forwarding it to you sooner.

Sincerely,

TOM VAIL.

Mr. WILLIAMS of Delaware. Mr. President, in the November 5 letter he said he had just received the information, and yet they came before the committee on October 13 with a 150-page package which they wanted us to vote on without reading. It took the Department another month to get back to the committee a printed version.

This is the kind of confusion and lack of cooperation that has been existing in the Department of Health, Education, and Welfare. I know there is confusion in the Senate, too, but I do not have any idea of what must be going on down there. I will say this: neither does anyone else connected with that Department. I have never seen such irresponsible management or lack of knowledge as to what is going on as exists in that Department. Department officials came before our committee, and never have I seen witnesses coming before a committee representing an executive department who knew so little about the proposal they were asking Congress to adopt. I was present on one occasion when it appeared the former Secretary of Health, Education, and Welfare had not even read the bill and did not have the slightest idea what it was all about.

Mr. TALMADGE. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. TALMADGE. Does not the Senator recall when Secretary Finch came before the committee and attempted to present a bill, and the distinguished Senator from Oklahoma (Mr. HARRIS) dressed him down and told him that was the poorest presentation he had ever seen anyone present to a committee of the U.S. Senate since he had been a Member of this body.

Mr. WILLIAMS of Delaware. I do remember it. I have that very quotation by the Senator from Oklahoma (Mr. HARRIS) in front of me. Let me quote it:

> With all due respect, gentlemen, I believe this is the most ill-prepared presentation that I have seen since I have been in the

> Congress of the United States. I am really amazed that some of these very simple questions do not get a very quick and easy response—such things as just asked a minute ago about medicaid, and the questions I asked yesterday about the day-care costs. It seems to me that those are things which ought to have been easily available, because they ought to have been thought out in advance when you put this plan together.

Mr. President, that opinion was the unanimous sentiment of the Finance Committee. After that miserable presentation had been made it was so apparent that the Department did not know what the bill was all about that the committee interrupted the hearings and called an executive session. The Secretary of the Department of Health, Education, and Welfare was called in and asked to go back and rewrite the bill. Meanwhile we suspended the hearings until HEW could report back and we could at least find out what was in the bill.

Mr. STEVENS. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. STEVENS. Is the Senator referring to Secretary of Health, Education, and Welfare Richardson?

Mr. WILLIAMS of Delaware. No, to former Secretary Finch.

Mr. STEVENS. Secretary Finch.

Mr. WILLIAMS of Delaware. Yes.

Mr. STEVENS. Was the comment the Senator from Oklahoma (Mr. HARRIS) made concerning Secretary Finch or Secretary Richardson?

Mr. WILLIAMS of Delaware. It was made at the time Secretary Finch was the head of HEW.

Mr. TALMADGE. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER (Mr. FANNIN). The Senate will please be in order.

Mr. WILLIAMS of Delaware. Mr. President, for the information of the Senate, that quotation by the Senator from Oklahoma appears in the committee hearings which are on Senators' desks under the date of April 30, 1970.

Mr. STEVENS. If the Senator will yield additionally, briefly, it appears that the Senator has made some rather broad statements regarding the ability of these two men who have been Secretaries of Health, Education, and Welfare in the period that I have been here. I am sort of amazed to hear such a broad statement being made, coming from my good colleague from Delaware, concerning either of these gentlemen. I wonder whether the Senator could tell me how this occurred, how they happened to get so many versions of the bill? Was it because of the complete reticence on the part of the Finance Committee to consider the bill at all in the first instance? What led to the many versions that the bill has gone through?

Mr. WILLIAMS of Delaware. If anyone has the answer to that question, I would appreciate hearing it. I do not have the answer. The committee scheduled very promptly the hearings on this proposal. The committee has tried to work diligently with the Department, but each time we kept getting some reason why the Department had to ask for more time.

It definitely was not the committee's fault that the Department kept changing its mind.

Mr. LONG. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LONG. Inasmuch as it has been suggested that the Finance Committee was dragging its feet, I would like to point out that the hearings were scheduled by the committee the day after the House passed the bill, to begin within 2 weeks of House passage. It was at the request of the Secretary of Health, Education, and Welfare that the hearing was postponed, but when he did come before the committee and questions were asked, the kind of things that have been discussed here in this Chamber, the answers showed how ill-considered the bill was at that point.

The Senator from Oklahoma (Mr. HARRIS) said that was the poorest presentation he had ever heard on any major piece of legislation. He said that he had come prepared to support it but he had heard the rumor that the administration was planning to scuttle the bill in the committee and perhaps that was why there was such a poor presentation by the administration witnesses. The Secretary denied that it was intentional. He said that no one could have contrived such a scenario as had been witnessed there that day, that no one could have contrived to give a presentation that was made so poorly.

Mr. WILLIAMS of Delaware. That is correct.

I would like to dispel the thought that the Finance Committee is responsible for the bill's being before the Senate at this late date. The question has been asked, how come so much delay in consideration of the administration's family assistance plan, implying that this delay was entirely the result of dilatory action on the part of the Finance Committee. Let me make the record straight on that.

Mr. HANSEN. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. HANSEN. In an effort to shed some light on this question further, as posed by the distinguished Senator from Alaska (Mr. STEVENS), let me suggest possible reasons why so many different revisions were made of a plan. I assumed that it must have been scrutinized and studied, and must have been prepared and followed with diligent efforts. I would hope that the HEW would not have come before Congress with a plan that had not been considered and scrutinized and examined from every angle, because we are aware that with respect to medicare and medicaid, every time an actuarial study has been made of these programs, the cost has increased. The cost that will result from their continued implementation as compared with the revenues that are intended to fund them, indicate that over a period of 25 years, those two programs will be $216 billion in the red.

Now with that experience behind it, I cannot think that the HEW would have come forward without having a considered plan. But while these may have been many revisions—I have forgotten how many—I can only say to my good friend from Alaska that as we examined the proposals in the family assistance program, against the backdrop of the goals that the President hoped to obtain through welfare reform it just did not seem that the proposal accomplished the objectives the President had in mind.

The incentives that would encourage people to move from welfare into the private sector of the economy as working citizens could not be identified.

As the distinguished Senator from Delaware has pointed out and as the distinguished Senator from Georgia has pointed out as well, on different occasions, in the city of New York, a working mother with four in the family—a female head of the family with four persons, if that mother were to take the benefits that are available to her as a resident of the State of New York, living in New York City, taking advantage of public housing, and if she got low-income supplements which would be available to everyone in the State, if she took advantage of medicaid and medicare, if she used available food stamps, and took advantage of the such other programs available there, she, without working at all, could have the equivalent of $6,210.000 income per year.

But if she went out and took a job and went off welfare and moved into the type of activity that the President of the United States has called for in this bill and was to find employment and earn through that employment $7,000 a year, she would be $1 poorer by working and earning $7,000 a year than she would be if she had not turned a hand.

I think this is the sort of questioning that came about in the Finance Committee that may have caused our good friends at HEW to come forward with no less than seven revisions.

I can say this. I do not know. I am speculating. I do not know what was in their minds. All I know is that when the members of the committee started to examine the bill and got to probing and questioning, along with the distinguished chairman of the committee, it seemed as though the bill did not accomplish what it was supposed to accomplish.

I am in complete accord with the President of the United States. I want welfare reform. I want to give the people of this country an opportunity to go to work and to give them some incentive to go to work.

I do not believe this bill accomplishes that. I am delighted that we rejected the motion to table. I do not suspect the distinguished chairman of the committee had his heart in it when he proposed it.

I believe that he, too, shares the feeling that we ought to understand this, we ought to realize that this is a charade, that the bill does not accomplish what we might hope that it would accomplish.

Mr. President, I have spoken longer than I should have. But I would like to say to my good friend, the Senator from Alaska, that I do not know why HEW came up with seven different plans. It seemed as though every time we started finding fault and picking their plan apart to show what was wrong with it, they would then come in with a new set of charts.

Is that correct?

Mr. WILLIAMS of Delaware. Mr President, the Senator is correct.

I would like to call attention to the chart in the rear of the Chamber. It shows how this bill, if executed, would work.

Much has been said to the effect that this bill only provides $1,600 for a family of four. Everyone asks, "What are you complaining about? That is a very small amount for a family of four."

I agree. But the $1,600 is only the beginning. This $1,600 direct Government payment automatically triggers in these mandatory supplementary payments which are outlined on the charts in the rear of the Senate Chamber.

These are the mandatory payments to the family in addition to the $1,600 from the Federal Government. In New York this $1,600 payment triggers in $2,156 additional State supplement payments, which are 70 percent Federal participation. This brings the family's cash income to $3,756, tax-exempt; but that is not all.

In addition to that they can get food stamps with a value of $312.

The food stamp bonus was $312. Then there are medicaid benefits for this family which cost on an average of $1,153 annually, plus another $989 in rent supplements or public housing. This is a total of $6,210 for this family of four in New York City.

Suppose the city letter carrier that is delivering this welfare check has a family of four. His income is taxable, and after he pays taxes he has $6,209 left, or $1 less by working and earning $7,000 a year than the same size family gets if on relief.

Is that a work incentive? That is what is called a work incentive program under the administration's bill. It is an incentive for what? It is an incentive to go on welfare and to quit work.

Let us examine this New York chart further. If they earn $1,000, they would have after taxes $6,746 in money and benefits in kind. If they earn $7,000 the family of four, after taxes, will have $6,209 left, or $1 less than if they remained on welfare.

In other words, they talk about a training program to train a man or woman to improve his or her earning capacity. Suppose the head of this family is earning $6,000 and goes to a training school and gets promoted to $7,000 a year; he has $1,300 less income than he would if he had spit in the boss' eye and never gotten the promotion. He would have $7,512 in cash and benefits under this bill if he earned $6,000 a year, but if he earns $7,000 he drops back to $6,209 after taxes.

Suppose a plant is operating with employees on a $7,000 wage base, and the union leader sits down and negotiates an increase to $8,000. If the management agrees to raise their salaries to $8,000 a year average, each worker would have $6,781 after taxes. That is for a family of four. That is the result if they get an increase of $1,000, or a raise from $7,000 to $8,000. But if their union is on the job and will consult with the management and say, "Now, boss, instead of raising these salaries for your employees $1,000, cut them all back to $6,000." The employee with a family of four earning $6,000 would have after taxes $7,512 in cash and benefits in kind, an increase of $1,300 over what he would have if he continued to earn $7,000.

Is that the kind of work incentive program that Senators want to approve? That is not the kind of incentive that I support. This bill if enacted will pay a premium to the man who slides back into welfare.

The so-called work incentives are in reverse. I have been here in Washington for 24 years. I have never had Potomac fever yet. I hope I do not get it before I leave if such a proposal as this is the result.

We had the department check these examples for four States. We did not ask them to check the 50 States, but I asked them, "Do you have any reason to think that if you check any one of the other 46 States the result would be different?"

They said, "no." The answer was emphatic, so we accepted these statistics as a national pattern.

We told them that if they had any other State that would come up with a better showing for their so-called work incentives program we would like to have it. They did not have it.

Mr. President, I ask unanimous consent that this chart relating to how this bill if enacted would work in New York be printed in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

BENEFITS POTENTIALLY AVAILABLE TO 4-PERSON FEMALE-HEADED FAMILIES IN NEW YORK CITY, N.Y.

Earnings	FAP benefit	State supplement	Total gross money income	Federal, State, and social security taxes	Current schedule food stamp bonus	Total average medicaid payment to AFDC family	Total net money in kind	Housing bonus to family under proposed 1970 Housing Act	Total net money and in kind
0	$1,600	$2,156	$3,756		$312	$1,153	$5,221	$989	$6,210
$720	1,600	2,156	4,476	$37	288	1,153	5,880	811	6,691
$1,000	1,460	2,109	4,569	52	288	1,153	5,958	788	6,746
$2,000	960	1,942	4,902	104	288	1,153	6,239	705	6,944
$3,000	460	1,775	5,235	156	288	1,153	6,520	621	7,141
$4,000		1,587	5,587	237	288	1,153	6,791	533	7,324
$5,000		1,016	6,016	460	288	1,153	6,997	426	7,423
$6,000		459	6,459	703	288	1,153	7,197	315	7,512
$7,000			7,000	971			6,029	180	6,209
$8,000			8,000	1,219			6,781		6,781

Mr. WILLIAMS of Delaware. Now, to get back for just a moment to how this bill has been handled by the Finance Committee. Surely it took time. It took a lot of time. I have spent more time on this bill than I have on any other bill that has ever been before the Finance Committee.

The bill was first recommended by the President on October 2, 1969. The Ways and Means Committee reported it on March 11, 1970. It passed the House on April 16.

I might say that when the President first sent this proposal down I endorsed it. I thought it sounded like a great plan. That was before we analyzed the bill.

Mr. President, before I proceed further I would like to make one point very clear. My criticism of this bill is in no way directed at the author of the pending amendment, the Senator from Connecticut, because he has been most cooperative. He has worked hard to try to get a realistic program.

But the Senator from Connecticut wanted this tested first. As of January 1970 there were 10,436,197 people on relief in this country.

If this bill is enacted this number will increase to 23,784,300, or more than double, and there is no reform as to correcting abuses under existing law.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield first to the Senator from Connecticut and shall then yield to the Senator from Georgia.

Mr. RIBICOFF. Mr. President, the Senator is correct. This is a very complicated amendment.

There are still many doubts in my mind. I do not feel so self-confident that I have all the answers. I know from long experience that human nature does not always conform with what the social scientists may present in a legislative act. That is why I was so anxious to have a pilot program.

My feeling is that before this plan should ever go into effect, there should be a pilot program. The Ribicoff-Bennett proposal contemplates a pilot program that gives an opportunity to determine what is right and what is wrong with this legislation.

That would give us an opportunity before July 1, 1972, to make whatever corrections have to be made. I believe the basic plan is a good one.

My feeling is that within the thinking of the Senator from Delaware, the majority leader, the minority leader, and myself, we could work out a proposal, if we were allowed to work it out, to allow it to come before the Senate before Tuesday night.

Personally, I am ready to vote on any type proposal at any time. I would like a test vote. As I have discussed with the distinguished Senator from Delaware, I believe there are vehicles by which we can achieve the result we desire and the result the President desires and also which the Secretary of Health, Education, and Welfare desires, without casting any aspersions or reflections on the majority party or any member of the minority party who may disagree.

There are great complications here, and as men of good will we should recognize the realities of the legislative situation and work out a series of actions which would inure to the benefit of the people of this country and this body.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator. There is no doubt in my mind that a plan could be developed. What the Senator has said does not change the fact that weeks would pass before we could get adequate information in the committee. The Department should have worked with us, but we did not have the cooperative spirit we should have had from the executive branch. Each time I sat down for negotiations I was told, "Yes, I am glad to negotiate with you if you will vote for the plan as it is."

They closed their minds to any loopholes we exposed and seemed to resent any form of criticism of their original proposal.

Mr. President, that is not the way to negotiate. There are problems in connection with the existing welfare system. One of the greatest needs confronting this country is the reform of the existing welfare system. I said that years ago. The Senator from Connecticut and I were responsible for committee hearings which began an examination of some of the problems in the medicaid program with the thought of putting together a reform package.

I do not recall a single proposed revision or correction of the medicaid program which was not mutually agreed upon by the Senator from Connecticut and me. I do not recall a single disagreement we had during all the time in trying to make revisions in that program. I think a correction of these loopholes which I am outlining here could have been achieved had we had similar cooperation from the executive branch. I may disagree with the Senator from Connecticut on the wisdom of enacting this legislation first and working it out later, but we can disagree as gentlemen, and I think we could have sat down and worked out a solution here if the administration had not been so adamant on its position. This bill would double the welfare rolls in this country before we get reform.

On March 25, while the bill was pending in the House, I inquired of the Secretary of Health, Education, and Welfare and asked for a statistical analysis of the bill as reported by the House committee with specific emphasis on the amount of payments to be made to recipients in the two largest States and the two smallest States. It was on my suggestion that the Committee on Finance insisted on this information before we opened hearings. I wanted to know what Joe Doakes and Tom Doakes would get, not just a political speech. The request was filed on March 25, and it was not until 9:30 p.m. on April 28, the evening before Secretary Finch was to testify, that the material was received. During the testimony of Secretary Finch the chart showing the statistical analysis of the bill was presented to the committee by Secretary Finch and his associates, and the mathematical result of this legislative proposal as shown by the charts shocked both the committee members and the Department.

The information I requested through the Committee on Finance was that all existing data dealing with welfare be taken into consideration and what the effect would be, assuming the bill were passed by the Senate in the form it had been passed by the House. I wanted to know how much welfare recipients in four selected States would receive. I shall discuss the charts in detail later. The result of the first bill was even more glaring that it is on these second charts shown here today.

After the charts were submitted the committee called the Secretary back in executive session and unanimously—Democrats and Republicans—suggested we should suspend hearings and cancel until the Department went back and prepared a revised bill.

I have already quoted Senator HARRIS' comments. The department returned the bill to the Committee on Finance in five installments beginning June 11. The final amended version was delivered to the committee on June 23, 1970, or a little over a month after it had been sent back. A couple of days prior to that date we were advised that Secretary Finch had resigned and that the new Secretary of Health, Education, and Welfare was to be appointed. This delayed the committee hearings upon the request of the Department so that the new Secretary, Mr. Richardson, could be confirmed and also so that he might have an opportunity to familiarize himself with the bill and prepare his testimony.

The schedule was approved by the Secretary of Health, Education, and Welfare that hearings resume July 21. They were adjourned 2 days later, on July 23 at the request of the Secretary, in the midst of his testimony, so that he could take a weekend trip with a presidential party goint out west. Hearings resumed on July 28.

Mr. President, after the hearings resumed the Secretary of Labor came down to testify, and he too asked for an adjournment of a week because he was scheduled to appear at the Governors' conference. The committee complied with his request for a postponement.

Mr. President, I have pointed this out to show that the delay was not our committee's fault.

Now I would like to mention how this bill if enacted would affect my State. I wish to call the attention of Senators to the chart in the rear of the Chamber. The first charts had even more glaring inequities. We have had so many charts and changed bills that it is hard to keep them separate.

The chart will show that under this bill a family of four would receive $1,600; that is, $500 each for the first two members and $300 for each child. In addition to this $1,600 there is the $188 State supplement, the food stamp benefits totaling $828, as well as the medicaid and housing benefits. Under this bill this family of four would get $3,775 in cash and benefits in kind. These are all tax-exempt benefits. This is $447 more than the family would have if the head of the family had full-time employment at the minimum wage.

If that same individual earns $5,000 a year he would have a total in cash and in kind of $5,358, but if he gets a promotion to $6,000 he loses $57 and goes back to $5,301.

Can this be called an incentive to work?

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. WILLIAMS of Delaware. I yield.

ORDER FOR RECESS UNTIL 9 A.M. ON MONDAY AND TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for adjournment to Monday and Tuesday next, respectfully, when the Senate business is completed today and Monday be changed to recess on both Monday and Tuesday when the Senate business is completed today and Monday—until 9 a.m. each day.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY AMENDMENTS OF 1970

The Senate resumed the consideration of the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. Yes. I shall proceed with these charts later. I shall yield at this time, because we can not get this information presented today. I promised to yield to some of the other Members. I think it is important that the Senate understand this plan and understand just what is embraced in it because not much has been said about the plan on its merits.

In passing, I will make just this comment. We were told that the plan was endorsed by the Governors conference. The Governor of Missouri was before our committee in behalf of the Governors conference, and he presented our committee with a resolution endorsing

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the family assistance plan on behalf of the Governors conference. He said at that time he had supported that endorsement. Then he continued that he thought that he had discharged his duty as chairman of the Governors conference and would like to tell us his opinion of the bill after he had read it.

He went on and gave a devastating analysis, recommending against the enactment of this bill. Four of the five Governors testified and found fault with the bill and said it should not be enacted into law until it was tested and proved. They pointed out the disastrous results it would have in their States. I shall refer to that testimony later.

I wanted to dispel the idea that this plan has been endorsed before our committee by the Governors conference. I know Governors have wired in recently that they want this plan. They have been told how much it would benefit their States if they could get it. I shall discuss that a little later to point out that this plan has been misrepresented, that it does not represent a saving to the States in their overall expenditures to the extent that they have been led to believe. In fact, the results will be a larger cost to the States.

I yield to the Senator from Iowa.

Mr. MILLER. Looking at the charts the Senator has had set up in the rear of the Chamber, I notice it is stated that the figures represent current law and medicaid. I notice that, in the example of Delaware, for all brackets of income from zero on up, the total for the medicaid payment would be $437, but looking at the other chart covering New York, the total average medicaid payment would be $1,153. I was going to ask the Senator how such a difference could exist between two cities.

Mr. WILLIAMS of Delaware. Each State can set its own welfare payment level, and the Federal Government participates on a matching basis. The States can balloon its cost. Therefore, to that extent it is a wide-open ticket into the Federal Treasury on a matching formula basis. This bill, however, does not correct that open-end formula either.

Mr. MILLER I appreciate the answer.

Is it not true that that was one of the reasons why the Senate Finance Committee indicated to the department that the plan as originally sent over by the House, which had been worked on by the House Ways and Means Committee, was defective in that it would cause a discrepancy which would result in a disincentive to work? As a result of that, did not the department come back to the Finance Committee and suggest a family health plan to replace medicaid in the case of this program?

Mr. WILLIAMS of Delaware. Yes, and the officials of the department said they were going to come back in with a recommendation that food stamps could be turned into cash, and I notice some of the representatives of the Government have indicated the food stamp allowance would be $800, raising the payments from $1,600 to $2,400. If that took place it would increase the cost significantly. The department also said they were going to come in with a health plan next year. This proposed bill would become a part of the health plan. Payments would be made by the wage earners, and then to make that equitable they were going to deduct it from those on relief. They would deduct from welfare recipients a certain amount of withholding on their cash benefits in order to pay part of their health insurance.

The mathematical result would be that if the health plan which they had in mind went into effect next year it would reduce the cash benefits proposed under the bill. It would mean that we would start them with a certain amount of cash this year, with broad medical coverage, and next year we would reduce that amount.

My argument in the committee was why did we not take the health plan and the food stamp plan and all they plan to do and consider it all in one package.

These welfare benefit programs are interrelated.

I was amazed when the Department told our committee that in deciding on the so-called $1,600 cash plan for a family of four, they had made no effort to relate it as to how it would affect various programs that would be triggered into operation. For example, if a person gets State supplemental help he automatically gets medicaid. In New York a man earning $6,000 would under this bill get $459 State supplement. That triggers medicaid benefits for his family, which, on the average, is worth $1,153. If he earns just a few dollars over that he loses his medical insurance overnight, in one notch. We cannot correct those notches if we do not recognize that they exist. This man earning $6,000 dare not get an increase in salary to $7,000. If he does he will take a cut in take-home pay of over $1,300. Yet they call this a work incentive program. It is the most diabolical incentive program for increased dependency on welfare I have ever seen presented to Congress. This is an incentive not to work. It is an incentive to pay people more not to improve themselves in life. If they do not go to work or if they do not make an effort to improve their present earning capacity they have more benefits from the Government.

I have said for some time that we need a revision of the present welfare laws. I had hoped we could get that reform in the last year I shall be serving in the Senate. It is something we have been advocating for years. It is something we need desperately, but we do not have it here. I hope, regardless of the outcome in this debate, Congress will go ahead and reform the welfare system. But when it does, it must not freeze into the new law all the inequities of the present law.

Some say that politically Congress dare not touch existing programs. Congress should not freeze benefit that everybody is getting, and say that later it will enact the reform.

To me reform is taking away from somebody something he is getting to which he is not entitled, and the other side of the coin is that it would be giving to somebody something he is not getting but to which he is entitled. It takes both sides of the coin if we are going to reform welfare. The administration has been looking at only one side; and that is, that it dare not reduce anybody's benefits, so they propose to correct it by bringing everybody up to these inequities. Once Congress does that we will expand and double the welfare rolls.

I think what we need is a program that will give a real incentive to American people to get off welfare so that they will want to make more to bring home to their families. There is no way in the world we are going to correct our welfare program other than by getting one that will financially encourage a man to support his family. There is no other way to correct the present welfare system, which we have been perpetuating generation after generation, than to give the father or the mother the dignity of a job, no matter what it is, the dignity of a paycheck, the dignity of coming home to his children with money to support them.

That is the reason I say we have to furnish jobs. Let them earn it. Let them work, and encourage them to improve their lot in life, and by all means encourage them to establish families, yes, get married and establish their families, rather than pay, as I pointed out earlier, a $1,300 cash premium to a young couple if they will have an illegitimate baby before they get married. It is indefensible to support a bill that encourages illegitimacy and call it reform. That is not reform; that destroys everything we stand for in this country—good family life.

Mr. MILLER. Mr. President, would the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MILLER. I am trying to bring out a part of the history of the development of this whole thing in the Committee on Finance, specifically with respect to medicaid and the so-called family health plan.

It is my recollection that at the time of the original hearings and the charts, we found this horrible discrepancy and these horrible disincentives in the plan, and then, when the department came back with a number of revisions, one of the major revisions that it had, which was incorporated in a series of charts, was doing away with medicaid and replacing it by this family health plan, with a contributory feature; and it was on that basis that certainly a good number of the disincentives have been cranked out of the plan. Does the Senator from Delaware recall that?

Mr. WILLIAMS of Delaware. Yes, I do.

Mr. MILLER. Does the Senator from Delaware recall that?

Mr. WILLIAMS of Delaware. Yes, I do.

Mr. MILLER. Does the Senator from Delaware also recall that when some of the members of the committee expressed great interest in the family health plan, we were told that it would not be possible for the department to prepare and present the legislative language for this plan until sometime early next year?

Mr. WILLIAMS of Delaware. That is correct.

Mr. MILLER. And that was several months ago, that they said that, was it not?

Mr. WILLIAMS of Delaware. Yes.

Mr. MILLER. I would like to ask either the Senator from Delaware or the pro-

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ponent of the amendment, the Senator from Connecticut (Mr. RIBICOFF), if I could have his attention, whether or not the pending Ribicoff-Bennett amendment makes any provision at all for this family health plan.

Mr. RIBICOFF. No. There is no provision for a family health plan. As the Senator has stated, the administration proposed that at the beginning of the coming year, 1971, it would submit to the Finance Committee and to Congress its own health program, to take care of this basic need.

I think it should be pointed out that under the Ribicoff-Bennett proposal, the overall plan does not go into effect until July 1, 1972, for the working poor and January 1, 1972, for others.

Mr. MILLER. Will the Senator from Delaware permit a further question by the Senator from Iowa to the Senator from Connecticut?

Mr. WILLIAMS of Delaware. I yield.

Mr. RIBICOFF. And I might add that any revisions that had to be made because of the health provisions that would be presented could be revised between the time we come back, whenever that is, in January 1971, and July 1972. I have had in mind all the time that somewhere during the course of this testing, we would watch the testing very carefully in our oversight function, to see how it is working out, and then, as a result of what we discovered in these tests, undoubtedly we would be called on and we would want to initiate revisions of our own.

Mr. MILLER. The Senator from Connecticut has made a point, but he knows that I, and I would guess practically everyone else on the Finance Committee, thoroughly agreed as far as the testing program was concerned. But the Senator's response seems to indicate that since this plan would not go into effect for quite a while, the Senate and Congress would have a chance to do something about medicaid and put in a family health plan in the interim. I suppose if Congress can do that, we could also suggest that sometime before this whole thing goes into effect, Congress can do practically anything else with the plan by legislative action.

Mr. RIBICOFF. Yes, they could.

Mr. MILLER. If that is so, then, of course, that raises the natural question, why must we go ahead on a plan that is to become effective? Why not just the test program?

Mr. RIBICOFF. I think what we are trying to do is recognize that to put this plan into effect is very complicated. The administration has a lot of work to do even to get ready for July 1, 1972. It could not get ready for July 1, 1972 unless it felt that there was a reasonable or good probability that this was going to become law. If we did not have the triggering device that this plan goes into effect July 1, 1972, if the tests proved successful, and that if Congress did not reject, by either House, the proposal, then it could not make all those plans. This is very complex, involving many people, something like 14,000 in the 50 States and it is going to take a great deal of planning. That is where those of us on the minority of the committee differed from the committee itself as to merely wanting the tests; we wanted the tests plus a trigger that it would go into effect July 1, 1972.

I think these are the safeguards against the fear of many who have doubts about this plan. I cannot quarrel with anyone who has doubts. I must confess that I have some doubts, too. But that is why we thought of the device of having the test plan, on a good basis in two areas.

Several Senators addressed the Chair.

Mr. MILLER. Will the Senator from Delaware permit a further question?

Mr. WILLIAMS of Delaware. Well, Mr. President, if I may interject for just a moment, I do not wish to monopolize this discussion. I am about halfway through my analysis of this bill. I would like to wait and pursue this later and yield the floor to other Senators, after yielding first to the Senator from Illinois, who has been waiting patiently. Then, I understand we are coming in at 9 o'clock Monday——

Mr. MANSFIELD. Yes. Would the Senator from Illinois yield on that point?

Mr. PERCY. I yield.

Mr. MANSFIELD. Would the Senator from Delaware give the Senate an idea of about how much longer he intends to pursue this subject this afternoon?

Mr. WILLIAMS of Delaware. I would like a reasonable opportunity to pursue it. Several Senators want to leave, and I think this is important enough not to present it to an empty Chamber. I appreciate the attendance we have had here, which has been very good. But I would not want to tire us out. We did come in at 9 this morning, and I was wondering if there would be any objection, at the conclusion of this discussion and yielding around, to asking unanimous consent that after we resume consideration of this bill Monday, I could proceed and call it the same speech.

Mr. MANSFIELD. May I say that as far as the leadership on this side is concerned, we are perfectly agreeable to such a proposal, but may I also say that I would hope that sometime soon we would have the opportunity to vote on this proposal, in which the administration has such a significant and overriding interest, either in whole or in part, on the basis of a time limitation or on the basis of the agreement suggested some days ago by the distinguished Senator from Delaware; because we ought to face up to it in some way or other, and insofar as we can, obviate the President's expressed wish or desire or suggestion that if we did not face up to this and several other proposals, he intends to consider withholding his signature from the resolution which has passed both hours calling us back on January 21.

So I am perfectly agreeable to what the Senator suggests. I only wish there were some way we could get down to voting on this conglomerate bill, just so the Senate can dispose of it one way or another.

Several Senators addressed the Chair.

Mr. WILLIAMS of Delaware. I will yield in just a moment.

I point out that the Senator from Montana, the majority leader, has been very gracious and cooperative about this, and I will comply with either request. I can just take my chances to get the floor. I know that with a recess a Senator is allowed to speak twice. But I will leave it to the Senate as to how they want to proceed. I have tried not to monopolize the time.

As the Senator knows, since this bill has been before the Senate the past couple of days, by a prearrangement between the minority leadership and the White House I specifically was not recognized until others who were speaking for the plan had presented it.

Mr. MANSFIELD. Just a moment. Is the Senator referring to me?

Mr. WILLIAMS of Delaware. No; I said the minority leadership. The majority leader has been most cooperative.

Mr. MANSFIELD. I know nothing about that.

Mr. WILLIAMS of Delaware. The leadership on our side——

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I was not recognized before, and this was the first opportunity I have had to speak on this plan since it has been before the Senate.

I have done a great deal of work on this bill. I think I am presenting some reasons why there are problems here and some valid points which I think can be thought about by other Members of the Senate. I have brought out some of them, and I would like them to be looked at over the weekend so that Senators will realize what they are voting on. I should be able to complete this analysis Monday.

There is another point which shows the danger of legislating hastily on a program such as this. The Senator from Connecticut will agree with me on this point. I am not quarreling with the parliamentary procedure in which this was brought before the Senate. It is under the rules of the Senate, but when Congress tries to legislate on the floor, problems develop.

Consider this: Suppose the Senate passes the Ribicoff-Bennett amendment as it is now before us. It is offered as an amendment to the Scott amendment in order to get it into a position which deals with social security increases. I assume Senators will vote in good faith. Then after that, suppose they approve the Scott amendment as amended by the Ribicoff amendment, the family assistance plan, which is what the administration is asking for. So what will have been done? These amendments, if approved as now before the Senate, would repeal 90 percent of the Social Security Act that is now on the statute books and reduce all those present beneficiaries to a welfare status. Perhaps that was not intended, but that would be the result.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I will yield in a moment.

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It may be an inadvertence, but the Senator from Pennsylvania (Mr. Scott) sent to the desk two pages numbered 8 rather than 7 and 8. The mathematical result is that if Congress approves these two proposals, for which we are asked to vote affirmatively, we will have repealed the social security benefits for every present social security recipient who did not establish an average monthly payroll of $468 a month. That means that more than 11 million people who are drawing social security benefits today would not get their checks after the date of enactment.

Someone said it is not as bad as it sounds; that they are picked up under the family assistance program, and they will be eligible under the pending bill. Do Senators want to advocate that drastic step? Yet that is what we would get. It may be that this was a mistake, but it is a mistake that was discovered only because some of us read the amendments before they were voted upon. This shows the danger of introducing a bill or sponsoring a bill and voting for it without reading it. That is why I say this bill needs to be analyzed. I venture to say that very few Members of the Senate have read either of these amendments. That is understandable in the closing days of the session.

There is no contradiction of this point as to the amendments' effect. I am not suggesting that our minority leader wants to repeal the Social Security Act——

Mr. MANSFIELD. It must have been entirely inadvertent. Any one of us could make the same mistake.

Mr. WILLIAMS of Delaware. The sponsor would not have made the mistake if he had taken the time to read it before he submitted it. Conceivably, had the Senate complied with the request they would have called the roll and voted "yea" for it. It would have been the law; and the Social Security Act would in effect have been repealed. I am sure that this would have been detected before it became law, but it outlines the danger of a rush in the closing days of the session.

I say that those points need to be examined, and that is why I think it is indefensible to propose a new bill this late in the session that has already been rejected three times by the committee handling it.

This afternoon, since 3:30, is the first time any of us who oppose this guaranteed annual income plan have had a chance even to get recognized while the bill has been before the Senate. It is not the majority leader's fault. Let me emphasize that.

I presented a unanimous-consent request to vote on this bill with all the various amendments, and there are no controversial amendments in this bill that are not mentioned by the President as "must" legislation. He called for enactment of the family assistance plan, yes, or the guaranteed annual income, which is a more appropriate name. He said he wanted a vote. But he also said that he wanted a vote on the quotas and the Trade Act. Both are in the same paragraph.

I say this to the majority leader and others: Can they get consent to limit time on this bill? I tried it the other day. But can they get consent to vote on this bill now before the Senate, all the amendments, vote them up or down—the Trade Agreements and all the rest? Can they get that consent? The answer is "No."

So I ask, What is proposed to be done—vote on this amendment alone and then stop and let them know that everybody is for family assistance? It is a wonderful name. I wish the administration had put "motherhood" in there. That would have sounded equally good, although I would have wanted to modify that suggestion and say "wedded motherhood." I do not want to see the Government pay a premium if one has a child out of wedlock. Yet that is what the pending bill would do. Surely Senators want that corrected, but this bill cannot be amended under the parliamentary rules to correct it. We must vote on this bill as it is before the Senate. The sponsors of this bill would pay a cash premium to a mother to have a child out of wedlock.

Also; the Social Security Act will be 90 percent repealed under the amendments we are being asked to support.

The sponsor of that amendment should have tried to read the amendment being offered. I think that would be good advice to those who offer amendments the next time, because there is no question but that the amendment at the desk in effect repeals the Social Security Act.

I shall refer to another provision in this bill, and then I will yield. This bill establishes welfare benefits in States, if it is passed, at a level substantially higher that is being paid to all the draftees in the military. That means that if this bill is passed the salary of these military personnel will be supplemented by welfare. For example, suppose a man working in the labor force and earning $6,000, $8,000, or $10,000 a year is drafted into the military. We know the low pay he gets. This bill provides that his wife and children get part of that supplement out of welfare to meet the poverty level of payment.

What kind of law is that where it puts a man who has never been on welfare, who prides himself that he provides for his family and children, and a salary as a soldier drafted into the service of our country in Vietnam—perhaps he loses his life—at a salary lower than the welfare family is to get. I proposed that the salaries of these military personnel be brought up to at least equal the amount that we pay the same size family on welfare in this country.

I do not support a proposal under which we we will continue to draft men and send them to Vietnam at the risk of their lives to defend this country and at the same time pass a bill that says, "We will take care of your family. Do not worry about them. Do not worry about your children. We have a bill here that will automatically make your family eligible for welfare the day you enter the Government's service in the military."

I say that that is an outrage. I do not think any Member of the Senate would have voted against an amendment to make sure that this soldier, who is serving in our Army, can get from the combination of his military pay and family allowance the same amount of money, and get it as a check payable for his service to the country, so that his family does not have to resort to what he may consider to be the stigma of welfare.

We talk about reforming the system. That is another inequity that should have been correct yet the bill before the Senate does not correct it. The two amendments before the Senate, I repeat, go in the opposite direction; together they repeal 80 percent of the social security law. Over 80 percent of those drawing social security benefits today would not be eligible for benefits on the enactment of this bill as it is before the Senate, and as it is not subject to an amendment—that is, the Scott-Ribicoff-Bennett combination, if it is adopted.

The administration says it is for these two amendments. I ask anybody in the administration—I ask any Senator to stand up and say that he would vote for the final passage of this bill if these two amendments are approved as presently drafted. Yet, they cannot be amended under the rules of the Senate. Let us find out where the Senate stands on these points. That is why I am willing to call the roll.

Mr. GRIFFIN. Mr. President, the majority leader indicated that he would agree to the request of the Senator from Delaware, if it were agreeable to the minority leadership. The Senator from Pennsylvania (Mr. Scott) is not on the floor at the moment. But I think I could speak for him. He did say earlier today that he wanted to be sure the Senator from Delaware had adequate time to make his presentation. I am sure, if he were here, the minority leader would not object to the request that the Senator from Delaware resume his presentation on Monday.

However, I should like to point out that the Senator from Delaware indicated he would like to resume the floor at 9 a.m. I believe he may be overlooking the fact that at 9 a.m. the Senate will be considering the SST issue under a previous arrangement, and the Senate will not return to the social security bill until 3 p.m.

Mr. WILLIAMS of Delaware. That is what I meant. When we resume consideration of the amendment.

Mr. KENNEDY. Mr. President, it is the intention of the leadership to afford a 1-hour period on Monday next to be set aside for a tribute to the distinguished Senator from Minnesota (Mr. McCarthy) who is retiring. We have been doing that for the past couple of days now. If the Senator from Delaware were to propound a unanimous-consent request to be recognized, we would enter no objection to such request, provided that it were to provide for time later in the day.

Mr. WILLIAMS of Delaware. That is right.

Mr. GRIFFIN. As of now, we will go back on this at 3 o'clock on Monday afternoon.

Mr. WILLIAMS of Delaware. I shall make the request that when I conclude today, I may resume my remarks as part of the same speech whenever we resume consideration on Monday on this same bill. I want to accommodate myself to the leadership. It is rather ironic that

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the Senate is filibustering on another bill from 9 o'clock to 3 o'clock and then is being asked to consider this important legislation in the dark hours of the evening. But considering what is proposed in the bill I can understand that. Maybe the sponsors do not want the light of day to shine on some of the inequities in this bill, but I assure Senators that with a modern lighting system some of us are going to enlighten them. Again, I do not want this to be interpreted that I am going to filibuster. I have been here 24 years, and I have never taken part in one; and I am not now.

All I want is an opportunity to explain my views. I know that the Senator from Connecticut would be the first to admit that this bill would not be before us even now if it had not been for the fact that I and others who oppose the bill made quorums and gave consent to meetings of the committee during sessions of the Congress. It would have been a simple matter at any point to get up and say, "I object to the committee meeting." This was not done.

I frankly did not want to have to go back to Delaware, having objected to this bill, without a chance to outline why I objected. I welcome this opportunity, and I have no fear as to the outcome of the vote after the Senators understand the bill.

Mr. GRIFFIN. I would like to say in addition, that if the minority leader were here, he would want, and I do, too, to join with the majority leader in his strong expression that we do want to get to a vote on this amendment. Of course, those in opposition should have a reasonable opportunity to explain their side. First and foremost, of course, is the Senator from Delaware. But I do share the strong feelings of the majority leader that we should, after all the facts are in, get to a vote.

Beyond that, it should be said, on behalf of the minority leader, that if there was an inadvertent error in his amendment, and apparently there was, it can be corrected. After we vote on the Ribicoff amendment, a correcting or perfecting amendment to the Scott amendment could be offered and considered to correct the error that the Senator from Delaware has pointed out.

Mr. WILLIAMS of Delaware. If someone found a flaw in the amendment of the Senator from Connecticut we could not offer an amendment to correct that. I am merely outlining what the problem is. Some Members are assuring their constituents that they are for these so-called amendments. I want them to know that they are endorsing a proposal which may or may not be amended but which, if approved, will repeal 80 to 90 percent of the Social Security Act of this country. I will ask this question: In order to see when we can get to a vote could I get a unanimous-consent agreement now to limit the time on all amendments before us so that we know we could dispose of them? I offered a unanimous-consent request the other day for 6 hours each to title III, which is the trade amendments, and 6 hours on the catastrophic insurance—I think we had that for 4 hours, but I would take either—and put a time limit on this plan for a guaranteed annual income. I wonder, can we get consent of the minority leader or the acting majority leader to the point that he could agree to a unanimous-consent agreement to limit time on the trade agreements and all amendments on this bill?

Mr. ERVIN. Mr. President, I object.

The PRESIDING OFFICER (Mr. EAGLETON). Objection is heard.

Mr. WILLIAMS of Delaware. I see the Senator from Massachusetts is on the floor ready to object also. I appreciate his position.

Mr. KENNEDY. I did not object.

Mr. WILLIAMS of Delaware. The Senator has no objection? Good. Then I renew my request——

Mr. RIBICOFF. Mr. President, if the Senator will yield, I will not object, but I would like to comment in reply to the Senator's remark, before a unanimous-consent request is made. As a matter of fact, I will join in such an unanimous consent being granted. But there are some comments I would like to make, if the Senator will yield to me.

Mr. WILLIAMS of Delaware. I am glad to yield. The request was made, I say to the Senator, but it was objected to.

Mr. RIBICOFF. That is right, but I would hope there would be no objection. I do believe that the Senator from Delaware, as well as all other Senators who oppose the bill, are entitled to a great deal of time to explain their positions in opposition to this measure. It is complicated. I agree with the majority and the minority leaders, and the chairman of the committee, and the assistant minority leader that we would hope some time, within a reasonable time, to be able to vote on the Ribicoff-Bennett proposal. That should be voted on after adequate time has been given to the Senator from Delaware to explain his opposition.

I notice on the news ticker that the President, in a meeting with the leaders of the minority, mentioned the fact that the minority had an obligation to pass his program. So far as I know, there is no opposition basically from the majority to taking a vote on the family assistance plan. Most of the opposition to taking a vote on the family assistance plan that the President seems to want so deeply, comes basically from his own party.

I also want to point out—I do not have to defend the Senator from Pennsylvania (Mr. SCOTT)—that it is not true social security may be impaired.

I think that there are a number of Senators here, to whom this matter should be explained. When the Senator from Pennsylvania put in his amendment, he put in a table that included pages 7 and 8. How it took place, no one knows, but the reading clerk, when it was presented to him, had two pages 8 and the journal clerk had two pages 7. So in the CONGRESSIONAL RECORD, on page 42404 appears page 7. What the distinguished Senator from Delaware had, when he went up to the reading clerk, was page 8, indicating that pages 7 and 8 were submitted with the amendment by the Senator from Pennsylvania. For some reason, the Journal clerk got page 7 and reading clerk got page 8, due to some confusion.

May I point out to Senators when they vote for the Ribicoff proposal that at that time, when the vote is taken, it is definitely intended by either the Senator from Pennsylvania, myself, or any one of us to offer an amendment to the Scott amendment to correct this error. At that stage of the proceedings such an amendment will be in order—and such an amendment will be offered by the Senator from Pennsylvania—to correct the situation so that we would have tables 7 and 8. Not one single person in the United States would be deprived of one penny of social security benefits if we voted yea on the Scott proposal as amended by the Ribicoff-Bennett proposal.

I think we should make the record clear on that point so that if we vote for the proposal we are not jeopardizing the rights of the social security beneficiaries.

When I talked to the Senator from Pennsylvania about the position that was adopted—and which position the Senator from Pennsylvania made absolutely clear—he said:

> Abe, in what we are doing, I want to make sure that we in no way jeopardize or keep the social security beneficiaries from receiving the 10 percent social security increase and the $100 minimum, because I am totally for such a proposal.

So, therefore, this was due to some inadvertance. How it happened, I do not know. I put the blame on no one. But I do want to make it clear to the Senator that the social security beneficiaries in his State will not have their interests jeopardized.

Page 35 of the Senate Manual outlines the procedure whereby that would be made possible.

I would hope we would grant the unanimous-consent request of the Senator from Delaware. I would also hope that we could agree before we left the floor on a time certain to vote on the Ribicoff-Bennett proposal. The President of the United States desires it. The majority and minority leaders desire it. I believe that a majority of the Senate desire it.

Whether this vote takes place on the 22d, the 23d, the 28th, the 29th, or the 30th makes no difference to me. But I believe that the President of the United States is entitled to a vote.

I would suggest this respectfully to the President of the United States. I do not think the Senate of the United States needs any threats. I believe we are trying to do our job. I resent the President of the United States making threats toward the majority because I do not believe there is any other member of the Senate fighting harder for the President's family assistance plan than this Senator from Connecticut.

I want to say that I resent any reflection cast on the majority leader or any Senator on this side.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator. I am certainly not casting any reflection on the motives of any Senators. It is very obvious that this is not a political issue.

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I am on this side of the aisle, and I am expressing opposition to the proposal. I do say that as a loyal member of the Republican Party I always enjoy hearing on both sides of the aisle eloquent support for the President of the United States and his various plans.

It is wonderful to have such support, even though it may be on some bill on which we disagree.

The President also said he wanted his trade bill.

They are both in this same bill. They were both recommended in the same message in the same paragraph. The President asked for one right after the other.

Suppose I renew my request at a later time since we are all loyal supporters of the President of the United States. I made it clear that I am going to vote against the proposal, yet I am willing to enter into a unanimous-consent agreement after I have had a reasonable time to present my views. Others also want to speak, and they must be protected.

The same thing should be true about the trade agreement section. We are talking about the President's proposal. I remember the President in February made an eloquent plea to Congress about the need for the legislation dealing with the prospective strike of the railroads. Congress never acted. The President repeated his plea time and again. Nothing was done. We almost had a bad situation develop with the strike a couple weeks ago. All we did was to postpone that for 3 months.

Why was this bill not considered?

I think that should have been acted on. I would welcome a chance to vote on it. That bill has been before Congress for a long time. It has not even had the courtesy of committee consideration.

I only wish that we could have had this enthusiasm and loyal support of the President's proposals before. Even though it is late I welcome it.

I am willing to vote on this proposal. But on the other hand, there is not a single Member of the Senate—and if there is I will yield to him now—that will say there is any possible way under the parliamentary rules of the Senate, even if we vote on the Ribicoff amendment and on the Scott amendment, that it could ever possibly become law unless we vote up or down on the trade bill and on the welfare sections.

If all that those who are sponsoring this are after is only a vote so that they can go home and brag to their constituents how they voted, that is one thing.

I can tell the Senate how it can do that very easily under the rules. We can introduce a Senate resolution and ask for its immediate consideration saying that it is resolved that all of those voting for the resolution are for work incentives and for motherhood—perhaps I had better say wedded motherhood, because it would sound better back home. The Senate could pass the resolution and could also put in the social security benefits. We could say that we are for a 10-percent increase. Why not say 20 percent? It sounds better, and Senators agree now that it will not become law anyway unless we break this impasse on the trade and welfare amendments. Congress will be promising something to a lot of people on the eve of Christmas that every Senator knows cannot pass. I will yield to any Member of the Senate right now who would say that it could. There are 25 of us here. I will yield to any Senator who will stand up and explain how we can possibly vote on final passage of the bill before us even if we vote to approve the Ribicoff amendment within the next 5 minutes and approve the Scott amendment 5 minutes later. I would like some Senator to tell me how it can become law without facing up to the trade agreement and ending this filibuster. We cannot do it.

I do not see any takers who are willing to say we can do it under the parliamentary situation.

The Senate can vote on the proposal and go home and tell the social security recipients that they are for a 10-percent increase, for a 15- or 20-percent increase—I do not know why we should stop at 10 percent. Senators know they will not get it anyway. Why should we stop at $100 minimum. Make it $150.

This bill dies at noon on January 3, and every Member of the Senate knows it. It is not going to become law even if we approve the Ribicoff amendment under the present parliamentary situation. I say that as far as one Senator is concerned I will be a party to no such political hypocrisy.

Mr. President, I ask unanimous consent that I may resume my remarks when the Senate resumes consideration of this proposal on Monday and that it be counted as part of this speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, I promised to yield to the Senator from Illinois before. I forgot to do that. I shall yield to him and then yield the floor.

Mr. PERCY. Mr. President, I have one question of the Senator from Delaware. My own support for the Nixon family assistance plan has been based primarily on the fact that there is built into the system an incentive to work.

As I understand the Senator from Delaware, he has come to the conclusion that there is a disincentive to work that is greater than in the existing welfare plans. If that is true, I am deeply disturbed by the analysis he has made.

As I have understood it, the bill has built-in financial incentives to work that are greater than under the existing welfare. But it does not rely solely on financial incentives. It has certain other incentives and requirements that are part of the plan.

My belief that these will work is based upon the fact that in Illinois for 5 years now we have had a requirement that a man who is a welfare recipient get training. That has caused about 50,000 people who were on welfare to have gainful employment as a result of these requirements.

My understanding is that the family assistance plan proposed by the administration does require registration for work training or vocational rehabilitation as a precondition to receiving payments; that it has a proved provision for direct referral to jobs, that it has expanded training opportunities, a requirement to accept suitable work or training, and an expanded child care program which would free mothers for work who otherwise are tied down, and enhance development of the child at the same time. Lastly, it provides aid to the working poor in removing the incentive to quit work for welfare. Those are all provisions built into the plan.

I cannot see why there is more a disincentive to work under the plan than under welfare, where many of the provisions I mention do not now exist.

Mr. WILLIAMS of Delaware. I refer to the report to the committee of November 5, page A–25, and use the example for Chicago, Ill. Under the present law there are incentives to work. This is an example of a four-member family headed by a woman and refers to the net retained of each earned dollar. Under the present law when that woman goes out and works, with her child in a day care center, she can keep 54 cents from each earned dollar. Under this bill, the administration proposal, she keeps only 27 cents, which is one-half as much as under the present law. My point is that the incentive is cut in half. I think we need more incentive than there is under the present law. I want an incentive in the law where these people will be phased out of welfare.

In Arizona under the present law a person that trains himself and wants to go out and get a job gets to keep 62 cents out of the dollar, but if this bill becomes law he would keep 28 cents, which is a disincentive, compared with the present law.

In my State they would keep 71 cents today from what they earn when they get a job compared with only 23 cents of that dollar under this bill. There is not the same incentive.

In New York the cut is from 60 to 30 cents.

I agree with everything the Senator has said about the need for welfare reform, but the Senator has spoken on the basis of the analysis of this bill as they have been describing it downtown. I have said I endorsed the President's recommendation and still endorse what he seeks to achieve. I will support a bill tomorrow if we can get a bill with a mathematical formula to achieve what he seeks, but this bill goes in the opposite direction. The problem we have is that when these figures and different systems are related to each other there is not an increased work incentive, as they say, but there is an increase in incentive not to work.

For the four States that were selected we took two large States, Illinois and New York, and two small States, Arizona and Delaware, as examples. If a person gets $6,000 in Illinois after taxes he has $6,001, including the housing bonus. That is all the family would have left.

If that same person earns only $1,000 she has total cash in welfare payments and benefits in kind—food stamps, and so forth—equaling $6,197. That is

$196 less than if she earned $6,000. That is not an incentive.

The Senator knows if you want an employee to have incentive you give him a raise. It is something to work for.

Take the State of New York. If the person is making $7,000, he has after taxes $6,209 in spendable income, but if he gets an increase up to $8,000—and every bona fide worker should try to earn more—he gets a net increase of $572 for that work. But suppose he spits in the boss' eye and gets his salary cut to $6,000. He gets a $1,303 increase. He has $1,303 more by earning less. That is not a work incentive program. I know the Senator will agree with me.

Take the Senator's State of Illinois and the person with a $5,000 salary. He has expendable income including welfare, rent supplements, and so forth, after taxes of $6,867, but if he works harder and makes $6,000, under this bill he would have $6,001. That does not make sense. If they make $7,000 they have $6,508 or $359 less than if he made $5,000.

Can this be called a work incentive program. The only incentive to work under this bill is to work to get on welfare.

Those are the points I say need to be corrected. This person earning $5,000 should be encouraged to train to do a better job, get a promotion, and move forward. The entire system of our country is that a man can start from any level in life and by adapting himself and learning his trade, increase his earning capacity so that he can better provide for his family. But a situation is created under this bill where a man who wants to provide for his family cannot afford to take a $1,000 increase in salary without losing $800 for his family. He is put in a position where he has no incentive to improve his earning capacity. I do not think the Senator from Illinois would support a bill that would do that. Surely that can be corrected.

I have said repeatedly, and I know the Senator from Illinois with his background and experience in business will agree, that there is no problem that can be put together mathematically that cannot be solved mathematically if one sits down with the will to do it. There is no doubt in my mind that these notches can be removed. I know they can be removed. But a mathematical quirk or problem cannot be corrected unless first one admits and recognizes that the problem exists.

Our problem has been with the Department. They are living in the clouds. They are out busily making speeches about what they want to achieve. I could take President Nixon's speech that he made endorsing this plan, and I could stand on the floor of the Senate and use it as an argument against this bill. I am wholeheartedly in support of his objectives. The Senator from Illinois and other Senators support that objective. My point is that the bill before us does not do it. These are not my figures on the charts. I am not up here speaking from my analysis alone. That is the reason I wanted to take the time of the Senate to outline just what is wrong with this bill.

These charts I am using were not prepared in my office. I insisted that the Department of Health, Education, and Welfare prepare these charts and submit them to the committee with the name of Health, Education, and Welfare on them so that when I presented them to the Senate they would not say, "Well, JOHN WILLIAMS has gone nuts. It is inconceivable and it is hard to believe that these notches are here in this bill." These are the reasons our committee by an overwhelming vote voted not to report the bill. I think it is too bad for the Senate to accept when the Senate understands what is involved. I am not talking about a filibuster. The Senate knows I have repeatedly tried to limit debate in this instance I want the Senate to know what is involved before it votes, but then to vote. I want the Senate to work its will, but I would not want to see the Senate approve a plan that could only expand the extravagance of our present welfare system.

Let us not forget the taxpayers and wage earners who pay for this welfare.

That is the reason why I personally think the best course for this session of Congress would be as follows: I think the President and those who support this proposal would be well advised to proceed cautiously. I think the Senator from Connecticut would endorse this point. I am going to make the suggestion that this proposal be laid aside without prejudice and that when Congress comes in at the next session it take the time to try to work out a solution and do it without the administrations charging negligence on the part of the majority party or the minority party. We are not going anywhere if we try to turn this into political arguments. The question of whether it is a Democratic Congress which refuses to pass it or a Republican Congress which blocks it is immaterial. The question is, Is it good legislation which should be passed?

There is no man who respects the President more than I do. I supported him long before the convention. I expect to be supporting him long after this bill is gone and, I hope, forgotten. There is no question about that.

I think it is wrong to hold out the false hope that this is a welfare reform bill. It is not. I think it would be bad for Senators to go back to their States and say, "We in the Senate passed a program that is going to help you as a welfare recipient, we have passed a program that will encourage them to get off relief," when at the same time in the Senator's State, instead of getting 54 cents of every dollar they earn they will keep only 27 cents under this bill and in my State, instead of keeping 71 cents, they will get only 23 cents.

Can that be called an incentive.

Those people cannot understand those mathematics. They cannot look behind the formula. All they can do is look at the speeches being made, but those speeches do not solve the problem of illegitimacy or the problem of improving our welfare laws.

I repeat again, no welfare recipient will lose money as a result of this bill. One may then ask the question: "Why not, if you say he will get 27 cents instead of 54 cents from each dollar?"

He gets the difference in more welfare. Yet the dignity of that 54 cents as earning income is far better than 54 cents on a welfare check. That is the difference in my belief.

I think what we need is a reform bill that will remove these notches, a reform bill that will provide a bona fide work incentive so that a man on welfare will be able to see that the man who gets off welfare and enters the labor force benefits, so that the man who stays on welfare will be able to see that the neighbor who got off welfare and joined the labor force is gradually improving the standard of living of his family and getting some luxuries.

If we have a welfare program in which one welfare recipient sits at home and one enters the labor force, but the man who stays home ends up with more benefits, more cash, more luxuries, than the man who went to work, that is the direct opposite of what we want to achieve.

That will not reduce our welfare rolls.

I do not think the administration wants that result, but the Senator knows that in putting a mathematical formula together, with six components which they were not taking into consideration at the same time, a number of negative factors can come into operation.

One of the points that was overlooked in these notches is the fact that when a man works and earns a certain amount he pays a tax on those earnings. If he stays on welfare and gets the same amount he does not.

Another notch is that at certain levels, when he enters the labor force he has to pay hospital insurance for his family and is not eligible to receive free medicaid. That also creates a notch.

Another notch comes when he gets $600 or $800 for food stamps, and then when he makes $1 over a certain amount he gets no food stamps. That makes a $500 or $600 notch.

These notches have to be put on paper and recognized.

I was somewhat shocked when a department official before our committee admitted that prior to making any such suggestion with reference to all of these programs in which a welfare recipient may participate—and it is mandatory that in the Senator's State and my State they must become eligible—they did not put them together to see what the result would be or how they would be affected. All they did was to look at the first three lines.

If we look at just the first three lines and stop there it is a true work incentive program. There is no question about that. But it does not stop there, and these other programs are in the law. They are mandatory payments. I was shocked by that negligence on the part of a department for which we appropriate hundreds of millions of dollars, with all their experts, not figuring these together. That is the reason why I said earlier there is no excuse for it and that what we need is a good house cleaning in this agency of Government.

Perhaps if some of these people had been in what I will refer to as the labor

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force and had had to work for a living, they would be more understanding. Instead they are living off the taxpayers and just dreaming up ways of how to spend the taxpayers' money with no idea of where the money would come from. There is nothing more dangerous to society than an egotistical bureaucrat, and this agency is full of them. It has gotten to the point that it has affected them so that they cannot reason clearly.

All we need to solve this problem is some good commonsense. These are some of the mathematics involved in this bill before us. I do not think any Senator here could get up on any platform in any State, before any audience, and explain and defend this plan if they showed it to the people and explained how it would work. I do not care if it would be in the poorer sections or the richest of an area. I do not think he would be able to convince anyone that we should have a welfare program in which the person who works will get less than the man who stays on welfare. They do not want that kind of program. Not one single Senator will endorse that kind of program.

My question then is, Why vote for it at this time? Why not recognize that this bill should not become the law? Why not lay it aside? We know it is not going to become law at this session anyway. Why not strip the bill down to the first two titles, which deal with social security and medicaid reform? Why not strike out titles III, IV, and V, strike out the pending amendment on trade, strike out the pending Scott amendment, strike out the Ribicoff amendment, and have a gentleman's agreement that neither the trade amendment nor the family assistance plan nor the guaranteed annual wage will be offered in this bill? Why not say that they are going to be put over into the next session, and then dispose of the medicaid sections and the social security sections, and send it to conference?

I say that as one who is not going to block a vote on this question, if Senators want to have one. But I will regret, and I will leave the Senate somewhat disillusioned, if the Senate passes these provisions by rollcall votes, and then perhaps following that votes for a 10-percent increase in social security benefits and a $100 minimum, knowing at the same time that this bill is not going to become law.

Right now, on Christmas Eve, I think that would just be the cruelest political hoax this Senate could perpetrate on the aged. I hope the Senate will not do it.

If we strike from the bill titles III, IV, and V, strip the bill at the same time of amendments which are pending and which are nongermane—the Ribicoff amendment on welfare and the trade amendment—and have a gentlemen's agreement that we are not going to pursue them in this session of Congress, whether we are for them or against them, and do the business of this Congress, then I think we will be well advised to go home.

This Congress has done enough to the taxpayers and the sooner it adjourns the better for our country.

Let the administration appoint a committee from the Finance Committee, the Ways and Means Committee, and other interested parties and try to come up with a plan that will work mathematically and not have these quirks in it.

It can be done. Let them come up here with such a plan, present it to Congress, and if it is a reasonable plan, one that has a true work incentive to carry out what the Senator from Illinois wants, what the President wants, and what every one says he is for, I am confident Congress will pass it.

But if they cannot come up with such a plan, let us not put one on the books, that we know will not work.

Mr. President, I have gone beyond my time. In line with the previous request, I yield the floor.

Mr. LONG. Mr. President, looking forward to the time when it might be in order to consider the various alternatives that might be suggested in order to expedite consideration of this bill, and in order to facilitate the consideration of it by Senators, I am going to ask that the bill be printed with each committee amendment numbered.

In that way, Senators can notify me or other members of the committee which amendments, if any, they consider controversial to the extent that they would not be willing to agree to a limitation of debate on those amendments, and we could take that into consideration with regard to any motions to limit debate or to recommit with instructions, or any of the various procedural motions that might be available to the managers of the bill.

Mr. President, I ask unanimous consent that the bill be printed with the amendments numbered.

The PRESIDING OFFICER. Is there objection? The Chair hears non, and it is so ordered.

Mr. MONDALE. Mr. President, I would just like to take a few moments of the Senate's time to report that I have been reliably advised that the negotiations between the Japanese Government and our Government over textile quotas were on the verge of a successful agreement, but before that was announced, a decision was made by the U.S. Government to back off from our proposal.

This is a report that comes from an indirect source, but it comes from a source that at least seems to me to be reliable, and I think it is terribly important, before we act on any trade legislation which has been predicated on the theory that it was necessary to force some kind of agreement, to find out whether in fact our negotiators were on the verge of a textile agreement, and whether that could now be quickly put into effect, and would nullify the need for any further consideration of the proposed textile restrictions.

I am further advised that the textile industry, when advised of our proposal, involved themselves quickly to encourage our Government to back off from any agreement. That would certainly be a strange change of strategy, because all along we have been told that if only the Japanese would agree to some kind of voluntary restrictions in the manmade and woolens field, as they had already agreed in the cotton field, it would not be necessary to proceed with formal statutory quotas.

Apparently once that had been achieved or nearly achieved, if my information is correct, the textile industry in this country changed its mind and urged our Government to back away from its proposal and from the imminent agreement. For what reasons I am not told, but one of them might be that they were aware that the Senate was considering formal statutory textile import quotas, and felt that they could do far better with such statutory restrictions than they could with the kind of an agreement which I had understood they had sought and which I have now been advised was near a successful culmination.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. MONDALE. I would first like to conclude my statement.

I think that this information, which has, as I say, been relayed through informal sources, ought to be the basis for an inquiry, and I shall make such an inquiry to our Government, to determine whether an agreement has been reached, how close to an agreement we are if it has not been reached, and the extent to which it is possible to now conclude that the informal understanding that had been sought is now within reach, and that, therefore, to proceed further with statutory proposals for import quotas becomes unnecessary.

I am glad to yield to the Senator from North Carolina.

Mr. ERVIN. Would the Senator mind revealing to the Senate the source of this information?

Mr. MONDALE. I am not at liberty to do so. I do say I received it from a source I regard to be reliable. But in any event, I am sure our Government could quickly advise us of the facts.

I thought this disclosure was of sufficient urgency, in the light of the pending legislation, that it should be made public, and that we should find out from our Government precisely what the situation is.

Mr. ERVIN. Is the Senator unwilling to disclose the source of his information, so that some of the rest of us might be enabled to ponder whether it is reliable or not?

Mr. MONDALE. Well, I would only say to the Senator from North Carolina that the source, which asked not to be disclosed, is known to me as being very reliable. But in any event, we can quickly hear from the administration if they wish to disclose what those facts are regarding our latest proposal to the Japanese and one degree to which we backed off from this proposal upon pressure from the textile industry.

Mr. ERVIN. Well, I would say to the Senator from Minnesota that, while not undertaking to dictate conduct on the part of other Senators, the Senator from North Carolina would never convey to the Senate publicly information from somebody who was unwilling to allow his identity to be disclosed.

Mr. MONDALE. I say to the Senator from North Carolina that if this information which I have received from what I regard to be a reliable source is accu-

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rate, and Congress is not being advised of this important step, it is a very, very serious matter, which undermines the integrity of the legislative process, and I considered it to be of sufficiently serious import to raise this matter at this time, hoping for a prompt answer from the administration.

Several Senators addressed the Chair.

Mr. ERVIN. In other words, the Senator did not receive this information from Old Nicodemus, who travels only by night?

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. MONDALE. I am happy to yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, these seem to me to be very serious charges. I think that for the Senate to proceed on the assumption that they deserve credence would be a very risky operation. I can only say to my good friend from Minnesota, for whom I have the highest regard, that it would seem to me that if there is validity to the contentions that he has disclosed just now to us, we ought to be entitled to know specifically what has been revealed by his sources, and those sources should come forth and identify themselves; and until they do, I would hope that the Senate would give no credence to them. It reminds me of stories that were heard during World War II, when there were all sorts of rumors about peace. It took a long time after those first rumors were heard before we actually had any peace.

I do not mean at all to impugn the message that has been brought to us by my good friend from Minnesota. But I say that I think it is important that we know, first of all, specifically who is making such a statement, and then check out with sources in the administration the accuracy of those statements. After these steps have been taken, if they both disclose that the statements indeed deserve credibility and are true, then I would say at that time, and only at that time, is it proper to lay aside any consideration of a bill that has, in the main, the endorsement of this administration, a bill that is supported by a number of Senators on this floor, as was evidenced by a vote earlier. Until that sort of documentation can be provided the Senate, I would hope that we would give no further serious consideration to the charge.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. MONDALE. I would not have said what I just said unless I were convinced that there was a serious basis for it. I think this is one of the problems of trying to operate on such sweeping legislation under conditions 1 minute to midnight before the adjournment of this Congress, when there is no longer time to hold hearings to explore such things as the feasibility of such textile agreements or other kinds of international understandings. As I have said, I received this information from a source which I believe to be sufficiently credible.

Mr. HANSEN. I have no doubt of that.

Mr. MONDALE. I thought it ought to be raised. If it is wrong, it is wrong, and the administration can tell us. But I received it from a sufficiently credible source that I thought it ought to be raised.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. FANNIN. Would the Senator be willing to say whether or not he received it in writing or whether it was just a conversation, and why he would consider it so reliable when we have had rumors about rumors coming along on this subject? As the Senator knows, we have had information in the press continuously about these rumors, but they are just rumors.

I have been checking very carefully on this matter, and I certainly have no indication, and in talking with members of the administration have no indication, of anything like this happening. We know that just the opposite has been happening so far as the formal reports are concerned. Is it in writing?

Mr. MONDALE. I think that is immaterial. I can only repeat what I have said. I received it from a source and in a manner which I found persuasive.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. DOLE. When the Senator received the information, was any effort made to check it with any administration official?

Mr. MONDALE. An effort was made to check it insofar as I felt I could. As I said, I am sufficiently convinced that it is a credible source, and I thought the announcement of what I had learned should be made at this time.

Mr. DOLE. Did the Senator make the announcement and then check with the administration?

Mr. MONDALE. I have checked as far as I felt I could. I think it is a serious allegation. The administration could make its response.

Mr. DOLE. With whom did the Senator check?

Mr. MONDALE. I will not go beyond what I have just said.

Mr. DOLE. The Senator cannot even reveal the source with which he checked?

Mr. MONDALE. I have gone as far as I am going to go on that.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. GRIFFIN. I was busy conferring with the distinguished Senator from Connecticut (Mr. RIBICOFF) and the distingished Senator from Delaware at the time the Senator made his statement, so I did not hear it. But I am told that he said that, on some source, he understands that an agreement with Japan on textiles has been entered into. Is that correct?

Mr. MONDALE. I have been told that it either had been entered into or was at least imminent, and that the textile industry got word of this, and our negotiators backed away from this allegedly near-agreement. So either an understanding has not been disclosed or we backed off from what was on the verge of an understanding in order to leave us in a position where we would continue to believe that it was futile to anticipate or contemplate that such an agreement was possible.

Mr. GRIFFIN. I should like to add this information to the colloquy. If such an agreement has been arrived at, it must have been within the last 2 days, which surprises me very much, because 2 days ago, acting in the place of the minority leader, I met with representatives of the Japanese Government in my office. I will have to check and get the names. The names of Japanese officials are difficult to remember and pronounce. They were representatives of the Embassy, and one was a distinguished member of the Japanese Diet, who came to me to plead with me to see if our Government would not change its bargaining position, that they were too far apart and they could not possibly agree to the severe conditions that our Government was insisting upon in the negotiations.

So I will have to say that that is very surprising to me, and I suppose it would be surprising to the officials of the Japanese Government who apparently do not know that such an agreement was arrived at.

Mr. MONDALE. I am told that this development occurred within the last 2 or 3 days.

Mr. ERVIN. Will the Senator from Minnesota pardon the Senator from North Carolina if the Senator from North Carolina would remind the Senator from Minnesota that these negotiations have been carried on under the auspices of the Department of Commerce, and if the Senator from North Carolina would further suggest to the Senator from Minnesota that there is a telephone line—many telephone lines—to the Department of Commerce, which could have been resorted to in order to ascertain the validity of these rumors?

Mr. MONDALE. As the Senator from North Carolina may know, these negotiations are being conducted under the direction of Mr. Peter Flanigan, of the White House.

Mr. ERVIN. But the Senator knows that the Department of Commerce has worked on them in conjunction. As a matter of fact, the Secretary of Commerce has personally attempted to get negotiations underway and has engaged in many of them himself.

Mr. MONDALE. It is my understanding, and has been for some time, that the principal negotiator for the textile agreements is Mr. Flanigan, although initially the Commerce Department and its Secretary were principally involved, and that the situation as I describe it is now essentially correct.

Mr. ERVIN. I will ask the Senator from Minnesota whether he has any reason to believe that Mr. Flanigan cannot be reached by telephone?

Mr. MONDALE. Just permit me to say that, as I indicated earlier, I have received this information from a reliable source. I believe that it is essentially accurate. At this moment, with so few legislative hours to go, and affecting, as it does, a fundamental issue of national trade policy, I thought it important to make this known.

Mr. ERVIN. Does the Senator from Minnesota think they are going to decide national trade policies on such rumors as this?

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Mr. MONDALE. For example, just a few moments ago it was proposed that we agree on a unanimous time agreement on the trade legislation, which could have been taken and agreed to without knowledge of this occurrence. I think that would be a very serious situation.

Mr. ERVIN. The Senator from North Carolina would be very glad to vote early Monday morning on the trade agreement and would make a unanimous-consent request to that effect had he any anticipation that it might be granted.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. STEVENS. What type of agreement was contemplated by the report the Senator has—a voluntary agreement on the part of the Japanese to limit their exports to this country? I do not quite understand the nature of the agreement the Senator indicates was about to be entered.

Mr. MONDALE. This is at the heart of the whole controversy surrounding the need for legislation to impose arbitrary trade quotas by statute affecting textiles. The argument has been widely discussed that if only the Japanese would reach an understanding with our Government for some sort of informal restraint on the importation or the exportation of Japanese textiles into the United States, an understanding affecting manmade and woolen fabrics, such as that which now has been reached and long since reached in the cotton textile field, it might not then be necessary to have statutory restrictions.

The development which I have reported earlier would have a fundamental bearing on whether any action would be needed by Congress by way of statutory restrictions on textile quotas.

Mr. STEVENS. If I may interrupt there——

Mr. MONDALE. Because we are within minutes or hours or days from adjournment of this Congress, because we are being presented with proposals for limiting debate on the trade bill which I regard as being one involving revolutionary changes in American trade policy, and because I received the information I had earlier reported on the source which I found to be fully credible, I thought it important to make that disclosure.

Mr. STEVENS. I might say to the Senator that I happen to be one of those who voted with him on this matter, but on the other hand, if the Senator's report is one on a voluntary quota system, which is what the Japanese Government saw fit to impose on the steel exports about 2 years ago and then promptly disregarded, I might seriously have to consider changing my mind. It may be that if the Senator is indicating we should not act in the Congress on the basis of some unilateral representation to the Japanese Government, that they are ready now to take action and indicate, because the passage of the trade bill is imminent, that they would be willing to enter into some form of voluntary agreement on their part, that is one thing; but if the Senator is indicating that our Government and theirs are about ready to enter into a solemn agreement that would be presented to the Senate for ratification, that is an entirely different matter. If I had been the Senator, I would have checked that out before putting it out to the public.

Mr. MONDALE. This is not a proposed treaty which would require our ratification. This is an informal trade proposal between the United States and Japan. My understanding is that the proposal that was offered either provided the basis of agreement or was immediately in danger of providing the basis of agreement and was an offer by this Government to the Japanese.

Mr. STEVENS. I thank the Senator.

Mr. MONDALE. Mr. President, I yield the floor.

COMPREHENSIVE ALCOHOL TREATMENT BILL

Mr. FANNIN. Mr. President, I ask unanimous consent that certain remarks of the Senator from Colorado (Mr. DOMINICK) concerning the comprehensive alcohol treatment bill be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR DOMINICK

Mr. President, we have before us today the final version of a bill which is of paramount importance to all Americans. I am speaking of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970. This bill has been given careful consideration by the members of the Labor and Public Welfare Committee in this body and by the Committee on Interstate and Foreign Commerce in the House of Representatives. Both Committees reported the bill to the floor of their respective houses unanimously. Both Houses have passed the bill as reported from their Committees unanimously. It is my opinion that this bill should be adopted today, and I urge all my colleagues to vote for this bill.

The need for this legislation is clear. It has been estimated that there are possibly 18 million alcoholics and problem drinkers in this nation. Alcohol contributed to some 25,000 deaths in automobile accidents and at least 800,000 crashes involving a tragic amount of injury, suffering and property damage.

Perhaps the most tragic aspect of this problem is the great personal losses which are not purely physical in nature. The families and friends of an alcoholic as well as the alcoholic himself suffer much in damaged personal relations.

Another aspect of this problem is the great cost to American industry. A recent Labor Department publication estimated the cost of alcohol abuse to industry at nearly $3 billion dollars. In a report to our Subcommittee on Alcoholism and Narcotics, the Comptroller General of the United States estimated that alcoholism in Federal employment may be resulting in costs of $275 million to $550 million annually. The report also estimated that a program costing only $15 million per year might result in cost savings of $135 to $280 million annually.

These figures only illustrate what a tragic problem alcohol abuse is in our nation. They do not and cannot reflect the human loss in wasted lives that alcohol abuse causes.

Clearly the need for this program is well established. Let us take the proper steps and pass this bill today.

This legislation has a number of major components which should be discussed. It establishes a comprehensive range of administrative tools in a single visible and broadly based Institute structure within the National Institute of Mental Health and gives a strong mandate for leadership and action to the Federal Government. The legislation provides for a carefully structured program for Federal assistance to States and local groups and organizations to encourage community based planning for and development of effective treatment and rehabilitation programs throughout the country for alcoholics. It requires the establishment of programs of prevention and the recognition and encouragement of treatment and rehabilitation programs for Federal employees. It provides sufficient funding authorizations to enable a program of necessary magnitude to get underway immediately.

This legislation will make it possible for the Institute to make grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public or private agencies and individuals to develop programs for the prevention and treatment of alcohol abuse and alcoholism. It is vitally important for these programs to be community based, and to utilize public health rather than criminal or other punitive measures, in order to provide the most effective treatment possible. The bill provides a mechanism for processing applications for financial assistance made by units of local government and private organizations. Applications will be channeled through the agency designated to administer the alcoholism program within the State. The State agency will have an opportunity to comment upon the propriety of the particular plan under scrutiny, but may not prevent it from being sent to the Institute for consideration. As with formula grants, the money which is made available through project grants will be used to supplement rather than replace funds which the States or localities would otherwise have devoted to alcohol programs.

The bill will authorize a 3 year program of $300 million to carry out these grant programs. $180 million will be for formula grants to the states while $120 million will be for project grants.

Mr. President this is a well thought out program. It has been labored on long and hard by the Special Subcommittee on Alcoholism and Narcotics. The Chairman of the Subcommittee, Senator Hughes, has provided outstanding leadership in bringing this legislation to a reality. The senior Senator from New York, Mr. Javits, has worked diligently in moving this legislation through Committee.

This careful consideration coupled with the urgent need for action call for immediate passage of this bill so that it can be cleared for signature by the President. I strongly hope that my colleagues will pass this critical bill today.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 578) to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 380) to repeal section 7 of the act of August 9, 1946 (60 Stat. 968).

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19436) to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1. An act to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs;

S. 704. An act to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act;

S. 719. An act to establish a national mining and minerals policy;

S. 2102. An act for the relief of Percy Ispas Avram;

S. 2193. An act to assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the act; by assisting and encouraging the States in their efforts to assure safe, healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes;

S. 3619. An act to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes;

H.R. 380. An act to amend section 7 of the act of August 9, 1946 (60 Stat. 968);

H.R. 4983. An act for the relief of James M. Buster;

H.R. 6049. An act to amend the definition of "metal-bearing ores" in the Tariff Schedules of the United States;

H.R. 6778. An act to amend the Bank Holding Company Act of 1956, and for other purposes;

H.R. 9183. An act to amend the Tariff Schedules of the United States to provide that imported articles which are exported and thereafter reimported to the United States for failure to meet sample or specifications shall, in certain instances, be entered free of duty upon such reimportation;

H.R. 10150. An act for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex.;

H.R. 10704. An act for the relief of Samuel R. Stephenson;

H.R. 12621. An act for the relief of Lt. Robert J. Scanlon;

H.R. 14271. An act for the relief of Jack A. Duggins;

H.R. 15911. An act to amend title 38 of the United States Code to increase the rates, income limitations, and aid and attendance allowances relating to payment of pension and parents' dependency and indemnity compensation; to exclude certain payments in determining annual income with respect to such pension and compensation; to make the Mexican border period a period of war for the purposes of such title; and for other purposes;

H.R. 15979. An act to provide that the interest on certain insured loans sold out of the agricultural credit insurance fund shall be included in gross income;

H.R. 16506. An act to amend the Internal Revenue Code of 1954 to clarify the applicability of the exemption from income taxation of cemetery corporations;

H.R. 16940. An act to extend until December 31, 1972, the suspension of duty on electrodes for use in producing aluminum; and

H.R. 19504. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

ORDER FOR STAR PRINT OF SENATE REPORT NO. 91-1510

Mr. KENNEDY. Mr. President, I ask unanimous consent to have a star print made of Senate Report No. 91-1510.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 1218.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROBERT J. EBBERT AND DESIGN PRODUCTS CORP.

The bill (S. 1008) for the relief of Robert J. Ebbert and Design Products Corp., Troy, Mich., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 151, title 35, United States Code, or any other provision of law, the Commissioner of Patents is authorized and directed to accept delayed payment of the final fee (prescribed in section 41(a), title 35, United States Code) in the application for United States Letters Patent of Robert J. Ebbert of Rochester, Michigan, serial number 308,411, filed September 12, 1963 and allowed April 12, 1966 for Mounting Frame for Electronic Components, assigned to Design Products Corporation, Troy, Michigan, as though no abandonment or lapse had ever occurred, if such final fee is paid within three months after the date of enactment of this Act. Upon payment of such fee, the Commissioner is authorized to issue to the said Design Products Corporation the patent for which application was so made. No patent granted on said application shall be held invalid on the ground that the final fee was not paid within the period specified in title 35, United States Code.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1197), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize and direct the Commissioner of Patents to accept late payment of the issue fee in the application for United States Letters Patent of Robert J. Ebbert, serial number 308,411, filed September 12, 1963, and allowed April 12, 1966, for a Mounting Frame for Electronic Components, assigned to Design Products Corp., Troy, Mich., as though no abandonment or lapse had ever occurred, and to authorize the Commissioner to issue the patent to the assignee if such fee is paid within 3 months of the date this legislation is enacted.

STATEMENT

Information contained in the files of this committee's Subcommittee on Patents, Trademarks, and Copyrights indicate that Mr. Robert J. Ebbert of Rochester, Mich., retained the law firm of Harness, Dickey & Pierce, 700 Fisher Building, Detroit, Mich., to represent him in efforts to secure a patent on his invention entitled "Mounting Frame for Electronic Components." The law firm prepared the necessary papers and on September 12, 1963, filed an application for a patent with the U.S. Patent Office. On October 7, 1963, Mr. Ebbert assigned all of his rights in the invention to Design Products Corp., Troy, Mich.

On April 21, 1966, the Patent Office sent a Notice of Allowance and Issue Fee Due to Harness, Dickey & Pierce, which stated: "With the allowance of the application, the * * *. Issue Fee becomes due and payment must be made within 3 months of the date of this Notice or the Patent will become abandoned." The Patent Office did not send the Notice of Allowance to Mr. Ebbert because its rules require that all communications intended for the applicant must be sent to the attorney of record rather than to the applicant. The law firm did not respond to the Notice of Allowance within the time required and the application lapsed for nonpayment of the issue fee.

On February 14, 1967, 10 months after the Notice of Allowance was issued and 10 days after Harness, Dickey & Pierce discovered that the application had lapsed, they filed a petition to revive the application and tendered the issue fee. In the petition, the law firm stated that the issue fee was not paid because of a clerical error made by several of its employees. The firm also set forth in the petition the sequence of events which led to the delay in tendering the issue fee.

During the time the subject application was pending, Mr. Ebbert filed a second application with the Patent Office to secure a patent on one of his other inventions. The second application, which was prepared and prosecuted by the Harness, Dickey & Pierce law firm, was filed on December 11, 1964, and allowed on May 2, 1966. And as in the current case, Mr. Ebbert assigned all of his rights in the invention to a corporation.

Under the firm's filing system, applications are placed in separate folders and filed alphabetically according to the inventor's last name. The folders are labeled with the name of the inventor and the client's case number. The case numbers in the office are assigned in increasing numercial order for each client, so that the first case handled for each client is marked "Number 1". This procedure was followed in the present case and it resulted in each of Mr. Ebbert's folders being labeled "Ebbert Case Number 1," because each folder contained the first application filed by the two assignee corporations.

Upon receipt of the "Notice of Allowance," the attorney handling the case instructed a file clerk to secure the folder containing the subject application from the central filing room and deliver it to his office. In carrying out these instructions, the file clerk inadvertently extracted the other "Ebbert

Case No. 1" folder which contained the second application filed by Mr. Ebbert. After examining the folder, the attorney returned it to his secretary and instructed her to prepare the necessary papers for payment of the issue fee. The secretary prepared the "Issue Fee Transmittal Notice" for his signature. The attorney signed this notice and it resulted in the payment of the issue fee in the second application and its issuance on October 4, 1966. During these transactions, neither the file clerk, the attorney, or his secretary noticed the discrepancy in the serial number or the "Notice of Allowance."

The Patent Office considered the petition in view of 35 U.S.C. 151, which provides that an issue fee be paid within 3 months after a "Notice of Allowance" is sent, and further provides that—

"If any payment required by this section is not timely made but is submitted with fee for delayed payment within three months after the due date and sufficient cause is shown for the late payment, it may be accepted by the Commissioner as though no abandonment or lapse had ever occurred."

In interpreting section 151, the Patent Office held that it authorized the Commissioner of Patents to accept payment of the final issue fee only if it is tendered within 6 months from the date when the "Notice of Allowance" is sent. Since Mr. Ebbert had not tendered the final issue fee within the time required by section 151, the Patent Office denied the petition on the ground that it lacked statutory authority to grant it.

After the Patent Office denied Mr. Ebbert's petition, he filed a civil action against the Commissioner of Patents in the U.S. District Court for the District of Columbia on March 15, 1967. In his suit, Mr. Ebbert sought to compel the Commissioner of Patents to accept payment of the issue fee and to issue a patent. During the trial of the case, Mr. Ebbert argued that 35 U.S.C. 151 is not exclusive and that 35 U.S.C. 133 also applies to the situation where an applicant fails to make timely payment of a final fee after receiving a "Notice of Allowance." Section 133 provides that:

"Upon failure of the applicant to prosecute the application within six months after any action therein * * * the application shall be regarded as abandoned * * * unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable."

The District Court agreed with Mr. Ebbert's argument, and it granted his motion for summary judgment on February 18, 1967. In holding that section 133 was applicable the court said, "The prosecution of an application is not completed until the fee is paid and the patent issued."

The Patent Office held the view that the District Court misinterpreted section 133 and that the section was not applicable. Therefore, on February 26, 1967, the Commissioner of Patents filed an appeal to the U.S. Court of Appeals for the District of Columbia Circuit from the judgment entered on February 18, 1967. In rendering its decision on May 23, 1968, the Court of Appeals reversed the judgment of the District Court and held that acceptance of the issue fee was governed exclusively by section 151. In rejecting the argument that section 133 encompassed all actions taken by an applicant up to and including securing issuance of a patent, the court said:

"A stated purpose of the 1965 amendments to section 151 was to expedite the prosecution of patent applications and thus make new technology available to the public at an earlier date. If section 133 were construed as allowing an abandonment to be revived at any time, the purpose of hastening the beginning—and hence the expiration—of the 17 year monopoly period would be frustrated.

"Section 133 and 151 are contained in separate chapters of Title 35. Chapter 12, titled "Examination of Application," contains section 133, while Chapter 14, entitled "Issue of Patent," contains section 151. This dichotomy is strong evidence that the phrase 'prosecute the application' in section 133 comprehends only action taken by an applicant through gaining allowance of his application, because examination of the application is completed at that point. Congress established a separate statutory framework for what remains—issuance of the patent. It is a relatively ministerial act; if the issue fee is timely tendered, the patent must issue."

Mr. Ebbert sought to pursue his legal remedies before the U.S. Supreme Court, but it denied his petition for a writ of certiorari on October 28, 1968.

Mr. Ebbert has also advised the committee that his invention has been in public use for more than 1 year. As a result, the issuance of a patent on a new application filed by him is prohibited by section 102(b) of title 35 United States Code, which provides in part that an application for a patent must be filed within 1 year from the date the invention was first used by the public.

The bill provides that the Commissioner of Patents shall issue the patent to the Design Products Corp., the assignee, if the fee is paid within 3 months from the date of the enactment of this legislation. Design Products Corp. was founded in 1961 and is located in Troy, Mich. Its president and majority stockholder is Robert J. Ebbert of Rochester, Mich., a highly respected inventor and designer and who is the inventor in the subject application. The company currently employs about 12 people and its sales in 1967 amounted to about $211,000. Design Products Corp. is, to its knowledge, the only company in Michigan producing standard industrial solid state logic modules, the products covered by the subject application. It has been selling these units since 1963. As such, the company competes with such large companies as General Electric Corp., Square D and Cutler Hammer, which have competitive items.

At present, the product covered by the patent application (for which the company uses the trademark "Versaframe") accounts for almost 100 percent of the company's sales. The product is used to mount solid state components such as transistors, capacitors, and so forth, in various ways so as to be used in electronic circuits, permitting an extremely compact assembly of these components and also permitting them to be easily checked and tested. Important companies, such as Ford Motor Co., Parke Davis and General Motors, are buying this product from Design Products Corp in increasing quantities. The product is also used in educational institutions as parts of training aids. In 1965, the product received "The Product of the Year" award in a Troy industrial show.

As a general rule, the committee is opposed to special legislation providing for private relief from the general patent laws. In this particular case, however, the committee feels that the circumstances justify creating an exception to the time limit established by 35 U.S.C. 151. Mr. Ebbert's invention survivied the ordeal of examination and it was deemed worthy of a patent. But because Mr. Ebbert fell victim to an extremely rare combination of circumstances—a clerical error made by his law firm and the failure of the Patent Office to send its customary "Notice of Default"—he was denied a patent. The Patent Office practice has been, and is now, to send applicants a Notice of Forfeited Application when the issue fee was not paid within the initial 3-month period after issuance of the "Notice of Allowance." However, the practice was suspended from August 4, 1966, until March 1, 1967, as a result of an unusually heavy work load and no such notice was sent to Mr. Ebbert's law firm.

If relief is not granted in this case, Mr. Ebbert and the Design Products Corp. will lose all rights in the invention because of conditions completely beyond their control, a situation that the committee feels would be most inequitable. Passage of this legislation would provide Mr. Ebbert the public recognition he deserves and would prevent an unnecessary and unjust denial to Design Products Corp. of a patent covering its most important single product. The committee has been advised that no other party contests the claim of the Design Products Corp. to the patent covered by the subject application.

Therefore, for the foregoing reasons, the committee recommends that this legislation be enacted without amendment. The enactment of the bill will entail no cost to the U.S. Government.

In its report to the committee on S. 1008, the Department of Commerce stated that it was opposed to the passage of the bill.

WILLIAM HEIDMAN, JR.

The bill (H.R. 12128) for the relief of William Heidman, Jr., was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1397), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay William Heidman, Jr., $15,000 in full satisfaction of all of his claims against the United States arising in connection with an alleged infringement of his patent covering an automatic parachute cargo releasing mechanism.

STATEMENT

The Department of the Air Force in its report to the House Judiciary Committee on the bill observed that the Air Force benefited by adopting a substantial feature of Mr. Heidman's proposal even though there may not have been a technical infringement of the patent. For this reason, the Department stated that should it be concluded that the merits of the case warrant action by the Congress, the Air Force would interpose no objection.

Mr. William Heidman of Grand Rapids, Mich., was granted the patent referred to in the bill which relates to a coupling unit for use with cargo parachute. As is explained in the Air Force report to the House committee this unit is designed to release the cargo automatically from the parachute when the cargo touches the ground. The Air Force notes that the patent discloses two forms of the coupling unit. The Air Force report notes that these two embodiments relate to the use of metal balls which perform the function of aiming and then releasing the coupling unit in the course of a parachute drop. While the language of the Air Force report is somewhat technical, it summarizes the sequence of functions involved in the operation of the unit as contemplated in the patent. In this connection, the Air Force report stated:

"U.S. Patent No. 2,693,980 relates to a coupling unit for use with cargo parachutes. The unit is designed to release automatically the cargo from the parachute when the cargo touches the ground. Two embodiments of the coupling unit are disclosed in the patent. The first, disclosed in figure 1-7, comprises a pair of releasably engaged coupling members and a first set of metal balls for releasably locking the two members together.

A second set of metal balls, in an initial setting of the device, prevents release of the locking members. However, after responding to a condition occurring after the parachute has opened with a load attached thereto by means of the device, the second set of metal balls drops through an opening into a lower container. This "arms" the device so that when load tension is relieved, as when the load reaches the ground, the locking members may separate to release the load. The second embodiment of the invention, disclosed in figures 8–10 of the patent, is a hook-type coupling unit which incorporates only a single set of balls corresponding to the second set of arming balls of the first embodiment. In this case, the balls position a locking bar against spring pressure which tends to move the bar to open the hook and release a cargo attached to the hook. Under load conditions, the balls are released, as in the first embodiment, and under a subsequent no-load condition, as when the load reaches the ground, the bar is released and the hook is opened."

The facts concerning Mr. Heidman's efforts to assert his claim against the Government are outlined in the departmental report and were discussed at a hearing on the bill held on Wednesday, April 15, 1970 by the Claims Subcommittee of the House Judiciary Committee. In September of 1951, the Air Force conducted tests on devices brought to the attention of the Air Force by Mr. Heidman. These tests were conducted at the Wright Air Development Command and involved devices similar to that shown in figures 1 through 7 of his patent. The same command has advised that Mr. Heidman early in 1952 supplied them with a disclosure containing illustrations similar to figures 8 through 10 of the patent. Beginning on February 14, 1955, Mr. Heidman raised the question of a possible infringement by the Government of his patent. In a letter dated November 8, 1955, Mr. Heidman stated specifically that claims 9 and 10 of his Patent No. 2,693,980 appeared to be infringed by cargo parachute ground releases then being procured by the Air Force. The Air Force conclusion was that there was no actual infringement because of the manner in which the claims in the petition were phrased and accordingly, the claim was denied by a letter dated December 28, 1955. At his request, his claim was reconsidered on a number of occasions and were the subject of several conferences between Mr. Heidman, his attorneys, and attorneys from the Patent Division of the Office of the Judge Advocate General of the Air Force. As has been noted, the Air Force position is that the claims of his Patent No. 2,693,980 are not broad enough to read upon the structure of the cargo release couplings procured by the Air Force. In addition, the Air Force appears to have questioned the patentability of a broadened patent claim.

However, the Air Force report states that none of the prior art considered by the Air Force disclosed the feature of a set of balls designed, on initial setting, to prevent the opening of a parachute release device and, in response to a subsequent condition (i.e., load tension on the device), to arm the device to be opened when the load tension is removed. This feature is common both to the patent disclosure and to the Air Force devices. This is, of course, basic to this claim. In order to gain a better understanding of this circumstance, as well as the patent implication of the Air Force position that Mr. Heidman's patent did not apply to the construction of the coupling devices procured by the Air Force, prompted the House subcommittee to schedule the hearing on April 15, 1970. The Air Force in its report recommends that the Air Force benefited by adopting a substantial feature of Mr. Heidman's proposal even though in its opinion the claims of his patent failed to cover the construction of the devices subsequently procured by the Air Force. The Air Force report stated its conclusions as follows:

"In view of its holding of noninfringement by the Air Force of Mr. Heidman's patent, as set forth above, the Department of the Air Force considers itself without authority to compensate Mr. Heidman through an administrative settlement. However, it is acknowledged that Mr. Heidman submitted his invention to the Air Force for evaluation and testing, the arming and releasing feature of which, as previously described, was incorporated into the release devices procured by the Air Force. Thus, the Air Force did benefit by adopting a substantial feature of Mr. Heidman's proposal, even though the issued claims of his patent failed, in the opinion of this department, to cover the construction of the Air Force devices. Accordingly, if the committee believes the merits of this case warrant favorable action, then the Air Force interposes no objection."

At the hearing before the House subcommittee, the Air Force testified that subsequent to the disclosures made by Mr. Heidman, a different type of parachute device was designed. However, this device embodied the "substantial feature" referred to in the above quotation from the Air Force report. This feature involves the use of a concept which is common to Mr. Heidman's original technical proposals in his patent disclosure and the device that the Air Force ultimately procured for use in connection with cargo parachutes. The House committee found that the department report and the testimony at the hearing established the fact that the Air Force used Mr. Heidman's disclosure as made in his technical proposals, liked the idea, but then due to deficiencies in the precise structure he disclosed, redesigned it. However, the redesigned unit retained the central inventive concept which relates to the arming and releasing feature of the ball chamber. This is the feature which is common with the Heidman disclosure and the Heidman patent.

The House committee has concluded that the facts and circumstances referred to above and outlined in the departmental report establish the basis for legislative relief in this instance. The House Committee concluded that the Air Force report clearly shows that due to the technical limitations of the claims stated in Mr. Heidman's patent, there was no infringement within the strict meaning of the patent laws. It is equally clear that the Air Force used the concept and derived a benefit from that use. Mr. Heidman's only recourse was to appeal to the Congress for relief. The Air Force has indicated that it would have no objection to favorable consideration of the bill but suggests a reduction of the amount stated in the bill. The Air Force report outlines the basis for recovery in parallel situations and concluded that the figure of $12,000 would be reasonable. After a consideration of the situation including the long history of efforts by Mr. Heidman for recognition of his claim, the House committee concluded that a figure of $15,000 would provide adequate compensation. Accordingly, the bill was approved by the House committee in the amount of $15,000.

The committee concurs in the action taken by the House of Representatives and recommends favorable consideration of H.R. 12128, without amendment.

AMENDMENT OF THE CONSOLIDATED FARMERS HOME ADMINISTRATION ACT

The bill (H.R. 11547) to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans was announced as next in order.

Mr. HOLLAND. Mr. President, before this bill is passed, let me say that I do not have any objection to its passage affecting loans from the Consolidated Farmers Home Administration but I opposed the bill in committee. I am opposed to enactment of the bill but I have no objection to its consideration because I realize that we are in the last stages of this session and I would not want to object so that the disapproval of one Senator would block Senate action on the bill.

The bill was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1441), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

SHORT EXPLANATION

This bill would—

(1) Increase the maximum indebtedness against the farm or other security which could result from a farm ownership loan under the Consolidated Farmers Home Administration Act of 1961 to $100,000 (from $60,000);

(2) Extend veterans' preference for loans under that act to Vietnam era veterans; and

(3) Exempt veterans from the requirement that borrowers have a farm background.

NEED FOR INCREASING INDEBTEDNESS LIMIT

Inflation in recent years has increased the cost of an economic farm unit. The $60,000 limit, which was enacted in 1961, is no longer adequate.

COST

While the bill would increase the maximum limitation on individual indebtedness, it may result in sounder loans and sounder farm operations. It is not anticipated, therefore, that it will result in any additional Government cost.

RANDALL L. TALBOT

The bill (S. 1985) for the relief of Randall L. Talbot was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Randall L. Talbot, of Upper Marlboro, Maryland, is relieved of liability to the United States in the amount of $564.80, representing amounts received by him as reimbursement for costs incurred in connection with the purchase of a new home incident to a change of official stations required by his employment by the Government of the United States. In the audit and settlement of the amounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1458), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

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PURPOSE

The purpose of the bill is to relieve Randall L. Talbot of liability to the United States in the amount of $564.80 which was paid to him by the Department of Labor in reimbursement of expenses arising from the purchase of a new home incident to a permanent change of official station as an employee of this Department.

STATEMENT

The bill, S. 1985, bears the favorable endorsement of the Department of Labor.

The facts of the case as contained in the departmental report are as follows:

"Section 4.1d of Bureau of the Budget Circular No. A–56, as revised October 12, 1966, imposed a limitation of 1 year within which reimbursement may be obtained by a Federal employee for the expenses of the sale or purchase of a residence after the date of reporting for duty at a new official station. Section 1.3d of the same Budget circular permitted reimbursement of travel expenses which were paid within 2 years of the same change of official duty station.

"Mr. Talbot reported for duty at his new official station on October 23, 1966. The settlement date for the purchase of his residence at his new official station was November 15, 1967, just 3 weeks in excess of 1 year after he reported for duty.

"Mr. Talbot was advised by the Department that the controlling date governing the allowability of his claim would be the date on which he contracted to buy the new home—April 25, 1967, rather than the settlement date. Accordingly, reimbursement of $564.80 was made to Mr. Talbot by the Department of Labor. Exception to the payment was taken by the U.S. General Accounting Office and Mr. Talbot is making payments of $21.72 biweekly through payroll deductions to liquidate the indebtedness to the United States.

"In view of the misunderstanding by this Department and Mr. Talbot of the time within which Mr. Talbot could be reimbursed for the expenses incurred in purchasing a new home after a permanent change of official station, and the very brief period of 3 weeks involved, I favor S. 1985 as the only means of correcting a misunderstanding which has resulted in hardship for Mr. Talbot."

In agreement with the views of the Department the committee recommends the bill favorably.

AMENDING THE INTERNAL REVENUE CODE RELATING TO DISTILLED SPIRITS

The bill (H.R. 10517) to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes, was announced as next in order.

Mr. HOLLAND. Mr. President, I have an amendment at the desk. I ask that I may be permitted to have it considered because I understood from the leadership and the Finance Committee that there was no objection at all to its consideration. The amendment is printed and is now at the desk. I shall explain it briefly.

Mr. President, I am perfectly willing for the bill to be passed with a brief explanation which may want every Senator to have it passed.

There was a provision for the admission of imported spirits and that was so interpreted as to prevent Bacardi coming from the Virgin Islands or Puerto Rico which are parts of the United States as being imported for storage and being handled as such spirits imported from France or Italy or other foreign nations would be imported.

The Committee on Taxation, the chairman of the Finance Committee, the ranking majority member—and the Treasury, by the way, all requested this amendment, and I would like for the amendment to be reported. I think it would be clear that is all that will be accomplished by it.

The PRESIDING OFFICER. The clerk will state the amendment. The assistant legislative clerk read as follows:

At the end of the bill insert the following new section:

"SEC 7. AMENDMENTS OF SECTION 5232.

"(a) The first sentence of section 5232(a) (relating to transfer of imported distilled spirits) is amended to read as follows: 'Distilled spirits imported or brought into the United States in bulk containers may, under such regulations as the Secretary shall prescribe, be withdrawn from customs custody and transferred in such bulk containers or by pipeline to the bonded premises of a distilled spirits plant without payment of the internal revenue tax imposed on such distilled spirits.'

"(b) Section 5232(b) (relating to withdrawals) is amended by striking out 'Imported distilled spirits' and inserting in lieu thereof 'Distilled spirits'."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1468), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

I. SUMMARY

The bill, H.R. 10517, makes a series of amendments to the distilled spirits tax provisions of the Internal Revenue Code, which in general are designed to remove restrictions no longer needed for effective enforcement of the revenue and regulatory aspects of these provisions. They can be summarized as follows:

(1) The bill extends the circumstances under which refunds, etc., of tax may be made in the case of losses from accidents occurring on distilled spirits plant premises.

(2) The bill permits voluntary destruction of distilled spirits in other situations, in addition to those now allowed. This voluntary destruction at present is permitted only before completion of bottling; the bill permits destruction after completion of bottling so long as the distilled spirits are on the bottling premises.

(3) Under present law, where voluntary destruction is permitted, refund, etc., is allowed for the basic $10.50-a-gallon tax on distilled spirits; the bill also authorizes refund, etc., of the taxes on rectification.

(4) The bill liberalizes the application of the loss provisions of present law relating to accidents, casualties, evaporation, etc., and of this bill (No. 1, above) in the case of distilled spirits returned from the market to their initial bottling premises.

(5) The bill provides a mechanism whereby foreign embassies (and others who may acquire imported distilled spirits without payment of internal revenue taxes and customs duties) may acquire domestic distilled spirits without payment of internal revenue taxes.

(6) Present law imposes expensive penal bond requirements when distilled spirits premises are subject to involuntary liens (such as mechanic's liens), even where the liens are in small amounts. The bill permits the proprietor of a distilled spirits plant to protect the interest of the Government in such a case by filing a bond in the amount of the involuntary lien, without the necessity of filing a bond for the entire value of the property subject to the involuntary lien.

(7) To permit more efficient use of bottling facilities, the bill permits distilled spirits to be treated as though bottled in bond, even though bottled in the regular bottling plant premises, if the bottling is done under strict Internal Revenue Service supervision and if the appropriate proof, etc., requirements are met.

The Treasury Department has indicated that it has no objection to the enactment of this bill.

II. GENERAL EXPLANATION

A. Accidental losses of distilled spirits (first section of the bill and sec. 5008(c) of the code)

Present law.—The internal revenue tax on distilled spirits generally is determined when the spirits are withdrawn from bond. Refund (credit, abatement or remission) of this tax may be made when distilled spirits which are withdrawn for rectification or bottling are lost either: (1) by accident during removal to the bottling premises or (2) by flood, fire, or other disaster before removal from the premises of the distilled spirits plant (to which the spirits were removed from bond).

In addition, refund, etc., may be made as to losses (including those from accidents or evaporation) occurring before the completion of the bottling process if they resulted from authorized rectifying or bottling procedures. However, these losses are allowable only if they do not, for the fiscal year, exceed a maximum loss allowance schedule set forth in the code.

General reasons for change.—The committee concluded that present law is too restrictive with regard to losses occurring on the distilled spirits plant premises. In 1968, refund, etc., was permitted as to "casualty" losses occurring after completion of the bottling process but before removal from the distilled spirits plant. The committee believes it is appropriate to provide essentially the same type of treatment in the case of other large accidental losses. Since refund, etc., will be allowed under this provision only as to losses occurring before removal from the distilled spirits plant premises, no administrative difficulties are foreseen.

Explanation of provisions.—The bill allows refund, etc., of the basic distilled spirits tax ($10.50 per gallon, imposed by sec. 5001(a) (1)) if an accidental loss occurs on the distilled spirits plant premises in those cases where the loss from a single accident amounts to at least 10 proof gallons. This permits the filing of claims on an individual claim basis without regard to the maximum loss allowance schedules referred to above.[1]

As a practical matter, the most significant effects of this change are to permit refund, etc., of the tax whether or not the loss is incident to the bottling process, and also even though it may occur after completion of that process. In these cases the bill also allows the loss without regard to the maximum loss allowance schedule.

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[1] Losses of less than 10 proof gallons, for which refunds, etc., are allowable under the maximum loss allowance schedule of present law, will continue to be allowable under that schedule.

B. Voluntary destruction of distilled spirits (sec. 2(a) of the bill and sec. 5008(b) of the code)

Present law.—Present law permits the Internal Revenue Service to refund (credit, abate or remit) the $10.50-per-gallon distilled spirits tax where voluntary destruction of distilled spirits occurs before, but not after, the completion of bottling. The destruction may occur only where the proprietor finds the spirits unsuitable for use.

Voluntary destruction may be accomplished under these provisions only after application to the Internal Revenue Service for the destruction, after gauging to accurately determine the amount to be destroyed, and where the destruction occurs under Service supervision.

General reasons for change.—The committee concluded that the present provisions regarding voluntary destruction of tax-paid or tax-determined distilled spirits are unnecessarily restrictive, in light of the existing authority of the Service to require advance application, gauging, and supervision. So long as such authority continues to be properly exercised, the committee concluded that many of the other restrictions of present law could be substantially relaxed.

Explanation of provisions.—The bill removes the requirement that the decision to destroy the distilled spirits must be made before completion of bottling, but continues to require that at the time of destruction the distilled spirits be on the bottling premises to which they had been removed from bond for the refund, etc., to be available. Voluntary destruction is to be permitted whether those distilled spirits are on the bottling premises because: (1) bottling had not been completed (as under present law); (2) bottling had been completed but the bottled distilled spirits had not been removed from the premises; or (3) the distilled spirits had been removed but were returned to the bottling premises to which they had been originally removed from bond.[2] To facilitate administration the bill retains the requirement that the distilled spirits be on the bottling premises to which they were removed from bond, rather than on other bottling premises.

Present law premits refund, etc., of only the basic distilled spirits tax (sec. 5001(a)(1)) in the case of voluntary destruction. The committee concluded that there is no more reason to retain the rectification taxes (imposed under sections 5021, 5022, and 5023 at the rates of 30 cents per proof gallon, or $1.92 per wine gallon, depending upon the applicable provisions) than there was to retain the basic tax of $10.50 per gallon in such circumstances. Accordingly, the bill provides that the rectification tax may be refunded, etc., in the case of voluntary destruction, in addition to the basic tax.

The bill also removes the requirement of present law that the proprietor make a finding that the distilled spirits are "unsuitable for the purpose for which intended to be used." Since this presently is only a finding of the taxpayer, it is in fact largely a matter of form.

C. Returning of distilled spirits (*secs.* 2(*b*) *and* (*c*) *of the bill and secs.* 5008(*c*) *and* 5215 *of the code*)

Present law.—Under present law distilled spirits returned to bottling premises are not eligible for refund (or credit, abatement or remission) of taxes on account of the various types of losses allowed under present law (sec. 5008). Moreover, presently distilled spirits may be returned to bonded premises (i.e., the point before which a tax is determined or paid) only if they had been withdrawn in bulk containers, are later found unsuitable before removal from their original containers, and, immediately upon return, are destroyed, redistilled, denatured, or mingled.

General reasons for change.—The committee concluded that appropriate administration of the distilled spirits tax and regulatory provisions does not require such stringent limitations on the return of distilled spirits to bonded premises. It believes that so long as there is an opportunity for adequate supervision by Internal Revenue Service personnel and proper gauging and recordkeeping of the distilled spirits returned, the returns ought to be permitted and, in general, treated thereafter as though the returned distilled spirits had never left the bonded or bottling premises. However, these liberalized rules do not permit storage of distilled spirits in violation of the requirement (sec. 5006(a)(2)) that the tax on distilled spirits be determined within 20 years from the original entry for storage in bonded premises.

Explanation of provisions.—The bill permits distilled spirits returned to bottling premises to be treated, for purposes of the various loss provisions (under sec. 5008(c)) as though they had not been removed from the bottling premises. (One of the changes discussed above made by section 2(a) of the bill, also permits distilled spirits returned to bottling premises to be eligible for refund, etc., of tax upon voluntary destruction.) The bill also permits distilled spirits to be returned to bonded premises (with refund, etc., of tax under sec. 5008(d) of the code) and thereafter to generally be treated as though they had not left the bonded premises.

Distilled spirits to qualify under this provision are to be returned only to the bottling premises from which they were removed. Upon return, they are to be dumped and gauged in order to accurately determine the amount of the distilled spirits returned. Thereafter, those distilled spirits would be eligible for refund. etc., of tax in the case of losses in the same manner as distilled spirits which had not been removed from the bottling premises. (See discussion above, under *Accidental losses of distilled spirits*, for a summary of the manner in which taxes may be refunded, etc., in the case of various kinds of losses.[3]

The bill also eliminates as no longer necessary several of the requirements of existing law under which distilled spirits may be returned to bounded premises under this provision. First, the distilled spirits may be returned to the bonded premises even though they are no longer in their original container (for example, if they have been bottled or otherwise packaged for retail.[4] Second, they may be returned even though they were not removed in bulk containers (for example, if they have been bottled in bond). Third, they may be returned without requiring that the proprietor find the spirits unsuitable for the use intended.

In addition distilled spirits returned to bonded premises under this provision need not be "immediately" destroyed (sec. 5008), denatured (sec. 5241), redistilled (sec. 5223), or mingled (sec. 5234). The last change is intended to permit accumulation for short periods of time so that the denaturation, redistillation, or mingling may be accomplished in quantities sufficiently large to make the operation economically worthwhile. Removal of this "immediacy" requirement is not intended to be applied in such a manner as to enable the storage of the returned distilled spirits in bonded premises.

Finally, this provision permits mingling of the distilled spirits upon return to bonded premises where they are heterogeneous with the spirits with which the mingling occurs in accordance with the detailed mingling provisions of section 5234(a)(1)(B). As a result, the only mingling not permitted in the case of the returned distilled spirits is that described under section 5234(a)(1)(C), relating to homogeneous spirits; this is because the mingling, which is one frequently for further storage in bond, may result in avoidance of the "20-year force-out" rule referred to above, and this provision is not intended either to change that rule or to otherwise permit additional storage in bond.

D. Distilled spirits for use of foreign embassies, legations, etc. (*sec. 3 of the bill and new sec. 5066 of the code*)

Present law.—Under present law, distilled spirits may be withdrawn from bond taxfree tax for export. Distilled spirits upon which tax has been paid or determined may be exported and the owner may receive repayment of the tax by way of drawback.

Imported distilled spirits are subject to the same taxes that would have been paid on those items had they been produced in the United States. However, items may be imported tax-free for the official or family use of foreign governments, public international organizations, and certain individuals associated with those governments and organizations. This exemption from tax on imported items does not extend to exemption from the internal revenue taxes on a domestically produced item of the same or similar type.

General reasons for change.—Presently, if a bottle of distilled spirits is exported and then returned to the United States and withdrawn from customs by representatives of a foreign government, then neither the internal revenue tax nor the customs duty need be paid. However, it normally is not economically feasible to export an item and then import it. Also, such transactions on a significant scale would cast doubt upon the bona fides of the original exportation and might result in a determination that the distilled spirits should have been taxed in the first place.

In contrast, a bottle of distilled spirits produced in a foreign country, imported into the United States, and withdrawn for proper purposes by a representative of a foreign government would bear less transportation costs and would clearly be exempt from both customs duties and our internal revenue taxes on distilled spirits. The result is that representatives of foreign governments find it significantly less expensive to import foreign distilled spirits than to buy domestic distilled spirits.

The purpose of this provision is to enable domestic distilled spirits to compete in this segment of the market. In effect, this provision permits domestically produced distilled spirits placed in customs warehouses to be treated in the same manner as imported distilled spirits for purposes of making them available to foreign embassies on a competitive basis. Distilled spirits entered into customs bonded warehouses and then withdrawn for other purposes would be subject to customs duties.

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[2] Under existing law (secs. 5044 and 5056 of the code), wine and beer may be returned and destroyed and taxes be refunded, etc., under circumstances similar to those provided in this bill as to distilled spirits.

[3] The provision of the bill discussed in this paragraph replaces sec. 5008(c)(5) of the code, an unrelated provision which has become obsolete.

[4] Since the bill eliminates the requirement that the distilled spirits be returned in their original bulk containers, it also strikes out, as no longer needed, the special rule under which pipelines may be treated as such containers. However, since other alcoholic ingredients (such as wines) may have been added after removal from the original container and since refund, etc., should not be allowed for these ingredients at the distilled spirits tax rate, this privilege of returning to bonded premises is not to be available for any products to which alcoholic ingredients other than taxpaid distilled spirits have been added.

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Distilled spirits (whether domestic or imported) are allowed to be withdrawn by embassies free of tax on the basis that they are for the use of the embassy. In view of the indication that some lesser employees of embassies have in the past resold distilled spirits illegally, the committee believes the Internal Revenue Service should keep a record of distilled spirits (whether domestic or imported) which the embassies obtain free of tax. If there is any indication that an unusual unexplained volume of distilled spirits was obtained free of tax, the Service should report the matter to the committee with suggestions as to legislative changes needed to deal with the problem.

Explanation of provisions.—This provision specifies that distilled spirits bottled in bond may be withdrawn from bonded premises and transferred to customs bonded warehouses without payment of tax for the use of foreign governments, public international organizations, and individuals who are entitled to withdraw imported distilled spirits from these warehouses free of tax. (As provided in items 822.10, 822.20, 822.30, and 822.40 of part 2 and items 841.10 and 841.20 of part 3 of schedule 8 of the Tariff Schedules of the United States (TSUS), 19 U.S.C. 1202.) Distilled spirits upon which tax has been paid (or determined) also may be entered into one of these warehouses for the same purpose. Where this is done they are to be treated as having been exported (and thus eligible for drawback of tax) at the time they are entered into the warehouses.

Domestic distilled spirits which have been entered into customs bonded warehouses under these provisions may be withdrawn from those warehouses free of tax for consumption in the United States by representatives of the foreign governments, etc., who are entitled to withdraw from such warehouses free of customs duties. They must be withdrawn by the person entitled to withdraw for the official or family use of that person; they may not be withdrawn as an accommodation for other people, for sale, or for consumption outside the United States.

Domestic distilled spirits which have been entered into customs bonded warehouses under this provision tax-free (or upon drawback of tax) may be withdrawn for regular domestic use. However, where this occurs they will then be treated as American goods exported and returned, and customs duties must be paid in amounts equal to the internal revenue taxes that otherwise would have applied. (See item 804.00 of part 1 of schedule 8, TSUS.) Distilled spirits withdrawn from a customs bonded warehouse which are improperly withdrawn or which are sold or improperly used, and any persons improperly withdrawing or selling, or improperly using such spirits, will be subject to all the provisions of law relating to taxable distilled spirits (including those imposing taxes) providing for forfeitures, and otherwise providing criminal or civil sanctions.

E. Involuntary liens on distilleries, etc. (*sec. 4 of the bill and sec. 5173*(*b*) *of the code*)

Present law.—The basic $10.50-per-gallon tax on distilled spirits is a first lien on the distillery used for producing the distilled spirits, the stills, vessels, and fixtures in the distillery, the land on which the distillery is located, and any buildings on the land. If any part of that property is encumbered by any other lien, then the distiller is required to file a penal bond in an amount equal to the appraised value of the property subject to that other lien, up to a maximum of $300,000. This filing has the effect of lifting the statutory lien.

General reasons for change.—A consequence of the present law is that if property subject to the tax lien on the distillery (described above) is encumbered by a judgment lien for any amount, even if very small in comparison with the value of the property and even if the judgment is almost certain to be satisfied entirely out of other assets of the distiller, then the distiller must file a bond for up to $300,000.

The committee, of course, is concerned that the interests of the United States in collecting the taxes due it should be properly protected. However, this penal bond provision results at times in requiring expenditures to secure a bond in an amount that is unreasonable relative to the protection needed by the Government. For example, a $100 mechanic's lien may result in payment of many times that amount in order to secure a $300,000 bond.

Accordingly, this provision specifies that in involuntary lien situations the bond required to be filed need be only as large as is needed to protect the interest of the United States.

Explanation of provisions.—If a judgment or other lien is imposed on the distillery property upon which the United States has a first lien (under sec. 5004(b)(1) of the code) for the $10.50-per-gallon distilled spirits tax, and this judgment or other lien is imposed without the consent of the distiller, then the distiller may satisfy the additional penal bonding requirement to protect the United States by filing a bond in the amount of the judgment or other lien.

This will have no effect in the case of judgments or other liens larger than $300,000. However, in the case of smaller judgments or liens it will permit the distiller to file (and to pay the cost of) a commensurately smaller bond so long as the bond is large enough to assure that the interests of the United States have not been decreased by the judgment or other lien.

F. Bottling in bond (*sec. 5 of the bill and sec. 5178 of the code*)

Present law.—Although most bottling of distilled spirits is done on the bottling premises after the distilled spirits have been withdrawn from bond on payment (or determination) of tax, present law permits bottling in bond under certain circumstances. The bottling of distilled spirits in bond must be done under the supervision of assigned Internal Revenue Service personnel, the spirits must be at least 100 proof if for domestic use and at least 80 proof if for export, the spirits must have been kept in bond in wooden containers at least 4 years, and the other conditions and requirements of section 5233 of the code must be met.

General reasons for change.—As indicated above, most distilled spirits are not bottled in bond. Many distillers do not have a sufficient volume of operations to economically maintain bottling facilities within the bonded premises in addition to, and separate from, the facilities on their bottling premises. To permit more economical operations, the bill authorizes the use of a distiller's regular bottling facilities to produce "bottled in bond" distilled spirits under such supervision as is necessary to ensure that the product meets the same requirements as to proof, etc., as are imposed in the case of distilled spirits bottled in the distiller's bonded premises.

Explanation of provisions.—This provision permits a product to be stamped and labeled as distilled spirits bottled on bonded premises even though a proprietor of a distilled spirits plant uses bottling facilities outside of his bonded premises, but only if the bottling occurs under the same supervision required for, and in accordance with the conditions and requirements applicable to, distilled spirits bottled in bond. The taxes on distilled spirits bottled under these provisions will continue to be determined on withdrawal from bonded premises and before bottling.

G. Effective dates (*sec. 6 of the bill*)

The amendments made by this bill are to take effect on the first day of the first calendar month which begins more than 90 days after the date of enactment of the bill.

The provisions dealing with losses and voluntary destruction apply to losses and voluntary destruction occurring on or after that date; those treating returned distilled spirits as though they had not been withdrawn from the bonded or bottling premises, apply to returns of distilled spirits on or after that date; those dealing with bonds required in the case of involuntary liens apply to bonds filed on or after that date without regard to the time when the judgement or other lien may have arisen.

Mr. HOLLAND subsequently said: Mr. President, some moments ago the Senate took up and passed H.R. 10517, an act to amend certain provisions of the Internal Revenue Code. Attached thereto at my urgent request was an amendment.

I find that I have a copy of the letter which I wrote on July 7 to the distinguished chairman of the Finance Committee, the Senator from Louisiana (Mr. LONG) describing the situation upon the basis of which that amendment was passed, on the basis of which he told me there would be no objection to the amendment. I ask unanimous consent that the letter be printed in the RECORD at the appropriate place.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., July 7, 1970.

Hon. RUSSELL LONG,
Chairman, Committee on Finance,
U.S. Senate,
Washington, D.C.

DEAR RUSSELL: I have been advised that when the Internal Revenue Laws were amended by the Act of September 22, 1968, Public Law 90–630, 82 Stat. 1328, effective February 1, 1969, Section 5232(a) I.R.C. was amended, authorizing the entry of imported distilled spirits in bulk containers into Internal Revenue bonded warehouses.

By an oversight, when the legislation was considered, distilled spirits produced in the Virgin Islands and Puerto Rico were overlooked.

It is my understanding that the Internal Revenue Service has recommended that Section 5232(a) and (b) be amended to correct this oversight. In its recommendation to Congress, I.R.S. stated:

"Existing law makes provision for distilled spirits imported in bulk but does not similarly provide with respect to distilled spirits brought in from Puerto Rico or the Virgin Islands However, existing law does provide similar treatment for cigars and cigarettes brought in from Puerto Rico or the Virgin Island as is accorded to imported cigars and cigarettes.

"There appears to be no substantial reason to provide less favored treatment to distilled spirits brought in from Puerto Rico and the Virgin Islands than is accorded to imported products. The taxes imposed under section 7652 would when collected be paid over as provided in this section."

It is my understanding that the proposed amednments to Sections 5232 (a) and (b) I.R.C. have been incorporated into HR 17971, a bill to simplify the Internal Revenue Code of 1954, introduced on June 9, 1970 by Congressman Mills. These amendments appear in Section 524 on page 140 of the bill and are as follows:

"SEC. 524. AMENDMENTS OF SECTION 5232.

"(a) The first sentence of section 5232(a) (relating to transfer of imported distilled spirits) is amended to read as follows: "Dis tilled spirits imported or brought into the United States in bulk containers may, under such regulations as the Secretary shall prescribe, be withdrawn from customs custody and transferrd in such bulk containers or by pipeline to the bonded premises of a distilled spirits plant without payment of the internal revenue tax imposed on such distilled spirits.'

"(b) Section 5232(b) (relating to withdrawals) is amended by writing out 'imported distilled spirits' and inserting in lieu thereof 'Distilled Spirits'."

Due to the very magnitude of HR 17971, containing 173 pages, it is doubtful that the legislation will be enacted in this Congress.

There is urgent need for the passage of the proposed amendments to Section 5232 (a) and (b) I.R.C. in order to relieve the burdensome discrimination against Puerto Rican and Virgin Islands distilled spirits. And I might add that the Bacardi Corporation which imports in bulk from Puerto Rico is planning new facilities in Jacksonville, Florida, containing some 53,000 sq. ft. at the initial cost of $4.5 million, and will employ a minimum of 50 persons and as the volume grows, more people will be employed and the plant expanded. This will add greatly to the economy of that area. However, full utilization of the plan will be dependent upon the proposed amendments to Section 5232 (a) and (b) I.R.C.

In view of the foregoing, I respectfully request that your Committee give favorable consideration to amending HR 10517, passed by the House on July 6, 1970, and dealing entirely with amendments to distilled spirits provisions of the Internal Revenue Code of 1954, to include these amendments to Section 5232 (a) and (b), as stated above, and thereby correct the oversight in the passage of Public Law 90–630, 82 Stat. 1328.

With kind regards, I remain

Your faithfully,

SPESSARD L. HOLLAND.

P.S.—I am enclosing a copy of a letter dated July 3, 1970 from Charles D. Towers, Jr., of the law firm Rogers, Towers, Bailey Jones and Gay of Jacksonville, Florida. You will find this self-explanatory.

S.L.H.

MRS. PEARL C. DAVIS

The bill (H.R. 7264) for the relief of Mrs. Pearl C. Davis was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1485), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to provide that for the purposes of determining the entitlement of Mrs. Pearl C. Davis, of New Haven, Conn., to widow's insurance benefits under section 202(e) of the Social Security Act on the basis of the wages and self-employment income of her late husband Alver C. Davis at the time she first filed application for such benefits in 1954. There shall be paid to the said Mrs. Pearl C. Davis, in a lump sum from the Federal Old-Age and Survivors Insurance Trust Fund, an amount equal to the total of the additional widow's insurance benefits (for the period beginning with the month of April 1955, and ending with the month preceding the first month for which she was entitled to such benefits without regard to this act) to which are payable to her by reason of the preceding sentence.

STATEMENT

The bill, H.R. 7264, would make it possible for Mrs. Pearl C. Davis, to be deemed to have established that she was the legal widow of Alver C. Davis at the time she first applied for widow's benefits in April 1954. The bill would further make it possible to pay Mrs. Davis an amount equal to the widow's benefits she would have received from the period April 1955 to November 1962. The information supplied to the committee indicates that Mrs. Pearl C. Davis is advanced in years and her understanding of matters such as this is limited so that her comprehension of the formal requirement of claims and appeals inhibited her attempts to secure widow's benefits. It appears that it was not until she received the assistance of an attorney that the relatively simple proof required in this case was submitted and her entitlement to benefits was confirmed.

The attempts by Mrs. Davis to secure widow's benefits date back to April 1954 when she reached age 65 and applied for social security widow's benefits based on the earnings record of Alvert Davis (account No. 044–12–3912). Because Mrs. Davis failed to submit proof of her marriage to Mr. Davis and to establish that she was his legal widow, her claim was disallowed and a notice of the disallowance was sent to her on June 16, 1954.

On September 23, 1954, Mrs. Davis filed a new application for widow's benefits. Since she again failed to submit proof of her marriage to Mr. Davis and to establish that she was his legal widow, her claim was disallowed. A notice of the second disallowance was sent to her on January 26, 1955.

On both of these occasions she was advised of her right to appeal the decision made in her case, but she did not avail herself of this right.

The most apparent and truthful answer seems to be that she simply did not understand the meaning of the word and had considerable difficulty even appreciating the reason for her denial. In lieu of any appeal, she persisted in making applications on a somewhat rapid-fire basis.

Efforts were made by the Social Security Administration to assist Mrs. Davis to develop proof of her marriage by checking with the Bureau of Vital Statistics in New York City and by trying to locate records at the church in which Mrs. Davis alleged she was married; the results of these contacts proved negative.

Mrs. Davis again filed an application on November 27, 1963, for widow's insurance benefits, and submitted a warranty deed dated September 20, 1938, which she had witnessed as Mrs. Pearl C. Davis. On March 17, 1964, after she had been advised that she still had not submitted proof that she was the legal widow of Mr. Davis, Mrs. Davis asked that her claims not be pressed any further, and accordingly her claim was disallowed.

Mrs. Davis and her attorney later appealed this decision, however, and submitted further evidence, which showed that Mr. and Mrs. Davis had in 1942 and 1943 filed joint tax returns. A letter from the Metropolitan Life Insurance Co. stated that Mrs. Pearl C. Davis was designated as Alver C. Davis' beneficiary and shown as his wife on an insurance policy issued prior to his death, and statements by two neighbors that the couple were always known as husband and wife were also submitted.

On the basis of the evidence submitted, it was determined that Mrs. Davis was the legal widow of Alver C. Davis and was therefore entitled to benefits based on her application of November 1963. Section 202(j) (1) of the Social Security Act provides that benefits are payable for up to 12 months preceding the month in which an application is filed if the individual could have been entitled to benefits for that period had he applied. November 1962 was therefore the first month for which Mrs. Davis was entitled to social security benefits.

Mrs. Davis and her attorney have appealed this decision and have requested that she be paid benefits from April 1955, rather than from November 1962.

The House Committee reviewed the history of this case and concluded that it is a proper subject for legislative relief. The issue in this case is not Mrs. Davis' right to benefits for it has been established that she was, in fact, a widow eligible to benefits under the Social Security Act. She was just as eligible at the date of her first application as she was when benefits began to be paid to her. These benefits were intended to aid and protect widows like Mrs. Davis. The committee is in agreement with the House Committee that this bill is meritorious and accordingly recommends favorable consideration of H.R. 7264 without amendment.

HENRY HOLLAND BUCKMAN LOCK

The bill (H.R. 956) to rename a lock of the Cross-Florida Barge Canal the Henry Holland Buckman lock was considered, ordered to a third reading, read the third time, and passed.

TOTTEN TRAIL PUMPING STATION

The bill (H.R. 3107) to officially designate the Totten Trail pumping station was considered, ordered to a third reading, read the third time, and passed.

LAKE KOOCANUSA

The bill (H.R. 7334) to designate the lake formed by the waters impounded by the Libby Dam, Mont., as Lake Koocanusa was considered, ordered to a third reading, read the third time, and passed.

COFFEEVILLE LOCK AND DAM

The bill (H.R. 8933) to provide that the lock and dam referred to as the Jackson lock and dam on the Tombigbee River, Ala., shall hereafter be known as the Coffeeville lock and dam was considered, ordered to a third reading, read the third time, and passed.

LAKE OCKLAWAHA

The bill (H.R. 12564) to rename a pool of the Cross-Florida Barge Canal "Lake Ocklawaha" was considered, ordered to a third reading, read the third time, and passed.

LITTLE GOOSE LOCK AND DAM

The bill (H.R. 13862) to authorize the naming of the reservoir to be created by the Little Goose lock and dam, Snake River, Wash., in honor of the late Dr. Enoch A. Bryan was considered, ordered to a third reading, read the third time, and passed.

JOHN H. OVERTON LOCK AND DAM

The bill (H.R. 14683) to designate as the John H. Overton lock and dam the lock and dam authorized to be con-

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structed on the Red River near Alexandria, La., was considered, ordered to a third reading, read the third time, and passed.

MICHAEL J. KIRWAN DAM AND RESERVOIR

The bill (H.R. 18858) to change the name of the West Branch Dam and Reservoir, Mahoning River, Ohio, to the Michael J. Kirwan Dam and Reservoir was considered, ordered to a third reading, read the third time, and passed.

BLUE LAKE

The bill (H.R. 19855) to designate the lake formed by the waters impounded by the Butler Valley Dam, Calif., as Blue Lake was considered, ordered to a third reading, read the third time, and passed.

CONSENT TO THE CITY OF BOSTON, MASS., TO CONSTRUCT, MAINTAIN, AND OPERATE A CAUSEWAY AND FIXED-SPAN BRIDGE IN FORT POINT CHANNEL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1518, H.R. 17750.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 17750) to grant the consent of Congress to the City of Boston to construct, maintain, and operate a causeway and a fixed-span bridge in Fort Point Channel, Boston, Massachusetts.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

The bill was considered, ordered to a third reading, read the third time, and passed.

PROHIBITING CERTAIN USES OF LIKENESSES OF THE U.S. SEAL AND SEALS OF THE PRESIDENT AND VICE PRESIDENT

Mr. HRUSKA. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1519.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 14645) to amend title 18 of the United States Code to prohibit uses of likenesses of the Great Seal of the United States, and of the Seals of the President and Vice President.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with amendments on page 3, after line 10, insert:

> (1) by adding the following clause after the second clause thereof: "protect the person of a visiting head of a foreign state or foreign government and, at the direction of the President, other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad;" and
>
> (2) by striking the words "Chief, Deputy Chief, Assistant Chief" and inserting in lieu thereof "Director, Deputy Director, Assistant Directors, Assistants to the Director".

And, after line 22, insert:

> SEC. 5. Section 3056 of title 18, United States Code, as amended by section 4 of this Act, shall be subject to Reorganization Plan Numbered 26 of 1950 (64 Stat. 1280).

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 14645) was passed.

The title was amended, so as to read: "To amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President, and to authorize Secret Service protection of visiting heads of foreign states or governments, and for other purposes."

Mr. HRUSKA. Mr. President, I ask unanimous consent that S. 4583 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TIME FOR PAYING TRIBUTES TO SENATOR EUGENE J. McCARTHY

Mr. KENNEDY. Mr. President, I ask unanimous consent that on Monday morning next, after the disposition of the reading of the Journal, there be a period of not to exceed 1 hour in which the distinguished Senator from Minnesota (Mr. MONDALE) will be recognized so that Senators will have an opportunity to pay tributes to the distinguished Senator from Minnesota (Mr. MCCARTHY) on his retirement.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO RETIRING SENATORS ON TUESDAY MORNING NEXT

Mr. KENNEDY. Mr. President, it is the intention of the leadership to ask that on Tuesday morning at the convening hour of 9 o'clock that there be a similar hour set aside for tributes to be paid to other retiring Members of the Senate. The leadership at this time wants to indicate to the membership that such request will be made so that, in the consideration of the vote on the cloture motion, we would move that vote to the hour of 10 o'clock. That is for the information of the Senate.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADE NEGOTIATIONS WITH JAPAN

Mr. DOLE. Mr. President, I regret that the Senator from Minnesota (Mr. MONDALE) is not present. I did want to report after talking to Mr. Peter Flanigan, counselor to the President, who is presently very active in our negotiations with Japan, that every effort is being made, as reported by the junior Senator from Michigan, to reach some voluntary agreement with reference to textiles.

Mr. President, I can report, based on a phone conversation within the past 5 minutes with Mr. Flanigan, that no agreement has been reached but that every effort is being made.

I can also say that there has been no contact with Mr. Flanigan by the Senator from Minnesota. As I indicated earlier, it is unfortunate to bring up a matter without checking with the source of the information and without checking to determine if there is any basis for the information.

I report to the Senate that Mr. Flanigan knows of no such agreement, hence no withdrawal from any agreement. And he has had no contact with the Senator from Minnesota.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. GRIFFIN. Mr. President, it should be restated and reiterated that it is Mr. Flanigan who has been assigned by the President to negotiate with Japan on this matter. Certainly if there were any agreement that had been reached, it is inconceivable that Mr. Flanigan would not know about it. Is that not a fair statement?

Mr. DOLE. Mr. President, I express that feeling. That is a very valid assumption, that no agreement has been reached.

I report that to the Senate and particularly to the Senator from North Carolina and hopefully the Senator from Minnesota, who is not now present.

Mr. KENNEDY. Mr. President, was any information gained about any negotiation on shoes?

Mr. DOLE. I did not discuss shoes. The question the Senator from Minnesota had reference to was textiles.

Mr. KENNEDY. Mr. President, I was wondering, if any progress had been made in these negotiations, whether the administration was making similar efforts in terms of the shoe industry. As the Senator from Kansas realizes, it has twice the percentage in terms of volume

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of exports and in excess of twice the volume in terms of dollar value.

I am exceedingly hopeful, as one who has reservations about the trade bill, that the negotiations, which I know are receiving the support of the administration, will be successful. I am certainly hopeful as well that the administration exercises similar efforts in terms of the shoe industry.

Mr. DOLE. Mr. President, let me say to the Senator from Massachusetts that I am aware of the problem. My mother-in-law in New Hampshire informs me almost every time I visit that great State. But I have no information on that.

Mr. HANSEN. Mr. President, I would like to say that I am certain that most of us who have been considering the trade bill along with the other legislation before the Finance Committee, share the concern of the distinguished Senator from Massachusetts. For what comfort it may be, let me say that I will do all I can to see that such measure of protection as can be afforded to the shoe workers and employees in the manufacture of shoes in this country will be given every consideration.

I think they deserve the protection. They should have it. I will try my best to see that it is done.

Mr. ERVIN. Mr. President, I thank my friend, the distinguished Senator from Kansas, for the information he sought and obtained on the point that was brought before the Senate by the distinguished Senator from Minnesota.

This is a matter of serious concern to which North Carolina where one out of every two persons who is employed in a manufacturing plant is employed in a textile plant.

I would also like to say to the Senator from Massachusetts that I, too, am concerned about the situation in which the shoe industry finds itself as a result of what I conceive to be very unwise trade policy.

I hope that something can be done to protect the shoe industry as well as the textile industry.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The ACTING PRESIDENT pro tempore (Mr. ALLEN) announced that on today, December 19, 1970, he signed the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

H.R. 6114. An act for the relief of Elmer M. Grade and for other purposes;

H.R. 6400. An act for the relief of Reddick B. Still, Jr., and Richard Carpenter;

H.R. 15549. An act to amend title 10, United States Code, to further the effectiveness of shipment of goods and supplies in foreign commerce by promoting the welfare of U.S. merchant seamen through cooperation with the United Seamen's Service, and for other purposes;

H.R. 17809. An act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government and for other purposes;

H.R. 19401. An act to extend for 1 additional year the authorization for programs under the Vocational Rehabilitation Act;

H.J. Res. 1416. Joint resolution fixing the time of assembly of the 92d Congress; and

H.J. Res. 1417. Joint resolution extending the dates for transmission to the Congress of the President's Economic Report and of the report of the Joint Economic Committee.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 19402) to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library, and it was signed by the Acting President pro tempore (Mr. ALLEN).

COMMUNICATION FROM AN EXECUTIVE DEPARTMENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letter, which was referred as indicated:

REMOVAL OF CERTAIN LIMITATIONS ON THE GRANTING OF RELIEF TO OWNERS OF LOST OR STOLEN BEARER SECURITIES OF THE UNITED STATES

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to remove certain limitations on the granting of relief to owners of lost or stolen bearer securities of the United States, and for other purposes (with an accompanying paper); to the Committee on Banking and Currency.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. TYDINGS, from the Committee on the Judiciary, without amendment:

H.R. 17901. An act to improve judicial machinery by providing for the appointment of a circuit executive for each judicial circuit (Rept. No. 91–1511).

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MATHIAS:

S. 4596. A bill for the relief of Francisco Remigio Franco Ching; to the Committee on the Judiciary.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENTS

AMENDMENT NO. 1170

Mr. HART. Mr. President, I submit an amendment to H.R. 17550, the Social Security Amendments of 1970. I ask that it lie on the table and be ordered printed.

The amendment would end the American selling price system of valuation of chemicals. Passage of this amendment would permit the United States to honor the commitment it made in the 1967 Geneva protocol and would permit the United States to reap full benefit from the Kennedy round of tariff negotiations.

Under the 1967 protocol further European tariff reductions are contingent on the elimination of the American selling price system. Elimination of the American selling price system has had the support of the administration and was included in the House version of the trade bill.

The PRESIDING OFFICER (Mr. STEVENSON). The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 1171

Mr. HARRIS. Mr. President, for myself and Senator JAVITS and the following cosponsors, Senators, NELSON, GRIFFIN, MONDALE, RIBICOFF, BROOKE, HART, CRANSTON, MATHIAS, MCGOVERN, YARBOROUGH, BAYH, PEARSON, and KENNEDY, I submit an amendment to H.R. 17550, the Social Security Act of 1970. I ask that it be printed.

The purpose of the amendment is to strike from the bill the section prohibiting the use of Federal funds to pay, directly or indirectly, the salaries of individuals who in any way participate in action designed to challenge or nullify congressional statutes or policy under the Social Security Act. The provision would also require that such funds be repaid the U.S. Government in full in the event of their use.

This provision was adopted by the Finance Committee on December 2. I strongly opposed the amendment in committee because it would drastically curb the sphere of legal action by legal services attorneys and effectively deny the poor representation in court on matters where Federal policy or statutes are concerned.

The provision has also been strongly opposed by the former Director of the Office of Economic Opportunity, Mr. Rumsfeld, and a number of professional legal associations including the American Bar Association and the Association of American Law Schools.

The PRESIDING OFFICER (Mr. CRANSTON). The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 1172

Mr. HARRIS. Mr. President, I submit an amendment to H.R. 17550, the Social Security Act of 1970. I ask that this amendment be printed. I offer this amendment for myself and the distinguished junior Senator from South Dakota (Mr. MCGOVERN).

This amendment relates to the medicaid sections of the bill, and would strike sections 228 and 272(b) from H.R. 17550. Section 228 is a repeal of section 1903(e) of the Social Security Act and section 2(b) of Public Law 91–56. The repeal would relieve the States of their responsibilities to enlarge their programs and develop comprehensive medical services programs by 1977. The provision was repealed by the House of Representatives, and this action was concurred in by the Finance Committee.

Section 272(b) of H.R. 17550 would repeal section 1902(d) of the Social Security Act. This section requires that in the event of modification of a State plan to reduce or terminate care or services, such modification will not be ap-

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proved unless the State maintains its level of funding on the basis of the year prior to the modification. The repeal of this section requiring State maintenance of effort was an amendment to the act made by the Finance Committee.

At a time when provision of medical services for the Nation's poor is a must, we should not relax the requirements on the States to assume their responsibilities in this critical area. More medical care is needed; not less.

The PRESIDING OFFICER (Mr. CRANSTON). The amendment will be received and printed, and will lie on the table.

ADDITIONAL STATEMENTS OF SENATORS

A NATIONAL COMMITMENT TO CONTROL HEART DISEASE

Mr. MOSS. Mr. President, in an effort to prevent the Nation's No. 1 killer, heart disease, the regional medical programs in the Public Health Service has funded a half-million dollar study to recommend guidelines for prevention, treatment, and rehabilitation of cardiovascular disease. A commission of 100 experts from 29 leading medical organizations was formed and named the Inter-Society Commission for Heart Disease Resources. Tuesday, the commission issued its report and I recommend that we all study this report to learn how we can help to bring about a healthier life for all Americans.

The commission has five basic recommendations for action:

First. Studies be conducted to determines whether a change in diet can prevent premature coronary heart disease.

Second. Until such a study is completed, citizens make reasonable changes to diets low in staturated fats and cholesterol because so much evidence already points to the diet's implication in large numbers of heart attacks.

Third. The food industry revise food processing to moderate fat and cholesterol content.

Fourth. That food labeling be updated so that consumers can be better informed as to the fat content of purchased foods.

Fifth. Every effort be made to eliminate cigarette smoking as a national habit.

I am proud of this Congress for having acted on the cigarette smoking problem during the past session. That effort must continue and I have faith in the Government health officials and private and voluntary agencies responsible for smoking education programs across the Nation.

Other recommendations have significant bearing on the activities of those agencies and congressional committees charged with preserving our Nation's agriculture and public health.

Our Consumer Subcommittee is particularly interested in the commission's recommendations with regard to food labeling. Early in the next session of Congress, we plan to review efforts being made by Government and industry to place appropriate information on fat content in food advertising and on food labels. We are also interested in the efforts of those who issue advice on balanced diets adequately to warn consumers of the potential hazards of diets high in saturated fats and cholesterol.

The Inter-Society Commission on Heart Disease Resources is to be commended for bringing this important information to the attention of the medical community. It is now imperative that their recommendations be studied with a view toward bringing them to the attention of the people.

I ask unanimous consent that the news release regarding the report of the Inter-Society Commission for Heart Disease Resources be printed in the RECORD as part of my remarks.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

A NATIONAL COMMITMENT TO CONTROL HEART DISEASE URGED BY 100 EXPERTS

NEW YORK, December 15.—A major, federally-financed program to prevent coronary heart disease in the United States was recommended today by 100 medical authorities commissioned to develop guidelines for prevention of cardiovascular diseases and for treatment and rehabilitation of patients.

The proposal, by the Inter-Society Commission for Heart Disease Resources, recommended:

1. That large, government-supported studies be conducted to determine once and for all whether a change in diet can prevent premature coronary heart disease.

2. That Americans, meanwhile, make "safe and reasonable" changes to achieve a low-saturated fat, low cholesterol diet because so much evidence already points to the diet's implication in the large number of heart attacks in the U.S.A.

3. That the food industry make major revisions in food processing to moderate fat and cholesterol content.

4. That laws governing food labeling be reviewed and updated so that the consumers can be better informed as to the fat content of purchased foods.

5. That every effort be made to eliminate cigarette smoking as a national habit.

The Commission specifically recommended that "adequate resources of money and manpower be committed" to effect the change in diet, eliminate cigarette smoking and control high blood pressure, which it called the three major risk factors associated with coronary heart disease.

The recommendation came in a 43-page position paper issued by the Inter-Society Commission. This group includes representatives from 29 leading medical and nursing organizations and experts with special knowledge of cardiovascular diseases. Its report appears in the December issue of "Circulation", a monthly scientific journal of the American Heart Association.

Under a contract between the Regional Medical Programs Service and the American Heart Association, the Commission was formed in 1969 to help fulfill requirements of Section 907 of Public Law 89–239 which established the Regional Medical Programs in 1965. Dr. Irving S. Wright is Commission Chairman, and Dr. Donald T. Fredrickson is Project Director.

Today's report, entitled "The Primary Prevention of the Atherosclerotic Diseases", was prepared by two of the Commission's study groups, the Atherosclerosis Study Group and the Epidemiology Study Group. Chairmen were Dr. Jeremiah Stamler of Northwestern University, Chicago and Dr. Abraham M. Lilienfeld of Johns Hopkins University, Baltimore.

The report explained that the typical American diet is unnecessarily high in saturated fats and cholesterol and tends to raise the cholesterol level in the blood. The high blood cholesterol accelerates the deposition of fact on the inner walls of arteries (this is called atherosclerosis). Excess calories in the diet also add to risk by leading to obesity and increasing the likelihood of high blood pressure, high blood fats and diabetes. Cigarette smoking and high blood pressure also accelerate the artery damage. In a coronary artery this process can precipitate a heart attack. When it happens in the brain, a stroke may develop.

The report concluded: "Converging lines of epidemiological, clinical, and experimental evidence, both animal and human, support the judgment that the relationship between the risk factors, particularly the major risk factors—i.e.: hypercholesterolemia, cigarette smoking, hypertension—and the development of coronary heart disease is probably causal. This should not be interpreted as implying that the evidence on this matter (the cause: effect relationships of diet, high blood pressure, and cigarette smoking) is conclusive", said the report. "Nevertheless, the data strongly indicate that to a considerable degree coronary heart disease in the United States, particularly in the under 60 age group, results principally from the impact of these three widely prevalent risk factors. The research findings on risk factors strongly indicate the possibility of effective primary prevention of the atherosclerotic diseases, particularly premature coronary heart disease."

The Commission added that it recognizes differences of opinion exist with regard to the likely beneficial effect of various types of changes, particularly fat modification of the diet, on premature coronary heart disease in the United States. "The public health importance of coronary heart disease makes it mandatory" to conduct the diet trials to resolve this question finally, it said.

The report added that "the Commission further recognizes that even if planning were to start immediately, the American public would probably have to wait at least 10 years for results of these studies. At times, urgent public health decisions must be made on the basis of incomplete evidence," it said in recommending that its proposals for concurrent action on controlling or eliminating risk factors be followed.

To help the public change its eating habits, ICHD asked government and the medical profession to encourage the food industry to "make available leaner meats and processed meats, dairy products, frozen desserts, and baked goods reduced in saturated fats, cholesterol and calories, and visible fats and oils of low saturated fat and cholesterol content."

To help accomplish this task, the Commission recommends the following:

Development of strains of animals that convert higher proportions of feed to protein rather than fat.

Shift to range feeding with earlier slaughter of cattle to yield leaner animals. (In the U.S. it is a widespread practice to keep beef cattle in stalls and feed them heavily to produce meat with a high fat content.)

Modernization of outdated laws and regulations relating to the definition of food products.

Further development of high quality vegetable protein products.

Development of an intensive educational program concerning the cooking of lean meats to assure their optimal palatability and acceptability without the use of added saturated fats.

Reduction in saturated fat and cholesterol content of dairy products.

"Industry and government should review and establish policies—including pricing policies—that will encourage development of low-fat, low cholesterol milk products and use of cows producing large amounts of high protein, low fat milk, said the report.

Calling for the Food and Drug Administration to review and update its labeling of foods, the report said that "a new approach to labeling is needed to allow the consumer to identify nutrient content."

Urging the public to modify its eating habits, the Commission suggested eating more lean cuts of meat, poultry and fish and using organ meats and shellfish in moderation. Also recommended were low cholesterol, low saturated fat and fat modified dairy products, margarines and shortenings low in saturated fats and cholesterol, and grains.

The public is urged to avoid fat cuts of meat, butter, egg yolk, bacon, lard, suet and baked goods and dairy products high in saturated fats and cholesterol.

Another high priority in the battle against coronary heart disease should be given to the elimination of cigarette smoking as a national habit, according to the Commission.

"Revenues from progressive increases in taxes on tobacco should be earmarked for smoking control programs and the care of patients with diseases associated with smoking," said the report.

The Commission noted that the sales of cigarettes have declined in recent years and that this favorable trend will be accelerated. In anticipation of this development the Commission stressed that "planning by appropriate social science experts should go forward for the orderly phase out of the cigarette industry without major economic dislocation of those whose livelihood is involved."

Other recommendations of the Commission include a national effort to detect and control high blood pressure, and community programs to detect and treat persons as early as possible who are susceptible to premature atherosclerotic (hardening of the arteries) disease due to combinations of the major risk factors.

The report concluded that "with a decisive national policy commitment and corresponding allocation of resources over the next years, there is ample reason to believe that significant progress can be registered even by the Commission's first target deadline, 1975.

NO CHRISTMAS TRUCE FOR PRISONERS

Mr. AIKEN. Mr. President, at this time of the year when both sides are discussing truce periods for Christmas and New Year's it must be remembered that for some Americans in Southeast Asia there can be no truce.

For those in prison, as are hundreds of Americans being held by the North Vietnamese and Vietcong, a truce cannot exist. Theirs is a constant, a never-ending battle against boredom, against frustration, against the agonies of uncertainty, and the degradation of their position. For these Americans who are being treated with neglect and at times with brutality, each day marches as the last and there is little to look forward to on the morrow.

At this time when truce is being discussed it would be well for us to double and redouble our efforts to bring a final and happy solution to the problem of the war prisoners. This, I feel, is the very least we can do.

THE DECLINE OF HEALTH CARE IN AMERICA

Mr. MONDALE. Mr. President, last month, the chairman of the board of the International Business Machines Corp., Mr. Thomas J. Watson, Jr., gave an outstanding talk at the Mayo Clinic in Rochester, Minn., about America's health crisis. He cited the following statement made by the American Medical Association in 1949:

> The private profession of medicine is taking rapid strides toward the solution of this problem (of medical aid for the poor). Voluntary, pre-paid hospitalization and professional insurance plans now protect 56 million Americans. . . . The American people enjoy a state of good health unequaled in the world today.

Then he listed some of the indicators of the decline of America's position among the ranks of the world's most developed nations during the last 20 years. America has dropped from seventh in the world to 16th in the prevention of infant mortality; in female life expectancy from sixth to eighth; in male life expectancy from 10th to 24th.

Mr. Watson advances a number of valuable suggestions for improving the organization and delivery of health care. But he includes among them one recommendation which the Congress has been consistently supporting in the face of administration opposition. He says, "In a word, spend more money."

I am happy to hear the reports that the administration will, next year, give a higher priority to health problems. We have a number of bills pending in the Congress which, I hope, will receive serious consideration by the executive branch. I am pleased to be a cosponsor of S. 4297, to establish a national health insurance program. Mr. Watson believes that such a program is our only choice. I am sure that the Congress would welcome the administration's support for such a measure.

Mr. Watson also noted in his perceptive analysis—

> We are failing to fulfill adequately for all our people the first right set down in the Declaration of Independence—the right to life.

And then he says that we must put health care "within the reach of the poor." I have introduced S. 4480, the Community Medicine Act, to help do so. It is intended to bring comprehensive, group medical practice to underserved urban and rural groups. By using the personnel and students of medical schools and teaching hospitals, the bill seeks, at the same time, to improve medical education and make it relevant to today's problems.

Mr. President, I think Mr. Watson's excellent statement about our health problems, and what we must do to meet them, is required reading. I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS OF THOMAS J. WATSON, JR.

Let me start by asking a question that this great medical center brings to mind: How would you like to live in a country which—according to the figures available in the United Nations[1]—during the past two decades has dropped from seventh in the world to sixteenth in the prevention of infant mortality;

Has dropped in female life expectancy from sixth to eighth;

Has dropped in male life expectancy from tenth to twenty-fourth;

And which has bought itself this unenviable trend by spending more of its gross national product for medical care—$1 out of every $14—than any other country on the face of the earth?

You know the country I am talking about: Our own U.S.A., the home of the free, the home of the brave, and the home of a decrepit, inefficient, high-priced system of medical care.

Just look for a moment at what some of the figures mean. They mean that in infant mortality we have been overtaken by France, the U.K., and Japan; that in male life expectancy we have been overtaken by France, Japan, West Germany and Italy.

I know experts can disagree over our precise international standing. And I realize that medical problems in the United States, Europe and Japan are not identical.

But the evidence overwhelmingly indicates that we are falling down on the job, heading in the wrong direction, and becoming as a nation a massive medical disgrace.

Now, it may seem undiplomatic to stand here under the banner of the Mayo Clinic and make an accusation like that.

I know American medicine has scored many brilliant triumphs—the magnificent record of this institution outstanding among them, including the Mayo Brothers' pioneer work in surgery; and the discovery and use of cortisone, which brought Doctors Kendall and Hench of Mayo the Nobel Prize; the work of Dr. Jonas Salk, who made one of the most significant and heartwarming discoveries in history; of Dr. Bela Schick in eliminating diphtheria; and of many others.

We have an outstanding record of individual achievement across the whole medical spectrum.

But despite all that, when I look up at the international scoreboard, I can come to only one conclusion: We are failing to fulfill adequately for all our people the first right set down in the Declaration of Independence—the right to life.

What do we have to do to restore that right to every man, every woman, every child in America?

First, as the Carnegie Commission said last month, I believe we have to beef up our arsenal: Train more doctors, more nurses, more paramedics;

Bail our medical and dental schools out of their present deep financial troubles;

Break ground for new hospitals and clinics;

In a word, spend more money.

We Americans are great on that.

Show us a shortage—of airplanes or tanks or trucks or scientists or engineers or satellites—and we'll fix it.

And I believe we can do that kind of job just fine in medicine.

Second, we must build into the system better management, better organization, more incentives to increase productivity and cut inefficiency.

I find it shocking, for example, that comprehensive pre-paid group practice, which has repeatedly delivered better care at lower costs, encounters legal roadblocks in more than half our states.

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[1] Medical statistics drawn principally from: United Nations *Statistical Yearbook, 1955*, pp. 51–5; *Demographic Yearbook, 1955*, pp. 698–707; *Demographic Yearbook, 1968*, pp. 103–11, 366–74.

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I find it shocking to read of Americans living in backwoods towns and city slums without a doctor or a dentist or a clinic.

I find it shocking that as 30,000 highly trained medical corpsmen return to civilian life every year—many from the field of battle—they too often discover, if they want to enter medicine as a career, that they have just one job open to them—hospital orderly.

We cannot continue to live with facts like these. We have to overhaul the system.

But as we do so, we should begin simultaneously to do the third part of the job: put health care within reach of everyone in America.

And that means putting it within the reach of the poor.

I do not really believe, of course, that you can ever make the poor rich and the rich poor. But I do think we should have a floor for each American below which he cannot fall, and I believe this applies not only to his economic status, but also to his medical status.

For the plain fact is that under our present medical system, the poor suffer by far the most.

Moreover, if a person happens not to be white, the picture is even bleaker.

A non-white infant can expect to live six years less than a white infant.

The non-white infant mortality rate is the white rate multiplied by *two*.

The non-white maternal death rate is the white rate multiplied by *four*.

To me, all this adds up to a completely unacceptable situation, which I think is un-American, un-democratic and unfair.

How do we correct it, and extend coverage for medical bills to everyone?

Not just through tinkering with our present system of paying for health care.

Not just through trying to stretch the umbrella of private health insurance, which, despite its costliness, still doesn't come close to covering Americans today.

No, we need a far more thoroughgoing reform.

And that brings us up against that old taboo—"Socialized Medicine."

I completely believe in the American free enterprise system. But when the system clearly fails to produce a much needed good, I think we should not flinch from looking to some sort of government intervention to get the job done.

Frequently in the past, we have faced up to such a requirement with new legislation: on workmen's compensation, child labor, the reduction of the work week, unemployment insurance, and social security.

I believe we face today the same kind of moment of truth in medicine.

And I believe we have only one choice before us that will work: some very new form of national health insurance.

Twenty-one years ago, we looked at national health insurance when President Truman urged it, and we rejected it.

And in 1949 we rejected it in part because of arguments like this which appeared that year in the June issue of the magazine of the American Medical Association under the title: "Wake up, America!"

"The private profession of medicine is taking rigid strides toward the solution of this problem (of medical aid for the poor). Voluntary, pre-paid hospitalization and professional insurance plans now protect 56 million Americans . . . The American people enjoy a state of good health unequaled in the world today."

As a dyed-in-the-wool free trader, free enterpriser, and hater of bureaucracy, I accepted that argument in 1949, and I bet nearly everyone else in this room did, too.

But on the evidence—particularly the international evidence—I cannot accept it in 1970.

We need a dedicated and total effort to find a way to build a floor under each citizen of this country that assures much better quality and equality of medical services for all.

A variety of plans have been advanced to this end in the Congress, by representatives of government, labor, business and the medical profession, but none of these plans are moving very fast, and our problem is compounding.

We do not need national health insurance as a political football in 1972.

We need a new national health insurance law, and we need it now—in the next session of the Congress. Indeed, I hope the Administration will put this at the top of its priority list for 1971.

To get that legislation, the partisans of varying plans—in the Congress, the American Medical Association, the AFL–CIO—must get together and compromise their differences.

And to speed such compromise, I believe all of us as citizens—and I dare to include doctors—should start now to build a bonfire of persuasion—to speak out, to demand change, and not stop pushing for action until we get the legislation we need.

We can take pride in our system of universal public education, social security, and work laws.

The time has now arrived for us to have a system of universal public medicine in which we can also take pride.

A national program, of course, is not a panacea in itself. But as we look toward some sort of governmental approach to this problem, let us remember that the plans in Britain and the Scandinavian countries have proved very successful in keeping those countries in the front rank internationally. And certainly they have provided better medical service for all of the people than the systems they supplanted. To me, this is a tremendously compelling argument for keeping an open mind as we look for a solution.

Not long ago, on a visit to the California Institute of Technology, I read these words on a student poster: "Our age is characterized by the perfection of means and confusion of goals."

The goal before us in medicine is clear.

But we shall reach it only by doing what we have always done with our magnificent American system: fearlessly facing its faults, cutting them away, replacing them with something better, and moving on.

I think that same truth comes pounding through to us in the restless, pioneering lives of the Mayos—a truth which should guide and inspire us as we undertake the tough and crucial job which lies ahead: Bringing the fullness of American medical care to all the American people.

We must begin it now.

As the wealthiest, most powerful, best educated nation in the world—a people with a heroic history of pioneering and justice and compassion—I believe we can do no less.

POLITICS AND THE UNIVERSITY

Mr. GRIFFIN. Mr. President, Americans are deeply concerned about a crisis that has developed on college and university campuses throughout the Nation.

Recently my attention focused upon a very thoughtful statement written by Dean Francis A. Allen of the University of Michigan Law School as part of his annual report to the president of the university.

I ask that the relevant text of Dean Allen's report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

The University of Michigan Law School: Report to the President of the University for the Year, 1969–70

President Robben W. Fleming,
Ann Arbor, Mich.

Mr. President: This is the fourth, and presumably the last, of my annual reports to the President of The University of Michigan. As of course you are aware, I have asked to be relieved of my duties as Dean of the Law School not later than June 30, 1971. Under these circumstances it is probably inevitable that a part of what I shall say will have the sound of a valedictory statement. I hope that I may be forgiven if, in this submission, I fall into a more personal expression than might otherwise be appropriate.

One who awaits the termination of his duties as dean of a great law school finds himself thinking about the future of the school and of those needs and conditions that must be satisfied if his institution is to serve and flourish in the years ahead. The University of Michigan Law School has such needs, and responding adequately to some of them will not be easy. Virtually every necessary innovation in legal education being developed by this School requires substantial reductions in our present student-faculty ratio. This is true whether what is being contemplated are programs of clinical education, individual student research and honors work, the development of new areas of instruction and faculty research (including interdisciplinary areas), small-group teaching in the first year, or a host of other urgent matters. That these developments may be seriously obstructed by University and legislative policies which have emerged as products of the fiscal stringencies afflicting higher education in these times, is a disturbing possibility.

There are other problems. Legal education in the United States faces an intellectual crisis. This crisis is sufficiently identified by putting the question: Can legal education adapt to the needs of the present and those of the next half-century, and, at the same time, retain the intellectual rigor and intellectual integrity that have constituted its chief strength and attraction in the past? I believe this can be done, and, indeed, would argue that the former cannot be achieved without the latter. Regrettably, not all those associated with the American law schools reveal this commitment. We have had occasion to discover that there are colleagues in some other institutions who are prepared (and, in fact, eager) to sacrifice a great part of the intellectual content of law study, and to do so in the name of "innovation." No one could reasonably dispute the importance of educational innovation in this era. I am afraid, however, that among those seeking to map out the future of American legal education, there are a few in danger of disregarding the admonition of Mr. Sammler, as reported by Saul Bellow. Mr. Sammler suggests, you will recall, that a map maker should not regard the task of locating the Mississippi River as an occasion for the display of his originality.

Important as are these problems to the future of this School and of legal education generally, they are not the most important. The questions of overarching significance, and which relegate all other problems and doubts to positions of secondary concern, are those that center on the future of the American university. If the American university falters or is submerged in the crises of these times; if it loses a sense of its proper mission or is prevented from achieving it, legal education may be rendered undeserving of attention by able and serious young people, and in consequence our society will be deprived of contributions important to its survival and well-being.

This organic relation of legal education to higher education has not always existed. True enough, legal studies were an important preoccupation of continental medieval universities from at least as early as the twelfth century. No comparable development occurred in the common-law system, however; and a prominent English legal historian could assert that common-law practitioners were "hermetically sealed from all communication with the outer world." As recently as the turn of the present the Dean of the Harvard Law School threatened to withdraw the services of one of his faculty members, earlier offered to assist in the founding of a new law school in the middle west, because the new school threatened to include in its curriculum such heretical unorthodoxies as criminology, administrative law, and federal jurisdiction. The success of his school, said Dean Ames, was the product of "its concentration upon the work of teaching the law pure and simple."

It has been a very long time since thoughtful persons associated with the American law schools assumed that their function consisted of teaching "pure" law, if by that is meant a view of law separated from the social and ethical context in which legal problems arise or isolated from the social and scientific disciplines cultivated by the modern university. Certainly that time has passed at the University of Michigan Law School. Recent years have brought an impressive thrust toward the association of the Law School with the intellectual life of the University. This impulse already constitutes one of the most important and valuable characteristics of the Law School; and I have no doubt that, events permitting, it will come to even richer fruition in the future. I mention these facts to underscore the involvement of the Law School in the destiny of the University. Our futures are inextricably intertwined. Moreover, our mutual involvements are not simply fiscal and administrative, but are intellectual and philosophical as well.

THE UNIVERSITIES AND POLITICAL ACTION

That the nature and course of legal education will be profoundly affected by the ways in which the crises now surrounding American higher education are resolved, is perhaps an entirely self-evident proposition. If so, the preceding brief comments may have been unnecessary. Assuming, then, that a retiring law dean possesses sufficient standing to express concern, which of the issues involving the American university should be identified and addressed?

For me the starting point is clear. I begin by noting a peculiar hiatus in discussions now going forward on university campuses. My complaint, of course, is not that there is an absence of talk. On the contrary, this is a time when fierce and raucous contentions rage on the campus and in which universities are receiving noisy and unflattering attention from persons not associated with higher education. Appropriately enough, there is much talk on the campuses about the great issues of domestic and international policy. We debate questions of student participation in university administration and we contend over faculty prerogatives. These also are important matters deserving discussion. In fact, we talk copiously about almost everything except those things that are of the most fundamental importance to university people: What is a university, and what are its vital missions in these times? What are the minimum conditions necessary to be insisted on if the university is to fulfill its mission and realize its purposes? What forms of activity and commitment must be rejected by the university because they obstruct or prevent the realization of its purposes? I find these questions rarely discussed, and even more rarely, discussed persuasively and helpfully. Whatever the reasons for this strange silence in a noisy age, the consequences are becoming increasingly clear. I breach no confidence when I say that a good deal of nonsense is being spoken on the campuses these days. Although many, and I hope most, of those comprising a university community recognize this talk for what it is, nonsense often goes unchallenged, and has often achieved a kind of validity for want of challenge. One suspects, also, that not infrequently in recent years universities under pressure have accepted inimical solutions, in large part because of the absence of a clear and workable conception of the nature and purposes of a university.

Young people express much concern today about the perversion of institutions. The general point is sound, and it applies to universities. Universities, perhaps even more frequently than some other institutions, face periodic crises in which fundamental questions must be put if futility or worse is to be avoided. The quality and intensity of these crises have differed considerably over time. Today the crisis is acute, and in large measure involves questions of the proper relation of the university to "politics" or political action. Like so much modern talk about important topics, the discussion of the university's relations to political action is marred by sloganeering. On the one hand, many students and some faculty members call stridently for the "politicizing" of the university. Like other campus slogan-words, the content of this term defies precise definition. Presumably what is being called for is a greater involvement of students, faculty, and even the institution itself in political action, controversy, and propaganda. On the other hand, an increasing demand, no more precise in meaning, is being expressed by public figures and the news media that the university confine itself to "intellectual pursuits" (including, presumably, intercollegiate athletics) and forswear "politics".

A moment's reflection reveals that what is involved in this controversy is nothing less than the problem of defining the relations of the university to the larger society. This has always been a task of great delicacy and complexity, and the difficulties are not reduced by the crises of modern society. Thus it is surely fatuous and mistaken to assume that the intellectual concerns of the modern American university can or should be separated from the problems and issues that make up contemporary politics. This is true because so much that is of profound human concern is encompassed in today's political struggles. Today "politics" encompasses issues of life and death, justice and inequity, the beautiful and the ugly, affluence and want. Unless the university is to be reduced to mere intellectual needlework, concern for various aspects of the political context will characterize almost every one of the university's departments and units. Moreover, the university is one of many institutions coexisting in a political society. As such it must engage in certain sorts of "political" activities to secure its operating resources, to assert its valid prerogatives, and to protect itself from attack and unwarranted aggression.

To say that the university is inevitably concerned with "politics" in its intellectual life and in its institutional operations is to say that the university cannot achieve its purposes separated from the society of which it is a part. It is essential, however, that there be a clear conception of what the university's principal purposes are; for these purposes ought ultimately to determine the nature of the university's relations to politics. The argument I am making is based on the proposition that a university's principal purposes are the discovery and accumulation of knowledge, and the transmission of knowledge. By knowledge I do not mean simply "facts." The discovery of knowledge encompasses the identification and analysis of values, for example, and contributions to aesthetic sensibility. The transmission of knowledge includes the communication of professional techniques. I say that these are the principal purposes of the university, not simply because this has been a traditional view of the university's functions, but because they are increasingly vital to this society and because, as yet, we have devised no other institutions capable of performing any substantial part of the university's task. Any institution as complex as a university has many goals and activities. I do not assert that a university can or should be concerned only with the discovery and transmission of knowledge; but I do contend that the university cannot properly undertake functions and commitments that obstruct the realization of its principal purposes.

If what I have said is true or substantially true, I believe it follows that a university must not be converted into a political party or action group, on the one hand, or into an agency for dispensing welfare services, on the other. This is not because political action is useless or necessarily evil, or because welfare is to be scorned. It is, rather, because these are commitments incompatible with the university; and their incompatibiltiy resides partially in the fact that they tend to destroy that freedom which the university must possess to realize its principal purposes. It is no fortuity that some of those seeking to "politicize" the university also frankly acknowledge a purpose to destroy it. The means are appropriate to the end; and hence what is at issue is the survival of the university.

"POLITICIZING" THE UNIVERSITY

Although one is aware these days of a widespread belief that there is nothing old under the sun, there is, in fact, nothing new about efforts to "politicize" the American university. These efforts may have sources either within or outside the university. The threat of external political interference with the university is a continuing reality in American life. There are always sinister figures in the wings eager to "politicize" the campus when provided opportunities to do so; and no one who was associated with higher education during the Joseph McCarthy era is likely to discount this possibility or its dangers. Despite the threat of "external politicizing," a structure of academic freedom was erected in this country which has ordinarily proved sturdy enough to resist the worst manifestations of external political harassment. In many ways this is a remarkable achievement. Inevitably, views will be expressed on the campus that are unpopular with large and powerful segments of the community. This circumstance produces grumbling and occasional efforts at retaliation at budget time; but in most instances academic dissent has been tolerated and the freedom of the campus defended.

How can the phenomenon of academic freedom be explained? One cynical response might be that until recently the university has not been regarded as important or dangerous enough to warrant the hostile attention of powerful political forces. This scarcely squares with history, however; and, in any event, it is far from the whole truth. It comes closer to the truth to say that academic freedom gained public support because of a widespread belief that the inconveniences associated with the expression of views thought by some to be dangerous and mistaken, are outweighed by advantages de-

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rived from free inquiry on the campus. It should be noted, however, that this tolerance is founded on the assumption that the inquiry protected is, in fact, free, and that the university is not simply a political faction espousing objectives and employing means repugnant to persons called upon to give financial and moral support to it. The most effective way to destroy the foundations of academic freedom is to persuade the community that it has been naive in accepting earlier assurances of the university that objective inquiry, while difficult, is possible, and that great social gains result from its pursuit. If objectivity and disinterestedness are shams and charades, and if the university is converted into an instrumentality for direct political action, on what ground can the university claim immunity from political retaliation to which all other political factions are subject? What is the intellectual and moral basis for resisting external political interference or control? One very important reason for repudiating efforts at "internal politicizing" of the university is that they hasten, and may make inevitable, the "external politicizing" of the university.

THE TYRANNY OF POLITICS

There are other considerations less frequently voiced. "Great minds need elbow room," wrote Cardinal Newman over a century ago. "And so indeed do lesser minds, and all minds." And later: "If we reason, we must submit to the conditions of reason. We cannot use it by halves." There is surely grave cause to assert that the conditions of reason are being widely disregarded on the campuses today. The problem goes beyond the fact that contentions and disorder distract, and sometimes physically prevent, thought, research, and teaching. This has occurred, and gives rise to the genuine possibility that in the years ahead much of the serious thought of the nation may be pursued in institutions other than universities. Direct interference and distraction are only part of the problem, however. A climate pervades the campuses which seriously restricts that freedom and scope for minds that Newman identified as essential.

In times like these it is not easy to write critically of political commitment. The political furor that has overtaken the campuses and our entire society reflects unsolved problems that are real and almost overwhelming. Some encompass threats to our very survival. There are few responsible members of today's society who either can or wish to insulate themselves from these issues, and few would be disposed to deny either the propriety or the urgent necessity of direct political action to cure or ameliorate our social ills. The very importance of many of the issues that are contested in modern politics, however, is a source of peril; and the peril is particularly acute for the universities. The obvious importance of politics is in danger of paralyzing our critical capacities, and there have been few periods in which it has been more vital that these capacities be kept intact and functioning.

Recognizing the necessity of political action and political participation by responsible individuals should not cause us to ignore the fact that [the practice of politics, even in behalf of liberal causes, is often illiberal and inhumane. Recent manifestations of political commitment on the campuses abundantly illustrate the point. Too often politics, both on and off the campus, seeks the capture of minds, not their liberation. Its methods are those of oversimplification, sloganeering, mindless chanting, derision, and conscious distortion. Its appeal is essentially anti-intellectual and anti-rational.] It seeks first to stimulate, then to recruit, basic human emotions—pride, envy, anger, fear, and ultimately terror. Its tendency is imperialistic in that it attempts to dominate all things human, including the aesthetic and the intellectual. Fortunately for those who retain hopes for a liberal and democratic society, the objectives of political action can be achieved and the worst extremes of political practice contained, if our understanding is clear and our will is strong. The university has a part to play in achieving this objective, but it must be a part consistent with its nature. The methods of politics are not the methods of free inquiry; and it is free inquiry for which the university stands. Efforts to impose the methods of political action on the university, therefore, threaten its fundamental character. None of the university's contributions to the political life of the nation is more important than its role as a critic of politics. Politics tends to excess; and this tendency is especially strong when, in times like these, political movements arise supported by adherents indisposed to question the virtue of their cause or the truth of their perceptions. Performance of this important critical function by the university presupposes not only that the university is free from overt coercion, but also free of binding commitments that limit the play of skeptical intelligence.

I regret to say that, in my judgment, there has been a net loss of liberty on the campuses, a constriction of the elbow-room for minds, in the years since the second world war. More courage is now required than formerly to raise certain questions publicly, or to pursue certain lines of inquiry. Prominent figures are effectively denied forums in the universities by threats of insult, disorder, or worse; and this in institutions which fought hard and costly battles to establish the principle that the university is a place where all views, however uncongenial to the larger community, must be given opportunities for free expression. Other less obvious losses of freedom are also the product of political contention and political commitment. Hamlet concluded that "conscience does make cowards of us all;" but commitment can also make men timorous. With increasing frequency in recent years persons on the campus have been deterred from speaking plainly about disturbing and important matters for fear that what they say will be put to improper political uses by persons they regard as political opponents. The result has been silence when speech was needed, a decline in truth-telling by the universities, and a loss in the quality of freedom on the campuses.

It is not my intention in these comments simply to mourn the loss of a golden age on the campus. In one of the novels of E. M. Forster a character is made to say: "You use the intellect, but you no longer care about it. That I call stupidity." Perhaps this is the malaise that constitutes the heart of the crisis confronting the American university. It is not a new illness, however: it did not suddenly reveal itself in the decade just past. While the origins of the problem could probably be traced to a much earlier time, I am inclined to agree with those who regard World War II as the source of much of our difficulty. It was in those years that the universities demonstrated their enormous utility as creators of military weapons and as contributors to industrial production. The university thus acquired prestige, not primarily as a place where intellect is cultivated and honored, but as an invaluable utilitarian instrumentality. One might find much to applaud in the denunciations of campus reformers who protest the uses to which our society has put the university during the past generation, were it not so apparent that these critics reveal the same stupidity that Forster perceived and which has been revealed by others in practice. The critics' complaint, as I understand it, is not that the university has failed to display a sufficient concern for the intellect, or that we are guilty of attempting to "use reason by halves". Rather, the position reaffirms in even stronger terms a view of the university as an instrumentality of political and economic power, and objects only that, at present, it serves as handmaiden to the wrong masters. It seems apparent that if this dangerous and perhaps fatal stupidity is to be escaped, the premise must be rejected.

I hope I do not underestimate the practical difficulties encountered in making this escape. One of these relates to identifying the distinction between political commitments of students and faculty members when acting in their personal capacities (which must at all costs be respected) and the obligations of those same persons acting as and for the university. The line is not easy to draw, and at times the distinctions may appear narrow and even metaphysical. For all who have a stake in the future of the university (and this excludes few in our society), it is of the highest importance, however, that this line be conscientiously drawn and strongly maintained.

SOMETHING TO CONSERVE

Mr. McGEE. Mr. President, it is clear that one of the wisest movements this country ever undertook was to set aside areas of unusual beauty or interest for public use. The United States of America, of course, enjoys plentiful beauty and we have done well to preserve it in our system of national parks, recreational areas, monuments, and forests, and to preserve with it the beauty of wildlife. In little more than a year we will mark the centennial of Yellowstone National Park, the first such park established anywhere in the world.

We in Wyoming, Mr. President, are particularly close to the national park system because of Yellowstone and the nearby Grand Teton National Park. We are aware that droves of visitors are entering the national parks each year, and increasing in numbers each year as well. That is why, for instance, I have proposed legislation to create in Wyoming a third national recreational area in the Bridger National Forest, in order to provide proper facilities for the ever-inceasing numbers of Americans and foreign visitors who want to enjoy the more primitive beauties of nature. Sunday, Reporter Hal Willard, writing in the Washington Post, chronicled a journey to eight national parks, six monuments, two historic sites, two memorials, and one registered landmark. I am encouraged by his observations that, not only the ranges but the visitors are, for the most part, disposed toward protection of the parks and their environment. With Mr. Willard, I would like to see more areas opened up by the provision of adequate facilities to take care of visitors. Of course, we are taking those steps today with the creation of new recreational areas, such as the one I have proposed in the Bridger National Forest. But, lest there be an impression I am in complete agreement with all the reporter's observations, let me say that I do not favor the encroachment of "civilization" into our wilderness areas, which he also suggests. The wilderness, too, is part of our heritage that must be preserved. That point aside, Mr. President, I would commend Mr. Willard's observations about our national parks system as worthwhile and ask that unanimous consent they be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOMETHING TO CONSERVES CLEAN PARKS, AND RANGERS WHO CARE

(By Hal Willard)

It took us a long time to put a mountain goat in our bag. You have to travel high and look sharp and quick to see one because they are among the rarest and most elusive wild creatures in America. They inhabit the most inaccessible areas of the country: the tops of mountains.

So perhaps you taxpayers will excuse me for tromping on your grass in my eagerness to keep my binoculars on four mountain goats cavorting atop a peak at the Continental Divide, in Logan Pass of the Rocky Mountains in Glacier National Park, Mont.

We had emerged from the visitors' center in the Pass and started across a large meadow, following asphalt walkways to the area from which we had been told we might be able to spot the goats. And there they were, grazing on greenery surrounding patches of snow.

They were far away and high and difficult to see even with binoculars. So I moved off the walkway a few feet to lean against a boulder to steady myself as I held the binoculars up.

"Sir," I heard a voice saying, "you are doing something highly detrimental to this park and the ecology of the area. You must not do that."

I wonder what some poor dolt is doing, I thought, but was reluctant to turn around and look for fear of losing the goats.

"I'm sorry, sir, but you'll have to return to the walkway." The voice was more insistent this time, and closer. I turned and discovered the speaker was a park ranger, and the dolt was me.

"What's the matter" I asked as I scurried back to the asphalt.

"Look where you were standing and where you had to walk to get there and back here," he said with considerable feeling.

I looked and what I saw was grass, acres of it in all directions, and a bare patch about a foot square in front of the boulder. I looked back at the ranger in disbelief that he could be worried about this bit of grass on a vast meadow.

"If everybody (and he swept his arm around at the dozens of people moving up and down the wide walkways) did what you have just done we soon would have no grass here at all," he said.

"Okay," I said. "I'm sorry. I won't do it again."

As the ranger moved off to look for more culprits, I said to my wife: "That guy's a nut. He's let this ecology thing go to his head."

"No," she said, "he's just protecting the park." She was right.

This story illustrates the fact that National Park rangers really care about National Parks. The parks show it. The people who use the parks get the idea almost immediately and soon are as protective as the rangers.

I say this after visiting eight national parks, six national monuments, two national historic sites, two national memorials and one registered natural landmark—all run by the Park Service—in the course of an 11,000-mile tour of the Northwest by pickup truck/camper.

We had thought trash would be a problem in the parks, what with millions of people traipsing through, but we quit worrying about it after carefully studying every inch we could see of Rocky Mountain National Park (the first National Park on our trip) for most of two days and spotting only one item, a beer can bobbing in a mountain stream.

That was the pattern for the other park areas. Well, we did see some candy wrappers and other waste paper blowing about near Old Faithful in Yellowstone National Park, but two park employees were chasing after the trash with spiked sticks.

The National Forests were much the same as to cleanliness and the attitude of rangers and tourists toward natural resources. At the ranger station in the Salmon National Forest in Idaho, just south of the border with Montana, a ranger suddenly broke off giving information to tourists and hurried outdoors to prevent three young men from carrying away armloads of large rocks gathered from the edge of the woods, for whatever purpose.

"You can't take those rocks," the ranger said. "They help prevent erosion along that bank there," and he pointed to where the forest's edge dipped down to the highway.

The universal concern of rangers about keeping the areas under their charge free of trash and in their pristine state to the extent possible is, of course, magnified by the tremendous increase in the numbers of people trooping through the parks, forests, monuments, etc.

While the people increase, the sizes of the parks stay the same, although every once in a while a new park is added to the nationwide system. The latest is North Cascades National Park in Washington state, north of Seattle near the Canadian border.

The droves of visitors have caused the National Park Service to consider closing some parks to automobile traffic and requiring tourists to either ride shuttle buses through the park, or walk or ride horseback in. As an experiment, a portion of heavily used Yosemite Valley in Yosemite National Park, California, has been closed to cars.

From my observation, there is no question that there are large numbers of people batting about in the parks, but the crowds are not excessive or depressing or oppressive—and we made our tour in July and August, at the height of what was regarded as the most crowded season in history.

The National Parks recorded 157 million visits in 1969. The estimate for fiscal 1971 is 186 million.

Ending our trip, we felt that the millions of park users should be congratulated for their neatness, their courtesy to each other and the care with which they treated the parks—and for their willingness to follow instructions of the rangers.

I would like to admit here that before I left on the trip I expected to write afterwards about the population explosion, man's destruction of nature and inhumanity to himself in the National Parks. The facts did not bear out the preconception and did not support the scare-stories I had read. Yosemite Valley, for example, certainly was jammed, but the Valley area is about six-tenths of 1 percent of the park's total area. Most of the rest of the park was like Wall Street on Sunday afternoon: deserted.

Why not open a little more of Yosemite to the public? It wouldn't have to be made as fancy as the Valley, but enough facilities could be put in to enable more people to more conveniently see one of the great scenic wonders of the world.

The same goes for the rest of the parks, specifically including Yellowstone, which is so big it took us about 2½ days just to drive around in it, stopping only briefly to examine various natural wonders. But the actual area to which the public has easy access is but a fraction of the total. Yellowstone is almost as big as Rhode Island and Delaware combined.

In addition to the National Parks, we have vast sections officially set aside as forest and wilderness areas, with limited access. Why not provide a few facilities to make parts of these areas possible to visit without the visitor having to be a latter-day Kit Carson?

Just to give you Easterners a little idea about the vastness of the open spaces out west, Montana has 147,138 square miles of territory and Prince Geoges County, Maryland, has 496 square miles. Both have about the same population: around 700,000.

And there still are quite a few areas of Prince Georges County where you can wander around for a considerable time without seeing anyone.

"Easy access" to parks and wild areas doesn't have to mean roads. The Department of Interior's publication "Park Road Standards" points out that research is being done into the possibilities of using tramways, monorails, rail conveyor systems, buses, helicopters and hydrofoils.

My only lament about our park experience was that there weren't enough rangers. They can be so helpful to the visiting public, but there are so few of them. The parks, without exception, were noticeably understaffed. By "noticeably," I mean we hardly ever saw a ranger.

Yellowstone, for example, has hundreds of dangerous geysers and other thermal marvels. Most of them are marked with signs warning people to stay on the walkways, but the signs are small and unobtrusive and there were no rangers anywhere in the vicinity of the geysers we saw.

A 9-year-old boy fell in one last summer and was scalded so badly he died a few days later.

While we and several score other persons were sitting on the benches safely out of range waiting for Old Faithful to spout off, two middle-aged women wearing high heels approached the steaming geyser, apparently intent upon peering into it. They finally turned back after many of us whistled and yelled at them that the geyser was due to blow any minute. (Old Faithful isn't precise. The periods between blows vary by several minutes.)

We watched many young and middle-aged people stop along the roads to feed the famous black bears, which are notoriously unpredictable, and get out of their cars to photograph them. We saw people walk across large open fields to take pictures of bull moose and bull elk grazing.

We didn't see anyone killed or injured and I can't figure out why.

The Park Service issued warnings through a few signs and in brochures, but there were no rangers present at any of the above incidents and I saw none patrolling the park.

Other dangers include no railings or even warning signs around the rims of precipitous canyons. You can't build a railing around a whole canyon, but one could be placed along the edges where people go to gawk, near parking lots.

Another failing at Yellowstone and Glacier, for example, was the lack of rangers to check people in and out of campgrounds. The only way to find empty sites was to drive through and look over the entire campgrounds. At Yosemite, rangers checked people in and out of sites on a master chart.

To pay for our campsite in Yellowstone, it was necessary to find the right ranger at the right time of day, and I failed in three attempts during two days. I finally gave up and left owing Uncle Sam $4.

The rangers who were on duty were magnificent, everywhere—particularly the ranger-naturalists and ranger-historians. They are genuinely dedicated to helping visitors gain as much from the park experience as possible.

But where was the ranger-money collector?

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THE LEGAL SERVICES PROGRAM OF OEO

Mr. MATHIAS. Mr. President, the legal services program of OEO must continue to serve the Nation by reinforcing confidence in the administration of justice. Efforts toward weakening the program must be rejected. In this regard, I am opposed to title V, section 546, of the Finance Committee bill, H.R. 17550, which prohibits the expenditure of Federal money "to nullify, challenge, or circumvent any provision of the Social Security Act."

The effect of such language is far reaching and quite obvious: It limits the scope and impact of the OEO legal services program. It creates a sort of second-class citizenship for those who are unable to have easy access to the courts for redress of their governmental grievances while limiting this right to the privilege of the rich.

Mr. President, in a time when we are encouraging the use of peaceful and institutional means of expressing the anger and discontent of our citizens this provision would do a great disservice to that objective.

The following organizations of the legal community have voiced opposition to this provision: The American Bar Association, the National Bar Association, the National Legal Aid and Defender Association, and the ABA Standing Committee on Legal and Indigent Defendants.

Just as important has been the opposition voiced by the Office of Economic Opportunity through its Director, Donald Rumsfeld. With the same vigor in which he successfully opposed the plan to permit State Governors to veto legal service programs, Donald Rumsfeld has fought this provision. I support Mr. Rumsfeld and thank him for his leadership.

On December 3, Director Rumsfeld said the following:

> Legal Services lawyers have performed a valuable service in seeking to correct inequities in the welfare system in this country by subjecting welfare laws to the scrutiny of the courts. For the first time, poor people have had access to the judicial system for the redress of grievances. For the first time, those who make and those who administer our welfare laws have been held accountable in courts of law.
>
> In challenging the residency requirement and man-in-the-house provisions, Legal Services attorneys were carrying out their responsibilities to their clients in accordance with the Economic Opportunity Act and the Canons of Ethics of the legal profession. The fact that they were successful is a testimony to their professional competence and to the flaws in the present welfare system.
>
> If enacted, the Finance Committee language would seriously restrict the ability of Legal Services attorneys to provide effective representation for their clients, limit the access of the poor to the judicial system, and set an unwise precedent by eliminating the likelihood that poor citizens could subject congressional and administrative decisions to review in the courts.
>
> I urge the Senate to reject this action.

The contribution by Mr. Rumsfeld to the legal services program is not limited to this. In the 18 months as OEO Director, he has presided over an unprecedented expansion in the size and operations of the program. Legal services was given the status of one of 11 OEO offices whose chief reports directly to the Director. The head of legal services was made an Associate Director of the Agency.

During Mr. Rumsfeld's term of office, the budget for legal services was increased by one-third; the legal services staff was doubled and the number of lawyers in the field increased to nearly 2,000. The program's caseload was doubled from 610,000 in 1969 to 1.2 million cases projected for the current fiscal year. Management improvements are reflected in the fact that the caseload has been doubled while the budget has increased by only one-third.

This record is convincing evidence that President Nixon has made a wise choice for a White House counselor in Donald Rumsfeld. He will continue to make a valuable contribution to our Nation in the discharge of his new responsibilities.

NO BLANK CHECK

Mr. GORE. Mr. President, I urge rejection of the language in the Department of Defense Appropriations Conference Report which provides a blank approval of whatever action the President might deem advisable in Southeast Asia. This language must be examined in the light of what has happened in Southeast Asia in the last 16 years and in the light of the last 6 months and the current uncertainity of future policy and action. It should be examined in the light of how it might possibly be interpreted in the future under circumstances that cannot now be predicted.

Our policy announcements and our legislative action must be credible to our own people and to the world.

The Senate bill, on the commendable initiative of the Committee on Appropriations of the Senate, stated that funds appropriated were not to be used to support Vietnamese or free world forces in actions to provide military support or assistance to Cambodia or Laos.

The conference committeé, however, added a proviso reading as follows:

> Provided that nothing contained in this Section shall be construed to prohibit support of free world or local forces in actions designed "to promote the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia or to aid in the release of Americans held as prisoners of war.

This proviso has the effect of authorizing the President to take such action as he thinks necessary to aid in the release of American prisoners of war and to use American forces to invade Cambodia or Laos if he thinks that necessary to promote the withdrawal of American forces from Southeast Asia.

This is a case in which the proviso negates the stated policy to prevent American involvement militarily in Cambodia or Laos. Furthermore, it is an open ended authorization to the President to invade those countries or, for that matter, North Vietnam itself.

It is a predated grant of authority for invasion of North Vietnam. Indeed, General Manor, who was in overall command of the Son Tay effort to liberate American prisoners of war, according to an article in the Los Angeles Times of December 3, said he hoped "that it would be feasible" to land a division in North Vietnam to rescue prisoners of war. He said that from a "personal point of view—I definitely would recommend more such raids."

The effect of this provision is broader than the Tonkin Gulf Resolution. It would permit the President to do whatever he wants to do in Cambodia, Laos, Thailand, or North Vietnam, as long as he uses the guise of expediting withdrawal of American troops or freeing American prisoners of war, both of which are subject to conjecture. It will be recalled that the Cambodian incursion of last May was justified as a means of expediting the withdrawal of troops from Vietnam and of saving lives. The fact that several hundred American boys lost their lives in the operation and that Secretary of State Rogers now reports "zero progress" toward a negotiated settlement seems all too easily forgotten.

It will be recalled that in announcing the invasion of Cambodia on April 30, 1970, President Nixon said:

> We take this action not for the purpose of expanding the war into Cambodia, but for the purpose of ending the war in Vietnam and winning the just peace we all desire.

The action did expand the war into Cambodia. Indeed, that little country is in a horrible plight. Instead of "winning the just peace we all desire," almost 8 months later we have the doleful "zero progress" report of our Secretary of State.

On that evening of last April 30, President Nixon also said:

> A majority of the American people want to end this war rather than to have it drag on interminably. The action I have taken tonight will serve that purpose.

One has but to look at the record of many mistaken judgments to realize the tragic record of vagaries in policy, "purpose" and action in this mistaken war.

"We seek no wider war," former President Lyndon Johnson repeatedly said as he repeatedly escalated the war.

President Nixon was elected on a promise to end the war. We waited for him to announce or implement a program to end the war.

It was not until May 14, 1969, that the new President made a public statement about his plan to our people. Though long delayed, it was a hopeful speech.

I applauded this speech and took heart from it, not only because the President ruled out a "purely military solution on the battlefield"—which seemed to me to leave a peaceful settlement or compromise as the only viable alternative—but also because in his plans for a settlement he advanced a number of steps which I had long advocated: first, creation of an international body agreeable to both sides to supervise troop withdrawals and ceasefires; second, all parties would agree to observe the Geneva accords of 1954 regarding South Vietnam and Cambodia, and the Laos accords of 1962, third, mutual withdrawal of non-South Vietnamese forces from South Vietnam and free choice for the people of South Vietnam. In support of this latter point the President con-

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demned, in three different places in his speech, "a one-sided withdrawal"—a fact of considerable importance which I shall take up later. And he went on to say:

> Almost without exception the leaders of non-Communist Asia have told me that they would consider a one-sided American withdrawal from Vietnam to be a threat to the security of their own nations.

He did not rule out a coalition government. It had been my view for a long while that a compromise government and neutrality status for the former French colonies was the most feasible form of settlement in consonance with the terms of the Geneva accords. In fact, the President said:

> We have no objection to reunification, if that turns out to be what the people of North Vietnam and the people of South Vietnam want; we ask only that the decision reflect the free choice of the people concerned.

It was my view of the speech that the President had decided to use the mandate of his election, as Eisenhower had with the Korean war, to extricate the United States from Vietnam as quickly as he could. For this decision, I congratulated him and wished him the greatest good fortune in a speech on the floor of the Senate. I knew for a fact that this benign interpretation of the speech was encouraged by Dr. Henry Kissinger, National Security Affairs Assistant to President Nixon, in a number of remarks and in telephone calls he made to several Senators on the Foreign Relations Committee.

Secretary of State Rogers was sent to Saigon at the time of the speech to placate the generals there who, unless they had changed their views—and there had been no indication of this—could be expected to be against many of President Nixon's proposals; just as all along they had opposed any genuine Vietnamese peace or any South Vietnamese Government but their own. Apparently Secretary Rogers was not very successful, for President Nguyen Van Thieu immediately demanded the meeting with President Nixon which was held 3 weeks later in June at Midway Island.

Immediately before the Midway summit meeting, Thieu had been making obvious efforts to forestall any prospects of a political settlement which would not guarantee the continuation in power of his junta. He went to South Korea, to Formosa, and to the Philippines soliciting allies and loudly exhorting them not to abandon him as he sought to box President Nixon into abandoning his peace plan. Cacophonous screams of anger emanated from all these capitals against any move to "appease" the Communists. And the self-decorated and self-appointed marshals and generals in Saigon proclaimed that any election held must be "in accordance with the Constitution of South Vietnam."

One notes almost comically—if it were not fraught with tragedy—that the South Vietnamese Constitution, which was promulgated by Saigon with support from the United States, makes illegal "every activity designed to propagate or implement communism," which, coupled with an electoral law that prevents neutralists from running for office, has the effect of limiting candidates to those who do not offend the ruling junta. To call this a "democratic constitution" is simply to indulge in newspeak. Yet that was precisely President Thieu's idea of self-determination. Similarly, administration spokesmen have referred to the South Vietnamese Constitution as "an historic document insuring basic human and political rights," and have hailed Thieu's own "election" as a showcase event illustrating how the will of the people had prevailed—even though with firm U.S. support he had received only a small minority of votes cast.

As the Midway meeting approached, all the factious fury coming from Thieu and his cohorts was echoed here at home. The hawks screamed about giving in to "the Communists" and President Nixon himself made another speech on June 4 at the Air Force Academy which struck a chord quite different from that of his speech of May 14—and which, in fact, added up to a ringing defense of the military:

> It is open season on the armed forces—Patriotism is considered by some to be a backward, unfashionable fetish of the uneducated and unsophisticated. . . . We shall reaffirm our aspiration to greatness or we shall choose instead to withdraw into ourselves . . .

At Midway, as so frequently before, an American President found himself stymied. Hemmed in by political pressures at home, by a wily "ally" abroad, and by insistent military advice from both places, President Nixon quietly shifted gears and proceeded full-speed—where? Into reverse. Without formally announcing the abandonment of his May 14 peace plan, President Nixon simply charted a different course—"phased withdrawal." The psychological sop he offered the American people was proclamation of a gradual "unilateral withdrawal"—denounced thrice in his speech of only a month before—of 25,000 American troops, with further disengagement promised for the future. This was called "Vietnamization."

"Vietnamization," resulted from a liaison between the Pentagon and Saigon in the fall of 1968. Before leaving office as Secretary of Defense, Clark Clifford had said in a report:

> We will continue to seek ways to effect a reduction of hostilities to lower the level of violence in South Vietnam, and to turn over more and more defense responsibilities to the South Vietnamese themselves.

But regardless of who first engineered this scheme, there is no doubt that it was a far cry from President Nixon's earlier "plan" to end the war with a peaceful settlement. Acknowledging that the return home of any soldier is most welcome, I warned in the Senate that a "phased withdrawal" that involved keeping U.S. military forces in South Vietnam to prop up the Saigon military regime until it could and would maintain itself in power was simply a covert formula for prolonging instead of ending the war.

Yet the administration asserted that somehow the withdrawal of U.S. troops from South Vietnam, coupled with more equipment and training for the South Vietnamese Army, would put pressure on North Vietnam to negotiate a settlement. The very contrary appears more logical. Indeed, "Vietnamization" and negotiation appear to be absolute incompatibles. "Vietnamization" relies for success upon maintaining the Thieu-Ky regime and its military establishment in power. On the other hand, a successful policy of negotiation would require the United States to persuade a coalescence of forces, factions, and factors in Vietnam into a compromise government which would require that Thieu and Ky step down from the pinnacle of power on which "Vietnamization" proposes to keep them.

U.S. public opinion responded enthusiastically to the appealing promise of "bringing the boys home" and of thwarting communism at the same time. Strangely, even the win-the-war-at-any-price advocates endorsed it. Questions as to whether it was a carefully considered strategy for peace, or a political maneuver to placate the public while continuing the war, seemed off-key. All those asking such "impudent" questions came under the lash of Vice President AGNEW, who suggested that Americans should "divide on authentic lines."

We were, tragically, traveling once again on the long-war road.

The complete about-face from President Nixon's position of May 14 was effected only by his television speech to the Nation on November 3, 1969. Here he reiterated all the discredited arguments for American involvement in Vietnam, and then, despite its rectitude, affirmed again that he was going to "get us out" of it anyway.

Some of the President's foreign policy advisers counseled against the Johnsonian hard line language of that speech. But Mr. Nixon insisted, I am reliably informed, that three American Presidents had sent American boys to their deaths in the jungles of Southeast Asia, and he could not afford to tell the Nation that these sacrifices had been in vain. He said, I am most reliably informed, that he must bring "political cohesion" to the country. If one narrowly interprets the President's decision, his language and his actions, one might conclude that domestic political considerations were an important ingredient, if not the essential one, for this desired "political cohesion." Viewed more broadly, one could conclude that President Nixon thus sought national unity, or at least majority support, for the war at the very price of continuing it.

In either case, the President had passed up his best opportunity to bring the war to a close through a negotiated settlement—and thus had rejected not only his own earlier proposals, but also the mandate of his election.

Thereafter, Ambassador Lodge resigned. The peace conference in Paris was downgraded. U.S. troop withdrawals were increased. North Vietnamese infiltration into South Vietnam increased. Tension increased.

Cambodia was invaded. President Nixon said this action "gives Vietnamization a better chance." U.S. withdrawals increased; North Vietnamese infiltra-

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tion continued, bringing the largest number of North Vietnamese in South Vietnam in the history of the war.

But policy took another hopeful turn last October when President Nixon made another "negotiation" speech and selected Ambassador Bruce to go to the Paris Peace Conference.

Yet ominous threats of reescalation have been made within the last few days by both President Nixon and Secretary Laird.

One of the many unfortunate aspects of this most unfortunate war is that our policy has evolved seemingly without direction, shifting and changing with the seasons of the political climate.

It is against this background of sad, shifting policy that the language of the conference report must be considered. We must beware of the danger of a "wider" war for the purpose of "saving" lives.

Surely our sad experience with the Tonkin Gulf resolution is sufficient warning as to the inadvisability of passing a second Tonkin Gulf amendment.

A GOOD CHOICE—GOVERNOR CONNALLY

Mr. DOLE. Mr. President, we have watched the newspaper columnists and interpretive reporters—people who do not let the facts interfere with their opinions—belabor the possible political aspects of the President's decision to name Gov. John Connally, Secretary of the Treasury.

Obscured by their bedazzlement with the politics of the appointment is the fact that Governor Connally would be an asset to any administration.

Seldom, indeed, has a man come into a Cabinet with such broad experience and such outstanding qualifications.

Secretary of the Navy, three times Governor of Texas, lawyer, skilled politician, Governor Connally is familiar with the workings of government and with the attitudes and approaches of those in government.

We hear the nonsense that he does not have a banker's knowledge of the economy. But, in truth, this is nonsense.

Any man who has had to put a State budget together in these complicated times knows something about the economy. Any man who has governed a complex State such as Texas with a diversified economy that includes agriculture, livestock, oil, defense industry, shipping, among others, knows the problems of the economy.

The cures for the problems? Who knows them? I would venture to say that the policies Governor Connally helps promulgate will be as effective and worthwhile as most of those proposed by his predecessors of the last 40 years.

Mr. President, it is easy to see the political advantages that accrue to the President from this appointment.

The advantages to the Nation may be a little less visible, but I would venture to predict that during his service in President Nixon's Cabinet, Governor Connally will leave an indelible mark on the Treasury, this administration, and on the Nation.

ANALYSIS OF DIPHTHERIA OUTBREAK IN AUSTIN, TEX., 1967–69, BY JAMES B. STEWART

Mr. YARBOROUGH. Mr. President, one of the more important bills which Congress has passed this year is the Communicable Disease Act, S. 2264, which I introduced in the first session of this Congress. This is now Public Law 91–464 since it was signed into law on October 16, 1970.

While this law is most often thought of in the context of the threatened rubella epidemic in this country, it has significant implications for other communicable diseases such as the diphtheria outbreak that happened in my hometown of Austin, Tex., during 1967–69. To illustrate the need for this legislation, I ask unanimous consent that an article entitled "Analysis of the Diphtheria Outbreak in Austin, Tex., 1967–69" from the November 1970 issue of Public Health Reports, written by Dr. James C. Stewart, Jr., be printed at this point in the RECORD. Dr. Stewart is assistant director for comprehensive health planning of the Community Council of Austin and Travis County, Austin, Tex.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANALYSIS OF THE DIPHTHERIA OUTBREAK IN AUSTIN, TEXAS, 1967–69

(By James C. Stewart, Jr., Ph. D.)

In recent years, outbreaks of communicable diseases in the United States have followed a clearly discernible pattern. Numerous reports (1–34) indicate that these outbreaks occur primarily among low socioeconomic groups. The recent outbreaks of diphtheria in Florida (35), Illinois (36), Washington (37), Oregon (38), and Texas (39, 40), also seemed to follow this pattern. A traditional explanation for the occurrence of communicable diseases among low socioeconomic groups is that people affected by such diseases are uninformed or apathetic toward existing preventive measures. Zalma's report on the diphtheria outbreak in Austin (41) stated ". . . there inevitably remains a pool of susceptibles—the 'hard core' families who never turn out for immunizations or who refuse to take them."

My analysis of a local outbreak of diphtheria has possible implications for the occurrences of communicable diseases in other low socioeconomic areas of the nation. The solutions to the local problem which I describe also have possible national significance.

DIPHTHERIA IN AUSTIN, 1967–69

Beginning in October 1967 and continuing through December 1969, Austin, in Travis County, had one of the largest diphtheria outbreaks in any U.S. metropolitan area during that time (table 1). Although outbreaks occurred in other Texas counties, the outbreak in Austin and other areas of Travis County lasted longer and affected more people (table 2).

TABLE 1.—DIPHTHERIA INCIDENCE IN TRAVIS COUNTY, THE STATE OF TEXAS, AND THE UNITED STATES, 1967–69
PUBLIC HEALTH REPORTS

Area	Population [1]	1967 Cases	1967 Rates	1968 Cases	1968 Rates	1969 Cases	1969 Rates
Travis County	263,981	12	4.55	64	24.24	37	14.02
Texas including Travis County	10,924,009	72	.66	131	1.20	75	.69
Texas excluding Travis County	10,660,028	60	.56	67	.63	38	.36
United States	197,859,000	214	.11	243	.12	232	.12

[1] 1967 estimates.

TABLE 2.—DIPHTHERIA INCIDENCE IN TEXAS COUNTIES WHICH REPORTED 5 OR MORE CASES TO THE TEXAS STATE DEPARTMENT OF HEALTH, 1967–69

County	Population [1]	1967 Cases	1967 Rates	1968 Cases	1968 Rates	1969 Cases	1969 Rates
Bexar	839,330	(2)		6	0.71	9	1.07
Dallas	1,201,617	5	.42	(2)		(2)	
Jefferson	254,017	(2)		(2)		11	4.33
Kleberg	29,137	17	58.35	18	61.78	(2)	
Nueces	234,081	8	3.42	14	5.98	(2)	
Travis	263,981	12	4.55	64	24.24	37	14.02

[1] 1967 estimates.
[2] Less than 5 cases reported.

As is typical in diphtheria outbreaks, the Austin victims were predominantly 15 years of age and under. Of the 101 cases reported during October 1967 to October 1969, 42 were in Negroes and 57 in whites (52 of whom were Mexican-American). The ethnic classifications for two patients were undetermined because of a lack of standard procedures for the collection and publication of such data. Although Mexican-Americans constitute only 14.4 percent of the population, according to estimates by Austin's department of planning, they had 52 percent of the cases of diphtheria during this time. Negroes constitute 11.4 percent of the population, but had 42 percent of the diphtheria cases. Anglo-Americans, 74.2 percent of the population, had only 5 percent of the diphtheria cases.

The cases occurred predominantly in the low socioeconomic areas of the city and county. From October 1967 to October 1968, 49 cases occurred in a cluster of five census tracts. Only six cases occurred outside these areas. From October 1968 to October 1969, 34 cases occurred in the same cluster of five census tracts. Again, only six cases occurred outside these areas.

Attempts have been made to alleviate the problem of diphtheria in Austin. In June 1968 the city-county health department began special diphtheria immunization clinics in addition to the five clinics routinely conducted in the lower socioeconomic areas. Clinic times were extended into the early evening. Saturday and Sunday clinics were added. During October 1968 immunizations for diphtheria and tetanus were given at 36 public and parochial schools and community recreational centers.

Members of the Travis County Medical Society met with the Austin School Board early in 1969, and regulations were written requiring immunizations against five communicable diseases, measles (rubeola), diphtheria, tetanus, smallpox, and poliomyelitis, before admission to school in September 1969. In November and December 1969, the city-county health department personnel gave first and second diphtheria and tetanus immunizations in the 16 elementary public and three parochial schools in the east Austin area.

During September through December 1969, the Comprehensive Health Planning Commission sponsored several meetings with officials from the Travis County Medical Society, school officials, Human Opportunities Corporation (Office of Economic Opportunity), city-county health department personnel, and persons from the east Austin neighborhood to discuss the diphtheria problem and possible solutions to it. Special clinics; house-to-house neighborhood canvasses; and radio, television, and newspaper coverage of the clinic hours and the importance of getting immunized were suggested. Neighborhood groups offered to follow up those who had not completed the series, if the names could be made available. It was also suggested that an annual immunization program and monitoring system be set up in the elementary public and parochial schools in east Austin. Despite all this activity, Travis County had 37 cases of diphtheria in 1969 (42).

Austin's problem with underimmunized low-income people is not unique, as recent reports have revealed (35–40). However, the time has come to raise questions as to some possible reasons for the occurrence of communicable disease outbreaks. As I interpret existing data on communicable diseases, the following are primary parameters.

Communicable disease outbreaks are primarily a result of consumers who are uninformed or apathetic with respect to preventive measures. This alternative has been discussed in previous reports (8, 34, 43). They cite extensive bibliographies that question the validity of the traditional explanation of apathy for the general underimmunized status of low socio-economic people. Based on these studies, it seems plausible to search elsewhere for other causes of communicable diseases among low socioeconomic people.

Some vaccines are not effective in preventing certain diseases. This alternative certainly merits research. Older's study (44) and reports from the Center for Disease Control (39, 40) indicate that this parameter should be considered with regard to the fully immunized people who contract diphtheria. Future research should include investigation of the occurrence of diphtheria in young adults who had the complete series as children but are no longer protected and in those persons who had recently received their second immunization but contracted the disease before immunization protection had been established.

Communicable disease outbreaks are primarily a result of uninformed or apathetic providers of preventive measures. This alternative also merits future research. The present study represents an empirical analysis of one communicable disease outbreak that, based on experience and the literature, suggests that this alternative is a likely candidate as a primary parameter.

The causes of communicable disease outbreaks are overcrowding, poverty, and malnutrition. These conditions prevail in every metropolitan area in the United States to a degree equal to or greater than in Austin.

A combination of the foregoing. Many communicable disease outbreaks are the result of a combination of the four parameters discussed. Further analysis of the Austin data may provide a clearer insight into the complexities of the problem.

The following explanations are offered as to why Austin continues to have diphtheria. According to health department estimates in February 1970, 90,000 immunizations were given during the outbreak. The disease, however, has continued to occur in the same socioeconomic areas and among the same ethnic groups. In 1968, even with a "captive" school population, more than 10,000 immunizations produced only a 64 percent completion rate for the elementary schools in the low socioeconomic areas. After immunizations were given in these schools for 2 consecutive years, only three of the 16 elementary public schools had a completed immunization rate of 80 percent or higher. Others were as low as 36 percent. The city-county health department and the elementary schools keep separate records. They have been unable to establish procedures to record promptly the immunizations as they are received. The public health department officials seem reluctant to lend their records to the schools for the transcription of immunization data to school records because the department's policy is not to allow records to be loaned out for any reason. The health department has not been able to establish a time when this information can be made available to the schools. This problem should be resolved and greater cooperation should be encouraged between agencies to share records.

The Texas State Department of Health operates a birth certificate followup program that provides the local health department with the names and addresses of newborn babies whose parents have not completed a form indicating that the immunization series has been started. Of the 1,330 referrals received in 1969, the health department processed 288 by telephone and home visits. There is no system to determine how many of those processed actually completed an immunization series.

Perhaps the most striking deficiency of the local health department immunization program was the lack of outreach capability in the low socioeconomic areas. Previous reports (8, 18, 34, 43) indicate the importance of such a component in any effort to motivate low socioeconomic people to participate in public health programs. However, public health nurse supervisors generally have been resistant to the idea of using neighborhood people in outreach efforts, and this resistance has been evident in Austin. The public health nurses justified the refusal to release names of people who fail to complete their diptheria series to neighborhood volunteers for follow-up purposes in the name of confidentiality, although the city's legal department ruled it legally permissible.

Because of newspaper, radio, and television publicity, action by neighborhood center personnel, and use of a sound truck to announce that school immunization requirements would be enforced, the special immunization clinics were predictably inundated. During one October Sunday clinic in 1969, 466 people were immunized between 1 and 5 p.m. This clinic was better staffed than the other special clinics, and it had two jet-injector guns. The staff consisted of one State health department employee, one student nurse, three nurses, and two clerks. (The clinics are usually staffed with two or three nurses and two clerks and have no jet-injector guns.) Comparison of the data from the special clinics in October 1969 with the same clinics in November 1969 revealed that 179 people came into the Pan American clinic for their first DTP or DT injection on October 12, but only 3½ percent returned on November 9 for their second injection. Of the 139 people who came into the Sabine clinic on October 5 for their first DTP or DT injection, only 19 percent returned on November 2 for their second injection. Of the 108 people who came into the Meadowbrook clinic on October 12 for their first DTP injection, only 15 percent returned on November 9 for their second injection. Of the 71 persons who came to the Montopolis clinic on October 5 for their first DTP or DT injection, only 29½ percent returned for their second injection on November 2.

One interpretation of these data could be the traditional one that the people are apathetic or uninformed. This interpretation raises a question—if the people are apathetic or uninformed, why did they come out the first time? Observation of several special clinics suggested other possible explanations for the low percentage of people who returned for their second DTP or DT immunization. In the Pan American clinic on Sunday, October 12, 1969, from 1 to 5 p.m., the waiting time for immunizations was 1 to 2 hours. Although the Pan American Center is a large building, parents and children were standing in the rain because there was no one to organize the lines. The clinic in general was poorly organized. Nurses used one narrow passageway for both entrance and exit. There were too few clerks for the paperwork—two to support four professionals. In order to operate a mass clinic efficiently, the staff ratio should be at least two clerks for every professional person. There was no one who could explain the procedures in Spanish to the people standing in line. Few were told when to return or the importance of returning for the second immunization.

During rush periods some special clinics gave only DTP or DT injections and referred the people to regularly scheduled clinics for their other immunizations. Reports by the Comprehensive Health Planning Commission staff on other special clinics confirmed this pattern. The city-county health department continued to hold most of its special clinics at the central office, although its data for February and March 1969 indicated that less than 30 percent of the people who came to the central clinic were from east Austin where the diphtheria was occurring. The single evening clinic, at the same location, was open only until 6 p.m. The health department's general policy was to close the clinics promptly at the stated times regardless of how many people might be waiting. The health department began to use a small mobile unit in November 1969, with some clinics operating from 5–7 p.m., but it could only serve a small number of people. It is evident that mass immunization clinics as operated in Austin cannot be looked upon as an effective method of solving communicable disease problems. This is particularly true of communicable diseases that require (a) more than one immunization, (b) periodic boosters, and (c) immunization of preschool children of low socioeconomic levels.

CONCLUSIONS

The deficiencies described suggest why diphtheria continued to occur in Austin. It would be a simple matter to make the local city-county health department the scapegoat. This would be neither fair nor accurate. Most health departments for years have been inadequately funded for the task they have been expected to perform. Most schools also have been inadequately funded and structured in health and health-related matters.

I believe the situation that I described is not solely local but one that exists generally across the nation. There are few or no health auxiliaries to do outreach work, few clinics near the low socioeconomic population, few clinics operating in the evening hours, and often a "means" test is a barrier to persons most in need of immunization. Careful analysis of communicable disease data where the diseases are occurring seems to support this position.

Based on reported experiences throughout the country, immunization programs established in the elementary schools, comprehen-

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sive in scope and operated without regard to any "means" test, have proved effective in preventing or halting communicable disease epidemics. Such a program is not subject to the weaknesses I described earlier because parents are receptive to school-sponsored activities, which reach virtually all socioeconomic groups. Since the population to be immunized will be known in advance, public or school health officials can efficiently schedule and establish locations for the immunizations. Such a program coupled with an intensive concentration on reaching preschool children should virtually eliminate many communicable diseases which continue to occur in this country.

If these conclusions are accurate, it is essential to build into curriculums and programs the importance of teaching physicians, health officers, health administrators, and nurses the following: (*a*) the need for, and utility of, health auxiliary personnel and how they may be selected, trained, and supervised, (*b*) the use of data in program activities and program planning, (*c*) the need for understanding the people to be served, and (*d*) the recognition that communicable diseases are public health problems, and, as such, obstructive "means" tests should be eliminated. People charged wtih delivering services to the poor often have a distorted concept of such persons' values, attitudes, and motivations.

Much of this could also be taught through inservice programs. If the medical schools, the public schools, the schools of public health, local medical societies, and local health departments cannot or will not address themselves to the problems I have outlined, unnecessary diphtheria, poliomyelitis, measles, and rubella will continue to result in debilitation and loss of human and economic resources.

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TRIBUTES TO SENATOR WILLIAMS OF DELAWARE

Mr. STENNIS. Mr. President, it is certainly not a happy thing for me to think of our colleague's leaving the Senate. His span here has been 1 year more than mine. We both came in the class of 1947, he in January, and I came in November 1947.

First, I want to mention my sense of gratitude and sense of indebtedness to Senator WILLIAMS for the advice and counsel he has given me on various matters, not on legislation alone, but also on other matters that affected the Senate and were of grave concern to me and to the Senate.

These were times when I would go to him rather than his coming to me. I always found that he gave all matters his most impartial consideration, impersonal evaluations, and I always received sound, far-reaching advice.

The Senate owes him the same debt of gratitude along that line that I do. He stands for the things that the Senate at its best stands for.

Mr. President, I mention also that I have seen him weather the storms of adversity. I have seen him weather the storm of criticism. I have seen him weather the storm of being misunderstood.

It was not easy for him to attain the position of influence that he has had here. But he kept on. He never varied his pace or his purpose.

I have known Senators to come to the Senate and get the wrong impression of JOHN, even after he had obtained a measure of his position of influence. More than one said to me, "I cannot understand that fellow."

I would say to them, "You stay around a while, and you will understand him and also follow him." And they did.

That is another illustration of what he has meant here beyond legislation alone.

I was told by an elder Senator when I came here that the test of a man who comes to the Senate is that he either grows or he swells.

Certainly, our friend from Delaware has grown. He has grown and he has never swollen. He has helped all of us to try to grow.

I think the thing he leaves with us that he treasures the most, and it is the thought I treasure most, is that he enjoys the wholesome respect of every Member of this body who is here now, as well as those who have gone before. That respect is a quality that will continue with him and his memory and he can have the assurance that he will always have that respect.

If I could sum up JOHN WILLIAMS as a man in one word it would be genuineness—a genuine gentleman, a genuine man, of character and honor. I salute him and thank him.

Mr. MATHIAS. Mr. President, the traditional concept of integrity in American government is summarized in President Cleveland's phrase, "A public office is a public trust." Today it is my great pleasure to join in paying tribute to a man who, during almost a quarter century in this body, has done so much of significance to advance and enforce that concept.

The distinguished senior Senator from Delaware has registered an impressive list of contributions and accomplishments. Time after time he has risen in this body to insist on fiscal responsibility, to challenge an apparently unwise use of public funds, to question procedures and programs which in his reasoned judgment were contrary to the public interest. Time after time, without extensive staff or fanfare, he has conducted persistent investigations of misfeasance or carelessness in government, and has prompted important reorganizations and reforms.

Even more important than these achievements is the concept of service which has become indelibly linked with the name and career of JOHN J. WILLIAMS. He has been often called the conscience of the Senate, but this title scarcely does justice to his intensely personal standards, his unchallenged individual integrity, and his unyielding insistence on honesty in men as well as in government. To an exceptional degree, he has assumed personal responsibility for the quality of government. He has regarded the public trust as a personal obligation, and has fulfilled that trust by his tireless efforts to insure the wisest conduct of the Nation's business.

Mr. President, Senator WILLIAMS is a statesman in the Senate and a uniquely valuable citizen in the Nation. I suspect that the people of Delaware would enthusiastically return him to the Senate again and again. I know that we would profit from his continued service here. But, typically, in his voluntary retirement, Senator WILLIAMS is following his own strict standards and implementing in his own life the principles he has urged us to enact into law.

The Nation owes JOHN WILLIAMS its thanks, gratitude, and respect. As I join in this well-deserved tribute today, it is my hope that, although he is departing from the Senate, Senator WILLIAMS will continue to give us the benefit of his insight and experience for many years.

Mr. McGEE. Mr. President, when this 91st Congress adjourns, it will mean the retirement from this body of our distinguished colleague from Delaware (Mr. WILLIAMS), who is following, even in this act of retiring, the dictates of high principle.

All of us, on both sides of the aisle, Mr. President, are going to miss the incisive, thorough contributions to the Senate's debates on the public's business, I know. Even more, I would venture to say, is the public going to miss the effective, no-nonsense approach to legislation brought to this chamber virtually every working day since January of 1947 by Senator WILLIAMS. His name has become a by-word with countless thousands of Americans who appreciate and applaud his tireless representation. And, of course, it is apparent by his record over the years how the people of the first State regard their distinguished senior Senator.

Mr. President, I wish to join my colleagues in the Senate in paying tribute to the long and distinguished service of Senator WILLIAMS, in wishing him many years of fruitful, involved retirement.

Mr. DOLE. Mr. President, I have listened intently to the comments of Republicans and Democrats praising JOHN WILLIAMS. The views of this freshman Senator are less eloquent, but very much like those expressed by the Senator from West Virginia (Mr. BYRD) and the Senator from Michigan (Mr. GRIFFIN) with perhaps one significant exception. It should be emphasized that despite his 24 years in the Senate, JOHN WILLIAMS always had time to counsel junior Senators.

My predecessor, Senator Frank Carlson, advised me before I came to the Senate that the Senator to seek advice from was JOHN WILLIAMS.

Senator Carlson and the late Senator Andrew Schoeppel had great respect for Senator WILLIAMS. I knew why soon after coming to the Senate. I have learned much from the gentleman from Delaware and respect him for his courage, integrity, resourcefulness, and loyalty.

It should, of course, be noted that JOHN WILLIAMS is a proud Republican. His efforts in the Senate have strengthened our party in Delaware and across the Nation. Those on our side of the aisle therefore have additional reason to be proud of our colleague who came to, and who departs from, this body a young man.

For nearly a quarter of a century, he has rendered outstanding service. I have been privileged to serve with him for only 2 of these years, but shall always remember his many kindnesses, courtesies, and his sound advice.

Mr. HOLLAND. Mr. President, after my good friend of many years, Senator JOHN WILLIAMS of Delaware, announced last year that he would not become a candidate for reelection to a fifth term in the Senate, I unsuccessfully endeavored for months to persuade him to change his mind. His service to his State and our Nation, and indeed to the Senate itself, has been so outstanding since he came here, as I did, as one of the Senate class of 1946, that I felt and still feel that his loss will be a very great one indeed.

He has been constantly insistent upon greater economy in our Federal Government, and his efforts, frequently successful, have brought many substantial savings in our Federal expenditures. Frequently meeting with disappointment in attaining his objectives in this field, he has nevertheless persevered, year after year, and the fiscal strength of our Nation has benefited, over and over again, from his continued efforts.

His disclosure of questionable and sometimes fraudulent handling of Government money and Government trusts by public servants has resulted in stricter law enforcement and in better performance of their duties by public officials generally.

His adherence to the highest standards of official and personal ethics has reflected credit on the Senate and has set high and inspiring standards for all of the rest of us who have served as his colleagues in the Senate.

Personally he is a modest, gentle and friendly person who numbers countless friends who unite in respecting and admiring this unusual man, and in recognizing his great service to our Nation at this time of his voluntary retirement from the Senate.

My wife Mary and I want the RECORD to express our affection for him and his lovely wife, Elsie, who has also reflected great credit upon the Senate as a Senate wife during their 24 years here. We wish for both of them the fullest measure of health and happiness during what we hope may be many added years together.

FAMILY AID PROGRAM

Mr. BENNETT. Mr. President, institutions are slow to change, especially when they are cast on a scale appropriate to this very large Nation. Our very size and the vast differences in regions are part of the problem.

The leisure to deal with change and emerging needs is no longer a luxury available to the generation in charge. In an age of rising expectations, we find that the very premises of our society are being irreverently reexamined by formerly quiescent groups, which are now raising their voices and flexing their political muscles.

This country has traditionally been very conservative in its attitude toward the Government's obligations to the individual citizen. The pioneer influence is still strong, with its emphasis on self-reliance and rising through one's own efforts.

Our present welfare system has been in existence less than 40 years, and in so short a time has become the focus of so much discontent, confusion, cross purposes, and disincentives that one is hardly likely to find a spokesman in its favor in any forum across the country.

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But discontented as we all are with the present welfare system, it has not been easy to evolve an acceptable program which will correct all the deficiencies of the existing mechanism, which is little more than an accretion of legislative innovations and patchwork remedies.

What the administration is offering to the Congress is essentially a clean sweep of the old structure with its built-in guarantees of failure.

I am today introducing this comprehensive amendment which provides for the establishment of the family assistance plan with State supplementary assistance plans and for the establishment of vastly improved manpower services, training, employment, and child care programs for recipients. The provisions of this amendment are basically similar to those of the family assistance plan in H.R. 16311 as passed by the House of Representatives with certain modifications and improvements that have been developed over the past several months.

The amendment contains the following major provisions:

ELIGIBILITY AND AMOUNT

Basic Federal payments to virtually all families with children where family income is at a level of less than $500 per year for the first two people plus $300 for each additional person.

The basic Federal payment would be at the rate of $1,600 a year for a family of four with no other income. For families with earnings, the first $720 of annual earnings would be disregarded and the payment would be reduced by 50 percent of any additional earnings. Payments would generally be reduced dollar for dollar for unearned income.

WORK REQUIREMENT

As a condition of receipt of payments, able-bodied adults, other than those specifically excluded from the work requirements, such as mothers with children under 6, would be required to register for training or work and to accept training or suitable work offered them. A person who did not comply with this requirement could not be paid a family assistance payment and there would be a loss to the family of the basic $500 amount otherwise payable to the first—or second—family member.

DAY CARE

The amendment would also provide a strong child-care component to enable mothers of school-age children who are required to register and other mothers who volunteer for work training or employment to participate in training and work. A mother would not be required to take training or employment if adequate child-care arrangements could not be made.

STATE SUPPLEMENTATION

In addition to the basic Federal payment, States would be required to provide supplementary payments to families other than working poor families; that is, supplementary payments would be provided for eligible families in which one parent was dead, disabled, or absent, or in which the father was unemployed. States would generally be required to supplement the basic FAP payment up to at least the present payment level in the State. The Federal Government would match 30 percent of the cost of the supplementary payments up to the poverty level as set forth in the bill.

ADMINISTRATION

The amendment provides for various administrative options with substantial thrust toward Federal administration of cash assistance and administrative separation of eligibility and payments procedures from social services plans. Specifically, any wholly federally financed program, such as assistance to the working poor, would be administered directly by the Federal Government. The States would be authorized to contract with the Department of Health, Education, and Welfare for direct Federal administration of the supplementary assistance plans, in which case the States would be relieved of their half of the administrative costs of the plans. Also, to allow flexibility to accommodate various alternatives and to avoid the possibility of administratively chaotic and complex situations, the Department of Health, Education, and Welfare would be authorized to contract with the States for State administration of the basic FAP. Also, in the event of direct Federal administration of both cash assistance programs arrangements could be made for Federal eligibility determination for other programs based on need, such as medicaid.

FISCAL RELIEF—"HOLD HARMLESS"

This amendment provides an element of fiscal relief and a measure of protection against future increases in State expenditures. Under this provision, a State would not be required to spend in future years more than 90 percent of its assistance expenditures for calendar 1971 increased by the cost of living. Any required future expenditures above this amount would be met by the Federal Government. States which would otherwise realize a greater reduction in welfare costs as a result of the welfare reform legislation would not however be given fiscal relief of more than this 10 percent.

FEDERAL STANDARDS

In addition to providing for direct Federal administration in some instances, the plan would place increased reliance on Federal standards and definitions. Uniform Federal requirements would govern eligibility for assistance including determinations of income and resources, illness, and incapacity, and so forth. This emphasis will lead to a more uniform and equitable system and to greater effectiveness and efficiency of administration.

ADULT CATEGORIES

The amendment also provides for substantial improvements in the program of aid to the aged, blind, and disabled, including Federal standards and definitions, the option for Federal administration, and, most significantly, a minimum income level of $130 per person per month for single people and $230 for married couples. This increase over the $110 figure in the House bill is equivalent in cost to the saving that accrues by not providing food stamps for adult assistance recipients—as would not be provided under the committee bill—this is what is referred to as "cashing-out" food stamps.

PROTESTS

This amendment authorizes the Secretary to conduct pretest of the welfare reform during 1971. These pretest provisions are somewhat similar to those included in the committee bill as ordered reported this week, however, they differ significantly in that the tests would be conducted more quickly with automatic subsequent implementations of the full welfare reform plan nationwide. It is expected that these pretests will be most helpful to the administration in their preparation for national implementation of the program.

While I voted for the more limited provision that the committee has included in H.R. 17550, I believe that we can and should go further and provide now for subsequent implementation.

Now I would like to comment on two issues that I think are of vital importance with regard to this legislation: First, the allegation that this is a "guaranteed income" plan and therefore bad; and second, the fact that a most basic part of this reform legislation is the strong emphasis on work and training.

First, as to the guaranteed income question, I submit that what we have in the present welfare system—the patchwork of the last 35 years—is the most unsuccessful, unpopular, inequitable, and unjust guaranteed income system that one can imagine. But, a form of guaranteed income it is. The system—if, indeed it can be called a system—is designed so that the Federal Government offers financial inducement to the States to make payments to people whom the State finds have insufficient or no income. This is a form of guarantee of some payment to some people who are thought to be needy. But it is not, in its current operation a defensible system; much less, a good one:

First, definitions of need are arbitrary—a needy female-headed family may get aid while an equally needy male-headed family may not;

Second, the system encourages family breakup and other subtle and invidious destruction of human values;

Third, there are wide State-to-State variations that produce inequitable and unjust variation in the treatment of poor people;

Fourth, there is little in the system that tends to move recipients toward self-support and a dignified, proud way of life;

Fifth, the system recently is characterized by runaway costs, resulting in fiscal chaos and an incredible fiscal dilemma for the States.

In answer to some critics, I say, that if this is guaranteed income, it is a far sight better than the guaranteed income system we have now. There is nothing new in the idea of guaranteed income; what is new is the idea that there is a better way to accomplish income maintenance and that this body has before it today legislation to accomplish this end.

This brings me to the second vital point—the work requirements and work incentives under this amendment. Our present income system is lax and weak in its work provisions. The proposed plan is not. In fact, many people say that the proposed plan is not an income guarantee plan because of the very fact that registration for work training and employment is a precondition for receipt of aid for virtually all family heads—except, of course, mothers of preschool children.

Those who refuse without good cause to participate in training or employment would not receive payments under the plan.

Once registered, those persons possessing appropriate job capabilities and know-how will be directly referred to jobs. For others, there will be training opportunities; individual plans worked out so that they can qualify for jobs. Family assistance recipients referred to training will receive an extra $30 a month while in training and will be reimbursed for travel and other necessary expenses related to the training.

Individuals who are incapacitated and cannot work, will be referred for vocational rehabilitation services. Rehabilitation programs will assist many physically or mentally incapacitated persons to be restored to productive lives. Just as those who are in work training, persons receiving rehabilitation services will receive an incentive allowance of $30 a month plus out-of-pocket costs for such things as transportation and other related expenses.

As I indicated, if an adult family member who is required to register refuses, without good cause, to participate or continue to participate in training or employment, he would be denied benefits under FAP. The same is true for refusal to accept vocational rehabilitation services.

Work may not be a practical possibility for a mother if she has no reliable and satisfactory arrangements for her children while she is in training or at work. To meet this need the family assistance program provides for a large expansion of subsidized child care. Child care of high quality will not only release mothers for work but in many instances will be looked upon as added incentives to take jobs or enter into manpower training because of the added advantages afforded to the children.

That the best path out of dependency runs through work is not debatable. But the poor and the near poor, most of whom lack education or job skills for other than demeaning, low paid jobs, must have some means of receiving financial assistance while engaging in training, job upgrading services or in vocational rehabilitation. The family assistance program makes available work incentives in a new effort to cultivate the employment potential of dependent adults and financial assistance pending the time when the affected families can attain self-sufficiency.

By continuing to pay partial aid to the working poor, and removing other disincentives found in the current welfare program, the family assistance program removes the incentive to quit working and go completely on welfare. The benefit provisions of the plan have been carefully designed to insure that working is always more profitable for families than not working.

There remains, however, the very serious question of whether there will be jobs for people who could be expected to work and whether the work training programs will lead to meaningful employment. To respond to this issue and to strengthen the likelihood of job availability, this amendment provides $150 million for special work projects—at up to 80 percent Federal matching—and it is the intent of this provision to assure that the work will be meaningful, useful work, needed by the Nation and, for the participant, leading to greater independence and self sufficiency.

I am confident that, with this added guarantee, the work incentives and requirements of this legislation will prove to be a basic and strong element of the welfare reform.

A MAN TO REMEMBER—OLAUS MURIE

Mr. McGEE. Mr. President, conservationists across the land and around the world are familiar with the name of Olaus Murie, and with his widow, Margaret. Olaus Murie died in 1963 after a remarkable career as a quiet crusader for the preservation of unspoiled lands and endangered wildlife. It was a career that brought him much unsought acclaim, for he lived simply, as Mrs. Murie does yet, in the place of his choice, in Wyoming's Jackson Hole country. The December issue of Wyoming Wildlife, the outstanding publication of the Wyoming Game and Fish Commission, carries an excellent article on, "A Man To Remember—Olaus Murie." Mr. President, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A MAN TO REMEMBER: OLAUS MURIE

(By Larry Roop)

Millions of people stream through Jackson Hole every summer on their way to or from Teton and Yellowstone National Parks. There are innumerable attractions for vacationers under the shadow of the towering Grand Teton peaks, most of which center around the town of Jackson. A tourist town that has somehow retained its rustic western charm, Jackson's boardwalks are seldom empty of summer sightseers or winter skiiers. Tourism is big business in these parts.

But four decades ago things were must different in the valley. Jackson was only a serene western community, concerned merely with ranching and the famous elk herd of nearly 20,000 animals that wintered each year on nearby pastures. The world outside hadn't fully discovered this picture postcard land, yet the fires of controversy were being kindled that would soon give Jackson Hole publicity everywhere.

The elk herd was in trouble. Private conservation organizations were trying to purchase winter refuge lands for the starving herds, and valley residents were irate over interference from outsiders. Everyone had their own answer to the elk problem, but no one had real facts on which to base sound management.

It was into this setting that Olaus Murie brought his wife Margaret (Mardy) and their two young children to Jackson in 1927. He had been sent by the U.S. Bureau of Biological Survey (now the Bureau of Sport Fisheries and Wildlife) to study the elk of Jackson Hole. The study was an important one and much depended on its outcome, yet Olaus looked at it as an exciting challenge.

That was the nature of this man; just living was exciting and he waded into each new challange with enthusiasm.

Olaus was born and grew up in a small town in Minnesota where he must have developed an early taste for wilderness life. Before coming to Wyoming he had gained experience in Alaska and Canada, and in later years his work always took him to wild and remote areas. But something about the Jackson Hole country made Olaus decide to call it his home. Perhaps it was the same *something* that had captured the heart of so many others who had come for a visit and decided to stay.

To Olaus the words study and research did not mean just sitting behind a desk. When the elk started moving back to the mountains in the spring, he took his wife and small children and they followed and observed the herds.

During the years of the study Olaus practically lived with the elk; he wanted to know everything about them. This meant camping in the high country under less than ideal conditions.

Few women would consider taking an eight-week-old baby into the mountains for a summer-long campout, but Mardy was no ordinary woman. She and Olaus had met and married under the arctic skys of Alaska, and she, like Olaus, was no stranger to outdoor living. When Olaus and Mardy tell of their experiences in the book *Wapiti Wilderness*, one can detect that they looked upon camping in the elk summer range as some of the best times of their lives; though they had a way of looking wistfully at all their good times together, particularly those early years in Wyoming.

Over the years many changes, both good and bad, came to Jackson Hole and the Muries took an active part in valley affairs. Along with other Jacksonites, they suffered through the many feuds over what to do with this much sought after real estate. When the hot controversy arose over Jackson Hole National Monument (later added to Teton National Park), Olaus and Mardy were caught in the crossfire. They couldn't help but sympathize with their neighbors who felt "outsiders" and the government were invading and stealing their lands, but on the other hand, they also realized the only way this area could be safe from greedy interests would be to put it into public trust. That the park and elk refuge have been good for Jackson Hole is not disputed today, but a history of turmoil and conflict lies behind the setting aside of these lands.

When Dr. Murie published his book, *The Elk of North America*, based largely on his Jackson Hole studies, it became the Wildlife Society's outstanding ecological publication of 1951. Amazingly, this was only a small part of Olaus' contribution to the biological sciences. His published works include *Alaska-Yukon Caribou, Food Habits of the Coyote in Jackson Hole, Wyoming, A Field Guide to Animal Tracks, Fauna of the Aleutian Islands and Alaska Peninsula,* and literally hundreds of articles, reviews, and editorials for magazines and professional journals. But if he had never written a book or article, he would probably still have been renowned for his work as an artist and illustrator.

Mardy Murie, when asked how her late husband accomplished so much in only one short lifetime, said "He was always busy. He might write or paint for a couple of hours

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and then go outside to chop firewood, but he was always active with something. He never had an idle moment."

Success to most professional men results in their moving to a big city, but not Olaus. When the Wilderness Society offered him a job as director, he took it only with the stipulation that he be able to remain in Jackson Hole. For several years as director and then president of the Society, he conducted business from a secluded, often snowbound log cabin near the village of Moose. Though business meetings, conventions, and legislative battles repeatedly took him to the hectic world of the megalopolis, he always relished the times of solitude and simple living at Moose.

But despite his love of the back country and the life away from the bright lights, Olaus couldn't escape fame and recognition. It was a paradox that he was a man of meekness and unselfishness, and at the same time he commanded a powerful respect from all those who met him. One person who had known him said, "He was a concerned and extremely dedicated person. Olaus never worried about selling himself, just his cause."

And his causes took him to the forefront of many battles for endangered wilderness areas and important conservation issues. Unlike most, he had respect and understanding for his opponents. When tempers were hot, it was always the calm plea of Dr. Murie for reasoning among fellow humans. Once when the Army Corps of Engineers planned to dam and alter the lakes of his beloved Jackson Hole—the Upper Snake River Basin—he asked the simple question, "Shall the dollar alone shape our future . . . ?"

The enigma of Olaus Murie was best put by columnist Cal Queal of *The Denver Post*, when he wrote:

"Some men become famous by thrusting themselves upon society. Olaus Murie spent most of his 75 years far removed from civilization, but became a dominant national figure in spite of that.

"Dominant is perhaps a poor word. Olaus Murie wouldn't willingly dominate anyone or anything. A bush, a rabbit, or an elk were objects to be studied, appreciated, and left alone."

After a long illness, on October 21, 1963, Olaus passed away and a remarkable career was ended. However, the work he was so dedicated to is far from being ended. Olaus believed in the future, in the young people. To those he counseled he was an inspiration, and his works will always remain on the bookshelves of professional conservationists.

Margaret Murie, still residing at the cabin near Moose, has kept the same warm atmosphere at their home. Just as always conservationists from around the world find their way to this cabin near the base of the Tetons, and Mardy greets them with a cup of tea and some cookies. But she does not have many moments of leisure—she is active in the Wilderness Society, Wyoming Outdoor Coordinating Council, and Teton Science School.

Not surprisingly, Olaus' brother, Adolph, is a distinguished naturalist in his own right. Like his late brother, Adolph has spent much of his life working in remote wilderness areas. Because of the contributions of these two men the name Murie comes to mind among conservationists as easily as does Aldo Leopold, "Ding" Darling, and Rachel Carson.

After Olaus' death newspapers all across the country ran editorials in honor of him. They called him "The Quiet Crusader," "Mr. Wilderness," and "Kindred to Thoreau." Even more revealing as to the respect for him was the fact that Alaska, Minnesota, and Wyoming all claimed him as their own.

Olaus found enjoyment in living things and unspoiled lands everywhere, but, as most men do, he picked one place as his favorite—the Jackson Hole Country. However, he once wrote that "one has to live a dreadfully long time in Jackson Hole to be considered an 'old-timer.' I don't think we were considered old-timers even after thirty years of living there." Reporting of his death, *The Jackson Hole Guide* stated that "Teton County has lost one of its most distinguished citizens." It would have pleased Olaus to know that he had finally become an old-timer and citizen of Jackson Hole.

RED CHINA: ROGUE NATION

Mr. GOLDWATER. Mr. President, I should like to take some time today to discuss the American policy toward Red China, as it has existed in the past, as it stands today and as it is planned for the future.

Let me say that it has been some time since I have addressed myself to this question and it arises now because of a growing tendency in the Western World to feel that because some years have passed since the Communist conquest of mainland China that our policy and our attitude toward an oppressive, repressive slave state should be relaxed.

We are told, for example, that because the vote in the United Nations denying membership to Red China was closer than in previous years that the time has come for us to ease up on our policy of opposition. We are told that Red China now appears to be a permanent fixture in the world of nations and, as such, should be accorded an honorable position in the family of nations.

Recent comments on this situation by President Nixon I find both encouraging and distressing. I find it encouraging that in discussing this question with the press on December 11, Mr. Nixon told reporters that the U.N. vote would not make it expedient for the United States to review its policy toward Red China. He emphasized that our policy would be based on principle rather than expediency. But at the same time, he said his administration would continue taking an initiative of relaxing trade restrictions and travel restrictions with Red China. He explained that this was being done in an attempt to open channels of communication with Communist China, having in mind that looking far into the future we must have eventual relations with Communist China.

It is this latter part of the President's statement which disturbs those of us who remember the genesis of Communist China and how it was born in terror and nurtured in militarism and oppression. It disturbs us because it looks to us as though this administration believes that communication is the sole requirement for eventual recognition of Communist China by the United States. This can only be acceptable if communication is set up between the United States and China and becomes meaningful enough to bring about some reforms on the mainland of China in the name of human freedom. For Red China is still a "rogue nation" in the world of today. It is an outlaw by every standard of national conduct, and it should be treated as a rogue and an outlaw by the family of nations until drastic changes are made in its governmental style or the tyranny of the present Communist regime is overthrown from within.

Mr. President, this could perhaps be the very worst time of all for international champions of freedom to weaken their opposition to diplomatic recognition and admission of Communist China to the United Nations.

When I say this might be the worst possible time for weakening our attitude, I say it because the forces of freedom are growing by leaps and bounds on the mainland of China. The ferment now taking place in China is massive and significant. The Communists are trying to perpetuate the old and worst traditions of Chinese tyranny when great changes are sweeping across the face of the Orient. The forces of freedom in China, as they do in all other slave states, look to us for strength and support. The freedom fighters in China, according to the best sources available, believe that China's future depends in large part on U.S. policy. Prof. Stefan Possony, director of international studies at the Hoover Institute on War, Revolution, and Peace, Stanford University, has provided one of the most authoritative studies yet made of this situation. In a report entitled "The Chinese Communist Cauldron," Professor Possony says that many underground leaders in China believe that an active U.S. strategy is needed to rescue the mainland, but that others feel that China's political problems can and must be solved by the Chinese themselves with conscious American encouragement.

He summed up the situation existing at the present time with these words:

> There exists in China today the preconditions for the emerging of a mass movement that would fight for progressive and free government. This fact is not yet understood in the United States.
>
> The United States at this juncture should go back to the fundamental principle that it is in our best interest to cooperate with true Republican and Democratic forces, including those who, in order to introduce democracy and a modern economy, may have to carry out a revolution against totalitarianism.
>
> Whatever may happen in mainland China, U.S. policy must support those elements which want to abolish repressive institutions, irresponsible dictatorship and slave labor, and replace "Oriental despotism" by modern, workable and representative systems.

What we have then is a situation where anticommunism is growing steadily on the mainland of China and the forces of freedom are looking confidently ahead to a time when the Maoists can be overthrown and China can break its totalitarian shackles. But the job will be much more difficult, perhaps actually impossible, if the United States relaxes trade and travel restrictions and proceeds on a predetermined course aimed at recognition of the most repressive Communist regime in the world.

Those who believe they are being great humanitarians and liberals by arguing for admission of Red China to the United Nations should ask themselves if they want to take responsibility for validating and legitimatizing the slave state operated by Mao Tse Tung. For make no mistake about it, trade relations and diplomatic relations with the United States—the most powerful champion of individual freedom the world has ever known—will greatly strengthen whatever Communist regime happens to be in control at the time when such relations are effective. Such action—even an announcement of the start on a journey down the road to official recognition by the United States—is in itself a victory for the Chinese Communist state. By the same token it cannot help but be a jolt to the forces striving for freedom of choice and action on the Communist mainland. It is difficult for me to see how we can serve principle rather than expediency when we embark on an initiative of cooperation with an outlaw nation with the object of eventual development of formal relations. And I do not care how far down the road our Government may be looking. In the court of world opinion, an announced intention of this sort is almost as good as the final action. At the very least, it weakens and waters down our stern opposition to the admission of Red China to the United Nations on the basis of principle. Expediency certainly has no validity in this situation unless we are rejecting the principle which formerly dictated our national policy against recognition of Red China and its admission to the family of nations represented by the U.N.

The passage of time does not alter principle. The mere fact that the government of Mao Tse Tung has proven that it has "staying power" is no reason why it smells any sweeter. Indeed, the length of time the Maoists have been able to hold China's hundreds of millions of people in subjection merely argues for haste in another direction.

If we are to alter our policy toward Communist China and at the same time hold to the principles which we embraced in the United Nations' Charter and which we had adopted as a national charter in the U.S. Constitution many years before that, then our course should be in the direction of tightening rather than relaxing restrictions. With the growth of anticommunism throughout China, our policy should be one of exploring every possible method of assisting the rise of freedom forces. And an active policy of assistance to the Chinese underground at least deserves consideration. I am not suggesting that we run the risk of becoming involved in a new land war on the continent of Asia, but I am saying that this is no time to be assisting the Communists in China to become more powerful.

It is all well and good to talk about opening channels of communication with Red China. If you look closely, you will find that we never closed them. We have been approachable for many years by the Red Chinese or any other nation interested in improving the lot of their own people and of learning ways and means of cooperating with nations in the West. Every tentative approach to Red China that this Government has ever made—and I want to go on record as saying that I was opposed to most of them—has received nothing but contemptuous rebuffs. The point is the Red Chinese have proven many times that they want no communications with the United States. They have also proven that they want no part of membership in the United Nations unless it is done entirely on Red China's dictated terms.

And while we are at it, let us recognize in a policy way just what Communist China represents in today's world of shifting technology and existing power balances. As Professor Possony has warned, we are confronting a totalitarian system that is planning a 100-year assault against the entire globe that may not recoil from the horror of instituting nuclear war to accomplish its goal.

Despite all the old arguments that communism is mellowing and that onetime aggressive and belligerent nations are seeking to ease international tensions, we have no solid evidence that this is the case. If anything, Communist China becomes more intransigent as its progress accelerates in the field of strategic nuclear weapons and delivery systems. At this moment in history, it is fair to say that Red China is using every means available to increase its military and economic strength. This is unquestionably its primary objective. It is in the business of catching up militarily with Russia and the United States. It undoubtedly will use every possible means to further its objective, and increased trade relations with the United States and other nations of the West fit neatly into its overall strategy.

This is a fact which should always be borne in mind by American policymakers who are inclined to get swept up in the enthusiasm generated by bleeding hearts who desperately want to believe that the world is turning to a period of sweetness and light wherein nations of differing cultures, conflicting philosophies and competing economic and territorial objectives open their arms to each other and declare the millennium.

It does no harm when considering the possible admission of Red China to go back and recall what the purposes of the United Nations are supposed to be. It might surprise some of our current "soft-on-Red China" advocates to discover that the U.N. was not based on the principle that all nations were automatically entitled to membership. Nor was there any premium placed on the longevity of a national regime as a prerequisite to affirmative consideration for U.N. membership.

Indeed, the framers of the United Nations Charter envisioned that some State would not be members. For example, chapter I, article II, paragraph 6, of the U.N. Charter states:

> The organization shall ensure that states which are not members of the United Nations act in accordance with the charter's principles so far as may be necessary for the maintenance of international peace and security.

It is always well to remember that one of the things the U.N. was supposed to do in the post-World War II world was to foster respect for the principle of equal rights and self-determination of people. Membership in the U.N. was held open to peace-loving States which accept the obligation contained in the charter.

The underlying purpose of these provisions is obviously to place an obligation upon candidates for admission. In other words the charter was so drafted that candidates for admission would be obliged to demonstrate that they were peace-loving States that accept the obligations of the charter, including the obligation to respect the equal rights and self-determination of its people.

When you apply such a purpose to the recommendation for the membership of Red China, you find that the Communist regime in Peking fails to measure up on every requirement. In addition to her support of North Vietnam and her determined effort to impose Communist tyranny on the people of South Vietnam by force, we have many other examples of how Peking actually works against almost every precept of freedom. For example, British newspapers report that instructors have been sent from Communist China to Jordan to help train the so-called popular front of Palestine guerrilla fighters. According to these reports as many as 100 Chinese experts were sent to the Middle East recently with an arsenal of automatic weapons, rocket launchers, and bazookas made on the Chinese mainland. Huge quantities of these weapons are reportedly being routed to Palestine forces from China by way of Zanzibar—the Indian Ocean island which is part of the African nation of Tanzania. Zanzibar is largely controlled by Chinese Reds and, with the Arab Republic of Yeman in Southern Arabia, is a major staging point for guerrilla training and outfitting.

In addition to this, Peking radio beams a constant barrage of propaganda toward the Middle East in support of Arab efforts to destroy Israel. It is no secret also that Arab guerrilla fighters have received special training in terror tactics in special posts in Communist China.

Added to all this we have the interesting spectacle of Red China hosting and supporting the discredited Cambodian Prince Sihanouk in his efforts to reimpose a special brand of tyranny on an unwilling Cambodia populace.

So I submit, Mr. President, that Red China stands today as a principal fomenter of strife and tyranny throughout the world. As such, she is a rogue nation deserving of no special consideration and certainly none that might involve the requirements outlined in the U.N. Charter.

I know that it can be argued that there already are members of the United Nations who have crudely flouted the principles of the charter. One that comes to mind immediately is the Soviet Union who, while a member of the international body, subjected Czechoslovakia, Hungary, and Poland to tyrannical treatment. Logic, of course, would decree that such states be forced to leave the U.N. or that the charter be revised to discard some of its principles. The likelihood of such action, of course, is so remote as to border on the impossible. However, that does not say that we should aggravate an already unhealthy situation in the United Nations by adding another outlaw state that violates the charter as a matter of national policy.

I believe that we have almost come to the time when we either water down the U.N. Charter or admit that our idealistic

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efforts to maintain an organization for the promotion of peace and harmony in the world has failed miserably.

In conclusion, let me say that nothing can be gained but a great deal can be lost by admission of Red China to the United Nations or its diplomatic recognition by the United States. If we approve either act as a nation we will, in effect, be placing our seal of approval not only on the tyranny which Communist Peking maintains within the boundaries of China, but we will, by inference, be endorsing the policies through which Red China spreads rebellion, discontent, and subversion throughout Africa, France, the Middle East, and the Western Hemisphere in addition to Southeast Asia.

I know that it sounds impressive to argue as did one prominent newspaper recently that there is no point in keeping Peking out of the United Nations inasmuch as she controls—if not represents—a quarter of the world's population. But to accept this argument is to accept defeat in the name of freedom for the millions of Chinese people who are held in thralldom to a Communist master. Make no mistake about it, when we dignify through recognition and U.N. membership the government of Peking we accept it as member in good standing in the family of nations. With a record such as Peking has achieved, I believe the United States, at least, should stand firm in demanding that Red China earn its membership among the decent nations on this earth.

TRIBUTE TO SENATOR JORDAN OF NORTH CAROLINA

Mr. ERVIN. Mr. President, hopefully we will be able in the next few days to finish the necessary business of the 91st Congress and go home for a little while before the opening of the new term in January.

But before this session ends, I would like to pay a tribute to the man with whom I have worked closely for almost 13 years here in the Senate—my distinguished colleague and the junior Senator from North Carolina (EVERETT JORDAN) whom I have known since our boyhood days together in my hometown of Morganton, N.C.

EVERETT is that special kind of person who is able to look beyond himself toward the future and to translate dreams into legislative reality. He has always been willing to listen to new ideas and new approaches to problems, and to grow. His fine qualities and character are faithfully reflected in his attitudes and in his work.

He has not sought the national spotlight, yet he is widely recognized by his colleagues as a Senator who works quietly and purposefully on sound, progressive legislation.

I think it can be fairly said that he has done as much in a variety of practical ways to serve the interest of North Carolina as any other man representing the State in my memory.

Son of a Methodist minister, successful businessman, and textile manufacturer, active civic worker and Democratic leader, former State chairman and national committeeman of our party, he brought with him to the Senate broad knowledge and deep understanding of the people of North Carolina. When he took his place in the Senate, he concentrated his energies in those areas where he felt he could make the greatest contribution for the benefit of all North Carolinians.

North Carolina has more farmers and more farms than any State in the Union, except Texas. Accordingly, EVERETT sought membership on the Agriculture Committee, where he has worked effectively since the day he came to the Senate.

He now serves as chairman of a key agriculture subcommittee and next year will be the third-ranking Democrat behind Chairman ELLENDER on the full committee.

He also picked the Public Works Committee because it handles water resources development, flood control, navigation, water and air pollution control, Federal buildings, and highway legislation—all vitally important to our State and to every State.

In 1971, he will become chairman of the Flood Control and Rivers and Harbors Subcommittee and only the chairman and one other Democrat will outrank him on the full committee.

He has been chairman of the Senate Rules Committee since 1963, and his vigorous leadership in this influential post has enormously increased his effectiveness among his colleagues in the Senate. Concurrently he has served as chairman and vice chairman alternately of both the Joint Committee on the Library of Congress and the Joint Committee on Printing.

All these assignments have played a major part in helping him to meet the special needs of North Carolina as well as those of our Nation as a whole.

Let us look for a moment at some of the highlights of his record:

He introduced and led the fight for passage of the acreage-poundage legislation widely credited with saving the tobacco support program. He also pushed through the Senate the bill which authorized lease of tobacco acreage allotments—a move hailed by leaf growers.

He was likewise the prime mover in the battle for establishment of the one-price cotton system at a time when subsidies were threatening to wreck cotton production.

Of equal importance to those immediately concerned, as well as to the ultimate consumer, have been JORDAN bills relating to seed quality, peanut marketing, and amendments tightening the Wholesome Meat Act.

His accomplishments in the public works field are equally as impressive a tribute to his influence and powers of personal persuasion.

They also attest to his foresight and determination as well as to his refusal to admit defeat.

His efforts are, to a large degree, responsible for completion of the W. Kerr Scott Reservoir in Wilkes County; authorization and construction of the New Hope Dam for which ground was broken only a few days ago; a start on the Falls of the Neuse Reservoir project so important to the Wake County area; and authorization last week of the project to deepen the harbor of the State port at Morehead City.

It was JORDAN, too, who was the principal sponsor of the act authorizing the Cape Lookout National Seashore Park; deepening of Wilmington harbor State port; and deepening the Cape Fear River channel to improve inland navigation.

Surveys and planning for most other flood control, navigation, and beach protection projects now authorized or in progress in the State likewise bear the distinctive JORDAN stamp.

His interest in water projects has not, however, been confined by any means to public works construction nor has it been limited to his own State.

A few years ago he was a prominent figure in the fight for congressional approval of a far-reaching Federal program to bring water and sewer treatment plants within reach of thousands of rural and small town communities throughout the country.

He has helped draft and enact every measure devised by the Public Works Committee since he became a member dealing with control of air and water pollution, solid waste disposal, and environmental protection.

He was an active supporter of a bill amending the Federal Water Pollution Control Act which became law last April and most recently has helped push the National Air Quality Standards Act which qualifies as the strongest measure of its type ever proposed to Congress.

I do not need to remind you, either, of the dedication which this colleague of mine has shown for the cause of education at every level from kindergarten to graduate school but I think it must be stressed in any evaluation of his quality of service. His concept of education includes recognition of the vital importance of public libraries and his post of chairman of the Joint Committee on the Library of Congress has enabled him to lend strong support to Federal library aid programs.

He was the principal sponsor of legislation to build a new annex to the Library of Congress to be named the James Madison Memorial Library and legislation to extend to those citizens who cannot read ordinary printed materials because of physical handicaps the reading services offered by the National Books for the Blind Program, now known as the national books for the blind and physically handicapped program. Since the enactment of this legislation over 100,000 persons who did not have library service now can obtain free reading materials. During Senator JORDAN's tenure as chairman of the Joint Committee on the Library the Library's collections have grown from 41 million items to over 61 million items which makes it the largest and most outstanding in the world.

He has reported and successfully achieved passage of legislation to provide additional U.S. Government depository libraries in every State in the Union where Government publications would be more readily available at local levels to all citizens, especially those engaged in scholarly research. The American Library Association has commended him for this landmark legislation.

His interest in these causes and his consistent and strong support for Federal assistance in improving the quality of schooling is a reflection of a deep and warm concern for people which is the hallmark of this man.

It is that kind of concern which has also prompted him to push legislation requiring that new Federal buildings be designed to provide easier access to the aged and crippled.

It is that kind of concern for people which impelled him this year strongly to criticize the President for attempting to trim the Hill-Burton program for hospital construction and caused him to vote to override the White House veto of the bill funding its extension.

He has cared enough, too, to join fully in every move designed to secure better treatment for American prisoners in Southeast Asia, to open up communications between them and their families which are now denied, and to secure their release.

He cares for the people who feel their personal security is threatened—by the increasing violence and lawlessness, by the unwieldy extension of Federal power in local matters, and by rampaging inflation which deflates incomes.

He supported the Safe Streets Act to provide a more effective means to fight crime. Notwithstanding his strong views about the necessity for law and order, he has shown great concern that, in the zeal for passage of crime legislation, no repressive measures posing a threat to constitutional rights be enacted. For this reason he voted against the District of Columbia crime bill with its "no-knock" and preventive detention provisions.

He has consistently supported the right of all parents, regardless of their race, creed, or color, to choose the school their children shall attend, and has opposed mandatory bussing requirements by Federal authorities hundreds of miles away from local problems, needs, and people.

He has spoken out vigorously against recent Government spending patterns which for example would deny funds for health and education programs here at home and yet provide great quantities of aid to foreign countries.

As I think back on this and previous sessions, I can recall many legislative battles we have fought together—sometimes winning and sometimes losing—and I consider our relationship one of the rewards of my Senate service.

I have been impressed by his demonstrated courage and his willingness to take an unpopular position when he felt it was necessary.

Not surprisingly there have been occasions when we were on different sides of an issue, but I have never questioned the sincerity of his convictions.

I am proud to call Everett Jordan my friend and my colleague. I respect him both for what he has accomplished and for what he is—a man of warmth and unfailing kindness who is young in spirit and outlook and who is able to combine practical realities with idealism in his view of Government.

I look forward to our continued service together here.

EFFORT TO ESTABLISH A BIG THICKET NATIONAL PARK TAKES A BIG STEP FORWARD

Mr. YARBOROUGH. Mr. President, during my 13⅔-year tenure in the Senate, I have fought many legislative battles. Few, if any, of my successes have given me greater personal satisfaction than the passage of my bill by the Senate to create a Big Thicket National Park in southeast Texas. The passage of this measure on December 16, 1970, with the unanimous support of my colleagues in the Senate came after over 4 years of continual effort.

I introduced the first Big Thicket National Park bill on October 20, 1966. There were occasions during my long efforts to get this legislation through the Senate when some counseled me that I was waging a hopeless fight. For instance, a recent article by Jay Dorman appearing in the December 13, 1970, edition of the Houston Post contains the following statement:

> . . . hopes of any Big Thicket Bill being passed this year appear to be nothing more than a gleam in a lawmaker's eye.

Three days after the publication of this statement, my bill was considered on the floor of the Senate and was passed without opposition.

Although we still must await favorable House action before the Big Thicket National Park can be established, I am elated that we now stand on the threshold of converting that "gleam in a lawmaker's eye" into a reality.

Mr. President, I ask unanimous consent that the article by Jay Dorman, entitled "The Big Thicket's Going" which appeared in the December 13, 1970 edition of the Houston Post, be printed in its entirety at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Big Thicket's Going

(By Jay Dorman)

Darkness doesn't fall in the Big Thicket; it rises.

In the 1,000-year-old East Texas forest, darkness comes up from the murky lakes and creeks and spills into the palmetto bottoms, filling the forest floor.

It pushes the slanting sun rays higher and higher up the cathedral pines and finally beyond the western horizon.

With darkness comes the night sounds. The shrill chirping of crickets blends with a thousand other insect calls. The tumult is accented by the hoots of the great horned owl, the thunderous croaks of bull frogs and the high pitched warning of the screech owl.

Morning sun pushes the darkness back down the spires into the pools, and man-made sounds replace those of nature. The sharp, racking buzz of power saws, the clank of logging chains and the sounds of trucks, trains and cars send the white tail deer, wolf, fox and small game deeper into the rapidly diminishing forest.

In the 1870s there were more than three million acres in the Big Thicket, stretching from Bryan in the west to the Sabine River in the east. Its northern edge reached Rusk and it extended to an area somewhere south of Beaumont.

Today its boundaries are indefinite but fall somewhere east of U.S. Highway 59 and west of U.S. Highway 96. Its northern border has dropped south of Lufkin and it does not quite reach Beaumont in the south.

Its area today comprises something less than 400,000 acres and is being carved away at a rate of 50 acres daily.

Where did the Big Thicket go? Demands for more and more lumber for construction has caused the timber industry to make vast inroads into the lumber supply in the Big Thicket.

Loggers were joined by the petroleum industry, land developers and farmers. Virgin forests were cut over. Clearings were carved out of the forest for oil well sites, towns, farms and highways. Salt water from the wells was pumped onto the forest floor, killing all nearby forms of plant life.

Today's conservationists, naturalists and ecology-minded citizens look on those past deeds as wholesale rape of a virgin forest. However, at the time it was a means to an end. It was booming industry, free enterprise and a source of unheard of income levels that caused standards of living to soar.

More than a few East Texas citizens owe their present lifestyle to the enhanced wages and bolstered economy brought about by the industries that evolved out of the Big Thicket.

The impetus today, however, is to preserve what is left of the Big Thicket. Public opinion seems to be one the side of preservation; conservation organizations support the cause, and politicians have carried it to the nation's capitol.

The goal is to create a national park in the Big Thicket. Four bills are pending today in Congress to establish parks ranging in size from 35,000 acres to near 200,000 acres.

Sen. Ralph Yarborough, D-Texas, has had a bill pending since 1966 calling for the U.S. Department of Interior to create a park of 100,000 acres. Yarborough's bill has come nearer being considered by one of the national houses than any other, but hopes of any Big Thicket bill being passed this year appear to be nothing more than a gleam in a lawmaker's eye.

Those few who have worked many years to see a park created now harbor doubts. "Frankly, I don't think it'll pass, and I don't think there'll ever be a park," said Harold Nicholas, a resident of Saratoga in Hardin County.

Nicholas serves on the 19-member board of directors of the Big Thicket Association, based in Saratoga. It was formed eight years ago by a handful of local citizens to fight to preserve the Thicket.

The association was joined in its battle by national conservation societies and at one time numbered 1,000 dues-paying members. Today that number has dwindled to about 500 members.

In most cases if a Big Thicket is asked how he feels about the federal government establishing a national park, he replies with a question. "Do you really think they'll get it," he asks, as if the questioner might be able to give them some inside information. Most seem to be watching the struggle for a park with the curiosity of interested third parties.

"Well I don't think anybody will ever come out here to look at the Thicket," said one long-time resident of the Big Thicket. His eyes twinkled in merriment at the thought of someone being interested in a bunch of trees.

His doubting that there is much interest in the Big Thicket is typical of many residents who have lived among the pines for so many years that the forest seems very ordinary.

W. L. Brackin, 61, who runs the combination grocery and post office in the town of Thicket (his sister is postmaster), has lived in Thicket all his life. "I just don't much believe they will get it," he said and

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looked out the window of the grocery at the darkness edging out of the nearby forest.

Bracklin's father was postmaster in the present Thicket community from 1921 to 1951. "He used to deliver mail on horseback all over this area," Brackin said.

Old Thicket was located about three miles north of the present town. "The old sawmill there must have died out about 1915, and in 1921 they moved the post office here," he said.

Doubt clouded his features at the mention of 100,000 acres. "I really think they would be better off to take smaller tracts. The mosquitoes are so bad you can't walk around for very long out there," Brackin said. "But if it's thicket they want," he said with a grin "then this is the thickest I know of."

Mrs. Dolly Hoffman, second vice president of the Big Thicket Association and a close friend of the late Lance (Mr. Big Thicket) Rosier, doubts the adequacy of 100,000 acres to preserve all the ecological treasures that exist in the thicket.

"However, we're just wanting what we can get now," she said.

The association wants to preserve the variety of species of trees and shrubs found in the Thicket, particularly areas they consider to be still undisturbed by the intrusion of industry and urbanization.

Nicholas pointed out 548 acres of virgin timber that the association has been trying to save from the saw blade. Loggers were felling giant pines on all sides of the tract.

The Big Thicket Association had originally set its goal at 35,000 acres beginning at the Alabama-Coushatta Indian Reservation in Polk County and extending in a narrow strip south through Segno, Holly Grove, Fuqua to Batson where it spread out to cover what is called the wilderness area between Hull and Hardin and Saratoga and Sour Lake.

Rep. John Dowdy, D-Texas, co-sponsored a House bill to create a "string of pearls" consisting of about 35,000 acres scattered over the present Big Thicket.

"I know of two of those pearls that are already gone," said Nicholas.

At the reservation the Indians have made good use of their giant cathedral pines as a tourist attraction. Some of the trees are more than a century old.

South of Moss Hill in the Trinity River bottom, the "world's largest Cypress tree" towers over the edge of a rural subdivision. Nearby is a Holly tree also claimed to be the world's largest.

Between Batson and Saratoga on Pine Island Bayou are giant palmetto, their massive fan-like foliage could quickly engulf a man on horseback.

The bulk of the desired park land would fall in Hardin County and County Judge Emmett Lack, a former state representative, is enthusiastically in favor of a national park.

"Having a park in here will enhance the economics of the county and we sorely need it," he said. "It would be the greatest thing that could happen."

Lack said the tourist dollar attracted to his area would more than offset any tax loss the county might suffer from creation of the park. He said the proposed land's average value for taxes is $80 an acre, and the timber companies are assessed on only 25 per cent of that.

In Polk County where timber is still king, a Livingston businessman was not as enthusiastic. "You're going to see some major cutbacks in the timber industry in the next two years," he said and bemoaned the thought of 100,000 acres of prime timber land being cut out of production potential.

He, too, agreed that portions of the Big Thicket should be saved "but I don't think they need that much."

STATE OF MICHIGAN OPPOSES RESTRICTIVE TRADE LEGISLATION

Mr. HART. Mr. President, few States in the Nation have a greater stake in industrial and agricultural trade than Michigan. While we have selected plants that have run into problems connected at least in part with imports, the prevailing sentiment in the Senate is against artificial barriers to international trade.

In this connection, I ask unanimous consent to insert in the RECORD at this point Senate Concurrent Resolution No. 22, adopted by the Michigan Legislature in November 1967, memorializing the Congress regarding the imposition of import quotas. I believe it is pertinent to our present discussion.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

MICHIGAN LEGISLATURE, SENATE CONCURRENT RESOLUTION NO. 22

A concurrent resolution memorializing the Congress of the United States regarding the imposition of import quotas on major commodity areas

Whereas, The State of Michigan is vitally concerned with a healthy growth in its exports which already total $2.5 billion annually including $150 million of Michigan agricultural products; and

Whereas, The United States has pursued a 30-year foreign trade policy leading to freer interchange of goods between nations and a rising standard of living for all and has led the Free World in substantial tariff reductions at GATT and desires to preserve the gains made in that historic series of negotiations; and

Whereas, The country today is faced with: (a) the grave threat that congressional legislation backed by special-interest protectionist forces could reverse our favorable and growing foreign trade balance—a United States foreign policy disaster, and (b) moves now afoot to restrict imports—in most cases by quotas—which would embroil the United States in a costly trade war, and (c) with the imposition of import quotas on major commodity areas such as steel, lead, zinc, textiles, chemicals, petroleum and meat which would inevitably and positively lead to reciprocal action by foreign countries creating barriers against the United States and Michigan exports; and

Whereas, The imposition of quotas would result in higher prices for millions of United States and Michigan consumers and thereby contribute to inflationary pressures and such import quotas would endanger billions of dollars of United States exports worsening our balance of payments position and inevitably increase government controls over industry and threaten individual enterprise; and

Whereas, Other positive actions can be taken by the Congress to assist American and Michigan industries unfairly injured by foreign imports; now therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Congress be urged to defeat any legislation imposing import quotas and restricting world trade; that the Congress liberalize the adjustment assistance provisions of Title III of the Trade Expansion Act by making it easier for the Tariff Commission to find injury for this purpose and by providing more liberal loans, tax benefits and retraining programs for workers in the firms or sectors of industry seriously injured by imports; and that the Congress support all efforts to remove some of the nontariff barriers at home and abroad seriously impairing world trade; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the President of the Senate, the Speaker of the House of Representatives and to each member of the Michigan delegation to the Congress of the United States.

ALABAMA'S TRAVEL ATTRACTIONS

Mr. ALLEN. Mr. President, one of the unique features of my home State of Alabama is its blend of many influences—the Spanish-French settlement of southern shores, English immigration in the north, the prosperous ante bellum era and 20th century industrialization.

Alabamians share their cherished tradition of hospitality and friendliness with many thousands of visitors who travel within Alabama each year.

A record number of travel inquiries reached the Alabama Bureau of Publicity and Information during fiscal 1969–70.

The total number of brochures, pamphlets and other printed matter reached an unprecedented 1,012,347.

The top 10 States making requests in the categories of tourist, general, education, advertising campaign response and bulk shipment were: Ohio, 31,326; New York, 29,859; Illinois, 23,507; California, 15,507; Pennsylvania 13,298; Michigan, 13,107; Indiana, 9,840; Texas, 9,840; Missouri, 8,533; and New Jersey, 7,500.

Alabama's travel promotion and advertising campaign waged yearly in the Midwest, Southwest, North Central, and neighboring Southern States produced direct ad coupon response from the following top 10 States: Illinois, 7,269; Ohio, 6,775; Michigan, 5,342; Indiana, 4,137; New York, 3,907; Wisconsin, 3,461; Pennsylvania, 3,077; Missouri, 2,174; Texas, 2,045; and California, 2,027.

The States of Ohio, Michigan, and Illinois have held the top three positions since Aalbama's breakthrough advertising program got underway in 1964. The trio merely switch positions periodically.

Travel exhibit appearances in 14 locations accounted for the distribution of 319,750 pieces of Alabama travel literature. The bureau's national travel advertising campaign—magazines, newspapers, and outdoor showings—is coordinated with the travel show schedule—first quarter of each year—and other travel booth participation, to give maximum coverage and publicity to the State's promotion efforts.

A second travel barometer, lodgings tax, also points toward another high mark for the Alabama travel industry. The fiscal 1969–70 lodgings tax total marked a 10.99 percent gain over the previous fiscal year. One-fourth of the ever-increasing lodgings tax is earmarked solely for travel promotion and advertising.

While attendance figures covering visits at Alabama attractions will not be complete until the end of the calendar year, early indications are that a substantial increase will be noted for all major attractions.

In 1969, more than 30 million out-of-State guests spent $310 million. All travelers, visitors, and residents accounted for $485 million. Total sales and receipts in the travel trade industry totaled

$1,046,000,000. Figures for 1970 will be higher.

Mr. President, it comes as no secret to this body that we Alabamians are proud of our State and we make a sincere and intensive effort to encourage visitors. God has bestowed bountiful blessings upon Alabama, which is now in its 151st year as one of these United States. From northeast Alabama's Russell Cave which holds the earliest recorded remains of human habitation in the United States, to the beautiful white sands of Dauphin Island which is lapped by the waters of the Gulf of Mexico, Alabama's attractions are varied and inviting.

With this in mind, I wish to call attention to efforts to attract visitors to Alabama through new and novel means. Alabama is the first State to make use of wide-area telephone service, known as Inward Wats, in order to promote travel and recreation.

The Alabama Bureau of Publicity and Information has inaugurated this effort to assist travel writers, editors, travel counselors, and prospective visitors.

Information on Alabama's travel attractions, scheduled events, outdoor recreation, highways, climate, and laws governing boating, hunting, and fishing is available through this service.

This is not a recorded service. Instead, a live Alabama belle answers all questions and will send brochures and pamphlets useful in making an Alabama vacation an exciting and memorable one.

All that one needs do in order to get information on a fun break in Alabama is to dial 800-633-5761 from 8 a.m. to 5 p.m. central standard time Monday through Friday.

INTERNATIONAL PROTOCOL ON PSYCHOTROPIC SUBSTANCES

Mr. HUGHES. Mr. President, I would like to take a few moments today to bring a matter which is of great concern to the attention of my colleagues and to document my concern as a matter of public record. As you know, Mr. President, the Members of this body and of the House spent many hours, in hearings, committee and subcommittee meetings, and on the floor, discussing and debating the merits of various portions of the Comprehensive Drug Abuse Prevention and Control Act of 1970, which eventually was signed into law by the President on October 27 of this year.

Although the bill was very technical in nature, the major issues which arose in connection with it were basic and relatively clear ones. The most important of these had to do with the relative responsibilities of the Department of Health, Education, and Welfare and the Department of Justice over the classification of drugs and over research activities.

Some of us in the Senate, at the time the administration's legislative proposal first came to the Congress, raised questions about the position which the administration had initially taken with respect to the responsibilities of these two departments. The House pursued these same questions—more successfully by the time they had the legislation under consideration, I might add—and after many difficult sessions and disputes came up with a compromise bill. After House passage the Senate adopted the compromise also. So it came to be that the final judgment of the Congress with respect to the proper balance of responsibilities between the two departments differed from the position which was originally taken by the administration when it first proposed the legislation. At least on the Senate side—and as I understand it, on the House side, also—the administration did not oppose the compromise bill, and the President signed it into law on October 27, 1970.

In my view, the compromise version of this legislation, now Public Law 91-513, presently represents this Government's official policy on the issues dealt with by it. Consequently, it is my feeling that any state model legislation proposed by the executive branch and any official international positions taken by that branch should accurately reflect that policy. I am deeply concerned that in the areas I have mentioned, especially in the international area, that this extension of policy is not taking place. It is that area on which I want to focus today.

At the present time, Mr. President, a new proposed international treaty—the so-called Protocol on Psychotropic Substances—is under discussion by our Government and many other governments of the world. This treaty is intended to cover an area which is not already covered by an existing international drug control treaty, the Single Convention on Narcotic Drugs of 1961, to which the United States became a signatory in 1967. The Single Convention establishes international controls over narcotics and marihuana. This newly proposed treaty would apply to psychotropic substances not within the scope of the Single Convention. Roughly, "psychotropic substances" are those stimulants, depressants, and hallucinogens—such as amphetamines, barbiturates, tranquilizers, LSD, or THC, the active agent of marihuana, which affect the central nervous system.

A final draft of the Protocol on Psychotropic Substances will be submitted to representatives of governments for adoption at a meeting which is to begin in Vienna on this coming January 1. A number of preliminary meetings have been held regarding the proposed protocol, the last of which took place in January of this year.

As I say, Mr. President, my purpose at this point is to express and document my concern that, with respect to the proposed protocol, Congressional intent—and in fact, governmental policy—is not being followed in the statement of the U.S. international position. There are reasons to believe that this is so, in spite of assurances which I have received from the Department of Justice that it is not.

One of the most basic issues—to my mind the most basic issue—to come up when the Comprehensive Drug Abuse Prevention and Control Act of 1970 was being considered had to do with the relative responsibilities of the Department of Health, Education, and Welfare and the Department of Justice over the scheduling of drugs for control purposes. The original administration bill indicated that control responsibilities lay with Justice and that HEW could give Justice their views, but that the Department of Health, Education, and Welfare views were in no way binding. The compromise bill, however, changed this so that while Justice still had the ultimate decision-making authority as to control, scientific and medical determinations were made by HEW and these latter determinations were made binding upon Justice.

In discussions on the upcoming protocol, however, there is evidence that the executive branch may still be holding to its original position. Under the draft protocol, schedules may be amended from time to time by the United Nations Commission on Narcotic Drugs—the drug enforcement policy arm of the United Nations—after considering the views of the World Health Organization—the views of the WHO need not be taken and are in no way binding.

In his "Report of the United States Delegation to the First Special Session, United Nations Commission on Narcotic Drugs," written after last January's meeting, John Ingersoll, the Director of the Justice Department's Bureau of Narcotics and Dangerous Drugs, and Chairman of the U.S. delegation to that meeting, stated concerning the methods for scheduling substances:

> This article resulted in considerable discussion and redrafting. The two primary disputes were, (1) whether the decision to control substances and the placing of them in the schedules would be a function of the World Health Organization or the Commission on Narcotic Drugs; and (2) the extent a Party may reject a decision of the Commission to control a particular substance.
>
> Following the lead of Yugoslavia, France and U.S.S.R., the United States Delegation supported the general proposition that all decision-making should be done by the Commission on Narcotic Drugs. Not only should the Commission be responsible for accepting or rejecting a recommendation of WHO, but it should also be able to place the substance in another schedule than that proposed by WHO. The views of the United States were supported by a vote of 13 for, 6 against, and 2 abstentions . . .

Later, in the conclusions of the report, Ingersoll stated:

> The United States Delegation was able to maintain leadership and substantial support throughout the session. . . .
>
> . . . Overall, the United States Delegation agrees that the revised Draft Protocol provides a very good basis for an effective and necessary instrument to control psychotropic substances, and is in general agreement with the terms of the revised draft.

That report was written in February of this year. I am hopeful that the executive branch is now taking account of the changes which have been made in the legislative areas; I want to express my concern that they are doing so.

As you know, Mr. President, when the Comprehensive Drug Abuse Prevention and Control Act of 1970 was being discussed and debated, there were a number of other issues like the specific one which I have just mentioned which arose and which involved aspects of this larger question of the relative health and scientific input and involvement on the one hand, and law enforcement input and involvement on the other. I am equally concerned about those issues as well—issues which involved such matters as control of research, confidentiality of patient records, confidentiality for research subjects, and maximum permissible freedom for doctors and researchers to use therapeutic drugs with only reasonable interference by enforcement personnel.

Mr. President, I have been assured by the Department of Justice that there was adequate scientific and medical input into the positions taken by the Government on the negotiations concerning the protocol. My staff's inquiries at the Department of Health, Education, and Welfare, as to their formal policy input, however, indicate that that Department has to date had little formal participation in the decisionmaking process. In fact, it even appears that the Pharmaceutical Manufacturing Association was represented on the official delegation at the January meeting, but that the Department of Health, Education, and Welfare was not.

Because of my concern about these matters, Mr. President, I seriously considered holding hearings on them prior to the end of the session. As you know, however, this has been an extremely busy time for all of us—our schedules change by the hour depending upon what is up for a vote, and the matters to be decided in these closing days of the session are also of extreme importance to all of us. So, instead I have written to Secretary Richardson and Attorney General Mitchell, asking them to spell out in detail and in writing what their positions are upon the matters which I have been discussing today—I have a copy of that correspondence and I ask unanimous consent that it be printed in the Record at the conclusion of my remarks. In addition, I have expressed by concern about these matters to Chairman Fulbright of the Foreign Relations Committee and to a number of my colleagues.

In short, Mr. President, it seems to me that what we need on this issue at this point in time, is a clear, public statement of concern to refer back to as events take their course, and a clear, full statement of position on the part of the executive branch. I am hopeful that my statement today can serve that purpose and, as a result, can be helpful in the deliberations which take place on our country's position on these matters in the future.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Labor
and Public Welfare,
Washington, D.C., December 9, 1970.

Hon. Elliott L. Richardson,
Secretary of Health, Education, and Welfare,
Washington, D.C.

Dear Mr. Secretary: As you know, when the Comprehensive Drug Abuse Prevention and Control Act of 1970 was under consideration by the Congress, a number of important issues arose. Among the most important of these were those relating to the relative responsibilities of the Department of Health, Education, and Welfare and the Department of Justice over the classification of drugs and over research activities.

In my view, the compromise version of the legislation which was finally passed by the Congress and signed by the President in this area now represents this government's official policy on the issues dealt with by it. Consequently, I feel that any state model legislation proposed and any official International positions taken by the Executive Branch should accurately reflect that policy.

I have recently become concerned that in the areas I have mentioned this extension of policy is not taking place. I raised this question with Mr. John Ingersoll, the Director of the Bureau of Narcotics and Dangerous Drugs, when he appeared before the Subcommittee on Alcoholism and Narcotics of the Labor and Public Welfare Committee on December 2, 1970, and he appeared to assure me that there were no problems in this respect. Most especially, he assured me of adequate HEW input into recent and upcoming international drug control negotiations. I have enclosed a copy of the relevant portion of his testimony and a copy of a subsequent request by me to Attorney General Mitchell for further information.

Because of my continuing concern and because of the Subcommittee's deep interest in the positions which your department holds on these matters, I would appreciate knowing your own position upon the questions which I have asked Attorney General Mitchell in the enclosed correspondence. As I understand the situation, your department's position upon most of these questions will have already been defined.

If there is reason for delay in portions of your reply, however, I would appreciate your forwarding the requested answers as they become available.

Thank you for your consideration.

Sincerely yours,
Harold E. Hughes,
Chairman, Special Subcommittee on Alcoholism and Narcotics.

U.S. Senate,
Committee on Labor
and Public Welfare,
Washington, D.C., December 9, 1970.

Hon. John N. Mitchell,
The Attorney General,
Washington, D.C.

Dear Mr. Attorney General: You are probably aware that when John Ingersoll testified before our Special Senate Subcommittee on Alcoholism and Narcotics on December 2, 1970, I indicated to him that I would be requesting further information upon certain of the matters which we discussed at that time. In that connection, I would appreciate it if you could answer, in writing, the following questions which relate to the Protocol on Psychotropic Substances and furnish me with the documentary information listed in the attached enclosure.

1. In Mr. Ingersoll's testimony on December 2, he indicated that the Department of Health, Education, and Welfare has had a working input into the United States position with respect to the Protocol. Would you please advise me of the nature of the working group making that input, whom it is composed of, and when it met? Was there formal clearance of the official United States position through the Department of Health, Education, and Welfare, and if so, by whom in that Department?

2. It is my understanding that the Protocol is intended to bring under international control only those substances that are not considered to be within the scope of the Single Convention on Narcotic Drugs, 1961—namely, substances such as hallucinogens (other than marijuana), amphetamines, barbiturates, and tranquilizers—and that, as indicated in the preamble, the Protocol is to be a separate and independent treaty and not merely an amendment to the Single Convention. Why, then, is it called a "protocol" rather than a "convention" or "treaty," and why is the revised draft protocol, unlike the drafts originally submitted by the Secretary-General of the U.N., not specifically limited to substances not within the scope of the Single Convention? (The reference in Art. 2, Par. 1, to psychotropic substances "not yet under international control" seem ambiguous.) Could this not result in overlap and confusion?

3. As you know, the Secretary-General originally submitted to the Commission on Narcotic Drugs two alternative drafts of a Protocol for psychotropic substances as a basis for discussion. Draft A followed the basic concept of the Single Convention whereby the application of particular control measures to a drug is determined by the particular schedule (annexed to the Protocol) in which the drug is listed, and a decision of the international control organs with respect to a change in the content of the schedules is binding on the parties to the convention. Draft B, on the other hand, does not contain schedules; rather, the Commission on Narcotic Drugs, on recommendation of the World Health Organization, would be authorized to request governments to apply to a psychotropic drug that it would designate such control measures specified in the Protocol as the Commission would determine, and the Commission's recommendation would generally be binding on a Party only if it did not expressly reject the Commission's recommendation within a given period.

According to the report of the Commission's 23rd Session, the U.S. representative favored the flexibility of draft B and its provision allowing a Party to reject a control decision of the Commission. He argued that in the case of narcotics the world had some 60 years of experience of narcotics control and hundreds of years of experience of medical use of substances such as opium, whereas in the case of the psychotropic substances there was in both respects much less understanding of the situation and the controls would need to stand the test of time. The Commission, however, decided to base its discussion on draft A and incorporate in it only such provisions of part B as were generally favored. However, the revised Draft Protocol, which will be considered by the plenipotentiary conference, contains a partial compromise between original drafts A and B in that when the Commission has decided to add or transfer a substance to schedule III or IV, a Party may, by notice of nonacceptance given within 180 days, limit its obligation with respect to that substance to five applicable control measures. (This right of nonacceptance does not apply to substances initially in Schedule III or IV.)

Is it intended by the Administration to attempt, at the Vienna Conference, to return to the approach of the B draft which it originally supported; and, if not, which approach does it intend to support or propose? Why?

4. If the revised draft Protocol were adopted in essentially its present form so that the United States could be internationally bound (except as above noted) to take certain measures by the decision of the international control organs, would the Justice Department then recommend ratification of the Protocol by the U.S. and, if so, would it seek amendments to section 201(d) of the recently enacted Controlled Substances Act (PL 91–513) so as to make certain that the Department could at any time so amend the schedules under PL 91–513 as to carry out any U.S. obligation arising under the Protocol? As you know, section 201(d) of PL 91–513 authorizes the Attorney

General to control a drug under that schedule of PL 513 which he deems most appropriate to carry out a U.S. obligation under a treaty that was in effect on the date of enactment (October 27, 1970) of PL 513 (i.e., the Single Convention and its predecessors), without referring the matter to the Department of Heatlh, Education and Welfare for the medical and scientific evaluation and recommendation, and without affording interested persons the opportunity for hearing, that would otherwise be required by section 201(a) and (b). This short-cut, of course, does not apply to the proposed Protocol. Would an extension of section 201 (d) to the Protocol by statutory amendment not make the important safeguards of section 201(a) and (b) largely a dead letter? And, could this not, when coupled with the diminishment of WHO's role described below, effectively neutralize the weight of medical and scientific expertise on what essentially is a public health and social problem?

5. Under the Single Convention, the Commission on Narcotics may not make a change in any of the schedules to the Convention except in accordance with a recommendation of the World Health Organization (WHO), although it may decline to make a change recommended by the WHO. Under the revised draft Protocol on Psychotropic Drugs, while the Commission could control (or decontrol) a substance only if it had received a WHO recommendation on the matter, it could decide to place the substance in a schedule different from the one recommended by the WHO, so that the Commission, rather than the WHO, would determine the severity of control to be applied to a substance. As the Draft Protocol puts it, the Commission "shall take account of" the findings and recommendations of the WHO (which are to be based on the degree of seriousness of the public health and social problem on the one hand and the degree of usefulness of the substance in medical therapy on the other), but it shall make its decision "bearing in mind economic, social, legal, administrative, and other factors that it may consider relevant."

Did the U.S. representative on the Commission on Narcotic Drugs support this change from the precedent of the Single Convention and, if so why? Would the Administration be willing, at the plenipotentiary conference on the Revised Draft Protocol, to recommend that the approach of the Single Convention be followed on this matter or, if it should appear that this would be unacceptable to a majority, at least recommend that the recommendations of the WHO be given weight comparable to that given HEW recommendations under section 201(b) of the Controlled Substances Act, i.e., that WHO findings and recommendations be binding on the Commission with respect to medical and scientific matters and that, if the WHO recommends that a substance not be placed under control or that it be removed from control, it shall not be controlled? In this connection, I understand that the WHO's Expert Committee on Drug Dependence takes the view that the degree of risk to public health presented by a dependence-producing drug and its usefulness in medical practice are primarily matters of medical assessment and judgment and that this is also true of decisions on the need for and level of control.

6. Do you consider it really necessary that the U.S. and other countries be internationally mandated to control research on Schedule I substances domestically to the extent proposed in art. 6, pars. 1–6, of the Draft Protocol? It would seem that the only proper concern of this treaty with research on such substances is to guard against their diversion for other than bona fide medical or scientific purposes. Do you believe that this objective necessarily requires advance approval of each clinical research project, as proposed by the Draft Protocol? We note in this connection that the WHO Expert Committee has suggested that art. 6, par. 3, be reworded "in such a way as to make it clear that the approval of research projects would be concerned only with their objectives, the safety of persons involved and protection against diversion of dependence-producing substances and that it in no way would have reference to the details of the research protocol." WHO Tech. Rep. Ser., 1970, No. 437, p. 9 (section 3).

I am aware that section 303(f) of PL 513 appears to require that the Secretary of HEW determine the merits of each research protocol on Schedule I substances, but the history of that provision indicates that this was inserted in the House out of an excess of caution to guard against the possibility of the Attorney General's passing on the merits of research projects under an earlier version, and took into account the fact that the Food and Drug Administration, under its delegated authority under the Food and Drug Act, already was preauditing research on such substances.

What does par. 1 of art. 6 mean? Does the requirement of direct control or specific approval by government refer to the medical or scientific institutions in which research is conducted or to the researchers in these institutions? What good reason is there for either requirement from the international standpoint? And why should research be limited to and conducted in institutions and thus prohibit bona fide research in a practitioner's private laboratory?

7. Why is it necessary that, as proposed in par. 6 of art. 6, export and import of Schedule I substances be prohibited except when both the exporter and importer are government agencies or institutions? Is not the requirement of export and import permits sufficient for the purpose?

8. Article 10, paragraph 2, would require "institutions for hospitalization and care and scientific institutions" to keep records with respect to Schedule II substances showing the supplier and recipient of each substance and the date and quantity of each acquisition and distribution. With respect to schedule II and III substances such institutions would be required to keep records of acquisition and distribution. Article 13 would require governments to maintain a system of inspection of, among others, "retail distributors of psychotropic substances and of medical and scientific institutions which use such substances", and such inspection would have to include inspection of records. Would it not be desirable to clarify these provisions so as to make certain that governments would not be obligated to require that records containing the identity of patients or human research subjects be automatically disclosed to a regulatory government agency? If you feel otherwise, I would be interested in knowing the reasons for your views.

9. Considering that treaty obligations requiring the Parties to regulate or suppress conduct within their borders should be undertaken only if such conduct within one country would otherwise create problems for other countries, is it necessary that the Protocol require countries to prohibit possession "except under legal authority" of a controlled substance for one's own use (with the discretionary exception of schedule III and IV substances)?

10. Should the definition of the term "distribute" in art. 1 of the Protocol, as meaning "the transfer of a psychotropic substance from one natural person to another," not be modified, as in section 102(11) of the Controlled Substances Act, so as to exclude the administering or dispensing of such a substance, and would not the failure thus to modify the definition impose unintended requirements on physicians and other practitioners under some provisions of the Draft Protocol (e.g., arts. 6 and 10)?

11. Please advise which provisions of the Draft Protocol, if the Protocol is adopted and is ratified by the U.S., would, in your opinion, require amendment of U.S. law in order to bring the United States into compliance with the Protocol, and whether the Administration intends to support or oppose these provisions of the Protocol.

12. Please advise whether you believe that, except as already indicated by your answers to the foregoing questions, there are any provisions of the Protocol that you believe should be opposed by the United States.

13. Article 27 of the Draft Protocol contains blank spaces, to be filled in at the conference, as to the articles with respect to which a government could make reservations at the time of signature, ratification, or accession. Please indicate, with the reasons unless self-evident, the provisions of the Protocol with respect to which you believe reservations should be permitted by article 27.

14. Does the U.S. intend to support the provisional initial schedules of substances as attached to the draft protocol, particularly as to substances not yet listed in the schedules established by P.L. 513? If the U.S. intends to press for changes, please indicate what those changes will be.

15. In reviewing the membership of the U.S. Delegation to the First Special Session of the United Nations Commission on Narcotic Drugs, it appears that a representative of the Pharmaceutical Manufacturing Association was upon the delegation. Why did the Pharmaceutical Manufacturing Association have a member on the delegation, when the Department of Health, Education, and Welfare did not?

I know that the above questions are rather lengthy and technical and that several of the documents which are being requested may not be immediately available. Consequently, I would appreciate your forwarding the requested information as it becomes available.

I am extremely interested in and concerned about these questions. Staff inquiries concerning the Department of Health, Education, and Welfare's formal input into these issues indicate that that department has had little formal participation in the decision-making process concerning the United States position in the areas I have indicated.

I have expressed my concern to Senator Fulbright and have visited with other members of the Senate about my feelings. In addition, I am forwarding this letter to Secretary Richardson, with my request, a copy of which I have enclosed, that he too provide answers to the questions which I have asked. I will deeply appreciate receiving whatever information you are able to furnish me at the earliest possible time.

Very truly yours,

HAROLD E. HUGHES,
Chairman, Special Subcommittee on Alcoholism and Narcotics.

LIST OF MATERIALS DESIRED BY SENATOR HAROLD E. HUGHES, CHAIRMAN, SPECIAL SENATE SUBCOMMITTEE ON ALCOHOLISM AND NARCOTICS

I. SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

The amendments to this Convention which the U.S. representative indicated would be submitted to the Commission on Narcotic Drugs, and a copy of the working paper referred to by Mr. Ingersoll at the 12/2/70 hearing of the Subcommittee.

II. PROPOSED PROTOCOL ON PSYCHOTROPIC SUBSTANCES

1. The summary records of the 1st Special Session of the U.N. Commission on Narcotic Drugs, which the Economic and Social Council decided are to be presented to the pleni-

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potentiary conference for the adoption of the Protocol.

2. Report of 23rd Session (Jan. 1969) of Commission on Narcotic Drugs: E/4606/Rev. 1;E/CN. 7/523/Rev. 1.

3. Comments by Governments on the version of the Draft Protocol (Annex IV) which is attached to the 23rd Session report: E/CN.7/525 and Corr. 1, Add. 1 and Add. 2. (This includes a background paper by the Secretary-General presenting these comments.)

4. Report by Secretary-General to Commission on Narcotic Drugs (23rd Sess.), Sept. 30, 1968, submitting alternative discussion drafts (A and B) of a Protocol on the Control of Drugs Outside the Scope of the Single Convention on Narcotic Drugs, 1961: E/CN.7/519.

5. Secretary-General's report, to the Commission's 22nd Session, on a study of the legal, administrative, and other questions involved in initiating international action for control of substances not yet under such control (barbiturates, amphetamines, tranquilizers, and hallucinogens): E/CN.7/509 (Oct. 23, 1967).

6. Note by Secretary-General: E/CN, 7/518 and Corr. L.

7. Questionnaire to Governments: MNAR 11/68, and replies thereto.

8. Note by Secretariat: Redraft of articles 1 through 20 of draft Protocol A: E/CN. 7/R. 17 and Add. 1–3.

9. Statement by the Legal Adviser on the applicability of the Single Convention, 1961, E/CN. 7/L306.

10. Suggestions for the regimes of control in the Protocol: E/CN. 7/307.

11. Draft resolution proposed by Sweden: E/CN. 7/L. 304.

12. Draft resolution proposed by Canada, Fed. Republic of Germany, France, Mexico, Peru, Switzerland, United Arab Republic, United Kingdom, and United States of America: E/CN, 7/308 and Rev. 1.

13. General Assembly Resolution 2433 (XXIII) of December 19, 1988: E/CN. 7/514/Add. 4.

14. The 15th, 16th and 17th reports of the WHO Expert Committee on Drug Dependence, WHO Tech. Rep. Series Nos. 343, 407, 437. Also, WHO Tech. Rep. Series No. 470.

15. If available, the 18th report of the WHO expert Committee on Drug Dependence.

16. Report of International Narcotics Control Board on its work during 1969: E/INCB (United Nations publication, Sales No. E. 70, XI.2.)

17. ECOSOC resolution No. 1474 of the XLVIII session, requesting the Secretary-General to call, early in 1971, a plenipotentiary conference for the adoption of the Protocol on Psychotropic Substances.

MANMADE INGREDIENTS—HOW SOON?

Mr. DOLE. Mr. President, most of us are aware of the extensive research and development of food processing corporations in recent years on creating new sources of protein and improved nutrition.

Recently a Kansas grain marketing group, Far-Mar-Co., Inc., organized a foods division to conduct research on the utilization and marketing of different grains in new forms for specialized foods, such as meat products, bakery products, and snack foods.

This is a commendable effort for any organization to pursue, but Far-Mar-Co., Inc., is unique in this effort in that it is a regional grant marketing cooperative which is owned by some 700 local grain marketing cooperatives in the seven-State area of Kansas, Colorado, Nebraska, Iowa, Missouri, Oklahoma, and Wyoming. These 700 local cooperatives are in turn owned by over 300,000 farmers who produce the grain.

Therefore this is a self-help program of the grain producers, and a recent feature story in the women's section of the Wichita Beacon tells how Far-Mar-Co., Inc., is working on this project. This story deserves wide distribution, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the feature story was ordered to be printed in the RECORD, as follows:

MANMADE INGREDIENTS—HOW SOON?

(By Kathleen Kelly)

HUTCHINSON, KANS.—Remember when the first soft plastics were called synthetic leather? It took many years and lots of legislation before margarine was thought of as anything but imitation butter. Rayon started as the poor-man's substitute for silk.

Today these and many more "manmade" items are standard products, important and useful on their own merits rather than being thought of as "synthetic," "imitation" or "substitute."

The staff of the new foods division of Far-Mar-Co., Inc., here believes—in spite of current regulatory restrictions—textured vegetable protein products eventually will be accepted foods that make a valuable contribution to the nutrition of the world.

Establishment of the foods division by the world-wide grain maketing firm means a multimillion-dollar expansion into research, development, processing and marketing, according to James H. Dean, executive vice president and general manager of Far-Mar-Co., which also has facilities in St. Joseph, Mo.

Through the foods division, the firm will continue to develop new applications and formulations for the textured vegetable protein products it already manufactures and will research new products from soybeans, wheat, sorghum grains and other agricultural products.

Heading the Foods Division is Charles Potucek, a longtime Far-Mar-Co. executive As vice president, he will have the management responsibility of the division. Dr. Wayne Henry has been named director of the research and development section and Robert P. Michaels will serve as national sales manager.

Dr. Henry, former director of product development and meats research for Griffiths Laboratories, holds a bachelor's degree in animal husbandry from the University of Idaho and master's degree in animal husbandry and doctorate in food science from Michigan State University.

Michaels, formerly national sales manager of the chemurgy division of Central Soya Co., assumes responsibility for marketing textured protein, pre-cooked wheat and other specialty products processed by the new division.

"We will develop and produce specific ingredients for processed foods in the areas of convenience foods, frozen foods, specialty meat products, bakery products and snack-food," said Dr. Henry. "We also will offer customer formulation services and will develop specialized products in custom sizes and shapes for private labeling."

New laboratory facilities, to be completed in January, will enable researchers to embark on development of completely new products from the processing, storage and preservative stages through test runs in a new pilot plant.

Included in the facilities is a meat laboratory equipped to develop pre-cooked portion control products and an analytical lab certified so that all tests may be made according to government specifications on foods where meat is the main ingredient of the formula.

A qualified chemist will be in charge of the analytical laboratory and Far-Mar-Co. currently is enlarging its staff of home economists, meat scientists, cereal chemists, carbohydrate and protein chemists, microbiologists and food scientists.

Dr. Henry said work currently is being done on the "filler concept" use of the textured soy proteins. These are approximately 55 per cent protein and, when used as filler, greatly imprev the nutrition and quality of a number of products.

Some of the resistance to the use of textured soy proteins has come from stockmen, but they actually would stand to benefit from their use, Henry pointed out.

Meat "trimmings" which cannot be used in any other way may be combined with textured soy proteins to make a flavorful, reduced-shrink, pre-portioned patty high in nutrition and low in cost, he said.

Products which may be improved by the addition of textured soy proteins in no way will interfere with the desire of the homemaker for other meats such as steaks, chops and roasts, Henry emphasized. In fact, he said, by providing her with a more nutritive product at no increase in cost, it should make more of her food dollar available for the most-desired cuts of meat.

"Ingredients" for a variety of food systems are the goal of the Far-Mar-Co. research. Michaels pointed out. The ingredients may go into a variety of products such as taco fillings, pizza toppings, beef patties, chili, sloppy joes, stews, canned luncheon loaf, sausage, meatlof mix, frozen foods, packaged dinners, veal drumsticks, canned meats, Polish sausage, pork chopettes, snack foods and pet foods.

Dr. Henry and Michaels pointed out that many researchers are seeking completely "new foods." By concentrating on ingredients for traditional foods, Far-Mar-Co. feels that the impact on nutrition will come about more quickly.

"It takes at least two generations to change eating habits," they agreed. "By adding balanced proteins to familiar foods, the diet may be improved without this generation gap."

Technology already has conquered the grain of corn and the soybean by creating from them a number of different products—meal, oil, syrup, lecithins—and the new laboratory facilities will enable researchers to take a closer look at the grain of wheat.

"We already have developed pre-cooked wheat products and we can enrich wheat with lysine (an amino acid) to give it a better balanced protein content," they pointed out, "but there may be ways to use the components of wheat just as we use the components of corn or soybeans." There are potential food uses and also the possibility of using the components in paper coatings, adhesives and plastics.

While the Far-Mar-Co. Foods division will seek new uses for grains to create new markets for its 300,000 farmer-stockholders, the homemaker and her family are the eventual beneficiaries of the research.

HOMEMAKER CAN HELP

The homemaker has a right to be concerned about food product deception, but positive enrichment may sometimes show up as "deception" in the miles of red tape that must be eliminated before any change can be made in a food product, pointed out Robert P. Michaels, sales manager for the Far-Mar-Co. Food Division.

"Consider canned chili," he suggested. "Regulations allow a certain percentage of filler to thicken and give texture to the product. By replacing the starch commonly used with textured soy protein we can considerably increase the protein content and the palatability of the product. But, even

though the chili would be manufactured under existing standards it would be 'deceiving' the consumer by giving her a more nutritious product than she is accustomed to buying when she purchases a can of chili," he explained.

The recent breakfast cereal controversy may have placed several high-protein enriched cereals in jeopardy, he added. It is claimed in some quarters that the homemaker is being "deceived" because these cereals provide more of the minimum daily requirements of many nutrients than she is accustomed to finding in cereal.

Giving another example, Michaels pointed out that a great deal of lysine-enriched wheat is being produced in the United States, but that it cannot be used here. "We give it away to other countries while nutritionists are concerned about the need for balanced protein foods in this country," he said.

"Regulations such as these build a brick wall between progress and the consumer," he said. "Political and personal gains are disguised as 'consumer protection' in so many cases that the consumer doesn't know whether she's being protected or exploited."

"What can she do?" Michaels was asked. "I'm not sure there's much she can do but keep informed," he said. "When she's aware that she can have a more nutritious breakfast cereal, can of chili or loaf of bread for her family, she could write to her senator, congressman and presidential consumer affairs specialist to ask why? Why isn't the red tape cleared away so that these agricultural products can be used to boost her family's nutrition?"

WELFARE PROGRAMS

Mr. COOK. Mr. President, we have already heard a great deal about the need for day-care facilities to help working mothers. And we are bound to hear a good deal more. I believe that this is an important time to make a strong appeal for more participation by private business in the sponsoring of day-care services.

It is clear that in providing day care, expanded assistance by the private sector is badly needed. The Federal, State, and local governments cannot do the job alone. Setting up the day-care facilities the Nation needs calls for the resources and the know-how of private business, too.

Why has day care become so important to the Nation and the economy now? It is because millions of working mothers have entered the labor market, and they need and demand day-care services for their children. Since the period before World War II, the number of women workers has more than doubled, but the number of working mothers has increased almost eightfold. About four out of 10 mothers were in the labor force in March 1969 as compared with less than one out of 10 in 1940.

Among the 29.9 million individuals who were working or seeking work in March 1969 were 11.6 million mothers with children under 18 years of age. About 7.4 million of these working mothers had children aged 6 to 17; 2.1 million had children 3 to 5 years of age; and another 2.1 million had children under 3 years of age. And the number of mothers who want and need to work is growing. Projections for 1985 indicate that 5.6 million mothers aged 20 to 44 with children under age 5 will be in the labor force by that year.

In spite of the growing demand, the number of day-care facilities in this country is still very limited. Although it is estimated that some 5 million preschool children now need day-care services, 1969 figures—the latest available—show that licensed or approved day-care facilities in the United States had the capacity to care for 639,000 children. More than three-fourths of the total capacity—that is, 518,000 spaces—were in day-care centers and group day-care homes, and 120,000 were in family day-care homes. Nearly one-half of the total 639,000 places for children were in cities with a population of 100,000 and over.

You can see what has happened as a result of this lack of adequate day-care services. Many women in our country who are able to work and want to work must stay at home with their children and rely on welfare for support. A recent Federal study showed that more than one-third of the women receiving welfare are trained for and willing to work. But it found that they are kept from jobs by ill health, young children, and inadequate day-care arrangements.

The Department of Health, Education, and Welfare has reported an increase from 25.3 percent in 1961 to 44.5 percent in 1968 of welfare mothers with high employment potential because of their education or previous job experience. While four of every five of these mothers wanted a steady job, 80 percent could not work because they had children under age 8 and lacked day-care facilities for the youngsters.

The Federal Government has moved to meet this problem by setting up a number of federally funded child-care programs for children of economically disadvantaged families. The work incentive program, Headstart, and other Government-sponsored programs provide not only day-care facilities but also a wide range of health, education, and other services for youngsters in low-income areas. In many cases, these programs allow mothers the opportunity to work or train for work.

Now the administration hopes to go a good deal further in providing day-care assistance, so that welfare mothers can be trained for productive jobs. Under the proposed family assistance plan, $386 million would be requested in the first year of operation to provide day-care services for 522,500 school-age and preschool children. Other early childhood bills now before Congress would establish comparable day-care programs for disadvantaged mothers who want to work.

In addition to the day-care efforts of the Federal Government, a number of State and city governments now have significant programs for providing day-care facilities. But it is clear that the day-care requirements of the Nation are too great to be met by Federal, State, and local projects alone. To meet this challenge, we will need the help of national associations, women's groups, church and welfare organizations, hospitals, labor unions, franchise operators—and we will especially need the active participation of private industry.

Private business firms that employ working mothers can make an important, invaluable contribution to the development of day care in this country. These firms have the financial resources, the know-how and the good business contacts that can stimulate and expedite day-care programs throughout the Nation.

Already business participation in day care has taken many forms. Some employers seeking to serve their own employees have set up day-care centers within their own companies, or have established nonprofit corporations with business financing. Other firms have made contributions to private, nonprofit charitable or educational organizations to help establish day-care facilities which their employees can use. Still others have made contributions to local or State welfare agencies to foster the growth of day-care operations in their communities. Smaller employers have joined together to provide services which they could not support individually. Joint union-management agreements for the provision of day care under trust fund arangements have also been productive.

Many varied business firms have shown an interest in day care. Such companies as the AVCO Corp. and the KLH Research and Development Corp. of Cambridge, Mass., have pioneered in setting up active day-care programs. The Whirlpool Division of RCA has established a community-coordinated program in Benton Harbor, Mich. Many leading business firms are either about to set up their own centers or are actively considering the possibility—such companies as American Telephone & Telegraph Co., Polaroid Corp., and the John Hancock Life Insurance Co. Other firms in the drug, insurance, broadcasting, chemical, and retail fields have attended conferences for business firms interested in day care.

These companies recognize the advantages of providing good quality day care for their employees. With day-care facilities, employers of women can reduce turnover and cut the high cost of training new people when working mothers drop out of their jobs. They can solve many problems of absenteeism and tardiness at work. They can attract women workers because of the day-care benefits they offer. They can often improve production, because working mothers who are at ease on their jobs do a better job. With day-care programs, companies can build good will in their communities by opening up new jobs for women in their plants—and in their day-care centers, too.

Greater involvement by private business in day care would play an important role in helping the Nation meet its needs. The participation of business firms would provide additional resources, improve the quality of programs and stimulate greater public support of day care.

In attempting to meet the increased need, an early problem will be the lack of trained and experienced personnel to

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work in the centers. Private business firms can help make new manpower available—through use of present company training staff people and through the hiring of new personnel.

Business organizations can also provide the facilities for day-care centers, so badly needed today. Many communities have the resources to launch a day-care program, but they lack suitable buildings. Under existing legislation, the Federal Government has only limited funds for the construction or renovation of buildings for use as day-care centers. But in many cases, business firms have unused facilities that can be made available. They often have land sites on which communities can build facilities.

The entry of private business firms into day care would also help produce a greater number and variety of day-care models. New approaches would be tried. New materials would be developed. New ideas would be introduced. For instance, there might be an increased number of programs for children with special handicaps.

The involvement of the private sector will not only increase the number of day-care programs, it will also build public interest in day care throughout the country. Where previously many day-care centers were for use by low-income families only, new centers sponsored by private business could bring together children of different social, ethnic, cultural, and economic backgrounds. This would greatly benefit the children, and it would broaden the support of day care among all groups in the Nation.

There are some who feel that the involvement of industry in the day-care field would result in poor quality programs. They feel that through lack of experience or motivation, many companies would simply provide custodial care for youngsters, sufficient to keep the mother's mind at rest. But the competitive spirit of business indicates that private firms would make a real effort to develop high quality, innovative programs. And technical assistance is constantly being made available by the Federal Government.

The Office of Child Development is in the process of developing a comprehensive series of handbooks for use in centers for infants, preschoolers, and school-aged children. These handbooks will contain descriptions of some of the best model programs in the country. They will have the widest circulation. Office of Child Development specialists in day care are available for counseling business firms across the country.

I believe that it is important for Congress to encourage and support the participation of private business in day care now. Many business firms have already shown an interest in entering the field. Their involvement would have great benefits for industry—and for the entire Nation. Only with the active help of business can we produce the network of day-care centers required to meet the needs of millions of working mothers today—and millions more who will enter the labor force during the 1970's.

Mr. President, private industry will not be encouraged to take these vital steps unless the Congress passes the family assistance plan in this session.

FAP represents public policy offered to achieve basic welfare reform. Its long-range objective is to help these families attain and retain independence and useful roles in their communities, through a comprehensive approach to the root causes of poverty. It is true that FAP is essentially an income maintenance program designed to put money, and thus goods and services into the hands of poor families, including the working poor. However, FAP is more than payment of the FAP benefit. It is an income strategy with many components, it is money plus employment, plus child care and other supportive services. All these components fit together to make a whole; one part is dependent upon the other.

The payment of the FAP benefit in itself could not offer a promise of welfare reform. The hope of achieving welfare reform and the FAP objective of helping the poor and working poor covered by the bill to attain and retain independence lies in the cash payment plus the companion programs—the manpower services, the child-care programs, and related supportive services. This comprehensive package of services is designed to assist needy families with children to attain self-supporting, independent, and useful roles in society. It will provide the ladder out of poverty.

Probably the most important single service provided for in the bill and the one on which the other components most depend for their effectiveness is the child-care provision. Without adequate child-care services the work features have no chance to succeed. It is the underpinning of the entire program.

Child-care services are provided to assure recipients that they will not be prevented from participating in training or employment by the unavailability of appropriate child-care programs.

FAP child-care aims at making available the appropriate kind of child care needed by families covered under FAP. To achieve this end, FAP child-care provisions include the following features:

First. Appropriation to the Secretary of Health, Education, and Welfare would be authorized for grants and contracts for up to 100 percent Federal financing of the costs of child-care projects—including transportation and construction—to public or nonprofit private agencies.

Second. Child-care programs provided would be of various kinds, providing for the kind of care needed in the light of different circumstances and needs of children and families to be served. The diversity and variety will help assure usage of services, a problem identified by reports and officials. Families could not find programs to suit their needs and therefore made their own and often inadequate child-care arrangements. FAP intends to provide families with options.

Third. All types of sponsors can participate in providing FAP child care. The Secretary of Health, Education, and Welfare can utilize public agencies, as well as private, nonprofit, and profit-making agencies. Thus, both the public and private sectors will be used in the provision of child care.

Fourth. By providing for Federal initiative and responsibility and full Federal funding, some of the obstacles which have inhibited the development and provision of child-care services in the past will be removed. Lack of available child care has been identified as one of the major drawbacks in the functioning of the WIN program, preventing parents from participating in training and employment. Local and State organizations and agencies just could not meet the matching funds required under current programs. Federal financing of 100 percent provided under FAP eliminates this problem, making it possible to move quickly; without waiting for State and local governments and agencies, with already strained fiscal problems, to search for the matching funds.

Fifth. In addition to the 100-percent Federal financing the FAP will take two other steps to assure expeditious movement in providing child-care resources. Unlike other provisions of the bill, the child-care provisions become effective on enactment of the bill. The advance funding provision affords adequate notice of available funds. Appropriations for 1 year to pay the cost of the program during the next year would be authorized.

Sixth. The financing mechanism devised for FAP child care offers flexibility and more opportunity for State and local resources to respond more rapidly in developing resources. Project grants or contracts could be provided to institutions for startup costs—that is, seed money for initial planning, capital investment for facilities, training and operating costs for the period necessary to establish a smoothly running organization. It also makes it possible to make payments to licensed centers for operations on a per capita basis for all eligible children who are enrolled in these centers.

Another important feature of the bill is in its authorization of funds for grants to, and contracts with, any public or private agency or organization for part or all of the costs for evaluation, research, training of personnel, technical assistance or research or demonstration projects to determine more effective methods of providing child-care services.

Well-designed child-care programs represent a double investment. In addition to benefiting parents by freeing them for work, quality child care can provide children with great benefit and help break the cycle of poverty. Therefore, child care should not be regarded as a means to an end, provided only to free parents for work. Rather it is an end in itself. Developmental child-care programs which provide children with health, educational, and other necessary services promise to pay double investments.

FAP legislation proposes adequate child care for the school-age child. Thus, Federal Government moves toward assuming responsibility for the million latch key children and attacks head-on a social problem of great magnitude.

The number of school age children who are left to care for themselves during out-of-school hours continue to increase as more mothers enter the labor force.

The implications of the neglected, uncared-for child or the problems of school dropouts, delinquency, crime, unemployment, and idleness in our society can no longer be ignored or underestimated. If the parents are not available to supervise and provide a loving, caring relationship to children in out-of-school periods, then the community must assume this responsibility. Child care, therefore, must be viewed as a community responsibility and a community necessity. Quality child care for the school-age group is indeed a double investment, just as it is for the preschool child.

Through its child-care provisions, FAP offers the possibility of freedom to millions of women who are trapped in poverty and despair because they have young children to be cared for and no way of providing for them while they work. FAP child care with its intent of providing programs which foster the intellectual and emotional development of the child, as well as his physical well being, offers the possibility of solid grounding which is essential to success in school and beyond.

I endorse the principles established in the original concept of FAP and seek their enactment into law. FAP represents an idea whose time has come.

PRESIDENTIAL VETO OF THE MANPOWER ACT

Mr. McGOVERN. Mr. President, we are dismayed and disheartened by the veto of the Employment and Manpower Act of 1970.

Congress has not made it a practice to respond effectively to the cry for the reform of our institutions and the reordering of priorities.

But in this excellent legislation Congress has written a record of which it may well be proud.

Over a 16-month period, with hearings held from coast to coast, followed by months of bargaining in executive session, a fine, bipartisan bill has been fashioned that would make sweeping reforms in manpower programs, decentralizing planning and administration to States and communities, and create the national program of public service jobs that has been for so long an item of unfinished business on the national agenda.

The decentralization and reform parts of the bill are in direct response to the request made by the President in August 1969. He requested seven items then; all seven are in the congressional reform manpower bill.

The bill passed the Senate 68 to 6. In conference, compromise was reached on a number of points.

The bill finally agreed to provided—

First, a clear system of State and local prime sponsors to replace the Labor Department as administrators and planners of manpower programs, with one-third of the funds set aside for those plans.

Second, one-third of the funds reserved for the vital public service employment program.

Third, the final third reserved to the Secretary to carry out in a flexible manner his responsibilities, including the responsibility of maintaining strong programs like the OIC, the mainstream, new careers, and the Neighborhood Youth Corps.

Finally, it protects the interest of four groups of citizens often ignored in manpower and other social programs: Indians, migrants, bilingual, and older workers.

Overall expenditures authorized are $9.5 billion over 4 years, beginning with $200 million for this fiscal year, when unemployment is at an 8-year high, for job creation right now.

And what is the response of the administration to this extraordinary and unaccustomed example of responsive legislation? Veto.

It is an especially cruel veto for the hundreds of thousands of the unemployed for whom this legislation would have meant the dignity of valued community work—such as the work that operation mainstream has provided older workers in rural areas over the past several years.

It is a discouraging vote for those community people, mayors and Governors who have testified and worked hard in drafting and passing this bill, and for whom the legislation provided a rational, and locally controlled, democratically responsive planning mechanism for local manpower programs to replace the dense thicket of tape and regulation that currently strangles efforts to make sense of manpower programs at the local level.

The veto is especially dismaying to those—like John Gardner of common cause—who are devoting themselves to the task, the hope and the necessity of making the democratic system work in these difficult times. It is very hard to see so much work frustrated by an arbitrary veto.

Finally, we must again ask where the heart of this administration lies. Why is $250 million for the SST a matter of national honor, while $200 million this year for jobs is to be maligned as an irresponsible expenditure?

I hope the Congress will reaffirm its confidence in this legislation and override the President's veto.

RECESS UNTIL 9 A.M. ON MONDAY, DECEMBER 21, 1970

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 o'clock on Monday next.

The motion was agreed to: and (at 6 o'clock and 21 minutes p.m.) the Senate took a recess until 9 a.m., Monday, December 21, 1970.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 19 (legislative day of December 15), 1970:

U.S. ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Harry Herndon Critz, 460-64-1268, Army of the United States (major general, U.S. Army).

U.S. NAVY

Adm. John J. Hyland, U.S. Navy, for appointment to the grade of admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. William I. Martin, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Rear Adm. James L. Holloway III, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Vice Adm. Paul Masterton, U.S. Navy, and Vice Adm. Luther C. Heinz, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

U.S. MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of major general:

John R. Chaisson
Oscar F. Peatross
Edwin B. Wheeler
Robert P. Keller
Alan J. Armstrong
George C. Axtell
Foster C. Lahue

The following-named officer of the Marine Corps Reserve for permanent appointment to the grade of major general:

Arthur B. Hanson

The following-named officers of the Marine Corps for permanent appointment to the grade of brigadier general:

William C. Chip
Ralph H. Spanjer
Robert F. Conley
Fred E. Haynes, Jr.
Lawrence F. Snoddy, Jr.
Ross T. Dwyer, Jr.
Samuel Jaskilka
Kenneth J. Houghton
Joseph C. Fegan, Jr.
Leslie E. Brown
Jay W. Hubbard
Charles S. Robertson
Duane L. Faw
Mauro J. Padalino
Edward S. Fris
Frank C. Lang

The following-named officer of the Marine Corps Reserve for permanent appointment to the grade of brigadier general:

Richard Mulberry, Jr.

U.S. AIR FORCE

The nominations beginning Phillip L. Abold, to be 1st lieutenant, and ending John W. O. Williams, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on Dec. 3, 1970.

U.S. ARMY

The nominations beginning William H. Mason, to be colonel, and ending Margaret E. Wilson, to be 1st lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Dec. 8, 1970; and

The nominations beginning Wayne D. McConnell, to be colonel, and ending John A. Ursillo, to be 2d lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Dec. 10, 1970.

U.S. NAVY

The nominations beginning Perry Ahtye, to be captain, and ending Peter Gordon Chabot, to be commander which nominations were received by the Senate and appeared in the Congressional Record on Dec. 3, 1970; and

The nominations beginning Franklin S. Achille, to be ensign, and ending James J. Zelenak, to be lieutenant, (jg.), which nominations were received by the Senate and appeared in the Congressional Record on Dec. 10, 1970.

U.S. MARINE CORPS

The nominations beginning Louis Acosta, to be chief warrant officer (W-4), and ending Kenneth P. Zrubek, to be chief warrant officer (W-2), which nominations were received by the Senate and appeared in the Congressional Record on Dec. 3, 1970; and

1st Lieutenant Jack T. Kline, U.S. Marine Corps, for appointment to the grade of captain.

U.S. DISTRICT COURTS

James H. Gorbey, of Pennsylvania, to be a U.S. district judge for the Eastern District of Pennsylvania.

DEPARTMENT OF JUSTICE

Ralph B. Guy, Jr., of Michigan, to be U.S. attorney for the Eastern District of Michigan for the term of 4 years.

Frederick M. Coleman, of Ohio, to be U.S. attorney for the northern district of Ohio for the term of 4 years.

Clarence A. Butler, of Maryland, to be U.S. marshal for the district of Maryland for the term of 4 years.

EXTENSIONS OF REMARKS

BOB DOLE: OUR KIND OF SENATOR

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. SEBELIUS. Mr. Speaker, in Kansas we enjoy a fourth estate that is historically famous for political shots that are point blank in range and that leave nothing misunderstood. Citizens in Kansas are never troubled trying to figure out the interpretation or meaning of the political commentary in Kansas newspapers.

One newspaper that fits this tradition of "telling it like it is" is the Goodland Daily News. The News recently commented on my good friend and colleague Bob Dole who has been achieving quite a bit of political fame and notoriety.

It is interesting to note the faster that the junior Senator from Kansas moves up the ladder of political influence and success, the more his detractors complain. They forget one important fact—Bob Dole believes strongly in what this administration is trying to do and perhaps more important, he has the political fortitude to say so and do something about it.

The Goodland Daily News said all of this recently in a well-written editorial typical of the way citizens in the First District of Kansas think. Bob Dole gets things done and, putting party politics aside, he is the kind of action Senator the people of Kansas are proud of.

The editorial follows:

BOB DOLE: OUR KIND OF SENATOR

Sen. Bob Dole, putting party politics aside, is our kind of man. Although a freshman senator, he has made his presence felt in the Senate Chamber.

Dole doesn't really care how big they think they are; he'll try 'em on for size. And that even goes for the darling of Massachusetts—Sen. Ted Kennedy.

H. L. Schwartz III, an Associated Press writer, reported in a dispatch the other day that the Dole-Kennedy clashes are becoming more and more frequent. He describes Sen. Dole as the tall, lean defender of the White House wth the zeal of a Dodge City sheriff.

We like the way Dole has been conducting himself. He kinda' makes you glad you're a Kansan. For too many years we have sent senators back there and never heard of them again. But Dole has reversed that pattern. He's being heard of—not only in his home state—but across our great land.

Dole is a capable politician. From his years as county attorney of Russell County to his days in the House of Representatives, and now in the Senate, he has been a big vote getter. He says what he feels must be said—like it or not. And he does what he feels must be done.

Some people questioned his ability as a Senator; too many 'big boys' in that particular chamber; they would beat him down at a mere whimper. But it hasn't been that way. Our fellow Kansan knows how to use his tongue. And the lashings he gives aren't soon forgotten.

Sen. Dole is a close friend of President Nixon. He is a dedicated Republican. His defense of the President and his defense of his party are not to be taken lightly.

Dole has that little extra something that draws support from both sides of the political column here in Kansas. And in the election in 1968, he received more votes than did anyone else.

Bob Dole's okay. And that's something when you consider a Democrat said it.

RETAINING THE PANAMA CANAL

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. SCHMITZ. Mr. Speaker, Straus-Hupe and Possony, in "International Relations," said:

> The construction of the Panama Canal may well prove to have been the most fateful event in Japanese history and to have condemned Japan to certain failure when she had hardly started on her expansionist venture.

The Panama Canal and the Canal Zone, an area 5 miles on each side of the center line of the canal serving as its protective frame, were acquired by the United States in the days when diplomacy's mission was geared toward protecting America's national interest. Today's diplomats operating under guidelines designed to achieve some vague, semimystical international order are considering giving this area to Panama.

Recognition of the necessity for a waterway connecting the Atlantic and Pacific Oceans and avoiding the long journey around the Horn, which even today adds 20 to 30 days to a steamer's journey, led us to negotiate the Hay-Bunau-Varilla Treaty of 1903. This treaty granted to the United States in perpetuity the use, occupation and control of the Canal Zone, giving us sovereign rights over that area.

The wisdom of this acquisition and the construction of the Canal was shown during the Second World War and the Korean war. As the two top United States strategists quoted above point out, it was one of the main geopolitical factors—the key link—in bringing about the Japanese defeat.

The Panama Canal greatly increases the strategic mobility of our Naval forces by significantly shortening the time necessary to shift the forces in the face of changing threats. As our Navy is cut back, the necessity grows for the greatest possible speed in redeployment.

The canal also allows us to maintain more combat power in the Pacific area over a longer period of time at lower cost. During the Vietnam war the United States has saved $284 million in the costs of shipping ammunition by using the canal rather than sending it by rail to west coast ports. As the attack on the Defense budget continues to mount, in what is surely the most suicidal campaign it has ever been my misfortune to witness, this saving becomes increasingly important.

The Soviets have long desired to deny us control over the canal and have made every effort to push the United States out of Panama. In 1946 Soviet agent Alger Hiss, then in charge of the Office of Special Political Affairs for the Department of State, transmitted a memorandum to the United Nations in which he termed the Canal Zone "occupied territory," thus attempting to incite Panamanians into demanding return of the zone. In 1959 Fidel Castro sent an expeditionary force to Panama to wage "a war of liberation." Although both Hiss' and Castro's efforts failed, they are vivid examples of a long-standing desire on the part of the Soviets to separate the United States from a piece of its sovereign territory integral to its national security.

Currently there is a campaign underway to force the United States to negotiate new treaties with Panama which would relinquish our soveignty over the canal under the pretext that it is necessary to replace the existing canal with a new sea-level canal. The report of the Atlantic-Pacific Interoceanic Canal Study Commission, submitted earlier this month, has recommended that such a project be undertaken, even though admittedly a "financial risk," rather than complete the modernization of the existing canal.

This "sour grapes" attitude toward the present canal came as no surprise to those familiar with the make-up of this commission. Its chairman is Robert B. Anderson, the chief U.S. negotiator of the team which drew up a new treaty with Panama in 1967 which would have ceded U.S. sovereignty over the zone and would have given to Panama not only the existing canal, but any new sea-level canal which might be built. This treaty was so vigorously opposed in both the House and the Senate that it was never signed. Even if the present Government of Panama was friendly towards the United States, which it is not, giving

Panama possession of the Canal Zone would be a grievous error. Panama is a land of continuous coups—the most recent one having taken place just 1 year ago. No one knows when a Soviet-controlled government might come to power. The present military junta, headed by General Torrijos, has demonstrated its hostility to the United States by, among other things, refusing to renew a 1955 agreement which allows for our use of Rio Hato military base.

Under article IV of the Constitution, no U.S. property can be disposed of without the approval of the House of Representatives. Over 100 Congressmen, led by DANIEL J. FLOOD of Pennsylvania, have sponsored identical resolutions opposing the giveaway of the canal under any circumstances. I am joining in this effort to prevent the sacrifice of our vital strategic interests.

OEO FRAUD MAY NOT BE CRIME

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. RARICK. Mr. Speaker, the refusal by a Federal judge to accept a guilty plea to 34 counts of fraud by a former OEO employee establishes a new double standard of justice. The judge felt that since the fraudulent techniques are still going on at OEO there were mitigating facts.

The judge then insisted that the woman go to trial and is said to have told her lawyer:

> Maybe she can get a jury to accept that story and set her loose.

Anyone familiar with the caliber of jurors in our Nation's Capital, where there have been vast sums of OEO seed money planted, would have to agree with the judge that there is a very good possibility of acceptability of a tear jerking story among the natives for an OEO worker who simply stole from the taxpayers.

Strange indeed that a judiciary would offer prejudicial advice—compensatory justice—simply because the case involves OEO money. Even a Federal judge should understand that the OEO has no money it does not milk from the U.S. taxpayers.

I include a pertinent newsclipping at this point:

EX-WORKER SAYS SHE DEFRAUDED OEO

(By Sanford J. Ungar)

A former employee of the Office of Economic Opportunity asserted yesterday that she had defrauded the agency of more than $30,000 only to pay for OEO services that went beyond the limits of the agency's budget.

Patricia Furman, 27, of Arlington, attempting to plead guilty before U.S. District Court Judge William B. Jones to 34 counts of fraud, said she had used techniques that are "still going on" at OEO.

But the judge refused to accept her guilty plea and insisted that she go to trial on the fraud charges.

"Maybe she can get a jury to accept that story and set her loose," Jones told her lawyer.

He explained that he could not permit a guilty plea in the case because the statute under which Mrs. Furman was indicted implies "willfulness" rather than innocent purposes in committing fraud.

Before the plea was reversed, however, Assistant U.S. Attorney Seymour Glanzer told the court that Mrs. Furman had also illegally diverted an additional $2,331.60 in government funds to pay for the printing of invitations to a farewell party in honor of former OEO director Sargent Shriver in April, 1968.

She did not contest that claim, for which no formal legal charge is pending.

Glanzer said that at an earlier stage in her prosecution, Mrs. Furman had attempted to explain the entire missing $31,000 in OEO funds as expenses for the Shriver party.

That story had since been disproved, Glanzer said, but auditors have discovered that Mrs. Furman did use a separate amount of $2,331.60 in government money for the Shriver party (when he was named ambassador to France by President Johnson) without the knowledge of its organizers.

The party money is now being repaid to the U.S. Treasury, Glanzer added. Other expenses for the Shriver affair were paid from private funds.

Mrs. Furman acknowledged in court yesterday that between April, 1968, and May of this year—while she was a production manager in the OEO public affairs section—she submitted a chain of false invoices for "photographic services."

Those invoices according to the indictment, were all in the name of "M. Wood," and the checks issued by Mrs. Furman to pay them went back to her at one of a number of addresses, including that of her stepmother in California.

But Mrs. Furman disputed Glanzer's claim that all of the money was intended for her own "benefit, advantage and use."

Clutching a dark furry coat round her red-white-and-blue suit, she spoke in a clear, loud voice as she told Judge Jones, "I was . . . uh . . . M. Wood."

Most of the funds, she claimed, were for "bootleg" contracts of suppliers with the OEO public affairs office, or invoices that "couldn't be paid through normal government channels."

She explained that this procedure became necessary whenever OEO had expended its budget for a particular area.

Either she would personally pay bills for OEO supplies with the "M. Wood" money or she would ask existing OEO suppliers to submit larger bills and pay her for items she had allegedly purchased on her own, Mrs. Furman told the judge.

But on two occasions—an $875 money order to pay back rent and "about $200" to buy her maid a washing machine—Mrs. Furman admitted using the money herself. "I may have used some other (amounts)" she said. "I'm not sure."

THE HEAVE-HO WAS IN ORDER

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. BERRY. Mr. Speaker, the Office of Economic Opportunity has been the focal point of considerable attention because of its recent personnel changes in the legal services program.

The Boston, Mass., Herald Traveler recently carried an editorial entitled "The Heave-Ho Was in Order," and I include it in the RECORD because it brings into proper perspective the fine efforts of our former colleague, Donald Rumsfeld, to improve the operation and direction of legal services during his tenure as Director of Office of Economic Opportunity.

The article follows:

THE HEAVE-HO WAS IN ORDER

Last week Donald Rumsfeld, director of the Office of Economic Opportunity, summarily fired the director and deputy director of OEO's Legal Services, an arm of the anti-poverty agency that was created to provide certain legal services for the indigent.

Despite the smokescreen laid down by the cashiered counselors, Mr. Rumsfeld was plainly justified in giving them the bounce. The officials were canned because of the continued part the New Orleans branch of the Office of Legal Services was sanctioned to play in defense of militant and subversive organizations.

Instead of sticking to helping the poor in civil actions like divorces and eviction cases (local public defenders are provided for criminal cases), the New Orleans operation, subsidized with a $420,000-a-year grant of federal funds, built up a curious but consistent clientele.

The "poverty" lawyers represented such "indigents" as members of Students for a Democratic Society, an underground newspaper, members of the Black Panther party and its recruiting adjunct, the National Committee to Combat Fascism. There is no evidence that the Legal Services Office has used public funds to defend such right-wing extremists as Ku Klux Klan or Minutemen, but the ideological paranoia represented should make no difference.

It was not the intent of Congress to set up a pool of federally subsidized advocates for ideological or political causes. Money spent on militants or subversives not only subtracts from the amount available for legitimate legal services for the poor, but also jeopardizes congressional funding of the entire program.

(Note: Tom Gallagher reports that there are problems in OEO's Legal Services office in Boston in his column on this page today.)

AN UNWARRANTED RESTRICTION ON LEGAL ACTION FOR THE POOR

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, the Finance Committee of the other body has taken an action which has the practical effect of sharply curtailing the access of the poor to the legal system they most need.

The committee has decreed that no Federal funds may be used for payment of salaries to anyone who participates in litigation to nullify statutes or policy under the Social Security Act.

This, in a nutshell, would prevent legal service suits by persons seeking redress of grievance when that grievance is the result of an inequity of the social security system.

At first blush it may sound desirable to deny Federal funds to individuals who might be parties to certain litigation against the Federal Government. Yet, no affluent citizen is denied the right to sue. Extending this right to the poor through taxpayer-supported defenders and advocates is precisely what Congress approved when it created the legal services program.

The idea was then, and still ought to be today, to keep the lady of justice blind-

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folded but with her hand not outstretched for payment from those who simply cannot afford to pay.

I join our former House colleague, Don Rumsfeld, in urging rejection of this language and the policy for which it speaks.

Sometimes legal advice to the indigent must be directed against the Federal Government, its laws and practices. Over 2 million cases have been handled by legal services since its inception in 1965. About 7 percent of these cases have dealt with welfare issues.

The action of the Finance Committee would effectively deny to the poor of America the right to federally financed legal aid in any such case in the future.

OEO Director Rumsfeld, said on December 3 that the committee decision to limit the scope of legal aid would "seriously restrict the ability of legal services attorneys to provide effective representation for their clients, limit the access of the poor to the judicial system, and set an unwise precedent by eliminating the likelihood that poor citizens could subject congressional and administrative decisions to review in the courts."

Mr. Speaker, it would be unfortunate in the extreme if the judgment of the Senate Finance Committee—no matter how well intentioned it might be—were allowed to stand in this matter.

I urge all of my colleagues in both bodies to join in removing this unwarranted restriction on legal services to the poor.

GEOTHERMAL ENERGY AND DESALINATION: PARTNERS IN PROGRESS

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. JOHNSON of California. Mr. Speaker, with the increased concern for our water resources and their role in the future development of this Nation and her people, the study of desalination looms large as a bridge spanning the problems created by an increased population and the sapping of the available resources in the United States and around the world. At this time, I would like very much to share with my colleagues the words of one of the leaders in the study of desalination, Mr. C. M. Wong, director, Office of Saline Water of the Department of the Interior. Mr. Wong's message, prepared for presentation at the Limited Nations Seminar on Geothermal Energy in Pisa, Italy, reflects a great deal of wisdom and vision, and I respectfully request that it be inserted in the RECORD at this point:

GEOTHERMAL ENERGY AND DESALINATION: PARTNERS IN PROGRESS

(By C. M. Wong)

Estimates tell us that less than 2 per cent of the earth's water is available for drinking; the remaining 98 per cent is held in oceans, in rocks, or in the earth's atmosphere. At the same time, man's requirements for water continue to grow with the increase in population and the advancement of his standard of living. In the United States alone, the daily water consumption is approaching 400 billion gallons, and the use rate is increasing at the rate of 25,000 gallons/minute.

In the face of this growing need for water and the fact that the limits of the available supply are being reached in many areas, many people are now focusing their attention on that last great source of new water—the saline water supplies of the world. A recent inventory by the Office of Saline Water indicates that the world's conversion capacity now may exceed 300 million gallons per day in operation or under construction. The growth rate, too, is impressive—about 12% annually over the last few years. The United States Office of Saline Water now forecasts a 1 billion gallons/day desalting capacity by 1975. All of this has convinced many of us, and our numbers are growing, that desalting is here to stay and that it will grow in importance as a source of water for a thirsty world. Its acceptance is inevitable, but its rate of growth is tied to an economic consideration—the cost of water.

WHAT PRICE WATER?

Men are strange. They are willing to spend money for many luxuries; food, drink, clothing, automobiles, houses, and pleasures all are included in that list of things for which people will pay a high price for the very best in quality. Strangely, one of the most essential of all substances—water, is not included in that list. It may be that we have some subconscious memory of clean streams, with free water, or it may be that we think of water in terms of the rain that falls freely from the skies. Whatever the reason, we seem to have some natural objection to the idea of paying a premium price for water of high quality. Somehow, water is expected to be cheaper than dirt; yet it is a bulk chemical which must be produced to meet very stringent quality standards. We are forced to try to produce this commodity at an extremely low price, and we will not achieve success until each application of desalination can be designed for minimum water cost based on some optimum combination of plant investment and operating cost.

Obviously, an important factor in the cost of upgrading saline waters to potable quality must be the cost of the energy used to achieve conversion. The oldest, and best developed, conversion process—distillation—also happens to be rather inefficient from the thermodynamic point of view. A large amount of energy must be used to heat a saline water to its boiling point and convert it to steam. This heat must be recovered to an extent governed by the cost of fuel; all of this contributes a significant increment to the cost of conversion. Little wonder, then, that we seek sources of low-cost energy.

WHAT KIND OF ENERGY?

Most of the world's desalting plants, and all of those in the United States, are now fueled by fossil materials. Many statements have been made linking desalination to nuclear energy. In fact, so much of this has been said that many people have assumed a necessary linking of the two ideas. This does not exist, although it is certain that nuclear energy will have a large role in the ultimate application of large-scale desalting in many areas of the world. The realistic view is that each desalting application will have an energy source chosen on the basis of the price of the product to the consumer. It seems reasonable to assume that all forms of energy will eventually assume their logical roles in the application of this exciting new technology.

One source of energy has yet to receive thorough consideration despite the fact that it appears to offer great promise in certain parts of the world. This is geothermal energy which exists in some form at every location.

Early studies by the Office of Saline Water examined two possibilities for tapping this vast reservoir of heat. The first (1) of these examined the possibility of using a circulating water system to extract heat from the hotter layers of rock buried deep in the earth. It was concluded that energy from this source would be far more costly than conventional sources of power in the United States. The second (2) conclusion drawn was that the exploitation of geothermal energy for desalination would be practical only in areas having either very hot wells and springs or volcanic activity. With these studies, the Office of Saline Water abandoned for a time its interest in geothermal energy. A recent development, however, has rekindled interest in this natural source of heat. This came with the realization that the Imperial Valley in California embodies an exciting combination of a geothermal energy source of spectacular proportions with a need for both water and electrical power.

THE IMPERIAL VALLEY

The Imperial Valley occupies a part of the delta of the Colorado River along the Mexican border in the desert country of southern California. The fertile silt of this area, when provided with water by irrigation, makes it one of the world's richest agricultural areas. The mild climate provides a growing period throughout the year, and this rich section has provided a variety of both staple and specialty crops in large quantity. Lately, however, there has been concern about further development of this area because of the constraints imposed by the supply of water.

Within recent years, increasing attention has been directed toward the Imperial Valley because of large reservoirs of hot water underlying the area. This resource has been known, but little effort has been devoted to its development until the last few years. As the result of action by several individuals with a great deal of vision and imagination, a coordinated effort is now beginning for a thorough appraisal of this resource.

THE IMPERIAL VALLEY PROJECT

This project,[3] under Professor Robert W. Rex, is an effort by a team of staff members of the Institute of Geophysics, University of California at Riverside. It is intended to provide geologic, hydrologic, engineering, and economic information necessary for development of the geothermal resources of the delta of the Colorado River. This project is supported by a number of public and private groups such as the U.S. Bureau of Reclamation, Southern California Edison Company, Standard Oil Company of California, the Imperial Irrigation District, and the Academic Senate of the University of California at Riverside. The report cited suggested 6 to 9 geothermal fields in the Imperial Valley with the following data pertaining to development:

SUMMARY OF GEOTHERMAL INFORMATION [4]

Geothermal brine reserves: 2,000,000 to 4,000,000 acre-ft.

Temperature range of brine in ground: 500–700° F.

Total number of wells projected: 2,000–5,000.

Surface pressures of flowing wells: 300–400 psi.

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[1] Bell, J. C. R. C. Crooks, et al, "Availability of Geothermal Energy for the Demineralization of Saline Water." OSW R. and D. Report No. 27, July 1959.

[2] MacDonald, J. R. E. R. Stensaas, and P. M. Stafford, "Investigation of the Availability of Geothermal Energy for the Demineralization of Saline Water in the Black Hills Region," OSW R. and D. Report No. 28, July 1959.

[3] Rex, R. W., "Investigation of the Geothermal Potential of the Lower Colorado River Basin," Phase I—The Imperial Valley Project.

[4] As revised by Dr. R. W. Rex, September 1970.

Surface temperatures of flowing wells: 300–400° F.

Flow rates per well (11¾" pipe): 1,200,000 pounds per hour (10.6 acre-ft/day).

Depth of typical well: 5,000–6,000 ft.

Brine salinity (Mexican type): 1–3 percent dissolved solids.

Brine chemistry: chlorides of sodium, potassium, and calcium.

Cost of typical well: $250,000.

Protected production rate of total Imperial Valley geothermal wells: 3,600,000 acre-ft/year to 10,000,000 acre-ft/year.

Electric power with 2,000–5,000 wells: 20,000 megawatts.

Steam price per Kw-hr: 2.0–2.5 mils.

Cost of hot water for desalination: No charge.

COUPLING OF DESALINATION AND GEOTHERMAL ENERGY DEVELOPMENT

The report by Dr. Rex. and his group outlined the enormous potential of the geothermal waters of the Imperial Valley, but it also recognized that some problems of large magnitude must be solved before the asset can be made to pay. One of these, perhaps the most critical, is the problem of brine disposal, and Rex noted that "the only market evident for very large quantities of geothermal brine is for saline water conversion." Thus it became rather logical for the desalination concept to be joined with the idea of geothermal energy development.

In October 1969, Dr. A. D. K. Laird, Director of the Sea Water Conversion Laboratory, University of California, presented a tentative outline for a development program to the California Assembly Committee on Water. This outline is reproduced below.

OUTLINE OF TENTATIVE DEVELOPMENT PROGRAM

Step item, operation, or objective	Principal participants [1]	Probable cost (thousands)	Desirable timing
1. Identify pertinent conditions	SWCL w/advice DWR OSW, FWPCA	$40 to $90	Early 1970.
2. Choose pilot program for 100 KGD and 10 Mw	DWR and OSW w/advice SWCL and Ind	$60 to $80	Mid-1970.
3. Drill and test 1 well	BR	$150 to $200	Late 1970.
4. Technical research on pilot problems	SWCL	$300 to $360 at $100 to $120 per year	1970–73.
5. Pollution control research	SERL, SWRCB, FWPCA	$140 to $180 at $70 to $90 per year	1971–73.
6. Design of pilot plants	Ind	$40 to $60	Late 1970.
7. Construction of pilot plants	Ind	$600 to $1,100	Early 1971.
8 Operation of pilot program	Ind	$300 to $400 at $150 to $200 per year	Late 1971 through 1973.
9. Interpretation of pilot data	All	$100 to $140 at $50 to $70 per year	1972; early 1974.
10. Choose demonstration plant(s) 1–10 MGD, 20 Mw	DWR, OSW	$90 to $100	Early 1973.
11. Design demonstration plant(s)	Ind	$150 to $200	Late 1973.
12. Construction of demonstration plant(s)	Ind	$3,500 to $4,500	1974.
13. Operation of demonstration plant(s)	Ind	$300 to $500 per year	1975 et seq.
14. Interpretation of results	All	$150 to $200	1975.
Total		$5,920 to $8,110	

[1] All agencies having an interest in such a program would cooperate as desired in addition to those named specifically.

All—All agencies involved.
BR—Bureau of Reclamation, U.S. Department of the Interior.
DWR—Department of Water Resources, State of California.
FWPCA—Federal Water Pollution control Administration (U.S. Department of the Interior now).
FWQA—Federal Water Quality Administration.
Ind—Industry under contract to the appropriate agency.
OSW—Office of Saline Water, U.S. Department of the Interior.
SERL—Sanitary Engineering Research Laboratory, University of California.
SWCL—Sea Water Conversion Laboratory, University of California.
SWRCB—State Water Resources Control Board, State of California.

It is too early to make predictions concerning the program outlined, but step 1 became possible approximately as planned. On March 30, 1970 the Office of Saline Water executed a grant to the University of California to support a project under Dr. Laird's supervision to "Explore the Conditions for the Design of a Geothermal Desalination Demonstration Plant in the Imperial Valley, California."

This modest grant will provide funds for an assessment of desalting as a partner in development of the geothermal brines in the Imperial Valley. Its objective is to determine the benefits of such a scheme and the problems to be overcome. A preliminary investigation by another organization has listed [5] the following as requiring consideration:

(1) *Heat rejection.* Normal desalting plants obtain cold feed, purchase heat for its conversion and discharge both waste heat and brine effluent to the sea. In the Imperial Valley, feed will be brought in at an estimated 400°F; waste heat must be rejected to the atmosphere, and the waste brine must be evaporated to dryness or reinjected into the earth.

(2) *Chemical problems.* In Table I appear some analyses of geothermal water from a Mexican field just south of the area under consideration. While vapor compositions cannot be stated at this time, it seems certain that hydrogen sulfide and carbon dioxide will be present in appreciable quantities. These gases represent potential by-products. Elemental sulfur or sulfuric acid can be made from the H_2S, and it is possible to recover CO_2 for commercial use if the quantity is sufficient. *Silica* in the brine must be reckoned with in the wells as well as in the plant. Flashing of brine in the well will produce a scale which must be reamed out periodically. Steps will be necessary to prevent formation of silica scale on heat transfer tubing. A number of alternatives are available for this treatment.

Alkaline scale resulting from the calcium carbonate hardness will require feed treatment—possibly with sulfuric acid made from H_2S.

The brine compositioned shown indicate that a highly corrosive environment will prevail inside the plant. The variability of brine composition makes it apparent that each plant location may have to be considered on an individual basis.

With due consideration being given to the points brought out in the Oak Ridge paper, the group under Dr. Laird has begun its investigation along lines as follows:

(1) Schemes have been developed for producing any desired ratio of power and water from any geothermal brine. This, of course, is a vital factor in determining the cost of water and power in a development of this kind. Preliminary studies indicate water costs comparable with conventional desalination processes and roughly proportional to salinity. The cost of power appears competitive with conventional plants.

(2) Preliminary estimates suggest that water needs (2 to 10 million acre-feet per year) of the area could probably be met most economically by producing electrical energy and condensing the vapor by rejecting heat to the atmosphere. The electrical energy would often be used to supplement or upgrade the water supply when and where needed.

(3) It appears that noxious gases should be trapped and chemically removed; waste brines should be reinjected into the aquifer from which the geothermal brine was removed. Heat rejection to the atmosphere should be by means of direct release of steam, evaporative coolers, or nonevaporative condensers.

(4) A method is being developed for choosing optimal power, water, and mineral recovery systems on the basis of all technical and socioeconomic aspects that can be priced.

(5) The costs of the benefits that might arise from the use of the energy source are being established and put in form for use in the choice of systems.

(6) A study of the effects of solubility on the behavior of noncondensable gases in condensers has been initiated.

(7) A search of the literature is continuing for information on desalination, geothermal power, mineral recovery, and plant operating procedures.

While these programs are progressing under the staff of the Sea Water Conversion Laboratory of the University of California, geological studies are being carried out by Professor Rex's group and by several companies.

At this time, it is much too early to predict what the outcome of this preliminary study will be, but those in the desalination field hope that it will show the way to an early marriage between geothermal energy and the desalination of water for agricultural uses. It is certain that many people will follow its progress with interest and that it will be of key importance in planning the future of one of America's great natural resources.

TABLE I.—ANALYSES OF GEOTHERMAL WATER FROM MEXICAN WELLS [1] (pH ABOUT 7.5)

[Values in p.p.m.]

Well No.	Na	K	Li	Ca	Mg	Cl	Br	I	Fe	SO_4	HCO_3	H_3BO_4	SiO_2	CO_2	H_2S	Total hardness (as $CaCO_3$)	Total dissolved solids (TDS)
1-A	4,450	600	12	210	30	7,420	5.2	1.0	nd	7.0	52	52	240	nd	nd	699	13,082
M-3	5,310	1,100	17	310	11	9,680	10.0	2.8	0.2	15.0	60	55	480	680	218	820	18,041
M-5 [2]	5,820	1,570	19	280	8	10,420	14.1	3.1	.2	0	73	71	740	1,600	700	733	19,018
M-6	5,000	504	11	388	33	9,000	12.6	2.5	nd	16.4	158	21	151	420	37	1,106	18,412
M-7	5,250	910	13	230	18	9,310	9.2	2.6	nd	3.4	71	32	390	940	180	649	16,240
M-8 [2]	6,100	1,860	17	390	6	11,750	14.3	3.2	nd	0	890	115	770	nd	nd	1,000	21,915

[1] From ORNL report cited.

[2] Rex states that samples M–5 and M–8 are the most probable compositions of normal production of brine.

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[5] Spiewak, I., E. C. Hese, S. A. Reed, and S. A. Thompson, "Preliminary Investigation—Desalting of Geothermal Brines in the Imperial Valley of California." Oak Ridge National Laboratory.

RESOLUTION COMMENDING THE MEMBERS OF THE INTERSTATE COMMERCE COMMISSION

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. WATSON. Mr. Speaker, in recent months a spate of criticism has been directed at the Interstate Commerce Commission for purported sins of commission and omission. Some of the criticism has verged on personal attack on the integrity of the commission and staff of the Nation's oldest regulatory agency. There is nothing on or off the record to justify these loose allegations, and it is refreshing to note the measure of national support being expressed these days for the men and women of the Commission.

One can argue that regulation is bad; that the ICC should be abolished or combined with other groups, or that some other scheme of economic regulation should be instituted. These are honest differences between equally sincere protagonists. The ICC did not institute regulation in 1887. The Congress did! The ICC did not write the Interstate Commerce Act. The Congress did. The ICC does not establish policy in transportation matters. The Congress does. What the Commission does do—and, in the judgment of many, does well—is to interpret the congressional intent and administer to the best of its limited capacity, the authority and jurisdiction delegated to it by the Congress.

One of the severest critics of the Commission in surface transportation matters has been the American railroad industry, which seeks deregulation. But, even that industry, apparently aware of the unjust nature of some of the attacks on the Commission, and, acting in a responsible nature that reflects credit on it, passed a resolution expressing the confidence of the industry in the integrity of the Commission, and calling for an end to indiscriminate and loose charges. I insert the resolution of the Association of American Railroads in the RECORD at this point:

RESOLUTION

Whereas, the Interstate Commerce Commission has been subjected to much unjustified criticism for the manner in which it has performed its duties in the administration of the Interstate Commerce Act;

Whereas, advocacy by the railroad industry of a single regulatory agency has been interpreted in some quarters as lending support to this criticism; and

Whereas, this interpretation constitutes a total misconception of the reasons behind this position of the industry;

Now, therefore, be it resolved, that the railroad industry, while often a severe critic of the Interstate Commerce Commission, believes fully in the integrity and devotion to duty of the members of the Interstate Commerce Commission.

Be it further resolved, that what is needed to achieve for the public the most economical and efficient national transportation system is a revision of the outmoded and discriminatory policies and laws governing transportation rather than continued attacks on a body of dedicated public servants.

EUROPE RAISES OUTCRY AGAINST FOREIGN TRADE BILL

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. FRELINGHUYSEN. Mr. Speaker, recently, when some of us voiced reservations about the wisdom of H.R. 18970, the Trade Act of 1970, we were assured by the bill's proponents that our fears about substantial foreign "retaliation" were groundless.

Now that the House has acted on this bill I can only again express the hope that my own judgment in this regard was in error. That I may have been right, however, is indicated by the November 23 edition of the Washington Post.

Mr. Speaker, the following article, entitled "Europe Raises Outcry Against Foreign Trade Bill," appeared in the Post on that day:

EUROPE RAISES OUTCRY AGAINST FOREIGN TRADE BILL

The trade bill sponsored by Rep. Wilbur D. Mills (D-Ark.), passed the House as expected last Thursday, but the margin for it was slimmer than had been expected—215 to 165.

The bill has an uncertain future in the Senate, where members are somewhat more sensitive to the potential damage to American foreign policy and where there simply may not be enough time for the legislation to be considered on the heavy agenda of the current lame-duck session of Congress.

A delay until January would mean that the House would need to start over again practically from scratch.

The Nixon administration has been ambivalent. President Nixon has said he favored textile quotas (unless the Japanese should voluntarily agree to restrict their textile exports here), but he has opposed all the other protectionist features of the measure, including shoe quotas. However, he has refrained recently from saying what he would do if Congress sent him a broader measure. The implication is that he might not veto the bill.

Country-by-country reaction abroad is as follows:

COMMART

(By Richard Norton-Taylor)

BRUSSELS.—The six governments of the European Common Market, the World's largest trading bloc, will not be able to resist pressures to retaliate against U.S. exports if the Mills trade bill is passed. This is the prevailing consensus here, the headquarters of the six-nation body.

"What the U.S. does not appear to realize," said one top Common Market official, "is that there are a thousand different ways Europe could retaliate without violating international agreements, although we won't do anything until protectionist action has actually been taken."

The same official mentioned restricting U.S. investments in Europe as one possible way of hitting back.

According to the Market's executive commission, the import quotas on textiles and shoes proposed by the Mills bill would immediately hit $200 million worth of EEC exports. Of the total $270 million worth of shoes exported annually to the U.S., about 80 per cent are Italian-made.

Belgium, Italy and France account for most of the $250 million worth of textiles exported to the U.S. In Belgium, the trade bill has been getting headline treatment in all the leading papers over the past few days. Belgian textile exports to America are worth $54 million, a significant amount in a small country dependent on its foreign trade.

EEC countries are particularly concerned about the trade bill's provisions for a liberal use of safeguard measures which could be imposed, even if imports played only a secondary, and perhaps totally mythical, part in a particular industry's inability to cope with increased competition. Such measures would breach the rules of the General Agreements on Tariffs and Trade (GATT).

If GATT rules are going to be flouted so casually, observers ask, how seriously can Europe take U.S. criticisms of, for example, preferential trade pacts with Mediterranean and African countries.

Safeguard provisions could affect a wide range of EEC goods, it is feared, while the planned Domestic International Sales Corporations (DISCS), which would give considerable tax advantages to exporters, could hit European exports to third countries.

Specifically, the Mills bill would allow import quotas or increased tariffs to be imposed automatically on any product of which 15 per cent of the U.S. domestic consumption is imported. This could hit notably the West German auto industry and European exports of electronic goods.

All in all, officials say, the trade bill could affect $1.9 billion of the Common Market's exports to the U.S.

(The United States has a favorable trade balance with the Market. The six member nations imported $7.3 billion worth of U.S. goods last year, while they in turn exported $5.9 billion to the United States.)

U.S. soybean exports are almost certain to be hit by European retaliation. Last year, soybeans were worth $561 million to the U.S. trade balance.

The suggestion, put forward here by one American diplomat, that the EEC is unlikely to retaliate against the soybean trade, the U.S.' most important single export, as this would quickly lead to escalation, provoked an unusually tough reaction from one senior Common Market official. "This would hit the other fellow most," the official said, "but would also help us most."

Well before the Mills bill was first drawn up, there had been talk of a tax on soybeans, partly to increase butter consumption in the Common Market.

Any retaliation by the Common Market, however, would not be restricted to agricultural products—computers, aircraft and chemicals are U.S. industrial exports which could be affected.

There is little sympathy in Europe with the oft-quoted problems facing the U.S. textile industry. In recent years, the Market's own textile industry has been forced to reinvest or merge to face up to tougher competition from abroad.

Dr. Ralf Dahrendorf, European commissioner responsible for foreign trade who is currently in Tokyo, said the other day that EEC studies have shown that Japanese textile exports to America were not hurting American companies. He said that if the Mills bill passed, Western Europe would be hit much harder than Japan.

European textile manufacturers are worried about the prospect of Japanese exports being diverted to Europe away from the U.S. market.

If the Mills bill is adopted, the Common Market is likely either to propose multilateral talks in GATT, or negotiate bilaterally with her trade partners, to control textile exports—at least those from industrialized countries.

Most Market officials are assuming that relations between the U.S. and the Common Market are going to deteriorate before they improve. "We are reaching an important turning-point in relations," said one. "There's a lot of rethinking going on in Washington. The question now is, is the United States going to come out against the idea of the Common Market?"

BRITAIN

(By Alfred Friendly)

LONDON.—The British government has let it be clearly known that it believes as much as one-fifth of its exports to the United States could be adversely affected if the pending Mills bill is enacted.

Speaking in California Nov. 11, the president of the British Board of Trade (equivalent to the Secretary of Commerce) warned, as pointedly as diplomatic language would allow, that passage of the legislation would "set off an uncontrolled chain reaction of trade restrictions."

In much blunter terms, and probably reflecting a government view that it could not utter itself, the head of a private business organization, the director general of the British National Export Council, said the legislation invited retaliation and contained the seeds of "a bitter trade war." There would be "certain and massive retaliation" from European countries, he said.

The business official, Peter Tennant, told an American Chamber of Commerce lunch here Thursday that discussion of the bill had been "too damn polite for too damn long."

The British government is known to have taken every opportunity to express its concern about the bill to the Nixon administration and has let it be known that it would "reserve our rights" if the measure passes the Congress.

As an indication of how much it fears that a law ostensibly and originally directed to Japanese textile imports into the United States would actually effect British sales, the Board of Trade indulged in a scarcely disguised leaking operation last month. It hinted that retaliation measures were being prepared.

At the same time, and officially, its weekly magazine published a confidential U.S. Tariff Commission list, picked up from the National Journal of Washington, of 120 products whose imports to the United States have been rising in a degree that could invoke the protective provisions of the new legislation. Ranging from acetyline black to wigs, only the minor part were textiles.

These, it was let known, represent one-fifth of Britain's exports to the United States and are valued at from between one-fourth to one-half billion dollars annually.

The board of trade pointed out that the situation was "complex" and that it is "impossible to forecast which United States industries are likely to apply for increased protection."

But the combination of the prominence given to the article, the official leaks and the multitude of unofficial statements that have appeared in recent weeks makes it clear that the government believes British industry—and not just Japanese textiles and cheap shoes—will be very grievously hit if the bill becomes law.

FRANCE

(By Anatole Shub)

PARIS.—Although the French government has refrained from public comment, officials and businessmen here are nearly as worried as those of other West European countries by the possible effects of the Mills bill.

The concern is less about the specific immediate effects of the bill itself than about the prospect that protectionist legislation in the United States would unleash what one French official called "a wave of general egoism" in the form of a trade war.

"The psychological effects might be incalculable," one official said, "if the United States, which has pushed free trade first, hardest and longest, were now to be the first to take a step backward."

Officials note that, even without the Mills bill, U.S. tariff levels remain higher than those of the European Economic Community, and that the United States maintains a massive trade surplus with France as with other Common Market countries.

U.S. exports to France last year totaled $1.2 billion, while French exports to the United States amounted to some $800 million.

The specific effects of the Mills bill, in its present form, would be less harmful to France than to other Common Market countries, let alone to Britain or Japan. French textile exports have remained steady at a level of about $30 million in the last few years, and consist of a variety of high-cost specialty products. The immediate loss, if the Mills bill is passed, would probably be insignificant.

The effects would be somewhat more serious for French exports of shoes, which have increased from $6.8 million to $9 million over the past three years. Since import quotas under the Mills bill would be fixed on the 1967–69 average, there would be an actual loss of more than $1 million, as well of potential growth.

While French officials recognize that these immediate effects are considerably less serious than those which might be in store, for example, for Italy and Belgium in the shoe market, they fear that business circles throughout Europe will look to the Common Market to "retaliate" against the United States in some form.

Protectionist measures in the United States, an official said, "would encourage all those—and there are many—who wish the Common Market to act as a protectionist organization." They would also make life difficult, without a doubt, for government officials here who have been laboring hard in recent years to persuade French business, farm and commercial leaders to shed age-old protectionist traditions and compete confidently in world trade.

Political observers note, meanwhile, that extreme Gaullist circles here would doubtless seize on U.S. protectionism as another "proof" of the unreliability and selfishness of American foreign policy. The controversy over the Mills bill, combined with uncertainty over continuing U.S. defense commitments in Europe, would deepen doubts as to the cohesion of what U.S. spokesmen not long ago used to call "the Atlantic Community."

Although Paris has not yet rung the alarm bell, that is largely because Common Market officials and the British have been protesting quite vigorously, and because of the belief that the bill may still be quietly strangled in the Senate.

SPAIN

(Manchester Guardian)

MADRID—Spanish Foreign Minister Gregorio Lopez Bravo warned last week that if the Mills bill is approved "every conceivable measure" would be taken by Spain in retaliation.

Lopez Bravo said, nevertheless, that Spain would stand by the recently renewed agreement on the lease of military bases on Spanish soil to the United States.

However, if the Mills bill is passed, life in Spain for U.S. servicemen will become less easy, Lopez Bravo warned. American naval and military personnel, he said, will be treated like "any other foreign resident in Spanish territory," and will lose their present privileges.

Lopez Bravo further said that if the bill becomes policy, "I personally will not rest until our balance of trade with the U.S. is at least equalized, and that would mean the loss of about $500 million a year to the U.S."

Steps which Spain might take would include the cancellation of orders for three nuclear reactors, worth about $300 million, and for American crude oil, plus the ending of duty-free privileges including the closing of post exchange stores for American troops in Spain.

When the bilateral base treaty was signed in September, it was assumed here that one of the reported secret clauses provided for the exemption of Spain from U.S. trade protectionism.

ITALY

(By Claire Sterling)

ROME.—Italy, which exports more than $500 million worth of merchandise to the United States yearly—a tenth of everything it exports—would be among the countries hardest hit by the Mills bill.

The loss would be worst for the Italian shoe industry, growing at an extraordinary rate for the last decade and now second only to the automobile industry as a foreign currency earner.

Last year, the Italians manufactured 280 million pairs of shoes. Two out of three sold abroad. Half of those exported went to the United States, bringing $198 million, a 25 per cent increase over 1968.

According to the Italian Foreign Trade Institute, the Mills bill would cut shoe sales in the United States by about 30 million pair out of a total 95 million pair exported.

The damage here would be of a particularly painful kind. The Italian shoe industry, which employs 140,000 workers, is made up mostly of small family enterprises. Only about 20 of the 3,000 shoemakers are organized along modern industrial lines.

In Tuscany, Lombardy, the Marches, Emilia and the Veneto, travelers driving past will still see the old-fashioned shoemaker's bench before the door the husband working onto the wooden shoe forms the leather shapes sewn by his wife. The Mills bill would mean ruin for many of these families, and a chain of bankruptcies in the small factories employing or farming out such labor.

Other industries that would suffer seriously from the Mills bill here would be textiles and clothing. In 1969, Italy sold $62 million worth of textiles and $127 million worth of clothing to the United States.

The Italian foreign trade ministry fears that the range of industries affected would be much wider. Among other important sectors here selling substantially to the United States are household appliances, $28 million in 1969; chemical products, $21 million; fruits and other foods, $48.7 million, and automobiles, $67.6 million.

Thus, the Mills bill is causing distress and consternation in Italian circles ordinarily warm to the United States and something like malicious glee among America's political enemies.

The Italian foreign ministry, whose policy has been perhaps the most undeviatingly loyal to Washington's of all its European allies until recently, has made repeated and urgent representations to the U.S. government since last summer, particularly in a meeting with the U.S., Japan and Britain at the headquarters of the General Agreements on Tariffs and Trade on July 31.

Italian Foreign Trade Minister Mario Zagari, wrote recently in the weekly L'Espresso that the United States has been "sailing full tilt into protectionism for some time, with the gravest consequences not only for Italy, but the entire structure of world trade."

JAPAN

(By Selig S. Harrison)

TOKYO.—Exports to the United States by Japanese-owned textile manufacturing firms throughout the world would drop by an estimated $127 million annually below the 1969 level in the first year if the Mills bill is approved.

Trade ministry sources said that direct exports of synthetic textiles and apparel to

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the United States from Japan totaled $247 million in 1969 and are expected to reach a $292 million level this year. But this is less than half of the growing Japanese thrust in synthetics that has stirred such an intense U.S. reaction. Japanese-owned plants in Taiwan, Hong Kong, Southeast Asia and Latin America shipped an additional $287.5 million worth of synthetic fabrics and apparel to the United States last year.

Textile industry sources here are reticent to discuss the scope of indirect exports to the United States. Government sources stress that the United States, too, has extensive indirect exports to Japan and that balance of trade figures showing an overall $1.4 billion surplus in favor of Japan last year are misleading. Actually, these sources say U.S.-controlled enterprises sold $1.5 billion to Japan in resources last year that does not show in direct bilateral trade figures.

In addition to synthetics, the Mills bill singles out footwear for quotas, but this would have a negligible impact on Japan. Japanese exports of rubber, leather and plastics footwear totaled only $84.3 million in 1969 and are declining slightly this year. The bill would mean an initial cut of an estimated $4.21 million below the 1969 level.

The most seriously affected textile item is expected to be synthetic fabrics, especially polyester-wool blends, with an estimated drop in direct exports from Japan of $23.9 million in the first year of the new legislation. Men's sweaters and coats and women's slacks, blouses and skirts are also expected to be hit hard.

Japanese officials are deeply concerned over the "trigger" clause in the legislation providing for tariff commission action to hike duties in the event that imports "contribute substantially" toward injury to domestic producers. This could put a brake on Japanese exports in a wide range of products. Japanese passenger car exports to the United States last year totaled $294 million out of a worldwide total of $652 million. Television totaled $265 million, radio receivers $241.2 million, tape recorders $237.2 million, electronic components $101 million, motorcycles $142 million, and industrial machinery $189 million. Old standbys such as toys and pottery totaled only $72 million and $91 million respectively.

Advocates of a voluntary agreement with the United States to curb textile exports issued figures Friday showing that the decline in direct Japanese exports would be 30 per cent less than under the Mills bill if Japan accepts a proposal made by White House aide Peter Flanigan Wednesday during negotiations with Japanese Ambassador Nobuhiko Ushiba. Supporters of a voluntary agreement argue that this would enable President Nixon to exempt some Japanese exports from the Mills bill under its "national interest" clause.

While the economic impact of textile curbs would be sharp in Japan, especially among small producers in the Fukui and Kanazawa areas, broader consequences are already being felt in the whole gamut of Japan-U.S. relations. The rise of protectionism has aroused an unprecedented effort here to reduce Japanese dependence on the United States as a raw materials source and a market.

Japanese leaders are on the defensive with respect to their own import restrictions but point to plans for the reduction of restraints by late next year placing them on a par with West Germany. They see the Mills bill as a giant step in the other direction and believe that the U.S. demand for voluntary textile restraints has not been supported by evidence of injury to the U.S. industry. Confident of support in Europe and fearful of domestic political turmoil if Japan yields to U.S. terms for voluntary curbs, most leaders here would prefer the Mills bill to a voluntary agreement. The U.S. offer of voluntary curbs on Wednesday is not enough of an improvement over the Mills bill to balance out the domestic political costs of an agreement, they say, and Japan will find it easier to resist U.S. pressures for trade and investment access here if protectionism triumphs in Washington.

MISTLETOE DAMAGE THREATENS OREGON PINE FORESTS

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. ULLMAN. Mr. Speaker, throughout this 1970 Christmas season, bright sprigs of mistletoe will decorate millions of American homes. Few have ever regarded the plant as anything other than a Christmas decoration, and certainly not dangerous. But a growing number of Oregon's lumber industry representatives would disagree.

A recent article in the Daily Journal of Commerce in Portland, Oreg., indicated that the dwarf mistletoe, a related genus of the more common Christmas decoration, has caused considerable damage to large areas of Ponderosa and Lodgepole pine. The article told about a 10-year study which was undertaken in Oregon's Deschutes National Forest, an area abundant with rich stands of Ponderosa pine. According to the research evidence, the parasitic evergreen plant produces a cancer-like effect on pine trees, slowly robbing them of the water and nutrients that the trees need for ordinary healthy development. An increasing amount of food is consumed by the infected portion of the tree and the whole tree eventually dies.

As a direct result of the study, severe infestation of mistletoe is now believed widespread among various species of pine. Efforts to halt the continued spread of the disease, though late, are now being taken by Oregon foresters.

The potential threat by this parasite to the economic and environmental interests of Oregon are obvious. In this Nation's largest lumber-producing State, Ponderosa pine accounts for over 17 percent of all processed timber.

I commend the article to the attention of my colleagues:

MISTLETOE INVASION THREATENS TO EXTERMINATE PINE FORESTS

Thoughts of mistletoe ordinarily bring to mind the lighter moments of the Christmas season, but to a growing number of foresters and timber industry executives mistletoe brings to mind the destruction of Oregon's pine forests.

That's the finding of a 10-year study conducted in the state's Deschutes National Forest, where an estimated 110,000 acres are covered by ponderosa pines.

According to forest managers, a good part of the ponderosa pines in the section are doomed to death from the cancer-like effects of the dwarf mistletoe, the smaller cousin of the famous sprig which causes Christmas puckers.

MISTLETOE INVASIONS

Even more badly hit by mistletoe invasion has been the dwindling number of lodgepole pines in the national forest, according to Robert Leavengood, timber management office.

Leavengood said the effect of dwarf mistletoe on the growth and health of pine trees was not recognized until the early 1950s.

Initial studies of the effects of mistletoe in the Deschutes National Forest began in the late 1950's with the establishment of a test plot in an infected ponderosa stand in the Green Mountain area northwest of Lava Butte.

MEASURE TRUNKS

In 1959, Dr. Toby Childs, a researcher with the U.S. Forest Service experiment station in Portland, went through the plot and marked all the mistletoe he found growing on the 74 trees in the stand.

Dr. Childs work has been taken over by Dr. Keith Shea. Last year, after a 10-year lapse, Dr. Shea went through the stand again, this time marking all the mistletoe that had appeared since the initial study in 1959. In addition to marking the mistletoe, the researchers also measured the height and trunk diameter of each tree, both in 1959 and again in 1969.

As a parasitic disease, mistletoe feeds on its "host" tree, slowly robbing it of the water and nutrients the tree needs for a healthy development. Infected trees usually start declining at the top as more and more food is taken by the infected branches below. Eventually there are not enough live branches left and the entire tree dies.

Mistletoe is spread from tree to tree and branch to branch by a unique process in which the seed is shot through the air when the berry on the female plant explodes on reaching maturity.

If unchecked, the mistletoe's damage could have a resounding economic effect. In 1963 ponderosa pine accounted for 17.3 per cent of all timber processed through Oregon sawmills, ranking second only behind Douglas fir as the leading lumber source.

Sugar pine cut for that year amounted to 1.4 per cent, while lodgepole pine timber amounted only to 0.4 per cent.

Leavengood recalls that foresters at first hoped to "live with the disease" by cutting out the large older trees in an infected area and undertaking extensive thinning and pruning of the younger trees. It was believed the younger trees could survive the infection.

NEW APPROACH

Now, as a result of the research in recent years, it is recognized that the spread of mistletoe is more pernicious than previously believed.

So foresters on the Deschutes are taking a new approach to the problem. They still hope to slow the spread of mistletoe in the less heavily infested stands by thinning and pruning. However, in stands where the infestation has become severe they are planning to make "patch" cuts.

PRESIDENT ACTED WISELY IN NAMING THOMAS M. SULLIVAN TO AVIATION ADVISORY COMMISSION

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. WRIGHT. Mr. Speaker, located in my district is the Dallas-Fort Worth Regional Airport, a project now under construction that is providing the groundwork for future airport planning. During the past 2 years, this project has been directed by Thomas M. Sullivan, a distinguished and respected airport planner and designer.

It gave me a great deal of pleasure and a feeling of pride to learn that the President has appointed Mr. Sullivan as one of the nine Commissioners authorized by Congress to the Aviation Advisory Commission that was included in the Airport and Airways Development Act of 1970.

The Commission will have substantial responsibility to formulate recommendations concerning the long range needs of aviation particularly the establishment of a nationwide system of public airports.

Consequently, I cannot help but be impressed by the President's selection of Mr. Sullivan to this important commission. I have visited the Regional Airport site and know firsthand of the tremendous energy and planning that has gone into this project. When it is opened in 1973, it will be the largest and most modern airport in the world. There is little doubt that the techniques and expertise developed and exercised at the Dallas-Fort Worth Regional Airport will be echoed in the development of future airports throughout the world.

Thus, I have a deep and real appreciation for the airport and aviation abilities that Mr. Sullivan will bring to his new duties on the Aviation Advisory Commission.

He holds the distinguished service medal awarded by the Port of New York Authority for the design of Terminal City at New York's JFK International Airport. He was also responsible for the development and design of both LaGuardia and Kennedy airports and for the preliminary design of the Newark airport, and has served in a consulting and advisory capacity at major airports throughout the world.

I believe that he will bring not only his knowledge and experience as a recognized airport planner to the Commission, but a very fresh and new insight into the challenges we face as a nation in the field of aviation.

I feel that Mr. Sullivan's appointment to the Commission is a positive step toward reaching the goals that Congress has set in the aviation legislation enacted this year, and I take pleasure at this appointment.

NORFOLK CITED FOR CLEANUP

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. WHITEHURST. Mr. Speaker, in this age of environmental emphasis I am pleased to report to Congress the recognition being given to Norfolk, Va., an important city of the Second District of Virginia which I am privileged to represent.

Norfolk is to receive the 1970 Keep America Beautiful Distinguished Service Citation. The award results from Norfolk's extensive campaign to eliminate litter, an effort I called to the attention of Congress last May in the CONGRESSIONAL RECORD. The antilitter drive, known as "Operation Shape-Up" was the product of extensive cooperation of local government, citizens, and the Navy. It was led by Irvine Hill, chairman of the Norfolk Citizens Advisory Board, an outstanding Norfolkian.

I insert at this point in the RECORD an article on the award from the Ledger-Star, one of Virginia's leading newspapers:

NORFOLK CITED FOR CLEANUP

NORFOLK.—Norfolk has been selected as a recipient of the 1970 Keep America Beautiful Distinguished Service Citation.

The citation will be "in recognition of the city's effective litter prevention activities," according to Allen H. Seed, Jr., executive vice president of Keep America Beautiful, Inc., the national public service organization fighting litter.

The Norfolk Citizens Advisory Committee, Irvine B. Hill, chairman, is to receive the citation.

The 1970 cleanup effort sponsored by the committee, was known as Operation Shapeup. There will be another Operation Shapeup in 1971, Hill said today.

PRESIDENT LEARNS TO LIVE WITH ANTAGONISTIC PRESS

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. TAFT. Mr. Speaker, it is unfortunate that certain segments of the press have chosen to portray President Nixon's appointment of John B. Connally as the new Secretary of the Treasury as a purely political move. In some of the reports I have read, the reasons Mr. Nixon gave for the appointment are entirely discounted. Some pundits have announced that the motivation for the appointment is simply to gain the 26 electoral votes of Texas.

Most experienced political observers know that this type of simplistic reasoning is nonsense. Cabinet-level appointments are always made for a variety of reasons. Some of these may be sound and political at the same time.

Certainly, in making the appointment, one of the President's chief purposes was to display bipartisanship and thus to build a stronger base for necessary steps to build the economy and meet national needs, such as revised depreciation schedules and revenue sharing. It was a good and legitimate reason. But his purpose can be thwarted if the press persists in ascribing a purely partisan motive to every move the President makes.

So, we have a strange irony. Press voices cry for the President to bring us together. But when the President tries to bring us together, some raise the cry of politics.

Fortunately, the President has learned over the years to live with antagonistic press. The Nation can be grateful for this.

CHANGE BEGINS IN THE DOCTOR'S OFFICE

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. COHELAN. Mr. Speaker, in July of this year I worked with a number of my colleagues in the House in attempting to secure funds for medical manpower programs and training facilities. At that time I noted the current projected shortfall in medical manpower that this Nation will face in the not too distant future. According to the Department of Health, Education and Welfare, by 1980 the United States will experience a shortage of 26,000 doctors, 56,000 dentists, 210,000 nurses and 432,000 allied medical personnel.

Even this data contains some features that can further diminish the availability of medical personnel. For example, it is currently estimated that one-third of the practicing physicians are engaged in work other than the treatment of private patients. Although these physicians are engaged in vital research, instructional, and administrative activities, the fact remains that they are not involved in the practice of medicine as usually defined. For this reason, the projected shortfall of 26,000 doctors by 1980 might well be underestimated.

Much remains to be done to increase the production of qualified medical personnel. The problems are not only monetary, although the financial demands of training are burdensome. More intensive effort has to be devoted to the updating of the training curriculum and the more efficacious use of the existing manpower pool.

In an article in Fortune magazine, Dan Cordtz describes the efforts that are being made within the medical profession to meet these pressing needs and problems. I commend the reading of this article, "Change Begins in the Doctor's Office," and at this point, Mr. Speaker, I would like to insert this article in the RECORD:

CHANGE BEGINS IN THE DOCTOR'S OFFICE

(By Dan Cordtz)

When Dr. Sidney Lee, associate dean for hospital programs at Harvard Medical School, is asked what is wrong with American medicine, he has a prompt and characteristically blunt answer: "Doctors!" He has a good point. The nation's 313,000 active physicians are quite properly the main target for the critics of the health-care system. The doctors created the system. They run it. And they are the most formidable obstacle to its improvement. It is the doctor who decides which patients will be treated, where, under what conditions, and for what fee; who will enter the hospital, for what therapy, and for how long; what drugs will be purchased and in what quantities. The U.S. alone among the world's developed countries has given the medical fraternity such freedom. The profession not only can, but should, be held accountable for the way it uses its power.

The trouble with doctors is not that they are more avaricious than other people. Indeed, many of them are dedicated men, who work hard for their high incomes. The real charge against them is that they have been

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shortsighted, timid, and far too slow to recognize and adapt to change. Only recently did the leaders of organized medicine reluctantly recognize the fact that Americans regard decent health care as one of their rights—not a privilege, or a commodity to be sold by medical men in the open market. Motivated by groundless fears of oversupply, doctors have discouraged the expansion of their own ranks, until now they must acknowledge a serious shortage. Even if every effort were made, that shortage could not be alleviated for at least the next decade. Yet most doctors, far from taking the lead, continue to resist innovations aimed at making the health-care system more efficient and responsive to public needs.

In recent years a small but growing band of doctors—most of them young—have begun to level these very accusations at their profession. A handful are taking direct personal action. Some are working in health centers established by the Office of Economic Opportunity; others have launched similar projects on their own. Interns and residents in several cities have forcefully called attention to deplorable conditions in public hospitals. Even more promising for the longer run, a profound change is evident in the attitudes of the nation's 37,750 medical students. Hundreds of the most earnest, intelligent, and vocal of them are clamoring for major reforms in the purpose and methods of medical education. They are demanding that the schools design both a more rational, effective health-care system, and more relevant training for a new breed of practitioner.

But it will take many years for the new generation of M.D.'s to make up a significant share of the medical fraternity, and in the meantime their influence is indirect and limited. Dr. Daniel Federman, an authority on the continuing education of doctors, asserts that "the change in student mentality has almost no counterpart among established physicians. They are more aware of the problem, but there is no evidence that they are doing anything about it." And Dr. Labe C. Scheinberg, dean of New York's Albert Einstein College of Medicine, warns, "Until the top practitioners join in the drive for change, everything else will be irrelevant." There are some small signs that the American Medical Association may be less resistant to change in the future. Nevertheless, most critics of the profession still believe that reforms will be forced on the A.M.A. by external pressures, not generated internally.

THE VANISHING FAMILY DOCTOR

At the heart of concern about the system is the intractable fact of shortage. Much more is involved in the nation's health, of course, than medical services. Environment, mores, and genetics also play large roles. And more is involved in the supply of medical services than the number of physicians. But their availability is extremely important, not only to the adequacy of care but particularly to perception of its adequacy. The National Advisory Commission on Health Manpower, in its report to President Johnson two years ago, cited three leading indicators of crisis: long delays in obtaining appointments for routine care; hours spent in waiting rooms, followed by hurried and impersonal attention; and difficulty in reaching a doctor at night and on weekends, except through hospital emergency rooms. All are obvious directly linked to the short supply of M.D.'s.

Since 1950, the number of physicians has grown about 25 percent faster than total population, and that margin is expected to increase as medical schools belatedly open their doors wider. But such over-all figures conceal some trends that have important implications for the availability of care. In recent years many doctors have turned away from patient care to work in research laboratories, industry, public health, and other institutions, to teach, or to serve as hospital administrators—all functions of great importance for the future. One-third of all doctors now devote themselves to such activities. As a consequence, the number of M.D.'s caring for private patients actually declined 10 percent relative to population between 1950 and 1965—to 92 for each 100,000 Americans. Specialization took a further toll. The doctor-patient ratio of those providing family care (general practitioners, internists, and pediatricians) fell by one-third—to 50 per 100,000. (In the 1930's, when almost all doctors were in patient care and 70 percent were general practitioners, a ratio of 135 per 100,000 was regarded as desirable.)

The geographical distribution is extremely uneven. New York State, by the end of 1967, there were 200 physicians caring for each 100,000 residents. At the other end of the scale, Mississippi had but 69. Even within the most favored states, extreme distortions are common. Private physicians are as hard to find in some neighborhoods of New York City as in backward rural counties of the South. In general, doctors are plentiful only in the suburbs and in prosperous middle-sized cities; they are scarce in parts of large metropolitan centers, and in rural areas.

Most of the burden of expanding the pool of physicians falls on the country's 101 medical schools. In the past decade, sixteen new schools were opened. But the number of graduates next summer will total about 8,000—only a thousand more than in 1960. By 1975 more than 10,000 new doctors will be turned out annually. So lengthy is medical training, however, that even if the size of all schools were doubled tomorrow, there would be only an extra 9,000 fully qualified physicians seven or eight years from now. Today's shortage has resulted in a rapid increase in the immigration of foreign-trained doctors. They make up almost one-fifth of each year's new licentiates and more than one-fourth of the nation's full-time hospital staff. The Health Manpower Commission has expressed serious concern over this trend, noting that foreign-trained doctors "have a lower level of proficiency by all criteria of professional competence."

Whatever the source, the supply in 1975 is expected to total between 370,000 and 380,000 doctors—a gain of 17 or 18 percent from 1965. The trend away from patient care and toward greater specialization, however, will almost certainly continue. And, in any case, the increase in demand for medical service will far outstrip the small projected gross gains in the doctor supply. The factors that have expanded demand dramatically in the past decade—increasing affluence, new infusions of purchasing power from private and public insurance schemes, more education and consciousness of health, rapid growth in the youngest and oldest segments of the population, and continuing urbanization—will continue to work, perhaps even at a faster pace, in the future. The Health Manpower Commission has projected demand for all physician services at $24 billion in 1975—double last year's amount.

Even if the supply of doctors could be increased more rapidly than anyone now believes possible, it would not solve much. The Health Manpower Commission declared that "if additional personnel are employed in the present manner and within the present patterns and 'systems' of medical care, they will not avert, or perhaps even alleviate, the crisis. *Unless we improve the system* through which health care is provided, care will continue to become less satisfactory."

WHERE THE SYSTEM FAILS

The most glaring shortcoming of the system is the unavailability of care to the poor, the isolated, and members of minority groups. A modest start is being made to deal with the deficiency through the OEO's fifty health centers, which group doctors, dentists, and supporting people in the areas that formerly lacked any facilities or were dependent on hospital out-patient departments. Dr. Jack Geiger, now chairman of the Department of Community Health and Social Medicine at the Tufts School of Medicine, sold the concept of health centers to OEO in 1965. He opened two centers that the OEO now operates. One of them is in Mound Bayou, Mississippi, and the other in Columbia Point, a public housing project in Boston. Eleven full-time doctors and 150 staff members serve 14,000 people at the Mississippi center. Besides providing medical treatment, they attack the environmental conditions that produce much of the illness they find. In the early days of the project, Dr. Geiger wrote prescriptions for food to deal with widespread hunger and nutritional deficiencies. Since the center was established, he estimates, infant mortality in the target area has been reduced by almost two-thirds, but Dr. Geiger gives most of the credit to environmental improvements. "If I could do just one thing to improve the health of the people," he says, "I would double their per capita income."

Operations at Columbia Point are more conventional. There six full-time physicians and three others, who donate part of their time, care for 6,000 residents of the housing project. They work closely with welfare and other social workers in an effort to provide comprehensive family treatment. The emphasis is on preventive medicine, and the results have been dramatic: in two years the number of days spent in the hospital by residents of the project has declined by 80 percent.

Similar clinics have been started under private sponsorship or by individual doctors. One of the most noteworthy is Dr. David Brooks' Salud Clinic in Woodville, California—a rural community that previously had no health facility of any kind. There three physicians and a myriad of other health people (mostly local residents trained on the job) work on a communal basis. Each is paid $250 a month. Fees for patient care come from Medi-Cal, the state's Medicaid program. Most of the money left over after salaries are paid is plowed back into improved facilities or educational programs.

Dr. Geiger asserts that 800 such centers are needed immediately across the U.S. But he acknowledges that staffing is a serious obstacle. Government health officials and others are now looking closely at the lessons learned in Vietnam, where physicians have been removed from the front lines. They remain at secure, well-equipped rear bases, and the wounded—after emergency first aid by medical corpsmen—are quickly taken back by helicopter. Investment of money in transportation between rural backwaters and strategically located large hospitals would have many clear advantages over construction and operation of understaffed makeshift medical centers. "Most small towns without doctors won't get them no matter what," insists Dr. Richard S. Wilbur, assistant executive vice president of the A.M.A. "The rural general practitioner in many areas is unsupportable and we shouldn't even try."

Others sympathetic to Dr. Geiger's aims are not sure that his should be the only approach. "We might be on the wrong track with those clinics," warns Dr. Charles E. Lewis of Harvard's Center for Community Health and Medical Care. "They might just turn into replicas of out-patient hospital clinics. It's like trying to fight this year's war with last year's weapons. And the costs of operation are phenomenal." Dr. Lewis argues for primary-care units in shopping centers and other areas where people congregate, many of them to be staffed by local people trained in taking information. The data could be fed into central diagnostic computers that would indicate whether the

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case seemed serious enough to warrant examination by a doctor.

HOW FEW CAN DO MORE

The poor and the isolated are by no means the only ones dismayed and discontented by the way medical care is now being distributed. Anger about medical costs and the inconvenience and impersonality of care is spreading among the majority of middle-class Americans. Given the fact that the shortage of doctors is going to continue, the medical profession must find ways to improve its productivity. Most critics have centered their attention on three potentially fruitful ways to accomplish this: more extensive use of professionals who are not M.D.'s, expansion of group practice, and broad-scale aplication of computer systems and other new technologies.

Technological innovations hold considerable promise. Duke University's Department of Community Health Sciences is doing research that may provide practicing physicians with the advantages of data processing in making patient-care decisions. The department sees as feasible such improvements as a computer-stored data bank of diagnostic information wired to a terminal located conveniently close to the doctor, enabling him speedily to check his diagnosis of a particular illness with the computer's data about the illness in question.

Duke has also pioneered in the so-called "multiphasic screening clinics," which are now in operation in fourteen locations across the country. As the Commonwealth Fund describes its operation, "This unit will conduct chemical and electronic tests necessary for physical examination. Since much of the equipment can now be automated, it can be operated by technicians and can process both patients and the clinical data collected on them very rapidly. Through the screening clinic, the physician, at no expenditure of his own time, can obtain an important clinical-information profile on his patient." Other uses of electronic equipment include two-way television hookups between hospitals and outlying field stations manned by nurses. One now links a medical station at Boston's Logan Airport with Massachusetts General Hospital.

CUTTING DOWN ON THE BOOKKEEPING

Group practice, if the group is of sufficient size, can relieve the physician of almost all of his nonmedical burdens. John R. Johnson, executive administrator of the Palo Alto Medical Clinic, estimates that the average doctor in private practice spends more than 25 percent of his time on business (bookkeeping, billing, ordering supplies, etc.). "If a doctor uses us right," he says, "he can reduce that to 1 percent." Economies of scale can also enable groups to provide timesaving in-house laboratory facilities and equipment. And group practice gives the doctor and his patient ready access to specialists in other fields. In spite of these advantages, however, only 12 percent of all practicing private engage in any kind of group practice; just half of them are full-time members of comprehensive multispecialty groups. Many medical students express an intention to enter group practice, but the percentage of doctors doing so is not increasing much right now.

Part of the reason is money. Salaries for members of group are usually well under what a hustling physician can earn on his own. Dr. John Knowles, director of Massachusetts General Hospital, tells of a large western group that is trying to recruit an orthopedic surgeon at a salary of $40,000—with no takers. "An orthopedic surgeon can easily make $80,000 a year on his own," Dr. Knowles explains. Further, a doctor just starting out may be reluctant to join a group because there are so few of them. If he finds his associates uncongenial, he may not be able to locate another. He will then have to launch his own practice after having wasted several years.

SPLITTING UP THE JOB

"Health-care teams" offer the brightest opportunity for improvement of productivity. At present, because of the wide gap between their education and that of others in the medical field, doctors routinely perform many task that are beneath their level of competence. Many of them could be handled better by persons trained less broadly but more intensively. If large numbers of such functional specialists were available, physicians could work largely as team leaders—keeping for themselves only the duties demanding the highest skills. Other members of the team working independently or under the supervision of doctors, would be assigned responsibility commensurate with their education and training.

The mechanics of this eminently sensible idea are difficult to work out. What is required first of all is a detailed analysis of all the duties involved in caring for various types of patients. These must be evaluated in terms of their critical nature, and the kind and degree of skill required to carry out each. They must be divided up in some rational way. Then educational and training programs must be designed, and candidates recruited by the attractions of good salaries and opportunities for advancement. Doctors must be persuaded to use such assistants fully. (The history of physician-nurse relationships is not encouraging on this point.) Finally, and perhaps most difficult of all, medical licensing laws must be changed, and common standards established across the country.

A number of promising experiments are now under way. Anesthesiologists, who are among the specialists in shortest supply, have sponsored a study of their duties, and have identified six different levels of required competence. Some of those functions are being parceled out to technicians with a master's degree in anesthesiology. (About 12,000 nurse anesthetists already do 45 percent of the anesthetic work in the U.S., so splitting up the job further may not encounter too much resistance.) Pediatricians have also formally recognized that much routine care can easily be carried out by nurses or other assistants.

Many schools have already launched experimental programs to train a variety of people in services related to health care. Several are training a new category, the "physician's assistant," who will perform an array of routine chores—measuring, testing, and giving therapy—that now consume much of the doctor's time and energy. At Duke University School of Medicine, and at the University of Washington School of Medicine in Seattle, the courses of training, which do not lead to a degree, are designed for persons with some previous medical experience, most of whom are medical corpsmen returning from military service. Another school, Alderson-Broaddus College in Philippi, West Virginia, has just started a four-year baccalaureate program that will recruit students directly from high school.

Twenty-nine students have already finished their two-year course at Duke. Dr. D. Robert Howard, director of the program, says that each graduate had more than a dozen job offers. The University of Washington took in its first fifteen students last June for a three-month crash course. After classroom work in the subjects where the men were least experienced—psychiatry, pediatrics, geriatrics, and chronic disease—they were placed in doctors' offices for on-the-job training. All fifteen are now working in rural areas where physicians are most hard-pressed.

Up to now, most of the early graduates have found jobs close to their place of training. If these programs are to move beyond the experimental stage, though, legal obstacles to mobility must be removed. The new people in medicine will have to move freely across the country, without encountering serious restrictions on their ability to apply their skills.

Recruitment may also turn out to be difficult. With the exception of a few hospital administrators, nobody but the doctor makes much money or has much opportunity for advancement in medicine. Thus many abandon the profession. In spite of the severe shortage of nurses, somewhere between 500,000 and 600,000 qualified nurses are currently inactive because of low pay and the lack of intellectual stimulation. People lower down in the medical hierarchy—technicians, nurses' aides, orderlies, etc.—are even harder to attract and keep. Those who are pressing the health-team idea hope that the barriers to vertical mobility in medicine can be lowered, and that salaries can be raised substantially as better trained people take over duties now performed by those higher in the pecking order.

THE NEED FOR SUPPORTING TROOPS

Ultimately, however, the future of the health-care team concept will depend on the willingness of doctors to accept and utilize paramedical personnel. The numbers of such people have been minuscule thus far, and most have been trained in areas of severe shortage. If their numbers grow rapidly, the early enthusiasm for them may dwindle. Already, a local medical society in California has brought charges of practicing medicine without a license against a neurosurgeon's assistant who—under instructions—removed stitches from a patient's incision.

The attitudes of the doctors may be based on fear of competition. But it is also true that patients themselves may resent being handed over to assistants. Obstetricians are probably the most overtrained, underutilized doctors in the whole profession. Only a tiny number of births involve the kind of complications for which they train so arduously. But it is still difficult to visualize large numbers of middle-class women voluntarily forgoing the comforting presence of an obstetrician at the maternal bedside.

A QUESTION OF QUALITY

Doctors also resist the kind of reorganization that health teams would require out of a genuine concern for the quality of care. But many members of the profession express reservations about the quality that the present primitive system delivers. "Medical care in the U.S.," declares Dr. Jacobus Potter, associate dean of New York University School of Medicine, "is like the little girl with the little curl in the middle of her forehead. When it's good, it's the best anywhere. When it's bad, it's appalling."

Statistics suggest that there is lots of room for improvement. This country ranks fourteenth in infant mortality, twelfth in maternal mortality, and eighteenth in male life expectancy. The Health Manpower Commission found it "startling" that "despite the advances in medical science and the greater use of health services, there has been a barely perceptible increase in life expectancy in the United States since 1954. For the male population, life expectancies have actually declined in some age brackets."

That uninspiring record is partly explained by the fact that there is a wide gap between the figures for the poor and minority groups in this country and the rest of the population. If the poor are screened out (and one wonders why they should be), our ranking among nations moves up substantially. Smaller, more densely populated countries also have simpler medical logistics. As for the life expectancy of American men, doctors rightly complain that they eat and drink too much, exercise too little, work too hard, and drive too fast—then expect an annual checkup to keep them alive and well.

Granting all that, a good deal of evidence remains that many doctors are bad medicine. One of the first analyses of medical-care quality was conducted in 1956 under the direction of Dr. Osler L. Peterson, then a

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staff member of the Rockefeller Foundation. His team of doctors, watching North Carolina physicians treat patients in their offices, concluded that more than 60 percent of the therapy was below acceptable standards. In 1962 and 1964 a medical team from Columbia University School of Public Health and Administrative Medicine studied the care of a random sample of patients in ninety-eight hospitals in the New York City area. Forty-three percent of the treatment was rated less than "good"; 23 percent was labeled "poor."

Another sobering revelation came from the spotless, shiny operating rooms. Surgical quality, of course, is frequently a life-or-death matter. Dr. Arthur James Mannix Jr., a Fellow of the American College of Surgeons, wrote in the New York State Journal of Medicine: "Errors in judgment or technique concerning either the anesthesia or the surgery, or a combination of the two, contribute close to 50 percent of the mortality in the operating room." And one study rated more than 40 percent of the surgery performed as less than "good." Further, much surgery is unnecessary. One-third of the hysterectomies reviewed in the Columbia studies were judged as having been done without any justification. An official of the A.M.A. says that the rise in tonsillectomies under medicaid "verged on the scandalous." Critics have a sardonic label for such operations: "remunerectomies."

Doctors also do too little to police their own ranks. In 1968 the various state medical boards revoked the licenses of only sixty-four physicians. Fifty-nine more received revocations that were afterward stayed, allowing the doctors to continue practice. Another sixty were suspended temporarily. In the circumstances, laymen find it difficult to identify low-quality medical men. They certainly cannot go by the visible evidence of a lucrative practice. Dr. John Knowles, director of Massachusetts General Hospital, asserts that "the marginal practitioner today is sometimes making three times what the best practitioner is making."

A STERN FACE TOWARD CHANGE

If the needed changes are to come, doctors will have to encourage and support them. Too often in the past they have fought against alterations in the system that they made, belong to, and run. The A.M.A. mounted the costliest lobbying effort in history against medicare—not because it saw the weaknesses in it that have lately come to light, but because of fear of *any* change. Still, though, once medicare was inevitable, the doctors managed to relax and enjoy it. Just before the medicare bill was enacted, according to one expert researcher in the field, only 38 percent of New York State's M.D.'s favored it. After the program had been in operation for six months, 81 percent of them said that they approved. Such adaptability offers encouragement when future changes are considered.

That physicians have often set their faces so stubbornly against change is not hard to understand. It traces back to the fact that the overwhelming majority of them grow up, and later practice, in the middle and upper classes. In 1968, 41 percent of all medical students came from families with incomes above $15,000—the wealthiest eighth of the nation. Another 22 percent were from families earning between $10,000 and $15,000. The vast majority were science majors in college, and until recently few had much undergraduate education in the arts and humanities. With the rarest of exceptions, and those of recent origin, students are not exposed to the larger questions of medicine's responsibilities to society. Consideration is seldom given to innovations in the system or forms of practice. Thus it is difficult for most practicing physicians to appreciate the arguments of their critical colleagues—or even to understand what they are talking about.

During their training period, doctors go through what Dr. Lewis of Harvard calls "a greater socializing process than even the priesthood." For at least seven years they spend almost all of their waking hours with other doctors or would-be doctors, not only absorbing medical information but, in Dr. Lewis' words, "learning how to act and think as well." Consciously or otherwise, most pattern themselves after the role models set by their instructors.

HUMANE, BUT ALSO HUMAN

When they are accused of "making too much money," doctors can with some justice point to the fact that medical education is tremendously expensive—even allowing for the fact that so much of it is government-subsidized. The Association of American Medical Colleges estimates the average bill for four years of medical school at $20,000. After they get their degree, moreover, most doctors spend three or more years as interns and residents. More than 90 percent of interns and residents still receive salaries under $6,000, although some hospitals pay far more. According to a 1968 study sponsored by the Department of Health, Education, and Welfare, doctors below the age of thirty-five typically earn less than other professionals except clergymen. And this is at a time when many are still saddled with debt from their medical-school days.

Later, not suprisingly, doctors make up for the lean years with a vengeance. According to *Medical Economics*, the median net income of self-employed doctors below the age of sixty-five in 1967 was $34,700. The figure understates the income of the well-established man. For, while it excludes interns and residents, it includes young doctors just entering private practice—and many of them report net losses for a year or two. Between 1955 and 1967 physicians' median income rose a startling 117 percent—20 percent in the last two years, as medicare and medicaid poured new money into the medical marketplace. Certainly one important consideration that makes doctors oppose a reorganization of the health-care system is the fear that it may threaten their financial position. As Dr. Rashi Fein, the medical economist, recently told a congressional subcommittee, "Doctors may be humane, but they are also human."

With few exceptions, physicians are conscientious and dedicated to providing the best possible care *for their own patients*. But preoccupied with this demanding one-to-one responsibility, and limited by background and training, most are unwilling to recognize the flaws in the general system, and the unmet needs of many of their fellow citizens. The flaws, however, are now showing up everywhere—in the waiting rooms, in the hospital corridors, and in the figures on the cost of care. Change has to come. If they want to guide its direction, physicians must quickly begin to supply some leadership. As Dr. Knowles warns, "If we want to keep our profession free, we have to control ourselves and act in the public interest."

SHAKING UP THE CURRICULUM

A major reformation is under way in the nation's medical schools. It promises to be as far reaching as the one that transformed medical education half a century ago, and could have an even more profound effect on the practice of medicine in the U.S.

The first great wave of change followed the publication in 1910 of a massive report by Abraham Flexner calling attention to the chaos that existed in medical education at the time. Flexner condemned most of the more than 160 schools then in operation as outright diploma mills, or money-making enterprises conducted by bands of poorly qualified doctors. Response to the report was prompt: within twenty years the number of schools was pared to seventy-six, and they were firmly established within the university framework. Admission requirements and curricula were standardized. Medical education was molded into its present form.

But for the past two or three decades, while the country and its medical needs changed radically, most schools have remained virtually the same. The training of a whole generation of doctors has become increasingly inadequate and frustrating. Now, as in Flexner's day, agitation for reform is spreading across the country. Critics are pressing for admission of more students, particularly from minority groups; closer attention by the schools to the health needs of their own immediate communities; and greater concern with the health-care system.

But the real fervor of the vocal new generation of medical students is directed at improvement of medical-school curricula and teaching methods. A majority of schools still follow much the same rigid curriculum that evolved after the Flexner study. First-year students, whatever their educational background, spend their time in lecture hall and laboratory studying anatomy, biochemistry, and physiology. In the second year, still restricted to the classroom, they devote themselves to microbiology, pathology, and pharmacology. Lectures are frequently lengthy and repetitious recitations of facts and terms to be committed to memory. In the lab, students follow what one labels "cookbook instructions." There is little correlation with clinical practice, and the only "patient" encountered is a dead one—the cadaver dissected in the anatomy lab.

Not until the third year do the survivors of this grind begin clinical training in the setting of the teaching hospital. Even at this clinical stage, according to an articulate student critic, "the pattern remains essentially the same: repetition, busywork, lockstep learning, conformity, passivity. The professor dispenses knowledge, the student, sponge-like, absorbs it, squeezes it out on command."

A DISSATISFIED DEAN

The first steps toward changing this picture were taken by Western Reserve (now Case Western Reserve) University School of Medicine at Cleveland. When Dr. Joseph T. Wearn was asked to take on the job of dean in 1945, he insisted that he be permitted to choose eleven new department heads (out of a total of thirteen). Dr. Wearn then used his leverage to transfer power over curriculum from the departments, habitually jealous of their prerogatives, to a newly created general faculty. In 1952, after an exhaustive six-year study, Reserve introduced its new curriculum.

All teaching was made interdepartmental, with subject-oriented committees giving courses grouped around the human body's various systems—respiratory, cardiovascular, neurological, etc. The first year was generally devoted to normality, the second to abnormality. Basic science instruction was closely tied to clinical case exposure. Elective courses were introduced, and students were given two half days a week to develop their own medical interests. They were also required to complete a major independent research project. Most of the fourth year was made elective, permitting students to concentrate more intensely on clinical specialities. Many tests were eliminated, and grading was put on a "fail-pass-honors" basis.

Finally—and this was the most popular reform—students were put in direct contact with patients from the start of their first year. Each was assigned to an expectant mother. He got to know the family members, their living conditions and problems. He followed the mother's prenatal care, attended the birth, and kept track of the child's care and development. Obviously, he was given no medical responsibility (although some students helped their charges to deal with hospitals, welfare departments, and other public institutions). But the innovation put him in close contact with doctors and patients, and the interaction between the two.

Western Reserve has since made further revisions, including a "track" system that permits students with different educational backgrounds or goals to follow separate lines of study. It has provided written and audiovisual materials that enable students largely to educate themselves at their own pace. Some Reserve students do not attend lectures at all. These innovations attracted more than 1,500 observers to Cleveland, and over the years several other medical schools initiated their own curriculum reforms. Since 1967, mounting student pressure has compelled most of the rest to re-examine their educational programs.

COMMUNISTS OR COP-OUTS

As a group, medical students have displayed astonishing changes in attitude over the past three years. Some of their complaints of educational "irrelevancy" echo those made by undergraduates. But, as a natural reflection of med students' greater age, education, and maturity, their approach is generally more sophisticated and constructive. Even the most "radical" of them are, with rare exceptions, reformers rather than rebels. They are taking a larger view of the role and responsibility of the doctor, and are asking for training that will enable them to assume these expanded duties.

The Student American Medical Association, until three years ago little more than a stepping stone to A.M.A. membership, has now declared its independence. It has attracted 24,000 members, of a total medical-school enrollment of 37,750. At its convention last year delegates passed resolutions critical of the fee-for-service concept of payment for medical care, and endorsed greater participation in group practice. Under the leadership of its president, Edward Martin, a student at the University of Kansas School of Medicine, S.A.M.A. has initiated a health-care project among the poor in Kansas City. The organization, Martin says, "is right in the middle of the student attitudes. The right calls us Communists and the left calls us cop-outs. We are progressively concerned and active, not liberal or conservative."

A bit more militant are members of the Student Health Organization, a loosely connected amalgam of autonomous local chapters that is sometimes inaccurately described as the S.D.S. of the medical schools. But even they hardly sound like bomb throwers. Lambert King, a student at the University of Chicago Pritzker School of Medicine and a leader of the Chicago chapter, says, "One of our biggest goals is to get more control of the decision making in health matters into the hands of community people and hospital workers."

FLORISSANT WINS NATIONAL CROWN

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. HUNGATE. Mr. Speaker, I would like to commend the Florissant Valley Community College, Missouri, on their recent repeat National Junior College Soccer Championship.

We are indeed proud of these fine young men, and I call your attention to the following article from the St. Louis Post-Dispatch on their decisive victory:

FLORISSANT WINS NATIONAL CROWN

A goal by Tim Rooney in the eleventh overtime period gave Florissant Valley Community College a 2–1 victory over Lorain College of Ellyra, O., yesterday and a repeat National Junior College Soccer Championship.

The teams were tied, 1–1, after the regulation four quarters of 88 minutes and two regular five-minute extra periods. Rooney's score on a neat cross from the left side by Jim Lemp came in the second minute of the ninth sudden-death overtime. The game lasted two hours 2 minutes.

After Florissant's opening quarter surge, in which the Norsemen looked as if they would run away, Lorain dominated the tight defensive battle until the fifth overtime.

Bob O'Leary had an early chance for Florissant but his shot hit the crossbar. The Norsemen's first score was a result of a deft bit of passwork from Mark Mathis to Tim Smith to Marty Stellar, whose shot beat goalie Don Northrup from about 10 yards.

Lorain had used only three forwards on attack until it trailed but then applied constant pressure. The Commodores used seven attackers in a spirited third-quarter surge but it was not until 8 minutes 20 seconds had elapsed in the third quarter that the Ohio team tied the score.

Then John Gonsalves headed one past Florissant goalie Frank Tusinski after an accurate cross from the left sidelines by Dennis Almeida.

Because of the cautious defensive play, the teams had few big opportunities. Once Dennis Vaninger, closely guarded by Lorain's four back guards, was wide with an open kick. Smith also shot wide two minutes before the end of the fourth quarter.

Standouts were Dale Harmon, the All-American back of Florissant Valley and Tom Nadeau, the most effective back of a Lorain team suffering just its second reverse of the season after 15 victories.

Pete Sorber's Florissant team finished with a 13–0 record and extended its three-year log to 58–2.

LOWEST PEACETIME UNEMPLOYMENT RATE IN LAST DECADE

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. WEICKER. Mr. Speaker, last Thursday night the President responded to a question of the economy at his press conference by reminding the country of an essential fact about unemployment which is too often forgotten by critics of the administration's economic policy.

As the President pointed out, the unemployment rate for this year will average out at 4.9 percent—that figure is lower than the rate for the first 5 years of the 1960's. In short, it is the lowest peacetime unemployment rate in the last decade.

The President stated that he is not satisfied with the present unemployment rate—that he felt we could do better. Yet, the figures to date actually show that the fight against inflation is proceeding very well.

When this administration took office it was faced with the two-headed problem of ending a war and ending inflation caused by that war. There is ample evidence that the administration is succeeding on both fronts. If the administration can bring about a stable peacetime economy in this country it will be a monumental achievement.

THE NEED TO REVITALIZE THE MOTION PICTURE AND TV INDUSTRY

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. TUNNEY. Mr. Speaker, I would like to bring to the attention of the Congress the following testimony by Mr. Donald Haggerty, executive secretary of the Film Technicians Local 683 in Los Angeles.

Mr. Haggerty's statement quite persuasively illustrates the need for the development of effective Federal programs to insure the continued growth of the National's motion picture and television industry.

The testimony follows:

THE NEED TO REVITALIZE THE MOTION PICTURE AND TV INDUSTRY

Mr. Chairman, Honorable members of the Commission: My name is Donald P. Haggerty.

I am executive secretary of the Film Technicians Local 683.

First Vice-President of the Hollywood AFL Film Council (an organization comprised of unions and guilds representing 25,000 craftsmen and technicians of the Motion Picture and Television Industry).

I am a special representative of the Los Angeles City Motion Picture and Television Communications Committee.

I am also here representing the Mayor of Los Angeles—Sam Yorty.

There is an employment crisis in the motion picture and television industry in southern California—52% of the craftsmen, technicians and talent employees in Hollywood are unemployed . . . . . many have already lost everything—homes . . . cars . . . hospital and medical coverage . . . and retirement pension . . . and there is no relief in sight. This mass unemployment is the result of American-interest motion picture and television productions being produced in other countries.

Refer to Friday's Variety, November 20, 1970:

On behalf of the thousands of employees in my industry . . . I appreciate this opportunity to present the serious plight of these American citizens.

The United States domestic film making capabilities is threatened with imminent destruction—largely the result of outdated . . . unrealistic . . . . and irrelevant policies of the negotiation postures of the United States Government . . . with respect to international trade in motion picture and television films.

We American motion picture employees cannot compete against foreign productions . . . . every motion picture producing country in the world provides tariff protections and quota restrictions—admission taxes—rebates—quantitative restrictions—low interest (and in many cases no interest) loans . . . none of which are provided by the United States Government to protect our own motion picture industry! ! !

These other film-making countries provide their protections in blatant violation of Article XVI of the General Agreement on Tariff and Trade (GATT)—as well as the Organization for Economic Cooperation and Development (OECD).

The United States Government must accept the responsibility of eliminating the production subsidies and other advantages which are contrary to international agreement on principles of free reciprocal trade.

If the ravages of "runaway foreign film production" are not ended immediately by affirmative action and policy changes on the

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part of the United States Government—America will lose its domestic film industry—an important segment of our national economy and an invaluable national asset in the field of world-wide communications.

Foreign-subsidized American-interest productions . . . together with foreign imports . . . have steadily increased over the last two decades, i.e. . . . 1946—19% of films shown in the U.S. were foreign-made (including both "runaway" and wholly foreign-produced):

1956—43% foreign-made.
1966—65% foreign-made.
1970—70% foreign-made.

Now—The American-interest television producer is running away to make his series under subsidized low-interest loans in foreign countries . . . to the demise of the American craftsmen . . . and, ironically, he exhibits the foreign-made productions on the American television set . . . requesting the same unemployed craftsmen and technicians to consider purchasing his products. . . .

This is hypocrisy—personified!

The United Kingdom and its very successful subsidy program (referred to as the "Eady" plan) is the greatest nemesis of the American motion picture worker . . . not only do they offer monetary advantages . . . but they are now guilty of coercing American producers of television series by refusing to show the American-based series—no matter how successful—on British and/or Canadian broadcasting television stations unless these producers shoot their series in the United Kingdom or Canada . . . they further guarantee a copy of the dupe negative without charge . . . which will then be shown in the United States . . . completely depriving the American craftsman and technician of his rightful employment in his own country!!!

Existing U.S. trade policies and attitudes . . . relating to motion picture and television film productions. . . . have unrealistically failed to take into account that foreign governments . . . directly . . . and indirectly . . . bar the free flow of imported American-made films to their countries . . . while subsidizing . . . and stimulating exports . . . to the United States of foreign-made productions . . . largely produced within their borders by "Runway" American film interests. (Such "Runway" American film interests now reportedly own and control 90% of the British Film Industry. . .! Small wonder that the latest weekly production charts published by the Hollywood Reporter and Daily Variety for U.S. feature films . . . reflect that the Lion's share of current "shooting" activities by American film interests is taking place within the United Kingdom or elsewhere within the British Commonwealth, so that "Eady Plan" cash subsidies and . . . "British quota" screen-time can be assured.)

Whether the immediate short-range financial advantages . . . being gained by "Runaway" American Film Production Companies. . . . from participation in the financial advantages of foreign subsidies. . . . screen-time quotas. . . . and other forms of State aid from foreign governments. . . . justifies the long-range economic losses at home in terms of mounting unemployment . . . reduced local business expenditures . . . declining Federal, State and local tax revenues . . . and erosion of our domestic film-making capabilities. . . . is a question that the Government of the United States will have to answer, as a matter of public policy. . . .

I sincerely hope that the executive branch . . . and the Congress . . . will provide us with that answer in the form of important new changes in U.S. trade policies for the film field . . . that will serve the best interests of all the American people. . . .

I especially hope that such trade policy changes will be made in time . . . before our long-time battle against "Runaway Foreign Film Production" has been lost through more passiveness . . . indifference . . . and frustrating delay on the part of governmental leadership at the Washington level.

MERCURY—UBIQUITOUS AND PERIPATETIC

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. OBEY. Mr. Speaker, in the past few months stories have appeared in the press with some frequency indicating more and more instances of mercury pollution.

This week we learned that large amounts of tuna are being withdrawn from the market because of excessive levels of mercury, levels above the 0.5 parts per million allowed in fish by the Food and Drug Administration.

Over the weekend we learned that some swordfish samples were found to contain high mercury levels. A few weeks ago it was toothbrushes, as one brand was removed from the market because the brushes had been treated with a mercury solution that could ultimately be dangerous if swallowed. Not long ago liver pills made from dried seal livers were also recalled by the FDA. And, although no action has yet been taken in this area, it is contended by some persons that a danger may exist from mercury contamination in cosmetics.

Mr. Speaker, I am asking that several articles be printed below which pertain to this matter.

As these articles point out, the finding of mercury contamination in tuna was the first instance in which such contamination has been found in deep sea animals, although the contamination found in seal livers indicated that perhaps mercury pollution had reached our ocean resources.

The reaction to the tuna contamination of an oceanographer at Woods Hole Oceanographic Institution in Massachusetts was, "it's certainly unexpected." Another scientists, at Florida State University said, "I'm surprised." And the reaction of the director of the FDA's Bureau of Foods was significant: "In terms of hard facts, we don't have any."

It is relevant to remember here also that although some persons had been warning about mercury contamination a number of years ago, it is probable that little heed was given to their warnings because it was assumed, first, that mercury was too expensive to dump down drains, and second, even if it was, the metal was heavy and would simply sink to the bottom of the lake or stream into which it was deposited.

Mr. Speaker, it seems clear that, in dealing with mercury, we have acted more with assumptions than with facts. Fortunately, there is research going on now, in Government agencies and private institutions as well, which will allow us to deal more with facts in the future.

The articles follow:

FTC Says Toothbrush Called "Germ Fighter" May Be Health Hazard

Washington.—The Federal Trade Commission charged that Chemway Corp.'s Dr. West's "Germ Fighter" toothbrush may be hazardous to toothbrushers' health.

The FTC issued a proposed complaint charging that the Germ Fighter toothbrushes are treated with a type of inorganic mercury solution, phenylmercuric acetate, that ultimately could be dangerous to users if swallowed. The FTC also contended that contrary to advertisements, the brushes don't kill germs that cause mouth diseases.

In Wayne, N.J., Chemway countered that it had discontinued the use of mercury in all Dr. West toothbrushes earlier this year and had ceased advertising claims for the mercury ingredient in early 1969.

James G. Adams, a Chemway vice president and general manager of its consumer products division, also noted that in 15 years of marketing Dr. West toothbrushes, there hasn't been a single incident or indication of any health hazard.

The Chemway executive "expressed surprise" that the FTC had filed its complaint at this time since, he said, the agency "has long known" that mercury and the disputed advertising had been discontinued.

The proposed complaint would bar Chemway from selling toothbrushes or other dental products using phenylmercuric acetate unless it can prove that such products are safe for users. The FTC said the handle and nylon bristles of the Germ Fighter brush are treated with the phenylmercuric acetate solution that may be absorbed or swallowed by users during normal brushing. This could be dangerous by adding to the content of mercury in the user's body, the FTC said.

(FTC officials noted that the inorganic mercury solution used on the toothbrushes differs from the more dangerous and toxic organic mercury that causes mercury pollution of waters.)

The proposed order also would bar Chemway from misrepresenting the therapeutic value of the Germ Fighter toothbrush. Contrary to claims in television and print advertisements, "the antibacterial property of the Germ Fighter toothbrush is of no medical significance in killing germs likely to cause infectious mouth diseases," the FTC charged.

The FTC cited the following as a typical advertisement that it is challenging:

"Citizens, throw away your toothbrushes. They're crawling with germs, things like staphylococcus aureus and steptococcus pyogenes . . . by the time you brush a few times there may be millions of germs . . . buy the Germ Fighter toothbrush by Dr. West's. It's treated with a compound that inhibits the growth of germs at least four months."

The proposed FTC order also would implement the agency's new policy of affirmative disclosure. It would require Chemway to disclose in 25% of its toothbrush ads for the next year that the FTC has charged that previous advertising for Dr. West's Germ Fighter toothbrush was false.

The proposed complaint was issued with the intent of seeking a consent agreement with Chemway, the FTC said. Under a consent agreement, a company could agree to stop the alleged practices and accept the proposed sanctions without admitting to any law violations.

If an agreement isn't reached, the FTC formally adopts the orders and sets it down for hearing. Ultimately the commission hands down its final decision and order, which can be appealed to a Federal court.

The FTC said about nine million Dr. West's Germ Fighter toothbrushes were sold last year.

FDA Warns of Polluted Tuna

(By Victor Cohn)

Nearly a quarter of the country's canned tuna fish supply may be contaminated by excess mercury, the Food and Drug Administration said yesterday.

As the result of just one week of sampling of a mere fraction of that supply, several lots or batches, of well-known brands are voluntarily being removed from grocery and food industry stocks.

Most of these batches may already have been sold. No one yesterday had reliable figures on this.

No tuna on the FDA list was found in a random check of chain supermarkets in Washington and suburban Maryland and Virginia last night. Several managers said they were unaware of the list.

Murray Socolof, vice president of Grand Union Supermarkets in the Washington area, said Grand Union has "been pulling it (the listed tuna) off the shelves for a week now. Whatever the government tells us to do, we do."

The FDA announced last Monday that some lots of Grand Union tuna contained an unsafe level of mercury.

Several supermarket managers said that although they were unaware of the tuna problem, checks of which they were unaware may have been made at their companies warehouses.

FDA Commissioner Dr. Charles C. Edwards told consumers that any affected tuna they have already eaten, or may yet eat, is "not a health hazard."

He based this on the generally low levels of U.S. tuna consumption and "relatively low levels" of excess mercury found.

Asked whether he would recommend that housewives keep buying tuna and feeding it to their families, he replied, "Absolutely."

Just the same, he and other FDA officials made it plain that consuming too much mercury—just how much no one is sure—may be unsafe. They said the government and food industry are now planning more tests not only of tuna, but of other, yet unstudied, deep-ocean fish.

In announcing that the remains of nearly a million cans of tuna have already been labeled taboo, they took the most drastic action yet since mercury first came into the picture as a food hazard.

The FDA has so far examined only some cans from 139 tuna lots, less than one-half of 1 per cent of the 30,000 lots in the 1970 tuna pack.

But "we definitely think this is a reasonably accurate sampling," Edwards said, and the director of FDA's Bureau of Foods, Dr. Virgil O. Wodicka, called it "a reasonable estimate of what you'd find in the entire pack."

Early this year the mercury danger seemed mainly in fresh water fish, and many states stopped or restricted much commercial and sport fishing.

Then a week ago Monday Dr. Bruce McDuffie, a chemistry professor at the State University of New York in Binghamton, said he had found too much mercury in some canned tuna.

"Too much" is anything more than .5 parts per million, the level the FDA calls acceptable. Only mercury in far higher amounts has caused known human illness or death.

But doctors fear that mercury in almost any amount may kill nerve and brain cells, and—considering that some natural mercury is found in almost all food—have set .5 parts as a reasonable level.

The FDA, on the basis of hurried tests in the past eight days, revealed at a news conference:

Mercury up to 1.1 part per million has been found in 32 samples (more than 550 cans altogether) from 139 lots of 1970 tuna. The affected samples represent 23 per cent of all this tuna.

Tuna of 10 brands (listed below) and some still unlabeled warehouse stocks were affected, but only in certain lot numbers, not the entire supply of these brands.

Included is tuna from all major fishing areas—the North and South Atlantic, the Indian Ocean and fishing grounds off Japan, Southern California, the Canary Islands, west Africa, Hawaii, Panama and Peru.

Even in the affected fish, the amount of mercury is "not considered high enough to pose an immediate health problem." And if the entire tuna supply has no more excess mercury, its average would not exceed the FDA guideline.

Now, Edwards said, "industry has been asked and has agreed to establish and maintain" tighter scrutiny in the future.

Other ocean fish must now be scrutinized, Wodicka said, on the heels of a new high-mercury finding by McDuffie in some swordfish steaks.

Brand names and code numbers (on the cans) of tuna to be removed from sale are:

Bumble Bee brand, 0302/L2Z1.

Chicken of the Sea, OH8Z3/DCIUF; OH003/SCIMB; OH6RU/CN12E; 9H1Z3/SC14MF; OH6PU/CN12F; OH013/SC14L; OH8LU/CN22D.

Empress Solid White, (H)25B3/821CL; H25B2/821CL; H25B2/821CL; H25B3/821CL.

Empress brand H24B3/821CL.

Grand Union Light Chunk, OH86U/CN12J; OH86U/CN12F.

Grand Union brand, OH723/SC47D; OH86U/CN43G; OH3XU/CN12J; 9H583/SC1BM.

Orchard Park Solid White, ACL/SC/0507.

Star Kist, 9121F1/FB733; 741F1/GB7Z3.

Van Camp's Light Chunk, OH3XU/CN22F; OH47U/CN12J; OH51U/CN22J.

Van Camp brand, OH3LU/CN12J.

Unlabeled warehouse stocks, OHD93/CC1CG; LO7B/711C1; FO9A6/312C; ULC/O–69; OZD1U/CW12D; OZD3U/CW12F.

Mercury Can Break Up Chromosomes, Damage Brain and Deform the Unborn

The elusive element mercury, deadly toxic in large amounts, can damage the brain, break chromosomes, deform the unborn. In Japan, it killed.

Fish and shellfish heavily contaminated with methyl mercury near Minamata, Japan, are reported to have caused 111 cases of mercury poisoning between 1953 and 1960. Of the 111, 43 persons died. These levels of mercury were far higher than any ever found in this country.

Also among the 111 were 19 babies born with congenital defects to mothers who had eaten the fish and shellfish. The mercury was traced to waste from a large chemical plant polluting Minamata Bay.

In 1961, a second episode struck Japan. Mercury pollution of fish reportedly poisoned 30 persons in Niigata. Six died.

In Sweden, the use of methyl mercury in a seed dressing was blamed for a drastic decrease in wild bird populations. The use of methyl mercury as a fungicide was banned in Sweden in 1966.

ANCIENT POISON

Mercury, known as quicksilver through the ages, and fascinating to toy with when the thermometer breaks, is a poison, a substance that by its natural chemical action damages the structure of the body or disturbs its functions.

The elements, the only common metal that is liquid at ordinary temperatures, tends to become associated with red blood cells and nervous tissue, and reaches the brain and central nervous system. It easily passes the placental barrier to become concentrated in the fetus.

In attacking the brain, mercury can cause neurological disorders such as blindness, paralysis and even insanity. It also attacks vital internal organs such as the liver.

In August, scientists from Stockholm reported in the Archives of Environmental Health that they had found chromosome breakage in humans who were exposed to high levels of methyl mercury in the fish they ate.

HINT AT GENETIC DAMAGE

Chromosomes carry the genes, man's heredity. The Swedish scientists said their findings suggest that mercury poisoning could lead to genetic damage to offspring, but added that this was not proven.

The concentrations of mercury in the fish in Niigata suggested that regular, daily consumption of fish containing 5 to 6 parts per million of mercury would be dangerous.

This figure is far above the levels that have been found in fish in the Great Lakes, for example. Also, fish are a less important part of the diet in this country.

A part per million has been compared to one ounce of vermouth in 7,530 gallons of gin.

Mercury gets to the fish from industrial processes, although there is a small natural level of mercury in the environment. Certain industrial processes use large amounts of phenyl, methoxyethyl and inorganic mercury which, via industrial waste, reach the bottom of lakes and rivers.

There, these forms of mercury, which are considered less toxic, are metabolized into methyl mercury, the highly toxic form, by microorganisms in bottom sediments.

The best known source of mercury contamination occurs when lye, or caustic soda, is made, according to Dr. Frank M. D'Itri of the Michigan State University Institute of Water Research. Caustic soda is a basic building block for other substances in the chemical industry.

Mercury is used as a catalyst, to speed a chemical process, in the manufacture of such plastics as urethane and vinyl chloride, and of the chemical acetaldehyde. Mercury is used in the electrical industry. Dr. D'Itri has said, where each year a million pounds of mercury is put into long-life batteries—"batteries which are eventually thrown out."

Many seed dressings, fungicides and sprays used in agriculture contain mercury.

Tuna May Be Checked Across United States by FDA for Mercury Levels

The Food and Drug Administration officials expect to learn, possibly later today, whether they'll have to launch a nationwide check of canned tuna fish for excess levels of mercury.

The officials in Washington are awaiting results of tests over the weekend of several brands of canned tuna taken from grocery store shelves in upstate New York. The tests were undertaken after a chemistry professor in Binghamton, N.Y., said he tested four cans of tuna and found one of the cans to contain mercury in excess of what the FDA considers acceptable.

The professor's findings immediately raised the question of whether only a single can or a single lot of tuna contained excess amounts of mercury or whether potentially hazardous amounts of the metal have seeped into the deep sea food chain on which tuna feed.

If a significant number of cans of tuna are found contaminated state and Federal authorities presumably would have to seize the lots from which the cans came.

Officials at FDA regional offices on the West Coast, where most of the nation's tuna catch is packed, said they hadn't heard yet about the upstate New York findings. However, the director of the FDA office in Seattle said inspectors there collected more than 100 samples of tuna from packers in the Pacific Northwest and found only trace amounts

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of mercury in the fish, all below the acceptable level.

The FDA considers a concentration of mercury of 0.5 parts per million or higher to be unacceptable and grounds for seizing food.

The chemistry professor, Bruce McDuffie of the State University of New York at Binghamton, said he tested two cans of Grand Union brand white chunk tuna, one can of Star Kist brand, and one can of Empress brand tuna. Tests on three of the cans indicated mercury levels of 0.3 parts per million or lower. However, two tests of a can of Grand Union brand tuna indicated a mercury level of 0.75 parts per million.

As a result, both the FDA office in Buffalo and the New York Department of Agriculture and Markets in Albany began efforts seeking other samples of the same Grand Union brand lot that Prof. McDuffie tested. The state officials began testing a variety of brands of canned tuna.

The officials in New York said that if only a single can of tuna were found to contain excess mercury it would be hardly a serious situation.

An FDA spokesman in Washington said the agency is awaiting the results of the tests in Buffalo and Albany before deciding what action, if any, to take.

He said the agency expects to have the test results later today.

MERCURY IN TUNA BRINGS A RECALL

(By Richard D. Lyons)

WASHINGTON, December 15.—The Food and Drug Administration announced today that, as a precautionary measure, a minimum of almost one million cans of tuna fish contaminated by mercury were being withdrawn from the market. The agency insisted, however, that the product was still safe to eat.

Dr. Charles C. Edwards Jr., Commissioner of Food and Drugs, estimated that, on the basis of samplings, 23 per cent of the 900 million cans of tuna fish packed in the United States this year contained amounts of mercury that the Federal agency considered excessive.

Even the approximate amount of contaminated tuna that is still available for sale is not known, since agency and industry officials said it was almost impossible to determine the number of cans that had already been sold and consumed. What is still on grocers' shelves is being ordered off. In addition, the Food and Drug Agency is not advising consumers to return cans that they have purchased.

Following is a list of brand names of canned tuna fish that have been found to contain more mercury than specified by the F.D.A. guidelines. The numbers after each brand are code numbers for the contaminated lots, which appear on the top of the affected cans:

Bumble Bee (0302/L2Z1).
Chicken of the Sea (OH8Z3/DCIUF; OH6RU/CN12E; OH6PU/CN12F; OH003/SC1MD; 9HIZ3/SC14MF; OH013/SC14L; OH8LU/CN-22D).
Empress (H24B3/821CL); (H25B3/821CL; H25B2/821CL).
Grand Union (OH723/SC47D; OH86U/CN 43G; OH3XU/CN12J; OH86U/CN12J; OH86U/CN12F; 9H583/SC1BM).
Orchard Park (ACL/SC/0507).
Star Kist (912F1/FB733; 741F1/GB7Z3).
Van Camp (OH3LU/CN12J; OH3XU/CN22F; OH47U/CN12J; OH51U/CN22J).

"It is contaminated but not a health hazard," Dr. Edwards told a news conference.

He explained that the contamination level set by the agency—one-half part of mercury to one million parts of food—was a purely artificial number to be used as a "guideline" that offers a substantial margin for safety" and should not be considered an absolute tolerance level.

Dr. Edwards noted that there had been but two reported incidents in which mercury-contaminated fish had caused harm to humans. In these cases, both in Japan, "the fish eaten contained from 10 to 80 times the .5 part per million level," he said. He added that Japanese ate much more fish than Americans.

The highest level of mercury found in the 138 samples tested so far, he said, was 1.12 parts a million. The average of all samples was .37.

As with the seal blubber that was found in October to be contaminated with mercury, the mystery remains as to how the metal tainted the flesh of the fish.

Dr. Virgil O. Wodicka, director of the F.D.A.'s Bureau of Foods, said, "In terms of hard facts, we don't have any."

Dr. Wodicka pointed out that it was extremely unlikely that the mercury came from a single source since many brands of canned tuna, several species of the fish, and specimens taken over a wide geographical area of the globe had been found to be contaminated. Tuna is a deep-water fish that is found in vast areas of the Atlantic and Pacific Oceans.

"The best guess is that the mercury somehow got into the food chain [the cycle in which larger species eat smaller], although we're not even sure of that," the director added.

FROM SMALL TO LARGE

Biologists believe that metallic mercury stemming from mining and industrial wastes is carried by rivers into the seas. Bacteria transform the metal into an organic salt, methyl mercury, that enters the bodies of small marine animals such as plankton. The mercury is then concentrated as the plankton is eaten by small fish that are then eaten by larger species.

Research programs are under way by the Food and Drug Administration, the National Oceanic and Atmospheric Agency and the tuna canning industry to determine if there is a pattern of contamination, and if excessive amounts of mercury existed in tuna packed in previous years.

The investigation is also seeking to determine if other types of sea food are contaminated by mercury. A cursory examination of shrimp and salmon samples by the Federal agency has not found high levels of mercury. But some samples of frozen swordfish imported from Japan were found last week to be contaminated.

Dr. Bruce McDuffie, a chemistry professor at the State University of New York campus at Binghamton, spurred the investigation of mercury in tuna fish by reporting on Dec. 3 the finding of a can of tainted fish.

FIRST TIME FOR OCEAN FISH

The finding is believed to be the first time that high levels of mercury have been found in ocean fish, although many species of fresh-water fish in United States and Canadian waters have been found this year to contain excessive amounts of mercury.

Charles Carry of the Tuna Research Foundation at Terminal Island, Calif., said it would probably be a month before the impact of the withdrawals on the canning industry could be assessed.

"At this point we simply don't know how many cans of fish we are talking about," he said.

One F.D.A. official estimated the loss to the canning industry at $84-million, but Mr. Carry said he considered that figure "excessively high." He estimated that the value of canned tuna packed this year was $250-million "at the cannery"—that is, before wholesale and retail costs were applied.

Dr. Edwards said his agency was taking the extra precaution of testing new catches of tuna and sampling all imported tuna, in addition to banning those lots that have been found to contain excessive amounts of mercury.

"I want to reemphasize the point," he added, "that given present levels of tuna consumption in this country, the relatively low levels of excess mercury content found to date and the fact that even this excess is being removed, we are confident that the American consumer is now and will remain safe from risks of mercury poisoning."

FDA RECALLS MERCURY CONTAMINATED LIVER PILLS

WASHINGTON.—The Food and Drug Administration today announced the first recall of a product contaminated with poisonous mercury—25,000 liver pills made from seals.

The FDA requested the recall in nine states after inspectors found mercury levels in the pills 60 times the safe level established for food: 0.5 parts per million. A half-part per million is comparable proportionally to a jigger of vermouth and a tankcar of gin.

The seal-liver pills were manufactured by Randal Nutritional Products, Santa Rosa, Calif., and are sold in health food stores as a blood builder and mild laxative.

The recall affects outlets in California, Washington, Oregon, Florida, Illinois, Oklahoma, Colorado, Michigan and New York.

An FDA scientist described the contaminated pills as a "possible, moderate health hazard."

The pills were fashioned from the livers of seals killed on the Pribilof Islands southeast of Alaska in 1964.

Randal freeze-dried the livers for storage and used them over the past six years to make 1,250,000 pills, the FDA said.

"Seal liver attracted my attention because it came from an animal most free of contaminants," said Downing B. Randal, president of the company. "You can just figure from this that there isn't any place in the whole earth that isn't contaminated."

Dr. George Y. Harry, director of the government's marine mammal biology laboratory in Seattle, said it is still not known how the seals became contaminated.

The seals, he said, migrate up and down the Pacific coast and possibly could have picked up mercury from industrial discharges.

The seal contamination was the first finding of significant quantities of mercury in ocean fish and mammals, said Harry, "and it was startling."

Abnormal amounts of mercury have been found in water, fish and game birds in at least 33 states. Commercial fishing has been curtailed in some states because of mercury pollution.

Harry said the government is checking other ocean fish and mammals following the seal finding.

HIGH MERCURY LEVELS FOUND IN CANNED TUNA SPUR SCIENTIFIC STUDY

(By Jerry E. Bishop)

Staff Reporter of The Wall Street Journal

Those mundane cans of tuna fish on your grocer's shelves are shaping up as the source of a major ecological mystery.

The reason: Some of those cans taken from food stores and warehouses contain unexpectedly high amounts of mercury. That discovery, for practical purposes, is the first time that undue quantities of the poisonous metal have been found in deep-sea animals.

Normally, tuna feed on the high seas far from shore and far from human sources of mercury pollution. Then how could any of the big fish have accumulated in their bodies the amount of mercury found in the canned tuna? That's the problem that is being studied by puzzled oceanographers, chemists, icthyologists and food-safety regulators.

EXPERTS ARE "SURPRISED"

"It's certainly unexpected," says oceanographer John Ryther of Woods Hole Oceanographic Institution in Massachusetts. "I'm surprised," adds Robert C. Harris, associate professor of oceanography at Florida State University in Tallahassee.

The mystery deepened over the weekend when high amounts of mercury were also found in frozen swordfish.

So far, authorities haven't had enough time or evidence even to speculate much. But some believe—or at least hope—that scientists have merely uncovered a natural phenomenon that's been going on for millions of years. At the other end of the speculative spectrum, some authorities fear the mercury that man has been dumping into the environment for a century has finally seeped into the ocean food supply in some areas. Just how widespread such contamination might be isn't known—nor what other special might be involved.

NO HAZARD YET

No health hazard apparently exists yet. Federal food-safety officials emphasize that the amount of tuna being found with undue quantities of mercury isn't large enough to constitute such a threat. State and Federal laboratories have checked samples from scores of lots of canned tuna since Dec. 4. That was the date that analytical chemist Bruce McDuffie reported he found relatively high amounts of the metal in Grand Union brand tuna. Mr. McDuffie is with the State University of New York in Binghamton.

U.S. Food and Drug Administration officials said over the weekend that of all the lots sampled, only five were found to have mercury in excess of what the agency calls an "action level." That's the level at which the FDA believes the fish should be removed from the market.

These lots include the original two lots of Grand Union brand tuna and one lot of Van Camp brand, packed by Ralston-Purina Co. and discovered by New York State authorities last Friday to contain excess mercury. The brand names of the other two lots weren't disclosed. But in all these instances, the food companies themselves have been voluntarily removing the suspect tuna from the market.

Mr. McDuffie threw a new element into the mystery by reporting he had found mercury levels in a frozen swordfish steak to be even higher than those he found originally in canned tuna. Swordfish, of course, is another high-seas creature. The fish was imported from Japan and was destined for restaurants.

ANOTHER "CRANBERRY CRISIS" FEARED

The FDA officials are clearly worried that the public will misunderstand the removal of the canned fish and unnecessarily turn the tuna troubles into another "cranberry crisis." (In 1959 the cranberry industry was almost destroyed when some lots were found tainted with minute amounts of a pesticide.)

The Federal authorities hasten to explain that the mercury action level for removing fish from the market exists largely for administrative purposes. It isn't based directly on any knowledge that tuna with mercury concentrations above the level is unhealthful, the authorities say.

Federal laws require that food be free of any known poisonous adulterant and say that if a poison occurs naturally, then it must be kept at levels known to be harmless. Mercury, of course, is a known poison. In large amounts, it can damage the brain and nervous system and possibly cause death.

SETTING THE LIMITS

But like many other elements, presumably mercury occurs naturally in trace amounts in all foods. Recognizing this fact, the World Health Organization has said unofficially that a person's overall diet could safely contain mercury in concentrations of up to 0.05 part per million.

More than a year ago fresh-water fish in the Great Lakes and several rivers were found contaminated by mercury from chemical plants. This finding forced Federal officials to settle on some point at which fish wouldn't be allowed on the market. Fish isn't eaten everyday or perhaps several times a day, as are such foods as milk, sugar, flour, beef, pork and poultry. So, it was decided that fish could contain as much as 0.5 part per million of mercury. The total diet of even the heaviest fish eater, it was calculated, would still be well below the unofficial WHO guideline.

Only cans of tuna containing at least that amount of mercury are being removed from the market. And authorities believe this is a super-precautionary move. They term it extremely unlikely that anyone could find and eat enough of such tuna to push his overall consumption of mercury even close to the guidelines.

What mystifies scientists is that tuna are the mercury carriers. That fact is triggering the FDA into what could become a worldwide check of seafood. Until a few days ago, an FDA official says, "we felt mercury would be a fresh-water fish problem"—and, except for the Great Lakes, primarily a sports-fish problem. This was because industrial discharges of mercury have been into lakes and streams.

Only once before, earlier this fall, had there been even a hint that ocean life might be picking up unusual amounts of mercury. That instance came when a small California producer of health foods withdrew from the market 10,000 tablets containing desiccated seals' liver.

The tablets contained 60 parts per million of mercury. The seals' livers had come from bull seals killed for fur on the Pribilof Islands southwest of Alaska. The seals had been killed in 1964 and livers stored.

Seals live off much the same diet of small fish and crustaceans that tuna do. How the animals or their food picked up the mercury isn't yet known. But one investigator says there is a deposit of mercury ore not to far away, raising the possibility that mercury is seeping into the ocean.

At the moment, most investigators and scientists are assuming that the tuna picked up the mercury in their food. Tuna feed at close to the top of what is called the "ocean food chain." This chain starts with the microscopic algae and plankton that are fed by nutrients welling up from the ocean bottom. The tiny plankton, in turn, become food for the larger plankton, such as shrimp and other crustaceans. The next level is small fish or "top minnows," such as the anchovies. The fourth stage consist of the ocean carnivores, such as tuna, but also includes ocean-feeding birds.

A POSSIBLE ANALOGY WITH DDT

Normally, tuna feed on creatures inhabiting the top 100 fathons of the ocean. However, says Mr. Ryther, the Massachusetts oceanographer, this doesn't mean the big fish haven't, at some time in their lives, ventured in close to shore. "We catch tuna here fairly regularly close to shore," he says. Thus, the scientists aren't ruling out the possibility that some of the tuna will sometimes feed on squid, crustaceans and other fish that have been living near an estuary of a river contaminated by industrial mercury discharges.

At the same time, scientists don't dismiss the possibility that, as Florida State's Prof. Harriss puts it, "we may be seeing a case analogous to DDT." The pesticide doesn't break down in the environment and, after years of use, it has gotten into the very bottom of the food chain. As a result, DDT residues are being found in creatures over the world, including birds that never come near land and animals living in the Anartic, far from where DDT has been used.

Once a substance gets into the tiny plankton at the beginning of the food chain, a natural phenomenon takes place. The substance becomes more and more concentrated as it moves up the chain.

A major problem facing scientists trying to solve the tuna mystery is that little is known about how much mercury gets in the chain through natural processes. A tentative estimate of how much occurs naturally in seawater has been made by chemist David Robertson of Battelle Northwest Laboratory in Richland, Wash. He calculates the oceans contain 0.1 part of mercury for every billion parts of water.

This naturally occurring mercury, of course, would be concentrated as it moved up the food chain, although whether it would reach the levels seen in the tuna is unknown. However, Prof. Robert E. Jervis at the University of Toronto says his laboratory in the last three years has tested over 500 different foods for mercury level. These included several seafoods but not tuna.

RELATIVELY LOW LEVELS FOUND

All the foods showed relatively low levels of mercury, as measured in part per billion, Prof. Jervis says. The only item that came close to the levels found in tuna was a sample of halibut that measured 0.3 part per million —still below the action level. "There's not much indication that these concentrations are much more than natural background levels," he says.

It's possible, as one investigator notes, that some tuna might have fed in an area that is naturally a mercury "hot spot." One scientist who speculates otherwise, though, is Frank M. D'Itri, professor of water chemistry at Michigan State University in Lansing, who has begun to delve into the mercury-contamination problem.

"I don't know how it got into the fish, but I think I know where it came from," says Mr. D'Itri. He notes that man has been dumping mercury into the environment, wittingly and unwittingly, ever since the industrial revolution. The obvious discharges have come from industrial plants, such as chlorine-caustic soda plants and plastic plants that use mercury in the manufacturing processes.

But, he explains, the products that contain mercury range from electrical components and lawn chemicals to paints and paper. "What do you do with your old car battery? You throw it away and eventually it's burned in an incinerator," he says. As a result, unknown but presumably large amounts of mercury have gone up smoke stacks and down sewage systems in the past 100 years.

In addition, there's the problem of coal. The fuel naturally contains some mercury; this is freed in the atmosphere when the coal is burned. And billions of tons have been burned in the past century.

One estimate is that man is currently releasing 4,000 to 5,000 tons of mercury into the environment each year. That about equals what is running off the continents and into the oceans by natural processes.

At the FDA, meanwhile, officials are launching a major effort to try to trace the source of the tuna that contained the high levels of mercury. The task could be monumental.

The first suspect lots have been traced to a packer in Puerto Rico. But the packer is reported to use about 80% Pacific tuna and 20% African tuna—and it isn't clear whether the source of the suspect fish can ever be found.

Scientists also note that nothing is known about how long tuna retain ingested mercury in their body. Man, for instance, excretes about half the mercury he eats in approximately 70 days. But in other species, says one scientist, this "biological half-life" of mercury may be 1,000 days.

So, the mercury currently being found in tuna may actually have been ingested a year or more earlier. And because tuna roam hundreds of miles over the ocean, the fish may have been caught a great distance from where they picked up the poisonous metal.

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FDA STUDY IS CITED: SOME CANNED TUNA TO BE WITHDRAWN DUE TO EXCESSIVE MERCURY CONTENT

WASHINGTON.—The Food and Drug Administration said 23% of canned tuna sampled from all fishing grounds of the world was found to contain levels of mercury in excess of acceptable amounts.

The FDA said food companies had agreed to withdraw from the market all lots of canned tuna found to be at or above the guideline of 0.5 parts per million.

"This action by industry will continue until all tuna on the market is checked and every lot over the guideline is removed from store shelves," Dr. Charles C. Edwards, FDA commissioner, said.

The FDA survey, conducted after excess levels of mercury were found by a State University of New York professor in three tuna lots, covered 139 lots of the current year's tuna pack. The industry estimates a total of 30,000 lots have been packed, each containing 600 cases. All major fishing areas of the world were covered.

A total of 32 lots were found to contain cans with mercury at or above the 0.5 guideline; the concentrations ranged up to 1.12 parts per million.

The FDA considers that any fish with 0.5 or more parts per million of mercury must be removed from the market.

Mercury is a highly toxic substance that, if ingested in large enough quantities over a long enough time, can cause a variety of adverse health effects, including mental retardation, kidney and liver damage.

But Federal officials insisted that there wasn't any danger posed by the levels of tuna contamination detected.

"The highest samples found to date pose no risk of acute toxicity and removal of lots with more than 0.5 parts per million mercury will eliminate any danger from high rates of consumption over long periods of time," Dr. Edwards said.

BRAND NAMES LISTED

Lots with the following brand names were found in the FDA survey to contain cans having contents that were at or above the 0.5 mercury guideline; Bumble Bee, one lot; Chicken of the Sea, seven lots; Empress Salad White, four lots; Empress, one lot; Grand Union Light Chunck, two lots; Grand Union, four lots; Orchard Park Salad White, one lot; Starkist, two lots; Van Camp's Light Chunk, three lots; Van Camp, one lot. In addition, six lots of unlabeled warehouse stock were found to have contents at or above the guidelines.

Immediately involved in withdrawal from the market, as a result of the FDA survey, is an estimated one million cans.

FDA officials said they believe the survey, although small in size represents the extent of overall mercury contamination of tuna. The study included four of the five commonly packed species of tuna and included tuna packed in standard oil, olive oil and water pack. "We think it definitely is a reasonably accurate sample," Dr. Edwards said.

The canners have agreed with the FDA to identify, as rapidly as possible, all other lots on the market that failed to meet the 0.5 parts per million guideline and to withdraw them quickly. "We estimate that this program will be completed in 30 days," Dr. Edwards said.

The National Canners Association said it was impossible at this point to estimate how much of the 30,000 lots in this year's tuna pack remained on the market, or how much of previous years' packs remained to be sold.

Federal experts said there wasn't any reason to believe the mercury contamination detected in tuna was peculiar to this year's pack. The reasons for the contamination of the deep sea fish aren't known and are puzzling to scientists. Mercury contamination of lake fish has been detected, but this has been attributed to nearby discharges of the metal from industrial plants.

FROZEN SWORDFISH CITED

Dr. Albert Kolybe Jr., deputy director of the Bureau of Foods, said it appeared that large, predatory fish with long life spans, such as the tuna, appear to concentrate mercury from the material on which they feed. Yesterday, FDA experts said they had confirmed findings by New York professor Bruce McDuffie, of excess mercury levels in frozen swordfish. But FDA testing for mercury in shrimp and salmon has shown these smaller fish don't have levels above the 0.5 parts per million guideline.

However, it remains to be seen how widespread is the problem of mercury contamination involving deep sea fish. The FDA has turned to the National Oceanic and Atmosphere Administration for advice on what other species of deep water fish should be surveyed for mercury and how to go about it. This work might take several months to complete.

For now, FDA officials said the agency's joint program with the industry will take care of any mercury problems with tuna. About 16% of canned tuna is imported; the FDA will assume the responsibility for testing imported fish and won't clear any with mercury levels of about 0.5 parts per million. The industry will be responsible, under FDA surveillance, for testing tuna that's canned domestically.

One key issue that remains to be settled is what disposition the companies will be permitted to make of the tuna that's pulled off the market. The companies, of course, must bear the financial burden for any of their products that aren't sold—unless Congress votes them a special dispensation.

It appears doubtful that foreign countries would be willing to purchase the tuna, or that disposition abroad would be acceptable U.S. policy. But Federal officials said it's possible that a more careful examination of the lots containing excess mercury might show the contaminant is found in only some cans. Thus, the companies might seek permission to market the cans in these lots that aren't in excess of the mercury guideline.

GUIDELINE IS EXPLAINED

The guideline of 0.5 parts per million for mercury in fish was adopted by the FDA earlier this year. It was considered an acceptable level to protect public health, based on an estimated daily average consumption by Americans of 40 grams of fish, including three grams of tuna.

FDA experts said that only two instances are known to have occurred in which mercury in fish caused health damage to humans. Both were in Japan and were caused by much higher levels of mercury in fish and shellfish, ranging from 15 to 40 parts per million. In addition, the FDA said, the estimated average daily consumption of fish by Japanese is 200 grams, a sharply higher amount than American consumption.

FDA Commissioner Edwards said the 0.5 guideline has sufficient safety built into it that consumers needn't worry if they eat some cans of tuna containing excess levels of mercury.

He said that the average mercury content of all tuna examined by the agency was 0.37 parts per million. FDA officials insist that by the law of averages consumers would be very unlikely to purchase only cans of tuna with excess levels of mercury, during the period in which industry identifies and removes them from the market.

But, the FDA did propose to the tuna industry that the companies voluntarily remove all tuna from the market immediately, test samples for mercury and then return to grocery shelves those cans below the 0.5 parts per million guideline.

The food concerns decided against this and the FDA didn't consider the public health problems were sufficient to require a total recall before testing.

But some Federal experts argue that the industry's public relations problems, in assuring consumers that the tuna on the market is entirely safe, would have been minimized by the FDA's suggested approach.

Tuna canners and supermarkets generally said they were waiting to see which brands and lots the FDA found to contain the excess amounts of mercury before they took any action.

"Should we encounter any such lots in the course of our testing we will, of course, remove them from the distribution channel," said John Magowan, president of Bumble Bee Seafoods, a subsidiary of Castle & Cooke Inc. Bumble Bee, a tuna packer, is based in San Francisco.

Late yesterday, Mr. Magowan said he wasn't aware of any Bumble Bee brands involved but a list released by the FDA showed one lot of the company's tuna contained an excess level of mercury.

INDEPENDENT TEST MADE

In New York, a Great Atlantic & Pacific Tea Co. spokesman said the company has had an independent laboratory checking its A&P brand canned tuna and so far hadn't found any with excess mercury.

One supermarket chain that has been removing tuna for several days is Grand Union Co., East Paterson, N.J. It was a single can of Grand Union brand tuna that was first found to contain excess levels of mercury and which triggered the FDA survey of the nation's tuna supply.

Several days ago, Grand Union removed the lot containing that first can and since then has removed two additional lots of tuna from its shelves.

A spokesman said the recalled tuna is being returned to Ralston Purina Co., owner of the Puerto Rican canner that packed the Grand Union tuna.

In St. Louis, a spokesman for Ralston Purina said only that the company is "following industry programs in all respects." Noting that it was an industry problem, he said he doubted "the industry, or anyone else, knows the extend of the problem."

Several supermarket operators said they were taken by surprise by the FDA announcement. "No one here had heard a word about it," said a spokesman for Red Owl Stores Inc., in Hopkins, Minn.

PRESENTATION OF NATIONAL CHRISTMAS TREE BY CONGRESSMAN E. Y. BERRY

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. BERRY. Mr. Speaker, it was my privilege last night to have the honor of presenting the Pageant of Peace Christmas tree for and in behalf of the Governor of South Dakota.

My remarks on this occasion were as follows:

Mr. President, Mrs. Nixon, distinguished guests, and my fellow Americans who are seated here on this wet and chilly evening, and those thousands watching on television across the nation.

On behalf of the Hon. Frank Farrar, our Governor, and on behalf of the people of the great state of South Dakota, it is my honor and privilege to present to the Nation's capital and to the nation this majestic Black Hills spruce.

South Dakota is known as the land of infinite variety. We have our rolling plains, our great lakes along the Missouri River, and we have our beautiful Black Hills—the highest mountain range east of the Rocky Mountains. These beautiful peaks are crowned with tall and stately trees of a distinct variety known as the Black Hills spruce.

And, here tonight, as a symbol of the Christmas spirit which we hope some day will encompass the entire world, stands a Christmas gift from the people of South Dakota, a specimen of our Black Hills spruce.

And speaking for my fellow South Dakotans, with this tree we extend our most sincere wishes for a Merry Christmas and a peaceful New Year to everyone—everywhere.

COMMUNISTS IN VIETNAM

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. SCHMITZ. Mr. Speaker, at this point I would like to insert in the RECORD two articles which tend to complement each other. The first is a statement of Gen. Vo Nguyen Giap, a ranking member of the North Vietnamese Communist Politboro and the commander of the enemy forces in Southeast Asia. This statement appeared in General Giap's new book, "Banner of the Peoples War, the Party's Military Line," published by Praeger in 1970.

General Giap says:

> To wage a war properly, it is necessary to possess a firmly organized base area, Nikolai Lenin, Collected Works, XXVII, 54–55. The rear base area is always necessary for success because it is a source of supply for human material resources for the war and a source of political and spiritual motivation and encouragement for the front line. Without a stable rear base area, the front line cannot defeat the aggressors. This is the general law for every war.

Nothing could be plainer than this. Without some organized rear base area, such as the North Vietnam itself or the Cambodian sanctuary, the North Vietnamese Communists could not possibly win. In fact if the northern sanctuary were resolutely disorganized the Communists could not even go on fighting. The question that arises at this time, however, is why do some people wish to recreate a secure rear base area in Cambodia for the enemy forces?

Perhaps it is because some people are not thinking about the situation in the correct conceptual terms. There are those who are speaking of denying American forces access to this enemy staging area in terms which deal with Presidential power and "open end commitment." These are side issues unrelated to the essence of the matter at hand.

What is at stake here is whether the Congress is going to reestablish through legislative fiat the Communist sanctuaries from which attacks are launched against both the Republic of Vietnam and the new anti-Communist Cambodian Government. If this action were taken it would be a very sad day in the history of our legislature. It is good to note that the House-Senate Conference Committee has discarded this idea.

Those of use who are for defeating the various enemies that we face on the field of battle from time to time have continually argued against the concept of giving the enemy sanctuary so that he can conduct his war effort with greater efficiency. It is my opinion that the North Vietnamese Communists should not be allowed free play in their own territory while waging war against three of their neighbors. Why reward aggression? The argument against giving the Communists sanctuary in a country which they have invaded is even stronger and, in fact, no reasonable arguments can be advanced to support such a thesis. Perhaps this is why some people tend to retreat to word games such as "open-end commitment."

Senator DOLE has suggested that a Presidential hour be established when all those who are primarily interested in campaigning can make speeches toward this end. This is an excellent idea the merit of which becomes clear when we begin to speak of issues which involve life and death for American and allied forces. Since very few wish to view the war effort, what we do or do not do, from the point of view of trying to achieve a victory then at least everyone's point of view should focus on the safety of our men. Giving the enemy a staging area would compromise this safety.

The following interesting assessment of the U.S. effort undertaken last spring to disorganize the enemy resupply and training area in Cambodia appeared in the summer edition of Orbis magazine, published by the University of Pennsylvania Foreign Policy Research Institute:

REFLECTIONS ON THE QUARTER: THE U.S. INTERVENTION IN CAMBODIA

The significance of the Nixon Administration's decision to attack North Vietnamese installations in Cambodia seems to have been overstated by both its defenders and detractors. On the one hand, the President may have overplayed his hand by announcing on April 30 that U.S. forces would attack the "headquarters for the entire Communist military operation in South Vietnam." On the other hand, those Administration critics who saw the operation as an "irreversible expansion of the war" or "another Vietnam" missed the real significance of the limited campaign. From the outset, the Cambodian foray was unlikely to produce the dramatic results suggested by the President or to yield the disastrous consequences predicted by his detractors.

Although U.S. intelligence was not completely uninformed about the location and operating procedures of the communist headquarters in Cambodia—the so-called Central Office of South Viet Nam (COSVN)—several indicators should have recommended caution in public utterances on this subject. It was merely from a general estimate based on the "limited intelligence available" that the U.S. First Air Cavalry chose the initial targets in the Fishhook.

Other factors suggested that COSVN might not turn out to be where it was thought to be. During the last year of his regime, for example, Prince Sihanouk departed from the policy he had followed since the establishment of the sanctuaries and permitted U.S. B–52 bombers to attack the communist base areas. For a time, he even curtailed shipments of supplies to the base areas through Sihanoukville (now Kompong Som). In this sense, the bases ceased to be sanctuaries long before U.S. forces crossed the border, and the changing circumstances were bound to have made the communist command more mobility-minded. Then came the fall of the Sihanouk government on March 18, 1970 and its replacement by the more overtly anti-communist Lon Nol government. COSVN undoubtedly realized that the Fishhook area had become vulnerable when, after Sihanouk's ouster, South Vietnamese forces began conducting sporadic raids across the border against the advice of American officials in Saigon. At the same time, the United States was increasing its bombing raids against the communist concentrations. All of these developments occurred several weeks before the President announced that U.S. troops were entering Cambodia.

On April 13, communist forces were detected moving westward from the border, deeper into Cambodia, severing roads and bridges and harassing towns and military outposts as they went. This thinning-out withdrawal apparently led General Abrams and Ambassador Bunker to recommend to the Defense and State Departments that an American operation should be conducted in the Fishhook. However, while the reduction of communist forces lowered the risk factor for potential U.S. operations, it probably signaled the evacuation of the area by at least the top echelon of COSVN; the communist command was unlikely to leave its central control apparatus exposed and unprotected, especially in view of the unstable political situation prevailing at the time.

Moreover, there is evidence that the communists had advance warning through their own intelligence network of the impending U.S. operation. According to one of the highest ranking North Vietnamese defectors during the operation, Lt. Col. Neuyen Van Nang (identified as the Deputy Commander of Communist Military Subregion Two, which included Saigon), communist units had from one to four days' notice of most Allied military plans, including the Cambodian operation. He himself was alerted three days ahead of time to the Allied incursion into his area of Cambodia.

The main impetus for the Cambodian operation appears to have come from the U.S. command in Saigon. General Abrams, upon noticing the thinning out of communist forces in the Fishhook in mid-April, apparently concluded that it was an opportune moment to neutralize the sanctuaries and thus buy time for the Vietnamization program. This would ease the pressure on South Vietnamese forces, who were then in the process of replacing U.S. troops along the infiltration corridors of Third Corps Tactical Zone, which led from the sanctuaries to the populous areas around Saigon. In addition, such an operation would make it more difficult for the North Vietnamese troops advancing westward to achieve successes against the fledgling troops of the Cambodian army. These were essentially limited objectives. To achieve them it was not necessary to destroy or capture COSVN. American field commanders in Viet Nam reportedly saw the operation in approximately these terms. They did not regard it as grand strategy, but merely as good tactics.

The Cambodian military intervention appears to have achieved significant advantages for the Vietnamization program. These are most evident in Third Corps Tactical Zone—the most important of the four operational areas in Viet Nam because it contains the capital city and the country's most densely populated areas. In addition, the operation achieved important results in Hau Nghia, Tay Ninh, Binh Long and Phuoc Long provinces adjacent to Cambodia. First, the logistical installations across the border in the small town of Ba Thu (in the Parrots Beak region, about forty miles west of Saigon) were dismantled or destroyed. According to visual reconnaissance and dozens of communist pris-

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oners, Ba Thu was an extensive installation that served as headquarters for several of the Viet Cong's district and regional committees in the Saigon areas as well as a rest and recreation spot for North Vietnamese soldiers. Its proximity to Saigon gave it great importance in communist operations against the capital.

Farther north along the border, in the Fishhook area, U.S. forces uncovered extensive arms and ammunition caches, including the much publicized "city," which sprawled over several square miles. The fact that the latter was comparable to the U.S. installation at Long Binh in terms of its logistical importance to the North Vietnamese and Viet Cong was underlined by the testimony of a Cambodian parliamentary representative from the nearby town of Snoul. This deputy, who allegedly was on good terms with the local North Vietnamese commanders, claimed that the area served as the transshipment point whence material was moved to other sanctuaries after arriving by truck convoy from Sihanoukville.

In a third, more northerly, operation, U.S. forces discovered in Base Area 351 what was believed to be the main storage depot for arms and ammunition for communist troops operating in Third Corps Tactical Zone. Tons of war matériel were stored in thirty-seven caverns dug into the sides of jungled hills. Altogether the United States is said to have captured hundreds of vehicles and thousands of weapons, more ammunition than the total captured in Viet Nam in the preceding sixteen months, and foodstuffs sufficient to feed more than 10,000 troops for a year at full rations.

The significance of these spoiling operations for the Vietnamization program is illustrated by a single development. Approximately a year ago, the string of Third Corps bases located opposite the former sanctuaries as obstacles to North Vietnamese infiltration were manned primarily by American combat units. Today, except in the northeastern corner of Phuoc Long Province, the U.S. units have been replaced by South Vietnamese units. The success of this replacement process has undoubtedly been aided by the neutralization of the sanctuaries.

President Nixon's contention that the Cambodian operation would reduce American casualties is borne out by the casualty statistics for July, August and September.

It would be premature to conclude that the communists will not reoccupy the sanctuaries. In view of the possibilty of future South Vietnamese incursions backed by U.S. air support, however, it seems unlikely that they will again be used as effectively as in the past. COSVN could probably re-establish bases farther westward within the interior of Cambodia. But the prime importance of the former sanctuaries was their close proximity to the battlefield in South Viet Nam. They provided close-in staging areas for North Vietnamese operations and permitted a rapid retreat to secure zones immune from retaliation. These advantages would diminish considerably should communication and supply lines be stretched deep into the Cambodian interior. In addition, the time required to establish such installations would work to the advantage of the Vietnamization program.

The long-range strategic implications of the Cambodian operation cannot yet be determined, but for the immediate future, one of Hanoi's strategic options has been eliminated. The communists have been deprived of using a strategy based on sizeable conventional armies and large-scale offensives with set-piece battles (on the order of the 1968 TET offensive). For such a strategy to be successful, extensive logistical groundwork is necessary, as well as an elaborately organized and efficient command and control apparatus. On both scores, the North Vietnamese have been weakened as a result of the neutralization of the sanctuaries. Thus, a return to protracted guerrilla conflict is likely. (U.S. analysis had already detected such a shift in North Vietnamese strategy before the Cambodian operation. If it was then merely preferred, it is probably now necessary.) The hope would be that the South Vietnamese could handle this kind of warfare themselves.

Washington, in thus restricting the choice of strategy and, by implication, a broad range of tactical maneuvers, may have increased the pressures on Hanoi to negotiate seriously in Paris. But it is difficult for the United States, operating with conventional forces on the Asian mainland, to eliminate guerrilla warfare as a strategic option available to North Viet Nam. To the extent that Hanoi is able to retain this option, the chances for a negotiated settlement seem remote.

Some analysts appear to have concluded that the fate of U.S. policy in South Viet Nam has become tied to the survival of the Lon Nol government as a result of the Cambodian operation. While the fortunes of the Lon Nol regime will undoubtedly concern the United States, this contingency did not arise on April 30, when U.S. troops crossed the Cambodian border. It began on March 18, when Prince Sihanouk was deposed by his anti-communist Prime Minister. Given the opposition of the Lon Nol government to the presence of North Vietnamese troops on Cambodian soil, a showdown may have been inevitable from the outset. There are reports that North Vietnamese units began to move out of the border sanctuaries as early as March 13, five days before Sihanouk's fall, possibly in response to the hostile attitude Sihanouk had increasingly displayed toward them during the last year of his rule. Their westward movement continued through April. The Cambodian action probably accelerated the movement of communist forces into the Cambodian interior, but it did not start it. By throwing the North Vietnamese rear into disarray, the U.S. intervention may have prevented the situation in Cambodia from deteriorating in the first two months of Lon Nol's office.

REPORT TO NINTH DISTRICT RESIDENTS, NOVEMBER 30, 1970

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

SOVIET NAVAL ACTIVITY IN THE CUBAN AREA

(By Congressman LEE H. HAMILTON)

No sooner had I returned to Washington from the campaign trail than I was involved in hearings and meetings on the Soviet Union's reported efforts to establish a naval facility in Cuba.

Washington is deeply disturbed by Soviet naval activity in the Cuban area, particularly the presence of a submarine tender, tugs and barges. Most of the activity has centered around the Southern Cuban port of Cienfuegos, where a harbor barracks has been built, a pier has been repaired, athletic fields have been developed and artillery and communications facilities have been erected. Soviet ships, including the tender, have been frequenting the harbor of Cienfuegos.

Soviet facilities in Cuba would give that country's submarines the ability to be serviced in Cuba and to remain in the Western Hemisphere longer than if they were required to return to the Soviet Union. These missile-carrying submarines have been off the shores of the United States for years—just as U.S. Polaris submarines have been in the vicinity of the Soviet Union.

These facilities have come under close surveillance by the United States.

Last October 13, TASS, the Soviet news agency, announced that the Soviet Union had not built, and was not building, a military base in Cuba and that they would not do anything to contradict the understanding reached by the Soviet Union and the United States governments in 1962.

The message referred to the 1962 confrontation between the two countries over the installation of offensive missiles in Cuba. President Kennedy and Soviet Premier Khrushchev resolved the confrontation with the understanding that if the Soviet Union would withdraw its recently-installed offensive weapons in Cuba, the United States would not invade Cuba. This understanding enabled the two world powers to draw back from the brink of a nuclear war.

Now, apparently, there has been a new "understanding" between the two countries. The President, however, has been very secretive about the details. The available evidence indicates that recent talks between Henry Kissinger, the President's foreign policy advisor, and Anatoly Dobrynin Moscow's ambassador in Washington, reached an understanding on the limits of actions which the two governments may engage with regard to Cuba.

The word "understanding" is important. There is no agreement in writing and the public record consists only of an exchange of public statements by the two governments. The 1962 understanding clearly indicates the United States agreed not to invade Cuba and the Soviet Union agreed not to introduce offensive weapons and construct bases for those weapons.

The present situation has raised many questions from the House Committee on Inter-American Affairs, upon which I serve.

What is the nature of the understanding between the United States and the Soviet Union?

Does is apply to the use of Cuban facilities by the Soviet Union?

Is the continuing presence of submarine support ships in the Caribbean a violation?

At the moment we don't really know just what the Soviet Union is up to. They may be testing us to see how far they can push us in interpreting the understanding of 1962 and the more recent understanding with the Nixon administration. Developments in Cuba will have to be closely watched to assure that the Soviet Union lives up to its part of the understanding.

SALUTE FOR A JOB WELL DONE

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. GUDE. Mr. Speaker, it is with a great sense of pride that I bring to the attention of the Members of this House the retirement of a longtime resident of the Eighth Congressional District of Maryland. Mr. Roman R. Miller is retiring on January 8, 1971, after nearly 41 years of Government service. For most of those years, Mr. Miller and his family have resided in the Silver Spring area.

Mr. Miller's career has been a diversified one indeed. His first 5½ years were

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spent at the old Fixed Nitrogen Laboratory—Department of Agriculture—and the last 35½ years have been devoted to a wide variety of Navy problems in the Chemistry Division of the Naval Research Laboratory. Possibly his most singular contribution has been in life support for personnel protection and submarine atmosphere control. He received the Distinguished Civilian Service Award in 1948 for his wartime development of the chemicals and equipment comprising the oxygen breathing apparatus—OBA—so vital to damage control operations in our fleet. His pioneering work on the chemistry of uranium hexafluoride led directly to the gaseous diffusion technique for isotope separation.

I know you will join me in saluting this dedicated scientist and public servant for his many years of devotion to his country.

CUTOFF DATES ON POLITICAL ADS SEEN AS BENEFICIAL STEP

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. McFALL. Mr. Speaker, I would like to call attention to an aspect of the work of the Fair Campaign Practices Committee that may not have been noticed by some candidates. That is the committee's effort to cut down new and vicious charges hurled on the closing weekend of the 1970 campaigns. The committee asked the newspapers, radio stations, and television stations to police their own professions, preventing the abuse of their facilities in the closing hours of the campaign.

Much of the media established cutoff dates after which they would not accept new political attacks. We do not yet know the full effect of the effort, but it appears to be an important step forward.

The following news stories—the first from Editor and Publisher on October 31, 1970, and the second from the Des Moines Register on October 21, 1970—explain the committee's actions:

NEWSPAPERS ALERTED TO POLITICAL TRICKERY

The Fair Campaign Practices Committee has asked newspapers and broadcasting stations to help keep the election campaign clean. The media have been asked to adopt a policy of cutting off new attacks in political advertising and commercials five days before Election Day.

The objective, according to Samuel J. Archibald, executive director of the Committee, is to "help stem the flood of last minute dirty politics."

Archibald reported that fewer complaints of violation of the Code of Fair Campaign Practices have been filed this year than during the comparable period of other campaign years. He added, however, that "this does not mean that campaigns are cleaner in 1970" but only that "unfair tactics are more subtle, more difficult to pinpoint."

"If a new issue is raised in a political advertisement or commercial on the deadline day," the Committee advised, "the accused candidate should be given the opportunity to purchase equal space or time for an answer on the same day, if possible."

The five-day prohibition of political advertising need not apply to political news, the Committee said, but added:

"If new political attacks must be reported in the closing five days, newsmen should be required by the newspaper publisher or station manager to make every possible effort to report the answer at the same time as the attack."

The "political tricksters", the Committee said, "are holding back their dirty politics until the closing days of the campaign" and that is why the assistance of the media is needed to keep the campaign as clean as possible.

The Committee sent to each newspaper publisher and station manager a study of current procedures followed by the information media.

The study, called "Beware the Witching Hours", shows that a bare half of the newspapers and broadcasting stations have established policies "to prevent slick, political operators from using the information media to hurl new and false charges too late for opponents to answer," the Committee said, "and even the half which has set a political campaign cut-off date, sets it so close to election day that there is no time for an effective answer."

"There is some validity to the argument that the objective news coverage policy makes a cut-off date for political news unnecessary," the Committee stated, "but this argument falls flat when applied to the 'for sale' side of the information business—the advertising space and commercial time which can be brought right up to election eve by a candidate who wants to make a completely new and false charge too late for an answer."

FLOOD OF "DIRTY POLITICS" FEARED BEFORE ELECTION

WASHINGTON, D.C.—The Fair Campaign Practices Committee said Tuesday it expects a flood of dirty politics just before election day.

"The political tricksters are holding back their dirty politics until the closing days of the campaigns," the committee said.

It gave no basis for this gloomy outlook, but it urged all newspapers and broadcasting stations to adopt a publicly announced policy of cutting off new attacks in political advertising and commercials five days before election day.

"If a new issue is raised in a political advertisement or commercial on the deadline day," the committee advised, "the accused candidate should be given the opportunity to purchase equal space or time for an answer, on the same day if possible."

The committee's statement said the five-day moratorium need not apply to political news, but added:

"If new political attacks must be reported as news in the closing five days, newsmen should be required by the newspaper publisher or station manager to make every possible effort to report the answer at the same time as the attack."

NONPARTISAN UNIT

The committee is a private, nonpartisan, nonprofit organization established in 1954 to alert the public to unfair political techniques. Its chairman is Charles P. Taft, Cincinnati lawyer and son of President William Howard Taft. He is an uncle of Representative Robert Taft, jr., Republican candidate for the Senate in Ohio.

In a study called "Beware the Witching Hours," the committee says a bare half of the newspapers and broadcasting stations have established policies to prevent "slick political operators from using the information media to hurl new and false charges too late for opponents to answer.

SUBTLE TACTICS

"There is some validity to the argument that an objective news coverage policy makes a cutoff date for political news unnecessary," the committee said, "but this argument falls flat when applied to the 'for sale' side of the information business—the advertising space and commercial time which can be bought right up to election eve by a candidate who wants to make a completely new and false charge too late for an answer."

The committee said that thus far there have been fewer complaints of unfair practices this year than in previous campaigns, but it said: "This does not mean that campaigns are cleaner in 1970. It means that unfair tactics are more subtle, more difficult to pinpoint."

AGRICULTURAL AND ENVIRONMENTAL POLLUTION CONTROL

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. GOODLING. Mr. Speaker, the 52d annual meeting of the American Farm Bureau Federation was held in Houston, Tex., on December 6 to 10, 1970.

The quality of our environment received considerable attention at this annual meeting, and in this respect I would like to call your attention to the fact that a former member of this House of Representatives, Hon. Clifford G. McIntire, is director of the American Farm Bureau Federation's National Resources Department, which is vitally concerned with and involved in environmental considerations.

In the deliberations of this annual meeting, an address was delivered by Melville W. Gray, chief engineer and director of the Division of Environmental Health, Kansas State Department of Health. Because Mr. Gray presents some penetrating views with respect to agricultural pollutants, and because these observations are in consonance with our struggle to preserve our environment and make this world a pleasant place in which to live, I insert his remarks in the RECORD and commend them to your attention:

AGRICULTURE AND ENVIRONMENTAL POLLUTION CONTROL

(By Melville W. Gray)

John is a bad boy. Theorem: "All boys are bad", or "All bad boys are named John". This of course is a syllogism which has been much used in primary education for many years.

Let us take another basic statement for analysis: "Pollution is bad." Of course there are many twists that could be provided for this statement particularly by the insertion of a few adjectives and adverbs. We should however encounter many variables in arriving at a universal definition of pollution. The lack of a definition for pollution is perhaps the greatest stumbling block to the acceptance of pollution control by all segments of society. I personally prefer a definition of pollution as follows: "The contamination or other alteration of the physical, chemical, or biological properties of a resource so as to create a nuisance or render such resource harmful, detrimental or injurious to public health, safety or welfare, or to the plant and animal life or to other legitimate, beneficial use of the resource." This of course is not a perfect definition of pollution because it will not stand on the basis of its own wording; it requires inter-

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pretation, hopefully utilizing facts, reason and good judgment, with good judgment perhaps the most important single factor. The facts available in reaching a decision regarding a source of pollution are few in relation to the multitude of variables inherent in each individual case of pollution.

STATUS OF POLLUTION

Today in the United States we have experienced a "happening" or awakening to the threat and seriousness of environmental pollution. Many areas of our nation's waterways have become fouled to the point where they are black, septic, and void of desirable flora and fauna. Their use in areas has been impaired to the point that they are no longer used for water supply, irrigation, or recreation.

Large portions of our atmosphere are polluted to the extent that life has become miserable for residents of the area, particularly those sensitive to smog, and additionally provides for lifetime health hazards. Segments of the country have been exposed to air pollutants that have destroyed vast acres of crops, plant life, and wildlife.

We have further destroyed the beauty of our countryside by creating huge mountains of trash by which we have further insulted nature by burning these mountainous creations or periodically pushing them into rivers and streams to cause additional pollution.

Under these and many related instances, is it particularly surprising that the general public has risen to the cry of "Save our environment"?

AGRICULTURAL POLLUTANTS

What part does agriculture play in the problem of environmental pollution?

The normal broad spectrum of pollutants associated with agriculture today are silt, animal wastes, pesticides, fertilizers, odors, and other chemicals and biological factors.

The nature of these pollutants does not restrict their environmental degradation to isolated areas. They are transported throughout the nation by wind and water.

Feedlot wastes

Animal feedlot wastes have attained significant importance as related to water quality control in a relatively short period of time. In the red meat producing central states from the Gulf of Mexico to the Canadian border, it is doubtful that any other industry has singly produced a comparable impact with as great a potential to pollute water.

Large concentrations of animals in feedlots have the capacity to pollute and make unusable for recreation major reservoirs for a period of several weeks, and within a few days can destroy all fish life for miles in a single flowing river.

The principal immediate pollution factors observed in receiving streams as a result of feedlot waste runoff are depressed or depleted oxygen levels; total coliform, fecal coliform, and fecal streptococcus counts in the millions per 100 ml sample; and ammonia concentrations toxic to fish life.

Feedlot development and trends

In Kansas, the small cattle feedlot operated as a supplement to normal farming operations is rapidly giving way to the commercial feedlot. The commercial feedlot is defined as one having a cattle capacity of 1000 head or more. Over 70% of all grain-fed cattle are in commercial feedlots, whereas less than 10 years ago the reverse was true: less than 30% were in commercial lots. The number of cattle on feed in Kansas has doubled since 1966 to the present level of approximately 900,000 head.

Operators of feedlots for which the Division of Environmental Health determines there is a water pollution potential must provide water pollution control facilities which will protect all beneficial use of waters of the state and which will not injure other property or property residents. The water pollution control facilities must be constructed in accordance with plans and specifications approved by the department.

Permits are required for water pollution control facilities and are issued after completion of construction in conformance with approved plans and specifications. Permits are revocable for cause on 30 days' written notice. After revocation of a permit, the operator of the feedlot is allowed to finish feeding animals in the lot but cannot place any other animals in the lot until water pollution control requirements, as established by the department, have been met and a new permit has been issued.

Upon receipt of a registration application for operation of a feedlot, a department engineer will visit the proposed site with the operator and evaluate the need and extent of water pollution control facilities. A letter report is submitted to the owner setting forth the minimum requirements for pollution control. Although provision has been made for allowing feedlot waste treatment plants with discharge of an effluent in conformance with river basin water quality standards, only small dairy farm operators treating combined milk parlor wastes and household wastes have elected to follow this course of action, due to the cost involved.

The general provision of approved facilities for water pollution control involves (1) diversion of runoff from extraneous or non-feedlot areas; (2) retention ponds for all waste water and rainfall runoff contacting animal wastes; (3) application of liquid wastes to agricultural land, and (4) application of solid wastes to agricultural land.

The department, by state statute, has the prerogative to vary pollution control requirements to conform with the need for control at each specific site based on professional engineering judgment. There are feedlot sites that have not required control facilities due to topography and location. An example of this is where the feedlot is located at the high point and in the middle of a section of land which is terraced and under irrigation. The feedlot area involves approximately 10 acres, 2500 head, and waste water runoff is satisfactorily retained on the operation's cropland.

Feedlot pollution control design factors

Economic factors have considerable weight in determining feasible control measures for feedlot wastes. Conventional physical, chemical, and biological methods of waste treatment have been determined to be prohibitive by virtue of their cost. Kansas has taken the approach of returning the waste by-products to the land in concentrations conducive to maintaining the balance of nature.

The normal minimum requirements for retention pond volume is based on the maximum 24-hour rain which can be expected to occur once in 10 years using a runoff coefficient of 0.8. Because runoff from feedlot surfaces will result in the suspension and carriage of considerable manure and silt, a minimum of two retention ponds in series is required. The first pond is designed as a sedimentation pond with configuration conducive to removal of solids by pumping or if necessary by truck-mounted dragline. The first pond is necessary to protect the integrity of the second pond and no volume credit is given for this runoff retention requirement. This first pond is sized at approximately 10% of the volume of the second pond. Unusual or critical downstream locations of beneficial water use such as fishing ponds or water supply ponds will require greater retention volumes.

Liquid wastes from retention ponds are applied to agricultural land for the production of crops. Based on rainfall duration data for Kansas, we have established the objective to dewater retention ponds in five days allowing as much as a week to 10 days for soil to dry after significant rainfall has occurred. Pumping equipment is sized to provide delivery to the irrigation land on this basis. A minimum of two pumps is required where a capacity of more than approximately 500 gpm is needed. An appropriately sized pump is also required for the sedimentation pond.

The liquid waste contains the crop nutrients nitrogen, potassium, and phosphorus. It is intended to irrigate cropland so that these nutrients will be taken up and kept in balance with crop yield. Based on existing data of waste characteristics as reported by Shuyler,[1] the liquid wastes can be expected to contain ±500 lbs N, 70 lbs P_2O_5, and 380 lbs K_2O per acre-foot.

Tremendous quantities of manures are generated in animal feedlots and must be removed and disposed of in a manner which will not be detrimental to water or other environmental factors. Solid wastes from cattle are generated at a daily rate of ±30–40 lbs per day net weight. The usual practice of solids removal from feedlots is to scrape the surface to firm ground upon completion of feeding of a pen of cattle. The solids have accumulated for a period of 100 to 120 days. It is not too unusual to allow solids accumulation within pens to continue for two or three pen turnovers for reasons of inclement weather or lack of employee time. Due to the extended periods of time the solid wastes accumulate within pens and the fact that varying quantities of soil are intimately mixed with the wastes, the pollution characteristics and nutrient content of removed wastes are also highly variable.

In general, the requirements for solid waste utilization for crop production are as follows:

1. Application to cropland is normally limited to 20 tons per acre per year. In cases where cropland has been scalped in land leveling, these areas can receive as much as 200 tons per acre for the first year.

2. Solid wastes cannot be placed on the land used for liquid waste irrigation unless the combined nutrient value is kept within crop production requirements.

3. Solid wastes applied to land must be turned under as soon as practicable. The department considers a period of less than two weeks as an acceptable time period between land application and the turning under of wastes.

4. Solid wastes should not be applied to land surface during periods of wet weather. It is preferable to stockpile wastes removed from lot surfaces and make land application during dry soil conditions immediately prior to the normal time for plowing the field.

Cost factors for pollution control of animal feedlot wastes vary greatly in Kansas. In cattle feedlots ranging from 5,000 head to 40,000 head capacity, the average installation cost for pollution control has been $2.45 per head of lot capacity. The cost range has been from a low of $0.37 to $9.20 per head of lot capacity. These figures do not include the cost of land used for irrigation because the land is used for crop production in addition to waste disposal.

Pollution by agricultural land

Kansas has partially completed a study of a river basin that has characteristics rapidly becoming unique. Soldier Creek basin in northeastern Kansas consists of approximately 290 square miles of drainage area and does not contain a feedlot, industrial waste discharge or municipal waste discharge in the entire basin.

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[1] Shuyler, Lynn R., "Using Feedlot Waste"; Kansas Engineering Society Seminar on Design for Feedlot Waste Management, January 1969.

Stoltenberg[2] reports that there is considerable effect on water quality of the basin as a result of rainfall runoff from cultivated land, pastureland, and woodland throughout the basin. Agricultural chemicals produced pollution in the stream in the form of phosphate and nitrogen equal to approximately 30% of the annual applied quantity. Bacterial standards established by the federal government were exceeded between 30% and 40% of the time.

Water quality in Kansas rivers is poorest during periods of rainfall runoff as it relates to turbidities, dissolved oxygen, phosphate, nitrogen, and bacterial concentrations. Kansas transports as much as 30 million tons of sediment per year via rivers and streams, significantly affecting the quality of water.

Quantitative effect of agricultural pollutants

The gross effect of common pollutants associated with agriculture in Kansas waters is significant when compared with the contributions of the state's population of approximately 2.25 million persons. This comparison is provided as follows:

Pollution source, pollution parameter, and approximate population equivalent

Domesticated animals, BOD (organic strength), 100,000,000. Nitrogen, 160,000,000.

Agricultural fertilizers[3], Nitrogen, 72,000,000. PO$_4$, 21,000,000.

Silt (30,000,000 tons/yr), BOD, 11,500,000.

CONCLUSION

We have in many ways abused our environment to the overall detriment of man. We must provide the necessary measures for environmental pollution control not only if man is to survive, but if we are to fully enjoy our existence.

There is another environmental danger of equal importance facing us today, i.e. over control of environmental "pollution." If the nebulous nature of the word *pollution* is not recognized and careful analysis of associated facts provided, tremendous economic repercussions can occur.

The trend today is to establish pollution control standards on a uniform basis without regard to inherent characteristics of a given area, the ability of nature to neutralize certain pollutants without damage, or the net effect of controlling a pollutant when it is but a small percentage of the pollutant from uncontrollable natural sources.

Little or no consideration has been given to the fact that one could become so obsessed with the control of pollution from land runoff that the costs of control would exceed many times the value of the land or value of returns from crop production. Rivers and streams are subject to nutrient and bacterial pollution from land runoff from cultivated land as well as natural grossland or forest land. The common bacterial pollution indicators—coliform, fecal coliform, fecal streptococcus, and salmonella are widely distributed throughout nature and particularly in soils necessary for cultivated agriculture. There are between 500 million and 5 billion living organisms in one gram of good agricultural topsoil. If this were not true there would be no capability for crop production. A sterile soil is a non-producing soil.

It is estimated by soil experts that if 100% of the known feasible soil conservation measures were implemented throughout the nation it would reduce by only 50% the total pollutants. I am firmly convinced that before man dominated the area now known as Kansas that the present water quality standards were exceeded.

If we are to have meat in our diet as a source of protein, we must provide certain restrictions on the waste products. With the present state of the art as it relates to confined animal feeding it is not possible to provide 100% control within economic means. It is possible to control pollution factors within reason by intelligent location and recycling waste byproducts.

We must learn to control environmental pollutants in conformance with inherent characteristics of a given area. Is it reasonable to provide pollution control beyond the point of determinable benefits or if uncontrollable sources negate benefits?

A medical patient who is not hypersensitive to penicillin, when given less than an adequate amount of this antibiotic will succumb to the disease; when given the proper amount he will be cured, but when given an overdose will succumb to the antibiotic.

Many persons today are becoming concerned with the emotionalism and in some cases fanaticism evident in the ecological movement. There are many obvious violations of nature for which we can provide control measures within economic reason. All of us must recognize and respond to our responsibilities in environmental control.

I would urge the Farm Bureau and all other organizations to formulate pollution control support and take an active part in seeing that standards are adopted which are needed, that will provide benefit, that are based on facts, and that are not enhancement for the sake of enhancement. No one standard can *truly* be right under all conditions and in all areas.

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[2] Stoltenberg, Gerald A., "Indicator Organisms, Oxygen Levels and Fertilizer Components in a Farmland Stream"; M. S. Theis, Dept. of Civil Engineering, University of Kansas, 1970.

[3] The quantity of fertilizers for the entire state assumed to be entering river basins has been determined by assuming that all drainage basins in the state contribute quantities proportional to the areal measurements observed in the Soldier Creek Basin.

CONGRESSMEN, STUDENTS MAKE EDUCATIONAL FILM

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. FORSYTHE. Mr. Speaker, I want to welcome today a group of high school students and their advisors, who together with several New Jersey Congressmen, made an educational film here in Washington to be shown in New Jersey high schools.

I wish to extend my sincere compliments to the students, some 30 of whom traveled from Burlington, N.J., this morning to participate in this exercise of government.

In addition, I want to express my thanks to those House Members who were able to participate and help the students in their worthy cause.

The Institute for Political Education at Burlington City High School won a $1,000 "minigrant" from the State Education Department for the project. Mr. Barry Lefkowitz, founder and director of the institute, directed the film and Henry Ciurley, Philadelphia, an instructor at Burlington City High, was the staff coordinator. The students themselves wrote the entire script.

These dedicated men have devoted many hours to helping interested high school students learn about and become involved in governmental and political activities.

The film was made in a subcommittee room here on the Hill, with students acting out the role of Congressmen in legislative deliberations.

Meanwhile, our House Members explained, in the film, technical and parliamentary procedures, so that high school students will learn—directly from their Congressmen—the finer points of legislative procedure.

I think this method of learning by doing and learning by seeing is tremendously beneficial for both the students and adults. I sincerely hope that New Jersey schools will make good use of the film so that our students of government can widen their knowledge of their Government in an interesting and informative way.

Mr. Lefkowitz, presently dissemination specialist for the Urban Schools Development Council, Trenton, N.J., founded the institute in 1968.

Presently 30 interns participate in the institute, with jobs every Friday in city, county, or State government. In addition, there are some 70 associate interns who attend traveling training sessions and who work on special projects.

The institute also provides various services for both political parties and the community.

In addition to expressing my appreciation to Mr. Lefkowitz and Mr. Ciurley, I would also like to thank the Educational Improvement Center for providing media support services for the film.

GREATEST OF ALL U.S. INDUSTRIES AT BOTTOM OF THE ECONOMIC LIST

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. ZWACH. Mr. Speaker, in 1969, all manufacturing corporations earned 19.9 percent net profit before taxes on an investment of $296,000,000,000.

All durable goods manufacturers earned 21.5 percent net profit before taxes on an investment of $149,200,000,000.

Food processors had a net return of 22.4 percent and food distributors 23.6 percent.

In the same year, America's very largest farms earned 0.9 percent net profit before taxes on an investment of $113,180,000,000.

Our largest farms, a third of the total number of farms in the country, earned 1.6 percent net profit before taxes on an investment of $156,000,000,000.

We are not saying the net returns for the food processors or for industry are too large. They need the profits they are making in order to pay taxes and dividends and keep their industries healthy.

The absurdity of the situation is the meager and bankrupt share the farmer receives for the leading role that he plays.

What logical justification is there for the greatest of all U.S. industries to be at the bottom of the economic list when it comes to receiving a fair share on investment.

R. W. GRIFFITH—AN EXEMPLARY EDUCATOR

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. GRIFFIN. Mr. Speaker, a week ago today, on December 9, 1970, R. W. Griffith retired from his post as assistant State superintendent of education in Mississippi.

For a period of 50 years, beginning in 1920, Mr. Griffith devoted himself to the goal of quality education in Mississippi. He has served as schoolteacher, college professor, school principal, school superintendent and, finally, 26 years as assistant State superintendent of education.

R. W. Griffith is a gentleman in every sense of the word, and one of the most dedicated public servants in America.

He has been an inspiration to his associates, teachers, and pupils. Additionally, he has given freely of his time and talents to various aspects of freemasonry.

There are many adjectives that might describe R. W. Griffith's life and character, and it would take many pages to sketch his good deeds.

In the interest of brevity, I will merely say that he is a totally selfless person and has contributed greatly to the enlightenment of mankind.

Mr. Speaker, I consider myself fortunate to know R. W. Griffith; and, in his retirement from his official duties, I wish him well in all endeavors.

As symbolic of the great and high esteem in which R. W. Griffith is held by his fellow educators, I include two articles written in tribute to him. The first is from the Mississippi Education Advance published by the Mississippi Education Association, and the second is from "Education in Mississippi" published by the Mississippi Department of Education.

The articles follow:

R. W. "RUBE" GRIFFITH RETIRES FROM SDE

To most of us in the State Dept. of Education, he's "Mr. Griffith." To some, he's "Mr. Grif" or "Little Chief." To many former students and fellow workers throughout the state, he's "Prof." But to all of us, he's been the person who was ready and willing to listen to problems—little or big ones.

Perhaps the most inviting spot in the SDE for many years has been the East Room of Suite 209, Woolfolk State Office Building. Not only because of Mr. Grif's warm welcome to anyone who came to his office, but because of a little old rocking chair.

During the days when surplus property was being distributed to schools and institutions, an ordinary looking cane bottom rocking chair found its way to the second floor of the Old Capitol where the SDE was housed at that time. No one seemed to want it, so Mr. Grif rescued it and put it in his office. Everyone laughed about him and his rocking chair!

When we moved into the new, then elegant Woolfolk Building in 1949, everyone was trying to "shine up" the old furniture or buy a few new pieces as the budget allowed. We wondered what Mr. Grif would do with the rocking chair—it would look odd in that new, modern building! When the moving van arrived with our furniture, there was the rocking chair—he hadn't left it behind.

From that day to this, as you pass Mr. Grif's office door you'll see someone occupying that chair, perhaps discussing a serious legal school problem, or maybe just passing the time of day.

But you can see, as our beloved "Mr. Grif" joins the ranks of the retired, the rocking chair will not be new to him. Besides, I believe he'll find himself so busy he won't have time for a rocking chair.

Knowing him as I do, he won't say "no" to any request for public service. It's my guess that many individuals and organizations will be calling on him for the wonderful contribution he can continue to make to the people of the state.

PACESETTERS

R. W. Griffith planned to study law, ran short of funds, and went into the education profession by accident, but "By Ned, if I had to do it over again, I'd choose it on purpose!"

His career started in 1920. His retirement on Dec. 9, 1970, marked one half-century of distinguished service to education in Mississippi.

On November 24, many of the thousands of friends he has made during his 70 years attended the retirement banquet for Griffith, assistant state superintendent of education for the Mississippi State Department of Education since 1944.

Special guests, gifts, entertainment, and tributes to Griffith's career were featured at the banquet.

During his career Griffith has served as assistant to three state superintendents of education. He was appointed to his present position by Superintendent J. S. Vandiver in 1944, then served under Superintendent J. M. Tubb for some 23 years until Tubb retired. Since 1968 he has worked in the same capacity for Dr. Johnston.

A Monroe County native born and reared near Aberdeen, Griffith spent his entire career in Mississippi. For eleven years he taught history at Miss. Heights Academy in Blue Mountain, as well as during summer sessions at Blue Mountain College.

A holder of both bachelor's and master's degrees from Ole Miss, as well as a law degree (received in 1959) from the Jackson School of Law, he became superintendent of Tippah-Union School, Cotton Plant, in 1933.

After five years there he was named superintendent of the Ripley Municipal Separate School District. He was named assistant state superintendent of education by Vandiver in 1944, after six years at Ripley.

Among his most pleasant memories are his associations with the "chiefs" (state superintendents) and with state department staff members, referred to by him as "the cream of the crop."

Mrs. Griffith, the former Miss Clara Rivers of Marks, teaches piano in their home and has taught voice and music there "for the last decade or two."

His retirement plans are indefinite, but one thing is certain—he will remain active. First on his list of things to do is writing a chapter on the history of public education for a two-volume work being produced by the Department of Archives and History.

Then he plans to write a "well-documented, authentic biography" on each of the state's 15 state superintendents of education, beginning with "Connecticut Yankee" H. R. Peace in 1870. This work will be complemented by a biographical sketch of all of Mississippi's assistant state superintendents of education since the first one, W. N. Taylor, in 1916.

PETITIONS RULES COMMITTEE TO RECONSIDER CONSUMER PROTECTION ACT OF 1970

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. STOKES. Mr. Speaker, I recently joined a number of my colleagues in petitioning the House Rules Committee to reconsider the proposed Consumer Protection Act of 1970—H.R. 18214. This particular legislation represents the most comprehensive consumer safeguards that the House of Representatives has ever had the opportunity to offer the American public.

The American consumer is in desperate need of immediate assistance. Despite the enormous resources and expanded facilities of our modern, giant industries, an increasing number of manufacturers have continued to market dangerous or defective products. In addition, countless individuals unknowingly invest substantial sums of money in faulty, worthless goods pandered to them by marginal sellers giving various degress of assurances about the merchantability of the items.

The average citizen has few practical means of insuring the quality of his purchase and little hope for retrieving any lost investments. Too frequently, these sharp practices result in serious financial problems for the hapless buyer who finds himself with a useless product, a disappearing seller, and an unemotional holder of his purchase obligation who could care less about the seller's prior transgressions.

Equally alarming are the widespread instances of physical injury. The National Commission on Product Safety, for example, has reported that 30,000 citizens are killed every year, and 110,000 permanently disabled merely because they bought or used consumer products that were unsafe.

The Commission further disclosed that 15,000 children are killed annually by hazardous toy products—another 17 million children are injured seriously enough to restrict normal physical activity.

The consumer's tragic situation reflects several things: various manufacturers have been remiss in their obligation to observe certain minimal safety standards; Federal controls on consumer products have been inadequate; and the consumer's interests have not been sufficiently represented before policymaking agencies of the Government. As our corporate network widens and the volume of consumer merchandise increases, we must expect a proportional rise in the amount of dangerous or worthless products on the market. The sheer magnitude of this problem is, in itself, a mandate for immediate legislative relief.

Traditionally, the destiny of the American consumer has rested in the hands of the Federal Trade Commission and the Food and Drug Administration.

These agencies, however, have failed to exercise their full authority and have not imposed any substantive safeguards for the great majority of consumers.

H.R. 18214 represents the most complete protection to be offered the consumer since he first attracted the attention of the Federal Government back in 1962. This bill would create two full-time Federal consumer offices to provide a wide range of vital services to the American public.

The proposed Office of Consumer Affairs would sponsor and coordinate consumer education programs and conduct conferences, surveys and other forms of research for diagnosing the specific safety needs of consumers. In general, this office would establish open channels of communication between all governmental consumer agencies.

Of even greater importance is the proposed Consumer Protection Agency. This agency would have the authorization to subpoena witnesses, copy documentary evidence, receive depositions, and to formally represent the consumer's interests in proceedings and investigations before Federal courts and agencies. This office would essentially become the watchdog of consumer rights.

In the past it has been the responsibility of private individuals or consumer groups to initiate legal action against fraudulent retailers and distributors. This is a costly, time-consuming pursuit for the average citizen. This legislation, however, would facilitate Federal intervention on the purchaser's behalf. The Consumer Protection Agency could alleviate much of the legal burden now borne by the consumer and insure that his point of view will constantly be under consideration in those governmental decisionmaking processes which so dramatically affect his financial welfare.

H.R. 18214 would provide a full-scale, on-going program of consumer protection while coordinating the activities of all existing Federal consumer offices. The American public is very much entitled to the most extensive protection that our Federal Government is capable of providing. I realize that this legislation would not fully resolve the problems of the everyday shopper, but it would certainly provide a variety of important benefits that do not presently exist.

GUARDIAN OF A FREE PRESS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. HANNA. Mr. Speaker, one of the most distinguished and outstanding newspapermen of this hemisphere recently celebrated his 90th birthday. This remarkable gentleman, Dr. Luis Miro-Quesada De la Guerra, a great Peruvian, achieved this landmark on December 5, 1970. He has been publisher and editor of Peru's topflight newspaper, El Comercio, for some 40 years.

I have had a number of reports about this remarkable guardian of a free press. They all testify to his devotion and dedication to the people of Peru in their struggle for a better life through free institutions. He has visited the United States on many occasions and a number of his children and grandchildren have been educated in our country.

Mr. Speaker, we can only admire men of advanced age who still do a day's work, make their contributions to the society in which they live, and keep on fighting for their principles.

I am reminded of what the 90-year-old father of a friend used to say, "I am not 90 years old, I am 90 years less young." So, we salute and pay a tribute to Dr. Miro-Quesada, who is not 90 year old, but 90 years less young. May he celebrate at least 10 more anniversaries.

REFORMS OF CONGRESS NEEDED TO MEET NATION'S PRIORITIES

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. JACOBS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following excellent feature which appear in the December 10 issue of the Louisville Times.

In it, my colleague from Indiana, LEE H. HAMILTON, calls for meaningful congressional reforms to enable this body to deal more effectively with the national budget—the vehicle for national priorities.

This discerning look at Congress' shortcomings in dealing with the annual budget, and the need to correct this situation, deserves the attention of each of us. The article reads as follows:

REFORM-MINDED HAMILTON MOVED BY VOTERS' TROUBLED MINDS

(By Ward Sinclair)

WASHINGTON.—As he campaigned around the 9th Congressional District of Southeastern Indiana this fall, Rep. Lee H. Hamilton kept hearing the same bothersome refrain.

"Why don't you fellows ever solve any problems? All you do is talk," was one way that Hamilton's constituents expressed their displeasure with Congress.

Or it would come in a more discreet, less-straightforward fashion, with people wryly commenting that "the list of problems seems to get longer and longer, doesn't it?"

What is bothering 9th District Hoosiers about Congress is much the same thing that bothers Hamilton, who last month was reelected to a fourth term in the House.

"Many people are dissatisfied with Congress," the Columbus Democrat said in an interview the other day. "They wonder why we can't deal with specific issues like hunger, poverty and pollution."

Hamilton talked about these issues during his campaign and he talked about the need for Congress to join with the administration in setting national "priorities."

"This drew a response from the voters," Hamilton said. "It has an immediate logic . . . they like it, because they know we're not doing the job now."

A CHAMPION OF REFORM

The structural deficiences of the House of Representatives long have nagged at Hamilton, who during the past several years has been a part of the small but growing band of reform-minded Democrats and Republicans whose cries are being heard and heeded.

The establishment of "priorities," in Hamilton's view, run hand in hand with the issue of reform of the House's cumbersome way of going about its business.

Congress this year passed a legislative reorganization bill that is designed to modernize some of the antiquated procedures, but it didn't get in to the matter of priorities.

"The disturbing thing," Hamilton said, "is that we don't seem to deal effectively with this question . . . we debate specific matters but we don't deal with priorities in the congressional calendar."

He believes that Congress must go beyond the basic reforms to make itself an effective legislative body, fully sharing with the executive a role of co-equality in government.

Just what does he mean when he talks about priorities?

Hamilton is talking really about putting first things first—and then allocating national resources in a way that will allow the country to go about achieving the goals it has set for itself.

"The debate over national priorities occurs as the President and Congress act on the national budget," he said. "Insufficient attention is given to the size and composition of the federal budget, which is the vehicle for priority decisions."

Sheer size and complexity of the annual budget are one thing. The other, in Hamilton's view, is that Congress abdicates its responsibility by being unable to deal with the President's budget in a comprehensive way and by being unable to offer alternatives.

CONGRESS OWN BUDGET SUGGESTED

Hamilton strongly advocates that Congress draw up its own budget, a proposal offered several years ago by Hoosier Joseph Barr, who was briefly secretary of the Treasury at the end of the Lyndon Johnson administration.

"This demands an analysis of the economy," Hamilton said. "We would decide for ourselves if the budget ought to be in deficit or surplus . . . (and) congressional committees could work in a framework of a total-budget picture."

As a system now works, two major House committees—Ways and Means and Appropriations—hold the bulk of the fiscal power in Congress. Ways and Means devises ways to raise funds to operate the government; Appropriations decides how the money will be spent.

"These fund-raising and spending functions are never brought together," Hamilton noted. "And the other committees now do not see how their work deals with the economy, because each goes its separate way."

Hamilton suggests creation of a congressional budget; utilization of computers and data-processing to assist Congress in sorting through its task; and formation of a committee, adequately staffed, to weigh revenues and expenditures and propose alternatives to the Executive Branch's spending proposals.

The idea, of course, would be to give Congress a larger role in determining, along with the Executive Branch, which should be the "first things" the nation should address itself to.

Not that this is so very radical, as Hamilton points out.

Even under present conditions, he noted, "The extent of agreement on policies is striking, and Congress rarely alters the President's budget by more than 5 percent.

"Although the President attacks Congress for overspending, in each of the past 25 years the President has wanted to spend more money than Congress was willing to appropriate," he continued.

"Last year, Congress reduced President Nixon's spending requests by $6.4 billion and the Congress will reduce them again this

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year. I have supported these reductions," Hamilton said.

HARD-PRESSED TO OFFER ALTERNATIVES

He pointed out that "the deficit last year and the expected one this year are not due to overspending but primarily because of revenue shortfalls due to a faltering economy."

But that, again, leads Hamilton back to priorities, which he contends are "still out of line . . . presidential requests for spending on space exploration this year were three times those for pollution-control or crime-reduction."

He said that President Nixon vetoed as inflationary congressionally approved funds for education, clean water and health care, and opposed increased money for crime-control.

"I reject the logic which says that a dollar for education, clean water, better health care, and anti-crime efforts is inflationary, but a dollar for supersonic airplanes, subsidies for corporate farms, defense-cost overruns, ailing railroads, and foreign aid is not inflationary," Hamilton argued.

But because it deals with the President's budget in bits and pieces, rarely, if ever, reviewing the total program in terms of priorities and goals for the nation, Congress is "hard-pressed" to offer alternatives.

As Hamilton sees it, one of the solutions is the adoption by Congress of procedures to permit it to review national fiscal policy in a "total way," which means "examining the impact of the President's proposed revenue and expense estimates, cutting out duplication of effort and presenting alternative proposals."

Large as this order might seem, Hamilton is optimistic about change. Minor reforms adopted by Congress and more that loom for the immediate future—all spurred by impatient younger members, who are in turn spurred by public sentiment—give him cause for hope.

"I'm optimistic," he said. "In 10 years, I think, you'll hardly recognize the House. Pressures are building in the academic and professional community. Reform often comes from without."

THE WELFARE FURNITURE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. RARICK. Mr. Speaker, our latest boondoggle by the Federal Government is entering the low-cost furniture field with taxpayer grants to encourage design and the consideration for free furniture.

Both HEW and HUD are competing for the street support by subsidizing this latest gift program. If, as they suggest, there are so many people living on welfare in public housing developments who cannot afford contemporary furniture, it would readily appear that the furniture manufacturers themselves would recognize this market and pursue it on their own. That is, "if" for the only reason the free enterprise system has not pursued the low-income furniture market on its own is that none exists—except in the fancy of the experts and bureaucrats.

Next, we will find the taxpayers footing the bill for furniture stamps to allow the "poor" extra buying privileges on the furniture market in competition with the working people of America.

I include a related newsclipping which follows:

[From the Evening Star, Nov. 12, 1970]

LOW COST DESIGN

People living on welfare or in public housing developments obviously cannot afford expensive furniture. If anybody's doing anything about that fact, questions arise: Who should get free furniture? And what kind of furniture should be made available at low or little cost?

Two different branches of the federal government have decided to make those questions their business.

The Department of Health, Education and Welfare has matched $100,000 raised locally to provide simple furniture—chairs, beds, kitchen tables—for families on welfare whose children are currently sleeping on floors and eating off boxes.

And the Department of Housing and Urban Development has given a $90,000 grant to fund a study on low-income furniture, through the Center for Metropolitan studies. In the study project, the first step is already under way—a furniture design contest. "We're asking for designs that serve basic needs—for both children and adults—serving, seating, sleeping, storage or combinations of these," says Erma Striner, who's in charge of the project.

Criteria in the competition call for designs which are aesthetically pleasing with a concern for stability, comfort, durability, economical production, multi-purpose flexibility and space saving.

Open to architects, furniture manufacturers, students, or anyone else, the competition will recognize outstanding existing designs that could be economically adapted as well as innovative ideas for furnishing the housing of the future.

The reaction of manufacturers that Mrs. Striner has approached have "so far been enthusiastic about the potential new market." She expects to discuss the project with distributors as well.

An advisory panel of 14 members from related fields has offered comments and endorsements as the project proceeds. Among the distinguished participants are designer Charles Eames, black furniture manufacturer Alexander Turner and Alvin Schorr, Dean of the New York University School of Social Work.

The project grew out of another grant Mrs. Striner received from the National Endowment for the Arts to research interior space in public housing and recommend ways to make it more livable, which was described in HOME last March.

The HEW project takes a different approach—working with what already exists. Local business men have volunteered to act as buyers, and buy certain furniture wholesale from manufacturers or distributors. "Beds are the main problem, a lot of children are still sleeping on the floor," said Taft Holland of the Department of Human Resources, which is working with the Health and Welfare Council to put HEW's plan into effect.

"We've had meetings on the types of beds we'll use—for example, Hollywood beds with legs screwed on wouldn't do. Well-made, sturdy, double, single and bunk beds are what we need."

When asked who would select the furniture to be bought, Holland replied that "Price will select it. We'll get the best quality we can for the price. Because we'll get it at cost, you see."

Seymour D. Wolf, of American Wholesalers, the parent company of Serta mattresses, said that his firm was happy to sell their products to the government at cost for the families on welfare. "We got the permission of our customers, the retailers, first. They're a very idealistic group of people," he reported.

BOMBING OF NORTH VIETNAM

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. FISHER. Mr. Speaker, Mayor Sam Yorty of Los Angeles has for a long time been a widely recognized authority on the subject of communism and the designs of the Communist aggressors in Vietnam. In a recent release he discussed the bombing which was provoked by the enemy action in shooting down an unarmed American reconnaissance plane, and also the heroic effort to rescue American prisoners of war.

Under leave to extend my remarks, I include the remarks made by Mayor Yorty. The release follows:

STATEMENT BY MAYOR SAM YORTY IN CONNECTION WITH THE RECENT BOMBING OF NORTH VIETNAM BY AMERICAN FORCES

An unarmed American reconnaissance plane was recently shot down over North Vietnam with possible loss of an American pilot whose mission posed no threat to the Communists, but rather was flown to guard against further surprise treachery against American and Allied forces defending free Southeast Asia against Communist aggression.

If the Communists were allowed to get away with this treachery without retaliation, the skies over Communist North Vietnam would soon be barred to reconnaissance and the Free World forces would be blinded to Communist aggressive plans. We must not permit this to happen.

The President has ordered a response in the only language the Communists understand—swift and powerful retaliation. In doing this, he deserves the support of all Americans who do not want our forces exposed to blind risks with the potential for high loss of American and Allied lives.

It is shocking, therefore, to see American Senators, one touted as a possible Democratic Presidential hopeful, join Communists in Hanoi and Peking in denouncing the President's prudent and timely show of strength and courage.

These Senators, irrespective of their motives, are encouraging the Communists to think they can count upon such Senators to pressure the President into a posture of weakness, conducive to the Communists' desire to force us to give up our vital reconnaissance protective flights, and risk surprise attacks, possibly straight through the demilitarized zone or in other places chosen by the Communists.

It is time for all courageous and thoughtful Americans to counter the weakness of the so-called Doves who criticize every show of courage and strength by our nation. Weakness on our part will only encourage the Communists to prolong their aggression in Southeast Asia and become more bold in other areas.

This would be a fitting time for the so-called Doves to cease political harassment tactics against the President and help present a united front against Communist intransigence, subversion and aggression aimed at the United States and our Free World Allies.

For the best interests of our nation, it would help if they would put politics aside, at least for awhile, and let the Communists come to realize that they cannot win a victory over us in Southeast Asia by undermining our foreign policy and destroying our unity and resolve here in the United States.

The Communists have lost on the battlefield. We must not let them snatch victory through our home front disunity or even be misled into thinking they can do so by politicians apparently more concerned with their own political power or myopic view of the world than with confronting the Communists with a firm show of American courage, resolve and unity.

THE LATE HONORABLE MARCELLUS J. MOSS

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. CRAMER. Mr. Speaker, I have the honor and privilege of counting among my close friends in Florida, Mr. J. J. Moss, Jr., an outstanding citizen of Orlando, who is noted for his many contributions to the community over the years, and who has proudly managed his own real estate firm in Orlando for 45 years. Mr. Moss is the son of the late Honorable Marcellus J. Moss, a distinguished and famous "Kentucky Mountaineer Judge." His son is justifiably proud of his late father, and recently sent me an article on the judge which appeared in his hometown newspaper in Pineville, Ky. Only two of Judge Moss' sons are now living, one being my friend in Orlando, and, upon his request, I am happy to submit for the RECORD the article from the Pineville newspaper on Judge Moss' life entitled, "This Is the Story of a Famous Kentucky Mountaineer Judge," by Dale L. Whitehurst, a writer for the Chicago Tribune. Believing my colleagues will also be interested in reading the story of this famous and successful "pioneer judge," I take this opportunity to insert the article in the RECORD:

THIS IS THE STORY OF A FAMOUS KENTUCKY MOUNTAINEER JUDGE

(By Dale L. Whitehurst)

In the Mountains of Bell County, Kentucky, in 1854, a young Mountaineer entered the world, desiring and declaring he wanted to become a Lawyer. He was named Marcellus J. Moss.

He studied in a log school till he reached the age of 18 years (8th grade) where he fell in love with his teacher, and within a year he married the teacher, Sarah Bingham.

After a year reading law in his Uncle's office, he asked to take the bar examination—and passed it too.

His first case given him by appointment of the Circuit Judge to defend a man indicted for murder. Some drunk man broke into his house, attacked him and his wife, and the fellow was forced to shoot him in self-defense, and killed him. The Jury agreed it was in self-defense, and cleared him of the charge.

In the early days, the attorney was called a Judge. He said "Judge I ain't got no money, but I got a tract of 25 acres on the hillside over yanner, and I'll deed that to you for saving my life."

The Lawyer thought that was better than nothing and accepted the piece of land. Five years later "The Judge" attorney had saved $1,500.00 and let a contract to build a 10 room frame house. He said to the contractor, "whatever plan my wife wants, is alright with me, but I want a privy in the house, I'm getting damn tired of sliding down the hill, ice and snow on my thin bottom, and the three holer is too far from the house."

In that house, built for $1,500.00 three sons were born, as well as three daughters, who reached the age of 80 years.

Fame piled up rapidly for the Judge. He was elected Circuit Judge for Harlem, Latcher, Perry and Bell Counties, where he rode horse back from Pineville, his home, to Harlem 35 miles in one day, held court 2 weeks, and then on to Whitesburg in Latcher County 39 miles, and the same court and held court for another 2 weeks, then on to Hazard in Perry County 45 miles for another 2 weeks of court, then some 50 miles home to Bell County for his own County session twice yearly for 20 years.

Fame and success always walked hand in hand for the Judge. He picked up all the land he could buy, always on a long term Mortgage note. He believed in keeping three sons busy. Their first job was walking 4 miles to the Mines, carrying their lunch, getting there by 7 A.M., and white washing the houses, and taring the roofs, then walking back home another 4 miles.

All this went on during the summer, including weeding the garden and orchard.

School required a walk of 5 miles to and from, home for dinner and back within the hour.

The Judge became a pretty crafty wheeler and dealer in the Republican politics. He became the man to see.

During the famous Teddy Roosevelt-William Howard Taft campaign in 1912, in which Roosevelt attempted to come back, failed, but carried President Taft down in defeat with him, both men were guests at the Moss home for the night. Teddy came first on a regular train. He was in rare form, calling Taft, a living replica of a pregnant woman, adding caustically that he walked like he was full of gas. When President Taft arrived he responded in the same vein of sarcasm by saying that Teddy Roosevelt was the world's champion in fooling the public and making people believe that T. R. stand for Teddy Roosevelt, but we who know him say it stands for "Tain't Right."

On the Judge's salary he educated his six children.

While on his death bed in 1928 he called in his three sons and said, "Sons, if you always wear a big smile and be considerate of others, it will carry you a long way through life."

Twelve years later, his wife, Sarah, passed away. So the old Moss home in Pineville still stands in its veiled glory long after those who came and visited. Perhaps no other person ever described it more poignantly than the old Black Mammy, who served the Moss' for 30 years, when she said, "Dat ol house kin stand a heap of ponderin." She was so right. The three sons are still going strong, the oldest White L. studied law, but never practiced, was nominated for Governor of Kentucky, but would not accept anything but management for the Republican Nominee, who was defeated. White spent 10 years in the State Senate. Later he went to Jacksonville, Florida where he became President of Penisular Life Insurance Company and following this with the Presidency of Suwannee Life Insurance Company.

The second son, Ray B. went into Politics and spent 20 years in the State Senate, serving under 5 Governors. He lives in Pineville. Kentucky his home town.

The third son M. J., Jr. went to Orlando, Florida and engaged in the Real Estate business where he accumulated extensive holdings. He spent 40 years trying to build up the Republican Party and make it respectable to join. Just recently he was cited by the Governor of Florida for his 40 years working for the Republican Party.

On September 4, 1969, the two younger brothers went to Jacksonville to help celebrate the oldest brother's 86th birthday. Many tales were related of how the Judge ruled his three sons in their boyhood days. He one time caught them smoking his Election cigars behind the barn and made them come down to the parlor and smoke until they were sick. After that sick spell two of them didn't smoke for 40 years and the youngest never smoked from that day to this. Also how the Judge slapped the youngest son away from the dinner table for some disobedience, and how the two boys were stood up together and the Judge whipped them with a buggy whip, also how the Judge hitting his oldest son over the head with a small spool chair, when the son said "I'm 18 years old and don't have to ask permission to go out at night." The Judge didn't agree with him and caved his son's new derby.

All three sons have followed their Father's political footsteps, and have been quite active in their respective communities. The three sons have been Delegates to the Republican National Conventions since 1940.

In 1944, at Chicago, the three sons were signally honored as "being for the first time in Republican history, three brothers, from three different Congressional Districts, were delegates to the National Convention."

FEDERAL JUDGES AND THE RULE OF LAW

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. SCHMITZ. Mr. Speaker, during most of the history of our country, it was our proud and in large part justified claim that we had a government of laws and not of men. Our Federal and State statutes were adopted after open, public debate in legislative bodies whose members were elected by the people and responsible to them. Once enacted, they were then applied to specific cases by the courts in accordance with rational, well-understood and essentially unchanging principles of legal interpretation. The judge's task was not to make law, but to find it.

This did not mean that nothing in the law could change. Congress and the State legislatures could pass new statutes at any time, so long as they were in harmony with the Constitution; and the fixed principles of legal interpretation could be and were used to build whole new structures of case law in new situations created by advancing technology, such as those arising out of the widespread use of the automobile.

Such was the system we had—the rule of law. Very few lawyers, legal scholars or even the most enthusiastic apologists for today's courts would claim that we have that system any longer. It has been replaced by the practice of deciding each case on the basis of the individual judge's vague and often ideologically tinged concepts of what is fair and socially desirable.

I believe—and am confident that a great many Americans believe with me—that the rule of essentially unchanging law is preferable to deciding cases in accordance with the personal theories of individual judges, even if well-meaning. But whichever system we adopt, we should at least recognize its consequences and make sure our judicial structure is reasonably adapted to it.

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The appointment of Federal judges for life, the many marks of special honor and respect which are accorded to a judge, and the absence of any direct political check on judicial authority, all grow out of the old assumption that judges find law, not make it—that they are primarily legal scholars rather than world-changers. These special privileges make no sense, in fact are clearly dangerous to a free society, if judges become activists competing with our elected lawmakers in trying to "reform" the country.

If it is no longer possible, at least at this point in history, to return to the rule of law in our Federal courts, then we certainly have the best of reasons for demanding that Federal judges be placed under the same sort of restrictions on arbitrary exercise of their power to make law that we place on our President and Members of Congress. The most obvious and necessary restraint is the elimination of automatic life tenure of office.

While the Constitution provides that Federal judges shall be appointed for life rather than for a limited term of years, it also states that they shall hold office only "during good behavior." Congress may and should use its Constitutionally specified procedures for impeachment to determine when a judge's behavior becomes bad enough to justify his removal from office. Impeachment is a proper remedy when a judge's statements and actions are such as to make him an open and active participant in the political arena and in controversies virtually sure to give rise to cases which will come before him for decision—such as those involving protest and revolutionary activity.

Supreme Court Justice William O. Douglas furnishes the clearest case of this kind. The pending whitewash by a subcommittee of the House Judiciary Committee is not going to silence the growing demand both in and out of Congress for the impeachment of this man who has become the outstanding example of the rejection of the rule of law and of judicial impartiality in the Federal courts today.

PRESIDENT OWNS UP TO ERROR

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. WOLD. Mr. Speaker, it takes a big man to own up to error. The President last Thursday night at his press conference again proved to be a big man when he said candidly that some of the off-the-cuff remarks he has made about some court cases should have been left unsaid.

Mr. Speaker, we all speak from time to time from heart instead of from the head. Presidents are no exception.

In the President's case, he came into office when crime in the Nation was and is epidemic. He is determined to bring it under control. It is in his thoughts a great deal.

When press stories—and trial by press is common in this country—imply day after day that a person is guilty, it becomes easy to discuss the case in terms of guilt.

The President, surely like all of us, would not consciously prejudge, and would certainly not seek to prejudice a case. It just happens he has spoken in terms all of us speak in. It happens also that as President he cannot afford to do so in front of a highly critical, constantly alert press. I am sure he will not do so often.

I am sure, however, that if he does, that while the pundits of the liberal press will be quick to criticize the error, the people will be just as quick to understand—and to forgive.

THE HIRSHHORN MISTAKE

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. GROSS. Mr. Speaker, the December 12 edition of the Des Moines Register contains an interesting story concerning the so-called Hirshhorn Museum which will shortly become a blight upon the Mall next door to the Smithsonian Institution.

I have complained before about the outrageous manner in which this museum was foisted onto the backs of the American taxpayers with the connivance of former President Lyndon Baines Johnson, and this article bears out my contention that it should never have been authorized.

The article mentions a still-unreleased report by the Subcommittee on Library and Memorials of the House Administration Committee which is apparently highly critical of the manner in which this alleged art gallery was promoted, and I congratulate its chairman, the gentleman from New Jersey (Mr. THOMPSON) for his work.

I would certainly hope that, as soon as the next Congress convenes, public hearings will be held to investigate fully the circumstances surrounding the acceptance of this man's collection, and the advisability of attaching his name to this museum.

I include the newspaper article for insertion in the RECORD at this point:

(By Clark Mollenhoff)

WASHINGTON, D.C.—New impetus was developing Friday to remove the name of Joseph H. Hirshhorn from the $15 million museum and sculpture garden being constructed on the Washington Mall.

The House subcommittee on library and memorials, headed by Representative Frank Thompson (Dem., N.J.), has written a still-secret report that is highly critical of the manner in which President Lyndon Johnson and S. Dillon Ripley, secretary of the Smithsonian Institution, pushed the project through Congress in 1966.

The report said that the question still remains "whether Joseph H. Hirshhorn was worthy of being memorialized on the Mall of the nation's capital in a position of prominence perhaps equal to the memorials of George Washington and Abraham Lincoln."

It points out that there has been testimony that Hirshhorn, a wealthy international speculator and art collector, "had been arrested twice during World War II for violations of Canada's foreign exchange laws and had come close to being indicted in New York for attempted stock fraud in 1950." He was convicted on the two Canadian charges.

Chairman Thompson and Representative Fred Schwengel (Rep., Ia.) have been among those who have raised the question of whether the Hirshhorn museum was properly authorized, and whether Hirshhorn was a proper person to have been memorialized.

The still-secret report questions the whole manner in which the Hirshhorn project was handled so that it by-passed the subcommittee on memorials that would have had the responsibility of a most careful study into the background of anyone who was to be memorialized.

It was passed over to a subcommittee of the House Public Works Committee, headed by Representative Kenneth Gray (Dem., Ill.) and was given only the most superficial hearings before that committee because Gray believed that the Smithsonian had already taken the proper steps to assure that Hirshhorn was a proper person to be memorialized.

WANT HEARINGS

Although the subcommittee on library and memorials recognized that the "generosity" of Hirshhorn would greatly enhance the nation's collection of art, it questioned whether he should be honored with his name on the third of the three axes of the Mall.

The report stated that there are now two axes extending from the Mall, and each has a special significance. "The first extends from the Washington Monument to the White House, symbolically linking the first President of the United States to the present one," the report said.

"The second axis extends from the Washington Monument to the Lincoln Memorial—thus from the traditional father of the nation to its 'saviour' ruling [during] the Civil War," the report said.

The third axis is not complete, the report said but added: "Now, without fanfare and the careful consideration such a project traditionally receives, the axis is formed with the Joseph H. Hirshhorn Museum as the structure opposite the Archives Building. . ."

The House subcommittee indicated an interest in more hearings, presumably with Hirshhorn as a witness under oath, to explore his background. The report said that "in the absence of more information about Mr. Hirshhorn and the significance of the third axis," no final decision can be made.

Representative Phil Crane (Rep., Ill.) a member of the House subcommittee, said Thursday that he believed that it will be essential to call Hirshhorn because "of the testimony given against him. It would seem to me to be the least we could do, and if we don't get better answers, we should consider eliminating his name," Crane said.

SHARE BLAME

The subcommittee report states that the blame must be shared by President Johnson, the Smithsonian's Ripley and by the Congress itself.

The report reviews the manner in which Mr. Johnson pushed for the approval, but does not make mention of the fact that former Supreme Court Justice Abe Fortas, a friend of Hirshhorn, was one of those who sold President and Mrs. Johnson on acceptance of the gift under the conditions set down by Hirshhorn.

Ripley has defended the procedure of going directly to the Public Works Commit-

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tee of the House on grounds that the Hirshhorn museum was not a "memorial" to Hirshhorn requiring the approval through the House subcommittee on memorials. The House subcommittee report rejected the Smithsonian's reasoning that it is not a "memorial" and went into some detailed explanation of why it was in fact comparable to the Washington Monument and the Lincoln Memorial in the manner in which it is placed on the Mall.

Ripley had told The Register earlier that the cost of the art work in the Hirshhorn collection was probably about $4 to $5 million, but that Hirshhorn could have reason to believe it will be valued at $40 to $50 million as a gift to the government.

The House subcommittee report is critical of the agreement that put Hirshhorn in the position of bargaining for a memorial. The gift of art was to be made only if the Smithsonian agreed to these conditions:

That it would be housed in a building on the Mall.

That the museum would be named in perpetuity the Joseph H. Hirshhorn Museum and Sculpture Gardens.

That Congress would approve legislation to appropriate $15 million to construct a museum building and pledge to maintain the building (at a cost of about $2 million a year) in perpetuity.

In addition, Hirshhorn is given the authority to nominate persons to fill at least half of the positions on the board of trustees, and he and the secretary of the Smithsonian were authorized to jointly select both the architect and the director of the museum.

The report states that the subcommittee should have been "more diligent," and explains that the subcommittee headed by Gray did not understand its full responsibility.

"The legislation was written as if the Joseph H. Hirshhorn Museum and Sculpture Garden had already been established and the Smithsonian was merely seeking appropriations to construct a museum building for it," according to the report.

"The effect of this action was to severely limit public and congressional inquiry into the wisdom of accepting Hirshhorn's gift under the conditions he demanded," it said.

The House report said that "the hearings (on the museum) were a one-sided affair with the Smithsonian and the President providing all the 'expert' information about the Hirshhorn collection."

The only objection noted in the record was a letter to Mrs. Lyndon B. Johnson from Sherman Lee, director of the Cleveland Museum of Modern Art. In his letter, Dr. Lee praised the collection, but warned about accepting it under the conditions Hirshhorn had stipulated because of the "disadvantage to the U.S. government and the unnecessary burden on the American taxpayers."

The report said Lee had argued against naming the museum after Hirshhorn because it would tend to discourage other contributions of art.

The report stated that rising building costs, the war in Vietnam, and other complications prevent construction on the Hirshhorn museum from getting underway until Mar. 23, 1970.

"During the intervening time, disturbing questions concerning the Hirshhorn gift, and about Hirshhorn himself began to surface, first through the inquiries of private citizens and finally in the press," it said.

"The principle of not imposing expenses on taxpayers without careful examination of all the facts by their duly elected representatives should have been more carefully followed," the report said. "The subcommittee recommends that no federally financed structure be named for any individuals without public disclosure of that person's background and character before final action is taken."

The subcommittee noted there are many reasons for memorials including valor in war, statesmanship, good deeds, and other acts, including "generosity," but concluded:

". . . Never should a memorial be negotiated at federal expense as a prior condition to the act for which the memorial is intended."

When the report is released in a week or two, it is expected that there will be requests for Hirshhorn to appear and testify as to his background. Committee members have accepted the fact that they do not now have possession of the art, and that this effort to question him may result in Hirshhorn simply abandoning the agreement.

"AN OBLIGATION TO SPEAK" BY ERIC TARNLEY

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. CRAMER. Mr. Speaker, Mr. Eric Tarnley, one of my constituents and an editor of the Zephyrhills News, wrote an editorial for the March 12 issue of the newspaper entitled "Editorial Viewpoint—An Obligation To Speak." Upon Mr. Tarnley's request, I am herewith submitting the editorial for the attention and information of my colleagues.

AN OBLIGATION TO SPEAK

It is time to call a spade a spade. It is time to call a Communist a Communist. It is time to challenge the direction of the debate going on in the United States right now.

Television panel shows are discussing how we can best disarm ourselves and cut back on our defenses, ignoring the Communist threat, which history has proved is real.

It seems news media are searching for everything that would make America look bad, while glorifying our enemies. The possibility of a massacre by some American soldiers in South Vietnam is made to look like the rule, rather than the exception, while continued atrocities committed by the Communists are ignored.

The Communist Ho Chi Minh was compared to George Washington while President Thieu of South Vietnam is labeled as "corrupt" by those who would like to see the downfall of his government.

The halls of our United States Senate now echo with outcries against the use of B-52 bombers against advancing North Vietnamese troops in Laos. Why don't Senators Fulbright, McGovern, Mathias, and others criticize North Vietnam instead, for invading Laos in the first place?

On the domestic scene, our nation is rocked with riots by radicals openly calling for revolution. The case of the so-called "Chicago Seven" is just the latest example of their tactics.

Yet Mayor Lindsay of New York sees fit to make an impassioned speech defending the "Chicago Seven" and criticizing the trial as "an examination of political actions and beliefs." And his audience of 2,000 cheered.

Across the country, their supporters are rioting—putting the police on the defensive. It often seems as if America itself is on the defensive.

What is going on here? Isn't it time that we ask, "Whose side are these people on, anyway?"

Let's face it; there are those in the United States who are on the Communist side; some who are actual Communist agents, and others who are at least rooting for them, who want Communism to win.

When the rebellious and destructive students and non-students in Santa Barbara chose to destroy the Bank of America by fire, they did so because "it held the money for American imperialism." It represented capitalism and they want Communism!

When the radicals on campuses destroy an ROTC building or a military research laboratory, they are doing their part in weakening the defenses of the United States, so that Communism can be that much closer to winning.

When a few hundred American students went to Cuba to help harvest the sugar crop, they didn't do so because they enjoyed cutting sugar cane, but in order to help the Communist Castro stay in power, and spread his subversion to the rest of Latin America.

When the Black Panthers and the Students for a Democratic Society brag that they will bring revolution to America, it is not an idle threat. They are deadly serious. And it is a Communist revolution that they are talking about.

There are those who want Communism so badly that they would do anything in their power to get it—burn, bomb, demonstrate, or use open force whenever they could get away with it. Or if it would better suit their purpose: agitation, propaganda, or deception if they think that it would work.

There is only one subject of importance to these extreme leftists, so when they undertake political activity, they concentrate on putting into public office those who would follow soft policies toward Communism.

For the same reason, they try to eliminate all those who are anti-Communists, who would follow tough policies toward Communism, and are in positions to do so.

It should be noted that the chairmen of any committee investigating subversive activities, and those who sponsor anti-Communist legislation, have always been the special targets, marked for "liquidation" by the Communists and their leftwing allies.

It is also of interest to note that even those who have liberal voting records on economic issues and civil rights are just as vigorously opposed by the left, if they have committed that one sin of being anti-Communist.

To put it bluntly, the pro-Communists don't give a hoot for aiding the poor, or for racial equality, or for Social Security. They are interested only in advancing Communism.

It is the obligation of patriotic Americans to speak out against Communism at every opportunity, to support our law enforcement agencies, and to vote for those candidates who are strongest against Communism.

In the fight for survival, no one can afford the luxury of being merely a spectator.

—ERIC TARNLEY.

IN MEMORY OF MARTIN LUTHER KING, JR.

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. EDWARDS of California. Mr. Speaker, today I was privileged to participate in a bipartisan congressional press conference to kick off the campaign to establish a national holiday in

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memory of the late Dr. Martin Luther King, Jr.

This movement reaches deep into the hearts of Americans and touches all levels of our society. As Dr. King's successor, the Reverend Ralph Abernathy, said at the press conference, Dr. King's birthday is "already a people's holiday." It remains only for us here in Congress and for the White House to make it official.

Knowing how dear this subject is to a large number of my constituents, I would like to insert in the RECORD two documents expressing their feelings. The first resolution comes from the Jewish Community Relations Council of San Jose. The second comes from the president and the president's council of the University of Santa Clara which, impatient with our ponderous ways here on Capitol Hill, has already declared January 15, Dr. King's birthday, an academic and administrative holiday. The resolutions follow:

FROM THE PRESIDENT'S COUNCIL, UNIVERSITY OF SANTA CLARA

It is a strange part of our being men that we never value peace so much as when we are at war and never love life so much as when we see it tragically, brutally snuffed out.

Dr. Martin Luther King valued peace and valued life. His own life was a brilliant and searing sermon in act, showing us how the peace of freedom can be won with nonviolence. By that reverse and singular alchemy of mankind, his death at the hands of an assassin firmed in America the conviction for which he had lived: Violence can never right wrong nor can it keep down the spirit of men who demand that wrongs be undone and justice avail.

To commemorate Dr. King and the ideals for which he lived and died, the University of Santa Clara will celebrate his birthday, January 15, as an academic and administrative holiday.

It will be appropriate for the members of the University community to reflect that day on the powerful truths Dr. King preached to all America—truths which must be sacred trusts for members of every university community: Brotherhood under God and the right to life, liberty and the pursuit of happiness are not restricted by race or color; they are every man's heritage as a man, and we must secure them for all or we can protect them for none.

RESOLUTION OF THE JEWISH COMMUNITY COUNCIL

Dr. Martin Luther King, Jr., was an outstanding apostle of peace, preaching and living by the principle of non-violence, and receiving the Nobel Peace Prize. He understood the ravages of racism and dedicated his life to its removal.

From the Montgomery Bus Boycott to the moment of his martyr's death he contributed mightily to the reduction of discrimination and prejudice and to the elevation of the dignity and self-respect of countless millions of our fellow Americans. His message of nonviolence is sorely needed today. His example inspires us to strive harder for the full implementation of the American and Judeo-Christian credos.

To perpetuate Dr. King's example we urge that Dr. King's birthday, January 15th, be set aside and memorialized as a national and state holiday and that it be appropriately commemorated at the county and municipal levels.

Accordingly, the Jewish Community Relations Council of Greater San Jose directs this request to the President of the United States, the Congress, the Governor of California, the California Legislature, the Santa Clara County Board of Supervisors, the cities of Santa Clara County, and the members of those legislatures representing the people of this area.

NO CURBS ON U.S. TROOPS FOR ISRAEL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. RARICK. Mr. Speaker, most people with whom I talk have grown sick and tired of wars and especially the way the no-win wars we have been involved in have been run.

A great many people have resigned to the fact that we are not permitted to win the war in Vietnam or the Middle East so they favor bringing our boys home as soon as possible.

Likewise, many made isolationalist by the bureaucrats have become extremely suspicious of diplomatic blundering in the Middle East. They fear that not only will the United States become involved in another shooting war, but that we will send American fighting men.

Those Doubting Thomases who feel that our leaders have learned their lesson will not involve us in another war which does not directly affect our liberty, will take little solace from events in Washington.

Tuesday of this week the other body added language in an appropriations bill forbidding the use of U.S. ground combat forces in Laos, Thailand, or Cambodia but by a 60 to 20 vote refused to bar U.S. troops from involvement in Israel. The legislative expression coming on the bill which had included Israel must then be regarded as positive intent to authorize American men in the Middle East.

No reasonable conclusion can be reached but that the Washington doves on Vietnam are superhawks when it comes to Israel. Their thinking and their threat against our people is best borne out by this double standard in the use of our troops.

Mrs. Mary M. Davison, editor of the Council for Statehood, has written an open letter to the Congress of the United States which appeared in the Woman Constitutionalist newspaper for December 1970. Mrs. Davison's open letter is forthright, but factual, and expresses a rationale which our people do not receive through the usual means of communication.

And in the Middle East—business as usual as long as there's a profit.

I include Mrs. Davison's open letter and several pertinent newspaper clippings, as follows:

[From the Woman Constitutionalist, Dec. 12, 1970]

AN OPEN LETTER TO THE CONGRESS OF THE UNITED STATES

(By Mary M. Davison)

GENTLEMEN: The histories of World War I and World War II are being repeated in Washington as the Executive and Legislative branches of the United States Government strive valiantly to involve us in the war in the Middle East. The communications media and the propaganda media of podium and pulpit seek once more to whip up a war fever they had never been able to create in either previous wars. The people were adamantly opposed to the two World Wars and nothing short of the deliberately planned Pearl Harbor infamy would have induced them to consent to the second one.

LET'S LEARN—FROM EXPERIENCE

The Congress that wantonly and irresponsibly plunged this nation into the war in Viet Nam may excuse themselves by the plea that they had been lied to and did not know what they were doing. The fact is that Congress is being lied to again and this time it might be well to understand the FACTS.

BEFORE ANOTHER WAR

To begin with, Palestine NEVER at any time in history, was the "homeland" of the Refugee Jews who emigrated to that territory following the World Wars; no ancestor of these people ever set foot in Palestine. The Arabs had occupied Palestine for nearly two thousand years. It is true that there were several hundred thousand Jews in Palestine who had lived there for centuries. These were Semitic Jews known as Sephardic Jews. Those who emigrated from Eastern Europe were known as Ashkenazim Jews of Turko-Mongol extraction who became Jews by conversion to Judaism. These people can survive in Israel only through the extermination of the Arabs who outnumber them 40 to 1. It should be obvious after 25 years that they will never live in peace together. One or the other must go, and it is not the prerogative of the Government of the United States to decide between them.

As a constitutional republic we owe no allegiance to an international sect.

We feel that American men have been sacrificed unmercifully in senseless foreign wars in this century and it is up to the people to inform the Government that it must stop. The Jews are an international sect and as such should have at their service enough of their own to protect them and their interests. The people of the United States have no interests, vital or otherwise, in the Middle East. The oil companies and other exploiters may have such interests but it is not the obligation of America's sons to defend them.

THE SAME OLD SONG

We have no faith in the protestations that if we will just provide the materials of war we will not be asked to send troops. We were conned, prior to World War II, with the Churchill slogan: "Give us the tools and we will do the job."

The history of these international wars has been: first the international bankers send the money; then the Government makes "loans"; then we send materials of war; and finally we send the men.

HEADS THEY WIN—TAILS WE LOSE

As you well know the United States has no real friends in the world. Our foreign policies during the past 45 years have assured that. During this period, we have armed the world with fantastic war materials and the world, now under United Nations domination, could very easily turn those arms against us. Remember, the U.N. has already condemned the Israeli policies repeatedly; the majority—the African-Asian bloc—has the votes to order war any place in the world. Having been lied to, propagandized and pressured into World Wars I and II, the Korean War, the Viet Nam War, is it asking too much of our Government that it "wise-up" and take a long, hard look and then show some regard for the lives of our young men and the real interests of the people of the United States?

RUSSIAN HISTORY

The propaganda press has thoroughly convinced the people and the Government of the United States that the Soviet Union is the ally of the Arab world and the enemy of Israel. Does Congress know of their own knowledge that this is fact? There is considerable doubt that it is: past history abounds with evidence that such alliances are not credible. The immigrant Jews had settled originally in what is now Southeastern Russia. The Varangians, now known as Russians, came in from the North, defeated the Jews (Jews by religion—not blood) and drove them out of Russia. They settled mostly in Eastern Europe. The bitter hatred engendered by this defeat resulted in the so-called Russian Revolution which destroyed the Russian Government and established the Bolshevik Government.

BOLSHEVIK SOVIET HISTORY

The first government, headed by Lenin was composed of 22 members (the Cabinet) of whom 3 were Russians, 1 Georgian, 1 Armenian, and 17 Jews. The Central Executive Committee consisted of 61 members of whom 5 were Russians, 6 were Letts, 1 German, 2 Armenians, 1 Czech, 1 Imeretian, 2 Georgians, 1 Karaim, 1 Ukranian and 41 Jews. The policies and ambitions of this first Bolshevik Government in Russia have changed very little over the years, therefore it may be assumed that the Soviet Government is still ruled by the same ethnic groups. It is extremely unlikely that the highly touted animosity of the Soviets toward Israel is genuine. Among those familiar with the history of the Soviet Union, predictions of the betrayal of Egypt by the Soviets in 1967 were commonplace.

FUTURE HISTORY?

Some strange and ominous moves are being made on the international scene which should give warning to any responsible men in high places in government. The United Nations decision to "establish a presence" (invade and occupy) Southwest Africa has been transferred from the U.N. General Assembly to the Security Council. The Security Council adopted a resolution (Res. No. 276) to take whatever action was necessary, and the Soviet delegate promptly offered Soviet military support. This would indicate that the Soviet Union intends to be far away when the Arabs need help and could, conceivably, pave the way for a United States replacement in the Middle East.

WHO READS THE CONGRESSIONAL RECORD?

As a consistent reader of the Congressional Record, it is the opinion of this writer that if Congress, in its present mood, is asked to declare war against the Arabs, Congress will agree. Congress has insisted upon our continuing membership in the United Nations despite the rapid increase in membership hostile to the United States. Now our enemies have the balance of power. They would like nothing better than to see the United States baited into a Middle Eastern war where, if Congress has been truthfully informed, which is doubtful, we would be facing the Soviet Union, the Arab World and the possibility of a United Nations call-up of the armed forces of "member nations."

CONGRESS—IT'S UP TO YOU

We realize the baseless reliance of the Congress upon the veto in the Security Council. The only authority for the veto is found in Article 27 which we suggest Congress might read before leading us into an indefensible position in the Middle East. The word veto does not appear in the Charter of the United Nations. For 25 years, Congress has been relying upon the shallow and devious words of Article 27 of the Charter for protection of United States interests. It is in paragraph 3 that the only authority for the veto is found:

"3. Decisions of the Security Council on all other matters (than "procedural"—ed) shall be made by an affirmative vote of nine members *including the concurring votes* of the *permanent members.*"

The United States Senate of 1945 probably thought paragraph 3 of Article 27 meant what it says—that the votes of ALL five permanent members was required for military or other punitive measures against nations. The Suez, Korea, Katanga and other wars and warlike actions prove the Senate was entirely mistaken. The Soviet Union and France have not cast concurring votes in many important matters in the Security Council.

MR. CONGRESSMAN—WHAT IS YOUR POSITION ON THE VETO?

We would urge therefore that Congress take immediate measures to determine just what the veto means—how effective it is—or whether the veto was just a myth introduced for the purpose of obtaining ratification of the Charter. One thing is certain—that Congress cannot legally vote us into war in the Mid-East or any other place. We have agreed by solemn treaty commitment that this is the prerogative of the Security Council (Art. 39), and having become engaged, the Security Council alone shall determine how or where a war shall be fought and who will fight it (Art. 51).

AND ON ISRAEL?

Those Congressmen, a majority in both Houses, would be well advised, before they are obliged to make good on their reckless assurances to Israel, that they understand how the Korean War and the Viet Nam war were fought. The Korean War was a United Nations war fought under the United Nations command and under the U.N. flag. The Viet Nam War is a U.N. regional agency (SEATO) war fought under U.N. headquarters command.

MORE HISTORY

In Korea, General MacArthur was commander-in-the-field with a personal representative (Lt. Col. Alfred E. Katzin) of the Secretary General "Watch-dogging" him at command headquarters in Korea. The special duty of Katzin was to see that MacArthur's reports and instructions cleared through the United Nations headquarters in New York. This is how it was arranged, as General MacArthur stated, the enemy knew his instructions before he did. The Senate of 1945 left the United States wide open for this sort of treachery when they ratified the U.N. Charter. The treachery is being repeated in Viet Nam.

SEATO—A U.N. REGIONAL AGENCY

The U.N. Charter provides for the establishment of "regional agencies" under the authority of the security council—and not otherwise. (Art. 53) SEATO is a regional agency and by treaty agreement, no military action may be undertaken without the authority of the Security Council. Just how that authority is to come about is not spelled out. Under provisions of Article 5 of the Charter, we would be required to inform the Security Council immediately of all activities undertaken and in contemplation when Article 53 had been invoked.

Immediately following the adoption of the Tonkin Gulf resolution, the President notified the Security Council of the action. On August 4, 1964, the American delegate to the United Nations reported to the Security Council an alleged attack on U.S. ships Maddox and Turner Joy by the North Vietnamese and asked for a Security Council meeting. There was no claim that our ships had been hit. On the same day, another alleged attack was made upon the same ships in Tonkin Gulf. The Security Council met August 5 and August 7 to consider the charges. Hence the Security Council was considering the charges brought, as the President himself conceded, under provisions of Article 51 of the United Nations Charter, at the very time the Congress was debating the Tonkin Gulf resolution.

WHO MADE THE FINAL DECISION?

Question: Did the Congress know that the Security Council was holding hearings concerning alleged attacks on our ships? Did they wonder just what authority the Security Council had over our armed forces in this matter? Article 51 provides that in case of an armed attack against a member nation, that nation may defend itself only UNTIL the Security Council can get into the act; keep the Security Council informed of all its defensive activities, and when the Security Council has taken over, offer no interference with the Security Council conduct of the national affair. Having gone into Viet Nam and remained at war there for another 6 years without protest from the United Nations, what then is the position of the United Nations in the matter?

WHY ARE WE THERE?

Has the United Nations simply washed it's hands of the whole thing? Article 54 of the Charter provides that when a member nation engages in "enforcement action"—war—that nation must report immediately to the Security Council "all activities undertaken and in contemplation". We must inform them, the Security Council, with it's Soviet Permanent member, not only what we are doing now in Viet Nam, but what we intend to do tomorrow or next week.

Question: Is it any wonder our men run into mines and boobytraps planted by a departed enemy?

STATE DEPARTMENT REPORTS TO THE U.N.

The State Department, which is the connecting link between the United Nations and the Administration will try to tell us that the United Nations has absolutely nothing to do with the Viet Nam War. However, in a letter dated September 17, 1965, State confirms that in accordance with Article 54 "we are reporting promptly and fully all our *major activities* in Viet Nam." Another note recently came to our attention:

"U.N. COUNCIL IS TOLD OF CAMBODIA ACTION

"(By Paul W. Ward.)

"(Washington Bureau of the Sun)
Washington, May 5

"The United States belatedly notified the United Nations Security Council today that, as a 'self defense' measure, American troops were sent into Cambodia five days ago. Acting under the U.N. charter provision that say such actions must be 'immediately' reported to the Council that has 'primary responsibility for the maintenance of international peace and security', the U.S. also assured the 15-nation body that American forces will be withdrawn from Cambodia as soon as their mission is accomplished, Charles W. Yost, the chief U.S. delegate to the U.N., said in a letter to the Council's current president."

So you see, gentlemen, the United States military establishment does not report to Congress; it reports "promptly and fully" to the United Nations Security Council where the Soviet delegate is chief Security (Military) Officer. As the young Cambodian is reported to have told the American soldiers,—"We knew you were coming before *you* did".

WHO PUT THE PRESSURE ON?

We were lied into World War I, World War II, the Korean War, and the Viet Nam War. Now we are being lied and pressured into a war in the Middle-East. If you were to research the papers of Presidents Roosevelt and Truman you would learn of the irresistible pressure brought to bear on them throughout World War II to help the Jews

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to get a "State" in Palestine. Both Presidents resisted to the end—not because they were opposed to the Jews settling in Palestine on condition that they paid for the property they would take, but because both realized that unless the Arabs could be induced to agree to partition, there could never be peace in the Holy Land. President Truman asserted that it would require 500,000 American troops to establish them in what is now Israel and he stated firmly that he was not going to provide them.

MR. CONGRESSMAN—DO YOU KNOW HOW IT HAPPENED?

The same propaganda and pressures the Administration is being subjected to now were used in 1943 to 1945. The Congress then adopted resolutions of support, sympathy and aid if need be. The Jews got the territory, awarded by the United Nations under heavy pressure from the same organized groups who pressure you now. The Jews did not pay for the property taken from its lawful owners, instead they drove the Arabs out into the desert to die within sight of their own homes. They expanded their stolen holdings far beyond the line of partition.

In addition, the Israelis flagrantly violated their agreements under the Balfour Declaration and the United Nations partition agreement. They have maintained a constant state of war in Palestine as the Roosevelt and Truman administrations knew they would. They were determined to have their own way in Palestine, and in the end the U.S. government helped them at the expense of the Arab World. It is predictable that the United States will pay for crimes against the Arabs as England has paid for her crimes against humanity. If there must be war, let those who will profit fight it. We've had it.

Mary M. Davison,
Editor.

Council for Statehood, *Lighthouse Point, Fla.*

[From the Washington Evening Star]

Cambodia Aid Passes First Test—Senate Defeats Bid To Tie Same Curbs to Israel

(By Dana Bullen)

The Senate, pressing toward a vote on proposals to restrict U.S. involvement in Cambodia, today beat back, 60 to 20, a proposal to extend the limitations to Israel.

The Israel amendment, advanced by Sen. John J. Williams, R-Del., would have rewritten language in legislation authorizing $255 million for Cambodia to bar introduction of U.S. ground combat forces or advisers from Cambodia and Israel.

Today's action in the Senate was linked to the Senate vote yesterday appropriating over $1 billion in new aid for several countries including Cambodia and Israel. The $500 million item for Israel had been authorized, but the $255 million for Cambodia had not.

Sen. Frank Church, D-Idaho, said President Nixon had told him last night that the administration does not oppose adding restrictions to the bill banning introduction of U.S. ground combat troops in Cambodia and U.S. advisers in Cambodian units.

WARNS OF REJECTION

The restrictions would not affect U.S. air operations over Cambodia.

"The attitude of the administration has changed," Church told Williams. "At the end of this long year, we have won our long fight." He said including restrictions on Israel might mean defeat for the over-all measure.

"It's not just Cambodia. It could be any country," answered Williams, who refused to withdraw his proposal. "We should profit by the lesson we've experienced in Vietnam."

Sen. John Sherman Cooper, R-Ky., said there is a "practical difference" between Cambodia and Israel because U.S. forces are in Vietnam and face a possible flanking threat from enemy troops in Cambodia.

But Sen. J. William Fulbright, D-Ark., chairman of the Foreign Relations Committee, broke with other liberal senators to support Williams' move. Fulbright said the proposal was "consistent with the often-expressed view that the United States should not enlarge its commitments overseas."

The money is contained in the catch-all $2 billion final appropriations bill of the waning Congress.

Splitting 8 to 4, the Foreign Relations Committee sped the authorization toward the floor yesterday as the full Senate approved the appropriation, 83–0.

The $255 million for Cambodia is hedged in the appropriations bill with the proviso that the funds will not become available unless legislation authorizing the spending is adopted.

In all, the appropriations measure provides $1.05 billion in new aid funds.

Other aid items still lacking authorization include $150 million to modernize Korean forces, $30 million for Jordan, $5 million for Lebanon, $15 million for Pakistan and $3 million for Indonesia.

Sen. Robert C. Byrd, D-W.Va., floor manager of the appropriations bill, promised Fulbright he would "stand firm" at a House-Senate conference against any move to remove the authorization requirements from the Cambodia aid legislation.

[From the Tyselo (Miss.) Journal, Dec. 14, 1970]

Israel Ships Arab Oil to Red Lands

London.—Despite Middle East war tensions and ancient hatreds, Israel has started transporting Arab oil to Communist eastern Europe via a new Israel pipeline that bypasses the Suez Canal, a British newspaper said Sunday.

The newspaper, the Sunday Times, said the multi-million dollar operation "has the blessing of Russia and the connivance of Arab governments."

The 160–mile line begins at the Israel port of Eilat on the Gulf of Aqaba and cuts across the Negev desert to the Israeli port of Ashkelon on the Mediterranean sea.

The project took two years to build. The pipe is 42 inches in diameter and capable of pumping 133 million barrels of oil a year.

According to the Times, tankers carrying Arab oil from the Persion Gulf, many of them Israeli-owned, dump loads of oil into the pipeline at Eilat for pickup at Ashkelon by similar ships that take it on to such destinations as Romania and Yugoslavia.

The process eliminates the three-week trip around Africa and costs about half as much, the Times said. The Suez Canal served as the gateway to the Mediterranean until it was closed during the 1967 Middle East war.

"Israel is transporting Arab oil to eastern Europe with the blessing of Russia and the connivance of Arab governments," the Times said, adding that Israel should make $16.8 million on the project this year.

"The most remarkable fact about the Israeli operation is that all the Arab governments know about it—and are suppressing ideological hostility for commercial advantage," the report said.

"The Israelis, for their part, regard it as a straightforward commercial deal to earn much needed hard currency. But mindful of the delicate political implications for their Arab neighbors, they have gone to extraordinary lengths to cover the trade with a screen of secrecy."

[From the Washington Post, Nov. 26, 1970]

Navy Sends Fast Gunboats to Mediterranean

Norfolk, Va.—The Navy for the first time is sending gunboats to the Mediterranean, and presumably the speedy vessels will be used to keep tabs on the Russians in restricted waterways.

Officially, the Navy gives no reason why they should be deployed in the Mediterranean, but they will be the only U.S. warships operating there with gas turbine engines—which power most of the Russian warships there.

Not only do they supply higher speed than conventional types but a ship can achieve flank speed from full stop in a matter of seconds. Maneuverability is also greatly enhanced.

The gunboats *Surprise* and *Defiance* have already left Norfolk. They are making the crossing with five amphibious ships which will join the 6th Fleet for a regular deployment.

The gunboats are 164 feet long and gross 250 tons. They have aluminum and fiberglass hulls that give them relatively shallow draft. Each carries 32 officers and men.

Although twin diesels are used for cruising, a gas turbine is cut in for high speed. This latter is a key factor, for it is known that some U.S. Navy ships have trouble keeping up with the Russians.

The nearest thing the Russians have to the gunboats is the *Komar* patrol boat.

The *Komar* carries two Styx missiles (the same type that sank the Israeli destroyer *Elath*) with a range of around 23 miles.

The heaviest armament of the *Defiance* and *Surprise* is one 3-inch .50-caliber rapid fire gun with a range of only slightly more than five miles. Additional weapons include one 40-millimeter cannon and two twin .50-caliber machine guns.

[From the Washington Post, Dec. 14, 1970]

Israel Lobby Cut Down Yost

(By Raymond Evans and Robert Novak)

Behind the decision to replace United Nations Ambassador Charles W. Yost with Rep. George Bush of Texas lies a subtle, undercover anti-Yost intrigue that tarred him, in the words of one top U.S. diplomat, as "insufficiently pro-Israel" in backstage U.N. maneuverings.

If President Nixon's earlier, aborted plan to replace Yost with retiring White House aide Daniel Patrick Moynihan had not inadvertently leaked before Yost himself was informed by President Nixon, these maneuvers by critics of the ambassador might never have come to light. Yost and Mr. Nixon would have arranged a quiet, harmonious separation.

But as it happened, the leak made it crystal clear that Yost was being fired. That stimulated a search for the reason why, both at the United Nations and by politicians here.

The undercurrent of suspicion of Yost by his zealous pro-Israeli critics was originally based on his experience as a U.S. diplomat assigned to the Arab world. He served as ambassador to both Syria and Morocco.

But beyond that, Yost—while never once departing from Nixon administration policies on the Middle East—made no secret of his growing concern over Arab world hostility aimed at the United States because of the increasingly intimate relations between the United States and Israel. He spoke forcefully and frequently within the U.S. government of his conviction that President Nixon must keep the heat on Israel to withdraw from Arab lands captured in the 1967 war (an Arab demand that the President ducked at his Thursday night news conference).

Moreover, when Henry Kissinger, Mr. Nixon's top foreign policy adviser, called last summer for expelling the Russians from the Middle East, Yost cabled the State Department pointedly that there was only one realistic way to accomplish that—settlement of the dispute. Then the Arabs themselves would get rid of the Soviets. That did not endear him to Mr. Nixon, Kissinger, or the top State Department Middle East operative,, Assistant Secretary Joseph Sisco.

Then, when Yost was trying to manipulate an escape for the United States from the pitfall of a pro-Arab resolution in the U.N. General Assembly six weeks ago, he fought against offering a competing U.S. resolution because it would only dramatize the U.S.-Israeli alliance. He was overruled in Washington.

These independent (but unpublic) positions of Yost resulted in a stream of backstabbing (but unpublic) criticism funneled in to top figures in the Nixon administration.

Yet despite the high volume of this criticism, described to us by a highly qualified political source as "brutal," no *public* attack on Yost of any real substance can be found in the printed record.

The explanation of the furtiveness of this attack on Yost is obvious. To have surfaced it could have tied Mr. Nixon's hands and threatened a pro-Yost backfire.

Further adding to Yost's poor relations with the Nixon administration is the fact that he rarely made an appearance on a public platform. In dramatic contrast to his predecessors, Yost has kept discreetly in the background. But that was precisely the way Mr. Nixon described what he wanted his first U.N. Ambassador to do when he hired Yost two years ago.

The President had originally offered the job to Sargent Shriver, cut from the glamour cloth of many previous U.N. ambassadors. But when he and Shriver failed to agree on guidelines, he swung a full circle to quiet, unglamorous Yost.

Thus, unlike predecessors Arthur Goldberg, Adlai Stevenson and Henry Cabot Lodge, Yost was relegated to the back rooms of policy, a vulnerable target for attack by the potent pro-Israeli lobby.

Now Mr. Nixon returns full circle to his original concept of what kind of ambassador should represent the United States at the U.N. In forceful, charismatic George Bush, a politician with a constituency of his own and no prior Middle East involvement, the skillful, pro-Israeli lobby will not find an easy target.

[From the Washington Post, Dec. 14, 1970]

AID TO ISRAEL: MAXIMIZING ECONOMIC OPTIONS

(By Yuval Elizur)

JERUSALEM.—The $500 million credit which Israel hopes to get for the purchase of arms in the United States will provide a breathing spell for her economy, hard-pressed by mounting defense costs.

Officials are willing to admit that for the first time in more than 22 years of her existence, Israel is unable to pay in cash for all the arms considered essential for defense.

Israel's defense costs in foreign currency alone rose from $160 million in 1966, the year preceding the Six-Day War, to over $800 million in 1970. Similar sums will have to be spent in each of the next few years. In order to finance the purchase of arms and military equipment, Israel has had to dip into her foreign currency reserves, which declined from close to $900 million at the end of 1967 to less than $400 million today, and increase foreign debt to more than $2.5 billion.

Ironically, less than three years ago, in January 1968, Israel had actually come to the aid of the U.S. economy. This was at the time that the dollar was under pressure by gold speculators. When the Israeli prime minister the late Levi Eshkol, visited the United States in 1968 he announced Israel's decision to invest $400 million of its reserves in U.S. Treasury Bills.

In those days, Israel believed that economic aid to them was phasing out. Israel was a shining example of what U.S. aid could do to enable a foreign country to help itself. From January 1949, until today, American aid to Israel totaled over $1.3 billion.

All aid programs from which Israel has benefited until now were intended to boost her productive capacity in agriculture and industry. Israel was not linked to any U.S. military assistance program. Thus the President's request, now before the Congress, is not only a reversal of the trend, but also an entirely new form of aid to Israel.

Currently, the Israel government is under great pressure from groups of workers in the public sector to raise their wages. Coupled with a continuous rise in prices, this constitutes a most serious danger to the relative stability which Israel has succeeded in maintaining ever since the June 1967 war. Observers fear that if government spending, which increased by 28 per cent during 1970, continues to rise in 1971, the country may be facing a runaway inflation.

If, however, the government cuts its expenditures too much, the rise in costs may cause an equally dangerous slow-down similar to that which plagued the economy in 1966 and during the first half of 1967.

As Bank of Israel economists see it, the stability from which Israel benefited from 1967 until about a year ago was a result of the existence of three-fold reserves: the reserve of manpower which was laid off during the 1966 slow-down, the production capacity which had not been fully utilized and the foreign currency reserves which could be used to pay for imports which helped to hold down the local price level.

The Israeli economy could thus boast of a 15.5 per cent rise in production in 1968, and a further increase of 11 per cent in 1969 with hardly an increase in prices. But towards the middle of 1969 the "stockpiles" of manpower and of productive capacity were nearly exhausted and the foreign currency reserves became dangerously low.

No new economic policy was introduced before Israel's general elections in October 1969 and the formation of the government two months later. In February 1970, the much-publicized "package deal" was introduced, designed to tax excess purchasing power while attempting to hold down the increase in wages.

The average Israeli pays today higher taxes than anyone in the world. Middle income groups reach a tax rate of 82 per cent when their income goes above $1,000 a month. A modest European car costs in Israel more than $5,000 and can be maintained only if it can be charged as a business expense.

The result of these stiff taxes can already be noticed. Per capita consumption, which rose by an average of 9 per cent in 1969, is expected to rise by 1 per cent to 2 per cent at the utmost in 1970. Economists predict that in 1971, the standard of living may even go down in real terms.

American aid for the purchase of arms will not only enable Israel to hold on to its very limited foreign currency reserves but also to conduct an economic policy with at least some options open.

CORONA, BOROUGH OF QUEENS, CITY OF NEW YORK

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. KOCH. Mr. Speaker, I believe that the salvation of the beleaguered cities of our country lies not only with the infusion of large amounts of Federal funds to help meet the massive urban problems, but even more important, requires an understanding by city officials of local problems. Too often, the bureaucrat makes the decision without regard to the effects of his decision upon the lives of citizens in a particular community, the result being an embittered, frustrated, and angry citizenry. The bureaucrat too often takes a course of action which destroys a neighborhood and blights the hopes and aspirations of a community, when alternative, more creative solutions are possible but more difficult to plan and execute.

One such example has been taking place in the community known as Corona in the borough of Queens of the city of New York. The correspondence which I am setting forth should be of interest to every public official who wants to guard against such errors on the part of the Federal, State, and city bureaucracies that so often overwhelm us:

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 1, 1970.

Mayor JOHN V. LINDSAY,
City Hall, New York, N.Y.

DEAR JOHN: I write to you urging that you take whatever measures are necessary to undo the horrendous damage already inflicted on 69 families in Corona whose homes will be torn down as a result of the Board of Estimate's decision to build a high school and athletic field in their place.

It is perfectly reasonable for you to inquire why a Manhattan Congressman interests himself in a matter taking place in the Borough of Queens. The answer is a simple one. What is occurring in Corona (a failure on the part of the City administration to recognize the needs of a vital community) is exactly what took place in Manhattan not long ago to a comparable Italian community in the South Village. In 1964, because of what was then termed the "mess on MacDougal Street," I organized the MacDougal Area Neighborhood Association. You must remember it—it sued you for failing to enforce the law.

In 1965, 1500 tenants in a three-block area on MacDougal Street saw the City administration turn its back and permit violations of the law which changed an already deteriorating neighborhood into a honky-tonk carnival area, the effects of which we are still suffering. In defensse of their homes, 1100 residents of that area joined to form MANA. Working under the chairmanship of Wally Popolizio and meeting every week for the first year and at least once a month for the next two years, the community rallied together and sought—first by letters, then by public meetings, then by picketing Gracie Mansion—to bring attention to the problem. Finally there came a time when your Administration could no longer turn a deaf ear and so you appointed an ombudsman to care for the community and its problems. His name was James Marcus. Well, I will not use this letter to discuss James Marcus; suffice it to say his tenure, fortunately for the community, was short-lived.

In those weekly meetings that MANA held, the steering committee debated why the City turned its back on a vital community and permitted cabarets to operate illegally in a residential area with the attendant noise and crowds. Why was it that in the occasional situations where summonses were issued, the courts would suspend sentence or levy a small fine and permit the illegal activities to continue? And why was it that when the community, using a legal remedy, a writ of mandamus, sought to serve a summons upon

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you, that you threw the summons to the ground and turned upon Wally Popolizio, an attorney and friend of yours who worked for you in the 1965 Mayoral campaign, and said to a policeman, "Get that man out of here?"

The problems on MacDougal Street are still there, albeit in diminished form. I rake over these old coals to illustrate the tie between Corona, MacDougal Street, and every other middle class community. It is kinship of bitterness and frustration caused by the callous indifference of City officials.

The resentment felt in these communities toward City government can best be illustrated by two quotes. In 1965, Mrs. Dina Perini Nolan, one of the really great women in this town, put it this way: "If we could get them to think of us as blacks, they'd be down here helping us." In 1970, Mary Moramarco living in Corona said, "If I leave here, I go on welfare. I can't afford to pay rent. I know how to make a molatov. Maybe I can't say it right, but I can make it. I've tried it already in my bathtub with sand. We'll get the kids from Stony Brook with the beards, and they'll help us defend our homes." This last quote comes from Jack Newfield's column in the *Village Voice* of November 26th.

Jack Newfield indicated that he had talked to you and Dick Aurelio; and in reading the story I got the impression that you were considering reversing your actions and saving these Corona homes. But, then I read the *New York Times* of November 29th and it indicated that you feel matters are too far along to save them. Matters can never be too far along, when human beings are involved. The houses still stand in Corona and are still lived in. You could call a meeting of the Board of Estimate to reverse their actions.

Replacement housing cannot be obtained by these families for the money the City would pay for their Corona homes. Every day one of your officials talks about more federal money for housing, and then you turn around and propose to destroy a thriving community and 69 excellent homes. If they are demolished, will the occupants be placed in your newly proposed trailer parks or placed with the tens of thousands of other families whose housing needs you admittedly cannot meet now?

Mr. Mayor, this is not the time to be tearing down homes. The school is needed but other sites are available, some of which admittedly won't be as easy to develop as the Corona sites. But, certainly the City's convenience does not warrant bulldozing over people's homes when alternatives do exist.

This is a long letter because I feel so frustrated and angry. I see decent people being embittered all over the City. Now just two weeks ago Mrs. Dina Perini Nolan struck the core of the issue when we were discussing the Greenwich Hotel and its hundreds of former convicts sheltered there by the Department of Social Services. She was angry that the neighborhood had deteriorated further, with crime increasing and her young son's parochial school classmates having been up for the change in their pockets. And when someone else said, "well, you've got to understand the ex-convicts' problems", she retorted, filled with emotion, "Don't tell me that I have to understand their problems. How about someone understanding my problems? We pay taxes, we live the kind of life where we have respect for our neighbors. We don't assault people. Why isn't anyone listening to us?"

Well, Mr. Mayor, in much worse and in a much graver situation involving physical death, Pastor Niemoller said in commenting on the tragedy then befalling the Jews in Germany, "I'm not a Jew so I did not protest." Mr. Mayor, I'm not an Italian, but I do protest.

Sincerely.

EDWARD I. KOCH.

THE CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, N.Y., December 4, 1970.

Hon. EDWARD I. KOCH,
17th District, New York, Federal Plaza, New York, N.Y.

DEAR ED: Mayor Lindsay has asked me to reply to your letter on the Corona matter. The attached press release, I believe, answers the questions you raise.

We believe this is a sensible, imaginative, and humane solution to a most complex problem.

Sincerely,

RICHARD R. AURELIO,
Deputy Mayor

Mayor John V. Lindsay, Queens Borough President Sidney Leviss and Board of Education President Murray Bergtraum announced today a revised proposal for the New Queens High School that will preserve the Italian-American neighborhood and the Corona section without changing the site of the new high school.

The new plan provides:

1. The urgently needed New Queens High School—scheduled to accommodate 4,000 students—would proceed immediately on its present planned site.

2. The planned athletic field would be reduced to preserve 31 Corona homes.

3. The other 28 homes affected by the high school would be physically moved to new sites within the community—a block away—so that no homes would be destroyed or demolished. Funds for moving the houses would be provided in lieu of condemnation awards. Those who prefer to receive condemnation awards will be given the opportunity to do so, in negotiation with the Corporation Counsel's office.

4. The City will sponsor legislation in Albany to return title to the homeowners and to convey title on the new sites to those homes that are moved. The City now has title to all the property involved.

5. Funds will be incorporated in the new capital budget for a new athletic field complex in the vicinity of Corona Avenue and 111th Street to service both the New Corona High School and the Forest Hills High School. This athletic complex, part of Flushing Meadows Park, would be under the jurisdiction of the Parks, Recreation and Cultural Affairs Administration.

This revised plan was agreed upon by Mayor Lindsay, Mr. Leviss and the Board of Education following a series of meetings in recent days by city officials.

The meetings were inspired by an appeal to Mayor Lindsay from Mario Cuomo and Michael Capanegro, lawyers connected with the homeowners, and by writer Jimmy Breslin, who lives in Forest Hills. They asked the Mayor to make a final review to save the Corona homes.

The Mayor directed Deputy Mayor Aurelio to review the matter. As a result of several meetings Mr. Aurelio had with Mr. Bergtraum and other Board of Education officials, City Planning Commission Chairman Donald Elliott, First Assistant Corporation Counsel Norman Redlich, Administrator Heckscher, and Borough President Leviss, the new plan was developed. Councilman Edward Sadowsky, also consulted, approved the new plan.

The modified plan would eliminate two areas of the originally planned athletic field and would not affect the actual school location. The major portion of the athletic field to be eliminated is bounded by 102nd Street, Martense Avenue, Cambridge Street and Lewis Avenue. The area has 31 houses that would remain. The portion of the athletic field remaining is bounded by 101st Street, Radcliff Avenue, 99th Street and Christie Avenue and is largely vacant.

All 28 houses that are within the school site can be moved into areas one block away.

Mayor Lindsay said:

"This is a very gratifying moment for the City. I am deeply grateful to all those who have developed this meaningful proposal.

"Despite tremendous legal and governmental obstacles, we have found a way to build the critically needed New Queens High School for 4,000 students while at the same time preserving a small and very special Italian-American community in Corona.

"That community, by their determination to stay together and to build a sense of pride and neighborhood, symbolizes that part of New York that we must make special efforts to preserve. This proposal does justice to the voices of Corona, and does so without depriving the entire surrounding community of a desperately needed high school.

"I am grateful to Messrs Cuomo, Capanegro and Breslin for inspiring this latest review; to Borough President Leviss and Board of Education President Bergtraum; and to my own team of city officials, headed by Deputy Mayor Aurelio and including Mr. Elliott, Mr. Redlich and Mr. Heckscher, for their efforts to find a way to combine compassion with progress."

THE FIGHTING 69 HOMEOWNERS—
CORONA,
Corona, Queens, N.Y., December 6, 1970.

Hon. EDWARD I. KOCH,
Federal Plaza,
New York, N.Y.

DEAR CONGRESSMAN KOCH: We were deeply moved and grateful to you for your interest expressed in our fight here to save our homes. Although your letter to Mayor Lindsay may have arrived the same day of his public announcement, your support adds great weight to our position and is evidence that our problems and difficulty in being heard are not unique.

Now we are faced with a situation where the Mayor has made an "offer" over TV and Radio, but we Homeowners have not been given the particulars, we have not seen a site-plan, the only thing we are sure of is that the "offer" does not use alternate vacant land—out of courtesy to the Mayor, we are patiently waiting for a detailed plan and site-plan to be presented to us. We cannot accept or reject the plan until we see it; however from a superficial standpoint, it is difficult to understand how moving half the homes and positioning a 4,000 student school building in our midst co-incides with "preservation of a neighborhood".

Let me thank you again for your help, we would appreciate any advice you can give us.

Yours truly,

THE FIGHTING 69,
LILLIAN MANASSERI,
Chairman.

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 11, 1970.

LILLIAN MANASSERI,
Chairman, The Fighting 69,
Corona, Queens.

DEAR MRS. MANASSERI: Thank you for your letter of December 6th.

I agree with you that the Corona home owners should be advised of this compromise plan immediately and in detail so that you can judge its effect on your community, and I am surprised that the Mayor has not so advised you.

There are many unanswered questions about the compromise plan. For example can these houses be physically moved without being destroyed?

There is no question that a new school in your area is needed and I support such a school. There is also, however, no question that sites exists for this school which would not require the destruction of homes, and I would hope the school would be placed on one of those sites.

I am enclosing a copy of a letter I have sent to the Mayor on this subject. If you feel I can be of any help, please let me know.

Sincerely,

Edward I. Koch.

House of Representatives,
Washington, D.C., December 11, 1970.
Mayor John V. Lindsay,
City Hall,
New York, N.Y.

Dear John: I have been advised, much to my surprise, that the details of your compromise decision on the Corona school site have not yet been revealed to those homeowners directly affected.

I urge you to make the most detailed plans of this compromise immediately available to the Corona homeowners, for there are many unanswered questions about their compromise. For example, can the homes be transferred without being destroyed?

There is no question that a new school in this area is needed, and I support such a school, but there is also no question that alternate sites exist for this school. Sites that would not require the destruction of homes. I support the use of such a site, so as to preserve this community which need not be destroyed.

Sincerely,

Edward I. Koch.

SAVE THE ICC

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. RAILSBACK. Mr. Speaker, there have been with increasing frequency, vocal attacks upon the continued existence of our transportation regulatory agencies, particularly the Interstate Commerce Commission. Lest like cattle we be lured into a stampede, I would urge my colleagues to heed the caution of William Shakespeare—"Wisely and slow; they stumble that run fast."

Reasoned and sober voices should be given our proper attention before hasty action is embarked upon. In this regard the collective wisdom of the National Association of Regulatory Utility Commissioners at its 82d annual convention took the position in a resolution that the ICC should not be abolished or its authority over surface transportation significantly diminished. So that my colleagues might have the benefit of reviewing the entire resolution, I include it as follows:

Resolution Re Preservation of the Interstate Commerce Commission as an Independent Regulatory Agency

Whereas, The National Association of Regulatory Utility Commissioners was established in 1889 and is dedicated to serving the public by engaging in the study and discussion of subjects concerning the regulation of public utilities and carriers, promoting the uniformity of their regulation among jurisdictions, encouraging cooperation among the Federal and State governmental members of the Association, and advocating causes to improve the quality and effectiveness of public regulation in America; and

Whereas, Certain members of the Congress of the United States are now giving consideration to the abolishment of the Interstate Commerce Commission through the transfer of its regulatory functions to the Department of Transportation or to a single Federal transport regulatory agency to exercise jurisdiction over air, surface and maritime, transportation; and

Whereas, The Interstate Commerce Commission was established by the Interstate Commerce Act in 1887 and is the oldest of the several independent Federal regulatory agencies; and

Whereas, The Interstate Commerce Commission, as an arm of the Congress of the United States, is insulated from political influence to the maximum extent practicable; and

Whereas, The basic concept of the regulation of surface transportation in the public interest, as defined by the National Transportation Policy and the Interstate Commerce Act and as administered by the Commission, has proven to be sufficiently flexible to meet the needs of both consumers and regulated industry; and

Whereas, The Interstate Commerce Commission has advanced the welfare of people in all parts of the Nation and has strengthened and unified the economy of the various regions of the National by preventing or eliminating unreasonable preferences and advantages to any persons, points, regions or commodities; and

Whereas, The preservation of this regulatory function is vital to the future growth of the Nation and to the continued promotion of economic opportunity to people in all parts of the Nation; and

Whereas, The users of surface transportation in particular have benefited from the Commision's ability to maintain transport rate levels significantly below the general indexes measuring the inflationary spirial of our expanding economy, with some rates today being below comparable levels of the 1950's; and

Whereas, The transfer of the regulatory functions of the Interstate Commerce Commission to a massive bureaucratic organization would adversely affect the public interest because the welfare of the users of surface modes of transportation and the modes themselves would receive less consideration and promotion in the government process; now, therefore, be it

Resolved, That the National Association of Regulator Utility Commissioners, assembled in its Eighty-second Annual Convention in the vicinity of Las Vegas, Nevada, hereby supports the continuation of the Interstate Commerce Commission as an independent regulatory agency exercising jurisdiction over surface transportation, and hereby opposes legislation or other proposals to transfer its regulatory functions to another Federal agency, or to significantly diminish the Commission's regulatory authority over surface transportation; and be it further

Resolved, That copies of this resolution be furnished by the General Counsel of the Association to the President of the United States.

HILARY SANDOVAL, JR.

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. LUJAN. Mr. Speaker, for nearly 2 years the Small Business Administration has been led by one of the most vigorous Administrators in that agency's history. Under Hilary Sandoval, Jr., SBA has experienced a period of expanded responsibilities and effectiveness, and played an important part in the Nixon administration's drive to bring greater economic opportunity to all Americans.

Besides meeting its regular responsibilities to the small business community on a record level—29,625 business loans totaling $1.4 billion in the past 2 fiscal years—SBA has also pioneered new initiatives to further involve the private sector and private funds in all possible agency activities.

I am especially proud of the outstanding job Administrator Sandoval has done in the field of minority enterprise and business opportunity for the disadvantaged. Loans to the disadvantaged have been tripled, and loans to Spanish-speaking Americans were increased 400 percent under the leadership of Administrator Sandoval.

I can think of no past public servant who has had a more passionate commitment to justice for the Hispanic peoples of America, or who has personally done more to advocate justice and opportunity for them in our free enterprise system.

One of the great results of this has been the launching of NEDA, the National Economic Development Association, set up with the help of a grant from SBA. The purpose of NEDA is to bring public and private sector assistance, in the form of counseling, financial aid, and managerial assistance, to Spanish-speaking Americans throughout the United States. Already NEDA has opened active local offices in cities in every region of the country. This marks a significant turning point for millions of our fellow citizens previously denied a fair chance on competitive footing in the American marketplace.

Recently, Administrator Sandoval announced his intention to resign, after nearly 2 years of successful leadership at SBA. Commenting on his decision, President Nixon stated that:

> The dedicated leadership you have given to our effort to strengthen and encourage small business during these vitally important years of the Administration has been a deep source of satisfaction to me . . . All of our fellow citizens have reason to be very grateful for the wealth of experience, of ability, and of compassion you applied to your responsibilities here, and I hope you will always take pride in your exceptional contribution to the nation's welfare.

Speaking for myself, and for millions of Americans across the Nation, I can say that we take a special pride in the record and works of Hilary Sandoval, Jr. We will long remember his term as Administrator of SBA, because he has filled that post with a rare courage, dedication, and skill which has earned him our everlasting respect and affection.

WASHINGTON TRIBUTE HONORS SPEAKER JOHN McCORMACK

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. EDMONDSON. Mr. Speaker, on December 9 the Washington Star carried an excellent account of last week's moving Washington tribute to our beloved Speaker, the Honorable John W. McCormack.

XUM

Donnie Radcliffe's fine story will be of interest to all who have enjoyed the friendship of Boston's great Congressman, and to all who have followed his recordbreaking and productive career as a lawmaker and Speaker of the House of Representatives.

The text of the Star article follows:

Mr. Speaker's Fond Farewell

(By Donnie Radcliffe)

He once said that "politics was a natural with me," but last night retiring House Speaker John William McCormack, after 42 years on The Hill, had a slightly different story to tell.

"In 1928 when I was elected—when there was an artificial prosperity in the country and peace around the world—if I had thought I would serve six years in Congress I probably would not have run. I loved my law practice too much."

The Massachusetts Democrat told several hundred House and Senate colleagues, congressmen-elect and party and union leaders at a $3,000 farewell party given by the Democratic National Committee at the Madison Hotel that he did not regret "one second that I have served here.

"They have been years of dynamic action, years of challenge . . . in which I played a minor part, at least.

"I love," he said, with considerable emotion, "the Democratic party."

The tall, rangy, white-haired speaker, who will be 79 on Dec. 21, said he would "always be active," and began at once to prove it by calling for "maximum unity" in party ranks so that by 1972 "the people of the country will elect a Democratic president."

Privately, however, the smooth, resourceful McCormack refused to name his preference.

"I'm not getting into that," he said, his eyes glinting behind rimless glasses. "There will be a lot of water over the dam between now and then. There are a lot of wonderful men who could fill the office."

Only one of those most frequently mentioned, however, made it to the party from a Senate session on defense appropriations. He was a "cutglass" Bostonian of Irish extraction, Massachusetts Sen. Edward M. Kennedy.

His early recollections of McCormack, Kennedy said, were "much more personal than political . . . going back over the years to when I was very young" during his maternal grandfather John (Honey Fitz) Fitzgerald's era of the Democratic party.

He said McCormack had known Honey Fitz ("the first Irish Catholic to serve in Congress"), his paternal grandfather Patrick Kennedy, as well as his parents.

"There have been times when there was talk of a McCormack-Kennedy struggle in the Democratic party, but he was warm and friendly throughout it all."

McCormack served the people of his district and the state with distinction, Kennedy said, adding: "He will be missed."

But Louise Day Hicks, newly elected congresswoman who will take McCormack's House seat, said the speaker's 9th District constituents were far from sad.

"Everyone is delighted that there will be a congresswoman and a congressman-emeritus representing them," she said, referring to a House resolution that would provide the speaker with an office plus two assistants at government expense for a two-year transition period.

She said he would "remain active, write his memoirs and keep his Boston office."

With McCormack in the receiving line were Democratic national treasurer Robert S. Strauss, vice chairman Mary Lou Burg, secretary Dorothy Bush and chairman Lawrence O'Brien and Mrs. O'Brien.

O'Brien said he has heard about "such rumors" that he would resign, but he did not plan to "unless somebody else has some ideas."

When Majority Leader Carl Albert of Oklahoma arrived, McCormack quickly opened up a spot in the line for his heir-apparent.

Democratic Whip Hale Boggs of Louisiana subsequently fell in beside Albert in what appeared to be a committee-endorsed slate for the party's House leadership.

GIFT FOR SMOKER

O'Brien acknowledged both by name later when he presented to McCormack a Waterford crystal humidor containing a day's supply—six—of quality cigars.

Finding an appropriate gift for the speaker hadn't been easy, according to one Democrat.

"Nobody who knew him could remember anything be liked except politics and his wife."

McCormack took leave of the politics and headed for the bedside of his wife Harriet in Providence Hospital at 7:20 p.m., 20 minutes later than his usual nightly visit.

Lingering behind in the last hurrah was his young legislative assistant, John Monahan.

"In a field of minor heroes," observed Monahan, "he's a Cyrano de Bergerac."

THE GROWING SOVIET NAVAL FLEET

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, December 18, 1970

Mr. THURMOND. Mr. President, the Congress and the American people are hearing more and more about the increased size of the Soviet navy and the rate at which they are adding to that navy.

U.S. superiority of the seas is under direct challenge by the Soviet Union. The American people must understand this fact. Once this message is conveyed to the Nation in understandable terms I believe there will be sufficient support to spend whatever amount of money necessary to keep this Nation in first place on the oceans of the world.

An excellent editorial containing information on this threat appeared in the December 6, 1970, issue of the State newspaper, Columbia, S.C.

Mr. President, I ask unanimous consent that this editorial be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Soviets Keep on Building Worldwide Naval Threat

In the last six years, the Soviet Union has reached out with its navy into the far corners of the world's oceans, thereby menacing not only Western military control of the sealanes, but Western commerce as well. The trade war, however undesirable, at least is tolerable. It is the Soviet military threat that keeps the Western analysts awake nights.

The Russian buildup began early in the decade of the '60s. Not until the downfall of Khrushchev in 1964, however, did the real push come. Realistic estimates put Moscow's defense budget for 1970 at 18 billion rubles, about six times the figure for 1960.

In terms of seapower, the growth has been especially impressive. From only 3 nuclear submarines 10 years ago, Moscow's undersea atomic fleet has grown to 70. Soviet guided-missile surface ships numbered about 10 in 1970; today, the figure is 17 times that. During the same period, Soviet merchant shipping has risen from only 3.2 million tons to 13.7 million.

All this, it scarcely requires saying, has enabled the Soviet fleet to expand into areas that previously were exclusive Western preserves: the Mediterranean, which the Soviets first entered six years ago and where the Russians now maintain a fleet of 24 surface ships and 12 submarines; the Caribbean, where 4 surface ships and 2 subs are regularly on patrol; the Indian Ocean, where the Soviet fleet first appeared two years ago last March and where, today, 21 surface ships and subs roam freely.

The advantages of this growing seapower need no elaboration. Having broken out of Russia's historic land-locked prison, the Soviets now are able to threaten the Western powers from Capetown to Cuba and beyond—anywhere, in fact, that surface ships and submarines can reach. Selective shipping blockades of unfriendly governments—one recalls immediately President Kennedy's blockade of Cuba in 1962—become a possible instrument of Soviet foreign policy for the first time. Short of that, international shipping can simply be harassed when that suits Soviet interests. Amphibious operations, "showing the flag" and other tactics of gunboat diplomacy—tactics employed up to now by Western navies alone—have become not only possible for the Russians, but also highly likely when events warrant.

Despite this growing menace, it is far from clear that the Western response has been adequate. The cry in Washington, for example, increasingly is for less in defense expenditures, not more. One reason is that Americans (unlike Russians) tend to view navies as outmoded holdovers from the prenuclear, pre-ICBM age. The biggest reason, though, is the growing emphasis on social and domestic needs, combined with a suspicion that behind every defense outlay lies a sinister conspiracy of greed: the so-called military-industrial complex. Alarms calling attention to Soviet military growth habitually are put down as self-serving propaganda emanating from the Pentagon and its lackies.

Perhaps a foreign view would be less suspect. Here is a comment from *The Economist*, a London weekly scarcely in the pay of Defense Secretary Laird:

"In the 1930s, when Churchill was warning Britain about the danger of German rearmament, there were people who said that the real issue was the class war and that the 'German threat' was a distraction . . . For the class war then, read the race issue now, for Germany read the Soviet Union. Analogies are dangerous, especially those with the 1930s. But this one should make people think about the order of priorities that is sometimes imposed on countries which face adversaries whose aims are kept deliberately obscure."

It is comforting to ignore that kind of tough talk, but it may be costly behavior in the long run. If the Russians mean business, as many think and as the record tends to confirm, a worldwide blitzkrieg cannot be ruled out.

THE ECONOMIC AND ENVIRONMENTAL IMPACT OF PESTICIDES

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. GOODLING. Mr. Speaker, a current vogue is to lambaste pesticides from pillar to post as evil and treacherous agents that can bring only harm to man.

Those caught up in this emotional storm have their vision blinded to the truth that these very same pesticides have been a prime part of the technology that has made the American farmer without peer in his genius for agricultural production.

In the early part of this month, the American Farm Bureau Federation held its annual meeting in Houston, Tex., and environmental aspects received the serious attention of this meeting. You will, I am sure, be interested to know that Cliff McIntire, formerly a Member of this House of Representatives, is director of the American Farm Federation's National Resources Department, and he played a very active and important part in the proceedings of that meeting.

Dr. Robert White-Stevens, chairman of the Bureau of Conservation and Environmental Science at Rutgers University, presented to this meeting a paper entitled "The Economic and Environmental Impact of Pesticides." Because Dr. White-Stevens' remarks dispel some of the clouds of doubt and suspicion that hang heavy over pesticides, I feel they should be introduced to the Congressional Record, thereby enabling a broad spectrum of the American population to weigh some of the real blessings of pesticides against the plethora of supposed evils that are being hurled against them by so-called experts on our environment. Dr. White-Stevens' comments follow:

The Economic and Environmental Impact of Pesticides

I. INTRODUCTION

Sir Peter Medawar, incumbent President of the British Association for the Advancement of Science recently compared the present outlook on the impact of science upon the socio-political status of man, particularly in the Western World, with that which prevailed in 17th Century Europe, when Bacon challenged the resigned philosophies of that day with his books "Novum Organum" and "New Atlantis".

There is a gathering reaction to the progress of science in our time, particularly among the young, who though happily secure in the munificence with which modern technology has garnished their brave new world, nevertheless "wring their hands over the miscarriages of technology, while they take its benefactions for granted—and appear to be oppressed with a sense of decay and regression—by a fear of the deterioration of the world through technological innovation. Artificial chemical fertilizers and pesticides are said to be undermining their health, they contend, the soil and the sea are being poisoned by chemical and radioactive wastes, they are told. While drugs merely substitute one form of disease for another, and modern man oscillates continually under the influence of stimulants and sedatives". This feeling of despondency, of helpless incompetence, a sense of doubt, seems to prevail everywhere. Even knowledgeable, intelligent and learned people are abandoning the standard rigors and objectivity of their training and are seeking refuge in an elevated form of mystical nuttiness. Neo-Platonism, various Wisdoms of the East, Astrology and other confused and diffused syntheses of science and religion are currently gathering moment. "Once again there is a restless ambivalence about philosophical thinking as if the discovery of the insufficiency of reason has given a paradoxical validity to nonsense".

This general council of despair so prevalent in our political arena, in our colleges, and in our literature today provokes an overwhelming pessimism concerning the strides of science, and, while refusing to recognize the real contributions of science, loudly bewails the ancillary and usually quite insignificant side effects of technology.

Thus we condemn the antiobiotics because they elicit allergic reaction among the very few, while they restore the health of the very many; we decry the use of medicaments in livestock feeds because miniscule and quite innocuous residues may occur in our food supply, the quality and quantity of which is vastly enhanced by their use; we accept as our rightful heritage the total elimination of vast areas of hunger, disease and want, yet we clamor furiously over the exaggerated and imagined dangers of pesticides. As Sir Peter Medawar comments, "Why do people complain about air pollution without being at least as proportionately cheered up by, say, the virtual abolition of poliomyelitis and malaria?"

There is a tendency, even a perverse willingness to suppose that the despoilation that is, on occasion, produced by technology is an inevitable and irremediable process, a trampling down of nature by some big inexorable machine. Actually, of course, whatever the deterioration of the environment induced by technology it is in fact a technological problem for which science has either found or will find an appropriate solution. We have perhaps at times been bad workmen and have made errors, occasionally serious mistakes, but there is no justification to blame the tools rather than our own incompetence.

Certainly a vigorously critical and rigorous attitude towards innovation and important change is desirable if but to ensure that movement is one of progression rather than regression and all attempts and proposals to improve the lot of man should rightfully be dispassionately scrutinized to ensure the benefits do indeed far exceed the probable if not the possible harm; but we need also to distinguish between an objective, energetic critique and a fearful despondency which offers no reprieve from the very abuse it bewails.

It is utterly futile to complain about the despoilation of our environment by technology when the need is actually to seek and apply adequate regulation of the unwanted side effects. It is ridiculous to summon and collate inaccurate, exaggerated emotional and essentially irrelevant evidence to ban the correct safe and scientifically established uses of certain pesticides when the overwhelming facts dictate that our food supply, our health and the entire measure of our living standards would clearly be threatened and ultimately impaired by such rash and ill considered legislation.

II. ECONOMIC CONSIDERATIONS

Exploding populations

The major environmental factor in the world today is the accelerating increase in the human population. Even conservative estimates now concede the world level will exceed 6 billion by year 2000, and a more realistic figure is 7 billion. The major thrust of this fantastic increase continues to be in Asia, which may well aggregate a population almost equivalent to the rest of the world combined by 2000. However, both South America and Africa are increasing as rapidly as Asia is today and will constitute collectively a virtually insuperable socio-political and economic problem by 2000. Although Western Europe has virtually reached a steady state, Eastern Europe continues to increase in births over deaths. Even North Americans may well exceed 400 million people at the turn of the century.

The increase in the human population in this century can only be regarded as a biological cataclysm of the first magnitude. Man now exceeds all of his domesticated mammalian livestock and in the United States the human population is about twice as large as the rat population.

There obviously must be some surcease to this incredible accretion of humanity for within a hundred years at present rates the human population will approach 50 billion, a level which the demographer Harrison Brown estimates as the outer limit of the capacity of the planet earth to sustain at bare subsistence. Either man will find an effective and acceptable solution to curbing his numbers or nature will do it for him. The Paddock Brothers in their book, "Famine 1975" ominously predict that the natural restraint starvation, will accelerate within the next decade to the extent that upwards of 50 million humans will perish from hunger and disease annually. The social scientists, economists, medical profession and theologians had better get together immediately, quit fooling around with esoteric philosophies of birth control and work out appropriate and effective population control methods or human society and civilization as we now understand it will collapse in chaos.

In the meanwhile scientific agriculture can hold "a finger in the dyke" certainly through year 2000 and perhaps beyond to provide food for up to 10 or 12 billion humans, through the full and world wide application of food production technology now on the books together with new developments we can achieve over the next 30 years.

This, however, can only be done if our work is allowed to continue and expand without the impedance of hampering legislation and regulations promoted by an irresponsible and clearly uninformed minority.

There is no question that man's multiplication invokes a massive impact on the environment and impinges upon many of the innocent wild creatures of mountain, forest, valley and plain, and hopefully we can find a way to preserve and conserve both man and wildlife. However it is axiomatic that conservation is directed primarily at conserving man and those plants and creatures and areas which serve man, anything else is not conservation but merely conversation. There can be no justification, so far as man is concerned, in the conserving and preservation of the anopheline mosquito, smallpox, malaria, poliomyelitis, syphilis, poison ivy, dodder, and a host of other creatures on the planet that contribute nothing but burden and misery to man.

Demand for food and fiber

In spite of the vast advances in agricultural technology in the western world and the massive efforts of the U.S. Government through AID, P.L. 480, etc., and the various private foundations such as Rockefeller, Ford and others, to spread this technology into emerging countries the hunger gap has continued steadily to widen between the "have" and the "have not" nations since World War II.

Food and fiber production will have to double in the western world, increase threefold overall to maintain subsistence level in the populous emerging nations and protein production will have to increase nearly sixfold to meet the needs of a world population of 7 billion by year 2000.

As it is quite impossible for the western world to continue to make up the deficits in the emerging countries by supplying surplus foods, chiefly grains and pulses, it is absolutely imperative that these deficit nations develop their own food production resources.

In 1964 the total consumption of world grains surpassed the total production and there has been a steady and continuous draw down of reserves since. It is true we in the western world can cease or, at least, reduce the feeding of grains to livestock, particularly ruminants, at a 7:1 loss of protein, we can also reduce the use of grain for fermentation

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into beer, spirits, etc. and this would release considerable grains for human consumption abroad. It would, however, be quite unacceptable to our people and furthermore there are other ways in which we can provide sources of protein and energy for our livestock, including momogastric animals such as swine and poultry.

Meeting world food needs

There are two approaches to meeting the stupendous demand for food over the next thirty years.

The first is the more obvious and is perhaps the more readily achieved, although it will unquestionably constitute the more serious insult to the environment and will press wildlife into extinction more rapidly. This is by horizontal expansion into new and, as yet, untapped potentially arable lands.

New land development will in many regions require considerable capital input, perhaps from $100 to $500 per acre or its equivalent in work energy. Large as this may appear it is not an unreasonable investment in the western developed countries. It costs about $800 to retrieve an acre of Dutch polder from the North Sea. Already in many hitherto non-arable lands in the U.S. there is currently going forward considerable land development on the tidelands of North Carolina around Plymouth, which can also be expected to occur in South Carolina. In both the Willamette Valley and the Columbia River Basin of Oregon and Washington investments reaching up to $400–$500 per acre are currently being made to bring water and with it a flourishing agriculture to fertile soils which have lain as sparse range lands for thousands of years. Even greater opportunities for vast land development lie waiting in South America, Central and South Africa and of course Australia. Even such inhospitable areas as the waste sands of the North African coast and the Sahara are potential food production areas if water can be brought to the parched soils. The potentials for arable land development in eastern Europe particularly Roumania and Southern Europe and the vast reaches beyond the Urals are only vaguely known, but will undoubtedly be considered as the hunger of man rises.

It is reasonable to anticipate that some billion acres of newly developed arable lands will be added to the present 3.3 billion now under cultivation by year 2000. However, with the increasing population this will still only provide on average about one-half acre of cropland per person by year 2000. This is far below the subsistence requirement which was computed by the USDA back in the 50's at around 2.5 acres per person.

The second approach, that of vertical expansion, or increased productivity per acre will therefore become mandatory even if the present arable area is increased by 33%.

The possibilities for such a vertical increase are, of course, exceedingly promising. In the U.S. for example, within the past 30 years grain yields have more than doubled and grain production per farm worker has advanced sixfold. Forage, bean, potato, cotton, vegetable, fruit and virtually all forms of livestock production rates have increased at least twofold and in some cases as much as fourfold—e.g. potatoes—over the past quarter century.

This is reflected by the lowest cost in food supply to the consumer for the most abundant, varied, and high quality food supply at all seasons of the year that any nation has ever achieved in history. It also allows 5% of the population to provide all the food for all the people for less than 18 cents of their take home dollar, so that 95% of our population and 80% of our national income can be applied to other needs and pursuits beyond provision of the bare necessities of life. This, of course, is what has made this nation the wealthiest, the most affluent and the most powerful on earth. It is an accomplishment recognized today by too few and appreciated by less. Our munificent food supply is our basic and most powerful resource in a very hungry and envious world, and on which, for some completely unexplained and totally illogical reason, appears to be under an unremitting and utterly irresponsible attack. There is no wound to American industry that could inflict more harm to the nation than to impair its food supply; there is no injury to the American people that would give more comfort and rejoicing to our enemies than a serious decline in our food production. Our farms essentially won two world wars in this century and our scientific agriculture is, in the final analysis, the only factor that can win the peace. For if the farms of America should fail, our people would have nowhere to turn for their food and industry, our economy, our society, our defense and our national integrity would shrink and collapse.

Scientific factors which promote food production

Over the past century, since the inception of the land grant college and experiment station system there are four factors which are the hub of the system that produces the munificence of food and fiber we enjoy today.

First was education and extension, which trained young people to apply science to farming and brought the findings and discoveries from the laboratory and research section down to the grass roots on the farm where they could be put to work.

Second was the improvement in crop plant stocks and livestock strains through application of genetics and the science of breeding, which enabled the farmer to raise crops and animals best adapted to the soil and climatic conditions prevailing in the various farming areas across the land.

Third was engineering applied to farm machinery, transport and food processing, which provided power to produce, so that today one man can do what it formerly took perhaps a hundred men and expensive, inefficient draft animals to do. This not only enhanced each farmer's efficiency, but released vast numbers of people for work in municipal, educational and research institutions and industrial plants.

Fourth the application of chemistry, and its related sciences, to farming unlocked the secrets of life itself and provides control of nutrition to promote growth of crop plants through fertilizers and of livestock through feed additives and medicaments and controls disease, parasitism and predation of the produced foods through the development of pesticides.

Upon these four technological legs stands the bounty of the food table of America; and removal or even impairment of any one of the four will cause the table to collapse.

Economic impact of pesticides

It is a basic law of nature, that when any food supply is produced or accumulated in any one place, its pests, parasites and predators will also congregate. Modern technical agriculture requires, for reasons of efficiency, that crops and livestock be raised and concentrated in areas which are optimal to their production—or, in a word, by monoculture. This inevitably encourages pests, and no amount of productive efficiency or reliance upon natural controls can ever be expected to attain a productive margin ahead of the ravages of such pests. Their rate of reproduction is far too rapid to hope to be able to raise food in sufficient amount to sustain both the pests and humans. The pests will win it all virtually every time.

Neither is there any reasonable probability that total pest suppression on all crops and livestock can be achieved by biological control measures. Of the 10,000 pests that attack man's crops and animals and himself there are not, now, more than 100 known significant biological controls and of these probably not more than 30 of reliable economic importance. There is not one crop plant or livestock species which can be produced to meet the quality standards demanded by the consumer and generally required by law, and be totally protected by known biological pest control measures. Important advances in biological control research are being developed, but the most we can anticipate is an enlargement of integrated programs where both chemical, and biological controls are combined.

The estimated annual total losses of crop plants and livestock in the U.S. currently aggregate approximately $20 billion even with our intensive pest control measures and efficient pesticides. This is an impost of 25¢ on every $1 spent for food.

It is anyone's guess what the loss would be if we used no pesticides at all. Conservatively yields would drop to less than 50% and the cost of food would undoubtedly increase 4–5 fold, for produce the quality of which would be totally unacceptable to the modern American housewife. This would immediately incur a sharp food shortage and exceedingly serious economic reverberations as the 18¢ per take home dollar would rise to perhaps 75 to 80¢.

In India, for example, where pest control is minimal or absent entirely over 50% of the food from the very low yields harvested never reaches the consumer's mouth due to the ravage of insects, decays and vermin. Thus the application of simple protective pesticide measures between harvest and consumer could virtually double the effective food production in a land where upwards of 300 million people are continually on the verge of starvation.

Among these emerging nations therefor, there can be no point in promoting increased crop and livestock production through introduction of improved plant and animal stocks, application of fertilizers or provision of irrigation facilities if the increment yields are to be devoured by pests. Thus the inclusion of pesticides necessarily becomes an integral part of the agricultural improvement program among all the emerging nations.

III. PUBLIC HEALTH CONSIDERATIONS

It is in the field of the control of insect borne human disease where pesticides, particularly the persistent organo chlorine compounds effect their most significant impact. DDT alone has been responsible for saving more human lives than all the wonder drugs combined.

Malaria, as far back as history records, has been the greatest disease killer of mankind. More human beings have perished from malaria than all other infectious diseases combined. It can only flourish in a human population when the vector, the Anophelene mosquito, is present in sufficient numbers to serve as a bridge from one human to the next. When DDT was first introduced into India on the UN-World Health Organization program to fight malaria, there were over 75 million cases a year with upwards of 5 million deaths. Within 10 years the intensive spraying of domiciles and their environs and of neighboring swamps, catchment basins and other breeding sites had so reduced the vector that the total incidence was down to less than 5 million cases per year and deaths dropped to below 100,000 per year. This resulted in an increase of the life span of the average Indian from 32 to 47 years, or 15 years in a decade, probably the most fantastic achievement in the history of public health medicine.

On the Island of Ceylon, where malaria had raged for millenia, the disease was virtually eradicated by 1950. Except for a few imported cases malaria remained absent from Ceylon until the DDT spray control program was abandoned for political and obviously unsound reasons. Gradually, but with accelerating momentum the Anophelene returned and with it the blood parasites. By 1968 nearly 500,000 people came down with malaria and its incidence in 1969 will approach 1 million in a population of 8 million and an area about that of West Virginia. The Singhalese Government has wisely decided to return to the use of DDT and has placed orders in the U.S. for nearly 10 million pounds for rush delivery.

It is interesting and not a little alarming to note that the Communicable Disease Center of the U.S. Public Health Service reports to date in 1969 that incidence of malaria in the U.S. has climbed to over 2000 cases. Undoubtedly the parasite is being brought back by G.I.s returning from Viet Nam, where the recalcitrant form *Plasmodium falciparum* is rife, and in spite of the routine medical exam and therapeutic treatment where necessary, some of them can serve as sources of contagion. The important point, however, is that without the presence of the Anophelene mosquito they would be harmless. Reduced use of DDT and related persistent pesticides for mosquito abatement, however, has now resulted in a significant climb in the numbers of Anophelene mosquitoes along the Gulf and the Atlantic Coasts as far north as New Jersey. Curiously North Carolina shows the highest incidence of malaria this year in relation to its population density.

The W.H.O. states that DDT remains the most effective pesticide to control Anopheles and to ban it and remove it from the antimalaria program is tantamount to genocide of millions of humans. As whole generations have now grown up in the virtual absence of malaria, they have not evolved immunity to the disease and will therefor be peculiarly susceptible.

There are at least fifteen other insect vectored human diseases which are readily controlled by persistent pesticides. These include plague, carried by the rat flea; encephalitis, mosquito borne and now endemic throughout the Atlantic and Southeastern states where it is thoroughly sequestered among wild and domestic mammals; epidemic typhus, vectored by the louse; murine typhus, by the flea; dysentary, the fly; trachoma, the human dung fly; poliomyelitis, the fly; sleeping sickness, the Tsetze fly; Ochocerciasis or River blindness, by the fresh water Simulian fly and very sensitive to DDT; Leishmaniasis by the mosquito; filariasis or the hideous elephantiasis by the mosquito; salmonellosis, by the fly; Chagas disease by the kissing bug; and spotted fever by the tick, and many more.

With virtually all these vectors persistence in a pesticide is a necessity to provide prolonged protection and DDT is the cheapest most effective and unquestionably the safest pesticide of choice. For in spite of all the furious clamor of late by a vociferous and clearly irresponsible minority no evidence of injury, cancer or death after twenty five years of use, where at least one billion humans have been exposed, has ever been authoritatively reported with medical annotation. There have been invidious claims made but not one has ever been medically established. Even workers in DDT manufacturing and formulating plants heavily exposed to the technical compound daily, at a level at least 200 times that of the general population, daily for upwards of 19 years revealed no significant clinical effects at all. As a matter of fact the incidence of cancer among them was lower than that found in the general population, while the number of children they sired was above the average of the U.S. population.

There have been a number of efforts to try to prove DDT is a carcinogen, or cancer inducer, going back to the absurd assertions of Morton Biskind, and Hueper, up to a recently published paper from the National Cancer Institute. None of these statements can withstand scientific scrutiny and analysis and a recent summary of the situation prepared by Dr. Wayland J. Hayes of Vanderbilt University Medical College and formerly head of the Pesticide Division of CDC at Atlanta as presented to the hearing examiner of the Washington State Legislature reasserts his repeated position of the past, "There is no valid evidence that DDT is a carcinogen."

The repeated claim that although the acute effects of DDT may not be serious in man, we do not know what the long term effects will be, is obviously specious. All drugs exhibit a dose-response effect and if DDT does not, it is the first drug discovered that doesn't. Obviously a continuous exposure over 20 years at a level of 200 fold the normal without clinical effect is more than equivalent to a normal continuous exposure of 4000 years. Surely no one is going to demand experimental proof that extends for longer than 4 millenia.

Perhaps the most crucial and cogent evidence that the correct use of DDT and other organo-chlorine pesticides is safe, lies in the fact that the insurance companies which underwrite the workers in pesticide plants or in pest control operator companies do not demand a higher risk premium for such coverage. They do not do this out of any misplaced generosity of spirit, but merely because they cannot point to an actuarial risk history that would justify such increased premiums.

The concern that the organo-chlorine pesticides, particularly DDT, may be steadily increasing in our food and water supply is not founded in fact. Extensive market basket analyses of all the major groups of pesticides made on samples of typical American diets taken in some 20 cities across the country and based on the prodigious food intake of a 19 year old American male reveal the maximum intake of any one pesticide or the total of all pesticides falls below 10% of the FDA and FAO-UN allowable tolerance. Furthermore these analyses indicate there has been no increase in levels of any one or all pesticides over the past 7 years since the inception of the program. It is interesting to note also that the pesticide levels, including DDT, found in imported foods is, on average, higher than those which are detected in similar domestic foods.

Parallel monitoring studies of DDT and related derivatives present in human tissues, chiefly fat, reveal no increase, on average, over the past ten years among the general population. The recent deliberately sensationalized publicity concerning the presence of minute levels of DDT and derivatives found in mother's milk is a totally irresponsible effort to throw an unnecessary scare into pregnant and nursing women solely for political purposes. Actually infants pick up more pesticide residues from other foods they eat than from their mother's milk, and furthermore in fact mammals are, in fact, more tolerant of DDT and derivatives than adults of the same species. The same cannot be said for the caffeine, nicotine or alcohol they may also receive from their mother, when she consumes coffee, smokes cigarettes or drinks cocktails.

V. WILDLIFE CONSIDERATIONS

The essence of the concern of many ecologists and conservationists related to pesticides rests primarily upon the persistence of pesticides, chiefly the organo chlorines in the environment to which they are applied. It has even been stated that over 95% of all the DDT ever applied is still present as such or as its biologically active derivatives, and continues steadily to impregnate the entire planet, land, water and air.

This is absolutely untrue. To begin with the older pesticides such as lead arsenate, the mercuries and coppers are indeed permanent as their half lives are virtually infinite. This is not true of the organic pesticides including DDT and the other organo chlorines. Some, such as the organo phosphates have half lives measured in hours or days, although many of them are exceedingly toxic to wildlife for the period they are around. Others, such as DDT and the other organo chlorines have half lives measured in days, weeks, months and in a few specific cases, in years. Their rate of decay is subject to many environmental factors including temperature, moisture, light, and the presence of organic matter and micro flora. It is the particular combination of these factors that "determines the actual half life in each specific case.

Organo chlorines are, as a group, highly insoluble in water so their movement in water is both slow and minute. They do, however, have a strong affinity for fats, oils and other lipoids and they tend to absorb strongly to organic matter. When streams or rivers do become contaminated at relatively high levels with DDT it is usually through erosion of treated soil by wind or water and the pesticide is carried into the water adsorbed onto soil particles, where it also remains, settling with the soil into bottom muds. There it slowly decays under attack by various benthic microflora or microfauna. This has now been verified by long term monitoring assays of estuarine waters and bottom deposits at the mouths of our major river systems. The delta of the Mississippi is of particular significance in these studies as this mighty river system drains such a vast agricultural area where millions of pounds of pesticides are applied annually such that, if indeed there actually was a steady drift and accumulation of DDT and derivatives in our waterways, it would be the mouth of this great watershed that would reveal it. It does not, after nearly 8 years of intensive investigation. The alleged blame on the organo chlorines for the Mississippi fish fiasco, of a few years ago, was ultimately revealed as totally unfounded. As there was no decline in the Louisiana shrimp harvest, at the time, this should have really been patently obvious, for shrimp, being arthropods, are far more sensitive to these chemicals than are the sunfish, shiners and cat fish that died.

In sandy, dry soils in mild climates DDT and derivatives do persist, in some recorded cases, with a half life of up to 10 years. Where soil insect, or termite control is important this is, of course, a distinct advantage.

Even though the vapor pressure of most of the organo chlorines is quite low, they will evaporate or co-distill with water into the atmosphere, from whence they can be carried over great distances to return ultimately to earth or sea in rain or snow. However, only exceedingly minute quantities can migrate in this fashion and furthermore they are sensitive to ultra-violet light and a substantial proportion of such airborne contamination is degraded before it returns to earth.

DDT, the chief culprit in the present flurry of accusations degrades quite rapidly either to DDD or to DDE. Both of these forms are substantially less toxic to all kinds of vertebrate life than is DDT. DDD is about 1/10th as toxic and DDE about ½ as toxic as DDT.

It is true that minuscule quantities of DDT and derivatives have been detected, in remote and unlikely places on the planet where, presumably, no direct application has been made. This is true of many other toxic substances also including arsenic. Many of these assays are more of an accolade to the exquisite refinement of our modern analytical techniques than an ominous warning of the poisoning of the total environment. Furthermore it now appears that much of the earlier analytical work i.e. prior to 1967—on DDT residues was obscured by and confounded with polychlorobiphenyls (PCB)

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which reveal coincident peaks in the gas-liquid chromatographs. Recent studies from Sweden suggest that perhaps the preponderance of so-called DDT residues found in marine waters and biota are in fact PCBs.

The presence of DDT and derivatives among Antarctic penguins in an oft quoted case. Actually, of course, the amount present in the penguins was so small, that if all the penguin population in Antarctica carried the same level, which they did not as most of them were negative, then the total amount of DDT or equivalent would aggregate about half a pound for the entire continent. As there was no DDT detected in the snow samples taken, there is no evidence that the penguin and other Antarctic wildlife data indicates a universal contamination of this remote area. It would seem far more probable that the observed DDT came from wastes and rubbish cast out by visiting Antarctic expeditions. Similar sources are suspect for the occurrence of DDT and derivatives among pelargic fish caught far out to sea.

There have undoubtedly been fish kills among inland streams and water ways that are in small part, at least, attributable to pesticides, which entered the water either by direct application or by erosion of treated nearby soils. In a few cases the irresponsible dumping of residue sprays, old containers etc. directly into streams and ditches has killed fish.

However, the published records of unnatural fish kills in the U.S. over the past 7 years reveal that only 1–3% of the total kill can actually be assessed against pesticides. Municipal and industrial wastes on the other hand account for over 70% of the kill each year.

When the decision rests between producing food or fiber for our people and the protection of millions of acres of forest and billions of board feet of lumber, or alternatively preserving less than 0.1% of our fresh water fish, which rapidly replace themselves anyway, there really is no question as to which choice should be made.

The concern over the impact of pesticides upon terrestrial wildlife particularly birds is not entirely void of justification but again it has been exaggerated out of all proportion to the actual facts.

When one considers that insects and disease destroy each year more than 30 times as much lumber and trees as all the forest fires combined, and, of course, with its vast ecological areas for feeding and nesting of bird and other wildlife; when one also considers that insect borne avian diseases, a number of which are transmissible to man, destroy literally millions of desirable bird life,—e.g. pheasants, quail, ducks, doves etc.—then it would seem that a very strong case can be made for the contributions man's use of pesticides make to the welfare of wildlife. Certainly an unrestricted plague of glasshoppers, readily disturbs and destroys the wildlife along the extended paths it denudes. Last summer in northern New Jersey over 40,000 acres of forest, hardwoods, softwoods and conifers were denuded by the gypsy moth; the wildlife, birds, mammals and even snakes, left the ravaged areas in droves, for they had no food, no nesting place and no shade.

There is actually no valid evidence, despite the emotional and sensational assertions in the press, that any registered pesticide applied correctly and in accord with approved federal and local recommendations has ever invoked massive irreversible bird kills of any species. Even where accidental spills or irresponsible exposures have, on occasion, occurred the resulting kills have been insignificant, compared to kills elicited by winter wastage, storms, disease and such other man made hazards as sky scrapers, TV towers and traffic.

Contrary to the oft quoted myth initiated in Rachel Carson's Silent Spring, where the main concern was over the alleged rapid decline in bird life in America, careful bird counts made over the entire country and published by the National Audubon Society reveal that many favored species of birds have actually very substantially increased in numbers in many areas of the country rather than have declined. Thus robins (which were mourned as approaching extinction on page 118 of Carson's book), starlings, sparrows, seagulls, ducks of several species, wild turkeys, blue jays, cardinals, pheasants, quail and grackles have all increased at least two fold and some more than 40 fold in the past 25 years since the organic pesticides (including DDT) were widely introduced. Surprisingly a number of raptorial (Hawk) species, which being at the top of the carnivorous food chain are alleged to being rapidly poisoned into extirpation, have also shown that they are either holding their own or are increasing. Unfortunately several do show a steady decline and include among their number Cooper's Hawk, the magnificent Golden Eagle and the Peregrine Falcon. These declines, however, appear to be more related to the encroachment of man's civilization upon their wild breeding and feeding haunts than upon the direct effect of any pesticide. Certainly the Peregrine Falcon was driven from the Hudson River escarpments by man's intrusion long before DDT was discovered to be a pesticide. All over the world this superb raptor has shown a decline regardless of whether DDT was used in its environment or not.

The fish hawk, or osprey, on the other hand, though driven from its shore line haunts on the east coast has reinforced its numbers inland and a significant rise in the migration count has been recorded for several years now at the Hawk Mountain Sanctuary Observation Post on the Great Appalachian Fly Way.

The brown pelican has also shown a serious decline on the west coast, and this is furiously blamed on DDT, on the other hand it is flourishing along the Florida Coasts where DDT has been applied as much if not more than in California. Which leads to a new natural law invoked by those who seek to blame all the ills of the environment on DDT: "When wildlife increases it is due to changes in migratory habits but when it declines it is due to DDT."

There is much press publicity that residues of organo chlorine pesticides particularly DDT, impair fertility, eggshells and hatchability of eggs and reduce the survival of nestlings among many species of wild birds, specifically ducks, quail, pheasants, pelicans and particularly raptors such as the bald eagle. Most of the reports published on this subject are patently assumptive and equivocal, although admittedly in some species excessive exposures, many fold that experienced under field conditions, do reveal some of these effects. There is considerable evidence with domestic fowl, turkeys and ducks that this does not occur even at doses 10 fold natural exposure. In any case there could hardly be a population explosion of bird life in America if these assertions were, in fact, generally true. Sportsman's clubs report that in recent years the bag has been more than adequate for sporting birds, and the same is reported for all the major species of hunting mammalian wildlife over the past 25 years.

Finally the argument is repeatedly raised that even though the levels of DDT and derivatives and other organo chlorine pesticides present in waterways, lakes and ponds may be innocuously low there is a magnification process up the food chain which culminates in an accumulation to lethal levels at the top of the chain. This important hypothesis has been critically investigated recently by the Oregon Station. They find that, indeed, certain aquatic flora and fauna do pool organo chlorines, but that it does not consistently mount up the food chain and certainly not at the rate and magnitudes claimed.

Furthermore, the actual evidence reveals that fish at the top of the food chain, e.g. trout—absorb some 85% of the pesticide they accumulate directly from the ambient water and only 15% from their food; that the level to which the compound accumulates is a direct function of the concentration in the water; and that such accumulation attains a steady state above which it does not rise unless the concentration in the ambient water is also raised. Thus where the level in the water is less than 1 ppb, and many waters show concentrations in the 10–100 ppt range, the accumulation in the fish is essentially innocuous to the fish and harmless to man should he catch and consume. Admittedly, higher levels of DDT and derivatives than 1 ppb have, on occasion occurred, following heavy rain erosion from neighboring recently treated fields or to the deliberate illegal dumping of residual spray tanks, drums etc., but these are not approved methods of application and are quite regional and ephemeral in effect.

VI. CONCLUSIONS

1. There is a rising and unreasoning fear among our people of scientific technology in general, of scientific agriculture in particular and of agricultural chemicals specifically.

2. It is paradoxical that the very critics of modern science regard its benefits and the munificence it bestows as their due and birthright. They seek to disrupt and destroy modern scientific technology without any suggestion as to how to replace it and continue to enjoy the security and comfort of present day America.

3. Criticism is desirable for the improvement of all things, but nonconstructive criticism is worthless.

4. There can be no point in banning the use of effective pesticides until we have equally efficient methods to fulfill their function.

5. The major problem facing mankind is the exploding population and how to feed, clothe and shelter it, at least, until some acceptable way is found to curb it.

6. If no such "people stat" is developed by the social-scientists, economists, theologians and medical profession before the world population reaches 10–12 billion humans starvation on an unparalleled scale will ensue and chaos follow.

7. Scientific agriculture could feed, at subsistence level, perhaps 10–12 billion people, but not beyond that number.

8. Such an accretion of humanity has enormous and far reaching impact on the environment.

9. Conservation is primarily concerned with conserving man.

10. Despite herculean efforts by the western world the hunger gap continues to widen.

11. At least a threefold increase in world food production is essential by year 2000.

12. Some relief can be achieved by reducing food standards—e.g. meat—in the developed nations to share the primary food grains with undeveloped nations. This is socially and politically unacceptable.

13. New arable lands can be brought into production; there are many such potential areas, but this is expensive and would still be too limited.

14. Yields and productivity of present arable lands can be increased to 3 to 4 fold by applying scientific agriculture, particularly chemistry as fertilizers and pesticides.

15. This has been the approach in North America and has resulted in the most munificent, highest quality and cheapest food supply in all history.

16. The U.S. food supply is its most powerful force militarily, industrially, economically and politically.

17. Four factors comprise the basis of sci-

entific agriculture, education, genetics, engineering and chemistry.

18. Monoculture, an economic necessity, encourages pest problems, against which only chemical methods are reliably effective, biological controls are too few, too slow, too incomplete, too unreliable and too ephemeral for the practical grower. Integrated control is more promising.

19. Crop and livestock annual losses to pests approach $20 billion in the U.S. Without chemical controls losses would at least double, food costs would soar and hunger would stalk the land.

20. The National socio-economic impact would be catastrophic.

21. The persistent organo chlorine pesticides are essential in the control of insect vectored human diseases, particularly in tropical and sub-tropical countries.

22. Malaria has been sharply reduced or eradicated in some 60 countries since 1950, but where the program has been suspended it returned promptly—e.g. Ceylon.

23. More than 15 major human and livestock diseases are insect borne and can therefore be controlled by appropriate pesticide applications.

24. Exposure of more than one billion humans to DDT for over 20 years has not revealed one single medically annotated case of injury, sickness, cancer or death in man.

25. Daily exposure over 20 years to levels of DDT at least 200 fold the national average elicited no clinical symptoms. This is conclusive evidence that the low level normal exposure does not elicit long term chronic effects.

26. There is no valid evidence that DDT is a carcinogen.

27. Insurance companies do not demand increased risk premiums to underwrite medical coverage of workmen exposed to daily overloads of registered pesticides, provided established industrial hygienic measures are applied.

28. Extensive monitoring surveys reveal no accumulation of pesticides in foods, water supply or the bodies of the people.

29. The sensational assertions about the dangers of DDT in Mother's milk are irresponsible, unscrupulous and ridiculous.

30. The claim that 95% of all the DDT produced still remains in the environment is not supported by evidence. All organic pesticides degrade at varying rates under various conditions; such can not be said for arsenic, lead, mercury or copper.

31. The very persistence of the organo chlorines is in fact their strongest asset.

32. The impact of the environmental distribution of organo chlorines by evaporation or by co-distillation with water is sharply curtailed by their sensitivity to ultra-violet light which rapidly degrades them.

33. The assertion that DDT is ubiquitous over the planet is not of any environmental biological significance and may well be grossly exaggerated quantitatively by confounding of the analyses with polychlorobiphenyls which yield coincident peaks in the chromatographs.

34. Annual annotated inland unnatural fish kills reveal that pesticides are credited with from 1–3% while municipal and industrial wastes are responsible for over 70%.

35. The impact of pesticides upon birdlife is virtually insignificant compared to the effect by insect vectored avian disease, or the destruction of nesting and feeding areas by forest denudement or by the wastage from storms and frost. Skyscrapers, TV towers and traffic probably destroy as much or more birds than all the pesticides combined.

36. Contrary to the popular press, bird life in N. America has actually substantially increased over the past 25 years, and game mammals have also proliferated.

37. The evidence that DDT and derivatives elicit impaired egg shells is, as yet, confused and equivocal. It may occur under excess exposure in certain bird species. It does not occur among domestic fowl, turkeys, ducks or quail.

38. The hypothesis that pesticides are rapidly magnified from water up a food chain to culminate at levels toxic to the creature at the top of the chain remains both obscure and equivocal. It appears upon study to be both inconsistent and much less than often asserted.

39. Careful studies show many fish species accumulate pesticides 5 times more from direct absorption from the ambient water than from their food, and they do so in direct proportion to the concentration in the water.

McKEESPORT TOWERS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. GAYDOS. Mr. Speaker, I take pride in calling the attention of my colleagues to an event which visibly demonstrates what can be accomplished when various governmental agencies cooperate in the common objective of improving the lives of their citizens.

On December 10, the city of McKeesport dedicated a new 12-story apartment house, providing homes for 200 of the community's elderly citizens. This $3.4 million project was built through the combined efforts of the McKeesport Redevelopment Authority, the McKeesport Housing Authority, and the Federal Government's Housing and Urban Development Office. It contains 140 efficiency apartments, 52 one-bedroom apartments and eight two-bedroom units.

Constructed under the turnkey program and financed by a HUD grant, the project was started last year when the redevelopment authority sold land to a building contractor. A groundbreaking ceremony was held on August 4, 1969, and the building was completed 135 days ahead of schedule. It was purchased by the McKeesport Housing Authority on September 23, 1970, and the first tenants moved into the new facility within a matter of weeks. Although full occupancy of the building is not anticipated until the end of this month, these early tenants are high in their praise of their rooms and facilities.

With the addition of the 200 units in the new McKeesport Towers, the city's housing authority now operates 1,204 apartment units with a population of 2,835 persons.

Mr. Speaker, I commend the members of the McKeesport Housing Authority—Dr. W. Melvin Stockton, chairman; Stanley A. Sieracki, vice chairman; Alvin B. Culbert, secretary-treasurer; Michael E. Rogan and Elmer P. Erkel—for their service to the city's senior citizens.

I would extend these commendations to others who have played a part in bringing this new project to fruition: S. H. Hirshberg, executive director of the housing authority; James N. Contakos, chairman of the McKeesport Redevelopment Authority; John Francis Flynn, executive director of the redevelopment authority; Paul C. Steimer, Miss Jane E. Luton, and W. G. Capel, representatives of HUD; and John F. Wedel, representative of Pennsylvania's Department of Community Affairs.

TRIBUTE TO THE LATE HONORABLE DAVID McINTOSH, FORMER MAYOR OF QUINCY, MASS.

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, it is my sad duty to bring to the attention of the Members of Congress of the United States the death of Hon. David S. McIntosh, former mayor of Quincy, Mass. "Tuck", as he was fondly known, devoted more than 25 years of his life to public service.

He was an able, dedicated, devoted public official with a deep concern for his fellow man. A brilliant orator "Tuck" had the ability to express himself in such a way as to command the attention of his audience. His warm personality endeared himself to everyone. He was truly one of God's great noblemen.

I found him a sincere friend and I shall always appreciate his many kindnesses toward me.

Mrs. Burke joins me in our expression of deep sorrow to his beloved wife and members of his family.

The following news article from the Quincy Patriot Ledger of December 15, 1970, summarizes his accomplishments and service:

DAVID McINTOSH, FORMER MAYOR OF QUINCY, DIES

QUINCY.—David S. McIntosh, 85, former mayor of Quincy and long its elder statesman, who had devoted more than 25 years of his life to public service over a period of 50 years, died of a stroke at 2:55 a.m. today at Quincy City Hospital where he had been for the past month.

STATE SENATOR

The city's second Plan E mayor, Mr. McIntosh, widely known as "Tuck," had served as a state senator and representative in his early political career and later as a councilor for a total of 17 years. He resided at 299 Whitwell St.

In addition to his wife, Ella, he is survived by a son, David B. McIntosh Sr. of Quincy; two sisters, Mrs. Chester (Jessie) Hollis and Mrs. Ernest H. (Isabel) Bishop, both of Quincy; and three grandchildren, David B. McIntosh Jr. and Robert B. McIntosh, both of Quincy, and Mrs. Richard (Nancy) Paul of Shrewsbury.

Funeral services will be held Thursday at 2 p.m. at the United First Presbyterian Church, Franklin Street. The Rev. Stephen Brown, pastor, and the Rev. John Banks, pastor of the Bethany Congregational Church, will officiate. Burial will be in Mt. Wollaston Cemetery.

Visiting hours at the Wickens and Troupe Funeral Home, 26 Adams St., are tomorrow from 2 to 4 and 7 to 9 p.m.

In lieu of flowers, donations may be made to the Memorial Fund of the First United Presbyterian Church, 270 Franklin St.

ONE OF 10 CHILDREN

Born in Quincy Aug. 1, 1885, Mr. McIntosh was one of 10 children. His parents had come to Quincy from Scotland the year before. Angus McIntosh, his father, was a granite worker, and young David McIntosh was to set out in his father's footsteps.

Mr. McIntosh credited his mother's Bible teachings for his widely-recognized talent as a public speaker.

He was always interested in reading, especially history and biography, and chose Gen. Robert E. Lee, commander of the Confeder-

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ate forces during the Civil War, as his favorite character. To him, the Southern general represented a true gentleman and a fine leader.

GRANITE CUTTER

He attended Quincy High School a year before he left to become a blacksmith's helper. Three years later he became a granite cutter. In 1912 he became president of the Granite Cutters Union.

In 1914 he took over the A. McIntosh and Co., and operated it for the next 20 years. In 1936 he branched out in the equipment business and became co-owner of the J. F. Casey Equipment Co. of Watertown. For several years he was president of the Quincy Granite Manufacturers Association.

Mr. McIntosh launched his political career in 1916 when he was elected to the General Court as state representative. Two years later he was elected a state senator, representing Quincy and some 13 South Shore towns. The area, now known as the First Norfolk District, has since cut down to include Quincy, Braintree and Randolph.

While in the General Court, Mr. McIntosh lead a movement for a 48-hour maximum week for women and children, which he described as "the forerunner of a lot of social legislation to come."

In 1920 he ran for mayor but was defeated by William A. Bradford.

COUNCIL PRESIDENT

In 1934, 14 years later, he was chosen at a special election to fill an unexpired term in the city council, and he was elected the following year to serve a two-year term. He was council president in 1937.

After another 14-year interim in 1951, Mr. McIntosh ran for councilor-at-large and was elected. Since then he served on the city council until December 1965.

In accordance with the Plan E form of government, the city council elected David S. McIntosh in 1952 by Councilors Carl W. Anderson, David J. Crowley, Alfred G. Helfrich, Frank N. Orcutt and by his own ballot. Councilor Amelio Della Chiesa voted for Miss Edna B. Austin, who, in turned voted for Councilor Della Chiesa.

Immediately after his election, Mayor McIntosh struck at the heart of Plan E when he expressed the hope that a section, which in effect restrained a councilor from interfering with the administrative duties of the city manager, be amended.

At the time, he said that "this section is incompatible with our concept of a free municipal government."

AGAINST PR VOTING

Later in September 1952, he filed a petition with the Secretary of State, division of elections, seeking the present proportional representation be substituted by plurality voting.

He said, "My chief argument against PR is that the individual voter is disenfranchised to the extent of approximately six-sevenths of his rightful voting privileges. We elect seven city councilors. A citizen's vote counts for only one candidate in the final analysis. Under the old form of plurality voting, a citizen's vote is counted for seven of the candidates in the field."

Noted as an eloquent speaker, Mr. McIntosh became the traveling representative of the Massachusetts Highway Users Conference, which played an important part in stopping the diversion of highway funds to non-highway purposes.

During his career as a councilman, he favored voting machines and urged his fellow council members to do something more than talk about it.

Other programs he supported which have yet to be completed are the construction of a new City Hall, the extension of Quarry Street through School Street, and the construction of a causeway between Houghs Neck and Germantown.

FAVORED INCINERATOR

As chairman of the incinerator committee Mr. McIntosh reported a strong need for incineration by contract because estimates and bids showed that a private contractor could do the work cheaper than the city.

Mr. McIntosh was also chairman of the land conveyance committee of the council. In 1961 he was appointed the new appeal board chairman, to process salary schedule adjustments for city employes.

For long range programs, he had proposed the extension of Upland Road to Penn St., and a revised version of the Shawmut Trail which would lead from Capen's Bridge in Braintree to a new Fore River Bridge.

In 1958 he had made an unsuccessful bid for state representative from the Second Norfolk District.

Looking back on his years of public service, Mr. McIntosh said that he deplored the loss of rugged individualism that characterized men 50 years ago and a similar loss in pride and resourcefulness. Too many men now depend too much on the government looking out for them and too little on themselves, he thought. Not that he decried social legislation, but he contended that a man should stand on his own two feet and fight and not come running to the government for a handout every time the going gets a little rough.

In 1964 the General Court enacted a bill to permit Mr. McIntosh to join the city's contributory retirement system. A special act was required because he was over 60 years of age and had approximately 20 years of public service.

"EXEMPLIFIES THE FINEST"

At the time of Mr. McIntosh's retirement, then Mayor Amelio Della Chiesa cited Mr. McIntosh, "the dean of the city council," as "a distinguished gentleman, one who has always spoken eloquently and forcefully for what he believed was right."

Della Chiesa continued: " 'Tuck' McIntosh truly exemplifies the finest in our community. He is a perfect example and a living testimony to the great American principles of hard work, initiative and achievement. I am sure that everyone, regardless of party affiliation or political differences, joins me in saying that it is with a feeling of sadness and heartfelt sorrow that he is leaving the political scene in our city. Our city is a great city and it is great because of the dedication and the unselfishness of people like 'Tuck' McIntosh."

On June 15, 1962, he and his wife, the former Ella May Blanding, celebrated their 50th wedding anniversary.

Mr. McIntosh was a member of the Order of Scottish Clans and earned a 60-year pin in 1963. He was a member of the Rural Masonic Lodge for almost 50 years and a former member of the old Quincy Civic Association, where he had taught public speaking.

TRIBUTES

Mayor James R. McIntyre said today he is having black drapes put up at the entrance to City Hall in memory of former Mayor David S. McIntosh. All flags in the city are also to be lowered to half mast for 30 days.

The Mayor said that the death of former Mayor McIntosh is a "deep personal loss" and that "it is the end of an era in the city of Quincy. He was a tremendous orator, and had a very colorful and enthusiastic mind and spirit.

"I will sorely miss his counsel, wisdom and tremendous sense of humor. Mayor McIntosh served Quincy extremely well as a city councilor, state representative, state senator and mayor. My deepest sympathy is extended to his dear wife, and his family."

Councilor-at-large George B. McDonald said he was "profoundly shocked at learning of the death of former City Councilor David McIntosh. It was under his leadership and able guidance that much of the progressive legislation was adopted and passed which benefits all the citizens and taxpayers of the City of Quincy. I was privileged to serve with him on the City Council, and his loss is a personal and deep sorrow to me as well as to all citizens of Quincy. I extend my deepest sympathy to his wife and family."

THE IMPORTANCE OF A NATIONAL OCEANIC POLICY

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. MAILLIARD. Mr. Speaker, at the recent Navy Day banquet of the Navy League of the United States in New York City, the importance of a national oceanic policy and strategy to the implementation of the Nixon doctrine was delineated by the chairman, Adm. John J. Bergen, USNR, and by the Chairman of the Joint Chiefs of Staff, Admiral Moorer, USN. I believe their remarks to be significant and timely and insert them here for the information of my colleagues:

REMARKS BY ADM. JOHN J. BERGEN

Mr. Vice-President, Admiral Moorer, Mrs. Bentley and Co-Chairmen, John Mulcahy and Admiral Will, Admiral Anderson, Admiral Schade, Admiral Foley, General Higgins, our good friends The Clergy, Dais Guests, Ladies and Gentlemen.

The theme of the Navy Day celebration tonight is oceanic strategy. This is a great maritime moment, as I welcome you to Navy Day in New York, here at the hub of world communications, finance, and trade. What a warm thrill, as we pause together, to honor the men who man a far-flung United States Fleet—it is they who maintain a mobile vigil worldwide to keep our citizens safe and secure.

With my good friend, John Mulcahy, having found the President's Irish relatives just outside of Dublin—you would think we could sit down together to celebrate Navy Day, in peace and in prosperity, and in a perfect frame of mind. But, unfortunately as we know—it's not that kind of a world—the competition is keen—cut throat, it's mounting. Yes, the premium is on strength, the strategic strength of our fleet, combined with that of the other American Armed Services.

This adds a dominant note of seriousness and significance to this tribute we pay to the people of our Navy and the Marine Corps tonight—we know there are none finer, none more dedicated, none more ready to go into action wherever and whenever a threat to our freedom appears. Having the Vice-President of the United States, together with our top military man—in the uniform of our service—present on this dais is a particular source of pride and certainly a pleasure—it makes this Navy Day genuinely meaningful.

Our distingiushed guest symbolizes an alert America. He has done more to stiffen the backbone of segments of our society than any other individual I can name. And this Navy Day, more than ever before, America is alert to its oceanic heritage. The President, above all citizens, is responsible for the nation's turn toward the sea. His platform plank called for an ocean strategy and he has successfully broadened his sights to seek global peace. The new Nixon Doctrine manifestly is oceanic. Just as America's stake in the future stems from the vitality of our sea-oriented policy, and its underiding oceanic education.

America is now alert; yet, strangely, our strategic strength needs bolstering—and strategy, as we all know, should be everybody's business. Our United States Fleet, just as many of us, is not as young as it used to be. Our ships, many quite aged, are shrinking to a 1934 level of five hundred. Knowing that, if we are not to sink into second place strategically, some strong measures are needed. This is precisely why Operation Alert was launched in coordination with our good friends of the American Security Council. As you must know, our position, as the first and foremost in the world, must be preserved in these tension-filled times. In this regard, we must remember that strategic strength is much more than mere money and megatonnage. My vision of this strength includes carrier task forces patrolling the waters off Viet Nam, at the same time that seabased striking power sails smoothly in the Mediterranean and Indian Ocean, and Polaris-Poseidon and ULMS patrol the ocean deep, with Sabmis deployed serving as sentinels to stabilize volatile situations. This is the kind of power our President can use to preserve the peace.

The President requires our support and that of the Congress of the United States for the rebuilding of our strength—to fulfill America's role of global leadership, to achieve, defend, and preserve the peace world-wide.

That the nation is now turning to the seas to regain its oceanic heritage indicates that this Navy League of ours is doing its job—the nation is on the road to success, as symbolized by the President of the United States aboard the American Carrier *Saratoga* sailing in the Mediterranean. But we must recognize that we face a long hard road ahead—a long haul—and the Navy League must concentrate on long-term oceanic objectives—objectives that are constructive, convincing, and compelling.

Now, three long-range objectives for the Navy League and the nation should be emphasized to keep America strong at sea. First, *Education*—America must understand the seas . . . the Navy League, as the civilian arm, must provide the incentive. Second, *Shipbuilding*—ships are the key to fleet strength.

It is pleasing to note the Administration has embarked on a program to build 300 modern merchant ships, and that is a solid start. But both our Naval and commercial fleets need far more ships—modern, swift, and ready—it will interest you to know the Navy needs a minimum of 1,000 modern ships to do its global job. Third, *the maritime voice must be heard*—this is more than mere articulation; it is organization, it is understanding, and yes, it *is* conviction.

Tonight we carry this conviction to the country as we gather here to examine our seabased strategic strength and to bolster the resolve of our people and their representatives who control the purse strings for shipbuilding upon which a fleet—our strategic strength—our very global readiness depends and I must add parenthetically that we of the Naval Service who frequently felt quite lonely in the halls where the Whizz Kids and their mentor formulated defense policy, are now reassured.

This Navy Day, alert to our fullest heritage on the oceans—during this decade of the deep—in the Age of Aquarius—and with St. Christopher's blessing and protection, we move forward at flank speed to the oceanic destiny that is America.

NAVY LEAGUE SPEECH

(By Adm. Thomas H. Moorer, USN)

Mr. Vice President, Admiral Bergen, Admiral Will, distinguished guests, ladies and gentlemen—

It is said that a man is known by the company he keeps. If this be so, then I am more than pleased to be judged by my companions of this hour. Certainly I am highly honored to find myself on this platform with some of our country's most distinguished citizens—and I am highly pleased to be present once again in this beautiful ballroom with so many old friends, who always gather here to celebrate Navy Day in such a colorful and impressive way.

If it were one year ago, when I was Chief of Naval Operations, you might properly expect me to speak about the Navy. This I can do with all the enthusiasm and zest of a friend of mine in Alabama who wrote a book entitled, "An Unbiased History of the Civil War from the Southern Point of View." But tonight I am going to be brief and be seated. I would like briefly to express my appreciation and to express my concern.

Over the years, I have watched our Navy League, and particularly the New York Council, work unceasingly in many fields in order to enhance the strength and image of the sea power of our nation. As President Lyons has indicated, this Council has programs for oceanic education, Naval Sea Cadets, scholarships for deserving children of Navy men and Marines, and many other similar programs. These worthy efforts deserve the gratitude of all Americans, and I certainly add mine in a heartfelt way.

My concern lies in the area of the defense posture of our country—present and future. While we are moving towards a posture of fewer men, fewer aircraft, and fewer ships, than we have had at any time since the Korean War—about twenty years ago—our potential enemies are rapidly expanding their armies, their navies, and their air forces. It is alarming that, at the same time, many of our citizens not only assail our Defense budget, but demean and discourage our young people who seek to serve in the uniform of their country.

Ladies and gentlemen, the citizens of our country cannot have it both ways. They cannot have security on one hand and an inadequate Defense budget on the other—they cannot demean the uniform and criticize the Armed Services and the organizations to which they belong on one hand, and expect the young people—the military leaders of the future—to volunteer for a military career. It is time that all recognize that freedom is not free and neither does freedom mean freedom from restraint. We all recognize that there are many corrective actions to be taken inside our country that cost money. But the Defense budget is not an unlimited source of funds for these domestic actions. It certainly is not a panacea for all of our domestic ills.

President Nixon, in his search for peace, has defined his policy as being one guided by partnership, strength, and a willingness to negotiate. But history has proven over and over again that no one can negotiate from weakness. Furthermore, only the strong can be generous and exercise restraint. A solid military posture is a prerequisite to any viable foreign policy. President Theodore Roosevelt, the man whose birthday we celebrate tonight, put it this way: "Speak softly but carry a big club." And President Nixon has put it this way: "If we do not provide for the defense of our country, all other problems become moot."

Ladies and gentlemen, my message to you is simply this: During this fleeting moment of history our great country is too rich, too capable, too concerned about the welfare of our fellow man on a worldwide basis—and indeed too responsible for the future to let these responsibilities go by default. I know that the members of the Navy League and their guests assembled here tonight appreciate this fact, and I know that they will make a major contribution towards support of our military strength—for, as we all know, there can be no peace without power.

MEETING OUR COMMITMENTS

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. HATHAWAY. Mr. Speaker, I ask that the following report on the present state of some of the more important water-quality programs created by the Congress in the past several years be included in the CONGRESSIONAL RECORD of this date. The report was prepared by the Public Affairs Department of the American Concrete Pipe Association, an international organization headquartered in nearby Arlington, Va. It illustrates vividly that while an impressive foundation for a national program of water-quality control has been developed by the Federal Water Pollution Control Acts of 1965 and 1966 and subsequent amendments, the amounts planned for these programs have yet to be matched with the required funding.

The report points out, for example, that the Joint Economic Congressional Committee estimated in 1968 that a gross investment by all levels of Government of $51.8 billion would be required to provide supporting water and sewerage facilities over a 10-year period—an annual average level of $5.2 billion. Yet despite this projection, says the report, more than 13,000 separate applications for water and sewerage programs totaling close to $5.3 billion went unfunded during the fiscal year which ended last June. Total appropriations for the present 1971 fiscal year of $1.66 billion match neither the annual need in this area nor even the fiscal 1970 backlog.

Mr. Speaker, our urban and rural areas cannot hope to fill the needs of their citizens, their businesses, and their industries, nor can they hope to attract new industry and jobs without ample water and sewerage facilities. Local sources of revenue are already taxed to their limits.

Our towns and cities will lose the battle to save the environment unless the Congress begins in the next session to adequately fill these and other pressing needs in the environmental area. At the bare minimum, the credibility of the existing Federal commitment must be reestablished by backing works, plans, and realized needs with hard cash.

The report follows:

A SURVEY OF THE WATER POLLUTION CONTROL PROGRAMS

The abatement of water pollution begins with the proper funding of basic water and sewerage facilities which are under the jurisdiction of four Federal agencies—the Federal Water Quality Administration, Department of Housing and Urabn Development, Economic Development Administration, and Farmer's Home Administration.

The repair of the total environment is the one issue which unites Democrats and Republicans, doves and hawks, rich and poor, and blacks and whites. A nation-wide movement has begun which is demanding results. The Federal Water Pollution Control Acts of 1956 and 1966 developed the foundation for water pollution control, but the authorized monies for environmental enhancement have yet to be matched with the needed funding.

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Environmental pollution cannot be acted upon without an intelligent awareness of economic realities. It is mandatory that priorities be established, but isn't the use of water and the disposal of wastes by citizens, industry, and government as essential a priority as the basic need for clean air and adequate food supplies?

The need for adequate water and sewerage facilities remains one of the most pressing problems facing this nation's communities. Local sources of revenue continue to be severely taxed and, although many communities are making efforts to raise needed funds, the demand for Federal grants-in-aid increases. Communities cannot hope to attract new industry unless they provide ample water and sewerage facilities.

PRESENT AND FUTURE NEEDS

The Joint Economic Committee of Congress estimated in 1968 that a gross investment by all levels of government of $51.8 billion will be required to provide supporting water and sewerage facilities over a 10-year period, or an average annual level of $5.2 billion.

In appropriations hearings this session of Congress, the four Federal agencies which combine to administer the water and sewerage programs of our nation estimated that current financial needs to cover unfunded fiscal 1970 grant and loan applications amounted to about $5.3 billion. This figure represents current needs, not future forecasts. The breakdown of this amount appears in Table 1.

TABLE 1

Federal agencies	Number of pending applications	Grant amounts
FWQA	2,509	$1,739,199,948
HUD	4,308	2,496,750,000
EDA	100	90,000,000
FHA	5,935	964,088,000

CONGRESSIONAL RESPONSE

With present needs of unfunded applications amounting to $5.3 billion. and the Congressional estimate of an annual, needed amount from 1968–1977 of $5.2 billion, Congress' response in the form of fiscal 1971 appropriations appears in Table 2.

TABLE 2

Federal agencies	1971 fiscal authorizations	1971 fiscal appropriations
FWQA	$1,250,000,000	$1,000,000,000
HUD	150,000,000	350,000,000
EDA	160,000,000	160,000,000
FHA	79,000,000	[1] 100,000,000

[1] President Nixon's budget calls for an additional minimum of $50,000,000 in direct loans.

Total fiscal 1971 appropriations of $1.66 billion for water and sewerage programs do not match the 1970 backlog of $5.3 billion nor come close to the annual need of $5.2 billion. Part of this imbalance is understandable when one considers the present inflation and defense expenditures.

INSIDE THE AGENCIES

Federal Water Quality Administration

The FWQA of the Environmental Protection Agency (formely FWPCA under the U.S. Department of the Interior) distributes grant funds up to 55% of the total costs to the states for allocation to local governments to construct and expand waste treatment plant facilities. A recent survey conducted by the National League of Cities and the U.S. Conference of Mayors, at the request of Senator Muskie, estimated that public funds needed *now* to control water pollution amount to from $33 to $37 billion. In addition, the survey provided the following break down of certain needed funds:

(a) For primary and secondary treatment	$8,701,541,974
(b) For tertiary treatment	3,904,051,553
(c) For interceptor and storm sewer improvement	7,361,438,149

In addition to needs and fiscal appropriations for 1971, many states which prefunded projects under the provisions of Section 8(c) of the Federal Water Pollution Control Act are due outstanding reimbursement amounting to $894 million. The total amount which FWQA is obligated to fund the states in the forms of grants pending (2509 applications at a grant amount of $1.7 billion) and prefunded projects amounts to about $2.6 billion.

For fiscal 1971, the President signed the Public Works Appropriation Act which includes $1 billion for FWQA. The Act includes a stipulation that $200 million of the $1 billion appropriated should be used to reimburse those states which pre-funded FWQA projects.

U.S. Department of Housing and Urban Development

HUD provides grants to local governments to finance up to 50% of the cost of basic water and sewer projects. During the first 4 years of this grant program (fiscal 1966–1969), grants amounting to $514.6 million were made for 1,151 projects (48% for water projects, 41% for sewer projects and 11% for combined water-sewer projects).

An official of HUD, in response to two letters of inquiry from Senator Goodell, stated: "The average Federal grants participation is 31.5 percent," and that the average Federal grant for water and sewer projects is only 30 percent of the total project cost. The spokesman stated that the reason the Federal grant percentage is only 31.5 percent "is in large measure attributable to the fact that our ceiling on individual grants is $1.5 so that on large projects (ranging, say, from $4–$10 million) the Federal percentage is relatively low."

HUD officials in testimony before Congress this year reported that during fiscal 1970, 4,308 water and sewer applications remained pending with grants amounting to $2.5 billion and total project costs of $5.5 billion. After the Presidential veto of the original HUD 1971 fiscal appropriations bill, Congress have passed a redrafted bill which includes $350 million for water and sewer projects (in the vetoed bill, the amount was $500 million).

Economic Development Administration

The EDA of the U.S. Department of Commerce provides grants of up to 50% of the total project cost in areas designated as "economic redevelopment areas." In addition, supplementary grants up to 80% are available for depressed economic areas which cannot meet the required matching share.

Since EDA originated on September 1, 1965, a total of 1,753 public works projects have been approved as of May 8, 1970. As of June 30, 1970, EDA reported that there is a backlog of about 100 sewer and water projects amounting to approximately $90 million. The 1970 fiscal adjusted appropriations amounted to $174.5 million, with an additional $90 million unfunded.

The fiscal 1971 appropriations for community development grants is $160 million with about 70 percent going to water and sewer projects.

Farmer's Home Administration

The FHA of the U.S. Department of Agriculture offers aid to rural areas which do not include part of a city or town with a population in excess of 5,500. If the rural area has less than 5,500 population, it qualifies to apply for loans to finance the development of water and sewer systems.

In December 1969, FHA conducted a survey to show the needs in its program areas. Water and sewer system needs amounted to $11.3 billion. As of December 31, 1969, FHA could not fund 5,935 applications amounting to $964 million.

In Senate testimony this year, Mr. James V. Smith, Administrator of FHA, stated that 34,763 communities do not have adequate central water systems and 44,567 communities do not have adequate sewerage facilities.

The 1971 fiscal monies available for water and sewer projects include $100 million for grants and a minimum (budgeted by the President) of $50 million for direct loans, instead of the actually appropriated $98 million.

SUMMARY

In President Nixon's State of the Union Message on January 22, 1970, he said that sewerage treatment plants would be built "in every place in America where they are needed."

The range of proposals pending before the 91st Congress is from the Administration's 4-year $1 billion program for a total of $4 billion in Federal funds to Senator Muskie's proposal in S. 3687 for a 5-year $2.5 billion program for a total of $12.5 billion in Federal funds. Last year the Senate voted to appropriate $1 billion for waste treatment facilities, but it was forced to compromise with the House at $800 million for fiscal 1970.

At the bare minimum, the credibility of the existing Federal commitment must be re-established by backing words of authorization and realized needs with monies of appropriation.

The construction of adequate water and sewerage facilities is "step one" in water pollution control priorities. Local communities and state governments cannot afford this expense without the financial assistance of the Federal government. The time for Congress to react is rapidly passing.

A MISSION FOR 4 MILLION

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. RHODES. Mr. Speaker, recently there have been statements made by commentators which indicate complete misunderstanding of the true principles of the Masonic brotherhood. For this reason, a speech on Masonry delivered on May 7, 1970, by our colleague, Hon. GEORGE A. GOODLING, to Semper Paratus Lodge No. 49, Washington, D.C., is of particular significance. It is my privilege and honor to share it with all Members of the Congress:

A MISSION FOR 4 MILLION

(By Hon. GEORGE A. GOODLING, 33°)

I am indeed pleased to be here with you this evening, for every Masonic meeting I attend is a new and rich experience for me.

Tonight, with your indulgence, I would like to discuss some things with you, just as one Mason to another and one man to another—things that are of the hour and serious in nature.

The principles upon which Masonry is founded are as old as civilization itself, but the origin of the craft is largely lost in the mist of unrecorded history. Masonic tradition tells us that our ancient brethren labored at the building of King Solomon's Temple, but Grand Lodge Masonry, as you and I know it, is of much more recent origin. It dates from the formation of the Grand Lodge in London in 1717.

Masonry came to the American Colonies early in the eighteenth century when immigrating Freemasons established lodges at various places. The first lodges usually met "according to the old customs" and worked without the sanction of warrants. Before many years elapsed, the status of the craft in the Colonies was clarified and regularized. At least as early as March, 1749, Lord Byron—Grand Master of England—authorized the formation of a provincial grand lodge for my State of Pennsylvania. In 1786, the Grand Lodge of Pennsylvania was formed, independent of the England Grand Lodge. From that day to the present, the craft has played an important part in the life of the Commonwealth and the Nation.

All this will serve to outline very briefly whence we came. But what is far more important, we need also to consider where we, as Masons, are now and, what is far more important, where are we going from here?

Today there are almost four million Masons in the United States. We must remember, however, that members alone do not make Masonry an effective force. Nor is it sufficient to establish lodges and confer degrees, even though the ritual is a most impressive one. Masonry must be more than words, pins, rings, jewels, and aprons. If it meant no more than that, we could not justify its existence. To be meaningful and dynamic, masonry must call each of its members to a life of service and helpfulness.

As I mentioned before: Where are we, as masons, going from here?

Today it is difficult to take the long look ahead, because the air all about us is filled with confusions. Our vision is blurred by the mists of disorders, inflation, unbalanced budgets, national debt. We have a difficult time peering through the fogs of crime, Vietnam, and racial unrest.

But if we can't look into the future, we can look back and get an idea on things by taking a measure of what has gone on before. And the picture is not a pretty one, for we sadly see that ever since man came upon this earth, he has set about to slay his brother. The pages of recorded history are colored with crimson in accounts of how one civilization overcame another and how one race triumphed over another. And scientists remind us of the sad truth that man is one of the few animals on this earth who will destroy his own kind.

But man is an unusual creature, because he is multi-dimensioned. Just as he is capable of hate and destruction, so is he also competent to love and to preserve. Every day the news media heralds accounts of man's kindness to man. Men jump into cold rivers to save a fellow being swept away by a dashing current—women will join groups that perform services for the sick and the poor at our various social institutions—a Boy Scout will take the hand of a child frightened by the confusion of fast-moving traffic, leading him safely across the busy thoroughfare.

What seems to be sadly lacking in man's relation to man is *communication*. Once man communicates with his brother, he sets the stage for ironing out differences and providing mutual assistance.

But in order to communicate, man must first "be concerned" about his fellow. For too long he has been too unconcerned. Too hesitant to become involved.

This concern is, perhaps, best illustrated by the universal concern that was generated for our astronauts who recently had a mishap in space and sailed precariously through the heavens. Men throughout the world were drawn together in a concern for three of their fellows who stood a great chance of losing their lives to the space they challenged. And when these men were returned safely to earth, one could sense that virtually all of mankind gave forth with a great sigh of relief.

How can we, as Masons, generate this vital concern for our fellow man, both within ourselves and within others.

The first requirement is, of course, to get a "mental set" that all of us here on this earth are vitally important to each other—we are all in this scheme of things together. As John Donne said, "No man is an island unto himself."

If we will but look about us, we will find mountains of opportunities for being helpful to our fellow man.

There are those all about us who are struggling to make a go of things and who, because of some physical or mental handicap—or just bad luck—have not been able to make the grade. These are the types of people who are looking not for a "hand out" but for a "hand up," and a little help extended to such individuals can go a long way. Develop a consciousness of these persons, for they are about, and they are very worthwhile human beings.

Every man that you see upon the face of this earth is confronted with the very serious problem of pollution, his water, his air, and his land. Anything that can be done to cure or curb these various forms of pollution will go a long way toward performing an eminently worthwhile service for mankind.

In this, too, it must be realized that while the Federal Government can provide the leadership and incentive for attending the problem of pollution, the solution to the problem rests in the hands of the individual citizen, the industrialist, the recreation seeker, and all the other persons that make up our society. In short, it must be a 100 percent effort.

Our young today are uncertain and in need of some understanding and encouragement. Some time ago I was privileged to attend a prayer breakfast at the White House, and Billy Graham made some remarks. He indicated that the young people of today are groping, searching for something in which they can believe. We must assure them, Mr. Graham said, that life does have a purpose, that America has a purpose and a goal.

And while we assure our youth that they have a right to express themselves in a peaceful manner, we must also show them that while they have privileges, they also have responsibilities. In this respect I am reminded of how recently I viewed one of our long-haired youths purposely defying the rules of traffic and brazenly stepping out into lines of automotive traffic against a red light. The sudden appearance of a pedestrian in busy lines of traffic caused a great squealing of brakes and several near collisions, all of which failed to impress the jay walker who went merrily on his way.

In short then, a youth must have a green light in our society—he must also obey the red ones. Any assumed right that interferes with the rights of others is, in fact, a wrong. As Lawrence Welke recently said on one of his TV programs, "youth must have the right to do its thing, but it must also be conscious of the Golden Rule which petitions to 'do unto others as you would have them do unto you.'"

There are people in far-away lands who can use our understanding and our assistance, government-to-government assistance may provide some help for individuals in foreign lands who are seized with hunger or plagued with sickness. One of the best ways of communicating with these individuals is, of course, through our church missions and the various charitable institutions that are especially equipped to help the needy abroad.

We can urge our friends of the free world to join with us in these programs of assistance, thereby broadening the base of help that is given and lessening the burden on ourselves.

As we look abroad, we must not neglect those things close at home and, in fact, within our own families. Too many times private businessmen have become great successes in the business world and big flops as far as their families are concerned.

When did you do some nice little thing for your wife that prompted her to remember that she is somebody special in your life and that she gives your life a special meaning? When did you extend a compliment to one of your children, providing them with the deep satisfaction that they have done well and with the incentive to do even better? And when did you sit down with your family altogether to enjoy the warmth that family togetherness can bring. And when did you go to church with your family, practicing the old saying that "the family that prays together stays together"?

These are only some of the ways that we, as Masons, can show a deep concern for others, for there are many other doors we can walk into for the choosing. We can offer our services to our police enforcement officers, to our church, and to our community officials and our Federal officers. These people are involved in the very important work of advancing social progress. Communicating with these individuals and evidencing a concern for them in their work will go a long way toward making them do a better job and making our society a better place in which to live.

The scriptures tell us that "thou shalt love thy neighbor as thyself." There is the answer. And the results of this super consciousness of others will prove very satisfying. As man turns to man to help him, sciousness of others will prove very satisfying. As man turns to man to help him, toward men" that was spoken of some 2000 years ago.

In closing I would like to touch on a concept that reinforces this "help of your fellow man" theme I have been dwelling on here this evening.

It is expressed in one of my favorite poems, "The Bridge Builder."

THE BRIDGE BUILDER

An old man going a lone highway,
Came at the evening cold and gray,
To a chasm vast and steep
With water rolling cold and deep.
The old man crossed in the twilight dim,
The sullen stream had no fears for him;
But he turned when safe on the other side,
And built a bridge to span the tide.
"Old Man," said a fellow pilgrim near,
"You are wasting your strength with building here.
"Your journey will end with the closing day,
"You never again will pass this way.
"You've crossed the chasm, deep and wide,
"Why build you this bridge at even-tide?"
The builder lifted his gray head:
"Good friend, in the path I've come," he said,
"There followeth after me today
"A youth whose feet must pass this way.
"The chasm that was as naught to me
"To that fair-haired youth may a pitfall be.
"He, too must cross in the twilight dim—
"Good friend, I am building this bridge for him."

We, as Masons, are builders. Let us, in a like manner, start building our bridges of communication with our fellow man. Let us build our bridges of help and understanding today, helping others to cross over tomorrow's torrents of troubles.

That is our charge, then. As a Mason, what bridge of communications and human understanding are you going to start building tomorrow.

THE LATE ROBERT LISHMAN

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. MOSS. Mr. Speaker, the Committee on Interstate and Foreign Commerce has suffered a grevious loss with the untimely death of the chief counsel of its Special Subcommittee on Investigations, Mr. Robert Lishman.

I have been privileged to serve as a member of the Special Investigations Subcommittee and its predecessor committee since 1957. During virtually that entire period, Mr. Lishman has acted as the catalyst in making it possible for the committee to do the many productive things which have been done in the intervening years.

Bob Lishman, a distinguished member of the bar, was totally imbued with a sense of public service which is so essential in discharging the many onerous duties imposed upon the chief counsel of an investigative subcommittee. He sought the facts, and attempted, on the basis of those facts, to act to prevent abuses and to improve the regulatory process in the interest of the public. He was a determined servant and an implacable foe of impropriety in government, but a thoroughly gentle and compassionate human being in his relations with everyone.

Somehow faced with the harsh realities of death of one who was always so vital seems to deprive me of the ability to express in words what I really feel.

To Bob Lishman's family, from whom he derived such great pleasure and in which he took pride, I extend my deepest sympathies and those of my family.

WORLD CONFERENCE ON VIETNAM, LAOS, AND CAMBODIA

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. SCHMITZ. Mr. Speaker, the forthcoming January issue of OSTH Information Service Report contains an interesting and enlightening story pertaining to a recent conference held in Stockholm, Sweden, to coordinate future "peace" movement operations. Everyone will note that the Communist Party of the United States was well represented at this gathering.

The article follows with footnotes appearing at the end of the article:

World Conference on Vietnam, Laos and Cambodia Also Known as International Conference of Peace Movements on Vietnam, Loas and Cambodia

When the Supreme Court ruled 5-4 in June, 1958, that the State Department lacked authority to inquire into beliefs and associations in deciding who would receive passports to travel freely throughout the world, it aided the world Communist movement in accelerating its struggle toward its goal of world takeover. When Roderick L. O'Connor, head of the State Department's Bureau of Security and Consular Affairs in 1958, pleaded for help, asserting "Your government is today powerless to deny passports to known Communists who are going abroad for the purpose of assisting and supporting the international Communist conspiracy," no doubt he foresaw the dangerous situation as it exists today.

Thus members of the United States "peace movement" once again exhibited their international character upon attending the World Conference on Vietnam, Laos and Cambodia, held in Stockholm, Sweden, November 28-30, 1970. U.S. delegates represented numerous movement organizations and worked hand in hand with Communists from North and South Vietnam, Laos and Cambodia at this Stockholm Conference which is an international communist "peace" organization, and a project of the Soviet-controlled World Peace Council.[1]

Information concerning the Conference may be gleaned from the Communist Party U.S.A.'s *Daily World* in its December, 1970, issues.

1. During the Conference a number of trade unionists formed a special subcommittee and submitted a plan of action to oppose what they termed the U.S. aggression on North Vietnam, and to rally workers to the defense of the Indochinese peoples. The subcommittee report emphasized that trade unions of the world can and must play a leading role in the struggle for ending the war and for the complete and unconditional withdrawal of U.S. troops from Indochina.

It was also decided to hold a world trade union conference which is to lay plans for a program of actions in support of the Communist forces in Vietnam. To that end, it is expected that a boycott of products of U.S. corporations involved in the war will be called for.

The trade unionists also settled upon the following dates for mass demonstrations and protests:

a. December 20, 1970, the 10th anniversary of the founding of the National Liberation Front of South Vietnam.

b. March 6, 1971, first anniversary of the statement by the central committee of the Patriotic Front of Laos on a political settlement of the Laos problem.

c. April 3-4, 1971, day of solidarity with the struggle of the American people (translate, U.S. Communists and their sympathizers) against U.S. imperialist aggression in Indochina and in observance of the anniversary of the assassination of "the peace and civil rights champion, Dr. Martin Luther King, Jr."

d. April 30, 1971, day of solidarity with the people (translate, Communists) of Cambodia on the anniversary of the "U.S. imperialist invasion of that country."

2. The Organization of Solidarity of African, Asian and Latin American Peoples cabled Ton Duc Thang, President of the Democratic Republic of Vietnam, its greetings and message of solidarity. It should be noted that OPSAAL was established on January 3, 1966, at a pro-Communist, anti-American conference held in Havana, Cuba, at which delegates supported the Communist-backed "wars of national liberation."[2]

3. A joint message of 125 deputies of the Indian Parliament demanded the U.S. government immediately end the war.

4. The International Union of Students, with 80 affiliated student organizations throughout the world, condemned the late November U.S. bombing of North Vietnam, then announced its congress would meet in February 1971, and focus its activity upon the youth and people of the Indochinese countries. The International Union of Students is a well-known international Communist front organization which supported the Fall Offensive in 1969, and specifically cooperated with the New Mobilization to End the War in Vietnam. Prof. Sidney Peck, a representative of the NEW MOBE, attended the Stockholm Conference now under discussion.

The Stockholm Conference arranged for a delegation from the U.S. National Student Association to be sent to Hanoi to draw up a "People to Peoples Peace Treaty" with Indochina. This plan may not be as spontaneous as it would seem from the *Daily World* article. Indeed, last August 15, the NSA convention adopted a resolution to make the anti-war campaign its major action. Rennie Davis addressed the gathering, and proposed a massive civil disobedience demonstration to "Stop the War" for Washington, D.C. if the war were not ended by May 1. That plan had first been presented by Davis and Arthur Waskow, of the Washington-based Institute for Policy Studies, at the June 1970, Milwaukee Conference after which regional meetings were held, culminating in the new National Coalition Against War, Racism and Repression. The plan to "close the city down" was rejected by the annual convention by a vote of 150 to 134. Charles Palmer, outgoing NSA president, made a motion that NSA "open discussions with students of North and South Vietnam—toward a 'treaty of peace' to be submitted to the United Nations and to U.S. students." That motion, greeted with enthusiasm, we now see being promoted at the Stockholm Conference.[3]

5. The Congress of the French Peace Movement mapped a program of solidarity with the peoples of Indochina, gave full support to the South Vietnam Provisional Revolutionary Government, and recommended demonstrations and an educational campaign to inform the French people of "the facts of U.S. aggression." The Congress plans to raise funds for medical supplies to be sent to Vietnam, and it urged the French government to take a new initiative to end the war.

6. The Conference called on all countries to provide full political asylum to U.S. war resisters. Rev. Thomas Hayes stayed on after the Conference to negotiate this with the Scandinavian governments presently giving only "humanitarian" asylum to resisters.

7. The foreign minister of Chile condemned the U.S. bombings as a new act of aggression. He claimed his condemnation was offered on behalf of the Chilean people.

8. The 3 million-member Democratic Union of Women of East Germany condemned the bombings, and East Germany's foreign ministry declared its government "categorically rejects the fraudulent and evasive assertions of the Nixon Administration."

9. The International Organization of Journalists condemned the bombings. The International Organization of Journalists is an international communist setup which U.S. peace-movement writers are in the process of attempting to join at the present time.[4]

10. The Australian Women's Union denounced the bombs, and the trade union center of Sydney, Australia, sent fraternal greetings to the workers of Indochina.

11. The Dutch "Committee for Assistance to Vietnam" called on all "democratic and progressive forces" *to join in preparations for the week of solidarity with Vietnam, January 9-15, 1971.*

12. Participants at the Stockholm Conference including those from the United States, unanimously adopted an "Appeal" to the peoples of the world. When a similar Appeal was prepared at the May 1969, Stockholm Emergency Action Conference on Vietnam, delegates were told by Bertil Svahnstrom, chairman, International Liaison Committee, to distribute them widely, obtain signatures on it, thus to show the United States administration that there is worldwide opposition to the war in Vietnam. The present Stockholm Conference propaganda "Appeal" follows:

"The war of aggression against the people of Vietnam has now extended to a point of extreme gravity because of the renewed bombing of North Vietnam. The aggression against the peoples of South Vietnam, Laos and Cambodia has been intensified.

"The Nixon Administration is committed to a military victory over the peoples of Indochina. Its so-called 'peace proposals' are intended only to deceive the people and to prolong the war.

"We demand from the U.S. government:

Footnotes at end of article.

"The immediate end of the U.S. war of aggression against the peoples of Vietnam, Laos and Cambodia and respect of their right to self-determination.

"The complete and unconditional withdrawal from South Vietnam of U.S. and satellite troops before June 30, 1971 and immediate, complete and unconditional withdrawal of U.S. and satellite troops from Laos and Cambodia.

"The cessation of bombings and other war crimes against the three peoples.

"Stop U.S. support for Thieu-Ky-Kheim and the Lon Nol-Sirik Matak administration.

"This is the road to peace in Indochina.

"We demand that the U.S. government respond seriously to the fair and reasonable proposals of the peoples of Vietnam, Laos and Cambodia.

"We appeal to all the peoples of the world to intensify their actions in solidarity with the just cause of the peoples of Indochina."

Following adjournment of the Stockholm Conference, delegates joined members of the World Council of Peace to plan action concerning what the world Communist movement terms the invasion of Guinea by mercenary troops. In that regard, the Conference supported a statement by African states denouncing the invasion and accusing Portugal of responsibility.

THE U.S. DELEGATION

According to the *Daily World* there were 32 members of a broad spectrum of political, religious, labor, professional, student and antiwar organizations present at the Stockholm Conference as delegates. At this writing only 13 of the 32 have been listed by the Communist Party press.

1. Ron Dellums, Berkeley, California.

2. Dave Dellinger, National Coalition Against War, Racism and Repression. Dellinger, a self-professed communist, represented that new umbrella group, but formerly was active in the New Mobilization Committee to End the War in Vietnam, the organization now almost out of business and replaced by the new National Coalition.

3. Curtis MacLain, President, International Longshoremen's & Warehouseman's Union. That is the Union usually known as Harry Bridges' union. Bridges is an identified Communist who is now being called "conservative" by portions of the liberal press in an apparent effort to play down the dangers of the organized world Communist movement, and thus to make it appear the nihilistic dissident communists are, basically, more dangerous to the U.S. government.

4. Gil Green, Communist Party U.S.A. This longtime Communist functionary is the author of a recent pamphlet, "Terrorism—Is It Revolutionary?" As a member of the National Committee of the Communist Party U.S.A., Green opposes urban guerrilla warfare tactics in the U.S. *at this particular time*. He, like other Communist Party leaders, insists that a real revolutionary situation does not yet exist here. Therefore, terrorism and violence are counter-productive in that they cause many to resist helping the movement. The point made in Green's pamphlet emphasizes the comment above concerning articles now stating a man like Harry Bridges is "conservative." In other words, while communists who are not Party members insist the Party itself is "conservative" because of its *present* stand against terrorism and violence inside this country, the fact remains that the Communist Party here, and the world Communist movement, know exactly what they are doing because, through longtime experience, they realize that the time is not ripe for a revolutionary overthrow of this government now. Eventually, however, they believe that time will come, and when it does there will most certainly be terror and violence completely sanctioned by the Communist Party U.S.A.

5. Mrs. Ola Kennedy, of the Black Caucus of the United Steel Workers, its Trade Union Action for Democracy.

6. Dr. John Nielands, Scientists Committee on Chemical and Biological Warfare. He also attended the May 1969, Stockholm Emergency Conference on Vietnam.

7. Prof. Sidney Peck, Chairman, New Mobilization (NEW MOBE) Committee to End the War in Vietnam. Peck is a former member of the Wisconsin State Committee of the Communist Party, U.S.A. and has sustained a record of affiliations with Communist and Communist front organizations.[5]

8. Rev. Thomas Hayes, Vietnam Peace Parade Committee, and Clergy & Laymen Concerned about Vietnam. The latter is a group that aids American deserters in Sweden, so it was natural that he should have remained after the closing of the Stockholm Conference to negotiate for full political asylum for what the movement calls "political prisoners."

9. Lucille Berrien, National Welfare Rights Organization.

10. Sylvia Kushner, Chicago Peace Council, and an identified member of the Communist Party U.S.A.[6]

11. Rosalio Munos, Chicano Moratorium Committee.

12. Pauline Rosen, Women Strike for Peace.

13. Dr. Carlton Goodlett, a member of the Presidium of the Soviet-controlled World Peace Council. He has attended previous Stockholm Conferences and others in Moscow and elsewhere.

The American speakers at the Stockholm Conference stressed the fact that the Conference represented a new state for the peace movement, now a coalition against war, racism and repression. That fact, published in the Party's *Daily World*, recalls to mind the article by James Tormey in the Party's monthly theoretical journal, *Political Affairs*, October 1970, issue. Tormey had directed Communists to form coalitions and alliances to broaden the base of the peace movement. The very words used in the *Daily World*, "coalition against war, racism and repression," are interesting because of the new umbrella organization of that name, whose leaders have been associated with other anti-war groups in the past.

At a press conference December 3, 1970, Prof. Sidney Peck said the major actions planned at the Stockholm Conference which include nationwide local anti-war demonstrations for April 3–4, 1971, the anniversary of the assassination of Martin Luther King, will focus on what Communists are calling the worsening conditions for national minorities and the increasing repression they face because of the continuing war.

Peck said representatives of the entire U.S "peace movement" will meet in Chicago January 8–10, 1971, to plan this and other actions decided upon at the Stockholm Conference.

When information such as the above is public knowledge and readily available to those seeking the causes of nationwide demonstrations against the established government of the United States, and when the information proves conclusively that agitation and propaganda inside this country is coordinated with worldwide similar efforts against the United States and all capitalist and non-Communist nations through such international Communist conclaves as the various Stockholm Conferences, then the very least that should be done in behalf of the law-abiding American citizens is that legislation be enacted to counteract the Supreme Court decision which permits Marxists and Marxist-Leninists to travel outside of this country to meet with revolutionaries abroad. This especially applies to such persons as David Dellinger, now free on appeal and out of prison on bail after being convicted on a Federal riot incitment charge.

FOOTNOTES

[1] Staff Study by Committee on Internal Security, House of Representatives, 1970, "Subversive Involvement in the Origin, Leadership, and Activities of the New Mobilization Committee to End the War in Vietnam and Its Predecessor Organizations."

[2] Senate Internal Security Subcommittee Staff Study, 1966, "The Tricontinental Conference of African, Asian and Latin American Peoples."

[3] Daily World, August 18, 1970, and Washington Post, August 16, 1970.

[4] Liberation News Service, late November 1970, issue.

[5] House Committee on Internal Security, Staff Study, op. cit.

[6] Ibid.

APOLLO 14 STATUS REPORT

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD this supplemental status report on Apollo 14.

The Apollo 14 flight readiness test—FRT—designed to assure all spacecraft and launch vehicle systems are "go" in a near-launch configuration, is scheduled to begin Thursday and conclude Friday afternoon at Kennedy Space Center, Fla.

With the exception of such functions as propellant loading, release of service arms, and lift-off, the space vehicle will be checked just at it is prior to launch. The functions not performed will be simulated electrically.

The Apollo 14 crew—Comdr. Alan Shepard, Command Module Pilot Stuart Roosa, and Lunar Module Pilot Edgar Mitchell—will participate in the final portion of the FRT countdown and perform certain mission and abort functions that are required following lift-off.

The FRT follows the successful completion of the integrated systems test on Sunday, including testing of the new liquid oxygen tanks in the service module.

The spacecraft and launch vehicle were mated electrically on Sunday following the integrated systems test so that the plugs-in space vehicle test could be conducted on Monday.

Final preparations for the FRT are scheduled to be carried out on Tuesday and Wednesday while the KSC launch team analyzes data and reports from the earlier tests.

The flight readiness review is also scheduled to take place on Thursday.

The mission remains on schedule for launch on January 31, 1971.

Flight controllers for Apollo 14 will conduct two simulations this week in mission control center at the manned spacecraft center—MSC—Houston. Monday, lunar descent simulations will be conducted with the Apollo 15 crewmen in the lunar module simulator in Houston. Apollo 14 data will be used in this simulation. Thursday, December 17, the flight controllers will conduct lunar ascent simulations with the Apollo 14 crew in the command module and lunar module simulators at KSC.

The Apollo 14 crew will be in the KSC simulators most of the week. Shepard is scheduled to fly the LLTV in Houston Monday. On Wednesday, a launch pad walk-through is scheduled with all crewmen taking part in the exercise.

The Apollo 15 crew will be in Houston all week. Activities will include selection of food for their flight, mission review, command module and lunar module simulator training, and zero and one-sixth g. flights out of Ellington Air Force Base.

OFFICE OF ECONOMIC OPPORTUNITY CUTS AND THE NATIONAL INTEREST

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. WALDIE. Mr. Speaker, two events of the past week have given rise to speculation as to where this administration is really going.

I cite the President's veto of the manpower bill and the efforts of his Bureau of the Budget to cut the Office of Economic Opportunity Budget and phase out the VISTA program.

At a time when literally millions of Americans are seeking employment and relief from the crushing burdens of poverty, this administration is apparently presiding over the elimination of Government agencies designed to offer that assistance.

I think these actions unconscionable and heartless.

I urge the President to spare the VISTA program from his purge list. I petition him to not preside over the elimination of community action programs and self-help efforts of the poor.

I further ask him to give guidance and hope to those Americans bearing the brunt of the economic state of affairs.

To illustrate the scope of my concern, I would like to place an article from the December 17, 1970 Washington Evening Star which deals with this problem.

The article follows:

OEO TO REDUCE BUDGET 23 PCT., END VISTA

The Office of Economic Opportunity has been ordered by Nixon administration budget officials to slash its budget by 23 percent for next year—and its days may be numbered.

Top officials at the poverty agency are planning to appeal the directive, which came late last week. Budget proposals for the year starting July 1 are due to be made final next month.

The reductions would mean eliminating the Volunteers in Service to America Program (VISTA) and the rural loans program. They also would result in a 17 percent cut in community action spending, an 18 percent cut in health spending, and a 41 percent slash in spending on research and development, a program the administration at one time called "the cutting edge" of its antipoverty efforts.

60,000 JOBS AT STAKE

The cutbacks also would bring the firing of 60,000 persons next year, two-thirds of whom "are people who otherwise would be poor," according to a confidential memo written this week by top OEO staffer John Wilson.

Other proposals now at the White House would split OEO programs among other government agencies.

Some of OEO's functions already have been split off by the administration, and recommendations on President Nixon's desk from the Ash Commission propose that its remaining function also be reassigned.

Wilson, who heads up OEO's research office, addressed both points in his memorandum:

"If the residual OEO is to be merely a bureaucracy engaged in self-liquidation, then I would strongly urge that this not be done through a series of yearly budget reductions.

"Such an objective should be fought on the much larger governmental reorganization such as that recommended by the Ash Commission."

The memorandum was addressed to Frank Carlucci, nominated by President Nixon last week as OEO director.

NOW ACTING DIRECTOR

Carlucci, yet to be confirmed by the Senate, yesterday was designated OEO acting director. His predecessor, Donald Rumsfeld, left for a post as White House counselor.

For Carlucci, moving to the top job will mean coping with multiple problems. Most of his health program officers are quitting. The Legal Services program faces a crisis of confidence, its two top officials, Terry Lenzner and Frank Jones having been fired by Rumsfeld last month.

But his most immediate problem is money for next fiscal year. Carlucci is to meet with administration officials this week to plead for a higher allocation.

This year, OEO's appropriation was $8.94 million. That does not include money for manpower training, which is shifting to the Department of Labor, or Head Start, which is going to the Department of Health, Education, and Welfare.

The Office of Management and Budget wants that $894 million reduced to $689 million next year, an action Wilson said would produce "critically damaging effects" on OEO.

Most startling of the cuts would be elimination of VISTA, a domestic variation of the Peace Corps now budgeted at $36 million.

"I do not think the agency can politically eliminate this program," Wilson said. He recommended instead an already-discussed idea to merge VISTA and the Peace Corps.

In his memo, Wilson stated:

"The administration must maintain a commitment to the poor. While OEO with its small budget represents only a very small part of the total federal commitment to the poor, it is perceived by many Americans as an important indication of the total commitment to the poor."

He urged that the commitment be maintained by strengthening both the research program and the "capability of local community action agencies to provide services to the poor within the context of the new federalism."

White House budget officials not only recommended a cut in funding for community action, but told OEO that one-third of each community action agency's funds must be raised locally. Current regulations require a 10 percent local contribution.

Wilson argued that an increase in the local sharing is politically unfeasible in light of the "many pressing fiscal needs of states and location.

OEO had requested a budget level of $369 million for its 900 community action agencies across the nation.

Of the directive that research money be cut 41 percent, Wilson said:

"The President's assignment of leadership in social research and social experimentation to OEO would be negated by cutting out virtually all funds for new projects. It will not be possible to attract and retain the high-caliber staff built up in recent months."

Wilson recommended that if money is to be saved on research, the staff be built up to the point that OEO can conduct its own findings, relying less on contractors and consultants.

Under the latest White House budget directive, OEO's Indian and migrant programs would be held at current levels. OEO had requested significant increases for those programs.

CLEMENT F. HAYNSWORTH'S SPEECH TO THE SOCIETY FOR THE ADVANCEMENT OF MANAGEMENT

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, December 18, 1970

Mr. THURMOND. Mr. President, last week Judge Clement F. Haynsworth, Jr., chief judge of the Fourth Circuit Court of Appeals, addressed the Society for the Advancement of Management. Chief Judge Haynsworth, one of this Nation's ablest and most distinguished jurists, directed his remarks to the challenge facing our judicial system today.

Mr. President, in my judgment, because of Judge Haynsworth and other courageous men like him, the nihilists and anarchists who are attempting to destroy the very foundation on which this great Nation is built will not prevail.

Mr. President, the complete text of this encouraging and informative speech appeared in the December 13, 1970, edition of the Greenville News, and I recommend it to every Member of Congress.

Mr. President, I ask unanimous consent that the article, "Haynsworth Discusses Court Disruption," be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HAYNSWORTH DISCUSSES COURT DISRUPTION

(By Clement F. Haynsworth)

It is a great pleasure for me to be here with you. It is a far more pleasant occasion than that of one evening last fall when the weight of the press seemed upon me, as it trumpeted a steady succession of charges against me. After reading what the day's New York Times, The Washington Post, Time and Newsweek had to say of me, I turned to my dear wife and said, "the more I read about this fellow, the more I am convinced that he S-I-M-P-L-Y W-I-L-L N-O-T D-O! We must find someone else for the Supreme Court."

If I am exposed to many more citations so kind and generous as this, sir, some evening I may say to her, "the more I hear of that fellow, the more I may become convinced the Senate made a mistake." I thank you for your encouragement of that view.

I confess some perplexity over the fact that a society of skilled managers should choose to honor me as you have. I have achieved no distinction as a manager, though I think the fact that my court has managed to survive is no small achievement.

Since 1960 the caseload in the United States Court of Appeals for the 4th Circuit has risen 421 per cent. Other courts of appeals have experienced very substantial increases, but none comparable to ours. The court had been made a court of five judges in 1961, and in 1966 was made a court of seven judges. The increase in judgeships is thus far below the increase in cases. During the last fiscal year our caseload per judge was 166, the highest in the nation, of course. A caseload of 166 cases per judge compares with the low of 74 cases per judge in the 8th Circuit. It should be considered in light of the writings of Prof. Charles Allen Wright a few years ago that 100 cases was the maximum that a court such as mine could be expected to handle efficiently. We are already 66 per cent above that maximum.

The problems of handling rapidly rising caseloads are gravely exacerbated by the rigid restrictions under which we must operate. We have no control over input of cases and very little control of our human resources. It not only takes an act of Congress to get a new judge; it takes an act of Congress to get an additional secretary for a judge or an additional law clerk. Some positions can be created on a temporary basis in the clerk's office in Richmond, but to be continued they too must be authorized by an act of Congress. Requests for such positions can go to the Congress only after they have been approved by the Judicial Conference of the United States on the basis of immediate need. By the time that body finds immediate need for additional secretaries, the need has been keenly felt for a year or two, and by the time the Congress gets around to authorizing the position, another one to three years have elapsed. I am sure you will agree with me that it would not be easy to run a business with no control over a rising volume without the means to swiftly expand your staff to handle it.

Still we have managed to stay reasonably abreast of our work. To do this, I have had to embrace practices to which I would not resort if it were not essential. These are principally designed to weed out those appeals which really should not have been brought, or in which the judge below was so clearly wrong, the matter is not really debatable.

The fact that we have managed, within the severe restrictions under which we operate, to meet the tremendous demands of an ever rapidly rising caseload is thus some achievement, in my opinion, but though that be my only claim to managerial distinction, I am sure you are not interested in the details of our particular problem and all the statistical data which would be required to flesh it out.

I thought you would prefer to hear me talk about a man named William Allen. There is nothing heroic about William Allen. Few of you will recognize his name, but he is living proof of the old adage, "There is nothing new under the sun." Indeed, he was not the first of his kind, but his case has had profound effects upon recent events of great current interest.

In 1956, 14 years ago and long before the new assertions of the late 60s, a barkeeper in Illinois was robbed at gunpoint. William Allen was brought to trial in a state court for the offense. He insisted he wished no lawyer; he wanted to represent himself. The judge was equally insistent that he would appoint a lawyer to help the defendant, to protect the record and to give what assistance he could.

In the process of selection of the jury, Allen ranged far and wide and responded abusively when the judge sought to restrict his inquiry. This contretemps included a threat by Allen that the judge would be a corpse after lunchtime. Threatened with exclusion from the courtroom, Allen's retort was that you can put your straitjacket on me and tape my mouth, but it will do you no good "because there is not going to be no trial." This was 14 years ago when Allen was taking Bobby Seale's stance.

After more vituperation directed at the judge, Allen was excluded from the courtroom. The selection of the jury was completed in his absence, but with the participation of his appointed attorney.

At the opening of the trial itself, Allen was brought back in. When his appointed lawyer moved for a sequestration of the witnesses, Allen objected. "I am going to talk," he said; "I am going to keep on talking, and there ain't going to be no trial." He persisted until he was again removed from the courtroom, though he was returned when the witnesses for the defense were offered.

William Allen was convicted and his conviction was affirmed by the Supreme Court of Illinois. The Supreme Court denied certiorari.

All of this was long ago, but then William Allen sought a writ of habeas corpus in the District Court of the United States. He got nowhere in the district court, but he appealed to the Court of Appeals of the 7th Circuit. It reversed.

There was a constitutional right to be present at the trial, it held, which could only be waived by a voluntary relinquishment of the right. His insistence upon his right to be present of his own terms was not a voluntary waiver, the court held. It thought use of the contempt power should have been employed or the defendant should have been put in a straight jacket and gagged.

My good friend, John Hastings, formerly chief judge, now retired, of the 7th Circuit, dissented. He thought Allen's invocation of his constitutional right to be present was subject to his acceptance of the recognized rules of conduct. Prophetically, he declared that a rule requiring a judge to continue the presence of so unruly a defendant with the use of strait jackets and gags would be horrendous if there were multiple defendants, some of whom were unruly and some of whom were not.

The decision in the 7th Circuit in William Allen's case was announced in August 1969, 13 years after his conviction and only one month before the trial of the "Chicago Eight" was to open in September.

I know nothing of the trial of the "Chicago Eight," which later became the "Chicago Seven," except what I have read in the press. I have no basis for an opinion as to the propriety of anything that Judge Hoffman did, but I find it very interesting that if he was justified in taking repressive measures against Bobby Seale, the decision of the 7th Circuit in the William Allen case gave him no choice but to do what he did. The threat of a short imprisonment upon a conviction of contempt would have been wholly unavailing. The court of appeals which would review his conduct of that trial had just told him clearly that he could not exclude Seale from the trial. It had told him clearly that the thing for him to do was to have Seale bound and gagged.

Fortunately, the Supreme Court took William Allen's case to review the decision of the 7th Circuit and last spring it announced its decision. The Supreme Court agreed with Judge Hastings that the exclusion of Allen from the trial was perfectly proper. A defendant does, indeed, have a constitutional right to be present at the trial, but he has no right to impose his own terms upon the conduct of the trial or to dictate the manner in which his constitutional right will be exercised. When he insists upon running the show to the point of disruption he forfeits his right to be present.

The Supreme Court went further. It also expressed approval of use of the contempt power as well as use of the strait jacket and the gag. Use of the contempt power, it observed, might be unproductive if the defendant was bent upon the prevention of any trial, for he would employ the same tactics in the trial for contempt. Of course this is true where the defendant's primary objective is the destruction of the judicial system or his principal motivation is a play for publicity. Indeed, if a warning of a contempt citation is not enough to preserve order, its issuance is not likely to gain much. Use of the strait jacket and the gag, the Supreme Court felt should be a last resort, and it seems to me that it was entirely right in strongly suggesting that exclusion from the trial rather than use of the strait-jacket and the gag is much more in keeping with our judicial heritage, maintenance of the decorum of the court, and protection of the substantive rights of the defendant. An excluded defendant, of course, can relieve himself of his exclusion by a promise to behave and by keeping his promise.

While William Allen's case illustrates that this is not a problem which has sprung full blown from nothing within the last year, until very recently the problem has not been acute. There may have been occasional William Allens who may have been quite abnormal mentally, but there was no appearance of any design in any such cases. There was no concerted attack on the judicial system, itself, by people able to command wide publicity in the press and on the airways. The problem has now assumed large and frightening dimensions as the assaults are being applauded and encouraged by some elements of the press and by thousands of students, and other radicals.

The judicial system was constructed upon the basis of certain assumptions which underlie all of our freedoms. There was an assumption that judicial proceedings would be conducted in an atmosphere of civility and decorum, one in which respect was always paid the judge because of his office and the system no matter how large the disagreement with his ruling. The system, itself, contains a corrective process through which every significant ruling of the trial judge can be reviewed by an appellate court, and even by the Supreme Court of the United States. There is no display of disrespect to the trial judge in resorting to such procedures, but disrespect flagrantly flaunted in the courtroom cannot be endured if the system is to survive.

Now I sympathize with these fellows in their wish not to be tried. In a very different tribunal last fall, I did not wish to be tried either. Of course I could have avoided a trial by simply withdrawing, but I never was one to cut and run simply because the going got rough. I was also very much afraid that withdrawal would have been construed as an admission that there was some substance in the charges, and I was not going to admit any such thing. But a wish not to be tried cannot be converted into disruptive tactics which amount to an overt attack upon the judicial system and society as a whole.

Though our judicial system has been constructed upon the assumption that lawyers, defendants and spectators in the courts will all behave themselves while in court, it was obvious when William Allen's case reached the Supreme Court that the assumption was no longer wholly valid. The tactics of the defendants in New York, Chicago and New Haven, if successful, would spread like wild fire. In a very literal sense, therefore, the Supreme Court had the choice of permitting attacks calculated soon to bring the temple of justice crashing down or to endorse repressive measures which, however, abhorrent to those of us who think that courtesy and respect should come naturally, are essential to the preservation of the system now that there has been a determined and concerted departure from our earlier assumptions.

The measures now sanctioned by the Supreme Court may suffice to take care of the individual defendants such as William Allen. They may suffice to take care of the Bobby

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Seales and others seeking the stage, but one of the most alarming aspects of the problem today is the fact that some lawyers appear to be exercising no restraint upon clients bent upon disruption. It may be that some of the lawyers are even quietly encouraging them as a result of too large an identification of themselves with their clients or as a result of a shared purpose to effect an actual destruction of the system. And some of these defendants and some of those lawyers are being proclaimed as heroes by some elements of our press and some portions of our society. If the situation is to be contained therefore, if confrontation is to be avoided wherever possible, if juries are to be permitted to weigh the facts with the detachment we expect of them, if judges are to resolve legal issues in the quiet of reasoned thought without their personal involvement, the active assistance of the bar and the involvement of the public are gravely needed.

Courtroom disruption is only one symptom of a deeper malaise. It is evident on some of our campuses where there are those, who, in the name of free speech, shout obscenities and resort to violence to prevent any one else from being heard. When minority groups seek absolute freedom for themselves while attempting denial of those freedoms for others, it is not freedom for mankind they seek. There are other symptoms of the malaise. They may be seen in our streets. They are noticed by the press, not always unsympathetically. In countless ways, it is sapping out national vitality.

With the resolution of William Allen's case, the judges have the means of controlling most of its manifestations in courtrooms, but ultimate solutions to the larger problems can come only from the concerted resolve of all of us. Those dissidents with a potential capacity for good will and for concern for the common good must be helped to an understanding of the evil the extremists would work. Means must be sought to bring them back into the mainstreams of society, where they may espouse minority positions, but without attempting to deny to others their rights.

The system we have has a remarkable capacity for improvement within itself. This is certainly true of our judicial system. The advances within recent years in the protections offered individuals, particularly indigents, have been tremendous. There will be more advances. There will never come a time when there is not room for improvement, and improvements will come from within the system as the result of experience. But those who attack it now seek its destruction without a suggestion of any other system which would merit comparison. Their approach is that of the nihilist and anarchist. They seek not to improve; they seek to destroy. If they are successful, they will create a vacuum out of which there would come inevitably a system of inquisition, of star chamber proceedings, or something even more abhorrent. If we seek a dictatorship in this country, support of the nihilist is the high road to its achievement.

Let us, therefore, welcome constructive suggestions for improvement, but God forbid that we shall ever see the day when our system of justice is brought down in crashing ruin. God help us to do everything within our power today and tomorrow, and in the years to come, to make certain that we do not see that day.

MRS. ELLY PETERSON

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. RUPPE. Mr. Speaker, Mrs. Elly Peterson, assistant national Republican chairman, is retiring to return to private life. I think all of us in this House, regardless of party affiliation, will note her absence, for Elly Peterson represents the best in America's political traditions.

Elly first became active in politics in her native Illinois. She then moved to Michigan, where she rose quickly through precinct and county organizations to become vice chairman of the Republican Party in the State. Later, she was named the first woman State chairman in the history of the party. She has also won nomination to the U.S. Senate, and has previously served as assistant national chairman of the Republican Party.

As a firsthand witness to her considerable organizational talents and boundless energy, I am struck even more by her willingness and eagerness to seek and accept new ideas. From the moment she became State chairman, she strove to broaden the party's base, to organize the young, the elderly, and the minorities, and bring them into party affairs. Her talents did not go unrecognized, and in 1968, she was called back to Washington to become assistant national chairman for a second time. When asked recently why she was retiring, she said she was moving out to let younger people with younger ideas take over. To my mind, Elly Peterson will always be younger than most people half her age.

HIGHWAY SAFETY: THE CHRISTIAN SCIENCE MONITOR AND CONGRESSMAN BILL SPRINGER COMMENTARIES ON DRUNK DRIVING WORTH REPEATING

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. CLEVELAND. Mr. Speaker, earlier this year I inserted into the CONGRESSIONAL RECORD an excellent series on the problems of highway safety, particularly that of the drunk driver, which appeared originally in the Christian Science Monitor in 10 weekly articles. These articles, written by Guy Halverson, discussed in depth the various aspects of the problem, and constitute one of the most comprehensive discussions of it which have been written.

The series began with a discussion of the magnitude of the problem. An estimated 28,000 people a year are being killed by drunk drivers. This massive carnage on our highways is the result of having every 50th car driven by a driver who has had too much to drink. This is not a problem of the social drinker, or the occasional drinker. Rather, it is a problem of a relatively small number of people who drive when they are drunk. Many of these are alcoholics. Most of the rest are problem drinkers.

A significant value of this series is that there are articles about what can be done to stop this carnage by an inebriated few, and what is being done, in cities, States, and foreign countries.

In view of the fact that my district borders on Canada, I found it highly interesting that in many ways Canada is ahead of the United States in recognizing and acting on the problem of the drunk driver on its highways.

Throughout this series of articles there is a recurring theme that there has been very little publicity of just how many people are being killed on our highways, and how little is being done to combat it. Likewise, there is a communications gap which is preventing us from knowing what the more progressive States, cities, and groups are doing. This series from the Christian Science Monitor has gone far to remedy this.

Mr. Speaker, after reading these articles one by one, I feel a sense of outrage at the fact that these drunk drivers are literally murdering thousands of Americans every year—indeed, even as I speak these words. The country has in previous years been in a turmoil with protests over the war in Vietnam, with the deaths of Americans there, and the cost in material resouces in fighting that war. Let us remember that there are more people killed and more resources wasted as the result of accidents in which drunk drivers are involved than there are in Vietnam this year or any previous year, by far.

It is important to repeat at this point that the issue is not one involving social drinkers, or occasional drinkers.

Rather, this is a problem involving the hard core of alcoholics and problem drinkers. Furthermore, the legal test of intoxication is presently quite high, enough so that a person who has a drink before driving home will never be affected by tightened laws. According to Arthur J. McBay, Ph. D., at the Massachusetts State Poice Chemical Laboratories, the following amounts—in ounces—of 100-proof liquor would have to be drunk at the specified body weights in order for a person to reach the indicated blood/alcohol content:

Weight	Liquor in 1 hour to reach blood alcohol content of		
	.10 percent	.15 percent	.20 percent
100	2.7	4.0	5.4
140	3.8	5.7	7.6
180	4.9	8.3	9.7
220	5.9	8.9	11.9

Considering that whiskey is usually less than 100 proof, and that the average drink is 1½ ounces or less, it is plain that many drinks are required to reach the specified levels of intoxication. In my State of New Hampshire, now, the level is at the high 0.15 percent, although there is legislation which will be introduced in the next session of the legislature to reduce it to 0.10 percent. Even this is lenient compared with many other countries. In using the above figures, it should be remembered that if a person drinks for more than an hour, then even more liquor will be necessary to get to the legal level.

Mr. Speaker, I am also inserting, in addition to the 10 articles from the Christian Science Monitor, comments made on the floor of the House on August 10, 1970, by my colleague and friend, BILL SPRINGER, of Illinois. This is quite appropriate, not only because of his timely remarks on this series from the

Monitor, and on the problem of the drunk driver, but because he has been a leader in the fight to get good, effective highway safety programs going at the Federal level.

The articles follow:

[From the Congressional Record, Aug. 10, 1970]

Behind the Wheel of Every 50th Car

(Mr. Springer asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. Springer. Mr. Speaker, behind the wheel of every 50th car lurks death because behind that wheel is a drunk driver.

Last year, there were 48,000 people killed in automobile accidents on the highways of this country. The startling fact is that 28,000 of these people were killed by drunk drivers. In addition, these same drunk drivers were responsible for more than 800,000 traffic accidents in which people were injured.

Let me put it another way by comparison. The war in Vietnam has lasted approximately 9 years in which some 43,000 Americans have given their lives. During those same 9 years, drunk drivers killed 240,000 persons on this Nation's highways.

We are all concerned, and rightly so, about the loss of life in Vietnam. We seem strangely complacent, however, about the traffic toll inflicted by those who drink and drive.

Four years ago, I helped to write the National Traffic and Safety Act. The motor vehicle standards set up by that act—requiring such equipment as safety belts, energy-absorbing steering columns, and improved windshields—have undoubtedly saved many lives and reduced injuries. We all know that the car of the future will come equipped with even better safety devices.

I think all of us realize that efforts will be made to produce safer cars. However, the fact remains that abusive consumption of alcohol is the largest single factor in fatal automobile crashes.

What can we do about it? The facts about the known and tested methods of control and prevention of drunken driving suggest the need for tough laws for dealing with people who insist on driving while under the influence of liquor.

Most States have laws presuming that a driver is drunk if the alcohol in his blood is over a certain level. The recommended level is no more alcohol than one-tenth of 1 percent. Illinois, I am glad to say, is one of about 25 States that has adopted this measurement of intoxication.

The National Highway Safety Bureau also has urged the States to adopt "implied consent" laws. Under such laws a person who obtains a license to drive must, at the same time, consent to take a chemical test if arrested for drunk driving. Only four of the 50 States do not have this law. One of them is Illinois.

Experience has shown that statutory levels of intoxication and implied consent laws are important first steps toward reducing highway accidents. Their effectiveness, unfortunately, is diminished by the fact that many persons continue to drive even after their licenses are revoked for drunken driving. We have to develop better methods for insuring that cars and other vehicles are operated only by validly licensed drivers.

So far in the 20th century, traffic accidents have killed more than 1,700,000 people. This is more than all the military personnel killed in every major war from the American Revolution to Vietnam. Unless effective steps are taken, this slaughter will continue to mount long after the last American leaves Vietnam.

Mr. Cleveland. Mr. Speaker, I want to congratulate the gentleman from Illinois for the work he has done in trying to make highway traffic more safe for the public. His authorship of the National Traffic and Safety Act is one of the most progressive pieces of legislation enacted by the Congress in recent years to keep down traffic accidents and to make driving safer.

Driving by intoxicated operators of motor vehicles has been one of the most serious traffic problems in recent times. At the present time, nearly all legislation having to do with this rests with the States. We still have a long way to go to make an impact on keeping the highways safe from drunk drivers.

Again, I extend my best to the gentleman for all of his good work.

Mr. Springer. Mr. Speaker, I thank the distinguished gentleman from New Hampshire (Mr. Cleveland), for his kind words. He has been probably the outstanding leader in the Congress on this very important problem of reducing automobile accidents by drunk drivers. He has recently inserted in the Congressional Record 10 splendid articles from the Christian Science Monitor on highway safety. He is to be congratulated on this fine work.

His important position on the Committee on Public Works gives him a better opportunity to see all that has happened in this area than other Members of the Congress. I hope the gentleman will continue the excellent job that he has done up to this time.

[From the Congressional Record, June 29, 1970]

Highway Safety No. 1—Behind the Wheel of Every 50th Car

Mr. Cleveland. Mr. Speaker, over the past year I have inserted into the Record a number of articles about the appalling slaughter which is taking place on our highways. While national attention and interest have been focused on the war in Vietnam, the highways have become a battleground far more deadly than Vietnam. It seems that almost daily indignant speeches are given and indignant articles are written about the slaughter in Vietnam. Yet how seldom do we hear the cries of indignation about the murder and mayhem on our roads, streets, and highways?

The Christian Science Monitor on June 25 began a 10-part series on highway safety with an article on drunken drivers, and the estimated 28,000 people a year they are killing. My view of America's reaction to the horrible death, disfigurement, and destruction of resources on our streets, is well summarized by a quote from the article:

Since the beginning of this century, traffic accidents have killed more than 1.7 million people—more than the combined death toll of all military personnel in every major war from the American Revolution to Vietnam.

I commend this thought-provoking article to the attention of my colleagues:

Behind the Wheel of Every 50th Car

(By Guy Halverson)

Chicago.—"It's a bad one, all right," the grimfaced police officer next to me said as we skidded to a stop alongside the twisted automobile. Chunks of jagged broken glass lay scattered across the freeway. "Ten to one says liquor was a factor," he shrugged. "It usually is."

Ahead of us were the red and white flashing lights of squad cars and a fire truck, the vehicles silhouetted starkly against the dark Albuquerque sky. Four men in white, carrying a large respirator, were jumping from an ambulance and running down a steep hillside.

For Deputy Chief M. Fred Johnson, a 35-year veteran of the Albuquerque, N.M., Police Department, as well as this reporter, what we witnessed that chill April night at the interchange of I-40 and I-25 was an unforgettable and heartbreaking scene.

The driver of the smashed vehicle—in his early 20's—had been observed by a police spotter hurtling in and out of traffic along the crowded New Mexico freeway at speeds approaching 100 miles an hour. As he sought to maneuver the sharp interchange, he lost control, jumped a deep ravine, and rolled onto a completely new section of freeway in front of a stream of cars before being hurled through a side door and down an embankment.

Almost miraculously, no other cars had become involved.

LIQUOR NEVER MENTIONED

Despite interviews by reporters with police and relatives, neither of the next day's local newspaper reports mentioned alcohol. Yet the grim fact was that the young driver—who had narrowly missed smashing into other cars—had been drinking heavily prior to the accident. Moreover, he had been driving without a valid operator's license.

That gloomy, wind-swept night in Albuquerque could hardly be called unusual. Throughout the nation, law-enforcement officials could recount thousands of similar episodes—grim records of single- and multiple-vehicle collisions.

There was the Texas family killed in a head-on collision with a drunk driver one Sunday morning in 1969. And the Wisconsin mother and her eight-year-old son killed this year in front of their home when they were returning from a concert. And the three people killed in Louisiana not so long ago when a pickup truck driven by a problem drinker crossed a dividing line and smashed into them head-on.

The United States is in the midst of an undeclared—and almost unrecognized—war in which its highways have been turned into a virtual battleground. Here a small group of social and problem drinkers are yearly killing up to 28,000 people, causing 800,000 accidents, and accounting for economic losses conservatively estimated at between $7 and $8 billion.

Many insurance companies are being forced to tighten automobile underwriting and to post sizable rate increases because of mounting highway losses involving drinking drivers.

"HIGHWAY COMMANDOS" IN MILLIONS

No one knows how many of these "highway commandos" there are. But they number in the millions. Allstate Insurance Company estimates that 1 out of every 50 cars coming at you on the highway is driven by a drunk driver. One prominent police-science expert more conservatively figures one out of every 90 cars.

Traditional sanctions are not halting these highway killers. They drive with or without a license, despite radio and TV warnings, despite fines and jail sentences.

According to Dr. Robert F. Borkenstein, chairman of the Department of Forensic Studies at Indiana University and a leading expert in breath testing, there is virtually no place in the United States where drinking driving is totally prohibited.

The neon parade of bars and package stores along the nation's highways provides corroboration that auto-oriented America—with its 85–90 million drinkers—too often considers the bottle and the throttle acceptable companions.

In most states, indeed, statutory definitions of what constitutes "intoxicated driving" remain at dangerously liberal levels.

WRONG WAY ONTO THE FREEWAY

Jan, an honor student, only shortly graduated from the University of Oklahoma, accepted a date on Thanksgiving Day, 1967. Carefully belted into the seats of her companion's new, low sports car, the two young people were suddenly struck by a large pickup truck coming the wrong way on a freeway exit. Jan was killed.

The pickup driver was drunk, an uncapped liquor bottle on the seat beside him. He had repeatedly lost his driver's license and was without auto insurance.

"I've experienced tragedy many times in my family, but this was surely the shock of my life," the girl's aunt, who had raised her

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from a child, told me. "It was so unnecessary, so senseless. It could have been prevented."

Since the beginning of this century, traffic accidents have killed more than 1.7 million people—more than the combined death toll of all military personnel in every major war from the American Revolution to Vietnam. During the past five years alone, the highway roster included at least 134,000 men, women, and children, according to National Safety Council estimates.

The toll continues. About 150 people a day.

The strong correlation between highway deaths and liquor has never really been hidden to researchers. "We have received a communication containing the history of 25 alcohol-related accidents occurring to automobile wagons," an article in the 1904 Quarterly Journal of Inebriety, noted. "Fifteen persons occupying these wagons were killed outright, five more died two days later. . . . Fourteen persons were injured, some seriously. A careful inquiry showed that in 19 of these accidents, the drivers had used spirits within an hour or more of the disaster. . . ."

ESTIMATES VARY WIDELY

Back in 1946 the National Safety Council estimated that drunk drivers triggered about 18 percent of all fatal accidents. Today, in 1970, one out of every two highway deaths is attributed to liquor. That astonishing figure may well even be higher. Some authorities, in fact, fear that it may be as high as 70 percent of all fatalities.

One recent study undertaken by the State Laboratory of Hygiene and the University of Wisconsin's Department of Preventive Medicine suggests that almost two-thirds of Wisconsin drivers killed in traffic accidents were under the influence of alcohol at the time. Equally as ominous, the report (based on blood samples taken from 507 drivers killed between February, 1968, and May, 1969) indicates that alcohol is a factor in 56 percent of all fatal accidents involving young people under 18.

Many law-enforcement departments, moreover, such as the State of Washington Department of Motor Vehicles, have clearly established that there is a high correlation between individuals who drive while drinking and those who use drugs.

"We're deeply concerned about the role of the drinking driver," says Willard Howell, director of the Office of Alcohol Countermeasures in the U.S. Department of Transportation. Mr. Howell's anguish is widely shared among safety experts. Ronald H. Parsons, stocky Sheriff of Kent County, Mich. (encompassing Grand Rapids) told me he thought alcohol was probably a factor in between 50 and 60 percent of all fatalities handled by his department.

PICTURE "BLEAK AND DISMAL"

In New Orleans, where the 1969 death toll of 108 fatalities was the highest since 1929, Dudley Andry, director of the Metropolitan New Orleans Safety Council, admits being depressed by the constantly spiraling statistics. "The picture here is bleak and dismal," he said one day in late March of this year. On the small table in front of him was a chronological rundown of fatalities in New Orleans for the past year.

The hefty volume resembled a telephone directory in size.

"Look at them," he said quietly, deep anguish mirrored on his face.

"January, 1969, a white male doctor, 8:15 p.m., alcohol blood concentration .10 per cent."

"22-year-old woman, alcohol concentration, .12 percent."

He flipped the page.

"White male, age 54, killed by liquor."

"How do we stop it?"

How *do* we stop it?

The research that has gone into this 10-part series indicates that it is not being stopped largely because the American public remains puzzlingly apathetic. That apathy is apparent at every level of society.

Despite an imaginative $18 million program under way at the Department of Transportation (to be discussed in a subsequent article), there is virtually no long-range, coordinated federal and state program to deal with the drunk driver. Leadership from Washington is desperately lacking.

LOCAL PROBLEMS ABOUND

Despite two landmark laws—the Highway Safety Act of 1966 and the National Traffic and Motor Vehicle Safety Act of 1966—Congress continues to spend little for highway safety.

Indeed, while Congress authorized some $267 million for the first three years of the National Safety Act, only $92 million has been released for obligation, according to the National Safety Council. At least 40 safety bills have been passed in the last few years, but none of them has received adequate financing.

State and local community programs fare no better. The liquor industry in many states is quietly sabotaging legislative efforts to enact legislation aimed at drunken drivers. In over two dozen states it's possible to renew drivers' licenses by mail. The safety council of one major Southern town of over 800,000 people is operating on a shoestring budget out of an office that reminds one of the dreary setting for a 1940's private detective film. The punitive legal approach in most communities is strictly out of the 1940's, too." Fines and license revocations seldom deter problem drinkers, who desperately need clinical or therapeutic aid.

Paradoxically, courts and juries are loath to convict known drunk drivers, even when the evidence is overwhelming. One magistrate north of Seattle often deliberately defers findings on drunk-driver cases so that a lesser charge can be given. (This practice has triggered the ire of the Washington State Patrol.)

Out of one group of 1,000 drivers in California who killed someone while driving under the influence of liquor, only one-fourth receive felony convictions for drunk driving. Less than 5 percent ever went to jail.

Last year a Midland, Mich., woman, whose car was hit by a drunken driver while driving along an interstate highway, found on checking state records that he had garnered five previous convictions for drunk driving and had rung up an extra 15 points against his record within a two-year period. At his last trial—the one involving the Midland woman—the judge fined the drunken driver only $30, plus $70 court costs and suspended his license for 90 days, the woman told me. (The license suspension was subsequently extended to one year by the Michigan Secretary of State.)

State motor vehicle licensing record systems are too often tangled monstrosities. Recordings of sentences, fines, and license revocations are either not entered at all, entered erroneously, or disappear through peculiar circumstances at a later time. Indeed, the lack of effective coordination within and between the records people of the different states is matched only by the deep-seated rivalries and lack of coordination between many of the highway safety specialists and alcoholism-treatment experts themselves.

"NONRECORD" CLEARS EXECUTIVE

Several years ago a highly respected, $20,000-a-year Midwest executive with a well-known corporation ran his rented car off a 30-foot enbankment on a California expressway. He was arrested and booked for driving while intoxicated. He engaged a lawyer at an extremely high fee. The lawyer had the case delayed until such time as it would be cleared from the docket. Within three months the whole episode had been forgotten with no record of the accident.

This reporter's research indicates there are thousands of "nonrecords."

Law-enforcement departments—too often understrengthened, underpaid, overworked—frankly concede that they find less and less time to deal with highway safety, especially now that "rising crime" is so firmly etched in the public consciousness (even though serious crime statistics lag far behind motor-vehicle accident statistics).

In one major Texas city I spent an evening "riding shotgun" with an officer who admitted that in over a year of patrolling a beat (in the area of heaviest concentration of bars in that city) he had not given out one ticket for drunk driving. He was no exception. I found that true almost everywhere I went—Los Angeles, Dallas, Chicago, Washington, D.C.

NO NATIONAL PROGRAM EXISTS

Most experts say one reason the drunk driver is not being curbed is that there is as yet no realistic hard-headed attack on alcoholism in the U.S., such as has been the case in most European countries. Until the deeper question of alcoholism is attacked, new police equipment, stiffer court sentences, and millions of license revocations won't really resolve the problem.

The Monitor has learned through a Department of Transportation source that a confidential special task force report on highway safety prepared for the President has severly criticized the entire punitive approach in dealing with the drunk drivers. This is a conclusion shared by most rehabilitation experts.

Testimony last year before a special subcommittee on alcoholism and narcotics, headed up by Iowa Sen. Harold Hughes (himself a reformed alcoholic), clearly indicated that there is no comprehensive federal program in this area, even though the United States now leads the world in the number of alcoholics.

The entire federal expenditure in the alcoholism treatment area is estimated at a minuscule $4 million annually.

Compare that $4 million to the estimated $8.2 billion in tax revenue that government at all levels—local, state, federal—collects from the sale of alcoholic beverages.

Compare that $4 million to the $7 to $8 billion in economic losses caused on American highways annually by drinking drivers.

"NO SAFETY CONSTITUENCY"

"There just is no highway safety constituency," laments Howard Pyle, president of the National Safety Council. Mr. Pyle, leaning back in a chair in his large office at NSC headquarters in Chicago, recalls that in his four years as governor of Arizona, back in the 1950's, only one person ever bothered to come into his office to discuss road safety. And until the recently stepped-up advertising campaign against drunk drivers by the council and private insurance companies. Mr. Pyle doubts that the situation had changed very much.

Mr. Pyle concedes that the NSC has been trying to get a coordinated national attack against drunk drivers under way for "about three years." He says, "We thought we would be stronger if we had widespread support. But the only major group that we've been able to get with us so far is the American Medical Association.

"Ninety million Americans drink—and they just don't like the privilege abridged. That's what you call a constituency in reverse."

[From the CONGRESSIONAL RECORD, July 6, 1970]

HIGHWAY SAFETY NO. 2—THE PROBLEM BEHIND THE WHEEL

Mr. CLEVELAND. Mr. Speaker, there has been a good deal of public attention focused recently on crime in the streets, and the insecurity it produces for many of our citizens. The front-page coverage given by the news media to the deaths and injuries which result from the crime is justified, because the people harmed by violence are disproportionately the old, the weak, and the poor. These are people who can ill afford the economic loss involved and to whom hospital bills are a major blow. If they are injured—or even worse killed—their families suffer badly, and are often pushed into poverty or at best insecurity. Money stolen from them is dearly missed—and for the old, it is often part or all of their meager savings or a recent social security check.

Yet there is in our society a group which is an ever worse killer and maimer than street criminals: drunken drivers. They kill at least 28,000 people and cause over 800,000 accidents yearly. In terms of economic loss, the $8 billion caused by such drivers approximates that caused by street criminals—excluding organized crime and white collar crime.

The hardship caused is barely indicated by these harsh, cold figures. Who knows what agony is wrought in the families of the 28,000 people they killed? Who knows how much human tragedy there is in the families of the people wounded and maimed? In this year of great interest in conservation, what greater waste—truly an absolute waste—of resources is there?

In an effort to bring some attention to the needless, senseless tragedy of our more than 50,000 highway deaths yearly, I have inserted a number of articles into the Record. Today's offering is from the Christian Science Monitor, the second article in a series of 10 written by Guy Halverson. This thoughtful article discusses tests and State laws which are currently in effect—and often not in effect—governing drunken driving.

Since I inserted Mr. Halverson's first article into the Record on June 29, I have been encouraged by the interest which has been shown by many of my colleagues and by mail. One such letter from William Friel Heimlich of Falls Church, Va., made an eloquent statement which anticipated the theme of Mr. Halverson's second article, and which deserves consideration:

The efforts of Congress to grapple with the problems of automobile safety, in my opinion, have been mis-directed. No amount of money or public relations effort spent on seatbelts, head pads and the new bumpers are going to reduce, in the slightest, the statistics of dead and injured. Only tough laws rigidly enforced will do the job. The Federal Government, obviously, can only lead the way. Success can come only when the states do their part and when public opinion is aroused to support new laws and the enforcement of old ones.

While I personally believe that automobile safety requires safe cars and safe roads in addition to tough laws, Mr. Heimlich's point is well taken that there will be no end to the carnage on the highways until an aroused public demands and supports tough laws which are toughly enforced.

The article referred to follows:

Tests for Drunkenness: There Ought To Be a Law That Works

(By Guy Halverson)

New Orleans.—"I won't take it. Go away," he shouted angrily, thrusting a clenched fist toward the startled policewoman.

The tall, emaciated looking man, his shabby clothes caked with dirt and grease, reeked with the smell of alcohol—and he was in serious trouble. In front of him at the main lockup of the New Orleans Police Department was a breathalyzer machine, used by most law-enforcement agencies to measure a person's blood-alcohol level.

The man had been apprehended earlier in the evening careening at a high rate of speed the wrong direction down a one-way street. But fortunately for the public, Louisiana has an "implied consent" statute. This means in effect that when a person takes out a operator's license, he consents to take a chemical test (blood, urine, or breath), if arrested for drunk driving. If he refuses, which is the suspect's choice, his license can be suspended. Louisiana also has a statute defining what constitutes a "presumptive blood level of intoxication"—in the case of this state, 10 percent.

The same kind of crusading zeal, safety experts say, that marked the federal government's routing of cigarette advertising from airwaves is needed to badger states into adopting the stiffest possible presumptive blood-level laws.

AMERICAN HODGEPODGE

Because this man, barely able to stand and obviously intoxicated, refused to take the breathalyzer test, he lost his driver's license. Theoretically, at least, that meant a major victory in the war against the drunk driver.

But such victories, one quickly learns after traveling throughout the United States, are neither common nor uniform. Indeed, the United States is a hodgepodge of laws and practices when it comes to the drunk driver, depending upon just which state you are in and which patrolman you happen to encounter.

Take what happened not so long ago in neighboring Mississippi. A police officer, looking in his rear-view mirror, notices a car apparently hurtling along behind him at a high rate of speed. As the officer slackens his speed, the approaching car does the same. After the vehicle is abreast, the officer pulls the vehicle to the side of the road and finds an attractive, articulate young woman behind the wheel. She is fully composed, although he notices that she seems a bit tired. Finding nothing technically wrong, he warns her against speeding and allows her to drive off.

Ten minutes later, away from the officer, the young woman, who in fact is intoxicated, as a breathalyzer test would have indicated, accelerates until she is whirling along at more than 90 miles an hour. She can barely see the highway or keep her eyes open.

She becomes a casualty in a major accident.

Unlike Louisiana, Mississippi has neither a "presumptive level of intoxication" nor an implied-consent statute. Because of this, the officer was reluctant to arrest the woman based on her appearance alone. Yet an arrest might have prevented the accident.

Though Louisiana and Mississippi each share a comon border, they are in fact at two opposite ends of the pole when it comes to highway-safety legislation. On a time scale, Louisiana is in the present. Mississippi's approach, it must be reluctantly acknowledged, is still somewhere in the mid-1940's, as are too many other states.

There is no question but that implied-consent laws and statutory levels of intoxication are significant first steps in curtailing the mounting death rate on our nation's battle-scarred highways. That war is very real. Last year, drunk drivers killed more than 28,000 Americans, (more than all U.S. servicemen killed in Vietnam the same year), caused over 800,000 accidents, and rang up economic losses estimated at $8 billion.

STATES WITHOUT STATUTES

Highway-safety experts are in almost total agreement that if the death rate is to be significantly reduced, anti-drunk-driver legislation at the state level must be drastically tightened and upgraded—as well as standardized throughout the nation.

Four states—Illinois, Mississippi, Montana, Wyoming—and the District of Columbia still have no implied-consent statutes.

Three states—Texas, New Mexico, and Mississippi—still have no presumptive level of intoxication. In some 21 states and the District of Columbia, moreover, the presumptive level is set far too high—at .15 percent—equivalent to about eight shots of 80-proof whiskey or eight 12-ounce bottles of beer for the average adult male.

In a number of states with .10 percent presumptive levels, the law needs to be strengthened so that the .10 percent figure is an automatic, no-nonsense, cut-off point, punishable by fine and jail conviction. In Minnesota, for example, the current law says only that .10 *may* be prima facie evidence of being "under the influence."

At the same time, many safety authorities insist that the United States desperately needs to follow the European lead and adopt highway prearrest driver breath tests. Prearrest screening, however, has triggered a score of constitutional doubts.

For years the only way that a patrolman could identify a drunk driver was by some type of objective personal evaluation, such as observing erratic driving patterns, slurred speech or flushed face, or requiring the driver to "walk a straight line." But such tests, it is well known by policing agencies, are highly unreliable.

Ex-alcoholics, in fact, usually scoff outright at such objective criteria. One New York businessman, a recovered alcoholic, recollects that he escaped detection from a large cluster of patrolmen because they thought he was under shock from an accident, rather than drunk, as he was. "I had driven my car into the town pond, yet, still no police check for alcohol! Can you imagine that?" he says. "The water snapped me back to a facade of 'instant sobriety.' Had the police required a chemical test, they would have seen how drunk I was."

"A police officer on patrol may see a car weaving and it's obvious that something is wrong," says Dr. Robert F. Borkenstein, chairman of the Indiana University Department of Forensic Studies and a leading developer of the police breathalyzer. "But most courts demand clear-cut evidence of intoxication before they'll consider conviction."

"We know that many drinking drivers do not show evidence of drinking. They may only show aggressiveness, which, of course, can have other causes. So mere aggressive driving, plus mild personality changes in an individual whom an officer doesn't know, just usually are not enough to convey to a court the information needed to convict. The police, in effect, are saddled with using crude arrest criteria developed a generation back."

EUROPEAN LEVELS

In sharp contrast to the United States, most European nations have long held that a certain level of alcohol in the blood constituted a highway violation, no matter how correct one's driving habits. In East Europe the figure is very stiff, "satisfied by a mere sniff," laughs one North American police official. Poland, Norway and Sweden early set the level at .05 percent, Switzerland and Austria at .08 percent. Denmark at .10 percent, During Austria's first year at the .08 level, accidents plummeted 25 percent.

Canada, Great Britain, and Australia have also set the level at .08 percent.

In 1967 the British passed the landmark Road Safety Act, considered to be perhaps the most important single piece of highway safety legislation in the world. The act defined .08 percent as the presumptive level of intoxication and established fines and imprisonment, as well as possible license revocation, for offenders. More significantly, the act authorized prearrest chemical tests.

If a British policeman has reasonable cause to believe that a motorist is under the influence of liquor, has committed a moving violation, or if the driver is in some type of accident, the policeman considering arrest can request that the motorist take a breath test on the highway. The driver can refuse, subject to a possible fine. If the test registers

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positive the motorist is then arrested and taken to a station house where he is given the more formal breathalyzer test—the type administered in the United States only after arrest.

The British prearrest test cannot be used as court evidence.

Despite an initial outcry from civil libertarians and liquor interests (who feared a loss of business from the new law) public opinion quickly lined up behind the Road Act. Casualties dropped sharply, and some evidence suggests that the act has reduced the tendency to drink and then drive.

Chemical testing in the United States, though practiced for several decades, was given a great boost by the Highway Safety Act of 1966. The Safety Act authorized the National Highway Safety Bureau to post federal standards for state highway programs. The federal standards call for passage of both implied-consent status and a .10 percent presumptive level of intoxication. The Uniform Vehicle Code, compiled with by about two-thirds of all states, also calls for the .10 percent level.

While more than half the states have scrambled on the bandwagon to adopt implied-consent statutes during the past three years because of concerted federal pressures, most have poked, rather than galloped into action, when it comes to the presumptive levels.

"Many legislatures just have no conception what these percent figures mean in lives lost," says a specialist from the Northwest University Traffic Institute. "Tell them that you're 25 times more likely to have an accident at the .15 level than at the lower European limit and they just shrug their shoulders."

By early 1970, only one state, had adopted the .08 European level. Roughly half the states were above the federal standard of .10 or had no statutory level at all. Sensing a coming public revulsion against the drunk driver, nevertheless, a number of organizations, including the National Safety Council and its affiliated chapters, and private insurance companies. are hammering together expensive television and radio campaigns for more comprehensive legislation at the state level.

Intense lobbying is expected in a score of states in the upcoming 1971 legislative sessions. In Michigan, for example, a strong campaign is already being mounted through billboards and ads to slash the presumptive level from the present .15 to .10 percent, as well as enact legislation requiring, mandatory blood tests on all victims of fatal accidents and all drivers who survive accidents.

ACCIDENT RATE DECLINED

A bill supported by Gov. William G. Milliken has passed the Senate but is jammed up in House committee partly because of backstage opposition of the liquor industry.

In addition, a number of legislatures, including Minnesota, Michigan, and California are mulling some type of prearrest testing along the lines of the British Road Act. Such testing was enacted late last year in New York State and the city of Baton Rouge, La.

Under the Baton Rouge experiment, undertaken in cooperation with the Insurance Institute for Highway Safety, the city can levy a 60-day jail sentence and a $200 fine against any motorist believed drunk who refuses to take a road breathalizer test. More than 232 people have been evaluated as of this writing, and the largest chunk of them have registered positive. Though it is still too early to guage results, local Baton Rouge police note that the December accident rate, traditionally high, scored a major decline.

In spite of the Baton Rouge and New York State experiments, however, a number of legal doubts persist about pretesting, including possible violations of Fourth Amendment protections against unreasonable search and seizure. Fifth Amendment guarantees against self-incrimination, and abridgement of the due-process clause of the 14th Amendment.

Advocates of testing before arrest argue the practice is merely a scientific replacement of the traditional roadside sobriety checks, such as picking up a coin and shouldn't be viewed as "illegal searches."

PORTABLE UNITS URGED

To underscore this contention, advocates note that state courts have gradually liberalized many police powers on the highway until today an officer, among other things, can request a license check, use a roadblock for a license check, and even require that a vehicle be weighed to see if it meets legal road allowances. Thus, pretesting, they reason, is the next logical step in the arrest process.

Whatever the eventual legal outcome on pre-arrest testing, which will most likely be resolved only after a Supreme Court decision a number of safety experts, including Indiana University's Dr. Borkenstein, believe that development of small, portable chemical testing units opens up one of the most important and unexplored new areas in the war against the drunk driver.

Dr. Borkenstein maintains that if self-testing devices can be universally distributed, such as in retail outlets or taverns, then not only can the drinking public be shown when they are approaching the "danger level," but at the same time, a new, mass've coalition of social drinkers (most of whom seldom reach the statutory presumptive levels), plus abstainers will be created that would swing behind strong legislative sanctions.

"We could make deviant drivers a virtual outgroup, against which could be rallied tremendous social pressures. That's something that just isn't happening now," says Dr. Borkenstein.

[From the CONGRESSIONAL RECORD, July 15, 1970]

HIGHWAY SAFETY NO. 3—THE DRUNK PATROL: A TOUGH DUTY

Mr. CLEVELAND. Mr. Speaker, the problem of drunken drivers and the deaths, injuries and destruction they are causing is one which needs our attention. Though drunken drivers receive little publicity except in the daily accident reports listing their latest victims they are a menace which must be stopped.

The men who actually have the task of getting drunken drivers off of our highways our State and local police, receive too little attention and support from the public and press. It has perhaps become trite to say that these men are risking their lives to make ours safe; but it is nonetheless true. Their job is difficult for a number of reasons. One is the lack of manpower, as there are too few policemen to do the job. Another involves the weak and inadequate laws they often have to work with. Yet perhaps the basic reason is that the public, the news media, and people in government are just not demanding action. Though drunken drivers are killing over 28,000 people a year on our highways, the public seems relatively unconcerned.

This seeming disinterest in one of our most pressing national problems continues to baffle me. As part of my contribution toward arousing interest in this area, I have recently inserted into the RECORD two articles which appeared earlier in the Christian Science Monitor as part of a series on highway safety. The third article, which appeared in the July 9 edition, discusses the problem from the point of view of the policemen who patrol our highways, and with dedication and commitment try to cope with this growing menace. The story of the policemen is heartening, but the story of the problems they face is distressing.

Mr. Speaker, the third article in the series by Guy Halverson follows, and deserves a thoughtful consideration:

THE DRUNK PATROL—A TOUGH DUTY

(By Guy Halverson)

WASHINGTON.—"Better stand back when we get the door open," the Washington, D.C., patrolman shouted at me as he ran toward the darkened vehicle. "No telling what we'll find."

Inside, we could see a young man slumped motionless across the wheel. The late-model automobile, the engine on and running quietly, was stopped about 30 feet from an intersection.

The driver coughed and twisted as the officer jammed a small vial of smelling salts under his nose. On the cluttered floor of the front seat was an empty can of malt beer.

His recently pressed clothes were in disarray. He said that he was returning home from a party when he "fell asleep" approaching the intersection. Repeated loud bangings and poundings on the side of the car by passing motorists had failed to rouse him.

After producing identification and a driver's license during a brief questioning in the back seat of the patrol car, the driver was asked if he thought he could safely maneuver his vehicle home. Nodding affirmatively, he was allowed to drive off.

The ticket given the man read only: "Failing to give full time and attention to driving."

DALLAS-AREA CHECKOUT

Contrast this cavalier response of the officer to the more purposive methods of three Dallas patrolmen. In March of this year I watched officer Don DeWees and two other Dallas patrolmen (one a citizen police auxiliary) "check out" some two-dozen nightclubs and taverns in a bleak four-block area of the city's racially mixed east side.

As we entered each club, the din and music would grind to a halt as every head turned suspiciously toward the small cluster of men in blue by the door.

"Club owners hate us for this type of patrol," says officer DeWees, an outgoing seven-year veteran of the force. "But we've gone a long way toward cutting down knifings and fights by our presence. And you can be sure that there are many characters in these places who think twice about that fourth or fifth drink before they hit the highway with us around."

As these two contrasting incidents clearly indicate, the wheels of law enforcement more unevenly when it comes to curtailing and apprehending the drunk driver in the United States today. In some cases, it moves not at all, as departments teeter toward outright no enforcement.

In hundreds of departments across the country budget and manpower woes plus heightened citizen demands for stepped up anticrime patrolling is causing severe cutbacks in the number of men assigned to traffic details. Results are invariably disastrous. In Detroit, traffic units have been hacked by some 171 men since 1965—almost 30 percent of the total traffic detail—even though the size of the police force itself has swollen by more than 500 men.

SURVEILLANCE FALLS OFF

Surveillance and issuing of tickets has fallen off. Not surprisingly, the accident rate has risen steadily and shows no sign of lapsing.

By contrast, accident rates in rural areas patrolled by the Michigan State Police, who have maintained and in some areas even tightened surveillance, have dropped.

While scores of policing agencies, such as the Los Angeles and San Diego police departments, and the Maine State Police, have mounted aggressive preventive campaigns against the drunk driver, literally thousands

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of other departments are still relying on antiquated and plainly inadequate control programs. Or worse, they have hidden the whole problem in dusty back-room files.

Admittedly, the problem of apprehending the drunk driver is one of the knottiest problems facing policing agencies today. The social drinker requires a more traditional type of preventive patrol—a response that may have no application for the hard-core problem drinker at all.

As studies have indicated, the problem-drinking driver is not like the typical social drinker. The former often have had long-standing difficulties with police, and other social agencies, and in some cases have even garnered strings of psychiatric evaluation, license revocations and suspensions, and criminal records.

Use of established enforcement ploys, such as dummy vehicles, radar boxes, and helicopter surveillance, often have little practical effect. Some departments, intimidated by the sheer complexity of the problem, have resigned themselves to passivity and inaction.

MAY GO UNAPPREHENDED

Any drunk driver who is at this moment careening across the nation's highways has little likelihood of ever being apprehended. Of the nation's half-million lawmen, only a fraction are on traffic-enforcement duty.

Take the nation's 34,000 state police. They patrol more than one million miles of highway, yet less than 8,000 are behind the wheel at any given period of time—averaging out to about one man for every 125 miles of roadway.

Police, moreover, forced to rely upon limited visual-arrest criteria, are apprehending only the most blatantly intoxicated drivers at peak alcohol blood levels. Hundreds of thousands of drinking drivers at lower illegal levels are going undetected. "I drove nonstop from Pennsylvania to Wisconsin one weekend through five states, and I wasn't stopped by a patrolman once," a key leader of a Milwaukee Alcoholics Anonymous chapter told me, recalling his pre-AA days. "Yet I was so drunk I don't even remember getting into the car."

Top police administrators insist, rightly, that the problem of the drinking driver isn't just a law-enforcement problem. "We're talking about a vastly complicated community problem that is going to require a comprehensive attack on alcoholism," says William H. Franey, a top official of the International Association of Chiefs of Police (IACP).

For its part the IACP has published a number of policy guidelines on traffic safety, including directives supporting implied-consent statutes and a .10 presumptive level of intoxication. (Implied consent means that acceptance of a license implies consent to a chemical blood test in the event of arrest.)

WHAT POLICE CAN DO

Still, many law-enforcement officials, including IACP's Mr. Franey, concede that there is much that police departments can and must do if the highway toll is to be significantly slashed:

Renewed emphasis on traffic safety. This would include clearcut supervisory policies for police personnel. "Tolerances"—or definitions—for example, of what constitutes drunken driving should be clearly defined.

While increasing calls are heard for farming out traffic-safety duties to supplemental or even auxiliary civilian forces, most experts strongly insist that traffic safety must once again be given priority billing within existing police organizations.

"Thousands of officers are now trapped in trivial administrative jobs or forced to respond to unnecessary calls such as chopped garden hoses or overturned bird baths. These men would be more useful out on the roadway," argues James Slavin, director of the Northwestern University Traffic Institute, and a former chief of the Denver force. "Traffic is the one area where police can exercise tremendous control, unlike, say, the assault area, which usually occurs away from the police."

Detection and apprehension. Police need to upgrade detection methods for better apprehension of drunk drivers. Many law-enforcement officials admit a distaste for dealing with the alcoholic who drives (as distinct from the problem of public drunkenness, the largest category of arrests in the United States).

NATIONAL AVERAGE NOTED

"I'll seldom stop a DWI (driving while intoxicated) unless he's really in bad shape," one officer on a major metropolitan force told me. The national average is about two drunk-driver arrests per each officer per year, clearly inadequate, many feel, when it's recollected that we are talking about a problem involving millions of drivers.

Reporting procedures. Many departments, especially in the South and rural areas in the Midwest and Southwest, need to adopt better accident-reporting procedures. It is from such information that preventive countermeasures can be devised.

States need mandatory chemical tests for victims of fatal accidents. Police records need to be related to state motor-vehicle records in some type of high-speed computerized collection agency.

Many lawmen now are seeking to put together some type of national traffic "information grid" along the lines of the National Criminal Information Center, which provides instant up-to-date information on such things as stolen vehicles. At present the National Register in the Department of Transportation maintains records of mandatory license revocations and suspensions, but the information by law is a service to state motor vehicle departments.

Not all states are "on line." In most states, a police department seeking information from the National Register must first call the state motor-vehicle department, which in turn contacts Washington, a cumbersome and lengthy process.

CONNECTICUT EXPERIENCE

For some states the time lag is substantial. "It takes us about a week to get information," says H. J. Ulrich, superintendent of the Kansas Motor Vehicle Department. His department relies on the United States mail for contact.

Whatever the pace such reforms might take in a department, police traditionalists maintain that in the final analysis there is no substitute for clearcut sanctions for traffic offenses plus intensive patrolling. As proof they cite what happened in Connecticut back in the 1950's.

In 1956, Abraham A. Ribicoff, then governor, waged a massive crackdown on speeders. Anyone convicted, he told a stunned constituency, would face an immediate license suspension and possible revocation. The upshot was that the accident roster sagged sharply during the next year.

Something similar happened at Lackland Air Force Base in Texas not too long ago. Appalled at the rising accident rate, usually involving liquor, base officials announced that all personnel involved in an accident involving a personal injury would be given psychiatric screening plus a review of their service record. As happened in Connecticut, the accident rate went down.

SUSPENSION SUSTAINED

Some departments, using a combination of sophisticated computerized technology and a refined community-action approach, are making tremendous progress in upgrading enforcement and apprehension rates. In Maine—which has tallied 117 traffic fatalities this year as of this writing in late June, compared with 90 last year—the state police are seeking to tighten traffic patrolling, while giving special attention to the drunk driver.

If a Maine motorist loses his license out of state for drunk driving, the same suspension can apply in Maine as well. Repeat offenders face indefinite license suspension and even loss of their registration.

Ask members of the 300-man Maine state police force, and they quickly admit being delighted with the crackdown. Lt. Richard C. Jones, assistant director of the traffic section, explains that the force has applied to the Department of Transportation for a $10,000 grant for a special study program in detecting drunk drivers at the more difficult blood-alcohol levels below .15 percent.

(The level of .10 to .14 percent is considered "impaired" in Maine, while .15 and above is "intoxicated," a harsher offense.) "All too many of our men just can't spot the 'impaired' levels using visual methods," the officer says.

Lieutenant Jones, like most police officers with whom I've talked, believes that some type of prearrest testing along the lines of the British Road Act and the Baton Rouge and New York State laws, will eventually win widespread national acceptance, despite present qualms over constitutionality. Prearrest testing is being considered in Minnesota, California, and Michigan, as well as in Maine. (See paragraphs under title "Baggie Bill.")

The Maine force has also found that by concentrating on specific "target areas" it can quickly dent accident tolls. Thus, special squadrons have been sent into Aroostook County during the potato harvest time in late fall, a traditionally high accident—high alcohol consumption—period there.

Targeted action has also been successful in San Diego and Kent County, Michigan. In San Diego, some 15 carefully selected officers who are given more than 40 hours of special training use a computer to identify locations drunk drivers are apt to frequent.

This special "traffic-enforcement squad"—which is partly underwritten by a $62,000 grant from the Department of Transportation—is credited with having substantially reduced liquor-related fatalities, even though the overall accident picture has gone up.

The Kent County Sheriff's Office (in the Grand Rapids area) has also had similarly successful results using less-sophisticated methods on key roadways.

In addition to consolidation, many lawmen look toward development of mechanical detection devices, such as video-tape units, or even "drunkmographs" (on the principle of the seismograph) that could keep a permanent record of driving patterns right within an enclosed part of the vehicle.

There is also talk of using special coded license plates known only to police for problem drivers, an experiment already tested in Minnesota. "Such a plate could put tremendous social pressures on the problem drinker," argues Northwestern's Mr. Slavin. What would you do if you were a relative or friend of the problem drinker and had to borrow his car for a night? After being tailed by a squad of patrol cars for an hour or so you'd probably strongly suggest that he seek rehabilitation—and in a hurry."

"BAGGIE BILL"

The 1971 Minnesota legislative session may set a course for prearrest blood-alcohol testing statutes.

A number of safety organizations there, including the Metropolitan Area Safety Council and the American Medical Association, are pushing what is known as the "Baggie bill," which would tie prearrest screening to the right of an officer to make a license check. It would be an on-the-spot breath test utilizing a small plastic bag.

According to Forst Lowery, executive vice-president of the Minneapolis Metropolitan Areas Safety Council, the Minnesota legislation, like the British Road Act, would only be a guide for arrest. Results could not be entered as court evidence. Upon arrest the suspect would still face the choice of a conventional police chemical test.

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The measure, which is being heavily promoted throughout Minnesota, was decisively buried in the 1969 legislative session after lukewarm support from top state officials, including Gov. Harold LeVander.

Proponents now plan to have the measure reintroduced by at least one attorney in next year's session to help ward off legal doubts—a tactic not adopted last year.

[From the Congressional Record, July 21, 1970]

Highway Safety No. 4—The Problem of Alcoholism

Mr. Cleveland. Mr. Speaker in my series of commentaries on highway safety, I have been trying to illustrate to my colleagues and other readers of the Record the serious situation that exists when Americans drink, not just socially but as a disease, and then drive. The alcoholic driver is probably the greatest safety hazard on our highways today. We must find ways to control this hazard and help make driving safer for everyone.

As Guy Halverson points out in the following article in the Christian Science Monitor, much of the problem of drunken driving in the United States can be traced directly to "alcoholism." He notes the shocking statistic that alcoholism hits every fifth home in the country. With this in mind, it seems apparent, then, that one way to stop the problem of drunk driving is to deal seriously with the underlying problem of alcoholism.

A first step in dealing with alcoholism is to treat it as a disease. We must realize that alcoholism is not restricted to one social or economic class, but can and does strike people from all backgrounds. Only when we realize this fact can we give the people afflicted with this illness the treatment they need.

Guy Halverson makes an effective case for promoting more effective rehabilitation of alcoholics. I believe that our highways can be made much safer for all drivers if such a program is carried out. We must do something to reduce the tragic toll taken by alcoholics on our Nation's roads and highways.

The article follows:

Alcoholism Behind the Wheel

(By Guy Halverson)

Milwaukee.—A confused and lonely 21-year-old Florida woman races alone through a stormy night on a motorbike. An alcoholic since her teen-age years, she is drunk. Rain and wind slash against her as she tightens her grip on the bike's handlebars. She looks up and in an instant of blurred recognition sees the glare of headlights from a vehicle racing directly at her. She is hurled across the highway and a human life is wasted.

The woman is one of about 70 million Americans who both drink and drive. Of these, millions are either problem drinkers or chronic alcoholics.

Clearly, alcoholism itself underlies much of the spiraling liquor-related accident toll on United States highways. And the toll won't be cut until Americans start to cure this deeper problem.

Efforts in this direction are producing results in some instances:

Here in Milwaukee, at another moment in time, a silver-haired business executive strides quickly toward a massive building. The renewal he feels inside shines as bright as the spring day. The man is a recovered alcoholic, and this day is his last at an outpatient clinic at the privately funded DePaul rehabilitation hospital.

FRAGMENTARY RESPONSE

But in general, response by government and the public to the alcohol problem is only fragmentary and all too often lethargic and ineffective.

The drunk driver, safety experts insist, reveals only one aspect of the blotch of alcoholism that strains so much of American society. Divorces, shattered families, frequent home and industrial accidents, and mounting crime all testify to it. Industry loses over $2 billion annually to alcoholism in absenteeism and shoddy work.

"The central truth," says Sen. Harold E. Hughes (D) of Iowa, chairman of the special Senate subcommittee on alcoholism and narcotics, and himself a reformed alcoholic, "is that we must make up our minds to launch an all-out, adequately funded attack on the problem of alcoholism in America if we are to make significant reductions in the deaths and maimings on our highways . . ."

Most safety experts agree there must be a sharp about face in the permissive attitudes about liquor now sweeping the land:

The mass media, in particular, must stop glamorizing drunkenness by identifying it with good humor and sophistication.

The home, the church, the school must do a better job of acquainting young people with the dangers and risks of drinking.

Employers, work associates, and relatives must stop overprotecting alcoholics who desperately need attention—not the hidden isolation that is often a sure passport to self-destruction and tragedy for others.

Courts must be given greater flexibility in dealing with drinking drivers. The present system—which seeks to control driving behavior through reliance on legal sanctions alone—is a failure. Modern rehabilitation facilities and techniques are sorely needed in almost every major community in the nation.

The problem of alcoholism and liquor abuse seems almost overwhelming in its complexity and ubiquity. In one of the nation's largest metropolitan areas I walked into the office of the local sheriff to discuss highway safety and found him seated behind his desk with a highball in his hand. It was 2 p.m.

MOST NEGLECTED PROBLEM

In another city a local traffic safety council official could hardly keep his eyes open during our interview because of the drinks he has had during an afternoon meeting. He finally had to have a relative come and drive him home.

No matter where one goes—to the office of a police official, a safety expert, a highway engineer—the conversation inevitably swings around to a discussion of alcoholism. Yet, as John W. Gardner, former Secretary of Health, Education, and Welfare, has pointed out, alcoholism, the nation's No. 3 health problem, is also its most neglected. Alcoholism treatment lags far behind treatment for drug abuse, which touches a much smaller percentage of the population.

Alcohol is the most used—and widely abused—drug in society.

Health officials insist that alcoholism is a disease, not just a behavior problem as was assumed for so many years. Between 6 and 20 million people are believed to be chronic alcoholics or problem drinkers with a compulsive dependence on liquor. But there is also a staggering multiplier effect that adds a tangled new dimension to the problem. Every alcoholic, the experts say, directly affects up to three relatives. Thus, up to 60 million people in this country may be immediately touched by alcoholism. That would mean one out of every five homes.

For years the public stereotype of the problem drinker was that of the skid-row derelict. But, says William M. Moore Jr., executive director of the National Council on Alcoholism, "only about 3 percent of all alcoholics are derelicts. Most are the type of people you might meet anywhere in society—wage earners, homeowners, housewives, professional people."

Take what happened one day here. The local office of Alcoholics Anonymous received a frantic call that a woman, plainly drunk, was about to slide behind the wheel. AA called the local sheriff who dispatched a car. The woman was pulled from her vehicle before she could drive it off. It was a bus for elementary school children.

MANY DIFFERENT TYPES

Studies of drinking drivers clearly indicate that many are chronic alcoholics or longtime problem drinkers. Indeed, most studies show the typical drinking driver involved in a fatal or near fatal accident to have a blood-level content far above levels associated with normal social drinking.

Yet, when one talks about the "drinking driver" one is really talking about many different types of drinkers:

1. The chronic alcoholic or problem drinker who is suspected of causing perhaps the largest chunk of all fatal accidents.
2. The social drinker, whose blood level usually registers less than most problem drinkers, but still accounts for an important share of highway mishaps.
3. The novice drinker or occasional drinker, whose inexperience with liquor is a contributing factor to some accidents.
4. The young drinker. Some studies suggest that the youthful drinker is causing an increasing number of highway accidents. Of the first 10 auto fatalities this year in Michigan, for example, all were under age 26, and liquor was a factor or suspected as a factor in nine of the cases.

How does one stop these people from mixing their drinks with driving?

In most courts throughout the U.S., judges are still heavily dependent on punitive legal sanctions—fines, license suspensions and revocations, or jail sentences. But because of the hardship on the offender, whose livelihood is often dependent on use of his vehicle (particularly in the Western states with their large distances), juries and courts are reluctant to impose stiff sentences. Moreover, prosecutors, acutely aware of public sentiment, carefully weed out thousands of marginal cases each year, even though they know the defendant is guilty of a road violation. Or they deliberately seek a lesser charge, such as "reckless driving," instead of "driving while intoxicated."

"HEALTH-LEGAL" APPROACH

The resulting "control system" is just not working. In Chicago several months back, a 28-year-old man was slapped with a $20 fine and court costs for staggering drunk in front of a stream of cars at a busy intersection. The very next night he was again arrested—this time for drunk driving.

Last year some 300,000 drivers had their licenses suspended or revoked. Yet, it's believed that as many as 200,000 of them continued to drive illegally.

What's needed, say many jurists, is a multipronged attack on the drunk driver—a "health-legal" approach, as Lyle Filkins of the Highway Safety Research Institute of the University of Michigan has dubbed it. On the one hand, judges should be allowed to impose stiff sanctions for those drivers who respond to punishment—such as social drinkers, occasional drinkers, and young people. On the other hand, rehabilitation should be available for those drivers who need a change in *drinking* behavior more than *driving* behavior.

And that's the rub. Few jurists today have any place to send the problem drinker for rehabilitation.

In many cities I found businessmen and teen-agers, problem drinkers, and hard-core derelicts all thrown indiscriminately together into grim drunk tanks. In one Southwest city I found a middle-aged man lying face down on a concrete floor where he had tumbled from a bunk.

PROGRAMS JUST NOT ENOUGH

There are only about 200 facilities of varying types around the country to handle the problem drinker, including halfway houses and clinics. Only about six cities have major detoxification centers, including important installations at Washington, St. Louis, and Des Moines. Even more significantly, only about six cities have comprehensive treatment programs, including Minneapolis, Atlanta, and the private DePaul program here in Milwaukee.

The federal response has so far been spotty and piecemeal.

The main thrust to date, most experts feel, has come out of the National Center for the Prevention and Control of Alcoholism in the Department of Health, Education, and Welfare. Budgeted at around $4 million annually, the program has dealt with the research, education, and treatment areas.

Rehabilitators maintain that the programs are just not enough. More money is spent each day on liquor purchases in the U.S., they say, than the entire federal government spends on alcoholism treatment in the course of an entire year.

A measure recently introduced into the Senate by Senator Hughes, along with Sens. Jacob K. Javits (R) of New York and Frank E. Moss (D) of Utah, would earmark a more realistic amount of $435 million over a three-year period for a comprehensive alcoholism program, including grants for construction of facilities by state and local communities. It would set up a control agency located most likely in the National Institute of Mental Health (that section is being hammered out in committee as of this writing). The measure would require establishment of prevention and treatment programs for federal employees and armed forces personnel, and also provide that group health and disability policies for federal employees must include alcoholism.

The Hughes bill (S3835) in effect supersedes an earlier, less comprehensive bill introduced several years ago by Senators Javits and Moss. The newer Hughes-Javits-Moss bill has so far snapped up endorsement from close to 50 senators, including a spectrum as diverse as Sens. George Murphy (R) of California, Charles H. Percy (R) and Ralph Tyler Smith (R) of Illinois, and John J. Sparkman (D) Alabama.

PROPONENTS OPTIMISTIC

Proponents of the Hughes-Javits-Moss bill are optimistic of passing during the next year. They note that the Hill-Burton hospital construction bill—enacted over a veto by President Nixon last month—contained a provision establishing new priorities for treatment of alcoholism within hospitals. In the past most hospitals have tended to shun the alcoholic. The Hill-Burton Law, rehabilitation enthusiasts assert, shows that a national consensus is building toward a broad-based federal rehabilitation program.

The new $18 million program under way at the Office of Alcohol Countermeasures in the Department of Transportation is also geared in great part to an identification—and then control—of the problem drinker. Under the program, announced June 26, demonstration grants have been awarded to a number of communities around the nation: the state of Vermont; Marathon and Sheyboygan Counties in Wisconsin; Nassau County in New York; Washtenaw County in Michigan; King County, Washington; the cities of Eugene and Portland, Oreg.; Denver; Seattle; Albuquerque, N.M. and Charlotte, N.C. DOT officials hope the roster can be upped by an additional 20 localities next year.

The imaginative program—a small, but important first step in the control of the drinking driver—will test out some 50 or 60 countermeasures, including use of chemical agents that cause the drinker to react unfavorably when he imbibes alcohol, tying gas station operators into special traffic grids so they can check license numbers of motorists suspected of being intoxicated, and even special buzzer devices on the cars of drinking drivers that may be activated due to erratic driving conditions.

[From the CONGRESSIONAL RECORD, Aug. 4, 1970]

HIGHWAY SAFETY NO. 5—ONE CITY'S SOLUTION

Mr. CLEVELAND. Mr. Speaker, during the past month I have been inserting a series of articles from the Christian Science Monitor on the subject of highway safety, specifically the problem of the drunken driver. These articles have clearly made the point that heavy drinkers who also drive are a major cause of the disturbingly high death toll on our highways. Other causes include poorly designed highways, unsafe cars, "muscle" cars, inadequate testing for licenses, judges who are too lenient in dealing with offenders, insufficient numbers of police on our highways, and lax laws. Perhaps the major accomplishment of this series is that it has established drunken drivers as a cause of accidents and fatalities at least equal to the other causes mentioned, and one which has been neglected and ignored by too many people too long.

The fifth article in this series by Guy Halverson turns its attention toward a solution, and focuses on one city which has recognized the severity of the problem and is apparently doing something to solve it. Local solutions such as these would go a long way toward saving some of the 28,000 lives which are currently being lost in accidents caused by drunk drivers. Programs like the ones described here are certainly not the complete answer, but they are a very important part of it. They go far toward preventing people from driving after drinking too much, with practical preventive measures. To back this up, it is, of course, necessary for effective, stiff police measures to provide an element of deterrence. In addition, as emphasized in last week's article, it is important for society to treat alcoholics as sick people who are suffering from a disease. All of these measures overlap, and are necessary to a solution to the problem.

This article is important because of its emphasis on what is being done in some leading communities in this field, and for the leadership they can offer other areas as they recognize the problem and begin to act seriously to combat it. The Christian Science Monitor is to be commended for its emphasis in this article on what is being done in several communities, for the encouragement it provides others to be active. Many of us often complain that the emphasis is always on what is wrong. This type of article avoids that by emphasizing constructive approaches to the problem:

ALBUQUERQUE FINDS A BETTER ROAD

(By Guy Halverson)

ALBUQUERQUE, N.M.—Most American cities seem indifferent to the havoc being wrought by the drinking driver. Not Albuquerque, N.M. Under way in this city is a comprehensive, interagency campaign against those who drink and then drive. It could serve as a model for the nation.

What would you do if you suddenly found yourself living in a city of 300,000 people where:

Highway fatalities for 1969 totaled 47 compared with 30 the year before—perhaps 10 percent of which were liquor-related;

Police costs for handling drunkeness are continually spiraling upward;

At least 1 out of every 14 drinkers is believed to be an alcoholic, and many of them own automobiles?

Confronted with this situation, the City of Albuquerque declared war on the drunk driver. The strategy: broad community support, assiduous wooing of federal funds, and an overall program which some safety experts say could become a model of civic responsibility.

According to most safety experts, such a model is sorely needed nationwide. In most of the communities this reporter visited across the United States, he found a towering apathy toward the problem of the drunk driver. Inaction was the rule.

A WELCOME EXCEPTION

The Albuquerque effort, it would appear, is an exception to that rule.

What is happening here, however, is typical of the few model communities recently selected for the Department of Transportation's new program aimed at curbing the drunk driver.

Albuquerque—with a pre-World War II population of 30,000—has mushroomed. Today it is an important space-reasearch center. It sits astride a grid of highways that link such major metropolitan areas as Denver, Los Angeles, and Dallas.

Local planners such as Steve George, chairman of the regional Council of Government, point out that this growth puts tremendous strain on roadway systems. Just in Bernalillo County (Albuquerque) alone, passenger-car registration jumped from 81,000 in 1958 to 139,000 in 1968. On many major arterials, traffic volume is already at what were projected as 1975 capacity limits.

City planners became acutely aware of the need for long-range roadway planning to counter the rising congestion and resultant accident patterns.

As a first step, Albuquerque leaders hammered together a joint county, city, and school-district Traffic Safety Commission. It was underwritten in part by a $45,000 Department of Transportation grant.

The commission, operating out of the regional four-countywide Council of Government, was charged with bringing together traffic and road information from different agencies; establishing highway priorities; and channeling local efforts into the statewide program of the New Mexico Traffic Safety Commission.

This paved the way for step No. 2: a $1.4 million grant from the Department of Transportation (DOT) to test out specific countermeasures against drunk driving and part of a nationwide DOT experimental project.

The Albuquerque program, only now getting under way, includes:

A speaker's bureau and an advertising campaign.

Inclusion of questions on alcoholism and alcohol abuse on driver's license tests and renewal tests.

Identification through welfare and other social agency referrals of problem drinkers who drive.

Use of cabs and police vehicles to transport drunks home from taverns and parties.

More intensive patrolling in high-liquor, high-fatality areas.

Establishment of a special "drunk patrol."

Experimentation with mechanical devices to identify drunk drivers. Under consideration are such items as portable TV units in patrol cars and exotic devices known as portable "sniffer machines" that can detect alcohol on the breath of a passing motorist.

Development of an extensive alcoholism-treatment program.

What has caught the attention of safety experts is the way the DOT-Albuquerque attack on drunk driving is being hitched to a continuing $740,000 model-city program. The latter is aimed in part at alcoholism and is locally and federally funded. There is some criticism that the model-city program overly stresses rehabilitation of the problem drinker while neglecting controls on the social drinker.

DECISION MADE IN 1966

In 1966, when Albuquerque was planning its participation in the model-city program,

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a number of organizations—including the police, an area council on alcoholism, and the city government—decided to do something about the drinking problem. They went to the Community Council of Albuquerque, a nongovernmental civic-action agency.

"They asked us to do something about the problem of alcoholism before things got out of control here, as was happening in too many other cities," recollects Dr. Hugh Woodward, past president of the Community Council. The council responded by setting up a planning committee and borrowing a staff person from the Department of Psychiatry at the University of New Mexico.

At the same time, the council asked the city to prepare a report on the cost to local taxpayers of police handling of drunken drivers and persons arrested for public drunkenness. Analysis showed annual costs to be well over $250,000 at that time. A coroner's report, prepared about the same time, also showed most highway fatalities to be liquor-related.

An evaluation of the overall drinking problem found it to be most heavily centered in the low-income, model-city area. The Community Council, at an open meeting at the main branch of the Albuquerque National Bank, presented a comprehensive treatment plan which envisioned a detoxification center and rehabilitation farm for alcoholics.

A special "blue-ribbon" finance committee was appointed. It included the police chief, city manager, a municipal court judge, and several state alcoholism commissioners. They went to work to figure out a way to underwrite what would admittedly be an expensive project.

"SEED MONEY" PUT UP

At a joint meeting in March, 1969, representatives of Bernalillo County and the City of Albuquerque decided to put up $80,000 in "seed money." The idea was to interest the Departments of Housing and Urban Development (HUD) and the Department of Health, Education, and Welfare (HEW) to provide the bulk of the needed capital.

"That was the hardest part of the whole planning," laughs Mrs. Margaret Stewart, associate executive secretary of the Community Council.

"It was almost like a nightmare," explains Dr. Woodward. "In our initial planning we had to work out two budgets, one for model cities and one for HEW. HEW said, first the plan, and then the financing. But HUD (model cities) said, first the fiscal, then the program. It took us some close bookkeeping, but we did it."

The $740,000-plus rehabilitation program, as it now exists, involves: a detoxification clinic at the old St. Joseph's Hospital in the downtown area of Albuquerque; a rehabilitation farm for more intensive care; special case workers to deal with the police, courts, and other referral agencies; and a number of specialists for pre- and post-care counseling.

Conflicts may be developing already over the mechanics of the rehabilitation program.

Some officials with whom I talked were insistent that drunken driving must continue to be defined as a crime with clear legel sanctions, even though they would welcome a correlative rehabilitation program.

MANY QUESTIONS POSED

At the same time, other officials were asking questions like: Who is going to identify the problem drinkers—or just the heavy drinkers, for that matter? Who will refer these people to a rehabilitation program at the time of sentencing? Should it be on the mere decision of treatment experts working with local judges? Or should the decision be based on verifiable records—such as an accumulation of convictions for driving under the influence of liquor?

Despite such questions, says City Manager Richard Wilson, "the rehabilitation program is an established concept in this community now and the great paradox is that it is probably much bolder than just about anyone here yet realizes."

Highway-safety experts across the country agree that the drunk-driver problem demands the same kind of coordinated, interagency attack that is being mounted in Albuquerque. Such an attack, they insist, must include both better enforcement and better rehabilitation.

As a Department of Transportation guideline publication states: "Any comprehensive program must include efforts to deal with all aspects of the problem of alcoholism" in a community.

Yet in most communities I visited during the past several months there was no interagency approach. Local leadership—and funding—was almost nonexistent.

Take what I found in Grand Rapids, Mich.:

Both the Kent County sheriff's department and the Grand Rapids police were waging imaginative and intensive patrol campaigns against drinking drivers. Yet both departments were saddled by severe budget limitations and manpower woes—even as accident rates continued to rise.

Key community leadership has yet to focus on the problem of the drinking driver. The general public is apathetic. There is no city alcoholism program.

PROBLEM WELL DOCUMENTED

Dr. Winston B. Prothro, Kent County health director, estimates that there are between 7,000 and 10,000 alcoholics in the county. Yet there is no county detoxification clinic, no halfway house. Indeed, the only real local program in the alcoholism treatment area is a counseling program which utilizes one full-time worker.

Ironically, the Indiana University School of Police Administration several years ago undertook an exhaustive study of drinking-driver patterns in the Grand Rapids area. Its findings, which graphically pointed up the problem, were well publicized. Yet little was done.

And Grand Rapids is no exception. Portland, Oreg., averages about 2,000 drunk-driver arrests a year. But there is widespread apathy to building a much-needed detoxification center. Gradual elimination of—or at least lessened reliance on—the city's overcrowded drunk tank is not yet an avowed goal there.

Participation by the city in the Department of Transportation's campaign against the drunk driver has even drawn fire. One local newspaper groused editorially that the program was "unimaginative."

There are, of course, a few bright spots across the country. Ann Arbor, Mich.; Charlotte, N.C.; and Greenwich, Conn., are three communities which have the beginnings of a comprehensive campaign against the drinking driver.

In Auburn, Wash., psychiatrists, psychologists, and social workers have joined with local traffic courts to treat the drunk driver problem as a family problem rather than just a legal one.

A number of communities are experimenting with special postconviction driver education and alcoholism schools.

Perhaps the best known is the Phoenix Alcohol Research and Reeducation Project, which has received widespread press attention over the past few years. The American Automobile Association Foundation even made a film about it.

POSITIVE BENEFITS NOTED

Under the program, drunk drivers are required to spend four consecutive Wednesday evenings in a special safe driving school, cosponsored by the city, Columbia University, and Arizona State University. The classes, ranging from 80 to 150 students, represent a cross section of Phoenix itself, with prominent businessmen sitting next to housewives or laborers.

"We're particularly pleased with the changes in attitude that we've noticed on the part of many social drinkers after this course," says Judge James M. Smith, one of six city magistrates who participate in the program.

At the lectures, the drinking drivers are given lectures on alcoholism and highway safety, as well as shown actual films of serious highway accidents taken by policing agencies. In addition, the participants are required to prepare a "case history" on their own drinking patterns and what motivated the acts that lead up to their arrest for drunken driving.

Participants in the St. Louis County post-arrest program are carefully selected to ensure a high success rate for the program. Chronic alcoholics are screened out, since it is felt that their need is more clinical than educational.

Programs like these are admittedly fledgling steps. But safety experts insist that if the drunk driver is to be stopped, then there must be a full-scale attack along the lines of the Albuquerque effort—and soon.

[From the CONGRESSIONAL RECORD, Aug. 10, 1970]

HIGHWAY SAFETY NO. 6—SOME STATES ARE ACTING

Mr. CLEVELAND. Mr. Speaker, the apalling slaughter on our highways is being caused by drunk drivers has been well described in the Christian Science Monitor articles which I have inserted in the CONGRESSIONAL RECORD during previous weeks. Last week's article described some of the local programs which have been set up to deal with this problem. The sixth article in this series discusses what some States are doing—and what others are not doing—to combat this death toll.

This whole subject is rather disheartening, both because of the shockingly high death and injury toll and because of the seeming apathy which stifles any corrective measures which do get proposed. Encouragement is needed for those few who are inclined toward action and to jolt the disinterested into supporting the effort.

Today's offering is constructive journalism at its best. States which are acting are given due credit. States which are not acting are left to suffer from the contrast. In reporting the measures being taken by some States, the article offers a wealth of suggestions to those interested in cutting down on the death toll.

It is clear from this article that it will not be easy to get the drunk driver off our highways. There are not any simple solutions. Reformed procedures, tough new laws, and increased expenditures will all be required. The necessary measures will not always be popular. Yet this series of articles has made clear that action must be taken.

Any doubt about that conclusion fades away in the face of the estimates of 28,000 deaths a year being caused by drunk drivers. While the first six articles were appearing in the Christian Science Monitor at least 3,000 people have been killed by drivers who got behind the wheel drunk.

The article referred to follows:

WE ARE DETERMINED TO REDUCE FATALITIES

(By Guy Halverson)

DES MOINES.—Back in January, 1969, Wyoming Gov. Stanley K. Hathaway urged his Legislature to adopt an important safety package that included:

An implied-consent statute (which requires that a person arrested for drunken driving submit to a chemical blood test or face a license suspension).

A reform of the state's licensing system.

New standards for operation of motorcycles, including mandatory use of helmets.

The Wyoming Legislature responded by turning him down. Some bills were scuttled in committee, others failed to even catch the attention of the indifferent legislators. And since Wyoming's Legislature meets biennially, the program can't be reintroduced until 1971.

Meantime, drunken drivers killed 110 people on Wyoming highways in 1969 and this year's total may well surpass that number.

In far too many states, this reporter's research has indicated, there remains an amazing degree of apathy toward the problem of the drunk driver. Indeed, what's happened in Wyoming illustrates only too vividly what is happening in dozens of other states today.

STATE ACTION NEEDED

Safety experts are in total agreement that if there is to be an easing of the death rate caused by drunken drivers—now running at an estimated 28,000 people annually—there must be coordinated and stepped-up safety action at the state level. For it is the states, after all, which have final control over such crucial areas as licensing and records systems, driver-education programs, and state traffic patrol.

It is the states, moreover, that are tasked with passage of both implied-consent statutes and presumptive blood-level statutes, as was noted in the second article of this series.

Here in Iowa, Gov. Robert Ray also called for a stepped-up assault for traffic safety during the past legislative session. The response? Excellent.

A lowering of the state's presumptive blood level, defining intoxication from a loose .15 percent to a stiff .10; a $20 tax for reinstatement of a driver's license, after revocation or suspension, the beginnings of an across-the-board computerization of the state's license and motor-vehicle registration systems, an upping of pay for the highway patrol and a new state breathalyzer program throughout Iowa.

DETERMINATION STRESSED

Why here and not in Wyoming? Determination, for one thing, and public support.

"We're determined to reduce highway fatalities in this state," Governor Ray says grimly, leaning across a conference table at his basement-floor working office at the Iowa Statehouse. "Last year we had 90 fewer fatalities. But you know, we don't feel right bragging about that fact. We still had 780 deaths.

"But we're all together on this now—the public, the Legislature, the administration. We're going to cut into those numbers."

Despite the success of the Ray program here in Iowa, few of the state's chief executives today are carrying the battle cry of highway safety in the way that former governors Abraham Ribicoff of Connecticut and Arthur B. Langlie of Washington did back in the 1950's.

One exception is Gov. Louie B. Nunn (R) of Kentucky, a hulking, deep-voiced former municipal court judge who has decided to tackle the drunken-driver problem with all the enthusiasm of a professional football player charging toward a touchdown.

Last May Governor Nunn whipped off letters to all of the state law-enforcement officers and key jurists announcing that Kentucky would no longer tolerate mounting highway casualties. The drunken driver, he said, had to be stopped, no matter how strong the public resistance.

The Governor then took to the stump, button-holing newspaper editors and civic leaders for support, blasting low conviction rates from jurists. Breathalyzer machines were distributed to each of the state's 120 counties and the highway patrol has been told to intensify its arrest rates.

Though it is still too early to measure results, many feel that the Governor's campaign has gone far in reversing the apathy which has clouded the problem for so long in Kentucky.

"Governor Nunn really means business when he says he's going to clear the streets of the drinking driver," say Arthur Beard, executive director of the Kentucky Traffic Safety Coordinating Committee. "I know of at least five occasions when the Governor had his chauffeur stop a drunk driver right out on the highway and call in the state police."

While Governor Nunn's singleness of purpose in attacking the problem of the drunk driver is somewhat exceptional, many states have made progress worth noting.

All but four states and the District of Columbia have enacted implied-consent statutes, while some 25 states have adopted a 10 percent presumption blood level defining intoxication. These presumptive level laws, however, need tightening throughout the nation.

POINTS USED IN 36 STATES

According to National Safety Council tabulations, moreover, some 36 states now have adopted some type of point system, which makes it easier to identify drinking drivers. Studies indicate that drinking drivers tend to gradually accumulate more moving violations and hence more "points" than most drivers.

States are also quicker to enact vehicle inspection laws than in past years and now are spending larger sums on highway safety. Since the passage of the National Highway Safety Act of 1966, some $200 million in federal funds has been made available to the states for highway safety. Many federal officials now are mulling possible new areas of financing.

A score of organizations, including the National Safety Council, have banded together into an informal program to effectively implement federal highway standards.

MANY DETAILS REMAIN

Still, there is much that remains to be done:

1. Records systems. In most states there is as yet no systematic correlating of traffic records with license and vehicle-registration records. Yet, this step is essential if a judge is to be properly guided in adjudicating a drunk-driver case.

In many situations now, a judge may believe that he is dealing with an offender facing a first conviction for drunkenness, when in fact the motorist may be up on a second or third violation, as records from other jurisdictions would indicate.

The inefficiency in present records systems is sometimes almost downright ludicrous. Take what happened recently in Rhode Island.

In early April an oil-delivery man was killed by a motorist, even though the victim was standing behind his well-illuminated truck at the time. The driver was not held or charged.

RECORDS CODIFIED

Several months after the accident, according to the victim's sister, who wrote to Rep. James C. Cleveland (R) of New Hampshire, a member of the House Public Works Committee and a staunch safety advocate, "the registry (of motor vehicles) mailed a certified letter with 51 cents postage to my dead brother informing him that his license is suspended . . . for failure to file (an) accident report."

In some of the larger states, such as California and New York, codification of records is well under way. In Michigan, nongovernmental records are being meshed with state records, a move that has triggered criticism from some civil libertarians.

State mental health institutions, for example, now report all admissions and discharges for treatment of alcoholism to licensing authorities, and hospital administrators are often called on to provide an opinion as to the discharged patient's fitness to drive.

REFORM CALLED NEED

2. Administrative consolidation. One answer to a coordinated attack against the drinking driver, some experts feel, is consolidation of all traffic related units under a single umbrella agency. In Minnesota, where drinking drivers kill more and more people annually, the state has created a new department of public safety, which will oversee such agencies as the highway patrol, drivers' license bureau and department of motor registration.

3. Licensing. Reform is vitally needed in this area. Most licensing standards are more relevant to 1940 road conditions than to the age of the fastback and the twisting cloverleaf. For the hard-drinking driver, the existing standards are a gigantic loophole.

In half the states he can renew his license by mail. In two-thirds of the states he needn't worry about a written test or road test for a license renewal. And even where states require reexamination, he is favored. In Illinois, for example, he need only take a renewal test every nine years.

In Nevada, a new resident need not replace his old license for six months, a lengthy grace period which can easily hide a grim driving record. Since many alcoholic drivers tend to be transients, this in effect means, some feel, an invitation to virtually unrestricted driving.

4. Driver-education programs. Greater stress on the drinking driver is needed in safety courses at the public-school level. Excellent textbooks and study guides are available, such as "Sportsmanlike Driving," a teacher's handbook published by the Webster division of McGraw-Hill Book Company.

TREATMENT EMPHASIZED

5. Alcoholism-treatment programs. They are desperately needed in most states, where the primary treatment is still coming from state mental-health hospitals or from private physicians. Here in Iowa, 53,000 of the state's 2.7 million population can be classified as alcoholics or problem drinkers, according to Charles A. Churan, executive director of the State Commission on Alcoholism.

Yet, Iowa's response has been outstanding. All told, the state helps underwrite 17 service centers and two detoxification clinics. The Harrison Treatment Center here in Des Moines is considered one of the finest in the nation.

6. Imagination. It's perhaps what's most needed at the state level if the drinking-driver problem is to be resolved. Sometimes it pays off in unexpected—and big—dividends. Officials of the Arkansas State Police, for example, used it when they started to ask themselves where the drinking drivers were coming from. They began looking at arrest records and quickly realized that many drivers were coming from the same bars. Soon blue-and-white Arkansas patrol cars were conspicuously parked in front of those establishments.

Oklahoma's Highway Patrol came up with a similar program by using a bit of imagination.

[From the Congressional Record, Aug. 13, 1970]

Highway Safety, No. 8—What Can the Individual Do?

Mr. Cleveland. Mr. Speaker, since I began inserting into the Record the series of articles from the Christian Science Monitor, I have received a number of letters from concerned citizens inquiring what they can do in the fight against the drunk driver. I really have not had a good answer for them, except to say that they should contact their State legislators. I am sure that many of my colleagues have run into similar problems.

Now I have an answer. The eighth article in this series by Guy Halverson discusses the

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role of individuals, organizations, and businesses in getting action against the drunk driver. I was surprised to learn just how many people are active in this effort, and that there are a number of rather effective organizations which have gotten organized in recent years. Their programs offer valuable guidance to others who want to help.

The underlying theme of this article is also relevant to many of the problems of our time. So many people say that Government is unresponsive to the wishes of the people. This article is evidence that the opposite is the case. If people make their feelings known, then Government acts. Witness the fact that implied consent laws have been enacted in a number of States recently as the direct result of citizen lobbying. Note that a number of States have lowered their presumptive blood-alcohol definition of drunkenness, as the direct result of citizen lobbying. Previous articles have made a clear case that our laws are not tough enough to get drunk drivers off the road and that enforcement of even weak existing laws is inadequate. But this article makes the equally important point that where change has taken place it is the result of citizen activity in making their views known to their legislators, Governors and State officials. We need more of this citizen participation to make our democracy function more effectively.

Mr. Speaker, this constructive article gives deserved attention to many of those who have been active in the emerging drive against the drunken driver as well as many of those who have developed and implemented creative programs to deal with alcoholics. They deserve credit for their work, and this article gives it to them. I intend to use it to answer inquiries about what individuals can do about this problem, and I urge my colleagues to give this consideration.

The article follows:

[From the Christian Science Monitor, Aug. 13, 1970]

The Fight Needed So Badly

(By Guy Halverson)

Los Angeles.—"Sometimes I still can't believe that it happened," the attractive North Carolina housewife says slowly. "My son was a healthy, strong, happy boy. We just didn't expect it."

In early August of 1968 at Albermarle, N.C., while returning home with a friend after visiting a local swimming pool, 11-year-old Mark Sugg was killed by a drunken driver. The two boys were riding bicycles. The driver of the car—a woman—had been mixing liquor with tranquilizers.

Despite an unexpected and cruel personal loss, Mrs. John D. Sugg has refused to retreat behind walls of shock and tragedy. As a key leader of the North Carolina Association of Women Highway Safety Leaders, an organization encompassing some 15,000 women from 250 local women's clubs, Mrs. Sugg is but one of a growing army of citizen warriors throughout the United States determined to stop the drunken driver.

EFFECTS ON FAMILIES RECORDED

In cooperation with the North Carolina Department of Motor Vehicles she has just completed a film on her son's accident. And most important, she is actively lobbying for stronger antidrunken-driver legislation at the state level.

"People just don't realize what a family goes through when something like this happens," she says "Before, accidents like this were always just statistics to me. Now . . . well, I want Mark's death to mean something. Maybe he can serve as a symbol for the fight that's needed so badly in this country."

Mrs. Sugg is not alone in that fight. Though he might be surprised to find himself included in it, there is George W. Sales, a labor-relations counselor at the Rocketdyne Division of North American Rockwell here in Greater Los Angeles.

There is Lt. Floyd Flowers, a rangy southern California police detective who has spent the past months crisscrossing the North American continent in a large walk-in van demonstrating a new portable breathalyzer machine. I met Lieutenant Flowers as he rumbled through the steep inclines of the Colorado Rockies in late May of this year.

Down in Raleigh, N.C., J. Marse Grant, editor of the Biblical Recorder, an arm of the Southern Baptists Convention, drives more than 35,000 miles a year. Disturbed at the rising highway fatality rate, Mr. Grant wrote an impressionistic little book focusing on the effects on the families of accident victims. Called "Whiskey at the Wheel" (Broadman Press), the book is approaching sales of 50,000.

The war against the drunken driver is not just a citizens' crusade. It's also an organization's crusade. Scores of major organizations are involved, ranging from the American Trial Lawyers Association to the traffic-court program of the American Bar Association to the National Safety Council itself. And there are more than 780,000 highway-safety specialists at all levels of government, in private industry, and at major universities, most of whom are more than aware of the menace of the drunken driver.

COORDINATION LACKING

Taken together—this army—involving millions of people and hundreds of committees, agencies, and organizations—could be formidable.

But that's the greatest tragedy of all.

Coordination between these agencies—the social rehabilitators, the police, the private citizens' lobbies—is almost nonexistent in any meaningful sense. The highway-safety lobby, I have found, is riven with rivalries, petty squabbles, and struggles over policies and objectives.

The same apathy that virtually smothers public indignation over the role of the drinking driver seems to fragment and divide the safety warriors themselves.

In fact, divisions are already evident over administration of the new Department of Transportation campaign to curb the drinking driver. The Washington State Patrol, for example, has declined to participate in a DOT study because the force was being asked to undertake acts that it felt were not in the "proper image" of a law-enforcement agency, and also because the force could not meet the needed personnel increase.

Among other things, the force was asked to station troopers outside bars, a practice followed in several other states.

Few of these organizations fully realize their potential. In sheer numbers and influence they make up a collective entity that if properly mobilized could well become one of the most powerful and most effective citizen lobbies in American history.

What's needed, say many experts, is nothing less than a presidential or at least federal conference on the drinking driver. It could pull together representatives from across the nation. Mayors and governors should be included. Speakers should be sent into every major community.

TOTAL OFFENSIVE URGED

American highways have become battlegrounds, these experts argue. And the responses should be nothing less than a total citizen offensive.

The National Association of Women Highway Safety Leaders, Inc., vividly illustrates the type of grass-roots strength available in the antidrinking-driver campaign. The association has made eradication of drunken driving one of its top priorities.

The association which includes scores of local women's clubs around the nation, was formed about three years ago at a national conference of state governors. The women were asked to help muster support for the federal standards passed under the Highway Safety Act of 1966. Today the association is considered a formidable lobby in 26 states. It has weaker, but still visible, organizations in another 11 states. Only in New England and parts of the South is the movement lagging.

In Ohio the state affiliate has local organizations in all 88 counties. Ohio women, such as Mrs. Paul J. Gnau of Cleveland, are contacting state legislators in support of a reduction of the state's presumptive blood-alcohol level, which defines drunkenness. The current .15 percent is considered too loose and a stiffer .10 percent is being sought. A .10 percent bill easily sailed through the Ohio House last year but sank with hardly a moan in the Senate Judiciary Committee.

CAMPAIGN IN ILLINOIS

"We're expectant of passage this next year," says Mrs. Gnau, who in addition to being a key official of the Ohio association is also vice-chairman of the national association. The Ohio clubs are also pushing for stiffer enforcement of existing traffic laws.

"We want our judges to know that we're watching them and that we'll have no more of this 'touch on the wrist' business for drinking drivers," Mrs. Gnau warns.

Illinois is one of four states plus the District of Columbia that still have no implied-consent statutes, under which acceptance of a license implies a driver's consent to a chemical or a breath test if arrested.

The Illinois Conference of Women Leaders for Traffic Safety is pushing hard for implied consent. The group is also lobbying for motor-vehicle inspection (only one major Illinois town, Evanston, is believed to have such a statute) and a statewide law for medical review board of physicians to keep medically impaired drivers (including alcoholics) off the highway. Such a program has been successfully applied in Ontario, Canada.

'Starting in October we're going from the top part of the state to the bottom to mobilize support for our program," says Miss Eleanor Freeman of the Illinois conference. Miss Freeman says that her organization is working closely with aides of Illinois Gov. Richard B. Ogilvie (who favors implied consent) and the National Safety Council, headquartered in Chicago.

Miss Freeman considers association with the National Safety Council most fortunate. The council is the greatest and most prestigious of all agencies in the highway-safety area—almost a subgovernment, some critics grumble. Budgeted at around $10 million annually, with 85 local commissions and safety committees, the council is both an advisory agency to Congress on matters of legislation, a powerful lobby group, and the principal source of safety statistics in the United States.

Council officials still firmly believe that perhaps the key to highway safety is still the driver himself—and his own sense of personal responsibility. "Highway safety is enormously complicated," says Howard Pyle, council president. "But we know that most accidents still involve a driver error of some kind, we want to reach the individual and we want the individual to put pressure on government officials. Governors are accessible to the public, as are almost no other officials," says Mr. Pyle—himself a former governor.

"The individual can provide quite a din if he has the heart to do so."

INDUSTRY DRAWS ON EXPERTISE

For its part, the council has graduated more than 1 million drivers from its defensive-driver schools. It has mounted a major television and press campaign against the drunken driver, in conjunction with the National Advertising Council.

Industry draws heavily on the council's expertise. And for good reason. It is estimated that as much as 5.3 percent of the entire U.S.

work force is affected by alcoholism. Consequently, through its alcoholism-prevention and rehabilitation campaigns, industry is seeking to reduce the increasing numbers of workers dependent on liquor—thousands of whom drive to and from work daily.

Industry programs often score as much as a 65 to 70 percent recovery rate—possibly the highest rate of any type of recovery program.

All told, some 300 companies in the United States have alcoholism programs or policies. Some of them, such as at Allis-Chalmers, Equitable Life, and Eastman Kodak, are considered genuinely innovative and successful.

Almost all the programs involve the same features: early identification of the problem drinker, followed by company intervention to channel him into some type of rehabilitative program.

FIRM'S PROGRAM TYPICAL

The program of the Rocketdyne Division of North American Rockwell at Canoga Park, not far from here, is typical. Like many aerospace firms, Rocketdyne has had a major employment slump during the past few years, sagging from a 1964 high of 20,000 to around 4,000 now. The company's full-time alcoholism counselor was among those lost in the tightening. But an alcoholism program continues—albeit on a reduced level—under the direction of Mr. Sales, a labor-relations specialist.

"I keep up contact with all top supervisors, asking them for identification of any worker who might show evidence of alcoholism," said Mr. Sales. As we talked, a steady procession of workers and secretaries rushed back and forth past his open office door.

Rocketdyne sends its problem-drinking employees to outside programs such as the Pioneer Foundation at Pomona, or halfway houses or even hospitals with treatment programs. The company also maintains stiff rules designed to prevent workers from driving to work under the influence of liquor. "We insist that our supervisors identify the problem drinker," said Mr. Sales. "We absolutely will not tolerate a cover-up. We want to get to these people if they're here."

INSURANCE COMPANIES ACTIVE

Of all American businesses, the insurance industry has taken the strongest lead in seeking to stop the drunken driver. The Insurance Institute for Highway Safety, headed up by Dr. William Haddon, a former director of the National Highway Safety Bureau, is cooperating with the City of Baton Rouge, La., in a prearrest, road-breath-test program. A number of companies, including State Farm, Preferred Risk, and Allstate have undertaken costly and effective individual campaigns.

Allstate has financed perhaps the most significant campaign of all. During 1969 alone the company ran large advertisements in a number of national publications as well as in special target states. Results were astonishing. Fourteen of 16 target states passed an implied-consent law. Nine of 20 targeted states passed a 10 presumptive level.

Industry, the private citizen, the various highway safety lobbies—individually, each is taking tentative, and in some cases definite, steps to curtail the drunken driver. United they could be invincible allies in wresting stiff and much-needed legislation from too-apathetic state legislators.

But sad to say, unity is not yet the magic password in the highway safety-rehabilitation field.

WHAT YOU CAN DO

1. Align yourself with a local safety agency or alcoholism rehabilitation organization. If unsure of what groups are in your area you might want to contact any of the following national organizations:

The National Safety Council, 425 North Michigan Avenue, Chicago, Ill. 60611.

National Association of Women Highway Safety Leaders, Inc., 1225 Connecticut Avenue NW. Room 414, Washington, D.C. 20036.

National Council on Alcoholism, 2 Park Avenue, New York, N.Y. 10016.

2. Let your governor and state legislators know that you support a "no-nonsense" .10 percent presumptive blood-level statute as well as an implied-consent law.

If your state has both, push for the even more realistic .08 percent Canadian level.

3. Ask your local law-enforcement agencies to adopt selective enforcement in high-mishap areas and specially trained "drunk squads" along the lines of programs of the San Diego, Calif., department.

Don't accept vague reassurances from department administrators. Visit your law agencies and see firsthand what emphasis is placed on traffic safety in general and stopping the drunk driver in particular.

4. Ask your local chamber of commerce to support industry rehabilitation programs as well as antidrunk-driver campaigns. Contact service groups, such as Rotary International, the Elks, Lions, etc.

[From the CONGRESSIONAL RECORD, Sept. 10, 1970]

HIGHWAY SAFETY NOS. 9 AND 10—LAST OF A SERIES

Mr. CLEVELAND. Mr. Speaker, the two concluding articles in the Christian Science Monitor series on highway safety were published while the House of Representatives was in recess. As I did with the first eight articles in the series, I today will insert them into the CONGRESSIONAL RECORD.

The ninth article was a penetrating discussion of the role of the liquor industry in the causation and solution of this national problem. The central point is one which ought to be remembered by legislators as they debate changes necessary to lower the automobile death toll, that the liquor industry bears partial responsibility for the current carnage on our highways and is not a disinterested party. Some of the necessary changes in our laws may, of course, concern the industry, but this is something which must be accepted so that America's highways can become safe for our wives and children, for our neighbors and friends, and for us, too. The liquor industry is not entirely an innocent party which may be harmed by these changes in our laws. Rather it is and must continue to be a regulated industry, so that the damage done by alcohol and by alcoholics can be limited.

The 10th article in this series has a shocking opening sentence:

"Since this series began 10 weeks ago, drunken drivers have killed 5,000 Americans. And the toll continues, perhaps at 75 persons a day."

How many of us have had a friend or family member killed by these drunk drivers, who because of lax laws seems to be almost licensed to kill?

Mr. Speaker, my purpose in inserting this series of articles into the RECORD was to focus needed attention on the terrible carnage on our highways, including at least 28,000 who have been killed by drunk drivers. Every year such drivers cause over 800,000 accidents which result in economic loss of over $8 billion. Yet this intolerable situation is the subject of disturbing apathy, so that steps which would cut this slaughter drastically are just not being taken.

My mail suggests that some people have been listening, which is a hopeful sign. People are awakening, if slowly. Let us demand action.

The last two articles of the series follow:

[From the Christian Science Monitor, Aug. 20, 1970]

LIQUOR INDUSTRY PLAYS DR. JEKYLL AND MR. HYDE

(By Guy Halverson)

CHICAGO.—Imagine, if you will, the following hypothetical situation: A well-dressed man enters a tavern and consumes a number of drinks. The hours tick away. Though the bartender knows the man has had far too many drinks to drive safely, he can also see that the person is one who "holds his liquor" without any overly evident sign of intoxication.

Soon the man leaves. The bartender hears him roar off in an automobile.

Within minutes, the man has smashed head-on into another automobile.

Unfortunately, this incident is not really so imaginary. According to former alcoholics, many of them now key leaders in Alcoholics Anonymous, as well as the leaders of state police forces, it is a common occurrence. The files of state liquor-control boards, in fact, are jammed with records of tavern keepers who have oversold customers later involved in serious road tragedies.

More important, the illustration raises a number of nagging questions about the role of the liquor industry in society, and also about public policy and responsibility in general.

NECESSARY STEPS NOT TAKEN

The fact is that the liquor industry—and here that includes the bottling and brewing corporations, the distributors, the advertising and sales agencies, the retail outlets—is not yet taking the steps necessary to help stop the drunken driver. These could include unequivocal support on the state level of stiff presumptive blood-alcohol levels.

In fact, despite heavy expenditures in alcoholism research through university grants during the past decades, as well as a recent spate of magazine advertisements by the industry declaring its intention to help rid the highways of drunken drivers, the industry's role, some feel, has been lukewarm at best and perhaps even somewhat dangerously misleading.

Liquor lobbyists are active behind the scenes in every state legislature in the nation, utilizing high-powered law offices and public-relations firms. They are coolly efficient, skilled political tacticians and lavishly financed.

Many experts hold that there is a need for dispassionate, analytical studies of the correlation between liquor sales and per capita consumption and highway accident rates. Such information is neded to guide state legislators in setting realistic tavern and cocktail bar hours and liquor-license policies. Emotionalism, either against or for liquor sales on a totally unrestricted basis, cannot be tolerated when the highways are being turned into battlegrounds, they say.

ECONOMIC—AND POLITICAL—WEIGHT

This article clearly is not concerned with the long-standing dispute between "drys" and "wets" in the United States. Nor is it a plea for abstinence as such. Rather, it is concerned solely with those policies of the liquor industry that directly touch on highway safety—and which, in all fairness, have to be questioned if the problem is to be meaningfully resolved.

The liquor industry in the United States is an economic giant. Many a longtime newsman, particularly at the state level, would also say a sort of political giant as well. The industry, with an employment of about 1.8 million workers, grossed more than $21 billion in 1969 and paid out more than $8.2 billion in taxes. More than half of this went to the federal government.

The industry is also one of this nation's most important advertisers, spending more than $200 million annually—some $88 million of that going to magazines last year.

SUPPORT FOR U.S. DRIVE AVOWED

And now that cigarette advertising is being forced from the television screen, it is known that some broadcasting officials are casting hungry eyes at liquor advertising as possible new revenue sources. In addition, the liquor industry's many ties with the entertainment industry further its ability to reach the public in almost countless ways with a favorable public image.

On the national level, the industry avows its support for the Department of Transportation's new campaign to curb the drinking driver.

"What is our stand on the issue of drinking and driving?" asked a recent full-page Time and Newsweek ad purchased by the Licensed Beverage Industries, Inc. "It's the same as the National Safety Council and the American Medical Association." Industry spokesmen have stressed that the industry's position—like that of the NSC, the AMA, and the Department of Transportation—is twofold: getting the chronic alcoholic, who constitutes perhaps the largest part of the accident problem, off the highways, while also supporting educational campaigns to acquaint social drinkers with "safe" drinking limits.

Get down to the state level, however, where antidrunken-driver legislation—such as implied-consent statutes and presumptive levels is enacted, and the picture clouds considerably. In fact, one invariably finds that the industry is quiescent (not supporting such measures at all) or actively in opposition.

"LET'S ENFORCE EXISTING LAWS"

Take Michigan, for example. Safety advocates there have been trying to lower the state's presumptive blood-alcohol level from .15 percent to .10 percent. The Michigan Licensed Beverage Association (LBA) is against the bill. "We say the state has enough laws now," argue Eddie Shepard, coordinator of activities for the Michigan LBA. "Let's enforce the existing laws."

He adds: "Most accidents occur on roads within 25 miles of a person's home anyway. The answer is obviously diverting some of those Interstate-highway funds to secondary roads and arterials."

And the Michigan LBA's coolness to the .10 percent presumptive level, it must be said, is hardly unique.

The lack of *clear-cut* specific industry support for the federal .10 percent standard and implied-consent laws, say some critics of the industry, is only one part of its dubious role in stopping the problem of the drinking driver. Perhaps more important, they say, are certain industry practices and objectives that taken together almost ensure accidents.

Such practices, say these critics, include an industry drive to:

1. Increase across-the-board and per capita sales (per capita consumption on the national average has increased little over the past few years).

2. Expand Sunday sales (16 states do not allow such sales).

3. Lower the legal drinking age wherever possible. (Five states currently authorize sales of distilled spirits to persons under age 21, while 16 states allow sales of beer to persons under 21.)

Since the early 1960's, the State of Iowa has kept close records on liquor sales and highway accidents. The results are not pleasant. They strongly suggest, in fact, that increased sales and per capita consumption are followed by increased accident rates.

Most liquor-industry officials insist, however, that enactment of by-the-drink statutes does not lead to increased alcohol-related highway fatalities.

During the decade of the 1960's, drunken drivers killed more than 3,800 motorists on Iowa highways. But that is only part of the story.

"LIQUOR BY THE DRINK" IN 1963

On July 4, 1963, Iowa went to "liquor by the drink," whereby drinks could be sold across a bar, in a cocktail lounge, or club. Prior to that, liquor had been sold only in state liquor stores. During the 1960–63 period, before liquor by the drink, annual consumption averaged .73 gallons per person. By 1964, after liquor by the drink, the figure had risen to .86 gallons per person. And by 1969, it was 1.09 gallons—nearly a 60 percent increase over the 1960–63 average.

And of course, even though Iowa's consumption must be considered moderate on a national level—compared with the 1969 national per capita consumption of 1.81 gallons, the significant fact is that Iowa has shown a steady increase in consumption.

But so too, have accident rates in that state.

According to studies undertaken by Preferred Risk Mutual Insurance Company, headquartered in Des Moines, fatalities increased 35 percent during the three years after legalization of liquor by the drink, compared with the three years before liquor by the drink. Population increase and vehicle registration stayed fairly constant. During this same period there had been a 32 percent increase in liquor sales.

Another way to measure what happened after liquor by the drink—with its attendant increased sales and consumption in Iowa—is to look at what didn't happen in neighboring Kansas. Kansas is one of a small number of states still without liquor by the drink (though voters will be asked to vote on the issue at the polls in November in both Kansas and Texas).

RATES OF INCREASE CONTRASTED

According to William N. Plymat, board chairman of Preferred Risk, the mileage death rate in Iowa increased 33 percent in the six years after liquor by the drink compared to the three years before. In Kansas without liquor by the drink, the mileage death-rate increase was only about 2 percent.

Studies by Preferred Risk also suggest that fatality rates are higher in areas with Sunday sales than in areas without Sunday sales. Take a comparison of Oregon and Washington states in the years 1965–68. Oregon had Sunday sales. Washington did not.

During the period, almost as many drivers were killed on Oregon highways on Sundays as on Saturdays: 314 persons were killed on Saturdays; 311 on Sundays.

In Washington, on the other hand, the difference was quite distinct. During those years 437 people were killed on Saturdays when liquor sales were allowed. But on Sundays, when liquor sales were not allowed, 327 persons were killed.

The difference: 110 persons.

Researchers say that much still remains to be discovered about the effects of drinking on driver behavior patterns. A research program at the University of Vermont, funded in part by the Department of Transportation, is in fact testing such effects with a sophisticated new electronic device.

Some safety experts admit unease at the recent advertisements by the licensed-beverage industries, which they feel might encourage drinking and driving.

The recent advertisements, for example, carry a small "legal limits" chart prepared by the Rutgers University Center of Alcohol Studies in the lower right-hand corner. The chart shows how long a person must wait after certain numbers of drinks to be safely within legal presumptive levels in most states.

The chart, geared to .10 percent levels and above, indicates that a 160-pound man could consume three 1½-ounce drinks and then immediately drive.

WHAT CHART DOESN'T SAY

What the chart doesn't say, critics argue, is that the man may not be fit to drive safely, even though he is within legal presumptive limits; that different drinkers react differently to liquor; and that a novice drinker, for example, may be a deadly highway menace after the three drinks. Or a tired drinker. Or an angry drinker. Or a hungry drinker.

A new guide recently issued by the National Safety Council is more realistic, it is felt. The guide says: "If you are going to drive, it would be better if you didn't drink anything at all. Or . . . drinking in such a manner that you will not be under the influence when you drive a car . . . if you choose the second, wait at least one hour per average drink before driving."

The AMA is known to be quite unhappy with the current advertising campaign of the Licensed Beverage Industries, Inc.—particularly its use of the Rutgers chart—which is not a "safety drinking level chart" but rather a legal-limits chart.

Says one of this nation's foremost highway specialists: "This type of [liquor industry] campaign could be disastrous. Would you want a tired motorist hurtling along the highway at 80 miles an hour toward your family after three stiff martinis?"

[From the Christian Science Monitor, Aug. 27, 1970]

DRUNKEN DRIVERS ASSAULT PUBLIC'S RIGHT-OF-WAY

(By Guy Halverson)

NEW YORK.—Since this series began 10 weeks ago, drunken drivers have killed 5,000 Americans. And the toll continues, perhaps at 75 persons a day.

Even a passing familiarity with the scope of the continuing tragedy makes one wonder how this nation—this informed, modern society—can possibly tolerate the conditions that cause it. For these deaths are not just statistics. These people are our families, our children, our friends, the neighbors who live on our streets, our classmates from high school and college, our associates at work.

It is an assault on our individual freedom, our right to move freely on the highways and through our cities and suburbs with a sense of confidence and dominion.

MORE THAN SKIRMISHES

"Twice as many people are being killed—you might say murdered—on a yearly basis by drivers who have had too much to drink as by all of the street criminals, impassioned spouses, and angry neighbors in the country," says Rep. James C. Cleveland (R) of New Hampshire. This member of the House Public Works Committee, which in part oversees highway safety, asks: "Where is our concern, where are our aroused citizens? Where is the indignation which the news media have for so many other causes? We are in the midst of a bloodbath and yet so few seem to care."

We can in fact stop the drunken driver, given our existing knowledge and technology, safety experts insist. We can begin now, but we must *want* to. The apathy must end.

Those already involved—the police, safety councils, government, concerned citizens' groups, and others—are fighting nothing less than a full-scale battle on our highways. But battles are not won through skirmishes. What's needed is a centralized, interagency attack, wherein all the specialists on alcoholism and highway safety join a systematic, direct attack.

Law enforcement, while basic, is not going to be enough. Drinking drivers fall into different groups which require different rehabilitative approaches. Distinctions must be made between chronic alcoholics, problem drinkers, novice drinkers, social drinkers, and occasional drinkers. And specific countermeasures must then be applied to these different groups.

U.S. PROGRAM A BEGINNING

The United States Department of Transportation's new alcohol countermeasures program—geared in great measure to an identification and control of the "problem drinker"—is an important first step. In many ways the program can even be called a heroic effort. Acting on a limited budget with small staff (fewer than 10), the program is seeking to roll back years of inattention and neglect. At present the $18 million program encompasses demonstration grants in some nine places around the United States. It is hoped that Congress will fund an additional 20 grants next year.

Yet even this small beginning is not enough. The economic cost of the problem alone amounts to $8 billion to $10 billion a year in the U.S. Without total commitment from the highest levels of the federal government, the countermeasures program may well turn out to be only a stopgap.

ONE ASPECT LACKS DATA

Nor should the problem of the driving social drinker be overlooked, though this seems to be happening. It is known that the problem drinker is responsible for perhaps the largest chunk of all fatal accidents. Researchers do not yet precisely know how many liquor-related fatalities on the highways are caused, on the other hand, by social drinkers.

Researchers do tell us that their role in fatal accidents is relatively small. But it would be foolish to ignore the problem. It takes only one accident.

Enforcement, however, is the crux. It was high atop a Colorado mountain peak, recently, with the magnificent Sangre de Cristo range directly opposite me, that I saw that clearly. My host was Prof. Robert F. Borkenstein, a gentle, articulate scholar-inventor, now in his fourth decade of police-science work. We must make the "drinking-driver public" more aware of the "reasonable likelihood" of arrest, argued Professor Borkenstein. "It isn't just a fear of punishment that is important. It's a reasonable assumption of apprehension. It's the inconvenience of being arrested and going through the legal system. It's the attendant humiliation. And jail or enforced therapy can be equally distasteful."

A meaningful attack on the drunken driver would have to include the following steps as a minimum:

1. Each state should adopt an implied-consent statute and a minimum .10 percent presumptive blood-level statute. Once that level is reached, however, safety advocates should push for the more realistic Canadian and British .08 percent levels.

There is much to be said for the comprehensive Canadian and Ontario programs spelled out in the seventh article in this series. Utah has adopted an .08 percent alcohol blood-level statute. Eventually, the 49 other states will have to follow.

2. Police must step up enforcement and apprehension. Traffic units should be enlarged. Selective enforcement of problem areas along the lines of the San Diego force is essential. At the same time, political units should support the forces by realistic budgets.

SENTENCING FLEXIBILITY

3. Legislatures should adopt prearrest breath-test screening along the lines of the British and Baton Rouge, La., programs.

4. Courts must be given greater sentencing flexibility to combine fines, jail sentences, and enforced rehabilitation. But the laws themselves must be enforced.

5. States must tighten driver licensing standards, requiring road and written renewal tests at least every three years. State records systems must be computerized and interlaced—and then tied together into a national grid.

6. States should study the correlation of drinking hours and accident rates. This is perhaps the one area of the problem about which the least research exists. Weekend sales in particular should be given close scrutiny, as well as Saturday evening closing hours. It is no secret that the weekend driving hours are the most dangerous driving hours—and mainly because of alcohol.

HEALTH PROBLEM, TOO

7. Local communities and states must recognize that alcoholism involves health problems and must be treated as such—not as just a criminal offense.

8. Parents, educators, political and religious leaders must challenge the dangerously permissive attitudes about liquor that pervade society. Liquor is a drug, and it must be recognized as such.

9. Corporations and businesses must develop high-priority alcoholism and safe-driving programs.

Millions of miles of highways crisscross the U.S. They were built with tax money. Americans have a right to safety on the highways—control over them. Let's let our public officials know that. And let's demand action. Now.

People Tell How To Stop the Drunken Driver

Before this series began, the Monitor invited the public to share ideas on how to stop the drunken driver.

The response to a questionnaire was overwhelming—there were 15,670 returns. They came from specialists, such as traffic safety experts, law-enforcement officials, alcoholism rehabilitation workers, and from concerned private citizens, many of whom had lost relatives or friends because of drunk drivers. They came from all over the world.

Some returns covered large groups of people, such as the safety education class at Texas Wesleyan College, Fort Worth, Texas, which sent back comprehensive classroom papers discussing solutions to the problem.

The largest block of responses, more than 4,800 in all, came from employees of several plants of the Western Electric Company. Company officials had distributed the questionnaire among employees. The results indicated a desire for tougher enforcement through:

Stiffer jail sentences and fines for drinking drivers.

Some type of prearrest road breath test along the lines of the British system.

At the same time, many respondents urged a greater stress on rehabilitation of the problem alcoholic driver.

Here are the tabulated questionnaire results:

More public education	7,853
Compulsory testing to detect drunken drivers (on suspicion alone)	9,320
Immediate suspension of driving privileges at first offense	7,082
Stiffer fines	9,041
Stiffer bail sentences	9,888
Compulsory attendance at drivers' school for those convicted	6,956
More uniform laws	8,085
More federal and state studies of why people drink	3,879
Other	7,291

EXCERPTS FROM LETTERS

The victims

"My husband was killed by a drunk driver in 1957 leaving two very young children without a father. . . . Perhaps the thing which has troubled me most over the years was the quick return of the driver's license. I have often wondered if other innocent people have suffered as we did. . . ."

Mrs. Y.

KENMORE, N.Y.

Second offense—get tough

"My first husband was an alcoholic. Many times I was helpless to keep him from driving when he was intoxicated. A few times I tried hiding the car keys, but the frenzied rage he went into was not worth it. Sometimes even I and our two babies had no choice but to ride with him and our lives were endangered. . . . I strongly recommend that a second offender for drunk driving should have his license revoked. . . ."

Mrs. J.

MIAMI.

A national law

"There should be one national law set at .05 percent alcohol in the blood for the legal arrest of the drinking driver. . . . We cannot become too strict with the drinking driver. He threatens the highway safety of us all."

H.

WILMINGTON, DEL.

"The United States Government should withhold from those states that do not adopt a uniform drunk driver standard of .10 percent all funds for federal highway construction."

Unsigned.

A question of morals

"The real answer lies in the change of moral standards which precludes an acceptance of the drunken driver in society."

Ohio municipal court judge.

Weekend duty

"Weekend duty at emergency wards of hospitals. Let the intoxicated driver see . . . the agony, the tears, the heartbreaks involved in auto accidents when he or she is sober."

A Huntsville, Tex., Department of Corrections official.

Liquor-industry responsibility

"It is my opinion that the liquor industry should be held responsible for the great damage and loss of life due to their profitable product. . . ."

Unsigned.

"Maybe it is time the liquor people picked up the tab for rehabilitation instead of Mr. Taxpayer. . . . Somehow add a 1 percent or 2 percent tax to each bottle sold and let it take care of the troubles it causes."

M.,

LONG BEACH, CALIF.

"Enforcement of the law is important, but it is attacking only the 'results' of the problem and not the 'cause.' The cause is the drinking, and the reason that that phase is not stressed is simply because too many people like to drink. It is like extinguishing fires without arresting the arsonists. The first step: Prohibit liquor advertising by law."

A Washington State municipal police court judge.

Rehabilitation

"The problem isn't driving: The problem is behavior. . . . Massive public education is needed, so that shame and guilt brought on by alcoholism isn't swept under the rug as it has been for generations, but is brought out into the open so that people learn that there is hope and help (and health) for the alcoholic."

F., an insurance company vice-president.

Fines and jail sentences

"Fines and jail sentences are not likely to achieve anything constructive. I do feel that there should be an immediate suspension of driving privileges and if these are broken they should be punished by a mandatory jail sentence. But it is necessary to bring home to each culprit the enormity of the offense and his punishment should be made in some way to fit the crime, such as being a compulsory attendant to assist ambulance crews at traffic accidents and/or compulsory work to assist traffic accident victims in their hospitalization, treatment, and rehabilitation."

H.
Berlin.

"Suspend the license for life of anyone found driving under the influence of alcohol or of any other drug. . . ."

S., a senior at Sacramento State College.

"I believe that a stiff, uniform drunk-driving code throughout the United States, as in England, would be a deterrent. I do not believe the stiffer fine is the answer. The well-to-do think nothing of it and the more unfortunate lay it out in jail with a needy family being made to suffer. . . ."

An Idaho municipal police chief.

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Local control

"I cannot avoid a feeling of impatience at the fatuity demonstrated by your multiple choices. . . . Allow me to dissect them seriatim: More public education: Unlikely to do much good. Everyone officially opposes drunk driving, just as everyone opposes Dutch elm disease and favors the whooping crane. Compulsory testing: You are stepping on my libertarian toes. . . . This is still a democracy, Jack. . . . The issue is inevitably, unavoidably, one of LOCAL CONTROL. Washington can't do a blamed thing. Raleigh can't do much more. Ultimately, the city and county . . . must do it for itself or it won't be done at all."

X.

DURHAM, N.C.

Identification

"Perhaps an indelible marking on the license plate to indicate publicly an offense, or [on] some permanent spot, but where it would not permanently damage the car."

Unsigned.

Insurance

"Insurance companies, with every justification, are raising their auto premiums. But with this increase, careful drivers are being penalized along with the drunken driver. This is not fair.

"Instead, the Department of Revenue should keep the individual insurance company informed of the number of traffic and other violations the client has, so that only the client's rates will be raised and not the rates of other drivers."

J.

BETHEL PARK, PA.

SENATE TRADE BILL CALLED URGENT TO PREVENT FURTHER JOB EROSION

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. BURKE of Massachusetts. Mr. Speaker may I at this time bring to the attention of the Members of the U.S. Congress an article in support of the Senate trade bill that appeared in this week's edition of the AFL–CIO News. Legislative Director Andrew J. Biemiller points out the growing problem of unemployment and the loss of 700,000 jobs as a result of rising imports from 1965 to 1969.

The AFL–CIO supports quotas on textiles and footwear.

The article follows:

SENATE TRADE BILL CALLED URGENT TO PREVENT FURTHER JOB EROSION

The trade bill awaiting action in the Senate is urgently needed to "prevent further erosion of U.S. jobs and the dismantling of our productive capacity," the AFL–CIO declared.

Legislative Director Andrew J. Biemiller spelled out labor's position on trade legislation in letter to all senators warning that "the problems next year will be far more acute if no action is taken in this Congress."

While critical of the House-passed trade bill, the AFL–CIO has termed the revised version drawn up by the Senate Finance Committee "a step forward" and, despite flaws, "a necessary bill."

Historically, Biemiller noted, the AFL–CIO has staunchly supported freer trade.

But he stressed that "the world has changed so dramatically that what is defended as 'free trade' is to a great degree no longer free nor trade."

A new approach is needed "to save the livelihoods and purchasing power of America's millions of working families."

The Senate bill is "pro-worker, not anti-consumer," Biemiller declared.

"Some 700,000 U.S. workers have lost jobs between 1966 and 1969 due to imports—and that figure is rising sharply," he warned. "Thus as consumers their purchasing power has been wiped out, their tax payments have halted, and many of them have been forced onto public assistance—all at increased cost to other Americans."

The AFL–CIO supports quotas on textile apparel and footwear, Biemiller wrote senators.

He defended the quotas in the Senate bill as "a stop-gap measure which will allow continued heavy imports of these items while at the same time seeking to stabilize industries and jobs that are threatened with suffocation."

Contrary to claims made by critics, there is no reduction of trade. "Imports can actually rise. There is no rollback or high tariff wall against imports."

He urged senators to oppose any amendments that would include a provision of the House-passed bill establishing tax windfalls to businesses through a new Domestic International Sales Corporation (DISC).

Such a device, Biemiller said, "will not lead to expanded exports but to an expansion of a tax loophole and a $1 billion yearly loss in treasury funds that will have to be made up by working Americans."

The AFL–CIO also opposed a House provision which would cut tariffs on chemicals, and "result in the loss of thousands of American jobs."

Labor-supported provisions of the Senate bill include a more realistic requirement for Tariff Commission action to assist industries and workers "acutely or severely injured" by rising imports.

Because of inadequacies of present law, the federation noted, "U.S. production of radios, non-electric typewriters, black and white television sets, sewing machines, and many other sophisticated manufacturing processes have been almost wiped out."

The AFL–CIO does not believe that action to protect U.S. jobs from further erosion will bring about a trade war or retaliation against U.S. exports, the letter said.

"The entire world is wise enough to know that they want the U.S. markets," the letter declared. "They know that the U.S. has problems today. Japan and the Common Market have full employment; yet we have a jobless rate of almost 6 percent nationally."

Despite various imperfections, the federation said, the Senate bill is a "beginning" in the direction of a greatly needed "new international trade concept."

THE EFFORT TO KEEP PUBLIC TELEVISION ALIVE IN WICHITA, KANS.

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. SHRIVER. Mr. Speaker, recently Mr. John Macy, president of the Corporation for Public Broadcasting testified before our Subcommittee on Labor and Health, Education, and Welfare Appropriations regarding the financial stability of local public television stations. He stated: "They live the 'Perils of Pauline' financially."

At the present time, KPTS, channel 8, in Wichita, Kans., is in a campaign to stay alive. I have been informed by Mr. Macy that the Corporation has provided counsel to KPTS in its fund raising efforts.

The fund raising campaign now underway in Wichita has taken several forms.

There has been direct contributions and special gifts. The station is seeking a goal of $150,000 necessary to remain on the air. Approximately $65,000 has been raised thus far.

A special fund raising effort, which has attracted nationwide attention and certainly is in keeping with this holiday season, now is being conducted in Wichita. Under the leadership of the Rainbo Baking Co., radio station KLEO, and KPTS, a campaign is underway to sell 100,000 fruitcakes with the proceeds benefiting KPTS, channel 8.

During this campaign Mike Miller, a staff member of KLEO, and Dale Ouzts, manager of KPTS, are living in a trailer at a busy intersection in the city. They will not leave the trailer until the fund-raising goal is achieved. This drive has the support of all radio stations in Wichita.

Citizens from all over the Nation have responded to this Wichita campaign. As more people watch public television, more are inclined to support public television financially and otherwise. It is evident that there is growing support for public television in Wichita as demonstrated by the response to the varied fund-raising efforts in behalf of KPTS.

SCOUTS WANT TO SHELVE BOREDOM AT NURSING HOME

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. GUDE. Mr. Speaker, the December 15 issue of the Washington Daily News featured an article on an excellent and imaginative community service project undertaken by two young Boy Scouts who live in my district. Mr. Bruce Gronkiewicz and Mr. John Ingram are building and stocking a library at the Grosvenor Lane Nursing and Convalescent Center. Both Scouts have delivered the Daily News to the center, and thought the people would enjoy having their own library, too. They hope to have the bookcases ready as a Christmas present to the center. The example of service these young men have shown is a fine Christmas present to us all.

I commend the article to the attention of my colleagues:

SCOUTS WANT TO SHELVE BOREDOM AT NURSING HOME

Bruce Gronkiewicz, a tall youngster with a shy smile, this month is bringing a bit of bright, Christmas light into the dark, lonely world of the aging.

Bruce, a 13-year-old eighth grader at North Bethesda Junior High, is working with a friend to build and stock a library at a local convalescent home. He thought of the library as his Eagle Scout community service project after delivering The Washington

Daily News to the Grosvenor Lane Nursing and Convalescent Center.

The friend, John Ingram, also 13, now has the convalescent home on the route. He is helping Bruce as part of his community service work to get the Scout star badge.

"The people were sort of lonely there at the home," Bruce recalled yesterday. "I thought they might like something to read. All they do is just sit around or watch television."

So after he got the idea, Bruce and John began to build some bookcases and try to find some books. They sanded the wood, nailed it together and now five brown, eight-foot-long shelves are sitting in Bruce's basement (he lives at 10305 Rossmore Court; John lives at 5703 Cheshire Drive), nearly finished and waiting to be filled.

"I went around with a wagon the other day and got quite a few books but we need a lot more," John said. He said the boys have printed up some sheets asking for book donations.

The two have worked diligently on the project ("we've put in about 60 man hours," said Bruce) even the carpentry isn't exactly their field. "Neither of us takes shop, we take band instead," according to John. "On one day I spent five hours on the bookcases."

The two do most of the work on Saturdays and Sundays.

With school activities and homework it may be a little difficult, but they want to have the shelves ready by next week.

"I sorta hope I can finish this before Christmas, so I can bring the bookcases over there as a present," Bruce said.

WARNING VOICED ON SCIENCE CUTBACKS

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. MILLER of California. Mr. Speaker, late last month the Oakland Tribune in Oakland, Calif., carried a story written by Alton Blakeslee, AP science editor. The title of the story was "Warning Voiced on Science Cutback," and in it Mr. Blakeslee quotes extensively from some of the leading and most repsonsible scientists in this country. The article points up that some Members of Congress have become disenchanted with the value of basic research and ask what the payoff will be for the cost of this research. The story quotes some statements made by Dr. Jerome Wiesner of MIT, and Dr. Philip Handler of Duke University. Dr. Wiesner was formerly science adviser to President Kennedy. Dr. Handler is presently the president of the National Academy of Sciences. I know of no more responsible people in this field than these two gentlemen.

I commend to the reading of my colleagues this excellent piece:

WARNING VOICED ON SCIENCE CUTBACKS

(By Alton Blakeslee)

American science is sailing into troubled and even critical times, and that spells danger for the nation's welfare, leading scientists are insistently warning.

Federal money for basic research and for training future scientists has been declining for four years, with particularly sharp cuts within the last year.

But science—and the technology it breeds—is the underpinning for the nation's progress, security and economic well being, these scientists hold.

From science comes the fundamental knowledge pointing new ways to cure disease, to feed the hungry, to solve some pressing problems of environmental pollution and other difficulties and crises.

Now is the time for more science, not less, these spokesmen declare.

They worry not only about money. They sense a growing anti-scientism, partly because many people are blaming science for problems created by technology—which is the way man uses new knowledge. But that kind of reaction, they say, is like killing the messenger who brings bad news.

Dr. Philip Handler, president of the National Academy of Sciences, says we are terribly close to great new discoveries but "we find science and technology under attack. With that attack has come a drastic decline in the scale and scope of our national scientific endeavor—a fall of perhaps 30 per cent since fiscal year 1968." Morale is low and "our national apparatus for conduct of research . . . is falling into shambles."

"We're not starting new things, we are just fighting to keep present activities alive," says Dr. Jerome Wiesner, provost of the Massachusetts Institute of Technology (MIT), and a former science adviser to President Kennedy. "In many things that would produce new knowledge, and instrumentation, we are falling behind."

A report last February of the National Science Board—a continuing presidentially appointed group—said the "U.S. science effort is currently threatened with possible mediocrity . . . it is clear there will be a day of reckoning for U.S. science and for the national well being. That day may be very near."

Because of reduced support for science students, "we are losing almost a whole generation of graduate students," says Dr. William D. McElroy, director of the National Science Foundation. "If we don't adjust, in five or six years, new Ph.Ds won't be coming out of the pipeline."

Medical research also is feeling the economy pinch and some officials of the National Institutes of Health (NIH) have said "a dark age of medical science" might be in the offing, with a loss also of a generation of potential medical researchers unless support is restored.

But all this is an overdrawn, over-apprehensive picture, say some government officials and some scientists as well. In their view:

—Science had become rather a fat cat, and should not be exempt from taking its economic lumps at a time when many other endeavors also are feeling the frost of economy.

—The country has enough scientists, at least in certain fields. Some major programs in the space field, in atomic energy and defense have been completed, and this reduced the need for a continuing large supply of engineers and specialists.

—Much basic research—that aimed at determining fundamental facts about nature—has been wasteful, poorly chosen, duplicatory.

—Science has not been relevant enough to critical national needs. Research should be focused more upon goals, such as reducing air pollution and expanding medical care services to more people.

Scientists can counterattack most of these views.

But both sides in such debate agree the posture of science vis-a-vis government is changing, with a 25-year honeymoon about over.

Before World War II, science was mostly privately funded, mainly in universities, and was "little" in most research projects.

But science became a wartime hero, making tremendous contributions to victory, as with the A-bomb, the proximity fuse, radar, other weapons.

Much of this was "targeted" research, and scientists stress that it succeeded mainly because basic research had already established fundamental knowledge upon which to proceed—enough was known for example about atomic particles and atomic fission to believe that a bomb could be built. Doing that cost $2 billion, with most of the effort going into engineering, technology and facilities.

Post war, science began to win increasing federal support, through the Office of Naval Research, Department of Defense, Atomic Energy Commission, the National Institutes of Health.

With Sputnik came another surge of enthusiastic and almost frenzied support for science, including funds for basic research through the National Aeronautics and Space Administration. Patterns of support and expectations of continued beneficence were established. By fiscal 1968, says Dr. Handler, the Federal Government was providing more than $2 billion for fundamental research—and about $13.8 billion for applied research and development—"and the results were superb. American science led the world in virtually every discipline."

Then the minds changed.

The enormous expense of the Vietnam war forced budget cuts, and science came under the same scalpel. Even if appropriations had held at the same annual level, inflation was a thief of real dollars. Further, as scientists began exploring ever deeper into nature's secrets, research became more complex, more sophisticated, demanding ever more expensive equipment.

All of this coincided with a growing disenchantment with science. Some congressmen began questioning the value of basic research, asking what were the payoffs? There rose an increasing feeling science should deal more directly with society's problems. Does this country, some also asked, have to be first in every field?

Science was blamed as immoral for having made possible the threat of nuclear annihilation and environmental decay. To some people, science was found wanting because they had somehow expected it to be capable of waving a wand and producing magical answers to problems, and it hadn't. Too, scientists were often regard as aloof; they "became arrogant and grabby," says one career official in the federal Office of Management and Budget.

Science had a few defenders in Congress, nor did it have the ear of the public to tell its story. Numerous scientists contend there is no clear or well-considered national science policy.

Some leaders agree that scientists in general had been aloof, not being active in a politics of science, not convincing the public that basic research was a great touchstone of human progress.

And people, some scientists complain, overlook the good that science and technology have done, as in creating polio vaccines, computers, electronic labor-saving devices, a raft of benefits.

Dr. Handler and others object to some of their scientific compatriots who, they charge, have exaggerated some troubles the nation faces, and have over-promised what science might do about such problems as environmental pollution.

"We can't," he says, "solve all our problems with a Band Aid of technology."

The dollar squeeze for science began late in the Johnson administration, and has since intensified. Last year, the Nixon administration ordered a 5 to 10 per cent cut across the board in NIH and other agencies for research support. And along came the so-called Mansfield amendment which forbade the Department of Defense from supporting any research not bearing a clear and apparent

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relation to a specific military function or operation.

That closed off an important source of money for universal ties which are the main nursery of fundamental research. There was, further, the sense that more research and development dollars should be devoted to national problems including crime, housing, transportation and environment.

Efforts now are under way in Congress to boost the funds to be allotted this year to the National Science Foundation, to take up part or all of the slack created by the stoppage of funds from the Department of Defense for fundamental research. The Nixon administration has asked for more money for the NSF above the previous fiscal year, to put its appropriation over $500 million for the first time.

Aid shriveled for students preparing for science careers. The National Science Foundation had to drop its traineeship program, the NIH cut down on science fellowships, and NASA abolished its traineeship support and its program of sustaining grants for university research.

Graduate fellowships under the National Defense Education Act have been reduced and both NSF and NIH programs for science facilities were curtailed drastically. And Congress also began requiring universities to pay some part of the overhead costs of certain research project grants.

Traineeship programs were reduced because "we have enough scientists in some fields," says one government spokesman. The number of new Ph.Ds had been doubling every seven years, but now "we simply don't need so many in engineering, math and the physical sciences."

Despite all the cuts, some officials in the Office of Science and Technology, which advises the President, feel "we are in good general shape. There will be some short-term dislocations, but I don't see any great danger of our losing our leadership in science," one of them remarks. "But there's certainly not a lot of fat in the system now—we're pretty close to the bone."

But other scientists and university administrators are not quite so sanguine about the future. It was a combination of things, such as the Mansfield amendment atop budget cuts, that is hurting universities very severely, says Dr. James R. Killian, chairman of the Corporation of Massachusetts Institute of Technology.

Scientists are eager to tackle problems of environment, traffic, housing and urban crises, but "we are getting little or no support" financially for such programs, Dr. Killian adds.

In and out of universities, numerous scientists fear that bright young students, men and women, will avoid choosing scientific careers when they see science students and graduate students suddenly cut off from their financial support.

In times of emergency, everyone has to tighten his belt, but "it is the rapid cutting of funds that does the damage," says Dr. McElroy.

The sudden economic cutbacks hit most severely at the young not-yet-established scientists, but, says one investigator, "we need to support those with seemingly maverick ideas, ideas no one else has thought of." Further, the drying up of training grants is breaking up or hobbling some excellent research teams.

Medical schools are hurting from decreases in research funds. For economy reasons, two dental schools have just closed down.

Medical research is being reoriented to provide more good modern care to more people, to overcome disparities in care, and to have research projects bear upon this aspect, at least in some part, if they are to be approved.

THE CIVILIAN-MILITARY RELATIONSHIP

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. FRASER. Mr. Speaker, earlier this year I joined several colleagues to bring together a distinguished panel to shed the light of their collective knowledge on the complex of moral and legal questions surrounding modern warfare as exemplified by Vietnam and other "small wars" that have afflicted our planet since 1945.

Subsequently a book, "War Crimes and the American Conscience," a transcript of the conference proceedings edited by Erwin Knoll and Judith Nies McFadden, was published by Holt, Rinehardt, & Winston. Also included in the book are supplementary materials contributed by participants and prepared statements submitted by several experts who were unable to attend the conference.

Charles C. Moskos, Jr. authored one of these latter submissions. Professor Moskos' statement is a good one, and he raises issues deserving wide discussion. The relationship between civilian and military leadership and the general citizenry is crucial to the survival of our democratic system and world peace. Lessons we can learn from the Vietnam tragedy must not be lost, ignored, or misinterpreted.

The material follows:

THE CIVILIAN-MILITARY RELATIONSHIP

CHARLES C. MOSKOS, JR.: I would like to examine the question of responsibility for what happened at My Lai by looking at: (1) the attitudes and behavior of the combat GIs in Vietnam, and (2) the reaction of elite groups in our society as symbolized by many of the comments made by participants in this discussion. Both of these factors have ominous implications for the future of America's civil-military relations.

During the summers of 1965 and 1968, I took part—as a press correspondent—in numerous military operations and patrols in Vietnam. During these periods I witnessed the deaths and maimings of both Americans and Vietnamese. Cruel acts occurred on both sides with nauseating frequency. As a day-to-day participant in the combat situation, I was repeatedly struck by the brutal reactions of soldiers to their participation in the war. To understand the way in which combat soldiers' attitudes and behavior are shaped, however, one must try to comprehend the conditions under which they must manage. The misery of these conditions is so extreme that conventional moral standards are eclipsed in a way difficult for the noncombatant to appreciate. Much like the Hobbesian description of primitive life, the combat situation also reaches the state of being nasty, brutish, and short. Minute-by-minute survival is uppermost in the combat soldier's every thought and action. The ultimate standard rests on keeping alive—a harsh standard which can sanction atrocities.

First of all, there are the routine physical stresses of combat existence: the weight of the pack and armament, tasteless food, diarrhea, lack of water, leeches, mosquitoes, rain, torrid heat, mud, and loss of sleep. On top of this, the soldier not only faces the imminent danger of loss of life or limb, but also witnesses combat wounds and deaths suffered by his comrades. In an actual firefight with the enemy, the scene is generally one of utmost chaos and confusion. Deadening fear intermingles with acts of bravery and bestiality and, strangely enough, even moments of exhilaration. Moreover, even when not in battle, the presence of booby traps is a constant threat (according to Army statistics 65 per cent of casualties suffered in Vietnam are from such devices). Thus, the soldier's initial reluctance to endanger civilians is overcome by his fear that Vietnamese, *of any age or sex*, can be responsible for his own death. One hears again and again the expression—and I am sure it is immemorial in battle—"it's them or us."

One consequence of the American combat soldier's animus toward and dread of the Vietnamese was reflected in his attitude toward peace demonstrators back home. The soldier almost always perceived the peace demonstrations as being directed against himself personally and not toward the war in general. The only major exception to the combat soldiers' general unconcern with political events was found in their denunciations of peace demonstrators. To a large extent the soldiers' attitudes were an outcome of class hostility. For many combat soldiers—themselves largely working and lower-middle class—peace demonstrators were regarded as draft-dodging college students. The mutually hostile reaction of peace demonstrators and combat soldiers augurs a new cleavage in an American society whose social fabric is already severely rent. This will not be along the line of the much vaunted generation gap, but between those youth who detest what they see as privileged anarchists and upper-middle-class college youth who regard soldiers as brutes in uniform.

The combat soldier too often saw the peace movement as undercutting and demeaning the hardships endured by American servicemen. The soldier's class bias against peace demonstrators was reinforced by his negative reactions to the substance of certain antiwar assertions. Arguments suggesting that the Vietcong were legitimate revolutionaries had no suasion, both because of the soldier's ignorance of Vietnamese history and, more importantly, because the Vietcong were his immediate enemy. Where the combat soldier was constantly concerned with his own safety and that of his fellow Americans, the peace demonstrators were seen to mourn only the Vietnamese. Statements bemoaning Vietnamese civilian casualties were interpreted as wishes for greater American losses. It appeared to me that the rhetoric of the antiwar movement which focused on American atrocities and Vietnamese suffering created a level of support for the war among combat soldiers which would otherwise have been absent.

It is fair to state that the original opposition to the war in Vietnam began within this country's intellectual and academic community and its main thrust has remained within this grouping. Moreover, as the antiwar movement has expanded and accelerated, it has come to impugn the very legitimacy of military service. The revelations of My Lai have added further passion to those predisposed to view American soldiers as wanton perpetrators of atrocities or proto-fascist automatons.

It is a cruel irony that so many of our national leaders and opinion shapers who were silent or supported the original intervention in Vietnam during the Kennedy Administration now adopt moralistic postures in the wake of the horrors of that war. There appears to be emerging a curious American inversion of the old "stab-in-the-back" theory. Where the German general staff succeeded in placing the blame for the loss of World War I on the ensuing civilian leadership of the Weimar Republic, the liberal Establishment in America now seems to have embarked on placing the onus of the Vietnam adventure on the military.

In the cinema and on stage, military characters have achieved the status of buffoons or grotesque malefactors. The disestablishment of the R.O.T.C. on prestige campuses continues apace. The former director of the Selective Service System became an American folk villain. A minor industry exists in the production of books and lectures castigating the military mind, the Pentagon, and GI butchers. The military has come to be portrayed as the *bête noire* of American society—a caricature to which this discussion may inadvertently add a few strokes. It would not be too far afield to say that antimilitarism has become the anti-Semitism of the intellectual community.

This state of affairs is reprehensible because it is a cheap way to misdirect attention away from the bases of America's adventuristic policies by melodramatically dealing with the byproducts of those policies. The blanket hostility toward military persons so endemic among most of my colleagues and students actually obscures the root causes of our country's malevolent actions. What must always be remembered is that the grievous chain of events that led us into Vietnam arose out of a broader Cold War and counterrevolutionary mentality that has been most forcefully articulated by civilian advisers and policy makers of putative liberal persuasion. The war in Vietnam is just one of many interventions of the United States against social revolutions throughout the Third World. Rather than shortsightedly castigating the men in uniform, it is the civilian militarists and the social system which produces them that ought to be the object of our critical concern.

It is with a deep sense of despair that I observe the justified opposition to the war in Vietnam being focused into a concerted attack on the armed forces *per se*. At the least, the concerned human being must always keep in mind the profound distinction between actions of individuals arising out of placement in particular situations—such as the My Lai's of war—and the structural and historical determinants which result in the creation of such situations. If our society is ever to fulfill its democratic promise, the relationship between the civilian and military structures requires especially sustained and intellectually honest attention. This will not be accomplished by scapegoating the military—whether for reasons of moral outrage or purposes of tactical expediency. Indeed, in many ways our American society has a much better military than it deserves.

The surge of antimilitarism at elite cultural and intellectual levels is occurring at a time when the whole framework of America's civil-military relations is undergoing fundamental change. More than a quarter-century ago, the noted political scientist Harold Lasswell first stated his theory of the garrison state. Forecasting a particular form of social organization, the garrison state would be characterized by the militarization of the civil order. The subordination of societal goals to the preparations for war would lead to the obliteration of the distinction between civilians and military personnel. The convergence of the armed forces and American society which began in World War II and continued through the Cold War decades of the 1950s and 1960s seemed, in certain respects, to confirm the emergence of the garrison state.

But the prospects for the 1970s require a reformulation of the garrison-state concept. For we are entering a time in which the armed forces are becoming more distinct and segmented from civilian society. A series of developments points to a growing isolation of the military from the mainstream of American life: the move toward an all-volunteer force at enlisted levels, the recruitment of officers from narrowing circles of the social spectrum, the de-emphasis of the Reserve and National Guard, the use of the military as an overt welfare agency for America's underclasses, and growing institutional autonomy within the military services. All this is happening at the same time that antimilitarism has become the new rage in the intellectual fashion world.

The divergence of armed forces and society will be reflected in closer and more critical scrutiny of the military's budgetary and force demands. But it is highly improbable that this new skepticism will result in any basic curtailment of the dominant role military procurement has come to play in our nation's economy, or that the United States will fundamentally alter what it considers to be its global interests. In fact, the institution of an all-volunteer, fully professional military force may mean that overseas interventionist policies will engender fewer political repercussions at home. Witness to this proposition is the acceleration of opposition to the war in Vietnam as the personal interests of articulate and vocal middle-class youth became involved.

The immediate future, then, points to a new phase in American civil-military relations. The character of the post-Vietnam period will be the conjunction of a still massive military force which will be socially unrepresentative and considered a pariah at elite cultural and intellectual levels. To rephrase Lasswell, it might be more accurate to speak of our society moving toward a *split-level garrison state*. This is to say that the imminent danger to a democratic society is not the specter of overt military control of national policy, but the more subtle one of a military isolated from the general citizenry, allowing for greater international irresponsibility by its civilian leaders. It is only when the consequences of such irresponsibility are uniformly felt throughout the body politic that we can begin to hope constraints will develop on the use of violence to implement national policy.

HON. JOHN O. MARSH

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. WHITEHURST. Mr. Speaker, I would like to associate myself with the members of my delegation in paying tribute to the splendid work in the House of my good friend and fellow Virginian, JACK MARSH. My friendship with JACK goes back almost a quarter of a century when both of us entered Washington and Lee University with the wave of veterans who flooded our colleges and universities after World War II. JACK and I shared classes together and he went on to law school after our undergraduate days as I proceeded to graduate school. I remember how delighted I was to learn of his election to Congress and I heard what a fine job he was doing here. Since my election 2 years ago, I have come to appreciate his energy and dedication. We have served together on the American Revolution Bicentennial Commission. In the deliberations he has often taken the lead suggesting paths to be taken to properly observe the 200th birthday of our Republic. He has brought to the Commission the same skill that he has brought to the legislative business of the House.

All of us are going to miss JACK's presence, although we are pleased he will still be in Washington and thus in our vicinity. I want to take this opportunity to wish him and his family well and every success as he goes on to a new endeavor.

DISAPPOINTMENT EXPRESSED TOWARDS PRESIDENT'S LATEST VETO

HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. TAYLOR. Mr. Speaker, I was disappointed that President Nixon vetoed the manpower training and employment bill. This bill was designed to aid the economic recovery by training the unemployed and by creating jobs in National Forests and National Parks and by local units of government in hospitals, public recreation, sanitation services, and so forth.

The President by his veto rejected a powerful training and employment program authorized by Congress. Training of the unskilled is one of the great needs of our Nation.

Many workers can be used advantageously in carrying out conservation practices in National Parks and National Forests and in keeping public campgrounds open in the spring and fall. Others can perform needed services in the cities.

I believe that the President has his priorities mixed up when he vetoes a bill to provide training and jobs, and at the same time advocates a guaranteed income for people whether they work or not. I prefer to work toward guaranteed employment rather than a guaranteed income. I believe that the best way to end poverty and unemployment is to go all out in providing all potential workers with needed skills and with job opportunities. The President says he does not want to create dead end public service jobs that would make government less efficient, but this program if properly administered should increase the efficiency of government and should improve public service. The training received by potential workers and the work experience should increase their opportunity for continued advancement.

The President said that this program would interfere with his family assistance plan. The choice seems to be between creating jobs and paying unemployed people to perform them and paying people not to work. Paying people not to work through a guaranteed income is more expensive, stifles initiative, and pride, and in the long run perpetuates poverty and dependence on the Government.

MARINE SCIENCE AID TRAINING PROGRAM

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. COLLIER. Mr. Speaker, during the debate on the Comprehensive Manpower Training Act on November 17, I engaged in a colloquy with my colleagues, Mr. PERKINS of Kentucky and Mr. STEIGER of Wisconsin, regarding a program providing training in oceanography and the marine sciences aboard the SS *Explorer*.

At that time I related information which had been given to me on this program and sought to get information regarding its cost and achievements. I also asked whether these programs were accomplishing their goals with particular emphasis on this program. The response to my inquiries were somewhat vague, and the figures which I presented on the floor were not challenged.

Subsequently I had the pleasure of talking to the contracting firm and the gentleman in charge of the project, and I am pleased to say that the information which was furnished me was most satisfactory and even encouraging in terms of the success of this program. The figures which had previously been furnished me neglected to include the actual per enrollee cost. However, a more detailed explanation has convinced me that it has, in fact, been a good program from the standpoint of its accomplishments and subsequent placement of enrollees. I would, therefore, not want to let the RECORD show otherwise.

The report on this program is the type of thing that we should have at our fingertips in evaluating manpower training programs which are so essential to youth training. For this reason I take this opportunity to include in the RECORD at this time a very comprehensive report on this program and suggest that others be reviewed in the same manner from time to time so as to eliminate questions which are certain to arise in our reevaluations.

The report follows:

MARINE-SCIENCE AIDE TRAINING PROGRAM

PROGRAM DESCRIPTION

The primary objective of this experimental program was to demonstrate the feasibility of training disadvantaged central city youth, many of whom were D.C. high school dropouts, to fulfill technically-oriented paraprofessional jobs in the marine sciences. The approach taken was an innovative one consisting of two inter-related parts. One aspect was an emphasis on general education in which the program sought to improve the student's academic level so that he would be able to continue his learning process throughout his life and thereby aid his upward career mobility. Equally important was the vocational aspects of the approach. Here, the program sought to provide the student with specific skills for which there was a wide and growing demand leading to a career with community status in a reasonably short period of time. The students, all of whom were unemployed or under-employed, were provided with both full-time academic instruction and cash stipends.

The program has graduated two classes (phase I and phase II), during which considerable program growth and refinement occurred. Specifically, the program orientation was broadened from that of an oceanographic aide to that of a marine-science aide. That is, the training was broadened to include not just oceanography but those skills required to deal on a para-professional level with the technology of water. The student selection process was also sharpened to concentrate on those students who could operate effectively in a technically-oriented field and who had attained approximately tenth-grade academic achievement. This program was re-cycled with a new contract earlier this year. The third class will graduate this month, and a fourth class is due to graduate during the summer of 1971.

PROGRAM STATISTICS

The subject contract included contract start-up and the instruction of two classes designated phase I (the first class) and phase II (the second class). The cost for the entire contract is shown as follows:

Start-up costs	$32,810
Instructional costs (phases I and II)	213,592
Total contract	246,402
Student Stipend	92,773
Total contract costs plus student stipend	339,175

These costs are given per graduate, per program enrollee, and per contract trainee below.

Graduates:	
Phase I	29
Phase II	35
Total graduates	64
Instructional plus start-up cost per graduate ($246,402 ÷ 64)	$3,850
Stipend cost per graduate	$1,450
Total cost per graduate	$5,300
Total enrollees	108
Total cost per enrollee	$3,140
Total contract trainees	120
Total cost per contract trainee	$2,780

The key statistic is the instructional plus start-up cost per graduate of $3,850.00—a cost which is in line with other technically-oriented manpower programs.

The benefit to the program graduate comes from his new technically-oriented career, his upward mobility, the improvement in the quality of his life, and specifically from his shift in status from a welfare recipient to a taxpayer. As a part of the program, an extensive career follow-up has been made of the 64 graduates. The result of the follow-up is shown below:

Unverified:	
Left the Washington, D.C. area for personal reasons. Unable to contact	2
Moved from last known address. Unable to contact	4
Psychological problem precluded placement	1
Total	7
Nontraining related:	
Working at Library of Congress	1
Working in real estate	[1]1
Total	2
Attending college:	
Hydro Tech Institute	2
Washington Technical Institute	1
Montgomery Junior College	1
George Washington University	1
Total	[2]5
Armed services:	
U.S. Army	3
U.S. Navy	3
U.S. Marines	3
Total	[3]9
Specific training-related jobs:	
Physical science aide	10
Ordinary seamen	2
Litho chart aide	6
Federal Water Pollution Control Administration	1
Aeronautical chart	1
NCFPC-lab assistant	2
ESSA	2
D.C. Department of Engrg	1
DC Sewage & Disposal	13
TRW Systems, Inc	1
Total	41
Total graduates	64

[1] Now taking night school courses in marine science to further improve qualifications for future job-related position.

[2] All of these program graduates are taking marine science majors for their college work.

[3] These program graduates were drafted or enlisted—many directly from training-related jobs.

It is the nature of the marine science field that program graduates most often must start in a low job category. The motivational and vocational training provided by the program has enabled the graduates to qualify for rapid advancement, with the result that many have qualified for excellent positions with a minimum of on-the-job training. A good case in point are the program graduates who have joined the District of Columbia Department of Sanitation. These young men are all employed in well paying career jobs in environmental pollution control, and are using their biological and water-technology training in their jobs. One graduate, who is working for the Naval Oceanographic Office, has progressed to the point where he is now making over $9,000 per year doing rewarding work in cartographic photography.

PROGRAM FINDINGS

As a result of the operation of this experimental program, certain conclusions and recommendations can be made. In general, we have found that it is feasible to bring technically-oriented but disadvantaged young men from the central city and train them to successfully fulfill career positions in the marine science field which gives them both status and upward mobility. The method which has been shown to be effective includes the following aspects:

1. In-house student recruitment control and responsibility.
2. A two-part instructional program including both a strong general educational component and an exciting, imaginative vocational component, leading to a job with status and career potential.
3. In-house psychological testing and counseling.
4. In-house job counseling and placement program.
5. Extensive follow-up of program graduates.
6. Built-in program flexibility to meet changing needs and changing program environment.

TO SAVE THE NATION'S ECONOMY

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. GOLDWATER. Mr. Speaker, as we all know, there has been much discussion regarding the need for wage and price controls. However, past experience has clearly shown that this is not the answer. I believe that the following editorial, that appeared in the November 22, 1970, issue of the Los Angeles Times, is an excellent critique of the false hope that wage and price controls offers. I am pleased to present it to my colleagues:

TO SAVE THE NATION'S ECONOMY

The Nixon Administration's economic game plan has not worked. Although there are sporadic indications that the inflationary spiral may be moderating, prices are still going up. So, unfortunately, is unemployment.

Joblessness in the nation as a whole has reached 5.6% of the work force. In areas such as Los Angeles, where the cut in defense and aerospace spending has had a major impact, it is higher.

We must conquer inflation. But we can no longer afford to do so through means that indefinitely choke off the economic growth which must be achieved if truly dangerous levels of unemployment are to be avoided.

Obviously, some new medicine must be tried. Just as obviously, that medicine is going to have to involve some kind of "incomes policy"—a phrase that can mean anything from mild presidential preaching on wage and price restraint to outright wage and price controls.

There are a number of signs that this fact of life, so long resisted by President Nixon and his closest economic advisers, is finally beginning to be accepted at the White House.

Let us hope so, because surely it is plain by now that the alternative—turning the screw tighter on credit and on government spending—would probably do more harm than good.

It is true, of course, that heavy deficits loom in the federal budget. Rep. Wilbur Mills, chairman of the House Ways and Means Committee and an expert on such matters, estimates that spending in the current fiscal year will run $12 to $20 billion ahead of revenues. A similar deficit can be expected next year.

One way to attack inflation, of course, would be to chop federal spending by whatever it takes to balance the budget. There are some very persuasive arguments against such an approach, however.

To begin with, defense spending cannot be cut any further—and may in fact have to be increased a little—in light of the ominous Soviet buildup in conventional and strategic arms. Certainly we cannot indefinitely postpone, either, a more vigorous attack on the social ills which afflict us here at home.

Most important of all, however, is that while Congress obviously should not charge off on a wild spending spree, obsessive budget balancing would generate more unemployment without really getting at the major cause of rising prices.

It is sobering to realize that this country's gross national product, in terms of constant dollars, must grow 4% a year just to absorb the flow of new people into the labor force. Yet our real GNP is no higher now than it was two years ago—which goes a long way toward explaining the rise in unemployment.

It we are to meet the Administration's goal of returning to a situation of relatively full employment by mid-1972, the economy will have to grow by 6% in each of the next two years.

That is a difficult thing at best. It is impossible if Washington uses tight-fisted fiscal and monetary policies to fight inflation by choking off economic growth. The President was represented Friday as sharing this view.

Finally, economists are pretty well agreed now anyway that inflation is currently being fed not so much by easy credit or government spending as by wage settlements that far exceed gains in labor productivity. Businessmen as a whole have been inclined to cave in to excessive wage demands because they know that they can pass the cost on to consumers in the form of higher prices.

Outright wage and price controls are not the answer. They breed artificial shortages and black markets. They can be administered only through a huge and expensive bureaucracy. They don't work very well anyway.

It is way past time, however, for President Nixon to use the moral power of his office to urge "voluntary" restraint upon both industry and labor unions, and to punish those who ignore such entreaties by turning upon them the hot light of publicity.

Inflationary psychology by now has become so firmly rooted, unfortunately, that this "jawboning" approach may be of only limited effectiveness. Unions, especially, are strongly inclined to ignore any guidelines that may now be set.

That being the case, a proposal advanced by Henry C. Wallich, a prominent economist and consultant to the Treasury Department, deserves consideration.

Wallich would impose a special surtax on the profits of businesses that grant wage increases above a prescribed noninflationary level. The idea, in essence, is to make it so costly for employers to give in to excessive wage demands that their backbones will be stiffened in collective bargaining sessions with the unions.

Like any innovative notion, Wallich's proposal may have some bugs in it. Surely, though, it is worth considering.

FREER TRADE SUPPORTED BY KEY INDUSTRIALIST

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. HAMILTON. Mr. Speaker, an outstanding American industrialist has recently expressed to me his thoughts on the Trade Act of 1970. J. Irwin Miller, chairman of the board of the Cummins Engine Co. of Columbus, Ind., points out in the following letter the adverse impact enactment of this legislation will have on the international economy and U.S. prestige, especially in Latin America. His refreshing thoughts are echoed by an editorial from the Wall Street Journal. Both items follow:

CUMMINS ENGINE CO., INC.,
Columbus, Ind., December 3, 1970.

Hon. LEE HAMILTON,
House of Representatives,
Longworth Building, Washington, D.C.

DEAR LEE: Xenia and I are recently returned from three weeks in South America visiting nearly all of the industrial countries and talking to businessmen, bankers, and government officials.

The amount of concern over the proposed import quota provisions in the Trade Bill is hard to believe. They feel that this is a signal that the United States is no longer a confident world competitor, and is therefore abandoning industrial leadership in the world. This conviction comes through in addition to irritation as to what the import quotas might do to any one specific country, and it damages our influence in foreign policy as well as in trade relations.

You know that Cummins has the strongest and most active Diesel competition worldwide. Nevertheless, we feel that it is our responsibility to compete on even terms with any Diesel engine manufacturer anywhere in the world, and we would like to see quotas and tariffs abandoned by all countries. We would be happy to give foreign manufacturers free access to U.S. markets, if we could have equally free access to theirs, because we believe that in respect to technology and costs our job is to stay ahead of everyone else.

Our personal belief is that this is the posture that the United States ought to offer around the world, if it is to be a genuine leader. Anything else could have very long-term effects on our influence for good in a troubled world.

Best wishes.

Sincerely yours,

IRWIN,
Chairman.

J. I. Miller/wlh

[From the Wall Street Journal, Dec. 7, 1970]

A BAD NEIGHBOR POLICY

A major argument used to support the protectionist legislation now in Congress is that other countries discriminate against U.S. exports, so why shouldn't we do the same to theirs. The chief example cited is Japan whose trade restrictions, while decreasing, do indeed remain severe.

Even if an economic attack on Japan made sense, and we don't for a moment think it does, the pending legislation is not selective enough to hit only the Japanese. The proposed quotas on textiles and shoes, and possibly later other products, would hurt a great many countries, including the neighboring nations of Latin America.

An attack on Latin American surely has nothing to recommend it. While the total U.S. trade position has weakened in recent years, this country's exports to Latin nations have continued to far exceed imports from the area. In a number of Latin countries, moreover, major exports to the U.S. are the two top targets of the pending measure: Textiles and shoes.

If the move is ridiculous from an economic standpoint, its political aspects are downright appalling. The protectionist gambit can hardly help but fuel the growing anti-U.S. sentiment in Latin America, a development that, among other things, poses dangers to U.S. security.

Of course that sort of reasoning carries little weight with U.S. businessmen hungry for new protection; they don't like competition, whatever its source. Members of Congress, however, certainly have an obligation to think long and hard before embarking on a Bad Neighbor Policy.

HON. ALLARD K. LOWENSTEIN

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. CORMAN. Mr. Speaker, the 91st Congress has been unique from the others I have served in due to the presence of AL LOWENSTEIN.

Many of us come to Congress as freshmen and have a difficult time establishing an identity being one of a group of 435. Without seniority and being eager to gain the acceptance of their colleagues, new Members are often reluctant to speak critically of the issues of the American process of Government.

Al Lowenstein came to Congress with a national reputation he acquired with his vigorous opposition to the Vietnam war. Believing firmly in American withdrawal he was not reluctant to speak out for that belief when he came to Congress.

Besides believing strongly in peace, Al Lowenstein has been instrumental in working at redirecting our national priorities and reforming the seniority system. Though his stay in Congress has been brief he has worked ceaselessly for the principles to which he is committed. He has served his constituents faithfully but has voted as his conscious has dictated even when the issue has been an unpopular one.

Most outstanding among his contributions has been the hope he has restored to our young people. Young people nationwide were first attracted to Al Lowenstein when they realized that he offered them an answer to something many have wanted in depth even when it seemed impossible, that is, the opportunity to work within the system they truly believed in but desperately wanted to change.

Mr. Speaker, there are many rhetorical phrases and cliches one could use at a time like this. I choose not to use any of them but prefer to say that I for one am indebted to have been associated with this man and to say that he will be missed in Congress.

CONGRESSMEN CELLER AND HAROLD M. JACOBS HONORED BY BROOKLYN COMMUNITY COUNCIL

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. PODELL. Mr. Speaker, on December 6, the Brooklyn Community Council, which represents the largest Jewish community in America, with more than 500 affiliated organizations, paid tribute to Congressman Emanuel Celler at its 31st annual dinner held at Temple Beth El of Manhattan Beach in Brooklyn.

I was privileged to present the award to Chairman Celler that evening.

The evening was also devoted to paying homage to Mr. Harold M. Jacobs, past president of the council and an active community leader for more than 25 years, rendering humane service to his fellow man.

Rabbi Benjamin Kreitman, council vice president and spiritual leader of Congregation Shaare Torah of Flatbush, presented the award to Mr. Jacobs.

A fine welcoming statement was made by Mr. Sol A. Liebman, counsel to New York City's Educational Construction Fund and president of the council.

More than 300 distinguished citizens attended the affair to pay tribute to the honored Congressman Celler and Mr. Jacobs.

It is with pleasure that I include in the Congressional Record the moving remarks delivered at the council dinner.

OPENING REMARKS OF MR. SOL. A. LIEBMAN, PRESIDENT OF THE BROOKLYN COMMUNITY COUNCIL

Mr. Chairman, Reverend Clergy, distinguished guests-friends: It is indeed a great pleasure for me to extend a hearty welcome to all of you to this meaning function,—the 31st anniversary of the founding of the Brooklyn Jewish Community Council.

During that span of time, the efforts of the Council as a service unit for about 500 Jewish organizations in this Borough and as the voice of Brooklyn Jewry has met with reasonable success. Under the leadership of many able and dedicated men, of the character of the late Judge Maximilian Moss, upon whose untimely demise, Judge Emil Baar stepped into the breach, followed by Com. Abe Lindenbaum and then Harold Jacobs, the Council continued in high gear. The dedication of Past President Zeitz to the work of the Council has continued through the years. During my term of office, the knowledge, skill and dedication of our three Vice-Presidents, Rabbi Ben Kreitman, Supreme Court Justice Abe Multer and Judge Ed Silver, has been of inestimable value and has made my task as President, relatively easy to perform.

More recent events, however, have made it vital for all of you, as leaders in community endeavors, including those Jewish in nature, to actively support the work of the Council so that we may be even more effective in our efforts, not only to protect Jewish interests, but to help solve some of the more pressing problems confronting our City.

Violence is rife throughout our entire nation and the world. Activist groups of every nature are working overtime. Change by peaceful means seems to have lost its appeal to some,—fortunately a small percentage of our population.

The recent bombing of the building housing the office of the Soviet Aereoflot and the Soviet news agency, Tass, was an act of barbarous terrorism. It is especially repugnant that it should be presented to the public as a form of Jewish reprisal for the Soviet Government's outrageous oppression of Jewish Life in the Soviet Union and the denial of basic human rights to Soviet Jews.

We vigorously condemn such actions of small groups of misguided zealots who endanger the lives of innocent people, damage property or perform other acts of irresponsibility, for whatever reason or cause they assign. Anyone who applauds that bombing or its perpetrators violates all principles of responsible behavior in a civilized society.

Peaceful demonstrations and presentations is the method to effectively accomplish long range goals of this nature. It is by these means and not by destructive violence that we shall continue to press our appeal to the conscience of the world to obtain basic human rights for our fellow Jews in the Soviet Union.

The fact that we have so many persons present who are representative of a cross section of the Jewish population in Brooklyn and of all branches of our faith, as well as our Christian brethren, is gratifying and encouraging. I urge your active cooperation and support so that the work of the Council can become even more effective.

May I refer you to the identity of our Benefactors listed on the inside front cover of our Souvenir Journal, to whom we are deeply gateful. This group includes the Hon. Stanley Steingut, minority leader of the State Assembly, whose absence in Puerto Rico for a well earned rest, did not prevent him from doing his full share as a director to insure the success of this banquet. Our special thanks, too, goes to my A B C team, consisting of Gerald Adler, the General Chairman of this beautiful event who worked diligently and effectively in the planning and implementation of this banquet, to Harry Bearman, the Dinner Chairman, who established a new high in telephone calls and travel to insure its financial and social success, and to Stanley Clark, who is responsible for our beautiful Journal produced in minimum time. Thanks also to Ned Miller, Dinner Co-Chairman, and Jay Meckler, Journal co-chairman, for their substantial aid and to the many others too numerous to mention, who contributed substantially to this outpouring of esteem and affection for our honored guest, Harold Jacobs.

Thank you very much.

REMARKS OF CONGRESSMAN BERTRAM L. PODELL HONORING CONGRESSMAN EMANUEL CELLER

It is an honor for me to have been selected this evening to present the Brooklyn Jewish Community Council's annual award to a man whose name has become synonymous with dedicated public service and with the unceasing fight for the rights and the dignity of Jews and of all men—Congressman Emanuel Celler.

There is so much that can be said about Manny—or Mr. Chairman as he is known to all in the House—his concern with the public interest, his unique and wonderful sense of humor, and his victories over sometimes insurmountable odds.

To Congress is the dean, the senior Member. To me is an idol, an advisor, a man above all men.

The legislation authored, introduced, and managed by Congressman Celler are among the most progressive and important pieces of legislation in this country's history. His defense of civil rights is renowned: he has authored and managed the last three constitutional amendments. No other Member in history has had that many to his credit. His name is directly associated with the major immigration reforms from 1924 to the present, the civil rights acts, anti-monopoly legislation—and the list could continue.

With all this, Manny's work on behalf of the Jewish community and the Jewish people is legendary for its scope and for the spirit and the dignity of its performance. And, for many years, he had to fight alone in Congress.

I would then like to present the Brooklyn Jewish Community Council's Public Service Award to Congressman Emanuel Celler, "in recognition of almost a half century of public service in Congress on behalf of all peoples of America, regardless of race, color, or creed."

STATEMENT OF REPRESENTATIVE EMANUEL CELLER

First, I hasten to accept the honor you bestow upon me. I say "hasten" because it reminds me of the story of the "Macher" who was a little slow in getting ready for a meeting of the "Verein" which had just elected him president. "Hurry," said his wife, "they might find out they can get along without you."

It is good to hear you laugh. These days it seems that every day is Tisha Bov with no room for Simchas Torah.

I have often thought (I don't dare say so too often) that the secret of Jewish survival lay in the way Jews have wedded laughter to tears. Isn't it because laughter cleanses, heals, and seals the wound? Isn't it true that laughter exposes the fool and humbles the pretender? We are no strangers to tears, nor to anger, nor to hate. But we do know that tears and anger and hate in excess paralyze, while joy and exultation, the gift of life, frees us to *do;* to *move,* to press forward, as it were.

Two old men, as the story goes, were discussing the comparative merits of their respective miracle-performing Rabbis. One said, "My Rabbi is a wonder. He was riding into town on his horse on Friday afternoon and, of course, had to get there before sundown. It was raining fiercely and neither he nor his horse could see the road. Every possible obstacle was placed in their way, falling rocks, tangled weeds, and so forth. There seemed to be no possibility of their arriving before sundown. But my Rabbi did not despair. He clapped his hands, and lo and behold, the rains stopped, the sun shone, and he came into town in sufficient time to preserve his holiness."

"Puh," scuffed the other man. "Now, *my Rabbi* was riding into town on a Friday afternoon. It poured and poured and there seemed no way that my Rabbi could get to town by sundown. What did *he* do? He clapped his hands, and lo and behold, it was Wednesday."

This is the Jewish heritage—to laugh at ourselves and our foibles, to turn away wrath with the word of wit, to blunt the sword by the blast of laughter, to fashion an identifiable brand of humor that has permeated every culture.

Out of the wisdom of the Talumd, and from the sages of our history who dug and dug into each word, we learn that each heart is at war with itself and that each soul affirms and contradicts at the same time. So we learned along with that truth that sorrow and compassion alone cannot build a House of God, cannot build a nation or a history. We learned that the cement is laughter.

You remember Shalom Aleichem's story of the old man who, when his neighbors jeered at him for wearing rims without lenses, shrugged his shoulders and answered, "Better than nothing."

That is what the Brooklyn Jewish Community Council has proved—*There will not be nothing: there is always something better.* And you proved it—not through the prison of tears—these you wiped away to make room for a little more joy, a little more warmth, a little more laughter.

So I hasten to take your offering. I'm not a schlemiel.

CLAY CALLS FOR RESIGNATION OF POLICE BOARD

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. CLAY. Mr. Speaker, I want to bring to the attention of my colleagues the letter which I have written Col. James Sanders, president of the board of police commissioners in St. Louis. Due to their failure to take positive action in the shooting incident of police officer Steven Georgeff, I have today called for the resignation of the four members of the board of police commissioners.

The letter to Colonel Sanders follows:

WASHINGTON, D.C.,
December 18, 1970.

Col. JAMES SANDERS,
President, Board of Police Commissioners, St. Louis Metropolitan Police Department, St. Louis, Mo.

DEAR COLONEL SANDERS: On December 9, 1970, I requested that the Board of Police Commissioners hold a public and open hearing concerning the shooting of police officer Steven Georgeff. To date, I have not received a reply.

Apparently, the Board of Police Commissioners does not intend to hold public hearings and I am, therefore, calling for your resignation and the resignation of the three other members of the St. Louis Metropolitan Board of Police Commissioners.

It is evident by your failure to exercise the authority invested in you by the laws of the State of Missouri that you have forfeited your right to serve in that capacity. In fact, it is obvious that Chief of Police Eugene Camp has usurped the powers of the Board and is dictating policy decisions.

The Board of Police Commissioners has been derelict in discharging its duties since the selection of Chief of Police Camp. Many policemen and citizens who are knowledgeable about the operations of the Department are convinced that your Board is nothing but a rubber stamp for the Chief. Recent failures of the Board to act positively and authoritatively in matters clearly of policy nature tend to substantiate accusations that Chief Camp is "defacto" boss of the St. Louis Police Department. Refusal to exert leadership in times of crisis such as the "Cochran Public Housing Affair" and the "George Washington Hotel Fiasco" renders the concept of civilian oversight of police matters totally meaningless.

I understand that the Inspector of Police has white-washed the case by asking for either oral or written reprimand for the officers involved in the shooting of Officer Georgeff. Police officers who would conspire to violate the laws of Missouri—who would plan and attempt to execute a person without due process of law—should be imprisoned not reprimanded.

We will not be able to instill respect for law among the citizenry until those responsible for enforcing laws are committed to respecting them. Therefore, in light of your failure to take positive action in this most serious matter, I ask that you resign immediately as a member of the St. Louis Metropolitan Board of Police Commissioners.

Sincerely,

WILLIAM L. CLAY,
Member of Congress.

ECOLOGY VERSUS ENTERPRISE

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. SKUBITZ. Mr. Speaker, I wish to insert in the CONGRESSIONAL RECORD the attached editorial from the El Dorado Times, El Dorado, Kans., December 7, 1970 entitled "Ecology Versus Enterprise."

I think the editorial "laid it on the line." No one wants to see the air we breathe and the water we drink polluted. I agree with the editor that surely there is "someway to harmonize the interests of ecology and enterprise" without closing our business operations or endangering the health of our people.

The editorial follows:

ECOLOGY VERSUS ENTERPRISE

The cattle feed lots which zipped along so merrily only a few years ago have come a cropper. First, perhaps too many of them (like gasoline filling stations) have been built and second, they have bumped squarely into the new-found science of ecology and its accompanying handmaiden of pollution.

Kansas already knows at first hand about pollution. Most of the many oil pools developed within the state in the past 55 years spread pollution throughout all the creeks and rivers that flowed through any given piece of land. Farmers whose land downstream from oil production was plastered with crude during every season of high water were hard hit by this condition. A few companies tried hard to control the free runoff of crude waste from their leases—but the advantage they gained was immaterial. Many lawsuits were filed with large claims for damages. Few of them got anywhere, however, because of the difficulty (yea impossibility) of proving just whose oil it was that caused the damage.

It is safe to say that all the oil produced in Kansas in the past eighty years paid practically nothing for all pollution damage it caused.

Now the state board of health proposes that feed lots are not going to escape the controls that allowed petroleum producers almost free range. The board's rules shutting off pollution from old established and newly-built water reservoirs by drainage runoff are aimed to prevent any recurrence of the oil fields' escape from tight regulations. Thus, a great deal of controversy has arisen in the cow country within recent days.

The big Crofoot feed lot at Strong City is an exact case in point. This lot is providing an annual $5 million market for hay, silage and feed grains in addition to its services to the beef industry. Its owner probably would spend $250,000 in conforming to the state board's requirements if that would be all. But he cannot be assured of the secondary treatment standards which the federal government plans to impose in 1975. These could be of a nature to wipe him out financially. So he says he will have to shut down his enterprise.

Kansas is a beef state center—and its cattle industry is of immense scope and dimension. But if both state and federal agencies are going to run it through the wringer of skin-tight regulations—leaving the hard-working beef producer with no chance of success—it might as well throw up the sponge.

Isn't there some way under the sun to harmonize the interests of ecology and enterprise?

NATIONAL ENVIRONMENTAL DATA SYSTEM

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. DINGELL. Mr. Speaker, the House on December 7, 1970, approved H.R. 17436, to establish a national environmental data system, and sent the measure to the Senate, where it was referred to the Committee on Commerce.

Under date of December 16, 1970, the Office of Management and Budget wrote Chairman MAGNUSON setting forth certain objections to H.R. 17436 and the identical Senate bill, S. 4496. Chairman MAGNUSON made a copy of the OMB letter available to me and under date of December 17, 1970, I wrote a letter to Chairman MAGNUSON setting forth my responses to the points raised by OMB.

So that my colleagues will have an opportunity to be aware of the points at issue in this matter, I include the text of the OMB letter to Chairman MAGNUSON and the text of my letter to Chairman MAGNUSON at this point in the RECORD:

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WASHINGTON, D.C.,
December 17, 1970.
Senator WARREN G. MAGNUSON,
Chairman, Senate Committee on Commerce,
Washington, D.C.

DEAR MR. CHAIRMAN: I am in receipt of a copy of a letter to you dated December 16, 1970, from Mr. Donald B. Rice, Assistant Director of the Office of Management and Budget, expressing the Administration's views concerning Senator Hart's bill, S. 4496, "To amend the National Environmental Policy Act of 1969 to provide for a National Environmental Data System." As you are aware, this bill is identical to my bill, H.R. 17436, as passed by the House of Representatives on December 7, 1970.

I note that the purpose of Mr. Rice's letter is to urge your Committee to defer action on the grounds that enactment of legislation at this time would be premature. Five specific objections are presented in support of the Administration's position. In my judgment, each of the arguments presented, when properly viewed, demonstrates that the National Environmental Data System is actually overdue, rather than premature.

Let us consider the objections in sequence:

"(1) Any undertaking of the potential magnitude of the proposed 'National Environmental Data System' should be preceded by a thorough analysis of the requirements for such a system, the benefits and costs that would be involved, and the alternatives for meeting the requirements in the most effective and efficient way. We believe that the bills would error in establishing this system before such analysis has been conducted."

I agree heartily with the principle that such a system as this would benefit by as much preliminary study as possible. Our Committee was well aware of the research required in this regard and made every effort to become familiar with all studies being carried out by the various Federal agencies and private parties. The testimony received at the Committee hearings from witnesses representing the University of Illinois and the State of Maine was primarily for the purpose of learning the results of their programs. Testimony also was received on the Study of Environmental Quality Information Programs being conducted by the Office of Science and Technology in order to benefit from their findings to date. Other studies were recognized to be in progress by the Council on Environmental Quality and by several other Federal agencies.

The Committee investigated the ongoing data systems of the various agencies deeply involved with the environment, and considered their experiences in framing the amendments to H.R. 17436, as originally drafted. It is important to realize here that the National Environmental Data System does not replace any on-going data collection system; it merely provides for more efficient dissemination and broader use of the information being gathered. Further, it is important to note that one of the first duties of the new Director of the proposed Environmental Data System would be to conduct a study which will thoroughly analyze the requirements for the actual implementation of the System in order to optimize its operation in terms of benefits and costs, determine technical requirements, and meet these requirements in the most efficient way.

"(2) The bills do not define clearly what is meant by 'environmental data,' as was pointed out by most of the agencies which commented on H.R. 17436 to the House Committee. The variety and breadth of meanings commonly given the term 'environment' could well frustrate any attempt to systematically focus on the more critical areas needing attention. We believe that any legislation dealing with 'environmental data' should contain a workable definition of the phenomena to be examined."

As you know, it is a function of the Congress to forsee the Nation's needs and to enact legislation which will enable these needs to be met expeditiously, efficiently, and economically. Our Committee feels that the technical definition of "environmental data" is best left unanswered at this time. Based on studies—such as those now in progress by the Council on Environmental Quality and various Federal agencies, as well as the one to be carried out under the legislation—the Director of the Data System would be expected to develop such a definition at an appropriate time in consultation and in coordination with the various agencies affected. Other definitions contained in the bill such as "environmental quality indicators", "Data System", and "information, knowledge, and data" satisfactorily meet the needs in the meantime.

"(3) The bills are not clear as to the roles, responsibilities, and relationships of existing agencies within the proposed 'National Environmental Data System.' The potential confusion this could generate is particularly unfortunate in view of the major steps which have been taken in the past year, through the establishment of the Council on Environmental Quality and the Environmental Protection Agency, to rationalize the analytic and operational capabilities of the Federal Government in the area of environmental protection."

This point is really a reminder that active coordination between agencies is an essential part of the workings of government. Many examples can be cited to demonstrate that different agencies have programs which may appear to be overlapping, but because of enlightened coordination, are really complementary. For example, many different agencies have responsibilities for problems of water management. However, because of wise management they are able to coordinate their efforts for mutual advantage. This same question of explicit definition of roles was raised during the Committee hearings concerning establishment of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration. At that time, the Office of Management and Budget pointed out that while the creation of these new agencies might cause new coordination problems, such problems could readily be worked out in the early stages of operation. There is no reason to assume that the same would not be true of the National Environmental Data System, especially since the bill gives the Director broad authority to cooperate with other agencies. In fact, the bill goes further and specifically cites that the duties of the Director include coordination of effort with heads of departments, agencies, and instrumentalities of the Executive Branch as may be required to fulfill the purposes of this Act.

"(4) The scope of the proposed system needs to be carefully studied to assure that it does not place an unwarranted and costly burden on Federal agencies."

One of the principle objectives of the National Environmental Data System is to provide an information system which will support efficient and economical management of the environment. Even ignoring the obvious long term benefits to be derived from the system, it is easy to see that considerable savings will result from avoiding duplication of facilities, redundancy of studies, and general access to a broad data base. The only way that the proposed system can be made to appear to impose an additional cost burden on Federal agencies is if the agencies abuse the system by misusing its capabilities or by ascribing the costs of data collection to it. The system is not intended to underwrite or induce additional agency activities in the area of environmental data development or collection. It is only intended to provide a vehicle for data coordination and dissemination to optimize the utility and value of information already being acquired in the courses of normal agency operations. Moreover, the special studies called for by the bill are designed to increase the efficiency of management of the data processing system, to develop ecological models which will enhance predictive capability, and to develop a scheme of environmental indicators which are so essential for the wise management of the environment.

"(5) We are particularly concerned that the management and operation of the proposed system would be vested in the Council on Environmental Quality. Placing such an operating function in a small Presidential staff agency could seriously derogate from its essential policy advisory role."

It is regrettable that this short term view should be expressed at this time of critical environmental crises. The House Committee on Merchant Marine and Fisheries was responsible for reporting the legislation which created the Council on Environmental Quality and we feel that we, therefore, are in a position of knowing what the intent of Congress was concerning the functions and duties of the Council. In the development of the National Environmental Policy Act, it was assumed that this was a first step towards achievement of the broad national environmental goal. We view the establishment of the National Environmental Data System as a vital second step in this important effort. The President, the Council, and every responsible body is calling for such a system. Because of the necessity for such a basic tool of management, the Committee is dismayed at this apparent reluctance on the part of the Administration to seize the opportunity to implement a System.

We are well aware of the problems of limited personnel and huge demands being made on both the Office of Management and Budget and the Council on Environmental Quality. We can only commend them on how well they have performed under these great difficulties. It is only a passing phase, though, in their initial days of operation, and there is no question that they soon will improve their various operational problems to the extent that the additional support that will be afforded by a central source of information concerning those matters on which they must establish policy and advise the President will be welcomed. There is no reason why the operation of an information system would interfere with the advisory function of the Council any more than the responsibility of environmental program guidance does now. There certainly can be no two functions more complimentary than that of giving advice and having access to useful and timely information.

In conclusion, I wish to assure you that the intent of this legislation is to improve the efficiency of environmental decision making, support policy determination, provide a factual basis for the annual report of the Council on Environmental Quality, and to reduce the costs of information management. I hope you will agree with me on these worthy objectives and take the necessary steps to see that the legislation is enacted into law during this session of the Congress.

Sincerely,

JOHN D. DINGELL,
Chairman, Subcommittee on Fisheries
and Wildlife Conservation.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., December 16, 1970.
Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, New Senate Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: Recently there was referred to your Committee a bill, S. 4496, "To amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System," sponsored by Senator Hart. That bill is identical to H.R.

17436, as passed by the House of Representatives on December 7, 1970. The purpose of this letter is to clarify the Administration's position on this legislation.

In its report (No. 91-1629) on H.R. 17436 the House Committee made the following statements concerning the Administration's views of the legislation:

"Great care was taken by your Committee to make sure that all the specific objections presented by the various agencies were thoroughly considered and the bill, as reported with amendments, is designed to meet those objections. In fact, the reported bill includes all amendments suggested by the agencies *except the ones which suggest that the legislation is premature and that sufficient authority to carry out the purposes of the legislation already exists in the Council on Environmental Quality.*" (Emphasis added.)

The report goes on to note statements by the President and the Council on Environmental quality, in connection with the Council's first annual report, concerning the inadequacy of present systems for measuring and monitoring environmental conditions and trends. Based on these statements, "and in particular the President's expression of the need for such a system," the Committee assumed "that the Executive Branch considers the establishment of a system for collecting, interpreting, disseminating, and utilizing environmental data of great value and urgent necessity." We are seriously concerned that the Administration's views in this regard may not have been fully understood.

Everyone would agree, in principle, that there is a need for environmental data or indicators, so as to enable us to know where we stand in our efforts to protect and enhance the quality of the environment, and where and how successfully these efforts are going. We have been concerned for some time with the need to improve the effectiveness and efficiency of the data collection required for the pursuit of a variety of objectives related to our natural resources and environment. Studies have been conducted and more are underway on specific data collection systems and efforts for common objectives that require participation by more than one agency. In our judgment, however, the statutory establishment of arrangements such as contemplated by H.R. 17436 and S. 4496 would be premature and could impede efforts to develop the most effective means of collecting and utilizing essential data.

Our basic concerns with the legislation may be summarized as follows:

(1) Any undertaking of the potential magnitude of the proposed "National Environmental Data System" should be preceded by a thorough analysis of the requirements for such a system, the benefits and costs that would be involved, and the alternatives for meeting the requirements in the most effective and efficient way. We believe that the bills would error in establishing this system before such an analysis has been conducted.

(2) The bills do not define clearly what is meant by "environmental data," as was pointed out by most of the agencies which commented on H.R. 17436 to the House Committee. The variety and breadth of meanings commonly given the term "environment" could well frustrate any attempt to systematically focus on the more critical areas needing attention. We believe that any legislation dealing with "environmental data" should contain a workable definition of the phenomena to be examined.

(3) The bills are not clear as to the roles, responsibilities and relationships of existing agencies within the proposed "National Environmental Data System." The potential confusion this could generate is particularly unfortunate in view of the major steps which have been taken in the past year, through the establishment of the Council on Environmental Quality and the Environmental Protection Agency, to rationalize the analytic and operational capabilities of the Federal Government in the area of environmental protection.

(4) The scope of the proposed system needs to be carefully studied to assure that it does not place an unwarranted and costly burden on Federal agencies.

(5) We are particularly concerned that the management and operation of the proposed system would be vested in the Council on Environmental Quality. Placing such an operating function in a small Presidential staff agency could seriously derogate from its essential policy advisory role.

As a final point, I want to assure you that the interested agencies will address themselves to the problem of identifying requirements for data needed for various national environmental and natural resource objectives. They will identify existing activities that can be drawn upon to satisfy important requirements, identify gaps, delineate benefits and costs, and identify ways of improving the coordination and management of the extensive activities that are already underway in numerous agencies. Until these efforts are completed, we believe it would be premature to attempt an organizational solution to problems that are not yet clearly identified and described.

In light of the above, we urge your Committee to defer action at this time on legislation along the lines of S. 4496 and H.R. 17436.

Sincerely,

Donald B. Rice,
Assistant Director.

REPORT TO NINTH DISTRICT RESIDENTS, DECEMBER 21, 1970

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following:

A Commentary on the SALT Talks

(By Congressman Lee H. Hamilton)

The third round of the Strategic Arms Limitation Talks (SALT) came to a close in Helsinki last week as the world prepared to observe Christmas. It is not an overstatement to say that these critical meetings between the United States and the Soviet Union represent history's greatest hope for realization of the traditional Christmas prayer of "peace on earth".

The nuclear arms race has cast an ominous shadow over every corner of the globe. The relentless weapon improvements, the secrecy, and the continuing pessimistic assumptions about the other side's capabilities escalate the dangers and the costs of the arms race.

An accidental release, a misunderstanding or an unreasonable demand in a crisis could trigger a catastrophe.

The continued economic drain on both the U.S. and the Soviet Union during the 25 years of the arms race is incalculable. Outlays for arms around the world have doubled in the last 15 years.

The initial goal of the SALT talks is a degree of stability in the arms race. Ultimately, it is hoped that a plan of general disarmament will be evolved. President Nixon and the American delegation have proposed a "building block" progression of talks: (1) limitations on the numbers of missiles, (2) limitations on both the number and the destructive capabilities of missiles, and (3) reductions in offensive forces.

At the beginning of the third round of SALT talks last month, the U.S. made its first proposal on the curbing of strategic weapons. Although the details of the proposal have not been made public, it is believed that the U.S. has proposed a halt to its anti-ballistic missile (ABM) system in trade for a numerical limitation on the Soviet's huge SS-9 missiles, which have payloads far greater than present U.S. intercontinental missiles.

Also at issue in the discussions is the continuing development and deployment of multiple re-entry vehicles (MIRVS)—rockets carrying multiple warheads which can be dispersed to a number of targets. The U.S. appears to be ahead in the deployment of MIRVS, while the Soviet Union appears to have the lead in ABM systems.

The three rounds of meetings over the last 13 months have centered on strategic weapons—long range missiles based either on land or carried by submarines, and long range heavy bombers. Involved to a lesser extent are the tactical weapons of both countries—the great variety of short range rockets, fighter-bomber aircraft and atomic artillery systems.

While the attitude of the Soviet delegation to the SALT talks has continued to be business-like and intent upon reaching some agreement, there has been no response to the U.S. proposal. Observers are now speculating there will be none until after the convening of the Communist Party Congress in Moscow next March.

The head of the U.S. delegation to the SALT talks, Ambassador Gerard C. Smith has emphasized that the U.S. will not enter into any agreement based on good faith or trust that the Soviets will begin a program of weapon curtailment. Any agreement, he says, will be based on our ability to verify the actions of the Soviet government.

There are reasons to hope for a positive outcome of SALT. An agreement would strengthen national security for both sides and save vast resources which both sides would prefer to improve the well-being of their people. Each side now has sufficient nuclear power to deter attacks. Earlier arms limitation agreements (Antarctica, outer space, the seabeds, limited test bans and nuclear nonproliferation) have established a precedent.

The United States, then, wants a verifiable, comprehensive agreement on all offensive and defensive weapons which will keep the two countries in about the same relative strength they are in now. We know the talks will be long and complicated, and they may not succeed.

But the risk of talking is far smaller than the risk of not even trying for an agreement.

MARTIN, TENN., ONE OF "NINE HAPPY PLACES" TO LIVE

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. JONES of Tennessee. Mr. Speaker, in its December issue, Esquire magazine included a story entitled "Nine Happy Places." One of the towns featured was Martin, Tenn., located in the northern portion of the Eighth Congressional District. This selection is evidence of the insight, wisdom, and consummate good taste of Esquire.

I have many friends in Martin, and as a young man I attended college there. Over the years, I have come to love and respect the town, almost as much as if it were my own hometown.

The article recognized the civic pride of the community and called attention to some of its traditions, such as Doug and David Murphy's annual 'coon supper and Patrolman Hood's colorful speech. However, it overlooked some of the

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town's better-known landmarks, such as the old Sebastian place, the Alpha Gamma Rho House, and the Do Drop Inn. Also, I cannot understand the omission of some mention of the high school's 42 consecutive football victories and the University of Tennessee at Martin's Tangerine Bowl victory a few years back.

Esquire was certainly wise in selecting Martin as one of the nine truly happy places in America. Moreover, I am inclined to believe that, had the magazine not been obliged to maintain a geographical balance, it would have selected the other eight communities from the Eighth Congressional District, where happy places are the rule rather than the exception.

PERSONAL TRIBUTE TO JACK MARSH

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

December 16, 1970

Mr. FUQUA. Mr. Speaker, the 435 men who are permitted to serve as Members of the U.S. House of Representatives quite often form warm personal friendships among that number.

Such is the case with me in referring to Representative JOHN O. MARSH, JR., of Virginia, as he retires from service in this body after four terms. This is a personal loss to me, for JACK and I came to the House together and he is among the warmest friends I have made in that service.

JACK has a special quality that endears him to his friends and I feel that he will again serve in public office in the years ahead, for he has the ability and those special qualities which those who know him respect and admire.

I was very sorry to learn that he had decided not to seek relection and felt then, as I do now, that I would sincerely miss the dedication and energetic approach he brought to each task he approached.

JACK MARSH is one of those rare individuals who give of themselves unselfishly and boundlessly. Typical was his service in the Jaycees for which the Virginia Jaycees designated him in 1959 as the "Outstanding Young Man in Virginia."

He has been the recipient of the distinguished service medal by the Virginia Department of the American Legion as well as serving in the Veterans of Foreign Wars, National Guard Association of the United States, American Bar Association, Masons, Phi Kappa Psi, Omicron Delta Kappa, and numerous others.

Typical of his dedication was his service in World War II when he was commissioned at the age of 19 and today serves as a lieutenant colonel in the Virginia National Guard.

A graduate of Washington and Lee University, he is a member of the Virginia bar and I might add a highly respected attorney. He is an elder in the Strasburg, Va., Presbyterian Church.

Upon his election to Congress, he was named to the Interior and Insular Affairs Committee along with the Veterans' Affairs Committee. Later he was named to the Appropriations Committee and has rendered distinguished service at each step along the way.

His wife, Glenn Ann, has shared this life of service and I have the highest regard for this gracious lady.

My tribute to JACK MARSH is not, however, based as much on his distinguished record, as I know all Members of the House recognize. It is rather that he has been a good and close friend. I look forward to that friendship continuing through the years ahead.

I know that my life has been enriched by this friendship and opportunity to serve with him. I feel that this Nation is richer for his having served his State and Nation so well.

HOUSE NEEDS TO REGISTER ITS OPPOSITION TO SMUT REPORT

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. DULSKI. Mr. Speaker, in order for us in the House to make it unmistakably clear that the conclusions of the President's Commission on Obscenity and Pornography are not those of the Congress, I have introduced a resolution today calling for the rejection of the Commission's findings.

Indeed, and really more importantly, I feel we should make it clear that the conclusions of the President's Commission are not the law of the land.

There are countless reasons underlying the necessity for this step.

First, there is a tendency among certain law enforcement agencies to downgrade and, in some cases, even to ignore the law when there is reason to believe that the law is outdated and may be repealed or modified.

This tendency, while not a proper basis for law enforcement, is somewhat understandable.

The shortage of prosecutors and police has become acute in recent years at the same time that their workload has grown tremendously as a result of increases in all categories of crime.

CONGRESS ASKED TO HELP

In fact, the Congress has been asked to help these agencies, at all levels of government, by appropriating moneys to increase not only technological aid, but also their manpower capabilities in order to maintain viable law enforcement agencies.

To date, however, the shortage remains acute.

This lack of manpower and resources has resulted in a tendency to devote less time towards initiating criminal prosecutions against pornographers.

A further contribution to this tendency to reduce emphasis on pornography prosecutions has been the series of court decisions which have negated some fine work by these agencies in obscenity cases.

Who then can blame police and prosecutors who tend to rationalize that "the courts will dismiss this matter" or "it looks like the law will be changed anyway"?

NECESSITY TO STATE POSITION

In this light it is essential for us, as lawmakers, to reaffirm our position that there is no place in our society for smut and filth.

Further, we should make clear that our intentions are to strengthen antiobscenity laws, not repeal or relax them. In this manner we will not only offset any tendencies to reduce prosecutions but also will lend strong encouragement to law enforcement agencies to reverse their approach and become more aggressive.

It is important to understand, too, that this problem may be compounded further.

When interpreting present law, the courts may base their findings on the erroneous and inconclusive direction taken by the Commission.

Indeed, it has come to my attention that less than 2 months ago the U.S. District Court for the Western District of Wisconsin ruled a city ordinance unconstitutional, virtually restating the majority position of the Commission.

The case involved an alleged lewd performance in a nightclub in violation of a city ordinance in Madison, Wis.

USED REPORT AS BASIS

Thus, in the first case to my knowledge, it would appear that the conclusions of the Commission have been used as a basis for a legal decision.

Lest this decision open the floodgates of similar disastrous legal opinions, I believe it imperative that the House act promptly to state its position.

The House needs to make it clear that until such time that laws are enacted, the conclusions of the Commission are merely the opinions of a less than unanimous group and as such have no legal status.

The Commission's report has no basis in present law and is not the law of the land.

Mr. Speaker, I am proud of the work my committee has done in the enactment of legislation regulating the flow of pornography through the mails. These landmark laws have contributed greatly in stemming the tide the smut peddlers have inflicted upon the American public.

NEED FOR PROMPT ACTION

It is with a sense of urgency that I introduced this resolution today.

So long as the conclusions of the Commission lack adequate documentation, I believe we must reject them firmly so there is no question about their lack of stature.

In fact, even the majority of the Commission admits in its report that their findings are not conclusive when they state:

> The Commission's effort to develop information has been limited by time, financial resources, and the paucity of previously existing research. Many of its findings are tentative and many questions remain to be answered. We trust that our modest pioneering work in empirical research into several problem areas will help to open the way for more extensive long-term research based on more refined methods directed to more refined questions.

The Commission's own words, therefore, make it imperative that these findings, with self-admitted deficiencies, are not used as a basis for future court decisions or as an excuse for less vigorous law enforcement.

I strongly urge that my colleagues join with me in supporting my resolution and thereby affirmatively reject this report of the President's Commission.

SHENANDOAHANS PRAY FOR BETRAYED

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. YATRON. Mr. Speaker, like many of my colleagues in the House of Representatives, I was appalled to learn about the denial of political asylum to a defecting Lithuanian sailor in the waters off Martha's Vineyard.

The seaman, a radio operator on a Soviet fishing vessel, made a dramatic and courageous leap for freedom.

Everyone is painfully familiar with the subsequent chain of events. The seaman was forcibly returned to the Russians, who boarded the American cutter *Vigilant* with the permission of the Coast Guard. He was then beaten by his captors while American seamen stood idly by.

This disgraceful episode stands in sharp violation of American tradition and international law. It has triggered a wave of protests and demonstrations from coast to coast.

Mr. Speaker, the priests of St. George's parish and members of the Lithuanian community of Shenandoah, Pa., under the leadership of Rev. Msgr. Joseph A. Karalius, recently held a Mass and public prayers on behalf of the victim of this tragedy. I include an article from the Shenandoah Evening Herald of December 9, entitled "Shenandoahans Pray for Betrayed," in the RECORD at this point:

SHENANDOAHANS PRAY FOR BETRAYED

Priests of St. George's parish and Lithuanian leaders in Shenandoah joined in a public expression of gratitude for the outburst of prayers for the seamen whose faith in the United States was betrayed.

Not only was the church overcrowded for the special Mass celebrated but groups have organized into prayer units in devine supplication for Simas Grudza.

This young man fled a Russian ship at Martha's Vineyard, Mass. and pleaded for asylum in the United States but was forced by the U.S. Coast Guard to return to the Soviet Ship.

On the afternoon of Nov. 23 the Lithuanian seaman made a dramatic leap for political asylum. A radio operator, Seman Grudza hurled himself across a ten-foot gap from the Soviet vessel, The Sovetskaya Litva, to the deck of the Coast Guard cutter Vigilant.

About ten hours later, after a series of ship-to-shore radio exchanges, Grudza was forcibly returned to the Soviet ship. According to witnesses he was beaten severely by the Russians while American seamen watched.

A civilian who was aboard the Vigilant, said that "Simas pleaded with the Americans to let him stay. He was crying 'help' and begged them to save his life. But the captain said he was following "orders."

This was the incident that prompted the Mass and public prayers in Shenandoah. It has led to many demonstrations in various cities and centers throughout the country. It has raised questions over a possible violation by the United States of the Geneva Convention protocol on political asylum.

About 100 gathered in Times Square, New York, where they protested a denial of political asylum. Similar demonstrations were reported in Boston, Philadelphia, Cleveland and Chicago. Many wore black armbands and carried signs reading: "Is State Department trading fish for human lives?" and "Russians and Coast Guard kill brave Lithuanian sailor."

When Grudza tumbled onto the deck of the cutter he was carrying a variety of papers, letters, his wife's picture and his passport.

Robert Brieze, president of the New Bedford Seafood Products Association, said Grudza was "known to have two children and he speaks English, German, Russian and Spanish as well as Lithuanian."

Captain Ralph E. Eustis, in charge of the cutter, said he received orders from Admiral Ellis to return the Lithuanian. Four Russian seamen got permission to come abroad and take him back. While Grudza prayed and pleaded on the deck he was seized by the Russians and beat up. Although bloody and sore he managed to break free and ran up on the deck. In the darkness it was believed Grudza jumped overboard. Actually he hid in the cutter's recesses.

The Russians found him and bound him hand and foot and kicked and beat him until he was unconscious. They were then lowered, with their prisoner, and returned to the Soviet ship.

Brieze said: "During all this time not one American sailor, or civilian, went to the aid of the Lithuanian, even though what they had seen was against their grain."

Lithuanian groups have expressed determination to draw public attention "to this outrage."

The New York Times in an editorial "Land of the Free" called it one of the most disgraceful incidents ever to occur on a ship flying the American flag. "It flouts the American tradition of granting political asylum and it may constitute a violation of the Geneva convention on refugees."

Many organized groups have appealed directly to President Nixon. They want answers and they want a thorough investigation of an incident they claim "stinks more than the fish they were talking about on the ships."

Edith Kermit Roosevelt, in her column in the Philadelphia Bulletin, asked if "forced repatriation of defectors is now U.S. policy."

The conference of the two ships was on fishing off the Atlantic Coast, a subject of continuing Soviet-American controversy.

According to an article sent out of Washington the President was furious when he heard the news. As vice-president, Nixon had taken the cold war with the Communist bloc as a personal crusade. The three officers most closely associated with the decision to deny asylum were relieved of their duties, pending the outcome of an official investigation.

The three officers are Rear Adm. William B. Ellis, commander of the Coast Guard First District; Capt. Fletcher W. Brown, his chief of staff and Comdr. Ralph W. Eustis, master of the cutter.

Article 33 of the 1951 Convention Relating to the Status of Refugees, commonly known as the Geneva Convention, states: "No contracting state shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened."

The inspirational leader in the Shenandoah area in prompting prayers and public protests is Msgr. Joseph A. Karalius.

PURE DRINKING WATER

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. ROBISON. Mr. Speaker, an article appearing in the winter 1970 edition of Water Spectrum, a Corps of Engineers publication, is a most informative and incisive analysis of one very real national need: Clean water. That article, "Where Now, Clean Water?" was written by Dr. David J. Allee and Dr. Leonard B. Dworsky, the associate director and director of the Cornell University Water Resources and Marine Science Center, respectively. I would like to take this opportunity to commend these two gentlemen for their fine work and their outstanding contribution to both Cornell University and the science of water resources.

The article points to the need for immediate action to provide our citizens with an adequate supply of pure water. In the words of Drs. Allee and Dworsky:

> Now that the policy trends initiated some years ago for water quality are reaching a stage of maturity, it is time to start some new trends that will allow the practical integration of the whole water field. Achieving clean water will depend upon it.

If I might use a phrase more commonly associated with those under 30, "Right On!"

The article follows, and I commend it to my colleagues:

WHERE NOW, CLEAN WATER?

(By David J. Allee and Leonard B. Dworsky)

What needs to be done to solve the water pollution problem? Not more talk. We have been preaching coordinated, comprehensive, urban regional and river basin related action long enough. Now we need the Federal and/or State leadership to go do it. But it will not get done unless we recognize and put to use more of the approaches available in our public policy tool kit.

We have permit and enforcement powers that aren't fully used. Project planning and construction approaches that work for channels and dams should work even better for sewers, storm drains and treatment plants. Regional decision making, operating and financing arrangements now used for irrigation, flood control and water supply must be explored for water quality. For the affluent Nation, water quality should be as much a development objective as water supply.

Years ago it was recognized that piecemeal approaches to development were wasteful and ineffective. By one device after another attempts to correct this have been made for the so-called "construction programs." Not the least of these was the Water Resources Planning Act of 1965 and the Water Resources Council. Now that the policy trends initiated some years ago for water quality are reaching a stage of maturity, it is time to start some new trends that will allow the practical integration of the whole water field. Achieving clean water will depend upon it.

Alarmed, concerned and optimistic. We should be alarmed and concerned about the degradation of the Nation's aquatic environments; yet optimistic about the future. More of the same, in effective experience of the past, cannot be tolerated. It is time to reappraise, to restructure, to expand the capacity to act. The problem is less with what is being done than what is not being done to manage water quality.

XUM

We should be alarmed by mercury, DDT and other chemicals; by the municipal water supplies of questionable quality even by yesterday's standards; by shotgun investment patterns; and by the gaps in our knowledge and awareness that cause us to grope toward solutions.

We should be concerned that the recent changes in Federal water pollution control funding and organization will not be followed by the significant additions to program and governmental action which will be necessary and would be accepted. In particular the Nation's approach to the planning and development of its internal improvements should again be reassessed and restructured in response to the challenges of waste management in a now affluent society. None of the major water development agencies which have helped achieve that affluence can be allowed to have only minor roles in this effort. For example, under the new interpretation of the old navigation oriented Refuse Act of 1899, the Corps of Engineers has some of the most far-reaching waste management enforcement powers of any agency in the Federal Government. We should be concerned that this potential may not be combined with the other roles and experience of the Corps. This experience includes comprehensive hydrologic planning and hydrologic interpretations, including streamflow regulation for multiple purposes—ranging from navigation to recreation to low flow augmentation for water quality enhancement, and particularly in managing complex multipurpose development programs.

We should be optimistic. The authors first made tentative proposals for just this kind of restructuring in 1965 and 1968. Since then the evidence of its need has increased. And the signs are favorable that both the public and our several governments would accept such a shift. Many others have examined a number of questions posed in the achievement of high quality aquatic environments. There is a growing understanding of technology, both as to cause and to the correction of the degradation of water quality; of organization, both to gain the economies and to gain the greater effectiveness of regionalization; of evaluation, both to set priorities between the many actions that could be taken and to suggest new policies and programs.

Whether it is in the General Accounting Office reviews of the Federal water pollution control construction grant program or in the speeches of congressional leaders or in the first annual report of the Council on Environmental Quality, there are signs of a readiness to make one of those shifts in policy and structure that has characterized the Nation's response to such opportunities. In particular the legislative process seems ready to focus on the need for reassessment and restructuring. For example one of the first bills to authorize specific action by the new Environmental Protection Agency is suggestive. The Pure Drinking Water Act introduced by Congressman Howard Robison of New York is in direct response to the recent Department of Health, Education and Welfare's Community Water Supply Study which found that of those systems studied:

41 percent were delivering water of inferior quality;

50 percent could not recall any outside inspection of their facilities ever;

79 percent had not been inspected in the past year.

As Mr. Robison said in introducing the bill, "Current drinking water standards do little more than mention viruses, neglect numerous inorganic chemicals which are known to be toxic to man, and identify only one index that is supposed to cover the entire family of organic chemical compounds. These standards must be undated."

This bill and the events that surround it are in the tradition of congressional reassessment and restructuring of Federal programs to better meet pressing national problems. Local and State governments have been given every chance to act and now a new but restrained Federal facilitating role is proposed. Frederic Cleaveland and his associates in a 1969 Brookings Institution report, "Congress and Urban Problems," detail a number of cases similar to the one at hand. Included in their exploration of the functioning of the Congress and the nature of urban problems is an examination of the process of water pollution control legislation in the Eisenhower and Kennedy periods. It is clear to us that the emerging three part Federalism, where cities are more effectively joining in the State-Federal partnership to deal with the urban and the environmental crises, requires some drastic reshaping of old approaches. Not the least of these is to put the water resource development agencies into a posture where they can deal with a wide range of interrelated urban resource problems on an urban region basis. The creation of institutional arrangements for urban regions must be given as much attention as the design of the improvements that can be more effectively operated on that basis. Resource development agencies must see the urban region as a necessary unit of action. The urban region will be as useful a focal point as the river basin has been in the past, if not more so.

Setting Realistic Goals. Progress has been made during the last 15 years but it has been offset by a rising tide of public expectations. Professionals in the water field must help the public adjust their expectations to real world solutions; help public leaders understand what is "promisable;" and work hard to help them deliver on the promises. A large part of water pollution is controllable now at an acceptable price.

But water clean enough to meet current public expectations will not be achieved within the next 5 years. The addition of unneeded further strains on an overburdened society need not happen if professionals share with the public a realistic appraisal of what is possible during the seventies. During the first half of the seventies we should be able to count a number of specific gains if we make some needed changes in our approach to water pollution control. Gains can include, for example:

The removal of gross pollution from all municipal and industrial waste outlets, resulting from the installation of secondary waste treatment facilities or its equivalent.

Demonstrating the use of advanced waste treatment technologies in 15–20 percent of municipal waste systems.

Demonstrating control of total pollution on a regional-systems basis in 20 percent of the Nation's 225 sub-basin areas.

The gradual reduction of DDT and other hard pesticides, and of detergents to acceptable limits if strong measures are instituted to ban their use or provide non-polluting substitutes.

A recognizable reduction in the rate of deterioration of inland water bodies like the Great Lakes.

Substantially increased effectiveness in managing waste heat from electric power and industrial sources.

Improvement in the control over oil exploration, production, transportation and use.

In order to achieve these and other gains, marked changes are needed in the national water pollution control program. The following points represent some of these needed changes.

Federal Jurisdiction Over All Navigable Waters. The Federal Government should enforce pollution control in all navigable waters of the United States, either in cooperation with the States or by itself. Federal jurisdiction over all the navigable waters of the United States for pollution control purposes has been delayed too long. The Refuse Act of 1899 contains such jurisdiction. But for 36 years from 1912 to 1948 no change was made in national policy for the Federal Government to accept responsibility for enforcement of other water pollution control (except for the Oil Pollution Act of 1924). The shift from total State enforcement was initiated in the Water Pollution Control Act of 1948. By amendments in 1956, 1961, 1965, 1966 and 1970 the Congress has very gradually placed a greater share of pollution control under Federal authority.

Full Federal enforcement authority over all the Nation's navigable waters was proposed by President Johnson in 1966. President Nixon is again proposing this action in the current amendments now being considered by Congress.

The Allocation of Federal Financial Aid and the Determination of Project Priorities. The Federal construction grant allocation procedure should be extensively revised. The revision should include an improved selection and assurance of a greatly improved program of reporting by the Executive Branch on project planning and project completion. Congress, through its Public Works Committees has a long experience in this procedure. A comparable arrangement, carefully developed to avoid criticism over "logrolling" tactics should be established for water pollution control processes. Program planning and budgeting techniques are available which could go a long way toward avoiding such criticism.

The history of water pollution control in the United States is characterized by "piecemeal" control procedures. In very few, if any, places in the Nation can it be claimed that water pollution in a significant water body has been effectively controlled even though substantial investments have been made in pollution control facilities. An analogous situation would be the construction of only half dams on river systems by dam builders.

For 22 years (1948 to 1970) the Congress has supported in principle this system of piecemeal development of pollution control works and for 14 years (1956 to 1970) appropriations have been spent under this system. In providing financial aid to communities to construct pollution control works the Congress established a formula under which the monies were allocated to the States. The formula has been based upon population (50 percent) and per capita income (50 percent). Monies allocated to the States are then further allocated by the States to projects within each State, the priority of projects determined by a procedure developed individually by each State.

In theory, the Congress established a requirement to insure that the funds expended would be used in a planned manner to achieve effective pollution control in Section 8(b)(1) of the Federal Water Pollution Control Act.

In practice the requirement of approving a project within a comprehensive program has never been effectively utilized even though resources in excess of $100 million have been spent in search of comprehensive programs since the inception of the act. In addition, State approval of projects has more usually been granted on the basis of when a project is ready to go to construction rather than as part of a logical plan to bring pollution under control in a specific region in a specific time period.

It is time to redesign this system. It has not produced the results desired and the General Accounting Office, Congress's own watchdog over expenditures, has indicated this in a recent report.

Regional Water Quality Management Programs. A series of regional water quality management studies as demonstration projects should be initiated. Most recently the proposal to select one or more regions to demonstrate what can be done with full use of technology and organization was made in the first annual report of the Council on Environmental Quality. Many river systems, subriver systems, large metropolitan areas, estuaries and the like can best be managed as a single entity to control pollution. Political boundaries and the difficulty of achieving cooperation among large numbers of governmental bodies have been major obstacles to the development of such management arrangements. In addition, such obstacles have kept us from applying our full knowledge in science, technology and management skills to control water pollution.

An initial step in developing this process is to move toward a new type of client-planner relationship that can provide for the development of a regional water quality plan by an appropriate planning-engineering agency (public, private or a combination thereof) under the authority of an appropriate client (State, Federal Government, other) that has or can assume responsibility for the entire region.

Laws presently available in New York, Ohio and Maryland (and in Ontario in Canada and proposed in Pennsylvania) provide for the State to act as a client for a region, and to employ a planning-engineering agency for the development of a regional plan. The Federal Government under the usual planning authorization process employed by the Public Works Committees of the Congress, can also authorize a planning program for a selected region using a Federal construction agency in cooperation with the Federal Water Quality Administration. An analogous arrangement in part already has been initiated by the Congress under the Northeast Water Supply Study through the Corps of Engineers. In addition, River Basin Commissions under the Water Resources Planning Act of 1965 or organizations like the Delaware River Basin Commission can be useful instruments for planning model regional water quality control agencies.

It must be understood that the development of a regional management plan for quality control does not by itself insure the acceptance or adoption of the plan. Appropriate negotiations will be required among the Federal Government, the affected States and the local communities concerned to reach agreement on the implementation of such a plan. Indeed, the plan should embody such agreement. Federal Government leverage can consist of the use of its various construction funds, its technical assistance program and other powers, including enforcement. Much deeper analysis of this kind of negotiation is needed.

Planning an Effective National Pollution Control Program. The collection of detailed information concerned with the industrial contribution to the national water pollution problem should be authorized in order to effectively plan a national water pollution control program. Planning a national water pollution control program requires that information be available about the problem in such terms as sources of pollution, location, name, number, characteristics, amounts and effects. Reasonably good information is available about municipal sewage and waste water contributions. Unfortunately, and nearly incredibly in 1970, the national water pollution control program has no effective procedure to gather data on the industrial component of the national pollution problem. In the absence of such data, it is apparent that we do not have nor can we effectively plan for a well designed national program. Data in recent Federal reports suggest that organic, industrial wastes may amount to three times the volume of domestic wastes and yet may cost only one-third as much to prevent.

The fault does not lie with the Federal Water Quality Administration. The operating program as well as the program by the predecessor agency in the Public Health Service has sought, for nearly a decade, authority to establish a procedure to gather such data. The Congress and the Executive Office of the President have full knowledge about the problem. The case for action has been extensively explored by a Committee on Government Operations Subcommittee headed by Congressman Robert Jones of Alabama. A report by the Jones Subcommittee pointed out nearly 2 years ago that if effective voluntary action was not taken to gather such data, the Congress should enact necessary legislation. A voluntary program is not what is called for today and the time is overdue for action on this matter. Might not the 1899 Refuse Act be used as basis for the registration and reporting of all industrial waste discharges? It could and should be so utilized if the devices prepared can be agreed upon.

Consolidation of Water Supply and Waste Water Service Functions in Local Government. The water supply and waste water utility services of local government should undergo a program of consolidation and reorientation. There are approximately 35,000 local water and waste water organizations in local governments in the United States. In many places, primarily where a number of communities exist side by side, such organizations should be consolidated and their services reoriented to operate essentially self-sufficient utility services comparable to electric, gas and telephone utility services.

State government should play a major role in this effort by:

Establishing a State regulatory agency (or strengthening an existing agency) whose responsibilities would include (1) the establishment of appropriate water and waste water service areas without regard to political boundaries; (2) the review and ultimate control over a rate structure that would provide for the maintenance of service to meet public needs, established standards of quality and other objectives including that of meeting future growth sufficiently in advance of needs.

Obligating such utility services to be legally liable to provide the services and to meet the objectives for which they are established.

The Federal Government should develop its cost sharing, planning, technical assistance and construction programs for internal improvements to facilitate such consolidation. It must also provide the incentives and means for the accomplishment of multiple objective investments by such consolidated utility service units and insure the achievement of related indirect benefits.

Technology Assessment. A national program of technology assessment should be established to insure, to the degree currently feasible, the minimization of consequences harmful to man, plants, animals and other natural bodies as a result of the introduction of materials, machines or practices by science, industry, technology or other activities of man.

This is a problem that is receiving considerable attention by the Congress and by the Executive Branch. In relation to the national water pollution control program it is essential that a vigorous attempt be made to assess the consequences of man's actions on the water resource in order to eliminate problems such as those resulting from the use of DDT, detergents and mercury.

Unless a program of assessment is initiated it can be stated with a high degree of assurance that more situations having very grave consequences on man and the natural ecology of earth will occur. It can be accepted that a satisfactory and effective program will not be developed easily or soon to carry out such an assessment program. It is important, however, that a start be made immediately in order to provide an operating base and to initiate a program of improvement.

PEP PILL QUOTAS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. WALDIE. Mr. Speaker, the amphetamine pill issue is one that gives me great concern. While the Congress did not feel that an amendment placing a quota on the production of these pills was necessary—at least as proposed by the Select Committee on Crime—I maintain my belief that this quota must be enacted.

I would at this time, Mr. Speaker, place in the RECORD an excellent article on this subject written by Mr. Robert Jackson of the Los Angeles Times.

The article follows:

CONGRESSMAN WANTS QUOTA ON PEP PILLS

(By Robert L. Jackson)

WASHINGTON.—A new congressional battle is shaping up over whether drug companies should be forced to curtail their production of amphetamines, the stimulants known to young addicts as "speed," pep pills and "bennies."

The drug industry is lobbying against the proposal, which is being pushed by leading members of the House Crime Committee.

These members are hoping for action in the closing days of this session. If not, they plan to renew their battle early next year.

At stake, according to those who advocate production quotas, is the health and well-being of thousands of potential addicts, some of them high school students.

Committee Chairman Claude Pepper (D-Fla.), who is leading the drive for quotas, said 8 billion amphetamine pills are manufactured each year in the United States.

FORTY PILLS EACH

This represents such a vast overproduction, Pepper said, that the figure is equal to 40 pills a year "for every man, women and child in this country."

Since the manufacture of amphetamines is largely in the hands of four New York companies, Pepper's proposal would direct the U.S. attorney general to establish production limits "upon the advice and counsel of the secretary of health, education and welfare."

Pepper, whose committee held extensive hearings last year in California and elsewhere, said 50 percent of these 8 billion pills "go into illict channels of trade."

"They are not subject to any regulation," he said. "Limiting production by a quota system is the best way to get control."

Some major drug companies do not see it that way. They argue that rigid quotas for amphetamines would not eliminate drug abuse, and could impose a hardship on legitimate users of these drugs. They say only fly-by-night firms sell to customers they do not know.

ILLICIT TRADE

"Even zero quotas do not prevent illicit drug trafficking," said Phil Jahle, Washington representative for Smith, Kline & French Laboratories, a major amphetamine producer.

"And quotas have no meaning with respect to the operations of clandestine manufacturers," Jahle said.

William Patton, assistant general counsel for the Washington-based Pharmaceutical Manufacturers Assn., added, "Companies are generally opposed to the enactment of production quotas. They see them as not necessary and difficult to administer."

Rep. Jerome R. Waldie (D-Calif.), a committee member who has joined Pepper in the drive, said the legitimate need for amphetamines "does not exceed several hundred thousand pills annually" far below the billions being produced.

"When we balance the equities, as to any inconvenience which might occur to the drug manufacturers as against the definitive tragedies no one argues about, the situation demands action." Waldie said.

CRIME PROBLEM

Another California committee member, Republican Rep. Charles E. Wiggins, said the abundance of amphetamines "is creating incalculable problems—crime problems and social problems." Producers of this drug "have not practiced any self-restraint, have not limited production," Wiggins said.

Committee hearings showed that a Chicago manufacturer shipped 1.2 million amphetamine pills to an unknown consignee in Mexico. Investigating the transaction, federal agents found the consignee's address was actually the eleventh hole of a Tijuana golf course. The pills had gone into the black market and are believed to have been widely distributed in Southern California.

Amphetamines—and there are various types—are legitimately used to control narcolepsy, a chronic sleepiness, and hyperkinesia, a behavioral disorder in children. They may also be used in controlling weight.

But committee members contend only a fraction of the amphetamines currently being produced are needed for these legitimate uses. They suggest that some producers may be overly concerned with profits from larger sales.

LENGTHY "HIGH"

"Speed freaks," or those who become addicted to amphetamines or methamphetamines, either orally or through injections, can live on a "high" of feverish excitement for days.

But psychotic reactions or brain damage may develop later, sometimes leading the victim to commit crimes, some authorities say.

The Nixon Administration has withheld support from Pepper's quota proposal, arguing that the Justice Department could impose controls on an administrative basis. But Pepper contends that in the absence of legislation, administrative procedures would face legal challenges, a process that could take years.

The Justice Department's bureau of narcotics and dangerous drugs is not ready to recommend production quotas for amphetamines "at this time," its director, John E. Ingersoll, wrote Pepper.

"We are still in the process of gathering all the information on these myriad drugs and their combinations," Ingersoll said.

SENATE PASSAGE

Despite the Administration's coolness, the Pepper proposal passed the Senate in October by a vote of 40 to 16, under the sponsorship of Sen. Thomas F. Eagleton (D-Mo.).

But—largely because of drug industry lobbying, according to Pepper—the measure was killed by House conferees in a closed-door Senate-House conference committee. Pepper is currently drumming up new support among House members and is exploring ways of getting the proposition to a vote on the House floor.

"The drug lobby had people all over the Capitol," he said.

The Pharmaceutical Manufacturers Assn., which Pepper said is coordinating the opposition, has a 70-member staff in Washington and a budget of $3.6 million a year. It represents 125 member companies in the prescription drug field.

Patton, the PMA assistant general counsel, said his group has been "very actively involved" in helping to draft drug abuse control legislation. But he denied that any specific lobbying has been waged, as an organization, against Pepper's proposal.

He conceded that most major manufacturers are against the measure.

AN AMERICAN REMEMBRANCE

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. McDADE. Mr. Speaker, if there is any tradition which is more American than any other, it is that which keeps alive in our memories those who have gone before us, who shared in the building of this great nation. In a moving manner, a man called Ed O'Brien took pen in hand to write a prose elegy and a tribute to another man who would always be part of his life. I commend it to the reading of my colleagues:

My Brother Bill

He was seven and I was eight when we became pardners. I had bought six duck eggs from Ben Levan; three white and three blue duck eggs. I set them under a setting hen and told Bill if they hatched, he could have "half." That started our pardnership, because they all hatched. We were pardners over 50 years.

From then on it seemed that everything we set "hatched" for us. We had the first hotdog stand between Elmira and Binghamton and many of you, our friends, remember the old stand. Then our two places you remember on Broad Street, O'Brien's Cabin Diner and the Terminal News.

Later, Dad thought a place on top of Waverly Hill would be good. This, of course, grew to be the now famous O'Brien's Inn. But to thousands over the northeast, it was known as "Ed and Bill."

A little over three years ago, Bill decided to do some traveling and he sold out to me, even talked of retiring. But while in the sunshine of Florida he got an outstanding offer from the Holiday Inn chain. With them he went on to new success . . . and was in Oklahoma, Ohio and was just waiting to take over a new Holiday Inn in Detroit, Michigan.

So Bill went away from Waverly Hill, and after so many years together, I sure missed him and was bound to be lonesome, and, believe me, I was. But we kept in close touch.

He was here with me about a month ago—looked great. He saw the "Ed & Bill" pictures where they always were and where they'll always stay.

But shortly after Christmas, he called me one night, he was alone, in his apartment and got thinking about me. We chatted "old times" for about 20 minutes on the phone. We recalled funny things over the years that can and did happen to brothers and pardners. We laughed as we recalled those happy things, silly things, serious things down through the years. When Bill was in Florida this past January, he would send me cards from different points of interest and we kept close.

Then early, very early, the other morning, the phone rang. It was all over, Bill was gone to his real home, the one we all hope to enjoy someday. No more phone calls and cheery "How the hell are you Ed?" No more visits from Bill. Life sometimes seems long, but, it is, oh so quick! So short!

I know Bill would want to say to all of you, but I will say it for both of us: "Thanks a million for all you have done for us . . . for Ed and Bill . . . thanks to you, our friends in the valley and to our friends for miles around. Thanks for all you have done through the years.

O'Brien's Inn with your continued help will reach new heights, new glories. But in my soul, my heart, and in my mind, it will always be known as "Ed & Bill."

COUNCILMAN MARIO POLVOROSA

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. MILLER of California. Mr. Speaker, the California State Senate recently approved a resolution, a copy of which I include at this point in my remarks, commending San Leandro City Councilman Mario Polvorosa for the leadership that he has exercised in the field of public service. Mr. Polvorosa, known to his intimate friends as "The Wheel" has had a distinguished career which is typically American. He started from scratch and is now a responsible member of the city council of one of the most progressive cities in our country.

Resolution of the Senate Rules Committee

(By Senator Lewis F. Sherman)

Relative to Commending Councilman Mario Polvorosa

Whereas, Mario Polvorosa has been cited by the San Leandro Morning News for his many contributions to the City of San Leandro; and

Whereas, The people of San Leandro have shown their confidence in Mario by twice electing him to the City Council since his first appointment in 1965; and

Whereas, Councilman Polvorosa, "The Wheel," has twice been mentioned in the Congressional Record for his part in obtaining 150 pints of blood for a hospital patient and for his other outstanding accomplishments; and

Whereas, Finding that state legislation was needed to implement his proposal for automobile safety, this resourceful man took the time and trouble to shepherd a bill through the legislative committees to the Governor's desk; and

Whereas, Councilman Polvorosa was named Chamber of Commerce "Man of the Year" in 1967 and 1968 and was honored as "Citizen of the Day" by radio station KABL both this year and last; and

Whereas, He has served with distinction in many other organizations, including the San Leandro Boys Club, the San Leandro Girls Club, the U.P.E.C., and the March of Dimes; and

Whereas, His engaging personality and innate selling ability have sparked highly successful fund-raising efforts for many worthwhile community projects; now, therefore, be it

Resolved by the Senate Rules Committee, That the Members do commend Councilman Polvorosa for his devotion to the people of his community and wish him the greatest success in his future efforts on their behalf; and be it further

Resolved, That a suitably prepared copy of this resolution be forwarded to Councilman Mario Polvorosa.

Senate Rules Resolution No. 233 adopted October 13, 1970.

Jack Schrade,
Chairman.
Lewis F. Sherman,
Senator, Eighth District.

VETO OF EMPLOYMENT AND MANPOWER ACT OF 1970

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, President Nixon's decision to veto the Employment and Manpower Act of 1970 was undoubtedly a difficult one. At a time when the ranks of the unemployed are growing and the indicators point to an uncertain economic future, mere political expediency would have counseled acquiescence in a large-scale job creation program—no matter how slight its prospects for contributing to economic improvement or how great the attendant administrative and fiscal complications. But the President did not take the politically easy or attractive way out; instead, he applied the standards for manpower program reform that he laid out in his message to Congress of August 1969 and found the conference bill wanting.

Mr. Speaker, I commend the President for the forthrightness and political courage he displayed in this decision. By putting considerations of substantive policy ahead of mere politics, he demonstrated that there still is hope that the reckless proliferation of redtape, bureaucracy, duplication and confusion in our Federal grant programs can be reversed. And in the long run, I would remind my colleagues, the most significant thing we can do to ease our national ills is get our vast array of Federal programs rationalized, consolidated and decentralized before we open any wider the Federal appropriations spigot.

There are those, of course, who will intepret this action as indicating a lack of sensitivity in this administration for the plight of those who would benefit from these manpower programs. I would submit, however, that nothing could be further from the truth. In fact, it was a deep concern for the victims of empty promises and the bureaucratic shell game by which trainees are often shunted from one so-called training program to another, never seeing the light of day in the real job market, that led the administration to propose a drastic overhaul of these programs in the first place.

The bill approved by the House last month shared this concern and represented, I believe, a major step toward restructuring a vital component of our overall social policy in accordance with the tenets of the New Federalism. By not renewing the authorization for narrow categorical programs, and instead providing for broad grants to local prime sponsors for the development of a comprehensive manpower package attuned to local needs and job opportunities, the bill gave promising embodiment to one of the President's central recommendations.

Unfortunately, the conference bill sharply undermines and reverses this constructive movement toward reform. In parts B, C and D of title IV, most of the old categorical programs are given a new lease on life: The Job Corps, Neighborhood Youth Corps, New Careers, Operation Mainstream, Green Thumb, opportunities industrialization centers, are all extended as are such new programs as community environment services, Jobs for Progress and management training programs. The aim of the administration proposal and the House bill was to reduce the current staggering total of 10,000 separate manpower sponsors to a more manageable 300 or 400. However, with this reauthorization of the categorical programs, and the expanded public service title, it appears we are right back where we started with redtape, bureaucratic entanglement, and program fragmentation.

Mr. Speaker, a second undesirable provision of the conference bill is the deletion of the specific language in the House bill which required sponsors to set goals for moving trainees off federally subsidized jobs and into private or regular public employment. By not requiring that the Secretary of Labor reduce or cut off funds when sponsors fail to achieve progress toward placing the trainees in a self-sustaining permanent job, the bill opens up the back door to a vast and costly WPA make-work program. For it should not be forgotten that once hundreds of thousands or even millions of individuals become dependent upon these programs it will be very difficult to cut them off or even reduce the scale. As President Nixon noted in his veto message:

> WPA-type jobs are not the answer for the men and women who have them, for government which is less efficient as a result, or for the taxpayers who must foot the bill. Such a program represents a reversion to the remedies that were tried 35 years ago. Surely it is an inappropriate and ineffective response to the problems of the seventies.

Finally, Mr. Speaker, the conference bill severely undermines the occupational upgrading title which, in my view, is one of the most important innovations in recent manpower legislation. Until now the predominant thrust of our Federal training programs has been toward preparing marginal workers for entry level jobs. While this objective is a laudable and necessary one, it tends to have two undesirable effects: First, it increases the competition for the limited supply of this type of job, thus contributing to racial tensions in the working class community; and second, it fails to serve the pressing need of our economy for a reallocation of manpower toward the skilled and technical end of the job ladder. The House bill would have done much to remedy this lack of balance by providing to private and public employers aid toward 90 percent of the cost of retraining and upgrading current employees for skilled and technical positions. While the conference bill retains this provision in form, it in fact relegates the program to the prospect of very marginal funding by lumping it with title IV in the allocation formula. This means it will be forced to compete with established categorical programs, the summer youth programs, the research and development activities and job bank program for the 33 percent of the total funds made available for these purposes under the bill, making it quite likely that this innovative new program will have a very difficult time getting off the ground.

Mr. Speaker, I have suggested three major deficiencies of the conference bill which I believe constitute solid justification for the President's veto. I believe the President has made it perfectly clear that he fully supports the objective of expanded manpower training; but he also wants a program that can be administered effectively, that is responsive to local needs and job market conditions, and that accords with the New Federalism emphasis on decentralization and vitalization of local and State government. The manpower proposal that the President sent to Congress a year and one-half ago embodies precisely these aims and therefore deserves prompt consideration and early approval when the new Congress convenes.

WHITE HOUSE CONFERENCE ON CHILDREN

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. GOODLING. Mr. Speaker, the White House Conference on Children has been in process during the week of December 14, 1970, with 4,000 delegates from all of the States of the Union having been invited by President Richard M. Nixon to come to the capital city and discuss matters relating to the health, education, and welfare of America's children.

My son, William F. Goodling, superintendent of the Spring Grove area schools, was fortunate in being selected as one of the delegates to this conference. I asked him for his appraisal of its progress. Because his observations represent an interesting insight by one delegate into the functions, attainments and hopes of the conference, I insert them into the CONGRESSIONAL RECORD and commend them to the attention of my colleagues. His observations follow:

OBSERVATIONS BY WILLIAM F. GOODLING

Although the opening meeting of the White House Conference on Children on Monday morning began on a negative note, and although there were those in attendance who wanted it to remain that way, the majority of the delegates delved into the business of finding a way to help all children become literate, productive and happy citizens because they have that right and because we, as accountable adults, have the responsibility to see that this right is realized.

After much discussion, some of it heated and animated but nevertheless sincere, the delegates to the Conference have assembled recommendations which we believe merit a top priority when Federal priorities are considered, because the welfare of our children and that of our country are, in effect, synonymous.

It is the belief of the delegates to the Conference that the Congress and Administration will seriously consider our recommendations and, where the Federal Government is involved, add the momentum needed to implement them.

As one delegate, I would like to thank the Congress and the Administration for giving us delegates the opportunity to help work toward solutions for the problems confronting the children of America.

XUM

PLANE CRASH TAKES THE LIVES OF TWO OUTSTANDING SENIOR GOVERNMENT OFFICIALS

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. HOLIFIELD. Mr. Speaker, on November 25, 1970, two outstanding senior Government officials were killed in a plane crash in Nevada—Atomic Energy Commissioner Theos "Tommie" Thompson, and Col. Jack Rosen. In that crash our country lost two of its finest nuclear experts.

The loss of Colonel Rosen is particularly poignant to me because Jack served with distinction as a staff consultant to the Joint Committee on Atomic Energy from 1963 to 1967. His service to me as chairman and to all members of the Joint Committee was truly outstanding. He brought to the very demanding and difficult job of advising on nuclear matters, both foreign and domestic, a technical expertise and understanding of the complexities of the atom which greatly contributed to the effectiveness of the Joint Committee on Atomic Energy. His professional qualities were of the highest order; but, above all, Jack brought to the job a compassion and understanding for his fellow man which enriched all of us who worked with him. His sense of dedication, his effectiveness in solving the difficult problems and arriving at a beneficial solution to all—and always with a fine sense of humor—will be missed by all of us. His wife, Lorraine; his son and now the head of the family, David; his daughters, Loreda, Shira, and Rina can well be proud of the record of accomplishments of this distinguished American. We will miss Jack, and we are all a great deal richer for having known him.

At the memorial service there were three tributes, which more eloquently than I, expressed the impact that Jack Rosen had on our national security and his fellow man. I include eulogies given by Lt. Gen. Alfred D. Starbird, U.S. Army; Dr. Gerald Tape, and Rabbi George Vida in the Record at this point:

Eulogy by Lt. Gen. Alfred D. Starbird, U.S. Army, at the Funeral of Lt. Col. Jack Rosen

Colonel Jack Rosen's Army career was a remarkable blend of technical and military accomplishment with a warm understanding of others. Jack enlisted in the Army early in World War II, when he was just 19 years old. He saw service as a communications expert in the Solomon Islands, in the Philippine Islands, and in postwar Japan. When the tensions of war relaxed, Jack returned to the United States and resumed his formal education. In the field of Physics he earned a Bachelor of Science degree at the University of Chicago, and later his Master's in Science at the University of Illinois.

With that education barely complete, Jack returned to uniform during the Korean conflict to serve as an officer overseas in the combat area, again in the Army Signal Corps. He was awarded the Korean Service Medal, the United Nations Service Medal and the Bronze Star Medal. The Commanding General of the 24th Infantry Division, in awarding the Bronze Star, cited Jack's exceptional service as radio officer and as a Special Staff Officer on the staff of the Division Commander.

After his service in Korea, there followed a period of technical contributions in communications research and development at the US Army Signal Laboratory. Then, as a Company Commander from 1954 to 1957 he had responsibility for all Army micro-wave communications over a sizable portion of West Germany.

In 1957, Jack Rosen was selected for, and reported to the Atomic Energy Commission as a member—the youngest member—of its military staff. It was at this time that I first came to know him. All in the Commission and the staff very rapidly recognized his warm cooperativeness and understanding. They recognized his sincere dedication to his country and his technical professionalism. Personally, I came to rely heavily upon his ability to understand and resolve the most complex technical-military and diplomatic-military problems we faced. It was during this period that Jack served for a time as a technical representative with the United States Delegation to the Geneva Conference on Cessation of Nuclear Testing. There, as earlier, he showed a great appreciation for the need for a strong but peace-seeking America. He devoted his professional life then and later toward achieving these ends.

Jack brought to all with whom he came into contact an infectious enthusiasm—a source of inspiration to them. Devoted to his family, devout in his beliefs, he was at the same time a most practical executive and a practicing patriot. In the finest tradition of our country, he served in uniform for more than 20 years. His last military assignment, on the staff of one of the most important committees of the Congress, gave him the opportunity to serve his country in an even broader area of national affairs. In the name of the President of the United States, he was awarded the Legion of Merit for this service.

The nation is indebted to Colonel Jack Rosen. As he joins his comrades in arms here in Arlington we are the richer for having known him. We hope and pray that Lorraine and the children will find comfort in the knowledge of the contributions Jack made and the high purpose and benefit he brought to others. We who remain behind salute the memory of a distinguished soldier and an outstanding American.

Jack Rosen—The Later Years

(By Gerald F. Tape)

Jack Rosen served his country and his fellow men in many ways. By the time of his retirement from military service, he had participated in and contributed to the fostering of scientific research, the advancement of technology, the maintenance of national security and the promotion of progress and peace.

As Staff Consultant to the Joint Committee on Atomic Energy from 1963 to 1967, Jack earned the respect of the members and staff and of their colleagues in the Congress. His pursuit of factual information, his analytical acumen, his logical presentations and his command of language became his trademarks. He was advisor to the Committee on matters of nuclear weapons, disarmament, peaceful application of nuclear explosives, special nuclear materials, and physical research. Upon his departure from "the Hill" he received many accolades; he was recognized for his professional achievements and for his personal qualities. Chairman Holifield of the JCAE, most recently and in connection with the tragic accident involving Colonel Rosen and Commissioner Thompson, stated that they "were both outstanding scientists to whom our nation owes so much."

Upon completion of his assignment with the JCAE and his retirement from the Army in 1967, Jack joined the staff of the Atomic Energy Commission. I was personally most fortunate in having Jack as my Special Assistant and close associate. And yet, in many ways, he served the whole Commission—the Commissioners and the staff in Washington, and those in the field and in the laboratories. His enthusiasm, his sparkle and sense of humor were pervasive. His breadth of experience, his wealth of information, his common sense, and his appreciation of the needs and sensitivities of others caused his views and judgment to be sought out and widely respected.

Commissioner Thompson, as my successor, asked Jack to continue with him in a similar role, one which because of Jack's initiative, vigor and competence was ever broadening. Jack's service continued with the high degree of unselfish dedication and limitless energy which I had come to know and appreciate. Three weeks ago when the three of us returned together from Brookhaven, Tommie told me, as he had many times before, how grateful he was to have Jack as his associate. This close association and dedication existed to the very end.

Jack's friends are legion. They are not limited to his Washington associates in the government and in the community. They are scientists and engineers in the laboratories and professors in the universities; they are administrators, managers, and liaison representatives from home and abroad; they come from all walks of life and all nations of the world. I cannot hope to express adequately their admiration and respect for Jack.

Those of us who have had the privilege of being with the Rosens know of the great devotion of Jack to his family. The joy which Jack and Lorraine experienced in assisting in the educational and cultural growth and progress of their children is the envy of us all. Many here today shared in Jack's most recent great moment, his son David's Bar Mitzvah—a day made even more glorious by David's excellent work.

Lorraine, Loreda, Shira, Rina and David, we share with you this sad hour. Our hearts go out to you. We are the better for having known your husband and father. We hope that you will take comfort in knowing how much his life has enriched our lives and how grateful we all are for having been associated with Jack Rosen.

Eulogy for Lt. Col. Jack Rosen

(By Rabbi George Vida)

The Psalmist sings: "Teach us to number our days, so that we may get us a heart of wisdom." (Psalm 90, xii)

Has there ever been a man who knew the number of his days, who could tell the length of his life? Can we measure the life of any man in days, months or years? Or should we not rather evaluate a man's life by what he accomplished, how much life he filled his years with and not how many years he counted in his lifetime?

"Life is a journey, death is coming home." Jack Rosen has come home. His life was much too brief in years. Yet, in these few years he lived so fully that those who knew him well will never forget him. He was able to fill these much too few years of his life with so much patriotism, love, dedication and achievement, that he made each day of his short life count. He knew how to number his days and therefore his wisdom was the wisdom of the heart.

His scientific achievements were extolled by those who worked with him on the Atomic Energy Commission. As his Rabbi I can speak of him as a man, as a Jew, as an American. How proud he was of the musical accomplishments of his children, of the pleasant and hospitable home his beloved wife made for him. He was truly a father, a husband, a brother, a friend. During this brief journey on earth, he travelled through many lands and met many people. Everyone whom he came in contact with felt, here was a man, loving and beloved, respectful and respected, understanding and understood.

On the traditional Jewish tombstone there are five Hebrew letters. They are the first letters of five words which form a sentence: "May his soul be bound up in the bond of life." Jack Rosen will not be forgotten! His soul will be bound up in the bond of life forever. He will live on in the hearts of many: his dear wife, his beloved children, his brothers and sisters, his relatives and friends and even in the hearts of the countless men and women whose lives he only touched briefly.

May this precious memory be their consolation!

EIGHTH GRADER'S QUICK ACTION AVERTS POSSIBLE TRAGEDY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following account of heroism by a 12-year-old Oolitic, Ind., newspaper carrier. The presence of mind and quick action by Randy Duncan averted a tragedy, and it is fitting that his act be recognized here.

An article, describing his actions was printed in the December 13 issue of the Bloomington-Bedford, Ind., Sunday Herald-Times. It reads as follows:

FOR SAVING WOMAN'S LIFE: H-T CARRIER CITED

(By Ray Snapp)

If it hadn't been for that child, I would have burned up. I owe my life to him.

Those were the words of Martha Cain, 85, who lives alone at 231 Lafayette Street, Oolitic, and who was saved from death by fire a few days ago by her Times-Mail carrier boy who also happens to be her great grandson.

While delivering his papers one evening about a week ago, the youth, 12-year-old Randy Duncan, observed through the front door that Mrs. Cain's clothing was ablaze. He threw down his paper bag, rushed inside, ripped the burning clothing from Mrs. Cain's body and threw it onto the front porch which has a concrete floor.

The result was that Mrs. Cain was burned only on her right arm. Randy said he was wearing gloves which protected his hands from burns. He was not hurt.

Recalling the incident, Randy said that when he approached the front door of his great grandmother's home, he saw her clothing burning on and under her right arm.

"Oh, mamaw, you're on fire," the boy screamed as he slammed open the door and rushed to her aid.

The sleeve from the burning garment crumpled into ashes on the porch floor.

Mrs. Cain explained that she was wearing a dress and robe while she was working in the kitchen. She apparently had left a gas burner on her kitchen range burning and caught the sleeve on the robe on fire as she reached across the burner to reach a teakettle. She has poor eyesight and did not observe the fire in the front burner. The sleeve of the robe and one side of it was in flames before she realized what was happening.

Randy has been a Times-Mail carrier since November 8, 1969. He serves 56 customers on his route. An eighth grader at Oolitic School, he plans to join the Navy when he gets out of high school and perhaps make a career of the service.

He is the son of Mr. and Mrs. Dean Duncan of Oolitic. His father is a member of the Bedford Police Department.

"He has the wisdom of a man," said the grateful great grandmother of young Randy.

THE NEED FOR PRESIDENTIAL LEADERSHIP

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. RIEGLE. Mr. Speaker, I have recently read two interesting articles concerning the need for greater national leadership to unify our Nation. One editorial appeared in the Washington Evening Star on December 17, 1970, and the other appeared in the Flint Journal on December 15, 1970. I would like to insert these articles in the RECORD so that all Americans may read these views:

THE GOVERNORS' LAMENT

The nation's dwindling fraternity of Republican governors has much to complain about, and prominent among the objects of complaint is the result of the November election. Democrats wrested thirteen governorships from the GOP and lost only two in return, for the best net gain by either party since 1938. All seven of the incumbent governors who lost their jobs were Republicans.

The setback transcends the interests of the election-day losers. The loss of statehouse patronage will make it harder for party organizations to work toward majorities in the 1972 voting. And Democrats, with their additional statehouse power, will have more to say about the redrawing of congressional district lines on the basis of the new census, a key factor in the 1972 elections.

So the unease of the GOP governors gathered in Sun Valley, and their suspicion that something went wrong in 1970, are at least understandable. But if they expected understanding or a measure of agreement from their national leadership, they were disappointed by the speech of an unregenerate Vice President Agnew.

Don't criticize the divisive campaign strategy, because that's the name of the game, Agnew's message went. Don't knock the negativism of the election pitch, because the idea was to attack Democratic Senate incumbents. Above all, don't criticize—and there's no such thing as "constructive criticism"—because that hurts party unity and comforts the enemy.

So much for the statesmanlike observations by the more sensitive governors who seek more positive political leadership from the President, based on accomplishment rather than attempts to exploit the "social issue." Time and again, governors, like Virginia's Linwood Holton, deplored the White House tendency to "write off" segments of the population—Negroes, Spanish-speaking Americans, the young. "We must deal with problems whether the solutions are popular or not," said Michigan's Governor Milliken. "To write off whole groups for expediency—such as the blacks—is not only morally wrong but politically stupid."

We don't approve of the Agnevian tone of Governor McCall of Oregon, who said of the Agnew remarks, "There was the most unbelievable, incredible misunderstanding of the mood of America in that rotten, bigoted little speech." But if that kind of GOP reaction can help put to rest forever the folly of the Nixon-Agnew mid-term campaign, and advance the cause of unifying national leadership, the sojourn at Sun Valley will have been worth the trip.

PRESIDENCY INVOLVES MORAL LEADERSHIP

Not unexpectedly, President Nixon rejected a conclusion of his Commission on Campus Unrest that he bears the major responsibility for providing moral leadership to end divisions in American society.

He did so in a letter to William W. Scranton, chairman of the commission, that was made public last week. The letter served mainly to underscore what others in the administration had already said.

It is, at first glance, difficult to grasp why the President rejected a conclusion that on its face seems so well rooted in logic. He is, after all, the nation's highest leader. Is he not obligated by his office to be the highest dispenser of moral leadership?

In a real sense he is, but the matter becomes more complicated when considered in light of the commission's report. Easily overlooked are hidden implications of blame, for the violence that has taken place already and which may yet happen during the remaining two year's of Nixon's term. To accept the commission's conclusion might be construed by some as accepting sole blame, which obviously is not his. No single individual can be asked to shoulder it—even by implication. Thus there is a force toward defensiveness on Nixon's part.

In his letter to Scranton, Nixon said: "There are thousands upon thousands of individuals—clergy, teachers, public officials, scholars, writers—to whom segments of the nation look for moral, intellectual and political leadership."

One is hard put to quarrel with this appraisal. Indeed, just as blame for what has already happened cannot be placed on a single action or individual, moral leadership is not of a single source. Moral thrust is a combination of elements toward the development of a desired climate. But if one holds to a theory of "example," then it can be expected to receive impetus from the top. Clearly, any president bears "a" (as opposed to "the") major responsibility for providing such moral impetus.

Another aspect of the leadership question, underlined by Nixon's message, deserves examination. It is the idea that some in Washington seem bent on propagating that merely deploring violence is exerting the leadership that can prevent it. But if deploring violence is such a potent weapon against it, then we should not have had any at all because an overwhelming majority of the American citizenry does deplore it.

Were it only that simple to create a national climate completely without violence or its threat. But such a goal must be sought by seeking solutions to the problems that divide—just as the commission said.

This involves, among many other things, recognition by the chief executive that nearly every major and minor issue that confronts him involves a moral question. And each decision made by a president applies to the sum total of the moral leadership of his office.

Even the decision on how to react to that single conclusion of the Scranton commission involved a moral question. It is unfortunate that the result of that decision could not in itself have contained more of the elements of moral leadership.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

XUM

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

POLITICAL SURVEY BY PALM BEACH JUNIOR COLLEGE

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. ROGERS of Florida. Mr. Speaker, during the recent election campaign, Mr. E. V. Pugh, social science instructor, Palm Beach Junior College, Lake Worth, Fla., conducted a nonpartisan survey on women's political activity with the assistance of his students.

I believe this survey gives considerable insight into the degree of political activity of women in our society and I insert at this point in the RECORD, the results of the survey for the benefit of my colleagues:

The enclosed is a copy of the Palm Beach Junior College non-partisan survey on Women's Political Activity. Some 160 sheets were distributed and 70 were returned. The sheets were handed out after the Second Primary and collected after the general election, November 3, 1970.

Why, with more elegible voters, are the women a minority at the polls and almost missing on the political scene?

The results give the bare figures; they also suggest the shadowy "average Florida female voter" in the area of Palm Beach Junior College.

Our female has lived in Florida less than 12 years and moved here in June (12) July (10) or August (9). (Chances are only one in six that she is a Florida native.)

She is a high school graduate with some additional schooling or training. Now 43 years of age, she married in 1950–54 and has two or three children, ages 14 to 19.

Chances are about even that she works and contributes to the $10 to $15,000 family income.

She is protestant and probably does not hold an office in her church.

She probably did not hold a school class office either and it's almost 50–50 that she is in P.T.A., but less than half of that she holds a P.T.A. office.

Television watching of politicians reveals 55 watched the President, 42 the Vice President and 47, watched politicians. Some 40 said they read political ads and literature. On the question of political literature for women 32 agreed, but 26 disagreed.

Is the "woman's place" in the home? Twenty said, "yes", but 19 said, "No"! Most agreed that her "place" might be in the college classroom, however, as 61 agreed. In the concluding summary section, when asked to "give three main reasons for not becoming actively involved in politics, only 2 said, "a woman's place is in the home."

If their children were grown, or properly cared for would she enter politics? Only 7 said they would. (Six of these were college graduates.) But, 55 rejected politics out of hand—even on these conditions. Fourteen did not respond at all, eleven confessed they were "not interested"—while eight found they were unprepared or unqualified. Many reasons were given to reject the political career but only three said they felt their job would still be at home.

The ladies were not asked if they read newspapers, but news magazines; 40 said yes, 16 said no with Time, Newsweek and Life, in the order preferred.

Only one of the 70 ever ran for a public office and only twenty-one had helped campaign for an office seeker.

In this two-primary and general election fall 55 voted and 14 did not. In the presidential election year of 1968, 56 voted and 9 did not.

There was some difference of opinion in the spaced questions concerning their husbands. Fifty-five said their husbands did not influence their choice of candidates, but later only 41 said they "did not let their husbands influence their political decisions."

Politics was discussed "frequently" with friends by 66, but only 36 said they discussed politics with their husbands, and 26 failed to respond. The wife-husband discussions were held frequently, however.

Would friend husband encourage her to enter politics? Forty-three said he would not, or probably would not. However, in the concluding three main reasons only 1 said she would not enter politics because her husband would not want her to. Seven said they would enter politics with hubby's approval and five said it would be all right if they (the women) wanted to enter.

Most, 64, had heard of the League of Women Voters and 53 correctly identified it as being non-partisan. But, only 43 correctly identified N.O.W.; National Organization of Women. Margaret Chase Smith was correctly identified by 57, while only 7 fully identified Betty Friedan as an author and N.O.W. official, three listed her as author of *Feminine Mystique* and 14 identified her as head of N.O.W., yet 34 failed to make any identification whatsoever.

In the concluding: Three main reasons for not being actively involved in politics, ten did not reply. fifteen said their home, husband and children were demanding her time, twelve admitted they were "not interested personally", nine "lacked time", eight "lacked background", two said a "woman's place is in the home" and one said, "because her husband wouldn't want her to."

Question: Why Aren't More Women Active In Politics?

E. V. PUGH.

ACTION ON FOOD STAMP BILL

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, an article appeared in last evening's Washington Star with reference to the food stamp bill. This story mentioned that the reason the Foley-Quie amendment was not adopted was because of the failure of supporters of the amendment to be present on the floor during the crucial teller votes. In this article reference was made to a very small gathering in my office wherein my staff was tendering a farewell party to another staff member who is leaving our office as of the first of the year.

In order to clarify this matter may I say that not one Member of the U.S. Congress was present in my office during the teller votes. The handful of Members who did stop by only stayed for 1 or 2 minutes to pay their respects and immediately returned to the House floor.

As one of those vitally interested in the food stamp program and a strong supporter of the Foley amendment I was present during the debate and voted against the so-called Abbitt substitute on the two teller votes and also on the rollcall vote against the Abbitt amendment. Not only did I support my colleague, Mr. FOLEY, in his effort to authorize a nationwide food stamp program with broader coverage and greater benefits than the present program and the committee bill offered on the floor, but I also assisted in rounding up votes from the cloakroom and the Speaker's lobby.

The following outlines my votes on each of the questions raised during the food stamp legislation consideration: I voted "nay" on a teller vote to accept the Abbitt substitute to the Foley substitute; however, the yeas prevailed by a vote of 119 yeas to 116 nays. Second, on a teller vote of 133 yeas to 116 nays, I voted "nay" to a motion to agree to the Foley substitute as amended by the Abbitt substitute. Third, after the Committee of the Whole rose, on a request for a separate vote, the Foley substitute as amended by the Abbitt substitute was rejected by a record vote of 172 yeas to 183 nays, and on this record vote I voted "nay" in order to negate the Abbitt amendment. Fourth, on final passage of the food stamp legislation on a record vote of 290 yeas to 68 nays, I voted in favor of final passage.

THE PUBLIC ON TRIAL

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. ROBISON. Mr. Speaker, I include in the RECORD an article which appeared in the December 7, 1970, edition of the Christian Science Monitor dealing with the siting of a new powerplant by Northeast Utilities. This utility company, departing from past practices of the utility industry, has not only at an early date made known its desire to build a new plant, but has additionally brought the public in on the decisionmaking procedure as to whether such a plant should be built, and, if so, where it should be located. To insure that there was sufficient, meaningful, public input, Northern Utilities has made $180,000 available through the Boston-based Fund for the Preservation of Wildlife and Natural Resources to enable the private groups to have studies made of the need for and location of this new plant.

I think that this is a meaningful development because it might very well show whether the public has the vision to be constructive in its approach to these needs of industry or whether such advance notice merely opens industry up to criticism at an earlier stage. This appears to be a sincere and needed effort on the part of industry to give the public a proper voice in environmental decisions, and I hope that the residents of the area affected will respond with a like amount of sincerity. I commend this most interesting article to the attention of my colleagues:

[From the Christian Science Monitor, December 7, 1970]

"Open Planning" Tried By Northeast

(By Monty Hoyt)

Boston.—Nobody loves a utility—especially as a neighbor.

So where does a company put its new power plants in order to keep up with the growing demand for electric power?

In New England, Northeast Utilities decided upon a bold experiment:

Whereas environmentalists generally criticize utility companies for keeping siting plans under wraps until the last minute, Northeast Utilities opted for "open planning." Residents of the area, conservation groups, and government agencies were invited from the start to help determine where a new plant should be sited, if at all.

STUDIES FUNDED

Knowing that the general public does not have the base of expertise and resources to make such a decision, Northeast Utilities made $180,000 available for Project CEVAL (citizen evaluation) committee. The money was to enable a group of residents to conduct independent studies and to act as an impartial educational outlet, informing the public at large about economic and environmental considerations of the project.

To avoid charges of attempting to buy the goodwill of the CEVAL committee, Northeast Utilities gave the money as an unrestricted grant to the Boston-based Fund for the Preservation of Wildlife and Natural Resources to be used to underwrite the activities of Project CEVAL.

In addition, the utilities solicited the assistance of the New England Natural Resources Center to organize broad-based examination of the public issues involved in the study. The center, funded indirectly, like the CEVAL committee, maintains an independent stance and serves as environmental adviser to all parties involved in the open planning project.

Under proposal is one of the world's largest pumped-storage hydroelectric plants, producing two million kilowatts of power at an estimated cost of $185 million.

TENTATIVE SITES CHOSEN

Based on two earlier engineering studies, Northeast Utilities picked two tentative sites on the western Massachusetts-Connecticut border: Falls Village, Conn., and Sheffield, Mass.

A pumped-storage facility uses surplus nighttime electricity to lift water from a lower reservoir into a higher storage pond. Then during peak demand hours, the water is allowed to fall into the lower basis, generating electric energy as it turns the giant turbines.

High-voltage transmission lines bring in the pumping power at night and carry out the energy created at peak demand periods. Thus, pumped-storage is a means of "storing" electric energy.

The proposed Connecticut site calls for damming Wangum Lake Brook to create a 750-acre lower lake and one of comparable size atop Canaan Mountain. The powerhouse would be constructed inside the mountain.

DIKES TO ENLARGE POND

At the Sheffield, Mass., site a picturesque trout stream, Schenob Brook, would be used to create a 2,300-acre lower recreational lake. Water would be pumped from the lake up Mt. Washington to Plaintain Pond. The pond would be enlarged to 275 acres by building dikes at either end.

As the overture to the project, Northeast Utilities applied to the Federal Power Commission early in 1970 for a preliminary permit. The permit gives the company exclusive exploratory rights in the area for two years.

"The permit [which is not required] was a way of making public disclosure of the company's activities," Lelan F. Sillin Jr., president of Northeast Utilities, explained in an interview.

The utility hoped thereby to encourage the staff of the FPC, federal and state resource agencies, and the public to help in the decisionmaking process, according to Mr. Sillin.

"We don't know whether either of the two sites should or should not be developed," he says, stressing that the utility is not committed to either location. "Open planning has not been tried before in this form."

NO "REBELLION" WANTED

"I'm not going to be a Judas goat," he warns, however. "I'm not going to lead industry into a blind alley.

"We don't want a Shays' rebellion. Most of the voices expressed publicly so far have been critics of the project. It's time for the conservation interests to begin expressing themselves not on whether this is the right project, but whether this type of examination has any merit.

"Or does open planning merely subject the utility to far earlier criticism?" Mr. Sillim questions.

Out of the open planning project has sprung an adamant opposition group, the Berkshire-Litchfield Environmental Conservancy Council (BLECC), named after the adjoining counties where the proposed sites are located.

In spite of BLECC's opposition to the project for environmental reasons, it sees open planning as a giant step in the right direction.

"DISTRUST" CITED

"Heavens forbid," states John Roesler, a spokesman for BLECC, "if utilities should go back to sneaking around and grabbing up land options. It's the long history of this which today results in people's distrusts of utilities."

Mr. Roesler faults the CEVAL committee not because it is indirectly financed by the utility or because it attempts to represent local opinion, but because it does not have the power to disagree.

"If CEVAL is not convincing in their opposition to the project, they will win no support from the utility," he contends.

The CEVAL committee, on the other hand, prides itself in representing the spectrum of local opinion. It even has overlapping board members with BLECC.

In the past few months, CEVAL has conducted an educational drive through newsletters and the local news media to inform people in the region about the issues. Citizen groups are being formed as well to study specific aspects of the impact of a power plant on the economy, the environment, fish and wildlife, and open spaces.

"AN EXCITING CONCEPT"

"It's an exciting concept to acknowledge the citizen's right to determine how our natural resources are to be used," enthuses Mrs. Bernard Flood, chairman of CEVAL and president of the Housatonic River Watershed Association.

Some people in the area feel that the pumped-storage plant would be an advantage to the community, Mrs. Flood reports. They see it as a clean industry providing a good tax base and recreational value. Others see it as an environmental disaster. Many remain undecided.

"The public is on trial," stresses Dr. Charles H. W. Foster, director of the New England Natural Resources Center.

The experiment will discover whether the public can make a meaningful contribution to an industrial decision that involves the environment, he says.

GREAT IMPACT SEEN

The final decision will have great impact on regional power needs, he predicts. If neither site is selected, he sees that the utility will have three options: redevelop its current generating plants, encourage a power conservation program among its customers, or import power from Canada.

The current timetable calls for a preliminary engineering report, which may recommend one site over the other, to be issued early next year by Northeast Utilities.

CEVAL expects to galvanize into action, dissecting the studies in an effort to determine whether to support the findings or not.

BLECC has announced its opposition to both sites.

The decision whether to go ahead with final engineering studies and to apply to the FPC for a construction permit "will be based on public inputs, if we are as honest as we say we are," confirms the president of Northeast Utilities.

Thus, the stage is being set for a decision that will effect the environment and the power capabilities of the New England region—and for the first time, the public has been invited.

SOVIET JEWISH POLITICAL PRISONERS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. RODINO. Mr. Speaker, it is of special concern to me to note that just at this time when our entire Nation has become aware of the plight of the Lithuanian seaman, Simas Kudirka, who was refused asylum and forcibly returned into the hands of Soviet seamen, that more than 30 Soviet Jews are being brought to trial in Leningrad for the crime of desiring to emigrate.

Rabbi Zev Segal, chairman of the Essex County Conference on Soviet Jewry, has brought my attention to the enclosed background report of Soviet Jews who now face the prospects of long prison terms or even execution.

The policy of granting political asylum is a life and death matter to many people who view the United States as a last hope to escape tyranny. In this country we must keep the door open and we must raise our voices against those who persecute peoples because of reasons of religion or nationality.

Today I introduced a "sense of Congress" resolution reaffirming the offer of asylum to refugees from persecution and tyranny. And, while the case of the unfortunate Lithuanian seaman is now well known, the offer of hope to others such as Soviet Jews also propells us to keep alive the fact that the United States represents a sanctuary for the victims of totalitarian tyranny and oppression.

The report follows:

Soviet Jewish Political Prisoners: Background Report

(Prepared by: American Jewish Conference on Soviet Jewry)

Thirty-four Soviet Jews, arrested and held incommunicado within the past six months in Leningrad, Riga Kishinev and Tbilisi, face the imminent prospect of political trials that can lead to life imprisonment, and even the death penalty.

The weight of evidence, filtered out to the outside world by close relatives and friends, leaves little room for doubt that regardless of the legal specifications that may be brought at the trials their thrust will be anti-Jewish.

In the larger context of recent Soviet policy, it is clear that the immediate purpose of the arrests and any accompanying trials is to stifle the voices of the scores of Jews who, in the last year, have undertaken to struggle to leave the USSR for Israel, where they can maintain their Jewish identity. The long-range objective may be to crush a larger-scale renascent Jewish national consciousness among many thousands of Soviet Jews.

All the available information leads to the conclusion that last spring a high-level policy decision was made to initiate a nationally coordinated, concerted secret police (KGB) action against militant Jews which used entrapment and provocation and involved large-scale searches and seizures, confiscation of printed matter, interrogations and, ultimately, forced confessions that can be used as incriminating evidence in public trials.

The known facts are these:

At 8:30 A.M. on June 15, 1970, nine Riga Jews were apprehended at Leningrad's Smolny Airport as they were walking from the terminal to an airplane. That afternoon, *Vecherny Leningrad*, the main afternoon paper, carried a brief announcement of the action, indicating that those arrested had planned to hijack the plane out of the country. The same item appeared the next day in *Leningradskaya Pravda*,, the main morning newspaper.

As a matter of policy the Soviet press rarely publishes crime news, and even then it is not until long after the event. The fact that these papers carried this report within less than twenty-four hours suggests that they were altered in advance. The fact that the Jews were arrested while walking on the ground is a sure sign of the KGB's advance information and planning.

The probability of a meticulously coordinated police provocation is enhanced even further by the virtual simultaneity of other actions that day.

At about the same hour of the arrests at Smolny Airport, eight Leningrad Jews were arrested in scattered places—at work, at home, on assignment some distance from the city, and even on vacation as far away as Odessa. Within a few hours searches were carried out in dozens of homes in Moscow, Leningrad, Riga and Kharkov; scores of people were detained for questioning and then released. Since June there have been more arrests in Tbilisi, Kishinev, Riga and again in Leningrad, bringing the number of Jewish political prisoners at this date to thirty-six, including two sentenced prior to the new arrests.

The man in charge of "the Leningrad case," involving at least the prisoners from Riga and Leningrad itself, is the chief city prosecutor, S. Ye. Soloviov, well known to local Jews as an anti-Semite.

In 1961 he served as a judge in the city's criminal court, and presided over two notorious trials involving Jews. In one case, he handed down a series of death sentences for alleged economic crimes to a group of Jews. In another, he sentenced Leningrad synagogue leaders, including an 84-year-old man, to lengthy prison terms on charges of subversion. The charges were due to the defendants determined efforts in behalf of Jewish religious observances, and their active contacts with synagogue leaders in other cities.

I

The new arrests and the ominous possibility of trials must be understood within the larger context of official policy, as reflected in the massive winter propaganda campaign against Israel during January–March 1970. What began as a concerted nationwide chorus of condemnation of Israeli policies swiftly degenerated into a general anti-Jewish campaign. Publications in the thousands all over the country, through articles, editorials, pamphlets, letters to the editor, and caricatures, assumed an anti-Semitic tone and character.

The campaign itself was an expanded, but more intensified, version of the Soviet propaganda line that now views Judaism as the ideological progenitor of Zionism, and Zionism as the equivalent of Nazism. The whole amalgam is a key element in the doctrine of "International Zionism" as the Jewish ally and servant of Western imperialism—an updated and refurbished adaptation of the discredited Tsarist "Protocols of the Elders of Zion."

A number of Jews, both prominent and obscure, were pressed into service in this campaign, to proclaim their loyalty to the Soviet Union, to reiterate official apologetics about Soviet Jewry, to sign attacks on Israel and world Jewry, and to brand as betrayal any desire to leave for Israel. The apex was reached at a Moscow press conference on March 4, when 52 prominent Jews were brought together by the Foreign Ministry to speak to the world and, indirectly, to Soviet Jews.

What must have shocked the authorities, however, was the instantaneous reaction of dozens of Soviet Jews, as individuals and in groups, in Moscow, Leningrad, Riga and elsewhere, repudiating the assertions of the "house-broken" Jews and their right to speak for all of Soviet Jewry. It was very likely in reaction to this unprecedented audacity that the regime decided to intensify anti-Jewish pressures.

Of course, the authorities have been aware for some time of the growing frustration and resentment of many Soviet Jews at the discrimination they face in higher education and employment, the widespread anti-Jewish propaganda, the hostility they and their children frequently encounter in the streets, at school or at work, and, not least, at the deprivation of their cultural and religious rights, foreclosing the possibility of perpetuating their heritage and maintaining their group identity.

Furious with official anti-Semitism, and inspired by the spiritual self-regeneration which Israel represents to them, a rising generation of young Soviet Jews rejects this situation as intolerable. Tens of thousands have applied for exit permits to emigrate to Israel. With few exceptions, their applications have repeatedly been turned down.

Several hundred of the more daring have circulated appeals and open letters addressed to the Soviet leadership, to the UN Human Rights Commission, to UN Secretary General U Thant, to the International Red Cross, and also to President Richard Nixon and Israel Premier Golda Meir. In effect, they have appealed to public opinion and to the conscience of the world. Such letters have been written by individuals and by groups in every major city.

This wholly unanticipated upsurge of pride and national consciousness has manifestly so upset the regime that it has resorted to severely repressive measures. The striving for Jewish national identity has begun to be treated like a criminal or anti-social act, with procedures of intimidation used against many who applied for exit permits, including interrogation by the KGB, expulsion from the Party, suspension from the university, discharge from employment, and general social hostility at work.

II

But, what of the imminence of a trial of those arrested since June?

In order to better understand what may happen, it must be borne in mind that there are basically two separate groups involved in "the Leningrad case."

We know precious little about their fate. No indictment has been issued. The prisoners have been kept incommunicado. Relatives, friends and even potential defense counsel have been forbidden to visit them, and they have evidently been under intensive interrogation. Since we have no precise idea of how they will be charged, it is only possible to speculate on the circumstances in which they will be tried, and the penalties they are likely to incur.

Accordingly to law, conspiracy to hijack an airplane is considered treason and is therefore subject to the death penalty. Even knowledge of such a plan and failure to report it can be subsumed under a charge of anti-Soviet activity and entails life imprisonment. Attempted hijacking can be treated as a plot to damage or steal State property, and may also entail the death penalty.

About the Riga group, relatives and friends living abroad but in the closest feasible contact at home believe that the Riga Jews were entrapped by someone in their midst.

We have learned, in a letter from the wives, mothers and sisters of eight of the Leningrad group, that police interrogators informed the women that the priosners confessed to "anti-Soviet activity" and the attempted hijacking of a plane. The women made it clear that they believe these were forced confessions.

Forced confessions raise the ominous spectre of show trials. Such staged trials, using forced confessions as decisive evidence, are no innovation in Soviet law and public life, even though they have been in disuse in the last few years. This sad tradition goes back to the early 1920's and culminates, of course, in Stalin's notorious Great Purges of 1936–40, with their anti-Jewish component.

For Soviet Jews, this form of terror as an anti-Semitic expression began in earnest only after World War II, in the last five years of Stalin's death, known to them as "the Black Years." Those years witnessed a series of grim experiences: a massive anti-Semitic campaign of propaganda and purge against "unmasked cosmopolitans" (a thinly veiled and well-understood euphemism for Jewish intellectuals, large numbers of whom publicly "confessed" their sins); the liquidation of Jewish cultural institutions and the arrest and execution of hundreds of Jewish cultural leaders; a series of anti-Semitic show trials, replete with confessions, of the top leadership of Communist parties in the Soviet satellites, especially the infamous "Slansky trial" in Czechoslovakia, plotted by Stalin in 1952.

The wave of terror culminated with the announcement, in January 1953, of an alleged "plot" by which Soviet Jewish doctors had murdered, or were planning to murder, Soviet political leaders at the behest of an international Jewish conspiracy in league with Western imperialism—a charge that is closely akin to the present Soviet trilogy of Judaism=Zionism=Nazism! Only the death of Stalin, in March 1953, ended what most observers believed was going to be a vast new purge, with an emphasis on trials and the deportation of Jews.

It is also essential to recall the experience and the lessons of the more recent widespread economic crimes campaign of 1961–64. This was another of those nationally coordinated enterprises which the police authorities stage so well. All the institutions of Soviet power were used to expose and eradicate those accused of alleged large-scale economic offenses, such as theft of State property, embezzlement, dealing in foreign currency, counterfeiting, and bribery.

The Communist Party apparatus, the Komsomol (Young Communist League), the militia, the secret police, the regular police, local prosecutors and courts, and the national and regional press were brought into service. Crude propaganda material, overtly anti-Jewish, blanketed the country and mass trials were staged in which the accused invariably confessed and were given stiff penalties.

For the purposes of this campaign, the death penalty was reinstituted after a lapse of many years. Of the several hundred executed, more than fifty per cent were Jews, who constitute just over one per cent of the total population. Just six years ago the International Commission of Jurists, in a meticulously detailed study, pointed up the anti-Semitic taint of the campaign. Certain Soviet jurists themselves, in a moment of, criticism, noted its legal excesses.

More immediately and directly relevant to our present concern is the case of Boris Kochubiyevsky, the first of the Soviet Jewish political prisoners—a 33-year-old electronics engineer from Kiev, in the Ukraine.

Kochubiyevsky was arrested in December 1968, and five months later he was tried and sentenced to three years of forced labor for "anti-Soviet slander." His "slander" consisted of a public defense of Israel in June 1967, and his public assertion in September 1968 that Babi Yar—the ravine outside Kiev where the Nazis slaughtered scores of thousands of Jews in 1941—was a tragedy for the Jewish people. Also included were his statements, in a November 1968 letter to the Soviet leadership, that it was impossible for him to live as a Jew in the USSR since there are no Jewish educational, cultural or communal institutions, and that he consequently wanted to go to Israel.

In short, the accusations against Kochubiyevsky were essentially identical with the regime's real grievances against its present Jewish prisoners. His trial is now being viewed as a harbinger of gloom for additional trials, and as a foreboding precedent.

In the Kochubiyevsky case, *Khronika*, the generally reliable "Chronicle of Current Events" disseminated by the Soviet democratic underground, reported segments of the trial transcript as well as reports by persons present at the trial which painted the following picture.

Some prosecution witnesses were provocateurs. Several repudiated the testimony they gave at the preliminary hearings; one admitted to having given his testimony while drunk; others said they testified under pressure from the KGB interrogators. The general public was kept away.

Not even friends or relatives were permitted inside the courtroom. At the same time, the KGB packed the courtroom with its own members, as well as with citizens who were mobilized and instructed to act hostile to the defense. Witnesses were sent out of the court immediately after their testimony, which is against Soviet legal procedures. The judge acted like a prosecutor, indulging in remarks that were hostile to the defense in tone and substance, and generally permitted anti-Semitic and hooligan behavior in his court. At the same time the defense counsel assumed the role of assistant prosecutor, not only accepting the basic validity of the charges against his client but actually indicating his disbelief of Kochubiyevsky's own defense.

It is, of course, entirely conceivable that Soviet authorities will attempt to underplay or even avoid, in any direct way, the essentially anti-Jewish political character of the new case. Very likely apprehensive about protests in the outside world over a mass anti-Jewish trial, they may seek to divert attention to the narrow legal question of a hijacking plot through an emphasis on forced confessions. This would serve them especially well at a period when much of the civilized world has gone through a period of shock with regard to airplane hijackings.

But regardless of how the trial is conducted, and how Soviet propaganda handles it, it will be difficult to shift the focus from the fact that people are on trial for their convictions, and that Jews are being persecuted as Jews. The defendants had no desire to attack, change, subvert or overthrow the Soviet system. On the contrary, their only desire was to leave that system altogether, and to exercise their elementary human right to leave their country of origin and to settle in Israel, which they now regard as their ancestral homeland and as the sole place where they can lives as Jews.

The materials confiscated from those interrogated and arrested demonstrate conclusively that this will be a Jewish case. Among the items seized were Hebrew grammars, Jewish history books, open letters of appeal for help to leave, postal cards from Israel, and Jewish encyclopedias. In short, as some have written, everything with the words "Jew," "Jewish," "Judaism" was confiscated.

Within days after the June 15 action a young Leningrad Jew Viktor Boguslavsky, wrote an impassioned letter pleading the innocence of his friends. He noted that "A lively interest in the fate of one's people and love for one's people cannot be considered an offense. Their only crime was that they were born Jews and they sought to remain Jews."

In July, Viktor Boguslavsky was arrested.

TRIED AND SENTENCED

(*Ukrainian SSR*)

Boris L. Kochubiyevsky.—34 years old. Engineer. Married. One child: a year-old daughter. Former address: Kiev, Ukraine SSR. Charged with anti-Soviet slander December 1968. Sentenced May 1969 to three years at hard labor.

Lilya A. Ontman.—Married; family includes a sister and an adopted child. Former address: Chernovitz, Ukraine SSR. Charged with anti-Soviet slander. Sentenced January 1970 to two and a half years in prison.

AWAITING TRIAL—WITH ARREST DATES INDICATED

Georgian SSR

Abraham Daniiashvili, June 1970, Biniamin Dzhaneshvili, June 1970.

Leningrad, Russian SFSR

Vladilmir Osherovich Mogilever, June 15, 1970.—30 years old. Engineer. Wife: Yulia Issaevna Mogilever. One child: a two-year-old son. Address: Ul. Telmana D. 36, korp. 1, kv. 209.

David Iserovich Chernoglaz, June 15, 1970.—30 years old. Agronomist. Wife: Berta Petrovna Veinger. One child: an eight-month-old infant. Address: Pr. Maklina D. 26, kv. 25.

Grigory Ilya Butman, June 15, 1970.—37 years old. Engineer. Wife: Yeva Shmulevna Butman. One child: a four-year-old daughter. Address: Vitebsky pr. D. 23, korp. 4, kv. 33.

Lassal Kaminsky, June 15, 1970.—40 years old. Engineer. Wife: Serafima Mayerovna Kaminsky. Two children: ten and seventeen. Address: Ul. Vosstaniya D. 6, kv. 4.

Lev Leibovich Korenblit, June 15, 1970.—48 years old. Mathematician. Wife: Reveka Moiseyevna Korenblit. One child: a daughter. Address: Ul. Vereiskaya D. 12, kv. 10.

Solomon Dreizner, June 15, 1970.—38 years old. Engineer. Married: wife hospitalized. One child: a five-month-old son. Address: 19 Olega Koshevogo, Apt. 23.

Anatoly Moiseyevich Goldfeld, June 15, 1970.—24 years old. Engineer. Unmarried. Mother: Liya Samsonovna Shimanovich. Address: Pr. Shaumyan D. 58, kv. 18.

Lev Naumovich Yagman, June 15, 1970.—30 years old. Wife: Musya Khaim-Leibovna Yagman. Two children: 2 and 6 years old. Address: Ul. Karbysheva D. 6, korp. 1, kv. 80.

Viktor David Boguslavsky, July 12, 1970.—30 years old. Unmarried. Mother hospitalized. Address: Pr. Shaumyana 47, apt. 25.

Hillel Zalmanovich Shur, September 5, 1970.—34 years old. Marital status unknown. Sister: Kreina Zalmanovna Shur. Address: Ul. Zhukovskogo D. 20, kv. 20.

Viktor Shtilbans, November 16, 1970.—28 years old. Physician. Married.

Mikhail Korenblit, November 16, 1970.—Brother of Lev Korenblit.

Riga, Latvian SSR

Leib G. Khanokh, June 15, 1970.—26 years old. Address: 21 Milisnas Street.

Meri Mendelevich Khanokh, June 15, 1970.—20 years old. Wife of Leib G. Khanokh. Same address.

Yosif M. Mendelevich, June 15, 1970.—23 years old. Brother of Mary M. Khanokh. Address: 176/44 Lenin Street.

Edvard Kuznetsov, June 15, 1970.—Address: 45 Vaidenbaum Street, apt. 22.

Silva Zalmanson Kuznetcov, June 15, 1970.—Wife of Edvard Kuznetsov. Same address.

Isak Zalmanson, June 15, 1970.—26 years old. Brother of Silva Z. Kuznetsov. Same address.

Wolf Zalmanson, June 15, 1970.—31 years old. Bother of Isak Zalmanson and Silva Kuznetzov. Same address.

Anatoly A. Altman, June 15, 1970.—38 years old.

Boris Pestner, June 15, 1970.

Mendel Bodnia, July 1970.—33 years old. Wife: Zelda Bodnia. Address: Shkolnaya Street 7, apt. 2.

Arkady Shpilberg, August 4, 1970.—32 years old. Engineer. Wife: Margarita Mikhailovna Shpilberg. One child: a daughter. Address: Lenina Street 205, apt. 6.

Boris Maftsler, August 4, 1970.—23 years old. Wife: Genia Moiseyevna Maftsler. Address: Siltsiema Street 15, korp. 5, apt. 61.

Ruth Aleksandrovich, October 7, 1970.—23 years old. Nurse. Address: Surorova Street 16, apt. 20.

Mikhail Shepshelovich, October 16, 1907.—27 years old. Address: Yuglas Street 5, apt. 42.

Kishinev, Moldavian SSR

Aleksander Galperin, July 24, 1970.—24 years old. Unmarried. Mother: Makhlia Yefimovna Galperina. Address: 37, Ul. Tesbashevskaya 11–13.

Arkady Voloshin, August 15, 1970.—Address: Ul. Kievshaya 41, kv. 5.

Gari Kirshner, August 15, 1970.

David Rabinovich, August 15, 1970.

Abraham Trakhtenberg, August 15, 1970.

Semeon Abramovich Levit, November 1970.—Address: Ul. Svoboda 8.

YOUTH CAN WIN A BETTER AMERICA

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. OBEY. Mr. Speaker, yesterday a number of his colleagues paid tribute to an outstanding Member of the 91st Congress, Representative Allard K. Lowenstein of New York. At that time I described a speech delivered by Representative Lowenstein at Harvard University saying:

> I do not believe there was a more eloquent appeal to nonviolence, a more eloquent appeal to the consciences of us all, and more eloquent appeal against the polarization than we could find in that speech.

I promised to insert a copy of that most perceptive speech in today's Record, and do so at this time:

[From the Boston Globe, Sept. 27, 1970]

Youth Can Win a Better America

(By Allard K. Lowenstein)

As I stand here in this troubled place, in this anniversary month, three extraordinary Americans seem everywhere present. All three were worshipped and detested by their fellow countrymen, were committed to, and made legend by, disinherited men everywhere.

Dr. Martin Luther King Jr., was to have made this Class Day speech last year. The others, shaped by Harvard and New York, are Franklin D. Roosevelt and Robert F. Kennedy, men whose lives were joined in remarkable ways, perhaps none more remarkable than the fatefulness of their last June 6ths.

On June 6, 1944, twenty-five years ago, a long quarter of a century ago, Franklin D. Roosevelt spoke the heart of America in a prayer for our soldiers as they crossed to France:

"Almighty God: Our sons, pride of our Nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization, and to set free a suffering humanity . . .

"They fight not for the lust of conquest. They fight to end conquest. They fight to liberate. They fight to let justice arise, and tolerance and good will among all Thy people . . .

"O Lord, give us Faith. Give us Faith in Thee; Faith in our sons; Faith in each other; Faith in our united crusade. Let not the keenness of our spirit ever be dulled. Let not the impact of temporary events, of temporal matters of but fleeting moment—let not these deter us in our unconquerable purpose.

"With thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogancies. Lead us to the saving of our country, and with our sister Nations into a world unity that will spell a sure peace—a peace invulnerable to the schemings of unworthy men. And a peace that will let all men live in freedom, reaping the just rewards of their honest toil."

It was left to Jack Newfield, the brilliant journalist from New York, to speak the heart of America on the second of these June 6ths, 24 years later, in one of the most powerful paragraphs to appear in years:

"Now I realize what makes our generation unique, what defines us apart from those who came before the hopeful Winter of 1961, and those who came after the murderous Spring of 1968. We are the first generation that learned from experience, in our innocent twenties, that things were not really getting better, that we shall NOT overcome. We felt, by the time we reached thirty, that we had already glimpsed the most compassionate leaders our national could produce, and they had all been assassinated. And from this time forward, things would get worse: our best political leaders were part of memory now, not hope. The stone was at the bottom of the hill and we were alone."

WHAT HAS HAPPENED?

Now we meet at the bottom of the hill, to face the questions raised by a troubled and growing majority of Americans—to wonder what has happened to us as a people in this crowded quarter-century, to ask how we got from there to here, to ask what has gone wrong, and to ask if we can do anything to set it right.

I'm part of the generation that grew up under Franklin and Eleanor Roosevelt, a generation given courage by the boldness of his innovations and elevated by the nobleness of her gentle strength; a generation whose optimism grew from great gains made and great tasks done, a generation whose heroes grew old and died of natural causes in their beds. We were wrong that things would inexorably get better. But maybe because I remember when it seemed so certain that they would, I'm not prepared to agree now, after so short a time that inevitably they won't.

Which should itself tell us something about the difference in the relative hopefulness of my generation and of this new generation. They have never experienced a war which made them proud of their country. They have yet to experience an America facing up to her problems, however tough, at home. Their choices in presidential elections have been as inspiring as the sum of Johnson, Goldwater, Nixon, Humphrey and George Wallace; the greatest political events of their formative years have been the assassinations of their heroes.

This is not, all in all, the sort of political history that gives reasonable men much cause for optimism, and it ought to surprise no one that a generation that has grown up with this history is vulnerable to cynicism and even despair. But hope is one thing this country needs desperately from its young people. So we've got to remind them and ourselves, that it is, after all, barely a year since ordinary people, working without precedent, working at first without money or visible leadership; since ordinary people, at the beginning most of them students, undid the political mythology and reversed the course of history for their country.

The major goals of two years ago, so remote and heretical then, are now the accepted national goals. The problem is implementation. But what a triumph it would be by any ordinary standards to have achieved so quickly what was achieved. But, these are not of course, ordinary times, as each new casualty list reminds us.

Nonetheless it's important to realize that the confusion about whether we can affect our future arises not because we failed, but because we didn't fail. It arises from the failure to consummate success with the election of a President who would now be implementing the policies dictated by the new goals. And the judgment seems fair that that failure arose from the events of last June 6th, not from any permanent inevitable immobilism in the political process.

Nor does this judgment constitute flight into a personality cult. It is, I think, simply accurate reporting. No country, not even one far less troubled than ours, could lose its greatest public figures in time of crisis without facing severe new difficulties. We lost two of ours in as many months, and lost them in a way that cost us not only their unequalable capacity to inspire energies and handle problems, but much of our confidence in the process of self-government itself.

What would have happened to the United States if Franklin Roosevelt had been murdered in 1933? Could we have coped with John Nance Garner and the Depression? I don't know. But I do know that nothing so betrays us, and our country—and God knows, Martin King and Robert Kennedy—as the presumption that hope and possibility ended with their deaths.

So I'm not prepared to accept as final the judgment that we shall not overcome, that from this time forward things will get worse.

The only thing that seems certain to me is that nothing is certain; that inevitabilities are myths, that how we behave will profoundly affect how things come out, that the dogma that things cannot get better is suitable only for those who hope to make such prophecies of doom self-fulfilling.

There is, in fact, great danger in the arrogance of final assertions about the future, hopeful or gloomy.

The Class Day Speaker two years ago, Greg Craig, described the state of mind of his contemporaries as follows:

"This generation of students," he said "has become tough-minded and seasoned idealists. Their commitment to social justice outweighs institutional or social loyalties. It is a generation that is up for grabs, for their hope could easily turn to hate, and their passion for building a more equitable society could easily surrender to the temptation to tear down an unjust and oppressive society.

"It is a generation whose skepticism was born with the murder of a President, nurtured by the bitter frustrations of the civil rights movement, and perpetuated by the brutality of a senseless war."

Has anything occurred in the two years since that speech that so modifies its indictment or answers its challenges that we can say its skepticism is undeserved?

The war drags on and on. So do the poverty and injustice that learned commissions remind us make increasing violence unavoidable. And while the Kerner Commission recedes into a period piece, more politicians get elected on the fears and hates that come with violence, as if incantations to law and order will fill empty stomachs, or trap rats, or heat buildings—or will in any other way help cure what's wrong in this society.

But anyone who says that the events of the last two years have established as fact that we cannot change this country by democratic process misreads these events too. Isn't it nonsense to decide now that we are impotent, when a year ago anything seemed possible?

This doctrine that we are impotent to make things better is especially pernicious for it gives a kind of spurious credibility to the idea that the only way to remake America is to help make things worse—to predict and encourage events that lead to repression, and then to gloat when repression sets in, as if somehow that guarantees some kind of eventual victory. Victory for what, for whom?—If there's one thing you can be sure about, it's that there will not be a unilateral disarmament of everyone in this country except the out-left.

And in the meanwhile, if we turn this country into an armed camp, we will have to live in it. And if we burn it down, we will have to live in what's left of it.

We are already paying a terrible price for silence about things we know are wrong. Some people have even gotten themselves trapped into a kind of rear-guard defense of people's "right" to do things on campuses that they know no one has a right to do—as if the more outrageous the act the greater the test of virtue that inheres in one's willingness to defend it.

And it is precisely this kind of double-standard that can split us away from that majority of decent Americans who have showed in two Presidential elections and countless other ways that they, too, want to right wrongs and end wars—a majority that includes not just the young, the black and the poor, but the middle-class, the middle-aged, the Middle West, the middle everything.

OUR CAUSE THEIRS ALSO

For our cause is the cause of middle America too, and last year showed the power of this political fact, if only we don't throw it away.

I must say something more about the violence that has come to so many campuses, including this one, for it is this as much as anything that threatens to throw that power away.

As you know, much of this violence is imported by embittered little groups. It comes wrapped in high-sounding excuses, and is all too often incubated by confused and disorganized majorities. Sometimes the wrong done by a particular act of student coercion has been quickly overshadowed by far greater wrongs done by administrators or police in the name of restoring order, but this fact does not help very much with the general public, which judges the response of constituted authority far more benignly than it judges student provocations.

And there have been provocations: Deans and professors pushed around, speakers shouted down and unarmed people bullied, buildings ransacked and some burned.

It is past time that we asked what principle or pragmatism is served by this kind of behavior. Will someone please tell me how it hurts racism in South Africa to assault the president of Cornell? Do we really help end the war by shouting down James Reston or hurling profanities at Mary Bunting? Are we contributing to the downfall of the military-industrial complex by burning down ROTC shacks or pitching deans out of random buildings? Will gutting the First Amendment make it easier to create a republic with liberty and justice for all?

There's certainly plenty that's wrong with the educational system in this country. There's a great deal that needs to be changed, and there's a great deal that needs to be protested until it is changed. But there seems to be a strange new doctrine abroad that no tactics exist between committee meetings and riots, that the only things one can do are either parliamentary or coercive, almost as if the vast creative pulse that courses down our history from Thoreau to Martin King and Norman Thomas did not exist.

It's a waste of time—and self-deceiving—to argue with people who have different goals that their tactics are counter-productive from the point of view of your own goals. That, of course, is the point of their tactics—to achieve their goals, not yours. So these remarks are not aimed at those who seek to destroy universities or who want to tear down the country, for whatever reason—to start over in whatever direction.

Some even claim that it would mean nothing to end the war in Vietnam. They may not be comfortable working with those of us who believe that to end the war in Vietnam would mean a great deal.

As for those of us who would reform and restructure the educational system, we ought, to use a current phrase—we ought to get our priorities straight. There are plenty of things that can be done to improve education without damaging what is, after all, the central effort: the effort, in Edward Kennedy's phrase, to right wrongs, to heal wounds, and to end war.

It's as harmful as it is stupid to take out on universities all one's frustrations and resentments about societal injustices. Scapegoating may be becoming a national pastime, but closing a college won't end the war. It probably won't even improve the college.

They don't understand and I think Coretta King had this in mind when she spoke here in place of her husband last year: "I've sometimes thought that the best of our young people," she said, "do not always understand the extent to which our great universities are authentically the most liberal of our institutions. But," she added, "universities, too, must face up to very hard questions which they have thus far avoided."

Basic questions, not footnotes: questions from governance to relevance, questions to which the answer that they are "not negotiable" is no more rational—no more relevant, no more accurate—from university authorities than from agitated students. One hopes we have learned this Spring, if nothing else, that non-negotiability in campus situations is not a statement of policy but an announcement of bankruptcy.

I noticed enthusiastic applause from older people when I said it's terrible to throw around a dean. I think it IS terrible to throw around a dean. (I once WAS a dean). But I think it's time we understood that buffeting people about, even deans, seems a rather minor offense to a generation faced with the decision of whether to go off to shoot and get shot, in a war they regard as immoral, or to go to jail or into exile. Those faced with this decision, find appeals for patience about ending the war more insulting than persuasive.

And then there are all those people whose devotion to non-violence on campus, is so oddly arranged that they roar in horror about buffeted deans, but find nothing whatever to yell about when the governor of California tear-gases a community and has 141 unarmed people shot in a street.

But the greatest inducement for thousands of students to tolerate disorder on campus is the contrast between the great outbursts of indignation about campus violence and the endless excuses and muted protests about endless killing in Vietnam and endless poverty and injustice at home. The towering hypocrisy of this contrast blows like a gale of political halitosis across the land and sours everything in its wake.

So I must ask—especially, I must ask the older people here—is there any reason left on this earth why there should be one more month while American boys—these boys, and others like them less likely to find ways out—while American boys are mowed down and squandered in a succession of irrelevant Hamburger Hills? And if not, what are you willing to do about it?

The House voted the other day for another appropriation of $1.3 billion for the war: Will you help us to get congressmen to vote NO on supplemental appropriations for supplemental Hamburger Hills? Will you tell the President to start bringing the troops home in large enough quantities so the Saigon government knows the party's over, and they will have to accept coalition or do their own fighting after all this time?

The Congress is not a collection of evil men— what it really is at heart is a group of people more anxious about holding onto their jobs than Ivy League assistant deans. So when the House votes money to continue the war, it does so because a great majority of the members believe that the country wants that money voted—because these political seismographs think the tremors registering from their constituents make it necessary for them to vote this money.

And the reason people are assumed to want this money voted is not that they approve of the war, but that they think that if we don't appropriate the money, we will be killing American boys who won't be able to defend themselves. So our job—your job—is clear: to explain in every community that this is not the case, that at this point in the war it is those who vote additional money that are sending kids off to die. And to explain that anyone who casts such a vote will be held accountable for that consequence.

Applaud for this, you old folks, do this, and then maybe students will applaud reasonable measures to stop violence on campus. As Professor George Wald put it, the greatest antidote for student unrest is adult unrest. Goodness knows there's enough to be unrested about.

It seems necessary to say at this point what should be obvious: that America owes much of what is hopeful and best about her to this wondrous new generation. For one thing, it has forced us to face questions we have always pretended didn't exist—questions it turns out we have evaded because we had no idea how to answer them.

DEMOCRACY A RACKET?

For openers, it has rejected the Churchillian nostrum that democracy is the worst form of government ever invented except every other form, and has posed instead the questions no nostrum can answer: Is democracy a racket? Are we coming closer to government of the people, by the people and for the people, or have we been kidding ourselves all these years?

After all, the "system" people talk about "staying in" or "tearing down" is supposed to be democracy. And if democracy is simply an unending repetition of unfulfillable promises, a device to make people believe they can affect their lives when in fact they can't—if "the system" is largely a manipulative contraption that preserves an unjust status quo, then it is no longer good enough if it ever was, and no one should urge anyone to "stay in" to be manipulated. We should rather join a search for a better way of doing things.

I don't think democracy is either automatically a racket or automatically not a racket. I think that matter is, in Greg Craig's phrase, up for grabs.

But if democracy in America is not to be a racket, we had better understand why so many now doubt that it is not a racket—understand, and then change both the procedures and the attitudes that have produced so much doubt. We know what the American dream means to those who have achieved it; the problem is, what does it mean to those who have not, who seem forever excluded from it, who go hungry and grow bitter in the midst of the greatest affluence the Lord has ever bestowed on any place in the history of the world?

I guess what troubles me most, this year of all years, is how much we are losing by not trying, how costly is the despair that tells us we can't succeed, that tells us democracy in America is forever a hoax, and that then leads us into behavior designed to prove the premise.

America must not be forced to choose between the change that comes with violence and the violence that comes with no change. And that is precisely the choice America faces if so many of us continue to assume that these questions about democracy have already been answered, or that we cannot affect how they will be answered.

You who are about to graduate—and your contemporaries around the globe—have confronted us with another question—by your dress, by your speech, by your search for "relevancy" in education; by your rejection of the sterile in personal relationships and careers—a question more upsetting to many of your eldlers than questions about democracy. Can't we, you say, can't we develop a life-style that liberates instead of cripples?

I think most older people understand, if only privately and uncomfortably, that the life-style that has enveloped America since the Second World War—that that life-style is not, after all, very satisfactory. Given what we've got, we've made pretty much a mess of things.

The two cars from every garage turn highways into parking lots, and join the unlandable airplanes and uncontrollable industrial wastes to poison the atmosphere and pollute the water, to close the beaches and destroy the open places. We have discovered to our great confusion that affluence does not necessarily bring happiness, that leisure can mean boredom, that greed and corruption are contagious and are not limited to lesser breeds in distant places.

FOR SOMETHING BETTER

The melting pot seems to be producing a nation of undigestible, depersonalized lumps, a nation of barriers and gaps—gaps not just between races and generations and economic groups, but within these categories as well: husbands from wives, friends from friends. We struggle to "communicate" and then all too often find there's nothing to communicate about. The concept of "neighbors" fades into an announcement of distance. We are better at hating than loving, more at home watching than doing, more admiring of ostentation than compassion. Our personal values, in short, are as screwed up as our national priorities.

A people in this situation would, I think be wise to welcome instead of fear those who question its style of life. They would, one would hope, be eager to join the quest for something better.

Finally, our young have made us face the self-deception of our most cherished illusion: the notion that whatever is wrong will surely get better, if we just keep patient and believe our traditional rhetoric with sufficient faith.

But, they keep saying, if so much is so wrong in this country, both for those who

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have made it and for those who have not; if, in fact, the trend is more often than not in the wrong direction—then isn't there something wrong with our strategy, with the way we've been going about trying to change things? And, of course, they're right about that, too.

Some new tactics have of course emerged, new approaches, new initiatives, many of them helpful, some of them promising if inconclusive. But more new tactics, new approaches, new initiatives, are desperately needed.

And someone must keep reminding us that there are limits to tactics, if we mean what we have said about goals.

Hate multiplies hate, adding deeper darkness to a night already devoid of stars. Darkness cannot drive out darkness, only light can do that. Hate cannot drive out hate, only love can do that. Hate multiplies hate and violence multiplies violence in a descending spiral of destruction."

It is not too late to show that those of us who love this country next only to liberty and justice themselves—who are proud of the work and sacrifice and miracles that have produced America, and that America has produced—it is not too late to show that we are determined not to abandon this country but to reclaim it, not to leave the arena to those who would force a choice between Ronald Reagan and the SDS, but rather to pick up where we were a year ago this week-end.

What we must have, then, is a resurgence of people determined to reverse the lockstep that has undone so much that was so good. The lockstep that has wasted lives and resources as if there were nothing better to do with them, that has incubated violence hate instead of isolating them.

So I finish today with one of those haunting, prophetic epitaphs that were left us by Robert Kennedy during the last and greatest months of his life.

This is what he had to say in the hours after the assassination of Martin King, some of it to a black audience in Indianapolis. But we read it today and know all of it was said as well to steel workers in Gary and students at Harvard; and in fact, to all Americans everywhere:

"Some Americans who preach nonviolence abroad fail to practice it here at home. Some who accuse others of inciting riots have by their own conduct invited them. Some look for scapegoats, others look for conspiracies, but this much is clear; violence breeds violence, repression brings retaliation, and only a cleaning of our whole society can remove this sickness from our soul.

VIOLENCE OF INACTION

"For there is another kind of violence, slower but just as deadly, destructive as the shot or the bomb in the night. This is the violence of institutions; indifference and inaction and slow decay. This is the violence that afflicts the poor, that poisons relations between men because their skin has different colors. This is a slow destruction of a child by hunger, and schools without books and homes without heat in the winter . . .

"We learn, at the last, to look at our brothers as aliens, men with whom we share a city, but not a community, men bound to us in common dwelling, but not in common effort. We learn to share only a common fear—only a common desire to retreat from each other—only a common impulse to meet disagreement with force . . .

"What we need in the United States is not division; what we need in the United States is not hatred; what we need in the United States is not violence or lawlessness, but love and wisdom, and compassion toward one another, and a feeling of justice toward those who still suffer within our country, whether they be white or they be black . . .

"My favorite poet was Aeschylus. He wrote: "In our sleep, pain which cannot forget falls drop by drop upon the heart until, in our own despair, against our will, comes wisdom through the awful grace of God." . . .

"So let us dedicate ourselves to what the Greeks wrote so many years ago: to tame the savageness of man and to make gentle the life of this world.

"Let us dedicate ourselves to that, and say a prayer for our country, and for our people."

CHANCES WE'RE NOT WILLING TO LOSE

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Saturday, December 19, 1970

Mr. GRAVEL. Mr. President, yesterday an underground bomb test in Nevada threw radioactivity 8,000 feet into the air, and contaminated at least 300 workers on the ground. Fallout from the radioactive cloud will probably touch members of the public, too. It was the second bomb accident in Nevada this week.

Because we have not had an accident of catastrophic size, yet, we continue to increase our dependence on both nuclear weapons and nuclear electricity. The inevitable byproduct of both is long-lived nuclear radiation in large quantities.

When bomb tests are conducted underground instead of in the air, they produce just as much radioactivity—they simply put it in a different place. Can anyone estimate how many million, billion, or trillion curies of radiation, each with reusable lethal power, will enter the food chain eventually—maybe 150 years from now—via underground water from more than 200 nuclear-bomb cavities in Nevada? From two cavities already in Alaska?

Herbert York, Chief of Research and Engineering for the Department of Defense from 1958 to 1961, is now calling for an end to all nuclear bomb tests, and a rollback in nuclear armaments. His brief, 10-point plan in Life magazine, December 11, 1970, ends with the warning that his safe, unilateral rollback plan will not be easily accepted He also said:

> I am equally sure that unless we nerve ourselves to make the attempt, and make it soon, we are quite simply doomed.

I ask unanimous consent to place Dr. York's article in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAVEL. At the same time that we have been increasing our overkill power in nuclear weapons, we have been sliding into future dependence on nuclear power as the major source of electricity in this country. How many people realize that just one, large, nuclear powerplant produces as much long-lived radioactivity in its lifetime as all the atmospheric bomb tests combined?

With approximately 600 radioactive powerplants projected by the AEC for this country during the next 30 years, accidents are inevitable. In fact, the AEC already requires electric utilities building nuclear plants to provide emergency evacuation plans for public areas. And the AEC begins a 1969 series of booklets for nurses and policemen and ambulance squads with this statement:

> The anticipated growth of the Nuclear Energy Industry is tremendous. Despite an outstanding Safety record, there will be more accidents as the nuclear industry continues its dynamic expansion.

The question is not whether or not there will be accidents. The questions boil down to exactly what degree of disaster, and how often?

The record in Nevada is not at all reassuring. There are significant radiation accidents admitted with at least 7 percent of the underground bombs, and if you can count smaller accidents where the monitors do not read radiation beyond the Nevada test site, and no announcements are made, then perhaps 33 percent of the tests release radioactivity accidentally into the air. The tests are all designed to be completely contained.

Even if unplanned releases were only 7 percent on routine underground bomb tests, of which we have had more than 200, what level of confidence should we then have in the operation of the large nuclear powerplants, with which we have had no experience at all?

If we believe the AEC's own WASH–740 report, then it seems that if just 10 percent of the radioactivity got out of one 1,000-megawatt nuclear powerplant which had been operating for 6 months, it could contaminate an area from Boston to Philadelphia—or 150,000 square miles. Sometimes I wonder if mankind is still heeding the old maxim: "Never take chances you are not willing to lose."

We ought to be considering the implications of making this country dependent for its electrical energy on the most dangerous process ever developed by man—nuclear fission. Safety in a radioactive economy would depend on 99.99 percent success in radiation containment at every step of the process, year in and year out. One of the main radioactive substances involved, plutonium-239, lasts 240,000 years.

A decision to go nuclear in peace as well as in war is a decision for all men for all time, and at the very least, Congress should be encouraging public debate on it.

I am struck by the possibility that suddenly one day, we will all wake up to read that tunafish are not only contaminated with mercury, but they are radioactive as well. Yesterday, the Ralston-Purina Co. promised they will start testing tuna for mercury before the company puts it on the market. That is progress. But does anyone know if the tuna species is permanently contaminated? Can the food chain ever cleanse itself of mercury, and if so, where will the mercury go?

Sheer, blind luck may or may not save man from his mercury pollution, and all the other pollutions he has already perpetrated. The question is, faced with the opportunity to prevent irrevocable nuclear pollution, will man use his head?

There are signs that we are learning prudence in some other fields, at least.

Yesterday, the Surgeon General called for the abandonment of NTA in detergents because of birth defects in mice and rats, even though no harm to humans has been proven yet. In October, the Food and Drug Administration removed two birth-control pills from the market even though no harm to humans had been demonstrated, because an ingredient caused tiny tumors in the breasts of beagle dogs; the tumors might or might not turn cancerous.

Both decisions put health ahead of immediate economic considerations.

But when it comes to nuclear radiation, economic considerations still smother official concern for health. Official regulations actually permit the release of diluted radioactive waste into the environment, even though we have known since 1902 that radiation can induce cancer in man, even though virtually every kind of tumor was induced in every kind of lab animal between 1910 and 1960, even though we have known for many, many years that radiation can cause genetic mutations and birth defects, even though we now know that most human diseases have a genetic basis, even though we have observed chromosome damage in man himself from radiation levels described as considered safe by AEC Chairman Glenn Seaborg in a notable speech, November 19, 1970.

In other words, when it comes to substances which are radioactive, we seem to throw away the public health principles which we apply to other substances. I think Congress ought to be taking a hard look at that, too.

Another curious thing happens with radiation. To my knowledge, no one in the nuclear world disputes that even the tiniest radiation exposure, down to zero, can cause its share of cancer and mutation. Therefore, to justify nuclear reactors and nuclear bomb tests, it is necessary to argue that the benefits exceed the risks. AEC regulations on radioactive reactor effluents are supposed to limit public exposure to a dose of 500 milliroentgens per year. But it looks as if the limit on civilian exposure from weapons testing is set higher—with an additional 2,800 milliroentgens per year allowed. If true, we should find out who—by name—made that benefit-risk judgment, for it makes it the official policy of this country that the warlike atom is about six times more beneficial than the peaceful atom.

I am asking AEC Chairman Glenn Seaborg to clarify that in a set of questions about the accidents in Nevada this week.

EXHIBIT 1

WE CAN REVERSE THE ARMS RACE: A 10-POINT PLAN

(By Herbert F. York)

(NOTE.—Dr. York was chief of research and engineering in the Pentagon from 1958 to 1961. He is chairman of the Federation of American Scientists and acting chancellor of the University of California at San Diego. His recent book *Race to Oblivion* is about the arms race.)

As American and Soviet delegations meet in Helsinki for the third round of the Strategic Arms Limitation Talks (SALT), both superpowers face a terrible dilemma. Even if the talks succeed in slowing down the arms race, or bringing it to a halt, the world will continue to be haunted by enormous batteries of destruction already in existence, fully primed and increasingly vulnerable to error and misuse.

During the last 25 years the United States and the Soviet Union have spent hundreds of billions of dollars and rubles on the systematic development of more and more sophisticated and powerful arms. Temporary advantages gained by one side or the other were successively neutralized until today each possesses enough strategic weapons—largely in the form of silo-based intercontinental ballistic missiles (ICBMs)—to kill more than half the other's population in a single all-out surprise attack. Neither country, however, has anywhere near enough weapons to knock out the victim's ability to retaliate. Well over half our approximately 1,000 Minuteman and Titan ICBMs would survive a surprise Soviet attack and vice versa. These facts constitute what has come to be known as "the balance of terror" between the Soviet Union and the U.S.

Grim as it may be, until now this balance has been stable. It will not remain stable for long. Two major new systems are already being tested in the U.S. and the Soviet Union which will on the one hand shake up the existing missile numbers game and, on the other, put more and more stress on acting fast—or first. The MIRV (Multiple Independently-targetable Reentry Vehicles) system in effect turns a single conventional ICBM into several missiles by loading it with from three to 20 separate warheads that can be individually aimed at different targets. The ABM (Anti-Ballistic Missile) system proposes to defend targets (missile sites, for example) from incoming attackers.

These new weapons are more complicated and more fully automated than such things used to be. They also cost more. But more to the point, their effective use requires that very complex decisions be made in very short times on the basis of information gathered by automatic devices and processed by electronic computers. While our official national policy still specifies that "approval by the highest authority" is required before any strategic weapons are launched, the fact is that the new technology is inexorably reducing the time available for decision-making. It is easily conceivable that eventually there will be only time enough for a computer to decide whether civilization will live or die.

Thus further technological refinements aimed at maintaining the old balance of terror are really no solution to our dilemma at all. If we continue to spend all our energies and treasure in this fruitless effort, the situation is bound to get even worse. We must not only bring the arms race to a halt, we must, still more imperatively, reverse it. SALT could accomplish the first goal, but the second is more difficult.

Any proposal for a rollback, it seems to me, ought to meet several specific requirements. It should be substantial: the end result must be a real reduction in the numbers of weapons, a reduction in the styles of weapons, a reduction in research and development on new weapons. It should be bilateral: armaments on each side are not precisely the same and therefore cannot be reduced symmetrically, but the plan should permit roughly equivalent response. It should be safe: most of the steps, even if taken unilaterally, should not be such as to impair the "deterent" if the other side fails to go along. It should require little or no inspection: the Russians are extremely sensitive on the point and in the event the U.S. probably would be too. It should eliminate first those weapons systems requiring carefully tuned, computer-generated responses, because they are the most dangerous.

The 10-point program which follows meets these requirements. It is phrased in terms of what the U.S. should do. The Russians would be expected to do something similar. For both sides to agree on a complete rollback plan would, of course, be preferable, but this one is set up in such a way that the U.S. could safely begin unilaterally in order to get the ball rolling. I personally recommend that we *do* proceed.

POINT 1: ABANDON MISSILES STORED IN UNDERGROUND SILOS

Our nuclear deterrent consists of three main weapons—underground-sited ICBMs (Minuteman and Titan missiles), submarine-launched Polaris missiles and nuclear bombs carried by aircraft. Everyone agrees that the underground missiles are secure against a surprise attack—right now. But Secretary of Defense Melvin Laird, along with other Defense Department officials, has stated that sometime in the mid-1970s these missiles will become vulnerable to Soviet attack. The reason given is recent Soviet progress in the development of MIRV—which means an enormous increase in the *numbers* of warheads deliverable—and in missile accuracy and reliability. The Defense Department pointed to these developments in arguing in favor of deploying a defensive Safeguard ABM system.

Those of us who opposed Safeguard did so not because we disagreed about the potential vulnerability of our underground missiles, but because we have little faith in the real reliability of the ABM system. Some kind of ABM system *may* work, but there is no way of being *sure* that it will, until too late. Unless it is infallible, we can never again have a high level of confidence in our ICBMs. Consequently, we should abandon these underground missiles and turn to other weapons systems whose vulnerability is unimpaired, and in which we *can* have a high level of confidence.

POINT 2: REDUCE SUB-LAUNCHED MISSILE FORCES

Of the 41 U.S. submarines now equipped to carry Polaris missiles, approximately 30 are scheduled to be converted to carry the new Poseidon missiles. These scheduled conversions should be carried out, but the rest of the submarine missile fleet should be scrapped.

The new Poseidon missiles have a longer range than the Polaris missiles they replace, and instead of a single warhead will carry a MIRV warhead composed of from 10 to 14 individually targetable warheads. Each sub carries 16 missiles, so a 30-boat fleet would be able to deliver a total of at least 5,000 warheads. This is about three times as many as we now have in land-based and sub-based missiles combined.

While the Soviets have fewer missile-carrying subs than we do, they are deploying new ones fairly rapidly. As they become persuaded that their silo-based missiles are, like ours, obsolescent, they might be expected to continue their missile-sub buildup until they match us. Or, considering the huge Soviet landmass, they may prefer to build mobile land-based missiles instead. I see no reason why both countries need approach the problem of mobile missiles in the same way, so long as the result is a balance of force.

POINT 3: REDUCE THE STRATEGIC BOMBER FORCE

Keep, at most, about 250 of the 500 or so B–52 bombers we now have. Arm them with high-performance, short-range air-to-ground missiles capable of low-level attack, and perhaps some bombs. Fit them out with the best devices available for penetrating bomber defenses. Have them operate strictly as a deterrent force, targeted on a secret and changing selection of Soviet cities so as to create an impossible defense problem.

POINT 4: ABANDON ABM

If we do away with underground missiles, an ABM system—even if it worked—will no longer have a role to play in defending them. And since nearly all authorities from the

Eisenhower administration to the present have agreed that it is simply not possible to build an ABM system capable of defending cities against determined thermonuclear attack by enemy missiles, the whole system may be abandoned.

POINT 5: GO AHEAD WITH THE DEVELOPMENT OF MIRV FOR POSEIDON

Many of us who previously opposed the development and deployment of composite warheads did so because we believed that the move would upset the balance of terror and lead to an expansion of the arms race. But it is their use on—and against—silo-based underground missiles that cause there is no way to calculate the actual strength or vulnerability of two such opposing MIRV forces. In an uncontrolled arms race, moreover, the factors are constantly shifting.

By now the development of MIRV has probably gone too far (especially in this country) to stop it and maintain a ban on it except by the use of unacceptable inspection methods. With silo-based missiles out of the picture, fitting out a controlled number of sub-based missiles with MIRV would make sense. It would also provide insurance against any attempt by the other side to deploy, secretly, an antimissile defense; MIRV can penetrate any such defense.

POINT 6: MAINTAIN PRESENT LEVELS OF BOMBER DEFENSES

Present U.S. defenses against bombers cannot cope successfully with a concentrated Soviet attack, epecially a coordinated missile-bomber attack. But they can cope fairly well with attacks which might be mounted against us by some "third power." It seems to me that, in a world where offensive arms levels are decreasing, such a "Coast Guard of the Air" could exert a stabilizing influence. It is true that Soviet bomber defenses are much more intensive than ours, but our bomber fleet is bigger and constitutes a bigger threat. Also, with China on one flank and Europe on the other, the Soviet Union has more reason to worry about bomber attacks across its borders than we do. We must expect and allow some dissimilarity over this matter.

POINT 7: REDUCE EXPENDITURES FOR DEVELOPMENT OF NEW STRATEGIC WEAPONS SYSTEMS BY AT LEAST ONE THIRD

Hundreds of projects and programs, often interrelated, are already under way, so it is impossible for an outsider like myself to be very specific about cutbacks in this area. However, we should probably eliminate all work on land-based underground missiles, and greatly reduce research and development dealing with ABM. In the past, much of the research, development and deployment of new missile systems was carried out concurrently. This occasionally made things happen sooner, but it always made them cost more. This procedure is no longer justified.

On the other hand we should continue research and development on several programs, including the search for better ways to make missile warheads penetrate to enemy targets. Also, at least during this first disarmament stage, we should keep working on ULMS (Undersea Long-range Missile System), a new, very-long-range, submarine-based missile system that is a succesor to Poseidon; improved armaments and penetration aids to help bombers reach their targets; and perhaps the B–1 bomber or some other successor to B–52. (If disarmament proceeds fast enough, this last might be dropped.)

POINT 8: MAINTAIN SURFACE NAVY TO PROTECT THE POSEIDON FORCES

An important mission for the surface Navy, perhaps its main mission, will be to maintain the security of our missile-sub fleet through what might be called "anti-anti-submarine warfare." It has been repeatedly suggested that one reason we dare not abandon our land-based missiles is that someday, somehow, our missile-bearing subs will become almost totally vulnerable to attack by enemy forces. This seems to me a very farfetched theory, but just in case there is anything to it, the rest of the Navy should be able to make sure it doesn't happen.

POINT 9: EARLY WARNING AND TECHNICAL INTELLIGENCE

Programs for the development and deployment of early warning, surveillance and reconnaissance systems should continue at about the present rate. Such monitoring systems for checking on what the other fellow is really doing are especially needed during a period of active disarmament. They also serve to allay the public nervousness that frequently accompanies the most modest disarmament measures.

POINT 10: STOP ALL NUCLEAR TESTS

Expand the present partial test ban to cover all types of nuclear bomb testing. Preferably this ban would include all nuclear explosive tests of whatever size and purpose, including the so-called "Plowshare Program" for the development of "peaceful" uses of nuclear bombs. If such a total ban is politically impossible, then no tests of devices larger than, say, a few kilotons should be permitted. This sort of a ban ought to be helpful in maintaining the cooperation of other countries who have signed the nuclear nonproliferation treaty.

Our final goal must remain general and complete disarmament. Even if the program I have outlined above were fully effected, we would still be far from that goal. But we would have moved significantly closer to it, and done so in a way that seems to me safe. I do not imagine for a moment that this rollback plan—or any other—will be accepted easily by anyone, Russian or American. But I am equally sure that unless we nerve ourselves to make the attempt, and make it soon, we are quite simply doomed.

ARMY SURVEILLANCE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. BINGHAM. Mr. Speaker, I want to add my voice to those who have participated in this special order expressing admiration for our colleague from Illinois (Mr. Mikva) and condemnation of the reported military spying on civilian officials.

The accusations made by Mr. John O'Brien that he was ordered to spy on many civilian officials, including Senator Adlai E. Stevenson and Congressman Mikva, have the ring of truth. I know from my own experience that military intelligence personnel in the past have built up and maintained their own files on Americans they believed to be subversive. The kind of activity that Mr. O'Brien has described may very well have been going on without the knowledge of the top officers and civilian officials in the Pentagon. The Secretary of the Army, Mr. Stanley Resor, has denied that he had any knowledge of it, and I believe him, since I have great confidence in his integrity, as well as in his ability.

Obviously what is needed is a thorough-going and fearless inquiry, not only by the congressional committees concerned, but by the Defense Department itself.

In addition, the various legislative steps suggested by our colleague, Mr. Mikva, should be taken in an effort to provide safeguards in the future against what may fairly be described as outrageous aping of totalitarian government.

Those steps include passage of legislation, which I have cosponsored, that would give every citizen the right upon request to be informed of any information kept on him by the Federal Government, to review that information, and to supplement it with his own side of the story. Even with such protection, however, the type of activitiy that is alleged to have taken place in this case cannot be tolerated and, if proved to have occurred, should be stopped.

THE ISSUES AS 13,443 RESIDENTS OF THE SEVENTH CONGRESSIONAL DISTRICT OF NEW JERSEY VIEW THEM

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 19, 1970

Mr. WIDNALL. Mr. Speaker, in late September, I mailed an extensive questionnaire to 152,800 addressees in the Seventh District of New Jersey which encompasses the western portion of Bergen County.

Our office has received 13,443 responses, a rate of 8.8 percent, which is very high for a questionnaire of this nature. I think that this high rate of return reflects a definite lack of apathy on the part of Seventh District residents. I would add that the comments on the questionnaire show an admirable degree of knowledge on problems which the Government faces.

THE 1966 PROBLEMS REVISITED

Mr. Speaker, in 1966, I asked my constituents what they felt were the three most important issues facing our Nation today. I asked them the same question approximately 4 years later, and I think the comparison is interesting:

COMPARISON OF PROBLEMS

1966

1. Vietnam
2. The economy
3. Government spending
4. Civil rights/race relations
5. Welfare
6. Foreign policy
7. Taxes
8. Law and order
9. Communism
10. Foreign aid
11. Education
12. Labor
13. Poverty
14. Morality
15. World peace
16. Drug abuse
17. Patriotism
18. Ecology
19. Population
20. Commuters

1970

1. Indochina
2. The economy

3. Ecology
4. Law and order
5. Drug abuse
6. Civil rights/race relations
7. Student unrest
8. Taxes
9. Welfare
10. Government spending
11. World peace
12. Mideast
13. Morality
14. Foreign policy and aid
15. Communism
16. Poverty
17. Education
18. Urban problems
19. Radicalism
20. Corruption in politics

The same two major problems that preoccupied the peoples minds in 1966 remain in 1970. Vietnam and our economy are still the chief concern, though to a lesser degree. Sixteen percent regard Vietnam as first in 1970, down from 47 percent in 1966, and also 16 percent for the economy, down from 37 percent in 1966.

ECOLOGY AND DRUG ABUSE

Government spending, welfare, foreign policy, and labor are considered relatively lesser problems. While environmental pollution has jumped from 18th place to third, and drug abuse from 16th place to fifth. Law and order has also moved up as a chief concern. Student unrest was unthought of in 1966, but is now adjudged to be our seventh most important problem.

RESPONSES TO CHIEF ISSUES

The most important problems are further explored in the other 16 items in the questionnaire. Broadly speaking, the questions can be categorized into national defense, the economy, ecology, drug abuse, senior citizens, and students, and the Nixon administration. An analysis of the responses to questions in each of these six categories follows.

VOLUNTEER ARMY

Nearly half of my constituents would prefer an all-volunteer army to what we have now. The Voluntary Manpower Act, which I cosponsored, would begin an all-volunteer force in 1971. The younger the respondent, the more an all-volunteer army is supported; the 18 to 29 group had a 57- to 32-percent preference over the present draft system.

WITHDRAWAL FROM VIETNAM

Most want us to withdraw troops but take as many years to do this as are needed to turn the war over to the South Vietnamese. The older one is, the more he is for this.

However, the majority of respondents want withdrawal of all troops, at least by June 30, 1971. A bill that I cosponsored asks for this measure and 51.2 percent—combining immediate withdrawal and withdrawal by June 30—concur. Ninety-six percent evidently oppose sending more troops.

Furthermore, in a slight edge, 3 percent of the respondents are opposed to the United States giving military air support to the Cambodian armed forces.

BUILD THE ABM

Many people declined answering the ABM question, but of those who answered, nearly twice as many favor the President's program.

In the Middle East conflict, respondents prefer, in order, that the United States negotiate for peace—25.9 percent—work through the United Nations—25.5 percent—or stay out of the conflict—22.8 percent.

COST OF VIETNAM

The people of the Seventh District were presented the opportunity to assess the impact of nine factors as inflationary causes. The cost of Vietnam ran first with union wage demands and Government spending following. And as an antidote to these causes, they suggest a cut in Federal spending—80.3 percent, and with lesser agreement, wage-price controls, a tight money policy, and continuation of a tax surcharge.

GIVE MONEY TO STATES

In considering a concept which I have long advocated, 53.6 percent favor revenue sharing with State and local governments. This would consist of $1.1 billion returned to State and local treasuries with no strings attached. The measure is most strongly approved by 18- to 29-year-olds.

AIR AND WATER CONCERN

The greatest consensus on any question is that 86.8 percent believe air pollution in Bergen County is at a serious level. The political parties are in virtual agreement, while people show less concern in older age groups.

Not as noted, but still serious, is acknowledgement of water pollution in the county. The consensus between party lines and age groups is more divided than on the air question.

HEROIN, COCAINE, AND MARIHUANA

As noted earlier, drug abuse has become a major problem in the respondents' viewpoint. To control the traffic of hard drugs, 84.5 percent support a bill that I cosponsored which would cut off aid to countries which produce heroin and cocaine but refuse to control their flow into the United States. The strongest agreement comes from nine out of 10 over age 50 respondents.

Marihuana legality is opposed by nearly three-fourths of the people. Over half those aged 18 to 29 years are against legalization.

TAX HELP FOR SENIOR CITIZENS

Different replies emanating from different perspectives show when I asked for remedies that the Federal Government could take to ease the living conditions of the senior citizens. The young group thinks that senior citizens should have increased social security benefits, then more low-cost housing.

However, the over aged 50 group wants tax relief first, then increased benefits, both before housing is improved. It appears that these people are asking for freedom from taxation harassment from the Government. Many noted in the margins of their returns that increasing property taxes are a particular problem.

RAISE STUDENT LOAN ELIGIBILITY

Forty-three percent ask that eligibility for federally supported student loans be set for families whose income is $15,000. Most of the student loans today are channeled to youths of families whose income is below $12,000.

HAPPY WITH NIXON

Among all respondents, 59.3 percent approve of the way Nixon is handling his job as President. Not surprisingly, 77.1 percent of Republicans approve, with 46.9 percent independents, and 29.0 percent of the Democrats.

Despite the high priority—sixth—of racial strife among problems noted, 52.2 percent believe the administration is moving toward racial integration at about the right rate. The 18- to 29-year-olds are split on whether the move is about right or too slow. No strong sentiment indicates that the President is going too fast.

THE FIGURES FOLLOW

I include at this point a complete tabulation of the results of this questionnaire:

DISTRICT WIDE POLL OF CONSTITUENTS

[In percent]

Questions	Total	Party preference: Democrat	Party preference: Republican	Party preference: Independent	Age (years): 18 to 29	Age (years): 30 to 49	Age (years): 50+
1. In obtaining manpower for the military which of the following would you prefer:							
Volunteer army as a substitute for the present draft lottery system	49.4	52.5	45.9	52.8	56.5	50.5	45.8
Keep the present draft system	39.5	36.6	43.6	35.3	32.4	38.4	43.2
Not sure	11.1	10.9	10.5	11.9	11.1	11.1	11.0
2. Here are 4 different plans the United States could follow in dealing with war in Vietnam. Which one do you prefer:							
Withdraw troops but take as many years to do this as are needed to turn the war over to the South Vietnamese	40.9	29.5	49.0	34.4	31.6	42.1	42.8
Withdraw all by June 30, 1971	33.7	36.8	31.9	35.0	36.1	33.2	33.5
Withdraw all troops from Vietnam immediately	17.5	28.2	10.7	22.4	23.6	16.9	15.9
Send more troops to Vietnam and step up the fighting	4.0	3.1	4.2	4.1	4.8	3.9	3.8
Not sure	3.9	2.4	4.2	4.1	3.9	3.9	4.0
3. If you are familar with the discussions on the ABM proposal and have an opinion on this complex issue, do you favor or oppose the ABM program as submitted by President Nixon:							
Favor	46.4	28.8	57.7	38.1	34.5	46.7	50.4
Oppose	25.6	41.9	14.9	33.5	37.2	26.4	20.5
Not sure	28.0	29.3	27.4	28.4	28.3	26.9	29.1

DISTRICT WIDE POLL OF CONSTITUENTS—Continued

[In percent]

Questions	Total	Party preference: Democrat	Party preference: Republican	Party preference: Independent	Age (years): 18 to 29	Age (years): 30 to 49	Age (years): 50+
4. Your opinion of the way Nixon is handling his job as President:							
Approve	59.3	29.0	77.1	46.9	47.0	59.6	63.3
Disapprove	26.8	54.7	11.4	36.9	39.4	27.8	21.1
Not sure	13.9	16.3	11.5	16.2	13.6	12.6	15.6
5. The Nixon administration is moving toward racial integration:							
About right	52.2	35.1	63.7	43.5	39.7	53.0	55.9
Too slow	26.2	45.4	14.3	34.7	39.7	28.1	19.3
Too fast	13.7	11.9	14.9	11.5	10.9	11.3	16.2
Not sure	8.4	7.6	7.1	10.3	9.7	7.6	8.6
6. How serious a problem do you feel water pollution—the pollution of rivers, streams, lakes, and water supply—is in Bergen County:							
Very serious	73.1	76.7	69.4	76.7	82.1	76.5	66.2
Somewhat serious	22.0	19.4	25.0	19.1	14.7	20.1	26.6
Not serious	2.2	1.9	2.5	1.9	1.1	1.4	3.5
Not sure	2.7	2.0	3.1	2.3	2.1	2.0	3.7
7. From what you know or have heard, how much air pollution do you think there is in Bergen County:							
A lot—some	86.8	87.8	86.2	87.2	91.6	89.2	82.7
Little—none	8.7	7.7	9.8	7.7	5.2	6.8	12.0
Not sure	4.5	4.5	4.0	5.1	3.2	4.0	5.3
8. Regarding the control of heroin and cocaine, do you favor cutting off aid to countries which produce these drugs but refuse to control their flow to the United States:							
Cut off aid	84.5	79.8	87.7	82.1	70.6	83.9	90.0
Do not cut off aid	7.9	11.5	5.3	9.9	18.2	7.5	4.8
Not sure	7.6	8.7	7.0	8.0	11.2	8.6	5.2
9. Do you think the use of marihuana should be made legal or not:							
Should not	71.3	65.8	79.7	62.5	51.1	72.3	77.4
Should	17.0	23.7	10.5	22.9	35.9	15.4	12.0
Not sure	11.7	10.5	9.8	14.6	13.0	12.3	10.6
10. To what degree is Federal Government spending a cause of inflation:							
Major	73.1	62.8	77.3	71.0	69.3	71.7	76.1
Minor	17.8	23.7	15.6	18.8	20.3	19.0	15.5
Not much	4.8	8.3	3.6	5.2	4.8	5.4	4.3
Not sure	4.3	5.2	3.5	5.0	5.6	3.9	4.1
To what degree is the cost of Vietnam a cause of inflation:							
Major	80.1	83.2	77.9	81.7	81.6	79.3	80.2
Minor	14.1	10.9	16.4	12.5	12.3	15.3	13.7
Not much	2.8	2.2	3.1	2.5	2.8	2.7	2.8
Not sure	3.0	3.7	2.6	3.3	3.3	2.7	3.3
To what degree is the high interest rate on borrowing a cause of inflation:							
Major	36.0	48.4	30.7	38.1	35.6	35.2	37.0
Minor	27.4	21.8	29.9	26.1	27.4	28.0	26.4
Not much	26.7	19.4	30.2	25.2	25.5	28.4	25.6
Not sure	9.9	10.4	9.2	10.6	11.5	8.4	11.0
To what degree are union wage demands a cause of inflation:							
Major	75.4	61.5	83.2	69.8	63.1	74.8	80.5
Minor	15.8	23.6	11.6	18.8	23.2	17.4	11.4
Not much	5.7	10.9	3.2	7.2	8.3	5.6	4.9
Not sure	3.1	4.0	2.0	4.2	5.4	2.2	3.2
To what degree are high business profits a cause of inflation:							
Major	30.4	43.8	23.3	34.4	33.5	28.9	31.1
Minor	34.9	30.6	37.1	33.7	33.8	36.5	33.1
Not much	26.7	16.9	32.6	23.1	22.4	27.9	27.2
Not sure	8.0	8.7	7.0	8.8	10.3	6.7	8.6
To what degree are war and relief payments a cause of inflation:							
Major	55.3	49.5	58.7	53.0	45.0	51.3	64.0
Minor	23.6	24.0	23.5	23.7	27.1	26.3	19.2
Not much	14.0	18.6	12.0	15.0	18.6	15.7	10.1
Not sure	7.1	7.9	5.8	8.3	9.3	6.7	6.7
To what degree are taxes a cause of inflation:							
Major	39.4	39.1	42.3	35.8	34.5	34.9	47.1
Minor	24.3	24.0	24.0	25.0	27.0	26.6	20.4
Not much	27.4	26.0	26.3	29.2	28.2	31.3	22.1
Not sure	8.9	10.9	7.4	10.0	10.3	7.2	10.4
To what degree is people having too much money to spend a cause of inflation:							
Major	21.4	17.2	23.7	20.1	18.1	19.5	25.2
Minor	36.3	34.7	37.3	35.4	35.0	36.7	36.2
Not much	35.2	39.9	32.5	37.0	39.5	37.6	30.4
Not sure	7.1	8.2	6.5	7.5	7.4	6.2	8.2
To what degree is Federal money spent on education and health a cause of inflation:							
Major	11.2	6.2	14.8	8.4	6.9	8.8	15.8
Minor	36.0	31.3	39.5	33.1	29.7	37.9	36.1
Not much	47.7	57.7	40.3	53.6	59.2	49.2	41.2
Not sure	5.1	4.8	5.4	4.9	4.2	4.1	6.9
11. In order to curb inflation would you favor or oppose a Federal spending cut:							
Favor	80.3	68.0	85.5	77.6	74.3	78.9	84.0
Oppose	10.6	19.0	7.3	12.1	13.9	12.0	7.8
Not sure	9.1	13.0	7.2	10.3	11.8	9.1	8.2
In order to curb inflation would you favor or oppose wage-price controls:							
Favor	52.7	60.8	49.1	54.5	52.1	47.8	58.3
Oppose	34.8	27.2	38.9	32.3	35.0	39.5	29.5
Not sure	12.5	12.0	12.0	13.2	12.9	12.7	12.2
In order to curb inflation would you favor or oppose a tight money policy:							
Favor	32.0	22.0	37.7	28.4	24.6	33.8	32.9
Oppose	45.3	54.7	40.3	48.1	51.7	46.2	41.3
Not sure	22.7	23.3	22.0	23.5	23.7	20.0	25.8
In order to curb inflation would you favor or oppose continuation of the tax surcharge:							
Favor	31.2	30.1	32.6	29.7	23.5	31.8	33.5
Oppose	55.4	55.1	54.9	56.1	60.1	55.2	53.7
Not sure	13.4	14.8	12.5	14.2	16.4	13.0	12.8
In order to curb inflation would you favor or oppose substituting a national sales tax for a corporate tax:							
Favor	12.8	13.8	12.3	13.1	14.7	11.5	13.6
Oppose	66.2	62.3	67.5	66.0	60.2	67.8	66.8
Not sure	21.0	23.9	20.2	20.9	25.1	20.7	19.6
12. What remedies could the Federal Government take to ease the living conditions of the senior citizens:							
Tax relief	28.0	20.2	33.5	24.5	15.6	28.1	31.8
Raise Social Security benefits	23.7	29.5	20.7	25.2	33.5	22.6	21.6
Low cost housing	19.5	23.3	16.6	21.4	25.6	19.3	17.8
Expand and improve Medicare	11.5	13.9	9.5	12.9	12.1	11.7	11.0
Curb inflation	6.9	3.1	9.0	5.7	3.5	7.0	8.0
Increase earnings limitation	5.3	3.9	6.4	4.6	2.8	5.4	6.1
Food subsidies	3.2	3.9	2.5	3.8	4.8	3.9	1.9
Better nursing homes	1.9	2.2	1.8	1.9	2.1	2.0	1.8
13. It has been suggested that $1,100,000,000 of the revenue which Washington collects in Federal income taxes be returned to the States and local governments to be used by those States and local governments as they see fit:							
Favor	53.6	55.1	53.8	52.9	59.2	55.5	49.7
Oppose	26.5	26.3	26.3	26.8	23.2	26.1	28.0
Not sure	19.9	18.6	19.9	20.3	17.6	18.4	22.3
14. Currently the bulk of student loans go to youths of families whose income is below $12,000. Do you think that eligibility for Federally-supported student loans should be limited to qualified students from families whose income is below:							
$15,000	43.6	46.2	40.2	46.9	44.5	52.7	33.3
$10,000	25.3	26.0	27.3	22.7	22.7	17.2	35.2
$12,000	20.7	17.8	21.2	21.0	25.2	19.1	20.9
Not sure	10.4	10.0	11.3	9.4	7.6	11.0	10.6
15. As the Gallup poll asked this year what would you like to see the U.S. Government do about the troubles between Israel and the Arab nations in the Middle East:							
Negotiate for peace	25.9	25.3	26.3	25.8	28.6	26.5	24.6
Work through the United Nations	25.5	25.0	25.3	25.8	25.8	25.7	25.2
Stay out of the conflict	22.8	17.9	25.4	21.1	20.7	19.9	26.6
Support Israel with military aid	11.5	15.4	9.7	12.5	11.6	12.8	10.0
Support Israel with nonmilitary aid	9.8	12.6	9.0	9.9	9.2	10.6	9.1
Support the Arab nations with nonmilitary aid	3.1	2.5	3.0	3.5	2.7	3.3	3.0
Support the Arab nations with military aid	.4	.3	.4	.4	.2	.5	.4
No opinion	1.0	1.0	.9	1.0	1.2	.7	1.1
16. Should the United States give military air support to the Cambodian armed forces:							
No	45.8	63.2	37.0	51.0	56.4	45.3	42.5
Yes	42.7	30.8	50.1	37.6	35.8	43.9	44.1
No opinion	11.5	6.0	12.9	11.4	7.8	10.[illegible]	13.4
17. What do you feel are the 3 most important issues or problems facing our Nation today:							
Indochina	16.2	19.7	12.6	17.9	21.0	16.2	14.5
The economy	16.0	15.6	18.1	14.8	12.1	15.8	1.7
Ecology	14.2	15.5	12.6	15.9	21.1	15.1	10.7
Law and order	12.0	8.5	14.4	10.1	7.5	11.1	14.7
Drug abuse	9.6	9.5	10.1	9.1	8.0	9.9	10.0
Race relations and civil rights	6.9	9.3	5.7	7.7	9.6	7.1	5.7
Student unrest	5.1	[illegible].3	5.5	4.9	3.9	5.0	5.5
High taxes	2.6	2.1	3.0	2.2	1.1	2.1	3.8
Welfare	2.1	1.6	2.3	1.9	1.6	1.8	2.5
Government spending	1.7	1.1	2.1	1.5	.9	1.4	2.4
World peace	1.5	1.1	1.4	1.6	1.1	1.6	1.4
Mid-East	1.5	2.0	1.4	1.5	2.3	1.7	1.0
Morality	1.5	.7	1.8	1.4	1.0	1.7	1.5
Foreign policy and aid	1.5	1.4	1.6	1.5	1.5	1.4	1.7
Communism	1.4	.9	1.8	1.2	.8	1.5	1.5
What do you feel are the 3 most important issues or problems facing our Nation today:							
Poverty	1.3	1.9	0.8	1.7	1.9	1.5	0.7
Education	1.3	1.4	1.4	1.0	.6	1.6	1.0
Urban problems	1.2	1.4	1.0	1.4	1.6	1.1	1.3
Radicalism	1.2	.7	1.3	1.2	1.1	1.3	1.1
Corruption in Politics	1.2	1.0	1.1	1.5	1.3	1.1	1.3

ADDITIONAL DATA

Total questionnaires mailed—152,806.

Total questionnaires received—13,443 (8.8%).

Republicans—6,500 (48.4%).
Independents—5,249 (39%).
Democrats—1,694 (12.6%).
Total—13,443.
30–49 years old—5,994 (44.6%).
50 and over—5,493 (40.9%).
18–29 years old—1,956 (14.5%).

PRIVATE ENTERPRISE SALUTES AMERICA'S POLICEMEN

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 19, 1970

Mr. ROUSSELOT. Mr. Speaker, on some occasions we hear loud outcries from various segments of our diverse society that private-enterprise entrepreneurs, and especially large corporations, are insensitive, crass profiteers who have no concern for the American public as a whole. American business and corporate giants are pictured as conniving, greedy, wretched, faceless Scrooges who are somehow unaware of the thousands of community servants and good citizens about them. Most of these ridiculous charges, and many times unfair attacks on our private-enterprise system, are generally overexaggerated and piecemeal criticisms drawn from half-truths and unqualified evidence.

The Warner & Swasey Co., of Cleveland, Ohio, has for many years utilized its hard sell advertising space in well-circulated national publications to compliment and commend worthy individuals and/or organizations who are making significant contributions to the well-being of America. The Warner & Swasey Co. is but one of many responsible corporate enterprises in America who are assuming a proper citizens' obligation to express their appreciation to the many segments of our American populace who are doing their part. In the December 21, 1970, issue of Newsweek magazine there appeared a message praising America's policemen who day-in and day-out make a valiant attempt to keep the peace for the 205 million American people living throughout the land. It was a simple, straightforward message that needed to be stated. While it is true, Mr. Speaker, that the Warner & Swasey Co. also includes in these type advertisements an additional footnote about various products and services they have, I believe they are to be complimented for their continuing effort to reflect in media normally used for other purposes; that is, advertising their own products, willingness to express gratitude to their various fellow citizens who are performing their independent tasks in a quiet, positive way. President Nixon has stated that one of the great strengths of our Nation lies not only in our ability to critically evaluate those things which are wrong, but also, and more importantly, to occasionally speak up for those things which are right about America. The Warner & Swasey Co. has accepted this responsibility, and their example of talking so correctly about American policemen and law enforcement agents is private enterprise operating at its best.

Mr. Speaker, I recommend that my colleagues review the brief but thoughtful message contained in this advertisement:

WITH PROFOUND ADMIRATION AND GRATITUDE WE SALUTE AMERICA'S POLICEMEN

Except for you and your courage and integrity, our so-called civilized cities would be jungles, our children unsafe even in their own home and school yards, our businesses would be in a losing war with hoodlums.

You and the fine wives who back you up are what keep this country o' ours from plunging into chaos.

We and all decent Americans are deeply grateful to you, and we are immensely proud to be fellow citizens of men like you.

ARMY SURVEILLANCE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. KOCH. Mr. Speaker, I want to praise the gentleman from Illinois (Mr. MIKVA) for his brilliant statement on this subject. Like him, I have now served 2 years in the House.

The revelations of the Army surveillance activities in Illinois are most serious. One of the constitutional principles of our Republic is that of civilian control over the military, and yet, now we find the military operating its own organized system of surveillance on our country's people and elected officials.

I believe the Government's invasion into the private lives of the citizenry at large, as well as the surveillance of their political activities, is of such importance that I intend to pursue this as a matter of top priority in the next Congress.

Last year I introduced a Federal Privacy Bill, H.R. 7214, that would instruct all Federal agencies to notify individuals of all records maintained on them. Furthermore, these persons would be permitted, except in instances of national security, to inspect these records and add explanatory statements where they desire to do so.

I believe that a hearing on H.R. 7214 would be an appropriate forum for the Congress to investigate both the dimensions of the Army's surveillance activities and the collection of data by Government agencies, not only on public officials, but also on the citizenry at large.

I advised this House yesterday that I had asked the distinguished chairman of the Government Operations Committee, Mr. HOLIFIELD to hold hearings on my bill, and during these hearings to inquire into all of the circumstances relating to the Army's intelligence activities in the entire country as well as Illinois. I believe that we have seen but the tip of the iceberg in the Army's activities in Illinois, and that the Congress should investigate all similar activities conducted by all branches of the Government, including the FBI.

I know that many Members believe the phones in our congressional offices may be tapped. I would like to have witnesses from the various investigatory agencies of the administration appear and testify under oath as to whether or not they conduct any wiretapping of congressional offices.

Even more important, however, than protecting the Congress is protecting the public. We in public office at least are able to fight back, not always successfully but at least we have a forum. The average citizen has no recourse, and an unknown number of decent citizens have been destroyed by malicious and false information appearing in the millions of dossiers held by Government agencies. It is necessary that the Congress act both to protect the individual's right to privacy and to give him some means for defending himself against misinformation. My bill would provide this protection.

I will be reintroducing the bill on the first day of the 92d Congress, and I invite my colleagues to cosponsor it.

JUSTICE DOUGLAS MUST GO

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 19, 1970

Mr. RARICK. Mr. Speaker, old Justice Douglas had scarcely completed his press conference at his Supreme Court office—celebrating his short-lived reprieve—when he again misused his entrusted authority in matters of national security.

This time he intervened against military regulations which do not feel that mothers should serve in our armed services. The case in point is an unwed female officer with an illegitimate child.

Perhaps Douglas feels that by his standards such an officer can still be regarded as a gentleman—a gentlewoman in this instance.

The moral judgment of a man always reflects his personal morals.

Douglas must go.

I include a pertinent newsclipping with my remarks:

[From the Washington (D.C.) Evening Star, Dec. 18, 1970]

CAPTAIN'S DISCHARGE BLOCKED BY DOUGLAS

Supreme Court Justice William O. Douglas has ordered the Air Force to keep on active duty temporarily an officer it wants to discharge because she had a baby. In a brief order yesterday, Douglas said Capt. Susan R. Struck, 26, may not be discharged before a lower court rules on her challenge to discharge orders.

Under an Air Force regulation, a woman officer who becomes pregnant must be discharged as soon as possible. Capt. Struck was ordered discharged when, while serving in Vietnam, she became pregnant.

Capt. Struck gave birth to a six-pound daughter Dec. 3. Before the baby was born, Capt. Struck, who is unmarried, filed a complaint in U.S. District Court in Seattle arguing her constitutional rights would be violated if she were discharged.

She faced discharge as of midnight tonight. Douglas' order will block the discharge until the Seattle Court has reached a decision. The Justice Department had opposed postponement of the discharge.

XUM

PRIVATE EMPLOYMENT AGENCIES AND THE MANPOWER BILL

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 19, 1970

Mr. BUCHANAN. Mr. Speaker, during the debate on the manpower bill recently vetoed by the President I offered a floor amendment which was narrowly defeated and which would have substituted language in one instance already included in the Senate bill. However, the conferees upheld the House version despite the close division in the House and the contrary vote of the Senate.

It is my profound hope that language similar to that of the Senate bill will be included in whatever manpower legislation is passed in the future. In order to zero Government programs in on the areas of greatest need and to undergird the system of private enterprise which has provided so much opportunity for so many people, we should avoid all-out competition between State employment offices and private employment agencies. The language in question would help safeguard against such a development.

I submit herewith for the edification of the House a letter from the National Employment Association to the President on this subject:

NATIONAL EMPLOYMENT ASSOCIATION,
Washington, D.C., December 17, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The owners of 9,000 small businesses and their 45,000 employees commend you for vetoing the Manpower Bill.

Private employment agencies are engaged in the business of bringing the job seeker and the employer together in an amicable and mutually profitable arrangement. The passage of this bill as it was approved in conference and ultimately passed by the House of Representatives and the U.S. Senate would have given the Secretary of Labor much broader authority than he presently has under the Wagner-Peyser Act. The bill stated that he shall ". . . provide for the prompt referral of those persons who are qualified to suitable employment opportunities." This provision would have placed the 2,200 state employment offices in direct competition with private employment agencies.

These small businesses, Mr. President, help support the economy through their taxes and through their many job placements. Their employees pay taxes on their income. They have worked alongside state employment offices in many communities, but with the understanding that the tax-supported employment offices would help those who were not in a position to help themselves. Therefore, it was with dismay that they learned of the broad powers that the proposed 1970 manpower bills would grant to the Secretary of Labor. Individually and through this Association, they made their views known to their legislators in Washington.

Their concern was recognized and heeded to some extent. The Senate Bill, S. 3867, provided that the Secretary of Labor shall ". . . provide for the prompt referral to suitable employment opportunities of persons who are seeking work, *with special consideration for the placement of qualified individuals who are unemployed, unskilled or underemployed.*" An amendment to provide similar wording in the House Bill was introduced by Congressman Buchanan of Alabama during debate on the bill, but the amendment was narrowly defeated on a 46 to 42 vote. This language was not included in the Conference Bill.

Your veto, Mr. President, will now make it possible for these small businesses to explain to their elected representatives their grave concern about the expansion of the authority of tax-supported state employment offices. If is our view that this public institution should concern itself primarily with placing the unemployed, the unskilled and the disadvantaged.

The members of this Association concur with your views that the interest of society and of the business world will be best served by having every employable individual at work on the job that utilizes his finest skills, abilities and ambitions . . . a job from which he derives the greatest satisfaction, self-respect and a profound belief in the dignity of work.

The leadership of this Association would welcome an opportunity to work with you or your representatives in playing a greater role in placing the returning veterans and the unemployed.

The support of our members and our prayers are with you during these critical times. We thank you for taking on such an awesome task as the Presidency of these United States.

Sincerely,
JOHN E. HARMON, C.A.E.,
Executive Vice President.

THE U.N.O.—SUBSIDIZED ANTI-AMERICANISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 19, 1970

Mr. RARICK. Mr. Speaker, House Joint Resolution 1146 seeks $20 million from U.S. taxpayers for enlargement of the U.N. headquarters in New York City.

If, as the resolution states, "a special contribution by the United States as the host Government would constitute a positive act of reaffirmation of the faith of the American people in the future of the U.N." then the converse is also true. Defeat of House Joint Resolution 1146 will constitute a positive act of reaffirmation of the faith of the American people in the future of these United States under constitutional government.

Even more peculiar is the silence from those quarters usually so outspoken about national priorities, slums, the poor, and jobs.

I ask that several recent reports by that able and authoritative author Dan Smoot of Dallas, Tex. follow:

[From the Dan Smoot Report, Dec. 14, 1970]

U.N.: A NEST OF COMMUNIST SPIES

April 22, 1970, was the 100th anniversary of the birth of V. I. Lenin. Promising the people of Russia freedom, Lenin came to power in 1917.

At that time, according to Alexander Kerensky, Lenin's brain was already half destroyed by syphilis. He was a madman with a psychotic dream of setting up a communist world dictatorship under the absolute control of the Kremlin.[1]

Lenin founded the Soviet dictatorship of the proletariat, and created the institutions which have been standard features of communist dictatorships ever since: networks of secret police which set citizens spying on each other, and terrorize the total population; revolutionary tribunals (later called "peoples' courts" in communist China) which hold street trials with wild mobs serving as juries, screaming verdicts of death against anyone accused by the communists; concentration camps; the international communist revolutionary apparatus to spread disruption, chaos, and terror into other nations.[1]

Explaining his program, Lenin said:

"It doesn't matter if three-fourths of mankind perish! The only thing that matters is that, in the end, the remaining fourth shall be communist."[1]

Lenin held power for six years, from 1917 until his death (at the age of 54) in 1924. Professor Ivan A. Kurganov, former director of the Leningrad Finance Institute, has compiled statistics on the number of people killed as a result of Lenin's orders and programs during the six years of his reign. The total is 12,070,000. Of those, Lenin liquidated 6 million in 1921–1922 by a program of planned starvation; 2.3 million were murdered during the Red Terror that lasted until 1923.[1]

This is a glimpse at the record of the man who was honored, on the centenary of his birth, by such American "statesmen" as Henry Kissinger (assistant to President Nixon) and blank. Kissinger and blank were among some 1500 comrades who jammed the Soviet Embassy in Washington on April 22, 1970, to celebrate Lenin's birthday.[1]

The United Nations also paid tribute to Lenin. In 1968, UNESCO (United Nations Educational, Scientific, and Cultural Organization) authorized the convening in 1970 of an international symposium to pay tribute to Lenin's work for mankind.[1] In March, 1969, the United Nations Commission on Human Rights, expressing approval of the forthcoming symposium, praised Lenin as a "prominent humanist," and lauded his "practical and theoretical contributions in the cause of economic, social, and cultural rights."[1]

UNESCO's symposium on Lenin was held in Finland, April 6–10, 1970. Its official theme was "Lenin and the Development of Science, Culture, and Education."[1]

The U.S. government objected to the UNESCO symposium on Lenin, but was voted down.[1] The U.S. pays 29.73 per cent of UNESCO's budget.[2] Most other nations get far more in aid from us than they contribute to UN agencies. So, U.S. taxpayers paid most of the expenses incurred by UNESCO in paying tribute to Lenin.

The highest official and chief spokesman of the United Nations (U Thant, UN Secretary-General) sent a message to the UNESCO Lenin symposium saying:

"Lenin's ideals of peace and peaceful coexistence among states have won widespread international acceptance, and they are in line with the aims of the UN charter."[3]

Thant, a marxist, is not often right; but, in this instance, he was.

In Lenin's dialectics, *peace* did not mean the absence of war. It meant the absence of any resistance to communism. *Peaceful coexistence among states* means that all nations not yet ruled by communist dictatorships would be subservient to those nations in which communist dictatorships had been formally established.

It may not be accurate to say that these "ideals" of Lenin "have won widespread international *acceptance.*" But it is a fact that more than half of the world's population is now controlled by communist dictatorships. Most of the other half is ruled by liberals (socialists) who adhere to much of the political, economic, and social ideology of communism.

It is quite accurate to say that Lenin's "ideals" are "in line with the aims of the UN charter." The UN charter was largely a communist creation. The United Nations

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Footnotes at end of article.

charter is a multi-nation treaty which, if obeyed by all parties to it, would require member nations to cooperate in socializing their national economies and then to merge into a unified worldwide socialist system. Establishment of a world socialist system is *the* objective which Lenin set for communism. Thus, as created, the United Nations and all its specialized agencies, are designed to serve the cause of communism.

Who were the creators?

As acting director (1944) and director (1945) of the U.S. State Department's Office of Special Political Affairs, Alger Hiss (communist spy) was in charge of State Department postwar policy planning. Hiss arranged, and selected American personnel who attended, the Dumbarton Oaks Conference at Washington, August-September, 1944. Hiss directed the conference as executive secretary. It was at this conference that the first draft of the UN charter was written.[4]

Hiss attended the Yalta conference in February, 1945, as President Roosevelt's adviser on United Nations affairs.[5] At Yalta, Roosevelt agreed to let the Soviet Union have three votes to our one in the United Nations that was to be formed later that year.[6] This agreement was formally confirmed by a committee of experts, composed of three men: Gromyko of the USSR, Alger Hiss of the U.S., and Gladwyn Jebb of Great Britain.[7]

Hiss was in charge of U.S. planning for the United Nations founding conference held at San Francisco in June, 1945. Hiss ran the conference as Secretary-General.

In fact, of 17 Americans who played key roles in organizing and directing the UN founding conference and in writing the final draft of the UN charter, 16 were later identified as secret communist agents.[8]

The first 500 Americans employed by the UN after it was organized, were selected by Alger Hiss.[9]

Chesly Manly makes a concise, but rather comprehensive, statement about the communist role and purpose in the creation of the United Nations:

"Roosevelt, Churchill and Stalin were the founders of the UN, but its architect, the man who designed it, fashioned it, manned it, launched it and set its ideological course on a voyage to One Socialist World was Alger Hiss. . . .

"Hiss's ambition [was] to use the UN as an instrument for the control of the foreign and domestic policies of the United States and the gradual expansion of the USSR into the World Soviet Socialist Republic as envisaged by Stalin. . . .

"Hiss's leading role in planning for the UN, in the drafting of its charter, and in negotiations with the Russians, is set forth in State Department Publication 3580, a volume of 726 pages titled *Postwar Foreign Policy Preparation, 1939–45,* issued in 1949."[4]

Mr. Manly says Alger Hiss's ambition for the United Nations was frustrated. A little, perhaps, but not entirely!

The communist purpose in creating the United Nations was to strengthen and expand world communism, while weakening the United States.

The United Nations has been the keystone of U.S. foreign policy since 1945. That policy has dragged America to the very precipice of disaster. It has caused the confiscation of hundreds of billions of dollars from American taxpayers for the defense and support of other nations—many of which are communist, most of which are socialist and anti-American. U.S. foreign policy, built on the UN as the keystone, has put us in the position of financing both sides of armaments races between nations throughout the world, with the result that we have bought the enmity of all. This foreign policy has involved us in two bloody, undeclared wars in the past 20 years, keeping thousands of our fighting men actually engaged in combat during most of that time.

Meanwhile, pursuit of this UN-based policy has led our government to neglect our own national defense and to move so far toward unilateral disarmament of the United States that our nation is now in grave jeopardy, imperiled by the Soviet Union whose strategic striking power was not even in our class when the UN was formed.

Although the Soviet Union has three votes to our one in the United Nations, we are assessed more than twice as much as the Soviets for the payment of UN expenses. In 1970, for example, assessment against the United States for the UN and three of its specialized agencies (UNESCO, World Health Organization, Food and Agriculture Organization) was $95 million. Total assessment against the Soviet Union was $44.8 million.[2]

The United States pays almost one-third (31.57 per cent) of all UN operating expenses. The other 125 members are supposed to pay 68.43 per cent;[2] but most of them (including the Soviet Union and France) are years behind in their payments.

Article 19 of the UN Charter provides that any nation two years "in arrears in the payment of its financial contributions" shall have no vote in the UN General Assembly, but also provides that the "General Assembly may, nevertheless, permit such a member to vote."

Prior to the 1964 convening of the UN General Assembly, the U.S. government gave notice that it would exert all its power and influence to invoke Article 19 against the Soviet Union unless the Soviets paid some of the $60 million they owed in delinquent UN assessments for UN "peace keeping" activities—activities which had enormously strengthened international communism. The Soviets refused to pay. Our government backed down. The Soviets never paid any part of the $60 million past-due UN assessment; and our government has dropped the matter.

To this day, our government has never tried to invoke Article 19 of the UN Charter against any nation for not paying its UN assessments. One reason is rather apparent: we do not have enough power and influence in the UN. The delinquent nations have an overwhelming majority vote in the UN General Assembly. They can always permit themselves to vote and control the UN, without paying anything.

The UN assessment against the U.S. each year is greater than the combined assessments against 107 other nations.[2] The combined population of 65 UN member nations is less than the population of the U.S. Many UN members are mere aggregations of tribal groups whose general culture has not advanced beyond the stone age. Yet, each one has the same voting strength in the UN that the U.S. has. Some are totally controlled by communists. Most are pro-communist. Virtually all are anti-American.

That is the United Nations—a nest of communist spies, saboteurs, propagandists, secret police, and narcotics smugglers, all living and operating inside the United States, largely at our expense, while enjoying diplomatic immunity from our laws to do as they please.

On January 12, 1971, President Nixon's 45-member Commission for Observance of the Twenty-fifth Anniversary of the United Nations will have a meeting in San Francisco and conduct public hearings, to get statements from interested citizens on what our country's policy toward the United Nations should be.[10]

The affair will be rigged, of course, to produce another spate of false propaganda about the UN as man's best hope for peace.

Americans who know and care should anticipate the event by flooding President Nixon and members of Congress with demands that we abrogate all laws, treaties, and conventions involving us with the UN, that we get out of the organization, and get it out of the United States.

FOOTNOTES

[1] Material inserted in the *Congressional Record* by U.S. Representative John R. Rarick: April 13, 1970, pp. 11502–11507; April 21, 1970, pp. 12648–12650; April 23, 1970, pp. 12942–12947.

[2] *Statistical Abstract of the United States,* compiled and published annually by the U.S. Bureau of the Census.

[3] *Los Angeles Times,* April 7, 1970.

[4] *The UN Record,* by Chesly Manly, pp. 101–102.

[5] *The Twenty-Year Revolution,* by Chesly Manly, p. 180.

[6] *Triumph and Tragedy,* by Winston S. Churchill, pp. 357 ff.

[7] Article by U.S. Representative Lawrence H. Smith, *American Mercury,* July, 1955, p. 106.

[8] *The Review of the News,* May 6, 1970, p. 16.

[9] Remarks by U.S. Representative James B. Utt, *Congressional Record,* Jan. 15, 1962.

[10] AP, Dec. 3, 1970.

[From the Dan Smoot Report, Dec. 7, 1970]

U.N. PIPELINE TO THE ENEMY?

Since the beginning of the Vietnam war, we have known that communists subject our captured men to the same kind of savage treatment inflicted on U.S. prisoners of war in Korea. Americans have been tortured, starved, and murdered. They have been caged like animals, and paraded before jeering mobs through enemy towns and villages.

U.S. officials estimate that 3000 Americans are prisoners in North Vietnam. They are kept in compounds near heavy population centers, as hostages to discourage U.S. air raids.[1]

Early this year, U.S. military officials asked for permission to rescue Americans who were dying from maltreatment in a POW camp at Son Tay, about 20 miles west of Hanoi. Selection and training of volunteers for the rescue mission began in August, when Defense Secretary Melvin Laird gave his approval. On November 21, the mission was executed. U.S. Navy planes dropped flares along the coast east of Hanoi, jammed communist radar installations, and bombed a military installation near the city. While these diversionary activities were in progress, ten big U.S. helicopters, bearing about 50 volunteers, took off from a base in Thailand. The rescue team landed in the Son Tay camp, overwhelmed the guards (killing about 25 of them), broke open prisoner lockers, and thoroughly searched the compound—but found that all American prisoners had been moved.[2]

Communists fired more than thirty Soviet-built SAMS (surface to air anti-aircraft missiles) at the raiders; but the U.S. rescue team returned safely to base without suffering a serious casualty. One U.S. soldier was slightly wounded by a bullet from a Russian AK–47 rifle.[2]

Fired at low level, the communist SAMS did, however, cause considerable damage to structures and installations on the ground in the Hanoi suburbs. Western newspaper correspondents in Hanoi immediately filed stories for worldwide distribution, reporting the sounds of the recklessly-fired communist SAMS as the exploding of American bombs[3] on innocent civilians in a residential neighborhood, pointing to the damage, which the communists themselves had done, as the work of callous Americans bent on slaughter.

All of that was to be expected. It was also to be expected that radical liberals in the U.S. Congress would side with the communists. When learning of the U.S. raid on Son Tay, U.S. Senator Claiborne Pell (Rhode Island

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Footnotes at end of article.

Democrat) expressed no regret that the mission had failed to free American prisoners. Reacting with horror that force had been used in an effort to save American soldiers who were dying in a communist prison camp, Senator Pell could only exclaim "My God!"[2] Senator J. William Fulbright (Arkansas Democrat) was also incensed by the effort to rescue American prisoners. Outwardly calmer than Senator Pell, but of the same mind and same loyalty, Fulbright said the rescue attempt "has the implications of a much wider war."[3]

On the other hand, all Americans with any decent concern for their own country and the lives of its soldiers found in the news of the rescue attempt something to lift the spirits, even though there was sorrowful disappointment that no rescue was accomplished.

For years, we have been angered by the spectacle of American soldiers committed to fight and die in a war they are not permitted to win.

We were outraged that President Johnson prohibited the bombing of strategic targets in North Vietnam—bombing which would have ended the military conflict in a few weeks, thus saving not only the lives of Americans and South Vietnamese but of North Vietnamese as well.

We were appalled that President Johnson, while prohibiting bombing that would have defeated the communist dictatorship, ordered massive raids, with multi-million-dollar aircraft, on empty jungles, pig trails, bicycle paths, and foot bridges. Such bombing (which cost us considerably more in property destroyed and wasted and in precious lives lost, than it ever cost the enemy) nourished worldwide communist propaganda slandering Americans as a people and the U.S. as a military power.

We have listened with anguish as President Nixon talks about Vietnamization and phased withdrawal as a substitute for victory in Vietnam. There is no substitute for victory. Without a U.S. military victory in Vietnam, there is absolutely no hope of getting American prisoners released. Our experience in Korea proved that we cannot negotiate our soldiers out of communist prison camps. Unless we use overwhelming military force to rescue them, more than 90 percent of them are doomed, just as American prisoners were doomed when President Eisenhower stopped the Korean war on communist terms.

Although highest American officials have all along been aware of the barbaric treatment of American prisoners of war in Vietnam, the Son Tay raid was the first effort ever made to rescue any of them. That is a shameful commentary on Presidents Johnson and Nixon.

Nonetheless, it was good to know that President Nixon personally approved this one rescue mission. It was admirable of him to bring the leaders of the raid to the White House for special commendation, despite the loud lamentations of red doves in Congress and elsewhere.

On this lone, isolated event we cannot pin much hope that the President will go on now to do what he should do—what he should have done when he first took office: use enough military power to overthrow the communist dictatorship in North Vietnam and get *all* of our men out of *all* the prison camps throughout the land.

But miraculous things can be accomplished, if enough people work with dedication toward a common goal. Richard Nixon is a political weather vane, veering with changing currents of public opinion, yielding to prevailing pressures.

If enough Americans sent the President telegrams and letters praising him for the rescue-raid on the communist POW camp, and pleading with him to use all necessary force for military victory, as the only possible way to free all of our men—it could have a profoundly beneficial effect.

The U.S. rescue raid on November 20 was an act of patriotism and heroism, something our demoralized country badly needed, a peg to hang a hope on. Yet, there was in it, I fear, something else.

Why had U.S. prisoners been removed from the camp? Defense Secretary Laird says that U.S. intelligence was excellent; military officials say there was no leak. Both of these claims cannot be completely accurate. If U.S. intelligence was excellent, then the American prisoners should have been in the camp, as reported. Then what are we to believe?

I believe there was a leak, of the kind that often occurred during the Korean war, not in the field but in Washington and in UN headquarters at New York.

The Korean war was formally designated a "United Nations police action," although Americans and South Koreans did practically all the fighting and dying on the anti-communist side.

The UN Charter provides that UN military action can be ordered only by the UN Security Council; and it stipulates that the Security Council's military affairs shall be conducted by the Military Staff Committee, consisting of one representative from each of the "Big Five" powers—nations which have permanent seats on the Council: U.S., U.S.S.R., Great Britain, France, and free China. The UN civilian officer who has general supervision over the Military Staff Committee is the Under Secretary of Political and Security Council Affairs. Former UN Secretary General Trygve Lie said this office is the most important Assistant Secretaryship in the United Nations. It has always been held by a communist, and always will be, because of a special agreement among the "Big Five" powers.[4]

All this being so, and the Korean war having been formally proclaimed a UN military operation, there is still a widespread but mistaken belief in the United States that our forces fighting communists in Korea were under the supreme command of a communist who supervises the UN Security Council's Military Staff Committee.

Actually, however, the "UN police action" in Korea was illegal by the terms of the UN charter. With their veto, the Soviets prevented the UN Security Council from ordering military action in Korea. Under American leadership, the UN General Assembly illegally decided that it can order military action when the Security Council fails to do so. By-passing the Security Council, the UN General Assembly ordered military intervention in Korea and designated an American General (initially, Douglas MacArthur) commander; but General MacArthur and his successors commanded on orders from Washington.

Nonetheless, there was much treachery against our fighting forces in Korea. Although American commanders in Korea were not responsible to a communist-controlled UN committee, their plans and orders were generally known throughout the UN, because our State Department kept other UN members advised, trying to give an appearance of fact to the fiction that the Korean war was a United Nations effort.[5]

There were many occasions during that war when it was obvious that the communist enemy was being informed of American military activities. A most significant incident was related by General Mark Clark, American commanding general at the time of the Korean armistice. Testifying before the Senate Internal Security Subcommittee on August 10, 1954, General Clark said:

"One day I got a report, a flash one, very much concerned, that there was a tremendous buildup of enemy planes there on the north bank of the [Yalu] river. Of course, what I should have done was to smack them. That was my chance to catch their eggs in one basket, but I did not have the authority. All I did was to report facts back to . . . Washington. Those things [planes] did disappear. Very shortly after that, those planes took off and went someplace else."[6]

Obviously, communists in Asia had a pipeline through the United Nations into the Pentagon. The communist contact in the Pentagon apparently thought there was a possibility that General Clark might be authorized to destroy the concentration of planes across the Yalu. Warned of this danger through UN channels, the reds in China scrambled their planes to safety.

That is my speculative explanation of the intriguing event related by General Clark. I have a similar explanation for the removal of U.S. prisoners from the Son Tay POW camp just before our men raided it.

The war in Vietnam is not being fought as a UN affair. In fact, most UN members are harshly critical of us for fighting in Vietnam. Many of them are helping our communist enemy.

Yet, Presidents Johnson and Nixon, trying to justify U.S. action "in the eyes of the world," have said that our responsibility in Vietnam arises from the SEATO treaty, which they say was made in compliance with and under the authority of the United Nations Charter.

As Truman tried to make fact of the fiction that the Korean war was a United Nations effort, so Johnson and Nixon (to a lesser degree) have tried in Vietnam. Because of this, I believe there are official channels of communication which keep the UN generally advised of what we are doing in Vietnam, and that traitors use these channels for relaying vital information to our enemy.

The fact that this situation existed during the Korean war, and the mere possibility that it exists now, would be reason enough for us to get out of the UN and get the UN out of the U.S.—if we had no other reasons.

FOOTNOTES

[1] AP, Nov. 25, 1970

[2] Times-Post News Service, Nov. 26, 27, 1970; New York Times News Service, Nov. 27, 1970

[3] UPI, Nov 24, 1970, AP, Nov. 25, 1970

[4] *In The Cause Of Peace,* by Trygve Lie, Macmillan Company, 1954, pp. 45–6; Letter from State Department, signed by Assistant Secretary Frederick G. Dutton, October 2, 1962

[5] *The Korean War and Related Matters,* Report of the Senate Internal Security Subcommittee, Jan. 21, 1955

[6] *Interlocking Subversion in Government Departments* (Part 21), Report of the Senate Internal Security Subcommittee, Aug. 10, 1954, p. 1968

A CHRISTMAS POEM

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 19, 1970

Mr. BUCHANAN. Mr. Speaker, those of us who are fortunate enough to be on the Christmas card list of our colleague Frank Brasco, look forward each year to the unique and delightful cards we receive from the Brasco family. This year the card includes a Christmas poem written by Frank Brasco's lovely wife, Linda, which I felt should be called to the attention of all the readers of the Congressional Record. The thoughts so beautifully expressed represent the prayers of millions of Americans for peace. During this Christmas season it seems particularly appropriate that it be included in the Congressional Record, as follows:

In days of old and days of new,
The dreams of Christmas still are true.
The children wait for morning's light,

And whisper prayers for their friend in flight—
That all their wishes will arrive this night.

But we, as older children know
That bombs are falling with the snow.
And while we are blessed—together and warm,
Half of our world is alone in the storm—
Some never seeing the light of this dawn.

It's a long time our world has waited,
Some people hungry, some people hated.
So please God! For all mankind,
Give us the peace that will clear our mind.
Erase the will, not the might, to fight,
And bless us with your silent night.

—LINDA BRASCO.

FROM SANTA: PHOTOS OF PRESIDENT NIXON AND ELVIS PRESLEY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1970

Mr. FINDLEY. Mr. Speaker, a frantic call last night from a friend in Quincy, Ill., disclosed this problem. His 8-year-old granddaughter believes most firmly in Santa Claus and at that very late hour announced to her granddad the only things she wants for Christmas are photographs of her two heroes—President Nixon and Elvis Presley.

I have solved the Nixon photo problem, but I make this appeal hoping that one of my colleagues has a photo of Elvis he or she is willing to part with. If so, this will brighten Christmas in a Quincy home.

I voice this appeal with some reluctance, because it just may ruin Mr. AGNEW's Christmas to know that he has slipped from No. 2 position on at least one person's list.

SENATE—*Monday, December 21, 1970*

(Legislative day of Tuesday, December 15, 1970)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou Eternal Spirit, "Before the mountains were brought forth, or ever Thou hadst formed the earth and the world, even from everlasting to everlasting, Thou art God." Thy grace and wisdom are sufficient for all our needs. Make us humble before Thee that we may know both our strength and our weaknesses.

Spare us, O Righteous God, from self-righteousness, from moral arrogance, from unloving dogmatism, from all hostility to one another, concealed or revealed. Help us in this place to open our lives before Thee and before one another. Keep us sincere, honest, and brave in all our ways, mindful of the purpose for which we work, the cause to which we are dedicated, the Nation we serve, and the peaceful and righteous world to which we aspire.

In the name of Him whose name is called Wonderful, Counselor, the Mighty God, the Everlasting Father, the Prince of Peace. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Saturday, December 19, 1970, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE THAT THE 9 A.M. TO 10 A.M. PERIOD TOMORROW WILL BE SET ASIDE FOR TRIBUTES TO SENATORS

Mr. MANSFIELD. Mr. President, for the information of the Senate, I wish to reiterate what the deputy majority leader said on Saturday; namely, that tomorrow, the hour between 9 and 10 a.m. will be set aside for tributes to some of our departing Members.

ORDER SETTING TIME FOR VOTE ON CLOTURE MOTION

Mr. MANSFIELD. Therefore, the 1-hour limitation on the cloture motion will begin at 10 a.m. and the vote thereon will be held at 11 a.m. or shortly thereafter. I ask unanimous consent that that be the order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Chair would inquire of the Senator from Montana as to how the time will be divided.

Mr. MANSFIELD. Between the majority and minority leaders or whomever they may designate. I designate the Senator from Nevada (Mr. BIBLE).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF VETO OF MANPOWER BILL—PRINTING OF VETO MESSAGE AS SENATE DOCUMENT (S. DOC. NO. 91-118)

Mr. MANSFIELD. Mr. President, during a conversation with some Senators late last week the question of the President's veto of the manpower bill came up, and I believe I agreed that I would go along with their expressed wishes. I therefore ask unanimous consent that at an appropriate time later today a period of not to exceed 1½ hours, at the most, be set aside for the discussion of this matter, with the time to be divided between the majority and minority leaders, and that the Senate prepare itself for the consideration and disposition of this matter.

Mr. SCOTT. To begin at what hour?

Mr. MANSFIELD. Later this afternoon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the veto message be printed as a Senate document.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR DIVISION OF TIME ON TRIBUTES TO SENATOR YARBOROUGH TOMORROW

Mr. KENNEDY. Mr. President, for the information of the Senate, as I understand it, an order has been entered to convene the Senate tomorrow at 9 a.m., and I therefore at this time ask unanimous consent that after the disposition of the reading of the Journal, 1 hour be set aside so that Senators may have the opportunity to pay tribute to the distinguished Senator from Texas (Mr. YARBOROUGH); and that, following that period, which is not to extend beyond the hour of 10 o'clock, the time for the next hour then be devoted to the consideration on the cloture motion.

Mr. SCOTT. There is no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Would the same disposition of control of the time during the first hour be in order?

Mr. KENNEDY. It would be controlled by the majority leader.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, under the previous order, the Senator from Minnesota (Mr. MONDALE) is recognized for 1 hour.

TRIBUTES TO THE DISTINGUISHED SENIOR SENATOR FROM MINNESOTA, EUGENE McCARTHY

Mr. MONDALE. Mr. President, at the end of this Congress a great American, one of America's greatest, my friend and a friend of all my colleagues, retires from the Senate, completing 22 years in Congress, in which he established one of the most remarkable parliamentary records in our Nation's history. These have been 22 years in which his name and his leadership were found on virtually every piece of social and economic reform legislation, every piece of legislation designed to expand this Nation's civil rights and civil liberties, the rights of minorities and the powerless, and the rights of women. In every respect, during these years, he sought to expand the opportunity of the people of this country to obtain the fairest and fullest life.

XUM

From personal choice, he has announced his decision to retire from the Senate. I know that his friendship, his inspiration, and his contribution here will be missed by me and by all my colleagues.

It is not necessary for me to recount his leadership in the issues to which I have just made reference. It is not necessary to repeat what is already known about his leadership in the House, where he and a few others established the Democratic Study Group, of which he was initially its chairman, an organization which even today is a leader in the quest for more responsive legislation in all fields.

I recall that the present occupant of the chair, the Acting President pro tempore (Mr. Metcalf), joined with the then Representative McCarthy in the creation of that organization.

The point I should like to make, which stands out above all, is the courage and vision which Senator McCarthy showed with respect to the war in Vietnam and with respect to this Nation's distorted priorities. It was in this area where he made his toughest, his most difficult, and his most courageous personal decision. It is precisely in this area where, above all, he has left his mark upon our society and upon every American. For this act of singular courage, every Member of this body, every citizen of this country, and indeed, virtually everyone in the world owes him an enormous debt. This Nation had to be brought to its senses. It had to understand that we were engulfed with pride in pursuing a disastrous, costly, and tragic war in which this Nation's interests were not involved, but from which we seemed hopelessly unable to extricate ourselves.

It was Eugene McCarthy who showed us the way to recovering our senses, our true pride, and a deeper understanding of America's role in the world.

He did so at enormous personal sacrifice and in one of the most remarkable demonstrations of political courage I have seen in our country. Indeed, the work of Eugene McCarthy upon the course of the war in Vietnam stands as one of the great examples of what one man can do if he has the courage and the vision to do it.

I was one of those that needed to be brought to his senses on the issue of Vietnam. And I speak for all Minnesotans and, I think, for most Americans when I express my profound admiration and appreciation to him for what he has done for our Nation and for me.

Mr. President, I have now served as his junior Senator for nearly 6 years. During all of this time Senator McCarthy has been fair and kind to me. It is said that it is often difficult for a junior and senior Senator from the same political party to get along. That has not been true with us. We have had some political differences, but I think we have agreed or come to agree on nearly all matters which affected the people of our State and our Nation. But perhaps even more important in the relationship of two Senators, he has always treated me with the utmost respect and fairness. As his junior Senator, I owe a great debt to the example which he has provided me.

It is not only in a public sense but also in a personal sense that I am proud to stand with my colleague and salute this great American, and, may I say, for all of the citizens of my State, perhaps one of the greatest Senators ever produced by the State of Minnesota.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. MANSFIELD. Mr. President, the relationship existing between the junior Senator from Minnesota and the senior Senator from Minnesota can be described in a somewhat parallel manner by the relationship existing between the two Senators from Montana. I am delighted that on this particular occasion the Senator presiding over this body is my colleague, because between him and Senator McCarthy while they served together in the House there was a very close relationship and a decided community of interest primarily in establishing and leading the Democratic study group.

I also had the privilege of serving with Senator McCarthy in the House of Representatives where I first made his acquaintance and got to know him fairly well.

I was very much impressed with his integrity, with his grasp of issues, and with his courage.

Gene McCarthy has not been the ordinary Senator. He has gone his way on occasion. He has undertaken to espouse issues which generate great opposition. But he has done so with an open heart, an open mind, and with the firm conviction that what he was doing was right, and he was right.

When Gene McCarthy became a candidate for the Presidency, he did so after a great deal of study, consideration, and, I am sure, travail. It was no easy decision to make. It was no easy campaign to undertake.

While he did not achieve the nomination, I believe he achieved something much more worthwhile, and that was bringing home to the American people the issue which had divided this country, which has and still is costing us tens of billions of dollars, and which had cost us tens of scores of thousands of lives, and it still does.

He has performed as a Senator, as a scholar, as a teacher, and as a statesman with aplomb, with understanding, and with distinction.

I was very much disappointed when I heard for the first time many months ago that Senator McCarthy would not be a candidate for reelection, because I thought he should have continued to represent the people of Minnesota and the Nation as well. I thought he should have continued to contribute of his energies, his abilities, and his talents to this body. But on the basis of his own judgment, he decided otherwise.

We will miss Gene McCarthy, whom I am proud to call friend. We will miss him because of the many contributions he has made.

It is my opinion that history will truly evaluate this great Senator from Minnesota and, in doing so, will accord to him his proper niche in history, and it will be a most important niche.

Mr. HART. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. HART. Mr. President, this Record and other sources from which history is drawn will speak in a magnificent manner concerning Gene McCarthy.

We here in this Chamber are familiar with each of those dramatic chapters. I shall leave to those other sources the big and the striking and the public aspect of the man.

I would for a moment just like to speak on a very personal note about a very good friend. For I suppose 10 years it has been my happy fortune to sit at the desk next to Gene McCarthy. Even if I had some notion that I had the talent to speak fully of the depth of my feelings, I would reject the idea, for I have heard him many times with an aside destroy some of the full blown expressions that run around this Chamber.

I shall miss him as a friend sitting to my right. I speak also for my children and, I think, most of the young people of America, but certainly for the Hart children.

Not many years ago the oldest of our children were among the group who had a very strong doubt that this system of ours, whatever its magnificent objectives, had the capacity to achieve any measure of success.

Gene McCarthy turned my children around. He gave them hope.

I hope very much that he will find a continuing place in our public life, because there continues to be a very real need for this kind of interest. It is not required that one be in the Senate in order to provide hope for young people and for the helpless and to give the dramatic talent that is his.

I voice the petition that he not obscure himself in some cloistered library cell.

I voted for him in Chicago. I am glad I did. Lest he misunderstand the implications, I hope I shall vote for the man who sits to my left (Mr. Muskie) the next time we have the opportunity.

But I guess what I am really saying is that I speak for the Hart family and the great many families in our country like our family in thanking Gene McCarthy and in urging him to "stay with it."

Mr. MONDALE. I thank the Senator for those words.

I am glad to yield to the senior Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, Senator Eugene McCarthy is certainly one of the most unusual Senators I have known in the years I have been here. He is a very different kind of person. We know of his extraordinary intelligence and understanding; we know he is a man of deep and genuine compassion, which has been demonstrated many times.

We know from that remarkable campaign of 1968 how, as Senator Mondale pointed out, Senator McCarthy showed what one man who is really devoted and dedicated to a cause can do.

XUM

Many times in the past couple of years young people have asked me, as I am sure they have asked other Senators, what real hope there is in our system and, "What can we really do about the Vietnam war?" The obvious answer is to point to what Senator McCarthy did in his great campaign in 1968. We all know that the course of the Vietnam war has been turned around and I am convinced the McCarthy candidacy had more to do with it than any one thing by far.

We are also aware of the sharp wit, sometimes cutting wit, of the Senator from Minnesota. Some of us have been victims of it; I have been a victim of it once or twice in a light way. We know of his great charm, but more than anything, I think Senator McCarthy, in my view, is a man who is very helpful to us because he does not take himself too seriously or any of the rest of us too seriously. Perhaps the best way to summarize that is to say I could not imagine him doing what I am doing now, not that he does not have deep respect and admiration for others, but somehow he has too much a sense of humor, proportion, and I suppose a sense of the small impression any man can make on the course of human history, to be very fulsome in his expressions of esteem.

So I join other Senators in paying my tribute to a remarkable man who has had a profound, salutary, healthy, and wholesome effect on all of us. He has certainly elevated the dialog and discussion here and he has helped all of us to have a better sense of proportion and to not take ourselves too seriously, pompousness, and self-importance being what it is, that is as significant a contribution as anyone can make.

I thank the Senator for yielding to me.

Mr. MONDALE. Mr. President, I yield to the chairman of the Committee on Public Welfare, one of the most committed and humane men of the Senate who served during the 12 years with my colleague, Senator McCarthy, and who now will be retiring with him.

Mr. YARBOROUGH. Mr. President, I thank the distinguished Senator from Minnesota for yielding.

It is a great privilege to participate in honoring a truly great and decent man. Having in August of 1968 become the only Senator in this body who publicly endorsed Senator McCarthy during his campaign and who spoke for him, I believe I have some particular right to speak here.

I liken him to the great giant we had in this body from my State of Texas, Sam Houston, and I would like to digress for a moment to draw that parallel. In 1854, when the Kansas-Nebraska Act to repeal the Missouri Compromise of 1850 and open Kansas and Nebraska to slavery was pending in Congress, a deal was made beween the Whigs and the Democrats that they would pass this measure and stop the dissension over slavery. Sam Houston agreed, however, that such action would only reopen and extend this question. He spoke all one night, until sunup the next day in a one-man filibuster against this measure. He said:

> If you repeal this measure, it will so inflame the North that they will form a new party. The Whigs are already dead. They will form a new party and, while they may not win in 1856, they will alert the people.

And he said:

> In 1860 that new party will win the Presidency on this issue of slavery.

He went on to say to his southern friends:

> You will secede. You think the North will not fight, but they will, and you will be ruined and you are ruining yourselves with this Kansas-Nebraska Act.

That was in 1854. He foretold the entire course of events up to 1865. His term ended in 1859. From that day forward, every major newspaper in Texas except one called him the "traitor-knave" for being against secession. Sam Houston spoke out against secession when the issue loomed large. In 1857 the legislature met and elected his successor, 2 years before his term expired to show their contempt for him. And when Texas seceded in 1861, he refused as Governor to take the oath of allegiance to the Confederacy. He was thrown out of office and stoned in the streets of Austin as he walked from the capitol to the Governor's mansion.

So, too, did Senator McCarthy play the role of a statesman when he spoke out against an unjust war, a war without a moral basis, a war the President was waging contrary to his promise not to commit American men to that war in Asia.

When Senator McCarthy came to Houston in August of 1968 and spoke, I had the privilege of introducing him to the massive rally there. The crowd was so big that while the newspapers estimated the size to be 20,000, but a judge told me he stepped off a square yard and would count the people, move over 50 yards, step off another square yard and count the people, and that by his counting and estimation, there were 50,000 people at that rally. That was the greatest political rally ever held in the State of Texas for a presidential candidate who had not won the nomination.

On that historic night, Senator McCarthy reached the hearts of the people of Texas. We had elected a President in 1964 on a promise never to send our men to fight in South Vietnam. We elected another President in 1968 who promised to settle that war. Senator McCarthy changed history by compelling both candidates of both major parties in 1968 to promise they would settle the war if elected.

Once the people had elected President Nixon, I wished him well and I made speeches in which I expressed my hope that he would fulfill his promise to end the war. Unfortunately, however, he immediately escalated the war by increasing from January 1969 to May 1969 the number of men in combat. He sent over tens of thousands more Americans into battle than his predecessor in the White House had ever sent to Southeast Asia.

The honeymoon period was on. One does not bother a President the first 6 months in office. But finally, when the number of troops was escalated, the press began to alert the people to his fact in May of 1969, and the President began to pull out miniscule numbers of troops.

We see these great headlines all over the country even now to the effect that we are deescalating the war, that we are pulling out 7,000 men—that in vast headlines—but in tiny print to read that we were going to have 344,000 men left. So that has been the story of the President's deescalation plan. At the present rate of withdrawal, it will take four more Presidents to get the men home.

Each time these last two presidential elections the people have elected men that they thought would not engage us in the war, but would disengage us. The Senator from Minnesota forced the issue on each party candidate singlehandedly in 1968, joined by others later. He forced the issue on whether these candidates in 1968 would get us out of that morass that others had promised never to get us engaged in. For this he holds a unique place in history.

I mentioned a great hero of Texas who opposed secession. Texas history books brush that off with one line, the greatest things he ever did. He was elected Governor to try to prevent Texas from seceding, to try to save the union.

History should be written to honor acts of people that were just and right, not only those that bring temporary popularity to a politician.

So I hope that the writers of the history of the 1968 campaign will write the verities of life and write about the one candidate who, though he lost, brought about the hope in the hearts of the American people that they could be exorbitated from the quicksands of Southeast Asia. How can we expect the lessons of the past to benefit us in the future if men such as Sam Houston and Gene McCarthy, who took the right course, but the unpopular course, are given only one line in the history books? We should have written in the books of history brave and just acts of rights and justice done for this Nation.

I honor the Senator from Minnesota for the courage he has shown. Many joined him later, but he had the courage to be the first voice. When he first spoke out, people said he was wild. Pretty soon, by having the courage to speak out, it became apparent that a majority of the American people agreed with him. He was someone speaking on the side of justice and right and the people listened.

We owe it to ourselves and to our young people to continue to appeal for justice and build a national image of peace, and honor. Now we are building an image much like that which the Kaiser did when he told the German troops, during the Boxer Rebellion, to go to China and "remember the Huns. Make your reputation." We ought to purge ourselves of that kind of image.

The Senator from Minnesota tried to turn the course of history of his country toward a just course, and I honor him for the courage he displayed. His message will long be remembered.

Mr. MONDALE. I thank the Senator from Texas for those kind words and insights.

XUM

I yield now to the Senator from Ohio (Mr. Young), who, like the senior Senator from Minnesota, is retiring after an inspiring career in the House of Representatives and in the U.S. Senate.

Mr. YOUNG of Ohio. I thank the distinguished junior Senator from Minnesota very much.

May I say that over many years I have held my colleague, Senator Gene McCarthy, in the highest admiration. Years ago he and I served together in the House of Representatives. We became good friends at that time. He served his State and the Nation for 10 years, I believe, in the House of Representatives, and then on November 4, 1958, he and I came into the Senate together.

In 1958 it happens that for the first time in the history of this Republic 15 men of the same political party, men who had never before served in the Senate of the United States, were elected Senators from their various States. We have been a close group. We call ourselves the class of 1958. We meet together and have had some very fine parties together.

I remember one morning about 2 a.m., following a good party of the class of 1958, when each one in turn called up former President Harry S. Truman, in Independence, Mo. He probably did not like it very much at first that we got him out of bed, but in the end he was happy with us, as one after another attributed out election to the Senate to Harry Truman.

I behold in this Chamber, close by, the distinguished Senator from Maine (Mr. Muskie). We had a wonderful party in his home recently.

I manifest my deference and devotion and high admiration to our colleague Gene McCarthy of Minnesota. He is really and truly a poet. I am not a poet. But as one of the Fearless Fifteen, as we term ourselves, the class of 1958, if Senators will indulge me, I shall read in part a poem I wrote. I was told by our lovely hostess, Jane Muskie, that we must each bring a poem. In addition to bringing a so-called poem, I also sang that night. I shall skip my song but I will read my poem:

The Fearless Fifteen

It was '58, in the early fall
Fifteen men rode proud and tall
That class of '58

The economy had grown sour
But then were the days of Eisenhower
They did what they could to patch the crack
And everybody waited for Joe's son Jack
That class of '58

Jack came along and things picked up
Dick went home, his wounds to pluck
The Fearless Fifteen had done it again
They put the bad guys out and the good guys in
That class of '58

Wherever they went it was always the same
Bad guys everywhere feared their name
No Republican dared to slumber
The Fearless Fifteen had every number
And so over the years and across the land
Fighting for right, they took their stand
That class of '58

With apologies to a true poet, Gene McCarthy, I have read a few couplets of mine.

May I say seriously now that I am one who rejoiced in the great victory won by Gene McCarthy in the New Hampshire primary in 1968. I feel that to some extent I manifested my rejoicing in that fact because I immediately sought to be a delegate to the Democratic National Convention, unfortunately held in Chicago, in 1968. The fact is that I was elected chairman of the Ohio delegation, but, very definitely as chairman, I was a leader who had lost his troops. Thirty-one of the Ohio delegates to the Democratic Convention were pledged to the nomination of Eugene McCarthy for President of the United States.

We thought we were pledged, but when the showdown came in our caucus, it was evident to all who would be the nominee for President, and so, instead of having 31, the caucus showed 18 stood for Gene McCarthy. Then it was my sad duty to announce the result of the Ohio poll, and I said to John J. Gilligan, who was a delegate there, "Jack, you are a candidate for office this year; I am not. You will be on television all over Ohio; so you announce the poll." He said, "I am heartsick, Steve. I hope you will do it."

On one occasion in particular, I recall Senator McCarthy's commitment to policy change within the framework of our democratic system. Directly after the balloting at the 1968 Democratic Convention a number of us including Senator McCarthy, John J. Gilligan, who in a few weeks will become Governor of Ohio, and I tried very hard to have the convention adopt the peace plank in the platform. We were successful. It has always been my feeling, Mr. President, that had the Hubert Humphrey subordinates running things in his behalf not been so arrogant, had they accepted our views and written the peace plank into our national platform then Hubert Humphrey would have been elected President and Ed Muskie Vice President.

So feelings were deep there. As I have often said—I witnessed some of the rioting and some of the police brutality close to my room in the hotel—frankly I had the worst time during 6 days and nights at the Chicago convention I had had at any time during a like period since I was in the Anzio Beachhead early in 1944. It was a bad experience, and I am glad it is behind me.

But I want at this time to attest my admiration for Eugene McCarthy. I knew him, as I have stated, when we both served in the House of Representatives. I know also that he is the author of a fine publication which I enjoyed much and profited from reading, a book he wrote some years back, entitled "A Liberal Answer to the Conservative Challenge."

It has been my privilege in the Senate to vote with him on many, many occasions; and I know that Gene McCarthy is a man of great courage as well as a most personable colleague. As one incident to indicate the sort of courage he has, he was one of five Senators who voted hopelessly, but voted anyway, to repeal the Gulf of Tonkin resolution.

Senator McCarthy, however, did not allow defeats in his campaign for the nomination to diminish his sincere desire for peace, or cause him to reject a search for national solutions. A lesser man might have used his position as leader of a substantial segment of the population to encourage divisiveness and suggest more radical solutions. Senator McCarthy did none of these things. He did not choose to fan the fires of hatred resulting from our policies in Vietnam, nor did he seek to set American against American. Few would deny that he would have had the power to do so. Instead, he has attempted to persuade our younger generation to continue to seek nonviolent solutions to our pressing political problems. Insofar as our young people have done so—and I think that they generally have despite the attempts of irresponsible officials to increase this alienation—the senior Senator from Minnesota should receive a large share of the credit.

Mr. President, Eugene McCarthy has done a great deal to turn this country toward peace. I admired him for his stand at a time when there were few who would stand with him. I admire him today when the verdict upon our policies has shown him to have been courageous and right.

Mr. President, I consider that Eugene McCarthy is one of the truly great Americans of our time, and, with others of my colleagues on both sides of the aisle in this Chamber, I simply express, not only my admiration of him as an American statesman, but also the fact that I have confidence that a fine future is ahead of Eugene McCarthy; and so, to Gene McCarthy I say, "Godspeed, and happy landings in all things."

Mr. MONDALE. I am delighted by those kind remarks of the retiring Senator from Ohio and, unknown to me, the retiring poet laureate of the U.S. Senate.

I am happy to yield to the junior Senator from Ohio.

Mr. SAXBE. Mr. President, I would just like to interject at this point in the well deserved tribute to the senior Senator from Minnesota the fact that we are also going to miss my colleague, the senior Senator from Ohio. He has certainly been a tower of strength to me; he has helped me in every way that he could. We have not always agreed, but we have agreed to the point where it is sometimes embarrassing.

I wish to say that my first contact with Senator Young was when we were opponents in a statewide race—my first statewide race—in 1956. Our contact then was pleasant, and it has continued that way to this time, and I know will continue hereafter.

So, as a tribute to you, Senator Young, I want to say that I and my whole family appreciate your help in getting me started, and to say that your friendship is valued, and I hope that it will continue.

Mr. MONDALE. I thank the Senator from Ohio.

I now yield to the distinguished assistant majority leader, the Senator from Massachusetts (Mr. Kennedy).

Mr. KENNEDY. Mr. President, President Kennedy used to say that every man can make a difference, and each man should try to do so.

Senator McCarthy has demonstrated well to the American people that one man can make a difference, by the extraordinary contribution that he made to this country and to changing our policies within this country in 1968.

I know that any of a score of Senators could stand here and list the great achievements of Senator McCarthy in committee rooms and on the floor of the Senate, could list the speeches that he has made showing his vision and compassion about many of the great problems that we face as a Nation; but perhaps I am singularly qualified to comment on the measure of the man from having been, for the period of a few short but terribly important months in 1968, on the other side of a barrier.

I think all of us, having been through political wars, know the extraordinary test that they provide for us as individuals and for the causes which we espouse. I must say, having had the opportunity, through many weeks and months, under the most difficult, trying, and often desperate circumstances, whether in the primaries of Indiana, South Dakota, and Nebraska, and the various State conventions that were held, back out to Oregon, and then to California, that in such a campaign you cannot help but develop some understanding of the measure of your competitor. After coming through that period, I can say with the deepest sincerity that I emerged from the trauma of what was 1968, with the greatest respect for the distinguished Senator from Minnesota, for his great and deep conviction about a matter of the first priority for this Nation, and for the manner in which he handled himself and the people who were most closely identified with his cause.

Senator McCarthy is a man whom some Senators know a good deal better than others, but we all know him as a sensitive man, an artist, and a poet, and it was perhaps because of those characteristics that he sensed the mood of the people and the outrage of this war more deeply and perhaps earlier than some of the rest of us.

He served well the cause which he was so deeply concerned about—the cause of peace. To him and his coworkers, the realization that some measure of progress has been made in moving us somewhat closer to the cause of peace is really a great tribute to his selflessness and sincere conviction.

I rise today to pay tribute to a man whom I have grown to respect because I feel that he has provided to the whole dialog of American political life a sense of light and reason on one of the most perplexing problems of our time.

Mr. MONDALE. I thank the Senator from Massachusetts for those kind and insightful words.

I am glad to yield to the Senator from Tennessee.

Mr. GORE. Mr. President, it has been my honor, pleasure and privilege to serve with Senator McCarthy in both the House of Representatives and the Senate, and to serve with him in intimate committee sessions of both the Committee on Foreign Relations and the Committee on Finance. I think it is often in the committee work that a Senator's most sterling work comes to notice and comes to fruitfulness.

Here is a man who has been truly knowledgeable, not only in affairs of a political arena, but also of finance, foreign policy, economics, and the security, the aspirations, and well-being of the mass of our people.

The service with him has been a rewarding one for me, rewarding in helpfulness, mutual assistance, guidance, and inspiration.

Along with a relatively few members of the Senate Foreign Relations Committee, Senator McCarthy, both in the committee as a Senator and as a contender in the political arena, contributed to an alteration of American history. He and a relatively few of this brave little band may have saved our country from a war with Red China. Whether this be true, no one can now know or will ever know. At least, the trend toward an ever widening, ever escalating war was altered. Sadly, we are yet involved in that war. But the American people are now convinced that the war should be ended. A part of that conviction comes from the glorious record of Senator Eugene McCarthy.

Mr. MONDALE. I thank the Senator from Tennessee.

May I say to the Senator, as he, too, retires from the Senate, how much those of us who served with him admire his magnificent, brilliant, and courageous service to this country. We shall never forget his performance.

Mr. GORE. I thank the Senator.

Mr. MONDALE. I yield to the distinguished Senator from Kentucky.

Mr. COOPER. Mr. President, one of the great satisfactions of serving in the Senate is the opportunity one has to know men of great qualities and abilities and to share sometimes in their friendship.

I consider Eugene McCarthy one of the outstanding Members of the Senate I have known since World War II. We know that he is a man of simplicity, one who is unassuming and yet capable of bringing into play all the force and strength of his mind, his character, for great causes. He is a master of understatement, but all of us who have heard him will never forget his eloquence and passion for causes in which he believes.

I have enjoyed knowing him in committee work and have valued very much the warmth of his personality, and his friendship.

Eugene McCarthy will be remembered in history. He has joined the small group of men in the history of our country—Theodore Roosevelt, Franklin Roosevelt, among others—who have been able to arouse and gain the support of the people of the country for natural causes and to provide them inspiring leadership. I believe that as one man, sounding his call in 1967 and 1968, arousing the interest of the people, particularly the younger people, he has done more than any other since 1960, to bring the people into active participation in politics.

So today I regret his going, but I know that in some place—and it may be here—he will continue to exert his tremendous and great influence for our country.

Mr. MONDALE. I thank the Senator from Kentucky.

I yield to the distinguished Senator from Maine.

Mr. MUSKIE. I thank the distinguished Senator from Minnesota for yielding.

I rise, Mr. President, primarily as a member of the class of 1958, to which Senator Young made reference a few moments ago. We do consider that, as a class, we bear an unusual distinction, which Senator Young, in his own inimitable way, has described.

Incidentally, at this point I should like to say how very much I have enjoyed serving in the Senate with Steve Young. He described himself as an old man. In the fall of 1958, when we were all first elected to the Senate, he said he intended to serve only one term in the Senate. That was not enough. It was not enough for him, and it was not enough for his constituents. So he served another term, and then gracefully decided to retire.

He had the energy and optimism of youth. He had the abrasiveness which only a man of his years is entitled to enjoy in the U.S. Senate. But he is a wonderful human being. So I take this occasion to pay my tribute to him.

With respect to Gene McCarthy, we have known for 2 years that this day was coming. Yet, it is difficult to absorb the knowledge that it is here.

Senator Hart, Gene McCarthy, and I became something of a triumvirate in January of 1959. Perhaps it was because we were summer bachelors together in those early summers when the Senate labored while our families went home. But I have always felt that we had special ties of friendship and of value. The fact that the three of us have sat side by side in this back row, which supposedly is reserved for young and freshmen Senators, is testimony to our refusal to be separated even in the Senate Chamber.

The story of the Gene McCarthy of 1967 and 1968 has been written and will be rewritten many times. He made a lonely decision. He challenged an incumbent President of his own party. He made history. I doubt that many, if any, of us expected him at the time to lay down that challenge. Yet, once we were fully aware of the depth of his concern about the war, it was no longer a surprise, because we knew the man.

I have regarded Gene as a friend, not as a political friend or a senatorial friend, but as a friend. I enjoyed his company. He was comfortable to be with. But he could also be uncomfortable. He was congenial, but he also could be withdrawn. He was a man of many moods, often preferred to be alone. He did not solicit friendship. But his friendship was the rewarding friendship of a man with great capacity for understanding and sympathy.

He is an unconventional politician. He is impatient with the conventional privileges, prerogatives, and pretensions of political place and power. He could never really be a "Senate man." He could only be his own man. For him, the political process and political power are only the means to an end, that end being the im-

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provement of the human condition—and he sought even that end in unconventional ways.

One can seldom predict what Gene McCarthy will do. He cannot always predict it himself. We cannot, because he will not move from cause to effect as the rest of us do. He may not, because he always seeks to identify the higher purpose which shapes the affairs of man, and that is so often hidden.

Gene is a remarkable man, who will continue to do remarkable things. We will all miss him, especially we of the class of 1958, who came to know him as a man who had the courage to make lonely decisions.

He once said to me that a Senator has not really proved himself until he has stood with a minority of not more than three in a Senate rollcall vote.

Gene McCarthy has proved himself in matters of conscience and consequence. He sets a standard for us all.

That is how we will remember him.

Mr. MONDALE. I thank the Senator from Maine.

Now, Mr. President, I yield to the Senator from Iowa (Mr. Hughes).

Mr. HUGHES. Mr. President, I thank the Senator from Minnesota for yielding to me.

I have had the opportunity this morning to listen to those who have spoken on behalf of Senator McCarthy, those who have known him for years, longer than I have had the privilege of making his acquaintance, who have served with him in both House and Senate.

I am keenly impressed not only by the kindness, gentleness, and courage of this particular man, but also by the impression he has made on his colleagues over this period of years.

As we look throughout history, we see all the nations of the earth at various times in their growth and their decline faced with difficult decisions. Our own young Nation has faced many. But in 1967 and 1968, the very soul of the American people was being tried. We were mixed in our emotions. At that point, I was not one of the earlier supporters of the great Senator from Minnesota. My alinements were in other directions. I, too, was a late arrival at the conclusion that this war was intolerable, that it was morally wrong, and for other reasons; and that the soul of our Nation was being tried and the responsibility of its leadership was to offer alternatives. But how, where, and with whom?

Then there came men out of this trauma, willing to express themselves and be criticized, many of them from the floor of the Senate, and many of them who are seated here this morning, and others who have been struck down in other ways tragically in recent history, political and otherwise.

Thus, I came to the conclusion that the leadership essential was that which not only understood what was happening in this Nation but what was happening all over the earth; namely, that mankind cannot continue, merely for the sake of military might and destruction, to destroy his brothers; that there must be other goals, that there must be other purposes.

If the sacrifice of a personal career and the criticisms of millions who will stand against him is the price that must be paid, and to have the courage and willingness to pay that price and make that sacrifice, then Gene McCarthy was and is such a man.

It is his own decision that he is leaving the Senate, not his decision that what he did was wrong, because it is continuing to be proven he was right. Not only did he challenge the morality of a war, he also challenged the morality of our own political party and its structure, the fact that we were ruled by political bosses, that we were, in fact, tied up so that the people could not express their will. That reform is continuing to take place. Although we have not totally succeeded, it is going on. The will of the American people as expressed by democratic registration will eventually lead to an open and free America, because he had the courage to lead the way to challenge the system, the political bosses, and the structure of our time. That is continuing.

Yes, he challenged the soul of the Nation as many others have done.

Yes, in that he suffered defeat of a kind—but I believe that that defeat was greater than a victory. History will point to that. In my opinion, the changes that have taken place and the ultimate conclusions that this Nation will raise will be those conclusions that were pointed out years ago, by men like Gene McCarthy, George McGovern, Robert Kennedy, and others in this body who had the will in those days to see, to know, and to believe that our directions must be changed.

For some, the price has been heavy. But the real testimony today is to the strength and the spirit of this man, the conviction of his soul, and the very love of humanity itself in what he has done. He has displayed this in many ways. His spirit will continue to walk. Change will continue to take place. Millions of young Americans who have been "dealt out" as hopeless will be "back in." They are still with us. They will not be judged by the hair on their faces but the hope in their hearts, not by the length of the hair on their heads but the courage of their own morality. And when that day does arrive in America and we stand on the floor of the Senate to remember those who have gone before, Gene McCarthy will always stand high in the history of America and the history of his contributions for the sake of mankind.

I am proud to have had the opportunity to have nominated Gene McCarthy at the Democratic National Convention in 1968 and to have served with him for this brief period in the Senate.

Mr. MONDALE. I thank the Senator from Iowa very much.

The PRESIDING OFFICER (Mr. Stevenson). The time of the Senator from Minnesota has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time be extended not beyond 10:25 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President. I am happy now to yield to the Senator from Oklahoma (Mr. Harris).

Mr. HARRIS. Mr. President, I am very glad that the Senator from Minnesota (Mr. Mondale) has brought us all together on this occasion. It is an occasion of great sadness for the country that Gene McCarthy is leaving the Senate. It is an occasion which is being rightly marked by all of us today who have served with Gene McCarthy in this body to pay tribute to him, even though we will continue to serve here.

The wit and wisdom, the compassion and the courage of Gene McCarthy have altered things in this country which have sorely needed to be altered. Those qualities are rare in any man serving in a legislative body. They are rare in this body.

The words of Homer come to mind:

> Grief to his foes; to his friends great joy.

I believe that has been Gene McCarthy's record here. It will continue to be in the days ahead into whatever endeavors he may be led.

We all will miss him.

Mr. MONDALE. Mr. President, I thank the Senator from Oklahoma.

Now, Mr. President, I yield to the Senator from Illinois (Mr. Percy).

Mr. PERCY. Mr. President, I would be remiss this morning if someone from the other side of the aisle did not wander over to the Democratic side and pay tribute to one of our colleagues who, regretfully, is leaving the Senate. I would be particularly remiss if I did not do so, in view of the fact that throughout the course of the past 2 years, I have tried, throughout the country and particularly in my State, to encourage young people on the college campuses to engage directly in the political process.

I have, time after time, tried to manifest to them the value of their participation. I used as an example the way in which the distinguished Senator from Minnesota brought young people into politics through the primary election itself where they could engage in the nitty gritty of politics and learn the ropes from the bottom up.

I admonish young people at the same time that, when they campaigned for candidates with their slogan, "Win with Gene," suggesting their slogan represented a solution to the problems in any one of the areas where they campaigned, they were involving themselves in the political process by selling a candidate as one would sell a product. Thus, they should do the job as salesmen in the best way possible by establishing a rapport with the people to whom they were talking trying to sell the candidate.

The message which the distinguished Senator from Minnesota carried throughout the country with such enthusiasm brought young people for the first time into the political process where their voices could be heard. And their voices were heard in the political process.

Today, as young people despair because of their feeling that they are unable to conduct a campaign in the country, I seek to restore the faith of the young people by pointing out what the young people have accomplished. They literally brought about the passage of the Civil Rights Act of 1964 by their voter registration drives in the South. No one can seriously question the tremendous impact their activities had on the legislation. And their drive for environmental controls resulted in strong, new legislation being enacted into law in this body.

I think we all owe a great debt of gratitude to the distinguished Senator from Minnesota for originally having the concept of involving youth in the political process, to permit their protests to be manifest in a way that would produce dramatic results.

We should be eternally grateful to Senator McCarthy. I would not be surprised if the action taken in the House and the Senate in bringing the vote to the 18-year-olds—which I hope will be sustained today by the Supreme Court of the United States—was directly inspired by his campaign which distinguished itself for its enthusiasm, vigor, and for its engagement of young people in the political process.

I am filled with admiration for his ability to appeal to the young people. It is an example that I certainly feel will be followed by all political figures in this country from this time forward.

Mr. MONDALE. Mr. President, I yield to the distinguished Senator from Washington.

Mr. MAGNUSON. Mr. President, I presume that there will be the usual unanimous-consent agreement that Senators may have their remarks about our friend, the Senator from Minnesota, printed in the Record. I have some remarks that I would like to make.

Mr. President, I was born in Minnesota, and we do a lot of fishing up there. The toughest fish in Minnesota is the pike, and it is the best eating. I always thought that the greatest contribution of the Senator from Minnesota was that he was a pike.

A pike is a fish that swims into a shallow, sluggish area and nudges the inhabitants there, to come alive and think, come out of their lethargy, if they are to survive—this is Gene McCarthy's contribution to American politics.

Mr. President, I will have further remarks to make later.

Mr. MONDALE. Mr. President, I yield now to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I have a very warm, friendly, and kind feeling for Senator McCarthy. I think that all of us do. That is one of the real tests of an effective Senator.

I think that Senator McCarthy has exercised a very fine influence here. I consider his very fine sense of humor to be an asset. I consider him to be a wise man.

Senator McCarthy has helped me in passing on matters here. He has rendered outstanding service in his quiet way in some of the problems that came before our Select Committee on Standards and Conduct in trying to handle some very difficult matters. He was outstanding in writing the rules—written standards we proposed along that line—the first that the Senate had ever attempted in written form. They were adopted in the Senate.

Senator McCarthy was always responsible and steady and fair. In writing those difficult rules, he showed respect, responsibility, and a high tactical approach, but always with a deep sense of fairness.

I thank him for those things as well as for many other things that have been mentioned. I thank him as a fellow Senator for what he has done here for the Nation and for all of us.

I certainly wish him well in his endeavors. I certainly hope that he has further contributions to make in political life.

Mr. MONDALE. Mr. President, I thank the Senator from Mississippi.

I now yield to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I have been very impressed this morning in listening to the remarks of my colleagues in the Senate about Senator McCarthy.

The Senator from Minnesota is often described as a man who is difficult to understand, something of an enigma. It seems to me that what has emerged here this morning is a very clear profile of a man whose colleagues appreciate him and understand him for the remarkable qualities he has manifested.

Recurring throughout all of these remarks and tributes to Gene McCarthy are references to his wit, his high intelligence, and his gracefulness.

I think that of all of the Members of the U.S. Senate, there is no one whose place at the present time is so secure in history as is that of the Senator from Minnesota. He has accomplished a very unique achievement at a rather early age. Because of the courage and intelligence he manifested in 1967 and 1968, no matter what else happens, he has already been assured of a very high place in the history of this Nation. That, I suppose, is the highest aspiration that any of us can hope for. To have achieved that at a relatively early age, as he has, seems to me to be the highest possible tribute and sense of satisfaction that could come to anyone.

I remember the very first encounter I had with Senator McCarthy some years ago, as a young Member of the House of Representatives when I gave my maiden speech. We were talking about a matter that was very controversial at the time—the agricultural program in this country. We had a rather unpopular Secretary of Agriculture then.

In that grim debate, Senator McCarthy demonstrated, for the first time, as far as I was concerned, the matchless wit that all of us have come to admire. From that day to this, I have known no one in the Congress of the United States who could match his humor and intelligence.

Beyond that, he possesses the courage that was described by Hemingway as "grace under pressure."

He could have been made to look ridiculous in the venture he undertook 2 years ago but for his sense of patriotism and sense of history. His sense of values has stood him well throughout his career.

I consider it a great honor to have been a colleague of his and I look forward to a great many years of satisfying associations with him in the future.

Mr. MONDALE. I thank the Senator.

I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, the State of Minnesota has sent a number of outstanding men to the Senate. One of them is Eugene McCarthy, who will certainly be long remembered for the contributions he has made to the Nation and the Senate.

Eugene McCarthy has played a unique role in this Nation's recent history. He is one of the men who did the most to help focus public attention on our disastrous course of action in Southeast Asia. His leaving the Senate raises serious question about the judgment our system arrives at.

He has rare qualities of perception that are sorely needed in this age. He is a man of letters in the tradition of some of our greatest American leaders. We will miss his voice of reason in the Senate.

I regard him as a friend. He served on the Committe on Foreign Relations, but perhaps more important than simply his personal friendship, which I value highly, I feel in many important issues we have shared and continue to share similar views about what is in the national interest, which after all is what we are here for and it is what is expected of Senators.

I believe all people in and out of the Senate will feel we have lost a person with deep perception with respect to what is in the national interest.

I have always felt there is no real difference in Senators as far as objectives are concerned, those objectives being the welfare of the country and humanity generally; but there is a difference with respect to what is needed to promote that welfare.

I have always felt assured by the thought that Gene McCarthy and I—and I do not want to identify with him completely—shared on many occasions views of what were and what are the best policies to promote the welfare of our country.

I will miss him and Americans throughout the country will miss his voice in the public arena. However, I still feel he will find some public endeavor through which he can make a great contribution.

Mr. MONDALE. I thank the Senator. I yield to the Senator from Nevada.

Mr. BIBLE. Mr. President, I wish to say a few words on this occasion about my dear friend from Minnesota. He has been here about the same length of time I have been here. I suppose that he and I have disagreed on about as many occasions as two men can, but in disagreement he has not been disagreeable. He has always had a twinkle in his eye and a smile. He always accused me of shaking my head when I support him when he is talking, and when I hear the other side, that I shake my head as supporting that side also. This is a part of the nature of the man.

He has a most remarkable sense of wit and built-in philosophy and understanding of other men. He fights hard for those things in which he believes. He is a crusader in every sense of the word. I had the privilege and pleasure 2 years ago of having him as my guest in a place almost as beautiful, I think equally with his, out in Nevada. We have had some great conversations.

I think this is a man who will be judged kindly by history as a man who was so firm in his convictions and belief that somewhere along the way his view would prevail.

I do not know what the future holds for him. He is a man who out in Nevada we would say has some mystery about him, but whatever he does he has my best wishes and the best wishes of my wife Lucille, who happens to be from Minnesota.

I thank the Senator for yielding.

Mr. MONDALE. I thank the Senate for setting aside this time today to permit colleagues who wished to do so to express tribute to a great Senator.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. BYRD of West Virginia. Mr. President, GENE MCCARTHY and I served together in the House of Representatives before we came to this body. We came to the U.S. Senate together as Members of that large class of 1958. I have enjoyed these years of serving with GENE MCCARTHY. I was one of those, and I am sure there were many others, who, in conversations with GENE, from time to time, expressed hope he would change his mind and remain a Member of this body with us.

But he is a man who knows his own mind and he is a man who knows his own heart. He has chosen his course and I trust it will be the best one for him.

GENE MCCARTHY is a man of remarkable ability, a man of great wit, and a very warm personality. I think he proves the truth of that verse of Scripture that states, "He that hath friends must show himself friendly."

We shall miss Senator EUGENE MCCARTHY. He has made his mark upon our party, he has made his mark upon our country, and he has made an indelible mark upon the hearts of all in the Senate who are privileged to call him friend.

Mr. President, I shall briefly transgress the rules of the Senate by addressing Senator MCCARTHY in the second person. We are admonished by the precedents not to do that.

GENE, as you leave, may I just say this to you. It is in the form of a wish, perhaps, or a prayer. I know it is joined in by all of my colleagues.

The hours are like a string of pearls,
  The days like diamonds rare,
The moments are the threads of gold,
  That binds them for our wear,
So may the years that come to you
  Such wealth and good contain
That every moment, hour, and day
  Be like a golden chain.

Mr. MONDALE. I thank the Senator from West Virginia.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MONDALE. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, several other Senators have asked for an opportunity to be recognized, the Senator from Tennessee (Mr. BAKER) among them.

I ask unanimous consent that they may be permitted to include remarks at this point in the RECORD before we go to the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, finally may I say this. In Minnesota we pride ourselves with having a special commitment to the education and enlightenment of our citizens, and to the supreme values of compassion and human justice, and to the greatest cause of all—the cause of peace. I think our State produced as many or more spokesmen for these things than any other State.

Perhaps the embodiment of that effort and all that my wonderful State stands for is best expressed and best personified by this man we honor today. Minnesota has produced none greater than GENE MCCARTHY, and I thank him.

Mr. AIKEN. Mr. President, during his 12 years as Senator from Minnesota, GENE MCCARTHY has not been what we would call an orthodox Senator.

In fact, he has been a rather individualistic Senator, and I think we should give him credit for that.

He has never been willing to sacrifice his own beliefs in exchange for acclamation from people that he inwardly disagreed with.

He has performed a unique service.

I am not speaking of his work on the Senate floor, but about his work with the young people of our country.

He has tried and tried successfully to interest thousands of them in our processes of government and the responsibility of the citizen.

And I expect that after he voluntarily leaves this body on January 3, he will continue to work with the youth of the Nation.

Yes, GENE MCCARTHY may have been an unorthodox Senator, but he has played a useful role in awakening the political conscience of millions of young people and for that we are very grateful.

Mr. HOLLINGS. Mr. President, I welcome the opportunity to join in tribute to the retiring senior Senator from Minnesota, EUGENE J. MCCARTHY. His taking leave from this Chamber does not mean retirement in the usual sense, of course, because Senator MCCARTHY has many distinguished years ahead of him. If the past has any bearing on the future, we are on secure ground in predicting that the Senator from Minnesota will be much in our attention in the years ahead.

The touchstone of Senator MCCARTHY'S career is the politics of conscience. And in this era of impassioned rhetoric, widespread intolerance and violent confrontation, his is a voice urging us to exorcise our demons, lower our voices, and conduct our affairs in an atmosphere of reasoned tolerance. When future historians comb the annals of the stormy present, they will find in his career an uncommon dedication to right. They will find candor and eloquence, sobriety and wit, politics and poetry. They will find an individual's hope in a period when too many were gripped by despair; and confidence in the possibility of reform from within when too many lost faith in reason and turned to radical faiths. Now we seem to be seeing the first faint signs that the mindless binge on violence is coming to an end. We seem to be seeing the dawning realization that the young accomplished much more with Senator MCCARTHY in 1968 than a few of them have done on their own in the months since.

EUGENE MCCARTHY is an individualist in an age of conformity. His background is wide and his opinions range over many fields. No one would expect, least of all the Senator himself, to find other people in agreement all of the time. Nevertheless the integrity and wisdom he brought to this chamber leave an enduring legacy for us all. I am grateful for having served alongside Senator MCCARTHY and for the enjoyment of his friendship. And I join my colleagues in wishing him well in his future pursuits.

Mr. METCALF. Mr. President, it was my privilege and pleasure earlier today to preside over a session in which many of my colleagues paid tribute to Senator GENE MCCARTHY upon his pending departure from the Senate at the end of this Congress—if this Congress ever ends. Most of those who lauded Senator MCCARTHY and his splendid record as an active political figure concentrated upon the campaign of 1968 when he literally turned the country around and was the catalyst that demonstrated that the majority of the people of the United States were opposed to our activities in Vietnam. His courage in taking a very lonely stand in the New Hampshire primary, his leadership throughout the campaign have been mentioned several times and deserve such mention.

Not enough mention, however, has been made of the early MCCARTHY, GENE MCCARTHY as a leader before 1968. If I may be permitted to recall some of his activity in those earlier years, it will be no surprise to anyone that he made the decision he did in 1968 and that he has exercised the leadership he has in recent years.

As a freshman Congressman in 1953, I went to see the then Representative MCCARTHY to talk about committee assignments. He was already a leader and to show the scarcity of Democratic representation in the House from the Northwest, the only representatives on the Ways and Means Committee from the whole great western area were Congressman Cecil King of California and MCCARTHY of Minnesota. It was finally decided that I would be in Congressman King's area for assignment to committee and GENE had nothing to do with sponsoring me. But that first meeting was an important one. He could see that I was in need of help and guidance and he was generous and kind enough to give it to me. He called me back to his office and under the guise of discussing some of the legislative problems before the 82d Congress he gave me wise and experienced advice. I later learned that a good many other members had benefited from such guidance because during the first session of the 82d Congress whenever a question arose someone would always say, "Let us see what GENE has to say about it."

An example is a liberal statement that was issued in 1957 just before President Eisenhower's state of the Union and budget messages. Several Congressmen, including former Secretary of the Interior Stewart L. Udall, FRANK THOMPSON of New Jersey, James Roosevelt, and

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others wanted to nave a Democratic program. So we all went to see Gene and he wrote a draft of a program that was adopted substantially in its entirety. It soon became known that Gene McCarthy had written most of the document and during the 85th Congress it became known as the "McCarthy manifesto."

A study of the McCarthy manifesto will show what an innovative and imaginative legislator Gene McCarthy was. Many of his suggestions met with determined resistance from some of his Democratic colleagues. Yet looking back with the advantage of 20/20 hindsight we can see that he had the wisdom and the sagacity to foresee the impact of programs that was denied to many of us.

And that is how the Democratic Study Group was formed. Those who wanted to talk it over with Gene began to meet in his office and soon there were a group of regulars who met and discussed legislation.

Therefore it was no surprise to those of us who knew and loved Gene McCarthy that he embarked on the long journey that led to the confrontation in Chicago and a repudiation of the war in Vietnam. He had led other less publicized but equally important crusades.

In all the years of my friendship with Gene McCarthy I have most enjoyed his wit. Daily he has an original and pertinent comment on some current event. He strolls into the Senate, makes his observation and moves on and our day is the better for his presence.

Senator McCarthy has made a significant contribution to our time. He has been a unique and distinguished Senator. I have been proud to have been his friend. He will be missed in the Senate and I will miss him personally. I wish him good fortune in his continued endeavors.

I ask unanimous consent that the so-called "McCarthy manifesto" of 1957 together with the signers thereto be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Proposed for the Democrats in the House of Representatives in the 85th Congress

Mr. Thompson of New Jersey. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes and to revise and extend my remarks.

The Speaker. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. Thompson of New Jersey. Mr. Speaker, I am highly honored to have been chosen to place in the Congressional Record today a proposed program for the Democrats in the House of Representatives during the 85th Congress. This program has been endorsed by 80 of my colleagues.

This program was first announced on January 8, prior to the state of the Union and budget messages.

The program covers foreign policy and national defense, immigration, civil rights, improved civil service, education, health and housing, taxes, labor, business and industry, agriculture, public works, resources, atomic energy, veterans benefits, and government operations.

The President's state of the Union and budget messages recommended the passage of a number of the proposals contained in the program we are recommending. Among the President's recommendations, for instance, were revision of the immigration laws, civil rights legislation, aid to school construction, revision of the Taft-Hartley Act, the extension of the Fair Labor Standards Act, atomic energy, and statehood for Alaska and Hawaii.

The proposed program for Democrats in the House of Representatives in this Congress goes beyond the administration's recommendations in a number of areas including the treatment and compensation of Government employees, revision of the labor relations law, housing, revision of the tax laws, tax relief for small business, an improved unemployment program, assistance to industry in depressed areas, and the revision of farm legislation. The program also calls for a repudiation of the administration's partnership approach to the development of natural resources, and its replacement by what the signers of the proposed program describe as a return to the historic resources development partnership, including farmer cooperatives, public power districts, private enterprise, and the Federal Government.

The program also calls for congressional action to provide for greater responsibility in the executive offices and action to make clearer the administration's accountability to Congress and the people of the United States.

Mr. Speaker, the signers of this proposed program are convinced that if a sufficient number of the so-called modern Republicans join in support of the program there will be no difficulty in securing passage of legislation to carry it out.

Signers of the proposed program for the Democrats in the House of Representatives in the 85th Congress are Stewart L. Udall; John E. Moss; John F. Shelley; John J. McFall; B. F. Sisk; James Roosevelt; Cecil R. King; Chet Holifield; Clyde Doyle; D. S. Saund; Byron G. Rogers; Wayne N. Aspinall; George P. Miller; Gracie Pfost; William L. Dawson; Barratt O'Hara; John C. Kluczynski; Thomas J. O'Brien; James B. Bowler; Thomas S. Gordon; Sidney R. Yates; Charles A. Boyle; Ray J. Madden; Winfield K. Denton; J. Floyd Breeding; Carl D. Perkins; Edward P. Boland; Charles C. Diggs, Jr.; Louis C. Rabaut; John D. Dingell; John Leskie, Jr.; Martha W. Griffiths; Thaddeus M. Machrowicz; Eugene J. McCarthy; John A. Blatnik; Roy W. Wier; Coya Knutson; Frank M. Karsten; Leonor K. Sullivan; A. S J. Carnahan; George H. Christopher; Lee Metcalf; LeRoy H. Anderson; Peter W. Rodino, Jr.; Hugh J. Addonizio; Frank Thompson, Jr.; Lester Holtzman; Victor L. Anfuso; Eugene J. Keogh; Edna F. Kelly; Emanuel Celler; Abraham J. Multer; John J. Rooney; Alfred E. Santangelo; Leonard Farbstein; Ludwig Teller; Herbert Zelenko; James C. Healey; Isidore Dollinger; Leo W. O'Brien; Wayne L. Hays; Charles A. Vanik; Thomas L. Ashley; Al Ullman; Edith Green; Charles O. Porter; William A. Barrett; Kathryn E. Granahan; James A. Byrne; Earl Chudoff; William J. Green, Jr.; Herman P. Eberharter; George M. Rhodes; Elmer J. Holland; George S. McGovern; Don Magnuson; Henry S. Reuss; Lester R. Johnson; Clair Engle.

Proposed Program for the Democrats in the House of Representatives, 85th Congress

For the first time since 1848, when party designation was vague and ill-defined, the voters of the United States have not given the President-elect a Congress of his own party. This situation is especially significant so far as the House of Representatives—the people's branch of the Government of the United States—is concerned. It indicates approval of the record of the 84th Congress, controlled by Democrats, and approval of the program projected by the Democratic candidates in the campaign of 1956.

We believe it important that the projected program of the majority of the party in control of the House of Representatives be publicly stated at the beginning of the first session of this Congress. The statement which follows contains proposals which are within the range of authority and of the responsibilities of the House of Representatives. It presents a program which is, we believe, supported by a majority of the Democratic Members of the House of Representatives and also by a majority of those voters among the citizens of the United States who in the last election voted to elect this Democratic majority.

FOREIGN POLICY AND NATIONAL DEFENSE

We favor the maintenance of adequate defense forces and believe that this can best be accomplished by maintaining balance among the three branches of the armed services. We believe, also, that unless the world situation improves significantly, there should be no reduction of the personnel in the armed services. We will support legislation and appropriations necessary to accomplish these purposes.

We will continue to give strong and consistent support to the United Nations. We urge the administration to work through this agency whenever feasible, not only in the military and diplomatic fields, but also in economic and cultural areas.

We believe that our friendship with the countries of Western Europe need not be sacrificed and that these nations need not be humiliated in the eyes of the world in order to win for the United States the friendship of the uncommitted peoples of the rest of the world. We therefore favor the continuance of an adequate aid program to meet the needs of our Western European and other allies, especially those needs which result from the loss of Near Eastern oil supplies.

We propose that instead of indiscriminate condemnation of colonialism, the Eisenhower administration offer positive aid to countries holding colonial possessions, so that the economic shock of abandoning such possessions can be cushioned and, at the same time, protection given to persons and property in the colonial areas during the transition to independence. We will give our support to such efforts.

We favor an expanded point 4 program, and we are hopeful that the Eisenhower administration, after 4 years of hesitation and contradiction, will develop and present such a program to the Congress.

We favor the passage of legislation necessary to encourage and facilitate world trade, and we will propose legislation to meet the special problems of United States industries and workers affected by liberalization of trade policy.

We are for statehood for Alaska and for Hawaii.

IMMIGRATION

We will propose legislation and work for the revision of immigration and naturalization laws to eliminate the national origins rule and to provide flexibility in the admission of displaced persons, refugees, and other deserving cases.

CIVIL RIGHTS AND CIVIL SERVICE

We will propose measures and work for the enactment of legislation designed to eliminate illegal and unconstitutional discrimination affecting the right to vote and the right to engage in gainful occupation, and designed, also, to insure full protection of the law of the enjoyment of the security of persons and of the rights of citizenship.

We favor legislation to protect the national security and, at the same time, in keeping with recent Supreme Court decisions, to protect Government employees and other citizens from the violation of rights and from the abusive practices of the Eisenhower administration.

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We favor an increase in the compensation of Government employees to meet the increased cost of living and to compare with the compensation paid to persons performing similar work in nongovernmental employment.

We favor the recognition of the right of employee organizations to represent their members and the granting to Government employees of the right to full participation in the political life of the nation.

EDUCATION, HEALTH, AND HOUSING

We favor the enactment of legislation to assist States and local communities in building schools and providing essential health and safety facilities to all school children. This legislation should be similar to that proposed in the last Congress. It should not include the unsound financial provisions recommended in the first Eisenhower education bill in the 84th Congress or the unworkable proposal for the distribution of funds incorporated in what was described by the Republican candidate as the "one clear call to action" on education.

We favor an expanded program of Federal aid for medical education, hospital construction, and health services.

We shall support increased benefits under the social security program, the extension of coverage, and the raising of the wage base upon which benefits depend.

We will propose and support an expanded and improved Federal housing program designed to meet the special needs of low-income and middle-income families, and senior citizens. We will also support an expanded urban redevelopment program.

We will oppose efforts to destroy the effectiveness of laws designed to protect consumers and businessmen from exploitation and unfair practices.

TAXES

We favor revision of the tax law to close the loopholes in the 1954 act, to eliminate unwarranted privileges, and to provide tax adjustment for small businesses.

We favor the elimination of the most burdensome and inequitable excise taxes.

As the budget and general economic conditions indicate, the income tax should be reduced.

BUSINESS, INDUSTRY, AND LABOR

We will undertake to assist small independent businesses by strengthening the Small Business Administration, and by inquiry with a view to the improvement of the antitrust laws and of their administration, as well as the administration of various Government commissions and agencies affecting small businesses.

We will propose and seek to enact legislation to assist in promoting industry and creating jobs in depressed areas of the United States and in areas of underdevelopment and unemployment.

We propose to strengthen the unemployment-compensation system, to extend its coverage and improve its benefits, and to adjust it to meet the problems of automation and industrial change.

We favor the repeal of the Taft-Hartley Act and its replacement by labor-relations legislation that is favorable to labor, to management, and to the public.

We favor the extension of the coverage of the Fair Labor Standards Act, together with an increase in the minimum wage to conform with increased productivity and the rising cost of living.

AGRICULTURE

We will propose and support the enactment of legislation to improve the farm program so as to assist the farmers of the United States to secure parity of income.

We favor legislation to improve the water-and-soil-conservation program, to insure that the soil bank be used for the purposes for which it was designed, rather than an instrument of political expediency.

The problems of drought relief and crop insurance would be met by the expansion, the improvement, and the effective administration of the existing drought-relief and crop-insurance programs.

We favor an expanded school-lunch program and other programs for the disposal of agricultural surpluses.

PUBLIC WORKS

We will work for a stepped-up, sound program of public-works projects in rivers and harbors, hydroelectric, flood control, and public buildings to better utilize existing resources and provide better and more adequate facilities and services to meet the needs of an ever-increasing population in an expanding economy.

We will continue work to build up momentum for an effective, long-range, expanded, and accelerated Federal-aided highway and public-roads program.

RESOURCES

We propose to abandon this administration's limited partnership with the commercial utilities and return to the historic resources-development partnership between farmer cooperatives, public-power districts, private enterprise, and the Federal Government.

We believe in the principle of multiple-purpose use of the land and water resources of our river basins, with special emphasis on the protection of our watersheds for domestic, agricultural, recreational, and industrial uses, and in the comprehensive development and management of these resources to get maximum flood control, irrigation and reclamation, power, forest production, grazing, mining, and fish and wildlife conservation and recreation.

We will continue to work for the adoption of a generous Federal program to assist Indian tribes in the full development of their human and natural resources and prompt settlement of Indian claims against the United States, including negotiations and compromise in the best interests of both parties.

We will again oppose altering treaty or other Federal-Indian contractual relationships without the free consent of the tribes concerned and will oppose programs similar to those supported by the Eisenhower administration to weaken Federal control over public grazing lands, national forests, and other resources now held for the people of the United States by the United States Government.

ATOMIC ENERGY

In addition to the continued development of a balanced and flexible stockpile of nuclear weapons, we will propose legislation to accelerate the domestic civilian atomic-energy program by the construction of prototype reactors, to increase the production of fissionable material for further nuclear experimentation, and to bring about greater cooperation in this entire field, in domestic operations and in cooperation with our allies. We will also seek a comprehensive survey of radiation hazards from bomb tests and reactor operations.

VETERANS

We will continue to press for legislation to compensate veterans and their dependents for the physical, economic, and the other losses which they have suffered as a consequence of military service.

GOVERNMENT OPERATIONS

We will propose legislation to make the Congress more effective and to provide for greater efficiency, economy, and responsibility in the executive offices, and to make clear the administration's accountability to the Congress and to the people of the United States.

Mr. PEARSON. Mr. President, most men of high public office are intelligent. Most have the capacity to assimilate and synthesize the current state of knowledge. But few are intellectuals in the true sense of the word. Few have the ability to add to the state of knowledge. Gene McCarthy is a member of this small minority.

Moreover, Gene is not only an original thinker but a gifted stylist as well. He can break through the suffocating sameness of conventional rhetoric and speak and write true eloquence. He has helped to elevate the language of politics.

And being a man of dignity, compassion, and fine sentiment, he has helped to improve the image of politicians in the American mind.

As a student of history, he understands the capriciousness of human events. A man of honor and conscience he knows that the only truly lasting reward in life is in knowing that one has met the world on one's own terms and has been true unto himself.

Gene McCarthy is a skilled politician, a deeply conscientious public servant, a poet of distinction, a man of incisive wit and humor, and an intellectual in the classical tradition.

But above all, he is, more than most, his own man. And in the final analysis this is the finest accolade that one can earn.

Mr. President, the Senate will miss Gene McCarthy but I know that we will continue to hear from him. He will continue to add to our store of political wisdom. He will continue to elevate the standards of public dialog.

SENATOR M'CARTHY HAS BEEN A LEADER IN ATTEMPTS TO BRIDGE GENERATION GAP

Mr. RANDOLPH. Mr. President, I join with my colleagues in observing that Senator Eugene J. McCarthy will be missed in the Senate. This tall, soft-spoken Minnesotan has served for a decade in the House of Representatives and for almost 12 years in the Senate. He is, at the same time, a distinguished author whose observations on government and politics provide provocative stimulus to democratic process.

Recognition of his scholarly talents in economics and education came with his appointment as a member of the Senate Finance and Foreign Relations Committees.

Within a year after coming to the Senate, it was my privilege to serve as a member of the Special Committee on Unemployment Problems, with Senator McCarthy as chairman. This committee, created by a resolution of the 86th Congress, held a total of 27 days of hearings in 24 cities across the Nation. Its report, submitted by Senator McCarthy on March 3, 1960, is a valuable reference work for economists and social scientists. It analyzes the causes and conditions of joblessness and rightly defines it as a human and social problem, not merely an economic one. I commend this detailed work under the leadership of Senator McCarthy as a former accomplishment applicable to today's rising unemployment problem.

I recall an occasion in May of 1965 when Senator McCarthy accompanied

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me to Weirton, W. Va., and gave a delightful and informative talk to the Weirtonian Lodge of the Order of Italian Sons and Daughters of America. He has always received a warm welcome in West Virginia.

During his colorful career in public service, EUGENE McCARTHY has provided the Nation with another important function. He has been, at a critical time in our country's turbulent history, a leader in his attempts to bridge the so-called generation gap. While some deplored the actions of young and involved students, Senator McCARTHY set about teaching them how to make their idealism for the public good, how to make their hopes and aspiration a reality. He has helped to demonstrate that youth can be an effective force in our democratic system.

As GENE leaves the Senate, I am heartened by the knowledge that this very decent and human citizen will continue to focus his considerable intellectual skills on the problems of mankind. Senator McCARTHY will be missed by his friends on the Hill.

IN PRAISE OF EUGENE M'CARTHY

Mr. CHURCH. Mr. President, I speak on this occasion with conflicting emotions. I always welcome an opportunity to laud my esteemed friend and colleague EUGENE McCARTHY. But, on this occasion, I speak out of a deep sense of regret over the circumstances which prompted him to retire from the Senate.

EUGENE McCARTHY, a very private man in a very public office, has generated reams of curbstone analysis regarding his political psyche. Be that as it may, the name of this extraordinary man has already been written large in the annals of the Senate, where the forum proved too limited to contain the force in him.

For Senator McCARTHY achieved his eminent position in our politics outside the Senate. By taking his case against the war in Vietnam directly to the American people, he became the most important political figure in the United States in 1968. EUGENE McCARTHY lost his race for President. He failed even to win his party's nomination. Yet, more than any other man, Senator McCARTHY, in that tumultuous year, changed the course of the Nation.

His willingness to carry the torch for peace, his relentless, reasoned argument against the insane arithmetic of the war, aroused the conscience of the people. His opposition represented a great act of faith that in a democracy the people can be entrusted to pass a sensible judgment on the gravest issues, even in the midst of an ongoing war.

Largely because of that singular and courageous act of faith, the American people, shown the horrendous consequences of a misbegotten war, have drawn back their elected leaders from the abyss of Vietnam. For this, EUGENE McCARTHY deserves a larger measure of credit than any other American. Whatever political offices were denied him in the process, I believe he has won history's larger verdict.

Mr. YOUNG of North Dakota. Mr. President, I wish to associate myself with the many nice and well deserved tributes paid to our beloved friend, the senior Senator from Minnesota, Senator EUGENE McCARTHY.

GENE, as we all know him, is one of the most friendly, likable, and intelligent Members of the Senate. He has a rare and very enviable sense of humor and wit. It has always been refreshing to visit with him when on occasion, and this is quite often, he wanders over to the Republican side of the Chamber and carries on a friendly dissertation on our differing views. This is only one of the many friendly, likable traits about GENE McCARTHY that we will all miss.

While my views and those of my friend GENE McCARTHY on general political philosophy differ considerably, I have always enjoyed a very warm personal friendship with him.

Senator McCARTHY is one of the really able Members of the Senate and a powerful advocate of the liberal philosophy to which he has dedicated his life. I know of no Member of the Senate who has more effectively and earnestly championed his cause. I consider him to be a truly great Senator. He has represented his State very diligently and effectively and has been looked upon nationwide as a powerful advocate of the political philosophy he espouses.

No one will miss him more than I and I wish him well in all of his undertakings in the future.

Mr. BAYH. Mr. President, I rise today to pay tribute to my friend and colleague, Senator EUGENE McCARTHY, who in 11 years of devoted service has made a lasting contribution both to this body and to the whole country. I have always admired GENE McCARTHY. For he not only acts on principle but invests considerable thought in the development and expression of his principles. His contemplative presence will certainly be missed in these Chambers.

Such a contribution is noble by any standards. But GENE McCARTHY has gone beyond the Senate and made a courageous, nationwide effort to live by his beliefs. In 1968, GENE McCARTHY renewed our pride in this country and its politics. He reminded us all that an election in a democracy should be the most noble and far-reaching educational experiment of all. In short, GENE has demonstrated the power of ideas in history.

These past years have seen a wide variety of assumptions about successful campaign strategies. Some of the strategies have led us to doubt our own powers of leadership. But GENE had the courage to personally refute those visions of safe, issueless victories. Adlai Stevenson in 1956 said:

> The idea that you can merchandise candidates for high office like breakfast cereal—that you can gather votes like boxtops—is, I think, the ultimate indignation to the democratic process.

GENE proved that such merchandising is not only an indignation, but that it is by no means always successful.

For among the far-reaching legacies of the McCarthy campaign have been party reform, an assumption by this country that the war must end, and a desire to discover new insurances of citizen participation. In a decade when all generations are looking for new forms to better express their evolving aspirations, the McCarthy movement stands as a powerful promise that those forms do exist and only require renewed cooperation and trust.

Whatever our personal beliefs, we should all join to thank Senator EUGENE McCARTHY for the contribution he has made to remind each of us as citizens that on our shoulders lies the destiny of our Nation.

TRIBUTE BY COMMITTEE ON FINANCE TO SENATOR M'CARTHY

Mr. LONG. Mr. President, the Committee on Finance met in executive session Friday, December 11, and approved a resolution expressing gratitude for the service that Senator EUGENE McCARTHY has given to the committee. He has been an invaluable companion in developing legislation relating to trade, Government finance, and social welfare. He has served on the Committee on Finance since January 14, 1959, and has been a Member of this body for 12 years. His service has been most distinguished.

The resolution adopted by the Committee on Finance in behalf of EUGENE McCARTHY reads as follows:

> Whereas, Eugene J. McCarthy, of Minnesota, has served honorably and faithfully as a member of the Committee on Finance since January 14, 1959, and
>
> Whereas, Eugene J. McCarthy generously devoted his knowledge and energy to the consideration of the many complex issues before this Committee during this period, and
>
> Whereas, Eugene J. McCarthy has unceasingly advanced the development of legislation relating to trade, government finance, and social welfare in execution of the broad responsibilities of this Committee; Now, therefore, be it
>
> Resolved, That the Committee on Finance hereby expresses to Eugene J. McCarthy its sincere appreciation and gratitude for his outstanding contributions to the fulfillment of the obligations of this Committee, and for his faithful and devoted service as a member of this Committee.

Senator McCARTHY, as all of you know, has a very sharp and keen wit which helps to relieve the most strenuous of situations. His good-natured company is always welcome. Perhaps more important, he has always taken a stand on the domestic or foreign issues of the day, no matter how different the stand might be from the conventional party line. Time and again, he has demonstrated his ability to stand up and be counted, and I have never known him to fail to do so.

Although many times I have disagreed with the propositions advanced by Senator McCARTHY, his speeches were always delivered with an eloquence that won him many supporters. His efforts on behalf of single people brought about one of the most significant changes wrought by the massive Tax Reform Act of 1969.

I hope Senator McCARTHY continues to give us his best advice and wisdom unsparingly. I know I personally will miss his keen wit and his ability to maintain a sense of humor in the most trying circumstances.

I valued his support highly in my efforts a few years ago to work out a fair and equitable system of financing political campaigns for the office of the Presidency of the United States. He had the

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vision to recognize the importance of the sort of changes I was proposing. He knew the influence of money in a political campaign and of the many conflicts of interest facing a candidate who accepted large contributions from persons likely to be looking for political favors in the future. We tried to get the influence of money out of the President's election.

I also valued his support in the race for assistant majority leader.

He must continue to make himself available to us, for I as one, will continue to look for his help in crystalizing and understanding the great issues which our committee and this body are called upon to decide. EUGENE MCCARTHY has been in Congress for 22 years—10 years in the House, and then 12 years more in this body. His experience and public dedication will be missed.

Mr. JAVITS. Mr. President, I join my colleagues today in paying tribute to a Senator who has made an indelible imprint on American politics, and, even more important, who rendered a great national service in 1968 at a tense moment of the crisis with youth in our country by establishing so many young people in the American political process. At a time when many young Americans were developing an increasing sense of alienation, he swept them up in a feeling that the system can be made to work, that voices will be heard, and that even international conflict can be turned around if only people care enough and work hard enough for peace.

Senator MCCARTHY has earned national universal respect. I value my years of service and friendship with him. I wish for him many continual years of success and fruitful living. He cannot fail to be of service to our country and to freedom wherever he is.

Mr. McCARTHY. Mr. President, I ask unanimous consent that I may have 5 minutes.

Mr. BIBLE. Mr. President, I ask unanimous consent that the Senator from Minnesota may have 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCARTHY. Mr. President, I wish I could take more time that I might respond, particularly to those who have spoken here. The public record is rather clear as to how my colleague from Minnesota has sustained me through the years in the Senate and on some issues outside the Senate. The record of men like Senator HUGHES of Iowa, made in a difficult time, is also clear. I will not speak of all my colleagues today, but I would now particularly want to express my thanks to the leadership, Senator MANSFIELD, Senator KENNEDY, and Senator BYRD of West Virginia, for the assistance they have given me, most of it never made public, and for their great understanding and great courtesy.

I would speak also in tribute to Senators who have been chairmen of committees on which I have served, and on which I will serve for the rest of this year: Of the Senator from Arkansas (Mr. FULBRIGHT), chairman of the Committee on Foreign Relations particularly, for his consideration and support, and also for his leadership in very difficult areas, both inside and outside the Senate; of the Senator from Louisiana (Mr. LONG), chairman of the Finance Committee, with whom I have worked for the 12 years I have been in the Senate; also, of the Senator from Mississippi (Mr. STENNIS), chairman of the Committee on Standards and Conduct.

If I had time I would have something positive to say about every Member of the Senate. I have been given publicity, and I will not say justly or unjustly, for having criticized, the Senate and Senators; the positive things I have said have often been ignored. In fact, I have been criticized more for good things I have said about Senators or Senate action which the critics thought were bad than for bad things or critical things I have said about Senators or Senate actions which the critics thought were good.

Now that I am leaving the Senate I am one of the few who are not complaining about the length of the session. I would just as soon serve until January 3. I am not anxious to have it end. I am quite content to stay here for the remaining 3 or 4 days in which I shall officially be a Member of the Senate.

What the Senate is doing and has been doing through the year, perhaps at a pace that might have been somewhat different, is in accordance with the constitutional intent and purpose and also, in the best tradition of the Senate, to stand in judgment for the country over the judicial system of this country, to judge how national policy, particularly foreign policy, should be conducted, to judge the personnel of the Government, and also to stand in reserve judgment over the action of the House of Representatives.

I will conclude by saying that as I leave the Senate it can expect from me the most positive kind of support for this body and a continuing interest in problems with which you will have to deal.

Mr. MONDALE. I thank the Senator.

Mr. President, I ask unanimous consent that the RECORD remain open until the end of this Congress and that the tributes be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE GOVERNMENT AND POLITICS OF SWEDEN

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that a review of the book, "The Government and Politics of Sweden," by Joseph B. Board, be printed in the RECORD as a part of my remarks. I think the book indicates some extremely relevant activities on the part of Sweden, relevant to our own problems in this country. I would hope that those who are interested in these problems would take note of the problems in Sweden.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SWEDEN STILL WORKS

(Review of the book: "The Government and Politics of Sweden". By Joseph B. Board, Houghton Mifflin, 261 pp. $7.95.)

(By Steven Kelman)

Tell someone that you're studying about Cuba or China, and you'll receive immediate nods of interest and understanding. Tell someone you're interested in Sweden, and puzzled reaction will probably be "Why?" New books about Cuba or China receive widespread attention from critics and large-scale promotion by "with-it" publishing houses. But when the American journalist Frederic Fleisher came out several years ago with an excellent report entitled *The New Sweden* reviews were few and far between, and sales were sparse. It is a safe bet that this new book by Joseph Board, chairman of the department of political science at Union College, will be generally ignored.

It's a shame. For those who follow the latest developments in the lands of Fidel and Chairman Mao profess to be concentrated with seeing how other countries have dealt with problems which America faces. Now it is doubtful whether the Cuban experience has much in it to teach *anyone*, except by force of negative example. But to maintain that the problems of an underdeveloped country like Cuba have anything to do with the problems of the world's leading industrial nation is not just doubtful but absurd.

When we talk about Sweden, on the other hand, we're talking about a country in the same ballpark we're in. Sweden's per capita GNP lies second in the world, right behind ours. Sweden, like us, has big and bulging cities, serious threats to its natural environment, rapid rural-urban migration, and other problems which industrialized countries face. And while the country's small size makes it easier to deal with problems, Sweden's one-time ethnic homogeneity has disappeared with the influx of southern European immigrants who have come to Sweden seeking jobs. One out of every ten residents of Sweden today arrived as an immigrant after 1945.

Facing many of the same "inputs" as American society, the Swedes seem to have worked things to get "outputs" of a rather better quality. Unemployment has remained under 1.5 percent throughout the Sixties. The rate of housing construction has been the highest in the world, and was not affected by the recent tight money as it was in America. The revolt of youth is hardly a tenth as severe as in America or other Western European countries, and the phrase "generation gap" is hardly mentioned. The standard of health care is the world's highest.

How do they do it? Of course, a detailed answer would be not only lengthy but incredibly difficult. But, simply put, the Swedish successes are the result neither of some ill-defined national character nor of the special conditions of Swedish society—but rather very specific, imitable government and private policies.

Take unemployment. The low unemployment rate has hardly been a coincidence. The Swedish government constantly maintains a group of public works projects "on the shelf," fully planned and ready to be activated as soon as the unemployment rate hits a certain level. Similarly, the tax system allows industry to put aside a certain amount of its profits, tax free, into a "reserve investment fund, on condition that the funds be invested by the company in new plants and equipment when unemployment threatens to get too high.

The policies towards unemployment have a useful side-effect. The trade unions, aware that the government will not allow the unemployment rate to rise very high, are released from the necessity of opposing technological changes which might get their members fired. Assured that new jobs will be found (usually at higher wages), the trade unions encourage technological change and rationalization—thus promoting Swedish economic growth.

Take the question of dirty cities. The Swedes have a reputation for being clean, but so do the Germans and the Dutch, and any look at German and Dutch cities will quickly belie any connection between repute and reality. If Swedish cities are remarkably clean this is simply because money has been put into keeping them clean.

Or take American urban planning. The planning of new communities for lower- or middle-income people has always had low priority in America, both in terms of money spent on it and public esteem awarded the field. The puny and unimaginative results show it. But Swedish urban planning, with its emphasis on not making things too uniform (planners retain jutted rocky areas and unkempt woods in the areas they plan, rather than creating artificial-looking parks), shows that it can be done, if resources and imaginative energy are devoted to it.

The Government and Politics of Sweden is well-organized and competent, but unless one is interested in a detailed account of the workings of Sweden's weighted proportional representation electoral system, data about the circulation and political affiliations of Sweden's leading newspapers or facts about local government, a good portion of it may prove dull. However, Board has a crisp, readable style and even drops an occasional witticism. ("No prominent Swedish actors have yet run for high office at last report," he writes during a discussion of the influence of television on Swedish election campaigns.) And the section on the very powerful interest groups (Swedes often call their country "organization Sweden") is excellent.

Board's book shows that there is a lot more to Sweden than pornography (I am convinced that Swedish sex habits do not differ significantly from ours, the only difference being that they talk about it more), suicide (the rate is below that of Austria and Switzerland, countries nobody ever mentions, and hasn't increased since the introduction of the welfare state) and Ingmar Bergman (a brilliant artist, the Swedes will tell you, but slightly crazy). There is probably no way to make Sweden "in" among the circles that count, but perhaps books like *The Government and Politics of Sweden* will help close the knowledge gap.

A LAMENT FOR EAST PRUSSIA

Mr. FULBRIGHT. Mr. President, I also ask unanimous consent to have printed in the Record and article by Countess Marion Donhoff, entitled "A Lament for East Prussia," which was translated and published in the London Times of November 20, 1970. I think it gives a penetrating and very perceptive analysis of the situation in Germany, and especially in Prussia.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Lament for East Prussia

(By Countess Marion Dönhoff)

The treaty on the Oder-Neisse frontier between Poland and Germany has been negotiated and it will be said that the west German Government has given away German land: but the cross was put on the grave of Prussia 25 years ago. It was Adolph Hitler whose brutality and megalomania extinguished 700 years of German history, but nobody had the courage to demand the death certificate or even to accept it.

Home, for most people, is something beyond reason or description. It shapes their entire life. For people from the east this is particularly true. To someone who was born there, in that great lonely landscape, with its endless woods, blue lakes and broad river estuaries, home probably means more than for someone who grew up in an industrial area or a great city.

The Federal Republic, with its open society and its possibilities for a person to live fairly freely, is a state in whose growth it is worth participating and working. But home? No, never for someone from the east.

My family lived there for centuries which I mention only because it illustrates the fate of millions of people. Loyalty was not primarily, as in the west, to the rulers, but to the land. The decisive thing was not which of the many changing powers held sway—the Teutonic knights, the Poles, Swedes, Danes, Russians or Prussians. The decisive thing was to hold on to the land and to remain connected with the land. Frederick the Great never forgave the east Prussian estates for the fact that, during the Seven Years' War, when East Prussia was occupied by the Russians, they gave their allegiance to the Tsaritsa Elisabeth, although that was in fact the most reasonable thing that they could do. Only in the last century, as the spirit of nationalism poisoned all relationships, did everything change.

The Germans have now been driven out of their homeland east of the Oder and Neisse Rivers, and the changing of rulers has ended. The land is now Polish. Nearly half the people now living in the former German territories were born there. The Poles, like the Czechs in Bohemia, made a mercilessly clean sweep. Never before had anybody in the east tried to take final possession of lands and provinces by driving eight million people from their homes. But who can blame the Poles? Never before has a people been subjected to so much suffering as during the Third Reich.

Hitler's Governor, Hans Frank, who with the SS terrorized the Polish people, deported them and sent them to gas chambers, once clarified Nazi Policy as follows: "No Pole shall rise above the rank of a foreman. No Pole shall be able to get higher education at a state institution. . . . That which we call the Polish elite must be liquidated. Any new elite which grows up is to be taken care of and eventually removed. . . . We don't need to send these elements to concentration camps in Germany for that would mean trouble and unnecessary exchanges of letters with the relatives. We will liquidate the matter on the spot."

After the Warsaw uprising of Autumn 1944, Hitler ordered the city to be razed to the ground and the SS excelled themselves in thoroughness and brutality. When they left there were only 2,000 people surviving in the cellars and ruins of a city once populated by millions.

Nobody can hope any more that the lost territories will ever again be German. Anybody who thinks otherwise must still dream of reconquering the world. That would mean again expelling millions of people, which in reality, nobody wants. One must hope that the polemics of the expellee organizations, for whom anybody is a traitor who does not take their illusions for reality, will at last end.

One may also hope that in future the Poles will also spare us their own chauvinism, their references to "the recovered territories" and their claim that the western territories under German rule were mostly occupied by Polish people. The truth is that in East Prussia, Pomerania, East Brandenburg, and Lower Silesia, 98 to 100 per cent of the population was German. Upper Silesia was the only province with a significant Polish speaking minority. The eastern frontier of East Prussia remained unchanged for 700 years and Silesia's frontiers have remained the same except for the upper Silesian industrial area since 1335.

In all these questions there are many cliches on both sides, and very seldom sound judgments. The history of the east is too complicated and too unknown. Many also forget that it is always the victors who write history. Who in east Europe still speaks of the secret protocols in the treaties which Hitler and Stalin signed on August 23 and September 28, 1939? They were the basis for a Russian attack on Poland, agreed with Hitler, in which Moscow took over what at that time was half of Poland.

Although this secret agreement did not automatically exclude the further existence of the Polish State, Moscow did put pressure on the German Ambassador, Count Schulenburg, to prevent the formation of a Polish rump state after the invasion of Soviet troops into East Poland—when the Polish elite was also deported and destroyed.

Few people also remember that the Poles at the time of the Munich agreement took some Czech lands and, by supporting the German adventure in the Sudeten crisis, encouraged the Berlin Government to make the demands which in the end led to the destruction of their own land.

Nobody is without sin, but the attempt to reckon up each other's sins is not only senseless, it means that the curse of evil deeds gives birth to more evil. A new beginning? Yes, for otherwise there will be no end to the escalation. Does that mean farewell to Prussia? No, for the spirit of Prussia must work on in this age of materialistic greed if this state which we call the Federal Republic of Germany is to have any durability.

(Note.—Countess Marion Dönhoff, Editor-in-Chief of the Hamburg weekly paper Die Zeit, grew up in East Prussia. She escaped on horseback from the advancing Russian Army towards the end of the war.

This is a slightly shortened version of an article which is published on the front page of Die Zeit today.)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate a message from the House on H.R. 212.

The PRESIDING OFFICER laid before the Senate a message from the House on H.R. 212, an act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the bill.

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent, in accordance with the practice of some days now, that the conference report on H.R. 17755, the Department of Transportation Appropriation Act, be laid before the Senate.

The PRESIDING OFFICER. The conference report will be stated by title.

XUM

The assistant legislative clerk read as follows:

> Report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

The **PRESIDING OFFICER**. Is there objection?

There being no objection, the Senate proceeded to the consideration of the conference report.

Mr. **PERCY**. Mr. President, some time ago on a trip to Asia, in visiting a country in that part of the world, I was told by a government official that, by his estimate, more than half of the Members of the Cabinet consulted astrology before they made any important decision.

I returned to Washington from Chicago last Wednesday to engage in deliberations on the SST, and I noticed, in the Chicago Sun-Times, the astrological forecast by Sydney Omarr, under Libra, my own sign. I find his advice to me:

> Don't get caught in the middle of dispute among friends. What starts as informed debate, could end in shambles. Word to wise should be sufficient. Take no unnecessary chances.

Somehow we have survived here despite this astrological prediction of disaster and even though we have engaged in debate on controversial matters. We have remained friends. We have unbounded respect for each other even though we differ in judgment as to what is right for the country. We are continuing this debate with the earnest hope that we shall find a solution to this problem. Of course, we have conducted all our meetings on that basis.

THE SST: A COSTLY COMPROMISE

Mr. President, we have before us a conference report on the Department of Transportation appropriations, which provides for $210 million for the SST development program. It is an attempt at compromise which is both wasteful and unnecessary, and which fails altogether to deal with the concerns expressed by the Senate on December 3.

We do not have in that conference report any other controversial matters. It is naive to think that now, as we approach the third year of a new administration, this administration has not yet had a Department of Transportation budget that bears the full imprint of its own thinking and policy. The first budget presented by the administration was very much a carryover of the thinking of the previous administration. But fiscal 1971 is the first full year when the Nixon administration was able to think through the problems of mass transit, highways, Coast Guard, air controllers and air safety, airports, as well as aviation development.

Yet, month after month, we have had continuing resolutions carrying forward the old budget, preventing the country from having the results of Administration views.

It has long been my feeling, of course, that the noncontroversial matters could and should have been handled long ago; but that was neither the will of the Senate nor the House of Representatives. This package is therefore still bound together—an appropriation that is for the most part noncontroversial, except for one item still in deep controversy between the two Houses of Congress, and of course within this Chamber.

But on December 3, the Senate of the United States clearly spoke, and overwhelmingly rejected the concept of continuing the development of the SST, for a variety of reasons. We acted clearly and decisively 2 weeks ago to stop Federal funding of the SST program.

Our action was not the usual type of economy vote, by which we give a program or agency less than was asked for, but enough to keep the program going at a lower rate. The Senate was not saying, "Let us not spend so much on the SST." Instead, the Senate said, in effect, "It is time to stop Federal funding of the SST. The time is now."

Mr. President, I have been involved as have many other Members of the Senate, in comparable decisions as to whether it be a research project in an educational institution or foundation, or a business venture with which we are associated, shall be canceled. In organizations of those types, a final decision is ultimately required. I have never seen any hesitancy, once an overwhelming body of evidence has proved that a project is not being fulfilled as it was originally intended, once it is determined that it cannot meet the standards that were originally set up, and that its cost estimate will far exceed the cost estimates that were originally predicted, to face up to the situation, bite the bullet, and make a decision. In fact, in my own business life, we have had to make many such decisions. They have been difficult decisions, especially when we realize that hundreds of thousands of dollars, sometimes millions of dollars, have been spent on a project we hoped would be something at close as possible to the original concept, but which we realized was simply not moving in the proper direction and could not fulfill the hopes and expectations or meet the standards and specifications that had originally been laid down.

You have to make those important decisions in a business organization. If you continue to put more money in after bad money, the misadventure simply continues to bury itself. The process has to stop at some point. An educational institution that must make ends meet and is without unlimited capacity to borrow, must make a decision to stop a project once and for all, when it realizes that good judgment dictates a halt.

Yet, with the unlimited borrowing capacity of the Federal Government, with the difficulty in making a decision, with the capability to continue to procrastinate, to live in eternal hope that somehow, in some way, the expectations that were originally held will be fulfilled, we continue to piddle with this project. I use that term intentionally, disrespectful though it may be, to describe a project that is costing the American taxpayer approximately $300 million a year.

As I mentioned on the floor of the Senate last week, the Senate of the United States passed almost unanimously a bill to provide money for mass transit, to provide funds for cities that have gone into debt because they were forced to borrow money to buy equipment, to improve services, to fend off inflationary price increases and wage increases in order to provide low-cost, efficient, mass transit. When those transit systems fail, or mount up huge debts, and Congress' response via an authorization bill last week in conference was to cut out every single penny for such systems, allegedly because we do not have the money, I came back to this requested appropriation for some $290 million for a plane that will not meet the specifications originally outlined for it and I ask, What is happening to us, that we have such an order of priorities? How is it that we place so high a priority on something that ought to be at the bottom of the list of priorities from the standpoint of meeting existing needs? We find ways to fund such projects as the SST, only to find that we cannot fund projects that are at the very top of our list of critical needs: that is, finding ways to move people about in urban areas, to get people from one point, to another point, efficiently and at low cost.

We continue to fail in meeting that objective, and yet we continue to find ways to fund projects of the type which offer such a low return on investment and which, instead of detracting from pollution, as mass transit does, would add to the environmental hazards.

In listening to the debate that preceded the vote on December 3, I was impressed by the virtual unanimity among Senators who supported the amendment to strike funds for the SST. Almost to a man, they supported a complete termination of SST appropriations. Some of my colleagues favored a suspension of Federal funding until the environmental problems of the SST had been overcome. Others favored terminaiton of the Federal program, on grounds that private enterprise should build the SST if there were an economic value in building it.

Hardly a Senator, however, expressed support for a mere paring down of the SST appropriation, and for good reason. If the program is simply scaled down, it increases the total cost to the Government. You cannot build half an SST. Reducing the appropriation does not alter the objectives of the program; it merely prolongs the program and greatly increases its cost.

Mr. President, I move to postpone consideration of the Department of Transportation conference report until tomorrow.

Mr. **BYRD** of West Virginia. Mr. President, what is the request?

Mr. **PERCY**. I move to postpone consideration of the Department of Transportation conference report until tomorrow.

The **PRESIDING OFFICER**. The question is on agreeing to the motion of the Senator from Illinois.

Mr. **PERCY**. Mr. President, I wish to debate the motion at this point.

As I have said, you cannot build half an SST. Reducing the appropriation does not alter the objectives of the program; it merely prolongs the program and greatly increases its cost.

Secretary of Transportation John A. Volpe said recently in a letter dated December 9:

> Any significant reduction in fiscal year 1971 SST funding would increase program costs on a 2 to 1 ratio.

In other words, for every dollar cut now, two dollars will have to be spent before the program is completed.

The reasons for this increase are twofold. First, such reductions in funding create inefficiency in the program. Where under original schedules several tasks were programed to be done concurrently, now they may have to be strung out instead. The basic overhead costs continue to add up, of course. Second, the longer the program is drawn out, the more the effects of inflation increase the costs across the board.

If Secretary Volpe's speculation holds true, the cut of $80 million adopted by the conference committee would mean that an extra $160 million will have to be appropriated somewhere down the line, to complete the program for just this phase of the funding.

In fact, the SST program is experiencing cost increases because of cuts already made. Last year, Congress reduced the appropriation by $11 million—from $96 to $85 million—for fiscal 1970, and the Office of Management and Budget reduced the fiscal 1971 budget request by $25 million—from $315 programed, to the $280 now at issue.

Under Secretary of Transportation James A. Beggs was asked about this during hearings of the House Appropriations Committee earlier this year. He supplied for the hearing record a statement indicating that these reductions, amounting to $36 million in all, would result in a projected $76 million overrun.

On the basis of this experience, I think it is quite clear that the reduction proposed by the conference committee is completely unacceptable. It will merely add to the Government's burden. It certainly will not save us any money. In the name of commonsense, I urge my colleagues to oppose this conference report.

Mr. President, two recent newspaper articles have brought home again the fact that we would be blindly naive were we to believe we can continue with the SST development and production along presently conceived lines, relying on the ability and willingness of commercial airlines to repay the Federal investment with interest.

I have long maintained that in terms of national spending priorities, the $290 million appropriation for the SST just does not make sense. In fact, the problem that it presumably solves would be near the bottom of any list made up of urgent national needs and interests. But the economics of the SST contract do not make sense either, primarily because of attempts to justify Federal spending on the prospect of private repayment. The repayment promise generally follows these lines, according to SST proponents: If 300 SST's are sold, the anticipated Federal investment of $1.3 billion will be repaid; if 500 SST's are sold, the Government will get an additional $1 billion bonus.

The figures cited are weak in themselves. Inflationary factors which should be considered in a prolonged program designed to last some 25 years from beginning to end have not been considered. The probability of overruns has not been considered, a serious omission in light of the fact that last year alone there were overruns to the tune of some $76 million. And the investment made in 1970, even if it were to be repaid in 1990 with the $1 billion promised bonus—which I cannot believe—would bring the Government a meager return of only 3 to 4 percent on its investment.

It makes one think that the Government needs an attorney to protect it in drafting its contracts. More importantly, it makes one think the Government probably shouldn't be in the marketplace in this role at all.

As I have indicated, the terms of this contract seem decidedly weighted against the Government. But the real weakness in the SST proposition is that the whole project is predicated on the ability and willingness of commercial airlines to buy the "product."

Will there be a market for the SST? Obviously, the answer to that question must be speculative to some degree. But I believe we will be dealing in informed speculation—not mere guesses—if we examine closely the data available to us on present airline production, present market pressures and present performance.

In this context, it was very illuminating to learn from the December 11 edition of the Washington Post that "the Nation's 13 major airlines will lose $123 million in the current year," according to the Air Transport Association. At prevailing fare levels, losses for 1971 are estimated to reach $192 million.

Do these figures suggest a vital, soundly financed and growth oriented air industry capable of buying and operating the new SST's in the volume required to make investment in them profitable? I think not.

Is the prospect of higher fares for flights on existing planes likely to meet projected figures for individuals expected to travel by air in future years? Again, I think not.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield the floor to the majority leader. I ask unanimous consent that in yielding, I do not lose my right to the floor; and, further, I ask unanimous consent that when I resume speaking, it will not be counted as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. PARTICIPATION IN CERTAIN INTERNATIONAL FINANCIAL INSTITUTIONS

Mr. MANSFIELD. Mr. President, it is my opinion that the pending business very likely will not be settled on the floor of the Senate, but in a conference being held now. With that thought in mind, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1259, H.R. 18306, that it be made the pending business, and that there be a time limitation of 20 minutes attached thereto, 10 minutes to a side.

The PRESIDING OFFICER (Mr. STEVENSON). The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, this may be the first breach in the wall.

I ask unanimous consent, Mr. President, that the time for debate be controlled and divided between the distinguished senior Senator from Tennessee and the distinguished chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. FULBRIGHT).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. I yield myself 5 minutes.

Mr. President, I have discussed this matter at some length with the distinguished Senator from Tennessee. He has been reasonable in his attitude toward trying to work out a compromise on the pending bill. It is an important bill. We have discussed it thoroughly.

I think there is no misunderstanding—I will put it another way: There is a full understanding of the significance of the bill, and many parts of it are extremely valuable to our country.

The Senator from Tennessee has made some most persuasive observations about the necessity for learning more about what is called the soft loan window in the Inter-American Bank and the Asian Development Bank, and we have arrived at what I would call a genuine compromise which I think is very much in the interest of the country.

I think that the amendment which the Senator from Tennessee will soon offer is in the interest of the country. It allows us to take another look at certain aspects of this bill at a later date, when the pressure of time is not so great.

So I will yield for the moment to the Senator from Tennessee, to allow him to explain his own views about his proposal. I only say at this time that I think he has been most reasonable in his attitude toward this controversy.

Mr. GORE. I wish to thank the junior Senator from Arkansas, the chairman of the committee, for his generous remarks. It has been pleasant to work with the distinguished chairman and with the distinguished ranking minority member, the able senior Senator from Vermont (Mr. AIKEN), on this matter.

Mr. President, I send to the desk an amendment which I ask to have reported.

The PRESIDING OFFICER. The amendment offered by the Senator from Tennessee will be stated.

XUM

The assistant legislative clerk proceeded to read the amendment.

Mr. GORE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 11, beginning with line 5, strike out all through line 12 on page 14.

On page 14, line 18, strike out "Chapter 2" and insert in lieu thereof "Chapter 1".

On page 14, between lines 13 and 14, strike out "21." and "22." and insert in lieu thereof "1." and "2.".

On page 14, line 14, strike out "21." and insert in lieu thereof "1.".

On page 15, line 11, strike out "22." and insert in lieu thereof "2.".

On page 15, line 22, strike out "3." and insert in lieu thereof "2.".

On page 15, after line 23, strike out "31." and insert in lieu thereof "21.".

On page 16, line 1, strike out "31." and insert in lieu thereof "21.".

On page 16, line 22, after "and" insert ", upon further authorization by the Congress,".

On page 17, strike out lines 7 and 8 and insert the following: "one installment of $100,000,000 for the United States share".

Mr. GORE. Mr. President, I have raised questions about the advisability of approving what appeared to me to be an imprudently large amount of money for the soft-loan programs of both the Asian Development Bank and the Inter-American Development Bank at this time.

Let us look first at the Inter-American Development Bank. A President of the Bank who, to be most charitable in my reference, was controversial, who certainly used the Bank, the prestige of the Bank,and the funds of the Bank for questionable purposes in some instances, has resigned. He is to be replaced by a new President, for whom I have high respect. But the newly chosen President of the Inter-American Development Bank will not take office until next February; yet, without knowing of his plans, without giving him an opportunity of developing a prospectus to submit to the Bank, and through the Bank to the U.S. Government, some index to the manner of the use which he proposes for soft-loan money, the bill as it came to the Senate provided $1 billion over a period of 3 years, beginning July 1 next. It seems to me that this is an imprudent disposition of the funds of the U.S. Government. Surely Congress and the executive branch should know more definitely to what use the funds are to be put. The amendment proposed here would permit $100 million to be available, beginning June 30 next, but would defer the second and third installments of our commitment of $450 million each until further action by the Congress, presumably after the new President and the Bank have prepared plans and the committee has had an opportunity to review the plans and perhaps to make a study of past use of soft-loan money.

In addition to the $100 million which mv amendment would authorize the IDB still has approximately $500 million of the commitment that Congress made 2 years ago, so this would provide all the funds requested for use until July 1, 1972. So, if I may say so, I think I have been generous in the compromise—I have tried to be—and the distinguished chairman of the committee has generously said so. But I have also tried to be responsible and prudent, as I regard it, with respect to my responsibility as a Member of the Senate and as a member of the Committee on Foreign Relations, who has taken a particular interest in the Inter-American Development Bank.

The Inter-American Development Bank in my view can be a very useful tool. I raise no question about its hard loans, though I think they should be watched carefully.

Soft loans are not without a place in hemisphere affairs. But, Mr. President, the multilateralism about which we have heard so much here is more apparent than real.

The United States provides all of the extra-country money. For instance, if a soft loan is made to a borrower in Venezuela, the only part of the fund provided outside of Venezuela comes from the United States. Venezuela would provide some matching funds, in Venezuela. Likewise, Colombia, Chile, and all other countries. So let me repeat, the multilateralism is more apparent than real. So I see no need for the hand of the U.S. Government to be hidden. I see no reason to withhold from the people of our neighboring countries the information that it is the money of the people of the United States which is being granted to them through the bank on soft loan terms. But, in any event, I am satisfied with this compromise. At least, it lessens the commitment of the United States by $900 million. The Senate can have an opportunity to examine it with caution and prudence before acting further. There will be ample time for this.

My amendment would eliminate entirely soft loan funds for the Asian Development Bank. Obviously, in the condition that prevails in Southeast Asia today, soft loans are inappropriate.

This reduces the commitment by another $100 million, making a total reduction of $1 billion in soft loan commitment.

The next Senate can and will, I trust, examine carefully the soft loan operations with care. Perhaps this action will bring this about.

My intervention may have served, also, to call attention to the need to reorder our national priorities. The sad and calloused neglect of the pressing problems of our own people must end.

Mr. AIKEN. Mr. President, will the Senator from Tennessee yield for a question?

Mr. GORE. I yield.

Mr. AIKEN. As for the rest of the bill, is the Senator leaving that unchanged?

Mr. GORE. My amendment makes no change in any provision except the soft loans.

Mr. FULBRIGHT. In the Asian Bank.

Mr. GORE. In the Asian bank, and in the Inter-Development Bank.

Mr. AIKEN. The Senator proposes another amendment here.

Mr. GORE. It strikes the commitment for the soft loans to the Asian Development Bank. I might say, incidentally, that the administration said that this might be dropped.

Mr. AIKEN. I think it would be unthinkable and disastrous to our foreign relations to go home without taking any action at all on this particular bill. I think that the Senator from Tennessee has adopted a statesmanlike attitude in making this proposal as an amendment.

As for the Asian situation, this is somethings we do not know for sure about this as things are happening in Southeast Asia and the South Pacific almost faster than we can keep up with them. But this amendment on the whole seems to be an exceptionally good way to get out of our present dilemma, or at least postpone it, and assure our South American brothers and sisters in those countries that we are not just simply passing them by but are providing a means to carry on the work of the Inter-American Development Bank with them, at least for another year, during which time—well, Heaven knows that will happen anywhere in the Western Hemisphere.

Mr. GORE. A year and a half.

Mr. AIKEN. A year and a half—I think it is a particularly good proposal that the Senator from Tennessee has made.

Mr. GORE. I thank the Senator.

Mr. FULBRIGHT. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER (Mr. Stevenson). The Senator from Arkansas is recognized for 3 minutes.

Mr. FULBRIGHT. As I said a moment ago, I discussed this with the Senator from Tennessee and I think his proposal is eminently sensible and sound. I will feel absolutely committed, morally and otherwise, to maintain this amendment in case the House is disposed not to accept it. If it refuses to accept it, I will say to the Senator from Tennessee that I will do everything possible within my power to insist upon the amendment which he has made, which I think is reasonable. The fact is, quite obviously, that without such an agreement this bill could not be passed.

All the most important elements with respect to the IMF, the World Bank, and so forth are all preserved without change, as he has stated. The only change is in the soft loans—$100 million deleted for the Asian Bank and the retention of $100 million out of $1 billion for the Inter-American Bank.

The deleted $900 million for the IDB would not be required in any case until after the end of our fiscal year 1971. So I do not think there should be any great difficulty. Possibly there may be some slight embarrassment to our representatives in the Treasury who have negotiated the agreement calling for the full 3 years. But I am quite sure they will be able to explain the necessities of the case satisfactorily to the other Bank members who negotiated the agreement with regard to contributions to the Inter-American Bank.

I wish to express my appreciation to the Senator from Tennessee. He has, throughout his service here in the Senate, been extremely helpful not only in foreign relations, but also in the financial aspects of foreign relations as well as domestic affairs. No other Senator is more knowledgeable about our domestic economy.

He has made great contributions in the Committee on Finance in all of the various tax bills and the other complicated issues that have come out of that committee.

I, for one, would not like to allow this opportunity to pass without expressing my appreciation to the Senator from Tennessee. I think it is a very great loss to the country and to the Senate that he will not be back in this body next year, but that is one of the tragedies of our political system that occur from time to time.

I wish to express my personal appreciation to the Senator for all that he has done during the period he has been in the Senate.

Mr. PERCY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 additional minutes.

Mr. FULBRIGHT. Mr. President, I yield now to the Senator from Illinois.

Mr. PERCY. Mr. President, I add my voice to those of the others who have commended the distinguished Senator from Tennessee.

This action obviously will set a precedent with relation to our other legislative stoppages. Obviously, as the majority leader has expressed, the logjam will be broken.

I think the distinguished Senator's point has been well made in the country and that the compromise that has been worked out is equitable and fair.

I have spoken at some length on the bill. I think it is a very significant bill. I will not take the time of the Senate to do so this morning.

Mr. President, I would particularly like to mention the fact that on a recent trip that I made last month throughout Europe and the countries of Africa, I made a point of stopping in to see the Governors of the Central Bank in Africa, Ethiopia, and Nigeria.

The distinguished President of the World Bank, Mr. McNamara, had recently visited with these officials and had visited Africa.

I was deeply impressed with the remark of a responsible African official that it was an attempt to make these loans bankable loans and to make funds available in those areas involving the the greatest return in investments. If it had not been for these international organizations, I do not know what these countries would have done, because capital is not available to them through conventional means at anywhere near the rate that would enable them to meet the responsibilities they face concerning the needs of their countries.

I feel this is a significant bill. I fully support it.

I would like to ask a question of the distinguished chairman of the committee. Does the Senator from Arkansas intend to ask for a rollcall vote? I think the bill is significant enough to have such a vote.

Mr. FULBRIGHT. I did not intend to do so. Any Senator could ask for a rollcall vote. I am perfectly willing to have one.

Mr. MANSFIELD. Mr. President, I would just as soon have the bill passed by a voice vote.

Mr. FULBRIGHT. Mr. President, we had a test vote on this matter before which indicated very strong support for the bill. I do not see any need for a rollcall. I am perfectly willing to accept this. I hope that the Senate will agree to the amendment and pass the bill.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. HOLLAND. Mr. President, as one who has watched this dispute between the distinguished Senators from Arkansas and Tennessee, I want to say that I recognize the patriotism which both of them have shown, the love of the Senate which both of them have shown, and the interest in the subject matter of this bill—which is of very great importance to our country and to many other countries—which both of them have shown.

I further want to pay tribute to the Senator for effecting a compromise in these days when there has been in the Senate very little giving and taking.

May I express at this time, to both of my distinguished friends, along with my wishes for a Merry Christmas and a Happy New Year, my very deep appreciation for the decision they have made, which is certainly in the interest of the Senate's national image.

Mr. FULBRIGHT. Mr. President, I thank the Senator. I am quite sure that it is in the interest of the Senate and of the country. The distinguished Senator from Tennessee deserves the credit.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 18306) was passed.

The title was amended so as to read: "An act to authorize U.S. participation in increases in the resources of certain international financial institutions, and for other purposes."

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. AIKEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT ON TIME FOR A VOTE ON VETO OF S. 3867

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the Presidential veto of S. 3867, for which we have an hour and a half's time, begin to run at 6 o'clock this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. PERCY. Mr. President, to continue my comments on the SST, I ask this question: will large numbers of people be willing to pay substantially higher fares for an SST flight in order to save relatively few hours on an intercontinental trip?

Hardly. And if they do not choose to do so, the SST cannot show a profit. Indeed, it could become a financial nightmare, devouring ever larger chunks of Federal funds to keep it active and endangering the private ownership of our airlines.

Mr. President, on December 16, the New York Times quoted an executive in one of the country's major airlines as having said that the continuing slump in air travel was prompting the Nation's airlines to review orders for large jetliners. He estimated that "the trunk airline industry might have postponed delivery of 15 wide-body jets scheduled for delivery for 1971 and 1972." The postponement involves some $836 million in previously planned capital expenditures. What are we to infer from this sort of data? Can Congress ignore it? Can Congress pretend to believe that economic indicators in 1970 bear no relevance to the economics of the future?

This information suggests strongly to me that if the airlines are having economic difficulty operating equipment that they now possess, if they are postponing purchases of conventional equipment, it is foolhardy to pretend that the airlines will be able to purchase and operate the SST with their own resources.

And let us remember that the purchases being deferred now are relatively inexpensive in comparison to the SST. A fully equipped Boeing 747 costs $23 million; it is estimated that a fully equipped SST will cost approximately $50 million. This is why a prominent American airline executive, former chairman of the board of one of the world's largest carriers, told me:

> The decision of the Congress is not a decision involving $1.3 billion of financing of the SST prototypes, it is a $20 to $25 billion decision to have the government finance the production cost of 500 SST's if

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the program is to go forward as its proponents contend.

I do not intend to begin a discussion at this late date of the comparative ranges, passenger capacities, and subsonic operating costs of the SST and the 747. But let me indicate briefly that an examination of these comparative data provides further evidence that the SST appropriation should be defeated.

I have listed only the purchase price comparisons—$23 million for the 747; $50 million for the SST—and pointed to authoritative reports that clearly indicate that the airline companies are undergoing a critical struggle for fiscal survival.

How, I ask, in light of all this, can anyone realistically expect a viable market for the SST when it is produced? It does not take an experienced businesssman to understand that there is no reasonable expectancy of repayments on investments, nor are there profits that can be counted when there is such a dubious market and such limited sales.

Mr. President, I ask unanimous consent that the two newspaper articles to which I have alluded be printed in the Record at the conclusion of my remarks.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, Dec. 12, 1970]

Airlines Project Huge 1970 Losses

(By Robert J. Samuelson)

The nation's 12 major airlines will lose $123 million in the current year, the Air Transport Association said yesterday.

The prediction was made in an economic presentation to high officials of the Department of Transportation on Wednesday. The ATA outlined the projections to reporters yesterday.

For 1971, the trade association estimated a loss of $192 million at the prevailing fare levels. The industry has been pushing hard for another general increase in fares—the Civil Aeronautics Board is scheduled to complete a major price investigation next spring—and the ATA said it would take at least a 5.1 per cent upward adjustment to produce a $100 million profit next year.

A number of airline analysts contacted yesterday said the ATA's estimates should be viewed cautiously.

"The trends in the economy are very confused now," one said. Another indicated that there might be an element of "gamesmanship" to the projections—producing figures that would tend to support a fare increase.

The assumptions underlying the ATA's 1971 report include:

A projected traffic growth of 5 per cent in 1971 over 1970; the economic slowdown discouraged traveling this year, producing an estimated 1 per cent decline in travel which, as much as any other factor, probably accounts for the airlines' troubles (in 1969, traffic grew nearly 10 per cent).

A moderation of the airlines' anticipated 1971 increase in capacity from an earlier estimate of 9 per cent to 7 per cent. Measured in available-ton-miles (one available ton miles is an airline's potential to carry one ton one mile), capacity will rise from 41.9 billion atms to 44.8 billion in 1971, not the 25.9 billion originally forecast.

Yesterday's presentation emphasized the uncertainty in the predictions. Just five months ago, the ATA estimated the 1971 loss at nearly $500 million (now reduced to $192 million) but, in the meantime, the airlines cut costs (including advertising and flight frequencies).

Although the ATA did not name the profitable airlines, they are reliably reported to be Delta ($35.7 million earnings for the first nine months), Continental ($3.7 million for the same period), Eastern ($12.2 million), and Northwest ($25.7 million for the first half year). The remaining major carriers are: United, American, Braniff, Pan American, Trans World Airlines, National, Western and Northeast.

Just before the ATA–DOT meeting, the Association of Local Transport Airlines (ALTA)—representing the nine "feeder" local carriers—met with transportation officials. One idea proposed at this meeting was that the State Department buy turbo-prop planes (which are now being replaced by pure jets) and include the planes in foreign aid programs to underdeveloped countries.

Last June, the local carriers had 233 such planes (against 149 jets) but, said one ALTA official, "the market for these used planes—well, there just isn't any (here)."

[From the New York Times, Dec. 16, 1970]

Jet-Order by Airlines Seen—Official at American Cites Slump in Air Travel

(By Robert Lindsey)

An American Airlines executive said yesterday that the continuing slump in air travel was prompting the nation's airlines to review orders for large jet airliners creating a situation that may add further problems for the aerospace industry.

Donald Lloyd-Jones, senior vice president-finance, said his company had not delayed delivery on any new planes. But he estimated, based on discussions with officials at other lines, that the trunk airline industry might have postponed delivery of 15 wide-body jets scheduled for delivery in 1971 and 1972.

One airline, United, susbequently acknowledged it delayed delivery of Boeing 747's it had on order.

FORECAST PESSIMISTIC

In a generally pessimistic forecast to the press on the airlines' prospects next year, Mr. Lloyd-Jones said that, due to the sluggish economy and financing problems, the 11 United States trunk (long-haul) airlines had decided to postpone $836 million worth of previously planned capital expenditures for aircraft and ground facilities over the next two years.

In 1969, before the airlines' traffic began to slide, he said they contemplated capital expenditures of $2.235-billion in 1971 and $2.448-billion in 1972. Now, he said, projected expenditures in 1971 were $1.71-billion and, in 1972, $1.78-billion.

Over the two years under the figures outlined by Mr. Lloyd-Jones, there would be a slight increase in spending for ground facilities, but $1.84-billion less would be spent on aircraft.

In many cases, airlines have proceeded with plans to acquire new aircraft through leasing arrangements.

Mr. Lloyd-Jones said it was his understanding that up to 15 "firm orders" for wide-body jets—apparently Boeing 747's, McDonnell-Douglas DC–10's and Lockheed 1011's—were being renegotiated to permit later deliveries. Under original schedules, 58 of the large jets are scheduled for delivery in 1971.

Mr. Lloyd-Jones did not identify the airlines that he said had delayed deliveries. However, one company, United Air Lines, said yesterday that it had stretched out delivery of 18 747's it had ordered. As now planned, 12 will be in service by the end of this year instead of 14 and the full complement will not be in service until late 1973, a year behind the original timetable.

Mr. Lloyd-Jones, who met with newsmen at the American Airlines executive offices, 633 Third Avenue, said he expected the industry's traffic to pick up this spring, but doubted whether the total revenue passenger mile increase for the year would exceed 1 or 2 per cent.

"We at American are using a zero growth rate for the year for our planning and budgeting purposes," he said.

He said the airlines were cutting costs by sharply reducing flight and by taking other economy measures. But the executive contended that the trunk lines, which he estimated would collectively lose $110 million or more in 1970, needed a 5 to 7 per cent fare increase in 1971 for recovery.

Mr. MAGNUSON. Mr. President, will the Senator yield without losing his right to the floor? I would like to make an announcement.

Mr. PERCY. Mr. President, I yield with the understanding that I do not lose my right to the floor and also with the understanding that the continuation of my remarks not be counted as a second speech.

SUPREME COURT UPHOLDS 18-YEAR-OLD VOTE IN FEDERAL ELECTIONS

Mr. MAGNUSON. Mr. President, I understand the Supreme Court this morning upheld the Congress on the 18-year-old vote amendment to the 1970 Voting Rights Act. Interestingly, they applied the ruling only to Federal elections and not to State elections. I thought Senators would appreciate hearing this.

Mr. PERCY. I very much welcome this interjection. It is a very, very significant piece of news. I am delighted. This is one matter where the Senator from Washington and the Senator from Illinois thoroughly concur. It is good for the country.

Mr. MAGNUSON. I am certain other Senators will be glad to hear this news, including the distinguished occupant of the Chair (Mr. Hughes) and others.

Mr. PERCY. I think this is a momentous decision by the Supreme Court.

Mr. MAGNUSON. I have not read the details but I just heard what the decision was on the 18-year-old amendment.

Mr. PERCY. My own State, by a very narrow margin, rejected the 18-year-old vote. I know the concern of young people who want to take part in the democratic process.

Mr. BYRD of West Virginia. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order is called for. The Senator from Illinois has the floor.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. PERCY. Mr. President, the conference committee's proposal is unacceptable in that it requires us to throw away the opportunity we now have to suspect the program in the light of a realistic appraisal of the market situation.

Indication during the past 2 months suggest that, in addition to the problems U.S. airlines are having with existing operations, the Anglo-French Concorde has run into trouble. Just this past Wednesday, a new report in the Washington Post indicated that the British and French have decided not to build four production-model Concordes because the market outlook for SST's has taken a turn for the worse. In fact, no airline has yet converted its options to buy SST's into actual orders for the Concorde.

Despite this uncertainty expressed by the Concorde builders, the conference report would force us to go ahead with construction of prototypes prior to the completion of Department of Transportation studies that will consider some of the environmental problems.

Assuming that we want to construct the SST, what would be the rationale in our proceeding blindly along the present design, leaving all the economic and environmental questions unanswered, while the British and French pause to reconsider after investing $1.8 billion in the project?

In my remarks during the debate 2 weeks ago, I sought to outline some of the problems which result when the Government becomes an advocate in the marketplace. I pointed out the tendency of certain DOT officials to ignore some of the exigencies of the marketplace, such as the burdens noise-suppression devices would place on the performance of the SST. The sponsors of the SST program have consistently failed to take competitive factors into account. Their unwillingness to stop and re-examine our SST program at a time the other SST programs are faltering further underscores the problems created when Government goes into a competitive commercial market.

The only competitive factor DOT spokesmen seem willing to consider is the existence of the Concorde and the Soviet SST. But they use it only to justify proceeding with a U.S. plane. They discount the need for caution, even when the competition has assumed that stance, arguing that we can "build a better SST." The point is they conveniently continue to overlook this: No one can "build a better SST" until some of the preliminary uncertainties and questions are settled. Everyone will suffer from the same problems—sonic booms, sideline noise, economic feasibility, and all the rest—until adequate studies and tests have been conducted. The example the producers of the Concorde have given us by slowing down even at this advanced stage should be a warning to us.

Mr. President, I ask unanimous consent that the Washington Post article from December 16 be inserted in the Record at this point.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Plan To Build Four Concordes Is Deferred

London.—The British and French ministers responsible for the Concorde supersonic jet project refused today to authorize production of four or more aircraft until the commercial future of the $2-billion project is clearer.

At a meeting here, Frederick Corfield, British Minister of Aviation Supply, and Robert Calley, France's Minister of Posts and Telecommunications, deferred the expected decision to build more Concordes—probably until spring or summer of next year.

This negative decision is bound to send a shiver of anxiety through aircraft industries. The British Aircraft Corporation alone has 8,000 men working on the project since it had been widely expected that they would give the go ahead to build the next four aircraft. Six of the aircraft already have been built, or are under construction.

[The U.S. supersonic transport plane, the SST, survived another test yesterday when the House approved a transportation appropriation bill that includes $210 million for the SST this year. The bill now heads into an expected filibuster in the Senate.]

The British Government was at pains today to emphasize that the ministers held a "constructive" meeting and, by implication, that one should not draw sinister conclusions.

The ministers had simply agreed, a Government spokesman said, that there is no point in committing the taxpayer to production expenditure that could be avoided until the aircraft's commercial future was clear. Some materials, which take a long time to deliver, have already been ordered for the additional aircraft.

The airliner's commercial potential will be discussed again at a ministerial meeting in February. Another meeting will be held in March.

Today's meeting "noted the satisfactory progress of flight tests, including the achievement of flight at twice the speed of sound by both prototypes," and the "encouraging nature of the results of the Mach 2 tests so far."

Mr. **PERCY**. Mr. President, I have sought to raise briefly some of the many problems presented by continued Federal involvement in the development and construction of the SST. I deeply regret that the cloture motion which has been offered threatens to cut off debate prematurely, before the problems can be adequately aired and the rebuttal attempts made.

Ordinarily, when I feel debate has been prolonged beyond the point of reason and is amounting to a thwarting of the will of the Senate, I am in the vanguard to call for cloture. But this debate on the SST is easily distinguishable: Because the Senate expressed its will in unequivocal terms when the SST was voted on 2 weeks ago by supporting 52 to 41 an amendment to delete the SST funds; because the conference committee has flagrantly ignored that mandate, its very makeup being contrary to Senate ruling, and because the present debate is necessary to uphold the will of the majority.

The Senate is in the uncomfortable position of having to crowd a full debate on this issue into the waning days of the session because of the Appropriations Subcommittee's delay in reporting out the DOT bill. The House passed the DOT appropriation on May 27; the Senate subcommittee did not report out a bill until November 25. The subcommittee spent four times as long considering the DOT appropriation as was spent on the next most time-consuming money bill. It took 6 months to move the bill through committee for floor action after the House had already acted. In the interim, five other appropriations bills cleared the House and the Senate: Agriculture, Public Works, Labor-HEW, District of Columbia, and military construction.

I think the cloture move is improper at this time largely because it was filed before we had enough time to fully debate the issues raised by the conference report. No one can reasonably question the fact that there are many problems presented by this appropriation. In my judgment, we threaten a great disservice to the American people if we thwart the opportunity for open and full debate on the issues. As I indicated earlier, I have consistently opposed filibusters in the U.S. Senate. But I fully support the effort being made now by those of us who oppose the SST, since we are acting in the best tradition of full debate. This is not a filibuster in the traditional sense. None of the dilatory tactics that usually attend such procedural maneuvering are involved here: No extraneous readings, no delaying quorum calls. Each man who has risen to speak has spoken directly to the issues for his allotted time.

The point is, Mr. President, there just has not yet been adequate time devoted to reviewing the issues posed by the SST appropriation. I urge my colleagues to oppose the cloture motion when it is voted on tomorrow morning, so that a full and adequate record can be made prior to the vote on the conference report. If we are permitted to debate these issues openly, freely, and fully prior to considering the conference report, I am persuaded a majority of the Senate will find that funding the SST gives them more than sufficient cause to oppose the DOT appropriation. We can then begin work immediately on either a supplemental appropriation or a DOT appropriation from which the problematic and misguided SST funding is eliminated.

Mr. President, I suggest that the difference between $290 million and zero is not $210 million. The cloture motion and the conference report should be defeated.

Mr. President, today's New York Times published an interesting article which is symbolic of many articles that have appeared in this country. There is no question that the sonic boom creates great damage. The military, the Defense Department in this country, have paid substantial damage claims against those who have been damaged; and others are, of course, pending. We in this body overwhelmingly passed a law which makes sonic flight over any part of the United States illegal, and certainly we can expect that other countries across the earth will take similar action. In fact, it would be unthinkable to me that a nation that has a parliamentary system of government that is responsive to the people would not pass such legislation.

It is true, of course, that in the Soviet Union, where development of a supersonic plane is also underway, there is not the responsiveness of the people to the so-called legislative body in that country. Thus, it might be possible that Communist countries would not enact this sort of legislation. I am not so sure that in Poland this morning there might not be a greater responsiveness to public will than there was just last week, however. Thus, it is possible that even in some

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Communist countries there would be laws passed of this type. But I would say that if legislatures across the world adopt the same policy we have in this country, they will do so for good cause.

In the New York Times article there appeared an article under the headline, "Concorde's Boom Cuts $3,120 Swath on Britain's Coast." I wish to quote just one paragraph from that news report:

> A Welsh farmer reported that his cow, startled by the boom, suffered a miscarriage. A Cornish woman said her elderly father was rendered "shuddering and speechless." A woman in St. Ives said her electric fire was toppled over.

I am not quite sure how one assesses damage in the case of an elderly man who was rendered "shuddering and speechless." I suppose a court could assess damages. But, the distinguished Senator from Arizona indicated the other day, the sonic boom is, in his terms, unpleasant, but one can get used to it.

I just wonder how many pregnant women would get used to it and be willing simply to say, "Well, that is the price of progress," if they happen to lose their babies as a result of a sonic boom trauma.

So we can well expect that every habitable island and every land mass will pass legislation to prevent sonic flight.

If we take a look at our own flights which any of us might have taken in recent months or weeks and recognize how many times around the world that plane is over a body of land as opposed to being over a body of water, we will recognize that the efficiency expected of the SST is in great peril from its original specifications.

Yesterday in the Washington Post there appeared an even more illuminating article under the title "Chief Advisers Estimate Start of SST Fleet Figured at $5 Billion." An eminent scientist is reported as having made the point that I have tried to make many times on the floor of the Senate, sitting here as a body of legislators on this decision, sit as a board of directors. We are the board of directors responsible for investing or spending, and in some cases, we squander the taxpayers' money. It is up to us to determine the feasibility of a project, and it is certainly up to us to try to determine accurately what the cost is going to be.

That is just elementary. A child would be able to determine that one should not start a project unless he really knows what the cost is going to be.

In 1963 the Congress of the United States was advised by a letter from the President, then President Kennedy, that the Government should not invest a penny more than $750 million in this project. Certainly, I doubt that we would have gone into it if we had been told that the expenditure would almost be open ended and unlimited. The Congress of the United States started the project on the basis that it knew the limitation of expense and that the President of the United States had said we should not go one penny beyond that level. We are already beyond that level of funding. With this appropriation bill we will be approaching the one billion dollar figure.

And where is the plane? Can anyone get in it and fly it? Can anyone get in and test it? Has any flight testing been accomplished?

When the President of the United States said we should put a limitation of $750 million on the project, he meant that the amount should include the completion of the prototypes and all of the Government expense involved in testing those planes. We are a long, long, long way from testing those planes.

But now let us take an accurate reassessment. Let us look at all of the figures we have available to us. The representations that have been made in connection with this appropriation are that the limitation will be extended from $750 million to $1.3 billion.

I would like to say that any Senator who is so naive as to believe that that is the limitation on Federal spending in this project should be questioned seriously both as to the judgment he renders and as to the time he has taken to think the whole thing through. He has been put on notice by experts all over the country, certainly by his colleagues in the Senate, that the repayment of this amount is not only dubious, in the loose and strict senses of that term and he has been put on notice that the cost is not going to stop at $1.3 billion, but will probably go considerably beyond that. The loan of Federal funds is a "soft loan" if ever I have seen one and I would not anticipate the loan being repaid in the lifetime of any Senator now sitting in the Senate.

Consider what this Washington Post article of yesterday had to say. The article, written by George Lardner, Jr., states:

> The chairman of a special White House advisory committee on the supersonic transport (SST) has warned that another $5 billion may be needed to certify the jetliner and launched production of a commercial SST fleet. In other words, Dr. Richard L. Garwin, a member of the President's Science Advisory Committee, has said he was convinced "that it will take much more government financing than the Nixon administration has suggested to make the SST a commercial success." He pointed out that the builders of the controversial superjet have been repeatedly allowed to hold back proposals for financing the project beyond the production and testing of SST prototypes.
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> The Boeing Co., which is building the SST, and General Electric, which is making the engines, were originally supposed to submit plans for financing certification and production costs by June 30, 1968. The deadline, Garwin said, has now been postponed until 1972.
>
> Meanwhile, Garwin said, the FAA has estimated that it will cost $600 million to certify plans and another $3.2 billion to finance initial production of commercial models. Both calculations, he added in a phone interview, were put in terms of 1967 dollars. Inflation, he estimated, will send these costs up to $5 billion by 1976.
>
> Supporters of the SST in Congress and within the Nixon administration have steadily insisted that private financing can and will take over once the two SST prototypes have been built and flight-tested, with an estimated $1.3 billion in government support.

Continuing to read the article:

> But Garwin, who has repeatedly recommended the government's abandonment of the SST, said he still feels that the 1,800-mile-an-hour jetliner will remain too shaky a project to get along with fresh federal funds, over and above the $1.3 billion.
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> "After all," he told a Senate subcommittee earlier this year, "the prototype will not have demonstrated the actual capability of the production aircraft, nor does it need to any more."
>
> The FAA's initial contract with the Boeing Co., would have required the prototypes to have had the same aerodynamic configuration as a "safe and economically profitable production model."
>
> But under contract changes adopted last year, Garwin said, the production models can be different and the prototypes need only show that a successful SST program—financed either publicly or privately—"could emerge" from their performance.

Dr. Garwin is a noted physicist. He is an executive of the IBM Corp. He has been one of a number of distinguished scientists whom I have personally consulted during this past year, as I have been reappraising and reanalyzing my own position on the SST. He has been a scientific adviser not only to President Nixon, but to our two preceding Presidents. He headed an ad hoc scientific advisory panel, whose findings on the SST were submitted last year to Mr. Nixon's scientific adviser, Dr. Lee A. DuBridge, and to the White House.

If I might quote further from the article:

> Rep. Henry S. Reuss (D-Wis.) has said he was told the report labeled the SST "an economic fiasco, an environmental disaster, and a social outrage," but the White House refused to release the study on the grounds that it was "prepared for the advice of the President."

Mr. President, I do indeed wish that this body and its Members could have available every bit of evidence possible on which to base judgment on this project. I would urge the administration to make available to us such studies, as long as they were made by distinguished, prominent scientists whose judgment should be taken into account in making decisions of this character.

In view of the fact that the studies have not been released, we must proceed simply on the basis of our own best judgment. I have spent many hours with Dr. Garwin, not saying to him, "Give me arguments that I can use to oppose the SST." I went to him with an open mind earlier this year, when I had not made a definite decision, and said to him, "I would like a balanced judgment on both sides as to the pros and cons of the SST." I have gone to other experts as well, such as Mr. Magruder, with whom I have consulted several times, and have said to him in effect, "Give me every conceivable argument you can in support of the SST."

Thus I have tried to listen to both sides. But as of yesterday, Dr. Garwin reaffirmed his opposition to the SST. As of 2 weeks ago, General Quesada, former FAA Administrator, reaffirmed to me his opposition to the SST. In fact, he said.

> I feel more strongly than I did before this, because the financial condition of this country is much more imperiled than it was when I made my original judgment.

Now, as we sit here in the position of a board of directors, can we say to ourselves, "We cannot take into account changing circumstances"? Should we not look at changing facts? Should we not take into account that the great Boeing Co., one of the truly great companies in this country, if not in the world, has had to compromise steadily in meeting the specifications they originally agreed to adhere to because of the difficulty of the project they have been given?

Mr. PROXMIRE. Mr. President, will the Senator yield at that point?

Mr. PERCY. I am very happy to yield to the Senator from Wisconsin.

Mr. PROXMIRE. From time to time during the course of the debate, several of us have pointed to the great financial difficulty that the development of a supersonic transport would put the airlines in. I think the Senator has referred to the position of General Quesada, who is a Director of American Airlines and the former Chairman of the FAA, and who knows much about the economics of the airline industry.

But I think we should also consider the effect this plane might have on the Boeing Co. The reason I raise this point especially with the Senator from Illinois is that the Senator from Illinois is a businessman; he understands the very difficult problem, these days, of securing financing and of finding reliable customers who are able to buy your product and financially able to pay for it.

I ask the Senator from Illinois to consider the position that Boeing is now put in, in view of developments in the Senate and the House of Representatives, the questions that have been raised concerning the environment, and so forth.

If we should agree to provide an additional $200 million toward production of the SST, it would mean that the cost financing research and development of the SST to the Government would be about $1.5 billion. It would mean that the program will be delayed longer. On the basis of everything we have seen, the cost per copy of these planes is likely to be $50 million or more.

Would not the Senator from Illinois feel that the Boeing Corp. would be in considerable jeopardy, under those circumstances? Are they not involved in producing a plane costing $50 million apiece, that can be used only under unusual circumstances with its customer industry which is now in serious financial straits? Is not the airline industry one in which no single concern has made more that $50 million in any one year? Does this not mean that Boeing is proposing to sell them a product which costs $50 million apiece, and which will require extensive financing at a time when those customer airlines are having great trouble financing the purchase of the present subsonic jets?

Under those circumstances, does it not occur to the Senator from Illinois that the Boeing Corp. might be in very difficult circumstances if we should proceed with the SST through the prototype? Then would they be in the position, of course, of getting no further payments from the Government? On the other hand if we stop it now they and General Electric would get default payments. But if we continue they would be in the position of having two prototypes, and customers, that is airlines which are in very serious financial difficulties. Is it not true we do Boeing a favor by stopping this SST now?

Mr. PERCY. Am I correct in my recollection that the distinguished Senator from Wisconsin began his career as an investment banker?

Mr. PROXMIRE. Well, it was with J. P. Morgan & Co., at 23 Wall Street, in New York.

Mr. PERCY. Then I would simply say that the distinguished Senator from Wisconsin has not forsaken his early training and experience, and thank heaven he has taken into Government the approach that a banker might take when looking for return on an investment. I have seen, throughout the Senator's career in the Senate, a constant watchdog attitude toward the taxpayers' money, and I think at the end—and I hope to be in this body long enough to be able to say this has been proven true—that the distinguished Senator, as a former investment banker, probably by his courage and forthrightness and tenacity in this position not only will save the aircraft manufacturers and the Boeing Co. from possibly becoming another Lockheed or another Penn Central, but also, he is going to keep the airlines of this country in the private sector and not have them taken over by the Government or the banks because of their huge bonded indebtedness, which would be just skyrocketed if they had to finance the SST purchase.

I back this up not with just my own analysis and feeling, but also the testimony given personally to me by a former chairman of the board of an American carrier, one of the oldest airlines in this country, a name that is revered and respected and has been for the last 35 years of American aviation.

He said to me that this is not a $1.3 billion decision. Nor is it, as Dr. Garwin, scientific adviser to the President, said yesterday, a $5 billion decision; because that is the initial, basic figure he said we are going to have to appropriate in order to just get the production models going. But my informant advises me that the Senate had better face up to the fact that this is a $20 to $25 billion decision, because the project cannot possibly pay back, as it is anticipated it will, unless we build 500 airplanes. Even at the minimum figure of $50 million a copy—and no one believes that the last hundred would be $50 million if the first ones are $50 million—there is not enough money in the aircraft industry, airline carriers, or the manufacturers, or certainly the banks, who apparently are not willing to put a penny into this, to finance the production, other than coming right back to you know whom, Uncle Sam, and tapping the Federal Treasury. We would have to borrow the money to do it. Where is the $20 to $25 billion of production funds coming from? I would say we are going to be back in the public till time after time after time, trying to find the funds.

Talk about soft loans to developing countries, this is certainly a soft, soft loan; and I do not expect that we would ever see the repayment in the lifetime of any Member of the Senate.

So I think the point raised by the distinguished Senator from Wisconsin is a very pertinent one. I think that when the SST is finally rejected at this stage and is shelved for now, until we have seen our way clear to solving many of the problems, including how we finance it, by that action we will probably have taken the biggest single step toward keeping the airline manufacturers and the airlines in the public sector and not having them slip over into the public sector, as has happened in many countries around the world.

Mr. PROXMIRE. In addition to the hazards of the Boeing Corp.—and those hazards are very considerable. No. 1 the plane will not be built if they cannot solve environmental problems which many people feel are insoluble. The plane will not be built if the market does not develop the way the most optimistic proponents think it will develop. If the market develops the way many indepedent economists say, that is with few if any, built—under these circumstances, does it not appear that the workers at Boeing and at General Electric, working for the subcontractors, would be better served by a prompt decision to provide alternative work to solve some of the other enormously important problems we have—pollution and housing? Would they not be better served in the long run if we made this decision promptly? Should not we make it now?

Mr. PERCY. Absolutely. For the great Boeing Co. to be putting so large a proportion of its resources behind this dubious project because of the nature of this contract, I think it must be disheartening to the workers involved.

Talk about make work: If the only purpose in going ahead with this is to provide some sort of west coast WPA project, then I should think there would be far more useful things on which the same skilled people could be working. I would certainly like to see the same group of people be given responsibility for solving some of the really urgent problems in our country. It is terribly important to this country for instance to save time in commuting.

But let us take the amount of time a person would save in flying on the SST. Who is going to save the time—a tourist? A tourist, once he gets to jet speed, is not interested, as the FAA found, in paying a premium for getting some place faster.

In fact, the airlines try to make the passage pleasant. They show movies. They serve lovely meals. They try to make it an experience. They have attractive girls. It is a lovely experience. The tourists to whom I have talked looked forward to that plane ride. We used to take ships to Europe, and people enjoyed it. It was the only time for 5 days that they could get away from a telephone. I have spoken with people who have said that the only time they can get work done or read or can get away from the telephone and unravel is to get on an airplane. We are going to put that person on the SST and he will get off before he can unravel.

Already, there is not enough time to serve a meal between Cleveland and Chi-

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cago. You are up at cruise level 10 minutes; they are accelerating up and going down the rest of the time. I used to go between those two cities and enjoy the transportation. Now it is too fast.

Who are the people who are willing to pay the cost? Approximately 20 percent of the travel is by people traveling on business—Government employees, sometimes Senators and Representatives, but for the most part business executives. Where do most of those business executives live? Los Angeles or San Francisco, let us say, and New York.

So consider the Los Angeles and San Francisco business executives. I looked through the Boeing Co. presentation on the SST. At present, ordinarily if an executive wants to get from London to San Francisco, he goes the polar route; but, for some reason or other, the Boeing Co. now has him going across the country and back on the return trip from Los Angeles to New York, and then supersonic speed from New York to London. Thus he is flying at subsonic speed for 3,000 miles, at a considerable increase in cost because of the very unfavorable cost distribution figures on an SST as compared to a subsonic jet. Consequently the SST will even penalize that business executive a little.

The business executive who is advantaged is the New York business executive, who can get right on the plane there—that is, if the city of New York permits an SST to land; right now they say they will not, but assume they remove the barrier—and gets off in London. He has saved 2 or 2½ hours—that is, if he can land, and depending upon other factors.

I would like to ask the Boeing Co.: Is that the problem we are trying to solve? We ought to be trying to solve problems. We have enough of them. In building the SST are we merely trying to save that New York business executive a few hours a year? Let us say he takes three trips to London, and thereby averages 10 hours in time saved by supersonic flight. If the goal is to save a business executive some 10 hours, I would say the quickest way to save them time would be to try to get them home sooner to Scarsdale from Manhattan, or vice versa. Just try to save them 10 minutes. That would be quicker and better. If Boeing could do that, they would be performing a service for which there is a considerable market in this country today, not the very limited market that, I would say, we have with the SST.

In fact, Mr. President, I was very much pleased to read an article in the Chicago Sun Times for December 15 entitled, "HUD To Train Idle Scientists as Urban Affairs Specialists."

If we are concerned, as I know we are, about the scientists, engineers, and technicians who would be released from the Boeing Co. because of the cancellation of the SST, I would say that we should take a page out of the book of Secretary Romney who has looked at the pool of idle scientists and realized that they could be helped and the country could be helped because we need their expertise. We need all who can contribute to our problems.

Let me read the article from the Chicago Sun Times' article because I think it provides an answer to those who say, "Do not cancel the SST because it will put people out of work at Boeing":

HUD TO TRAIN IDLE SCIENTISTS AS URBAN AFFAIRS SPECIALISTS

The Department of Housing and Urban Development is in the final stages of planning a campaign to train and place thousands of unemployed scientists as urban affairs specialists in local and state government.

The aim is to fill an existing shortage of urban experts from the expanding pool of scientists left jobless by federal research cuts, financial troubles of many universities and slashes in space and defense spending.

A HUD spokesman said Monday final plans for the program should be complete in the next few weeks. There are strong indications it will receive speedy White House approval, administration sources said.

The government would use money from existing programs for special college courses and on-the-job training for as many as 20,000 of an estimated jobless 45,000 scientists, the spokesman said.

It is believed that a physicist, for example, can receive additional training in a relatively short time as an urban planner or systems analyst. He then would be matched on a three-year contract with the city needing such a specialist.

Model Cities branch of HUD has been successful with one small pilot program attempting the conversion of scientists for employment in its Washington office, the spokesman said.

Cities which require specialists for planning and operating urban renewal in Model Cities programs often appoint consulting firms rather than full-time employees.

At present they have no money for extensive recruitment of on-job training of scientists for the new disciplines.

The program would begin with several thousand scientists in such hard-hit areas as Boston, Wichita, Kans., and Los Angeles and cost less than $5 million initially, a HUD official estimated.

Such retraining for scientists would be the Nixon administration's first such step in carrying out its promise to plan a smooth transition between wartime economy and a peacetime one.

The scientists would be paid on some still undetermined scale while being retrained. Their salaries later would be paid by the governmental units hiring them.

Mr. President, I think that this article illustrates the principle that whenever we have to face up to priorities in the country, we can meet that demand.

Once it is determined that we do not need a product, adjustments should be made.

I know that when a business discerns changing needs in its customers, it sometimes is inconvenient to tear down the assembly line, to retrain people who have been engaged in making that product; but this decision is made by the customer. It is made by the citizen who is the purchaser. By the nature of our economic system, he can dictate to all the producers in this country what he or she wants, and it is up to the producer to reorder and start the production lines to meet that need.

Through the whole course of history we have done that.

It is something of an inconvenience to a buggymaker to have to readjust his whole production schedule when, over a period of time, people phase out the purchase of buggies because they feel that the automobiles will serve them better. That buggy maker can hang on. He can keep producing buggies. He can continue his research along that line, trying to develop that mode of transportation for a long time to come, but he will go bankrupt if he keeps it up too long. An adjustment has to be made.

So too with the refrigerator. It is an inconvenience to the icemaker or the salesman, and it is an inconvenience to the icebox maker. But the refrigerator is going to take over and the icemaker and icebox producer had better adjust to those production schedules.

So we face this same agonizing situation as a country when we have decided to scale down certain defense spending, to deemphasize the production and development of certain types of weapons systems, and move those funds into other areas. In a free economy, the people involved have to make the individual decision to adjust their skills, to carry them into an economic structure that can better utilize their skill.

Has the country itself made a decision on the SST? I think it has. I think that this is the kind of problem the citizens of this country are competent to judge.

Many times I have been told, when we completed analysis of certain military project in trying to set the appropriate level of spending, "Well, you really do not understand that." I do not understand why it is impossible for me to understand anything that is in the military budget, if someone would take the time to explain it to me, or I took the time to study it. After all, I was a contracting officer for the U.S. Navy here in Washington 30 years ago, and for 25 years I was a defense production contractor. I felt I was competent to judge whether an item was needed or not needed. I think many others in this body described that they were competent to judge, and that we should not serve simply as a rubber stamp on a budget that was presented, simply because it had gone through the Armed Services Committee and we were told, "Well, this is sort of sacrosanct to the defense of the country. It is too complicated for anyone really to understand."

The more we penetrated, probed, and dug into projects, the more we began to understand that they were not all that complicated, that certain foolish mistakes were being made, that were being papered over.

It would have been a good thing if the Department of Defense had listened to the Senate discussion of the F–111, the TFX airplane, as this project was questioned many times. Now some $7 billion to $8 billion later we have found, to our dismay, that the cost was exorbitant and that we should not have stayed with the project as long as we did.

So, too, I think it is possible for the American citizen to make such judgments on the SST. After all, it does not involve a complex series of questions. They can ask themselves: Is it in our national defense to develop this? Is the future defense of this country dependent upon our having an SST?

They do not have to go any further than their own representative in Congress, or Senator, or the local army unit, to determine that there is no requirement by the military for the SST. The military cannot afford to put that kind of money into a plane to move personnel or materiel and equipment with the low ratio of payload to the overall expense.

They feel that the cost of moving goods and services and equipment and personnel at that speed and at that cost is exorbitant. So, they have not been willing to put one single cent into it.

There being no military requirement for the SST, the taxpayer can say, "Therefore, the defense of the country is not involved. The SST is therefore intended to serve the civilian economy. What is our need for it? What will it cost me? Am I inclined to use it?"

I think that 90 percent or more of the taxpayers would quickly assert that if it can't be available and ready to fly at a cost of no more than the conventional 707 or 747, they are not willing to pay that higher cost. In fact, 90 percent of them would probably say, "I have no intention of even getting on a 707 or 747 to go abroad. I do not have the hope of doing it. Why would I then, if I am not even planning on going abroad in my lifetime, want to support the economic investment necessary to get there a little faster than otherwise?"

So we are down to about 10 percent of the people. I would say this is why the country has overwhelmingly rejected the concept. This is why those Senators who are proponents of the SST refused to let this question come to a vote before the election. As one of them said to me:

> We have no intention of having Senators committed on this question when they have to go before the electorate to secure reelection this year. We do not want this to be an issue in this campaign.

There was a conscientious effort to withhold the matter as an issue when we were ready to go on the floor of the Senate long before the election. It was withheld until after the election was over, after Senators no longer had to be accountable to the people, after our feet were no longer held to the fire, and after Representatives and Senators had been subject to the direct scrutiny of the voters. Then and only then, after the elections, were we willing to face up to the issue.

But even then, to the astonishment of the proponents of the SST, the Senate overwhelmingly rejected the SST.

Is it any wonder that we who feel we have won the battle now insist upon carrying our story to the rest of the Senate and, hopefully, have it heard by the House? We intend to carry the story to the rest of the people in the country as well who might not have made up their minds as yet. If we were to leave the decision to the people in the country, there would be no question that the SST would be overwhelmingly rejected.

Thus we get down to the question of how we can use this money which would otherwise go for the development of the SST.

I would like to make this point crystal clear. The money we are talking about spending on the SST is money that we do not have. There is no surplus in the Treasury. We do not have any funds idle and available. We are not looking around and saying, "We have some money. What are we going to spend it on?"

We do not have any money. We are going to have to go out and borrow the money, and from whom? We are going to have to go to the very bankers who have consistly refused to finance the SST themselves. We are going to have to borrow the money from them or we are going to have to go to the taxpayers and somehow get the additional revenue from the taxpayers. Either now or later the taxpayers will be required to finance something they have overwhelmingly said they do not want.

What a ludicrous position we are in. In addition to borrowed capital, we are going to have to pay a very high rate of interest.

As a matter of fact, the cost involves much more than just money. The cost will come out of the hides of the people in several different ways. We all know that money borrowed by the Federal Government puts an upward pressure on prices, particularly on the cost of money.

As the prices inch up, maybe it is only a half a percent this month and a half a percent next month, and as we total up at the end of the year the significance of 6- to 7-percent increases for food, 10-percent increases for clothing, and increases for rent, we begin to realize the seriousness of the matter.

The people in some of the cities are now up in arms over the rent increases they are experiencing. Who have we hurt? Have we hurt the business executive that is going to go to London on the SST? Obviously not.

Have we hurt the affluent American who might be traveling to Europe or around the world who might not want to fly the SST until after all of the bugs are out of it? Many people have not gone on the 747's as yet. They are going to wait and see.

The cost of an idle $23 million aircraft is enormous for the airlines as well. One of the airlines has six 747's in mothballs. The people are not using them. The cost, therefore, to the public is even greater than the inflationary cost.

The committee involved in banking, housing, and urban affairs will be hearign testimony in the next session of the Congress. In private talks that I have had, the former Director of the Budget, Dr. Charles Schultz, indicated that there is a direct 1 for 1 ratio between funds borrowed by the Federal Government and a dropoff in housing. In other words, there is an upward pressure on interest rates. As interest costs go up with Government borrowing, the number of dollars going into the private housing market reduces $1 for every $1 borrowed by the Federal Government. So in the case of the SST, year after year, the $290 million or $300 million that is put into that project by the Federal Government—all of which has to be borrowed by the Government—comes out in part of the housing market. As the housing market reduces in size and scope, people are laid off. They are laid off in the very States that are building the SST, so that the people who are laid off in the lumber industry, in lumber mills, in furniture factories, in all of the appliance manufacturing industries—whose sales vary somewhat with the new housing units that are started—are adversly affected by the decline in the housing market.

As we know, as the housing market gyrates up and down, it causes tremendous implications throughout the American economy.

I would say that there is no single industry in this country in which there is a greater correlation between a drop in the basic industry—housing—and the drop in the other industries that service it. A very high proportion of American workers are involved in housing and in furnishing houses.

It reaches into the textile industry to the extent that the making of rugs can only be used to furnish the new housing that it created. The carpet manufacturers rely for their markets on new housing. So we have a maladjustment because we are forcing people to spend their time, energy, and effort on the SST, which serves one of the lowest needs in any order of priorities we could ever make up. We find money being forced into that market. We find, as we pump this money from the Federal Treasury into that market it is necessarily being drained off someplace else. It is as a consequence causing people to be laid off in other areas.

I again refer to the other specific illustrations I have mentioned before where we have turned down funds for mass transit, and we have turned down funds to build hospitals, day care centers and neighborhood health centers. We have turned down funds for training people to go into service industries and we have turned down funds for people to go into sophisticated industrial operations—all because of the lack of money.

We lack $300 million of that money because we are artificially forcing it and diverting it into this project which the country neither needs nor wants.

The argument has been made that our prestige is involved. I just do not know how much prestige there is in owning and operating a big white elephant. There is no prestige for any country which operates a big white elephant. I do not notice that the Ford Motor Co. talks a great deal about the Edsel. It pumped a lot of money into the Edsel. I suppose many people said, "We have to have it." But finally Henry Ford, who is a realist and who used the same kind of judgment each Senator is responsible for exercising today, said, "We have reached the point where there is no further advantage to the country or the company in pursuing the Edsel." He made the courageous decision to say, we made a mistake. The Ford Motor Co. is better for it and the country is better for it.

That is the decision I think the Senate should make. We should forthrightly say, "We made a mistake." We rightly responded to Sputnik by going to the moon and putting satellites around the earth. We felt that the SST would have a comparable impact on the world. Well, I can certify that the Concorde has no impact even in England, much less around the world.

I was in England recently when the newspapers announced that everyone could watch the Concorde, and suggested people stop their cars and watch when it was going to cross the country, according to the announced schedule.

I was on the road to the airport. I thought, "My heavens, we are either going to be blocked out there or we are going to have to clear a way because everyone will be pulling off the highway to see the Concorde."

I did not see more than a car or two stop. I did not hear it discussed. People just did not seem to care. This is not another man-on-the-moon project. It is a potential white elephant, and even if it is successful, it will not bring great prestige to this country.

If it is built, it will be sold at a loss; every single one of the planes we underwrite and sell will be at a loss. The only prestige or notoriety we will have is that the United States will become the biggest polluter in the world. I expect the SST to be just about as popular with the people of the world as it is with the Sierra Club, and I can speak to the popularity of the SST within the Sierra Club.

I have a telegram from Mr. Phillip S. Berry, noted and respected conservationist. In his telegram he stated:

> The *Sierra Club* believes that legislation passed by the Senate to control flights of supersonic transports within the continental United States is wholly inadequate to protect against adverse environmental impacts of SST operation, including noise levels, pollution, massive fuel consumption, etc. to prevent world-wide environmental degradation from SST operations we urge your support of the Proxmire amendment to delete $290 million from the Department of Transportation appropriation bill for further subsidy of the SST).
>
> PHILLIP S. BERRY,
> *President, Sierra Club.*

Mr. President, there has been a great deal of discussion about the environmental hazard. I have spent probably less than 10 percent of my speaking on this project discussing the environmental hazard involved, even though I consider it very important. I have tried to prove simply that this is a bad investment for the taxpayers of this country. There is not a company in this country that could go before its stockholders and receive support for any major part in financing this project. There is not a bank in America that would finance this project. Why, then, if the bankers will not finance this project should we, after the election is over and 2 years before the next election—when we sometimes feel the people will perhaps forget how we voted—stick the taxpayers with the cost of this project? We have so many other urgent projects to carry forward.

So, on the basis of the economic viability of the project and its failure to meet those specifications, and the fact that this decision will otherwise be on the floor of the Senate every single year for as far as I can foresee in the future, I think the time has arrived to bite the bullet, and make the decision.

A majority of this body has said, "We want no more money spent on the SST." We did not say, "We want some money spent." We did not say, "Let us build just the front half of it or just the back half of it or just three-fourths of an SST." The Senate said, "We do not want to build any SST."

In addition, it is not in the nature of the order of priorities of this country to proceed with the SST. The so-called compromise that we were given does not impress me one bit because the difference between $290 million and zero is not $210 million, and the difference between go and no-go is not, "Let us go slower." We made the decision not to go ahead with this project and that is the decision which the Senate should stick to; it is the decision the conferees should have maintained.

I do not blame the conferees who, contrary to Senate rules, were appointed and were almost all proponents of the project. I cannot blame them when in their hearts they could not carry out the will of the Senate making a halfhearted attempt, or, in their judgment at the time, a wholehearted attempt; but from the end result we can only say it was a halfhearted attempt to stop the project.

It is for this reason we feel we must carry on this dialog. We must continue to bring out new facts, and I believe we have many, many new facts that need to be brought out. If anyone would say the weight of evidence is still not in favor of the opponents of the SST, I would remind that person that there are still many witnesses whose views have not yet been aired in this debate.

I have myself received thousands of communications on this issue. At some time, I should like to read them into the RECORD so that the RECORD will reflect the comments of some of the thoughtful people in the State of Illinois who represent a cross section of the views of my constituency. These are people deeply concerned about their country and they are people deeply concerned about the symbol the SST represents, a symbol of whether or not the will of the people shall prevail over the will of some private special interests in the reordering of our priorities. At the appropriate time, I should like to give the Senate the benefit of being able to hear and, if they wish, to debate the judgment reached by a representative group of citizens in my State who have thought through this project and who have expressed to me in unequivocal terms their opposition to it.

In fact, the only support of any consequence for the SST I can really find in my State comes from those who would be in some way or other directly subsidized or benefited by the project. Even to those contractors in Illinois—and I like to bring contracts into the State of Illinois; like anyone else, I would like to see our economy expand and grow—who would receive a total of some $33 million which they would derive in benefits from the $1.3 billion, my answer is very clear: If you are asking me to judge this on the basis of what is best for Illinois, my decision is a resounding "no" to the SST, because while we would gain $33 million in contracts, and would put some people to work, we would (a) be building something that the people of Illinois overwhelmingly do not want the U.S. Government to build, and (b) be assessing the people of Illinois their proportionate tax share of the $1.3 billion cost—some $115 million. I would therefore have to say that to invest $115 million to get back $33 million is, even for the State of Illinois, a pretty poor investment. To those contractors who say to me, "You have got to keep fighting for the contracts for Illinois," I say, "My job is to keep defending the taxpayers of Illinois who are going to have to pay for these contracts three to four times over."

There are some States, of course, which might receive what might be called a surplus in their balance of payments; they will actually receive back into those States more for the project than they will put out in paying their proportionate share of taxes. But I would say to those distinguished Senators who represent that point of view of their own constituents, it would be my hope that we would build something, with those same people and those same facilities, that will fill an urgent need for the country.

I can recall when I came to Washington as a contracting officer, many years ago in World War II. I was in the Navy as a gunnery officer in charge of production control for aviation fire control equipment for the Navy Air Corps. I had left a company that had built a torpedo director for an aircraft, and was interested in that torpedo director, which involved millions and millions of dollars for our company. I was still a stockholder for the company and was still retained on the payroll, as many times young men who went into the service were. For that pay I had to send every single month a report of what I felt the company should be doing when the war was over. So I was really retained by that company. The amount was only $50 a week, but it made a big difference to a yeoman in the Navy to have this additional compensation. I felt a loyalty to that company.

But I was shocked when I went to the Bureau of Aeronautics and saw a director there from COMAIRPAC saying that the Mark 30 torpedo director should not be used in combat. The computations were so complicated that by the time the pilot put those computations into the director, he was in range of the target. We were losing too many planes. The COMAIRPAC directive said to use the seaman's eye in lieu of the torpedo director.

I went back to my commanding officer, who will be nameless, and said:

> I would like to show you something that I found on the torpedo director.

He said, after he looked at it:

> That is none of our business. It is our job to build them. It is their job to use them, and if they are not going to use them, they should tell us. We have received no such communication from them.

After a rather heated discussion extending over a period of several days, I finally received permission to bring this matter to the attention of other officials in the department, and my commanding officer and I began to work together, and it resulted in a cancellation of contracts to my own company amounting to millions of dollars.

Because I had been so instrumental in this matter, I felt obligated to call the company, to notify the President, and to offer to resign, but I indicated at the same time that, in my conscience, I did the right thing. I felt that, in the midst of a war, a company should not be working on products that were not needed. Even though the cancellation of that production would cost much, and the facilities would have to be torn down, and the company would have to get other contracts, I thought it was the right thing to do, and I was notifying the company of what I had done.

After a long pause, the President said words to me that I will never forget:

> You did the right thing. Don't worry about our adjustment. We should not be producing anything that the country does not need or want.

I have said many times on the floor the great Boeing Co. is truly one of the greatest companies I have ever worked with. I was instrumental in trying to bring their management deeper into the space program than they were when I was a member of the Space Committee. I know their management. It is a most distinguished management team, with great knowledge, and they lead a really efficient and well-organized company that has made tremendous contributions to this country and to the field of aviation.

If the country's decision is not to produce this plane and if the decision of this body is not to produce the plane, then I will be in the forefront of those who say that adjustments and costs must be met because this company in good faith has proceeded in accordance with directives it has received in contracts with the U.S. Government. I would be the first to say we should pay fully for the cancellation costs. I would put that company in the same category as I would put any small business, and I am a defender of small business, who thinks they should have priority in receipt of Federal contracts. I would give every conceivable consideration to the Boeing Co. for additional contracts that would place skilled people immediately to work on meeting new needs to solve new problems that are real problems.

If that is the decision of the Congress of the United States, I would hope to be working very closely with my distinguished colleagues from the State of Washington, who share, firsthand, the great respect I have for the Boeing Co. I would be the first to work with them in finding an equitable adjustment if, by action of the Congress of the United States, this project is shelved, or terminated, or mothballed, or whatever one wants to call it at the present time. I would help to find a way to devote those resources, money, and talents to solving real human needs, rather than continuing to lose money on the basis of a very, very sketchy, skimpy, skeptical case that I believe has to date been made for the SST. The case for the SST is, I feel, full of holes and simply will not stand up under the test of sound investment of the taxpayers' money.

THE 18-YEAR-OLD VOTE

Mr. MAGNUSON. Mr. President, I have just learned that the U.S. Supreme Court has upheld part of the 18-year-old vote amendment to the Voting Rights Act of 1970. As one of the principal sponsors of the 18-year-old vote amendment to the act, I am truly gratified, as I know Senators MANSFIELD and KENNEDY must also be.

Not only will this measure, as upheld by the Supreme Court, extend the right to vote to 10 million young Americans—at a time when their involvement is so important to the political processes of this Nation—but also extends for 5 years the most effective civil rights measure of modern times, the Voting Rights Act of 1965.

I have not yet read the entire opinion of the Supreme Court, so it would be inappropriate to comment on the reasons why the Court did not uphold the extension of the vote to 18-year-olds in State and local elections. I certainly am pleased, however, that the Court did extend the franchise to 18-year-olds in all Federal elections.

My experience in this matter goes back a long, long time. I was a member of my State legislature in 1933, and at that time I introduced in the legislature a bill which would permit 18-year-olds to vote. I happened to be chairman of the judiciary committee of the house in my State at that time, and the committee passed my bill unanimously. But the rules committee of the house refused to allow it to come to the floor for a vote.

I must state, frankly, that this has been one of the longest and most difficult legislative endeavors which I have participated in; yet, today is one of my most satisfying as a U.S. Senator.

Mr. President, I ask unanimous consent that at this point several articles and reprints on the 18-year-old vote be printed in the CONGRESSIONAL RECORD, including an article entitled: "Senate Approves Vote At 18 In All Elections" published in the Washington Post at the time the Senate voted, 64 to 17, to lower the voting age. I also ask that the Supreme Court decision written by Mr. Justice Black be included at this point; this is only a portion of the very lengthy opinion.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SENATE APPROVES VOTE AT 18 IN ALL ELECTIONS

(By Spencer Rich)

The Senate, on a 64-to-17 roll call, voted yesterday to lower the voting age to 18 for federal, state and local elections.

The proposal, sponsored by Senate Majority Leader Mike Mansfield (D-Mont.), Majority Whip Edward M. Kennedy (D-Mass.) and Sen. Warren G. Magnuson (D-Wash.), was tacked on a voting rights bill that is expected to pass the Senate today.

The amendment would boost voting age population by some 10 million persons once it went into effect at the start of 1971, including 204,000 in Maryland, 46,000 in the District of Columbia and 286,000 in Virginia.

But it faces formidable obstacles before it can become law. House Judiciary Committee Chairman Emanuel Celler (D-N.Y.), who will handle the whole voting rights package once it is sent back to the House, has repeatedly expressed his opposition to the proposal and has promised to "fight like hell" to kill the provision.

If the overall voting rights measure goes to a House-Senate conference, Celler will have a chance to kill the voting-age provision there.

"I think Celler will probably stop it," said Senate Minority Leader Hugh Scott (R-Pa.) yesterday.

Some Senate backers of the amendment believe the best chance of putting the provision through the House lies in getting Celler to agree to an up-or-down vote on the whole Senate rights package without going to conference.

The House last year passed an administration bill that scraps the 1965 Voting Rights Act in favor of a different scheme of voting rights protection which civil rights groups consider inadequate.

The Senate, however, is expected to approve today a substitute voting rights measure, sponsored by Scott and Sen. Philip A. Hart (D-Mich.), which extends the 1965 act for five years, abolishes residency requirements for presidential elections and bans literacy tests all over the country.

Celler favors these Senate provisions and will be under pressure to take the whole Senate bill and avoid a conference in which Southern senators might strive to block the five-year extension of the 1965 act.

Still another obstacle, even if the 18-year-old voting provision ultimately clears Congress, will be a court test of the constitutionality of lowering the voting age by statute, rather than by a constitutional amendment.

The idea of using the statutory approach and tacking the 18-year-old vote provision onto the voting rights measure was first conceived by Kennedy, but he appeared ready to drop it because of fears it might endanger final House acceptance of the Scott-Hart substitute. Mansfield then took up the proposal and pressed it forward to yesterday's vote.

Mansfield said he decided to do so when, following a late Saturday session of the Senate Feb. 28, he gave Magnuson a ride home. During the ride, Mansfield said, Magnuson told him, " Mike, you know Kennedy has a pretty good idea. I first introduced it in the Washington state legislature in 1933. Why don't you and I get together and introduce that as an amendment to Scott-Hart? Ted's in Ireland, but what do you think?"

"I said I'd think it over," said Mansfield. "Next day I saw him and said, 'I think your idea's a good one. I'll introduce it in all three names.' And I did." Mansfield singled out Marlow W. Cook (R-Ky.) for special praise in helping on the amendment by proposing a Jan. 1, 1971, effective date, which Mansfield said strengthened the amendment.

The Senate had been expected to complete action on the whole voting rights package yesterday, but Sen. James B. Allen (D-Ala.), as he had on Wednesday, offered a series of amendments that consumed most of the day. One Allen amendment, to make voting by 18-year-olds effective in 1973 instead of 1971, was rejected, 72-to-15. Another, to repeal all the key sections of the 1965 Voting Rights Act, was defeated, 63 to 15. Also defeated by voice vote was an amendment by Jack Miller (R-Iowa) changing coverage tests under the 1965 act.

Allen then said he wished to add to the administration bill two key provisions which were also in the Scott-Hart substitute, so that when the test vote between the two comes in the Senate today, the only difference will be that the Scott-Hart measure continues the 1965 act for five years and the administration measure does not.

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This was done on roll calls of 69 to 15 and 78 to 5. The two provisions were the 18-year vote which had just been tacked onto the Scott-Hart substitute and a revised ban on residency requirements in presidential elections.

In yesterday's roll call on changing the voting age, Sens. Charles McC. Mathias (R-Md.) and William B. Spong (D-Va.) voted in favor, and Joseph Tydings (D-Md.) was paired in favor. Sen. Harry F. Byrd Jr. (D-Va.) did not vote.

[From the CONGRESSIONAL RECORD, Mar. 11, 1970]

VOTING RIGHTS ACT AMENDMENTS OF 1969

Mr. MAGNUSON. Mr. President, will the Senator yield me 5 minutes?

Mr. MANSFIELD. I yield 5 minutes to the distinguished senior Senator from Washington.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Washington.

Mr. RANDOLPH. Mr. President, I ask that the Senate be in order. We have indicated that this is a very important subject.

The ACTING PRESIDENT pro tempore. The Senate will be in order.

Mr. RANDOLPH. Mr. President, I hope we can listen to all Senators who speak on the issue in this body today.

Mr. MAGNUSON. Mr. President, I thoroughly agree with the Senater from West Virginia that this is a very important matter. Taking progressive action is long overdue.

I am a cosponsor, with the Senator from Montana, of this amendment. As a matter of fact, we discussed it at some length, the two of us, before offering the amendment. I feel responsible not only to make my position clear on this issue, but, because the Senator from Montana and I cosponsored the amendment originally, to clarify my position on its constitutionality.

There is no question about the legality of the constitutional amendment approach. But for many, many years this approach has failed and unless we act forthrightly with this amendment to the voting bill—it will drag along many, many more years.

My experience in this matter goes back a long, long time. I was a member of my State legislature in 1933, and at that time I introduced in the legislature a bill which would permit 18-year-olds to vote. I happened to be chairman of the Judiciary Committee of the House in my State at that time, and the committee passed it unanimously. But the Rules Committee of the House refused to allow it to come to floor for a vote.

That was a long, long time ago, and we have never been able to get the Washington State Legislature to act on the matter until the last session—and then they did not pass it, but instead submitted it to the people, who will vote on it in November, at the general election.

That has been an issue in Washington State for some 36 years, and I think that the young people of my State and this Nation are justified in suggesting that they want some action on this matter, and they want it now. This is a method by which I think the Senate can express itself as to its conviction about the right of 18-year-olds to vote.

I need not go into all the reasons or arguments, I know that many of us have said on many occasions in our home States, in talking to groups of young people, that the most potent argument we can think of is that if a man is old enough to fight for his country, to bleed and die and serve his country, he or she is old enough to have a say in how this country is governed. That is one argument.

The next argument is this: I do not depreciate those of us who are a little older, but I think the young people today are better informed than we were at age 18, 19, 20, and 21.

I think they can assume this responsibility in a fuller way than we could have; in fact, the young people of America today are the best informed young people, in the entire world. They have a deep interest in politics, and in the political life of their communities, States, and the Nation. I think that it would be safe to say that their knowledge and ability to reason has doubled many times since 1933 when I introduced that first bill. I think they have strong beliefs about what this country should do. Their interest in the political life of their community and of the Nation entitles them to vote. They have been more active in the past decade than ever in all the years of our history, and I think they know what is going on, and are entitled to express their opinions at the ballot box.

I think there are many compelling reasons to change the age at which young people may vote. I share the opinion of Prof. Archibald Cox:

"Congress has the power to find the facts and to find that a distinction between those who are 18 to 21 and those who are over 21 is an invidious classification and denial of equal protection under the 14th amendment."

I think, at this time in this changing world and changing society, it is appropriate to review our past thinking on giving the vote to 18-year-olds. There has been great improvement in education. There has been great change in the age at which young people take jobs, marry, raise families, and have children.

This all bears on the propriety of concluding that these interests make waiting until one is 21 to vote an unreasonable requirement. I am privileged to say that I approve of this.

I remember, when I attended high school, we had only one government class. It was called civics, not political science, and was a course in which we learned basically that there were three branches of Government—legislative, executive, and judicial—we also learned how they operated, and that was about all. There was no discussion about what really made things work, what the political issues of the day were, and where our Nation was heading.

Today, it is different. Just go into any high school in the United States today, or visit any community college, and you will find that students take many courses and attend many seminars about politics in the United States, and about the programs the issues, and so forth. This is something new in my State, it has happened in the last 10 years and I enjoy it. I go to some of their sessions. Students even have mock political conventions which are very exciting. I need not tell Members of the Senate how many young people now come to Washington, D.C., to learn about what is happening and at the same time are getting an education in the political life and activities of the Nation.

I do not question the sincerity of the great majority of Members of the Senate who agree on this issue. I think the argument today is over the method, because some believe valid legal questions are involved. I appreciate this, but believe we have a valid, constitutional technique that can be implemented by congressional action alone. Prof. Archibald Cox, testifying before the Subcommittee on Constitutional Rights, gave strong support for this legislative approach. The Supreme Court in the Kramer case uttered some language that seems to be very pertinent on this matter. It said that any unjustified discrimination in determining who may participate in political affairs or the selection of public officials undermines the legitimacy of representative government.

I think that constitutionally we are on proper footing. I am afraid that the Constitutional amendment process would just take too long. These amendments get bottled by a few States—three or four States can mean the difference in meeting the three-fourth requirement.

So, as a cosponsor along with the Senator from Montana on this amendment, I urge its adoption.

[From the CONGRESSIONAL RECORD, May 6, 1970]

THE LAW WITH RESPECT TO LOWERING THE VOTING AGE

Mr. MAGNUSON. Mr. President, President Nixon recently sent a letter to House leaders explaining why he believes it is unconstitutional for Congress to lower the voting age by statute. Mr. Nixon believes that the Constitution generally leaves setting of voting qualifications to the States. While this statement is generally true, it has been strictly qualified by the Supreme Court.

Mr. Nixon does not mention that the Voting Rights Act as presently drafted also removes the literacy test and any durational residency requirement. These provisions certainly set voting qualifications yet no one seriously doubts that this is appropriate legislation under section 5 of the 14th amendment.

The proposition that Congress can lower the voting age to 18 is also supported by *Katzenbach* v. *Morgan*, 338 U.S. 641 (1966). The Supreme Court held that the power of Congress under section 5 of the 14th amendment to enact legislation prohibiting enforcement of a State law is not limited to situations where the State law is unconstitutional. The test as to the power of Congress in such a case is whether the Federal statute is appropriate legislation, that is, legislation plainly adopted to the end of implementing the 14th amendment and consistent with the Constitution.

In the Morgan case, the Supreme Court explicitly recognized that Congress had the power to legislate beyond the initial dictates of the equal protection clause especially in the area of suffrage.

The Supreme Court held that Congress has broad power to weigh the facts and make its own determination under the equal protection clause and that where there was a reasonable basis for legislation by Congress in this area, then the legislation will be sustained as the court stated in Morgan:

"Thus our task in this case is not to determine whether the New York literacy requirement . . . violates the Equal Protection Clause . . . Without regard to whether the Judiciary would find that the Equal Protection Clause itself nullifies New York's English literacy requirement . . . could Congress prohibit the enforcement of the State law by legislating under Section 5 of the 14th amendment? In answering this question, our task is limited to determining whether such legislation is, as required by Section 5, appropriate legislation to enforce the Equal Protection Clause.

"By including Section 5, the founders sought to grant to Congress, by a specific provision applicable to the 14th amendment, the same broad powers expressed in the Necessary and Proper Clause, Article I, Section 8, Clause 18."

In *Ex parte Virginia*, 100 U.S. 339, 345 decided 12 years after the adoption of the 14th amendment, the Supreme Court held that congressional power under section 5 had the same scope as that under the necessary and proper clause. The Court stated with regard to the section 5 power:

"Whatever legislation is appropriate, that is, adopted to carry the objectives the amendments have in view, whatever intends to enforce submission to the prohibitions they contain, and to secure to all persons enjoyment of perfect equality of civil rights and the equal protection of the laws against

State denial or invasion, if not prohibited is brought within the domain of Congressional power."

The issue, therefore, before the Supreme Court in the test of congressional power to lower the voting age to 18 by statute, will be the same as it was in Morgan, that is, whether the congressional action is appropriate legislation under section 5 of the 14th amendment. In Morgan the Court held that section 4(a) of the Voting Rights Act was appropriate legislation to enforce the equal protection clause. The Court said:

"Section 4(e) . . . enables the Puerto Rican minority better to obtain perfect equality of civil rights and the equal protection of the laws. It was well within Congressional authority to say that the need of the Puerto Rican minority for the vote warranted Federal intrusion upon any State interests served by the English literacy requirements. It was for Congress . . . to assess and weigh the various conflicting considerations . . . It is not for us to review the Congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did."

In other words, with respect to granting the vote to 18 years olds, it is enough for Congress to weigh the justifications for and against extending the franchise to this age group. If Congress concludes that the justifications in favor of extending the franchise outweigh the justifications for restricting the franchise, then Congress has the power to change the law by statute and grant the vote to 18-year-olds, even though, in the absence of action by Congress, the Supreme Court would have upheld State laws setting the voting age at 21.

The next issue raised by President Nixon is that thousands of elections will be in doubt if the constitutional question is not settled in time by the Supreme Court. Apparently the President questions the length of time necessary to have a Supreme Court test of the 18-year-old provision. I am convinced that a judicial test would be achieved quite quickly.

For instance, the Voting Rights Act was passed on August 6, 1965. The Supreme Court passed on the merits on March 7, 1966, only 7 months after the voting rights measure was passed. In that case, *South Carolina v. Katzenbach*, 338 U.S. 301 (1966), South Carolina invoked the Supreme Court's original jurisdiction under article III, section 2, of the Constitution, seeking a declaration of unconstitutionality as to certain provisions of the Voting Rights Act of 1965 and an injunction against their enforcement by defendant, the Attorney General. South Carolina wanted to obtain a ruling prior to its primary elections in June 1966. The basic problem was the registration of voters under the Federal provisions.

Obviously this situation will present itself again when 18 year olds try to register for local elections after this bill is passed. Although the Court is not compelled to exercise its original jurisdiction, *George v. Pennsylvania R. Co.*, 324 U.S. 439, 464 (1944), it probably would do so because of the compelling reasons stated by President Nixon and because of the importance of resolving this question quickly.

The Voting Rights Act also includes a provision giving district courts of the United States jurisdiction of proceedings instituted pursuant to the Voting Rights Act. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code, and any appeal shall be to the Supreme Court. The provision also states:

"It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited."

It is obvious to me that these two judicial procedures provide the possibility for quick judicial review. The President is obviously trying to defeat the Voting Rights Act by raising this false issue. The President, not Congress, will be responsible for the continued disillusionment of our young people if this measure is defeated.

I am convinced that the Senate has passed a constitutional provision, and that a rapid judicial test of this provision can be obtained.

Let us also remember, that if for some reason the Court did strike down this provision, that we can still use the constitutional amendment technique. I also feel that because of the President's recent action, that Congress should continue in its consideration of the 18-year-old Constitutional amendment. In this way we do not put all our eggs in one basket. I believe we should move courageously and immediately to give younger Americans the right to vote.

The Senate overwhelmingly passed this provision and has laid down a very strong and persuasive legislative history. The Court in South Carolina against Katzenbach, relied heavily on the "finding of fact" as made by Congress. Our young people are waiting to see if their leaders are responsive to change, let us show them that we in Congress, at least, recognize that the times are changing and that younger Americans do deserve the right to vote.

[Supreme Court of the United States, No. 46 Orig.—October Term, 1970*]

United States, Plaintiff, v. State of Arizona on Bill of Complaint

[December 21, 1970]

Mr. Justice Black, announcing the judgments of the Court in an opinion expressing his own view of the cases.

In these suits the States resist compliance with the Voting Rights Amendments of 1970, Pub. L. 91–285, 84 Stat. 314, because they believe that the Act takes away from them powers reserved to the States by the Constitution to control their own elections.[1] By its terms the Act does three things. First: It lowers the minimum age of voters in both state and federal elections from 21 to 18. Second: Based upon a finding by Congress that literacy tests have been used to discriminate against voters on account of their color, the Act enforces the Fourteenth and Fifteenth Amendments by barring the use of such tests in all elections, state and national. Third: The Act forbids States from disqualifying voters in national elections for presidential and vice presidential electors because they have not met state residency requirements.

For the reasons set out in Part I of this opinion, I believe Congress can fix the age of voters in national elections, such as congressional, senatorial, Vice-Presidential and Presidential elections, but cannot set the voting age in state and local elections. For reasons expressed in separate opinions, my Brothers Douglas, Brennan, White, and Marshall join me in concluding that Congress can enfranchise 18-year-old citizens in national elections, but dissent from the judgment that Congress cannot extend the franchise to 18-year-old citizens in state and local elections. For reasons expressed in separate opinions, my Brothers The Chief Justice, Harlan, Stewart, and Blackmun join me in concluding that Congress cannot interfere with the age for voters set by the States for state and local elections. They, however, dissent from the judgment that Congress can control voter qualifications in federal elections. In summary, it is the judgment of the Court that the 18-year-old vote provisions of the Voting Rights Act Amendments of 1970 are constitutional and enforceable insofar as they pertain to federal elections and unconstitutional and unenforceable insofar as they pertain to state and local elections.

For the reasons set out in Part II of this opinion, I believe that Congress, in the exercise of its power to enforce the Fourteenth and Fifteenth Amendments, can prohibit the use of literacy tests or other devices used to discriminate against voters on account of their race in both state and federal elections. For reasons expressed in separate opinions, all of my Brethren join me in this judgment. Therefore the literacy tests provisions of the Act are upheld.

For the reasons set out in Part III of this opinion, I believe Congress can set residency requirements and provide for absentee balloting in elections for presidential and vice presidential electors. For reasons expressed in separate opinions, my Brothers The Chief Justice, Douglas, Brennan, Stewart, White, Marshall, and Blackmun concur in this judgment. My Brother Harlan, for the reasons stated in his separate opinion, considers that the residency provisions of the statute are unconstitutional. Therefore the residency and absentee balloting provisions of the Act are upheld.

I

The Framers of our Constitution provided in Art. I, § 2, that members of the House of Representatives should be elected by the people and that the voters for Representatives should have "the Qualifications requisite for Electors of the most numerous Branch of the State Legislature." Senators were originally to be elected by the state legislatures, but under the Seventeenth Amendment Senators are also elected by the people, and voters for Senators have the same qualifications as voters for Representatives. In the very beginning the responsibility of the States for setting the qualifications of voters in congessional elections was made subject to the power of Congress to make or alter such regulations if it deemed advisable.[2] This was done in Art. I, § 4, of the Constitution which provides:

"The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof; *but the Congress may at any time by Law make or alter such Regulations,* except as to the Place of Chusing Senators." (Emphasis supplied.)

Moreover, the power of Congress to make election regulations in national elections is augmented by the Necessary and Proper Clause. See *McCulloch v. Maryland*, 4 Wheat. 316 (1819). In *United States v. Classic*, 313 U.S. 299 (1941), where the Court upheld congressional power to regulate party primaries, Mr. Justice Stone speaking for the Court construed the interrelation of these clauses of the Constitution, stating:

"While, in a loose sense, the right to vote for representatives in Congress is sometimes spoken of as a right derived from the states, . . . this statement is true only in the sense that the states are authorized by the Constitution, to legislate on the subject as provided by § 2 of Art. I, to the extent that Congress has not restricted state action by the exercise of its powers to regulate elections under § 4 and its more general power under Article I, § 8, clause 18 of the Constitution 'to make all laws which shall be necessary and proper for carying into execution the foregoing powers.' " 313 U.S. at 315.

See also *Ex parte Siebold*, 100 U.S. 371 (1879); *Ex parte Yarbrough*, 110 U.S. 651 (1884); *Swafford v. Templeton*, 185 U.S. 487 (1902); *Wiley v. Sinkler*, 179 U.S. 58 (1900).

The breadth of power granted to Congress to make or alter election regulations in national elections, including the qualifications of voters, is demonstrated by the fact that the Framers of the Constitution and the state legislatures which ratified it intended to

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grant to Congress the power to lay out or alter the boundaries of the congressional districts. In the ratifying conventions speakers "argued that the power given Congress in Art. 1, § 4, was meant to be used to vindicate the people's right to equality of representation in the House," *Wesberry* v. *Sanders*, 376 U.S. 1, 16 (1964), and the Congress would "most probably . . . lay the state off into districts." And in *Colegrove* v. *Green*, 328 U.S. 549 (1946), no Justice of this Court doubted Congress' power to rearrange the congressional districts according to population; the fight in that case revolved about the judicial power to compel redistricting.

Surely no voter *qualification* was more important to the Framers than the *geographical qualification* embodied in the concept of congressional districts. The Framers expected Congress to use this power to eradicate "rotten boroughs,"[3] and Congress has in fact used its power to prevent States from electing all Congressmen at large.[4] There can be no doubt that the power to alter congressional district lines is vastly more significant in its effect than the power to permit 18-year-old citizens to go to the polls and vote in all federal elections.

Any doubt about the powers of Congress to regulate congressional elections, including the age and other qualifications of the voters should be dispelled by the opinion of this Court in *Smiley* v. *Holm*, 285 U.S. 355 (1932).

There, Chief Justice Hughes writing for a unanimous Court discussed the scope of congressional power under § 4 at some length. He said:

"The subject matter is the 'times, places and manner of holding elections for Senators and Representatives.' It cannot be doubted that these comprehensive words embrace authority to provide a complete code for congressional elections, not only as to times and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and making and publication of election returns; in short, to enact the numerous requirements as to procedure and safeguards which experience shows are necessary in order to enforce the fundamental right involved. . . .

"This view is confirmed by the second clause of Article I, section 4, which provides that 'the Congress may at any time by law make or alter such regulations,' with the single exception stated. The phrase 'such regulations' plainly refers to regulations of the same general character that the legislature of the State is authorized to prescribe with respect to congressional elections. In exercising this power, the Congress may supplement these state regulations or many substitute its own. . . . It 'has a general supervisory power over the whole subject.'" *Id.*, at 366–367.

In short, the Constitution allotted to the States the power to make laws regarding national elections, but provided that if Congress became dissatisfied with the state laws, Congress could alter them.[5] A newly created national government could hardly have been expected to survive without the ultimate power to rule itself and to fill its offices under its own laws. The Voting Rights Act Amendments of 1970 now before this Court evidence dissatisfaction of Congress with the voting age set by many of the States for national elections. I would hold, as have a long line of decisions in this Court, that Congress has ultimate supervisory power over congressional elections.[6] Similarly, it is the prerogative of Congress to oversee the conduct of presidential and vice presidential elections and to set the qualifications for voters for electors for those offices. It cannot be seriously contended that Congress has less power over the conduct of presidential elections than it has over congressional elections.[7]

On the other hand, the Constitution was also intended to preserve to the States the power that even the Colonies had to establish and maintain their own separate and independent governments, except insofar as the Constitution itself commands otherwise. My Brother HARLAN has persuasively demonstrated that the Framers of the Constitution intended the States to keep for themselves, as provided in the Tenth Amendment,[8] the power to regulate elections. My major disagreement with my Brother HARLAN is that, while I agree as to the States' power to regulate the elections of their own officials, I believe, contrary to his view, that Congress has the final authority over federal elections. No function is more essential to the separate and independent existence of the States and their governments than the power to determine within the limits of the Constitution the qualifications of their own voters for state, county, and municipal offices and the nature of their own machinery for filling local public offices. *Pope* v. *Williams*, 193 U.S. 621 (1904); *Minor* v. *Happersett*, 21 Wall. 162 (1874). Moreover, Art. I, § 2,[9] is a clear indication that the Framers intended the States to determine the qualifications of their own voters for state offices, because those qualifications were adopted for federal offices unless Congress directs otherwise under Art. I, § 4. It is a plain fact of history that the Framers never imagined that the national Congress would set the qualifications for voters in every election from President to local constable or village alderman. It is obvious that the whole Constitution reserves to the States the power to set voter qualifications in state and local elections, except to the limited extent that the people through constitutional amendments have specifically narrowed the powers of the States. Amendments Fourteen, Fifteen, Nineteen, and Twenty-Four, each of which has assumed that the States had general supervisory power over state elections, are examples of express limitations on the power of the States to govern themselves. And the Equal Protection Clause of the Fourteenth Amendment was never intended to destroy the States' power to govern themselves, making the Nineteenth and Twenty Fourth Amendments superfluous. My Brother BRENNAN's opinion, if carried to its logical conclusion, would, under the guise of insuring equal protection, blot out all state power, leaving the 50 States little more than impotent figureheads. In interpreting what the Fourteenth Amendment means, the Equal Protection Clause should not be stretched to nullify the States' powers over elections which they had before the Constitution was adopted and which they have retained throughout our history.

Of course, the original design of the Founding Fathers was altered by the Civil War Amendments and various other amendments to the Constitution. The Thirteenth, Fourteenth, Fifteenth, and Nineteenth Amendments have expressly authorized Congress to "enforce" the limited prohibitions of those amendments by "appropriate legislation." The Solicitor General contends in these cases that Congress can set the age qualifications for voters in state elections under its power to enforce the Equal Protection Clause of the Fourteenth Amendment.

Above all else, the Framers of the Civil War Amendments intended to deny to the States the power to discriminate against persons on account of their race. *Loving* v. *Virginia*, 388 U.S. 1 (1967); *Gomillion* v. *Lightfoot*, 364 U.S. 339 (1960); *Brown* v. *Board of Education*, 347 U.S. 483 (1954); *Slaughter House Cases*, 16 Wall. 36, 71–72 (1872). While this Court has recognized in some instances that the Equal Protection Clause of the Fourteenth Amendment protects against discriminations other than those on account of race,[10] see *Reynolds* v. *Sims*, 377 U.S. 533 (1964); *Hadley* v. *Junior College District*, 397 U.S. 50 (1970); see also *Kotch* v. *Board of River Port Pilots*, 330 U.S. 552 (1947), and cases cited therein, it cannot be successfully argued that the Fourteenth Amendment was intended to strip the States of their power, carefully preserved in the original Constitution, to govern themselves. The Fourteenth Amendment was surely not intended to make every discrimination between groups of people a constitutional denial of equal protection. Nor was the Enforcement Clause of the Fourteenth Amendment intended to permit Congress to prohibit every discrimination between groups of people. On the other hand, the Civil War Amendments were unquestionably designed to condemn and forbid every distinction, however trifling on account of race.

To fulfill their goal of ending racial discrimination and to prevent direct or indirect state legislative encroachment on the rights guaranteed by the amendments, the Framers gave Congress power to enforce each of the Civil War Amendments. These enforcement powers are broad. In *Jones* v. *Alfred H. Mayer Co.*, 392 U.S. 409, 439 (1968), the Court held that § 2 of the Thirteenth Amendment "clothed 'Congress with the power to pass *all laws necessary and proper for abolishing all badges and incidents of slavery in the United States*.'" In construing § 5 of the Fourteenth Amendment, the Court has stated:

"It is not said the *judicial power* of the general government shall extend to enforcing the prohibitions and to protecting the rights and immunities guaranteed. It is not said that branch of government shall be authorized to declare void any action of a State in violation of the prohibitions. *It is the power of Congress which has been enlarged.*" *Ex parte Virginia*, 100 U. S. 339, 345 (1879). (Emphasis added.)

And in *South Carolina* v. *Katzenbach*, 383 U. S. 301 (1966) (MR. JUSTICE BLACK dissenting on other grounds), the Court upheld the literacy test ban of the Voting Rights Act of 1965 under Congress' Fifteenth Amendment enforcement power.

As broad as the congressional enforcement power is, it is not unlimited. Specifically, there are at least three limitations upon Congress' power to enforce the guarantees of the Civil War Amendments. First, Congress may not by legislation repeal other provisions of the Constitution. Second, the power granted to Congress was not intended to strip the States of their power to govern themselves or to convert our national government of enumerated powers into a central government of unrestrained authority over every inch of the whole Nation. Third, Congress may only "enforce" the provisions of the amendments and may do so only by "appropriate legislation." Congress has no power under the enforcement sections to undercut the Amendments' guarantees of personal equality and freedom from discrimination, see *Katzenbach* v. *Morgan*, 384 U. S. 641, 651 n. 10 (1966), or to undermine those protections of the Bill of Rights which we have held the Fourteenth Amendment made applicable to the States.[11]

Of course, we have upheld congressional legislation under the Enforcement Clauses in some cases where Congress has interfered with state regulation of the local electoral process. In *Katzenbach* v. *Morgan*, *supra*, the Court upheld a statute which outlawed New York's requirement of literacy in English as a prerequisite for voting as this requirement was applied to Puerto Ricans with certain educational qualifications. The New York statute overridden by Congress applied to all elections. And in *South Carolina* v. *Katzenbach*, *supra* (MR. JUSTICE BLACK dissenting on other grounds), the Court upheld the literacy test ban of the Voting Rights Act of 1965. That Act proscribed the use of the literacy test in all elections in certain areas. But division of power between state and national governments, like every provision of

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the Constitution, was expressly qualified by the Civil War Amendments' ban on racial discrimination. Where Congress attempts to remedy racial discrimination under its enforcement powers, its authority is enhanced by the avowed intention of the Framers of the Thirteenth, Fourteenth and Fifteenth Amendments. Cf. *Harper* v. *Virginia Board of Elections*, 383 U. S. 663, 670 (1966) (dissenting opinion of Mr. Justice Black).

In enacting the 18-year-old vote provisions of the Act now before the Court, Congress made no legislative findings that 21-year-old vote requirements were used by the States to disenfranchise voters on account of race. I seriously doubt that such a finding, if made, could be supported by substantial evidence. Since Congress has attempted to invade an area preserved to the States by the Constitution without a foundation for enforcing the Civil War Amendments' ban on racial discrimination, I would hold that Congress has exceeded its powers in attempting to lower the voting age in state and local elections. On the other hand, where Congress legislates in a domain not exclusively reserved by the Constitution to the States, its enforcement power need not be tied so closely to the goal of eliminating discrimination on account of race.

To invalidate part of the Voting Rights Act Amendments of 1970, however, does not mean that the entire Act must fall or that the constitutional part of the 18-year-old vote provision cannot be given. In passing the Voting Rights Act Amendments of 1970, Congress recognized that the limits of its power under the Enforcement Clauses were largely undetermined, and therefore included a broad severability provision:

"If any provision of this Act or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected by such determination."

In this case, it is the judgment of the Court that Title III, lowering the voting age to 18, is invalid as applied to voters in state and local elections. It is also the judgment of the Court that Title III is valid with respect to national elections. We would fail to follow the express will of Congress in interpreting its own statute if we refuse to sever these two distinct aspects of Title III. Moreover, it is a longstanding canon of statutory construction that legislative enactments are to be enforced to the extent that they are not inconsistent with the Constitution, particularly where the valid portion of the statute does not depend upon the invalid part. See, *e.g.*, *Watson* v. *Buck*, 313 U.S. 387 (1941); *Marsh* v. *Buck*, 313 U.S. 406 (1941). Here, of course, the enforcement of the 18-year-old vote in national elections is in no way dependent upon its enforcement in state and local elections.

II

In Title I of the Voting Rights Act Amendments of 1970 Congress extended the provisions of the Voting Rights Act of 1965 which ban the use of literacy tests in certain States upon the finding of certain conditions by the United States Attorney General. The Court upheld the provisions of the 1965 Act over my partial dissent in *South Carolina* v. *Katzenbach*, *supra*, and *Gaston County* v. *United States*, 395 U. S. 285 (1969). The constitutionality of Title I is not raised by any of the parties to these suits.[12]

In Title II of the Amendments Congress prohibited the use of any test or device resembling a literacy test in any national, state, or local election in any area of the United States where such test is not already proscribed by the Voting Rights Act of 1965. The State of Arizona maintains that Title II cannot be enforced to the extent that it is inconsistent with Arizona's literacy test requirement. Ariz. Rev. Stat. Ann. §§ 16–101.A.4, 16–101.A.5 (1956). I would hold that the literacy test ban of the 1970 Amendments is constitutional under the Enforcement Clause of the Fifteenth Amendment and that it supersedes Arizona's conflicting statutes under the Supremacy Clause of the Federal Constitution.

In enacting the literacy test ban of Title II Congress had before it a long history of the discriminatory use of literacy tests to disfranchise voters on account of their race. Congress could have found that as late as the summer of 1968, the percentage registration of nonwhite voters in seven Southern States was substantially below the percentage registration of white voters.[13] Moreover, Congress had before it striking evidence to show that the provisions of the 1965 Act had in the span of four years had a remarkable impact on minority group voter registration.[14] Congress also had evidence to show that voter registration in areas with large Spanish-American populations was consistently below the state and national averages. In Arizona, for example, only two counties out of eight with Spanish surname populations in excess of 15% showed a voter registration equal to the statewide average.[15] Arizona also has a serious problem of deficient voter registration among Indians. Congressional concern over the use of literacy test to disfranchise Puerto Ricans in New York State is already a matter of record in this Court. *Katzenbach* v. *Morgan*, *supra*. And as to the Nation as a whole, Congress had before it statistics which demonstrate that voter registration and voter participation are consistently greater in States without literacy tests.[16]

Congress also had before it this country's history of discriminatory educational opportunities in both the North and the South. The children who were denied an equivalent education by the "separate but equal" rule of *Plessy* v. *Ferguson*, 163 U.S. 537 (1896), overruled in *Brown* v. *Board of Education*, 347 U.S. 483 (1954), are now old enough to vote. There is substantial, if not overwhelming, evidence from which Congress could have concluded that it is a denial of equal protection to condition the political participation of children educated in a dual school system upon their educational achievement. Moreover, the history of this legislation suggests that concern with educational inequality was perhaps uppermost in the minds of the congressmen who sponsored the Act. The hearings are filled with references to educational inequality. Faced with this and other evidence that literacy tests reduce voter participation in a discriminatory manner not only in the South but throughout the Nation, Congress was supported by substantial evidence in concluding that a nationwide ban on literacy tests was appropriate to enforce the Civil War Amendments.

Finally, there is yet another reason for upholding the literacy test provisions of this Act. In imposing a nationwide ban on literacy tests, Congress has recognized a national problem for what it is—a serious *national* dilemma that touches every corner of our Land. In this legislation Congress has recognized that discrimination on account of color and racial origin is not confined to the South, but exists in various parts of the country. Congress has decided that the way to solve the problems of racial discrimination is to deal with nationwide discrimination with nationwide legislation. Compare *South Carolina* v. *Katzenbach*, *supra*, and *Gaston County* v. *United States*, *supra*.

In Title II of the Voting Rights Act Amendments Congress also provided that in presidential and vice presidential elections, no voter could be denied his right to cast a ballot because he had not lived in the jurisdiction long enough to meet its residency requirements. Furthermore, Congress provided uniform national rules for absentee voting in presidential and vice presidential elections. In enacting these regulations for national elections Congress was attempting to insure a fully effective voice to all citizens in national elections. What I said in Part I of this opinion applies with equal force here. Acting under its broad authority to create and maintain a national government, Congress unquestionably has power under the Constitution to regulate federal elections. The Framers of our Constitution were vitally concerned with setting up a national government that could survive. Essential to the survival and to the growth of our national government is its power to fill its elective offices and to insure that the officials who fill those offices are as responsive as possible to the will of the people whom they represent.

Our judgment today gives the Federal Government the powers the Framers conferred upon it, that is, the final control of the elections of its own officers. Our judgment also saves for the States the power to control state and local elections which the Constitution originally reserved to them and which no subsequent amendment has taken from them.[17] The generalities of the Equal Protection Clause of the Fourteenth Amendment were not designed or adopted to render the States impotent to set voter qualifications in elections for their own local officials and agents in the absence of some specific constitutional limitations.

FOOTNOTES

*Together with No. 43 Orig., *Oregon* v. *Mitchell*; No. 44 Orig., *Texas* v. *Mitchell*, and No. 47 Orig., *United States* v. *Idaho*.

[1] In Nos. 43 and 44 Oregon and Texas respectively invoke the original jurisdiction of this Court to sue the United States Attorney General seeking an injunction against the enforcement of Title III (18-year-old vote) of the Act. In No. 46 the United States invokes our original jurisdiction seeking to enjoin Arizona from enforcing its laws to the extent that they conflict with the Act, and directing the officials of Arizona to comply with the provisions of Title II (nationwide literacy test ban) and Title III (18-year-old vote) of the Act. In No. 47 the United States invokes our original jurisdiction seeking to enjoin Idaho from enforcing its laws to the extent that they conflict with Title II (abolition of residency requirements in presidential and vice presidential elections) and Title III (18-year-old vote) of the Act. No question has been raised concerning the standing of the parties or the jurisdiction of this Court.

[2] Article I, § 4 was a compromise between those delegates to the Constitutional Convention who wanted the States to have final authority over the election of all state and federal officers and those who wanted Congress to make laws governing national elections, 2 Story, Commentaries on the Constitution of the United States 280-292 (1st ed. 1883). The contemporary interpretation of this compromise reveals that those who favored national authority over national elections prevailed. Six States included in their resolutions of ratification the recommendation that a constitutional amendment be adopted to curtail the power of the Federal Government to regulate national elections. Such an amendment was never adopted.

A majority of the delegates to the Massachusetts ratifying convention must have assumed that Art. I, § 4 gave very broad powers to Congress. Otherwise that convention would not have recommended an amendment providing:

"That Congress do not exercise the powers vested in them by the 4th section of the 1st Article, but in cases where a state shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution." 2 Elliot's Debates on the Federal Constitution 177 (1876).

The speech of Mr. Cabot, one delegate to the Massachusetts convention, who argued that Art. I, § 4, was "to be as highly prized as any in the Constitution," expressed a view of the breadth of that section which must have been shared by most of his colleagues.

"[I]f the State Legislatures are suffered to regulate conclusively the election of the democratic branch, they may . . . finally annihilate, that control of the general government which the people ought always have . . . *Id.*, at 26.

And Cabot was supported by Mr. Parsons, who added:

". . . They might make an unequal and partial division of the states into districts for election of representatives, or they might even disqualify one third of the electors. Without these powers in Congress, the people can have no remedy; but the fourth section provides a remedy, a controlling power in a legislature, composed of senators and representatives of twelve states, without the influence of our commotions and factions, who will hear impartially, and preserve and restore to the people their equal and sacred rights of election." *Id.*, at 27.

[3] See *Wesberry* v. *Sanders*, 376 U.S. 1, 14–16 (1964).

[4] See, *e.g.*, Act of August 8, 1911, c. 5, 37 Stat. 13.

[5] My Brother Stewart has cited the debates of the Constitutional Convention to show that Oliver Ellsworth, George Mason, Madison, and Franklin successfully opposed granting Congress the power to regulate federal elections, including the qualifications of voters, in the original Constitution. I read the history of our Constitution differently. Mr. Madison, for example, explained Art. I, § 4, to the Virginia ratifying convention follows:

"[I]t was thought that the regulation of the time, place and manner, of electing Representatives, should be uniform throughout the continent. Some States might regulate the elections on the principles of equality, and others might regulate them otherwise. This diversity would be obviously unjust. . . . Should the people of any State by any means be deprived of the right of suffrage, it was judged proper that it should be remedied by the general government." 3 Elliot's Debates on the Federal Constitution 367 (1876).

And Mr. Mason, who was supposedly successful in opposing a broad grant of power to Congress to regulate federal elections, still found it necessary to support an unsuccessful Virginia proposal to curb the power of Congress under Art. I, § 4. *Id.*, at 403.

[6] See, *e.g.*, *Ex parte Siebold*, 100 U.S. 371 (1879); *Ex parte Yarbrough*, 110 U.S. 651 (1884); *United States* v. *Mosley*, 238 U.S. 383 (1915); *United States* v. *Classic*, 313 U.S. 299 (1941).

[7] With reference to the selection of the President and Vice President, Art. II, § 1 provides: "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress. . . ." But this Court in *Burroughs* v. *United States*, 290 U.S. 534 (1934), upheld the power of Congress to regulate certain aspects of elections for presidential and vice-presidential electors, specifically rejecting a construction of Art. II, § 1, that would have curtailed the power of Congress to regulate such elections. Finally, and most important, inherent in the very concept of a supreme national government with national officers is a residual power in Congress to insure that those officers represent their national constituency as responsively as possible. This power arises from the nature of our constitutional system of government and from the Necessary and Proper Clause.

[8] "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." U.S. Const. Amend. X.

[9] "The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature."

[10] My Brother BRENNAN relies upon *Carrington* v. *Rash*, 380 U.S. 89 (1965); *Cipriano* v. *City of Houma*, 395 U.S. 701 (1969); and *Evans* v. *Cornman*, 398 U.S. 419 (1970). These typical equal protection cases in which I joined are not relevant or material to our decision in the cases before us. The establishment of voter age qualifications is a matter of legislative judgment which cannot be properly decided under the Equal Protection Clause. The crucial question here is not who is denied equal protection, but rather which political body, state or federal, is empowered to fix the minimum age of voters. The Framers intended the States to make the voting age decision in all elections with the judgments concerning the qualifications of voters in federal elections.

[11] See: the First Amendment, *e. g.*, *Gitlow* v. *New York*, 268 U. S. 652 (1925); *Cantwell* v. *Connecticut*, 310 U. S. 296 (1940); *Edwards* v. *South Carolina*, 372 U.S. 229 (1963); the Fourth Amendment, *Mapp* v. *Ohio*, 367 U. S. 643 (1961); the Fifth Amendment, *Chicago, B. & Q. R. Co.* v. *Chicago*, 166 U. S. 226 (1897); *Malloy* v. *Hogan*, 378 U.S. 1 (1964); *Benton* v. *Maryland*, 395 U. S. 784 (1969); the Sixth Amendment, *Gideon* v. *Wainwright*, 372 U. S. 335 (1963); *Pointer* v. *Texas*, 380 U. S. 400 (1965); *Klopfer* v. *North Carolina*, 386 U. S. 213 (1967); *Duncan* v. *Louisiana*, 391 U.S. 145 (1968); and the Eighth Amendment, *Robinson* v. *California*, 370 U. S. 660 (1962).

[12] Yuma County, Arizona, is presently subject to the literacy test ban on the Voting Rights Act of 1965 pursuant to a determination of the Attorney General under § 4 (a) of the 1965 Act. I do not understand Arizona to contest the application of the 1965 Act or its extension to that county. Arizona "does not question" Congress' authority to enforce the Fourteenth and Fifteenth Amendments "when Congress possesses a 'special legislative competence';" and cites *South Carolina* v. *Katzenbach*, 383 U.S. 641 (1966), with approval. Answer and Brief for Arizona, No. 46 Orig., O.T. 1970.

[13] Hearings on H.R. 4249, H.R. 5538, and Similar Proposals before Subcommittee No. 5 of the House Committee on the Judiciary, pt. 3, at 14 (1969).

[14] *Id.*, at 93.

[15] Hearings on S. 818, S. 2456, S. 2507, and Title IV of S. 2029 before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary, at 406 (1969-1970).

[16] *Id.*, at 401.

[17] That these views are not novel is demonstrated by Mr. Justice Story in his Commentaries on the Constitution of the United States, vol. II, at 284–285 (1st ed. 1833).

"There is, too, in the nature of such a provision [Article I, § 4], something incongruous, if not absurd. What would be said of a clause introduced into a national constitution to regulate the state elections of the members of the state legislatures? It would be deemed a most unwarrantable transfer of power, indicating a premeditated design to destroy the state governments. It would be deemed so flagrant a violation of principle, as to require no comment. It would be said, and justly, that the state governments ought to possess the power of self-existence and self-organization, independent of the pleasure of the national government. *Why does not the same reasoning apply to the national government?* What reason is there to suppose, that the state governments will be more true to the Union, than the national government will be to the state governments?" (Emphasis added.) (Footnote omitted.)

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I ask that the Senator from Illinois yield to the Senator from Massachusetts, since I mentioned his name.

Mr. PERCY. Yes; I yield to the distinguished Senator from Massachusetts, with the understanding that I consider this a special purpose, and that my subsequent remarks not be considered a second speech on the same subject on the same day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I thank the distinguished Senator from Illinois. I was not here when the distinguished Senator from Washington made his comments. Of course, he was one of the architects of the amendment, which received such overwhelming support in the U.S. Senate last March, and I know he shares with me the sense of gratitude for the action today of the Supreme Court of the United States.

By upholding the validity of the statute for Federal elections, the Court has now cleared the path for effective implementation of the statute on January 1, its effective date, and a new era in American democracy is being born. Equally significant, once the law goes into effect for Federal elections, it is extremely likely that the States will lower the voting age to 18 for State elections, so that a uniform voting age requirement will prevail for all elections throughout the Nation—Federal, State, and local. To speed this result, I am today introducing in the Senate a constitutional amendment to lower the voting age to 18 in State and local elections. I am hopeful that, spurred by the Supreme Court's decision, Congress will be able to action the amendment in the waning days of this session, and send it to the States for ratification.

Of course, we in the Senate who proposed and strongly supported the 18-year-old voting statute would have preferred a decision by the Supreme Court upholding the voting age statute in its entirety, and solidly reaffirming the precedent of Katzenbach against Morgan, decided by a 7–2 majority of the Court in 1966. Nevertheless, in light of the reality of the new membership of the Court, the pressures for a shift in judicial philosophy and the Nixon administration's strong opposition to the statute, I believe that today's decision is a significant victory. Indeed, it is a triple victory.

First, it is a victory for the 11 million young citizens between the ages of 18 and 21 enfranchised by the statute for Federal elections. At last, we have begun to end the arbitrary and unfair discrimination by which 18-year-old Americans are old enough to work, marry, pay taxes, fight and die in Vietnam, and bear all the other burdens and responsibilities of citizenship, yet are denied the most basic right of all in our democratic society, the right to vote.

Second, the Supreme Court's decision is a victory for Congress and a welcome new assertion of the stewardship of Congress, together with the Court, of the 14th amendment and all the other great provisions of the Constitution. In many respects, today's decision by the Burger court reaffirms the broad authority given Congress by the Warren court in Katzenbach against Morgan to enforce the majestic guarantees of the 14th amendment. For too long, Congress has abdicated its responsibility in this area. By default, the Supreme Court has had to carry an excessively heavy burden. Now, at last, the balance is being redressed. Congress is beginning to exercise its responsibility, and to form a new partnership with the Court for the enforcement of basic constitutional rights.

Third, and perhaps most important, today's decision by the Supreme Court is a victory for our political system and our democratic institutions. By lowering the voting age to 18, Congress has taken a historic step to halt the alienation of our youth and to encourage young citizens to work within the system. At a time when, as the Scranton commission has so clearly shown, all our institutions are under challenge, it is especially important that we open up new avenues of peaceful change for youth, and encourage young persons to take their protest and dissent into the voting booth. We would have a different country today if 18-year-olds had voted in the past. We will have a different country tomorrow when 18-year-olds begin to vote, because they will learn the voting habit in school and keep it all their lives.

In each of these respects, the Supreme Court has vindicated the constitutional judgment and moral leadership of Congress. The Nation is the richer. I welcome today's decision as a major new sign of hope for the vitality and responsiveness of our institutions, and I hope that every young American will exercise his newly won right to vote, a right he richly deserves.

In closing, I want to extend once again a word of congratulations to the distinguished Senator from Washington and also to the majority leader for the leadership they provided on this issue. I ask unanimous consent that the five separate opinions in this case—by Justices Black, Douglas, Harlan, Brennan, and Stewart—be printed in the RECORD.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

[Supreme Court of the United States, No. 46 Orig.—October Term, 1970*]

UNITED STATES VERSUS ARIZONA

(United States, Plaintiff, *v.* State of Arizona on Bill of Complaint, Dec. 21, 1970)

MR. JUSTICE BLACK, announcing the judgments of the Court in an opinion expressing his own view of the cases.

In these suits the States resist compliance with the Voting Rights Act Amendments of 1970, Pub. L. 91-285, 84 Stat. 314, because they believe that the Act takes away from them powers reserved to the States by the Constitution to control their own elections.[1] By its terms the Act does three things. First: It lowers the minimum age of voters in both state and federal elections from 21 to 18. Second: Based upon a finding by Congress that literacy tests have been used to discriminate against voters on account of their color, the Act enforces the Fourteenth and Fifteenth Amendments by barring the use of such tests in all elections, state and national. Third: The Act forbids States from disqualifying voters in national elections for presidential and vice presidential electors because they have not met state residency requirements.

For the reasons set out in Part I of this opinion, I believe Congress can fix the age of voters in national elections, such as congressional, senatorial, Vice-Presidential and Presidential elections, but cannot set the voting age in state and local elections. For reasons expressed in separate opinions, my Brothers DOUGLAS, BRENNAN, WHITE, and MARSHALL join me in concluding the Congress can enfranchise 18-year-old citizens in national elections, but dissent from the judgment that Congress cannot extend the franchise to 18-year-old citizens in state and local elections. For reasons expressed in separate opinions, my Brothers THE CHIEF JUSTICE, HARLAN, STEWART, and BLACKMUN join me in concluding that Congress cannot interfere with the age for voters set by the States for state and local elections. They, however, dissent from the judgment that Congress can control voter qualifications in federal elections. In summary, it is the judgment of the Court that the 18-year-old vote provisions of the Voting Rights Act Amendments of 1970 are constitutional and enforceable insofar as they pertain to federal elections and unconstitutional and unenforceable insofar as they pertain to state and local elections.

For the reasons set out in Part II of this opinion, I believe that Congress, in the exercise of its power to enforce the Fourteenth and Fifteenth Amendments, can prohibit the use of literacy tests or other devices used to discriminate against voters on account of their race in both state and federal elections. For reasons expressed in separate opinions, all of my Brethren join me in this judgment. Therefore the literacy test provisions of the Act are upheld.

For the reasons set out in Part III of this opinion, I believe Congress can set residency requirements and provide for absentee balloting in elections for presidential and vice presidential electors. For reasons expressed in separate opinions, my Brothers THE CHIEF JUSTICE, DOUGLAS, BRENNAN, STEWART, WHITE, MARSHALL, and BLACKMUN concur in this judgment. My Brother HARLAN, for the reasons stated in his separate opinion, considers that the residency provisions of the statute are unconstitutional. Therefore the residency and absentee balloting provisions of the Act are upheld.

I

The Framers of our Constitution provided in Art. I, § 2, that members of the House of Representatives should be elected by the people and that the voters for Representatives should have "the Qualifications requisite for Electors of the most numerous Branch of the State Legislature." Senators were originally to be elected by the state legislatures, but under the Seventeenth Amendment Senators are also elected by the people, and voters for Senators have the same qualifications as voters for Representatives. In the very beginning the responsibility of the States for setting the qualifications of voters in congressional elections were made subject to the power of Congress to make or alter such regulations if it deemed advisable.[2] This was done in Art. I, § 4, of the Constitution which provides:

"The Time, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; *but the Congress may at any time by Law make or alter such Regulations*, except as to the Place of Chosing Senators." (Emphasis supplied.)

Moreover, the power of Congress to make election regulations in national elections is augmented by the Necessary and Proper Cause. See *McCulloch v. Maryland*, 4 Wheat. 316 (1819). In *United States v. Classic*, 313 U.S. 299 (1941), where the Court upheld congressional power to regulate party primaries, Mr. Justice Stone speaking for the Court construed the interrelation of these clauses of the Constitution, stating:

"While, in a loose sense, the right to vote for representatives in Congress is sometimes spoken of a right derived from the states, . . . this statement is true only in the sense that the states are authorized by the Constitution, to legislate on the subject as provided by § 2 of Art. I, to the extent that Congress has not restricted state action by the exercise of its powers to regulate elections under § 4 and its more general power under Article I, § 8, clause 18 of the Constitution 'to make all laws which shall be necessary and proper for carrying into execution the foregoing powers.'" 313 U.S., at 315.

See also *Ex parte Siebold*, 100 U.S. 371 (1879); *Ex parte Yarborough*, 110 U.S. 651 (1884); *Swafford* v. *Templeton*, 185 U.S. 487 (1902); *Wiley* v. *Sinkler*, 179 U.S. 58 (1900).

The breadth of power granted to Congress to make or alter election regulations in national elections, including the qualifications of voters, is demonstrated by the fact that the Framers of the Constitution and the state legislatures which ratified it intended to grant to Congress the power to lay out or alter the boundaries of the congressional districts. In the ratifying conventions speakers "argued that the power given Congress in Art. 1, § 4, was meant to be used to vindicate the people's right to equality of representation in the House," *Wesberry* v. *Sanders*, 376 U.S. 1, 16 (1964), and that Congress would "most probably . . . lay the state off into districts." And in *Colegrove* v. *Green*, 328 U.S. 549 (1946), no Justice of this Court doubted Congress' power to arrange the congressional districts according to population; the fight in that case revolved about the judicial power to compel redistricting.

Surely no voter *qualification* was more important to the Framers than the *geographical qualification* embodied in the concept of congressional districts. The Framers expected Congress to use this power to eradicate "rotten boroughs,"[3] and Congress has in fact used its power to prevent States from electing all Congressmen at large.[4] There can be no doubt that the power to alter congressional district lines is vastly more significant in its effect than the power to permit 18-year-old citizens to go to the polls and vote in all federal elections.

Any doubt about the powers of Congress to regulate congressional elections, including the age and other qualifications of the voters should be dispelled by the opinion of this Court in *Smiley* v. *Holm*, 285 U.S. 355 (1932). There, Chief Justice Hughes writing for a unanimous Court discussed the scope of congressional power under § 4 at some length. He said:

"The subject matter is the 'times, places and manner of holding elections for Senators and Representatives.' It cannot be doubted that these comprehensive words embrace authority to provide a complete code for congressional elections, not only as to times and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and making and publication of election returns; in short, to enact the numerous requirements as to procedure and safeguards which experience shows are necessary in order to enforce the fundamental right involved. . . .

"This view is confirmed by the second clause of Article I, section 4, which provides that 'the Congress may at any time by law

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make or alter such regulations,' with the single exception stated. The phrase 'such regulations' plainly refers to regulations of the same general character that the legislature of the State is authorized to prescribe with respect to congressional elections. In exercising this power, the Congress may supplement these state regulations or may substitute its own. . . . It 'has a general supervisory power over the whole subject.'" *Id.*, at 366–367.

In short, the Constitution allotted to the States the power to make laws regarding national elections, but provided that if Congress became dissatisfied with the state laws, Congress could alter them.[5] A newly created national government could hardly have been expected to survive without the ultimate power to rule itself and to fill its offices under its own laws. The Voting Rights Act Amendments of 1970 now before this Court evidence dissatisfaction of Congress with the voting age set by many of the States for national elections. I would hold, as have a long line of decisions in this Court, that Congress has ultimate supervisory power over congressional elections.[6] Similarly, it is the prerogative of Congress to oversee the conduct of presidential and vice presidential elections and to set the qualifications for voters for electors for those offices. It cannot be seriously contended that Congress has less power over the conduct of presidential elections than it has over congressional elections.[7]

On the other hand, the Constitution was also intended to preserve to the States the power that even the Colonies had to establish and maintain their own separate and independent governments, except insofar as the Constitution itself commands otherwise. My Brother HARLAN has persuasively demonstrated that the Framers of the Constitution intended the States to keep for themselves, as provided in the Tenth Amendment,[8] the power to regulate elections. My major disagreement with my Brother HARLAN is that, while I agree as to the States' power to regulate the elections of their own officials, I believe, contrary to his view, that Congress has the final authority over federal elections. No function is more essential to the separate and independent existence of the States and their governments than the power to determine within the limits of the Constitution the qualifications of their own voters for state, county, and municipal offices and the nature of their own machinery for filling local public offices. *Pope* v. *Williams*, 193 U.S. 621 (1904); *Minor* v. *Happersett*, 21 Wall. 162 (1874). Moreover, Art. I, § 2,[9] is a clear indication that the Framers intended the States to determine the qualifications of their own voters for state offices, because those qualifications were adopted for federal offices unless Congress directs otherwise under Art. I, § 4. It is a plain fact of history that the Framers never imagined that the national Congress would set the qualifications for voters in every election from President to local constable or village alderman. It is obvious that the whole Constitution reserves to the States the power to set voter qualifications in state and local elections, except to the limited extent that the people through constitutional amendments have specifically narrowed the powers of the States. Amendments Fourteen, Fifteen, Nineteen, and Twenty-Four, each of which has assumed that the States had general supervisory power over state elections, are examples of express limitations on the power of the States to govern themselves. And the Equal Protection Clause of the Fourteenth Amendment was never intended to destroy the States' power to govern themselves, making the Nineteenth and Twenty Fourth Amendments superfluous. My Brother BRENNAN's opinion, if carried to its logical conclusion, would, under the guise of insuring equal protection, blot out all state power, leaving the 50 States little more than impotent figureheads. In interpreting what the Fourteenth Amendment means, the Equal Protection Clause should not be stretched to nullify the States' powers over elections which they had before the Constitution was adopted and which they have retained throughout our history.

Of course, the original design of the Founding Fathers was altered by the Civil War Amendments and various other amendments to the Constitution. The Thirteenth Fourteenth, Fifteenth, and Nineteenth Amendments have expressly authorized Congress to "enforce" the limited prohibitions of those amendments by "appropriate legislation." The Solicitor General contends in these cases that Congress can set the age qualifications for voters in state elections under its power to enforce the Equal Protection Clause of the Fourteenth Amendment.

Above all else, the Framers of the Civil War Amendments intended to deny to the States the power to discriminate against persons on account of their race. *Loving* v. *Virginia*, 338 U.S. 1 (1967); *Gomillion* v. *Lightfoot*, 364 U.S. 339 (1960); *Brown* v. *Board of Education*, 347 U.S. 483 (1954); *Slaughter House Cases*, 16 Wall. 36, 71–72 (1872). While this Court has recognized in some instances that the Equal Protection Clause of the Fourteenth Amendment protects against discriminations other than those on account of race,[10] see *Reynolds* v. *Sims*, 377 U.S. 533 (1964); *Hadley* v. *Junior College District*, 397 U.S. 50 (1970); see also *Kotch* v. *Board of River Port Pilots*, 330 U.S. 552 (1947), and cases cited therein, it cannot be successfully argued that the Fourteenth Amendment was intended to strip the States of their power, carefully preserved in the original Constitution, to govern themselves. The Fourteenth Amendment was surely not intended to make every discrimination between groups of people a constitutional denial of equal protection. Nor was the Enforcement Clause of the Fourteenth Amendment intended to permit Congress to prohibit every discrimination between groups of people. On the other hand, the Civil War Amendments were unquestionably designed to condemn and forbid every distinction, however trifling, on account of race.

To fulfill their goal of ending racial discrimination and to prevent direct or indirect state legislative encroachment on the rights guaranteed by the amendments, the Framers gave Congress power to enforce each of the Civil War Amendments. These enforcement powers are broad. In *Jones* v. *Alfred H. Mayer Co.*, 392 U.S. 409, 439 (1968), the Court held that § 2 of the Thirteenth Amendment "clothed 'Congress with the power to pass *all laws necessary and proper for abolishing all badges and incidents of slavery in the United States.*'" In construing § 5 of the Fourteenth Amendment, the Court has stated:

> "It is not said the *judicial power* of the general government shall extend to enforcing the prohibitions and to protecting the rights and immunities guaranteed. It is not said that branch of government shall be authorized to declare void any action of a State in violation of the prohibitions. *It is the power of Congress which has been enlarged.*" *Ex parte Virginia*, 100 U.S. 339, 345 (1879). (Emphasis added.)

And in *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966) (MR. JUSTICE BLACK dissenting on other grounds), the Court upheld the literacy test ban of the Voting Rights Act of 1965 under Congress' Fifteenth Amendment enforcement power.

As broad as the congressional enforcement power is, it is not unlimited. Specifically, there are at least three limitations upon Congress' power to enforce the guarantees of the Civil War Amendments. First, Congress may not by legislation repeal other provisions of the Constitution. Second, the power granted to Congress was not intended to strip the States of their power to govern themselves or to convert our national government of enumerated powers into a central government of unrestrained authority over every inch of the whole Nation. Third, Congress may only "enforce" the provisions of the amendments and may do so only by "appropriate legislation." Congress has no power under the enforcement sections to undercut the Amendments' guarantees of personal equality and freedom from discrimination, see *Katzenbach* v. *Morgan*, 384 U.S. 641, 651 n. 10 (1966), or to undermine those protections of the Bill of Rights which we have held the Fourteenth Amendment made applicable to the States.[11]

Of course, we have upheld congressional legislation under the Enforcement Clauses in some cases where Congress has interfered with state regulation of the local electoral process. In *Katzenbach* v. *Morgan, supra*, the Court upheld a statute which outlawed New York's requirement of literacy in English as a prerequisite for voting as this requirement was applied to Puerto Ricans with certain educational qualifications. The New York statute overridden by Congress applied to all elections. And in *South Carolina* v. *Katzenbach, supra* (MR. JUSTICE BLACK dissenting on other grounds), the Court upheld the literacy test ban of the Voting Rights Act of 1965. That Act proscribed the use of the literacy test in all elections in certain areas. But division of power between state and national governments, like every provision of the Constitution, was expressly qualified by the Civil War Amendments' ban on racial discrimination. Where Congress attempts to remedy racial discrimination under its enforcement powers, its authority is enhanced by the avowed intention of the Framers of the Thirteenth, Fourteenth and Fifteenth Amendments. Cf. *Harper* v. *Virginia Board of Elections*, 383 U.S. 663, 670 (1966) (dissenting opinion of MR. JUSTICE BLACK).

In enacting the 18-year-old vote provisions of the Act now before the Court, Congress made no legislative findings that 21-year-old vote requirements were used by the States to disenfranchise voters an account of race, I seriously doubt that such a finding, if made, could be supported by substantial evidence. Since Congress has attempted to invade an area preserved to the States by the Constitution without a foundation for enforcing the Civil War Amendments' ban on racial discrimination, I would hold that Congress has exceeded its powers in attempting to lower the voting age in state and local elections. On the other hand, where Congress legislates in a domain not exclusively reserved by the Constitution to the States, its enforcement power need not be tied so closely to the goal of eliminating discrimination on account of race.

To invalidate part of the Voting Rights Act Amendments of 1970, however, does not mean that the entire Act must fall or that the constitutional part of the 18-year-old vote provision cannot be given effect. In passing the Voting Rights Act Amendments of 1970, Congress recognized that the limits of its power under the Enforcement Clauses were largely undetermined, and therefore included a broad severability provision:

> "If any provision of this Act or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected by such determination."

In this case, it is the judgment of the Court that Title III, lowering the voting age to 18, is invalid as applied to voters in state and local elections. It is also the judgment of the Court that Title III is valid with respect to national elections. We would fail to follow the express will of Congress in interpreting its own statute if we refuse to sever these two distinct astinct aspects of Title III. Moreover, it is a longstanding canon of statutory construction that legislative enactments are to be enforced

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Footnotes at end of article.

to the extent that they are not inconsistent with the Constitution, particularly where the valid portion of the statute does not depend upon the invalid part. See, *e. g., Watson* v. *Buck,* 313 U. S. 387 (1941); *Marsh* v. *Buck,* 313 U.S. 406 (1941). Here, of course, the enforcement of the 18-year-old vote in national elections is in no way dependent upon its enforcement in state and local elections.

II

In Title I of the Voting Rights Act Amendments of 1970 Congress extended the provisions of the Voting Rights Act of 1965 which ban the use of literacy tests in certain States upon the finding of certain conditions by the United States Attorney General. The Court upheld the provisions of the 1965 Act over my partial dissent in *South Carolina* v. *Katzenbach, supra,* and *Gaston County* v. *United States,* 395 U.S. 285 (1969). The constitutionality of Title I is not raised by any of the parties to these suits.[12]

In Title II of the Amendments Congress prohibited the use of any test or device resembling a literacy test in any national, state, or local election in any area of the United States where such test is not already proscribed by the Voting Rights Act of 1965. The State of Arizona maintains that Title II cannot be enforced to the extent that it is inconsistent with Arizona's literacy test requirement. Ariz. Rev. Stat. Ann. §§16.101.A.4, 16–101.A.5 (1956). I would hold that the literacy test ban of the 1970 Amendments is constitutional under the Enforcement Clause of the Fifteenth Amendment and that it supersedes Arizona's conflicting statutes under the Supremacy Clause of the Federal Constitution.

In enacting the literacy test ban of Title II Congress had before it a long history of discriminatory use of literacy tests to disfranchise voters on account of their race. Congress could have found that as late as the summer of 1968, the percentage registration of nonwhite voters in seven Southern States was substantially below the percentage registration of white voters.[13] Moreover, Congress had before it striking evidence to show that the provision of the 1965 Act had in the span of four years had a remarkable impact on minority group voter registration.[14] Congress also had evidence to show that voter registration in areas with large Spanish-American populations was consistently below the state and national averages. In Arizona, for example, only two counties out of eight with Spanish surname populations in excess of 15% showed a voter registration equal to the state-wide average.[15] Arizona also has a serious problem of deficient voter registration among Indians. Congressional concern over the use of literacy test to disfranchise Puerto Ricans in New York State is already a matter of record in this Court. *Katzenbach* v. *Morgan,* supra. And as to the Nation as a whole, Congress had before it statistics which demonstrate that voter registration and voter participation are consistently greater in States without literacy tests.[16]

Congress also had before it this country's history of discriminatory educational opportunities in both the North and the South. The children who were denied an equivalent education by the "separate but equal" rule of *Plessy* v. *Ferguson,* 163 U.S. 537 (1896), overruled in *Brown* v. *Board of Education,* 347 U.S. 483 (1954), are now old enough to vote. There is substantial, if not overwhelming, evidence from which Congress could have concluded that it is a denial of equal protection to condition the political participation of children educated in a dual school system upon their educational achievement. Moreover, the history of this legislation suggests that concern with educational inequality was perhaps uppermost in the minds of the congressmen who sponsored the Act. The hearings are filled with references to educational inequality. Faced with this and other evidence that literacy tests reduce voter participation in a discriminatory manner not only in the South but throughout the Nation, Congress was supported by substantial evidence in concluding that a nationwide ban on literacy tests was appropriate to enforce the Civil War Amendments.

Finally, there is yet another reason for upholding the literacy test provisions of this Act. In imposing a nationwide ban on literacy tests, Congress has recognized a national problem for what it is—a series *national* dilemma that touches every corner of our Land. In this legislation Congress has recognized that discrimination on account of color and racial origin is not confined to the South, but exists in various parts of the country. Congress has decided that the way to solve the problems of racial discrimination is to deal with nationwide discrimination with nationwide legislation. Compare *South Carolina* v. *Katzenbach, supra,* and *Gaston County* v. *United States, supra.*

III

In Title II of the Voting Rights Acts Amendments Congress also provided that in presidential and vice presidential elections, no voter could be denied his right to cast a ballot because he had not lived in the jurisdiction long enough to meet its residency requirements. Furthermore, Congress provided uniform national rules for absentee voting in presidential and vice presidential elections. In enacting these regulations for national elections Congress was attempting to insure a fully effective voice to all citizens in national elections. What I said in Part I of this opinion applies with equal force here. Acting under its broad authority to create and maintain a national government. Congress unquestionably has power under the Constitution to regulate federal elections. The Framers of our Constitution were vitally concerned with setting up a national government that could survive. Essential to the survival and to the growth of our national government is its power to fill its elective offices and to insure that the officials who fill those offices are as responsive as possible to the will of the people whom they represent.

Our judgment today gives the Federal Government the powers the Framers conferred upon it, that is, the final control of the elections of its own officers. Our judgment also saves for the States the power to control state and local elections which the Constitution originally reserved to them and which no subsequent amendment has taken from them.[17] The generalities of the Equal Protection Clause of the Fourteenth Amendment were not designed or adopted to render the States impotent to set voter qualifications in elections for their own local officials and agents in the absence of some specific constitutional limitations.

FOOTNOTES

*Together with No. 43, Orig., *Oregon* v. *Mitchell;* No. 44 Orig., *Texas* v. *Mitchell,* and No. 47 Orig., *United States* v. *Idaho.*

[1] In Nos. 43 and 44 Oregon and Texas respectively invoke the original jurisdiction of this Court to sue the United States Attorney General seeking an injunction against the enforcement of Title III (18-year-old vote) of the Act. In No. 46 the United States invokes our original jurisdiction seeking to enjoin Arizona from enforcing its laws to the extent that they conflict with the Act, and directing the officials of Arizona to comply with the provisions of Title III (nationwide literacy test ban) and Title III (18-year-old vote) of the Act. In No. 47 the United States invokes its laws to the extent that they conflict with Title II (abolition of residency requirements in presidential and vice presidential elections) and Title III (18-year-old vote) of the Act. No question has been raised concerning the standing of the parties or the jurisdiction of this Court.

[2] Article I, § 4 was a compromise between those delegates to the Constitutional Convention who wanted the States to have final authority over the election of all state and federal officers and those who wanted Congress to make laws governing national elections, 2 Story, Commentaries on the Constitution of the United States 280–292 (1st ed. 1883). The contemporary interpretation of this compromise reveals that those who favored national authority over national elections prevailed. Six States included in their resolutions of ratification the recommendation that a constitutional amendment be adopted to curtail the power of the Federal Government to regulate national elections. Such an amendment was never adopted.

A majority of the delegates to the Massachusetts ratifying convention must have assumed that Art. I, § 4 gave very broad powers to Congress. Otherwise that convention would not have recommended an amendment providing:

"That Congress do not exercise the powers vested in them by the 4th section of the 1st Article, but in cases where a state shall neglect or refuse to make the regulations therein mentioned or shall make regulations subversive of the rights of the people to a free and equal representation in Congress agreeably to the Constitution." 2 Elliot's Debates on the Federal Constitution 177 (1876).

The speech of Mr. Cabot, one delegate to the Massachusetts convention, who agreed that Art. I, § 4, was "to be as highly prized as any in the Constitution," expressed a view of the breadth of that section which must have been shared by most of his colleagues.

"[I]f the State Legislatures are suffered to regulate conclusively the election of the democratic branch, they may . . . finally annihilate, that control of the general government which the people ought always have . . . . *Id.,* at 26.

And Cabot was supported by Mr. Parsons, who added:

". . . They might make an unequal and partial division of the states into districts for election of representatives, or they might even disqualify one third of the electors. Without these powers in Congress, the people can have no remedy; but the fourth section provides a remedy, a controlling power in a legislature, composed of senators and representatives of twelve states, without the influence of our commotions and factions, who will hear impartially, and preserve and restore to the people their equal and sacred rights of election." *Id.,* at 27.

[3] See *Wesberry* v. *Sanders,* 376 U.S. 1, 14–16 (1964).

[4] See, *e.g.,* Act of August 8, 1911, c. 5, 37 Stat. 13.

[5] My Brother STEWART has cited the debates of the Constitutional Convention to show that Oliver Ellsworth, George Mason, Madison, and Franklin successfully opposed granting Congress the power to regulate federal elections, including the qualifications of voters, in the original Constitution. I read the history of our Constitution differently. Mr. Madison, for example, explained Art I, § 4, to the Virginia ratifying convention follows:

"[I]t was thought that the regulation of the time, place and manner, of electing Representatives, should be uniform throughout the continent. Some States might regulate the elections on the principles of equality, and others might regulate them otherwise. This diversity would be obviously unjust. . . . Should the people of any State by any means be deprived of the right of suffrage, it was judged proper that it should be remedied by the general government." 3 Elliot's Debates on the Federal Constitution 367 (1876).

And Mr. Mason, who was supposedly successful in opposing a broad grant of power to Congress to regulate federal elections, still found it necessary to support an unsuccessful Virginia proposal to curb the power of Congress under Art. I, § 4. *Id.,* at 403.

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[6] See, *e.g.*, *Ex parte Siebold*, 100 U.S. 371 (1879); *Ex parte Yarbrough*, 110 U.S. 651 (1884); *United States* v. *Mosley*, 238 U.S. 383 (1915); *United States* v. *Classic*, 313 U.S. 299 (1941).

[7] With reference to the selection of the President and Vice President, Art. II § 1 provides: "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress. . . ." But this Court in *Burroughs* v. *United States*, 290 U.S. 534 (1934), upheld the power of Congress to regulate certain aspects of elections for presidential and vice-presidential electors, specifically rejecting a construction of Art. II, § S 1, that would have curtailed the power of Congress to regulate such elections. Finally, and most important, inherent in the very concept of a supreme national government with national officers is a residual power in Congress to insure that those officers represent their national constituency as responsively as possible. This power arises from the nature of our constitutional system of government and from the Necessary and Proper Clause.

[8] "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." U.S. Const. Amend. X.

[9] "The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of most numerous Branch of the State Legislature."

[10] My Brother BRENNAN relies upon *Carrington* v. *Rash*, 380 U.S. 89 (1965); *Cipriano* v. *City of Houma*, 395 U.S. 701 (1969); and *Evans* v. *Cornman*, 398 U.S. 419 (1970). These typical equal protection cases in which I joined are not relevant or material to our decision in the cases before us. The establishment of voter age qualifications is a matter of legislative judgment which cannot be properly decided under the Equal Protection Clause. The crucial question here is not who is denied equal protection, but rather which political body, state or federal is empowered to fix the minimum age of voters. The Framers intended the States to make the voting age decision in all elections with the provision that Congress could override state judgments concerning the qualifications of voters in federal elections.

[11] See: the First Amendment, *e.g.*, *Gitlow* v. *New York*, 268 U.S. 652 (1925); *Cantwell* v. *Connecticut*, 310 U.S. 296 (1940); *Edwards* v. *South Carolina*, 372 U.S. 229 (1963); the Fourth Amendment, *Mapp* v. *Ohio*, 367 U.S. 643 (1961); the Fifth Amendment, *Chicago B. & Q. R. Co.* v. *Chicago*, 166 U.S. 226 (1897); *Malloy* v. *Hogan*, 378 U.S. 1 (1964); *Benton* v. *Maryland*, 395 U.S. 784 (1969); the Sixth Amendment, *Gideon* v. *Wainwright*, 372 U.S. 335 (1963); *Pointer* v. *Texas*, 380 U.S. 400 (1965); *Klopfer* v. *North Carolina*, 386 U.S. 213 (1967); *Duncan* v. *Louisiana*, 391 U.S. 145 (1968); and the Eighth Amendment, *Robinson* v. *California*, 370 U.S. 660 (1962).

[12] Yuma County, Arizona, is presently subject to the literacy test ban on the Voting Rights Act of 1965 pursuant to a determination of the Attorney General under § 4(a) of the 1965 Act. I do not understand Arizona to contest the application of the 1965 Act or its extension to that county. Arizona "does not question" Congress' authority to enforce the Fourteenth and Fifteenth Amendments "when Congress possesses a 'special legislative competence'; and cites *South Carolina* v. *Katzenbach*, 383 U.S. 641 (1966), with approval. Answer and Brief for Arizona, No. 46 Orig., O. T. 1970.

[13] Hearings on H.R. 4249, H.R. 5538, and Similar Proposals before Subcommittee No. 5 of the House Committee on the Judiciary, pt. 3, at 14 (1969).

[14] *Id.*, at 93.

[15] Hearings on S. 818, S. 2456, S. 2507, and Title IV of S. 2029 before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary, at 406 (1969–1970).

[16] *Id.*, at 401.

[17] That these views are not novel is demonstrated by Mr. Justice Story in his Commentaries on the Constitution of the United States, vol. II, at 284–285 (1st ed. 1833).

"There is, too, in the nature of such a provision [Article I, § 4], something incongruous, if not absurd. What would be said of a clause introduced into a national constitution to regulate the state elections of the members of the state legislatures? It would be deemed a most unwarrantable transfer of power, indicating a premeditated design to destroy the state governments. It would be deemed so flagrant a violation of principle, as to require no comment. It would be said, and justly, that the state governments ought to possess the power of self-existence and self-organization, independent of the pleasure of the national government. *Why does not the same reasoning apply to the national government?* What reason is there to suppose, that the state governments will be more true to the Union, than the national government will be to the state governments?" (Emphasis added.) (Footnote omitted.)

[Supreme Court of the United States, Nos. 43, 44, 46, 47 Org.—October Term, 1970]

OREGON VERSUS MITCHELL

(State of Oregon, Plaintiff, *v.* John N. Mitchell, Attorney General of the United States; State of Texas, Plaintiff, *v.* John N. Mitchell, Attorney General of the United States; United States, Plaintiff, *v.* State of Arizona; United States, Plaintiff, *v.* State of Idaho on Bills of Complaint, Dec. 21, 1970)

Mr. JUSTICE DOUGLAS.

I dissent from the judgment of the Court insofar as it declares § 302 unconstitutional as applied to state elections and concur in the judgment as it affects federal elections but for different reasons. I rely on the Equal Protection Clause and on the Privileges and Immunities Clause of the Fourteenth Amendment.

I

The grant of the franchise to 18-year-olds by Congress is in my view valid across the board.

I suppose that in 1920, when the Nineteenth Amendment was passed giving women the right to vote, it was assumed by most constitutional experts that there was no relief by way of the Equal Protection Clause of the Fourteenth Amendment. In *Minor* v. *Happersett*, 21 Wall. 162, the Court held in the 1874 Term that a State could constitutionally restrict the franchise to men. While the Fourteenth Amendment was relied upon, the thrust of the opinion was directed at the Privileges and Immunities Clause with a subsidiary reference to the Due Process Clause. It was much later, indeed not until the 1961 Term—nearly a century after the Fourteenth Amendment was adopted—that discrimination against voters on grounds *other than race* was struck down.

The first case in which this Court struck down a statute under the Equal Protection Clause of the Fourteenth Amendment was *Strauder* v. *West Virginia*, 100 U.S. 303, decided in the 1879 Term.[1] In the 1961 Term we squarely held that the manner of apportionment of members of a state legislature raised a justiciable question under the Equal Protection Clause. *Baker* v. *Carr*, 369 U.S. 186. That case was followed by numerous others, *e.g.*: that one person could not be given twice or 10 times the voting power of another person in a statewide election merely because he lived in a rural area or in the smallest rural county;[2] that the principle of equality applied to both Houses of a bicameral legislature;[3] that political parties receive the protection under the Equal Protection Clause just as voters do.[4]

The reapportionment cases, however, are not quite in point here, though they are the target of my Brother HARLAN's dissent. His painstaking review of the history of the Equal Protection Clause leads him to conclude that "political" rights are not protected though "civil" rights are protected. The question of what questions are "political" has been a recurring issue in this Court from the beginning, and we recently reviewed them all in *Baker* v. *Carr*, *supra*, and in *Powell* v. *McCormack*, 395 U.S. 486. *Baker* v. *Carr* was a reapportionment case and *Powell* v. *McCormack* involved the exclusion from the House of Representatives of a Congressman. The issue of "political" question versus "justiciable" question was argued *pro* and *con* in those cases; and my Brother HARLAN stated in *Baker* v. *Carr*, 369 U.S., at 330 *et. seq.*, and on related occasions (*Gray* v. *Sanders*, 372 U.S. 368, 382 *Westbury* v. *Sanders*, 376 U.S. 1, 20; *Reynolds* v. *Sims*, 377 U.S. 533, 589) his views on the constitutional dimensions of the "political" question in the setting of the reapportionment problem.

Those cases involved the question whether legislatures must be so structured as to reflect with approximate equality the voice of every voter. The ultimate question was whether absent a proper apportionment by the legislature a federal court could itself make an apportionment. That kind of problem raised issues irrelevant here. Reapportionment, as our experience shows, presented a tangle of partisan politics in which geography, economics, urban life, rural constituencies, and numerous other nonlegal factors play varying roles. The competency of courts to deal with them was challenged. Yet we held the issues were justiciable. None of those so-called "political" questions are involved here.

This case, so far as equal protection is concerned, is no whit different from a controversy over a state law that disqualifies women from certain types of employment, *Goesaert* v. *Cleary*, 335 U.S. 464, or that imposes a heavier punishment on one class of offender than on another whose crime is not intrinsically different. *Skinner* v. *Oklahoma*, 316 U.S. 535. The right to vote is, of course, different in one respect from the other rights in the economic, social, or political field which as indicated in the Appendix to this opinion are under the Equal Protection Clause. The right to vote is a civil right deeply embedded in the Constitution. Art. I, § 2, provides that the House is composed of members "chosen . . . by the people" and the electors "shall have the qualifications requisite for electors of the most numerous Branch of the State Legislature." The Seventeenth Amendment states that Senators shall be "elected by the people." The Fifteenth Amendment speaks of the "right of citizens of the United States to vote"—not only in federal but in state elections. The Court in *Ex parte Yarbrough*, 110 U.S. 651, 665, stated:

> "This new constitutional right was mainly designed for citizens of African descent. The principle, however, that the protection of the exercise of this right is within the power of Congress, is as necessary to the right of other citizens to vote as to the colored citizen, and to the right to vote in general as to the right to be protected against discrimination."

It was in that tradition that we said in *Reynolds* v. *Sims*, *supra*, at 555, "The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restriction on that right strikes at the heart of representative government."

This "right to choose, secured by the Constitution," *United States* v. *Classic*, 313 U.S. 314, 315, is a civil right of the highest order. Voting concerns "political" matters; but the

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Footnotes at end of article.

right is not "political" in the constitutional sense. Interference with it has given rise to a long and consistent line of decisions by the Court; and the claim has always been upheld as justiciable.[5] Whatever distinction may have been made, following the Civil War, between "civil" and "political" rights, has passed into history. In *Harper* v. *Virginia Board*, 383 U.S. 663, 669, we stated: "Notions of what constitutes equal treatment for purposes of the Equal Protection Clause *do* change." That statement is in harmony with my view of the Fourteenth Amendment, as expressed by My Brother BRENNAN: "We must therefore conclude that its framers understood their Amendment to be a broadly worded injunction capable of being interpreted by future generations in accordance with the vision and needs of those generations." *Post*, at ——. Hense the history of the Fourteenth Amendment tendered by Brother HARLAN is irrelevant to the present problem.

Since the right is civil and not "political," it is protected by the Equal Protection Clause of the Fourteenth Amendment which in turn by § 5 of that Amendment can be "enforced" by Congress.

In *Carrington* v. *Rash*, 380 U.S. 89, we held that Texas could not bar a person, otherwise qualified, from voting merely because he was a member of the armed services. Occupation, we held, when used to bar a person from voting, was that invidious discrimination which the Equal Protection Clause condemns. In *Evans* v. *Cornman*, 398 U.S. 419, we held that a State could not deny the vote to residents of a federal enclave when it treated them as residents for many other purposes. In *Harper* v. *Virginia Board*, 383 U.S., at 666, we held a State could not in harmony with the Equal Protection Clause keep a person from voting in state elections because of "the affluence of the voter or payment of any fee." In *Kramer* v. *Union School District*, 395 U.S. 621, we held that a person could not be barred from voting in school board elections merely because he was a bachelor. So far as the Equal Protection Clause was concerned, we said that the line between those qualified to vote and those not qualified turns on whether those excluded have "a distinct and direct interest in the school meeting decisions." *Id.*, at 632. In *Cipriano* v. *City of Houma*, 395 U.S. 701, we held that a state law which gave only "property taxpayers" the right to vote on the issuance of revenue bonds of a municipal utility system violated equal protection as "the benefits and burdens of the bond issue fall indiscriminately on property owner and non-property owner alike." *Id.*, at 705. And only on June 23, 1970, we held in *Phoenix* v. *Kolodziejski*, 399 U.S. 204, that it violates equal protection to restrict those who may vote on general obligation bonds to real property taxpayers. We looked to see if there was any "compelling state interest" in the voting restrictions. We held that "non-property owners" are not "substantially less interested in the issuance of these securities than are property owners," *id.*, at 212, and that presumptively "when all citizens are affected in important ways by a governmental decision subject to a referendum, the Constitution does not permit weighted voting or the exclusion of otherwise qualified citizens from the franchise."[6] *Id.*, at 209. And as recently as November 9, 1970, we summarily affirmed a district court decision (310 F. Supp. 72) on the basis of *Kolodziejski*. *Parish School Board of St. Charles* v. *Stewart*, 400 U.S. ——, where Louisiana gave a vote on municipal bonds issued only to "property taxpayers."

The powers granted Congress by § 5 of the Fourteenth Amendment to "enforce" the Equal Protection Clause are "the same broad powers expressed in the Necessary and Proper Clause, Art. I, § 8, cl. 18." *Katzenbach* v. *Morgan*, 384 U.S. 641, 650. As we stated in that case, "Correctly viewed, § 5 is a positive grant of legislative power authorizing Congress to exercise its discretion in determining whether and what legislation is needed to secure the guarantees of the Fourteenth Amendment."

Congress might well conclude that a reduction in the voting age from 21 to 18 was needed in the interests of equal protection. The Act itself brands the denial of the franchise to 18-year-olds as "a particularly unfair treatment of such citizens in view of the national defense responsibilities imposed" on them. Section 301(a)(1), Voting Rights Act of 1970, 84 Stat. 314, 42 U.S.C. § 1973. The fact that only males are drafted while the vote extends to females as well is not relevant, for the female component of these families or prospective families is also caught up in war and hit hardest by it. Congress might well believe that men and women alike should share the fateful decision.

It is said, why draw the line at 18? Why not 17? Congress can draw lines and I see no reason why it cannot conclude that 18-year-olds have that degree of maturity which entitles them to the franchise. They are "generally considered by American law to be mature enough to contract, to marry, to drive an automobile, to own a gun, and to be responsible for criminal behavior as an adult."[7] Moreover, we are advised that under state laws, mandatory school attendance does not, as a matter of practice, extend beyond the age of 18. On any of these items the States, of course, have leeway to raise or lower the age requirements. But voting is "a fundamental matter in a free and democratic society," *Reynolds* v. *Sims*, 377 U.S. 533, 561. Where "fundamental rights and liberties are asserted under the Equal Protection Clause, classifications which might invade or restrain them must be closely scrutinized and carefully confirmed." *Harper* v. *Virginia Board*, 383 U.S. 663, 670. There we were speaking of state restrictions on those rights. Here we are dealing with the right of Congress to "enforce" the principles of equality enshrined in the Fourteenth Amendment. The right to "enforce" granted by § 5 of that Amendment is, as noted, parallel with the Necessary and Proper Clause whose reach Chief Justice Marshall described in *McCulloch* v. *Maryland*, 4 Wheat. 316, 421: "Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional."

Equality of voting by all who are deemed mature enough to vote is certainly consistent "with the letter and spirit of the constitution." Much is made of the fact that Art. 1, § 4 of the Constitution[8] gave Congress only the power to regulate the "manner of holding elections," not the power to fix qualifications for voting in elections. But the Civil War Amendments—the Thirteenth, Fourteenth, and Fifteenth—made vast inroads on the power of the States. Equal protection became a standard for state action and Congress was given authority to "enforce" it. See *Katzenbach* v. *Morgan*, 384 U.S. 641, 647. The manner of enforcement involves discretion; but that discretion is largely entrusted to the Congress, not to the courts. If racial discrimination were the only concern of the Equal Protection Clause, then across-the-board voting regulations set by the States would be of no concern to Congress. But it is much too late in history to make that claim, as the cases listed in the Appendix to this opinion show. Moreover, election inequalities created by state laws and based on factors other than race may violate the Equal Protection Clause, as we have held over and over again. The reach of § 5 to "enforce" equal protection by eliminating election inequalities would seem quite broad. Certainly there is not a word of limitation in § 5 which would restrict its applicability to matters of race alone. And if, as stated in *McCulloch* v. *Maryland*, the measure of the power of Congress is whether the remedy is consistent "with the letter and spirit of the constitution," we should have no difficulty here. We said in *Gray* v. *Sanders*, 372 U.S. 368, 381: "The conception of political equality from the Declaration of Independence, to Lincoln's Gettysburg Address, to the Fifteenth, Seventeenth, and Nineteenth Amendments can mean only one thing—one person, one vote."

It is a reasoned judgment that those who have such a large "stake" in modern elections as 18-year-olds, whether in times of war or peace, should have political equality.

II

I likewise find the objections which Arizona and Idaho make to the literacy and residence requirements of the 1970 Act to be insubstantial.

Literacy. We held in *Lassiter* v. *Northampton Election Board*, 360 U.S. 44, that a State could apply a literacy test in selecting qualified voters provided the test is not "discriminatory" and does not contravene "any restriction that Congress, acting pursuant to its constitutional powers, has imposed." *Id.*, at 51. The question in these cases is whether Congress has the power under § 5 of the Fourteenth Amendment to bar literacy tests in all federal, state, or local elections.

Section 201 bars a State from denying the right to vote in any federal, state, or local election because of "any test or device" which is defined, *inter alia*, to include illiteracy.[9] We traveled most of the distance needed to sustain this Act in *Katzenbach* v. *Morgan*, 384 U.S. 641, where we upheld the constitutionality of an earlier Act which prohibited the application of English literacy tests to persons educated in Puerto Rico. The power of Congress in § 5 to "enforce" the Equal Protection Clause was sufficiently broad, we held, to enable it to establish voting requirements which might pass muster under the Equal Protection Clause, absent an Act of Congress. *Id.*, 648–651.

The question, we said, was whether the Act of Congress was "appropriate legislation to enforce the Equal Protection Clause":

"It was well within congressional authority to say that this need of the Puerto Rican minority for the vote warranted federal intrusion upon any state interests served by the English literacy requirement. It was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations—the risk or pervasiveness of the discrimination in governmental services, the effectiveness of eliminating the state restriction on the right to vote as a means of dealing with the evil, the adequacy or availability of alternative remedies, and the nature and significance of the state interests that would be affected by the nullification of the English literacy requirement as applied to residents who have successfully completed the sixth grade in a Puerto Rican school. It is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did." *Id.*, at 653.

We also held that the Act might be sustained as an attack on the English language test as a device to discriminate. *Id.*, at 654. And we went on to say that Congress might have concluded that "as a means of furthering the intelligent exercise of the franchise, an ability to read or understand Spanish is as effective as ability to read English for those to whom Spanish-language newspapers and Spanish-language radio and television programs are available to inform them of election issues and governmental affairs." *Id.*, at 655.

Footnotes at end of article.

XUM

We took a further step toward sustaining the present type of law in *Gaston County* v. *United States,* 395 U.S. 285. That decision involved a provision of the Voting Rights Act of 1965 which suspended the use of any "test or device," including illiteracy, as a prerequisite to registration in a State which was found by the Attorney General and Director of the Census to have used it in any election on November 1, 1964, and in which less than 50% of the residents of voting age were registered and had voted.[10] Gaston County, North Carolina, was so classified and its literacy test was thereupon suspended. In a suit to remove the ban we sustained it. We noted that Congress had concluded that "the County deprived its black residents of equal educational opportunities, which in turn deprived them of an equal chance to pass the literacy test." *Id.,* at 291. Congress, it was argued, should have employed a formula based on educational disparities between the races or one based on literacy rates. *Id.,* at 292. But the choice of appropriate remedies is for Congress and the range of available ones is wide It was not a defect in the formula that some literate Negroes would be turned out by Negro schools.

"It is only reasonable to infer that among black children compelled to endure a segregated and inferior education, fewer will achieve any given degree of literacy than will their better-educated white contemporaries. And on the Government's showing, it was certainly proper to infer that Gaston County's inferior Negro schools provided many of its Negro residents with a subliterate education, and gave many others little inducement to enter or remain in school." *Id.,* at 295–296.

By like reasoning Congress in the present legislation need not make findings as to the incidence of literacy. It can rely on the fact that most States do not have literacy tests, that the tests have been used at times as a discriminatory weapon against some minorities—not only Negroes but Americans of Mexican ancestry, and American Indians; that radio and television have made it possible for a person to be well informed even though he may not be able to read and write. We know from the legislative history that these and other desiderata influenced Congress in the choice it made in the present legislation; and we certainly cannot say that the means used were inappropriate.

Residence. The residence requirements of § 202 relate only to elections for President and Vice President. Section 202 abolishes durational residency[11] and provides for absentee voting provided that registration may be required 30 days prior to the election. The effect of § 202 is to reduce all state durational residency requirements to 30 days. In presidential elections no parochial interests of the state, county, or city are involved. Congress found that a durational residency requirement "in some instances has the impermissible purpose or effect of denying citizens the right to vote." § 202(a)(4). It found in § 202(a)(3) that a durational residency requirement denies citizens their privileges and immunities.[12]

The Seventeenth Amendment states that Senators shall be "elected by the people." Article I, § 2, provides that the House shall be chosen "by the People of the several States." The right to vote for national officers is a privilege and immunity of national citizenship. *Ex parte Yarbrough,* 110 U.S. 651; *In re Quarles,* 158 U.S. 523, 534; *Twining* v. *New Jersey,* 211 U.S. 78, 97; *Burroughs* v. *United States,* 290 U.S. 534; *United States* v. *Classic,* 313 U.S. 299, 315.[13]

The Fourteenth Amendment provides that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." Durational residency laws of the States had such effect, says Congress. The "choice of means" to protect such a privilege presents "a question primarily addressed to the judgment of Congress." *Burroughs* v. *United States, supra,* at 547. The relevance of the means which Congress adopts to the condition sought to be remedied, the degree of their necessity, and the extent of their efficacy are all matters for Congress. *Id.,* at 548.

The judgment which Congress has made respecting the ban of durational residency in presidential elections is plainly a permissible one in its efforts under § 5 to "enforce" the Fourteenth Amendment.

APPENDIX TO OPINION OF DOUGLAS, J.

Cases which have struck down state statutes under the Equal Protection Clause other than statutes which discriminate on the basis of race.

Statutes which discriminated against certain businesses

Gulf, C. & S. F. Co. v. *Ellis,* 165 U.S. 150; *Atchison & Santa Fe Ry.* v. *Vosburg,* 238 U.S. 56 (railroad must pay attorney fees if loses suit, but other businesses need not). *Kentucky Finance Co.* v. *Paramount Auto Exchange,* 262 U.S. 544; *Power Co.* v. *Saunders,* 274 U.S. 490 (burdens placed upon out-of-state corporations in litigation).

Statutes which favored certain business

Connolly v. *Union Sewer Pipe Co.,* 184 U.S. 540 (exemption from state antitrust law for agricultural goods); *Smith* v. *Cahoon,* 283 U.S. 553 (act exempting certain motor vehicles from insurance requirements); *Mayflower Farms* v. *Ten Eyck,* 297 U.S. 266 (act allowing certain milk dealers to sell at lower than the regulated price); *Hartford Co.* v. *Harrison,* 301 U.S. 459 (statute permitting mutual, but not stock, insurance companies to act through salaried representatives), and *Morey* v. *Dowd,* 354 U.S. 457 (American Express exempted from licensing requirements applied to "currency exchanges").

Taxing statutes struck down

Concordia Ins. Co. v. *Illinois,* 292 U.S. 535; *Iowa-Des Moines Bank* v. *Bennett,* 284 U.S. 239; *Cumberland Coal* v. *Board,* 284 U.S. 23; *Quaker City Cab. Co,* v. *Pennsylvania,* 277 U.S. 389; *Louisville Gas* v. *Coleman,* 277 U.S. 32; *Hanover Fire Ins. Co.* v. *Harding,* 272 U.S. 494; *Schlesinger* v. *Wisconsin,* 270 U.S. 230; *Sioux City Bridge* v. *Dakota County,* 260 U.S. 441; *F. S. Royster Guano Co.* v. *Virginia,* 253 U.S. 412, and *Southern Railway* v. *Greene,* 216 U.S. 400.

Treatment of convicted criminals

Rinaldi v. *Yeager,* 384 U.S. 305 (statute requiring unsuccessful criminal appellants who were in jail to pay cost of trial transcript); *Baxstrom* v. *Herold,* 383 U.S. 107 (statute denying convict a sanity hearing before a jury prior to civil commitment); and *Skinner* v. *Oklahoma,* 316 U.S. 535 (sterilization of some convicts).

Indigents

Douglas v. *California,* 372 U.S. 353 (Rule of Criminal Procedure which did not provide counsel for appeal to indigents); and *Shapiro* v. *Thompson,* 394 U.S. 618 (denial of welfare benefits based on residency requirement).

Legitimacy

Glona v. *American Guarantee,* 391 U.S. 73 (mother denied right to sue for wrongful death of illegitimate child); and *Levy* v. *Louisiana,* 391 U.S. 68 (illegitimate children denied recovery for wrongful death of mother).

Aliens

Truax v. *Raich,* 239 U.S. 33 (statute limiting the number of aliens that could be employed to 20%); and *Takahashi* v. *Fish & Game Commission,* 334 U.S. 410 (denial of fishing rights to aliens ineligible for citizenship).

FOOTNOTES

[1] Strauder was tried for murder. He had sought removal to federal courts on the ground that "by vitue of the laws of the State of West Virginia no colored man was eligible to be a member of the grand jury or to serve on the petit jury in the State. *Id.,* at 304. He was convicted of murder and the West Virginia Supreme Court affirmed. This Court held the West Virginia statute limiting jury duty to whites only unconstitutional:

"We do not say that within the limits from which it is not excluded by the amendment a State may not prescribe the qualifications of its jurors, and in so doing make discrimination . . . [The aim of the Fourteenth Amendment] was against discrimination because of race or color." 100 U.S., at 310.

[2] *Gray* v. *Sanders,* 372 U.S. 368; *Davis* v. *Mann,* 377, U.S. 678; *Swann* v. *Adams,* 385 U.S. 440; *Kilgarn* v. *Hill,* 386 U.S. 120; *Avery* v. *Midland County,* 390 U.S. 474; *Moore* v. *Ogilvie,* 394 U.S. 814; *Hadley* v. *Junior College,* 397 U.S. 50.

[3] *Reynolds* v. *Sims,* 377 U.S. 533; *WMCA* v. *Lorenzo,* 377 U.S. 633; *Roman* v. *Sincock,* 377 U.S. 695.

[4] *Williams* v. *Rhodes,* 393 U.S. 23. We also held in federal elections that the command of Art. I, § 2 of the Constitution that representatives be chosen "by the People of the several States" means that "as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's." *Wesberry* v. *Sanders,* 376 U.S. 1, 7–8, and that that meant "vote-diluting discrimination" could not be accomplished "through the device of districts containing widely varied numbers of inhabitants." *Id.,* at 8; *Lucas* v. *Colorado General Assembly,* 377 U.S. 713; *Kirkpatrick* v. *Preisler,* 394 U.S. 526; *Wells* v. *Rockefeller,* 394 U.S. 542.

[5] *Ex parte Siebold,* 100 U.S. 371; *Ex parte Yarbrough,* 110 U.S. 651; *Guinn* v. *United States,* 238 U.S. 347; *United States* v. *Mosley,* 238 U.S. 383; *Lane* v. *Wilson,* 307 U.S. 268; *United States* v. *Classic,* 313 U.S. 299; *United States* v. *Saylor,* 322 U.S. 385.

[6] We noted that general obligation bonds may be satisfied not from real property taxes but from revenues from other local taxes paid by nonproperty owners as well as those who own realty. Moreover, we noted that property taxes paid initially by property owners are often passed on to tenants or customers. 399 U.S., at 209 209–211.

[7] Engdahl, Constitutionality of the Voting Age Statute, 39 Geo. Wash. L. Rev. 1, 36 (1970).

[8] Art. 1, § 4 provides: [1] The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

"[2] The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day."

[9] Section 201(b) defines "test or device" as "any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class."

[10] The constitutionality of that procedure has been sustained in *South Carolina* v. *Katzenbach,* 383 U.S. 301.

[11] This Court upheld durational residency requirements as applied in presidential and vice presidential elections absent an Act of Congress. See *Drueding* v. *Devlin,* 234 F. Supp. 721 (D. Md. 1964), aff'd 380 U.S. 125. Subsequently we vacated as moot a case pre-

senting the same question. *Hall* v. *Beals*, 396 U.S. 45. The district courts have been faced with the issue of durational residency requirement as they would be applied to congressional elections. Two have concluded the requirement is constitutional. *Sirak* v. *Brown*, —— F. Supp. —— (ED Ohio 1970); *Cocanower* v. *Marston*, —— F. Supp. —— (D. Ariz. 1970). Additionally one other court has refused a preliminary injunction in a case presenting the issue. *Piliavine* v. *Hoel*, —— F. Supp. —— (WD Wis. 1970). Some district courts, however, believe that *Drueding* cannot stand (absent an Act of Congress) after *Carrington* v. *Rash*, 380 U.S. 89; *Kramer* v. *Union School District*, 395 U.S. 621; *Cipriano* v. *City of Houma*, 395 U.S. 701, and *Phoenix* v. *Kolodziejski*, 399 U.S. 204. Accordingly they have held durational residency requirements for congressional elections (and by implication presidential elections) violate the Equal Protection Clause. See *Burg* v. *Canniffee*, 315 F. Supp. 380 (D. Mass. 1970); *Ellington* v. *Blumstein*, —— F. Supp. (MD Tenn. 1970); *Hadnott* v. *Amos*, —— F. Supp. —— (MD Ala. 1970); *Bufford v. Holton*, —— F. Supp. —— (ED Vir. 1970).

In none of these cases was an Act of Congress involved.

[19] Article IV, § 2 of the Constitution provides:

"The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States."

The Fourteenth Amendment provides in § 1 that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

[20] The cases relied on by my Brother HARLAN, *post*, at ——, are not to the contrary. *Snowden* v. *Hughes*, 321 U.S. 1, 6–7, states "The right to become a candidate for *state* office, like the right to vote for the election of *state* officers, . . . is a right or privilege of state citizenship." (Emphasis added.) Arguably *Minor* v. *Happersett*, 21 Wall. 162, is to the contrary, but to the extent its dicta indicated otherwise, it was limited in *Ex parte Yarbrough*, *Breedlove* v. *Suttles*, 302 U.S. 277, overruled by *Harper* v. *Virginia Board*, 383 U.S. 663, involved a poll tax applied in both federal and state elections; it erroneously cited *Yarbrough* for the proposition voting is not a privilege and immunity of national citizenship. *Pope* v. *Williams*, 193 U.S. 621, involved durational residency requirements, but expressly reserved the question of their application to presidential and vice presidential elections. Our holdings concerning privileges and immunities of national citizenship were analyzed less than five years ago by my Brother HARLAN. After referring to *Ex parte Yarbrough*, and *United States* v. *Classic*, he stated that those cases "are essentially concerned with the vindication of important relationships with the Federal Government—*voting in federal elections*, involvement with federal law enforcement, communicating with the Federal Government." *United States* v. *Guest*, 383 U.S. 745, 772 (concurring opinion) (emphasis added).

Contrary to the suggestion of my Brother HARLAN, *post*, at ——, we need not rely on the power of Congress to declare the meaning of § 1 of the Fourteenth Amendment. This Court had determined that voting for national officers is a privilege and immunity of national citizenship. No congressional declaration was necessary. Congressional power under § 5 of the Fourteenth Amendment is, as stated, buttressed by congressional power under the Necessary and Proper Clause. Thus even if the durational residency requirements do not violate the Privileges and Immunities Clause, Congress can determine that it is necessary and proper to abolish them in national elections to effectuate and further the purpose of § 1 as it has been declared by this Court.

[Supreme Court of the United States, Nos. 43, 44, 46, 47 Orig.—OCTOBER TERM, 1970]

OREGON VERSUS MITCHELL

(State of Oregon, Plaintiff, *v.* John N. Mitchell, Attorney General of the United States; State of Texas, Plaintiff, *v.* John N. Mitchell, Attorney General of the United States; United States, Plaintiff, *v.* State of Arizona; United States, Plaintiff, *v.* State of Idaho on Bills of Complaint, Dec. 21, 1970)

Mr. JUSTICE HARLAN, concurring in part and dissenting in part.

From the standpoint of this Court's decisions during an era of judicial constitutional revision in the field of the suffrage, ushered in eight years ago by *Baker* v. *Carr*, 369 U.S. 186 (1962), I would find it difficult not to sustain all three aspects of the Voting Rights Act Amendments of 1970, Pub. L. 91–285, 84 Stat. 314, here challenged. From the standpoint of the bedrock of the constitutional structure of this Nation, these cases bring us to a crossroad that is marked with a formidable "Stop" sign. That sign compels us to pause before we allow those decisions to carry us to the point of sanctioning Congress' decision to alter state-determined voter qualifications by simple legislation, and to consider whether sound doctrine does not in truth require us to hold that one or more of the changes which Congress has thus sought to make can be accomplished only by constitutional amendment.

The four cases require determination of the validity of the Voting Rights Act Amendments in three respects. In Nos. 43 and 44, Oregon and Texas have sought to enjoin the enforcement of § 302 of the Act as applied to lower the voting age in those States from 21 to 18.[1]

In Nos. 46 and 47 the United States seeks a declaration of the validity of the Act and an injunction requiring Arizona and Idaho to conform their laws to it. The Act would lower the voting age in each State from 21 to 18. It would suspend until August 6, 1975, the Arizona literacy test, which requires that applicants for registration be able to read the United States Constitution in English and write their names. It would require Idaho to make several changes in its laws governing residency, registration, and absentee voting in presidential elections. Among the more substantial changes, Idaho's present 60-day state residency requirement will in effect be lowered to 30 days; its 30-day county residency requirement for intrastate migrants will be abolished; Idaho will have to permit voting by citizens of other States formerly domiciled in Idaho who emigrated too recently to register in their new homes; and it must permit absentee registration and voting by persons who have lived in Idaho for less than six months. The relevant provisions of the Act and of the constitutions and laws of the four States are set out in an Appendix to this opinion.

Each of the States contests the power of Congress to enact the provisions of the Act involved in its suit.[2] The Government places primary reliance on the power of Congress under § 5 of the Fourteenth Amendment to enforce the provisions of that Amendment by appropriate legislation. For reasons to follow, I am of the opinion that the Fourteenth Amendment was never intended to restrict the atuhority of the States to allocate their political power as they see fit and therefore that it does not authorize Congress to set voter qualifications, in either state or federal elections. I find no other source of congressional power to lower the voting age as fixed by state laws, or to alter state laws on residency, registration, and absentee voting, with respect to either state or federal elections. The suspension of Arizona's literacy requirement, however, can be deemed an appropriate means of enforcing the Fifteenth Amendment, and I would sustain it on the basis.

I

It is fitting to begin with a quotation from one of the leading members of the 39th Congress, which proposed the Fourteenth Amendment to the States in 1866:

"Every Constitution embodies the principles of its framers. It is a transcript of their minds. If its meaning in any place is open to doubt, or if words are used which seem to have no fixed signification, we cannot err if we turn to the framers; and their authority increases in proportion to the evidence which they have left on the question." Cong. Globe, 39th Cong., 1st Sess. 677 (1866) (Senator Sumner).

Believing this view to be undoubtedly sound, I turn to the circumstances in which the Fourteenth Amendment was adopted for enlightenment on the intended reach of its provisions. This, for me, necessary undertaking has unavoidably led to an opinion of more than ordinary length. Except for those who are willing to close their eyes to constitutional history in making constitutional interpretations or who read such history with a preconceived determination to attain a particular constitutional goal, I think that the history of the Fourteenth Amendment makes it clear beyond any reasonable doubt that no part of the legislation now under review can be upheld as a legitimate exercise of congressional power under that Amendment.

a. Historical setting[3]

The point of departure for considering the purpose and effect of the Fourteenth Amendment with respect to the suffrage should be, I think, the pre-existing provisions of the Constitution, Article I, § 2, provided that in determining the number of Representatives to which a State was entitled, only three-fifths of the slave population should be counted.[4] The section also provided that the qualifications of voters for such Representatives should be the same as those established by the States for electors of the most numerous branch of their respective legislatures. Article I, § 4, provided that, subject to congressional veto, the States might prescribe the times, places, and manner of holding elections for Representatives. Article II, § 1, provided that the States might direct the manner of choosing electors for President and Vice President, except that Congress might fix a uniform time for the choice.[5] Nothing in the original Constitution controlled the way States might allocate their political power except for the Guaranty of a Republican Form of Government, which appears in Article IV, § 4.[6] No relevant changes in the constitutional structure were made until after the Civil War.

At the close of that war, there were some four million freed slaves in the South, none of whom were permitted to vote. The white population of the Confederacy had been overwhelmingly sympathetic with the rebellion. Since there was only a comparative handful of persons in these States who were neither former slaves nor Confederate sympathizers, the place where the political power should be lodged was a most vexing question. In a series of proclamations in the summer of 1865, President Andrew Johnson had laid the ground work for the States to be controlled by the white populations which had held power before the war, eliminating only the leading rebels and those unwilling to sign a loyalty oath.[7] The Radicals, on the other hand, were ardently in favor of Negro suffrage as essential to prevent resurgent rebellion, requisite to protect the freedmen, and necessary to ensure continued Radical control of the government. This ardor cooled as it ran into northern racial prejudice. At

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[*] Footnotes at end of article.

that time, only six States—Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and New York—permitted Negroes to vote, and New York imposed special property and residency requirements on Negro voters.[8] In referenda late that year, enfranchising proposals were roundly beaten in Connecticut, Wisconsin, Minnesota, the Territory of Colorado, and the District of Columbia. Gillette, *supra*, n. 3, at 25–26. Such popular rebuffs led the Radicals to pull in their horns and hope for a protracted process of reconstruction during which the North could be educated to the advisibility of Negro suffrage, at least for the South. In the meantime, of course, it would be essential to bar southern representation in Congress lest a combination of southerners and Democrats obtain control of the government and frustrate Radical goals.

The problem of congressional representation was acute. With the freeing of the slaves, the Three-Fifths Compromise ceased to have any effect. While predictions of the precise effect of the change varied with the person doing the calculating, the consensus was that the South would be entitled to at least 15 new members of Congress, and, of course, a like number of new presidential electors. The Radicals had other rally cries which they kept before the public in the summer of 1865, but one author gives this description of the mood as Congress convened:[9]

"Of all the movements influencing the Fourteenth Amendment which developed prior to the first session of the Thirty-ninth Congress, that for Negro suffrage was the most outstanding. The volume of private and public comment indicates that it was viewed as an issue of prime importance. The cry for a changed basis of representation was, in reality, subsidiary to this, and was meant by Radicals to secure in another way what Negro suffrage might accomplish for them: removal of the danger of Democratic dominance as a consequence of Southern restoration. The danger of possible repudiation of the national obligations, and assumption of the rebel debt, was invariably presented to show the need for Negro suffrage or a new basis of representation. Sentiment for disqualification of ex-Confederates, though a natural growth, well suited such purposes. The movement to guarantee civil rights, sponsored originally by the more conservative Republicans, received emphasis from Radicals only when state elections indicated that suffrage would not serve as a party platform."

When Congress met, the Radicals, led by Thaddeus Stevens, were successful in obtaining agreement for a Joint Committee on Reconstruction, composed of 15 members, to "inquire into the condition of the States which formed the so-called confederate States of America, and report whether they, or any of them, are entitled to be represented in either House of Congress. . . ." Cong. Globe, 39th Cong., 1st Sess. 30, 47 (1865) (hereafter Globe).

All papers relating to representation of the southern States were to be referred to the Committee of Fifteen without debate. The result, which many had not foreseen, was to assert congressional control over Reconstruction and at the same time to put the congressional power in the hands of a largely Radical secret committee.

The Joint Committee began work with the beginning of 1866, and in due course reported a joint resolution, H.R. No. 51, to amend the Constitution. The proposal would have based representation and direct taxes on population, with a proviso that "whenever the elective franchise shall be denied or abridged in any State on account of race or color, all persons of such race or color shall be excluded from the basis of representation." Globe 351.

The result, if the southern States did not provide for Negro suffrage, would be a decrease in southern representation in Congress and the Electoral College by some 24 seats from their pre-war position instead of an increase of 15. The House, although somewhat balky, approved the measure after lengthy debate. Globe 538. The Senate proved more intractable. An odd combination of Democrats, moderate Republicans, and extreme Radicals combined to defeat the measure, with the Radicals basing their opposition largely on the fear that the proviso would be read to authorize racial voter qualifications and thus prevent Congress from enfranchising the freedmen under powers assertedly granted by other clauses of the Constitution. See, *e.g.*, Globe 673–687 (Senator Sumner).

At about this same time the Civil Rights Bill and the Second Freedman's Bureau Bill were being debated. Both bills provided a list of rights secured, not including voting.[10] Senator Trumbull, who reported the Civil Rights Bill on behalf of the Senate Judiciary Committee, stated "I do not want to bring up the question of negro suffrage in the bill." Globe 606. His House counterpart exhibited the same reluctance. Globe 1162 (Cong. Wilson of Iowa). Despite considerable uncertainty as to the constitutionality of the measures, both ultimately passed. In the midst of the Senate debates on the basis of representation, President Johnson vetoed the Freedmen's Bureau Bill, primarily on constitutional grounds. This veto, which was narrowly sustained, was followed shortly by the President's bitter attack on Radical Reconstruction in his Washington's Birthday speech. These two actions, which were followed a month later by the veto of the Civil Rights Bill, removed any lingering hopes among the Radicals that Johnson would support them in a thoroughgoing plan of reconstruction. By the same token they increased the Radicals' need for an articulated plan of their own to be put before the country in the upcoming elections as an alternative to the course the President was taking.

The second major product of the Reconstruction Committee before the resolution which became the Fourteenth Amendment was a proposal to add an equal rights provision to the Constitution. This measure, H.R. No. 63, which foreshadowed § 1 of the Fourteenth Amendment, read as follows:

"The Congress shall have power to make all laws which shall be necessary and proper to secure to the citizens of each State all privileges and immunities of citizens in the several states (Art. 4, Sec. 2); and to all persons in the several States equal protection in the rights of life, liberty and property (5th Amendment)." Globe 428.

It was reported by Congressman Bingham of Ohio, who later opposed the Civil Rights Bill because he believed it unconstitutional. Globe 1292–1293. The amendment immediately ran into serious opposition in the House and the subject was dropped.[11]

Such was the background of the Fourteenth Amendment. Congress, at loggerheads with the President over Reconstruction, had not come up with a plan of its own after six months of deliberations; both friends and foes prodded it to develop an alternative. The Reconstruction Committee had been unable to produce anything which could even get through Congress, much less obtain the adherence of three-fourths of the States. The Radicals, committed to Negro suffrage, were confronted with widespread public opposition to that goal and the necessity for a reconstruction plan that could do service as a party platform in the elections that fall. The language of the Fourteenth Amendment must be read with awareness that it was designed in response to this situation.

B. The language of the amendment and and reconstruction measures

Sections 1 and 2 of the Fourteenth Amendment as originally reported read as follows:[12]

"Sec. 1. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

"Sec. 2. Representatives shall be apportioned among the several States which may be included within this Union, according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But whenever, in any State, the elective franchise shall be denied to any portion of its male citizens not less than twenty-one years of age, or in any way abridged except for participation in rebellion or other crime, the basis of representation in such State shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens not less than twenty-one years of age." Globe 2286.

In the historical context, no one could have understood this language as anything other than an abandonment of the principle of Negro suffrage, for which the Radicals had been so eager. By the same token, the language could hardly have been understood as affecting the provisions of the Constitution placing voting qualifications in the hands of the States. Section 1 must have been seen as little more than a constitutionalization of the 1866 Civil Rights Act, concededly one of the primary goals of that portion of the Amendment.[13]

While these conclusions may, I think, be confidently asserted, it is not so easy to explain just how contemporary observers would have construed the three clauses of § 1 to reach this result.[14] No doubt in the case of many Congressmen it simply never occurred to them that the States' longstanding plenary control over voter qualifications would be affected without explicit language to that effect. And since no speaker during the debates on the Fourteenth Amendment pursued the contention that § 1 would be construed to include the franchise, those who took the opposite view rarely explained how they arrived at their conclusions.

In attempting to unravel what was seldom articulated, the appropriate starting point is the fact that the Framers of the Amendment expected the most significant portion of § 1 to be the clause prohibiting state laws "which shall abridge the privilege and immunities of citizens of the United States." These privileges were no doubt understood to include the ones set out in the first section of the Civil Rights Act. To be prohibited by law from enjoying these rights would hardly be consistent with full membership in a civil society.

The same is not necessarily true with respect to prohibitions on participation in the political process. Many members of Congress accepted the jurisprudence of the day, in which the rights of man fell into three categories; natural, civil, and political. The privileges of citizens, being "civil" rights, were distinct from the rights arising from governmental organization, which were political in character.[15] Others no doubt relied on the experience under the similar language of Article IV, § 2, which had never been held to guarantee the right to vote. The remarks of Senator Howard of Michigan, who as spokesman for the Joint Committee explained in greater detail than most why the Amendment did not reach the suffrage, contain something of each view. See Globe 2766, quoted at p. —, *post;* nn. 56 and 57, *post;* cf. *Baker* v. *McClung*, 172 U.S. 239, 256 (1898) (dictum).

Footnotes at end of article.

Since the Privileges and Immunities Clause was expected to be the primary source of substantive protection, the Equal Protection and Due Process Clauses were relegated to a secondary role, as the debates and other contemporary materials make clear.[16] Those clauses, which appear on their face to correspond with the latter portion of § 1 of the Civil Rights Act, see n. 13, *supra*, and to be primarily concerned with person and property, would not have been expected to enfranchise the freedmen if the Privileges and Immunities Clause did not.

Other members of Congress no doubt saw § 2 of the proposed Amendment as the Committee's resolution of the related problems of suffrage and representation. Since that section did not provide for enfranchisement, but simply reduced representation for disfranchisement, any doubts about the effect of the broad language of § 1 were removed. Congressman Bingham, who was primarily responsible for the language of § 1, stated this view. Globe 2542, quoted at p. —, *post*. Finally, characterization of the Amendment by such figures as Stevens and Bingham in the House and Howard in the Senate, not contested by the Democrats except in passing remarks, was no doubt simply accepted by many members of Congress; they, repeating it, gave further force to the interpretation, with the result that, as will appear below, not one speaker in the debates on the Fourteenth Amendment unambiguously stated that it would affect state voter qualifications, and only three, all opponents of the measure, can fairly be characterized as raising the possibility.[17] Further evidence of this original understanding can be found in later events.

The Thirty-ninth Congress, which proposed the Fourteenth Amendment, also enacted the First Reconstruction Act, c. 153, 14 Stat. 428 (1867). This Act required, as a condition precedent of readmission of the southern States, that they adopt constitutions providing that the elective franchise should be enjoyed by all male citizens over the age of 21 who had been residents for more than one year and were not disfranchised for treason or common-law felony; even so, no State would be readmitted until a legislature elected under the new Constitution had ratified the proposed Fourteenth Amendment and that Amendment had become part of the Constitution.

The next development came when the ratification drive in the North stalled. After a year had passed during which only one northern State had ratified the proposed Fourteenth Amendment, Arkansas was readmitted to the Union by the Act of June 22, 1868, c. 69, 15 Stat. 72. This readmission was based on the "fundamental condition" that the state constitution should not be amended to restrict the franchise, except with reference to residency requirements. Three days later the Act of June 25, 1868, c. 70, 15 Stat. 73, held out a promise of similar treatment to North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida if they would ratify the Fourteenth Amendment. By happy coincidence, the assent of those six States was just sufficient to complete the ratification process. It can hardly be suggested, therefore, that the "fundamental condition" was exacted from them as a measure of caution lest the Fourteenth Amendment fail of ratification.

The Fortieth Congress, not content with enfranchisement in the South, proposed the Fifteenth Amendment to extend the suffrage to Northern Negroes. See Gillette, *supra*, n. 3, at 46. This fact alone is evidence that they did not understand the Fourteenth Amendment to have accomplished such a result. Less well known is the fact that the Fortieth Congress considered and very nearly adopted a proposed amendment which would have expressly prohibited not only discriminatory voter qualifications but discriminatory qualifications for office as well. Each House passed such a measure by the required two-thirds margin. Cong. Globe, 40th Con., 3d Sess., 1318, 1428 (1869). A conference committee, composed of Senators Stewart and Conkling and Representatives Boutwell, Bingham, and Logan, struck out the office-holding provision, *id.*, at 1563, 1593, and with Inauguration Day only a week away, both Houses accepted the conference report. *Id.*, at 1564, 1641. See generally Gillette 58–77. While the reasons for these actions are unclear, it is unlikely that they were provoked by the idea that the Fourteenth Amendment covered the field; such a rationale seemingly would have made the enfranchising provision itself unnecessary.

The Forty-first Congress readmitted the remaining three States of the Confederacy. The admitting act in each case recited good-faith ratification of the Fourteenth and Fifteenth Amendments, and imposed the fundamental conditions that the States should not restrict the elective franchise[18] and "That it shall never be lawful for the said State to deprive any citizen of the United States, on account of his race, color, or previous condition of servitude, of the right to hold office under the constitution and laws of said State." Act of Jan. 26, 1870, c. 10, 16 Stat. 63 (Virginia); Act of Feb. 23, 1870, c. 19, 16 Stat. 68 (Mississippi); Act of Mar. 30, 1879, c. 39, 16 Stat. 81 (Texas).

These materials demonstrate not only that § 1 of the Fourteenth Amendment is susceptible of an interpretation that it does not reach suffrage qualifications, but that this is the interpretation given by the immediately succeeding Congresses. Such an interpretation is the most reasonable reading of the section in view of the background against which it was proposed and adopted, particularly the doubts about the constitutionality of the Civil Rights Act, the prejudice in the North against any recognition of the principle of Negro suffrage, and the basic constitutional structure of leaving suffrage qualifications with the States.[19] If any further clarification were needed, one would have thought it provided by the second section of the same Amendment, which specifically contemplated that the right to vote would be denied or abridged by the States on racial or other grounds. As a unanimous Court once asked, "Why this, if it was not in the power of the [state] legislature to deny the right of suffrage to some male inhabitants?" *Minor* v. *Happersett*, 88 U. S. (21 Wall.) 162, 174 (1874).

The Government suggests that the list of protected qualifications in § 2 is "no more than descriptive of voting laws as they then stood." Brief for the United States, Nos. 46 and 47, Original, at 75. This is wholly inaccurate. Aside from racial restrictions, all States had residency requirements and many had literacy, property, or taxation qualifications. On the other hand, several of the western States permitted aliens to vote if they had satisfied certain residency requirements and had declared their intention to become citizens.[20] It hardly seems necessary to observe that the politicians who framed the Fourteenth Amendment were familiar with the makeup of the electorate. In any event, the congressional debates contain such proof in ample measure.[21]

Assuming, then, that § 2 represents a deliberate selection of the voting qualifications to be penalized, what is the point of it? The Government notes that "it was intended—although it has never been used—to provide a remedy against exclusion of the newly freed slaves from the vote." Brief for the Defendant, Nos. 43 and 44, Original, at 20. Undoubtedly this was the primary purpose. But the Framers of the Amendment, with their attention thus focused on racial voting qualifications, could hardly have been unaware of § 1. If they understood that section to forbid such qualifications, the simple means of penalizing this conduct would have been to impose a reduction of representation for voting discrimination in violation of § 1. Their adoption instead of the awkward phrasing of § 2 is therefore significant.

To be sure, one might argue that § 2 is simply a rhetorical flourish, and that the qualifications listed there are merely the ones which the Framers deemed to be consistent with the alleged prohibition of § 1. This argument is not only unreasonable on its face and untenable in light of the historical record; it is fatal to the validity of the reduction of the voting age in § 302 of the Act before us.

The only sensible explanation of § 2, therefore, is that the racial voter qualifications it was designed to penalize were understood to be permitted by § 1 of the Fourteenth Amendment. The Amendment was a halfway measure, adopted to deprive the South of representation until it should enfranchise the freedmen, but to have no practical effect in the North. It was politically acceptable precisely because of its regional consequences and its avoidance of an explicit recognition of the principle of Negro suffrage. As my Brother BLACK states, "it cannot be successfully argued that the Fourteenth Amendment was intended to strip the States of their power, carefully preserved in the original Constitution, to govern themselves." *Ante*, p. —. The detailed historical materials make this unmistakeably clear.

C. The Joint Committee

The first place to look for the understanding of the Framers of the Fourteenth Amendment is the Journal of the Joint Committee on Reconstruction.[22] The exact sequence of the actions of this Committee presumably had little or no effect on the members of Congress who were not on the Committee, for the Committee attempted to keep its deliberations secret,[23] and the Journal itself was lost for nearly 20 years.[24] Nevertheless the Journal, although only a record of proposals and votes, illustrates the thoughts of those leading figures of Congress who were members and participated in the drafting of the Amendment.

Two features emerge from such a review with startling clarity. First the Committee regularly rejected explicitly enfranching proposals in favor of plans which would postpone enfranchisement, leave it to congressional discretion, or abandon it altogether. Second, the abandonment of Negro suffrage as a goal exactly corresponded with the adoption of provisions to reduce representation for discriminatory restrictions on the ballot.

This correspondence was present from the start. Five plans were proposed to deal with representation. One would have prohibited racial qualifications for voters and based representation on the whole number of citizens in the State; the other four proposals contained no enfranchising provision but in various ways would have reduced representation for States where the vote was racially restricted. Kendrick 41–44. A subcommittee reduced the five proposals to two, one prohibiting discrimination and the other reducing representation where it was present. On Stevens' motion the latter alternative was accepted by a vote of 11 to 3; Kendrick 51; with minor changes it was subsequently reported as H.R. No. 51.

The subcommittee also proposed that whichever provision on the basis of representation was adopted, the Congress should be empowered to legislate to secure all citizens "the same political rights and privileges" and also "equal protection in the enjoyment of

Footnotes at end of article.

life, liberty and property." Kendrick 51. After the Committee reported H.R. No. 51, it turned to consideration of this proposal. At a meeting attended by only 10 members, a motion to strike out the clause authorizing Congress to legislate for equal political rights and privileges lost by a vote of six to four. Kendrick 57. At a subsequent meeting, however, Bingham had the subcommittee proposal replaced with another which did not mention *political* rights and privileges, but was otherwise quite similar. Kendrick 61; see the opinion of Mr. JUSTICE BRENNAN, Mr. JUSTICE WHITE, and Mr. JUSTICE MARSHALL, *ante*, p. —, for the text of the two provisions. The Committee reported the substitute as H.R. No. 63. In the House so much concern was expressed over the centralization of power the amendment would work—a few said it would even authorize Congress to regulate the suffrage—that the matter was dropped. *Ante*, p. —.

The Fourteenth Amendment had as its most direct antecedent a proposal drafted by Robert Dale Owen, who was not a member of Congress, and presented to the Joint Committee by Stevens.[25] Originally the plan provided for mandatory enfranchisement in 1876 and for reduction of representation until that date. Kendrick 82–84. However, Stevens was pressured by various congressional delegations who wanted nothing to do with Negro suffrage, even at a remove of 10 years.[26] He therefore successfully moved to strike out the enfranchising provision and correspondingly to abolish the 10-year limitation on reduction of representation for racial discrimination. The motion carried by a vote of 12 to 2. Kendrick 101.

Bingham was then successful in replacing § 1 of Owen's proposal, which read

"No discrimination shall be made by any State, or by the United States, as to the civil rights of persons, because of race, coler or previous condition of servitude" with the following now-familiar language:

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." Kendrick 106.

The summary style of the Journal leaves unclear the reasons for the change. However, Bingham himself had rather consistently voted against proposals for direct and immediate enfranchisement,[27] and on the face of things it seems unlikely that the other members of the Joint Committee understood his provision to be an enfranchising proposal.[28] That they did not so understand is demonstrated by the speeches in the debates on the floor.[29]

Before I examine those debates, a word of explanation is in order. For obvious reasons, the discussions of voter qualifications in the Thirty-ninth Congress and among the public were cast primarily in terms of racial disqualifications. This does not detract from their utility as guides to interpretation. When an individual speaker said that the Amendment would not result in the enfranchisement of Negroes, he must have taken one of two views: either the Amendment did not reach voter qualifications at all; or it set standards limiting state restrictions on the ballot, but those standards did not prohibit racial discrimination. I have already set out some of the reasons which lead me to conclude that the former interpretation is correct, and that it is the understanding shared by the Framers of the Amendment, as well as by almost all of the opponents. The mere statement of the latter position appears to me to be a complete refutation of it. Even on its wholly unsupportable assumptions (1) that certain Framers of the Amendment contemplated that the privileges and immunities of citizens included the vote, (2) that they intended to permit state laws to abridge the privileges and immunities of citizens whenever it was rational to do so, and (3) that they agreed on the rationality of prohibiting the freed slaves from voting, this remarkable theory still fails to explain why they understood the Amendment to permit racial voting qualifications in the free States of the North.

D. In Congress

On May 8, 1866, Thaddeus Stevens led off debate on H.R. No. 127, the Joint Resolution proposing the Fourteenth Amendment. After explaining the delay of the Joint Committee in coming up with a plan of reconstruction, he apologized for his proposal in advance:

"This proposition is not all that the committee desired. It falls far short of my wishes, but it fulfills my hopes. I believe it is all that can be obtained in the present state of public opinion. Not only Congress but the several States are to be consulted. Upon a careful survey of the whole ground, we did not believe that nineteen of the loyal States could be induced to ratify any proposition more stringent than this." Globe 2459.

In the climate of the times, Stevens could hardly have been understood as referring to anything other than the failure of the measure to make some provision for the enfranchisement of the freedmen. However, lest any mistake be made, he recounted the history of the Committee's prior effort in the field of representation and suffrage, H.R. No. 51, which "would surely have secured the enfranchisement of every citizen at no distant period." That measure was dead, "slaughtered by a puerile and pedantic criticism," and "unless this (less efficient, I admit) shall pass, its death has postponed the protection of the colored race perhaps for ages." *Ibid.*

With this explanation made, Stevens turned to a section-by-section study of the proposed resolution. The results to be achieved by § 1, as he saw it, would be equal punishment for crime, equal entitlement to the benefits of "[w]hatever law protects the white man," equal means of redress, and equal competence to testify. *Ibid.* If he thought the section provided equal access to the polls, despite his immediately preceding apology for the fact that it did not, his failure to mention that application is remarkable.[30]

Turning then to § 2, Stevens again discussed racial qualifications for voting. He explained the section as follows:

"If any State shall exclude any of her adult male citizens from the elective franchise, or abridge that right, she shall forfeit her right to representation in the same proportion. The effect of this provision will be either to compel the States to grant universal suffrage or so to shear them of their power as to keep them forever in a hopeless minority in the national Government, both legislative and executive." *Ibid.*

Stevens recognized that it might take several years for the coercive effect of the Amendment to result in Negro suffrage, but since this would give time for education and enlightenment of the freedmen, "That short delay would not be injurious." *Ibid.* He did not indicate that he believed it would be unconstitutional. He admitted that § 2 was not so good as the proposal which had been defeated in the Senate, for that, by reducing representation by all the members of a race if any one was discriminated against, would have hastened full enfranchisement. Section 2 allowed proportional credit. "But it is a short step forward. The large stride which we in vain proposed is dead . . . ." Globe 2460.

I have dealt at length with Stevens' remarks because of his prominent position in the House and in the Joint Committee. The remaining remarks, except for Bingham's summation, can be treated in more summary fashion. Of the supporters of the Amendment, Garfield of Ohio,[31] Kelley of Pennsylvania,[32] Boutwell of Massachusetts (a member of the Joint Committee),[33] Eliot of Massachusetts,[34] Beaman of Michigan,[35] and Farnsworth of Illinois,[36] expressed their regret that the Amendment did not prohibit restrictions on the franchise. As the quotations set out in the margin indicate, the absence of such a prohibition was generally attributed to prejudice in the Congress, in the States, or both, to such an extent that an enfranchising amendment could not pass. This corresponds with the first part of Stevens' introductory speech.

Other supporters of the Amendment obviously based their remarks on their understanding that it did not affect state laws imposing discriminatory voting qualifications, but did not indicate that the omission was a drawback in their view. In this group were Thayer of Pennsylvania,[37] Broomall of Pennsylvania,[38] Raymond of New York,[39] McKee of Kentucky,[40] Miller of Pennsylvania,[41] Banks of Massachusetts,[42] and Eckley of Ohio.[43]

The remaining members of the House who supported the Fourteenth Amendment either did not speak at all or did not address themselves to the suffrage issue in any very clear terms. Those in the latter group who gave speeches on the proposed Amendment included Spalding of Ohio,[44] Longyear of Michigan,[45] and Shellabarger of Ohio.[46] The remaining Republican members of the Joint Committee—Washburne of Illinois, Morrill of Vermont, Conkling of New York, and Blow of Missouri—did not participate in the debates over the Amendment.

In the opposition to the Amendment were only the handful of Democrats. Even they, with one seeming exception, did not assert that the Amendment was applicable to suffrage, although they would have been expected to do so if they thought such a reading plausible. Finck of Ohio and Shanklin of Kentucky did not even mention Negro suffrage in their attacks on the Amendment, although Finck discussed the reasons why the southern States could not be expected to ratify it. Globe 2460–2462, and Shanklin characterized the Amendment as "tyrannical and oppressive." Globe 2501. Eldridge of Wisconsin[47] and Randall of Pennsylvania[48] affirmatively indicated their understanding that with the Amendment the Radicals had at least temporarily abandoned their crusade for Negro suffrage, as did Finck when the measure returned from the Senate with amendments.[49]

The other two Democrats to participate in the three days of debate on H.R. No. 127, Boyer of Pennsylvania and Rogers of New Jersey, have been a source of great comfort to those who set out to prove that the history of the Fourteenth Amendment is inconclusive on this issue. Each, in the course of a lengthy speech, included a sentence which, taken out of context, can be read to indicate a fear that § 1 might prohibit racial restrictions on the ballot. Boyer said, "The first section embodies the principles of the civil rights bill, and is intended to secure ultimately, and to some extent indirectly, the political equality of the negro race." Globe 2467. Rogers, commenting on the uncertain scope of the Privileges and Immunities Clause, observed "The right to vote is a privilege." Globe 2538.

While these two statements are perhaps innocuous enough to be left alone, it is noteworthy that each speaker had earlier in the session delivered a tirade against the principle of Negro suffrage;[50] if either seriously believed that the Fourteenth Amendment might enfranchise the freedmen, he was unusually calm about the fact. That they did

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not seriously interpret the Amendment in this way is indicated as well by other portions of their speeches.[51]

Two other opponents of the Fourteenth Amendment, Phelps of Maryland and Niblack of Indiana, made statements which have been adduced to show that there was no consensus on the applicability of the Fourteenth Amendment to suffrage laws. Phelps voiced his sentiments on May 5, three days before the beginning of debate.[52] In the course of a speech urging a soft policy on reconstruction, he expressed the fear that the Amendment would authorize Congress to define the privileges of citizens to include the suffrage—or indeed that it might have that effect *ex proprio vigore*. Globe 2398. Phelps did not repeat this sentiment after he was contradicted by speaker after speaker during the debates proper; indeed, he did not take part in the debates at all, but simply voted against the Amendment, along with most of his colleagues. Globe 2545.[53]

As for Niblack, on the first day of debate he made the following remarks:

"I give notice that I will offer the following amendment if I shall have the opportunity:

"Add to the fifth section as follows:

"*Provided*, That nothing contained in this article shall be so construed as to authorize Congress to regulate or control the elective franchise within any State, or to abridge or restrict the power of any State to regulate or control the same within its own jurisdiction, except as in the third section hereof prescribed." Globe 2465.

Like Phelps, Niblack found it unnecessary to participate in the debates. He was not heard from again until the vote on the call for the previous question. As Garfield ascertained at the time, the only opportunity to amend H.R. No. 127 would arise if the demand was voted down. Niblack voted to sustain it. Globe 2545.

Debate in the House was substantially concluded by Bingham, the man primarily responsible for the language of § 1. Without equivocation, he stated:

"The amendment does not give, as the second section shows, the power to Congress of regulating suffrage in the several States.

"The second section excludes the conclusion that by the first section suffrage is subjected to congressional law; save, indeed, with this exception, that as the right in the people of each State to a republican government and to choose their Representatives in Congress is of the guarantees of the Constitution, by this amendment a remedy might be given directly for a case supposed by Madison, where treason might change a State government from a republican to a despotic government, and thereby deny suffrage to the people." Globe 2542.

Stevens then arose briefly in rebuttal. He attacked Bingham for saying in another portion of his speech that the disqualification provisions of § 3 were unenforceable. He did not contradict—or even refer to—Bingham's interpretation of §§ 1 and 2. Globe 2544, The vote was taken and the resolution passed immediately thereafter. Globe 2545.

To say that Stevens did not contradict Bingham is to minimize the force of the record. Not once, during the three days of debate, did *any* supporter of the Amendment criticize or correct *any* of the Republicans or Democrats who observed that the Amendment left the ballot "exclusively under the control of the States." Globe 2542 (Bingham). This fact is tacitly admitted even by those who find the debates "inconclusive." The only contrary authority they can find in the debates is the pale remarks of the four Democrats already discussed.[54]

In the Senate, which did not have a gag rule, matters proceeded at a more leisurely pace. The introductory speech would normally have been given by Senator Fessenden of Maine, the Chairman of the Joint Committee on behalf of the Senate, but he was still weak with illness and unable to deliver a lengthy speech. The duty of presenting the views of the Joint Committee therefore devolved on Senator Howard of Michigan.[55]

Howard minced no words. He stated that "the first section of the proposed amendment does not give to either of the classes the right of voting. The right of suffrage is not, in law, one of the privileges or immunities thus secured by the Constitution. It is merely the creature of law. It has always been regarded in this country as the result of positive local law, not regarded as one of those fundamental rights lying at the basis of all society and without which a people cannot exist except as slaves, subject to a despotism [sic]." Globe 2766.

"The second section leaves the right to regulate the elective franchise still with the States, and does not meddle with that right." *Ibid.* Howard stated that while he personally would have preferred to see the freedmen enfranchised, the Committee was confronted with the necessity of proposing an amendment which could be ratified.

"The committee were of opinion that the States are not yet prepared to sanction so fundamental a change as would be the concession of the right of suffrage to the colored race. We may as well state it plainly and fairly, so that there shall be no misunderstanding on the subject. It was our opinion that three fourths of the States of this Union could not be induced to vote to grant the right of suffrage, even in any degree or under any restriction, to the colored race." *Ibid.*

Howard's forthright attempt to prevent misunderstanding was completely successful insofar as the Senate was concerned; at least, no one has yet discovered a remark during the Senate debates on the proposed Fourteenth Amendment which indicates any contrary impression.[56] For some, however, time has muddied the clarity with which he spoke.[57]

The Senate, like the House, made frequent reference to the fact that the proposed amendment would not result in the enfranchisement of the freedmen. The supporters who expressed their regret at the fact were Wade of Ohio, [58] Poland of Vermont,[59] Stewart of Nevada,[60] Howe of Wisconsin,[61] Henderson of Missouri,[62] and Yates of Illinois.[63] The remarks of Senator Sherman of Ohio, whose support for the amendment was lukewarm, see Globe 2986, seems to have been based on the common interpretation.[64]

Doolittle of Wisconsin, whose support for the President resulted in his virtually being read out of the Republican Party, proposed to base representation on adult male voters. Globe 2942. In a discussion with Senator Grimes of Iowa, a member of the Joint Committee, about the desirability of this change, Doolittle defended himself by pointing out that "Your amendment proposes to allow the States to say who shall vote." Globe 2943. Grimes did not respond. Among the Democrats, no different view was expressed. Those whose remarks are informative are Hendricks of Indiana,[65] Cowan of Pennsylvania,[66] Davis of Kentucky,[67] and Johnson of Maryland.[68]

Senator Howard, who had opened debate, made the last remarks in favor of the Amendment. He said:

"We know very well that the States retain the power, which they have always possessed, of regulating the right of suffrage in the States. It is the theory of the Constitution itself. That right has never been taken from them; no endeavor has ever been made to take it from them; and the theory of this whole amendment is, to leave the power of regulating the suffrage with the people or Legislatures of the States, and not to assume to regulate it by any clause of the Constitution of the United States." Globe 3039.

Shortly thereafter the Amendment was approved. Globe 3041–3042.

In the House, there was a brief discussion of the Senate amendments and the measure generally, chiefly by the Democrats. Stevens then concluded the debate as he had begun it, expressing his regret that the Amendment would not enfranchise the freedmen.[69] The House accepted the Senate changes and sent the measure to the States. Globe 3149.

E. Collateral Evidence of Congressional Intent

It has been suggested that despite this evidence of congressional understanding, which seems to be overwhelming, the history is nonetheless inconclusive. Primary reliance is placed on debates over H.R. No. 51, the Joint Committee's first effort in the field of the basis of representation. In these debates, some of the more extreme Radicals, typified by Senator Summer of Massachusetts, suggested that Congress had power to interfere with state voter qualifications at least to the extent of enfranchising the freedmen. This power was said to exist in a variety of constitutional provisions, including Article I, § 2, Article I, § 4, the war power, the power over territories, the guaranty of a republican form of government, and § 2 of the Thirteenth Amendment. Those who held this view expressed concern lest the Committee's proposal be read to authorize the States to discriminate on racial grounds and stated that they could not vote for the measure if such was the correct construction. They were sometimes comforted by supporters of the committee proposal, who assured them that there would be no such effect. From these statements, and the fact that some of those who took the extreme view ultimately did vote for the proposed Fourteenth Amendment, it is sought to construct a counterargument: if H.R. No. 51, properly interpreted, would not have precluded congressional exercise of power otherwise existing under the constitutional provisions referred to, then § 2 of the Fourteenth Amendment, properly interpreted, does not preclude the exercise of congressional power under §§ 1 and 5 of that Amendment.

This argument, however, is even logically fallacious, and quite understandably none of the options filed today places much reliance on it. I do not maintain that the Framers of the Fourteenth Amendment took away with one hand what they had given with the other, but simply that the Amendment must be construed as a whole, and that for the reasons already given, *ante* p. —, the inclusion of § 2 demonstrates that the Framers never intended to confer the power which my Brethren seek to find in §§ 1 and 5. Bingham, for one, distinguished between these two positions. When it was suggested in the debates over H.R. No. 51 that the proviso would remove preexisting congressional power over voting qualifications, Bingham made the response quoted by my colleagues. Globe 431–432; see pp. —, *ante*. When it was observed during the debates over the proposed Fourteenth Amendment that § 2 demonstrated that the Amendment did not reach state control over voting qualifications, Bingham was the one making the observation. Globe 2542, quoted *ante*, p. —. As Bingham seems to have recognized, the sort of argument he made in connection with H.R. No. 51 is beside the point with respect to the Fourteenth Amendment.

In any event, even disregarding its analytical difficulties, the argument is based on blatant factual shortcomings. All but one of the speakers on whose statements primary reliance is placed stated, either during the debates on the Fourteenth Amendment or subsequently, that the Amendment did not enfranchise the freedmen.[70]

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Finally, some of those determined to sustain the legislation now before us rely on speeches made between two and three years after Congress had sent the proposed Amendment to the States. Boutwell and Stevens in the House, and Sumner in the Senate, argued that the Fifteenth Amendment or enfranchising legislation was unnecessary because the Fourteenth Amendment prohibited racial discrimination in voter qualifications. Each had earlier expressed the opposite position.[71] Their subsequent attempts to achieve by assertion what they had not had the votes to achieve by constitutional processes can hardly be entitled to weight.

F. Ratification

State materials relating to the ratification process are not very revealing. For the most part only gubernatorial messages and committee reports have survived.[72] So far as my examination of these materials reveals, while the opponents of the Amendment were divided and sometimes equivocal on whether it might be construed to require enfranchisement,[73] the supporters of the Amendment in the States approached the congressional proponents in the unanimity of their interpretation. I have discovered only one brief passage in support of the Amendment which appears to be based on the assumption that it would result in enfranchisement.[74] These remarks, in the message of the Governor of Illinois, had to compete in the minds of the legislators with the viewpoint of the Chicago Tribune. This Radical journal repeatedly criticized the Amendment's lack of an enfranchising provision, and at one time it even expressed the hope that the South would refuse to ratify the Amendment so that the North would turn to enfranchisement of the freedmen as the only means of reconstruction. June 15, 1866, quoted in James 177. In all the other States I have examined, where the materials are sufficiently full for the understanding of a supporter of the Amendment to appear, his understanding has been that enfranchisement would not result.[75]

The scanty official materials can be supplemented by other sources. There was a congressional election in the fall of the year the Fourteenth Amendment went to the States. The Radicals ran on the Amendment as their reconstruction program, attempting to force voters to choose between their plan and that of President Johnson. From the campaign speeches and from newspaper reactions, we can get some further idea of the understanding of the States.

The tone of the campaign was set by the formal report of the Joint Committee, which Fessenden openly stated he had composed as a partisan document. James 147. Indeed, it was not even submitted to Congress until the day the Senate approved the measure, and then only in manuscript form. Globe 3038. On the delicate issue of Negro suffrage, the report read as follows: [76]

"Doubts were entertained whether Congress had power, even under the amended Constitution, to prescribe the qualifications of voters in a State, or could act directly on the subject. It was doubtful, in the opinion of your committee, whether the States would consent to surrender a power they had always exercised, and to which they were attached. As the best if not the only method of surmounting the difficulty, and as eminently just and proper in itself, your committee came to the conclusion that political power should be possessed in all the States exactly in proportion as the right of suffrage should be granted, without distinction of color or race. This it was thought would leave the whole question with the people of each State, holding out to all the advantage of increased political power as an inducement to allow all to participate in its exercise. Such a provision would be in its nature gentle and persuasive, and would lead, it was hoped, at no distant day, to an equal participation of all, without distinction, in all the rights and privileges of citizenship, thus affording a full and adequate protection to all classes of citizens, since all would have, through the ballot-box, the power of self-protection.

"Holding these views, your committee prepared an amendemnt to carry out this idea, and submitted the same to Congress. Unfortunately, as we think, it did not receive the necessary constitutional support in the Senate, and therefore could not be proposed for adoption by the States. The principle involved in that amendment is, however, believed to be sound, and your committee have again proposed it in another form, hoping that it may receive the approbation of Congress."

Newspapers expressed the same view of the reach of the Amendment. Even while deliberations were underway, predictions that Congress would come up with a plan involving enfranchisement of the freedmen had gradually ceased. James 41. When the Amendment was released to the press, Andrew Johnson was reported as seeing in it a "practical abandonment of the Negro suffrage issue." Cincinnati Daily Commercial, April 30, 1866, quoted in James 117. The New York Herald had reported editorially that the Amendment reflected an abandonment of the Radical push for Negro suffrage and acceptance of Johnson's position that control over suffrage rested exclusively with the States. May 1, 1866, reported in James 119. The Nation, a Radical organ, attributed the absence of any provision on Negro suffrage to "sheer want of confidence in the public."

2 Nation 545 (May 1, 1866), quoted in James 120. The Chicago Tribune, another Radical organ, complained that § 1 was objectionable as "surplusage," May 5, 1866, quoted in James 123, and later in the same month criticized the measure for "postponing, not settling" the matter of equal political rights for Negroes. May 31, 1866, quoted in James 146. As deliberations continued, the reporting went on in the same vein. The New York Times reported that with elections approaching, "No one now talks or dreams of forcing Negro suffrage upon the Southern States." June 6, 1866. The Cincinnati Daily Commercial and the Boston Daily Journal for June 7, 1866, commented on the Radicals' abandonment of Negro suffrage. James 145.

Much the same picture emerges from the campaign speeches. Although an occasional Democrat expressed the fear that the Amendment would or might result in political equality,[77] the supporters of the Amendment denied such effects without exception that I have discovered. Among the leading congressional figures who stated in campaign speeches that the Amendment did not prohibit racial voting qualifications were Senators Howe, Lane, Sherman, and Sumner, and Congressmen Bingham, Delano, Schenck, Stevens, and Trumbull. See James 159–168, 173, 178; Fairman, *supra*, 2 Stan. L. Rev., at 70–78.

As was pointed out above, all but a handful of northern States prohibited blacks from voting at all, and opposition to a change was intense. Between 1865 and 1869 referenda on the issue rejected impartial Negro suffrage in Colorado Territory, Connecticut, Wisconsin, Minnesota (twice), the District of Columbia, Nebraska Territory, Kansas, Ohio, Michigan, Missouri, and New York. Only Iowa and Minnesota accepted it, and that on the day Grant was elected to the Presidency.[78] It is inconceivable that those States, in that climate, could have ratified the Amendment with the expectation that it would require them to permit their black citizens to vote.

Small wonder, then, that in early 1869 substantially the same group of men who three years earlier had proposed the Fourteenth Amendment felt it necessary to make further modifications in the Constitution if state suffrage laws were to be controlled even to the minimal degree of prohibiting qualifications which on their face discriminated on the abais of race. If the consequences for our federal system were not so serious the contention that the history is "inconclusive" would be undeserving of attention. And, with all respect, the transparent failure of attempts to cast doubt on the original understanding is simply further evidence of the force of the historical record.

II

The history of the Fourteenth Amendment with respect to suffrage qualifications is remarkably free of the problems which bedevil most attempts to find a reliable guide to present decision in the pages of the past. Instead there is virtually unanimous agreement, clearly and repeatedly expressed, that § 1 of the Amendment did not reach discriminatory voter qualifications. In this rather remarkable situation, the issue of the bearing of the historical understanding on constitutional interpretation squarely arises.

I must confess to complete astonishment at the position of some of my Brethren that the history of the Fourteenth Amendment has become irrelevant. *Ante*, p. ——. In the six years since I first set out much of this history,[79] I have seen no justification for such a result which appears to me at all adequate. With matters in this posture, I need do no more by way of justifying my reliance on these materials than sketch the familiar outlines of our constitutional system.

When the Constitution with its original Amendments came into being, the States delegated some of their sovereign powers to the Federal Government, surrendered other powers, and expressly retained all powers not delegated or surrendered. Amend. X. The power to set state voting qualifications was neither surrendered nor delegated, except to the extent that the guaranty of a republican form of government[80] may be thought to require a certain minimum distribution of political power. The power to set qualifications for voters for national office, created by the Constitution, was expressly committed to the States by Article I, § 2, and Article II, § 1.[81] By Article V, States may be deprived of their retained powers only with the concurrence of two-thirds of each House of Congress and three-fourths of the States. No one asserts that the power to set voting qualifications was taken from the States or subjected to federal control by any Amendment before the Fourteenth. The historical evidence makes it plain that the Congress and the States proposing and ratifying that Amendment affirmatively understood that they were not limiting state power over voting qualifications. The existence of the power therefore survived the amending process, and, except as it has been limited by the Fifteenth, Nineteenth, and Twenty-fourth Amendments, it still exists today.[82] Indeed, the very fact that constitutional amendments were deemed necessary to bring about federal abolition of state restrictions on voting by reason of race (Amend. XV), sex (Amend XIX), and even with respect to federal elections, the failure to pay state poll taxes (Amend. XXIV), is itself forceful evidence of the common understanding in 1869, 1919, and 1962, respectively, that the Fourteenth Amendment did not empower Congress to legislate in these respects.

It must be recognized, of course, that the amending process is not the only way in which constitutional understanding alters with time. The judiciary has long been entrusted with the task of applying the Constitution in changing circumstances, and as conditions change the Constitution in a

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sense changes as well. But when the Court gives the language of the Constitution an unforeseen application, it does so, whether explicitly or implicitly, in the name of some underlying purpose of the Framers.[53] This is necessarily so; the federal judiciary, which by express constitutional provision is appointed for life, and therefore cannot be held responsible by the electorate, has no inherent general authority to establish the norms for the rest of society. It is limited to elaboration and application of the precepts ordained in the Constitution by the political representatives of the people. When the Court disregards the express intent and understanding of the Framers, it has invaded the realm of the political process to which the amending power was committed, and it has violated the constitutional structure which it is its highest duty to protect.[54]

As the Court is not justified in substituting its own views of wise policy for the commands of the Constitution, still less it is justified in allowing Congress to disregard those commands as the Court understands them. Although Congress' expression of the view that it does have power to alter state suffrage qualifications is entitled to the most respectful consideration by the judiciary, coming as it does from a coordinate branch of government,[55] this cannot displace the duty of this Court to make an independent determination whether Congress has exceeded its powers. The reason for this goes beyond Marshall's assertion that "It is emphatically the province and duty of the judicial department to say what the law is." *Marbury* v. *Madison*, 5 U.S. (1 Cranch) 137, 177 (1803).[56] It inheres in the structure of the constitutional system itself. Congress is subject to none of the institutional restraints imposed on judicial decisionmaking; it is controlled only by the political process. In Article V, the Framers expressed the view that the political restraints on Congress alone were an insufficient control over the process of constitution-making. The concurrence of two-thirds of each House and of three-fourths of the States was needed for the political check to be adequate. To allow a simple majority of Congress to have final say on matters of constitutional interpretation is therefore fundamentally out of keeping with the constitutional structure. Nor is that structure adequately protected by a requirement that the judiciary be able to perceive a basis for the congressional interpretation, the only restriction laid down in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966).

It is suggested that the proper basis for the doctrine enunciated in *Morgan* lies in the relative fact-finding competence of Court, Congress, and state legislatures. *Ante*, p. —. In this view, as I understand it, since Congress is at least as well qualified as a state legislature to determine factual issues, and far better qualified than this Court, where a dispute is basically factual in nature the congressional finding of fact should control subject only to review by this Court for reasonableness.

In the first place, this argument has little or no force as applied to the issue whether the Fourteenth Amendment covers voter qualifications. Indeed, I do not understand the adherents of *Morgan* to maintain the contrary. But even on the assumption that the Fourteenth Amendment does place a limit on the sorts of voter qualifications which a State may adopt, I still do not see any real force in the reasoning.

When my Brothers refer to "complex factual questions," *ante*, p. ——, they call to mind disputes about primary, objective facts dealing with such issues as the number of persons between the ages of 18 and 21, the extent of their education, and so forth. The briefs of the four States in these cases take no issue with respect to any of the facts of this nature presented to Congress and relied on by my Brothers Douglas, *ante*, p. ——, and Brennan, White, and Marshall, *ante*, p. ——. Except for one or two matters of dubious relevance, these facts are not subject to rational dispute. The disagreement in these cases revolves around the evaluation of this largely uncontested factual material.[57] On the assumption that maturity and experience are relevant to intelligent and responsible exercise of the elective franchise, are the immaturity and inexperience of the average 18-, 19-, or 20-year-old sufficiently serious to justify denying such a person a direct voice in decisions affecting his or her life? Whether or not this judgment is characterized as "factual," it calls for striking a balance between incommensurate interests. Where the balance is to be struck depends ultimately on the values and the perspective of the decisionmaker. It is a matter as to which men of good will can and do reasonably differ.

I fully agree that judgments of the sort involved here are beyond the institutional competence and constitutional authority of the judiciary. See, *e. g.*, *Baker* v. *Carr*, 369 U.S. 186, 266–330 (1962) (Frankfurter, J., dissenting); *Kramer* v. *Union Free School District No. 15*, 395 U.S. 621, 634–641 (1969) (Stewart, J., dissenting). They are preeminently matters for legislative discretion, with judicial review, if it exists at all, narrowly limited. But the same reasons which in my view would require the judiciary to sustain a reasonable state resolution of the issue also require Congress to abstain from entering the picture.

Judicial deference is based, not on relative fact-finding competence, but on due regard for the decision of the body constitutionally appointed to decide. Establishment of voting qualifications is a matter for state legislatures. Assuming any authority at all, only when the Court can say with some confidence that the legislature has demonstrably erred in adjusting the competing interests is it justified in striking down the legislative judgment. This order of things is more efficient and more congenial to our system and, in my judgment, much more likely to achieve satisfactory results than one in which the Court has a free hand to replace state legislative judgments with its own. See *Ferguson* v. *Skrupa*, 372 U.S. 726 (1963).

The same considerations apply, and with almost equal force, to Congress' displacement of state decisions with its own ideas of wise policy. The sole distinction between Congress and the Court in this regard is that Congress, being an elective body, presumptively has popular authority for the value judgment it makes. But since the state legislature has a like authority, this distinction between Congress and the judiciary falls short of justifying a congressional veto on the state judgment. The perspectives and values of national legislators on the issue of voting qualifications are likely to differ from those of state legislators, but I see no reason *a priori* to prefer those of the national figures, whose collective decision, applying nationwide, is necessarily less able to take account of peculiar local conditions. Whether one agrees with this judgment or not, it is the one expressed by the Framers in leaving voter qualifications to the States. The Supremacy Clause does not, as my colleagues seem to argue, represent a judgment that federal decisions are superior to those of the State whenever the two may differ.

To be sure, my colleagues do not expressly say that Congress or this Court is empowered by the Constitution to substitute its own judgment for those of the States. However, before sustaining a state judgment they require a "clear showing that the burden imposed is necessary to protect a compelling and substantial governmental interest."[58] *Ante*, p.——; see p. ——, n. 31. I should think that if the state interest were truly "compelling" and "substantial," and a clear showing could be made that the voter qualification was "necessary" to its preservation, no reasonable person would think the qualification undesirable. Equivalently, if my colleagues or majority of Congress deem a given voting qualification undesirable as a matter of policy, they must consider that the state interests involved are not "compelling" or "substantial" or that they can be adequately protected in other ways. It follows that my colleagues must be prepared to hold invalid as a matter of federal constitutional law all state voting qualifications which they deem unwise, as well as all such qualifications which Congress reasonably deems unwise. For this reason, I find their argument subject to the same objection as if it explicitly acknowledged such a conclusion.

It seems to me that the notion of deference to congressional interpretation of the Constitution, which the Court promulgated in *Morgan*, is directly related to this higher standard of constitutionality which the Court intimated in *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966), and brought to fruition in *Kramer*. When the scope of federal review of state determinations became so broad as to be judicially unmanageable, it was natural for the Court to seek assistance from the national legislature. If the federal role were restricted to its traditional and appropriate scope, review for the sort of "plain error" which is variously described as "arbitrary and capricious," "irrational," or "invidious," there would be no call for the Court to defer to a congressional judgment on this score that it did not find convincing. Whether a state judgment has so exceeded the bounds of reason as to authorize federal intervention is not a matter as to which the political process is intrinsically likely to produce a sounder or more acceptable result. It is a matter of the delicate adjustment of the federal system. In this area, to rely on Congress would make that body a judge in its own cause. The role of final arbiter belongs to this Court.

III

Since I cannot agree that the Fourteenth Amendment empowered Congress, or the federal judiciary, to control voter qualifications, I turn to other asserted sources of congressional power. My Brother Black would find that such power exists with respect to *federal* elections by virtue of Article I, § 4, and seemingly other considerations which he finds implicit in federal authority.

The constitutional provisions controlling the regulation of congressional elections are the following:

Art. I. § 2: "the Electors [for Representatives] in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature."

Art. I, § 4: "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of Choosing Senators."

Amend. XVII. "The electors [for Senators] in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures."

It is difficult to see how words could be clearer in stating what Congress can control and what it cannot control. Surely nothing in these provisions lends itself to the view that voting qualifications in federal elections are to be set by Congress. The reason for the scheme is not hard to find. In the Constitutional Convention, Madison expressed the view that "The qualifications of electors and elected were fundamental arti-

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cles in a Republican Govt. and ought to be fixed by the Constitution. If the Legislature could regulate those of either, it can by degrees subvert the Constitution." 2 M. Farrand, Records of the Federal Convention of 1787, at 249–250 (1911). He explained further in The Federalist No. 52, at 326 (C. Rossiter ed. 1961).

> "To have reduced the different qualifications in the different States to one uniform rule would probably have been as dissatisfactory to some of the States as it would have been difficult to the Convention. The provision made by the Convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State, because it is comfortable to the standard already established or which may be established by the State itself. It will be safe to the United States, because, being fixed by the State constitutions, it is not alterable by the State governments; and it cannot be feared that the people of the States will alter this part of their constitutions in such manner as to abridge the rights secured to them by the Federal Constitution."

See also Federalist No. 60, at 371 (C. Rossiter ed. 1961) (Hamilton), quoted in the opinion of MR. JUSTICE STEWART, *ante* p. ——, which is to the same effect.

As to presidential elections, the Constitution provides:

> "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors. . . ." Art. II, § 1, cl. 2.
>
> "The Congress may determine the Time of chusing Electors, and the Day on which they shall give their Vote; which Day shall be the same throughout the United States." Art. II, § 1, cl. 4.

Even the power to control the "Manner" of holding elections, given with respect to congressional elections by Article I, § 4, is absent with respect to the selection of presidential electors.[89] And, of course, the fact that it was deemed necessary to provide separately for congressional power to regulate the time of choosing presidential electors and the President himself demonstrates that the power over "Times, Places and Manner" given by Article I, § 4, does not refer to presidential elections, but only to the elections for Congressmen. Any shadow of a justification for congressional power with respect to congressional elections therefore disappears utterly in presidential elections.

IV

With these major contentions resolved, it is convenient to consider the three sections of the Act individually to determine whether they can be supported by any other basis of congressional power.

A. Voting Age

The only constitutional basis advanced in support of the lowering of the voting age is the power to enforce the Equal Protection Clause, a power found in § 5 of the Fourteenth Amendment. For the reasons already given, it cannot be said that the statutory provision is valid as declaratory of the meaning of that clause. Its validity therefore must rest on congressional power to lower the voting age as a means of preventing invidious discrimination that is within the purview of that clause.

The history of the Fourteenth Amendment may well foreclose the possibility that § 5 empowers Congress to enfranchise a class of citizens so that they may protect themselves against discrimination forbidden by the first section, but it is unnecessary for me to explore that question. For I think it fair to say that the suggestion that members of the age group between 18 and 21 are threatened with unconstitutional discrimination, or that any hypothetical discrimination is likely to be affected by lowering the voting age, is little short of fanciful. I see no justification for stretching to find any such possibility when all the evidence indicates that Congress—led on by recent decisions of this Court—thought simply that 18-year-olds were fairly entitled to the vote and that Congress could give it to them by legislation.[90]

I therefore conclude, for these and other reasons given in this opinion, that in § 302 of the Voting Rights Act Amendments of 1970 Congress exceeded its delegated powers.

B. Residency

For reasons already stated, neither the power to regulate voting qualifications in presidential elections, asserted by my Brother BLACK, nor the power to declare the meaning of § 1 of the Fourteenth Amendment, relied on by my Brother DOUGLAS, can support § 202 of the Act. It would also be frivolous to contend that requiring States to allow new arrivals to vote in presidential elections is an appropriate means of preventing local discrimination against them in other respects, or of forestalling violations of the Fifteenth Amendment. The remaining grounds relied on are the Privileges and Immunities Clause of Article IV, § 2,[91] and the right to travel across state lines.

While the right of qualified electors to cast their ballots and to have their votes counted was held to be a privilege of citizenship in *Ex parte Yarbrough*, 110 U. S. 651 (1884), and *United States* v. *Classic*, 313 U. S. 299 (1941), these decisions were careful to observe that it remained with the States to determine the class of qualified voters. It was federal law, acting on this State-defined class, which turned the right to vote into a privilege of national citizenship. As the Court has consistently held, the Privileges and Immunities Clauses do not react on the mere status of citizenship to enfranchise any citizen whom an otherwise valid state law does not allow to vote. *Minor* v. *Happersett*, 88 U.S. (21 Wall.) 162, 170–175 (1874); *Pope* v. *Williams*, 193 U.S. 621, 632 (1904); *Breedlove* v. *Suttles*, 302 U. S. 277, 283 (1937); cf. *Snowden* v. *Hughes*, 321 U.S. 1, 6–7 (1944). Minors, felons, insane persons, and persons who have not satisfied residency requirements are among those citizens who are not allowed to vote in most States.[92] The Privileges and Immunities Clause of Article IV of the Constitution is a direct descendent of Article IV of the Articles of Confederation:

> "The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of these States, paupers, vagabonds and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States. . . ."

It is inconceivable that these words when used in the Articles could have been understood to abolish state durational residency requirements.[93] There is not a vestige of evidence that any further extent was envisioned for them when they were carried over into the Constitution. And, as I have shown, when they were substantially repeated in § 1 of the Fourteenth Amendment it was affirmatively understood that they did not include the right to vote. The Privileges and Immunities Clause is therefore unavailing to sustain any portion of § 202.

The right to travel across state lines, see *United States* v. *Guest*, 383 U.S. 745, 757–758 (1966), and *Shapiro* v. *Thompson*, 394 U.S. 618, 630 (1969), is likewise insufficient to require Idaho to conform her laws to the requirements of § 202. MR. JUSTICE STEWART justifies § 202 solely on the power under § 5 of the Fourteenth Amendment to enforce the Privileges and Immunities Clause of § 1 which he deems the basis for the right to travel. *Ante*, p. ——. I find it impossible to square the position that § 5 authorizes Congress to abolish state voting qualifications based on residency with the position that it does not authorize Congress to abolish such qualifications based on race. Since the historical record compels me to accept the latter position, I must reject the former.

MR. JUSTICE BRENNAN, MR. JUSTICE WHITE, and MR. JUSTICE MARSHALL do not anchor the right of interstate travel to any specific constitutional provision. *Ante*, p. ——. Past decisions to which they refer have relied on the two Privileges and Immunities Clauses, just discussed, the Due Process Clause of the Fifth Amendment, and the Commerce Clause. See *Shapiro* v. *Thompson*, 394, U. S., at 630 n. 8; *id.*, at 663–671 (dissenting opinion). The Fifth Amendment is wholly inapplicable to state laws; and surely the Commerce Clause cannot be seriously relied on to sustain the Act here challenged. With no specific clause of the Constitution empowering Congress to enact § 202, I fail to see how that nebulous judicial construct, the right to travel, can do so.

The remaining provision of the Voting Rights Act Amendments involved in these cases is the five-year suspension of Arizona's requirement that registrants be able to read the Constitution in English and to write their names. Although the issue is not free from difficulty, I am of the opinion that this provision can be sustained as a valid means of enforcing the *Fifteenth* Amendment.

Despite the lack of evidence of specific instances of discriminatory application or effect, Congress could have determined that racial prejudice is prevalent throughout the Nation, and that literacy tests unduly lend themselves to discriminatory application, either conscious or unconscious.[94] This danger of violation of § 1 of the Fifteenth Amendment was sufficient to authorize the exercise of congressional power under § 2.

Whether to engage in a more particularized inquiry into the extent and effects of discrimination, either as a condition precedent or as a condition subsequent to suspension of literacy tests, was a choice for Congress to make.[95] The fact that the suspension is only for five years will require Congress to re-evaluate at the close of that period. While a less sweeping approach in this delicate area might well have been appropriate, the choice which Congress made was within the range of the reasonable.[96] I therefore agree that § 201 of the Act is a valid exercise of congressional power to the extent it is involved in this case. I express no view about its validity as applied to suspend tests such as educational qualifications, which do not lend themselves so readily to discriminatory application or effect.

For the reasons expressed in this opinion, I would grant the relief requested in Nos. 43 and 44. I would dismiss the complaint in No. 47 for failure to state a claim on which relief can be granted. In No. 46 I would grant declaratory relief with respect to the validity of § 201 of the Voting Rights Act Amendments as applied to Arizona's current literacy test; I would deny relief in all other respects, with leave to reapply to the United States District Court for the District of Arizona for injunctive relief in the event it proves necessary, which I am confident it will not.

V

In conclusion I add the following. The consideration that has troubled me most in deciding that the 18-year-old and residency provisions of this legislation should be held unconstitutional is whether I ought to regard the doctrine of *stare decisis* as preventing me from arriving at that result. For as I indicated at the outset of this opinion, were I to continue to consider myself constricted by recent past decisions holding that the Equal Protection Clause of the Fourteenth Amendment reaches state electoral processes, I would, particularly perforce of the decisions cited in n. 84, *supra*, be led to cast my vote with those of my Brethren who are of the opinion that the lowering of the voting age

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Footnotes at end of article.

and the abolition of state residency requirements in presidential elections are within the ordinary legislative power of Congress.

After much reflection I have reached the conclusion that I ought not to allow *stare decisis* to stand in the way of casting my vote in accordance with what I am deeply convinced the Constitution demands. In the annals of this Court few developments in the march of events have so imperatively called upon us to take a fresh hard look at past decisions, which could well be mustered in support of such developments, than do the legislative lowering of the voting age and, albeit to a lesser extent, the elimination of state residential requirements in presidential elections. Concluding, as I have, that such decisions cannot withstand constitutional scrutiny, I think it my duty to depart from them, rather than to lend my support to perpetuating their constitutional error in the name of *stare decisis*.

In taking this position, I feel fortified by the evident *malaise* among the members of the Court with those decisions. Despite them, a majority of the Court holds that this congressional attempt to lower the voting age by simple legislation is unconstitutional, insofar as it relates to state elections. Despite them, four members of the Court take the same view of this legislation with respect to federal elections as well; and the fifth member of the Court who considers the legislation constitutionally infirm as regards state elections not at all on any of those decisions in reaching the opposite conclusion in federal elections. And of the eight members of the Court who vote to uphold the residential provision of the statute, only four appear to rely upon any of those decisions in reaching that result.

In these circumstances I am satisfied that I am free to decide these cases unshackled from a line of decisions which I have felt from the start entailed a basic departure from sound constitutional principle.

Appendix to Opinion of Harlan, J.—Voting Rights Acts Amendments of 1970, Pub. L. 91-285, 84 Stat. 314

TITLE II—SUPPLEMENTAL PROVISIONS

Application of prohibition to other States

Sec. 201. (a) Prior to August 6, 1975, no citizen shall be denied, because of his failure to comply with any test or device, the right to vote in any Federal, State, or local election conducted in any State or political subdivision of a State as to which the provisions of section 4(a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act.

(b) As used in this section, the term "test or device" means any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

Residence requirements for voting

Sec. 202. (a) The Congress hereby finds that the imposition and application of the durational residency requirement as a precondition to voting for the offices of President and Vice President, and the lack of sufficient opportunities for absentee registration and absentee balloting in presidential elections—

(1) denies or abridges the inherent constitutional right of citizens to vote for their President and Vice President;

(2) denies or abridges the inherent constitutional right of citizens to enjoy their free movement across State lines;

(3) denies or abridges the privileges and immunities guaranteed to the citizens of each State under article IV, section 2, clause 1, of the Constitution;

(4) in some instances has the impermissible purpose or effect of denying citizens the right to vote for such officers because of the way they may vote;

(5) has the effect of denying to citizens the equality of civil rights, and due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment; and

(6) does not bear a reasonable relationship to any compelling State interest in the conduct of presidential elections.

(b) Upon the basis of these findings, Congress declares that in order to secure and protect the above-stated rights of citizens under the Constitution, to enable citizens to better obtain the enjoyment of such rights, and to enforce the guarantees of the fourteenth amendment, it is necessary (1) to completely abolish the durational residency requirement as a precondition to voting for President and Vice President, and (2) to establish nationwide, uniform standards relative to absentee registration and absentee balloting in presidential elections.

(c) No citizen of the United States who is otherwise qualified to vote in any election for President and Vice President shall be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to comply with any durational residency requirement of such State or political subdivision; nor shall any citizen of the United States be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to be physically present in such State or political subdivision at the time of such election, if such citizen shall have complied with the requirements prescribed by the law of such State or political subdivision providing for the casting of absentee ballots in such election.

(d) For the purposes of this section, each State shall provide by law for the registration or other means of qualification of all duly qualified residents of such State who apply, not later than thirty days immediately prior to any presidential election, for registration or qualification to vote for the choice of electors for President and Vice President or for President and Vice President in such election; and each State shall provide by law for the casting of absentee ballots for the choice of electors for President and Vice President, or for President and Vice President, by all duly qualified residents of such State who may be absent from their election district or unit in such State on the day such election is held and who have applied therefor not later than seven days immediately prior to such election and have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election.

(e) If any citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President has begun residence in such State or political subdivision after the thirtieth day next preceding such election and, for that reason, does not satisfy the registration requirements of such State or political subdivision he shall be allowed to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election, (1) in person in the State or political subdivision in which he resided immediately prior to his removal if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision, or (2) by absentee ballot in the State or political subdivision in which he resided immediately prior to his removal if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.

(f) No citizen of the United States who is otherwise qualfied to vote by absentee ballot in any State or political subdivision in any election for President and Vice President shall be denied the right to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election because of any requirement of a registration that does not include a provision for absentee registration.

(g) Nothing in this section shall prevent any State or political subdivision from adopting less restrictive voting practices than those that are prescribed herein.

Separability

Sec. 205. If any provision of this Act or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected by such determination.

Title III—Reducing Voting Age to Eighteen in Federal, State, and Local Elections

Declaration and findings

Sec. 301. (a) The Congress finds and declares that the imposition and application of the requirement that a citizen be twenty-one years of age as a precondition to voting in any primary or in any election—

(1) denies and abridges the inherent constitutional rights of citizens eighteen years of age but not yet twenty-one years of age to vote—a particularly unfair treatment of such citizens in view of the national defense responsibilities imposed upon such citizens;

(2) has the effect of denying to citizens eighteen years of age but not yet twenty-one years of age the due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment of the Constitution; and

(3) does not bear a reasonable relationship to any compelling State interest.

(b) In order to secure the constitutional rights set forth in subsection (a), the Congress declares that it is necessary to prohibit the denial of the right to vote to citizens of the United States eighteen years of age or over.

Prohibition

Sec. 302. Except as required by the Constitution, no citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older.

Effective date

Sec. 305. The provisions of title III shall take effect with respect to any primary or election held on or after January 1, 1971.

Arizona constitution

Art. 7, § 2. No person shall be entitled to vote at any general election, or for any office that now is, or hereafter may be, elective by the people, or upon any question which may be submitted to a vote of the people, unless such person be a citizen of the United States of the age of twenty-one years or over, and shall have resided in the State one year immediately preceding such election, provided that qualifications for voters at a general election for the purpose of electing presidential electors shall be as prescribed by law. The word 'citizen' shall include persons of the male and female sex.

§ 16-101. Qualifications of elector

Arizona revised statutes annotated

A. Every resident of the state is qualified to become an elector and may register to vote at all elections authorized by law if he:

1. Is a citizen of the United States.

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2. Will be twenty-one years or more of age prior to the regular general election next following his registration.

3. Will have been a resident of the state one year and of the county and precinct in which he claims the right to vote thirty days next preceding the election.

4. Is able to read the Constitution of the United States in the English language in a manner showing that he is neither prompted nor reciting from memory, unless prevented from so doing by physical disability.

5. Is able to write his name, unless prevented from so doing by physical disability.

B. At an election held between the date of registration and the next regular general election, the elector is eligible to vote if at the date of the intervening election he is twenty-one years of age and has been a resident of the state one year and the county and precinct thirty days.

C. A person convicted of treason or a felony, unless restored to civil rights, or an idiot, insane person or person under guardianship is not qualified to register.

§ 16–107. Closing of registrations

A. No elector shall be registered to vote in a primary election between five o'clock p.m. of the day which is four months preceding the date of the next general election and six o'clock p.m. of the day of the primary election.

B. No elector shall be registered between five o'clock p.m. of the seventh Monday preceding a general election and six o'clock p.m. of the day thereof. As amended Laws 1958, Ch. 48, § 1.

Idaho Constitution

Art. 6. § 2. Qualifications of electors.—Except as in this article otherwise provided, every male or female citizen of the United States, twenty-one years old, who has actually resided in this state or territory for six months, and in the county where he or she offers to vote, thirty days next preceding the day of election, if registered as provided by law, is a qualified elector; provided, however, that every citizen of the United States, twenty-one years old, who has actually resided in this state for sixty days next preceding the day of election, if registered as required by law, is a qualified elector for the sole purpose of voting for presidential electors; and until otherwise provided by the legislature, women who have the qualifications provided in this article may continue to hold such school offices and vote at such school elections as provided by the laws of Idaho territory.

Idaho Code

Sec. 34–401. Qualifications of voters.—Every person over the age of twenty-one (21) years, possessing the qualifications following, shall be entitled to vote at all elections: He shall be a citizen of the United States and shall have resided in this state six (6) months immediately preceding the election at which he offers to vote, and in the county thirty (30) days: provided, that no person shall be permitted to vote at any county seat election who has not resided in the county six (6) months, and in the precinct ninety (90) days, where he offers to vote; nor shall any person be permitted to vote at any election for the division of the county, or striking off from any county any part thereof, who has not the qualifications provided for in section 3, article 18, of the constitution,; nor shall any person be denied the right to vote at any school district elections, nor to hold any school district office on account of sex.

34–408. Eligibility of new residents to vote.—Each citizen of the United States, who, immediately prior to his removal to this state, was a citizen of another state and who has been a resident of this state for sixty (60) days next preceding the day of election but for less than the six (6) month period of required residence for voting prior to a presidential election, is entitled to vote for presidential and vice-presidential electors at that election, but for not other offices, if

(1) he otherwise possesses substantive qualifications to vote in this state (except the requirements of residence and registration, and

(2) he complies with the provisions of this act.

34–409. Application for presidential ballot by new residents.—A person desiring to qualify under this act in order to vote for presidential and vice-presidential electors shall be considered as registered within the meaning of this act if on or before ten (10) days prior to the date of the general election, he shall make an application in the form of and affidavit executed in duplicate in the presence of the county auditor, substantially as follows * * *

34–413. Voting by new residents.—(1) The applicant upon receiving the ballot for presidential and vice-presidential electors shall mark forthwith the ballot in the presence of the county auditor, but in a manner that the official cannot know how the ballot is marked. He shall then fold the ballot in the county auditor's presence so as to conceal the markings, and deposit and seal it in an envelope furnished by the county auditor.

34–1101. Absent voting authorized.—Any qualified elector of the state of Idaho who is absent or expects to be absent from the election precinct in which he resides on the day of holding any election under any of the laws of this state in which an official ballot is required, or who is within the election pricinct and is, or will be, unable, because of physical disability, or because of blindness, to go to the voting place, and if registration is required for such election, who is duly registered therefor, may vote at any such election, as hereinafter provided.

34–1105. Return of ballot.—On marking such ballot or ballots such absent or disabled or blind elector shall refold same as theretofore folded and shall inclose the same in same official envelope and seal said envelope securely and mail by registered or certified mail or deliver it in person to the officer who issued same; provided, that an absentee ballot must be received by the issuing officer by 12:00 o'clock noon on the day of the election before such ballot may be counted. Said ballot or ballots shall be so marked, folded and sealed by said voter in private and secretly. Provided, that whenever the disability or blindness makes it necessary that the voter shall be assisted in marking his ballot, such voter may have the assistance of any person of his choice in marking his ballot.

Oregon Constitution

Art. II, § 2. Every citizen of the United States is entitled to vote in all elections not otherwise provided for by this Constitution if such citizen:

(a) Is 21 years of age or older * * *.

Texas Constitution

Art. VI, § 1. Classes of persons not allowed to vote

Section 1. The following classes of persons shall not be allowed to vote in this State, to wit:

First: Persons under twenty-one (21) years of age.

Second: Idiots and lunatics.

Third: All paupers supported by any county.

Fourth: All persons convicted of any felony, subject to such exceptions as the Legislature may make.

§ 2. Qualified elector; registration; absentee voting.

Sec. 2 Every person subject to none of the foregoing disqualifications who shall have attained the age of twenty-one (21) years and who shall be a citizen of the United States and who shall have resided in this State one (1) year next preceding an election and the last six (6) months within the district or county in which such person offers to vote, shall be deemed a qualified elector; provided, however, that before offering to vote at an election a voter shall have registered annually, but such requirement for registration shall not be considered a qualification of an elector within the meaning of the term "qualified elector" as used in any other Article of this Constittuion in respect to any matter except qualification and eligibility to vote at an election. Any legislation enacted in anticipation of the adoption of this Amendment shall not be invalid because of its anticipatory nature. The Legislature may authorize absentee voting. And this provision of the Constitution shall be self-enacting without the necessity of further legislation.

Texas Election Code

Article 5.01. Classes of persons not qualified to vote

The following classes of persons shall not be allowed to vote in this state:

1. Persons under twenty-one years of age.
2. Idiots and lunatics.
3. All paupers supported by the county.
4. All persons convicted of any felony except those restored to full citizenship and right of suffrage or pardoned.

Art. 5.02. Qualification and requirements for voting.

Every person subject to none of the foregoing disqualifications who shall have attained the age of twenty-one years and who shall be a citizen of the United States and who shall have resided in this state one year next preceding an election and the last six months within the district or county in which such persons offers to vote, and who shall have registered as a voter, shall be deemed a qualified elector. No person shall be permitted to vote unless he has registered in accordance with the provisions of this code. The provisions of this section, as modified by Sections 35 and 39 of this code, shall apply to all elections, including general, special, and primary elections, whether held by the state, by a county, municipality, or other political subdivision of the state, or by a political party.

FOOTNOTES

[1] The Attorney General of the United States, a citizen of New York, is named as defendant. The jurisdictional basis alleged is Art. III. § 2, which gives this Court original jurisdiction over controversies between a State and a citizen of another State. We held a similar suit justiciable and otherwise within our original jurisdiction in *South Carolina* v. *Katzenbach*, 383 U.S. 301, 307 (1966). The parties have not asked us to reexamine the validity of that ruling, and since the Court has not undertaken to do so, I am content to sustain jurisdiction on the authority of that decision.

[2] In response to inquiries from the Attorney General, Arizona, Oregon, and Texas indicated willingness to abide by § 202 of the Act, governing residency, registration, and absentee voting in presidential elections and to conform conflicting state laws.

[3] The account in the text is largely drawn from J. James, The Framing of the Fourteenth Amendment (1956) (hereafter James), and to some extent from W. Gillette. The Right To Vote: Politics and the Passage of the Fifteenth Amendment (1969) (hereafter Gillette), and B. Kendrick, The Journal of the Joint Committee of Fifteen on Reconstruction (1914) (hereafter Kendrick), as well.

[4] "Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons."

[5] See p. ——, *post,* for the text of these provisions, and for discussion of the contention that they empower Congress to set qualifications of voters in federal elections.

[6] "The United States shall guarantee to every State in this Union a Republican Form of Government."

[7] *E.g.,* Proclamation of May 29, 1865, 13 Stat, 760 (North Carolina).

[8] The texts of the state constitutions are most readily available in F. Thorpe, The Federal and State Constitutions (1909). The qualifications imposed by the various States three years later, when the Fifteenth Amendment was proposed, are presented in tabular form in Hearings on the Voting Rights Bill, S. 1564, Before the Senate Committee on the Judiciary, 89th Cong., 1st Sess., 128–129 (1965).

[9] James 33.

[10] See Globe 209 (Freedmen's Bureau Bill); Globe 211 (Civil Rights Bill).

[11] While formally further consideration was postponed until a date in April, six weeks off, Globe 1095, it was generally understood that "April means indefinitely." 2 Nation 289 (March 11, 1866).

[12] The only change made in § 1 was the addition of the Citizenship Clause by the Senate. Globe 3041. The primary change made in § 2 was to condition reduction of representation on denial or abridgement of the right to vote in certain named elections. rather than to speak generally of denial or abridgement of "the elective franchise." *Ibid.* That section now reads:

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

[13] Section 1 of that Act provided in part that

"all persons . . . shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property and to full and equal benefit of all laws and proceedings for the security of persons and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding." Act of Apr. 9, 1866, c. 31, § 1, 14 Stat. 27.

[14] In this connection, Professor Fairman's admonition of 20 years ago is even more forceful than it was when he wrote:

"We know so much more about the constitutional law of the Fourteenth Amendment than the men who adopted it that we should remind ourselves not to be surprised to find them vague where we want them to prove sharp. Eighty years of adjudication has taught us distinctions and subtleties where the men of 1866 did not even perceive the need for analysis." Fairman, Does the Fourteenth Amendment Incorporate the Bill of Rights? 2 Stan. L. Rev. 5, 9 (1949).

[15] See, *e. g.,* Globe 599 (Sen. Trumbull); Globe 1117 (Cong. Wilson of Iowa, quoting Kent's Commentaries and Bouvier's Law Dictionary); Globe 1152 (Cong. Thayer). There were some, however, who considered the distinction either nonexistent or too uncertain to be a basis for legislation. *E. g.,* Globe 477 (Sen. Saulsbury); Globe 1157 (Cong. Thornton); Globe 1292–1293 (Cong. Bingham).

It hardly seems necessary to point out that the jurisprudential concept of "political" as opposed to "civil" or "natural" rights bears no relation to that class of nonjusticiable issues perhaps inappropriately known as "political questions." See the opinion of Mr. Justice Douglas, *ante,* p. ——.

[16] See generally Fairman, Does the Fourteenth Amendment Incorporate the Bill of Rights? 2 Stan. L. Rev. 5 (1949), especially at 8–9.

[17] The remarks of these three Democrats, Niblack, Boyer, and Rogers, are discussed at pp.—, *post.* Also discussed there are the remarks of a fourth Democratic Representative, Phelps, which were delivered before the start of debate on the proposed Fourteenth Amendment.

[18] While this provision might seem useless in light of the Fifteenth Amendment, it was doubtless intended to prohibit the imposition of property or literacy qualifications which, even though fairly applied, would have the effect of disfranchising most of the Negroes. The Radicals had sought to prohibit such qualifications in the Fifteenth Amendment, but were unsuccessful. See Gillette 53, 56–62, 69–72, 76.

[19] While the history indicates that the supporters of the Fourteenth Amendment would have been surprised at the suggestion that the Amendment brought qualifications for state office under federal supervision, office-holding was not the focus of attention during the consideration of the Amendment. Moreover, state power to set voter qualifications, unlike state power to set qualifications for office, is explicitly recognized not only in the original Constitution but in § 2 of the Fourteenth Amendment itself. Whether these distinctions are sufficient to justify testing state qualifications for office by the Fourteenth Amendment is a matter not presented by these cases.

Where the state action has a racial basis, see *Anderson* v. *Martin,* 375 U.S. 399 (1964), I am not prepared to assume that the Fifteenth Amendment provides no protection. Despite the statement in the opinion of Mr. Justice Brennan, Mr. Justice White, and Mr. Justice Marshall, *ante,* p. —, I would find it surprising if a State could undercut the right to vote by taking steps to ensure that all candidates are unpalatable to voters of a certain race. Although an explicit provision on office-holding was deleted from the proposed Fifteenth Amendment at the eleventh hour, the idea that the right to vote without more implies the right to be voted for was specifically referred to by supporters of the Fifteenth Amendment in both Houses of Congress. See Cong. Globe, 40th Cong., 3d Sess., 1425–1426 (1869) (Cong. Boutwell); *id.,* at 1426 (Cong. Butler); *id.,* at 1629 (Sen. Sawyer).

[20] Hearings, *supra* n. 8.

[21] See, *e.g.,* Globe 141–142 (Cong. Blaine); Globe 2766–2767 (Sen. Howard); Globe 2769–2770 (Sens. Wade and Wilson); Globe 3033 (Sen. Henderson).

[22] The Journal is reprinted in Kendrick, *supra* n. 3, at 37–129.

[23] The attempts were not altogether successful. See James 108–109.

[24] See generally Kendrick 18–22. For reasons to be developed below, *post,* p. ——, the report of the Joint Committee, H.R. Rep. No. 30, 39th Cong., 1st Sess. (1866), is less useful as an indication of the understanding of the Committee and the Congress than as an indication of the understanding of the ratifying States.

[25] Owen's account of the Fourteenth Amendment is given in Political Results from the Varioloid, 35 Atlantic Monthly 660 (June 1875).

[26] See James 109–112; Gillette 24; Owen, *supra* n. 25, at 666.

[27] See the votes on Stevens' motion to select the alternative which reduced representation rather than that which prohibited racial restrictions on the ballot, Kendrick 52; Boutwell's motion to condition readmission of Tennessee on that State's agreement not to discriminate in its voter qualifications, Kendrick 70; Stevens' motion to strike out the provision of the Owen plan enfranchising Negroes after 1876, Kendrick 101; and the motion to condition readmission of Tennessee and Arkansas on their having provided impartial male suffrage, as well as on conforming their laws and constitutions to the requirements of the proposed amendment (which included Bingham's provision when this motion was made), Kendrick 109.

Bingham was not, however, wholly opposed to Negro suffrage. As chairman of the subcommittee, he reported the equal rights provision which would have empowered Congress to provide for equal political rights and privileges. Kendrick 56, although he was the one who subsequently had that replaced with the first equal rights provision reported to Congress. Kendrick 61. As already noted, the substitute contained substantially identical language, but omitted reference to political rights and privileges. Bingham also voted for Owen's plan, which would have enfranchised Negroes in 1876, when it was first presented. Kendrick 85. In February 1867 he moved to condition readmission of the southern States on impartial male suffrage as well as on the States' ratifying the Fourteenth Amendment and conforming their laws thereto. Kendrick 123.

[28] While any guess as to the motives of Bingham and the other members of the committee is sheer speculation, it is not necessarily true that they believed they were replacing specific language with general. The author of the original plan, for one, seems to have taken the opposite view. He gave the following characterization of § 1 some years later:

"A declaration who is a citizen: unnecessary, if we had given suffrage to the negro; since there could be no possible doubt that an elector, nativeborn, is a citizen of the United States. Also a *specification of the particular* civil rights to be assured: out of place, I think, in a constitutional amendment, though necessary and proper in a civil rights bill." Owen, *supra,* n. 23, at 666 (emphasis added).

[29] The proceedings of the Joint Committee are examined in greater detail in the opinion of Mr. Justice Brennan, Mr. Justice White, and Mr. Justice Marshall. *Ante,* p. —, I agree with their apparent conclusion that the Journal sheds little light on the contemporary construction of the Fourteenth Amendment. One is left to do what he can with the two facts noted at the outset of this section: that of the plans considered by the Joint Committee, all provided either for reduction of representation or for enfranchisement while none provided for both at the same time; and that the Committee consistently rejected provisions to enfranchise the freedmen, with the conceivable exception of a plan which was defeated in the House largely because of the scope of the powers it transferred from the States to the Federal Government.

[30] Unless, of course, one adopts a "conspiracy theory" of the history of the Fourteenth Amendment. Thus far no one has (quite) done so in this context.

[31] "I regret more than I shall be able to tell this House that we have not found the situation [sic] of affairs in this country such, and the public virtue such that we might come out on the plain, unanswerable proposition that every adult intelligent citizen of the United States, unconvicted of crime. shall enjoy the right of suffrage." Globe 2462.

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[32] "I shall, Mr. Speaker, vote for this amendment; not because I approve it. Could I have controlled the report of the committee of fifteen, it would have proposed to give the right of suffrage to every loyal man in the country." Globe 2469.

"So far as I am individually concerned, I object to the amendment as a whole because it does not go far enough and propose to at once enfranchise every loyal man in the country." *Ibid.*

[33] "The proposition in the matter of suffrage falls short of what I desire, but so far as it goes it tends to the equalization of the inequality at present existing; and while I demand and shall continue to demand the franchise for all loyal male citizens of this country—and I cannot but admit the possibility that ultimately those eleven States may be restored to representative power without the right of franchise being conferred upon the colored people—I should feel myself doubly humiliated and disgraced, and criminal even, if I hesitated to do what I can for a proposition which equalizes representation." Globe 2508.

[34] "The second section, Mr. Speaker, is, in my judgment, as nearly correct as it can be without being fully, in full measure, right. But one thing is right, and that is secured by the amendment. Manifestly no State should have its basis of national representation enlarged by reason of a portion of citizens within its borders to which the elective franchise is denied. If political power shall be lost because of such denial, not imposed because of participation in rebellion or other crime, it is to be hoped that political interests may work in the line of justice, and that the end will be the impartial enfranchisement of all citizens not disqualified by crime. Whether that end shall be attained or not, this will be secured: that the measure of political power of any State shall be determined by that portion of its citizens which can speak and act at the polls, and shall not be enlarged because of the residence within the State of portions of its citizens denied the right of franchise. So much for the second section of the amendment. It is not all that I wish and would demand; but odious inequalities are removed by it and representation will be equalized, and the political rights of all citizens will under its operation be, as we believe, ultimately recognized and admitted." Globe 2511.

[35] "I did hope to see the rights of the freedmen completely established. . . . I did hope . . . that we should have the manhood and magnanimity to declare that men who have wielded the sword in defense of their country are fit to be intrusted with the ballot. But I am convinced that my expectations, hitherto fondly cherished, are doomed to some disappointment." Globe 2537.

[36] "This is a step in the right direction; and although I should prefer to see incorporated into the Constitution a guarantee of universal suffrage, as we cannot get the required two thirds for that, I cordially support this proposition as the next best." Globe 2540.

[37] "[If the freed slaves had been added] to the thinking, voting men of the southern States, it would be just and proper that that addition should be represented in this body. But we all know that such is not the case. In those States themselves the late slaves do not enter into the basis of local representation. . . .

"Would it not be a most unprecedented thing that when this population are not permitted where they reside to enter into the basis of representation in their own State, we should receive it as an element of representation here. . . ." Globe 2464.

[38] "The second proposition is, in short, to limit the representation of the several States as those States themselves shall limit suffrage . . .

". . . And why not? If the negroes of the South are not to be counted as a political element in the government of the South in the States, why should they be counted as a political element in the government of the country in the Union? If they are not to be counted as against the southern people themselves, why should they be counted against us?" Globe 2498.

[39] H.R. No. 51 "deprived [the southern States] of all inducement for [the] gradual admission [of the freemen] to the right of suffrage, inasmuch as it exacted universal suffrage as the only condition upon which they should be counted in the basis of representation at all. . . . I voted against a proposition which seemed to me so unjust and so injurious, not only to the whites of the southern States, but to the colored race itself. Well, sir, that amendment was rejected in the Senate, and the proposition, as embodied in the committee's report, comes before us in a very different form. It is now proposed to base representation upon suffrage, upon the number of voters, instead of upon the aggregate population in every State of the Union. And as I believe that to be essentially just, and likely to remedy the unequal representation of which complaint is so justly made, I shall give it my vote." Globe 2502.

Later, in discussion of § 3, which at that time would have disfranchised certain rebels in federal elections. Raymond remarked that the effect would be to allow "one fifth, one eighth, or one tenth, as the case may be, of the people of these southern States to elect members from those States, to hold seats upon this floor." *Ibid.* It is obvious that the possibility of Negroes' voting in these elections did not cross his mind.

[40] "But this House is not prepared to enfranchise all men; the nation, perhaps, is not prepared for it to-day; the colored race are not prepared for it, probably, and I am sure the rebels are unfit for it; and as Congress has not the moral courage to vote for it, then put in this provision which cuts off the traitor from all political power in the nation, and then we have secured to the loyal men that control which they so richly deserve." Globe 2505.

[41] "This amendment will settle the complication in regard to suffrage and representation, leaving each State to regulate that for itself, so that it will be for it to decide whether or not it shall have a representation for all its male citizens not less than twenty-one years of age." Globe 2510.

[42] "I have no doubt that the Government of the United States has full power to extend the elective franchise to the colored population of the insurgent States. I mean authority; I said power. I have no doubt that the Government of the United States has the authority to do this under the Constitution; but I do not think they have the power. The distinction I make between authority and power is this: we have, in the nature of our Government, the right to do it; but the public opinion of the country is such at this precise moment as to make it impossible we should do it. It was therefore most wise on the part of the committee on reconstruction to waive this matter in deference to public opinion." Globe 2532.

[43] "If South Carolina persists in withholding the ballot from the colored man, then let her take the alternative we offer, of confining her to the white basis of representation . . . ." Globe 2535.

[44] Spalding's speeches are given at Globe 2509–2510. His only remarks addressed to §§1 and 2 read:

"As to the first measure proposed, a person may read it five hundred years hence without gathering from it any idea that this rebellion ever existed. The same may be said of the second proposition, for it only proposes that, the bondsmen being made free, the apportionment of Representatives in Congress shall be based upon the whole number of persons who exercise the elective franchise, instead of the population." Globe 2509.

A month later, in the debate over the Amendment when it had returned from the Senate, Spalding expressed his views more clearly:

"I say, as an individual, that I would more cheerfully give my vote if that provision allowed all men of proper age whom we have made free to join in the exercise of the right of suffrage in this country. But if I cannot obtain all that I wish, I will go heartily to secure all we can obtain." Globe 3146.

[45] Longyear's speech is published at Globe 2536–2537. He did not in terms address himself to any section except the third. However, it is not difficult to read his statement that the proposals of the Joint Committee disappointed "the expectations of the people" and his personal hopes as having reference to the absence of any provision on suffrage.

[46] Shellabarger spoke only briefly, and this in connection with the disfranchising section. In the course of his remarks he expressed the view that congressional power to regulate voter qualifications in federal elections was granted by Article I, § 4. Globe 2512.

[47] "Why is it that the gentleman from Pennsylvania [Mr. Stevens] gives up universal suffrage? Why is it that he and other gentlemen give up universal confiscation? Why is it that other gentlemen give up universal butchery of that people? It is a compromise of what they call principle for the purpose of saving their party in the next fall election." Globe 2506.

[48] "Gentlemen here admit that they desire [federal control over suffrage], but that the weak kneed of their party are not equal to the issue. Your purpose is the same, and but for that timidity you would now ingraft negro suffrage upon our Constitution and force it on the entire people of this Union." Globe 2530.

[49] "While this [second] section admits the right of the States thus to exclude negroes from voting, it says to them, if you do so exclude them they shall also be excluded from all representation; and you shall suffer the penalty by loss of representation." Globe 3145.

[50] Boyer's speech was made in opposition to a proposal to enfranchise Negroes in the District of Columbia. He then thought Negro suffrage a "monstrous proposition," Globe 176, which was incompatible with "the broad general principle that this is, and of right ought to be, a white man's Government." Globe 175. One of Rogers' harangues on the subject came in connection with the same bill. There he spoke of "the monstrous doctrine of political equality of the negro race with the white at the ballot-box," Globe 198, and launched into an attack remarkable for its vitriol.

[51] Boyer viewed § 3, which at that time would have prohibited voluntary participants in the rebellion from voting in federal elections, as "the most objectionable of all the parts," Globe 2467, as it would disfranchise nine-tenths of the voting population of the South for more than four years. The second section he found objectionable as designed "to reduce the number of southern representatives in Congress and in the Electoral College; and also to operate as standing inducement to negro suffrage." Globe 2467. These remarks indicate no awareness that the first section would increase the number of voters in the southern States and also render any "inducement" to negro suffrage unnecessary.

Rogers later in his speech asserted:

"The committee dare not submit the broad proposition to the people of the United States of negro suffrage. They dare not to-day pass the negro suffrage bill which passed this

House in the Senate of the United States because, as I have heard one honorable and leading man on the Republican side of the House say, it would sink into oblivion the party that would advocate before the American people the equal right of the negro with the white man to suffrage." Globe 2538.

When H.R. No. 127 was returned by the Senate with amendments, Rogers addressed the House and stated that when the records of the Joint Committee were made public, it would be revealed that the Committee at first agreed to recommend universal negro suffrage, but reconsidered because of the force of public opinion. Globe Appendix 230. Rogers was himself a member of the Joint Committee, and he presumably was referring to the acceptance and then rejection of Owen's plan for enfranchisement in 1876.

[52] The Amendment, however, had been released to the press on April 28. James 115.

[53] It is not amiss to point out that whatever force Phelps' and Rogers' interpretations may have in the face of the contrary authority, even they foresaw no danger from the Equal Protection Clause as a source of federal power over the suffrage.

[54] Like my colleagues, *ante* p. —, I find it difficult to understand what Bingham meant when he said that "the exercise of the elective franchise, though it be one of the privileges of a citizen of the Republic, is exclusively under the control of the States." Globe 2542. However, I do not find this mysterious sentence to mean that the exercise of the elective franchise is exclusively under the control of the States and Congress, nor do I find it to dilute the force of his explicit statements quoted above that § 1 did not reach the right to vote. The general statements by Bingham and Stevens to the effect that the Amendment was designed to achieve equality before the law, or would be effectuated by legislation in part, likewise do not weaken the force of the statements specifically addressed to the suffrage question quoted above.

[55] Fessenden, however, was present in the Senate and participated in the discussion. See Globe 2763, 2769, 2770. He was therefore in a position to correct any gross misinterpretation of his views or of those of the Committee.

[56] My colleagues, *ante* p. —, point to Howard's reference to *Corfield* v. *Coryell*, 6 Fed. Cas. 546 (No. 3230) (CCED Pa. 1823), in order to "gather some intimation of what probably will be the opinion of the judiciary" on the scope of the Privileges and Immunities Clause of § 1. Globe 2765. As the text indicates, Howard rejected Justice Washington's lengthy dictum insofar as it said that the protected privileges and immunities included "the elective franchise, as regulated and established by the laws or constitution of the State in which it is exercised." No other Senator quoted or referred to this portion of Washington's opinion during the debates over the proposed Fourteenth Amendment. *Corfield*, which held that New Jersey could constitutionally restrict access to her oyster beds to her own residents, was the leading authority on privileges and immunities in the mind of the Thirty-ninth Congress, but it was not the only one. *Campbell* v. *Morriss*, 3 H. & McH. 535 (Md. 1797) (Samuel Chase, J.), and *Abbot* v. *Bayley*, 6 Pick. 89 (Mass. 1827) (Parker, C. J.), were also cited. See Fairman, Does the Fourteenth Amendment Incorporate the Bill of Rights? 2 Stan. L. Rev. 5, 12–15 (1949). Both specifically stated that the privileges and immunities protected by Article IV, § 2, did not include the right of suffrage or the right to hold office.

[57] Howard was a very clear-spoken man. When it was suggested, during the debates over the Fifteenth Amendment, that the freedmen were entitled to the ballot by virtue of the Privileges and Immunities Clause of the Fourteenth Amendment, he recalled his role in the framing of that Amendment and said "I feel constrained to say that this is the first time it ever occurred to me that the right to vote was to be derived from the fourteenth article. I think such a construction cannot be maintained." Cong Globe, 40th Cong., 3d Sess. 1003 (1869). He then referred to the debates, § 2 of the Fourteenth Amendment, and the fact that "Nobody ever supposed that the right of voting or of holding office was guarantied by the second section of the fourth article of the old Constitution" to bolster his construction of § 1 of the Fourteenth Amendment. *Ibid.*

[58] "I think our friends, the colored people of the South, should not be excluded from the right of voting, and they shall not be if my vote and the votes of a sufficient number who agree with me in Congress shall be able to carry it. I do not agree in this particular with the Senator from Michigan [Mr. Howard]. He yields to the provision in the committee's resolution on the subject reluctantly, because he does not believe three fourths of the States can be got to ratify that proposition which is right and just in itself. My own opinion is that if you go down to the very foundation of justice, so far from weakening yourself with the people, you will strengthen yourself immensely by it; but I know that it is not the opinion of many here, and I suppose we must accommodate ourselves to the will of majorities, and if we cannot do all we would, do all we can. I propose for myself to contend for all I can get in the right direction, and finally to go with those who will give us anything that is beneficial." Globe 2769.

[59] "I should be much better satisfied if the right of suffrage had been given at once to the more intelligent of ["the colored people of the South"] and such as had served in our Army. . . . Believing that his amendment probably goes as far in favor of suffrage to the negro as is practicable to accomplish now, and hoping it may in the end accomplish all I desire in this respect, I shall vote for its adoption, although I should be glad to go further." Globe 2963–2964.

[60] "It declares that all men are entitled to life, liberty, and property, and imposes upon the Government the duty of discharging these solemn obligations, but fails to adopt the easy and direct means for the attainment of the results proposed. It refuses the aid of four million people in maintaining the Government of the people. . . . [But] it furnishes a conclusive argument in favor of universal amnesty and impartial suffrage. . . . The utter impossibility of a final solution of the difficulties by the means proposed will cause the North to clamor for suffrage." Glode 2964.

[61] "I am sorry to have to put that clause [§ 2] into our Constitution, as I am sorry for the necessity which calls upon us to put the preceding clause into the Constitution. I wish there was no community and no State in the United States that was not prepared to say with my friend from Nevada [Mr. Stewart] that all men may be represented in the Congress of the United States and shall be represented and shall choose their own representatives. That is the better doctrine; that is the true doctrine. I would much prefer, myself, to unite with the people of the United States in saying that hereafter no man shall be excluded from the right to vote, than to unite with them in saying that hereafter some men may be excluded from the right of representation." Globe Appendix 219.

[62] Henderson, who had offered a direct enfranchising provision as an alternative to the Committee's first effort in the field of representation, see Globe Appendix 115, stated that he now recognized that "the country is not yet prepared" to share political power with Negroes, and he supported the Committee plan. Globe 3035.

[63] "[A]lthough we do not obtain suffrage now, it is not far off, because the grasping desire of the South for office, that old desire to rule and reign over this Government and control its destinies, will at a very early day hasten the enfranchisement of the loyal blacks." Globe 3038.

[64] "There is no reason why the white citizens of South Carolina should vote the political power of a class of people whom they say are entirely unfit to vote for themselves. If there is any portion of the people of this country who are unfit to vote for themselves, their neighbors ought not to vote for them." Globe 2986.

There was no indication that Sherman considered South Carolina's disqualification on racial grounds any more improper than Massachusetts' limitations of the franchise to men, which he mentioned in the next breath.

[65] "If you think the negro ought to have the right of voting; if you are in favor of it, and intend it shall be given, why do you not in plain words confer it upon them? It is much fairer than to seek it by indirection, and the people will directly understand you when you propose such a change in the Constitution." Globe 2939.

[66] "What is to be the operation of this amendment? Just this: your whip is held over Pennsylvania and you say to her that she must either allow her negroes to vote or have one member of Congress less." Globe 2987.

[67] "[The second section's] true meaning was intended to be difficult to be reached, but when understood it is a measure which shrinks from the responsibility of openly forcing negro suffrage upon the late slave States, but attempts by a great penalty to coerce them to accept it." Globe Appendix 240.

[68] "It says that each of the southern States, and, of course, each other State in the Union, has a right to regulate for itself the franchise, and that consequently, as far as the Government of the United States is concerned, if the black man is not permitted the right to the franchise, it will be a wrong (if a wrong) which the Government of the United States will be impotent to redress." Globe 3027. Johnson was the only Democratic Senator on the Joint Committee.

[69] "With [the rebel States'] enlarged basis of representation, and exclusion of the loyal men of color from the ballot-box, I see no hope of safety unless in the prescription of proper enabling acts, which shall do justice to the freedmen and enjoin enfranchisement as a condition-precedent." Globe 3148.

[70] Kelly: see Globe 2469, quoted at n. 32, *supra.*

Farnsworth: see Globe 2540, quoted at n. 36, *supra.*

Eliot: see Globe 2511, quoted at n. 34, *supra.*

Higby: see Globe 3978 (debate over readmission of Tennessee despite all-white electorate).

Bingham: see Globe 2542, quoted at p. ——, *supra;* see also Globe 3979 (debate over readmission of Tennessee).

Stevens: see Globe 2459–2460, quoted at pp. ——, *supra;* Globe 3148, quoted at n. 69, *supra.*

Raymond: see Globe 2502, quoted at n. 39, *supra.*

Ashley: see Globe 2882.

Sumner: see n. 71, *infra.*

Fessenden: see H. R. Rep. No. 30, 39th Cong. 1st Sess. XIII–XIV (1866), quoted pp. ——, *infra.*

Yates: see Globe 3038, quoted at n. 63, *supra.*

Stewart: see Globe 2965, quoted at n. 60, *supra.*

Wade: see Globe 2769, quoted at n. 58, *supra.*

The exception is Senator Wilson of Massachusetts, who did not address himself to this issue. However, he participated in the de-

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bates, see Globe 2770, 2986–2987, and was therefore in a position to express disagreement with the interpretation uniformly offered in the Senate.

Secondary reliance is placed on Shellabarger, Cook, Boutwell, Julian, and Lawrence of Ohio. These Representatives, with the exception of Boutwell, see n. 33, *supra*, did not participate significantly in the debates over the Fourteenth Amendment. The substance of their earlier remarks is that Congress had some power, usually by way of the Guaranty Clause, see n. 6, *supra*, to oversee state voter qualifications. Shellabarger also offered on Article I, § 4, see n. 46, *supra;* p. ——, *post;* Julian relied on the Thirteenth Amendment; and Boutwell looked to the Declaration of Independence. The relevance of these views to the scope of § 1 of the Fourteenth Amendment is not apparent.

[71] Stevens: see Globe 2459–2460, quoted at pp. ——, *supra;* Globe 3148, quoted at n. 69, *supra;* James 163 (campaign speech in fall of 1866).

Boutwell: see Globe 2508, quoted at n. 33, *supra;* Globe 3976 (debate over readmission of Tennessee).

Summer did not actually participate in the debates on H.R. No. 127. However, after the caucus of Republican Senators had agreed on the form of the Amendment, Summer gave notice that he intended to move to amend the bill accompanying the proposed Amendment. This bill, S. 292, provided that any Confederate State might be readmitted to representation in Congress once the proposed Amendment had become part of the Constitution and the particular State should have ratified it and modified its constitution and laws in conformity therewith. The bill is reprinted in H.R. Rep. No. 30, 39th Cong., 1st Sess. V–VI, and in Kendrick 117–119. Sumner's amendment would have provided that a State might be readmitted when it should have ratified the Fourteenth Amendment and modified its constitution and laws in conformity therewith "and shall have *further* provided that there shall be no denial of the elective franchise to citizens of the United States because of race or color, and that all persons shall be equal before the law." Globe 2869 (emphasis added).

Sumner also referred to Negro suffrage as unfinished business in speeches that fall. James 173, 178.

[72] For citations to the state materials, see Fairman, Does the Fourteenth Amendment Incorporate the Bill of Rights? 2 Stan. L. Rev. 5, 84–132 (1949).

[73] Fear that the Amendment would reach voting was expressed in Brevier Legis. Rep. [Indiana] 45–46, 80, 88–89 (1867); Tenn. H.R. J. 38 (Extra Sess. 1866); Fla. S.J. 102 (1866); N. C. S. J. 96–97 (1866–1867); S. C. H. R. J. 34 (1866); and Tex. S.J. 422–423 (1866). The last four States rejected the proposed Amendment. Opponents of the Amendment stated or assumed that it would not reach voting qualifications in Ark H R. J. 288—289 (1866); Fla. S.J. 8–9 (1866); Report of the Joint Committee on Federal Relations, Maryland H.R. Doc. MM at 15 (Mar. 18, 1867); Mass H.R. Doc. No. 149, at 7–9, 16–17 (1867); and Wis. S.J. 102–103 (1867). Fla. House J. 76–78 (1866); Ind. House J. 102–103 (1867); and N. H. S. J. 71–72 (1866) are equivocal.

[74] "Are not all persons born or naturalized in the United States and subject to its jurisdiction, rightfully citizens of the United States and of each State, and justly entitled to all the political and civil rights citizenship confers? And should any State possess the power to divest them of these great rights except for treason or other infamous crime?" Ill. H. R. J. 40 (1867).

[75] Ind. House J. 47–48 (1867); Kans. S. J. 45 (1867); Maine S. J. 23 (1867); Mass. H. R. Doc. No. 149, at 25–26 (1867); Nev. S. J. App. 9 (1867); Vt. S. J. 28 (1866); W. Va. S. J. 19 (1867); Wis. Assembly J. 33 (1867).

[76] H. R. Rep. No. 30, 39th Cong., 1st Sess. XIII–XIV (1866).

[77] I have found references to only two such speeches, one by Senator Hendricks and the other by one George M. Morgan, a candidate for Congress in Ohio. Cincinnati Commercial, Aug. 9, 1866, at 1, col. 4, quoted in Fairman, *supra* n. —, at 72; Cincinnati Commercial, Aug. 23, 1866, at 3, col. 2, quoted in Fairman, *supra*, at 75.

[78] See Gillette, *supra* n. 3, at 25–27.

[79] *Reynolds v. Sims*, 377 U.S. 533, 589 (1964) (dissenting opinion).

[80] Art. IV, § 4. See n. 6, *supra*, for the text.

[81] The contention that Congress has power to override state judgments as to qualifications for voting in federal elections is discussed below. Pp. —, *infra*.

[82] Amend. XV: "Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

"Section 2. The Congress shall have power to enforce this article by appropriate legislation."

Amend. XIX: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account or sex.

"Congress shall have power to enforce this article by appropriate legislation."

Amend. XXIV: "Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice-President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

"Sec. 2. The Congress shall have power to enforce this article by appropriate legislation."

[83] See, *e.g. Harper* v. *Virginia Board of Elections*, 383 U.S. 663, 670 (1966): "Our conclusion, like that in *Reynolds* v. *Sims*, [373 U.S. 533 (1964),] is founded not on what we think governmental policy should be, but on what the Equal Protection Clause requires."

[84] Most of the costs in which this Court has used the Equal Protection Clause to strike down state voter qualifications have been decided since 1965. Eight such cases have been decided by opinion. *Carrington* v. *Rash*, 380 U.S. 89 (1965); *Louisiana* v. *United States*, 380 U.S. 145 (1965); *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966); *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966); *Kramer* v. *Union Free School Dist. No. 15*, 395 U.S. 621 (1969); *Cipriano* v. *City of Houma*, 395 U.S. 701 (1969); *Evans* v. *Cornman*, 398 U.S. 419 (1970); *City of Phoenix* v. *Kolodziejski*, 399 U.S. 204 (1970). Other cases have been summarily disposed of. In none of these cases did the Court advert to the argument based on the historical understanding.

Before 1965, although this Court had occasionally entertained on the merits challenges to state voter qualifications under the Equal Protection Clause, only two cases had sustained the challenges. *Nixon* v. *Herndon*, 273 U.S. 536 (1927), held that a Texas statute limiting participaton in the Democratic Party primary to whites violated the Fourteenth Amendment. *Nixon* v. *Condon*, 286 U.S. 73 (1932), held that Texas did not avoid the reach of the *Herndon* decision by transferring to the party's Executive Committee the power to set qualifications for participation in the primary. In neither of the *Nixon* cases was the history of the Fourteenth Amendment suggested to the Court. Both cases were argued on the assumption that racial prohibition on voting in state general elections would violate the Fourteenth as well as the Fifteenth Amendment. This potential line of decision proved abortive when *United States* v. *Classic*, 313 U.S. 299 (1941), laid the groundwork for holding that participation in party primaries was included within the "right . . . to vote" protected by the Fifteenth Amendment. See *Reynolds v. Sims*, 377 U.S. 533, 614 n. 72 (1964) (dissenting opinion). The *Nixon* opinions were not relied on by the Court in the subsequent white-primary cases, *Smith* v. *Allwright*, 321 U.S. 649 (1944), and *Terry* v. *Adams*, 345 U.S. 461 (1953), and they were not even referred to in the recent cases on voter qualifications cited above.

[85] In this particular instance the other two branches of the Government have in fact expressed conflicting views as to the validity of Title III of the Act, the voting age provision. See H.R. Doc. No. 91–326, 91st Cong., 2d Sess. (1970).

[86] In fact, however, I do not understand how the doctrine of deference to rational constitutional interpretation by Congress, espoused by the majority in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), is consistent with this statement of Chief Justice Marshall or with our reaffirmation of it in *Cooper* v. *Aaron*, 358 U.S. 1, 18 (1958):

"[*Marbury*] declared the basic principle that the federal judiciary is supreme in the exposition of the law of the Constitution, and that principle has ever since been respected by this Court and the country as a permanent and indispensable feature of our constitutional system."

[87] Contrast *Metropolitan Cas. Ins. Co.* v. *Brownell*, 294 U.S. 580 (1935), relied on by my colleagues. In that case the crucial factual issue, on which the record was silent, was whether casualty insurance companies not incorporated in Indiana, "generally keep their funds and maintain their business offices, and their agencies for the settlement of claims, outside the state." 294 U.S. at 585.

[88] It might well be asked why this standard is not equally applicable to the congressional expansion of the franchise before us. Lowering of voter qualifications dilutes the voting power of those who could meet the higher standard, and it has been held that "the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise." *Reynolds* v. *Sims*, 377 U.S. 533, 555 (1964) (footnote omitted). Interference with state control over qualifications for voting in presidential elections in order to encourage interstate migration appears particularly vulnerable to analysis in terms of compelling federal interests.

[89] Although MR. JUSTICE BLACK rests his decision in part on the assumption that the selection of presidential electors is a "federal" election, the Court held in *In re Green*, 134 U.S. 377, 379 (1890), and repeated in *Ray* v. *Blair*, 343 U.S. 214, 224–225 (1952), that presidential electors act by authority of the States and are not federal officials.

[90] At the time these suits were filed only two of the 50 States, Georgia and Kentucky, allowed 18-year-olds to vote, and only two other States, Hawaii and Alaska, set the voting age below 21. In subsequent referenda, voters in 10 States declined to lower the voting age; five States lowered the voting age to 19 or 20; and Alaska lowered the age from 19 to 18. See The Washington Post, Nov. 5, 1970, at A13, col. 5.

[91] "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States."

[92] At the time the Constitution was adopted, additional restrictions based on payment of taxes and ownership of property, as well as creed and sex, were imposed, making the proposition even clearer.

[93] See Article II: "Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled."

[94] The legislative history of the Voting Rights Act Amendments contains sufficient evidence to this effect, if any be needed.

[89] Cf. the Voting Rights Act of 1965, 79 Stat. 438, which suspended literacy tests only in areas falling within a coverage formula and allowed reinstatement of the tests upon judicial determination that during the preceding five years no tests had been used with discriminatory purpose or effect. 42 U.S.C. (Supp. V) 1973b(a) (1970), amended by Pub. L. No. 91–285 § 3, 84 Stat. 314.

[90] I assume that reasonableness is the applicable standard, notwithstanding the fact that the instant legislation is challenged on the ground that it improperly dilutes the votes of literate Arizona citizens. But see *Kramer* v. *Union Free School Dist. No. 15,* 395 U.S. 621 (1969); n. 88 *supra.*

[Supreme Court of the United States, Nos. 43, 44, 46, 47 Orig.—October Term, 1970]

OREGON VERSUS MITCHELL

(State of Oregon, Plaintiff, *v.* John N. Mitchell, Attorney General of the United States. State of Texas, Plaintiff, *v.* John N. Mitchell, Attorney General of the United States. United States, Plaintiff, *v.* State of Arizona. United States, Plaintiff, *v.* State of Idaho on Bills of Complaint, Dec. 21, 1970)

MR. JUSTICE BRENNAN, MR. JUSTICE WHITE, and MR. JUSTICE MARSHALL dissent from the judgment insofar as it declares § 302 unconstitutional as applied to state and local elections, and concur in the judgment in all other respects, for the following reasons.

These cases draw into question the power and judgment of Congress in enacting Titles II and III of the Voting Rights Act Amendments of 1970, 84 Stat. 314. The State of Arizona challenges the power of Congress to impose a nationwide ban, until August 6, 1975, on the use of literacy and certain other tests to limit the franchise in any election. The State of Idaho takes issue with the asserted congressional power to find that the imposition of a durational residence requirement to deny the right to vote in elections for President and Vice President imposes a burden upon the right of free interstate migration that is not necessary to further a compelling state interest.[1] Finally, the States of Oregon, Texas, Arizona, and Idaho would have us strike down as unreasonable and beyond congressional power the findings, embodied in § 301 (a) of the Amendments, that denying the vote to otherwise qualified persons 18 to 21 years of age, while granting it to those 21 years of age and older, violates the Equal Protection Clause and is, in any event, not reasonably related to any compelling state interest.[2] In Nos. 43 and 44, Oregon and Texas have invoked our original jurisdiction under Article III, § 2, of the Constitution to restrain the Attorney General of the United States, a citizen of New York, from enforcing the 18-year-old voting provisions of the Amendments. *South Carolina* v. *Katzenbach,* 383 U. S. 301, 307 (1966). In Nos. 46 and 47, the United States seeks orders enjoining Arizona from enforcing age and literacy limitations on the franchise,[3] and enjoining Idaho from enforcing age, residence, and absentee voting limitations,[4] insofar as those limitations are inconsistent with the 1970 Amendments. Original jurisdiction, again, is founded upon Article III, § 2 of the Constitution. See *United States* v. *California,* 332 U. S. 19, 22 (1947). Since, in our view, congressional power to enact the challenged Amendments is found in the enforcement clauses of the Fourteenth and Fifteenth Amendments, and since we may easily perceive a rational basis for the congressional judgments underlying each of them, we would deny relief in Nos. 43 and 44, and issue the requested orders in Nos. 46 and 47.

I

The Voting Rights Act of 1965, 79 Stat. 438, 42 U.S.C. § 1973 *et cq.* (1964 ed., Supp. V), proscribed the use of any "test or device,"[5] including literacy tests, in States or their political subdivisions which fell within a coverage formula set forth in § 4(b) of the 1965 Act. 42 U.S.C. §§ 1973b (a), (b) (1964 ed., Supp. V). Although we had previously concluded that literacy tests, fairly administered, violate neither the Fourteenth nor the Fifteenth Amendments, *Lassiter* v. *Northampton County Board of Elections,* 360 U.S. 45 (1959), we nevertheless upheld their selective proscription by Congress. *South Carolina* v. *Katzenbach,* 383 U.S. 301 (1966). Canvassing the "voluminous" legislative history of the 1965 Act, we found ample basis for a legislative conclusion that such a proscription was necessary to combat the "insidious and pervasive evil" of racial discrimination with regard to voting. *Id.,* at 308–315. Accordingly, we held the proscription to be well within the power of Congress granted by § 2 of the Fifteenth Amendment. *Id.,* at 327–334. Three years later, in *Gaston County* v. *United States,* 395 U.S. 285 (1969), we sustained application of the ban on literacy tests to a county where there was no evidence that the test itself was discriminatory or that—at least since 1962[6]—it had been administered in a discriminatory manner. Notwithstanding this fact, we noted that the record did contain substantial evidence that in years past, "Gaston County [had] systematically deprived its black citizens of the educational opportunities it granted to its white citizens." *Id.,* at 297. Since this "in turn deprived them of an equal opportunity to pass the literacy test," *id.,* at 291, even impartial administration of an impartial test would inevitably result in just the discrimination that Congress and the Fifteenth Amendment had sought to proscribe. *Id.,* at 296–297; see *South Carolina* v. *Katzenbach,* 383 U.S., at 308, 333–334.

No challenge is made in the present case either to the 1965 Act or to the five-year extension of its ban on "tests or devices" embodied in Title I of the 1970 Amendments. Arizona does, however, challenge § 201 of the Amendments, which extends (until August 6, 1975) the 1965 Act's selective ban on the use of "tests or devices" to all States and political subdivisions in which it is not already in force by virtue of the 1965 Act. In substance, Arizona argues that it is and has been providing education of equal quality for all its citizens; that its literacy test is both fair and fairly administered; and that there is no evidence in the legislative record upon which Congress could have relied to reach a contrary conclusion. It urges that to the extent that any citizens of Arizona have been denied the right to vote because of illiteracy resulting from discriminatory governmental practices, the unlawful discrimination has been by governments other than the State of Arizona or its political subdivisions. Arizona, it suggests, should not have its laws overridden to cure discrimination on the part of governmental bodies elsewhere in the country.

We need not question Arizona's assertions as to the nondiscriminatory character, past and present, of its educational system. Congressional power to remedy the evils resulting from state-sponsored racial discrimination does not end when the subject of that discrimination removes himself from the jurisdiction in which the injury occurred. "The Constitution was framed under the dominion of a political philosophy less parochial in range. It was framed upon the theory that the peoples of the several states must sink or swim together, and that in the long run prosperity and salvation are in union and not division." *Baldwin* v. *G. A. F. Seelig, Inc.,* 294 U.S. 511, 523 (1935); see *Edwards* v. *California,* 314 U.S. 160, 173–176 (1941). In upholding the suspension of literacy tests as applied to Gaston County under the 1965 Act, we could see "no legal significance" in the possibility that adult residents of the county might have received their education "in other counties or States also maintaining segregated and unequal school systems." *Gaston County* v. *United States,* 395 U.S., at 293 n. 9.[8]

The legislative history of the 1970 Amendments contains substantial information upon which Congress could have based a finding that the use of literacy tests in Arizona and in other States where their use was not proscribed by the 1965 Act has the effect of denying the vote to racial minorities whose illiteracy is the consequence of a previous governmentally sponsored denial of equal educational opportunity. The Attorney General of Arizona told the Senate Subcommittee on Constitutional Rights that many older Indians in the State were "never privileged to attend a formal school."[9] Extensive testimony before both Houses indicated that racial minorities have long received inferior educational opportunities throughout the United States.[10] And interstate migration of such persons, particularly of Negroes from the Southern States, has long been a matter of common knowledge.[11]

Moreover, Congress was given testimony explicitly relating the denial of educational opportunity to inability to pass literacy tests in States not covered by the formula contained in the 1965 Act. The United States Commission on Civil Rights reported a survey of the Northern and Western States which concluded that literacy tests have a negative impact upon voter registration "which falls most heavily on blacks and persons of Spanish surname."[12] With regard specifically to Arizona, the Chairman of the Navajo Tribal Council testified that a greater percentage of Navajos are registered in New Mexico, which has no literacy test, than in Arizona.[13]

In short, there is no question but that Congress could legitimately have concluded that the use of literacy test anywhere within the United States has the inevitable effect of denying the vote to members of racial minorities whose inability to pass such tests is the direct consequence of previous governmental discrimination in education. Almost five years ago, we found in § 2 of the Fifteenth Amendment an ample grant of legislative power for Congress to decree a selective proscription of such tests in certain portions of the country. *South Carolina* v. *Katzenbach,* 383 U.S., at 327–334. We have since held that power ample to cover the proscription of fair literacy tests, fairly administered, which nevertheless operate to disenfranchise racial minorities because of previous governmental discrimination against them in education. *Gaston County* v. *United States,* 395 U.S., at 287, 289–293. Five years of experience with the 1965 Act persuaded Congress that a nationwide ban on literacy and other potentially discriminatory tests was necessary to prevent racial discrimination in voting throughout the country. That conclusion is amply supported in the legislative record and § 201 of the 1970 Amendments is accordingly well within the scope of congressional power.

II

Section 202 of the 1970 Amendments abolishes all durational state residence requirements restricting the right to vote in presidential elections. In their place, Congress has undertaken to prescribe a uniform nationwide system of registration and absentee voting designed to allow all otherwise qualified persons to vote in such elections regardless of the length of time they have lived in a particular jurisdiction.[14] The States are required to keep open their registration rolls for presidential elections until 30 days preceding the election. § 202 (d). Persons who have changed their residence within 30 days of the election are, if otherwise qualified, entitled to vote either in person or by absentee ballot in the State of their previous residence, § 202(e), and the States are compelled to permit the casting of absentee ballots by all properly qualified persons who

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have made application not less than seven days prior to the election, and returned the ballot to the appropriate officials not later than the closing of polls on election day. §§ 202 (b), (d). Provision must also be made by the States to allow absentee registration. § 202(f).

Idaho challenges the power of Congress to enact such legislation insofar as it conflicts with Idaho's statutory and constitutional provisions regarding durational residence requirements for voting; regarding absentee voting; and regarding absentee registration.[15] The State's argument in brief is that the Constitution has left to the States the power to set qualifications for voters in both state and federal elections, subject only to certain explicit limitations such as, for example, those imposed by the Fourteenth, Nineteenth, and Twenty-fourth Amendments. Admitting that unreasonable residence requirements may not withstand judicial scrutiny, *Carrington* v. *Rash*, 380 U. S. 89 (1965), Idaho urges that its 60-day residence requirement is necessary for protection against fraud, and for administrative purposes. In consequence, § 202 of the 1970 Amendments is said to be of no weight against these compelling state interests.

Whether or not the Constitution vests Congress with particular power to set qualifications for voting in strictly federal elections,[16] we believe there is an adequate constitutional basis for § 202 in § 5 of the Fourteenth Amendment. For more than a century, this Court has recognized the constitutional right of all citizens to unhindered interstate travel and settlement. *Passenger Cases*, 7 How. 283, 492 (1849) (Taney, C. J.); *Crandall* v. *Nevada*, 6 Wall. 35, 43–44 (1868); *Paul* v. *Virginia*, 8 Wall. 168, 180 (1869); *Edwards* v. *California*, 314 U. S. 160 (1941); *United States* v. *Guest*, 383 U. S. 745, 757–758 (1966); *Shapiro* v. *Thompson*, 394 U. S. 618, 629–631, 634 (1969). From whatever constitutional provision this right may be said to flow,[17] both its existence and its fundamental importance to our Federal Union have long been established beyond question.

By definition, the imposition of a durational residence requirement operates to penalize those persons, and only those persons, who have exercised their constitutional right of interstate migration. Of course, governmental action that has the incidental effect of burdening the exercise of a constitutional right is not *ipso facto* unconstitutional. But in such a case, governmental action may withstand constitutional scrutiny only upon a clear showing that the burden imposed is necessary to protect a compelling and substantial governmental interest. *Shapiro* v. *Thompson*, 394 U.S., at 634; *United States* v. *Jackson*, 390 U.S. 570, 582–583 (1968); *Sherbert* v. *Verner*, 374 U.S. 398, 406–409 (1963). And once it be determined that a burden has been placed upon a constitutional right, the onus of demonstrating that no less intrusive means will adequately protect compelling state interests is upon the party seeking to justify the burden. See *Speiser* v. *Randall* 357 U.S. 513, 525–526 (1958).

In the present case, Congress has explicitly found both that the imposition of durational residence requirements abridges the right of free interstate migration and that such requirements are not reasonably related to any compelling state interests. 1970 Amendments, §§ 202 (a) (2), (6). The latter finding was made with full cognizance of the possibility of fraud and administrative difficulty. Senator Goldwater, testifying at Senate hearings on the bill, pointed out that 40 States presently allow registration until 30 days or less prior to the election.[18] Idaho itself allows registration by those desiring to vote as new residents in presidential elections within 10 days of balloting. Idaho Code Ann. § 34–409 (1963). And Idaho's assertion of the administrative unfeasibility of maintaining separate registration lists for fully qualified voters and for those qualified only for presidential balloting is difficult to credit in light of the fact that the Idaho Constitution, Art. 6, § 2, itself sets separate qualifications for voting in general and in presidential elections. The provisions for absentee voting, as Senator Goldwater pointed out on the floor of the Senate, were likewise "drawn from the proven practice of the States themselves."[19] Thirty-seven States allow application within a week of the election, and 40 permit the marked ballot to be returned on election day.[20] Finally, Idaho has provided no evidence beyond the mere assertion that the scheme of § 202 is inadequate to protect against fraud. But the only kind of fraud asserted is the possibility of dual voting, and Idaho has provided no explanation why the 30-day period between the closing of new registrations and the date of election would not provide, in light of modern communications, adequate time to insure against such frauds. Accordingly, we find ample justification for the congressional conclusion that § 202 is a reasonable means for eliminating an unnecessary burden on the right of interstate migration. *United States* v. *Guest*, *supra*.

III

The final question presented by these cases is the propriety of Title III of the 1970 Amendments, which forbids the States from disenfranchising persons over the age of 18 because of their age. Congress was of the view that this prohibition, embodied in § 302 of the Amendments, was necessary among other reasons in order to enforce the Equal Protection Clause of the Fourteenth Amendment. See §§ 301 (a) (2), (b). The States involved in the present litigation question the assertion of congressional power to make that judgment.

It is important at the outset to recognize what is not involved in these cases. We are not faced with an assertion of congressional power to regulate any and all aspects of state and federal elections, or even to make general rules for the determination of voter qualifications. Nor are we faced with the assertion that Congress is possessed of plenary power to set minimum ages for voting throughout the States. Every State in the Union has conceded by statute that citizens over the age of 21 are capable of intelligent and responsible exercise of the right to vote. The single, narrow question presented by these cases is whether Congress was empowered to conclude, as it did, that citizens 18 to 21 years of age are not substantially less able.

We believe there is serious question whether a statute granting the franchise to citizens over 21 while denying it to those between the ages of 18 and 21 could, in any event, withstand present scrutiny under the Equal Protection Clause. Regardless of the answer to this question, however, it is clear to us that proper regard for the special function of Congress in making determinations of legislative fact compels this Court to respect those determinations unless they are contradicted by evidence far stronger than anything that has been adduced in these cases. We would uphold § 302 as a valid exercise of congressional power under § 5 of the Fourteenth Amendment.

A

All parties to these cases are agreed that the States are given power, under the Constitution, to determine the qualifications for voting in state elections. Art. I, § 2; *Lassiter* v. *Northampton County Board of Elections*, 360 U.S. 45, 50 (1959); *Carrington* v. *Rash*, 380 U.S. 89, 91 (1965). But it is now settled that exercise of this power, like all other exercises of state power, is subject to the Equal Protection Clause of the Fourteenth Amendment. *Carrington* v. *Rash*, *supra*; *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966); *Kramer* v. *Union Free School District*, 395 U.S. 621 (1969); *Evans* v. *Cornman*, 398 U.S. 419 (1970). Although it once was thought that equal protection required only that a given legislative classification, once made, be evenly applied, see *Hayes* v. *Missouri*, 120 U.S. 68, 71–72 (1887), for more than 70 years we have consistently held that the classifications embodied in a state statute must also meet the requirements of equal protection. *Gulf, Colorado & Santa Fe R. Co.* v. *Ellis*, 165 U.S. 150, 155 (1897); see *McLaughlin* v. *Florida*, 379 U.S. 184, 189–191 (1964), and cases cited.

The right to vote has long been recognized as a "fundamental political right, because preservative of all rights." *Yick Wo* v. *Hopkins*, 118 U.S. 356, 370 (1886); see *Reynolds* v. *Sims*, 377 U.S. 533, 562 (1964); *Williams* v. *Rhodes*, 393 U.S. 23, 31 (1968). "Any unjustified discrimination in determining who may participate in political affairs undermines the legitimacy of representative government." *Kramer* v. *Union Free School District*, 395 U.S., at 626. Consequently, when exclusions from the franchise are challenged as violating the Equal Protection Clause, judicial scrutiny is not confined to the question whether the exclusion may reasonably be thought to further a permissible interest of the State. Cf. *Metropolitan Co.* v. *Brownell*, 294 U.S. 580, 583–584 (1935). "A more exacting standard obtains." *Kramer* v. *Union Free School District*, 395 U.S. at 633. In such cases, "the Court must determine whether the exclusions are necessary to promote a compelling state interest." *Id.* at 627; *Cipriano* v. *City of Houma*, 395 U.S. 701, 704 (1969).

In the present cases, the States justify exclusion of 18- to 21-year-olds from the voting rolls solely on the basis of the States' interests in promoting intelligent and responsible exercise of the franchise.[21] There is no reason to question the legitimacy and importance of these interests. But standards of intelligence and responsibility, however defined, may permissibly be applied only to the means whereby a prospective voter determines how to exercise his choice, and not to the actual choice itself. Were it otherwise, such standards could all too easily serve as mere epithets designed to cloak the exclusion of a class of voters simply because of the way they might vote. Cf. *Evans* v. *Cornman*, 398 U.S., at 422–423. Such a state purpose is, of course constitutionally impermissible. *Carrington* v. *Rash*, 380 U.S., at 94. We must, therefore, examine with particular care the asserted connection between age limitations and the admittedly laudable state purpose to further intelligent and responsible voting.

We do not lack a starting point for this inquiry. Although the question has never been squarely presented, we have in the past indicated that age is a factor not necessarily irrelevant to qualifications for voting. *Lassiter* v. *Northampton County Board of Elections*, 360 U.S. at 51; *Kramer* v. *Union Free School District*, 395 U.S., at 625–626. But recognition that age is not in all circumstances a "capricious or irrelevant factor," *Harper* v. *Virginia State Board of Elections*, 383 U.S., at 668, does not insure the validity of the particular limitation involved here. *Evans* v. *Cornman*, 398 U.S., at 425–426. Every State in the Union has concluded for itself that citizens over the age of 21 are capable of responsible and intelligent voting. Accepting this judgment, there remains the question whether citizens 18 to 21 years of age may fairly be said to be less able.

State practice itself in other areas casts doubt upon any such proposition. Each of the 50 States has provided special mechanisms for dealing with persons who are deemed insufficiently mature and intelligent to understand, and to conform their behavior to, the criminal laws of the State.[22] Forty-nine of the States have concluded that, in this regard, 18-year-olds are invariably to be dealt with according to precisely the same stand-

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ards prescribed for their elders.[23] This at the the very least is evidence of a nearly unanimous legislative judgment on the part of the States themselves that differences in maturity and intelligence between 18-year-olds and persons over the age of 21 are too trival to warrant specialized treatment for *any* of the former class in the critically important matter of criminal responsibility.[24] Similarly, every State permits 18-year-olds to marry, and 39 States do not require parental consent for such persons of one or both sexes.[25] State statutory practice in other areas follows along these lines, albeit not as consistently.[26]

Uniform state practice in the field of education points the same way. No State in the Union requires attendance at school beyond the age of 18. Of course, many 18-year-olds continue their education to 21 and beyond. But no 18-year-old who does not do so will be disenfranchised thereby once he reaches the age of 21.[27] Whether or not a State could in any circumstances condition exercise of the franchise upon educational achievements beyond the level reached by 18-year-olds today, there is no question but that no State purports to do so. Accordingly, that 18-year-olds as a class may be less educated than some of their elders[28] cannot justify restriction of the franchise, for the States themselves have determined that this incremental education is irrelevant to voting qualifications. And finally, we have been cited to no material whatsoever that would support the proposition that intelligence, as opposed to educational attainment, increases between the ages of 18 and 21.

One final point remains. No State seeking to uphold its denial of the franchise to 18-year-olds has adduced anything beyond the mere difference in age. We have already indicated that the relevance of this difference is contradicted by nearly uniform state practice in other areas. But perhaps more important is the uniform experience of those States—Georgia since 1943, and Kentucky since 1955—that have permitted 18-year-olds to vote.[29] We have not been directed to a word of testimony or other evidence that would indicate that 18-year-olds in those States have voted any less intelligently and responsibly than their elders, or that there is any reasonable grounds for belief that 18-year-olds in other States are less able than those in Georgia and Kentucky. On the other hand, every person who spoke to the issue in either House or Senate was agreed that 18-year-olds in both States were at least as interested, able, and responsible in voting as were their elders.[30]

In short, we are faced with an admitted restriction upon the franchise, supported only by bare assertions and long practice, in the face of strong indications that the States themselves do not credit the factual propositions upon which the restriction is asserted to rest. But there is no reason for us to decide whether, in a proper case, we would be compelled to hold this restriction a violation of the Equal Protection Clause. For as our decisions have long made clear, the question we face today is not one of judicial power under the Equal Protection Clause. The question is the scope of congressional power under § 5 of the Fourteenth Amendment. To that question we now turn.

B

As we have often indicated, questions of constitutional power frequently turn in the last analysis on questions of fact. This is particularly the case when an assertion of state power is challenged under the Equal Protection Clause of the Fourteenth Amendment. For although equal protection requires that all persons "under like circumstances and conditions" be treated alike, *Hayes* v. *Missouri*, 120 U.S. 68, 71–72 (1887), such a formulation merely raises, but does not answer the question whether a legislative classification has resulted in different treatment of persons who are in fact "under like circumstances and conditions."

Legislatures, as well as courts, are bound by the provisions of the Fourteenth Amendment. *Cooper* v. *Aaron*, 358 U.S. 1, 18–20 (1958). When a state legislative classification is subjected to judicial challenge as violating the Equal Protection Clause, it comes before the courts cloaked by the presumption that the legislature has, as it should, acted within constitutional limitations, *Kotch* v. *Board of River Pilot Commissioners*, 330 U.S. 552, 556, 563–564 (1947); see *Kramer* v. *Union Free School District*, 395 U.S. 621, 627–628 (1969). Accordingly, "[a] statutory discrimination will not be set aside as the denial of equal protection of the laws if any state of facts reasonably may be conceived to justify it." *Metropolitan Co.* v. *Brownell*, 294 U.S. 580, 584 (1936).[31]

But, as we have consistently held, this limitation on judicial review of state legislative classifications is a limitation stemming not from the Fourteenth Amendment itself, but from the nature of judicial review. It is simply a "salutary principle of judicial decision." *Metropolitan Co.* v. *Brownell, supra*, one of the "self-imposed restraints intended to protect [the Court] and the state against irresponsible exercises of [the Court's] and the state against irresponsible exercises of [the Court's] unappealable power." *Fay* v. *New York*, 332 U.S. 261, 282 (1947). The nature of the judicial process makes it an inappropriate forum for the determination of complex factual questions of the kind so often involved in constitutional adjudication. Courts, therefore, will overturn a legislative determination of a factual question only if the legislature's finding is so clearly wrong that it may be characterized as "arbitrary," "irrational," or "unreasonable." *Communist Party* v. *Control Board*, 367 U.S. 1, 94–95 (1961); *United States* v. *Carolene Products Co.*, 304 U.S. 144, 152–154 (1938); *Metropolitan Co.* v. *Brownell*, 294 U.S., at 583–584.

Limitations stemming from the nature of the judicial process, however, have no application to Congress. Section 5 of the Fourteenth Amendment provides that "[t]he Congress shall have power to enforce, by appropriate legislation, the provisions of this article." Should Congress, pursuant to that power, undertake an investigation in order to determine whether the factual basis necessary to support a state legislative discrimination actually exists, it need not stop once it determines that some reasonable men could believe the factual basis exists. Section 5 empowers Congress to make its own determination on the matter. See *Katzenbach* v. *Morgan*, 384 U.S. 641, 654–656 (1966). It should hardly be necessary to add that if the asserted factual basis necessary to support a given state discrimination does not exist, § 5 of the Fourteenth Amendment vests Congress with power to remove the discrimination by appropriate means. *Id.*, at 656–657; *Fay v. New York*, 332 U.S., at 282–283; *Ex parte Virginia*, 100 U.S. 339, 347–348 (1880).

The scope of our review in such matters has been established by a long line of consistent decisions. "It is not for the courts to re-examine the validity of these legislative findings and reject them." *Communist Party* v. *Control Board*, 367 U.S., at 94. "[W]here we find that the legislators, in light of the facts and testimony before them, have a rational basis for finding a chosen regulatory scheme necessary . . . our investigation is at an end." *Katzenbach* v. *McClung*, 379 U.S. 294, 303–304 (1964); *Katzenbach* v. *Morgan*, 384 U.S., at 653; see *Galvan* v. *Press*, 347 U.S. 522, 529 (1954).[32]

This scheme is consistent with our prior decisions in related areas. The core of dispute over the constitutionality of Title III of the 1970 Amendments is a conflict between state and federal legislative determinations of the factual issues upon which depend decision of a federal constitutional question—the legitimacy, under the Equal Protection Clause, of state discrimination against persons between the ages of 18 and 21. Our cases have repeatedly emphasized that, when state and federal claims come into conflict, the primacy of federal power requires that the federal finding of fact control. See *England* v. *Louisiana State Board of Medical Examiners*, 375 U.S. 411, 415–417 (1964); *Townsend* v. *Sain*, 372 U.S. 293, 311–312 (1963); *Tarble's Case*, 13 Wall, 397, 406–407 (1872); cf. *United States* v. *Darby*, 312 U.S. 100, 119 (1941). The Supremacy Clause requires an identical result when the conflict is one of legislative, not judicial, findings.

Finally, it is no answer to say that Title III intrudes upon a domain reserved to the States—the power to set qualifications for voting. It is no longer open to question that the Fourteenth Amendment applies to this, as to all other, exercise of state power. *Kramer* v. *Union Free School District, supra*, and cases cited. As we said in answer to a similar contention almost a century ago, "The Constitution now expressly gives authority for congressional interference and compulsion in the cases embraced within the Fourteenth Amendment. It is but a limited authority, true, extending only to a single class of cases; but within its limits it is complete." *Ex parte Virginia*, 100 U.S. 339, 347–348 (1880).

Our Brother HARLAN has set out in some detail the historical evidence which persuades him that the framers of the Fourteenth Amendment did not believe that the Equal Protection Clause, either through judicial action or through congressional enforcement under § 5 of the Amendment, could operate to enfranchise Negroes in States which denied them the vote. *Ante*, at ———. From this he has concluded "that the Fourteenth Amendment was never intended to restrict the right of the States to allocate their political power as they see fit and therefore that it does not authorize Congress to set voter qualifications in either state or federal elections." *Ante*, at ——. This conclusion, is accepted, would seem to require as a corollary that although States may not, under the Fifteenth Amendment, discriminate against Negro *voters*, they are free so far as the Federal Constitution is concerned to discriminate against Negro or unpopular *candidates* in any way they desire. Not surprisingly, our Brother HARLAN's thesis is explicitly disavowed by all the States party to the present litigation,[33] and has been presented to us only in the brief *Amici Curiae* of Virginia and, perhaps, Mississippi.[34] We could not accept in the briefs *Amici Curiae* of Virginia and, this thesis even if it were supported by historical evidence far stronger than anything adduced here today. But in our view, our Brother HARLAN's historical analysis is flawed by his ascription of 20th-century meanings to the words of 19th-century legislators. In consequence, his analysis imposes an artificial simplicity upon a complex era, and presents as universal beliefs that were held by merely one of several groups competing for political power. We can accept neither his judicial conclusion nor his historical premise that the original understanding of the Fourteenth Amendment left it within the power of the States to deny the vote of Negro citizens.

It is clear that the language of the Fourteenth Amendment, which forbids a State to "deny any person within its jurisdiction the equal protection of the laws," applies on its face to all assertions of state power, however made. More than 40 years ago, this Court faced for the first time the question whether a State could deny Negroes the right to vote in primary elections. Writing for a unanimous Court, Mr. Justice Holmes observed tartly that "[w]e find it unnecessary to consider the Fifteenth Amendment, because it seems to us hard to imagine a

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more direct and obvious infringement of the Fourteenth." *Nixon* v. *Herndon,* 273 U.S. 536, 540–541 (1927); see *Nixon* v. *Condon,* 286 U.S. 73, 87–89 (1932) (Cardozo, J.); *Anderson* v. *Martin,* 375 U.S. 399 (1964); cf. *Raymond* v. *Chicago Union Traction Co.,* 207 U.S. 20, 35–36 (1907). If the broad language of the Equal Protection Clause were to be read as nevertheless allowing the States to deny equal political rights to any citizens they see fit to exclude from the political process, far more is involved than merely shifting the doctrinal basis of such cases as *Nixon* v. *Herndon* from the Fourteenth to the Fifteenth Amendment. For the Fifteenth Amendment applies only to voting, not to the holding of public office; in consequence, our Brother HARLAN's view would appear to leave the States free to encourage citizens to cast their votes solely on the basis of race (a practice found to violate the Fourteenth Amendment in *Anderson* v. *Martin, supra*), or even presumably to deny Negro citizens the right to run for office at all.[35] We cannot believe that the Equal Protection Clause would permit such discrimination.

In any event, it seems to us, the historical record will not bear the weight our Brother HARLAN has placed upon it. His examination of the historical background of the Fourteenth Amendment leads him to conclude that it is "clear beyond any reasonable doubt that no part of the legislation now under review can be upheld as a legitimate exercise of congressional power under that Amendment," *ante,* at—, because the Amendment was not intended "to restrict the right of the States to allocate their political power as they see fit." *Ante,* at —. Our own reading of the historical background, on the other hand, results in a somewhat imperfect picture of an era of constitutional confusion, confusion which the Amendment did little to resolve. As the leading constitutional historian of the Civil War has observed, constitutional law was characterized during the war years by "a noticeable lack of legal precision" and by "[a] tendency toward irregularity . . . in legislation, and in legal interpretation." J. Randall, Constitutional Problems under Lincoln 515–516 (rev. ed. 1951). Nor would the postwar period of Reconstruction be substantially different.

For several decades prior to the Civil War, constitutional interpretation had been a pressing concern of the Nation's leading statesmen and lawyers, whose attention focused especially on the nature of the relationship of the States to the Federal Government. The onset of the Civil War served only to raise new problems upon which the original Constitution offered, at best, only peripheral guidance. The greatest problem of all, perhaps, was the character of the civil conflict—whether it was to be treated as a rebellion, as a war with a belligerent state, or as some combination of the two. Another issue concerned the scope of federal power to emancipate the slaves; even President Lincoln doubted whether his Emancipation Proclamation would be operative when the war had ended and his special war powers had expired. This particular issue was resolved by the Thirteenth Amendment, but that Amendment only raised new issues, for some men doubted the validity of even a constitutional change upon such a fundamental matter as slavery, particularly while the status of the eleven Confederate States remained unsettled. See *id.,* at 12–24, 59–73, 342–404.

The end of the war did not bring an end to difficult constitutional questions. Two perplexing problems remained. The one was the relation of the former Confederate States to the Federal Government; to the other was the relation of the former slaves to the white citizens of the Nation. Both were intimately related to the politics of the day, an understanding of which is essential since the Fourteenth Amendment was presented to the Nation as the Republican Party's solution for these problems. See J. James, The Framing of the Fourteenth Amendment 169–173 (1956) (hereafter James).

The starting point must be the key fact that, as of 1860, the Republicans were very much the Nation's minority party. Lincoln had won the presidency that year with less than 40% of the popular vote, while the Republicans had secured control of Congress only when southern Democrats had left Washington following the secession of their States. The compromise in the original Constitution, by which only three-fifths of the slaves in southern States were computed in determining representation in the House of Representatives and votes in the Electoral College also was a matter of critical importance in 1865; with slavery abolished, southern and hence Democratic power in the House and in the Electoral College would increase. The Republicans had calculated this matter rather carefully; as the *Chicago Tribune* had demonstrated as early as the summer of 1865, the increased southern delegation would need only 29 readily obtainable Democratic votes from the North in order to dominate the House. See James 21–23. But Republicans had no intention of permitting such a Democrat resurgence to occur; in their view, as one Republican Senator observed, Republicans would be "faithless" to their "trust," if they allowed "men who have thus proven themselves faithless" to recover "the very political power which they have hitherto used for the destruction of this Government." Cong. Globe, 39th Cong., 1st Sess. 2918 (remarks of Senator Willey) (1866) (hereafter Globe). Whether one looks upon such sentiments as a grasp for partisan political power or as an idealistic determination that the gains of the Civil War not be surrendered, the central fact remains that Republicans found it essential to bar or at least to delay the return of all-white southern delegations to Congress.

Temporarily, they proposed to do so by refusing to seat Congressmen from the seceded States. They usually justified their refusal on constitutional grounds, presenting a variety of theories as to how the former Confederate States had forfeited their rights by secession. See generally E. McKitrick, Andrew Johnson and Reconstruction 93–119 (1960). But exclusion of southern representatives could not be a permanent solution, a better solution seemed to be to elect at least some Republican representatives from the South by enfranchising the only class which could be expected to vote Republican in large numbers—the freedmen.

According to the census of 1860, Negroes had constituted some 4,200,000 out of the total population of 12,200,000 in the 15 slave States. In two States—Mississippi and South Carolina—Negroes were a substantial majority of the population, while in several other States the population was at least 40% Negro. Thus, Negro suffrage would probably result in a number of Negro and presumably Republican representatives from the South. The difficulty was with the means of bringing Negro suffrage about. Some, including Chief Justice Chase, looked back toward the Emancipation Proclamation and contended that Negro suffrage could be achieved, at least in the South, by means of a presidential proclamation. See James 5–7; 1 W. Fleming, Documentary History of Reconstruction 142 (1906). Others thought congressional legislation the appropriate vehicle for granting the suffrage, see James 13, 52–53; Van Alstyne, The Fourteenth Amendment. The "Right" to Vote, and the Understanding of the Thirty-Ninth Congress, 1965 Supreme Court Review 33, 49–51, while still others argued for a constitutional amendment. See Cincinnati Commercial, Sept. 19, 1865, in James 11–12 (reporting speech of Congressman Bingham). Disagreement over means, however, was but a minor obstacle in the path of equal suffrage; racial prejudice in the North was a far more significant one. Only five New England States and New York permitted any Negroes to vote as of 1866, see Van Alstyne, *supra,* at 70, and extension of the suffrage was rejected by voters in 17 of 19 popular referenda held on the subject between 1865 and 1868. Moreover, Republicans suffered some severe election setbacks in 1867 on account of their support of Negro suffrage. See W. Gillette, The Right to Vote 25–27, 32–38 (1969).

Meeting in the winter and spring of 1866 and facing elections in the fall of the same year, the Republicans in Congress thus faced a difficult dilemma; they desperately needed Negro suffrage in order to prevent total Democratic resurgence in the South, yet they feared that by pressing for suffrage they might create a reaction among northern white voters that would lead to massive Democratic electoral gains in the North. Their task was thus to frame a policy which would prevent total southern Democratic resurgence and which simultaneously would serve as a platform upon which Republicans could go before their northern constituents in the fall. What ultimately emerged as the policy and political platform of the Republican Party was the Fourteenth Amendment.

As finally adopted, relevant portions of the Fourteenth Amendment read as follows:

"Sec. 1. . . . No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

"Sec. 2. Representatives shall be apportioned among the several States according to their respective numbers. But when the right to vote at any election . . . is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

"Sec. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

The key provision on the suffrage question was, of course, § 2, which was to have the effect of reducing the representation of any State which did not permit Negroes to vote. Section 1 also began, however, as a provision aimed at securing equality of "political rights and privileges"—a fact hardly surprising in view of Republican concern with the question. In their earliest versions in the Joint Congressional Committee on Reconstruction, which framed the Fourteenth Amendment, §§ 1 and 2 read as follows:

"[Section 1.] Congress shall have power to make all laws necessary and proper to secure to all citizens of the United States in every State, the same political rights and privileges; and to all persons in every State equal protection in the enjoyment of life, liberty and property." B. Kendrick (ed.), The Journal of the Joint Committee of Fifteen on Reconstruction 51 (1914) (hereafter Kendrick).

"[Section 2.] Representatives and direct taxes shall be apportioned among the several States, which may be included within this Union, according to their respective numbers of persons, deducting therefrom all of any race or color, whose members or any of them are denied any of the civil or political rights or privileges." *Id.,* at 43.

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The question which must now be pursued is whether § 1 of the Amendment ever lost its original connection with the suffrage question.

It became evident at an early date that the Joint Committee did not wish to make congressional power over the suffrage more explicit than did the language of the original version of the future § 1. Six days after that section had been proposed by a subcommittee, the full committee refused to adopt an amendment offered by Senator Howard to make the section refer expressly to "political and *elective* rights and privileges," *id.*, at 55 (emphasis added), and refused as well to substitute for the language:

> "Congress shall have power to make all laws necessary and proper to secure to all citizens of the United States in each State the same political rights and privileges; and to all persons in every State equal protection in the enjoyment of life, liberty and property."

The following language offered by Congressman Boutwell:

> "Congress shall have power to abolish any distinction in the exercise of the elective franchise in any State, which by law, regulation or usage may exist therein." *Id.*, at 54–55.

The committee did agree, however, to return the proposal to a special subcommittee, chaired by Congressman John A. Bingham, which at the next meeting of the full committee reported back the following language:

> "Congress shall have power to make all laws which shall be necessary and proper to secure all persons in every state full protection in the enjoyment of life, liberty and property; and to all citizens of the United States in any State the same immunities and also equal political rights and privileges." *Id.*, at 56.

This language, it seems clear, did not change the meaning of the section as originally proposed, but the next change in language, proposed several days later by Bingham, arguably did. Bingham moved the following substitute:

> "The Congress shall have power to make all laws which shall be necessary and proper to secure to the citizens of each state all privileges and immunities of citizens in the several States equal protection in the rights of life, liberty and property (5th Amendment)." *Id.*, at 61.

This substitute was accepted by a committee vote of 7–6.

No record of the committee's debates have been preserved, and thus one can only guess whether Bingham's substitute was intended to change the meaning of the original proposal. The breakdown of the committee vote suggests, however, that no change in meaning was intended. The substitute was supported by men of all political views, ranging from Senator Howard and Congressman Boutwell, radicals who had earlier sought to make the section's coverage of suffrage explicit, to Congressman Rogers, a Democrat. Similarly, among the six voting against the substitute were a radical, Stevens; a moderate, Fessenden; and a Democrat, Grider. *Id.*, at 61. Thus, while one might continue to argue that Bingham meant his substitute to do away with congressional power to legislate for the preservation of equal rights of suffrage, one can, with at least equal plausibility, contend that Bingham sought to do no more than substitute for his earlier specific language more general language which had already appeared elsewhere in the Constitution.[37]

Bingham's proposed amendment to the Constitution, as modified, was next submitted to the House of Representatives, where Republicans joined Democrats in attacking it. Republican Representative Hale of New York, for example, thought the amendment "in effect a provision under which all State legislation, in its codes of civil and criminal jurisprudence and procedure, affecting the individual citizen, may be overridden," Globe 1063, while Representative Davis, also a New York Republican, thought it would give Congress power to establish "perfect political equality between the colored and the white race of the South." Id., at 1085. Meanwhile, the *New York Times*, edited by conservative Republican Congressman Henry J. Raymond, wondered if the proposed Amendment was "simply a preliminary to the enactment of negro suffrage." Feb. 19, 1866. Even the Amendment's supporters recognized that it would confer extensive power upon the Federal Government; Representative Kelley, a Pennsylvania radical, who supported the Amendment, concluded, after a lengthy discussion of the right of suffrage, that "the proposed amendment . . . [was] intended to secure it." Globe 1063. Its proponents, however, could not secure the necessary support for the Amendment in the House and thus were compelled to postpone the matter until a later date, when they failed to bring it again to the floor. Kendrick 215.

Meanwhile, the Joint Committee had returned to work and had begun to consider the direct antecedent of the Fourteenth Amendment, a proposal by Robert Dale Owen which Representative Stevens had placed before the committee. Its relevant provisions were as follows:

> "Section 1. No discrimination shall be made by any state, nor by the United States, as to the civil rights of persons because of race, color, or previous condition of servitude.
>
> "Sec. 2. From and after the fourth day of July, in the year one thousand eight hundred and seventy-six, no discrimination shall be made by any state, nor by the United States, as to the enjoyment by classes of persons of the right of suffrage, because of race, color, or previous condition of servitude.
>
> "Sec. 3. Until the fourth day of July, one thousand eight hundred and seventy-six, no class of persons, as to the right of any of whom to suffrage discrimination shall be made by any state, because of race, color, or previous condition of servitude, shall be included in the basis of representation.
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> "Sec. 5. Congress shall have power to enforce by appropriate legislation, the provisions of this article." *Id.*, at 83–84.

Congressman Bingham had not, however, given up on his own favorite proposal, and he immediately moved to add the following new section to the Amendment:

> "Sec. 5. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." *Id.*, at 87.

His motion was adopted on a 10-to-2 party line vote, but its adopton was only the beginning of some intricate and inexplicable maneuvering. Four days later, Senator Williams, an Oregon radical, moved to delete Bingham's section, and his motion was carried by a vote of 7 to 5, with radicals Howard and Boutwell and Democrats Grider and Johnson voting for the motion and Stevens, Bingham, and Democrat Rogers voting against.

Bingham then moved to submit his proposal as a separate amendment, but he was supported only by the three Democrats on the committee. The committee then agreed to submit the Owen proposal to Congress with only slight modifications, but postponed the submission until after one further meeting to be held three days hence. *Id.*, at 98–100.

At this meeting, the proposed Fourteenth Amendment was substantially rewritten. First, the committee, by a vote of 12 to 2, deleted § 2, which had barred States from making racial discriminations in the enjoyment of the right of suffrage after 1876, and conformed § 3, so as to insure that it would remain in effect after 1876. After making numerous other changes, the committee then concluded its deliberations by replacing Owen's ban in § 1 on discrimination "as to civil rights" with Bingham's now familiar language. Here the vote was 10 to 3, with the majority again containing a full spectrum of political views. *Id.*, at 100–106. The reasons for the rewriting are not entirely clear. The only known explanation was given by Owen in 1875, when he wrote an article recalling a contemporary conversation with Stevens; Stevens had reportedly explained that the committee's original decisions had "got noised abroad," and that, as a result, several state delegations had held caucuses which decided that the explicit references to "negro suffrage, in any shape, ought to be excluded from the platform. . . ." Quoted in *id.*, 302. Thus, the provision for suffrage after 1876 had to be eliminated, but Stevens did not explain why Bingham's version of § 1 was then substituted for Owen's version. Perhaps the changes in § 1 of the Amendment were thought by the committee to be mere linguistic improvements which did not substantially modify Owen's meaning and which did not extend its coverage to political as distinguished from civil rights. But, at the very least the committee must have realized that it was substituting for Owen's rather specific language Bingham's far more elastic language—language which, as one scholar has noted, is far more "capable of growth" and "receptive to 'latitudinarian' construction." Bickel, The Original Understanding and the Segregation Decision, 69 Harv. L. Rev. 1, 61, 63 (1955). It is, moreover, at least equally plausible that the committee meant to substitute for Owen's narrow provision dealing solely with civil rights a broader provision which had originated and been understood only two months earlier as protecting equality in the right of suffrage as well as equality of civil rights.

The purpose of § 1 in relation to the suffrage emerges out of the debates on the floor of Congress with an equal obscurity. In the search for meaning one must begin, of course, with the statements of leading men in Congress such as Bingham and Howard. Bingham, for one, stated without apparent equivocation that "[t]he amendment does not give . . . the power to Congress of regulating suffrage in the several States." Globe 2542. Similarly, Senator Howard, after noting that the Amendment would accord to Negroes the same protection in their fundamental rights as the law gave to whites, explicitly cautioned that "the first section of the proposed amendment does not give to either of these classes the right of voting." Globe 2766.[38] But such statements are not as unambiguous as they initially appear to be. Thus, Howard, with that "lack of legal precision" typical of the period, stated that the right of suffrage was not one of the privileges and immunities protected by the Constitution, Globe 2766, immediately after he had read into the record an excerpt from the case of *Corfield* v. *Coryell*, 6 F. Cas. 546 (No. 3230) (CCED Pa. 1823), an excerpt which listed the elective franchise as among the privileges and immunities. Globe 2765. Bingham was equally ambiguous, for he too thought that the elective franchise was a constitutionally protected privilege and immunity. Globe 2542. Indeed, at one point in the debates, Bingham made what is for us a completely incongruous statement:

> "To be sure we all agree, and the great body of the people of this country agree, and the committee thus far in reporting measures of

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reconstruction agree, that the exercise of the elective franchise, though it be one of the privileges of a citizen of the Republic, is exclusively under the control of the States." Globe 2542.

Bingham that is, seemed to say in one breath first, that the franchise was a constitutionally protected privilege in support of which Congress under § 5 of the Fourteenth Amendment could legislate and then, in the next breath, that the franchise was exclusively under the control of the States.

Bingham's words make little sense to modern ears; yet, when they were uttered, his words must have made some sense, at least to Bingham and probably to many of his listeners. The search for their meaning probably ought to begin with Art. IV, § 2—the Privileges and Immunities Clause of the original Constitution. In the minds of members of the Thirty-Ninth Congress, the leading case to construe that clause was *Corfield* v. *Coryell, supra,* which had listed among a citizen's privileges and immunities "the elective franchise, as regulated and established by the laws or constitution of the state in which it is to be exercised." 6 F. Cas., at 552. Here again is the same apparent ambiguity that later occurred in Bingham's thought—that the franchise is a federally protected right, but only to the extent it is regulated and established by state law. The ambiguity was, however, only apparent and not real, for the Privileges and Immunities Clause of the original Constitution served a peculiar function; it did not create absolute rights but only placed a noncitizen of a State "upon a perfect equality with its own citizens" as to those fundamental rights already created by state law. *Scott* v. *Sandford,* 19 How. 393, 407 (1857). Accord. *id.*, at 584 (dissenting opinion). The Privileges and Immunities Clause, that is, was a sort of equal protection clause adopted for the benefit of out-of-state citizens;[39] it required, for example, that if a State gave its own citizens a right to enter into a lawful business, it could not arbitrarily deny the same right to out-of-state citizens solely because they came from out of State. See *Ward* v. *Maryland,* 12 Wall. 418, 430 (1871). Thus, what Bingham may have meant in indicating that the franchise was included within the scope of the Privileges and Immunities Clause of the Fourteenth Amendment while remaining entirely under the control of the States was that, although the States would be free in general to confer the franchise upon whomever they chose, Congress would have power to bar them from racial or other arbitrary discriminations in making their choices. In short, the Privileges and Immunities Clause might for Bingham have meant the same as the Equal Protection Clause; as he later explained in a campaign speech, § 1 was nothing but "a simple, strong, plain declaration that equal laws and equal and exact justice shall hereafter be secured within every State of this Union . . . ." Cincinnati Commercial, Aug. 27, 1866, quoted in James 760–161.

One way, then, to reconcile the seemingly incongruous statements of Bingham is to read him as understanding that, while the Fourteenth Amendment did not take from the States nor grant to Congress plenary power to regulate the suffrage, it did give Congress power to invalidate discriminatory state legislation. In his words, the Amendment took "from no State any right which hitherto pertained to the several States of the Union, but it impose[d] a limitation upon the States to correct their abuses of power." *Ibid*. Others had a similar understanding. Thus, for Charles Sumner, "Equality of *political rights* . . . [did] not involve necessarily what is sometimes called the 'regulation' of the suffrage by the National Government, although this would be best, . . . [but] simply require[d] the abolition of any discrimination among citizens, inconsistent with Equal Rights." C. Sumner, Are We a Nation 34 (1867). Or, as Stevens explained in presenting the Amendment to the House, it merely allowed "Congress to correct the unjust legislation of the States, so far that the law which operates upon one man shall operate *equally* upon all." Globe 2459 (emphasis in original). Clearest of all, perhaps was Thomas M. Cooley in the 1871 edition of his *Constitutional Limitations,* where he wrote:

"This amendment of the Constitution does not concentrate power in the general government for any purpose of police government within the States; its object is to preclude legislation by any State which shall 'abridge the privileges or immunities of citizens of the United States,' or 'deprive any person of life, liberty, or property without due process of law,' or 'deny to any person within its jurisdiction the equal protection of the laws'; and Congress is empowered to pass all laws necessary to render such unconstitutional State legislation ineffectual." T. Cooley, Constitutional Limitations 294 (3d ed. 1871).

There is also other evidence that at least some members of Congress and of the electorate believed that § 1 of the Fourteenth Amendment gave Congress power to invalidate discriminatory state regulations of the suffrage. Thus, Congressman Rogers, a Democrat who had served on the Joint Committee, agreed with Bingham and Howard that "[t]he right to vote is a privilege," Globe 2538, while Congressman Boyer, another Democrat, feared that § 1 was "intended to secure ultimately, and to some extent indirectly, the political equality of the negro race." Globe 2467. A third Democrat, Congressman Niblack, thought the section sufficiently ambiguous to warn that he might, although in fact he never did, offer the following addition to it:

"*Provided,* That nothing contained in this article shall be so construed as to authorize Congress to regulate or control the elective franchise within any State, or to abridge or restrict the power of any State to regulate or control the same within its own jurisdiction, except as in the third section hereof prescribed." Globe 2465.

Republicans also alluded on occasion to their belief that the Amendment might give Congress power to prevent discrimination in regard to the suffrage. Radical Senator Stewart for example, while unhappy that the Amendment did not directly confer suffrage, nevertheless could "support this plan" because it did "not preclude Congress from adopting other means by a two-third vote,[40] when experience shall have demonstrated, as it certainly will, the necessity for a change of policy. In fact it furnishes a conclusive argument in favor of universal amnesty and impartial suffrage." Globe 2964. Likewise, the more conservative Congressman Raymond of New York supported the first section because he thought Congress should have the power to legislate on behalf of equal rights "in courts and elsewhere," Globe 2513, after the radical Congressman Wilson of Iowa had informed him that, "if we give a reasonable construction to the term 'elsewhere,' we may include in that the jury box and the ballot-box." Globe 2505. Congressman Stevens, meanwhile, was informing Congress that "if this amendment prevails you must legislate to carry out many parts of it," Globe 2544, and was looking forward to "further legislation; in enabling acts or other provisions," Globe 3148, while even the Joint Committee submitted the Amendment to the Nation "in the hope that its imperfections may be cured, and its deficiencies supplied, by legislative wisdom. . . ." Report of the Joint Committee on Reconstruction, H.R. Rep. No. 30, 39th Cong., 1st Sess., at xxi (1866). Nor did the radical Republican press disagree; as the Lansing State Republican argued in its editorial columns, even "[i]f impartial suffrage, the real vital question of the whole struggle . . . [was] postponed through the mulish obstinacy of Andrew Johnson," "freedom" would "triumph by the adoption of the proposed amendment" and would be followed by "equal rights to all. . . ." July 11, 1866. And, of course, once the Amendment had been ratified, Republicans in Congress began to make speeches in favor of legislation which would implement the Amendment by guaranteeing equal suffrage. See, *e.g.*, Globe, 40th Cong., 2d Sess., 1966–1967 (1868) (remarks of Congressman Stevens); 3d Sess., 1008 (1869) (remarks of Senator Sumner).

Of course, few of the above statements taken from congressional debates, campaign speeches, and the press were made with such clarity and precision that we can know with certainty that its framers intended the Fourteenth Amendment to function as we think they did. But clarity and precision are not to be expected in an age when men are confronting new problems for which old concepts do not provide ready solutions. As we have seen, the 1860's were such an age, and the men who formulated the Fourteenth Amendment were facing an especially perplexing problem—that of creating federal mechanisms to insure the fairness of state action without in the process destroying the reserved powers of the States. It would, indeed, be surprising if the men who first faced this difficult problem were possessed of such foresight that they could debate its solution with complete clarity and consistency and with uniformity of views. There is, in short, every reason to believe that different men reconciled in different and often imprecise ways the Fourteenth Amendment's broad guarantee of equal rights and the statements of some of its framers that it did not give Congress power to legislate upon the suffrage.

Some men, for example, might have reconciled the broad guarantee and the narrow language by concluding that Negroes were not yet ready to exercise the franchise and hence that a State would not act arbitrarily in denying it to them while granting it to whites. As the debates make clear, proponents of the Amendment did not understand the Equal Protection Clause to forbid States to distinguish among persons where justification for distinctions appeared. See, *e. g.*, Globe 1064 (Congressman Stevens). At the time the Fourteenth Amendment was adopted, the overwhelming majority of Negro residents of the United States were former slaves living in the Southern States. Most of them were illiterate and uneducated. Except for those few who had been kidnaped by slave traders after reaching adulthood, they had no prior experience with the responsibilities of citizenship. Given this state of affairs, it would hardly be surprising if some of the framers of the Fourteenth Amendment felt that the Equal Protection Clause would not forbid the States from classifying Negroes as a group to be denied the right to vote. Equal protection has never been thought to require identical treatment of all persons in all respects. *Metropolitan Co.* v. *Brownell,* 294 U. S. 580, 583–584 (1935), and cases cited. It requires only that the State provide adequate justification for treating one group differently from another. *Levy* v. *Louisiana,* 391 U. S. 68 (1968).

Entirely aside from any concepts of racial inequality that may have been held by some members of Congress at that time, it seems clear that many members had serious reservations about the ability of the majority of Negroes, after centuries of slavery, to cast an intelligent and responsible vote. See, for example, the debates over a proposal to enfranchise Negroes in the District of Columbia in Cong. Globe, 38th Cong., 1st Sess., 2140–2141, 2239–2243, 2248 (1864). Of course, we would not now hold that even the situa-

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Footnotes at end of article.

tion existing in 1866 would justify wholesale exclusion of Negroes from the franchise: our decisions have consistently held that a particular group may not be denied the right to vote merely because many, or even most of its members could properly be excluded. *Carrington* v. *Rash*, 380 U.S. 89, 93–96 (1965); *Kramer* v. *Union Free School District*, 395 U.S. 621, 632–633 (1969); *Evans* v. *Cornman*, 398 U.S. 419, 424–426 (1970); cf. Tussman and TenBroek, The Equal Protection of the Laws, 37 Calif. L. Rev. 341, 351–352 (1949). But mere administrative convenience was once thought to be sufficient justification for an overly broad legislative classification, so long at least as the resultant discrimination could be justified as to a majority of the class affected. *Terrace* v. *Thompson*, 263 U.S. 197, 218–222 (1923); cf. *Kotch* v. *Board of River Pilot Commissioners*, 330 U.S. 552 (1947). Rejection of this approach has been the result of a judicial development that could hardly have been known to the framers of the Amendment. Cf. *Baxstrom* v. *Herold*, 383 U.S. 107, 114–115 (1966).

Of course, many Americans in the 1860's rejected imputations that Negroes were unready for the franchise and thus concluded that distinctions between the races in regard to the franchise would constitute denials of equal protection. Congressman Stevens, for one, had no doubt that to allow a State to deny the franchise to Negroes would be to allow it "to discriminate among the same class." Globe 2460. And Negroes, of course, indignantly repected such imputations, arguing that "[w]e are not all so illiterate as you suppose" and that "even if we were, our instincts have proved better than that 'educated class,' whose 'little learning' prompted them to attempt the impossible thing of destroying this great Republic. . . ." Letter to the Editor, N.Y. Times, Nov. 4, 1866.

Among the men who refused to regard Negroes as ill prepared for the exercise of the franchise, there may have been some who did not understand the subtle distinctions of constitutional lawyers such as Bingham and who thus accepted at face value assurances that the Fourteenth Amendment gave Congress no power over the suffrage. As a result, at least three identifiable groups may have existed within the Republican majorities which enacted and ratified the Amendment—those who thought that Congress would have power to insure to Negroes the same right to suffrage which the States gave to whites, those who thought that Congress would not have such power since Negroes and whites constituted distinct and dissimilar classes for voting purposes, and those who thought Congress would possess no power at all over the suffrage. Perhaps all three such groups did not exist in 1866 in Congress and in the Nation at large, but surely the evidence is not clear "beyond any reasonable doubt" that the only existent group was the last one, consisting of men who, despite the broad language of § 1 and the hints by speakers of its applicability to the suffrage, simply assumed without developing any analytical framework in support of their assumption that the section would not be so applied.

The evidence, in sum, plausibly suggests that the men who framed the Fourteenth Amendment possessed differing views as to the limits of its applicability but that they papered over their differences because those differences were not always fully apparent and because they could not foresee with precision how their amendment would operate in the future. Moreover, political considerations militated against clarification of issues and in favor of compromise. Much of the North, as already noted, opposed Negro suffrage, and many Republicans in Congress had to seek reelection from constituencies where racial prejudice remained rampant. Republicans in the forthcoming elections thus found it convenient to speak differently before different constituencies; as the Republican state chairman of Ohio wrote, in northern counties of the State "some of our Speakers have openly advocated impartial suffrage, while in other places it was thought necessary, not only to repudiate it but to oppose it." B. R. Cowan to S. P. Chase, Oct. 12, 1866, quoted in James 168. Similarly, Senator Wilson of Massachusetts, when accused shortly after the 1866 elections of misrepresenting the issues of the campaign in Delaware by saying nothing of Negro suffrage, replied that since he had been "in a State where not much progress had been made, I acted somewhat on the scriptural principle of giving 'milk to babes.' " Globe, 39th Cong., 2d Sess., 42. Apparently Congressman Ashley of Ohio acted upon similar principles, for when he was asked after the House had initially approved the Amendment whether Congress had "power to confer the right of suffrage upon negroes in the States," he responded,

"Well, sir, I do not intend to put myself on record against the right of Congress to do that. I am not prepared now to argue the point with my colleague; but I will say to him that when the time comes for the American Congress to take action on the question, I will be ready to speak. I will not say now whether I would vote for or against such a proposition." Globe 2882.

Thus, precise legal analysis and clarity of thought were both intellectually difficult and politically unwise. What Republicans needed, in the words of Wendell Phillips, the former abolitionist leader, was "a party trick to tide over the elections and save time," after which they could "float back into Congress, able to pass an act that shall give the ballot to the negro and initiate an amendment to the Constitution which shall secure it to him." Speech of Wendell Phillips, July 4, 1866, quoted in A. Harris, A Review of the Political Conflict in American, 437 (1876). Similarly, the *New York Times*, edited by Congressman Henry J. Raymond, a conservative Republican who ultimately would support the Amendment, observed that "all the excitement that had been raised about constitutional amendments . . . has been simply dust thrown in the eyes of the public to cover the approach to the grand fundamental, indispensable principle of universal negro suffrage . . ." April 27, 1866, quoted in A. Harris, *supra*, at 433.

Not surprisingly, the product of such political needs was an Amendment which contemporaries saw was vague and imprecise. Democratic Senator Hendricks, for example, protested that he had "not heard any Senator accurately define, what are the rights and immunities of citizenship," Globe 3039, while Congressman Boyer, another Democrat, found the first section "objectionable also in its phraseology, being open to ambiguity and admitting of conflicting constructions." Globe 2467. Republicans too were aware of the Amendment's vagueness. Thus, when he presented the Amendment to the Senate, Senator Howard noted that "[i]t would be a curious question to solve what are the privileges and immunities of citizens" and proposed not to consider the question at length, since "[i]t would be a somewhat barren discussion." Instead, like the pre-Civil War Supreme Court,[41] he "very modestly declined to go into a definition of them, leaving questions arising under the clause to be discussed and adjudicated when they should happen practically to arise." Globe 2765.

Thus, the historical evidence does not point to a single, clear-cut conclusion that contemporaries viewed the first section of the Fourteenth Amendment as an explicit abandonment of the radical goal of equal suffrage for Negroes. Rather the evidence suggests an alternative hypothesis: that the Amendment was framed by men who possessed differing views on the great question of the suffrage and who, partly in order to formulate some program of government and partly out of political expediency, papered over their differences with the broad, elastic language of § 1 and left to future interpreters of their Amendment the task of resolving in accordance with future vision and future needs the issues which they left unresolved. Such an hypothesis strikes us as far more consistent with the turbulent character of the times than one resting upon a belief that the broad language of the Equal Protection Clause contained a hidden limitation upon its operation that would prevent it from applying to state action regulating rights that could be characterized as "political." [42]

Footnotes at end of article.

Nor is such an hypothesis inconsistent with the subsequent enactment of the Fifteenth, Nineteenth, and Twenty-fourth Amendments. Those who submitted the Fifteenth Amendment to the States for ratification could well have desired that any prohibition against racial discrimination in voting stand upon a firmer foundation than mere legislation action capable of repeal [43] or the vagaries of judicial decision.[44] Or they could merely have concluded that, whatever might be the case with other rights, the right to vote was too important to allow disenfranchisement of any person for no better reason than that others of the same race might not be qualified. At least some of the supporters of the Nineteenth Amendment believed that sex discrimination in voting was itself proscribed by the Fourteenth Amendment's guarantee of equal protection. 57 Cong. Rec. 3053 (February 10, 1919). And finally, the Twenty-fourth Amendment was not proposed to the States until this Court had held, in *Breedlove* v. *Suttles*, 302 U.S. 277 (1937),[45] that state laws requiring payments of a poll tax as a prerequisite to voting did not *ipso facto* violate the Equal Protection Clause. Accordingly, we see no reason that the mere enactment of these amendments can be thought to imply that their proponents believed the Fourteenth Amendment did not apply to state allocations of political power. At a dubious best, these amendments may be read as implying that their proponents felt particular state allocations of power a proper exercise of power under the Equal Protection Clause.

Nor do we find persuasive our Brother HARLAN's argument that § 2 of the Fourteenth Amendment was intended as an exclusive remedy for state restrictions on the franchise, and that therefore any such restrictions are permissible under § 1. As Congressman Bingham emphatically told the House, when the same argument was made by Congressman Bromwell,

"there has not been such a construction, in my opinion, of a law which imposes only a penalty, for centuries, if ever, in any country where the common law obtains. The construction insisted upon by the gentleman amounts to this, that a law which inflicts a penalty or works a forfeiture for doing an act, by implication authorizes the act to be done for doing which the penalty is inflicted. There cannot be such a construction of the proviso. It is a penalty. It says in terms that if any of the States of the United States shall disobey the Constitution; . . . that as a penalty such State shall lose political power in this House . . . .

"You place upon your statute-book a law punishing the crime of murder with death. You do not thereby, by implication, say that anybody may, of right, commit murder. You but pass a penal law. You do not prohibit murder in the Constitution; you guaranty life in the Constitution. You do not prohibit that abuse of power by the majority in the Constitution in express terms, but you guaranty the equal right of all free male citizens of full age to elect Representatives; and by

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the proviso you inflict a penalty upon a State which denies or abridges that right on account of race or color. In doing that we are not to be told that we confer a power to override the express guarantees of the Constitution. We propose the penalty in aid of the guarantee, not in avoidance of it." Globe 431–432; see Van Alstyne, *supra*, at 48–68.

It may be conceivable that § 2 was intended to be the sole remedy available when a State deprived its citizens of their right to vote, but it is at least equally plausible that congressional legislation pursuant to §§ 1 and 5 was thought by the framers of the Amendment to be another potential remedy. Section 2, in such a scheme, is hardly superfluous: it was of critical importance in assuring that, should the Southern States deny the franchise to Negroes, the Congress called upon to remedy that discrimination would not be controlled by the beneficiaries of discrimination themselves. And it could, of course, have been expected to provide at least a limited remedy in the event that both Congress and the courts took no action under § 1. Neither logic nor historical evidence compellingly suggests that § 2 was intended to be more than a remedy supplementary, and in some conceivable circumstances indispensable, to other congressional and judicial remedies available under §§ 1 and 5. See generally, Van Alstyne, *supra*.

The historical record left by the framers of the Fourteenth Amendment, because it is a product of differing and conflicting political pressures and conceptions of federalism, is thus too vague and imprecise to provide us with sure guidance in deciding the pending cases. We must therefore conclude that its framers understood their Amendment to be a broadly worded injunction capable of being interpreted by future generations in accordance with the vision and needs of those generations. We would be remiss in our duty if, in an attempt to find certainty amidst uncertainty, we were to misread the historical record and cease to interpret the Amendment as this Court has always interpreted it.

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There remains only the question whether Congress could rationally have concluded that denial of franchise to citizens between the ages of 18 and 21 was unnecessary to promote any legitimate interests of the States in assuring intelligent and responsible voting. There is no need to set out the legislative history of Title III at any great length here.[46] Proposals to lower the voting age to 18 had been before Congress at several times since 1942.[47] The Senate Subcommittee on Constitutional Amendments conducted extensive hearings on the matter in 1968 and again in 1970,[48] and the question was discussed at some length on the floor of both the House and the Senate.

Congress was aware, of course, of the facts and state practices already discussed.[49] It was aware of the opinion of many historians that choice of the age of 21 as the age of maturity was an outgrowth of medieval requirements of time for military training and development of a physique adequate to bear heavy armor.[50] It knew that whereas only six percent of 18-year-olds in 1900 had completed high school, 81 percent have done so today.[51] Congress was aware that 18-year-olds today make up a not insubstantial proportion of the adult work force; [52] and it was entitled to draw upon its experience in supervising the federal establishment to determine the competence and responsibility with which 18-year-olds perform their assigned tasks. As Congress recognized, its judgment that 18-year-olds are capable of voting is consistent with its practice of entrusting them with the heavy responsibilities of military service. See § 301(a)(1) of the Amendments.[53] Finally, Congress was presented with evidence that the age of social and biological maturity in modern society has been consistently decreasing. Dr. Margaret Mead, an anthropoligist, testified that in the past century, the "age of physical maturity has been dropping and has dropped over 3 years." [54] Many Senators and Representatives including several involved in national campaigns, testified from personal experience that 18-year-olds of today appeared at least as mature and intelligent as 21-year-olds in the congressmen's youth.[55]

Finally, and perhaps most important, Congress had before it information on the experience of two States, Georgia and Kentucky which have allowed 18-year-old voting since 1943 and 1955, respectively. Every elected representative from those States who spoke to the issue agreed that, as Senator Talmadge stated, "young people [in these States] have made the sophisticated decisions and have assumed the mature responsibilities of voting. Their performance has exceeded the greatest hopes and expectations." [56]

In sum, Congress had ample evidence upon which it could have based the conclusion that exclusion of citizens 18 to 21 years of age from the franchise is wholly unnecessary to promote any legitimate interest the States may have in assuring intelligent and responsible voting. See *Katzenbach* v. *Morgan*, 384 U.S., at 653–656. If discrimination is unnecessary to promote any legitimate state interest, it is plainly unconstitutional under the Equal Protection Clause, and Congress has ample power to forbid it under § 5 of the Fourteenth Amendment. We would uphold § 302 of the 1970 Amendments as a legitimate exercise of congressional power.

FOOTNOTES

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[1] Section 202(a) of the Amendments embodies a congressional finding that

"the imposition and application of the durational residency requirement as a precondition to voting for the offices of President and Vice President, and the lack of sufficient opportunities for absentee registration and absentee balloting in presidential elections—

* * * * *

"(2) denies or abridges the inherent constitutional right of citizens to enjoy their free movement across State lines;

* * * * *

"(6) does not bear a reasonable relationship to any compelling State interest in the conduct of presidential elections."

[2] Section 301(a) of the Amendments provides:

"The Congress finds and declares that the imposition and application of the requirements that a citizen be twenty-one years of age as a precondition to voting in any primary or in any election—

"(1) denies and abridges the inherent constitutional rights of citizens eighteen years of age but not yet twenty-one years of age to vote—a particularly unfair treatment of such citizens in view of the national defense responsibilities imposed upon such citizens;

"(2) has the effect of denying citizens eighteen years of age but not yet twenty-one years of age the due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment of the Constitution; and

"(3) does not bear a reasonable relationship to any compelling State interest."

[3] Arizona Constitution Art. 7, § 2, limits the franchise to those 21 years of age and older. Ariz. Rev. Stat. Ann. § 16–101 (Supp. 1970) requires voters to be able to read the Federal Constitution (in English), and to write their names.

[4] Idaho Constitution, Art. 6, § 2, requires all voters to be 21 years of age or older, and requires 60 days' residence within the State as a precondition to voting in presidential elections. Idaho Code Ann. § 34–408 (1963), further requires that 60-day residents have been citizens of another State prior to their removal to Idaho, Provisions for absentee balloting are contained in *id.* §§ 34–1101 to 34–1125.

[5] Section 4(c) of the 1965 Act, 42 U.S.C. § 1973b(c) (1964 ed., Supp. V), defines a "test or device" as "any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or intepret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class."

[6] *Gaston County* was a suit by the county under § 4(a) of the 1965 Act, 42 U.S.C. § 1973b(a) (1964 ed. Supp. V), to reinstate the county's literacy test. The country would have been entitled to do so upon demonstration that, for the preceding five years, no "test or device" had been there used for the purpose or with the effect of abridging the right to vote on account of race or color.

[7] No footnote in copy furnished.

[8] We there reserved only the question of the application of the 1965 Act to suspend literacy tests "in the face of racially disparate educational or literacy achievements *for which a government bore no responsibility*." *Id.*, n. 8 (emphasis supplied).

[9] Hearings on Amendments to the Voting Rights Act of 1965 before the Subcommittee on Constitutional Rights of the Senate Judiciary Committee, 91st Cong., 1st and 2nd Sess. 675 (1970) (hereafter Senate Hearings). Schooling of Indians has for some time been the responsibility of the Federal Government. See *Warren Trading Post Co.* v. *Arizona Tax Commission*, 380 U. S. 685, 690-691 (1965).

[10] *E. g.*, Senate Hearings at 185–187; Hearings on the Voting Rights Act Extension before Subcommittee No. 5 of the House Judiciary Committee, 91st Cong., 1st Sess. 55-57, 223-225 (1970) (hereafter House Hearings).

[11] For example, 1960 census data indicate that from 1955 to 1960, 4,388 blacks moved from Southern States to Arizona, 74,804 to California, and 74,821 to New York. 1 Bureau of the Census, 1960 Census of the Population, pts. 4, 6, 23, 34, and Table 100.

[12] Senate Hearings, *supra* n. 9, at 399; see *id.*, at 400-407.

[13] Senate Hearings, *supra* n. 9, at 678. Tribal Chairman Nakai viewed Arizona's literacy test as the primary cause of this disparity.

[14] The States are permitted, should they desire, to adopt practices less restrictive than those prescribed by the 1970 Amendments. § 202(g).

[15] See n. 4, *supra*.

[16] See the opinion of Mr. Justice Douglas, *ante*, at ——.

[17] See *Shapiro* v. *Thompson*, 394 U.S., at 630 and n. 8; *United States* v. *Guest*, 383 U.S., at 757–758.

[18] Senate Hearings, *supra* n. 9, at 282.

[19] 116 Cong. Rec. 3539 (daily ed., Mar. 11, 1970).

[20] *Id.* Idaho Code Ann. §§ 34–1101, 34–1102, 34–1103 appear to allow application to be made at any time. *Id.*, § 34–1121 allows application up to five days before the election for persons in United States service. The ballot may be returned any time prior to noon on election day, *id.*, § 34–1105 (Supp. 1969). Finally, effective January 1, 1971, applications may be made up to 5:00 p.m. the day before the election. *Id.*, § 34–1002 (Supp. 1970). In such circumstances, the argument of administrative impossibility from the viewpoint of Idaho seems almost chimerical.

[21] Idaho, in addition, claims that its interest in setting qualifications for voters in its own elections serves without more as a compelling state interest sufficient to justify the challenged exclusion. But there is no state interest in the mere exercise of power; the power must be exercised for some reason. The only reason asserted by Idaho for the exer-

cise of its power is that already mentioned—promotion of intelligent and responsible voting.

[22] 116 Cong. Rec. 3518 (daily ed., Mar. 11, 1970) (Library of Congress, Legislative Reference Service survey).

[23] *Ibid.*

[24] Nor does the California statute, Cal. Welf. & Inst'ns Code § 602 (West 1966), necessarily evidence a contrary conclusion. California permits its juvenile court to waive jurisdiction of persons over the age of 16 to the regular criminal courts, and state practice appears to be that very few if any felony defendants over the age of 18 are ever tried as juveniles. California Continuing Education of the Bar, California Juvenile Court Practice 35–36 (1968). This may well indicate that the California statute reflects merely a legislative conclusion that the slight burden of waiver hearings it outweighed by the possibility, however slight, that a very few individuals between the ages of 18 and 21 might in fact be more appropriately treated as juveniles.

[25] Cong. Rec. 3518 (daily ed., Mar. 11, 1970).

[26] For example, in California, any women 18 years old may marry without parental consent, and any man of that age may marry with the consent of one parent. Cal. Civ. Code § 4101 (West 1970). Any married person who has attained the age of 18 is treated in precisely the same way as all persons over the age of 21 with regard to all provisions of the Civil Code, Probate Code, and Code of Civil Procedure, as well as for the purposes of making contracts or entering into any agreement regarding property or his estate. Cal. Civ. Code § 25 (West Supp. 1970). The State Labor Department treats males over the age of 18 as adults. Cal. Labor Code §§ 1172, 3077 (West 1955). Persons over the age of 18 may serve civil process in the State. Cal. Civ. Proc. Code § 410 (West Supp. 1970).

[27] Some States, of course, do attempt to condition exercise of the franchise upon the ability to pass a literacy test. Presumably some 18-year-old illiterates will be literate at 21. But in light of the fact that 81 percent of the disenfranchised class are high school graduates, it would seem that the number of 18-year-old illiterates who are literate three years later is vanishly small. See Hearings on S. J. Res. 147 and Others before the Subcommittee on Constitutional Amendments of the Senate Committee on the Judiciary, 91st Cong., 2d Sess. 133 (1970) (Senator Goldwater). Of course, for reason that apply as well to 18-year-olds as to others, we have today upheld a nationwide suspension of all literacy tests, *Ante*, at —. But in any event, that some 18-year-olds may be illiterate is hardly sufficient reason for disenfranchising the entire class. See *Kramer* v. *Union Free School District*, 395 U.S., at 632–633.

[28] Eighteen-year-olds as a class are better educated than some of their elders. The median number of school years completed by 18- and 19-year-olds two years ago was 12.2; it was 8.8 for persons 65 to 74. Bureau of the Census, Educational Attainment, table 1 (Current Population Reports, Series P–20, No. 182) (1969).

[29] Hawaii and Alaska have (since their admission to the Union in 1959) allowed the vote to 19-year-olds (Alaska) and 20-year-olds (Hawaii).

[30] See, *e.g.*, 116 Cong. Rec. 3214–3215 (Senator Cook), 3477 (Senators Talmadge and Ervin) (daily ed., Mar. 9, 11, 1970); Senate Hearings, *supra* n. 9, at 343 (Governor Maddox).

[31] The state of facts necessary to justify a legislative discrimination will of course vary with the nature of the discrimination involved. When we have been faced with statutes involving nothing more than state regulation of business practices, we have often found mere administrative convenience sufficient to justify the discrimination. *E.g.*, *Williamson* v. *Lee Optical Co.*, 348 U.S. 483, 487, 488–489 (1955). But when a discrimination has the effect of denying or inhibiting the exercise of fundamental constitutional rights, we have required that it be not merely convenient, but necessary. *Kramer* v. *Union Free School District*, 395 U.S. at 627; *Carrington* v. *Rash*, 380 U.S. 89, 96 (1965)); see *United States* v. *O'Brien*, 391 U.S. 367, 377, (1968); *United States* v. *Jackson*, 390 U.S. 570, 582–583 (1968). And we have required as well that it be necessary to promote not merely a constitutionally permissible state interest, but a state interest of substantial importance. *Kramer* v. *Union Free School District*, *supra*; *Carrington* v. *Rash*, *supra*; *Shelton* v. *Tucker*, 364 U.S. 479, 487–490 (1960); see *United States* v. *O'Brien*, *supra*.

[32] As we emphasized in *Katzenbach* v. *Morgan*, *supra*, "§ 5 does not grant Congress power to . . . enact 'statutes so as in effect to dilute equal protection and due process decisions of this Court.'" 384 U.S., at 651 n. 10. As indicated above, a decision of this Court striking down a state statute expresses, among other things, our conclusion that the legislative findings upon which the statute is based are so far wrong as to be unreasonable. Unless Congress were to unearth new evidence in its investigation, its identical findings on the identical issue would be no more reasonable than those of the state legislature.

[33] Brief for the State of Oregon, at 10–13; Brief for the State of Texas, at 10–12; Brief for the State of Arizona, at 19; Brief for the State of Idaho, at 22, 28–30.

[34] Brief *amicus curiae* for the Commonwealth of Virginia, at 13–22; see Brief *amicus curiae* for the State of Mississippi, at 7–11.

[35] Indeed, since the First Amendment is applicable to the States only through the Fourteenth, our Brother Harlan's view would appear to allow a State to exclude any unpopular group from the political process solely upon the basis of its political opinions.

[36] Republicans explicitly looked upon the Fourteenth Amendment as a political platform. See 2 F. Fessenden, Life and Public Services of William Pitt Fessenden 62 (1907); B. Kedrick (ed.), The Journal of the Joint Committee of Fifteen on Reconstruction 302 (1914). See also *post*, pp. —— ——.

[37] The language appears earlier in Art. IV, § 2.

[38] As the statements of Bingham and Howard in the text indicate, the framers of the Amendment were not always clear whether they understood it merely as a grant of power to Congress or whether they thought, in addition, that it would confer power upon the courts, which the courts would use to achieve equality of rights. Since § 5 is clear in its grant of power to Congress and we have consistently held that the Amendment grants power to the courts, this issue is of academic interest only.

[39] According to *Paul* v. *Virginia*, 8 Wall. 168, 180 (1869), the Privileges and Immunities Clause in Art. 4, § 2, secured to citizens "in other States the equal protection of their laws."

[40] Senator Stewart's statement regarding the two-thirds requirement appears to refer to § 3 of the Fourteenth Amendment, which requires such a majority for legislation granting amnesty to former Confederate leaders.

[41] This Court had taken such an approach in *Conner* v. *Elliott*, 18 How. 591 (1856).

[42] Ironically, the same distincion between "political" and other rights was drawn by this Court in *Plessy* v. *Ferguson*, 163 U.S. 537, 545–546 (1896). But the Court there concluded, directly contrary to our Brother Harlan's position, that the Fourteenth Amendment applied to "political" rights and to those rights only.

[43] As Thaddeus Stevens had pointed out in urging passage of the Fourteenth Amendment despite the fact that, he felt, some of its guarantees could be enforced by mere legislative enactment, "a law is repealable by a majority." Globe 2549.

[44] Radical disenchantment with decisions of this Court had led, prior to the Fifteenth Amendment, to the Act of March 27, 1868, 15 Stat. 44, withdrawing our appellate jurisdiction over certain habeas corpus cases. See *Ex parte McCardle*, 7 Wall, 506, 508, 514–515 (1868).

[45] *Breedlove* has been overruled by *Harper* v. *Virginia Board of Elections*, 383 U.S. 663, 669 (1966).

[46] For a full collection of the relevant materials, see Note, Legislative History of Title III of the Voting Rights Act of 1970, 8 Harv. J. Legis. — (1970).

[47] See 88 Cong. Rec. 8312, 8316 (1942).

[48] Hearings on S. J. Res. 8, 14, and 78 before the Subcommittee on Constitutional Amendments of the Senate Committee on the Judiciary, 90th Cong. 2d Sess. (1968); Hearings on S. J. Res. 147 and Others before the Subcommittee on Constitutional Amendments of the Senate Committee on the Judiciary, 91st Con., 2d Sess. (1970) (hereafter 1970 Hearings).

[49] *Ante*, at—

[50] See 116 Cong. Rec. 3503 (daily ed., Mar. 11, 1970); James, The Age of Majority, 4 Am. J. Legal History 22 (1960); Report of the Committee on the Age of Majority Presented to the English Parliament, p. 21 (1967).

[51] 116 Cong. Rec. 3216 (daily ed., Mar. 9, 1970).

[52] 16 Department of Labor, Bureau of Labor Statistics, Employment and Earnings, table A–3 (June 1970).

[53] See also Senate Hearings, *supra* n. 9, at 323 (Senator Kennedy), 116 Cong. Rec. 2938-2939 (daily ed., March 4, 1970) (Senator Mansfield); 3214 (daily ed., March 9, 1970) (Senator Cook). See generally Note, *supra*, n. 46, at —— ——

[54] 1970 Hearings at 223. Dr. W. Walter Menninger, a psychiatrist, and Dr. S. I. Hayakawa, agreed. *Id.*, at 23, 36.

[55] *E. g.*, 116 Cong. Rec. 2939 (daily ed., Mar. 4, 1970) (Senator Mansfield); 3214-3215 (daily ed., Mar. 9, 1970) (Senator Cook); 3216–3219 (daily ed., Mar. 9, 1970) (Senator Goldwater); 3477 (daily ed., Mar. 11, 1970) (Senator Talmadge, joined by Senator Ervin); 3497–3498 (daily ed., Mar. 11, 1970) (Senator Tydings).

[56] 116 Cong. Rec. 3477 (daily ed., Mar. 11, 1970).

[Supreme Court of the United States, Nos. 43, 44, 46 Orig.—October Term, 1970]

Oregon Versus Mitchell

(State of Oregon, plaintiff *v.* John N. Mitchell, Attorney General of the United States. State of Texas, plaintiff, *v.* John N. Mitchell, Attorney General of the United States, United States, plaintiff, *v.* State of Arizona, United States, plaintiff, *v.* State of Idaho, on Bills of Complaint, Dec. 21, 1970)

Mr. Justice Stewart, with whom The Chief Justice and Mr. Justice Blackmun join, concurring in part and dissenting in part.

In these cases we deal with the constitutional validity of three provisions of the Voting Rights Act Amendments of 1970. Congress undertook in these provisions: (a) to abolish for a five-year period all literacy tests and similar voting eligibility requirements imposed by any State in the Union (§ 201); (b) to remove the restrictions imposed by state durational residency requirements upon voters in presidential elections (§ 202); and (c) to reduce the voting age to a maximum of 18 years for all voters in all elections throughout the Nation (§ 302). The Court today upholds § 201's nationwide literacy test ban and § 202's elimination of state durational residency restrictions in presidential elections. Section 302's extension of the franchise to 18-year-old voters is, by virtue of the prevailing opinion of Mr. Justice Black, upheld as applied to federal elections. I agree with the Court in sustaining the congressional ban on state literacy tests, for substantially the same reasons relied upon by Mr. Justice Black. I also agree that the action of Congress in removing the restrictions of state residency requirements in presidential elections is constitutionally valid, but I base this judgment upon grounds quite different from those relied upon by Mr. Justice Black. And finally, I disagree with the Court's conclusion that Congress could constitutionally reduce the voting age to 18 for federal elections, since I am convinced that Congress was wholly without constitutional power to alter—for the purpose of *any* elections—the voting age qualifications now determined by the several States.

Before turning to a discussion of my views, it seems appropriate to state that we are not called upon in these cases to evaluate or appraise the wisdom of abolishing literacy tests, of altering state residency requirements, or of reducing the voting age to 18. Whatever we may think as citizens, our single duty as judges is to determine whether the legislation before us was within the constitutional power of Congress to enact. I find it necessary to state so elementary a proposition only because certain of the separate opinions filed today contain many pages devoted to a demonstration of how beneficent are the goals of this legislation, particularly the extension of the electoral franchise to young men and women of 18. A casual reader could easily get the impression that what we are being asked in these cases is whether or not we think allowing people 18 years old to vote is a good idea. Nothing could be wider of the mark. My Brothers to the contrary, there is no question here as to the "judgment" of Congress; there are questions only of Congress' constitutional power.

I

I concur in Part II of Mr. Justice Black's opinion, which holds that the literacy test ban of § 201 of the 1970 Amendments is constitutional under the Enforcement Clause of the Fifteenth Amendment. Our decisions establish that the Fifteenth Amendment "nullifies sophisticated as well as simple-minded modes of discrimination. It is onerous procedural requirements which effectively handicap exercise of the franchise by the colored race although the abstract right to vote may remain unrestricted as to race." *Lane* v. *Wilson*, 307 U.S. 268, 275; cf. *Gomillion* v. *Lightfoot*, 364 U.S. 339. Because literacy and illiteracy are seemingly neutral with respect to race, creed, color, and sex, we upheld a literacy requirement against a claim that it was invalid on its face under the Fifteenth Amendment. *Lassiter* v. *Northhampton Election Board*, 360 U.S. 45. But in *Gaston County* v. *United States*, 395 U.S. 285, we made it clear that Congress has ample authority under § 2 of the Fifteenth Amendment to determine that literacy requirements work unfairly against Negroes in practice because they handicap those Negroes who have been deprived of the educational opportunities available to white citizens. We construed the 1965 Voting Rights Act in light of the Report of the Senate Judiciary Committee that said, "[T]he educational differences between whites and Negroes in the areas to be covered by the prohibitions—differences which are reflected in the record before the committee—would mean that equal application of the tests would abridge 15th amendment rights." S. Rep. No. 162, pt. 3, 89th Cong., 1st Sess., 16. See also *South Carolina* v. *Katzenbach*, 383 U.S. 308–315.

Congress has now undertaken to extend the ban on literacy tests to the whole Nation. I see no constitutional impediment to its doing so. Nationwide application reduces the danger that federal intervention will be perceived as unreasonable discrimination against particular States or particular regions of the country. This in turn increases the likelihood of voluntary compliance with the letter and spirit of federal law. Nationwide application facilitates the free movement of citizens from one State to another, since it eliminates the prospect that a change in residence will mean the loss of a federally protected right. Nationwide application avoids the often difficult task of drawing a line between those States where a problem is pressing enough to warrant federal intervention and those where it is not. Such a line may well appear discriminatory to those who think themselves on the wrong side of it. Moreover the application of the line to particular States can entail a substantial burden on administrative and judicial machinery and a diversion of enforcement resources. Finally, nationwide application may be reasonably thought appropriate when Congress acts against an evil such as racial discrimination which in varying degrees manifests itself in every part of the country. A remedy for racial discrimination which applies in all the States underlines an awareness that the problem is a national one and reflects a national commitment to its solution.

Because the justification for extending the ban on literacy tests to the entire Nation need not turn on whether literacy tests unfairly discriminate against Negroes in every State in the Union, Congress was not required to make state-by-state findings concerning either the equality of educational opportunity or actual impact of literacy requirements on the Negro citizen's access to the ballot box. In the interests of uniformity, Congress may paint with a much broader brush than may this Court, which must confine itself to the judicial function of deciding individual cases and controversies upon individual records. Cf. *Lassiter* v. *Northampton Election Board, supra*. The findings that Congress made when it enacted the Voting Rights Act of 1965 would have supported a nationwide ban on literacy tests. Instead, at that time Congress chose to limit its attention to the geographic areas where immediate action seemed necessary." *South Carolina* v. *Katzenbach*, 383 U.S. 301, 328. Experience gained under the 1965 Act has now led Congress to conclude that it should go the whole distance. This approach to the problem is a rational one; consequently it is within the constitutional power of Congress under § 2 of the Fifteenth Amendment.

II

Section 202 of the Voting Rights Act Amendments of 1970 is a comprehensive provision aimed at insuring that a citizen will not be deprived of the opportunity to vote for the offices of President and Vice President because of a change of residence. Those who take up a new residence more than 30 days before a presidential election are guaranteed the right to register and vote in the State to which they have moved not withstanding any durational residency requirement imposed by state law, provided, of course, that they are otherwise qualified to vote. Those who take up a new residence less than 30 days before a presidential election are guaranteed the right to vote, either in person or by absentee ballot, in the State from which they have moved, provided that they satisfied, as of the date of their change of residence, the requirements to vote in that State.

A. Congress, in my view, has the power under the Constitution to eradicate political and civil disabilities which arise by operation of state law following a change in residence from one State to another. Freedom to travel from State to State—freedom to enter and abide in any State in the Union—is a privilege of United States citizenship. *Shapiro* v. *Thompson*, 394 U.S. 618; *United States* v. *Guest*, 383 U.S. 745, 757–760; *Truax* v. *Raich*, 239 U.S. 33, 39; *Twining* v. *New Jersey*, 211 U.S. 78, 97; *Crandall* v. *Nevada*, 6 Wall. 35. Section 1 of the Fourteenth Amendment provides: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States . . ." In discussing the privileges of citizens of the United States within the meaning of § 1, Mr. Justice Miller wrote for the Court in the *Slaughter-House Cases:*

> "One of these privileges is conferred by the very article under consideration. It is that a citizen of the United States can, of his own volition, become a citizen of any State of the Union by a bona fide residence therein, with the same rights as other citizens of that State." 16 Wall. 36, 80.

Although § 5 of the Fourteenth Amendment confers on Congress the "power to enforce, by appropriate legislation, the provisions of this article," this Court has sustained the power of Congress to protect and facilitate the exercise of privileges of United States citizenship without reference to § 5. *United States* v. *Guest*, 383 U.S. at 757–760; *United States* v. *Classic*, 313 U.S. 299; *Burroughs* v. *United States*, 290 U.S. 534. These cases and others establish that Congress brings to the protection and facilitation of the exercise of privileges of United States citizenship all of its power under the Necessary and Proper Clause. Consequently, as against the reserved power of the States, it is enough that the end to which Congress has acted be one legitimately within its power and that there be a rational basis for the measures chosen to achieve that end. *McCulloch* v. *Maryland*, 4 Wheat. 316, 421.

In the light of these considerations, § 202 presents no difficulty. Congress could rationally conclude that the imposition of durational residency requirements unreasonably burdens and sanctions the privilege of taking up residence in another State. The objective of § 202 is clearly a legitimate one. Federal action is required if the privilege to change residence is not to be undercut by parochial local sanctions. No State could undertake to guarantee this privilege to its citizens. At most a single State could take steps to resolve that its own laws would not unreasonably discriminate against the newly arrived resident. Even this resolve might not remain firm in the face of discriminations perceived as unfair against those of its own citizens who moved to other States. Thus, the problem could not be wholly solved by a single State, or even by several States, since every State of new residence and every State of prior residence would have a necessary role to play. In the absence of a unanimous interstate compact, the problem could only be solved by Congress. Quite clearly, then, Congress has acted to protect a constitutional privilege which finds its protection in the Federal Government and is national in character. *Slaughter-House Cases*, 16 Wall., at 79.

B. But even though general constitutional power clearly exists, Congress may not overstep the letter or spirit of any constitutional restriction in the exercise of that power. For example, Congress clearly has power to regulate interstate commerce, but it may not, in the exercise of that power, impinge upon the guarantees of the Bill of Rights. I have concluded that, while § 202 applies only to presidential elections, nothing in the Constitution prevents Congress from protecting those who have moved from one State to another from disenfranchisement in any federal election, whether congressional or presidential.

The Constitution withholds from Congress any general authority to change by legislation the qualifications for voters in federal elections. The meaning of the applicable constitutional provisions is perfectly plain. Article I, § 2, and the Seventeenth Amendment prescribe the qualifications for voters in elections to choose Senators and Representatives: they "shall have the qualifications requisite for electors of the most numerous branch of the State Legislature." The Constitution thus adopts as the federal standard the standard which each State has chosen for itself. *Ex parte Yarborough*, 110 U.S. 651, 663; *Wiley* v. *Sinkler*, 179 U.S. 61, 64. Accordingly, a state law which purported to establish distinct qualifications for congressional elections would be invalid as repugnant to Article I, § 2, and the Seventeenth Amendment. By the same token, it cannot be gainsaid that federal legislation which had no objective other than to alter the qualifications to vote in congressional elections would be invalid for the same reasons. What the Constitution has fixed may not be changed except by constitutional amendment.

Contrary to the submission of my Brother BLACK, Article I, § 4 does not create in the federal legislature the power to alter the constitutionally established qualifications to vote in congressional elections. That section provides that the legislatures in each State shall prescribe the "times, places and manner of holding elections for Senators and Representatives," but reserves in Congress the power to "make or alter such regulations, except as to the place of choosing Senators." The "manner" of holding elections can hardly be read to mean the *qualifications* for voters, when it is remembered that § 2 of the same Article I explicitly speaks of the "qualifications" for voters in elections to choose Representatives. It is plain, in short, that when the Framers meant qualifications they said "qualifications." That word does not appear in Article I, § 4. Moreover, § 4 does not give Congress the power to do anything that a State might not have done, and, as pointed out above, no State may establish distinct qualifications for congressional elections. The States, of course, are free to pass such laws as are necessary to assure fair elections. Congressional power under § 4 is equally broad with respect to congressional elections. *United States* v. *Classic*, 313 U.S. 299. But the States are not free to prescribe qualifications for voters in federal elections which differ from those prescribed for the most numerous branch of the state legislature. And the power of Congress to do so cannot, therefore, be found in Article I, § 4.

This view is confirmed by extrinsic evidence of the intent of the Framers of the Constitution. An early draft of the Constitution provided that the States should fix the qualifications of voters in congressional elections subject to the proviso that these qualifications might "at any time be altered and superseded by the Legislature of the United States."[1] The records of the Committee on Detail show that it was decided to strike the provision granting to Congress the authority to set voting qualifications and to add in its stead a clause making the qualifications "the same from Time to Time as those of the electors in the several States, of the most numerous Branch of their own Legislatures."[2] The proposed draft reported by the Committee on Detail to the Convention included the following:

"The qualifications of the electors shall be the same from time to time, as those of the electors in the several States, of the most numerous branch of their own Legislatures." Art. IV, § 1.

"The times and places and manner of holding the elections of the members of each House shall be prescribed by the Legislature of each State; but their provisions concerning them may, at any time, be altered by the Legislature of the United States."[3] Ar. VI, § 1.

On August 7, Gouverneur Morris moved to strike the last clause of the proposed Article IV, § 1 and either to provide a freehold limitation on sufferage or to add a clause permitting Congress to procede to alter the electoral qualifications.[4] This motion was opposed by Oliver Ellsworth, George Mason, Madison, and Franklin. Ellsworth protested that the proposal favored artistocracy. If the legislature could alter qualifications, it could disqualify a great proportion of the electorate.[5] George Mason voiced a similar objection. "A power to alter the qualifications would be a dangerous power in the hands of the legislature."[6] To the same effect Madison said:

"The right of suffrage is certainly one of the fundamental articles of republican Government, and ought not to be left to be regulated by the Legislature."[7]

The proposed motion was defeated by a seven-to-one vote,[8] and no substantive change in Article I, §2 was proposed or made thereafter.

Thus, Alexander Hamilton accurately reported the intent of the Convention when he wrote in The Federalist No. 60 that the authority of the national government "would be expressly restricted to the regulation of the *times, the places* and the *manner* of elections. The qualifications of the persons who may choose or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution and are unalterable by the legislature [i.e. Congress]." (Emphasis in original.)

Different provisions of Constitution govern the selection of the President and the Vice President. Article II and the Twelfth Amendment provide for election by Electors. Article II specifies that each State shall appoint Electors "in such manner as the legislature thereof may direct." Because the Constitution dose not require the popular election of members of the Electoral College, it does not specify the qualification which voters must have when the selection of Electors is by popular election. This is left to the States in the exercise of their power to "direct" the manner of choosing Presidential Electors. *Williams* v. *Rhodes*, 393 U.S. 23, 29. When Electors are chosen by popular election, the Federal Government has the power to assure that such elections are orderly and free from corruption. *Burroughs* v. *United States*, 290 U.S. 534. But in *Burroughs* the Court noted of the Act under review: "Neither in purpose nor in effect does it interfere with the power of a state to appoint electors or the manner in which their appointment shall be made." 290 U.S., at 254. The Court quoted with approval the following passage from *Ex parte Yarbrough*, 110 U.S. 651: "[T]he importance to the general government of having the actual election—the voting for those members—free from force and fraud is not diminished by the circumstances that the qualification of the voter is determined by the law of the State where he votes." 290 U.S., at 546. And in *United States* v. *Classic*, 313 U.S. 299, the Court was careful to point out that it is the "right of *qualified* voters within a state to cast their ballots and have them counted" which is a privilege of United States citizenship amenable to congressional protection. *Id.*, at 315 (emphasis added). See also *Corfield* v. *Coryell*, 6 Fed. Cas. 546, 552, (No. 3230) (CCED Pa.).

The issue then is whether, despite the intentional withholding from the Federal Government of a general authority to establish qualifications to vote in either congressional or presidential elections, there exists congressional power to do so when Congress acts with the objective of protecting a citizen's privilege to move his residence from one State to another. Although the matter is not entirely free from doubt, I am persuaded that the constitutional provisions discussed above are not sufficient to prevent Congress from protecting a person who exercises his constitutional right to enter and abide in any State in the Union from losing his opportunity to vote, when Congress may protect the right of interstate travel from other less fundamental disabilities. The power of the States with regard to the franchise is subject to the power of the Federal Government to vindicate the unconditional personal rights secured to the citizen by the Federal Constitution. *Williams* v. *Rhodes*, *supra*; cf. *Shapiro* v. *Thompson*, *supra*. The power which Congress has exercised in enacting § 202 is not a general power to prescribe qualifications for voters in either federal or state elections. It is confined to federal action against a particular problem clearly within the purview of congressional authority. Finally, the power to facilitate the citizen's exercise of his constitutional privilege to change residence is one which cannot be left for exercise by the individual States without seriously diminishing the level of protection available. As I have sought to show above, federal action is required if this privilege is to be effectively maintained. We should strive to avoid an interpretation of the Constitution that would withhold from Congress the power to legislate for the protection of those constitutional rights which the States are unable effectively to secure. For all these reasons, I conclude that it was within the power of Congress to enact § 202.[9]

III

Section 302 of the Voting Rights Act Amendments of 1970 undertakes to enfranchise in all federal, state, and local elections those citizens 18 years of age or older who are now denied the right to vote by state law because they have not reached the age of 21. Althought it was found necessary to amend the Constitution in order to confer a federal right to vote upon Negroes[10] and upon females,[11] the Government asserts that a federal right to vote can be conferred upon people between 18 and 21 years of age simply by this Act of Congress. Our decision in *Katzenbach* v. *Morgan*, 379 U. S. 294, it is said, established the power of Congress, under § 5 of the Fourteenth Amendment, to nullify state laws requiring voters to be 21 years of age or older if Congress could rationally have concluded that such laws are not supported by a "compelling state interest."

In my view, neither the *Morgan* case, nor any other case upon which the Government relies, establishes such congressional power, even assuming that all those cases were rightly decided.[12] MR. JUSTICE BLACK is surely correct when he writes, "It is a plain fact of history that the Framers never imagined that the national Congress would set the qualifications for voters in every election from President to local constable or village alderman. It is obvious that the whole Constitution reserves to the States the power to set voter qualifications in state and local elections, except to the limited extent that the people through constitutional amendments have specifically narrowed the powers of the States." *Supra*, p. ——. For the reasons which I have set out in Part II of this opinion, it is equally plain to me that the Constitution just as completely withholds from Congress the power to alter by legislation qualifications for voters in federal elections, in view of the explicit provisions of Article I, Article II, and the Seventeenth Amendment.

To be sure, recent decisions have established that state action regulating suffrage is not immune from the impact of the Equal Protection Clause.[13] But we have been careful in those decisions to note the undoubted power of a State to establish a qualification for voting based on age. See, *e. g.*, *Kramer* v. *Union School District*, 395 U.S. 621, 625; *Lassiter* v. *Northamption Election Board*, 360 U.S. 45, 51. Indeed, none of the opinions filed today suggest that the States having anything but a constitutionally unimpeachable

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Footnotes at end of article.

XUM

interest in establishing some age qualification as such. Yet to test the power to establish an age qualification by the "compelling interest" standard is really to deny a State any choice at all, because no State could demonstrate a "compelling interest" in drawing the line with respect to age at one point rather than another. Obviously, the power to establish an age qualification must carry with it the power to choose 21 as a reasonable voting age, as the vast majority of the States have done.[14]

Katzenbach v. *Morgan*, supra, does not hold that Congress has the power to determine what are and what are not "compelling state interests" for equal protection purposes. In *Morgan* the Court considered the power of Congress to enact a statute whose principal effect was to enfranchise Puerto Ricans who had moved to New York after receiving their education in Spanish-language Puerto Rican schools and who were denied the right to vote in New York because they were unable to read or write English. The Court upheld the statute on two grounds: that Congress could conclude that enhancing the political power of the Puerto Rican community by conferring the right to vote was an appropriate means or remedying discriminatory treatment in public services; and that Congress could conclude that the New York statute was tainted by the impermissible purpose of denying the right to vote to Puerto Ricans, an undoubted invidious discrimination under the Equal Protection Clause. Both of these decisional grounds were far-reaching. The Court's opinion made clear that Congress Could impose on the States a remedy for the denial of equal protection which elaborated upon the direct command of the Constitution, and that it could override state laws on the ground that they were in fact used as instruments of invidious discrimination even though a court in an individual lawsuit might not have reached that factual conclusion. Cf. *Swain* v. *Alabama*, 380 U.S. 202.

But it is necessary to go much further to sustain § 302. The state laws which it invalidates do not invidiously discriminate against any discrete and insular minority. Unlike the statute considered in *Morgan*, § 302 is valid only if Congress has the power not only to provide the means of eradicating situations which amount to a violation of the Equal Protection Clause, but also to determine as a matter of substantive constitutional law what situations fall within the ambit of the clause, and what state interests are "compelling." I concurred in Mr. Justice Harlan's dissent in *Morgan*. That case, as I now read it, gave congressional power under § 5 the furthest possible legitimate reach. Yet to sustain the constitutionality of § 302 would require an enormous extension of that decision's rationale. I cannot but conclude that § 302 was beyond the constitutional power of Congress to enact.

FOOTNOTES

[1] 2 M. Farrand, The Records of the Federal Convention (1911) 153.

[2] *Id.*, at 163–164.

[3] *Id.*, at 178–179.

[4] *Id.*, at 201, 207.

[5] *Id.*, at 201.

[6] *Id.*, at 201–202.

[7] *Id.*, at 203.

[8] *Id.*, at 206.

[9] Whether a particular State's durational residency requirement for voters may violate the Equal Protection Clause of the Fourteenth Amendment presents questions which are for me quite different from those attending the constitutionality of § 202. See *Sirak* v. *Brown*,—F. 2d—(CA6 1970); *Cocanower* v. *Marston*,—F. Supp.—(D Ariz. 1970); *Burg* v. *Canniffee*,—F. Supp.—(D Mass. 1970); *Ellington* v. *Blumstein*,—F. Supp.—(MD Tenn. 1970); *Hadnott* v. *Amos*,—F. Supp.—(MD Ala. 1970); *Bufford* v. *Holton*,—F. Supp.—(ED Va. 1970); *Lester* v. *Board of Elections*,—F. Supp.—(DC 1970).

[10] U.S. Const., Amendment XV.

[11] U.S. Const., Amendment XIX; see also *Minor* v. *Happersett*, 21 Wall. 162.

[12] *Carrington* v. *Rash*, 380 U.S. 89 (1965); *Louisiana* v. *United States*, 380 U.S. 145 (1965); *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966); *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966); *Kramer* v. *Union Free School Dist.* No. 15, 395 U.S. 621 (1969); *Cipriano* v. *City of Houma*, 395 U.S. 701 (1969); *Evans* v. *Cornman*, 398 U.S. 419 (1970); City *of Phoenix* v. *Kolodziejski*, 399 U.S. 204 (1970).

[13] See, *e.g.*, cases cited *supra*, n. 12.

[14] If the Government is correct in its submission that a particular age requirement must meet the "compelling interest" standard, then, of course, a substantial question would exist whether a 21-year-old voter qualification is constitutional even in the absence of congressional action, as my Brothers point out. *Ante*, p. —. Yet it is inconceivable to me that this Court would ever hold that the denial of the vote to those between the ages of 18 and 21 constitutes such an invidious discrimnation as to be a denial of the equal protection of the laws. The establishment of an age qualification is not state action aimed at any discrete and insular minority. *United States* v. *Carolene Products Co.*, 304 U.S. 144, 152 n. 4. Moreover, so long as a State does not set the voting age higher than 21, the reasonableness of its choice is confirmed by the very Fourteenth Amendment upon which the Government relies. Section 2 of that Amendment provides for sanctions when the right to vote "is denied to any of the male inhabitants of such State, *being twenty-one years of age*, and citizens of the United States. . . ." (Emphasis added.)

SENATE JOINT RESOLUTION 251—INTRODUCTION OF A JOINT RESOLUTION TO PROVIDE FOR THE FRANCHISE FOR 18-YEAR-OLD CITIZENS IN STATE ELECTIONS

Mr. KENNEDY. Mr. President, I send to the desk a joint resolution providing for an amendment to the Constitution of the United States to lower the voting age in State elections to 18. Today's decision by the Supreme Court, to which I have previously referred, means that 18-year-olds may vote in all Federal elections, beginning next January 1. As the Court has made clear, however, the reduction of the voting age to 18 in State elections will have to be accomplished by constitutional amendment.

I ask unanimous consent that the joint resolution may be held at the desk. Since we are in the final days of this session, it is unlikely that Congress can approve this resolution before our adjournment. Nevertheless, I believe that today's decision by the Supreme Court gives us a strong incentive for prompt action. By holding the resolution at the desk at this time, I am hopeful that we can explore the possibility of rapid Senate action. I also ask unanimous consent that the joint resolution may be printed in the Record at this point.

The PRESIDING OFFICER. The joint resolution will be received; and, without objection, the joint resolution will be held at the desk, and printed in the Record.

The joint resolution (S.J. Res. 251) to provide for the franchise for 18-year-old citizens, introduced by Mr. Kennedy, was received, read twice by its title, and ordered held at the desk.

The joint resolution is as follows:

S.J. Res. 251

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"Article —

"Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote in any State election shall not be denied or abridged by any State on account of age. The Congress shall have power to enforce this article by appropriate legislation.

"Sec. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

Mr. PERCY. Mr. President, to complete this subject—and I am very pleased with the comments that have been on this very important subject; I also have long advocated that 18-year-olds be allowed to vote. Today young people are better informed than ever before. Political decisions made here in Washington affect them directly—everything from the Vietnam war to income tax rates.

Giving 18-year-olds the right to vote will enable them to participate actively within the political system and work from within to reform the system rather than feel they have to seek to destroy it from without. Young people now have a strong incentive for greater political involvement and understanding of the political processes.

I am sorry that Illinois last week rejected the right of 18-year-olds to vote in State elections. Hopefully the good experiences we will have with 18-year-olds voting in Federal elections will encourage our States to allow 18-year-olds to vote in State elections in the future.

Finally, Mr. President, I think it is very significant that we have just finished a conference on children in Washington; and following this will be a conference on youth, one of the conferences held every 10 years in the United States.

For the first time, these young people are going to participate, knowing they will have the opportunity to vote for President, for Vice President, for Representative, and for Senator in the next election. If I am any judge of human nature and political figures, I would judge that, beginning today, young people's voices will be listened to with greater attention. They will not have the difficulty many of them had in getting audiences when they came down to talk about Cambodia with some of their Senators and Representatives who were too busy to see them. A Senator and a Representative cannot be too busy to see any group of voters.

The Supreme Court of the United States has now determined, and the Congress of the United States has decided, that the 18-year-olds today, in the year 1970. in the United States of America, have the capability to reason and to see through problems and to reach decisions and to find answers for problems that will affect their lives.

I would simply say woe be to the public officeholder who today, December 21, is too busy to have the time to listen to the voice of young people. Those young people now will be voting in the next election. It is good for those young people to engage in the process and good for the country to have them engage in that process.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield.

Mr. MAGNUSON. I would like to add something further to this. I have found in my State, and I am sure it would be true nationally that younger citizens have not voted in as great a percentage as have older citizens. There is a 21- to 30-year-old bracket, and a certain percentage of these younger citizens vote; but the 30- to 40-year-old group has a greater percentage voting. It will be found that as the age bracket gets lower that younger people have not exercised their franchise as much as they should. I believe that younger Americans should reverse this trend.

It seems to me that now they will get the signal—and I hope they will take up this challenge and begin voting in much higher percentage when compared to the total number of eligible young voters. I believe that younger Americans must participate fully in our greatest of institutions—the electoral process.

Mr. PERCY. I think that is an exceedingly good point. I think we can do something about it in the States.

I have spoken with the young people about why they do not vote in the same proportion that older citizens do, and they point out to me the fact that better than half of them are away at college, a situation which causes difficulty and complexity because of the absentee ballot. They might miss the date, they may not fill it out just exactly right, or they may not even hear about the fact that they have to apply for it.

So I think we have a responsibility now to say to these young people, "We are going to try to make it as easy as we possibly can for you to vote. Now you exercise the franchise."

We have waged the fight to get that vote for them, on both sides of the aisle, supported by the President of the United States. President Nixon has been very forthright on this, and I commend the Attorney General for the vigorous case he made. No one could question the fact that he pursued the matter with diligence and with enthusiasm, to insure that the 18-year-olds' voice could be counted now. With that backing and support, I would join with the distinguished Senator from Washington in urging the young people to use the franchise.

Mr. MAGNUSON. I would hope that the States would make a review of the voting laws—they now have adequate laws for absentee voting by citizens serving in the Armed Forces. We must make it as simple as possible for younger Americans to register and vote in all elections. In some States it is a very difficult and technical process. I hope we can convince all States to review their statutes in order to be certain that technicalities and arbitrary processes do not now exist that will discriminate against younger citizens. The right to exercise the franchise is basic to our free society and is a corner stone of the democratic process.

Mr. MANSFIELD. Mr. President, the Supreme Court has just ruled constitutional—at least in part—the action taken by Congress to extend the vote in national elections to all citizens 18, 19, and 20 years old. In my judgment, that opinion will live as one of the most—if not most—significant decisions the High Court has handed down in its long history.

There is no doubt that when Congress voted to extend the franchise of the ballot there were legitimate questions raised about the constitutionality of such action. Those questions have now been resolved. There was never any question, however, about the importance of the action in bringing young people into the "system." That is where they belong.

Up to now the youth of today had a legitimate grievance. For all their interest, for all their work and effort, for all the opinions they expressed; nothing counted. Nothing they did or could do for that matter made much difference. They were denied the ballot. They could not vote. They could not directly influence policy decisions at the polls.

Up to now those 18, 19, and 20 were told to fight our wars even though they themselves had no right to choose the officials who made the decisions that led to war.

Up to now, at 18, a young adult was treated by our courts as fully responsible for his legal actions—both civil and criminal—and were made to suffer the full penalties of the law. Yet they could not pass judgment on the men chosen to enact those laws. They got married. They paid taxes, too, but had no real voice in the imposition of those taxes. In short, up to now the full responsibility has been on us, the other generation. We have borne the full burden of our actions as they have affected young people. And our actions affected young people to a great extent.

Now much of that has changed. With this opinion, the Supreme Court has opened the way for joining the youth of today with the youth of yesterday. With this opinion, the Supreme Court has shifted the burden and placed it where it belongs—on the young people themselves—on those who have raised their voices and pointed their fingers, on those who decried and criticized for being saddled with responsibilities and obligations that in many cases they neither sought nor sanctioned.

I welcome their fresh approaches; their criticisms; their interest and concern. The fact that some young people exhibit disdain for certain of our institutions should in no way reflect upon the great majority of our youth. With the vote they will establish themselves quickly for what they are: Alert, interested, mature, and concerned. Henceforth their judgments cannot be ignored. Given the vote, these young people have been challenged to prove their worth and the value of their contributions to our system. I am confident that they will meet that challenge. On their behalf, I welcome it.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on December 17, 1970 the President had approved and signed the following act and joint resolution:

S. 4536. An act to amend the Small Business Act; and

S. J. Res. 230. Joint resolution extending the duration of copyright protection in certain cases.

REPORT ON SPECIAL INTERNATIONAL EXHIBITIONS, U.S. INFORMATION AGENCY—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

As required by law, I transmit to the Congress the Eighth Annual Report on Special International Exhibitions conducted during Fiscal Year 1970 under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256).

This report covers exhibits presented abroad by the U.S. Information Agency at international fairs and under East-West Cultural Exchange agreements, exhibits and labor missions presented abroad by the Department of Labor, and trade missions organized and sent overseas by the Department of Commerce.

RICHARD NIXON.

THE WHITE HOUSE, *December 21, 1970.*

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. PERCY. Mr. President, I yield to the distinguished Senator from North Dakota, and I ask unanimous consent that in yielding, I do not lose my right to the floor and that when I resume speaking, it not be counted as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

XUM

Mr. YOUNG of North Dakota. I thank the Senator.

THE CLOTURE MOTION

Mr. YOUNG of North Dakota. Mr. President, in the nearly 26 years I have served in the U.S. Senate I have only voted for cloture once. That was on August 14, 1962. Before casting that vote I stated:

> It is with great reluctance that I will for the first time vote for cloture; and I hope it will be the last time.

Mr. President, the U.S. Senate is the only legislative body in the world which permits unlimited debate by its Members. This is a unique hallmark of our democracy and one I have always been proud of and have felt should be retained. The only parliamentary limitation on debate is through invoking cloture by a two-thirds vote.

We have had an entirely different situation during this session of the Senate than perhaps any time in our history. There has been long and extended debate on many subjects, all of which could well be characterized as filibusters. Among them were the nomination of Judge G. Harrold Carswell as an Associate Justice of the Supreme Court of the United States; the Cooper-Church amendment; and the McGovern-Hatfield amendment. Debate on these issues consumed at least 2 months of this session.

We have had a filibuster for several days on the Department of Transportation appropriations bill, and a threatened lengthy debate or filibuster on at least four other measures. We find ourselves in an intolerable and indefensible situation in which the Senate cannot pass some important and very necessary legislation by the constitutional adjournment deadline.

Mr. President, in the past when we were a much smaller Nation and the issues before Congress were not as complex or as many, one or two filibusters a year did not unduly disrupt the business of the Senate. In fact, many of them resulted in preventing the passage of bad legislation.

We are faced now with chaos and a real legislative crisis which cries out for a solution. There is an old saying that "Only a fool never changes his mind." I will abandon the strong position I have maintained over the years and vote for cloture. I will do so in the hope that it will help bring this session to a respectable and satisfactory conclusion by January 3, the date required by the Constitution, thus making possible the passage of at least some of the most necessary legislation.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill—H.R. 17755—making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. PERCY. Mr. President, I yield the floor to my distinguished colleague, the Senator from New York.

Mr. GOODELL. Mr. President, in a statement I made to the Senate prior to the vote on the question of cutting $290 million from our continued Government spending on the SST, I warned that the outcome of the vote would have significant impact on the goal of reordering priorities.

We talk a great deal today about reordering priorities. We have to put some substance behind that phraseology. We must signal a promise of change and guard against the relegation of the phrase of new priorities to the dismal category of a convenient cliche.

The Senate vote of 52 to 41 on December 3, denying funds for the SST, indicated truly a promise of change. But the action of the House-Senate conferees in accepting $210 million in Department of Transportation appropriations for the SST raises the unwelcome specter that the business of budgeting will continue as usual. The budgeting of tax dollars already reflects the sad flight of revenue to misplaced priorities.

As we consider SST trips, it may be useful to recall that this year's Federal budget requests projected that out of every $100 of tax revenue, income tax paid to the Federal Government by individuals, more than $48 was planned for defense and military spending—$48.37, to be exact, of every $100 paid in Federal taxes by individuals. Contrast that $48.37 planned for military expenditures with approximately $5 for education and job training, a little more than $1 for a clean and healthy environment. This disproportionate allocation of tax dollars is what we are talking about, among other things, when we use the phrase "reordering priorities," and when we move to redirect Government spending.

It has been said that jobs alone justify continued Government funding of the SST. Maintaining jobs and creating job opportunities are high priorities before Congress. I have been deeply concerned with unemployment in New York and across the Nation resulting from cutbacks in Government contracts in space and defense programs. I do not think that the funding of wasteful contracts is the answer to our present and future unemployment problems. There does exist, however, the need for new contracts and additional jobs for work in areas of pressing unmet needs of our people in mass transit, urban and rural housing, hospital construction, and a whole range of consumer protections.

I do not believe that I could ever justify voting for a multimillion dollar program simply to make jobs—jobs in New York or jobs elsewhere. If the program is justified on its merits, then I would want to get as many of those jobs for New York as we could get legitimately. If it is not justified, then it is a waste of the taxpayers' money. There are better ways to employ our people—one way is with priority programs and by contracts reflecting them. So I dismiss the argument completely that the SST is necessary to create jobs.

It is useful at this point to recall many of the warnings made against this year's additional Government spending on the SST.

I would like to note the warning which appears in this morning's Washington Post in an article entitled "Start of SST Fleet Figured at $5 Billion," written by George Lardner, Jr. It reports that Dr. Garwin, chairman of a special White House Advisory Committee on the SST, has estimated that another $5 billion may be needed to certify the jetliner and launch production of a commercial SST fleet.

Mr. MAGNUSON. Mr. President, will the Senator from New York yield at that point?

Mr. GOODELL. I yield.

Mr. MAGNUSON. I do not want to belabor this issue, but this is the testimony of one man that we have heard at least 10 different times. Now someone is starting to recite it again.

Mr. President, I ask unanimous consent to have printed in the RECORD, when the Senator has completed his remarks, the testimony of other experts, beside Dr. Garwin, who completely refutes his testimony. The committee has listened to him over and over again for a long time now, and has rejected his conclusions. I think he is dedicated, and I do not question his honesty, but there are literally scores of other experts in this field who have refuted his testimony but no one seems to mention them. I am going to mention them just to keep the record straight.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DR. DUBRIDGE LETTER TO SENATOR PROXMIRE

(In his letter to Senator Proxmire on April 22, 1970 responding to his request for comments on the SST program, Dr. DuBridge strongly recommended proceeding with the SST program. His position was made after securing more information on technical aspects of the SST and also on a personal appraisal of the Concorde program.)

(As is clearly indicated in this letter, Dr. DuBridge does not agree with Dr. Garwin's recent testimony, and Dr. DuBridge, not Dr. Garwin, was the Science Advisor to President Nixon.)

APRIL 22, 1970.

HON. WILLIAM PROXMIRE,
Washington, D.C.

DEAR SENATOR PROXMIRE: This is in response to your inquiry in regard to the views of the Office of Science and Technology with regard to the matter of the Supersonic Transport.

As you know, when the President establishes a committee or task force to make recommendations to him on matters such as this, he purposely selects representatives having a broad range of interest and competence in various fields encompassed by the overall program. In the case of the SST, this involved a number of areas of concern: ecoomics, international trade, return to the federal investment, technological fallout, unsolved technological problems, environmental problems, and the overall technological strength of the United States and its position among the nations.

The various representatives on this committee examined the areas within their own fields of competence and submitted recommendations which emerged from their specific studies. It was then the task of the President to put all these matters in perspective and to take a long-range view of the overall best interests of the United States. Needless to say, the President has a broader view of the whole problem after he has studied all of the facts and opinions which have been brought together for his attention. Thus, while each of several of us may have, from our own restricted points of view, recommended against further federal involvement in the SST project. I. for one, believe that the President, is taking a more comprehensive view than any of us could have, came to a sound decision.

My office now stands ready to assist the Department of Transportation in every possible way in trying to implement the President's decision and bring the best technological expertise we can command to bear on the problem of the successful development of this very important project.

On the basis of the knowledge then available to us, we would not change the statements which we submitted to the SST committee. However, I have since had the opportunity of securing more information on the technological problems, and I have also inspected the French Concorde and have been impressed by its promise. I now see more clearly than before the wisdom of the President's conclusion that the United States should not be without its own supersonic transport which, in the long run, will no doubt be superior to the French/British Concorde.

The President recognizes, as we pointed out, that there are still technological and environmental problems to be solved. But he has the faith, which I now share, that the ingenuity of the American industrial system can eventually solve these problems satisfactorily. It was naturally our duty to point up some of these technological difficulties so that we should all be aware of them. Surely these problems will never be solved if we stop our development work at this stage. Even more stupendous problems than those that lie ahead in the SST were solved in the space program.

Thus, on the whole, I would strongly recommend that your Committee endorse the President's proposal that the United States proceed with the SST project.

Very truly yours,

LEE A. DUBRIDGE,
Director.

SATURDAY REVIEW ARTICLE "IS THE SST REALLY NECESSARY?"

(An excellent article *Is the SST Really Necessary?* written by an unbiased reporter appeared in the August 15, 1970 issue of *Saturday Review*. Mr. Horace Sutton took the time to look at both sides of the issues and reported what Dr. Garwin said about sideline noise. He also reported what other people in responsible positions that deal with the noise issue have to say about Garwin's claims. The article includes the following section on SST noise that clearly shows that Garwin's statement on the 50 to 1 noise ratio of an SST vs. a subsonic jet is misleading and is a "propaganda-type" statement.)

NOISE

The most effective argument being used against the SST in this Year of the Environment, as it is being called, is noise. A popular term of reference that has beeen given wide display is that an American SST would, on the runway, sound like fifty subsonic jets taking off at the same time. This comparison, which was devised by Dr. Garwin, has been both supported and hotly contested by scientists and aeronautical engineers in and out of the SST program. It has become the touchstone of the great supersonic debate, a passionate dialogue that has inspired lay persons to learn the language of the scientists, and engineers to reduce their heady techniques to the sill of common understanding. One must first understand, for example, that noise is energy or pressure waves in the air, and a decibel is a unit of its measure. The decibel, as a unit for measuring sound pressure level, was named for Alexander Graham Bell, and was established soon after 1900.

But it was reasoned, half a century later, that some kinds of noise can be more annoying than others. A fingernail running down a blackboard does not create many decibels, but it sends shivers down the backs of some people. Hi-fi sets, turned up loud, register many decibels, but young people find that sound enjoyable. In 1959, Dr. Karl Kryter of the Stanford Research Institute created a new measurement that included sound pressure level as well as frequency. A measure of both noise and annoyance, it is called Perceived Noise-level in decibels, or PNdB. Acoustic engineers realized that high tones or, more particularly, the high whines of certain aircraft engines, for example, persisting for longer or shorter periods, can alter the PNdB. Therefore, in 1966, a new measure, EPNdB or Effective Perceived Noise-level, was created by the Aircraft Exterior Noise Engineers. The Federal Aviation Agency, in order to denote the annoyance factor, has adopted EPNdB, and uses it to measure the noise of all subsonic airplanes.

Airplane noise is measured at three places: one mile from the threshold of the runway; about three-and-a-half miles from the start of the take-off run (for climb-out noise); and about 1,500 feet from the side of the runway. Experiments on the American SST engine, which is to be built by General Electric, indicate that the airplane is already within the FAA's acceptable noise limits when landing and on takeoff. Indeed, since an SST takes off at a higher and faster climb-out rate, it is more quiet than existing jets when flying over the community. On sideline noise—at the runway—it registers about 124 PNdB, whereas present jets register 108 PNdB. William Magruder, the forty-seven-year-old former test pilot who designed Lockheed's new jumbo, the L-1011, and who is in charge of the SST project for the Department of Transportation, concedes that the sideline noise of the SST is now three to four times as annoying as the noise produced by current jets. But there are still eight years to go in which to correct the sideline noise, he adds, before a production model of the American SST might appear.

"People like Garwin," says Magruder, "are creating technical mischief. He is playing on the difference between sound and annoyance." Garwin is quick with an answer. In his cluttered office on West 115th Street in New York City between Columbia University and the Hudson River, he told me, "When Magruder says I am in error in equating fifty subsonic jets taking off simultaneously with one SST, he is absolutely wrong. Whether disingenuous or ignorant is hard to tell, but I'm sure it's ignorant. All I want him to do is get the Department of Transportation to get one of their consultants, or Karl Kryter at Stanford Research Institute, who invented PNdB, to say I'm wrong, and I will be satisfied, but they don't."

Confronted with this challenge, the Department of Transportation, at *SR*'s request, convened a panel of consultants. They included Dr. John Powers, director of the Office of Noise Abatement, Federal Aviation Administration; Harvey Hubbard, director, Acoustics Branch, NASA Langley Research Center, Virginia; Charles Foster, director, Office of Noise Abatement, Office of the Secretary, Department of Transportation; Newton Lieurance, director of Aviation Affairs, Environmental Sciences Services Administration, Department of Commerce; and George Chatham, aeronautics and space specialist, Legislative Reference Service, Library of Congress, who was formerly with NASA's Office of Advanced Research Technology.

Referring to Dr. Garwin's widely quoted statement that one SST sounds like fifty subsonic jets at take-off, the panel members concerned with sound had the following comments:

Dr. Powers: "Technically, it is an accurate statement. It is a logarithmic ratio, but obviously you can't put fifty aircraft together, because the sound sources would cancel. The thing that is important is the manner in which the airport neighbor perceives the noise."

Mr. Chatham: "The statement from a technical point of view is correct. I've had to explain that statement many times, but it is a propaganda-type statement because it has a direct interpretation in terms of annoyance or perceived level. While it is technically correct, and the Bureau of Standards will say that it is correct, it is very misleading. It sounds as though an SST is fifty times as loud. That is the interpretation that everyone gives that statement. But it doesn't mean that at all. It appears as if you'll hear something with fifty times the loudness and you don't."

Mr. Hubbard: "Say you had a four-engine airplane and you were running just one engine. There is a certain loudness associated with that one engine. Then you turn on the second engine. With two engines running it isn't twice as loud on any scale. If you turn all four engines on, it isn't four times as loud. Four engines make four times as much acoustic power, but the sound is not four times as loud to a person."

Mr. Chatham: "If you had an airplane with ten engines and you were to overfly with one engine going and hear that noise, and then overfly again with all ten engines going, the effect you would perceive would be double."

Pursuing Garwin's suggestion further, SR reached Dr. Karl Kryter, director of the Sensory Sciences Research Center at Stanford Research Institute. Dr. Kryter cautions that decibel measurements are preferred by engineers, but the "annoyance scale in your head doesn't go up as the physical noise increases in the air." Both Garwin and Magruder, as they state their respective cases, are correct, according to Kryter. However, says he, "I don't think Garwin needs to use this example of one to fifty, because it overstates the case. While Garwin is absolutely correct, I think he is overkilling by using a technical fact that would mislead some people. On the other hand, I think a three hundred to four hundred per cent increase in noisiness to something that is already intolerable to some people is beyond acceptable limits."

As an experiment, Kryter says, a person might put his hand on a counter and put a one-ounce weight on it. By adding another ounce does he feel twice the amount of pressure? If four more ounces are added, does it feel like six times as much pressure? Kryter thinks not. The same is true in noise. As you increase the noise level measured in EPNdB, the subjective scale grows in such a way that every time ten EPNdB is added, it seems twice as bad as before.

LETTER FROM ROBERT L. PAULLIN

(The attached letter from Robert L. Paullin, Chief of the Standards Division, Department of Transportation, dated August 17, 1970 to the Director, SST Development clarifies the misinterpretations of Effective Perceived Noisiness raised by Dr. Garwin.)

DEPARTMENT OF TRANSPORTATION,
OFFICE OF THE SECRETARY,
August 17, 1970.

Subject: Clarification of Misinterpretation of Effective Perceived Noisiness.
From: Chief, Standards Division.
To: Director, Supersonic Transport Development.

XUM

The following discussion may clarify an interpretation of effective perceived noisiness.

The psychophysical unit EPNdB is particularly well suited for the evaluation and control of airplane noise, as it takes into account the subjective response of people to airplane sound. Effective perceived noisiness, or annoyance value as it is sometimes called, increases by two or decreases by one-half with a change of 10 EPNdB. For example, 100 EPNdB is perceived to be twice as noisy as 90 EPNdB; 125 EPNdB is judged to be about 3 times as noisy as 108 EPNdB.

The energy of sound, on the other hand, is summed logarithmically. Because of the logarithmic transformation, doubling the number of the same type of noise sources doubles the amount of energy, adding 3db or 3 EPNdB. For example, two aircraft of exactly the same type would add 3 EPNdB to the noise level of one aircraft, four aircraft would add 3 EPNdB to the noise level of two aircraft and so on.

In summary, if one aircraft produces 10 EPNdB more than another at the same point of measurement, then it is judged to be twice as noisy or annoying as the other. Confusion is introduced if it is implied that the value obtained through the measurement of sound energy, or the number of sources, is representative of the noisiness (annoyance) of the sound.

Robert L. Paullin.

Additional Letters

(The attached letters from Dr. Branscomb, Director, Bureau of Standards, in answer to requests from Senators Proxmire and Magnuson (letter attached) show that Dr. Garwin's 50 to 1 noise statement is misleading. It appears that opponents of the SST program, such as Dr. Garwin, have chosen to ignore this expert advice from a top-level Government authority which was sought by Senator Proxmire. The opponents continue to use the 50 to 1 noise ratio statement in spite of Dr. Branscomb's expert statement.)

U.S. Senate,
Committee on Commerce,
Washington, D.C., July 29, 1970.
Dr. Lewis M. Branscomb,
Director, National Bureau of Standards, Washington, D.C.

Dear Dr Branscomb: I would appreciate the National Bureau of Standards' recommendation as concerns the following:

(1) What unit of measure or measurement technique should be employed for the determination of public annoyance or the "noisiness" factor associated with aircraft noise?

(2) Based on the latest manufacturers' data, the SST is predicted to be about 16 PNdB higher in noise level than that produced by the 707 during takeoff roll when measured at the loudest point, .35 nautical miles from runway centerline. Conversely, the SST is predicted to be approximately 16 PNdb quieter than the 707 when the noise is measured 3.5 nautical miles from brake release during takeoff climb and after power reduction. Also the production model SST is estimated to be about 14 PNdb quieter than the 707 on approach to landing measured one nautical mile out from runway threshold. From an annoyance or noisiness viewpoint, what is the relationship or comparison between these two aircraft? Further, what is their relationship or comparison when isolating consideration to sound energy or intensity?

(3) On May 7, 1970, Dr. Richard Garwin testified before the Senate Joint Economics Committee:

"It should be emphasized that at 125 PNdB of airport noise, the SST will produce as much noise as the simultaneous takeoff of 50 jumbo jets satisfying the 108 PNdB subsonic requirement."

Several acoustical experts find fault with this statement as they believe it to be misleading when considering the areas of primary interest such as public annoyance or noisiness. There is agreement with the statement as concerns the measurement of the physical aspects of energy or intensity of sound. The statement apparently ignores the important psychoacoustic aspect of the PNdB unit of measure. What are your comments as concerns Dr. Garwin's statement?

Your early reply will be much appreciated.

Sincerely,

Warren G. Magnuson,
U.S. Senator.

National Bureau of Standards,
Office of the Director,
Washington, D.C., August 4, 1970.
Hon. Warren G. Magnuson,
U.S. Senate,
Washington, D.C.

Dear Senator Magnuson: I am happy to reply to the questions raised in your letter of July 29. The numbered paragraphs below correspond to those in your letter.

(1) Methods of predicting "public annoyance", or even of measuring it, are not well developed as yet. This problem has a strong sociological component and to that extent lies outside the province of NBS. The psychophysical measure "noisiness", which applies to individuals, is better understood. Measurements of the physical attributes of sound, upon which the other two estimates are often based, are best understood of all. While techniques for physical measurements are well in hand, psychophysical measurements are variable from person to person, from sounds of one character to sounds of another, and from investigator to investigator. Several methods of estimating the noisiness of aircraft sounds are in general use. These methods apply weighting factors, derived from the subjective judgments of many individuals, to physical measurements of sound, in an attempt to predict the average person's response. Any of these methods might serve until a better solution, to which we hope to contribute, is devised. Among those most firmly entrenched in aviation circles are the psychophysical quantities, "perceived noise level" (PNL), expressed in PNdB and "effective perceived noise level" (EPNL), expressed in EPNdB. According to a formula which is part of these methods, if the perceived noise level of one sound is 10 PNdB higher than that of another, an average observer will judge the first to be about twice as noisy as the second. This rule should be applied with caution, however, to the very high levels mentioned in your letter for which it has not been adequately tested.

(2) The conversions requested are as follows:

16 PNdB higher corresponds to about three times as noisy and to about 40 times the sound intensity;

16 PNdB lower, about 0.33 as noisy and about 0.025 times the intensity;

14 PNdB lower, about 0.38 times as noisy and about 0.040 times the intensity.

(3) The paragraph you quote from Dr. Garwin's testimony is, as you point out, technically correct in that 50 times the sound intensity corresponds to an increase in perceived noise level of 17 PNdB. It might mislead the non-specialist into the notion that the SST will be 50 times as noisy as a jumbo jet. On the other hand, the same non-specialist might erroneously conclude, given the figures 125 and 108 PNdB, that the SST will be 125/108-1.16 times as noisy as the jumbo jet, that is, only 16 percent noisier. According to the rule mentioned above, the 17 PNdB difference corresponds to 3.25 times as noisy. Although this figure conveys a more accurate impression to the non-specialist, even this information may not be too helpful, as most people have no notion of what is meant by one sound being two or three times as noisy as another.

I hope the above information meets your needs.

Sincerely,

Lewis M. Branscomb,
Director.

Hon. William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: I am very happy to try to clarify for you the testimony covered in your letter of June 29.

Before doing that, let me say that this subject is complicated because we are dealing with a human response to a physical phenomenon. Instruments are available to measure quite accurately the physical phenomenon of sound (rapid fluctuations in air pressure), but such instruments do not "hear" the way an ear does. Further, different people will "hear" the same physical phenomenon differently. Therefore, scientists have agreed to measure the human response to "sound" by means of the averaged responses of many people. Although scientists do not agree on precisely how to measure the average human response, one measure has been developed to scale a person's estimation of the noisiness of aircraft sounds. This measure is called the Perceived Noise Level and is measured in PNdB. On this scale, when one sound is perceived to be twice as noisy as another, that is equivalent to an increase of 10 PNdB.

When one is interested in comparing the *physical* effect of two different sounds, it is appropriate to express the measurement in physical units such as "sound pressure level" or "intensity". When the subjective reaction of people to the "loudness," "noisiness," or "annoyance" of the sounds is of primary interest, a psychophysical unit should be employed. Mr. Magruder is correct in emphasizing the importance of these subjective factors. The psychophysical unit used in your letter, PNdB, is one of several such units in general use and is the unit contained in the S.A.E. Aerospace Recommended Practice 865A, "Definitions and Procedures for Computing the Perceived Noise Level of Aircraft Noise," dated August 15, 1969.

Based on the perceived noisiness scale, 125 PNdB would be judged to be 3.25 times as noisy as 108 PNdB. It should be emphasized, however, that this figure is an extrapolation from data collected at lower levels.

Therefore, the actual subjective estimation might be somewhat different from the factor of 3.25. In view of this uncertainty, further research is needed, and we are presently re-evaluating the various subjective measurements in order to develop techniques that would permit us to answer questions such as yours more definitively.

In terms of pressure or sound power, Dr. Garwin is technically correct since it takes 50 times as much sound power to produce the perceived noise level of 125 PNdB as it takes to produce the perceived noise level of 108 PNdB. However, this comparison may be misleading—not only because the hypothetical situation envisioned by Dr. Garwin lies outside human experience but because an average person would *not* judge 125 PNdB to be 50 times as noisy as 108 PNdB.

Further clarification of this issue might be achieved through the noise demonstration that you requested. We will need about two days notice to set up the equipment. We would be pleased to invite your committee to our Gaithersburg laboratories in suburban Maryland for this demonstration. However, if a suitable small committee room is available for several hours in advance, we can bring the equipment to you. We could at the same time use our equipment to demonstrate the principles involved in this problem. In addition, in cooperation with the Department of Transportation, we will investigate the possibility of simulating both the outside sideline noise and the inside cabin noise of the SST and then compare these levels with those produced by present-day jet aircraft.

Sincerely,

LEWIS M. BRANSCOMB,
Director.

STATEMENTS BY RICHARD L. GARWIN WITH COMMENTS BY DOT

(Statements by Richard L. Garwin in testimony to the Transportation Subcommittee of the Senate Appropriations Committee on August 28, 1970, with comments prepared by the Department of Transportation.)

STATEMENT

In his May 7, 1970, testimony before the Senate Subcommittee on Economy in Government, Dr. Garwin stated that, "It should be emphasized that at 125 PNdB of airport noise, the SST will produce as much noise as the simultaneous takeoff of 50 Jumbo jets satisfying the 108 PNdB subsonic requirement."

COMMENT

Mr. Magruder's comments during testimony this past summer were directed to our then demonstrated capability of reducing the SST's sideline noise level to 124 EPNdB. That noise level would be as annoying as about 3 subsonic jets and not 50 as claimed by Dr. Garwin. Mr. Magruder also stated during his testimony that the sideline noise objective for the production supersonic transport which will start into operation during 1978 is 112 EPNdB. Results of tests conducted subsequent to Mr. Magruder's testimony by Boeing, General Electric and NASA indicate that we can now demonstrate a capability of reducing the SST's sideline noise to about 119.5 EPNdB, further reducing annoyance to about 2.5 times that of current subsonic jets. At a sideline noise level of 112 EPNdB, the production SST will be essentially as quiet as current subsonic jets and the new wide body jets. A tape recording comparing the SST's 112 EPNdB production objective sideline noise with the 108 EPNdB level of FAR 36 has been demonstrated to a number of U.S. senators, various airport authorities including New York, Los Angeles, San Francisco, Honolulu, Seattle, Boston and Anchorage, and various acoustics experts including Dr. Leo L. Beranek of Bolt, Beranek and Newman. As to be expected, all of these people considered the 112 EPNdB noise level to be essentially as quiet as the 108 EPNdB level. The National Bureau of Standards tested and validated the correctness of the noise levels recorded on the tape and heard by the listeners.

STATEMENT

"Further, in regard to the argument that the Government will get back its money invested in the prototype, plus a billion dollars extra, the expected return (only in case of success and only in case the program moves without any further expenditure by the Government to completely private financing) is 4.3%."

COMMENT

Based on the conservative market of 500 aircraft, the Government should recover its original investment plus about $1 billion in interest. Depending on the timing of production sales, this results in a 4–6% compounded interest. If one considers the bigger returns to the economy, such as $6–7 billion in added taxes, and a healthy engine/airframe industry, the return is several times this amount. On a primitive basis of just adding the tax return to the direct royalty return, this could approximate 17% return on the investment.

STATEMENT

Garwin says, "There is some confusion about the purpose of the prototypes. These prototypes do not have the purpose of exploring the Mach 2.7 flight regime and the altitude regime of 60 to 70,000 feet. . . ."

COMMENT

There is no confusion within the program about the purpose of these aircraft and it has been fully publicized that the prototype will fly at Mach 2.7 and at altitudes beyond 60 to 70,000 feet.

STATEMENT

Garwin says, ". . . of the total 100 hours flight testing some 7 hours might be at maximum speed of Mach 2.7.

COMMENT

This is pure assumption. The flight test schedule has no firm plans at this point; it will necessarily be highly elastic depending on test experience. Testing could be significantly more than 7 hours at Mach 2.7 or it could be less than 7 hours. Perhaps he is attempting to establish credibility by being positive and "accurate" about information which is in the purely formative stages.

STATEMENT

Garwin says, "The SST prototypes are *manufacturing* prototypes . . ." (emphasis from Garwin).

COMMENT

It is not clear what he means by manufacturing prototypes but they serve a wide variety of other purposes of which manufacturing is a relatively minor consideration.

STATEMENT

Garwn says, ". . . prototypes will be of little value in determining production costs on the actual SST, since that is likely to be manufactured by different processes."

COMMENT

Garwin either has information or has made assumptions that are not available to the Program Office or The Boeing Company. It is expected that the prototype and first production airplanes will be fabricated by essentially the same processes. It has not been proposed that the prototype would be used to investigate sulfur content of fuel; on the other hand, there is no reason why the prototype could not be used for that purpose. Since the petroleum industry indicates that fuel sulfur content can be reduced by a factor of 10 with moderate effort it does not appear to be a significant factor.

STATEMENT

There is some confusion about the purpose of the prototypes. ". . . they serve only to confirm the designs of Boeing and General Electric."

COMMENT

There is no confusion by persons knowledgeable about the SST program as to the purpose of prototypes. Although conformation of design is one objective of any development program, there are many more reasons for this program.

The SST represents a significant advance in its combination of size and performance beyond any existing aircraft. The associated environmental effects of such an advanced aircraft are of natural concern also. Although a firm engineering and scientific background exists in all these areas for the actual design, building, and flying of the SST, as in all man's advanced endeavors, "the proof of the pudding is in the eating." Much will be learned about the technical and environmental aspects of the SST during the development phase.

In the technical design area, the major item of proof during the prototype flight test phase of the program is the actual attainment of the projected range/payload performance characteristics. Without this achievement, an SST is of little practical interest. The key parameters here, of course, are the aerodynamic lift-drag ratio, the propulsion system performance (engine, inlet, and exhaust system), and the weight of the aircraft. The prototype must demonstrate also the attainment of good flying qualities. It must show that it is easy and safe for the airline pilots to fly, operating from the regular international airports.

In the environmental area, a key task of the prototype will be to demonstrate that it will not generate excessive noise on and in the vicinity of the airports. Further, it must show that pollution effects both in the lower and upper atmospheres are within acceptable limits. Passenger comfort and safety and the operational suitability of the environmental control system will be thoroughly tested and proven out. Likewise, the advanced navigational and control systems of the aircraft will be evaluated and modified as found desirable.

All of these factors, both technical and environmental, susceptible to analysis, but many unknowns, too, are involved which can only be finally resolved by actual flight tests and associated developments.

STATEMENT

Garwin states, "The FAA in its Notice of Proposed Rule Making indicates that a restriction of SSTs from flying supersonically over U.S. territory is based on the continued profitability of SSTs thus restricted, thereby leaving the distinct impression that SSTs will indeed fly supersonic over U.S. territory if they cannot be profitable otherwise."

COMMENT

No responsible individual has inferred that conclusion. The statement has been unqualified that SSTs will not be permitted to create sonic booms over populated territory. The Senate has recently passed a bill prohibiting commercial flights at boom producing speeds over U.S. territory.

STATEMENT

Garwin says, "Modification 15 of the contract required that the contractor . . . submit a design which would meet the original contract requirements of January 1, 1967."

COMMENT

Perhaps it is on this statement that Garwin seems to involve himself in many problems. Modification 15 did not require that The Boeing Company would meet the original contract requirements because those requirements applied solely to the specific variable-sweep design which had been placed under contract at that time. Modification 15 did require that Boeing submit a design which would fully meet all of the objectives and their original general requirements as laid down by the Government prior to selection of the Boeing variable-sweep design as the winner of the competition.

STATEMENT

Garwin states that, ". . . the technical risk would be far greater than that associated with, say, the 747, because of the possibility of very costly grounding of production SST aircraft after introduction into service."

COMMENT

At that point in the program, the technical risk should not be significantly greater than in the 747 program. The entire purpose of the prototype phase is to reduce the technical risk to normal levels. The 747 fleet did not have the benefit of 10 years prior development and testing such as in the SST.

STATEMENT

"The AOCI makes clear in a very forceful statement that the continued operation of subsonic aircraft and the continued profitability of our entire airplane and airline industry depends on improving the noise environment about airports. Not only does the

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high expected sideline noise level of the SST jeopardize the obtaining of private financing for the SST development and production and imperil the SST purchases by airlines, but it also threatens the continued existence of the air travel industry in the United States."

COMMENT

The AOCI has been concerned about the misinterpretation of their position on the SST program. Recently, to set the record straight Mr. Homer B. Anderson, President, AOCI, wrote the following letter to President Nixon:

AIRPORT OPERATORS COUNCIL
INTERNATIONAL, INC.,
December 7, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The General Board of Directors of the Airport Operators Council International (AOCI) is shocked by the recent action of the Senate in declining further funding for the supersonic transport (SST) development program.

In light of the approval by the Senate of subsection (1) of S. 4547 on Wednesday, December 2, 1970, AOCI fully supported the continuation of the development of the SST prototype. We urge the pending House/Senate conference to fully restore the level of funding needed for the successful completion of the U.S. civil supersonic transport.

For a variety of reasons, AOCI feels that it is of utmost importance that the United States maintain its leadership in world aviation and satisfy its obligations of socioeconomic balance to the people of our country. There are literally thousands of jobs at stake, not to mention the enormous costs involved if cancellation of the SST is upheld due to lack of funds. The overall defense posture of the United States, by virtue of the loss of skills, equipment and further development of technology through peace time activities, is also in jeopardy.

We have been looking forward to a well-planned and orderly program for the next generation of commercial aviation. We now find to our amazement that the Senate has proposed to abandon the program, a few years short of flight-testing, after twelve years of development and $700 million invested.

In reviewing the record, we note there have been many allegations by program critics that relate to the airport operator's domain. These critics show little understanding of the airport operator's real-world problem nor the manner in which real airport progress is accomplished.

In the specific area of environmental quality, these critics claim the SST will contribute to the problems of community noise, air pollution, and congestion. These are problems we have today that can be minimized in the future with proper planning and coordination. We see the SST program as a *unique opportunity* to *reduce* community noise, air pollution, and congestion while improving air transportation service through an orderly well-planned program involving international coordination between airport and airline operators, manufacturers and governments.

It is difficult to believe that the Congress of the United States would be responsible for cancelling this international cooperative effort based upon the unsubstantiated allegations of ill-advised critics.

Respectfully yours,
HOMER B. ANDERSON,
President.

STATEMENT

"All available money is being spent on the SST rather than on development of needed, productive, and useful aircraft which would have an assured large market abroad. . . ."

COMMENT

Money is made available only on the merits of individual programs. There has been no establishment of "all available money" relative to either the SST or any other "competitive" programs. The SST program is based on a loan rather than a subsidy.

STATEMENT

Garwin says, "My understanding of the airline views on the SST is that a fare differential will be necessary and that with a fare differential the SST will be a business traveler's aircraft."

COMMENT

A fare differential is not required for economic success of the SST. It is expected that the airlines will charge a fare differential in early SST operations in order to preserve reasonable load factors on their remaining subsonic fleet. In the early days of jet operation the jets were no more a business traveler's aircraft than they were for the general public.

STATEMENT

The sales price of the SST is likely to be 20 percent higher and the number sold only two-thirds as many as claimed.

COMMENT

The material he offers following this statement simply points out that his statement is a matter of conjecture and that there is no factual substantiation available. He has made assumptions on possible airplane prices and when without doing a sales elasticity analysis, he has simply made his own conclusions about what sales results would be. He is either ignorant of the facts or he has completely ignored the fact that FAA and IDA market estimates have been conservative and that Charles River Associates estimates for the market have been more favorable.

STATEMENT

Garwin says, "The Department of Transportation has variously estimated (sideline noise) at 124 and 129 PNdB."

COMMENT

Although the SST contract originally called out PNdB noise values, the Department of Transportation since 1969 has been using EPNdB units to facilitate comparison with the rule for new subsonic jets. Dr. Garwin should be well aware not only of this change, but also the fact that the 129 EPNdB sideline level applies to an unsuppressed airplane and that 124 EPNdB applies to a minimally suppressed airplane. Results of recent tests by Boeing, General Electric and NASA permit us to now cite a sideline noise level of 119.5 EPNdB as demonstrated available technology rather than 124 EPNdB previously cited.

Mr. GOODELL. I certainly would want the RECORD to be kept straight. I do not think the Senator from Washington would imply that he is the only expert on this question. He does not work alone. There are many other experts who testified on this subject. The matter is divided. This is one talented and highly reputed scientist.

Mr. MAGNUSON. I merely state that Dr. DuBridge took this statement, and I will put that in the RECORD, and mentioned that although he respected this one man's testimony that he rejected it and said that the SST should be built. Those are the facts. Dr. DuBridge said that. I shall place all this material in the RECORD without taking any more of the Senator's time; but, I have listened to that other fellow so many times now. This testimony is repeated over and over but Dr. DuBridge refuted it along with the National Academy of Sciences.

Mr. GOODELL. I appreciate the comments of the Senator from Washington. I realize that he may have gotten a little bit tired of listening to experts voicing views contrary to the views of the Senator from Washington. But I might say to the Senator from Washington that Dr. Garwin is a member of the President's Science Advisory Committee and has served as Chairman of the Special White House Committee on the SST. He was chosen because he was a very highly respected scientist in his field and I think his testimony deserves to be heard. Certainly anyone who disagrees with him should also be heard so that we can find the truth.

The awful thing about this whole question is that increasingly as the days go by, we debate less and less the merits of the SST and more and more the merits of spending more money so that we do not waste the money we have already spent.

After a while, the momentum becomes so great that those who discuss the merits find themselves overwhelmed by the simple argument:

> We have spent $700 million. We had better spend the other $400 or $500 million and find out whether it works, otherwise the $700 million will have been wasted.

The point being made by Dr. Garwin is an excellent one and it is essentially that there will be more than the $400 million needed in addition to the $700 million already spent. In all likelihood, it will be a sizable sum. Dr. Garwin said he was convinced that it would take much more Government financing than the Nixon administration has suggested to make the SST a commercial success. He pointed out that the builders of the controversial supersonic jet have been repeatedly allowed to hold back proposals for financing the project beyond the production and testing of the two SST prototypes.

Up to now, we have been talking about a total of between $1 billion and $1.5 billion to get the two prototypes. What happens after we do get them, assuming they work, and assuming that they do not jeopardize our whole ecology through the impact on the upper stratosphere.

The Boeing Co., which is building the SST, and General Electric which is making the engines, were originally supposed to submit plans for financing certification and production costs and those plans would be submitted by June 30, 1968. The deadline has been postponed until 1972.

Mr. President, I do not blame the companies. I do not think it is their fault. There have been all sorts of difficulties in this particular program. I am sure that there were good reasons why they could not project, but I think the suspicion clearly must be recognized here that perhaps, if that projection were carried forward, we would find no private profitmaking company will be able to carry on the financing of the production costs even after we get two prototypes.

I think we are all aware of the economic problem today with the 747. So far as I am aware, every company employing the 747 is losing money on it right now. There may be a few exceptions. Many 747's are flying virtually empty compared to their capacity. I am not at all sure that the airlines will be ready to put several billion dollars into the financing of the SST in view of their experience with the 747.

Dr. Garwin has said that the FAA has estimated it would cost $600 million to certify plans and another $3.2 billion to finance the initial production of commercial models for the SST.

Both calculations were made in terms of 1967 dollars. Inflation, he estimates, will send these costs up to $5 billion by 1976.

Many of us have been insisting that private financing cannot take over once the two SST prototypes have been built.

Proponents of the SST and the administration itself have been insisting that private financing can and will take over once they get these prototypes and they are flight tested with the $1.3 billion expenditure by the Federal Government.

Dr. Garwin has repeatedly recommended that the Government abandon the SST. He feels that the 1,800-mile-an-hour jetliner will remain too shaky a project to get along without additional Federal funds over and above the $1.3 billion.

Mr. President, Dr. Garwin testified before the Transportation Subcommittee of the Senate Appropriations Committee. At that time he indicated that in his opinion after the expenditure of the $1.3 billion and the production of two prototypes, we will not have demonstrated an actual capability of the production of the aircraft and we will not have reached a plateau from which private enterprise can take off and bear the cost of further development on their own.

The FAA's initial contract with Boeing Company would have required the prototypes to have the same dynamic configuration as a safe and economically profitable production model.

But under contract changes adopted last year, Garwin said, the production models can be different and the prototypes need only show that a successful SST program—financed either publicly or privately—"could emerge" from their performance.

In other words, we have changed it from a demonstration of a safe and economically profitable production model to the production of a prototype indicative that a successful SST program, private or public, could emerge.

Let us recall again that Dr. Garwin is an industrial physicist with the IBM Corp. He headed an ad hoc scientific advisory panel whose findings on the SST were submitted last year to Mr. Nixon's science advisor, Dr. Lee A. DuBridge, and to the White House.

I think we should look very closely at the report of Dr. Garwin.

I would like to read briefly a portion of Dr. Garwin's testimony of last August before the Transportation Subcommittee of the Senate Appropriations Committee.

He points out that the $290 million budget item relates to further work on a contract between the Department of Transportation and the Boeing and General Electric companies on the development and manufacture of two prototype supersonic transports and their testing for a total of 100 hours of flight test, of which some 7 hours might be at maximum speed of mach 2.7. Probably only one of the aircraft will actually be flown. There is some confusion about the purpose of the prototypes. These prototypes do not have the purpose of exploring the Mach 2.7 flight regime and the altitude regime of 60 to 70,000 feet—this is already far better explored by the years of experience with an operational fleet of SR–71 reconnaissance aircraft which fly at mach 3 plus at this altitude and higher. The SST prototypes do not fill the function of determining passenger response to the provision of SST travel, since in the planned flight-test period, they will make only two or three oceanic crossings, if any, and without passengers. The SST prototypes are manufacturing prototypes, which serve only to confirm the designs of the Boeing and the General Electric Co. There are few pleasant surprises in testing of this type of prototype—there are many unpleasant surprises. The knowledge of manufacturing cost of the prototypes will be of little value in determining production cost on the actual SST, since that is likely to be manufactured by different processes. Nor will the prototype serve to alleviate any environmental concerns, since the production of sulfur-bearing particulate matter, the influence of water vapor in the stratosphere, and so forth, can never be determined by a brief flight test of one or two aircraft, but must be investigated by real research not involving high-speed aircraft. Further, the sonic boom on the ground beneath the aircraft which is predicted by Boeing to exceed 2.5 pounds per square foot during cruise and 3.5 pounds per square foot during acceleration, and which will be felt along a swath more than 50 miles wide below the aircraft track, has no chance in the production aircraft of being weaker than the predicted figures. Finally, the airport noise, which is such a tremendous problem with the SST, can be perfectly well determined without a prototype aircraft in hand, since it is a function of the engine design and of the aircraft characteristics which are determined by the design and not by the building of the aircraft.

TERMINATE THE PROGRAM NOW

Enough information is available right now for the Senate to cancel the SST. The testing of the prototypes may provide additional negative information—it will not provide any more encouragement to the program. It is fundamental that if a program is to be terminated, it should be terminated as soon as possible. The information now in hand justifies terminating this program.

In addition to these general points made by Dr. Garwin in his testimony, he explores a little further this problem of the noise of the SST prototype:

> The SST prototype development contract was represented to the Congress (like all contracts) as a model instrument. We have seen how the absolute requirement for submission of a financing plan has been bypassed. In regard to the contract we have also the testimony by the Under Secretary of Transportation on April 14, 1970, that "The SST contracts were the first to be awarded by the government to include aircraft noise requirements." In actual fact, the contract requirements are shown in the first column of Table I.

TABLE I.—CHANGE WITH TIME OF PERFORMANCE REQUIREMENTS

Characteristics	Jan. 1, 1967 [1]	Apr. 14, 1970 [2]
Takeoff field length (feet)	6,800+700	10,500
Liftoff speed (knots)	162	197
Approach speed (knots)	135	153
Landing field length (feet)	6,200+600	8,250
Sideline noise (PNdB)	116	124
Takeoff noise (PNdB)	93←	108←
Approach noise (PNdB)	109	108

[1] FAA contract with the Boeing Co., Contract Number FA-SS-67-3 (Jan. 1, 1967), page A-6, "Minimum Production Airplane Performance Objectives."

[2] DOT testimony to Transportation Subcommittee of House Appropriations Committee, Apr. 14, 1970.

> The noise under the takeoff flight path you will note has been specified as 93 PNdB. The Department of Transportation in its testimony on April 14, 1970, sees no inconsistency in taking credit for specifying noise requirements and at the same time stating that the takeoff noise will be 108 PNdB rather than 93 PNdB. This is no minor difference. It would take thirty 93 PNdB aircraft all flying together to produce the 108 PNdB takeoff noise expected from the SST. Further, for purposes of noise exposure forecast and compatible land use, the FAA and Department of Transportation, together with airport operators of the world, use a formula which indicates that thirty separate takeoffs of individual 93 PNdB aircraft spread out over the day would produce the same total annoyance as a single 108 PNdB takeoff. I discuss this question of takeoff noise, not because the SST is so much louder than current aircraft, but to show how meaningless is any provision of the contract, since the contract specifically states that any provision may be waived by the contracting officer, and experience shows that such waivers do occur.

One other very important point made by Dr. Garwin in his testimony concerns the eventual sales price of the SST. It is not going to be at a level which would permit private industry to finance it and make a profit. I quote from Dr. Garwin again:

> My comments on the contract indicate that it is certainly no guarantee of performance. Nor are the analyses submitted by the Department of Transportation to be taken literally. For instance, the Department of Transportation assumes that the Boeing sales price for a successful SST will be some $40 million (inflated to an estimated $52 million by 1978). As confirmed by the Report of the Panel on "Balance of Payments and International Relations" of the Ad Hoc Interagency Committee appointed February 1969 by President Nixon to review the supersonic transport program, every indication is that Boeing could and would maximize its profits by charging more for the aircraft than the DoT estimated $40 million. In that Report, representatives from the Departments of the Treasury, Commerce, and State said "In fact, Boeing could maximize its profits if it charged about $48 million. Such a price would reduce sales of planes to something under 350. This would in turn reduce government royalties to the point that the gov-

> ernment barely got its money back." There is no reason to doubt that Boeing, as a responsible corporation with obligations to its stockholders, etc., would indeed charge a price which maximized its profits, and which would then come out to be some $48 million (1967 dollars) which would be some $58 million in 1978.

Mr. President, these are very serious matters. I call into question virtually all of the arguments that have been made by proponents of the SST. I know they are sincere supporters of this project, but to me it is ghastly and incredible that this country is spending and going to continue to spend, perhaps, millions and millions of dollars for a project such as SST. The notion has been advanced that we need to continue SST development because of our prestige. It seems to be a sort of "follow on" to the moon walk to guarantee this country will stand first in major new developments.

Mr. President, if all the assumptions about the SST made by its supporters are correct: That the SST works; that SST's will not significantly vomit pollutants into the environment; that we will not have a significant problem with sonic boom; that we will not have a significant problem with airport noise; that we will have a number of passengers who will want to utilize such a supersonic jet plane; and that the aircraft companies will be able to sell enough of them so that the Federal Government will eventually make all the money we put in—if one makes all of those assumptions and more I still do not believe that the project is justified.

If the French and the British want to go ahead, or if the Russians or any other country want to go ahead, let them go ahead. Are we really going to be in such sad shape if the French, the British, the Russians, Germans, Japanese, or any other country comes forward with the fastest and biggest passenger aircraft in the world?

We may find we will not let it land in the United States anyway unless a great many of these environmental problems are worked out.

I do not think it makes any difference at all in terms of the prestige of this country. I certainly do not think it makes any difference at all in terms of our national security.

I have heard no one indicate that the SST is related to our national security; that this will somehow guarantee that we can protect ourselves. Certainly it is not justified on the basis of producing jobs.

I am deeply concerned about those workers whose job security is now threatened and have urged ways to minimize their personal hardships. In perspective, Mr. President, let us remember that many of our people are ill fed and ill housed, unemployed, and in desperate need of assistance; and let us remember that we may spend $1.3 billion to build a supersonic jet airplane that may end up in the museum the way the XB–70 did.

When I first announced my opposition to the ABM, I took the trouble to go out to Dayton, Ohio, where, at the Air Museum, there is on display the one extant XB–70 bomber. The Air Force produced two prototypes of that bomber. One of them crashed and the other went into the air museum. It is probably the most expensive museum piece in the history of the world. It cost $1.4 billion to produce that XB–70 bomber.

I went out there and I must say that the Department of Defense and the Air Force were very good hosts. They did not approve particularly of my purpose, but I did so to demonstrate that I thought the ABM was going to be a tremendous waste of the money of our taxpayers and that eventually it would be comparable to a museum piece in the air museum at Dayton, Ohio.

Mr. President, I wish to read a rather amusing account that was published in the New Yorker on June 20, 1970. Painful and tragic decisions made by well-intentioned people always have their ironic and humorous sides, and some people say the only sane and rational way to live with them is to see the amusing aspect of them and to appreciate the absurd.

I will now read the comments which were published in the New Yorker of June 20, 1970:

> A friend of ours who was in Washington not long ago phoned a number at the Department of Transportation and was interested to be answered by a recording on which a woman declared that the SST—the proposed American supersonic transport—wasn't going to be as noisy as a lot of people were making out. The recorded lady said that the noise problems would be minimized by the time the SST went into commercial service, in 1978, and that, furthermore, the SST would make jobs and assist the balance of payments. This was two days before the House of Representatives voted on the transportation budget for fiscal 1971—a budget that included two hundred and ninety million dollars for the superjet. Calling back two evenings later, our friend heard a recorded man express Transportation Secretary John Volpe's pleasure that the House had approved funds for the SST (the man neglected to mention that the vote was a close shave, 176 for, 163 against), and add that Mr. Volpe intended to make sure the SST was "environmentally acceptable." Our friend says he is now working on a recording that interested parties will be able to hear by dailling his number. First of all, there will be three minutes of Muzak interspersed with snatches of Hollywood recommended-for-general-audiences dialogue, to give some idea of what the two hundred or so SST passengers will be hearing as they flash across the Atlantic at 1,800 m.p.h. After this will come a five-minute medley: first, the sounds (recorded within five inches of the mike) of forty-three Waring Blendors working at maximum revs, to approximate the lift-off noise of the SST within five hundred feet of the runway; next, the splintering of wood, the tearing of canvas, the rupturing of aluminum, and the rending of wire, to suggest the effect of the SST's sonic boom on a yacht engaged in an arduous solo crossing of the Atlantic; then a wild 145-dbA scream, which can be taken for the shriek of a demented single-handed yachtsman jumping overboard, or for the wail of a school of Icelandic cod driven berserk by the fifty-mile-wide boom. There will follow the shattering of a giant panel of glass, representing the windows on the promenade deck of the Queen Elizabeth 2; a downpour of rain, symbolizing the continuous monsoon that will probably affect the belt of earth bounded by Washington, Boston, London, and Rome as soon as its ordinary cloud cover is sufficiently intensified by SST vapor trails; the shredding of a quarto of onionskin stationery, to stimulate the tearing up of a billion dollars, figured to be the taxpayers' contribution to the design of the SST so far; the honking of several thousand car horns, to give some idea of the three-hour trip into town from the special, "compatible" airport that the Federal Aviation Administration says the SST will use, far away from residential communities; and, finally, a weird, apocalyptic note, reminiscent of the last trump, which our friend says he has contrived by recording the phrase "environmentally acceptable" a hundred and seventy-six times and playing it back at 1,800 r.p.m.

Mr. President, humorous though this story may be, there is a sad and tragic irony in it. Too much of it may well turn out to be the truth.

How do you stop the funding of a program of questionable utility, such as the SST? How do you stop something such as this with the momentum it has? We are not going to stop it by continuing resolutions. Continuing resolutions simply increase the momentum for the project itself. They spend more money. They get closer to that total of $1.3 billion, with the argument made with increasing force:

> We have wasted this much of the taxpayers' money. Let us finish the job, anyway, even if the prototypes end up in an air museum. Somehow we ought to give it a chance.

I suppose I myself would be influenced by that argument after a while. I certainly do not see it at $700 million, where we are now. I say, at $700 million, we have made a $700 million mistake. Now let us quit it. Get out. Spend that money for something more useful. Spend it for some houses. Spend it for some mass transit. Spend it for meaningful jobs with benefits for not just a few of our people, but for many of our people.

It is unbelievable to me that we may spend $1.3 billion and more on an SST monster and we will not spend any significant funds on mass transit for our people—for millions of our people.

How can we justify that to the taxpayers? Is it really that important to the people who are living in our cities and our suburbs that they have the fastest and biggest airplane in the world, which can get people overseas and shave off 2 or 3 hours at a time? We have beautiful planes to get us over there now, in comfort, and in probably a great deal more comfort than the SST would be able to do. There is no military significance. What is the significance? To be out in front in terms of scientific development? Would not you far prefer to be out in front in terms of spending this money in a sensible way to conquer cancer or heart disease? To pay for our people's health bills? To provide delivery of medical services? To educate the doctors and nurses we need, who are in such desperate shortage? To devise schemes to get them into the rural areas and ghetto areas, where there is a such a tremendous shortage for people who are sick unto death and who cannot get help?

Now it is said: "Let us compromise at $210 million for the SST." What kind of a compromise is that?

Frankly, Mr. President, I think I would prefer the $290 million to the $210 mil-

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lion, because the main difference between the two is that if we accept only $210 million now, we are going to have to guarantee that we are going to spend more before we get through. Most agree that if we slow down the rate of expenditure at this point to $210 million, it is going to add substantially to the cost at the end of the line.

So why do it? Let us make the decision one way or the other. Are we going to have the SST or are we not? The U.S. Senate voted by a surprisingly large margin that we were not going to have it, that we were going to cut out the funding completely for the SST. It is said that the House is adamant. Let them be adamant. Let us be adamant, too.

I do not think the problem should be resolved with continuing authorizations.

Mr. President, I believe very deeply that the SST is not only ill-advised, not only wrong, but it is a symbol of what is so wrong in our society today, a symbol of the misplaced priorities, a symbol of why our young are so disenchanted, why our middle-income suburbanites are so disenchanted, why the so-called "hardheads" are so disenchanted. This is a symbol of one of the things that is wrong in our society: that we cannot, when the arguments are so clear, place our priorities where they belong, to help our people and stop wasting money.

The arguments for the SST are so weak that it becomes a symbol.

I do not see one argument made for the SST which justifies spending one more dollar for it. And yet here we are, about to spend $210 million or more, which will bring us up nearer to that billion dollar level, and then, once we have spent a billion, I think that is probably where the scale tips—once you have spent the billion dollars, you might just as well accept that Congress will finish the job, and spend that other $300 million or more to try to justify the waste of the billion dollars that has already taken place.

So, Mr. President, I plead with my colleagues: Let us stand firm on this issue. Let us make this decision now, in the interests of the taxpayers and of our Nation. It will be a great symbolic victory if we defeat the SST in this Congress, or if we make a decision to hold off the SST, so that it can be defeated early in the next Congress. It will be symbolic that we in the Congress of the United States do understand the problems of our people, that we are sensitive to the sufferings and injustices going on in our society, and that we recognize the tremendous contradiction involved in sponsoring programs such as the SST while our taxpayers are overburdened and while our people suffer.

Mr. President, does the Senator from Virginia wish me to yield?

Mr. SPONG. I was waiting for the floor. If the Senator will yield, I would appreciate it.

Mr. GOODELL. Mr. President, I yield to the Senator from Virginia at this time. I ask unanimous consent that when I resume at a later time, it will not be counted as a second speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SPONG. Mr. President, I have grave reservations over the wisdom of the $210 million appropriation recommended for SST prototype development in the conference report on the Department of Transportation appropriations bill for fiscal 1971.

The environmental problems associated with the SST are acknowledged in the environmental impact statement of the Department of Transportation and in the comments of other agencies on the statement. I recognize that they support development of the two prototypes whose future is at stake in the conference report, but I do not share that conclusion. I cannot support further development until the questions raised in the impact statement and in the comments have been answered.

For example, in discussing airport and community noise, the Department of Transportation said:

> The airport sideline noise generated during takeoff roll and measured 2100 feet to the side of the runway is greater than the sideline noise generated by presently operating four-engine subsonic jet transport aircraft. These SST sideline noise levels are higher than desired; therefore, sideline noise is the area of prime and major action by both the airplane and engine manufacturers and government SST noise reduction research.

Russell E. Train, the distinguished Chairman of the Council on Environmental Quality, was more explicit about sideline noise in his testimony last May before the Subcommittee on Economy in Government of the Joint Economic Committee. Mr. Train said:

> In terms of the measures used by the Federal Aviation Administration to assess annoyance, the SST would be 3–4 times louder than current FAA sideline noise standards and 4–5 times louder than the 747.
>
> In terms of noise pressure, the sideline noise level would also be substantially higher than that of subsonic jets meeting the FAA requirements. I doubt that communities adjacent to our large international airports will accept this added noise burden if it should extend beyond airport boundaries—a circumstance which seems likely in the case of most existing airport facilities. This is a view that I believe is shared by a majority of those responsible for the operation of airports. Furthermore, the discomfort and hazard to those actually on the airport site—both passengers and service personnel—will require careful attention. It has been suggested that the sideline noise problem can be solved by: (1) Technical improvements to the airplane, (2) confining noise to the airport, (3) converting communities near airports into industrial or commercial areas, and (4) developing new airports.
>
> With regard to technical improvements, it is doubtful that current technology can produce the required lowering of noise levels and still carry a viable payload. If indeed new technology is to be the solution of the future, then there should be greater emphasis on research and development of a quieter engine.
>
> As to the other possible solutions, I do not think it is practicable to confine the noise projected by the SST to the airport. Most airports were designed many years ago and were not built in such a way as to minimize the effetcs of sideline noise.
>
> Redevelopment of areas near airports would require an investment on the order of billions of dollars; it seems unrealistic to assume that the country would undertake investment of such magnitude simply to provide for the supersonic transport . . .

I suppose and hope that the SST prototypes, if developed, would be tested at airports away from population centers. But the point is that research on resolving the engine noise problem ought to be completed before we proceed to a full-blown prototype. DOT concedes in its impact statement that there are practical problems to be solved.

Moreover, J. F. MacDonald, a member of the Council on Environmental Quality, testified before the Subcommittee on Economy in Government that research on the Concorde and supersonic military aircraft could provide information on which to evaluate environmental problems. Mr. MacDonald said:

> Both the experience with the Concorde and the experience with the supersonic military aircraft could provide many of the data that would be required to make an assessment of the environmental problems.

Dr. Richard L. Garwin, a member of a Presidential SST panel, was more blunt about it in testimony last August. Dr. Garwin is a physicist, a former member of the President's Science Advisory Committee, and a consultant to the Defense Department. I quote from an exchange between the Senator from Rhode Island (Mr. PASTORE) and Dr. Garwin:

> Senator PASTORE. What you are actually saying here now, and I want to get this on the record, is we can resolve these problems that have come to the fore with reference to the SST, with reference to the pollution of the ecology; we can resolve these problems even before we build the prototype.
>
> Dr. GARWIN. Yes. I say we can resolve the questions without building the prototype, and I go further and say building the prototype does not help significantly to resolving the questions; yes.
>
> Senator PASTORE. And it is your recommendation that we suspend going forward with the prototype at this time and devote ourselves to the research as to the noise and the ecology?
>
> Dr. GARWIN. My recommendation is that we terminate the program and not suspend it. To suspend might involve all kinds of continuing costs.

There are other aspects of the problem, not the least of which is the argument that if we do not proceed, the British-French Concorde will preempt the field, and thereby damage our domestic aircraft industry. In response to that, I would cite the December 15 announcement by the British and French ministers responsible for the Concorde project that production of four new aircraft will be deferred pending an assessment of the future commercial prospects of the venture.

Mr. President, our domestic airlines have expressed dismay over the earlier Senate vote to strike SST development funds from the Department of Transportation appropriations bill, but I have seen no convincing evidence that they are particularly anxious to buy production models. The reluctance of the carriers to commit themselves was ably pointed out in an article published September 9, 1970, in the Wall Street Journal. The article, by Albert R. Karr, was headlined, "For the SST, a Case of Oversell?" I should like to read a portion of the article:

> In past years, responding to pleas from the Federal Aviation Administration that

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> they show Congress that the SST would sell, the airlines took $22 million in options on the plane and paid $59 million for development—so-called "earnest money." Senator Clifford P. Case, the New Jersey Republican, likens this process to a man's being asked repeatedly to assure his wife that he loves her. In recent Senate subcommittee hearings, Senator Case questioned Stuart G. Tipton, president of the Air Transport Association, the airline trade group, on whether the carriers would like to be asked again, "if you love her"—that is, to put up more cash. Mr. Tipton replied, "The answer has to be different;" putting up more "earnest money" would be financial hardship. "I would hope the government wouldn't do that, (ask for more)," he said.

As Mr. Karr pointed out in a separate story, the airlines are not sure they will want to buy the SST, but they would like to see it developed at public expense. It has been said that the taxpayers eventually will get back their money—when 300 to 500 SST's have been bought—but there is serious doubt whether that number of aircraft ever will be sold.

Mr. President, as I said during the earlier Senate debate on this issue, the necessary research ought to be completed and evaluated before we consider investing any additional public funds in SST development. Even then, I would suggest there is a serious question whether the SST should be given priority over the many other programs which are competing for scarce funds.

We took a step forward earlier this month when we unanimously approved a bill to prohibit boom-producing flights over land areas of the United States, and to require the SST to meet sideline noise standards in effect for subsonic jets. That measure is now pending before the House Commerce Committee, but no hearings are scheduled on it. I cannot accede to additional appropriations for the SST until the bill is enacted and until the facts on the environmental impact of the SST are fully known.

The SST project is another manifestation of the fact that our technology is developing at such a rapid pace that new products are being manufactured and marketed with little or no consideration to their impact upon man and his surroundings.

Mr. James Jackson Kilpatrick, whose columns are published in the Washington Evening Star, described the earlier Senate action on the SST as a "small step for mankind." I agree with that description, as well as with his comments that for years Americans have been "running up the escalator, frantically seeking more speed, more power, more noise, more trash, more smog—and—more gadgets."

A decision to proceed with SST development would simply be an extension of the false premise that new things automatically are better because they are bigger or operate faster. As Mr. Kilpatrick observed:

> We don't have to go back to the horse and buggy, but surely we can get along for a while with the jumbo jet.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PACKWOOD). Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, the administration and other proponents of the SST have cited the long-term economic advantages that the building of this plane with Government support would bring to the United States, including a favorable impact on the balance of payments. As a matter of fact, that has been one of the principal justifications offered in going ahead with the plane at this time, in spite of the serious questions raised about it by many Members of Congress and by knowledgeable people elsewhere in our country.

It is my own view that, far from aiding our balance of payments, the development of this plane might very well have the opposite effect. The SST could well prove to be one of the biggest business misadventures in our national experience.

This project has been referred to on a number of occasions by its critics as an Edsel of the airways, but that really does not describe its nature. The Ford Motor Co. built the Edsel without asking for any Federal funds. The taxpayers had nothing to do with that mistaken venture. In that particular instance, the loss was borne by the Ford Motor Co. and its stockholders, not by the taxpayers, as would be the case with the SST. In this case we have the U.S. Government being asked to encourage private business to put up a lion's share of the development money and to do this in a questionable project which could easily lead to the economic ruination of the companies involved. There might be some short-term gain in terms of supply of jobs for the employees of these companies over the next few months. But the long-term impact could be the ruination of those companies and the loss of jobs on a permanent basis of those employed in the various plants.

The Federal Aviation Administration claims that the supersonic transport would be purchased eagerly by foreign airlines, thus improving our balance-of-payments position.

It is argued, for example, that we would realize about $8 billion if 200 of these airplanes were sold at $40 million apiece in the foreign market.

But the net effect could actually be a negative one. First of all, the SST sales would cut into the sales of other aircraft to foreign airlines, including the big jumbo jets we are now attempting to sell in the foreign markets as well as here in the United States.

There is no question that if we move ahead now with an aggressive sales campaign on the SST, it might prompt the known potential buyers of the big jumbo jets to postpone or cancel those orders, holding off for the possibility of later purchases of the SST. That, of course, would have a temporary, if not permanent, impact on our balance-of-payments situation.

Second, foreign airlines might prefer subsonic aircraft and refuse to purchase the SST at all. There is no assurance at this point of ready orders for the SST.

Third, if foreign buyers were to see some advantage in supersonic flight, they might very well purchase some or all of their aircraft from the competitor, the British and French Concorde that is expected to be in service in 1974. There is no guarantee that even if we go ahead with this airplane and everything works out as anticipated, we could look forward to anything like an $8 billion market abroad. That market at best would be divided among the possible suppliers of supersonic planes.

Mr. RANDOLPH. Mr. President, will my able colleague yield for a question?

Mr. McGOVERN. I yield to the Senator from West Virginia with the understanding that I not lose my right to the floor.

SENATOR RANDOLPH URGES ACTION

Mr. RANDOLPH. Mr. President, aside from the validity of the further funding of the SST at the agreed on conference figure of $210 million as against the earlier action in the House of $290 million and the opposition in the Senate to that House action, what is the amount, I ask my friend, is provided in the pending appropriations conference report for mass transportation in the United States?

Mr. McGOVERN. Mr. President, I am sorry. I cannot answer the Senator's question.

Mr. RANDOLPH. Is it not $600 million in contract authority.

Mr. McGOVERN. I think that figure is substantially right. But I do not have the exact amount at hand.

Mr. RANDOLPH. Mr. President, $600 million is, I believe the amount. The Senator from South Dakota is a man who is interested in many forms of transportation in the United States of America, as he is, of course, concerned in the travel of people between this country and other parts of the world. I am sure that he is giving careful consideration—as are others who take the position he takes—that to continue the fight against SST, in a sense, could lose for us funds urgently needed now for the development of mass transportation in the United States.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. McGOVERN. Mr. President, I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I wonder, since the Senator from West Virginia brought up the question of mass transportation, how many people would benefit from mass transportation as against the number of people who are expected to benefit from the SST.

Mr. RANDOLPH. Mr. President, more people would, of course, benefit from mass transportation. That is why I am concerned. We are strangling people in the choked and congested metropolitan area traffic patterns that need modernization.

Mr. KENNEDY. It is my understanding that by 1980 close to 80 percent of the people will be living within the major cities of this Nation.

Mr. RANDOLPH. I would hope this would not become a fact. We need to disperse our population in overcrowded cities to less urban areas.

Mr. KENNEDY. I would hope also that that would not be the case. But the best estimates I have seen, made by various population studies, show that.

I agree with the Senator. We hope that we will be able to develop the kinds of programs that would make living in rural America much more appealing and rewarding and satisfactory and afford greater opportunities.

I would think that if there has been one area of shortcoming, it has been in mass transportation and in the public transportation areas.

I am somewhat distressed that there would be any kind of suggestion made whatsoever in trying to compare the kind of need in the field of mass transportation versus that would benefit only a very infinitesimal part of our traveling public. Even though the number is infinitesimal, it will probably benefit a small percentage of an economic group that will be able to take advantage of that form of transportation versus the overwhelming need and demand for the kind of investment of public funds in the area of public transportation that has such a wide variety of needs in terms of many of our cities and the interconnecting parts of our cities and the country today.

Mr. RANDOLPH. Mr. President, I appreciate what the Senator from Massachusetts has just said. Yet I come back to the point that there are other items in the appropriations bill above and beyond the amount funded for the SST. I wonder how long it will seem advisable to fail to give the Senate an opportunity, as we had an opportunity on a prior occasion, to come to grips with the matter of voting on the SST and/or the appropriations in total.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. PROXMIRE. Mr. President, first I would like to say to the distinguished Senator from West Virginia that it is $214 million that is requested for mass transportation and not $800 million. It is interesting that the administration has $214 million for mass transportation and $290 million for the SST.

I think the Senator from Massachusetts dealt very well with the priority implications of that. That is one of the principal reasons why, along with the environmental control matters, that we are so determined to do our best with the enormous expenditure proposed for the SST to hold this up.

I may say to the distinguished Senator that those who are opposed to the SST are very anxious to compromise. We have made proposals that I think are very fair.

We have discussed those with the people who favor the SST. We think the suggestions we made have been very fair. We have not been able to meet with any kind of attitude or compromise on the part of some of those who favor the supersonic transport.

We do not want to hold this up in any way. We would be willing to let the matter go through. We would be very anxious to get the Department of Transportation appropriations bill passed. If this were dropped out of the bill, it would go through in a matter of 2 minutes and would run through the other body in no time at all.

It is the advocates of the SST, in my opinion, who constitute the minority of this body, who want to hold up the Department of Transportation appropriations. It is not those in the majority who think it ought to be deleted.

Mr. McGOVERN. Mr. President, I thank the Senator from Wisconsin. He is suggesting a possible way of resolving what, I think, is an unfortunate dilemma, and that is the delay of these other items in the transportation bill because of one controversial item.

I would hope the Senator from West Virginia and other Senators who are concerned, as I think we are all concerned, about moving ahead, the noncontroversial items in the transportation bill, would consider carefully what the Senator from Wisconsin just suggested because I see there the basis for resolving this matter quickly if we could take the SST item out of the bill, lay it aside temporarily, and move on to the rest of that legislation. I think the Senator from Wisconsin is correct when he said we could then act on the measure and dispose of it with little controversy about the other sections of the bill.

Does not the Senator think that is a possibility?

Mr. RANDOLPH. I certainly would like to see a plan agreed to or adopted whereby we could come to an agreement on this vital appropriations bill.

I fully understand, and I have noted heretofore in this Chamber, the effort of the Senator from Wisconsin as an ardent advocate of his case. Yet, he realizes, that the wheels, which are not only creaking but are not turning in the Senate in reference to the business of this body, has stopped our process. We are a legislative body. I do not use that merely as an expression. I think it is recognized throughout the country, although sometimes it may not be recognized in this body, that our impasse is something which does this body no credit. However, as I said, I understand the advocacy a person has for or against a program or a project; and I understand the depth of determination a person may have, as in this case with respect to the funding of the SST.

I understand this very much. Yet I also realize that mass transportation, as I brought to the attention of the Senator from South Dakota, is a part of this bill with an amount of $600 million. This is an important issue in which we are all interested. Public transportation for an expanding nation of people, on the move, in mass numbers is a challenge to our legislative purpose in funds actually made available.

When I sought to come to this body in 1958, as I said on Saturday afternoon in this Chamber, one of the planks of my platform was that the rules be revised so that a majority of Senators present and voting could limit debate on a subject. We have finally come to two-thirds rather than three-fourths. I am a firm believer that we need only a majority of Senators present and voting to determine whether we may come to limit debate before a vote. Not a Senator in this Chamber was required to receive more than a majority of the votes of his State for his election. He did not need two-thirds or three-fourths of those present and voting in his State to serve in this body.

I am wondering if the Senator from South Dakota or the Senator from Wisconsin are in agreement with me that one of the priorities of the 92d Congress must be, if possible, to bring about a majority rather than a two-thirds vote in order to invoke cloture—the limitation of debate, wherein each Senator would still have 1 hour's time to debate an issue if he so chose.

Mr. McGOVERN. I have long advocated modifying the rules in that direction. But I do think one of the unfair implications that has been leveled against the Senate in the last week or so is that we are solely responsible for the legislative impasse that faces Congress in the closing days of this session.

My interpretation of what happened on one important legislative matter after another is that our colleagues in the other body have refused to compromise or have insisted on compromises that were 90 percent in their direction, whether one is talking about the supersonic transport, legislation on the defense appropriation, or the Cambodian matter that was brought into the discussion last week by the Senator from Alaska.

I have just returned from a 2-day conference with Members of the other body on food stamp legislation. We started off by identifying 26 differences between the House bill and the Senate bill. Reluctantly, we yielded on 22 of those 26 differences. Four items, we felt, were so funded that we could not yield. Because of the integrity of the Senate conferees who held firm on those four points, the conference split up and we could not get any concession at all. In the face of that, in the closing days of the session it is the responsibility of Members of the Senate to stand up and protect the convictions of the Senate on these important matters. I think we would be sharply criticized in the months and years ahead, if we capitulated on most questions. We tried to be reasonable in conference, but there does come a time when a Senator must stand on his convictions. I know the Senator from West Virginia feels that way.

I do not think there has been sufficient discussion and debate on the items we have had under consideration the past week. What is so regrettable is that many of these major proposals have come to us in the closing days of the session, and under conditions where Senate conferees were forced to capitulate to return a report.

I think the suggestion of the Senator from Wisconsin to leave out the SST and

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move ahead on other items is a practical solution.

Mr. RANDOLPH. It may be the practical solution. I want a workable solution and I am continuing to do what I can toward that end.

Mr. PROXMIRE. Mr. President, the Senator addressed a question to both the Senator from South Dakota and the Senator from Wisconsin. Will the Senator yield?

Mr. RANDOLPH. I shall yield in just a moment.

The Senator mentioned conference disagreements. I have had a happier result than the Senator. I have been a conferee on the air pollution legislation, highway legislation, rivers and harbors-flood control legislation, and other measures including health and safety. We have solved complex matters and we have brought in conference reports which have been approved both in the House and in the Senate.

I am not attempting to draw comparisons in connection with the importance of the subject matter in conference reports, but those I have referred to were highly important and they were resolved.

I am glad we were able to do that, and I do not reflect on any Senator in any way. I only reemphasize the need somehow or other for a spirit of compromise, a spirit of compassion, in a sense, to bring about the settlement of these matters, keeping in mind that the conviction of any Senator is foremost and understandably so. But there is also to be considered what all the people want.

But I appreciate what has been said by the Senator from South Dakota, the Senator from Wisconsin, and the Senator from Massachusetts.

I am not a carping critic. I do not propose to go further than what I have said, and that is to indicate that we have in this appropriations bill $600 million for mass transportation which is urgently needed for the people of the United States. This also must be considered, as must the item of $210 million for the SST.

Mr. McGOVERN. I would urge the Senator to use his great influence—and he does have great influence—to discuss with other Members of the Senate who are interested in this issue the possibility of this kind of settlement, because I would think it would be in the best interests of the country and of us all. Let us move ahead on the defense appropriation and clear the other items that are not in controversy, and then come back next year and take another look at the supersonic transport issue.

Mr. RANDOLPH. I have been doing what the Senator has suggested we should do. I am sure other Senators have been. It is not a matter of a Senator accommodating himself to plans for Christmas or the New Year. Senators realize that we do not, in a sense, punch a time clock as to a day or week or month. We are certainly on call and should be about the business of the public and Government at any time. I am not thinking of that. I am not so much interested in the question of imagery that we hear so much about these days. We frequently talk about the image of the Senate or the image of the House. I am thinking in terms of the actual functioning of the legislative body in concert with the responsibilities of the executive branch. Often I will agree with the Senator that the fault can be placed at doors other than just our own.

Mr. McGOVERN. I resent strongly the repetition we have had in the last few days in the press about the Senate being irresponsible when it questions for a day or two some particular item. There is a column in this morning's Washington Post, written by two distinguished and respected columnists who happen to be personal friends of mine. I do not welcome getting into a quarrel with them, but the thrust of that article is that it was somewhat irresponsible for the Senator from Alaska (Mr. GRAVEL) to spend a few hours last week questioning an item that was not in our national interest. He questioned what he termed was a blank check in advance that could be a surrender of the powers of the Senate in the field of foreign policy, and he raised some thoughtful questions about it, and I thought he raised them very well. I happen to have been absent from the Senate at that time, and I would have been embarrassed had I been gone and no Senator had raised a question and let it be a matter of record. I think we came close to passing another Tonkin Gulf Resolution through this body without debate. The columnist challenged the leadership and wrote that—

> At no time did the Senate Democratic leadership make a serious effort to shut him off. This gap helps explain the miserable record of Congress in 1970.

I do not think it was a failure on the part of the leadership to permit the Senator from Alaska (Mr. GRAVEL), who was joined by the Senator from Arkansas (Mr. FULBRIGHT) and other Senators, to make the point that they do not want to be committed again to a blank check surrender, in which we surrender our powers in the foreign policy field. In my opinion, he deserves the commendation, not the censorship, of the press or his colleagues. Frankly, I think the Senator from Montana (Mr. MANSFIELD) and the leadership on the other side were respecting what we all respect, and that is to stand up and question thoughtfully—and I think at not unreasonable length—a very controversial item.

Mr. RANDOLPH. There was a vote, if I may interject.

Mr. McGOVERN. Yes.

Mr. RANDOLPH. I supported the Senator from Alaska (Mr. GRAVEL).

Mr. McGOVERN. Yes.

Mr. RANDOLPH. We did not win. I am sure that our position was right. I studied the problem. Even though we did not prevail, we came to a vote on it. That is what I want here.

Mr. McGOVERN. I agree. I think that if we could work out an arrangement on the transportation appropriation bill to vote on those sections other than the SST, we could dispose of them in 10 minutes. Then, if the Members of the Senate want to vote on the SST, I am sure the Senator from Wisconsin (Mr. PROXMIRE) and other Senators will want it to come to a vote without further debate and discussion. I am sure the Senator realizes that.

Mr. RANDOLPH. I hope my colloquy with the Senator and other Senators who have been a part of our discussion—although it settles nothing—is an indication of concern of those who have varying viewpoints. I trust we can perhaps enter into such an understanding or agreement as has been suggested. I am not sure that it would be the best one, but I would be for such an agreement if there were no other way to resolve this issue.

Mr. McGOVERN. I thank the Senator.

Mr. President, to resume my remarks on that portion of the SST issue that relates to the balance-of-payments problem, I think it should be pointed out that even if the best estimates are true and that there is a substantial sale of this aircraft in foreign markets, what that means in effect is that more and more Americans will be flying in aircraft that had gone into foreign markets, and under the licensing of foreign companies, so that in a few years we would have exported as many dollars in fares as we would have imported through the sale of the planes themselves. I find it very hard to understand how that represents an improvement in our balance-of-payments position.

So it seems doubtful to me that the builders will realize anything substantial from the SST sales in foreign markets, and what is realized would possibly be offset by the increase in the use of that aircraft by American passengers spending both their fares and their purchases abroad.

Of even greater significance, since we are concerned with Government investment here, is that even if Boeing could make substantial sales and private profits abroad, there is unlikely to be any public purpose which would even remotely justify pouring some $1.3 billion of the taxpayers' dollars into this project.

The outlook in the domestic market is not much brighter. Our airlines are already in financial trouble. Airports are congested and unsafe. The number of empty seats has been growing and costs have been rising sharply. If there is one thing they do not need it is a demand that they purchase large quantities of enormously expensive new aircraft.

If they do they might find that they have made a tragic mistake. They will have invested some $50 to $60 million apiece in aircraft of doubtful utility. Perhaps some businessmen and diplomats will see enough value in supersonic flight abroad to pay the extra fares, up to 30 percent more than present rates, which will be required to make the SST commercially viable.

In that connection, as one who has done a considerable amount of international travel, as have other Members of the Senate, I question how many people who are traveling today are really that interested in reducing by 2 to 3 hours the amount of time it takes to fly from here to cities in western Europe. A trip of this kind is often the only time in the life of a busy person when he can get away from the pressures of the tele-

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phone and everyday life. I think the number of people who are all that anxious to cut by 2 or 3 hours the airtime it takes to cross from the United States to Europe has been exaggerated.

Perhaps there are people who are willing to accept the additional hazards that may be associated with the SST, and perhaps they will find the added advantages of SST travel sufficiently attractive so that they are willing to make that payment, but I suspect that very few travelers will feel that those advantages are sufficiently strong to overcome many of the questions that have been raised about this airplane.

It is important to point out that the amount of time with which the traveler is concerned is not simply flight time but the time required from the door of his home or office to the door of his destination. When the total is considered, the SST may reduce the transatlantic traveler's time from the present 11 hours to about 8 hours, hardly a remarkable achievement, worth this kind of investment and possible damage to our environment.

In that connection, I recall a humorous and yet, I think, serious article written a couple of years ago by the columnist, Art Buchwald, in which he described an imaginary first flight of the supersonic transport.

He began by describing a delay of a couple of hours lost in traffic by the pilot in trying to reach the airport, because of the congested traffic. Then after that, there was a couple of hours delay while the plane was waiting for other aircraft, in order to get lined up for takeoff. After they got in the air, there were further delays because of congestion over the airport, and the airplane was asked to assume a holding pattern some distance away before it climbed and moved out on course.

Then, when the plane gets over the intended airport of its destination, there are further delays in landing, and then delays getting from the runway to a place to park the aircraft. Finally, after a lot of other delays such as all of us are familiar with in air travel, the pilot announces to the passengers very proudly that they have just clipped 4 minutes off the record of the *Queen Mary*.

I think that story makes, in a humorous way, the serious point that all of us are aware of, that there are a good many delays in connection with travel that have nothing to do with the size of the engine or the speed of the aircraft, and that we ought to think seriously about attacking some of those other problems on the ground that have to do with traffic, airport management, and the supplying of more FAA personnel, who are badly overworked, before we move further into this doubtful project.

But we must add to this the probability that because of its environmental impact, the countries to which supersonic flight might be economically attractive from the standpoint of the airlines might prohibit it. We have been assured that the two prototypes will not damage the environment. We have no such assurance concerning the eventual commercial use of this aircraft in large numbers, and we certainly have ample warning to the opposite effect.

The Senator from Wisconsin (Mr. NELSON) has introduced legislation to prohibit the use of American airports and American airways for supersonic craft of this kind. Senator NELSON's bill seems quite reasonable under the circumstances. Whether or not it is adopted, it is possible that other countries might incorporate such legislation and leave the SST with no place to go.

Such considerations leave us little reason to wonder why only about 122 copies of the Boeing SST have been ordered, or why the orders stopped coming in many months ago. They also lend credence to the following statement by K. M. Ruppenthal, director of the transportation management program at Stanford University:

> Any major U.S. airline will have to dedicate its entire net profits for at least a decade to the purchase of SSTs, unless profit margins can be improved, the tax burden reduced, or substantial funds made available from other sources.

In short, the SST could well be an economic disaster for Boeing, for the airlines, and for the Government. And if that does occur, it will have been the sweet attraction of Government money which distorted the judgment of the private aircraft and air transport industries, luring them to the precipice of economic ruination and then standing back as they topple over—taking some $1.3 billion of tax dollars with them.

I think in this connection, Mr. President, we should be reminded that in the 1950's we had heard the same type of arguments made in behalf of Federal building of the jets that were built in the fifties and sixties. We were told that without that kind of Federal assistance, the commercial companies could not move ahead with the delivery of jet aircraft that would keep the United States in the forefront. But that money request was rejected by Congress, and the commercial companies did go ahead, they developed the best jets in the world, and the United States clearly dominates that market at the present time.

But I am deeply troubled as well about what this project says about the kind of national priorities we seek to establish through the use of Federal resources.

The Senator from West Virginia asked me a while ago about the mass transit funds that are in the transportation appropriation bill. Of course, like other Senators, I am concerned that we do allocate sufficient funds to deal with our mass transit problems in this country. In addition to that, there is a whole range of programs that we ought to be funding that we are postponing because of the budget pressures that remind us, every day, that there are limits to the resources we have, and we have to choose very carefully how those resources are spent.

The President saw fit, a few days ago, to veto the manpower training and public service employment bill—I suppose primarily on the grounds that it was money we do not have in the budget at the present time. But one wonders how we can deny programs of that kind on budgetary and fiscal grounds, and then argue for moving ahead on an expensive and highly doubtful project such as this.

Who is the SST for?

Certainly it is not designed for the millions of Americans who, for want of advanced ground transportation systems, waste billions of hours each year going to and from their jobs. Some 90 percent of our people will have contact with the SST in only two forms—part of their tax dollars will have paid for it, and they will hear its booms and suffer its environmental impacts as they sit in long lines of automobiles or on railroad waiting platforms struggling to get where they want to go.

Advocates of this program cite the prestige and the prominence we can derive from it. They tell us how important it is for the United States to be "first" in aviation technology, and how valuable it is to have other nations look up to us. The President summed it up in his statement after the Senate vote against SST funding:

> Throughout the history of aviation, the United States has been first in this field. If the action of the Senate is not reversed, our country will be relegated to second place in an area of technological capability vital to our economy and of profound importance in the future.

Mr. President, I view such statements with much dismay. They belie a seriously distorted vision of what makes a nation great and wins for it the respect of other peoples around the globe. It professes the same sort of false and costly pride which refuses to let go of a mistaken foreign policy objective because of the notion that somehow this would embarrass us in the eyes of the rest of the world.

It would be a much greater measure of our wisdom and our leadership as a country if we would take pride in answering the crushing needs of this country that plague us on every side. Certainly, mass transit is one upon which we ought to be able to agree. It is one where we have the expertise and where we have a clear-felt public need. It is a program that would benefit most of our citizens at some time or other in the course of their lives. But the list is endless—housing, schools, food and nutrition, prevention and treatment of disease, generation and distribution of fuels and power, the environment, and a host of others.

I can see no cause for pride for us to aim for a tiny capsule, with perhaps a hundred international travelers inside, streaking upward at 1,800 miles per hour to escape choking air, over a landscape strewn with waste, watched by millions of people who do not even have enough food for their tables.

But the President also said that the SST will provide jobs. He said that the Senate's action means the loss of at least 150,000 jobs in aerospace and other industries. Most of those jobs would, of course, be a number of years in the future, since at this point we are merely considering prototypes, not production. But, in any case, I do not see how we can avoid seeing this as a phony issue.

Shortly after making that statement, the President vetoed the Employment

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and Manpower Act of 1970, which included $200 million for public service employment—for jobs for people who need them most desperately, performing work that needs to be done in every State in the Union.

If the President was deeply concerned about jobs on December 5, it appears that he lost that concern by December 16.

But whatever the President's feelings, I suggest that there are much better ways to deal with the severe problems faced by workers in aerospace and defense industries. Construction of an unnecessary and costly new airplane is not the answer. We should, instead, be developing the means to convert those men and those facilities to constructive uses where they can make a positive contribution to our society.

Mr. President, during the course of this discussion on the supersonic transport, a number of thoughtful editorials have been published in various newspapers around the country, and I should like to call particular attention to the editorial in Saturday's New York Times entitled "The Senate Squeeze." I ask unanimous consent to have the editorial printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE SENATE SQUEEZE

There is a game being played in Washington these days called the Senate squeeze. Advocates of the supersonic transport plane have moved to shut off debate today, two days after it began, on the appropriation bill which includes money for the SST. With Christmas and final adjournment just around the corner and with the Senate burdened with a hopelessly crowded calendar, the pro-SST forces are counting on the impatience of their colleagues to switch votes in their favor.

This is low-grade gamesmanship. It is not new. The SST issue could have been brought to a vote months ago, but its supporters deliberately held it back until the election. They thought—mistakenly—that some wavering Senators, who were feeling the heat of public opinion, would be willing to vote for the plane once the election was safely past. The Administration cooperated by suppressing reports from its own agencies, which were distinctly unenthusiastic about the plane, until the Senate had voted.

When the Senate still voted decisively—52 to 41—against any further money for the SST, its supporters did not give up. They went into the House-Senate conference determined to sell out the Senate position, and they did.

Against this background, the Senate is under no obligation to impose cloture and hasten to another vote. This is not a case of a willful minority blocking the judgment of the majority. On the contrary, a minority is trying to extract by maneuver and pressure what it lost on a roll-call vote.

Senator Mansfield, the majority leader, has cogently defined the issue. Although he is opposed in principle to any filibuster—as is The Times—Senator Mansfield believes that since the Senate conferees deliberately "capitulated" to the House, the filibusterers in this instance are actually defending the will of the majority by preventing a vote on a sham compromise.

The Senate can readily dispose of this problem and turn to other business. It has only to table the conference report and pass a resolution to continue funds for the Department of Transportation and minus the SST money. Then the next Congress when it meets in January can reconsider the SST question without haste or strain.

It is not so easy to see a forthright solution to the deadlock which has been created by the omnibus trade-health-welfare-Social Security bill. Senator Long and his Finance Committee colleagues played the same waiting game as the SST supporters and with the same awkward results.

There is just not time enough for the Senate to take the omnibus bill apart, vote on its separate components, send them back to the House for a conference and get them settled before time runs out on Jan. 3. In this squeeze, President Nixon and the Senate Republican leadership will have to make a choice, unattractive as that painful responsibility is. They can probably get through the Social Security bill with either import quotas or the President's Family Assistance Plan tied to it.

Does the President care more about appeasing his Southern supporters with textile quotas or more about reforming the welfare program? He professes to want both, but he cannot get both. The choice he should make in the national interest is clear but his preference is not. If he refuses to choose, the whole omnibus bill will die in the Senate squeeze.

Mr. McGOVERN. I also ask unanimous consent to have printed at this point in the RECORD an article by Mr. George Lardner, Jr., with the headline "Start of SST Fleet Figure at $5 billion," published in today's Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

START OF SST FLEET FIGURED AT $5 BILLION

(By George Lardner, Jr.)

The chairman of a special White House advisory committee on the supersonic transport (SST) has warned that another $5 billion may be needed to certify the jetliner and launch production of a commercial SST fleet.

Dr. Richard L. Garwin, a member of the President's Science Advisory Committee, said he was convinced that it will take much more government financing than the Nixon administration has suggested to make the SST a commercial success.

He pointed out that the builders of the controversial superjet have been repeatedly allowed to hold back proposals for financing the project beyond the production and testing of two SST prototypes.

The Boeing Co., which is building the SST, and General Electric, which is making the engines, were originally supposed to submit plans for financing certification and production costs by June 30, 1968. The deadline, Garwin said, has now been postponed until 1972.

Meanwhile, Garwin said, the FAA has estimated that it will cost $600 million to certify plans and another $3.2 billion to finance initial production of commercial models. Both calculations, he added in a phone interview, were put in terms of 1967 dollars. Inflation, he estimated, will send these costs up to $5 billion by 1976.

Supporters of the SST in Congress and within the Nixon administration have steadily insisted that private financing can and will take over once the two SST prototypes have been built and flight-tested, with an estimated $1.3 billion in government support.

But Garwin, who has repeatedly recommended the government's abandonment of the SST, said he still feels that the 1,800-mile-an-hour jetliner will remain too shaky a project to get along with fresh federal funds, over and above the $1.3 billion.

"After all," he told a Senate subcommittee earlier this year, "the prototype will not have demonstrated the actual capability of the production aircraft, nor does it need to any more."

The FAA's initial contract with the Boeing Co., would have required the prototypes to have had the same aerodynamic configuration as a "safe and economically profitable" production model.

But under contract changes adopted last year, Garwin said, the production models can be different and the prototypes need only show that a successful SST program—financed either publicly or privately—"could emerge" from their performance.

Garwin is an industrial physicist with the IBM Corp. He headed an ad hoc scientific advisory panel whose findings on the SST were submitted last year to Mr. Nixon's science advisor, Dr. Lee A. DuBridge, and to the White House.

Rep. Henry S. Reuss (D-Wis.) has said he was told the report labeled the SST "an economic fiasco, an environmental disaster and a social outrage," but the White House refused to release the study on the grounds that it was "prepared for the advice of the President."

Two conservationists subsequently filed suit for the report under the Freedom of Information Act, but the issue is still in the courts. At his recent news conference, Mr. Nixon said he felt such reports "should be held in confidence," although he had "no objection to the substance of the reports being made public." Garwin said he still did not feel free to discuss the study itself, but he emphasized that he "said everything I have to say" about the SST in the course of critical testimony this year before three congressional committees.

The Senate voted earleir this month to end the SST program, but Mr. Nixon, who asked for a $290-million appropriation this year, urged that it be kept alive. House-Senate conferees agreed to support $210 million for the project, of which half has already been spent. The conference report ran into a Senate filibuster and is now tied up in the end-of-session jam.

The government, Garwin has maintained, should have held Boeing in default of its initial contract because of its failure to meet original specifications for the SST. Instead, he says, so many changes have been approved that "it is problematical whether the SST will fit on existing airfields." The commercial SST, Garwin has also protested, will produce as much "sideline noise" on airport runways as 50 Boeing 747 "jumbo jets" taking off at once.

Reiterating that "very major uncertainties" about the SST will remain even after the prototypes are built and tested, Garwin said he thinks it very likely, as he told one congressional hearing, that "much more government money will be necessary."

If the half-completed prototype program is so promising, he said, Boeing ought to jump at the chance to drop further federal funding. "Congress has already appropriated $700 million," he said. If the government dropped the program now, he said, Boeing would be free of any obligation to pay the money back.

"If this were such a good commercial deal," Garwin said, "I would expect they would be anxious to do this."

Mr. DOLE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield to the Senator from Kansas, with the understanding that I will not lose my right to the floor.

Mr. DOLE. I appreciate the Senator from South Dakota yielding.

I have just reread a letter sent to the President of the Senate and Speaker of the House, dated June 14, 1963, signed by then President Kennedy, with reference to the SST.

At that time, of course, President Kennedy initiated the development of the SST and outlined some of the reasons he indicated:

> It will maintain the historic United States leadership in aircraft development.
>
> It will enable this country to demonstrate the technological accomplishments which can be achieved under a democratic, free enterprise system.
>
> Its manufacture and operation will expand our international trade.
>
> It will strengthen the United States aircraft manufacturing industry . . .

President Kennedy went on to say that, of course, it would cost money. But he also stated:

> We cannot, however, permit this high cost, nor the difficulties and risks of such an ambitious program to preclude this country from participating in the logical next development of a commercial aircraft.

The question I have for the Senator from South Dakota is this: Has there been such change, now that we have invested some $700 million, such a change since 1963, in a program initiated by the late President Kennedy, that we should now turn our back on the program? What change has been brought about? Why should we not finish the program initiated by President Kennedy?

Mr. McGOVERN. I think that at least two things have happened in the intervening years.

First, we have at least 7 years of perspective that President Kennedy did not have at the time his life was brought to an end. I think that if he were here and able to speak for himself he would express the hope that we would have learned more not only about this project but also about a number of other recommendations that were made with whatever vision he had at that time. I suspect he would see the issue of national priorities in a different light.

Second, we know a great deal more about the problems of the environment today than we did early in the 1960's, when President Kennedy was first recommending this airplane. I doubt very much that the environmental impact of the aircraft entered into the late President Kennedy's thinking at that time. The environment and the problems of air pollution are matters that have come into national focus, as the Senator from Kansas knows, more in recent years than they did at the beginning of the 1960's. At that time, the overriding considerations were gross national product, matters associated with balance of payments, and so forth. But now we have come to understand that there are other factors of equal if not greater importance, and one of those is the overriding importance of protecting the environment.

I do not want to suggest here that for all time we ought to dismiss the possibility of building a supersonic transport. I do think that we ought to slow down this project, postpone it for the time being, until we have more answers to these environmental concerns.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. DOLE. It has been suggested, not by the Senator from Kansas but by some who are very knowledgeable insofar as the SST is concerned, that one way to find the answers to some of the environmental questions—and they are very serious questions—is to proceed with the prototype program.

Why not let the Americans determine the environmental aspects? Why wait for the British, the French, or the Russians? Why should not we determine the answers? And how can we determine the answers without a prototype?

Mr. McGOVERN. I am not sure that the progress the French, the British, and the Russians are supposedly making in this field justifies our making the same mistake.

Mr. DOLE. How will we ever find the answers unless someone proceeds?

Mr. McGOVERN. To say that they are going ahead does not carry very much weight with me. As a matter of fact, I have heard reports from a number of people—particularly in Britain—since the Senate action in delaying this program, to the effect that they thought it was a wise judgment on our part, indicating that the British, as a matter of fact, might like to get out of their contract on this aircraft and take another look at it.

But if the United States aspires to a role of intelligent international leadership, we should not plunge into these projects merely because other countries have decided to go ahead. I think the environmental questions and the question about national priorities, which were not in as sharp focus in 1962 and 1963 as they are today, are the real considerations that justify delaying this program.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. PROXMIRE. The Senator from Kansas asked, "Why should not we produce the prototype so that we can find out the effect of the supersonic transport on the environment?"

The answer to that is that the scientists say overwhelmingly that there is nothing—but nothing—that these two prototypes can contribute to this question. What we need in order to find out what effect hundreds of SST's flying in the same corridor at 65,000 to 70,000 feet will have on the ozone is to have planes fly at that height. What we need in order to determine the sound problem is to have the engines. We do not have to produce the prototypes in order to answer a single question about the environment. We have military planes that are supersonic. We have the engines available now. So we do not need to spend this additional money to get answers as to the environment. To the extent that we can get them at all on the prototypes, we can get them with the military plane.

Mr. DOLE. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from President Kennedy to the President of the Senate and the Speaker of the House dated June 14, 1963, with reference to the development of the SST.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LETTER TO THE PRESIDENT OF THE SENATE AND TO THE SPEAKER OF THE HOUSE ON DEVELOPMENT OF A CIVIL SUPERSONIC AIR TRANSPORT

JUNE 14, 1963.

DEAR MR. ————: The Congress has laid down national aviation objectives in the Federal Aviation Act of 1958. These include the development of an air transportation system which will further our domestic and international commerce and the national defense. These objectives, when viewed in the light of today's aviation challenges, clearly requires the commencement of a national program to support the development of a commercial supersonic transport aircraft which is safe for the passenger, economically sound for the world's airlines, and whose operating performance is superior to that of any comparable aircraft.

Our determination that the national interest requires such a program is based on a number of factors of varying weight and importance:

A successful supersonic transport can be an efficient, productive commercial vehicle which provides swift travel for the passenger and shows promise of developing a market which will prove profitable to the manufacturer and operator.

It will advance the frontiers of technical knowledge—not as a byproduct of military procurement, but in the pursuit of commercial objectives.

It will maintain the historic United States leadership in aircraft development.

It will enable this country to demonstrate the technical accomplishments which can be achieved under a democratic, free enterprise system.

Its manufacture and operation will expand our international trade.

It will strengthen the United States aircraft manufacturing industry—a valuable national asset—and provide employment to thousands of Americans.

The cost of such a program is large—it could be as great as one billion dollars for a development program of about six years. This is beyond the financial capability of our aircraft manufacturers. We cannot, however, permit this high cost, nor the difficulties and risks of such an ambitious program to preclude this country from participating in the logical next development of a commercial aircraft. In order to permit this participation, the United States, through the Federal Aviation Agency, must proceed at once with a program of assistance to industry to develop an aircraft.

The proposed program, though it will yield much technological knowledge, is principally a commercial venture. Its aim is to serve, in competition with others, a substantial segment of the world market for such an aircraft. While the magnitude of the development task requires substantial Government financial participation, it is unwise and unnecessary for the Government to bear all of the costs and risks. Consequently, I propose a program in which (1) manufacturers of the aircraft will be expected to pay a mimmum of 25% of the development costs, and, in addition, (2) airlines that purchase the aircraft will be expected to pay a further portion of the Government's development costs through royalty payments.

The requirement for cost sharing by the manufacturers will assure that the cost of the program will be held to the absolute minimum. In no event will the Government investment be permitted to exceed $750 million. Moreover, the Government does not intend to pay any production, purchase, or operating subsidies to manufacturers or airlines. On the other hand, this will not exclude consideration by the Government of credit assistance to manufacturers during the production process.

Although the Government will initially bear the principal financial burden in the development phase, participation by industry as a risk-taking partner is an essential of this undertaking. First, the development of civil aircraft should be a private enterprise effort, a product of the interaction of aircraft manufacturers and their prospective customers. We wish to change this relationship as little as possible, and then only temporarily. If the Government were the full risk-taker, the degree of control and direction which it would have to give to the program, to the expenditure of funds, to the selection of designs, to the making of technical decision, would of necessity be too great. If however, private industry bears a substantial portion of the risk, the degree of Government control and the size of the Government staff required to monitor the program can be held to a minimum.

Second, our objective is to build a commercially sound aircraft, as well, as one with superior performance characteristics. This will require, at a relatively early stage, a determination whether the aircraft's cost and characteristics are such that it will find a commercial market. This is a difficult task, and our decision that we have succeeded in developing such a commercially sound aircraft will, in large measure, be attested to by industry's willingness to participate in the risk-taking.

If at any point in the development program, it appears that the aircraft will not be economically sound, or if there is not adequate financial participation by industry in this venture, we must be prepared to postpone, terminate, or substantially redirect this program.

Our first concern, however, must be to get the program launched. I am convinced that our national interest requires that we move ahead in this vital area with a sound program which will develop this aircraft in an efficient manner. For that reason I commend this proposal to your early attention.

I will shortly submit to the Congress a request for funds to meet the immediate requirements of this program, such as the detailed design competition. Then we will be started on the task of marshalling the funds of Government and the ingenuity and management skills, as well as funds, of American industry to usher in a new era of commercial flight.

Sincerely,

JOHN F. KENNEDY.

Mr. McGOVERN. Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 249) to extend the time for the proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 14645) to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 19333) to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19885) to provide additional revenue for the District of Columbia, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 956. An act to rename a lock of the Cross-Florida Barge Canal the "Henry Holland Buckman lock";

H.R. 3107. An act to officially designate the Totten Trail Pumping Station;

H.R. 4982. An act for the relief of Thomas J. Back;

H.R. 6100. An act for the relief of Hershel Smith, publisher of the Lindsay News, of Lindsay, Okla.;

H.R. 6854. An act to provide for the free entry of a peal of eight bells and fittings for use of Smith College, Northhampton, Mass.;

H.R. 7264. An act for the relief of Mrs. Pearl C. Davis;

H.R. 7334. An act to designate the lake formed by the waters impounded by the Libby Dam, Montana, as "Lake Koocanusa";

H.R. 11547. An act to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans;

H.R. 12128. An act for the relief of William Heidman, Junior;

H.R. 12564. An act to rename a pool of the Cross Florida Barge Canal "Lake Ocklawaha";

H.R. 13182. An act for the relief of Frank E. Dart;

H.R. 14683. An act to designate as the John H. Overton Lock and Dam the lock and dam authorized to be constructed on the Red River near Alexandria, Louisiana;

H.R. 15270. An act for the relief of Thaddeus J. Pawlak;

H.R. 15272. An act for the relief of David L. Kennison;

H.R. 15505. An act for the relief of Jack B. Smith and Charles N. Martin Junior;

H.R. 16502. An act for the relief of Gary W. Stewart;

H.R. 16965. An act for the relief of Richard N. Stanford;

H.R. 17750. An act to grant the consent of Congress to the city of Boston to construct, maintain, and operate a causeway and fixed-span bridge in Fort Point Channel, Boston, Massachusetts;

H.R. 18858. An act to change the name of the West Branch Dam and Reservoir, Mahoning River, Ohio, to the Michael J. Kirwan Dam and Reservoir;

H.R. 19855. An act to designate the lake formed by the waters impounded by the Butler Valley Dam, California, as "Blue Lake"; and

H.R. 19890. An act to name a Federal building in Memphis, Tennessee, for the late Clifford Davis.

H.R. 17853—AN ACT FOR THE RELIEF OF CARLO BIANCHI & CO., INC.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 17853, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered and the Senate will proceed to its immediate consideration.

The bill, H.R. 17853, for the relief of Carlo Bianchi & Co., Inc., was considered, read the third time, and passed.

EMERGENCY HEALTH PERSONNEL ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 4106.

The PRESIDING OFFICER (Mr. DOLE) laid before the Senate the amendments of the House of Representatives to the bill (S. 4106) to amend the Public Health Service Act in order to provide for the establishment of a "National Health Service Corps," which were to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Emergency Health Personnel Act of 1970".

SEC. 2. Part C of title III of the Public Health Service Act is amended by adding after section 328 the following new section:

"ASSIGNMENT OF MEDICAL AND OTHER HEALTH PERSONNEL TO CRITICAL AREAS

"SEC. 329. (a) It shall be the function of an identifiable administrative unit within the Service to improve the delivery of health services to persons living in communities and areas of the United States where health personnel and services are inadequate to meet the health needs of the residents of such communities and areas.

"(b) Upon request of a State or local health agency or other public or nonprofit private organization, in an area designated by the Secretary as an area with a critical health manpower shortage, to have health personnel of the Service assigned to such area, and upon certification to the Secretary by the State and the district medical societies (or dental societies, or other appropriate health societies as the case may be) for that area, and by the local government for that area, that such health personnel are needed for that area, the Secretary is authorized, whenever he deems such action appropriate, to assign commissioned officers and other personnel of the Service to provide, under regulations prescribed by the Secretary, health care and services for persons residing in such areas. Such care and services shall be provided in connection with (1) direct health care programs carried out by the Service; (2) any direct care program carried out in whole or in part with Federal financial assistance; or (3) any other health care activity which is in furtherance of the purposes of this section. Any person who receives a service provided under this section shall be charged for such service at a rate established by the Secretary, pursuant to regulations, to recover the reasonable cost of providing such service; except that if such person is determined under regulations of the Secretary to be unable to pay such charge, the Secretary may provide for the furnishing of such service at a reduced rate or without charge. If a Federal agency or a State or local government agency or other third party would be responsible for all or part of the cost of the service provided under this section if such service had not been provided under this section, the Secretary shall collect from such agency or third party the portion of such cost for which it would be so responsible. Any funds collected by the Secretary under this subsection shall be deposited in the Treasury as miscellaneous receipts.

"(c) Commissioned officers and other personnel of the Service assigned to areas designated under subsection (b) shall not be included in determining whether any limitation on the number of personnel which may be employed by the Department of Health, Education, and Welfare has been exceeded.

"(d) Notwithstanding any other provision of law, the Secretary, to the extent feasible, may make such arrangements as he determines necessary to enable officers and other personnel of the Service in providing care and services under subsection (b) to utilize the health facilities of the area to be served. If there are no such facilities in such area, the Secretary may arrange to have such care and services provided in the nearest health facilities of the Service or the Secretary may lease or otherwise provide facilities in such area for the provision of such care and services.

"(e)(1) There is established a council to be known as the National Advisory Council on Health Manpower Shortage Areas (hereinafter in this section referred to as the 'Council'). The Council shall be composed of fifteen members appointed by the Secretary as follows:

"(A) Four members shall be appointed from the general public, representing the consumers' of health care.

"(B) Three members shall be appointed from the medical, dental, and other health professions and health teaching professions.

"(C) Three members shall be appointed from State health or health planning agencies.

"(D) Three members shall be appointed from the Service, at least two of whom shall be commissioned officers of the Service.

"(E) One member shall be appointed from the National Advisory Council on Comprehensive Health Planning.

"(F) One member shall be appointed from the National Advisory Council on Regional Medical Programs. The Council shall consult with, advise, and make recommendations to, the Secretary with respect to his responsibilities in carrying out this section.

"(2) Members of the Council shall be appointed for a term of three years and shall not be removed, except for cause. Members may be reappointed to the Council.

"(3) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on the business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5 of the United States Code for persons in the Government service employed intermittently.

"(f) It shall be the function of the Secretary—

"(1) to establish guidelines with respect to how the Service shall be utilized in areas designated under this section;

"(2) to select commissioned officers of the Service and other personnel for assignment to the areas designated under this section; and

"(3) to determine which communities or areas may receive assistance under this section taking into consideration—

"(A) the need of the community or area for health services provided under this section;

"(B) the willingness of the community or area and the appropriate governmental agencies therein to assist and cooperate with the Service in providing effective health services to residents of the community or area;

"(C) the recommendations of any agency or organization which may be responsible for the development, under section 314 (b), of a comprehensive plan covering all or any part of the area or community involved; and

"(D) recommendations from the State medical, dental, and other health associations and from other medical personnel of the community or area considered for assistance under this section.

"(g) To carry out the purposes of this section, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1971; $20,000,000 for the fiscal year ending June 30, 1972; and $30,000,000 for the fiscal year ending June 30, 1973."

SEC. 4. Title II of the Public Health Service Act is amended by adding after section 223 the following new section:

"DEFENSE OF CERTAIN MALPRACTICE AND NEGLIGENCE SUITS

"SEC. 223. (a) The remedy against the United States provided by sections 1346(b) and 2672 of title 28, or by alternative benefits provided by the United States where the availability of such benefits precludes a remedy under section 1346(b) of title 28, for damage for personal injury, including death, resulting from the performance of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigation, by any commissioned officer or employee of the Public Health Service while acting within the scope of his office or employment, shall be exclusive of any other civil action or proceeding by reason of the same subject-matter against the officer or employee (or his estate) whose act or omission gave rise to the claim.

"(b) The Attorney General shall defend any civil action or proceeding brought in any court against any person referred to in subsection (a) of this section (or his estate) for any such damage or injury. Any such person against whom such civil action or proceeding is brought shall deliver within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon him or an attested true copy thereof to his immediate superior or to whomever was designated by the Secretary to receive such papers and such person shall promptly furnish copies of the pleading and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought, to the Attorney General, and to the Secretary.

"(c) Upon a certification by the Attorney General that the defendant was acting in the scope of his employment at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28 and all references thereto. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merit that the case so removed is one in which a remedy by suit within the meaning of subsection (a) of this section is not available against the United States, the case shall be remanded to the State Court: *Provided*, That where such a remedy is precluded because of the availability of a remedy through proceedings for compensation or other benefits from the United States as provided by any other law, the case shall be dismissed, but in the event the running of any limitation of time for commencing, or filing an application or claim in, such proceedings for compensation or other benefits shall be deemed to have been suspended during the pendency of the civil action or proceeding under this section.

"(d) The Attorney General may comprise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28 and with the same effect.

"(e) For purposes of this section, the provisions of section 2680(h) of title 28 shall not apply to assault or battery arising out of negligence in the performance of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations.

"(f) The Secretary or his designee may, to the extent that he deems appropriate, hold harmless or provide liability insurance for any officer or employee of the Public Health Service for damage for personal injury, including death, negligently caused by such officer or employee while acting within the scope of his office or employment and as a result of the performance of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations, if such employee is assigned to a foreign country or detailed to a State or political subdivision thereof or to a nonprofit institution, and if the circumstances are such as are likely to preclude the remedies of third persons against the United States described in section 2679(b) of title 28, for such damage or injury."

And, amend the title so as to read: "An Act to amend the Public Health Service Act to authorize the assignment of commissioned officers of the Public Health Service to areas with critical medical manpower shortages, to encourage health personnel to practice in areas where shortages of such personnel exist, and for other purposes."

Mr. JAVITS. Mr. President, could I ask the distinguished majority leader what this is?

Mr. MANSFIELD. Yes, of course. Mr. President, will the clerk please state the title?

The legislative clerk read as follows:

S. 4106, to amend the Public Health Services Act in order to provide for the establishment of a national health service corps.

Mr. JAVITS. I thank the Senator very much.

Mr. YARBOROUGH. Mr. President, I hope that the Senate agrees to the amendment of the House of Representatives to S. 4106.

The purpose of this bill, of which I am a cosponsor, is to authorize the use of commissioned officers of the Public Health Service in providing health services to persons living in communities and areas of the United States where health personnel and services are inadequate. There are rural areas in America containing as many as 12,000 persons without a single medical doctor available to treat them. Wrangel Island, Alaska, with 3,000 people, does not have one doctor.

There are 134 counties in the United States, a number in my own State, without a medical doctor in any one of them. There are large areas in America, with thousands of people living there, but with no medical doctor among them.

The Nation is facing a crisis in the delivery of health care to our citizens. One of the most important ingredients in that crisis is the tremendous shortage of doctors in this Nation. We presently have a shortage of 50,000 doctors in the United States, but that is only part of the problem.

Of the doctors that we do have, an ever-decreasing proportion go into general practice or family medicine so that the odds that a rural or remote area will have a doctor are compounded by the incentives for doctors to specialize.

In 1931, over 75 percent of the physicians in this country were engaged in general practice; by 1949 less than 50

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percent were in general practice; and now there are only 20 percent in general practice. The figure promises to go even lower, since less than 15 percent of recent medical school graduates have indicated an intention of going into general practice. In other words, while there was one family doctor for every 1,000 persons in 1931, this figure is one for every 3,000 persons.

To alleviate this problem, Congress has already made a start. At the present time, the President has on his desk ready to be signed into law, my bill, S. 3418, to promote the family practice of medicine by giving emphasis and prestige to family medicine in our medical schools. The bill will provide $225 million for medical schools and hospitals for this purpose over the next 3 years.

But, the problem is now. Many rural areas, as well as urban centers, simply do not have available doctors to provide good health care to people. For that reason, this National Health Service Corps bill will utilize the fine doctors in our Public Health Service to go into such areas and provide needed health care.

At this point, Mr. President, I should point out that there are a few differences in the Senate-passed bill and the bill that passed the House and is presently before us.

While the Senate bill established a National Health Service Corps under a Director, the House bill refers to an identifiable administrative unit within the Public Health Service to assign health personnel in needed areas.

The House-passed bill also includes a provision that a request from a State or local health agency is a prerequisite to assigning health personnel to an area. This was not in the Senate bill.

While the Senate bill provided for $42 million funded over a 4-year period, the House bill is for $60 million over a 3-year period.

Although it may be desirable to go to conference over some of these differences, it is the feeling of the committee and of the author of the bill, Mr. MAGNUSON, that the bill is so essential that we should accept the House amendments in order that we may give the President an opportunity to sign the bill into law as soon as possible.

We are passing a significant bill amid reliable rumors and press reports that the administration is considering a recommendation that eight Public Health Service hospitals be closed along with 30 clinics. This legislation will serve to put the administration on notice that it is the intent of Congress that we will respond to the health crisis of the Nation by providing better health care, not by dismantling our health care system.

Mr. KENNEDY. Mr. President, before the Senate acts on the House amendment, I have a statement on this matter prepared by the distinguished senior Senator from Washington (Mr. MAGNUSON). I ask unanimous consent that his statement be printed at this point in the RECORD.

There being no objection, Senator MAGNUSON's statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MAGNUSON

Mr. President, the Senate will send to the President today for his signature S. 4106, the "Emergency Health Personnel Act of 1970." This bill, which now includes some minor amendments made by the House of Representatives, is virtually identical to the "National Health Service Corps Act of 1970" that the Senate passed unanimously on a 66–0 vote on September 21 of this year.

My junior colleague from Washington, Senator JACKSON, and I had the privilege of being the original authors of this legislation. But the fact that this vitally important bill is now ready for the President to sign into law is a tribute to the leadership and vision of many members of the Senate and the House, and a testament to the broad bi-partisan support and cooperation that urgently-needed legislation can elicit.

A total of 27 Senators from both parties, including 14 members of the Committee on Labor and Public Welfare and 11 members of the Subcommittee on Health, co-sponsored the bill. The distinguished Chairman of the Committee, the Senator from Texas (Mr. YARBOROUGH) held hearings on the bill in the midst of an almost crushing legislative schedule before the Committee, and he promptly secured the approval of Democrats and Republicans alike to report the bill for floor action. The floor manager of the bill, as the Senate will remember, was the able Senator from Colorado (Mr. DOMINICK), whose persuasiveness and knowledge of the legislation was responsible for the 66–0 vote by which it passed the Senate.

The House of Representatives then began to consider the Senate-passed version of S. 4106, and several other very similar bills introduced by Members of the House. The Committee on Interstate and Foreign Commerce of the House held two days of hearings on the bill on November 24 and 25, under the leadership of the distinguished Chairman of that Committee, the gentleman from West Virginia (Mr. STAGGERS). The Committee finally reported a bill introduced by the gentleman from Florida (Mr. ROGERS), to which many helpful amendments and minor changes had been made by Republican and Democratic members of the Committee. On December 18, the House considered and passed by a voice vote the slightly altered version of S. 4106.

Mr. President, I cannot of course speak for the Committee on Labor and Public Welfare, but I personally feel as the original author of this bill that the changes in it made by the House are not so great as to require a conference between the House and Senate, especially at this late date in the session. Nonetheless, some members of the Senate may wonder about the changes made by the House, and it is perhaps worthwhile for me to discuss some of them briefly, with the aim of clarifying the legislative intent of the changes themselves.

Under both the House- and Senate-passed versions of S. 4106, the doctors and other health professionals in question are to be commissioned officers or civil servants of the Public Health Service of the United States. In the Senate bill, we established a new unit in the PHS to be known as the "National Health Service Corps," but the House considered this title either unweildy or suggestive of something other than the true purpose and nature of the program contemplated by the legislation. The House committee therefore eliminated the name "National Health Service Corps" and simply said that the functions to be performed in the legislation be those of "an identifiable administrative unit" of the PHS. This change is not of major consequence, since the purpose of the legislation is not in any way affected by it, and since an administrative unit, in order to be identifiable, will have to have some name by which Congress and the public can know it. It is entirely conceivable that the Department of Health, Education, and Welfare can come up with a more appropriate name than the "National Health Service Corps," and in fact, I hope they will.

Throughout the consideration of this legislation, a great effort has been made to insure that the health personnel involved in this act would not end up working at cross purposes with doctors and other health professionals already serving communities to which personnel might be sent under this act. If these young health professionals are to have a salutory impact on health conditions in any community, it is obvious that they will have to work in concert with the doctors already established there. In fact, one of the chief purposes—if not in fact the chief purpose—of the bill is to encourage young health professionals who serve in this PHS program to establish themselves permanently in physician-deficient areas following their service in the program. The bill aims to strengthen private practice, therefore, and certainly not to weaken it or supplant it with "government doctors."

In order to insure that personnel under this act would be assigned only to areas where the local medical community would be receptive to their presence, a number of safeguards were written into the Senate bill. These may be found in Section 399(1)(3) of the Senate-passed bill, where the criteria for determining which communities or areas will receive assistance from the personnel to be utilized under this legislation. We made it quite clear in that section that the recommendations from the "medical, dental, and other medical personnel of any community or area considered for assistance" were to be taken into account before any assistance was rendered, and also that the recommendations of the State and local health agencies were to receive consideration as well. We thought we had done a good job in insuring compatibility between these PHS personnel and the local medical community in any area to which the PHS personnel might be sent. We did not, however, give a "veto power" to any group, medical or otherwise, in determining how personnel should be utilized.

The House of Representatives apparently felt our safeguards were inadequate, and altered the bill to grant a "veto power" over personnel assignments to certain medical groups. Under the language of the House bill, the Secretary of State and the district medical societies (or other valid health professional societies as appropriate), as well as the local government for the area in question, must *certify* that health personnel available under the terms of the act are needed for that area. Unless the need is so certified, the Secretary of HEW has no authority to send in the health professional who will serve in the PHS under the terms of this act.

Mr. President, it is clear to me from conversations with Members of the House and from following closely the debate on this bill in the House Commerce Committee, the House Rules Committee, and on the floor of the House, that the House will not compromise on this provision they have added to the bill. An amendment to restore the Senate language relevant to this matter and to delete the "veto power" given to the medical societies was defeated on the floor of the House. From a personal point of view, I consider the House position somewhat unfortunate. But it is a price that I am willing to pay—and that I hope all Americans concerned with the physician-maldistribution problem are willing to pay—in order to reassure the medical profession that this bill is not designed to upset any aspect of private practice or the current system of providing health care. As I pointed out repeatedly in introducing this legislation, we wanted to insure that personnel under this act would be sent to the places where they could do the most good—and they certainly can do no good, or very little, in areas where local doctors are for some reason hostile to their presence. There are enough areas of the country where doctors are clamoring for assistance that there is no prospect of the personnel under this act being underutilized. It is important to remember that this legislation really only provides for pilot projects, for experimental projects, and that there will be, in any event, few enough doctors to send even to the most needy areas that actively desire assistance. So while the principle of giving a veto power to local medical societies may not sit easily with many people, in practice I do not believe it will compromise the effectiveness of this legislation, and may in fact contribute to greater effectiveness by clarifying that personnel under this act should be assigned to areas where their assistance is actively sought by the medical community as well as by State and local authorities. Accordingly, I see no purpose in refusing to accept this House provision.

The House also restored a provision of the original Senate bill that the Senate itself struck from the version of S. 4106 that was passed here, namely, the establishment of an advisory council on how the health professional under this act should be utilized. The version of the bill I introduced provided for a "National Health Service Corps Advisory Council" of twelve members to work with the Director of the Corps in all matters affecting the operations of the Corps. This provision was struck in the Labor and Public Welfare Committee, on the legitimate grounds that the Director of the Corps should be capable of performing these functions himself, and that the Council would therefore be irrelevant at best or a drain on the financial resources of the Corps at worst.

In the House, however, the Director of the Corps was eliminated, and the need for some coordination of the personnel to be assigned under the act was therefore felt to require a council of some sort. The House therefore provided for a "National Advisory Council on Health Manpower Shortage Areas" of similar composition to the original council provided in my bill. The job of the Council is to advise the Secretary of HEW, and to consult with him, concerning his responsibilities under this act.

There has been some concern, Mr. President, here in the Senate that the reasons for eliminating the council are still valid, and that the Senate should perhaps not accede to the re-inclusion of the Council in this bill. I would therefore like to make it quite clear that in making appropriations for this act, care will be taken to emphasize that the Council is intended merely to advise in the operations of this new PHS function, and that the vast bulk of funds provided for the act are not to be used for the Council itself. The funds in this act are intended to increase the health care available to those in need—not to undertake studies, etc., by the Council. I think this is implicit in the House action, but it does not hurt to make it explicit here, as part of the legislative history of the bill. As Chairman of the Appropriations Subcommittee on the Departments of Labor, Health Education and Welfare, and Related Agencies, I intend to earmark funds under this act for the operations of the new PHS unit and for the Advisory Council, and I wish to assure all members of the Senate that the Council will not receive, nor be eligible to utilize, an amount of funds disproportionate with its responsibilities.

There are, Mr. President, several other minor changes in the House bill that should cause no problems for us here today, and I will not take up the time of the Senate to comment on them further. We will have ample opportunity to clarify whatever provisions still need clarification during the appropriations process next year.

In sum, Mr. President, this is a remarkable bill that has passed both the House and Senate with such a broad range of bipartisan support. It will not solve the problem of physician maldistribution in the United States nor is it the final solution to this problem. It will, however, provide valuable experience in the field on which to build other, more comprehensive programs. The Administration has indicated that it may propose such a comprehensive program in the future, and I for one will support such a program if it holds promise of solving these problems of physician maldistribution and the lack of health services in isolated areas and communities where urban and rural poverty persist. But there is absolutely no reason why this program provided for in this legislation should be delayed—the wholehearted and speedy action of both Houses of Congress is clear testament to this fact.

I am hopeful, therefore, that we can send this bill to the President today, and that he will sign it immediately. I know I am joined in this hope by many members of both parties who have worked hard for this legislation and actively contributed to it, and by the countless persons outside of Congress who have supported this legislation since the time of its introduction.

Mr. JAVITS. Mr. President, I support the passage of S. 4106 as amended by the House. This legislation authored by the distinguished Senator from Washington, Mr. Magnuson, marks an important step forward toward alleviating the critical health manpower shortage, a shortage compounded by a severe geographic and social maldistribution of doctors.

It is the health manpower maldistribution problem upon which this bill would make its greatest impact. For the first time we authorize the Secretary of Health, Education, and Welfare to utilize Public Health Service commissioned officers and other health personnel to provide medical assistance in areas of critical need.

For the payment of the costs of the program the bill would authorize $60 million over a 3-year period. This is an increase over the original Senate bill authorizations but still at a sufficiently low level so that it is apparent that these are demonstration and pilot projects.

The assignment of PHS commissioned officers and other health personnel to areas of the country which have severe shortages of medical manpower would only be undertaken upon request by the State or other appropriate local health agency or organization and upon certification of the area need for such health care personnel.

I also concur with the House modification which provides that in lieu of a National Health Service Corps we establish an identifiable administrative unit within the Public Health Service to administer a program to improve the delivery of health care in areas of critical health manpower shortages.

I am pleased to note that at Senator Dominick's urging the author of the legislation, Senator Magnuson, as chairman of the Appropriations Subcommittee on the Departments of Labor and Health, Education, and Welfare has indicated that an inordinate amount of funding would not be available for the newly established National Advisory Council on Health Manpower Shortage Areas.

Another House amendment which I am pleased to support is the provision for the defense of certain malpractices and negligence suits by the Attorney General. This provision was recommended by the Surgeon General in recognition of the low pay that so many of those who work in the Public Health Service receive. They just could not afford to take out the customary liability insurance. Thus, in the event there is a suit against a PHS doctor alleging malpractice, the Attorney General of the United States would defend them in whatever suit might arise.

Mr. President, this legislation provides for desperately needed demonstration and pilot programs in delivering health care to areas in dire need of health manpower and I urge its enactment.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendments of the House, and the title thereafter.

The motion was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Nebraska (Mr. Curtis) be recognized when I have finished with these brief unanimous-consent requests.

The PRESIDING OFFICER (Mr. Dole). Without objection, it is so ordered.

GRANTING AND CEDING TO ALEXANDRIA, VA., CERTAIN WATERFRONT LAND ALONG THE VIRGINIA SHORELINE OF THE POTOMAC RIVER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1517, S. 4481.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. S. 4481, granting and ceding to the city of Alexandria, in the State of Virginia, certain waterfront land along the Virginia shoreline of the Potomac River, and for other purposes.

The PRESIDING OFFICER. Is there objection to consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 4481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States of America in and to that portion of land along the waterfront of the city of Alexandria, in the State of Virginia, as described in section 2 hereof, is ceded and granted to the said city of Alexandria.

Sec. 2. The land ceded and granted is adjacent to the shoreline of the Potomac River at Alexandria, Virginia, bounded on the west by the mean high-water mark as it existed on January 24, 1791, and a boundary line beginning at the center line of Second Street as now located, at its point of intersection with the mean high-water mark as it existed on January 24, 1791, on the Virginia side of the Potomac River, thence to the es-

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tablished bulkhead line, at its closest point to the northerly end of the Alexandria pierhead line as described in section 101 of the Act of October 31, 1945, which established the boundary line of the District of Columbia and the Commonwealth of Virginia (ch. 443, title I, 59 Stat. 552), thence in a southerly direction along the said bulkhead line to its intersection with the extension of the center line of Gibson Street as now located, thence in a westerly direction along the said center line of said Gibson Street to the aforesaid January 24, 1791, high-water mark line.

Sec. 3. As to the property described in section 2 only, section 102 of the Act of October 31, 1945, is amended by striking out the colon and inserting a period in lieu thereof and by striking out the words "*Provided, however*, That concurrent jurisdiction over the said area is hereby reserved to the United States".

Sec. 4. That portion of the Potomac River lying between the bulkhead line and the Virginia shore as described in section 2 is hereby declared to be deemed nonnavigable both in fact and in law within the meaning of the Constitution and laws of the United States, and nothing in such Constitution and laws as now in force and effect or as hereafter amended shall be deemed to prevent the erection and maintenance of permanent improvements from the shore to the established bulkhead line, in the bed of the hereinafter described portion of the river or on land filled thereon or recovered therefrom, provided such filling shall be approved by the Department of the Army before any such filling is begun.

Sec. 5. The aforesaid grant shall not become effective unless and until the city of Alexandria accepts the provisions thereof.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–506), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the bill is to grant and cede to the city of Alexandria, in the State of Virginia, certain waterfront land along the Virginia shoreline of the Potomac River.

STATEMENT

In a statement to the committee, the Honorable William B. Spong, Jr., said:

"All this bill seeks to do is to clear title to a small parcel of waterfront property in Alexandria (a strip of filled land about 100 feet in depth and about a mile in length) so that title insurance may be obtained for developments in Alexandria's waterfront development plan (adopted by the city in 1968).

"Without a bill of this kind, the title insurance companies will refuse to write policies, and without title insurance, the only kind of developments willing to locate on the property are those of a marginal nature. For instance, the property now hosts a rendering plant, an asbestos processing plant, several warehouses, and a coal dump. It has been described as one of the worst eyesores in the Washington metropolitan area. We showed the staff of the committee a 90-foot composite picture of the waterfront and they can testify to the accuracy of that statement.

"Title to this property was clouded by the inability to determine the exact location of the high water mark of 1791 which serves as the boundary between Alexandria and the District of Columbia. A boundary commission in 1934 concluded that the 1791 line could never be determined and recommended that the property in question be given over to the city of Alexandria and the private holders then occupying it. In so legislating, however, the Congress (in 1945) added a reservation that the United States would not relinquish any title claim it may have.

"This bill attempts to correct that impossible legal tangle.

"The Interior Department opposed enactment because it wanted to control the kind of developments that take place along the Potomac. But, by continuing to cloud title to the property, it has in fact encouraged the deterioration of the shoreline. It has no development plan of its own and there are no prospects of its having one any time in the foreseeable future.

"In contrast, the city of Alexandria is ready and anxious to proceed with its waterfront plan. The project which gave rise to the urgent need for this bill now is a watergate development.

"In sum, the U.S. Government is giving up no property which is owned either by Alexandria or private holders. All that it would give up is a *right* to make a legal claim for title and even that right seems nebulous given the conclusion of the 1934 boundary commission. This bill would simply transfer any right the United States has reserved to the city of Alexandria so that it may clear title to property in accordance with its waterfront development plan."

ADJOURNMENT OF CONGRESS FROM TUESDAY, DECEMBER 22, TO MONDAY, DECEMBER 28, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Concurrent Resolution 87.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Tuesday, December 22, 1970, they stand adjourned until 12 o'clock meridian on Monday, December 28, 1970.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

There being no objection, the resolution (S. Con. Res. 87) was considered and agreed to.

Mr. MANSFIELD. Mr. President, if there are any questions as to why this resolution is being offered at this time, I shall do my best to answer them.

SOCIAL SECURITY AMENDMENTS OF 1970

Mr. MANSFIELD. Mr. President, under the usual agreement, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 1443, H.R. 17550.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

H.R. 17550, to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

The Senate resumed the consideration of the bill.

NOTICE OF CONSIDERATION OF PRESIDENT'S VETO OF THE MANPOWER BILL THIS EVENING

Mr. MANSFIELD. Mr. President, if the Senator from Nebraska will yield further, let me reiterate for the information of the Senate that beginning at 6 p.m. this afternoon, and not exceeding 1½ hours, debate will be held on the manpower bill, which the President vetoed last week. On that basis, also, it is understood that the time will be under the control of the majority and minority leaders, or whomever they may designate.

I designate the distinguished Senator from Wisconsin (Mr. Nelson) to take care of my share of the time.

Mr. SCOTT. Mr. President, if the Senator from Nebraska will yield for a short unanimous-consent request, I ask unanimous consent that I may yield the time allowed to me for discussion of the veto message to the distinguished Senator from New York (Mr. Javits), and he will dispose of the time for those for and against the matter when it becomes pending.

Mr. MANSFIELD. Mr. President, I would assume that the Senator from Wisconsin (Mr. Nelson) will do the same.

Mr. JAVITS. Mr. President, I am sure that we will be fair in allowing equal time.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY AMENDMENTS OF 1970

The Senate continued with the consideration of the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

Mr. CURTIS. Mr. President, a previous order was entered into which granted to the distinguished senior Senator from Delaware (Mr. Williams) the right to the floor. I ask unanimous consent that prior to the recognition of the Senator from Delaware, notwithstanding that order, that I might be recognized and that later, when the Senator from Delaware is recognized, he be recognized under the terms of the order as set forth in Saturday's session.

The PRESIDING OFFICER (Mr. Dole). Without objection, it is so ordered.

Mr. CURTIS. Mr. President, President Nixon is to be commended for his statements and his position in favor of welfare reform.

For about 2 years now and prior thereto, President Nixon has called the attention of the country to our welfare program which has grown up over a period of some three decades. He has pointed out its problems. He has called for a reform of our welfare program.

As I have listened to his speeches and read them, I have been impressed by the statement that he made, over and over again, that he wanted to give the people the opportunity to transfer from the welfare rolls to payrolls.

Mr. President, President Nixon, I believe, was speaking for a great many people in this country when he pointed out that our welfare program needed a complete overhauling. That implies that there are abuses, that there are practices that have sprung up that are not desirable. The demand for reform implies that some changes should be made for the benefit of the recipients and for future recipients. It also implies that we should do a better job in spending the public's money for welfare.

It is not surprising that throughout the length and breadth of this land, thoughtful people have joined the President in a request and a demand for welfare reform. As a matter of fact, the committees of this Congress for several years have felt the need for reform of our welfare laws.

Some new provisions have been written. Some of them have worked out the way we expected. Some of them have not. Some other provisions were worked out in the current bill. There is no opposition to genuine welfare reform.

Mr. President, the issue before us is not welfare reform. The choice that the Senate faces is the acceptance or rejection of the Ribicoff-Bennett amendment. I submit there is not one iota of reform in that amendment. I submit that it freezes into the law all of the abuses that have sprung up over the last 30 years. I submit that the amendment is not drawn to deal with the problems that the average citizen would describe as problems needing attention for welfare reform.

I am aware that welfare reform is defined differently by different people. Were we to go to a county seat in my native State of Nebraska and stop a farmer on the street and ask him, "Do you favor welfare reform and if so, what is welfare reform and what would you like to have changed?" he would have an answer dealing with some of the changes he thinks ought to be made in our welfare program.

As a taxpayer he perhaps has tried to hire help at times. I think also that he is a humanitarian. He perhaps knows some families that are on welfare. He will have some ideas.

Mr. President, if we were to go to some of our colleges and universities and seek out an educator who had specialized in the field of social sciences and social welfare and ask him what welfare reform is, we would get another answer.

Mr. President, were we to approach some of our older citizens who are living on a very meager amount of money and who have worked hard all of their lives and ask them what welfare reform is and what they would like to have changed, we would get another answer.

It is true that there has not been agreement on just what welfare reform means.

I think we must all agree, however, it means that we put more justice into the program. I think it means that if there is an individual who is suffering from misfortune, who has had no opportunities and his need is desperate, that he should be treated in a humane and a generous way. But, by the same token, I think it means that if there is someone who has not tried very hard, who is brazen and greedy and is studying the loopholes to see how he can get more, that it means justice for that person also.

Mr. President, I am willing to admit that the abuses are few in number numerically, but there is a grave issue involving the abuse of the welfare procedure. It is not only the savings in dollars and cents. It is something else.

If a welfare program is improperly drawn, if individuals who should not be on welfare are on welfare, even though they are few in number, it tends to polarize the population, it tends to create an animosity and resentment against the recipients of welfare. That is most unfair to the unfortunate person who is on welfare because of no choice of his own. Therefore it is in the interest of the poor, it is in the interest of the unfortunate, that we have welfare reform. That includes the removal from the rolls of those few cases that should not be on there or who are included on the rolls for an excessive amount because of some loophole in the law.

Mr. President, I am willing to say without contradiction that there is no basic welfare reform whatever in the Ribicoff-Bennett amendment.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. CURTIS. Mr. President, I am happy to yield to the Senator from Georgia and ask unanimous consent that I may yield to the distinguished Senator from Georgia without losing my right to the floor and without having my resumption count as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, is it not a fact that rather than reform the program, the Ribicoff-Bennett amendment actually compounds the errors of the existing programs and extends welfare benefits and increases them from 11 million citizens to 24 million the first year?

Mr. CURTIS. The Senator is correct.

Mr. TALMADGE. Is it not a fact, also, that there would be an additional cost of about $4 billion a year or perhaps more.

Mr. CURTIS. That is the first estimate. And if our experience under this proposal is anything like the experience with medicaid, it may be much more than that.

Mr. TALMADGE. Mr. President, did we not find that the estimates of the Department of Health, Education, and Welfare with respect to medicaid were exactly 1,000 percent in error?

Mr. CURTIS. Mr. President, I think that is an understatement.

Mr. TALMADGE. And if that would be true in this instance and if the estimates were as wrong with respect to the guaranteed income bill as they were with respect to the medicaid bill, then the cost would be in excess of $40 billion extra a year.

Mr. CURTIS. As a matter of fact, amendments have been proposed and printed to the Ribicoff-Bennett amendment that admittedly would raise the cost up to $40 billion to $50 billion. It is not unrealistic to believe that if this is ever to become a law, suggestions like that will be made.

Mr. TALMADGE. Is it not true that if this amendment were to become law, 12 percent of the citizens of the United States of America would immediately become eligible for welfare?

Mr. CURTIS. The Senator is correct. In my own State of Nebraska, 3 percent of the population now draw welfare payments that are financed in part by the Federal Government. It is estimated that should this proposal become law, instead of 3 percent, it will then be 11.8 percent or an increase of almost fourfold.

Mr. TALMADGE. I have the figures on the estimates for Nebraska, if the Senator will permit me to read them.

The recipients as of January 1970 in Nebraska numbered 43,550.

Under the proposed amendment it would become 167,700 which would be an increase of 285 percent in 1 year's time.

Mr. CURTIS. That is correct. I thank the distinguished Senator for his contribution.

Mr. TALMADGE. In my State of Georgia, if the Senator will permit me to read the figures there, we have 328,400 people on welfare. Under the proposed amendment it would immediately become 1,025,500, or an increase of 212 percent in the State of Georgia. According to the estimates of the department, 22.5 percent of the people of my State would immediately become eligible for welfare. But is it not true that some States' eligibility would be as high as 35 percent?

Mr. CURTIS. The Senator is correct.

Mr. TALMADGE. Does the Senator believe it is in the national interest to have 12 percent of the American people on public welfare and in some States as high as 35 percent?

Mr. CURTIS. I do not believe it is. To do so would constitute a disservice to the poor of the country. Right now, because of abuses, and through no fault of the poor—the honest poor, and that includes most of them, the vast majority of

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them—there is a polarization, there is a resentment, and there is a criticism of it, and if we adopt a program that increases the rolls by great numbers it is going to create a public sentiment in this country that would make it difficult for the people on welfare and it would make it difficult for the children who are attending school. It may cause a wave of public sentiment that would end up in some laws that might be a bit harsh.

Mr. TALMADGE. Is it not true that at present many honorable, hard-working, and God-fearing people, through no fault of their own, are earning low wages, and they see other families on welfare not doing any work whatever, where that person on welfare may be able-bodied and could but will not work. Does not that create a great deal of dissatisfaction among the American people at the present time?

Mr. CURTIS. The Senator is correct. If that number that may become recipients is increased, by the same token there will be an increase in the number of cases where there might be a serious question.

Mr. TALMADGE. I thank the Senator for yielding.

Mr. CURTIS. I thank the Senator for his contribution.

Mr. President, it would be my hope that every Senator in the Chamber would read four lines of this bill. I call attention to the very first section in the bill, page 4, entitled "Declaration of Goal." Listen to the language:

> The Congress hereby establishes a national goal of assuring all citizens, through work or assistance, in this decade, an income adequate to sustain a decent level of life and to eliminate poverty among our people.

There is not one word in there about welfare reform. There is not the slightest suggestion that this proposal is intended to bring about any reform. There is not the slightest suggestion in that language that there is anything wrong with our welfare program.

It is a declaration for a national minimum income. Probably many people in and out of Congress support that goal. I say to them, "Let us debate that on its merits, but do not bring it in under the guise of welfare reform when there is no welfare reform provision in it."

The country has been aroused in favor of welfare reform. They have agreed with the President when he has urged that we have a program that will lead to payrolls instead of welfare rolls.

I contend that that great body of public sentiment that has hoped for welfare reform should not be deceived and another proposal enacted which deals with something else.

Mr. HANSEN. Mr. President, will the Senator yield at this point?

Mr. CURTIS. I am happy to yield. Mr. President, I ask unanimous consent that I might yield to the distinguished Senator from Wyoming, without losing my right to the floor and without my subsequent remarks being counted as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I wish to compliment the distinguished Senator from Nebraska for the contribution he is making toward a better understanding of this bill and what we might expect will be accomplished by it, where hope is held out and promises made for goals and objectives that seem very far removed from the act accomplished.

One of the concerns of the Committee on Finance as they undertook an examination of the legislation was what might be done in order to encourage able-bodied people, people who had no physical or mental impairment, people who did not have the burden of the responsibility of young children, to accept employment offered them—how we could take this big group and insure that this new law would put them to work if work were indeed offered to them.

As I recall, the House proposed in H.R. 16811 that a person who was qualified in every respect and who was offered a job and refused to take such a job, or who failed to register for a training program, would be penalized $300.

I wish to ask the Senator from Nebraska if that is correct.

Mr. CURTIS. I assume it is. I am not sure, but I assume it is.

Mr. HANSEN. I think that under the October revised revision the administration proposed that that penalty be increased from $300 to $500. I believe the testimony that was developed during hearings on the bill showed that a $500 reduction in family assistance would actually result in a reduction of only $241 in family income since benefits under other kinds of welfare-type programs increase as family income decreases.

Does that square with the Senator's recollection?

Mr. CURTIS. That is my recollection. Yes.

Mr. HANSEN. I think it is important to note what the net effect of this penalty would be because as I recall earlier in the hearings when representatives of the Department of Health, Education, and Welfare were testifying it was developed and brought out that under the old WIN program—the work incentive program—some 8,100 persons having been screened in every respect, were certified by the Department of Labor to Health, Education, and Welfare with a recommendation that they be required either to take a job which had in each case been offered to them or to face termination of the support that they were receiving from welfare.

As I further recall, of this number of some 8,100 persons referred by the Department of Labor to Health, Education, and Welfare, only 200 were actually terminated from the rolls.

Does the Senator recall if that was essentially the situation brought out in that testimony?

Mr. CURTIS. That is essentially what the Senator from Nebraska recalls.

Mr. HANSEN. I think it should be noted, as was brought out in the hearings before the Finance Committee repeatedly, and I know the distinguished chairman of the committee probed hard on this point, that we were trying to find out what new steps, what new laws, if any, might be in the minds of the administration, in order better to assure that this very miserable record might be improved upon.

Does the Senator from Nebraska recall that the administration's representatives were able to come forward with any specific plan or new law that they felt would markedly change this situation?

Mr. CURTIS. I believe that an examination of the existing law, and the facts in this case will reveal, that there is nothing in the Ribicoff-Bennett amendment that in any way strengthens the work requirement provisions of the law.

As a matter of fact, in a moment or two I expect to refer to some facts that indicate clearly that the work requirement provision of the Ribicoff-Bennett amendment is weaker than existing law.

Mr. HANSEN. The Senator from Wyoming will be very interested in the Senator's presentation as he goes into those facts.

Mr. CURTIS. Mr. President, I want to repeat my admiration for President Nixon in arousing the country to the need for welfare reform. I am thoroughly convinced, after listening to months of hearings, that the technicians who took over to translate the President's stated objective into legislative language have miserably failed the President of the United States.

I want to say something about the work requirement.

Present law requires that an appropriate welfare recipient must accept "employment in which he is able to engage" subject to ultimate loss of his welfare payment. Under amendment 1097, a welfare recipient would face loss of welfare only if he refused to accept "suitable" employment.

A big difference.

For instance, amendment No. 1097 would require that in addition to physical fitness for the work, evaluation of a job's "suitability" take into account a welfare recipient's "prior training and experience, his prior earnings, the length of his unemployment, his prospects for obtaining work based on his potential and the availability of training opportunities, and the distance of available work from his residence."

In other words, what is suitable employment? To answer that question, we have to take into account his prior earnings. So if someone has been earning high wages or a high salary and he becomes a welfare recipient, one of the factors in determining whether or not he should take a job, if a job is suitable, is that it has some resemblance to his prior earnings.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. CURTIS. I am happy to yield to my distinguished chairman, and I ask unanimous consent that I may do so without losing my right to the floor and with the understanding that it shall not count as an extra speech on my part.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **LONG.** I would submit that the next item the Senator is coming to would offer an even better opportunity for a person to refuse to go to work, because it would require that his prior experience be taken into consideration in determining whether work was suitable. This would mean that a man could refuse to go to work either because he had no training or experience for the job he is offered or because he had experience doing something else. He could refuse to go to work on either ground, either because he had no experience in the type of work offered or he could decline to take the job because he thought he was qualified to do something else that would pay him more.

I am sure the Senator intends to point out further in his statement that the amendment as it is proposed here would provide that a job was unsuitable unless it paid the prevailing wage rate. I can understand how we might insist that someone get the prevailing wage as a condition to going to work if he has earned the right to draw benefits under unemployment insurance. But when we are talking about a person who has not done any work before and knows nothing about the kind of work required for a particular job, that is something else.

Let us take the situation of a person who is offered a job as a domestic. If that person has not done any work, even domestic work, is it not asking too much that the person be paid the prevailing wage rate of someone who has had experience in doing the work and has a reputation for honesty and for not picking up everything that is not nailed down and for not prying loose everything that is nailed down in that household?

When one combines all the conditions spelled out in the amendment in order for a job to be considered suitable, a person has every way under the sun to avoid taking a job on the grounds that it is unsuitable.

As if that was not bad enough, we have the record referred to by the Senator from Wyoming, where, out of 6,100 persons who refused without good cause to participate in a work program, only 200, or about 3 percent, were actually taken off welfare, because of their refusal to take work.

With all these other conditions of job suitability, it is clear that the only person who will go to work is one person who voluntarily wants to go to work.

The provision we are talking about does not relate to other benefits that are available from other Federal and State sources, or the fact that a person might be getting income that we do not know about, such as income from illicit conduct, income from criminal conduct. This is a pretty big idea nowadays, with thefts running about 3 percent of the gross operations of the average department store and with the big problem we have in dope today. It is very difficult to see how one in any seriousness could expect that this work requirement means anything whatever.

Mr. **CURTIS.** My distinguished chairman is correct. I think the language clearly points out that the work requirement provisions of the Ribicoff-Bennett amendment are weaker than existing law.

In speaking of abuses in the welfare program, I do not think we can repeat too often the fact that the vast majority of our welfare recipients are honest people. They are good people. They long for something better. But whenever we permit abuses, we are treating those conscientious people unfairly, because the abuses will stand out in the public mind, and will constitute a stigma upon the unfortunate people who are anxious to do the very best they can for themselves, but still find it necessary to be on welfare.

Mr. **LONG.** Mr. President, will the Senator yield for a question?

Mr. **CURTIS.** I am happy to yield.

Mr. **LONG.** Is it not correct that by permitting the kinds of abuses to which the Senator is directing himself, we tend to discourage, demoralize, and disillusion those honorable people who are trying to earn their own way, and who apply for welfare assistance only because they have no choice about the matter?

Mr. **CURTIS.** That is correct.

I continue, now, about the work requirement in this Ribicoff-Bennett amendment.

Amendment No. 1097 would define as "unsuitable" any job that pays less than $1.20 per hour.

Mr. President, I would like to see every person earn just as much money as he can, and as much as the traffic will bear. But what are we going to do if there is a community in the country where labor is being performed for a dollar an hour, or $1.10? I do not say that that situation is desirable, but it exists. If we adopt this proposal, it will be unlawful for a welfare recipient to go to work at less than $1.20, even though other individuals situated in the same community, facing similar circumstances, are working for less than that amount.

I am willing to admit that welfare reform is defined differently by different people. But can any of us eliminate simple justice as an important ingredient in welfare reform?

If the prevailing wage in the area for the type of work is more than $1.20, then that becomes the minimum wage for a welfare recipient. This would be true even though people in the locality not on welfare were working on jobs for less than $1.20 which may be the prevailing rate for this type of work—and even though jobs at these rates may be the only jobs available in the area.

In addition, amendment 1097 would set the following order of priority in providing work and training for welfare recipients who register with the Labor Department.

First. Unemployed fathers and mothers who volunteer;

Second. Family members 16 or over not employed, in school, or in training;

Third. Persons already employed full time; and

Fourth. All other persons registered.

With this order of priority, it is highly unlikely that any mother would ever be required to accept employment.

Mr. President, I hold in my hand a newspaper clipping bearing the date of November 29, 1970. The heading of this clipping says, "$12,000 Families Getting Foot in the ADC Door." The subhead quotes the welfare director for Douglas County, Nebraska—where Omaha is located—a Mr. Healey, as saying:

> Rule sets welfare up for a kill.

Then the story goes on and tells how, because of a loophole in the law, individuals are drawing welfare under the AFDC program when they do not need it.

It just happens, Mr. President, that that story was based upon 10 cases taken from the welfare rolls in the State of Nebraska which were selected at my request. I did not request those specific cases, but I asked for 10 cases that illustrated the problem; and I think it is important that we observe what the problem is, and then consider it in the light of the Ribicoff-Bennett amendment.

I turn, for example, to case No. 5. This illustrates the need for reform. This case comes from Sarpy County, Nebr. There are two parents and three children. They are on AFDC. The gross wages per month that the man draws amount to $799.85—it lacks 15 cents of being $800 a month.

But in order to see if having someone on welfare and still having him work would encourage him to work more and get off of welfare, Congress passed some amendments in 1967 which permitted certain disregarding of income in order to encourage individuals to work. Those disregardings included his taxes, his social security taxes, his union dues, and his transportation expenses.

So this family, after you disregard all those expenses, has take-home pay of $612.33 a month.

Now, when someone applies for welfare, the caseworker sits down with them, ascertains what their rent is, their food needs, utilities, child care, care of an ill person in the home, or whatever it is, and adds that up. In this particular case, the budgetary need of this family was $503.50. The take-home pay was $612.33. They were actually earning $108.83 more than their budgetary needs. But because existing law permitted them to disregard their expenses of working, which in this case ran over $187, to disregard $30, and then to disregard one-third of the rest of their earnings, this family was drawing welfare of $170 a month.

I submit to the Senate: Is that fair to the rest of the people of the country?

Mr. **WILLIAMS** of Delaware. Mr. President, will the Senator yield?

Mr. **CURTIS.** I yield.

Mr. **WILLIAMS** of Delaware. This is one of the same examples, as I understand it, that the Senator called to the attention of the Finance Committee, and the Department admitted that the bill which is now before the Senate would not correct this situation but would perpetuate it.

Mr. CURTIS. That is correct.

Mr. President, I want to invite attention to a very startling thing. When these 10 cases were laid before the Finance Committee, there were other facts which were sent in from other States, particularly California. Our staff had done some work on it, and an amendment was adopted dealing with this loop hole. A member of the staff took each one of the 10 cases I am talking about, applied the new formula to them, and it closed the loophole. That is in the Finance Committee bill. Do Senators know what will happen if we pass the Ribicoff-Bennett amendment? It will strike this reform out.

There is another provision in the Ribicoff-Bennett amendment that not many people realize is there, and that is a provision that a present welfare recipient is guaranteed by law that he will not be taken off the rolls nor will his welfare be reduced.

Mr. President, not only does this proposal fail to bring about any reform; its very provisions prevent any reform in welfare law.

It is not easy for me to stand here and oppose a proposal instigated by my President. I am a partisan. I plead guilty to it. But I say that the President of the United States is not to blame. I say that the technicians who took over, whether they be close to him or in the bureaucracy, utterly failed the President of the United States. They have not come up with a legislative proposal that would deal with the abuses and shortcomings of our present welfare law. They have not brought in a proposal that would do as the President wants done—have individuals go from welfare rolls to payrolls. The President of the United States has been failed miserably.

Mr. President, if we adopt the Ribicoff-Bennett amendment, the provision worked out to prevent abuses such as I have referred to is out.

The State of Nebraska is not one of the most wealthy States. The citizens there have to work hard for their money. We are not blessed with precious minerals, coal or an abundance of oil or any other great source of wealth. Our people work hard and our population is small. But if the Ribicoff-Bennett amendment prevails, it will eliminate a savings to that State of $1,800,000 annually. I have received an estimate that that is what the State would save by the committee's language which would take care of these abuses. And if the Senate adopts the Ribicoff-Bennett amendment, that is out. Not only is the language repealed, but, also, as I have said, it contains other language that guarantees that no welfare recipient will be taken from the rolls or have his welfare cut.

How on earth can anybody suggest that that is welfare reform? Well, they cannot. It just is not.

Mr. President, much has been said that the adoption of this proposal would save money for the States. I suggest that the Governors and the members of the State legislatures take that with a grain of salt. They had better read the bill. It was not such a bad idea when the clerk was required to read the Ribicoff-Bennett amendment in total. It was not a bad idea at all. Frankly, I think it should be read some place, and at least should be read by those who advocate it.

I am going to say something about the saving provisions in this bill. The savings provision in section 542 of amendment 1097 is designed to replace the Federal-State matching provisions applicable to cash public assistance programs for families with children, and for the aged, blind, and disabled. Under this savings clause, States would generally be required to spend 90 percent of their 1971 State costs for welfare payments.

That has been repeated over and over again. The fine print has not been repealed. Starting in 1973, this State share would be increased each year according to a formula based on the Consumer Price Index. Thus, for example, if that index rises by 5 percent per year, after a period of 10 years, States would be required to expend for cash public assistance an amount equal to more than 140 percent of their costs in 1971. Has any Governor been told of that possibility? Oh, he was told only about the 90 percent provision.

I contend that perhaps the President of the United States is not the only person who has been deserted in reference to this proposition. The individuals responsible for this bill, in my opinion, have been unfair to the President of the United States. They have not delivered a proposal that he discussed in the public forum for months and months, and they have not delivered a proposal that has been fully presented to our Governors and the members of the State legislatures.

In addition to the possibility of an increase in what the State has to pay in the cash amounts, there is something else.

In addition, any liberalizations of welfare programs which are not required by Federal law but result from optional State action would not be covered by this savings clause, but would come under the regular matching provision. Thus, if the cost of living increases and a State decides to provide its welfare recipients an increase in assistance to meet the rise in living costs, the State will have to pay twice: once to meet its share of the increased assistance, and once more because the rise in the cost of living will trigger an increase in the State's mandatory level of payments subject to the saving clause.

It should also be pointed out that the savings clause in amendment 1097 covers expenditures for cash public assistance only and not expenditures under related programs which might be expected to increase substantially if the amendment became law.

Medicaid is a good example of that. In many of the States an individual is eligible for medicaid if he is a recipient of welfare. It was pointed out awhile ago that an estimate of the increase of the number of welfare recipents in my State of Nebraska would be almost fourfold, so that there would be almost four times as many people eligible for medicaid, and under the law they have to treat them all alike, but the medicaid expenditures do not come within this 90 percent savings cost.

State expenditures not covered by the amendment include those for administrative costs, the cost of job training and referral of welfare recipients, and medicaid costs. These expenditures should increase substantially because of the increase in the number of recipients. For example, the State of Oregon has estimated that under a proposal similar to amendment 1097, the State would in the 1971–73 biennium incur increased medicaid costs of $9.9 million, and increased employment program costs of $3.7 million. All of these costs would have to be paid by the State over and above the amounts for which it would be responsible under the saving clause.

Mr. President, it seems to me that the proponents of this measure should get out some telegrams to the Governors and give them the full story of what this bill will do to their State budgets. I think they should include in the telegrams the statement of the declaration of goals found on page 4 which does not have the slightest hint of welfare reform.

Another feature of the savings clause which should be noted is that it provides an absolutely fixed State cost for cash public assistance programs in a given year—if the State does not decide to adopt a more liberal program than is required by Federal law. There would be little incentive for State officials administering such programs to strive for effective administration since the Federal Government and not the budget of that State agency would have to bear any increased costs resulting from administrative lapses in such areas as determining the proper amount of assistance, preventing ineligible individuals from coming on the rolls, and promptly removing recipients from the rolls when they are no longer eligible.

Mr. President, while there are new provisions in this present draft known as the Ribicoff-Bennett amendment, it is agreed that the basic program is the program that they have advocated all along.

A table has been prepared showing the proportion of the population of federally aided welfare under present law. In this table it is referred to as the administration's revision. I do not want to offer it as being identical with the pending amendment but I do believe it is substantially the same, so far as the figures are concerned.

I ask unanimous consent to have the table printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—PROPORTION OF POPULATION ON FEDERALLY AIDED WELFARE UNDER PRESENT LAW AND ADMINISTRATION REVISION

	Civilian resident population	Federally aided welfare recipients, January 1970		Welfare recipients under administration revision	
		Number	Percent of population	Number	Percent of population
Total United States	203, 796, 700	10, 436, 197	5. 1	23, 784, 300	11. 7
Alabama	3, 505, 000	255, 400	7. 3	665, 800	19. 0
Alaska	252, 000	10, 274	4. 1	25, 100	10. 0
Arizona	1, 685, 000	72, 440	4. 3	204, 600	12. 2
Arkansas	1, 996, 000	115, 000	5. 8	369, 700	18. 5
California	19, 213, 000	1, 655, 400	8. 6	2, 323, 400	12. 1
Colorado	2, 065, 000	114, 110	5. 5	368, 000	17. 8
Connecticut	3, 009, 000	97, 140	3. 2	187, 900	6. 2
Delaware	537, 000	23, 860	4. 4	55, 000	10. 2
District of Columbia	783, 000	47, 490	6. 1	65, 900	8. 4
Florida	6, 332, 000	295, 900	4. 7	683, 600	10. 8
Georgia	4, 565, 000	328, 400	7. 2	1, 025, 500	22. 5
Hawaii	747, 000	29, 072	3. 9	62, 700	8. 4
Idaho	717, 000	22, 100	3. 1	54, 400	7. 6
Illinois	11, 031, 000	446, 100	4. 0	806, 300	7. 3
Indiana	5, 136, 000	98, 100	1. 9	879, 900	17. 1
Iowa	2, 785, 000	92, 300	3. 3	235, 700	8. 5
Kansas	2, 288, 000	73, 940	3. 2	158, 600	6. 9
Kentucky	2, 192, 000	211, 200	9. 6	523, 500	23. 9
Louisiana	3, 724, 000	346, 500	9. 3	934, 200	25. 1
Maine	967, 000	48, 920	5. 1	145, 400	15. 0
Maryland	3, 732, 000	157, 850	4. 2	262, 800	7. 0
Massachusetts	5, 475, 000	282, 500	5. 2	438, 500	8. 0
Michigan	8, 798, 000	316, 200	3. 6	646, 400	7. 3
Minnesota	3, 714, 000	108, 120	2. 9	320, 300	8. 6
Mississippi	2, 336, 000	211, 000	9. 0	806, 600	34. 5
Missouri	4, 637, 000	255, 200	5. 5	443, 100	9. 6
Montana	688, 000	18, 880	2. 7	52, 200	7. 6
Nebraska	1, 437, 000	43, 550	3. 0	167, 700	11. 7
Nevada	452, 000	15, 570	3. 4	37, 000	8. 2
New Hampshire	720, 000	14, 260	2. 0	39, 800	5. 5
New Jersey	7, 128, 000	318, 720	4. 5	508, 800	7. 1
New Mexico	976, 000	69, 260	7. 1	194, 400	19. 9
New York	18, 369, 000	1, 227, 400	6. 7	1, 979, 300	10. 8
North Carolina	5, 110, 000	194, 600	3. 8	960, 600	18. 9
North Dakota	600, 000	16, 583	2. 8	96, 900	16. 2
Ohio	10, 786, 000	355, 400	3. 3	799, 800	7. 4
Oklahoma	2, 545, 000	188, 700	7. 4	366, 200	14. 4
Oregon	2, 044, 000	93, 800	4. 6	143, 500	7. 0
Pennsylvania	11, 797, 000	511, 800	4. 3	634, 800	5. 4
Rhode Island	886, 000	45, 810	5. 2	67, 200	7. 6
South Carolina	2, 636, 000	83, 900	3. 2	490, 800	18. 6
South Dakota	650, 000	22, 110	3. 4	107, 400	16. 5
Tennessee	3, 971, 000	205, 400	5. 2	741, 800	18. 7
Texas	11, 097, 000	478, 800	4. 3	1, 521, 500	13. 7
Utah	1, 049, 000	42, 760	4. 1	55, 100	5. 7
Vermont	444, 000	18, 000	4. 1	46, 800	10. 3
Virginia	4, 514, 000	109, 400	2. 4	431, 300	9. 5
Washington	3, 386, 000	153, 450	4. 5	312, 300	9. 2
West Virginia	1, 819, 000	115, 580	6. 4	275, 300	15. 1
Wisconsin	4, 242, 000	101, 180	2. 4	238, 400	5. 6
Wyoming	317, 000	7, 447	2. 3	20, 000	6. 3
Puerto Rico	2, 763, 000	264, 930	9. 6	800, 000	29. 0
Guam	87, 700	2, 072	2. 4	3, 400	3. 9
Virgin Islands	59, 000	2, 319	3. 9	2, 100	3. 6

Mr. MILLER. Mr. President, will the Senator from Nebraska yield?

Mr. CURTIS. I yield.

Mr. MILLER. Do I understand correctly that the table which the Senator just placed in the RECORD might not be quite applicable to a table similarly prepared with respect to the pending amendment?

Mr. CURTIS. My point is that I think it is substantially descriptive of the pending amendment.

Mr. MILLER. I was wondering whether the distinguished manager of the amendment, the Senator from Connecticut (Mr. RIBICOFF), could tell us whether the table that the Senator from Nebraska has referred to does differ at all from the impact of the pending amendment.

Mr. CURTIS. I might say, first, that I have not had the opportunity to show it to the Senator from Connecticut, but will do so now.

Mr. MILLER. May I say to the Senator from Nebraska that I have assumed, up until now, that the amendment before us would result in substantially the same if not the identically same results as the table which the Senator from Nebraska has placed in the RECORD.

Mr. CURTIS. I think that is correct.

Mr. MILLER. I do not know. That is why I thought perhaps the Senator from Connecticut, one of the cosponsors of the pending amendment, could tell us.

Mr. RIBICOFF. Will the Senator from Nebraska yield?

Mr. CURTIS. I yield.

Mr. RIBICOFF. I would say that the table being offered by the Senator from Nebraska is substantially correct. There may be a slight variation of a percentage point, but for the purpose of the argument that the Senator from Nebraska is making, there is a very substantial rise and there would be some variations in the fact that we are paying, under my amendment, a couple, $230 instead of $210—it might vary it a little bit. But for the purposes of the argument that is being made, the tabulation is very substantially similar, the Senator is correct.

Mr. CURTIS. Mr. President, I thank the Senator and I thank my distinguished friend, the Senator from Iowa.

Mr. President, this tabulation shows, for instance, that as of last January, 7.3 percent of the population of Alabama were drawing federally financed welfare payments and that if the program is enacted into law, this 7.3 percent will increase to 19 percent. In the State of Georgia, 7.2 percent of the population are now drawing such welfare payments, and if this proposal becomes law, it will then be 22.5 percent of the people that will be eligible to draw welfare payments.

I have already pointed out that in the State of Nebraska 3 percent of the population as of last January were drawing federally financed welfare payments of some kind, and that if this proposal were to become law the number eligible is estimated to be 11.7 percent of the population. That is an increase of almost fourfold.

Last January the number of recipients in Nebraska were 43,550. This proposal, if it were enacted into law, would make eligible an estimated 167,700.

On page 6, it provides for a determination of eligibility and, among other things, it says:

> Such determination shall be made on the basis of the Secretary's estimate of the family's income for such quarter, and such estimate shall in turn be based on income for a preceding period unless he has reason to believe that modifications in income have or are likely to occur on the basis of changes in conditions and circumstances.

The Secretary will have to estimate in advance the income. What will they do about overpayments? I know what will be done. The conscientious people will refund overpayments. The others will not. We will have trouble.

Mr. President, there are Senators who say that the bill does not provide enough. If we adopt the philosophy of this bill I do not know that I am in a position to argue the point. But I think it is well that we determine who would be eligible, even though they are fully employed, for cash benefits if this bill passes.

On page 5 we find how much income a family can have and still be eligible for benefits.

It says it will be $500 per year for each of the first two members of the family, plus $300 per year for each additional member.

That amounts to $1,600. If they have income of $1,599 for a family of four, they are eligible. However, there are certain items excluded from income.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. CURTIS. I will yield in a moment.

Mr. President, $720 is excluded. Then I return to page 9. It provides:

> Subject to limitations as to amount or otherwise, prescribed by the Secretary, the earned income of each child in the family who is, as determined by the Secretary under regulations, a student regularly attending a school, college or university, or a course of vocational or technical training designed to prepare him for gainful employment;
>
> (2)(A) the total unearned income of all members of a family in a calendar quarter . . .

which is a small amount.

It further provides:

> (3) An amount of earned income of a member of the family equal to the cost incurred by such member for child care which the Secretary deems necessary to securing or continuing in manpower training, vocational rehabilitation, employment, or self-employment . . .
>
> (4) The first $720 per year of income is excluded.

Fifth, food stamps are excluded.

Sixth, training allowances are excluded.

Seventh, scholarships are excluded.

Eighth, home produce is excluded.

Ninth, any amounts received for the foster care of a child living in the same home as the family but not a member of the family.

XUM

Those are specifically mentioned. However, other things must be taken into account.

Many of these potential recipients will be subsidized with respect to housing. They will be living in premises where the Government pays part of the rent. That is not included in the test for eligibility.

They will be eligible in many instances, perhaps all, for free medical care. That is not included.

Some of them may buy a home under the 235 program where the payments to carry their loan might be $180 and the Government might pay $100 or half of it. All of these subsidies are cash out of the Treasury to such families.

That is why, when one adds up all the possible benefits that in many instances can and will be paid, he arrives at the figures that appear on charts such as the distinguished Senator from Delaware presented to the Senate last week, and no doubt more of those charts will be presented.

I yield to the senior Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, we were speaking a moment ago about the Governors' conference endorsing this bill. Is it not true that the five Governors representing the Governors' Conference, when they testified before the committee pointed out that originally the Governors had endorsed the bill based on press releases from Washington describing the purpose of the bill and what the bill would achieve, but they said that after they read the bill they decided it was more or less a monstrosity and should not pass?

If the Senator will yield further I would like to read the testimony of Governor Hearnes in that connection.

Mr. CURTIS. I am happy to yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. There has been so much misunderstanding about this matter. Last Saturday, I stated that when the President outlined his work program and said he wanted to reform the welfare system I hailed it as a great step forward. I agree that the No. 1 job in the country is to reform the welfare system. There has to be reform but a bonafide reform would not perpetuate the abuses.

I quote from Governor Hearnes' testimony before the Finance Committee.

Governor Hearnes testified:

> I would like to make one observation regarding this bill to the Committee. I make this observation as the Governor of Missouri and not as Chairman of the National Governors' Conference, since it is quite possible I may not reflect the views of some of my gubernatorial colleagues.
>
> It occurs to me that the Administration has simply picked a figure out of the air—some $4.1 billion—and attempts to compress too many major and costly reforms into this figure. I would suggest that the Committee delay the adoption of legislation at this time which would draw into the welfare system some 14 million citizens now in the ranks of the working poor or under-employed. I believe the money could be used to better advantage in shoring up other aspects of this bill.

At another point he said:

> Granting that attention should be given later to the working poor, it seems to me that welfare reform for the benefit of the present assistance recipients should be established and working before adding this vast new segment of the population to the welfare system.
>
> Finally, the workability of the entire new welfare program is still to be proved. I agree with Senator RIBICOFF's suggestion that the reform measure be thoroughly tested prior to placing it into effect. I understand the HEW is funding experimental projects in Seattle, Washington, and Gary, Indiana, and another one on a statewide basis in Vermont.

Continuing he states:

> Certainly, we could create staggering disorder if we would move into a program as vast as that encompassed by H.R. 16311, until a thorough trial period has proved its value.

With testimony such as that and with similar testimony from four of the five Governors along similar lines I think Congress would do well to weigh the advice of these Governors who have had experience in administering this program.

I now quote Governor Hearnes' answer to a question by the distinguished Senator from Idaho (Mr. JORDAN):

> Senator JORDAN. Governor Hearnes, could you tell me how many of your Governors would vote if they sat up on this side of the table for the House-passed legislation with full implementation now?
>
> Governor HEARNES. Well, Senator, I think those who would read the bill would not be for it in its entirety.

As he and other Governors pointed out in their testimony, after they read the bill they saw that it did not achieve the purpose for which it had been outlined.

Congress made a great mistake a few years back when it adopted the medicaid program proposed by the Department of Health, Education, and Welfare on the premise that it would cost only $238 million more than the then existing Kerr-Mills bill, which at that time was around $350 million to $400 million. Today we are spending over $4 billion on that medicaid program.

It would be a great disservice to the country and to the States to put an entirely new welfare program of this size into effect when we have had no testimony or any evidence presented by the Department or the administration as to how it would work.

I shall not take the time of the Senate now to put in the testimony of the other Governors. I shall do that when I am speaking in my own right. But every Senator should read the testimony of these Governors who testified before our committee on what they thought of the measure after they read it. These Governors had endorsed it before they read it, but after they had read it four out of five did not endorse it. The fifth admitted he had not read it.

Mr. CURTIS. I thank the distinguished Senator. What the Senator has said is highly important. Earlier today I pointed out that there were many items that constitute costs of welfare for a State that are not included in the savings clause, whereby the Federal Government guarantees that their expenses will not exceed 90 percent of the base year. That representation has, in my opinion, failed to provide the full story to the Governors and other State officials on what they will face if the Ribicoff-Bennett amendment is agreed to.

Mr. WILLIAMS of Delaware. The Senator is correct. I talked with some of the Governors. They recognize and they do not dispute the fact that this measure does not provide any reform, as they had been led to believe they would get. But most of them are desperately hoping they can unload the cost of the existing programs on the Federal Government. They are buying this measure on the promise that it will solve their State budgetary problem.

The misunderstanding that develops from the administration's promise that the increased costs of adults over 65, the blind, and the disabled will not exceed 90 percent of their costs for calendar year 1970.

On that basis it means that the costs of that particular program will not exceed 90 percent of last year's cost, and that they will save 10 percent. But that is only a small fraction of the total program. Federal cost in all welfare programs, medicaid, food stamps, and so forth, was $6,200,574,000. That is the figure for calendar year 1969. For the States the annual cost was $4,260,128,000, and for local governments it was an additional $1,284,779,000, for a total of about $11.5 billion.

Now, the welfare cost of the program for adults, the blind, and the disabled is about 20 percent of that total annual cost. The States will save 10 percent on this 20 percent, which means they save 2 percent of the overall annual costs. The 10 percent savings is on only 20 percent of the total cost. States would not get that windfall, as many Governors think they will.

Furthermore, nothing is being said about who pays for the 14 million welfare recipients that will be added to the rolls.

Mr. CURTIS. I thank the Senator. I mentioned a provision that increased costs by reason of inflation, the rise in the consumer index, must be borne by the State. If the index goes up 5 percent a year at the end of 10 years, the cost instead of being 90 percent carried by the State would be 140 percent of the base period.

Mr. WILLIAMS of Delaware. Yes. Another point that should not be overlooked is that, regardless of how this bill may be modified or amended to achieve transfer of the cost from the States to the Federal Government, the ultimate cost of the program is going to be paid by the same people, the American taxpayers. As far as dollars of the American taxpayers are concerned, it is immaterial whether the taxes are levied at the State level and spent at the State level or levied at the Federal level and then sent back to the States, perhaps adding to it the cost of a bureaucracy in Washington. So there is not going to be any saving to the taxpayer in transferring the cost from the State to the Federal Government. All the cost of the program could be transferred to the Federal Government and relieve the States and cities of a lot of money, but the taxpayer would not be saved a dime.

Mr. CURTIS. That is correct. I would also like to point out that an expenditure by an individual State or an individual locality does not have a great impact on inflation, but centralized expenditures in the Federal Government under deficit financing have a tremendous impact upon the rate of inflation. Therefore, we are not helping the people of the United States, whether they be taxpayers or nontaxpayers, by merely transferring expenditures from the State and local level to the Federal level.

Mr. WILLIAMS of Delaware. Mr. President, if the Senator will yield.

Mr. CURTIS. We are taking money right out of their paycheck through inflation.

Mr. WILLIAMS of Delaware. But I think the main point we should never lose sight of is that while we are talking about reforming the existing welfare system, there actually is no reform in this bill. The Department officials repeatedly told us that not one welfare recipient will be getting 1 cent less than he got this last year.

Mr. CURTIS. And there can be no reform in those cases where there is an abuse.

Mr. WILLIAMS of Delaware. That is correct. Those who advocate reform have been going around the country calling attention to the glaring examples of abuse under our existing welfare system. I agree that we need reform, but the point is that this bill does not reform it. The only way to reform the welfare law is by taking away or reducing payments to persons who are not entitled to those payments. This bill does not correct a single abuse in the existing program.

Mr. CURTIS. The Senator is correct.

I would like to call attention to four lines in the bill, which appear on page 28, lines 4 to 7, inclusive. They read as follows:

> (1) the provisions of, and the rules and regulations under, sections 442 (a)(2), (c) and (d), 443(a), 444, 445, 446 (to the extent the Secretary deems appropriate), 447, and 448 shall be applied.

Mr. President, it is interesting to note what that means. That means that the States' welfare programs must comply with the Federal rules for eligibility. That exists even though a State is paying a supplement and is bound to continue that supplement. It means that the right to say who is eligible to receive is taken away from the States. It is placed in Federal hands. The States must comply with it, and if they have been paying a supplement, of it they have been paying more than the Federal share, they are obliged to continue that supplement not only for the present recipients but for those who will be added to the rolls under rules of eligibility over which the State has no control at all.

A while ago I called attention to one abuse that existed under existing law in the State of Nebraska, and that, if the committee version is adopted, that abuse will be corrected. I want to call attention to some more cases that fall in that category.

This case involves a mother and two children under the ADC program. The mother has gross wages of $455 a month. Under existing law, she is allowed to deduct the taxes, transportation expense, union dues, and so on, and child care expenses. So after all of those disregards, she has an income of $301.43.

Under the law and under the rules, an estimate is made as to what her budget needs are, taking into account all the necessary items of expenditure. Those budget needs are determined to be $259. She earns $42.43 more than her budget needs, excluding the $153.50 that is considered an expense of work.

But because of present law, $175 of the income is presently disregarded, making her eligible for a welfare payment of $132.57, even though her net earnings exceed her budgetary needs.

That is corrected in the committee bill. That language is stricken out if we pass the Ribicoff-Bennett amendment.

What is more, if the Ribicoff-Bennett amendment becomes law, there is a provision in it that no recipient shall receive less than he is drawing now—an absolute bar to any welfare reform so far as eliminating abuses is concerned.

The case that I have just been talking about is not what might be called the case of a culturally deprived person. She has a high school education and is employed as a presser in a cleaning establishment. Yet we are asked to pass a bill that would perpetuate that abuse.

Here is another case of a mother and two children under ADC. The mother's gross wages are $565.32. After deducting taxes, social security taxes, transportation, child care, and union dues, her take-home pay is $361.90. Her budgetary needs are $269. Her earnings exceed her budgetary needs by $92.90.

But because all of the expense of going to work is disregarded, and $30 is disregarded, and one-third of the balance, she is entitled to an ADC payment of $118.87.

This individual has had 1 year of college and is employed by a packing company. Her gross wage is $50 a month in excess of the beginning caseworker in the welfare program in that country.

The committee dealt with these problems and agreed on some language in the committee bill that would bring reform in situations like this. The Ribicoff-Bennett amendment strikes out that reform and carries a provision which amounts to the fact that you cannot do anything about it.

Let me tell about another case, of a mother with two children on AFDC. Her gross wages are $618.15 a month. The take-home pay, after subtracting child care, transportation, taxes, union dues, and social security, is $304.98. Child care is deducted, so she is only being charged with $304.98, when her gross wages are actually $618.

Her budgetary needs are determined to be $277. She is earning $27.98 each month more than her budget needs—earning that in counted income, which, because it is under $30, is disregarded. She draws an AFDC benefit of $140 a month.

This lady is employed by Western Electric Co., and her gross pay exceeds that of many of the welfare workers who administer the program.

Here is a case where the gross wages of the mother with 5 children are $399.10—almost $400 a month. Her take-home pay, after she pays her transportation, is $339.17. Her former husband pays her $130 child support.

So after the expense of earnings, she has an income of $469.17 a month. Her budgetary need is fixed at $423.50. Thus she has counted income of $45 a month over her budgetary needs, but, because of the formula for disregardings, she draws an AFDC payment of $110.70. She has a high school education, and works with a research organization. One of her daughters earns approximately $300 a month during the summer. Because she is in college, her income is disregarded also.

Here is another case: A mother and three children on AFDC. This mother has gross wages of $569.22 a month. Her take-home pay, less transportation, amounts to $435.88. Her budgetary need is determined to be $338.35. Thus her take-home pay amounts to $97.53 more than her budgetary needs. But, because of the formula that calls for disregarding certain of her earnings, she draws an AFDC payments of $115.54. The budget includes board and room expenses for one child in college.

Mr. President, the State of Nebraska has one of the most generous welfare programs. I think we are exceeded in the amount that we pay by only one State. The program is carefully administered. People are not put on welfare, ordinarily, unless there is need. But if they are placed on the rolls, the State and local units of government pay an amount that is adequate.

So when the State of Nebraska comes in and points out abuses, and points out situations where the operation of the program is not only unfair to those who pay, but also casts a stigma upon all those who are on welfare, it is not a matter of penny pinching; it is a matter of sound government operation.

Here is another case: A mother with one preschool child on AFDC has gross wages of $309.05. But her take-home pay, less transportation and other work expenses, is $202.90. Her budgetary monthly need is fixed at $171.34. So her take-home pay, after disregarding transportation and work expenses, is $31.56 more than her budgetary need. But because the law says that the first $30 shall be disregarded, plus one-third of the earnings thereafter, she draws an AFDC payment of $94.79. This lady has a high school education and attended airlines school.

Here is another case, of a mother and four children on AFDC. She has gross wages of $115.20. The take-home pay less transportation expenses leaves her $96.72 but she is receiving child support from a former husband of $315 a month. So she has a net income—not a gross income—$411.72 a month. Her budgetary needs are estimated to be $375, so the income in excess of need, is $36.72. But because $30 and one-third of the balance of the earnings is disregarded, she is on the rolls. The payment is small, but she is there for $25.01.

Mr. President, the existence of such abuses is a bad thing in any community. It creates discontent. It creates ill will. It puts a stigma not only on adults, but on children. And that is what we were hoping would be cured in a welfare reform bill. That is what the Committee on Finance worked out, and that is what would be stricken from their bill if the Ribicoff-Bennett amendment is adopted. All recipients are guaranteed that they will be kept on the rolls and that their welfare will not be diminished.

I will cite one more case. This is a mother and two children on AFDC. The gross wages amount to $468. The take-home pay, less child care and transportation, amounts to $253.29. She receives child support of $53.33. She has a net income of $306.62. The budgetary need is estimated to be $287. So her net income is $19.62 more than her budgetary need. But because the law provides that certain income shall be disregarded, she draws an AFDC payment of $140 a month and receives food stamps.

Mr. President, I am an optimist. I actually hope that by the time this bill is exposed on the Senate floor, just as the previous proposals failed to get a majority of the votes in the Committee on Finance, when the features of this proposal become known, it will be withdrawn by the proponents. It certainly should not be adopted and carried along by the momentum created in the country for welfare reform, because it is not that.

I again invite attention to the declaration of goal, and this is what it says, lines 2 to 5, page 4:

> The Congress hereby establishes a national goal of assuring all citizens through work or assistance in this decade an income adequate to sustain a decent level of life and to eliminate poverty among our people.

I am not going to debate that goal. But I merely point out that that does not suggest welfare reform, that that is another proposition, and the Nation has been led to believe that we had a welfare reform bill here.

Mr. President, one big, central issue is involved in this controversy: Shall we increase the number of eligible recipients for welfare—the heads of families—by some 12 million? How would we increase them? By adopting a new provision that one can be fully employed and be eligible for welfare. It is argued that that will be a good thing, that if someone works full time and his income is low, he should be put on welfare; that somehow that will be an inducement for others, as well as himself, to go from welfare rolls to payrolls.

In miniature form, that is what Congress undertook in the 1967 amendments to the welfare law, in a hope that, by letting people work and keep their money, or some of it, and still get a welfare payment, it would be an inducement to go out and work more and get off welfare.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. CURTIS. I will yield in a moment.

The experience in Nebraska, and I am sure in every other State, is the contrary—that the provision of the 1967 law, permitting people to be employed and then disregard the first $30 of their monthly income and one-third thereafter, has led to a situation in which they are not closing any cases because one could have his wages and also get welfare. Yet, the staff people who took over a sound proposal of the President to reform welfare latched onto the principle that the way to reform welfare is to permit people to have their wages and welfare, also.

They should have examined the record as to what is happening when that principal has been in operation.

I yield to the distinguished Senator from Georgia.

Mr. TALMADGE. The distinguished Senator pointed out that this was sold as a work of incentive program, and he stated that, of course, all of us on the Finance Committee know that the very opposite is true.

I hold in my hand page A-25 from the data that the Finance Committee staff developed on this bill:

> Diminished incentive for low-income work under administration provisions. For a family of four headed by a woman, the net value of each dollar if she moves from unemployment with no income to fulltime at the minimum wage.

We have the illustrations cited—Phoenix, Ariz.; Wilmington, Del.; Chicago, Ill.; New York, N.Y.

Under existing law, she would retain 62 cents of each dollar she earned. Under the pending amendment, she would retain only 28 cents—less than half under existing law.

In Wilmington, Del., she would retain under existing law, 71 cents of each dollar; under the administration provision, only 23 cents of each dollar, which is diminished by almost two-thirds.

In Chicago, Ill., under existing law, she would retain 54 cents of each dollar she earned; under the administration revision, only 27 cents, which is exactly half of the present law.

In New York., N.Y., she would retain, under existing law, 60 cents of each dollar she earned; whereas, under the pending amendment that would amount to 30 cents.

Does the Senator share my view that that is work disincentive rather than a work incentive?

Mr. CURTIS. That is correct; it certainly is.

Mr. TALMADGE. Would the Senator yield in order for me to ask unanimous consent to insert these figures in the RECORD at this point?

Mr. CURTIS. I so yield.

Mr. TALMADGE. Mr. President, I ask unanimous consent to have page A-25 printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DIMINISHED INCENTIVE FOR LOW-INCOME WORK UNDER ADMINISTRATION REVISIONS

For family of 4 headed by a woman, the net value of each dollar if she moves from unemployment with no income to full-time work at the minimum wage:

	Cents
Phoenix, Ariz.:	
Present law	62
H.R. 16311	60
Administration revisions	28
Wilmington, Del.:	
Present law	71
H.R. 16311	67
Administration revisions	23
Chicago, Ill.:	
Present law	54
H.R. 16311	38
Administration revisions	27
New York, N.Y.:	
Present law	60
H.R. 16311	44
Administration revisions	30

(Note: value of public housing excluded)

Mr. TALMADGE. I thank the Senator for yielding, and I compliment him on the great speech he is making.

If the American people realize what this bill purports to do, in my judgment, it will be overwhelmingly defeated. The Finance Committee studied it carefully in hearing after hearing, and the first vote got only one out of 17 affirmative. They finally managed to work around to get seven affirmative votes out of 17, and that is the best they ever obtained in the Finance Committee. Is that not the Senator's recollection?

Mr. CURTIS. That is my recollection, yes.

Mr. WILLIAMS of Delaware. In connection with the points that the Senator from Georgia made about this not being a work incentive, I call the attention of the Senator to the fact that tables presented to the committee and the analysis of the bill as it passed the House, which I mentioned the other day they have been changed somewhat by a revised bill that came back in October, but still the principles are there. For example, if a female head of a family of four, had $1,600, with the food stamp and other benefits she would get in State supplementals, it would amount to $3,366; and where that is increased by earnings to $4,180, if she makes $1,000; but if they worked twice as hard and made overtime, they go down to $3,100 or $360 less than if left to the one that makes a thousand.

If that same person works harder and increases his earnings to $3,000, that drops back to $3,766. In other words, the more they earn the less they have. They lose more than 100 percent of their increased earnings. It is not an incentive to increase earnings. It is quite the opposite. It is an incentive that if one earns money, he drops back closer to welfare because they are more than the earnings would be after taxes.

Mr. CURTIS. I thank the distinguished Senator. It is true that the provisions of this measure constitute a disincentive to work.

Mr. TALMADGE. If the Senator will yield further on that point, I hold in my hand the hearings before the Committee on Finance of April 29, 30, and May 1, 1970. I quote from page 230 thereof, as follows:

> Senator TALMADGE. How many people on aid for dependent children have benefited from the earned-income disregard provision and to what extent have earnings increased as a result of this provision?
>
> Mr. HAWKINS. The number is quite substantial. May we submit actual figures on it for the record?

> The proportion of women with some earnings within that program is relatively high; maybe the magnitude of a third or something, and I think we can——
>
> Senator TALMADGE. Will you submit the full details for the record, please?
>
> Mr. HAWKINS. Yes, sir?*

Those details have not been submitted to date.

That is one illustration of what the Finance Committee had to contend with, time after time. We found in different areas where delegations were made to the Department of Health, Education, and Welfare, and we asked time after time what action or what decisions they would make on that delegated power. What it was was the power to write law and we asked them to submit that for the record, and they never have. That is what we had to contend with in the hearings. We asked for the information. They would state a conclusion. We would ask for the information to back up that conclusion, and it has not been submitted as yet. That is the tenor of this whole legislation. It is a conclusion, some economic theory, that more people will work if we make welfare more attractive, whereas the figures show the exact opposite is true; is that not correct?

Mr. CURTIS. That is correct.

Mr. President, I have stressed the point that the individuals at the staff level, charged with taking over the President's objective for welfare reform, and the technicians in the bureaucracy, have rendered him a disservice. I believe that they have. Some of them have not done their homework. When the Finance Committee started holding hearings on the proposal, witness after witness from the Government gave as one of the reasons for making welfare available to the fully employed, that it would stop the breakup of homes, that it would bring an end to the breakup of family life.

Mr. President, every time I was in that committee and someone stated that, I challenged them, because it just is not so. The breakup of families in the United States is due to many causes, not the least of which is the moral breakdown throughout the country. But, furthermore, their argument was several years late. It used to be that on aid to dependent children, we would pay aid to the head of the family, usually the mother, if the father was dead or if he was disabled, or away from home, and that is all.

So there was a father up against it, but if he left or absconded, his family could get on AFDC. Congress met that problem several years ago. It included an additional category in the AFDC program. That is why we call it aid to families with dependent children. They provided in the Federal law that the program was extended not alone to where the father was dead, disabled, or absent, but if he was unemployed. Consequently, it is not necessary, so far as the Federal law is concerned, for a jobless person to desert his family in order to get that family on the AFDC program. Also, the figures show that those States that run their program that way, where unemployed fathers can get on an AFDC program, the percentage of family breakups was as high as any other place.

The State of New York offers more assistance to families than any other State in the Union, yet it leads the Nation in family breakups.

I hold in my hand an article entitled "The Crisis in Welfare," written by Daniel P. Moynihan, and here is what he says.

> It must be remembered that the United States now has a family allowance for *broken families* and that it is widely argued (although typically there are not five cents worth of research findings on the subject) that the availability of AFDC payments does lead to family break up.

In other words, Mr. Moynihan says there is not 5 cents worth of research to support the contention that by paying welfare to the fully employed will prevent family breakups.

Incidentally, I want to read again from Mr. Moynihan. This was in a letter to the Washington Post on Thursday, November 25, 1970.

I read just part of it:

> By and large the attacks on the proposal from ultraconservatives have been factually accurate.

I think they have. I do not know what a ultraconservative is.

The statement there that the attacks have been factually accurate is correct. It states further:

> They understand well enough the basic principles of the legislation, and the essential details of its operation, and they oppose them.

This, at least, is a credible position. On those points I agree with this distinguished professor. It is based upon facts that are accurate. We understand what is in the bill and we opposed it.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from Georgia referred to the fact that this did not correct the problem dealing with the family breaking up. The Senator from Nebraska pointed out that the city of New York, which has the highest welfare rates, also has the highest record of split families. We asked the staff when we were analyzing the bill to check the revised bill—and I am speaking of the administration's last revised bill in October, as I recall the date—to see what would happen under this bill if it became law in the cases of split families.

The following example is given of the incentive for a family to split up under the administration bill. This concerns a welfare family with an unemployed mother and father with four children and no other income.

In the city of New York if this family were to split and the father take two children and the mother keep two children they will increase their combined income $2,508 under the bill. They could get $2,508 premium for splitting the family.

In Chicago a similar family could collect $2,064 more by splitting the family than if they were to live in the same family unit.

In Wilmington, Del., they could get $1,104 more premium by splitting the family.

In Phoenix, Ariz., they could receive $936 more.

These are bonuses that they could get by splitting and calling themselves two welfare families rather than a single family unit.

I cannot conceive of Congress approving a social program which actually pays these bonuses to a family to split and divide the family unit. It is indefensible. It is directly opposite to what we have been told it would do.

Mr. TALMADGE. Mr. President, would that be considered the antiwedlock provision of the bill?

Mr. WILLIAMS of Delaware. It could be considered as one of them. I pointed out an example the other day concerning a young couple. This example was prepared by the staff, and I think it should be used again.

Family A consists of a boy 17, a girl 12, and a girl of 6. Family B has a girl 16, a boy 11, and a girl of 8.

If this boy and girl decide to get married each family thereby loses a dependency under this bill. They lose a $300 Federal bonus, the State supplement, the food stamps, medical care, and the extra housing unit they get as a result of the extra dependent.

If the young boy and girl get married they are off the welfare rolls since this is called aid for dependent children; they are left out until after the first year or until they can produce the first child.

However, under the Ribicoff-Bennett amendment if the girl gets pregnant and the boy does not marry her until after the baby is born, the families continue to collect welfare on them as dependents, and they end up with a cash bonus of $1,300. Think of it—the Federal Government paying $1,300 as an inducement for them to have this child out of wedlock.

I mentioned this example last week. I cannot conceive of Congress approving a bill which would pay $1,300 more to a couple that has a child out of wedlock than they would to the family that has a child after they are married.

As was pointed out a moment ago, a family of four children receive a premium of $2,500 if they split the family. That is directly opposite to the objectives the President has said he wants to achieve and what the Secretary of Health, Education, and Welfare has said he wants to achieve.

We can agree on what they say they want to achieve; however, this bill does not do it. For this reason the bill should be rejected. The committee by a vote of 14 to 1 and by a vote of 10 to 6 on another occasion rejected the bill's being considered in this session.

I agree with the Governors that we should have tests of some of these plans to see how they would work before they are enacted.

By all means the department should have set down a figure on what John Doe could have gotten under the bill, rather than writing up a lot of flowery language. These are the mathematical results that were furnished to the committee by HEW after we began to analyze the bill.

Mr. President, it is very evident that those charged with working out the de-

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tails of this proposal have fallen far short of the President's goals.

Mr. CURTIS. I submit the matter can be brought to a vote. I do not desire to take more time on the matter.

Mr. President, I yield the floor.

DISTRICT OF COLUMBIA REVENUE ACT OF 1970—CONFERENCE REPORT

Mr. EAGLETON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19885) to provide additional revenue for the District of Columbia, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. Gravel). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 19, 1970, pp. 42660–42666, Congressional Record.)

Mr. EAGLETON. Mr. President, the approval of this conference report by the Senate will send to the President for his signature legislation that will provide much needed additional revenue for the District of Columbia and meet other important needs of the citizens of the District.

The House in its version of the bill authorized an increase in the Federal payment from $105 million to $120 million—an increase of $15 million. The Senate provided that such payment would be equal to 30 percent of the District of Columbia general fund revenues which would provide an increase of approximately $27 million in the Federal payment. The conference substitute provides for an increase in the annual Federal payment authorization level to $126 million—an increase of $21 million. I believe that the conference agreement is a fair compromise that will allow the District of Columbia to meet emergency costs of $13 million and provide additional funds for vital programs in the areas of education, public safety, human resources and drug rehabilitation.

The conference bill increases the borrowing authority of the District of Columbia for capital improvement programs to levels adequate to meet the needs of the District for the next 2 years.

Also, H.R. 19885 provides for increases in District revenues through increased fees for the operation of certain trucks, a sales and use tax on the rental of textiles, and authority of the District of Columbia Council to set water and sewer fees.

This legislation amends the District of Columbia Minimum Wage Act to exempt from the overtime compensation provision of that act certain employees—drivers, drivers' helpers, loaders, or mechanics—employed by employers subject to regulation by the Interstate Commerce Commission under section 204(a)(3a) of part II of the Interstate Commerce Act, providing the employees spend no more than one-half of their workweek in the Washington metropolitan region. The amendment retains overtime compensation coverage for drivers, drivers' helpers, loaders, or mechanics who spend more than one-half of their workweek in the Washington metropolitan region. This amendment is retroactive to February 1967, the effective date of the District of Columbia Minimum Wage Act.

The conference bill includes a number of minor amendments affecting the District's minimum wage law but does not include the House proposal to prohibit the establishment by the Wage Board of a minimum wage exceeding by more than 10 percent the Federal minimum of $1.60. The amendments provide that a wage rate once set in a wage order could not be changed until effective for 1 year and that an order increasing by stages a minimum wage to achieve a target level could not be accomplished in a single wage order. This limitation is not to be read to preclude the Board from setting different rates for separate classifications of employees within the same industry.

The section also changes the composition of the advisory committees to the Wage Board more accurately to reflect a precise balance between labor, employer, and public representatives. Board members themselves may no longer serve as advisory committee members, however the chairman of the Wage Board will serve in the capacity of an ex officio member. Finally, in considering proposed wage rates the advisory committees are directed to consider applicable wage rates in the Washington metropolitan area as well as in the District of Columbia.

The conference agreed to include Washington Technical Institute with Federal City College for purposes of receiving land-grant college funds in the District. The conferees agreed that the provision was a revenue sharing arrangement only and that the amendment was not to confer generally land-grant status upon Washington Technical Institute. The provision is not to be construed as a precedent for opening land-grant membership to other nondegree institutions. Moreover, the extension services funds must be administered by one director and the programs of the extension service must be conducted by the two institutions on a nonduplicative and mutually cooperative basis.

I feel that this conference report is a fair compromise between the House and Senate versions of H.R. 19885 and that it is a reasonable and positive response to the needs of the people of the District of Columbia.

Mr. President, I move that the Senate agree to the conference report.

The motion was agreed to.

SOCIAL SECURITY AMENDMENTS OF 1970

The Senate continued with the consideration of the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT

Mr. WILLIAMS of Delaware. Mr. President, under the previous order I was to be recognized; however, the Senator from Connecticut suggested that he has a statement to make. I would like to yield to the Senator from Missouri and others. The Senator from Pennsylvania has a statement to make also. I ask unanimous consent that rather than my holding the floor and yielding to them I be recognized and regain the floor under the previous order when the consideration of the bill is resumed.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIAMS of Delaware. Mr. President, I think the Senator from Connecticut wanted to proceed next. I will reserve my remarks until tomorrow.

Mr. RIBICOFF. Mr. President, arguments against the family assistance plan have been made in the last few days.

A number of these arguments were illustrated by the use of charts and statistics. These arguments and figures have been used to suggest that serious work disincentives are created or worsened by family assistance. This is not the case.

The Ribicoff-Bennett proposal authorizes the most significant step forward in 30 years to develop work incentives within the welfare program. This step is the inclusion of the working poor within the welfare system.

Over 1.8 million American families encompassing 10.5 million persons are headed by full-time workers with income at or below the poverty line. These families are not now eligible for Federal welfare assistance. Yet, under existing law, other families which might live in the same neighborhood or even next door, are better off on welfare without working. For the millions of working families, family assistance is the first welfare program which makes it worthwhile. Under family assistance, eligibility will no longer be confined to those who do not or cannot work. The elimination of the present discrimination against working families is a major work incentive.

In New York City, which has administered a working poor program for 20 years, a 13-month study found that over 97 percent of working families remained working families after receipt of welfare benefits. Many of the remaining families changed their status only because of illness or death of the father.

I ask unanimous consent that a short table showing how family assistance will help the working poor be included at this point in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

FAMILY OF FOUR WITH FATHER WORKING FULL-TIME AT $1.00/HOUR

	Present law	Family assistance
Earnings	$2,000	$2,000
Assistance	0	960
Total income	2,000	2,960

Mr. RIBICOFF. Mr. President, the Ribicoff-Bennett amendment also proposes an expansion of Federal work training and child care programs. Three hundred eighty-six million dollars would be spent in the first year of the program for expanded day-care opportunities. More than $200 million will be spent to provide work training and upgrading program.

In addition, through an amendment proposed by Senator HARRIS and I, a strong public service job program for welfare recipients will be initiated.

The greatest impediment to moving welfare recipients from relief to work is the lack of actual jobs at the end of the work training programs. The Ribicoff-Harris proposal takes a small but important step to remedy this problem.

Under the family assistance program, every able-bodied welfare recipient will be required to register for these work and work training programs. Failure to so register will mean an immediate loss of $500 of FAP benefits.

The charge has also been made that family assistance would further encourage break up of families and illegitimacy.

Mr. President, those problems are precisely what family assistance is designed to end—not encourage. By providing assistance to all families—not merely broken families, as is now the case—the program eliminates the incentive for low-income families to separate.

Mr. HANSEN. Mr. President, will the Senator yield at that point?

Mr. RIBICOFF. I am pleased to yield.

Mr. HANSEN. According to the information I have, the October revised revision would retain the $500 penalty provision, as the distinguished Senator has pointed out, but would delete the provision for disregarding income tax payments. Testimony developed at the hearings on the bill showed that the $500 reduction in family assistance would actually result in reduction of only $241 in family income since benefits under other kinds of welfare type programs increase as family income decreases.

May I ask the distinguished Senator from Connecticut if that checks with his understanding of the bill?

Mr. RIBICOFF. May I say that I do not have that information. It would depend on what the total amount was that a person was receiving. I do not imagine that a person with a family of four receiving $1,600 would be involved much by way of income tax. I do not have the figures. I shall supply them for the RECORD, if I can, before the night is over.

Mr. HANSEN. I thank my friend.

There being no objection the figures were as follows:

> A family of four with no other income would lose $500 of family assistance if a member of that family refused to register for work. In addition, State supplementary payments would be reduced by one-fourth. Thus if the State supplement were $1,500 the total loss to the family would be $875. This loss might be reduced by anywhere from $0 to $225 if food stamps and other programs increased the benefits to the family because of its income reduction.

Mr. RIBICOFF. In addition, the most scientific methods now in existence will be employed to provide a continuing evaluation and investigation to prevent fraud in this program.

It has also been mentioned that the family assistance plan provides a $1,300 incentive for couples to have children. This so-called incentive is also present in existing programs. The defect could be easily remedied by providing welfare eligibility for childless couples, which is a step I have advocated for sometime and even proposed to the Finance Committee in the form of an amendment to H.R. 16311. This, of course, would be a further expansion of family assistance.

Reliance has been placed on charts which attempt to set forth the "notch" effect of family assistance by which, it is explained, the programs will encourage welfare recipients not to work.

These charts, which are confined to examples of families headed by mothers, show the cumulative dollar totals of welfare, food stamps, medicaid, and housing programs.

It is my opinion, which is shared by many, that these tables do not show the true effect of family assistance or reflect its impact on most welfare recipients.

First, over 90 percent of all welfare recipients cannot accumulate all the benefits which are shown on these charts. Slightly over a third are eligible for food stamps, less than 10 percent are in public housing. Furthermore, these charts are exclusively used to show the circumstances of female-headed families which will comprise less than half of the eligible recipients under family assistance. Families headed by a working male will not be eligible for medicaid, or State supplements.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. WILLIAMS of Delaware. It is true that the charts refer to female-headed families, but that form was selected by the Department itself. We asked if a different picture would be shown if the Department had provided different charts for male-headed families, and the answer was "No." If they would provide different charts we would be glad to display them. They did not submit any, so I assume that while the picture would be slightly different the patterns would be the same. If the patterns were not the same it is the Department itself that is at fault for not advising us. I repeat, these are the charts they sent to the committee, and they selected the type we were going to use.

Mr. RIBICOFF. May I say to the Senator that I share some of the frustration mentioned by other members of the Finance Committee who are on the other side of the issue. It is absolutely true that the committee, collectively and individually, asked for information time and time again, and this information has not been forthcoming. I, as well as they, decry the failure to have the cooperation which the committee was entitled to have. It would have made the job of all of us that much easier if the information had been forthcoming.

Mr. WILLIAMS of Delaware. That is correct.

If the Senator will yield further, another point to be made on these charts is that they tried to point out that there would be a minimal effect by saying that less than 8 percent of the people were in public housing. That included farm areas and rural areas, where there is no public housing. Those figures are misleading because in the city of Wilmington in my own State, the figure representing those under public housing, is not 8 percent but 28 percent, while in New York State the figure is a much lower one. But in New York State and in some other States they use rent supplements instead of public housing. So when they talk about public housing, they do not include rent supplements or various other programs which should be included.

I think all those programs must be related. I know the Senator from Connecticut would insist on getting all that information.

If we take an area where public housing is not used and that item of the program is eliminated but if there is another program which is substituted for it that particular program should be substituted. Unfortunately we have not had any cooperation from the Department in getting a real breakdown.

This is not a criticism of the Senator from Connecticut because he has been as frustrated as the rest of us in getting information. It has been impossible in our case in view of this complete lack of cooperation from the Department.

I thank the Senator for yielding.

Mr. RIBICOFF. I thank the Senator.

Second, few, if any, welfare recipients are encouraged to work or not to work by eligibility for medicaid. This is not a cash program, but a health program. Sickness is unpredictable. When no illness is incurred no medicaid benefits are received. It is unlikely that loss of medicaid coverage would deter anyone from working particularly when other, private health plans would be available.

Third, the family assistance plan actually corrects the many additional "notches" which the present program perpetuates. Those few that remain are not the result of family assistance but of other programs. As pointed out above, many of these "notches" are illusory and most are corrected by family assistance.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield at that point? I dislike interrupting him.

Mr. RIBICOFF. I yield.

Mr. WILLIAMS of Delaware. The Senator is correct. In one city the average medicaid benefit was calculated at $1,100 per family. It is true that family A may not have benefited from any medicaid at all and another family may have benefited to the extent of $2,500. There is this other factor to consider, however. While it is true that a family may or may not benefit under medicaid, depending on the health of the family, if one goes on the labor force and is no longer on welfare he has to pay for the health insurance. So that is a deduction from pay because he has to pay for that health insurance. That is what creates this notch plus the fact that money earned is taxable while welfare payments are tax-exempt.

Mr. RIBICOFF. I think that point will be touched upon by the next point, that the family assistance program actually corrects the many additional notches

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which the plan perpetuates. It is true that taken alone, the result of the family assistance plan is that most of these notches are illusory and most are corrected by the family assistance plan.

I can understand what the Senator from Delaware was trying to do in committee, and I can understand his continued frustration when we talk about the family assistance plan and when the medicaid and housing and other programs have not been drawn together to make a whole. But when we talk of the family assistance plan, many of the notches as a result of other programs Congress has adopted, including the administration of those programs, are eliminated.

Mr. WILLIAMS of Delaware. I agree completely on that point. I said the other day that if we forgot momentarily the other programs related to welfare and looked at nothing but the charts presented on the family assistance program one could have a picture of a progressive incentive to work. It is when we start considering the other programs that notches are developed. I was disappointed that since the other agencies are still a part of the Government these plans had not been put together and considered as a whole.

There is no excuse for their not having been considered together.

Mr. RIBICOFF. That is one reason why I have been so insistent on having pilot programs, because the family assistance plan goes into effect in July of 1972. It would be my hope that, in the trial period, we in the Finance Committee would monitor it very closely and get an overall picture of all the other programs working together with family assistance, and we would have an opportunity between March 1, 1972, and July 1, 1972, to correct any inequities.

This is a monumental program, and I have tried to the best of my ability, on this floor and in committee, to point out that we do not know all the answers, and that I share many doubts of other Senators; but I do believe in the basic philosophy, and that the program is worth trying.

STATE SAVINGS

A point has been made that the State fiscal savings clause in the Ribicoff-Bennett amendment only applies to the expenses of the adult categories. In fact the 90-percent-freeze clause applies to families as well as aged, blind, and disabled recipients.

Under present law welfare costs under AFDC—both State and Federal—are increasing at the rate of 30 percent annually. At this rate, with no change in the law, costs will more than double in 3 years. The fiscal savings provision in the Ribicoff-Bennett amendment is vitally necessary to save the States from financial catastrophe.

REPUBLICAN GOVERNORS

Mr. President, there has been some misunderstanding regarding the position of the Republican Governors on the Ribicoff-Bennett amendment. I ask unanimous consent that a copy of a telegram responding that the Republican Governors' Association favors the amendment by 14 to 2 be printed in the RECORD at this point.

The telegram is dated December 16, and was sent from Sun Valley to Secretary Elliot Richardson.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

Secretary ELLIOT L. RICHARDSON,
Department of Health, Education, and Welfare, Washington, D.C.:

At an executive session of the Republican Governors Association this noon, I presented the matter of the family assistance plan and the Ribicoff-Bennett amendment. The RGA voted to support the President's family assistance plan with 14 in favor, 2 opposed and 3 abstentions

RUSSELL W. PETERSON,
Governor of Delaware.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. RIBICOFF. I am glad to yield to the Senator from Georgia.

Mr. TALMADGE. If the Senator will refer to his amendment, on page 9, line 10, appears the heading "Exclusions From Income."

Then on page 10, beginning on line 16, it reads:

> (5) food stamps or any other assistance (except veterans' pensions) which is based on need and furnished by any State or political subdivision of a State or any Federal agency, or by any private agency or organization exempt from taxation under section 501

And so forth.

Would that not make it possible for a foundation which is a tax-exempt organization to make grants to individuals in any amount, any sums of money annually, and those individuals would still be eligible for welfare at the same time?

Mr. RIBICOFF. That is correct. This would allow a foundation which would like to supplement and even raise above the poverty level recipients of grants to make such grants to individuals. The Senator is correct in his statement.

Mr. TALMADGE. Let me give the Senator a hypothetical case. Many foundations do outstanding jobs in cancer research, tuberculosis research, and other health matters. Suppose they take some eminent doctor, and give him a grant of $100,000 a year to do research on a cure for cancer. Under that provision, would he not be eligible for welfare at the same time?

Mr. RIBICOFF. I think that is far-fetched. While it could be possible, I cannot imagine an eminent doctor who was doing cancer research with a $100,000 a year grant who would not have income from a hospital or university upon which he would have to pay taxes, but would rely upon himself and his family living on $1,600 ayear.

Mr. TALMADGE. I am asking whether the Senator's amendment would not authorize his eligibility for welfare.

Mr. RIBICOFF. Yes; it might authorize his eligibility, but as a realist—and I know the Senator from Georgia is a realist, too—I have no fear of that taking place.

Mr. TALMADGE. Mr. President, we are dealing with a law now, and not a theory. The Senator admits that his amendment would authorize such an individual to be eligible for welfare if he were living on a grant of $100,000 a year.

Mr. RIBICOFF. Yes; but while this could happen, I do not think the law is that much of an ass.

Mr. TALMADGE. That is what the Senator wrote into the amendment, and I am asking him to explain it, and he admits that what I say is true. That is just one of the many imperfections in this amendment that I think ought to be clarified.

Mr. WILLIAMS of Delaware. Mr. President, while, as the Senator suggests, that might be a far-fetched example of what could happen, I point out that when we were considering the Tax Reform Act and that section dealing with foundations we had an example where a foundation had taken practically the entire staff of the late Senator Kennedy and given them for 2 years a grant of approximately $25,000 a year with travel expenses. They were going to take care of those individuals, the excuse being that they had no other source of income.

On that basis, if this bill had been in effect, all the members of the staff of that Senator would not only have their grants from that foundation but would be eligible for welfare payments under this bill because we were told in the committee that they had no other source of income.

Mr. RIBICOFF. Mr. President, I would like to add that on page 10, line 17, the amendment refers to "food stamps or any other assistance—'which is based on need.'"

I do not imagine that a research chemist doing research under a foundation grant would be in need. The amendment also contains an assets test.

Mr. TALMADGE. Will the Senator yield further?

Mr. RIBICOFF. I yield.

Mr. TALMADGE. In line 19, the word "or" appears, so it is in the alternative.

Mr. RIBICOFF. Mr. President, I would like to pursue this matter further, but the minority leader must make a statement by 6 o'clock or be taken off the floor.

As the Senator from Delaware knows from our colloquy on his unanimous-consent request of a few days ago, I was most anxious not to have this amendment in the second degree. I was very hopeful to be able to afford every Member of this body a chance to put in perfecting amendments, whether it be the Senator from Iowa, the Senator from Oklahoma, or the Senator from Georgia. I would have been the first to try to correct the point that the Senator from Georgia has made, but we were put in the position that we had no alternative but to make this amendment in the second degree.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. WILLIAMS of Delaware. The Senator is correct on that point. Both he and I tried on two or three occasions to get this bill into a posture where it could be amended and voted on on its merits, but neither of us were able to get it into that posture.

Mr. JAVITS subsequently said: Mr. President, on Saturday, certain analyses were made by the distinguished Senator from Delaware respecting the effect of the family assistance plan contained in the Ribicoff-Bennett proposal upon my State of New York. I asked the Department of Health, Education, and Welfare to analyze those analyses made by Senator Williams. They do not agree with him, Mr. President, as to their effect and the alleged inequities which would result. I shall discuss these in detail at an appropriate time, but I did feel that at the earliest moment they should stand in the Record, so that anyone who wishes may read these replies.

So I ask unanimous consent that the letter of the Department of Health, Education, and Welfare, signed by the Honorable John G. Veneman, Under Secretary, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of Health,
Education, and Welfare,
December 21, 1970.

Hon. Jacob Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: The following is in response to your request for comment on certain statements made by Senator Williams (Delaware) in the Congressional Record of December 19, relating to the effect of the Ribicoff-Bennett proposal upon the State of New York.

On page S20807, Senator Williams cites an example that leaves the impression that the Ribicoff-Bennett proposal would pay a $1300 bonus for an illegitimate child.

He states that "this bill actually provides a $1300 bonus from the Federal Government to a mother to have an illegitimate baby over and above what would be paid if the baby were born in wedlock."

Under the existing AFDC program, a childless couple is not eligible for benefits—nor would they be under the Family Assistance Plan. The presence of children is required for eligibility.

In fact, it is the present program which rewards illegitimacy. Currently, families in which the father is married and working full time are not eligible for any federally assisted welfare. But if the father were not married to the mother, she and her children would be eligible. FAP, would for the first time make the intact family eligible thus reducing the financial reward for illegitimacy.

The Bill also mandates State supplementation to families in which the father is unemployed. This is now done in New York on an optional basis but it not done in 25 states. In these latter states, an intact family may now receive no assistance even though it has no income. In contrast, families where the father has deserted or in which the child is illegitimate would be eligible. Thus, the Ribicoff-Bennett proposal is a step toward reducing illegitimacy and desertion.

In Senator Williams comments he left another distorted impression regarding benefits available in New York.

In the chart published on page S 20810, an impression is left that a family of four in New York without any earnings would receive money and benefits totaling $6210.

The following facts must be considered:

(a) probably no more than 1 or 2% of the families on public assistance in New York have available to them all of the benefits listed on the chart.

(b) only 7½ % of the welfare recipients in New York City live in public housing, which is worth $989 to a family without income. Ninety-two and a half percent of the families do not receive this $989.

(c) The impression is also left that all recipients receive food stamps valued at $312 annually. The fact is that 60% of the welfare recipients in New York do not participate in the food stamp program.

(d) The impression is left that every family on public assistance receives $1153 in medical benefits. This is the average expenditure in New York and is available only if there is illness. The payments are made directly to the providers of the medical services for an illness incurred by the family.

Another issue was raised by Senator Williams on page 20807 where he stated that "in New York, a welfare family will collect a higher premium on family splitting. They collect $2508 more as two families than if they live as one family. They can collect that every year under this bill, if they will just separate—the husband taking part of the children and the wife taking the other children."

This is highly distorted. In this respect the Bill does not change the present law. In New York, under law, a family of six, husband, wife and four children receive a total of $329 per month, plus rent. A family of three receives a cash payment of $179 per month plus rent. Thus, the total of two families of three would be $358 per month plus rent. This means that the net cash differences between one family of six and two families of three is $29 per month or $348 per year rather than $2508 stated by Senator Williams. The family situation with respect to rent, Medicaid, and food stamps would be the same in both cases.

If I can be of further assistance, please do not hesitate to let me know.

Sincerely,

John G. Veneman,
Under Secretary.

Mr. JAVITS. Mr. President, I have shown a copy of this letter to Senator Williams, who desires me to yield on this matter.

Mr. WILLIAMS of Delaware. Mr. President, I appreciate the Senator from New York putting this letter in the Record, and I note it is signed by Mr. Veneman.

I only point out that the charts I used in my statement of last Saturday and the figures I quoted were also presented to the committee by Mr. Veneman, the same Mr. Veneman. This is the first time I have heard of an administration contradicting his own figures by claiming he gave false information to a congressional committee.

This only shows the confusion and that they cannot even agree 2 days at a time, because all the figures I used were over the signature and finished by HEW. Let them decide which time they are telling the truth.

It further supports my position that we should reject this bill, and I think we need some new men in the Department of Health, Education, and Welfare who at least can stay on the same side of a question 24 hours.

I shall discuss this letter later. Perhaps the committee erred in not placing the Government witnesses under oath.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 4571) to amend the Central Intelligence Retirement Act of 1964 for Certain Employees, as amended, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the joint resolution (H.J. Res. 1162) to amend Public Law 403, 80th Congress, of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

S. 578. An act to include firefighters within the provisions of sections 8336(c) of title 5, United Sates Code, relating to the retirement of Government employees engaged in hazardout occupations;

S. 3835. An act to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism; and

S. 4106. An act to amend the Public Health Service to authorize the assignment of commissioned officers of the Public Health Service to areas with critical medical manpower shortages, to encourage health personnel to practice in areas where shortages of such personnel exist, and for other purposes.

AUTHORITY TO PRINT REPORT OF THE MINORITY LEADER ENTITLED "WAR TO PEACE: SOCIAL REGENERATION" AS A SENATE DOCUMENT

Mr. SCOTT. Mr. President, Benjamin Disraeli, a liberal Tory, once said that decision destroys suspense, and suspense is the charm of existence.

We have had, in this session, more suspense than decision, and I must add that I am far from charmed.

Mr. President, I am about to submit the minority leader's annual report, and I ask unanimous consent to have this annual report of the minority leader for the second session of the 91st Congress, entitled "War to Peace: Social Regeneration," printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. I shall not attempt to read the entire report at this time, but I ask to have it printed in full. I want to extend to my many colleagues, because I do not listen to them all the time, the recognition that they do not have to listen to me, either.

The report opens with a quotation from Vergil and a quotation from Homer, and then begins in earnest as follows:

> In our youth-oriented society, it may be somewhat rash to indulge in reminiscences of the good old days. But as this 91st Congress creeps and crawls toward adjournment, I cannot help but recall another and Golden Age.
>
> Time was when Congress actually finished its legislative business before Americans congregated to sing Auld Lang Syne to the departing year; in fact, even before Santa Claus began his annual goodwill run.
>
> Yes, it is a fact, Virginia, there was once an era when Congress sniffed the fall air and took the turning leaves as a signal to close its books. Traditionally, the last appropriation bill to be considered was for foreign aid monies. Once passed, adjournment came mercifully and swiftly.

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Nor did it mean Congress had neglected current problems of great import. The record of these earlier Congresses is a good one in terms of legislation enacted.

For two years, however, Congress has dawdled, postured, delayed. Indeed, this year even a matter of such moment as the general election could not stir Congress from its lethargy and we have endured the first lame duck session of Congress in two decades—and with equally negative results.

That the public business has suffered is incontrovertible. But my concern is that Congress itself will be the great loser, should this pattern continue.

Not just impatient youth, but an impatient America could well lose confidence in the First Branch of Government.

Who bears responsibility for this? Certainly not the Majority Leader, Mike Mansfield. I have watched with admiration his unceasing efforts to keep the Senate on the track, that this session might come to a dignified and timely close. Because of him, the competition so necessary to our two-party system has been keen, realistic, but always gentlemanly. For this I personally owe him a great debt of gratitude, and so do all of us, whether Republican or Democrat.

Nevertheless, the question persists as to why this unbelievable delay in carrying out the fundamental, inescapable duties of Congress. In the Senate, at least, I think it has come about because of a confusion between targets of opportunity and targets of necessity. In the field of new legislation to control crime, the Senate indeed led the way, but in other ways our penchant for talk often delayed action beyond sufferable limits.

Given the diversity of America, its boiling energy, its native zeal for problem-solving by legislative fiat, there are an unending array of targets of opportunity for Senators—especially if their ambitions go beyond the Chambers of Congress.

It is good at times to remind ourselves that all problems are not of the same order, to be legislated on at the same time by the U.S. Senate; that ours is indeed a Federal system of government, with many problems handled more effectively, more rapidly, and thereby more equitably, at the State and local levels.

There is a failure, a refusal to recognize that by putting aside the targets of necessity, by failing to do what must be done first, the Senate is adding to the Nation's sense of confusion and loss of confidence. By rushing for targets of opportunity, by seeking to gain recognition as the most avant of the avant-garde, Senators are contributing to a horrendous legislative quagmire; one which cannot fail to have damaging repercussions throughout the rest of government.

Mr. President, my previous report, my first as Minority Leader, was clouded with sorrow because of the unexpected and untimely death of our beloved Minority Leader, Senator Everett McKinley Dirksen. We all felt keenly the loss of his guidance and steady counsel. We knew we would have to carry on, and we strove, each of us in his own way, to follow the path he had marked for us.

As in all things, however, those of us who survive must shoulder our own burdens. The Republic continues to exist. We in the Senate must go on to deal with the problems confronting us today.

The real re-ordering of those priorities, about which so much is said, not already reordered by the Executive shift toward social needs, must begin with a candid appraisal by each of us in the Senate as to what must be done in what order and what can be done well, if we are to contribute legislative thrust to genuine progress in America. In making this evaluation, I must acknowledge the unflagging assistance and thoughtful leadership of the assistant floor leader, Senator Robert P. Griffin of Michigan; the chairman of the Republican Conference, Senator Margaret Chase Smith of Maine; the chairman of the Republican Policy Committee, Senator Gordon Allot of Colorado; and the Secretary of the Republican Conference, Senator Milton R. Young of North Dakota.

I am particularly mindful of and grateful for the thoughtful cooperation of my political colleagues, and especially for the assistance of the Regional Whips who have made possible steady monitoring of the proceedings of this Body.

Mr. President, with these thoughts in mind I offer this Republican Report for the Second Session of the 91st Congress.

Mr. President, the guts of my Minority Report boil down to a consideration of these facts: That this Congress has quite literally dawdled for two full years; that this is not the fault of, nor should blame be attached to, the distinguished Majority Leader of the Senate; this laxity has added to the Nation's confusion and loss of confidence in government; the worsening delay in the appropriations process is an unprecedented embarrassment to Congress; that President Nixon has succeeded in greatly cutting troop strength in Asia, winding down the war, taking the initiative in cutting defense spending, and at the same time has in large measure succeeded in effecting a transformation of the Nation from a wartime to a peacetime economy; that he has inherited the inflationary crop which was sown in the credit-card 1960's, yet managed to cool down a white-hot economy without throwing the Nation into depression; and that America is on the verge of an unprecedented period of social renewal and regeneration.

In effect, the overall policy of the Nixon Administration has been to restore our confidence in our own country. To call attention to the resources of talent, of technique, of experience still so abundantly available throughout America. To remind us that we are magnificently experienced practitioners of democracy under our Federal system.

A reading of the Nixon messages to Congress makes this quite clear. We see honest appraisals of what has been tried and found wanting—to name but a few programs—in education, welfare, manpower training and urban restoration. Thereafter have come proposals to move away from what was possibly the worst of two worlds insofar as public administration goes: far too many categories of aid programs, with an overcentralized bureaucracy administering each of them.

In a sense this was a hangover from the 1930's. In those days, state and local governments were in the main badly equipped to handle the new type aid and welfare programs established by Federal enactment.

Not so in 1970. But a mentality has been created, a habit of administering most difficult to change in a bureacracy, and apparently, among many members of Congress as well. But change will come, and Republicans seek to provide the leadership for it.

We have not lost our way; there is no doubt in my mind that America is on the verge of a great period of social renewal, of regeneration. It will not be easy, and here perhaps, is the time to ask ourselves whether we may not have made a serious mistake in the past.

We have tried to justify our American democracy in terms of affluence, of statistics indicating world leadership in automobile, television, bathtub and telephone ownership. We have made it appear to promise a life of ease and safety.

Democracy is really the most dangerous and the riskiest form of political society. Even so, it works. Great trust, responsibility and power is put into the hands of great numbers of people. Particularly is this true under the American Federal system.

To reinvigorate Federalism is to very clearly vote for this "dangerous" dispersion of power, in the firm belief that we will better respond to the challenge to renew our America.

What has been lost in American life must be found.

What doesn't work must be discarded.
What works, must be made to work better.
There are mountains ahead.
But there are men beyond the mountains.
The strength of our land lies in ourselves.
We Americans must make tomorrow better.

INTRODUCTION

For a decade, while American eyes were turned moonward and American blood drained in Southeast Asia, a multitude of problems—domestic and foreign—were allowed to mount; Nostrums were offered but few real solutions appeared. Now the Republic is awash with unsolved problems in three basic categories:

From War to Peace
The Economic Effects
Social Renewal

In each of these areas the 91st congress has been called upon to chart a crucial course in the search for solutions. The degree as to which the Senate discharged its responsibility was not so much due to the Senate itself as to an aroused public, and elections just past.

For much of the first 20 months of the 91st Congress, the Senate seemed more impressed with the need to posture, to pose in grand debate, than to seek answers. The General Election of November 3 was but weeks away when the Senate finally abandoned its rhetoric and began to act on a wide field of issues.

It is not unfair to say that this Congress has been painfully lacking in a sense of responsibility. Nearly a full six months of Fiscal 1971 went by before the final appropriations bill for the fiscal year was passed. This laxity has cost the taxpayers billions of dollars that could have been saved had the 91st Congress acted in proper time. It is not fiscally responsible to let half a year go by, to be paid for under continuing resolutions, while mandatory fiscal legislation languishes in a logjam of verbiage.

In both 1969 and 1970, months were devoted to debating issues already decided.

To change direction after eight years of experimentation without positive result, President Nixon called upon the Congress for action on a wide front. He sent no fewer than 82 messages to the Congress requesting specific legislative action.

Moving a Nation from a wartime, forced-draft, economy to peacetime productivity is an enormous task. Congress was presented an outline on how best this could be done. Congress dragged its heels, put off action, and delayed.

It would appear on the surface the membership of the Senate Majority Policy Committe of this Congress has insisted on the right of *jus primae noctis* on every measure presented by the President to meet pressing national and international commitments.

Typical of this delay, and of the insistence by the majority that their own special stamp be placed on all legislation, is the recent over-hasty, last-minute action on the national railroad labor dispute.

On February 27, 1970, President Nixon proposed to Congress enactment of the Emergency Public Interest Protection Act of 1970. That proposal was designed to prevent exactly what did happen—a railroad tieup caused by a labor dispute. Eight months later no action had been taken; the proposal lay dormant in the womb of Congress.

Not until the night of December 9 did Congress hastily put together a law designed to postpone the railroad strike.

Severe warnings had long been posted that a strike was on its way. For months the strike had been delayed and postponed, and there had been some short rail stoppages. All this was faithfully and accurately reported in the press. Even after renewed pleas by President Nixon, Congress continued to delay. When the bill finally passed it was too late. The rail strike took effect. The President was not able to sign the measure until well past the midnight deadline.

Secretary of Transportation Volpe, warning Congress of the predictable effects of the anticipated rail strike, stated a stoppage would cost a 5 percent decline in the GNP during the first week and a 22 percent decline if it lasted four weeks. Even such grim warnings, at a time when our economy was still depressed from the General Motors strike, failed to nudge Congress into speedier, more adequate action.

Mishandling of railroad emergency legislation is not a unique example of the disregard for the public interest evidenced by this Congress. Every sector of the Republic has been affected.

This report will detail both the accomplishments of the 91st Congress and its failures. This is done not so much to excoriate Congress, as to remind us all that we are but one branch of Government, not an island of power. Where Government succeeds we cannot claim the success as ours alone; where Government fails, we must share the fault.

LEGISLATIVE TIME LAG

Much of the Nixon Administration's program has never been enacted by the 91st Congress. Others of his proposals were held back for weeks and months by the majority of both Houses, controlled and managed at all times by the party in opposition to the President.

Following is a chart showing the time lag between proposal by the President and disposal by Congress on 34 of the measures the President considered to be most important:

MAJOR LEGISLATIVE MESSAGE

Title, message date and bill No.	Senate		House		Conference Report agreed to in—		Date approved	Public Law No.
	Reported	Passed	Reported	Passed	Senate	House		
Electoral Reform, Feb. 20, 1969:								
S.J. Res. 1	Aug. 14, 1970							
H.J. Res. 681			May 16, 1969	Sept. 18, 1960				
Federal Coal Mine Health and Safety Act, Mar. 3, 1969: S. 2917	Sept. 17, 1969	Oct. 2, 1969		Oct. 29, 1969	Dec. 18, 1969	Dec. 17, 1969	Dec. 30, 1969	91–173
Bank Holding Company Act, Mar. 24, 1969:								
S. 1664								
H.R. 6778	Aug. 10, 1970	Sept. 16, 1970	July 23, 1969	Nov. 5, 1969	Dec. 18, 1970	Dec. 16, 1970		
Federal Immunity of Witnesses, Apr. 23, 1969:								
S. 2122								
H.R. 1157			June 15, 1970					
Organized Crime Control Act, Apr. 23, 1969: S. 30	Dec. 18, 1969	Jan. 23, 1970	Sept. 30, 1970	Oct. 7, 1970	Oct. 12, 1970[1]		Oct. 15, 1970	91–452
Obscenity, May 2, 1969:								
S. 2073								
H.R. 11031								
Prurient Advertising, May 2, 1969:								
S. 2074								
H.R. 11032			July 29, 1970	Aug. 3, 1970				
Food Stamp Program, May 6, 1969:								
S. 2547	July 7, 1969	Sept. 24, 1969	Sept. 25, 1969					
H.R. 18582			Aug. 10, 1970	Dec. 16, 1970				
Selective Service Amendments, May 13, 1969: H.R. 14001	Nov. 14, 1969	Nov. 19, 1969	Oct. 16, 1969	Oct. 30, 1969			Nov. 26, 1969	91–124
Postal Reorganization and Salary Adjustment Act, May 27, 1969:								
S. 3842	June 3, 1970							
H.R. 17070		June 30, 1970	May 19, 1970	June 18, 1970	Aug. 3, 1970	Aug. 6, 1970	Aug. 12, 1970	91–375
Foreign Military Sales Act Authorization, June 30, 1969: H.R. 15628	May 12, 1970	June 30, 1970	Mar. 5, 1970	Mar. 24, 1970				
Unemployment Compensation Amendments, July 8, 1969: H.R. 14705	Mar. 26, 1970	Apr. 7, 1970	Nov. 10, 1969	Nov. 13, 1969	Aug. 4, 1970	July 23, 1970	Aug. 10, 1970	91–373
Controlled Dangerous Substances Act, July 14, 1969:								
S. 3246	Dec. 16, 1969	Jan. 28, 1970						
H.R. 18583		Oct. 7, 1970	Sept. 10, 1970	Sept. 24, 1970	Oct. 14, 1970	Oct. 14, 1970	Oct. 27, 1970	91–513
Family Planning, July 14, 1969:								
S. 2108	July 7, 1970	July 14, 1970		Nov. 16, 1970	Dec. 10, 1970	Dec. 8, 1970		
H.R. 19318			Sept. 26, 1970	do.				
Occupational Safety and Health Act, Aug. 6, 1969:								
S. 2193	Oct. 6, 1970	Nov. 17, 1970		Nov. 24, 1970	Dec. 16, 1970	Dec. 17, 1970		
H.R. 16785			July 9, 1970	do.				
Railroad Passenger Service Act, Aug. 6, 1969:								
S. 3706	Apr. 9, 1970	May 6, 1970						
H.R. 17849		Oct. 14, 1970	Oct. 7, 1970	Oct. 14, 1970			Oct. 30, 1970	91–518
Urban Mass Transportation Assistance Act, Aug. 7, 1969:								
S. 3154	Dec. 22, 1969	Feb. 3, 1970		Sept. 29, 1970	[2] Oct. 5, 1970		Oct. 15, 1970	91–453
H.R. 18185			Jun. 30, 1970					
Family Assistance Plan, Aug. 11, 1969:								
S. 2986	(3)							
H.R. 16311			Mar. 11, 1970	Apr. 16, 1970				
Manpower Training Act, Aug. 12, 1969:								
S. 3867	Aug. 20, 1970	Sept. 17, 1970		Nov. 17, 1970	Dec. 10, 1970	Dec. 10, 1970	[4] Dec. 16, 1970	
H.R. 19519			Oct. 5, 1970					
Revenue Sharing Act, Aug. 13, 1969:								
S. 2948								
H.R. 13982								
Social Security Amendments, Sept. 25, 1969:								
S. 2973								
H.R. 17550	Dec. 11, 1970		May 14, 1970	May 21, 1970				
Food Stamp Program, October 7, 1969: H.J. Res. 934		Nov. 6, 1969	Oct. 14, 1969	Nov. 5, 1969			Nov. 13, 1969	91–161
Consumer Protection Act, Oct. 30, 1969:								
S. 4459	Nov. 25, 1970	Dec. 1, 1970						
H.R. 18214			July 30, 1970					
Drug Identification, Dec. 18, 1969:								
S. 3297								
H.R. 15450								
Military Procurement Authorization, Feb. 2, 1970:								
S. 3367								
H.R. 17123	July 14, 1970	Sept. 1, 1970	Apr. 24, 1970	May 6, 1970	Oct. 1, 1970	Sept. 29, 1970	Oct. 7, 1970	91–441
Environmental Quality Act, Feb. 10, 1970:								
S. 1075	July 9, 1969	July 10, 1969		Sept. 23, 1969	Dec. 20, 1969	Dec. 22, 1969	Jan. 1, 1970	91–190
H.R. 12549			July 19, 1969					
Clean Air Amendments, Feb. 10, 1970:								
S. 4358	July 17, 1970							
H.R. 17255		Sept. 22, 1970	June 3, 1970	June 10, 1970	Dec. 18, 1970	Dec. 18, 1970		
Environmental Financing Act, Feb. 10, 1970:								
S. 3468								
H.R. 15903								
Waste Treatment Facilities, Feb. 10, 1970:								
S. 3472								
H.R. 15904								
Higher Education Opportunity Act, Mar. 19, 1970:								
S. 3636								
H.R. 16621								
Housing and Urban Development Act, Mar. 19, 1970:								
S. 4368	Sept. 21, 1970	Sept. 23, 1970						
H.R. 19436			Oct. 5, 1970	Dec. 3, 1970	Dec. 18, 1970	Dec. 19, 1970		
Selective Service Amendments, Apr. 23, 1970: H.R. 17314								
Emergency School Aid Act, May 21, 1970:								
S. 3883								
H.R. 19446			Nov. 30, 1970					
Emergency Transportation Assistance Act, June 16, 1970:								
S. 4595	Dec. 19, 1970							
H.R. 19953			Dec. 16, 1970					

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[1] Agreed to House amendment.

[2] House amendment.

[3] Combined with social security amendment, H.R. 17550.

[4] Vetoed.

FROM WAR TO PEACE

For most of the 20th Century, mankind has lived with the rumble of guns. For a quarter of a century threat of nuclear destruction has clouded Earth's skies.

An entire generation of Americans has known naught but war or the threat of war. Eighteen of the years since 1940 have found Americans fighting, bleeding, dying, in wars ranging across the globe, spanning oceans and continents. Our Nation has been drained of its finest men, its treasure, and its productivity.

In 1969 Richard Nixon inherited with the Presidency a seemingly interminable war in Vietnam, while elsewhere in the world tensions had developed threatening a final confrontation betweeen the world's giant nuclear powers.

The thrust of his administration since January 20, 1969, has been to extricate the United States from the quagmire of Asia without leaving a vacuum which could result in an even wider spread of battle.

Our President has succeeded remarkably.

When he took office some 540,000 American servicemen were stationed in Vietnam. Today there are only three-fifths that number, 340,000. Our casualty rate was running at better than 100 men killed a week; today it is less than 30. South Vietnam was a victimized country, lacking the means to defend itself; today it is a viable State with a proud and competent military force of its own.

America's numerical strength in South Vietnam has been drastically reduced without resorting to the enclave theory so popular a few years ago. Had this theory prevailed, how could there have been a withdrawal from these Dien Bien Phu enclaves?

The South Vietnamese are increasingly capable today of purging their own land of the Viet Cong; were it not for the continued presence of large North Vietnamese regular forces in the south the fighting would have come virtually to a standstill.

That the President was able thus to reduce our profile in Vietnam without at the same time endangering those Americans still there is due to largely to the daring and successful effort last Spring to destroy the Communist sanctuaries just across the Vietnamese border in Cambodia.

The Senate was not overly helpful to the President in this effort at cutting American participation, and thereby American losses, in Southeast Asia.

For two months the Senate debated a proposal which would have cut to shreds the President's ability to wage a successful campaign of attack and withdrawal from Cambodia. Although the President had explicitly promised to pull American forces out of Cambodia within two months, there were those in the Senate who sought to impose a more precipitous timetable of retreat. The President kept his promise; American forces were withdrawn on schedule; and the Communist ability to wage terrorist war from the Cambodian strongholds was blunted.

Later in the summer there was an effort in the Senate to turn the phased American withdrawal from Vietnam into a Congress-directed rout. For weeks that proposal was debated, then finally defeated.

Both proposals would have limited the President's options in successfully disengaging from the Vietmanese war. To confine the President within such artificial lines would have destroyed his credibility with the enemy and with world opinion.

Three times the President warned North Vietnam that to protect American lives he would take decisive action to block a further enemy buildup. When the enemy disregarded these warnings and increased aggressive activity in defiance thereof, President Nixon acted directly and where it would protect our forces best—in Cambodia.

Troop withdrawals

This phobia for setting hard and fast dates for U.S. troop withdrawal is hard to comprehend: It flies in the fact of uncertainties always accompanying withdrawal operations in a combat area; it ignores the fact that the President has in fact generally reduced troop levels at a rate faster than his announced schedules; finally, it ill behooves the Senate to talk of fixed military timetables, when it cannot even enact its own appropriations bills within timetables written into law by the Congress itself. In short, it appears easier to get troops out of Vietnam than Congress out of the trenches.

In the conduct of even a limited war, the Chief Magistrate must be provided command flexibility; to do otherwise is to court disaster.

American troop withdrawals in Vietnam will continue on schedule and virtually all American combat forces will be out of that country in 1972. The program of Vietnamization has gone well and shows promise of continuing on the upswing throughout the months ahead.

The American responsibility in Southeast Asia is no longer primarily a combat mission. In the future those Americans remaining will be primarily in a support role, while actual combat will be the responsibility of the Vietnamese themselves.

There have been encouraging signs in recent months that the Vietnamese Government has become a viable institution through which the will of the people can be expressed. Elections were held this year in which the people voted in large numbers; further, candidates not friendly to the Thieu Government made substantial gains. Equally important, the elections were held without fear in areas where only a few years ago the people were in dread of expressing themselves because of the strong, silent and deadly forces of the Viet Cong which held nightly sway over their villages and hamlets.

These advances within Vietnam are significant in that they point to a continuing success of the Nixon Doctrine for Asia. That is, the United States will help when a deserving people help themselves, but we have no intention of being the world policeman.

The Middle East

Since June of 1967 the Middle East has been a fast-burning fuse that threatened to ignite an explosion of far greater dimensions than the small area directly involved. There was daily bloodshed on both sides of the Suez and the Jordan and the skies over Sinai and Egypt were criss-crossed with the plumes of warring jets.

The tense Middle East threatened to consume much more than the handful of countries involved in day-to-day fighting. The Soviet Union had undertaken to rearm the desicated United Arab Republic after the debacle of 1967. Egyptian troops were not only being rearmed and retrained by the Russians, but ample evidence existed that Soviet pilots were in the cockpits of some of the MIGSs involved in combat.

To counter this direct and growing threat to Israel the United States began supplying larger amounts of war materiel—but no troops, no advisers—to that beleaguered land.

Thus, the two nuclear giants were drawn into a situation that could easily have developed into a major confrontation.

The Nixon Administration undertook long and delicate negotiations involving all parties to the dispute, but particularly the Soviets. These negotiations resulted last August in a cease-fire along the battle lines; that cease-fire has been renewed and is still in effect.

The Middle East crisis remains, but a Middle Eastern catastrophe has been—for the time being—avoided. There are grounds for hope that peace talks can be held, and that success may attend them.

Defense posture

Only six times in the past 30 years has a President submitted a Defense budget that was less than half of the total Federal outlay. President Nixon proposed such a budget this year. In the Defense portion, less than half the total, were expenditures involved in the wind-down of the war in Vietnam and the expansion of our missile defense system.

Even so, the Defense budget contained what both the House and Senate considered "fat." Congress trimmed over $2 billion from that budget.

The need for tough and careful scrutiny of this enormous expenditure is obvious. But Senate debate on defense spending, first in the authorization and then in the appropriations bill has become so repetitive for both 1969 and 1970, e.g., over the ABM program, as to make one believe he was listening to rebroadcast. There seems to be a sort of simplistic, even touching, faith among many of my colleagues that budgets can be balanced, increased in domestic spending financed, almost entirely from meat-ax reductions in military appropriations already greatly reduced proportionate to other budget items.

The Nixon Administration has taken the initiative in reducing military spending, someting the two previous Administrations failed to do, But it recognizes the world we live in is not made peaceful, nor is the danger of Communist imperialism eliminated, simply because the United States spends less on military hardware. There is a minimum point beyond which further reductions become reckless and shortsighted. The other "super power" is steadily pushing ahead in building up its advanced missile capacities, as well as an all-ocean navy.

Arms limitation

The United States is currently involved in what may be very promising negotiations with the Soviet Union on limitation of strategic arms. Experience teaches that no serious negotiations with the Soviets can be conducted unless from a position of strength.

For Congress deliberately to impose weakness on U.S. negotiators by limiting potential weapons development makes any position they take unpersuasive if not actually meaningless. It is the most solemn desire of the United States that we will never be called upon to use such weapons. It is equally our hope that through negotiations we can eliminate such awesome destructive power as the Soviet SS–9, our own MIRV, and other intercontinental carriers of death from all the arsenals of the world.

This cannot be done if the United States unilaterally determines not to undertake research and development in the field, and particularly this cannot be done if it is proscribed by law.

We must accept our responsibility in providing military flexibility, in terms both of defense and what can be presented at the negotiating table. It has become obvious, in the past 25 years of dealing with the Soviet Union, that they cannot be bluffed; if our Nation is to negotiate from strength we must—as a Congress—provide that sterngth. We must also face the possibility of the failure of negotiations; if that happens, strength will be needed to protect ourselves. Twice in this century, unilateral unarmament has led to worldwide armament in awesome strength and tragic denouement.

THE ECONOMIC EFFECTS

Not everyone likes formulas, having been scared to death by them during tender years. Yet formulas are not only a shorthand way of expressing much of human experience. They can be fun as well. They are like jigsaw puzzles; you can form all sorts of things out of them, providing you abide by the simple rule that certain things fit together only in certain ways.

When it comes to the American economy, a formula that seems particularly pertinent is: $C+I+G+(X-M)=GNP$.

Here "C" represents all the things people *consume;* "I" represents all the things people *invest* in; "G" represents all the goods and services bought by *government;* and "$(X=M)$" represents what's left over, if anything, after *imports* are subtracted from *exports.* The total, "GNP" is, of course, *Gross National Product,* and frankly, it hasn't been doing too well lately. A great deal of what on the surface looked like progress has been eaten up by inflation.

Yet a living economy is not a fixed *thing* but a flowing *event,* like a flame or a whirlpool: only the rough outline is stable. The substance is a stream of energy going in at one end and out at the other. Our GNP is a particular wiggle, temporarily identifiable, in a chart that enters the yearly statistics in the form of manpower, machinery, buyers, sellers, exporters—and union contracts that sometimes call for a 30 percent pay increase. It is said to be *bad* (meaning not going up very much) or *good* (meaning, usually, twice whatever the Russians' GNP happens to be.)

Just as the Yin and Yang of Asian philosophy are the reverse counterparts of each other, just as good and evil in Western religions are opposite faces of the same coin in that each defines the other, so, in this century, have prosperity and war been the twin brothers of full employment.

Transition from wartime to peacetime economy

Almost two years ago (February 10, 1969) economist Milton Friedman said, "The Johnson Administration left a heritage of entering wedges; programs that were started small but with large increases in spending already legislated for the future." Why is this so?

An organism faced with two irreconcilable choices (as, when confronted with an antagonist, whether to flee or fight) is in a conflict situation. A non-Aristotelian "way out" is to do neither. This has been observed in birds; when faced with conflicting alternatives, they may peck as if hunting food, preen themselves, pretend to be nest building, or go into a courtship dance.

Humans also do this. Faced with contradictory alternatives (such as halting inflation by reducing the budget, or catering to demands of pressure groups and columnists) a Senator can engage, instead, in a displacement or preening activity such as a speech on a Great Issue.

This occurred with distressing frequency during 1970, as Members of the House of Representatives went busily about their business of authorizing and appropriating necessary funds for transaction of the public business, while the Senate—with the drama of an ancient Kabuki production—dealt portentously with yesterday's events.

Result?

A lame duck session of Congress, first since 1950, with fully eight appropriations bills still to enact: (1) Agriculture, (2) Defense, (3) Foreign Assistance, (4) Independent Offices and HUD, (5) Labor-HEW-OEO, (6) Military Construction, (7) Transportation, and (8) the 1971 Supplemental.

Almost a half-century ago, Walter Lippmann penned some comments in his book *Public Opinion* that shed light on a phenomenon much in evidence today: that continuing efficiency goes unreported, while uproar and breakdown seize the headlines. Journalist Bernard Roshco, discussing this point in Interplay magazine, took note that this grievance is nonpartisan. Vice President Humphrey made the point during his 1968 election campaign, in the course of promoting the "politics of happiness." Vice President Agnew made the same point in his charge that "normality has become the nemesis of the network news." Even Pope Paul, shortly before last Christmas, complained that "today's facile publicity and the curiosity of public opinion" emphasized priestly defections rather than "more generous and comforting phenomena."

The same curious effect would appear to be happening today, as regards the success of President Nixon's anti-inflationary program and the corollary debate on unemployment.

The game plan

Early this year, Paul McCracken, Chairman of the Council of Economic Advisers, told an assemblage of University of Michigan alumni that he was not abandoning the "game plan." Gradual economic slowdown would subdue inflation and pave the way for renewed growth.

Agreement is virtually unanimous among responsible economists that the two major weapons to fight inflation are:

1. Tightening monetary policy by clamping down on both money supply and credit. The purpose is to curb inflationary borrowing, building, investing, and spending.

2. Tightening fiscal policy by restraining increases in inflationary government spending, or by raising taxes sufficiently to cover the increases in inflationary government spending.

The Nixon "game plan" included elements of both. Nor was the importance of the economy underestimated. Former Vice President Humphrey, back in Washington for a meeting of the Democratic Policy Council, said in February, "The issue that is going to determine the elections in 1970 is the economy." And the Gallup Poll rated the cost of living second only to the war as a national problem, ahead of such concerns as race relations and crime.

But the rule in the world of Wonderland, as the White Queen told Alice, is jam tomorrow and jam yesterday, but never jam today. The same rule applies in Congress whenever it is proposed to restrain Federal spending. The day for economy is never today.

The President had, admittedly, been cautious about fighting inflation in 1969. So cautious, in fact, that at times it appeared neither business nor labor took him very seriously. Unions went in for big wage hikes, particularly in construction. Companies kept investment high, and prices moved upward briskly.

Speaking before a business outlook conference at the University of Maryland, McCracken referred to the same point when he predicted a future of more stable growth now that "another doctrine of inevitability"—the feeling that the Government didn't mean what it said about halting inflation—had been defeated.

The President was trying to stop inflation without subjecting the country to a lengthy spell of high unemployment. Gradualism was the keynote of the original administration approach. There was to be a gradual, painless slowdown. Inflation was to be halted without an excessive rise in unemployment, without anyone being badly hurt. And the game plan was to slow the wage price spiral without putting the American people through an unemployment wringer.

Not one, but two adjustments

To understand what is now going on in our economy, it is important that we realize our economic system is making not one, but two major adjustments simultaneously. As the Vice President noted last August, we are adjusting to a major decline in defense spending while we are also cooling off from a long inflationary overheating that has become increasingly dangerous. The adjustment in defense spending is a far greater force on the economy than many people realize. From 1968 to mid-1970, defense spending has been reduced over $12 billion. By mid-1971, the reductions will approach $20 billion.

The economy has also had to face the transition from complex and tangled problems created by the unrestrained inflation that got out of control in 1965.

Over the years we have discovered nothing is easier to produce than government deficits. We had three years of such deficits on a vastly increasing scale under President Johnson, culminating in a $25 billion deficit in 1968. It is apparent we are reaping the harvest now for what was done then—inflation we are now trying to reverse.

When spending for the sake of spending becomes policy, usually insufficient effort is made to determine *how* the money is spent; most energy is devoted to *spending* it. This locks programs that cannot be abolished into future budgets and appropriations bills. It has been estimated that a pilot project normally turns into an essential program in three years; in another three it becomes a matter of urgent priority; five years later it becomes an untouchable sacred cow, belching inflated gases.

Does the President lack necessary tools?

The President has a responsibility under the Employment Act to promote maximum production, employment, and purchasing power, but doesn't have under his control one of the most potent weapons to achieve these goals—the management of monetary policy. The Federal Reserve system—run by the chairman, six other governors, and the 12 presidents of the district Federal Reserve banks—is firmly and independently in control of monetary policy.

Yet even the Federal Reserve Board may find itself balked in attempts to restrict the money supply. Credit controls imposed by the Fed to curb inflation have not always worked. Some big banks have been able to avoid restrictions by tapping the Eurodollar market, or by selling commercial paper. As a result, commercial bank business loans increased nearly as much in 1969 as in 1968.

"Personal freedom," President Nixon observed in his Economic Report last winter, "will be increased when there is more economy in Government and less Government in the economy. Economic domination, like any other Government domination, is dangerous to a free society, no matter how benevolent its aims."

With that passage, the President underlined what is perhaps his deepest disagreement in economic philosophy with his predecessor.

Dimensions of disagreement

The origins of the current inflation, and the economic slowdown which is the other end of the cycle, are in the irresponsible economic record of the final Johnson years. The blame is shared by a Democratic Congress that voted for appropriations for an escalated war, but not for the matching taxes. In short, we were fighting a growing war on the cuff.

The cost is measured in loss of output, income and jobs. This is the price that must be paid for long years of easy living under the Democrats, those guns-and-butter years with inadequate levels of taxation.

Guns, in fact, seem to bear a considerably larger share of the blame for Democratic economic ills than one would suppose. In an interview on Boston's TV station WKBG, on June 1, 1970, economist Paul Samuelson said, "The single greatest specter hanging over the economy is what is now called the war in Indochina. The greatest blessing that could affect the pocketbook of the American public would be for us to get right out of Southeast Asia and cut our losses."

He said that if former President Johnson had presented "the bill to the American public he might not have gotten the backing at that time," Samuelson remarked.

Next day, Thomas J. Watson Jr., board chairman of IBM Corp., called the Vietnam war the major factor that has turned a

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healthy United States economy into an unhealthy one.

Marquis Childs was more direct:

"Original sin in these matters goes back without doubt to Lyndon Johnson. More than a half-million ground troops were poured into Vietnam and yet the Johnson administration persisted in the belief that $25 billion a year could be absorbed by the slack in the economy. There were no new taxes to pay for the war. But for the voters that is ancient history. The party gets the blame."

Added the Baltimore Sun:

"To be fair about it, Mr. Nixon did not get us into this mess that Otto Eckstein, the economist, aptly calls a 'stretched recession.' We got into it because Lyndon Johnson did not want to admit that Vietnam could not be handled without raising taxes. He delayed raising taxes, contrary to the advice of his unhappy team of economists, and when he did raise them it was too late. Inflation was loose.

"Too many war dollars were chasing too few civilian goods and bid up the price. Of course there were war goods—guns and bombs and defoliating gases—but these have limited consumers' conceptual utility under the family Christmas tree."

It was the late British economist, Sir Dennis Robertson, who first gave the name "money illusion" to the tendency of people to confuse the pieces of money they receive, which are nothing more than certificates to draw goods, with the goods themselves; and so to "lay up all sorts of trouble and disillusion for themselves."

Economic debate

That this happened in the spendthrift 1960's is obvious. That President Nixon is attempting to repair the damage is equally obvious. If the champagne of thrills is to offer economic advice to the leader of the world's greatest economic machine, then surely a substantial body of Washington's notable Democrats are imbibing freely.

Committees have urged the administration to adopt voluntary wage and price guidelines. Substantially the same recommendation has come from the Democratic Study Group within the House of Representatives. My colleagues in the Senate have weighed plans for credit rationing, for postponing the scheduled Social Security tax increases, for instituting wage and price controls, and for attempting some form of incomes policy.

Unfortunately, this debate has been as wide and deep as a demitasse spoon.

We have serious problems, yes—but the most astonishing part of all is that we have succeeded in slowing economic growth after an entire decade in which a high rate of growth, high employment, ever higher prices and a spurious expansion of the economic balloon have been taken for granted as processes that would—and could—continue forever. The chief economic adviser of the Kennedy-Johnson administration, Walter W. Heller, now regents' professor of economics at the University of Minnesota, has it right: "Whether you call it the 'new economics' or 'Nixonomics'—is now a bipartisan fact of life."

Columnist Richard Wilson said, "Heller is right because the Nixon administration has had the political fortitude to contract the economy and thus demonstrate that it is politically possible to do so. In all previous exercises in the 'new economics' expansion was the goal. Now it has been demonstrated that it is politically feasible to use monetary and fiscal policies to achieve balance." I may add that it is as courageous as it is also wise.

Presidential progress

When all is said and done, President Nixon has, in terms of real dollars, slowed the dizzy rise of federal expenditures. Taxes have been reduced and pensions have been increased. These are tools of economic revival once counted on to increase the country's sense of wellbeing, but they did not have a very exciting effect in either the Roosevelt or Eisenhower administrations.

Discussing the debate over whether the cost of curing inflation will be higher than President Nixon supposes, The Washington Post editorialized early in the year:

"But no one has come forth with a less risky remedy, and many reports indicate that businessmen are plunging ahead with ambitious expansion plans regardless of cost, and labor unions are pressing still more exorbitant demands than were realized in the inflationary year of 1969. In these circumstances there is not the slightest ground for hope that inflation would fade away if the restrictions were lifted before the fever has been broken. A few people with short memories are talking about price and wage controls, but only in a detached and academic fashion. Presumably the country will have to face the "painful adjustment," trying to even out the burden as much as possible and to relieve the distress of those who have no cushioning of their own, for the simple reason that there is no other known remedy at hand for the kind of economic spree that the country indulged in for a number of years."

In June, the President delivered an economic address to the Nation. He emphasized that the United States is definitely moving into a peacetime economy. The announcement that the national government is, for the first time in 20 years, spending more on human-resource programs than on defense reveals a significant step, even though the result is that roughly half-a-million military and civilian employees have been released from the armed forces, and over 350,000 have lost jobs in defense plants, and are surely entitled to priority in the allocation of public jobs as they become available.

As the President sees it, the transition from a war economy to a peace economy makes it possible to build what he describes as a "much more enduring prosperity in this country."

The President pointed out that in the decade of the 1960's Federal deficits totaled $57 billion, and the American consumer had to pay for much of it in terms of a rising spiral of prices. Said Mr. Nixon, "In the three years before this administration took office, Federal spending rose an average of 15 percent a year—the sharpest rate of increase since the Korean war. In the current fiscal year, we slashed that rate of increase in half, to 7 percent, and in the coming year, we intend to cut that rate of increase in spending by half again."

True, he said, "the momentum of four years of inflation was stronger than had been anticipated. The effect on unemployment (of the policy of economic slowdown to check inflation) is greater than we foresaw. The pace of our progress toward price stability and high unemployment has not been quick enough."

But, "The American economy is the strongest in the world. This year, the number of Americans who have jobs is the highest in our history. Even allowing for taxes and inflation, the average real income of Americans is higher this year than ever before, in part because of the increase in social security benefits and the reduction of the tax surcharge . . ."

"We are trying," Mr. Nixon said, "to do something that has never been done before: To avoid a recession while we bring a major inflation to an end . . . I am convinced that the basic economic road we have taken is the right road, the responsible road, the road that will curb the cost of living and lead us to orderly expansion."

Postelection economy

Serious discussions of economic issues deteriorated sharply in the months prior to the election, moving economic columnist Hobart Rowen to write:

"Another unhappy episode just before Election Day was Paul Samuelson's failure to live up to the dignity of his Nobel award for economics. On the day he received it, the MIT professor launched into a critique of Mr. Nixon's economic policy, and suggested that he 're-join the human race.' Other Democratic economists winced."

By November 3rd, chances of rational economic discussion were about as great as the chance of my suffering the same fate as Aeschylus, the ancient Greek playwright who died when a passing eagle dropped a turtle on his head—although this report will surely tempt those not in agreement with it to reach for the same effect.

Within a month after the elections, in five brief passages of his address to the National Association of Manufacturers President Nixon reasserted the rational premises of administration economic policy:

First: "The most basic of (economic) facts is that we cannot receive more real income than we turn out in real goods and services."

Hence, Second: "Any wage or price decision that makes the flat and irreversible assumption of a high rate of inflation ahead is against the public interest and against the real interest of the workingman."

But, Third: "This is the moment, with productivity newly on the rise, for business to take a hard look at its pricing policies, and to pass along to consumers its savings in production costs."

Therefore, Fourth: "What can be done about it? For one thing the structure of (collective) bargaining must be changed. . . . What is needed is a new bargaining process that . . . provides a new base for fairness and (price) stability."

Nonetheless, and point Five: "The government has done its part to hold the line. This is the critical moment, then, for business and labor to make a special effort to exercise restraint in price and wage decisions."

As a result, the President has taken significant steps to roll back the recently increased price of crude oil, to check the rash of excessive wage hikes in the construction industry, and to expand the country's money supply in line with the upturn in industrial activity which he is determined to bring about.

Testifying on the international economic picture, Paul Volcker, Undersecretary of the Treasury for monetary affairs has observed that "the dollar has been demonstrably strong" and "the atmosphere in world currency markets is happily free of the strains and tensions that characterized much of the late 1960's."

On December 4, 1970, the International Monetary Fund reported, "The U.S. balance of payments on a liquidity basis . . . indicated a substantial improvement in the liquidity balance against both the position for the same period last year and comparable figures for April-June 1970. . . .

"The favorable shift from the second quarter this year was more than $500 million and after adjustment for a large swing in special financial transactions the improvement was almost $1.3 billion. . . .

"For the fifth consecutive quarter the merchandise trade account showed a surplus. . . .

"Exports of agricultural products rose by $70 million. . . ."

Statistics such as these, good and bad, can be gleaned by anyone from the mountain of financial data that gushes forth daily from the statistical mills of government, institution, foundation and bank. Yet if nothing else, they do prove progress exists in overcoming the disasterous economic legacy of the Democratic 1960's.

The Democratic Administration's deficits piled atop deficits was an effort comparable to the Titans of Greek mythology attempting to overthrow the Gods of Mount Olympus by piling mountain upon mountain, as described in the words of Homer:

"They were setting Ossa upon Olympus, and upon
Steep Ossa leafy Pelion."

In short, they blew it.

SOCIAL RENEWAL

There is always a process of deterioration in any society, and, if it is healthy, a more vigorous regeneration. Certainly this has been true of American society. The question raised today is whether deterioration has now gained momentum at the expense of the regeneration we took for granted in the past.

It may appear imprudent to discuss the deterioration of America's social fabric almost two years after my Party won the Presidency. However, social deterioration does not come about overnight; it must have a deep seated, lengthy incubation period.

In America, the great diversity of talents, the solid tradition of innovation by public and private groups at the local level, have always provided the best resources for healthy reform or needed restoration. Much of the land-mark reform legislation enacted by Congress, has been first conceived, and tried, at the state or local level.

There must always be one more ingredient: a sense of confidence, of destiny, a realization that such reform legislation is but part of a wider, conscious desire for regeneration.

The confidence and the depth of that desire are far more important than any particular legislative enactment.

As Lord Moulton said, "True civilization is measured by the extent of Obedience to the Unenforceable."

But no one can deny that the development of the concept of government-enunciated "national goals", the glamorous publicity given to national leadership, added to the enormously superior tax-gathering powers of the Federal Government, created an illusion that Federal Government is responsible for all society's ills, as well as for the cure thereof.

There were so many Washington "spectaculars" developed in the past decade as to make everything seem possible, if only we gathered all the brains into the District of Columbia.

Fantastic technological achievements in flight and space exploration, in health research, even in weapons development all under the spur of Federal money and leadership—all publicized, glamorized, emphasized, especially by television—distracted us from some serious ruptures in America's social fabric. The fierce, almost-endless debate over Vietnam war led many to believe that it alone was the cause for whatever ailments were cropping up alongside the giant leaps in technology.

In fact, we were distracted from problems that had always been with us, but in the past were considered *the* major social challenges to be met by major efforts of both private and public groups. Thus, the large metropolitan areas growing at the expense of the countryside have always meant a wonderful concentration of human talent for technological, educational, and artistic purposes, but accompanied by serious social and environmental problems. In the 1960's, physical and mental health, public safety, decent education, transportation, environment—all seemed to suffer from a type of decay far more rapid than anticipated or experienced in the past.

Perhaps it was because this decay suddenly became so terribly *visible* through television to so many of America's 205 million people. The birth of the all-news radio stations, the plethora of documentaries, the hour-and-a-half nightly banquet of news programs all served to bring every gyration of the stock market, every drop of dirty water, every decaying tenement, every bleeding casualty from eacn of earth's 152 nations and territories into nearly everyone's living-room at suppertime, without really explaining any of it.

People suddenly became aware in a very personal, intimate way, of the multitude of rents and tears in a social fabric which, at a casual glance, they had thought well-woven.

The new teaching techniques designed to get youngsters "involved" in what happens in the world around them have borne their share of bitter fruit.

To many of our young, America is a hopeless morass of pollution, bigotry, social strain and mass hunger; they have been taught so in school. They develop either a numb acceptance or a fiercely rebellious approach to the world into which they emerge. This country has accomplished much good in the world. True regeneration builds on the great accomplishments of the past. We need dissent, but not destruction; peaceful change, not violence.

There is the seemingly irresistible tendency on the part of much of the information media, and the teaching profession, to over-respond to the ills of the time. Is the utopian streak especially strong in those professions? Perhaps.

It is as if they are so offended at its sores, and blemishes, as to conclude society must be one badly rotting mess.

More likely it is following the lines of least resistance. It is easier to describe what is wrong, than to explain what is working; what makes it possible for 205 million Americans to live in reasonable harmony. It is easier to demand an instant solution by one person—the President—or one body—the Congress—than to explore, understand and agree as to how problems can only be solved or ameliorated through a patient combination of work, sacrifice and innovation by the thousands of private and public groups really responsible for day-to-day decisions all over America.

So many social problems were taken up and "solved" by glamorous-sounding legislative enactments in the past decade as to make the above approach seem the only one possible. Then the roof fell in; expectations raised high by shallow rhetoric were dashed.

Time-lags created by unprepared bureaucracies, lack of proper funding, lack of coordination led to a disillusionment going to the other extreme. The new social critics said these had become insoluble problems, and America was indeed unravelling.

Nevertheless, the revelations of ills may be essential to greater recognition of the necessity to solve them.

In effect, the overall policy of the Nixon Administration has been to restore our confidence in our own country. To call attention to the resources of talent, of technique, of experience still so abundantly available throughout America. To remind us that we are magnificently experienced practitioners of democracy under our Federal system.

A reading of the Nixon message to Congress makes this quite clear. We see honest appraisals of what has been tried and found wanting—to name but a few programs—in education, welfare, manpower training and urban restoration. Thereafter have come proposals to move away from what was possibly the worst of two worlds insofar as public administration goes: far too many categories of aid programs, with an overcentralized bureaucracy administering each of them.

In a sense this was a hangover from the 1930's. In those days, state and local governments were in the main badly equipped to handle the new type aid and welfare programs established by Federal enactment.

Not so in 1970. But a mentality has been created, a habit of administering most difficult to change in a bureaucracy, and apparently, among many members of Congress as well. But change will come, and Republicans seek to provide the leadership for it.

We have not lost our way; there is no doubt in my mind that America is on the verge of a great period of social renewal, of regeneration. It will not be easy, and here perhaps, is the time to ask ourselves whether we may not have made a serious mistake in the past.

We have tried to justify our American democracy in terms of affluence, of statistics indicating world leadership in automobile, television, bathtub and telephone ownership. We have made it appear to promise a life of ease and safety.

Democracy is really the most dangerous and the riskiest form of political society. Even so, it works. Great trust, responsibility and power is put into the hands of great numbers of people. Particularly is this true under the American Federal system.

To reinvigorate Federalism is to very clearly vote for this "dangerous" dispersion of power, in the firm belief that we will better respond to the challenge to renew our America.

What has been lost in American life must be found.

What doesn't work must be discarded.
What works, must be made to work better
There are mountains ahead.
But there are men beyond the mountains
The strength of our land lies in ourselves.
We Americans must make tomorrow better.

APPENDIX I

Following is a chart of legislation as it stands in Congress. It was prepared by the Legislative Reference Service of the Library of Congress. It was brought up to date—through Friday, December 18, 1970—by the staff of the Senate Republican Policy Committee.

LEGISLATIVE CHECKLIST

Status report page No.	Bill title and number	House			Senate			Conference	Public Law No.
		Hearings	Reported	Passed	Hearings	Reported	Passed		
	Agriculture:								
1	Agricultural Act of 1970, H.R. 18546	X	X	X	X	X	X	X	91-524
2	Federal Meat Inspection Act amendments, S. 3592		X	X		X	X		91-342
2	Research on production of commodities, H.R. 14810	X	X	X	X	X	X		91-292
3	Loan limitations, H.R. 11547	X	X	X					
4	Wheat program, H.R. 13543	X	X	X		X	X		91-430
	Civil rights:								
4	Voting Rights Act of 1965 amendments, H.R. 4249	X	X	X	X	X	X		91-285
5	Equal Employment Opportunities Enforcement Act, S. 2453, H.R. 17555	X	X		X	X	X		
6	Equal rights amendment, S.J. Res. 231, H.J. Res. 264			X	X				

Footnotes at end of table.

LEGISLATIVE CHECKLIST—Continued

Status report page No.	Bill title and number	House			Senate				Public Law No.
		Hearings	Reported	Passed	Hearings	Reported	Passed	Conference	
	Communications:								
7	Newspaper Preservation Act, S. 1520, (H.R. 279)	X	X	X	X	X	X		91-353
7	Public Broadcast Financing Act, S. 3558, (H.R. 17982)	X	X	X	X	X	X	X	91-437
	Consumer affairs:								
8	Consumer Protection Agency Act, S. 4459, H.R. 18214	X	X		X	X			
8	Fair Credit Reporting Act, S. 823, H.R. 16340	X			X	X	X		
9	Unsolicited Credit Cards, (S. 721), H.R. 16542	X	X	X	X	X	X	X	
9	Poison Prevention Packaging Act, S. 2162, H.R. 16541	X			X	X	X		
10	Consumer Protection Act, S. 3201, H.R. 18214	X	X	X	X				
11	Consumer Products Warranty and Guaranty Act, S. 3074	X			X	X	X		
	District of Columbia:								
14	Delegate, House (S. 2163), H.R. 18725	X	X	X		X	X		91-405
14	Commission on the Organization of the Government of the District of Columbia, H.R. 18725	X	X	X	X	X	X		91-405
15	Representation, U.S. Congress, S.J. Res. 52, H.J. Res. 282				X				
15	Commission on Government for the District of Columbia, S. 2164, H.R. 11215	X				X	X		
16	Omnibus crime bill, S. 2601 (H.R. 16196)	X	X	X	X	X	X	X	91-358
17	District of Columbia Comprehensive Drug Abuse and Narcotics Crime Control Act of 1969, S. 3071				X				
17	District of Columbia Transit Act, S. 1814	X			X	X	X		
18	Salary increases for District of Columbia teachers, policemen, firemen (S. 2694), H.R. 17138	X	X	X	X	X	X	X	91-297
	Education:								
19	Elementary and Secondary Education Act amendments, H.R. 514	X	X	X	X	X	X	X	91-230
20	Emergency School Aid Act, of 1970, S. 3883, H.R. 19446	X	X		X				
20	School Lunch and Child Nutrition Acts amendment, H.R. 515	X	X	X	X	X	X	X	91-248
21	Child Nutrition Act of 1966, milk program amendments, H.R. 5554	X	X	X		X	X		91-295
21	Temporary emergency food assistance for children, H.R. 11651		X	X	X	X	X		91-207
22	Surplus dairy products for the school lunch program, S. 2595			X	X	X	X		91-233
22	Education opportunities for Indian children, S.J. Res. 144				X	X	X		
22	Library Services and Construction Amendments of 1970, S. 1338, H.R. 19363	X	X	X	X	X	X		
23	Comprehensive Headstart and Child Development Act of 1970, S. 3480, H.R. 15776	X							
24	Comprehensive Preschool Education and Child Day Care Act of 1969, H.R. 13520	X							
24	Head Start Child Development Act of 1969, S. 2060				X				
25	National Commission on Libraries and Information Science Act, S. 1519, (H.R. 10666)	X	X	X	X	X	X	X	91-345
25	Developmental Disabilities Services and Facilities Construction Act of 1970, S. 2846, (H.R. 14237)	X	X	X	X	X	X	X	91-517
26	Drug Abuse Education Act of 1970, H.R. 14252	X	X	X	X	X	X		91-527
	Environment and natural resources:								
27	Environmental Quality Education Act, (S. 3151), H.R. 18260	X	X	X	X	X	X		91-516
27	Joint Committee on Environment and Technology, H.J. Res. 1117		X	X			X		
28	Joint Committee on the Environment, S.J. Res. 207					X	X		
28	Environmental Protection Act of 1970, S. 3575	X			X				
29	Environmental Financing Act of 1970, S. 3468				X				
29	National Environmental Data System Bank, H.R. 17436	X	X	X					
29	World Environmental Institute, S. Res. 399				X				
30	Water Quality Improvement Act of 1969, (S. 7), H.R. 4148	X	X	X	X	X	X	X	91-224
30	Amendment to the Federal Water Pollution Control Act, S. 3471				X				
31	Amendment to the Federal Water Pollution Control Act, S. 3470				X				
31	Amendment to the Federal Water Pollution Control Act, S. 3472				X				
32	Clean Air Act, (S. 4358), H.R. 17255	X	X	X	X	X	X	X	
32	Automobile pollutants, S. 3072, H.R. 14534	X			X	X	X		
33	Resource Recovery Act of 1970, H.R. 11833	X	X	X			X	X	91-512
34	Intergovernmental Coordination of Power and Environmental Protection Act, S. 2752				X				
35	Electric Power Reliability Act, S. 1071, H.R. 7186	X							
36	Atomic Power Regulation and Licenses, (S. 4141), H.R. 18679		X	X	X	X	X		
37	Commission on Fuels and Energy, S. 4092, H.R. 18569				X				
37	National Land Use Policy, S. 3354, H.R. 16670				X	X			
38	Federal Lands for Recreation, H.R. 15913	X	X	X					
38	Federal Lands for Recreation Act, S. 1708			X		X	X		91-485
38	Land Utilization Programs, S. 3598		X	X		X	X		91-343
39	Alaska Native Claims, S. 1830, H.R. 13142	X			X	X	X		
39	National Forest Timber Conservation and Management Act of 1969, S. 1832, H.R. 12025	X	X		X				
40	Water Bank Act, H.R. 15770	X	X	X	X	X	X		
40	Wildlife Restoration Acts, H.R. 12475	X	X	X	X	X	X		91-503
41	Mining and Minerals Policy Act, S. 719	X	X	X	X	X	X		
41	Marine Resources Preservation Act of 1969, S. 2393				X				
42	Coastal Zone Management Act of 1969, S. 2802				X				
42	National Oceanic and Atmospheric Program Act of 1969, S. 2841, H.R. 13247	X			X				
43	Amendment of National Sea Grant College and program Act of 1966, (S. 2293), H.R. 11766	X	X	X			X		91-349
44	Youth Conservation Corps Act of 1969, S. 1076, (H.R. 15361)	X	X	X	X	X	X	X	91-378
44	International Biological Program, H.J. Res. 589	X	X	X	X	X	X		91-438
44	Technology Assessment Act of 1970, H.R. 18469	X	X						
	Foreign Affairs and National Defense:								
46	Arms Control Agreement with USSR, S. Res. 211				X	X	X		
46	Geneva Protocol, Executive J, 91st Cong., 2d Sess				X				
47	National Commitments, S. Res. 85					X			
47	National Commitments—Spain, S. Res. 469	X						X	
47	U.S. Recognition of Foreign Governments, S. Res. 205				X	X	X		
47	Presidential Powers as Commander in Chief, S. 3964								
48	Presidential Powers as Commander in Chief, H.J. Res. 1355	X	X	X					
49	Foreign Military Sales Act, S. 3429, H.R. 15628	X	X	X	X	X	X	X	
50	International Monetary Fund and the International Bank for Reconstruction, S. 3628				X				
51	Two Conventions and Amendments Relating to Pollution of the Sea by Oil, Executive G, 91st Cong., 2d Sess								
51	United Nations Conference on Human Environment, S. Res. 179, H. Res. 562		X			X	X		
51	Genocide Convention, Executive B, 91st Cong., 2d Sess				X				
52	Convention on the Privileges and Immunities of the United Nations, Executive J, 91st Cong., 1st Sess				X	X	X		
52	Expansion of United Nations Headquarters, S.J. Res. 173, H.J. Res. 1146	X	X		X	X	X		
53	Select Committee to Study Southeast Asia, H. Res. 976		X	X					
53	Asian Development Bank, S. 3543				X				
54	Resolution on Peace with Justice in Vietnam, H. Res. 613	X	X	X					
54	Prisoners of War (Vietnam), H. Con. Res. 454	X	X	X		X	X		
54	Vietnam Disengagement, S. Con. Res. 64					X	X		
55	Vietnam Disengagement, S. J. Res. 204	X							
55	Amendment to Inter-American Development Bank Act, S. 3934, H.R. 18236	X							
56	Military Procurement Authorizations, (S. 3367), H.R. 17123	X	X	X	X	X	X	X	91-441
57	Military Construction Authorizations, (S. 3588), H.R. 17604	X	X	X	X	X	X	X	91-511
57	Defense Production Act of 1950 Amendments, S. 3302, (H.R. 17880)	X	X	X	X	X	X	X	91-379

Footnotes at end of table.

Status report page No.	Bill title and number	House			Senate			Conference	Public Law No.
		Hearings	Reported	Passed	Hearings	Reported	Passed		
	General Government:								
59	Federal Employees Salary Act of 1970, S. 3690, (H.R. 16844)		X	X	X	X	X		91-231
59	Health Programs for Federal Employees, (S. 1772), H.R. 16968	X	X	X	X	X	X		91-418
60	Protection of Privacy and Rights of Federal Employees, S. 782				X	X	X		
61	To Disapprove Reorganization Plan No. 1 of 1970, H. Res. 841	X	X						
61	To Disapprove Reorganization Plan No. 2 of 1970, H. Res. 960	X	X		X	(House rejected.)			
62	Reorganization Plan No. 3 of 1970, H. Res. 1209	X	X		X	X	(House rejected.)		
63	To Disapprove Reorganization Plan No. 4 of 1970, S. Res. 433, H. Res. 1210	X	X		X	X	(Senate rejected.)		
63	Postal Reorganization and Salary Adjustment Act of 1970, H.R. 17070	X	X	X	X	X	X	X	91-375
65	Obscene Mail, Prohibition, H.R. 11032	X	X	X					
65	Obscene Mail to Children, H.R. 15693	X	X	X					
66	Pornographic Literature, S. 3220	X			X	X	X		
66	Legislative Reorganization Act of 1970, S. 844					X			
67	Legislative Reorganization Act of 1970. H.R. 17654	X	X	X		X	X		91-510
69	Committee Investigations of Lobbying and Campaign Contributions, H. Res. 1031	X	X	X					
69	Additional Federal Judges, S. 952	X	X	X	X	X	X	X	91-272.
70	Electoral College Reform, Direct Popular Election, S.J. Res. 1, H.J. Res. 681	X	X	X	X	X			
70	Federal Contested Election Act, H.R. 14195		X	X		X	X		
71	Election Reform Act of 1970, S. 734					X			
71	Financial Disclosures, Members of Congress, H. Res. 796	X	X	X					
71	Limitations on TV-Radio Campaign Spending, S. 3637	X		X	X	X	X	X	[1] Vetoed
72	Limitations on TV-Radio Campaign Spending, H.R. 18434	X	X	X	(S. 3637 passed in lieu.)				
73	Uniform Relocation Assistance and Land Acquisition Policies Act, S. 1, H.R. 4578	X	X	X	X	X	X		
73	Intergovernmental Personnel Act, S. 11, H.R. 5546	X	X		X	X	X		
74	Commission on Population Growth and the American Future, S. 2701			X	X	X	X		91-213
74	National Center for Population and Family Planning, S. 2108 (H.R. 19318)	X	X	X	X	X	X	X	
75	Full Opportunity and National Goals and Priorities Act, S. 5				X	X	X		
	Health and Health Insurance:								
76	Medicare and Medicaid, Social Security Amendments of 1970 H.R. 17550	X	X	X	X	X			
79	Hospital and Medical Facilities Construction and Modernization Amendments of 1969, (S. 2182), H.R. 11102	X	X	X	X	X	X	X	91-296
80	Comprehensive Health Planning and Services Act of 1970, H.R. 18110	X	X	X	X				
81	Comprehensive Drug Abuse Prevention and Control Act of 1970, H.R. 18583	X	X	X			X	X	91-513
82	Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation, S. 3562				X	X	X		
85	Public Health Cigarette Smoking Act, H.R. 6543	X	X	X	X	X	X	X	91-222
85	National Health Service Corps, S. 4106	X		X	X	X	X		
85	Communicable Disease Control and Vaccination Assistance Amendments of 1969, S. 2264, (H.R. 11913)	X	X	X	X	X	X	X	91-464
86	Grants to Schools of Public Health, S. 2809			X	X	X	X	X	91-208
86	Allied Health Professions Personnel Training Act, H.R. 13100	X	X	X					
87	Health Training Improvement Act of 1970, S. 3586			X	X	X	X	X	91-519
87	Migrant Health Act Amendments of 1969, S. 2660				X	X			
87	Community Mental Health Center Amendments of 1970, S. 2523			X	X	X	X	X	91-211
88	Public Health Service Act for Migrant Farm Workers, H.R. 14733	X	X	X			X	X	91-209
89	Family Practice of Medicine Act of 1970, S. 3418, H.R. 19599	X	X	X	X	X	X	X	
89	Heart Disease, Stroke, Cancer, and Kindey Amendments of 1970, S. 3355				X	X	X		
89	Heart Disease, Stroke, Cancer, and Kidney Amendments of 1970, H.R. 17570	X	X	X			X	X	91-515
90	Medical Library Assistance, H.R. 11702	X	X	X	X	X	X	X	91-212
	Housing and Urban Development:								
91	Housing and Urban Development Act of 1970, S. 4368				X	X	X		
92	Housing and Urban Development Act of 1970, H.R. 19436	X	X	X			X		
94	Emergency Home Finance Act of 1970, S. 3685, (H.R. 17495)	X	X	X	X	X	X	X	91-351
95	Emergency Community Facilities Act of 1970, (S. 3938), H.R. 17795	X	X	X	X	X	X		91-431
	Immigration:								
97	Alien Commuter "Green Carders", S. 2568, H.R. 12667	X							
97	Nonimmigrant Visas, S. 2593		X	X		X	X		91-225
	Labor:								
98	Unemployment Compensation, H.R. 14705	X	X	X	X	X	X	X	91-373
98	Railroad Supplemental Annuities, H.R. 13300	X	X	X	X	X	X	X	91-215
99	Increase in Railroad Annuities, H.R. 15733	X	X	X	X	X	X	X	91-377
100	Railroad Shopcraft Dispute Settlement, S. J. Res. 190 (H. J. Res. 1124)	X	X	X	X	X	X		91-226
100	Federal Construction Fair Practices Act, H.R. 3345	X							
	Law enforcement and criminal procedure:								
101	Organized Crime Control Act of 1969, S. 30	X	X	X	X	X	X		91-452
102	Omnibus Crime Control and Safe Streets Act Amendments, S. 3531, H.R. 15947	X	X	X	X				
103	Omnibus Crime Control and Safe Streets Act Amendments, S. 3171, H.R. 15597	X			X				
104	Explosives Control Act of 1970, S. 3650, H.R. 18753	X			X	X	X		
104	Corrupt Organizations Act of 1969, S. 1861, H.R. 10312				X				
105	Bail Reform Act of 1966 Amendments, S. 2600, H.R. 12806	X			X				
105	Controlled Dangerous Substances Act of 1969, S. 3246				X	X	X		
106	Comprehensive Drug Abuse Prevention and Control Act of 1970 (Title II, The Controlled Substances Act; and Title III, The Controlled Substances Import and Export Act), H.R. 18583	X	X	X			X	X	91-513
107	Commission on marihuana, S. 2590, H.R. 10019	X	X		X				
108	Illegal Gambling Business Control Act of 1969, S. 2022, H.R. 10683				X				
109	Wagering Tax Amendments of 1969, S. 1624, H.R. 322		X		X	X			
109	Federal Immunity of Witnesses Act, S. 2122, H.R. 11157	X			X				
109	Amendments to Sherman Antitrust Act Regarding Criminal Suits, S. 3036, H.R. 14116	X	X	X	X				
110	Identification Procedures in Federal Criminal Cases, S. 2977				X				
110	Public Defenders, S. 1461	X	X	X	X	X	X		91-447
111	Criminal Appeals, S. 3132, H.R. 14588				X	X	X		
111	Gun Crime Penalties, S. 849				X	X	X		
111	Obstructing the Military, H.R. 959	X	X						
	Manpower training, job opportunity, and regional development:								
112	Comprehensive Manpower Act, H.R. 19519	X	X	X					
112	Employment and Training Opportunities Act of 1970, S. 3867			X	X	X	X	X	Vetoed
113	Extension of Public Works and Economic Development Act of 1965, H.R. 15712.	X	X	X		X	X		91-304
	Monetary, banking, tax and fiscal policies:								
114	Federal Credit Union Act Amendments, H.R. 2	X	X	X	X	X	X	X	91-206
114	Federal Deposit Insurance Act Amendments, (S. 3678), H.R. 15073	X	X	X	X	X	X	X	91-508
116	Investment Company Amendments Act of 1969, S. 2224, (H.R. 17333)	X	X	X	X	X	X	X	91-547
116	Bank Holding Companies, H.R. 6778	X	X	X	X	X	X	X	
118	Federal Broker-Dealer Insurance Corporation Act, S. 2348				X	X			
118	Federal Broker-Dealer Insurance Corporation Act, H.R. 19333	X	X	X			X	X	
119	Interstate Taxation Act, H.R. 7906		X	X					
119	Elimination of Discriminatory State Taxation of Interstate Carriers, S. 2289, H.R. 16245	X			X	X	X		
120	Commission on Bankruptcy Laws, S.J. Res. 88	X	X	X		X	X		91-354

Footnotes at end of tables.

LEGISLATIVE CHECKLIST—Continued

Status report page No.	Bill title and number	House			Senate				Public Law No.
		Hearings	Reported	Passed	Hearings	Reported	Passed	Conference	
	Social security and pension plans:								
121	Social Security Amendments of 1970, H.R. 17550	X	X	X	X	X			
121	Pension Benefit Security Act, H.R. 1045	X							
122	Welfare and Pension Plan Protection Act of 1969, H.R. 1046	X							
122	Employee Benefits Protection Act, S. 3589, H.R. 16462	X							
	Transportation:								
123	Urban Mass Transportation Assistance Act of 1970, S. 3154, (H.R. 18185)	X	X	X	X	X	X		91-453
123	Airport and Airways Development Act of 1970, (S. 3108), H.R. 14465	X	X	X	X	X	X	X	91-258
125	National Traffic and Motor Vehicle Safety Act, H.R. 10105	X	X	X		X	X	X	91-265
125	Federal-Aid Highway Act of 1970, S. 4418, (H.R. 19504)	X	X	X	X	X	X	X	
126	Rail Passenger Service Act of 1970, S. 3706	X			X	X	X		
127	Federal Railroad Sa'ety Act of 1969, S. 1933	X	X	X	X	X	X	X	91-458
128	Aircraft Hijacking, H.R. 19444	X	X	X	X				
128	International Travel Act Amendments, H.R. 14685, (S. 1289)	X	X	X			X	X	91-477
128	Maritime Program, (S. 3287), H.R. 15424	X	X	X	X	X	X	X	91-469
	Veterans:								
130	Pension Increase, S. 3385, H.R. 15911	X	X	X		X		X	
131	Veterans Housing Act of 1970, (S. 3656), H.R. 16710	X	X	X	X	X	X		91-506
131	Home Loan Financing for Veterans, S. 3008, H.R. 18253	X	X		X				
132	Veterans Education and Training Amendments Act of 1970 Amendments Act of 1969, H.R. 11959	X	X	X	X	X	X	X	91-219
133	Disability Compensation Increase, S. 3348, (H.R. 17958)	X	X	X	X	X	X		91-376
133	Servicemen's Group Life Insurance Amendments, S. 1479, (H.R. 16661)	X	X	X	X	X	X		91-291
	Welfare and Related Areas:								
134	Family Assistance Act, H.R. 16311	X	X	X	X				
134	Food Stamp Act Amendment, S. 2547	X			X	X	X		
135	To Amend the Food Stamp Act, H.R. 18582	X	X	X			X	X	
136	Other: National Foundation on the Arts and the Humanities, S. 3215, (H.R. 16065)	X	X	X	X	X	X	X	91-346
	Authorizations, Regular Annual, Fiscal 1971:								
144	Atomic Energy Commission, (H.R. 17405), S. 3818	X	X	X	X	X	X		91-273
144	Coast Guard, H.R. 15694, (S. 3473)	X	X	X	X	X	X		91-261
144	Maritime Administration, H.R. 15945, (S. 3489)	X	X	X	X	X	X		91-247
144	Military Construction, H.R. 17604, (S. 3588)	X	X	X	X	X	X	X	91-511
144	Military procurement, H.R. 17123, (S. 3367)	X	X	X	X	X	X	X	91-441
144	NASA, H.R. 16516, (S. 3374)	X	X	X	X	X	X	X	91-303
145	National Science Foundation, H.R. 16595, (S. 3412)	X	X	X	X	X	X	X	91-356
145	Peace Corps, S. 3430, (H.R. 16327)	X	X	X	X	X	X	X	91-352
	Appropriations, Regular Annual, Fiscal 1970:								
146	Foreign Assistance, H.R. 15149	X	X	X	X	X	X	X	91-194
146	Departments of Labor and Health, Education, and Welfare, H.R. 13111	X	X	X	X	X	X	X	Vetoed
146	Departments of Labor and Health, Education, and Welfare, H.R. 15931	X	X	X	X	X	X	X	91-204
147	Supplemental, H.R. 17399 (2d)	X	X	X	X	X	X	X	91-305
	Appropriations, Regular Annual, Fiscal 1971:								
147	Treasury, Post Office and Executive Office, H.R. 16900	X	X	X	X	X	X	X	91-422
147	Legislative Branch, H.R. 16915	X	X	X	X	X	X	X	91-382
147	Office of Education, H.R. 16916	X	X	X	X	X	X	X	[2] Vetoed
147	Independent Offices and Dept. of Housing and Urban Development, H.R. 17548	X	X	X	X	X	X	X	[3] Vetoed
148	Foreign Assistance and Related Programs, H.R. 17867	X	X	X	X	X	X	X	
148	District of Columbia, H.R. 17868	X	X	X	X	X	X	X	91-337
148	Department of Agriculture and Related Agencies, H.R. 17923	X	X	X	X	X	X	X	
148	Military Construction, H.R. 17970	X	X	X	X	X	X	X	91-544
149	Public Works, Atomic Energy Commission, H.R. 18127	X	X	X	X	X	X	X	91-439
149	Dept. of State, Justice, Commerce, the Judiciary and Related Agencies, H.R. 17575	X	X	X	X	X	X	X	91-472
149	Dept. of the Interior and Related Agencies, H.R. 17619	X	X	X	X	X	X	X	91-361
150	Dept. of Transportation and Related Agencies, H.T. 17755	X	X	X	X	X	X	X	
150	Depts. of Labor and Health, Education, and Welfare, H.R. 18515	X	X	X	X	X	X	X	
	Dept. of Defense, H.R. 19590	X	X	X	X	X	X	X	
	Addenda:								
	Appropriations for HUD and Independent Offices H.R. 19830	X	X	X	X	X	X		
	Rail Passenger Service Act, H.R. 17849	X	X	X			X		91-518
	Omnibus Crime Control and Safe Streets Act Amendments, H.R. 17825	X	X	X	X	X	X	X	
	Program Information Act, S. 60				X	X	X		
	Public Recreation Land, S. 3389				X	X	X		
	Reorganization of D.C. Government, H.R. 18782	X	X						
	Load-based Paint Poisoning, H.R. 19172	X	X	X	X	X	X		
	Bankruptcy Act Amendments, S. 4247, (H.R. 18871)	X	X	X	X	X	X	X	91-462
	Withholding Exemption Act, (S. 2044), H.R. 10634	X	X	X	X	X	X	X	
	Occupational Health and Safety Act, S. 2193, H.R. 16785	X	X	X	X	X	X	X	
	Foreign Trade Act of 1970, H.R. 18970	X	X	X					
	District of Columbia Revenue Act, H.R. 19885	X	X	X			X		
	Vocational Rehabilitation, H.R. 19401	X	X	X	X	X	X		
	Comprehensive Program for Alcohol Treatment, H.R. 18874	X	X	X	X	X	X		
	Poison Prevention Packaging Act, S. 2162	X	X	X	X	X	X	X	

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[1] Senate failed to override veto, Nov. 13, 1970.

[2] Vetoed by President Aug. 11, 1970. House overrode Aug. 13, 1970. Senate overrode Aug. 18, 1970. Public Law 91-308.

[3] Vetoed by President Aug. 11, 1970. House sustained veto Aug. 13, 1970.

THE FAMILY ASSISTANCE PROPOSAL

Mr. SAXBE. Mr. President, in the debate of December 19 on the family assistance proposal, Senator WILLIAMS of Delaware made a very detailed presentation on what he feels are some of the plan's weaknesses. However, some very important aspects of the administration's welfare reform measure were ignored in that debate, and other provisions were taken out of context and not described in terms of their impact on welfare as we know it today. I would like to take this opportunity to discuss these features of the Ribicoff-Bennett amendment.

Last week questions were raised concerning the degree to which family assistance would reform our present welfare mess. I think that the opportunities the bill presents for reforming, restructuring, and rationalizing welfare programs is tremendous. First, the proposal would extend aid for the first time to all poor families. Such an extension in program coverage to working poor, intact families lessens the current incentive under the aid to families with dependent children—AFDC—program for the father of a low-income family to desert, thereby making the mother and children eligible for AFDC benefits. It would also halt our present practice of rewarding those who do not work while ignoring equally poor families who do work.

The second most important aspect of this reform has to do with the Federal-State role in the administration and financing of welfare programs. Presently, 54 jurisdictions operate their own systems, with partial Federal reimbursement for payments and administrative expenses. The result is widely varying payment levels, eligibility rules, administrative practices, and, in many States, rapidly escalating costs the States can no longer afford.

Family assistance would greatly

standardize these programs, raise payment levels in the States with lowest payments, give the States the option of turning over program administration to a Federal agency, and place a ceiling on State expenditures which guarantees each State future reductions in welfare costs.

A third principle embodied in the proposal is that as many poor people who can work should do so and should be assisted in becoming economically independent. The Ribicoff-Bennett proposal would require certain family assistance recipients to register for work or training, and they would be referred for whatever services can benefit them. The necessary manpower and day care services would be improved, both in quantity and quality, over what is available today under programs for welfare families.

Some specific points were raised about this legislation last week that I would like to comment on. It was alleged that the family assistance plan would do nothing to retard the current incentives for family breakup mentioned earlier, and that the plan would somehow reward couples for having illegitimate children. These statements are misleading if not inaccurate, and I submit the following chart to illustrate the point.

As the chart shows, an intact family of four in Phoenix, Ariz., earning $2,000 receives no aid under AFDC. If the father leaves the family, the mother and children receive $1,836 from AFDC, raising total income to $3,836. However, under family assistance, the family would receive $960 in benefits if they stay together. Thus, the incentive for the family to break up is reduced by more than half.

As for the suggestion that family assistance would reward illegitimacy, the fact is just the contrary. Current law rewards illegitimacy, because a workingman and his family cannot get assistance, but an unwed mother can. Under family assistance, the legally married couple with children could be helped if their income made them eligible for the program.

In summary, I feel that the Ribicoff-Bennett amendment to H.R. 17550 represents a greatly needed step forward in the reform of welfare and I urge its prompt enactment.

INCENTIVES FOR FAMILY BREAKUP UNDER AFDC AND UNDER FAMILY ASSISTANCE

[Data assume a father, mother and 2 children living in Phoenix, Ariz.; father earns $2,000 annually]

	Income under AFDC			Income under Family Assistance		
	Earnings	AFDC	Total	Earnings	FAP	Total
Family lives together	$2,000		$2,000	$2,000	$960	$2,960
Father leaves family	2,000	$1,836	3,836	2,000	1,836	3,836
Incentive to break up			1,836			876

LIMITATIONS ON AMERICAN INVOLVEMENT IN CAMBODIA

Mr. CHURCH. Mr. President, over the weekend, I received a letter from Secretary of State William P. Rogers stating that the administration has no objection to the legislative restrictions on our military and economic aid to Cambodia, as provided in H.R. 19911, the supplemental foreign assistance authorization for 1970.

These restrictions, originally offered by the distinguished Senator from Kentucky (Mr. Cooper) and me, and contained in section 6 of the bill, prohibit the use of any funds to introduce U.S. ground combat troops into Cambodia or other U.S. personnel as advisers or instructors. The language, to which the executive branch takes no exception, reads as follows:

> In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisors to or for Cambodian military forces in Cambodia.

The Secretary of State's letter, which I am told was approved at the "highest level" of the Government, should appreciably clear the air as to the Nixon administration's intentions in Cambodia. Dated December 19, 1970, the letter reads:

> Dear Senator Church: Confirming Assistant Secretary Abshire's conversation with you, I should like to reaffirm that the Administration's programs, and policies and intentions in Cambodia in no way conflict with Section 6 of H.R. 11991, or with the concerns expressed in the colloquy on the floor of the Senate on December 15, 1970.
>
> Sincerely,
>
> William P. Rogers.

The colloquy Secretary Rogers was referring to took place between the distinguished Senator from Mississippi (Mr. Stennis), the Senior Senator from Alabama (Mr. Sparkman), the ranking Republican member of the Foreign Relations Committee, the Senator from Vermont (Mr. Aiken), and myself. I ask unanimous consent that the pertinent pages from the Record covering the colloquy be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Special Foreign Assistance Act of 1971

The Senate continued with the consideration of the bill (H.R. 19911), to amend the Foreign Assistance Act of 1961.

Mr. Gravel. I call up my amendment and ask that it be stated.

The Presiding Officer. The amendment will be stated.

The legislative clerk read the amendment as follows:

"On page 4 strike out lines 18 through 20 and renumber the subsections accordingly."

The language proposed to be stricken reads as follows:

"(1) $85,000,000 for additional military assistance and $70,000,000 for special economic assistance for Cambodia;"

Mr. Gravel. Mr. President, I yield to the Senator from Mississippi without losing my right to the floor.

Mr. Stennis. I thank the Senator from Alaska.

The Presiding Officer. The Senator from Mississippi is recognized.

Mr. Stennis. Mr. President, I do not think I shall take more than a few minutes. I wish to address a question to the Senator from Alabama. I direct the attention of Senators to this question because it is a matter of some importance.

I wish to direct the attention of the Senator from Alabama to page 7 of the bill as now printed, and that part that provides, beginning with line 1: "none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia."

My question to the distinguished Senator from Alabama is as to his interpretation of this limitation on the President about financing the introduction of U.S. ground combat troops into Cambodia.

Is that language intended to be a prohibition on the President's going into Cambodia with U.S. combat troops to meet a situation like the sanctuary battle that we had last June and July, which proved to be directly connected with the arsenal, the armory, and everything else that goes to make war on our men in South Vietnam, and which proved to be beneficial? Would the Senator from Alabama speak to that point?

Mr. Sparkman. As I recall, when the President announced that we were going into Cambodia, he gave us the reason that it was to protect American troops—American people, American citizens—who are in South Vietnam. It was for that purpose. The sanctuaries imperiled those citizens and that was his purpose for going in there.

I may say that in the committee discussion I raised the question as to whether or not this language would permit the use of American forces to protect American lives in South Vietnam, as was done before. I shall be very glad to check on this, but, as I recall, the answer was that that would be a presidential power, that he would be exercising his own powers, and that this language did not prohibit that.

The distinguished Senator from Idaho (Mr. Church), a few minutes ago, said something about the constitutional powers question still being unresolved. We all admit that. I would be very glad if the Senator from Idaho would say something on this.

Mr. Church. I thank the Senator.

Mr. President, the question of the distinguished chairman of the Committee on Armed Services goes to the heart of the debate that took place this spring and summer on the Cooper-Church amendment. Since we had much time—7 weeks—to explore the question, we discused it at considerable length.

In the course of the debate, it was recalled that in times past the President had invoked his constitutional authority as Commander in Chief to order rescue operations, to take precautionary action to protect American troops in the field threatened with an imminent enemy buildup that posed a serious danger to them, and that, within the framework of past precedent, there is an area of discretionary action open to the President as Commander in Chief.

The exact definition of that power has never been attempted in the past. Congress has never undertaken to define it with precision. The best answer must rest upon the precedents.

However, I would not want it to be thought that writing this language into the bill has little or no effect. Far to the contrary. No one has contended, based on the precedents, that the President can make general war or deploy an army in a foreign country on his authority as Commander in Chief.

This language would clearly prevent the deployment, for an extended period of time, of a substantial number of American troops in Cambodia. If the President intended to do that, the money is not made available for that purpose, and it would be necessary for him to return to Congress and ask our consent. But it is true that, as Commander in Chief, within a limited area, the President has power to initiate action designed to protect American troops in the field.

Mr. STENNIS. If I may ask the Senator this question, with reference to the battle of the sanctuary, the areas that the President invaded this summer, to destroy ammunition, and so forth, would the Senator think that his language prohibits a repetition of that if the facts are similar and conditions are pressing?

Mr. CHURCH. If there were a particular concentration just over the border which constituted a serious, imminent threat, that could be suddenly struck and destroyed, that might fall within the President's powers as Commander in Chief. However, I could not say to the Senator that undertaking an extended invasion of Cambodia with a large American expeditionary force for six or eight weeks falls within the scope of his power under the Constitution as Commander in Chief.

This whole question was fully explored in the course of the earlier debate.

From a conversation I had with the President last evening, it is my understanding now that he no longer takes exception to the limiting language. He feels it conforms with his own policy in Cambodia. He says he has no intention of sending back troops. He no longer persists in objecting to language of this kind. I could not say, however, that this prohibition in the bill would not preclude an invasion of Cambodia on the scale that took place and for the length of time that occurred last summer. I feel it would.

Mr. STENNIS. On that point right there, the the Senator understands that no President, no Commander in Chief, no Army field commander, can tell how long it would take to carry out an objective. They go into the unknown. Also it takes time to prepare for such an attack on a sanctuary. So the President and his advisers might have to have 3 or 4 weeks, or even longer, to prepare. It is a deliberate act. It is not an extreme, rash act.

So the Senator would not preclude, then, a bona fide effort, the planning of an attack, an invasion, technically, of the country to clear out and clean out a sanctuary that was an imminent threat to our men in South Vietnam?

Mr. CHURCH. I would say, in reply to the Senator that, in the first place, there would be nothing to preclude whatever any planning on any military mission. Yet, on the basis of precedents, the President's power as Commander in Chief to undertake military action is strictly limited to actions restricted both in scope and time, and which are directly related to the need to protect American troops in the field.

Mr. STENNIS. While I am on that, the Senator does recognize that it takes time, and cannot always be foretold exactly?

Mr. CHURCH. Yes, I appreciate that there is no way to fortell precisely the length of an intervention.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield to the Senator from Vermont for an observation.

Mr. AIKEN. Mr. President, I do not think the Committee on Foreign Relations now takes a position much different than it took last spring. If an incursion is necessary for the safety of our men, there would be no objection, but an invasion, which, as stated by the Senator from Mississippi, would require a long time in preparation and probably a long time to carry out, would have to be reported back to the Senate before it was undertaken. The committee did make a sharp distinction between an incursion and an invasion.

Several Senators addressed the Chair.

Mr. GRAVEL. I yield to the Senator from Alabama.

Mr. SPARKMAN. May I say that I did not understand that the Senator from Mississippi was speaking of an invasion. The term "incursion" was used, I think, in referring to it. But I think it is the objective that is controlling—in other words, the protection of American lives.

Mr. STENNIS. The Senator is correct, and my question was based on the incursion or the thrust, rather than a large scale invasion.

Mr. SPARKMAN. To protect American lives.

Mr. STENNIS. Primarily to protect the lives of our soldiers, our military men. I did make the point that sometimes it took weeks even to plan an incursion and get ready for it.

Mr. SPARKMAN. I wish to say that there is nothing in here that intends to limit the President's constitutional powers to act in an emergency in order to protect American lives.

Mr. STENNIS. I appreciate the Senator's answer; and, if I may respond quite briefly to the Senator from Idaho, Mr. President, I do not think it is definitely known, according to the precedents of history or according to this debate, just what the extent of the President's powers as Commander in Chief is. I think it depends greatly on the circumstances. I do not want any hard law here that would create any cloud or any doubt in any President's mind as to what his responsibilities are. I want to leave him with the responsibilities as well as the powers. If we do not leave the powers and the responsibilities with him, then it is not his fault or he is not to blame, and we have no head of State to that extent.

Mr. SPARKMAN. There is no effort here to limit the President's emergency powers or his constitutional powers.

Mr. STENNIS. Yes. That is why I am so concerned about this. The point first came up, as far as written law is concerned, in the military procurement bill. The battle of the sanctuaries was on then, and we put language in there that was approved by this body, that he would not be restricted as long as it was tied to our men and their safety in the draw-down. The battle over that language is going on now in appropriation bills and elsewhere, as well as here.

It seems to me that the colloquy has made it clear that this language does not take any of the responsibility nor the power away from the President of the United States to do what he thinks is reasonably necessary, within reasonable limitations of time, in destroying arsenals, armories, armies, or anything else that is in close proximity to our borders, which we have designated by the general term "sanctuaries," as in the past.

Mr. CHURCH. Mr. President, may I make one observation? Will the Senator yield for that purpose?

Mr. STENNIS. I yield.

Mr. CHURCH. It is perfectly true that it does not lie within the power of this body, even if we were to harbor an intention to do so, to curtail the constitutional powers of the President as Commander in Chief.

What we seek to do here is assert congressional powers over the spending of the public money. That is within our authority. It is clear, as far as my evidence indicates, that the President is now willing to acquiesce in a limitation of this kind imposed upon the funds made available in this bill and in other bills, vis-a-vis Cambodia.

It follows that if the President were later to decide that it is in the national interest to repeat an extended, full scale military invasion of Cambodia, he would come back to Congress and ask our consent.

We are exercising our power. I recognize that it is not within our reach to undermine such constitutional powers as vest in the presidency in the role of Commander in Chief.

Mr. CHURCH. In view of the fact that the administration has accepted the pertinent language in the Senate version of the supplemental foreign assistance authorization bill, including the Cooper-Church amendment, and the fact that the House and Senate conferees, representing the two legislative committees concerned, have concurred in that language, I hope it will now prove possible to eliminate from the appropriations conference reports those provisions that contradict and undercut these provisions in the authorizing legislation. If such an accommodation could be reached, we could then complete our legislative work on all the unfinished defense and foreign aid appropriation measures.

UNSNARLING THE CAMBODIA AID TANGLE

Mr. SYMINGTON. Mr. President, I do not think that the editorial in this morning's Washington Post, entitled "Unsnarling the Cambodia Aid Tangle," should stand without comment.

The editorial complains that the "potentialities for a misreading" of the words and deeds of American legislators "should be apparent to anyone who casts even a casual glance at the Senate's debate on whether its voting of $255 million in aid to Cambodia constitutes a 'commitment' or not."

It is obvious to me, from reading the editorial, that the writer has cast only a casual glance—and nothing more—at the Senate debate.

The editorial expresses respect for Senator FULBRIGHT's concept "that the Senate must assert its constitutional duty to approve foreign commitments." But it then goes on to say that the chairman of the Foreign Relations Committee failed to assert that duty because, the editorial continues, he should have been emphasizing that approval of the money was not equivalent to a treaty, and attempting "to nail down the administration tightly to that other interpretation," instead of charging, as he did and as others did, that "approval of this money is equivalent to a treaty."

What more would the writer have had Senator FULBRIGHT and other Senators who agreed with him do if they believed that approving the President's supplemental aid request constituted senatorial endorsement of a commitment which was, in fact, as much of a commitment as a treaty would have been.

The committee did include an amendment to the bill which made it clear that the giving of aid should not be construed as a commitment to come to the defense of Cambodia. But some members of the Senate feel that approval of the funds does constitute a commitment nevertheless—if a quarter of a billion dollars a year to a nation of 6 million does not involve a commitment; what does?

In fact, the staff report prepared for the committee, a portion of which the Post reprints on its editorial page, states clearly that the Cambodians have certainly inferred that the military assis-

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tance program already begun—and begun, it should be noted, by the President without congressional authorization—has been taken by the Cambodians to constitute a commitment of support.

That is exactly the point that was made time and again during the debate. Senator Fulbright argued that for this reason the Senate should look carefully at what to date has been only a Presidential action before lending their endorsement to that decision, having in mind the fact that congressional passage of foreign aid authorizations and appropriations were cited by Secretary Rusk and other officials of the previous administration as commitments to the security of South Vietnam.

As for the question of whether military and economic assistance to Cambodia, once begun, will be "open ended," it should be obvious that since no one knows the enemy's intentions in Cambodia, it is fair to assume that the end to military and economic assistance to Cambodia is certainly not in sight.

The commitment to provide money to Vietnam has proved to be open ended. Why will the commitment to Cambodia not be?

The Cambodians are, after all, fighting the same enemy and are beginning their fight far less well equipped than the South Vietnamese. The staff report, which the editorial cites with approval, states in this connection:

> It seems clear that providing effective assistance to Cambodia—sufficient for it to train, arm, equip and sustain in the field a large enough force to hold the present line militarily—will require a Military Assistance Program of several years duration and—given the effect the war has already had on the economy, not to mention the effect the continued fighting will have—a concomitant program of related economic assistance.

Would this writer care to guess at what that total cost of assistance to Cambodia will be—or how long it will continue? The administration certainly has not been willing to do so; indeed how could they?

In previous editorials, the Post has criticized the fact that some Senators insisted on debating for 2 days the question of the Senate's endorsing $255 million in military and economic assistance for Cambodia. But last spring and summer, those opposed to the Cooper-Church amendment tied the Senate up for some 7 weeks because they did not want to see that amendment brought to a vote until American forces were withdrawn from Cambodia.

The debate last summer, which revolved around the question of committing American ground forces to Cambodia, was described in an editorial on December 19, as "of truly national significance." But the editorial refuses to ascribe any significance at all to a debate on the question of beginning a military and economic assistance program to Cambodia which will run into at least hundreds of millions of dollars and perhaps into billions.

Is the writer of this editorial so much in favor of the administration's proposal that it is unwilling to see the Senate take any action but approve this program without any discussion. If so, would it not have been more constructive to have stated that view?

I do not believe this editorial does justice to this debate or contribute to public understanding of the important issues involved.

As this and other comparable matters develop, whether the chairman of the Senate Foreign Relations Committee is right, or whether he is wrong, it should be becoming more clear that what Chairman FULBRIGHT is really doing in these closing days is to stand up for the dignity, the independence, and the constitutional responsibility of the Senate.

I ask unanimous consent that the Washington Post's editorials, to which I have referred, dated December 19 and December 21 together with the Post's excerpt from the committee staff report Cambodia: December 1970, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 19, 1970]

THE FILIBUSTER SENATE

For some years this newspaper has contended that the Senate is not a modern legislative body because of its toleration of unlimited debate. During the last few weeks the Senate itself appears to have proved the point beyond the shadow of a doubt.

The filibusters in the lame-duck session have been of the mini variety, but their result has been to throw the legislative program into a state of deep confusion and frustration. The Senate has been literally unable to cope with several of the great issues of the day because a few of its members insist on thwarting the majority will. There was a time when the word "filibuster" conjured up images of long-winded Southerners talking a civil rights measure to death. Now it is the commonest tactic of liberals and conservatives alike and of tiny factions as well as large minorities.

Despite the great pressure on the Senate to clear its congested calendar in the few days that remain, Senators Fulbright and Gravel held up the foreign aid bill for two days in a futile effort to convince their colleagues that the proposed $255 million in aid for Cambodia would lead to a commitment to the present regime in that country even though the legislation itself would prohibit the President from sending in any ground troops or military advisers. Fortunately a vote was finally permitted. The Senate has been further plagued by threats of extended debate on the trade bill and on the conference report involving the controversial SST project. This newspaper has opposed both the trade bill and the SST, but we do not condone stringing out the debate so as to prevent a vote.

The basic trouble is, of course, that the Senate has dawdled along through most of its 1970 session. Several long filibusters when the pressure was less intense left it with an unmanageable burden as the end of the session approached. Undoubtedly many of its debates were highly educational, to use the euphemism customarily employed by the filibusters themselves. The seven weeks of discussion of the Cooper-Church amendment to limit the war in Cambodia, for example, was of truly national significance. Yet the fact remains that a legislative body confronted by a mountain of vital issues can no longer afford the luxury of unlimited debate on any thing.

Nor is there any real hope in the cloture rule which can be invoked only on a two-thirds vote. It is rather an invitation to the obstructionists to keep on talking. One of the most constructive proposals to come before Congress in recent years—the proposed constitutional amendment for direct election of the President—failed a few months ago because the Senate majority in favor of it could not muster a two-third vote to end a filibuster. In our view, the Senate's first order of business in 1971 should be reform of its cloture rule.

[From the Washington Post, Dec. 21, 1970]

UNSNARLING THE CAMBODIA AID TANGLE

It is difficult, indeed, misleading and artificial, to separate the way the Senate has been conducting its business from the specific nature of its business, and nowhere more so than in respect to its deliberations on military aid to Cambodia. Perplexed as many Americans may be as to just what the Senate has done, we have considerable sympathy for those foreigners—in Phnom Penh, Saigon, Hanoi and elsewhere—who are faced with the task of determining what the Senate's actions mean to them. If diplomats, who count themselves experts at this sort of thing, often mistake each other's "signals," think of how foreign governments may read the words and deeds of American legislators. The potentialities for a misreading should be apparent to anyone who casts even a casual glance at the Senate's debate on whether its voting of $255 million in aid to Cambodia constitutes a "commitment" or not.

Granted that a certain amount of ambiguity is inherent in the purpose of American policy and in the nature of the domestic political setting of that policy, the Senate still should have been able to speak with a clearer voice. For the lapse, we place the chief responsibility on Mr. Fulbright. His guiding concept, as we understand (and respect) it, is that the Senate must assert its constitutional duty to approve foreign commitments. Yet that is precisely what the chairman of the Foreign Relations Committee failed to do. Quite typical was his pettish charge that "approval of this money is equivalent to a treaty"; he should have been asserting exactly the opposite and attempting to nail down the administration tightly to that other interpretation. And having received from two of his own staff members a very balanced and perceptive report on Cambodia, excerpted elsewhere on this page "For the Record," he let it wither unpicked on the vine. No amount of latter-day complaining that the President has stolen the Senate's powers will obscure Mr. Fulbright's inadequate pursuit of the "thief."

Fortunately, Senators Church and Cooper were there to do the essential work of tacking on to the aid money provisions banning use of American ground forces or military advisers in Cambodia. Fairly, Mr. Church saluted his own handiwork as a successful—if belated—application of control on the Executive, Secretary of State Rogers' letter late Saturday, in which he said "the administration's programs, policies and intentions in Cambodia in no way conflict" with the Cooper-Church language, was a welcome—if even more belated—acknowledgement of an administration position that should have been made explicit months ago.

Earlier in the week, Mr. Fulbright declared that to vote the funds would be to endorse "enlargement of the war," but this is an arch misreading. Voting the funds means providing the means for Cambodia to continue the policies—such as closing down Sihanoukville and keeping heat on the sanctuaries alongside Vietnam—that are integral to Vietnamization in Vietnam. Can it be that Mr. Fulbright wants to see full restored use of the port and sanctuaries? Of course not. Rather, we suspect that he did not think the matter through.

Some Cambodians have "inferred," the staff report to Mr. Fulbright stated, that the American aid program constitutes a com-

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mitment to them. Their inference is probably unavoidable but it is essential that Americans not contribute to or reinforce it. It was the Cambodians, faced with what they believe to be an invasion by foreigners (North Vietnamese), who came to the United States for aid. Washington had its own reasons to offer help—in order to get on with Vietnamization—and so a deal was made. This is what the administration says, though not so inelegantly, and this is what it should be held to. The Senate, which controls the money, has the power to do precisely that. "Unwise" the aid may or may not be, as Senator Gravel charged. "Open-ended," it need not be, if the Senate will but do its job.

The language in the Defense appropriations bill authorizing the President to take any action he wishes to promote withdrawal of United States forces from Southeast Asia and to retrieve American POWs, was mischievous, provocative and unnecessary. It should have been stricken long before the Rogers' letter of Saturday broke the logjam of which it was a central part. The thrust of any Senate language on Cambodia and Vietnam ought to be to define and circumscribe Executive actions and thereby to share responsibility for them within the limits set. It is irresponsible to write blank checks for the President, which in any case he could write and spend for himself if he were so minded—if he were so foolishly and arrogantly minded, that is.

A Chance in Cambodia To Regain Prestige?

It is perhaps stating the obvious to say that the question before the Committee is not whether to initiate a Military Assistance Program. That program is already underway to the extent of $100 million. If such a program can constitute a commitment of support, as the Cambodians have certainly inferred, the commitment has already been assumed. It appears, therefore, that the question before the Committee is not whether to enter into such a commitment but whether to terminate it, on the one hand, or to continue or expand it, on the other, and if so, with what limitations.

It seems clear that providing effective assistance to Cambodia—sufficient for it to train, arm, equip, and sustain in the field a large enough force to hold the present line militarily—will require a Military Assistance Program of several years duration and—given the effect the war has already had on the economy, not to mention the effect that continued fighting will have—a concomitant program of related economic assistance.

In a way, these costs might be considered as merely an additional price it has become necessary to pay for Vietnamization. But there are subtle and complex undertones to justifying military and economic assistance to Cambodia on the ground that such assistance is, as the President said in his transmittal message to the Congress on November 18th, "a vital element in the continued success of Vietnamization."

Notwithstanding the obvious strategic connection between Cambodia and Vietnam, the Cambodians themselves emphasize the distinction between the situation in their country and the situation in Vietnam, a distinction they seem to believe Americans do not understand. They point out that they are asking not for troops and advisors but for material assistance, and that this help is needed not to fight a guerrilla war but to meet an unprovoked invasion by foreign forces, which are occupying parts of their country and are attempting to subjugate others parts. In Vietnam, they point out, American forces are fighting what is in part a civil war and in part a guerilla war between Vietnamese on Vietnamese soil.

If the distinction is valid, and if assistance to Cambodia is justified primarily on the ground that it assures that U.S. forces can continue to be progressively withdrawn from Vietnam or that the preservation of a non-Communist Southeast Asia is vital to U.S. security, why should other countries be expected to assist the U.S. to solve a problem that is primarily an American concern? Futhermore, if the U.S. intervened in Vietnam originally, and continues to maintain forces there, to enable the South Vietnamese to determine their own future without outside interference, why does the same principle not apply to Cambodia today? And if it does not apply to Cambodia today, why was it ever valid for Vietnam or, for that matter, for any other country receiving American military assistance.

Finally, does tying Cambodian assistance to Vietnamization not mean that as a practical matter Vietnamization is now tied to the survival of the Lon Nol Government for the next two years, despite disclaimers that have been made, for could Vietnamization continue if Cambodia fell under complete enemy control?

Cambodians find it difficult to understand the complicated and involved elements of the American dilemma in Southeast Asia today. Looking back at the pattern of American behavior in Asia over the past two decades, they seem mystified by the signs of American hesitancy in arming them to defend against an invading force armed by China and the Soviet Union. Seeking to understand American perceptions of the U.S. national interest in Southeast Asia, they sometimes see this interest in surprising ways. One Cambodian leader remarked to us that having "lost face" in Vietnam, the United States now had an opportunity in Cambodia to regain its lost prestige.

U.S. PARTICIPATION IN INCREASES IN THE RESOURCES OF CERTAIN INTERNATIONAL FINANCIAL INSTITUTIONS

Mr. FULBRIGHT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 18306.

The PRESIDING OFFICER (Mr. Byrd of Virginia) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FULBRIGHT. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and they appointed Mr. Fulbright, Mr. Sparkman, Mr. Gore, Mr. Aiken, and Mr. Case conferees on the part of the Senate.

THE VOTING RIGHTS ACT OF 1970

Mr. BAYH. Mr. President, as you know the Supreme Court today handed down its decision in the 18-year-old vote case. It upheld that portion of the Voting Rights Act of 1970 that would extend to our 18-year-old citizens the right to vote in Federal elections. However, the Court failed to uphold the right of 18-year-olds to vote in State and local elections. While I applaud the action of the Court in providing for the participation of our younger citizens in Federal elections, I believe there are a number of compelling reasons why the same age qualification should be extended to State and local elections.

First, if we accept the premise that national elections concern matters of more basic import than other elections, it would seem illogical to permit 18-year-olds to vote in the former and deny them the right to vote in the latter.

Second, many of the problems that most concern our younger citizens, such as the quality of education, are largely a matter of local and State policy, and hence their vote in local and State elections would seem particularly appropriate and necessary, and their point of view especially valuable in devising responsible programs.

Third, it is increasingly obvious that our federal system faces a crisis due among other things to the imbalance between tax resources available to the Federal Government and those available to other jurisdictions. Given this growing crisis, it would seem of vital importance to involve every concerned citizen in proposals designed to find a way to resolve this problem that affects all jurisdictions—Federal, State, and local.

Fourth, the fact that the electorate for Federal elections will be different from the electorate for other elections will create a serious practical problem when conducting and regulating the election process.

In addition to these problems raised by the action of the Supreme Court, there are the often cited and valid reasons for extending the franchise to all elections for 18-year-old citizens.

During the extensive hearings that I conducted as chairman before the Subcommittee on Constitutional Amendments of the Committee on the Judiciary, perhaps the most compelling of these reasons to emerge was the fact that the distance between 21 and 18 has been altered physically and educationally in the almost 200 years since our Constitution was adopted. This generation of young Americans is better educated, better trained, and more aware of the vital issues facing every level of government than any other in our history. The Supreme Court is now convinced that they can make informed decisions concerning matters affecting broad national policy. I am convinced that they can exercise the same maturity of judgment concerning local issues as well.

Additionally, many of our finest young people have become deeply frustrated, if not disaffected, because they believe there are insufficient ways to secure change by working within the system. The full extension of the franchise to 18-year-olds will mean that our system has responded to the needs of the time by offering ways to secure necessary changes in the American way—via the ballot box.

The history of this country is no less than the history of a franchise gradually extended. That may be our true manifest destiny. Property and religious qualifications were the first to go. Restrictions based on race and sex were removed later. Now we see an arbitrary and unrealistic age qualification almost entirely removed. I believe that we must now totally remove this barrier. We must go ahead and finish the job that was commenced in the Voting Rights Act of 1970. A number of people have asked me what could be done. Given the decision of the Supreme Court today, the only way to achieve our goal is by constitutional amendment.

Fortunately, the means to secure passage of such an amendment are already at hand in the form of Senate Joint Resolution 147. That measure was introduced and sponsored by my distinguished colleague from West Virginia (Mr. RANDOLPH). I think it is fair to say that he has been the prime mover in the effort to lower the voting age. As early as 1942, when he was in the House of Representatives, he introduced a similar joint resolution. He has been a strong and consistent champion of this legislation through the years.

I hope the Senate will be able to vote on the text of Senate Joint Resolution 147 before the end of this Congress. This resolution, which proposes a constitutional amendment to lower the voting age to 18 in all elections, has the benefit of thorough and complete study in this Congress, and is now sponsored by no less than 73 of the Members presently in the Senate, well in excess of the two-thirds required for passage.

Time is of the essence in this matter because most of the State legislatures will be meeting early next year. Thus, I suggest that the Senate consider one of the House joint resolutions that have already passed the House and are on the Senate calendar. One of these is House Joint Resolution 681, which deals with electoral reform. Another is House Joint Resolution 264, which deals with equal rights for men and women. I have been the main proponent of both of these measures, and I would like to see them passed in their present form. However, from a practical standpoint most of us realize that final passage of either is not possible during this session. Hence I suggest that we take up one of these measures and ask that it be amended so that the measure of the Senator from West Virginia, Senate Joint Resolution 147, could be substituted for the present text. The Senate could then pass the measure with amendments and send it back to the House for concurrence. Thus both Houses can take prompt action in moving toward full enfranchisement of 18-year-olds. If this matter does receive the attention its importance and urgency require, passage before the end of this session is yet a possibility.

Mr. RANDOLPH. Mr. President, I am very appreciative of the remarks of the distinguished Senator from Indiana.

Senate Joint Resolution 147, to which the Senator made reference, was introduced by me in the current 91st Congress, as it had been introduced on prior occasions. Over 70 Senators joined me in cosponsorship of this constitutional amendment for 18-year-old voting, not only for Federal offices but also for State and local offices.

I would like the RECORD to reflect that very thorough hearings were held, before the Subcommittee on Constitutional Amendments, so ably chaired by the Senator from Indiana. That subcommittee has reported Senate Joint Resolution 147 to the full Judiciary Committee.

Of course, I would be very happy if it were possible to do what the Senator from Indiana has indicated in his thoughtful remarks, a way to give the vote by a constitutional approach, as in my measure so our 18- and 19- and 20-year-olds could vote in State and local elections.

Mr. BAYH. Mr. President, I thank the Senator from West Virginia. I hope that through the efforts of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. MANSFIELD), the Senator from Washington (Mr. MAGNUSON), and others, aided by the Senator from West Virginia (Mr. RANDOLPH), that we can all move forward and get action during the final hours of this session.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the exchange stabilization fund by the General Accounting Office, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BARRETT, Mr. REUSS, Mr. ASHLEY, Mr. MOORHEAD, Mr. WIDNALL, Mr. STANTON, and Mr. BROWN of Michigan were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 13493) to change the name of certain projects for navigation and other purposes on the Arkansas River, in which it requested the concurrence of the Senate.

EMPLOYMENT AND MANPOWER ACT OF 1970—VETO

Mr. MANSFIELD. Mr. President, the hour of 6 p.m. almost having arrived, I ask the Chair to lay before the Senate the business which is to be taken up at this time.

The PRESIDING OFFICER (Mr. GRAVEL). Under the previous order, the Chair lays before the Senate the President's veto message on S. 3867, a bill to assure opportunities for employment and training to unemployed and underemployed persons, to assist State and local communities in providing needed public services, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be taken out of both sides equally.

The PRESIDING OFFICER. Without objection, it is so ordered; and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. JAVITS. Mr. President, I yield 10 minutes to the Senator from California (Mr. MURPHY).

The PRESIDING OFFICER. The Senator from California is recognized for 10 minutes.

Mr. MURPHY. Mr. President, as the ranking Republican on the Senate Labor and Public Welfare Subcommittee on Employment, Manpower, and Poverty, I rise to urge the Senate to sustain the President's veto on the manpower bill. In this capacity, I have had a good vantage point from which to view the Nation's manpower effort. I have worried with our problems for the past 5 years in the hope of finding workable answers.

I have reached the same conclusion as has been reached by most of the country's manpower experts. Namely, that the present manpower program needs to be overhauled and redirected if we are to make certain that the taxpayers get a maximum return for their investments and that those who need help get our best effort, that the manpower programs do not create false hopes, but rather meaningful jobs at the end of the training period.

Because of the rapid growth of manpower programs in the last decade, each of these programs, it seems, was proposed to meet same emergency and in enacting the various programs, little though was given as to how each new program would mesh with existing ones.

From time to time I got the feeling that one of the practices of which we have been accused, that where a problem arises, just throw some of the taxpayers' money at it and it will go away, was used too many times.

Dr. Jack Michie, director of the Oakland Skill Center, a few years ago testified before our subcommittee saying that if Federal restrictions and redtape were removed and greater flexibility were given to the skill centers, they could train 30 percent more trainees with the same amount of money and do a better job if they would just let us do it. The complete ridiculousness of the situation was driven home when Dr. Michie said they could not even legally transfer a typewriter on one project without a 6-month paperwork delay. We must do better.

The President has tried to make sense out of our present manpower programs, and so has the committees. Basically, what the President has sought to do is to decategorize the current manpower programs and decentralize their administration to State and local governments. The administration tries to give flexibility and freedom to the local and State governments so they can tailor their programs to meet the needs of their particular citizens rather than force State and localities to force citizens into categorical programs which may or may not be best suited for them.

In 1968 I offered the supplementary State program to provide States with some needed flexibility and freedom so that they could experiment and fill the gaps that existed in current manpower programs. This was needed in California to implement a completely bipartisan manpower package.

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I was amazed when I found that both Governor Reagan and Democratic leader Jesse Unruh were in complete agreement on this. It made absolute sense. They wanted to put aside the redtape, the overlaps, and the competition and get it all under one umbrella so that we could find out what would work and would not work and approach the matter and get on with the job.

Unfortunately, although I was able to get the Senate to fund the program at the $20 million level, the funds were subsequently dropped in a House-Senate conference.

My program on a very minor scale attempted to do for some States what the President intended to do nationwide. The President's manpower program is a vote of confidence in State and local officials. It recognizes that in a country as vast as the United States there are many differences among our communities and conditions and that is practically impossible to package programs in Washington to meet the differing needs of the countless communities clear across the country. I have confidence that in most communities and States they can do the job.

I find with respect to most of the elected representatives across the country under our system of government that if the people in those communities lose their confidence in those elected representatives, they replace them with some others. That is proper. That is the way it should be.

Unfortunately, the bill before the Senate today only partially meets these objectives. It does appear to give a little more responsibility to State and local governments, but it does not go far enough. It also increases the number of legislatively mandating manpower programs. Categorical programs, of course, means less freedom and less flexibility at the State and local levels.

It worries me, Mr. President, that we seemed to wish to give the appearance of putting the control at the local level without really letting go of it here in Washington. I remember a dialog I had one time with a gentleman with regard to the FEPC in California in which some lawyer from the Justice Department answered that in his opinion only lawyers from the Justice Department in Washington were capable of handling these programs properly. The third time he said it, he realized what a ridiculous statement he had made.

I also was concerned with the public service sector of the bill before the Senate. I recognize there are meaningful jobs in the public service sector of our economy and, therefore, I would fully support legitimate public service employment as a part of the spectrum of manpower development activities. For many participants, public service jobs must be linked to further training and opportunities to move into nonsubsidized public or private jobs.

Mr. President, in other words, that is so that they could actually have a chance with the specific proposal of the program and provide with a program so that they might advance to better jobs.

Moreover, linked to the manpower reform measures the service employment program which, while it could not solve the problems which it addressed—unemployment and lack of public service—might well have destroyed our manpower training activities.

I fully support the need for public service employment as part of the spectrum of manpower development activities. For most participants such jobs should be linked to further training and better opportunities to move into nonsubsidized public or private jobs. I am concerned that the subsidized jobs themselves, might turn out to be permanent. I think that would be a shame. However, State and local governments should be required to work constantly to integrate such employees into their regular work force and move them onto locally supported payrolls as quickly as their department made their acceptance possible. Federally-subsidized public jobs should lead to career opportunities. They must not be a path to nowhere.

Although I did not sign the committee report, I voted for the Employment and Manpower Act when it was reported back from conference. I supported it because I believe in the need for new manpower legislation. I think we need it so badly that I voted for the bill in spite of my misgivings, balancing them against what I consider to be the actual existing need for a new bill.

However, I concur in the President's judgment, that the public service employment provisions in the bill are inadequately protected from widespread abuse. Given State and local governments pressing needs for more money, without adequate protections, manpower funds could become nothing more than a source of Federal funds which contribute nothing or, at best very little, to manpower development, where we just serve a sort of WPA which failed. I think that we can and must find a better way to do it. As far as I am concerned, the WPA was too much make work. It was not job training at all. It went nowhere.

I do not believe we can cure unemployment nor can we meet significantly the public service needs of our States and local communities through this bill.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MURPHY. Mr. President. I ask unanimous consent that I be permitted to continue for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURPHY. Mr. President, the needs vary so much that it is almost impossible to write a perfect bill.

We can, however, through future legislation provide for public service employment which is an integral part, not a distortion, of manpower reform. I support the President's veto and will vote against the motion to override it.

I feel that the Nixon administration is entitled to a fair chance to solve these problems and to provide programs to do the job.

I also worry about pursuing old methods whose success has been so frail—as to force us to find new ways to accomplish the badly needed ends.

I will vote to sustain the President's veto in the hope that badly needed solutions be found.

Mr. President, I hope that my colleagues will join me in sustaining the veto, and early next year the Congress can hopefully reach early agreement on a true manpower reform measure and not merely more of the not working and unworkable same.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I yield 5 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, unemployment is rising throughout the Nation. In my State of Massachusetts, six cities—Brockton, Fall River, Lawrence, Lowell, New Bedford, and Springfield-Holyoke—have an unemployment rate of greater than 6 percent. Many economists predict that before long the national average will reach 6 percent.

In the face of this crisis, President Nixon saw fit to veto the Employment and Training Opportunities Act of 1970. This legislation was not some hastily put together attempt to deal with a pressing problem. It was a carefully thought out and fully considered measure. The Senate Manpower Subcommittee, chaired by Senator NELSON, held 22 days of public hearings in every section of the country. The subcommittee markup went on for months, with members of the minority party playing an extremely active role. Then the bill received consideration in full committee and on the floor of the Senate.

At the same time, the House enacted its legislation. We then went through four long conference sessions to iron out the differences between the House and Senate versions. In these conferences, every important policy issue was debated. Every significant provision of the bill was scrutinized and many provisions were modified to meet the objections of the House or Senate conferees.

In short the bill that went to the President's desk reflected a prolonged and substantial effort by the Congress to help meet the problem of unemployment. If the President wished to veto the bill, a proper respect for the Congress and for the American people required that he present adequate reasons. But the President did not present adequate grounds for his veto; instead he completely mischaracterized the legislation before him.

The core of the President's objection was that the manpower bill called for a large-scale public service employment program which would place untrained persons in dead-end, unnecessary jobs. The President neglected to mention that the bill expressly provided for training programs for those who were interested in public service employment. He neglected to mention that the bill gave the Secretary of Labor full authority to insure that the public service jobs obtained by the unemployed were meaningful.

The President cavalierly assumed that the jobs offered to the unemployed by State and local governments would be make-work. This assumption flies in the face of everything we know about the current crisis in municipal government. As the Kerner Commission found in 1968 there are vast unmet needs in education, health, recreation, public safety, sanitation, and other municipal services. We need more teaching aides in our schools, health aides in our hospitals and clinics, community aides in our police departments. The Kerner Commission called for 1 million jobs in the public sector. The bill passed by the Congress was just the first step toward implementing this excellent recommendation.

The veto message declared that public service employment "would limit, not expand, individual opportunity." It must surely come as a surprise to the unemployed to learn that working for a State or a city on a sorely needed job is a limitation on individual opportunity. In fact, public service employment is the gateway to opportunity. It enables people who are now unemployed to gain skills which may help them move up the ladder in Government employment or move on to private employment.

The President's attack on the public service employment program becomes even more incomprehensible when we consider that the family assistance legislation which the administration in now supporting provides $150 million for public service employment and does not even contain the safeguards found in the manpower bill. Apparently public service employment is fine in a welfare bill, but no good in a manpower bill. In this administration the right hand does not always know what the left hand is doing. This leads to the kind of fumbling economic policy which it will take more than a new game plan to correct.

The President also objected to the special categorical programs in the manpower bill. Yet the administration itself has acknowledged that certain groups in our society, such as the Indians, require special attention if they are to receive the help they need from the Federal Government. Just last July the President recommended that every Federal department should have a separate office for Indian affairs. Why then should there not be a special categorical manpower program for Indians, and for migrants and other neglected segments of our society.

Finally, the President intimated that the manpower bill passed by the Congress did not give adequate responsibility to state and local governments. But just the opposite is true. The bill greatly increased the responsibilities of local officials. That is why it was supported by so many Governors, mayors and county executives.

Since the President did not give adequate reasons for his veto, since he did not show the proper respect for the arduous efforts of the Congress to deal with the unemployment problem, I call upon my colleagues to override his veto. This is the least we can do to help the millions of Americans who are unemployed and the million more who fear unemployment.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 4 minutes to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, our unemployment situation has now reached crisis proportions and demands immediate and far-reaching attention on all fronts. Since January of 1969, approximately 2.2 million workers have been added to the unemployment rolls. Unemployment is at its highest level since May of 1963—7½ years ago.

Despite efforts—intentional or unintentional—to minimize the seriousness of the employment situation, a close reading of unemployment statistics and economic trends will reveal that our Nation is far from the point of reversing the present trend of increasing joblessness.

It is for this reason, in part, that I cosponsored last week with the Senator from Arkansas (Mr. McCLELLAN) the resolution calling upon the President to convene immediately a White House Conference on the National Economy. It is for this reason that I genuinely regret the President's action in vetoing the Employment and Manpower Act of 1970. The President's veto comes at the very time when our efforts must be directed in full force toward the stabilization of our economy, including a reversal of employment trends. A vital part of this endeavor will be comprehensive manpower training and employment programs, as provided in the legislation recently approved by the Congress.

Mr. President, at the outset I think it is important to note that the Employment and Manpower Act has been strongly endorsed by the National League of Cities, the U.S. Conference of Mayors, Urban Coalition, AFL–CIO, Congress of American Indians, National Association of Counties, National Farmers Union, Leadership Conference on Civil Rights, the National Council of Senior Citizens, the National Council on Aging, and many other organizations and responsible individuals. I realize that a listing of supporting organizations does not necessarily prove that every provision of a legislative measure could not be subject to some improvement. I would stress, however, that many of the organizations listed consist of membership and officials who have been at the heart of the effort to provide training and job opportunities for our citizens. Thus, their endorsement is meaningful.

The President, in vetoing the manpower bill, restated his support for reform of existing programs. Those of us in Congress who have participated in the formulation of the Employment and Manpower Act share his concern. We have included reforms in this measure which provide for the most part the changes the President requested. The differences between what the President has asked and what the Congress has approved are minor in nature and certainly do not justify the veto. It has been stated that the President received inadequate and misleading staff advice on this issue. I am inclined to believe this. Considering the heavy burden upon the President and the demands upon his time, it certainly is necessary for him to rely on advisors. It is a tragedy that they did not have a better grasp or understanding of the provisions and the history of this bill.

As Senators know, the President's veto message is generally based on two complaints about the Employment and Manpower Act—the scope and operation of the public service employment provisions and the continuation of categorical programs. On both counts, the objections do not rest on solid ground. With regard to public service employment, this measure provides a well conceived and well thought out program of employment opportunities through the largest employer in America—government. Citizens generally, I believe, support the concept of worthwhile public service employment, as long as it is not make work with no future. This bill meets this general objective. The public service job programs would be planned at the State and local level, with the assistance of many organizations, agencies and individuals.

Local officials, after conducting a careful inventory of unemployment and community service needs, could then make an application to the Secretary of Labor to operate a public service employment program.

Such an application must contain a plan for employment, with related training and manpower services, in the area vitally needing public services. These services could be health care, public safety, education, transportation, recreation, pollution control, housing and rural development. There is little question of the need for additional personnel to assist communities in these public services.

The bill directs that special consideration be given to jobs which provide prospects for advancement or suitable continued employment.

Additionally, there are requirements that these programs promote the advancement of participants to employment or training opportunities suitable to the individuals involved whether in the public or private sector, and that employees be trained in skills for which there is a high demand.

The bill requires that the status of every employee be reviewed annually by an agency selected by the Secretary of Labor to ascertain if the worker should be promoted within the system, or transferred to private job opportunities, depending on his existing prospects for advancement or suitable continued employment.

Mr. President, as I have stated this bill was well conceived. It will provide the opportunity for carefully developed local manpower programs, with training tailored to individual and community needs. There are sufficient safeguards to prevent make-work employment or dead-end jobs.

On the second point of categorical programs, the veto message states that:

> The "bill raises the number of narrow purpose program categories from 14 to 22" and that "these narrow categorical programs would continue to hamstring the efforts of communities to adjust to the change in their local needs.

The facts are: there are not 14 programs in existing law and the bill approved by Congress does not contain 22 programs. The bill does list several special emphasis programs which should be continued. This action was taken after careful study and extensive deliberations and discussions. I also know from personal experience in working with local communities and sponsors that there is

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significant flexibility in categorical programs to meet local needs. Furthermore, unemployment conditions and minimal job opportunities for certain segments of our population justify some categorical programs—or at the very least argues against dropping completely the concept of categorical programs and services at this time.

In this regard, the Employment and Manpower Bill contains provisions to assist middle-aged and older workers. This is one of the categorical programs to which the President refers. I have discussed in the Senate on a number of occasions the need for this program. I continue to stress this need.

All age groups have been hard-pressed by the wave of widespread unemployment. But older workers and their families have been especially hard-hit.

Today there are more than 1 million persons 45 and older who are unemployed. Many have discovered that they have lost more than their jobs. Thousands have also lost their pension coverage as well—even though they may have worked most of their lives to provide a little "nest egg" for retirement.

Various indices now suggest that the critical period in the work lives of adults occurs during their late forties or early fifties. For this age group, several discernible trends become evident:

Unemployment rises;

Long-term joblessness jumps sharply;

Labor force participation declines; and

Poverty increases.

Despite these facts, our Nation still does not have a clearcut policy to help maximize employment opportunities for middle-aged and older persons. Quite to the contrary, many high officials in both industry and government seem to regard earlier and earlier retirement—in some cases, it is actually forced retirement—as inevitable and perhaps desirable.

Today persons 45 and older constitute less than 10 percent of all enrollees in our manpower programs, although they comprise about 43 percent of the very long-term unemployed—27 weeks or longer.

In recognition of this gap in our work and training programs, the Senate adopted my amendment—also sponsored by the Senators from New Jersey (Mr. WILLIAMS) and Massachusetts (Mr. KENNEDY)—to provide a midcareer development services program in the Department of Labor for persons 45 and older. This measure would have provided badly needed training, counseling and special supportive services to help put these unemployed individuals back to work. Moreover, it would have provided occupational advancement services for workers who now may find themselves in a "deadend" type job.

Very briefly, this provision of the Employment and Manpower Act would direct the Secretary of Labor to designate full-time personnel experienced in the manpower problems of middle-aged and older workers to have responsibility for program development and coordination.

The measure contains authorization for grants and contracts with public and private agencies and institutions for research and demonstration projects to aid middle-aged and older workers. Additionally, the Secretary, through the comprehensive midcareer development service program authorized by my amendment, would be able to provide needed training, counselling, and special supportive services to middle-aged and older workers who are unemployed or who want to increase their employability. He would be authorized to make loans and grants to public and private nonprofit agencies, institutions and organizations for the training, including on-the-job, for such workers. Finally, the Middle-Aged and Older Workers Manpower program would authorize and direct the Comptroller General of the United States to undertake a study of part-time employment in the executive branch of the Government and to make a report on his findings.

The need for these crucial services has been documented time and time again in hearings before the Senate Committee on Aging's Subcommittee on Employment and Retirement Incomes, of which I am chairman.

However, the well-balanced and comprehensive Employment and Training Act was vetoed by the President.

As I have stated, one of the principal objections raised in the veto message was that the additional categorical programs—for Indians, migrants, bilingual persons and older workers—would hamstring the efforts of communities to adjust to change in their local needs.

This notion, however, completely ignores the fact that these disadvantaged groups have been grossly underrepresented in our existing training programs.

Without specific statutory authorization, they would probably continue to be ignored or overlooked.

One reason for this belief is that the unemployment situation for middle-aged and older persons does not, at first glance, appear to be as critical as for younger workers. However, these unemployment statistics are very misleading because they only represent the tip of the iceberg. They do not, for example, reflect the labor force "drop-outs"—those who have given up the active search for work.

Today there are more than 8 million men 45 and over who have withdrawn from the work force—too often unwillingly. Another 20 million women are not in the work force.

Assuming that just 30 percent of these men—a conservative estimate—and 10 percent of these mature women wanted and needed employment, this would mean that the "real" unemployment for persons 45 and older would be approaching 5.4 million—about 600,000 more than the total unemployment in the United States now. This would represent an unemployment rate of around 15 percent.

Even more disturbing these aggregate numbers in poverty are now increasing. Since 1968, about 28,000 individuals 45 and older have been added to the poverty rolls. In sharp contrast, the number of persons under 45 in poverty has declined by approximately 1.2 million.

These figures clearly show that piecemeal, stop-gap proposals are just not going to solve the employment needs of older persons, as well as younger persons.

Mr. President, the Employment and Manpower Act is an excellent measure, formulated under the guidance and leadership of the able Senator from Wisconsin (Mr. NELSON). He is to be commended for leading the effort to provide urgently needed manpower measures. I join with him in strongly urging the Senate to vote to override an ill-advised veto.

Mr. JAVITS. Mr. President, I yield 20 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. PROUTY. Mr. President, I rise in support of the December 16th veto by the President of the United States of the Comprehensive Manpower Act of 1970, S. 3867. Although there are a number of excellent features in this legislation, its deficiencies outweigh its fine points. Incorporated in S. 3867, for example, is a high-level national manpower advisory committee patterned after the provision for such a committee outlined in my own manpower bill, S. 3878.

The manpower bill originally sent to Congress by the administration was designed to consolidate and reorganize existing manpower training programs now being conducted under numerous legislative authorities and operated by three different agencies.

Both the House and the Senate eventually passed different versions of a manpower training bill, neither of which was basically the administration's proposal. The House-passed bill, however, contained sufficient provisions satisfactory to the administration so that I am sure it would have been signed, but there was never any doubt that the Senate version would be in serious danger of a Presidential veto.

During the conference on the differences between the two Houses, it became clear very early that the conference report would be substantially the Senate bill. As a Senate conferee bound to uphold the Senate position despite my personal feelings, I signed the conference report. I had decided at that time, however, to vote to sustain a Presidential veto if one were forthcoming.

Public service employment has received the lion's share of criticism. Yet, except for my amendment in section 304 requiring that the applicant maintain linkages with upgrading and other programs under the act, all avenues to public service employment lead in, and none are designed to develop the capabilities of the individual to move back to productive employment in a profitmaking institution, or to move up in nonsubsidized public service positions. Public service employment programs must not ignore what appears obvious—that people must have the necessary education and training to perform on-the-job and to up-grade themselves. Public service employment without such a provision is a potential waste of taxpayers' money and a disservice to individuals for whom the program is designed.

The President's veto message properly pointed out that as much as 44 percent of the total funding in this bill could go for dead-end jobs in the public sector. It became clear that most of these jobs would be dead-end ones when the House bill's provision to require that these public employment jobs be linked to training or the prospect of other employment opportunities was deleted at the conference.

Dr. Garth Mangum, former staff director of the Employment, Manpower, and Poverty Subcommittee and now director of the Human Resources Institute at the University of Utah, has been and remains a strong advocate of public service employment. In fact, it was he who wrote the report of the National Commission on Automation, Technology, and Economic Progress recommending that the Federal Government become the "employer of last resort." It was also a paper he wrote for the National Governors Conference concerning the need for decategorization and decentralization of manpower programs which led to the Steiger bill and finally to the administrative reform portions of the bill the President just vetoed. As much as Dr. Mangum believes in the principles of decategorization, decentralization, and public service employment, he believes the bill as it finally emerged from the conference would be more difficult to administer and cause more confusion than the present system. He says:

> The reforms are still needed, but it would be better to start over next year to make sense of our manpower policies.

The President also found the bill sent to him for signature unsatisfactory because it increased the number of narrow-purpose program categories from 14 to 22, whereas the Administration had sought to eliminate statutory categorical programs through the establishment of a single broadly defined manpower program. I completely agree with the President when he states that these programs would continue to hamstring the efforts of communities to adjust to local change and that in dealing with manpower problems the Federal Government should help but it should not always prescribe.

Many of the categorical programs authorized by title IV are already in operation by administrative decision. In many of these programs, there have been outstanding relationships in their delivery developed between the Department of Labor, Health, Education, and Welfare, and State education and employment services agencies which are serving the programs. Where this progress has been made, centralizing the entire program in Washington all but forecloses a continuation of the relationships possible under existing legislation. This would virtually eliminate the possibility of using such program models to bring about institutional change. I submit, Mr. President, that not only do we need to consolidate manpower programs, but also coordinate them.

When categorical programs were considered in our committee and also by the Senate, I stated I did not believe it was necessary to continue them in law, and that it would be much better to leave discretion to the Secretary of Labor to continue those which had proven effective while leaving him the option of discontinuing those which had not.

Under the bill vetoed by the President, all categorical programs would have been retained regardless of their individual merits. The result would be inflexibility and the impossibility of meeting changing local and particularly changing rural needs. I believe that the administration's desire to use these categorical programs as program models rather than program prescriptions is well taken.

I have always maintained that the Congress should make every effort to develop legislation that can be effectively administered. However, in addition to the broad range of services, programs, and activities contained in title I, which is inclusive rather than exclusive, title IV authorizes the development of 10 specific training programs, all of which can be conducted either under title I or under existing manpower legislation. There is no assurance that any of these special programs will be developed in concert with, or to complement, those locally developed programs which are conducted under the authority of title I, or those that exist under other legislation. Program administrators are denied valuable flexibility and are left without alternatives to make or create change. It would seem that, since many of the programs included in this categorical nightmare have developed and flourished under existing legislation, there is ample evidence that administrators are willing to try different approaches and design programs to meet the needs of special groups. They should also have the authority to meet new needs as they occur, and to diminish support for those programs which have achieved their objectives or which prove unworkable. Mandating program categories will not accomplish this.

Under S. 3867, the Manpower Development and Training Act would be terminated on July 1, 1971. At that time there will be well over $250 million worth of institutional MDTA programs under supervision of State agencies. Some of these programs run until December 1972. There is no transitional language in the bill to provide for an orderly phasing out of these programs. Additionally, with the termination of the Manpower Development and Training Act, over $300 million in equipment and teaching aids purchased over the past 8 years for institutional programs automatically becomes the property of the State vocational education agency for use as it sees fit. Under this bill, if enacted, we are likely to see many instances where States either do not have the authority to divert the equipment and aids to other sponsors or, where such authority exists, instances where they will elect not to permit the use of these materials by other operating entities selected by CAP agencies or other local prime sponsors.

S. 3867 does attempt to reorganize the administration of manpower programs, but not as recommended by the administration. While it is appropriate to assign total responsibility for the Nation's manpower programs to the Department of Labor, further directions as are contained in this bill appear to constitute infringements on the prerogatives of the executive branch of Government. For example, in section 7, legal authority, the Secretary is enjoined from delegating the disapproval of prime sponsorship plans below the level of the Assistant Secretary for Manpower. This would strip all of the present regional manpower administrators of their current authority to approve manpower programs. Such a provision thwarts the administration's efforts toward greater regionalization of Federal programs and program responsibility for the purposes of making government more responsive and placing the decisionmaking closer to the people the program serves.

In title V, there are four specific provisions concerning special offices to be established and the qualifications of individuals who must be designated by the Secretary for the management and direction of specific categorical programs. Specificity is carried even further by the language requiring that such personnel be full time. Obviously, these provisions are meant to have an impact on the organization of the executive branch—a function which heretofore has been an Executive prerogative and can hardly be construed as creating flexible legislation. By condoning such action, we are perhaps opening ourselves to additional pressures from many other groups which are not specifically mentioned and fostering even greater compartmentalization where we should be consolidating programs. The result could well be to cloud, rather than to maintain as distinctly as possible, the traditional separation of governmental functions.

Another very serious impracticality exists in S. 3867, Mr. President. The measure sidesteps or ignores some relationships between governmental units—Federal, State, and local. Because of this, the full utilization of all available programs and services in the manpower program is severely impeded. The primary "multipliers" of the measure are prime sponsors—any State and any unit of general local government of specified population, as well as certain local rural units with no population requirement. Under the existing manpower legislation, authority for the operation of programs is vested with State agencies which in turn assign certain operations to constituent local agencies. Under some State codes, cities have no authority to either provide or contract for some of the enumerated services like education and training except through the State agencies. Where this exists, the presumptive local prime sponsor will be the CAA's rather than State government, because of the local orientation of this bill. Thus, the measure clearly discriminates against the full involvement of State government and, contrary to its supporters, does not establish an administrative structure which would assure maximum coordination and consolidation of programs. Also, because ultimate responsibility for vocational education is vested in the State and cannot be delegated, it could not be coordinated in any locality by other than the State.

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I also find this bill objectionable because of the lack of coordination I see in the operation of State plans. Given the substantial numbers of prime sponsors who would deal directly with the Department of Labor rather than through the State plan without the necessity of coordinating with the State plan, I foresaw great inefficiency and loss of effectiveness in the implementation of these programs.

When prime sponsors in a State can bypass the State plan and deal directly with the Department of Labor, Mr. President, it is completely wrong, in my judgment, to allow the Federal Government to cut off a State's Wagner-Peyser funds. If the State manpower agency refuses the Department of Labor's request to provide services to a single independent prime sponsor not subject to the State plan and not required to coordinate with it.

The Wagner-Peyser Act programs, Mr. President, are largely funded from revenue derived from the Federal Unemployment Tax Act which established a special wage tax to pay the administrative costs of the Federal-State employment security program and for other purposes.

Such funds and activities are of a substantially different nature than the Federal grants which may be available under this act. To secure such funds, Mr. President, a State should not be compelled to agree to certain programs and other conditions not necessary to the operation of the Wagner-Peyser programs, but inherent in a State comprehensive manpower plan.

For example, a State could lose all of its Wagner-Peyser Act funds for the administration of its employment security agency, including administration of the work test to claimants for unemployment insurance, if it did not agree to participate in any one program funded under this act.

It is also important to understand that, under the provisions of the Wagner-Peyser Act, States already have to submit annual plans in which they agree to comply with the Secretary's rules and regulations. Such requirements provide ample authority to achieve necessary coordination and integration of Wagner-Peyser programs with other manpower programs by the Department of Labor.

I think it is important to note, Mr. President, that only three Republican conferees signed the conference report. Two Republican Senate conferees and all of the House Republican conferees refused to sign.

The reason they did not sign, Mr. President, was their belief that this bill is so inadequate that it would encounter a presidential veto, and they were correct.

The President did not cite the vast amount of money authorized in this bill as one of the reasons for his veto. It is possible to assume, therefore, that the increased funding levels may have been acceptable to him if we had sent him a bill where he felt the Federal Government could get a dollar's worth of achievement for each dollar spent. I think we should also realize, however, that this bill authorizes $200 million for fiscal year 1971 which was neither requested by the administration nor included in its proposed budget and which would merely serve to increase the tremendous deficit we are now in the process of making for fiscal year 1971.

In conclusion, I want the record to show that I have always supported and will continue to support what I consider to be workable and effective proposals for manpower legislation. The Governor of Vermont, the Honorable Deane C. Davis, and Vermont Commissioner of Employment Security, Mrs. Stella B. Hackel, both share my concern for proper manpower legislation. Both, however, are in agreement with my decision to vote to sustain the President's veto of the pending bill.

Accordingly, it is my hope that my colleagues will vote to sustain this veto.

In conclusion, I should like to read a telegram which I have received from Mrs. Stella B. Hackel, Commissioner of the Vermont Department of Employment Security, who, I may say, is a Democrat and a very able administrator:

May I urge your support of Presidential veto of S. 3867, Employment and Manpower Act, upon grounds that bill provides for vast sums of direct Federal to local funding of manpower programs, with no effective provision for coordination with or utilization of existing State government manpower and human services programs thereby encouraging inefficient, uncoordinated and wasteful administration of manpower programs legislated therein.

I have also received a telegram from the Governor of the State of Vermont, the Honorable Deane C. Davis, which reads as follows:

As we have supported manpower reform we hope you will support the President's veto of the compromise manpower bill. It will continue categorical programs and put undue burden on States for PSC program. Letter follows.

Mr. President, I ask unanimous consent that the letter from Governor Davis be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Office of Deane C. Davis,
Governor of Vermont,
Montpelier, Vt., December 21, 1970.

Hon. Winston L. Prouty,
U.S. Senator, Vermont,
New Senate Office Building,
Washington, D.C.

Dear Win: I wish you to know that I hope you will support President Nixon's veto of the compromise manpower bill. I had originally supported the Comprehensive Manpower Act in that it would offer elements of reform by giving to the smaller rural states such as Vermont greater control and direction over how we could use our manpower funds. The original administration bill would have eliminated the conglomeration of many duplicative programs. But the compromise bill continued almost all the categorical programs and would not have given effective control to those states who have viable manpower planning and delivery capabilities.

The largest portion of the funds could conceivably go into public service employment of which states or local governments would have to carry 20% of the costs. Certainly the state of Vermont could not take on commitments of that magnitude. Our experience in the Public Service Career programs at Brandon Training School shows us how to provide career ladders, and sound training, and not by creating "new" jobs we cannot afford. We expect to seek such a program also for other areas in the Human Services Agency.

The manpower bill as it came out the conference committee does nothing to effect manpower reform and would add serious burdens to state and local governments that they would not be able to support. I sincerely hope you will sustain the veto and move to gain passage in the next session of meaningful reform in the total manpower area.

Sincerely,

Deane C. Davis.

Mr. PROUTY. Mr. President, I ask unanimous consent to have printed in the Record a letter from Mrs. Stella B. Hackel, Commissioner of the Department of Employment Security in the State of Vermont.

There being no objection, the letter was ordered to be printed in the Record, as follows:

State of Vermont,
Department of Employment Security,
Montpelier, Vt., November 25, 1970.

Re S. 3867—Employment and Training Opportunities Act of 1970; H.R. 19519—The Comprehensive Manpower Act.

Hon. Winston L. Prouty,
U.S. Senator,
New Senate Office Building,
Washington, D.C.

Dear Senator Prouty: I am writting in regard to the above Acts, S. 3867—passed in the Senate—and H.R. 19519—passed in the House, passage vacated and S. 3867 passed in the House after amendment to contain the language of H.R. 19519 as passed.

It is my understanding that you are a member of the Conference Committee, and therefore I am urging you to propose and support the following amendments in the language in the Act:

That Section 107(a) of H.R. 19519 be amended by striking from line 19 on page 22 the words "or the Wagner-Peyser Act (48 Stat. 113)"; and, further, that Section 107(b)(4) be amended at line 18 on page 23, by striking the word "conduct" and substituting therefor the words "utilization to the maximum extent possible".

The effect of these amendments would be to remove from the State comprehensive manpower plan required for purposes of receiving federal funds granted under S. 3867 the plan of conduct of employment services financed under the Wagner-Peyser Act, which are funded almost entirely from employer taxes paid on wages under the Federal Unemployment Tax Act. The Wagner-Peyser Act provides for a State Employment Security Agency which administers a public employment service and the unemployment compensation program. While entirely federally funded from wage tax revenue, the Employment Security Department is a State agency, responsible to the Governor of the State.

In many cases the Governor of a State would have different priorities in manpower programs than would a local prime sponsor Mayor or Community Action Agency. Under S. 3867, a Secretary of Labor would have the power to mandate to a Governor that he sublimate his own State priorities to provide State agency services to a local prime sponsor with a local plan over which he, the Governor, has no control in order that he receive any administrative funds for his State Manpower Agency. Such absolute authority of a Secretary of Labor over a Governor of a State in regard to the administration of a State agency is harshly restrictive of the proper authority of a Governor to administer State agencies responsible to him and for the operation of which he is responsible to the people. The Secretary of Labor is already protected from uncooperative acts of Governors in regard to Wagner-Peyser Act activities in that the State is required to submit a State plan under that Act.

Therefore, I feel strongly that the reference in Section 107(a) to the Wagner-Peyser Act should be deleted: and also that there should be a strong purchase of services clause which would require local prime sponsors to utilize the existing State Manpower Agency (and other agencies as well) to the maximum extent possible. These proposed amendments were approved by 43 State Employment Security Agencies in a poll taken in November, 1970 (copy attached hereto). Attached please find a copy of the rationale provided by the ICESA in this matter.

We would deeply appreciate any favorable action on the above proposals which you might see fit to take in the Committee of Conference on S. 3867.

Thanking you, I am

Very truly yours,

Stella B. Hackel,
Commissioner.

Mr. PROUTY. Mr. President, I yield back the remainder of my time.

Mr. JAVITS. Mr. President, how much time did the Senator use?

The PRESIDING OFFICER. The Senator has 17 minutes remaining.

Mr. JAVITS. Mr. President, I just wish to advise the Senator from Vermont that I shall use but very little time, so that if he needs further time at any time, I am the trustee for it.

Mr. PROUTY. I thank the Senator.

Mr. JAVITS. Since I take the same position taken by the Senator from Wisconsin (Mr. Nelson), and since we have only 17 minutes remaining, I would appreciate it if the Senator from Wisconsin would yield some time in opposition.

Mr. NELSON. Mr. President, I yield 4 minutes to the Senator from Alabama.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Wisconsin for yielding time to me to discuss the Presidential veto of S. 3867.

When the conference report was before the Senate for consideration, I was one of two Senators—the other being the distinguished Senator from Mississippi (Mr. Stennis)—who spoke against the adoption of the conference report, and I was one of only 13 Senators who voted against the adoption of the report.

At that time, I stated to the distinguished Senator from Wisconsin (Mr. Nelson) that we had been together in the vote against the SST, which resulted, at least temporarily, in a saving of $290 million, but that I did not wish to join him in the authorization of the spending or the appropriation of $9.5 billion under this program.

The distinguished Senator from Wisconsin jokingly but still accurately stated that he did not feel that it would be best for either of us if we agreed more than 50 percent of the time. I agreed at that time, and still agree, with the distinguished Senator from Wisconsin on that point.

Mr. President, I am hopeful that the Senate will sustain the Presidential veto of this bill. Actually, I believe it is an exercise in futility, because when the adoption of the conference report was considered in the other body, 47 percent of those voting on that issue voted against the adoption of the conference report. There is certainly nothing to indicate that they would change their position in the light of the Presidential veto.

Mr. President, in order to conserve time, I ask unanimous consent that the remarks I made on December 10, 1970, appearing at pages 40858 and 40859 of the Record, including a table that I inserted in connection with that speech, be printed in the Record at this point.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

THE EMPLOYMENT AND MANPOWER ACT—CONFERENCE REPORT

Mr. President, I do not anticipate that anything that may be said on the floor of the Senate today will have any great influence on the vote on the adoption of the conference report. The bill was passed by an overwhelming majority in the Senate. I anticipate it will pass by a similar topheavy majority in just a few moments because there is no disposition on the part of the junior Senator from Alabama to prevent an early vote on the conference report.

The junior Senator from Alabama does feel, however, that a bill of this magnitude, a bill containing some 65 pages and authorizing the appropriation over the next 4 years of the tremendous sum of $9.5 billion should have at least some perfunctory study before a vote is taken.

It is said that this is not an appropriation bill and it is not. It is an authorization bill. But if an authorization bill is passed, can the appropriation bill be far behind? The junior Senator from Alabama submits it would not be far behind. He notes, too, that the authorization as to public service employment starts with the current fiscal year, whereas the authorization for the remainder of the program does not start until fiscal year 1972. That would cause the junior Senator from Alabama to wonder what is the crisis in public service employment, why the hurry, why the rush to provide additional public service jobs during the current fiscal year which will expire on July 1, 1971.

Much has been said about the fact that this is only the amount that was requested by the President, and all the Senate did before was to tack on a small amount of $4.5 billion as an add-on. Where did the figure come from? No one has said why they hit on that figure. They say:

> We went to conference and the conference knocked $2.5 billion off the $4.5 billion that we added on.

They knocked off $2.5 billion from a sum that has been just reached out and grabbed and put into the bill as some sort of an add-on.

When the junior Senator from Alabama on yesterday questioned the distinguished Senator from Wisconsin on the number of public service jobs that could be created and filled and paid for out of the proceeds of any money appropriated in accordance with this authorization he was advised that the figure in the final year could run up as high as 300,000 public service jobs.

The basic bill is designed to cover three areas, as has been referred to, and those areas are set forth in section 4 on page 3 of the conference report.

It is stated in subsections (1), (2), and (3) of section 4 that one-third of this basic sum—and the basic money is $7.5 billion—should go for comprehensive manpower services under title I of the act; one-third shall be for public service employment programs under title III of the act; and one-third shall be for occupational upgrading under title II and special manpower programs under title IV of the act.

The bill goes on to state that the Secretary can take an amount not to exceed 25 percent of any of these sums that may be appropriated in accordance with the authorization provided in this bill, that is, take up to 25 percent of the amount appropriated, for any of these three programs and use it for another program. That, then, would provide, if the arithmetic of the junior Senator from Alabama is correct, that $2.5 billion would go for public service employment, because that is a third of the $7.5 billion. That leaves $5 billion.

Well, the Secretary can take 25 percent of that. So that is $1.250 billion. And then that would get up to $3.750 billion to be spent under the public service employment aspect of the bill.

Then, with respect to the add-on which the conference committee, in an economy move, struck from $4.5 billion down to $2 billion, it is provided that that shall be spent for public service employment.

I am sure that if I am incorrect in the conclusions I have drawn from a reading of the bill, I shall be corrected.

That, then, added to $3.750 billion would be $5.750 billion which could conceivably be spent for public service employment.

Does the Federal Government need to provide the necessary money for adding, at a cost of up to more than $5 billion, some 300,000 additional employees at every level of Government?

The statement is made, and I am sure in good faith, that these positions are to be in public service at the State and local level; that the Federal Government would not be involved in those jobs. Yet we see in title III, section 303, the eligible applicants:

> Financial assistance under this title may be provided by the Secretary only pursuant to applications submitted by eligible applicants, who shall be—

And then are named the prime sponsors that were referred to, and other public agencies and institutions including public service agencies and institutions of the Federal Government.

So, the Federal Government, with its mushrooming bureaucracy, could come in for as many of these public service employees as the Secretary saw fit to give.

Just the other day, the Senate, in a rare burst of economy and for the protection of our environment, knocked out an item of $290 million for further work on the SST program. I am pleased that I was among the number that voted to eliminate the appropriation for the SST. I voted similarly last year when some $85 million was up for appropriation.

So we save there—if the conferees keep the saving—$290 million. And yet, in one fell swoop, we are going to authorize appropriations for the expenditure of up to $9.5 billion over the next 4 years.

Where are the opponents of the SST on this occasion? Why are they not here to help carry on this battle for economy we hear so much about? Why are they not here to try to help defeat this authorization of $9.5 billion?

Mr. President, I have some interesting figures in a table which I shall refer to. I ask unanimous consent to have printed in the Record, table No. 631 on page 423 of Statistical Abstract of the United States, 1970, prepared by the U.S. Department of Commerce, Bureau of the Census, entitled, "Governmental Employment and Payrolls: 1950 to 1969."

There being no objection, the table was ordered to be printed in the Record, as follows:

GOVERNMENTAL EMPLOYMENT AND PAYROLLS, 1950–69

[For October, Prior to 1960, excludes Alaska and Hawaii. See also "Historical Statistics, Colonial Times to 1957," series Y 205–240]

Year and function	Employees (1,000)					Payroll (millions of dollars)				
			State and local					State and local		
	Total	Federal (civilian)[1]	Total	State	Local	Total	Federal (civilian)[1]	Total	State	Local
1950	6,402	2,117	4,285	1,057	3,228	1,528	613	915	218	696
1960	8,808	2,421	6,387	1,527	4,860	3,333	1,118	2,215	524	1,691
1965	10,589	2,588	8,001	2,028	5,973	4,884	1,484	3,400	849	2,551
1966	11,479	2,861	8,618	2,211	6,407	5,473	1,665	3,808	975	2,833
1967	11,867	2,993	8,874	2,335	6,539	6,056	1,842	4,213	1,106	3,108
1968	12,342	2,984	9,358	2,495	6,864	6,889	2,137	4,752	1,257	3,495
Total, 1969	12,691	2,975	9,716	2,614	7,102	7,594	2,342	5,252	1,431	3,822
National defense and international relations	1,322	1,322				1,009	1,009			
Postal service	728	728				490	490			
Education	5,079	18	5,061	1,112	3,949	2,845	15	2,831	554	2,276
Teachers	2,865		2,865	342	2,523	2,106		2,106	287	1,819
Highways	602	6	596	296	301	324	6	318	179	138
Health and hospitals	1,168	195	973	488	484	626	157	468	252	216
Police protection	514	27	487	54	432	320	29	291	38	253
Fire protection	262		262		262	135		135		135
Sanitation and sewerage	188		188		188	95		95		95
Parks and recreation	156		156		156	61		61		61
Natural resources	393	216	177	143	34	278	185	93	80	13
Financial administration	326	91	235	92	143	205	86	118	55	64
All other	1,952	372	1,580	428	1,153	1,207	365	842	272	570

[1] Includes Federal civilian employees outside United States.

Source: Department of Commerce, Bureau of the Census; annual report, "Public Employment in 1969."

This table shows that in 1950 the total number of employees, State, local, and Federal, in the United States was 6,402,000.

By 1960 it had added 2,400,000 employees. It had gone up to 8,808,000 employees.

In 1965 the total number of employees, State, local, and Federal, had jumped to 10,589,000.

In 1966 it was 11,479,000; in 1967 it was 11,867,000; in 1968 it was 12,342,000; in 1969 it was 12,691,000.

Mr. President, we hear a lot about featherbedding and work rules in a discussion of the railroad situation. We hear about featherbedding on the railroads. What about featherbedding in the public service sector?

Here we are authorizing an appropriation of some $9.5 billion, of which over $5 billion could be spent creating new jobs in the public sector, and for the Federal Government to pay for it. I do not believe we need that.

The figure of 12,691,000 Federal, State, and local employees does not include millions of people who work in defense plants owned by the private sector. It does not include employees of contractors in the private sector. It does not include more than 3 million men and women in the armed services. It does not include some 12 million people who are on the public welfare assistance programs.

It does not include the 10 million more Americans who would be added to the public assistance rolls if the President's family assistance plan should be adopted.

Is there any need for the Federal Government to subsidize the addition of 300,000 more employees? Nothing is said about where they are going to be assigned. That has to be developed later.

But, Mr. President, I can tell you, if there is a job designation and a salary accompanying it, we can rest assured that someone will be furnished to fill that assignment. All we have to do is make the money available, and the need for the jobs will appear.

Mr. President, again I say that I do not anticipate that there will be any more than five votes against this conference report; but the junior Senator from Alabama wants and intends to be one of those.

This is an opportunity to strike a blow against a mushrooming bureaucracy in the public sector, be it local, State, or Federal. This is an opportunity to call a halt, to some degree, to the escalation of employment in the public sector.

I do not believe we need this authorization at this time. The main body of the authorization would not go into effect until fiscal year 1972, and it would seem that it would be the better part of wisdom to wait until the 92d Congress to pass this authorizations legislation. But I know that will not take place.

This bill is a voluminous document. A great deal of study, time, and thought have gone into it, and I commend the distinguished Senator from Wisconsin for his hard work, and for his zeal, for his sincerity, and for his dedication. It just happens that we are not in agreement on this matter.

We were in agreement, I might say, on eliminating the SST program from the appropriation bill. But I am persuaded, after seeing this authorization bill, that the Senator from Wisconsin made his decision, not on the basis of reasons of economy or fiscal responsibility, but on matter of ecology and our environment; because he now comes forward with this $9.5 billion bill, and it would not be very good business to save $290 million one day and then authorize the appropriation of $9.5 billion almost the next day.

I hope that the Senate will reject this conference report. Theoretically, under the rules, I assume if the report is rejected it could be sent back to conference with instructions; but again, I do not anticipate that that will take place. But the junior Senator from Alabama has had an opportunity to register his protest on this further movement in the direction of bigger and bigger Federal Government and bigger and bigger government at all levels.

Mr. President, I yield the floor.

Mr. NELSON. Mr. President, I thank the Senator from Alabama. Although we differ on this bill, he has quite obviously dedicated considerable time and thought to evaluating what is in the bill, and has made a thoughtful contribution to its legislative history.

I say to the Senator from Alabama that I am pleased that we agreed on the supersonic transport. He is correct that my criticism was not fiscal, but ecological. I am not pleased that we disagree on this manpower bill; but I would suggest—and I am sure the Senator from Alabama would agree with me—that it would not too healthy for either of us to be agreeing more than 50 percent of the time.

Mr. President, I yield the floor.

Mr. ALLEN. Mr. President, I yield back the remainder of my time.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

My position will be to vote to sustain the bill passed by both Houses, notwithstanding the President's veto.

Mr. President, I do this because I believe that the manpower training program is a critical aspect of the effect to deal with unemployment and welfare dependency and I feel that under the conditions today, the balance is more strongly in favor of sustaining the action of both Houses than it is of overturning this bill and starting all over again next year.

Let it be clear at once that there is no dearth of legislation. We have the antipoverty law on the books. That expires next year in June. We also have the MDTA, that is, the Manpower Development and Training Act, which does not expire until June 30, 1972.

However, we undertook this particular measure of reform at the urging of the administration—indeed, I introduced the original bill—because we felt there were a current number of things wrong with the program.

First, the program was being run with too much broad diversity, with about 10,000 potential sponsors and an enormous proliferation of agencies running manpower training programs.

Second, the system was not working right, either on the management side, as I have mentioned or because of conditions which were not being insisted on in its organization.

We also appreciated the fact that something had to be done about public service jobs, for two reasons: First, they are an important element of dealing with unemployment; and second, because of the tremendous needs of municipalities, which are largely going unmet; it seemed shameful that career and work opportunities should not be made available to people who needed them so badly when the market was waiting like a sponge to absorb as many as possible in the governmental field.

Mr. President, the President felt that we had gone too far in the sponsorship concepts; he wanted sponsorship essentially through States, and we made sponsorship essentially through municipalities or by county groupings, with whoever was then uncovered being taken over by a State. However, we gave residual power to the State to see that not only was there a comprehensive, but also a coordinated plan. Accordingly, I do not really believe, Mr. President, that the President vetoed the bill on that ground. I believe what caused him to veto it was the public service job concept.

The fact is that one-third of what is appropriated under the bill was earmarked for public service jobs, and that there were add-ons, beginning with a $200 million add-on the first year, and coming, altogether, to some $2 billion over the term of 4 years, for public service jobs.

The President's key section in his veto message points out that up to 44 percent of the total funding in the bill would go for "dead-end job" in the public sector.

Mr. President, with all respect to the President, there are several points which show that that is not quite so.

In the first place, the President, in giving his 44 percent figure, took no account of transfer clauses with a 25-percent transferability in any program of the bill to any other program of the bill, nor with the fact that there might be no extra appropriation whatever under the so-called "add-ons" for public service employment.

According to our figures, with the transferability clause, the maximum that would have to be used for public service employment would be one-third of the funds—assuming appropriation of the add-on amount—and the minimum was right at about 25 percent, assuming that these add-ons were not appropriated at all.

Also, Mr. President, the President objected very seriously to the fact that the bill seemed to him to freeze into public service employment all of those to whom we gave public service jobs. I was very cognizant of that myself, as the ranking Republican who was negotiating this bill and the one who introduced the administration's bill. Mr. President, in the negotiations I believe that we gave the capability to any intelligent Secretary of Labor to provide——

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. JAVITS. I yield myself another 3 minutes.

To provide for the necessary manpower training and personnel handling which was required to move these workers who had public service jobs out of dead-end jobs and into career opportunities, either in public or private employment.

Mr. President, I call especial attention on that score—to the provisions of section 304(b)(12)—which I insisted on getting into this bill myself that section which provides for an annual review of each person employed in a public service job and for procedures which would provide that the participant's current employment situation would show—I use it in the affirmative, although it is stated in the negative in the law—sufficient prospects for advance or suitable continued employment and requiring maximum effort to locate employment or training opportunities providing such prospects, and then providing for subsequent assistance in choosing these opportunities after appropriate counseling.

Mr. President, even though the bill did not say that public service employment was just to be a bridge to normal private or public employment, and I wish it had because I had fought for it in the committee and was defeated, and I agree with the President in that—any intelligent Secretary of Labor using the provision I have just read could make it operate exactly that way.

Accordingly, my case is, that, considering the great difficulty of putting together a monumental and an extremely important and good manpower training program with a public service job quotient, at a time of serious unemployment in the country, with even more serious unemployment facing us, I do not believe that the risks which arise of an abuse of the program, considering our control over the appropriations process and the Secretary of Labor's control over how to handle these public service job operations, were such as to justify the President in vetoing the bill.

I tried my best to get the administration to see this, and I regret that I failed. I respect the President's view and do not say it is out of reason or out of the ball park. But at a time such as this, I do not think it was justified to throw the weight in the scales against it. I would have hoped the President would have thrown the weight in the scales for it.

For those reasons, Mr. President, I shall vote to override, and I hope very much that the Senate will do so generally.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield 1 minute to the distinguished Senator from California.

Mr. MURPHY. Mr. President, I have the greatest respect and regard for the Senator from New York.

I also have heard the question of unemployment mentioned here. I should like to point out that in my State, the unemployment exists also in an entirely different area. These are not merely unemployed people who need training. These are also people who are unemployed in the aerospace industry because the budgets in the military and space were cut back, and they would have been cut back further had it not been for the efforts of some of us who foresaw this problem.

I must say that I appreciate the President's position. In the public service field there is need, but that need is not a reflection of the overall unemployment. The unemployment in my State is mainly in well-trained, highly skilled, scientific, engineering, industrial experts who have proved their worth, who also need work.

That is one of the reasons why I hope the distinguished Senator from New York would join me in hopefully providing some funds to continue the program of the SST, because this would provide meaningful jobs immediately, badly needed jobs, not only in the State of Washington but also in California and several other States. I also have been one who has strongly urged that we tap the talents of the aerospace and defense industries to help us solve our domestic problems.

I thank the Senator.

Mr. JAVITS. I thank the Senator.

I yield myself 1 minute to reply.

Surely, California undoubtedly has a special situation. But, as the State with the most numerous population, I do not think it is unlike New York, which comes next to it in population, with approximately 18.5 million people. We have not only almost 6 percent unemployment, but also, 17 percent unemployment for teenagers in the cities; and when you get to black teenagers, the rates of unemployment run from 24 to 34 percent.

That is why I said we were in a serious emergency and crisis respecting unemployment.

It is for those reasons, Mr. President, that I feel that this veto is ill-timed and unnecessary, considering the fact that ample safeguards are included in the measure for the very concerns expressed by the President in his veto measure. I deeply believe that the Senate should vote to override the veto.

Mr. NELSON. I yield 3 minutes to the Senator from California.

Mr. CRANSTON. Mr. President, it seems bitterly ironic that we are compelled to interrupt our consideration of the measure the President so desperately wants—the family assistance measure, a measure that many of us would like to see passed by this body—so that we can deal with a veto by the President of a measure designed to reduce the number of people who need family assistance.

The measure the President vetoed would have reduced the cost of family assistance in the long haul by providing training and job opportunities for people now on the welfare that is so bitterly resented by many people in our country, and properly so, both by people paying for it through their taxes and by the people who are on the welfare rolls but do not like the way the present system operates.

The pending measure that we are about to vote upon would have provided training opportunities for those who need them, so that they can work. It would have provided public service employment for those unable under present circumstances to find employment in the processes of our free enterprise system.

The President was very poorly advised on the actual content of this bill. It provides for no WPA, dead-end, useless jobs through public service, as his veto message alleged. Rather, it provides for meaningful jobs, jobs not now being performed in our society, which our society needs to have performed. It provides for consultation and assistance for those in public service employment and training for them, so that, if those jobs are not providing adequate opportunities, they could move on into other employment—in our free enterprise system, if jobs were available in our free enterprise system, or other public service jobs—or into appropriate training programs.

I am shocked by the President's downgrading of the dimensions of the present unemployment in our country. It is a widespread situation, affecting millions of citizens. It is particularly distressing in California—with a 7-percent unemployment rate—where we have suffered the consequences of cutbacks in Govern-

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ment expenditures, many of which were wise cutbacks in defense and elsewhere.

The measure specifically seeks to provide an opportunity to help people who have lost jobs in the aerospace, defense, and construction industries by recognizing the problems they face.

I should like to reemphasize the aid this measure would give, if it can be passed over the President's veto, to veterans who are the victims of present American policy that places them in a sort of double jeopardy: By being first sent off to Vietnam to risk their lives, where many have been killed and many more wounded, and then when those who are alive return, they pay a second price in finding themselves unemployed due to deliberate Government policies aimed at stemming inflation, which is a consequence of the war these veterans have just fought in Southeast Asia.

The provisions of the bill relating to veterans were designed to expand opportunities to find employment and for reporting back on services to veterans in order to measure what more needs to be done for our veterans.

Also the bill exempted disability compensation and GI bill allowances from being considered as part of a veteran's income in determining his eligibility for job training and employment opportunities for public service employment. It also provides for representation by veterans' organizations on manpower services councils in the local communities in order to give veterans' interests full representation in implementing the important provisions of the bill.

I, therefore, urge that the Senate vote to override the veto for the reasons I have just given, and the many other reasons given by other Senators.

I pay tribute to the Senator from Wisconsin (Mr. NELSON) for the most able way he has handled the bill. I thank the Senator from New York (Mr. JAVITS) for his spirit of compromise, understanding, and accommodation in moving this measure along to the point where it is now, and for his steadfast allegiance to this only bipartisan piece of legislation, so vitally needed by our country at this time.

I think we made many compromises and bent in the direction of those who originally opposed the bill. It seems to me that this is a measure which merits the support of all Senators on both sides of the aisle.

Mr. HARTKE. Mr. President, in his veto message of December 16, 1970, President Nixon stated that the manpower reform bill he sent to Congress was "one of the three key parts in a program of fundamental reform." The other aspects, according to the President, are revenue sharing and welfare reform.

Let me here express my agreement with the President. It is indisputably true that the manpower legislation which this Congress considered for more than a year is vitally important. It is equally true that it is an essential prerequisite to meaningful welfare reform and an important part of the problem of revenue sharing.

It is precisely for these reasons that I find the President's veto so completely inexplicable. At a time when the Senate continues to labor mightily in an attempt to achieve meaningful welfare reform, it comes as a shock that the President should dismiss out-of-hand this legislation which received much bipartisan support in both the Senate and the House. At a time when the White House has not yet deigned to present the Congress with a workable revenue-sharing proposal for hard-pressed State and local governments, the veto of legislation which received the support of the Senate by a vote of 68 to 13 is particularly unfortunate. If the President truly believes in the absolute importance of legislation such as this, how can he reject it when it is so clearly the constructive product of bipartisan compromise.

In his veto message, the President contends that S. 3867 is "completely unacceptable" because as much as 44 percent of the total funding in the bill goes for dead-end jobs in the public sector." But what does this mean? Does he mean to imply that jobs in municipal, county, and State jurisdiction are meaningless, make-work occupations? Certainly the President must acknowledge that in the past the unemployed have been trained for a wide variety of jobs, but that a majority of them found no work when their training was completed. The Employment and Manpower Act of 1970 merely provides the mechanism whereby these trainees can gain some actual work experience in the public sector, with the expectation that most of these trainees would then move into private employment when the opportunity presented itself. While it is true that the Senate refused to force a fixed percentage of these trainees to move out of Government employment within a specified period, it is also true that several safeguards were written in the bill. It should be noted that the Secretary of Labor could reject any plan submitted by a State or municipality which failed to include provisions for upgrading trainees and encouraging them to move on to better paying jobs. The Secretary of Labor is also given power to cut off funds to any program which has only a WPA-type purpose.

The President also argued that the Employment and Manpower Act would only perpetuate and increase the number of narrow program categories rather than creating the "single, broadly defined manpower program" which was to be flawed. The authors of this legislation argue, and rightly so, that it would achieve at least two-thirds of the consolidation that the President views as desirable. It is their estimate that this bill would reduce the number of individual manpower sponsors from 10,000 to fewer than 500. There has not been complete consolidation because it was believed by the overwhelming majority of Members of the Senate that there still is room for innovative action at the Federal level and that all authority need not be abdicated to the States and local governments.

There, then, appear to be the two principal arguments for the veto. I find them sorely lacking in logical compulsion or factual foundation.

Apparently as an afterthought, the President also argues that the problem is not as bad as the Congress would have the country believe. The President states in his message that "inflation is receding. The economy is moving up." In support of his contention, the President points out that although he is "not satisfied" with the present overall unemployment rate of 5.8 percent, he implies some satisfaction with the unemployment rate for the heads of families, which is much lower at 3 percent. The extremely able chairman of the Senate Subcommittee on Employment, Manpower, and Poverty, Senator NELSON, has pointed out that reference to the unemployment rate among heads of families is virtually meaningless in light of the bill's purpose. It is the purpose of the bill to help minority groups, and among blacks the unemployment rate is currently 8.8 percent. It is the purpose of the bill to help the young and unemployed. Among young men 16 to 19 years of age the unemployment rate is a shocking 17.5 percent. Among nonwhite teenagers the rate is a crippling 31.9 percent.

A casual reading of this legislation would reveal that it was not designed to help the average "Heads of families." Almost all the present manpower programs which would be affected by this legislation have an abundance of young people in them. Almost all of them have a substantial percentage of nonwhites. In light of these facts, how can the President use the unemployment rate among heads of families—which is surely high enough itself—as some sort of indication that the problem here is being met? Would he have the Senate believe that the legislation he submitted in 1969 is no longer needed? I would surely hope not, given the indicators which show that unemployment will likely continue to increase for many months more.

At his recent press conference, the President acknowledged that he had a duty "to work with those men and those women elected by the people in 1970." I assumed, apparently incorrectly, that the President was pledging himself to act constructively with the Congress on matters such as the Manpower Act. I assumed, apparently incorrectly, that the President would view this legislation as the product of earnest, bipartisan compromise and would sign it even though he might have doubts about its implementation. But he has chosen not to do that. Rather, he has chosen to take a course which I find indistinguishable from his conduct at other times during his presidency when he appears to have valued partisan advantage more highly than constructive legislative action.

Like the President, I am interested in seeing that the country achieve an economic recovery. Unlike the President, I think this vetoed legislation will be a valued weapon in achieving that recovery. For that reason, and others I have indicated, I will vote to override.

Mr. President, I want to compliment the distinguished Senator from Wisconsin (Mr. NELSON) for the fine work he has done on this bill.

Mr. GRIFFIN. Mr. President, this legislation still bears the title "Manpower legislation," but except for the name, there is very little in the legislation that reflects the proposal which the administration originally sent up to the Congress.

The proposal was made well over a year ago, to pull together into an efficient and manageable whole a scattered battery of narrowly aimed manpower training programs which have grown up "like topsy" during the 1960's.

The administration bill would have given to the States and local units of government the power and the financing to develop and operate flexible manpower programs closely attuned to the needs of the States and the local communities.

The House passed a bill that embodied most of the features of the administration bill—plus some notable additions, such as a program for transitional public service employment, patterned after the manpower administration's already-operating and successful program of public service careers. Public service careers would have placed unemployed disadvantaged people in needed public jobs, given them the instruction and other services to properly qualify them for such work—and made sure the new workers were not forgotten, but kept on moving on up the ladder to better-paying advanced steps in these jobs or related kinds of work.

Unfortunately, the Senate passed a different bill which is totally unacceptable to the administration.

For one thing, it would not only continue the categorical programs which the administration and House bills sought to consolidate and coordinate.

The Senate bill, indeed, added on more categorical programs. Under the Senate bill, the number of separate categorical programs was increased from an astounding 14 to a preposterous 22. The result is even more rigidity in programs as to which the administration has been seeking flexibility.

Moreover, the Senate bill adds provisions to the public service employment program which, instead of encouraging and enabling workers to strive for economic independence, would almost chain them to purposeless, make-work jobs on the public payroll.

The agreement that came out of the conference committee called for 44 percent of the bill's total funds to be spent for dead-end, going-nowhere, public jobs. There was no indication that these jobs would be linked to proper training or to any plan of upgrading to higher steps of a career ladder.

Mr. President, the measure agreed to by the conference committee would perpetuate the bad features of the present legislative mix of our manpower programs and it would add some incredible new departures.

The administration appropriately seeks flexibility and versatility in order to meet State and local needs. But this bill tightens the straitjacket.

The administration seeks a public service employment program patterned after programs for jobs in the private sector—moving the jobless into work they could perform and moving them up as they progressed.

Unfortunately this bill would set a jobless public service employment pattern in which there would be no reasonable hope of advancement or opportunities for advancement.

The administration seeks manpower programs which would open up career ladders and opportunities for advancement. But this bill would create thousands of dead-end jobs. Surely it is not the purpose of Congress through this bill to create another WPA-type program—and yet that would be the effect of this legislation.

This administration is committed to a strong manpower bill, one that will give States and communities the flexibility and the financial wherewithal to plan and carry out manpower programs that really meet local needs.

It would be a tougher vote, perhaps, Mr. President, to vote to sustain President Nixon's veto if it were not for the fact that there is no great urgency in the enactment of this legislation OEO legislation now on the books would not expire until June of 1971. And the Manpower Development and Training Act does not expire until the middle of 1972. So, by sustaining the President's veto and upholding his veto on this vote, we will be giving Congress the time and the opportunity to come back early in the next session with a better bill and, hopefully, one that Congress can approve.

Mr. NELSON. Mr. President, I yield 1 minute to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 1 minute.

Mr. FULBRIGHT. Mr. President, I wish to associate myself with those Senators who are expressing dismay at the President's veto of the Employment and Manpower Act of 1970.

With unemployment at its highest level in nearly a decade, a Christmas veto of legislation in Congress this year that could help alleviate this situation is tragic.

For those of us who have seen in their own States just how effective public service employment programs can be it is difficult to understand.

In Arkansas, the Farmers Union has been running an Operation Mainstream program for the last several years that has meant dignity and useful work for thousands in rural areas of chronic unemployment.

The act would provide hundreds of thousands of such jobs, in cities as well as rural areas. These are jobs that would be planned and administered by local citizens and officials, jobs that desperately need doing as cities and States encounter the fiscal squeeze of the recession.

The veto is especially hard to understand at a time when the President is urging Congress to pass a massive welfare reform measure with the slogan "workfare instead of welfare."

Mr. President, "workfare" without jobs is a farce, and without the public service employment provisions of the vetoed manpower bill the jobs just will not be there.

In his August 1969 message the President asked for three domestic reform measures—revenue sharing, welfare reform, and manpower reform.

All the specific things he asked for in manpower reform are in the congressionally approved act. Yet the President has vetoed the bill.

That bill provides:

A system of State and local prime sponsors to replace the unwieldy bureaucracy of the Labor Department for planning and administering manpower programs.

A major public service employment program, with a minimum of $500 million the first year to fund $100,000 new jobs.

Mr. President, the issue involved in our consideration of this veto inevitably comes back to national priorities—whether we can redirect the course of our Government during this extremely critical time in our history—whether human needs and values must continue to be subordinated to our Government's increased obsession with militarism and outer space exploration.

In a recent editorial on the President's veto of the Manpower Training Act, the Arkansas Gazette puts this question in its proper perspective by asking:

> Why is it bad to subsidize employment in such programs as "Green Thumb" and the Neighborhood Youth Corps but good to subsidize employment in the aerospace industry's SST project.

I ask unanimous consent that this and other editorials recognizing the real issue raised by this veto be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Arkansas Gazette, Dec. 18, 1970]

President Nixon's Bag of Switches

"The president's big thing—that he has been hollering about—is that he is going to bring us together. He sure as hell is going to bring us together—in the soup line."

Thus spoke Lewis (Red) Johnson, president of the Arkansas Farmers Union, which operates the "Green Thumb" and some Neighborhood Youth Corps projects in Arkansas, upon hearing Wednesday of President Nixon's veto of the 1970 Manpower Act.

The veto was in fact an immediate example of the kind of priority choices Mr. Nixon continues to make as the administration continues to bungle the economic issues before the nation at a time unemployment has reached 5.8 per cent. On the same day the President vetoed the Manpower Act, which would have created 40,000 jobs (some for hard-core unemployed) this year and up to 300,000 by 1974, he was also threatening to call Congress into special session after Christmas to act upon and pass the appropriation for continued development of the supersonic transport, which some supporters say would mean employment for 150,000 highly skilled workers. As if that were not enough, on the same Wednesday the news was leaked that the Nixon administration is considering cutting off funds for the Volunteers In Service to America (VISTA), which is the domestic peace corps.

Mr. Nixon vetoed the Manpower Act because it "would create a national manpower program that would relegate large numbers

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of workers to permanent subsidized employment." The question raised, of course, is simple: Why is it bad to subsidize employment in such programs as "Green Thumb" and the Neighborhood Youth Corps but good to subsidize employment in the aerospace industry's SST project?

Senator Ralph Yarborough, chairman of the Senate Labor and Public Welfare Committee, which drafted the Manpower Act, says his committee will consider making an effort to over-ride the veto. We would join Red Johnson, who says 3,400 Arkansas jobs are at stake, in urging the Arkansas congressional delegation to support an over-ride. This is, as Mr. Johnson says, "President Nixon's Christmas present to the poor people of Arkansas" but Congress still has a chance to replace the bag of switches with meaningful jobs.

[From the Baltimore Sun, Dec. 19, 1970]

Dead End

In vetoing the Employment and Manpower Act, President Nixon said he did so because the public service employment section "would relegate large numbers of workers to permanent, subsidized employment. Such a program would limit, not expand, individual opportunity." He referred to the jobs in another sentence as "dead end jobs in the public sector." This so dismayed him, he said, that he would forgo the parts of the bill he desired, the reforms of administration and procedure in training programs.

This is strange. The jobs the bill contemplates are not dead end. Democrats in Congress insisted and won the point that the jobs be career-oriented, with promotion possibilities and training. Mr. Nixon and his supporters in Congress insisted that the jobs be menial, low-paying and temporary. Now he vetoes the bill because it does what he said he wanted—even though it doesn't!

Public service employment paid for by the federal government is particularly desirable in cities and counties where the poverty of the citizens leads to poverty of services (which leads to more poverty for the citizens . . .). This act provided that such cities as Baltimore with high un- and under-employment and deteriorating services, would be helped most. Under this act, federal aid for perhaps 3,000 needed jobs in police work, education, recreation, health and pollution control would be forthcoming. Without this sort of federal assistance, the cities are the ones relegated to a dead end.

[From the New York Times, Dec. 18, 1970]

Rigidity on Manpower Reform

President Nixon's veto of the manpower bill is an expression of executive inflexibility that will disadvantage both the unemployed and the cities that could use their services in productive public jobs.

The bill's language provided the Secretary of Labor all the latitude he needed to make sure that the employment opportunities proposed for the public sector did not turn into dead-end jobs, much less leaf-raking activities of the kind the President conjured up with his contemptuous reference to the WPA of the thirties.

There was some substance to Mr. Nixon's complaint against the freezing into the bill of specific categories of job training in particular programs, but even on this point the objections ignored the discretion vested in the Labor Secretary to decide on fund allocations and other details.

Inevitably, the unemployed will interpret the veto as a mark of the low priority the Administration gives their problems as against the solicitude it shows for ailing defense manufacturers and railroads and its strong fight in support of the SST. That sense of limited concern for human problems will be deepened by the simultaneous disclosure that the White House is considering a cut-off in funds for VISTA as part of a 23 per cent slash in all antipoverty appropriations.

For the hard-pressed cities, the veto means another despairing wait for adequate answers to problems they cannot meet without large-scale help from Washington.

[From the Washington Post, Dec. 18, 1970]

Strange Veto of the Manpower Bill

President Nixon's veto of the employment and manpower bill is a strange sequel to his pull-together appeal in his news conference last Friday. At that time he said that, with the election over, he has a responsibility "to work with those men and those women elected by the people in 1970" and that he hoped Democrats and Republicans would work with him on future programs. But his veto probably kills a bill on which there was a large measure of compromise—a bill designed to aid the economic recovery in which he is so much interested.

The President rests his case on two chief complaints about the bill. First, he contends that, as finally passed, it would perpetuate and increase the "narrow categorical programs" which he wished to abolish in favor of "a single, broadly defined manpower program." Second, he says the bill is "completely unacceptable" because 44 per cent of the funds authorized would go for "dead-end jobs in the public sector." These "WPA-type jobs," he says, would not expand individual opportunity but would "relegate large numbers of workers to permanent subsidized employment."

If these objections rested on solid ground, a veto would appear to be justified. But the President's view of the bill differs sharply from that of its sponsors. Instead of creating more uncoordinated programs, sponsors of the bill say, it would achieve about two-thirds of the consolidation the President requested. One estimate is that the bill would reduce the number of sponsors of manpower programs from 10,000 to possibly 400. The Senate refused to go all the way with the administration's proposed merger of manpower training programs under the authority of the states and cities, because it believed that there is still room for some innovative or demonstrative training programs on the federal level. It is difficult to find justification of the veto in this relatively minor deviation from the White House view.

Far more serious is the fear that the bill would subsidize, make work of the type that was discredited during the great depression. But Congress built in substantial safeguards against any reversion to WPA days. The basic purpose of this section of the bill is to provide training for persons who could be usefully placed in state and local governmental jobs that are not now filled. Many of these jobs are in hospitals, public recreation, sanitation service and so forth. In the past the unemployed have been trained for a great variety of jobs, but many have found nothing to do at the end of their training. Congress proposed to provide funds so that they could get some actual work experience in the public service, with the expectation that most of them would then graduate into private employment.

The Senate refused to compel a fixed quota of the trainees to move out of public jobs within a specified period. But it wrote several safeguards into the bill. The Secretary of Labor could reject any state or municipal plan lacking provisions for upgrading trainees and helping them to move on to better jobs. The bill as passed would also require an annual review of the situation, with power in the secretary to cut off funds for any program that might lapse into the WPA pattern.

Some of the language in the veto message raises a serious question as to whether the President fully understands what Congress was trying to do. It is a pity that he did not further scrutinize the bill with the help of Senator Javits or the U.S. Conference of Mayors, whose spokesmen were clamoring to be heard. Rumor has it that the Department of Health, Education and Welfare and the Office of Economic Opportunity were also eager to have the bill signed.

If Congress fails to pass the bill over the President's veto, it seems probable that the controversy will flare up again in the tense political atmosphere of 1972 when the present Manpower Training Act expires. The Senate Committee on Labor and Public Welfare has indicated that it will have no time for manpower legislation in the 1971 sessions. An upset of this veto could in the end be an advantage to the President as well as to the unemployed who are looking for additional training and opportunities.

Mr. FULBRIGHT. Mr. President, telegrams from my constituents who are familiar with these manpower programs at the local level express unanimity in urging the Senate's override of this veto. These people, Mr. President, who deal with these programs on a day-to-day basis are perhaps the most knowledgeable about their practical benefits, and I am inclined to give my constituents' advice great weight in matters such as this. Mr. President, I ask unanimous consent that telegrams I have received be printed at this point in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

STUTTGART, ARK.

Senator WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.:

We would appreciate your vote to over ride the President's veto of the man power bill.

Billy M. Garth, County Clerk, Prairie County; Representative Tucker, County Judge; Elmer Clark, Justice of the Peace; Marvin King, City Councilman; E. L. Feder, City Councilman; R. E. Ingram, Mayor; W. L. Blassingame; Sam Weems, Prosecuting Attorney; Gene Horn, Merchant; A. L. Berry, Recorder-Treasurer; J. E. Berry, Postmaster; Clifford Barlow, County Treasurer; John P. Bethell, State Representative, District 24.

CLARKSVILLE, ARK.

Hon. WILLIAM FULBRIGHT,
Senate Building,
Washington, D.C.:

Urge your support in overriding veto on comprehensive manpower bill.

Sheriff WALTER LOOPER.

CLARKSVILLE, ARK.

Hon. WILLIAM FULBRIGHT,
Senate Building,
Washington, D.C.:

Urge your support in overriding veto on comprehensive manpower bill.

PHIL TAYLOR.

PARIS, ARK.

Senator J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.:

Urge you to override President's veto on manpower bill.

R. N. BUTCH WADE.

PARIS, ARK.

Senator J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.:

Would appreciate assistance to override President's veto on manpower bill.

DAN PENNINGTON,
Mayor.

Mr. FULBRIGHT. Finally, Mr. President, a distinguished Arkansan who is eminently knowledgeable in this area, Mr. Lewis J. Johnson, Arkansas Farmers Union, testified before the Senate Committee on Labor and Public Welfare about the outstanding work being done in the manpower field in our State. I ask unanimous consent that his testimony be printed at this point in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Statement of Lewis J. Johnson, Arkansas Farmers Union, Little Rock, Ark., May 14, 1970

Mr. Johnson. Thank you.

Thank you, Mr. Chairman. I am delighted to be here today and briefly, I want to touch on a lot of things that the folks ahead of me have.

I want to say, being almost 62, I am very much in agreement with the people that preceded me about these older folks, so don't forget us. We started in 1965 with sponsoring the program. We were the granddaddy on the NYU program. That summer, we worked 16,000 youngsters and spent $5¼ million.

Since that time, we have worked 35,000 youngsters and spent over $11 million. So it has been a tremendous thing with our young people in Arkansas, and it is one of the great programs.

It ought to be expanded instead of retracted. We have had youngsters in and out of school and this program has put them on through school. So for goodness sake this program should be expanded.

We had a mainstream program called CEP we subcontracted for, and I want to say to you, we had a homebuilders program under that. One of the most disappointing facts about that program was subcontracting under Employment Security on CEP. There was a great disturbance about who was the boss, labor, or Employment Security, so the program was funded in March.

They wanted to do comprehensive planning and they did, and it took them to September 15, and then it took a memorandum from the White House to get them started with the program.

We started and had homebuilders, nurses aides, senior citizens, on manpower programs, and they cut out programs back, 3 months for nurses aides, and landscape gardners, and finally cut those categories out all together.

We finally trained 203 people, most of them on homebuilders programs.

Mr. Chairman, we did not refer them. We had to wait until Employment Security referred them. We needed a crew of six men and a foreman. They would refer us to one man this week and one man next week, so I say I am not subcontracting today because you can't run an operation like that.

We finally got enough men to start the programs. We remodeled private homes for low income rural people under the 504 loan. You are familiar with that type of loan.

That was one of the greatest things, Mr. Chairman, that could happen to rural people. You have no conception, unless you go into the homes of these families that have never had hot and cold running water in their house, have never had a kitchen cabinet or a bathroom and have never had some of the ordinary, everyday things of life, and see them borrow $1,500 and see a new roof put on their house, running hot and cold water, bathroom fixtures put in, beautiful kitchen cabinets built, and they were able to pay whatever their income would allow them to back to the Farm Home Administration pay.

Now the Labor Department. We have asked for another proposal direct from the Labor Department, and they tell us there is some question whether what we did with that money was legal.

So I want to say this to you, if that part of the program is not legal, will you please change it, so we can train people, and train them on the job. Besides that, we gave them some related instructions.

For example, we would hire a foreman. A lot of times they were 72 and 75 years old, retired, and we would have half a day's course teaching them to cut rafters, or how to read a square, and those things, and then we would have a class in reading and writing, and in some cases consumer buying.

This can be one of the finest programs, and I am waiting now for a ruling from the attorney from the Labor Department, whether or not they will fund this home builders programs that we are proposing.

We can repair those homes and train those young people to be carpenters, plumbers, painters, electricians, and all of that, and we have a great need for that type of skilled workers right now.

We have always participated in the Green Thumb program, and truly that is almost a religion in Arkansas, it has done such a tremendous job.

We also promoted since 1966 on-the-job training programs, and I might say out of placement, I think we have had 62 percent permanent employment out of over 1,000 placed in a 3-year period.

We have operated, and are still operating, a Displaced Farm Worker program under migratory labor, and we contracted with a college at Pine Bluff. We have placed 81 percent of those people in permanent employment.

In other words, we have taken the head of a household, a young girl 19 or 20, with one or two children, the head of a household, that had a high school education, but no employment, and in the first year, we trained seven of them for secretaries, and most of them were nonwhites, and placed every one of them.

We have taken the hard-core field workers in agriculture, 45 and 55 years of age, and we taught some of them to be seamstresses, and then we got a loan from the Farm Home Administration and bought them machines and put them in business on their own.

So actually it is one of the great joys of my participation in these programs to see the great good that is done with underprivileged people.

Now, Mr. Chairman, you know and I know that the work force of this Nation is growing and growing and growing, and that private industry and business cannot, and will not, be able to employ them.

So it is going to be necessary for the Congress, and to me—I certainly don't know what we would do without you, because there must be work jobs provided, not only for our senior citizens, but part time for other people, for training programs.

We have a larger work force, and as we get that, we must go back to shorter work hours, and we must develop work programs by the Federal Government, 3 days a week or 2 days a week to help supplement these incomes.

Let me throw out this suggestion, if I may: The Federal Government can't meet all of this tremendous cost, so we must have a matching fund somewhere down the line by the States, and now, we must lead the way through our pilot projects. Here we are, undoubtedly, Mr. Chairman, one of the most polluted countries in the world, and I am proud to say to you that Arkansas is one of the five cleanest States in the Nation.

I served 14 years on Pollution Control Commissions there, and we had one of the finest. We filed our Water Quality Act with the commission act the first in the Nation. We have our air code act already approved.

What I am saying, though, is the solid waste program in Arkansas is a disgrace to human society. I asked a proposal from the solid waste people, as a pilot project, to work older people in two counties to make a total cleanup by working with the county officials and city officials, to bury these cans and refuse, all but the old cars, and then contract and move those and have them mashed and sold back to industry.

So far I have not got it approved Mr. Chairman, because they said, now look, your program is too simple. You just don't go about picking up solid wastes and you have to hire an engineer and tell us if your proposal is feasible.

I didn't know there was anything comprehensive about taking a bunch of older workers, with trucks the city will furnish, and they will dig the trench and will backfill, and we will clean up a county completely, cities and streets and country roads, and build parks along the highways that the people can put their rubbish in, and the county trucks, then will pick it up.

I don't see anything comprehensive about that. All we asked them for was salaries for the workers. We have too many times, Mr. Chairman, made a hard job out of a very simple job. It was our hope, and we said so, that if we had this pilot project we could show what could be done for such a little money. We asked our legislature to give us a matching appropriation, or some additional appropriation for other counties so that we would pass stricter laws on wayside dumping, and that we would have one of the finest educational programs in the country from it. We would instill in our people a pride that they would never forget.

We hope to get that funded, Mr. Chairman, as with the solid waste people. It is over in Cincinnati now. I don't know whether we will or not, but I am saying to you that there is enough pollution in this country to be cleaned up that this Government, on a matching program, can keep all of our senior citizens employed on a clean-up program for the foreseeable future, and it has got to be done.

There is no other way.

We have got to do it. We have plenty of jobs to be done, Mr. Chairman, in Arkansas. We are very fortunate there. We have the Ouachita Mountain range, the Boston Mountain range, and of course, we are part of the Ozark Mountain range. Over the past few years we had this economic development area there, and this one there, and we have planned and planned and planned.

Now Mr. Chairman, it is time to stop planning and get some action, and do some of these things that have got to be done.

There are too many people that can plan behind a desk, but do not have the very simple—well, maybe it is mule sense like myself, to go out and do a very simple job, just by doing it.

So I say to you, planning is necessary in some areas, but for goodness sakes, let's get some action.

In Arkansas today, with all of these recreational areas we have, you can't get into a parking area, and a recreational area, whether it is State or public.

It is already over crowded. So we have before us the beautiful areas that we can develop for our people and provide the jobs. We have the ugliest waste that has polluted our country, that is out there, that we can see, that we can pick up, can cover up, and make our country beautiful, and it seems to me we need more men like you. You know, I am a little disturbed about our society, Mr. Chairman, we have a $200 billion budget, and you and I know, or I think we know, with my little training in rural economics, I want to say this to you, we have got to keep a strong national economy.

We have got to keep a strong national

budget to have a strong national economy. It has just got to be decided where we are going to spend that money, and I am saying to you, in an affluent society, it is morally wrong to start with, and furthermore, I don't think the society will stand if it will provide for 60 and 70 percent of our people a high standard of living and the other 40 or 30 percent a substandard living.

So I am saying, then, that what we need to do is to reevaluate the whole program of our national economy. With this tremendous budget, on national spending, we spend that money at home and on these domestic problems that must be taken care of, and that we see, then, that all of our people will enjoy a part of this affluent society.

Now, Mr. Chairman, in closing, let me say this: My company nor I never made a dime out of these programs we sponsor. To me I don't understand how in this country of ours, that the national resources put here by the great creator, because some person or some company had the money and the ability to extract it from the soil or from the ground, should enjoy and receive all the benefits of it.

It just stands to reason, to me, that the greatest resources we have is people, and people should share in these great benefits.

Now, I want to say in closing that I thank you for your great leadership that you have shown, and I think technology has far outstripped our leadership in this country at this time, Mr. Chairman.

We are still trying to live way back in the 1920's. We have too many people and I don't mind saying the Chamber of Commerce and the National Manufacturers Association are a part of them that still believe that you have got to have a large reservoir of poor people to have a good economy.

I don't subscribe to that philosophy, Mr. Chairman. I believe there are enough here, if a man wants to work or a woman wants to work, they ought to have an opportunity to work.

I don't think you ought to make him, because if he does not want to work, he should not have to, but then we should not be responsible for him as taxpayers.

So I want to say that we have got to change that thinking, that sorry people have always been here because they have been underprivileged.

What they don't understand, the biggest people and the Chamber of Commerce, that through the free enterprise system that they have operated, they have created these underprivileged people and have perpetuated them over the years.

Now, Mr. Chairman, we have got to change that. Decency demands it and we have been delighted to participate in these programs, and I want to say to you, it is time now that we talk about $10 billion, $15 billion, $20 billion.

I don't agree with Dr. Carstenson. He told you he could use $125 million. We will spend more than that in Arkansas, we will spend it in a year's time if you will give it to us, Mr. Chairman.

We have got the need. Let's spend some of our money back here on our domestic problems.

Thank you a lot.

Senator Nelson. Thank you.

I am familiar with the kind of work that has been done in Arkansas, as well as Wisconsin, and by the Farmers Union, and it has been a superbly run program and it is the only program I know of in which I have yet to hear—in the poverty program—the first complaint from anybody about the program. It has broad support by local government officials who are close to hope to see how effective and constructive and useful the program is.

Thank you very much.

Dr. Carstenson. Mr. Chairman, I would like to give you one bit of information concerning the current funding of the Mainstream program before we close.

You met with assistant secretary Weber following the add-on appropriations, and as you remember, there were 41 million plus, a minimum of 15.8 million that was supposed to go into new careers or Mainstream.

This money is still being bandied about, back and forth between OEO, the Bureau of the Budget, and the Department of Labor, and as recently as the other day, Secretary Shultz indicated to Congressman Shriver of Kansas, and Warren Magnuson, the Senator from Washington, that they still had not delegated that money.

It seems a real shame that at this time, with the recession and all the problems, that this effort you made is being—perhaps I am being a little rough—but it is like a football.

They are blaming each other. Labor is blaming OEO and the Bureau of the Budget says it is budget, and it is going back and forth in a nice ping pong game there.

At least that 15.8 million—maybe I am thinking a little small here in terms of the 125 million, because we had so much trouble getting 15.8 million unfrozen from the Bureau of the Budget and OEO and Labor for Mainstream programs.

May I join Red in larger budgets, if we can get the Bureau of the Budget to spend the 15 million which was authorized this year.

Senator Nelson. Thank you.

(Whereupon, at 12:07 p.m., the subcommittee recessed, to reconvene at 10 a.m., Monday, May 18, 1970.)

Mr. JAVITS. Mr. President, we are in trouble over the time. I ask unanimous consent that the Senator from Mississippi may have 3 minutes without it being charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STENNIS. Mr. President, when this matter came up, the first chance I had to know about it was in the conference report.

I examined it then. With all due deference to those who worked on it, I did not think it met the situation and the need.

I made further inquiry with respect to the program. I mention that to show that I have been interested in the subject matter. I think we have some need for it. However, I was compelled to vote against it because $9.5 billion was pledged for the next 3 years. It seems that whatever amount the authorization bill contains, that is the amount appropriated for the next 3 years.

The program had in it all the other mounting costs and unbalanced budgets. Furthermore, it would not bring about the end result.

Any kind of manpower training program that is going to be successfully carried out by the Federal Government certainly must have the administration behind it, the executive branch, or the chief of that branch, in order to organize it and to make it bring a return.

The President said that it is not in the ball park with his ideas of what we need in the way the matter should be approached and carried out.

It seems to me that having thus considered the procedure and the administration of it, we have an overwhelming reason why this is not the measure, the bill, or the plan to meet the need, whatever that need may be.

So for that reason and as one who is interested in the bill, I shall certainly vote to sustain the veto. I hope that my colleagues seriously consider also voting to sustain the veto.

Mr. President, I yield back the remainder of my time.

Mr. PACKWOOD. Mr. President, it is with deep concern that I view the Manpower Act that emerged from conference and was vetoed by President Nixon.

In November, 5.8 percent of our labor force was unemployed, and countless others were underemployed, either because economic demands prevented them from working a full 40-hour week, or because their talents, for lack of training, were being underutilized. At the same time, many jobs requiring more sophisticated skills are still going begging. Our manpower programs have a tremendous job ahead of them if they are ever going to be successful in attacking and solving this dilemma.

The first thing we must do is to realize that this geographically and economically diverse country contains as many different economic situations as there are labor market areas. We all know that doctors cannot effectively treat the myriads of diseases that exist in this world if they limit themselves to only 22 specific prescriptions. Likewise, we cannot treat all the unemployment ills of this country by prescribing 22 different manpower programs.

But that, in essence, is what this proposed bill is doing. Because for the most part, it maintains the old program delineations, specifically offering newness by consolidating them into 13 separate categories, it builds the same rigidity into the administration of the entire system. On the other hand, what we need now in an increasingly diverse society, is to reverse the trend, and instead of merely providing catchall terms to maintain rigid categories, move legislation in the direction of offering flexibility.

When I supported S. 3867, I had a number of reservations about it, one of which was maintaining this dangerous fragmentation, involving overlapping programs which would do little or nothing to eliminate the inefficiency and wasted resources characteristic of the manpower program conglomerate.

A second reservation, closely related to the first, was the resulting lack of local freedom to utilize ingenuity and creativity to research and develop new programs, tailormade to specific geographic area and economic situations.

A third relates to the public service employment section, now under title III which I felt then, as I do now, does not have adequate built-in safeguards to offer effective incentives to local administrators to insure that trainees would be moved on through and out of this program into better employment in the private sector. Without such safeguards, stagnation and ineffectiveness can only result, once the enrollment quota becomes saturated. By not providing for constant movement through the program, this bill does only half the job of public service employment, which in this case could be worse than not undertaking it at all.

In short, I feel very strongly that we need comprehensive manpower reform. But I feel that we need a comprehensive manpower program overhaul, rather than legislation that will merely pay lip-service to the word reform, as this act does. Therefore, I regretfully must admit, in maintaining my loyalty to the interests of my constituents back in Oregon, that this legislation is not the answer to their manpower problems or to ours.

SAY HIGH-SOUNDING THINGS, BUT DO NOT SPEND MONEY ON TRAINING

Mr. MONTOYA. Mr. President, President Nixon has again shown his lack of commitment to or understanding of the economic ills of our society. His recent veto of the manpower training measure is ample evidence of the fact that he lacks commitment to the cause of training the growing masses of Americans for jobs.

Here was action on the part of the Congress in terms of a $9.5 billion commitment over a period of 4 years. Local governments could have been able, with one-third of the funds involved, to initiate and undertake training projects for our unemployed. Another third was to be earmarked for direct Federal maintenance of ongoing Federal programs in the job training area. Several of these efforts are already in being, and are accomplishing significantly successful work in training those who otherwise would have received nothing in the way of hope, or education.

Several of these programs, such as the neighborhood Youth Corps and Job Corps are vestiges of that bold effort to give hope to the hopeless that a previous administration began. They have survived stubbornly, in spite of administration efforts to strangle them. Now the President seeks to administer a final death blow to them. We must prevent that coup de grace from being given.

Such programs have been done to near death, not by sudden blows, which would kill them then and there. Rather, they have been executed or brought to near extinction in salami fashion—a piece at a time. Administrative execution has been employed in the name of efficiency and economy—excuses for killing off programs which offend the political and philosophical sensibilities of this heartlessly conservative administration.

The last portion of this bill would have established a new series of programs on public service employment. Here State and local governments would have begun hiring the unemployed, with Federal financial backing. Yet the President has taken these three aspects of the manpower training program, wrapped them up in a tight ball, vetoed them and called them "deficient." Fascinating. Here is a profoundly enlightening insight into the inner-thinking at the White House.

The President says in his veto message that "as much as 44 percent of the total funding in the bill could go for dead end jobs in the public sector." He says that "WPA jobs are not the answer for the men and women who have them."

Mr. President, I submit that the President has become more than a little isolated in recent months. He has not been listening to the people in the Nation he leads. He has not looked into the faces of those in the lengthening lines of unemployed men and women who are now to be seen everywhere. He has not been reading financial pages as news of closing industrial facilities spreads and spreads. One day it is a gypsum products plant in Rosario, N. Mex. Sixty workers out. The next day it is a major television tube facility in Memphis and some 1,600 workers hit the streets. Farm prices are at depression levels, factory profits are at lowest levels in 9 years. Almost 5 million Americans walk the streets at this cheerless holiday season, looking for work—any work. Retail buying sends store managers to the wall in despair. He claims there is no need for WPA-type jobs and vetoes this manpower training measure we have sent him.

Mr. President, another Republican President sat in the White House, increasingly alienated from the people who daily added another measure to their level of suffering. He too turned his face from the realities of unempoyment. He also refused to go along with suggestions that would have placed Federal funds behind public works types of jobs. Remember? His name was Herbert Hoover. He also lived in a paradise of self-delusion. He too watched as a series of by-elections sent his party down to smashing defeat.

Now, however, instead of closed steel mills, which are also on the way, we have a Nation crawling with unemployed engineers, instead of day laborers filling the ranks of jobless, we have white collar and other managerial types standing in unemployment lines. The names of the players may be different, but the scorecard and ball game remain unchanged.

Mr. President, we have here the shameful picture of a Republican President sitting in isolation in the White House, while the economy of America falls to pieces around us as a result of his policies—and he sits there and sits there, telling America this is all according to plan—that his veto of the manpower training bill is correct. Why? Because WPA-type jobs are not good for people desperate for them. Try and tell a starving man food will hurt him.

Mr. President, Santayana once said that those who do not learn from the mistakes of history are doomed to repeat them. We should and must override this veto.

Mr. HARRIS. Mr. President, I view with grave concern the President's veto of the Employment and Training Opportunities Act. In vetoing the bill, the President stated that he was not objecting to the funds authorized for the bill, but that he was concerned that the bill would set up "dead end" public service jobs of the WPA type which were not the answer to the problems of the 1970's. He further stated that the bill would "relegate large numbers of workers to permanent subsidized employment."

I think that 4.6 million unemployed Americans would find it very difficult to understand or accept this reasoning. At a time when unemployment has been made to rise above acceptable levels to help fight inflation, the manpower bill offered some help. The seasonally adjusted unemployment rate for the month of November was 5.8 percent, an increase of 0.2 percent over the October figure.

The President's statement relative to relegating workers to "dead end" permanently subsidized employment is lacking in sufficient justification.

A study undertaken by Harold Sheppard for the Urban Institute in 1968 clearly dismisses this proposition. The Sheppard study showed that at least 140,000 job opportunities for nonprofessionals already exist in the Nation's 130 largest cities. These are jobs which are existing and available now. The fact that they exist clearly negates the position taken by opponents of public service employment that the jobs will represent make work or dead end jobs.

The National Commission on Technology, Automation, and Economic Progress estimates that there are more than 5 million additional jobs which could be filled in the public sector.

How much longer will this administration continue to call for cuts in appropriations for domestic programs and ask that we compromise beyond reasonable limits on legislation designed to afford equal opportunities and better living conditions for our own citizens here in America?

Mr. President, a number of prominent individuals and organizations have shown support for the Employment and Training Opportunities Act. Such organizations as the U.S. Conference of Mayors, the National League of Cities, AFL-CIO, Governors, and civil rights groups are among the supporters of this legislation.

Finally, Mr. President let me say that the bill vetoed by the President is, perhaps, the single most important piece of manpower legislation to pass the Congress in recent times. It would have done much to reorganize and consolidate existing manpower programs and legislation into one comprehensive package. At present there are more than 10,000 separate sponsors of manpower programs. The vetoed bill would greatly reduce the number of sponsors to approximately 400. The Congress was pleased with the new effort to reorganize Federal manpower activities and voted to adopt the measure by 68 to 13 in the Senate and 177 to 159 in the House.

On numerous occasions many of the Members of this body have addressed themselves to the need for reorienting the Nation's priorities in order that we might do more for those here at home. Surely there is no way that we can more significantly do this than through the process of providing the opportunity for the employment of our citizens. There has been a great deal of discussion on the subject of employment for the poor in connection with the family assistance plan now before the Senate. The President's veto is directly inconsistent with his advocacy of FAP.

Every able-bodied American citizen has a moral and economic right to a decent job at a decent wage. I believe that every citizen has a right to share in the Nation's productivity and wealth. Accordingly, in the name of many unemployed American citizens, I urge the Senate to override the President's veto of this important bill.

EMPLOYMENT AND THE MANPOWER BILL

Mr. MONDALE. Mr. President, the vote of the Employment and Manpower Act by the President raises a profound challenge about the nature of our society and the role which government must play.

The government of a free economy faces no more crucial a test than its ability to insure lasting and productive employment for all those willing and able to work.

And the supreme test is to see whether a free economy such as ours can not only maintain high employment, but can direct the energies, skills, and productive capacity of a war-oriented economy to the enormous needs of a peaceful society.

This is the double challenge we are facing—and, I think, failing. We must reverse the skyrocketing rise in unemployment which has added nearly a million and a half jobless to the ranks of the unemployed in the past year—30,000 in Minnesota alone. And we must reorder our priorities and apply our technology and skills to human and domestic needs such as health care, education, the restoration of our environment, the revitalization of our rural economy, and the rebuilding of our cities.

The failure of the Nixon administration to maintain economic growth and full employment is known to all—not just to the 4,600,000 jobless, but to all Americans who feel the loss of the $43 billion in wealth we have lost this year.

But the challenge of the next 2 years is not simply to put these men and women back to work. We must, at the same time, convert from an economy dominated by a war in Vietnam, by a legacy of incredible waste in the Pentagon, and by the enormous expense of placing men on the moon—to an economy devoted to the betterment of our human environment.

On top of the millions whose jobs have been sacrificed to a misguided policy of "economic restraint" will come more millions—scientists, engineers, and skilled workers—displaced by the end of a wartime economy and the hoped-for reordering of priorities. And on top of these will come the inevitable yearly addition—over a million a year—to the labor force: returning GI's, young people seeking their first jobs, and college graduates—800,000 in 1974 alone—all seeking the jobs that are inadequate for our labor force of today.

I welcome the cuts which have already been made in the space and Pentagon budgets. The Congress last year cut $6.5 billion worth of waste from the Pentagon budget. We are cutting out $2 billion this year. And I think we have a healthier defense capability because of it.

But you cannot eliminate nearly 1 million jobs without redirecting these skills and facilities into those areas of desperate domestic need. Over 370,000 civilian jobs and 450,000 Government jobs had been eliminated by this summer with nearly a million more to be directly or indirectly lost within the next year.

Minnesota with some 30,000 defense-generated jobs, has lost perhaps 5,000 of these since the peak year of 1968. Scientists, engineers, and highly skilled workers are discovering for the first time the tragedy of unemployment and the fundamental hollowness of an economy fed by war, space, and Pentagon waste.

Like the war-fed inflation, the wartime economy was inherited by the present administration. But like its policies toward inflation and unemployment, the policies of this administration toward the grave problems of defense conversion have been totally lacking. In fact, there is no real policy today toward the conversion from wartime to peacetime production—anymore than there are policies to make jobs for the millions of unemployed or for the control of our persistent inflation.

Like its approach to every other economic problem, the policy of this administration toward defense conversion is to "wait and see"—to "let the market adjust"—and to allow millions of highly skilled and highly educated men and women wonder why they cannot begin now to put their knowledge to work on our environmental crisis, our desperate housing shortage, our archaic transportation system, our crumbling cities, or our sick and malnourished.

We have taken the first steps—however small and tentative—toward an end to the war in Vietnam and a reordering of our national priorities. Let us not throw away the limitless potential of this step by proving ourselves unable to realize that we can do with these resources. Let us not step from the wasted billions upon moon shots, armaments, and unnecessary Pentagon hardware to the even more unconscionable waste of still higher unemployment.

We cannot afford to stumble into the blessings of peace with no adequate plan.

We cannot afford to reorder our priorities only half way, cutting out billions of dollars of Pentagon waste without redirecting those billions into productive work.

The Congress has faced up to its responsibilities to provide a positive program for reordering our priorities. We have added funds for education, over the President's veto. We have continued the Hill-Burton hospital construction program, also over the President's veto. We have added funds for water pollution and for urban renewal. We have refused to accept the administration's ill-advised cuts in health research. We have added funds for veterans' medical care.

But the most important action taken by this Congress to deal with our festering economic crisis was the Employment and Manpower Act. This act gave the Administration the basic structural reforms which it sought. It reduces the number of grantees from 10,000 to about 400. But the President vetoed the bill essentially because of its job-creation provisions. He also objected to the continuation of certain categorical programs.

Referring to the public service jobs which the bill authorized, the President said the program would "relegate large numbers of workers to permanent, subsidized employment." He said "Such a program would limit, not expand, individual opportunity." Surely, this is a new concept. How can a job for an unemployed person limit his opportunity?

Why does the President suddenly find public service employment is inherently undesirable? In 1969, 12.7 million people in the United States worked for Federal, State, and local governments. Perhaps the biggest single category of public employment is teaching school. Is a school teacher's job any less "dead end" than the teachers' aide positions which the bill would authorize.

These new positions would be proposed by State and local officials for performing needed public services. Could it be that the President's objection was based on the fact that these jobs would be subsidized by the Federal Government? What about the billions of dollars of Federal grants which now subsidize road building, and water pollution, and elementary education, and meat inspection, and flood control, and medical research? It cannot be simply that these jobs would be federally subsidized. Indeed, the administration has agreed to support the proposed public service jobs for welfare recipients which will be offered as an amendment to the family assistance program.

Public service employment has been growing steadily in the United States. It has more than doubled in the last 20 years, from only 6.4 million in 1950 to about 13 million today. The total number of new public service jobs authorized in the fourth year of the Employment and Manpower Act would be under 400,000. This is only equal to the annual increase which we have been experiencing in public employment. A recent study showed an unmet need for 5 million badly needed, additional jobs in the public service.

Furthermore, this bill contains all the provisions looking toward training, upgrading, and movement into private sector jobs that were in the House bill and favored by the President. It lacks only a punitive provision to cut off funding when it proves infeasible to transfer a person from public employment to private.

What the manpower bill would do is make it possible for hard-pressed States and cities to offer badly needed services for example, in nursing homes, day care centers, hospitals and schools. Public improvements would also be aided, such as parks, roads, urban renewal and pollution control.

It also would guarantee for the first time, a fair share in manpower programs for migrants, Indians, older persons and those who do not speak English as their first language. The Congress has learned only too well that, without such statutory assurances, these groups will be left out.

Mr. President, the Congress has conceived an imaginative and far-reaching approach to dealing with the problem of persistent unemployment in an inflated economy. It substantially carries out one of the President's three principal legislative recommendations for welfare

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and manpower reform and for revenue sharing.

Apparently, the administration does not accept the approach of our bill because it conflicts with the President's game plan for cooling the economy through high unemployment. As everyone now realizes, this plan depends on putting more and more people out of work. Since last November, 1.9 million have been added to the ranks of the unemployed—raising the figure to 5.8 percent of the work force, or 4.6 million people. This is the highest unemployment rate in 7½ years.

I think it is time for the administration to stop playing games with American workers. What we need is more jobs. Our bill would provide those jobs. I hope that the House and the Senate will meet their responsibilities and vote to enact this landmark bill over the President's veto.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I yield 4 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 4 minutes.

Mr. PERCY. Mr. President, it is with much regret that I have come to the conclusion that I must vote to override the President's veto. I regret doing so because I know how very deeply the President feels about the matter.

I believe so deeply in the concept of public service employment—and this seems to be a good concept at a time of underemployment and unemployment—that rather than scrap this program and start over again, I think it would be better to enact this bill and to modify and amend the program at some later time if that should prove necessary.

I support what the Senate has produced and I supported and voted for it in the original instance as well as in the conference report.

I do so for several reasons. First, I believe that today the Federal Government through the welfare reform bill is moving to take over more of the responsibility of welfare. We should also move very rapidly to do as much as we possibly can to provide employment rather than just welfare for people.

Second, I think this bill is not inconsistent with the administration's principle because just yesterday the Secretary of Housing and Urban Development announced that he was creating 20,000 jobs in HUD to take the scientists who are unemployed—and there are 45,000 of them unemployed—and put them to work on the problems with which HUD is concerned. So, in principle the administration has accepted the fact that they are going to have to provide employment rather than to have idle, unemployed scientists sitting at home doing nothing and drawing welfare when there are problems that the Nation faces now that these brilliant men can put their minds to solving.

Third, I will vote to override the veto because I think it is consistent with what the American people want. I have surveyed a number of times the attitude of people in my State as to whether they agreed with the principle that a man who is able and willing to work should have a job, and not just welfare and that he should have a job even if the Government must become an employer of last resort.

I would say that 75 to 80 percent of the people in the State of Illinois responded favorably to that inquiry.

I have heard it said that people do not want WPA projects. I relate a personal incident in the days of the thirties when WPA furnished jobs.

I knew a family on relief. That family was mortified to accept any benefits without working for them. However, they had no alternative. The husband was unemployed. The wife could not find a job. She was an unemployed musician. In those days who wanted to employ a musician?

The State of Illinois created the Illinois Symphony Orchestra. The wife played a violin and was given a chance of employment. She received $90 a month for doing something, the same amount that she had received for doing nothing. The morale of that family simply jumped. She had a chance to retain her dignity and pride.

What did that orchestra accomplish? They played 8 hours a day before grammar and high schools in the city of Chicago. Those students would not have had that kind of educational experience otherwise.

I know what it did to this family because it was my family. I was one of those children. For a year and a half, WPA saved the dignity of that one family as it did many other families. The cost was about the same as it would have been if those families had done nothing. Some employment was created for them in some sort of special category.

We want to take the people and try to give them dignity and training, and the best training is on-the-job training. We want to give the person a chance to work. In fact, I am for the Nixon reform program because it requires people who are on welfare to work.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON. I yield the Senator 1 additional minute.

Mr. PERCY. Mr. President, I strongly support many of the programs of the administration. The administration, the President said in his veto message, has 3 programs he wants very badly: The Family Assistance Plan, and I support fully that program, the revenue sharing plan, and I support that plan, and manpower training, and I support that. This is not the plan he wants but it is as close as we can get to it.

Mr. President, in my view, public service employment offers individuals who are now demoralized by the lack of dignity which results from unemployment or from underemployment the opportunity to contribute to the public welfare. For example, there are hospital patients who are presently not receiving the care they should due to the lack of nurse's aides. Yet there are many individuals, now underemployed or receiving welfare benefits, who could, if given the opportunity, fill these jobs and thus help to give these patients the care they require. Public service employment could, benefit the entire nation by providing employment for those who are now unemployed or underemployed in areas where help is greatly needed.

Public service employment does not; necessarily result in "dead-end" jobs. There are programs now in existence, and I hope that more will be funded, which permit individuals to begin their employment at one level and, as they demonstrate ability and capacity, to advance to higher levels. The bill contains guarantees designed to assure those who are employed in the public sector that they will be able to advance as far as their capability will allow, either within the field of public service or within the private sector.

Finally, Mr. President, the public service employment program will not create a pool of "cheap labor." In my view, the bill contains that best safeguards obtainable under the circumstances to guard against this possibility.

Mr. President, for the reasons I have outlined, I feel that the bill, as vetoed by the President, is the best bill we could develop at this time and I shall vote to override.

Mr. HUGHES. Mr. President, at a time when the Nation's leaders of all political persuasions are seeking ways to minister to our stricken economy, it is both tragic and incredible that the President has vetoed the Employment and Manpower Act of 1970.

In the first place, this bipartisan legislation, developed after extensive hearings, executive sessions and consultations with administration representatives, is a specific remedy directed at the core of the economic malaise afflicting our country at this time.

In the second place, it is sound, carefully drafted legislation which is directly on target in meeting the very objectives that the President has called for in this area.

As several of my colleagues have pointed out, the veto message criticizes the Manpower Act for faults that it does not, in point of fact, possess.

The allusion to "dead-end, WPA-type jobs" is particularly unfortunate, since the kind of public service jobs covered by this bill would be sound, urgently needed employment with opportunities for training, advancement, and lasting usefulness that would strengthen our society, not just for a temporary emergency, but over the long pull.

I do not question the President's objectives for sound public service manpower legislation. Those objectives are shared by an overwhelming majority of the Senate, as shown by the vote of 68 to 6 by which the bill passed this body.

The point is that the bill, as passed by the Senate and as modified in conference, satisfied those objectives.

In a very puzzling way, the veto message seems to reflect a lack of understanding of the real provisions of the legislation.

The objections seem to be largely matters of misinterpretation or semantics.

Mr. President, with unemployment standing at 5.8 percent, the highest since May of 1963, with State and local gov-

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ernments sorely pressed for manpower with which to provide critically needed public services, it is late in the game to deny critical human needs at this time of emergency for reasons that do not stand up under examination.

As a three-term Governor of my native State, I have had direct experience with manpower programs at the State and local levels.

I know what the Governors of our 50 States and the mayors of our cities are facing at this time.

It is significant that the U.S. Conference of Mayors protested the veto very strongly and a delegation of mayors had desperately sought to see him for a week prior to his veto.

In Iowa, in the late spring of 1967, we saw that there was serious trouble ahead if work was not provided for the unemployed young people in our cities. It was a crisis that had to be met quickly and decisively if severe trouble later on was to be avoided. In a matter of a few days, we had such programs going in five of our major cities and $150,000 privately subscribed to fund them.

And these young people were assigned, not to "busy work," inconsequential tasks, but to important public service jobs, such as assisting with the removal of thousands of diseased Dutch elm trees, that the cities did not have crews or funds to handle.

The point is that the emergency had to be met with prompt and decisive action—just as our present national emergency in manpower and public service needs to be met with the prompt and decisive action set forth by the Manpower Act.

We have heard a good deal from this administration about the new federalism.

I submit to you that the Employment and Manpower Act of 1970, with its decentralization of planning and administration to States and local communities and with its responsible funding of vital State and local government services, represents the efficient functioning of our Federal-State-local system at its best.

A study last year by Dr. Harold Sheppard of the Upjohn Institute surveyed the public service needs in a sample of cities. It concluded that at least 141,000 untrained people could be employed almost overnight in the 130 cities with over 100,000 population. A half million could be employed within a few months in smaller cities and State governments.

The jobs are there to be done. And there are people capable of doing them. What the State and local governments and other institutions need are the funds to pay the people for the work.

The bill which the President vetoed would have authorized funds to finance up to 80 percent of the costs of locally designed programs to meet local needs. Each billion dollars in Federal money would support about 250,000 jobs.

These jobs, as I have stated, would be useful and worthwhile—not unnecessary leaf-raking or make-work.

There are jobs waiting to be funded and filled—jobs in health facilities, in schools, in police and fire departments, in sanitation and waste disposal services.

It is not make-work if we can provide for more nurses' aides and orderlies in our understaffed hospitals. It is not make-work if we can add to our underfinanced police and fire department. It is not make-work if we can get more men to remove the mountains of trash from our cities and deny rats a place to live.

This would not be welfare. It would be a very prudent investment in our social well being. Economists believe that public service employment would have high returns for the individuals involved, who would gain in self-respect and skills as well as income. It would also have high returns for our society in the form of increased productivity. Some studies have predicted a return in extra GNP of from $4 to $12 on each dollar invested now in a new worker.

In his veto message, the President said:

> The administration is taking measures to expand economic activity and job opportunities.

But what are the facts? Unemployment is still rising. Now over 4.6 million people are out of work. The newspaper today reports that Christmas buying is so slow that thousands of people hired in past years could not find even part-time employment during this year's shopping rush.

The most recent figures show that industrial production has fallen more than in the 1960–61 recession.

Where are those jobs? Where is evidence of that expanding economy?

The current administration has made many promises about improvements, but it has not delivered. Only last week, the Secretary of Commerce had to admit that its highly touted black capitalism program had fallen short of the mark—only one fourth of the promised businesses had been established.

Yet here we have a program that would increase employment and provide vitally needed public services.

Furthermore, this bill would have done more than provide public service employment, although that was the most controversial feature. It would also have provided an expanded and more imaginative approach to manpower retraining.

Right now, the poor that we always seem to have with us are stuck in the ruts of unemployment, under-employment, and dead-end skills. We must help these people to climb out of those ruts and into new, lasting, and meaningful jobs.

We must remember that these people have families to provide for, bills to pay, future plans to save for. The real costs of unemployment or underemployment to them include hopes dashed, frustrations increased, and suffering prolonged.

And we must not forget that the real costs to this country include less productivity, less money going to shopkeepers, and less likelihood of domestic tranquility.

Can we, as the richest nation in the world, afford these costs? I think not.

The President was, I believe, profoundly wrong in his analysis of this bill and in his veto of it. These various programs would be an important step toward prosperity and toward the alleviation of some of our needs for public services.

In the light of our own objectives—and the stated objectives of the President himself—I believe we owe it to the people of America to override the Presidential veto.

Mr. NELSON. Mr. President, I yield 5 minutes to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, it is a great misfortune that the other 98 Senators were not able to hear the remarks of the distinguished Senator from Illinois. I say 98 instead of 99 Senators because one Senator is in the hospital. I feel if the other 98 Senators had heard the distinguished Senator from Illinois there would be no problem about overriding the President's veto because the reasons he gave were so cogent and unanswerable.

We have heard it said that we should come back next year and have thorough hearings. How could we have more thorough hearings than we have had already unless we consume two more years to have those hearings? There have been hearings on this matter during the past 2 years. The distinguished Senator from Wisconsin held hearings in a number of cities from Washington to the Pacific Ocean, including Cleveland, Oakland, San Francisco, Milwaukee, and a typical city in my State where over one-half of the people were unemployed Spanish Americans. The hearings cover 4,000 pages of testimony published in three volumes. Who is going to have more thorough hearings next year?

It is said that there is too much money involved, referring to the $9.5 billion. This is a 3-year authorization. Not one penny is appropriated. The authorization averages out to $3⅙ billion a year, I say to the Senator from Mississippi. The Senator has said it is too much. We are appropriating $66 billion for the military this year. Year after year during the 13⅔ years I have been in the Senate, I have stayed here while action has been taken on bills for health and education that take in 3 years. I point out that we never hear more than 1 year mentioned in connection with the $66 billion or $80 billion military bill. Why not say it is a bill for $198 billion? If that were done, we would get some basis of fair realization and comparison of what we are spending the money of the taxpayers for.

The hearings held in connection with this matter have been the most thorough that I have observed in my 13⅔ years in the Senate.

We have 80 million people in industrial employment, and 5.8 percent of those people are unemployed. We have 4.640 million unemployed industrial workers. The average family in this country consists of five people, so that would be 23.2 million people in those families of unemployed workers facing this bleak Christmas.

As we come to this vote I wish to mention that I looked out my window today and saw the heavy flakes of snow falling. I thought, "What a bleak Christmas for those 4,640,000 unemployed workers," and including the members of their families we are speaking of about 23,200,000 people. If we were to take those 23,200,000 people and spend just $100 a year for each person, the total would be $2.320 billion. Senators can figure it out. The purpose of this bill is to train people to earn money.

It has been pointed out by Senators on the other side of the aisle that this was a bipartisan bill in committee. It has been pointed out that these people will be on relief unless some make-work schedule is extended to train them. This is not a make-work program. It is a training program.

Amendment after amendment was offered by the Senator from New York (Mr. JAVITS) and all those amendments were accepted. So many of them were accepted that there was grumbling on this side of the aisle in committee that they had surrendered the entire bill to the other side.

We were shocked with this veto because of the administration's emphasis on decentralization. More power to the governors and the mayors is provided for in the bill. This is a bipartisan bill.

The veto on December 16 of the Employment and Manpower Act of 1970 is a great disappointment to those of us on both sides of the aisle who have spent more than a year working to effect major reforms in our present job-training programs. The bill is the result of a bipartisan effort, originally initiated by the administration, to engage in comprehensive reform of our present manpower programs. One object of the bill is to give State and locally elected officials an opportunity to help the Federal Government with manpower training programs. This objective, which was originally suggested by President Nixon, has been one feature of the Employment Act of 1970.

The bill has been strongly supported by the National League of Cities, the U.S. Conference of Mayors, the Urban Coalition, the National Association of Counties, the AFL–CIO, the Congress of American Indians, the National Farmers Union—as well as many other organizations and responsible individuals.

A second important feature of the bill was to provide special programs for certain disadvantaged groups. The bilingual training provisions are the first ever enacted by Congress. These provisions for special manpower training programs for bilingual persons of limited English-speaking ability, as well as several other groups, is a major advance in solving manpower training problems. The last Congress recognized the special problems inherent in the education of persons of Spanish-speaking background by passing a bilingual education act. That act would help children presently in school. This bill would provide manpower training to persons who have already left the school systems but whose lack of knowledge of English has created handicaps in their job placement. Training manuals, parts manuals, and technical reference books in most jobs—whether they be airplane mechanics, pilots, home building employees or the like—all require a working knowledge of English. In my home State of Texas, many of our best workers are deprived of advancement because of their inability to properly utilize these materials. The addition of this program to the bill will allow specialized training of these individuals and will open up thousands of jobs for them.

We also had in the bill a provision which would help the cities such as Corpus Christi, which was badly damaged by Hurricane Celia last summer. The Red Cross certified that 65,000 homes were damaged; and the bill contained a provision to retrain people where factories were destroyed and jobs were gone.

The bill also contains a title providing for public service employment. As envisioned by the committee, public service jobs would not be make-work jobs. Rather, they would be permanent jobs selected by the responsible local officials which, under the present tax structures of the local communities, could not be filled because of lack of funds. Employment and related training would be provided to allow vitally needed public services to be met. These would include jobs in the fields of one, health care, two, public safety, three, education, four transportation, five, pollution control, six, housing, and the like.

This manpower bill, which was two years in the making, passed the Senate on September 17 by a vote of 68 to 6, and I believe it extremely unfortunate that the President's advisers were so shortsighted as to recommend that he veto this bill. At the present time, there is a 5.8 percent unemployment rate in this Nation. Thousands of people are out of work and more are in danger of losing their jobs. Many of these individuals and their families would profit both by the training and the public service job opportunities which this bill created. Many individuals would be extremely grateful for the opportunity to work rather than receive unemployment compensation or relief payments. At the same time, the President is urging us to consider his family assistance program, he has vetoed a manpower training bill. What better family assistance is there than to give every individual the right to a job and training for a better job.

The manpower training bill would help relieve our unemployment, which is at a 7-year high. It would give new hope at Christmas time to individuals who do not know where they will be working, and it would, in fact, help to solve many of the problems of our local governments—giving them money to engage additional workers in vitally needed public service employment.

The bill is a moderate one. It has the backing of State and local officials throughout the Nation. It is a carefully thought-out bill, reached as the result of much compromise.

I hope and trust that the Senate will consider the need of the people of the United States this evening and will vote to override the President's veto.

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from California (Mr. MURPHY).

Mr. MURPHY. Mr. President, I would like to say I am impressed by the rhetoric and the eloquence of the Senator from Texas and the Senator from Illinois but I would also like to say I find the logic not equal to the eloquence. I do not think there is anyone in the United States who is more conscious of the conditions of unemployment than the President. I have been concerned with this problem for many months. I would like to point out for the RECORD that this is not a question of need; this is a question of method. The President feels that the methods employed in the past have not worked to the degree we had hoped for, otherwise, we would not have so many persons still unemployed.

The President believes that state and local officials and citizens should have more control over the way moneys are spent in training programs. The President has confidence in their abilities and their decisions. So do I. That is the one reason for the difference and that is a reason for the veto. This, plus the fact I share the President's misgivings with respect to the public service employment, is the reason I shall vote to sustain the veto.

Mr. NELSON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 5 minutes.

Mr. NELSON. Mr. President, the President has vetoed the Employment and Manpower Act of 1970, which was the result of more than a year of bipartisan effort in both houses of the Congress, and which would have carried out historic reforms in our presently ineffective and poorly organized Federal job training programs.

The bill was strongly supported by the National League of Cities, U.S. Conference of Mayors, Urban Coalition, AFL–CIO, Congress of American Indians, National Association of Counties, National Farmers Union, Leadership Conference on Civil Rights, and many other organizations and responsible individuals, including the leading manpower authorities of this country.

The bill had passed the Senate on September 17 by a vote of 68 to 6.

President Nixon himself was the one who initiated this legislation. In August of 1969, he called for comprehensive reform of our present manpower programs, shifting new responsibility to State and local elected officials. We agreed with him, and conscientiously undertook the difficult task of conducting the hearings, endlessly drafting and redrafting the legislation, repeatedly consulting and reconsulting with administration representatives, developing bipartisan support within the Congress, drawing together a balanced coalition of support from the innumerable affected constituencies including mayors and Governors, employees and employers, the poor and minority groups, labor unions and industry leaders, educators, and employment services plus a wide spectrum of manpower experts and concerned Americans. I see no hope of any new manpower legislation in the near future. It was only a matter of luck and endless months of negotiation and hard luck that made it possible during this session. Dramatic reform legislation is difficult to pass under any circumstance because so many powerful groups have a vested interest in the way things are now being done or a strong emotional view on how they should be done. It is doubtful we can put together such a coalition again and even if it can be done the reforms so urgently needed will be delayed another 2 or 3 years. Meantime, we will bungle along with a manpower program that is collapsing because of bureaucratic red tape and falling apart because of confusion and lack of clear direction.

It was all so unnecessary, that is the tragedy. The differences between what the President asked for and what the bill provided are not real, only semantics. The President's advisors have done him a grave disservice and the country, too.

I do not blame the President. His burdens are heavy, and it is necessary that he rely upon his advisers. In 1 hour with the President a bipartisan group of legislators could, in my judgment, have demonstrated to him that the bill is sound, that it accomplishes the basic reforms he so rightly sought and that the differences are too minimal to justify a veto.

Furthermore, the President, a former distinguished legislator himself, would have understood the necessary compromises that were made just as his advisers did not. If the public service jobs in this bill were in fact deadend, WPA-type make-work jobs, I would have vetoed the bill, too, if I were in his position. They were not that kind of job. They were real, necessary jobs performing important services. In fact, the bill gives the Secretary of Labor full authority to veto any prime sponsor program that he does not believe is sound.

WHERE ARE THE JOB OPPORTUNITIES?

Every serious study of the problem of poverty, hunger, and civil unrest which has been made in recent years—and there has been several very fine ones—has come to the conclusion that we have got to do a much better job of bringing the poor, the unskilled, and the handicapped into the mainstream of the American work force.

Simply stated, jobs are the answer.

This is what the experts tell us. This is what the public also says in public opinion polls. No one really wants handouts. The public does not want to give handouts, and most self-respecting people don't want to accept them.

Jobs are the answer.

Obviously, if we are to put more people into jobs, we must channel them into those areas where the jobs are to be found.

Government happens to be the largest employer in America.

In State and local service alone, there are more than 10 million jobs. In Federal service there are another 2,650,000 jobs. In the month of November 1970 according to the Bureau of Labor Statistics, there were almost 13 million people employed in local, State, and Federal jobs. By comparison, all manufacturing jobs in America, durable and nondurable goods, total about 18.6 million. Government employees comprise 15 percent of the total labor force.

Most of our manpower training programs in the past have been aimed at trying to place new workers in jobs in the private sector, with a heavy emphasis on manufacturing. These efforts should continue, but they obviously cannot do the whole job—especially at a time when unemployment is steadily increasing.

If we are going to have the kind of comprehensive manpower program which the President, the academic experts, and leaders of both parties in the Congress have demanded, then we cannot ignore the largest employer of all, which is public service, especially at the State and local level.

The unskilled, the disadvantaged, the handicapped and the poor have traditionally faced almost insurmountable obstacles in finding job opportunities in Government, especially at the State and local level.

Many are blocked by strict civil service rules, educational requirements and lack of previous job experience. Others are blocked by prejudice, ranging from actual racial discrimination to a simple lack of experience on the part of Government employers in recruiting and employing the disadvantaged.

The fact is, few State and local governments are equipped to employ the disadvantaged in their present systems simply because they do not have the kind of training programs necessary to give them the qualifications to hold the job. I want to emphasize that when we talk about creating job opportunities for the disadvantaged in public service, we are not talking about trying to force people into positions they are incompetent to hold. Expert witnesses testifying before our committee have concluded that the potential among the disadvantaged, as a group, is almost exactly the same as the potential among the general population.

What the disadvantaged need is a program which will make up for some of the failures of the past, in education, in skill development, and creating good work attitudes, and this is the bill to do that.

Government has insisted that the private sector assume a moral responsibility to develop jobs for the disadvantaged, even though this is a difficult task which often leads to increased costs of doing business.

Certainly Government cannot make this demand of the competitive private enterprise sector while refusing to accept the same responsibility itself.

Perhaps the biggest single obstacle to finding job opportunities in Government service is the growing financial crisis at the State and local level, where the outmoded and inequitable property and other revenue sources have simply been unable to keep up with actual needs.

Mayors, county executives, Governors, and expert researchers have told our committee of literally millions of jobs—vital, necesary jobs—which are remaining vacant simply because the communities do not have the funds to fill them.

The Employment and Manpower Act, strongly supported by the National Civil Service League, the National League of Cities, the U.S. Conference of Mayors, and the public employee unions, offered the opportunity for a breakthrough in filling these job opportunities in State and local service.

It would do something about civil service rigidities.

In order to qualify for public service employment, a governmental sponsor would have to outline "ways in which the program shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged."

It would, of course, forbid racial discrimination, but much more importantly it would require public service employers to set up innovative new systems for interviewing, job counseling, training, and upgrading.

And finally, and most important, it would make the Federal Government a partner with hard-pressed State and local government in bearing the cost of this program, which is so vital to our national interest. The bill would authorize the Secretary of Labor to provide up to 80 percent of the cost of a public service employment program, so that communities which wanted to proceed in good faith to open up these jobs to people who so desperately need them would not be blocked by the financial crisis which faces most of our cities and States.

What an irony it is that one spokesman for the administration—Secretary of Health, Education, and Welfare Elliot Richardson—has endorsed public service employment for welfare recipients in the family assistance plan, while the Labor Department representatives demanded a veto of the manpower bill because it contained public service employment.

So we now have a situation where the manpower legislation was vetoed because it provided public service employment while the family assistance plan is supported by the administration because it does provide public service employment.

The administration's position is all the more impossible to understand when one sees that the administration-supported Ribicoff-Bennett family assistance plan does not contain the penalties insisted upon in the manpower bill cutting down the Federal share of any State, city, or county which is unable to meet quotas set by the Labor Department bureaucracy for removing people from public service jobs who have not been able to find other jobs.

The administration-supported family assistance plan provides for a Federal share of "80 percent of the cost of providing employment to any individual thereunder, unless the Secretary of Labor determines a higher percentage is necessary to carry out the purposes of such program". That is no different from the Federal share in the Manpower Act passed by both Houses of Congress.

Yet the Assistant Secretary for Manpower told members of the conference committee during its deliberations on the manpower bill that language which is good enough for the family assistance plan is not good enough for the manpower bill. The Labor Department spokesmen told us that we should put in a provision mandating less than 80 percent in subsequent years if cities, counties, and States failed to meet their

Washington-dictated quotas for getting people out of public service employment.

In other words, while the administration-endorsed family assistance plan provides a Federal subsidy of 80 percent or more for welfare recipients, the Labor Department wanted Federal support of 80 percent or less for public service employment for unemployed persons under the Manpower Act.

What kind of public service employment did the administration endorse for the public service employment program in the family assistance plan, and how does it compare with the provisions of the manpower bill's public service employment provisions? The Ribicoff-Bennett amendment provides that the family assistance plan's public service employment shall be designed with a view toward developing new careers—so does the manpower bill; providing opportunities for career advancement—so does the manpower bill; providing opportunities to continue training including on-the-job training—so does the manpower bill; enabling individuals employed under public service employment programs to move into public or private employment not supported under this or any similar Manpower Act—so does the manpower bill.

So it is very difficult for me to understand why the administration can on the one hand endorse a public service employment in the family assistance plan which has substantially the same concept as that in the Manpower Act which has been returned to the Senate with a veto message.

In the Employment and Manpower Act, we gave the President every basic feature of manpower reform which he requested in his August 1969 message.

We also gave him something which responsible spokesmen all over this Nation told us was a vitally necessary addition to a manpower training program—a system of public service employment designed and operated for the most part by the same State and local officials who would have run the manpower training programs. This concept—public service jobs to fight unemployment and at the same time raise the quality of public services—was considered even more urgent than manpower training by many of those who testified before our committee.

In fact, the National Conference of Governors, which had failed to reach a united position on either the administration's manpower bill or the compromise bill passed by the Senate, strongly supported public service employment.

In its "Policy Statements on Human Resources" issued on July 9, 1970, the National Governors Conference said:

> We urge an additional Federal program for creating new Federally financed job opportunities and related employability development and training.

That is what the Congress did in the Employment and Manpower Act—comprehensive reform of manpower training programs combined with a broadly supported public service jobs program.

The veto is a deep disappointment for the thousands of unemployed people who would have benefitted from it, and to the many mayors and Governors who were already getting ready to put it to work to provide badly needed training and jobs.

The bill was without any question whatever the most comprehensive training and employment bill ever enacted by Congress.

The veto leaves our job training programs—which already cost more than $1.5 billion a year—in a state of disarray, with the Department of Labor trying to monitor more than 10,000 contracts with a fantastic variety of different kinds of contracting agencies and organizations.

The veto message which was prepared for the President does not accurately reflect the provisions of the bill and in fact is refuted by the specific language of the act. This, I emphasize again, is not the fault of the President. It simply is not possible to expect him to read the several hundred pages of testimony, the bill, and the committee report.

Let me take up these points one by one.

First, the message put most of its emphasis on a charge that the bill would have created "dead end, WPA-type jobs," and thus was "a reversion to the remedies that were tried 35 years ago."

Nothing could be farther from the truth.

In fact, the most significant dispute we have had with administration spokesmen on this issue has been our absolute determination that the public service jobs in this bill would be good jobs, with a strong guarantee of training, opportunities for promotion and career development, and assurances that the employees would either move up within public service or out to jobs in the private sector.

Here are some of the facts:

The Labor Department tried to set the salary for public service jobs at 80 percent of the prevailing wage. We insisted that it was unconscionable to have public employees working side by side, doing identical work, with one earning one-fifth less than the other. Both in committee and on the Senate floor, we defeated this attempt to create a new "poverty corps" of substandard public jobs.

They tried repeatedly to make certain that the public service jobs in this bill were purely temporary, by limiting the period of employment—limits ranging from 6 months to 2 years were proposed. The mayors, Governors and county executives who would have run this program have told us repeatedly that they cannot provide good jobs, with responsible duties and worthwhile training, and with career development opportunities, if those jobs are branded purely temporary at the outset. Temporary jobs by their very definition are make-work jobs. This is what the Labor Department requested—and this is what we refused to give. We defeated this position in committee and on the Senate floor and in the conference committee.

The Labor Department tried to tie the hands of mayors, Governors and county executives with a requirement that they agree in advance to move public service employees into private jobs or lose some or all of their 80 percent Federal financing for the program. This was a totally unworkable provision—how can the mayor of Seattle, with unemployment at 12 percent or more of the work force, certify in advance that he will place people in private jobs next year—and it was one more step in the effort to downgrade public service employment. The Senate and House conferees rejected this proposal.

In contrast to these Labor Department proposals to create a vast "poverty corps" of people in temporary, make-work jobs with no future, let us look at some of the creative proposals contained in the bill.

First of all, these public service job programs would be planned entirely at the State and local level. Mayors, Governors, county executives, and certain other eligible applicants would be required to make a comprehensive inventory of the unemployment and poverty in their communities, and of the need for certain kinds of public services. They would be advised by a locally selected Manpower Services Council, representing the school system—including vocational schools—business, labor, welfare agencies, employment service, Community Action Agencies and so forth.

These responsible local officials, responding to this careful inventory of community needs, would then make an application to the Secretary of Labor to operate a public service employment program.

The application must outline a plan to provide employment and related training and manpower services which would not otherwise be available for vitally needed public service including health care, public safety, education, transportation, recreation, pollution control, housing, rural development, and so forth.

The bill requires that special consideration be given to "jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services."

The bill requires that these programs "promote the advancement of participants to employment or training opportunities suitable to the individuals involved" whether in the public or private sector.

The bill requires that employees be trained in "skills for which there is a high demand."

The bill requires special consideration for graduates of separate manpower training programs, many of whom now complete their training only to find no job at the end of the line in an economy with the highest unemployment in 7 years.

The bill requires that the status of every employee be reviewed annually by an agency selected by the Secretary of Labor to see if the worker should be promoted upward within the system, or moved outward to private job opportunities if his present job does not offer satisfactory prospects for advancement or suitable continued employment.

That is the concept of this bill—good jobs, carefully built into an expertly designed local manpower training and employment program, with training tailored to individual needs, with a help-

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ing hand toward promotion within or outside the system.

This certainly is not WPA-type jobs or dead end employment.

Incidentally, the reference to WPA invite some comparisons.

In the 1930's, we had as many as 4 million people working under federally subsidized public jobs—in the CCC, NYA, PWA, and WPA. Our population then was roughly 60 percent of what it is today. Our gross national product, even measured in current dollars, was roughly one-fifth of what it is today.

Yet that much smaller country, out of a much smaller gross national product, found it necessary to put as many as 4 million people to work at one time to prevent very serious consequences.

Compared with that massive effort in the 1930's, what are we proposing today?

To cope with 4 million, 800 thousand unemployed; to augment training programs which presently have about half a million people in training with little assurance of employment in the near future, to strengthen the public services which are rapidly deteriorating all across the country, we have proposed a modest bill which could create an estimated:

Some 40,000 jobs in this fiscal year.

From 100,000 to 180,000 jobs in fiscal 1972.

Up to 245,000 jobs in fiscal 1973.

And up to 310,000 jobs in fiscal 1974.

All of this would depend, of course, on the funds authorized in this bill being appropriated by the Congress and approved and spent by the executive branch.

I think if any serious criticism could be leveled against this bill, it would be that it is such a modest half-step in the direction of doing what clearly must be done if we are to cope with unemployment and the unrest, discontent, and simply wasted human resources that result from it.

The next most serious charge which the veto message makes is that the bill "raises the number of narrow purpose program categories from 14 to 22, whereas the administration's proposal would have established a single, broadly defined manpower program."

First of all, the numbers used in the veto message are meaningless. There are not 14 programs in the present law and there are not 22 programs in the vetoed bill.

Most of the existing programs are not even mentioned in the existing law. They operate under the broad authority given to the Secretary of Labor.

The Labor Department has repeatedly assured us that most of the present programs will be continued, in approximately the same manner, whether they are mentioned in the law or not. The Department has personally assured me that Operation Mainstream, for instance, will not only continue but will be expanded. They have assured the Reverend Leon Sullivan in Philadelphia, and his many supporters, that the program known as OIC—Opportunities Industrialization Centers—will be continued. They certainly intend to continue the Job Corps—it was written into the administration's own bill—and the program known as JOBS—Job Opportunities in the Business Sector—which the Labor Department has made the most favored program of all.

So it is the Labor Department itself which has provided assurances that most of these programs will be continued under the Secretary's broad authority which both the present law and the vetoed bill give him. All we did was list several of the programs which we felt must be continued, at least during the transition period, when two-thirds of our national manpower training resources are being shifted over to mayors, Governors, and county officials to operate newly designed programs.

We did not earmark funds for any one of these categorical programs. The Secretary himself will decide whether $1 million or $10 million or $100 million will be spent on any one of these programs.

The Secretary also has authority to decide whether these programs shall be run through the new network of State and local "prime sponsors"—Governors and mayors, for the most part—or through contracts with other eligible organizations or units of Government.

Who could possibly object to this section of the bill?

No one could seriously propose that we utterly abolish every manpower program now in operation, wipe any mention of them from the bill, and start from scratch with new sponsors, most of whom have never operated manpower programs in the past.

Yet the veto message, using meaningless figures and a distorted concept, escalates this trivial difference of opinion over the future of categorical programs into a major reason for vetoing the most comprehensive work and training bill ever passed the Congress.

Perhaps most ironic of all is the manner in which the veto message harkens back to August of 1969, when the President called for manpower reform, revenue sharing, and the family assistance plan, and then goes on to chide the Congress for not having granted these requests.

In the first place, as I said at the outset, the Employment and Manpower Act gave the President everything he asked for in manpower reform.

But in addition, let me point out that the very things objected to in the manpower bill are contained in both the revenue sharing and family assistance proposals.

We have asked administration officials this question:

Is it not correct that if revenue sharing is enacted, mayors and Governors could use the funds to create permanent, public service jobs—with no strings attached?

Their answer is, of course they could. They could use revenue sharing for the exact purpose which the President says in this message is unacceptable.

If the President could hear the other side of the argument I am confident he would request that we override his veto because this bill provides all the basic reforms he so correctly and sensibly urged upon us. Its enactment would be a major credit to the President and a great step forward for the country.

UNEMPLOYMENT STATISTICS AND THE MANPOWER VETO MESSAGE

In the veto message is the following statement:

> I am not satisfied with the present overall unemployment rate (5.8%) even though the unemployment rate for the heads of families is much lower (3%). The Administration is taking measures to expand economic activity and job opportunities. Our main objective is to achieve a stable growth while actively reducing unemployment.

Certainly the impression left by these words is that unemployment is not really as bad as it may seem at first glance, and that things are getting better all the time.

Actually, the reverse is true. Unemployment is actually far worse than it has been protrayed in its impact on the persons who were to be served by the Employment and Manpower Act. And things are not getting better, they are getting worse all the time.

Let us take a look at a few cold facts on unemployment, as reported by the Labor Department's own Bureau of Labor Statistics.

Unemployment in November 1970 was the highest since May 1963. The rate is now 5.8 percent.

In just the 12 months since November 1969, we have added to the unemployment rolls 905,000 adult men, 565,000 adult women, and 435,000 teenagers—an increase in the ranks of the unemployed of 1,900,000 persons.

But, bad as that jobless rate of 5.8 percent appears, the situation is far worse among those who would have been especially helped by the Employment and Manpower Act.

Among Negroes, the unemployment rate is 8.8 percent.

The most serious increase in unemployment from October to November was among young women, 20 to 24 years of age. Their rate of unemployment is now 9.5 percent.

Among young women 16 to 19 years of age, the unemployment rate is 18.6 percent.

Among young men 16 to 19 years of age, the rate is 17.5 percent.

Among nonwhite teenagers—16 to 19—the rate is a shocking 31.9 percent.

The veto message seems to say:

> Let's not talk about 5.8% unemployment among the work force as a whole. Let's talk about 3% unemployment among heads of families.

But how can such logic be justified? The manpower programs involved in the Employment and Manpower Act are not designed to serve the entire work force, and they certainly are not specifically designed to serve the group broadly classified as "heads of families." Many manpower programs, such as the Neighborhood Youth Corps and the Job Corps, are made up almost 100 percent of people under 22, and mostly teenagers. Almost all manpower programs have a heavy percentage of youth in them. Also, most of the programs have high percentages of nonwhites, ranging from 21 percent in Operation Mainstream, to 35 percent in MDTA on the job training, to 48 percent in the Neighborhood Youth Corps, to 58 percent in the Job Corps, to 61 percent in New Careers, to 65 percent in the concentrated employment program, to 78 percent in the JOBS program.

How can anyone justify talking about a 3-percent unemployment rate, when the people to be served by this act have unemployment rates ranging from 8.8 percent, to 17.5 percent to 18.6 percent to 31.9 percent?

The message's use of the 3-percent unemployment rate for heads of families is an example of the selective use of statistics. It is true that the rate for November was 3 percent male heads of families—a total of 1,274,000 unemployed men—but the rate among female heads of families was 4.9 percent—another 330,000 unemployed. The rate for all married men was 3.2 percent and has been increasing steadily since last winter, according to the Labor Department.

In other words, even for the favored group the message talks about, the situation is becoming steadily worse.

There is one more important point to remember in understanding this tricky business of unemployment rates.

The administration has done a lot of comparing, designed to create the impression that, bad as it is, unemployment is not nearly as bad as it was under previous administrations. That again is a serious distortion of the facts.

Today's unemployment rate figures cannot be compared with rates prior to 1965.

In 1965, a change was made in the definition of unemployment. At that time, the Labor Department stopped counting trainees in manpower programs as unemployed. That has the effect of reducing the unemployment rate by about four-tenths of 1 percent. Furthermore, in 1967, the Department tightened up the definition of seeking work. According to Prof. Charles Killingsworth, a distinguished manpower economist from Michigan State University, this further reduced the unemployment rate by two-tenths of 1 percent. Combined together, the 1965 and 1967 changes reduced the unemployment rate by 0.6 percent.

Therefore, without quarreling in any way with whether these changes should have been made, the fact is that unemployment rates prior to 1965 must be reduced by 0.6 percent in order to be compared with today's rate.

In other words, the present rate of 5.8 percent is actually equal to an unemployment rate of 6.4 percent in pre-1965 terms.

Unemployment has exceeded 6.4 percent on only two occasions since the Korean war—in 1958, when it was 6.8 and in 1961 when it was 6.7 percent. Thus, despite the efforts of the administration to minimize the problem, unemployment is worst today than it was in 1953, 1954, 1955, 1956, 1957, 1959, 1960, 1962, 1963, 1964, 1965, 1966, 1967, 1968, and 1969.

Mr. President, I ask unanimous consent to have printed in the RECORD certain items bearing on the subject under discussion at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
December 18, 1970.

Hon. GAYLORD NELSON,
Chairman, Subcommittee on Employment, Manpower, and Poverty, Old Senate Office Building, Washington, D.C.:

The President's veto of the 1970 Employment and Manpower Act must, in the best interests of the people of the cities of this Nation, be turned around. We urge an immediate congressional override on this critical issue. The President has misinterpreted the intent of the legislation, and the result is that thousands of unemployed individuals in this country will continue to be hopelessly unemployed. This legislation creates employment in the cities, with adequate training provisions to create significant promotional opportunities for those employed. We continue to find it inconceivable that the President, himself, has killed his own first major domestic new federalism law to provide local capability to cope with disastrous local unemployment problems. This concept has received top priority with the U.S. Conference of Mayors since 1967, and has now received the widespread approval of public interest groups throughout the Nation. And, of course, it has also received the approval of the Congress of the United States. This program is not stop-gap and it is not dead-end. It is our last hope to turn back the hopelessness of thousands of individuals. The mayors of the Nation see these individuals every day, live with them, talk with them, and desperately try to help them. The mayors must have the resources to provide that help. We must have the override of this veto. Now.

Mayor Joseph Alioto, San Francisco, Calif., Mayor Frank W. Burke, Louisville, Ky., Mayor Thomas D'Alesandro, Baltimore, Md., Mayor Richard Daley, Chicago, Ill., Mayor John Driggs, Phoenix, Ariz., Mayor Peter Flaherty, Pittsburgh, Pa., Mayor Roman Gribbs, Detroit, Mich., Mayor Harry G. Haskell, Wilmington, Del., Mayor John Lindsay, New York City, N.Y., Mayor Henry Maier, Milwaukee, Wis., Mayor Sam Massell, Atlanta, Ga., Mayor Carl Stokes, Cleveland, Ohio, Mayor James Tate, Philadelphia, Pa., Mayor Wesley Uhlman, Seattle, Wash., Mayor Kevin White, Boston, Mass., Legislative Committee of U.S. Conference of Mayors.

[From the Washington Post, Dec. 18, 1970]

STRANGE VETO OF THE MANPOWER BILL

President Nixon's veto of the employment and manpower bill is a strange sequel to his pull-together appeal in his news conference last Friday. At that time he said that, with the election over, he has a responsibility "to work with those men and those women elected by the people in 1970" and that he hoped Democrats and Republicans would work with him on future programs. But his veto probably kills a bill on which there was a large measure of compromise—a bill designed to aid the economic recovery in which he is so much interested.

The President rests his case on two chief complaints about the bill. First, he contends that, as finally passed, it would perpetuate and increase the "narrow categorical programs" which he wished to abolish in favor of "a single, broadly defined manpower program." Second, he says the bill is "completely unacceptable" because 44 percent of the funds authorized would go for "dead-end jobs in the public sector." These "WPA-type jobs," he says, would not expand individual opportunity but would "relegate large numbers of workers to permanent subsidized employment."

If these objections rested on solid ground, a veto would appear to be justified. But the President's view of the bill differs sharply from that of its sponsors. Instead of creating more uncoordinated programs, sponsors of the bill say, it would achieve about two-thirds of the consolidation the President requested. One estimate is that the bill would reduce the number of sponsors of manpower programs from 10,000 to possibly 400. The Senate refused to go all the way with the administration's proposed merger of manpower training programs under the authority of the states and cities, because it believed that there is still room for some innovative or demonstrative training programs on the federal level. It is difficult to find justification of the veto in this relatively minor deviation from the White House view.

Far more serious is the fear that the bill would subsidize make work of the type that was discredited during the great depression. But Congress built in substantial safeguards against any reversion to WPA days. The basic purpose of this section of the bill is to provide training for persons who could be usefully placed in state and local governmental jobs that are not now filled. Many of these jobs are in hospitals, public recreation, sanitation service and so forth. In the past the unemployed have been trained for a great variety of jobs, but many have found nothing to do at the end of their training. Congress proposed to provide funds so that they could get some actual work experience in the public service, with the expectation that most of them would then graduate into private employment.

The Senate refused to compel a fixed quota of the trainees to move out of public jobs within a specified period. But it wrote several safeguards into the bill. The Secretary of Labor could reject any state or municipal plan lacking provisions for upgrading trainees and helping them to move on to better jobs. The bill as passed would also require an annual review of the situation, with power in the secretary to cut off funds for any program that might lapse into the WPA pattern.

Some of the language in the veto message raises a serious question as to whether the President fully understands what Congress was trying to do. It is a pity that he did not further scrutinize the bill with the help of Senator Javits or the U.S. Conference of Mayors, whose spokesmen were clamoring to be heard. Rumor has it that the Department of Health, Education, and Welfare and the Office of Economic Opportunity were also eager to have the bill signed.

If Congress fails to pass the bill over the President's veto, it seems probable that the controversy will flare up again in the tense political atmosphere of 1972 when the present Manpower Training Act expires. The Senate Committee on Labor and Public Welfare has indicated that it will have no time for manpower legislation in the 1971 session. An upset of this veto could in the end be an advantage to the President as well as to the unemployed who are looking for additional training and opportunities.

[From the New York Times, Dec. 18, 1970]

RIGIDITY ON MANPOWER REFORM

President Nixon's veto of the manpower bill is an expression of executive inflexibility that will discourage both the unemployed and the cities that could use their services in productive public jobs.

The bill's language provided the Secretary of Labor all the latitude he needed to make sure that the employment opportunities proposed for the public sector did not turn into dead-end jobs, much less leaf-raking activities of the kind the President conjured up with his contemptuous reference to the WPA of the thirties.

There was some substance to Mr. Nixon's complaint against the freezing into the bill of specific categories of job training in particular programs, but even on this point the objections ignored the discretion vested in the Labor Secretary to decide on fund allocations and other details.

Inevitably, the unemployed will interpret the veto as a mark of the low priority the Administration gives their problems as

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against the solicitude it shows for ailing defense manufacturers and railroads and its strong fight in support of the SST. That sense of limited concern for human problems will be deepened by the simultaneous disclosure that the White House is considering a cut-off in funds for VISTA as part of a 23 per cent slash in all antipoverty appropriations.

For the hard-pressed cities, the veto means another despairing wait for adequate answers to problems they cannot meet without large-scale help from Washington.

[From the Milwaukee Journal, Dec. 18, 1970]

Mistaken Presidential Veto

President Nixon's veto of the comprehensive manpower bill, coming after the administration's gutting of job training programs, builds up a shocking record of neglect and unconcern in this vital area.

Its public service employment feature was recommended by the president's Advisory Commission on Civil Disorders, which investigated the ghetto riots of 1967. The commission proposed a three year program to create up to one million jobs. These would not have been "make work" jobs, but would be permanent. They would have been created by mayors, county officials and governors to meet local needs in hospitals, police departments, education, health, recreation, sanitation and other services which need expanding.

The manpower bill, largely the work of Sen. Nelson (D-Wis.) and his staff, provided the first concrete step toward the goal of increased public service employment. It also would have brought together under the labor department all the government's manpower funds and tightened job training programs, now scattered among 10,000 separate private contractors over the nation.

The Nixon veto is hard to understand. This is what the president said Aug. 12, 1969, in a message to Congress:

"Manpower training means: (1) making it possible for those who are unemployed or on the fringes of the labor force to become permanent, full time workers; (2) giving those who are now employed at low income the training and the opportunity they need to become more productive and more successful; (3) discovering the potential in those people who are now considered unemployable, removing many of the barriers now blocking their way."

Congress strongly supported the manpower bill because of the shaky state of the economy and because the high unemployment brought home the need to do something—and now. Nixon's veto ignored the seriousness of the situation and the mounting concern about joblessness and inflation. The veto should be overridden by Congress.

[From the Evening Star, Dec. 19, 1970]

A Veto That Should Not Have Been

(By Michael Harrington)

President Nixon has vetoed one of the most hopeful pieces of legislation passed by the 91st Congress.

The proposal was sponsored by Sen. Gaylord Nelson, D-Wis., as an amendment to a manpower act. It provided that the federal government pay up to 80 percent of the cost of funding public service jobs at the state and municipal level at a price of $4.5 billion; 310,000 employment openings would be created over a period of four years.

The Republicans tried to get a provision added which would have guaranteed that these jobs be only temporary. When they lost that battle, they started maneuvering for a presidential veto.

Nixon, who often seems to be obsessed with the value of work, went along with his party. He is willing to sponsor legislation in which people can be forced to work by local officials in order to get their full welfare benefits, but when it comes to actually generating a useful—sometimes desperately urgent—public service job he balks. His puritanism about work extends only to the point of making people scramble for employment in a labor market with almost 5 million jobless.

There is a long history to the Nelson proposal. As far back as 1966, Lyndon Johnson's Automation Commission pointed out that there were over 5 million jobs waiting to be filled in the public service area.

Then, in 1968, the Riot Commission recommended that a million of them be funded at once. The federal money went instead to subsidize hiring in the private sector, giving the corporations a handsome bonus for employing men they badly needed. Now, with the Nixon recession in full swing and unemployment on the rise, Nelson revived a modest version of finding public service jobs.

But Nixon and the Republicans cannot accept this humane legislation. One reason for their reactionary attitude is that they refuse to recognize how the labor market is changing.

A generation ago the great mass of Americans found jobs in mass production industry as semi-skilled workers tending machines. But by the middle of the 1950s the number of white collar workers exceeded the blue collar. By 1980, according to a recent Department of Labor study, there will be as many "professional and technical workers" as factory workers—and that former group is not simply white collar, but college-educated as well.

Given these trends, there are going to be fewer and fewer unskilled and semi-skilled jobs. In the coming decade when professional and technical workers will increase by 50 percent, non-farm laborers will drop by 2 percent and assemblers and truckers will go up by only 10 percent.

If that trend is not dealt with there will be a permanent reservoir of people who are unemployable, or else employable only under inflationary conditions when industrial capacity is straining at its very limits.

It is within this context that, ostrich-like, Nixon and the Republicans are insisting on 1930s conservatism for the 1970s.

For it is a reactionary article of faith from the anti-New Deal days that public employment is wasteful, inefficient and demoralizing. That was never true, but now it has become utterly fantastic.

One of the few areas which can employ people without a lot of education and skill and put them to work satisfying some of our most urgent needs is the public sector. By carrying on a struggle against Franklin Roosevelt's public works administration in the 1970s, Nixon is going to create some permanent unemployment in this country.

[From the Washington Post, Dec. 17, 1970]

Manpower Bill Backed by Gardner

(By Peter Braestrup)

John Gardner, chairman of Common Cause, and some 60 former members of Presidential commissions have urged President Nixon to sign a $9.5-billion employment and manpower bill, which would provide up to 300,000 city and state jobs for the jobless.

The authorization bill, a liberal-conservative compromise, was passed Dec. 10 by Congress. There was widespread speculation among Labor Department officials that the President would veto the three-year measure.

"Congress has now recognized that in the public sector, training is not enough," Gardner wrote the President. "This bill enables cities, counties, and non-profit private institutions to plan job creation as well as training programs to match people who need jobs with useful public service jobs that are badly needed."

The Gardner plea was backed by, among others, Andrew Heiskell, chairman of the board of Time Inc.; Ben W. Heineman, president of Northwest Industries Inc.; I. W. Abel, president of the United Steelworkers of America; Walter Heller, former chairman of the council of economic advisors; and Roy Wilkins, executive director of the National Association for the Advancement of Colored People.

It was the latest move by the bill's liberal and urban supporters to urge the President's support. Last week, the National League of Cities executive committee mandated its president, Mayor Richard Lugar of Indianapolis, a Nixon ally, to press the issue. Other mayors, including Mayor John Lindsay of New York, have sent emissaries to meet with administration officials.

According to congressional and Labor Department sources, the administration's formal objections to the bill center not on money, not on the "public service employment" feature, and not on overall re-organization provisions which match administration requests.

The sticking point is, by all accounts, a paragraph on administrative procedure in the compromise version, covering "public service employment" in hospitals, libraries, and sanitation works.

In the orginal administration-backed House bill, the Secretary of Labor was empowered to set "objectives"—for getting local "public service employees" out of federally-subsidized programs. He was also required to cut the 80 per cent federal subsidy—in case these "Objectives" weren't met by individual mayors or governors.

Senate liberals led by Sen. Gaylord Nelson (D-Minn.) was this provision as a potential weapon against the entire "public service employment" program.

In the House-Senate conference a compromise emerged. To avoid abuses, the bill now provided for "annual review" by an "appropriate agency," usually the state employment service, of the status of every public service employee's progress and prospects under the program, so that no jobholders would wind up in dead-end jobs.

The Secretary of Labor would approve the "appropriate agency" as part of his negotiations on federal subsidy with mayor and governor.

This compromise provision, according to Labor Department sources, does not satisfy Assistant Secretary of Labor Malcolm Lovell and his aides. They reportedly have the support of George P. Shultz, former Labor Secretary and now director of the Office of Management and Budget, who has opposed adding "public service employment" to traditional Labor Department training.

However, Gardner, and his supporters argued that training was no longer enough "with unemployment at the highest rates in eight years."

Telegram to President Nixon from Mr. Earl Old Person, President of the National Congress of American Indians:

"The National Congress of American Indians strongly supports the Employment and Manpower Act, S. 3867, which contains important new authority for the administration and funding of manpower programs on Indian Reservations. We urge you to sign this bill into law without delay. Newspaper reports indicate that efforts will be made to have you veto this bill. If you are disposed to veto the bill, we would like an opportunity to meet with you and discuss the disastrous effect this action would have among Indian people."

Telegram to President Nixon from Don Wright, President of the Alaska Federation of Natives:

"The Alaska Federation of Natives urge you to sign the Employment and Manpower Act, S. 3867, into law. We support the new authority for administration and funding of manpower programs on Indian Reservations."

Telegram to President Nixon from James Bluestone, Tribal Business Council, Member, Ft. Berthold Reservation:

"The three affiliated tribes of Ft. Berthold Reservation support the Congress passed version of the Employment and Manpower Act, S. 3867, which contains new authority for the administration and funding of manpower programs on Indian Reservations. Urge you to sign the bill into law."

City of Cleveland,
December 14, 1970.

Senator Gaylord Nelson,
Chairman, Senate Subcommittee on Employment Manpower and Poverty, Washington, D.C.

Dear Senator: I have today telegraphed President Nixon as follows:

"On behalf of the people of Cleveland, I urge your approval of the Employment and Manpower Act which has passed the Congress.

This legislation provides vitally needed reorganization of Federal Manpower Training Programs to permit a maximum of state and local initiative.

I know that the high rate of unemployment, particularly in the central cities, is a matter of concern to you and your administration, as it is to me and my fellow mayors. We see the need for constructive manpower and job creation programs as critical, and therefore plead for your favorable action on this legislation."

Sincerely,

Carl B. Stokes.

National Council of Senior Citizens

The National Council of Senior Citizens—which speaks for nearly three million members in older people's clubs throughout the United States—respectfully urges the Senate to override the Presidential veto of the Employment and Manpower Act, H.R. 19519.

This bill would provide desperately needed public service employment opportunities for the young and middle aged and for the older and retired worker during the national unemployment crisis which now confronts us. There have been few more callous applications of veto power during the traditional season of good will. As usual, the children and the old people will suffer the most.

The elderly we represent will feel the immediate tragic impact of this cutback in job opportunities. The elderly and the nation as a whole will suffer even more if the reasons for the President's veto are permitted to stand as national policy.

We contend that the value of job opportunities for the elderly cannot be measured in terms of access to the regular job market.

Our senior aides projects have demonstrated the enormous social value to the community of the skills and knowledge of the elderly—employed helping others and not competing with the young worker for jobs in the private economy.

Nelson H. Cruikshank,
President.

Night Wire Sent to President Nixon:

"My work with national poverty program and now with American Jewish Committee prompts this appeal for your signature on historic Employment and Manpower Act which incorporates your principal recommendations. Both you and the Congress deserve nation's thanks for this breakthrough."

Hyman Bookbinder,
Washington Representative,
American Jewish Committee.

Excerpts From President's Manpower Message

President Nixon, August 12, 1969.—I propose a comprehensive new Manpower Training Act that would pull together much of the array of Federal training services and make it possible for State and local government to respond to the needs of the individual trainee. * * * The act which I propose would:

1. Consolidate major manpower development programs administered by the Department of Labor.
2. Provide flexible funding of manpower training services so that they can be sensitive to and focused on local needs.
3. Decentralize administration of manpower services to States and metropolitan areas, as Governors and mayors evidence interest, build managerial capacity, and demonstrate effective performance.
4. Provide more equitable allowances for trainees.
5. Create a career development plan for trainees, tailored to suit their individual capabilities and ambitions.
6. Establish a national computerized job bank to match job seekers with job vacancies.
7. Authorize the use of the comprehensive manpower training system as an economic stabilizer.

Kerner Commission Recommendation

National Advisory Commission on Civil Disorders, March 7, 1969.—We recommend a 3-year program, aimed at creating 250,000 new public service jobs in the first year and a total of 1 million such jobs over the 3-year period. * * * In the public sector, a substantial number of such jobs can be provided quickly, particularly by government at the local level, where there are vast unmet needs in education, health, recreation, public safety, sanitation, and other municipal services. The National Commission on Technology. Automation, and Economic Progress estimated that there are 5.3 million potential jobs in public service. * * * Emphasis should also be placed on employing trainees to improve rundown neighborhoods and to perform a variety of other socially useful public services which are not "make-work," including community service officers in police departments, as recommended by the President's Commission on Law Enforcement and Administration of Justice.

Excerpts From Senate Committee Report on Bill S. 3867

SUPPORT FOR PUBLIC SERVICE EMPLOYMENT

Strong support for a public service employment program came from virtually all representatives of national organizations, State and local government and the poverty community to appear before the committee in the long course of the hearings. Mayor Carl Stokes of Cleveland, Ohio, stated the case well when he testified:

"There are just not sufficient jobs in the private sector for the disadvantaged unemployed, and the public sector cannot absorb large numbers of additional people without direct federal subsidy. Cities across the nation face an ever-expanding need for policemen, firemen, sanitation workers, housing inspectors, health and welfare personnel. . . . To determine the need in Cleveland and in the public and voluntary sectors for additional personnel we asked the Manpower Planning and Development Commission of Cleveland's Welfare Federation along with the City of Cleveland and the Board of Education, to conduct surveys to determine the personnel needs of public agencies and community service organizations throughout Cuyahoga County. These agencies need approximately 6,900 additional personnel beyond what their budgets will allow. At least 2,900 of these positions could, with some training, be filled by disadvantaged unemployed persons."

The National League of Cities/United States Conference of Mayors said:

"In most central cities, the unmet need of local government to provide greatly increased services and the continuing dangerously high level of unemployment (even during periods of prosperity) constitutes persuasive evidence for federal support of a public service employment program."

The Urban Coalition testified:

"Corporations cannot be expected to produce jobs that cannot be justified economically. When orders decrease layoffs must occur and the last employed are let go first. The private sector has not failed to do its job—rather the job is clearly beyond its capabilities. In the meantime . . . the plain fact is that the cities that badly need the services are losing the revenue. The great merit of a public service employment program is that it could be aimed specifically at those sectors of the labor market that benefit least from present programs and share least in the growth of the economy."

Mortimer M. Caplin, president, National Civil Service League, said:

"We believe government, as 'employer of the first resort' can provide meaningful career opportunities for many who are unemployed and underemployed and at the same time, help meet severe staff shortages. And our society will have strengthened, improved, modernized merit systems of public employment as a result."

Betty Miller, testifying for Jerry Wurf, president of the American Federation of State, County and Municipal Employees, AFL–CIO, said:

"Our union is comprised of 460,000 public employees . . . Two-thirds are employed in blue-collar, low-level jobs, because many of them are undereducated and underdeveloped, we favor a meaningful public service career program."

According to the U.S. Department of Labor, data for 1966 shows that 6.8 million persons, worked 50 to 52 weeks that year, but earned less than $3,000. These are the working poor. Much more than half are working women who are heads of families. Our union is in favor of a public service employment policy, if such a policy is accompanied by the creation of more jobs and advancement opportunities.

Nathaniel Goldfinger, director of research, AFL–CIO, said:

"Public Service Employment is one of the major domestic issues of our times. President Meany has repeatedly called it one of the most important issues to come before Congress during his long years in Washington. We are urging legislation to provide for public service employment to meet the needs of America—to provide jobs for those who need them, to provide service that have been too long ignored, to make the economic and social picture in America one of which we can all be proud.

"Action is called for now. We must launch a massive job creation program based largely on a public service employment if we are to successfully grapple with the problem of the unemployed and the underemployed."

The **PRESIDING OFFICER**. All time on the question has expired.

The question, Shall the bill become law, the objections of the President to the contrary notwithstanding? The Constitution requires that this vote shall be determined by yeas and nays.

Mr. **JAVITS**. Mr. President, a parliamentary inquiry. A vote to override is a "yea" vote?

The **PRESIDING OFFICER**. That is correct.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. **TALMADGE** (when his name was called). Mr. President, on this vote I have a pair with the Senator from North Dakota (Mr. Burdick) and the Senator from Utah (Mr. Moss). If they were present and voting, they would each

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vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. MANSFIELD (after having voted in the affirmative). Mr. President, on this vote the Senator from Mexico (Mr. MONTOYA) and I have a pair with the distinguished Senator from Mississippi (Mr. EASTLAND). If they were present and voting, the Senator from New Mexico would vote "yea" and the Senator from Mississippi would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. SAXBE (after having voted in the affirmative). Mr. President, on this vote the Senator from Oregon (Mr. HATFIELD) and I have a pair with the Senator from Colorado (Mr. DOMINICK). If they were present and voting, the Senator from Oregon would vote "yea" and the Senator from Colorado would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Hawaii (Mr. INOUYE), the Senator from Utah (Mr. MOSS), the Senator from Georgia (Mr. RUSSELL), and the Senator from New Mexico (Mr. MONTOYA) are necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii (Mr. INOUYE) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from Texas (Mr. TOWER) would each vote "nay."

The Senator from Ohio (Mr. SAXBE) has previously announced that he and the Senator from Oregon (Mr. HATFIELD) are paired with the Senator from Colorado (Mr. DOMINICK).

The yeas and nays resulted—yeas 48, nays 35, as follows:

[No. 441 Leg.]

YEAS—48

Bayh
Bellmon
Bible
Boggs
Brooke
Byrd, W. Va.
Cannon
Case
Church
Cranston
Eagleton
Fulbright
Goodell
Gore
Gravel
Harris
Hart
Hartke
Hollings
Hughes
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mathias
McCarthy
McGee
McGovern
Metcalf
Mondale
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Spong
Stevenson
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—35

Aiken
Allen
Allott
Baker
Bennett
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Ellender
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Holland
Hruska
Jordan, Idaho
McClellan
McIntyre
Miller
Murphy
Packwood
Prouty
Scott
Smith
Sparkman
Stennis
Stevens
Thurmond
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Mansfield, for.
Saxbe, for.
Talmadge, against.

NOT VOTING—14

Anderson
Burdick
Dodd
Dominick
Eastland
Goldwater
Hatfield
Inouye
Montoya
Moss
Mundt
Pearson
Russell
Tower

The PRESIDING OFFICER (Mr. BYRD of Virginia). On this vote the yeas are 48 and the nays are 35. Two-thirds of the Senators present and voting not having voted in the affirmative, on reconsideration, the bill fails of passage.

THE SUPREME COURT DECISION ON THE 18-YEAR-OLD VOTE

Mr. MANSFIELD. Mr. President, the Supreme Court has just ruled constitutional—at least in part—the action taken by Congress to extend the vote in national elections to all citizens 18, 19, and 20 years old. In my judgment, that opinion will live as one of the most—if not the most—significant decisions the high Court has handed down in its long history.

There is no doubt that when Congress voted to extend the franchise of the ballot there were legitimate questions raised about the constitutionality of such action. Those questions have now been resolved. There was never any question, however, about the importance of the action in bringing young people into the "system." That is where they belong.

Up to now the youth of today had a legitimate grievance. For all their interest, for all their work and effort, for all the opinions they expressed; nothing counted. Nothing they did or could do for that matter made much difference. They were denied the ballot. They could not vote. They could not directly influence policy decisions at the polls.

Up to now those 18, 19, and 20 were told to fight our wars even though they themselves had no right to choose the officials who made the decisions that led to war.

Up to now, at 18, a young adult was treated by our courts as fully responsible for his legal actions—both civil and criminal—and were made to suffer the full penalties of the law. Yet they could not pass judgment on the men chosen to enact those laws. They got married. They paid taxes, too, but had no real voice in the imposition of those taxes. In short, up to now the full responsibility has been on us, the other generation. We have borne the full burden of our actions as they have affected young people. And our actions affected young people to a great extent.

Now much of that has changed. With this opinion, the Supreme Court has opened the way for joining the youth of today with the youth of yesterday. With this opinion, the Supreme Court has shifted the burden and placed it were it belongs—on the young people themselves—on those who have raised their voices and pointed their fingers, on those who decried and criticized for being saddled with responsibilities and obligations that in many cases they neither sought nor sanctioned.

I welcome their fresh approaches; their criticisms; their interest and concern. The fact that some young people exhibit disdain for certain of our institutions should in no way reflect upon the great majority of our youth. With the vote they will establish themselves quickly for what they are: Alert, interested, mature, and concerned. Henceforth their judgments cannot be ignored. Given the vote, these young people have been challenged to prove their worth and the value of their contributions to our system. I am confident that they will meet that challenge. On their behalf, I welcome it.

PROGRAM

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader whether or not we have any business tonight, or what the next order of business is.

Mr. MANSFIELD. Mr. President, if I may respond to the distinguished minority leader, there will be no further business tonight. It has been a long day. The leadership is not only praying, but meditating as well, hoping that something will come forth unexpectedly.

The order for tomorrow calls for the Senate to convene at 9 a.m., at which time those Senators who desire to do so will pay their tributes to one of our retiring colleagues, the distinguished Senator from Texas (Mr. YARBOROUGH). The time for these tributes will end precisely at 10 o'clock and not a minute later, and at 10 o'clock the time limitation on the cloture motion will begin. The vote will occur shortly after the hour of 11.

Then we will go back on the Department of Transportation bill; and, in accord with the agreement reached, at approximately 3 o'clock we return once again to the conglomerate bill which has been reported by the Finance Committee and covers a number of different areas.

Mr. SCOTT. May I ask if there is any information on the conference with regard to the investment broker legislation?

Mr. MANSFIELD. No. There seem to be some differences of opinion. I would hope that those differences could be reconciled. If they are not, my guess is that very likely no action will be taken on the measure this year.

Mr. SCOTT. I thank the Senator.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. MILLER. I should like to ask the majority leader a question.

Do we correctly understand that there will be no session on Wednesday?

Mr. MANSFIELD. If the House concurs in the concurrent resolution which was adopted by the Senate unanimously this afternoon, that is the intention of the joint leadership, and evidently it meets with the approval of the Senate as a whole.

Mr. SCOTT. We have adopted that resolution.

Mr. MILLER. The House has not acted.

Mr. JAVITS. Whether we can do anything about it or not, I should like to state to both leaders the consternation and dismay with which the whole economic community of the United States will greet the fact that, after we have labored to produce an historic effort to assure the security of brokerage accounts, both in cash and securities, we will be unable to do anything about it.

I understand that the difference is really very limited in one particular area.

I can only tell the Senators, I repeat—no one is finding fault, and Members have every right to be as stern as they wish about their particular views; but I could not think of anything that would more directly be a matter of jeopardy in respect of the securities markets and the economic system of this country than to let this matter, which represents such a fundamental aspect of our national life and our national economy, die at the end of this Congress. I would say that it is very close to tantamount in importance to the guarantee of bank deposits.

Mr. SCOTT. I fully agree with the Senator.

Mr. JAVITS. It is so deplorable that it makes me weep to think that we cannot find some way, so close, having been approved by the House, the conference report, the bill at the point of passage, as to fall on its face here because we cannot push it over the line.

Mr. MANSFIELD. May I say that I am hopeful that, as men of good sense, responsibility, and reason, and recognizing the difficulties which confront this body at this time, these differences can be resolved. But the leadership does not intend to call up measures which will engender further controversy, because we have just too much of it before us at the present time, and time is not with us.

Hopefully, the individuals who are in disagreement will get together, and if they do, it will be taken up expeditiously.

Mr. JAVITS. I should like to say that I can only appeal to the gentlemen concerned to study the subject and consult all the banking and securities authorities they wish themselves.

I know what they say has aroused their consciences to pass this legislation.

Mr. MANSFIELD. May we join in that appeal, too?

Mr. SCOTT. There is no question of our feelings in that matter.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DENNIS YIANTOS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1454, S. 1681.

The PRESIDING OFFICER (Mr. Fannin). The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1681) for the relief of Dennis Yiantos.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WILLIAMS of Delaware. Mr. President, may we have an explanation of the bill?

Mr. KENNEDY. Mr. President, S. 1681, is a bill for the relief of Dennis Yiantos, introduced by Mr. Hollings.

The purpose of this bill as originally drafted was, notwithstanding the statute of limitations or any prior civil proceedings, to give jurisdiction to the U.S. District Court for the District of South Carolina, to hear and determine Mr. Yiantos' claim for social security disability benefits allegedly payable because of a spinal injury incurred on December 30, 1957, and to allow that suit to be instituted within 6 months after enactment, to be heard de novo under the Federal Tort Claims Act.

The bill as drafted was objected to as giving a special advantage to Mr. Yiantos, denied to other persons in similar situations. Now, a person may obtain district court review of the Secretary of Health, Education, and Welfare's final decision, if requested within 60 days or such additional time as the Secretary allows. The Secretary's findings, if supported by substantial evidence, are conclusive and there is no trial de novo, save that a court may order additional evidence to be taken by the Secretary.

To meet these objections, the bill was redrafted to give the court jurisdiction merely to review the Secretary's decision, to allow 6 months to file suit, and to provide that proceedings will be in accordance with the Social Security Act, rather than the Federal Tort Claims Act.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator for the explanation.

Mr. SCOTT. Mr. President, there was some suggestion that this bill might be held up for a while, but I understand there is no longer any objection on this side to passage of the bill immediately.

Mr. KENNEDY. Mr. President, I understand that I have to ask unanimous consent that we consider this bill now in place of the pending business, and I ask unanimous consent for that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, there is an amendment at the desk as proposed by the Senator from South Carolina (Mr. Hollings) and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

S. 1681

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, notwithstanding any statute of limitation, or bar of laches, or any proceeding heretofore had in the United States District Court for the District of South Carolina, Charleston Division, jurisdiction is hereby conferred upon the United States District Court for the District of South Carolina to review any final decision of the Secretary of Health, Education, and Welfare with respect to the claim of Dennis Yiantos against the United States for disability insurance benefits under title II of the Social Security Act, alleged to be payable as the result of an incapacitating spinal injury incurred on or about December 30, 1957, at a time when the said Dennis Yiantos was apparently eligible for such benefits. The court may, at any time, on good cause shown, order additional evidence to be taken before the Secretary.

"Sec. 2. Suit under this Act may be instituted at any time within six months after the date of enactment of this Act. Except as otherwise provided herein, the proceedings in such suit shall be in accordance with the provisions of section 205(g) of the Social Security Act, as amended (42 U.S.C. 405(g)).

"Sec. 3. Nothing in this shall be construed as an inference of liability on the part of the United States."

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that there be a short period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPORT-IMPORT BANK BILL—S. 4268

Mr. PROXMIRE. Mr. President, I regret very much that a bill exempting the Export-Import Bank from the budget passed the Senate on Friday last. I had indicated to the leadership my strong opposition to it and wanted to be notified when it was to be taken up. That bill was strongly opposed by the Federal Reserve and the General Accounting Office. It exempts the Export-Import Bank from borrowing from the budget although it includes housing programs, farm programs, and other programs that are very important.

The bill at least should have been discussed at great length—well, at some length—in the Senate.

It is most unfortunate that the bill passed. I do not know what action can be taken now. The Senate has passed the bill. It is a misfortune that it did.

In view of the fact that outstanding authorities in government oppose this legislation and a number of States were opposed to it, the passage of this legislation, I think, is a tragedy.

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ECONOMIC POLICY IN 1970—A REALISTIC ASSESSMENT

Mr. PROXMIRE. Mr. President, in testifying before the Joint Economic Committee last February, the Chairman of the Council of Economic Advisers spoke of the possibility that the economy was heading for "the worst of both worlds—a recession with inflation." He called this the popular cliche of the day. Cliche or not, this is indeed what has developed. We have both a recession and inflation at the same time. There is no evidence that the administration has found a path out of this dilemma. If we measure our performance by the size of the gap between where we are and where we ought to be, the economic situation is growing steadily worse. The gap between actual output of the economy and potential output of the economy rose from $12 billion at the end of last year to $47 billion in the third quarter of this year, and it continues to grow. No amount of rhetoric about changes in the rates of change can gloss over the fact that we are falling increasingly short of the Employment Act goals of maximum employment, production, and purchasing power.

I had thought that there was a ray of hope in this dismal situation, in that the situation had become so bad that it was at last obvious to everyone. Recent statements by the administration, even if they did not use the word "recession," had at last begun to acknowledge an economic mess. So, until President Nixon's press conference on December 1, and until his veto message of the manpower bill on December 16, I had thought that the seriousness of the present situation had at last been recognized. These two Presidential statements shocked me out of this euphoria. I was profoundly discouraged to hear President Nixon express satisfaction with an average unemployment rate for this year of 4.9 percent. Most discouraging of all, the President seems to be accepting 5 percent as his unemployment goal. And by his veto of the manpower bill which the Senate just tried to override, unsuccessfully—the President has turned his back on a program which would offer jobs to some of the 4.5 million men and women now unemployed. That veto and his press conference statement on unemployment indicate that the seriousness of the present situation is still not recognized.

In discussing unemployment, the President neglected to point out that the average for the year of 4.9 percent conceals a rapidly rising unemployment trend. Unemployment was 3.9 percent last January. It is 5.8 percent now and still rising. I do not understand how the administration can accept this situation with such passivity. Until the President's recent statements, 4 percent had been generally accepted as the maximum level of unemployment consistent with a healthy economy. Now the President seems to be suggesting 5 percent. The difference between 4 percent and 5 percent unemployment is 830,000 jobs. Even a 4-percent unemployment rate should be considered unacceptable as a long-range target. The Joint Economic Committee has repeatedly emphasized that our long-term goal should not exceed 3 percent. At the present time the difference between actual unemployment levels and 3 percent unemployment would be 2,360,000 jobs.

If I am discouraged by the President's attitude toward unemployment, I am dismayed by his veto of the manpower bill; 4½ million people are unemployed, yet the President turns his back on a program to provide jobs for some of them. At a time when great needs in areas such as health and education go unmet, the President turns his back on programs which would put people to work helping to meet these needs. The President speaks of public service jobs as a "dead end." Of course, this is not so, but, in any case what is the alternative the President proposes? The alternative is continued unemployment—growing unemployment. If we accept the President's statements at their face value we can only conclude that the administration's philosophy is that a job is a dead end, but unemployment is an opportunity to get ahead in life.

I cannot believe that the administration really prefers unemployment to jobs. Despite the recent evidence, I continue to hope that the administration is seriously concerned about unemployment. I continue to hope that we may reach at least some partial consensus on economic policy. I hope we can agree that our main task must be to start the economy growing again and to reduce unemployment. I hope we can agree that fiscal policy has an important part to play in restoring economic growth. This has previously been acknowledged by the administration. They have several times acknowledged that to attempt to balance actual budget receipts and expenditures in a period of recession is foolish and self-defeating. What we must do is to look at the budget as it would be if individual and corporate tax payments were at their full employment level and as it would be if expenditures were not swollen by high unemployment compensation payments. It is heartening that this fundamental precept of fiscal policy has been acknowledged by the administration. I hope there will be no about faces on this such as there have been on manpower.

THE CURRENT STATUS OF FISCAL POLICY

If we are to have an appropriate fiscal policy for expansion, it is important to know just what our overall fiscal policy has been in the recent past and just what shifts may now be appropriate. It is important to understand the extent to which our spending priorities have and have not shifted.

A convenient starting place for examination of these questions is the fiscal 1971 budget submitted by the administration last February. This budget recommended a surplus of $1.3 billion. This figure referred to the balance of actual receipts and expenditures. There was no estimate given in the budget or the Economic Report for the full employment surplus; that is, the balance of receipts and expenditures as they would be if the economy were at full employment throughout the fiscal year. Indeed, when the Joint Economic Committee asked the Budget Bureau and the Council of Economic Advisers last February to give us an estimate of the full employment surplus, we encountered a great reluctance to supply this information. They argued that the rapidity with which prices were increasing made it impossible to accurately estimate the full employment budget. So we still do not know today what the administration expected the full employment surplus to be this year or how they evaluated its impact on the economy.

We do know that the administration clearly regarded a balance in the actual budget as highly desirable. The President stated in his Economic Report last February:

> Our objective is to avoid these dangers [inflation, excessive slowdown, overly tight credit] as we achieve stability. A necessary condition for doing this is to keep the Federal budget in balance in the coming fiscal year.

From estimates made by recognized private research groups we know that the full employment surplus implied by the President's budget for fiscal 1971 was in the neighborhood of $13 to $15 billion. Such a full employment surplus must be judged a restrictive fiscal policy even though the shortfall in receipts during a recessionary period prevents the surplus from in fact being realized. Yet the budget message and the Economic Report evidenced no concern that fiscal policy might be too restrictive for our economic health.

Even as late as August of 1970, when the weakness of the economy should have been thoroughly evident to everybody, the administration showed no recognition of the harm which could be done to the economy through an overly restrictive fiscal policy. At that time President Nixon was determined to stick to his budget even if it meant sacrificing what he acknowledged to be highly desirable and important social programs. The need for a restrictive budget was the chief reason given by the President for his vetoes of the HUD and education appropriations bills. In his veto message on August 11, the President said:

> I am determined to hold the line against a dangerous budget deficit.

If the tax and spending program originally recommended by the President had been realized, what we would have had would have been a dangerous budget surplus, a surplus which would have been dangerous on two grounds. First, it would have been achieved by cutting back, not on defense and space and highways and the SST—all areas where cuts would be desirable in their own right—but by cutting back on housing, health and education. These were cuts we truly could not afford. The administration's spending priorities were badly misconceived in the February budget. Moreover, the planned budget surplus would have been dangerous because it would have represented too restrictive a policy for a period of threatening recession. If the President's budget surplus had been realized we would have been driven even deeper into recession than has actually been the case.

Fortunately, Congress has shown the good sense to modify the President's budget, to shift its priorities by cutting back substantially on defense and by increasing appropriations for urgent social programs. Congress has also had the good sense to recognize that a recession is not the time to impose new taxes in an effort to sustain a budget surplus. Based on tax and expenditure decisions to date, including probable action on the defense appropriation, it is estimated that the full employment surplus for fiscal 1971 will be about $5 billion. This is substantially less than the $13 to $15 billion originally envisaged for this year by the administration. It is much healthier medicine for a sick economy.

Fortunately, the administration has now recognized the wisdom of the changes that have been made in the budget since it was presented last February. In his speech on December 4, President Nixon stated:

> This is what has already been done to help the economy resume its growth:
>
> First, early in 1970, budget policy turned in a more expansionist direction. It was an orderly and well-timed change.

The President might well have added that it was a change wrought by Congress during its consideration of the President's budget. The change was perhaps not as orderly and well-timed as the President gives us credit for. I certainly would not argue that congressional procedures of budget review could not be improved so as to produce a more systematic and timely fitting of the parts into the total. Nor would I argue that our shifts in spending priorities have been anywhere as big as they should have been and must become. But the budget changes made by Congress have been in the right direction. Priorities have been shifted. And the level of the full employment surplus is more appropriate to our economic circumstances than it would have been without the actions Congress has taken.

Looking ahead to next year's budget, I hope the administration's new commitment to the full employment budget concept will be sustained. I hope that this year we wil be given estimates of full employment receipts and expenditures. I hope the American people will be told clearly and honestly that actual receipts and expenditures cannot be balanced in a recession. I hope there will be no further attempts to skimp on housing and education in the misguided belief that this is the way to fight inflation.

I hope too that we will not again be told that an unemployment rate approaching 6 percent is evidence of a "shift in priorities" or that it is an inevitable part of what is referred to as the "conversion to a peacetime economy." Blaming unemployment on the conversion to a peace economy is highly misleading. It is misleading because actual defense cuts have been very modest. We are still not at peace in Southeast Asia. In any case, there is no reason why conversion has to mean a leap in unemployment.

THE FACTS ABOUT CONVERSION

The President emphasized in his speech on December 4 that more than a million men have been released from the Armed Forces and from defense plants since he took office 22 months ago. It should also be pointed out, however, that during these same 22 months unemployment has increased by 2.2 million. Less than half the total rise in unemployment can thus be attributed to defense cutbacks. The President has blamed the rise in unemployment on a shift in priorities. But in 1970, it is not a shift from a war economy to a peace economy but from a war economy to an idle economy.

Our lack of an effective economic conversion policy is in sharp contrast to our experience following World War II. It it instructive to recall the magnitude of that demobilization. In the 2 years following VJ Day, approximately 10 million men were released from the armed services. Over this same period civilian male employment grew by about 7½ million, indicating that, of those returning veterans who did not return to school, the overwhelming majority rapidly found civilian employment. It is true that there was a rise in unemployment of about 1 million people, or from 1.9 to 3.6 percent of the labor force, but in view of the fact that by 1947 defense spending had fallen to only $9 billion; one-eighth of what it was in 1945, and that the Armed Forces had been reduced to one-seventh of the 1945 level, it seems clear that a major reorientation of the economy was accomplished with a minimum of dislocation and distress.

How disastrous our present experience is compared to what happend in the past World War II period:

Then 10 million men were released from the Armed Forces. Now the number has been reduced by only 440,000 which is less than one-twentieth the number after World War II.

Then we cut the defense budget from $73.5 billion in calendar 1945 to $9.1 billion in calendar 1947, or by over $64 billion. Now military spending is down from $81.2 billion to $77.6 billion or by only $3.6 billion.

Then 6 million new jobs were created. Now civilian employment has risen by only 1½ million jobs over the 2 years and has actually declined in the last year.

Then unemployment rose by only 1 million to a peak of 3.6 percent. Now, 2.2 million more people are unemployed and the rate is 5.8 percent.

Let me say just a word about the numbers I used for military spending. The numbers for 1945 and 1947 were calendar year numbers. They were taken from the national income accounts. If we look at Treasury Department expenditure records by fiscal years the numbers are somewhat different, but the picture is the same. From fiscal 1945 to fiscal 1947, military spending fell from $80.5 billion to $14.8 billion, a drop of over $65 billion. Whichever statistical series we use, military spending fell by about $65 billion during a 2-year period.

The numbers I used earlier for the current period are on the now familiar unified budget basis. They compare military spending for fiscal 1969 to the probable total for fiscal 1971. What is the picture today on the national income account basis? In the fourth quarter of 1968 defense spending was at a $79.2 billion annual rate according to the national income accounts. In the third quarter of this year it was at a $75.8 rate. The decline, measured on this basis has been only $3.4 billion, or slightly less than the $3.6 billion decline suggested by the fiscal year numbers in the unified budget.

Our experience after World War II demonstrated the capacity of our economic system to absorb a shift many times more massive than what has recently taken place. Yet today, with a much less difficult problem, the administration has done a far worse job. There is virtually unanimous agreement among economists that proper economic management could sustain prosperity during a period of conversion. But the tragic fact is that we have no policy of economic conversion in effect now. The post-Vietnam planning initiated by the Johnson administration has been abandoned.

The Nixon administration's policy of economic conversion from a wartime to a peacetime economy has been a miserable failure. The fact is we have no policy. Instead of planning we have platitudes. We have attempts to attribute unemployment to defense cutbacks. The American people are being deluded into believing that prosperity depends on military spending. This is a real disservice which is being perpetrated on the public. It is time for it to stop. It is time and past time to develop and implement the conversion policies which will demonstrate that peace and prosperity can be achieved together.

MISTREATMENT OF JEWS IN SOVIET UNION

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a very fine message from the distinguished Senator from Maryland (Mr. MATHIAS) to a rally for Soviet Jewry, a rally protesting the mistreatment of Jews in the Soviet Union, which was held in Baltimore, Md., on December 20, 1970.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

MESSAGE FROM SENATOR CHARLES McM. MATHIAS, JR.

As we enter the holiday season, it strikes me as most fitting and symbolic that this year Hanukah, the festival of lights, begins just two days before Christmas. And since Hanukah lasts a full eight days, it goes on to embrace Christmas. I use this word advisedly—embrace—for I believe the time is long overdue for all Americans—Christians and Jews—to embrace the cause for which you have gathered tonight.

This is not a Jewish cause. It is the cause of freedom. It is the cause for which this country was founded almost two hundred years ago. And it is the cause to which we must now rededicate ourselves if we are to keep faith with our ideals.

You have come together to give voice to the great wave of protest sweeping this country over the persecution of Jews in the Soviet Union. You have gathered here to protest a deliberate and calculated Soviet program aimed at eradicating the spirit—indeed, the very existence—of Judaism in the Soviet Union. Needless to say, Soviet authorities deny these charges. Soviet Jews are happy in that country and wish to remain there, they claim. Freedom of religion and the right to emigrate, they point out, are solemnly guaranteed in the Soviet constitution.

But even as they utter these pious disclaimers, the true facts of Soviet life, the monstrous policy of religious and cultural genocide that is systematically being carried out, unmasks them and reveals the cynical fraudulence of their words.

For, as you gather here, Soviet Jews are being tried in Leningrad, reportedly on charges of treason and hijacking. I say "reportedly" for facts are very hard to come by. The trial is closed to public and to the foreign press. American lawyers, seeking to attend the trial, were refused this privilege. The trial is, for all practical purposes, secret.

And beyond Leningrad, in all parts of the country where Jews still live, their religious services are being disrupted—in a manner that is reminiscent of the beginning of the Nazi terror in the 1930's.

And, what is most monstrous of all, the victims of this repression are denied the right to leave the country, to flee their torment. And so 3 million Jews are being held hostage in a land which systematically denies them their rights and subjects them to harassment, outrage, and incarceration.

But the human spirit is indominable. And somehow a truly extraordinary thing has resulted. In one important aspect, at least, the Soviet persecution has backfired. For the stronger their repression has become, the greater has grown the spirit of religious and cultural identity of Soviet Jews. Particularly the Jewish youth, who had been denied religious training and who had every encouragement to abandon their heritage, have gained a sense of unity and a pride in their Jewish identity that they had never had before. This despite official repression—or possibly because of it.

And so I am deeply grateful and honored at the opportunity to add my voice to this protest. Indeed, it is a duty we all owe to the cause of humanity to ensure that this protest is heard. We dare not remain silent in the face of this injustice, in the face of this pernicious program of religious and cultural genocide. I join you in urging the President to make it amply clear to Soviet authorities how gravely the people of the United States regard the plight of Soviet Jews. I join you in your prayers that the similarity we now see between present Soviet policy and the program of Nazism in the 1930's will grow no greater. I join you in demanding a halt to the persecution of Jews in the Soviet Union and the granting of their right to leave that country.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Metcalf) laid before the Senate the following letters, which were referred as indicated:

Report on Facilities for Research at the State Agricultural Experiment Stations

A letter from the Director of Science and Education, Department of Agriculture, transmitting, pursuant to law, a report on facilities for research at the State Agricultural Experiment Stations as of June 30, 1971 (with an accompanying report); to the Committee on Agriculture and Forestry.

Report on Planned Biological Disposal Actions

A letter from the Assistant Secretary of the Army (Installations and Logistics), reporting, pursuant to law, on planned biological disposal actions; to the Committee on Armed Services.

Interim Report on the U. S. Metric Study

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the U.S. Metric Study, dated December 1970 (with an accompanying report); to the Committee on Commerce.

Report on Ferris Corporation Claim Against the United States

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the claim of the Ferris Corp., against the United States (with an accompanying report); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Metcalf):

A letter, in the nature of a petition, from the Marion Lake Boat Owners Association, Inc., of Salem, Oreg., relating to Marion Lake and proposed methods of action in having it removed from the Mt. Jefferson Wilderness; to the Committee on Interior and Insular Affairs.

A letter in the nature of a petition, from Warren M. Weitzman, of New York, N.Y., relating to alleged Army spying; to the Committee on the Judiciary.

A resolution adopted by the Idaho Legislative Interim Highway Roads and Streets Needs Study Committee, relating to the continuation of the Federal Aid Highway Trust Fund; to the Committee on Public Works.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 19342. An act to establish and develop the Chesapeake and Ohio Canal National Historical Park, and for other purposes (Rept. No. 91–1512).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with an amendment:

H.R. 10874. A bill to provide for the establishment of the Gulf Islands National Seashore, in the States of Alabama, Florida, Louisiana, and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida and Fort Massachusetts in Mississippi, and for other purposes (Rept. No. 91–1514).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

H.R. 10482. An act to authorize the establishment of the Voyageurs National Park in the State of Minnesota, and for other purposes (Rept. No. 91–1513).

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JACKSON:

S. 4597. A bill to amend titles 10 and 32, United States Code, to authorize additional medical and dental care and other related benefits for reservists and members of the National Guard, under certain conditions, and for other purposes; to the Committee on Armed Services.

By Mr. BELLMON:

S. 4598. A bill to amend the Act of August 28, 1950, enabling the Secretary of Agriculture to furnish, upon a reimbursable basis, certain inspection services involving overtime work; to the Committee on Agriculture and Forestry; and

S. 4599. A bill to establish environmental laboratories within the States, regions and nation pursuant to policies and goals established in the National Environmental Policy Act of 1969; to the Committee on Public Works.

By Mr. HART:

S. 4600. A bill for the relief of Aurora Perez Ocdol; to the Committee on the Judiciary.

By Mr. KENNEDY:

S.J. Res. 251. Joint resolution to provide for the franchise for 18-year-old citizens in State elections; held at the desk, by unanimous consent.

(The remarks of Mr. Kennedy when he introduced the joint resolution appear earlier in the Record under the appropriate heading.)

ADDITIONAL COSPONSORS OF BILLS

S. 2031

At the request of the Senator from New Hampshire (Mr. Cotton), the Senator from Rhode Island (Mr. Pell) was added as a cosponsor of S. 2031, to provide for the correction of inequities in the creating of National Guard technician service in connection with civil service retirements.

S. 4564

At the request of the Senator from Texas (Mr. Yarborough), the Senator from Massachusetts (Mr. Brooke), the Senator from North Dakota (Mr. Burdick), the Senator from West Virginia (Mr. Byrd), the Senator from California (Mr. Cranston), the Senator from Missouri (Mr. Eagleton), the Senator from Arkansas (Mr. Fulbright), the Senator from Tennessee (Mr. Gore), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from Iowa (Mr. Hughes), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Jackson), the Senator from New York (Mr. Javits), the Senator from Massachusetts (Mr. Kennedy), the Senator from Minnesota (Mr. McCarthy), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from New Mexico (Mr. Montoya), the Senator from Wisconsin (Mr. Nelson), the Senator from Rhode Island (Mr. Pastore), the Senator from Rhode Island (Mr. Pell), the Senator from Vermont (Mr. Prouty), the

Senator from West Virginia (Mr. Randolph), the Senator from Pennsylvania (Mr. Schweiker), and the Senator from Ohio (Mr. Young) were added as cosponsors of S. 4564, "The Conquest of Cancer Act."

SENATE CONCURRENT RESOLUTION 87—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO ADJOURNMENT OF THE CONGRESS

Mr. MANSFIELD submitted a concurrent resolution (S. Con. Res. 87) relating to adjournment of the Congress on Tuesday, December 22, 1970, until Monday, December 28, 1970, which was considered and agreed to.

(The remarks of Mr. Mansfield when he submitted the concurrent resolution appear earlier in the Record under the appropriate heading.)

ADDITIONAL STATEMENTS OF SENATORS

DESIDERATA

Mr. HANSEN. Mr. President, this year Mr. and Mrs. Art Buck, Cheyenne, Wyo., included with their Christmas card an insert which I believe would be of great interest and benefit to Members of this body.

It would be well for all of us, especially as we consider the business before us at the close of this Congress, to consider this message.

I ask unanimous consent that the insert entitled "Desiderata" be printed in the Record.

There being no objection, the insertion was ordered to be printed in the Record, as follows:

Desiderata

(Found in Old St. Paul's Church, Baltimore; Dated 1692)

Go placidly amid the noise & haste, & remember what peace there may be in silence. As far as possible without surrender be on good terms with all persons. Speak your truth quietly & clearly; and listen to others, even the dull & ignorant; they too have their story.

Avoid loud & aggressive persons, they are vexations to the spirit. If you compare yourself with others, you may become vain & bitter; for always there will be greater & lesser persons than yourself. Enjoy your achievements as well as your plans.

Keep interested in your own career, however humble; it is a real possession in the changing fortunes of time. Exercise caution in your business affairs; for the world is full of trickery. But let this not blind you to what virtue there is; many persons strive for high ideals; and everywhere life is full of heroism.

Be yourself. Especially, do not feign affection. Neither be cynical about love; for in the face of all aridity & disenchantment it is perennial as the grass.

Take kindly the counsel of the years, gracefully surrendering the things of youth. Nurture strength of spirit to shield you in sudden misfortune. But do not distress yourself with imaginings. Many fears are born of fatigue & loneliness. Beyond a wholesome discipline, be gentle with yourself.

You are a child of the universe, no less than the trees & the stars; you have a right to be here. And whether or not it is clear to you, no doubt the universe is unfolding as it should.

Therefore be at peace with God, whatever you conceive Him to be, and whatever your labors & aspirations, in the noisy confusion of life keep peace with your soul.

With all its sham, drudgery & broken dreams, it is still a beautiful world. Be careful. Strive to be happy.

FOOTHOLD IN THE FUTURE

Mr. SPARKMAN. Mr. President, there is the old story about the Chinese nobleman who very much admired the piano he saw pictured in an American magazine. He employed the most skilled craftsmen and ordered that they make one just like it for him.

Their creation was a great work of art. Rare rosewoods were polished to perfection. Mother of pearl was inlaid with finest artistry. But, the most important thing was missing.

They had reproduced the instrument to the last patient detail. It was exactly like the picture. But, it had not shown them what was inside. So, their piano had no strings and could not play a note. It always pays off to look into things—like how to secure a sure foothold in the future through savings.

No one ever really saves for the sake of saving. While inherently thrifty, Americans are also ready spenders. But, the habit of thrift is not something to be encouraged one time; discouraged another. It is far too basic.

Saving is fundamental to free enterprise. It is the sure, sound way to provide essential funds for growth and public service. And that means more jobs and more opportunities for more people to get ahead.

Neither individuals nor business enterprises operate efficiently, realistically without reserves. And they are built enduringly only through the regular practice of setting something aside from income or profits. It is a patient, gradual process requiring necessary degrees of time.

The U.S. savings bond program serves its purpose well in changing random saving into regular payroll savings; aimless spending of idle dollars into planned spending for future vital needs.

Of course, all savings are meant to be spent at the appointed time. Whether saved for short-range benefits; salted away for more important needs; used to meet unexpected emergencies—that is how their values are gaged in the economic process.

Regular saving produces such planned for, future spending strength as—down payments on homes; costs of education; purchases of cars; surety of retirement—you name it. Thus, regular saving also helps keep local businesses at relatively high and stable levels of assurance, despite temporary reverses.

Whatever we have known in the way of economic downturns or the aftermaths of inflationary booms would have been milder, had Americans saved more than in the preceding years.

Yesterday's savings are spent for the wants of today. Today's savings stimulate tomorrow's economy. So, the time to save with U.S. savings bonds—to encourage others to save likewise—is always now.

Redemptions are as normal as the daily flow of the purchasing stream. People redeem and reapply their holdings to meet the needs for which they originated their savings. At the same time, others are buying bonds—many initiating their first real savings as a stake in the future.

No one ever gets back one penny less than the amount that he puts into U.S. savings bonds. Where else can you find that kind of guarantee, with interest? And the interest is now 5½ percent—when held to maturity of 5 years and 10 months—when the half percent is added as a bonus for your prudence.

The people of Alabama are prudent people. It is part of the heritage of the West. Many have learned the wisdom of regular saving through U.S. saving bonds. Those who have not, should discover this guaranteed-return way to gain a firm foothold in the future.

SMALL FIRMS IN ALABAMA AND THROUGHOUT NATION WILL BENEFIT FROM NEW SBA DISASTER LOAN AUTHORITY IN ENVIRONMENTAL AND CONSUMER AREAS

Mr. SPARKMAN. Mr. President, it may be that Congress has been following the last minute heroics of certain football teams, because December 15 was the deadline for 7,000 small meatpackers to comply with the upraded standards of the Wholesome Meat Act of 1967—and Congress on December 15 passed legislation enabling these small, family, and local firms to gain emergency Small Business Administration loss assistance.

We have good reason to believe that many of these small, family, and local companies could not otherwise survive, since interest rates have remained very high since the passage of the Wholesome Meat Act of 1967 and the Poultry Products Act of 1968, and loan capital was actually unobtainable in some parts of the country. A witness from Georgia told our Banking Committee last June that he could not obtain a loan for the purpose of making the needed improvements at any interest rate.

I was proud to join Senator Bible as the principal cosponsor of S. 1750 on April 1, 1969, and am pleased that it has now found its way into three major pieces of legislation approved by the 91st Congress:

The Coal Mine Health and Safety Act;

The Occupational Health and Safety Act; and

The Egg Products Inspection Act (which covers compliance with the Wholesome Meat Act of 1967, the Wholesome Poultry Products Act of 1968, and the Egg Products Inspection Act of 1970).

The Senator from Nevada (Mr. Bible), I believe, is entitled to a great deal of credit in this matter. I know of the early concern which prompted him to raise this issue before the Senate in May of 1968, with the introduction of Senate Resolution 290. After he became chairman of the Select Committee on Small Business

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in January 1969, I know of the care, study, and close consultation with the Small Business Administration which went into the drafting of the substantive legislation.

As chairman of the Committee on Banking and Currency which has overall legislative jurisdiction over small business matters, I am well aware of the work which went into Senator BIBLE's statement before our Small Business Committee in June of 1969, and his appearance in July of 1970 to explain the details of the measure and the reasons for its urgency.

All of this effort has been justified by the acceptance of the Senate and the House in the legislation we have cited.

I would like to associate myself with the remarks which the Senator from Nevada made on Thursday. I believe the enactment of these bills does constitute a turning point in harmonizing the interests of consumers, outdoorsmen and really all citizens concerned with the environment, with those of businessmen in the quest for better air and water; a better economy; and a better life.

In Alabama, for instance, there are about 60 meatpacking firms which employ over 4,000 people, pay $15 million in wages and make about $7½ million in capital investments each year. Many of these firms are in small- or medium-sized towns. They are obviously major factors in Alabama commerce, and a base for further expansion of the economy of our State in the marketing of meat and poultry which are growing needs of our region and our country.

This legislation will enable many of these Alabama companies to remain in business, to increase their capital investments, and to provide better service for Alabama families. The same is true for our poultry and egg producers and smaller coal mine operators to which these statutes will apply.

We are looking forward to the approval of these bills by the President, who has said many times that he shares our concern for the Nation's small businessmen.

It has been my pleasure to work in this cause, and I will do all I can in the future to assist in carrying it forward. In this way, small business firms across the country may take their rightful place as allies in the advance toward an improved environment, an expanding economy, and the better life for all of our people.

ANTI-SEMITISM IN RUSSIA

Mr. HART. Mr. President, I wish to add my voice to that of my able colleagues, Senator SCHWEIKER and Senator McGOVERN, in expressing concern over the plight of the Jewish people in Soviet Russia. The recent reports indicating a new wave of anti-Semitism in Russia are most distressing.

The circumstances surrounding the trial of 34 Jews suggest that their major "crime" is their desire to express themselves in thier own religious-cultural heritage, or to emigrate to Israel where they can do so freely. Both of these alternatives are guaranteed by the Universal Declaration of Human Rights, a United Nations document signed by the U.S.S.R. Denial of these basic rights today at best reminds us of man's short memory about acts against humanity and at worst rekindles fear of a recurrence of one of man's darkest hours in Nazi Germany.

Elie Wiesel, a survivor of the horrors of Auschwitz and noted author, has written that civilization is but "foam that crests the waves and vanishes." Once again civilization is being challenged; it failed in World War II when it tolerated the intolerable. It is imperative that we not fail this time to speak loudly and clearly to Moscow in condemning this new wave of anti-Semitism.

The Soviet Union is finding its Jewish population a most handy scapegoat. The young Jews have dared to demand their rights to live in concert with their religious-cultural heritage. They have appealed to the United Nations Human Rights Commission, International Red Cross and other agencies. It is widely feared that the trial of the 34 in Leningrad is designed as a showpiece to dissuade others from similar attempts.

As we condemn these actions in the Soviet Union, it is important to remember and purge ourselves of our own tendency to look for scapegoats. Instead of examining the most fundamental causes of our manifold ills, we too often prefer to find an easily identifiable culprit, and then divert our anger, fear, or frustration toward him.

In the United States, as elsewhere, we find it easier to blame militants, doves, hawks, hard hats, intellectuals, or the mass media for problems in foreign policy, on campuses, in ghettos, in suburbs rather than looking for causes and then seriously trying to right fundamental errors.

Mr. President, the first candle of Hanukkah will be lighted on the evening of December 23. Hanukkah, the Festival of Lights, is the commemoration of the religious-cultural-political victory won by the Jews under the leadership of the Maccabees.

More than 2,000 years later, Soviet Jews are still struggling for the right to their own identity in the Diaspora.

Let us hope the weight of the world's moral indignation will persuade Soviet officials to abandon all forms of anti-Semitism; that this will be the last Hanukkah that cannot be observed freely by our Jewish brothers and sisters in Russia; and that we use our concern for Jews in Russia to strengthen our commitment to judge each man on his merits, to seek causes rather than scapegoats for our problems.

THE RUSSIAN SUBMARINE BASE IN CUBA

Mr. GURNEY. Mr. President, I ask unanimous consent to include in today's RECORD a story from the December 28 edition of Time concerning the Soviet building at Cienfuegos in Cuba. The story recites that:

> U-2 reconnaissance photographs show that the base (at Cienfuegos) is almost complete. In addition to bunkers for storing submarine borne nuclear weapons, the Russians have built a steel antisubmarine barrier net between the shore and the Island of Cayo Carenas and have installed antiaircraft emplacements. They have also built a pier for docking submarines and elaborate rest and recreation facilities. The Bay now contains two storage barges designed to receive the discharges of nuclear contaminated effluent from submarines. The tender that touched off the September announcement is still cruising the Caribbean, and could return to Cienfuegos at any time.

The story also mentions that in his most recent news conference, President Nixon said he was not worried by the base and did not regard it as a threat to our security.

Mr. President, I am quite frankly alarmed by this whole episode. I think the Senate and American public are entitled to a full and complete report on this base.

On October 14, on the Senate floor, I made the following statement:

> If the early intelligence is correct and the Soviets are in fact developing a submarine base in Cuba, we will have to deal with only two alternatives: either the stand this Nation took in the Cuban missile crisis of 1962 dies, or we take some affirmative counteraction, for the presence of such a Soviet nuclear sub base on our door step is incompatible with the reaffirmance in 1962 of the Monroe Doctrine.
>
> I do not think, Mr. President, and I do not think other Senators believe, that the Monroe Doctrine should be discarded.
>
> It is quite another matter if our early intelligence is wrong or has misled us. In that case there would be no problem of any magnitude. But if the early signs are correct, that the Russian Communists intend to have an operational submarine base in Cuba, then it behooves the United States to reassess its whole foreign policy vis-a-vis Soviet Russia.
>
> Mr. President, I would urge most emphatically that the Department of Defense proceed immediately to determine, with the more than adequate means at its disposal, whether the Soviets intend to place a permanent submarine base or station in Cuba, and that it report to Congress and the American people the results of its investigation. If the Soviets have no such intention, we should know it. If the Soviets are building such an installation, we should know it and know it as soon as possible. It occurs to me that we have a right to know the full facts on this matter at the earliest possible date, so that we can take appropriate action. Candidly, I am not satisfied with the information which has so far been made available to the Congress.

Mr. President, I stand by that statement. It now appears that the Soviets are determined to build a nuclear submarine facility in Cuba. It is about to become an accomplished fact.

What shall be our posture in the face of this development? It seems to me that we cannot merely accept it. We must take a position—the postponements are over. I think it incumbent upon our Government to advise the Congress and the people of our position on this matter—of our intentions, of our policy.

We have heard and seen in the press a number of stories about the Soviet-American understanding at the time of the Cuban missile crisis in 1962. The time has come, in my judgment, Mr. President, for a full statement concerning that understanding—we should know in the first instance whether such an understanding exists; whether we consider it binding; whether the Soviets consider it binding; we should know what our obligations are under it and what the corresponding Soviet obligations are. We should know whether it has been breached by the construction of this Soviet missile base. I respectfully, but emphatically, urge the administration to speak to us on this issue—to assure the American people—to state publicly and for the record, our national position on this apparent crisis.

Mr. President, I repeat what I said in October: If we retreat in the face of this latest Soviet probe—if we acquiesce to the placement of a Soviet military facility of this magnitude in our hemisphere, we will not be winning security or stability or respite; we will be in effect inviting new and potentially more dangerous probes. The Soviets will understand our actions as weakness and we will inevitably be subjected to further, more sinister tests. If we acquiesce, we will not be avoiding the ultimate nuclear confrontation—we will be bringing it closer.

There being no objection, the article from Time magazine was ordered to be printed in the Record, as follows:

CUBA

THE SUBS OF CIENFUEGOS

Last September the White House announced that the Soviet Union was building a base to service missile-carrying submarines at the south Cuban port of Cienfuegos. The news set off shock waves of fear that an East-West confrontation comparable to the 1962 Cuban missile crisis was imminent. But then the Soviets removed their submarine tender from Cienfuegos, and the moment of alarm seemed to pass.

Despite President Nixon's press-conference statement that he was unworried by Soviet naval presence in the western Atlantic, there is some evidence that the crisis has merely been postponed. U-2 reconnaissance photographs show that the base is almost complete. In addition to bunkers for storing submarine-borne nuclear weapons, the Russians have built a steel antisubmarine barrier net between the shore and the island of Cayo Carenas and have installed anti-aircraft emplacements. They have also built a pier for docking submarines and elaborate rest and recreation facilities. The bay now contains two storage barges designed to receive the discharges of nuclear-contaminated effluent from submarines. The tender that touched off the September announcement is still cruising the Caribbean, and could return to Cienfuegos at any time.

Double capacity

One U.S. naval official describes the Cienfuegos base as "smaller than Holy Loch and larger than Rota," referring to U.S. nuclear submarine bases in Scotland and Spain. It could service any of the Soviet navy's 76 nuclear submarines, including those of the Polaris-type *Yankee* class, of which the Soviets presently have 13. The practical strategic effect of the base will be to double the Soviets' nuclear submarine capability in American waters; one *Yankee* submarine will be able to perform a surveillance mission that required two such ships before.

The Nixon Administration faces a dilemma over how to react to the base at Cienfuegos. An outright confrontation with the Soviet Union, in an area deep within the traditional "U.S. sphere of influence," would almost certainly rule out the advancement of top-priority Administration objectives concerning the SALT talks, the war in Viet Nam, and the stalemate in the Middle East. The U.S. seems to be resigned to the presence of Soviet naval vessels in the Caribbean, with the submarines serviced in international waters from a tender based in Cuba. But it hopes that the Soviets will not force the issue by putting the Cienfuegos base into operation.

Ever since 1962, State Department officials have alluded to a vaguely defined "understanding" between John Kennedy and Nikita Khrushchev that the U.S. would not invade Cuba if the Soviets did not build strategic bases or install nuclear weapons there. Last month the White House let it be known that this understanding had been "renewed." In the meantime, however, the Cienfuegos base is all but ready to service Soviet nuclear missile submarines.

SEABED AND THE LAW OF THE SEA—TRIBUTE TO SENATOR PELL

Mr. HOLLINGS. Mr. President, I want to acknowledge today the leadership of a man who, more than anyone else in the Senate, has brought our attention to the need for new international agreement governing the exploration and exploitation of the resources of the oceans. My distinguished colleague from Rhode Island, Senator Pell, knows well the loneliness of the long distance leader; for years he has been way ahead of us in recognizing the need and pursuing the goal virtually alone. But he has pursued it well, and we are now seeing some of the fruits of his leadership and influence in actions being taken by the United States and the United Nations.

On November 26, Senator Pell, as a U.S. representative to the United Nations, spoke on the seabed and law of the sea to Committee I. Addressing the need for a Law of the Sea Conference, he said:

> The principal issues that need to be considered at the conference are familiar to all of us. There is the need for treaty arrangements on an international regime for, and definition of, the area of the sea-bed and ocean floor beyond the limits of national jurisdiction, including appropriate machinery. In addition there is the question of the breadth of the territorial sea and related questions of international straits and conservation and management of the living resources of the high sea, including the interest of coastal states with respect to fisheries on the high seas. We and many other delegations also recognize the importance of taking conference action to secure effective regulation of marine activities to prevent pollution, taking due account of the forthcoming Stockholm Conference on the Human Environment and work of interested bodies such as the International Maritime Consultative Organization. If there are other matters which may be ripe for action, the conference should be free to consider them.

Last week, Mr. President, the U.N. General Assembly approved a declaration of principles governing the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction, and also called for consideration of a Law of the Sea Conference in 1973. This action was an important first step leading to the recommendations made by Senator Pell. Mr. President, I ask unanimous consent that Senator Pell's statement to Committee I on November 26, and the declaration of principles passed by the General Assembly be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record as follows:

STATEMENT BY SENATOR CLAIBORNE PELL

It is a great pleasure for me to join in the discussion of this item at the United Nations and at this particular time. I have followed the work of the Sea-Bed Committee since my distinguished friend and colleague, Ambassador Pardo, first proposed discussion of the sea-bed problem three years ago. Like him, I had for some time been concerned that the advancing pace of technology, both military and industrial, would soon signal a new area of conflict on the ocean floor. In the fall of 1967, I introduced in the United States Senate the first proposals designed to encourage international action on this item, and the following year I presented to the United States Senate a draft treaty on ocean space. I have followed ocean matters closely in my capacity as Chairman of the Oceans Space Sub-Committee of the Committee on Foreign Relations of the United States Senate.

Looking back, I am sure that are many here who will understand when I say that there was a certain sense of loneliness then—the kind of loneliness that comes from the pursuit of a new idea which few appreciate and many are ready to criticize.

In these past three years I have participated as an advisor to the United States delegation to the Sea-Bed Committee in your work here at the United Nations. I have also taken an active part in discussions within my Government and with leaders of other Governments on these matters.

And so it was a great satisfaction to me that the oceans policy announced by President Nixon last May, and the proposals presented to the Sea-Bed Committee in August based on that policy, were not the fuzzy result of compromise, but a bold venture into the future. I am very glad too that the approach and many of the ideas contained in my original draft treaty are included in these draft proposals.

It is my conviction that when we look back upon the decisions made here, what we do on this question will be seen as one of those crucial turning points at which we either choose the path of hesitation, delay, and finally conflict, or we choose a braver course which may speed not just the development of the resources of the oceans, but the development of new patterns of cooperation our world so badly needs. We do not want to see a "flag nations" rush towards new colonial empires. Rather, we wish to see the ocean resources and usufruct available to all the world's peoples.

President Nixon expressed this theme in the General Assembly on October 23 when he said:

"It is in the world interest for the resources of the sea to be used for the benefit of all—and not to become a source of international conflict, pollution and unbridled commercial rivalry. Technology is ready to tap the vast largely virgin resources of the oceans. At this moment, we have the opportunity to set up rules and institutions to ensure that these resources are developed for the benefit of all mankind and that the resources derived from them are shared equitably."

A great deal of useful work has already taken place. Of particular note is the work of the UN Sea-Bed Committee under the able and respected leadership of its Chairman, Ambassador Amerasinghe of Ceylon. The work on seabed principles, on which he and others have labored so industriously and with such a great measure of success in recent weeks, is particularly heartening. We are pleased that, as the result of Ambassador Amerasinghe's skillful and tireless consultations within the Sea-Bed Committee he has been able to submit a draft declaration of seabed principles to the First Committee, and I shall comment on that text at the appropriate time.

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The Sea-Bed Committee and this General Assembly have helped develop an increased understanding of the complex issues involved in developing an international regime governing the exploration and exploitation of the deep seabed, including appropriate machinery, reflected in the most recent report of the Sea-Bed Committee. The Committee has benefited from the Secretary General's excellent report on international machinery. Ambassador Galindo Pohl and Denorme have provided valuable leadership through their chairmanship of the Legal and Economic and Technical Sub-Committees, respectively.

At the last meeting of the UN Sea-Bed Committee, several proposals were made regarding the preparation of an international regime for the seabed. I am particularly happy that one such proposal was made by my own Government in the form of a draft, United Nations Convention on the International Seabed Area.

I believe the draft Convention reflects the common interests of the international community in a seabed regime; interests which we already share, and which we will share more vitally in years to come. Among them are:

Preservation of the broadest possible precisely defined area of the seabed as the common heritage of mankind, open to use by mankind, open to use by all, with equitable sharing of benefits by all, particularly developing countries;

Preservation of the area exclusively for peaceful purposes;

Creation of new and uniform rules of law;

Establishment of a new international organization with regulatory powers that permit it to adapt rules of changing situations and to ensure that rights and obligations are respected;

Protection of human life and safety and of the marine environment;

Protection of the interests of coastal States in the exploration and exploitation of resources; and

Creation, for the first time in history, of an independent, substantial source of international revenues to be used for international community purposes, particularly to promote the economic advancement of developing countries.

Much remains to be done. The exploratory phase of our work is now ending, and the negotiation of treaty arrangements must now begin. This is not the time to address the substance of these negotiations. But it is the time to decide that the problems will be solved by prompt international negotiation.

The moment is, however, a fleeting one. The technology is within our reach now. And now is the time that we must decide whether those who possess it will work out their own means of accommodation, or whether we will plan ahead for the equitable sharing of benefits from what is truly the common heritage, and perhaps the most valuable heritage, of mankind. In truth, this is the world's new frontier—and its last frontier where we have a choice of developing it sensibly and peacefully for the benefit of mankind.

Mr. Chairman, in stressing the importance of diplomacy keeping abreast of science and technology, I think this Committee's overwhelming commendation of the draft seabed arms control treaty is well worth recalling. That commendation evidenced a strong conviction to prevent the extension of the nuclear arms race to a new vast area. The wisdom of that decision cannot be contested. We must strive for a similar diplomatic ability to ensure the best use of advances in undersea technology which is now making the theoretical wealth of the seabed an actuality.

Worldwide about 16% of our oil is now produced off-shore, and that percent is rising. A few weeks ago a producing well was brought in at more than 300 meters of water, and new technological developments will extend this frontier further. It is expected that commercial recovery of manganese nodules in the deep seabed could begin as early as 1973.

There are many unknowns in this equation. We do not know just how valuable these untapped resources may prove to be though it is fairly certain that they are extensive. We do not know precisely what the economics of deep seabed mining may prove to be. But, we do know that man's growing need for resources is already creating great pressure to develop the technology to obtain those resources. It will avail us little to develop a cooperative plan for the development of these newly available resources if at the same time we revert to the most nationalistic approaches to the problems. The oceans will become an area for new clashes of national wills and ambitions as a result of which all nations will suffer—unless we are determined to find solutions through international cooperation.

Some countries have recently made new claims of national jurisdiction over the oceans which have the effect of reducing the area of the oceans beyond the limits of national jurisdiction by many thousands of square miles. These claims, if they expand and proliferate, would remove from any international regime vast areas of the ocean beds which may contain the most valuable, and certainly the most easily exploitable, sources of wealth. Worse, such claims of jurisdiction may well extend to the sea the same conflicts that have attended the defense of jurisdictional claims on land. This is clearly not a bold step forward, and may well be a disastrous step backward.

I can well understand the pressures on many nations to adopt unilateral solutions. Such pressures certainly exist in the United States. I can testify to the vigor with which certain interests have urged that the United States unilaterally extend its own jurisdiction.

But when States give in to those pressures, they undermine efforts to develop through international cooperation agreed and mutually beneficial arrangements that will accommodate the interests and needs of all States, whether land-locked or coastal.

We cannot provide for the orderly use of a common resource by unilateral action. On the contrary, I would suggest that, given the realities of power, the inevitable result of such an approach to law of the sea or the seabed will be that nations will share no more equitably in the economic benefit to be derived from ocean mineral resources than they have in the past in other exploitation of natural resources on land.

The international community must act before it is too late. Clearly, there needs to be a new international conference on the law of the sea, to meet as soon as possible, and we are encouraged in this regard by the wide support for such an approach as reflected in the replies to be Secretary-General's inquiry contained in Document A/7925.

How, then, should we proceed? In my view, the first step that needs to be taken is for the General Assembly to decide that such a conference shall be held and to set firm dates for the conference. In the absence of timely conference arrangements, the development of international law will fail to keep pace with the rapidly expanding technology, and States will not share equitably in the full benefits that would flow from application of this technology.

In fact, because of the speed with which technology is moving ahead, procedural delays can have the effect of filibuster, and can create out of our oceans and their seabeds new colonial empires to be exploited for the sole benefit of the adjacent coastal states.

We are presuaded that final conference decisions cannot be put off beyond early 1973. The requirement that States have sufficient time for adequate preparation must also be balanced with the urgency of attaining our goals of peaceful and stable development.

To ensure that the conference will be successful we must also provide for the necessary preparatory arrangements, including elaboration of draft treaty articles on the principal issues that should be considered by the conference.

If final conference decisions are to be made in early 1973, it would be important to schedule the conference in two sessions, so that a preparatory session could be held early in 1972. This would enable broad participation at a sufficiently early stage and give all delegations an opportunity to further develop their positions in the interim between the two sessions so that final decisions could be successfully negotiated at the second session of the conference.

It is desirable that all of the outstanding issues come before both sessions of the conference. Therefore, substantive preparations of these issues need to be undertaken as soon as possible, in 1971.

The principal issues that need to be considered at the conference are familiar to all of us. There is the need for treaty arrangements on an international regime for, and definition of, the area of the sea-bed and ocean floor beyond the limits of national jurisdiction, including appropriate machinery. In addition there is the question of the breadth of the territorial sea and related questions of international straits and conservation and management of the living resources of the high sea, including the interest of coastal states with respect to fisheries on the high seas. We and many other delegations also recognize the importance of taking conference action to secure effectively regulation of marine activities to prevent pollution, taking due account of the forthcoming Stockholm Conference on the Human Environment and work of interested bodies such as the International Maritime Consultative Organization. If there are other matters which may be ripe for action, the conference should be free to consider them.

We recognize that nations give different weight to the importance of various issues that should be considered by any future law of the sea conference The best approach, in our view, is for the General Assembly to enumerate those matters on which there now is a broad measure of agreement as to the desirability of their consideration at a conference, yet leave the conference free to take up other related matters.

To ensure adequate preliminary preparations for the first session of the conference, the Seabed Committee should meet early next year to prepare draft treaty articles on seabed matters. We are hopeful that this session of the General Assembly will reach agreement on a Declaration of Seabed Principles which will provide the framework for the preparation of treaty articles on these matters.

For the preliminary preparation of draft treaty articles on the breadth of the territorial sea and other matters, we think it desirable to create a new Preparatory Committee, which would also meet early in 1971.

During the time remaining between now and 1973, we should be able successfully to prepare international agreements on all of these equally important subjects, and conclude them together at the final session of the conference.

With these considerations in mind, we have put before the Committee a draft resolution calling for a new conference on the law of the sea. Although much thought and work has gone into the draft, it is by no

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means a final product, and we hope and expect to improve upon it in light of the comments and suggestions of other delegations, and discuss the resolution in more detail at a later point in the debate.

But, let me stress now, that the time has come to take definitive actions leading toward a new law of the sea conference, and that we should act in the conviction that agreed international solutions can and will be found. To be sure we must act carefully as well, but let us not heed the counsels of delay.

The General Assembly can delay progress on international solutions. But it cannot delay technology; it cannot delay the problems; and it cannot delay the pressures for unilateral solutions to these problems, and the conflicts that will inevitably result if unilateral actions are taken. In brief, in every year that passes, unilateral actions will reduce our options and prejudge our decisions until the opportunity will be lost to provide for the common benefit of all. A few technologically advanced states will be wealthier. A few states with long coastlines will take false comfort in the thousands of square miles they have claimed as their own. But the international community will have a substantially reduced source of independent income.

It is important to act with urgency to establish internationally agreed rules which will assure the harmonious use of the seas and the seabed—for commerce and transportation, for the production of food, and in the development of other resources—to ensure that man's marine activities are regulated to prevent pollution.

We have seen about us the effects of greed, of indifference to the future, of disregard for the waste of resources, and the indignities to nature which may be irretrievable. Surely it is not necessary to repeat the mistakes of the past.

The future compels greater unity as our global interests increasingly outweigh our individual differences. It is often hard in this forum to imagine a time of such unity, but imagine it we must because there is no real alternative. This is one of the times when we have within our grasp the means of dealing with a problem which has no national history, and which knows no national boundaries, and to resolve it in the kind of global framework that we must construct for the future.

Every day that we delay reduces our opportunity for choice. I urge all of you who share my personal concern with this problem to enter into this effort with renewed determination to ensure harmonious use of the oceans and their riches for the benefit of all.

Declaration of Principles Governing the Sea-bed and the Ocean Floor and the Sub-soil Thereof Beyond the Limits of National Jurisdiction

The General Assembly,

Recalling its resolutions 2340 (XXII) of 18 December 1967, 2467 (XXIII) of 21 December 1968 and 2574 (XXIV) of 15 December 1969, concerning the area to which the title of the items refers,

Affirming that there is an area of the sea-bed and the ocean floor, and the sub-soil thereof, beyond the limits of national jurisdiction, the precise limits of which are yet to be determined,

Recognizing that the existing legal régime of the high seas does not provide substantive rules for regulating the exploration of the aforesaid area and the exploitation of its resources,

Convinced that the area shall be reserved exclusively for peaceful purposes and that the exploration of the area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole,

Believing it essential that an international régime applying to the area and its resources and including appropriate international machinery should be established as soon as possible,

Bearing in mind that the development and use of the area and its resources shall be undertaken in such a manner as to foster healthy development of the world economy and balanced growth of international trade, and to minimize any adverse economic effects caused by fluctuation of prices of raw materials resulting from such activities,

Solemnly declares that—

1. The sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction (hereinafter referred to as the area), as well as the resources of the area, are the common heritage of mankind;

2. The area shall not be subject to appropriation by any means by States or persons, natural or judicial, and no State shall claim or exercise sovereignty or sovereign rights over any part thereof;

3. No State or person, natural or judicial, shall claim, exercise or acquire rights with respect to the area or its resources incompatible with the international régime to be established and the principles of this Declaration;

4. All activities regarding the exploration and exploitation of the resources of the area and other related activities shall be governed by the international régime to be established;

5. The area shall be open to use exclusively for peaceful purposes by all States whether coastal or land-locked, without discrimination, in accordance with the international régime to be established;

6. States shall act in the area in accordance with the applicable principles and rules of international law including the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1970, in the interests of maintaining international peace and security and promoting international co-operation and mutual understanding;

7. The exploration of the area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole, irrespective of the geographic location of States, whether land-locked or coastal, and taking into particular consideration the interests and needs of the developing countries;

8. The area shall be reserved exclusively for peaceful purposes, without prejudice to any measures which have been or may be agreed upon in the context of international negotiations undertaken in the field of disarmament and which may be applicable to a broader area;

One or more international agreements shall be concluded as soon as possible in order to implement effectively this principle and to constitute a step towards the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race;

9. On the basis of the principles of this Declaration, an international régime applying to the area and its resources and including appropriate international machinery to give effect to its provisions shall be established by an international treaty of a universal character, generally agreed upon. The régime shall, *inter alia*, provide for the orderly and safe development and national management of the area and its resources and for expanding opportunities in the use thereof and ensure the equitable sharing by States in the benefits derived therefrom, taking into particular consideration the interests and needs of the developing countries, whether land-locked or coastal;

10. States shall promote international co-operation in scientific research exclusively for peaceful purposes:

(a) by participation in international programmes and by encouraging co-operation in scientific research by personnel of different countries;

(b) through effective publication of research programmes and dissemination of the results of research through international channels;

(c) by co-operation in measures to strengthen research capabilities of developing countries, including the participation of their nationals in research programmes.

No such activity shall form the legal basis for any claims with respect to any part of the area or its resources.

11. With respect to activities in the area and acting in conformity with the international régime to be established, States shall take appropriate measures for and shall cooperate in the adoption and implementation of international rules, standards and procedures, for *inter alia:*

(a) prevention of pollution and contamination, and other hazards to the marine environment, including the coastline, and of interference with the ecological balance of the marine environment;

(b) protection and conservation of the natural resources of the area and prevention of damage to the flora and fauna of the marine environment;

12. In their activities in the area, including those relating to its resources, States shall pay due regard to the rights and legitimate interests of coastal States in the region of such activities, as well as of all other States, which may be affected by such activities. Consultations shall be maintained with the coastal States concerned with respect to activities relating to the exploration of the area and the exploitation of its resources with a view to avoiding infringement of such rights and interests;

13. Nothing herein shall affect:

(a) the legal status of the waters superjacent to the area or that of the air space above those waters;

(b) the rights of coastal States with respect to measures to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat thereof resulting from, or from other hazardous occurrences caused by, any activities in the area, subject to the international régime to be established;

14. Every State shall have the responsibility to ensure that activities in the area, including those relating to its resources, whether undertaken by governmental agencies, or non-governmental entities or persons under its jurisdiction, or acting on its behalf, shall be carried out in conformity with the international régime to be established The same responsibility applies to international organizations and their members for activities undertaken by such organizations or on their behalf;

Damage caused by such activities shall entail liability.

15. The parties to any dispute relating to activities in the area and its resources shall resolve such dispute by the measures mentioned in Article 33 of the Charter of the United Nations and such procedures for settling disputes as may be agreed upon in the international régime to be established.

THE OLD STONE GATE AT THE CHICAGO STOCKYARDS

Mr. PERCY. Mr. President, for generations, the Chicago stockyards were both a landmark and a place of work. To proud Chicagoans, the stockyards both symbolized our city's unique place in the panorama of America and contributed to our economic progress.

History was made there, and poetry, as well as a living for many of us. The bustle and clamor of the Chicago stockyards came to symbolize for many the drive and hustling determination of America.

Now, modern technology and changing ways have silenced the stockyards. The pens are empty and the workmen gone. The area is slated to be closed in February and given over to commercial development.

But the stockyards mean too much to the development of Chicago to be forgotten once they pass out of existence. I am most happy to see that the Amalgamated Meat Cutters and Butcher Workmen, AFL-CIO, is spearheading a drive to preserve the old stone gate to the Union Stockyards as a memento of the past.

Patrick E. Gorman, the public-minded secretary-treasurer of that great union, put it well when he said recently:

> So much of the history of the meat industry and organized labor is associated with the yards that we feel something should be done to preserve the Stone Gate on Exchange Avenue as a permanent reminder to the people of Chicago that the early growth of the city and its world-wide reputation was founded on the square mile behind it.

I am pleased also that this is an effort fully supported by all parties. Mr. Charles Potter, president of the stockyards, has supported the project since its inception and it is supported also by the Chicago Historical Society, the Chicago Farmers Club, and other outstanding organizations.

I am most happy to join with all the organizations involved in urging that the gate be preserved as a national historical landmark.

TRIBUTE TO SENATOR WILLIAMS OF DELAWARE

Mr. METCALF. Mr. President, during the time I have been in Congress I have been privileged to serve on the Ways and Means Committee of the House for one session and on the Finance Committee of the Senate for one session. During each of those periods I became more closely aware of the eminence of Senator WILLIAMS of Delaware. More closely aware, perhaps, than had I not been exposed to the special areas of knowledge and perception that he has brought to the Senate Finance Committee.

So I join with my colleagues in expressing regret that so able and skillful and experienced Member of the Senate is leaving. His place will not be filled for a long time, and in future debates he will be missed.

THE SST

Mr. GOLDWATER. Mr. President, during debate on the SST matter last week, I made the statement that what had been said on the floor relative to scientific matters was pure, unadulterated poppycock. To point this up a little more, I looked into the statement appearing in one of our local Washington papers to the effect that 10,000 additional cases of skin cancer would occur due to the SST. I found that this statement had been made by Dr. James McDonald of the University of Arizona.

Looking into this statement, I found very readily that this statement is not only very soft, it is incredibly misleading. To begin with, Dr. McDonald is a meteorologist and a very fine one, and not a doctor, and there is no written document that can be examined and checked; and, the release was made without appropriate Academy concurrence or review, even though this is part of an Academy study on climate modification.

The proposed mechanism is the destruction of stratospheric ozone by SST water exhaust and consequent enhancement of solar ultraviolet radiation reaching the earth. A conversation with John Sievert at the National Academy of Sciences affirmed by previous understanding that no qualitative relation is known between increased UV and increased skin cancer, so we must assume that the quoted number of skin cancer cases, even assuming that the ozone destruction occurs, is a stab in the dark.

I offer this as further statement that those who have made scientific statements on this floor, even though they were not of their own, were careless with the academic and scientific facts of the case, and I would hope that in the course of time, all of these misleading statements can be put in their proper order and perspective.

TRIBUTES TO SENATOR HOLLAND

Mr. SPONG. Mr. President, on Saturday morning I arrived on the floor just as the allotted time was expiring for tributes to our colleague, Senator SPESSARD L. HOLLAND. I regret this, and hasten today to join those who have already paid tribute to this great American.

First, I should like to thank SPESSARD HOLLAND for his many kindnesses to me during the 4 years I have been privileged to be his colleague. In serving with Senator HOLLAND I have been struck by his unfailing courtesy to all, his innate kindness and his steadfast dedication to public service.

SPESSARD HOLLAND's service has been superb to his State of Florida but that service has far transcended State or regional boundaries. His accomplishments and contributions in the field of agriculture are recognized by every Member of this body. As an able attorney, he has often injected logic and reason into the most emotional of debates—casting light rather than heat.

We junior Senators will miss the counsel of SPESSARD HOLLAND. All of us regret that he and Mrs. Holland will be soon leaving. As they return to Florida—for what I hope will be many years in the sun—they leave behind a model of what a Senator and his lady should and can be.

Mr. HOLLINGS. Mr. President, I am honored indeed to join in tribute to the retiring senior Senator from the State of Florida. As he prepares to take leave of this Chamber, SPESSARD L. HOLLAND can take great pride in a job well done. His career spans not only many years but varied occupations. He has been a distinguished student and decorated soldier, educator and attorney, judge and legislator. And from each of these pursuits have come honors and distinctions.

The distinguished senior Senator from Florida has been not only an effective representative of his State but also of the Nation. It has been my privilege to work with him on many problems—on the problems of agriculture, for instance, and, along with my colleagues, I can attest his championship of the American farmer. I have seen him pondering the great issues of war and peace and, along with my colleagues, I take inspiration from his dedicated Americanism. His judgments are always reasoned and mature. Even those who occasionally found themselves differing from his views will testify to the integrity of the man.

The Senate will miss the presence of SPESSARD HOLLAND. But in the record of his years, he leaves a legacy that can continue to shape the deliberations of this Chamber. It is a legacy of sincerity and dedication, of homework done and legislation passed, of unflinching integrity and patient gentlemanliness. Mr. President, I appreciate this opportunity to pay tribute to my good friend from Florida. And I shall always recall with gratitude the opportunity of having served alongside the man we honor today. I wish him a long and happy retirement.

Mr. CHURCH. Mr. President, on Saturday morning, owing to an unanticipated, though unavoidable, delay, I was unable to take part in paying tribute to SPESSARD HOLLAND during the time set aside for that purpose. Since he has been a good friend, and has extended many personal courtesies to me through the years, I would not want the occasion to pass without joining in the salute to him.

Other Senators have detailed the major legislative accomplishments of SPESSARD HOLLAND, emphasizing his leadership role in securing Senate approval of the tidelands bill and his sponsorship of the constitutional amendment ending the poll tax. A test of leadership in the Congress is to be able to rise, when conscience dictates, above regional customs and folkways. In the early 1960's, Senator HOLLAND did just this, when he led the fight to eliminate the poll tax that in many States had been used to disenfranchise Negroes from voting. The repeal effort, in which Senator HOLLAND played such a prominent role, was successful and is enshrined in the form of the 24th amendment to the U.S. Constitution.

Senator HOLLAND's great interest in agriculture will be long remembered. On frequent occasions, when I expressed support for authorizations for various activities of the Agriculture Department, especially those relating to soil and water conservation programs and projects in my home State of Idaho, SPESSARD HOLLAND, as ranking Democrat on the Committee on Agriculture and Forestry, always listened sympathetically and acted supportively. For this, the farmers of Idaho are indebted. And on their behalf, I express both their appreciation and mine.

Any of these services would mark SPESSARD HOLLAND as an effective and successful Senator. I recall, however, another leadership role which has not received as much notice, but nevertheless deserves prominent mention in any review of SPESSARD HOLLAND's career in the Senate. I refer to his direction of the opposition forces to the effort made, 2 years ago, at the commencement of this Congress, to revise Senate Rule 22. Along with the distinguished Senator from Kansas (Mr. PEARSON), I spearheaded that effort to amend the rule. I strongly disagreed, then, as now, with the position taken by Senator HOLLAND. It was, however, a position that conformed with the Senator's deeply held convictions concerning the role of the Senate in our political life.

Throughout the debate, Senator HOLLAND argued his case with the skill, tenacity, and eloquence that have made him one of the most formidable debaters in this body. Moreover, he was a perfect gentleman at all times, never permitting his keen interest in the subject matter, nor his determination to win the fight, to overcome his unflagging civility and courteous treatment of all who participated in the lengthy debate. Senator HOLLAND invariably displays that desirable trait of being able to disagree without being disagreeable. His example should be a guideline for the Senate in the great legislative debates of future years.

These are the attitudes of a man tempered by a lifetime of exposure to public affairs; a career which embraced the highest political office his constituents could confer, the governorship of Florida, to be followed by these many years of distinguished service to the U.S. Senate.

So, we shall miss him, though he takes with him the satisfaction of a life honorably devoted to the service of his beloved State and Nation.

Mr. METCALF. Mr. President, in the days when I was a Member of the House of Representatives I looked over to the Senate and regarded Senator HOLLAND with ambivalence. He was an eloquent spokesman for a farm program I espoused and he was an adamant foe of a labor program I believed in.

But I have grown to know Senator HOLLAND in the last decade since I came to the Senate. I am an office neighbor of his in the Old Senate Office Building and in the last session I have been privileged to sit close to him on the Senate floor.

Knowing Senator HOLLAND has been a rewarding experience. He has been a prosecutor as a lawyer, but he is not prosecution minded. He was a county judge and he has always been judicial. He has been a Governor but in spite of States' rights he sponsored and was most instrumental in the passage of the Constitutional amendment eliminating the poll tax as a prerequisite for voting.

In committee he is ever questioning but never questionable. His inquiring mind and his knowledge helps him keep ahead of almost all witnesses. He is a formidable debator, always prepared, well grounded in his subject and articulate and eloquent.

But as a neighbor in the Senate, I especially want to pay tribute to him. I shall miss him in the elevator. I shall miss his cogent comments as a vote progresses. I shall miss his staff as amiable next door neighbors. Mrs. Metcalf and I wish Senator and Mrs. Holland a happy retirement and know they will bask in the feeling of a job well done and a mission performed.

Mr. YOUNG of Ohio. Mr. President, it is a happy personal recollection of mine that on my very first day as a Senator of the United States on the 3d of January 1959, the distinguished senior Senator from Florida, SPESSARD HOLLAND, shook hands with me and wished me good luck. Over the years since then he and I have been seated close together in the Senate Chamber. So in the Senate Chamber itself and also in the private dining room of the Senate during the past 12 years I have talked with Senator HOLLAND on many, many occasions and have frequently had the benefit of his views and advice.

Mr. President, I hold the senior Senator from Florida, SPESSARD HOLLAND, in the highest admiration. I like him as an individual and I like the magnificent public record he has made serving his State first, as a county prosecuting attorney, then as a county judge for two terms and following that as a State senator for two 4-year terms and then as Governor of Florida from 1941 to 1945. The citizens of Florida have manifested their gratitude for his services to them. He first came to the Senate by appointment in 1946, then following that he served in the Senate of the United States from January 3, 1947, and was reelected at every successive election including November 3, 1964, for the present, his final term in the Senate.

Mr. President, Senator HOLLAND as a young man served in combat with distinction. In World War I he was aerial observer of the 24th Squadron, Army Air Corps in France and was awarded one of our Nation's highest honors for bravery in the Armed Forces, the Distinguished Service Cross.

Mr. President, I salute this great man who is voluntarily retiring from the Senate. He is walking out with his regimentals, his back straight and head up. I feel honored to be numbered among his friends and to SPESSARD HOLLAND I say, Godspeed and happy landings in all things.

Mr. ELLENDER. Mr. President, we all are aware that the adjournment of this 91st Congress will bring to a conclusion the long and highly distinguished service in this legislative body of the senior Senator from Florida, the Honorable SPESSARD L. HOLLAND. I wish to give special recognition today to Senator HOLLAND's efforts on behalf of American agriculture as a member of the Committee on Agriculture and Forestry for the past 22 years. From the year 1955 through 1964 he was chairman of the Subcommittee on Agricultural Credit and Rural Electrification, and, in this capacity, guided most of the legislation that resulted in an adequate and continuous supply of credit for the Nation's farmers and ranchers.

Recognizing this vital contribution to the well-being and success of our farmers, the Federal Farm Credit Board—top policymaking body of the farm credit system which is appointed by the President and confirmed by the U.S. Senate—on December 9, 1970, authorized Gov. E. A. Jaenke to write a letter to Senator HOLLAND, expressing grateful appreciation to him. I ask unanimous consent to enter this letter in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FARM CREDIT ADMINISTRATION,
Washington, D.C., December 10, 1970.
Hon. SPESSARD L. HOLLAND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HOLLAND: The Federal Farm Credit Board has asked me to express in its behalf and that of the entire cooperative Farm Credit System, its grateful appreciation for the many things you have done in our and agriculture's behalf over the years.

Knowing something of your disdain for flowery rhetoric, we promise to keep our remarks brief and to the point.

We, of course, greatly appreciate the leadership and support you, as a member of the Senate Committee on Agriculture and Forestry, have extended over the years in support of many pieces of Farm Credit legislation, perhaps the most significant of which is the Farm Credit Act of 1953, which created the Farm Credit Administration as an independent agency, set up the Federal Farm Credit Board, and enunciated a policy of greater participation on the part of our farmer-members. However, these endeavors are written indelibly into the record.

What we particularly want to acknowledge and recognize here are the many unrecorded courtesies and services you have performed because you are Spessard L. Holland. We refer here to the always friendly reception you have accorded us and the numerous times you have responded to our requests for advice and counsel. These, we feel, were extended as our friend.

Best wishes, Senator, for many years of well-deserved retirement.

Sincerely,
E. A. JAENKE, *Governor.*

Mr. ELLENDER. Mr. President, on November 12, 1970, Hon. F. A. Mechling, president, Water Resources Associated, and executive vice president, A. L. Mechling Barge Lines, Inc., made remarks at a convention of the Florida Waterways Association, Inc., and paid tribute to Senator HOLLAND. I ask unanimous consent that excerpts from those remarks be placed in the RECORD following my remarks.

There being no objection, the text of the statement was ordered to be printed in the RECORD, as follows:

Florida has matchless potentialities for growth and prosperity. Much of your industrial plant is new and modern. More and more industry and commerce is being attracted here because of the capacity to satisfy water supply, navigation, power and—that magic word for young and old alike—recreation. With water and agriculture and modern industry together with new improvements in both ocean and inland waterway equipment, this area has a great growth potential and great prospects for a long run of prosperity.

The quality of your natural resources is equally matched with the quality of your human resources. Your luncheon program tomorrow has as its highlight an appreciation luncheon honoring one of your great senators. His long and dedicated service to water resource development in the State of Florida is outstanding. Many of us in the Midwest would also like to claim the wonderful service that has been performed by

Senator Spessard Holland and his many long years of devoted service and support of water resource development. His unselfish dedication has not only been of great service to your state but also to other states of this nation. The long list of projects that he has supported will go down in history in justifying his vision and foresight for generations to come. To name but a few projects of vital interest to this Association, the Cross-Florida Barge Canal, the many flood control projects, the "Missing Link" and many others under study require the continuing, untiring efforts of people with vision and dedication like the Senator you will be honoring tomorrow.

Mr. ELLENDER. Mr. President, much more has been said about the distinguished and able Senator from Florida, Hon. Spessard L. Holland, in which I wholly concur. He was well prepared when he assumed his duties as a Senator from Florida. He served in the three branches of government in Florida: First as a judge, then as a member of the Florida Legislature and finally as its Governor. In all of these capacities he has served the people of Flordia ably and well. He has no peer in the Senate in his efforts to help protect and preserve our two most important resources—land and water. All of us wish him well and hope that in retirement he and his charming wife, Mary, will enjoy life and will continue to make themselves useful to their friends and neighbors in Bartow, Fla., their home. We hope that both return to Washington and visit with us.

INTERNATIONAL LAW AND PRISONERS OF WAR

Mr. PERCY. Mr. President, as Christmas approaches, it would be well for all Americans, and for the world of civilized nations as well, to remember that for some American young men it will be the fifth, and even the sixth, Christmas in a Southeast Asia prison camp. These men are heroes, not criminals, and they do not deserve to be treated as criminals.

These prisoners of war are suffering untold tortures, both in body and spirit, while we at home by the nature of the holiday season think mostly of tinsel and mistletoe and gifts for our loved ones. For years, most of these men have received no gifts from anyone, nor even mail.

The people of America, and the world at large, will note the cynical behavior of North Vietnam. Her treatment of the unfortunates who have fallen into her hands is on a par with the execrable way Hanoi has attempted to gain dominion over the people of South Vietnam—by torture, and murder, of village leaders and their families.

Hanoi should long since have learned that the only way to gain respect among nations is to treat the institutions of nations—by which is meant, among other things, the institutions of international law—with respect.

SEEMS UNLIKELY THAT GENOCIDE CONVENTION WILL BE ACTED ON BY THE ENTIRE SENATE

Mr. PROXMIRE. Mr. President, it now appears very doubtful that this Senate will be able to consider the United Nations Genocide Convention. This is most unfortunate and I deeply regret that the Senate allowed such an opportunity to pass without action. I am aware, however, of the many pressing issues still left unresolved by this session of Congress, and have realized that to expect action on this convention at this time is not possible.

I am disappointed, but I do not believe that all has been lost. This convention has been waiting for 20 years for Senate action. Thus the favorable recommendation by the Senate Foreign Relations Committee was a major milestone on the road to success. Certainly I had hoped that the Senate would follow the lead of the Senate Foreign Relations Committee. Since this is not the case, this convention will have to go back to the committee, where hopefully they will report the convention to the floor as soon as possible in the next session of Congress. Action by the Senate Foreign Relations Committee should not be difficult since the committee has already acted favorably on the convention.

We cannot allow the impetus to ratify the Genocide Convention to fade away. I am hopeful that the entire Senate will get a chance to discuss this treaty in the next session of Congress.

THE TFX REPORT

Mr. CURTIS. Mr. President, I want to associate myself today with the views expressed in the TFX report filed by Senator McClellan on Friday last. I believe that this report of the Permanent Subcommittee on Investigations represents a real service to the American people in exposing what was truly the worst sort of example of poor government.

The TFX report hits right at the root cause of the failure of that program—mismanagement. I cannot emphasize enough how important it is to recognize that the five major management blunders in TFX, so ably documented by the subcommittee, occurred at five separate times spread over the tenure of Defense Secretary McNamara. He made these blunders in the years 1961, 1962, 1964, 1966, and 1967. This demonstrates, I believe, that there was a continuity of mismanagement—of poor decisionmaking—throughout this TFX program. It did not occur in one single isolated instance. It characterized the Defense Secretary's actions throughout the TFX program.

This is why I feel the subcommittee has performed such an important service in documenting the complete history of this example of the McNamara management. The subcommittee has shown conclusively the ruinous effects that overcentralized but inexpert decisionmaking can have on the results of a weapons development program, when the advice and recommendations of the technical staffs and the judgments of senior military advisers are ignored or rejected in favor of superficial personal ideas on what should be done to manage a program.

When I sat on the subcommittee in 1963 during the TFX contract award hearings, I was disturbed more than anything else by the attitude of intellectual arrogance that pervaded the arguments, the expositions, and the thinking processes of those civilian Secretaries who were witnesses. "How dare you to question our judgments" was their attitude as they so smugly expounded on their reasons for the award of the TFX contract.

A question that I would like to propound today—now that we have before us the fruits of those judgments—is whether the TFX case represents a single isolated instance of blundering—one aberrance in an otherwise smoothly functioning management system—or is it more probably typical of the operation of the Pentagon management under Defense Secretary McNamara? I strongly believe the latter to be the case. The evidence surrounds us that this is true. Cost overruns and performance deficiencies abound in the military procurement programs of the McNamara era.

Under Defense Secretary McNamara, we also suffered through a development hiatus for new military combat aircraft, the effects of which we are facing today. I am thinking about the F–14 and F–15 fighter programs, both of which should have been started in the middle 1960's but did not go under contract until Secretary Laird was appointed. Also, the S–3 antisubmarine warfare aircraft was delayed and delayed until the present administration took office. Lastly, and of extreme importance, is the B–1 strategic bomber, for which the Air Force had expressed a definite need and specific requirement since 1964 and 1965. Instead of starting this new strategic bomber back then—and if we had, it would be approaching operational status today—Mr. McNamara had us spend over $1.2 billion to acquire 76 FB–111 medium bombers, thus wasting time as well as money, and as a result we will be faced with a strategic bomber gap in our weapons arsenal in the waning years of this decade.

I am sure that there is an ample field here in the management programs and concepts of the McNamara era in the Pentagon to document many other case histories similar to the TFX.

I salute Senator McClellan for his perserverance in seeing this investigation through to its conclusion. I know he has been the target of much misinformed criticism for his efforts on this case, and I believe the Congress and the American people owe him an acknowledgment of debt for his great contribution that will accrue from completing this case.

THE PROGRESSIVE MAGAZINE'S ARTICLE ON SENATOR SAM J. ERVIN, JR.

Mr. JORDAN of North Carolina. Mr. President, in recent years my colleague Senator Sam Ervin has been a major force influencing some of the most significant issues involving individual liberties which have ever come before the Senate. In a recent article which appeared in the Progressive magazine for September 1970, Mr. Erwin Knoll explored Senator Ervin's efforts in the Senate, and he highlighted the one aspect of Sam Ervin's creed which, I believe, dictates his courageous action in so many legislative battles. Mr. Knoll quotes Senator Ervin as saying:

> The supreme value of civilization is the right of the individual to be free from governmental tyranny.

This quote is certainly not new to the Members of the Senate who have heard it on numerous occasions, but Mr. Knoll realizes that it is more important to Sam Ervin than just a vague statement to be used in Senate debate. It represents the overriding philosophy of a man who follows it regardless of the political consequences.

Under the umbrella of this credo, Ervin tilts away at the legislative fads of the moment—the so-called law and order bills, civil rights bills, school prayer amendments, consumer bills, and many others. These are all popular ideas, meant to do good, but Sam Ervin opposes them because he feels they expand an ever-growing Government at the expense of the individual. In a time of political expediency, Sam Ervin takes the broader view, and the Senate and the American people are the beneficiaries.

Mr. President, for a highly interesting article on one of its most distinguished Members, I recommend to the Senate the article in the Progressive magazine which was republished in the Raleigh News and Observer for November 29, 1970; and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Sam Ervin's Thunder

(By Erwin Knoll)

Washington.—"What we're witnessing in this country, I think, is a shift toward tyrannical, totalitarian government. Constitutional rights are evaporating—there's no question about that."

A cry of rage from the underground press? The feverish rhetoric of a fugitive Weatherman? A message smuggled from the New Haven jail by an imprisoned Panther? Well, no. The stark statement above is the considered judgment of Sam J. Ervin Jr., Democrat of North Carolina, a pillar of the Southern conservative establishment in the Senate of the United States.

Sam Ervin, 73 years old, has fought many fights some good, some bad, in his 16 Senate years. He fought one of his best this summer—a week-long, tablethumping, arm-flailing campaign to keep the Senate from approving a bill called the District of Columbia Court Reform and Criminal Procedure Act of 1970.

Ervin called it "a Bill to Repeal the Fourth, Fifth, Sixth, and Eighth Amendments to the Constitution," and he implored his Senate colleagues to reject this "garbage pail of some of the most repressive, nearsighted, intolerant, unfair, and vindictive legislation that the Senate has ever been presented."

He lost, and he lost decisively. The Senate passed the D.C. omnibus crime bill—"the ominous crime bill," Ervin called it—by 54 votes to 33. The House had previously approved it, after the usual brief, perfunctory debate, by 332 votes to 64. The President, praising it as an "unprecedented and very strong" measure, signed it into law on July 29, and on that day Sam Ervin told me that he thought the "shift toward tyrannical, totalitarian government" was well under way.

He has been watching the shift closely—and with growing trepidation—for many years. Since 1961, when he became chairman of the Senate Judiciary Subcommittee on Constitutional Rights he has been the Senate guardian of civil servants harassed for their political views, of GIs deprived of due process in the military courts, of indigent defendants unable to raise bail or retain legal counsel. On the Senate floor, he has thundered—almost invariably to a deserted chamber—against what he bluntly calls "the trappings of a police state . . ."

When it transpired this summer that Treasury agents were combing through public library records to identify borrowers of "subversive" books, Ervin was the first—and one of the few—senators to protest. "Throughout history," he wrote to Secretary of the Treasury David M. Kennedy, "official surveillance of the reading habits of citizens has been a litmus test of tyranny."

And yet, to the bedevilment of those who like their politics neat and straight, Sam Ervin is the pride and joy of Southern racists—the artful and articulate opponent of every civil rights measure to come before the Senate in the last decade and a half. He has railed with the worst of them against the "judicial oligarchy" of the Supreme Court, and Southern colleagues often suggest he would be an ideal appointee to that tribunal. He is, they say, "the greatest constitutional lawyer in the United States."

A Northern senator offers a more qualified—and precise—assessment: "He has an excellent legal mind and he does his homework better than anyone I know around here, but he's got some strange blinders. There isn't anyone in the Senate who can match Sam on the Constitution as long as you don't go beyond the 12th Amendment."

There is no inconsistency, Ervin maintains, between his devotion to civil liberties and his opposition to "so-called civil rights acts." "I am concerned with the rights of the individual against an ever-growing federal government," he says. "The supreme value of civilization is the right of the individual to be free from government tyranny."

Down in North Carolina, they have become used to Sam Ervin's peculiar ways, and probably attribute them to his Harvard law degree. Forty-five years ago, as a young member of the state legislature, he helped defeat a bill that would have barred the teaching of evolution in the public schools. The measure would have infringed free speech, he said, and served "no good purpose except to absolve monkeys of their responsibility for the human race."

He came to Washington in 1954 to fill an unexpired Senate term, and quickly displayed his maverick style and his famous brand of folksy oratory.

In much the same tone, Ervin exhorted the Senate this summer to defeat the D.C. crime bill. . . . He knew from the beginning of the debate which way the wind was blowing. "I hear the siren voice of that old devil, political expediency, whisper in my ear, 'You better vote for the D.C. bill because it's a law-and-order bill.' It's not politically sagacious, not politically wise, to vote against a law-and-order bill," he said.

The bill as its formal title suggests, started out as a court reform measure for the District of Columbia—one that would add judges, prosecutors and public defenders and introduce a much-needed measure of modernization into the capital's clogged and antiquated court system. In the course of a year of complex legislative maneuvering, the measure was encumbered with a number of additional provisions—most of them drafted in the Justice Department to serve as weapons systems in the Nixon administration's "war on crime." Atty. Gen. John N. Mitchell voiced the hope that once these provisions were adopted for the District of Columbia, they would serve as a "model" for other jurisdictions around the country.

Ervin and other opponents of the crime bill had no objection to the court reform aspects. "We needed those provisions bad," he says, "and we could have gotten them a year ago if they hadn't loaded down the bill with all that other garbage." The "garbage" includes, in his view, provisions that juveniles charged with felonies may be tried as adults at the age of 15; that jury trials need not be provided to juvenile offenders; that mandatory minimum sentences be imposed on repeat offenders, and that the local police be given broad authority to tap telephone wires.

Ervin concentrated his fire, however, on the two features of the bill on which the administration placed the highest premium—the "preventive detention" of persons accused of dangerous crimes, and the authorization of "no-knock" entry by police officers.

The "preventive detention" scheme, as enacted in the crime bill, authorizes the courts to jail a defendant for up to 60 days if there is reason to believe he may be a danger to the community. Its effect, according to Ervin, is to "take a man and put him in jail for a crime he has not committed and which he may never commit, because the provisions for preventive detention do not detain the man for the crime he has committed or for a crime of which he has been convicted. It puts him in jail for fear he may commit another crime if he is permitted to be free."

Ervin was skeptical, too, of the 60-day limitation written into the "preventive detention" clause. The language of the law, he warned, left open the possibility that at the end of 60 days a few findings of possible danger to the community would result in further incarceration. In the District it is not unusual for criminal defendants to wait 18 months before they are brought to trial. In one of his finer rhetorical flourishes, accompanied by the arching of massive eyebrows that have been described as resembling Venetian blinds in a hurricane, the Senator declared that "under these provisions an accused can be held under one preventive detention order after another, until he is tried or until he dies, or, if he happens to be immortal, until the last lingering echo of Gabriel's horn trembles into ultimate silence."

The senator's comments on "preventive detention" were meek and mild, however, compared to his rage against the "no-knock" clause (which Atty. Gen. Mitchell recently proposed to rename—for cosmetic purposes—as "quick entry"). Under the new law, policemen will be permitted to enter premises without advance warning if they have "probable cause to believe" that notice would be likely to result in the destruction of evidence, the flight of a person to be arrested, or danger to the police or other persons.

The doctrine that every man's home is his castle represents "the greatest longing of the human heart," Ervin declared, and he proceeded to quote the Prophet Micah.

It was a grand performance in a losing cause, and when he finished Sam Ervin reminded his colleagues that they were not just legislating for the hapless, voteless residents of the District of Columbia. "The attorney general," he pointed out, "holds this bill up as a model for all the states of the nation. All senators should know he hopes to have it imposed on all their constituents as well as the residents of the District."

When he signed the crime bill into law a few days later, President Nixon made a prophet of Sam Ervin.

"I hope this is only the beginning," the President said.

THE SST

Mr. MILLER. Mr. President, in yesterday's Washington Sunday Star, the lead editorial "Economic Turbulence Hits the U.S. Airlines" adds further

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weight to the argument against the economic arguments in favor of the supersonic transport. I ask unanimous consent that the editorial be printed in the Record.

I also ask unanimous consent to have printed in the Record and article entitled "Start of SST Fleet Figured at $5 Billion" which appeared in today's Washington Post.

There being no objection, the editorial and article were ordered to be printed in the Record, as follows:

[From the Sunday Star, Dec. 20, 1970]

ECONOMIC TURBULENCE HITS THE U.S. AIRLINES

Exactly 67 years ago last Thursday, Orville Wright crawled onto the lower wing of his biplane, opened the throttle of the 12-horsepower engine and took to the air for a flight that lasted 12 seconds, covered 120 feet and changed the shape of the world.

The world, to be sure, took its time about recognizing what had happened. For the next 40 years, the impact of the airplane on the every-day life of America was negligible. It was a curiosity. It was a chancy means of travel for the adventurous, the rich and the hurried. During two world wars, the airplane was honed into an efficient weapon of mass destruction. But as a serious means of transportation, flying was for the birds.

In 1939, the railroad was king, accounting for 65 percent of the passenger-miles traveled in public conveyances. The trainmen, from time to time, took a nervous look over their shoulders at the buses, which had captured 26 percent of the market, and seemed to be gaining. But neither of the giants paid serious attention to that curiosity overhead, the overpriced, undependable carrier that accounted for barely 2 percent of the domestic travel industry.

Then came the end of World War II, and the end of the surface carriers' complacent dream. For with peace came the jetliners and application of technology that ended the tyranny of the weather over airline schedules. By 1947, the airlines were taking 7.8 perecnt of the passenger-mile traffic. Five years later, the figure had zoomed to 21.6 percent. By 1960, the airplane had taken the lead from the rails and the buses with 43.5 percent. In 1968, 67.4 percent of the passenger-miles traveled by Americans went to the airlines; buses accounted for 20 percent, while the once-proud railroads rode the caboose with 10 percent of the action.

The statistics reflect a record of growth that is without parallel in industrial history. And as the beautiful balloon ascended, profits, for most of the carriers, rode an exhilarating, upward curve. Three years ago, the U.S. carriers rang up just short of half a billion dollars in profits, despite inflation, rising costs and government control over ticket prices.

Today, that balloon has sprung a leak and is coming down fast. The airline industry, during the 12-month period that ended September 30, showed an operating loss of some $90 million. Translated into human terms, it means that some 7,000 employees have been laid off since September of 1969. Trans World Airlines, which is the hardest hit with a net loss of $49 million for the first six months of this year, alone has furloughed 401 pilots since April with 170 more scheduled to go by March 1.

How did it happen? How is it that the high-flying airlines have suddenly started producing contrails of red ink?

Secor Browne, the chairman of the Civil Aeronautics Board, has been quoted with one answer. "We have," he said, "far more seats than bottoms to fill them. It's that simple."

Browne's statement is half true. The problem is the empty seats, the half-filled flights across the country every hour on the hour. But that is the symptom—not the disease. And neither the cause nor the cure is "that simple."

The airlines are suffering from a multiplicity of woes. They are paying for the breathless—and sometimes thoughtless—period of expansion that created false dreams of economic invulnerability. They are a controlled industry in a free economy, operating in active competition, forced to fight it out with their rivals in murderously expensive advertising battles—and at the same time prevented from major innovations in service, in fare structures or in routes by tight regulatory reins. Even the suggestion implicit in Browne's remarks that the airlines should start cutting down on their flight schedules is easier said than done. The CAB must approve schedule changes. And in one case, when CAB approval seemed likely for a reduction in cross-country flights by three major carriers the Justice Department moved in with an objection that such a move would be monopolistic.

Forced to adopt similar rates for similar routes, the airlines can compete only in the expensive frills. They cannot advertise the speed, comfort and price of the flight; the other fellow has exactly the same product to offer. So the prospective customer is lured with the beauty of the hostesses, the opulence of the furnishings, the cusine, the multiple movies. They all must buy the latest in equipment and maintain it in perfect condition. They must absorb operating expenses that rose 14.5 percent in the first half of this year. Unlike other businesses trapped in the inflation escalator, they cannot pass the expenses on to the consumer without permission. And that permission has not been forthcoming. It costs less to fly cross-country today than it did 35 years ago.

Compounding the economic problem is the skyrocketing cost of aircraft and the need to stay ahead of the game. Right now, the domestic airline industry has $20 billion worth of aircraft on order. It is struggling to pay for its fleet of 747s—some 85 jumbo jets in domestic service at a cost of $22 million each. And now, after months of pressure salesmanship by the U.S. government, the airlines have pledged their support for the supersonic transport, and are expected to buy their share of the anticipated minimum fleet of 300 SSTs at $50 million each.

Clearly, some major changes are necessary. The airline industry cannot follow the escape route employed by the railroads. They cannot be allowed to fail because there is now no alternative to airlines as the nation's primary means of public transport. An individual airline or two may go the way of Penn Central, but the industry, as a whole, cannot go down the drain.

The alternative must be some major rethinking by the airlines, by the agencies that regulate them and by the public. The carriers should acknowledge the reality of the crunch and stop treating their passengers like visiting potentates. A sandwich and a cup of coffee can sustain a passenger on a cross-country flight; if more is required, it can be paid for. A book can replace a movie or the selection of musical tapes.

Some real competition should be permitted. If an airline can, by cutting frills, shave a few dollars off the going rate, it should be allowed to try it without having to make its plans available to the competition months before the reduced fare can take effect.

The CAB—and other arms of the government—should let carriers drop unprofitable routes unless a real necessity for continued service can be demonstrated. And when a new route is established and proves profitable, the regulatory agencies should not dilute those profits to the vanishing point by welcoming all applicants who ask to duplicate the service.

The public should expect to pick up more of the tab in the form of direct subsidies to airlines that are forced to maintain unprofitable routes for the general welfare of the country. The flying public should expect a general restructuring of fares, including some increases, during the coming year.

And finally, as an act of mercy, the SST should be put firmly on the shelf until such time as we have learned to live within our present economic and environmental means.

START OF SST FLEET FIGURED AT $5 BILLION

(By George Lardner, Jr.)

The chairman of a special White House advisory committee on the supersonic transport (SST) has warned that another $5 billion may be needed to certify the jetliner and launch production of a commercial SST fleet.

Dr. Richard L. Garwin, a member of the President's Science Advisory Committee, said he was convinced that it will take much more government financing than the Nixon administration has suggested to make the SST a commercial success.

He pointed out that the builders of the controversial superjet have been repeatedly allowed to hold back proposals for financing the project beyond the production and testing of two SST prototypes.

The Boeing Co., which is building the SST, and General Electric, which is making the engines, were originally supposed to submit plans for financing certification and production costs by June 30, 1968. The deadline, Garwin said, has now been postponed until 1972.

Meanwhile, Garwin said, the FAA has estimated that it will cost $600 million to certify plans and another $3.2 billion to finance initial production of commercial models. Both calculations, he added in a phone interview, were put in terms of 1967 dollars. Inflation, he estimated, will send these costs up to $5 billion by 1976.

Supporters of the SST in Congress and within the Nixon administration have steadily insisted that private financing can and will take over once the two SST prototypes have been built and flight tested, with an estimated $1.3 billion in government support.

But Garwin, who has repeatedly recommended the government's abandonment of the SST, said he still feels that the 1,800-mile-an-hour jetliner will remain too shaky a project to get along with fresh federal funds, over and above the $1.3 billion.

"After all," he told a Senate subcommittee earlier this year, "the prototype will not have demonstrated the actual capability of the production aircraft, nor does it need to any more."

The FAA's initial contract with the Boeing Co., would have required the prototypes to have had the same aerodynamic configuration as a "safe and economically profitable" production model.

But under contract changes adopted last year, Garwin said, the production models can be different and the prototypes need only show that a successful SST program—financed either publicly or privately—"could emerge" from their performance.

Garwin is an industrial physicist with the IBM Corp. He headed an ad hoc scientific advisory panel whose findings on the SST were submitted last year to Mr. Nixon's science advisor, Dr. Lee A. DuBridge, and to the White House.

Rep. Henry S. Reuss (D-Wis.) has said he was told the report labeled the SST "an economic fiasco, an environmental disaster and a social outrage," but the White House refused to release the study on the grounds that it was "prepared for the advice of the President."

Two conservationists subsequently filed suit for the report under the Freedom of

Information Act, but the issue is still in the courts. At his recent news conference, Mr. Nixon said he felt such reports "should be held in confidence," although he had "no objection to the substance of the reports being made public." Garwin said he still did not feel free to discuss the study itself, but he emphasized that he "said everything I have to say" about the SST in the course of critical testimony this year before three congressional committees.

The Senate voted earlier this month to end the SST program, but Mr. Nixon, who asked for a $290-million appropriation this year, urged that it be kept alive. House-Senate conferees agreed to support $210 million for the project, of which half has already been spent. The conference report ran into a Senate filibuster and is now tied up in the end-of-session jam.

The government, Garwin has maintained, should have held Boeing in default of its initial contract because of its failure to meet original specifications for the SST. Instead, he says, so many changes have been approved that "it is problematical whether the SST will fit on existing airfields." The commercial SST, Garwin has also protested, will produce as much "sideline noise" on airport runways as 50 Boeing 747 "jumbo jets" taking off at once.

Reiterating that "very major uncertainties" about the SST will remain even after the prototypes are built and tested, Garwin said he thinks it very likely, as he told one congressional hearing, that "much more government money will be necessary."

If the half-completed prototype program is so promising, he said, Boeing ought to jump at the chance to drop further federal funding "Congress has already appropriated $700 million," he said. If the government dropped the program now, he said, Boeing would be free of any obligation to pay the money back.

"If this were such a good commercial deal," Garwin said, "I would expect they would be anxious to do this."

WAKE UP CITIZEN

Mr. McCLELLAN. Mr. President, countless citizens are deeply concerned by our departure from fundamentals and attitudes which have made this Nation great. One such citizen is my constituent, Rev. Tal D. Bonham, pastor of South Side Baptist Church, Pine Bluff, Ark., and president of the Arkansas Baptist State Convention.

On November 19, Dr. Bonham delivered an impressive and inspiring address on the steps of the State Capitol building in Little Rock. Over 500 persons gathered in the rain for this noonday service planned in conjunction with the 117th session of the Arkansas Baptist State Convention.

Dr. Bonham eloquently expresses his patriotic devotion to the United States of America, and his glowing tribute to our Nation is of the nature not often depressed or heard in these troublesome days. He speaks in reverence of our brave forefathers and warns of present-day dangers to our country.

Mr. President, I heartily commend this address to all who are concerned and who have faith in our country and ask unanimous consent that it be included in the RECORD at this point as a part of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WAKE UP, CITIZEN!

(An address by Dr. Tal D. Bonham, pastor of South Side Baptist Church, Pine Bluff, Ark.)

During World War I, a member of the State Council of Defense in an Illinois city received a stack of patriotic posters with the request to display them all over town. He enlisted the help of an over enthusiastic teenager and instructed him: "Put these up all over the city wherever you find a dead wall." Later in the day, the official was taken to a nearby cemetery where he read on the tomb of one of the city's deceased founding fathers:

"Wake up, citizen! Your country needs you!"

A PROUD AMERICAN

If it were possible, I too would request that some of our forefathers awake with the plea, "Your country need you!" If they could awake, I would express my gratitude to those who paid for my freedom at Bunker Hill, Gettysburg, and Iwo Jima. I would have a special word of thanks for those who lost their lives on a barren ridge in Korea or a slimy jungle in Vietnam.

I am a proud American! My gratitude to God for this nation still causes a lump in my throat when I think of the patience of a Washington, the wisdom of a Franklin, the compassion of a Lincoln, the integrity of an Eisenhower, the courage of an unknown soldier, the vision of a Jefferson, and the sacrifice of a Nathan Hale. I hear them as though it were yesterday:

"I have not yet begun to fight."

"I only regret that I have but one life to lose for my country."

SIGNED IN BLOOD

My hat is off to that group of brave men who signed that historic document in behalf of the people of the 13 colonies which stretched from New Hampshire to Georgia. They signed knowing that it meant danger. Nevertheless, they pledged their lives, their fortunes, and their sacred honor. They literally signed the Declaration of Independence in their own blood.

Carter Braxton of Virginia saw his ships swept from the seas by the British Navy and he died in rags. Thomas McKean, hounded by the British, was separated from his family. Francis Lewis' home was destroyed and his wife died in jail. The homes of Ellery, Clymer, Hall, Gwinnett, Heyward, Rutledge, and Middleton were looted by soldiers and vandals. John Hart was driven from his wife's bedside as she was dying and their 13 children fled for their lives. Others who dared sign the Declaration of Independence met similar fates.

A THRILLING FLAG

I don't know about you but I still thrill at the sight of our flag. I can enthusiastically pledge allegiance to a flag whose stripes represent the struggles of the original 13 colonies and whose stars represent the freedom of the 50 sovereign states of these United States. I can pledge allegiance to a flag whose red reminds me of course, sacrifice, hardiness, and valor. I can pledge allegiance to a flag whose white reminds me of purity, innocence, and liberty. I can pledge allegiance to a flag whose blue reminds me of loyalty, vigilance, perseverance, and justice.

I can pledge allegiance to the flag of the United States of America and to the Republic for which it stands!

AN EMPIRE RISES

I can almost see George Washington, James Madison, Alexander Hamilton, John Adams, and Benjamin Franklin sitting among those present at the state house in Philadelphia in 1787. They were there for the purpose of drawing up a constitution for the new nation. Delegates were arriving late because of the weather. The small states wanted representation equal to that of the larger ones. The larger ones wanted representation on the basis of population. It seemed as though there was no possibility of reaching a decision.

Then, Benjamin Franklin Spoke:

"Gentlemen, I have lived a long time and am convinced that God governs the affairs of men. If a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? I move that prayers imploring the assistance of Heaven be held every morning before we proceed to business."

After prayer, our founding fathers drafted a document that insures, to this day, the freedom of all Americans.

ONE NATION UNDER GOD

I glory in the spunk of John Leland, a Baptist preacher from Massachusetts who moved to Virginia at the end of the 18th century to aid in the struggle for religious liberty. He became a candidate for the Virginia Constitutional Convention and had planned to exert his influence to see that the Constitution was not ratified by Virginia until it guaranteed full religious freedom. He and James Madison met beneath an oak tree near Orange, Virginia, where Leland agreed to support Madison for political office with the understanding that he would, in turn, present amendments to the Constitution which would guarantee religious liberty, free speech, and a free press. Madison kept his promise and introduced the ten amendments known as The Bill of Rights.

I visited our nation's capitol recently and knelt to pray in the prayer room. The prayer room is centrally located for the convenience of any member of the U.S. House or Senate. I asked, "Is it used much"? The answer was, "Yes, it is used often during the sessions of the House and Senate." There is an open Bible on the altar opened to the 23rd Psalm. I was told that this one passage is read most by those seeking the will of God before voting on some vital issue. In fact, the page on which the 23rd Psalm is found is so worn that they had to cover it with plastic.

The prayer room is rather simple. There are only ten chairs in it. There is an altar flanked by two candelabras, an American flag, and two small kneeling rails. Over the altar is a lighted stained glass window. It features Washington on his knees at his inauguration surrounded by the names of the 50 states of the United States. Directly over his head are the words: "This nation under God." Beneath the kneeling President are the words of Psalm 16: 1 which Washington prayed at his inauguration:

"Preserve me, O God, for in thee do I put my trust."

A DISTURBED AMERICAN

I am proud of our American heritage. I am a proud American! But I am also a disturbed American!

In 1903, 17 people committed themselves to the teachings of Marx and Engels and organized the first Russian communist political party. At that time 90 percent of the Russian peasants owned no land and had no rights. At that time 80 percent of them could not read. A 17 year old Russian youth by the name of Vladimir watched the Royal Police seize his older brother, cut out his tongue, cut off his ears, and hang his body at the door of their humble hovel where it hung until it rotted down. "Someday," said the 17-year-old boy, "I will change things!" The world later knew him as Lenin.

Communism swept through Russia promising a better life to the downtrodden. They said to a little peasant boy, "Come, little Joe, and follow us and we will give you a new way of life." He had seen three brothers and a sister starve to death as peasants. He had been trained as a religious leader but he hung up his frock and followed those

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who later gave him the name of Joseph Stalin.

In China, Mao Tse-tung led the Chinese phase of the Communist movement to control the world and by 1949 he had defeated the Chinese Nationalist forces and drove them into Formosa.

HAS COMMUNISM CHANGED?

Communism's initial formula for world conquest was: "First, conquer eastern Europe; then, the masses of Asia; then, we will circle the United States of America, the last bastion of capitalism. We will not have to attack it. It will fall like an overripe fruit in our hands."

When revolution came in Russia and China, the masses were both ignorant and poor. America is both prosperous and literate. The Communist Party is probably the most innocent-looking underground organization in the United States. I am convinced that it moves quietly to infiltrate labor unions, college campuses, judicial powers, and religious bodies. I am convinced that much of the burning, looting, shooting, and rioting that we have observed in recent years is directly related to communist inspiration. Several years ago the Director of the Federal Bureau of Investigation labeled the communists as "masters of deceit" and estimated that there were over 20,000 committed communists and over 200,000 communist sympathizers in the United States. No one knows how much that number may have grown in the past few years.

ALL IS NOT LOST

I am proud of this nation. I am disturbed at some recent events in this nation. But I am convinced that all is not lost. Already in many of our churches and on many campuses, the fresh wind of a spiritual awakening is blowing.

If those who claim to believe the Bible will merely heed and proclaim its admonitions, America will remain the "land of the free." When James Russell Lowell was asked, "How long do you think the American Republic will endure?" he replied, "So long as the ideas of its founding fathers continue to be dominant."

Jesus said, "Render therefore unto Caesar the things which are Caesar's and unto God the things that are God's" (Matthew 22: 21). No wonder Toynbee said, "The first heralds of the gospel brought a living faith to a dying civilization." To follow the admonitions of the Bible will truly bring a living faith to this nation that may be dying in racial strife, drug addiction, alcohol, pornography, and pollution (both inward and environmental).

Christian citizenship calls for prayers—not pot shots. Certainly, we must constantly question the policies and deeds of our local, state, and national leaders but we must also pray for them. The Apostle Paul left no place for the censorious spirit when he said, "I exhort therefore, that, first of all, supplications, prayers, intercessions and giving of thanks, be made for all men; for kings, and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty" (I Timothy 2: 1–2).

FAIR SHARE OF TAXES

Christian citizenship calls for financial support. When our Lord spoke of rendering unto Caesar that which belongs to Caesar, he did so in the context of a conversation on paying taxes. Jesus paid his taxes (Matthew 17: 24–27). The Apostle Paul admonished Christians to pay their taxes (Romans 13: 6). We should thank God that our places of worship are tax exempt in America. But, it is high time that someone reminded many churches that there is a limit to their exemptions. I pray that our nation will never levy taxes on our places of worship and religious education. However, it is no more than right for a church to pay its fair share of taxes on revenue-producing property.

Christian citizenship calls for a rededication to law and order. The Bible admonishes us to "be subject to principalities and powers" and "to obey magistrates" (Titus 3: 1). It calls for our respect of those in places of leadership (Romans 13: 1–4).

THE MESSAGE OF THE BOOK

Those who believe the Bible must be busy about proclaiming its message as never before! Let them echo the words of the Psalmist from California to Maine: "Blessed is the nation whose God is the Lord" (Psalm 33: 12). Let them remind every American that "Righteousness exhalteth a nation: but sin is a reproach to any people" (Proverbs 14: 34).

Let those who believe the Book point to a troubled world:

To the One whom the grave could not contain;

To the One with a message of love for a world of hate;

To the One who points a polluted world to a theology of inner ecology;

To the One who is productive—not destructive;

To the One who does not destroy classes but loves all classes;

To the One who is color blind when he looks upon a human being created in the image of God;

To the One who died for all men of all races.

LEARN, EARN, BURN, OR TURN?

The church stands at the same crossroad and asks the same question with the rest of the world: "Which way from here?" Some are saying, "Learn—education is the way." Others are saying, "Earn—economic development will solve all of our problems." Some are crying, "Burn, baby, burn—our society is so corrupt that it must be destroyed." When others clamor to learn, earn, and burn, we must listen to the voice of God who says, "Turn—be converted from your selfish ways and find life everlasting in Jesus Christ."

Many years ago, a French statesman visited America to ascertain the American ideal. Here was his conclusion: "I sought for the greatness and genius of America in her commodious harbors and her ample rivers, and it was not there; in her fertile fields and boundless prairies, and it was not there. Not until I went to the churches in America and heard her pulpits aflame with righteousness did I understand the secret of her genius and power. America is great because she is good and if America ever ceases to be good, she will cease to be great."

Wake up, Citizen! Your country needs you!

CASPER, THE ENERGY CAPITAL

Mr. HANSEN. Mr. President, a constituent has brought to my attention an article entitled "Energy Is the Word for Casper," which presents some factual insight into the great progress being made in Wyoming.

This progress is being made in an exemplary manner, retaining the natural beauty and traditions of our State and protecting against environmental hazards that have brought crises to some other areas.

This article was published in the Quarterly Review, a regional business report published by Dain, Kalman & Quail.

I believe it is worth reading, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"ENERGY" IS THE WORD FOR CASPER

Some months ago, a correspondent from a national daily newspaper visited Wyoming, where the deer and antelope still play, and write many a discouraging word. He wrote about the state's rather sparse population (330,000 plus), quoted a few disgruntled residents in small towns, and concluded there wasn't much progress in the Cowboy state.

One thing is certain, the writer couldn't have spent much time in Casper, Wyoming's second largest city, "The Energy Capital," the "Can Do" city and the "Gateway to Yellowstone Park," where so many things are happening, you need a tally sheet to keep up with the progress.

Geographically, economically and industrially, Casper is the center of Big Wyoming. Wyoming has some of the largest oil, gas and uranium reserves in the nation and Casper is the hub of these industries. Total value of the livestock in Casper's Natrona county is nearly $10 million and the city is a center for shipping to regional and national markets. Casper boasts one of the finest two-year colleges in the nation and the largest general hospital in Wyoming with over 60 physicians on its staff. Five aggressive banks and two savings and loan associations make Casper the financial center in Wyoming and provide much of the financing for oil, gas and mineral exploration.

But to simply catalogue these economic assets is to miss the special beauty, charm and quality of life that makes Casper a unique modern city. Set at the foot of the 8,500-foot Casper Mountain, surrounded by grassy, rolling plains of Natrona County, Casper offers a cornucopia of contrasts to make the average metropolitan dweller drool.

The air is crisp and clean. Skies are a brilliant, clear blue. The pure Platte River meanders through the modern downtown area. Twenty-five parks and four outdoor swimming pools dot the city. Renovated, gracious mansions, built in the "oil boom" days are ringed by newer, ranchstyle homes. A pair of grizzled sheepherders amble by the sprawling new modern $3.5 million Federal building. Businessmen leave their office, drive for 15 minutes, and bag a pronghorn antelope or catch a creel full of brook trout.

Casper began as an oil boom town in the early 1900's. Earlier it had been a trading center for the cattle and sheep ranches. Following a growth spurt after the oil boom of 1916, the town grew at a slow, but steady pace. It was the discovery of large uranium deposits, in the early 1950's that made the town boom again.

Today, the "Oil Capital of the Rockies" has been renamed the "Energy Capital" and uranium is a primary reason.

Neil McNeice, a machine shop operator from Riverton, Wyoming, is credited with the first commercial uranium find in the Gas Hills area some 80 miles west of Casper. His discovery brought many more uranium seekers to the area.

"In those days, the professional geologists were skeptical of finding a commercial uranium ore body in our sandstone," says Richard Lisco, President of Teton Exploration Drilling, a subsidiary of United Nuclear Corporation, "so it took the independent explorers to prove them wrong. We had hundreds of people crawling the hills with geiger counters. You needed no real training in those days, just a $35 geiger counter and since most of the land was public domain, it belonged to the drugstore clerk as much as it did to the geologist."

After the Gas Hills strike, other finds were made in the Crooks Gap, Shirley Basin and Powder River Basin areas. Lisco estimates there may be as much as $6 billion in uranium in the Shirley Basin area alone.

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Forty-five percent of the uranium ore reserves in the U.S. are located in Wyoming and 95% of the state's uranium is located within 100 miles of Casper. The pent-up demand for power by public utilities is expected to create another uranium exploration, mining boom by 1974, Lisco claims.

Four mining companies near Casper process the uranium ore to extract the "yellow cake" that is shipped elsewhere for further processing. Humble Oil Company is now building a new uranium processing mill 50 miles east of town that will process 2,000 tons of yellow cake a day and employ 300.

"Uranium is best fuel, for the long haul," Lisco claims. "The TVA just issued contracts for four nuclear power plants. We are a basic industry in this state. It takes more support people in our industry than in oil or gas production. Three years ago, when several major petroleum companies moved their administrative staffs out of town (about 300 families), the uranium companies moved into Casper with their exploration staffs and stabilized the economy again."

But while uranium has made a solid contribution, the oil industry continues to provide most of the muscle for Casper's economy. In Natrona County, the oil industry has paid 42.6 percent of all county tax revenues this year. The Casper phone book has over 30 pages in its yellow pages devoted to the oil industry. About 280 allied businesses are in town because of the oil industry.

"Energy's the story of this town," says Terry Martin, regional manager of the Rocky Mountain Oil & Gas Association. "We're sitting on a powder keg of resources and things have never looked better for Casper."

Last year was a record year for the production of oil in Wyoming and production is greater this year. The Hilite Oil Field, discovered 22 months ago about 70 miles northeast of Casper, is said to be the biggest new oil field in North America in the past 20 years. It already has 225 producing wells.

"By the first of 1971, we'll be getting 100 thousand barrels from Hilite a day" says Martin. "That's 25 percent of the current oil production of the whole state. And this was largely an independent oil field. The majors had dropped their leases. About $20 million in leases went into that country in six weeks—most of it to farmers and ranchers who owned the land. Now these farmers have paid their mortgages off and and they're driving Cadillac pick-ups."

Martin says the major challenge now is to transport the gas out of the Hilite field. They're building pipelines up there from hell to breakfast," says Martin. Phillips Petroleum has 72 miles of gas line going from field to plant already and they should be putting out 90 thousand cubic feet of gas a day by next year."

But the real sleeper among Wyoming's rich trove of resources, Martin claims, is coal. Wyoming is fourth in the nation in coal reserves. The line of coal reserves runs from the Green River Basin in Eastern Wyoming through the whole state. It is a quality coal, high in BTU rating, low in sulphur content and among the most easy to strip in North America. "Coal's the next boom," the confidently optimistic Martin says, "and when it comes it will come faster than uranium."

The energy story isn't confined to Casper's natural wealth, it applies equally to the city's "can do" residents. "CAN DO", the city's official slogan, is derived from Casper and Natrona Development Organization, a group that began settling long-range community goals in 1966. In 1967, the group called and advertised a community-wide town hall meeting. About 600 citizens, including youngsters, showed up at the meeting to discuss needed priorities and projects for the city. Each suggested project was assigned to a committee for evaluation. A subsequent meeting, one year later, selected projects to tackle.

"Boy! It really worked," says Dick Jackson, an officer of the First National Bank who serves as President of the Casper Chamber of Commerce. "We came up with a plan for urban renewal, a beautification and parks campaign and a youth organization. Better than 50% of the projects have been completed. We set up Old West sites on Circle Drive; built a new swimming pool and baseball field; tore down an old power plant that was an eyesore and built a new tourist information building. Over 1,000 of our school kids clean up our parks during the annual Spring clean up."

One project that hasn't been completed is an urban renewal plan for the old "red light" sandbar area along the city's waterfront. Submitted to the voters in a bond referendum last fall, it failed, but city officials have hopes of getting a less ambitious version of the plan approved by voters soon.

"One thing that makes it so healthy and exciting in Casper," say Mayor Bill Miller, "is that the oil companies keep our population young and moving. Many of the people that come here are young college graduates on the way up. We don't have an old guard that runs the city and tells people what to do. So we have an exciting base that keeps us young and gives us all kinds of new ideas."

City manager Ken Erickson, who came from the Los Angeles megalopolis, a year ago, calls Casper a "metropolitan area in microcosm." The people are young, extremely well educated and they bring the cultural amenities. We have a fine symphony here and a variety of good local theatre groups. But the thing that interested me most is the interest people have in their community. The people in this town say: 'We want to participate. We want to change things.' People are willing to give their time. In this city a city manager doesn't have to push the people, he has to run to keep up."

Fred Goodstein, who came to Casper 48 years ago and has built a petroleum exploration and supply and real estate empire, says: "We're a small city population-wise, but our style of living and doing business is big city. A lot of people have overlooked Casper, but they're starting to look at us now. Control Data just opened an assembly plant that employs 200 people and we'll be getting more light industry."

Accompanying the boom in Casper's economy during the past decade, has been the growth of Casper College, the only community college in the state. Town-gown relationships have always been excellent. A bond issue for college expansion pased by a 5-to-1 margin in 1966.

Casper residents have helped the college add 15 impressive new buildings in the past nine years. Over 1,000 adults attend the college's night school courses every week.

"Our 2,500 students come from every one of the 22 counties in Wyoming," says Dr. Tim Aley, President of the College. "An educational authority from the University of Texas said recently that Casper College was one of the 10 best 2-year colleges in the country and possibly, one of the best three. Almost half of our teaching staff comes from business and industry which gives them different dimensions. We also have doctorates in excess of the norm for colleges our size. I'll put our faculty up against any of the other 2,650 college staffs in the country."

Dr. Aley could also put his college basketball team up against any other in the country—and has. The Casper "Thunderbirds" had a 33-and-3 record last year and finished fourth in the national college tourney last year.

Even more impressive is the record of the school's rodeo team. It has won four national intercollegiate titles competing against major schools like the University of Texas, Texas A&M, and Montana. Casper is the only school in the nation that has won the rodeo title two years in a row.

For a few days each August, during Rodeo Week, Casper recaptures that wild and wooly frontier town flavor. One person who remembers some of those days is Tye Moore, owner of the Buzzard Ranch, one of the largest ranches near Casper. Moore remembers his father talking about the famous Johnson County cattle war in 1893, when the Wyoming Stockgrowers Association hired Texas gunmen to take on the rustlers.

"Basically, it was a fight between those who ranched for a living and rustled on the side, and those who rustled for a living and ranched on the side," Moore explains.

Modern economics has brought an end to the conflict between the large ranchers and the small ones, the cattlemen and the sheep men. "It takes at least a 500 animal outfit to make a living today," Moore says. "The initial investment is so large that a young man can hardly get started in the business now without inheriting a ranch."

"The only real efficient operation is a combined sheep and cattle ranch," says Moore who has 10,000 sheep and 2,000 cattle on his ranch. The combined operation gives you a greater animal unit volume and sheep and cattle are very compatible. You also get greater efficiency because one crew of men can handle both sheep and cattle."

Wyoming is the second largest wool producing state and Natrona county ranks first in the state with an annual wool production worth more than $1 million. Today's wool grower faces two nemese—imports and predators. Japanese imports of finished textiles have depressed the wool market, but coyotes and eagles pose an even greater threat. Last year, Moore lost 1,500 lambs to coyotes. He and four other sheep ranchers have a hired helicopter pilot-hunter full time to protect their flocks from predators.

Aside from the museums and historical sites, there's one place in Casper where a visitor can still see some of the town's free-wheeling frontier town flavor. It's the New Wonder Bar where a rancher can hire himself an extra hand.

In Casper's wide open days, the New Wonder Bar was the gambling hub. Current owner Tom Swanson, who inherited the place from his father, has replaced the crap tables and roulette wheels in the back room with pool tables. But the 80-foot long bar, made of four pool tables, the moose and antelope heads, and the hand-carved cherry wood back bar, built in England in the 1880's, are still there.

"We used to have wires to all the east coast tracks," young Swanson recalls. "On a Saturday, you couldn't get in the front door because of the crowds. We even had our own motto, which was patented until five years ago: 'A Stranger is a Friend We've Never Met.'"

Tom Stroock a successful young oil lease broker and community leader believes that more and more "strangers" will be coming to Casper. "It's bound to happen," asserts Stroock, a Yale-educated Easterner who came to Casper in 1948 with a major oil company and stayed.

"Petroleum and minerals are our greatest asset right now, but taking the long, long view, our environment and the quality of life we offer are our greatest resources. I think more and more light industry will be coming out here as Control Data did. It just makes sense. People can't continue to live the way they do in some large cities. I get calls from old friends in other parts of the country who are willing to take a substantial pay cut to move out here.

"I don't know when it's going to happen," Stroock admits. "I just can feel that it's coming. That's why it's so important we

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take steps now to preserve what we have—to keep our water pure and our air fresh. We've got something other places don't have—the lead time to prevent mistakes."

To really appreciate what Stroock is saying, you have to stand on a lookout point near the top of Casper Mountain and look down on the city spreading out below. On a clear day, you can see the Big Horn mountains, 160 miles to the east. But, best of all, you inhale that incredibly cool pure air, with its intoxicating mingled scents of pine, sage and mountain wild flowers. It's a cinch that the writer of that other story on Wyoming didn't take the trip up Casper Mountain. He might not have gone back East.

A SALUTE TO JOHN J. WILLIAMS

Mr. CHURCH. Mr. President, the distinguished senior Senator from Delaware, John J. Williams, and I have been colleagues on the Foreign Relations Committee for the past 10 years. Sometimes an ally, sometimes an opponent, Senator Williams has always been one whose judgment commanded respect and attention.

On foreign affairs, as on domestic matters, John Williams always spoke directly to the point. He invariably expressed his own opinion, never that of others. As one determined to uproot waste, he became the Senate's self-appointed sentinel against all forms of questionable spending. Seldom did a bill come to the floor, concerning some part of which Senator Williams was unprepared to raise a challenge.

In the sentinel's role, John Williams knew no partisanship. He stood ready to oppose any ill-conceived spending scheme, whatever its origins, whether Democratic or Republican. I never saw him falter or fudge.

From his positions on the Foreign Relations and Finance Committees, Senator Williams balanced his support for a strong defense establishment with concern that we neither spend needlessly nor overextend ourselves in troop commitments abroad. Defense Department planners who put forward extravagant proposals for dubious gadgetry found a stern opponent in the senior Senator from Delaware. John Williams was among the first on the Senate Foreigns Relations Committee to insist that the loan terms be tightened in our foreign assistance program.

Typical of his surveillance over money matters, Senator Williams deserves the principal credit for eliminating the abuse of counterpart funds for Members traveling on official business overseas. Due to his persistence, the Senate rules now specify that a Member must account for use of counterpart funds in the same manner as appropriated dollars.

For Senator Williams, his role was a seamless one. He applied to himself what he asked of others. Even to the end of his tenure here, he stood by that principle and invoked it in determining his own retirement. Senator Williams had often said that there comes a time in the life of a public servant, however valuable, when he should stand aside and let younger colleagues assume large leadership. He fixed that age at 65. When he, himself, reached that demarcation year, though his physical stamina and mental alertness remained unimpaired, he applied his stricture to himself.

So John Williams is leaving us, true to his own standard to the last. His place will be hard to fill.

SALVAGE THE SOCIAL SECURITY INCREASE

Mr. PACKWOOD. Mr. President, the pending social security legislation (H.R. 17550) contains much that is good and much that is controversial. It would be a pity for the Senate to lose the good because of the controversial. The situation we find ourselves in seems to be precluding action on items that most of us would agree should be approved. Foremost among the items that most Senators could agree on are the social security changes that would be made by title I of the bill. The bulk of these changes are things that the Senate could dispose of with a minimum of argument and debate and this Senator wishes to be put on record as favoring a salvage operation which would permit the Senate to work its will on the social security provisions of the pending bill.

The bill reported by the Committee on Finance has made a number of significant changes in the House-passed bill. The provisions of the bill have been widely reported so that nearly every social security beneficiary and nearly every person who plans to retire next year is anticipating a significant increase in his social security benefits, effective for next January. This bill provided all of the major social security legislation proposed by the President in addition to improvements suggested by the House Committee on Ways and Means and the Senate Committee on Finance. It would not only increase social security benefits but it would do away with a number of injustices which exist under the present program. In addition it seeks to improve the operation of the medicare program so that its costs will not continue their wild increase.

The need for a social security benefit increase is obvious. Nearly 26 million people—retired workers and their wives, disabled people and their dependents, widows, and orphans—depend on social security benefits as their major source of regular income. Under the bill all of these people would get at least a 10-percent benefit increase. The people who get the lowest benefits would have their benefits increased even more. For example, the minimum basic benefit would be increased to $100 and widows' benefits would be raised to the full amount of their husbands' retirement benefits. Few would question the need for these increases. Our quarrels about other parts of the bill should not prevent us from acting on these important changes.

The need for prompt action is underscored by the fact that even if a social security benefit increase were agreed to and was approved by the President today it could not mean increased cash in the hands of beneficiaries until next April. If we wait until the next Congress to act on this, I doubt that the increased benefits, even if they are retroactive to January, could be in the hands of the beneficiaries before late spring or even early summer.

Mr. President, we have before us a bill which would provide 26 million social security beneficiaries with about $6.5 billion in the first year; 624 thousand new recipients would receive benefits in the same year. These people need the benefits that would be provided under H.R. 17550 and I believe that it is still not too late to act on this legislation. I do not want to go home and tell the people of Oregon that they will have to wait for their improved social security benefits. If the Senate wills, it can salvage at least this part of the pending legislation and this Senator wants to be counted among the salvors.

TRIBUTE BY COMMITTEE ON FINANCE TO SENATOR GORE

Mr. LONG. Mr. President, the Committee on Finance met in executive session on Friday, December 11, and approved a resolution expressing the committee's appreciation and gratitude for the outstanding contributions that Senator Albert Gore has made to our committee's work over the years. Senator Gore has served on the Finance Committee since January 10, 1957. During that time the committee faced many complex issues and Senator Gore has diligently helped the committee to develop legislation to meet these issues. At this time, I ask unanimous consent that the resolution adopted by the Committee on Finance in behalf of Senator Gore be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record as follows:

Whereas, Albert Gore, of Tennessee, has served honorably and faithfully as a member of the Committee on Finance since January 10, 1957, and

Whereas, Albert Gore generously devoted his knowledge and energy to the consideration of the many complex issues before this committee during this period, and

Whereas, Albert Gore has unceasingly advanced the development of legislation relating to trade, government finance, and social welfare in execution of the broad responsibilities of this committee; Now, therefore, be it

Resolved, That the Committee on Finance hereby expresses to Albert Gore its sincere appreciation and gratitude for his outstanding contributions to the fulfillment of the obligations of this committee, and for his faithful and devoted service as a member of this committee.

Mr. LONG. Mr. President, during the 18 years Albert Gore served in this body, he has distinguished himself as a statesman. He has always done what he thought was right, even when many Senators opposed his position. Many times he has represented the interest of the average man before this body. Frequently, his debates were concerned with the proper method and course to take to improve the lot of the average citizen—the bulwark of our society.

I cannot help but think of Senator Gore's performance last year on the Tax Reform Act. Albert Gore felt very strongly about the personal exemption, and he fought like a tiger, both in the committee and in the Senate, to substitute a personal exemption increase for the tax rate reductions proposed by the House bill. He succeeded in the Senate, but the real showdown did not come until the conference with the House.

Without question the conference committee is a real test of one's battle courage. In that arena, Senator GORE stood firmly and fought hard for what he believed in—and he won—but he did it in the gracious manner of a fine Christian gentleman.

The direct result of his efforts is that the personal exemption for Federal income tax purposes is moving up—over a short transition period—from $600 to $750, providing more than $4 billion tax relief in a full year of operation.

One of the unique qualities of ALBERT GORE is his tremendous ability to shift from matters of great impact, like the personal exemption fight, to technical questions concerning narrow areas of tax law. He could make the change from the major issues to the less important issues without any sacrifice in the dedication of his pursuit of what he thought was the right answer.

I particularly recall his vote on a motion by Senator WILLIAMS of Delaware in 1965, that the Senate amend the Internal Revenue Code to prevent the tax collector from seizing unopened and undelivered mail for the collection of taxes due and owing the United States. Senator GORE opposed the amendment and spoke against it. Nevertheless, the Senate agreed to the Williams amendment by a vote of 83 to 1—only Senator GORE voted against it.

Later, when we studied the matter more intently in conference, the conferees concluded that Senator GORE's position was indeed legally correct, and the Senate amendment went too far. And so it was modified to produce substantially the result Senator GORE had argued for. The modified provision is now the law of the land, and it is a good law. Had it not been for ALBERT GORE's courage to speak out against a very popular amendment, the law we enacted might have been a very bad law.

Everyone knows that Senator GORE is an extraordinary parliamentarian and can be a worthy adversary that one comes to respect. Some of the toughest days in my life involve legislative confrontations with ALBERT GORE in this Chamber. However, his manner of conduct and standards are of the highest.

Senator GORE has been a Member of the Congress for 32 years, 14 years in the House and then 18 more in this body. His wisdom, guidance, and friendship will be sorely missed.

ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1970

Mr. JAVITS. Mr. President, the passage on December 19 of the Comprehensive Alcoholic Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 marks the culmination of a campaign Senator Moss, of Utah, myself, and others both in the Congress and out, have been waging since 1966 to bring about recognition of alcoholism as an illness and the establishment of a national committee to meet the challenge of this major health problem—alcoholism—on all fronts. That was the aim of the Javits-Moss Alcoholism Care and Control Act of 1969 (S. 1997) introduced prior to the formation of the special subcommittee chaired by Senator HUGHES of which I am the ranking member. A bill which had the backing of 42 Senators from both parties and the active support of the North American Association of Alcoholism Programs and the National Council on Alcoholism. In substantial measure this bill was incorporated into the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 and other provisions of the Javits-Moss bill were enacted into Public Law 91–211.

The passage on December 19 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 bears out my prophecy as the leadoff witness on July 23, 1969, on the impact of alcoholism before the Special Subcommittee on Alcoholism and Narcotics. I said at that time that the organization of this subcommittee "is a significant stroke by our chairman, Senator YARBOROUGH and I join in its work most enthusiastically as the ranking member of the Senate Labor and Public Welfare Committee. I look forward to constructive meaningful results from our hearings. I, too, join with Senator YARBOROUGH in the feeling that Senator HUGHES, new to us, but a great Governor in his own right, will give us the energy and the leadership which the consummation of this total effort requires. I am very optimistic about our ability to succeed."

I am grateful for the kind words of Senator HUGHES about my efforts regarding this legislation and wish all to know that without his dedication and able leadership this vital legislative commitment could not have been achieved.

The differences between the House-passed bill and the bill as it passed the Senate have been thoroughly discussed by Senator HUGHES when the Senate passed the modified House form of the bill and I concur in his remarks. I too am concerned that the findings, particularly the provisions stating that alcoholism is an illness or disease and strengthening present findings to more clearly indicate that the criminal law is not an appropriate vehicle for preventing or controlling a health problem, which alcoholism is, have been dropped in the bill. Although these findings have been deleted, the thrust of this landmark legislation, to establish comprehensive programs to treat alcoholics throughout the country with the aid of Federal funding, has been accomplished.

As the author of the formula grants provision, I am gratified to note that the modified House version of the bill increased the authorization for formula grants over the next 3 years from $75 to $180 million. This is vital if we are to help State governments develop and administer programs dealing with alcoholism—although I regret reducing the funding for alcoholism prevention and treatment project grants.

I believe the passage of this legislation represents a practical and historic Federal commitment to meet the challenge of alcoholism.

PUBLIC WORKS PROJECTS

Mr. ELLENDER. Mr. President, last year the President placed in budgetary reserve all new starts and increases in budgeted items added by the Congress.

The budget for fiscal year 1971 contemplated some new starts recommended by the administration and the release of funds impounded by the President during fiscal year 1970. Congress in working its will on the public works appropriation bill for fiscal year 1971, again added some new starts in planning and construction. In signing this public works appropriation bill, the President criticized the Congress for the unbudgeted new starts and increases. At that time he stated that the future commitments in the bill totaled $4.5 billion. I think this is a good example of the misinformation being furnished the President, since new starts in the bill would involve a commitment of only about $1.4 billion.

In order to arrive at the figure the President used, you have to consider each new planning start as a Federal commitment in the amount of the total estimated cost of the project; each new land acquisition start as a Federal commitment in the amount of the total estimated cost of the project; and each new construction start in the amount of the total estimated cost of the project. It is quite obvious that if, at the time you initiate planning on a reservoir project estimated to cost $80 million, you choose to say the Government has made a commitment of $80 million, it would be improper, when the first funds for land acquisition only on that project are provided, to say that the Government has made another commitment of $80 million; and then, later, when the first construction funds are provided for the same project, contend that still another new commitment is made in the amount of $80 million.

In my opinion, the proper time to discuss future commitments is at the time the first construction funds are provided. I cite this type of accounting as just one example of the misinformation furnished the President at the time he signed that bill. There are many other types of errors in the figures compiled for the President's statement.

With respect to the congressional add-ons, I would like to point out that each and every project was carefully considered. For instance, the Corps of Engineers has a backlog of over 400 projects. The Congress approved the initiation of 31 projects, of which 17 would cost under $10 million; 12 between $10 and $42 million; and two over $43 million.

Recently, it became known that the President has again placed funds in budgetary reserve. This time the action is more drastic—construction projects previously funded but not initiated, projects recommended in the budget as new starts, and all congressional add-ons for planning and construction have been placed in budgetary reserve pending decisions on the fiscal year 1972 budget.

Mr. President, I ask unanimous consent to place in the RECORD the lists of projects where funds have been impounded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ELLENDER. Some of these projects are required to help alleviate power or water shortages, some would assist in water quality and pollution control, while others would provide flood or hurricane protection. In some cases the projects are located in areas of persistent and chronic unemployment.

Mr. President, I cannot follow the logic of the administration's opposition to resource development projects in this country that are required to meet the demonstrated needs, and, at the same time, vigorously supporting foreign assistance programs which provide similar facilities in foreign countries. A water resource project in this country requires a detailed survey, including public hearings, and thorough coordination at the local, State, and Federal level. It must demonstrate economic justification; it usually requires substantial local cooperation; it must be specifically authorized by Congress, and individually justified each year in the appropriations process. In contrast, similar projects in foreign countries are financed from the development loan fund. At the time appropriations are made for this fund, the Congress is not even informed of the new projects that will be supported out of the funds requested. This year, the administration requested $570 million for development loans, of which $266,700,000 was earmarked for India.

Let us examine a few of the continuing projects in India that are being supported by this program:

	Authorization
Irrigation and power on the Beas River	$24,000,000
Tarapur Nuclear Power Project	75,000,000
Ramagundam thermal power	7,900,000
Dhuvaran thermal power	24,750,000
Total	131,650,000

I think it is particularly interesting to note that these loans run from 30 to 40 years at interest rates ranging from three-fourths of 1 percent to 3½ percent, while in this country the Office of Management and Budget is advocating the use of an interest rate of between 10 and 15 percent for economic evaluation of land and water resource projects.

With further reference to the low interest rates on these development loans, in my report to the Senate in 1967, I pointed out examples where the funds obtained from the development loan fund at the low interest rate were being loaned by the recipient nation at a much higher interest rate.

Mr. President, since I have been chairman of the Subcommittee on Public Works of the Senate Committee on Appropriations, we have provided a number of new starts for locks and dams to improve our system of inland navigation—including a number of modern locks and dams on the Ohio River. We are currently in the process of modernizing this waterway by replacing the present system of 46 small locks and dams with 19 larger modern structures. The old system was justified on the basis of the commerce building up to 13 million tons. However, in 1968, the last year for which statistics are available, that waterway carried over 120 million tons. Except for the replacements already completed, most of which were started without a budget estimate, this waterway would not have had the capacity to move this large volume of traffic.

The typical Ohio River tow requires two lockages. This means breaking up the two and reassembling at each lock. So, on a trip from Pittsburgh to the Mouth of the Ohio River, instead of 92 lockages now required through slow filling lock chambers, only 19 lockages through modern fast filling lock chambers will be required.

I note that included in the list of funds placed in reserve are units of the Ohio River navigation project:

Mound City lock and dam, Illinois and Kentucky (land acquisition)	$100,000
Smithland locks and dam, Illinois and Kentucky	5,275,000

The construction of the Smithland locks and dam which will replace locks No. 50 and No. 51 has been strongly supported by the TVA because of the delays their coal shipments have been subjected to as a result of the congestion at the existing locks. Funds were provided for fiscal year 1970 to initiate the project, but were placed in budgetatry reserve. This spring, the division engineer testified that a contract for the locks and cofferdam would be awarded early in July. We now find that all the funds for this project have been impounded. In this connection, it should be noted that due to transportation difficulties, including car shortages by rail, and congestion of river traffic, the coal reserves of TVA are being depleted and it is possible that there will be a power shortage in the TVA service area this winter.

A typical single tow of oil barges on the Ohio River carries 175,000 barrels of oil which would require 866 tank cars, which is equal to more than six trains each a mile long. If we had not provided for our system of inland navigation on the Ohio, the Mississippi, the Gulf Intracoastal Waterway, and others, I do not know how we would ever meet our transportation needs.

I note also in the list of reserves $4,250,000 appropriated over the budget for land acquisition for the Tocks Island project. I am certain that the Senators from Pennsylvania and New Jersey recall that these additional funds were provided to relieve hardship cases and split track acquisitions—that is where funds are available for land acquisition for that portion of an owner's property required for the Delaware Water Gap National Recreation Area but not for the portion of the owner's property required for Tocks Island project. Great hardship is being experienced by the owners when part of their property is taken and they know that the remainder of their land will be required shortly for the Tocks Island project.

I will not take the time of the Senate to discuss the many other projects being deferred except for one in my own State. That is the Lake Pontchartrain hurricane protection project.

Last year, if Hurricane Camille had been centered 50 miles west of its actual path, the center of the storm would have passed over Lake Pontchartrain. In such an event, the death and destruction in the city of New Orleans and the surrounding area would have been enormous.

Last year and this year the Congress provided additional funds so that the engineers could proceed faster with the construction of the authorized protective works at Lake Pontchartrain. Both last year and this year the President impounded the additional funds provided by the Congress. Was he presented with all of the information, and the possible result of a delay in completing this work? Did he deliberately decide to gamble on the lives and security of the citizens of New Orleans? I do not believe so. I think he is getting bad advice. However, I do feel that it is time for the President to take whatever steps are necessary to insure that he is getting all of the facts before he makes a decision.

When the fiscal year 1972 budget is submitted to Congress it will be interesting to see what impounded funds, if any, are released, and the criteria used in determining which projects will go forward.

EXHIBIT 1

Projects where funds have been impounded

ALABAMA	
Montgomery	$50,000
Tennessee-Tombigbee Waterway, Alabama and Mississippi	655,000
ALASKA	
Kake Harbor	100,000
King Cove Harbor	100,000
Sergius and Whitestone	200,000
ARIZONA	
Gila River and Tributaries down from Painted Rock Reservoir	500,000
Indian Bend Wash	40,000
Phoenix and Vicinity	200,000
Santa Rosa Wash (Tat Momolikot Dam)	380,000
ARKANSAS	
Red River Levees and Bank Stabilization below Denison Dam Arkansas, Louisiana and Texas	200,000
CALIFORNIA	
Buchanan Reservoir	[1]890,000
Chester Feather River	50,000
Cucamonga Creek	190,000
Hidden Reservoir	1,050,000
Lower San Joaquin River	720,000
Lytle and Warm Creeks	1,000,000
Monterey Harbor	150,000
Oakland Harbor	2,820,000
San Diego Harbor	30,000
San Francisco Bay to Stockton (John F. Baldwin and Stockton Ship Channels)	625,000
Santa Paula Creek	[1]235,000
Tahquitz Creek	[1]260,000
COLORADO	
Bear Creek (Mount Carbon) Reservoir (land acquisition)	390,000
Boulder	50,000

Footnotes at end of table.

CONNECTICUT

New London Barrier	$700,000
Park River	100,000
Trumbull Pond Reservoir	150,000

DELAWARE

Delaware Coast	50,000

FLORIDA

Brevard County	50,000
Central and Southern Florida	200,000
Cross-Florida Barge Canal	350,000
Gulf Intracoastal Waterway, St. Marks to Tampa Bay (Ecological Study)	180,000
Miami Harbor	60,000

GEORGIA

Spewrell Bluff Dam	500,000
Trotters Shoals Reservoir, Georgia and South Carolina (land acquisition)	300,000

HAWAII

Heeia-Kea Harbor	49,000
Kawaihae Harbor	1,102,000
Waikiki Beach	[1] 700,000

IDAHO

Stuart Gulch Reservoir (Resumption)	75,000

ILLINOIS

East Moline	30,000
Freeport	[1] 181,000
Levee District 23 (Dively), Kaskaskia River	60,000
Lincoln Dam and Reservoir	100,000
Lock and Dam 26, Alton, Illinois and Missouri	351,000
Mississippi River between Ohio and Mississippi Rivers, Illinois and Missouri: Regulating Works	1,000,000
Mound City Lock and Dam, Illinois and Kentucky (Land Acquisition)	100,000
Smithland Locks and Dam, Illinois and Kentucky	5,275,000

INDIANA

Big Pine Dam and Reservoir (Land Acquisition)	50,000
Clifty Creek Reservoir (Land Acquisition)	50,000
Greenfield Bayou Levee	50,000
Island Levee, Indiana and Illinois	[2] 165,000
Lafayette Dam and Reservoir	100,000

IOWA

Ames Reservoir	100,000
Bettendorf	30,000
Big Sioux River at Sioux City, Iowa and South Dakota	70,000
Fort Madison Harbor	100,000
Marshalltown	512,000
Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri and Nebraska	400,000
Waterloo	[1] 220,000

KANSAS

Arkansas—Red River chloride control, Texas, Oklahoma, and Kansas (see Texas).	
Cedar Point Reservoir	25,000
Cow Creek, Hutchinson	[1] 215,000
Dodge City	350,000
El Dorado Reservoir	300,000
Grove Reservoir (resumption)	150,000
Hays	200,000
Kansas City (1962 mod)	1,050,000
Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri and Nebraska (see Iowa).	

KENTUCKY

Martin	[1] 295,000
Martins Fork Reservoir	100,000
Mound City lock and dam, Illinois and Kentucky (see Illinois).	
Paintsville Reservoir	330,000
Smithland lock and dam, Illinois and Kentucky (see Illinois).	
Taylorsville Reservoir	150,000

Footnotes at end of table.

Fiscal year 1971 construction, general, allocations

LOUISIANA

Bayou Bodcau and Tributaries	[1] $119,000
Lake Pontchartrain and Vicinity	3,000,000
Mermentau River (Lake Arthur Bridge)	[1] 835,000
Michoud Canal	50,000
Mississippi River Outlets, Venice	50,000
Monroe Floodwall	30,000
Morgan City and Vicinity	[1] 419,000
New Orleans to Venice Hurricane Protection	574,000
Ouachita River Levees	80,000
Red River Emergency Bank Protection	[2] 1,820,000
Red River Waterway, Louisiana, Arkansas, Oklahoma and Texas (Mississippi River to Shreveport only)	600,000
Red River Levees and Bank Stabilization below Denison Dam, Arkansas, Louisiana, and Texas (See Arkansas).	

MARYLAND

Anacostia River (Northeast and Northwest Branches) (Sec. 205)	450,000
Bloomington Reservoir, Maryland and West Virginia	3,110,000

MASSACHUSETTS

Fall River Harbor, Massachusetts and Rhode Island	25,000
Saxonville	39,000

MICHIGAN

Lexington Harbor	15,000

MINNESOTA

Big Stone Lake-Whetstone River, Minnesota and South Dakota	185,000
Roseau River	[1] 153,000
Zumbro River	50,000

MISSISSIPPI

Tallahala Reservoir	60,000
Tennessee-Tombigbee Waterway, Ala. and Miss. (See Alabama).	

MISSOURI

Brookfield Reservoir	59,000
Chariton-Little Chariton Basins	350,000
Dry Fork and East Fork Reservoirs (Fishing River) (restudy)	50,000
Harry S. Truman Reservoir (formerly Kaysinger Bluff Reservoir)	100,000
Little Blue River Channel	50,000
Little Blue River Reservoirs (land acquisition)	1,220,000
Lock and Dam 26, Alton, Ill. and Mo. (See Illinois).	
Mercer Reservoir	140,000
Mississippi River Agricultural Area No. 8 (Elsberry drainage district)	120,000
Mississippi River between Ohio and Missouri Rivers, Ill. and Mo. (See Illinois).	
Missouri River, Sioux City to mouth, Iowa, Kansas, Missorui and Nebraska (See Iowa).	
Pattonsburg Reservoir (town relocation only)	50,000
Union Reservoir (advance participation, highway bridge)	300,000

MONTANA

Great Falls	400,000
Libby Reservoir	650,000

NEBRASKA

Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri and Nebraska (See Iowa).	
Papillion Creek and Tributaries (land acquisition)	1,310,000

NEW JERSEY

Elizabeth	892,000
South Orange, Rahway River	[2] 76,000
Tocks Island Reversoir, Pa., N.J. and N.Y. (See Pennsylvania).	

NORTH CAROLINA

Drum Inlet (Section 107)	$90,000
Falls Reservoir	300,000
Howards Mill Reservoir	90,000
Randleman Reservoir	78,000

NORTH DAKOTA

Minot	100,000
Pembina (Section 205)	300,000
Pipestem Reservoir	732,000

OHIO

Alum Creek Reservoir	620,000
Caesar Creek Reservoir	847,000
Chillicothe	75,000
East Lake Chagrin River	60,000
Salt Creek Reservoir (land acquisition)	300,000

OKLAHOMA

Arkansas Red River chloride control, Texas, Oklahoma and Kansas (See Texas).	
Birch Reservoir	400,000
Copan Reservoir	500,000
Crutcho Creek	[1] 470,000
Lukfata Reservoir	[2] 450,000
Waurika Reservoir	900,000

OREGON

Elk Creek Reservoir	400,000

PENNSYLVANIA

DuBois	[1] 150,000
Tioga-Hammond Reservoir	650,000
Tocks Island Reservoir, Pa., N.J., and N.Y.	4,250,000

RHODE ISLAND

Cliff Walk, Newport	50,000
Fall River Harbor, Mass. and R.I. (see Massachusetts).	

SOUTH CAROLINA

Trotters Shoals Reservoir, Ga. and S.C. (see Georgia).	

SOUTH DAKOTA

Big Sioux River at Sioux City, Iowa and S. Dak. (see Iowa).	
Big Stone Lake-Whetstone River, Minn. and S. Dak. (see Minnesota).	

TENNESSEE

J. Percy Priest Reservoir (Nashville Davidson County Bridge)	839,000

TEXAS

Aquilla Creek Rservoir	90,000
Arkansas-Red River Chloride Control (supplemental studies) Texas, Oklahoma and Kansas (resumption)	410,000
Aubrey Reservoir	115,000
Big Pine Reservoir	35,000
Cooper Reservoir and Channels	300,000
Corpus Christi Ship Channel	250,000
Gulf Intracoastal Waterway, New Orleans to Houston, 16 ft. channel, Louisiana and Texas (Corpus Christi cutoff only)	200,000
Highland Bayou	400,000
Millican Reservoir	140,000
Mouth of Colorado River	95,000
Navasota Reservoir (see Millican).	
Red River levees and bank stabilization below Denison, Ark., La. and Tex. (see Arkansas).	
San Gabriel River tributary to Brazos River	800,000
Taylors Bayou	[2] 182,000
Whitney Reservoir	[2] 260,000

UTAH

Little Dell Reservoir	91,000

VIRGINIA

Four Mile Run	170,000

WASHINGTON

Chief Joseph Dam (Additional Units)	650,000
Columbia River and Lower Willamette River, 35 and 40 Foot Projects, Oregon and Washington (See Oregon).	

XUM

Ice Harbor Lock and Dam (Additional Units)	$400,000
John Dayl Lock and Dam, Oregon and Washington (See Oregon).	
Little Goose Lock and Dam (Additional Units)	130,000
Lower Columbia River Bank Protection, Oregon and Washington (See Oregon).	
Vancouver Lake	85,000
Wynoochee River Reservoir	1,900,000
WEST VIRGINIA	
Bloomington Reservoir, Md. and W. Va. (See Maryland).	
Burnsville Lake	120,000
Leading Creek Lake	150,000
Rowlesburg Lake (Land Acquisition)	150,000
Stonewall Jackson Lake	450,000
WISCONSIN	
La Farge Reservoir, Kickapoo River	180,000
MISCELLANEOUS	
Small Navigation Projects not Requiring Specific Legislation costing up to $500,000 (Sec. 107)	90,000
Small Projects for Flood Control and Related Purposes not Requiring Specific Legislation (Sec. 205)	750,000
Recreation Facilities, Completed Projects	1,000,000

[1] Includes funds prior to FY 1971 Appropriations.

[2] All Funds from Prior Year Appropriations.

Flood control, Mississippi River and tributaries—Amounts for fiscal year 1971 in budget reserves pending decisions in relation to the fiscal year 1972 budget

Construction and Planning

Channel improvement	$732,000
St. Francis Basin	1,150,000
Cache Basin	100,000
Yazoo Basin:	
Greenwood	200,000
Upper auxiliary channels	200,000
Control structure in Muddy Bayou (Eagle Creek)	100,000
Atchafalaya Basin	1,750,000
West Kentucky tributaries	100,000

Projects with fund in budgetary reserve not listed on fiscal year 1971 conference report, prior year funds

	Amount in reserve
Red River Lake, Kentucky	$430,000
South Ellenville, N.Y.	15,000
Big Darby Lake, Ohio	4,000
Gulf Intracoastal Waterway, Chocolate Bayou, Texas	558,000
Total	1,007,000

Department of the Interior, Bureau of Reclamation—Amounts for fiscal year 1971 in budget reserves pending decisions in relation to the fiscal year 1972 budget

Construction and rehabilitation:	
Advance planning: Palmetto Bend, Texas	$200,000
Central Valley project, California:	
Westlands Distribution and Drainage System	8,500,000
Pleasant Valley Canal	1,500,000
Auburn - Folsom South Unit	2,000,000
Chief Joseph Dam project, Washington: Manson Unit	530,000
Colorado River Front Work & Levee System, Arizona-California	538,000
Columbia Basin, Washington	1,460,000
Fryingpan - Arkansas, Colorado	1,020,000
Mountain Park, Oklahoma	$450,000
Tualatin project (land acquisition), Oregon	900,000
Drainage and minor construction: Washoe, Nevada-California	185,000
Rehabilitation and betterment:	
Cascade Irrigation District, Washington	5,000
Klamath project, Shasta View Irrigation District, Oregon	8,000
Shoshone project, Garland Division, Wyoming	200,000
Tumalo Irrigation District, Oregon	5,000
Uncompahgre project, Colorado	133,000
Westland Irrigation District, Oregon	5,000
Missouri River Basin project:	
Garrison Diversion, North Dakota-South Dakota	1,000,000
Minot Extension, North Dakota	470,000
Oahe Unit (land acquisition), South Dakota	350,000
Advance planning: Nebraska-Mid State, Nebraska	200,000
Total, construction and rehabilitation	19,659,000
Upper Colorado River storage project:	
Advance planning:	
Animas-La Plata, Colorado-New Mexico	225,000
Dallas Creek, Colorado	189,000
Dolores, Colorado	170,000
San Miguel, Colorado	50,000
Construction projects:	
Curecanti Unit, Colorado	923,000
Central Utah project:	
Bonneville unit	2,023,000
Jensen unit	400,000
Fruitland Mesa, Colorado	30,000
San Juan-Chama Project, Colorado-New Mexico	475,000
Savery-Pot Hook Project, Colorado-Wyoming	250,000
Recreation and fish and wildlife	340,000
Total, Upper Colorado River storage project	5,075,000
Colorado River Basin project: Central Arizona project Arizona-New Mexico	1,200,000
Loan program:	
Arvin-Edison Water Storage District, California	1,200,000
Buttonwillow Improvement District, California	1,200,000
Central Oregon Irrigation District, Oregon	50,000
Feather Water District, California	200,000
Haights Creek Irrigation Co. No. 2, Utah	600,000
Hidalgo and Willacy Counties Water Control and Improvement District No. 1, Texas	1,000,000
Mitchell Irrigation District, Nebraska	190,000
Pioneer Water Co., California	50,000
Salmon River Canal Co., Idaho	150,000
Santa Maria Water Control and Improvement District, Tex	200,000
Valley Center Municipal Water District, California	1,500,000
Total, loan program	6,340,000
Total, Bureau of Reclamation	31,274,000

Atomic Energy Commission—Amounts for fiscal year 1971 in budget reserves pending decisions in relation to the fiscal year 1972 budget

Operating expenses:	
Naval propulsion reactors	$4,800,000
Isotopic powered artificial heart—R. & D. program	800,000
Radiation preservation of foods	120,000
Regulation	900,000
Plant and capital equipment:	
Gaseous diffusion plants (production support facilities and process equipment modification)	16,100,000
Addition to physics building (human radiobiology facility, Argonne National Lab., Illinois)	500,000
National nuclear science information center (planning), Oak Ridge, Tennessee	600,000

SENATOR SPESSARD HOLLAND

Mr. DOLE. Mr. President, the view from a junior Senator's position gives opportunity to observe senior Senators in their work and deliberation. As a junior Senator, I have observed and accrued a tremendous respect for the senior Senator from Florida, SPESSARD HOLLAND. During my 2 years in the Senate, I have been privileged to serve with him on the Senate Agriculture and Forestry Committee—and the 8 years prior to that as a House Member—I observed and appreciated Senator HOLLAND's attitude and work for agriculture.

Senator HOLLAND is indeed worthy of the praise he is receiving. He has represented his constituency in the State of Florida as well as the Nation with outstanding contributions in flood control, water transportation, and conservation. He is well known as the prime mover of the Highway Act of 1956, the basis for our Interstate Highway System today.

LEADER IN AGRICULTURE

But today, I would call particular attention to the many contributions Senator HOLLAND has made to agriculture. As a member of the Senate Agriculture and Forestry Committee, Senator HOLLAND has been a leader in the true sense of the word.

As chairman of an agricultural subcommittee, Senator HOLLAND is a recognized authority on agricultural credit. Through his leadership, the Farm Credit Board was created and major legislative changes were made to make the Farm Credit Administration an independent functioning unit, supervised by the Government, but operated by the farmers who own the system.

Later, with the same responsible approach, Senator HOLLAND took part in writing legislation to expand operations of the Farmers Home Administration to assist low-income farmers.

As chairman of the Agricultural Appropriations Subcommittee, Senator HOLLAND has maintained a cautious eye on these and other programs, assuring their proper and aggressive performance.

RESEARCH FACILITIES

Senator HOLLAND has encouraged the establishment and adequate staffing of many agricultural research facilities to assure our future supplies of water, food, and other environmental resources.

MARKETING ORDERS

His contributions to American agriculture are many—and I would be remiss if I did not emphasize Senator HOLLAND's expertise in the particular field of marketing orders. Rightfully so, he had worked closely with the milk, citrus fruit, and other special marketing orders and is respected for his knowledge of the proper administration of these orders. He is also constantly alert to the proper administration of section 32 of the Agricultural Marketing Act, which provides for distribution and sale of Commodity Credit Corporation stocks of surplus foods. Much of the food utilized in our nutrition programs comes from this program.

Yes, Senator SPESSARD HOLLAND will be missed on the floor of the Senate.

He will be missed by American farmers. He will be missed by all Americans concerned with sound, constitutional government.

NEW HAMPSHIRE IS PROUD OF GREG LANDRY

Mr. McINTYRE. Mr. President, on Sunday the Detroit Lions professional football team qualified for the National Football Conference playoffs with a 20 to 0 victory over the Green Bay Packers.

The crucial factor in the Lions surge into the playoffs was the performance of a New Hampshire native, quarterback Greg Landry, who came off the bench 6 weeks ago to replace injured starter Bill Munson and piloted his team to five consecutive victories.

The people of New Hampshire take great pride in Greg Landry and in his clutch performance, Mr. President. This fine young man, in only his third year of professional football, has exhibited poise, coolheadedness, courage, savvy, and skill far beyond his years and experience.

Greg Landry was a star performer at Nashua, N.H., high school, then went on to even greater gridiron exploits at the University of Massachusetts. There he gained 1,682 yards rushing and passed for 3,113 yards on 445 completions over a 3-year span.

In 1968, he was the Detroit Lions' No. 1 draft choice, and was 11th in the pro football draft.

Greg Landry's sudden success came as no surprise to those who have followed his career, or to those who have played on the same teams.

Lions' tight end Charlie Sanders recently observed:

> When he was playing in his first year, I said he was the best rookie quarterback around. He was better last season, and now I think he is better than most of the veterans.

Lions' head coach Joe Schmidt puts it this way:

> "Landry is getting better with each start and his confidence is really building up. This kid has a great future.

Mr. Schmidt has good reason for such confidences in his young quarterback.

In his first game as Munson's replacement, Greg Landry engineered a 28 to 7 victory over the San Francisco 49'ers, throwing three touchdown passes in the process. On Thanksgiving Day, he sparked the Lions to a 28 to 14 win over the Oakland Raiders and seasoned his three-touchdown passing performance with 77 yards rushing.

The following week, Landry led the Lions to a third straight win over St. Louis, and on December 14 sparked his team to a 28 to 23 victory over the Los Angeles Rams. In that game he threw one touchdown pass and ran 22 yards to set up another score.

In last Sunday's playoff position clincher with Green Bay, Landry again engineered a sound victory and added his own contribution of a touchdown pass to Charlie Sanders.

Mr. President, all of New Hampshire is proud of this young man from Nashua, and we are confident his career will grow more and more lustrous with each passing year.

TRIBUTE TO SENATOR HOLLAND

Mr. ALLOTT. Mr. President, I have mixed emotions today as I join my colleagues in paying tribute to Florida's distinguished senior Senator, SPESSARD HOLLAND.

I am saddened by the knowledge that he will not be with us in the 92d Congress. Yet, at the same time, I am happy that he is able to return to his beloved State of Florida, along with his charming wife, Mary, to enjoy life.

Every descriptive term which can rightfully be used to compliment a Member of this body is applicable to my friend from Florida. He is able, articulate, sincere, dedicated, and principled.

I will never forget as a new Senator, 16 years ago, the wise counsel he gave me on many matters. Throughout these years I have relied on him for advice, particularly regarding agriculture matters about which the Senator is one of our best experts, and Appropriations Committee on which he and I have served together for some 12 years now.

During our service on Appropriations, I have had an opportunity to get to know him and observe his work in a special way. He is a gentle soft-spoken man. On the other hand, his parliamentary ability and his tenacity in fighting for what he believes in has made him a match for any of us.

Fortunately, our ideas have coincided more often than not. I know of no man who has spoken up more courageously, or reasoned more eloquently. He will be greatly missed in the Senate he loves so much.

Welda joins me in wishing Mary and SPESSARD HOLLAND a most enjoyable and fruitful retirement.

THE 18-YEAR-OLD VOTE

Mr. BYRD of Virginia. Mr. President, today's 5-to-4 decision by the Supreme Court is another outrageous decision by that Court.

Giving younger people the right to vote does not bother me—but what does deeply concern me is adults taking away from the individual citizens the right to determine the voting age.

Through the years, the voters themselves have had the right to determine the voting qualifications. Four States permitted voting at ages less than 21—but 46 States did not.

Now, by this 5-to-5 decision, the vote of one man has taken away the rights of 200 million Americans to determine voting qualifications.

Constitutional government has suffered a severe blow. The people have lost more of the power given to the individual citizen by the Constitution

Any change in the voting age should be made by the people themselves, and not by the Congress or the Court.

TRIBUTE TO SENATOR HOLLAND

Mr. CURTIS. Mr. President, I dislike to see our good friend Senator HOLLAND leave the U.S. Senate. The United States needs his services.

In these troubled times, our Government can ill afford to lose the services of such an individual. He is honest, able, devoted and courageous.

Senator HOLLAND is an individual of principle. His entire public record is in support of our constitutional system of government, our economic system, and our American heritage. I will not attempt to enumerate all of the public service that he has rendered. I merely want to add my name to the list of those others who have observed his work and say to him and to his lovely wife, Mrs. Holland, "Well done."

MAJOR OIL COMPANIES WIN AGAIN

Mr. PROXMIRE. Mr. President, it is true that I have opposed the tax loopholes that allow gigantic amounts of oil company income to escape taxation, but the reason I have done so is that they have not accomplished their supposed goal—to encourage exploration.

I have no objection to incentives that will encourage domestic exploration. As a matter of fact, I tried to convince the Finance Committee last year that a direct drilling subsidy paid directly to those who drilled domestically would be far more effective than the present complex system which only benefits the major, international oil companies while allowing the small, domestic drillers to go bankrupt.

Unfortunately, the major oil companies in conjunction with their crucially located allies among the independent oilmen managed to kill the direct drilling incentive program I proposed.

The situation continues the same—the independent oilmen are going out of business at an increasingly rapid rate and the major oil companies are using the subsidies they get from our oil import quota program and foreign tax credits to buy up the remaining pools of oil and to buy competing sources of energy, like the coal and nuclear energy businesses.

Recently the major oil companies raised the price of oil about 25 cents a barrel—a price increase the President's

Council of Economic Advisers termed "clearly inflationary." President Nixon then took some steps, admittedly inadequate, to roll back this price increase. However, a careful analysis of his action shows that its only effect will be to help the major oil companies at the expense, once again, of the independent oilmen. Once again, the supposed goal of encouraging domestic exploration has been thwarted to fatten the purses of the major, international oil companies.

I ask unanimous consent that Ted Brooks' article in the Wichita Eagle explaining the consequences of President Nixon's action be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OIL NEWS ANALYSIS—EFFECT OF NIXON'S OIL ROLLBACK QUESTIONED

(By Ted Brooks)

There has been a curious development, or lack of development, in President Richard Nixon's move to test the validity of recent crude oil and crude product price increases.

It has been scored by oil state governors, denounced by domestic producers, deplored by conservation officials and hissed at by virtually everyone in every segment of the industry, except—

The large firms who are directly and immediately affected by the orders to the Department of Interior to unleash production on U.S. leases in the Gulf and let down restrictions on Canadian oil exports into the U.S.

Their reaction to the order, other industry people have noted, has been a vast silence that figuratively rings out with unspoken approval.

Ostensibly, President Nixon's directive was made to roll back the 25-cent increase in crude prices and recent increases in product prices. It has been reinterpreted by the Office of Emergency Preparedness, as more of a measure to determine whether or not the new prices would hold in a "free market."

Coupled with the lack of protest from the firms who established the new prices, this casts the entire maneuver in a different light.

It now appears, to paraphrase one Kansan, that "having accused the fox of raiding the chicken house, they are now letting him run loose in the farm yard."

Whether intended or not, the following effects of the order have been projected by producers and refiners in this area:

Additional production from U.S. Gulf leases, almost all of which is owned by major, integrated companies who set prices, may amount to as much as 300,000 barrels daily.

This will flow into their own refineries through mutually owned pipelines at basic production costs independent of posted prices; its wellhead and delivered cost is far below that of delivered foreign oil.

Carrying the highest posted price in the nation, it cannot be economically purchased by domestic refiners.

It will supplant the demand for foreign oil to the extent of the increase and will thus enable the international firms to continue to refuse to swap domestic oil for the quota tickets of domestic refiners.

The import tickets held by small business refiners will continue to remain useless; the goal of independent producers to share in import quotas will be wiped out.

Integrated company oil flowing in from offshore will supplant demand for onshore oil, particularly that of Louisiana and Texas produced by small operators.

Compounding the effect, would be the flow from Canada, which now amounts to more than 500,000 barrels daily. Although the Interior Department has reported that this can be increased by but about 50,000 barrels daily immediately, the government expressed the hope that this may be upped by 200,000 next year.

The effect, local oil men say, would be similar to that of increasing the flow from the Gulf. The Canadian industry too is dominated by the internationals.

Canada, they note, produces about the same as it consumes, falling short by 200,000 barrels daily. But in practice it serves as a middleman for the arms-length importation of foreign oil into the U.S.—that is, western Canadian oil of low cost is exported to the U.S. at a relatively high (but less than U.S. posting) price; while an equal or slightly greater amount of low cost foreign oil is imported into eastern Canada to yield product prices higher than those in U.S.

The energy-industrial complex that dominates these operations—production in the west and import-refining in the east—is the same as that which dominates production, importation, refining and marketing in the U.S.

Inland U.S. refineries will have no opportunity to import the Canadian oil at an advantage. The Canadian postings are nicely adjusted to reach the refinery gates of northern U.S. refiners at about 10 cents a barrel less than domestic oil. The gathered well price in Canada, roughly ranges from about $2.50 to $2.85 per barrel, depending on gravity and the field source. These prices are expected to rise soon in response to the new U.S. posting.

But even at present prices, a barrel of high-gravity Canadian oil cannot reach the midcontinent for less than $4 per barrel, the pipeline charges being more than $1.

U.S.-Canadian exchange rates, at a disadvantage of about seven cents on the dollar, effectively add nearly 20 cents a barrel to the real cost of purchased Canadian oil, and increase the leverage of the international producer by that amount. Canadian production returns are further augmented by a 33 per cent depletion allowance.

The fact that condensate-type oil is currently delivered into Oklahoma, despite the transportation barrier, is not related to the general problem. The oil is self-produced, or generated by trade on the Canadian market, and therefore flows at cost of production, not at the nomial posted price, whatever it may be.

The Canadian and U.S. relationship is further mystified by an international flow of products. The Oil & Gas Journal sets the total influx of Canadian oil and products into the U.S. at approximately one million barrels daily. Canadian consumption at the product level amounts to 1.4 million barrels daily, or 200,000 greater than production.

It inevitably follows, some observers say, that the present condition is one that accommodates the interests of international firms rather than that of either Canada or the U.S. The commercial advantage of being in the middle of both an export system that creates Canadian scarcity and an import system that then satisfies the engineered demand is too obvious for comment.

It is unknown to what extent both Canadian and Gulf crude may supplant onshore production in the contiguous states. It is unknown to what extent, if any, this would effect prices, since the record shows these have been maintained at levels independent of supply and demand for 20-odd years.

But such negative effects that do occur will fall entirely upon the small business segment of the U.S. oil industry. Hence there is some doubt as to whether the administration is really trying to contain the large integrated firms or is unwittingly installing them in an unassailable position as arbiters of North American supplies and prices.

MAN IN THE MIDDLE

Mr. SCOTT. Mr. President, 2 weeks ago the distinguished Senator from Massachusetts (Mr. BROOKE) spoke on our Nation's plans to mark the 200th anniversary.

Many of us are deeply concerned with what type of observance will be held in Philadelphia, its costs and other pertinent facts. President Nixon also shares this concern. He has named a special coordinator who will report directly to him. I am pleased to see this happen for two reasons: First, such liaison will insure total cooperation and improve communications between those involved. Second, the gentleman the President has selected was once on my staff and is an ideal selection. Since leaving me for even greater challenges, he has been doing an exceptional job as the Administrator of the General Services Administration.

Of course, the coordinator for the President and the man who will play a strong hand in marking the Nation's 200th anniversary is Bob Kunzig.

I ask unanimous consent to have printed in the RECORD an editorial from the Philadelphia Inquirer applauding his appointment by President Nixon.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MAN IN THE MIDDLE

We welcome the news that Robert Kunzig has been named a special assistant to President Nixon to coordinate plans in Washington for the Bicentennial.

Bob Kunzig, of course, needs no introduction to Philadelphians. To say that this former resident "retains a keen interest in Pennsylvania matters," as one Washington official did, is to understate the case. He brings to the role not only a knowledge of the city and the state but a genuine affection for both.

Equally important, he knows his way around Washington and is well known there. His service on the staff of Senator Scott made him a familiar figure on Capitol Hill; in his present position as head of the General Services Administration he has dealt with all the executive departments at the highest levels; and, crucially, he has that all-important entree at the White House.

We congratulate both the President and Mr. Kunzig. It is a good appointment which should do much to enhance communications and cooperation between Philadelphia and Washington in moving the Bicentennial along.

OCEAN DUMPING

Mr. MONDALE. Mr. President, the discovery of mercury—a potentially lethal element—in significant quantities in deep sea tuna is an alarming indication of the pollution damage that has already been done to the supposedly invulnerable ocean environment. Add to this the oil spills, the pesticides, sewage, and other wastes that are being dumped in massive quantities into the sea, and we can see the stage being set for an ecological—and human—disaster of worldwide proportions.

In a speech January 19, the first day of this Congress' second session, Wisconsin Senator GAYLORD NELSON called on this country to adopt a tough new national policy to protect the ocean environmental from further assault. On February 19, he introduced the first legislation to spell out and establish such a policy. Among other things, the bill, the Marine Environment and Pollution Control Act, which I was glad to cosponsor, would halt the dumping of wastes into the sea and the Great Lakes from the United States by 1975.

Last week, Senator Nelson announced that he will reintroduce this important measure early in the next Congress. And with him, I would hope that the extremely important concern of halting the abuse of the fragile sea would be among the items at the top of the agenda for the next Congress.

Mr. President, I ask unanimous consent that an excellent report by Walter Cronkite last week on the implications of the discovery of mercury in deep sea tuna and on the efforts of Senator Nelson to get this country committed to stopping the destruction of the sea be printed at this point in the Record.

There being no objection, the report was ordered to be printed in the Record as follows:

CBS Radio Network—Walter Cronkite Reporting

Mr. Cronkite. This is Walter Cronkite reporting with news and analysis for CBS News. Ten months ago, Senator Gaylord Nelson of Wisconsin called for adoption of a National Oceans Policy to prevent what he called the greatest potential environmental disaster of all—pollution of the sea. The oceans support life on this planet; tiny ocean plants far at sea produce the oxygen we breathe. And with prospects that the world's population will be doubled in the next thirty years, the oceans have emerged as an ultimate source of food supply as well. But now, with the discovery of unacceptably high amounts of poisonous mercury in deep ocean tuna fish, the question is raised: Are the oceans themselves threatened by man's pollution? If so, we're in more trouble than we thought.

The Food and Drug Administration stresses that even though it is pulling almost a million cans of tuna fish off the shelves because of high mercury levels, that doesn't mean it's not safe to continue to eat tuna fish. A person would have to eat something like two cans a day for a year before he'd be in serious trouble.

But it's not the question of whether or not to eat mercury-tainted tuna that's the main concern. There are other questions. How did the poisonous mercury find its way into the deep oceans in the first place? What else has it affected? What about those oxygen-producing phytoplankton, for example?

Man has been dumping mercury into the environment ever since the Industrial Age began. And one estimate is that we release four to five thousand tons of mercury into the environment each year. Until now it has been assumed that most of that mercury did its damage fairly close to the spot where it was dumped. Now, however, it appears the problem has spread from fresh water lakes and rivers and off-shore areas to the deep oceans, although there is some question as to whether the mercury in the tuna fish came from man's pollution or from natural deposits of mercury on the ocean floor.

Environmentalists, at any rate, are prepared to assume the worst. Senator Nelson will be resubmitting his proposal for a National Oceans Policy in the next session of Congress. And he also urges that the United States take up the problem at the 1972 World Conference on the Environment in Stockholm. Even before the question of mercury contamination was raised, Nelson was concerned about ocean pollution. In the current issue of Playboy Magazine, for example, he writes that unrestricted dumping of everything from nerve gas to used cars has turned the ocean into the "trash can for the world." And he notes that scientists say that if such practices are not stopped, all productive ocean life will be destroyed within the next fifty years. Senator Nelson says disclosure of mercury in deep sea tuna just increases that alarming possibility.

This has been Walter Cronkite reporting for CBS Radio.

THE REVEREND ELIZABETH PLATZ

Mr. MATHIAS. Mr. President, as we grapple with legislative complexities that at times appear insurmountable, I would like to take a moment to call the attention of my colleagues to an event of a different sort that offers hope for the future, reinforces our confidence in our own ability to attain constructive change as well as being of great historical interest. At College Park, Md., for the first time in the history of this hemisphere, a woman has been ordained as a minister of the Lutheran Church. After 5 years as associate chaplain at the University of Maryland, Elizabeth A. Platz has achieved this singular distinction. The Washington Evening Star on Friday, December 18, remarked that:

> The religion of Europe and America has, almost from its beginnings, separated itself from the wisdom and the compassion of one half of the human race. The ordination of Elizabeth Platz is a welcome sign of the end of that particular alienation.

Millions of Americans will want to join in the expression of those sentiments. I ask unanimous consent that the editorial from the Washington Evening Star be printed in the Record.

There being no objection the article was ordered to be printed in the Record, as follows:

Woman of God

With the laying on of hands and the calling of the Holy Spirit, Elizabeth A. Platz was ordained recently at College Park as this hemisphere's first woman minister in the Lutheran Church.

The Reverend Platz has served as associate chaplain at the nearby University of Maryland for the last five years.

Undoubtedly, her ordination, her ability to preside at worship—she celebrated the eucharist immediately following her ordination—will deepen and widen her service to the Maryland students.

But there is a larger significance to her success in obtaining ordination and to the act of the Maryland Synod in conferring it upon her. That act is a recognition of the ordinand's achievement in theological study and in personal dedication. But it is also an achievement for the Synod, for the Lutheran Church and for Christianity, an achievement symbolized in the change of the formula from "man" to "person."

It is, after all, the person that religion is concerned with. Priestesses and prophetesses were common enough in the antique world, one reason, no doubt, for their strange absence in Christianity. The religion of Europe and America has, almost from its beginnings, separated itself from the wisdom and the compassion of one-half of the human race. The ordination of Elizabeth Platz is a welcome sign of the end of that particular alienation.

DEPARTMENT OF TRANSPORTATION'S HIGH-SPEED GROUND TEST CENTER IN PUEBLO

Mr. ALLOTT. Mr. President, Myles B. Mitchell, the Director of the Office of High-Speed Ground Transportation yesterday spoke to the Pueblo Chamber of Commerce. His speech was most enlightening. It details for the first time some of the more specific plans of the Department of Transportation in relation to the test track.

I was particularly pleased to note, as Mr. Mitchell explains, that the National Highway Safety Bureau is now also interested in the test facility as a possibility for some of its activities.

Because the test center has created national interest, I am sure my colleagues want to read the text of Mr. Myles Mitchell's address.

For that reason, I ask unanimous consent that it be included in the Record at this point.

There being no objection the address was ordered to be printed in the Record, as follows:

Address by Myles B. Mitchell

There is a great deal of interest—not only in Colorado—but throughout the country in the Department of Transportation's High Speed Ground Test Center in Pueblo.

As is customary in such large undertakings, it is virtually impossible to predict the long-range impact of our test site activities on transportation or project the economic effects on transportation support industries. That will depend on the degree of success we realize from our research and development programs here at Pueblo. It is also worthwhile to remember that this is the first such ground transportation center in the world embracing as it does conventional rail technology testing programs with development of sophisticated new systems such as the tracked air cushion vehicle.

It is possible, however, to provide you with some insights into what lies ahead in the immediate future. But first, let me briefly sketch for you the management structure of the Test Center and how this team will function within the Department of Transportation.

The Test Center is being managed by the Office of High Speed Ground Transportation—a part of the Federal Railroad Administration. The FRA is one of six operating administrations within the Department. The others are the Urban Mass Transportation Administration, the Federal Highway Administration, the Federal Aviation Administration, the Coast Guard and the St. Lawrence Seaway. There are other groups within the Department which are not defined as operational, but which have a continuing interest in our activities here. One such group, the National Highway Safety Bureau, was here yesterday to inspect the area and to assess its potential in their activities.

FRA, UMTA, and FHWA have one common, primary interest: each is concerned with ground transportation. Thus, UMTA, and FHWA are also interested in the Test Center and how they might further their own missions through its use. I am sure you can recognize the sense this makes in avoiding cost duplications and promoting cooperation between the administrations. Parenthetically, Secretary Volpe has announced that in 1971 the Department plans to present its National Transportation Policy recommendations Naturally, any such recommendations will be greatly dependent on efficiently meshing the various modes of transportation.

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It is this effort—the defining of National Transportation Policy Goals—that is the promise and challenge of Pueblo. It is here that we will push our existing ground transportation systems such as railroads to their limits of efficiency. And it is here that we will be concurrently developing new systems such as the tracked air cushion vehicle which will eliminate some of the problems of the past.

I have been asked—"What is the future in all this for the Nation's transportation network and the many industries that have supplied it in the past and those just entering the ground transportation field, such as the Aerospace industry?" My best answer is the future of ground transportation is as big as the problem. And an easy way to visualize the problem is to realize that our estimates are that, in this country alone, we must double our present transportation capacity by 1990. In short, we need twice the capability we have created since the Nation was founded. Here at the Test Center we hope to develop many of the tools to do this in ground transportation.

We have under construction now a track at the Center for a linear induction test vehicle to run up to 200 miles per hour. By March 1972, we hope to have completed a portion of the 21.7 mile oval guideway for testing an advanced tracked air cushion vehicle up to 300 mph. But let me point out that in the same period, we also expect to have combined these two concepts of suspension and propulsion in somewhat simplified form in a series of vehicles that will be running along the route of the San Diego Freeway in Los Angeles at around 150 miles per hour. This 16-mile system will operate between Los Angeles International Airport and th San Fernando Valley. So, it is readily apparent that we are not talking about exotic, science fiction concepts that are years downstream, but of systems based on sound, proven engineering principles that can, and will, be turned into hardware as experience at the Test Center and elsewhere warrants the investments. After all, our business is moving people and goods and the Test Center is the means to that end.

Before getting into planning details for the Test Center over the next five years, let me clear up some points about research and development, and how it works specifically in Government programs.

In general, it is possible to define research and development goals. But not the specific routes that may be ultimately used to reach these goals over a period such as five years. Accordingly, periodic evaluations of various alternatives must be made—the least promising routes discarded, the more promising strengthened in terms of money and effort. In Government research and development, our efforts undergo constant review, not only within the Administration itself, but by the Congress as well. And as all of you know, the Congress controls our purse strings and must evaluate our programs and their progress each year. In this respect, may I point out the high speed ground program has no more effective champions than your distinguished senior Senator, Gordon Allott, and his able staff. The people of Colorado and of the entire Nation owe Senator Allott a considerable debt for his forceful work in the field of ground transportation.

With the clear understanding that these economic impact estimates are just that and subject to engineering and economic reviews, let me give you our projections of activities at the Test Center in the next few years and how they will affect Pueblo.

An initial contract for $756,000 for grading nine miles of the linear induction vehicle test track, which we announced last August, has been completed.

Our second contract for $772,000 for placing track on the previously graded roadbed is now under construction and we expect to complete it in January. The contractor is employing an average of about 55 men—most of them drawn from the local labor pool.

A third contract—which is being handled by the Garrett Corporation which built the LIM Test Vehicle—calls for installation on the test track of a reaction rail. Garrett will use a sub-contractor for this work scheduled to start in February and completed by April, with a local employment of about two dozen men.

We will require a temporary support facility for the LIM. This $60,000 building we will need by next March and work on it will require about 10 to 15 men.

We will require a permanent support structure to house administrative offices and other facilities. We estimate this building, to be started in April of next year and completed six months later, will cost about $450,000.

We are presently drawing up plans for portions of the earth fill work for which we expect to advertise bids in the spring. About 40 men will be required in that work force.

A major structure to house our rail dynamics laboratory and service our test vehicles must be built. We hope this $2 million building will be started next summer with completion the following summer.

We also must build a guideway for our tracked air cushion vehicle. We estimate this will cost $3 million. We want to start it next March and complete it next October. This should provide employment for about 75 men. Later on, we expect to extend this guideway to an oval, 21.7 mile loop.

I should note in passing in connection with my remarks earlier on the uncertainties of research and development, we will make a determination on whether or not to extend our LIM test track after six months of testing. This decision, if made in favor of extension, would mean another small track construction contract.

Finally, I will emphasize that you probably will be seeing some new people in your area sent here by contractors working on a variety of technical projects involved in our programs, as well as more Government people who will join Glenn Rieff in Pueblo. We expect that these highly skilled engineers will be welcomed as we were, even if their numbers grow to more than 100.

This, then, to the best of my ability to predict, will be the immediate impact of the Test Center on Pueblo. As Government goes, it may not seem vast in terms of people or huge facilities. The emphasis here ultimately will be on brains, not brawn as exemplified by a large, unskilled labor force.

But we think it will be an exciting place—one which will draw and retain the interest of much of the world in learning what the United States is doing about bettering surface transportation. Just as, obviously, it will be a magnet to those industries which are seeking the challenges we will confront.

We are happy to be in Pueblo.

I hope you will be equally happy to have us here.

DISTINGUISHED MAJORITY LEADER TAKES UP FIGHT FOR VICTIMS OF CRIME BILL

Mr. YARBOROUGH. Mr. President, last Thursday, the distinguished majority leader of the Senate, Senator Mansfield, introduced S. 4576, the Criminal Injuries Compensation Act of 1971. I regret that a previous commitment prevented me from being present on that occasion, for I would truly have liked to be able to compliment him in person at that time for his foresight and vision in introducing this piece of legislation.

I have sponsored similar legislation since the first session of the 89th Congress when I introduced S. 2155. This bill was not passed and in the 90th Congress, I introduced an improved bill, S. 646. In the current Congress, I introduced S. 9, the Criminal Injuries Compensation Act of 1969, and S. 2936, the District of Columbia Criminal Injuries Compensation Act. This latter bill applies to the District of Columbia only.

On December 9, 1969, the District of Columbia Committee, chaired by the able Senator from Maryland, Senator TYDINGS, held hearings on my bill, S. 2936. At this hearing, the bill received strong support from such authorities on criminal justice as Congressman ABNER MIKVA of Illinois, Dean Page Keeton of the University of Texas School of Law, Prof. Norval Morris, professor of law and director of the Center for Studies in Criminal Justice of the University of Chicago, and Prof. Gilbert Geis of the School of Criminal Justice at the State University of New York.

I have also authored many articles on the subject of victim compensation, the most recent of which appeared in the University of Southern California Law Review. Five States, New York, California, Hawaii, Maryland, and Massachusetts as well as New Zealand and Great Britain have adopted victim compensation plans into their criminal justice systems. For the past 5 years, I have been urging that the United States follow the lead of these other jurisdictions and adopt such a plan. It is heartening to know that my hope will not die when I leave the Senate at the end of this Congress and that the distinguished majority leader of the Senate will take up the fight after I am gone.

TRIBUTE TO THE COAST GUARD

Mr. PELL. Mr. President, as a Coast Guard Reserve officer, and as one whose son is a Coast Guard officer, I have been particularly grieved at the tragic error made by the Coast Guard in its handling of the attempted defection to the United States by a Lithuanian seaman off Martha's Vineyard on November 23. I have previously stated—on December 9—here in the Senate my views on this incident, and my thoughts on how repetition of such an incident might be avoided.

I think it would be most unfortunate, and unfair to the Coast Guard, however, if that service were to be judged on the basis of that one incident. Instead, I would hope that this error, dreadful as it was, would be placed in the perspective of the Coast Guard's record of saving lives, helping defectors, and providing selfless, sensitive service to our country.

Indeed, in the specific area of providing assistance to defectors seeking asylum in this country, the Coast Guard, with only 38,000 people, has a truly remarkable record. During the past 12 years, it has given direct assistance to 14,631 refugees who fled their homes in Cuba seeking haven and protection in the United States. These refugees have either been on small vessels that fled Cuba and were escorted into U.S. ports by the Coast

Guard, or were transferred to Coast Guard vessels from merchant ships that picked up the refugees at sea, or in some cases the refugees were literally rescued from the waters of the Florida straits by the Coast Guard.

During the past year alone, 270 defectors from Cuba have been assisted by the Coast Guard in reaching the safe haven of the United States.

But even this impressive record is not fully representative of the Coast Guard's day-and-night, year-around service to our country. During fiscal year 1970, it is estimated that the Coast Guard responded to some 50,000 requests for assistance, aided about 125,000 persons, and saved the lives of 3,764 persons. In addition, the Coast Guard aided vessels and aircraft with an estimated property value of $2.1 billion.

On the very day of the unfortunate incident off Martha's Vineyard, we find—

Two Coast Guard icebreakers, the *Burton Island* and *Staten Island*, were en route to a vital mission in the remote Antarctic. Their ice breaking capability is essential to the success of Operation Deep Freeze, the annual scientific mission of the United States at the South Pole.

At six far removed locations in the Atlantic and the Pacific, six Coast Guard cutters stood lonely vigils collecting vital weather and oceanographic data. Their capability to provide mid-ocean rescue service gave an extra measure of safety to passengers on the sea or in the air.

Off the California coast, at the mouth of the Noyo River, two men were saved after their boat capsized crossing the rough bar. A 16-foot Coast Guard boat rushed to the scene and found one man floating face down in the water. A Coast Guard seaman applied mouth-to-mouth resuscitation and revived the man. The second man was pulled to safety off the jetty.

Off the Florida coast, Coast Guard cutters and aircraft patrolled and watched for Cuban refugees, although none of the Cuban 14,631 refugees rescued or assisted by the Coast Guard was plucked out of the ocean that particular day.

Far to the north, off Greenland, the Coast Guard icebreaker *Westwind* was en route to a point off Thule, Greenland, to assist in the repair of an undersea cable, a vital communications link with the U.S. Air Force base at Thule.

Off the coast of North Carolina, Coast Guard aircraft, a helicopter and a C–130 transport, teamed up with a Coast Guard 44-foot rescue boat to save three people disabled in a 19-foot pleasure boat. The transport located the disabled boat in darkness. The 44-foot boat was unable to reach the pleasure craft in shallow water, so the helicopter was called in to assist. The helicopter towed the boat to deeper water where the Coast Guard rescue boat took over. By early morning, all were safe in port.

Far across the Pacific four Coast Guard cutters were patrolling off the coast of South Vietnam to prevent enemy forces from using water supply routes. Just 3 weeks ago, two of these cutters, the *Rush* and the *Sherman*, teamed up with a Navy minesweeper to sink an enemy ship loaded with guns and ammunition.

Those are just a few examples of what the Coast Guard was doing on the day of the *Vigilant* incident. By no means do these examples give a complete picture of Coast Guard activities. But they serve to show the kind of work the Coast Guard performs every day, in all seasons, all around the world. The Coast Guard has a marvelous record. For over 180 years, the Coast Guard has served our Nation capably, steadfastly, and heroically in peace and in war. Let us not lose sight of this fact.

The Coast Guard should be given credit for its fine record, just as surely as it has assumed the responsibility when it has erred.

Mr. President, I ask unanimous consent that there be printed at this point in the Record a listing of statistics indicative of the Coast Guard's record of service.

I ask unanimous consent, also, that a letter to the editor by Dr. Frank R. Mark, which appeared in the Washington Daily News of Thursday, December 17, be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

ESTIMATED FISCAL YEAR 1970 COAST GUARD SEARCH AND RESCUE EFFORTS

Number of responses (cases)—50,000.
Assisted—125,000 persons.
Saved an estimated 3,764 lives.
Aided vessels and aircraft valued at $2.1.

IN DEFENSE OF CG

As a former refugee whose fate would surely have been sealed had my family remained in Nazi Germany, I am obviously distressed by the recent episode regarding the Lithuanian defector, particularly if the facts are as we are led to believe by the news media.

Having served as a medical officer with the Coast Guard, I am greatly distressed by the unfavorable publicity that the whole Coast Guard is getting for what may possibly be the very poor judgment of one or two persons. The Coast Guard is a very small organization made up of highly capable, well trained and motivated persons working on problems which are providing services primarily for other people's safety and welfare. Often their assignments place their own lives in peril. Many of the assignments are in locations and of such nature that most of us would forego them. Certainly most civilians would not desire such careers.

I have become quite familiar with sacrifices that Coast Guardmen have made in the past due to service with them on weather patrols and elsewhere. Furthermore, I had reviewed most Coast Guard medical records at one time and served on disability boards and I have noted regretfully the illnesses and injuries sustained by many Coast Guardmen while serving their country.

Let us strive to free men everywhere. Let us not besmirch the name of a service whose men and women and families contributed and are contributing continuously to the saving of lives both in the United States and elsewhere.

FRANK R. MARK, M.D.

CTA: A NOBLE EXPERIMENT

Mr. ALLOTT. Mr. President, Tom Buck, a seasoned Chicago transportation reporter, has written an excellent article entitled "CTA: A Noble Experiment," for the September-October 1970 issues of Commerce magazine. The article is worth reading, not only because it provides a very reasonable chronology of the development of the Chicago Transit Authority, but especially because it details the effect that inflation and wage increases have had on the authority's ability to operate out of the fare box

I well recall a private conversation I had with CTA's able and distinguished chairman, Mr. George DeMent, several years ago. This was before the passage of major urban transportation legislation. I asked Mr. DeMent what the transit authority needed most of all from the Federal Government. He replied:

> Senator, if you and your colleagues could do something about the terrible inflation problem, it would more than make up for any other kind of Federal assistance you could give us. Inflation is killing us!

I think it is necessary to understand this point before we can understand why so many transportation systems are finding themselves in bankrupt condition in this country.

For that reason, Mr. President, I ask unanimous consent that this article be made a part of the Record at this point.

There being no objection the article was ordered to be printed in the Record as follows:

CTA: A NOBLE EXPERIMENT

(By Tom Buck)

The Chicago Transit Authority (better known as CTA, and sworn at or by)—operator of the city's public transportation system—represents a noble experiment that is now threatened by disaster. The threat may not be total collapse. But the prospects, at least for the near future, appear almost as severe.

A quarter century ago, the CTA was recognized throughout the country as an exciting and practical new approach, first for saving and then for modernizing ailing transit systems. Chicago's new transit authority became a national model at a crucial turning point in public transportation history.

For some years, beginning in the 1920's, public transportation in Chicago, and elsewhere, was headed for serious roadblocks. Once highly profitable for private industry operators, transit no longer offered the opportunities to produce even a minimum return on investment. The growing use of the automobile already had an adverse effect on transit riding. A major problem also developed involving wages and fares.

Responding to demands by transit unions, a private transit company would negotiate new contracts, with wage increases. Then, the company would petition the State Commerce Commission, as the public regulatory body, for fare increases to offset the increased operating costs. All too often, the commission, under suspicion of yielding to political pressures, would wait months before they acted upon the petition for higher fares. Then, when the company's petition finally was acted upon, authorized fare increases usually would be insufficient to offset higher wages and operating costs.

This cost squeeze between higher labor costs and insufficient fare increases led primarily to the demise of Chicago's two major private transit companies. In 1927, Chicago Surface Lines Co. was placed in receivership. Five years later, in 1932, the Chicago Rapid Transit Co. went bankrupt.

There actually had been a series of attempts, as early as 1904, to bring about public ownership of transit in Chicago. But it

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was not until the 1930's—after both major private companies had plunged into bankruptcy—that an all-out effort for public ownership began. Even then it would take 15 years before the new public authority became operative. Meanwhile, equipment on both the surface and rapid transit systems deteriorated further. By the time the new transit authority began to operate, Chicago ranked last among the country's major cities in modern equipment. Only 240 of the 3,270 streetcars in operation then could be considered modern.

CREATION OF CTA

As a lesson from the past, it should be noted that the Chicago Transit Authority came about only after two top public officials of opposite political parties—Gov. Dwight Green, a Republican, and Chicago Mayor Edward J. Kelly, a Democrat—had given their bipartisan leadership to enactment in 1945 of the Metropolitan Transit Authority Act authorizing the CTA's creation. Final authority was then given by a referendum on the proposal. The CTA, which began operation on Oct. 1, 1947, was created to acquire and operate the private transit systems, unify and coordinate those systems, and to bring about a long overdue modernization of transit equipment and facilities.

However, the new authority was unique in that it was to operate almost solely on the concept of private industry, but with the exception that it should not make a profit. The CTA was given no taxing power and, with minor exceptions, no government subsidies. As minor exceptions, it has had indirect subsidies by being exempt from state and federal motor fuel taxes and the city vehicle tax. In recent years, the CTA also has received $3.5 to $6 million in state funds each year to transport school pupils at half fare. But this money has been considered a reimbursement rather than a subsidy.

In other words, the Chicago Transit Authority must depend almost entirely upon the fare box—the fares it collects from its riders as its only real source of revenue. In fact, the state enabling legislation makes it mandatory that the CTA charge fares sufficient to pay all operating costs and charges. This requirement also is reiterated in the CTA's trust agreement with its bondholders. This requirement means that the Transit Authority must charge fares high enough to pay not only operating and maintenance expenses, but also meet its obligations for pensions and a damage reserve fund, for debt service and for a modernization and depreciation fund.

The CTA also may use revenues for a bond amortization fund (for the early retirement of bonds), an operating expense reserve fund, and for municipal compensation to the City of Chicago for the use of streets. For many years, however, money has been provided for these funds, particularly for municipal compensation. Incidentally, to enable the CTA to adjust fares readily to meet its obligations under the law the Transit Authority was freed from the very start from regulation by the Illinois Commerce Commission.

Until a few years ago, the CTA had rolled along relatively smoothly as a public agency, living out of the fare box under private industry guidelines. However, it continued to be troubled by its long-established adversary—the automobile. Like other transit systems throughout the country, the CTA has suffered an almost constant loss of riders, mostly because of the competition of the automobile, from the very beginning of its operations in 1947.

A few statistics show the drastic effects of the private automobile on the CTA. In 1947, the year CTA began to operate, transit riding in Chicago totaled 1,120,124,468 rides. Last year, the CTA's total was 420,095,500 rides—down more than 62% from 1947. Thus far this year, there has been a further loss of at least 3%. Some additional loss also has occurred since the basic adult fare was raised to 45 cents and the transfer charge doubled in July.

While transit riding has declined, use of the private automobile has increased. In 1947, Chicago had 512,810 registered automobiles, or one car for every 6.4 persons. In 1969, Chicago registration totaled 957,121 automobiles, or one auto for every 3.6 persons.

AUTOS AND INFLATION

Bad as competition from the auto has been, the CTA might well have continued to live from the farebox were it not for another adverse factor. The added adversary is inflation—inflationary pressure on payrolls which earlier this year caused the first operating loss in CTA's history, and which still threatens, unless major remedies are forthcoming, to plunge the CTA into bankruptcy.

The inflationary pressures that are reflected in higher wages and spiralling operating costs began to build up in the early 1950's. But the really severe blows against CTA's financial structure from this source did not come until about four years ago. Throughout much of the 1950's, the Transit Authority minimized the effects of inflation by several major economy moves. The biggest one was a conversion of what had been primarily a surface system of streetcars to buses. This complete changeover brought substantial reduction in operating personnel. It was a matter of simple arithmetic. Most streetcars required two operating employes, compared to one for a bus.

Another economy move was installation of automatic door controls for elevated-subway cars so that each train would need only two employees—motorman and conductor. Previously, there had been a conductor on each car. Other economies included reduced personnel in CTA shops and offices. As a result of economies, CTA reduced its original staff of 23,368 employes to a present 12,561.

WAGE INCREASES

From the very beginning, the CTA was in the position of having to raise wages in negotiations for new transit union contracts, which traditionally run for three years. For the most part, wage increases were not considered excessive, and conformed to national wage patterns. Although wages increased with each new three-year contract, not until 1957 did CTA have to make a substantial jump in fare—from 20 to 25 cents. Until then, fare increases had only been a penny or two. At the start of the CTA's operation in 1947, the fare was 10 cents on surface lines and 12 cents on the elevated-subway system. Incidentally, one of the CTA's original objectives was to set the same fare schedule for both surface and rapid transit systems. It accomplished this not long after it began operating.

In addition to basic wage increases in union contracts, the CTA's payrolls since 1951 also have been escalated by a cost-of-living factor. This means that wages are raised every three months if there is a rise in the cost-of-living index as computed by the U.S. Bureau of Labor Statistics. It also has been a practice to "freeze in" existing cost-of-living wage increments as part of the basic wage scale when new three-year union contracts are negotiated. As of Aug. 31, the hourly wage of CTA bus drivers was $4.55, of which $1.05 is cost-of-living increases over the last 19 years. To show how transit wages have risen, the driver wage of $4.55 an hour represents an increase of 75 percent over a gross hourly wage of $2.60 paid in 1959.

The effect of cost-of-living factors has become especially pronounced in the last few years. Of the $1.05 cost-of-living in the wage scale, 35 cents was added in the last 21 months, for a total of 68.5 cents in the last four years. This year alone, cost-of-living allowance was 7 cents on March 1 and 4.5 cents June 1. Each penny of increase in the wage scale adds nearly $300,000 a year to CTA's payroll costs. In retrospect, some transit experts now believe that the cost-of-living factor for union contracts was a mistake. This factor for labor contracts was first instituted by large manufacturers who could either pass along higher costs in increased prices, or absorb some of them through automation.

By no means, however, are there the same opportunities to cope with cost-of-living boosts in a service industry such as public transportation. A transit system depends upon a large corps of operating personnel with few, if any, opportunities for automation. To a certain extent, a cost-of-living factor for transit wages might be considered a self-serving cycle, inasmuch as cost of transportation is a factor in computing cost-of-living indexes. Thus, a cost-of-living increase in transit wages could lead to higher fares, which in turn might help to boost the cost-of-living index, which in turn would again raise transit wages.

HIGHER FARES

Traditionally, too, the transit industry has been cursed with general public resistance to increased fares, regardless of how well justified such increases might be. There may be only individual grumbling when the price of milk, bread or meat go up. But a mass outcry is likely when transit fares rise. In fact, in recent years, resentment against higher fares has been reflected in decreases in riding of as much as 10% after an increase. No one on the CTA board or staff ever really wants to raise fares. For one thing, they realize that increases put added burdens on "captive transit riders"—people who can't drive an automobile or can't afford one. Many "captives" have marginal employment, earn minimum wages and are the least able to pay higher fares.

A greater reluctance among CTA board members to vote fare increases is apparent in recent years. For instance, the board voted in November, 1967, to boost the fare from 30 to 35 cents; then again in December, 1968, to raise it another 5 cents. Actually, these votes came many months later than they should have, if the board had followed previous financial yardsticks in recognizing danger signals sooner. Any such delay in voting fare increases reduces their effect. Except for an emergency increase of 5 cents, and doubling of the transfer charge last July 8, all fare increases have been made when deficits mounted in depreciation and modernization funds. Thus, if an increase is delayed, as in both 1967 and 1968, the depreciation fund deficit may be too large to overcome.

The recent severe effects of inflation and spiralling wages on the CTA's financial structure perhaps can be best shown by this comparison: until a few years ago, direct payroll costs consumed 66% of gross revenues. This year, payrolls will require 82.5% of gross. Another measure of the CTA's precarious financial status is its deficit in the depreciation and modernization account. Under the trust agreement with bondholders, the authority is required to set aside 8% of gross revenues for depreciation and modernization. Over the years, this has produced over $220 million for new equipment and improvements. In addition, CTA and predecessor companies benefited from expenditures of $96 million by the Chicago city government and $172 million for rapid transit improvements, including the State and Dearborn street subways and rapid transit routes in the Eisenhower, Dan Ryan and Kennedy expressways.

In the past, CTA was especially alert in making certain that fares were sufficient to provide for the depreciation fund, since this fund is the source for new equipment. This fund, for instance, enabled CTA to make the big changeover, in the 1950's, from streetcars to buses. Also, this fund enabled the authority to convert the "green hornet" streetcars (newest at the time) into elevated-subway cars. Because of concern for the depreciation fund, the CTA board never allowed this fund a deficit of more than $2.5 million before they voted a fare increase. Such prompt action always erased the depreciation fund deficit and restored it to sound condition.

POVERTY LEVEL REACHED

Now, however, a deficit of more than $28 million has accrued in the depreciation fund—so great it could not possibly be made up by higher fares. Because of this shortage, the CTA stopped buying new buses in 1968. Other necessary improvements have been postponed, with the capital budget cut to a bare minimum. Such a poverty-level existence means that CTA operations, particularly its bus system, are in danger of falling apart. Actually, more than 1,400 buses of the CTA's total fleet of 3,123 buses are now over-age. These over-age buses, 15 to 20 years old as compared with a normal life of 12 years, are especially costly to operate. Operating costs, including fuel, repair and maintenance, are three to four times greater for over-age buses than for buses under the 12-year limit. Because of its over-age equipment, the CTA now spends at least $2.2 million a year in excess operating costs.

Needless to say, lack of funds for capital improvements on a transit system also increases safety hazards. To avoid potentially dangerous operating conditions, labor and material expenditures must be made to replace trolley bus wires and other electrical equipment and to replace worn rails and structural members for the rapid transit system. A more immediate threat to the CTA's well being is the fact that it began to incur operating deficits early this year. As a stop-gap measure, the board raised the adult fare to 45 cents and doubled the transfer charge (to 10 cents) on July 8, after the state legislature in special session failed to come to the rescue.

The July 8th fare increases are a minimum and temporary action that, at best, would barely hold off bankruptcy until the legislature convenes in January. Meanwhile, it still is too early to determine if this temporary action will be effective in maintaining a status quo for the CTA. Summer always is a poor riding and revenue period, and officials hope that a Fall and Winter pickup in riding, together with the temporary fare change, will see the authority through early 1971.

DEBT OBLIGATIONS

Meanwhile, one major concern of CTA is to meet debt obligations. The principal debt consists of about $50,700,000 from original issues of $135 million in revenue bonds, sold mostly to acquire properties of the former transit companies. This revenue bond debt requires $662,000 a month in interest and principal debts. However, if revenues fall short, CTA has a reserve of more than $7 million to service this debt for almost a year. Of utmost concern is a second debt of more than $9.5 million in outstanding equipment trust certificates. Here is a touch-and-go situation, for this debt requires $141,800 to service—and there is no reserve for it.

In all of the uncertainty facing the CTA, one point is clear—namely, that CTA can no longer survive from the fare box alone. To operate almost entirely from fare collections was indeed a noble exepriment that served Chicago well for 23 years. But public transportation here, and in other major cities, is at another turning point in history. A universal opinion among transit experts throughout the nation is that fares now must be supplemented by public subsidies—both for operating and capital improvement expenditures.

No one believes that the CTA problem will be neglected to the point of collapse. Instead, fear is that a permanent and continuing solution to the problem may be delayed, thus leaving the CTA to suffer a hand-to-mouth existence. Such prospects would lead only to a deteriorated system, one much more difficult and expensive to correct in the long run.

Public officials, state legislators and civic leaders will be faced with an especially critical question in the immediate months ahead: "What should be done to solve the problems of surface passenger transportation both within the City of Chicago and the metropolitan area as a whole?"

How effectively—and how quickly—these problems can be solved not only will have great bearing upon the continued economic vitality, the so-called "quality of life" or environment, and the growth of Chicago and environs, but also it might well prove to be the key factor in the actual shaping of the city and the metropolitan area for the coming 21st century. Without continued good public transportation, for instance, Chicago's downtown area could not long survive—at least in its traditional form as the metropolitan hub of business, professional, financial and governmental activity. In fact, there would be no downtown to amount to anything were it not for the buses and subway-elevated trains of the Chiacgo Transit Authority, the trains of the six commuter railroads who serve the metropolitan area and the buses of private suburban companies.

PUBLIC TRANSIT VITAL

Hard as it is to realize when you see expressways jammed bumper to bumper, the fact is that the automobile is of relatively little importance to the Loop, which on a normal weekday has a peak population of 292,264 According to official traffic counts, only 15% of this daytime population travels to and from downtown by automobile or taxi. The other 85% of those who make their livelihood, shop or do business in downtown Chicago travel by public transportation.

CTA buses and subway-elevated trains alone account for 46% of the downtown volume of passenger travel. In a 24-hour period on a typical weekday, it is estimated that CTA buses and subway-"L" trains carry nearly 287,000 persons to and from the Loop. A research expert at CTA was asked what would happen if they were to discontinue downtown service. He first explained that, according to traffic counts on expressways, average use of the automobile now amounts to only 1.4 persons per car. With that figure as a rule of thumb, he explained that it would take 204,928 autos to carry the nearly 287,000 Loop-bounded persons who now use CTA. "To get those additional 204,928 autos downtown you would first have to build 136 additional in-bound lanes of expressways, as compared with a present 30 in-bound lanes of expressway," the expert said.

"Then, to park those 204,928 antos, there would have to be 61 million square ft. of new parking space downtown. The space is roughly equivalent to four times the ground area of the presently defined Loop, as bounded on the north and west by the river and the south by Roosevelt Road. In other, words you would have to tear down all the buildings in this Loop area, create four levels of parking over the whole area, and then build new buildings on top of this mass of four-level parking facilities. But even if you were able to do all that, it still wouldn't work," the CTA man added. "No one probably could live because of the pollution." This is only one of many analogies that could be given on the importance of public transportation. In general, public transportation in a large city such as Chicago is an absolute necessity for thousands of persons, including the young and old who can't drive a car and persons of modest incomes or marginal employment who cannot afford to own a car.

The downtown travel statistics, along with the analogy of the importance of the CTA's services to downtown, are cited to point up the gravity of the problems of public transportation. Failing to obtain relief in the form of some kind of a public subsidy from the regular and special sessions of the Illinois legislature this year, the Chicago Transit Authority on July 8 increased the basic adult fare by 5 cents to 45 cents and doubled the transfer charge—to 10 cents—as stop-gap measures. Failure of the legislature to act in special session came after Governor Ogilvie had proposed an extra half-cent tax per gallon of gasoline exclusively to aid the CTA and other transit systems in the state. Mayor Daley also spoke publicly in favor of tax subsidies for transit operations. But the question bogged down in politics—in the traditional stalemate of political wrestling that features Chicago vs. downstate Illinois.

Incidentally, the use of an extra gasoline tax to aid the CTA first was proposed at least 15 years ago by the late Virgil L. Gunlock, then chairman of the Transit Authority. That proposal, calling for gasoline tax funds to help with the CTA's capital improvement program, was defeated three times by the legislature. As it turned out, this CTA proposal was many years ahead of its time, for there still is no place in the country where gasoline taxes are being used directly to help transit, whether to subsidize capital improvements or operations. However, there now is a growing movement in metropolitan areas and the larger states—particularly among transit operators and the public transportation industry—for a sharing of gasoline taxes. The principal reasoning for this tax-sharing idea is that all transportation facilities—highways, transit or commuter railroads—should be treated as a coordinated public effort, and thus should share the same tax resources. It also is argued that gasoline taxes used for off-street transit, such as subways and elevated routes, actually helps the motorist by minimizing street traffic congestion.

PUBLIC FUNDS REQUIRED

But regardless of the source of subsidy, the CTA will need some type of public funding for its operations by early 1971, or face the need to raise fares again. At present, the Authority barely skimps along as a result of the stop-gap increases of July 8. With known cost rises in the offing, CTA is headed toward virtual bankruptcy next year if additional funds are not obtained from some source. No one—the transit rider, CTA management, or political leaders—wants any further increase in fares. While producing more revenue, each fare increase always results in a loss of riders. The CTA has not yet reached a point of diminishing returns, but its management is more and more alarmed about a continuing loss of ridership. There also is concern at the CTA about the burden of higher fares on the "capture" riders, those who don't or can't afford to drive an automobile.

As already indicated by the newspapers, and other media, a renewed effort to gain some type of public subsidy for operations of the CTA, as well as other transit operations in the state, will be made when the legislature convenes for its regular session in January. In addition, an entirely new element in the public transportation problem is expected to be injected in the consideration by the legislature, as well as by the top city, county and state governmental leaders, early in the new year.

METROPOLITAN AUTHORITY PROPOSED

This additional element embraces a broad-scale proposal to create a metropolitan or regional public transportation authority with jurisdiction over all bus, rapid transit (subway-elevated) and commuter railroad operations. The possibility of such an authority has been mentioned from time to time, but no serious proposals came forth until this year. Last February, such a proposal for an area-wide transportation authority was made public by Larry S. Provo, president of the Chicago and North West-

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ern Railway. In May, the proposal again was brought to public attention by the Chicago Association of Commerce and Industry in a report on a special study of public transportation needs. Then, in September, the first definitive proposal for an area-wide authority was outlined in a brochure published by the six commuter railroads who serve the area.

As one of several recommendations, the Chicago Association of Commerce and Industry, in its report of last May, stated that "a plan for the establishment of a regional transit operating authority should be completed as soon as possible in order to avoid further duplication of transportation facilities and to identify possible economies of scale." The Association's report explained that more specific recommendations on a regional authority would be included in a further study of long-range transportation planning. Realizing a need for solving public transportation problems, the Association of Commerce and Industry, in 1969, had retained the consulting firm of Cresap, McCormick & Paget for a special study.

CACI RECOMMENDATIONS

Because of the financial crisis of the CTA, the Association, in the interim report in May, issued a statement with the following suggestions for giving financial relief to the Transit Authority: 1. "A subsidy utilizing local revenue sources should be provided to meet operating deficits. The subsidy could be generated by general revenues of the City of Chicago and the County of Cook, by a parking lot tax, or by motor vehicle fuel tax funds. The role of Cook county is underscored by ridership estimates which show that one-fourth of daily rapid transit ridership involved a suburban origin or destination.

2. "The CTA should be relieved of its fixed obligation burden. The relief can be provided by governmental assumption of both the bond interest and principal payment obligations. Some combination of city, county and state resources should be used to accomplish this step. (The CTA's annual interest and principal payments amount to $8,060,000 on outstanding revenue bonds and $1,700,000 on equipment trust certificates.)

3. "A program of aid or matching funds for equipment replacement purposes should be made available to the CTA as well as other transit companies in Illinois. Such a program should probably be administered and funded by the state."

The latter recommendation was a reference to the federal government's transit aid programs which require "one-third local matching funds" to qualify for federal grants of two-thirds of the cost of capital improvements, including the purchase of new buses and subway-elevated cars. The largest federal grant program of this type thus far is now pending in Congress. The latest program, proposed by the Nixon administration with major bi-partisan support, would provide $3.1 billion in transit improvement aid over the next five years. However, the grants would go only to those cities, metropolitan areas and states able to provide the one-third local matching funds.

FEDERAL TRANSIT AID

It was this type of federal aid that the City of Chicago used for two-thirds of the cost of the new Kennedy and Dan Ryan rapid transit routes, as well as air-conditioned rapid transit cars for the new routes. A newly organized Chicago South Suburban Mass Transit District also has acquired more than $26 million in federal transit aid for 130 modern commuter cars for the Illinois Central. The first of these new cars are scheduled for delivery in December. An allocation of public funds on the basis of sound planning and coordination was one of the prime reasons cited by the six commuter railroads in their proposal for the creation of a new metropolitan transportation authority.

According to the railroads' proposal, the new authority, known as the Chicago Metropolitan Area Transportation System (CMATS) would embrace the present bus and rapid transit operations of the CTA, operations of six commuter railroads and the suburban bus companies. The railroads who made the proposal include Chicago and North Western, Illinois Central, Milwaukee Road, Burlington Northern, Rock Island and the South Shore. Initially, the new authority would have jurisdiction in six Illinois counties—Cook, DuPage, Lake, McHenry, Kane and Will. Ultimately, it would be extended to include the Lake and Porter counties in Indiana. Such an extension would require a bi-state compact created with the approval of Congress as well as the state legislatures of Illinois and Indiana. The area-wide authority would control all public transportation in the area either through acquisition or contracting for such operations. In addition, it also would control and coordinate the planning of major highways in the area and set priorities for the expenditure of public funds for transportation purposes.

FUNDING AND FUNCTIONS

On the question of subsidies, the railroads' proposal states that the new metropolitan transportation authority (CMATS) "should be established with appropriate initial and continuing public funding provisions whereby it can adequately assume the functions proposed herein . . . Since the need for urban mass transportation is essentially area-wide and not local in character, funding of the agency should be from sources other than local real estate taxes." The railroads explain that a "primary function and purpose of CMATS will be to establish priorities for public investment in transportation facilities, both fixed and moving, and to bring about meaningful coordination where uncoordination now exists."

"CMATS should have power to establish fares and routes, including appropriate joint fares and joint routes for multimodal trips and coordinated service by highway, rail and bus," it is stated. Another part of the railroads' proposal reads as follows: "CMATS, as the official intermodal transportation agency for the six counties, should be ultimately eligible and responsible for all federal aid, transportation planning, capital and demonstration (experimental) project grants in these counties. The regional scope of this agency would permit enlarged and meaningful research and development transportation projects, with the assistance of federal funding, not now possible with the fragmented private and public agencies of transportation in the area. The time is at hand to gear now to create a strong, well-staffed regional transportation agency to be eligible for increasing amounts of federal monies for mass transportation grants and research development."

SENSE OF URGENCY

A sense of urgency to create such a metropolitan transportation authority was implicit in the railroads' proposal, copies of which were sent to Governor Ogilvie, Mayor Daley, members of the legislature, and other public officials and agencies involved in transportation planning and operations. "Only a single agency can avoid the costly duplication of service and competition for public funds which now exists between about 20 public and private agencies," the railroads contend. "One agency must coordinate all elements of transportation . . . The CTA's financial crisis, the financial difficulties of several local bus lines and commuter rail lines and the new competition of the CTA's Dan Ryan and Kennedy rail services are but the first stages of transit problems that will increasingly plague the overall transportation capabilities of the various means of mass transit in Chicago."

The railroads explain further: "We have three choices: (1) to oppose subsidies to CTA for further extension of competitive median strip transit lines (such as to O'Hare on the Kennedy and farther south on the Dan Ryan); (2) to demand subsidies to permit continuation of our services; or (3) to propose a rational approach in solving the total urban transportation problem. We choose the last of the three . . . The need is urgent to allocate public monies in the most effective way. The Chicago area simply cannot afford the inefficiencies of piecemeal plans, stop-gap subsidies and transit agencies who compete with each other for less-than-adequate public funds. The Chicago area will get a proportionate share of available federal funds only if it can demonstrate it knows how to effectively use such funds—through coordinated transportation.

"In the final analysis, the beneficiary of coordinated transportation planning and operation, which only a single agency such as CMATS can provide, will be the public which pays for all personal transportation, whether it is good, bad or mediocre," the railroads conclude.

AUTHORITIES OPERATING ELSEWHERE

At first glance, from a national viewpoint Chicago might be criticized as having fallen behind in the solution of its public transportation problems. In recent years, for instance, new metropolitan transportation authorities have been established for the central cities and suburbs of New York City, Boston and Philadelphia. Subsidies in one form or another are being provided these new metropolitan authorities. In the Boston area, for example, 78 suburbs along with the city of Boston provide proportionate shares of real estate tax subsidies for the annual operating deficit of the Massachusetts Bay Transportation Authority.

Actually, Chicago can well claim considerable credit for its public transportation record up to now. The Chicago area has enjoyed perhaps the nation's best commuter rail service, as operated by the private companies. Until only recently, the CTA, as a public agency, had operated quite successfully almost solely on private enterprise principles. Now, there appears to be no doubt about the need for subsidies for public transportation. The CTA's urgent need for help has been well publicized. The commuter railroads have now sounded a second note of urgency—for the creation of a new metropolitan transportation authority.

TRIBUTE TO SENATOR YOUNG OF OHIO

Mr. HARTKE. Mr. President, I report with pleasure that I recently read in two leading metropolitan newspapers in Ohio published interviews with our colleague, the senior Senator from Ohio (Mr. Young) who is retiring voluntarily from the Senate following his two terms in this body and four terms as Congressman-at-Large from his State.

The Toledo Blade in its Sunday magazine section of December 6, 1971, published an article by Frank Kane of the Blade Washington bureau under the caption "Postscript for Senator Young—Peppery Ohioan Produced A Picturesque Career." Also, the Dayton Daily News of December 14, 1970, published an article regarding Senator Young under the caption "Young Leaving Senate With All Guns Blazing." Mr. President, I ask unanimous consent that these two newspaper articles be inserted in the Record at this point as a part of my remarks.

There being no objection the articles were ordered to be printed in the Record, as follows:

[From the Toledo (Ohio) Blade, Dec. 6, 1970]

Postscript for Senator Young—Peppery Ohioan Produced a Picturesque Career

(By Frank Kane)

Washington.—"I said to myself that I'm going to walk out of here with my regimentals still on, my back straight, and my head up. I've seen too many of them go out of here defeated."

Stephen M. Young of Ohio, with 20 years of service in Congress, including 12 in the U.S. Senate, plans to do just that in a few weeks—leave the Senate undefeated, with his head high.

There is no doubt that Ohio and the Senate will miss him, for this peppery little man has never been afraid to take a stand and announce it loudly, sometimes in blistering language. On the eve of his retirement from the Senate, at age 81, he is still perennially young at heart.

The other day, Mr. Young, sitting in his fourth-floor office in the old Senate Office Building, reminisced about his political career with this reporter. He also talked about his future.

"My way of life has been to work, so I'm going to practice law in Washington. I may have a desk in Cleveland (his home town) but I'll live in Washington and do most of my work here."

Recalling his younger days as a successful trial lawyer, much of it handling criminal cases, he mentioned that a Cuyahoga County common pleas judge already has offered to name him as defense counsel in the next first-degree murder case that comes his way.

"But trying criminal cases is hard work and I try my cases to the hilt. If my defendant was convicted on a murder charge, I'd want to appeal it all the way. So I turned him down."

But he did indicate that if something exceptional came along in the criminal field—"like defending Kent State students"—he'd probably take it.

He is proud of his role in the controversy over the May 4 shootings at Kent State University.

"Right from the start, I was on the side of the kids, and it had me coming out smelling like a rose." (Others, who take the position that the Ohio National Guard was justified in the actions taken at Kent State, disagree vehemently.)

The senator related that he was invited to speak last summer at Marietta College of Ohio and that supporters of Howard Metzenbaum, the long-time friend he was backing to succeed him in the Senate, urged him not to mention Kent State because it might hurt the Metzenbaum campaign.

"I said it was impossible not to mention Kent State. I talked about Kent State at Marietta, and I never got such an ovation in my life as I did from those 2,000 kids down there."

He went on to accuse Governor Rhodes of having made an "abominable blunder" by sending "that tired-out guard unit" to Kent State, but the senator added that the students who burned down the ROTC building at Kent "should be punished" even though the mayor of Kent himself had said that the building was an eyesore.

Discussing his own upset victory over John Bricker in 1958, which first brought him to the Senate, Mr. Young recalled how former President Truman volunteered to campaign for him in Ohio.

"I went right over to Ray Miller (then the powerful Democratic boss in Cleveland) and said this would be a wonderful thing. No one else thinks I can be elected. I guess you don't either, Ray. He just looked at me and didn't say anything.

"Anyway, I proposed to Ray that we hold a $100 a plate dinner, with Truman speaking, and split the profits 50–50 between my campaign and Ray's county Democratic organization. Ray said, 'Not on your life; any funds raised in this county go strictly to the organization.'

"So I went to Akron in the next county and rented a hall myself. We jammed them in with 3,000 people yelling, 'Give 'em hell, Harry,' and he did.

"After I was elected, the first request for a federal judgeship came from Ray Miller, who wanted one for his brother. Ray Miller's brother is still not a federal judge in Cleveland."

After Mr. Truman had made five speeches for him in Ohio, Mr. Young took him to the airport where the former president spotted a plane "with a number something like 90,000 on it and said, 'Steve, that's how much you're going to win by.' On election night I called him and said, 'You underrated me—I won by 150,000.' "

Then there was 1964, when he beat Robert Taft, Jr., by a very narrow margin, and a Cincinnati political columnist wrote that God must be Steve Young's precinct worker.

"I said that I've done a lot of fantastic bragging in my life but I never went that far."

Speaking of those past elections, Senator Young reached in his desk and pulled out a little rhyme that he had penned for a party given recently by Sen. Edmund Muskie of Maine for Mr. Young and the other Democratic senators who were first elected in 1958. Here's one stanza:

"The economy had grown sour
But them were the days of Eisenhower.
They did what they could to patch the crack
And everybody waited for Joe's son, Jack.
That class of '58."

He also found a file of those famous letters to constituents that he has written over the years. He laughed over some of them.

For example, there was a postcard from a Lima man who said that "only a low-down, destructive pro-Commie skunk like you would call the Chicago police "Fascists" for trying to maintain law and order during the Chicago convention."

In typical Young style, the senator replied, "If you really wrote that insulting postcard signed with your name and address, I denounce you as a skunk and a liar." Then he added a typical postscript, "It may be that some stupid crackbrain wrote this postcard and used your name and address. If so, you'll probably wish to take action to protect your name."

And there was the letter from a Cleveland suburbanite complaining that Jacqueline Kennedy's horse had been given free transportation from overseas by the army and asking if he could get the same free transportation if he purchased a horse abroad.

Senator Young replied: "Acknowledging your letter wherein you insult the wife of our president, I am wondering why you need a horse when there is already one jackass at your address." This brought him a telephone call from President Kennedy, who said that his wife had "got a big kick out of what you wrote."

Senator Young got a call from another president, Dwight Eisenhower, shortly after the Ohioan arrived in Washington in 1959.

'He got on the line and he started talking very fast about some farm project in North Dakota that he was sure we could reach an agreement on.

"I finally managed to break in, and I told him that he wasn't talking to Sen. Milton Young (North Dakota Republican) but Sen. Stephen Young of Ohio.

"There was a silence and then he said, 'God damn.'

"That was the only time President Eisenhower ever talked with me."

Switching to a more serious topic, he discussed his career in the Senate.

He has never faced what he regards as a really tough vote, although his was the deciding one in some close and important ones, because "I vote in accord with my conscience and my judgment. I don't count to see if there is a majority in favor or against when they come to my name."

He reiterated his belief that the most important vote he ever cast in the Senate was in favor of the U.S.-USSR nuclear test ban treaty because it was "the first step on the long journey toward peace."

He takes pride in his service on the Aeronautical and Space Sciences and the Armed Services committees, although for years he has been a minority voice on the Armed Services Committee because of his intense opposition to the Vietnam war.

One thing that came out of the space committee work was an accord with the Soviet Union for joint scientific work in Antarctica, and he hopes that this principle can be applied to joint exploration of outer space, with America and the Soviet Union sharing costs. This could greatly reduce the financial burden on American taxpayers, Senator Young adds.

He feels that he saved the taxpayers a lot of money also through his battle against civil defense.

Mr. Young was one of the first senators to oppose the Vietnam war "after having been a little hawkish on it." He did so, he said, because he believed that President Johnson had "changed the character of the war by putting American combat troops into a situation where his predecessors had been employing U.S. military men only as advisers."

How has Senator Young labeled himself in his years in the Senate?

"Every now and then I'm referred to as a liberal. That doesn't give me high blood pressure."

"But I'm simply an unhyphenated Democrat, without prefix or suffix."

[From the Dayton (Ohio) Daily News, Dec. 14, 1970]

Young Leaving Senate With All Guns Blazing

(By Doug Walker)

Washington.—Stephen Marvin Young, the pixie rebel of the U.S. Senate, has been described as a political happenstance.

The 5-8-inch verbal giant, who walks in a choppy side-to-side motion, is leaving the Senate at year's end with all guns blazing.

During just one routine day last week he took the Senate floor to denounce the Nixon administration's support of Franco's Spain; he was critical of the treatment of North Vietnamese prisoners, called for a United Nations supervised prisoner exchange and attacked the military for having too many generals and promoting incompetence.

Happenstance, accident, courageous liberal. Call him what you will, and many have, Young leaves the Senate at the age of 81 with one of the most remarkable political careers ever gathered in one wiry frame.

His career began in 1912 as a 22-year-old state legislator. Woodrow Wilson was elected the same year. Coincidentally, in 1932, when Young was first elected congressman-at-large from Ohio, Franklin Delano Roosevelt was also being elected to a first term as President.

After service in World War II, Young sought to return to Congress when Harry S. Truman, another underdog, was campaigning for the Fair Deal.

Young was already in the Senate when John F. Kennedy was elected President, and he won re-election the year Lyndon B. Johnson won his full term in office.

Young's trademark is a sharp temper.

His bombastic nature extends to the written word and reaches its heights in letters to constituents who have roused the Young ire.

However, his constituents sometimes strike back.

One suggested that Young consult a psychiatrist "to have your tongue and brain synchronized."

Young has avoided attacking fellow congressmen because the rules forbid it.

But when a pair of Ohio congressmen suggested that the senator's sharp criticism of the Vietnam war was giving aid to the enemy, Young took the floor to inquire:

"Would it be a violation of the rules of the Senate were I to assert in this chamber at this time that Rep. Hays of Ohio and one-term Rep. Sweeney of Ohio are guilty of falsely, viciously and maliciously making stupid, lying statements?"

He was told it would be a violation. He replied:

"I, of course, will abide by the rule of the chair. If, however, on some future occasion a similar contemptible attack is made on me with insert-like buzzing of lying allegations by either or both of these publicity seekers, I shall surely embalm and imbed them in the liquid amber of my remarks."

Many times a loser in those years since 1912, Young counts his greatest moment as that when he defeated white-maned John W. Bricker in 1958.

"I thought I was going to beat him, but apparently I was the only one," Young said.

He explained that Truman offered his help and Young asked Cuyahoga county Democratic Chairman Ray Miller Sr. to sponsor a fund-raising dinner with Truman as guest speaker.

Miller refused, Young recalled, "He looked at me with a cold fishy eye and said, 'No indeed. If there is any fund-raising dinner in Cleveland, every cent will go to the Democratic party.' "

Young spent $500 to hire an armory in Akron, took Truman on a parade from Cleveland to Akron. Truman told the crowd, "When you hear a politician calling himself 'Honest John,' run home and lock the henhouse door."

He credits Truman's speech in Akron and several Southern Ohio speeches with getting his successful campaign off the ground. The right-to-work issue on the ballot, which brought Democrats out in droves, also helped.

After beating Republican idol Bricker, Young found himself up against another mystical name six years later—Robert Taft. In a disastrous Republican year, Young won again.

He likes to tell one story about the Taft campaign. Young said that Taft was a gentleman, but many young Republicans supporting Taft were saying that Young was a "senile old man."

It was this charge that caused Young to debate Taft, even though he knew the harm it might cause. He points out that Taft is much younger and looks even younger.

The Senator said he arrived at a television studio and was approached by an attractive blonde who offered to put makeup on him for the cameras.

At some point, Young's wife intervened and said she would makeup the senator. He said his wife handed him a glass of ice water and whiskey and said, "Here, Buster, this is your makeup."

"I did very well in the debate," he said, and later learned that the blonde was a Taft partisan.

Young laughs a lot. He enjoys recalling the past and he enjoys politics. "Politics was fun in 1912, but it's more fun now," he observed.

He is obviously sad about stepping out, but he said seriously, "You can't sweep age under the rug."

However, he doesn't plan to retire. He will open law offices, one in Washington where he will continue to live and a second in Cleveland. "My name will be on the door," he asserted.

One of his favorite topics is cats. A favorite is named "Pinky," which he calls "the small cat of many lives."

The senator estimated that he has spent more than $1,000 on medical expenses for the small animal he picked up as a starving kitten. She has even had one eye removed.

The veterinarian has recommended putting Pinky to sleep on more than one occasion, but, Young said, "Something would go out of my life if they killed that little cat."

Once when Pinky was gravely ill he devised a formula of one-third warm milk, one-third warm water and one-third bourbon whiskey. He gave it to Pinky frequently with an eye dropper.

THE BIG THICKET: LAND OF BEAUTY AND MYSTERY

Mr. YARBOROUGH. Mr. President, last Wednesday this body unanimously approved my bill creating a Big Thicket National Park in southeastern Texas. The bill has now been referred to the House and I am hopeful that they will act favorably upon it in the precious few days remaining in this Congress. House approval of this bill would be most timely, for likewise, there are precious few days remaining for the Thicket—the area is being systematically destroyed at the rate of over 50 acres a day.

Although the Thicket is best known and loved for its vast pristine beauty, beauty that encompasses huge trees, dense undergrowth, rare and beautiful birds—including possibly the last ivory-billed woodpecker—deer and wildcats, the fast vanishing alligator, and over 21 varieties of wild orchids to mention just a few, it is also known for its many legends and mysteries. One, the Mysterious Ghost Light of Saratoga, is reviewed in a fascinating article by Marge Crumbaker in the December 13, 1970 issue of the Houston Post entitled, "Saratoga Mysterious Ghost Light: It Turns People On." According to local folklore, this eerie illumination which appears along the lonely logging road that connects the near-deserted town of Saratoga with the rest of the world, is the eerie glow of a lantern held by a headless railroad engineer who met his unfortunate demise when the road was used as a railroad trunk line. This hypothesis along with some scientific observations are intriguingly presented in the article by Miss Crumbaker.

In this Houston Post article, Archer Fullingim, editor of the Kountze News, described how private interests are systematically cutting down anything with value.

Mr. President, I ask unanimous consent that this article along with an editorial concerning the Thicket that appeared in a recent issue of the Port Arthur News be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIG THICKET PARK IS MAKING HEADWAY

Despite foot-dragging by the Department of the Interior (during the regime of its recently departed Secretary, Walt Hickel) the Senate's Interior committee came through last week with highly encouraging action in favor of a National Big Thicket park.

The committee approved Senator Ralph Yarborough's bill sanctioning a park of not less than 100,000 acres. Considerably smaller acreage had been discussed, and the larger area is sure to be questioned by timber interests.

The measure still must tread a path toward adoption by the whole Senate. However, with the "lame duck" session in its final hours, there is little likelihood of further progress until the new Congress organizes in January. If Senate passage is achieved, the long-awaited park proposal will start its trip through the House.

Senator Yarborough boldly stuck by his gun for the national recreational complex and personally engineered its acceptance by the Senate panel.

Among Port Arthurans doing yeoman duty for the park was Mrs. Edna Jagoe. As Big Thicket chairman for the Texas Federation of Women's clubs, she rallied that formidable segment of womanpower behind it. Mrs. Jagoe led a statewide campaign in behalf of telegrams and letters to Senators in the park's behalf. We acclaim her efforts.

She won't rest on her laurels now, and all advocates of preserving what's left of this picturesque forest must join her and other leaders in pushing the project to reality.

IT TURNS PEOPLE ON

(By Marge Crumbaker)

Has Saratoga—that quiet town surrounded by the majestic beauty of the Big Thicket—lost its fabled ghost light? Did Saratoga, in fact, ever have a ghost light to lose?

Well, one thing is certain about that eerie, on-again-off-again apparition: Regardless of whether it is or isn't, was or wasn't, the controversy about its existence never vanishes.

This very week end, the woods are filled with persons who have seen the ghost light. The woods also are filled with those who looked and looked and never caught even a glimpse. There will be a few out there tonight, making their first attempt at tracking it down, and there are those who scoff and maintain there never was a light to begin with.

Well, something is out there. Something that has been shot at, shouted at, screamed at, run from and pursued.

Those who say they have seen the light are pretty much in agreement on what they saw: A moving glow which changes in intensity—from a soft and mellow luminosity to a bright, white intensity. Sometimes, they say, when the nights are foggy and damp and moonless, the light changes to shades of blue with touches of red.

Some observers have watched it glide slowly, slowly, just barely moving along. Others, their mouths open, have seen it racing like the wind, darting across the road, chasing back and forth, jumping through the trees.

The light, they say, likes to fool those who invade its domain. Sometimes it appears in front, the next moment it approaches from behind. Once it perched on the windshield of a parked car, and the passengers—who described themselves as cool and collected disbelievers *before*—began yelling and kicking and screaming, and switched to scared-stiff but-ghost-light-fans forever.

Alice Griffith of Baytown is one of those who has seen the ghost light and is not reluctant to share her experience and others. She led our group of ghost light hunters, including Peggy Foreman of Baytown; Peggy's brothers, Teague and Ronnie; Sunshine Tucker of Houston, a record company executive; and photographer Bill Goodwin. Our destination: A lonely road near Saratoga, the only road the ghost light travels on its mysterious journeys.

Saratoga—site of the first oil well in Texas and the headquarters of the Big Thicket Association—was sound asleep at midnight when we reached its outskirts and turned west on State Highway 105. We drove a mile and a half in silence, passing the first tower brooding in the night, then turned north on a narrow blacktop road. The blacktop portion soon veered to the left, ending at a dump site, but the sandy, two-lane road flowed on ahead, straight as an arrow.

This sandy road, it seems, once was a railroad spur, but the ties and the rails were removed long ago, leaving a ribbon of earth flanked on both sides by towering monarch pines. We drove about two miles, parked the two cars, and got out. We were in ghost light territory.

There was no moon, yet the night was not black black. Millions of stars were twinkling overhead, and the whispering pines seemed to be stretching to touch them. Crickets were chirping and tree frogs were croaking, but otherwise there wasn't another sound except our half-whispered comments to each other. You could almost HEAR the silence beyond the chirping and the croaking. And suddenly I was apprehensive: This place was spooky.

Peggy Foreman was looking to the north. Once, she said, she was looking south and the ghost light had come up from the north and had frightened her almost to death.

"The first time we saw it, we got very scared," she said, her voice soft but sounding strangely loud in the still night. "It starts off as a little red glow. Then it gets to be a big haze and lights up real big. Just glows real big. It looks kind of like a car light, except it is just one light."

Teague Foreman observed that he had heard the mystery light was created by swamp gas—"or something."

Ronnie Foreman, who has seen the light "maybe 20 times in all kinds of weather," thinks it resembles the glow of a Coleman lantern. "I've never failed to see it," he said. "Once or twice it has taken longer than at other times. But when it comes, it appears to move rapidly."

He was in the car on which the light once perched. "It came up to the windshield, and it was scary. It just floated there. All I could see was a glow. There were some kids with me, and they started yelling and screaming, 'Start the car! Start the car!' They were kicking and jumping all over. I was too scared to start the car, and finally the light just went off into the trees."

Any ghost light worthy of the name has to have a legend, and Saratoga's phenomenon is no exception. Listen to Alice Griffith's version:

"They call this the Bragg Road. They say Mr. Bragg used to live on this road when the train ran up and down, and he was walking along the tracks one night when the train ran over him and killed him. They found his body, but not his head. Well, anyway, they buried him. The people around here say this light is Mr. Bragg out here on the road, looking for his head."

Sunshine Tucker swallowed hard. Goodwin's teeth clamped onto his pipe stem. I was nervous, just plain nervous.

"The light," Alice continued, "is supposed to be from the lantern Mr. Bragg is carrying as he walks along, looking for his head."

Gulp.

"It gets real quiet when the light appears," Alice said. "That makes it a lot scarier. Just all of a sudden—nothing! No sound. Just the light."

We stood there in the middle of Bragg Road, silently watching. Watching for WHAT? It was, maybe, 15 minutes later that Teague Foreman said suddenly, sharply, "There it IS ! !"

If he had set off a firecracker, the result would have been the same. All of us jumped. There WAS a bluish light, a small light, so small that it was barely visible back down the road, back in the direction we had come from, about a mile away. It moved slightly, sometimes up and down, sometimes seeming to cross the road.

We stood there, fascinated, in the middle of Bragg Road for perhaps 20 minutes. And then the intensity of the light increased; it flared into reds and blues. Suddenly, frighteningly, it seemed to be charging at us. "Good grief!" Ronnie Foreman exclaimed. "We'd better get off this road! That must be a car, it's coming so fast!"

Bumping into each other, we stampeded to the side of the road. The night was so quiet, except for our heavy breathing, that the silence seemed to be pushing itself into us. Sunshine Tucker was the first to realize that although the light still was moving toward us, there was no motor noise. "This scares me," she said from somewhere out there in the dark. "If it's a car, why can't we hear it? And why is the light just ONE glow, not two headlights?"

Nobody answered. The light was dimming. It moved from one side of the road to the other. It was withdrawing from us—and then it disappeared.

Ronnie Foreman cleared his throat. "That doesn't look right," he said. "It usually comes from the north, not the south."

He suggested that we all walk down the road and take a closer look, but no one volunteered to join him. We moved back to the middle of the lane they call Bragg Road and stood there in the dark, close together, very close together. For two hours we waited and watched. The light appeared once, glowing softly, but it was small and distant. "Perhaps Mr. Bragg isn't feeling too well tonight," Alice suggested.

A car came down the road. No mistake about it: This WAS a car. We heard the motor and saw the headlights. It approached us, came almost to the spot where we stood, but turned around and retracted its path. We seven light-hunters were tired and, frankly, strained. We decided it was time for us, too, to leave, to get back to the highway. And if we saw the light again, we agreed, we would not stop.

The drive back to Highway 105 was made in silence. The ghost light did not emerge again. The sight of the highway was a welcome one, the sound of the tires on its smooth surface was comforting. Nobody looked back.

A few days later, I returned to Saratoga—in the daytime. Surely someone there could furnish some clues to the ghost light's origin. But Saratoga's residents have mixed feelings about discussing it.

W. V. Trahan Jr admitted that he has seen the light—once. "It was a real foggy night," he recalled reluctantly. "It moved right to my car, then veered off into the woods. It's just a soft blue and red light, that's all I know. Kids come up here and look at it and drink beer and park."

L. L. Hoffman, changing a tire at a service station, said the light was well-established in Saratoga lore when he moved there 30 years ago. "Some people see that light and some don't," he said, wiping the grime off his hands. "It's more available on a dreary, foggy night than it is on a clear one. Dampness seems to play an important part in how well you can see it.

"It looks like, well, a ball of fire. Sometimes it's bigger than others, about the size of the moon, I'd say. It moves about. I've always thought it's something like gas that comes out of the ground with dampness."

Bragg Road, the ghost road, is lovely to behold in the daylight. The forest smells clean and fresh after a night-long rain. Shafts of sunlight make patterns on the ground between the trees, and birds sing loudly.

The road is nine miles long, and only two families live along it. Mr. and Mrs. T. J. Chessher were sitting on their front porch, enjoying the sun, when we arrived. They grinned when mention was made of the ghost light.

"Come on up here on the porch and have a seat," Mrs. Chessher urged. "We were just laughing about the ghost light and all that yelling and screaming we heard down there the other night. Sometimes there is so much traffic on this road, you can't get in or out."

The Chesshers have lived there 10 years and they never have seen the ghost light or any other kind of mysterious glow.

"There's no ghost light," Mr. Chessher said. "It's the reflection from car lights which come over a slight rise on Highway 105."

"There is no ghost and no light," his wife agreed, "but you can't convince people of that. Somehow the story got started and kids drive out there and park and scream and cry until dawn. Why, there's so many cars down there at times, there have been wrecks!"

It's a wonder, she commented, that somebody hasn't gotten hurt, because someone is always shooting and some of the shots come from high-powered rifles.

"Last week, I got pretty scared myself," she admitted. "It was dark, and I went outside with the flashlight to check on my chickens. I guess some kids had been parked in our road, because even down here I heard a boy yell, 'There's that ghost light!' and the car started up and came roaring down here. I turned out the light and went to the back of the house and waited perfectly still until they finally left."

We thanked the Chesshers and walked back to the car. "Listen," Mr. Chessher called from the porch, "if you write about all this, please say in there it is just a joke. The light is just a joke. That newspaper editor over at Kountze started all of this by writing about a ghost light. He got everybody stirred up. But it's just a joke."

Heading north on Bragg Road, the car crosses a blacktop which runs between Thicket and Honey Island and connects with Highway 105. But you keep on driving north, go round a curve and across the railroad tracks, and you spot a wonderful old two-story structure still wearing some of its barn-red paint. A fence keeps strangers out and two friendly dogs in. The grass and shrubs are neatly cut and trimmed. The aroma of cooking drifting from the house is mouth-watering. You've arrived—at Bragg Texas.

This is the Bragg Hotel. It is the only structure remaining in the community and it is the home of Bragg's sole resident, Mrs. Margaret Ayres, 86, was preparing her lunch of fried sweet potatoes and pork chops, but she was willing to talk about the old road and the town and the mysterious light.

"I came to Bragg in 1906," she said, poking a big fork into a thick slice of sweet potato sizzling in a huge cast-iron skillet. "Santa Fe built the track between Bragg and Saratoga in 1903. The train hauled freight and timber and people; Honey Island was a lumber camp. There was great activity all over this country in those days. Lots of people working in timber, building railroads."

Mrs. Ayres bought the hotel in 1908 and had a flourishing business. She cooked, managed the hotel, and nearly cornered the business market in Bragg when she owned the only store, boarding house and hotel, and ran the post office.

"Bragg never amounted to much in the way of permanent buildings," she said, removing the browned sweet potatoes and starting the pork chops in another skillet. "There was a section house and a depot and a few other things, in addition to my hotel. But at one time, 1,200 people got their mail here. The Santa Fe had lots of cars on sidings, and workers lived in the cars."

The oil fields were bursting with gushers, the timber barons were chopping their way to riches, and boom times came to Bragg and Saratoga. Then the boom vanished, and as suddenly as it all had started, it all ceased. Bragg now is Mrs Ayres. Saratoga is tiny and quiet. The tram railroad has been torn up.

XUM

And the ghost light? "I'm sorry," Mrs Ayres said. "I've never seen it.

"I don't mind all of the kids who come out to look for it. I kind of enjoy all of the cars. But I don't think there is a ghost light. I tell the kids that, and they say, 'Now, Mrs Ayres, we just don't believe that. There IS one.'"

It can get awfully lonesome in Bragg, Mrs. Ayres admitted, and when she gets lonesome, she feels sad. That is when she sits out on her porch and rocks and thinks about how times used to be in Bragg. And the people who accidentally drive up in search of the mystery light help break the silence . . .

Archer Fullingim, editor and publisher of the Kountze News, was on the line.

Hello, Archer. Have you ever written anything about a ghost light at Saratoga?

"I certainly have. Reams and reams and reams of stuff."

Archer, a man up in Saratoga mentioned the other day that your stories have caused a lot of people to look for something that doesn't exist.

"Ha!" snorted Fullingim. "Oh, there's a light all right. I've seen it a million times. It isn't there anymore. Recently, they've cut down almost all the trees on the tram road from Bragg to Saratoga. I went out there lately and I can't see it and nobody else has seen it. You see," and now the voice was that of a man warming to a cause, "the timber companies are systematically cutting down anything that has scenic value . . ."

Pardon me for interrupting, Archer, but would you describe the light?

"Well, it bounces down the road," he said. "It was scary at first until I got the experts in there and found out what it was. That was three or four years ago. I got men from the University of Houston, Rice and Lamar Tech to come out and take looks, and they said it came from conditions there."

Was the light known before the days of automobiles?

"Oh yeah, yeah, yeah. It was there forever. A lot of people think it was a car light shining down the road from Saratoga, but I've seen the light when there wasn't a car on the road and I had people helping me.

"It's a chemical thing that rises from the ground, there's no doubt about that. You see, this is Spindletop country, and wonderful things are under the ground. But when they cut the trees down, it took some of the dampness away and the ground is just as dry as a bone in some places, and it has changed the conditions under which the light was best seen."

Well, the light apparently has survived the timber cuts, Archer, because it was there just nights ago.

"Still there, huh?" The editor's tone softened a bit. "Well, I'm glad. Best thing that ever happened to Saratoga, that light. They ought to be proud of it. It's an eerie sort of thing, the way it bounces down that road. Real eerie. But it's something very special."

And so it goes with the ghost light of Saratoga. Did we see it? Or was it something else? T. J. Chessher's words keep invading our thoughts:

"If you write about all this, please say in there it is just a joke. The light is just a joke."

But is it?

THE WARSAW TREATY—A RIFT THROUGH THE GERMAN PEOPLE RATHER THAN RECONCILIATION

Mr. ALLOTT. Mr. President, the influential West German newspaper publisher, Dr. Axel Springer, has written a penetrating and soul-searching, signed editorial in Die Welt, one of the largest West German daily papers.

The editorial concerns West German Chancellor Willy Brandt's "Ostpolitik" and the effects these policies are having on the German people.

The editorial greatly reflects my own thinking on this matter, as evidenced by the recent speeches I have made on the floor of the Senate on this very subject.

I urge all Senators who are concerned with the stability of NATO and the future of the free world in Western Europe to study this editorial, which was printed in the December 12, 1970, edition of the paper.

Mr. President, I ask unanimous consent that the editorial entitled "Warsaw Treaty—A Rift Through the German People Rather Than Reconciliation," be made a part of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WARSAW TREATY—A RIFT THROUGH THE GERMAN PEOPLE RATHER THAN RECONCILIATION

(Translation of an article by Axel Springer)

No cause for celebration, commented Willy Brandt as he was about to take off for Warsaw to sign the treaty with Poland. Did he intend to correct an unfortunate remark by his Foreign Minister?

For on the day he initialled the treaty, ceding a quarter of divided Germany's territory, Walter Scheel had said he was very happy.

Ten million of his compatriots felt a stab of pain at the loss of their homeland. A decision which by definition was to be reserved for a European peace treaty has been anticipated under no compulsion whatever. A Communist government is empowered by a freely elected German government to annex a part of Germany. And the German Minister, reaching for his pen to initial the document, talks of happiness!

Perhaps because, as Willy Brandt keeps asserting, this treaty is a step towards understanding between Poles and Germans? Were it that, were it a step towards understanding with the Polish people, then even most of the Germans exiled from the ceded territories would support such an act, though with a heavy heart at the loss of their homeland.

But that is just where opinion is divided: the agreement signed this Monday by the Social-Democratic German Chancellor and the Communist Polish Prime Minister in the Radziwill Palace is grist to the Warsaw regime's mill, but not a step towards understanding with the Polish people.

Many Germans who were not supporters of Hitler approved the "Anschluss" with Austria in 1938. And many Poles who hate their government will approve the frontier treaty. But that does not bring understanding from people to people, just as the Anschluss was not followed by a period of peace but by the most frightful of all wars. In politics itself, wrong does not pay.

The Warsaw treaty, which the west German Government acclaims as a work of peace, does not bring reconciliation with the Poles. It tears a deep rift through the German people.

Loyalties, which can unite a people even where opinions divide it, now collide. Suspicion grows, opposite views degenerate into enmity.

Willy Brandt used to point out, tirelessly, that recognition of the Oder-Neisse line as Polands' western frontier put recognition of the "DDR" out of the question—and vice versa. He was right when he said that if the "DDR" were recognized as a sovereign state, west Germany would have no common frontier with Poland. But now both are to be recognized.

Who was it who sat year after year at meetings of exiles and applauded their right to a homeland? Who promised them not to recognize the Oder-Neisse line before a peace treaty was signed?

It wasn't only the CDU/CSU party. Social Democrats and Liberals vied with them in doing so.

"Breslau, Oppeln, Gleiwitz, Hirschberg, Glogau, Grünberg—these are not merely names, but living memories rooted in the minds of generations and ceaselessly knocking at the door of our conscience.

"Cession is betrayal—who would deny it? . . . The right to a homeland cannot be sold for a mess of pottage—there must never be any double dealing behind the backs of our exiled and refugee compatriots."

Thus the late Erich Ollenhauer, Willy Brandt and Herbert Wehner in a joint statement in 1963.

Only Wehner worded it even more clearly: "It is decisive that there is the legal title in the Potsdam agreement according to which the areas east of the Oder-Neisse are placed under provisional administration (by Poland). I hold to this legal title. Frontier questions can only be settled in a peace treaty with the whole of Germany."

And Thomas Dehler, the doughty Liberal from north Bavaria, went even further, saying: "We lay claim to the German eastern territories . . . and in doing so can appeal to the United Nations Charter."

And finally when the "DDR" recognised the "Oder-Neisse line" as a "peace frontier", Paul Loebe, the venerable Social-Democrat and former President of the Reichstag, who was mishandled by the Nazis, stated in the Bundestag:

"In accordance with the Potsdam agreement", said the Doyen of the House in the name of all members except the Communist parliamentary party, "the part of Germany east of the Oder and Neisse has been handed over to the Republic of Poland as part of the Soviet Occupation Zone for interim administration only. The area remains a part of Germany.

"No-one has the right to surrender land and people or to pursue a policy of abandonment on their own authority. These, like all frontier questions, east or west, can only be settled by a peace treaty, which must be signed by a democratically elected German government . . ."

Despite all this there is now official recognition for the loss of the eastern German territories. What has changed to lead to this new situation? The answer is not forthcoming, because there is no answer.

The Bonn coalition's Ostpolitik is laid down as though the Communist bloc were an immutable power whose norms preclude any turning point in history. Such pessimism ignores the historic experience that dictatorships always only look as though they were built for eternity. Germans of all people should know that.

It was this conviction which since the war has strengthened our people and their responsible politicians in resisting the temptation to pledge their future to the forces of tyranny.

Thus anyone who recoils at Walter Scheel's happiness today, or fills with bitterness at Willy Brandt's signature in Warsaw, is not necessarily a diehard right-winger. He stands by a conviction jointly held by all democratic parties in the Bundestag and their electors before this Government, without reason, broke it.

Those who utter warnings today speak with the stilled voices of departed and living Social Democrats and Liberals. But whoever points a finger at the warners denounces Erich Ollenhauer, Paul Loebe, Ernst Reuter, Thomas Dehler, the earlier Willy Brandt and the earlier Herbert Wehner. They knew the difference between asserting their own legal standpoint and revenge. The warners of today know it still.

We have been made to hear a great deal about the "missed opportunities" of the Adenauer era. Now Adenauer had opportunity at any hour during his years of government to underwrite the "realities" so advantageous for Moscow and to sign a treaty of surrender with Poland. If that had been his intention, Kurt Schumacher and Erich Ollenhauer, Theodor Heuss and Thomas Dehler would rightly have prevented him, with the reproach that he was acting against the interests of his country.

It is said that the times have changed. Are the times the only motive for the change of heart accomplished in the new Ostopolitik?

The times have brought enhanced power to the Soviets despite persistent economic failures; they have brought the Wall, the invasion of Czechoslovakia, a rapid spread of Russia's sphere of military influence in the Middle East, and an escalation of strategic armaments in the arsenals of the Kremlin. The times have brought renewed persecution of Polish Jews and, instigated by the Soviets, a serious threat to Israel—whose fate should concern Germany's politicians more than the good humour of a Willi Stoph.

Those who see among these portents the opportunity for fruitful collaboration confuse political occultism with a sense of reality, however much they talk of the "realities."

Walter Scheel mentioned that "there is now no cloud in the sky". But the sky is black.

And what the Chancellor and his friends take for the dawn is the Red Flag of Soviet imperialism, which menaces all of Europe.

Whoever sees cause for happiness in this imperils more than his own happiness.

NEED FOR EARLY DIAGNOSIS OF HEARING LOSS NARRATED BY NEW YORK TIMES

Mr. YARBOROUGH. Mr. President, since I first came to Washington as a Senator, I have had the great privilege of working for legislation to improve and extend opportunities for the deaf. Some of the recent legislation in this area includes the model secondary school for the deaf—Public Law 89-694—the National Technical Institute for the Deaf—Public Law 89-36—and S. 4083, a bill which I introduced in the second session of this Congress to maintain and operate the Kendall School, located on the campus of Gallaudet College, as a demonstration elementary school for the deaf. S. 4083 has been passed by the Senate and has been ordered reported to the House of Representatives by the Committee on Education and Labor.

I also have the honor of serving on the board of directors of Gallaudet College.

Approximately 3,500 profoundly deaf children are born in this country each year. Another 100,000 or so newborn infants have moderate to severe hearing loss. The first step toward providing these children with an opportunity for a normal way of life is early recognition of their deafness, or degree of hearing loss. Unfortunately, however, the deafness of many children is not recognized at an early age, and this delay in diagnosis lessens the effectiveness of speech and hearing training that would aid in their progress toward successfully living in a hearing world. An additional important factor in early diagnosis is that if a child is diagnosed as having adventitious hearing, a hearing loss that will grow progressively more severe if not treated, early treatment will preserve some degree of hearing. Lack of diagnosis and treatment can lead to severe or profound deafness.

Early recognition of deafness and hearing loss contributes in two ways: First, it increases the chances for acquiring usable speech; and second, it helps in diagnosing associated medical problems, such as eye and heart defects, mental retardation, and neurological problems that are often associated with congenital deafness.

My bill, S. 4083, would not only implement but would stress early diagnosis of children suspected of having a hearing loss.

Mr. President, I wish to call to my colleagues' attention an article in the New York Times Magazine for Sunday, November 29, 1970, entitled "They Hear the Sound of Silence." This article tells of some of the problems faced by hearing-impaired children and by their parents, and also tells of progress being made in early testing and training for hearing losses. I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

They Hear the Sound of Silence

(By Samuel Moffat)

The audiologist knew they were terrified. He wished he could prepare them for what he had to say.

"I'm sorry to confirm your suspicions. Brad is profoundly deaf."

This scene is repeated thousands of times a year at hearing and speech centers or in the offices of otologists, the physicians who specialize in ear diseases. Approximately 3,500 profoundly deaf children are born in this country each year. Another 100,000 or so newborns have moderate to severe hearing loss. The deafness of many children is not recognized at an early age, however. In some it is not confirmed until after they are 10 years old.

The Youngs were fortunate they learned the truth about Brad's condition when they did. Today, with a hearing aid and continuous training since the age of 10 months—principally by his mother—he is progressing toward living in a hearing world.

Contrast him with another boy who came to the San Francisco Hearing and Speech Center at about the same time. Robby, 5 years old, proved to be just as deaf as Brad, and there was every reason to believe he was born that way. Since he could not hear, he had not begun to speak nor had he developed other language skills normal for his age. At the age of 9, he still cannot talk. He can understand some speech, thanks to his hearing aid and lip reading. But the only way he can communicate with others, except by writing, is with hand language—the hand signals and finger spelling used by the deaf.

Why can Brad use sound, while Robby lives largely in silence? Their hearing did not make the difference. Dr. Rayford C. Reddell, director of the hearing and speech center who tested both boys, says they are both profoundly deaf. This means that without hearing aids they cannot detect sounds of less than 85 decibels. (Normal conversation is about 60 decibels; a motorcycle engine produces about 85 decibels when you are standing beside it.)

Early recognition of Brad's problem contributed greatly to his rehabilitation. Early recognition is important for two reasons: First, it increases the chances for acquiring normal or at least usable speech. "A child usually starts learning a few simple words before he is a year old," Dr. Reddell says. "He progresses considerably between the ages of 1 and 2. If a hearing defect can be corrected before the age of 2, or if a deaf child can be stimulated during this period of natural readiness, the possibility of helping him is much greater."

And second, detecting deafness early often helps in the diagnosis of associated medical problems. According to studies by Dr. Robert J. Ruben and his associates at Albert Einstein College of Medicine, as many as 20 per cent of congenitally deaf children may have other defects, such as serious neurological problems, mental retardation, eye defects, and heart defects.

Parents of a deaf child are not always responsible for late detection of the hearing loss. Many are dealing with their first child. Since they do not have the experience of watching previous children develop, they do not know what to expect. And quite often the medical profession must share the responsibility.

Dr. Reddell notes that many times a pediatrician will say, " 'Your child's not ready to talk yet. Leave him alone and he'll come along.' But it sometimes turns out that the child has not begun to speak because he cannot hear."

The Youngs themselves faced this problem. Brad was six weeks premature and two of his sisters had German measles early in the pregnancy, so the parents were watching for problems. When he was 3½ months old they decided he might be deaf. The major clue was that he never moved when the other children slammed the front door, even though it was only about 20 feet from his bassinet. (Other clues parents might look for: Does your baby turn to see where a sound comes from? Between 6 and 9 months, does he sometimes repeat sounds you make to him, like a series of echoes?)

In the next few weeks the Youngs consulted four physicians, including the family pediatrician and a hearing specialist. All four medical men advised them to wait until Brad was 4 or 5 to see whether he had any hearing problem.

Fortunately for Brad, Mr. Young then happened to hear a radio program about deafness and learned that very young children could be tested for hearing loss. The program mentioned the San Francisco Hearing and Speech Center, and the Youngs promptly called for an appointment.

Early recognition was not the only factor that altered Brad's future. There were children his age in the classes he attended at the center who have not progressed nearly as rapidly in hearing and speaking.

The difference between Brad and these other children is a second critical factor—parental determination. "Behind every deaf child who has learned to speak there stands a persistent adult, usually his mother," says Dr. Redell. Mr. Young looks back at the four years of daily effort by his wife and confirms this: "It is strictly her success. If it hadn't been for her, there would be no success.

Before parents can become motivated to help their child, however, they must get over the shock of learning that the youngster is deaf. "I couldn't think about it at first," Mrs. Young reports. "Whenever I did, I ran to the bedroom and cried."

Ursula Jacobs, the psychologist in the San Francisco hearing center, says that the parental reaction can be described as a period of mourning. And they have to go through it before they can help their child.

One way to help parents accept that their child cannot lead a really normal life is to let them observe the psychological, social maturity, and developmental tests given the child. These tests show the professional staff where the youngster stands and where he can go next. They also show the parents that their youngster is already living a life that is different from normal.

Speech and hearing training can begin as soon as a child gets his hearing aid. Brad got his when he was 10 months old. He had two sessions a week with a therapist, and in between Mrs. Young spent from 30 to 60 min-

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utes a day following the therapist's instructions. At first she taught Brad to string beads and stack blocks; later she showed him pictures and said the words for the objects over and over again. And all the time she talked to him, talked to him, talked to him. "I found a dozen ways to talk about cereal when I was feeding him," she remembers.

But it was difficult. She recalls that on their second visit she was "bawled out" by the therapist, Susanna Baltzer, who now teaches at Gallaudet College in Washington, D.C., a college for the deaf. "You haven't been talking to this child. What do you do with your other children?" Miss Baltzer demanded.

Psychologist Ursula Jacobs says: "Parents frequently assume that because their child doesn't hear they don't have to talk to him. You talk because the child must learn to focus. If he doesn't understand the content, he can learn the facial expressions."

It took 13 months for Mrs. Young to see the first tangible evidence of her work. Brad was 23 months old when he could recognize five vehicles in a puzzle and hand her the proper piece on command. She was so excited she called in the neighbors. "Brad can do it!" she exclaimed.

Brad still could not speak. He was over 2 when he first said "Momma." But by 2½ he was talking a great deal, and his vocabularly had expanded to 125 words.

The Youngs have had many trying moments. More than once Bard's mother fought him for 15 minutes until he was so exhausted he fell asleep. At other times he will take a whole hour's instruction without any objection. Today she uses the trick of placing a blackboard across both their laps, so he cannot get away until she lets him up. But she tries not to overwork him—because she does not want to destroy his urge to learn.

Exasperation and frustration are part of bringing up children, but they can be escalated with a handicapped child. It is healthier if the parents acknowledged these feelings instead of denying them. A good way to minimize the effects of such emotions is for the parents to give themselves some time away from the deaf child—a night out each week, or an afternoon alone, for example.

Brad's parents do not believe his older brother and sisters have been slighted for attention and affection. "I devoted as much time to each of them when they were young," his mother said. She admitted it might have been different had there been another baby after Brad.

In general, however, healthy children tend to be short-changed in a family with a deaf child, says Mrs. Jacobs. "All other things being equal, the handicapped one draws attention away from the other children. This is particularly true when the parents have not successfully passed through the mourning period and are still shopping for some sort of treatment. Their energies will go into this instead of providing a healthy family setting."

Excessive attention also tends to "infantilize" the deaf child. "These kids are not allowed to become independent as early and to as great a degree as they should," Mrs. Jacobs says, "because the parents feel guilty and do too much for them."

Relatives and neighbors can be a great help—or a hindrance—depending upon whether they foster the right sort of behavior or not. The Youngs live in a neighborhood with lots of children, and their presence has greatly benefited Brad. "They don't show him any favoritism, but they're realistic about how much he can understand," Mrs. Young said.

Mrs. Jacobs says that "parents have an obligation to educate their relatives and neighbors about the needs of a deaf child. They have to be very specific about such matters as talking to the child and expecting him to speak to them when he becomes able to."

Brad entered a kindergarten for the deaf this fall at the age of 4 years and 9 months, a year earlier than most youngsters because of his progress. But this struggle to speak and be understood still goes on.

He is at least a year behind normal children in language skills. It's hard to understand him because sometimes he sounds as if he has a cleft palate, and he tends to talk too loudly. But these seem minor problems after the strides he has made.

School alone will not solve Brad's remaining problems. The Youngs already notice disadvantages in having him attend classes for deaf children. "Deaf classes are so quiet," Mrs. Young said, and this affects him. "When he's with deaf children he seems deafer. When he's with talking kids he talks more."

What will happen to Brad as he grows up? We can get an idea of his future by looking at another deaf child who is now approaching adulthood. Liz Browning is an attractive 19-year-old who is a sophomore at college. Liz dates a lot, loves movies and dancing. She wears her blond hair long over her shoulders but it does not always hide her two hearing aids. There are other clues to her deafness, too. She watches you speak with complete absorption, because she cannot understand you unless she sees your lips move while she hears your words. Accordingly, her eyes never leave your face while you are talking.

Her speech has an unusual quality. She lengthens her vowels and shortens or softens her consonants as if she had learned English from someone who had never heard it spoken by a native. This can probably be explained by the fact that a hearing aid does not recapture all the hearing a deaf person has lost.

Liz is handicapped—yes. But she doesn't seem to feel handicapped. Oh, she cannot understand anyone but her mother on the telephone. She misses the words in popular music but gets the beat, so she can dance to it. She does not understand the conversations in movies but likes going anyway.

Her parents have lived through 14 years the Youngs still must face. But Liz is proof that Brad can live in the hearing world if he wants to. Parent and child determination are essential. Liz is a tremendously outgoing person, and she has worked hard at getting out of her handicapped world. She has practically no deaf friends because she finds hearing people more stimulating.

Her parents helped her too, of course. Her mother followed a correspondence course from the John Tracy Clinic in Los Angeles and did all the things that Mrs. Young has done for Brad. The family moved twice to be able to put Liz in good local schools. By junior high school only two of her seven classes were with deaf children. Since ninth grade she has been in regular classes. She did receive private speech lessons all through elementary school and has continued them sporadically since then.

The Brownings capitalized on Liz's naturally sociable nature. They signed her up in Brownies and Girl Scouts, for tap dancing and piano lessons, and in a mid-week church group. Mrs. Jacobs stresses the importance of getting a deaf child out with normal children.

Liz herself preferred regular classes, even though she hears as poorly as Brad. "Being in a deaf school hinders your development," she said. "You don't learn to cope. You feel like you're not part of the world."

She was definitely part of the world in high school. Friends helped her get assignments straight and her teachers were aware of her hearing. College has been more difficult. Still, she gets A's and B's.

In a few months Liz plans to consult a genetic counselor at a nearby medical school for advice about whether or not she should have children.

The cause of deafness, in fact, should be an immediate concern of any deaf child's parents if they expect to have more children. Dr. Ruben and his associates at Albert Einstein consider pinpointing the cause one of the most important functions they have to perform when they study a deaf child.

Infections (principally rubella, or German measles, which often goes undetected in pregnancy), prematurity, blood incompatibility, and similar acquired conditions are responsible for about half of congenital deafness. The other half is brought on by genetic conditions. "It is essential to separate the genetic from the acquired conditions whenever possible," Dr. Ruben says, "We must warn parents of genetically deaf children about the potential danger of having a second deaf child." Equally important, the parents will then be able to tell their child what the cause was when he grows up and wants children of his own.

Dr. Reddell and his associate at the San Francisco center, Dr. Ronald R. Calvert, have devised a simple test that can be used in a hospital nursery to screen every newborn baby for hearing losses. In a trial run the test was used on 5,380 infants and detected hearing problems at a rate more than 50 times the California detection rate for the genetic condition phenylketonuria (PKU). PKU screening is mandatory in a majority of states, including New York, New Jersey, and Connecticut, as well as California.

Since publication of professional articles about this test, Dr. Reddell and Dr. Calvert have received several inquiries from hospitals and physicians in the New York metropolitan area, but they do not know how many hospitals have instituted the service. A national directory * of clinical services also lists 30 clinics and hearing centers in New York, New Jersey, and Connecticut where newborns may be screened. Five of these institutions are in New York City.

Until newborn screening is available in every hospital, though, parents will still be the first to detect deafness in most children. Dr. Ruben advises parents: "If there is any question in your mind about your child's hearing, make sure that he is taken to an otologist or a hearing and speech center. No child is too young for a hearing test.

"And if your child is deaf or partially deaf, insist that he be thoroughly examined by a pediatrician or pediatric neurologist for other possible defects commonly associated with hearing loss."

Early recognition, combined with parental determination, will give a deaf child the greatest opportunity for approaching a normal way of life. Not all children or parents will accomplish what the Youngs and Brownings have, but the limits are set as much by the family as by the handicap.

If the parents are lucky they may even be able to say to their child's therapist, as Mrs. Young did when Brad was 2½, "You taught us how to get him to talk. You didn't tell us how to keep him quiet."

RECESS UNTIL 9 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and (at 8 o'clock and 8 minutes p.m.) the Senate recessed until tomorrow, December 22, 1970, at 9 a.m.

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* "A Guide to Clinical Services in Speech Pathology and Audiology." Copies are available by writing American Speech and Hearing Association, 9030 Old Georgetown Road, Washington, D.C., 20014.

HOUSE OF REPRESENTATIVES—*Monday, December 21, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The steps of a good man are ordered by the Lord: And he delighteth in his way.—Psalm 37: 23.

Eternal God, our Father, for the joy of this Christmas season we thank Thee and pray that it may ever live in our hearts. For the joy of this day, the birthday of our beloved Speaker, we raise our hearts in loving gratitude to Thee. We thank Thee for him who has provided such capable, effective, and unselfish service for his country and ours. For his wise and understanding leadership in this House, for his nobility of mind, his gentleness of spirit, his fervent support of home, church, and Nation, and for his loving devotion to his lovely wife, we thank Thee.

May this day be a great day for him and may it be a great day for us as we pray for a genuinely great and good man.

In the spirit of his Lord and ours we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Saturday, December 19, 1970, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On November 25, 1970:

H.R. 13978. An act to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds.

On November 30, 1970:

H.R. 18546. An act to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

On December 1, 1970:

H.J. Res. 1403. Joint resolution to provide an additional temporary extension of the Federal Housing Administration's insurance authority.

On December 2, 1970:

H.J. Res. 1255. Joint resolution to authorize and request the President to proclaim the period January 10, 1971, through January 16, 1971, as "National Retailing Week."

On December 3, 1970:

H.R. 14252. An act to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes.

On December 7, 1970:

H.R. 110. An act to amend section 427(b) of title 37, United States Code, to provide that a family separation allowance shall be paid to a member of a uniformed service even though the member does not maintain a residence or household for his dependents, subject to his management and control.

H.R. 386. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service assigned to Government quarters providing he is otherwise entitled to such separation allowance.

H.R. 670. An act to amend section 19 of the District of Columbia Public Assistance Act of 1962.

H.R. 4183. An act to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after his retirement may qualify for survivor benefits.

H.R. 9486. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict.

H.R. 13564. An act to provide that in the District of Columbia one or more grantors in a conveyance creating an estate in joint tenancy or tenancy by the entireties may also be one of the grantees.

On December 8, 1970:

H.R. 3373. An act for the relief of Giuseppe Delina.

H.R. 4670. An act for the relief of Ok Yon (Mrs. Charles G.) Kirsch.

H.R. 9017. An act to amend the District of Columbia Alcoholic Beverage Control Act.

H.R. 10336. An act to revise certain laws relating to the liability of hotels, motels, and similar establishments in the District of Columbia to their guests.

H.R. 13565. An act to validate certain deeds improperly acknowledged or executed (or both) that are recorded in the land records of the Recorder of Deeds of the District of Columbia.

H.R. 14543. An act for the relief of Mrs. Rolando C. Dayao.

H.R. 15767. An act for the relief of Mrs. Maria Zahbaniacz (nee Bojkiwska).

H.R. 15922. An act for the relief of Somporn (Leeta Noi) Bell.

H.R. 16857. An act for the relief of Soon Ho Yoo.

H.R. 17431. An act for the relief of Jacqueline and Barbara Andrews.

H.R. 17508. An act for the relief of Jung Yung Mi and Jung Ae Ri.

H.R. 17912. An act for the relief of Jin Soo Park and Moon Mi Park.

On December 9, 1970:

H.R. 6951. An act to enact the interstate agreement on detainers into law.

H.R. 15216. An act to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in Japan in 1971, and for other purposes.

On December 10, 1970:

H.J. Res. 1413. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

On December 11, 1970:

H.R. 4302. An act to amend title 28 of the United States Code, section 753, to authorize payment by the United States of fees charged by court reporters for furnishing certain transcripts in proceedings under the Criminal Justice Act.

H.R. 8470. An act for the relief of Capt. Jackie D. Burgess.

H.R. 9677. An act to amend section 1866 of title 28, United States Code, prescribing the manner in which summonses for jury duty may be served.

H.R. 17272. An act for the relief of certain employees of the Department of Defense.

H.R. 17970. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

H.R. 19000. An act to amend the Act of April 24, 1961, authorizing the use of judgment funds for the Nez Perce Tribe.

On December 14, 1970:

H.R. 13934. An act to amend the act of September 21, 1959 (73 Stat. 590), to authorize the Secretary of the Interior to revise the boundaries of Minute Man National Historical Park, and for other purposes.

H.R. 14714. An act to amend authority of the Secretary of the Interior under the act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes.

H.R. 18126. An act to amend title 28 of the United States Code to provide for holding district court for the Eastern District of New York at Westbury, N.Y.

On December 15, 1970:

H.R. 471. An act to amend section 4 of the act of May 31, 1933 (48 Stat. 108).

H.R. 14213. An act to amend sections 5580, 5581, and 5582 of the Revised Statutes to provide for additional members of the Board of Regents of the Smithsonian Institution and to increase the number of members constituting a quorum.

On December 16, 1970:

H.R. 1160. An act to amend the act of April 22, 1960, providing for the establishment of the Wilson's Creek Battlefield National Park.

H.R. 8573. An act for the relief of Mrs. Margaret M. McNellis.

H.J. Res. 1077. Joint resolution to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Railways Congress Association.

H.J. Res. 1411. Joint resolution correcting certain printing and clerical errors in the Legislative Reorganization Act of 1970.

On December 17, 1970:

H.R. 2876. An act for the relief of the Beasley Engineering Co., Inc.

H.R. 3328. An act to authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation; and to authorize long-term leases of land on the reservation.

H.R. 19830. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes.

On December 19, 1970:

H.R. 12958. An act for the relief of Central Gulf Steamship Corp.

H.R. 15770. An act to provide for conserving surface waters; to preserve and improve habitat for migratory waterfowl and other wildlife resources; to reduce runoff, soil and wind erosion, and contribute to flood control; and for other purposes.

H.R. 18679. An act to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes.

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MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and concurrent resolutions of the House of the following titles:

H.R. 212. An act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes;

H.R. 956. An act to rename a lock of the Cross-Florida Barge Canal the "Henry Holland Buckman lock";

H.R. 3107. An act to officially designate the Totten Trail Pumping Station;

H.R. 4982. An act for the relief of Thomas J. Beck;

H.R. 6100. An act for the relief of Hershel Smith, publisher of the Lindsay News, of Lindsay, Okla.;

H.R. 7264. An act for the relief of Mrs. Pearl C. Davis;

H.R. 7334. An act to designate the lake formed by the waters impounded by the Libby Dam, Mont., as "Lake Koocanusa";

H.R. 8933. An act to provide that the lock and dam referred to as the "Jackson lock and dam" on the Tombigbee River, Ala., shall hereafter be known as the Coffeeville lock and dam;

H.R. 11547. An act to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans;

H.R. 12128. An act for the relief of William Heidman, Jr.;

H.R. 12564. An act to rename a pool of the Cross-Florida Barge Canal "Lake Ocklawaha";

H.R. 13162. An act for the relief of Frank E. Dart;

H.R. 13676. An act for the relief of certain retired officers of the Army, Navy, and Air Force;

H.R. 13806. An act for the relief of Irwin Katz;

H.R. 13862. An act to authorize the naming of the reservoir to be created by the Little Goose lock and dam, Snake River, Wash., in honor of the late Dr. Enoch A. Bryan;

H.R. 14683. An act to designate as the John H. Overton lock and dam the lock and dam authorized to be constructed on the Red River near Alexandria, La.

H.R. 15270. An act for the relief of Thaddeus J. Powlak.

H.R. 16505. An act for the relief of Jack B. Smith and Charles N. Martin, Jr.

H.R. 16502. An act for the relief of Gary W. Stewart.

H.R. 16965. An act for the relief of Richard N. Stanford.

H.R. 17750. An act to grant the consent of Congress to the city of Boston to construct, maintain, and operate a causeway and fixed-span bridge in Fort Point Channel, Boston, Mass.

H.R. 18858. An act to change the name of the West Branch Dam and Reservoir, Mahoning River, Ohio, to the Michael J. Kirwan Dam and Reservoir.

H.R. 19855. An act to designate the lake formed by the waters impounded by the Butler Valley Dam, Calif., as "Blue Lake".

H.R. 19890. An act to name a Federal building in Memphis, Tenn., for the late Clifford Davis.

H. Con. Res. 789. Concurrent resolution to provide for the printing of the prayers offered by the Chaplain as a House document.

H. Con. Res. 788. Concurrent resolution authorizing the printing of additional copies of "Hearings Relating to Various Bills To Repeal the Emergency Detention Act of 1950," 91st Congress, second session.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H.R. 10517. An act to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes.

H.R. 14645. An act to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President; and

H.J. Res. 1162. Joint resolution to amend Public Law 403, 80th Congress, of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission.

The message also announced that the Senate agrees to the amendment of the House to bill of the Senate of the following title:

S. 3835. An act to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1008. An act for the relief of Robert J. Ebbert and Design Products Corp., Troy, Mich.;

S. 1985. An act for the relief of Randall L. Talbot;

S. 2956. An act to provide private relief for Lt. Comdr. LeRoy E. Coon, Supply Corps, U.S. Navy (retired), continued on active duty in a retired status after June 30, 1967; and

S. Con. Res. 85. Concurrent resolution authorizing the printing of additional copies of Senate hearings on U.S. Security Agreements and Commitments Abroad.

AWARD TO THE HONORABLE JOHN W. McCORMACK OF THE CAVALIERE DI GRAN CROCE, ORDER AL MERITO DELLA REPUBBLICA

Mr. ALBERT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 1420) authorizing the Honorable JOHN W. McCORMACK, Speaker of the House of Representatives, to accept and wear the Cavaliere di Gran Croce, of the Order Al Merito della Repubblica, an award conferred by the Government of the Republic of Italy.

The SPEAKER pro tempore (Mr. FUQUA). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 1420

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That the Honorable JOHN W. McCORMACK, Speaker of the House of Representatives, is authorized to accept the Cavaliere di Gran Croce, of the Order Al Merito della Repubblica, an award conferred by the Government of the Republic of Italy, together with any decorations and documents evidencing such award. The Department of State is authorized to deliver to the Honorable John W. McCormack any such decorations and documents evidencing such award.

SEC. 2. Notwithstanding section 5 of the Act of October 15, 1966 (80 Stat. 952; U.S.C. 7342(d)), or other provision of law to the contrary, the Honorable JOHN W. McCORMACK may wear and display the decoration mentioned in section 1 after the acceptance thereof.

Mr. ALBERT. Mr. Speaker, I know that the House shares the joy which I have that a great and friendly ally, the Republic of Italy, has bestowed its highest honor upon the Speaker of the House of Representatives who has served with us so many years. It is particularly appropriate that we recognize this fact on the date of the anniversary of the birth of our great Speaker. I know I express the sentiments of every Member of the House when I say, "Happy birthday, Mr. Speaker, happy birthday to you."

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I join with the distinguished majority leader in extending to the great Speaker best wishes on his birthday anniversary. I hope and trust, as all of us do, that he will have many, many more in the years to come.

Mr. Speaker, it was my privilege to attend the luncheon, I think, last week, when the Ambassador of the Republic of Italy made the presentation to the Speaker. It was a great occasion, and I hope and trust that this resolution will receive the unanimous support of the House.

Mr. BOGGS. Mr. Speaker, it is with a great deal of pleasure that I join in wishing you a very pleasant and happy day, on this your 79th birthday.

As you well know, Mr. Speaker, it is a rare occasion when all the Members of this body find themselves in total agreement. Today, however, is such an occasion.

We all agree that Speaker JOHN W. McCORMACK of Massachusetts is the most admired and beloved Member of this body.

We all agree that through your consistent fairness and good judgment, the office of the Speaker has been raised to a new level of dignity and leadership.

And, we all agree that there is one Member of this body whom we all hold in maximum high regard, and that Member is JOHN W. McCORMACK.

For one half century now, you have given unselfish and dedicated service to the House of Representatives and to our country. At the same time, you have brightened and enriched the lives of all our people.

And so, Mr. Speaker, all of us—with deep affection—wish you a very happy birthday and many happy returns of the day.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the House Joint Resolution 1420 just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

TO AUTHORIZE THE SPEAKER TO DECLARE RECESSES

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it shall be in order during the remainder of this session for the Speaker to declare a recess at any time subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. ALBERT. Mr. Speaker, I offer a resolution and move to suspend the rules and adopt the resolution (H. Res. 1317), making it in order for the Speaker to declare a recess at any time, subject to the call of the Chair.

The Clerk read as follows:

H. RES. 1317

Resolved, That during the remainder of this session it shall be in order for the Speaker to declare a recess at any time, subject to the call of the Chair.

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second, and I make a point of order that a quorum is not present.

The SPEAKER. Without objection, a second will be considered as ordered.

Mr. ALBERT. Mr. Speaker, I withdraw the resolution until a later time in the day.

The SPEAKER. The gentleman from Oklahoma withdraws his resolution at the present time.

Mr. GROSS. Mr. Speaker, I withdraw the point of order.

SUPPORT OF RESOURCE CONSERVATION PROGRAM

(Mr. FUQUA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FUQUA. Mr. Speaker, a program which I feel deserves more support from the Congress is the development of Resource Conservation and Development Districts.

This program, administered by the Soil Conservation Service under the U.S. Department of Agriculture, is a signal forward step in the wiser use and conservation of our natural resources. It is my feeling that we in the Congress have not gone far enough in encouraging the development of this program.

A group of counties in my district have banded together to ask consideration for designation as one of 15 areas to be designated for new districts across the Nation. I have been impressed with the aggressive leadership and interest which officials of this area have shown.

My feeling is that approval of this application would be a signal step in wise use of natural resources in this particular interest, and serve as an inspiration and example for the entire State.

The U.S. Department of Agriculture through the Soil Conservation Service faces a most difficult decision in choosing between some very outstanding applications. My great disappointment is that more such districts cannot be created at this time, but I feel very strongly that this program has such merit that Congress will authorize the creation of many more such districts in the future.

Since I feel that this program can be of such benefit to the area for which the application has been filed in particular, and serve as an example for wise use of natural resources throughout my great State, it is my sincere hope that the application filed from my district will be approved.

But, equally important, I would urge my colleagues to take a look at this program. I feel it deserves our support as a vibrant step forward in the conservation of our natural resources.

MEMBERS ENCOURAGED TO MAINTAIN A QUORUM ON THE FLOOR

(Mr. BELL of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BELL of California. Mr. Speaker, it makes absolutely no sense for us to be here today if the membership does not remain on the floor to carry on the legislative process.

As long as we have to be here anyway, I hope that the Members will remain on the floor.

This will enable us to prevent the more mischievous Members of our body from impeding the democratic processes.

The delaying tactics of constant quorum calls seem to result only in the postponement of our enjoying Christmas at home with our families.

The House has been known to operate with extreme rapidity when the push is on to wind up its affairs and it is my feeling that 1 or 2 days of concentrated effort here on the floor might give us the opportunity to shut down and go home.

If the first call of the House today demonstrates that a quorum is present, I urge that the membership remain on the floor—as the maintenance of a quorum will help all of us complete the business of the 91st Congress and spend Christmas at home rather than in this Chamber.

TRIBUTE TO THE HONORABLE JOHN W. McCORMACK

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, the spirit of Christmas is to give.

Today, I want to give thanks to a most benevolent and kindly gentleman, the distinguished Representative from Massachusetts, and the Speaker of this House, the Honorable JOHN W. McCORMACK.

His kindly spirit pervades this august body. His fairness is recognized by all. Someone said, "I live for those who love me, whose hearts are strong and true, for the living God above me and the good that I can do."

These words personify the spirit of the Speaker, the Honorable JOHN W. McCORMACK. May we wish for him in his retirement the best that life has to offer.

ROGERS CHARGES THE RUSSIANS HOODWINKED ADMINISTRATION ON CUBAN SUB BASE

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, for the past 3 months the Congress and the American public have been given conflicting reports of Russian activity on the construction of a submarine base in Cuba.

Reports published this morning indicate the Russians have indeed built, or are about to finish such a base in Cienfuegos. The administration's response to this report is in keeping with its previous statements—that it can neither confirm nor deny the situation.

In the past 2 months the administration has stated that the activity in Cienfuegos was not in violation of the so-called 1962 agreements and that the Nixon administration had a separate verbal understanding that would rule out any such construction of a base.

But the activity has now reached a point where I must submit that it is not in the interest of U.S. defense and security. And I think the administration should so address itself to the situation in that light.

I have asked for an explanation of the 1962 agreement and the verbal understanding, as I feel the American public and the Congress should know what has been agreed to between the United States and Russia concerning the use of Cuba as a military base.

I am fearful that the Russians have hoodwinked the administration, and especially Dr. Henry Kissinger, into believing that if we spoke out against the Cuban base it would upset the SALT talks, the Paris peace talks, and aggravate the situation in the Middle East. As a result of our inattention and meekness, the Russians have boldly established a base which will give their submarine fleet a capability which is twice what it would have been without the base.

The administration has watched this activity and remained silent, hoping that what the military reports said would turn out to be false. But it has not and the Russians are ready to establish a base.

I am calling upon the President and the proper committees of the House and Senate to immediately look into this very important matter and to make public any and all agreements and understanding which we have with Russia concerning the use of Cuba as a military base. And I am calling upon the President to

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make public the condition of the submarine base and the rationale which has allowed its construction.

Mr. Ziegler's official comment that the administration could neither confirm nor deny the story is totally unsatisfactory, unresponsive and reflects an overall dereliction of responsibility to the American public.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Florida. I am delighted to yield to the gentleman from Illinois.

Mr. ARENDS. Like the gentleman, I have great concern as to what is going on in Cuba. I wonder if the gentleman has some information the rest of us have not been able to obtain. Are these newspaper reports or something basically substantial which the gentleman feels free to tell us about?

Mr. ROGERS of Florida. The latest report I have seen is just published this morning by Time magazine, which states the extent of the construction, from their reports.

EIGHTH ANNUAL REPORT ON SPECIAL INTERNATIONAL EXHIBITIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

As required by law, I transmit to the Congress the Eighth Annual Report on Special International Exhibitions conducted during Fiscal Year 1970 under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256).

This report covers exhibits presented abroad by the U.S. Information Agency at international fairs and under East-West Cultural Exchange agreements, exhibits and labor missions presented abroad by the Department of Labor, and trade missions organized and sent overseas by the Department of Commerce.

RICHARD NIXON.

THE WHITE HOUSE, *December 21, 1970.*

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

U.S. PARTICIPATION IN THE 1972 UNITED NATIONS CONFERENCE ON HUMAN ENVIRONMENT

The Clerk called House Resolution 562 expresssing the sense of the House of Representatives that the United States should actively participate in the 1972 United Nations Conference on Human Environment.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Thre was no objection.

REPEAL OF THE NAVAL STORES ACT

The Clerk called the bill (H.R. 7444) to repeal the Naval Stores Act.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DEFERRAL OF MARKETING QUOTA PROCLAMATION FOR BURLEY TOBACCO

The Clerk called the joint resolution (H.J. Res. 1415) to extend the time for the proclamation of marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971.

The SPEAKER. Is there objection to the present consideration of the Joint resolution?

There was no objection.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that a similar Senate joint resolution (S.J. Res. 249) to extend the time for the proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971, be considered in lieu of the House joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There being no objection, the Clerk read the Senate joint resolution as follows:

S. J. RES. 249

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of Agriculture may defer until March 1, 1971, any proclamation under section 312 of the Agricultural Adjustment Act of 1938, as amended, with respect to national marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971.

The Senate joint resolution was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 1415) was laid on the table.

CHANGING THE NAME OF CERTAIN PROJECTS FOR NAVIGATION AND OTHER PURPOSES ON THE ARKANSAS RIVER

The Clerk called the bill (H.R. 13493) to change the name of certain projects for navigation and other purposes on the Arkansas River.

There being no objection, the Clerk read the bill as follows:

H.R. 13493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Arkansas River navigation and comprehensive development project authorized by the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1215), as amended and supplemented, shall be known and designated hereafter as the McClellan-Kerr Arkansas River project.

(b) Lock and dam number 1, Arkansas, on the Arkansas Post Canal approximately two thousand feet from the White River shall be known and designated hereafter as the Norrell lock and dam.

(c) The canal connecting the White River at river mile 10 with the Arkansas River at river mile 41.6 shall be known and designated hereafter as the Arkansas Post Canal.

(d) The water area on the Arkansas River, main channel, created by the cutoff at Boyds Point and a closure at the upstream end of the former channel, at Pine Bluff, Arkansas, shall be known and designated hereafter as Lake Langhofer.

(e) Lock and dam number 7, Arkansas River at Little Rock, Arkansas, shall be known and designated hereafter as Murray lock and dam.

(f) Lock and dam number 8, Arkansas River at Conway, Arkansas, shall be known and designated hereafter as Toad Suck Ferry lock and dam.

(g) Lock and dam number 10, Arkansas River in the vicinity of Russellville and Dardanelle, Arkansas, shall be known and designated hereafter as Dardanelle lock and dam, and the reservoir created by Dardanelle Dam shall be known and designated hereafter as Lake Dardanelle.

(h) The public overlook on the left descending river bank approximately one thousand six hundred feet upstream of Dardanelle Dam shall be known and designated hereafter as Caudle Overlook.

SEC. 2. Any law, regulation, map, document, or record of the United States in which any project lock, dam, reservoir, canal, or overlook named in this Act is referred to, shall be held to refer to such project, lock, dam, reservoir, canal, or overlook by the name designated for it by this Act.

With the following committee amendment:

Page 1, strike out line 9 and insert in lieu thereof, "the McClellan-Kerr Arkansas River Navigation System."

The committee amendment was agreed to.

(Mr. MILLS (at the request of Mr. HAMMERSCHMIDT) was granted permission to extend his remarks at this point in the RECORD.)

Mr. MILLS. Mr. Speaker, this bill, amended slightly by the Committee on Public Works, is basically the result of the work of a citizens committee formed at the request of myself and other members of the Arkansas congressional delegation.

Several years ago we asked that the Arkansas Basin Association, because of its familiarity with the Arkansas River navigation project and its knowledge of the project history and of those persons who had worked to further the goal of navigation for the Arkansas, designate a committee to study the history of the project and the wishes and desires of people who live along the river and report back to the association, and through it to the congressional delegation with a list of names of people and places to be memorialized by the Congress in naming the river project and some of the structures and bodies of waters along the river.

That committee completed its work last year and brought to us a memorandum which made a series of recommendations for the project and various parts of the project.

That memorandum is essentially reproduced in legislative language in the bill that is before us today. If you take the time to study it, you will see that in addition to honoring the two Senators who have led the fight for this great navigation system, Senator JOHN McCLELLAN, of Arkansas, and Senator Bob Kerr, of Oklahoma, this bill would put names to structures, bodies of water, and overlooks in honor of persons who contributed to the project or communities directly associated with a part of the project or place names that had a particular historical significance in areas adjacent to the project. As one of the sponsors of H.R. 13493, I commend it to the attention of the House.

(Mr. HAMMERSCHMIDT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HAMMERSCHMIDT. Mr. Speaker, I want to endorse wholeheartedly H.R. 13493. It is sponsored by our complete Arkansas House delegation—through the leadership of our distinguished colleague, the gentleman from Arkansas (Mr. MILLS). I would like to associate myself with his remarks made here earlier.

In essence, this measure, as amended, would designate the Arkansas River navigation project as the "McClellan-Kerr Arkansas River Navigation System" and change the name of certain additional projects for navigation and other purposes on the Arkansas River. The changing of the name of the river navigation system would honor two men who more than any others caused this project to be undertaken, and who must be credited for this new dimension in ocean-going commerce for Arkansas and Oklahoma.

It was the vision and foresight of JOHN McCLELLAN, who introduced the original bill, and strong support of the late Senator Bob Kerr, who spoke and worked in behalf of the proposal. As a team, they were all victorious.

Today, almost 30 years and $2½ billion after the first bill was introduced, the vision has become virtually a whole reality.

Only a few weeks ago, I attended dedication ceremonies in Oklahoma for lock and dam Nos. 14 and 15. Those proceedings were marked by the distinguished presence of former President Lyndon Johnson, the next Speaker of the House, CARL ALBERT, and our esteemed colleague from Oklahoma, ED EDMONDSON.

Those historical dedication ceremonies marked the completion of another leg of the navigation project which is soon to be fully operational for barge traffic all the way to the Tulsa port of Catoosa.

From the Mississippi to the prairie's edge in Oklahoma, navigation of the Arkansas River was the dream and vision of Senators JOHN McCLELLAN and Robert S. Kerr. It offers new hopes for economic and cultural enrichment all along a vast river valley.

These suggested name changes have come to the Arkansas delegation from a resolution by the Arkansas Basin Association. Its members have firsthand knowledge of the many people who have made contributions through the years toward the completion of this great waterway.

One final note on the name the "McClellan-Kerr Arkansas River Navigation System." When two eminent leaders work together so closely for a goal, sometimes the question arises as to whose names comes first in describing their teamwork.

In this case, Senator McCLELLAN's name leads because he introduced the first legislation in the Senate on the waterway.

Mr. EDMONDSON. Mr. Speaker, H.R. 13493 honors, among others, two great U.S. Senators who deserve a major share of the credit for the greatest river development program of this generation: The Arkansas River multipurpose project.

Senator Robert S. Kerr, in his lifetime, was a tower of strength in advancing this great navigation, flood control, water storage, and power project.

Senator JOHN McCLELLAN was not only the first legislator in modern times to introduce a bill calling for navigation of the Arkansas; he has also been both quarterback and fullback of the combined Arkansas-Oklahoma congressional effort for the project for many years.

Without JOHN McCLELLAN and Bob Kerr, there would be no Arkansas River navigation system today. It is certainly appropriate that the Congress act to authorize the naming of this great navigation system for those two great Americans.

I hope the other body will speedily join the House in approving this measure.

Mr. ALEXANDER. Mr. Speaker, some years ago an Arkansan perceived the shape of a dream of a better life for the people who have elevated him to a position of great honor and responsibility. That man was Senator JOHN L. McCLELLAN.

An agricultural economy which had served his people well was, he knew, declining. There was a need for bold solutions to the future problems this trend would certainly bring.

The Senator is endowed with a keen insight into the future. He has a compassionate desire to help the people of his native State. Senator McCLELLAN dreamed of vessels of commerce plying the currents of the rivers which thread their way across Arkansas and the midcontinent of America.

Arkansas River and the White River of eastern Arkansas are important among them.

Working with this esteemed colleague from Oklahoma, the late Senator Robert S. Kerr who shared his vision, Senator McCLELLAN embarked on a campaign to make of his dream a reality.

The system of inland waterways they envisioned would mean more to the midcontinent region than any other single project that could have been undertaken.

It can bring to fruition the region's promise of economic development thus far unparalleled by any other period of history.

The development which this system of waterways will support can be a major factor in easing the pressures on other regions of our Nation now reeling under a population explosion.

Already ports are being established along Arkansas inland waterways. Industries have begun building new plants. Others have plans on the drafting boards. And, still others intend to purchase sites for expansion into the region.

My years of experience in inland waterways affairs have convinced me there is a pressing need for revising and strengthening Federal, State, and local legislation on port and harbor development. These changes are necessary to increase the vitally needed progress along carefully selected inland waterways.

For the health of the economy of the midcontinent and overall well-being of our Nation, this expansion of water-related industry is essential.

Arkansas water resource potential ranks second in importance only to our people.

The inland waterway transportation system is relatively young. Even so, barges are already handling 15 percent of the U.S. domestic freight being transported.

In 1968, the first national assessment of the Water Resource Council was published under the title "The Nation's Water Resources." It included the estimate that by the year 2020 the freight being moved by water will have increased by 350 percent.

Another idea of what such a system of waterways as the Senators McCLELLAN and Kerr envisioned can do is found in an article which appeared in the May 25, 1970, issue of the U.S. News & World Report. On June 8, I had a copy of this article, titled "Seaports for an Inland Empire" included in the CONGRESSIONAL RECORD.

This news story investigated the effect of opening the Arkansas River from the Mississippi River to Tulsa, Okla.

At Catoosa, just 3 miles east of Tulsa, a $20 million port is being developed. A 1,500-acre industrial park will adjoin the port. Officials expect 12.5 million tons of freight to move through this port in 1980.

Navigation along the Arkansas was opened to Little Rock in October 1968. A million tons of freight was forecast for the first year of operation. The river traffic actually moved 2.225 million tons.

Little Rock's public port, which has terminal and warehouse facilities, is in operation. A steel plant is under construction in the industrial area adjoining the port. In 1969, a million tons of bauxite from the Caribbean flower across private docks there and into the processing facilities of nearby aluminum plants.

At Russellville, upstream from Little Rock, the Arkansas Power & Light Co. is building a $140 million nuclear plant. It is made possible by the existence of one of the numerous lakes created by the project to make the river navigable.

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In Fort Smith, Ark., the Kansas City Southern Lines Railway has set aside 2,000 acres for an industrial park and port. The Kerr-McGee Corp. has dedicated a $25 million uranium processing plant near Sallisaw, Okla.

This firm is also planning to build a $20 million facility in the region.

In addition, Armco Steel, North American Rockwell, Skelly Oil, and Phillips Petroleum have or are planning to have plants along the river.

Water-based recreation activities have also benefited greatly. In 1969 alone, more than a million visitors were counted at 14 recreation sites around the Dardanelle Reservoir.

In May of this year, the Department of Commerce, recommended that 32 port sites be reserved now in small communities on the waterway.

There does not have to be a conflict between this development and the goals of the environmentalists and the conservationists.

As Senator John McClellan told the U.S. News writer:

> We don't intend to let the river become polluted. It is easier to prevent it than to remedy it.

Arkansas and the midcontinent region have the potential for the greatest inland waterway system in the world.

Completion of the development of the White River will allow the First Congressional District of Arkansas to share in the prosperity. The work will allow other regions of the Nation to benefit from the products and resources of northeast Arkansas.

It will add this river to the 14,000 miles of waterways now serving the Nation's needs.

This development can be accomplished without sacrificing the interests of conservationists and environmentalists.

As I stand here before the Speaker's chair, I again contemplate the words of Daniel Webster which are engraved in stone on the frieze of this Chamber's walls:

> Let us deliver the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also in our day and generation, may not perform something to be remembered.

These immortal words are symbolic of the life of Senator John L. McClellan—of his dedication to work in the finest tradition of this land.

It is fitting that today we move to honor this effort by passing H.R. 13493. Let us further honor the dreams of Senator McClellan and Kerr by wisely developing our midcontinent waterway resources.

Mr. PRYOR of Arkansas. Mr. Speaker I am delighted that the House of Representatives will today adopt H.R. 13493, in which I joined in sponsorship with my three Arkansas colleagues. This legislation provides that the Arkansas River and comprehensive development project shall be known and designated as the "McClellan-Kerr Arkansas River Navigation System."

Such a designation is a fitting tribute to the distinguished senior Senator from Arkansas, who, along with the late Senator Robert S. Kerr, initiated and pushed through the legislation that resulted in the creation of the Arkansas River Navigation project. Senator McClellan deserves our praise for his insistence that the Arkansas River Valley be allowed to assume its rightful place in the economic progress of the United States.

GENERAL LEAVE

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks at this point in the Record on the bill under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT OF 1964

The Clerk called the bill (S. 4571) to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes.

Mr. GROSS. Mr. Speaker, since this legislation is scheduled for consideration under suspension of the rules, I ask unanimous consent that it be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER. This concludes the call of the Consent Calendar.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 434]

Abbitt
Adair
Andrews, N. Dak.
Ashbrook
Ashley
Aspinall
Ayres
Baring
Barrett
Berry
Blackburn
Blatnik
Brock
Brooks
Brown, Calif.
Burke, Fla.
Burlison, Mo.
Burton, Utah
Button
Caffery
Camp
Carey
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Collins, Ill.
Conyers
Corbett
Coughlin
Cowger
Crane
Daddario
Daniels, N.J.
Delaney
Denney
Dent
Devine
Diggs
Dowdy
Dwyer
Edwards, Calif.
Edwards, La.
Evins, Tenn.
Fallon
Farbstein
Fascell
Fish
Foreman
Fulton, Tenn.
Galifianakis
Gallagher
Gibbons
Gilbert
Gray
Griffiths
Haley
Hall
Halpern
Harsha
Hastings
Hébert
Helstoski
Hicks
Horton
Hull
Hungate
Jarman
Landrum
Langen
Latta
Leggett
Long, La.
Lujan
Lukens
McCarthy
McClory
McCloskey
McCulloch
McKneally
Macdonald, Mass.
MacGregor
Martin
Mathias
May
Meskill
Michel
Mills
Minish
Minshall
Mize
Monagan
Montgomery
Moorhead
Morton
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
O'Konski
Olsen
O'Neal, Ga.
Ottinger
Patman
Pelly
Pettis
Podell
Powell
Price, Tex.
Rarick
Reifel
Rhodes
Rivers
Roe
Rostenkowski
Roudebush
Rousselot
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Scherle
Scheuer
Sebelius
Shipley
Sikes
Sisk
Snyder
Steele
Steiger, Ariz.
Stephens
Sullivan
Taft
Thompson, N.J.
Tunney
Waggonner
Waldie
Weicker
Wiggins
Winn
Wold
Wolff
Wydler
Young
Zwach

The SPEAKER. On this rollcall 285 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROHIBITING CERTAIN USES OF SEALS OF THE UNITED STATES, PRESIDENT, AND VICE PRESIDENT

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 14645) to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, after line 9, insert:

"Sec. 4. Section 3056 of title 18, United States Code, is amended—

"(1) by adding the following clause after the second clause thereof: "protect the person of a visiting head of a foreign state or foreign government and, at the direction of the President, other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad;" and

(2) by striking the words "Chief, Deputy Chief, Assistant Chief" and inserting in lieu thereof "Director, Deputy Director, Assistant Directors, Assistants to the Director".

Sec. 5. Section 3506 of title 18, United States Code, as amended by section 4 of this Act, shall be subject to Reorganization Plan Numbered 26 of 1950 (64 Stat. 1280).

Amend the title so as to read: "An Act to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President, and to authorize Secret Service protection of visiting heads of foreign states or governments, and for other purposes."

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. POFF. Mr. Speaker, reserving the right to object—and I shall not object, because I am wholeheartedly in support of the legislation—I would ask, however, that the gentleman explain for the benefit of the Speaker and the Members of the House the purpose of the Senate amendments.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. POFF. I yield to the gentleman from New York.

Mr. CELLER. Mr. Speaker, the amendment added by the Senate embodies a proposal of the Department of the Treasury to authorize the Secret Service protection of visiting heads of foreign states or governments. It would also authorize Secret Service protection, at the direction of the President, of other distinguished foreign visitors and official representatives of the United States performing special missions abroad. I introduced H.R. 19936, which contains these Treasury Department proposals.

Traditionally, this protective function has been provided by the Department of State. The Senate amendment would not in any way affect the responsibilities and authority of the Secretary of State for the management of State visitors and other official visitors. The Senate amendment would only transfer to the Secret Service the responsibility for providing security for such visitors.

I am advised that no additional personnel or appropriations will be immediately required by the Secret Service but in view of the frequency with which official governmental representatives have been assaulted in various parts of the world, it seems prudent to authorize Secret Service protection at this time.

The following statement, urging enactment of this proposal, was made by the Acting Secretary of the Treasury, Charls E. Walker, in a letter dated December 7 to the Speaker of the House of Representatives:

The Secretary of the Treasury,
Washington, December 7, 1970.
Hon. John W. McCormack,
Speaker, U.S. House of Representatives,
Washington, D.C.

Dear Mr. Speaker: There is transmitted herewith a draft of a proposed bill, "To authorize Secret Service protection of visiting heads of foreign states or governments, and for other purposes."

The proposed legislation would authorize at the direction of the President, Secret of foreign states or foreign governments and, at the discretion of the President, Secret Service protection of other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad.

In recent years, visits of heads of foreign states and governments to this country have substantially increased, as have visits of official representatives of the United States to foreign countries. Such visits are usually attended by much public notice and international attention. The possibility of an incident involving the personal safety of a foreign dignitary is always present.

The United States Government, in authorizing a visit or extending an invitation, assumes a special duty under the law of nations, to take all reasonable steps to insure against any attack upon its distinguished guest.

The President has decided that the function of protecting foreign dignitaries should be assigned to the Secret Service in view of the greater resources at that agency's command and the substantial experience it has acquired over the years in assuring the protection and security of the highest officials of our own Government. This protective function traditionally has been provided by the Department of State under its general responsibilities for state visits. It should be emphasized that under the proposed legislation for matters other than the provision of security for visiting heads of state and other officials designated by the President, the management of state visits, and other official visits, as a foreign affairs function, would continue to be performed by the Secretary of State. Apart from the provision of such security, it is not intended that enactment of the draft bill would in any way diminish the authority and responsibility of the Secretary of State relating to visits of foreign dignitaries to the United States.

While it is our view that the President now has the inherent constitutional authority to direct the Secret Service to perform the functions which would be authorized by this legislation, we believe that it would be desirable to clarify our responsibilities for these functions in law.

There is enclosed for your convenient reference a comparative type showing the changes in existing law that would be made by the proposed legislation.

It would be appreciated if you would lay the proposed bill before the Senate. An identical bill has been transmitted to the Speaker of the House of Representatives.

The Department has been advised by the Office of Management and Budget that enactment of the proposed legislation would be in accord with the program of the President.

Sincerely yours,
Charls E. Walker,
Acting Secretary.

Mr. POFF. Mr. Speaker, as explained by the distinguished gentleman from New York, this is a good bill.

Mr. Speaker, I rise in support of H.R. 14645, as amended. I would like to address myself briefly to the amendment to this bill added by the other body.

This legislation would authorize the Secret Service to provide protection for visiting heads of state and, at the direction of the President, other distinguished foreign visitors to the United States and official representatives of this country performing special missions abroad.

Our Government, in authorizing a visit or extending an invitation, assumes a special duty under the law of nations to make all reasonable steps to insure against attack upon official visitors to this country. This task has become especially important in light of the recent rash of kidnapings of ambassadors and other high government officials throughout the world. These lawless acts of terrorism can result, and have resulted, in the murder of the victim.

If such a tragedy should befall a foreign head of state during a visit to the United States, the consequences would be fearful to contemplate. Therefore, President Nixon, personally, decided that immediate action must be taken to guard against such an occurrence.

The problem could be met by substantially increasing the personnel and facilities of the Department of State's Office of Security, which has capably performed protective functions relating to foreign dignitaries for many years. However, the Secret Service already has considerable resources and has acquired substantial experience in protecting the highest officials of the United States which can be utilized in protecting foreign visitors. Moreover, many of the dignitaries concerned visit the United States to confer with the high officials of this Government whom the Secret Service now protect under existing law. For these reasons, the proposed legislation presents the more efficient and effective way to meet an important international responsibility.

It is not intended that the proposed legislation would in any way diminish the authority and responsibility of the Department of State relating to the protocol and political aspects of the visits of foreign dignitaries to the United States.

The Secret Service estimates that for fiscal year 1971, no additional appropriations will be necessary to finance the protection provided pursuant to this legislation and that the Service can absorb these costs. Additional appropriations will, of course, be required for fiscal year 1972.

But the importance of this protection cannot be measured in dollars, Mr. Speaker. The kidnapping of or injury to a world leader visiting the United States would cause an international incident of frightening proportions. We must act now to prevent even the possibility of such an occurrence.

I therefore urge that the House concur with the other body and send this vital legislation to the President for signature.

Mr. POFF. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

Mr. GROSS. Mr. Speaker, further reserving the right to object, do I understand that this makes a change in the seal of the President of the United States, as well as that of the Vice President?

Mr. CELLER. It protects the seal of both the President and the Vice President.

Mr. GROSS. But does it make a change, or does it merely protect?

Mr. CELLER. No; this is just for protection.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 19885, DISTRICT OF COLUMBIA REVENUE ACT OF 1970

Mr. FUQUA. Mr. Speaker, I call up the conference report on the bill (H.R. 19885) to provide additional revenue for the District of Columbia, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Florida?

There was no objection.

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The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 19, 1970.)

Mr. FUQUA (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement of the managers on the part of the House be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FUQUA. Mr. Speaker, the managers on the part of the House spent a considerable amount of time with the managers on the part of the Senate arriving at this report, which I hope will be accepted by this House.

The bill is basically as it passed the House of Representatives, with the exception that there was a compromise reached between the two bodies on the amount of Federal payment to the District of Columbia.

The House had agreed to a $15 million increase and the Senate had agreed to a figure of over twice that amount. We compromised on the figure of $21 million payment.

Basically, the bill is the same except for some technical changes in two sections of the bill.

Section 702 of the conference substitute amends the District of Columbia Minimum Wage Act to provide an exemption from the overtime requirements of that act for certain employees of motor carriers. The exemption was made effective as of February 1, 1967. In addition, section 803(a) of the conference substitute provides that amendments made to an act shall not affect any right accrued or accruing under the amended act. However, since the overtime exemption provided is specifically made effective as of February 1, 1967, section 803 (a) is not to be construed to give those covered by the exemption any right to bring an action to recover overtime compensation for the period beginning February 1, 1967, and ending on the date of the enactment of the conference substitute.

I will be happy to answer any questions that the gentleman from Iowa might have.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, let me see if I have this straight. The compromise is a substantial increase—regardless of the fact that it did not meet the increases asked for by the other body. It still is a substantial increase; is that not correct?

Mr. FUQUA. I would say to the gentleman that it is—the entire Federal payment is a substantial increase over what has been previously authorized by the Congress.

The Senate had passed a formula based upon 30 percent of the tax revenues that are received by the District of Columbia which would have amounted to some $131 million. Our figure is $126 million for the total Federal payment and we did not accept the formula as proposed by the Senate.

Mr. GROSS. So the provision that the conferees have adopted is $126 million; is that correct?

Mr. FUQUA. It is the authorized amount. The bill must go through the Committee on Appropriation, of course.

Mr. GROSS. Is this the total amount that the Federal Government contributes to the District of Columbia?

Mr. FUQUA. This is the total amount by this procedure—there are other grants such as highway funds and other moneys that they receive the same as other States.

Mr. GROSS. This then is an increase from what—$105 million to $126 million; is that correct?

Mr. FUQUA. Yes; that is correct.

Mr. GROSS. That is a very substantial increase, I would say, to the District of Columbia which has a population of some 800,000 or perhaps slightly less, but which has on its payroll more than 45,000 employees whereas the city of Cleveland, Ohio, with 811,000 population has approximately 15,000 employees.

In other words, the District of Columbia government has nearly three times the number of employees than does the city of Cleveland with even more population.

I am surprised, under the circumstances, the conferees would increase, and substantially, the Federal expenditure upon the District of Columbia.

Also, I note in the report that the other body has prevailed with an amendment which provides that liquor may be sold in the District of Columbia on all election days, except presidential election days. Now can the gentleman tell me what makes a presidential election more sacrosanct than a District election?

Mr. FUQUA. Generally and historically, such prohibition has prevailed on presidential election days. Some States are repealing those statutes to provide the nonsale of alcoholic beverages on certain election days. In the District it would be very difficult to enforce the law in certain sections of the city on days on which, for example, school board elections are held in different wards. The District Government requested this provision be added to the bill.

Mr. GROSS. It seems that any time the District of Columbia government requests something, Congress is expected to jump and usually does jump right through the hoop to accommodate it. There is one notable exception, of course, and that is the freeway proposition. I hope the Appropriations Committee will hold fast on the freeway proposition. I thank the gentleman for yielding.

Mr. FUQUA. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 19333, SECURITIES INVESTOR PROTECTION ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (H.R. 19333), to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 18, 1970.)

Mr. STAGGERS. Mr. Speaker, earlier this month the House passed H.R. 19333, the Securities Investor Protection Act of 1970. The Senate substituted the provisions of a similar Senate bill.

The conference report which is before us contains the recommendations of the conferees to resolve the differences between the Senate- and House-passed versions. I am pleased to report that the conference recommendation not only follows the structure and format of the House bill, but substantively is very close to the House-passed bill. The most significant difference is in the composition of the Board of Directors. The conference substitute recommends a seven-member Board composed of a designee of the Secretary of Treasury; a designee of the Federal Reserve Board; and five directors appointed by the President, three of whom shall be selected from the industry and two of whom shall be selected from the general public. While there are many Members of the House who might still believe that the convertible board has great merit, it became apparent that some compromise on the composition of the Board had to be reached in order that this legislation would be enacted. Recognizing that there was substantial feeling by some Members of the House during the House debate for a public dominated board, your conferees have agreed to the compromise set forth in the conference report.

Aside from the composition of the Board of Directors, the substantive differences between the House bill and the conference report are relatively minor. I would like to call attention, however, to one of the more important provisions—a provision which was in the House bill and is contained in the conference report in basically the same way. This provision is the amendment to section 15(c)(3) of the Securities Exchange Act of 1934 which grants broad rulemaking authority to the Securities and Exchange Commission to promulgate rules to provide safeguards with respect to the financial responsibility and related practice of broker-dealers. The Senate version would have altered this amendment to section 15(c)(3) by specifying in some detail certain practices of broker-dealers which should be prohibited. Your conferees are pleased that the conference report continues this section in the broad general language of the House version. By not embodying the details in the legislation, we believe the Commission's hand is stronger in that it has flexibility to meet changing situations and needs.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. Will the gentleman please

repeat the new membership requirement of this Board or Commission?

Mr. STAGGERS. I am sorry, I made a mistake. The Secretary of the Treasury shall designate one member and the Federal Reserve Board shall designate the President as members of the public, and three are to be appointed by the President as representatives or members from industry.

Mr. GROSS. So it is now a 4-to-3 Board?

Mr. STAGGERS. That is right.

Mr. GROSS. I assume that most of the so-called members of whom the gentleman speaks have heavy financial interests someplace, somewhere. Did the gentleman say the Secretary of the Treasury appoints one and the Federal Reserve Board appoints one? The banking industry then will be well represented.

Mr. STAGGERS. We felt that we had to have some assurance in the legislation that these are two knowledgeable men. They will be public members who will be appointed from this group. They will not be the heads of either of the exchanges, but they will be men appointed from the securities industry, and also the President will appoint the industry men.

Mr. GROSS. There are no farmers on this Board?

Mr. STAGGERS. No, sir; I would hope not.

Mr. GROSS. Is there something wrong with putting a farmer on a board of this kind?

Mr. STAGGERS. The only thing is, I would think the gentlemen who would be on this Board would have to have some knowledge about what is going on in the securities market.

Mr. GROSS. I do not think they would have to have very much expertise because 110 broker-investment firms passed out of the picture in the last 2 years. I think just about anybody could do as well as some have done to bring order out of the chaos in the stock exchange.

Mr. STAGGERS. I would say to the gentleman I think it is wise for the President to pick seven men who are knowledgeable, and he even picks the three industry men himself, so all of the seven are picked in this way.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, the bill which the conferees bring back to you for approval is so much the bill which you passed a few days ago that it merits little comment or discussion. Most of the changes were designed only to enhance or specify the intent of the House bill. For the benefit of Members who may be interested in these various changes I submit herewith a list of the things which were settled by the conference.

The differences between the two bills were resolved in the conference as follows:

First. The Senate bill had a predominantly public Board of Directors while the House bill provided an industry board which became dominated by public members when public money became involved.

The conference agreed upon a Board of Directors composed of the following: two government members; five public members of whom three will be from industry.

Second. The 1-percent ceiling on assessments imposed by the House bill is modified only to indicate that the amounts over one-half of 1 percent will only be assessed when the industry can stand it. This is consistent with the intent of the House-passed measure.

Third. An exemption from the affect of the act on income from handling Treasury securities was eliminated to avoid an unfair advantage to certain such dealers over others handling the same items.

In determining what revenues must be included as gross revenues for purposes of assessments under the act both SEC and the Corporation will have exemptive powers to prevent inequities.

Fourth. The $50,000 coverage of the act was changed to specify that only $20,000 of such claim may be for cash.

Fifth. The authority of the SEC was expanded to require rules which should protect customers' property more fully.

Sixth. A study of industry practices was added.

Seventh. Minimum assessments which were $250 in the House bill were lowered to $150.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

INTERGOVERNMENTAL PERSONNEL ACT OF 1970

Mrs. GREEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (S. 11) to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government and State and local governments, and for other purposes, as amended.

The Clerk read as follows:

S. 11

That this Act may be cited as the "Intergovernmental Personnel Act of 1970".

DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares—

That effective State and local governmental institutions are essential in the maintenance and development of the federal system in an increasingly complex and interdependent society.

That, since numerous governmental activities administered by the State and local governments are related to national purpose and are financed in part by Federal funds, a national interest exists in a high caliber of public service in State and local governments.

That the quality of public service at all levels of government can be improved by the development of systems of personnel administration consistent with such merit principles as—

(1) recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;

(2) providing equitable and adequate compensation;

(3) training employees, as needed, to assure high-quality performance;

(4) retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;

(5) assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religious creed and with proper regard for their privacy and constitutional rights as citizens; and

(6) assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

That Federal financial and technical assistance to State and local governments for strengthening their personnel administration in a manner consistent with these principles is in the national interest.

SEC. 3. The authorities provided by this Act shall be administered in such manner as (1) to recognize fully the rights, powers, and responsibilities of State and local governments, and (2) to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration.

TITLE I—DEVELOPMENT OF POLICIES AND STANDARDS

DECLARATION OF PURPOSE

SEC. 101. The purpose of this title is to provide for intergovernmental cooperation in the development of policies and standards for the administration of programs authorized by this Act.

ADVISORY COUNCIL

SEC. 102. (a) Within one hundred and eighty days following the date of enactment of this Act, the President shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, an advisory council on intergovernmental personnel policy. The President may terminate the council at any time after the expiration of three years following its establishment.

(b) The advisory council of not to exceed fifteen members, shall be composed primarily of officials of the Federal Government and State and local governments, but shall also include members selected from educational and training institutions or organizations, public employee organizations, and the general public. At least half of the governmental members shall be officials of State and local governments. The President shall designate a Chairman and a Vice Chairman from among the members of the advisory council.

(c) It shall be the duty of the advisory council to study and make recommendations regarding personnel policies and programs for the purpose of—

(1) improving the quality of public administration at State and local levels of gov-

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ernment, particularly in connection with programs that are financed in whole or in part from Federal funds;

(2) strengthening the capacity of State and local governments to deal with complex problems confronting them;

(3) aiding State and local governments in training their professional, administrative, and technical employees and officials;

(4) aiding State and local governments in developing systems of personnel administration that are responsive to the goals and needs of their programs and effective in attracting and retaining capable employees; and

(5) facilitating temporary assignments of personnel between the Federal Government and State and local governments and institutions of higher education.

(d) Members of the advisory council who are not regular full-time employees of the United States, while serving on the business of the council, including travel time, may receive compensation at rates not exceeding the daily rate for GS–18; and while so serving away from their homes or regular places of business, all members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

REPORTS OF ADVISORY COUNCIL

SEC. 103. (a) The advisory council on intergovernmental personnel policy shall from time to time report to the President and to the Congress its findings and recommendations.

(b) Not later than eighteen months after its establishment, the advisory council shall submit an initial report on its activities, which shall include its views and recommendations on—

(1) the feasibility and desirability of extending merit policies and standards to additional Federal-State grant-in-aid programs;

(2) the feasibility and desirability of extending merit policies and standards of grant-in-aid programs of a Federal-local character;

(3) appropriate standards for merit personnel administration, where applicable, including those established by regulations with respect to existing Federal grant-in-aid programs; and

(4) the feasibility and desirability of financial and other incentives to encourage State and local governments in the development of comprehensive systems of personnel administration based on merit principles.

(c) In transmitting to the Congress reports of the advisory council, the President shall submit to the Congress proposals of legislation which he deems desirable to carry out the recommendations of the advisory council.

TITLE II—STRENGTHENING STATE AND LOCAL PERSONNEL ADMINISTRATION

DECLARATION OF PURPOSE

SEC. 201. The purpose of this title is to assist State and local governments to strengthen their staffs by improving their personnel administration.

STATE GOVERNMENT AND STATEWIDE PROGRAMS AND GRANTS

SEC. 202. (a) The United States Civil Service Commission (hereinafter referred to as the "Commission") is authorized to make grants to a State for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the Governor of that State that the programs or projects contained within the State's application are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to strengthen personnel administration in that State government or in local governments of that State. The authority provided by this section shall be employed in such a manner as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration.

(b) An application for a grant shall be made at such time or times, and contain such information, as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section only if the application therefor—

(1) provides for designation, by the Governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the approved program or project at the State level;

(2) provides for the establishment of merit personnel administration where appropriate and the further improvement of existing systems based on merit principles;

(3) provides for specific personnel administration improvement needs of the State government and, to the extent appropriate, of the local governments in that State, including State personnel administration services for local governments;

(4) provides assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes; and

(5) sets forth clear and practicable actions for the improvement of particular aspects of personnel administration such as—

(A) establishment of statewide personnel systems of general or special functional coverage to meet the needs of urban, suburban, or rural governmental jurisdictions that are not able to provide sound career services, opportunities for advancement, adequate retirement and leave systems, and other career inducements to well-qualified professional, administrative, and technical personnel;

(B) making State grants to local governments to strengthen their staffs by improving their personnel administration;

(C) assessment of State and local government needs for professional, administrative, and technical manpower, and the initiation of timely and appropriate action to meet such needs;

(D) strengthening one or more major areas of personnel administration, such as recruitment and selection, training and development, and pay administration;

(E) undertaking research and demonstration projects to develop and apply better personnel administration techniques, including both projects conducted by State and local government staffs and projects conducted by colleges or universities or other appropriate nonprofit organizations under grants or contracts;

(F) strengthening the recruitment, selection, assignment, and development of handicapped persons, women, and members of disadvantaged groups whose capacities are not being utilized fully;

(G) training programs related directly to upgrading within the agency for nonprofessional employees who show promise of developing a capacity for assuming professional responsibility;

(H) achieving the most effective use of scarce professional, administrative, and technical manpower; and

(I) increasing intergovernmental cooperation in personnel administration, with respect to such matters as recruiting, examining, pay studies, training, education, personnel interchange, manpower utilization, and fringe benefits.

LOCAL GOVERNMENT PROGRAMS AND GRANTS

SEC. 203. (a) The Commission is authorized to make grants to a general local government, or a combination of general local governments, that serve a population of fifty thousand or more, for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the mayor(s), or chief executive officer(s), of the general local government or combination of local governments that the programs or projects are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to strengthen the personnel administration of such governments. Such a grant may not be made—

(1) if, at the time of submission of an application, the State concerned has an approved plan which, with the agreement of the particular local government concerned, provides for strengthening one or more aspects of personnel administration in that local government, unless the local government concerned has problems which are not met by the previously approved plan and for which, with the agreement of the State government concerned with respect to those aspects of personnel administration covered in the approved plan, it is submitting an application; or

(2) after the State concerned has a statewide plan which has been developed by an appropriate State agency designated or established pursuant to State law which provides such agency with adequate authority, administrative organization, and staffing to develop and administer such a statewide plan, and to provide technical assistance and other appropriate support in carrying out the local components of the plan, and which provides procedures insuring adequate involvement of officials of affected local governments in the development and administration of such a statewide plan, unless the local government concerned has special, unique, or urgent problems which are not met by the approved statewide plan and for which it submits an application for funds to be distributed under section 506(a).

Upon the request of a Governor or chief executive authority, a grant to a general local government or combination of such governments in that State may not be made during a period not to exceed ninety days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later: *Provided*, That the request of the Governor or chief executive authority indicates that he is developing a plan under (1) above, or during a period not to exceed one hundred and eighty days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later, provided the request of the Governor or chief executive authority indicates that he is developing a statewide plan under (2) above.

(b) An application for a grant from a general local government or a combination of general local governments shall be made at such time or times and shall contain such information as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section only if the application therefor meets requirements similar to those established in section 202(b) of this Act for a State application for a grant, unless any such requirement is specifically waived by the Commission, and the requirements of subsection (c) of this section. Such a grant may cover the costs of developing the program or project covered by the application. The Commission may make grants to general local governments, or combinations

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of such governments, that serve a population of less than fifty thousand, if it finds that such grants will help meet essential needs in programs or projects of national interest and will assist general local governments experiencing special problems in personnel administration related to such programs or projects.

(c) An application to be submitted to the Commission under subsection (b) of this section shall first be submitted by the general local government or combination of such governments to the Governor for review, comments, and recommendations. The Governor may refer the application to the State office designated under section 202(b)(1) of this Act for review. Comments and recommendations (if any) made as a result of the review, and a statement by the general local government or combination of such governments that it has considered the comments and recommendations of the Governor shall accompany the application to the Commission. The application need not be accompanied by the comments and recommendations of the Governor if the general local government or combination of such governments certifies to the Commission that the application has been before the Governor for review and comment for a period of sixty days without comment by the Governor. An explanation in writing shall be sent to the Governor of a State by the Commission whenever the Commission does not concur with recommendations of the Governor in approving any local government applications.

INTERGOVERNMENTAL COOPERATION IN RECRUITING AND EXAMINING

SEC. 204. (a) The Commission may join, on a shared-costs basis, with State and local governments in cooperatives recruiting and examining activities under such procedures and regulations as may jointly be agreed upon.

(b) The Commission also may, on the written request of a State or local government and under such procedures as may be jointly agreed upon, certify to such governments from appropriate Federal registers the names of potential employees. The State or local government making the request shall pay the Commission for the costs, as determined by the Commission, of performing the service, and such payment shall be credited to the appropriation or fund from which the expenses were or are to be paid.

TECHNICAL ASSISTANCE

SEC. 205. The Commission may furnish technical advice and assistance, on request, to State and general local governments seeking to improve their systems of personnel administration. The Commission may waive, in whole or in part, payments from such governments for the costs of furnishing such assistance. All such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

COORDINATION OF FEDERAL PROGRAMS

SEC. 206. The Commission, after consultation with other agencies concerned, shall—

(1) coordinate the personnel administration support and technical assistance given to State and local governments and the support given State programs or projects to strengthen local government personnel administration, including the furnishing of needed personnel administration services and technical assistance, under authority of this Act with any such support given under other Federal programs; and

(2) make such arrangements, including the collection, maintenance, and dissemination of data on grants for strengthening State and local government personnel administration and on grants to States for furnishing needed personnel administration services and technical assistance to local governments, as needed to avoid duplication and insure consistent administration of related Federal activities.

INTERSTATE COMPACTS

SEC. 207. The consent of the Congress is hereby given to any two or more States to enter into compacts or other agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance (including the establishment of appropriate agencies) in connection with the development and administration of personnel and training programs for employees and officials of State and local governments.

TRANSFER OF FUNCTIONS

SEC. 208. (a) There are hereby transferred to the Commission all functions, powers, and duties of—

(1) the Secretary of Agriculture under section 10(e)(2) of the Food Stamp Act of 1964 (7 U.S.C. 2019(e)(2));

(2) the Secretary of Labor under—

(A) the Act of June 6, 1933, as amended (29 U.S.C. 49 et seq.); and

(B) section 303(a)(1) of the Social Security Act (42 U.S.C. 503(a)(1);

(3) the Secretary of Health, Education, and Welfare under—

(A) sections 134(a)(6) and 204(a)(6) of the Mental Retardation Facilities and Community Health Centers Construction Act of 1963 (42 U.S.C. 2674(a)(6) and 2684(a)(6));

(B) section 303(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)(6));

(C) section 314(a)(2)(F) and (d)(2)(F) and 604(a)(8) of the Public Health Service Act (42 U.S.C. 246(a)(2)(F) and (d)(2)(F) and 291d(a)(8)); and

(D) sections 2(a)(5)(A), 402(a)(5)(A), 505(a)(3)(A), 1002(a)(5)(A), 1402(a)(5)(A), 1602(a)(5)(A), and 1902(a)(4)(A) of the Social Security Act (42 U.S.C. 302(a)(5)(A), 602(a)(5)(A), 705(a)(3)(A), 1202(a)(5)(A), 1352(a)(5)(A), 1382(a)(5)(A), and 1396a(a)(4)(A); and

(4) any other department, agency, office, or officer (other than the President) under any other provision of law or regulation applicable to a program of grant-in-aid that specifically requires the establishment and maintenance of personnel standards on a merit basis with respect to the program;

insofar as the functions, powers, and duties relate to the prescription of personnel standards on a merit basis.

(b) The Commission shall—

(1) provide consultation and technical advice and assistance to State and local governments to aid them in complying with standards prescribed by the Commission under subsection (a) of this section; and

(2) advise Federal agencies administering programs of grants or financial assistance as to the application of required personnel administration standards, and recommend and coordinate the taking of such actions by the Federal agencies as the Commission considers will most effectively carry out the purpose of this title.

(c) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of any Federal agency employed, used, held, available, or to be made available in connection with the functions, powers, and duties vested in the Commission by this section as the Director of the Management and Budget shall determine shall be transferred to the Commission at such time or times as the Director shall direct.

(d) Personnel standards prescribed by Federal agencies under laws and regulations referred to in subsection (a) of this section shall continue in effect until modified or superseded by standards prescribed by the Commission under subsection (a) of this section.

(e) Any standards or regulations established pursuant to the provisions of this section shall be such as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own individual systems of personnel administration.

(f) Nothing in this section or in section 202 or 203 of this Act shall be construed to—

(1) authorize any agency or official of the Federal Government to exercise any authority, direction, or control over the selection, assignment, advancement, retention, compensation, or other personnel action with respect to any individual State or local employee;

(2) authorize the application of personnel standards on a merit basis to the teaching personnel of educational institutions or school systems;

(3) prevent participation by employees or employee organizations in the formulation of policies and procedures affecting the conditions of their employment, subject to the laws and ordinances of the State or local government concerned;

(4) require or request any State or local government employee to disclose his race, religion, or national origin, or the race, religion, or national origin, of any of his forebears;

(5) require or request any State or local government employee, or any person applying for employment as a State or local government employee, to submit to any interrogation or examination or to take any psychological test or any polygraph test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters; or

(6) require or request any State or local government employee to participate in any way in any activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

(g) This section shall become effective sixty days after the date of enactment of this Act.

TITLE III—TRAINING AND DEVELOPING STATE AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 301. The purpose of this title is to strengthen the training and development of State and local government employees and officials, particularly in professional, administrative, and technical fields.

ADMISSION TO FEDERAL EMPLOYEE TRAINING PROGRAMS

SEC. 302. (a) In accordance with such conditions as may be prescribed by the head of the Federal agency concerned, a Federal agency may admit State and local government employees and officials to agency training programs established for Federal professional, administrative, or technical personnel.

(b) Federal agencies may waive, in whole or in part, payments from, or on behalf of, State and local governments for the costs of training provided under this section. Payments received by the Federal agency concerned for training under this section shall be credited to the appropriation or fund used for paying the training costs.

(c) The Commission may use appropriations authorized by this Act to pay the initial additional developmental or overhead costs that are incurred by reason of admittance of State and local government employees to Federal training courses and to reimburse other Federal agencies for such costs.

GRANTS TO STATE AND LOCAL GOVERNMENTS FOR TRAINING

SEC. 303. (a) If in its judgment training is not adequately provided for under grant-in-aid or other statutes, the Commission is authorized to make grants to State and gen-

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eral local governments for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs, on the certification of the Governor of that State, or the mayor or chief executive officer of the general local government, that the programs are consistent with the applicable principles set forth in clauses (1) (6) of the third paragraph of section 2 of this Act, to train and educate their professional, administrative, and technical employees and officials. Such grants may not be used to cover costs of full-time graduate-level study, provided for in section 305 of this Act, or the costs of the construction or acquisition of training facilities. The State and local government share of the cost of developing and carrying out training and education plans and programs may include, but shall not consist solely of, the reasonable value of facilities and of supervisory and other personal services made available by such governments. The authority provided by this section shall be employed in such a manner as to encourage innovation and allow for diversity on the part of State and local governments in developing and carrying out training and education programs for their personnel.

(b) An application for a grant from a State or general local government shall be made at such time or times, and shall contain such information, as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section, only if the application therefor meets requirements established by this subsection unless any requirement is specifically waived by the Commission. Such grant to a State, or to a general local government under subsection (c) of this section, may cover the costs of developing the program covered by the application. The program covered by the application shall—

(1) provide for designation, by the Governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the program at the State level;

(2) provide, to the extent feasible, for coordination with relevant training available under or supported by other Federal Government programs or grants;

(3) provide for training needs of the State government and of local governments in that State;

(4) provide, to the extent feasible, for intergovernmental cooperation in employee training matters, especially within metropolitan or regional areas; and

(5) provide assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes.

(c) A grant authorized by subsection (a) of this section may be made to a general local government, or a combination of such governments, that serve a population of fifty thousand or more, for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the mayor(s), or chief executive officer(s), of the general local government or combination of local governments that the programs or projects are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to train and educate their professional, administrative, and technical employees and officials. Such a grant may not be made—

(1) if, at the time of submission of an application, the State concerned has an approved plan which, with the agreement of the particular local government concerned, provides for strengthening one or more aspects of training in that local government, unless the local government concerned has problems which are not met by the previously approved plan and for which, with the agreement of the State government concerned with respect to those aspects of training covered in the approved plan, it is submitting an application; or

(2) after the State concerned has a statewide plan which has been developed by an appropriate State agency designated or established pursuant to State law which provides such agency with adequate authority, administrative organization, and staffing to develop and administer such a statewide plan, and to provide technical assistance and other appropriate support in carrying out the local components of the plan, and which provides procedures insuring adequate involvement of officials of affected local governments in the development and administration of such a statewide plan, unless the local government concerned has special, unique, or urgent problems which are not met by the approved statewide plan and for which it submits an application for funds to be distributed under section 506(a).

Upon the request of a Governor or chief executive authority, a grant to a general local government or combination of such governments in that State may not be made during a period not to exceed ninety days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later: *Provided,* That the request of the Governor or chief executive authority indicates that he is developing a plan under (1) above, or during a period not to exceed one hundred and eighty days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later, provided the request of the Governor or chief executive authority indicates that he is developing a statewide plan under (2) above. To be approved, an application for a grant under this subsection must meet requirements similar to those established in subsection (b) of this section for State applications, unless any such requirement is specifically waived by the Commission, and the requirements of subsection (d) of this section. The Commission may make grants to general local governments, or combinations of such governments that serve a population of less than fifty thousand if it finds that such grants will help meet essential needs in programs or projects of national interest and will assist general local governments experiencing special needs for personnel training and education related to such programs or projects.

(d) An application to be submitted to the Commission under subsection (c) of this section shall first be submitted by the general local government or combination of such governments to the Governor for review, comments, and recommendations. The Governor may refer the application to the State office designated under section 303(b)(1) of this Act for review. Comments and recommendations (if any) made as a result of the review and a statement by the general local government or combination of such governments that it has considered the comments and recommendations of the Governor shall accompany the application to the Commission. The application need not be accompanied by the comments and recommendations of the Governor if the general local government or combination of such governments certifies to the Commission that the application has been before the Governor for review and comment for a period of sixty days without comment by the Governor. An explanation in writing shall be sent to the Governor of a State by the Commission whenever the Commission does not concur with recommendations of the Governor in approving any local government applications.

GRANTS TO OTHER ORGANIZATIONS

SEC. 304. (a) The Commission is authorized to make grants to other organizations to pay up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, up to 50 per centum) of the costs of providing training to professional, administrative, or technical employees and officials of State or local governments if the Commission—

(1) finds that State or local governments have requested the proposed program;

(2) determines that the capability to provide such training does not exist, or is not readily available, within the Federal or the State or local governments requesting such program or within associations of State or local governments, or if such capability does exist that such government or association is not disposed to provide such training; and

(3) approves the program as meeting such requirements as may be prescribed by the Commission in its regulations pursuant to this Act.

(b) For the purpose of this section "other organization" means—

(1) a national, regional, statewide, areawide, or metropolitan organization, representing member State or local governments;

(2) an association of State or local public officials; or

(3) a nonprofit organization one of whose principal functions is to offer professional advisory, research, development, educational or related services to governments.

GOVERNMENT SERVICE FELLOWSHIPS

SEC. 305. (a) The Commission is authorized to make grants to State and general local governments to support programs approved by the Commission for providing Government Service Fellowships for State and local government personnel. The grants may cover—

(1) the necessary costs of the fellowship recipient's books, travel, and transportation, and such related expenses as may be authorized by the Commission;

(2) reimbursement to the State or local government for not to exceed one-fourth of the salary of each fellow during the period of the fellowship; and

(3) payment to the educational institutions involved of such amounts as the Commission determines to be consistent with prevailing practices under comparable federally supported programs for each fellow, less any amount charged the fellow for tuition and nonrefundable fees and deposits.

(b) Fellowships awarded under this section may not exceed two years of full-time graduate-level study for professional, administrative, and technical employees. The regulations of the Commission shall include eligibility criteria for the selection of fellowship recipients by State and local governments.

(c) The State or local government concerned shall—

(1) select the individual recipients of the fellowships;

(2) during the period of the fellowship, continue the full salary of the recipient and normal employment benefits such as credit for seniority, leave accrual, retirement, and insurance; and

(3) make appropriate plans for the utilization and continuation in public service of employees completing fellowships and outline such plans in the application for the grant.

COORDINATION OF FEDERAL PROGRAMS

SEC. 306. The Commission, after consultation with other agencies concerned, shall—

(1) prescribe regulations concerning administration of training for employees and officials of State and local governments provided for in this title, including requirements for coordination of and reasonable consistency in such training programs;

(2) coordinate the training support given to State and local governments under authority of this Act with training support given such governments under other Federal programs; and

(3) make such arrangements, including the collection and maintenance of data on training grants and programs, as may be necessary to avoid duplication of programs providing for training and to insure consistent administration of related Federal training activities, with particular regard to title IX of the Higher Education Act of 1965.

TITLE IV—MOBILITY OF FEDERAL, STATE, AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 401. The purpose of this title is to provide for the temporary assignment of personnel between the Federal Government and State and local governments and institutions of higher education.

AMENDMENTS TO TITLE 5, UNITED STATES CODE

SEC. 402. (a) Chapter 33 of title 5, United States Code, is amended by inserting the following new subchapter at the end thereof:

"SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

"§ 3371. Definitions—

"For the purpose of this subchapter—

"(1) 'State' means—

"(A) a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States; and

"(B) an instrumentality or authority of a State or States as defined in subparagraph (A) of this paragraph (1) and a Federal-State authority or instrumentality; and

"(2) 'local government' means—

"(A) any political subdivision, instrumentality, or authority of a State or States as defined in subparagraph (A) of paragraph (1); and

"(B) any general or special purpose agency of such a political subdivision, instrumentality, or authority.

"§ 3372. General provisions

"(a) On request from or with the concurrence of a State or local government, and with the consent of the employee concerned, the head of an executive agency may arrange for the assignment of—

"(1) an employee of his agency to a State or local government; and

"(2) an employee of a State or local government to his agency;

for work of mutual concern to his agency and the State or local government that he determines will be beneficial to both. The period of an assignment under this subchapter may not exceed two years. However, the head of an executive agency may extend the period of assignment for not more than two additional years.

"(b) This subchapter is authority for and applies to the assignment of—

"(1) an employee of an executive agency to an institution of higher education; and

"(2) an employee of an institution of higher education to an executive agency.

"§ 3373. Assignment of employees to State and local governments

"(a) An employee of an executive agency assigned to a State or local government under this subchapter is deemed, during the assignment, to be either—

"(1) on detail to a regular work assignment in his agency; or

"(2) on leave without pay from his position in the agency.

An employee assigned either on detail or on leave without pay remains an employee of his agency. The Federal Tort Claims Act and any other Federal tort liability statute apply to an employee so assigned. The supervision of the duties of an employee on detail may be governed by agreement between the executive agency and the State or local government concerned.

"(b) The assignment of an employee of an executive agency either on detail or on leave without pay to a State or local government under this subchapter may be made with or without reimbursement by the State or local government for the travel and transportation expenses to or from the place of assignment and for the pay, or supplemental pay, or a part thereof, of the employee during assignment. Any reimbursements shall be credited to the appropriation of the executive agency used for paying the travel and transportation expenses or pay.

"(c) For any employee so assigned and on leave without pay—

"(1) if the rate of pay for his employment by the State or local government is less than the rate of pay he would have received had he continued in his regular assignment in the agency, he is entitled to receive supplemental pay from the agency in an amount equal to the difference between the State or local government rate and the agency rate;

"(2) he is entitled to annual and sick leave to the same extent as if he had continued in his regular assignment in the agency; and

"(3) he is entitled, notwithstanding other statutes—

"(A) to continuation of his insurance under chapter 87 of this title, and coverage under chapter 89 of this title or other applicable authority, so long as he pays currently into the Employee's Life Insurance Fund and the Employee's Health Benefits Fund or other applicable health benefits system (through his employing agency) the amount of the employee contributions;

"(B) to credit the period of his assignment under this subchapter toward periodic step-increases, retention, and leave accrual purposes, and, on payment into the Civil Service Retirement and Disability Fund or other applicable retirement system of the percentage of his State or local government pay, and of his supplemental pay, if any, that would have been deducted from a like agency pay for the period of the assignment and payment by the executive agency into the fund or system of the amount that would have been payable by the agency during the period of the assignment with respect to a like agency pay, to treat his service during that period as service of the type performed in the agency immediately before his assignment; and

"(C) for the purpose of subchapter I of chapter 85 of this title, to credit the service performed during the period of his assignment under this subchapter as Federal service, and to consider his State or local government pay (and his supplemental pay, if any) as Federal wages. To the extent that the service could also be the basis for entitlement to unemployment compensation under a State law, the employee may elect to claim unemployment compensation on the basis of the service under either the State law or subchapter I of chapter 85 of this title.

However, an employee or his beneficiary may not receive benefits referred to in subparagraphs (A) and (B) of this paragraph (3), based on service during an assignment under this subchapter for which the employee or, if he dies without making such an election, his beneficiary elects to receive benefits, under any State or local government retirement or insurance law or program, which the Civil Service Commission determines to be similar.

The executive agency shall deposit currently in the Employee's Life Insurance Fund, the Employee's Health Benefits Fund or other applicable health benefits system, respectively, the amount of the Government's contributions on account of service with respect to which employee contributions are collected as provided in subparagraphs (A) and (B) of this paragraph (3).

"(d)(1) An employee so assigned and on leave without pay who dies or suffers disability as a result of personal injury sustained while in the performance of his duty during an assignment under this subchapter shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

"(2) An employee who elects to receive benefits from a State or local government may not receive an annuity under subchapter III of chapter 83 of this title and benefits from the State or local government for injury or disability to himself covering the same period of time. This provision does not—

"(A) bar the right of a claimant to the greater benefit conferred by either the State or local government or subchapter III of chapter 83 of this title for any part of the same period of time;

"(B) deny to an employee an annuity accruing to him under subchapter III of chapter 83 of this title on account of service performed by him; or

"(C) deny any concurrent benefit to him from the State or local government on account of the death of another individual.

"§ 3374. Assignments of employees from State or local governments

"(a) An employee of a State or local government who is assigned to an executive agency under an arrangement under this subchapter may—

"(1) be appointed in the executive agency without regard to the provisions of this title governing appointment in the competitive service for the agreed period of the assignment; or

"(2) be deemed on detail to the executive agency.

"(b) An employee given an appointment is entitled to pay in accordance with chapter 51 and subchapter III of chapter 53 of this title or other applicable law, and is deemed an employee of the executive agency for all purposes except—

"(1) subchapter III of chapter 83 of this title or other applicable retirement system;

"(2) chapter 87 of this title; and

"(3) chapter 89 of this title or other applicable health benefits system unless his appointment results in the loss of coverage in a group health benefits plan the premium of which has been paid in whole or in part by a State or local government contribution.

"(c) During the period of assignment, a State or local government employee on detail to an executive agency—

"(1) is not entitled to pay from the agency;

"(2) is deemed an employee of the agency for the purpose of chapter 73 of this title, sections 203, 205, 207, 208, 209, 602, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, section 638a of title 31, and the Federal Tort

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Claims Act and any other Federal tort liability statute; and

"(3) is subject to such regulations as the President may prescribe.

The supervision of the duties of such an employee may be governed by agreement between the executive agency and the State or local governmnt concerned. A detail of a State or local government employee to an executive agency may be made with or without reimbursement by the executive agency for the pay, or a part thereof, of the employee during the period of assignment.

"(d) A State or local government employee who is given an appointment in an executive agency for the period of the assignment or who is on detail to an executive agency and who suffers disability or dies as a result of personal injury sustained while in the performance of his duty during the assignment shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within 1 year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

"(e) If a State or local government fails to continue the employer's contribution to State or local government retirement, life insurance, and health benefit plans for a State or local government employee who is given an appointment in an executive agency, the employer's contributions covering the State or local government employee's period of assignment, or any part thereof, may be made from the appropriations of the executive agency concerned.

"§ 3375. Travel expenses

"(a) Appropriations of an executive agency are available to pay, or reimburse, a Federal or State or local government employee in accordance with—

"(1) subchapter I of chapter 57 of this title, for the expenses of—

"(A) travel, including a per diem allowance, to and from the assignment location;

"(B) a per diem allowance at the assignment location during the period of the assignment; and

"(C) travel, including a per diem allowance, while traveling on official business away from his designated post of duty during the assignment when the head of the executive agency considers the travel in the interest of the United States;

"(2) section 5724 of this title, for the expenses of transportation of his immediate family and of his household goods and personal effects to and from the assignment location;

"(3) section 5724a(a)(1) of this title, for the expenses of per diem allowances for the immediate family of the employee to and from the assignment location;

"(4) section 5724(a)(3) of this title, for subsistence expenses of the employee and his immediate family while occupying temporary quarters at the assignment location and on return to his former post of duty; and

"(5) section 5726(c) of this title, for the expenses of nontemporary storage of household goods and personal effects in connection with assignment at an isolated location.

"(b) Expenses specified in subsection (a) of this section, other than those in paragraph (1)(C), may not be allowed in connection with the assignment of a Federal or State or local government employee under this subchapter, unless and until the employee agrees in writing to complete the entire period of his assignment or one year, whichever is shorter, unless separated or reassigned for reasons beyond his control that are acceptable to the executive agency concerned. If the employee violates the agreement, the money spent by the United States for these expenses is recoverable from the employee as a debt due the United States. The head of the executive agency concerned may waive in whole or in part a right of recovery under this subsection with respect to a State or local government employee on assignment with the agency.

"(c) Appropriations of an executive agency are available to pay expenses under section 5742 of this title with respect to a Federal or State or local government employee assigned under this subchapter.

"§ 3376. Regulations

"The President may prescribe regulations for the administration of this subchapter."

(b) The analysis of chapter 33 of title 5, United States Code, is amended by inserting the following at the end thereof:

"SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

"*Sec.*

"3371. Definitions.

"3372. General provisions.

"3373. Assignments of employees to State or local governments.

"3374. Assignments of employees from State or local governments.

"3375. Travel expenses.

"3376. Regulations."

REPEAL OF SPECIAL AUTHORITIES

SEC. 403. The Act of August 2, 1956, as amended (7 U.S.C. 1881–1888), section 553 of the Act of April 11, 1965 as amended (20 U.S.C. 867), and section 314(f) of the Public Health Service Act (42 U.S.C. 246(f)) (less applicability to commissioned officers of the Public Health Service) are hereby repealed.

SEC. 404. This title shall become effective sixty days after the date of enactment of this Act.

TITLE V—GENERAL PROVISIONS

DECLARATION OF PURPOSE

SEC. 501. The purpose of this title is to provide for the general administration of titles I, II, III, and V of this Act (hereinafter referred to as "this Act"), and to provide for the establishment of certain advisory committees.

DEFINITIONS

SEC. 502. For the purpose of this Act—

(1) "Commission" means the United States Civil Service Commission;

(2) "Federal agency" means an executive department, military department, independent establishment, or agency in the executive branch of the Government of the United States, including Government owned or controlled corporations;

(3) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States, and includes interstate and Federal-interstate agencies but does not include the governments of the political subdivisions of a State; and

(4) "local government" means a city, town, county, or other subdivision or district of a State, including agencies, instrumentalities, and authorities of any of the foregoing and any combination of such units or combination of such units and a State. A "general local government" means a city, town, county, or comparable general-purpose political subdivision of a State.

GENERAL ADMINISTRATIVE PROVISIONS

SEC. 503. (a) Unless otherwise specifically provided, the Commission shall administer this Act.

(b) The Commission shall furnish such advice and assistance to State and local governments as may be necessary to carry out the purposes of this Act.

(c) In the performance of, and with respect to, the functions, powers, and duties vested in it by this Act, the Commission may—

(1) issue such standards and regulations as may be necessary to carry out the purposes of this Act;

(2) consent to the modification of any contract entered into pursuant to this Act, such consent being subject to any specific limitations of this Act;

(3) include in any contract made pursuant to this Act such covenants, conditions, or provisions as it deems necessary to assure that the purposes of this Act will be achieved; and

(4) utilize the services and facilities of any Federal agency, any State or local government, and any other public or nonprofit agency or institution, on a reimbursable basis or otherwise, in accordance with agreements between the Commission and the head thereof.

(d) In the performance of, and with respect to the functions, powers, and duties vested in it by this Act, the Commission—

(1) may collect information from time to time with respect to State and local government training programs and personnel administration improvement programs and projects under this Act, and make such information available to interested groups, organizations, or agencies, public or private;

(2) may conduct such research and make such evaluation as needed for the efficient administration of this Act;

(3) shall include in its annual report a report of the administration of this Act; and

(4) shall make such arrangements as may be necessary to avoid duplication of programs providing for training and to insure consistent administration of the related Federal training activities, with particular regard to title I of the Higher Education Act of 1965.

(e) The provisions of this Act are not a limitation on existing authorities under other statutes but are in addition to any such authorities, unless otherwise specifically provided in this Act.

REPORTING REQUIREMENTS

SEC. 504. (a) A State or local government office designated to administer a program or project under this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal funds and the operation of the approved program or project as the Commission may require, and shall keep and make available such records as may be required by the Commission for the verification of such reports and evaluations.

(b) An organization which receives a training grant under section 304 of this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal grant funds and the operation of the training program as the Commission may require, and shall keep and make available such records as may be required by the Commission for the verification of such reports and evaluations.

REVIEW AND AUDIT

SEC. 505. The Commission, the head of the Federal agency concerned, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of a grant recipient that are pertinent to the grant received.

DISTRIBUTION OF GRANTS

SEC. 506. (a) The Commission shall allocate 20 per centum of the total amount available for grants under this Act in such manner as will most nearly provide an equitable distribution of the grants among States and between State and local governments, taking into consideration such factors as the size of the population, number of employees affected, the urgency of the programs or projects, the need for funds to carry out the purposes of this Act, and the potential of the governmental jurisdictions concerned to use the funds most effectively.

(b)(1) The Commission shall allocate 80 per centum of the total amount available for grants under this Act among the States on a weighted formula taking into consideration such factors as the size of population and the number of State and local government employees affected.

(2) The amount allocated for each State under paragraph (1) of this subsection shall be further allocated by the Commission to meet the needs of both the State government and the local governments within the State on a weighted formula taking into consideration such factors as the number of State and local government employees and the amount of State and local government expenditures. The Commission shall determine the categories of employees and expenditures to be included or excluded, as the case may be, in the number of employees and amount of expenditures. The minimum allocation for meeting needs of local governments in each State (other than the District of Columbia) shall be 50 per centum of the amount allocated for the State under paragraph (1) of this subsection.

(3) The amount of any allocation under paragraph (2) of this subsection which the Commision determines, on the basis of information available to it, will not be used to meet needs for which allocated shall be available for use to meet the needs of the State government or local governments in that State, as the case may be, on such date or dates as the Commission may fix.

(4) The amount allocated for any State under paragraph (1) of this subsection which the Commission determines, on the basis of information available to it, will not be used shall be available for reallocation by the Commission from time to time, on such date or dates as it may fix, among other States with respect to which such a determination has not been made, in accordance with the formula set forth in paragraph (1) of this subsection, but with such amount for any of such other States being reduced to the extent it exceeds the sum the Commission estimates said State needs and will be able to use; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced.

(5) For the purposes of this subsection, "State" means the several States of the United States and the District of Columbia.

(c) Notwithstanding the other provisions of this section, the total of the payments from the appropriations for any fiscal year under this Act made with respect to programs or projects in any one State may not exceed an amount equal to 12½ per centum of such appropriation.

TERMINATION OF GRANTS

Sec. 507. Whenever the Commission, after giving reasonable notice and opportunity for hearing to the State or general local government concerned, finds—

(1) that a program or project has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or project there is a failure to comply substantially with any such provision;

the Commission shall notify the State or general local government of its findings and no further payments may be made to such government by the Commission until it is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Commission may authorize the continuance of payments to those projects approved under this Act which are not involved in the noncompliance.

ADVISORY COMMITTEES

Sec. 508. (a) The Commission may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such advisory committee or committees as it may determine to be necessary to facilitate the administration of this Act.

(b) Members of advisory committees who are not regular full-time employees of the United States, while serving on the business of the committees including traveltime may receive compensation at rates not exceeding the daily rate for GS–18; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

APPROPRIATION AUTHORIZATION

Sec. 509. There are authorized to be appropriated, without fiscal year limitation, such sums as may be necessary to carry out the programs authorized by this Act.

REVOLVING FUND

Sec. 510. Section 1304(e) of title 5, United States Code (relating to the revolving fund of the Civil Service Commission), is amended—

(1) by striking out "of $4,000,000" in paragraph (1); and

(2) by inserting ", which appropriations are hereby authorized" immediately before the semicolon at the end of paragraph (2) (A).

LIMITATIONS ON AVAILABILITY OF FUNDS FOR COST SHARING

Sec. 511. Federal funds made available to State or local governments under other programs may not be used by the State or local government for cost-sharing purposes under grant provisions of this Act, except that Federal funds may be used to pay a pro-rata share of such cost sharing. State or local government funds used for cost sharing on other federally assisted programs may not be used for cost sharing under grant provisions of this Act.

METHOD OF PAYMENT

Sec. 512. Payments under this Act may be made in installments, and in advance or by way of reimbursement, as the Commission may determine, with necessary adjustments on account of overpayments or underpayments.

EFFECTIVE DATE OF GRANT PROVISIONS

Sec. 513. Grant provisions of this Act shall become effective one hundred and eighty days following the date of enactment of this Act.

The SPEAKER pro tempore (Mr. Natcher). Is a second demanded?

Mr. QUIE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Oregon (Mrs. Green), will be recognized for 20 minutes, and the gentleman from Minnesota (Mr. Quie) will be recognized for 20 minutes.

Mrs. GREEN of Oregon. Mr. Speaker, the Intergovernmental Personnel Act of 1970, is designed to strengthen the quality of administration of State and local governments by assisting them to deal more effectively with their personnel management, recruiting, and training problems, particularly in the administrative, technical, and professional categories. Testimony reflected widespread concern among officials of government at every level over shortage of personnel, properly qualified to carry the responsibilities of modern-day government. Demands are beyond financial capabilities of State and local agencies in areas of pressing concern such as housing, education, health, pollution, and mass transit.

More and more demands are now being placed on State and local government personnel. We are accustomed to think of Federal governmental functions as increasing in number, scope, complexity, and expense. In every way the recent growth of State and local governmental functions has been even more spectacular.

According to testimony of the Civil Service Commission, between 1948 and 1967 Federal expenditures for civil government increased from $16.3 billion to $43.5 billion. Meanwhile State and local outlays increased from $21 billion to $83.8 billion. In terms of manpower, the number of Federal civilian employees rose from 2.4 million in 1946 to 3 million in October 1967—a 25-percent increase. During that same period, State and local employees soared from 3.6 million in 1946 to 9 million in 1967—a 150-percent jump. Today the number of such employees is almost 10 million. In 1975 it is estimated that it will have increased to 11.4 million.

This growth in governmental activity has been accompanied by a great increase in intergovernmental assistance programs. Again, according to Civil Service Commission testimony, Federal aid to State and localities amounted to $1.8 billion in 1948 and reached the $25 billion mark in 1970. State aid to local governments rose from $3.5 billion in 1949 to $19 billion in 1967—a 543-percent increase.

This extraordinary growth has inspired a great and growing concern about program administration, and with it a concern for improvement of public personnel management. S. 11 is a major effort to accomplish that improvement.

S. 11 passed the Senate without opposition on October 27, 1969. The Special Subcommittee on Education held 3 days of hearings on the bill. Those hearings developed a strong difference, between Governors on the one hand and the mayors and executives of county governments on the other, in regard to the authority of the Governors to veto applications of cities and local governments for grants. At the hearings the witnesses for all parties indicated that they might be able to reconcile their differences. Compromise language was agreed upon just before the election recess late this year. It assured the Governors of control over applications originating in their States but gave the cities and local governments a bypass in that the Governor did not act on the application. Thereupon on December 3, 1970 the Special Subcommittee on Education reported the bill with a number of amendments, the most important of which reflected the compromise.

XUM

The bill with the subcommittee amendments was adopted by the Committee on Education and Labor with only one dissenting vote on December 9, 1970.

In the version in which the bill came to the House from the Senate, the Governors were given a veto in certain circumstances. In testimony before the Special Subcommittee on Education, representatives of city and county organizations expressed their dissatisfaction with that provision. Thereafter, compromise language was worked out which was acceptable to the Governors, mayors, and executives of county governments.

In its present form, the bill has the support of the administration, the Civil Service Commission, the National Governors' Conference, the National Association of Counties, the U.S. Conference of Mayors, and the National League of Cities.

S. 11 is designed to meet certain basic needs: First, to strengthen intergovernmental cooperation and administration of grant-in-aid programs; second, to extend State and local merit systems to additional programs financed by Federal funds; third, to provide grants for improvement of State and local personnel administration; four, to authorize Federal assistance in training State and local employees; fifth, to provide grants to State and local government for training of employees; sixth, to authorize interstate compacts for personnel and training activities; and seventh, to facilitate interchange of Federal, State, and local personnel.

Title I of the bill provides for intergovernmental cooperation in the development of policies and standards for the administration of programs authorized by the act. This will be helped by an advisory council on intergovernmental personnel policy which the President will appoint within 6 months after the bill is enacted.

The basic purpose of title II of the bill is to stimulate and assist State and local governments to strengthen their staffs and improve their systems of personnel administration. A related objective is to help bring about the maximum possible degree of effectiveness in the administration of federally aided programs.

Title II authorizes the Civil Service Commission to furnish technical advice and assistance, on request, to State and general local governments seeking to improve their systems of personnel administration. The Commission may make grants to State and local governments on a 75 to 25 matching basis to help offset the costs of developing and carrying out programs or projects to strengthen the personnel administration of such governments. The Commission may join on a cost-sharing basis, with State and local governments in cooperative recruiting and examining activities.

The Commission may coordinate the personnel administration support and technical assistance given to State and local governments.

The Commission may administer Federal statutory provisions requiring the establishment and maintenance of personnel standards on a merit basis for State and local personnel engaged in certain federally assisted programs.

The purpose of title III is to strengthen the training and development of State and local government employees and officials, particularly in professional, administrative, and technical fields. Title III authorizes grants on a 75 to 25 matching basis to State and local governments and other organizations to help offset the costs of developing and carrying out programs for training of State and local government professional, administrative, and technical employees and officials.

It also authorizes grants to support Government service fellowships for State and local government personnel. It permits reimbursement for the initial additional developmental or overhead costs that are incurred by reason of admittance of State and local government employees to Federal training courses and to reimburse other Federal agencies for such costs. It authorizes the covering of training costs incurred by the Commission in admitting State and local government personnel into the Commission's interagency training programs on a partially or nonreimbursable basis.

The purpose of title IV is to provide for the temporary assignment of personnel between the Federal Government and State and local governments and institutions of higher education.

The assignment of a Federal employee to a State or local government is subject to the employee's consent.

Title IV permits assignments for 2 years with an extension possible for two more.

Title IV provides a salary equalization allowance to Federal employees assigned to the States in case the State salary is lower than the Federal employee's salary. The Department of Agriculture authority now makes no provision for this, but present law for the Office of Education and the Public Health Service does.

Title IV provides that Federal employees assigned to States shall receive the same amount of leave to which they would have been entitled at their regular post of duty.

The purpose of title V is to provide for the general administration of the act, and to provide for the establishment of certain advisory committees.

The bill authorizes such sums as are necessary with no set annual amounts listed in order to make it possible to make requests for specific amounts consistent with budgetary requirements for the programs. The authorization is open-ended both in duration and in amount. The Civil Service Commission has advised the committee that it now estimates $20 million will be requested for the first year of operations under the act, $30 million in the second, and $40 million annually in the immediate years thereafter. Funding requirements under the various titles of the bill for the next 2 fiscal years have been summarized by the Commission as follows:

SUMMARY OF ESTIMATED FUNDING REQUIREMENTS

	Fiscal year 1972	Fiscal year 1973
Personnel compensation	$400,000	$1,093,000
Title I	30,000	75,000
Title II	230,000	823,000
Title III	140,000	195,000
Title IV		
Title V		
Grants-in-aid	18,248,000	28,444,000
Title II	7,294,000	11,100,000
Title III:		
Training grants	10,454,000	16,744,000
Fellowships	500,000	600,000
Other objects of expenditure	352,000	463,000
Revolving fund	1,000,000	
Total	20,000,000	30,000,000

Under the bill, the Civil Service Commission will make a distribution of 20 percent of the available money among State and local governments on subjective factors as: emergency situations, number of employees affected, urgency of program or projects, et cetera.

The remaining 80 percent shall be allocated by the Commission among the States on an objective formula taking into consideration such factors as, first, the relative population; and second, the number of State and local government employees affected.

The committee was greatly concerned that effective coordination of programs be obtained and that duplication be avoided. To that end the Civil Service Commission is directed: first, to include requirements for coordination in regulations for training programs; second, to coordinate training programs under this act with other Federal training programs; and third, to avoid duplication of training programs, with particular regard to title IX—Education for the Public Service—of the Higher Education Act of 1965. Similar coordination and avoidance-of-duplication provisions are required in regard to personnel administration and technical assistance. The same principle is given general application in section 503(d)(4), with particular regard to title I—Community Service and Continuing Education—of the Higher Education Act of 1965.

Various merit programs now administered by other departments are transferred to the Civil Service Commission insofar as they relate to the prescription of personnel standards. Typically, these programs relate to Federal requirements for personnel administration on a merit basis in connection with certain Federal grant-in-aid programs.

At the same time the committee was also concerned that the independence of State and local governments be preserved. Accordingly, the Commission is directed to recognize fully the rights, powers, and responsibilities of State and local governments and to encourage innovation and allow for diversity.

Mr. Speaker, I urge that the House approve passage of S. 11. It is an important and necessary step towards the more effective administration of programs which this country needs and its citizens expect.

Mr. BRADEMAS. Mr. Speaker, will the distinguished gentlewoman from Oregon yield?

Mrs. GREEN of Oregon. I would be very happy to yield to the distinguished gentleman from Indiana.

Mr. BRADEMAS. Mr. Speaker, I thank very much the distinguished gentlewoman from Oregon for yielding to me this time.

Mr. Speaker, I want to express my strong support of the statement which has been made by the distinguished chairman of the subcommittee and to express the hope that this legislation will win strong support on both sides of the aisle, indicating the concern of the Members of this body that we strengthen State and local governments and thereby contribute to a strengthening of the entire Federal system.

Mr. GROSS. Mr. Speaker, will the distinguished gentlewoman yield?

Mrs. GREEN of Oregon. I would be very glad to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentlewoman for yielding.

This bill calls for, as I understand it, an expenditure of $90 million over the next 3 years. That is not an inconsequential amount of money even in these days of wholesale spending.

Is it intended in this legislation to eliminate some of the training programs presently in effect, or is this in addition to the wide-ranging assortment of training programs and alleged liaison between Federal and State governments?

Mrs. GREEN of Oregon. May I refer the gentleman to pages 69 and 70 of the bill which has been reported. The provisions set forth on those pages require the Civil Service Commission to coordinate Federal training programs and to avoid duplication. We would cut down as much as possible on the duplication.

Mr. GROSS. I would certainly hope that that would be one of the beneficial effects of this legislation, if it is approved.

It is not the intent of this legislation, or is it, to bring under the Federal merit system, the retirement program and other benefits, employees in the States who are paid in whole or part out of Federal funds?

Mrs. GREEN of Oregon. It is not the intention of this legislation to do this. The intent of this legislation is to provide training and help to the States and the localities in establishing their own or strengthening their own merit systems. It is not intended to bring them under the umbrella of the Federal merit system.

Mr. GROSS. I am sure the gentlewoman is aware of the fact that we already have some State employees under the Federal Retirement System and other fringe benefits. If this bill in any way provides or encourages an increase along that line I would be opposed to it.

I would like to have the assurance of the distinguished gentlewoman that it does not.

Mrs. GREEN of Oregon. I can assure the gentleman from Iowa that I also would oppose such legislation.

May I add one other thing. The gentleman from Iowa mentioned the possible expenditure of $90 million that the Civil Service Commission has suggested that it might request over the next 3 years. I suggest that with increased productivity and performance, in my judgment much of that amount, if not all of it, would be saved under this act.

Mr. GROSS. Mr. Speaker, if the gentlewoman will yield further, I would say to the gentlewoman if she will further indulge me, that will be the day when we get the increased productivity about which we have heard so much as being the means by which we can finance increased pay for Federal workers. That will be the day when you get the productivity that will result in paying for these constant pay increases. I do not anticipate that there will be very much increased productivity and thereby decrease the payrolls under this or any other legislation.

Mr. PERKINS. Mr. Speaker, the Intergovernmental Personnel Act of 1970 is designed to strengthen the capacity of State and local governments to deal with our most difficult domestic problems by upgrading the quality and effectiveness of the people serving at the State and local levels. Its emphasis is on improved personnel management and better recruiting and training of public service employees, particularly in the administrative, technical, and professional categories. I consider this measure vital to the future of our federal system of government.

Initially, Mr. Speaker, I want to compliment the members of the Special Subcommittee on Education of the Committee on Education and Labor—from both sides of the aisle—for their diligent work on this legislation. Particularly, I want to commend the chairman of the subcommittee—the gentlewoman from Oregon (Mrs. GREEN) for her effective leadership and management of this most important proposal.

There were many issues in controversy in connection with this legislation, and the bill before us today—which is acceptable to all interested parties—represents many hours of concerted effort on the part of the gentlewoman from Oregon (Mrs. GREEN) and the members of her subcommittee.

S. 11 comes to the floor of the House following unanimous approval by the Committee on Education and Labor on December 9, 1970. It twice passed the Senate in similar versions, first in the 90th Congress by an overwhelming margin, and most recently in the 91st Congress without opposition on October 27, 1969. It has the endorsement of leading Governors, mayors, and other public officials along with the major organizations representing them, and the strong support of citizen groups devoted to the public interest. It has broad bipartisan backing and the full support of this administration.

Three days of hearings were held by the Special Subcommittee on Education. On December 3, 1970, the bill was reported unanimously to the full committee with a number of perfecting and other amendments, all of which were approved by the full committee.

The principal changes from the Senate-passed bill are designed to prevent problems in State and local relationships which have emerged in other federally assisted programs. They provide a more definitive and equitable framework for States and localities to seek and obtain assistance provided under this legislation. These changes were approved by the principal organizations representing the States and localities, and have the full concurrence of the administration.

Mr. Speaker, this legislation is crucial to the successful execution of programs of Federal aid to State and local governments. We have invested heavily of our hopes and our national wealth in these programs. This year Federal aid to State and local governments will top $25 billion, and this amount is certain to increase. But this money will be wasted if the program for which it is used are not competently administered.

Numerous studies have emphasized the pressing need to improve the quality and competence of personnel at the State and local levels. The proposed Intergovernmental Personnel Act would provide the means to do this by.

First, authorizing the Civil Service Commission to make grants to State and local governments to plan and make improvements in their systems of personnel administration;

Second, authorizing the temporary exchange of personnel between and among the levels of government;

Third, transferring to the Civil Service Commission responsibility for administration of existing Federal statutory provisions requiring merit personnel administration for State and local employees engaged in certain federally assisted programs;

Fourth, authorizing Federal agencies to admit State and local government officials and employees, particularly in administrative, professional, and technical occupations, to Federal training programs.

Fifth, authorizing the Civil Service Commission to make grants to State and local governments and other appropriate organizations for carrying out plans for training State and local government employees, as well as for the development of such plans, and for Government service fellowships for employees selected for special graduate-level university training;

Sixth, authorizing the Civil Service Commission to join with State and local governments in cooperative recruitment and examining activities;

Seventh, giving the consent of Congress to interstate compacts designed to improve personnel administration as well as the training of State and local employees;

Eighth, providing for an advisory council appointed by the President to develop recommended policies and standards for the administration of Federal programs for the improvement of State and local personnel administration and training; and

Ninth, directing the Civil Service Commission to coordinate these activities, in order to avoid overlap and duplication of effort and thus insure maximum effectiveness of administration.

Mr. Speaker, I should like to discuss the conditions which have created the need for this legislation.

Increasing population and urbanization in this country pose massive problems for all levels of government. The problem areas are well known—slums, substandard housing, traffic congestion, pollution, crime, delinquency, and others with which we are all too familiar. There are demands for better education and better roads, hospitals, and programs for safeguarding economic and social security.

The major burden for solving these problems and meeting these demands rests primarily with our State and local governments. But, as the demands have increased, their capacity to meet them has not. Just in terms of obtaining enough qualified personnel, the State and local governments have a serious problem on their hands.

Between 1955 and 1970, State and local government employment increased from 4.7 million to almost 10 million persons. It is estimated that this total will increase to 11.4 million by 1975. Total recruiting needs for these employees, other than for teachers, are estimated at 2.5 million over the 10-year period, or an average of 250,000 per year. This, just to stay abreast of replacement and growth needs. Nothing similar to this critical manpower situation has ever been faced by State and local governments before.

Expanded Federal assistance has aggravated personnel problems at the local government level. Federal programs have moved local government into new and complex areas and programs which have seriously challenged the knowledge and competence of present employees. Implementing such programs will be disastrous, if we are not concerned with the qualifications, abilities, and training of the local government employees who are to run these programs.

If we are to appropriate billions of dollars each year to solve the problems confronting the Nation, it is surely sensible to spend a relatively small sum to insure that these programs will be properly administered.

The proposed legislation has now been considered in three Congresses. We have delayed much too long in dealing with the critical shortage of properly qualified personnel for the public service. The burden grows constantly. S. 11 is intended to help strengthen State and local governments in their quest for improved administration of these many programs and to help them meet their responsibilities within the Federal system. It would do this in such a way as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration.

I would like to add a few words about one provision of S. 11 which I feel will have a significant impact on the quality of government. I refer to the authorization for temporary personnel interchange between the different levels of government. This provision will make it possible for high quality personnel to bring fresh thinking to bear on mutual problems. It will enable governmental jurisdictions to obtain the expert help they need to solve a special problem or get a new program started. Being able to share hard-to-get specialists will work to the mutual advantage of all.

For these reasons, I hope that the House will approve passage of S. 11 as an important step toward improvement of intergovernmental relations between the National, State, and local governments and in providing services demanded by our citizens.

Mr. QUIE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise to support the bill S. 11, as amended. Almost every domestic problem which we as a nation face puts unusual burdens on all levels of government. People are looking more and more to Government for solutions; solutions for inadequate health systems, a polluted environment, rising crime rates, congested transportation networks, shortage of housing—the list could go on and on.

The record of the U.S. Congress and of State legislatures in developing programs to combat these problems is a record unparalleled by any nation. In fact, we have built this record so rapidly, that, in the process, we have created unbelievable pressures on the executive agencies of the Federal, State, and local governments to deliver the services which we have authorized and funded.

Now is the time—indeed it is far past the time—for us to recognize our responsibility to update Government personnel administration; to train public employees to become more proficient in their responsibilities; and to coordinate the proliferation of personnel functions carried out at each level of government.

The Intergovernmental Personnel Act of 1970, as amended, is directed to these needs. It recognizes the interdependency among all levels of government. It recognizes the responsibility of the Federal Government to provide leadership in upgrading Government services. It is only fitting that we assume this leadership, since the Federal Government must depend to a great extent on the quality of personnel at the State and local level to administer the grants which we provide.

During our hearings, we learned that State and local government employment rose 65 percent between 1955 and 1965. It is projected that from 1965 to 1975, this employment figure will rise another 55 percent to over 12 million employees. State and local governments now need to recruit and train each year over 250,000 administrative, professional, and technical employees alone. This creates tremendous problems for personnel administrators. It is clearly in the national interest to focus much, much more attention—as this bill does—on the structure of our personnel systems, the recruitment and training of key employees, and the potential for better government through the coordination of services among the various levels of government. To do less would be extremely shortsighted, even irresponsible.

This is a comprehensive bill. The costs of the several programs authorized in the bill will be shared. In the major programs, the Federal Government will contribute 75 percent for the first 3 years, then only 50 percent. The State or local government participating in any given program will bear the remainder of the cost.

The Civil Service Commission will administer these programs at the Federal level.

The major features of the bill are as follows:

Federal matching grants can be made to States, local governments, or combinations of local governments to develop and strengthen their own systems of personnel administration. Whatever programs are proposed must be consistent with basic merit principles outlined in section 2. But diversity is allowed and innovation is encouraged.

Intergovernmental cooperation and coordination will be strengthened through cooperative recruiting and examining; interstate compacts for personnel training and development; exchange of employees between levels of government and joint training efforts; technical assistance to State and local governments by the Civil Service Commission; and better coordination of all the personnel administration assistance now provided by various Federal programs.

Training programs for State and local administrative, professional, and technical employees will be supported on a cost-sharing basis. States are given first chance to develop a State plan for these programs. Should a State decide not to provide for the training of local employees, or should a local government have unique training needs not covered by the State plan, then the local jurisdiction can apply directly to the Civil Service Commission for a training grant. These proposals would, however, go first to the Governor for review and comment.

Mr. Speaker, these are the major features of a bill which I feel could have far-reaching effects on Government service at all levels. We must do everything we can to keep Government organization and Government employees up-to-date and compatible with the ever-changing demands we as a people are placing on our governments.

The bill, as passed by the other body and our committee, has an open-end authorization. I feel that we should leave it that way. Let the Civil Service Commission request exactly what it needs and can effectively administer. To place unrealistic levels of authorization would only give the States and local governments something to complain about if Congress funded these programs at lower levels.

The Civil Service Commission indicated to the committee that it expected to request about $20 million the first year, $30 million the second and could conceivably be expanded to upwards of $40 million several years from now. I believe these are reasonable figures for the improved quality of Government services which we should expect.

As our distinguished Chairman indicated, this bill was not without problems when it was sent over from the other body. Credit is due to many individuals who were instrumental in finally getting the city, county, and State people to agree on new language for certain sections. The new language incorporated in the committee bill is completely acceptable to the Administration as well. And we understand that the other body is willing to accept the amended bill so that a conference will not be necessary.

One question which was naturally raised in our committee is the extent to which teachers and other educational personnel are included in the bill. Let it be clear that this bill is directed at administrative, professional, and technical employees working in Government agencies—people in the "management core" of each level of government.

It is possible for a Governor or a chief executive of a local government unit to include in his proposal provisions for improving the personnel administration of public educational institutions and provisions for training certain management personnel of public schools or institutions of higher learning. In no case, however, would the Civil Service Commission be allowed to make grants which duplicate the programs already offered under other legislation. Teaching personnel per se will not be assisted under either title II or title III.

Under title IV, which provides for exchange of government employees, it is possible for employees of a college or university to be temporarily assigned to a government executive agency, and vice versa. These arrangements are made between the relevant organizations and would not consume any of the Federal funds authorized under this bill.

Another question which was raised in committee is the opportunity for organizations other than government organizations to receive grants for training government employees and officials. I believe we have amended Section 304 to satisfy our concerns. According to the Civil Service Commission, there are a handful of organizations and professional associations which already provide training assistance to government. These groups sometimes have training expertise in certain specific areas which is not available within the government.

The way we amended this section, the Government personnel system will be required to provide the desired training if it is capable and able to do so. Any outside organization must have a request from a State or local government before its proposal for a grant can be considered. Finally, in this regard, it is important to remember that one of the main themes of this bill is to strengthen the Government personnel systems. We should depend on them first. The capacity of Government to provide employee training will develop best when it is used and challenged to the fullest extent possible.

In summary, Mr. Speaker, I believe this bill, which has taken 5 years to get this close to final passage, will result in new measures of excellence in government service. The administration strongly endorses it. The associations representing the cities, the counties, and the States strongly endorse it. I urge the House to pass the bill as reported by our committee and express the hope that the Senate can in turn agree to our language and send it on to the President before the end of the year.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I want to associate myself with the remarks of the gentleman from Minnesota.

This bill has been a long time coming. I think it has been worth the wait.

The chairman of the subcommittee and the ranking member, the gentleman from Minnesota, have done well in having straightened out the problems dealt with in this bill.

I know that there is a great deal of interest in this legislation on the local and State level in Wisconsin and it is well we have this bill before us today, and I hope it is promptly passed.

The SPEAKER pro tempore. The gentlewoman from Oregon (Mrs. GREEN) is recognized.

Mr. GONZALEZ. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman.

Mr. GONZALEZ. Mr. Speaker, I have a question with respect to this legislation.

I have cosponsored legislation for better than 8 years.

One of the things I am wondering about is discussed on page 19 of the committee report and it has to do with the assignment of State and local government employees.

I am just wondering if we could get an explanation as to the local responsibility that can flow from this type of arrangement whereas a State employee is assigned to the Federal Government—and even though the committee report says it would be on a limited basis and that irregardless of the merit provisions of the civil service laws that he shall not have an equal footing with the regular merit service employee—still in the report there is a discussion of how the local and State government shall pay into his retirement fund—I mean the Federal Government would pay for it if the State and local government unit either fails or refuses to continue to pay into his retirement fund and insurance fund.

It seems to me this is inviting the State and local government units to do exactly that and to let the Federal Government pay for it.

Is there some explanation that could enlighten me a little further than the committee report does on page 19?

Mrs. GREEN of Oregon. I would say, first of all, this is a cooperative venture and its success will be determined on the degree of cooperation between the various units of government.

The bill is very clear, saying that no person shall be eligible for duplicate benefits—Federal, State, or local. It has to be one or the other.

As far as the possibility of shifting the burden, if I understand the gentleman's question correctly—shifting the financial burden to the Federal Government from the States—we would hope this would not be the case, and that the States would continue to meet their responsibilities as before.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mrs. GREEN of Oregon. I yield to the gentleman.

Mr. BRADEMAS. Mr. Speaker, I would also like to add to what the gentlewoman has just said, the observation that on page 95 of the bill, it should be noted that the employer's contribution in the event of the circumstances suggested by the gentleman were to occur, may be made from the appropriations of the executive agency concerned—which is not the same as "shall" and therefore I would hope that that would represent some warning to the State and local governments who are concerned, to resolve their problems in the manner described by the gentleman, and that they will not find their purpose achieved.

Mr. Speaker, as a sponsor of the bill now before us the Intergovernmental Personnel Act of 1970, I believe that this legislation will enable us to initiate a program to strengthen the Federal system at its most crucial point—the quality of the men and women administering the many tasks of modern government.

I commend the gentlewoman from Oregon, the distinguished chairman of the Special Education Subcommittee, Mrs. GREEN, for her statement and hope this measure will win strong support from both sides of the aisle.

Mr. Speaker, the statistics on the growth of employment in the public sector in the past quarter century are staggering, and it is clear that the pace will not diminish in the future.

It is a fact that by far the fastest rising rate of government employment is at the State and local levels, despite the frequent cries about the oversized Federal bureaucracy. In the next 5 years, it is expected that a quarter million trained persons will have to be hired by regional governments each year. By 1975, 12 million will be employed in State and local administrations, as compared to about a third that number in the Federal Government.

It is evident too that with the growing complexity of the problems we face, the professional background of the persons administering programs is of vital importance. The challenges faced by government at all levels are tremendous now, and they are growing. Day-to-day confrontations with the baffling demands of our time—air and water pollution,

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waste disposal, law enforcement, urban planning, education reform, coping with high unemployment—are daily facets of life for modern day administrators. We can no longer make the vague assumption that these problems will solve themselves. In testimony before our subcommittee, numerous witnesses told us of the critical need for adequately prepared men and women at the State, county, and community levels. We cannot expect the great commitments of this decade to be transformed into results by themselves, though we often seem to presume they can. We need to have trained and educated women at every level of government—State and local as well as Federal—if we are to make good on these commitments.

It is significant that American business has never pursued so haphazard an employment and training policy. In many businesses it is now common to send a man for retraining courses two and three times during his career, so fast do the demands upon a competent employee change. With the enactment of S. 11, we will adopt a corresponding attitude toward government.

Mr. Speaker, in the next decade, it is estimated the Federal Government will allocate something like a quarter of a trillion dollars to States and local communities in various forms of assistance. Certainly no one wants so vast a sum to be subject to wastage and inefficient use. Yet we run that risk if we do not take steps to assure the quality of those who will have the responsibility of administering these funds. Unquestionably, this legislation will enable us to meet these needs in the context of a strong and flexible federal system.

Mr. Speaker, S. 11 approaches these problems in several ways. It offers the opportunity for State and local administrations to exchange personnel with the Federal Government on a temporary basis. It directs the Civil Service Commission to coordinate the various personnel training programs so that we will avoid duplication and overlapping.

S. 11 establishes a Presidentially appointed advisory council to study and make recommendations for improving the quality of public administration at State and local levels of government, and for aiding such governments in training their professional, administrative, and technical employees and officials.

Further, Mr. Speaker, the bill authorizes grants to State and local governments and various related organizations for the purpose of developing and carrying out training programs for government employees. Also, S. 11 establishes a government service fellowship program for State and local government personnel.

Through another provision, the Federal Government will join on a shared cost basis with State and local governments in cooperative recruiting and examining activities.

Finally, S. 11 authorizes grants to State and local governments on a matching basis to help offset the cost of developing and carrying out programs and projects to strengthen the personnel administration of such governments.

So, Mr. Speaker, I strongly urge passage of this legislation. The future of our federal system may well depend on our doing so.

Mr. GONZALEZ. From a purely practical standpoint, however, I wonder what this is going to lead us into from a legal standpoint. For example, under a section of the bill which, I believe, appears on pages 94 or 95, there is reference to payment for compensation due to injuries while an employee is assigned to Federal employment. The bill would make it the responsibility of the Federal Government. It seems to me that there is involved a legal question that has many ultimate ramifications, and I am merely wondering if that was checked out. I am sure it must have been. I would like to have some explanation.

Mrs. GREEN of Oregon. Did the gentleman say page 94 or page 95.

Mr. GONZALEZ. Well, it may not be in the bill sequence, but referring to page 19 of the report, the following language appears:

> Subsection (d) provides that a State or local government employee serving on detail or under Federal appointment who is disabled or dies as a result of personal injury sustained while in the performance of official duty is to be treated as a Federal employee for on-the-job injury compensation benefits.

What I have reference to is whether or not the full legal implications of this dual arrangement, of a State employee assigned to Federal employment, has been explored by the legal counsel of the committee.

Mrs. GREEN of Oregon. Yes; it has been explored very carefully to be sure that they do not get both. It seems to me the provision is justified if a person, who is on leave and working for a Federal agency, is injured. I suspect that these would be very, very rare cases. It is not unreasonable then for the Federal Government to provide benefits.

Mr. GONZALEZ. But notwithstanding the disclaimer of the bill from the standpoint of the merit system category of the employee, it would seem to me that if a lawsuit were to result, the question as to whether or not this employee qualified within the full definition of Federal employment, whether or not, in the light of some of the experiences we have had with the CCC in the depression and WPA-related contractual jobs during the depression, this has fully been explored.

Mrs. GREEN of Oregon. This has been fully explored, and it is the intent of the bill to have the Federal Government provide the benefits, if he is assigned.

Mr. GONZALEZ. And it is the intent of the committee not really to open up the full panoply to Federal employment, its benefits and prerogatives.

Mrs. GREEN of Oregon. That is right. That is right.

The SPEAKER pro tempore (Mr. NATCHER). The Chair would like to state to the gentlewoman from Oregon that her unanimous-consent request will take care of the statement of the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS). As the gentlewoman from Oregon knows, under the rule adopted 2 years ago, the Joint Committee on Printing will not permit an individual request. But the gentlewoman is correct in her unanimous-consent request.

Mr. QUIE. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. I thank the gentleman for yielding.

Mr. Speaker, for the purpose of making legislative history on this measure, I would like to ask my colleague from Oregon (Mrs. GREEN) a question concerning the interpretation of section 208 of the bill before us.

As the gentlewoman from Oregon knows, this section states that it transfers to the Civil Service Commission all the functions, powers, and duties of the Secretaries of Agriculture, Health, Education, and Welfare, and Labor under certain listed statutes, insofar as they relate to the prescription of personnel standards on a merit basis where grant-in-aid programs are concerned.

Is my interpretation of this provision correct, that the language transfers to the Civil Service Commission under those listed statutes only the authority to prescribe and promulgate standards on a merit basis and not the basic departmental responsibilities for securing State compliance with the statute standards and determining whether the standard has been met?

Mrs. GREEN of Oregon. Yes. If my colleague will yield, and if my colleague from Oregon will note, on page 72 in subparagraph (4) it is the purpose, and the gentleman is correct in his interpretation of this language, to transfer to the Civil Service Commission only the powers, functions, and duties of the respective Secretaries that relate to the prescription or promulgation of such standards on a merit basis. The responsibilities of assuring and determining compliance with these standards is retained by each department.

Mr. DELLENBACK. Mr. Speaker, I thank my colleague, the gentlewoman from Oregon.

If the gentleman from Minnesota will yield for the purpose of the same inquiry, is my interpretation of that provision correct insofar as the gentleman from Minnesota knows it to be?

Mr. QUIE. I would say the gentleman's interpretation is correct as is the answer of the gentlewoman from Oregon. The responsibilities for assuring and determining compliance with these standards is retained by each department. It is the only way their programs could function properly.

However, on page 72, in subsection (b) the Civil Service Commission also has the responsibility to advise the Federal agencies and recommend and coordinate with them in the taking of any action by the Federal agency as the Commission considers will most effectively carry out the purpose of this title. So I would say to the gentleman from Oregon that if the Civil Service Commission finds that a State is not in compliance with the standards or determines itself that the standard has not been met, if such be the case, they have the responsibility to advise the Federal agency, but the Federal agency has the responsibility, as indicated in his question, of assuring and determining that compliance.

Mr. DELLENBACK. I thank the gentleman from Minnesota.

Mrs. GREEN of Oregon. Mr. Speaker, I yield to the gentleman from Texas (Mr. POAGE).

Mr. POAGE. Mr. Speaker, I would be interested in having an explanation of the effect of the provisions on page 71 transferring functions and powers and duties from the Secretary of Agriculture in connection with the Food Stamp Act to the new Commission. Would you give us some explanation of just what is done?

Mrs. GREEN of Oregon. If I could restate or reemphasize what I said a moment ago in answer to the question asked by my colleague, the gentleman from Oregon, this transfers only the powers and functions and duties of the Secretary of Agriculture in relation to the prescription of personnel standards on a merit basis. It does not transfer the compliance or any other powers or functions or duties he has under the Food Stamp Act.

Mr. POAGE. Mr. Speaker, I thank the gentlewoman from Oregon.

The **SPEAKER** pro tempore. The question is on the motion of the gentlewoman from Oregon that the House suspend the rules and pass the bill S. 11, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks, and to include extraneous matter on the bill just passed.

The **SPEAKER** pro tempore. Without objection, it is so ordered.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington. one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 18306. An act to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes.

MODIFYING AMMUNITION RECORD-KEEPING REQUIREMENTS

Mr. ULLMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14233) to modify ammunition recordkeeping requirements, as amended.

The Clerk read as follows:

H.R. 14233

A bill to modify ammunition recordkeeping requirements

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4182(c) of the Internal Revenue Code of 1954 (relating to records) is amended by inserting ".22 caliber rimfire ammunition," after "rifles generally available in commerce,".

The **SPEAKER** pro tempore. Is a second demanded?

Mr. BYRNES of Wisconsin. Mr. Speaker, I demand a second.

PARLIAMENTARY INQUIRY

Mr. BINGHAM. Mr. Speaker, a parliamentary inquiry. Is the gentleman from Wisconsin opposed to the bill, and does he qualify as a second?

The **SPEAKER** pro tempore. Is the gentleman from Wisconsin opposed to the bill?

Mr. BYRNES of Wisconsin. Mr. Speaker, I am not.

The **SPEAKER** pro tempore. Is the gentleman from New York opposed to the bill?

Mr. BINGHAM. I am, Mr. Speaker, and I demand a second.

The **SPEAKER** pro tempore. The gentleman from New York qualifies.

Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The Chair will recognize the gentleman from Oregon for 20 minutes and the gentleman from New York for 20 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. ULLMAN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, H.R. 14233 would exempt .22-caliber rimfire ammunition from the reporting requirements of the Gun Control Act of 1968. This bill is supported both by the Justice Department and by the Treasury Department.

I would call to the attention of Members that we are dealing here with an ammunition that is the largest volume ammunition sold; some 4.5 billion rounds of ammunition every year, and some 30 million individual sales of ammunition.

Members of the House will recall that a provision of the Gun Control Act made it unlawful for a sporting goods dealer or other licensee under the act to sell ammunition without making a record showing the name, age, and residence of the purchaser. Another provision of the act requires all licensees to maintain such records of sale or other disposition of ammunition as may be provided by regulations. The Treasury Department's regulations require a licensee who sells ammunition to record, first: The date of the transaction; second, the name of the manufacturer, the caliber, gage, or type of component, and the quantity of ammunition transferred; third, the name and address and date of birth of the purchaser; and, fourth, the method used by the licensee to establish the identity of the purchaser.

Mr. Speaker, when the Gun Control Act of 1968 was originally passed, it broadly included all manner of ammunition, sporting and nonsporting. Last year, in Public Law 91-128, however, the Congress wisely excepted and exempted certain sporting-type ammunition from these reporting requirements; namely, first, shotgun ammunition; second, ammunition suitable for use only in rifles generally available in commerce; and third, component parts of such ammunition. This exemption for sporting-type ammunition was in recognition of the tremendous volume of sales of such ammunition sold to sportsmen for legitimate purposes such as hunting, target shooting, and other sporting activity. More significantly, Mr. Speaker, however, it was in recognition of the fact—documented by the experience of the responsible executive departments of Government—that records of voluminous sales of sporting-type ammunition were absolutely useless to law enforcement officials.

Today, we have before the House a bill, H.R. 14233, to provide a logical extension of the sporting-type exception or exemption to .22-caliber rimfire ammunition. An exemption for this type of ammunition should have been included in the the original Gun Control Act of 1968 and certainly in the exemption for sporting-type ammunition enacted last year. The .22-caliber rimfire ammunition is the most popular type sporting ammunition in the world. More of it is sold annually than any other kind.

Moreover, Mr. Speaker, the experience of the executive departments responsible for law enforcement confirms and substantiates the justification and actual need for exempting .22-caliber rimfire ammunition from the reporting requirements of present law. Both the Department of Justice and the Department of the Treasury favor this bill. The Committee on Ways and Means went into this matter very thoroughly, and our interrogation of the departmental representatives was very searching and in considerable depth. The representative of the Department of Justice affirmatively stated in response to our questioning that—

> There is not a single known instance, as we have learned from our discussions with the Internal Revenue Service, with the firearms people there, not a single known instance where any of this record keeping has led to a successful investigation and prosecution of a crime.

The representative of the Department of the Treasury likewise stated that he knew of no instance where any of the recordkeeping provisions relating to sporting-type ammunition, including .22-caliber rimfire ammunition, had been helpful in law enforcement.

Moreover, Mr. Speaker, present law, which requires the burdensome registration of sales of billions of rounds of .22-caliber rimfire ammunition may have an actual deleterious effect on law enforcement. The Department of the Treasury's representative before the committee stated that because of the volume of transactions in this ammunition, the recordkeeping requirements have become so burdensome that they tend to detract from the enforcement of other provisions of the firearms laws.

In essence, then, Mr. Speaker, not only is the pending bill a logical application of the present exemption for sporting-type ammunition enacted last year, but its enactment would be a positive contribution to effective law enforcement. It is entirely consistent with

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the objectives of the sporting-type ammunition exemption provided last year in that it will relieve the law enforcement agencies, sporting goods dealers and American sportsmen from unreasonable burdens relating to the purchase of sporting-type ammunition. At the same time, the bill continues protecting the public safety by retaining recordkeeping requirements with respect to the purchase of ammunition designed primarily for handguns, and it does not affect existing controls of interstate shipments and sales of ammunition of any type by a licensee to certain classes of people such as juveniles, drug addicts, felons, and others subject to the provisions of the Gun Control Act of 1968.

In closing, Mr. Speaker, let me reiterate that the enactment of this bill, by eliminating an exercise in futility of recordkeeping, would make a positive contribution to effective law enforcement.

Again, Mr. Speaker, let me emphasize the bill enjoys the full support of the Department of Justice and the Department of the Treasury. Not one voice was raised against the careful consideration given the measure by the Committee on Ways and Means. It is truly a law and order bill, Mr. Speaker, and I urge its approval by the House.

Mr. BINGHAM. Mr. Speaker, will the gentleman yield at this point?

Mr. ULLMAN. The gentleman from New York has 20 minutes, and I shall be glad to respond to questions under his time.

Mr. Speaker, I reserve the balance of my time.

Mr. BINGHAM. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the first point I want to make is what I had hoped to bring out earlier from the gentleman from Oregon (Mr. ULLMAN), when the gentleman would not yield, that no hearings were held on this bill, no public hearings. There is no hearing record available for our inspection and there is not the usual letter from any department on the subject of this bill.

The second point I want to make is that the only reporting requirements in the act—the only reporting requirements—are the name, address, and age of the purchaser. The other requirements are not——

Mr. ULLMAN. Mr. Speaker, would the gentleman yield for a question?

Mr. BINGHAM. I will not yield at this point. The gentleman would not yield to me.

Mr. Speaker, all of the reporting requirements that the gentleman earlier referred to are in the regulations issued by the Treasury. Now, those can be changed by the Treasury. They were issued by the Treasury, and they can be changed by the Treasury. The only requirements in the act, and I will repeat this, is that the purchaser of ammunition of this type give his name, address, and age. Now, that is certainly not burdensome.

Mr. Speaker, if this bill is passed it will be the first weakening of the great Gun Control Act of 1968 so far as handguns are concerned.

There was tremendous popular outcry in 1968 about the ease with which guns and ammunition could be sold in this country, following the tragic deaths of Robert F. Kennedy and Martin Luther King, Jr.

It was only as a result of that outcry that we finally got some modest legislation in this field. Then last year public interest began to wane and there was a weakening of the bill in relation to shotgun and other ammunition. It was carefully debated in the other body what the coverage of that exemption should be, whether it should go to .22-rimfire ammunition as well as shotgun ammunition. And the gentleman who led the fight against its inclusion was Senator EDWARD KENNEDY. This was appropriate because it was a .22-rimfire caliber bullet that killed Senator Robert F. Kennedy. I have checked that fact with the FBI, and that is a matter of record.

The committee report refers only to sporting ammunition, but we are talking here about ammunition to be used in pistols as well as rifles. In stores near here, you can buy—and we have checked this—various models of pistols that use .22-caliber rimfire ammunition. So this is a handgun ammunition proposal.

As I have said, there were no hearings on the bill. No one was given an opportunity to appear against it, and we do not know officially what the position of the department is. The Treasury Department may say they are against it, but the Treasury Department could reduce 90 percent of the reporting requirements by changing its own regulations.

We ought to have hearings on this legislation, Mr. Speaker. It is legislation that will have an enormous impact on the people of this country. They want strict gun-control legislation—at least they do in my district, I know. This is chipping away at the job we did in 1968.

Mr. Speaker, at this time I yield 5 minutes to the distinguished dean of the House and of our New York delegation, and the chairman of the Committee on the Judiciary (Mr. CELLER).

Mr. CELLER. Mr. Speaker, the Committee on the Judiciary spent months and months in session and to prepare the Gun Control Act for enactment, and now we see our work being destroyed gradually by these amendments.

This is the second time an amendment has been offered to weaken and to crumble the Gun Control Act which we passed 2 years ago.

What is the recordkeeping that the statute requires? It is very simple. There is nothing intricate about it. The statute requires the dealer to obtain the name, age, and residence of the purchaser. These can be verified from a draft card, or a drivers' license. Prudent commercial businessmen require nothing less to cash a personal check.

Now why should records be kept of ammunition purchases? Unless there are some controls over ammunition, there can be no control over firearms such as revolvers and pistols. Without ammunition the gun is about as useless as a scabbard without a sword.

There is no hardship, none whatsoever in asking these simple questions. Now this amendment to the Gun Control Act comes forward to eliminate recordkeeping with reference to .22 caliber rimfire ammunition which is interchangeable for rifles and revolvers and handguns. It may be used sometimes for sporting purposes. But the ammunition is also used in handguns for no sporting or recreational purpose. It is used for crime and for personal assault.

What kind of a gun was it that killed Robert Kennedy? It was a revolver with a .22 caliber rimfire bullet—that is what killed Robert Kennedy. Many other murders have been committed with that kind of bullet. Yet, the bill (H.R. 14233) would do away with any recordkeeping requirements.

There are approximately 100 million guns in private hands in this country. How in the world are you going to be able to exercise any control over the use of those guns in the possession of all kinds of people unless you regulate the acquisition of ammunition.

The Gun Control Act of 1968 prohibits the sale of ammunition to mental incompetents, to know felons, to drug addicts and to other irresponsible persons. It prohibits the sale of rifle ammunition to persons under 18; and revolver ammunition to persons under 21.

But the amendment proposed by H.R. 14233 would eliminate recordkeeping requirements for .22 caliber ammunition and render these prohibitions unenforceable.

Recordkeeping deters those who cannot legally buy ammunition. It also requires those who sell ammunition to exercise a higher degree of care in ammunition transactions.

One way of reducing the potential danger from the 100 million privately owned firearms is to regulate ammunition transactions. Moreover, ammunition, transactions data will provide the Congress with information necessary to determine whether further legislation is in fact required.

As to the question of the value of ammunition recordkeeping for the purposes of law enforcement? Let me tell you some interesting facts.

The Gun Control Act has been effective only since December 16, 1968. The opinions expressed by the Treasury officials to the Committee on Ways and Means, as they have been exemplified by the gentleman from Oregon cannot—and I repeat—cannot be substantiated on the basis of such a limited experience. We are not even told the names of the gentlemen from the Treasury Department and we are not even told the names of the gentleman from the Department of Justice who made this kind of statement. There were no public hearings on this bill. A bill as important as this should have had hearings and I am not saying this in derogation of the very distinguished gentleman from Oregon when I say that.

A survey by a Senate Judiciary Subcommittee of ammunition recordkeeping in two nearby Maryland gun shops reveal that known felons and those with criminal arrest records have gone outside the District of Columbia, where they cannot legally buy ammunition in order to buy bullets for their illegally possessed firearms.

A spot check made by the subcommittee staff for a period of October 1968 to October 1969, of two nearby Maryland stores revealed that approximately 21 percent of all District of Columbia purchasers had arrest records.

One of the purchasers had previously been convicted of murder—and another had previously been convicted of rape—and two for grand larceny, one for armed robbery, another for burglary, and two for housebreaking.

Their criminal records were easily revealed by an FBI check. That information subsequently was turned over to the District of Columbia Police Department, to enable it to enforce the District law against unlicensed firearms possession. Such is one illustration of the law inforcement value of ammunition recordkeeping.

I hope, therefore, Members of the House that because of the facts that have just been related to you and because of the fact that we need to strengthen and not weaken the Gun Control Act of 1968 that you will vote this bill (H.R. 14233) down.

The SPEAKER. The Chair recognizes the gentleman from Oregon (Mr. Ullman).

Mr. ULLMAN. Mr. Speaker, I yield myself 6 minutes.

It has been said that we did not receive communications from the departments downtown. On the contrary, the fact is we have written communications from the Deputy Attorney General, signed by Mr. Kleindienst, and from the Department of the Treasury, signed by the Acting General Counsel, Mr. Englert, in support of the legislation that is before us. We have these written reports.

When we considered this at length in the committee and in detail, we had before the committee personal representatives of the Secretary of the Treasury and the Attorney General. At that time they brought their views to the committee.

I would also say in response to the distinguished chairman of the Judiciary Committee, who is a dear friend of mine, that the Ways and Means Committee actually had long-standing jurisdiction over this subject, and it was only a temporary lapse in that jurisdiction that enabled the Judiciary Committee to report out the gun control bill of 1968. I believe the chairman of the committee will substantiate that statement.

Remember, we are dealing with ammunition here. There are 30 million separate sales every year, 4½ billion rounds of ammunition. How in the world can the dealers maintain the records in the first place, and how can the Justice Department use that volume of information? The fact of the matter is that the testimony before the committee indicated clearly that not one instance of aiding in the solution of a crime has been recorded in this recordkeeping requirement.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Minnesota.

Mr. NELSEN. It has already been suggested here that really what this bill is doing is straightening out some of the things that have been misdirected really by administrative order rather than to adhere closely to what was the congressional intent in the first place. I believe the bill seeks to clarify exactly what we had in mind, and as well add provisions outlined in your bill, and I am in support of your proposal.

Mr. ULLMAN. I thank the gentleman. One more point, and then I will yield to the gentleman from Kentucky. I stated before, and I will state again, because the statement has been made by the distinguished chairman of the Judiciary Committee that this might in some way interfere with the requirements relating to the sale of ammunition to felons, the mentally incompetent, drug addicts, and to juveniles, that this in no way amends or removes that provision of the law.

I yield to my colleague from Kentucky (Mr. Watts).

Mr. WATTS. Mr. Speaker, I wish to commend the gentleman for bringing this bill to the floor. In our Committee on Ways and Means, we had testimony from the Justice Department, a representative of which appeared personally, and also they sent up a letter. The Treasury Department also appeared and sent up a letter. They said that there had not been a single case in which the recordkeeping requirement for .22 caliber rimfire cartridges had led to the conviction or had even gone in the direction of convicting anybody who had committed a criminal act; that, as a matter of fact, there was so much work to do in connection with the requirement, it actually impeded their efforts to carry out enforcement of the better parts of the Gun Control Act which this House passed.

In my opinion, it is ridiculous to put the hundreds of thousands of merchants and the millions of people who buy .22 cartridges to this unusual burden of having to register when registration does not accomplish a thing, according to the chief enforcement officers of the United States.

Reference has been made to anyone who would want to use a .22 cartridge to kill somebody. But I would venture to say only a relatively small percent of the felonies that are committed with guns in this country are committed with .22 cartridges, and if someone was intent on that all he would have to do is to get somebody to go in and register and give him his shells. It is ridiculous in my opinion that we can buy a shell 5 or 6 inches long and not have to register or answer questions, but if we buy one a half inch long we have all these questions to go through.

Mr. SMITH of New York. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from New York.

Mr. SMITH of New York. Mr. Speaker, would the gentleman tell me something. I have been bothered about the mention of the assassination of Senator Kennedy. Had the recordkeeping requirements of the present law been in effect at that time, would they have prevented in any way that assassination?

Mr. ULLMAN. I would say to the gentleman I do not know how they would have prevented in any way what happened, just as we were advised this recordkeeping has not led to the solution of or even in the direction of solving any one single crime.

Mr. SMITH of New York. I understand the gun used in that assassination was a duly registered gun under the laws of the State of California, but it was not used by the registered holder.

Mr. ULLMAN. That is my understanding, yes.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, I thank the gentleman for yielding, and I rise in support of the bill.

Personally I hope we will soon succeed in repealing the entire gun control provision, because I think they have proved to be of no use in actual operation. The record proves the Federal gun control law is a failure, and the Congress should recognize the facts and repeal the entire measure.

Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Speaker, my concern is along the same line posed by the gentleman from New York (Mr. Smith). I listened very carefully to the arguments made by the distinguished gentleman from New York (Mr. Bingham), and the gentleman from New York (Mr. Celler). Both of them brought up the case of the assassination of Robert Kennedy, but we have not heard one thing about how a record of the sale of ammunition to Sirhan Sirhan would have prohibited the assassination of Robert Kennedy. I think the gentlemen from New York (Mr. Celler and Mr. Bingham) should expound upon this point.

I commend the gentleman from Oregon for having brought this bill to the floor. It is a meritorious bill, and I urge all Members to vote for it.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Maryland (Mr. Long).

Mr. LONG of Maryland. Mr. Speaker, I am one of those who has an open mind on this, and I am inclined to vote for the bill, but I notice in the report it says the Treasury Department has indicated it favors enactment of the bill. The Justice Department did come before the committee. Did the Justice Department favor the enactment or oppose the enactment of this bill?

Mr. ULLMAN. The Justice Department, if memory holds, favors enactment of the bill. Their official position was that of deferring to Treasury which has the responsibility, but in that deferral, it is my judgment and the judgment of the committee that the Department did favor the enactment of this legislation.

Mr. LONG of Maryland. Did any other law enforcement agencies, local or State agencies, favor this bill?

Mr. ULLMAN. We received not one word of protest from a single law enforcement agency in the United States.

Mr. LONG of Maryland. I thank the gentleman from Oregon.

Mr. CASEY. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Texas.

Mr. CASEY. Mr. Speaker, I thank the gentleman for yielding, and I commend him for introduction of the bill. I have a similar bill pending. I join with the gentleman in urging its passage.

I would say to the gentleman that I have had the experience of young men being home from the service on leave and wanting to do a little squirrel hunting, and being unable to do so, because they were under 21, which is the age requirement for buying ammunition. I think it is ridiculous.

Mr. ULLMAN. I thank the gentleman.

The SPEAKER pro tempore. The time of the gentleman from Oregon has again expired. The gentleman has consumed 16 minutes, and has 4 minutes remaining.

Mr. ULLMAN. Mr. Speaker, I yield myself 1 additional minute.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Washington.

Mr. FOLEY. I thank the gentleman for yielding.

As one of the sponsors of the legislation the gentleman offers, I wish to state that I enthusiastically support the bill and ask the Members to do so also.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from New Jersey.

Mr. HUNT. I thank the gentleman for yielding.

I wish to commend the gentleman for his frank discussion today. What we seek to do with this bill, as I understand it, is to exempt the .22 caliber rimfire ammunition from the ridiculous prostitution of the records they have inaugurated, whereby one signs his life away to get a 95-cent carton of cartridges.

Where I come from every boy as he is growing up has a .22 caliber rifle, and they are not used by criminals in acts of crime, except on rare occasions. Much talk has been heard today about the Bobby Kennedy shooting. The gun used by Sirhan Sirhan was registered, and as has been said it was not in the proper hands. As we have pointed out time and time again, that gun did use .22 shells but he could have used a .38 centerfire type shell, in another gun which is an altogether different type of ammunition. We are not voting on guns but rather to exempt .22 caliber cartridges. Let us be factual for once and pass this bill.

I thank the gentleman, and I am going to support the bill.

Mr. ULLMAN. I thank the gentleman from New Jersey.

Mr. BINGHAM. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Speaker, I hope we do not suspend the rules and pass this bill today.

I should like to comment on the remarks of the gentleman from minnesota (Mr. NELSEN) who said that what we are doing with this bill is just acting to straighten out some regulations which the Congress never intended in the first place.

That is not accurate. The recordkeeping may be more burdensome than the law would require. We ought to find that out, before we make any changes in the law. This bill would make a very drastic change in the law passed in 1968 by the Congress. For the first time, it would repeal registration requirements relating to ammunitions usable in handguns.

At the time we first legislated Federal registration requirements, both the Department of Justice and the Department of Treasury urged, among other things, that we require the registration of ammunition to find out who is buying it, and where, and why. We have not at any time, before any committee, reviewed the effect of that law, to find out who is buying the ammunition and what they are doing with it.

Certainly before we go any further in repealing gun-control legislation we ought to find out exactly what has been done.

I recall very clearly the answers to the questions by the Justice Department, because I tried so hard to get a position from the Justice Department on this bill. The only answer I got was that they deferred to the Treasury Department, and the Treasury Department said the recordkeeping is "burdensome for us, and we think it ought to be repealed."

I would call the attention of Members to the fact that although obviously registration does not stop people from killing each other, at least in one very famous case in California, apparently the registration by one Angela Davis of the purchase of guns led to her extradition from New York to California. I have no idea whether she is innocent or guilty, but apparently the registration was useful in crime detection.

I would hope that we would not repeal any part of that act until we find out how the Justice Department is using it.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Oregon.

Mr. ULLMAN. Was that not a case of the purchase of a gun, not ammunition?

Mr. CORMAN. That is right; but it had to do with registration.

I should like to have the Justice Department tell us when registration has been useful in detecting crime, before we repeal any more of this act.

I urge the Members to vote against the suspension of the rules.

The SPEAKER. The time of the gentleman from California has expired.

Mr. BINGHAM. Mr. Speaker, I yield the gentleman 1 additional minute, and ask the gentleman to yield to me.

Mr. CORMAN. I am glad to yield to the gentleman from New York.

Mr. BINGHAM. Is it not true, I will ask the gentleman from California, that the burdensome regulations which the gentleman from Oregon was complaining about earlier are those issued by the Treasury Department itself, and that the act itself only requires name, age, and address; is that not correct?

Mr. CORMAN. That is correct.

The thing which concerns me is that I cannot see why that is a great burden. I would hope that we could have complete hearings on this matter before one of the legislative committees—hopefully, the one which passed the bill in the first place—to find out how the act has been working, and if it is not working what parts of it ought to be repealed or strengthened.

Possibly all of the registration ought to be repealed. Possibly all of the registration of ammunition ought to be repealed. I am not convinced of that. I was convinced of the fact that registration would be helpful in decreasing crime and detecting crime when we passed this act. We certainly ought not to undo it until we find out what the results have been.

Mr. BINGHAM. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. REES).

Mr. REES. Mr. Speaker, this is an issue about which I feel very strongly. I ask for a vote of "no" on the bill.

Mr. Speaker, I was with Robert Kennedy that tragic night when he was killed. He was killed by a .22 long rifle bullet. It went into his brain and killed him. I do not care how big a bullet is. It can be a .38 caliber or a .22 caliber, but it still kills. It is a bullet.

If we start exempting one type of bullet, then we have lost the purpose and intent of this act.

Mr. Speaker, I think it is time that this country face up to the necessity of maintaining registration and control firearms, bullets, and other ammunition. We should heed the advice of law enforcement agencies who are so concerned over the proliferation of private arsenals throughout our country.

Mr. Speaker, I ask for a "no" vote on this bill.

Mr. BINGHAM. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Speaker, this is an "arrogant" bill to be bringing up at this time—a repealer of a substantial part of the registration laws dealing with guns and ammunition in the closing days of this session. I say this especially because the people of this country, particularly in the urban areas, are up tight about safety and crime in the streets. Do not mistake the fact that the provisions of this bill are anything except an attempt to repeal a substantial portion of the recordkeeping requirements dealing with ammunition for handguns. Handguns killed over 75 percent of the people who were killed with guns throughout the country. Handguns accounted, from 1960 to 1968, for 74 percent of the deaths of policemen in this country. In 1968, 2,500 people were killed with .22-caliber ammunition.

Mr. Speaker, people are not animals. As against the inconvenience of a little recordkeeping, 2,500 lives may be jeopardized. If only one of those lives is saved it is certainly worth the recordkeeping procedure. It was helpful in obtaining the conviction of Sirhan Sirhan through the recordkeeping provisions of this act. Maybe it provided a little piece of the lead for the police department in apprehending known killers. Do we want to put that up against the inconvenience of the recordkeeping? If we want to do that, go ahead and vote for the bill.

Mr. Speaker, I have heard about the power of the gun lobby. I admit they are much more articulate than the victims of guns.

Mr. Speaker, I have not received a single letter from any of my dead constituents or from any dead policemen in Chicago or from the victims of crime opposing this bill. If we pass this bill, we will prove to the country that the gun lobby is more powerful than the citizen groups of the country. The conscience of the country cries out not to weaken this law, but to strengthen it; not to find additional ways to use the gun, but to act to save the lives of the people of this country.

The **SPEAKER** pro tempore. The time of the gentleman from Illinois has expired.

Mr. **BINGHAM**. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. **CELLER**. Mr. Speaker, will the gentleman yield?

Mr. **MIKVA**. I yield to the gentleman from New York.

Mr. **CELLER**. Proof positive of the effectiveness of ammunition recordkeeping is illustrated by the case of District of Columbia residents who could not legally purchase ammunition in the District of Columbia, because they could not legally possess a firearm in the District, who went into neighboring Maryland to acquire ammunition. Records of these transactions required to be kept by the Gun Control Act revealed their names and addresses. The value of such data to the police in the District of Columbia is apparent.

Mr. **MIKVA**. The gentleman is absolutely correct. If this is a law and order measure, then the plague is a health measure. I could not agree with the gentleman more.

The **SPEAKER**. The time of the gentleman has expired.

Mr. **BINGHAM**. Mr. Speaker, how much time do I have remaining?

The **SPEAKER**. The Chair will state that the gentleman has 2 minutes remaining.

Mr. **BINGHAM**. Mr. Speaker, I would like to read briefly from a publication of the Minuteman, dated December 1966, and it is the publication "On Target."

> Suppose the reader has no gun at all and is planning to buy one gun only . . . What shall it be? Though it will surprise many people, my recommendation is a .22 caliber semi-automatic pistol . . . It's true that the .22 lacks the "shock" effect of a more powerful cartridge, but this is largely compensated for by the ease of putting a well-placed shot into heart or brain. When needed, a second well-aimed shot can be fired quicker from a .22 than from a more powerful weapon . . .

Mr. Speaker, what I cannot understand is the fact that the gentleman from Oregon (Mr. ULLMAN) stresses that the committee is not proposing to change the provisions in the bill which prohibit this ammunition from being sold to certain people, but that it proposes to abolish the requirement that those people identify themselves when they buy the ammunition by giving their name, age, and address. And I further cannot understand why the distinguished Committee on Ways and Means did not have public hearings on this measure so as to give the organizations that want gun control, organizations like the committee headed by Col. John Glenn, an opportunity to come in here and oppose this legislation publicly.

The **SPEAKER**. The gentleman from Oregon has 3 minutes remaining.

GENERAL LEAVE

Mr. **ULLMAN**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation.

The **SPEAKER**. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. **ULLMAN**. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DELLENBACK).

Mr. **DELLENBACK**. Mr. Speaker, I rise in strong support of H.R. 14233. This bill is identical in intent to H.R. 17920, which I cosponsored on June 4, 1970, and which was referred to the Committee on Ways and Means for subsequent action. I commend my distinguished colleague and comember of the Oregon delegation, Congressman AL ULLMAN, for his cosponsorship of this important legislation. I am pleased that the Committee on Ways and Means has seen fit to report this legislation to the floor and am hopeful that favorable action by the House today will insure that these recordkeeping requirements are eliminated from existing laws during this session of Congress.

As reported, the bill would eliminate the recordkeeping requirements for .22-caliber rimfire ammunition currently required under the Gun Control Act of 1968. Congress, by eliminating the recordkeeping requirement for shotgun and rifle ammunition in the form of an amendment to the interest equalization tax bill—Public Law 91-128—in November 1969, has recognized the fact that such requirements are not essential for the accomplishment of the purposes enunciated in the Gun Control Act of 1968. Such recordkeeping requirements was one of the reasons why I voted in opposition to the final version of the Gun Control Act of 1968. The rationale which Congress applied in the case of shotgun and rifle ammunition in 1969 applies now and should be followed today, in the case of .22-caliber rimfire ammunition, by favorable action on this bill.

Recordkeeping requirements for this caliber of ammunition is a wasteful and expensive burden for the seller and an irritating nuisance for the purchaser. It has not assisted our law enforcement authorities in the reduction of our crime rate of crimes involving weapons. The provisions require going through a complex and expensive recordkeeping process which contributes nothing to the maintenance and development of public safety. They should be eliminated, and I strongly urge the House to do so by passing this legislation.

Mr. Speaker, it is not sound to here deal with Minutemen, or to here deal with the tragic death of the late Senator Kennedy, or to deal with emotion here. For purposes of this debate we should draw a clean and clear distinction between recordkeeping so far as firearms are concerned and recordkeeping as far as ammunition is concerned. We are not here really dealing, as most speakers on the other side in their remarks have dealt with the question of whether any value has come from records kept in connection with guns. And as far as ammunition is concerned, we are not here dealing with all kinds of ammunition. We are dealing with .22-caliber rimfire ammunition, which is so widely used in such tremendous quantities that the recordkeeping required by statute has been absolutely worthless in controlling crime.

It is instead an expensive, time-consuming, wasteful nuisance. And that covers both the statutory requirements as well as the additional regulatory requirements.

This bill is a good bill, Mr. Speaker, and I would urge that the House today not be swayed by emotion or rhetoric, but that we pass this bill and take a badly needed and important forward step.

Mr. **MIZELL**. Mr. Speaker, I rise today to voice my support for H.R. 14233, which modifies the Gun Control Act of 1968 to exempt .22-caliber rimfire ammunition from the reporting requirements stipulated in that legislation.

I was very much interested to read in the committee report on this legislation that a spokesman for the Department of Justice has testified that—

> There is not a single known instance, as we have learned from our discussions with IRS (the Internal Revenue Service), with the firearms people there, not a single known instance where any of this recordkeeping has led to a successful investigation and prosecution of a crime.

That statement represents to me, and to thousands of people throughout the Nation, proof of the fact that the Gun Control Act of 1968 was largely a mistake, simply a case of the Congress passing ill-conceived legislation.

The time is overdue for repeal of that legislation, and this bill we act on today will serve as an important prelude to that repeal. But more importantly, it will serve to remove from the path of the American sportsman part of the jungle of redtape he must currently unravel before getting on with his own pursuit of pleasure and sport.

In this specific instance, it is especially urgent that we act on this legislation to exempt .22-caliber rimfire ammunition from the law. So great is the volume of demand for this type ammunition that the recordkeeping requirements now imposed on such sales detract from the effectiveness of sales personnel and the intent of the law itself.

XUM

I urge my colleagues to vote with me for passage of H.R. 14233.

Mr. CASEY. Mr. Speaker, I wish to rise in support of his bill, H.R. 14233, to exclude .22-caliber rimfire ammunition from the provisions of the 1968 Gun Control Act. I and other Members have a similar bill pending before this Congress. I certainly agree with the gentleman in the well that this recordkeeping and restrictions on .22-caliber rimfire ammunition serve no beneficial purpose whatsoever and are certainly no deterrent to crime in any respect.

Inclusion of this type of ammunition only brings about tremendous hardship on storeowners and sporting goods stores, to say nothing of voluminous storage of records for the Treasury Department.

I am very pleased that the Committee on Ways and Means has again assumed its proper jurisdiction of firearm and ammunition legislation, and I would hope that it would maintain its jurisdiction in the future.

I sincerely hope that the gentleman in the well, as well as other Members, will join me in urging the committee to report out and give us the opportunity to vote upon my proposal for mandatory sentences for criminal use of firearms. This indeed, is, in my opinion, the solution to fighting the criminal.

It has been apparent how ridiculous some provisions of the 1968 Arms Control Act have been. One example of just how ridiculous this act is was brought to my attention by one of my constituents who was home on leave while serving in the U.S. Army. I would like to read his letter to you at this time.

> As a member of the United States Army, I am a resident of Harris County, and at the present time I am home on leave, in Houston, Texas.
>
> The reason for my writing this letter is in protest of a current Federal law prohibiting the sale of arms and ammunition to anyone under twenty-one years of age.
>
> Since I am home on leave I wanted to go to the Sam Houston National Forest to do some hunting, but unfortunately when I tried to buy a box of ammunition, I was refused since I am only twenty years old. I could have had someone else purchase them for me, who was twenty-one, but it is the principle that concerns me.
>
> As a member of the Armed Forces of the United States, it is my duty to protect our constitutional rights, of which one is the right to bear arms, but I cannot legally purchase a weapon.
>
> At the present time I am stationed at a Nike-Hercules missile battery, where I handle many weapons and rounds of ammunition every day, not only small arms, but also air defense missiles used in the defense of our country. I also pull Sergeant of the Guard, where I am responsible for the security of an entire missile firing battery. My duties extend even further, but I cannot discuss them due to their classified nature.
>
> It aggravates me to think that the Federal government feels that I am responsible enough to defend our country, but at the same time, by this ridiculous law, it feels that I am not responsible enough to purchase one round of small arms ammunition.
>
> I just feel that I ought to be able to enjoy the privileges which I may have to give my life to defend, for instance the right to bear arms.
>
> I urge your consideration for an immediate change in present legislation concerning this issue.
>
> Sincerely yours,
>
> Sp4c. CHARLES M. BURTON.

Charles Burton is now dead, having died while in the service of his country. His statement, I think, reflects the thinking of the vast majority of the young men serving in our armed services who feel that although they are entrusted with all types of firearms while in the service, they are denied the right to purchase a firearm and ammunition for peaceful, law-abiding purposes while home on leave.

I urge my colleagues to vote for this bill.

Mr. BRAY. Mr. Speaker, the Gun Control Act of 1968 was a mistake. I opposed that legislation. We did prevent that law (1968) from being as bad as it was when originally introduced. This bill, H.R. 14233, does repeal the provision of the 1968 gun law relating to the records necessary in the sale of .22-caliber ammunition. I hope that this bill is passed by a large majority.

Mr. RANDALL. Mr. Speaker, I rise in support of H.R. 14233, a bill to exempt .22-caliber rimfire ammunition from recordkeeping requirements of the Firearms Control Assistance Act which was passed in the 90th Congress and became Public Law 90-618.

Back on July 24, 1968, I voted against the final passage of H.R. 17735 which had the good-sounding title of "State Firearms Control Assistance Act." Actually, this was the longgun control bill, because the Congress had earlier in June of 1968 passed the omnibus crime control and safe streets bill. This latter was the bill that covered handguns and made illegal the possession of any handgun by a convicted felon, mentally incompetent and aliens illegally in this country as well as persons under 21 years of age. I supported this latter bill. I believed it was a good package to help control increasing crime in this country.

However, as I look back on the remarks I made in 1968, concerning the first mentioned bill on the longgun bill it is a source of pride to know that the prediction I made at that time has proven to be accurate. I said then that we should not be so interested in a law to control firearms as in the enactment of a law that serves as a deterrent to crime.

I supported then and now the kind of a provision which would set up mandatory sentences for those who use a firearm in the commission of a crime. This kind of a provision would be directed against the criminal. Such a law would strike at the cause of crime and violence. Some of the enactments we have passed, however, seem to be against guns rather than criminals.

Today, in the Washington Daily News, the Scripps-Howard paper, published here in the city of Washington, it was pointed out crime was up about 25 percent in the Virginia suburbs of Arlington and Alexandria. Montgomery and Prince Georges Counties in Maryland increased about 10 percent. Geographically the Southern States reported crime was up 14 percent as compared to 10 percent in the North-Central States and 9 percent in the heavily populated Northeast and in the Western States. It was interesting to note that armed robbery offenses that comprise about two-thirds of all robbery crimes had increased nationwide about 18 percent, with figures available for only the last 9 months.

Now, bear in mind, Mr. Speaker, this is a situation that exists long after Public Law 96–18, which was H.R. 17735, or the longgun bill was signed into law and long after the Omnibus Crime Control and Safe Streets Act controlling handguns was signed into law. The missing ingredient would seem to be the absence of mandatory sentences for crimes committeed with a firearm and perhaps the real heart of the problem is not in the presence of statutory authority to control the misuse of guns but a laxity in the enforcement of laws we already have.

Mr. Speaker, it is my opinion that the two measures that have already been enacted into law have served to mislead the public into believing they have legislation that will control crime. For those who continue to demand additional firearms control, I firmly believe in their hearts they are really asking for better control of crime and better law enforcement, rather than just more firearms legislation. And I submit once again that one of the most effective ways to accomplish this is by mandatory sentences in cases of crimes committed with the use of a firearm.

Now, Mr. Speaker, the only reason I mention the above is to try to emphasize all the recordkeeping we have enacted has not in fact resulted in a decrease of crime. It has only resulted in a great inconvenience to law-abiding citizens. Back in 1968, I voted for exemption of rimfire ammunition from recordkeeping. We managed to pass the so-called MacGregor amendment. I supported that amendment in teller count and then on a subsequent rollcall vote, but this was deleted in the Senate. Here we are again today with the opportunity to consider a measure recommended by our great Committee on Ways and Means which will exempt rimfire ammunition from the requirement of retailers carefully recording the date, name of manufacturer, type of ammunition, quantity purchased, name, address, and age of the buyer, and the mode of identification used in a transaction involving .22-caliber rimfire ammunition.

I have checked in a downtown Washington store and I find a box of this type of ammunition sells for 93 cents. The cost of recordkeeping on a sale of this amount could add up to more than the profit involved. It is a gross understatement that this is an onerous burden on dealers and many of them will cease to be dealers. Maybe that is what the proponents of the recordkeeping bill want to see happen.

Mr. Speaker, this amendment is not complex. It simply says a dealer does not have to keep records when he sells the most popular type of shooting ammunition there is for sale—.22-caliber rimfire. To make a long story short, both the Justice Department and the Treasury Department say this exemption or exception as to recordkeeping will not in any way weaken the bill as passed in the 90th Congress.

Last year, we wisely accepted and exempted certain types of sporting ammunition; to-wit, shotgun ammunition and the component parts of ammunition. We relieved at that time one unwarranted burden on sportsmen. Let us now remove another. Let us give back to the lads in our rural areas the privilege to once again shoot some coyotes, squirrels, and civet cats.

The clincher of all arguments in favor of the exemption as to recordkeeping of these small-caliber cartridges is the fact this exemption has the support of two departments downtown. Both Justice and Treasury says there is no single instance up to now in which the present recordkeeping has led to a successful investigation or prosecution of the gun-control law that was passed in the 90th Congress. Up to this point, recordkeeping has been self-defeating because well-meaning citizens have enjoyed a false sense of security in the belief their security has been enhanced by the law. Rising crime statistics prove the contrary is true. Now is the time to eliminate the ineffective, unproductive and foolishness of recordkeeping.

Mr. ULLMAN. Mr. Speaker, to close debate, I yield the balance of my time to the gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Mr. Speaker, I support H.R. 14233, a bill which adds .22-caliber rimfire bullets to the ammunition which is exempt from reporting requirements of the Gun Control Act of 1968.

The Congress in 1969 exempted shotgun ammunition, ammunition suitable for use in rifiles which are generally available in commerce, and component parts of this ammunition from the recordkeeping requirements of the Gun Control Act of 1968. The primary aim of this exemption was, as the Members will recall, to relieve the Treasury Department—as well as hunters and firearms dealers—of the unusually heavy burden of keeping extensive records on transactions involving ammunition used by sportsmen. The 1969 exemption did not include .22-caliber rimfire ammunition, which remains subject to reporting requirements of the act.

The committee, in its consideration of this bill, was told that .22-caliber rimfire ammunition is the most popular of all sporting ammunition, and that the recordkeeping requirements impose substantial burdens on the Government and the public without offsetting advantages of law enforcement.

The Treasury and Justice Departments agreed that they know of no instance where the recordkeeping requirement relating to sporting ammunition—including .22-caliber rimfire—has been helpful to law enforcement. Additionally, the Treasury Department pointed out that because sales of .22-caliber rimfire ammunition are so heavy, the recordkeeping is particularly burdensome, consuming time that would be more profitably employed in the enforcement of other sections of the firearms law. The Department of Justice, while in general deferring to the Treasury Department views, also told the committee that—

> There is not a single known instance, as we have learned from our discussions with IRS, with the firearms people there, not a single known instance where any of this recordkeeping has led to a successful investigation and prosecution of a crime.

We must ask ourselves whether or not the recordkeeping burden imposed on purchasers, sellers, and the Government, relative to .22-rimfire ammunition, is of any value to our law enforcement efforts. Since the law enforcement agencies agree the recordkeeping requirements in the case of .22-caliber rimfire ammunition are valueless—indeed the Treasury Department suggested they may be counterproductive—we can no longer justify the burden that is imposed. I want to make it absolutely clear that this bill does not affect existing controls on sales to juveniles, drug addicts, felons, and others subject to the provisions of the Gun Control Act of 1968.

Mr. Speaker, this bill is consistent with action taken earlier by the Congress to exempt other sporting ammunition. It was approved unanimously by the committee, and I recommend it to the House for endorsement now.

The SPEAKER. The question is on the motion of the gentleman from Oregon (Mr. ULLMAN) that the House suspend the rules and pass the bill, H.R. 14233, as amended.

The question was taken.

Mr. BINGHAM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 246, nays 59, not voting 128, as follows:

[Roll No. 435]

YEAS—246

Abernethy
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Arends
Baring
Beall, Md.
Bennett
Betts
Bevill
Blackburn
Blanton
Blatnik
Boggs
Boland
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Bush
Byrnes, Wis.
Carney
Carter
Casey
Cederberg
Chamberlain
Chappell
Clark
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Culver
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dennis
Derwinski
Dickinson
Dingell
Dorn
Downing
Dulski
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Edwards, La.
Erlenborn
Esch
Eshleman
Evans, Colo.
Feighan
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Forsythe
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Gross
Grover
Gubser
Hagan
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Harvey
Hays
Heckler, Mass.
Henderson
Hicks
Hogan
Hosmer
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Leggett
Lennon
Lloyd
Long, Md.
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Mayne
Meeds
Melcher
Miller, Ohio
Minshall
Mizell
Mollohan
Moorhead
Morgan
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
Olsen
Passman
Patten
Pepper
Perkins
Pickle
Pirnie
Poage
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Reid, Ill.
Riegle
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Roth
Sandman
Schadeberg
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Udall
Ullman
Van Deerlin
Vander Jagt
Vigorito
Wampler
Ware
Watson
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wright
Wyatt
Wylie
Wyman
Yatron
Zablocki
Zion

NAYS—59

Adams
Addabbo
Ashley
Bell, Calif.
Biaggi
Biester
Bingham
Bolling
Brademas
Brasco
Burke, Mass.
Burton, Calif.
Byrne, Pa.
Carey
Celler
Cohelan
Conyers
Corman
Daniels, N.J.
Donohue
Eilberg
Fraser
Gallagher
Green, Pa.
Gude
Harrington
Hathaway
Hechler, W. Va.
Helstoski
Holifield
Howard
Kastenmeier
Koch
Lowenstein
Matsunaga
Mikva
Minish
Mink
Morse
Mosher
Murphy, N.Y.
Nix
O'Neill, Mass.
Philbin
Pike
Podell
Rees
Reid, N.Y.
Rodino
Rooney, N.Y.
Rosenthal
Roybal
Ryan
Scheuer
Symington
Thompson, N.J.
Tiernan
Vanik
Yates

NOT VOTING—128

Abbitt
Adair
Andrews, N. Dak.
Ashbrook
Aspinall
Ayres
Barrett
Belcher
Berry
Brock
Brooks
Brown, Calif.
Burke, Fla.
Burlison, Mo.
Burton, Utah
Button
Cabell
Caffery
Camp
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Collins, Ill.
Corbett
Coughlin
Cowger
Cramer
Crane
Daddario
Delaney
Denney
Dent
Devine
Diggs
Dowdy
Dwyer
Edwards, Calif.
Evins, Tenn.
Fallon
Farbstein
Fascell
Fish
Fulton, Tenn.
Galifianakis
Gibbons
Gilbert
Griffiths
Haley
Hall
Halpern
Hansen, Wash.
Hastings
Hawkins
Hébert
Horton
Hull
Hungate
Landrum
Langen
Latta
Long, La.
Lujan

Lukens
McCarthy
McClory
McCulloch
McKneally
McMillan
Martin
Mathias
May
Meskill
Michel
Miller, Calif.
Mills
Mize
Monagan
Montgomery
Morton
Moss
Murphy, Ill.
O'Konski
O'Neal, Ga.
Ottinger

Patman
Pelly
Pettis
Pollock
Powell
Price, Tex.
Rarick
Reifel
Reuss
Rhodes
Rivers
Roe
Rostenkowski
Roudebush
Rousselot
Ruppe
Ruth
St Germain
Satterfield
Saylor
Scherle
Shipley

Sikes
Snyder
Steele
Steiger, Ariz.
Stephens
Stokes
Sullivan
Taft
Tunney
Waggonner
Waldie
Weicker
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wydler
Young
Zwach

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert and Mr. Brooks for, with Mr. St Germain against.

Mr. Fallon and Mr. Shipley for, with Mrs. Chisholm against.

Mr. Waggonner and Mr. Devine for, with Mr. Barrett against.

Mr. Montgomery and Mr. Long of Louisiana for, with Mr. Edwards of California against.

Mr. Abbitt and Mr. Rivers for, with Mr. Hawkins against.

Mr. Caffery and Mr. Fascell for, with Mr. Moss against.

Mr. Fulton of Tennessee and Mr. Rarick for, with Mr. Roe against.

Mr. Sikes and Mr. Stephens for, with Mr. Stokes against.

Mr. Cabell and Mr. Dowdy for, with Mr. Waldie against.

Mr. Patman and Mr. O'Neal of Georgia for, with Mr. Wolff against.

Mr. Satterfield and Mr. Haley for, with Mr. Charles H. Wilson against.

Mr. McMillan and Mr. Landrum for, with Mr. Delaney against.

Mr. Evins of Tennessee and Mr. Camp for, with Mr. Brown of California against.

Mr. Latta and Mr. Lujan for, with Mr. Clay against.

Mr. Martin and Mr. Price of Texas for, with Mr. Diggs against.

Mr. Saylor and Mr. Rhodes for, with Mr. Farbstein against.

Mr. Dent and Mr. Wydler for, with Mr. McCarthy against.

Mr. Andrews of North Dakota and Mr. Del Clawson for, with Mr. Ottinger against.

Mr. Corbett and Mr. Pettis for, with Mr. Powell against.

Mr. Zwach and Mr. Pollock for, with Mr. Gilbert against.

Mr. Mills and Mr. Burton of Utah for, with Mr. Collins of Illinois against.

Mr. Burke of Florida and Mr. Hastings for, with Mr. Tunney against.

Mr. Snyder and Mr. Scherle for, with Mr. Miller of California against.

Mr. Ruth and Mr. Steiger of Arizona for, with Mr. Murphy of Illinois against.

Until further notice:

Mr. Aspinall with Mr. Bob Wilson.
Mrs. Sullivan with Mr. Fish.
Mr. Hull with Mrs. Dwyer.
Mr. Galifianakis with Mr. Michel.
Mr. Gibbons with Mr. McCulloch.
Mr. Rostenkowski with Mr. Mathias.
Mrs. Griffiths with Mr. Horton.
Mrs. Hansen of Washington with Mr. Belcher.
Mr. Reuss with Mr. Adair.
Mr. Young with Mr. Mize.
Mr. Hungate with Mr. Rousselot.
Mr. Burlison of Missouri with Mr. Ruppe.
Mr. Daddario with Mr. Brock.
Mr. Monagan with Mr. Winn.
Mr. Hall with Mr. Denney.
Mr. Crane with Mr. Cramer.
Mr. Clancy with Mr. Halpern.
Mr. Berry with Mr. Ayres.
Mr. Langen with McClory.
Mr. O'Konski with Mr. Pelly.
Mr. Taft with Mr. Wold.
Mr. Weicker with Mr. Reifel.
Mr. Coughlin with Mr. Cowger.
Mr. Don H. Clausen with Mr. Button.
Mr. Steele with Mr. Roudebush.
Mr. Meskill with Mrs. May.
Mr. Morton with Mr. Lukens.

Mr. **WILLIAM D. FORD** changed his vote from "nay" to "yea."

Mr. **ECKHARDT** changed his vote from "nay" to "yea."

Mr. **BURTON** of California changed his vote from "yea" to "nay."

Mr. **HAGAN** changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

AUTHORIZING SPEAKER TO DECLARE RECESS MONDAY, TUESDAY, AND WEDNESDAY

Mr. **ALBERT**. Mr. Speaker, I ask unanimous consent that it be in order during Monday, Tuesday, and Wednesday of this week for the Speaker to declare a recess at any time subject to the call of the Chair.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SOUTH PACIFIC COMMISSION

Mr. **GALLAGHER**. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 1162) to amend Public Law 403, 80th Congress, of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendment, as follows:

Page 1, line 9, strike out "$325,000" and insert "$250,000".

The **SPEAKER**. Is there objection to the request of the gentleman from New Jersey?

Mr. **GROSS**. Mr. Speaker, reserving the right to object, did I hear that this is being increased from $25,000 to $250,000?

Mr. **GALLAGHER**. No; that is not correct. The executive request was $325,000. The House approved the request for the full $325,000. The Senate approved a cut in that, and they voted out the measure for $250,000. So what we are doing is reducing the amount by $125,000 from the amount contained in the House-approved bill.

Mr. **GROSS**. Mr. Speaker, I withdraw my reservation.

The **SPEAKER**. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

AMENDING CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT OF 1964

Mr. **PHILBIN**. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4571) to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes.

The Clerk read as follows:

S. 4571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

SECTION 1. Section 204(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (78 Stat. 1043; 50 U.S.C. 403 note), is amended by striking subsection (3) and inserting the following in lieu thereof:

"(3) 'Child', for the purposes of sections 221 and 232 of this Act, means an unmarried child, including (i) an adopted child, and (ii) a stepchild or recognized natural child who lived with the participant in a regular parent-child relationship, under the age of eighteen years, or such unmarried child regardless of age who because of physical or mental disability incurred before age eighteen is incapable of self-support, or such unmarried child between eighteen and twenty-two years of age who is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution. A child whose twenty-second birthday occurs prior to July 1 or after August 31 of any calendar year, and while he is regularly pursuing such a course of study or training, shall be deemed for the purposes of this paragraph and section 221(e) of this Act to have attained the age of twenty-two on the first day of July following such birthday. A child who is a student shall not be deemed to have ceased to be a student during any interim between schools years if the interim does not exceed five months and if he shows to the satisfaction of the Director that he has a bona fide intention of continuing to pursue a course of study or training in the same or different school during the school semester (or other period into which the school year is divided) immediately following the interim. The term 'child', for purposes of section 241, shall include an adopted child and a natural child, but shall not include a stepchild.".

SEC. 2. Section 221(e) of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended to read as follows:

"(e) The commencing date of an annuity payable to a child under paragraph (c) or (d) of this section, or (c) or (d) of section 232, shall be deemed to be the day after the annuitant or participant dies, with payment beginning on that day or beginning or resuming on the first day of the month in which the child later becomes or again becomes a student as described in section 204(b)(3), provided the lump-sum credit, if paid, is returned to the fund. Such annuity shall terminate on the last day of the month before (1) the child's attaining age eighteen unless he is a student as described or incapable of self-support, (2) his becoming capable of self-support after attaining age eighteen unless he is then such a student, (3) his attaining age twenty-two if he is then such a student and not incapable of self-support, (4) his ceasing to be such a student after attaining age eighteen unless he is then incapable of self-support, (5) his marriage, or (6) his death, whichever first occurs.".

SEC. 3. Section 221 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended by deleting the last two sentences of paragraph (f), and adding the following new paragraphs (i), (j), and (k):

"(i) Except as otherwise provided, the annuity of a participant shall commence on the day after separation from the service, or on the day after salary ceases and the participant meets the service and the age or disability requirements for title thereto. The annuity of a participant under section 234 shall commence on the day after the occurrence of the event on which payment thereof is based. An annuity otherwise payable from the fund allowed on or after date of enactment of this provision shall commence on the day after the occurrence of the event on which payment thereof is based.

"(j) An annuity payable from the fund on or after date of enactment of this provision shall terminate (1) in the case of a retired participant, on the day death or any other terminating event occurs, or (2) in the case of a survivor, on the last day of the month before death or any other terminating event occurs.

"(k) The annuity computed under this section is reduced by 10 per centum of a special contribution described by section 252(b) remaining unpaid for civilian service for which retirement deductions have not been made, unless the participant elects to eliminate the service involved for the purpose of annuity computation.".

SEC. 4. Section 236 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended by deleting the words "nor a total of four hundred" and substituting the words "nor a total of eight hundred".

SEC. 5. Section 252 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended by deleting paragraph (c)(1); renumbering paragraphs (c)(2) and (c)(3) to read (c)(3) and (c)(4); and inserting the following new paragraphs (c)(1) and (c)(2):

"(c)(1) If an officer or employee under some other Government retirement system becomes a participant in the system by direct transfer, the Government's contributions (including interest accrued thereon computed at the rate of 3 per centum a year compounded annually) under such retirement system on behalf of the officer or employee shall be transferred to the fund and such officer or employee's total contributions and deposits (including interest accrued thereon), except voluntary contributions, shall be transferred to his credit in the fund effective as of the date such officer or employee becomes a participant in the system. Each such officer or employee shall be deemed to consent to the transfer of such funds and such transfer shall be a complete discharge and acquittance of all claims and demands against the other Government retirement fund on account of service rendered prior to becoming a participant in the system.

"(c)(2) If a participant in the system becomes an employee under another Government retirement system by direct transfer to employment covered by such system, the Government's contributions (including interest accrued thereon computed at the rate of 3 per centum a year compounded annually) to the fund on his behalf shall be transferred to the fund of the other system and his total contributions and deposits, including interest accrued thereon, except voluntary contributions, shall be transferred to his credit in the fund of such other retirement system effective as of the date he becomes eligible to participate in such other retirement system. Each such officer or employee shall be deemed to consent to the transfer of such funds and such transfer shall be a complete discharge and acquittance of all claims and demands against the fund on account of service rendered prior to his becoming eligible for participation in such other system.".

SEC. 6. Section 252 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended by adding the following new paragraph (g):

"(g) For the purpose of survivor annuity, special contributions authorized by paragraph (b) of this section may also be made by the survivor of a participant.".

The SPEAKER. Is a second demanded?

Mr. BRAY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Massachusetts (Mr. PHILBIN).

Mr. PHILBIN. Mr. Speaker, the bill makes certain changes in the CIA Retirement Act of 1964 which will conform to provisions enacted into law with respect to the Civil Service Retirement Act. These conforming amendments deal with definitions related to child survivors, commencement date of annuities, and a formula for crediting prior Federal service not covered by contributions.

It also makes two other changes. It provides for the transfer of employee contributions into and out of the CIA retirement fund and increases the ceiling on retirements. Essentially, the bill conforms the current CIA bill of 1964 with the U.S. Civil Service Act.

Mr. Speaker, S. 4571 is a bill to amend the Central Intelligence Agency Retirement Act of 1964 for certain employees, as amended, and for other purposes.

The bill makes certain changes in the CIA Retirement Act of 1964 which will conform to provisions enacted into law with respect to the Civil Service Retirement Act. These conforming amendments deal with definitions relating to child survivors, commencement date of annuities, and a formula for crediting prior Federal service not covered by contributions. It also makes two other changes. It provides for the transfer of employer contributions into and out of the CIA retirement fund and increases the ceiling on retirements.

As you know, the CIA Retirement Act was enacted to provide a comprehensive retirement and disability programs for a limited number of employees whose duties either were in support of agency activities abroad, hazardous to life or health, or so specialized as to be clearly distinguishable from normal Government employment. The CIA operates under two retirement systems; the regular civil service retirement system for the majority of its employees, and the one established under the CIA Retirement Act of 1964 for a very limited number of employees.

The Senate Armed Services Committee reported this bill on December 8, 1970, and it passed the Senate on December 10, 1970, without any controversy.

Section 1 does three things: First, it eliminates the requirement that a child be dependent upon a parent retiree in order to receive a survivor annuity. The present definition of a child requires that the child receive more than half his support from the participant to be eligible. This requirement could defeat a survivor annuity based on the service of a working mother. This support requirement was eliminated from the Civil Service Retirement Act by the 89th Congress—Public Law 89–504.

Second, it also raises from 21 to 22 the maximum age for receiving survivor annuity payments as a student and increases from 4 to 5 months as the maximum absence from school which may be permitted without terminating the survivor annuity. This will aid survivor children enrolled in trisemester programs to secure employment and earn money without losing their annuity.

This same action was taken by the 89th Congress for student beneficiaries under the Civil Service Retirement Act (Public Law 89–407, 504).

Lastly, it permits a natural child to share in the distribution of any money in the CIA retirement and disability fund. The act today clearly permits a natural child to receive an annuity but it is not entirely clear with respect to lump-sum benefits. This would correct this deficiency.

A similar provision amending the Civil Service Retirement Act was approved by the 89th Congress—Public Law 89–407.

Section 2 provides for the commencement and termination date for a child survivor annuity and assures that the survivor annuity of a student may be resumed even though it had previously been terminated, as for example, because of military service. Today once an annuity has been terminated because of an absence between school terms in excess of the maximum absence authorized, the annuity cannot be resumed.

A similar amendment to the Civil Service Retirement Act was approved by the 89th Congress—Public Law 89–504.

Section 3 makes a technical change in the law which will authorize the commencement of an annuity as soon as the individual enters a nonpay status. Under existing law, an annuitant must wait until the beginning of the month following his date of separation.

It also incorporates specific provisions for termination of annuities to retirees and survivors.

This will conform the CIA retirement system to the civil service retirement system in this respect—5 U.S.C. 8345.

Section 3 also makes a technical change in the law which will provide an option to credit prior civilian service for which no deductions have been made by reducing the resulting annuity by 10 percent of the amount owed. This will conform the CIA retirement system to the civil service system in this respect—5 U.S.C. 8339(h).

Section 4 increases to 800 the retirement ceiling imposed on anticipated retirements through June 30, 1974. Under existing law, retirements during the

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formative years of the system were limited to 400 for the first 5-year period ending June 30, 1974. In the absence of actuarial experience the establishment of a ceiling on retirements was necessarily somewhat arbitrary. The ceiling was established with the understanding of all concerned that it would be adjusted as necessary. Experience to date has indicated that the ceiling of 400 for the second 5-year period is insufficient. In the interest of orderly and equitable personnel management an increase in this ceiling is essential. The Agency is rapidly reaching the ceiling now established by law and without the increase would be unable to accommodate the numbers who will go on the retired list prior to June 1974.

Under existing law, an individual who transfers into the CIA retirement fund from some other Government retirement system can transfer his contributions from the other fund to the CIA fund, but there is no provision for transfer of the Government contribution to such fund.

Also, when an individual transfers from the CIA retirement fund to some other Government retirement fund, there is no provision for the transfer of either the Government's contribution or his own contribution to the non-CIA retirement fund. Section 5 would correct the inequities of this situation.

The Civil Service Commission is wholly in accord with this change.

Section 6 makes a technical change in the law granting to survivors the same right afforded participants to purchase retirement credit for prior civilian service.

This will conform the CIA retirement system to the civil service retirement system in this respect—5 U.S.C. 8334.

Mr. Speaker, I know that this body would want to enact this legislation because it merely equalizes the benefits to this special group of employees to civil service employees. I urge the passage of the bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PHILBIN. Yes, the gentleman will be pleased to yield to the distinguished and able gentleman from Iowa.

Mr. GROSS. We all know, I am sure, that there are two retirement systems in the CIA. Would this expand on early retirement for that portion of CIA employees who are alleged to be or held to be in hazardous employment? Do we have here a repetition of the bill that was approved a few days ago to bring certain other employees under early retirement?

Mr. PHILBIN. No, we have some backlog in applications at the present time, and this bill would step up somewhat the opportunities for those who are eligible for application to make such applications, to bring them up to date. But it does not make any inordinate increases of opportunities for applications. As the gentleman knows, 25 percent of the present personnel of CIA is engaged in overseas and very hazardous occupations that require them to be away from the country for long periods of time. The overwhelming number of employees of CIA employed in this country or overseas are not in hazardous employment.

This bill does not make any increase in the number of people eligible for that retirement.

Mr. GROSS. This bill is not designed to expand upon the numbers in the CIA who are now covered by early retirement?

Mr. PHILBIN. Yes, there would be some increase. There are a few, and as they become eligible there would be some increase. The limit was about 400. I think at the present time it runs up to 600 or thereabout, and this bill would provide another 400 to take care of those as well as those who may become eligible in future years, through the next 5 years, for example.

Mr. GROSS. Then I ask the gentleman, What will that increase the unfunded liability of the Government employees' retirement fund?

Mr. PHILBIN. These people, before they can become eligible for retirement, must have 20 years of service and be at least 50 years of age, as the gentleman knows. I am sure the gentleman is well informed as to the types of persons who are recruited for this very dangerous type of work.

Mr. GROSS. Unfortunately, I am uninformed as to all the ramifications of what you are proposing here today, and I would like to have some estimate at least of the contribution to the unfunded liability of the retirement fund which is already billions of dollars in the red.

Mr. PHILBIN. It is estimated that this bill would create only a minimal in cost to the Government.

Mr. SCOTT. Mr. Speaker, will the gentleman yield?

Mr. PHILBIN. I yield to the distinguished and able gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, I have listened to the exchange between the two gentlemen; yet I still do not understand whether there will be more people included in the early retirement. Will additional people be permitted to retire after 20 years of service, and at age 50?

Mr. PHILBIN. At the present time there are some who are already eligible for retirement. There are not enough numbers of authorizations to accommodate those people, and this bill will increase the number, so that group can be taken care of, and also it will take care of those who will become eligible in the next 5 years. There will be an increase in the bill to provide for those who are going to become eligible across the board, for the next 5 years, not only among those who will become eligible following overseas service, but also those who will become eligible after general or regular service.

Mr. SCOTT. Mr. Speaker, if the gentleman will yield further, I am not thinking of numbers, but ask if there is a change in the law under which different categories of people within the CIA would come under early retirement?

Mr. PHILBIN. No, sir; there is no change in the law in respect to a change in entitlement, only to the numbers who may retire.

Mr. SCOTT. I thank the gentleman.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. PHILBIN. I yield to the distinguished and able gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I rise in connection with this bill to ask some questions only because a few years ago I attempted to get some information concerning the CIA and I was told there was not anybody on the congressional level who really knew either the extent of the moneys expended for this Agency or, for that matter, the number of employees.

It would seem to me that without trying to divulge unnecessary secret and vital information regarding the security of the Nation, we should know if this committee has any kind of oversight over this Agency and does the committee know how many employees the Agency has, and whether or not it duplicates any other intelligence services in or out of the Government? I ask this because some 4 or 5 years ago some information I received from one service was that there was needless duplication.

In connection with this legislation the question would be: If we do not have any idea as to how many employees this would affect, how do we know the ultimate impact on cost?

Mr. PHILBIN. We have information from the agency as to what the impact on cost would be.

I may say to the gentleman, the overall figures as to employees in the agency would be security figures. They would be classified for the most part. If the gentleman wants to get those figures, I can see no reason why he could not get them as a Member of Congress, although they are not generally known.

Mr. GONZALEZ. My understanding is that a few years ago even to the Members of Congress the extent or dimension would not be divulged, and that in fact even the highest levels of congressional leadership did not really know the full range and extent of the activities. If this is true, then there is a question as to whether the matter of security reaches that high, to even the congressional leadership not having full information on such a thing as the extent of the appropriations the Congress itself provides for this agency.

I am not trying to divulge information that should not be divulged, if it relates to the security or the safety of the Nation.

It seems to me, the difficult times in which we live, with the urgent necessity for an open society to create this type of agency for its own defense, at least on the congressional level we could have some assurance that some committee or some leadership in the Congress knows exactly what is going on in that agency.

Mr. PHILBIN. As the distinguished gentleman knows, this is merely a bill which deals with the retirement system the Congress has set up to provide retirement for those employed in the agency.

Insofar as oversight by congressional committees is concerned, there is that function exercised by the Committee on Armed Services of the House to a considerable extent. As the gentleman knows, the members of our committee would be bound by the same classification regulation and the same security regulation which other people would be bound by generally, with respect to numbers and sometimes the detailed activities of what the agency is doing.

I can assure the gentleman that one of the subcommittees of the Committee on Armed Services of the House meets regularly with officials of the CIA and is given complete briefings and complete answers to any questions propounded. As I say, there are some classified areas, as the gentleman knows, and the gentleman from Massachusetts would not feel disposed to talk specifically about the classified aspects on the Record.

Mr. GONZALEZ. But the members of the Armed Services Committee—or at least, the Armed Services Committee, itself, is privy to the substantial goings on in that Agency?

Mr. PHILBIN. Yes, to a very large extent.

Mr. GONZALEZ. To a large extent?

Mr. PHILBIN. Yes; I would say that we cover, in our talks and in our conservations and conferences, virtually all the work that the agency is undertaking. We receive full reports from them. We cover a wide range, and I should say practically all the activities are made known to us in one way or another. But we are not privileged to make that information public.

Mr. GONZALEZ. No.

Mr. PHILBIN. We are not able to make it public in debates in the House.

Mr. GONZALEZ. I understand that. What I am getting at is the question: Is there any aspect of the activity of the CIA that the members of this Special Subcommittee of the Armed Services Committee wish to find out about in a proper way, and whether they have that freedom to do so?

Mr. PHILBIN. Yes; the committee would have freedom to do so.

Mr. GONZALEZ. The Agency is amenable to oversight by the committee?

Mr. PHILBIN. That is true; yes. If the gentleman has any questions he wishes the committee to propound the committee would be glad to do so.

Mr. GONZALEZ. I thank the gentleman.

Mr. KEITH. Mr. Speaker, will the gentleman yield?

Mr. PHILBIN. I am pleased to yield to my distinguished and able colleague from Massachusetts (Mr. Keith).

Mr. KEITH. I appreciate the gentleman yielding.

Mr. Speaker, I would like to pay tribute to my colleague from Massachusetts for his many years of devoted service to our Nation and to the Armed Services Committee.

Mr. Speaker, I was elected to the State senate in 1952 on an issue relating to pensions that we were providing for members of the legislative branch and for State employees. It became an issue of tremendous public interest because of the hodgepodge that we had in the State government in Massachusetts.

Mr. Speaker, I am afraid that we are developing a hodgepodge here in this piecemeal attack on pensions for Federal employees. We are establishing precedents for future actions that we do not really appreciate their magnitude and their influences on our operations and on our economy.

I would hope that some committee of this House, preferably, I suppose, the Committee on Post Office and Civil Service, would make an indepth study of just where we are going and what the long-range benefits are, because to retire someone at the age of 50 and allow them to go to work elsewhere in other Government employment, or to actually take him out of the work force and have him retire at the age of 50 in is in my opinion very inflationary.

Mr. Speaker, I think this is a precedent-setting trend and one to which I would object that we enter into so late in the session. I would hope that a bill of this sort would lay over between the branches of the Congress or that the executive would take it up next year after more methodical study.

I thank the gentleman for yielding.

Mr. PHILBIN. I thank the gentleman for his remarks.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. PHILBIN. I yield such time as he may consume to the distinguished gentleman from Illinois (Mr. Arends).

Mr. ARENDS. Mr. Speaker, S. 4571 is a bill to amend the Central Intelligence Agency Retirement Act of 1964 for certain employees, as amended, and for other purposes.

The bill makes certain changes in the CIA Retirement Act of 1964 which will conform to provisions enacted into law with respect to the Civil Service Retirement Act. These conforming amendments deal with definitions relating to child survivors, commencement date of annuities, and a formula for crediting prior Federal service not covered by contributions. It also makes two other changes. It provides for the transfer of employer contributions into and out of the CIA retirement fund and increases the ceiling on retirements.

As you know, the CIA Retirement Act was enacted to provide a comprehensive retirement and disability program for a limited number of employees whose duties either were in support of agency activities aboard, hazardous to life or health, or so specialized as to be clearly distinguishable from normal Government employment. The CIA operates under two retirement systems; the regular civil service retirement system for the majority of its employees, and the one established under the CIA Retirement Act of 1964 for a very limited number of employees.

The Senate Armed Services Committee reported this bill on December 8, 1970, and it passed the Senate on December 10, 1970, without any controversy.

Section 1 does three things: First, it eliminates the requirement that a child be dependent upon a parent retiree in order to receive a survivor annuity. The present definition of a child requires that the child receive more than half his support from the participants to be eligible. This requirements could defeat a survivor annuity based on the service of a working mother. This support requirement was eliminated from the Civil Retirement Act by the 89th Congress—Public Law 89–504.

Second, it also raises from 21 to 22 the maximum age for receiving survivor annuity payments as a student and increases from 4 to 5 months as the maximum absence from school which may be permitted without terminating the survivor annuity. This will aid survivor children enrolled in trisemester programs to secure employment and earn money without losing their annuity.

This same action was taken by the 89th Congress for student beneficiaries under the Civil Service Retirement Act—Public Law 89–407, 504.

Last, it permits a natural child to share in the distribution of any money in the CIA retirement and disability fund. The act today clearly permits a natural child to receive an annuity but it is not entirely clear with respect to lump-sum benefits. This would correct this deficiency.

A similar provision amending the Civil Service Retirement Act was approved by the 89th Congress—Public Law 89–407.

Section 2 provides for the commencement and termination date for a child survivor annuity and assures that the survivor annuity of a student may be resumed even though it had previously been terminated, as for example, because of military service. Today, once an annuity has been terminated because of an absence between school terms in excess of the maximum absence authorized, the annuity cannot be resumed.

A similar amendment to the Civil Service Retirement Act was approved by the 89th Congress—Public Law 89–504.

Section 3 makes a technical change in the law which will authorize the commencement of an annuity as soon as the individual enters a nonpay status. Under existing law, an annuitant must wait until the beginning of the month following his date of separation.

It also incorporates specific provisions for the termination of annuities to retirees and survivors.

This will conform the CIA retirement system to the civil service retirement system in this respect—5 United States Code 8345.

Section 3 also makes a technical change in the law which will provide an option to credit prior civilian service for which no deductions have been made by reducing the resulting annuity by 10 percent of the amount owed. This will conform with the CIA retirement system to the civil service system in this respect—5 United States Code 8339(h).

Section 4 increases to 800 the retirement ceiling imposed on anticipated retirements through June 30, 1974. Under existing law, retirements during the formative years of the system were limited to 400 for the first 5-year period ending June 30, 1974. In the absence of actuarial experience the establishment of a ceiling on retirements was necessarily somewhat arbitrary. The ceiling was

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established with the understanding of all concerned that it would be adjusted as necessary. Experience to date has indicated that the ceiling of 400 for the second 5-year period is insufficient. In the interest of orderly and equitable personnel management an increase in this ceiling is essential. The Agency is rapidly reaching the ceiling now established by law and without the increase would be unable to accommodate the numbers who will go on the retired list prior to June 1974.

Under existing law, an individual who transfers into the CIA retirement fund from some other Government retirement system can transfer his contributions from the other fund to the CIA fund, but there is no provision for transfer of the Government contribution to such fund. Also, when an individual transfers from the CIA retirement fund to some other Government retirement fund, there is no provision for the transfer of either the Government's contribution or his own contribution to the non-CIA retirement fund. Section 5 would correct the inequities of this situation.

The Civil Service Commission is wholly in accord with this change.

Section 6 makes a technical change in the law granting to survivors the same right afforded participants to purchase retirement credit for prior civilian service.

This will conform the CIA retirement system to the civil service retirement system in this respect—5 United States Code 8334.

Mr. Speaker, I know that this body would want to enact this legislation because it merely equalizes the benefits to this special group of employees to civil service employees.

Mr. Speaker, if I may take the time of the House for a few minutes, I want to call attention to the fact that I feel this is probably the last piece of legislation from the Committee on Armed Services that the gentleman from Massachusetts will bring before the House. Therefore, I pause to pay tribute to him as a member of our Armed Services Committee on which he has so diligently served over many, many years. He has been the ranking member of our committee, attending to his duties objectively, motivated at all times by doing those things he felt were in the best interests of our country and its national defense posture.

Mr. Speaker, the other day, with most all of us on the committee being present, each one of us put on tape in the presence of the gentleman from Massachusetts (Mr. Philbin) our thoughts and expressions of esteem and love for the gentleman. I thought it was a wonderful occasion and something which I know Phil will remember all his life. I might reiterate the collective thoughts of the members of the committee at that time and what is now being said by his colleagues, that here indeed is an outstanding gentleman, a man of courage and conviction, one everyone of us are proud to call our friend. Indeed, we are sorry he is leaving the Armed Services Committee, and this House of Representatives. We will miss this great legislator in the years to come. All our good wishes go with Phil as he returns to private life.

Mr. McCORMACK. Mr. Speaker, will the distinguished gentleman from Massachusetts yield?

Mr. PHILBIN. I am happy to yield to the distinguished Speaker.

Mr. McCORMACK. Mr. Speaker, I am very glad to join in the remarks made by my distinguished friend from Illinois (Mr. Arends) in relation to our dear and valued friend and colleague, Phil Philbin.

I first came to know Phil Philbin when I came to Washington as a new Member of the House of Representatives. He was then associated very closely with one of the great Americans of our time, a former Lieutenant Governor of Massachusetts, a former Governor of Massachusetts and then a U.S. Senator, the late Honorable David R. Walsh.

Throughout the years that we have been associated together there has developed between us a strong feeling of friendship and respect. During Phil Philbin's term of service in this body he was not only forward-looking in the consideration of legislation relating to the people of our country on a domestic or internal level, but in this trying period of the world's history he has been a bulwark of strength in connection with the national defense of our country and of a firm foreign policy.

The people of America are indebted to him for his outstanding service, his clear vision, his ability to penetrate into the future and see history in the making, which is very difficult for any of us to do, and for the contributions he has made to America so that our country will always be on its guard, ever vigilant, and in the possession of a strong and powerful national defense that is so vitally important for the unforeseeable period that I can look into.

So, Mr. Speaker, we all pay our tributes to this great legislator and this great American, and this good man. In the years that lie ahead for him I know that I speak the sentiments of all my colleagues when I say that we wish him every happiness and success, not in an inactive life in retirement, but in a very active life we all know he will participate in.

So to you, Phil, my dear friend, enjoying the friendship and respect of all your colleagues, I extend—speaking for myself and our colleagues—our very best wishes and all the gratitude for the way you have served our country in this body, and our very best wishes for countless of years to come.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the distinguished gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, to attempt to add to the eulogies which our great Speaker and the distinguished Republican whip, who have served so closely with Phil Philbin, have paid to him, would be comparable to guilding the lily, but I cannot let this opportunity pass without telling the House how much we respect and love this great American. The Speaker has called him a bulwark of strength, and that he is. He is a bulwark of compassionate and judicious strength. He is a wise and distinguished scholar and artist. He is a man of noble character, decent, kind and humble, a great legislator whom we will all miss.

You may be leaving this Chamber as a Member, Phil, but you will never be free of the friendships that you have made here.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, I want to thank the gentleman from Illinois for yielding, and certainly thank him for bringing to the attention of the membership of the House the fact that this is the last bill, probably, that our friend and colleague, the gentleman from Massachusetts (Mr. Philbin), will be handling for final passage.

Mr. Speaker, it has been my pleasure and privilege to serve on the committee with, and on the subcommittee chaired by the distinguished gentleman from Massachusetts. Unfortunately, a conflict in committee assignments kept me from attending the recent meeting of the House Committee on Armed Services where tributes were paid to my friend and colleague, the gentleman from Massachusetts, and I certainly do not want to let this opportunity go by without seconding all of the accolades that have been handed to—and very deservedly so—the gentleman from Massachusetts.

He has been my friend. He has gone out of his way to be of help to me when I was new on the committee and since. It will be a sad day for me to see Phil Philbin leave us. He is 100 percent American, and a great friend of mine.

Thank you very much.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman.

Mr. PEPPER. Mr. Speaker, I thank the distinguished gentleman for affording me this opportunity to join with the distinguished Speaker of the House and my colleagues in expressing our heartfelt tribute to Phil Philbin. When Phil Philbin leaves this House, there will be many a red eye and many a heavy heart, because no man in this House is more beloved than is he. No man has more devotedly served his country than he. No man has been more dedicated to the performance of his duty and to the service of his fellow man and in lightening the burden to be borne by his fellow citizens than he.

Mr. Speaker, this is a man truly worthy to be called a statesman and truly worthy to be known as a devoted and dedicated servant of the people.

Mr. Speaker, in my part of the country one of the highest accolades you can extend to one whom you would honor is to say that he is a gentleman and a scholar—and this dear man deserves every accolade which can be extended to him. He is a great American and he to me will always be a cherished friend.

Phil, may God bless you and be with you for many, many more years to come.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman.

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a real pleasure to say that we who are personal friends of PHIL PHILBIN think he is one of the best loved Members of the House, also one of the hardest working Members, with excellent judgment based on broad experience in reaching his position as one of the top ranking members of the important House Armed Services Committee.

As a matter of fact, PHIL PHILBIN is one of the friendliest Members we have ever had in the House, with his constant cheerfulness and comprehensive knowledge of House procedures. Congressman PHIL PHILBIN has always been helpful to me ever since I have been a Member of the Congress. He gladly helps, regardless which side of the House aisle, or what party, liberal or conservative that Members belong to.

The CONGRESSIONAL RECORD should show, Mr. Speaker, that after the Speaker's fine eulogy, the whole House unanimously rose in high tribute to Congressman PHIL PHILBIN of Massachusetts. Unanimous rising tribute is a rare gift of the House, especially when participated in by all Members, the Speaker, and the leadership of both parties.

To Congressman PHIL PHILBIN of Massachusetts we all join in friendship with you in saying, Godspeed to you, PHIL, and best wishes for a long and happy life. You fully deserve every honor accorded by the Members of the U.S. House of Representatives to you today.

Mr. BELL of California. Mr. Speaker, there is no Member of this House that is more beloved than PHIL PHILBIN. The outstanding leadership that he has provided on the Armed Services Committee, is well known and well deserved.

His consistently good judgment that he has shown in all his committee work as well as general work on the floor has been long admired.

I wish the gentleman from Massachusetts, PHIL PHILBIN, Godspeed and continued success in all of his endeavors wherever they may be and whatever they involve.

Our friend will be sorely missed by his colleagues in the House of Representatives.

Mr. BOLAND. Mr. Speaker, I join my colleagues in paying tribute to PHILIP J. PHILBIN. Elected to the Congress nearly three decades ago, PHIL has earned the respect and friendship of virtually every Member he has worked with over the years. As a ranking member of the Armed Services Committee, second in seniority only to Chairman L. MENDEL RIVERS, he has played a major role in assuring this country's military preparedness. And, equally significantly, he has always sought a fair and evenhanded balance between the demands of the military and those of its critics. I will risk sounding a little corny by calling PHIL a patriot, for that is precisely what he is—in the very best sense of the term. He has quietly and earnestly worked for his country over the past 30 years.

PHIL's service to his constituents in Massachusetts' Third Congressional District—the men and women who elected him to 14 successive terms in the Congress—has been nothing short of remarkable. No letter ever went unanswered. No plea for help was ever ignored. No constituent seeking advice was ever turned away. He and his able administrative assistant, Clifford O. Gaucher, established what is tantamount to a model congressional office in constituent service.

I value highly my personal friendship with Congressman PHILBIN, and I wish him the very best in the future.

Mr. ROONEY of New York. Mr. Speaker, I should like to join with my colleagues, the Speaker, the majority leader, and the distinguished gentleman from Illinois (Mr. ARENDS) as they salute the distinguished gentleman from Massachusetts, Hon. PHILIP J. PHILBIN, an old friend. I have had the good fortune to know PHIL ever since the day I came to the House of Representatives and have always had nothing but the highest regard for him both as a Member of this body and as a man. I am sure my colleagues on both sides of the aisle join me in the belief that he is one of the outstanding Members of the House and that he will be sorely missed. PHIL has devoted his entire public life to serving the people of his State and in particular those in Massachusetts' Third Congressional District. He has served them faithfully and well and I wish him happiness and contentment in the coming years.

Mr. DONOHUE. Mr. Speaker, it is a privilege to join with the Members of the House here this afternoon in this spontaneous tribute to the exemplary personal character and the extraordinary legislative service of Congressman PHILIP J. PHILBIN, of Massachusetts, to our National Government, his constituents, and his fellow Americans throughout the country.

Few, if any, men have served in this national legislature more effectively and unselfishly than PHIL PHILBIN. Few, if any, have been less heralded for their immense contribution to the progressive security, health, educational advancement and economic development of our people over the last 28 years. Learned in our laws, diligent in his committee and Chamber legislative assignments, persuasive in his appeals for legislative support of those measures that attracted his deepest belief, tolerant and understandable of opposing views, every ready to accept the impact of authoritative fact and testimony, steeped in the use of experience for wholesome accomplishment, and dedicated to the proposition that a progressive legislative beginning is better than an acrimonius deadlock, PHIL PHILBIN has contributed mightily to the legislative solution of all the national crises that have occurred over the past quarter of of a century. Throughout this period, he has enjoyed the confidence and esteem of every American President, many heads of other governments throughout the world, and of all the speakers and leaders in the U.S. Congress. Through his achievements, he has left an indelible mark of effective participation upon the most progressive pages of modern American legislative history. As an outstanding legislator, he has earned the respect and admiration of every Member who has ever been his colleague in this National House of Representatives.

But his more universal admiration and affection, by untold thousands of his constituents, and fellow citizens in the Commonwealth of Massachusetts and throughout the country, has been earned because he is one of the finest human beings ever born into this world's tribulations and joys, adversities and triumphs. He is possessed of the highest character and integrity and, among the so-called ordinary people, he is beloved for his compassionate understanding, congenial manner, warmhearted generosity, quiet encouragement and a genuine interest in and devotion to the happiness and the progress of every person and every family that ever came within the bounds of his public responsibility and private acquaintance.

The rather paradoxical truth is that lasting memories here probably do not come so much from any substantial legislative record that is established but rather by the conduct, the manner, the disposition, the personality, the spirit, the human niceties, if you will, that each one projects here.

On this score, apart from other things, I daresay the human attributes and virtues of PHIL PHILBIN will never be excelled in this body.

Our reflection upon the unusual aspect of legislative life emphasizes, I think, that the greatest service that any individual, in any activity, can render to his contemporaries and those who come after is to provide an example of a character that is unquestioned, a dedication that is unsurpassed, a courage that is inexhaustible, a patriotism that remains undaunted throughout the most violent storms, a compassion that is boundless, and a friendship that is unstinting in resolution and loyalty.

Beyond all other accomplishments this is the real endowment that PHIL PHILBIN has given to us here and to those who are yet to come.

The legacy he leaves here is comprised of the simple strengths upon which the stability, survival, and progression of our communities and our commonwealths and our country depend.

PHIL PHILBIN's inspiring personal example of the patriotic use and application of these eternal strengths will constitute a memory that will be a private, personal encouragement to each of us, forever, and the integrity of his conduct will remain as a wholesome blessing upon this House, for all time.

PHIL PHILBIN has the deepest understanding and commitment of any man I have ever known that, as the Bible indicates, peace among nations, within communities and in our hearts will never be attained until the great majority of us evidence "good will" toward our friends, our neighbors, and our fellow human beings everywhere. Personal good will is the true richness of his own life and with it he has enriched the life of everyone privileged to know him.

In this coming Congress all of us will sorely miss our beloved friend and colleague, PHIL PHILBIN, and I hope he will

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see fit to frequently visit with us over the next 2 years.

From the bottom of our hearts, meanwhile PHIL, we all join in wishing you continued good health and good fortune for many, many more years of success in your private endeavors and in the continuing service of your fellow man that I know you will never abandon.

GENERAL LEAVE TO EXTEND

Mr. ARENDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks with reference to our colleague, the gentleman from Massachusetts (Mr. PHILBIN).

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PHILBIN. Mr. Speaker, I would like to thank those of my esteemed and beloved colleagues, who have made such touching and moving comments about my humble service, and who have expressed such gracious observations concerning the humble labors I have performed during the time I have been honored to be a Member of this great House.

Mr. Speaker, there is really no way I can adequately express my sincere and deep gratitude to you and the Members of the House, because regardless of political considerations, and regardless of differences from time to time on legislative questions, all the Members on both sides of the aisle are very dear to me, and always will be very dear to me, because of the invariable encouragement, assistance, and the warm, inspiring friendship they have always shown me, which has so greatly lightened the burdens of my work and official duties.

I am somewhat limited, my dear friends, particularly at this time when important legislation is pending in the House, which is in my charge, in mobilizing and conveying to you, my profound feelings of appreciation and gratitude to all of you.

To our beloved, great Speaker, and to all of you here in this historic body, I want you all to know that I will always gratefully remember the many kindnesses you have shown me during my long service here with you.

And I shall always treasure, immeasurably, the kind words you have spoken here today.

These tributes of esteem and affection will remain with me as long as I live. They are far more than I deserve, but I want to express my deep gratitude to all of you for your very generous, stimulating words, your warm affectionate friendship, your loyalty and kindness to me, and the lofty inspiration you have always given me during my service in this great body. You may be sure they will always remain with me, and that my heart, deeply-felt gratitude and best wishes will always be with you. God love you.

Mr. Speaker, I ask for a vote on the bill.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts that the House suspend the rules and pass the bill S. 4571.

The question was taken; and (two-thirds having noted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title:

S. Con. Res. 87. Concurrent resolution providing for an adjournment of the two Houses of Congress.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 4106. An act to amend the Public Health Service Act in order to provide for the establishment of a National Health Service Corps.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 1146, EXPANSION OF UNITED NATIONS HEADQUARTERS IN THE UNITED STATES

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1308 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1308

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1146) authorizing a grant to defray a portion of the cost of expanding the United Nations headquarters in the United States. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Florida is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I shall consume.

Mr. Speaker, House Resolution 1308 provides an open rule with 1 hour of general debate for consideration of House Joint Resolution 1146 to expand the United Nations headquarters in the United States.

The purpose of the joint resolution is to authorize an appropriation of not to exceed $20 million for a grant to the United Nations to defray a portion of the cost of the expansion and improvement of its headquarters in the city of New York.

The present headquarters for the U.N. was completed 20 years ago during which time the membership has increased from 59 to 126 member states and the number of secretariat employees in New York has increased from 2,900 to approximately 4,900.

In 1968, the Secretary General was authorized to prepare detailed plans and specifications for a major expansion of the headquarters, taking into consideration anticipated needs for the next 20 years.

Proposals—at an estimated cost of $80 million—were submitted and approved by the General Assembly last year, subject to two conditions: First, that payments for the construction from the regular U.N. budget should not exceed $25 million; and, second, that satisfactory assurances be received that the balance of the funds would be available before construction contracts are awarded. In accord with arrangements worked out by the Secretary General, the $5 million balance would come from three sources: a $20 million grant from the U.S. Government, a $20 million contribution from the city of New York, $15 million from the U.N. development program and U.N. Children's Fund, which would move from rented space to the new U.N. office building.

Mr. Speaker, I urge the adoption of House Resolution 1308 in order that House Joint Resolution 1146 may be considered.

Mr. Speaker, I yield 5 minutes to the able gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL of Massachusetts. Mr. Speaker, I rise on the rule even though I am not carrying it for the committee because of the fact that I have been an avid supporter of the United Nations through the years.

We have before us a joint resolution, No. 1146, which would authorize up to $20 million to defray a portion of the cost of expanding the United Nations Headquarters in the United States. The Senate has already passed identical legislation.

Just what is the context of this grant of $20 million and what are the other elements of financing this new Secretariat office building? The United Nations has been bursting at the seams for several years, Mr. Speaker. As early as 1964, the Secretary General reported that the Secretariat Building was overcrowded in some areas and since 1965 outside office space has been rented by the U.N. Development Program, the U.N.

Children's Fund, and several other U.N. units at costs whose burden has recently become acute. Therefore, some 4 years ago, at the request of the Secretary General, a study was made at no cost to the United States or to the United Nations of the feasibility of constructing an additional office building to the south of the present headquarters buildings, a building in keeping with the dignity and hope which the present structures have come to represent. Then in 1968, the General Assembly provided $250,000 for an architectural and engineering study. On the basis of this study the Secretary General presented cost estimates to the General Assembly last autumn involving a cash outlay of $80 million. The Assembly decided for its part to appropriate $25 million from the United Nations budget subject to the assurances of the Secretary General that the remainder of the $80 million was firmly committed. The U.S. share of this $25 million would be slightly less than $8 million at the present U.N. assessment rate. As for the customary special host government contribution, the President has requested a special grant of $20 million in the fiscal year 1971 budget. As a practical matter, this uniquely U.S. contribution must be available if the building is to be built, and I urge my colleagues in the House to join me and authorize it promptly.

As for the balance of the financial package, the city of New York has agreed to match the Federal contribution after it has been actually appropriated and the United Nations Development Program and the U.N. Children's Fund, who now rent space outside the headquarters, are expected to contribute $15 million in the nature of "commuted rent" which they would otherwise be required to pay for space in New York over a period of years. About $6 million of this $15 million would come from the usual U.S. contributions to these bodies but this $6 million can hardly be termed an additional U.S. contribution because it would otherwise go for rent. In addition, contributions are to be sought from private sources which if obtained could be used to reduce the outlays mentioned above or to cover any unpredictable increases in construction costs which have risen at such alarming rates in recent years.

Now, in the context of the other sources of income for the cash outlay of $80 million, plus the availability of land valued at $12 million from the city of New York, the U.S. special grant appears equitable and appropriate. It is, of course, traditional for the host government to make a very substantial special contribution to the building programs of international organizations being hosted. One of the reasons for this practice is the economic advantage that derives from being the permanent host to any large international organization—an advantage which the U.S. Congress explicitly recognized in 1948 when it noted that the permanent establishment of the U.N. Headquarters in the United States would result "directly and indirectly in substantial economic benefits to the United States from the expenditures of the Organization and its member nations."

U.S. SUPPORT FOR THE UNITED NATIONS

In 1970, the United States participated in the commemoration of one of the most hopeful events of the 20th century; the founding of the United Nations in 1945. During the anniversary year, we and other member nations carefully appraised the contributions, defects and potentials of the international organization. President Nixon named a Commission for the Observance of the 25th Anniversary of the United Nations and asked it to assess the U.N.'s effectiveness and to recommend measures which the United States might initiate to strengthen and improve it.

The Commission, headed by former Ambassador Henry Cabot Lodge, and including eight Members of Congress and 42 other prominent citizens, submitted an interim report to the President on September 14, 1970. The Commission reported that, in spite of major shortcomings, the work of the United Nations and its specialized agencies in furthering international cooperation has been remarkably good. It observed that U.S. contributions to the United Nations have been well invested and have advanced the world's long-term development. The Commission expressed confidence "that a strong and operative United Nations system is not only in the American interest, but would guarantee tranquility, freedom and justice for all peoples of the world."

IMPRESSIVE ACHIEVEMENTS

Following World War II, there were high expectations that the United Nations would be the chief instrument to preserve peace and promote the wellbeing of the nations of the world. Despite its inability to accomplish fully its many objectives, the United Nations can claim some impressive achievements:

It has helped to defuse political crises and has kept open the prospects of negotiated settlement of threatening disputes. Among these were Cyprus, Kashmir, and the Congo.

It has reduced the dangers of explosive confrontation, and insulated conflicts in smaller countries from the dangers of greater power involvement.

It has contributed to the improvement of health, education, agricultural production, and economic advancement of the developing nations of the world. Approximately 80 percent of its total resources are devoted to economic and social activities and development assistance.

It has helped all nations, advanced and developing, to realize the promise and to avoid the perils of the new technology. The many specialized U.N. agencies—WHO, ICAO, IAEA, and so forth—share this credit.

It has painstakingly promoted the gradual development of international law and general respect for human rights. A number of national constitutions adopted since 1948 have drawn upon the General Assembly's Universal Declaration of Human Rights.

It has directed international attention to the problems of effective disarmament, and has served as a forum in which disarmament agreements can be reevaluated and modified, if necessary, to obtain the widest possible support. An encouraging example is the Nuclear Nonproliferation Treaty.

It has evolved into a major diplomatic center for contact and consultation among members. This is probably its most important achievement.

BUT MAJOR WEAKNESSES

The President's Commission attributes the major weaknesses of the United Nations to its failure to maintain peace and security and to its procedural and structural defects. The Commission was fearful that should these defects not be remedied, the United Nations would become increasingly incapable of dealing with the grave problems facing the world in the 1970's. Clearly, the responsibility for these failures rests with the member states. The United Nations can do only as much as its member governments allow it to do, and it has often been abused as a propaganda forum. Member governments have repeatedly and irresponsibly used the United Nations as a public platform to promote their own narrow positions.

For the United Nations to become truly effective, all states must show moderation, flexibility, and a will to compromise in attempting to arrive at fruitful solutions.

NEED FOR MORE EFFECTIVE PEACEKEEPING

When armed conflict erupts, the United Nations has a broad responsibility to stop the fighting. Its ability to maintain international peace, however, depends in large part on unanimity among the five permanent members of the Security Council. The power of the veto, designed to protect the permanent members from actions which may be contrary to their vital interests, has been abused by the Soviet Union. The Soviets have wanted to see all major decisions concerning peacekeeping, including operational decisions after the mission is launched, kept under the immediate control of the Security Council. This would subject operational decisions to the veto and, in our view, is hardly an effective or reliable basis for such operations.

We think the Secretary General can, and should, be instructed to manage a peacekeeping mission in consultation with the major powers and those countries supplying troops or facilities. He should have some latitude to deal with the parties to a dispute and to manage a peacekeeping operation once the Security Council has authorized it and has defined its mandate.

NEED FOR BETTER WAYS TO SETTLE DISPUTES

In addition, better "preventive diplomacy" with investigatory and factfinding procedures is badly needed. We welcome proposals that ad hoc committees of the Council, including the parties to a dispute, be created to help settle particular controversies. We favor reactivating the Panel of Inquiry and Conciliation, and will soon nominate qualified individuals for the factfinding register of experts who will be available to the Secretary General, member states, or other U.N. organs.

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We have suggested measures to strengthen and revive the functions of the International Court of Justice. In the future we will examine every treaty we negotiate with a view to accepting, wherever appropriate, the Court's jurisdiction over any dispute arising under the treaty. We will actively consider submitting disputes with other countries to the Court. We have suggested ways in which the Court's advisory jurisdiction might be expanded.

NEED FOR FISCAL AND PROCEDURAL CHANGES

Many of the United Nations difficulties stem from the obsolescence of its structure and procedures. Disparity between voting power and financial responsibility, excessive proliferation and overlapping of agencies and committees, frequent delays of meetings, and repititious debate are all chronic liabilities.

As the largest contributor to the United Nations—$317 million in 1970—the United States is particularly concerned about U.N. finances. We want to make sure that adequate value is received for our investments in the United Nations and its specialized agencies. The problem of very small states which need U.N. services and benefits but cannot meet the U.N. minimum assessments, must be resolved.

It is imperative that member states insure the effective organization and management of the U.N. system so that it is responsive to the directives of its governing organs and to the priority needs of the world. This requires better administrative and budgetary coordination and better use of the resources available to the United Nations. For example, governing organ programs originally established to promote the social and economic advancement of the founding states—mostly developed nations—have been modified extensively to reflect the urgent needs of the many developing countries admitted to the United Nations after 1945. At present there is a great need for better coordination, direction, and control of these organizations.

CHALLENGES BEFORE THE UNITED NATIONS

The United Nations must continue to attack the problems confronting the world in the 1970's by improving the quality of life, by strengthening international law, and by assuring basic human rights to each person in the world, including prisoners of war. The welfare of all nations can be greatly enhanced by continued cooperation in the United Nations to restore and keep peace, to narrow the gap between the have and have-not nations, and to reclaim and preserve the natural environment. Of immediate concern is the need to strengthen international law for the protection of individuals from violence erupting from unchecked narcotics trafficking, air piracy, and kidnapings.

PRESIDENT NIXON PLEDGES U.S. SUPPORT

In addressing the 25th anniversary session of the United Nations General Assembly, President Nixon expressed our hopes for the future of the United Nations:

> As the United Nations begins its next quarter century, it does so richer in experience, sobered in its understanding of what it can do and what it cannot, what should be expected and what should not.
>
> In the spirit of this 25th anniversary, the United States will go the extra mile in doing our part toward making the United Nations succeed. We look forward to working together—working together with all nations represented here in going beyond the mere containment of crisis to building a structure of peace that promotes justice as well as assuring stability, that will last because all have a stake in its lasting.
>
> Let us resolve together that the second quarter century of the United Nations shall offer the world what its people yearn for, and what they deserve: a world without any war, a full generation of peace.

Mr. Speaker, I urge the House to authorize the U.S. special contribution of $20 million so that it can be fitted into the whole array of contributions from all sources. I wholeheartedly endorse and will vote for House Joint Resolution 1146.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again in the interests of saving time, I will not reiterate what was said by the distinguished gentleman from Florida (Mr. PEPPER) in explaining the rule. I would simply add my further comments.

On this proposed construction, as I understand, it is estimated to cost about $80 million, and it will be adjacent to the present building. It has been agreed to by the General Assembly with the understanding that the funds of the regular U.N. budget earmarked for the project would not exceed $25 million. The remaining $55 million will come from the following sources: $20 million from a grant from the United States, a matching grant of $20 million from New York City, $15 million from the U.N. Development Fund, and the United Nation's Children's Fund, both of which will move out of present rental space into a new building.

Mr. ROONEY of New York. Mr. Speaker, will the distinguished gentleman yield at that point?

Mr. SMITH of California. I yield to the gentleman from New York.

Mr. ROONEY of New York. Mr. Speaker, I should like to point out to the House that no one up to now has explained that this is not going to cost the Federal taxpayer $20 million. The Federal taxpayer pays over 31 percent of the $25 million contribution from the regular budget of the U.N. and the Federal taxpayer pays about 40 percent of the U.N. development program and UNICEF, so the amount we would be authorizing here would be $34 million, not $20 million. I doubt they will ever get a nickel from the city of New York. The Appropriations Committees have turned this down in toto on both sides of the Capitol.

Mr. SMITH of California. Mr. Speaker, I appreciate what the gentleman from New York said. I intend to get to that.

I believe it will probably cost around $35 million. It is my understanding that amendments may be offered by the gentlemen from New York (Mr. ROSENTHAL and Mr. WOLFF), who have submitted separate views. I believe they feel that the city of New York should not be required to make this cash contribution. That is the way I read the report. They will certainly be able to speak for themselves.

The gentleman from Minnesota (Mr. FRASER) filed additional views in support of the views of the gentlemen from New York (Mr. ROSENTHAL and Mr. WOLFF).

Minority views have been filed by the gentleman from Iowa (Mr. GROSS), the gentleman from Illinois (Mr. DERWINSKI), and the gentleman from Florida (Mr. BURKE). They oppose the resolution, pointing out that the actual share of the U.S. Government probably will be around $35 million, when all aspects are figured in. They feel that other nations should contribute more.

Mr. Speaker, without arguing either for or against the United Nations I should like to make a comment or two on this particular measure because, in all honesty, Mr. Speaker, I am unable to see why we should be considering this matter here today.

At the time it was originally brought up the supplemental appropriation bill had not been considered. The supplemental appropriation bill now has been passed by both bodies and I believe is on its way to conference. Neither the House nor the other body, in the supplemental appropriations bill, provided any money for this United Nations project, which means simply that even if we pass the bill and if the other body passes it still they cannot get any money until we come back next year.

Further than that, the United Nations has now recessed.

I understand that an agreement of some type has been reached. At least, according to the testimony an agreement has been reached among various countries on this particular proposal, with the hope that it could be further advanced, and thus the somewhat remote possibility of moving the United Nations headquarters to some other country would thereby be obviated.

In any event, the United Nations has now adjourned and they cannot act on the agreement. But perhaps if we passed this measure it would be some indication to somebody that we are fighting on doing this in the future.

So far as I am concerned, I do not see why we should be giving this to our constituents as a Christmas present of some $20 or $35 million more out of their pockets at the present time when we have not as yet even been able to finally pass the social security legislation. In my opinion they are more entitled to that than any other piece of legislation presently pending.

We have seemed to increase the salaries for everybody else, including our own, but when it comes to the people who are on social security, some of them who cannot even keep their houses' roofs patched or their ad valorem taxes paid, because of the small amount of money they receive, they are not taken care of.

So far as I am concerned, without arguing about whether the United Nations is or has been beneficial or not, I do feel we are acting more or less in a fruitless manner of frustration to pass this bill now. The United Nations will not go into session again until April of next year, and we will have to wait for another supplemental appropriation bill to come in next year before any money can be appropriated.

I do not believe this is quite the kind of Christmas present I want to give my constituents.

Mr. ROONEY of New York. Mr. Speaker, will the distinguished gentleman yield?

Mr. SMITH of California. I yield to the gentleman from New York.

Mr. ROONEY of New York. I wish to say I am in agreement with the distinguished gentleman from California. This requested appropriation has been turned down in the supplemental appropriation bill not only by the House but also by the other body.

I was always a supporter of the United Nations Development Fund, and I was a vigorous supporter of UNICEF, the so-called Children's Fund. But it looks now as though the U.S. Congress gave them too much money in the current year. They must presently have too much money, because they want to take away $5 million from UNICEF and $10 million from the Development Fund for the purpose of this construction project at a time when Mr. U Thant is spending all of his time trying to get a pay raise for everybody up at the United Nations, including himself. He was a $6,000 or $7,000 a year employee of the Burmese Government. He now gets over $100,000 a year, practically a third of it paid by the American taxpayers.

I think we should wait on this project until we get another Dag Hammarskjold or Trigvie Lie.

I thank the distinguished gentleman from California for yielding to me.

Mr. SMITH of California. I thank the gentleman from New York for his remarks.

Mr. ROSENTHAL. Mr. Speaker, will the gentleman from California yield?

Mr. SMITH of California. I am glad to yield to the gentleman from New York.

Mr. ROSENTHAL. Is it the gentleman's view, as is mine, that it would have been wiser for the Rules Committee to defer this legislation until next year?

Mr. SMITH of California. If I recall correctly, I think we made an effort to do that but it did not work. However, it would have been satisfactory to me.

Mr. ROSENTHAL. It would seem from the comments of the gentleman from New York (Mr. ROONEY) and your own, in view of the fact that the Appropriations Committee has denied a supplemental appropriation for this matter, that we are sort of engaged in an empty gesture and that we would have a full opportunity next year to hear this and inquire further into the matter. I am concerned with the relationship between the city of New York's contribution and the Federal contribution.

Mr. SMITH of California. I agree with the gentleman from New York, but the Rules Committee had a bit of heat put on it to report out a rule on the consumer bill. We took some criticism on that, so we thought the Members should decide on this one.

Mr. ROSENTHAL. Was that the gentleman's opinion with respect to the other bill, also?

Mr. SMITH of California. I was referring to both of them.

Mr. ROSENTHAL. This is the last piece of legislation that the House is going to consider on which the Committee on Rules has granted a rule?

Mr. SMITH of California. We have two more legislative matters on which rules have been granted. We have the Penn Central Railroad bill and the Speaker's bill.

Mr. ROSENTHAL. Does the gentleman feel that there is any special urgency with respect to this bill?

The gentleman has already expressed his opinion but does the gentleman feel that there is any special urgency with reference to this bill, that it must be taken up in the latter part of the session, 2 or 3 days prior to the expiration of this Congress?

Mr. SMITH of California. I attempted to express my position on this matter. I think it is an exercise in futility. I shall vote against the rule and am perfectly willing to let you people in New York work it out. Next year we might be able to work it out in such manner that we would not have to proceed in this fashion.

Mr. ROSENTHAL. I thank the gentleman for his very cogent observation.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Ohio.

Mr. BOW. I agree with the distinguished gentleman from New York (Mr. ROONEY). This matter was heard before our subcommittee. During the course of the interrogation of the witnesses, I asked them whether this $80 million was a firm figure. They told me it was not, that this was a figure arrived at some time ago. They could not tell us that this can be done for $80 million. So when you are talking about the $34 million that our Government is going to have to pay—only $34 million—it was admitted by almost everyone that it is going to run considerably more than that.

So, it seems to me it would be well not to pass this bill today, but to take it up later on after we get some firm figures.

There are no real estimates here from the architects on the construction of this building. It seems to me we would be quite premature in taking this action. There is no money in the supplemental bill for this. We did not put any money in it and the other body agreed with our action. The United Nations and the General Assembly are out of session.

There is no reason for this. Let us wait and see what it is going to cost the taxpayers of this country to build this new building.

Mr. Speaker, I would hope we would defeat the rule.

Mr. ROONEY of New York. Mr. Speaker, would the distinguished gentleman from California yield further?

Mr. SMITH of California. I yield further to the gentleman from New York.

Mr. ROONEY of New York. I should like to point out that with all the criticism which was received by the Congress of the United States and the House of Representatives in particular over the cost of the Rayburn House Office Building, the cost of it was $32 or $34 a square foot. This building, under their proposal would cost $63.13 a square foot.

Mr. SMITH of California. I thank the gentleman from New York for his contribution.

Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER. The gentleman from California has 19 minutes remaining.

Mr. SMITH of California. Mr. Speaker, I yield 10 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, it is getting so that every time you look up in Washington you find someone else with his hand out.

Not long ago came the multimillionaire owner of the Washington Senators baseball team, begging for a free ride in his use of the defunct District of Columbia stadium, the $20,000,000 white elephant which the House District Committee wants to unload on the unsuspecting public by turning it over to the Interior Department.

Now, today, we have the international moochers society, otherwise known as the United Nations, waiting with bated breath for the same unsuspecting public to roll over and play dead but only after coughing up at least $66 million for a new building complex in "Disneyland East."

Do not let anyone tell you that the $20 million grant provided by this resolution is all the money involved. It is not even a third of the total American taxpayers will wind up paying for these luxurious additions to the U.N.

In addition to the $20 million, another $25 million will come out of the regular United Nations budget. But you must remember that the United States puts up about a third of the U.N. budget, which means that about $8 million of this $25 million is from the taxpayers at large.

So, up to this point, our citizens would be putting up $28 million. In addition, however, the United Nations Development Program will put up $10 million and the United Nations Children's Fund would put up another $5 million. It just so happens that about $6 million of this $15 million comes from the faithful U.S. taxpayers. Up to this point, then, their contribution is $34 million.

But the international sheepshearers are just getting started. Up in Fun City, the irrepressible mayor, who is all things to all people, politically and otherwise, has made a truly magnificent gesture. He will kick in $20 million in cash to the U.N. for the new addition, and never mind the fact that he recently fired 500 municipal employees because New York City is head over heels in debt.

That makes the American contribution $54 million so far.

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To that amount must be added the $12 million in real estate the city has promised to give the U.N., an act which will, of course, take it off the tax rolls.

This gives us, Mr. Speaker, a grand total of $66 million to be contributed, one way or another, by the citizens of this country toward this $80 million building. The Federal Government is to supply $34 million and the residents of New York City will divvy up another $32 million.

Of course, both the city and the Federal Government will have to borrow this money before they can give it away to the United Nations.

The apologists for this horrendous boondoggle claim the expansion is urgently needed in order to keep the United Nations from moving away to other lands.

While I find that a most satisfying prospect, I want to point out that this expansion would provide more than just building space. It would provide perhaps the most luxurious space on this planet.

By the testimony of its own promoters, this project is going to cost $63.13 per square foot, not counting the architect's fees.

Some of you may recall the public furor that went up over the cost of the Rayburn House Office Building right here on Capitol Hill. That Babylonian palace is not exactly anyone's idea of being dirt cheap but, not counting the architect's fees, it cost $30.12 per square foot, less than half the cost of what is here proposed.

Now, let me deal for a moment with the alleged lack of rooms for these international cookie pushers.

If the members of this flimflamming society are cramped for space, it just might be due to the proliferation of the clubs they have formed, each with its own quarters.

Let me read you a partial listing of the clubs these overworked international bureaucrats have provided for their entertainment and relaxation between cocktail parties:

There is the amateur radio club, the art club, the badminton club, ballet club and the ballroom dancing club.

Followed by the bonsai club, the bowling club, the bridge club, camera club, chess club, cine club, cricket club, and the Esperanto club.

There is the Folk Dance Club, Golf Club, Gourmet Club, Gun Club, Gym Club, the Jazz Society and the Judo Club.

Then there's the Music Club, Physical Fitness Club, Press Club, Riding Club, Self-Defense Club, Ski Club, Soccer Club, Soft Ball Club, Study and Travel Club, the Table Tennis Club, and Tai Chi Club and the Tennis Club.

This legislation, Mr. Speaker, adds insult to injury.

The already humpbacked American taxpayers are being asked to put up $66 million of the estimated $80 million cost of this project in a year when this Government has already knuckled under to a $14.7 million dues increase to the U.N. and its related agencies and at a time when the multitude of deadbeat members of this organization owe more than $200 million in the form of unpaid dues and assessments. And that is to say nothing of the millions the U.N. owes us on the loans and credits we have extended.

If the United Nations wants a fancy addition to the Tower of Babel it now occupies, let U Thant collect the back dues that would more than pay for it. Until that is done, let us not heap yet another burden upon the working men and women of this country who have already given far more than their fair share.

Recently former Secretary of State Dean Acheson described the United Nations as "the silliest organization in the world." He said:

> We should treat it with intelligent neglect.

On this Christmas Eve, the House of Representatives can give the citizens of the entire country a much appreciated present by defeating this resolution and handing them a saving certificate of at least $66,000,000.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. ANDREWS of Alabama. Mr. Speaker, I commend the gentleman on one of the finest speeches I have ever heard in this Chamber.

Mr. GROSS. I thank my colleague.

Mr. ANDREWS of Alabama. I really mean that. The gentleman is on the Committee on Foreign Affairs and I think he is an expert on that subject.

Mr. GROSS. There is some doubt about that.

Mr. ANDREWS of Alabama. Can the gentleman tell me why—why in the 10 years we have been engaged in the worst war in the history of this country—the United Nations has not done anything about it?

Mr. GROSS. The gentleman is right in that the United Nations has done nothing.

Mr. ANDREWS of Alabama. Could the gentleman tell me why?

Mr. GROSS. I could not begin to tell you why in the time I have left, but one reason why is that the United Nations is spineless and utterly impotent.

Mr. ANDREWS of Alabama. Is it not true that we have had wars going on almost every year since the U.N. has been in existence?

Mr. GROSS. The gentleman is exactly right.

Mr. ROONEY of New York. Mr. Speaker, will the distinguished gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. ROONEY of New York. Would it be possible that in the United Nations people are so engaged in these activities connected with these clubs referred to by the gentleman that they do not have time for peacekeeping?

Mr. GROSS. I tried to make that plain when I mentioned those clubs.

Mr. ANDREWS of Alabama. Are you sure there is room in New York for all these clubs?

Mr. GROSS. The gentleman is asking me a question that I cannot answer.

A magazine article a few years ago described the activities of the "ladies of the corridors" at the U.N. Perhaps they now need more corridors for more "ladies of the corridors."

Mr. ANDREWS of Alabama. Mr. Speaker, I would like to say that in my opinion the best friends of the United Nations ought to vote against this rule because with this kind of conduct going on, they will destroy themselves.

Mr. GROSS. I thank the gentleman and I agree with him.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. MORGAN. Mr. Speaker, I listened to the speech of the gentleman very attentively, and as the gentleman knows, under the traditional system that we have followed in appointing delegates from the Congress to the General Assembly of the United Nations, in the even years the delegates appointed are U.S. Senators and in the odd years the delegates are Members of the House.

I would like to inform the House that next year the time will have arrived when the gentleman from Iowa will be next in line for appointment as a delegate to the U.N. After listening to the gentleman name all the clubs operating at the U.N., I concluded that he has evidently done some research concerning what goes on there, and he will be ready to make use of some of those exclusive clubs. I want to congratulate the gentleman for looking into the club situation.

When I had an opportunity back in 1956 to be appointed as a delegate which I could not accept I might have found it difficult to stay away if I had known about these clubs. I want to congratulate the gentleman and assure him that come next year I will be glad to propose his name as the House Delegate to the U.N.

Mr. GROSS. Let me say to the gentleman, that would be something of a red letter day if and when I should go to the United Nations in the official status of a Delegate. I will be glad to entertain the distinguished chairman's invitation for the appointment, but the answer may be something on the order of the candidate who said, "If nominated, I won't accept. If elected, I won't serve." But let us get to that later this year, and kill this bill here and now.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, perhaps the time has come for fun and games. However, I would like to say as a member of the Foreign Affairs Committee that this is a sincere and serious request. In my opinion, it is one that certainly should be approved by the House before we adjourn this year. Time is very much a question in this connection, because the need at the United Nations for additional facilities is very real.

There are now 127 members there as compared to 59 when the present United Nations buildings were completed about 20 years ago. A need for more space has been recognized for about 10 years, and the proposal for financing this additional facility has been developed as a package. In my opinion, the Federal contribution is relatively small. The host country in almost all these cases pays a substantial part of the expense of construction of facilities.

I noticed in the newspaper a couple of days ago that the Government of Austria will pay 65 percent and the city of Vienna, 35 percent, for United Nations facilities in Austria to house the International Atomic Energy Agency and the U.N. Industrial Development Organization. This is an example of the contributions which the Government of that particular country is willing to make.

If we have any faith in the United Nations, if we recognize that it is of value to this country for important management functions to continue in the United States, we should be for this legislation.

It has been said that the move is premature, and also that it comes too late. It has been said that next year will be time enough, that nothing will be done in the way of appropriations now, so we need not act.

I would simply say in reply that authorization now by both the House and the Senate will hold the agreement together. Of course, nothing can be done in a firm way unless there is an appropriation. As a member of the Foreign Affairs Committee, I regret the fact that we were not able to get a rule before the middle of December on this bill, even though we requested a rule in September.

It was for that reason, I understand, that the Appropriations Committee took no action on the request for funds.

I recognize that there is some hostility in the Appropriations Committee because this involves the expenditure of some money. Let me say that it is inevitable, if we are to continue to support the U.N. at all, that there will be a necessity for the United States to continue to expend money. This additional $14 million, above the $20 million requested in this bill, is being expended now by the United States. What we are doing now is to pay in the form of substantial rents for certain activities which will be housed in the new facility. So this is serious business.

It is my hope that we will approve the rule and that we will, after debate, approve what I consider a modest contribution.

There, of course, always are going to be foes of the United Nations, no matter what it has done or what it has not done. They are opposed to it in any form, but I would hope that does not represent the opinion of a majority of us. Furthermore, there is an element in New York which feels the city of New York should not be making any contribution, and who advocate that the Federal contribution should be twice as much as is asked in this bill. I would suggest it is not the responsibility of the Congress of the United States to look behind what the city of New York has already volunteered as a contribution. Their willingness to help means it is a bargain for us. It is not expensive.

As far as the cost of building is concerned, I recognize this is expensive, but the fact that it is expensive to build in the Borough of Manhattan or in the greater city of New York. These expenses have been examined closely and they bear comparison with present costs of building in New York.

We are not going to save any money by postponing action; indeed we surely are going to be asked to pay more. The alternative would be a decentralization which will be against our national interest.

Therefore, I urge that we approve the rule, and then approve the bill which the rule will make in order.

Mr. BUSH. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Texas.

Mr. BUSH. Mr. Speaker, I strongly support the gentleman's position. I hope the rule will be voted on and will pass.

I have some remarks which I wish to place in the RECORD after the rule is accepted.

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman from Texas, I wish him well in the new duties which he will soon be taking on at the United Nations.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Illinois.

Mr. FINDLEY. Does the gentleman think it surprising that the Appropriations Committee did not fund this project in advance of authorization?

Mr. FRELINGHUYSEN. Nothing would surprise me about the Appropriations Committee They have a valid excuse to say, since the authorization has not been approved, we are not in a position to approve appropriations. That is what they did.

Mr. SMITH of California. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. SMITH of California. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from California.

Mr. SMITH of California. Mr. Speaker, the distinguished gentleman from New Jersey said they requested a rule in September. That is not quite correct. The report is dated September 29. We did not receive it in the Rules Committee until October 5. Subsequent thereto, we had a recess for election. We got to this as quickly as we possibly could. From my standpoint, there has not been any delay on it in the Rules Committee.

Mr. FINDLEY. Mr. Speaker, I am sure the United Nations has been a bitter disappointment to most people—perhaps to every Member of this body. It has been to me. It has not nearly measured up to my expectations. Yet, how many of us would really choose to see the United Nations go out of business? I doubt if very many of us would really come to that decision.

If we are to stay in business as members of the United Nations, then certainly it makes sense for us to provide proper quarters. If this bill is rejected, it does not mean the U.N. is going to cease to operate as it is presently and to expand its personnel as inevitability every organization will. It simply means that the space required by much of the personnel will be rented space, so we certainly will not be having all the money provided in this bill if we reject it.

I would also add this comment, that the President of the United States has recently seen fit to name a distinguished Member of this body as our Ambassador to the United Nations, and by that choice I feel he gave it a new prominence in the scheme of things. He expects great things from the United Nations. Otherwise he would not have chosen this distinguished man to be our Ambassador.

It ill behooves us as Members of this same body from whom this new Ambassador is chosen to turn our backs on what I consider to be a reasonable request to fund the expansion of an organization that, even though it has not measured up as we would all have hoped, has, nevertheless, served as a worthwhile meeting place for the nations of the world. And even though there are some members in arrears, does this justify the world's leading member of the United Nation frivolously to turn its back upon what is a reasonable request for the expansion of facilities?

Mr. PEPPER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. ROONEY).

Mr. ROONEY of New York. I thank the distinguished gentleman from Florida.

Mr. Speaker, I believe the House should be acquainted with House Report No. 91-1688, which accompanied H.R. 19928, the supplemental appropriation bill. This report reads as follows insofar as this project is concerned:

> The request of $20,000,000 for a contribution by the United States to the United Nations for improvements and additions to its headquarters complex in New York City has not been approved. At the present time, there is no legislative authority for such a contribution.
>
> The justification submitted by the Department of State contained the following: "If the Congress approves a U.S. grant of $20,000,000 towards the proposed Headquarters construction, the Mayor of New York has stated that the City will match the Federal Contribution." In view of the recent announcement by the Mayor of New York City that 500 of that city's lowest echelon employees will be laid off for budgetary reasons, for the first time since the Depression, the statement concerning the matching of funds by New York City seems a bit incongruous, to say the least.
>
> Under the terms of the proposal submitted, the United States taxpayers would be called upon to actually pay an additional $14,000,000 in regular assessments and contributions for this construction over and above this $20,000,000 request.

Mr. Speaker, I ask unanimous consent that I may insert at this point in the RECORD the testimony given by the State Department before the Subcommittee on Appropriations with regard to this $20 million requested special contribution to the United Nations.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The testimony reads as follows:

SPECIAL CONTRIBUTION TO THE UNITED NATIONS

Witnesses: Samuel de Palma, Assistant Secretary for International Organization Affairs;

XUM

Oscar H. Nielson, Executive Director; Louis Frechtling, Director, Office of International Administration; Richard Hennes, Deputy Director, Office of International Administration; Sidney S. Cummins, Budget Officer.

Mr. Rooney. The next item, gentlemen, is entitled, "Special Contribution to the United Nations." It is to be found at the same page of House Document No. 91–382. It is a request in the amount of—is this $200,000 or $20 million?

Mr. De Palma. $20 million, sir.

Mr. Rooney. It is entitled "Special contrition to the United Nations. For carrying out the provisions of the act authorizing the President to make a special contribution to the United Nations, $20 million, to remain avilable until expended: *Provided*, That this appropriation shall be available only upon the enactment into law of Senate Joint Resolution 173, 91st Congress, or similar legislation."

It is alleged that this proposed supplemental appropriation would provide for a one-time contribution by the United States to the United Nations for necessary improvements and additions to its headquarters complex in New York City which are estimated to cost $80 million in total. The remaining funds will be provided by the city of New York and various United Nations bodies, including the United Nations regular assessment budget.

JUSTIFICATIONS

We shall at this point insert in the record pages 12 through 16 of the justifications book.

(Pages referred to follow:)

Department of State—Fiscal Year 1971

H. Doc. 91–382.

Request: $20,000,000, to be available until expended.

Appropriation: Special Contribution to the United Nations.

Appropriation to date: None.

PURPOSE AND NEED FOR SUPPLEMENTAL FUNDS

The amount requested, $20,000,000, is to make a special contribution to the United Nation toward the cost of expanding and improving its headquarters.

EXPLANATION OF LANGUAGE CHANGE

The proposed language for this new appropriation would provide for a one-time contribution by the United States to the United Nations for necessary improvements and additions to its headquarters complex in New York City.

DEPARTMENT OF STATE SPECIAL CONTRIBUTION TO THE UNITED NATIONS PROGRAM AND FINANCING

[In thousands of dollars]

	1971 presently available	1971 revised estimate	1971 proposed supplemental
Program by activities:			
10 Voluntary contribution to the United Nations (obligations) (object class 41.0)		20,000	20,000
Financing:			
40 Budget authority (appropriation)		20,000	20,000
Relation of obligations to outlays:			
71 Obligations incurred, net		20,000	20,000
74 Obligated balance, end of year		−20,000	−20,000
90 Outlays			

Justification of Estimate

Special Contribution to the United States

The amount requested, $20,000,000, is for a special contribution to the United Nations to defray a portion of the cost of expanding and improving its Headquarters in New York City.

REASON FOR SUPPLEMENTAL REQUEST

The physical facilities at United Nations (UN) Headquarters are not adequate for the requirements of an organization which has more than doubled in membership since its original plan was constructed almost twenty years ago and has substantially expanded the scope of its activities. There is a serious shortage of office space and it has been necessary to scatter in rental locations various staff components which should be functioning as integral units in adjacent accommodations. Moreover, space for document storage, reproduction of documents, and language training is inadequate, as are the organization's facilities for supporting the work of UN staff and personnel of delegations at official meetings and conferences.

The rental of office space outside the original Headquarters site is both expensive and inefficient. Rental charges add over $1 million to the 1970 UN regular budget and this figure is expected to reach $2 million by 1973. Additionally, rental expenditures by the UN Development Program and the UN Children's Fund will amount to approximately $900,000 in 1970 and are likely to be appreciably higher in subsequent years. Such outside rental of office space cannot be expected to continue indefinitely without creating compelling pressures to move substantial portions of the UN staff abroad. This action would have an adverse effect on the U.S. balance of payments.

Both the United States and the United Nations would benefit from the expansion of the UN Headquarters in New York. The United Nations would benefit by being able to keep related activities together and thereby provide unified and efficient direction to them. Similarly, the United States would be better able to supply the constructive leadership required for an effective United Nations. American citizens, who are needed for many tasks of the United Nations and for contributing to that Organization's efficiency can be more readily recruited for service in this country than for duty abroad. The gain in the U.S. balance of payments attributed to expenditures by those UN personnel who will be accommodated in the proposed new Headquarters building in New York, instead of overseas, is conservatively estimated at $12 million annually.

Last fall the UN General Assembly examined the results of a detailed architectural and engineering survey of the proposed additions and major alterations to the existing headquarters premises. After extensive debate, the Assembly authorized the new construction, provided that satisfactory financial arrangements could be worked out.

COMPUTATION OF ESTIMATE

The cost of implementation of the construction plans is estimated at $80 million (exclusive of the value of the land—$12 million—made available by New York City). The General Assembly has approved the appropriation from UN funds of up to $25 million for the project, of which the U.S. share at the present rate would be $7,892,500. If the Congress approves a U.S. grant of $20 million toward the proposed Headquarters construction, the Mayor of New York has stated that the City will match the Federal contribution. In addition, the UN Development Program and the UN Children's Fund, which would be accommodated in the new building, have agreed to make contributions totalling $15 million calculated on the basis of the rentals which these organizations would have paid over a period of years, if they had remained in rental premises. The United States contributes to UNDP and UNICEF about 40% of the total voluntary contributions of all governments; therefore, about $6 million of the expected $15 million would be derived from funds contributed by the U.S. Government. Thus, of the estimated $80 million cost of the expansion, $34 million would come from funds contributed by the Federal Government.

Early Congressional appropriation of the requested $20 million is essential to the timely creation of a viable financial package. If the total financing plan could be ready for early review and approval by the UN's Advisory Committee on Administrative and Budgetary Questions, actual construction could begin in November 1970. If construction is started on this schedule, present cost estimates would remain realistic. While appropriation of United States Government funds is needed as soon as possible, no actual expenditure of U.S. Government funds would occur before fiscal year 1972.

STATUTORY AUTHORIZATION

Public Law 91-   , approved   , 1970.

Testimony

Mr. Rooney. These justification pages to which I just referred, 12 through 16, are rather sparse, are they not?

Mr. De Palma. Perhaps I can elaborate on them a bit.

Mr. Rooney. I asked you a question.

Mr. De Palma. I am not aware of what information——

Mr. Rooney. This does not impress you?

Mr. De Palma. What information do you feel is missing? I will be glad to try to supply it.

Mr. Rooney. What information is on page 12? The fact you are asking for $20 million under House Document 91–382 is about it, is it not?

Mr. De Palma. Yes.

Mr. Rooney. Let us turn to page 13. That is one sentence, is it not?

Mr. De Palma. Yes, sir.

Mr. Rooney. By the way, I read in the paper the other day Mr. Lindsay, the mayor of the city of New York, is for the first time since the depression laying off 500 provisional workers because of his budget crisis. Are you representing to us that Mayor Lindsay is going to contribute $20 million of the city's funds—for what, some more cocktail parties up at the United Nations?

Mr. De Palma. It is for needed office space, Mr. Chairman, in order to accommodate U.N. staff, through the next 10 years roughly.

Mr. Rooney. Is there any authority in law for this requested appropriation?

The answer is "No", is that not right?

Mr. De Palma. I do not know of any, sir.

Mr. Rooney. Now we get to page 14. There is not very much information there, either, is there? Do you agree?

Mr. De Palma. No, there is not.

Mr. Rooney. Then we get to pages 15 and 16 and we find that some scenario writer has been at work. There is not much information there, either, is there?

Mr. De Palma. Sir, I thought this did give the essential information as to why the building is needed.

ANALYSIS OF ESTIMATE

Mr. Rooney. How did you arrive at the amount of $20 million, a nice fat sum like that?

Mr. De Palma. I would be glad to try to describe the situation.

The sum that is required for the building is $80 million, based on actual architect's specifications. That requires putting together a financial package which would be constituted as follows:

Twenty-five millions dollars from the regular budget of the United Nations assessed to all the members on the basis of the current scale of contributions.

TOTAL CONTRIBUTION OF THE UNITED STATES

Mr. Rooney. We would pay how much of that?

Mr. De Palma. 31.52 percent at the moment. It would come to $8 million roughly—not quite but almost $8 million.

Mr. Rooney. So we are at this point really talking not of $20 million but $28 million.

Mr. Bow. $34 million.

Mr. Rooney. Up to this point.

Mr. De Palma. Up to this point $28 million, that is correct.

Mr. Rooney. Go ahead, please.

Mr. De Palma. Then there would be a $20 million contribution from the U.S. Government if our request is approved.

CONTRIBUTION FROM CITY OF NEW YORK

There would be a $20 million contribution from the city of New York. This is without taking into account the land which New York City would make available without charge.

Then finally there would be a——

Mr. Rooney. That is without taking that into consideration?

Mr. De Palma. That is right.

Mr. Rooney. That would be a cash gift of Mayor Lindsay, would it not?

OTHER CONTRIBUTIONS

Mr. De Palma. Yes. Then in order to complete this package there would be contributions of $10 million from the U.N. development program and $5 million from the United Nations children's fund. These contributions represent commuted rent, the rent they would be paying over the course of the next 10 years.

Mr. Rooney. These represent how much of the U.S. taxpayers' money?

Mr. De Palma. We would be contributing, through our normal contributions to these organizations, about $6 million of these sums. It brings our total actual contribution to about $34 million.

In the case of these contributions from these U.N. agencies, we would of course be contributing to them one way or another because they are now paying rent in outside quarters and we are paying our share of that.

SITUATION IN NEW YORK CITY

Mr. Rooney. Has it come to your attention that Mayor Lindsay is now laying off 500 provisional workers, lower echelon people, something unprecedented since the depression days?

Mr. De Palma. I had not heard that.

Mr. Rooney. You do not read the press?

Mr. De Palma. I had not seen that item. I think that Mayor Lindsay and the city of New York, of course, also have taken into account the benefits from having the organization in the city and they are considerable.

Mr. Rooney. And the headaches are considerable?

Mr. De Palma. The headaches are indeed considerable.

Mr. Rooney. And the expenses practically insurmountable. Is that not so?

Mr. De Palma. Very heavy, police protection, and so on.

Mr. Rooney. The police department of the city of New York I am sure would be just as well satisfied to take it out tomorrow. They are sick and tired of diplomatic license plates.

And you never read that the State Department is doing very much to alleviate this situation, do you?

PLANS FOR EXTENSION AND FOR NEW CONSTRUCTION

What sort of a building would this be for $80 million?

Mr. De Palma. Sir, it is a series of building projects. It involves some refurbishing and extension of present facilities and some new construction.

If I may briefly outline what is involved, the plan calls for the construction of an eight-story building immediately to the south of the present U.N., on land which is to be made available by the city, and the extension of the new building eastward over the drive and park area.

Construction of a covered connecting bridge over 42d Street from the Conference Building, which is being extended, to the new building.

It involves the extension of the present Conference Building both to the north and the south.

It involves the replacement of the present recreation area——

Mr. Rooney. What are you reading from, Mr. De Palma?

Mr. DePalma. I have a summary which I prepared of some of the overall information.

Mr. Rooney. Is this classified?

Mr. DePalma. Not at all, sir.

Mr. Rooney. May we look at it? It might be we can read it faster than you can recite it.

Mr. De Palma. I was reading this page from the information I have, sir.

Mr. Rooney. Who prepared this, U Thant?

Mr. De Palma. We prepared this summary on the basis of the overall specifications that are before the United Nations, those that the General Assembly acted on.

NUMBER OF PERSONS TO BE HOUSED AT THE U.N.

Mr. Rooney. How many people do you have—and I mean by that everybody—at the U.N. now?

Mr. De Palma. The current total requiring office space in 1970 is 4,238 in the U.N. itself?

For UNDP it is 436. For UNICEF it is 235.

Mr. Rooney. What is UNDP?

Mr. De Palma. U.N. Development Program.

Mr. Rooney. What is the total of people you have there now?

Mr. De Palma. The total in the headquarters district now who need to have office space is 4,909; including those employees who do not require office space (for example, general services), the total is 5,071.

Mr. Rooney. Does this include the heads of the delegations?

Mr. De Palma. No, sir.

Mr. Rooney. When we include everybody that is entitled to use the cocktail lounge up there and the restaurant how many do we have?

Mr. De Palma. I don't have that figure. We can get it for you.

Mr. Rooney. Approximately what would it be?

Mr. De Palma. I don't know what 127 missions would total.

Mr. Rooney. Two thousand more?

Mr. De Palma. I doubt it would be any more than that. There is no space being provided for them, as you know, in this new construction. This is strictly office space to house secretariat personnel.

ACTIVITIES OF U THANT

Mr. Rooney. There has been a birdie flying around with the news that this fellow I mentioned a while ago, who is eternally trying to get his name and picture in the papers, Mr. U Thant, is working hard in trying to promote a pay raise for everybody up there. Is that true?

Mr. De Palma. Yes.

Mr. Rooney. It is true?

Mr. De Palma. Yes.

Mr. Rooney. When Mr. U Thant was made the Director General he was a civil servant in Burma, wasn't he—for Burma?

Mr. De Palma. Yes.

Mr. Rooney. He made about what, $6,000 to $7,000 a year, including all allowances?

Mr. De Palma. I don't recall the exact figure but it was around that.

Mr. Rooney. What is he getting now?

Mr. De Palma. Counting allowances and all that it comes to something like $100,000.

INTERNATIONAL LABOR ORGANIZATION

Mr. Rooney. This is fantastic. I never could understand this. I am suspicious of these U.N. organizations. I am particularly suspicious of what goes on with that Englishman Jenks. Did anybody in the Department ever tell Jenks that there will be no further money for ILO while he is the Director General, and surely at least for a couple years?

Mr. De Palma. We have not made that statement to him, no, but we have not given him any reason to expect that he will get any money at any particular time, either.

Mr. Rooney. You have not?

Mr. De Palma. We have not.

VALIDITY OF CERTAIN PRESS REPORTS

Mr. Rooney. That is very interesting because I am looking at an article from, Heaven forbid, "All the News That Fits, The New York Times," by Thomas J. Hamilton out of Geneva, November 17, in which it is stated that ILO is told Nixon will ask restoration of fund cut:

"The Nixon Administration has informed the International Labor Organization that it will ask Congress "at an appropriate time" to restore the $3.7 million that Congress has voted to withhold as a protest against the appointment of a Byelo-Russian to the Agency's high command. The pledge on the contribution to the annual budget was given last week by Edward B. Persons, U.S. Representative on the Finance Committee of the ILO Board of Governors."

Who is Mr. Edward B. Persons? I don't find him in the Congressional Directory. Who is he?

Mr. De Palma. Mr. Persons is in my bureau.

Mr. Rooney. He works for you, does he?

Mr. De Palma. Yes, sir.

Mr. Rooney. Well, that is very interesting. Who prepared the mess of porridge that he obviously handed to the New York Times? Was that prepared in your shop?

MISINTERPRETATION OF FACTS BY PRESS

Mr. De Palma. Mr. Chairman, what is attributed to him certainly was not prepared in my shop and I was surprised, as you were, when I read that story. I took the occasion to check into it yesterday on the phone and otherwise. I would like to explain my understanding of what was said in Geneva.

Mr. Rooney. You mean the New York Times would report something that is not so?

Mr. De Palma. It would not be the first time, Mr. Chairman. This is a difficult situation——

Mr. Rooney. You know of two instances?

Mr. De Palma. I know of several. I am sure you could find more.

Mr. Rooney. Go ahead, if you will.

Mr. De Palma. Please, if I may.

Mr. Rooney. I could not find this fellow, but he is a GS-15 working for you. We finally did find that out.

Mr. De Palma. I think before we attribute things to him it is important to know what actually seems to have happened. Contrary to the way in which this press story is reported, our delegation did not state, "That the $3.7 million would be included in a supplemental appropriation bill to be submitted to the incoming Congress after it convenes in January."

Even the story itself makes clear that the delegation refused to predict when the funds would be restored, and made no prediction about any future contributions to the ILO.

What in fact happened was that in response to a lengthy debate on this matter, at the governing board of the ILO, in the course of which a number of charges and questions were addressed to the U.S. delegation, the delegation spokesman recalled that the Department had stated in its letter to Senator McClellan that it viewed the U.S. contribution to the ILO as an international legal obligation.

But then in trying to answer further questions and charges our spokesman pointed out——

ATTITUDE OF U.S.S.R.

Mr. Rooney. This kind of thing leaves me utterly cold. Has the Soviet Union ever done this in its connections with various international organizations at the United Nations?

Mr. De Palma. They have at the U.N. itself.

Mr. Rooney. And continuously over the years, haven't they?

Mr. De Palma. Yes.

Mr. Rooney. What is wrong about our doing it?

Mr. De Palma. Nothing, if you want to put it on an equivalent basis.

Mr. Rooney. That is bad, is it?

Mr. De Palma. Well, sir, we did get a court opinion that the Soviet action was not warranted and not legal. We were not able to enforce it so they got away with it.

Mr. Rooney. Why can't we get away with it? What is wrong with our getting away with it?

Mr. De Palma. We could if we chose to.

Mr. Rooney. Is not the taxpayer entitled to this kind of break?

Mr. De Palma. We could if we wanted to, but——

Mr. Rooney. This is shocking at a time when Lindsay is laying off 500 workers in the lowest economic rung of the ladder of municipal government, people who have no civil service rights, and at this same time Lindsay would give away $20 million of the taxpayers' money—and I am one of his taxpayers. This is shocking to me.

Go ahead now, please.

INTERNATIONAL LABOR ORGANIZATION—ACTIVITIES OF U.S. DELEGATION

Mr. De Palma. If I may, please. I have only a little more and it will put this in proper perspective.

In trying to answer further questions and charges, our spokesman pointed out that the Congress, at the time we sent this letter, nevertheless had not taken favorable action, and that it would be helpful from the point of view of those who want to see this payment made, if the U.S. Government were put in a position to assure the Congress that something is being done to correct the very serious problems which have arisen in the ILO regarding its tripartite status.

In explanation of the procedure that we would have to follow with our Congress in seeking any funds, he pointed out that a request for a supplemental appropriation could be submitted after the new Congress has assembled in January.

He went on to say that there is no guarantee that the Congress would be persuaded to make the payment——

Mr. Rooney. Who went on to say?

Mr. De Palma. The delegation spokesman.

Mr. Rooney. Mr. Persons?

Mr. De Palma. Yes.

Mr. Rooney. Who sent him the memorandum? Did you?

Mr. De Palma. No, sir.

Mr. Roodey. Where did he get the memorandum?

Mr. De Palma. He was answering points raised in the debate. He was involved——

Mr. Rooney. He had to have a memorandum. Usually at these international meetings you are chock full of waffle papers.

Mr. De Palma. If I may explain what he said I would be very glad to also——

Mr. Rooney. I am now trying to ferret out why he said it.

Mr. De Palma. I say he said it because——

Mr. Rooney. Who caused him to say it?

Mr. De Palma. He was being asked what would be involved and what are the procedures. He did not have to say anything.

If I may go off the record. He was trying to explain our procedures.

Mr. Rooney. Who got him into this? That is what I am trying to figure out.

(Discussion held off the record.)

Mr. Rooney. Why did you not report this to this committee? We would have helped you in these struggles. We would have stopped the money long before now.

Mr. De Palma. These questions have gone on for years in the ILO and there have been periodic attempts to get at them. This was not the first time that this sort of thing happened. I think this is the culmination of many past episodes.

Well, if I may, sir, our man went on to say that there is no guarantee that the Congress would be persuaded to make the payment and that, even if it were, it was not likely that any money would be made available before the next meeting of the ILO governing board. Again he was answering specific questions.

INACCURATE AND MISLEADING PRESS REPORTS

The thing I want to point out is that the use of the terms "pledge" and "commitment" in this story are inaccurate and misleading. No such words were used.

I do regret that the statement left the impression that we do not intend to request such an appropriation and that the contribution might be available in the relatively near future. This was not an authorized statement. There was nothing in our instructions that authorized it.

WITHHELD FUNDS FOR ILO

Mr. Rooney. I hope you are a sufficient realist to know that you should forget about it for a few years.

Mr. De Palma. I am a sufficient realist to know we are not authorized to speak in these terms and our delegation was not.

We have made no decision regarding submission of a supplemental for the contribution which has been withheld. What we are concentrating on at this time is working out a strategy to correct the problems which have arisen in the ILO, and this is what we are spending our time on back here.

Mr. Rooney. And with all that has been going on now since Mr. Meany came here and testified, together with the former president of the U.S. Chamber of Commerce and the Deputy Under Secretary of Labor—with all of that, this fellow Jenks, who like U Thant is another one of those birds, professional U.N. fireballs, he had the nerve to have this fellow Astapenko take his oath of office 3 days ago, didn't he?

Mr. De Palma. Yes.

Mr. Rooney. Is it possible that some of the people, like Mr. Persons, can be misguiding this poor unfortunate gentleman?

Mr. De Palma. No, sir; I don't believe so. He knows what our feelings are. They have been made very clear to him.

Mr. Rooney. Mr. Bow?

SPECIAL CONTRIBUTION FOR U.N. BUILDING

Mr. Bow. Back to the U.N. Building, reading the last paragraph on page 16.

Mr. De Palma. Yes, sir.

Mr. Bow. "Early Congressional appropriation of the requested $20 million is essential to the timely creation of a viable financial package. If the total financing plan could be ready for early review and approval by the UN's Advisory Committee on Administrative and Budgetary Questions, actual construction could begin in November 1970."

You do not mean that, do you? This must have been made out a long time ago.

Mr. De Palma. This obviously was printed some time ago, yes.

CURRENT VALIDITY OF COST ESTIMATE

Mr. Bow. It states if construction started on this schedule—and that is to start construction in November of 1970—the present cost estimates would remain realistic.

Mr. De Palma. Yes.

Mr. Bow. It is very apparent that you are not going to be on schedule to begin construction in 1970. Therefore do we not find ourselves in the position of where we probably do not have a realistic cost estimate and you will probably be back for more money?

Mr. De Palma. Sir, at the moment, and this is the reason for the urgency on this question, the cost estimate still looks realistic.

In presenting this plan the Secretary General had hard figures as of the time the package and the architect's plan was put together.

Mr. Bow. When was that?

Mr. De Palma. Toward the end of 1969. It was November of 1969.

Mr. Bow. So this figure of $20 million is a hard figure in 1969?

Mr. De Palma. The total figure which came out of the architect's estimate in November of 1969 was $73.4 million.

The Secretary General, knowing what is happening to construction costs, had put the package in terms of $80 million. If this could be consummated now it is felt that this is still a realistic figure. It obviously will not hold up for long.

Mr. Bow. Who were the architects in this?

Mr. De Palma. The original architects of the U.N. buildings, Harrison & Abramovitz.

Mr. Bow. They put together this figure of $73.4 million in 1969?

Dr. De Palma. November, yes.

Mr. Bow. Then it was Mr. U Thant who increased it?

Mr. De Palma. He assumed that by the time this could be put through the General Assembly, and so on, construction costs being what they are, he would have to add something.

Mr. Bow. We still are not sure that you can do it. Is it worth $80 million?

Mr. De Palma. The feeling is everything could be authorized. Now it is still a realistic figure. It would not be if there is a delay.

ARCHITECTS FEE

Mr. Bow. How much have these architects been paid for this plan?

Mr. De Palma. Two hundred fifty thousand dollars.

Mr. Bow. They have already gotten $250,000?

Mr. De Palma. Yes, sir.

U.S. CONSTRUCTION

Mr. Bow. Of that, how much is the U.S. contribution?

Mr. De Palma. 31.57 percent.

Mr. Bow. This is not authorized by law?

Mr. De Palma. No, sir.

Mr. Bow. The actual contribution, if you take what New York is pledging and we would pledge, we would be putting up about $66 million, wouldn't we?

Mr. De Palma. Thirty-four plus 20 from New York plus the land. We have no value on the land. It could well be that.

Mr. Bow. You have the value here of $12 million?

Mr. De Palma. I had forgotten that figure.

Mr. Bow. Twenty million, twelve million and thirty-four million dollars means that we are paying about $66 million.

Mr. De Palma. Yes, sir.

Mr. Bow. Is the construction of this building for all the various nations?

Mr. De Palma. There is, of course, a practice that has grown up and is more or less consistently observed by host nations in facilitating headquarters construction in this way. We have some figures we would be glad to submit on what other countries have done in similar situations with respect to international headquarters.

U.N. ADVISORY COMMITTEE REVIEW

Mr. Bow. It says U.N. Advisory Committee on Administrative and Budgetary Questions would review it after we appropriated this. What review are they going to make, find out whether we ought to contribute more?

Mr. De Palma. No, sir. It is simply a question of being able to formally authorize going ahead with the project. Until now, this has all been hypothetical, the question was whether we could make our contribution?

Mr. Bow. That is all.

Mr. Rooney. Mr. Andrews?

CURRENT RENTAL PAYMENTS

Mr. Andrews. Let's go through the arithmetic of this for just a minute. In your explanation you pointed out that the rent now paid on these spaces is about $2 million?

Mr. De Palma. No, sir; about $2 million including UNDP and UNICEF. $1 million is for the U.N. Secretariat.

Mr. Andrews. At this time, and what are you anticipating it is going to go to by 1973?

Mr. De Palma. $2,000,000 for the U.N. itself, plus another $1,200,000 for UNDP and UNICEF, by 1973.

Mr. Andrews. Let's use the million-dollar figure as of right now and add it to $2 million and anticipate in 1973, as you say, it will be $3 million.

Mr. De Palma. All right.

Mr. Andrews. About 40 percent of that, less than 40 percent, really about 31 percent of that is U.S. obligations to pay the rent?

Mr. De Palma. Yes, sir.

Mr. Andrews. At that rate, even if you go over $3 million, you are talking about less than $1 million per year paid for rent by the United States at the new higher figures?

Mr. De Palma. Yes, sir.

CONTINUED RENTAL PAYMENTS VERSUS CONSTRUCTION COSTS

Mr. Andrews. You are talking about a building cost, as Mr. Bow brought out, of $66 million to the taxpayers of the United States. If you take the $1,000,000 as against the $66 million investment, you are getting 1.5, no more than 1.5 percent return on your investment. Whenever the State Department comes up—when Bill Macomber comes up here and talks about State Department building funds, they are talking about rental payments wherein if we build the building we are going to get an equivalent of 20 to 25 percent return on our investment at that point. Is this not about true?

Mr. De Palma. I cannot vouch for that.

Mr. Andrews. You follow my arithmetic so far?

Mr. De Palma. I understand that.

Mr. Andrews. We will be getting less than 1.5 percent return on the investment. The question that concerns me: Why not leave these offices of the U.N. in the rental property they now occupy owned by individuals of New York City, that pay rent toward the city of New York?

If indeed the city of New York is in a recession, why should we vacate all of these buildings, take away all these rental payments from tax-paying properties, and stick them into this new edifice to get a 1.5 percent return for our Government, which incidentally now pays 7 percent for this money?

EFFICIENCY IN OPERATION

Mr. De Palma. Part of the answer certainly is the question of efficiency in operation. These offices are not put together the way they ought to be. They would like to operate as cohesive units. If you start spreading them around town you get some lowered efficiency.

Mr. Andrews. Aren't they all pretty well clustered around the UN now?

Mr. De Palma. I honestly don't know. They are in the vicinity and there is no great distance involved. It is a question of separation of offices.

Mr. Andrews. In summation then, if we put this money on the line now, with the present cost of money to the Federal Government, aren't we in essence then going to pay three times as much, or four times as much for this as we are now paying rent?

Mr. De Palma. Yes, sir.

Mr. Andrews. I don't think the package will fly. It just does not make economic sense.

POSSIBLE MOVE AWAY FROM NEW YORK CITY

Mr. De Palma. The real question is whether we have an interest, as we think that we do, in trying to keep this whole headquarters complex together in New York. Unless this construction is provided, the prospect is not that more and more rental space will be used in New York City. I am quite confident in saying that the prospect is for a move of additional U.N. facilities out of the United States to Europe and elsewhere.

Mr. Andrews. That would make it less efficient?

Mr. De Palma. This would make it less efficient. It would make——

Mr. Andrews. They have to build buildings there and they are getting a bargain in this rental space.

Mr. De Palma. It would make U.N. operations more costly, to which we would contribute more, and it would deny us the favorable balance of payments effects. We estimate that just from the people that would be housed in this new construction, it would be a return in terms of balance-of-payments gain of something like $12 million a year.

Mr. Andrews. I think that you are raising a bunch of bogymen that don't alter the mathematics of the situation.

INCREASED COST IF U.N. IS FURTHER FRAGMENTED

Mr. De Palma. I am not quibbling with your mathematics; I am talking about the overall considerations, about our influence in the organization, what the organization will cost to run if it is further fragmented, and so on.

Mr. Andrews. You are talking about the fact that we want to move toward efficiency and threatening the committee, in a sense, that they will move toward more efficiency if they don't go along with this. That does not make sense.

Mr. De Palma. I am not interested in making any threat. I am interested in making a simple statement which reflects a considered judgment about what would happen if the U.N. headquarters is further fragmented. You understand that only some 40 percent of U.N. personnel is in New York now. There is already 60 percent abroad. Some 80 percent of the total employees of all of the U.N. family of agencies is abroad. If they further fragment the U.N. headquarters it will be a less efficient, more costly operation, one in which we can exercise less influence. Generally speaking, it is not what any planner would be doing if he were running an organization. It is that side of the coin that I was speaking to.

Mr. Andrews. I just don't thing that they have to be in all one building as long as they are in approximate locations where they can conduct their operations fairly efficiently, until and unless it makes more economic sense to build this type of building.

I would suspect also that in this package of $80 million done by this architectural firm, there is a lot of flashy excesses that are not really needed. This is probably why the figures don't wash. If they go back to the drawing boards they could perhaps get some pretty decent office space for a whale of a lot less money.

CONSULTATION WITH FOREIGN BUILDINGS OPERATION

Mr. De Palma. I am not expert in construction, but we have had this looked at very closely by our own FBO people and they come to the conclusion that this is reasonable, consistent with the existing construction, not flossy, not excessive as compared with our own construction for Federal buildings.

Mr. Andrews. Then the U.N. is getting a great bargain from the office building owners in New York City. I would like to yield to Mr. Bow.

COST ESTIMATE PER SQUARE FOOT

Mr. Bow. What is your estimate of the cost per square foot of this building?

Mr. De Palma. $63.13 per square foot. This does not include the architect's fees which are already described.

Mr. Andrews. This figure certainly validates the mathematics, doesn't it? It would be one of the most expensive buildings for the space provided in the world.

That is all, Mr. Chairman.

Mr. Bow. Thank you.

Mr. Rooney. Mr. Slack?

ARCHITECT'S FEE

Mr. Slack. I have a question with regard to the $250,000 that I understand has heretofore been paid to the architect. Is that correct?

Mr. De Palma. Yes, sir.

Mr. Slack. What is the total fee?

Mr. De Palma. May I ask Mr. Hennes to read these figures. He just found them.

Mr. Hennes. I think, first of all, we should understand that the new building does not cover the whole $80 million. About $14 million is for changes to existing buildings; for example, the conference building is going to be extended. The cost estimates for that $13,259,332 in alterations provides for architect's fees and services for proposed alteration and addition of $485,000.

On the new construction phase totaling $59,389,668, the architect's fees and services will be $1,462,000. This is a New York firm.

Mr. Slack. On the renovation which was about $13 million, his fee will be some $485,000?

Mr. De Palma. That is correct.

Mr. Slack. On the new construtcion of $59,389,000, it would be $1.46 million?

Mr. De Palma. That is correct.

Mr. Slack. What are you obligated to pay him, if you do not go further with this project?

Mr. De Palma. I don't know that there is any obligation to pay further. I don't know of any.

Mr. Slack. Has he already prepared working plans and detailed construction specifications for you?

Mr. De Palma. Our understanding is that he has not.

Mr. Slack. If he has not done this, you don't have any real basis for the actual cost of this, do you?

Mr. De Palma. As I say——

Mr. Slack. You don't know what the specifications are, you don't have detailed working plans, therefore there is no way of telling what the cost would be?

Mr. De Palma. I don't know how detailed they are, but the estimate that we have now has been looked at from various quarters. It seems to have held up fairly well. I have not heard it questioned from that point of view.

Mr. Slack. Thank you, Mr. Chairman.

Mr. Rooney. I have a further question or two.

COST PER SQUARE FOOT

Mr. De Palma, what do you think of this business of $63 a square foot cost? What do you want us to think about that?

Mr. De Palma. Mr. Chairman, I cannot judge whether $63 a square foot is a sensible figure or not.

Mr. Rooney. You don't know?

Mr. De Palma. I am not in a position to. I don't know anything about construction costs. I do know that there is apparently no other way to provide——

Mr. Rooney. Did you hear the noise made over the Rayburn House Office Building?

Mr. DePalma. Yes, sir; I certainly did.

Mr. Rooney. Do you know how the cost of Rayburn House Office Building compared with this $63 a square foot?

Mr. De Palma. No, sir; I don't.

Mr. Rooney. I would think about $34 as

compared with $63. And you still persist in presenting this to the committee, do you?

Mr. De Palma. Sir, we think this is important.

Mr. Rooney. So do we. Thank you very much.

Mr. PEPPER. Mr. Speaker, I yield 1 minute to the able gentleman from New York (Mr. Rosenthal).

Mr. ROSENTHAL. Mr. Speaker, I am opposed both to the rule and to the House joint resolution. If the rule passes I shall be, hopefully, permitted time in general debate to explain my opposition to the joint resolution, and several amendments I shall offer.

The simple fact is, that if this rule is turned down, which I hope it shall be, then a new arrangement will be made among the U.S. Government, the city of New York, and the United Nations. They will have a month or two or three, next year to renegotiate. It may well be during those negotiations the city of New York will not be required to put up the $20 million promised, and the Federal Government may be able either to reduce or to change its commitment.

Mr. ROONEY of New York. Mr. Speaker, will the distinguished gentleman yield?

Mr. ROSENTHAL. I am happy to yield to my colleague.

Mr. ROONEY of New York. Is not what the gentleman is discussing a matter for the City Council of the City of New York?

Mr. ROSENTHAL. The city council has its responsibilities and we as Representatives have our responsibilities.

Mr. PEPPER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New Jersey (Mr. Gallagher).

Mr. GALLAGHER. Mr. Speaker, it was not my intention to speak on the rule. But a great deal has been said and perhaps the rule may be in jeopardy.

I should like at the outset to state that while the gentleman from Iowa (Mr. Gross), my distinguished friend and colleague on the Committee on Foreign Affairs, is very entertaining, the fact is that for those 30 social groups listed in the U.N. phone book, there are only three places at the U.N. where they can meet. One is in a room in the attic, without any windows; another is near a telephone next to food-vending machines; and the third one is the first floor lobby.

Not one of these clubs has permanent physical facilities within the United Nations—and I think we should put it within its proper perspective—not one nickel of the U.S. contribution goes into any of these so-called "fun and games" clubs of the United Nations.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GALLAGHER. Yes; I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman will find in the directory of the United Nations telephones for all of these clubs and many of them have their own particular quarters. Is the gentleman saying that they are in rented quarters?

Mr. GALLAGHER. They are listed in the telephone book, their numbers are listed. But they do not have physical facilities in the U.N. buildings.

There are no official installations for these clubs; nor were there any funds spent in the previous U.N. budget or provided for in this budget for their purposes.

Now, Mr. Speaker, to get to the more serious part of this matter, I might say I do not believe the whole issue of the future of the United Nations should hinge on the outcome of a feud within the city of New York. The objections to the resolution which originated in New York will not do away with the contribution of the United States. They would double the contribution of the United States so that the city of New York would not pay the $20 million that it is presently committed to contribute.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. The gentleman might want to tell the House that the city of New York gets an income amounting to $200 million to $230 million a year.

How would you like to have a defense installation in your city bringing in an income of $230 million through rental paid to landlords and to the operaters of restaurants, hotels, retail stores and other business in the city of New York taken away from your city in this fashion?

The city council in New York on two occasions has said that they would make this contribution of $20 million, because they know how much this U.N. installation in New York means to the citizens of New York.

Mr. ROSENTHAL. Mr. Speaker, will the gentleman yield?

Mr. GALLAGHER. Yes, I yield to the gentleman from New York.

Mr. ROSENTHAL. Does the gentleman know that at least one-half of those people that are recipients of that payroll live in New Jersey and two-thirds of them live in Connecticut?

Mr. MORGAN. I do not know about that, but most of the restaurants getting the money are located in New York City.

Mr. ROSENTHAL. How much is New Jersey putting up for one-half of the people living there?

Mr. GALLAGHER. New Jersey has made an offer to have the proposed U.S. expansion located there. Vienna and Geneva are also interested in these facilities.

Mr. ROSENTHAL. Mr. Speaker, will the gentleman yield further?

Mr. GALLAGHER. The gentleman from New York has had his time.

Mr. Speaker, I might say this; that the funds over and above the $20 million that is being asked for today are presently being spent on rent—and will continue to be spent regardless of where these facilities will be located.

Now it has been pointed out here today that the Appropriations Committee in its wisdom and liberality did not see fit to appropriate the $20 million by including it in the Fiscal 1971 Supplemental Appropriation Bill. The very fact of the matter is that the money was not authorized and therefore could not be appropriated. If and when it is authorized, then in its wisdom and liberality the Appropriations Committee can work its will, as the Senate already has, I might say. The Senate has passed this bill.

Before we vote on the rule, let us consider really what we are doing. We are in the 25th year of the United Nations. The U.N. has made some mistakes. There is no question about that. But it is also an expression of mankind's hope for peace. It has gone 6 years beyond the life of the League of Nations. I do not believe that this House can say that we should do away with the United Nations.

You might say, why the urgency? The urgency is that the United States is committed to this proposition. If the U.S. commitment is not approved during this session of Congress, the financing agreement may come apart. When the United Nations goes back in session and finds that the U.S. contribution has not been approved, then we can come to see the entire agreement fall apart.

Sure, the New York City Council can get into another fight, they can take on Mayor Lindsay, and I suppose they can have a lot of fun up there in New York, but what about the United Nations?

If the position advanced here earlier should carry, what it means is that the United Nations is going to fragmentize. The development fund and the children's fund will move either to Vienna or to Geneva, or they will continue to pay rent in New York City at the cost of $2 million a year. We are spending this money now, and what we are trying to do is to put this operation on a sound fiscal basis.

Now, the city of New York has agreed to it and the United Nations has agreed to it. The Soviet Union would like to see the United Nations move out of New York. This has been their position all the time.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GALLAGHER. I will yield in 1 minute.

And I might say that if the financing agreement comes apart and is unraveled, that the United Nations will begin to fragmentize, and we will see those units move out of the United States.

Now, if that is what we want, fine, let us go ahead and vote on the issue, but I do not believe that we should do this on a rule. I believe that the House should work its will only after it has an opportunity to listen to all the arguments.

Now, this is the central issue of the whole thing. I might say that the decision to be reached will not be made by the House alone. President Nixon is pledged to this project. He said, in his own words, "It is my decision to ask Congress for funds to assist the expansion of the U.N.'s New York Headquarters." President Nixon has asked for this. His administration is committed to this.

I think that anyone who is seeking peace and thinks there is still hope for peace in the world, should give the U.N. the opportunity to see whether it can help achieve that goal.

Now, I want to add one more thing. No funds will be requested of the House before fiscal 1972. What is required now is the authorization in order to trigger the mechanism that will put the financing package together and get the project started. That is all we are asked to do here today, to provide the authorization so that the agreement can go forward.

Now if my distinguished colleague wants to go up to the U.N. and check whether or not this is a valid request, and report back here to the Congress, then we can come back here, and the Committee on Appropriations can do its usual good job, and can either vote for it or against it, and the House will again have an opportunity to work its will.

Now I will yield to the gentleman from Iowa.

Mr. GROSS. If I had any spare time I would be glad to go up and check it, but I do not happen to have any spare time.

Mr. GALLAGHER. We can go up tomorrow, you and I, or the next weekend, or on Christmas Day, to see whether or not this is valid.

Mr. GROSS. Now would that not be a lovely waste of time—to spend Christmas Day in that polyglot organization.

Mr. GALLAGHER. Let me tell the gentleman that I want to spend Christmas with my family, but if it were a question of deciding whether or not the United Nations should fold up, I would spend Christmas up there with you, and we can bring our staff and go over this entire thing.

The gentleman knows that I have asked our subcommittee to go up there before, to go up to see what this is all about. The subcommittee could not go and so we brought everybody down here. We had the General Accounting Office check to see whether the request was valid, and we consulted other experts. Only then did we approve it.

Now if we play around with it and try to assume the commitment of the city of New York, then we will either have to double our contribution or see the position of those who are anti-United Nations prevail. The third possibility is that we will continue to pay exorbitant rentals in the city of New York, which is what we are doing right now.

I think that what we must do is recognize that the United States committed itself to the U.N. when there were only 59 members 20 years ago.

There are now 127 members and they need the space if the United Nations is going to continue. I, for one, want to support President Nixon in voting for this authorization.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, the gentleman spoke of what he described as the gut issue a little while ago. The real gut issue is simply this—why should the American people—and all of them—New York and the rest of the country—put up $66 million for this building while the other 126 governments in the world that are members of the United Nations put up only $14 million?

Mr. GALLAGHER. I will tell the gentleman why—because I think it is in our interest to see the United Nations continue because the security and the national interest of the United States demand it and it is better to pursue peace than to go to war with all the expenditures that that entails. We just acted on a supplemental appropriation of $500 million necessitated largely by the fighting in Cambodia and Vietnam. In comparison this is a small request and I think we should vote for it.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman.

Mr. BOW. The distinguished chairman of the committee has said how much money goes into the city of New York—some $200 and some-odd million.

Mr. GALLAGHER. An estimated $230 million is spent in and around New York because of the presence of the U.N. in that city.

Mr. BOW. How much of that is a contribution of the taxpayers of the entire United States?

Mr. GALLAGHER. About $128 million.

Mr. BOW. That is from everybody in the United States.

Mr. GALLAGHER. That is correct. Those on U.S. contributions to the U.N., the U.N. development program and to the U.N. Children's Fund.

Mr. BOW. And some of those contributions are even larger than the amount the gentleman referred to?

Mr. GALLAGHER. They add up to about one-half of what the U.N. spends in the United States annually.

Mr. BOW. Mr. Speaker, will the gentleman yield so that I may ask one further question?

Mr. GALLAGHER. I yield to the gentleman.

Mr. BOW. Does the gentleman agree with me that we do not have a firm price as yet as to the cost of this building which is now estimated at $67 a square foot and we do not know at this time whether it is going to cost $80 million or whether it is going to be $110 million?

Mr. GALLAGHER. That can happen in any construction, as the gentleman knows. But I may say this. The original cost was estimated at $73 million by the same architectural firm that designed the building in the first place. Then a cushion of about $7 million was provided for inflation and unforeseen contingencies.

If the actual cost should go over $80 million, the U.N. will be looking for voluntary contributions from various foundations and other private sources.

Mr. BOW. It looks to me like we could be looking to all of them for the $80 million instead of——

Mr. GALLAGHER. No, what we can do is put a ceiling on it. Would the gentleman care to put a ceiling of $20 million, and if we approve that, to stick to that?

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman.

Mr. GERALD R. FORD. Mr. Speaker, let me say first, I believe we should approve the rule. I think this overall measure ought to have the light of day shed upon it by debate on the merits of the bill. We should not preclude that opportunity by voting down the rule.

Second, I also believe we should approve the legislation and for two good reasons. First, as I have listened to the debate, the United States obviously will not get a better deal than we have at the present time.

Mr. GALLAGHER. The gentleman is absolutely right.

Mr. GERALD R. FORD. We will either lose whatever contribution has been offered by the city of New York—which means a higher bill for the taxpayers of the United States on the one hand or else we will continue to rent sufficient real estate to carry on the U.N. operations. We all know that that is a far more expensive operation than building our own facility with the various nations including the United States and the city of New York making its contribution.

Last, let me say as disappointed as I sometimes am with the United Nations, and I think this is a reaction many of us have from time to time, I do believe it is important tc keep the United Nations alive so that it can hopefully do a better job in the future.

If we at this point, by any action today, destroy the opportunity of the U.N. to move ahead and expand, the United Nations will suffer a serious blow. The United Nations is a hope for peace and we should not back out at this crucial hour when the U.N. can perform a useful function. To defeat the rule on the bill, undoubtedly, the U.N. will be fragmented and New York and the United States will lose the benefits of this Organization.

Mr. Speaker, for these reasons I think we should approve the rule and support the legislation.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GALLAGHER. I yield to the distinguished majority leader.

Mr. ALBERT. I desire to associate myself with the remarks of the distinguished minority leader. I do not believe many Members of the House would like to see the United Nations either fragmented or dissolved. In this perilous and uncertain world it is the one fragile, unifying force, the only large-scale, multinational body of its kind. I think that to defeat this rule summarily, to dispose of this proposal without even going into the merits of the matter in general debate would be a sad mistake on the part of the Members of this House. I, like others, do not always approve of everything the United Nations has done; sometimes I have thought it could have performed better.

But it has endured and continues to offer hope and opportunities for communication and progress in understanding among nations. We were the moving force in originating it. I hope that the rule is adopted.

Mr. GALLAGHER. I believe that the majority leader and the minority leader have made the case, and I urge adoption of the rule.

Mr. PEPPER. Mr. Speaker, during the debate the question was asked about the Rules Committee not having reported this resolution out until very recently.

XUM

The committee was hasty about considering the matter. But it was announced one day at a Rules Committee meeting by a very able member of the committee, the gentleman from Illinois (Mr. ANDERSON), that the Secretary of State had personally called him and told him how important the administration considered this measure, and asked that it be considered by the Rules Committee. Largely out of deference to the administration's request, and because many of us believed in it as a meritorious matter, the Rules Committee did bring this measure to the House with the recommendation that it be adopted.

Mr. Speaker, the President and the Secretary of State have recommended this measure as important to our effort to find peace in the world; it has been approved by the other body; it is strongly supported by our able Committee on Foreign Affairs.

Now our distinguished majority leader and distinguished minority leader have spoken out strongly in favor of the rule and the United Nations extension resolution which it would make in order. I would hope, therefore, that the House would adopt this rule and allow the House to consider the resolution to make the United Nations a more effective institution in keeping peace in the world.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on the resolution.

The question was taken and the Speaker announced that the ayes appeared to have it.

Mr. ROSENTHAL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 189, nays 107, not voting 137, as follows:

[Roll No. 436]

YEAS—189

Adams
Albert
Anderson, Calif.
Anderson, Ill.
Annunzio
Arends
Beall, Md.
Belcher
Bell, Calif.
Bennett
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Broomfield
Brotzman
Brown, Mich.
Buchanan
Burke, Mass.
Burton, Calif.
Bush
Byrne, Pa.
Byrnes, Wis.
Carney
Carter
Casey
Cederberg
Chamberlain
Clark
Cohelan
Conable
Conte
Corman
Culver
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Dennis
Dickinson
Dingell
Donohue
Downing
Dulski
Edmondson
Eilberg
Erlenborn
Esch
Evans, Colo.
Findley
Flood
Foley
Ford, Gerald R.
Forsythe
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Gallagher
Garmatz
Giaimo
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Grover
Gubser
Gude
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Hicks
Hogan
Holifield
Hosmer
Howard
Jacobs
Jarman
Johnson, Calif.
Karth
Kastenmeier
Kazen
Kee
Keith
Kleppe
Kluczynski
Kyl
Kyros
Lloyd
Long, Md.
Lowenstein
McCloskey
McFall
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Matsunaga
Mayne
Meeds
Melcher
Mikva
Minish
Mink
Mollohan
Moorhead
Morgan
Morse
Mosher
Murphy, N.Y.
Nedzi
Nelsen
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Patten
Pepper
Perkins
Philbin
Pickle
Pirnie
Pollock
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Railsback
Rees
Reid, N.Y.
Reuss
Riegle
Robison
Rodino
Rogers, Colo.
Rooney, Pa.
Roth
Roybal
Sandman
Schneebeli
Schwengel
Sebelius
Shriver
Sisk
Skubitz
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steiger, Wis.
Stratton
Symington
Taft
Talcott
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Wampler
Whalen
Whalley
Whitehurst
Wiggins
Williams
Wilson, Bob
Wright
Yates
Zablocki
Pelly
Pettis
Poff
Powell
Price, Tex.
Rarick
Reifel
Rhodes
Rivers
Roe
Rostenkowski
Roudebush
Rousselot
Ruppe
Ruth
St Germain
Satterfield
Saylor
Schadeberg
Scherle
Shipley
Sikes
Snyder
Steele
Steiger, Ariz.
Stephens
Stokes
Sullivan
Teague, Tex.
Tunney
Waggonner
Waldie
Ware
Weicker
Widnall
Wilson, Charles H.
Winn
Wold
Wolff
Wyatt
Wydler
Young
Zwach

NAYS—107

Abernethy
Addabbo
Alexander
Andrews, Ala.
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Bow
Bray
Brinkley
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burleson, Tex.
Cabell
Carey
Cleveland
Collier
Collins, Tex.
Colmer
Conyers
Coughlin
Daniel, Va.
de la Garza
Dellenback
Derwinski
Dorn
Duncan
Eckhardt
Edwards, Ala.
Eshleman
Feighan
Fisher
Flowers
Flynt
Foreman
Fountain
Fuqua
Gaydos
Gettys
Goldwater
Goodling
Griffin
Gross
Hagan
Harrington
Harsha
Helstoski
Henderson
Hunt
Hutchinson
Ichord
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
King
Koch
Kuykendall
Landgrebe
Lennon
McClure
McDade
McEwen
McMillan
Miller, Ohio
Mizell
Myers
Natcher
Nichols
Passman
Pike
Poage
Podell
Purcell
Quillen
Randall
Reid, Ill.
Roberts
Rogers, Fla.
Rooney, N.Y.
Rosenthal
Ryan
Scheuer
Schmitz
Scott
Slack
Smith, Calif.
Steed
Stubblefield
Stuckey
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Watson
Watts
White
Whitten
Wylie
Wyman
Yatron
Zion

NOT VOTING—137

Abbitt
Adair
Anderson, Tenn.
Andrews, N. Dak.
Ashbrook
Ashley
Aspinall
Ayres
Baring
Barrett
Berry
Brock
Brooks
Brown, Calif.
Burke, Fla.
Burlison, Mo.
Burton, Utah
Button
Caffery
Camp
Celler
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Collins, Ill.
Corbett
Cowger
Cramer
Crane
Cunningham
Daddario
Delaney
Denney
Dent
Devine
Diggs
Dowdy
Dwyer
Edwards, Calif.
Edwards, La.
Evins, Tenn.
Fallon
Farbstein
Fascell
Fish
Ford, William D.
Frey
Fulton, Tenn.
Galifianakis
Gibbons
Gilbert
Griffiths
Haley
Hall
Halpern
Hanley
Hastings
Hébert
Horton
Hull
Hungate
Landrum
Langen
Latta
Leggett
Long, La.
Lujan
Lukens
McCarthy
McClory
McCulloch
McDonald, Mich.
McKneally
Martin
Mathias
May
Meskill
Michel
Miller, Calif.
Mills
Minshall
Mize
Monagan
Montgomery
Morton
Moss
Murphy, Ill.
O'Konski
O'Neal, Ga.
Ottinger
Patman

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Fascell for, with Mr. Waggonner against.

Mr. Fulton of Tennessee for, with Mr. Hébert against.

Mr. Brooks for, with Mr. Rarick against.

Mr. Dent for, with Mr. Long of Louisiana against.

Mr. Rivers for, with Mr. Edwards of Louisiana against.

Mr. Shipley for, with Mr. O'Neal of Georgia against.

Mr. St Germain for, with Mr. Haley against.

Mr. Rostenkowski for, with Mr. Farbstein against.

Mr. Anderson of Tennessee for, with Mr. Dowdy against.

Mr. Barrett for, with Mrs. Chisholm against.

Mr. Evins of Tennessee for, with Mr. Celler against.

Mr. Aspinall for, with Mr. Caffery against.

Mr. Monagan for, with Mr. Ottinger against.

Mr. Patman for, with Mr. Powell against.

Mr. Fallon for, with Mr. Wolff against.

Mr. Horton for, with Mr. Gilbert against.

Mr. Rhodes for, with Mr. Montgomery against.

Mrs. Dwyer for, with Mr. Stephens against.

Mr. Miller of California for, with Mr. Devine against.

Mr. Corbett for, with Mr. Martin against.

Mr. Widnall for, with Mr. Latta against.

Mr. Andrews of North Dakota for, with Mr. Rousselot against.

Mr. McClory for, with Mr. Ashbrook against.

Mr. Steele for, with Mr. Camp against.

Mr. Wydler for, with Mr. Scherle against.

Mr. Ashley for, with Mr. Snyder against.

Mr. Pelly for, with Mr. Del Clawson against.

Until further notice:

Mr. Delaney with Mr. Adair.
Mr. Edwards of California with Mr. Hall.
Mr. Sikes with Mr. Michel.
Mr. Stokes with Mr. Halpern.
Mr. Hanley with Mr. Minshall.
Mr. Murphy of Illinois with Mr. Ayres.
Mr. Moss with Mr. Morton.
Mr. Young with Mr. McDonald of Michigan.
Mr. Teague of Texas with Mr. Hastings.
Mrs. Sullivan with Mr. O'Konski.
Mr. Hull with Mr. Pettis.
Mr. Hungate with Mr. Berry.
Mr. Abbitt with Mr. Poff.
Mr. Baring with Mr. Frey.
Mr. Galifianakis with Mr. Crane.
Mr. Gibbons with Mr. Clancy.
Mrs. Griffiths with Mr. Price of Texas.
Mr. Satterfield with Mr. Cramer.
Mr. Roe with Mr. Langen.
Mr. McCarthy with Mr. Burton of Utah.
Mr. Mills with Mr. Lujan.
Mr. Landrum with Mr. Fish.
Mr. Leggett with Mr. Burke of Florida.
Mr. Charles H. Wilson with Mr. Cowger.
Mr. Burlison of Missouri with Mr. Lukens.
Mr. Daddario with Mr. Brock.
Mr. William D. Ford with Mr. McCulloch.
Mr. Tunney with Mr. Denney.
Mr. Diggs with Mr. Meskill.
Mr. Waldie with Mr. Don Clausen.

Mr. Chappell with Mrs. May.
Mr. Clay with Mr. Mize.
Mr. Collins of Illinois with Mr. Button.
Mr. Brown of California with Mr. Mathias.
Mr. Reifel with Mr. McKneally.
Mr. Roudebush with Mr. Cunningham.
Mr. Ruppe with Mr. Ware.
Mr. Saylor with Mr. Winn.
Mr. Ruth with Mr. Zwach.
Mr. Schadeberg with Mr. Steiger of Arizona.
Mr. Weicker with Mr. Wyatt.

Mr. WHITE and Mr. BROYHILL of Virginia changed their votes from "yea" to "nay."

Mr. LOWENSTEIN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 1181, POTATO AND OTHER COMMODITY PROMOTION PROGRAMS

Mr. SISK submitted the following conference report and statement on the bill (S. 1181) to provide for potato and tomato programs:

POTATO AND OTHER COMMODITY PROMOTION PROGRAMS

CONFERENCE REPORT (H. REPT. No. 91-1790)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the amendments of the House to the bill (S. 1181) to provide for potato and tomato programs, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I— ADVERTISING PROJECTS: MILK

SEC. 101. The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended, by adding at the end of subsection 8c(5) the following new subparagraph (I):

"(I) Establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. Producer contributions under this subparagraph may be deducted from funds due producers in computing total pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5). Provision may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising or marketing research is required under the authority of any State law. Such funds shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order. Such agency may expend such funds for any of the purposes authorized by this subparagraph and may designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order. All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected. Programs authorized by this subparagraph may be either local or national in scope, or both, as provided in the order, but shall not be international. Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other order provisions, in the same manner provided for the approval of marketing orders, and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subsection 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order. Notwithstanding any other provision of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

TITLE II—TOMATO ADVERTISING PROJECTS

SEC. 201. Section 8c(6)(I) of the Agricultural Adjustment Act, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by striking out "or apples" in the first proviso, and inserting in lieu thereof "apples, or tomatoes".

TITLE III—POTATO RESEARCH AND PROMOTION

This title may be cited as the "Potato Research and Promotion Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 302. Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of $561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this title that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out of any effective and continuous coordinated program of research, development, advertising, and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

SEC. 303. As used in this title:

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "person" means any individual, partnership, corporation, association, or other entity.

(c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the forty-eight contiguous States of the United States.

(d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder.

(e) The term "producer" means any person engaged in the growing of five or more acres of potatoes.

(f) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this title, to present a favorable image for potatoes to the public with the express intent of improving their competitive positions and stimulating sales of potatoes and shall include, but shall not be limited to, paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 304. To effectuate the declared policy of this title, the Secretary shall, subject to the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan". Any such plan shall be applicable to potatoes produced in the forty-eight contiguous States of the United States.

NOTICE AND HEARINGS

SEC. 305. When sufficient evidence is presented to the Secretary by potato producers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDING AND ISSUANCE OF A PLAN

SEC. 306. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

SEC. 307. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and the powers vested in him by this title.

REQUIRED TERMS IN PLANS

SEC. 308. Any plan issued pursuant to this title shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising, and promotion.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assessment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent per one hundred pounds of potatoes handled.

(f) Providing that—

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board, as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a) (4) of this section.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: *Provided*, That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this title.

(j) Providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

SEC. 309. Any plan issued pursuant to this title may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: *Provided, however,* That any such program or project shall be directed toward increasing the general demand for potatoes and potato products: *And provided further,* That such promotional activities shall comply with the provisions of section 308(f) of this title.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this title, to permit an effective and continuous coordinated program of research, development, advertising, and promotion in years when the production and assessment income may be reduced: *Provided*, That the total reserve fund does not exceed the amount budgeted for two years' operation.

(f) Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.

(g) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this title and necessary to effectuate the other provisions of such plan.

ASSESSMENTS

SEC. 310 (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, any such assessment required to be paid by such handler. Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such plan, and shall indicate such other information as may be prescribed by the board. To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize differences in marketing practices or producers utilized in any State or area. No more than one such assessment shall be made on any potatoes.

(b) Handlers responsible for payment of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and records as required by the plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title.

(c) All information obtained pursuant to subsections (a) and (b) of this section shall be kept confidential by all officers and employees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—

(1) the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by any person, or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than $1,000 or imprisonment for not more than one year, or both, and shall be removed from office.

PETITION AND REVIEW

SEC. 311. (a) Any person subject to a plan may file a written petition with the Secretary, stating that such plan or any provision of such plan or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided*, That a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 312(a) of this title.

ENFORCEMENT

SEC. 312. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, any plan or regulation made or issued pursuant to this title.

(b) Any handler who violates any provisions of any plan issued by the Secretary under this title, or who fails or refuses to remit any assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be fined not less than $100 nor more than $1,000 for each such offense.

INVESTIGATION AND POWER TO SUBPENA

Sec. 313. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this title or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this title, or of any plan, or rule or regulation issued under this title. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing out of any alleged violation of this title, or of any plan, or rule or regulation issued thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REQUIREMENT OF REFERENDUM

Sec. 314. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this title shall be effective unless the Secretary determines that the issuance of such plan is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in such referendum, and by not less than a majority of the producers voting in such referendum. The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in paragraph 310(c) above.

SUSPENSION OR TERMINATION OF PLANS

Sec. 315. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the operation of such plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 percentum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

Sec. 316. The provisions of this title applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

Sec. 317. If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

Sec. 318. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: *Provided*, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.

EFFECTIVE DATE

Sec. 319. This title shall take effect upon enactment.

TITLE IV—RESTRICTIONS ON IMPORTED COMMODITIES

Sec. 401. Section 8e of the Agricultural Adjustment Act of 1933, as amended, as reamended, and as amended by the Agricultural Marketing Agreement Act of 1937, as amended, and as amended by the Agricultural Act of 1961, is amended by inserting in the first sentence thereof between "tomatoes" and "avocadoes," the following: "raisins, olives (other than Spanish-style green olives), prunes".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "An Act to provide authority for promotion programs for milk, tomatoes, and potatoes, and to amend section 8e of the Agricultural Adjustment Act, as reenacted and amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes."

And the Senate agree to the same.

W. R. Poage,
Thomas S. Foley,
Joseph P. Vigorito,
B. F. Sisk,
Charles M. Teague,
William C. Wampler,
Managers on the Part of the House.

Allen J. Ellender,
Spessard L. Holland,
James O. Eastland,
George D. Aiken,
Milton R. Young,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the bill, S. 1181, to provide authority for promotion programs for milk, tomatoes and potatoes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The House passed S. 1181 with an amendment incorporating the language of H.R. 18884. Thereafter the Senate struck the House amendment to S. 1181 and inserted in lieu thereof the language of S. 4560. The Senate amendment to the House amendment, while dealing with the same subject matter, differed in two material respects: (1) The Senate language restricted the authority to amend marketing orders for the purpose of authorizing research and promotion checkoff programs to tomatoes; the House version would have authorized research and promotion amendments to all marketing orders. (2) Additionally, the Senate-passed bill deleted the restriction against the importation of olives (except Spanish-style green olives), raisins, and prunes unless they are able to comply with standards applicable to domestically produced commodities on the basis of grade, size, quality and maturity.

The amendment herewith reported embodies the agreement of the conferees on the various points of difference in the House bill and the Senate amendment.

The conference substitute follows the structure of the House bill as to the order and arrangement of titles.

Following is a discussion of the substitute amendment as agreed to by the conferees:

TITLE I—ADVERTISING PROJECTS MILK

This title of the conference substitute is identical to the version passed by both the House and Senate.

TITLE II—TOMATO ADVERTISING PROJECTS

The conference substitute is identical to the language approved by the Senate. The House-passed bill would have authorized amendments to marketing orders for all commodities (other than milk) for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational and other programs designed to promote domestic marketings and consumptions. The conferees agreed to extend this authority only to tomato marketing orders.

TITLE III—POTATO RESEARCH AND PROMOTION

The language of this title is identical to that which passed both the House and the Senate.

TITLE IV—RESTRICTIONS ON IMPORTED COMMODITIES

The language of this title is identical to that which was contained in the House-passed bill. The Senate bill was silent on this subject. Briefly stated this title would provide that if domestic orders adopt standards controlling grade, size, quality and maturity with respect to the marketing of olives (other than Spanish-style green olives), raisins, and prunes, then imported commodities must also comply with these same standards.

In view of the addition of Title IV, described above, the title of the bill has, of necessity, been amended.

W. R. POAGE,
THOMAS S. FOLEY,
JOSEPH P. VIGORITO,
B. F. SISK,
CHARLES M. TEAGUE,
WILLIAM C. WAMPLER,
Managers on the Part of the House.

APPOINTMENT OF CONFEREES ON H.R. 18306, U.S. PARTICIPATION IN CERTAIN INTERNATIONAL FINANCIAL INSTITUTIONS

Mr. REUSS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the exchange stabilization fund by the General Accounting Office, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin? The Chair hears none, and appoints the following conferees: Messrs. BARRETT, REUSS, ASHLEY, MOORHEAD, WIDNALL, STANTON, and BROWN of Michigan.

EXPANSION OF UNITED NATIONS HEADQUARTERS IN THE UNITED STATES

Mr. GALLAGHER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the Joint Resolution (H.J. Res. 1146) authorizing a grant to defray a portion of the cost of expanding the United Nations Headquarters in the United States.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1146), with Mr. PHILBIN in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New Jersey (Mr. GALLAGHER) will be recognized for 30 minutes and the gentleman from New Jersey (Mr. FRELINGHUYSEN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. GALLAGHER).

Mr. GALLAGHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not sure whether we should take so much time. We had a rather wild and wooly debate on the rule, and the issues that normally would be discussed during this time have been discussed heretofore.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from Illinois.

Mr. FINDLEY. It seems to me a question which may be on the minds of many Members of this body—and perhaps the distinguished chairman of the subcommittee would direct his remarks to that question—is the following: Is this really the best bargain we can reasonably expect to get in respect to the enlargement of the U.N. facilities in the foreseeable future? It seems to me that is a fundamental question. Perhaps the gentleman would consent to consider that question.

Mr. GALLAGHER. I appreciate the suggestion of the gentleman. That perhaps is the central issue of this bill, whether or not the United States can, in effect, at some later date, if we postpone action on this bill, get a better bargain?

We can get out for less money if we make a determination that the United Nations should fragmentize. But that, in my view, is no bargain.

There are several alternatives. One is that we do nothing here today. That would mean the United Nations and its related agencies, which now pay rent throughout the city of New York, would continue to do that. But in September, when the General Assembly meets again, notice will have been served by our inaction and the agreement to which the United Nations and the city of New York and the United States are partners, would in effect become null and void.

We would then be faced with the alternative of fragmentizing the United Nations, of going to Vienna or Geneva with the U.N. Development Program and the Children's Fund, or of continuing to pay rents which are not very economic at all.

Or, if the thinking of the gentleman from the city of New York should prevail, the United States could pay double the amount that we are asking for here today.

That really is the issue which is contained in today's debate.

Now, Mr. Chairman, I would like to address myself to the provisions of the resolution before us.

This resolution would authorize an appropriation of not to exceed $20 million for a grant contribution to the United Nations to defray a part of the cost of improving and expanding the United Nations headquarters in the city of New York.

This contribution would be made at the discretion of the Secretary of State on such terms and conditions as he may determine, and would not be considered a contribution for purposes of any existing law which limits U.S. contributions to the U.N.

The need for the enactment of this authorization is urgent. For a number of years the United Nations has been considering the feasibility of expanding its headquarters in New York City. The reason for this is that the United Nations has been successful—perhaps not to the extent most of us would like to see it succeed, but it has been successful to the extent of surviving and outliving its present building.

The existing U.N. headquarters was completed nearly 20 years ago. It was designed to serve a maximum membership of 70 members. At that time, Members will recall, the membership of the United Nations was but 59. It was not considered that the growth would come to what it is at the present day, 127 members, or nearly twice what it was 20 years ago.

As a result, the United Nations has had to crowd some functions and to rent commercial space for some of its activities. The annual rental fee for that space amounts to nearly $2 million.

This is the point which is overlooked by some members of the Appropriations Committee who say that our contribution will be greater than the $20 million we are asking.

Actually, it will be greater, but we are already making a special contribution for rent payments. This contribution will, in effect, be eliminated when the new facilities are constructed.

It should also be borne in mind that over the years, many U.N. programs and related undertakings have been dispersed over several continents to the point that today less than 20 percent of the United Nations employees work in New York.

Any further decentralization of United Nations activities, particularly those which relate to policymaking and systems control, which is the issue here, would be most inadvisable.

The Comptroller General of the United States in his reports to the Congress and expert witnesses who appeared in our hearings and testified before the subcommittee, pointed out that excessive decentralization makes for inefficient management and waste of precious resources and waste of money.

The proposed U.N. headquarters expansion project was prepared by the same architectural firm which designed the original building. The architectural plans call for the construction of an eight-story office building adjacent to the present U.N. complex and for major modifications of the existing Secretariat and conference buildings.

When completed, the expanded headquarters will provide office space for an additional 2,500 employees and greatly improve the utility of the existing buildings. This will, in effect, allow more people in the vicinity of New York to be employed in various functions such as the security and the janitorial services, the catering services, the restaurant services, and so forth. This will give additional employment to the people of the city of New York.

According to the estimates approved by the U.N. General Assembly, the project will cost approximately $80 million.

Pursuant to a series of agreements worked out in the past 3 years, the cost of the project will be shared as follows:

Twenty-five million dollars will come

from the regular budget of the United Nations;

Twenty million dollars in the form of a grant from the U.S. Government;

A matching contribution of $20 million from the city of New York; and

Fifteen million dollars from the U.N. development program and the U.N. Children's Fund—both of which organizations presently have to rent office space and would move into the new building after it is completed.

The total U.S. Government contribution to this project will include the following:

The $20 million voluntary contribution proposed to be authorized in House Joint Resolution 1146;

About $5 million from U.S. contributions to UNDP and UNICEF. The U.S. contributes slightly less than 40 percent of the budgets of those two organizations; and

About $8 million from U.S. contributions to the regular budget of the United Nations. The U.S. share of that budget is 31.57 percent.

The total of those three amounts is about $33 million.

In addition, of course, the city of New York will contribute $20 million plus the value of the land on which the new building will stand.

It should be noted, however, that the city of New York is the primary financial beneficiary of the United Nations' presence in the United States.

It is expected, for example, that most if not all of the $80 million required to finance the expansion of the U.N. Headquarters will be spent in or around New York City.

Over and above this, the city of New York benefits from the month-to-month and year-to-year expenditures of the United Nations and of the various national delegations which stay in that city.

In calendar 1968, for example, it is estimated that the U.N.-related expenditures in New York City—including the expenditures of the various national delegations, the press and nongovernmental organizations—amounted to $230 million.

House Joint Resolution 1146 was approved by the Committee on Foreign Affairs by a vote of 19 to 9, with one member voting present.

There is an urgent need for prompt enactment of this legislation. If it does not go through this Congress, the entire financing "package"—which depends in large part on the action of the Congress with respect to this resolution—may unravel.

Now, the issue that was debated during the consideration of the rule was whether or not New York City should make a contribution and, if not, whether the United States would be required to double its contribution.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I am glad to yield to my distinguished colleague.

Mr. ROSENTHAL. That issue was not fully debated and those Members who are interested——

Mr. GALLAGHER. Well, I am not saying that it was fully debated. I am sure the gentleman is going to debate it further when he offers his amendments, but that was one of the issues that was debated during the consideration of the rule.

Mr. ROSENTHAL. That was one of the issues that was discussed but not debated.

Mr. GALLAGHER. Well, debated or discussed, I will await the gentleman's definition. It was discussed by some and debated by others.

Mr. ROSENTHAL. The difference is 9 minutes—1 minute is a discussion and 10 minutes is a debate.

Mr. GALLAGHER. The gentleman feels that if I yield him 10 minutes, the issue will be properly debated?

Mr. ROSENTHAL. It will be fully aired.

Mr. GALLAGHER. The issue which was discussed or debated was whether or not the United States should double its contribution and the city of New York refrain from paying anything. I am certain that before the evening is over, the House will have an opportunity to work its will on that proposition.

Now there is one more thing I would like to add: The money which is requested in this resolution will not have to be made available until fiscal 1972.

So next year, the Committee on Appropriations will have an opportunity to once again go over these figures and to work its will. If it decides not to recommend the appropriation, then we will have to determine what the proper course shall be.

I urge that this House pass this authorization so that the commitment of the United States and the past administration and the present administration can be met, so that we can see some future for the hopes that all of us wish for and pray for, so that they can continue to be advanced within the structure of the United Nations.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, I take this moment to point out that this is a bipartisan matter in all respects.

We heard during the debate on the rule the very strong endorsement of not only the rule but of the bill by the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD) and we heard a similar endorsement by the distinguished majority leader, the gentleman from Oklahoma (Mr. ALBERT).

The activities which led to this bill presently being on the floor of the House were begun under the administration of President Johnson. President Nixon has made a direct request that this bill be approved.

It is reasonable also to say that this is the best bargain we can expect to face in the foreseeable future. If the New York offer of $20 million is passed up—who knows when it might be repeated—who would expect it to be at a higher level in the future?

I think we also ought to keep in context, if we can, the size of this item compared with the other foreign policy investments by the Congress.

It is about one twenty-fifth of the money that was in the military assistance bill just recently approved after a very brief debate.

It is about 1 percent the amount authorized and funded annually for foreign aid.

It is about 1 percent of the amount annnually funded for food for peace.

It is just a trifle part of 1 percent of the amount spent for the defense department.

All of these activities have but one objective and that is to influence foreign policy events. I think by comparison this is indeed a modest sum.

Mr. Chairman, I hope the bill will be approved.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Chairman, we have before us for consideration, House Joint Resolution 1146 which would authorize a grant of up to $20 million for the expansion of the physical plant of the United Nations in New York. I commend this resolution as being in the interests of both the United Nations and the United States.

During this 25th anniversary year of the U.N. I believe we must both recognize and sustain the vital role of the United Nations. In this connection, it is imperative that the United States continue to exert a leading influence on the U.N. if the latter is to retain its importance. In his foreign policy message the President highlighted both his faith in the U.N. and his belief in the necessity of our continued leadership within it. He said:

> My speech at the General Assembly underlines this country's continuing support for the organization. My decision to ask Congress for funds to assist the expansion of the U.N.'s New York Headquarters . . . [is an] . . . example of this support.

Without this support, however, it is possible that various functions of the U.N. may move abroad. Should this occur our beneficent influence would diminish. For example, 25 percent of the U.N. staff in New York are U.S. citizens, whereas the average U.S. participation in U.N. agencies abroad is only about 8 percent. The favorable influence that these professionl officers have upon the functioning of the U.N. is considerable.

When the United States was chosen as the site for the permanent headquarters of the U.N. in response to the invitation of the Congress, it was a fitting recognition of our profound commitment to the principles of international peace, justice, and progress contained in the United Nations Charter. Failure to approve this grant might be interpreted as an indication that our desire to maintain world leadership for peace has waned. I urge, therefore, that we do our part as host to the United Nations by passing this resolution. The Senate has already passed identical legislation. I believe we also should do so in furtherance of the best interests of both the United Nations and the United States.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. Bush).

Mr. BUSH. Mr. Chairman, having been nominated as the U.S. Representative to the United Nations I find myself in somewhat a peculiar position in regard to House Joint Resolution 1146, a bill authorizing a grant to defray a portion of the United Nations Headquarters in the United States. My nomination has not yet been sent to the Senate. Thus, I recognize that I should not involve myself in a lot of policy statements in Congress on the United Nations.

However, this issue is of critical importance. It is one upon which I have been thoroughly briefed. So, I feel compelled to comment on it.

During the almost 20 exciting and eventful years that the present United Nations Headquarters has been in existence the membership of that body has expanded from 59 to 126. I do not think any Member of this body will deny the need for the proposed expansion. We all recognize that the efficiency and effectiveness of the United Nations are unfavorably affected by space shortages and that its operating costs are increased by rental payments. The only question is the amount of the U.S. contribution.

Under the proposal before us today the $80 millon construction project would be funded by $25 million from the U.N. budget—U.S. contribution $7,880,000—$20 million from the U.S. Government, $20 million from the city of New York, and $15 million from the United Nations Development Program and the United Nations Children's Fund.

In vew of the rising construction costs in this country, it is critically important that we move ahead now. In addition, a very complex deal has been worked out to pay for the proposal—one in which the city of New York will share the costs of the expansion equally with the U.S. Government.

The United States will unquestionably benefit tremendously from supporting the proposed expansion now in New York rather than permitting it to take place abroad. For example, salaries of U.N. employees who would occupy the proposed new building would result in more than $12 million annually being added to the U.S. balance of payments.

I do not want to see pressures from countries, which would like to see the U.N. move part or all of its operation, grow as a result of our failure to move ahead on this reasonable proposal.

I believe it is critical that the expansion proposal be approved today. I do not claim to be the great expert on all the inner workings of the United Nations; but, I do pledge that once I have been confirmed as the U.S. Representative to the United Nations the money will be spent as efficiently as possible and in the manner designated by the Congress.

Mr. FRELINGHUYSEN. Mr. Chairman, I believe there is no need to dwell on the basic issues here. There has been ample discussion of the basic issue, in the debate on the rule. That debate indicated clearly what the issue is and that is whether it is a reasonable proposition for the Federal Government to pay $20 million to build additional facilities for the United Nations in New York.

As was indicated during the debate, I think it is a good bargain. I would oppose the proposition that the Federal Government should pay twice that amount and that New York City should pay nothing.

It seems to me that New York City has made a voluntary offer and it should be held to that offer. It should be held to that offer by the House action on this bill, which passed the other body last July.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman.

Mr. ROSENTHAL. Mr. Chairman, should New York City be held to that offer or agreement regardless of whether the financial circumstances have changed in the 3 years since the agreement was made?

Mr. FRELINGHUYSEN. I feel very strongly that the city of New York should be held to the agreement. I do not think it is a concern of the Federal Government to decide whether New York is in a good financial position or not.

It seems to me that the benefits are very substantial. Million of dollars are involved, primarily for New York.

There is one point I would like to mention that has not been stressed so far in the debate. That is the fact that it is in our national interest, both to improve the management and the organization of the United Nations by improving its facilities and centralizing its operations, operations which are now scattered through a great many rented properties in New York City.

In my opinion, it is also a decided advantage for the United States to keep insofar as possible the management of functions of the United Nations in the United States.

If we refuse to participate by putting up some of the money to build new structures, we can anticipate that the pressure of immediate needs will still cause problems for the United Nations, problems which may well lead to a decision to move some of these activities out of the United States. This would result in an immediate drain on the balance of payments. It is estimated that the employees of the United Nations that would be utilizing the new building in New York City would expend about $12 million annually.

In brief, the funds for construction would be spent in New York, the $80 million, all this would be spent in this country. However, if the employees should be transferred out of the United States, this would result in a substantial contribution to a balance of payments deficit.

It seems to me we have an obligation under these circumstances to carry through, belatedly I admit, on a proposal which is reasonable. We should not be embroiled in debate on this the question whether or not the United Nations has been sufficiently effective to justify our confidence. One of the reasons it has not been more effective is the fact that we have not had a sufficient centralization of function and responsibility. We can provide improvement in that direction with a new facility.

I might say also, that with the facilities in the United States there would be a greater likelihood that U.S. employees will be hired by the United Nations than if those activities are carried on outside this country. Roughly 25 percent of the U.N. employees working in the United States are U.S. citizens, whereas overseas the percentage drops to about 8 percent.

I think the case speaks for itself. I, myself, regret that the Foreign Affairs Committee was not more prompt in submitting its request to the Rules Committee. I regret that it was not possible for the Rules Committee to grant a rule so as to bring about this debate before now. I do not think that fact should influence our judgment in any way, and I hope the action taken is favorable. I hope no amendments to the committee bill are accepted.

Mr. GALLAGHER. Mr. Chairman, I yield 8 minutes to the gentleman from New York (Mr. Rosenthal).

Mr. KOCH. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

A quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 437]

Abbitt
Adair
Addabbo
Alexander
Andrews, Ala.
Andrews, N. Dak.
Ashbrook
Aspinall
Ayres
Baring
Barrett
Berry
Biester
Blanton
Boggs
Brasco
Brock
Brooks
Brown, Calif.
Brown, Mich.
Broyhill, Va.
Burke, Fla.
Burlison, Mo.
Burton, Utah
Button
Byrne, Pa.
Caffery
Camp
Carey
Celler
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Collins, Ill.
Corbett
Cowger
Cramer
Crane
Culver
Cunningham
Daddario
Delaney
Dellenback
Denney
Dent
Devine
Diggs
Dowdy
Dulski
Dwyer
Edwards, Calif.
Edwards, La.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Fish
Fisher
Ford, William D.
Foreman
Friedel
Fulton, Tenn.
Galifianakis
Gibbons
Gilbert
Griffiths
Haley
Hall
Halpern
Hanley
Hansen, Wash.
Hébert
Heckler, Mass.
Horton
Hull
Hungate
Jarman
Karth
King
Landrum
Langen
Latta
Leggett
Long, La.
Lujan
Lukens
McCarthy
McClory
McCloskey
McCulloch
McDade
McDonald, Mich.
McKneally
MacGregor
Martin
Mathias
May
Meskill
Michel
Miller, Calif.
Mills
Mink
Minshall
Mize
Monagan
Montgomery
Morton
Moss
Murphy, Ill.
Nichols
O'Hara
O'Konski
Ottinger
Patman
Pelly
Pettis
Poff
Pollock
Powell
Price, Tex.
Quie
Rarick
Reifel
Reuss
Rhodes
Rivers
Roe
Rogers, Colo.
Rooney, Pa.
Rostenkowski
Roudebush
Rousselot
Ruppe
Ruth
St Germain

Saylor
Schadeberg
Scherle
Scheuer
Shipley
Sikes
Snyder
Springer
Stanton
Steed
Steele
Steiger, Ariz.
Stephens
Stokes
Sullivan
Teague, Tex.
Tiernan
Tunney
Vander Jagt
Waggonner
Waldie
Weicker
Whitten
Widnall
Wiggins
Wilson, Charles H.
Winn
Wold
Wolff
Wyatt
Wydler
Young
Zwach

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PHILBIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution House Joint Resolution 1146, and finding itself without a quorum, he had directed the roll to be called, when 260 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from New York (Mr. ROSENTHAL) had been recognized for 8 minutes.

The Chair recognizes the gentleman from New York.

Mr. ROSENTHAL. Mr. Chairman, I oppose this House Joint Resolution, because I am opposed to the arrangements under which it is brought to the floor of the House. What it does is say to the Congress that the United Nations, the Department of State, and the city of New York have made a deal. They have reached an agreement, and what we are telling the Congress to do is to affirm that agreement.

I find that agreement outrageous, unfair to the United States, and unfair to the city of New York. When we are thinking of how we shall vote on this resolution, there are two essential ingredients or considerations we should think of. First, of course, is the authorization of $20 million. That is an important matter, but to me that is less important than the nature of the arrangement.

The second is, if we vote in the affirmative on this resolution, we are affirming the following deal. The deal is that the U.S. Government will pay $20 million of an $80 million construction compact, the city of New York will pay $20 million in cash plus giving the United Nations $12.1 million in land, and the United Nations Organizations will make other contributions to make up the amount of the arrangement.

Let us begin with what seems to me the most notorious part of this thing. We were told at the hearing by Ambassador Yost and Secretary Palmar that it is in the interests of the United States to keep the U.N. in New York and in the United States and that it is in the national interest to pass this resolution.

I am willing to accept that theory with the following reservation. I think it might be useful in the cause of world peace if we did not have this attitude of commitment to monuments. Some here are determined to build the largest office complex in the world on the East River in New York City. I believe it would be in the interest of world peace if we did decentralize the United Nations.

The proponents of this resolution have said the one thing they fear is that if we do not provide this space for another 2500 employees, the U.N. will either continue renting space in New York at a very high rental rate, or they will decentralize and go to other parts of the world. It seems to me that the interest of world peace might well be served if there were United Nations offices and United Nations buildings and United Nations installations in other cities around the world. We are very proud to have the United Nations in New York City, but if one wants to look at the big picture of why the United Nations came into existence—in the hope that world peace would prevail throughout the world—one ought to understand that support for this edifice complex is not a contribution to world peace.

We ought to have other nations have a desire to have a building and to see people from other lands and to participate in the operations of a world organization.

So I am opposed to this type of approach in which it implied that the U.N. will move if you do not go through with this deal.

The other reason why I am opposed to this resolution is because the city of New York was bludgeoned into agreeing to put up $20 million. Think of that for a moment. If the U.S. Government puts up $20 million, and the city of New York puts up $20 million plus $12 million in land——

Mr. ROONEY of New York. Mr. Speaker, will the gentleman yield for a correction? They want the United States to put up $34 million, not $20 million.

Mr. ROSENTHAL. The United Nations has installations in other cities in the world. No other city in the world has been required to match their nations contribution.

It seems incredible to me that a municipality which has no foreign policy of its own, a municipality which is in dire financial straits, can be obliged under this resolution to match the Federal grant.

Let me read just a few clippings from recent newspaper articles about the serious and dire straits in which the city of New York finds itself.

The headline from a very recent edition of the New York Times is, "City Makes Cuts in Public Housing."

The housing commissioner, Mr. Walsh, says, "Rehabilitation fund for slum-area loans is low."

"Mayor Lindsay and 25 aides take $1,000 cuts."

"City acts to cut spending for 'frills and excesses'."

"Report finds city low on finances."

"Mayor and Governor seek U.S. funds to avert crises."

I will ask also to put in the RECORD at the appropriate time a letter from the controller of the city of New York urging President Nixon to seek legislation to pay to the city of New York the $7.3 million a year in costs for police protection in the city of New York, and a letter from the mayor urging the same kind of relief.

My colleague from New Jersey (Mr. FRELINGHUYSEN) has suggested indeed it is true the mayor of New York agreed to this arrangement and that, having once agreed, the city is bound to support that agreement. That is an argument that has, I would suggest, some degree of persuasion, but the fact of the matter is that that agreement was made 3 years ago. That agreement was made before 500 lower echelon employees of the city of New York were fired a few weeks ago, or laid off, or retired because the city is on the verge of bankruptcy.

How could anyone with a sense of responsibility to the city-State-Federal relationship suggest that any city ought to match the Federal responsibility in dealing with an international organization?

Many of my friends on this side of the aisle have said, "What do we care about New York City? If New York made that agreement they are bound to live with it."

Let me give a comparable example. Let us assume the Federal Government were going to put up a massive Federal office installation in Chicago or San Francisco or Los Angeles and it would cost $50 million to $100 million and it would provide thousands of jobs for that community. Have we ever in the history of this country asked a municipality to make a cash contribution for that construction? It might be that a city would be generous, as New York has been, in saying, "We will give you the land for nothing," but never in the history of the U.S. Congress have we affirmed or ratified an arrangement where a municipality was required to put up money to help build a Federal building.

I will concede, as the gentleman from New Jersey (Mr. GALLAGHER) suggested, that a great deal of money comes into the city of New York by way of payroll and other expenditures, but that really begs the question.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GALLAGHER. Mr. Chairman, I yield the gentleman 2 additional minutes.

The CHAIRMAN. The gentleman from New York is recognized for 2 additional minutes.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. Yes, I yield to the gentleman from New Jersey?

Mr. GALLAGHER. I would like to point out to the gentleman that every city in the United States and every State in the United States participates with the Federal Government in various projects in which the Federal Government is involved in those States and municipalities.

I would like to point out that the city of Vienna, the Canton of Geneva, in the country of Switzerland, have offered the United Nations the kind of propositions that New York offered also.

If these two U.N. agencies move to Geneva or Vienna, it will represent a loss to New York City of approximately 600 U.N. employees who now spend their money in that city.

Furthermore, New York does receive some $230 million which is spent in New

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York City and surroundings each year because of the presence of the United Nations there. That is why Vienna and Geneva want this deal.

Mr. ROSENTHAL. The fact of the matter is that more than 50 percent of the employees of the U.N. live outside the city of New York. The fact of the matter is that the city is in a serious financial plight. It cannot afford this $20 million any more than it can afford to spend $20 million in sending astronauts into space. Additionally, the city of New York has no foreign policy responsibilities.

We can not affirm an arrangement whereby a municipality assumes a Federal responsibility.

Mr. GALLAGHER. Because the city of New York is a major gainer because of the presence of these facilities in the city. That is why.

Mr. ROSENTHAL. I, for one, do not believe the threat of removal of these facilities to Vienna or Geneva, as I suggested earlier.

Mr. GALLAGHER. If the gentleman does not believe the threat of removal is real, then why should the U.N. continue to pay rents to landlords at high prices?

Mr. ROSENTHAL. That is a very good question.

I include several articles and editorials which have bearing in this important issue:

City Makes Cuts in Public Housing—Golar Says a Lack of Funds Forces Service Reduction

Simeon Golar, chairman of the City Housing Authority, disclosed yesterday that services and maintenance at public housing projects were being sharply curtailed because of a lack of money.

In an interview on WOR-TV's "New York Report," which was taped last week and aired yesterday, Mr. Golar said that the level of staffing at the projects "has probably been inadequate."

He added that in line with the "diminishing productivity of labor generally," the authority "has incurred slippage in the quality of maintenance."

Mr. Golar cited the maintenance of elevators as one area in which he had been forced to order cutbacks. He said that he had found that elevator mechanics working for the authority were earning as much as $25,000 a year, including overtime pay. As a result, he ordered that except for rare emergencies, repairs on elevators be made during regular working hours.

DOING TOO LITTLE

The lack of funds, he said, has also hit hard at the authority's social services.

"We're taking in huge numbers of families with terrible social problems, on the assumption, the terrible error, that it's sufficient to respond to the housing needs of people," he said.

"We're doing too little of that, by the way, and then we don't begin to respond to other needs, once they're in public housing."

Mr. Golar estimated that the authority's deficit would come to almost $20-million by the end of the year and that its federally, state and locally aided programs were all "running in the red."

"I would assume that by the end of next year, in the federally assisted program, for instance, we will have virtually depleted our reserves and really won't be able to cover our next payroll at some point in time," he added.

SITES ARE AVAILABLE

Mr. Golar said there were nearly half a million people seeking accommodations in public housing, nearly as many as now live in such projects. Fiscal shortages, he said, threaten planned new construction.

In the past the problem had been to find suitable sites for public housing, he said. They are now available, Mr. Golar explained but the money is not.

At present, the authority chairman said, there are 6,000 units of public housing under construction, but he added, "We'll come to a grinding halt pretty soon unless we get new Federal appropriations for both low-income housing and for middle-income housing."

Walsh Says Rehabilitation Fund for Slum-Area Loans Is Low

The city's municipal loan program, which is used to help to rehabilitate apartments in depressed areas, is "virtually exhausted," after operating at a record pace during 1970.

Albert A. Walsh, Housing and Development Administrator, said yesterday that $35 million had been committed in low-interest loans to owners this year, bringing the total long-term lending under the eight-year-old program to something over $81 million.

The authorization, of $85 million thus leaves only a reserve for contingencies and increased costs, Mr. Walsh said. New funds, he said in an interview, would require a new authorization from Mayor Lindsay to be raised by borrowing within the special housing and urban renewal debt limit, and must be balanced against other housing program needs.

COULD USE $50-MILLION

Mr. Walsh said he hoped for some new financing shortly. He estimated that the program had about $11-million to $12-million in pending applications for which "letters of feasibility" had been issued, indicating that they might warrant loans when additional funds were available.

As much as $50-million could be used, if available, for the rest of the city's fiscal year, which will end next June 30, he said.

The municipal loan program operates within the superagency's Department of Development, and has been continued even while its activities have been under the scrutiny of the city's Department of Investigation under Commissioner Robert K. Ruskin.

The investigation had been requested by Mr. Walsh two weeks after he assumed his present post last Jan. 8.

DEPUTY IS TO LEAVE

The inquiry led last September to his suspending the program's civil service director, Louis A. Reiter, for refusing to complete a financial questionnaire for Mr. Ruskin's office. Mr. Reiter has since been dismissed after a departmental hearing, Mr. Walsh said.

William Clarke, Deputy Commissioner of Development for rehabilitation financing, who has headed the Municipal Loan Program since October, 1967, resigned on Nov. 5, effective Jan. 1.

Mr. Walsh said Mr. Clarke was "resigning to go into his own business," and had not been asked to resign. Mr. Clarke has said he started the investigation into alleged irregularities, but has called the program "the best of its kind in the country."

REORGANIZATION GOING ON

The program provides a loan to a landlord to rehabilitate and improve low-income apartments in economically depressed areas at the same interest rate that the city pays for borrowing the money, plus an administrative fee. Commitments so far have covered about 350 buildings with 6,300 apartments.

Mr. Walsh said that an internal reorganization of the program had been going on, and that within the next week or two new regulations would be published "tightening up administratively and procedurally to avoid or control any possible abuses which may have given rise to the Ruskin investigations."

With a "very tight" situation on available funds under the special housing debt limit—perhaps $700-million for all purposes—Mr. Walsh said the city would seek state legislation to set up a New York City housing finance agency. Mayor Lindsay has envisioned such an agency to raise funds for middle-income housing.

The state's Constitution permits excluding a municipal loan program's housing-rehabilitation project from the special housing-debt limit if it is "totally self-sustaining," Mr. Walsh said, but not if it falls short by ever $1. By contrast, he said, another provision of the Constitution allows "proportionate exclusion" for nonhousing projects from the general municipal debt limit.

Laid-Off City Employees Face a Bleak Existence

(By Emanuel Perlmutter)

"What can I say to my children?" asked Mrs. Elaine Wilson, a sad-eyed mother of five, who was one of the provisional employees laid off by the city yesterday for economy reasons. Many of them will have to go back on welfare.

Mrs. Wilson, who lives at 82 De Sales Place, Brooklyn, had been receiving relief for 10 years before she got a job last March as a record room clerk for the Department of Social Services.

"I've been telling my youngsters to study hard so that they can get jobs when they grow up and won't have to live on charity," she said. "What will they think now, when I want to work and the city throws me back on welfare?"

Mrs. Wilson had been earning $105 a week as a city employee and receiving $82 a week in supplementary welfare payments. When she was a full welfare case she received $107 a week. So the city will save only part of the salary she had been getting and, in addition, will lose a worker considered productive by her superiors.

MANY FACE HARDSHIP

The 42-year-old woman, who is separated from her husband, discussed her plight along with other discharged provisionals as they sat in offices of the State, County and Municipal Employees Union at 365 Broadway.

Walter McCarthy, 43, of 2942 West 31st Street, Coney Island, looked bewildered. The father of six, including a 19-year-old youth serving with the Army in South Vietnam, he had been working as a Social Services messenger for the last six months. Before that, he had been a boilermaker's helper who could never get more than a few months work a year and had required supplementary welfare assistance.

"My wife doesn't know yet, we don't have a phone," he said. A slim man in a tan lumber packet, he ran his hand through his sandy hair. "I felt useful. Now I'll have to go altogether on welfare."

Mr. McCarthy had been earning $108 a week as messenger and the Social Services Department had been paying his $107 monthly rent as a welfare supplement.

Lawrence Becker, 45, 2255 Bedford Avenue, Brooklyn, another Social Services messenger, sat with his discharge notice in hand. It was signed by Commissioner Jack R. Goldberg and read in part as follows:

"Dear Staff Member:

"As you may know, the City of New York is confronted with a severe imbalance between revenues and expenses. Drastic measures are necessary to close this budgetary gap. This includes termination of the employment of many provisional employes.

"I regret to inform you that you are among those to be terminated, effective the close of business on Dec. 4, 1970. If you have any annual leave or overtime leave credit, you should arrange to utilize the credits before that date."

RETIREMENT PROBLEM

Mr. Becker, who had been living with his wife entirely on his messenger's salary, said he would have to seek welfare assistance if he could not find another job.

Joseph De Maira, of 28 Bay 22d Street, Brooklyn, an assistant architect for the Department of Real Estate, who had been working as a provisional city employe for 14 years, faces a different problem.

"I'm 61 years old," he said. "I don't think I can get another job at my age. I had hoped to retire at 65, with a pension based on 18 years of service."

Mr. De Maira shook his head. "I'm not lazy," he said. "I like to work. I canceled my vacation in August because my boss said we were shorthanded."

Some of those laid off yesterday have passed Civil Service examinations for their jobs and may be rehired when permanent positions are available. But others face an existence on public welfare.

OFFICIAL'S DISMISSAL ASKED IN "WELFARE HOTEL" DISPUTE

(By Murray Schumach)

The New York Urban Coalition called on Mayor Lindsay yesterday to dismiss Housing and Development Administrator Albert A. Walsh, saying that Mr. Walsh had, in effect, rejected its plan to rehabilitate abandoned slum buildings for welfare families that are now housed at high rents in hotels.

After an argumentative session, which was attended by Mr. Walsh and by Deputy Mayor Richard R. Aurelio, the head of the New York Urban Coalition, Eugene S. Callender, said in an interview:

"Walsh should be removed. He has shown a lack of good faith after we had a signed agreement with the city on a program that would have saved the city $3.4 million in the first year alone. I question the seriousness of the city administration, and particularly of the H.D.A. bureaucracy, about making available decent, sanitary and safe housing for the poor people of his city."

A spokesman for Mr. Lindsay said last night that "the Mayor has every confidence in Mr. Walsh." Mr. Aurelio said later that he would report to the Mayor on the meeting.

The Deputy Mayor said that while the agreement on which the Urban Coalition proposal was based raised serious financial and legal problems, an effort would be made to save the idea. He indicated the solution might rest in legislation that the Mayor will press upon the State Legislature.

The Urban Coalition, as a result of its agreement with the city last April 3, spent $300,000 in acquiring four abandoned buildings in a rundown section of the Bronx and in architects and building fees. The purpose was to renovate the buildings into 65 attractive, furnished apartments for welfare families and a day-care center for the community.

The rents to be paid by the city would have varied, depending on the amortization procedure desired by the city. According to Mr. Callender they are called an "emergency," more than $600 a month for four-bedroom apartments, which he said would still be cheaper than hotel rentals.

Mr. Callender and his chief aides explained that the rent could be cut by more than 50 per cent if the usual 30-year amortization was allowed, instead of the 10-year period requested by the city.

HOUSING QUALITY AT ISSUE

According to Mr. Callender, Mr. Walsh objected that, the city would never be able ti get the families out of such desirable apartments—that these apartments were intended only for transient welfare families until the city could find them permanent housing.

"So what?," Mr. Callender said he had retorted.

He then offered to build permanent housing for welfare families out of abandoned slums at rents less than the city now pays, he said. The usual maximum on these permanent rentals is about $160 a month, though in a few cases, involving families with children, the rent has gone to $250.

There is no ceiling on welfare rentals in hotels, since they are called "emergency." But some families have lived there for two years and more, and the average duration is four and a half months.

Mr. Callender, who was a deputy administrator in the Housing and Development Administration under Mr. Walsh's predecessor, Jason R. Nathan, said:

"The H.D.A. bureaucracy seems more concerned with finding excuses not to build housing than in developing or accepting programs that produce more comfortable circumstances for the poor at a time when human beings are moving into vacant, serviceless buildings as squatters rather than live in these hotel rooms."

The angry exchanges at City Hall came two days after The Times had printed an article reporting the squalor in which welfare families live in hotels and rents reaching up to $1,200 a month. Then yesterday Mayor Lindsay announced reforms to end the "intolerable conditions" in these hotels, to impose strict safety standards on them and to reduce sharply, if not end, the practice of putting welfare families in hotels.

Mr. Callender said that Mr. Walsh's position indicated a "lack of concern for the disinherited blacks and Puerto Ricans who make up the bulk of the people suffering under his program." He added:

"This might be an explanation of the fact that since Walsh became Administrator, the number of blacks and Puerto Ricans in the H.D.A. has decidedly declined."

FOUNDATION HELP OBTAINED

Tracing the genesis of the plan to rehabilitate slums for welfare families, Mr. Callender said it went back to early in this year.

After the agreement was signed with the city on April 3, he said the New York Urban Coalition acquired four buildings on Washington Avenue at 167th Street, the $300,000 spent for the purchase, architects fees and other costs, according to Mr. Callender, was obtained mainly from the Ford Foundation.

Subsequently, said Mr. Callender, the Urban Coalition received assurances from lending institutions that they would be willing to finance the construction of the project, if the city would abide by the agreement.

According to Mr. Callender, all the members of the Board of Estimate had been privately informed of the proposal and had expressed approval.

Mr. Callender pointed out that since the furnished apartments planned in these buildings would all have had complete kitchen facilities, there would be no need for the city to pay special allocations for restaurant meals. At present welfare families in hotel rooms without cooking facilities receive special allotments to eat in restaurants, sometimes exceeding $300 a month.

LINDSAY, 25 AIDES TAKE $1,000 CUTS—OFFICIALS ACT AFTER MAYOR'S OFFICE ANNOUNCES LAYOFFS OF 25 CITY PROFESSIONALS

(By Edward Ranzal)

Mayor Lindsay and 25 of his top officials agreed yesterday to take $1,000-a-year pay cuts as part of the city's response to its current budget crisis.

Late yesterday afternoon, the Mayor's 22-member supercabinet, made up of administrators and commissioners whose salaries range from $35,000 to $42,500 a year, informed the Mayor of their decision for a voluntary pay cut.

Shortly thereafter, the Mayor, the two Deputy Mayors and the Mayor's press secretary joined in the pay-cut move. The two Deputy Mayors, Richard R. Aurielo and Dr. Timothy W. Costello, earn $45,000 a year each. Thomas Morgan, the press secretary, gets $41,000.

The Mayor's salary is set at $50,000 a year. In December, 1969, he vetoed a bill that would have raised his salary to $85,000. During his first four years in office, the Mayor turned back to the city $5,000 of his $50,000 salary.

Only an hour earlier further ways were announced to offset an anticipated $300-million deficit in the current $7.7-billion expense budget.

The Mayor's office announced that at least 25 appointed professional city employes would be laid off in addition to the provisional city employes whose dismissal the Mayor directed last week.

The pay-cut idea for those in the top echelon was brought up at a noon City Hall news conference. Time and again the Mayor stressed how "painful" it was for him to use "microscopic and scalpel-like care" in job reductions.

Asked if he had considered voluntary pay cuts for his top aides, the Mayor answered:

"I think that is a matter the Cabinet would want to consider on its own motion and that is up to them. Several have suggested it. They might want to consider it. That's a suggestion I will be glad to listen to."

The Mayor refused at that time to say how many of his top aides had volunteered to take pay cuts, nor would he name them.

LA GUARDIA AIDES TOOK CUTS

During the Depression, officials in the administration of Mayor Fiorello H. La Guardia took voluntary pay cuts before the Mayor resorted to mass layoffs of municipal employes to cope with his budget problem.

In addition to the latest layoffs, Mayor Lindsay's office announced a series of immediate expense budget reductions in three executive agencies and the Mayor's office. This "programmatic scalpeling" is expected to save $500,000 annually. It is part of the $5-million in agency reductions ordered last week by the Mayor to reduce the city's operating deficit.

The 25 professionals to be laid off were said to be in the $12,000 to $18,000-a-year categories. Appointed to their positions, these employes are not protected by Civil Service.

The professionals are in addition to 500 provisional city employes ordered laid off last week by the Mayor. A provisional employe becomes regularly employed when he passes a Civil Service test and is formally appointed to the position. The dropping of the 500 provisionals is expected to save $2-million a year.

One person who was "terribly unimpressed" by the voluntary pay cuts was Victor Gotbaum, the executive director of District Council 37, which represents 120,000 city employes. Mr. Gotbaum, said the city's economies would not be effected "on the banks" of the lowpaid workers, and he suggested that layoffs might start with the Mayor's own patronage list.

Mr. Gotbaum met with the Mayor for an hour yesterday then later reported to his executive council that the city would attempt to transfer some of the laid-off employes into the New York City Off-Track Betting Corporation. He said, too, that the Mayor assured him that the union would be brought in on any future discussions of employe layoffs.

APPOINTS CORRECTION AIDES

As more pink slips were sent out yesterday to provisional employes, the Mayor announced at his news conference the appointment of two officials to the Department of Correction and the promotion of two officials in the department.

The Mayor said he had made these appointments to strengthen the department, which was rocked recently by riots in four city prisons. When the Mayor directed a selective job freeze on Oct. 7, he exempted both the Sanitation and Correction Departments.

The two posts filled by the Mayor have been vacant for about a year. Benjamin J. Malcolm, an assistant director in the Office of Labor Relations, was named first deputy commissioner. Jack Birnbaum, an executive with the Office of Economic Opportunity, was appointed assistant commissioner for administration and planning. Their combined salaries total $60,440.

Alfred J. Mutell was promoted from deputy warden to chief of operations, and Francis R. Buono was promoted from warden of the Men's Correctional Center at Rikers Island to the newly created post of supervising warden of Rikers Island.

Meanwhile, Personnel Director Harry I. Bronstein and Human Resources Administrator Jule Sugarman said that a central referral office had been opened at the Personnel Department, 220 Church Street, to help get private jobs for city employes who were laid off.

In the new belt-tightening steps taken yesterday, Deputy Mayor Aurelio said that the Mayor's office would close three field offices of the Office of Neighborhood Government and merge several other offices.

The Office of Neighborhood Government includes the Urban Action Task Force, the neighborhood city halls, the Neighborhood Conservation Bureau, Operation Better Block and the Neighborhood Action Program.

Adjacent facilities of the Office of Neighborhood Government will assume responsibilities for those closed.

The following are members of the Mayor's 22-member supercabinet:

Constantine Sidamon-Eristoff, Transportation Administrator.

Richard Lewisohn, Finance Administrator.

Mrs. Eleanor Holmes Norton, chairman, Human Rights Commission.

Gordon Chase, Health Services Administrator.

Milton Musicus, Municipal Services Administrator.

Jerome Kretchmer, Environmental Protection Administrator.

Donald Elliott, chairman, City Planning Commission.

Joseph Williams, Administrator, Model City.

Jule Sugarman, Administrator, Human Resources Administration.

Ken Patton, Administrator, Economic Development Administration.

Robert Lowery, Fire Commissioner.

George F. McGrath, Commissioner of Correction.

Albert A. Walsh, Administrator, Housing and Development Administration.

J. Lee Rankin, Corporation Counsel.

Robert Ruskin, Commissioner of Investigation.

Bess Myerson Grant, Commissioner of Consumer Affairs.

Herbert L. Haber, Director of Labor Relations.

Edward K. Hamilton, Budget Director.

August Heckscher, Recreation and Cultural Affairs Administrator.

Simeon Golar, chairman, City Housing Authority.

Harry I. Bronstein, director, Department of Personnel.

Patrick Murphy, Police Commissioner.

CITY ACTS TO CUT SPENDING FOR "FRILLS AND EXCESSES"

(By Maurice Carroll)

A new step in the city's austerity campaign—pressure on agency heads to "expose some frills and some excesses"—was pledged yesterday by Deputy Mayor Richard R. Aurelio.

The administration made public a memorandum to Mayor Lindsay's super-cabinet requiring that reports on possible savings be made to a new productivity panel consisting of Mr. Aurelio, Deputy Mayor Timothy W. Costello and Budget Director Edward K. Hamilton.

Then Mr. Aurelio, sitting in his office next door to the Mayor's, explained that an agency-by-agency review of programs that could be curbed during "this period of austerity" had already started.

Steps that have already been scrutinized, he said, included the following:

A study showing that it would be cheaper to stop the "graveyard" shift on the Staten Island ferry and to carry that handful of passengers by taxicab over the Verranzano bridge during the early morning hours.

A review of newsletters published by one unnamed city agency. "They serve a purpose but it is a question whether we really need them now," he said.

Yesterday's was the fourth movement in what many persons familiar with the city's finances agree is an orchestrated economic lament. It began early in the week with Mayor Lindsay's announcement that, because of an anticipated deficit of some $300-million in the $7.7-billion city budget for the current fiscal year, 500 provisional employes were to be dismissed.

Then the city's Budget Director warned of possible new taxes to be imposed this year.

Then the Mayor gave a speech suggesting that New York was one sufferer in a countrywide epidemic in which municipal governments are being squeezed by the national economic turndown.

The memorandum from Mr. Aurelio to the super-cabinet requires a "productivity review to be completed by Dec. 18" by each agency head. It also requires submission of a preliminary outline of possible money-saving steps by Dec. 4.

"The Mayor specifically asked us to finish this by the first of the year," said Mr. Aurelio, who was sitting in his shirtsleeves, behind his wide papercovered desk at City Hall.

"We're going to press them," he said of the agency heads. "We're looking for possible consolidation of services, for overlapping, for frills, for some built-in bureaucratic procedures that have been kind of historic but that no one has ever taken a long look at to see if time and technology have made obsolete."

Mr. Aurelio said he did not know how much money the review might be able to save toward the goal of eliminating the anticipated $300-million deficit.

It was likely, Mr. Aurelio said, that there would be more layoffs.

The initial 500 who will get pink slips later this week are among 18,000 provisional employees, those without Civil Service status or union protection, among the 370,000 on the municipal payrolls.

Mr. Aurelio talked also about one of the two major elements that would determine the actual size of the deficit that might confront the city when its fiscal year ended June 30—the negotiations now under way with major municipal unions.

Labor contracts covering policemen, firemen, sanitation men and many clerical workers expire Dec. 31.

The other imponderable in the budget picture is the financial impact of decisions on state aid to be made in the next session of the Legislature.

Many political and fiscal experts are agreed that the current austerity campaign combines both a real concern over an unanticipated economic squeeze and a considerable amount of propaganda. The propaganda is designed to persuade Albany to be kinder than usual in coming up with money and to lower expectations of labor's rank and file so that they will be more likely to accept whatever settlements their leaders come back with.

The economic downturn that is cutting income tax receipts below estimates and swelling welfare rolls above estimates has been aggravated, Mr. Aurelio noted, by three areas in which the financial package that Mayor Lindsay brought back from Albany this year had failed to meet forecasts.

He said that the city's share of lottery receipts was lower than the $25-million that had been anticipated, that the off-track betting program that was budgeted to bring in $50-million would be lucky if it broke even this year, and that the state had not moved yet on an agreement to collect the city's income taxes, an administrative shift that had been calculated to save the city some $10-million.

REPORT FINDS CITY LOW ON FINANCES—SEES NEED FOR EQUIVALENT OF MAJOR NEW TAX A YEAR

Even if the city government undertakes no new programs, it will have to raise the equivalent of a major new tax every year in the foreseeable future, according to a book that went into circulation yesterday.

The book, "Agenda for a City: Issues Confronting New York," says built-in increases in the normal cost of running the city will require that much new revenue every year.

The 718-page volume, containing chapters and commentary by 33 leaders in public administration and government, was commissioned by the Institute of Public Administration under a grant from the Ford Foundation.

The book, edited by Dr. Lyle C. Fitch, president of the institute, and Annmarie Walsh, senior staff member, was ordered in the spring of 1969 in the expectation that there might be a change of administration in the city on Jan. 1, 1970.

With the re-election of Mayor Lindsay, this change did not occur but the Lindsay administration drew on the findings earlier this year in putting together its budget.

CITY PRESSURES CITED

In writing how the city, in effect, has to come up with a new tax a year or its equivalent, Dr. Richard Netzer, dean of the Graduate School of Public Administration of New York University, told of forces and pressures that feed the insistent demand for new revenues.

Some are expenses mandated by the Legislature, such as pension improvements. Others are automatic raises in wage contracts already negotiated or forthcoming. Welfare costs stimulate other increases.

"In nearly every year during the nineteen-sixties, the nominal budgetary balance required by law," Dr. Netzer wrote, "has necessitated one or a combination of changes in statutory provisions, such as increases in the rates of existing city taxes, the adoption of new city taxes, revisions in state aid formulas, or simply temporary borrowing and raids on reserves.

"Each such action involves the expenditure of political bargaining power and, in the case of city tax increases, the using up of another slice of limited tax-paying capacity, thus making the resolution of the following year's budgetary problem that much harder."

NO REWARDS SET UP

Dr. Fitch and almost a score of the authors of the book discussed it yesterday at a news conference at the institute, 55 West 44th Street, and stressed there were a number of common threads that ran through the studies.

One was that there was not a step-up in productivity in virtually any area of city government, matching the extent of pay increase being given, either by law or by negotiated contract.

It was emphasized that "the system" was to blame for this, rather than the workers or the unions.

Another was that many of the problems confronting the city also afflict other large cities and, as Dr. Fitch, a former City Administrator put it, New York City's government "is certainly no worse, and is probably somewhat better, than the governments of other large cities."

Among the proposals set forth in the volume is one by David B. Bertz, senior partner in McKinsey & Co., management consultants, and Adam Walinsky, Democratic candidate for Attorney General in this year's election, calling for a new reorganization of city departments.

They proposed that, rather than keeping the number of superagencies at 10, which was set by Mayor Lindsay in a first-term reduction of agencies reporting to him, that the number be slashed to four, each headed by a deputy mayor.

Another of their proposals, intended to effect decentralization of services, would set up community organization, possibly conforming to present City Council districts, to handle planning, policy-making, and even administration. . . .

MAYOR AND GOVERNOR SEEK U.S. FUNDS TO AVERT CRISES—LINDSAY CITES "CRUNCH"

(By Martin Tolchin)

Mayor Lindsay called yesterday upon the Federal Government to provide "emergency relief" to ease the budget crisis that he said afflicted many of the nation's largest cities.

As the Mayor described the affliction, it looked like an epidemic, although he did not use that word. He characterized as "vital" a "minimum agenda" that included massive Federal revenue sharing and reconsideration of federally imposed wage and price controls.

"Not since the Depression have the goals of states and localities been so readily summed up in one word: Survival," Mr. Lindsay told a luncheon meeting of the Committees for Economic Development at the Waldorf-Astoria Hotel.

"Trapped between rising expenditures and shortfalling revenues, governments from coast to coast face the unique possibility of bankruptcy," the Mayor said. "Not a bankruptcy of credit, but of capacity."

Mr. Lindsay recited a litany of woes endured by other major cities whose troubles, he said, had far surpassed New York's. Mr. Lindsay directed the layoff of 500 provisional civil servants last Tuesday and cut $15-million from city programs, stopped merit increases, tightened productivity controls and threatened new taxes to help close a projected $200-million to $300-million budget gap.

"Yet, with all our difficulties, New York City has had relatively less trouble than most," the Mayor said.

He warned, however, that "this is not the end" and added: "I frankly do not know the extent to which the quality of urban life will be damaged by these necessary measures."

The Mayor said that other major cities that had been caught in a budget squeeze included the following:

Detroit, which has laid off "hundreds of public employees pending the passage of a new utilities tax."

Cleveland, where Mayor Carl Stokes laid off 3,200 of the city's 13,000 employes, closed the police academy, dismissed the current class of cadets, and stopped tearing down condemned buildings because "it lacks the money even to destroy, let alone to build."

Washington, where Mayor Walter Washington has laid off 1,000 employes, stopped financing 1.5 million textbooks, and eliminated 2,400 slots in the prekindergarten program.

Newark, where Mayor Kenneth S. Gibson has announced that the public schools simply may not reopen after the Christmas holidays.

Pittsburgh, where Mayor Peter Flaherty has warned of the possible closing of City Hall for two weeks at the end of the year to save $2-million. The alternative is to persuade city employes to take one payless day a week, for ten weeks.

"The crunch has come for millions of Americans in the private sector," Mr. Lindsay said. "This fall, it has come in the public sector."

The Mayor said that, in the past, the cities could increase their services each year because of increased revenues from "sustained economic growth, imaginative new tax policies and outside help."

This situation prevailed until 1970, Mr. Lindsay said.

"In 1970, survival is the issue because there is no real growth in the economy—there are few new taxes to levy—and Federal and state aid is levelling off as economic conditions take their terrible toll on all governments," he asserted.

"And survival is also the issue, because inflation has transformed rising costs into runaway costs, while unemployment swells welfare rolls."

Mr. Lindsay said that budget cutting was "severely limited by law."

"Welfare, debt service and pension benefits—three items the city legally cannot control—and municipal salaries account for 82 per cent of our expense budget," the Mayor said. "As in business, when the crunch comes, the only immediate way to save money is to fire people."

Although Mr. Lindsay disclaimed any control over pensions, the Lindsay administration has been generous in negotiating pensions with municipal unions. For example, policemen now retire on half pay after 20 years, instead of 25 years, as a result of a contract negotiated by the Lindsay administration.

The total amount of city pensions has increased since from $342-million to $518-million. This has been attributed partly to salary increase on which pensions are based and partly to increases in pension rights and the rate paid by the city.

"If we cannot move forward in the cities, we will move backward in America," Mr. Lindsay said. "If we fail now the costs will far outweigh today's financial deficits. They will be measured in despair, in hatred, in bitterness and in strife."

MAYOR AND GOVERNOR SEEK U.S. FUNDS TO AVERT CRISES—STATE LOOKS TO CONGRESS

(By William E. Farrell)

ALBANY, NOVEMBER 19—Governor Rockefeller, in a grim assessment of the state's fiscal condition, said today that the members of the Democratic-controlled New York Congressional delegation were "the only ones who have the capacity to take the kind of action on a scale that will save New York City and New York State from destruction."

In a brief interview aboard his plane as he headed here from New York to meet with the State Board of Regents, Mr. Rockefeller used the strongest language he has so far to describe what he sees as a compelling need for large doses of Federal funds to carry on state services.

"I can't tell you how serious I think the situation is," Mr. Rockefeller said, frequently punctuating his comments with finger jabs. "We're talking about the survival of a viable state and city structure and that's going to depend on effective action now in Congress."

That, he said, was the gist of the message he will deliver to the New York Congressional delegation, the largest in Congress—41 Representatives and two Senators—when he meets with its members in Washington on Monday evening. At present the House of Representatives has 26 Democrats and 15 Republicans. Next year the breakdown will be 24 Democrats and 17 Republicans.

Originally the meeting was scheduled to be held on Monday morning at the St. Regis Hotel in New York City. However, it was changed to 6 P.M. at the Madison Hotel in Washington because the "lame duck" session of Congress is expected to be voting on legislation that day.

Over the last few years, Mr. Rockefeller has repeatedly cautioned that the state, if it were to continue to attract and retain business and industry necessary for a healthy economy, was nearing the limits of its taxing powers.

"I was trying to warn people about what was coming," he said. "Now it's here. The crisis is here."

Since his election to a fourth term, the Governor has intensified his demands that the Federal Government funnel back to the state more of the money it takes from it in taxes.

And the demands are expected to increase still more as Mr. Rockefeller and his staff, faced with a very strong possibility of having to increase state taxes, formulate a legislative program and a state budget that must be submitted to the Legislature in late January and early February.

The present state budget is about $7.2-billion. Sources here report that the budget for the 1971–72 fiscal year, beginning April 1, will be about $8-billion.

GETS $2.5-BILLION BACK

Only yesterday, after a two-hour meeting with President Nixon, the Governor told Washington newsmen that New York needed an increase of $500-million to $1-billion in Federal aid just "to hold the line at present levels of activity."

The state, he said, presently sends $23.5-billion in taxes to Washington while receiving only $2.5-billion in return.

It is considered unlikely that Congress, faced with Federal budget imbalances this year, will do much to aid hard-pressed statehouses.

Asked about this today, Mr. Rockefeller said:

"I can't accept what you're saying.

"Those Congressmen are our representatives and they're where the money is. If they haven't got the money, they've got to get the money. There isn't any other chance. New York State can't produce the money without destroying New York City or the state.

"I'm not going to be presumptuous and tell Congress how to do it," the Governor said.

Then with a tinge of bitterness he added: "They are voting on these big pork barrel deals for states in the South and the West, dredging operations and so forth—well, we've got a survival problem here. We're right up against the wall."

The Governor's grim mood apparently carried over to his meeting with the Regents, who are requesting $2.7-billion for state education—an increase of $323-million over present financing.

After the two-hour meeting at the State Capitol, Chancellor Joseph W. McGovern told

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newsmen that the Regents had received "no encouragement" about proposed increases in education spending.

The Governor "was trying to tell us that the state dollar is going to be very much in short supply," Mr. McGovern said.

THE CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, N.Y., September 19, 1970.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Between October 12 and 24 of this year, the United Nations will celebrate its 25th Anniversary. New York City is proud to serve as host city to the United Nations, and we look forward to this important national and international event.

The anniversary celebration will bring to New York City numerous heads of State from across the world. This poses a serious problem of security for the City and for the federal government.

After detailed analysis, the New York City Police Department has advised me that it expects to commit more than 3,500 police man-days to security for this event, at a cost to the City government of almost $4 million. Should any special situations arise, these costs will, of course, be exceeded.

Providing adequate security for this major world event should be a responsibility of our national government. I know that the Congress has approved your request for $1.6 million for federal expenditures for security at the anniversary. Even with these additional funds, federal officials have advised our police that only several hundred federal agents will be assigned. Since the federal government does not have sufficient personnel to provide all necessary manpower, I believe that the federal government should compensate the City for the cost of safeguarding this event. I therefore urge you to either submit an additional request to the Congress to compensate the City government or to provide these monies from Executive contingency funds.

The federal government has increasingly recognized its obligation to local governments in such instances. The new Executive Protective Service, established by Congress earlier this year, is a step in the right direction but the present manpower level cannot handle this significant event. The Justice Department has granted $100,000 of federal crime control funds to the San Clemente, California Police Department because of the problems created by the location of the Western White House.

New York City hosts close to 200 embassies and consulates at a cost to the City of $1 million a year for police protection without any federal reimbursement. In 1960, in addition to these ongoing costs, the City spent some $3 million for security at the 15th Anniversary of the United Nations. The federal government failed to reimburse those expenses.

We are prepared this year to take every necessary step to safeguard this important event. But we think it only fair that the taxpayers of our City not be forced to single-handedly bear the expense of this national and international event.

We would be pleased to provide additional information that you may require.

Sincerely,

JOHN V. LINDSAY, *Mayor.*

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., September 23, 1970.

Mr. ABRAHAM D. BEAME,
Comptroller, The City of New York Municipal Building, New York, N.Y.

DEAR MR. BEAME: This is in further reply to your letter of July 23 to the President in which you request that the City of New York be reimbursed for the costs of police protection and the loss of real estate taxes resulting from the presence of the United Nations and official representatives of foreign governments.

Based on long-standing reciprocal arrangements among sovereign nations, it is the policy of the United States Government that official representatives of foreign governments in United States municipalities be provided police protection and be exempt from real estate taxes. The Federal government does not reimburse municipalities for these benefits accorded foreign governments. It is generally understood that municipalities gain major advantage from the presence of official foreign representatives.

New York City in particular benefits from its hostship of the United Nations headquarters and official foreign representatives. As often observed, the presence of the United Nations has made New York City the "capital of the world." This prestige has not remained altogether intangible.

Over the years, a substantial amount of money has flowed into the economy of New York City as a direct result of the presence of the United Nations. Approximately 5,000 persons are employed in New York City by the various United Nations bodies, with an annual payroll in excess of $60 million. Additional major sums are spent in the City by these bodies for rent, supplies, utilities, transportation, etc. Added to the direct expenditures of the United Nations bodies and its staff members are those of the foreign missions to the United Nations and the over 5,000 employees and dependents associated with them. Furthermore, over 100 conferences, many lasting for extended periods of time, are held at the United Nations headquarters each year, drawing additional representatives from all over the world.

Financial gain to the City also results from the expenditures of those attracted to the United Nations on a non-official basis. For example, the presence of journalists covering United Nations and related activities, many on permanent assignment, is a source of profit for the City. Over 150 non-governmental organizations maintain permanent representatives in the City, and send many more on a temporary basis, for business with United Nations bodies. Furthermore, over the past five years, in excess of one million tourists have visited the United Nations headquarters annually, indicating that it is a major attraction drawing tourists to New York City.

Moreover, property values in the vicinity of the United Nations headquarters district have risen significantly due to the presence of the United Nations. This has produced increased revenue for the City, although it would be impossible to calculate the amount with precision.

These facts indicate that the economic benefits—and indirectly the tax revenues—resulting from the presence of the United Nations and official representatives of foreign governments in New York are substantial. A study published by the Brookings Institution has concluded that, while it is difficult to make completely accurate calculations, the City probably breaks even in terms of receipts and expenditures.

Over the years, New York City has recognized the benefits arising from its hostship of the United Nations. Indeed, the City urgently sought the United Nations headquarters and the considerable economic and prestigeous benefits that were expected to flow from it. The City's continued interest in assuring the accrual of these benefits is demonstrated by its plans to make available the land and a $20 million contribution toward an expansion of the present headquarters facilities.

Not directly related to the United Nations presence, an additional important element of official foreign representation in the City is the consular corps, the largest in any American municipality. This provides businessmen and the general public of the City with ready access to their valuable services, enhancing considerably New York's role as the major trading and transportation center of the United States.

In view of the points cited above, I find no basis for including in the 1972 Federal budget a request for a reimbursement to the City of New York as proposed in your letter.

Sincerely,

JASPER W. WEINBERGER,
Acting Director.

THE CITY OF NEW YORK,
OFFICE OF THE MAYOR,
October 29, 1970.

Mr. BENJAMIN S. ROSENTHAL,
Eighth District, New York,
Cannon, Building,
Washington, D.C.

DEAR MR. ROSENTHAL: I appreciate your sending me a draft of the bill you have prepared to seek reimbursement for expenses related to the Twenty-Fifth General Assembly Session of the United Nations. I agree that an effort should be made in this area and would be most pleased to support the introduction of your bill in January.

In addition, considering the current budget crisis facing the City, your amendment relating to the United Nations expansion bill would be most helpful to the City.

Again, whatever we can do to assist you on this endeavor, please let us know.

Sincerely,

JOHN V. LINDSAY, *Mayor.*

CITY OF NEW YORK,
OFFICE OF THE COMPTROLLER,
New York., N.Y., September 25, 1970.

Mr. CASPER W. WEINBERGER,
Acting Director, Office of Management and Budget, Executive Office of the President,
Washington, D.C.

DEAR MR. WEINBERGER: The Federal Government's refusal to reimburse New York City for U.N.-related expenses is unfair to nearly eight million taxpayers.

When, on behalf of the City, I asked the President in July for such reimbursement, I noted that New York City residents were being forced to pay $7.3 million a year for extraordinary police expenditures and losses in real estate taxes.

The $7.3 million is, in all justice, a national obligation.

The Federal Government claims, through your September 23rd letter to me, that the presence of the U.N. benefits the City economically. This claim misses the point.

If we were to accept that reasoning, the City would have to stop taxing all of the other tourist attractions, on grounds that they bring millions of Americans and foreigners every year into the City, and thus, benefit the City economically.

I'm sure you will agree that it would be far-fetched to suggest that Rockefeller Center, the Empire State Building, our entertainment centers, etc., should be given special treatment because they happen to be tourist attractions.

Again, using the same reasoning, are you not in effect saying that the cost of services to embassies in the District of Columbia should be borne only by the residents of Washington, D.C.?

So far as tourism is concerned, I am sure that most people visit the U.N. as an incidental side trip when they come to New York. For most people, the U.N. is not their main reason for visiting New York.

I cannot agree with your observation that the presence of the U.N. has made New York City the "capital of the world". New York City was the "capital of the world" long before the League of Nations was in Geneva and much longer before the U.N. was at Lake Success. In fact, the U.N. setled here in the New York City precisely because it *was* (and still *is*) the capital of the world.

Nevertheless, the real host to the U.N. is not the City of New York, but the Federal Government. Therefore, the Federal Government should assume the responsibility of protecting foreign dignitaries and reimbursing the City for real estate tax losses.

We want the U.N. here; it belongs here in the capital of the world. The City spent many millions of dollars of public funds preparing the U.N. site, and we are committing additional millions towards its expansion. This we consider an adequate contribution. Anything beyond this is unjust.

I ask you to reconsider this matter.

Very truly yours,

ABRAHAM D. BEAME,
Comptroller.

Mr. FASCELL. Mr. Chairman, I rise in support of House Joint Resolution 1146.

At the start, I would like to commend my distinguished colleague from New Jersey and subcommittee chairman (Mr. GALLAGHER) for the outstanding work which he has done during the past year in directing our subcommittee's study of the United Nations, in bringing out an excellent report on the 25th anniversary of that organization, and in managing the legislation presently before us.

As a former chairman of the Subcommittee on International Organizations and Movements, and former U.S. delegate to the United Nations, I can fully appreciate the reasons which move him to urge early approval of this measure.

I would like to join with him in making that recommendation to the House. For I believe that the need for expanding the headquarters of the United Nations in New York City—which project cannot really move ahead without U.S. participation and support—is most urgent.

It is urgent because the U.N. long ago outlived its present facilities and unless that situation is remedied, developments are likely to occur which may prove expensive both to the Organization and to the United States as one of its most prominent and active members.

When originally designed in the late forties, the present Secretariat office building was meant to accommodate a staff to service a membership of up to 70 nations. As of this year U.N. membership totals 127 countries. In just 20 years the staff servicing U.N. Headquarters has grown from 2,900 persons—in 1950—to about 4,900 today. Since 1965, outside office space has been rented to accommodate the overflow. Rental fees now run to $2 million annually and are rising. The original architects of the building have prepared a plan, which the U.N. General Assembly has approved, to expand present facilities at a cost of $80 million. But work cannot begin unless this body approves the grant requested by the President in his budget for fiscal year 1971.

There are compelling reasons for doing so. The only alternative to expansion is dispersion to other countries. Two major U.N. units have already relocated to Europe. It has been argued—and correctly—that a world organization should be globally distributed. But dispersal becomes counterproductive at the point where the vital central functions of planning, coordination, and control are eroded by the distances involved. Excessive dispersal results in higher costs to maintain a scattered organization operating at a lower level of efficiency. The United States, as a major contributor, would in effect be paying more and buying less. And the higher costs to us would, within a few years, exceed the amount we are now being asked to approve.

The balance-of-payments effect must also be considered. Right now a large part of the U.S. contribution is returned directly to the U.S. economy through local U.N. procurement and personal consumption expenditures of U.N. personnel. These purchases would become dollar outflows if the organization were allowed to disperse further. Furthermore, as the host country, we exert an extra measure of beneficient influence on the U.N. whose members live among us and have daily contact with Americans at every level. By and large this influence has aided us in our diplomatic endeavors.

In closing let me note that the Government of Austria is paying the entire cost of the accommodations for those U.N. bodies located in Vienna. Host governments traditionally contribute substantial portions of the costs of the accommodations of international organizations within their borders. We are only being asked to furnish a part of the cost of expansion. The city of New York has generously pledged a matching contribution of $20 million over and above the land needed for the expansion which has been made available by the city at no cost. The remaining $40 million will come out of the regular U.N. budget and from donations of U.N. agencies. Although the United States will pay between 30 and 40 percent of the contributions from these sources, it would pay no less if the $80 million expansion took place elsewhere. Finally, I urge my colleagues to support this measure both as a tribute to the 25 years of progress for mankind already achieved by the United Nations and as an indication of our continuing interest in the Organization. The Senate has already approved of this legislation; we can do no less.

Mr. SCHERLE. Mr. Speaker, perhaps taking advantage of the seasonal spirit of giving, Congress is being asked to spend $35 million to expand and improve the United Nations building in New York City. Uncle Sam will be dunned for $20 million in direct payments for the capital improvement of the modern-day "Tower of Babel," and an additional $15 million will come from this country's "contribution" to the U.N.

As an inducement to finance the world's largest and most expensive wind tunnel, Congress has been assured that the city of New York will kick in $20 million. Of course, there is no iron-clad guarantee that New York will be able to raise that amount in cold cash. Under the red-ink knight of the Hudson, Mayor John V. Lindsay, the city will have a $500 million deficit this year. For the next fiscal year, knowledgeable experts are already predicting a $1.2 billion debit. It is ludicrous to expect Fun City to scrape up $20 million for the U.N. project. One does not have to look farther than Washington, D.C., to guess who will make up the difference.

If the House approves this proposal, the taxpayers should be prepared to play Santa in one way or another for the lions share of the $80 million tab. As a result, many worthwhile domestic programs will be curtailed because adequate funds to finance them will not be available.

I am opposed to this bill.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred and nine Members are present, a quorum.

The Chair recognizes the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I have no further requests for time.

Mr. GALLAGHER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.J. RES. 1146

Whereas the Congress authorized the United States to join with other governments in the founding of the United Nations;

Whereas the Congress unanimously, in H. Con. Res. 75 (Seventy-ninth Congress), invited the United Nations to establish its headquarters in the United States, which invitation was accepted by the United Nations;

Whereas the United States has continued to serve as host to the United Nations;

Whereas the membership of the United Nations has increased substantially and the organization has outgrown its existing facilities;

Whereas the General Assembly of the United Nations in December 1969 authorized the construction, subject to suitable financing arrangements, of an additional headquarters building south of and adjacent to the present headquarters site on land to be made available without charge by the city of New York;

Whereas the total financial burden of expanding its headquarters in New York would severely strain the resources of the United Nations;

Whereas a special contribution by the United States as the host government would constitute a positive act of reaffirmation of the faith of the American people in the future of the United Nations: Be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the Secretary of State out of any money in the Treasury not otherwise appropriated, a sum not to exceed $20,000,000, to remain available until expended, for a grant to be made at the discretion of the Secretary of State, to the United Nations to defray a portion of the cost of expansion and improvement of its headquarters in the city of New York on such terms and conditions as the Secretary of State may determine. Such grant shall not be considered a contribution to the United Nations for purpose of any other applicable law limiting contributions.

AMENDMENT OFFERED BY MR. ROSENTHAL IN THE NATURE OF A SUBSTITUTE

Mr. ROSENTHAL. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. ROSENTHAL: Strike out all after resolving clause and insert in lieu thereof the following:

"That there is hereby authorized to be appropriated to the Secretary of State out of

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any money in the Treasury not otherwise appropriated a sum not to exceed $40,000,000 to remain available until expended, for an interest-free loan to be made at the discretion of the Secretary of State to the United Nations to defray a portion of the cost of the expansion and improvement of its headquarters in the City of New York on such terms and conditions as the Secretary of State may determine. Such loan shall not be considered a contribution to the United Nations for purpose of any other applicable law limiting contributions."

Mr. ROSENTHAL. Mr. Chairman, this amendment is self-explanatory, and I think will help solve a difficult situation. What it would do would loan, not grant, but loan, to the U.N., interest free, $40 million.

This takes the city of New York off of the hook for what I consider an outrageous gunshot deal, and permits us to get repayment of the principal of the loan.

Now, this would work out just fine because when the United Nations came into being the United States loaned the United Nations for original construction $65 million. The U.N. has just this year repaid $40 million of that $65 million that is outstanding. So what we can do is loan them the $40 million, interest free, and this releases the responsibility and obligation of the city of New York, and permits those who vote for it, to vote for the loan, rather than a grant.

One thing that I forgot to say during my original presentation is that not only will the city of New York need to arrange to pay $20 million now, but when the U.N. building was built in the first place the city of New York spent over $20 million in highway access roads, sewer connections, and such things as that. And while there has been, as the gentleman from New Jersey (Mr. GALLAGHER) has suggested, a net financial gain, circumstances have changed so drastically in the city that there simply is not money to meet the payroll.

The time has come for the U.S. Congress, this House, this body, to say "Look, we recognize the plight of the cities. The Federal Government does have resources that the cities do not have, and simply because the circumstances have changed in the past 3 years we should not hold the feet of the city to the fire."

This amendment, if it is adopted, I think is a very reasonable approach. It saves the city of New York the problem of appropriating $20 million, and permits the Federal Government not to appropriate or grant $20 million, but, rather to loan the money. The intentions of the U.N. have been proven in this area, because they have just, as I have said, repaid a loan of $40 million.

Mr. Chairman, I urge adoption of the amendment.

Mr. KOCH. Mr. Chairman, I move to strike the last word, and I rise in support of Mr. ROSENTHAL's position and of his amendment.

Mr. Chairman, this is a difficult vote for many people, because there is a strange alliance on the floor today. There are a number of Members who do not support the United Nations who will vote against the bill, and then there are those of us who support the U.N. who are also going to vote against the bill. I happen to be the Member who represents the very area in which the U.N. is physically located. I have always supported the U.N.; I support it now and I want it to remain in New York City. I am certain that, no matter how this bill is voted, up or down, the U.N. is going to stay in the city of New York. I would like to explain why I, a supporter of the U.N. am here speaking against this bill, and why other Members of the New York City delegation feel the same way.

We are going to vote against this bill because the city of New York simply does not have the $20 million which would be its share under the arrangement provided for in this legislation. If New York City is required to pay this $20 million, vital municipal services will be reduced. One of the gentlemen supporting the bill said he really does not care about the financial plight of the city of New York and that it is not the concern of this House. But, that is simply not true. It is your problem as well as that of those who represent that city. When the city of New York finds itself so strapped for moneys that it has to fire 500 people because the city cannot pay their wages, when the city of New York finds it cannot provide municipal services, including such essentials as libraries and when it cannot pay increases to firefighters and policemen because it simply does not have the funds, then it is your problem too because the city of New York happens to be one of the great cities of this country. It is your city just as much as it is mine.

What we are saying is that if you vote down this bill there will be another bill early next year, and it will provide the moneys required without bleeding New York City. We already have heard on the floor today that the Committee on Appropriations is not going to provide the money this year even if the bill is passed today.

The city of New York is doing its fair share in this expansion. It is giving $12 million to the United Nations by way of a land contribution. It already provides special police protection for visiting U.N. dignitaries and for the consulates that costs about $2 million a year. The city of New York makes a contribution when real estate is taken off the tax rolls, and real estate taxes are lost to the city of New York to the extent of at least $5 million a year. It simply is not our obligation to pay for a United Nations building. This is the obligation of the Federal Government—and I would like to repeat that I say this as one who supports the United Nations.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the distinguished chairman of the committee, the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Chairman, I cannot understand why the Members of the Congress from New York are so excited about this bill. This has been before the New York City Council twice. They approved it. The mayor approved it. The board of estimate approved it twice. Now the board of estimate really should know something about the financial condition of the city. We hear all about this financial condition of New York City from the Members of Congress from the city of New York even though their city council, the mayor, and the board of estimate have approved this $20 million contribution on two occasions.

Mr. CAREY. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to my colleague, the gentleman from New York.

Mr. CAREY. Mr. Chairman, I respectfully wish to disagree with our distinguished colleague, the chairman of the committee.

It is true that these various bodies voted in approval of the contract which was given to them on the shotgun basis—that they either took this contract or they did not get a new building.

We want to support the United Nations, but we must be practical. It is not the same board of estimate today and it is not the same city council, and certainly it is not the same fiscal situation today.

The same body that you mentioned, the city council is notifying the librarian to close down libraries. The Brooklyn Museum will not open next year because they have no money to finance their day-to-day activities.

We are in extremely bad shape in New York City and we could not write this contract today.

If New York City were the Federal Government and we operated in the same way, we would be subject in those bodies to a point of order because the board of estimate and the city council would be authorizing and appropriating funds that do not exist in New York City.

It would have to come to the Congress and woefully say—We cannot live up to this agreement because we do not have the money.

That is the situation. Keep in mind my colleagues, if you will, that we do not get impacted area funds for the children of the United Nations representatives. We do not get any Federal payment in kind for any of the day-to-day activities of the U.N. We foot the bill for all of this.

When it comes down to building a structure—a structure across the New York skyline where people all over the world and all over the United States and our colleagues in this Chamber will come one day and say—We built that building—I do not think it is fair when we will have built that building by taxing the 1 million people who are on welfare and the 7 million New Yorkers who are already being taxed right to the very top of their heads. They do not have this last pound of flesh in New York City to meet an international obligation. This is not the way to fund this building and this is no way to treat New York City.

Mr. GALLAGHER. Mr. Chairman, I rise in opposition to the amendment.

The fact of the matter is that, despite what my distinguished colleague from New York has said, the city of New York does not want to withdraw from this agreement. They have affirmed and ratified the agreement. They have put some of the money into this budget. They like what the U.N. brings to New York City. A great number of jobs would be lost if the U.N. facilities were closed down there.

New York benefits probably to the tune of $230 million each year. The city of New York recognizes this. As I said before, Vienna and Geneva wanted these U.N. facilities. So New York became competitive, knowing what the tremendous possibilities would be.

The gentleman from New York has referred to the internal situation in the city of New York. The city undoubtedly has problems. But we have to go on the fact that the city of New York has pledged to the United Nations that it would participate in the expansion project to the extent of $20 million. We have to presume they knew what they were doing.

What would happen if we should adopt the amendment? It would simply mean that the U.S. contribution would have to double. The U.S. Congress is not going to welcome that. If this agreement fails, then next year the executive branch will be back here asking the Congress of the United States to double its contribution. I doubt very much whether we would do that.

As I said at the outset, the fact is that despite what we have heard about New York, the city of New York, the duly elected officials of that city want to participate in this agreement, and well they should, with all the benefits that come to the city.

Mr. CAREY. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from New York.

Mr. CAREY. My colleague, I hope, would also recognize the congressional delegation from New York as being duly representative of the people of New York.

Mr. GALLAGHER. Yes; they do at this level, and I understand why they are participating in this debate today.

Mr. CAREY. My colleague, as a great student and philosopher, also recognizes that circumstances change, and when circumstances are gripping, as they are now in financial areas, then the Congress should be a little more generous to the largest taxpaying body we have in the United States.

Mr. GALLAGHER. And the largest recipient of tax revenues.

Mr. CAREY. Right. Let me merely state that when the Penn Central got into trouble, and the good commuters from New York, Pennsylvania, Connecticut, and Delaware sent for help from Congress, we did not tell the Penn Central, "You can sink or swim," but we worked out a plan with them.

Mr. GALLAGHER. I say to the gentleman that this is not a New York problem that we are discussing here. The city of New York wanted to participate in financing the expansion of the U.N. headquarters. What we are discussing here today is whether or not the Congress of the United States wants to contribute $20 million to that project—not $40 million.

You gentlemen from New York are doing an outstanding job, but we must remember that the elected officials of the city of New York, the duly elected officials who are entrusted with the responsibility for managing the affairs of the city, have said that they want this.

The issue here today is simply whether or not the Congress is going to authorize $20 million, not the $40 million that the Members from New York want.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding. I did not intend to get into this debate, because I have great respect for some of my colleagues from New York City who disagree with me. But I feel constrained to say at this point, when reference is made to a delegation position, that I disagree on this matter. I am opposed to the amendment, and I am opposed to the amendment because I feel very deeply that if this amendment were to prevail, the bill would be defeated. I am very much in favor of the bill. I disagree with my colleagues from New York who are opposed to the bill, because I think at the very best if this bill is defeated we will have a long delay in obtaining a desperately needed improvement for the United Nations, and at worst, I am very much afraid that with the kind of opposition that is growing in this House to the United Nations itself, we may never get this improvement. And then the U.N. might leave New York and that would be a tragedy. I thank the gentleman for yielding.

Mr. GALLAGHER. I thank the gentleman for his wise statement.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from New York.

Mr. ROSENTHAL. Naturally I have great respect for my colleague from New York (Mr. BINGHAM) who was at one time Ambassador to the United Nations, and I am sure he has emotional ties to that international organization.

I would also like to ask the gentleman from New Jersey whether any New York City official appeared before the committee to testify as to present position of the city of New York.

Mr. GALLAGHER. No; those arrangements were worked out between the city of New York and the United Nations. We can only take the work of the people who participated. We did have everybody up here saying what the New York position was. We double checked with New York. As far as I know, that is still their position.

I compliment the gentleman for what he is attempting to do, but the issue here today is whether or not the Congress wants to authorize $20 million for a U.S. Government contribution to the expansion of U.N. Headquarters. That is all.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, I do not think we really need to belabor the point. The gentleman from New York (Mr. KOCH), has said this was a difficult vote for many people here today. I would suggest it is about as easy a vote as we could ever expect to cast. If we are friends of the United Nations, or if we are foes of the United Nations, it seems to me we should oppose this proposal.

If we are friends of the United Nations, it jeopardizes the package which has been put together. A $40 million interest-free loan from the U.S. Government is quite different from the grant which is proposed in the package. If we are foes of the United Nations, why should we provide additional money? I would suppose I do not have to suggest arguments to opponents of the U.N. with respect to an amendment which increases the Federal contribution.

I represent a district which is neighboring the great city of New York. I have sympathy for their financial condition, but all I can say is that the mayor of the city of New York, so far as I know, is presently strongly in favor of this proposition. My guess is that the city of New York has enough commonsense to know that basically the United Nations as it is presently constituted represents a good thing for the city. This additional proposed facility insures the continuing presence of a substantial number of individuals employed by the United Nations—with all that means to the city.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from New York (Mr. REID).

Mr. REID of New York. Mr. Chairman, I thank the distinguished gentleman from New Jersey for yielding.

Mr. Chairman, I would point out that I have checked recently with the mayor of New York, John Lindsay. He feels that the bill in its present form is one that should be supported.

If he were on the floor here tonight, I believe he would oppose this amendment.

It is further the case that the board of estimate has approved this, and while New York City has some financial difficulties, I do not think this whole question should be tied to the future of the U.N. I say the future of the U.N. in all seriousness, because although some Members here may not be aware of it, there have been efforts from time to time to move the United Nations from New York. There has been very real concern expressed from time to time over whether the U.N. should stay in the United States.

As a practical matter, the Secretary of State, Mr. Rogers, asked the Congress to act on this question last February. This is another instance of the Congress and the United States being somewhat slow to act in a matter that is vital to the future of the U.N.

I would say to those here tonight who are disposed to support the amendment here before us—which I oppose—I am sure the gentlemen are sincere in trying to get a better allocation for New York City, but what, in fact, they are doing is risking the future of the U.N. in the United States. If there is a delay on this action beyond what we have had, there is a danger that the United Nations at some point could leave these United States.

I think on its merits and on the basis of the position of the mayor and the position of the U.S. Government, we should defeat this amendment and support the bill.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from New York for his eloquent comments.

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I should like to say that so far as I know, no one is holding the feet of New York City to the fire. Reference has been made to shotguns and pressure in reaching this arrangement. I do not know who has that kind of power over the city government. Surely it is not being suggested that the Federal Government is responsible for some kind of pressure on the city to provide funds it is not willing to provide?

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I would ask the gentleman from New Jersey (Mr. Frelinghuysen), Is not this as a practical matter really academic, because if the bill goes through, we will still have the mayor of New York coming down here to the Congress and asking us to provide revenue for his city to meet its obligations, whether these includes an additional $20 million for U.N. expansion? In other words, either way the funds will be sought from the Federal Government. So whether this amendment passes or is rejected is a strictly academic question.

Mr. FRELINGHUYSEN. The mayor of New York is an able mayor, and I am sure he will articulate the city's needs if he wants help from the Federal Government. I do not think we should attempt to put ourselves in the position of the mayor, and try to foretell his actions or try to challenge what they have decided.

In other words, I think we should proceed forthwith to defeat this amendment and approve the bill.

Mr. CAREY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to say I do see one glimmer of hope and one ray of sunshine and the predicament of the people of the city of New York. In attempting to undertake from local tax sources the responsibility of an obligation by the city of New York to underwrite an obligation of the United Nations. We would set a regrettable precedent.

That is the question before us: Shall the taxpayers of the city of New York only through the support of local revenues and the availability of local revenues underwite an international obligation of the United States of America?

It is an extremely bad precedent, Mr. Chairman.

As to the ray of hope I mentioned I just say perhaps the way we can shift some of that burden off the greatly burdened New Yorkers is that I detect now in the sponsorship of my colleague from New Jersey, who is from the adjoining district in New Jersey close alongside of New York, and my colleague from Westchester County, again outside the city of New York but in commuting distance, and my colleague from Bayonne, also across the river but also in commuting distance, some new degree of generosity. Since more than half of those who work at the United Nations live outside of the city of New York, and work in the city, perhaps we can help to finance some of the obligation of the city by raising the commuter tax for those who now come into New York from these suburbs. If my generous suburban colleagues will sponsor that, I will go along with them.

Mr. LOWENSTEIN. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I should like to address a question to either of my distinguished colleagues who have spoken for this amendment.

I am deeply sympathetic to the plight of the city of New York. I am curious about whether passing this amendment would not subject the United Nations to an enormous additional financial burden at a time when it is already beleaguered by great financial problems. Thus a squabble between the U.S. Government and the city of New York about to who should pay what share of these costs would end up further weakening the United Nations.

We agree that maintaining the United Nations, for all its infirmities, is a necessity at this juncture of history, and if we change grants to loans, would we not be putting a great additional financial burden on the U.N. at precisely the wrong moment?

Mr. ROSENTHAL. Mr. Chairman, if the gentleman will yield, this would be an interest-free loan, with terms and conditions to be fixed by the Secretary of State. If he wanted to make it 50 years, 40 years or 30 years, that would be perfectly within his prerogative.

Under those conditions it would not be an unconscionable burden. It is an unconscionable burden on the city of New York to match the Federal expenditure in the foreign affairs field, in cash, in addition to putting $12 million in real estate into this thing.

The question is, simply put: Should a burdened municipality finance a foreign affairs responsibility of the National Government? That is the simple question.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. Rosenthal).

The amendment was rejected.

AMENDMENT OFFERED BY MR. ROSENTHAL

Mr. ROSENTHAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rosenthal: Page 2, line 11, immediately before the period insert the following: "; except that no such term or condition shall require a cash contribution by any municipality as a condition precedent to the making of the grant authorized by this joint resolution".

Mr. ROSENTHAL. Mr. Chairman, this amendment would add the following condition: The Federal Government would still make the $20 million contribution, but any municipality—and particularly the city of New York—would be precluded from making any cash contribution.

At that point the Federal Government would have two options. It would either increase its contribution and come back for additional legislation, or the United Nations would raise the money and adjust the arrangement so that they could get the $20 million elsewhere.

I regret, Mr. Chairman and my distinguished colleagues, that this seems to be developing into a city of New York versus the rest of you discussion here this evening.

I would suggest—and this may sound burdensome, that what happens to Houston and San Francisco and Chicago and Miami and Dallas concerns me.

I have voted on the Foreign Affairs Committee for Interama in Miami, for the exhibit that my distinguished friend from Texas (Mr. Gonzalez) helped sponsor in San Antonio, and as a national Representative I am concerned with the legislation affecting every municipality and every State in this Nation.

Having said that, it is obvious that many of my colleagues' principal responsibility is to their constituents. But I urge you to think about this question of going along, automatically, with the deal made by the State Department 3½ years ago. It is the responsibility of all of us, collectively and jointly, to assess the financial well-being of any city or municipality. And, I tell you that no city in the world has made a cash contribution of this enormity toward any international organization.

Now, if you are willing for the first time to say that a municipality can make a cash contribution to an international organization in the light of an enormous financial crisis, then so be it. Then, you have made the decision.

What I urge upon you is to measure your sense of responsibility. I think it is very interesting that all of those who represent districts surrounding New York, located in New Jersey, Westchester, and places like that, are enthusiastically for this legislation and against the amendment. I say this, that we are a national legislative body. New York City deserves no more special consideration than any other community in the country, but it deserves no less either. It deserves equal treatment. How we can face any of our constitutional responsibility by suggesting a municipality in this Nation will match a Federal responsibility in cash for a foreign affairs responsibility is beyond my ability to understand.

Mr. FRELINGHUYSEN. Mr. Chairman, if the gentleman will yield, I would like to clarify the significance of this amendment.

I wonder if the gentleman would answer this question: Is it his intention to preclude any municipality from making a cash contribution to the United Nations?

Mr. ROSENTHAL. That is right.

Mr. FRELINGHUYSEN. But this language does not preclude making a cash contribution. It says that it is forbidden to make a cash contribution as a condition precedent to the making of a grant authorized by this bill.

Mr. ROSENTHAL. That is absolutely correct. The gentleman is recognized as a strict constructionist, and we have great appreciation of that. What this amendment does is say to the Federal Government that the U.S. House of Representatives suggests a new arrangement be made and the granting of the $20 million Federal contribution should not be conditioned upon the arrangement for the city to make a $20 million contribution.

Mr. FRELINGHUYSEN. But the gentleman's language does not lead one to any such conclusion. It simply says that the city cannot be required as a condition precedent to make a cash contribution in order to get the Federal money.

Mr. ROSENTHAL. That is right.

Mr. FRELINGHUYSEN. But it is making a voluntary contribution. Could it still do so, under the gentleman's language?

Mr. ROSENTHAL. It would open up a new role of negotiations between the city officials, the Department of State and the United Nations in which I would hope this thing could be more equitably adjusted.

Mr. FRELINGHUYSEN. On what basis does the gentleman feel the city would come to any new understanding as to negotiations?

Mr. ROSENTHAL. Because the city has fired 500 people and the mayor of the city of New York can then go to the Secretary of State and say that there is now this prohibition on the part of the House and can we not renegotiate the deal? In other words, I did not make this as strong as I would like to have made it because I hope the House will favorably consider this amendment.

Mr. GALLAGHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. There are just two points which I would like to make:

First of all, the Congress certainly should not attempt to dictate what a city can or cannot do with respect to its budget.

Second, on pages 5 and 6 of the report, we have listed a number of cities that have made various contributions, in cash, land, and rent-free space, to various U.N. agencies. So it is not a novel thing, an unusual thing, for a city to contribute to the U.N. or one of its agencies.

Lastly, regarding what my friend said about my being close to New York City, I might say that the Statue of Liberty is in my district, but the city of New York collects the revenues on it.

Mr. LOWENSTEIN. Mr. Chairman, if the gentleman will yield, I would like to ask about something that troubles me precisely because I share the concern of those who support this amendment. I agree that this financial arrangement is not a fair one. Now suppose we help to defeat it because it places an unfair burden on New York City, and then those who oppose it for other reasons are able to prevent a more equitable measure from getting through Congress. That, you will agree, is a very real possibility. What happens then? At that point there would be no appropriation at all to finance the expansion of the U.N. My question is: Is it the judgment of those who favor this amendment and who, in fact, oppose the bill without this amendment—is it their view that the city of New York, as represented by the mayor, the city council, and the board of estimate, would prefer to have no expansion rather than to have the proposed arrangements as the basis for financing the expansion? This may sound rather hypothetical, but it is in fact the heart of the matter. Would those who speak for the city want no expansion of that is the alternative to expansion as proposed? We had best face this matter frankly now. It will be too late to face it if we prevail on an amendment and then lose the bill.

Mr. ROSENTHAL. If the gentleman will yield, it is my view that the city of New York would prefer the expansion, but would prefer a more equitable arrangement. Maybe those who vote against this amendment do so because of their opinions, but they certainly should not vote against a city being short-changed for voluntarily having gotten into a wrong deal.

Mr. LOWENSTEIN. But if we were to defeat this bill, and then were unable to obtain additional Federal funding, would what we end up with be more desirable to the city of New York than the proposed arrangements? That is, would it be better to have than to split the cost of expansion as proposed?

That is what troubles me.

Mr. ROSENTHAL. I have no doubt there would be other arrangements that would be made.

Mr. GALLAGHER. I think it boils down to the fact that this is what we have to pay in order to do what we should do.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from New York (Mr. ROSENTHAL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. BOW

Mr. BOW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bow: On page 2, line 11, after the period, add the following sentence: "*Provided, however*, none of the funds herein authorized should be appropriated until all delinquent dues and assessments of member nations have been paid in full."

Mr. BOW. Mr. Chairman, there has been a lot of talk here about who can afford to pay for the U.N. building, and who cannot.

May I point out that the U.S. Government now owes $385 billion, and we are paying some $47 billion a year in interest. It seems to me that we have something to worry about.

But this amendment is a very simple one, and I shall not take much time to explain it.

There are $200 million in delinquencies of member nations, in dues and assessments, of member nations of the United Nations—$200 million.

Now, if that $200 million of the other nations was paid up I do not believe they would be in here with their hat in hand asking this Nation, that now owes $385 billion, to be contributing to the building of a new building. I think it is a very simple thing to simply say to the other nations: "You pay up what you owe, and then we will appropriate the $20 million that you are asking for."

What can be fairer than that? Why do we cry great crocodile tears here about the United Nations and their payments and their responsibilities, when other nations are willing to owe $200 million?

It seems to me that this is a good place to adopt this amendment, then I do not care if you adopt the bill.

But until some arrangements are made for payments by the other nations into these funds, it seems to me quite unfair to ask the taxpayers of this country to pay. And the people of New York say how much good can be done with that $40 million to help you in your situation and maybe to get some of your people back to work.

So, Mr. Chairman, I would hope that the committee would adopt this amendment. It is, very simply, to say to these people, "Pay your bills and we will help you."

Mr. GALLAGHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the distinguished gentleman has asked what would be fairer than his amendment.

What his amendment would really do is to allow Albania to decide the future of the United Nations by not paying its dues. It would be as simple as that.

While I have a moment, I would like to say that this dues question does not present the kind of picture that is usually portrayed.

It is true that there is a considerable amount of money owing. But that money is owed primarily as a result of U.N. peacekeeping operations that the United States requested and that the United States pushed through—operations in the Middle East and in the Congo.

The Soviet Union, Albania, France, and several of the satellite countries have refused to pay for those operations.

The real amount of money that is owing to the UN's regular budget is $58 million. That money, or at best most of it, will be paid.

Mr. WATSON. I suggest that they are enjoying it so much over here that if the gentleman's amendment is adopted, they can pay up and we can move along and discharge the supposedly most important missions of the United Nations and that is to keep the peace.

Mr. GALLAGHER. The gentleman wishes to move out.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, the gentleman has used the term "peacekeeping," but he is not using it in the context that I think we normally think of in the United Nations.

This was moving in troops in force into the Congo.

In my opinion—for whatever it is worth—we were on the wrong side there. We insisted upon it. We got stuck with the bill. That is about what it amounted to. I think we made a mistake when we picked one of these leaders as against

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another and we decided that he was the fellow we ought to support and run the other one out of town, you might say.

So this is really a U.S. State Department decision or somebody downtown. It was not really a United Nations decision. The people who did not want to go along with it—did not.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in strong opposition to the amendment.

It seems to me if we should apply the reasoning of this amendment to the obligation of the United Nations, we obviously would bring the United Nations to its knees immediately.

What we are talking about are arrearages, as the gentleman from New Jersey has said, produced primarily for peacekeeping operations, to which some member nations have objected, and for which they have failed to pay. We have never had a resolution of that, and we certainly could not force a resolution of it by language like this. This would simply say that it is no longer in our interest to support the United Nations, and I hope we do not feel that way. The list of delinquent nations is on pages 17 through 19 of the hearings of the committee, and included on the list is the United States as being delinquent. It was delinquent only for a short period, but we are not without sin ourselves in some circumstances.

So I hope we realize that this would be a devastating amendment, because we surely are not going to obligate every nation to pay up, and one nation could force a crippling of our activities.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Bow).

The question was taken; and on a division (demanded by Mr. Bow) there were—ayes 34, noes 61.

So the amendment was rejected.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are a number of Members who were not here earlier this afternoon, and I think that before we vote on this resolution it ought to be made clear that it is to commit U.S. taxpayers to a $34 million contribution for another United Nations building—$20 million in this resolution plus the contributions that the United States makes on a percentage basis to other funds of the United Nations that are committed. Then the taxpayers of the city of New York, which is bankrupt, are committed to another $32 million.

In other words, you are asked to vote to commit the taxpayers of the country, and the taxpayers of the city of New York to a $66 million contribution for a new $80 million U.N. building—a building that will cost, according to the present estimates, $63.13 per square foot as compared to some $30-and-some-cents a square foot for that Babylonian palace otherwise known as the Rayburn Building. That is twice the cost per square foot.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. The gentleman talks about the Babylonian palace. Does the gentleman not have an office in that building?

Mr. GROSS. I like to enjoy some of the good things in life. The gentleman made it possible for me, and I want to thank him.

This resolution is in the nature of a pig in the poke. It commits the taxpayers of this country to $20 million plus the other contributions that we will make, but you will find not one word in the resolution committing the city of New York. That is a separate agreement with the United Nations. The city could welsh on their so-called agreement. Would troops be sent into New York to collect the money that was pledged or would Congress be duped into putting up New York's $32 million?

As far as the mayor of New York is concerned, I knew the gentleman when he was a member of this House, and he was about as fast as anyone I have known in the expenditure of other people's money. I assume he is keeping up that reputation in New York City.

It is a shame that the amendment offered by the gentleman from Ohio (Mr. Bow) was not adopted a minute or two ago. At least it would have made some sense.

There has been much talk about peacekeeping, and expenditures for peacekeeping. In the Middle East the Israelis told the United Nations to get its so-called peacekeeping force out of the way, or they, the Israelis would run their tanks over them. The so-called emergency force pulled out and has not been back.

In the Congo, what has been the result of the U.N. peacekeeping operation? They have as brutal and bloodthirsty a dictator in the person of Mobutu as ever walked the soil of Africa. He has taken care of his political opposition by hauling them to the town square and hanging them in a public exhibition at high noon.

Peacekeeping? Where is the peace you glibly talk about? Yes, Mr. Chairman, let the officials of the United Nations get busy and collect the $200 million its members owe. Then they can construct their $80 million building and have $120 million left over for fun, sport, and amusement as befits this misnamed and spineless organization.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Albert) having assumed the chair, Mr. Philbin, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 1146) authorizing a grant to defray a portion of the cost of expanding the United Nations Headquarters in the United States, pursuant to House Resolution 1308, he reported the joint resolution back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution.

Mr. GROSS. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Gross moves to recommit House Joint Resolution 1146 to the House Committee on Foreign Affairs with instructions that the resolution be reported forthwith with the following amendment: Page 2, line 11, after the period add the following sentence; "*Provided, however*, none of the funds herein authorized shall be appropriated until all delinquent dues and, assessments of member nations have been paid in full."

Mr. GALLAGHER. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 124, nays 168, not voting 141, as follows:

[Roll No. 438]

YEAS—124

Abernethy
Alexander
Belcher
Bennett
Betts
Bevill
Biaggi
Blackburn
Bow
Bray
Brinkley
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Cabell
Carter
Casey
Cederberg
Chamberlain
Chappell
Cleveland
Collier
Collins, Tex.
Colmer
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Derwinski
Dickinson
Dorn
Downing
Duncan
Edwards, Ala.
Edwards, La.
Eshleman
Fisher
Flowers
Flynt
Foley
Foreman
Fountain
Frey
Fuqua
Gettys
Goldwater
Goodling
Griffin
Gross
Grover
Hagan
Hammerschmidt
Harsha
Henderson
Hosmer
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
King
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Lennon
McClure
McDade
McEwen
Mahon
Miller, Ohio
Mizell
Myers
Nichols
O'Neal, Ga.
Poage
Pollock
Purcell
Quillen
Randall
Reid, Ill.
Roberts
Robison
Rogers, Fla.
Rooney, N.Y.
Roth
Sandman
Satterfield
Schmitz
Schneebeli
Scott
Sebelius
Shriver
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Staggers
Steed

Stuckey
Talcott
Taylor
Thompson, Ga.
Vander Jagt
Wampler
Ware
Watson
Watts
Whalley
Whitehurst
Whitten
Williams
Wilson, Bob
Wylie
Wyman
Zion

NAYS—168

Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Annunzio
Arends
Ashley
Beall, Md.
Bell, Calif.
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Brademas
Broomfield
Brotzman
Burke, Mass.
Burton, Calif.
Bush
Byrnes, Wis.
Carey
Carney
Clark
Cohelan
Conable
Conte
Corman
Coughlin
Culver
Daniels, N.J.
Dellenback
Dennis
Dingell
Donohue
Eckhardt
Edmondson
Eilberg
Erlenborn
Esch
Evans, Colo.
Findley
Fish
Flood
Ford, Gerald R.
Forsythe
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Gubser
Gude
Hamilton
Hanna
Hansen, Idaho
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Howard
Jarman
Johnson, Calif.
Karth
Kastenmeier
Kazen
Kee
Keith
Kleppe
Kluczynski
Koch
Lloyd
Long, Md.
Lowenstein
McCloskey
McFall
Macdonald, Mass.
Madden
Mailliard
Mann
Marsh
Matsunaga
Mayne
Meeds
Melcher
Mikva
Minish
Mink
Mollohan
Moorhead
Morgan
Morse
Mosher
Murphy, N.Y.
Natcher
Nelsen
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Railsback
Rees
Reid, N.Y.
Reuss
Riegle
Rodino
Rooney, Pa.
Rosenthal
Roybal
Ryan
Schwengel
Sisk
Smith, N.Y.
Stafford
Stanton
Steiger, Wis.
Stokes
Stratton
Taft
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Tiernan
Ullman
Van Deerlin
Vanik
Vigorito
Whalen
White
Widnall
Wiggins
Wright
Yates
Yatron
Zablocki

NOT VOTING—141

Abbitt
Adair
Andrews, Ala.
Andrews, N. Dak.
Ashbrook
Aspinall
Ayres
Baring
Barrett
Berry
Bolling
Brasco
Brock
Brooks
Brown, Calif.
Burke, Fla.
Burlison, Mo.
Burton, Utah
Button
Byrne, Pa.
Caffery
Camp
Celler
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Collins, Ill.
Conyers
Corbett
Cowger
Cramer
Crane
Cunningham
Daddario
Delaney
Denney
Dent
Devine
Diggs
Dowdy
Dulski
Dwyer
Edwards, Calif.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Ford, William D.
Fulton, Tenn.
Gibbons
Gilbert
Griffiths
Haley
Hall
Halpern
Hanley
Hansen, Wash.
Hébert
Horton
Hull
Hungate
Langen
Latta
Leggett
Long, La.
Lujan
Lukens
McCarthy
McClory
McCulloch
McDonald, Mich.
McKneally
McMillan
MacGregor
Martin
Mathias
May
Meskill
Michel
Miller, Calif.
Mills
Minshall
Mize
Monagan
Montgomery
Morton
Moss
Murphy, Ill.
Nedzi
O'Konski
Ottinger
Passman
Patman
Pelly
Pettis
Poff
Powell
Price, Tex.
Rarick
Reifel
Rhodes
Rivers
Roe
Rogers, Colo.
Rostenkowski
Roudebush
Rousselot
Ruppe
Ruth
St Germain
Saylor
Schadeberg
Scherle
Scheuer
Shipley
Sikes
Snyder
Springer
Steele
Steiger, Ariz.
Stephens
Stubblefield
Sullivan
Symington
Teague, Tex.
Tunney
Udall
Waggonner
Waldie
Weicker
Wilson, Charles H.
Winn
Wold
Wolff
Wyatt
Wydler
Young
Zwach

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Waggonner for, with Mr. Fascell against.

Mr. Hébert for, with Mr. Fulton of Tennessee against.

Mr. Rarick for, with Mr. Brooks against.

Mr. Long of Louisiana for, with Mr. Dent against.

Mr. Shipley for, with Mr. Aspinall against.

Mr. Stubblefield for, with Mr. Rostenkowski against.

Mr. Caffery for, with Mr. Nedzi against.

Mr. Passman for, with Mr. Symington against.

Mr. Andrews of Alabama for, with Mr. Barrett against.

Mrs. Chisholm for, with Mr. St Germain against.

Mr. Farbstein for, with Mr. Byrne of Pennsylvania against.

Mr. Gilbert for, with Mr. Dowdy against.

Mr. Montgomery for, with Mr. Evins of Tennessee against.

Mr. Haley for, with Mr. Fallon against.

Mr. McMillan for, with Mr. Feighan against.

Mr. Stephens for, with Mr. Miller of California against.

Mr. Devine for, with Mr. Monagan against.

Mr. Rousselot for, with Mr. Rogers of Colorado against.

Mr. Clancy for, with Mr. Wolff against.

Mr. Del Clawson for, with Mr. Tunney against.

Mr. Martin for, with Mr. Brasco against.

Mr. Camp for, with Mr. Celler against.

Mr. Crane for, with Mr. William D. Ford against.

Mr. Hall for, with Mr. Denney against.

Mr. Andrews of North Dakota for, with Mr. McClory against.

Mr. Zwach for, with Mrs. Dwyer against.

Mr. Saylor for, with Mr. Morton against.

Mr. Burke of Florida for, with Mr. Berry against.

Until further notice:

Mr. Abbitt with Mr. Adair.

Mrs. Sullivan with Mr. Ashbrook.

Mr. Burlison of Missouri with Mr. McDonald of Michigan.

Mr. Delaney with Mr. Halpern.

Mr. Dulski with Mrs. May.

Mr. Moss with Mr. Ayres.

Mr. Edwards of California with Mr. McKneally.

Mr. Roe with Mr. Mathias.

Mr. Rivers with Mr. Corbett.

Mr. Mills with Mr. Horton.

Mr. Murphy of Illinois with Mr. Conyers.

Mr. McCarthy with Mr. Clay.

Mr. Gibbons with Mrs. Griffiths.

Mr. Sikes with Mr. Cramer.

Mr. Scheuer with Mr. Diggs.

Mr. Ottinger with Mr. Collins of Illinois.

Mr. Brown of California with Mr. Brock.

Mr. Hungate with Mr. Don H. Clausen.

Mr. Charles H. Wilson with Mr. Cunningham.

Mr. Teague of Texas with Mr. Burton of Utah.

Mr. Udall with Mr. Langen.

Mr. Young with Mr. Latta.

Mrs. Hansen of Washington with Mr. Button.

Mr. Hanley with Mr. Lujan.

Mr. Patman with Mr. Lukens.

Mr. Leggett with Mr. Cowger.

Mr. Baring with Mr. McCulloch.

Mr. Daddario with Mr. MacGregor.

Mr. Meskill with Mr. O'Konski.

Mr. Pelly with Mr. Michel.

Mr. Mize with Mr. Pettis.

Mr. Minshall with Mr. Poff.

Mr. Price of Texas with Mr. Reifel.

Mr. Rhodes with Mr. Weicker.

Mr. Winn with Mr. Roudebush.

Mr. Ruppe with Mr. Steele.

Mr. Ruth with Mr. Wold.

Mr. Schadeberg with Mr. Wydler.

Mr. Scherle with Mr. Steiger of Arizona.

Mr. Snyder with Mr. Wyatt.

Messrs. TIERNAN and YATRON changed their votes from "yea" to "nay".

Messrs. JOHNSON of Pennsylvania and BIAGGI changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

Mr. DERWINSKI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 152, nays 135, not voting 146, as follows:

[Roll No. 439]

YEAS—152

Adams
Albert
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Annunzio
Arends
Ashley
Beall, Md.
Bell, Calif.
Bingham
Blanton
Blatnik
Boggs
Boland
Brademas
Brown, Mich.
Burke, Mass.
Burton, Calif.
Bush
Byrnes, Wis.
Carney
Cederberg
Clark
Cohelan
Conable
Corman
Culver
Daniels, N.J.
Dennis
Dingell
Donohue
Eckhardt
Edmondson
Edwards, La.
Eilberg
Erlenborn
Esch
Findley
Fish
Flood
Ford, Gerald R.
Forsythe
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Galifianakis
Gallagher
Garmatz
Giaimo
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Gude
Hamilton
Hansen, Idaho
Harrington
Hastings
Hathaway
Hays
Hechler, W. Va.
Helstoski
Hicks
Hogan
Holifield
Hosmer
Howard
Jarman
Johnson, Calif.
Karth
Kastenmeier
Kazen
Kee
Kleppe
Kluczynski
Kyros
Lloyd
Long, Md.
Lowenstein
McCloskey
McFall
Madden
Mailliard
Mann
Marsh
Matsunaga
Mayne
Meeds
Melcher
Mikva
Minish
Mink
Morgan
Morse
Mosher
Murphy, N.Y.
Nelsen
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Patten
Pepper
Perkins
Philbin
Pirnie
Podell
Pollock
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Rees
Reid, N.Y.
Reuss
Riegle
Robison
Rodino
Rooney, Pa.
Roth
Roybal
Sandman
Schwengel
Sisk
Smith, N.Y.
Stafford
Staggers
Stanton
Steiger, Wis.
Stratton
Symington
Taft
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Ware
Whalen
Widnall
Wiggins
Williams
Wilson, Bob
Wright
Yates
Zablocki

NAYS—135

Abernethy
Addabbo
Alexander
Belcher
Bennett
Betts
Bevill
Biaggi
Biester
Blackburn
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Cabell
Carey
Carter
Casey

Chamberlain
Chappell
Cleveland
Collier
Collins, Tex.
Colmer
Conte
Coughlin
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Derwinski
Dickinson
Dorn
Downing
Duncan
Edwards, Ala.
Eshleman
Evans, Colo.
Fisher
Flowers
Flynt
Foley
Foreman
Fountain
Frey
Fuqua
Gaydos
Gettys
Goldwater
Goodling
Griffin
Gross
Grover
Gubser
Hagan
Hammerschmidt
Hanna
Harsha
Harvey
Heckler, Mass.
Henderson
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
King
Koch
Kuykendall
Kyl
Landgrebe
Lennon
McClure
McDade
McEwen
Mahon
Miller, Ohio
Mizell
Mollohan
Myers
Natcher
Nichols
O'Neal, Ga.
Pickle
Pike
Poage
Purcell
Quillen
Randall
Reid, Ill.
Roberts
Rogers, Fla.
Rooney, N.Y.
Rosenthal
Ryan
Satterfield
Schmitz
Schneebeli
Scott
Sebelius
Shriver
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Steed
Stokes
Stuckey
Talcott
Taylor
Thompson, Ga.
Thomson, Wis.
Vander Jagt
Wampler
Watson
Watts
Whalley
White
Whitehurst
Whitten
Wylie
Wyman
Yatron
Zion

NOT VOTING—146

Abbitt
Adair
Andrews, Ala.
Andrews, N. Dak.
Ashbrook
Aspinall
Ayres
Baring
Barrett
Berry
Bolling
Brasco
Brock
Brooks
Brown, Calif.
Burke, Fla.
Burlison, Mo.
Burton, Utah
Button
Byrne, Pa.
Caffery
Camp
Celler
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Collins, Ill.
Conyers
Corbett
Cowger
Cramer
Crane
Cunningham
Daddario
Delaney
Denney
Dent
Devine
Diggs
Dowdy
Dulski
Dwyer
Edwards, Calif.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Ford, William D.
Fulton, Tenn.
Gibbons
Gilbert
Griffiths
Haley
Hall
Halpern
Hanley
Hansen, Wash.
Hawkins
Hébert
Horton
Hull
Hungate
Keith
Landrum
Langen
Latta
Leggett
Long, La.
Lujan
Lukens
McCarthy
McClory
McCulloch
McDonald, Mich.
McKneally
McMillan
Macdonald, Mass.
MacGregor
Martin
Mathias
May
Meskill
Michel
Miller, Calif.
Mills
Minshall
Mize
Monagan
Montgomery
Moorhead
Morton
Moss
Murphy, Ill.
Nedzi
O'Konski
Ottinger
Passman
Patman
Pelly
Pettis
Poff
Powell
Price, Tex.
Railsback
Rarick
Reifel
Rhodes
Rivers
Roe
Rogers, Colo.
Rostenkowski
Roudebush
Rousselot
Ruppe
Ruth
St Germain
Saylor
Schadeberg
Scherle
Scheuer
Shipley
Sikes
Snyder
Springer
Steele
Steiger, Ariz.
Stephens
Stubblefield
Sullivan
Teague, Calif.
Teague, Tex.
Tunney
Waggonner
Waldie
Weicker
Wilson, Charles H.
Winn
Wold
Wolff
Wyatt
Wydler
Young
Zwach

So the joint resolution was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Fascell for, with Mr. Waggonner against.

Mr. Fulton of Tennessee for, with Mr. Hébert against.

Mr. Brooks for, with Mr. Rarick against.

Mr. Dent for, with Mr. Long of Louisiana against.

Mr. Aspinall for, with Mr. Shipley against.

Mr. Rostenkowski for, Mr. Stubblefield against.

Mr. Nedzi for, with Mr. Caffery against.

Mr. Barrett for, with Mr. Passman against.

Mr. St Germain for, with Mr. Andrews of Alabama against.

Mr. Byrne of Pennsylvania for, with Mrs. Chisholm against.

Mr. Dowdy for, with Mr. Montgomery against.

Mr. Evins of Tennessee for, with Mr. Brasco against.

Mr. Fallon for, with Mr. Stephens against.

Mr. Feighan for, with Mr. Devine against.

Mr. Miller of California for, with Mr. Rousselot against.

Mr. Monagan for, with Mr. Clancy against.

Mr. Rogers of Colorado for, with Mr. Del Clawson against.

Mr. Wolff for, with Mr. Martin against.

Mr. Tunney for, with Mr. Camp against.

Mr. Celler for, with Mr. Crane against.

Mr. William D. Ford for, with Mr. Hall against.

Mr. Denney for, with Mr. Andrews of North Dakota against.

Mr. McClory for, with Mr. Zwack against.

Mrs. Dwyer for, with Mr. Saylor against.

Mr. Morton for, with Mr. Burke of Florida against.

Mr. Berry for, with Mr. Latta against.

Mr. Daddario for, with Mr. Ashbrook against.

Mr. Hawkins for, with Mr. Scherle against.

Mr. Macdonald of Massachusetts for, with Mr. Ruth against.

Mr. Moorhead for, with Mr. Pettis against.

Mr. Rhodes for, with Mr. Wydler against.

Mr. Moss for, with Mr. Snyder against.

Mr. Brown of California for, with Mr. Horton against.

Mr. Edwards of California for, with Mr. Michel against

Mr. Murphy of Illinois for, with Mr. Corbett against.

Until further notice:

Mr. Abbitt with Mr. Burton of Utah.
Mr. Baring with Mr. Cunningham.
Mr. Hull with Mr. Ayres.
Mr. Hungate with Mr. Keith.
Mrs. Sullivan with Mr. Adams.
Mr. Waldie with Mr. Halpern.
Mr. Charles H. Wilson with Mr. Brock.
Mr. Burlison of Missouri with Mr. Lujan.
Mr. Ottinger with Mr. Clay.
Mr. Diggs with Mr. Roe.
Mr. Gibbons with Mr. Button.
Mr. Dulski with Mr. Conyers.
Mr. Collins of Illinois with Mr. Gilbert.
Mrs. Griffiths with Mr. Lukens.
Mr. Haley with Mr. Don H. Clausen.
Mr. Sikes with Mr. McCullock.
Mr. Rivers with Mr. MacGregor.
Mr. Hanley with Mr. Cramer.
Mrs. Hansen of Washington with Mr. McDonald of Michigan.
Mr. Patman with Mr. Meskill.
Mr. McMillan with Mr. Cowger.
Mr. Landrum with Mr. McKneally.
Mr. McCarthy with Mr. Minshall.
Mr. Delaney with Mr. Mathias.
Mr. Farbstein with Mr. Langen.
Mr. Scheuer with Mrs. May.
Mr. Mills with Mr. O'Konski.
Mr. Young with Mr. Mize.
Mr. Pelly with Mr. Wyatt.
Mr. Ruppe with Mr. Poff.
Mr. Price of Texas with Mr. Teague of California.
Mr. Railsback with Mr. Winn.
Mr. Steele with Mr. Reifel.
Mr. Roudebush with Mr. Wold.
Mr. Schadeberg with Mr. Steiger of Arizona.
Mr. Teague of Texas with Mrs. Sullivan.

Mr. BUCHANAN changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

GENERAL LEAVE TO EXTEND

Mr. GALLAGHER. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GALLAGHER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 173) authorizing a grant to defray a portion of the cost of expanding the United Nations Headquarters in the United States, an identical Senate joint resolution.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 173

Whereas the Congress authorized the United States to join with other governments in the founding of the United Nations;

Whereas the Congress unanimously, in H. Con. Res. 75 (79th Congress), invited the United Nations to establish its headquarters in the United States, which invitation was accepted by the United Nations;

Whereas the United States has continued to serve as host to the United Nations;

Whereas the membership of the United Nations has increased substantially and the organization has outgrown its existing facilities;

Whereas the General Assembly of the United Nations in December 1969 authorized the construction, subject to suitable financing arrangements, of an additional headquarters building south of and adjacent to the present headquarters site on land to be made available without charge by the city of New York;

Whereas the total financial burden of expanding its headquarters in New York would severely strain the resources of the United Nations;

Whereas a special contribution by the United States as the host government would constitute a positive act of reaffirmation of faith of the American people in the future of the United Nations: Be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the Secretary of State out of any money in the Treasury not otherwise appropriated, a sum not to exceed $20,000,000, to remain available until expended, for a grant to be made at the discretion of the Secretary of State, to the United Nations to defray a portion of the cost of the expansion and improvement of its headquarters in the city of New York on such terms and conditions as the Secretary of State may determine. Such grant shall not be considered a contribution to the United Nations for purpose of any other applicable law limiting contributions.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 1146) was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19885) entitled "An act to provide additional revenue for the District of Columbia, and for other purposes."

The message also announced that the Senate insists upon its amendments to the bill (H.R. 18306) entitled "An act to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. **Fulbright**, Mr. **Sparkman**, Mr. **Gore**, Mr. **Aiken**, and Mr. **Case** to be the conferees on the part of the Senate.

CONFERENCE REPORT ON H.R. 19911, SUPPLEMENTAL FOREIGN ASSISTANCE AUTHORIZATION

Mr. MORGAN submitted the following conference report and statement on the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961, and for other purposes:

Conference Report (H. Rept. 91–1791)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Special Foreign Assistance Act of 1971".

Sec. 2. There are authorized to be appropriated to the President for the fiscal year 1971 not to exceed—

(1) $85,000,000 for additional military assistance and $70,000,000 for special economic assistance for Cambodia;

(2) $100,000,000 for economic and military assistance programs to replace funds which were transferred by the President for use in Cambodia;

(3) $150,000,000 for additional military assistance for the Republic of Korea;

(4) $30,000,000 for additional military assistance for Jordan;

(5) $3,000,000 for additional military assistance for Indonesia and $10,000,000 to replace funds transferred from other programs for use in Indonesia;

(6) $5,000,000 for additional military assistance for Lebanon;

(7) $65,000,000 for additional supporting assistance for Vietnam; and

(8) $17,000,000 for additional general military assistance to compensate for a shortage in anticipated recovery of funds from past year's programs.

Sec. 3. The President is authorized, until June 30, 1972, to transfer to the Republic of Korea such defense articles located in Korea and belonging to the Armed Forces of the United States on July 1, 1970, as he may determine, except that no funds heretofore or hereafter appropriated under this Act or the Foreign Assistance Act of 1961 shall be available for reimbursement to any agency of the United States Government for any transfer made pursuant to this section.

Sec. 4. Except as otherwise provided in this Act, any assistance furnished out of funds appropriated under section 2 of this Act and any transfer made under section 3 of this Act shall be furnished or transferred, as the case may be, in accordance with all of the purposes and limitations applicable by statute to that type of assistance or transfer under the Foreign Assistance Act of 1961 (including the provisions of section 652 of such Act, as added by section 8 of this Act).

Sec. 5. Section 402 of the Foreign Assistance Act of 1961 (22 U.S.C. 2242) is amended by adding at the end thereof the following new sentence: "None of the funds authorized by this section shall be made available to the Government of Vietnam unless, beginning in January 1971, and quarterly thereafter, the President of the United States shall determine that the accommodation rate of exchange between said Government and the United States is fair to both countries.".

Sec. 6. (a) Section 451(a) of the Foreign Assistance Act of 1961, relating to the contingency fund, is amended—

(1) by striking out "for the fiscal year 1971 not to exceed $15,000,000" and inserting in lieu thereof "for the fiscal year 1971 not to exceed $30,000,000"; and

(2) by striking out the period at the end thereof and inserting the following: *": Provided*, That, in addition to any other sums available for such purpose, $15,000,000 of the amount authorized for the fiscal year 1971 may be used only for the purpose of relief, rehabilitation, and reconstruction assistance for the benefit of cyclone, tidal wave, and flood victims in East Pakistan.".

(b) Excess foreign currencies held in Pakistan not allocated on the date of enactment of this section are authorized to be appropriated for a period of one year from such date of enactment to help Pakistan withstand the disaster which has occurred.

Sec. 7. (a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of the United States ground combat troops into Cambodia, or to provide United States advisers to or for Cambodian military forces in Cambodia.

(b) Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense.

Sec. 8. The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"Sec. 652. Limitation Upon Additional Assistance to Cambodia.—The President shall not exercise any special authority granted to him under sections 506(a), 610 (a), and 614(a) of this Act for the purpose of providing additional assistance to Cambodia, unless the President, at least thirty days prior to the date he intends to exercise any such authority on behalf of Cambodia (or ten days prior to such date if the President certifies in writing that an emergency exists requiring immediate assistance to Cambodia), notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this Act under which such authority is to be exercised, and the justification for, and the extent of, the exercise of such authority.".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the House bill and agree to the same.

Thomas E. Morgan,
Clement J. Zablocki,
Wayne L. Hays,
E. Ross Adair,
William Mailliard,
Peter H. B. Frelinghuysen,
Managers on the Part of the House.

John Sparkman,
Mike Mansfield,
Frank Church,
George D. Aiken,
Clifford P. Case,
John S. Cooper,
John J. Williams,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendments struck out all of the House bill after the enacting clause and inserted a substitute text and provided a new title for the House bill.

The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate to the text of the bill, with an amendment which is a substitute for both the text of the House bill and the Senate amendment to the text of the House bill, and also recede from its disagreement to the amendment to the title.

The differences between the House bill and the substitute agreed to in conference are noted below, except for clerical corrections, incidental changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

SHORT TITLE: (SENATE—SECTION 1)

The Senate amendment did not amend the Foreign Assistance Act of 1961 in the same manner as did the House bill. Section 1 of the Senate amendment provided that this legislation might be cited as the "Special Foreign Assistance Act of 1971."

The House receded.

AUTHORIZATION OF FUNDS (HOUSE—SECTIONS 1, 2, AND 4; SENATE—SECTIONS 2 AND 5(a))

The House bill amended the Foreign Assistance Act of 1961, as amended, by increasing the authorizations contained in that Act in the following respects: (1) supporting assistance from $414 6 million to $609.6 million (Section 1); (2) contingency fund from $15 million to $30 million (Section 2); and (3) military assistance from $350 million to $690 million (Section 4).

In lieu of amending the Foreign Assistance Act, the Senate amendment to H.R. 19911 was a line-item authorization for specific amounts for specific purposes. Both the amounts and the allocations for programs proposed by the Executive are identical in the House bill and the Senate amendment, except for a reduction of $5.8 million for military assistance for Korea.

The Senate receded on the amount of military assistance for Korea and accepted the amount contained in the House bill. The managers on the part of the House accepted the line-item structure contained in the Senate amendment.

APPLICABILITY OF THE FOREIGN ASSISTANCE ACT OF 1961 (SENATE—SECTION 4)

The House bill amended the Foreign Assistance Act of 1961, as amended. The Senate amendment to the House bill is written as a

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separate measure rather than as an amendment to that Act. Hence the provisions of the Foreign Assistance Act pertaining to the use of funds are not applicable under the terms of the Senate language unless specific reference is incorporated in the Senate version.

The managers on the part of the House were agreed that the provisions of the Foreign Assistance Act should apply to the administration of funds authorized to be appropriated by this bill and, therefore, accepted the Senate language.

RESTRICTIONS ON U.S. INVOLVEMENT IN CAMBODIA (SENATE—SECTION 6)

Section 6(a) of the Senate amendment, restricting United States involvement in Cambodia, would prohibit the use of any funds authorized or appropriated under this or any other Act from being used to finance the introduction of United States ground combat troops into Cambodia, or to provide United States military advisors to or for Cambodian military forces in Cambodia.

The House bill did not contain a comparable provision.

The managers on the part of the House agreed to accept the Senate amendment. It is the understanding of the House conferees that the restrictions imposed as a result of this amendment would not prevent the use of United States troops in border sanctuary operations designed to protect the lives of American soldiers. It is also the understanding of the managers on the part of the House that United States military personnel can be provided to supervise the distribution and care of United States military supplies and equipment deliveries to Cambodia, and that the restriction on the use of United States military advisors does not preclude the training of Cambodian soldiers in South Vietnam.

Section 6(b) of the Senate amendment stated that military and economic assistance authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense.

The House bill had no comparable provision.

The House conferees accepted the Senate language which has substantially the same meaning as section 650 of the Foreign Assistance Act of 1961.

LIMITATION UPON ADDITIONAL ASSISTANCE TO CAMBODIA (SENATE—SECTION 7)

The Senate amendment added a new section 652 to the Foreign Assistance Act of 1961, as amended. The new section requires the President to notify the Speaker of the House of Representatives and the Chairman of the Senate Committee on Foreign Relations 30 days in advance (10 days in an emergency) that he intends to use the transfer authority granted to him under sections 506(a), 610(a) and 614(a) of the Foreign Assistance Act of 1961, as amended, in order to provide additional assistance to Cambodia.

The House bill did not contain a comparable provision.

The managers on the part of the House accepted this provision in the belief that it would not interfere with or impede the program of assistance to Cambodia for the following reasons:

Military and economic assistance has already been furnished to Cambodia consistent with that country's ability to absorb the inflow of equipment and goods.

Witnesses from the Executive Branch were satisfied that the funds requested for Cambodia are sufficient to enable that country to defend itself over the next six months.

The situation in Cambodia is such that any additional requirement for military or economic assistance for that country will be apparent far enough in advance to enable the President to make additional assistance available to Cambodia and to notify the Congress in accordance with the provisions of this section.

There will be a new foreign assistance request submitted to the Congress next year. At that time, the Foreign Affairs Committee will examine the implications and effects of this amendment thoroughly and take whatever action it deems necessary to insure the continued success of the Vietnamization program.

AMENDMENT TO TITLE

The Senate amended the title of the House bill to reflect the action taken by the Senate. The House receded.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
WAYNE L. HAYS,
E. ROSS ADAIR,
WILLIAM MAILLIARD,
PETER H. B. FRELINGHUYSEN,
Managers on the Part of the House.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 18306, U.S. PARTICIPATION IN RESOURCES OF INTERNATIONAL FINANCIAL INSTITUTIONS

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight to file a conference report on the bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the exchange stabilization fund by the General Accounting Office, and for other purposes.

The **SPEAKER.** Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CONFERENCE REPORT (H. REPT. No. 91–1792)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18306) to authorize United States participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

Chapter 1—INTERNATIONAL MONETARY FUND

Sec.
1. Amendment of Bretton Woods Agreements Act.
2. Amendment of Special Drawing Rights Act.

§ 1. Amendment of Bretton Woods Agreements Act

The Bretton Woods Agreements Act (22 U.S.C. 286–286k–2) is amended by adding at the end thereof the following new sections:

"SEC. 22. (a) The United States Governor of the Fund is authorized to consent to an increase of $1,540,000,000 in the quota of the United States in the Fund.

"(b) In order to pay the increase in the United States quota in the Fund provided for in this section, there is hereby authorized to be appropriated $1,540,000,000, to remain available until expended.

"SEC. 23. (a) The United States Governor of the Bank is authorized (1) to vote for an increase of $3,000,000,000 in the authorized capital stock of the Bank, and (2) if such increase becomes effective, to subscribe on behalf of the United States to two thousand four hundred and sixty-one additional shares of the capital stock of the Bank.

"(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there is hereby authorized to be appropriated $246,100,000 to remain available until expended."

§ 2. Amendments of Special Drawings Rights Act

Section 6 of the Special Drawing Rights Act (22 U.S.C. 286q) is amended to read as follows:

"SEC. 6. Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States vote to allocate in each basic period Special Drawing Rights under article XXIV, sections 2 and 3, of the Articles of Agreement of the Fund so that allocations to the United States in that period exceed an amount equal to the United States quota in the Fund as authorized under the Bretton Woods Agreements Act."

Chapter 2.—INTER-AMERICAN DEVELOPMENT BANK

Sec. 21. Amendment of Inter-American Development Bank Act.

§ 21. Amendment of Inter-American Development Bank Act

(a) The Inter-American Development Bank Act (22 U.S.C. 283–283n) is amended by adding at the end thereof the following new section:

"SEC. 18. (a) The United States Governor of the Bank is hereby authorized to vote in favor of the two resolutions proposed by the Governors at their annual meeting in April 1970 and now pending before the Board of Governors of the Bank, which provide for (1) an increase in the authorized capital stock to the Bank and additional subscriptions of members thereto and (2) an increase in the resources of the Fund for Special Operations and contributions thereto. Upon adoption of such resolutions the United States Governor is authorized to agree on behalf of the United States (1) to subscribe to eighty-two thousand three hundred and fifty-two shares of $10,000 par value of the increase in the authorized capital stock of the Bank of which sixty-seven thousand-three hundred and fifty-two shall be callable shares and fifteen thousand shall be paid in and (2) to pay to the Fund for Special Operations an initial annual installment of $100,000,000 and, upon further authorization by the Congress, two subsequent annual installments of $450,000,000 each, in accordance with and subject to the terms and conditions of such resolutions.

"(b) There are hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of (1) three annual installments of $50,000,000 each for the United States subscription to paid-in capital stock of the Bank; (2) two installments of $336,760,000 each for the United States subscription to the callable capital stock of the Bank; and (3) one installment of $100,000,000 for the United States share of the increase in the resources of the Fund for Special Operations of the Bank."

(b) The first sentence of section 3(b) of the Inter-American Development Bank Act (22 U.S.C. 283a(b)) is amended by inserting immediately before the period at the end thereof the following: "and an alternate Executive Director".

Chapter 3.—ANNUAL REPORT OF NATIONAL ADVISORY COUNCIL

§ 31. Annual report

The National Advisory Council on International Monetary and Financial Policies shall include in its annual report to the Congress (1) a statement with respect to each loan approved and outstanding, made by the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, and the Asian Development Bank, including an evaluation of new loans made by said organization and a progress report of the project covered by each loan, and a discussion of how each loan will benefit the people of the recipient country, and (2) a statement on steps taken jointly and individually by member countries of the Inter-American Development Bank to restrain their military expenditures, and to preserve and strengthen free and democratic institutions.

Chapter 4.—AUDIT OF EXCHANGE STABILIZATION FUND

Sec.
41. Annual report.
42. Audit by General Accounting Office.

§ 41. Annual report

The last sentence of section 10(a) of the Gold Reserve Act of 1934 (31 U.S.C. 822a(a)) is amended to read: "The Secretary of the Treasury shall annually make a report on the operations of the fund to the President and to the Congress."

§ 42. Audit by General Accounting Office

Section 10(b) of the Gold Reserve Act of 1934 (31 U.S.C. 822a(b)) is amended by inserting after the first sentence thereof the following: "Subject to the foregoing provisions the administrative expenses of the fund shall be audited by the General Accounting Office at such times and in such manner as the Comptroller General of the United States may by regulation prescribe for the purpose of ascertaining that administrative funds are properly accounted for and that fully adequate accounting procedures and systems for control of such funds have been established. Except for information determined by the Secretary to be of an internationally significant nature, there shall be furnished to the Comptroller General such information on the administrative expenses of the fund as is necessary to conduct the audit, and the Comptroller General or any of his representatives shall, for the purpose of securing this information, have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the United States Government (other than records, reports, files, or other papers or things containing or revealing information determined by the Secretary of the Treasury to be of an internationally significant nature)."

Chapter 5.—EMPLOYEE BENEFITS FOR UNITED STATES REPRESENTATIVES

§ 51. Employee benefits

Notwithstanding the provisions of any other law, the Executive Directors and Directors and their alternates, representing the United States in the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank, shall, in the discretion of the Secretary of the Treasury, each be eligible on the basis of such service and the total compensation received therefor, for all employee benefits afforded employees in the civil service of the United States. The Treasury Department shall serve as the employing office for collecting, accounting for, and depositing in the Civil Service Retirement and Disability Fund, Employees Life Insurance Fund, and Employees Health Benefits Fund, all retirement and health insurance benefits payments made by these employees, and shall make any necessary agency contributions from the fund established pursuant to section 10(a) of the Gold Reserve Act of 1934 (31 U.S.C. 822a(a)). This section shall be effective as of December 14, 1966.

And the Senate agree to the same.

That the Senate recede from its amendment to the title of the bill.

H. S. REUSS,
THOMAS L. ASHLEY,
WM. MOORHEAD,
WM. A. BARRETT,
WILLIAM B. WIDNALL,
J. WILLIAM STANTON,
Managers on the Part of the House.

J. W. FULBRIGHT,
JOHN SPARKMAN,
ALBERT GORE,
G. D. AIKEN,
CLIFFORD P. CASE,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (H.R. 18306) to authorize United States participation increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the House bill and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

ASIAN DEVELOPMENT BANK

Chapter I of the House-passed bill provided for the United States Governor to the Asian Development Bank to enter into an agreement with the Bank providing for a United States contribution of $100 million to the bank in three annual installments of $25 million, $35 million, and $40 million beginning in Fiscal Year 1970. The Senate-passed bill contained no authorizations for the Asian Development Bank. The conference substitute contains no provision authorizing any funds for the Asian Development Bank.

INTERNATIONAL MONETARY FUND AND THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

The Senate-passed authorization for the United States Governor of the IMF and the IBRD was identical to the House-pased language.

INTER-AMERICAN DEVELOPMENT BANK

The House-passed bill authorized the United States Governor of the Bank to, among other things, vote in favor of resolutions providing for an increase in the authorized capital stock to the bank, and an increase in the resources of the Fund for Special Operations.

In addition the House-passed bill authorized the United States Governor to subscribe to $823.5 million of the authorized capital stock of the Bank and to contribute the initial amount of $100 million and two subsequent annual installments of $450 million each to the Bank's Fund for Special Operations.

The Senate-passed bill, as it relates to the Fund for Special Operations, authorized the United States Governor to agree to pay the initial installment of $100 million and make payment of the two subsequent installments of $450 million subject to further authorization by the Congress. In addition the Senate bill authorized to be appropriated only the initial $100 million installment.

The conference substitute contains the Senate provision.

The practice in previous authorizations for the IDB has been to authorize the United States Governor to commit the United States to pay the full amount of the proposed United States subscription to the resources of the Fund for Special Operations. This commitment is first authorized and then subject to individual appropriations for each installment of the contribution.

In this bill we have made payment of the second two installments subject to authorization of appropriations as well as to the appropriations themselves. The purpose of this procedure is to assure the House of Representatives and the Senate an opportunity to have a full review of the IDB operations after a year's experience with this replenishment of the resources of the Fund for Special Operations. It is not our intention to limit in any way the past procedure of allowing the United States Governor to commit the United States to the full amount of its proposed contribution by signifying our agreement to contribute to the FSO in accordance with the applicable IDB resolution.

AUDIT OF EXCHANGE STABILIZATION FUND

The House-passed bill provided for an audit of the Exchange Stabilization Fund by the General Accounting Office. The Senate-passed bill contained no provision. With minor change, the Senate accepted the House language on this provision.

The administrative expenses of the Fund cover the expenses of carrying out of stabilization operations and other related international economic activities of the Office of the Assistant Secretary for International Affairs of the Treasury, as well as legal and administrative support services. These expenses have been audited for many years and the reports of audit have been made available to the Congress annually. The accounts of the Fund are now administered by the Assistant Secretary of the Treasury for International Affairs, under the direction of the Secretary, and the conferees believe that this method of administration should continue. Nevertheless, they believe that as a matter of good administrative practice there should be an independent judgment that administrative funds are properly accounted for and that fully adequate accounting procedures and systems for control of such funds have been established. They also believe that the funds should continue to be used only for supporting Treasury exchange stabilization and related activities including support for our participation in international financial institutions.

ANNUAL REPORT OF NATIONAL ADVISORY COUNCIL

Both bills provided for an annual report from the National Advisory Council concerning loans made by the IBRD, IDA, IDB, and the ADB. With minor exception, the House language prevailed.

When such reports are submitted to the Congress, it is the position of the House conferees that on approved loans the report should indicate whether the United States representative voted for or against the loan.

EMPLOYEE BENEFITS FOR UNITED STATES REPRESENTATIVES

The House-passed bill provided discretionary authority to the Secretary of the Treasury to make certain adjustments in em-

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ployee benefits for various United States representatives to the IMF, IBRD, IDB and the ADB.

The Senate-passed bill contained no such provision.

The conference substitute contains the House provision.

Henry S. Reuss,
Thomas L. Ashley,
William S. Moorhead,
William A. Barrett,
William B. Widnall,
J. William Stanton,
Managers on the Part of the House.

PERSONAL ANNOUNCEMENT

Mr. COLLIER. Mr. Speaker, I had a leave of absence last week due to a death in my family. I ask unanimous consent to insert in the Record the statement of the manner in which I would have voted during my absence had I been present.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The statement is as follows:

Rollcall, Subject, and Collier Vote

No. 389: Table motion to instruct Conferees to agree to SST ban "Yea."

No. 390: Rule to consider Plant Protection Act, "Yea."

No. 392: Amendment to H.J.Res. 1413, "Nay."

No. 393: H.J.Res. 1413—Temporary Prohibition of strikes or lockouts—railroad dispute, "Yea."

No. 394: Foreign Aid Assistant Act, "Nay."

No. 397: Conference Report—H.J.Res. 1413, "Yea."

No. 399: Res. on Rule for Consideration of Supplemental Appropriation, "Yea."

No. 400: Supplemental Appropriation, "Yea."

No. 401: Conference Report—Manpower Act, "Nay."

No. 403: Resolution on Rule—Excise, Estate and Gift Tax, "Yea."

No. 405: Smithsonian Institution Authorization, "Yea."

CALL OF THE HOUSE

Mr. THOMPSON of Georgia. I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 440]

Abbitt
Abernethy
Adair
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashbrook
Aspinall
Ayres
Baring
Barrett
Belcher
Berry
Bevill
Bingham
Blackburn
Blatnik
Bolling
Brademas
Brasco
Bray
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Burke, Fla.
Burlison, Mo.
Burton, Utah
Button
Byrne, Pa.
Byrnes, Wis.
Caffery
Camp
Carey
Carney
Casey
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cohelan
Collins, Ill.
Conyers
Corbett
Cowger
Cramer
Crane
Culver
Cunningham
Daddario
Davis, Wis.
Delaney
Denney
Dent
Devine
Diggs
Dowdy
Dulski
Dwyer
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Ford, William D.
Foreman
Frey
Garmatz
Gibbons
Gilbert
Gray
Griffiths
Gubser
Haley
Hall
Halpern
Hanley
Hansen, Wash.
Harrington
Harvey
Hébert
Horton
Hull
Hungate
Hutchinson
Jarman
Kleppe
Kluczynski
Kuykendall
Landrum
Langen
Latta
Leggett
Lloyd
Long, La.
Lujan
Lukens
McCarthy
McClory
McCulloch
McDade
McDonald, Mich.
McEwen
McKneally
McMillan
MacGregor
Mailliard
Martin
Mathias
May
Meskill
Michel
Mikva
Miller, Calif.
Mills
Minshall
Mize
Monagan
Montgomery
Moorhead
Morton
Mosher
Moss
Murphy, Ill.
Nedzi
Nichols
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Passman
Patman
Pelly
Pettis
Podell
Poff
Powell
Purcell
Quillen
Railsback
Rarick
Reifel
Rhodes
Rivers
Robison
Roe
Rogers, Colo.
Rooney, N.Y.
Rostenkowski
Roudebush
Rousselot
Ruppe
Ruth
St Germain
Sandman
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Shipley
Sikes
Sisk
Skubitz
Smith, Calif.
Snyder
Springer
Stafford
Stanton
Steele
Steiger, Ariz.
Stephens
Stubblefield
Sullivan
Symington
Taft
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Vander Jagt
Vigorito
Waggonner
Waldie
Weicker
White
Widnall
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Yates
Yatron
Young
Zion
Zwach

The SPEAKER. On this rollcall 218 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

Mr. GROSS. Mr. Speaker, I object.

MOTION OFFERED BY MR. ALBERT

Mr. ALBERT. Mr. Speaker, I move that further proceedings under the call be dispensed with.

Mr. GROSS. Mr. Speaker, I move to lay that motion on the table.

The SPEAKER. The Chair will state that motion is not in order at the present time.

The question is on the motion offered by the gentleman from Oklahoma (Mr. Albert).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a qourum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair has just announced that 218 Members are present.

So the motion was agreed to.

The SPEAKER. The Chair recognizes the gentleman from Kentucky (Mr. Perkins).

EMERGENCY SCHOOL AID ACT OF 1970

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 19446), to assist school districts to meet special problems incident to desegregation in elementary and secondary schools and to provide financial assistance to improve education in racially impacted areas, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The question was taken; and on a division (demanded by Mr. Gross) there were—ayes 62, noes 52.

Mr. THOMPSON of Georgia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 147, nays 84, not voting 202, as follows:

[Roll No. 441]

YEAS—147

Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Arends
Ashley
Beall, Md.
Bell, Calif.
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Brotzman
Brown, Mich.
Brown, Ohio
Burke, Mass.
Burton, Calif.
Carey
Carney
Carter
Clark
Conable
Conte
Corman
Coughlin
Culver
Daniels, N.J.
de la Garza
Dellenback
Donohue
Eckhardt
Edmondson
Edwards, La.
Erlenborn
Esch
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frey
Friedel
Fulton, Pa.
Gallagher
Gaydos
Giaimo
Gonzalez
Gray
Green, Pa.
Gude
Hamilton
Hanna
Hansen, Idaho
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hogan
Holifield
Howard
Jacobs
Jarman
Johnson, Calif.
Jones, Ala.
Karth
Kazen
Kee
Keith
Koch
Kyros
Long, Md.
Lowenstein
McCloskey
McEwen
McFall
Madden
Mann
Matsunaga
Mayne
Meeds
Melcher
Minish
Mink
Mollohan
Moorhead
Morgan
Morse
Murphy, N.Y.
Natcher
Obey
O'Hara
Olsen
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Podell
Pollock
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Rees
Reid, N.Y.
Reuss
Riegle
Rodino
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roybal
Ryan
Schwengel
Sisk
Smith, Iowa
Smith, N.Y.
Staggers
Steed
Steiger, Wis.
Stokes
Stratton
Taft
Talcott
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Watts
Whalen
White
Wiggins
Yatron
Zablocki

NAYS—84

Alexander
Bennett
Betts
Blanton
Bow
Brinkley
Broyhill, Va.
Buchanan
Burleson, Tex.
Bush
Cabell
Casey
Cleveland
Collier
Collins, Tex.
Daniel, Va.
Davis, Ga.
Dennis
Derwinski
Dickinson
Dingell
Dorn
Downing
Duncan
Eshleman
Flowers
Flynt
Fountain
Frelinghuysen
Fuqua
Galifianakis
Gettys
Goldwater

Goodling
Green, Oreg.
Griffin
Gross
Grover
Hagan
Hammerschmidt
Harsha
Henderson
Hosmer
Hunt
Ichord
Jonas
Jones, N.C.
Jones, Tenn.
King
Roberts
Kyl
Landgrebe
Lennon
McClure
Macdonald, Mass.
Mahon
Marsh
Miller, Ohio
Mizell
Myers
O'Neal, Ga.
Poage
Price, Tex.
Randall
Reid, Ill.
Rogers, Fla.
Roth
Sandman
Satterfield
Schmitz
Scott
Sebelius
Stuckey
Taylor
Thompson, Ga.
Vigorito
Wampler
Ware
Whalley
Whitehurst
Williams
Wylie
Wyman
Zion

NOT VOTING—202

Abbitt
Abernethy
Adair
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashbrook
Aspinall
Ayres
Baring
Barrett
Belcher
Berry
Bevill
Blackburn
Bolling
Brademas
Brasco
Bray
Brock
Brooks
Broomfield
Brown, Calif.
Broyhill, N.C.
Burke, Fla.
Burlison, Mo.
Burton, Utah
Button
Byrne, Pa.
Byrnes, Wis.
Caffery
Camp
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cohelan
Collins, Ill.
Colmer
Conyers
Corbett
Cowger
Cramer
Crane
Cunningham
Daddario
Davis, Wis.
Delaney
Denney
Dent
Devine
Diggs
Dowdy
Dulski
Dwyer
Edwards, Ala.
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fisher
Foreman
Fulton, Tenn.
Garmatz
Gibbons
Gilbert
Griffiths
Gubser
Haley
Hall
Halpern
Hanley
Hansen, Wash.
Harrington
Harvey
Hébert
Hicks
Horton
Hull
Hungate
Hutchinson
Johnson, Pa.
Kastenmeier
Kleppe
Kluczynski
Kuykendall
Landrum
Langen
Latta
Leggett
Lloyd
Long, La.
Lujan
Lukens
McCarthy
McClory
McCulloch
McDade
McDonald, Mich.
McKneally
McMillan
MacGregor
Mailliard
Martin
Mathias
May
Meskill
Michel
Mikva
Miller, Calif.
Mills
Minshall
Mize
Monagan
Montgomery
Morton
Mosher
Moss
Murphy, Ill.
Nedzi
Nelsen
Nichols
Nix
O'Konski
O'Neill, Mass.
Ottinger
Passman
Patman
Pelly
Pettis
Poff
Powell
Purcell
Quillen
Railsback
Rarick
Reifel
Rhodes
Rivers
Robison
Roe
Rogers, Colo.
Rostenkowski
Roudebush
Rousselot
Ruppe
Ruth
St Germain
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Snyder
Springer
Stafford
Stanton
Steele
Steiger, Ariz.
Stephens
Stubblefield
Sullivan
Symington
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tunney
Waggonner
Waldie
Watson
Weicker
Whitten
Widnall
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Yates
Young
Zwach

Mr. LANDGREBE and Mr. BOW changed their votes from "yea" to "nay."

Mr. HOWARD changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 19446, with Mr. Corman in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Before rising on Thursday, December 17, the Committee had agreed that the committee amendment in the nature of a substitute now in the bill be considered as having been read and open to amendment at any point. There was pending the amendment offered by the gentleman from New York (Mr. Reid).

Without objection, the Clerk will again read the amendment offered by the gentleman from New York (Mr. Reid).

The Clerk read as follows:

Amendment offered by Mr. Reid of New York: Page 36, line 22, the following new material as section 11 and renumber subsequent sections accordingly:

"COMPLAINT PROCEDURE

"Sec. 11. (a) In the case of any policy, practice, procedure or other action by any recipient of funds under this Act in violation of this Act or of Title VI of the Civil Rights Act of 1964, any person aggrieved by such policy, practice, procedure or other action shall have the right to file with the Secretary a complaint alleging such violation.

"(b) Within 15 days of receiving such complaint, the Secretary shall determine, on the basis of investigation, whether probable cause exists to believe that such complaint is justified.

"(c) Upon determination that there is such probable cause, the Secretary shall suspend all assistance under this Act to such recipient for expenses incurred subsequent to the date of such determination.

"(d) Within 15 days of such determination the Secretary shall convene a formal hearing; within 15 days of the close of such hearings, the Secretary shall determine whether the complaint is justified. Upon determination that a complaint is justified, the Secretary shall terminate the eligibility of such applicant for assistance under this Act effectiv as of the date of suspension of assistance pursuant paragragh (b)."

PREFERENTIAL MOTION OFFERED BY MR. BOW

Mr. BOW. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Bow moves that the Committee do now rise and report the bill H.R. 19446 back to the House with the recommendation that the enacting clause be stricken out.

Mr. BOW. Mr. Chairman, I shall not take 5 minutes. We all know what has been going on here for some time on this bill. We have opposition on both sides. It has been taken off the calendar and put back on again.

The hour is late. Many Members would like to find some time to leave these Chambers.

I would hope that the membership would support this motion. This would end this question until we come back in January or February, whenever it may be.

It seems to me, Mr. Chairman, this is the one answer, that we can vote for this motion and dispense with this question.

I yield back the remainder of my time.

Mr. PERKINS. Mr. Chairman, I rise in opposition to the preferential motion.

Let me tell the membership of the Committee that if the preferential motion is voted down it is my intention to obtain unanimous consent or to move to cut off debate on the bill and all amendments thereto within 30 minutes.

The committee has given this measure extensive study and I think we should proceed to continue our deliberations on the measure to a proper conclusion.

I hope the motion is voted down.

The CHAIRMAN. The question is on the motion offered by the gentleman from Ohio (Mr. Bow).

The question was taken; and on a division (demanded by Mr. Perkins) there were—ayes 70, noes 86.

Mr. BOW. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Bow and Mr. Pucinski.

The Committee again divided, and the tellers reported that there were—ayes 82, noes 77.

So the preferential motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Corman, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 19446) to assist school districts to meet special problems incident to desegregation in elementary and secondary schools and to provide financial assistance to improve education in racially impacted areas, and for other purposes, had directed him to report the bill back to the House with the recommendation that the enacting clause be stricken out.

The SPEAKER. The question is, Shall the enacting clause be stricken out?

Mr. PERKINS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 130, not voting 194, as follows:

[Roll No. 442]

YEAS—109

Alexander
Arends
Bennett
Betts
Bow
Brinkley
Brotzman
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Bush
Byrnes, Wis.
Cabell
Carter
Casey
Cleveland
Collier
Collins, Tex.
Colmer
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dennis
Derwinski
Dickinson
Dingell
Dorn
Downing
Duncan
Edwards, La.
Eshleman
Fisher
Flowers
Flynt
Forsythe
Fountain
Frelinghuysen
Fuqua
Galifianakis
Gettys
Giaimo
Goldwater
Goodling
Griffin
Gross
Grover
Hagan
Hammerschmidt
Harsha
Hastings
Henderson
Hogan
Hosmer
Hunt
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
King
Kyl
Landgrebe
Lennon
McClure
McEwen
Mahon
Mann
Marsh
Mayne
Miller, Ohio
Mizell
Myers
O'Neal, Ga.
Pickle
Poage
Price, Tex.
Pryor, Ark.
Randall
Reid, Ill.
Roberts
Rogers, Fla.
Roth
Sandman
Satterfield
Schmitz
Schneebeli
Scott
Sebelius
Slack
Stanton
Steed
Stuckey
Talcott
Taylor
Thompson, Ga.
Vigorito
Wampler
Ware
Watson
Watts
Whalley
Whitehurst
Whitten
Wiggins
Williams
Wylie
Zion

NAYS—130

Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Ashley
Beall, Md.
Bell, Calif.
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Brown, Mich.
Brown, Ohio
Burke, Mass.
Burton, Calif.
Carey
Carney
Clark
Conable
Conte
Conyers
Corman
Coughlin
Culver
Daniels, N.J.
de la Garza
Dellenback
Donohue
Eckhardt
Edmondson
Erlenborn
Esch
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Fulton, Pa.
Gallagher
Gaydos
Gonzalez
Gray
Green, Pa.
Gude
Hamilton
Hansen, Idaho
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Holifield
Howard
Jacobs
Johnson, Calif.
Jones, Ala.
Karth
Kazen
Kee
Koch
Kyros
Long, Md.
Lowenstein
McCloskey
McFall
Madden
Mailliard
Matsunaga
Meeds
Melcher
Minish
Mink
Mollohan
Moorhead
Morgan
Morse
Murphy, N.Y.
Natcher
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Patten
Pepper
Perkins
Philbin
Pike
Pirnie
Podell
Pollock
Preyer, N.C.
Price, Ill.
Pucinski
Quie
Railsback
Rees
Reid, N.Y.
Reuss
Riegle
Rodino
Rooney, Pa.
Rosenthal
Roybal
Ryan
Schwengel
Sisk
Smith, Iowa
Smith, N.Y.
Staggers
Steiger, Wis.
Stokes
Stratton
Symington
Taft
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Whalen
White
Widnall
Yatron
Zablocki

NOT VOTING—194

Abbitt
Abernethy
Adair
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashbrook
Aspinall
Ayres
Baring
Barrett
Belcher
Berry
Bevill
Blackburn
Blanton
Bolling
Brademas
Brasco
Bray
Brock
Brooks
Broomfield
Brown, Calif.
Burke, Fla.
Burlison, Mo.
Burton, Utah
Button
Byrne, Pa.
Caffery
Camp
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cohelan
Collins, Ill.
Corbett
Cowger
Cramer
Crane
Cunningham
Daddario
Delaney
Denney
Dent
Devine
Diggs
Dowdy
Dulski
Dwyer
Edwards, Ala.
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Foreman
Frey
Friedel
Fulton, Tenn.
Garmatz
Gibbons
Gilbert
Green, Oreg.
Griffiths
Gubser
Haley
Hall
Halpern
Hanley
Hanna
Hansen, Wash.
Harrington
Harvey
Hébert
Hicks
Horton
Hull
Hungate
Hutchinson
Kastenmeier
Keith
Kleppe
Kluczynski
Kuykendall
Landrum
Langen
Latta
Leggett
Lloyd
Long, La.
Lujan
Lukens
McCarthy
McClory
McCulloch
McDade
McDonald, Mich.
McKneally
McMillan
Macdonald, Mass.
MacGregor
Martin
Mathias
May
Meskill
Michel
Mikva
Miller, Calif.
Mills
Minshall
Mize
Monagan
Montgomery
Morton
Mosher
Moss
Murphy, Ill.
Nedzi
Nelsen
Nichols
O'Konski
Ottinger
Passman
Patman
Pelly
Pettis
Poff
Powell
Purcell
Quillen
Rarick
Reifel
Rhodes
Rivers
Robison
Roe
Rogers, Colo.
Rooney, N.Y.
Rostenkowski
Roudebush
Rousselot
Ruppe
Ruth
St Germain
Saylor
Schadeberg
Scherle
Scheuer
Shipley
Shriver
Sikes
Skubitz
Smith, Calif.
Snyder
Springer
Stafford
Steele
Steiger, Ariz.
Stephens
Stubblefield
Sullivan
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tunney
Ullman
Waggonner
Waldie
Weicker
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wyman
Yates
Young
Zwach

So the recommendation of the Committee of the Whole House on the State of the Union that the enacting clause be stricken out was rejected.

Mr. COLMER changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee arose, there was pending an amendment offered by the gentleman from New York (Mr. Reid).

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto close in 30 minutes.

Mr. WILLIAM D. FORD. Mr. Chairman, I have two amendments at the desk which I would like to offer before the unanimous consent is given.

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Michigan for that purpose?

Mr. PERKINS. Mr. Chairman, the gentleman from Michigan has already offered the amendments.

I ask unanimous consent that all debate on the bill and all amendments thereto close within 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. GROSS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Chairman, I move that all debate on the bill and all amendments thereto close at 10:55 p.m.

PARLIAMENTARY INQUIRIES

Mr. WILLIAM D. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamenty inquiry.

Mr. WILLIAM D. FORD. Mr. Chairman, since the motion to close off debate has been offered, would it be in order for me to offer the amendments that are at the Clerk's desk after the motion has been ruled on?

The CHAIRMAN. The Chair will state that there is an amendment pending at this time.

Mr. WILLIAM D. FORD. Mr. Chairman, that is not my amendment.

The CHAIRMAN. The Chair will state to the gentleman from Michigan that as soon as the committee disposes of the motion offered by the gentleman from Kentucky (Mr. Perkins), the question will recur on the amendment offered by the gentleman from New York (Mr. Reid).

Mr. WILLIAM D. FORD. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman from Michigan will state his parliamentary inquiry.

Mr. WILLIAM D. FORD. Mr. Chairman, if we proceed on the amendment now pending at the Clerk's desk, under the motion offered by the gentleman from Kentucky (Mr. Perkins) to limit debate, and it is agreed to, and if all of the time is consumed by the debate on that amendment, will I have the opportunity to offer the amendments now lying on the Clerk's desk?

The CHAIRMAN. The Chair will state to the gentleman from Michigan that if the time expires, amendments may be offered, but they will not be debated.

Mr. WILLIAM D. FORD. I thank the Chairman.

The CHAIRMAN. The question is on the motion offered by the gentleman from Kentucky (Mr. Perkins).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GROSS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Pucinski and Mr. Gross.

The Committee divided, and the tellers reported that there were—ayes 90, noes 84.

So the motion was agreed to.

The CHAIRMAN. The Chair has noted the names of Members standing at the time the motion was made.

Each Member will be recognized for 1 minute.

The question is on the amendment offered by the gentleman from New York (Mr. Reid).

The question was taken; and on a division (demanded by Mr. Reid of New York) there were—ayes 22, noes 61.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WILLIAM D. FORD

Mr. WILLIAM D. FORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. William D. Ford: On page 20 after line 10 insert the following:

"(b) notwithstanding subsections (a) and (b) of this section for the fiscal year ending June 30, 1972 and each subsequent fiscal year no funds are authorized to be appropriated to carry out the provisions of this Act for any fiscal year in which funds are not appropriated for any program authorized by the Elementary and Secondary Education Act of 1965 and Public Law 81–874 at least equal to the funds appropriated for such programs for the fiscal year immediately preceding. Funds appropriated for the purpose of carrying out the provisions of this Act shall be withheld in any fiscal year until the U.S. Office of Education allocates for expenditure and obligation in such fiscal year funds appropriated to carry out the provision of the Elementary and Secondary Education Act of 1965 and Public Law 81–874."

The CHAIRMAN. The gentleman from Michigan is recognized for 1 minute.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from Pennsylvania.

Mr. MOORHEAD. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Michigan (Mr. William D. Ford).

Mr. DERWINSKI. I object.

The CHAIRMAN. Objection is heard.

Mr. WILLIAM D. FORD. Mr. Chairman, this is really a simple amendment. The Members on the other side of the aisle in control of this bill really understand it. The nature of the amendment would be to take the President at his word. During the entire time that our subcommittee was considering this bill and our full committee was considering the bill we had representations passed on to us that the President was at all times asking for new funds, and that the passage of this bill would in no way imperil the present existing programs, such as Impact Aid, title I of the Elementary and Secondary Education Act, and others, and all we do here is simply to say that if the new budget comes down and if the President asks for money and if we appropriate before the funds can be spent that are now being spent for education for purposes of this act, we must first get the school districts in this country the money provided last year.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. Steiger).

Mr. STEIGER of Wisconsin. Mr. Chairman, when this bill was before us, we took action in adopting an amendment which I offered which deleted from the committee-reported bill language which was offered by the gentlewoman from Hawaii (Mrs. Mink) which would have done much the same thing as this amendment. But let us understand what this amendment is all about. It establishes in my judgment a horrendous precedent by attempting to say we can hold hostage a particular kind of program for other educational programs. It not only holds this act in hostage, with respect to the appropriations process, but it also holds the Office of Education hostage and says if you spend any less money for all of ESEA and Impact Aid, you get no funds for this in any circumstance. I think it a bad precedent in any legislation and it ought not to be adopted and it ought to be struck down. I urge Members to do so.

Mr. KAZEN. Mr. Chairman, I rise in support of this amendment

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, let me make the observation that throughout the hearings it was thoroughly understood that the funds authorized by this bill should be and would be additional money and that the funding of ongoing programs would not be disturbed. The effect of the amendment is to guarantee that ESEA and Impact Area funds will not be cut back to obtain the funds for this legislation.

In addition to the Ford amendment there is an amendment pending sponsored by the distinguished gentleman from Louisiana (Mr. Waggonner) clarifying language in the bill which prohibits discriminatory ability testing or other practices which segregate children within schools. He would explain in the absence of the debate limitation that the amendment makes clear that only discriminatory ability testing is prohibited.

Mr. KAZEN. Mr. Chairman, this is exactly what this amendment will do. I rise in support of it. I want to make sure impacted aid and title I get their money before we spend it on the business of this bill.

Mr. WHITE. Mr. Chairman, I yield to the distinguished gentleman from Michigan.

Mr. DERWINSKI. Mr. Chairman, I object.

The CHAIRMAN. Objection is not in order.

Mr. WILLIAM D. FORD. Mr. Chairman, I have a second amendment on which we will not have opportunity of debate. It just changes the number "80" to "90" and merely says in effect that instead of the Secretary of Health, Education, and Welfare having complete carte blanche to spend as he will without regulation at all, 20 percent of the funds authorized by this bill, he will have only 10 percent of the funds in balance. The other 10 percent of the funds I transfer will be allocated in exactly the way the proponents—and I guess I am one of them too—intended it should be distributed, to the State educational offices, and the State would decide where this money goes instead of HEW. That is all this amendment does.

Mr. QUIE. Mr. Chairman, I rise in opposition to both amendments offered by the gentleman from Michigan.

I would say that either one is for or against this legislation. I do not like it when Members use some hooker in order to prevent the legislation from going into operation and still be voting for it. That is what this amendment would do in the event the Appropriations Committee should decide next year that either ESEA should get less money than the present year or impacted aid should get less money. If the Appropriations Committee decides they should get less and convinces the House, then there could not be one cent that could be spent for this bill.

Also, if we reduce the percentage that goes to the Secretary, this would prohibit him from helping those school districts that are under a court order, and which would have the greatest need for some increase in money in order that they might integrate their schools. School districts all over the country are required by the courts to desegregate, and this would prevent them from getting assistance they will need to successfully carry out these orders. In the end, the losers are school children.

Mr. THOMPSON of Georgia. Mr. Chairman, I wonder if the gentleman who offered the amendment would respond to a few questions.

Mr. WILLIAM D. FORD. Certainly.

Mr. THOMPSON of Georgia. After listening to the gentleman from Minnesota, I wonder if he is correct in that if the Appropriations Committee convinces the House, and the House follows suit and does not appropriate as much money for the elementary and secondary education and/or impacted aid, no funds whatsoever could be spent under the provisions of the bill we are now debating?

Mr. WILLIAM D. FORD. Unless and until every school district receives the amount of money that it received last year, or more, as a result of the appropriating process and the action of the Secretary of Health, Education, and Welfare, who I might remind the House is still holding funds from the appropriation we last passed, then no funds under this bill can be expended. It is exactly right. If this is new money, I am perfectly willing to support the President in his attempt to get new money.

The CHAIRMAN. If there are no other Members who have time who wish to be heard on this amendment, the question is on the amendment offered by the gentleman from Michigan (Mr. William D. Ford).

The question was taken; and on a division (demanded by Mr. Steiger of Wisconsin) there were—ayes 109, noes 31.

So the amendment was agreed to.

PREFERENTIAL MOTION OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Gross moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. GROSS. Mr. Chairman, I offer this motion, to strike the enacting clause and kill the bill. There is nothing complicated about it. This is bad legislation and its cost is $1,500,000,000. I ask that the motion be adopted and the taxpayers saved one and a half billion dollars.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Iowa (Mr. Gross).

Mr. HOSMER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Hosmer and Mr. Pucinski.

The Committee divided, and the tellers reported that there were—ayes 66, noes 82.

So the preferential motion was rejected.

AMENDMENT OFFERED BY MR. WILLIAM D. FORD

Mr. WILLIAM D. FORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. William D. Ford: Page 20 line 20 change "80" to "90".
>
> And on line 23 change "80" to "90".

The CHAIRMAN. Are there Members with time who wish to be heard on this amendment? If so, they will be recognized for one-half minute.

For what purpose does the gentleman from Illinois (Mr. Derwinski) rise?

Mr. DERWINSKI. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred and twelve Members are present, a quorum.

Is there any Member who has time who wishes to be heard on this amendment?

PARLIAMENTARY INQUIRY

Mr. WILLIAM D. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WILLIAM D. FORD. Mr. Chairman, under what circumstances would it be proper to recognize the chairman of the committee, the gentleman from Kentucky (Mr. Perkins) at this point

XUM

for the purpose of accepting the amendment?

The CHAIRMAN. The Chair will state that the gentleman from Kentucky (Mr. PERKINS) has time if he wishes to take it at this time. He has half a minute. All of the remaining Members on the list have only 2½ minutes remaining.

The Chair will recognize the gentleman from Kentucky if he wishes to proceed at this point.

Mr. PERKINS. Mr. Chairman, I have no objection to this amendment. It reduces the discretion of the Secretary from 20 percent down to 10 percent, and I think the Members will want to vote on this amendment, but I have another amendment that I would like to have read if the Clerk will read it at this time, because the gentleman from Louisiana (Mr. WAGGONNER) had intended to offer the amendment the other day, and I am now offering it in his absence.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Michigan (Mr. WILLIAM D. FORD).

The question was taken; and on a division (demanded by Mr. DERWINSKI) there were—ayes 86, noes 54.

So the amendment was agreed to.

Mr. ASHBROOK. Mr. Chairman, in the minority views on this bill signed by me and three of my colleagues we expressed deep concern that the bill authorizes Federal funds for busing of students. We were particularly concerned that the language of the bill in paragraph 7 of section 6—on page 26 of the bill—gives the appearance at first glance of prohibiting transportation to overcome racial imbalance. It does no such thing. It simply states that the bill shall not be "construed to require the transportation of students in order to overcome racial imbalance." As we pointed out in our views, numerous other agencies may require such busing, for which funds appropriated under this bill would then be available. It would strike out the misleading language in paragraph 7 and insert an outright prohibition against using funds under this act for transportation designed to achieve racial balance. It is clear that even if it does not require busing in paragraph 7 of section 6, this bill will certainly encourage busing.

Mr. Chairman, after careful study I have concluded that if this bill is finally enacted we cannot in fairness eliminate all funds for transportation of students. I have two situations in mind where transportation is a reasonable item of expense. The first, obviously, is in voluntary programs of interracial school activities, cultural enrichment programs, and the like, which may well be involved in accomplishing the purposes of this act.

The other situation is in school districts which have been declared to be in violation of the Constitution in maintaining racial segregation by law and which are under court order to desegregate.

Apart from appealing to higher courts, there is not anything these school districts can do other than carry out the court order. Most of the districts so affected are in process of carrying out the order. This often requires additional expenditures for busing—although that is not always the case—and they may well need financial help for this as well as the other purposes set forth in section 6 of this bill.

What I want to avoid is the use of these funds for programs of involuntary busing to achieve mathematical racial balance. In my judgment that would be the beginning of the end of neighborhood schools in America, and I do not believe that the American people—including a sizable percentage of black people—want this to occur.

The Congress in every previous action has sustained this position. Most notably, it did so in the Civil Rights Act of 1964 which in section 401 expressly stated that:

> Desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance.

In section 407 of that act, relating to suits by the Attorney General to bring about compliance, there is the statement that:

> Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards.

I for one believe that this still is sound policy and the will of the Congress. I doubt that the Congress is willing to authorize indirect support for that which it is unwilling to require directly—racial balancing of the schools.

There remains the question of the effect in those situations where a court has ordered desegregation of formerly de jure segregated schools, and has done so in such a manner as to require mathematical racial balancing.

Such cases are now pending before the United States Supreme Court on appeal. The Solicitor General of the United States, himself a distinguished constitutional lawyer, has argued that the orders in such a case go too far, that they exceed that which is required to satisfy the constitutional mandate. If the Supreme Court disagrees and in effect extends the limits of existing requirements for desegregation—or if at some future time it declares purely de facto segregation to be unconstitutional—then the Congress will confront a new situation which it must then consider. At this point in time desegregation does not mean mathematical racial balance, and my amendment would not prohibit funds to be used for transportation to carry out desegregation as defined in the Civil Rights Act and as interpreted by most Federal courts.

Congress can once again affirm its opposition to arbitrary racial balancing which destroys the very concept of neighborhood schools, while supporting the orderly desegregation of schools to meet constitutional requirements.

Mr. HAWKINS. Mr. Chairman, H.R. 19446, the Emergency School Aid Act of 1970, authorizes the first substantial sums for the express purpose of eliminating school segregation or preventing it.

In holding the administration accountable for meaningful enforcement of title VI desegregation operations—as opposed to main reliance on court action—we must make all the necessary tools available including the money without which many willing school districts will be hopelessly frustrated in their efforts.

Obviously just voting money is not enough. The manner in which the first $75 million was spent proves that. The six private civil rights organizations which charged that the money was often used for general school aid—not desegregation—were justified under the circumstances.

Personally, I respect the findings of these organizations and believe the pending proposal incorporates the kind of safeguards and assurances to correct the abuses which they found.

Further, I believe these private organizations can assist committees of Congress in monitoring the expenditures under the Emergency School Assistance program in accordance with the criteria written into this bill.

H.R. 19446 is a far different proposal than the emergency program under which the first $75 million was expended and the greatest injury to education would be to do nothing on the assumption additional money may be used improperly.

First, the bill has been carefully drafted in order to prevent a slush fund which can be used to buy off recalcitrant, foot-dragging districts facing court order. Main emphasis is shifted to districts that in good faith seek to desegregate or to prevent the problem from developing.

Second, the allocation of money is not left entirely to the Secretary's—of Health, Education, and Welfare—discretion in the loose manner allowed without this more specific legislation. Instead of being confined to a few States which had dual school systems, the new proposal guarantees each of all our States a minimum amount based on the number of minority schoolchildren it has. Thus, a distinction between de facto and de jure district is eliminated.

And third, section 8 of the bill outlines 12 specific assurances that every application for assistance must contain. These, which were not specifically included in the earlier program include guarantees that the applicant has not disposed of property to private schools, has not reduced its own fiscal effort, is not using a freedom of choice plan to segregate, and is without practices and procedures of assignment, hiring, and testing to discriminate against minority groups.

The pending bill might have included even more assurances and safeguards if we had obtained the kind of testimony and specific recommendations from the civil rights organizations that afterwards made the report to the public but failed to participate in the legislative hearings where their "input" was sought and could have been even more valuable.

In the heated debate that has developed over this bill, the specific purposes and impact of the expenditure of $1.5 billion in our various school districts now suffering from neglect has been overlooked by some honest critics. It is much easier to be critical than to be correct, and to find fault than to legislate—is an admonition worth remembering?

Some of us here in Congress find it popular to engage in "devil-hunting." Others, the conservative opposition, resort to emotion in order to arouse fears. But neither recrimination nor empty rhetoric will provide the kind of education so badly needed and sought by millions of our schoolchildren, white and black alike.

Billions of dollars of Federal aid is already being spent under laws less specific and with fewer safeguards than in H.R. 19446. Many compensatory programs are perpetuating segregation on black children. Administratively title VI of our Civil Rights Act has not been used in the vigorous and decisive manner we intended. For the first time, H.R. 19446 would give us a specific program of desegregation with the financial aid needed to obtain results and with criteria to measure enforcement.

If some liberals have placed the passage of this bill in jeopardy, then with even greater truth it can be said that the sponsors who put over the Steiger "Rob-Peter-To-Pay-Paul" amendment which struck section 3(c) from the bill performed an even greater disservice to the cause of American education.

This provision of the bill, section 3(c), safeguards the entire concept: that if desegregation is to proceed in an orderly and effective manner additional money must be provided rather than merely shuffling around the current inadequate educational pograms.

As Dr. Kenneth Clark has said:

> The goals of integration and quality education must be sought together; they are interdependent, one is not possible without the other.

Thus, to rob the Elementary and Secondary Education Act of badly needed funds or to deprive school districts of "impacted funds" in order to initiate this new program results in continued underfunding, further discouragement to desegregation, and the creation of hostilities among the various groups seeking Federal aid. This safeguard—section 3(c) should be retained by all means.

Much also has been said of the so-called busing amendment. It is sheer hypocrisy to equate school transportation with desegregation and to deny to some school districts the use of busing even where the local people have found the practice acceptable.

The vast majority of American school children use some form of public transportation to get to school; 40 percent of them in school buses. White children have been bused passed black schools for years in defiance of the neighborhood school concept.

Some of our finest school systems use busing to provide a higher quality of education than would otherwise be available. The city of Berkeley and Sacramento County in California are two such examples. Busing is merely one of the many purposes for which this emergency school money can be used and is perhaps the least important one, except in a few districts that have no alternative or have found it highly useful or acceptable.

In most instances those who oppose desegregation on the basis it means "forced busing" are also not willing to provide quality education for either black or white children in neighborhood schools, or elsewhere. Busing is their excuse for opposing Federal aid. They, as well as some liberals who insist on perfection before action, are content in sacrificing our children "on the altars of ideological and semantic rigidities" as long as their real concern can be hidden.

H.R. 19446 should with the additional changes I indicated be passed so that the House can in conjunction with the other body of Congress act to end segregation decisively and immediately.

Mr. DENNIS. Mr. Chairman, few things seem better established than the fact that a large majority of American voters are opposed to the busing of school children for the purpose of achieving a racial balance in the schools, or of curing a racial imbalance. This view and feeling has been repeatedly reflected in congressional legislation. In the 10th District of Indiana over 83 percent of the voters responding to my last questionnaire stated that they were in favor of a policy which provides and recognizes that in the case of genuine de facto segregation in the schools, that is, segregation existing only because of neighborhood living patterns, school authorities are not constitutionally required to take any positive steps to correct such a racial imbalance.

The measure now before us—which is a fundamental and far-reaching one—runs counter, in its spirit and effect, to both of these strongly held positions; and if it becomes law that fact will, I believe, become painfully obvious to a good many people who do not currently realize the probable reach and effect of this proposed legislation.

This bill does not, I will agree, mandate or compel an end to de facto segregation resulting from neighborhood living patterns; but it exercises a powerful influence in that direction by making available massive sums of Federal money to assist school corporations, which are willing to develop and submit plans for that purpose, to avoid or minimize such de facto segregation—and, as presented by the committee, it specifically recognizes and approves the bussing of school children as one acceptable method of carrying out such a program. This should be clear from a reading of section 5(a)(3)(D) on pages 22–24 of the printed bill.

With the adoption of the antibusing amendment presented by Mr. Collins of Texas we have an apparent direct conflict between these two provisions of the bill—so that the ultimate result, so far as busing is concerned, is left in a state of confusion and doubt.

The bill is further complicated, and quite possibly made largely unworkable in practice, by the adoption of the amendment of Mr. William D. Ford of Michigan, the general effect of which, stated briefly, is that no funds are to be appropriated or spent under this measure unless the Congress continues to appropriate and to spend moneys at least at current levels for elementary and secondary education under the act of 1965, and also for so-called impacted aid—which has become, in many of its aspects and applications, one of the most expensive and unjustifiable educational boondoggles in existence.

I recognize this bill as a serious-minded effort to reach a serious national problem. There are legitimate arguments which can be made in its favor. I would like to have the people of my district give it careful consideration and let me have their views on the measure. I am clearly not prepared to vote for this bill today.

This is an important measure and it is definitely not a bill which ought to be adopted in haste, on virtually the last day of the congressional session, and at a time when almost half of the districts which will be vitally affected by its provisions, if the measure becomes law, are not represented on the floor because of the absence of their Members. This fact, alone, would condemn affirmative action at this time. Incidentally, the vote today is probably an exercise in futility, as action by the Senate—at this stage of the game—seems highly improbable.

The issues presented here are important. They deserve careful, and prayerful, consideration. They are, as already noted, likely to be before us here again. It beehoves us, and those we represent, to ponder on the matter meantime—in our heads, and in our hearts.

Mr. FASCELL. Mr. Chairman, the Emergency School Aid Act of 1970, which is before us today, offers urgently needed assistance to local school districts. Traditionally overburdened by ever-increasing operating and construction costs, many school systems are now facing the hydraheaded problems of immediate school desegregation while simultaneously experiencing a decline in public support.

Such a condition is, of course, economically untenable; but the most immediate danger is to the quality of education for all of our children.

In my own district, the costs of inservice programs in intercultural relations, special administrative and teaching personnel, and additional transportation and security services have literally added millions of dollars to the Dade County Board of Education budget.

In an effort to assist the Dade County school system and school systems like it which are sincerely attempting to comply with Federal law and court orders, I originally introduced H.R. 16693 on March 26 of this year. That legislation, similar to the bill we see before us today, provided financial assistance to beleaguered local education agencies attempting to obey court orders to desegregate or voluntarily integrating their school systems.

I was pleased when the administration proposed similar legislation on May 21, and I am happy that the House is now considering H.R. 19446, the Emergency School Aid Act of 1970.

Mr. Chairman, I am very proud of the Dade County school system, the sixth largest in the United States. The desegregation process in Dade County has been aided by the cooperation among teachers, administrators, parents, and students. Recently I was honored by being invited to join a South Miami group of concerned parents, business and professional leaders, and educators. These are citizens of all backgrounds, but they meet regularly to consider approaches to the desegregation process which will result in a more united community in the 1970's and beyond. It is that spirit of harmony which we are trying to foster with the aid of this bill by taking some of the substantial economic pressure off of the local systems.

We know that title VI of the Civil Rights Act of 1964 must be enforced. And the Supreme Court has recently restated the principle of Brown against Board of Education even more emphatically in Alexander against Holmes County, 1969. But in the attempt to equalize the educational opportunity for all Americans, we must not allow the quality of that education to be diminished.

The legislation we are considering today will provide the needed relief during the very difficult transition period. Much of the supposed opposition to mandated desegregation might well be defused if, by providing the funds under this act, the elimination of dual systems could be accomplished without sacrificing continued high levels of instruction and achievement.

Mr. Chairman, the Emergency School Aid Act of 1970 is the product of much debate, testimony, and careful consideration. But the title of the act itself indicates the urgency which educators and public leaders feel about its provisions. The moneys appropriated for fiscal 1971 and 1972 could make the difference for school systems sincerely attempting to comply with the law. I feel that the additional money spent to aid the desegregation process will be spent with the purpose of improving the education of every pupil involved.

I urge our colleagues to join in support of this truly critical legislation.

Mr. COLLINS. Mr. Chairman, tonight we are discussing a $1.5 billion education bill that could evolve into the biggest step backward that America has ever taken in education. H.R. 19446 states that its purpose is to assist school districts to meet special problems of desegregation in elementary and secondary schools and to provide financial assistance to improve education in racially impacted areas.

This education bill concentrates on racial isolation. In simple language this means that if anyone lives in a neighborhood where the general ethnic background is identical that these children must be bused across town so that they will no longer be able to go to school in their own neighborhood.

Advocates believe that with this new plan that they will be able to achieve the classic which involves the District of Columbia. Most of the students in Washington, D.C., are in racial isolation. Since this bill involves Federal funds, they would like to require these students in Washington to have transportation to Virginia and Maryland. From Virginia and Maryland they will bring other students back into the city of Washington so that they can have a racial balance.

Before we begin this Washington, D.C., plan I would like to point out several things. Although school busing has been going on for 10 years there is not one single example in the United States where it has achieved any progress in education. There is nothing in the way of factual proof on any school or any student transfers where quality of education has been improved by busing. There have been surveys made and none of them have shown any quality education achievement has occurred. After 10 years of busing with no examples of positive results the question is asked what has been accomplished?

When you bus children up to 13 miles away from their home you have developed obvious difficulties for not only the children but also the parents of all races and all financial levels. For a child in elementary school to be 10 miles away from home, it is impossible for him to get home if he got sick during the day. If a girl wants to stay after school to rehearse school plays or to take special music lessons she would not be able to do so. If a young boy in the third grade wanted to go out for the football team he would not be able to stay because he would have to catch that bus. If a youngster is needing special tutoring in weak subjects which would be furnished by the school after closing it would not be allowed, because he would have to get on his bus. Parents who would like to go to the PTA meetings find it very difficult when it is 10 miles across town. All the parents that want to participate in school events such as Halloween carnivals or May fetes or open house for teachers would be limited with this tremendous distance that confronts them.

But the big burden falls on the schoolchild. He would spend 45 minutes in the morning and 45 minutes in the afternoon crowded into a bus to be hauled like a herd of cattle across town. The annual cost of busing would be astronomical, when all school boards are short of funds.

To clarify this whole issue, we should be certain that the clause regarding busing remains in the House bill when it goes to the Senate and later comes back to conference. The Collins amendment is explicit in stating:

> Funds appropriated under the authority of this act shall not be used to establish or maintain the transportation of students to achieve racial balance.

School authorities who are the ones who understand busing are opposed to it. A survey of school superintendents showed that 74 percent did not support busing as a desegregation measure. Checking all members of school boards recorded them as 88 percent opposed to busing. It is interesting to see that 78 percent of the teachers oppose school busing and these are teachers from the entire country. With the people in the educational field who have the professional responsibility for administering the program, they believe busing is a backward step.

This is a problem that confronts every section of our country. The New York State Assembly last year voted 104 to 41 to ban busing of students to correct racial imbalance in schools. Take Boston, Chicago, Los Angeles, New York City or wherever you live.

We had a Gallup poll this year that showed what Americans think of busing, 88 percent are opposed to it. Let me quote some of these sections from this George Gallup national survey:

NATION BY 8 TO 1 OPPOSES BUSING

> "We bought a house here so our children could be within walking distance of the high school. I'd blow my top if all of a sudden they had to be bused clear across town."
>
> This comment, from a 40-year-old mother of three from Des Moines, reflects the views of many other parents interviewed in the latest Gallup survey on the issue of the busing of Negro and white children from one school district to another.
>
> By the lopsided margin of 8 to 1, parents vote in opposition to busing, which has been proposed as a means of achieving racial balance in the nation's classrooms.
>
> Opposition to busing arises not from racial animosity but from the belief that children should attend neighborhood schools and that busing would mean higher taxes. This is seen from a comparison of attitudes on busing with those on mixed schools.
>
> Among white parents who express opposition to school busing, only one in four (24%) says he would object to sending his children to schools where half of the children are Negroes.
>
> These findings were obtained in a survey conducted March 13–16 in which parents were interviewed in person in all regions of the nation.
>
> Evidence of the keen interest in the issue is the fact that 94% of parents interviewed say they have heard or read about the busing of Negro and white children from one school district to another, a percentage which far exceeds that recorded for many other domestic issues.
>
> All those who said they had heard or read about the issue were then asked this question:
>
> In general, do you favor or oppose the busing of Negro and white school children from one school district to another?

BUSING?

Parents—nationwide:	*Percent*
Favor	11
Oppose	88
No opinion	3

> When Negro parents are asked the same series of questions, the weight of sentiment is found to be against busing.
>
> Southerners are most opposed to busing, but regional differences are not great.
>
> Persons who describe themselves as "liberals" hold views that differ little from those who call themselves "conservatives."
>
> A 51 year old Compton, Calif., housewife said, "I can't see people having to shell out a lot of money to bus kids around town. It's not a race issue with me—it just doesn't make sense."
>
> A former educator gives another reason for opposing busing: "The time spent on a

> bus is completely wasted. If the same amount of time were spent in school or at home reading, children could cover at least a fourth more ground a year."

America stands at the crossroads. Education is the most important asset for the youth of America. It is time that we concentrated on improving the quality of education. The big answer to progress is teachers. We should do everything within our power to improve their knowledge and enhance their motivation for students. The challenge rests with developing excellent teachers.

Mr. MIZELL. Mr. Chairman, I rise at this time to express an opinion on the passage of the Emergency School Assistance Act, H.R. 19466.

This opinion is not mine alone, but one shared by the vast majority of my constituents in the Fifth District of North Carolina.

First, there are a great many ill-advised features in this bill. In order to qualify for funds provided under this legislation, local school districts are now required to bow even lower before the presence of the Federal Government. Local control of local schools is now almost a thing of the past, and the people I am privileged to represent are in mourning over the loss of that local control.

The one redeeming feature of this bill is the fact that the House has again stated plainly and unequivocably, that it is opposed to the forced busing of schoolchildren for the sole purpose of achieving racial balance.

With the case against force busing now under consideration by the Supreme Court, I am happy to see this position firmly restated, because I am convinced that the position of this House accurately mirrors the sentiment of the overwhelming majority of this Nation's citizens.

Law is nothing more than a standard set by a society, an expression of moral commitment. Therefore, no law can be considered truly valid if it makes a mockery of the people's will and if it violates the public conscience.

I urge the distinguished Justices of the Supreme Court to take the overriding will of the people into consideration, and render their decision according to that will, and according to the strict construction of the U.S. Constitution.

Only in this way will the matter ever be effectively resolved.

Mr. RYAN. Mr. Chairman, H.R. 19446, the Emergency School Aid Act of 1970, authorizes $500 million for fiscal year 1971 and $1 billion for fiscal year 1972 to aid school districts that are required to desegregate, as well as school districts voluntarily trying to integrate. If administered properly, it can be a useful instrument. Actually, proper administration of this bill, should it be enacted into law, is the most troublesome issue before us. The Nixon administration, unfortunately, has demonstrated a lackluster, reluctant attitude towards school integration. Among its priorities—whatever they might be—civil rights clearly ranks very, very low.

The administration's posture vis-a-vis school integration is examined in a report released today by six civil rights groups—the American Friends Service Committee, the Delta Ministry of the National Council of Churches, the Lawyers Committee for Civil Rights Under Law, the Lawyers' Constitutional Defense Committee, the NAACP Legal Defense and Educational Fund, and the Washington Research Project. The report, entitled "The Status of School Desegregation in the South, 1970," concludes that "overall, the process of desegregation is in imminent danger of failure if new and stronger policies are not devised" and carried out by the Federal Government.

The report of the six groups charges that the "Nixon administration has consistently underdefined the legal requirements of school desegregation," while overstating the progress made. While the administration claims that 90 percent of the 3.1 million black students in the South now attend desegregated school systems, "these figures," according to the report, "incorrectly imply that the job of desegregating southern schools is largely done."

According to "The Status of School Desegregation in the South, 1970," "the Government's figures about desegregated systems are misleading" because "they conceal the fact that in many such systems black and white children are still attending segregated schools." This is because widespread segregation exists in classrooms, buses, and extracurricular activities.

Thus, the administration really has not achieved school desegregation, and it is, in fact, pursuing a very unaggressive course. For example, the groups preparing the report urged that the Government publish and enforce a memorandum prohibiting particular discriminatory practices against black students. In fact, the Department of Health, Education, and Welfare prepared the detailed memorandum last summer, but it was never promulgated or released.

In voting for the Emergency School Aid Act of 1970, therefore, I do so cognizant that the Congress must exercise a stringent oversight function to assure that its provisions are not misused, because the administration's record is dismal. In fact, the very program authorized by this bill has already been abused. In August, $75 million was appropriated for the progenitor of the program authorized by the bill before us today. By virtue of this appropriation, $71.4 million has been distributed. And an evaluation released on November 24 by the same groups which published "The Status of School Desegregation in the South, 1970" reveals the misuse of those funds.

Let me briefly run down the list of defects which the November 24 report, entitled "The Emergency School Assistance Program: An Evaluation," detailed with regard to the administration of the emergency school assistance program, whose promise the report describes as having "been broken."

First, large numbers of grants have gone to districts "engaging in serious and widespread racial discrimination."

Second, funds were used to support projects which are racist in their conception, and "projects which will resegregate black students within integrated schools."

Third, a substantial portion of the desegregation funds were not used to deal with desegregation emergencies. Instead, they were spent "for purposes which can only be characterized as general aid to education."

Fourth, grants were made to school districts not operating under terminal desegregation plans, an initial condition of eligibility for the Emergency School Act program funds.

Fifth, Emergency School Act program moneys were dissipated in grants which in many cases were "too small to deal comprehensively and effectively with the problems of desegregation."

Sixth, the Emergency School Act program regulations authorized community groups to receive grants under the program so that they could lend their assistance to the desegregation process. In fact, not a single grant of this type was made.

Seventh, in many districts, biracial advisory committees were not constituted in accordance with the requirements of the regulations.

Eighth, only a "very small portion of" Emergency School Act program funds went to projects that emphasize student and community programs designed to improve race relations in desegregating districts.

The conclusion of "The Emergency School Assistance Program: An Evaluation," is not surprising, in light of this long list. But it is particularly cogent in discussing the role of the administration.

First, it amounts to a fraud upon Congress. The Secretary of HEW explicitly promised a Senate committee that title VI would be strictly enforced in the administration of this program. Secretary Finch's words are worth quoting again:

> "We, under no circumstances, will fund districts out of compliance with Title VI—those who fire or demote anyone on the basis of race or with segregated classrooms or other basic things that you mentioned."

Second, making ESAP grants to districts engaged in these discriminatory practices amounts to HEW's acquiescence in fraud perpetrated by local school officials. The ESAP regulations were carefully drafted to require that each applicant guarantee that it would not engage in the practices prohibited by those regulations—among them racial discrimination in the hiring, firing, promotion, and demotion of staff; the racially imbalanced assignment of staff within the school system; the use of devices, including testing, which lead to racial isolation of children within the school; and aid to private schools which practice racial discrimination. These assurances have been breached by a clear majority of ESAP grant recipients.

Finally, while it is always deplorable for the Federal Government to subsidize public agencies engaged in racial discrimination, it is worse when funds designed to facilitate the process of school desegregation are granted to districts openly and flagrantly pursuing racist policies which insult and degrade black children.

XUM

If the past be prologue, then the immediate past is perhaps even more relevant prologue. And the administration of the progenitor of the program authorized by H.R. 19446 does not auger optimistically for the implementation of this program, should it be enacted into law.

It is essential that the administration not be allowed to default again on its legal and moral obligation to achieve school integration. I have watched the contortions of the administration with dismay—the firing of Leon Panetta, former head of the Civil Rights Division at the Department of Health, Education, and Welfare; the administration's urging delay, in the courts in the Mississippi schools case. These contortions make clear that the obligation resides with the Congress to exert all its pressure to insure enforcement of the law. The administration's default must not be allowed to retard the course of school desegregation.

The CHAIRMAN. All time has expired.

PARLIAMENTARY INQUIRY

Mr. PUCINSKI. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. PUCINSKI. Mr. Chairman, since all time has now expired, would it still be in order for the Clerk to read the amendment offered by the gentleman from Kentucky (Mr. PERKINS) in behalf of the gentleman from Louisiana (Mr. WAGGONNER), even though there is no debate on it?

The CHAIRMAN. The Chair will state that that is correct; there will be no debate on any further amendments offered, but any amendment that is offered will be read and voted on at this time.

Does the gentleman from Kentucky desire to offer an amendment?

AMENDMENT OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PERKINS: On page 33, line 11, before "isolation", insert the word "discriminatory".

The CHAIRMAN. The question on the amendment offered by the gentleman from Kentucky.

The question was taken; and on a division (demanded by Mr. PERKINS) there were—ayes 102, noes 1.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. COLLINS

Mr. COLLINS of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLLINS of Texas:

Page 26, beginning on line 17 strike out everything following the second comma through line 20 and insert in lieu thereof the following: "funds appropriated under the authority of this Act shall not be used to establish or maintain the transportation of students to achieve racial balance;"

Mr. BELL of California. Mr. Chairman, my colleague JIM COLLINS and I are in essential agreement on the question of transportation of students even though I must oppose this amendment.

I agree with him that the Congress has clearly and frequently mandated—beginning with the 1964 Civil Rights Act—that racial balancing in the schools should not be required by Federal programs.

This bill again restates this national policy.

It is absolutely consistent with every past action of Congress on this question.

I personally believe that the elimination of racial and economic discrimination will ultimately be of great benefit to our Nation.

And I am sure that my colleague shares this conviction.

I also believe in the value of neighborhood schools.

I do not know any parents who want their children bused one-foot farther than necessary to get safely to the nearest school.

And in case after case in the South, where outside the large cities racially integrated neighborhoods are not unusual, true neighborhood schools are the most integrated schools you can have.

In such cases, desegregation causes less busing, not more, by eliminating the busing of children right past their nearest school to a more distant segregated school.

We accomplish nothing by going beyond what the Congress has done before and refusing to assist a local school board if their plan of desegregation is called racial balance.

If a local, elected board of education decides that it wants to attempt to balance its schools, and asks for help to do this, it presumably has the support of the community or its members would not last long.

But under this amendment we would tell this school board that we refuse to help in any way to carry out a plan they have voluntarily chosen.

We tell them they will have to choose some other plan that meets favor in Washington.

I oppose such Federal interference in local school affairs.

Another inequity which would result from the pending amendment involved those school districts which are under court order to desegregate.

An order forcing them to do it in a way which could be called racial balancing leaves them no choice.

They must do it that way.

But this amendment would deny such districts the resources necessary to obey the law.

What is the probable result?

Education of children in that district will suffer.

I do not think that the Congress really intends these results.

I think what we really want to do is reinforce existing national policy that Federal programs should not be used to require racial balancing in the schools.

H.R. 19446 does just that.

Let us stick with the bill.

I urge that this amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. COLLINS).

The question was taken; and on a division (demanded by Mr. COLLINS) there were—ayes 83, noes 65.

So the amendment was agreed to.

The CHAIRMAN. Are there further amendments to be offered? If not, the question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. CORMAN, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee having had under consideration the bill (H.R. 19446) to assist school districts to meet special problems incident to desegregation in elementary and secondary schools and to provide financial assistance to improve education in racially impacted areas, and for other purposes, pursuant to House Resolution 1307, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

MOTION TO RECOMMIT OFFERED BY MR. COLLINS OF TEXAS

Mr. COLLINS of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. COLLINS of Texas. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommmit.

The Clerk read as follows:

Mr. COLLINS of Texas moves to recommit the bill, H.R. 19446, to the Committee on Education and Labor.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. COLLINS of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 159, nays 77, not voting 197, as follows:

[Roll No. 443]

YEAS—159

Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Ashley
Beall, Md.
Bell, Calif.
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Brotzman
Brown, Ohio
Burke, Mass.
Burton, Calif.
Carey
Carney
Casey
Clark
Collier
Conable
Conte
Conyers
Corman
Coughlin
Culver
Daniels, N.J.
de la Garza
Dellenback
Derwinski
Dingell
Donohue
Dorn
Eckhardt
Edmondson
Eilberg
Erlenborn
Esch
Eshleman
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Fulton, Pa.
Gaydos
Goldwater
Gonzalez
Gray
Green, Pa.
Grover
Gude
Hamilton
Hanna
Hansen, Idaho
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hogan
Holifield
Hosmer
Howard
Jacobs
Johnson, Calif.
Karth
Kazen
Kee
Keith
Koch
Kyros
Long, Md.
Lowenstein
McCloskey
McDade
McFall
Macdonald, Mass.
Madden
Mailliard
Matsunaga
Mayne
Meeds
Melcher
Miller, Ohio
Minish
Mink
Mollohan
Moorhead
Morgan
Morse
Murphy, N.Y.
Natcher
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Podell
Pollock
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Riegle
Rodino
Rooney, Pa.
Rosenthal
Roth
Roybal
Ryan
Schwengel
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton
Steed
Steiger, Wis.
Stokes
Stratton
Taft
Talcott
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Ware
Whalen
White
Widnall
Wright
Wylie
Yatron
Zablocki

NAYS—77

Bennett
Betts
Blanton
Bow
Brinkley
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Byrnes, Wis.
Cabell
Carter
Chappell
Cleveland
Collins, Tex.
Colmer
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dennis
Dickinson
Downing
Duncan
Fisher
Flowers
Fountain
Fuqua
Galifianakis
Gettys
Goodling
Gross
Hagan
Hammerschmidt
Harsha
Hastings
Henderson
Hunt
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
King
Kyl
Landgrebe
Lennon
McClure
McEwen
Mahon
Mann
Marsh
Mizell
Myers
O'Neal, Ga.
Poage
Price, Tex.
Randall
Roberts
Rogers, Fla.
Satterfield
Schmitz
Schneebeli
Scott
Stubblefield
Stuckey
Taylor
Thompson, Ga.
Wampler
Watson
Watts
Whalley
Whitten
Wiggins
Williams

NOT VOTING—197

Abbitt
Abernethy
Adair
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Baring
Barrett
Belcher
Berry
Bevill
Blackburn
Bolling
Brademas
Brasco
Bray
Brock
Brooks
Broomfield
Brown, Calif.
Burke, Fla.
Burlison, Mo.
Burton, Utah
Bush
Button
Byrne, Pa.
Caffery
Camp
Cederberg
Celler
Chamberlain
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cohelan
Collins, Ill.
Corbett
Cowger
Cramer
Crane
Cunningham
Daddario
Delaney
Denney
Dent
Devine
Diggs
Dowdy
Dulski
Dwyer
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Flynt
Foreman
Frey
Friedel
Fulton, Tenn.
Gallagher
Garmatz
Giaimo
Gibbons
Gilbert
Green, Oreg.
Griffin
Griffiths
Gubser
Haley
Hall
Halpern
Hanley
Hansen, Wash.
Harrington
Harvey
Hébert
Hicks
Horton
Hull
Hungate
Hutchinson
Kastenmeier
Kleppe
Kluczynski
Kuykendall
Landrum
Langen
Latta
Leggett
Lloyd
Long, La.
Lujan
Lukens
McCarthy
McClory
McCulloch
McDonald, Mich.
McKneally
McMillan
MacGregor
Martin
Mathias
May
Meskill
Michel
Mikva
Miller, Calif.
Mills
Minshall
Mize
Monagan
Montgomery
Morton
Mosher
Moss
Murphy, Ill.
Nedzi
Nelsen
Nichols
O'Konski
Ottinger
Passman
Patman
Pelly
Pettis
Poff
Powell
Purcell
Quillen
Rarick
Reifel
Rhodes
Rivers
Robison
Roe
Rogers, Colo.
Rooney, N.Y.
Rostenkowski
Roudebush
Rousselot
Ruppe
Ruth
St Germain
Sandman
Saylor
Schadeberg
Scherle
Scheuer
Sebelius
Shipley
Shriver
Sikes
Skubitz
Smith, Calif.
Snyder
Springer
Stafford
Steele
Steiger, Ariz.
Stephens
Sullivan
Symington
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tunney
Ullman
Waggonner
Waldie
Weicker
Whitehurst
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wyatt
Wydler
Wyman
Yates
Young
Zion
Zwach

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Celler for, with Mr. Waggonner against.

Mrs. Sullivan for, with Mr. Hébert against.

Mr. Thompson of New Jersey for, with Mr. Abernethy, against.

Mr. Shipley for, with Mr. Montgomery against.

Mr. Rostenkowski for, with Mr. Abbitt against.

Mr. Rooney of New York for, with Mr. Bevill against.

Mr. Brasco for, with Mr. Caffery against.

Mr. Annunzio for, with Mr. Dowdy against.

Mr. Dent for, with Mr. Edwards of Louisiana against.

Mr. Edwards of California for, with Mr. Flynt against.

Mr. Garmatz for, with Mr. Griffin of Mississippi against.

Mr. Giaimo for, with Mr. Haley against.

Mrs. Green of Oregon for, with Mr. Hull against.

Mr. St Germain for, with Mr. Landrum against.

Mr. Wolff for, with Mr. Long of Louisiana against.

Mr. Nedzi for, with Mr. McMillan against.

Mr. Moss for, with Mr. Mills against.

Mr. Monagan for, with Mr. Nichols against.

Mr. Mikva for, with Mr. Passman against.

Mr. Miller of California for, with Mr. Rarick against.

Mr. Leggett for, with Mr. Rivers against.

Mr. Kluczynski for, with Mr. Sikes against.

Mr. Barrett for, with Mr. Stephens against.

Mr. Charles H. Wilson for, with Mr. Teague of Texas against.

Mrs. Chisholm for, with Mr. Baring against.

Mr. Horton for, with Mr. Devine against.

Mrs. Dwyer for, with Mr. Hall against.

Mr. Steele for, with Mr. Martin against.

Mr. Corbett for, with Mr. Rousselot against.

Mr. Halpern for, with Mr. Schadeberg against.

Mr. Rhodes for, with Mr. Scherle against.

Mr. Andrews of North Dakota for, with Mr. Blackburn against.

Mr. Robison for, with Mr. Ruth against.

Mr. Gallagher for, with Mr. Andrews of Alabama against.

Mr. Byrne of Pennsylvania for, with Mr. Snyder against.

Until further notice:

Mr. Roe with Mr. Arends.

Mr. Kastenmeier with Mr. Adair.

Mr. Anderson of Tennessee with Mr. Camp.

Mr. Aspinall with Mr. Edwards of Alabama.

Mr. Brademas with Mr. Ashbrook.

Mr. Brooks with Mr. Findley.

Mr. Brown of California with Mr. Denney.

Mr. Hungate with Mr. Crane.

Mr. Symington with Mr. Belcher.

Mr. Yates with Mr. Foreman.

Mr. Burlison of Missouri with Mr. Ayres.

Mr. Young with Mr. Gubser.

Mr. Murphy of Illinois with Mr. Cederberg.

Mr. Purcell with Mr. Burton of Utah.

Mrs. Griffiths with Mr. Frey.

Mr. Hanley with Mr. Cramer.

Mr. Harrington with Mr. Berry.

Mrs. Hansen of Washington with Mr. Cunningham.

Mr. Gibbons with Mr. Chamberlain.

Mr. Fulton of Tennessee with Mr. Burke of Florida.

Mr. Fascell with Mr. Harvey.

Mr. Evins of Tennessee with Mr. Bray.

Mr. Dulski with Mr. Del Clawson.

Mr. Evans of Colorado with Mr. Bush.

Mr. Patman with Mr. Clancy.

Mr. Hicks with Mr. Brock.

Mr. Ullman with Mr. Hutchinson.

Mr. Cohelan with Mr. Collins of Illinois.

Mr. Delaney with Mr. Don Clausen.

Mr. Farbstein with Mr. Clay.

Mr. Friedel with Mr. Diggs.

Mr. Fallon with Mr. Kleppe.

Mr. Rogers of Colorado with Mr. Kuykendall.

Mr. Gilbert with Mr. Broomfield.

Mr. Feighan with Mr. Cowger.

Mr. Daddario with Mr. Button.

Mr. Waldie with Mr. Teague of California.

Mr. Tunney with Mr. Lloyd.

Mr. McCarthy with Mr. Sebelius.

Mr. Ottinger with Mr. Langen.

Mr. Scheuer with Mr. Zwach.

Mr. Quillen with Mr. Latta.

Mr. Lujan with Mr. Shriver.

Mr. McCulloch with Mr. Reifel.

Mr. Thomson of Wisconsin with Mr. Poff.

Mr. Minshall with Mr. Nelson.

Mr. Weicker with Mr. MacGregor.

Mr. Pettis with Mr. Lukens.

Mr. McDonald of Michigan with Mr. Skubitz.

Mr. Ruppe with Mr. Steiger of Arizona.

Mr. Bob Wilson with Mr. Pelly.

Mr. Wydler with Mr. Michel.

Mr. Mosher with Mr. Zion.

Mr. McClory with Mrs. May.

Mr. Morton with Mr. O'Konski.

Mr. Mathias with Mr. McKneally.

Mr. Stafford with Mr. Winn.

Mr. Wyman with Mr. Smith of California.

Mr. Wyatt with Mr. Roudebush.

Mr. Sandman with Mr. Wold.

Mr. Saylor with Mr. Whitehurst.

Mr. Meskill with Mr. Mize.

Mr. ROTH changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

XUM

GENERAL LEAVE TO EXTEND

Mr. BELL of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks.

The **SPEAKER.** Without objection, it is so ordered.

There was no objection.

RESOLUTION AND STATEMENT ON TOBACCO

(Mr. DANIEL of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL of Virginia. Mr. Speaker, we are today introducing the following resolution:

Be it resolved that:

It is the intent of Congress that no monetary grants, loans or other assistance rendered any foreign nation by any executive agency of the U.S. Government, or funds authorized and appropriated by the U.S. Congress, as part of our subscription to any international agency or bank, be used to produce such agricultural commodities that are like or competitive with agricultural commodities grown here under U.S. federal subsidy or in surplus in the United States.

Mr. Speaker, we are very perturbed at the action of the International Development Association, a subsidiary of the World Bank, in granting a $9 million loan to the African country, Tanzania, for the express purpose of growing Flue-cured tobacco for export. On October 7 the Director of IDA announced that in a press release, number 70/47, that a loan had been authorized for that purpose so as to enhance Tanzania's intake of foreign exchange by encouraging 15,000 small landholders to grow Flue-cured tobacco solely for export.

We regard this action by IDA as particularly unfortunate at this time when we are holding 850,000,000 pounds of CCC stocks of surplus Flue-cured tobacco. Our own U.S. acreage and poundage allotments have been cut repeatedly and our farm families holding the 200,000 tobacco allotments will be seriously affected by this new competitive production overseas and destined for trade purposes.

As you know, a substantial percentage of our offset market is in Western Europe, particularly the Common Market. Europe produces only one-third of her tobacco requirements and we have to compete very strongly for the rest with producers from Spain, Turkey, Greece, Rhodesia, and other areas. As it is Tanzania profits from an Empire preference of 18.5 cents per pound in the British market. Should Britain join the Common Market, then, as an associate member, Tanzania will enjoy a duty-free entrance in a market of nearly 300 million people. Such action will simply mean that Tanzania will take away from us a very sizable portion of a market which we have striven very hard to maintain. Despite our highest quality product we will find it extremely difficult to compete with low-cost duty-free tobacco from Tanzania.

We feel that action by this Congress is imperative. We have protested to President Nixon and asked that his influence be used to rescind this IDA action. We have also voiced strong dissatisfaction with the IDA Governors and asked that the authorization to Tanzania be reconsidered and put aside. We have asked IDA for an opinion as to the deleterious effect its loan will have on sales of Flue-cured tobacco by the United States. We have also asked Mr. Gilbert, the President's special representative for trade negotiation for a study on the possible effects of Tanzanian tobacco exports on our European tobacco sales. We are also communicating with Mr. Hannah, Director of our Agency for International Development—AID—as to grants and loans granted by AID to Tanzania that might assist in this project.

Mr. Speaker, it is still the avowed purpose of this country to help the 80 lesser developed countries—LDC's—achieve viable economic development. We are in favor of assisting international agencies and banks—in the case of IDA 40 percent of its latest replenishment funds derives from the United States—$480 million out of a total of $1.2 billion—by subscriptions to achieve greater economic growth. But we cannot reconcile the fact that on the one hand we reduce our acreage and poundage allotments for Flue-cured tobacco and pile up huge subsidized CCC surplus stocks and, on the other hand, give literally millions of dollars to international agencies that make loans to other countries to produce a commodity directly competitive with our own. Such action is against our own national interests.

We raise several questions in this regard.

First. In IDA actions our voting power is 25.47 percent. In all, the 22 developed nations control 62.83 percent of all IDA votes. The 80 developing nations—to whom all the loans are given—control only 37.17 percent of the votes. Surely the developed nations should not give loans that will be injurious to their own sales of a commodity for whose production the loan is given? We are not helping the LDC's by hurting ourselves. Surely our American governor on the IDA should not accede to a loan that will be detrimental to our interests? Granted that the IDA is an international agency—dependent for 31.46 percent of its total funds on us—we would not want to dominate or dictate its policies and actions, but in all fairness, neither should IDA's actions hurt the largest subscriber. We demand fair reciprocity.

Second. Has IDA really considered alternative production of agricultural commodities in Tanzania? Why produce only tobacco? Why not oilseeds? Why not feedgrains? Why not pasturage and silage for meat and milk production? Why not production of pulses to make her self-sufficient in food grains? We state our objection to the tobacco loan in this form because we are the only industrialized nation producing flue-cured tobacco that will suffer deleterious consequences if this loan is allowed to go through. Is IDA oblivious of our tobacco problems or do the governors grant loans regardless of possible consequences on others?

If despite our objection—and we are sure that we are supported by the congressional delegations from the flue-cured tobacco States of Virginia, Georgia, North and South Carolina, and Florida—then we here should safeguard that our bilateral American aid never be misused and that some of our international aid on a multilateral basis not be used against us. Our resolution before this House will prevent a recurrence of such a type of loan being granted by IDA in the future.

Third. Under Public Law 480 we sell surplus farm products to many nations. Very large sums of foreign currencies accrue as a result. We lend much of this money back to the LDC's. But under the Cooley loans—granted for development—we do not allow agricultural and industrial commodities to be shipped back here to compete on our home market. Now we ask that no aid, United States or international as assisted by us, be used to produce commodities that compete with those subsidized or in surplus here—such as tobacco.

Further to our resolution we submit that the chairmen of the House Ways and Means Committee and the Senate Finance Committee should be apprised of this intention when legislation is authorized for foreign aid or the replenishment of funds for all international agencies. This proviso, prohibiting the use of American funds for grants or loans by foreign recipients to produce agricultural commodities under subsidy or in surplus here, should be written into all future authorizations. In fact, the chairmen of both House and Senate Appropriation Committees, should also insert this prohibition in all their foreign aid appropriations. We repeat that we feel that this matter is one of utmost importance, considering the fact that we are the largest total contributor of aid funds, as well as the one most liable to injury by competitive production in the 80 LDC's. This matter is also very relevant to the legislation now pending in the other House for additional funds for the International Development Bank, Inter-American Development Bank, International Finance Corporation, and other ancillary organizations such as the Overseas Private Investment Corporation—OPIC.

Mr. Speaker, we singled out this Tanzania loan because here it stated specifically just what the funds were to be used for—for producing Flue-cured tobacco for export. Actually an IDA loan—press release 70/41 of July 22, 1970—for $4 million had been granted to Uganda for growing tobacco by small holders. Somehow the distinction of "for export" was obfuscated, hence specific objection was not entered by us. Now the IDA intent has been stated. What is more galling perhaps, is the fact that the loan was granted to a country that is trying to reap the utmost benefits from its association with our Western free world, while nationalizing Western investments, and making friendly overtures to the Sino-Soviet bloc. Nor has she shown herself particularly friendly to the Western industrialized world in her treatment of Zanzibar and by according Communist China special privileges.

I submit that the time has come for the President, our executive agencies, and the U.S. Congress to take steps to obviate actions by this international agency—IDA—that are injurious to our own national interests. We are keeping this matter under strict day-to-day attention and will apprise this body of new reactions as they develop.

RENEWAL OF FOOD STAMP PROGRAM

(Mr. POAGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. POAGE. Mr. Speaker, some 30 years ago I supported the Milo Perkins food stamp program. It was abandoned because of fraud and abuse. Some 15 years ago the first legislation establishing our present food stamp program came from our Agriculture Committee. We sought to minimize abuse of the program. I supported it and have supported the program every time it has been renewed although each time it has been renewed it has been liberalized.

A year and a half ago the Agriculture Committee began hearings on food stamp legislation. Last August we reported a bill and asked for a rule. The rule was only granted early this month. We immediately sought to schedule the legislation, and last week passed the bill as reported by our committee without amendment.

Last Friday we took the measure to conference. There was agreement on a great many minor issues, but on two fundamental items there was complete disagreement.

The House bill which you passed provided for what the Department calls a nutritionally adequate diet. This would cost a little under $2 billion per year. The House authorized open-end appropriations realizing that the real limitation must be the actual cost of the program. The other body insisted on a program involving expenditures in excess of a nutritionally adequate diet, which would cost approximately two to three times as much as the House bill. The House bill itself actually increases expenditures for next year some 400 percent from what they were last year. Your conferees felt that this was an adequate rate of increase, and that a nutritionally adequate diet was all that the taxpayers should be expected to contribute. I believe it was the Queen of France who suggested that the poor "eat cake." France was soon without a Queen and I fear we are likely to be without a food stamp program if we try to give too much.

The second point of disagreement, and possibly the most fundamental, was that your conferees insisted on an effective provision requiring able-bodied adult beneficiaries of the program to accept work when offered at no less than the minimum wage. At the same time your conferees protected these beneficaries against any requirement that they work at a plant closed by a labor dispute. The conferees of the other body simply would not accept any effective work provision. We are hopeful that today they may be willing to review this question.

The House conferees have insisted that those who receive the benefit of the program should be willing to work in return, but we have reiterated our willingness to discuss details and we are still willing to meet any time or place. I am happy to report that the chairman of the conference has within the last hour indicated a willingness to discuss the matter further. We appreciate his cooperation.

In the final analysis the whole matter boils down to this: Do we want to exchange our social, economic, and religious philosophy that "in the sweat of his brow shalt man eat bread" for the philosophy of the socialistic countries which proclaims that man should share the good things of the world, not in proportion to his contribution but in proportion to his needs. If any Member can show your conferees that the socialistic system has done and is doing more for the poor people of their countries than is our private property system, then I am sure that every member of the conference will be glad to accept the other body's proposal that we require nothing of the recipients of these food stamps. So long as human nature remains as it is we are convinced that when you give some people a better living for doing nothing than others earn from their hard work, there will be an ever-increasing number of eaters and a decreasing number of workers.

CHANGING OF THE GUARD IN POLAND

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, the events in Poland over the weekend have enormous significance not only to the United States, but also to the entire free world.

The ouster of the top Communist leader, Wladyslaw Gomulka, is in itself an event. Gomulka is one of the top hard-line Communists of Europe. He was the first to send Polish forces into Czechoslovakia when Soviet troops moved in to crush the recent revolution for freedom in that country. He has, of course, been one of the Kremlin's strongest supporters and has kept Poland under total Moscow domination.

While it is true that his successor, Edward Gierek, is a Communist, I think we ought not to lose track of the fact that the defeat of Mieczyslaw Moczar, the No. 2 man in this power struggle, is a set back for the Kremlin. Moczar had been slated by the Kremlin to replace Gomulka but obviously the Polish leadership refused to bend to the Kremlin and instead selected Gierek.

Edward Gierek is a pragmatist. He has been outspoken in trying to pull Poland away from complete Soviet domination. There is reason to believe he is going to seek greater ties with the Western democracies, and, indeed, we are now beginning to see some hope that Poland can be weaned away from total Soviet domination. It would be my hope the United States would enter into immediate discussions to see whether or not we can improve relations which have been deteriorating for some time under Gomulka.

I see in this great uprising in Poland a very significant factor. The people of Poland, as well as the people all across the Iron Curtain, are now standing up to oppose monolithic Soviet domination. I believe this bodes well for the forces of freedom. I think finally, after 25 years, we can begin to see some light at the end of the tunnel and hope that maybe finally these countries that are under Communist rule against their wishes, and which they have never accepted, this Communist rule which was imposed on them after World War II, are at last going to work their way to some semblance of freedom, so they can live as free nations.

THE INVESTIGATION REGARDING MR. JUSTICE WILLIAM O. DOUGLAS

(Mr. DENNIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DENNIS. Mr. Speaker, I am reliably advised, and it now seems to be apparent, that the full Committee on the Judiciary, of which I am a member, will hold no meeting to pass on the "final report" of the Special Subcommittee on House Resolution 920, the matter of the possible impeachment of Associate Justice William O. Douglas.

This rather unusual procedure seems to me to be as unfortunate as is the even more unusual procedure of the special subcommittee, acting through its majority, in arriving at a "final report," in a matter of this magnitude, without calling a single witness or taking a single word of testimony under oath.

As a member of the Committee on the Judiciary, and as a member of the bar, I feel impelled to protest against and to respectfully make of record my dissent from this course of conduct.

In so registering my objections to and my dissent from the procedure followed, I do not mean to suggest that I believe that Mr. Justice Douglas ought to be impeached. As the gentleman from Michigan (Mr. HUTCHINSON) says, in his minority views—with which, in general, I would associate myself—"the evidence is not all in," and certainly I would not vote to impeach any public official—and much less a Justice of the Supreme Court—except on convincing evidence of impeachable misconduct.

It might well be, as Mr. HUTCHINSON's minority views also suggest as a possibility, that, on thorough investigation, conduct, if any, on the part of justice Douglas which could properly be called into question, would fall short of conduct justifying impeachment and would rather fall into a category which might appropriately be the basis for official censure. It might be that no official action of any kind would be called for. I take no present position on any of these matters, for I have not heard the evidence, nor had any opportunity to hear it; and I say only that there has been no adequate or sufficient investigation.

Every lawyer knows, I think, that an adequate investigation of an important matter, such as that we deal with here, demands and requires the examination and cross examination of witnesses under oath, and a study of the voluminous subcommittee report—which does represent an impressive job of preliminary spadework—leads at once to a desire on the part of the reader to question certain individuals named therein and to ascertain the identity of, and to thereafter examine, certain others who are therein referred to.

It further seems clear to me that the full Committee on the Judiciary, which had considered the first report of the special subcommittee and which had thereafter authorized an additional 60 days in which the subcommittee could pursue its investigation, ought, in the normal course of events, to have a similar opportunity to consider, and thereafter to act upon, the "final report" of the subcommittee.

I regret that this obvious and appropriate procedure has not been employed, and I wish to respectfully but emphatically disassociate myself from the procedure which has, in fact, been followed.

THE VETO OF THE MANPOWER BILL

(Mr. GAYDOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GAYDOS. Mr. Speaker, the President's veto of the manpower bill is a clear demonstration of the administration's insensitivity to our critical domestic problems and a total rejection of one of the most potent weapons ever designed to combat an ever-increasing rate of unemployment.

The President's veto is based primarily on his objection to the public services provision which he claims will result in the creation of deadend public service jobs. His opinion is not shared by the U.S. Conference of Mayors. I, as well as other Members of Congress, recently received a telegram from the U.S. Conference of Mayors, expressing their deep dismay and urging the Congress to override the Presidential veto.

As a member of the committee which fashioned this legislation, I share their disappointment and urge the membership of the House to vote to override the veto.

The text of the telegram follows:

To All Members of Congress, December 17, 1970:

The President's veto of the 1970 Employment and Manpower Act must, in the best interests of the cities of this Nation, be turned around. We urge an immediate congressional override on this critical issue.

The President has misinterpreted the intent of the legislation, and the result is that thousands of unemployed individuals in this country will continue to be hopelessly unemployed. This legislation creates employment in the cities, with adequate training provisions to create significant promotional opportunities for those employed. We continue to find it inconceivable that the President, himself, has killed his own first major domestic new federalism law to provide local capability to cope with disastrous local unemployment problems. This concept has received top priority with the U.S. Conference of Mayors since 1967, and has now received the widespread approval of public interest groups throughout the Nation. And, of course, it has also received the approval of the Congress of the United States.

This program is not stop-gap and it is not dead-end. It is one of our last hopes to turn back the hopelessness of thousands of individuals. The mayors of this Nation see these individuals every day, live with them, talk with them, and desperately try to help them. The mayors must have the resources to provide that help. We must have the override of this veto. Now.

Mayor Joseph Alioto, San Francisco, Calif.; Mayor Thomas D'Alesandro, Baltimore, Md.; Mayor John Driggs, Phoenix, Ariz.; Mayor Roman Gribbs, Detroit, Mich.; Mayor John Lindsay, New York City, N.Y.; Mayor Sam Massell, Atlanta, Ga.; Mayor James Tate, Philadelphia, Pa.; Mayor Kevin H. White, Boston, Mass.; Mayor Frank W. Burke, Louisville, Ky.; Mayor Richard Daley, Chicago, Ill.; Mayor Peter Flaherty, Pittsburgh, Pa.; Mayor Harry G. Haskell, Wilmington, Del.; Mayor Henry Maier, Milwaukee, Wis.; Mayor Carl Stokes, Cleveland, Ohio; and Mayor Wesley Uhlman, Seattle, Wash. Legislative Committee of U.S. Conference of Mayors.

FORMER MEMBERS OF CONGRESS, A NEW ORGANIZATION

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to include the remarks of Walter Judd.)

Mr. GERALD R. FORD. Mr. Speaker, I am pleased to call to the attention of the House that President Nixon invited the members of a new organization, Former Members of Congress, to the worship service in the East Room of the White House on Sunday, September 13, 1970. Almost 100 former Members of the House and Senate attended with their wives or husbands. At the President's request, the service was conducted by our former colleagues, Brooks Hays, of Arkansas, and Walter Judd be entered into the RECORD

I believe the House will be interested in their remarks on that occasion and ask unanimous consent that those of Walter Judd be entered into the RECORD at this point.

I would also like to include the text of the brochure describing the history, purposes, and programs of former Members of Congress, which now has 325 members.

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ALBERT, to include in the RECORD the remarks of Brooks Hays delivered at the White House following the remarks of Mr. GERALD R. FORD.

(At the request of Mr. ALBERT the remarks of Brooks Hays, delivered at the White House, were ordered to be printed in the RECORD following the remarks of Mr. GERALD R. FORD.)

REMARKS BY HON. BROOKS HAYS

Mr. President, Mrs. Nixon, Distinguished Friends. First, I trust that the President will permit me to take just a moment to thank him for two things: One, for honoring Former Members in this fashion, to revive the Hays-Judd team, or I must say, the Judd-Hays team. We were known in Congress as the Continental Barnstormers and we went across the United States pleading for a sound foreign policy and the President will remember something of that experience. We did it without diluting our party loyalties. It was strange for some of our colleagues that a Northern Congregationalist Republican would have such fellowship with a Southern Baptist Democrat. But there was, I thought, something of a common reservoir of good will from which we could draw something to enrich the nation's political life. I think there were times when Walter thought that I resembled the old gentleman down south who said, in his last illness, "If there is anything wrong with the Baptist Church and the Democratic Party, I would rather die without knowing it".

And I think, too, Mr. President, that I'm entitled to take another moment of Walter's time to thank you for sending us your check for $50.00. You could have had membership for nothing, but it created quite a stir at the office and we almost didn't cash the check, which perhaps you would have been glad we didn't, but we wanted to frame it, partly to show, Mrs. Nixon, that it was a joint account. I don't want to tell any secrets here, but it was such a good example for the other former Members of Congress and we hope if they don't have joint accounts that they'll take notice of it.

And we feel, too, that this little story that I'm permitted to tell, I think, would be relevant. There was a Kentucky farmer that wanted to enter his favorite fast-running mule in the Kentucky Derby, and they told him he just couldn't do it. And as he sadly received the news, his nephew said, "Well, Uncle Henry, you know that the mule couldn't have won". "Yes, that's right", he said, "but he would have profited so by the association".

Now I have taken this moment to indulge in levity because having been privileged to be a colleague of the President, I was assured that it would be all right, and now, in all reverence, and if you will remain seated, I'm going to offer our prayer. It's a difficult assignment. I'd like to think that I'm praying for every one of you and if you'll bear with me then, I will offer this prayer for the President and for us.

Our Father, one of our principal purposes in this assembly is to renew the commitments to Thy law, made by our forefathers. We believe these commitments account for whatever divinity there is in our public life. This is our corporate prayer, but as individuals we cry out as Thy creatures with all the frailties of humankind for a new consciousness of Thee. May the restlessness of our souls which we know will not cease until we rest in Thee, meanwhile propel us willingly and devotedly into life's duties filled with confidence that this world is still in Thy hands. We pray for the President and for his family. None know better than we, his guests today, the weight of his burdens. These he cannot cast away. But we ask that they may be accompanied by an awareness of Thy presence and Thy help. More than for ourselves, we ask Thy protecting care for the country we love. We know Thou art the judge of all nations and the Father of all peoples. We would therefore ask for nothing that we would not share with others wherever they are, whatever their status. We pray that we may be instruments of Thy will in a distraught world which desperately needs Thy guidance and Thy peace. This we can do with firmness in the right as Thou hast given us to see the right. We cannot be blind to the unleashed forces that are contrary to Thy laws, the cruelties and the imperfections which we long to see vanish from this earth. But all of our hope would be in vain without Thee. We cannot understand it but we accept as truth the Bible's assurance that Thou wilt be at our side in every struggle, and wilt share our sufferings. This is our firm buttress against every peril. We pray it in Jesus' name and in His spirit. Amen.

Walter and I talked about an appropriate passage for the Scripture reading and I agreed with his suggestion, in the light of the things that I know he's going to talk about in general. This is, I think, an appropriate passage, the First Psalm:

"Blessed is the man that walketh not in the counsel of the ungodly, nor standeth in the way of sinners, nor sitteth in the seat of the scornful. But his delight is in the law of the Lord; and in His law doth he meditate day and night. And he shall be like a tree planted by the rivers of water that bringeth forth his fruit in his season; his leaf also shall not wither; and whatsoever he doeth shall prosper. The ungodly are not so: but are like the chaff which the wind driveth away. Therefore the ungodly shall not stand in the judgment, nor sinners in the congregation of the righteous. For the Lord knoweth the way of the righteous; but the way of the ungodly shall perish."

REMARKS BY DR. WALTER H. JUDD

Mr. President, Mrs. Nixon, friends, fellow Americans. First, I want to join Brooks in expressing for all of the former Members of Congress our appreciation of the honor you do us today in inviting us to join you and your family, and your official family, in this service of worship at the White House.

Over 200 former Members of Congress have joined this organization in the seven months since it was established, with the original suggestion coming from the gentleman from Arkansas, Mr. Hays. You will permit me to comment that this organization has a unique advantage over many in that it is certain to have a new group of persons eligible for membership every two years. It has a guaranteed clientele!

We hope that this association will enable those of us who have been in the Congress, the House or the Senate—with a few like yourself, Mr. President, graduates of both bodies—to continue the fellowship and close friendships developed in our years of working together on Capitol Hill. Perhaps it will also enable us to keep a little closer to affairs of state. We don't now have direct responsibilities for lawmaking, but there is no lessening of our concern for the well-being of this country. And especially in times as troubled as these.

No one will deny, I think, that we are living in a period characterized by as great a mixture of emotions as any in our nation's history. On one hand, never did anybody have so much to be grateful for, and I'm sure most Americans are deeply thankful for the goodness of living and the freedoms that are possible for us here. But at the same time, there's never been greater uneasiness, uncertainty, dismay, perplexity, approaching in many instances, anxiety. Everywhere there are conflicts.

Abroad, for the first time in history, there are conflicts on all continents at the same time.

And there are widespread conflicts here at home. We've been accustomed to assassinations, insurrections, riots, disorders in other countries, but have assumed that in the United States things would always be stable. And now we see deep questioning in our country, both of the values on which the nation was founded and grew great, and of our basic institutions, especially among our youth.

There is the criticism that we haven't lived up to the values we profess. And at the other extreme there is an assault upon the values themselves—the contention that they aren't essential or necessarily good, even if we do live up to them. They are said to be just ancient preachments that don't apply to our times.

Equally there's widespread questioning of our basic institutions.

First, of our political institutions. Questioning of all of them, including our own Alma Mater, the Congress, not to mention the Judiciary, and even occasionally, some questions about one department or another of the Executive branch!

Questioning of our economic institutions, the means by which goods and services are produced and distributed—the marketplace.

Questioning of our educational institutions at all levels—the school.

Questioning of our social institutions, beginning with the most basic of all, the home.

And questioning of our religious institutions—the temple. Are the Judeo-Christian faith, heritage, body of ethics, on which this nation was established relevant to us, suitable or adequate for such times as these? Or is God dead? Or never was?

Surely it was never more urgent that we in America take our bearings afresh. *Is* there a moral order in the universe?

There's an astronomical order; nobody doubts that. Our astronauts wouldn't have moved one foot into space if they hadn't been absolutely sure there is an order out there. We don't know too much about it yet. Our job is to find out what it is, what its laws are and live *with* them instead of against them.

No one denies there is a physical order. It isn't said we ought tc try to create a chemical order for our times or a biological order.

But is therc or is there not an order in that realm which is most important of all: the relation of people to people—a moral order? An order like the others whose laws man can violate but which he cannot break, because they're in the nature of things.

Are there any fundamental principles or laws that are universal, that are always true in every age and in every place,—

That apply to *all* peoples, *all* races, *all* classes, *all* nations;

to the rich and to the poor;

to the employer and to the employee;

to the majority and to the minority?

If so, what are those principles or laws?

By what standards are we to judge proposals that come from this, that or the other source? By what yardsticks are we to measure progress or decay, good or bad?

How can we in America make a united nation again out of our deeply divided people?

How can we build a united world out of the divided peoples and nations on this dangerously contracted planet?

Perhaps we can get some guidance from the experience of those who have gone through troubled times in the past. I'd like to use as our example this morning the children of Israel.

When Moses led them out of Egypt where they had been 400 years in captivity, they had deep family ties, tribal ties, blood ties, and they had strong religious ties. But they hadn't developed political ties. They hadn't had opportunity to develop them; the Pharaohs had made all those decisions for them, and it takes time and experience to develop political consciousness, and skill in estabishing the institutions and laws under which people can live together in harmony and peace.

How could Moses weld this collection of tribes and families into a political organism, able to hold its own and deal successfully with its own people and with its neighbors?

How make a nation out of a people?

You will recall that Moses, wrestling with this task, went up into a mountain alone where God gave him—or helped him work out—ten great fundamental principles or laws for Israel. Our forefathers believed in these and sought to apply them, live by them. My question this morning is, are they relevant for us today, our nation, our world, our times?

The longer I served in government, and especially after I had yielded, or seen some of my colleagues yield, to the temptation to try short cuts or expediencies that violated these laws, the more convinced I became that there are none better for us. In fact—I will say it more strongly—I doubt that there are any others on which, as a base, we can build a society, a nation, that will endure and prosper.

So first let me just run through them, reminding you of each with a sentence or two, and then try to see if they have relevance for us today. And always interpreting them here today from this standpoint only; nation-building.

The first, of course, is that God must be at the center of things. To put one's race at the center, ancestry, class, party, work, even one's own family, certainly one's self, divides. Not power or position or prestige, but GOD must be at the center, or things just won't go right. Not because God is self-seeking, but because He wants us not to make the fatal mistake of putting something else *at the center*. THOU SHALT HAVE NO OTHER GODS BEFORE ME.

The second is the same law, said negatively—the folly and the futility of putting one's main trust in things. Because things *at the center* will fail you. That which can be possessed can be lost, and then what do you have? THOU SHALT NOT MAKE UNTO THEE ANY GRAVEN IMAGE.

The third is the sacredness of the Divine-Human fellowship. One cannot have God at the center if that relationship is profaned or exploited or trifled with or used for selfish purposes. It alienates one from God. THOU SHALT NOT TAKE THE NAME OF THE LORD THY GOD IN VAIN.

The fourth is the claim of God on a portion of our time. This is the positive requirement. You can't develop a close relationship with the woman you love enough to ask to be your wife unless you give time, thought, and attention, to it—and to her. Do we imagine we can develop a close, intimate fellowship with God, so we can have Him at the center, can know His will and lay hold on His resources available for us, if we don't give time to it—and to Him? The Sabbath is a symbol of this claim of God on a portion of our time, our substance, our lives, ourselves. REMEMBER THE SABBATH DAY TO KEEP IT HOLY.

The fifth is the sacredness of the home, the family, which has been the pattern of organization of every good and stable society all down through the centuries. Jesus so often took these ancient precepts or laws and reaffirmed them, lifted them up, lived by them. On the cross, in almost the last hour of His life, He made provision for His mother. Seeing her and the beloved disciple, He said to her, "Behold thy Son". And to the disciple, "Behold thy Mother". No enduring Society has been or can be built in which the home is not a holy and sacred institution. HONOR THY FATHER AND THY MOTHER. Not just counsel—*law*.

The sixth is the sacredness of human life. It's really more than we ordinarily mean by that, I think, as I learned once when studying Chinese. Sometimes I read the Bible with my teacher because I thought I knew what it meant and all I had to do was to learn how to say it in Chinese. One day when we were reading the Commandments, my teacher, a courtly, Confucian gentleman, said somewhat diffidently, "I once heard one of your Christian preachers talk about this Commandment and he interpreted it as if it meant only, Thou shalt not kill *the body*. But it doesn't say that. It says, Thou shalt not *kill*". He added, "We Chinese think it's worse to kill or crush the human spirit than it is to kill the body. And your own leader said, 'Don't be afraid of those who can kill the body but cannot kill the spirit' ".

Mrs. Judd and I just got back two weeks ago from the Soviet Union. The thing that most disturbs one there is the obvious crushing, subjugation, of the human spirit. It's the whole human person that's sacred; not just the body. Lawless, capricious destruc-

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tion of human persons makes impossible the building of a good society. THOU SHALT NOT KILL—the body or the spirit.

The seventh is the sacredness of the sex relations in the bonds of matrimony. Of course, anything as intimate and personal as sex relations ought to be sacred under any circumstances, because promiscuity cheapens. But especially in matrimony must they be sacred because if they're not, then the home breaks, and the nation deteriorates. This is not a matter of arbitrary rules; it's a matter of moral law. I'll say it more strongly—of social necessity if the nation is to stand. THOU SHALT NOT COMMIT ADULTERY.

The next is the sacredness of property. First, of the other person's property—the obligation not to take what belongs to someone else. But that's not all. The sacredness of one's own property—the obligation to use it is a sacred trust in terms of the well-being of people—and of the community. THOU SHALT NOT STEAL—from man or from God.

The ninth also is a double one. First, the sacredness of reputation. All who have been in public life understand the cruelty of slander or innuendo. Shakespeare put it, "Who steals my purse steals trash; but he who filches from me my good name robs me of that which not enriches him and makes me poor indeed".

It means also the sacredness of the pledged word. Surely there's no hope of a decent world of order and justice and peace unless the pledged word of men and nations can be trusted. THOU SHALT NOT BEAR FALSE WITNESS.

And the tenth comes around full circle to the first again: the menace of an unsound heart. The menace to society and the menace to the one who has it. For at the center is covetousness, self, a cancer, instead of *God*. THOU SHALT NOT COVET.

Now here are the ten fundamental laws that God helped Moses work out for Israel. Increasingly I believe they are God's unchanging laws for us too—and for other peoples.

But it isn't enough to get laws, to enact them, or define them or interpret them; we must apply them. We have to live by them.

Moses, you recall, came down from the mountain exulting. His face shone. Now he had the answers to the problem of making a nation out of a people. And what did he find? While he'd been gone, some of the people had murmured. "We don't know what's happened to that Moses. We've got to have something concrete, tangible, to put our trust in; something we can see and touch". So they had made them a golden calf as their god. Oh, they didn't ask anybody else to do it for them. They chipped in their own rings and bracelets. they made their own contributions to provide themselves security. And they were dancing around the golden calf for joy.

And what did Moses do? Like most of us under strain, he broke, lost his temper, "cast the tables out of his hands and brake them beneath the mount". And he said, "Who is on the Lord's side? Let him come unto me". And the sons of Levi, one tribe, came over and they set to and slaughtered some 3,000 of their brethren, broke some of the very laws that were to be the foundation of the nation.

Then Moses had a bad night. In the morning, like a father yearning over a wayward child, he went out alone again, and he said, "Oh, this people have sinned a great sin and made them gods of gold". (Can you think of any other people of whom that might be said?) "Yet, if Thou wilt forgive their sins—but if not, then blot me, I pray Thee, out of Thy book which Thou has written". If my people have to go down, I don't ask to be spared. I go down with them. But if Thou wilt—give us another chance.

What did the Lord say? And now we come to the application to ourselves. He said to Moses, "Hew thee two tables of stone like unto the first". That is, Moses, go right back where you got off the track and get on the track.

"And I will write upon the new tables the words that were on the first tables which thou brakest". The same words, the same eternal, unchanging laws of God—for them, for us, for the universe.

The same laws of character-building, of home-building, of community-building, of nation-building, of peace-building. God's eternal laws.

The same words as given to Moses 4,000 years ago. The same words as reaffirmed and amplified by Jesus 2,000 years ago. The same words, in substance, as in the Mayflower Compact and the Declaration of Independence and our Constitution. The same words, principles, laws. No man or nation is going to get around God.

And the Lord said to Moses, "Be ye ready in the morning". That is, Don't fool around about this, Moses, get at it.

"And come up in the morning unto Mt. Sinai". Come UP. Life never was coasting. It's always been climbing. That's not a curse, it's a blessing—UP.

"And present thyself there to Me in the top of the mountain". Not at the bottom of the mountain, that's not good enough. Not the middle of the mountain, that's not good enough. But in the *top* of the mountain—where we see most clearly and surely what is true and fundamental and everlasting.

"And *present* thyself there to me. . . ." Not just discussion and debate, but commitment, dedication.

"And no man shall come up with thee". Every nation as well as every man must have its reckoning with the Almighty.

And we read:

"And, Moses hewed two tables of stone like unto the first, and he rose up early in the morning and went up into Mt. Sinai, as the Lord had commanded, and he took in his hands the two tables of stone". That is, he obeyed.

"And the Lord descended in the cloud and stood with him there". Doesn't He always stand with us *when we obey?*

"And Moses made haste and bowed his head to the earth and worshipped. And he said, 'Oh Lord, let my Lord, I pray Thee, go in the midst of us. For it is a stiff-necked people, pardon our iniquity and forgive our sins and take us again for Thine inheritance' ".

Blessed was our nation when its God was the Lord. Blessed again, and always, will be our nation—and every nation—when its God is the Lord.

Lord, God of Hosts,
Be with us yet,
Lest we forget!
Lest we forget!

FORMER MEMBERS OF CONGRESS

HISTORY OF FORMER MEMBERS OF CONGRESS

FMC was formed in February 1970 by a group of 52 former Members of the United States Senate and House of Representatives who gathered in response to an invitation from Brooks Hays and Walter H. Judd. This meeting was an outgrowth of an earlier meeting in December 1969 attended by seven former Congressmen, H. Carl Andersen, Frank Chelf, Robert Hale, Brooks Hays, W. Pat Jennings, Walter H. Judd and J. T. Rutherford.

Mr. Hays initiated the proposal for such an organization because of a long-felt belief that former Members were an under-utilized resource of great potential value for our country. The need to make better use of this resource has been recognized by many in the Congress and in the academic world.

Following this first meeting, a questionnaire was circulated to those former Members whose addresses were readily available to determine their interest in forming an association with their former colleagues for non-political and non-partisan purposes. In a nearly unanimous response, there was great support for the formation of such an association. In nine months over 300 joined as Charter Members.

A STATEMENT OF PURPOSE

Former Members of Congress is a bipartisan, non-profit organization which has been established to promote the cause of good government at the national level by strengthening the United States Congress as an institution.

FMC seeks to develop among the people of the United States a better understanding of and interest in our system of government and its institutions.

Its primary focus is research and education, and it is dedicated to wider national utilization of former Members of Congress as a major public resource.

FMC, when requested, will provide technical assistance to make available to Congress the experience of former Members.

It will serve as an "alumni" association for former Members, better enabling them to preserve the fellowship and friendships developed while in the Congress.

FMC, as an organization, will not take positions on any public issue, lobby for or against specific legislation, or engage in political or partisan activity. Every member, of course, will be free to do so. Membership will be suspended if a member seeks re-election to the Congress, and terminated if elected and sworn in.

CURRENT AND PLANNED PROGRAMS

Holding periodic meetings of the membership for fellowship, to conduct the business of the organization, and to receive domestic and foreign policy briefings on matters of public importance.

Preparing oral histories of former Members of Congress, developing an important record of the national decision-making process that is often neglected or overlooked.

Providing suitable recognition of past service for former Members through the issuance of Identification Cards, Citations of Service, and Pins.

Providing office space on Capitol Hill which can also be used as headquarters for members when visiting in Washington.

Cooperating with George Washington University in the establishment of a Center for study of the legislative process, enabling former Members to serve as visiting lecturers, and students from across the country to study the Congress first-hand for academic credit.

Assisting colleges in other States to establish similar centers and to utilize to maximum advantage the knowledge and legislative experience and expertise of former Members of the Congress living in those States or areas.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. We have pending a resolution which would carry the homecoming to this Chamber for former Members. They are extremely interested in it. The resolution has cleared the Rules Committee, and I do not believe it would have any problem on the floor. It would be a very fine thing for the House to do to have a Homecoming Day for former Members of Congress.

Mr. GERALD R. FORD. It would seem to me that this is something that might well be discussed at the outset of the next session.

Mr. ANDREWS of Alabama. I intend to reoffer the resolution.

WHAT ARE THE FACTS ABOUT A RUSSIAN SUBMARINE BASE IN CUBA?

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, years and years ago I protested that there had been no genuine confrontation with the Soviet Union over Cuba. We never looked inside those cartons on the decks of the Soviet ships supposed to contain nuclear missiles being removed from Cuba. Overflight photographs, sure, but proof of actual withdrawal, none.

To make things worse, it now develops from Khrushchev's memoirs that former President Kennedy made a deal as the price of supposed Communist withdrawal of its missiles from Cuba. What was the agreement? If the Communists would remove their missiles, the United States would not invade this Communist-controlled country 90 miles from Florida.

Mr. Speaker, that is a poor deal for the security of this Nation. Just how poor it really is begins to show up with the latest reports of the construction of a Russian nuclear submarine base at Cienfuegos on the island of Cuba. Is such a base to be a privileged sanctuary under the Khrushchev-Kennedy understanding? I pray not.

Most respectfully I urge President Nixon to repudiate any understandings of this country that would permit further buildup of Communist military potential on the island of Cuba. I fervently hope that our great President will insist that no such installations be completed and that they be razed if started. I hope he will also insist on inspection by us just to make sure.

At this point in the Record I include the column entitled "The Subs of Cienfuegos" appearing in Time magazine issue of the week of December 28. Some pretty damaging factual allegations are made in this article and as a member of the Defense Appropriations Subcommittee, I want to know whether these things are true or are not? The item follows:

Cuba: The Subs of Cienfuegos

Last September the White House announced that the Soviet Union was building a base to service missile-carrying submarines at the south Cuban port of Cienfuegos. The news set off shock waves of fear that an East-West confrontation comparable to the 1962 Cuban missile crisis was imminent. But then the Soviets removed their submarine tender from Cienfuegos, and the moment of alarm seemed to pass.

Despite President Nixon's press-conference statement that he was unworried by Soviet naval presence in the western Atlantic, there is some evidence that the crisis has merely been postponed. U-2 reconnaissance photographs show that the base is almost complete. In addition to bunkers for storing submarine-borne nuclear weapons, the Russians have built a steel antisubmarine barrier net between the shore and the island of Cayo Carenas and have installed antiaircraft emplacements. They have also built a pier for docking submarines and elaborate rest and recreation facilities. The bay now contains two storage barges designed to receive the discharges of nuclear-contaminated effluent from submarines. The tender that touched off the September announcement is still cruising the Caribbean, and could return to Cienfuegos at any time.

DOUBLE CAPACITY

One U.S. naval official describes the Cienfuegos base as "smaller than Holy Loch and larger than Rota," referring to U.S. nuclear submarine bases in Scotland and Spain. It could service any of the Soviet navy's 76 nuclear submarines, including those of the Polaris-type *Yankee* class, of which the Soviets presently have 13. The practical strategic effect of the base will be to double the Soviets' nuclear submarine capability in American waters; one *Yankee* submarine will be able to perform a surveillance mission that required two such ships before.

The Nixon Administration faces a dilemma over how to react to the base at Cienfuegos. An outright confrontation with the Soviet Union, in an area deep within the traditional "U.S. sphere of influence," would almost certainly rule out the advancement of top-priority Administration objectives concerning the SALT talks, the war in Viet Nam, and the stalemate in the Middle East. The U.S. seems to be resigned to the presence of Soviet naval vessels in the Caribbean, with the submarines serviced in international waters from a tender based in Cuba. But it hopes that the Soviets will not force the issue by putting the Cienfuegos base into operation.

Ever since 1962, State Department officials have alluded to a vaguely defined "understanding" between John Kennedy and Nikita Khrushchev that the U.S. would not invade Cuba if the Soviets did not build strategic bases or install nuclear weapons there. Last month the White House let it be known that this understanding had been "renewed." In the menatime, however, the Cienfuegos base is all but ready to service Soviet nuclear missile submarines.

Accordingly I have submitted some simple straightforward questions today to the Secretary of Defense, Hon. Melvin Laird. I would like to have the answers to these questions whether or not other Members share my concern. I also want to be certain that the Record shows that at least one Member of Congress wants the Communists out of Cuba now—whatever it takes to do it. I have taken a similarly consistent position ever since Castro was first heard of.

It makes no sense to raise a hullabaloo about Vietnam and Southeast Asia and communism's advances in faraway places if we do not have the guts and the determination to prevent Communist military buildups in our own back yard.

The simple, direct questions I have asked Secretary Laird were as follows:

First. Is there a Soviet submarine facility on the island of Cuba or in the Caribbean? If so where, how large is it, and what is its capability?

Second. What is present U.S. policy with reference to such a base?

Third. Is there any understanding, formal or informal, direct or indirect, by the terms of which the United States is bound to refrain from going upon the island of Cuba to inspect and remove hostile military installations considered a threat to our national security?

PENN CENTRAL RAILROAD PROPOSITION

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, I have often heard the rattle of a rattlesnake, but never in December. In my country, they hole up for the winter. Despite the time of year, I fear, Mr. Speaker, there is a snake threatening the House, and I believe it is a dangerous rattler.

The bill proposed to be considered in the House tomorrow that would guarantee loans to bankrupt railroads is highly questionable. The urgency that brings this bill to floor action in the last days of this Congress is the financial plight of the Penn Central Railroad. This bankrupt line, represented by its trustees, seeks loan guarantees for $125 million now and contemplates a like amount next spring. Without this kind of legislation the Penn Central Transportation Co. trustees state the railroad will cease operating in 30 to 45 days.

The scandals involved in Penn Central manipulation prior to bankruptcy last June, need not taint the judgment or recommendations of the trustees. But the scandalous mismanagement of the conglomerate of corporations controlled by Penn Central during the past few years has yet to be untangled. The snake in the form of these scandals has, however, rattled, and I have heard it. Prudence tells me to move out of range quickly and find a stick for self protection to use on the snake.

It would, in my judgment, be wise for the House to refuse to consider the bill or soundly beat it.

Before the Penn Central proposition can be evaluated the House should have the facts on how the loan would affect the portions of the conglomerate that are not in bankruptcy. Among these is the Pennsylvania Co., whose common stock is entirely owned by the railroad company. The holdings of the Pennsylvania Co. includes 24 percent of Madison Square Garden, amusement parks, interests in other railroads, and a great array of other properties.

Just how the 100 subsidiary corporations of Penn Central are woven with interlocking directors is unknown to me. But it is a fact that much of the holdings have nothing to do with running a railroad. Where it starts and what it entwines may, Mr. Speaker, take on the proportions of a boa constrictor.

Under the present conditions no banking group will loan funds to Penn Central, nor should the House guarantee loans for the same reasons.

CONSTITUTIONAL AMENDMENT FOR MANDATORY RETIREMENT OF MEMBERS OF CONGRESS AND THE FEDERAL JUDICIARY

(Mr. ROTH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROTH. Mr. Speaker, on Friday, December 18, I introduced House Joint Resolution 1418 proposing a constitutional amendment which would set mandatory age limits for the election of an individual to either the House of Representatives or the Senate and which would set a mandatory age for members of the Federal judiciary.

This proposal is identical to one which has been introduced in the Senate by the senior Senator from Delaware (Mr. Williams), who declined to seek reelection

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this year to the seat which he has so ably filled for the past 24 years.

In announcing his decision not to seek a fifth term in the Senate, Senator WILLIAMS gave as his principal reason the fact that had he been reelected and served out another full term, he would have reached the age of 72 upon completion of that term. Since he has long felt that there should be a mandatory retirement age for Members of Congress at about age 70, he logically and characteristically felt that he could not run for another term in office.

I deeply regretted the decision which Senator WILLIAMS made and I know that feeling of deep regret was shared by thousands upon thousands of Delawareans and admirers of Senator WILLIAMS throughout the country. Yet I could not help admiring him for sticking so steadfastly to a position which he had advocated for so long, even though every knowledgeable political observer would agree that he could have easily won reelection to the Senate had he chosen to run.

But Senator WILLIAMS argued persuasively that there is a time to stop, and just as the Constitution sets minimum age limits for Members in both Houses as well as the Presidency, so, he felt, it should set maximum age limits. The constitutional amendment which I proposed carries out that idea.

There is, of course, no chance that this proposed amendment can be considered by either the Senate or the House this year and enacted into law, and we have deliberately delayed its introduction until the closing days of the session despite that fact. The main reason for introducing the resolution at this time is to allow Members of the 92d Congress an opportunity to review it prior to the convening of the new Congress next month. It is my hope that it will be reintroduced in the House early next year as I shall introduce in the Senate when Congress reconvenes.

Under the terms of this proposed constitutional amendment, no individual would be eligible for election to the House of Representatives if he has reached his 68th birthday and no individual shall be eligible for election to the Senate if he has reached his 65th birthday. This would have the effect of retiring House Members at age 70 and Senate Members at age 71. Naturally, Members of Congress who took the oath of office before the effective age limits were reached would finish their terms.

At the same time, the proposed amendment prohibits the appointment to the Federal bench of any individual who has reached the age of 70 and requires that any individual holding a position on the Federal bench retire from active service within 30 days after he reaches age 70.

There is, of course, ample precedent for setting mandatory retirement ages. It is a common practice for industry to retire its top executives at 65 or 70 and the Federal civil service has a retirement age of 70. Although there is no set age beyond which a man can be elected or serve as President of the United States, the two-term limit and political realities effectively place an age limit on our Chief Executive.

The fact that we are still in session in the final weeks of December—an event that is recurring with greater and greater frequency—lends added force to the need for such an amendment. The workload on the Congress continues to grow heavier, and there is no reason to believe that it will diminish. Not too many years ago it was common practice for the Congress to adjourn toward the end of summer, but year-long sessions are now becoming the rule rather than the exception.

These longer days and lengthier sessions place an added burden on Members of Congress and the chore of keeping abreast of legislative activities and the ever-increasing tempo of world events falls even more heavily on our older Members.

It would be my suggestion that the talents and knowledge of our more senior Members could be put to effective use upon retirement. There is certainly no reason why such individuals could not be called upon from time to time as their convenience and personal schedules permit to consult with congressional committees or Members on legislative matters in those areas in which they are recognized experts. It seems to me that the Congress and the former Members themselves would benefit from such an arrangement. It would thereby be possible to have former Members continue to perform a public service without having to be burdened by the other responsibilities of office.

Mr. Speaker, I am well aware of the fact that the Congress can take no action on this proposal in the remaining days of this session. But it is one which I think deserves the serious attention of the Members of the 92d Congress.

Mr. Speaker, I ask unanimous consent that the full text of the proposed constitutional amendment be printed at this point in the RECORD.

The proposed amendment follows:

H.J. RES. 1418

Joint resolution proposing an amendment to the Constitution to provide maximum age limits for certain officers of the Government

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several states within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. No person who has attained the age of seventy years shall be appointed to be a judge or justice of the United States. Within thirty days of attaining such age, any judge or justice of the United States shall retire from regular active service.

"SEC. 2. No person who has attained the age of sixty-five years shall be a Senator, except that any Senator who attains such age while in such office may serve for the remainder of the term for which he was elected or appointed.

"SEC. 3. No person who has attained the age of sixty-eight years shall be a Representative, except that any Representative who attains such age while in such office may serve for the remainder of the term for which he was elected or appointed.

GREETINGS FROM BEN

(Mr. MYERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MYERS. Mr. Speaker, one of the grand traditions of Indiana politics comes at Christmas time with the appearance of the annual holiday greetings penned by one of the most respected members of the Washington press corps, Ben Cole of the Indianapolis Star.

The 16th edition of "Greetings from Ben" appeared in the December 20 Star thereby ending weeks of anticipation among members of the Indiana congressional delegation about the tone and tenor of this year's poetic endeavor.

Ben's sagacious reflections are drawn from more than 21 years of watching over the Hoosier delegation on Capitol Hill. Of particular pride to me as Representative of the Seventh Congressional District is the fact Ben Cole made his journalistic debut as a member of the editorial staff of the Terre Haute Star. It was there, 32 years ago, that Ben Cole began accumulating the knowledge and understanding of the Hoosier political world which results in his excellent coverage of the Washington scene and his annual Christmas observations about the congressional delegation which I share with you today:

GREETINGS FROM BEN

(By Ben Cole)

Santa Claus is on the rooftop, examining the flue
To find out if its wide enough to let his tummy through,
While waiting in the room below are stockings neatly hung,
A tinseled tree sheds sparkling light and Christmas carols are sung.

Vance Hartke prances everywhere to spread sweet yuletide glee—
All kinds of yummy goodies hang upon his Christmas tree.
There is an explanation for the jolly mood he's in—
He kept his seat in Congress by the whiskers on his chin.

Birch Bayh is strumming Christmas carols upon his fine guitar
Robert Keefe, his loyal assistant, puffs upon a good cigar.
They may look as if they're loafing; but that is not the case—
They are studying the prospects of the presidential race.

Ray Madden roars his greeting from the Rayburn building gym
Where he daily exercises to keep himself in trim.
If Santa Claus would listen to this Indiana sage,
He'd shave his long white whiskers and look only half his age.

Earl Landgrebe harks to Christmas chimes that fill the wintry air
With peals of joy and gladness that can banish all his care.
He can sit before his yule log and ponder how, last fall,
'Twas better winning by a few than not to win at all.

John Brademas, with happy smiles, inspects the mistletoe
And listens while the sleigh bells ring across the field of snow.
He is hopeful that the season will warm his colleagues' hearts
So they'll loosen up the purse strings and subsidize the arts.

Ross Adair inscribes his greeting with phrases of goodwill
And prepares to leave his office in that building on the Hill.

Eddie Roush won the election—a simple thing to do:
He paddled down the Maumee in a by-the-hour canoe.

Dick Roudebush's toga is all neatly tucked away
In event a recount makes him a Senator someday.
Bud Hillis hollers, "ho-ho-ho!" expressing yuletide mirth
And pledges as a Congressman to work for peace on earth.

Bill Bray salutes the season in his military style:
"Merry Christmas—by the numbers!" and "On the Double—Smile!"
At a personal inspection, Bray rated Santa high
And instructed him on driving a caisson through the sky.

John Myers is always watchful as the Christmas season nears,
In case some new farm problem unexpectedly appears.
And, if so, he is ready with an agriculture bill
To drop into the hopper of the legislative mill.

Roger Zion festoons holly and hangs up a Christmas wreath.
His tree is brightly lighted and has presents underneath.
Congress still is meeting below the great, white dome;
Its Members all are dreaming of a holiday back home.

Lee Hamilton is busy with a jolly yuletide plan,
And he hopes his friends in Congress will back him to a man.
The idea he has cooked up is the best you've ever seen—
He'd make Santa switch from reindeer and ride the Delta Queen.

David Dennis, jurisprudent—That's a legal kind of guy—
Draws up writs of Merry Christmas, *duces tecum sine die.*
He's given proper notice that he's never gonna budge
Till southern Indiana gets another U.S. judge.

As Andy Jacobs, Jr. wraps up packages to mail,
His dog, C–5, wreacks havoc just with one wag of his tail.
The Christmas tree falls over and cracks a window pane—
He should have got a dachshund instead of that great dane!

Let yuletide bring to each of you its fullness of delight—
May the peace of Christmas magic descend on you this night.
May every prospect please you in this land so fair and free—
That is our yuletide message, now, from Washington, D.C.

A RESOLUTION TO EXPRESS THE SENSE OF CONGRESS ON INFLATION AND RECESSION

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from California (Mr. McFall) is recognized for 20 minutes.

Mr. McFALL. Mr. Speaker, the failure of the administration's "game plan" calls for a concerted bipartisan effort in the Congress to offer alternative solutions to cope with the present economic crisis. Inflation has continued its upward spiral even though planned productivity and employment have declined during the same period. The distinguished economist, Dr. Gardner C. Means, commenting on these conditions in a recent article in the Washington Post said:

> This presents the country with the need for an emergency program to get us back to full employment under conditions which recognize the reasons for the failure of the President's game plan and take into consideration what would be required to restrain the kind of inflation we have been experiencing.

Today, I am introducing a House concurrent resolution designed to express the sense of Congress on the need for effective action to halt recession and inflation. The resolution is designed to reflect, in a general way, the present state of our economy with emphasis on the present high rate of unemployment, restricted or limited industrial activity and points up that a rapid expansion of demand to reach full potential through monetary and fiscal measures alone will bring about even more inflation.

The resolution calls for cooperative administrative and congressional action by taking immediate steps to supplement appropriate expansionary monetary and fiscal policies with a mechanism designed to secure the public interest by the establishment of noninflationary guidelines relating to wages, other costs including interest rates, prices, and productivity.

I expect to offer more specific but temporary emergency legislative proposals in the 92d Congress to deal with this serious economic problem. With unemployment approaching the 5 million level, many businesses on the brink of bankruptcy and industrial activity limping along at only 75 percent of capacity, it is time we recognized the situation as being of an "emergency" nature. Although it is my hope that these unhealthy economic conditions are temporary, they have reached emergency proportions and I believe it is time we recognized it. I believe the administration will need the full prompting and support of congressional actions to achieve economic stability, full employment and the ability to direct our energies and resources into areas of greatest need. I believe even "jawboning" will have its limitations, although the Committee for Economic Development has advocated voluntary wage-price policies.

It is necessary to break out a new deck of cards and develop rules for a new "game plan" for we can no longer tolerate a policy with a record of failure which threatens the future stability of our national economy. We must change the present course which has brought on inflation and runaway wages and prices. We must admit that an emergency does, in fact, exist; we must admit the present rate of unemployment is intolerable; we must admit the economic decline of 1970 has brought on a halt in growth of total output; and we must admit there is no prospect of increased economic activity in the immediate future unless new policies and programs are developed relating to wages, prices, interest rates, and productivity.

Before offering new legislation designed to carry out the intent of the concurrent resolution, I plan to consult with economists, labor, business, and consumers.

The text of the resolution follows:

H. Con. Res. ——

Whereas the United States has been experiencing simultaneous inflation and recession;

Whereas the present state of unemployment of 5.8 percent and industrial activity of 76 percent of capacity is creating hardship and limiting the incomes of both labor and business;

Whereas the economy is operating at a rate between $40 and $50 billion below its potential;

Whereas a rapid expansion of demand to reach full potential through monetary and fiscal measures *alone* is likely to engender further rapid inflation;

Whereas the recovery to full potential cannot wait on a permanent solution to the problem created by the inflationary tendencies in the economy: Now, therefore be it

Resolved, That it is the sense of the Congress that the Administration with the cooperation of the Congress, should seek a rapid recovery with the least possible further inflation by taking immediate steps to supplement appropriate expansionary monetary and fiscal policies with a guidance mechanism designed to ensure the public interest by the establishment of non-inflationary guidelines relating to wages, other costs including interest rates, prices and productivity.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

The United States produces more soda ash than any other country. The 1968 production totaled 4,130,100 metric tons, or 27 percent of the world production. The Soviet Union was second ranked with production of 3,128,200 metric tons.

PERIL ON THE JOB

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, The members of the Oil, Chemical and Atomic Workers International Union, AFL–CIO, contribute to the basic well-being of our Nation. They work at making the oil, petrochemical, and chemical products that, more and more, are an indispensible part of our modern life and progress.

Yet, many of these workers must put their lives on the line every time they step into their places of work. The very progress that enables them to turn out new and marvelous substances for consumption by the rest of us threatens them with very real dangers. This is because research into industrial use of their skills has not been matched by research into the effects on the human body of the raw materials with which they work.

The OCAW, under the leadership of President A. F. Grospiron, is making a commendable effort to safeguard the health and lives of its members. The union is proposing that a joint industry-union fund, financed by a very small royalty on oil refined in this country, be set up to do research on occupational health and safety problems.

The public relations director of the OCAW, Ray Davidson, has vividly documented the type and scope of dangers faced by workers in the oil and chemical industries in a book entitled "Peril on the Job," on which Professor René Dubos has said:

> Many readers of "Peril on the Job" will probably find the book frightening. But I found it reasonable and constructive . . . because it acknowledges the social complexities of the problems posed by health protection in industrial plants . . . (these problems) are not peculiar to the chemical industries; they apply to all aspects of technological civilization.

In light of the growing public awareness and concern regarding occupational health and safety—recognized partially by passage of the occupational health and safety bill—I think that the efforts of the Oil, Chemical, and Atomic Workers International Union, AFL–CIO, are particularly timely. The Union and its leadership are to be commended for their efforts to open a dialogue that can lead to solving the grave health and safety problems confronting workers.

I am including at this point in the RECORD a passage from the jacket of "Peril on the Job," published by Public Affairs Press, as a cogent capsulation of the problem of occupational health and safety:

> Every day about 40 workers are killed and more than 6,000 are injured in the course of earning their living.
>
> Counted in the statistics, as the author points out, are only those who die violently and some of those who are injured by physical accidents, such as fires or falls from high places. Not counted are thousands more who die away from their work place, at home or in hospitals, from accidents or disease suffered while they worked.
>
> Certainly the statistics do not encompass the multitude of the prematurely aged, or those who suffer crippled bodies or damaged minds as a result of insidious but hard-to-pinpoint health hazards to which working people are exposed while on the job.
>
> The public at large, recognizing the great technological prowness of American industry, is inclined to assume that our great centers of industrial production are safe as well as productive and efficient. That is a false assumption—as Ray Davidson shows.
>
> Relatively little has been done to protect the safety and health of the 80 million working Americans during their occupational hours. indeed it is only in the quite recent past that meaningful efforts have been undertaken to enact federal occupational health and safety legislation to implement the widely varying standards of state laws.
>
> In contrast with technical works about occupational health and safety, *Peril on the Job* is a human story—told poignantly in the words of men and women who know at first hand, unfortunately, the health hazards they encounter each day at work. With this evidence of our neglect in remedying a major American problem of occupational health and safety. *Peril on the Job* serves as a powerful challenge to industry, and to the American public, to bring about long overdue improvement in the safety of the workplace.

MEMBERS OF CONGRESS FILE COMPLAINT WITH CAB

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am joining today with 39 of my colleagues and two Congressmen-elect in filing a complaint with the Civil Aeronautics Board on the matter of the proposed fare increases filed by Allegheny, Eastern, National, Trans World and United Airlines. We are acting under the continuing leadership of our distinguished colleague from California (Mr. MOSS) in an effort to assure that the CAB establish procedural fairness and full public participation in its ratemaking decisions.

We are objecting to the fare increases proposed by these five airlines because the carriers have failed to meet an elementary requirement of the CAB, rule 221.165(b), in filing for a fare increase: the submission of substantiating information justifying an increase in fares. This required information includes the cost of the service, the effect of the proposed fare increase upon airline traffic, and the revenue position of each affected airline before and after the proposed increase. This information is essential if the CAB is to carry out its responsibilities to both the airline industry and the public.

None of the five airlines has filed supporting data; they have merely requested fares "to match" those for American Airlines which the CAB has said it will permit to go into effect January 11, 1971, pending an investigation. Generally we are talking about an average fare increase of $3 for short- and medium-haul routes servicing in particular, New York, Washington, D.C., Boston, Chicago, and St. Louis. In filing for increases, American cited high traffic density, high load factors, and high costs as justification for an increase. American furnished information showing losses in each of the markets in the 9-month period between January 1970 and September 1970. The Board felt that "in light of the particular circumstances encountered in these markets which create costs not generally typical of the overall air transport system" American's increase should become effective pending a final determination after the Board's investigation.

The burden of proof that a fare increase is needed is on each carrier. The CAB in determining rates is supposed to consider the revenue need of each individual carrier rather than the carriers as a group. The CAB cannot possibly fulfill its responsibilities without the submission of this information by each airline.

Furthermore, the airline industry, while regulated, is supposed to be a competitive one. The law does not mandate a uniform pricing of fares. But, since October 1969, the CAB has employed a noncompetitive fare structure and effectively lulled the public into accepting this uniform pricing system. Most important, it also has undermined competition between the airlines—and now it would seem that the airlines have even forgotten that each carrier individually must show cause for an increase.

In the long run this noncompetitive pricing practice is deleterious for all the parties involved—the CAB, the public, and the airlines. In addition to undermining competition, it invites ratemaking collusion among the airlines. And should the CAB go one step further and allow the proposed fare increases to go into effect without upholding its own filing requirements and without receiving supporting data, the Board will effectively be handing over to the airlines the responsibility Congress has given it for establishing rates.

Furthermore, by not requiring substantiating information, the CAB fails in the responsibility it has to the airlines to weigh the effect a proposed increase will have upon airline traffic and the carrier's future revenue position. With competing modes of transportation and with an economically broad passenger market, the airlines are not faced with a completely elastic demand for their services. Thus, fares cannot continually be increased without having a depressing effect on air traffic.

It is important to note that fares were increased across the board just last July after the excise tax on airline tickets was increased from 5 to 8 percent, and airlines were allowed to round off to the nearest dollar their total fare charges. This followed closely the substantial increase that went into effect a little more than a year ago, October 1969, which for example sent up the coach fare for the Washington/New York trip from $19.95 to $22.10. The purpose of the October 1969 fare increase was to increase revenue, but during the past year air traffic has fallen off and revenue projections have not been realized.

Now the airlines propose to raise their tariffs again, purportedly to increase revenue. But what in fact they are doing is boarding a vicious treadmill that promises more losses, not gains. The proposed increase will affect some 10 million passengers. If the CAB does not consider such fare increases carefully, the airlines will find themselves priced out of the market and will fall into such a critical financial situation they will be coming to Congress to ask us to bail them out.

The Congress established the CAB to protect the public's interest and maintain a competitive and sound airline industry. It is essential that it act responsibly before it is to late. The CAB cannot do so, however, if it does not enforce its own regulations—if it does not demand from the airlines the fundamental information needed to determine what is in the interest of the public and the airlines.

My colleagues and I who are filing the complaint are requesting that the tariff increases proposed by Allegheny, Eastern, National, Trans World, and United Airlines be suspended and investigated. Furthermore, we are requesting that should the Board deny our complaint in whole or in part, it do so in sufficient time before the effective date to allow for judicial review.

I would like to insert for printing in the Congressional Record at this time a copy of our complaint filed today:

[Before the Civil Aeronautics Board, Washington, D.C., December 21, 1970]

In the Matter of Passenger-Fare Revisions Proposed in Various Markets by Allegheny Airlines, Eastern Air Lines, National Airlines, Trans World Airlines, and United Air Lines

COMPLAINT OF MEMBERS OF CONGRESS AND AIR TRANSPORTATION USERS WITH REQUEST FOR TARIFF SUSPENSION AND INVESTIGATION

I

By tariff filing marked to become effective December 4, 1970, American Airlines (AA) proposed to increase regular fares in eight short-haul markets. AA stated that the purpose of its filing was to bring revenues more into line with costs in the eight selected high-traffic-density, high load factor, high cost, short-haul markets. AA alleged that its operations in these markets involve certain hub-point airports where the cost of doing business is substantially higher than at other airports AA serves. In support of this allegation AA submitted detailed data which indicated that it has operated these markets at a loss for an extended period of time, despite high passenger load factors. The Board felt that in "light of the particular circumstances encountered in these markets which create costs not generally typical of the overall air transport system", the proposed coach fares (with one exception due to rounding techniques) should be permitted to become effective pending a final determination of their lawfulness in the *Domestic Passenger Fare Investigation*; Order 70–11–134. For similar reasons, atypical costs of operation, the Board permitted fare increases previously filed by Mohawk (MO) and Northeast (NE) to or from Boston, New York, Washington and Chicago in markets of up to 500 miles to become effective pending investigation.

Subsequently, a number of other carriers, Allegheny (AL), Eastern (EA), National (NA), Trans World (TW) and United (UA) filed with the Board tariffs which matched the AA, MO and NE filings. Some, but not all, of these carriers filed so-called accompanying statements of justification in support of their tariff revisions.

Those justifications which were filed do not appear to comply with Rule 221.165 of the Board's Rules of Practice. To be specific, the carriers have not filed the data supporting their filings as required by Rule 221.165 (b). As a consequence, neither the public nor the Board can intelligently determine if the economies of the filings comply with the rate-making factors set forth in the Act; e.g., the effect of the rate changes upon the movement of traffic; cost and adequacy of service; or the revenue needs of the carriers and the effects of these proposals upon revenues. In regard to this point, none of the respondent carriers alleges, as did AA, that it is operating in these markets at a loss, or that the purpose of its filings is to bring its revenue into line with its costs. It should be remembered that the Act speaks to the revenue need of *each* carrier, rather than the carriers as a group. While it is true that the result of suspending these carriers fare increases might be different fares for different carriers in the same market (price competition), it is a fact that this situation has existed before in these markets prior to October 1969, and therefore is not a novel situation.

The carriers state, among other things, that their action is consistent with Orders 70–11–134 and 70–11–136, or similar to AA's filings. However, Rule 221.165(d) (1) (iv) eliminates the requirement for economic data and/or information "to meet competition only when it effects decreases in rates . . . and/or increases the value of service. . . ." Here all the fare proposals are for increases in fares, not decreases, and there is no indication of an increase in the value of service.

Turning to the economics for just a moment, the carriers' proposals do not appear to be just and reasonable on their face. Assuming *arguendo* that there are typical costs in the cited markets as a consequence of congestion, and therefore the public should pay a higher rate per mile, the question arises as to why a passenger should pay a different rate per hour. Why must the passenger on the east coast be charged 64% more per hour than a passenger on the west coast? ($16.50 v. $27.00, tax included.) Why should a passenger between New York and Washington pay 5% more per hour than a passenger between New York and Boston for a similar type of service provided by the same air carrier? Are the costs greater? We do not know, and cannot know until the data and information supporting the carriers' proposal have been filed.

II

TW and UA have filed tariffs to increase certain long and medium-haul fares, which the Board had ordered reduced, to their earlier, higher levels, and to increase fares in certain selected markets of distances over 500 miles in a manner similar to that granted in Order 70–11–134 and 70–11–136. TW and UA statements of justification for these fares also do not comply with Rule 221.165. For example, no estimate of cost of service is provided. More important, the carriers do not allege, or present one fact to support an allegation that these fare increases are required to bring revenues more into line with cost of service in these markets, even with excess capacity (see Agreement CAB 21965, Docket 22525, and Order 70–11–35). With respect to the effect of these increases upon the movement of traffic, the carriers dismiss this issue with the reassuring statements that "there will be little, if any, traffic reduction." The possible self-defeating nature of such fare increase with respect to generating revenue should not be dismissed so lightly in view of the anticipated decline in airline traffic for the year 1970.

III

Accordingly, because the tariff filings of AL, EA, NA, TW and UA for passenger fare increases in selected markets do not comply with the Board's Rules of Practice, complainants request such fare increases be suspended and investigated. Should the Board deny this complaint in whole or in part, the Members request such action be taken in sufficient time to allow for judicial review.

Respectfully submitted,

Glenn M. Anderson, Thomas L. Ashley, Walter S. Baring, Mario Biaggi, George E. Brown, Jr., Phillip Burton, Daniel E. Button.

Hugh L. Carey, Jeffery Cohelan, James C. Corman. Don Edwards, Seymour Halpern. Richard T. Hanna, Michael J. Harrington.

Augustus F. Hawkins, Chet Holifield, Harold T. Johnson, Edward I. Koch, Robert L. Leggett, Joseph M. McDade, John McFall, Bertram L. Podell.

Spark M. Matsunaga, George P. Miller, Joseph G. Minish, Patsy T. Mink, Bradford F Morse, John E. Moss, Thomas P. O'Neill, Jr.

Jerry L. Pettis, Thomas M. Rees, Peter W Rodino, Jr., Benjamin S. Rosenthal, Edward R. Roybal, James H. Scheuer, Bernie Sisk.

Charles M. Teague, John Tunney, Lionel Van Deerlin, Jerome R. Waldie, Members of Congress; Bella S. Abzug, John G. Dow, Members-elect of Congress.

By their representative,

Richard W. Klabzuba.

December 21, 1970.

CERTIFICATE OF SERVICE

I hereby certify that I have this the 21st day of December, 1970, served the foregoing document upon: Allegheny Airlines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., by causing a copy of it to be mailed to such carrier or its agent properly addressed with postage prepaid.

Richard W. Klabzuba.

REPORT ON THE 91ST CONGRESS

(Mr. SMITH of Iowa asked and was given permission to extend his remarks at this point in the Record and to include certain statistical tables.)

Mr. SMITH of Iowa. Mr. Speaker, at the end of each Congress I summarize the activities of the Congress, reprint it from the Congressional Record at my expense, and mail it to my constitutents in Iowa so that they might have a summary. Since hundreds of bills passed, all cannot be fully described but I am including those which I believe to be of the most interest.

EDUCATION

Public Law 91–230 extends and expands the Elementary and Secondary Education Act, the Impact Aid Act, and several other acts relating to elementary and secondary education.

Public Law 91–248 extends and expands the national school lunch program and provides free and reduced priced meals for certain children.

Public Law 91–295 extends the school milk program. The President did not veto it but he did not sign it so it became law without his signature after the necessary time expired on June 30, 1970.

Public Law 91–61 establishes a national center on education media and materials for the handicapped to facilitate the use of new technology in educational programs for the handicapped.

Public Law 91–515 extends and increases programs for the construction and staffing of facilities for the mentally retarded.

Public Law 91–345 establishes a National Commission on Libraries to conduct studies, develop plans and promote activities to improve libraries and information science.

Public Law 91–86 permits labor management cooperation in setting up educational scholarships and child care centers. It does not involve Federal money.

AGRICULTURE

Public Law 91–524 provides a farm program for the next 3 years. In many ways it is very similar to the farm programs of the past several years, but, in my opinion, will result in lower supports and a shifting of some feed grain acreage out of the Midwest.

CONSUMER AFFAIRS

Public Law 91–342 is my bill which amends the Meat Inspection Act of 1967 to clarify a provision permitting custom slaughtering operations where inspected meat is sold. It permits a plant to handle custom slaughtering but prohibits intermingling of noninspected customer-owned meat with meat for sale and also requires that the entire establishment meet Federal sanitation standards. Both

XUM

laws became fully effective December 15, 1970.

Since passage of the Federal Meat Inspection Act of 1967 which I sponsored, some other bills have passed to help protect the consuming public. One was the Poultry Inspection Act which I also sponsored, and a few weeks ago we passed an Egg Inspection Act to protect against the outbreak of salmonellosis such as has occurred in Des Moines and several other cities and is becoming more and more important as more bakery goods are used in this country. The one remaining major protein food source which is not adequately protected, in my judgment, is seafood.

Public Law 91–113 provides safety standards to protect children from toys which are hazardous for electrical, mechanical, or thermal reasons.

Public Law 91–51 extends the life of the National Commission on Product Safety.

Public Law 91–   regulates the mailing of unsolicited credit cards.

Public Law 91–261 extends and expands the automobile safety program.

LAW ENFORCEMENT AND CRIMINAL PROCEDURE

ARMED SERVICES

Public Law 91–452 is largely a reenactment of the previous Crime Control Acts of 1967 and 1968 but increases the amount of money that can be granted to States and local governments to help with law enforcement assistance.

It also revises the antibombing law of 1960 and increases penalties for those guilty, and is more specific concerning what constitutes illegal transportation or possession of explosives.

Public Law 91–447 provides for the establishment of a Federal district public defender plan.

In the past few years, Congress has passed 13 anticrime bills including the Omnibus Crime Control and Safe Streets Act of 1968 which authorizes Federal aid to help State and local governments recruit and secure better equipment. The new administration has been searching for new ideas, but all of their proposals except one have merely been for extension or expansion of previous laws.

ARMED SERVICES

Public Law 91–124 amends the Selective Service Act to authorize a random selection system for the draft. This will reduce the period of draft vulnerability for young men from 7 years to 12 months and thus remove most of the uncertainty which has made the law so difficult to administer.

Public Law 91–291 increases the maximum amount of life insurance for members of the services from $10,000 to $15,000.

FOREIGN AFFAIRS

The Senate ratified the nuclear nonproliferation treaty negotiated in 1968. The purpose of the treaty is to prevent the spread of nuclear weapons to nations which do not now possess them and is a followup to the 1963 limited nuclear test ban agreement.

H.R. 18970—The foreign trade bill—a bill which would probably have curbed imports of certain products such as shoes and textiles more than any bill in the past 30 years. It passed the House of Representatives. By reducing the amount of money countries like Japan, Italy, France, and other European countries—which are big purchasers of Iowa corn and soybeans—could earn with which to buy Iowa farm products, it would undoubtedly have resulted in a reduced market for such products. It did not pass the Senate.

Public Law 91–469 provides for a massive merchant marine vessel construction program and a continuation of subsidies for their operation.

Public Law 91–99 extends the Peace Corps for 1 year.

VIETNAM

House Resolution 976 provided for a select committee to study military developments in Southeast Asia and report its findings to the House of Representatives. I was a member of the select committee and made the report last July. If anyone desires a copy of my report please write to me.

HEALTH AND WELFARE

Public Law 91–222 prohibits advertising of cigarettes on TV and radio after January 1, 1971.

Public Law 91–173 strengthens requirements for safety in coal mines and includes provisions to protect workers against black lung disease. This is the most far-reaching mine safety law ever enacted.

Public Law 91–296 extends for 5 years a program of grants for construction of hospital and health facilities.

Public Law 91–464 authorizes grants to States to help with communicable disease and vaccination programs.

German measles vaccine was developed by Federal researchers and licensed. Women who have the disease while pregnant bear a much higher incidence of retarded or deformed children. Some States are not contributing nearly as much to the program as the Federal Government does. Therefore, some States or counties have a good program and some do not. I helped secure a 60-percent increase in the funds because some States, like Iowa, were not getting the program off the ground. It is apparent that before other vaccines are discovered, we need a program, even if mostly paid for by the Federal Government, which will secure more cooperation from State and local health departments which are depended upon to secure medical personnel.

Several other acts in various ways provide substantial sums of money. Medical research, training of personnel, providing facilities, and working with drugs. However, it is becoming more and more apparent that adequate health services will not be available until the States revise their laws so that allied health personnel such as nurses and technicians can, under the direction of a doctor, help to provide more of the services which are in such short supply and do not actually require the exclusive services of a specialist or doctor of medicine.

Public Law 91–56 requires that States receiving money under the medicaid program use it for that purpose. Some had merely reduced their contributions for other programs when they received medicaid payments from the Federal Government.

H.R. 16311 was the plan promoted by the President which he said would reform the welfare laws. It passed the House April 16, 1970, by a vote of 248 to 149 but it ran into heavy bipartisan opposition in the Senate. Principal objectors claimed it would cost too much and provide too little incentive for persons to work. The general subject matter is bound to be on the active list during the next Congress.

Public Law 91–   continues the antipoverty program for 2 years. The administration closed many Job Corps centers and is using more of the antipoverty funds to contract with larger employers for training of hard-core unemployed.

LEGISLATIVE REORGANIZATION

Public Law 91–510 provides the most substantial reorganization of both the House and Senate rules of procedure that has been passed since 1946. While it assures more democratic procedures, there is considerable fear that it will slow congressional action even more and it does not provide an easier way to cut off debate in the Senate. It becomes effective January 1, 1971.

In addition to this, both the Democratic and Republican caucuses established committees to recommend changes in rules relating to seniority and other organizational procedures. I was a member of the Democratic committee and we reported rules which will guarantee that each committee chairman shall be elected separately and that they need not be the most senior member. Actually there is no rule that senior members shall be the chairmen but a majority of the House Members have always preferred voting for the senior member. Naturally, the majority will still rule but there is a guarantee that there will be a separate vote and that the majority can work their will.

House Joint Resolution 681 would abolish the electoral college and provide for direct popular election of the President. This is one of the most important bills in many years but the Senate did not pass it. I am sure it will be reviewed next year but not be passed in time to be effective in 1972.

LABOR

Public Law 91–226 dealt with a railroad labor dispute in April of 1970 and further legislation recently dealt with another dispute. Among the most difficult problems for Congress to solve are problems dealing with railroad disputes. No one wants Congress involved but Congress has become involved in so many ways with railroads; and transportation is so vital to our economy that the whole country cannot help but become involved. No satisfactory way out of these problems has been found.

Public Law 91–169 further reduces the number of consecutive hours a railway operating employee may be on duty.

Public Law 91–215 provides supplemental annuities for retired railroad employees and Public Law 91–377 increases the annuities.

Public Law 91–373 extends and enlarges the unemployment compensation program and establishes a new program for paying benefits during periods of longer-than-usual unemployment when benefits would have ordinarily been exhausted.

Public Law 91–54 provides for health and safety standards for workers at federally financed or federally assisted construction projects.

Public Law 91–   authorizes a procedure for setting job safety standards and enforcing them.

VETERANS

Public Law 91–96 provides for a more equitable compensation formula and increased payments for most widows of deceased veterans or servicemen whose deaths are service connected.

Public Law 91–376 increases the monthly rates of compensation for veterans with service-connected disability.

Public Law 91–219 provides for increased educational allowances for Vietnam veterans attending college.

Public Law 91–102 makes any war veteran with a permanent total disability from service-connected injuries eligible for outpatent treatment in civilian life.

Public Law 91–   extends the period during which veterans may purchase homes with a GI loan.

ENVIRONMENT AND NATURAL RESOURCES

Public Law 91–   requires the meeting of certain air pollution standards and prohibits the sale of automobiles after 1975 which do not meet clean air standards. The industry claims they cannot meet the deadline, and the administration wanted to be more lenient, but Congress decided to insist on these air quality standards for automobiles, planes, fuels, and production plants.

Public Law 91–224 amends water pollution control laws to control pollution in the ocean including control of oil pollution in offshore waters.

Public Law 91–144 provides additional money for projects such as Saylorville, Red Rock, and the Ames Reservoir project to control flooding, increase the minimum flow and raise the water quality in streams, provide additional open spaces and recreation facilities and otherwise increase the quality of our environment.

Public Law 91–308 restores the Golden Eagle program to help finance land and water conservation.

Public Law 91–512 provides for extended research in ways to more economically and better handle solid waste and to help with solid waste disposal.

Public Law 91–135 prevents importation of endangered species of fish and wildlife into the United States.

Public Law 91–378 establishes a Youth Conservation Corps to provide summer employment opportunities in conservation programs on national park land, wildlife refuges, and forests.

TRANSPORTATION

Public Law 91–518 establishes a national railroad passenger corporation to operate a few cross-country passenger trains linking major cities. Some of us have strongly promoted the Rock Island train through Des Moines being on one of the lines going from Chicago to the west coast.

Public Law 91–543 amends the Urban Mass Transit Act to provide a commitment of $10 billion over a 12-year period for urban mass transportation programs.

Public Law 91–258 provides an enlarged Federal aid for airport facilities program and permits user charges to be paid into a trust fund similar to the existing highway trust fund.

Public Law 91–   extends the Federal Aid Highway Act for 5 years and the period for completing the Interstate System to 1978.

POSTAL REORGANIZATION

Public Law 91–375 establishes the U.S. Postal Service as an independent government corporation beginning January 1, 1971, with independent authority to set postal rates, negotiate sales and sell up to $10 billion worth of bonds with which to provide facilities.

COMMUNICATIONS

Public Law 91–437 provides more financing for the corporation for public broadcasting.

A bill to limit the amount candidates could spend for TV was vetoed by President Nixon but the subject will be reviewed in the next Congress.

HOUSING

Public Law 91–152 authorizes an additional $4.8 billion for housing and urban development programs through 1971 and made it easier for low and moderate income families to secure housing.

Public Law 91–351 authorizes an appropriation of $250 million to be provided to savings and loans institutions for the purpose of financing mortgages on homes and contained other provisions designed to make more mortgage money available.

POWER DEVELOPMENT

Public Law 91–   amends laws to provide more efficient methods of handling applications for licenses to use atomic power to generate electricity and for industrial purposes.

A committee of which I am chairman investigated problems related to the brownouts and shortages of electric power, oil, and gas and the increases in fuel prices. We concluded that more shortages and increases in prices can be expected and that immediate action is needed. A copy of the report is available upon request.

CIVIL RIGHTS

Public Law 91–285 extends the Voting Rights Act of 1965. It also grants the right to vote at age 18 and prohibits the denial of the right to vote in a presidential election to anyone who applied for registration 30 days or more prior to the election, and provides that a citizen who moves to another State during the 30 days prior to the election shall have a right to vote in his former State.

Women's rights amendment. A constitutional amendment passed by the House guaranteeing "equality of rights." In the Senate an amendment was adopted which would permit continuing to exempt women from the military draft. The bill did not pass the Senate.

DISTRICT OF COLUMBIA

Public Law 91–405 provides for a nonvoting Delegate for the District of Columbia in the House of Representatives.

Public Law 91–358 substantially reorganizes the court system providing for additional judges and substantive changes in criminal laws and procedures.

TAX AND FISCAL POLICIES

Public Law 91–172, the Tax Reform Act removes some loopholes, reduces the scope of some others and removes some incentives to businesses to expand. It also reduces the rate of taxes, increases the exemptions per dependent and increases social security benefits by 15 percent.

H.R. 7906 passed the House containing my amendment to prohibit a State income tax from being levied by more than one State on the same income of an individual. Some people are finding themselves liable for income taxes on their entire income in a State other than where they live merely because they took a vacation, made occasional business trips there or drove through the State. Under my bill, taxes are owed to the State where the money is earned and no other State can tax it for income purposes.

SST

Much argument developed but no final decision on whether the United States will continue work begun during the Kennedy administration on the development of a plane to fly at supersonic speeds. The Russians and the British and French are testing such planes and expect to start production next year. We have pretty well completed work on the frame but not on the engine and the earliest a U.S. plane could be produced would probably be in 1978. There will be foreign produced SST's so the issue is not whether there will be an SST, but whether the United States will produce one.

Both the foreign produced and U.S. SST would be required to fly at slower speeds over the United States. Much of the present research is on trying to find ways to solve the noise and air pollution problem and perhaps provide methods of reducing pollution from those now flying.

The U.S. Government has put $800 million into the research and development so far and aircraft companies have also contributed. It is estimated that a total of $500 million more would be needed if the program is completed; and if it is canceled, about $200 million will be owed for cancellation damages on contracts. If 300 are developed and sold, the Government would receive enough "royalties" to repay the investment and if more are sold, it would return a profit on the contract in addition to increased tax receipts. However, if the foreign-produced planes are superior, that size of a market would be difficult to obtain.

The argument is strictly over whether to continue the research and development program. A construction program could not be undertaken without further legislation. This will continue to be a controversial subject for several years.

Mr. Speaker, I include the following material:

APPROPRIATIONS BILLS PASSED BY 91ST CONG., 2D SESS., FOR FISCAL YEAR 1971

Departments or Agencies	President Nixon's Request	Amount appropriated	Request compared to appropriation	Amount appropriated last yea
Education	$3,966,824,000	$4,420,145,000	$+453,321,000	$3,813,777,650
Legislative	421,414,899	413,054,220	−8,360,679	344,326,817
Treasury-Post Office	9,567,693,000	9,525,711,000	−41,982,000	8,783,245,000
Independent Offices-HUD	17,468,223,500	17,709,525,300	+241,301,800	15,111,870,500
State, Justice, Commerce, and Judiciary	3,251,200,000	3,108,074,500	−143,125,500	2,354,432,700
Interior	1,839,974,600	1,835,474,700	−4,499,900	1,380,375,300
Transportation	2,553,816,437	[1] 2,458,134,605	−95,681,832	1,929,738,630
District of Columbia (Federal funds)	109,088,000	108,938,000	−150,000	168,510,000
Foreign assistance	2,876,539,000	[1] 2,534,310,000	−342,229,000	2,558,910,000
Agriculture	7,748,354,500	8,090,856,550	+342,502,050	7,488,903,150
Military Construction	2,134,800,000	2,037,814,000	−96,986,000	1,560,456,000
Space, Atomic Energy and Public Works	5,263,433,000	5,238,517,000	−24,916,000	4,756,007,500
Labor-HEW-OEO not including Social Security	18,759,377,000	[1] 18,969,352,500	+210,015,500	15,934,376,550
Defense	68,745,666,000	[1] 66,595,937,000	−2,149,729,000	69,640,568,000
Miscellaneous increases requested	1,701,836,738	[2] 1,525,365,538	176,471,200	278,281,318
Total	146,408,240,674	144,571,209,913	−1,837,030,761	129,595,765,115

[1] Based upon agreement by conference committee and approved by House but not yet signed into law.

[2] Based on House-passed bill.

SPENDING ON NATIONAL DEFENSE AND ON HUMAN RESOURCES

[As a percentage of outlays]

Fiscal year	Unified budget—	
	Defense	Human resources
1957	55.7	23.2
1958	53.7	26.2
1959	50.6	26.3
1960	49.8	27.6
1961	48.4	29.7
1962	47.8	28.7
1963	46.9	29.2
1964	45.2	28.9
1965	41.9	29.9
1966	42.2	31.0
1967	44.3	32.0
1968	45.0	32.1
1969	44.0	34.4
1970	40.1	37.0
1971 (estimate)	36.7	40.8

PRESIDENT'S VETO OF MANPOWER BILL

(Mr. STEIGER of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STEIGER of Wisconsin. Mr. Speaker, the other body a few moments ago voted to uphold the veto by the President of the comprehensive manpower bill. The vote of 48 to override to 35 to sustain was a solid show of support for the sound position taken by the President in vetoing this bill.

The conference report on which this House took action not long ago was a clear step backward from the position taken by the House when it considered its version of the manpower bill. What the House adopted was a decatagorized, decentralized, sound structured bill which provided for a significant public service employment program.

The final bill not only created a massive federally subsidized public service program without safeguards, it also maintained a lengthy list of catagorical programs. These two features of the bill were the basic reasons the bill was not supported by the House Republican conferees.

It is tragic, Mr. Speaker, that after the House passed a truly bipartisan, truly comprehensive manpower bill, the conferees of the House were unwilling to stand by the House position and instead gave in to the adamacy of the other body.

The Nixon administration and many in this House have committed themselves to improving the manpower delivery system as well as job creation than public service employment. Having done this, however, it is apparent that some in the Congress would rather have an issue than a program to help the unemployed. I salute the other body for sustaining the President's proper veto of a bill which would have gone far beyond what is appropriate or solidly based.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. WINN (at the request of Mr. GERALD R. FORD), for today, on account of personal business.

Mr. PRICE of Texas (at the request of Mr. GERALD R. FORD), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ for 10 minutes, today.

The following Members (at the request of Mr. PREYER of North Carolina), to revise and extend their remarks and to include extraneous matter to:

Mr. MCFALL, today, for 20 minutes.

Mr. DORN, on December 22, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BETTS and to include extraneous matter.

Mr. ROSENTHAL to include newspaper articles and letters with his remarks made today in the Committee of the Whole on House Joint Resolution 1146.

Mr. BELL of California, to revise and extend his remarks after the amendment offered by Mr. COLLINS of Texas.

(The following Members (at the request of Mr. DENNIS) and to include extraneous matter:)

Mr. RAILSBACK.
Mr. GUDE.
Mr. SCHERLE in 10 instances.
Mr. ARENDS.
Mr. MAILLIARD.
Mr. WYMAN in two instances.
Mr. HUTCHINSON.
Mr. ROBISON.
Mr. BROYHILL of Virginia.
Mr. MILLER of Ohio in six instances.
Mr. GOODLING.
Mr. PETTIS.
Mr. DICKINSON.
Mr. HOSMER in two instances.
Mr. BRAY in three instances.
Mr. ESHLEMAN.
Mr. DERWINSKI in two instances.
Mr. QUIE.
Mrs. DWYER.

(The following Members (at the request of Mr. PREYER of North Carolina), and to include extraneous matter:)

Mr. ROSTENKOWSKI in two instances.
Mr. DINGELL.
Mr. SYMINGTON.
Mr. BOLLING in three instances.
Mr. DOWNING in two instances.
Mr. MARSH.
Mr. WALDIE.
Mr. EILBERG in two instances.
Mr. ROONEY of New York.
Mr. CONYERS in five instances.
Mr. MINISH in two instances.
Mr. MURPHY of New York in three instances.
Mr. BINGHAM in two instances.
Mr. ROSENTHAL in five instances.
Mr. JOHNSON of California in three instances.
Mr. FOUNTAIN in two instances.
Mr. BURKE of Massachusetts.
Mr. HAGAN in two instances.
Mr. MIKVA in eight instances.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1008. An act for the relief of Robert J. Ebbert and Design Products Corp., Troy, Mich., to the Committee on the Judiciary.

S. 1985. An act for the relief of Randall L. Talbot; to the Committee on the Judiciary.

S. 2956. An act to provide private relief for Lt. Cmdr. LeRoy E. Coon, Supply Corps, U.S. Navy (retired), continued on active duty in a retired status after June 30, 1967; to the Committee on the Judiciary.

S. Con. Res. 85. Concurrent resolution authorizing the printing of additional copies of Senate hearings on U.S. security agreements and commitments abroad; to the Committee on House Administration.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 956. An act to rename a lock of the Cross-Florida Barge Canal the "Henry Holland Buckman lock";

H.R. 3107. An act to officially designate the Totten Trail Pumping Station;

H.R. 4982. An act for the relief of Thomas J. Beck;

H.R. 6100. An act for the relief of Hershel Smith, publisher of the Lindsay News, of Lindsay, Okla.

H.R. 6854. An act to provide for the free entry of a peal of eight bells and fittings for use of Smith College, Northampton, Mass.;

H.R. 7264. An act for the relief of Mrs. Pearl C. Davis;

H.R. 7334. An act to designate the lake formed by the waters impounded by the Libby Dam, Mont., as "Lake Koocanusa";

H.R. 11547. An act to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans;

H.R. 12128. An act for the relief of William Heidman, Jr.;

H.R. 12564. An act to rename a pool of the Cross-Florida Barge Canal "Lake Ocklawaha";

H.R. 13182. An act for the relief of Frank E. Dart;

H.R. 14683. An act to designate as the John H. Overton Lock and Dam the lock and dam authorized to be constructed on the Red River near Alexandria, La.;

H.R. 15270. An act for the relief of Thaddeus J. Pawlak;

H.R. 15272. An act for the relief of David L. Kennison;

H.R. 15505. An act for the relief of Jack B. Smith and Charles N. Martin, Jr.;

H.R. 16502. An act for the relief of Gary W. Stewart;

H.R. 16965. An act for the relief of Richard N. Stanford;

H.R. 17750. An act to grant the consent of Congress to the city of Boston to construct, maintain, and operate a causeway and fixed-span bridge in Fort Point Channel, Boston, Mass.;

H.R. 18858. An act to change the name of the West Branch Dam and Reservoir, Mahoning River, Ohio, to the "Michael J. Kirwan Dam and Reservoir";

H.R. 19855. An act to designate the lake formed by the waters impounded by the Butler Valley Dam, Calif., as "Blue Lake"; and

H.R. 19890. An act to name a Federal building in Memphis, Tenn., for the late Clifford Davis.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 578. An act to include firefighters within the provisions of sections 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in hazardous occupations;

S. 3835. An act to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism; and

S. 4106. An act to amend the Public Health Service to authorize the assignment of commissioned officers of the Public Health Service to areas with critical medical manpower shortages, to encourage health personnel to practice in areas where shortages of such personnel exist, and for other purposes.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H.R. 6114. An act for the relief of Elmer M. Grade, and for other purposes;

H.R. 6400. An act for the relief of Reddick B. Still, Jr., and Richard Carpenter;

H.R. 12962. An act for the relief of Maureen O'Leary Pimpare;

H.R. 15549, an act to amend title 10, United States Code, to further the effectiveness of shipment of goods and supplies in foreign commerce by promoting the welfare of U.S. merchant seamen through cooperation with the United Seamen's Service, and for other purposes;

H.R. 17809. An act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes;

H.R. 19401. An act to extend for 1 additional year the authorization for programs under the Vocational Rehabilitation Act;

H.R. 19402. An act to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library;

H.J. Res. 1416. Fixing the time of assembly of the 92d Congress; and

H.J. Res. 1417. Extending the dates for transmission to the Congress of the Presidents, Economic Report and of the report of the Joint Economic Committee.

ADJOURNMENT

Mr. PREYER of North Carolina. Mr. Speaker, I move that the House do now adjourn.

Mr. GROSS. Mr. Speaker, on that I ask for the yeas and nays.

The SPEAKER pro tempore (Mr. MATSUNAGA). As many as are in favor of the request of the gentleman from Iowa will rise and remain standing until counted. The Chair will count. An insufficient number have arisen and the yeas and nays are not ordered. The question is on the motion of the gentleman from North Carolina.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. A quorum is not required on the motion to adjourn. The question is on the motion of the gentleman from North Carolina.

The motion was agreed to; accordingly (at 11 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Tuesday, December 22, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2628. A letter from the Secretary of Commerce, transmitting an interim report on the U.S. metric study, pursuant to Public Law 90–472; to the Committee on Science and Astronautics.

RECEIVED FROM THE COMPTROLLER GENERAL

2629. A letter from the Comptroller General of the United States, transmitting a report concerning the claim of the Ferris Corp. against the United States, pursuant to 31 U.S.C. 236; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee of conference. Conference report on S. 1181; with amendment (Rept. No. 91–1790). Ordered to be printed.

Mr. MORGAN: Committee of conference. Conference report on H.R. 19911: with amendment (Rept. No. 91–1791). Ordered to be printed.

Mr. REUSS: Committee of conference. Conference report on H.R. 18306; (Rept. No. 91–1792). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MARSH:

H.R. 19983. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission; to the Committee on the Judiciary.

By Mr. SCHMITZ:

H.R. 19984. A bill to amend the Voting Rights Act of 1965 by repealing the provisions with respect to 18-year-old voting; to the Committee on the Judiciary.

By Mr. WHITEHURST:

H.R. 19985. A bill to require the submission of a detailed report by the Secretary of Health, Education, and Welfare to Congress prior to closing Public Health Service hospitals; to the Committee on Interstate and Foreign Commerce.

By Mr. LOWENSTEIN:

H.R. 19986. A bill to require that the training of the National Guard for civil disorders be emphasized equally with that for combat warfare, and to require that the National Guard be provided with specialized weapons and protective equipment suitable for use to control civil disorders; to the Committee on Armed Services.

H.R. 19987. A bill to require that the procedures and conduct of National Guard organizations used by States to control civil disturbances within their borders in time of peace conform to the discipline of the Army and Air Force; to the Committee on Armed Services.

H.R. 19988. A bill to amend the Small Business Act to encourage the development and utilization of new and improved methods of waste disposal and pollution control; to assist small business concerns to effect conversions required to meet applicable pollution control standards; and for other purposes; to the Committee on Banking and Currency.

H.R. 19989. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups in the Nation; to the Committee on Education and Labor.

H.R. 19990. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

H.R. 19991. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 19992. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 19993. A bill to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 19994. A bill to amend the Public Health Service Act in order to provide for the establishment of a National Health Service Corps; to the Committee on Interstate and Foreign Commerce.

H.R. 19995. A bill to establish a Juvenile Research Institute and Training Center; to the Committee on the Judiciary.

H.R. 19996. A bill to require the Council on Environmental Quality to make a full and complete investigation and study of national policy with respect to the discharging of material into the oceans; to the Committee on Merchant Marine and Fisheries.

H.R. 19997. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military material without a certification by the Council on Environmental Quality approving such discharge; to the Committee on Merchant Marine and Fisheries.

H.R. 19998. A bill to amend title 13, United States Code, to provide for a middecade census of population in the year 1975 and every 10 years thereafter; to the Committee on Post Office and Civil Service.

H.R. 19999. A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that synthetic petroleum-based detergents manufactured in the United States or imported into the United States be free of phosphorus; to the Committee on Public Works.

H.R. 20000. A bill to amend title 38, United States Code, to authorize educational assistance to wives and children, and home loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government or power; to the Committee on Veterans' Affairs.

H.R. 20001. A bill to assist in the provision of housing for veterans; to the Committee on Veterans' Affairs.

H.R. 20002. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct certain expenses paid by him for special education furnished to a child or other minor dependent who is physically or mentally handicapped; to the Committee on Ways and Means.

H.R. 20003. A bill to amend the Internal Revenue Code of 1954 to exempt from income tax the interest on certain obligations of volunteer fire departments; to the Committee on Ways and Means.

By Mr. ABBITT (for himself and Mr. DANIEL of Virginia):

H. Con. Res. 793. Concurrent resolution expressing the sense of the Congress with respect to the participation by the United States in loans made by any international agency or bank to underdeveloped countries, for the purpose of increasing the production of an agricultural commodity determined to be a surplus agricultural commodity within the United States; to the Committee on Foreign Affairs.

By Mr. McFALL (for himself, Mr. REUSS, and Mr. HOLIFIELD):

H. Con. Res. 794. Concurrent resolution to express the sense of Congress on inflation and recession; to the Committee on Banking and Currency.

By Mr. LOWENSTEIN:

H. Con. Res. 795. Concurrent resolution expressing the sense of the Congress with respect to the pollution of waters all over the world and the necessity for coordinated international action to prevent such pollution; to the Committee on Foreign Affairs.

By Mr. ALBERT:

H. Res. 1317. A resolution providing for the Speaker to declare a recess at any time during the remainder of the session; to the Committee on Rules.

By Mr. SISK:

H. Res. 1318. A resolution relating to the clerk hire allowance of Members of the House of Representatives; to the Committee on House Administration.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

655. By the SPEAKER: Petition of Chojo Oyama, chairman, Central Shi-Cho-Son Municipal Association, Okinawa, Ryukyu Islands, relative to removal of chemical munitions from Okinawa, Ryukyu Islands; to the Committee on Armed Services.

SENATE—*Tuesday, December 22, 1970*

(Legislative day of Tuesday, December 15, 1970)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D, offered the following prayer:

Dear Lord and Father of mankind, grant that, as we prepare to celebrate the festival of Christmastide, we may arise and hasten to the place where love has come, and offer there the homage and devotion of our lives. We thank Thee for the road to Bethlehem and for all the pilgrims who have hastened there. Be Thou in our hearts, our homes, our churches, our public ceremonies, that the banner of the King of Life may be held high.

We pray for those to whom Christmas brings the remembrance of grief and separation, of voices now silent awaiting the final bugle call.

Be especially near those in the Armed Forces that they may know the affection of a grateful Nation and have encouragement for the coming day of peace. Heal the afflicted and be near the prisoner of war. May every life near and far be crowned with the peace of Thy redemption.

Give rest, joy, and inspiration to those in the service of the Government. Grant journeying mercies to all who travel.

Illumine the way of love's pilgrimage and set above the far horizon the star of Thy coming kingdom.

We pray in the name of the Prince of Peace. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 22, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, December 21, 1970, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, without prejudice to the Senators who were to be recognized during the special hour set aside for tributes, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MONDALE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTES TO SENATOR YARBOROUGH

Mr. MONDALE. Mr. President, I understand that the tributes to Senator YARBOROUGH were to be led off by the Senator from Massachusetts (Mr. KENNEDY). He has been temporarily required to be elsewhere.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. PROXMIRE. Mr. President, I want to pay the warmest tribute to Senator YARBOROUGH. We came to the Senate about the same time. He was elected in a special election in April, and I was elected in a special election in August of the same year.

Our careers have been somewhat paralled. We each ran for Governor of our respective States in 1952, 1954, and 1956. We lost in those elections. We ran in special elections in 1957 and were elected to the Senate. We then were reelected in 1958 and 1964.

RALPH was most hospitable, helpful, and friendly when I first came to the Senate. He became a good and valued friend.

I do not know of any man in public life who is closer to the people than is RALPH YARBOROUGH. He has always deemed it his duty to do the best he could to represent his constituency as vigorously as he could and to vigorously seek out their needs, their views, their opinions.

This man is a populist in the best traditions of American public life.

One remarkable facet about RALPH that is little known is that he is an intellectual in the best sense. He is known as a powerfully emotional speaker who can rouse a crowd to a far greater extent than almost anyone I know. But his life of the mind is usually overlooked.

I do not know a man who knows more about Texas history, about the history of Mexico and of all the events that went into the making of that great State of Texas. He knows a great deal about all aspects of American history. He is a student and a scholar. He is a man who, above all, has been identified with the cause and the interests of his people.

I think no one can pay tribute to RALPH YARBOROUGH without recognizing the great contribution he has made to education. The Korean GI bill and the carrying on of that effort will always be a great monument to Senator YARBOROUGH.

RALPH has worked hard for a program to secure adequate resources so that we could eradicate the terrible scourge of cancer.

He has been dedicated. He has been devoted. He has been a most effective chairman of the committee that deals in the most significant manner of any Senate committee with human problems. That committee is the Labor and Public Welfare Committee and the Education Subcommittee. He has been the ideal chairman of that committee and subcommittee.

Mr. President, it is a great honor and privilege to have a chance to rise in the Senate this morning to pay tribute to a good friend and an outstanding Senator, truly a man of the people, RALPH YARBOROUGH.

Mr. MONDALE. Mr. President, I am pleased to join with my colleagues today in honoring a great American and a wonderful friend.

It has been my good fortune to serve as a member of the Labor and Public Welfare Committee under his chairmanship and throughout this entire Congress to have been seated beside him here on the floor of the U.S. Senate.

I shall miss RALPH YARBOROUGH greatly, as I am sure all of my colleagues will.

RALPH is an uncommon man. He knew full well how to win the election, but he also knew that it was not possible to serve his conscience and be reelected. And, knowing what he was doing, he decided in favor of his conscience rather than his office.

I know that is true, because on several occasions we discussed the votes which he cast which he knew were unpopular. But his conscience is such that he could do no other.

I suppose I am telling tales out of school when I say that the day he voted against the confirmation of Judge Carswell to the Supreme Court, I turned to him and said, "You are right. But this will probably beat you." He said, "I know it." That has been RALPH YARBOROUGH'S public career from the beginning—one of courage, conscience, and continued devotion to human beings above all else.

He has sponsored or cosponsored virtually all of the social and economic reform legislation of the past 12 years—indeed, I suspect, all of it. Whether in health, education, manpower, human rights, civil rights, RALPH YARBOROUGH has usually been there first and has usually strengthened all of us in those efforts.

Senator YARBOROUGH, as chairman of the Committee on Labor and Public Welfare, made migratory labor a permanent subcommittee, which it had not been before. I am privileged to be the chairman.

In the course of the work of this committee, I found out about the deep need of the Mexican Americans, so many of whom live in Texas. They are largely without political support. They live in miserable and impoverished surroundings, many of them. They are not only economically powerless but are politically powerless as well.

RALPH YARBOROUGH is one of the few people ever to risk his political career to help them. It is not a popular thing to do. Politically, it is not a smart thing to do. However, it does happen to be the right thing to do. Therefore, RALPH YARBOROUGH did it.

During his 2 years as chairman of the Committee on Labor and Public Welfare, I believe we broke all records for the number of hearings and the number of issues in which we became involved. Just a few months ago, for the first time I think in 20 years, the Committee on Labor and Public Welfare commenced hearings on the broad issue of national health insurance. It had been 20 years since Congress had even heard testimony on this profound and heartbreaking problem in America. RALPH YARBOROUGH began the movement forward on that issue.

In just the past few days, under the leadership of RALPH YARBOROUGH, there has been advanced a new proposal, that I am sure will become law, to create a national authority for the cure and treatment of cancer. It is to be an effort patterned after the Tennessee Valley Authority or, perhaps, the space agency. In the same manner as the Nation made commitments in those areas, his new proposal will commit this country to find a solution to cancer, no matter what it takes. That proposal did not just happen. It came about because of the unique efforts of RALPH YARBOROUGH'S Committee on Labor and Public Welfare. Because of RALPH YARBOROUGH, and under his leadership, this is now a legislative proposal which I am sure will become law.

His record is well known. It cannot be taken from him. The people will not permit it.

In closing, I wish to make one final remark. One goes into politics thinking it is easy, perhaps. One serves his beliefs, thinking that ultimately, he hopes quickly, those views will be accepted and implemented into law. But it is only after a few years of politics that one realizes it is a constant, difficult, and often dangerous struggle to speak up and work for the causes which seek a better life for our people. It is a traumatic, tiring, fatiguing, and often debilitating battle. RALPH YARBOROUGH has spent his life in that struggle. He stands as a symbol of courage and humanism.

I will never forget him. I will never forget what he meant to me and everyone in this country who believes in a better Nation. We will remember him the rest of our lives.

Mr. BROOKE. Mr. President, I have not had the opportunity to serve on committees with the distinguished senior Senator from Texas (Mr. YARBOROUGH), and being on the Republican side, I have not had the opportunity to know him intimately.

But several months ago when Senator YARBOROUGH stated on the floor that he would miss the Senate, I spontaneously said at that time that the Senate would miss RALPH YARBOROUGH more.

I rise today with regret to pay my respects to the retiring senior Senator from Texas. For nearly 14 years since election to the Senate in April 1957, RALPH YARBOROUGH has been a vigorous and constructive champion of the poor and the underprivileged. His compassion and concern are unsurpassed. A multitude of bills promoting quality education and improved health care bear his name and are written into law today because of his untiring efforts.

Mr. President, RALPH YARBOROUGH has advanced some very unpopular causes and he has done so because he believed that they were right.

As we may remember, it was RALPH YARBOROUGH who called for increased spending for domestic programs at a time when national attention was focused elsewhere. I believe history will prove him right.

The Senate and the country are far richer for his having served here. He leaves behind some very great accomplishments. I pray that the future may likewise bring him satisfaction and achievement.

RALPH, we will miss you. You have served us all well.

Mr. YOUNG of Ohio addressed the Chair.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The Senator from Ohio is recognized.

Mr. YOUNG of Ohio. Mr. President, I do not have a sufficient vocabulary to manifest my admiration, affection, and devotion to RALPH W. YARBOROUGH.

RALPH YARBOROUGH is one of the greatest and finest men I have ever known. He and his lovely wife, Opal, are close friends of my wife and me. In the 12 years I have been in the Senate, I know of no greater friendship than the friendship my wife and I have for RALPH and Opal Yarborough.

In my humble opinion RALPH YARBOROUGH is one of the truly great American statesmen of our time. He is the finest sort of man personally. His career and his presence in public life really justify our faith in democracy and reinforces our belief in the essential virtues and goodness of our Republic.

I happen to believe that experience is a great teacher of all things. I believe it was Benjamin Franklin who wrote that experience keeps a dear school but fools learn in no other. RALPH YARBOROUGH is a highly intellectual man. He had been a fine trial lawyer. He had been an instructor at the University of Texas Law School. He had been a district judge in the 53d Judicial District and was in that high position for about 5 years. For 3 years he was the presiding judge. He served as assistant attorney general of Texas. This great American served his country in combat in World War II. RALPH YARBOROUGH served with the 97th Infantry Division. He was discharged from the Army in 1946 as a lieutenant colonel.

RALPH YARBOROUGH came to the U.S. Senate with just as fine a background of experience as anyone in this body. His entire life has been a series of chapters of excellence.

RALPH YARBOROUGH has written a number of very fine articles. Among them are "Lincoln as Liberal Statesman" and "Sam Houston—Giant on a Postage Stamp."

Mr. President, RALPH YARBOROUGH is indeed a superior man personally. He is a man of impeccable character. As a professor at a university law school, he dealt with young men. He has served as a model for fine young men throughout his entire life.

During his years in the U.S. Senate, RALPH YARBOROUGH has served with fidelity, devotion, and the greatest industry, the citizens of his State and our Nation.

It has been my privilege over many years to have had an office on the same floor as RALPH YARBOROUGH; as a matter of fact, right beside him. Many, many times I have marveled at the tremendous industry he has in dealing with the thousands of people from Texas who come into his office.

Occasionally when I needed the benefit of his views and advice, I would call on my neighbor RALPH YARBOROUGH, and I profited by talking with him, and I profited by meeting with his lovely wife, Opal, and him socially.

I shall in furture years look back on my 12 years in the Senate and with the greatest pride and joy on his friendship toward me and the fine things he has done to be helpful to me.

RALPH YARBOROUGH is a statesman and a lawyer and a great believer in and doer for the public welfare. It is my belief that while he is leaving the Senate in a few days, just as I am leaving the Senate in a few days for good—as the oldest man in the Senate I can say truly that my future is behind me—I am predicting that RALPH W. YARBOROUGH will have a great future in the public life in his State of Texas and in the Nation. His future is ahead of him. He is a young man compared to me.

So I am glad to join with my colleagues and say to our dear friend and colleague, the senior Senator from Texas (RALPH YARBOROUGH), that we wish you Godspeed and happy landings in all things.

Mr. ALLEN. Mr. President, I am honored to have this opportunity of joining in the tributes to Senator RALPH YARBOROUGH during the closing days of this Senate and during the closing days of Senator YARBOROUGH'S term in the Senate.

Senator YARBOROUGH'S forebears came from the State of Alabama, which I have the honor to represent in the U.S. Senate. He has told me on more than one occasion of his grandfather, who served as coroner of Sumter County, Ala., back more than a hundred years ago.

I have enjoyed discussing on many occasions with Senator YARBOROUGH the history of Alabama and of Texas. He is a great historian. He told me many things about my own State that I did not know.

I had the privilege of meeting Senator YARBOROUGH only when I came to the U.S. Senate, in January of 1969, but I have grown to love and admire and respect him.

We do not always see political questions the same way. I have heard him characterized as being a liberal, whereas I have heard myself characterized as being a conservative. But I found Senator YARBOROUGH to be a man of character, honor, sincerity, dedication, a man willing to work hard for what he believes in.

We both want to see a better life for all of our people, and certainly in that respect we see eye to eye.

Senator YARBOROUGH has been a great champion of the weak, the downtrodden, the aged, the infirm, the sick, the widow, the orphan. I certainly applaud his feelings and agree with him on the aims and the goals which he would seek to achieve.

After the November election, I am sure that all of us have observed the Senators who will not be in the 92d Congress. I have been interested in seeing the extent to which some of those Senators may have slacked up in their work, in their interest, in their aims and goals, and in their efforts. But, as I remarked some time ago to Senator YARBOROUGH, I had noticed that, far from slacking up in his efforts, he has redoubled his efforts, realizing that time is short for him to accomplish some of the goals which he had in mind for his Senate service.

Mr. President, I had not intended to make any remarks on this occasion. The time of 1 hour from 9 until 10 was allotted for the paying of tribute to Senator YARBOROUGH, and I had the honor of occupying the Chair during that hour.

But I requested the opportunity to come down and pay tribute to Senator YARBOROUGH. Truly he is, in the words of Kipling, a man who can "walk with kings, nor lose the common touch."

Yes, he is a man of the people, a down-to-earth person whom one can enjoy talking with, discussing legislation, discussing history, discussing trends, discussing goals and aims. I have enjoyed my service with this distinguished Member of the Senate.

We do not always agree on methods. I would say that Senator YARBOROUGH would be glad to see the Federal Government take over more of the functions of government than would the junior Senator from Alabama, who would like to see more of those functions performed by State and local governments. Possibly he would be willing to see the Federal Government exert a greater influence on the daily lives of all of our people than would the junior Senator from Alabama. But we have always respected our right to have differences of opinion and different views of how laudable ends might be achieved. So I admire this great Texan, this man who has his roots in Alabama, from whence his people came.

We shall miss Senator RALPH YARBOROUGH in the U.S. Senate. The Senate will miss him and the country will miss him; and I am honored to have the opportunity at this time of joining in this tribute to him. He has my best wishes for a happy and busy life of service in the future.

The PRESIDING OFFICER (Mr. YOUNG of Ohio). The Chair recognizes the senior Senator from New York.

Mr. JAVITS. Mr. President, I am the ranking minority member of the committee so graciously and interestingly chaired by RALPH YARBOROUGH, and I would not wish to miss the opportunity of joining in the tributes to him. Probably my greatest tribute to him is that I am heartbroken over the fact that he will not be there to continue as chairman and to continue the creative partnership which he has so very generously spoken of so often and which has involved us both.

There is no place in the world, I suppose, where one gets to know a brother like Senator YARBOROUGH any better.

It is always interesting to me, and I enjoy it very much, when the recipient of these affectionate remarks is actually in the Chamber when they are uttered. Personally, I think that is as it should be, because there is something about the human spirit which cannot be communicated in the written word, certainly in this respect. I always enjoy these efforts to summarize relations with a man, and I suppose that the object of such flattery would also be interested in knowing what a man who has worked with him so closely thinks of him.

I do not know of any human being in this Chamber who is better motivated than RALPH YARBOROUGH. As Senator ALLEN has said, you can differ with him. He likes to spend a lot of money—sometimes it even gets me—but he is certainly motivated by the purest, highest, and finest instincts that anyone in this body can claim. He wants people to be well, he wants them to be happy, he wants them to have the utmost fullness of opportunity that they are capable of having, and he has such a taste and relish for life himself that he sees absolutely no parameters to the possible degree of development and enjoyment of the human personality.

It seems to me that that aura absolutely surrounds everything he does and surmounts every other consideration. We do differ on the fact that he is something of a populist, which is an interesting phrase, coming from the part of the country he does, or that he has an absolute passion for action on the issue of health, in which he has been an extraordinary leader; but when RALPH YARBOROUGH really lets go, as he did on this floor recently on a bill, he is absolutely magnificent.

He is a young man, relatively speaking, and has a full and rich life ahead of him. This is but one of the way stations. Anyone who is endowed as he is simply cannot stand still or fail to be superbly useful to his people and his time.

I join all my colleagues in the warmest wishes to him for his own future, with the hope that perhaps we may see him here again, but wherever he is, that high motivation, tremendous dynamism, and love of life and those who live it, will always make him attractive, lovable, and beyond anything else, an extremely important and useful man to anything that concerns him, the people he has represented, and all the people of our Nation.

The **PRESIDING OFFICER**. The Chair recognizes the Senator from Alabama.

Mr. **SPARKMAN**. Mr. President, I wish to speak briefly in regard to our departing brother, as JACK JAVITS has described him.

I believe I first met RALPH YARBOROUGH before he was holding public office. It was, if he remembers, down in Texas, when I spoke to, I believe, a Young Democrats meeting. At least, it was a Democratic meeting, and it was at a time that the Democratic Party was in low ebb in the State of Texas. RALPH YARBOROUGH took hold of it and pulled it together. I have known him ever since that time.

He did some pretty difficult things back in those days. He ran for office several times without winning, but he never gave up the fight; and he restored the Democratic Party to life in the State of Texas.

Not too long after that, he did win a victory, and came to the Senate of the United States. I have enjoyed working with him here. I have never been on a committee with him, but he knows that my committee and his committee have had very close relations and very frequent dealings with each other, particularly in the field of veterans' housing. There is an overlapping of jurisdiction between the two committees. Never did we approach him and his committee with reference to something involving housing legislation and suggest changes or modifications that he did not cooperate fully.

RALPH YARBOROUGH is a good man to work with, and I have never known one who was more diligent in his service and in his duties. I have had the pleasure of being with him in various international conferences, and I know how he has worked there.

I commend him for the great job he has done in the Senate of the United States. I wish for him and his good wife long years, great happiness, and good health. I know that he will be giving service wherever he is and in whatever capacity he serves.

Mr. **WILLIAMS** of New Jersey. Mr. President, with mixed feelings of regret for our loss but with pride and pleasure for having served with him in the U.S. Senate, I join my colleagues in paying tribute to the able and distinguished senior Senator from Texas.

Coming to the Senate in 1957 at a time of rising expectations among the less fortunate and underprivileged citizens of our society, RALPH YARBOROUGH labored long and hard to open new opportunities for more and better jobs, for better education, and for better health for every citizen. None of these problems will be quite as complex, quite as tough in the future, because RALPH has left his unique, pioneering mark on each of them.

RALPH YARBOROUGH was never a handwringing pessimist. He always had faith in the capacity of Government ultimately to meet the critical issues of our time. Exemplifying his faith in the ultimate good sense of Government was his perseverance on the cold-war GI bill, which he vigorously advocated in 1958—long before active hostilities in Vietnam made its need apparent to all. I was honored to be a cosponsor of that legislation and to support the cause he led so well to a successful conclusion in 1966.

In my 12 years of service with him as a member of the Senate Committee on Labor and Public Welfare, I observed RALPH YARBOROUGH investing boundless energy and unmeasurable vigor to the resolution of some of the most challenging problems of our times. It is appropriate to quote here the words spoken about RALPH YARBOROUGH by George Meany, president of the AFL-CIO. Mr. Meany said:

> When the 92d Congress convenes in January, what we will miss most is the heart of Ralph W. Yarborough—that quality of warmth and devotion to people that so truly characterized his career.
>
> Labor will be missing a valued friend. Texas will be missing a devoted public servant. The American people will be missing a man who was the Senator of all the people.

As chairman of the full Committee on Labor and Public Welfare, during the 91st Congress, RALPH YARBOROUGH was considerate of his committee members in every possible way. And it was during the 91st Congress, as Senators know, that the Labor Committee initiated some of the most far-reaching social legislation in this Nation's history.

I recall a Saturday night in May of this year, when I was in the first round of the election campaign in New Jersey, in a primary campaign, driving along about 11 o'clock, and over the car radio came the announcement that RALPH YARBOROUGH had been defeated in Texas. I will say that this was more than a shock. It impressed me as a national tragedy. The next day, one of the first things I decided to do was to ask RALPH YARBOROUGH to come to New Jersey to help me in my campaign. I called him, and he said, "yes," immediately.

Of course, I personally am everlastingly grateful for what he has meant to me in politics. I know that the people of my State received him as I received him, recognizing all he has done for a better Nation, in terms of better lives for millions upon millions of people.

Mr. President, I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, the first chapter in a book entitled "Yarborough of Texas," which talks of his Texas heritage.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **WILLIAMS** of New Jersey. Senator JAVITS mentioned RALPH YARBOROUGH's basic populist philosophy. This chapter describes Henderson County, the county of statesmen; Henderson County, which had a populist background born of human hardship. It relates that this was the soil in which RALPH YARBOROUGH took root and which brought him on to all his greatness in terms of humanity and bringing greater economic hope to people, better hope in every way.

Certainly, within this year we have seen that it was his drive that might well be the thrust that is needed to overcome one of the world's great killers—cancer. It was his legislative creativity that created the commission that is trying to open doors to a crash research program.

I could go on and on and on. Certainly, we who have worked with him not only have been served well by a chairman but also have been inspired by a man.

Senator RALPH YARBOROUGH's life has been an unending story of vitality and excellence. As an educator, as an infantry combat soldier, as a practicing attorney, as a member of the judiciary, and as a Member of the U.S. Senate, he has served the citizens of the State of Texas and of the Nation with honor and distinction.

I commend the sound judgment of the people who elected him to the Senate in 1957, and who have reelected him for two full 6-year terms. Being the fighter that he is, I feel certain that RALPH YARBOROUGH will return to his people in Texas and will win from them another commission to perform public service in their behalf.

EXHIBIT 1

TEXAS HERITAGE

For well over a century, Henderson County in east Texas has been Yarborough country. Formed in 1846, it takes its name from J. Pinckney Henderson, first State Governor who later served as a United States Senator. Diversity of land, people, and products are its dominant characteristics.

The gently rolling hills are dotted with pines, ash, gum, hickory, and post oak. To the west, the Trinity River flows southward into Galveston Bay; to the east, the Neches River makes its way slowly to the Gulf of Mexico some 150 miles away. Henderson County's rich farmland produces a variety of crops—cotton, corn, melons, peanuts, tomatoes, potatoes and black-eyed peas, for which it is most famous.

The people are hardworking, industrious, economically and politically independent. Farmers, industrial and skilled workers, and the usual assortment of small businesses comprise the county's work force and commercial establishments.

Areas of heavy clay soil support brick, tile, and pottery plants. Small sawmills, furniture plants, dairy, beef cattle, canning and clothing industries add to the economic mix. Oil and gas wells on the landscape help give Henderson County the "Texas look."

Ralph Webster Yarborough was born in the town of Chandler (present population 627), some twelve miles west of Tyler. He was the seventh of eleven children of Charles Richard and Nannie Jane Yarborough, who, like their neighbors, prided themselves on traditional frontier self-reliance and independent thinking. The Yarborough family has a history of leadership in civic and public affairs. Ralph's father was Mayor, School Board President and Justice of the Peace in Chandler. His grandfather, Harvey Yarborough, led the first company of infantry from adjoining Smith County when Texas joined the Confederacy in 1861.

LEGENDARY HEROES

Young Ralph became an avid student of history, an interest that has grown and matured. In the evenings after the day's chores were done, he sat in the family circle on the cool back gallery and learned about Thomas Jefferson, Madison, the Constitution, Andy Jackson's frontier democracy and his struggle against Nicholas Biddle and the National Bank; about Sam Houston, Stephen Austin the martyrs of the Alamo and Goliad, about San Jacinto and the founding of the Texas Republic.

He learned about the history of Henderson County, "training ground for statesmen." They included John H. Reagan, first judge of Henderson County, who had served in the cabinet of President Jefferson Davis. Reagan had served in the House of Representatives, both before and after the Civil War. He led the fight on railroad abuses and became a United States Senator from Texas. In Washington, he had helped write the Interstate Commerce Act and in 1891 became the first chairman of the Texas Railroad Commission.

Another county hero was the "Old Alcalde," Oran M. Roberts, a district judge who was elected Governor in 1878. During his two administrations, the University of Texas, Sam Houston State and Prarie View Colleges were established and a Statewide system of free public schools was begun. Roberts also served as Chief Justice of the Texas Supreme Court.

POPULIST TRADITION

East Texas is rich in Populist tradition, which took the form of the Farmers' State Alliance and The People's Party during the 1880's and 1890's. Economic and political upheavals of the Reconstruction years had brought hardship and deprivation to many thousands of small farmers and workers. Prices of cotton, corn, and other basic commodities plummeted with the Panic in 1873 and dropped still lower in the following decade. Jobs were unsteady and wages poor.

The end of "carpetbag" rule in the 1870's had brought a return of more stable State and local government to Texas and other Southern States, but it was a virtual "one party" government dominated largely by bankers, merchants, large landholders and other commercial interests with little sympathy for the plight of the small farmer or the working man. When coupled with unscrupulous rate practices of the railroad "barons" and widespread vote-stealing and political corruption, the stage was set for an organized economic and political counterattack by frustrated and desperate citizens of the rural areas of Texas and other States of the South and Midwest. In some areas farmers joined forces with newly-organized urban workers' groups such as the Knights of Labor. They campaigned for reform of the banking laws, for a graduated income tax and for direct election of United States Senators; they advocated free coinage of silver, reforms in the railroad, and an end to corruption in business, in the conduct of elections, and in the affairs of government.

* * * *

PROGRESSIVE GOVERNMENT

In Texas, a trust-busting Democratic reformer was elected Attorney General in 1886 and in 1891 became Governor, campaigning on an anti-monopoly platform. James S. Hogg, the "Great Commoner," was the first native Texan to serve as Governor. His strong beliefs and actions in preserving the public interest were to have a profound influence over Ralph Yarborough many years later. Young Ralph's father had tutored him on the accomplishments of the progressive administrations of Jim Hogg and those of Charles A. Culbertson and Thomas M. Campbell, who followed in Hogg's footsteps of economic and political reform that marked the turn of the century period in Texas history.

More than a generation later, Ralph Yarborough was to demonstrate just how well he had learned these lessons that were such an important part of his colorful Texas heritage.

Mr. CRANSTON. Mr. President, it would take many more days for all Senators to have the opportunity to say all they would like to say about Senator RALPH YARBOROUGH. I realize that I and other Senators now in the Chamber will not have time to adequately express our high regard and deep affection for RALPH YARBOROUGH.

I met RALPH on the campaign trail many, many years ago, before either of us was in the Senate. We have maintained a close relationship over the years, culminating in the rich opportunity for me to serve under RALPH's leadership on the Committee on Labor and Public Welfare.

RALPH's friendship, tolerance, understanding, and cooperation—and his vast, limitless capacity for leadership—have enabled me to do far more than I had believed freshman Senators were permitted to do by their seniors. His presence in the Senate and on his committee has been a great blessing for all the millions upon millions of Americans who benefit so much from the work that the committee is able to do under his great guidance.

Since I came to the Senate 2 years ago, I have focused my principle legislative efforts on the Labor and Public Welfare Committee, on which RALPH has served for all of his 12 years in the Senate.

So I know his leadership, knowledge, and legislative effectiveness firsthand and they are exceptional.

His accomplishments in the U.S. Senate are legion.

But I would like to focus today on his fine efforts in the fields of education and veterans benefits.

As a former rural schoolteacher, RALPH has always understood how vital to America's strength, prosperity, and future, is the goal of quality and equality in education for all in our land.

Senator YARBOROUGH was one of the original authors of the 1957 National Defense Education Act.

Since then, he has contributed to every education law passed by the Congress. He has pressed hard for higher levels of appropriations for education.

Since RALPH reached the Senate, there has been a continuous stream of legislation expanding the Federal commitment to education.

These were the Higher Education Facilities Act of 1963, the Library Services and Construction Act of 1964, the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and amendments to those acts in 1966, 1967, 1968, and 1969.

Senator YARBOROUGH worked tirelessly for each and every one of these measures. His successful efforts to improve the Nation's libraries by working for improvements in the Library Services and Construction Act are of particular note and pride to him—and well that should. He also authored the Professors Emeritus Act of 1968, under which distinguished retired professors work with smaller, developing colleges which need the skills, knowledge, and experience of these senior citizens.

And he has also been responsible for protecting and strengthening the impacted areas programs which are so important to schools heavily burdened by Federal activities.

There are three Federal education programs with which Senator YARBOROUGH is most singularly associated.

The first is the national defense student loan program under which needy students may borrow funds to go to school at low interest.

Second, he has made great contributions to the improvement of educational opportunities for handicapped children since the adoption of the first special program for handicapped children in 1965.

He continued that effort as author of the children with Learning Disabilities Act designed to bring special educational assistance to more than 5 million children with special learning disabilities.

The third area is bilingual education—one of Senator YARBOROUGH's greatest labor of love. He originated the idea of bilingual education and accomplished miracles by persuading the Congress to accept a new concept of bilingual education despite strong administration opposition.

It has been one of the most successful of all federally funded education programs.

There is no other Senator now in this body who has contributed as much to the education of American children as Senator YARBOROUGH.

Senator YARBOROUGH's great legislative leadership for veterans' education and training has been equally noteworthy and successful. As chairman for 7 years of the Veterans' Affairs Subcommittee, a position I now hold, he has fought for

GI bill benefits for post-Korean era veterans in three decades. And finally in 1966, after opposition from three Presidents, he pushed, pulled, cajoled and persuaded the Congress to enact a Vietnam era GI education and training program.

Not satisfied with the level of benefits and programs resulting from the compromise necessary to win adoption of GI bill legislation, he came right back in 1967 and 1968 with successful bills to increase allowances; to expand coverage to widows and wives of totally disabled veterans; and to otherwise strengthen the program.

In January of 1969 Senator Yarborough introduced a bill to increase GI bill benefits in all programs by 46 percent. He worked mightily for this measure in committee, and was indispensable to our success in securing passage in the Senate by a 77-to-0 vote despite an implied Presidential veto, and despite House adoption of a much lower figure.

After three lengthy conferences with the House, we finally reached agreement on a 35-percent increase—which now means $45 per month more for the single veteran who is studying full time.

All that I have recounted should be enough for any man, but I have only scratched the surface of Ralph Yarborough's invaluable contributions to our Nation.

It has been an inspiration to serve under his leadership on the Labor and Public Welfare Committee of the U.S. Senate. It has been a precious, priceless privilege to serve with him in the Senate.

We will miss him tremendously, but we know that he has a great future in Texas, in America, and in the Yarborough brand of politics for the people.

Mr. HARRIS. Mr. President, the Senator from Texas, Senator Yarborough, has been an inspiration to me since long before I came to the Senate. Being a neighbor of his, I recall his first statewide race in Texas, and I recall when he was first elected to the Senate from Texas.

In all those campaigns, as indeed in all his service in the Senate, he has shown great courage and forthrightness in the positions he has taken on the critical issues which face this country. He is a man of compassion as well as courage, a man of wisdom, a man who is an intellectual in the true sense, keenly curious about all aspects of human life and about all the aspects of knowledge.

I will miss him, as the Senate will miss him; but we wish him Godspeed and good fortune in the years ahead.

Mr. KENNEDY. Mr. President, the hour of 10 a.m. is approaching. Inasmuch as many Members present have not had an opportunity to speak, I ask unanimous consent that the Record remain open for insertions and elaborations by the Members of the Senate, that the Record remain open until the end of the session, and that these tributes be printed as a Senate document and be made available to the Members of the Senate and other interested friends of Senator Yarborough.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, Ralph Yarborough is a man the Senate will not forget.

His tireless efforts in the fields of health, education, and veterans' affairs have produced contributions for which all Americans, not just his Texas constituency, should be grateful.

He has authorized and actively worked for some of the most most important legislation which the Congress has enacted over the last decade—the Elementary and Secondary Education Act, the National Defense Education Act, the Higher Education Facilities Act, the Regional Mental Health Centers Act, and countless others.

He has been a friend and stanch supporter of conservationists. We all owe him a debt of thanks for his efforts to preserving unspoiled monuments to the magnificent and diverse beauty of his State.

Most important of all, Ralph Yarborough has been a friend of the people, in the most decent sense of the word friend, and in the broadest definition of the word people.

He has championed the rights of those who have not shared in the benefits of an affluent society.

On any matter requiring a decision between the public and private interests in this country, Ralph Yarborough has always come down to the side of the public.

I feel indeed privileged to have had the opportunity to serve with Ralph for 12 years in the Senate.

I shall miss him as an ally in uphill fights in the Senate.

We shall all miss his insight, knowledge, and energy in the areas of our most urgent priorities, the health and welfare of the American people.

Ralph Yarborough leaves behind a tradition of compassion, dedication, commitment, and effectiveness. We shall all have to work doubly hard to see that this tradition is carried on.

Mr. PELL. Mr. President, this is a statement I would rather not have to make, for I shall greatly miss Ralph Yarborough. His retirement from the Senate is to me a great loss for it is not often that we are allowed to sit with a man of his stature. During the last 10 years I have come to know the senior Senator from Texas very well. My esteem for his personal integrity and legislative skill has grown with each year.

As a member of the Senate Committee on Labor and Public Welfare and as chairman of its Subcommittee on Education, I am fully aware of Ralph Yarborough's dedication to the welfare of our country's less fortunate citizens. Indeed, his work on education matters alone, is a matter of attainment to which few of us can aspire. Starting with the passage of the National Defense Education Act of 1958 within a year after his election to this body, Ralph Yarborough has forged a chain of legislation which will have its effect on our Nation's schools for years to come. This record of attainment can also be found in the fields of health, labor, and veterans' affairs. Indeed, when one thinks of the cold war GI bill, one immediately thinks of Ralph Webster Yarborough.

As he leaves this Chamber, I can only say thank you for the great help and guidance that you have given to me and I wish you well in the years to come.

Mr. BOGGS. Mr. President, I wish to take this opportunity to join my colleagues in congratulating the distinguished senior Senator from Texas (Mr. Yarborough) on his many years of valued service to the Senate.

It has been a great personal pleasure for me to share committee assignments with Senator Yarborough during the time that we have both been in the Senate.

For 10 years Senator Yarborough and I have worked together on the Post Office and Civil Service Committee; and I can testify that his energy and sound reasoning have set a high example for all who have served with him. In addition, I have had the pleasure of working closely with Senator Yarborough on the Treasury, Post Office, and Executive Office Subcommittee of the Appropriations Committee, where, again, I was privileged to encounter the Senator's vast knowledge and leadership ability.

Throughout our work together, I have always found Senator Yarborough an agreeable, cooperative colleague. I consider him a great friend, and I wish him well in his future plans.

A FAREWELL TO RALPH YARBOROUGH

Mr. CHURCH. Mr. President, the departure of Senator Ralph Yarborough is a loss to both the Senate and the Nation, as well as a cause for deep personal regret on my part.

During the 13 years that Ralph Yarborough has served conscientiously in the Senate, he has distinguished himself in many ways. He was always faithfull to the task of representing his constituents in day-to-day matters—resolving their problems with the too-often unresponsive bureaucracies of our Government. He served diligently on his committees dealing with labor, health and welfare matters, the veteran, the aged and the small businessman. But, in my judgment, his chief distinction is that he insisted upon fighting for the rights of the uncared-for and forgotten Americans. He did this in the face of severe disapproval from powerful segments of this Nation, including those in his home State of Texas. This is a chief reason why he will not be returning to serve with us in the 92d Congress.

Ralph Yarborough cared. He cared for the migrant, the poor child, the minorities in Texas and in the Nation. He spoke for the impoverished who can expect to get the short end of the stick. He insisted that these people be acknowledged as being in need. He sought better schools for their children, adequate medical care and decent housing for them, and pressed to find them opportunities for fruitful and rewarding lives. He knew he would not receive large and welcome political contributions from them at election time. Indeed, many of them, perhaps most, were not even registered to vote by reason of age or discrimination or neglect. Ralph Yarborough incurred the disfavor of the powerful for these concerns. He paid the penalty at the polls earlier this year.

But like the legendary Texans, RALPH YARBOROUGH can stand tall and walk straight. He can leave this Chamber knowing that he has fulfilled his obligation to represent the dispossessed of this Nation—the poor of whom Abraham Lincoln once remarked God must have loved "because he made so many of them."

I hope that the admiration and respect that his colleagues have for him will serve as some consolation for the arduous, productive years he has expended so generously during his time in the Senate.

Mr. KENNEDY. Mr. President, it is our privilege to gather on the Senate floor this morning in praise of a man who has been one of our most dedicated, committed, effective, and respected colleagues.

Since he came to the U.S. Senate in 1957, RALPH YARBOROUGH has been a "public servant" in the fullest sense of the word. He has worked hard and fought vigorously for programs which he knew in his conscience and his heart were just and right for the people of his State, and for all Americans.

RALPH YARBOROUGH'S legislative triumphs are legion—and they are triumphs not of a single man, but of the people he represented.

Because of RALPH YARBOROUGH, hundreds of thousands of veterans have been able to finish high school and college—men and women who could not have afforded that priceless education without the GI bill of rights which he authored and relentlessly battled for until it passed.

Because of RALPH YARBOROUGH, thousands of Mexican-Americans and other potential dropouts with language difficulties have succeeded in school with the help of bilingual education.

Because of RALPH YARBOROUGH, thousands of Americans who faced death or crippling disease will lead full and healthy lives. Perhaps more than any other man in the Senate, he has focused the spotlight of public opinion on the current health crisis in America. Because of his work, we have at last begun to move forward toward our goal of bringing adequate health care to all our citizens.

More than anything else, RALPH YARBOROUGH has concentrated his work in the Senate on human and social programs—to meet basic needs like health, shelter, food and education, to improve the day-to-day lives of all Americans.

He has labored for those who labor. He has been a voice for those who have no voice. He has dared to act and stand committed when others have held back.

But we pay tribute to RALPH YARBOROUGH today not just for what he has done, but for what he is.

Many qualities of RALPH YARBOROUGH the man come to mind: his enthusiasm and prodigious energy; his wide-ranging curiosity; his quick mind and memory for details; his sense of justice and fair play; his compassion for the disadvantaged; his tenacity when he sets about to correct a wrong.

But more than anything else, Mr. President, RALPH YARBOROUGH embodies that certain blend of courage, integrity, character, and principle which has no satisfactory dictionary name but which we commonly call "guts."

RALPH YARBOROUGH has shown guts at every stage of his political career—in his early races against impossible odds, in his legislative battles for educational and human opportunities for all Americans, in his actions and votes in the Senate when he was guided by moral justice rather than by political expediency.

For these qualities and more, I respect RALPH YARBOROUGH as a legislator and public leader. Equally important, I value him as a personal friend.

It has been said that "a politician thinks of the next election; a statesman, of the next generation." In his 13 outstanding years as a U.S. Senator, RALPH YARBOROUGH has unswervingly thought of the next generation—and he has given fully of himself to make the world a better, more just, more honest place for our children, and for our children's children.

RALPH YARBOROUGH now returns to the State of Texas, which he has ably represented, and to his home in east Texas and Henderson County—to the land and the people whose heritage and support was so influential in the development of the man.

He returns to a State whose rugged frontier independence and self-sufficient type of democracy have been reflected in the character of RALPH YARBOROUGH himself. He returns to the east Texas area with its natural beauty and broad mix of people—of all backgrounds, many disadvantaged, in diverse occupations from picking in the fields to laboring in factories, to work on oil rigs—as RALPH YARBOROUGH himself did when earning his way through law school.

RALPH YARBOROUGH'S heritage—his family, his State, his county—have been extremely important. As a keen student of history, he knew them well. They served as an inspiration and guide in his public life.

His family settled in east Texas more than 125 years ago, and has a record of public service—carrying on the tradition of the 29 Yarboroughs who served in the Continental Army during the Revolutionary War.

RALPH YARBOROUGH is a populist, in the east Texas tradition. He grew up in a small town—with the little people, with the have-nots, with the less fortunate. But he devoted himself to education—and indeed went back to his home at an early age to teach the next generation in one-room schoolhouses. Years later, his commitment to education was carried through so fully in the U.S. Senate.

RALPH YARBOROUGH served his State in a number of capacities—formally as an Assistant Attorney General and later as district judge. His sense of fairplay and justice has stayed with him throughout.

RALPH YARBOROUGH was also inspired by the career of another great Senator from Henderson County—John H. Reagan. Little could RALPH YARBOROUGH have known as a youth, that he too would rise to such great heights and join company with Senator Reagan as one of the greatest statesmen ever from Henderson County and the whole of Texas.

So RALPH YARBOROUGH returns. And he will continue to serve—he is just getting underway. His father lived to be over 100 years, and RALPH certainly has the energy and enthusiasm to keep going even longer.

RALPH YARBOROUGH deserves welcome home as one of Texas' most illustrious sons. I am confident that in the years ahead—in whatever capacity he can most constructively serve—YARBOROUGH of Texas will continue to dedicate his life to the cause of freedom, equality, justice, and humanity.

Mr. HOLLINGS. Mr. President, I join with my colleagues today in paying much-deserved tribute to Senator RALPH YARBOROUGH of Texas. We will miss his diligent service next year when Congress returns for a new session. RALPH YARBOROUGH has been the kind of Senator that Texas and the Nation can be proud of because he has been one of the hardest working Members of this body. As chairman of the Senate Labor and Public Welfare Committee, he has given constant leadership to some of the most difficult problems facing our society in America. And for this, we in the Senate and the American public owe him a deep debt of gratitude.

I cannot help but think that RALPH YARBOROUGH typifies just the opposite of the old stereotype of a politician. After his unfortunate defeat in the Texas Democratic primary, some people could have excused and understood his absence from this Chamber. But RALPH YARBOROUGH is a bigger man than that. He has attended practically every hour of Senate business when others would have gone home. He has maintained his committee operations and his commitments to various pieces of legislation with a determination which can only be called courageous and in the true public interest.

When I came to the Senate in 1966, I had already heard that RALPH YARBOROUGH was one of the most brilliant Members of this body. I have since learned that his reputation was deserved. I have particularly noted his grasp of historical perspective of difficult issues facing our Nation. He has been a tireless friend of the American workingman, including our Government civil servants, and has possessed a warm spot in his heart for our less fortunate citizens. Had it not been for the investigations conducted by his Labor and Public Welfare Committee, many of the great pieces of social legislation would never have been born.

I have worked closely with RALPH YARBOROUGH on the Post Office and Civil Service Committee. There, I have found him to be a determined representative of the people and constantly alert to see to it that the civil service program is fair and honest to the men and women working for our Government.

I said we will miss RALPH YARBOROUGH, and that is a true statement. I am sure all of his colleagues agree with me that he has made many great contributions to his Nation and to this Senate. Personally, I wish him good luck and good fortune in the years ahead, because I am sure RALPH YARBOROUGH will continue to be as good a private citizen as he was a public servant.

SENATOR YARBOROUGH HAS BEEN A GREAT LEGISLATIVE LEADER

Mr. RANDOLPH. Mr. President, the retirement of RALPH YARBOROUGH from the Senate represents the loss of a great leader. We will miss the wise counsel of this diligent man, but the legislative fields he has plowed will flourish in the years to come.

RALPH YARBOROUGH—soldier, statesman, author, and educator—is truly a stalwart Texan. There are many who talk of liberal or humanitarian causes; and there are the RALPH YARBOROUGHS who place their beliefs on the line and achieve. He has courage, integrity, and dedication to the public welfare.

As chairman of the Senate Committee on Labor and Public Welfare, RALPH YARBOROUGH's skills have created vast new areas of human and social gain. His presence in this Chamber over the past 14 years has served as a constant reminder that democracy works wonderfully well when the leaders are chosen well. It is not enough to merely recite the legislative landmarks that RALPH YARBOROUGH has struck in the fields of health, labor, and veterans' affairs. I think that the true impact of his work, starting with the National Defense Education Act of 1958, the cold war GI bill and his more recent health measures that have yet to reach fruition, will not be adequately assessed except by the long view of history. When that happens, a grateful Nation will give thanks to the State of Texas for having placed such a man in the Senate.

I will miss the daily presence of a good friend who has freely given help and guidance over the years. His dedication will not diminish, his sense of service will not abate, his wise and good counsel will always be available to those of us who need him. RALPH, you depart in the glow of good wishes with an enviable record of accomplishment.

Mr. SCHWEIKER. Mr. President, at the end of this session of Congress, the Senate will lose one of its great leaders, Senator RALPH YARBOROUGH, of Texas. During his 13 years in the U.S. Senate, Senator YARBOROUGH has made many valuable contributions to the future of all Americans.

As a member of the Senate Committee on Labor and Public Welfare, of which he is chairman, I have been privileged to work closely with him. What has particularly impressed me since coming to the Senate and working on the committee, has been the bipartisan spirit on the committee. This has been directly fostered by the leadership of Senator YARBOROUGH. In particular, as a junior member of the committee on the minority side, I have always felt that Senator YARBOROUGH went out of his way to make every member of the committee, myself included, feel at home and have their ideas and proposals receive a sympathetic hearing.

Senator YARBOROUGH has made a great impact on the legislation of the sixties, especially in the field of health, where he has always taken a strong interest. Under his leadership during the 91st Congress, much new legislation was enacted into law. We should note at this time such bills as the Community Mental Health Centers Act, the Health Services Improvement Act, legislation which would establish new programs for the training of general practitioners, and perhaps, most importantly, Senator YARBOROUGH's lead in promoting a national program for the conquest of cancer.

Under his influence, the Labor and Public Welfare Committee was able to take a strong role in the shaping of legislation during the 91st Congress. All of us who have worked closely with him, particularly those of us on the Labor and Public Welfare Committee, will miss him.

Mr. McGEE. Mr. President, it is characteristic of our colleague, the senior Senator from Texas, that in these waning days of his present term of office he has been as busy as ever performing his duties and tending to the business of the Nation and his State. For in an assembly of men which counts a multitude of dedicated laborers, RALPH YARBOROUGH has to be counted among the most dedicated, the hardest working. I have had the privilege, for that is what I deem it to be, of working closely with Senator YARBOROUGH over the full period of my own service in this body, and most of his—for he predates the class of 1958 by something more than a year. Aside from the people of Texas, whom he has so ably represented over that span of years, those most indebted to this great Senator are the working people of America, the poor, the disadvantaged, and, indeed, all who believe in justice and fairness. He has performed prodigiously on the Committee on Labor and Public Welfare, which he has so ably chaired. And, as chairman of the Post Office and Civil Service Committee, Mr. President, I can testify to the determined, dedicated pursuit of justice and fairness the ranking majority member of that committee, the Senator from Texas, has exemplified in the councils of that committee. Finally, we have worked together on the Committee on Appropriations, where Senator YARBOROUGH has demonstrated his great ability to sift the wheat from the chaff.

We will miss RALPH YARBOROUGH in this body, not simply because of his great ability as a lawmaker, but for his human qualities—his integrity, honesty, compassion, wit and dogged determination in pursuit of what is right and just, or good for the country or the people of his State. But we need not fear that RALPH YARBOROUGH has relinquished his always important role in the public affairs of this country. We can surely count on hearing more from our colleague.

Mr. McCARTHY. Senator RALPH YARBOROUGH will be sorely missed in the Senate. Throughout his Senate career he has demonstrated great foresight and commitment in attempting to deal with the fundamental needs of the American people; those things upon which the good life really depends; namely, physical health and the health of mind which grows from knowledge and understanding.

He has been a principal advocate and sponsor of legislation to provide this Nation with more and better trained nurses and doctors, with more and better equipped hospitals and other medical facilities.

Although often in the minority and discouraged by defeat, he persisted until the country and the majority of the Senate and the Congress came to support his position.

In the same way, he was dedicated and devoted to better health for Americans, he was also devoted to better education for Americans. Every major educational program that has been passed during his terms in the Senate has been marked by his attention and his concern. He has done all those things that a Senator should do. He has represented his constituency. He has borne the full burden of membership in the Senate, membership on committees, and the chairmanship a committee imposes upon one, and beyond that he has spoken on the great issues of war and peace: spoken to the people of his own State and also to the Nation.

I know of no Member of the Senate who is more thoroughly informed in the history of his State than RALPH YARBOROUGH of Texas.

And always he spoke and acted out of deep and thorough knowledge of the people of his own State and of the history of that State.

Mr. CASE. Mr. President, I ask unanimous consent to have printed in the RECORD tributes to Senator YARBOROUGH prepared for delivery by Senators TOWER and DOMINICK.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR TOWER

Mr. President. A young lady in elementary high school in my State once wrote me with a perplexing question. She said that since my colleague from Texas and I on a number of occasions voted on opposite sides of issues here in the chamber, did that mean that Texas had no vote on those issues.

Texas politics is nearly impossible to explain to any non-Texan. It is sometimes difficult for Texans to understand. But I was more than a little hard pressed to reply to the letter from that young lady.

The senior Senator from my State who we are honoring here today has certainly been at the center of a colorful era in Texas politics. That it has been colorful neither friend nor foe will deny. What lies ahead, what future events this year will influence—only the most foolhardy would hazard a guess. Certainly no Texan accustomed to the sometimes Florentine politics of our State would wish to lay his reputation on the line with a prophesy.

As my colleagues in this Chamber are aware, Ralph Yarborough first ran for statewide office in the gubernatorial primary election of 1952. He was unsuccessful. In 1954 and 1956 he ran again. Again he was unsuccessful. The following year Senator Price Daniel resigned from the Senate and Ralph ran in a special election to fill Price's unexpired term. He was elected on April 2, 1957 and reelected in the regular election the following year to his first full term. He was reelected again in 1964.

The personal side of politics seems always to fascinate reporters and, I suppose, also readers. A number of people have asked me, as I am sure they have asked my colleague from Texas, how easy it is for us to work together. At the outset it is seldom simple for men with strongly held opposing views to agree on all matters and to work hand-in-glove on matters of common interest. This is true both in an out of politics.

The situation would seem ready-made for conflict, but I can attest that this has not been the case. If there have been disagreements on policy—and there necessarily have been—there has also been an attitude of respect. I have appreciated the opportunity of knowing Ralph Yarborough. He is a gentleman of strongly held views, and I think we could not have worked together in the way we have when the best interests of our state depended on it, were there not this respect which I hope and believe is mutual.

STATEMENT OF SENATOR DOMINICK

Mr. President, I am pleased and honored to join in this tribute to the Senior Senator from Texas whom I hold in the highest regard. Just as Ralph Yarborough's presence has been felt in this body during his thirteen energetic years here, so will his absence. He is a sincere, compassionate man and has been a strong, effective Senator.

I have enjoyed serving on the Labor and Public Welfare Committee with him. While we have not always agreed, I have always admired and respected him for the fairness with which he has carried out his duties as Chairman.

Rather than trying to list the many important contributions he has made during his service here, I will just say that I am very proud to have shared his association over the years and that I will miss him very much. I wish him good luck and happiness.

Mr. HUGHES. Mr. President, I would like the privilege of adding a few words to the eloquent and well-deserved tributes that have been paid here today to our esteemed colleague, Senator RALPH YARBOROUGH of Texas.

Few men of our times have made such an impact on public life as this dynamic Texan has made. His record in the Senate will stand as a testament to what one individual endowed with unconquerable dedication and inexhaustible staying power can accomplish.

His record of accomplishment extends across the entire range of human needs served by government.

We are all aware, for example, of the outstanding work he has done in education and the fact that he has been sponsor or cosponsor of every major piece of education legislation passed into law in the past decade.

We know that he has been an ardent champion of the family farmer, the REA, agricultural conservation, special milk programs and other issues vital to the great rural areas of America.

We know that he has done great work for civil service, Federal employees, veterans' affairs, labor and management relations, conservation, and outdoor recreation.

And this list is only a "piece of the rock" of his record of solid achievement.

In my book, the people of Texas and the other 49 States ought to erect a statue of RALPH YARBOROUGH for what he has done in an innovative way for health care in this country.

His pioneering contribution to the fight against the drug epidemic in the United States is the chapter of his work in public health with which I am most familiar.

Last year, with characteristic foresight, he made the decision to create a special Senate Committee on Alcoholism and Narcotics—the first committee unit of its kind to be set up in the Congress.

He honored me and challenged me to be its chairman and participated vigorously himself as a member of the subcommittee.

Since that time, this subcommittee has held public hearings in major cities across the land, is studying the problem of drug abuse and narcotic addiction in the armed services, and has successfully sponsored pioneering legislation to help meet the growing drug crisis in America.

For the first time, we have comprehensive legislation to attack the drug problem at its source—the addiction—and on a scale that offers some conceivable hope of arresting the malignant increase of addiction in our country.

Wherever courage and innovative zeal are required to meet the serious problems that people have, RALPH YARBOROUGH has been a pioneer and an enlightened leader.

His leadership in the fight against alcoholism, drug abuse, and narcotic addiction is only one aspect of his long and successful campaign for better health care for all citizens in the United States.

A product of the populist tradition of the great American Southwest, Senator YARBOROUGH is that rare combination—a humanitarian and a tough, tireless fighter.

I am sure the Senate was never the same from the day RALPH YARBOROUGH arrived, some 14 years ago.

It will never be the same after his departure.

But it will be a better, more responsive, and more responsible arm of our Government because of RALPH YARBOROUGH's creative imprint.

Mr. PROUTY. Mr. President, I wish to join in the tributes paid to the distinguished Senator from Texas (Mr. YARBOROUGH).

I have had the pleasure and the privilege of working closely with RALPH YARBOROUGH on the Labor and Public Welfare Committee.

During this Congress, he chaired the Committee and its Health Subcommittee. The committee's jurisdiction is vast and the task of chairing it is not an easy one. RALPH YARBOROUGH has been an excellent chairman and his stewardship has contributed greatly to the legislative record of the 91st Congress.

In every area of the committee's jurisdiction landmark legislation has been enacted into law this Congress.

I shall always remember RALPH YARBOROUGH's chairing the committee, but above all else, I'll remember him for his tenacious 8-year fight for the cold war GI bill.

Where others might have given in, he fought and 7 million of our veterans have benefited so far.

RALPH YARBOROUGH is not one to quit until the job is done and knowing him as I do, I am sure he will continue to serve his State and Nation. I doubt that the word "retirement" has any place in his vocabulary.

Mr. MANSFIELD. Mr. President, leadership in the Senate of the United States is often a tedious and tiresome task. Faced with competing viewpoints, noble objectives are often sacrificed to the expedient of the quick compromise. That expedient, I am proud to say, was never adopted by the distinguished Senator from Texas (Mr. YARBOROUGH). Whether pressing for enactment of the cold war GI bill or fighting to preserve the natural beauty of Padre Island lying in the Gulf of Mexico, RALPH persevered to a victorious objective—and he did so without sacrificing those things in which he deeply believed. In his public life his devotion to principle has been unwavering and his courage, tested on countless occasions, has never been found wanting.

Senator YARBOROUGH's record is filled to the brim with achievements which have been heralded across this Nation. In the field of education, he was the pioneer; on veterans' benefits—where at all times he was out in front all alone—he saw his goals attained; his efforts in behalf of improved health benefits, of increased medical research, and of greater attention to the welfare of all Americans have been written into the law books for all time.

Frankly, it would be difficult to say which achievement RALPH would prize most. His record to preserve this Nation's resources, its natural beauty and vast mineral reserves is one envied by many. There is, as well, his record to upgrade the status of the Federal worker. It has done much to instill needed pride and devotion throughout the civil service.

RALPH YARBOROUGH's greatest success lies not in any one legislative proposal or single project, however, but in the deep devotion to principle with which he has represented the people of Texas in the U.S. Senate in the past 12 years. His unfailing adherence to principle has contributed greatly to changing the very structure of American society in a lasting and most beneficial manner and all future generations of Americans will be indebted to RALPH YARBOROUGH.

There are greater defeats than personal ones suffered at the polls; there are the defeats suffered by the compromise of belief. On that score RALPH YARBOROUGH has never suffered a loss. He leaves the Senate a man of unimpeachable principle. YARBOROUGH of Texas has left examples of integrity and courage that have made a better Senate and a better America.

Mr. KENNEDY. Mr. President, since only a few minutes remain, I think the distinguished Senator from Texas should have an opportunity to respond.

Mr. YARBOROUGH. Mr. President, a little more than 10 years ago, Harold Macmillan, the Prime Minister of Great Britain and Northern Ireland, stood in this Chamber. I was privileged to be here at that time and to hear him say that he was brought up by his mother to regard a Senator of the United States as being the highest point of human felicity and dignity that it was possible for a person to attain. He said that, as a child, he had questioned his mother's observations; but by the time he visited this Chamber the second time, he had learned that his mother was right about U.S. Senators, as about many other things.

I think that the action of my colleagues, in taking an hour off during this busy period to be this kind to me, illustrates what Harold MacMillan said.

Henry Adams, in his great work on education, stated that although the Senate is much given to admiring in its Members, a superiority less obvious or quite invisible to outsiders, one Senator seldom proclaims his own inferiority to another, and still more seldom likes to be told about it. I think it is the high point of any person's life to be a Member of this body.

But while I am realistic enough to realize that my colleagues here have followed the advice of Henry Adams, that Senators praise each other and hide their faults that no one else ever sees, the fact that we look for the best in each other indicates why this body is such a great place to work. I thank you, from the bottom of my heart for these all too generous words about me.

As I look over to the other side of the aisle and see the distinguished Senator from Arizona (Mr. Goldwater), I recall my early days on the Committee on Labor and Public Welfare, when there was a sharp difference between John F. Kennedy and Barry Goldwater. I remember the keen intellect and determined toughness they displayed during debate in that committee, but I remember also their courtesy toward each other, which is symbolic of this body.

I am grateful to the Steering Committee that placed me on the Committee on Labor and Public Welfare and gave me the opportunity to be chairman. On this committee I have been fortunate to serve with the three gifted Kennedy brothers and the golden-voiced Everett Dirkson. I am grateful to that Steering Committee for placing me on the Appropriations Committee for the past 6 years, and to the chairmen of all the committees with whom I served: Lister Hill on the Committee on Labor and Public Welfare, Carl Hayden on the Appropriations Committee, and Senator Magnuson, of Washington, for 7 years on the Commerce Committee. These chairmen and a number of other committee chairman gave me the opportunity to contribute to the great pieces of social legislation of the past decade. I certainly owe them a great debt for their generosity toward me. I am indebted to the committee members for the great record of the Labor and Public Welfare Committee.

I say thank you to the distinguished majority leader, the Senator from Montana (Mr. Mansfield), who placed me on delegations to the Interparliamentary Union beginning in 1962, thus giving me the opportunity to sit as the representative of the United States at those meetings. I was thereby able to participate with the delegates speaking from nearly all of the parliaments of the world; to attend meetings in Asia, Europe, Australia, and South America. I am particularly grateful for those wonderful experiences, especially because they enabled me to realize that the Senate of the United States as a legislative body is second to none.

Above all, I am grateful to the great people of Texas who three times elected me and gave me the privilege through three terms to serve here, which is longer than any other Senator out of 26 Senators who have served the State of Texas in this Senate, except four.

And I owe much to Senators of the past. Those who endorsed me and aided in my first election to this body in 1957. John Nance Garner, 8 years a Vice President in this body, and Senator Tom Connally, 24 years a Senator from Texas—each endorsed me.

That is a generosity that the people of my State of Texas have accorded very few men. Even our greatest Texan, Sam Houston, did not serve that long.

I want to express my gratitude to all those in this body for what they mean to me and the effect they have had on those who come here and serve in the Senate, with the traditions of this great body and in the living presence of this body.

I shall miss the Senate. The Senate draws out the best in all of us and I am a better man for having served in it. It shall always cherish the friendship I have with each of my colleagues.

As Opal and I return to private life, I intend to do all that I can as a citizen to assist my former colleagues as they cope with the awesome problems facing us in this decade. The eyes of the world will be on you and although I will not be here to share your burdens, I pray that God will give the Senate of this still great Nation the strength to meet its responsibilities as it always has.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971—CONFERENCE REPORT

CLOTURE MOTION

The PRESIDING OFFICER (Mr. Eagleton). Under the previous order, the Senate will now proceed to the consideration of the cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

Cloture Motion

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to adopt the conference report on H.R. 17755, fiscal 1971 appropriations for the Department of Transportation and related agencies:

Hugh Scott, Barry Goldwater, Mike Gravel, Howard Baker, Henry Jackson, Warren Magnuson, Henry Bellmon, Richard Schweiker, Robert Dole, Edward W. Brooke.

Bob Packwood, Ted Stevens, James B. Pearson, J. Caleb Boggs, Lee Metcalf, Gordon Allott, Paul Fannin, Jennings Randolph, Daniel Inouye.

The PRESIDING OFFICER. All time is now under control on the motion to invoke cloture with regard to H.R. 17755, the conference report on the Department of Transportation and related agencies appropriation bill for 1971.

The time will be equally divided between the Senator from Nevada (Mr. Bible) and the designee of the minority leader, the Senator from Arizona (Mr. Goldwater).

Who yields time?

Mr BIBLE. Mr. President, I yield myself 5 minutes, and then I shall inquire as to the intentions—I have discussed this with the Senator from Arizona (Mr. Goldwater), and it is our intention to make time available to the Senator from Wisconsin as he indicates his desire to use it.

Actually, there is very little more that can be said at this stage of the discussion on the SST.

As I said a few days ago, we remain optimistic. We are hopeful that something will be worked out. I must say, in complete fairness to the Senator from Wisconsin and the Senator from Illinois, that in our conferences with the Senator from Mississippi and myself the conferences were genial and I thought they were helpful. Many suggestions were made which might have resulted in a breakthrough of the present impasse in which we find ourselves. That did not materalize. We find our friends on the other side of the Hill adamant in their position, just as they were adamant at the time we discussed this in conference.

We brought back, as we have previously said time and time again, the figure that we thought was the one that would permit the SST to live. It is true it would be more costly. That is not unusual in the way the appropriation process works for the Government, because when we do delay and do not fully fund, it costs more, whether it is a reclamation project, an irrigation project, a water project, or whatever. It also involves stretchout as well as additional costs. There is no question about that. The less funding we have, the more it is going to cost ultimately.

The option available to those of us who are attempting to move forward is an up or down vote on the conference report. That could be had at any time. The yeas and nays have already been ordered. The report could either be adpoted or rejected.

If it is adopted, it would then go to the White House for the President's signature, and, if rejected, it would go back for further conference; and if the attitude of the House remains adamant after further conferences, we would be right back where we are today, trying to work out a difficult problem.

It has reached the stage that there may be other developments, or some other easing that will come about over the festive season on which we will embark later this afternoon, and come back here on Monday next. This is not a great deal unlike a football game, we are in the fourth quarter, the clock is running out, and we are up against "sudden death." This is in that same posture. We are down to that particular point in time in our attempt to get this conference report adopted.

I think the conference report should be adopted. A clear case has been made for the continuation of the SST. It is approximately eight-thirteenths along its way on a 12-year program. It is approximately 9½ years along on that particular part of the program timewise.

If the United States is to maintain its superiority in the air, then it is most important that the program go forward.

We have heard much about environment and impact on the environment. The record speaks for itself as to the pros and cons, some speaking against the project, and many, many speaking for it. We have heard the expertise of the scientific community. It has to be said time and time again that what we are trying to do now is to get sufficient money to produce two prototypes to permit them to fly 100 hours and then to reevaluate the program. I do not know where it will go beyond that period in time, in 1972, 1973, or whenever the prototypes are completed.

The Senator from Wisconsin is very frank. He has said repeatedly that he does not want it to go forward at all. He wants to kill the program. We want to keep it alive and keep it going. It is a little hard to resolve that particular problem.

I remain, as always before, optimistic as to options we have available. One of them will work out within the next few days. We will be back on Monday. We will be here Monday, Tuesday, Wednesday, and Thursday. Then, I assume that most people are apt to take off for New Year's whether we are under a mandate or not. There are not many days left to dispose of the problem. Time is running out.

I am extremely hopeful that we can resolve this problem today if possible, and if not today, when we return. I think that all of the questions concerning the problems of this matter have been raised and answered time and time again. I have no intention of going into any of those at length.

Mr. President, I yield 15 minutes of my time to the Senator from Wisconsin and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 15 minutes.

Mr. PROXMIRE. Mr. President, as the Senator from Nevada just said, we have already discussed the cloture motion. This is the second cloture motion on this matter. Two cloture motions on the same proposal are rare, not unprecedented, but rare. Only once or twice in history have more than two cloture motions been filed on one bill. If cloture is not obtained today, they will file it again. That will be three times. If they do not obtain it then, they will perhaps file it again. That will become a record. We have never had a bill on which cloture has been filed four times. There have only been one or two bills in history where cloture has been filed three times on the same bill.

That indicates to me that we are getting pretty rough treatment on this matter, and especially in view of the fact that there are a number of conference reports and other measures which are very controversial but which have been held up and have not been debated. There are Senators who feel very strongly about those matters. However, the SST has taken the full brunt of holding up vitrually all of the legislation. I wonder about the fairness of this.

Mr. President, the Senator from Nevada is a very reasonable man. However, I certainly do not want to give anyone the impression that we are not as reasonable as we can be on this matter.

We tried very hard to reach a compromise. We are willing to talk at any time and anyplace and under any circumstances. We rule nothing out except a vote on the conference report. We are completely convinced that would be an unfair vote.

The options open to the conferees are considerable whenever there is a measure on which they are in strong disagreement. Conferees do have the option of going back to the floor of the House and report that they are in disagreement. These conferees did not do that. That is the way conferences are supposed to work, especially when one body feels very strongly about the matter or the other body feels very strongly about the matter.

Another way to work it out would have been for the conferees to have spent several days, or weeks, or months. This has often been done. In the course of time these things are worked out. I realize that under the circumstances the conferees on this matter could not have spent more than 3 or 4 or 5 days. But the fact is they met less than 1 day. In my view they could have spent a little more time in conference. Or they could have gone back to the House in disagreement and let the House vote it up or down under those circumstances rather than to go back to the House with a conference report.

I think there are other options open to the conferees. I am sorry that the conferees did not see their way clear to exercise one of those options.

Mr. President, I repeat once again that we are very anxious to compromise this matter. I do not know of anyone on our side who is adamant and who feels that we cannot find a way to meet the principal objective of those who are in favor of the SST, which is to give it life until next year. I would like to kill it next year. So would most of the Senators that voted with me. I think that 51 Senators indicated that.

We feel it is necessary for us to compromise and, as I say, we are willing to do it. But frankly, so far we have not been able to secure much in the way of compromise on the part of those in the other body who have an equal responsibility and equal authority with respect to this matter.

The distinguished Senator from Nevada just said that we are about eight-thirteenths or something like that of the way along. We have spent something like $800 million on this. The Federal share would be $1.3 billion.

Mr. President, we are far less than that of the way along. For one thing, the Federal share is up to $1.5 billion in view of the calculations of the Department of Transportation.

Dr. Garwin, who has been an adviser to Presidents Kennedy, Johnson, and Nixon on the SST development, says that the Federal commitment to this program, if we persist, will be $5 billion. He makes that conclusion on some very logical assumptions. He concludes that it will cost $1.5 billion in the development stage. He further concludes that once we finish that stage, it will be necessary for the Federal Government to provide a great deal of assistance in the production stage. Anyone who does not believe that has only to look at the airlines. If they were making money, that would be one thing. However, we know that they are in desperate straits. It was announced on the television last night that United Airlines will probably lose $40 million this year. They are in great difficulty and are trying to pay for the subsonic jets. The supersonic jet is an esoteric jet. It can only be used under limited circumstances. It may have many problems.

We expect them to ask the Government to pay in part for the production phase.

This notion of only a $1.5 billion Federal commitment for the SST to me, is most unrealistic. I think if we were to discuss the problem frankly with any authority in the airline industry they would agree.

In view of Dr. Garwin's calculation, I think that a realistic estimate would be that we are 20 percent along the way. We would be called upon to put a great deal more money in the SST before we had a chance to have it pay off.

Mr. President, the SST on the basis of any fair evaluation of public interest does not seem to stack up. There is not any question that it may be a pollutant of the environment. It is going to increase airport noise. The sonic boom is still a serious problem.

The SST certainly will increase the pollutant emissions. The Department of Transportation itself has given statistics that show that on a per-mile basis, emissions of every chemical pollutant from the SST are greater. That is not on a time basis, but on a per-mile basis. It would be much greater on a time basis.

When we consider that the SST would fly at very great altitudes where the atmosphere is both stable and rare, as Senator Nelson has pointed out, it means that that pollution has an infinitely greater effect. So, it could have a destructive effect on the ozone.

No one has mentioned the inflationary aspects of the program. This is a program that is not merely for this year. It is for next year and the year after.

Many people argue that the principal problem of our economy is inflation. When the Federal Government pumps this kind of money into a program such as this it has inflationary effects.

Very little has been said about the impact on the taxpayers. Surely the taxpayer is holding the bag on this project if it does not work out. We feel that it will not work out. If it does not work out, then the taxpayer is out the entire amount. Even if it does work out well, the taxpayer cannot get all his money back. He would get back the principal, but not the full interest payment because the interest payments will amount to less than that which he has to pay to borrow money with which to finance this out of the Federal deficit.

Mr. President, the competition argued at the time we had the cloture motion before us on a prior occasion that our airlines would buy the Russian SST. How far out can we get? The Russians cannot compete with us in commercial aircraft. Here is why: We all know the tremendous importance of maintenance of these planes after having sat in an airport when they try to get parts. If we were to have a Russian SST, we could imagine the difficulty in maintenance and getting spare parts and having to rely on those parts if we had to rely on getting them from Moscow.

I am not talking about the fact it would take time to have parts shipped from Moscow, although that might be a problem. I am talking about a long industrial history that shows the Russians have failed on matters of this kind because they have not been able to establish reliable and effective maintenance. On a plane as expensive as this plane, the airline operating it would insist that the maintenance be reliable, and on that basis the Russians would have great difficulty selling it.

There has been talk about reservations with respect to the Concorde in relation to costs. I have not heard anything about any firm reservations for the Russian SST. If there are, it is surprising to me that those favoring the SST have not indicated that.

Mr. President, very little has been said—in fact, nothing has been said—about the exhaustive effect of the SST on our limited oil resources in this country. We are told if the SST flies in the numbers the proponents argue it will, with 500 to 700 SST's in the air, and consuming the kind of fuel it will, we could exhaust our fuel resources in a few years. This is another aspect of conservation with respect to conserving our limited energy resources that should concern every American as it does those deeply interested in conservation. If oil is to be used up to this extent, the price of oil and gasoline and fuel to heat homes will be increased.

There are many other arguments I could make. Our time is limited. I will yield to my colleagues. I thank the Senator from Nevada for yielding to me. I reserve the remainder of the 15 minutes he yielded.

Mr. BIBLE. Mr. President, I yield 5 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. GOLDWATER. Mr. President, if the Senator needs more time I will be happy to yield it.

Mr. ALLOTT. Mr. President, aside from the ridiculous situation the Senate has gotten itself into, and this is certainly not the responsibility of many of us who tried to avoid it, the fact is we are in a ridiculous situation with respect to the SST, and the time has come to say a few things about it that should have been said a long time ago. I have been in this Chamber every day and I have tried to get the floor. I have listened to the debate and the alleged arguments against the SST with no ability to get the floor for several days. I am happy that through the courtesy of some friends I do get some time at last on the SST.

Let us go back, first of all, to the time when the SST was conceived. Who are the people now who are opposing the SST? Back in 1962, when President Kennedy said, "We are going to build an SST," and earlier when he said, "We are going to land on the moon in this decade," they are the people who said, "Hurrah, hurrah. We are going to do it." At that time, Mr. President, you could not get one of them to sit down and talk about whether those were worthwhile longtime goals.

The Senator from Wisconsin has been a member of the Committee on Appropriations during all this time. If I recall correctly, he never once offered an amendment in committee to strike the SST from the bill. He is a member of that committee. Why has he not offered such an amendment in committee?

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. ALLOTT. No; I decline to yield. I have been listening to the Senator for 3 weeks.

Why has he not offered such an amendment?

Mr. PROXMIRE. I will answer the Senator if he will yield.

Mr. ALLOTT. I decline to yield. I have been listening to the Senator for a long time.

Where were these people when President Kennedy conceived these two great dreams? And where were they when we wanted to hold hearings in committee? I have never seen any of these people in a meeting of the Committee on Appropriations where these items were discussed—not once, except in the final markup of a bill.

Mr. President, I wish to make it perfectly clear that my State has not one penny of contracts with respect to the SST. But there are some of us who are practical and dreamers at the same time, who feel that this country cannot stand still.

Is there a Senator in this Chamber who believes that this country, the people of our country, and the people of the world will be flying the same planes in 1995 that they are flying today? It is just inconceivable that we would be.

The only logical step forward is not a bigger, super, super 747. The only logical step forward in this whole area is the SST. It will come, Mr. President, regardless of all the talk here, regardless of what is said by the pseudo-scientists who have been quoted in this Chamber in the last few weeks. The SST will come. It will be a reality and it will be flying in the lifetime of each of us in this Senate.

If 500,000 people are going to be flown across the Atlantic Ocean or the Pacific Ocean—and these people are not just the jet age set; it can be done more safely and with less emissions per seat-mile than with any plane in existence today, including the most modern planes we have. There is no question about that. Let someone try to deny it.

It is true the engines are big, but on the basis of those to be transported, they would be transported across oceans with less polluting per seat-mile than any plane in existence today.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GOLDWATER. I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. ALLOTT. Mr. President, the argument has been made repeatedly about the overwhelming vote of the Senate. Well, let us not permit that to go unchallenged. A change of six votes in the Senate would have changed the entire complexion of this matter so it was not an overwhelming vote. I think maybe there will be some changes if this matter is permitted to come to a vote, and that is the reason it is being filibustered.

I wish to say one other thing. There are a lot of other items in this bill. I see the junior Senator from Mississippi (Mr. STENNIS) in the Chamber. When we talk about the conference committee capitulating, I must say my blood runs quite warm. The distinguished Senator from Mississippi has never been enthusiastic, about the item for mass urban transportation. As I recall, the bill, as reported, provided $250 million. After the conference the amount for that item was over $600 million for urban mass transportation. That is what these people are trying to hold up, and not just the SST. They are holding up that item, too.

I do not like to hear the word "capitulation" used in conjunction with the junior Senator from Mississippi when I saw him there in the give and take, giving on this particular item with respect to urban mass transportation in order to resolve the differences and to get a bill.

I do not like it said that I capitulated, and I do not like anyone to tell me I capitulated, or that the Senator from Nevada (Mr. BIBLE) or the Senator from Louisiana (Mr. ELLENDER), or any of the other Senators in that conference capitulated.

Let us get away from the capitulation idea. I am through with it. I have said that there is no more reason to challenge the basic integrity of men who sat on that committee than there is to challenge anybody else in this Chamber.

One thing I would like to say in addition. We have heard about this Dr. Richard Garwin. I just wish that the Members of the Senate could take the time—there is not time now, just 30 minutes—to read the testimony of Dr. Richard Garwin—testimony that would not be endorsed by any scientist of any stature in the United States——

Mr. NELSON. Mr. President, will the Senator yield for a question?

Mr. ALLOTT. I will not yield. I say if Senators would take the time to read that testimony, it would cast a cloud over all quotations read on the floor of the Senate from what he said. Of course, he is a very modest fellow. He only admitted to being an expert in several fields of science. I know of no scientist in the United States—and I have seen a lot of scientists and talked with them and I have had communications with them—

who would make the ridiculous claims he made.

I think the future of the United States is at stake. Most people still do not understand that we are not talking about the same airplanes when we talk about the Concorde or the Tupolev-144 as we are talking about when we talk about the SST.

We are the ones who developed titanium technology. We are the ones who are flying hundreds of thousands of hours of supersonic flights and thousands and thousands of hours of mach 3 flights throughout the United States. We are the ones who have the know-how.

There will be no answer to these pseudo-claims about the polluting of the atmosphere unless we proceed with this project and put two of these planes in the air so we can use them as testing beds for pollution. I personally have no doubt about what the outcome of those tests will be. But I also will say that I am not willing, by my vote, to throw away what will be $20 or $22 billion in our balance of trade through 1995. I am not willing to throw out of work hundreds of thousands of airplane factory workers for 10 or 15 years. I am not willing to sacrifice the superiority that we have in aircraft construction and design to the people across the Atlantic Ocean, in Europe and Russia.

That is the issue, and let us vote on it. I hope we will vote cloture and come to a vote.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I would like to yield 5 minutes to the Senator from Iowa (Mr. HUGHES), but I have only 3 minutes.

Mr. GOLDWATER. Mr. President, I forgot to say that I was yielding 15 minutes to the Senator from Wisconsin.

Mr. PROXMIRE. I thank the Senator. I yield 5 minutes to the Senator from Iowa.

Mr. HUGHES. I thank the Senator from Wisconsin for yielding me time.

Mr. President, my reason for commenting this morning is particularly directed to the question of cloture. When I was elected to the Senate 2 years ago, I came here with the determination to vote for cloture every time the procedure came to a vote in order to try to permit determination of questions by simple majority process in this body. Now I find myself in the peculiar position of voting against cloture on this particular issue. But, as pointed out by the Senator from Wisconsin a couple of days ago, the fact is that rules are rules and apparently those who would like to change the rules have no alternative but to use the existing rules on this particular issue because of what we feel is an inadequate opportunity to vote directly on this issue alone.

There has never been any intention on my part or any indication by me that I questioned the intentions of the men who were a part of the conference committee or that they did not negotiate what was in their opinion a fair compromise as a result of the decision on this question by the Senate. Nevertheless, that leaves those of us who differ, who believe that the compromise was not a just compromise and did not represent the way this body voted, with the right to disagree with that compromise when it comes back to the floor, as we are now doing.

As a result, those of us who have been opponents of the SST and who wanted to separate the issue have offered the alternatives of either referring it back to committee and then having it reoffered on the floor to give us the opportunity to vote on the issue at once or having a simple, short extension, with debate to be taken up separately in the new session of Congress. But this pending proposal offers us absolutely no alternative. After 15 hours of debate, we are now being accused of a filibuster. Yet in the spring when we talked for 7 weeks on another issue, there was total and complete denial that there was a filibuster underway in this body.

It seems peculiar that when we get close to the end of the session—although we face a very critical issue and none of us wants to vote against the other parts of this particular bill—we are forced to recede, to fold up, to go home, and to give in. I think that is a totally unrealistic position for us to be forced to take at this time.

I do believe the Senate should once again vote against cloture, should keep the rights of debate open. There are other alternatives open to our negotiators. There are other issues before this body that must be debated before we conclude this particular session. It is not our desire to block those issues, but there are alternatives and methods still existing that can be used. For that reason, and that reason alone, it is my intention to vote against cloture again this morning and to express the hope that those who voted against cloture the other day will continue to do so.

As I stated before, it is again with reluctance that I find myself in this position, with absolutely no desire to block the rest of what is included in this particular piece of legislation, with no desire really to vote against cloture except for the fact that it is the only method, the only procedure that can allow the continuing and on-going discussion. New facts are being disclosed here every day, and, in my opinion, there is a responsibility on both sides to have the facts, because I do not think it is the responsibility of the American people to have to prove that this system will not be destructive to our biosphere. I think that responsibility lies with the proponents of this program. I would agree that we do not know with certitude what might happen in the way of pollution, insulation, changes in ecology, or whatever it might be, but we should know before we make a final and total commitment to this particular type of equipment.

I did not rise this morning, frankly, to speak on the economics or the latest developments on this issue, but simply to state that, as far as the machinery of the U.S. Senate is concerned, and as far as the junior Senator from Iowa is concerned, we have the right and responsibility not only to continue the debate, but at the same time to seek to negotiate ways out by true alternatives, so the debate can be resolved in favor of the national welfare. I would hope to encourage those who have voted against cloture to vote against it again today, so that ultimately the American people can be assured that if we make a final and urgent commitment to this project it will be in the interests of the American people. There is no more important question hanging over the Congress.

I thank the distinguished Senator from Wisconsin for yielding to me.

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. Mr. President, I yield myself 5 minutes.

The other day, on this floor, I said that this debate was marked by emotionalism. I said that the whole issue of the SST has been beclouded and besmirched by emotionalism across this country, and this morning I would like to back up what I said then by a few statements.

Not so long ago, in one of our New York newspapers, it was said that 10,000 additional cases of skin cancer would be caused by the SST. That is about as stupid and ridiculous a statement as I ever heard of; but knowing the paper, I am not surprised.

The man who made that assertion was Dr. James McDonald, of the University of Arizona, who, by the way, is not a medical doctor; he is a very fine meteorologist, but not a medical doctor.

The proposed mechanism is the destruction of stratospheric ozone by SST water exhaust and consequent enhancement of solar ultraviolet radiation reaching the earth. No qualitative relation is known between increased UV and increased skin cancer. So the quoted number of skin cancer cases, even assuming that the ozone destruction occurs, is a stab in the dark.

As I say that Dr. McDonald is a meteorologist; he is not a doctor. There is no way by which his assertion can be checked, and the release was made without appropriate academy concurrence or review, even though this is a part of an academy study on climate modification.

Mr. President, I point that out as an example. Let me point out something else I have already mentioned on this floor. I do not think facts mean much in this debate. It is only emotion. As I have stated, there have been more than 500,000 hours of supersonic flight made in this country over land. Upon checking, I find that that was on the part of only the Strategic Air Command. They are the only command that keeps record of the number of hours of supersonic flights.

I dare say, living in the southwest, where the Tactical Air Command has its headquarters, that TAC has two or three times that amount.

But, Mr. President, I repeat what I said the other day: Not one scientist, not one doctor, not one has ever raised the issue of pollution of the atmosphere because of those flights. It is amazing to me that all of a sudden these academic doctors fall in line. Some of them are the same ones who said that man cannot fly supersonically because the pressure of the shock would crush the fuselage. These are the same people who said we could not create fission or fusion. These are the same people who opposed the ABM. These are the same people, Mr. President, these ultra-leftwing scientists, who want to stop progress in this country. Why, I do not know, because scientists are supposed to want to go forward.

One thing we keep hearing about is 500 of these aircraft in the air at one time. Again this is ridiculous, Mr. President. About 80 percent of every airline's fleet is in service at any one time; so this fact in itself knocks the 500 down quite a bit. Then, if we look at the fact that today we have to have an altitude separation of 2,000 feet over the Atlantic and Pacific, and that the suggestion—it has not become the rule, but with the suggestion that has come from the research on the B–70 that the suggested separation is going to be 10,000 feet, Mr. President, for supersonic flights, it does not take a lot of brains to figure out that the 3,200 miles across the Atlantic, with a 10,000-foot separation, cannot support, at one time, more than 10 to 12 supersonic flights across the ocean. So, for those people who argue that 500 aicraft will be in the air at one time, I say, Mr. President, that this is a stupid argument, and should have been laid down long ago. But it seems that facts just cannot prevail in this case.

Mr. President, the question is asked, Why? Let me go back a long time. It took my grandfather about a week to ride his horse or drive his team from Los Angeles to the Colorado River. An airplane now does it in about 12 minutes.

I can remember 42 years ago, just about this time, when I was getting ready to go home from where I attended school in Virginia to Arizona, and I had 5 days in a train ahead of me.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. GOLDWATER. I yield myself 2 more minutes.

Then came the Fokkers and trimotors, which did it in 1½ days. The DC–2's and DC–3's made it in 1 day, the DC–6's and DC–8's in 8 hours, and the jets in 4 hours. And, Mr. President, I am happy to be able to say that this afternoon at 4 o'clock I shall get on a jet, and 4½ hours later I shall be with my family in Arizona, where all of us, if we had a pint of brains, should have been a week ago.

Let us look at one or two more facts. We have heard much about the consumption of gasoline. This plane will carry 71,000 gallons. We have airplanes now that carry far more than that. The engines are 65 feet apart. Who can say that a 65-foot exhaust flow from 10 or 12 airplanes at one time is going to ruin the atmosphere of this world? At Ramey Air Force Base, they use 41 million gallons of fuel a month. On Okinawa, they use more than 41 million gallons a month.

As to the statement made about the air being stable at 65,000 feet—Mr. President, I have been there. No one else in this body has been there. I have been there not once but several times, and I can tell you, the air is anything but stable. It is very unstable.

I just wanted to bring these facts out, Mr. President, though facts do not seem to weigh in this debate at all. We are depending upon emotion and statements coming from psuedoscientists who will make a statement on anything.

These are the men I have referred to as prostitutes. I am glad to do it again.

Mr. PROXMIRE. Mr. President, I yield 4 minutes to my colleague from Wisconsin.

Mr. NELSON. Mr. President, I must say I am a little puzzled by the charges made by the distinguished Senator from Arizona (Mr. GOLDWATER) and the distinguished Senator from Colorado (Mr. ALLOTT).

My good friend from Colorado has charged that Dr. Garwin is professionally incompetent to make all these judgments. I rise to defend Dr. DuBridge, a very distinguished scientist who, at the request of President Nixon, appointed Dr. Richard Garwin. I do not think that the Senator from Colorado really wants to say that Dr. DuBridge, a distinguished professional who knows scientists all across this Nation, in representing the President of the United States chose an incompetent scientist to head the scientific committee which studied the SST. I do not think that the President and Dr. DuBridge are purposely appointing incompetents to office.

The distinguished Senator from Arizona (Mr. GOLDWATER) attacks the scientists who oppose the SST as "ultra-leftwing scientists, who want to stop progress in this country." I think the President and Dr. DuBridge would be surprised to know that they are appointing to office ultra-leftwing scientists. Is that what the Nixon administration is doing? If so, it is something new, to say the least.

I would be happy to yield a minute of my time to the Senator from Arizona and the Senator from Colorado to explain the scientific incompetence of Dr. Garwin and to explain where he got his ultra-leftwing credentials. More importantly, I will give them all the remainder of my time to just get up and tell the Senate and the country why it is that Dr. Garwin, who was appointed by Dr. DuBridge at the request of the President, is not permitted to reveal what he told the administration, and why the scientific report of the committee headed by Dr. Garwin, which the administration has in its hands, has not been released to this body.

Is the Senator from Arizona leaving the Chamber, or would he like to answer the question?

Mr. GOLDWATER. I want to get a cough drop.

Mr. NELSON. Well, I think the Senator needs more than a cough drop to explain this curious state of affairs.

The interesting thing is that we cannot get one Member of this Chamber to stand up and explain why the scientific report to the President by a committee commissioned at the direction of the President has not been released as of this date.

Mr. President, I suggest that I give up the remainder of my time and we have several moments of silence to see whether any proponent of the SST can tell us why the report has not been released, and why Dr. Garwin is incompetent, and by what standard is he an ultra-leftwing scientist who wants to stop progress.

I ask unanimous consent to have printed in the RECORD at this point a biographical sketch of Dr. Richard L. Garwin.

There being no objection, the biographical sketch was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SKETCH OF DR. RICHARD L. GARWIN

Dr. Garwin is an industrial physicist whose contributions range from elementary particles to new construction techniques, from low-temperature refrigerators to new kinds of lasers, from military aircraft systems to new types of space propulsion.

Dr. Garwin was born in 1928 in Cleveland, Ohio, to Mr. and Mrs. Robert Garwin. He attended public schools in Cleveland and in the suburbs. His brother Edward is a physicist at the Stanford Linear Accelerator Center, Stanford, Calif.

Dr. Garwin is married to the former Lois E. Levy. They have three children Jeffrey, Thomas, and Laura.

He received his B.S. degree in physics from Case Institute of Technology in 1947, the M.S. in 1948 at the University of Chicago, and the Ph. D. in physics under Enrico Fermi in 1949.

From 1949 to 1951 he was an instructor in physics and in 1952 assistant professor in the department of physics and at the Institute for Nuclear Studies at the University of Chicago. From 1952 to 1965 and from 1966 to the present, he has been a member of the senior staff of the IBM Watson Laboratory at Columbia University, and since 1957 adjunct professor of physics at Columbia. From 1965 to 1966 Dr. Garwin was director of applied research of the IBM Thomas J. Watson Research Center, Yorktown Heights, N.Y. Since 1967 he has been an IBM fellow at the IBM Watson Laboratory. During the year 1959–60 he was a Ford Foundation fellow at CERN (European Organization for Nuclear Research, Geneva, Switzerland). Dr. Garwin is a member of the National Academy of Sciences, a fellow of the American Academy of Arts and Sciences, a fellow of the American Physical Society. From 1962 to 1966 he was a member of the President's Science Advisory Committee under Presidents Kennedy and Johnson. In 1969 he was reappointed to that same committee.

From 1966 to 1969, he was a member of the Defense Science Board of the Department of Defense. At present he is a consultant to many departments and agencies of the Federal Government.

Since 1950, he has been a consultant to the Los Alamos Scientific Laboratory, where his involvement has ranged from the measurement of fundamental cross sections to the design and construction of thermonuclear and fission weapons, as well as to experiments for the observation of the performance of nuclear weapons. In addition, he has contributed to the work on controlled thermonuclear reactions.

He participated in a study at Massachusetts Institute of Technology (Project Lamp Light) sponsored by the U.S. Navy, September 1954 to February 1955. The study was directed toward the improvement of the effectiveness of the continental air defense of the United States.

In the early 1950's he consulted extensively with several industrial and Government organizations on topics concerned with intercontinental ballistic missile systems and reentry physics.

He has made many inspection trips, among them a long visit to Japan and Korea in May 1951 for the Department of Defense. He has been a consultant to the President's Science

Advisory Committee from May 1957 to the present.

He participated for the U.S. Government in the Conference on Prevention of Surprise Attack, Geneva, Switzerland, November and December 1968.

He is a consultant to the Institute for Defense Analyses and to several agencies of the U.S. Government.

Dr. Garwin has some 70 publications and 16 U.S. patents.

With the IBM Corp., Dr. Garwin has been active not only in research fields, but also in the development and use of advanced technology and in the scientific uses of computers. In 1956 he initiated and directed an IBM research effort in superconducting computers. In 1957 he participated in a well-known experiment demonstrating the nonconservation of parity as regards the mu meson. In 1959–60 at CERN, he led an experiment which measured precisely the anomalous magnetic moment of the mu meson. During 1965–66 he was responsible for Applied Research including advanced solid state electronics, memory, optics, and diversified work in materials physics and chemistry. He is now an IBM fellow with broad responsibility for contributions to technology and to society.

A substantial portion of his involvement for the U.S. Government over the last decade has been in the field of aviation, both military and civil. For example, he was a member of the Jet Aircraft Noise Panel of the Office of Science and Technology, which in March 1966 published the report "Alleviation of Jet Aircraft Noise Near Airports."

Mr. PROXMIRE. Mr. President, I yield 2 minutes to the Senator from Ohio.

THE SST CLOTURE SHOULD BE DEFEATED

Mr. YOUNG of Ohio. Mr. President, very definitely I will again vote against cloture to any motion that would limit debate on appropriations for the supersonic transport. The Senate has already worked its will in voting to save American taxpayers $290 million that would have been thrown down the drain like so many millions in the past for this wasteful boondoggle. That vote was 52 to 41. The conference compromise figure of $210 million is just as wasteful, just as useless, and just as pointless as was the administration's original request for $290 million. The Senate majority voted that environmental protection should be much more important than getting the jet set to Paris at a speed faster than sound—1,400 miles per hour. Moveover, ending unnecessary Government spending for useless frills and thrills would be a step toward ending inflation. This money could far better be spent to end hunger in America and beautify our cities.

Supporters of the bill claim that many now at work on this project would be denied jobs if the appropriation fails. This sort of argument has been advanced on behalf of every boondoggle since the construction of the great pyramids along the Nile. Actually, the administration has not chosen to emphasize this point to the fullest extent possible. Scientists have pointed out that the damage to windows and walls from the sonic boom would result in an estimated 500,000 claims per day. Think of the number of jobs that would be created by processing these claims and repairing the structural damages to private homes.

Mr. President, men employed in the military-industrial complex making planes and armaments that would need jobs in the event that this $290 million project is canceled could have jobs working in urban renewal projects, urban rapid transit construction or antipollution projects, ending pollution in our lakes and rivers and building homes desperately needed by families. Although a temporary dislocation of the work force might result, it would be just that, a temporary one.

If overland supersonic flight is permitted, 500 million persons in America, Europe, and Asia may be jolted every hour, day and night, by sonic booms from hit-and-run SST's. People working, relaxing, and sleeping will be ganged repeatedly without apology. Aviation designed to be man's servant would instead become his scourge. Why should the public, 95 percent of whose members would never fly in an SST, be forced to provide billions of dollars for an inefficient, unnecessary plane that could destroy peace and quiet throughout much of the civilized world?

I urge my colleagues to join me in voting against this motion to prematurely end debate on the SST. Let us save American taxpayers the burden of footing the bill for the SST.

Mr. BIBLE. Mr. President, I yield 1 minute to the Senator from Washington.

Mr. MAGNUSON. Mr. President, I want to suggest to the Senator from Wisconsin that I have listened four times to the testimony of Dr. Garwin, and I do not dispute his dedication. But all we know is that Dr. DuBridge made a statement about the SST, and I ask unanimous consent to have it printed in the Record.

Mr. NELSON. I have no objection.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Dr. DuBridge Letter to Senator Proxmire

(In his letter to Senator Proxmire on April 22, 1970 responding to his request for comments on the SST program, Dr. DuBridge strongly recommended proceeding with the SST program. His position was made after securing more information on technical aspects of the SST and also on a personal appraisal of the Concorde program.

(As is clearly indicated in this letter, Dr. DuBridge does not agree with Dr. Garwin's recent testimony, and Dr. DuBridge, not Dr. Gerwin, was the Science Adviser to President Nixon.)

April 22, 1970.

Hon. William Proxmire,
Washington, D.C.

Dear Senator Proxmire: This is in response to your inquiry in regard to the views of the Office of Science and Technology with regard to the matter of the Supersonic Transport.

As you know, when the President establishes a committee or task force to make recommendations to him on matters such as this, he purposely selects representatives having a broad range of interest and competence in various fields encompassed by the overall program. In the case of the SST, this involved a number of areas of concern: economics, international trade, return to the federal investment, technological fallout, unsolved technological problems, environmental problems, and the overall technological strength of the United States and its position among the nations.

The various representatives on this committee examined the areas within their own fields of competence and submitted recommendations which emerged from their specific studies. It was then the task of the President to put all these matters in perspective and to take a long-range view of the overall best interests of the United States. Needless to say, the President has a broader view of the whole problem after he has studied all of the facts and opinions which have been brought together for his attention. Thus, while each several of us may have, from our own restricted points of view, recommended against further federal involvement in the SST project, I, for one, believe that the President, in taking a more comprehensive view than any of us could have, came to a sound decision.

My office now stands ready to assist the Department of Transportation in every possible way in trying to implement the President's decision and bring the best technological expertise we can command to bear on the problem of the successful development of this very important project.

On the basis of the knowledge then available to us, we would not change the statements which we submitted to the SST committee. However, I have since had the opportunity of securing more information on the technological problems, and I have also inspected the French Concorde and have been impressed by its promise. I now see more clearly than before the wisdom of the President's conclusion that the United States should not be without its own supersonic transport which, in the long run, will no doubt be superior to the French/British Concorde.

The President recognizes, as we pointed out, that there are still technological and environmental problems to be solved. But he has the faith, which I now share, that the ingenuity of the American industrial system can eventually solve these problems satisfactorily. It was naturally our duty to point up some of these technological difficulties so that we should all be aware of them. Surely these problems will never be solved if we stop our development work at this stage. Even more stupendous problems than those that lie ahead in the SST were solved in the space program.

Thus, on the whole, I would strongly recommend that your Committee endorse the President's proposal that the United States proceed with the SST project.

Very truly yours,

Lee A. DuBridge,
Director.

Mr. NELSON. Would the Senator answer the question——

Mr. MAGNUSON. Dr. DuBridge says the SST should continue. He accepted Dr. Garwin's views and looked at them and reviewed them, and then he made a decision. He made a statement, which we had in the hearings, that the SST should continue.

Mr. NELSON. I wonder whether, on Senator Proxmire's time——

Mr. MAGNUSON. Anyway, we have so little time.

Mr. NELSON. We give the Senator from Washington 1 entire minute to answer this question: "Why has not the report from the scientific committee headed by Dr. Garwin, which is in the administration's hands, been released?"

Mr. MAGNUSON. Dr. Du Bridge reviewed it, and he came to a conclusion, and that has been placed in the Record. I do not want to get into these arguments between scientists, and neither does the Senator from Wisconsin, because neither one of us knows or has the scientific background to draw conclusions.

The PRESIDING OFFICER. The minute of the Senator from Washington has expired.

Mr. MAGNUSON. Will the Senator from Wisconsin yield me a half minute of his time?

Mr. PROXMIRE. I yield 1 minute of my time to the Senator from Washington.

Mr. MAGNUSON. There has been much discussion in recent days and weeks about priorities, especially in connection with the Department of Transportation appropriation bill and more specifically the appropriation for the SST.

I would be the last in this body to suggest that the Senate not address itself first to those issues of the highest priority. I believe the issue before us this morning is of the highest priority. We must decide whether a majority of the U.S. Senate will be allowed to work its will.

I have learned a few things about priorities in my years in Congress, and as chairman of the Labor-HEW Appropriations Subcommittee perhaps I have learned to place too high a priority upon saving human lives and educating our young people. It seems that every time I pass a HEW bill a veto message is forthcoming.

But one lesson I have learned about priorities, which I believe is absolutely true, is that the highest priority of the U.S. Senate is to address itself to and resolve the business of the Nation.

Allowing the U.S. Senate to break the current logjam which is holding up consideration of the Nation's business must have a much higher priority than filibustering the entire DOT appropriations bill because of an item that is only 3 percent of that appropriation and only one-eighth of 1 percent of the Federal budget.

Not only is it the clear priority and duty of the Senate to allow the majority of the Senate to vote and express its will, but also, just as important, it is clearly the priority that is demanded of this body by public opinion. Surely, we must look a little silly when we cannot even vote to allow ourselves to vote.

Mr. SCHWEIKER. Mr. President, last week, I voted for, and again today I intend to vote for, cloture in the Senate to terminate the filibuster over the SST, and to bring to a vote the conference report on Department of Transportation fiscal year 1971 appropriations, which includes appropriations of $210 million for the SST. Earlier this month, on December 3, 1970, I voted against continuation of the SST project by voting to delete all funds which were included in this appropriations bill for the SST.

Mr. President, I would like the record to clearly show that my vote for cutting-off the SST filibuster is solely a vote against filibusters, and in no way reflects a change of my opposition to the SST.

Shortly after taking the oath of office as a Senator in January 1969, I was in favor of lowering the number of Senators necessary to vote to invoke cloture and end a filibuster. The filibuster rule, Senate rule 22, currently requires a two-thirds vote to cutoff debate, and I favored lowering this margin to only three-fifths.

However, even this proposed rule change was filibustered. A cloture motion had to be filed to end the debate over changing the filibuster rule, and although a majority of us, 51 to 47, voted in favor of bringing the rule change to a vote, the two-thirds rule prevailed. I voted in favor of a ruling from the Chair that only a majority margin was necessary to end debate over a rule change, and regretted that the Senate, in rejecting this ruling, had ended any chance for modernizing our filibuster procedures in the 91st Congress.

The current Senate logjam, which both the majority leader and the minority leader have described as a disgrace to the Senate, is the extreme example of the inadequacy of the Senate filibuster, and dramatizes most vividly the need to reform this ancient practice.

However, the principle itself of the filibuster rule is not relevant to modern needs. With the press of urgent legislation, and with Congress now virtually a 365-day operation, we can no longer afford the luxury of unlimited debate. Because in actual practice, the rule does not operate to create refined and educated debate, but in fact only works to allow a handful of Senators, whether they be liberal or conservative, to impose their individual wills on the Senate and the Nation at large. Even worse, it circumvents our Democratic process by not allowing a proposal to be tested by a vote, the final measure of acceptance or disapproval in our legislative process.

All Senators have respect for our long history and our Senate procedures, including the positive principle of extended thoughtful debate, and a cloture rule allowing the ending of filibusters by a majority vote will not result in a rash of cloture motions. To the contrary, it will still be a rarely used measure, available in extreme situations, because of our respect for the traditions of the Senate and the advisability of letting each Senator be heard on matters of importance to him. In addition, the mere fact of a majority cutting off debate will help to discourage the practice of filibusters, and in itself will speed up and improve the discharge of our legislative responsibilities.

I will continue to vote to invoke cloture, whether I agree or disagree with the subject of the vote being blocked by the filibuster. My vote on the merits will then indicate my agreement or disagreement with the issue. However, I think each Senator should have the opportunity to make this judgment on the merits, and if a bill or amendment does not meet the approval of the Senate, then we should say so, and proceed to other business.

Thus I will today again vote to end debate on the SST appropriations, even though I continue to oppose this appropriation.

Mr. President, because of the confusion and delays, and the filibusters and counterfilibusters, of the lame-duck session, the public is concerned with our obsolete and ineffective procedures, which are no longer relevant to these crucial times. I hope we take this opportunity to take a hard look at our filibuster rule, and early next year, vote to change it.

Mr. PROXMIRE. Mr. President, I yield the remainder of my time to the Senator from Illinois (Mr. PERCY).

Mr. PERCY. Mr. President, as I look about this Chamber, I am not exactly sure that many Members are here whose minds have not already been made up. But possibly it is well to summarize the feelings of those of us who oppose the SST.

First, the distinguished Senator from Colorado has mentioned the balance-of-payments problem. Balance of payments is a function of two aspects: first, of sales of aircraft and, second, of tourism. The Department of the Treasury has indicated that, on balance, even if we went ahead with this and even if it were successful—a very large assumption—the balance of payments would be a deficit to the United States because of the tourism factor.

Second, I do not think balance of payments is the crucial point. The question is whether or not you can sell these planes at a profit, because even if you gain a little on the balance of payments—I do not think we would—I cannot conceive that we can sell these planes at a profit; and someone will have to underwrite the loss, and we know who generally is turned to when they are asked to underwrite a loss.

If the Concorde is successful, they will have to sell it for less than their cost. They cannot possibly amortize the $1.8 billion they already have in it. So they are going to have to write that off. If someone else wants to sell a plane to us at a loss, let them do it. Let us make the profit sales, and let them sell us the loss leaders.

Third, I think we have to give very careful consideration to the impact this has on the aircraft manufacturers and on the airlines. Let us not have the great Boeing Co., because it has undertaken something on which it cannot make a profit, be in line along with the Penn Central and Lockheed. Let us not have the airlines follow the railroads and come to the public till and say, "You have to bail us out." They are already in trouble.

Yesterday, the chairman of the board and chief executive officer of our largest airline, in Chicago—in fact, the largest airline in the world—United Air Lines resigned.

Mr. MAGNUSON. They have a good man to take his place.

Mr. PERCY. I am delighted to hear that. We welcome him to Chicago.

I do think that the airlines themselves, under terrific pressure, today are operating at a loss. I think that to impose this kind of huge burden on them when they have not been able to absorb the 747 itself is taking an undue amount of risk with an industry that has been in the private sector but in many other countries is in the public sector; and if we shove too much at them too fast, they are going to come right to the U.S. Treasury to bail them out.

Fourth, with respect to the problem of financing the SST, we have not even seen a plan for it. We are being asked for $1.3 billion; but Dr. Garwin, scientific adviser to the President and an expert on the SST, said the day before yesterday that this is a $5 billion figure. As I said yesterday in response to that, the former chairman of the board of the largest airline in the world, the largest American carrier, said this is not a billion-dollar decision or a $5 billion decision. He said:

> You have to decide in the Congress of the United States, before we go ahead with this, where we are going to get the $15 to $20 billion or $25 billion to finance 500 of these, if it is successful.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GOLDWATER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arizona has 2 minutes remaining.

Mr. GOLDWATER. I yield 2 minutes to the distinguished Senator from Mississippi.

Mr. STENNIS. I thank the Senator.

Mr. President, for the last 3 years, except for this year, I have held hearings, extensive hearings, on the SST matter. With all due deference to everyone, they have brought in an environmental issue, and it has played a big part in this vote. But I never have had, never have heard, very much of an issue made of the question of moving along to keep our supremacy and the cost of this project. It is true that the extent to which we have gone into it already is more than $800 million, on a program that could cost $1.3 or $1.5 billion.

Good progress has been made on the plane itself. To turn back now—I said before that I do not believe that a majority of this body wants to just totally stop this matter. In the conference, we learned that probably the lowest reasonable figure, if it is going to be continued at all, was $105 million of unspent money on which we agree. They said we capitulated.

Let me point out that this matter has been voted on by the two houses. If we total the votes of both houses, the SST has always had a majority. I just mention that in passing to show that certainly there is no overwhelming sentiment or opposition to it throughout the Nation because in vote after vote it shows, under these adverse conditions, that a majority of elected legislators have walked up to the line and voted for the project.

So this issue is another case where we have disagreements and we fight these things out in debate. We compromise and do the best we can in conference. Then it is up to the respective bodies to adopt or reject the conference. That is our system.

The House has overwhelmingly approved it and I hope that the Senate will as well.

CALL OF THE ROLL

The PRESIDING OFFICER (Mr. Hughes). The hour of 11 o'clock having arrived, under rule XXII, the Chair directs that the clerk call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 442 Leg.]

Aiken
Allen
Allott
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Goodell
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Holland
Hollings
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from North Dakota (Mr. Burdick), the Senator from Connecticut (Mr. Dodd), the Senator from Mississippi (Mr. Eastland), the Senator from Hawaii (Mr. Inouye), the Senator from Louisiana (Mr. Long), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Georgia (Mr. Russell) and the Senator from Maryland (Mr. Tydings) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Dominick) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Oregon (Mr. Hatfield) is absent on official business.

The Senator from Texas (Mr. Tower) is necessarily absent.

The PRESIDING OFFICER (Mr. Hughes). The Senate will please be in order. Senators will please take their seats and staff members take their seats or the Chair will have to enforce the rule.

Pursuant to rule XXII, a quorum call has been had and a quorum is present.

The Chair wishes to instruct the galleries that there will be no displays from the galleries, and again asks Members of the Senate to please be seated.

The question before the Senate now is: Is it the sense of the Senate that debate on the pending motion be brought to a close?

The yeas and nays are automatic.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I anounce that the Senator from New Mexico (Mr. Anderson), the Senator from North Dakota (Mr. Burdick), the Senator from Connecticut, (Mr. Dodd), the Senator from Mississippi (Mr. Eastland), the Senator from Hawaii (Mr. Inouye), the Senator from Louisiana (Mr. Long), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Georgia (Mr. Russell), and the Senator from Maryland (Mr. Tydings) are necessarily absent.

I further anounce that on this vote, the Senator from North Dakota (Mr. Burdick) has a pair with the Senator from Hawaii (Mr. Inouye) and the Senator from Utah (Mr. Moss). If present and voting, the Senator from North Dakota would vote "nay" and the Senators from Hawaii and Utah would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Dominick) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Oregon (Mr. Hatfield) is absent on official business.

The Senator from Texas (Mr. Tower) is necessarily absent.

If present and voting, the Senator from South Dakota (Mr. Mundt) would vote "yea."

On this vote, the Senator from Oregon (Mr. Hatfield) and the Senator from Texas (Mr. Tower) are paired with the Senator from Colorado (Mr. Dominick). If present and voting, the Senator from Oregon and the Senator from Texas would each vote "yea" and the Senator from Colorado would vote "nay."

The yeas and nays resulted—yeas 42, nays 44, as follows:

[No. 443 Leg.]

YEAS—42

Allott
Baker
Bellmon
Boggs
Brooke
Byrd, W. Va.
Cook
Cooper
Cotton
Curtis
Dole
Fannin
Fong
Goldwater
Gravel
Griffin
Gurney
Hart
Hartke
Hruska
Jackson
Jordan, Idaho
Magnuson
Mathias
McGee
McIntyre
Metcalf
Murphy
Packwood
Pearson
Pell
Prouty
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Stevens
Symington
Yarborough
Young, N. Dak.

NAYS—44

Aiken
Allen
Bayh
Bennett
Bible
Byrd, Va.
Cannon
Case
Church
Cranston
Eagleton
Ellender
Ervin
Fulbright
Goodell
Gore
Hansen
Harris
Holland
Hollings
Hughes
Javits
Jordan, N.C.
Kennedy
Mansfield
McCarthy
McClellan
McGovern
Miller
Mondale
Muskie
Nelson
Pastore
Percy
Proxmire
Sparkman
Spong
Stennis
Stevenson
Talmadge
Thurmond
Williams, N.J.
Williams, Del.
Young, Ohio

NOT VOTING—14

Anderson
Burdick
Dodd
Dominick
Eastland
Hatfield
Inouye
Long
Montoya
Moss
Mundt
Russell
Tower
Tydings

The PRESIDING OFFICER (Mr. Hughes). Will the Senate be in order. Will the staff be seated. Again the Chair announces that there will be silence in the galleries.

On this vote, there are 42 yeas and 44 nays. Two-thirds of the Senators present and voting not having voted in the affirmative, the cloture motion is rejected.

Mr. PEARSON. Mr. President, I am distressed that the Senate for a second time has refused to invoke cloture on the "extended debate" going on with regard to the conference report on the Department of Transportation appropriation bill which contains the $210 million for the SST.

As many other Senators have said, since this is a conference report and the bill itself has passed both Houses with ample debate, the question is not whether more time must be granted to discuss the SST. This has been done.

This morning a very interesting letter came across my desk from an American citizen living in Paris. I do not know this man. In fact, I do not know from where this man comes here in the United States. His letter concerned the SST and the parliamentary situation here in the Senate at this time. But he is a man who is concerned about pollution, specifically the pollution which environmentalists fear from the SST. I call attention to the last paragraph of his letter.

> There will be SSTs in this world, even though the Senate may pursue its course to ensure that none are American. And then, what a pity for those of us who are really concerned about pollution. For without U.S. participation in this market, there will be just that many more foreign SSTs operating in this world—under their own pollution standards (possibly not the same as ours!). Is it not far more advantageous for us, and the rest of the earth, to have the USA, which is deeply concerned about pollution, also build and monitor such an important aircraft?

In a P.S., this American calls attention to the postage stamp he used on this letter. It is a stamp of the Republic of France, showing a picture of the supersonic transport Concorde which is being built by the French and the British.

Mr. President, I ask unanimous consent that this entire letter be placed in the body of the RECORD at this point in my remarks, and commend it to the attention of my colleagues.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> FRANCE, *December 18, 1970.*
>
> Hon. JAMES B. PEARSON,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR SENATOR: In light of the House vote not to scuttle the SST, I hope, as a concerned citizen, that the Senate will reconsider with an open mind just what is best for the United States in the upcoming debate on the SST funds.
>
> The house recognized the economic importance of this project and the need of jobs and prosperity (today and in the future) over handouts on a withering tax base. The House opted for productivity and technological progress over technological stagnation; a favorable balance of payments over a broken export market; and a positive American image, both at home and abroad, over the pathetic spectacle of a former first-rate nation looking wondrously skyward at a Soviet-built TU-144—remember the Sputnik?
>
> The House did not cast aside the many faceted economic advantages and accept, at face value, unproven environmental fears. It turned down the questionable contention that SST funds and an effective attention to "other national priorities" are mutually exclusive, rather than complementary. It has voiced its faith, and thrown open the challenge, to American technology and ingenuity to build a viable SST. Perhaps they saw as the international "jet set" (which, according to some, would be the sole beneficiaries of the quick-trip vehicle); Congressmen, government officials, members of the press, teachers, students, and especially businessmen (travelling the Pacific as well as the Atlantic) who as productive and valued citizens, find time is increasingly precious.
>
> Is it now possible that Senate foes of the SST could justify in their own minds resorting to such tactics as a filibuster to deprive the U.S. people of this challenging and vital opportunity?
>
> There will be SSTs in this world, even though the Senate may pursue its course to ensure that none are American. And then, what a pity for those of us who are really concerned about pollution. For without U.S. participation in this market, there will be just that many more foreign SSTs operating in this world—under their own pollution standards (possibly not the same as ours). Is it not far more advantageous for us, and the rest of the earth, to have the USA, which is deeply concerned about pollution, also build and monitor such an important aircraft?
>
> Sincerely yours,
>
> JOE PETRONE, Jr.

PROGRAM

Mr. SCOTT. Mr. President, will the distinguished Senator from Nevada yield without losing his right to the floor?

Mr. BIBLE. Mr. President, I yield to the distinguished minority leader.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I thank the Senator from Nevada. There is no intention of displacing the present business. I rise simply to ask the majority leader if he will concur in the statement that he and I will meet at this time for the purpose of seeking to determine the future order of business, and that is for the benefit of Senators.

Mr. PASTORE. Mr. President, may we have order?

Mr. STENNIS. Mr. President, may we have order before the Senator makes his statement so that all Senators can hear?

The PRESIDING OFFICER. The Senate will be in order. Members of the staff will be seated and Senators will be seated so that the leaders can be heard.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, we intend to get together very shortly to consider means of facing up to this difficulty which confronts the Senate today on various matters, but most specifically the Department of Transportation appropriation bill.

I have requested the Senator from Louisiana (Mr. ELLENDER) and his group to get together once again, and I believe they will do so at approximately the hour of 12 o'clock.

I would like to appeal at this time to members of the other group, the distinguished Senator from Nevada (Mr. BIBLE), the distinguished Senator from Mississippi (Mr. STENNIS), the distinguished Senator from Wisconsin (Mr. PROXMIRE), and the distinguished Senator from Illinois (Mr. PERCY) to get together immediately if they can, to see if something can be worked out. If something cannot be worked out, the minority leader and I are discussing very, very seriously several possibilities which we may call to the attention of the Senate before the pending business is displaced at approximately 3 p.m.

We hope, and this is not an easy job for either of us, that the Senate conferees on the package proposal, and the Senate conferees on the DOT, having to do with only the SST, will be able to come up with a reasonable compromise which would foreclose the possibility of the leadership making motions and proposals which, speaking personally, I would rather avoid.

We will proceed to the other bill around 3 p.m. I refer to the conglomerate bill out of the Committee on Finance. We will stay in session tonight until 7 p.m. or 8 p.m. It is my understanding that the other body has not, as yet, agreed to the concurrent resolution seeking to bring about an adjournment or a recess beginning at the close of business tonight until noon on Monday. If there is no concurrence forthcoming, we will have a pro forma meeting Thursday, no business will be conducted—an in-and-out procedure—and then we will go over from Thursday until Monday.

I make this statement at this time so that if there is any difficulty in getting approval of the concurrent resolution, those Members who have made other arrangements can feel free to go ahead with them.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I would like to point out that various Senators have said to me that transportation reservations—not under the Department of Transportation bill—are difficult to arrange and rearrange, and their convenience is always subject to the will of the Senate, naturally. But we are trying to find a way to meet that convenience, and I hope, having that in mind, that Senators would be good enough to remember that unnecessary adjectives and adverbs interpolated in their speeches may cause other Senators to miss a plane or reunion with their families, and that would be too bad.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PASTORE. Mr. President, I make this statement not in the way of criticism but only to be helpful and only as a suggestion.

I think we are at a terrible impasse. There have been meetings before. The suggestion was made last weekend and nothing happened. The vote today is just about where we stood then.

I was wondering if it would not be advisable for the leadership, both the minority leader and the majority leader, to sit down with these litigants in these conferences we are talking about to see if we cannot come up with some sense.

This idea that these two factions, which are just about as far apart as the North Pole from the South Pole, are going to sit down and resolve this matter is naive. We are just kidding ourselves. I think what we need is the strong hand and the strong mind of the leadership of the Senate.

Mr. MANSFIELD. What we need is the strong hand and the strong mind of the Senate itself.

Mr. PASTORE. I know, but that is where we are now.

Mr. MANSFIELD. The conferees have been meeting. They have come reasonably close on one occasion and fairly close on another occasion, so far as the second group is concerned. I have every confidence in the Senators. They have been reporting back to the leadership. They know our feelings. But we want to see that every Senator gets a fair shake, regardless of his views or the side he is on.

As far as "strong leadership"—and I put the term in quotation marks—the leadership does not rest with the Senator from Pennsylvania or the Senator from Montana, but with 100 Members of this body, and the Senator from Rhode Island knows that just as well as I do, because we exercise what little authority we have and it is very, very little and only at the sufferance of Senators.

Mr. PASTORE. Mr. President, will the Senator yield further?

Mr. MANSFIELD. I yield.

Mr. PASTORE. There is no man in the Senate who carries more influence than the Senator from Montana, and that is the only reason I said what I did. I think the good sense of MIKE MANSFIELD in these meetings will bear fruit. That is what I am talking about. I am not trying to minimize the Senator's influence; I think the Senator has tremendous influence, and if the Senator exerts it we will get results here today.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. STENNIS. Mr. President, I would like to say that while I do not resent the Senator's words, I wish to dispel any inference so far as we on the conference on the transportation bill are concerned. Four of us met in the most favorable atmosphere and exchanged ideas. I am not trying to blame anyone else. There are two branches to this department of Government, the Senate and the House.

I do not think the matter of someone exercising a strong arm or pleading with the conferees to get something done would be too effective. I did not want the inference left here with respect to stubbornness, or backing off, or glaring at each other.

Mr. MANSFIELD. The reason the minority leader and I are getting together is hopefully to come up with some sort of proposal, motion, or motions some time this afternoon before 3 p.m. But before we do that, if we do it, because I still have to get consent of the minority leader as to his thoughts and we have so expressed ourselves through a letter to one group, under the chairmanship of the distinguished Senator from Louisiana (Mr. ELLENDER) because most of the matters are tied up in three appropriation bills; and publicly we have just asked the four Senators who are conferees within the Senate on the SST proceedings if they would meet again.

If they can come up with a reasonable resolution, it means the leadership will not have to undertake the action which we will go into the office of the minority leader very shortly to consider.

Mr. SCOTT. I wish to point out that some of these meetings that are going on are the result of the closed session of the Senate and are at the instance of the majority leader and myself. All we can say to Senators is: "We would like to agree, we think you should agree, we just hope you will agree, and we believe the country will be better for it if you do agree." That is the extent to which one can go in addressing another Senator in this regard in any public forum. We might say a few more things privately.

Mr. MANSFIELD. May I say, Mr. President, that I have no fault to find with any of the conferees. They have all been meeting in good faith. They have come close to agreement. They are not quite at it yet, but my confidence in them is full and my trust in them is complete. I only hope it will be possible to take care of the few remaining roadblocks, so to speak, so the leadership will not be forced, on its own responsibility, to make proposals which it cannot avoid.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. FULBRIGHT. I want to say that the conferees the Senator mentioned, under the Senator from Louisiana (Mr. ELLENDER), did agree. It was the House conferees who would not agree. They were adamant. There was no disagreement among the Senators who were represented there under the chairmanship of the Senator from Louisiana (Mr. ELLENDER).

I want to go further and say I think the leadership is doing a very good job. It is the first time in 25 years in the Senate that I have seen the Senate really act like a Senate, and one that seems determined to play a responsible role as an institution. We have had three votes on the pending measure, one of them on the measure and now two cloture votes. It is quite clear to me what the opinion of the Senate as a whole is, and I think the leadership is to be commended for reasserting the role of the Senate in our Government. Certainly our country has never been in greater disarray.

I believe what the Senate is witnessing now is not anything to be ashamed of. It is a heartening and encouraging sign that, at long last, the Senate is discharging its constitutional responsibility to play a role in important national matters.

When the Senator, 2 days ago, said that the Senate had a reputation for capitulating to the House on all substantive matters involving money, I think the Senator was correct. I think what the Senate as a whole is trying to do is reassert its responsibility within its fundamental powers of Government. I congratulate them. I think they are doing exactly what the Senate was intended to do.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MAGNUSON. The Senator from New York mentioned the other day that we are now on the horns of two dilemmas. There are many Senators who historically would not vote for cloture——

Mr. COTTON. Mr. President, can we get a little order here so we can hear the Senator?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MAGNUSON. Many Senators are willing to vote on the conference report. The distinguished Senator from Nevada has had a long, and a historical viewpoint on the question of cloture. Those Senators would, however, vote for the conference report even though they oppose cloture.

We are not performing the duty of the Senate. All we are suggesting is that we vote, that is all, and the Senate can work its will any way it wishes. Cloture is a matter that involves many issues—some very emotional and some involve regional politics. Many Senators voted against cloture just a few minutes ago who now would be perfectly willing to vote on the conference report up or down, right now.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MAGNUSON. No, I will not yield. I have not much time.

I think this is a fundamental question. The Senate should vote. That is what we are here for—to vote on issues not evade them.

The Senator from Arkansas has many times participated in some of these procedures. Everybody cannot have his own way. I do not expect that I am going to have my own way here, but I am certainly going to bow to the will of the Senate, if Senators will allow a vote. That is what we want here today.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. FULBRIGHT. We had a vote, an up-and-down vote, on the SST, and it was a very significant vote. What the Senator is trying to do is to utilize the very unusual procedure of a conference report where we give way what the Senate has voted for by using the pressure of the other items in the DOT bill to make us accept something that we do not want to accept.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. No.

Mr. MAGNUSON. The Senator has been around her long enough to know that is not true.

Mr. FULBRIGHT. I think it was a very fair proposal that the sponsors of the SST were offered—an opportunity that if they would allow the DOT bill to go through without the SST the Senate would have once again a clear opportunity to vote on the SST by itself. I do not see anything wrong in that. It is a fair compromise to allow the Senate once more, at a later date, to vote its will up or down on the SST.

What the sponsors are here trying to do is ride piggyback on a very necessary bill and make the Senate take something it does not want to take because of all these other considerations. I think that is a distortion of our regular procedures. It is a procedure aproaching one that stands in the way of a vote.

I am perfect willing to trust the Senate's judgment on the SST if it can be expressed on the SST itself, but what the Senator is trying to do is to force us to accept a matter which we think is not in the national interest, because of a great many related matters that are in the national interest. That is what it amounts to.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. The Senator had this bill for weeks and weeks. He did not want to bring it up because he did not have the votes, and he wanted to bring it up at the last minute, and as a result it prejudiced a great many other items in the bill.

Mr. MAGNUSON. Mr. President, will the Senator from Montana yield to me?

Mr. MANSFIELD. I yield.

Mr. MAGNUSON. How many times has the Senator from Arkansas gone to conference and said afterwards: "We reached a compromise on the bill?"

Mr. FULBRIGHT. I did it yesterday.

Mr. MAGNUSON. That is the answer to that.

Mr. FULBRIGHT. It is before the Senate now. The bill relating to financial matters is ready for passage. It is all agreed to.

The **PRESIDING OFFICER.** The Senate will please maintain decorum.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JACKSON. Surely one does not need to stand up in this body and remind some of his colleagues of the Senate rules? Apparently this is necessary, however, because some Senators now want to change the Senate rules, but for this bill only——

Mr. KENNEDY. Mr. President, may we have order?

The **PRESIDING OFFICER.** The Senate will please be in order. Staff members will be seated in the rear of the Chamber. The Senator is entitled to be heard.

Mr. JACKSON. Some Members want to in effect change the Senate rules for this appropriation bill. The rules provide that if a Senator wants to vote down a specific item in a conference report, the Senate must vote down the whole conference report. Voting down the conference report is a condition precedent to such action. Once rejected, a new conference is in order. Every Senator knows that. What is proposed—separating the SST from the rest of the conference report—is contrary to tradition, precedent, and the Senate rules.

Mr. President, I would have more respect for some of these suggestions if some of my colleagues who oppose the prototype program would suggest a change in the Senate rules. The rules are there, however, and they are binding. And I note that they are being fully exercised by Senators who are opposing this conference report. They have an extended discussion going on as is provided for in the Senate rules.

I have always favored a change in rule XXII. I have taken a consistent position on this issue. But I think it gets a little silly when some of my colleagues propose what amounts to a tentative revision of the Senate rules which would apply only to this particular measure, but not to other measures. Now, if they want to change the Senate rules, then we can respond along the lines some Senators have suggested, but I want to remind my colleagues what the Senate rules are. I think it looks silly when some propose to change the rules for one purpose, but not for another.

Mr. President, I hope we could get a vote on this conference report.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PASTORE. The thing that disturbs the Senator from Rhode Island is this: If what has happened this past week happens again next week and we come to the end of the session, which we will have to come to because of constitutional fiat, we are going to end up without a transportation appropriation bill. I want to remind the Senator from Wisconsin that no one fought harder in the conference than the Senator from Rhode Island to make sure that the Senate side was upheld. I want to say to him, and I want to say to all my colleagues in answer to the argument which has been raised on the floor time and time again, that if we had stayed longer the result might have been different, that is wishful thinking. I only wish they had been there. The House was absolutely adamant. We could have stayed there in conference for another 2 months, and I do not think it would have changed the attitude of the House.

Then, of course, we get down to the proposition. What are you going to do about it, anyway?

It was finally resolved that we would cut the figure down from $290 million to $210 million, because $105 million had already been spent. This would have been a very small amount to keep the program alive until we got a chance to take another crack at it.

I refused to sign the conference report insofar as it pertained to the SST; that is shown right in the conference report.

Now we are coming down to this very, very strange situation: If we do not have any kind of a bill at all, it means that everything in that appropriation bill will die. What is the result of that? Every man who works in a tower at any airport will have to go without pay beginning January 1. If we are not going to pay them, we cannot blame those men for not working. So if everyone moves off the job, and if every coastguardsman moves off the job, one can only imagine the havoc that will be wrought upon this Nation. We will come to a standstill.

Only a short while ago, we kept the railroads going through a very emergency session here, and we said to certain people, "You cannot exercise your statutory and constitutional right to strike because of the public interest."

Now we are in the position that unless we do something within the next few days, we are going to have the same situation insofar as airlines are concerned, and it will be our own fault.

I hope I have not offended the majority leader in any way. I know who Mike Mansfield is. No one loves him more than I do. But he is a kind man. Sometimes he is too kind. He is too forebearing, and this situation has gotten to a point now that I think we have all become a little silly.

I made a suggestion a short while ago: Why do we not consult with the House of Representatives to see if we cannot get a continuing resolution, to expire sometime in March, just to keep this thing going for a short time, allowing them to come back and continue their debate on January 21, and then see what happens? We are going to have a new Congress. We are going to have 10 new Members in the Senate. I do not know how many new Members they are going to have in the House of Representatives. It is going to be a brand new ball game.

We cannot just drift the way we are drifting without somehow paying a severe price. That is all I have been trying to avoid.

I do not know what the majority leader has in mind with his motion today, but it would be most regrettable if we could not get together like reasonable men. You have to give a little bit in order to get a little bit, and there has got to be some resolution. This has almost become an insoluble problem at this point, and something needs to be done.

I have voted against cloture twice. I have almost always voted for cloture in the past, but I did it because I wanted to keep the door open for negotiation. I say to my fellow Senators, "I believe you gentlemen will have to begin to look at this thing reasonably. You will have to begin to consult with the House of Representatives."

As the Senator from Mississippi has said, this is not alone the problem of the Senate; it is the problem of the House of Representatives as well. I think that the leadership of the Senate ought to get together with the leadership of the House and see what we can work out, because I am telling you, the situation as of this moment is disgraceful.

I do not care who is right and who is wrong. I listened to the debate for 2 hours preceding the vote on cloture, and we are saying the same things over and over again. No one has raised the question. Where do we go from here?

Where do we go from here? That is indeed the question now. Are we going to let the bill die completely, are we going to resolve the situation in a reasonable way, or are we all going to go our own way, just to prove who is right and who is wrong?

Mr. President, I do not think anyone is right and I do not think anyone is wrong. Each man has his legitimate opinion. The House of Representatives looks at it one way, and the Senate looks at it another way. I hope the leadership in both the House and the Senate will get these people together and resolve this things for the benefit of the American people, because if our airplanes and our airports come to a stop, if the Coast Guard comes to a stop, if the $600 million in the bill for mass transportation comes to a stop, if air safety comes to a stop, we will be in an awful position; but I think if we are sensible and reasonable, we ought to bring it to a stop right here, today, and I think it can be done if the leadership will act—and I say this very kindly, because I know the power of Mike Mansfield. When Mike Mansfield wants something done, he gets it done.

Mr. MANSFIELD. Mr. President, my name is not Lola. I yield the floor and turn it over to the Senator from Nevada.

Mr. BIBLE. Mr. President, may we have order?

The **PRESIDING OFFICER.** The Senate will be in order. The Senator from Nevada has the floor, and may proceed.

Mr. BIBLE. Mr. President, I shall take just a few moments.

I think the stirring speech of the distinguished Senator from Rhode Island was a good speech. I think it indicated things that we have been trying to do. We are aware of the implications that will befall us if this problem is not resolved, and I am sure that those on the other side of the question feel and know the same implications.

I think it should be abundantly clear, as I said in my opening remarks, when there were few Senators present, at the beginning of our consideration of the pending business this morning at 10 o'clock, that we had met repeatedly, and we got along very well. There is no question about that. Either the Senator from Illinois or the Senator from Wisconsin can bear me out that we did make progress. We made headway; but the impasse does not lie there, as the Senator from Mississippi has so well indicated. The impasse is on the other side of the Capitol.

Mr. STENNIS. Mr. President, may we have order, so the Senator can be heard? I just cannot believe all these people in here are interested in this matter. They could be here for the 3 o'clock transition. The Senator from Nevada is entitled to be heard.

The PRESIDING OFFICER (Mr. HUGHES). The Senate will be in order. The Senator from Nevada will suspend until order is restored. The Chair orders all staff aides who are not currently needed by their Senators to leave the Chamber. The Sergeant at Arms will enforce this order. Senators will please maintain order on the floor of the Senate.

The Senator from Nevada may proceed.

Mr. BIBLE. I thank the Presiding Officer.

Mr. President, the Senator from Mississippi, the Senator from Wisconsin, the Senator from Illinois, and I have met many times. I think we have made progress. I know we have made progress. I think that the suggestions with which we could come forward and have come forward with would make some sense in getting us out of this dilemma. But our problem, again, is that the impasse is on the House side.

Senators may say, "If our problem is on the House side, why do you not do something about it?"

The distinguished Senator from Rhode Island, who has left the Chamber, made one suggestion which we have considered; that is a continuing resolution. But a continuing resolution must originate in the House of Representatives. It does not originate here; it must originate in the House.

We have made suggestions to the House of Representatives, but they are adamant. If we go to a further conference, we come right back to where we are here today, and it may well be that in the final analysis, a continuing resolution is the only answer to this particular problem. But the answer lies at the other end of the Capitol, and not here, because we cannot originate that continuing resolution.

I know we are all aware of the implications. The Senator from Rhode Island mentioned some of them. I said earlier and repeat now, it would be rather tragic if all the operations of the Coast Guard stopped—I do not know whether the Senator mentioned this—on January 4 or 5, whatever the date is. I do not think anyone intends to let us get into that situation.

We are doing the best we can to work out of an impasse, which I think lies, at this stage of the game, primarily at the other end of the Capitol. I have nothing further to add. We are perfectly willing to meet again with our friends from Illinois and Wisconsin. We have met before and we are still talking and will continue to talk, but I do not think our talking will really end the problem until we have some guidance from the other end of the Capitol.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BIBLE. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, the Senator has made a statement that covers this situation. We four conferees agreed that we would not make statements to the press. We thought that doing so would jeopardize somewhat the chance to get the settlement that has to be achieved by both houses. Our silence here seems to have developed the idea that we were not doing anything, that we were divided among ourselves, or that it was just a standoff. The very opposite of that is true.

As the Senator has outlined, it takes some agreement from the other end of the Capitol. We are ready to meet. We plan to meet as soon as this colloquy can be completed.

Mr. President, I am one of the conferees on the Department of Defense appropriation bill. The controversy there is over language most of which pertains to Cambodia. The Senator from Louisiana has talked with me several times about this language. I believe it is a matter that probably can be resolved. I have some knowledge of the language, because the first language on the subject this year originated in the Committee on Armed Services, in the procurement authorization bill we debated in midsummer. That was the first language, and it was adopted, and it is the law today, with reference to aid and using United States troops in Cambodia, and so forth.

It has gotten into the appropriation bill in two or three places, but now the key part I think is in the military aid bill, the authorization bill, which we passed, and then the supplemental appropriation on that.

If the military aid bill is settled and finalized, we can rather quickly, in my opinion, settle the language in the appropriation bill. There are proposals to give and take which I believe will work out—a proposal to strike out the word "Cambodia" in one place, and so forth.

Frankly, I do not think that could be done today. My idea is that things have jelled here somewhat for today. I am not sure that the key Members of the House on this subject are in town. But I have an idea that when we return, that matter can be settled, if we can settle the military bill.

With respect to the Department of Transportation bill, frankly—I say this publicly—I think that today the matter has stagnated. We will meet further, but perhaps nothing can be worked out between the two Houses. I believe that when we return, there will be a better chance, a better atmosphere, next Monday, and things might start moving then.

I yield the floor.

Mr. PROXMIRE. Mr. President, I want to make it clear that Senator PERCY and I—and I think Senator STENNIS and Senator BIBLE, too—have done our best to discuss this matter. We have discussed alternatives. There was no adamancy on either side. I think we had a constructive discussion. I am looking forward to a meeting, and so is Senator PERCY, as soon as we possibly can get together, and we will discuss all alternatives.

I do think, however, that we ought to recognize now that there are certain hard, tough facts with which we have to cope. No. 1, there was a vote in this body up and down on whether SST funds should be included. In that vote, a majority of the Senators voted against it.

No. 2, there was a vote on cloture twice—two votes on cloture. How many times in the history of the Senate have there been three votes on cloture? Very rarely. The only time cloture has been invoked has been when less than a majority at any point favored cloture.

Under these circumstances, it is clear that we have to find some way of breaking through.

None of us is going to permit the Department of Transportation to be without funds after January 3. That would be wrong on the part of every one of the 100 Senators and 435 Members of the House.

We have to find a way to permit the Department of Transportation to function. We are determined to do that, and I am sure we will all agree that that is going to happen.

I think that within those limits, knowing the SST advocates are very determined to do their best not to permit it to die at the end of this year, and that those of us who oppose the SST are very determined to see that the Department of Transportation continues to have funds after January 3, that there will be no payless paydays, under those circumstances, I am sure we will be able to reach some agreement among Senators. In fact, I think we are pretty close to it.

However, there is a problem on the other side, and I would suggest that what is left now is for the House to take a look at what has happened in the Senate. We have had these votes. It is a matter of fact that the Senate has twice said, by majority vote, that it will not invoke cloture, and we all know that it takes two-thirds.

Under the circumstances, I would hope that the House would seriously consider some kind of compromise. It is my understanding that to date their position is that they do not want to compromise. I think they have to.

Mr. MAGNUSON. Of course, I do not consider the vote on cloture as a vote on the SST.

Mr. PROXMIRE. Of course it is not. I never said it was. There has been only one vote on the SST—51 against and 41 for.

Mr. MAGNUSON. The Senator is a strong supporter, and historically he will not vote for cloture. I voted for cloture every time it was up. The Senate voted once on the SST and voted as the Senator has said, and the House voted on it.

Mr. PROXMIRE. The House never voted on the SST. The House voted on instructing the conferees. They voted on the conference report.

Mr. MAGNUSON. That is what the vote was about.

Mr. GRIFFIN. Mr. President, in order that there can be no misunderstanding as a result of the vote on cloture, let me make it clear that the junior Senator from Michigan opposed the appropriation for the SST and would oppose the conference report. Nevertheless, as a Member of the leadership I believe the Senate ought to be allowed to vote on the conference report. On such an important appropriations conference report the Senate should be permitted to exercise its will.

Frankly, without pointing the finger at any colleague, I am disappointed and surprised that so many Senators voted against cloture in the situation which confronted the Senate today. The matter before us is an appropriations measure and it involves all the functions of the Department of Transportation.

The distinguished Senator from Nevada indicated that the impasse was on the other side of the Capitol. I respectfully disagree. The impasse is here on this side of the Capitol.

The House and the Senate, as often happens, passed different versions of this legislation; conferees were then appointed; and they met and struck a compromise. The Senate should now have the opportunity to accept or reject that compromise. Accordingly, the impasse is here.

Mr. BIBLE. Mr. President, will the Senator yield on that point?

Mr. GRIFFIN. I yield.

Mr. BIBLE. I am perfectly willing to break that impasse, with the distinguished Senator from Michigan, and have a straight vote. I have always agreed to voting with time limits, under any conditions imaginable, to have a straight up and down vote. But when it is impossible to get cloture, how do we do it?

Mr. GRIFFIN. I would agree. It is unfortunate that a number of Senators will never vote for cloture. I suggest that there are times when it is absolutely necessary to vote for cloture if the Senate is to conduct its business. The situation we face now is a good example of that.

Mr. MAGNUSON. I think there are approximately 15 Senators who would not vote for cloture but who would vote for the conference report. So this is the impasse.

Mr. BIBLE. Mr. President, I do think that this probably has gone on long enough, with all the possibilities and probabilities and the suggested solutions. Obviously if we were able to get cloture, and it looks as if that will be difficult, it would solve the problem. We would have to vote it up or down. If we cannot get cloture and cannot vote it up or down, then the only place we can go is somewhere inbetween.

Mr. GRIFFIN. It might not solve the problem. The conference report might be rejected and then we would have to go back to conference again. Then, of course, the impasse would not be here. We would have to act, one way or the other.

Mr. BIBLE. It might be rejected. That is unlikely. I believe it would be accepted. In fairness to those who take the opposition vote on the SST, they do not want to chance that because they feel it would be a straight up or down vote. with all the other items in their for transportation, and so forth, and that it would be accepted. I personally think that they are right. If that is true, then they will feel they have lost the SST battle at least for the next 6 months.

Mr. PROXMIRE. If the Senator will yield there, the difficulty is that the conferees were in favor of the SST, and the Senate was not. The trouble is, under the circumstances, it is our feeling that the House should have gone back with the conference report in disagreement. If they had done that, then it seems to me the House of Representatives would have had to vote specifically on the SST. They did not do that. They went back and approved a conference report. It took action on the part of the House to reject the conference report with instructions. Under the circumstances, if there was a strong feeling on a major issue of this kind on the conference report, why did not the conferees consider the possibility of going to the House in disagreement?

Mr. BIBLE. I am not going to repeat all the conference matter, but as the Senator from Wisconsin knows——

Mr. MAGNUSON. The House would not do it.

Mr. BIBLE. That is right.

Mr. PROXMIRE. Of course not if the Senate can do it in one day. Why in the world should the House agree to go back in disagreement.

Mr. BIBLE. Mr. President, I have the floor. We have until 3 o'clock today to have this extended discussion. The fact remains that those conferees who were against the SST, in the spirit of compromise, signed the conference report on the Senate side, with certain reservations.

But, be that as it may, that does not solve anything. The distinguished Senator from Wisconsin constantly says that what he means is to kill the SST. I do not know that it means that at all, because of some indications on the floor here that they wanted it reduced, so we say reduced, some say killed, and the Senator from Wisconsin says killed. The SST proponents say to keep it alive. The alternative is to attempt to let the problem go over to February or March when we will be back to the same old exercise, but it is put temporarily over for the next Congress. Maybe that is the only answer. The shortest answer would be another cloture vote, which seems unlikely. I do not know how that would come out. Perhaps over Christmas there could be some visions of some kind for various people, and when we come back, and we have another cloture motion, it might be different. But if it is not different, then we are right back where we started.

So, we are trying to work out of this dilemma. Everyone knows—the press particularly—what we are trying to do. We cannot do it without concurrence of the other side on continuing resolution, which may be the only answer, originated there and sent over to us. Those are the options available to us. We are about to recess and talk with our Senate conferees on the problem of resolving these differences.

I repeat, we have gotten along well. We think we can come up with something that would be palatable to us. Our problem is that we do not know whether it will be palatable to the House. We will try to do the best we can to work it out.

Mr. STEVENS. Mr. President, will the Senator from Nevada yield?

Mr. BIBLE. I yield.

Mr. STEVENS. I have been listening to this debate concerning the continuing resolution. Not being a part of this conference in any way, I am interested to know whether the Senator is talking about continuing at the current levels of expenditures for the whole Department or just on the SST.

Mr. BIBLE. I am afraid, under the rules, if I understand them correctly, that we would have to put in a continuing resolution, to be drafted on the House side. It might be drafted in such a way that we could embody in the resolution all the items except the SST, and they can make that a second item and continue it for a period, say, to March 3. They might be able to do that. I do not know. But that is one of the possibilities we are exploring. We have checked them out with the Parliamentarians on both sides and we do not have a firm answer to that yet.

Mr. STEVENS. I am interested in the new program. I just received a letter this morning urging our support of the moneys for the antihijacking activities in the Department of Transportation. The air controllers are contacting us wanting to know what is going to happen to their pay increase. If we go along with a continuing resolution on all these items, will all these have to wait until next year?

Mr. BIBLE. No. If a continuing resolution, this would be stated so that they would be carried forward. New items would not be carried forward until we came back into agreement in February or March, unless they drafted in effect a new item—and the antihijacking is a new item—they would have to redraft that, in effect putting it into a continuing resolution.

Mr. PROXMIRE. Would it not be possible for the House, if the House wished to do so, to take the conference report and leave out the SST, and then put into a continuing resolution everything that is in the conference report—everything—hijacking—everything. Then have another continuing resolution for the SST. Is that not possible as an alternative?

Mr. BIBLE. They are all alternatives. We have discussed them, in attempting to work something out of what is obviously an impasse. We will confer on that in a few minutes.

Mr. PROXMIRE. The point might be that it could have new money and the conferees would agree to continue it through June 30 so that it would meet the objectives which the Department of Transportation wants.

Mr. BIBLE. In addition to that, if I might make a further suggestion, we are probing all the possibilities and we might make the SST continue until a date certain within that same resolution, so that it all comes over as part and parcel of one package. That is another possibility.

I think the Senator from Wisconsin recognizes that we have touched base on this with the Parliamentarian on this side and we are attempting to move it forward. We will soon be meeting to see whether we cannot come forward with something that will get us out of this present problem. I repeat, the impasse is not among the four of us. I thought we came very close to an agreement.

I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. GOODELL. Mr. President, I ask unanimous consent that members of my staff be permitted on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, I ask unanimous consent that Jack Ware, a member of my staff, may be permitted on the floor of the Senate for necessary purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 173) authorizing a grant to defray a portion of the cost of expanding the United Nations headquarters in the United States.

The message also announced that the House had passed the bill (S. 11) to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H.R. 14233. An act to modify ammunition recordkeeping requirements; and

H.J. Res. 1420. Joint resolution authorizing the Honorable JOHN W. MCCORMACK, Speaker of the House of Representatives, to accept and wear the Cavaliere di Gran Croce, of the Order Al Merito della Republica, an award conferred by the Government of the Republic of Italy.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 4571. An act to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes;

H.R. 8933. An act to provide that the lock and dam referred to as the "Jackson lock and dam" on the Tombigbee River, Alabama, shall hereafter be known as the Coffeeville lock and dam;

H.R. 13676. An act for the relief of certain retired officers of the Army, Navy, and Air Force;

H.R. 13806. An act for the relief of Irwin Katz;

H.R. 13862. An act to authorize the naming of the reservoir to be created by the Little Goose lock and dam, Snake River, Washington, in honor of the late Dr. Enoch A. Bryan;

H.R. 19436. An act to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes;

H.R. 19877. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes;

S. J. Res. 173. Joint resolution authorizing a grant to defray a portion of the cost of expanding the United Nations headquarters in the United States;

S. J. Res. 249. Joint resolution to extend the time for the proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971; and

H.J. Res. 1162. Joint Resolution to amend Public Law 403, 80th Congress, of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission.

HOUSE BILL REFERRED

The following bill was read twice by its title and referred, as indicated:

H.R. 14233. An act to modify ammunition recordkeeping requirements; to the Committee on Finance.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. CRANSTON). The Senator from New York (Mr. GOODELL) is recognized.

ORDER OF BUSINESS

Mr. GOODELL. Mr. President, I ask unanimous consent that I be permitted to make a speech on Vietnam.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETURN TO ESCALATION IN INDOCHINA

Mr. GOODELL. Mr. President, my term of office in the Senate is drawing to a close.

During my 2 years as a Member of this body, I have devoted much of my energies to seeking a definitive end to the Indochina war.

Fifteen months ago, I stood here and proposed the first legislation requiring the complete, safe, and orderly withdrawal of all American forces from Vietnam by a fixed date. At that time, I stood alone. Less than a year later, 40 Senators went on record in support of the essentially same legislation—the amendment to end the war.

I remain as deeply convinced as ever that the legislation I proposed is the best, perhaps the only way of extricating our Nation with honor and decency from this cruel and unjust war. When I leave the Senate next month, I shall continue to work for its adoption.

Despite our efforts, the war continues without foreseeable end, and the President's words and actions suggest that he is prepared to sacrifice all prospects for peace in order to preserve the existing order in South Vietnam; and that he even contemplates a new course of escalation, perhaps more devastating than ever before.

Many say the war is all but over, save for the parting shots. Yet, I fear a new phase of the war is just beginning.

Many say the war is no longer a national issue. Yet, I fear it infects our country like a disease whose outward manifestations may temporarily fade, only to break out again with renewed virulence.

I. AIR ESCALATION OVER THE NORTH

The scenario has now been set by the administration for the resumption of an extended air war over North Vietnam.

This means that the United States is prepared to reescalate the conflict, ignoring the tragic lessons of the sixties.

It means the administration intends primarily to rely upon the direct use of American air power to maintain the military status quo in Vietnam.

It involves still graver risks to peace than the unsuccessful bombing campaign conducted over North Vietnam for 3 years by the Johnson administration.

1. THE ADMINISTRATION'S BOMBING THREATS

President Nixon has decided to use the threat of escalation in the air over North Vietnam in order to prevent the enemy from building its capacity to launch offensives in South Vietnam. He has made this threat explicit in his most recent press conference, saying:

> Now if as a result of my conclusion that the North Vietnamese, by their infiltration, threaten our remaining forces, if they thereby develop a capacity and proceed possibly to use that capacity to increase the level of fighting in South Vietnam, then I will order the bombing of military sites in North Vietnam, the passes that lead from North Vietnam into South Vietnam, the military complexes, the military supply lines. That would be the reaction that I shall take.

The President has previously implemented these threats in practice—witness the bombing raids of the North in May and November.

The President has also announced that he will continue U.S. "reconnaissance" flights over North Vietnam; and that he intends to conduct major retaliatory bombing attacks if our planes are fired upon. At the same press conference, he said:

> I must insist that there be continued reconnaissance over North Vietnam, because if we are withdrawing our forces I have to see whether or not there is any chance of a strike against those forces that remain. And we have to watch for the build-up.
>
> If our planes are fired upon, I will not only order that they return the fire, but I will order that the missile site be destroyed and that the military complex around that site which supports it also be destroyed by bombing.

The enemy has already stated that it will not be deterred by this threat, and will continue firing upon American reconnaissance planes. This makes the resumption of the bombing on a regular basis a virtual certainty.

The Secretary of Defense has taken the final step—of asserting that the lack of substantive progress at the Paris talks would be reason alone for air escalation over the North. In the last 2 years, there has been no substantive progress whatever at Paris. As long as the enemy insists on the complete American presence, there can be no progress. Thus, the Secretary's theory provides a carte blanche justification for bombing the North at any time and for any purpose.

The President speaks of protecting American lives. This purpose, however, will not be achieved by adopting a new course of escalation: As every expansion of the war places additional lives in jeopardy.

Were the administration's primary concern the safety of American men, it would adopt the course of action we have been urging: The complete withdrawal of all American forces from Vietnam, allowing sufficient time for their removal in a safe, orderly fashion. That is the way to protect American lives—to get our men out of Indochina.

Only one certain result can come from any attempt to conduct renewed air attacks over North Vietnam: The deaths of tens of thousands of Vietnamese civilians.

American airpower in Indochina has always fallen short of expectations, in destroying its intended military targets. It has always exceeded the worst expectations, in its impact on the civilian population. This will hold true if bombing of the North is resumed. Perhaps a limited number of antiaircraft batteries, supply depots, and staging areas will be knocked out. But hundreds of villages and thousands of acres of farmland certainly will be. The civilian "body count"—to borrow a repellent phrase of this war—will be staggering indeed.

To this civilian carnage will be added the loss or captivity of still more American airmen.

2. OUT-ESCALATING JOHNSON

It is a matter of history that the bombing of the north was tried for 3 years by the Johnson administration. It failed. While inflicting enormous loss of life, the bombing did not effectively prevent the infiltration of men and supplies from the north. It did not stop the Communists from mounting the devastating Tet offensive of 1968. It did not weaken Hanoi's willingness to fight nor strengthen its desire to make concessions.

Thus, the new plan for air escalation would be almost certain not to work, were it to entail nothing more than a return to the old Johnson bombing strategy. If it were to have any potential effectiveness at all, the threat would have to be substantially greater—especially so as we have about 200,000 fewer troops in the field in South Vietnam.

The President has given indications that he is aware of this problem, and may be considering a more "decisive" response. In his Cambodia press conference last May, he endeavored to explain how his theory of escalation differed from that of President Johnson. Speaking of the Cambodian invasion, the President said:

> However, the difference is that he did move step by step. This action is a decisive move, and this action puts the enemy on warning that if it escalates while we are trying to de-escalate, *we will move decisively and not step by step.*

Applying this theory of "decisive" escalation, some experienced observers—such as Morton H. Halpern, who served as a senior member of President Nixon's national security staff—have predicted that the President is prepared to launch, if necessary, a massive attack on all military targets in North Vietnam, coupled with a blockade of Haiphong Harbor and the bombing of the rail lines to China.

3. ILLUSION OF DECISIVENESS

It is easier, however, to talk of decisiveness than to take actions which are, in fact, decisive.

It is the experience of the last three decades that no military move in the Indochina war has even proven conclusive.

It is difficult to conceive of any bombing strategy—short of nuclear attack—that can truly be decisive. And, as the administration surely perceives, nuclear attack would be disastrously decisive.

It may sound impressive to speak of bombing Hanoi, mining Haiphong Harbor and destroying the rail lines to China. Yet it is worth recalling that during the entire course of the French Indochina War, the French actually controlled Hanoi, Haiphong Harbor, and the China rail lines—and still the enemy was able to conduct a successful guerrilla war throughout Indochina. It is hard to conceive how bombing of these targets will succeed where French control of them failed.

4. RISK OF GREAT POWER CONFRONTATION

A still more fundamental objection to any strategy of "decisive" escalation is that it involves the risk of a great power confrontation that rises directly in proportion to its potential effectiveness.

The Johnson bombing policy was, as the President points out, not "decisive"—and it was not effective. But precisely because of these qualities, it did not attract a major intervention by the great powers, China and Russia, on the other side. Because the bombing did not materially injure the political or military base of North Vietnam, no intervention appeared necessary.

The Soviet Union does not supply nearly the quantity or quality of sophisticated weaponry to North Vietnam that it regularly sends to Egypt. According to U.S. intelligence sources, the air defense of North Vietnam consists chiefly of SAM-2 surface-to-air missiles, Mig 15's, 17's, and 21's, and radar controlled antiaircraft guns. In 1969, Russian military aid to North Vietnam was an estimated $120 million and, in the first half of 1970, it dropped to an estimated $50 million. Soviet military aid to Egypt has been immeasurably greater—several billions a year. And it has included much more advanced and sophisticated weaponry—such as SAM-3 missiles and Styx-type antishipping missiles.

Last June, the Soviet Union announced an increase in military aid to North Vietnam, in response to our invasion of Cambodia. Any further bombing raids of the North are likely to induce the Soviet Union sharply to increase the quantity and the quality of the military aid it gives to North Vietnam.

This, by itself, could change the complexion of the war. The introduction of more advanced Soviet antiaircraft missiles could make deep air strikes and reconnaissance operations vastly more risky than they are at present—and call for still more drastic countermeasures. It is not pleasant to imagine American pilots facing this kind of weaponry.

The Soviet Union last week issued an unusually sharply-worded warning against expansion of the air war into the North, saying that this "will lead to even greater complication of the situation in Southeast Asia and the Far East." The Soviet leaders do not give this kind of admonition lightly, and it should not be taken lightly. If ignored, it could lead—at the very least—to a major new arms aid pledge by Moscow to Hanoi.

Widening the scope of the bombing will increase the prospects of direct confrontation by the United States with the Soviet Union or China.

Any "decisive" attempt to halt the flow of supplies would, for example, require the mining or blockade of Haiphong—and this means direct interference with Soviet shipping. Such interference, alone, could create a great power confrontation of the magnitude of the Cuban missile crisis.

The more massive any U.S. escalation becomes in quest of "decisiveness," the more likely a direct intervention by Russia or China becomes.

In this regard, the recent history of the Middle East is instructive.

The Soviet Union confined its role in the Middle East for many years to that of supplying equipment and technical advisers to its Egyptian ally, notwithstanding three unsuccessful wars conducted by that ally.

Then, last spring, the Israelis commenced a series of deep penetration raids into Egypt that were so effective—so "decisive" in the President's words—as to leave Egypt's internal defenses largely debilitated.

When that occurred, the Soviet Union commenced a direct military involvement in the war—flying defensive combat missions for Egypt with its own pilots and manning SAM–2 and SAM–3 missile sites with its own crews.

A strategy of "decisive" air retaliation in North Vietnam is, I believe, likely to attract similar Soviet or Chinese involvement. I think we could then expect to see Soviet or Chinese pilots flying defensive combat missions over the North Vietnamese cities; or else see Soviet or Chinese-manned antiaircraft missiles surround key North Vietnamese military installations and population centers.

Any such development would convert the Vietnam tragedy into the one thing that it has not been thus far—a theater for a direct military confrontation of the great powers.

II. ABANDONMENT OF AMERICAN PRISONERS

1. ADMINISTRATION POLICY MEANS PERMANENT INCARCERATION OF PRISONERS

A fortnight ago, the Secretary of Defense stated that the United States will leave a residual force in South Vietnam until American prisoners of war are released by the North. In so doing, he was confirming earlier indications by the administration that it was planning to maintain a residual force on an extended, perhaps, permanent basis.

As a justification for the administration's plan for a residual force, the Secretary's statement was an ingenious exercise in public relations. As an admission of the administration's real attitude toward the prisoner issue, however, it was the worst possible news, promising only one thing for the captives: Permanent captivity in North Vietnam.

The North Vietnamese evidently are using the prisoners as hostages for the removal of all American troops, and have insisted that they will not release the prisoners as long as the United States maintains any residual force in South Vietnam. Judging from past experience, it is extremely doubtful that the North Vietnamese can be forced by our military pressure to make significant concessions on this point. They have complete control of the prisoners, so, whether we like it or not, their view is decisive.

So the administration's position is classic political doubletalk. If we keep a residual force in Vietnam until the prisoners are released, then they will languish in their prison camps forever—because they almost certainly will not be freed until the administration abandons its plan for a residual force.

2. THE SONTAY RAID: MISSION IMPOSSIBLE

Evidently aware that its Vietnam plan holds no hope for the prisoners, the administration resorted to a desperation move: The Sontay raid.

Despite the admirable bravery of the individual soldiers who participated, the decision to make this raid was grossly irresponsible. Hollywood-style commando tactics do not aid our prisoners of war—but only place their lives in deeper jeopardy.

Had there been American POW's at Sontay, it is likely that they and many of their rescuers would have been shot by the North Vietnamese guards.

Had the raiders been pinned to the ground by North Vietnamese forces in the area, the situation would have been still worse: Our only options would have been to abandon them or else launch an American expeditionary force into North Vietnam, and risk still more lives and the most drastic international repercussions.

If, against all odds, the raid had succeeded, it would have been a simple matter for the North Vietnamese to take harsh reprisals against other American prisoners located in other camps. North Vietnamese reports that some American prisoners were "injured" in the bombing associated with the raids serve as a chilling reminder of the possibility of such reprisals.

Surely, the administration must have been aware of these obvious risks. The fact that the administration chose to disregard them makes one wonder whether it was as concerned with the actual welfare of the prisoners, as it was with the domestic politics of the POW issue. The manner in which the administration exploited the incident for its publicity value hardly allays these suspicions.

III. FATE OF LAOS AND CAMBODIA

On April 24 of this year, 6 days before the invasion of Cambodia, I addressed the Los Angeles World Affairs Council and warned that the administration's policies could entail the virtual loss of Cambodia and Laos. In that speech—reprinted in the CONGRESSIONAL RECORD on April 30—I said:

> Historically, the prime objective of the enemy has been South Vietnam. The North Vietnamese can, however, easily shift the initiative to Laos and Cambodia, if they are momentarily blocked in South Vietnam, and if such a shift will embarass the United States. This appears to be the current enemy strategy.
>
> If that is the enemy strategy, how has Vietnamization deterred the Communist "aggression" in Southeast Asia of which the President so often speaks?
>
> What have we achieved if Vietnamization can at best create no more than an isolated South Vietnamese bastion in a hostile Indochina, and at worst collapse from the internal weakness of the South Vietnamese army and government?
>
> * * * * *
>
> What is the point of squandering thousands more American lives, hundreds of thousands more Vietnamese lives, and billions more American dollars in the elusive pursuit of military success in South Vietnam, if the rest of Indochina is at the mercy of the enemy?
>
> What is the point of huge efforts to capture this or that Communist hamlet in South Vietnam, when the enemy can so easily respond by seizing the capital of Cambodia?

The facts today grimly bear out these warnings.

The North Vietnamese now have seized roughly two-thirds of the countryside of Cambodia, and have virtually surrounded the capital. There is little doubt that the enemy could, if it chose, complete its conquest of that once-neutral nation.

Meanwhile, the situation in Laos continues to deteriorate as the enemy enlarges its control over the southeastern sector of the country and expands its supply routes. Two days ago, for example, it was reported that key CIA outposts on the Bolovens Plateau overlooking the Ho Chi Minh Trail are being imminently menaced.

None of the alternatives available to the President enable him to deal with this threat.

Local Cambodian and Laotian forces are in no position to resist significant enemy offensives, even if they receive additional U.S. arms and air support. South Vietnamese forces may have greater degrees of effectiveness for this purpose, but the more they are used outside of South Vietnam, the greater the internal vulnerability of South Vietnam becomes.

More drastic steps would be still less promising. Dispatch of another American expeditionary force into Cambodia or Laos would raise U.S. casualties, once again inflame opinion at home, and at best, provide only temporary relief. Reliance upon threats of air retaliation against the North entails all the dangers of escalation and great power confrontation discussed earlier.

Our fundamental error in Cambodia and Laos is that our involvement in the internal affairs of these nations did not, as we believed, prove a deterrent to Communist intervention—but on the contrary, proved to be a magnet for it. As long as we respected the neutrality of these nations, the other side did not try to control them, save the sanctuaries bordering on Vietnam. Once we broke that neutrality, the competition for control began—and the other side had all the military advantages.

It is my prediction that if the administration's present policy is continued, the enemy will consolidate its grip upon Cambodia, and widen its conquest of Laos. Then, the President's own policy will hardly have deterred Communist "aggression." On the contrary, it will have made reality of his worst fears of an isolated South Vietnam, surrounded by hostile neighbors.

IV. PERMANENT RELIANCE ON U.S. MILITARY POWER

In the preceding remarks, I have endeavored to describe three of the most dramatic risks of administration policy: Open-ended air escalation in the North; permanent imprisonment of American POW's; and the vulnerability of Cambodia and Laos.

These risks are symptomatic of a more fundamental flaw of the administration's policy: The permanent reliance upon U.S. military power in Indochina.

One obvious sign of the permanence of our military commitment is the administration's plan for maintaining a residual force in Vietnam.

A still more disturbing sign is that the administration evidently intends to apply direct U.S. military force, whenever necessary, to try to make sure that Vietnamization is never seriously tested by the enemy. South Vietnamese forces apparently are expected to take over from our troops only the more routine combat duties, such as pacification. The major burden of deterring large-scale enemy attacks will continue to rest upon our military power. By thus continuing our own involvement, the administration presumably hopes to guarantee that no "defeat" in South Vietnam can ever occur.

The Cambodian invasion was a prime example of this strategy. The United States was reluctant to "Vietnamize" southwestern South Vietnam, as long as Cambodian sanctuaries existed, from which the enemy could attack ARVN forces. It also saw the sanctuaries were momentarily vulnerable, because enemy troops were moving toward the interior of Cambodia. So the United States used its own forces in a preemptive strike to "clear out" the sanctuaries. Then, because the enemy threat from Cambodia was momentarily eliminated, Vietnamization could proceed apace.

The strategy is also apparent in our air escalation over the north. The May and November air strikes were launched in "response" to reported enemy buildups. The President now threatens to bomb the north whenever the enemy, by its infiltration, develops a significant strike potential.

In each case, the President sought to justify these moves on the theory that they were necessary to protect American lives. But no American units were reported to be in imminent danger of major attack. The real objective, it seems, was to protect Vietnamization itself by preventing any potential enemy challenge.

The strategy is designed as a rather ingenious exercise in domestic public relations, intended to convey simultaneously the impression that we are winning the war and getting out of it. By direct application of American military power, the administration seeks to make sure things run smoothly for the Vietnamization program. By concentrating principally upon air power and selective strikes, it seeks to minimize American casualties and thus permit continuance of the process of troop withdrawals.

In purely public relations terms, the strategy has met with at least momentary success—as can be seen from the absence of significant public protest over the President's recent threats to resume the bombing of North Vietnam.

As I stated last February in testimony before the Senate Foreign Relations Committee, however, the war is not a public relations problem. There is a real war going on over there in Indochina, and the current administration strategy will only assure our perpetual involvement in it.

Ten, 20, or 30 American boys now die in Indochina every week. This may not seem many compared to the hundreds that were dying weekly a few years ago. Even a few is to many, however. And this will be a continuing drain of lives, going on for years to come. It will mount up to thousands more deaths in a war in which 53,000 have already died.

More devastating still, will be the carnarge of the Vietnamese people.

To date, the war has killed three quarters of a milliion Vietnamese soldiers on both sides, as well as over a million Vietnamese civilians. It has made refugees of one-third of the population of South Vietnam, and about one-fourth of the population of Laos and Cambodia. It has made much of the countryside uninhabitable, and converted the cities into huge, teeming slums.

Mr. President, we are destroying Indochina in the name of preserving it. We are destroying it in order to maintain the rule of a corrupt and dictatorial regime, committed to endless war, over an unwilling populace that, above all other things, wants peace. This is a moral disgrace—and a mockery of the principles of freedom, justice, and humanity upon which our own great Nation was founded.

Moreover, I do not believe the strategy will work in Indochina. For reasons I explained earlier, actual or threatened U.S. air escalation will not effectively deter the North Vietnamese from building their capacity to launch a strike against the South—and will only create risks of a great power confrontation. The same holds true of other escalatory tactics designed to prevent an enemy challenge to the Vietnamization program.

Sooner or later, the brutal realities of the war will obtrude through the layer of cosmetics that the administration has so carefully applied to Vietnam.

V. THE AMENDMENT TO END THE WAR

Mr. President, the amendment to end the war developed credibility last summer because it was backed by a solid, bipartisan coalition in the Senate, that transcended the political aspirations of particular Senators.

That credibility would be lost if legislation to end the war were "politicized" at this time—particularly if it were to become embroiled in 1972 presidential politics. That could result in a return to the confusing situation of late 1969, where several Senators were fruitlessly competing for public recognition of their own varying legislative proposals on the war.

I believe the Senate should enact the amendment to end the war in the coming session.

This will require that there be one such amendment, not several; that it be sponsored by a strong, bipartisan group; and that it have the full support of all Members who believe in a legislative timetable for ending the war.

Realistically, I realize that such legislation has little chance of passage in the House. But its passage by the Senate would, by itself, have a profound impact on the Nation and, hopefully, on the administration.

Mr. President, I have been very proud to serve as a Member of this body. I shall be prouder still if, next year, the Senate takes the Nation's first definite step to bring about an end to this ugly and unjust war.

Mr. President, I have concluded my prepared speech. I wish to make one further point before I yield the floor.

One of the major arguments that was made in 1968 and 1969 against the peace movement and against those of us who spoke out in opposition to the war was that Hanoi reads the CONGRESSIONAL RECORD, that the negotiators in Paris would be undercut if there were a major movement in opposition to the war. And, Mr. President, when I stood here 15 months ago and offered the first legislature proposal to end the war, the immediate reaction from the White House and in the Governor's mansion in Albany was that Senator GOODELL was undercutting the President and his authority to negotiate.

I have heard that song again in recent days. I studied a report recently, given to some Senators, that the negotiators in Paris were reading the CONGRESSIONAL RECORD back to our negotiator.

Mr. President, none of us wants to weaken our country. We all want peace. We differ on the manner of achieving that peace. For almost 5 years, this country fought in Vietnam with our population unified behind their President. We did not achieve any progress toward negotiations. We are not going to get progress toward negotiations simply by punishing and pummeling the enemy. If we have not learned that lesson by this time, I wonder if we will ever learn it.

Apparently President Nixon is now going to launch a further escalation, based upon the concept that punishing the enemy with bombing or threatening to do so will bring them to their knees, and that they will roll over, cry "uncle," and exclaim, "Victory is yours."

Mr. President, it is not going to happen. It is not in the cards. This is a guerrilla war that has been going on for three decades. And as I mentioned earlier, when the French controlled Hanoi and Haiphong and the rail lines into China, the war went on and the North Vietnamese, the Communists, won it. The French had to get out.

I recognize that, in terms of domestic politics, American casualties play an important role. If American casualties come down, as we all want them to, domestic opposition to the war tends to diminish—or at least that is the administration's theory.

Mr. President, American casualties are down, yet the situation generally in Southeast Asia is worse. We have virtually lost Cambodia and Laos. As we continue to withdraw, we have the real danger that a diminished American force there, facing a hostile enemy, will be jeopardized and put under attack. We know that the North Vietnamese still have the power to launch major attacks and probably will.

We also should be concerned about a policy that is going to bomb to death, from 50,000 feet, thousands and thousands of civilians. Is that what our country stands for? We have adopted that as our strategy today—in order to prevent testing of Vietnamization—the bombing of the North, cannot have real military impact and it cannot prevent infiltration; it largely will just kill civilians.

I do not yield to anybody in this Chamber when it comes to a question of patriotism. In World War II, I graduated from high school and was declared 4–F. I questioned it and got my own doctors, and finally I was admitted to the service. And I also served during the Korean war.

Mr. President, I believe in my country. I want to improve that country. But I do not believe in this war. I do not believe that an individual, whether he is a Senator or a private citizen, has to remain silent when he believes that the leaders of this country are promoting an immoral cause, and that is what the war in Vietnam is.

The opposition to that war will not cease. It is merely at a momentary lull. In the future I intend to have a role in bringing this issue to the forefront once again, so that we can finally and completely disengage ourselves from a war in which we never should have been involved and which we never have understood.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. PEARSON). Does the Senator from New York yield?

Mr. GOODELL. I yield.

Mr. FULBRIGHT. I commend the Senator from New York for his courage in stating his opinion so plainly. Of course, it goes without saying that I share his sentiments about the wisdom of this war. He has made many speeches on the subject. I think his reasoning is correct and is in the national interest.

One of the greatest tragedies, it has seemed to me, is that a man with the courage of the Senator from New York—and, I may say, the good judgment on matters of the most profound importance—was not returned to the Senate.

I do not know enough about the Senator's State to say whether this particular issue was a determining factor or not. But, looking at it from afar, I know how prominent he has been on this issue; and it is a source of great regret that his voice, in behalf of what I believe to be the most important and profound public interest, will no longer be with us after the first of the year.

I wish to associate myself with the thrust of the Senator's arguments and to commend him for the very effective and forceful way he has presented them, not only here today but also on numerous occasions in the past. I think history will certainly justify the wisdom with which the Senator has viewed these matters. I congratulate him on the contribution he has made to the public thinking on this matter during the years he has been in the Senate.

Mr. GOODELL. I thank the Senator from Arkansas for his comments.

May I say that the Senator has been carrying this torch for many years before I joined him. As a private citizen, I shall continue to work with the Senator from Arkansas to try to promote this cause.

I am very grateful that the Senator from Arkansas remains here as chairman of the once powerful and, hopefully, once again powerful—Senate Foreign Relations Committee.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. GOODELL. I yield.

Mr. CRANSTON. Mr. President, it has been a priceless privilege to preside over the Senate during all except the closing moments of the Senator's great speech on the tragic war in Southeast Asia. I will not refer to it as a valedictory speech or a final address, because I know that the distinguished Senator from New York is only in the early stages of a great career in public life and in politics in our country.

He was the first Senator to introduce a measure which would have compelled the United States to get out of the war in Vietnam on a declared, announced time table. I am one of those who believe that that is the only course or the most likely course to end our involvement in the war.

It was a great privilege for me later to work with the Senator from New York in pursuit of a similar measure, the so-called amendment to end the war, that did wind up with 40 votes in the Senate; and it was very close, as the Senator from New York and I know, to substantially more votes in the Senate.

I assure the Senator from New York that that amendment, as he suggested, will be introduced in the next session of Congress, again with strong sponsorship, except for the weakness that we will feel because we will not have him as a cosponsor of the amendment in the Senate. But we know that we will have his support behind it in the country, in this battle, and we know that that will be of great significance and a great source of strength in this struggle.

I share the Senator's sharp forebodings about the present course of American policy in Southeast Asia. I share his fears as to where that may lead us. I share his doubts as to what can be the positive results, and I share, unhappily, the negative beliefs he expressed so eloquently that it will lead to greater slaughter and greater destruction, involving both Americans and citizens of Vietnam and neighboring lands, in the bloodshed in Southeast Asia.

Also, it has been a great pleasure and a great privilege for me to find, in working with the Senator from New York, that it was possible to work across the aisle so effectively on many matters—on the war, most of all, and on others. That is the strength of our Nation, the strength of this body, the hope of democracy—that people of different parties can work so closely and effectively and develop such trust and faith in one another despite differences as to party.

I thank the Senator for his great contribution throughout the years and today, and for what he will do in the future.

Mr. GOODELL. I thank the Senator from California for his very generous remarks. I am very proud of my association with him. We took some very difficult positions at times, when they could easily have been misunderstood.

When the pressure is on, we see the kind of people with whom we are associated—the Senator from California always stands straight and tall. He is always one whose word can be trusted—no trickery, just straight talk, a man of great understanding, in my opinion.

I thank the Senator from California for his help and I salute him for the work he has done and will do in the future in providing leadership on this and many other issues.

Mr. President, I would conclude by saying that if I have performed a role in this great issue of war, perhaps most important is that I, as a Republican, was the first to make this proposal. It is very important that this issue not be partisan, at least until it inevitably must become partisan.

I am sure that the Senator from California and the Senator from Oklahoma, who are good loyal Democrats, would agree with me that they would prefer this not be a political issue at this time.

Most of the potential Democratic candidates for President, supported the amendment to end the war. So we have given the President, if he chooses to use it, the option of removing all of our forces from Vietnam with relative political immunity.

It would be very difficult for any of the candidates who are now rumored to run for the Presidency against Mr. Nixon to say that by pulling all our troops out, he lost the war in Asia. To the contrary, would hail such course of action.

I intend to remain a Republican, because it is important that the type of viewpoint I hold be represented in the Republican Party, and be represented by other colleagues here, who are Republicans who, I am sure, will continue to speak out and provide bipartisan leadership in the struggle for peace.

I thank my colleagues for their cooperation and for their help during these two exciting and valued years in the U.S. Senate.

VALUE-ADDED TAX REGRESSIVE

Mr. HARRIS. Mr. President, it is becoming apparent that the Nixon administration is seriously considering proposing a value-added tax. As a member of the Senate Finance Committee, I say that such a proposal should be rejected.

It appears that the administration wants this new tax in order to provide funds for revenue sharing. I do not quarrel with the need to give States and local governments fiscal relief. But, the price should not be the enactment of a regressive tax that will fall unfairly on the middle- and lower-income taxpayer and would also have an adverse impact on our economy, which is already in serious trouble.

The appeal of revenue sharing has been that new funds needed by the States and local governments would come from funds raised by the Federal income tax system, which is more progressive than most of the taxes imposed by State and local governments. However, if the Federal Government were to obtain funds for revenue sharing through a value-added tax, it would simply be substituting one set of regressive taxes for another.

A value-added tax is appropriately characterized as a "national sales tax." The tax under consideration would be a 2-percent tax. As a product passes through each stage of manufacture or distribution, the value-added tax would be applied. Eventually, when the product reached the market, the taxes would be passed on to the consumer in the form of higher priced goods.

The American consumer can expect the costs of all manufactured products to be increased if a value-added tax is enacted.

The current sad state of our economy clearly indicates that an additional tax would be especially ill-advised right now. For the third quarter of this year, actual gross national product is $47 billion less than potential gross national product. This means that, if we had a near full employment economy now, as we could have, the Federal Government would realize an additional $16 billion in revenue this year. This sum would have gone a long way toward meeting our urgent domestic problems. It would have provided funds needed for the relief of the State and local governments.

Unemployment is much too high at a time when inflation is also much too high. A regressive tax now which would be inflationary because of it would push the costs of goods even higher, just does not make any sense.

I serve notice on the President now, as one member of the Senate Finance Committee, that he should abandon the idea of this regressive tax. He should concentrate, instead, on getting this country back on its feet and its people back to work.

POTATO AND OTHER COMMODITY PROMOTION PROGRAMS—CONFERENCE REPORT

Mr. YOUNG of North Dakota. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 1181) to provide for potato and tomato programs. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. SPONG). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of Dec. 21, 9170, pp. 43113–43115, CONGRESSIONAL RECORD.)

Mr. YOUNG of North Dakota. Mr. President, the conference substitute is identical to the bill as last passed by the Senate except that title IV of the House amendment has been included as an addition to it. Title IV extends section 8e of the Agricultural Adjustment Act to raisins, olives—other than Spanish-style green olives—and prunes. This section already covers tomatoes, avocados, mangoes, limes, grapefruit, green peppers, Irish potatoes, cucumbers, oranges, onions, walnuts, dates, and eggplants. It provides that whenever a domestic marketing order regulates the grade, size, or maturity of any commodity covered by it, imports of that commodity must meet the same requirements as to grade, size, and maturity. It is necessary to provide the same regulations for imported commodities as for domestic commodities in these cases because the importation of inferior foreign commodities would otherwise defeat the purpose of the domestic marketing order to maintain these standards.

Mr. President, I move adoption of the conference report.

The motion was agreed to.

U.S. PARTICIPATION IN RESOURCES OF INTERNATIONAL FINANCIAL INSTITUTIONS—CONFERENCE REPORT

Mr. FULBRIGHT. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the exchange stabilization fund by the General Accounting Office, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. SPONG). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of Dec. 21, 1970, pp. 43134–43135, CONGRESSIONAL RECORD.)

Mr. FULBRIGHT. Mr. President, we met yesterday afternoon with the House conferees. The House conferees agreed to accept the changes that the Senate incorporated in the bill, which meant the elimination of the soft loan funds of $100 million for the Asian Bank and the elimination of the authorization for the second 2 years of $900 million for the Fund for Special Operations of the Inter-American Bank. It does authorize the $100 million for the first year. Actually, that first year was all they had programed under their agreement to take us through at least calendar year 1971. So, the Fund for Special Operations will have enough money for lending next year. The effect would be, for the present at least, to defer authorization, and of course appropriation, of the $900 million for the Inter-American Bank and $100 million for the Asian Bank.

There were a few slight changes, with which the administration did not quarrel, concerning audits of the Exchange Stabilization Fund, reporting by the NAC, and benefits for a handful of employees. Those were the only substantive changes, I believe, other than the amounts. Actually there is no very important difference about anything other than the amounts.

It is substantially the Senate's bill. The House was very agreeable. I congratulate the House. They do not always insist upon our capitulation. It is only in the military field and the related fields that the House feels it must do that.

I think it is a good bill. It takes care of the IMF as presented and the World Bank as presented. I think it will serve the country very well.

Mr. JAVITS subsequently said: Mr. President, while I was in a conference trying to do what the leaders want us to do about a particular measure, the Senate adopted the conference report on the international financial institutions bill.

Mr. STENNIS. Mr. President, will the Chair stop the conference in the well of the Chamber so that Senators can hear the speaker?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, I wish to protest what was done about dropping the $100 million provision for the Asian Development Bank. I do wish to protest because I believe that the strengthened operations of the Asian Development Bank are critically essential to the future of Asia. If we are ever to have an effective peace, that we have the Asian bank. In the Asian Development Bank we have the unusual example where another country matches us dollar for dollar in support for development. That country is Japan. Japan is growing so rapidly it is important that this partnership in economic development be maintained, if there is to be hope for the future development of Asia.

I would like to ask the Senator from Arkansas, who is chairman of the Committee on Foreign Relations, whether he would receive sympathetically my request that at the earliest possible moment in the new Congress—and the chairman, happily, will be with us as chairman of the Committee on Foreign Relations in the new Congress——

Mr. FULBRIGHT. The Senator cannot count on that, but I shall reply on the hypothetical assumption it might be so.

Mr. JAVITS. I hope he will. This is my request. I request that the Foreign Relations Committee have early hearings and give early consideration to this vital question of our contribution to the Asian Development Bank.

Mr. FULBRIGHT. I can assure the Senator his requests are always given most sympathetic consideration. I believe the Senator will attest to that. Certainly we will give it consideration.

We stated to the conferees that both of these matters are not foreclosed in the future, but this is the best that we could accomplish.

We will certainly be willing to consider any suggestion the Senator wishes to make.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER (Mr SPONG). The question is on agreeing to the conference report.

The conference report was agreed to.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. FULBRIGHT. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the conference report on the Department of Transportation appropriations bill.

Mr. **FULBRIGHT**. Mr. President, I move that further consideration of the bill be postponed until Monday next.

Several Senators addressed the Chair.

Mr. **MANSFIELD**. Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER**. Will the Senator yield for that purpose?

Mr. **FULBRIGHT**. Mr. President, I yield for a question without losing my right to the floor.

Mr. **MANSFIELD**. Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER**. The Senator will state it.

Mr. **MANSFIELD**. Mr. President, if I might inquire of the distinguished Senator, what was his motion?

Mr. **FULBRIGHT**. Mr. President, I moved that further consideration of the pending business be postponed until next Monday.

The motion is debatable, as I understand it. I wish to talk to the motion.

Mr. **MANSFIELD**. Mr. President, may I express the hope that the Senator would not push that motion, but would use it as a vehicle for debate.

Mr. **FULBRIGHT**. Mr. President, I assure the Senator from Montana we will not take sudden action without the leadership being properly notified and advised.

There are rules of the Senate which sometimes are enforced and sometimes are not enforced. It, therefore, necessitates on occasion motions of this kind.

Mr. President, before I discuss directly the matter at hand, I point out that in an exchange earlier this morning, especially participated in by the leadership, the Senator from Montana, the Senator from Pennsylvania, and others, there seems to have developed recently a feeling that some way or other the leadership is not as positive and as powerful as it ought to be and that in some way the Senate is not performing as it ought to perform.

I said then that I do not believe that the leadership or the Senate should be criticized for the present situation. I think that the Senate for the first time in my memory has stood up to its responsibilities.

THE ACTIVIST BIAS

Mr. President, at a time when the Senate is showing more than ordinary determination to meet its constitutional responsibilities, it has come under attack for its unwillingness to adopt great reams of administration-proposed legislation in the hectic, closing days of the session. The assumption seems to be that any legislation—even bad legislation—is better than none; that the record of a Congress should be measured by the number rather than the merit of the laws it enacts; and that noncompliance with the wishes of the administration is the ultimate form of irresponsibility.

This is not to say that criticism is deplored. Even the administration and its editorial camp followers on the Washington Post approve of criticism—provided that it is harmless and ineffectual. Responsible criticism, as the term is commonly used, is an activity of amiable gadflies, who get it all out of their system and then obey orders. Irresponsible criticism is something else again. It sometimes results in bills being defeated, or significantly altered. It often takes the form of extended debate, which might, God forbid, give Senators a chance to think about legislation before enacting it.

Thus, for example, Mr. Evans and Mr. Novak expressed shock and horror at the temerity of the Senator from Alaska (Mr. GRAVEL) in taking up "the best part of 2 precious days" talking about the supplemental aid authorization[1] of $255 million for Cambodia which the administration rushed up to the Congress with such haste as to suggest a belief that the 91st Congress was going to be the last. Surely it would have pleased Messrs. Evans and Novak better—to say nothing of their friends in the administration—if the Senate had just howled the measure through. After all, those "2 precious days" could have been used for such constructive purposes as howling through the SST and other legislation essential for the public welfare.

What after all did this Cambodian aid bill amount to which could justify critics of the administration in examining its policy implications before approving of it? It is not as if it were something which the administration disliked, such as the Cooper-Church amendment on which administration supporters treated us to 7 weeks of "educational" debate last summer. It is not as if it involved an actual commitment to Cambodia. We have the word of the Washington Post itself that providing arms and funds is not a "commitment" as long as you do not call it a commitment.[2] All you have to do is tack on an amendment stating that "under no circumstances may this commitment be called a commitment." And then it is not one.

In the old days we were told that the power of Congress was the power of the purse. Well that is all obsolete now. We should not write a "blank check," we are told, but, as to the fusty, reactionary idea of not writing any check when a program seems dangerous like Cambodia, or unnecessary like the SST, or just plain premature for lack of study and debate—why that notion just boggles the up-to-date, on-the-move, never-say-die, wave-of-the-future mind.

In foreign policy at least, as the Washington Post tells us:

> The Senate must assert its constitutional duty to approve foreign commitments.[3]

Approving commitments is our sacred right. But disapproving them is something else again—it is petty, spiteful, cranky, and irresponsible.

Implicit in this view of things is a touching faith in the goodness of human nature, especially when the human involved is the President of the United States. Just as Henry VIII explained that his desire for a divorce had to be the will of God, or else he would not have desired it, we are now supposed to believe that a foreign policy proposal by the President of the United States has got to be in the best interests of the American people, or else the President would not have proposed it, or even thought of it.

Enlightened as we now have been by the advocates of a streamlined up-to-date Congress, it is time for Senators to stop their petty bickering and filibustering, put their shoulders to the common wheel and work in harmony with the administration for air pollution, sonic booms, restraint of trade, and a wider war.

ORDER OF BUSINESS

Mr. **JAVITS**. Mr. President, will the Senator yield?

Mr. **FULBRIGHT**. Mr. President, I ask unanimous consent that I may yield to the Senator from New York for 2 minutes, without losing my right to the floor or without sacrificing my position with regard to more than one speech on that particular motion.

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered.

The Senator from New York is recognized.

(By unanimous consent the remarks of Senator JAVITS appear earlier in the RECORD under "U.S. Participation in Resources of International Financial Institutions—Conference Report.")

Mr. **MANSFIELD**. Mr. President, will the Senator yield to me under the same provision so we may receive a message from the House?

Mr. **FULBRIGHT**. Mr. President, I ask unanimous consent that I may yield for that purpose without losing my right to the floor or my subsequent remarks being counted as a second speech.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The Senate will receive a message from the House.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 19446) to assist school districts to meet special problems incident to desegregation, and to the elimination, reduction, or prevention of racial isolation, in elementary and secondary schools, and for other purposes, in which it requested the concurrence of the Senate.

Mr. **DOLE**. Mr. President, will the Senator from Arkansas yield?

Mr. **FULBRIGHT**. Mr. President, I yield under the same conditions I just yielded.

Mr. **DOLE**. Mr. President, I ask that the message just read from the House on H.R. 19446 be laid before the Senate and read for the first time.

Mr. **JAVITS**. Mr. President, will the Senator from Arkansas yield for a parliamentary inquiry?

Mr. **FULBRIGHT**. Mr. President, I am glad to yield for a parliamentary inquiry.

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[1] Rowland Evans and Robert Novak, "The Congressional Malaise," Washington Post, December 21, 1970.

[2] "Unsnarling the Cambodia Aid Tangle," Washington Post, December 21, 1970.

[3] Ibid.

I was going to ask also what the situation is. I understood there was to be a conference report.

Mr. DOLE. It is a message.

Mr. FULBRIGHT. I yield under the conditions mentioned.

The PRESIDING OFFICER (Mr. SPONG). The Chair will state the parliamentary situation. The Senator from Arkansas yielded the floor under certain conditions in order that a message might be received from the House, and attached to it was the right of the Senator from Kansas to have it laid before the Senate.

Mr. ALLEN. I object to that.

The PRESIDING OFFICER. If the Senator will suspend, the Chair wishes to make a further statement.

The Senator from Kansas has the right to ask to have the message laid before the Senate for its first reading. An objection is not in order at this time but would be in order when request is made with regard to a second reading.

Is there a further parliamentary inquiry?

Mr. JAVITS. Mr. President, I wish to pose a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Assuming an objection, as the Senator from Alabama (Mr. ALLEN) certainly indicates he, and probably others, will make to a second reading, at that time is it a fact that the bill is required to lay over for 1 legislative day?

The PRESIDING OFFICER. Under rule XIV, the Senator is correct.

Mr. JAVITS. Is it a fact also that if on that legislative day when the time expires and second reading is again objected to, the bill may be motioned?

The PRESIDING OFFICER. Second reading is then in order.

Mr. JAVITS. And at that point the bill may be motioned to a committee and if the motion fails to carry it goes to the calendar.

The PRESIDING OFFICER. If somebody objects to further proceedings it would be placed on the calendar under rule XIV, paragraph 6, or someone at that time could move to refer the bill.

Mr. JAVITS. That motion may carry instructions to report back forthwith or other instructions. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

The clerk will read the bill by title.

Mr. ALLEN. Mr. President, this is the first reading?

The PRESIDING OFFICER. Yes.

The legislative clerk read the bill by title, as follows:

> An Act (H.R. 19446) to assist school districts to meet special problems incident to desegregation, and to the elimination, reduction, or prevention of racial isolation, in elementary and secondary schools, and for other purposes.

Mr. ALLEN. Mr. President, I interpose an objection to a second reading of the bill.

The PRESIDING OFFICER. Under that objection the second reading of the bill will go over 1 legislative day.

Mr. DOLE. I need not make my request.

Mr. MANSFIELD. Does it go to the calendar?

The PRESIDING OFFICER. In accordance with the previous ruling stated by the Chair, it will go over for 1 legislative day for the second reading.

The Senator from Arkansas has the floor.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may yield to the Senator from Alabama (Mr. ALLEN) without losing my right to the floor or its being counted as a second speech on the pending measure.

The PRESIDING OFFICER. It there objection? Without objection, it is so ordered.

AMENDMENTS NOS. 1173 THROUGH 1178

Mr. ALLEN. Mr. President, I offer, on behalf of the distinguished Senator from North Carolina, a series of amendments to the bill that has just been received by the Senate from the House. I would like to have them printed and ordered to lie on the table, and to have them printed in the RECORD.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table; and without objection the amendments will be printed in the RECORD.

AMENDMENT NO. 1173

At the end of the bill insert the following:

DISCRIMINATION ON ACCOUNT OF RACE, CREED, COLOR, OR NATIONAL ORIGIN PROHIBITED

"SEC. 17. (a) No person shall be refused admission into or be excluded from any public school in any State on account of race, creed, color, or national origin.

"(b) Except with the express approval of a board of education legally constituted in any State or the District of Columbia and having jurisdiction, no student shall be assigned or compelled to attend any school on account of race, creed, color, or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors, or national origins; and no school district, school zone, or attendance unit, by whatever name known, shall be established, reorganized, or maintained for any such purpose: *Provided*, That nothing contained in this Act or any other provision of Federal law shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian."

AMENDMENT NO. 1174

At the end of the bill insert the following:

LIMITATION

SEC. 17. No court, department, agency, officer, or employee of the United States shall have jurisdiction or power to deny to any child the right to attend the public school nearest his home which is operated for the education of children of his age and ability.

AMENDMENT NO. 1175

At the end of the bill insert the following:

LIMITATION

SEC. 17. No court, department, agency, officer or employee of the United States shall have jurisdiction or power to require any State or local public school board to assign any member of a public school faculty to any public school other than the school in which such member contracts to serve.

AMENDMENT NO. 1176

At the end of the bill insert the following:

TITLE II—BUSING LIMITATION

SEC. 201. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity at any public school by way of grant, loan, or otherwise shall withhold, or threaten to withhold, any Federal financial assistance from any such program or activity at such public school to coerce or induce the school board operating such public school to transport students from such public school to any other public school for the purpose of altering in any way the racial composition of the student body at such public school or any other public school.

SEC. 9202. No court of the United States shall have jurisdiction to make any decision, enter any judgment, or issue any order requiring any school board to transport any students from one public school to another public school or from one place to another place or from one school district to another school district in order to effect a change in the racial composition of the student body at any school or place or in any school district.

AMENDMENT NO. 1177

At the end of the bill insert the following:

LIMITATION

SEC. 17. No court, department, agency, officer, or employee of the United States shall have jurisdiction or power to require any State or local public school board or any other State or local agency empowered to assign children to public schools to transport any child from one place to another place, or from one school to another school, or from one school district to another school district to alter the racial composition of the student body at any public school.

AMENDMENT NO. 1178

At the end of the bill insert the following:

TITLE II—FREEDOM OF CHOICE IN STUDENT ASSIGNMENTS TO PUBLIC SCHOOLS

SEC. 201. The Civil Rights Act of 1964 (42 U.S.C. 1971, 1975a–1975d, 2000a—2000h–6) is amended by adding at the end thereof the following new title:

"TITLE XII—PUBLIC SCHOOL—FREEDOM OF CHOICE

"SEC. 1201. As used in this title—

"(a) 'State' means any State, district, Commonwealth, territory, or possession of the United States.

"(b) 'Public school' means any elementary or secondary educational institution, which is operated by a State, subdivision of a State, or governmental agency within a State, or any elementary or secondary educational institution which is operated, in whole or in part, from or through the use of governmental funds or property, or funds or property derived from a governmental source.

"(c) 'School board' means any agency or agencies which administer a system of one or more public schools and any other agency which is responsible for the assignment of students to or within such system.

"(d) 'Student' means any person required or permitted by State law to attend a public school for the purpose of receiving instruction.

"(e) 'Parent' means any parent, adoptive parent, guardian, or legal or actual custodian of a student.

"(f) 'Faculty' means the administrative and teaching force of a public school system or a public school.

"(g) 'Freedom of choice system' means a system for the assignment of students to public schools and within public schools maintained by a school board operating a system of public schools in which the public schools and the classes it operates are open to students of all races and in which the students are granted the freedom to attend public schools and classes chosen by their respective parents from among the public schools and classes available for the instruction of students of their ages and educational standings.

"Sec. 1202. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity at any public school by way of grant, loan, or otherwise shall withhold, or threaten to withhold, such financial assistance from any such program or activity on account of the racial composition of the student body at any public school or in any class at any public school in any case whatever where the school board operating such public school or class maintains in respect to such public school and class a freedom of choice system as defined in section 1201(g).

"Sec. 1203. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity at any public school by way of grant, loan, or otherwise shall withhold, or threaten to withhold, any such Federal financial assistance from any such program or activity at such public school to coerce or induce the school board operating such public school to transport students from such public school to any other public school for the purpose of altering in any way the racial composition of the student body at such public school or any other public school.

"Sec. 1204. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity of any public school in any public school system by way of grant, loan, or otherwise shall withhold or threaten to withhold any such Federal financial assistance from any such program or activity at such public school to coerce or induce any school board operating such public school system to close any public school, and transfer the students from it to another public school for the purpose of altering in any way the racial composition of the student body at any public school.

"Sec. 1205. No department, agency, officer, or employee of the United States empowered to extent Federal financial assistance to any program or activity at any public school in any public school system by way of grant, loan, or otherwise shall withhold or threaten to withhold any such Federal financial assistance from any such program or activity at such public school to coerce or induce the school board operating such public school system to transfer any member of any public school faculty from the public school in which the member of the faculty contracts to serve to some other public school for the purpose of altering the racial composition of the faculty at any public school.

"Sec. 1206. Whenever any department, agency, officer, or employee of the United States violates or threatens to violate section 1202, section 1203, section 1204, or section 1205 of this Act, the school board aggrieved by the violation or threatened violation, or the parent of any student affected or to be affected by the violation or threatened violation, or any student affected or to be affected by the violation or threatened violation, or any members of any faculty affected or to be affected by the violation or threatened violation may bring a civil action against the United States in the district court of the United States complaining of the violation or threatened violation, and the district court of the United States shall have jurisdiction to try and determine the civil action irrespective of the value or the amount involved in it and enter such judgment or issue such order as may be necessary or appropriate to redress the violation or prevent the threatened violation. Any civil action against the United States under this section may be prosecuted in the judicial district in which the school board aggrieved by the violation or threatened violation has its principal office, or in the judicial district in which any school affected or to be affected by the violation or threatened violation is located, or in the judicial district in which a parent of a student affected or to be affected by the violation or threatened violation resides, or in the judicial district in which a student affected or to be affected by the violation or threatened violation resides, or in the judicial district in which a member of a faculty affected or to be affected by the violation or threatened violation resides, or in the judicial district encompassing the District of Columbia. The United States hereby expressly consents to be sued in any civil action authorized by this section, and hereby expressly agrees that any judgment entered or order issued in any such civil action shall be binding on the United States and its offending department, agency, officer, or employee, subject to the right of the United States to secure an appellate review of the judgment or order by appeal or certiorari as is provided by law with respect to judgments or orders entered against the United States in other civil actions in which the United States is a defendant.

"Sec. 1207. No court of the United States shall have jurisdiction to make any decision, to enter any judgment, or issue any order requiring any school board to make any change in the racial composition of the student body at any public school or in any class at any public school to which students are assigned in conformity with a freedom of choice system as defined in section 1201(g) of this Act, or requiring any school board to transport any students from one public school to another public school or from one place to another place or from one school district to another school district in order to effect a change in the racial composition of the student body at any school or place or in any school district, or denying to any student the right or privilege of attending any public school or class at any public school chosen by the parent of such student in conformity with a freedom of choice system as defined in section 1201(g) of this Act, or requiring any school board to close any school and transfer the students from the closed school to any other school for the purpose of altering the racial composition of the student body at any public school, or precluding any school board from carrying into effect any provision of any contract between it and any member of the faculty of any public school it operates specifying the public school where the member of the faculty is to perform his or her duties under the contract."

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. FULBRIGHT. Mr. President, one of the disturbing aspects of the debate over the supersonic transport is the attitude on the part of some of the proponents of the SST that by invoking national prestige or technological progress, the expenditure of millions of our tax dollars should be unquestioned.

The vote in the Senate against further Government funding for the SST was a most encouraging sign that the public and the Senate are no longer going to accept projects of this kind simply because we are told that prestige and technological advancement are involved. As columnist James Reston of the New York Times recently wrote in a very perceptive and pertinent column, the vote in the Senate on the SST indicates a change in the long-prevalent "public be damned" attitude.

Mr. Reston points out:

> The vote in the Senate against giving the President the funds he requested for the development of the American supersonic transport airplane is the first evidence that an organized campaign by the people can be effective in challenging the power of the Government and the industrialists.

It is, as Mr. Reston says, "a challenge to the notion that the Government can get anything it wants merely by asking for it in the name of technological progress or national prestige."

Mr. Reston makes a comparison to the Government's attitude concerning the use of several island areas around the country for military firing ranges and target practice. One of these is Nomans Land Island off Martha's Vineyard. Two others are in Hawaii and a fourth is Culebra, a municipality of Puerto Rico, about which I have spoken at great length. Despite the desires of the people of the island, the Pentagon takes a hard line—they do not want to give up their target range, and that is that. Mr. Reston writes:

> During the last war, when there was a clear and urgent need for training facilities, no question was raised about the military use of these areas, but increasingly in recent years, newspapers, politicians and conservationists have been asking why these beautiful places must be used for such purposes.
>
> The Pentagon's reply to this is interesting. There are no alternative sites, they say, anywhere within the jurisdiction of the United States. Though they are being used less and less they are still essential to the Navy's "readiness posture." And finally—get this—the range areas, says the Navy, have been studded with unexploded bombs and have thus been ruined for public use.

Mr. Reston has cited these examples. There are many others besides the SST which could be mentioned.

In commenting on the Senate's action in disapproving the SST, President Nixon called it a "devastating mistake." The Director of the Office of Supersonic Transport Development called it an "incredible act of hyprocrisy." President Nixon's press secretary was quoted as saying the Senate vote was a "very, very bad decision" and that environmental considerations did not "at this time" dictate cancellation of the project.

Yet, despite its charges of "hypocrisy"—and I am uncertain of the basis for Mr. Magruder's polemics—and, despite its insistence that there are no environmental problems—the administration has withheld several reports dealing with this subject.

The Washington Post reported on December 8 that the administration has fought an effort to obtain release of a report by a group of scientists, prepared last year at the request of Dr. Lee A. DuBridge, former director of the President's Office of Science and Technology.

According to the Post, the report "is understood to predict serious harm to the environment if the SST is developed and used in the United States."

As the Post article stated, the Justice Department's fight to prevent release of the report "indicated that the administration is unwilling to see any information critical of the SST released in its own name."

Jeffrey Axelrad, representing the Justice Department, told the U.S. Court of Appeals panel that the President has the constitutional power "to withhold this document from anyone he thinks should not have it."

I was very interested in the comment of Judge Francis L. Van Dusen, one of the three judges hearing the case, who said that under the Justice Department theory, the President might "just adopt as his document" any information he did not want to be public.

As one who has encountered considerable difficulty with the executive branch over "classified" information in another domain, I am keenly aware of this problem.

The administration has also withheld from Congress and the public critical comments on the SST prepared by scientists in the Department of Health, Education, and Welfare. The two Senators from Wisconsin have commented on this matter, which was subsequently reported in the New York Times of December 11, 1970.

The comments to which the Senators referred were contained in a four-page attachment and five-page appendix intended to be appended to a letter prepared on November 30 for the signature of Dr. Roger O. Egeberg, Assistant Secretary for Health and Scientific Affairs.

The letter and the attachments were drafted as the Department's comments on the preliminary "Environmental Impact" statement sent to other agencies in September by Mr. Magruder of the Department of Transportation.

As we all know, the National Environmental Policy Act requires that all environmental impact statements, and the "comments and views" of other agencies with special interest in the environment, be made available to the public and to the President's Council on Environmental Quality. The Council did not receive the comments prepared by various sections of HEW.

Russell Byers, an aide to John G. Veneman, Under Secretary of Health, Education, and Welfare, told the New York Times that the November 30 letter and attachment had not been sent because they were "too specific" and "needed extra work."

Mr. President, it would appear that despite all its talk, the administration is not really willing to have all this information made public.

In his press conference of December 10, President Nixon was asked about these reports and his support for the SST.

The President said:

> I have satisfied myself after long deliberation and considering both of these reports, that the arguments with regard to the environment could be met, that this prototype should be built.
>
> What is involved here is not just the 150,000 jobs which will be lost if we don't build it, not just the fact that billions of dollars in foreign exchange will be lost if we do not build it; but what is lost here is the fact that the United States of America, which has been first in the world in commercial aviation from the time of the Wright brothers, decides not just to be second but not even to show.
>
> Not out of any sense of jingoism but because it is going to bring, for example, Asia, not only Japan but China, in the last third of this century three hours from the West Coast to Asia—I think the United States should build it and I believe that we can answer the arguments of the conservationists.

I would like to offer a few comments on the President's justification for supporting the SST.

To my knowledge, the administration has never really confronted the question of priorities. The President does not tell us why he has vetoed five bills on grounds that they were inflationary—including funds for schools, hospitals, and public housing—yet is so dedicated to spending more than a billion dollars on a project of such questionable public interest.

Mr. President, in that connection, I call the attention of the Senate to certain articles concerning my own State. One that is extremely appealing to me was published in the December 18, 1970, Arkansas Gazette.

Mr. DOLE. Mr. President, will the Senator yield at that point?

Mr. FULBRIGHT. I yield for a question.

Mr. DOLE. Yes. I wanted to clear up a point just made with reference to the President spending a billion dollars. As I understand the program, that amount is the total cost, and since the program was initiated by President Kennedy, there has been a considerable portion of that billion dollars already spent. I would not want it all charged to the incumbent President.

Mr. FULBRIGHT. May I say to the Senator from Kansas that I recognize that in debate here, we sometimes lose the Presidents, and maybe I ought to take the trouble to clarify it. I am not always talking about this President.

This program, the Senator is quite correct, was initiated under President Kennedy and was pursued by President Johnson. Speaking for myself, those two Presidents, who both used to be Senators, did not become infallible just by moving to the other end of the avenue. I think they were both wrong. I think President Kennedy and President Johnson were just as wrong in their sense of priorities as the present President is in urging us to continue the program.

I would say there was this difference, that when President Kennedy proposed this program, this country was not running a deficit of $15 billion, we were not confronted with turmoil all over the country, and we were not confronted with a continuing enlargement of the war. In other words, many circumstances today make the propriety of having regard for our necessities and essentials even more urgent than then.

But I would certainly agree with the Senator that all of this program is not to be attributed to this President. President Kennedy pledged, insofar as a President can, by public statement, that this program would involve about $750 million. I believe that was the total amount. We have already spent more than that. I think the latest figure I saw was $736 million, or very close to that—already more than President Kennedy said was to be involved in it altogether.

I might say to the Senator that I opposed this program in the previous administration. It is not just since President Nixon has come in that I have suddenly decided it is a bad program. I cite to the Senator the fact that I opposed it before, and I am sure that was not just because this President is supporting it.

Mr. DOLE. Will the Senator yield further?

Mr. FULBRIGHT. I yield for a question.

Mr. DOLE. I wanted to make certain that the point was clear, because the Senator had cited the facts that the President had vetoed certain bills and had spent $1 billion on the SST as evidence that he did not have any order of priorities. So the record is clear, now, that this was a program that has been carried on by President Nixon, but it was not initiated by him?

Mr. FULBRIGHT. That is correct.

Mr. DOLE. That is the only point I wish to make.

Mr. FULBRIGHT. I should have made that clear. I am sure everyone knows it.

And I say the same thing about the war. This President did not initiate the war in Vietnam. I, to the best of my ability, tried to persuade him that since he did not, he did not have the responsibility nor should he have the feeling of responsibility that goes with undertaking a bad adventure, and that it would be in the national interest, his interest, my interest, and the interest of my constituents if he would conclude it early in his regime. I had such conversations with him during the first 2 or 3 months after he came into office.

But he has chosen otherwise. He has chosen to carry on the war. He has chosen to pursue the SST. So what am I to do otherwise? I opposed the war long before the present President came into office, as the Senator knows. I have advised the White House that I think these are ill-advised ventures and I am opposed to them. This question of priorities is another matter. I refer the Senator to specific bills which the Senator knows that the President has vetoed on the ground that they were inflationary. I cannot for the life of me see that spending money on the SST is not just as inflationary as spending the equivalent amount on education, health, or a number of other things.

One item I was about to refer to was that of supplying water systems to small towns in this country, and especially in my State, where I feel a strong sense of responsibility. That was the point I was about to make.

I think that the preceding President had a similar failure in his judgment as to what was of first importance to this country.

The article to which I have referred especially appeals to me because only recently, in connection with another bill, I made a motion to increase the amount of money available for water and sewer systems. These are programs which often go together in small towns.

This article was published in the Arkansas Gazette December 18, just a few days ago.

Okolona is a small town in my State, to which the article refers. I wish to read a part of it, because I think it is a very moving statement and a real grass-roots illustration of this problem, which is not just some imaginary or hypothetical situation. The article is by Miss Sue Sanders, special to the Gazette from Okolona, Ark. It reads as follows:

> What do you do when a dry spell hits? If you lived in Okolona this week, you might be carrying buckets and if you were one of the few residents with indoor plumbing, you'd be using the outhouse again.
>
> The problem is water and the residents' only hope is the Farmers Home Administration.
>
> They've been trying unsuccessfully since 1964 to get a 50 per cent loan and 50 per cent grant from the FHA for a water system. Every year Mayor Bob Winfield asks for a review. Every year it's the same story. Winfield said: "We just can't get any action. We don't get any reply, everybody here has just about given up on FHA."
>
> FHA officials explain that the town is one of 50 or 60 which stand a chance of getting funds reserved for next fiscal year.
>
> Ninety to 95 per cent of the town's 253 residents get water from cisterns—a few modern metal-covered types with pipes bringing cold water into the house, the rest, board-covered concrete pools from which residents haul buckets of water.
>
> The town has 18 deep wells, only some of them working, and, the mayor said, none of the water—including that from the deep wells—is approved by the State Health Department.
>
> The cisterns get water from drains which carry rainwater from the roofs of the homes.
>
> ### SOME RESIDENTS HAUL IN WATER
>
> Those who can afford to haul water in from nearby towns refuse to drink or cook with local water. The rest just drink the local "bitter water," whose unpleasantly high content of magnesium, salt and sulphur rusts the pipes. "Imagine what that does to your insides," one resident said.
>
> Except for the few residents who have house pipes from their cisterns, the townspeople simply have no running water. Bathwater is hauled in buckets and even the 2 per cent of the residents with indoor plumbing keep their outhouses for occasions like now, when the cisterns dry up because of the lack of rain.
>
> There's no use forming a volunteer fire department. "What would we do for water?" The possibility of fires makes residents shudder.
>
> The town of Okolona is united in its struggle for water, members of the state's congressional delegation have written letters urging FHA officials to help, officials from the Office of Economic Opportunity have given moral support and FHA officials agree "they sure need a water system down there."
>
> ### LACK OF MONEY IS THE PROBLEM
>
> It's all a matter of money, according to Lewis Robertson, chief of the Community Programs division of the State FHA office.
>
> The FHA, which still hasn't officially received appropriations for the fiscal year starting last July, has helped 266 Arkansas towns finance water and sewer systems since the program was set up in 1964.
>
> It has about 35 projects currently in the works. Fifty to 60 towns are on the waiting list with Okolona and "three or four times that many towns and rural areas still need water systems," Robertson said.
>
> And money is tight everywhere.
>
> Priority is given to towns which have industries ready to locate and employ local people if a water system can be built.
>
> Towns such as Jacksonport in Jackson County and Hatfield, in Polk County which have had hepatitis cases related to bad water, are given emergency consideration.
>
> For towns like Okolona with limited means to repay the 50 per cent loan, even assuming that the FHA could provide a full 50 per cent grant, there's the waiting list, Robertson said.
>
> However, he said, most towns can get an acceptable plan approved in two or three years.
>
> Until last year, when a system was completed at Antoine, 15 miles across the Clark County line in Pike County, the only possibility for a water supply for Okolona was to build a water treatment plant and pipe water in from Little River.
>
> Now, Robertson said, there is a possibility of a hookup with the Antoine system.
>
> The town has submitted a project proposal for $132,000 for a hookup with Antoine to the FHA.
>
> With a water system, Mayor Wingfield thinks that Okolona could attract small industry. He said the town had been approached by small businesses, which later settled in towns which had water systems. If the town could attract small business and industry, the young people might not leave, the mayor said. The town lost 90 residents from the 1960 population of 343, the current census reports.
>
> Meanwhile, this week, as a woman loaded her clothes in the car to take them to a laundromat at Delight, a pickup truck bumped by with 50-gallon oil barrels full of drinking water for those who could afford to buy it at 50 cents a barrel, and a little boy and girl plodded toward home with two open buckets of water from one of the deep wells.

Mr. President, I do not know how one could dramatize more the utter idiocy of having to spend hundreds of millions of dollars upon a fantastic gadget that might be used by a few supermillionaires to cross the ocean in 3 hours instead of 5.

I am quite sure that what I have said about Arkansas is also true in a number of other States, because the Western and Southern States have small rural communities without sewers and water supplies.

I cannot reconcile myself to the extravagant gadgets designed not really to improve the quality of life for anyone but simply to give a few highly sophisticated technicians an opportunity to prove that they can do it.

The only real argument about this is that "we think we can do this, and therefore we ought to be allowed to do it," regardless of what effect it has upon the atmosphere or what purpose it serves.

This was an argument, I recall, that was made most forcefully in the argument on the Test Ban Treaty for the atomic weapons. One of the scientists used to make the argument that we could not afford to interfere with the progress of science. We have to find out about this. We have to go on testing these outrageous bombs. There should be no interference with it at all, because you cannot interfere with science. Scientists had set out to prove what can be done, how big a bomb they can make, what the effect would be upon the atmosphere, and said it would be bad to put any restrictions upon the progress of science. It seems to me that this is the ultimate degradation of the scientific era, if we can call it that.

The SST is not unlike that. It is interesting, of course, to specialists, just to see whether they can make one fly without its wings falling off.

Think of how many projects we have had. We have put $5 billion or more into the C–5A, and its wings still fall off. We have had the F–111, and this is not unlike the F–111. I believe that a report of Senator McClellan's subcommittee, published last week, indicated that that interesting little gadget had cost in the neighborhood of $9 billion, and no one now feels that it is a good machine.

I reported not long ago that a Member of the Australian Parliament who was here on a private visit came to me and spoke about the prospects of various things, and he asked me about the F–111. It seems that Australia, before they realized that it was a faulty machine, had ordered some. Our Government required them to make a downpayment. I do not recall exactly how much it was, but it was in the neighborhood of $150 million. In view of the experience of the F–111, the Australians now have asked that they be relieved of their contract. As of that time, he told me that the American Government refused to relieve them of the contract. The American Government is going to hold them to the contract, whether the machine is any good or not. This, it seems to me, is an outrageous attitude.

I predict that this machine could be made to fly. The F–111 will fly. But it will not perform what the services consider to be adequate performance; therefore, as is well known, most of them, I think, have been grounded from time to time. I am not sure how many are grounded today, but most certainly, according to the Senate Committee headed by the distinguished senior Senator from Arkansas, this gadget, again, was a $9 billion mistake.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield for a question.

Mr. DOLE. As I understand the SST program, there have been no cost overruns, as in the case of the F–111. The Senator from Kansas also understands that if we do not proceed with the SST, there will be cancellation costs of $160 million.

The Senator from Kansas also understands that, what we are really talking about is the next logical step in air transportation and a substantial increase in air traffic productivity—what they refer to as seat miles.

I am informed that the SST would be twice as productive in seat miles as the 747 and, in effect, the result would be to lower the cost of air transportation, in face of increased costs to the airlines, which could mean a saving to millions who fly.

So this aircraft is not a toy; it is not an F–111. There have been no cost overruns. But there will be cancellation costs.

I certainly share the view expressed by the Senator from Arkansas with respect to FHA loans. We have similar problems in the State of Kansas, and I would suppose they are of the same gravity. But I see no direct connection between the SST—in the event there were a saving of money—and this FHA program, any more than I see a direct relationship with any other Federal program, whether it be in the area of space or some other field. Nor can I see any relationship, frankly, between the program mentioned by the Senator from Arkansas and the situation in Wichita, Kans., and elsewhere, to the hundreds and perhaps thousands of people who will be out of work if the SST is not approved. I am not suggesting that we build the SST to keep people employed.

Mr. FULBRIGHT. Why does the Senator mention it, if he is not suggesting it? That is clearly the implication.

Mr. DOLE. No. I see no more relationship between that and the example just cited by the Senator from Arkansas. If we are going to say that with the SST money we could do this and with the SST money we could do something else—there are cancellation costs, to the tune of $160 million, and that is the point I wish to make.

Mr. FULBRIGHT. The Senator is quite right about that, but if we do not take the loss here, then we will spend $2 or $3 billion that is down the drain. The ultimate justification should be, is it essential, is it necessary? It is not whether there is a cancellation cost for this gadget, this plane that will fly 1800 miles an hour but, is it right and is it of primary importance to the welfare of the American people? There is just as much a direct and indirect relationship between this as there is to the F–111, the C–5A, or the ABM. It is quite true that we are not proposing the same money that would go to this gadget would go into the sewer and water projects, but the overall budget of the United States is a unified budget. Whenever we take all the money out of it and send it abroad as they did in Cambodia—I opposed Cambodia—I could have said the same thing about giving $255 million to Cambodia as I do about this bill. I think that is even a considerable expenditure, because it promises to create a situation that will engulf us far beyond even the SST. But this has been the history of these involvements in foreign countries.

We are in the process now of undertaking to completely support another country in the Middle East. Never before in the history of this country have we ever given to any country—in World War I or World War II or NATO—a complete blank check upon our economy as we have given to Israel in the past few weeks. Never before have I ever seen an unlimited—in time or in amount—authorization such as was put on by the Senator from Washington on the Defense authorization bill. There is no precedent for that. I believe the Speaker of the House said he knew of no precedent for that. It had not been considered by any authorization committee or having been recommended even by the administration; yet this body adopted it.

All I am saying is that this involvement with these countries indicates to me a lack of sensitivity to the needs of our own people. A high on priority should go to the people of the little town of Okolona in Arkansas or similar towns all over this country.

After we have satisfied that, if we have any money left, then let us consider the SST; but no, we are not doing that, we are giving the priority to the SST. But I do not pick it out alone. The other day, the amendment I offered was to another item. I would say the same thing about the ABM, about its technologically being very questionable. I think that the debate on that and the authorization has interfered with the progress of the SALT talks, as other things have done. I regret very much that the administration did not follow the advice of the Senate when it passed the Brooke resolution last spring; but, anyway, the purpose of these debates and the purpose of the Senate is to determine these questions of priorities.

What is more important to the life of our constituents? For the life of me, I cannot believe that a majority of the people—it may be that the employees working on the SST at Boeing in Kansas are for the SST, and I can understand that, and I accept it, and I do not quarrel with it—but if we take the people of Kansas and Arkansas and say, "Do you think it is more important to have an SST or a water system for your town?" I do not have any doubt in my mind where the clear majority will be and what they would say.

Mr. DOLE. If I could interject there, we could ask them the same question, whether it is more important to have a Senator or provide a new water system. We might get the same answer.

Mr. FULBRIGHT. I had not thought of that, but I would say that this, Senator, does not cost anything like the SST. Besides that, I have, to the limit of my ability, had something to do with obtaining quite a number of projects for the people of my State, which I consider one of my prime responsibilities, as well as to try to serve just such people in other ways.

I assume they believe I have done that or they would not have returned me, 2 years ago, to the Senate. If they had thought or agreed with the Senator, they had a very good opportunity 2 years ago to do just that, because I had a very strong and rich Republican opponent running against me. They could have elected him. They believe that what I am doing I am doing on their behalf, that as one Senator I am trying to reverse the priorities of SST's, the war in Vietnam, and ABM's.

Mr. DOLE. I share the views expressed by the Senator. Had it been otherwise, I believe the Senator would have gone down the drain in the last election.

Mr. FULBRIGHT. That is correct.

Mr. DOLE. But we are talking now about the SST, not about the $290 million or the $130 million, or the $700 million already invested. We are talking about an investment of $860 million on the one hand, counting the cancellation costs, and on the other hand $130 million for the prototype program, extending that, perhaps, to a profit for the Government of $1 billion or more, depending on how many SST orders there are. So the discussion is not about spending $1 billion now. The question as the Senator from Kansas understands it, is whether we should spend another $130 million for the prototype program. If that is the judgment, that is one thing. If that is not the judgment, then we have wasted the American taxpayers' money. We have invested $700 million which will be wasted, plus another $160 million in cancellation costs for an $860 million total—more or less.

Mr. FULBRIGHT. I am quite prepared to say that we have wasted $700 million to $860 million on a bad venture, but goodness knows, that is not as much as we have wasted on the F–111. This Government has made some serious mistakes. It has wasted, I think, a great deal of money on the C–5A if it is not a better plane than it has so far proved to be. It is my best information that the contractual termination cost on the SST, which is really involved, is $85 million, and the other $105 million has already been spent—that is, that it will be lost. There is an additional cost of $85 million, but I would not make too much of a point on that. The real point here is not the $105 million on even the $290 million, but that we clearly have reached the point of no return. A fight has been made. The Senator from Wisconsin has made, I think, an outstanding contribution to the information of this country on this subject, as he has on other subjects such as the C–5A. With the cooperation of such courageous men as Mr. Fitzgerald, who lost his job because he was willing to tell the country what goes on in the Pentagon and the way they keep books, with his help, and that of his staff, the Senator from Wisconsin has brought before the Senate information which we did not have before. Maybe we should have had it, but anyway, those things start out almost as Kennedy said, only $750 million at that time and we thought we were pretty well off. We were not in the hole as we are now. So we were led down the garden path. But now we have come to the point of no return.

If the Senator approves this amount, I predict there will be no further effort to curtail it because everybody will give up. We either cut it down or cut the request, as we do when we make any particular investment, or we go forward with it. The Senate has already voted once, 52-to-41, against going on with it, and it was not to go half-way, or two-thirds, it was against it. The Senate made up its mind it was against it; but now, by political maneuvers which are perfectly proper in the sense that they are legal, it is now tied in with an enormous bill involving things that are essential. No one quarrels with that. They are trying to force the Senate to accept this in order not to disrupt the transportation system of the country.

The Senator from Rhode Island graphically made the point this morning that if we do not give in and accept this item, we will then cause havoc. That is not correct. All we have to do is separate this and have a continuing resolution, if nothing else, for the Department of Transportation, or arrive at an agreement.

Mr. DOLE. Mr. President, will the Senator yield at that point for a question.

Mr. FULBRIGHT. I yield for a question.

The PRESIDING OFFICER (Mr. CASE). The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, one question has crossed the mind of the Senator from Kansas. Does the Senator from Arkansas see any relationship between the further funding of the SST and the bailing out of the Pennsylvania Railroad with Federal funds. Is there any relationship?

Mr. FULBRIGHT. They are very similar. The Senator raised a complicated question. I was opposed to the proposal which the Representative from Texas stopped.

I think we are faced with a most serious question. I am fundamentally opposed to bailing out bad management, whether it be the Penn Central Railroad or Lockheed Aircraft. I think we are a private enterprise system. I think we either ought to let it go through the wringer and have a private enterprise system or we ought to nationalize it.

I think the worst thing is to keep on subsidizing bad management. In most industrialized countries in the world the railroads are nationalized. The railroads of Germany, France, England, Spain are nationalized. In Canada and Japan they have both. They have a nationally owned railroad and a private railroad. So they have kind of a mixture. But most of the industrialized countries of Europe, countries that have much more experience in running a private enterprise system than we have, have good railroads—much better than ours—and they have nationalized the railroads. I am not an expert in that field, but they are much better than ours.

I do raise a serious question on the matter of the $100 million. I do not think it ought to be done without serious consideration of where we are going, particularly if we are going down the road of subsidizing bad management, a company which apparently has diverted larger sums to other activities.

I think the railroad put $30 million into some kind of executive aircraft company. It seems absurd. It only proves again that the ICC has been completely asleep. They have been doing nothing by way of supervision.

I think this raises a serious question. It is a big question. I did not intend to discuss it here. If I had an opportunity to vote on the question of giving them $100 million, I would vote against it, the same as with Lockheed. I do not know why Lockheed cannot be organized. McDonnell seems to get along well under similar circumstances. They evidently have better management. They have not been getting a handout so far as I know.

Mr. DOLE. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. Mr. President, I yield for a question.

Mr. DOLE. Mr. President, I think there probably is one basic difference. As I understand it, in the case of the Penn Central, the sum involved would be a loan; in this case, it would be an investment.

There is another difference. In the case of the SST, the Government went to the industry and said, "Can you develop an SST?"

In the case of the Penn Central, the railroad came to the Government and said, "Can you bail us out of a bad situation?"

I share the views expressed by the Senator from Arkansas. They involve the same general question of whether the Government should be involved.

The Senator's position is certainly consistent, and he has made it quite clear.

Mr. FULBRIGHT. Mr. President, if we are going to have the kind of an arrangement they are coming to, concerning cost plus, I would not be surprised if the Government would be much better off if it were not to do it.

We used to build ships. We had a lot of shipyards. I think that private enterprise subsidized by the Government is the worst thing imaginable. If it is a private company, it should be efficient or it should be governed by regulations.

This is a kind of an incentive to waste, because they have a pipeline into the Public Treasury and they are without much supervision. I admit that the Government requires a lot of paper work and that sometimes it botches some of the jobs. But I do not think the Government is inadequate to supervise activities.

I do not believe that the Germans, French, and Swedish are any smarter than we are. They have been doing it for years. While I have not been over there in a long time, in my younger days I used to ride on their trains. They were just as good as or better than our trains. So, it can be done.

As a matter of fact, the Japanese publicly owned train is the best train I have ever been on in my life. So it can be done. But I think that when we subsidize bad management without restriction, we have the worst of both worlds. It is the least defensible way to do it.

Mr. President, coming back to Okolona, Ark., I have a letter addressed to me under date of December 15 from Okolona, Ark., the same town.

It reads:

DEAR SIR: Mr. Fulbright this letter is in regard to getting city water for the town of Okolona, we need your help in this matter. The water supply here is critical. Some of our people are having to haul water. We are trying to get loan from FHA but it is slow. They had meeting in August if they did anything about our loan we never knew about it. They are to meet again in January. Would appreciate it if you would try and get them to approve this loan.

I. D. MAY.

This kind of matter strikes me as having the very highest priority. While I agree that there is no guarantee that if we do not approve this additional money, Okolona will get it, nevertheless if we push this through, along with a great many other programs which have been approved, particularly in the military field, if we put them together, I am quite sure the availability of funds would be reflected in the capacity of the FHA to make available money for these purposes.

Mr. President, I have before me a very perceptive editorial from the Saturday, December 12, 1970, Arkansas Gazette, entitled "Lay On" concerning the SST.

The editorial follows:

LAY ON!

If it will require a Senate filibuster to kill off the SST, then by all means let Senate opponents of the project start planning now to filibuster on into the adjournment of the present (91st) Congress if it comes to that.

The filibuster has been used often enough in the past in defense of a narrow sectional view, so let it be used now in support of a position upon which most of the country is agreed; the filibuster has been used often enough in defense of the indefensible, let it be used for once as a weapon against the indefensible.

We can still hope that it doesn't come to that, that the conference committee report can be rejected in a straight vote without the necessity of a filibuster. But the filibuster, if it does come, could serve not only as the agency for sealing the defeat of the SST development program that the Senate already has voted by a "comfortable" margin, but also could serve to demonstrate anew for the edification of the general public some of the atrocities that are emerging these days from conference committees.

The $210 million for further development of two SST prototypes that was so quickly voted out of conference, by no coincidence whatever, is precisely the amount needed to allow this transparent make-work project to keep on making work for the people currently engaged in research and development against the day that they may, possibly, get the monster off the ground. More, every new appropriation that can be cozened out of Congress by any means also helps build up the total investment already made in the project, and so, in theory, boosts along the specious argument that we have reached what would be called "the point of no return" if we were dealing with anything but an aircraft development project; that is, that it would cost more now to turn back than to go ahead.

Our own view is that even if the whole project should be eventually funded, it still would be better if no SST were ever permitted to leave the ground. That is the real point though when you are talking of $1.3 billion which would be the estimated end cost of developing even two SST prototypes, you are talking about quite a lot of money even by the swollen standards of the American aerospace industry.

If the SST ever *should* leave the ground, it will be to the general fear and dismay of all of us but the employees of the Boeing Company and its subcontractors, the still disproportionate number of members of the United States House of Representatives who think that the aerospace industry ought to be given anything its heart desires, and, of course, our distinguished president, the former Orange Countian, who was in considerable measure invented by the Southern California aerospace industry left over from World War II.

I have another editorial entitled "Notes and Comment," published in the Baltimore Sun of December 17, 1970. The Baltimore Sun covers a metropolitan area on the east coast that has quite a different point of view than Okolona, Ark., but they share some of the same feelings. The editorial states:

> NOTES AND COMMENT
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> To change the subject, we have been puzzled by the continuing use of the word "compromise" in reports on what the House-Senate conference did with the supersonic transport bill. What happened was, the House voted to spend $290 million in fiscal 1971 on developing the SST. The Senate voted to spend nothing. The conference voted to spend $210 million. Everybody kept calling this a compromise.
>
> Our dictionary lists three definitions for "compromise" as a noun. The first is "a settlement by arbitration or by consent reached by mutual concessions." That doesn't fit. Maybe if the conferees had agreed on spending $145 million, you could argue there was a compromise, but not $210 million. This view is upheld by the third definition of compromise in our dictionary: ". . . a thing intermediate between or blending qualities of two different things."
>
> The second definition of compromise in our dictionary is "a committal to something derogatory, hazardous or objectionable." That's the way a lot of people feel about the SST, but supporters of the SST called the conference action a compromise, so we don't guess that's the definition they had in mind.
>
> We don't even believe that $145 million is a compromise between zero and $290 million. If the Senate had been willing to spend anything on the SST, then a figure representing an "intermediate point" between the two figures would be a compromise. If the Senate were for spending $1 and the House $289,999,999, then $145 million would be a compromise figure. But the Senate was against the SST altogether. It isn't a question of money.
>
> It's as if a used car dealer were to say to you, "I'll sell you this auto for $2,000," and you said to him, "I don't want it," and he said, "Fine, let's compromise, you can have it for $1,000."

Mr. President, that is the situation in which we find ourselves here. The Senate has said, "We do not want it at any price."

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield for a question.

Mr. STEVENS. I have been listening to the debate here for a week or so. I wonder where everyone has been for the last 4 years when the $708 million was being appropriated that we have already spent on the SST. That will be lost if we do not spend the $210 million to finish the job.

Mr. FULBRIGHT. I say to the Senator, as I said to the Senator from Kansas, that this is not the first time I have opposed the SST. I have opposed it previously, as have a number of other Senators.

When President Kennedy took office, he was the first, as far as I remember, to initiate this project. He made a commitment that it would not cost more than $750 million. He was a new President and he carried the majority of the Senate and Congress. As I said, it was a relatively small amount. But because this country is big, it often takes time to inform the people and, therefore, Congress about the facts of life. This is not the only case. There have been many others.

I would say this is a case of mistaken judgment. It did not originate with this administration, but they insist on carrying it on. The Senator is quite right. The same thing could be said about the F–111. Where was everyone at that time? The Senator from Arkansas (Mr. McCLELLAN), the chairman of the subcommittee, tried his best to enlighten the Senate and others about the F–111. The Senator will remember that, but he had a hard time doing it. He had a good deal of support, but, nevertheless, the power of the military overrode him. They wasted about $9 billion on the F–111. It turned out to be inadequate and a mistake.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. We have the same repetition here. Just because we made a mistake I do not think we should go down that line indefinitely. We should recognize it and cut our losses.

The Senator from Wisconsin has given long hours working on this project, along with others—such as the C–5A—and fortunately he was able to get the assistance of some remarkable and courageous men who were willing to sacrifice their jobs in order to inform the public.

It took all these things to finally bring out into the open what we are faced with, and when they did and the people got their minds on it and focused attention on it, they decided they did not want it. That is their privilege.

The Senate, in performing its proper function, discussed the matter and voted on it. The Senate said, "We do not want it."

Mr. STEVENS. Would not the Senator agree that there are several Members of this body who got a free ride on this vote, knowing full well the conference committee would restore part of the money and that it would be back here, and it is feared that these people are going to vote for the SST and that is why we are not permitted to vote on it because it will pass. Is that not correct?

Mr. FULBRIGHT. I beg the Senator's pardon. I do not question motives. That is against the rules. They voted their convictions. Second, this is not a vote on the SST alone. This is a bill providing for $2.6 billion. The bill includes a great many things that I would say 90 percent or more, or perhaps all Senators are for.

The proponents are trying to ride this poor little orphan in on the back of this bill. They are trying to have a piggyback operation. They want it voted on as part of the transportation bill.

Mr. STEVENS. Does the Senator know of any project with which Congress has gone so far as to spend $708 million and then to stop it less than 10 percent short of completion and completely waste a total of $800 million of taxpayers' money before we even know if the prototypes will assist us in finding the answers to some of the problems involved?

Mr. FULBRIGHT. I do not have it at my finger tips, but I could supply the names of a great many projects. The Defense Department has had one after another of its ideas—rather exotic ideas—for this kind or that kind of weapon. One name that comes to me is BOMARC. They had a DEW line. They have a great many ideas like that. They spend $5 million or $6 million, and then decide it is a bad idea and abandon it. This has happened again and again. This is a big country, and that happens frequently. We have done a great many things like that.

I did not anticipate that question, but I think I could look up a great many such projects, especially those that the Defense Department has pursued, that have been equally as wasteful as this one.

Take the F–111. It is my impression from the report filed the other day that we are not going forward with it. We have wasted $9 billion before we have decided to cut our losses. How much better it would have been to stop at $1 billion. I am sorry they did not take the advice of the Senator from Arkansas and cut our losses at $1 billion. We would have been $8 billion better off.

Mr. STEVENS. With all due respect to the Senator, this is not a military project; it is a civilian project. It is the first time that this Government has attempted to initiate a major change in its air transportation through the civilian branch of government. The Senator mentioned a minute ago the problem of compromise. Over $100 million has been spent this year. So we had $290 million in the budget. That left $190 million. They came back with $110 million of that. It seems to me that is a pretty fair compromise—$100 million out of the $190 million necessary to finish it.

We read the editorials about how the filibuster in this instance is on the side of righteousness, but as a matter of fact, they fear that we will vote for the SST.

Mr. FULBRIGHT. No; the fear is the Senate will vote for the DOT operations. It is my feeling that in the negotiations over this matter a genuine bona fide offer was made that we drop the SST, pass the DOT appropriations—this has been discussed among those who are interested in this question, as I am—and allow, at a later date, say in February or March, an up or down vote on the SST standing alone. That is a fair proposition, but the proponents of the SST do not want that.

They want the DOT bill to pull this project along at the same time making arguments about the disastrous results to the country if we do not vote for the SST along with the DOT appropriation. It is the other way, in my opinion.

Mr. STEVENS. Would not the Senator agree that almost any appropriation bill, if we took any single item standing alone, that item might not pass; but, taking it as a part of the overall appropriation bill in the legislative process, it would have to go through?

Mr. FULBRIGHT. I will say that, in my experience, conference committees take advantage of the special role of the conference and they do not always reflect the views of the body which they represent. I do not think they did in this case. That is a part of our system. I do not know any cure for it. The only cure for it is to argue it back in the Senate, and try to defeat it.

I would not say that the conferees have not done this before. It is not unprecedented that they bring back an item which is not in accordance with the Senate's views.

Mr. STEVENS. The Senator mentioned the F-111 and the problem there. What harm is going to come to this country if we finish two prototype SST's, when the Concordes are flying, when the British are building them, when the Russians are building their plane? What harm is going to come if we build two scientifically equipped SST's to ascertain the problems of the SST as they effect the world? What harm would there be in that?

Mr. FULBRIGHT. The first harm is the waste of our money. The British are very dubious about the Concorde. I do not know about the Russians. If the Senator is really interested in the technological findings, I am quite sure the British would not keep secret what they have learned about the effects on the ecology or how fast the plane is, and so forth. I do not think there would be any real problem in observing the effects of the Concorde, if the Senator is interested in that. I would not be surprised if the Concorde caused great problems.

Look at our airlines. Someone said yesterday that it is estimated that our own domestic airlines will lose $180 million this year. United Airlines just yesterday changed its management because it is losing so much money. TWA is losing money. Pan American is losing money.

One of the reasons for it is that the industry has forced on these airlines prematurely too many big jets before they have the capability to absorb the costs, or before they have amortized the 707, which is a very good airplane. They bring in the jumbo jets, which have a greater capacity than the airlines now need.

I could put the question the other way: What harm can come to the country by waiting a few years and seeing what others experience? We could observe what the performance does. We could certainly observe what the effect on the ecology is. We do not have to do it all ourselves. We never have had to do it all ourselves.

Take the original jet engines. The Germans had jet engines before we did. We developed them later, but we did not think of them before. We did not even develop the first buzz bombs, our missiles. The Germans, during the war, used the first ones, goodness knows, I wish they had not done it, but we followed them and developed them. There was no harm done in that case. In fact, I think we saved the cost of developing it.

What was the name of the weapon that followed the buzz bomb, the prototype of the missile?

Mr. MANSFIELD. The V-1.

Mr. FULBRIGHT. The V-1. I am talking that kind of development. The Germans did it first.

Does the Senator think we would have been better off it we had developed it before them?

Mr. STEVENS. I would like to answer what harm would come to us if we do not go ahead with it. It will put people out of work as a result of paying termination costs instead of employees to work to finish the job.

The Senator previously talked about water and sewer projects. How many water and sewer projects could have been built in the State of Arkansas or the State of Alaska for $850 million? We made a decision a long time ago to go ahead with the SST. Now we are deciding to wash out it and the $850 million that has been lost won't build water and sewer projects.

Mr. FULBRIGHT. I did not make it. This is a matter of majority rule. I have already done the best I could to explain why the majority of the people of the Senate do not always grasp the full significance of every program that is submitted to us. They are submitted usually by a new President. Nobody knows much about it. It sounds good, and we fall for it. That is human nature.

Mr. STEVENS. I thank the Senator for his courtesy.

Mr. FULBRIGHT. I thank the Senator.

Mr. President, I ask unanimous consent that there be printed in the Record two telegrams that I have received from Little Rock, one signed by a number of my constituents and one signed by Don Wylie, of Tyronza, Ark., together with a letter to me from Vernon D. Smith, of Pine Bluff, Ark., all relating to the SST.

There being no objection, the telegrams and letter were ordered to be printed in the Record, as follows:

Little Rock, Ark.,
December 15, 1970.

Senator J. W. Fulbright,
New Senate Office Building,
Washington, D.C.:

The Arkansas Aubudon Society, the Arkansas Ecology Center, the Arkansas Wildlife Federation, and the Citizens for Life are in full sympathy with the United States Senate in recent overwhelming rejection of the SST. We support the filibuster which will seek to maintain the Senates expressed policy of environmental concern.

H. H. Shugart,
Pratt Remmel, Jr.
Robert E. Apple,
Stan Bradshaw.

Little Rock, Ark.,
December 15, 1970.

Senator J. W. Fulbright,
Washington, D.C.:

I strongly support your stand against the SST. Save our Arkansas tax dollars.

Don Wylie.

Tyronza, Ark.

December 13, 1970.

Dear Sir: This note is to support the action of the Senate is voting to stop the spending on the SST and to urge that they stand firm against any house move to write the money back into the bill. I think the SST is a huge waste as it is and should stay dead.

We must cut the federal spending to the level of income. I can't see how anyone could expect to spend more than is taken in forever without suffering the consequences.

The SST is one of the several things we don't need to throw millions away on.

Sincerely,

Vernon D. Smith.

Pine Bluff, Ark.

TRIBUTE TO SENATOR YARBOROUGH

Mr. FULBRIGHT. Mr. President, I shall yield the floor in a few moments. There are two items to which I wish to call the attention of the Senate.

First, I wish to make a comment about the distinguished Senator from Texas (Mr. Yarborough).

Mr. President, one of the most vigorous and hard-working men ever to serve in the Senate is Ralph Webster Yarborough. A man of strongly held convictions, Ralph Yarborough has never hesitated to speak out and stand up for his beliefs. I have been proud to serve in the Senate with him.

He has been an extremely active legislator. His name is probably attached to more legislation than that of any other Senator in Texas history. He has made a particularly noteworthy contribution in an area of utmost importance—education. He was the author or a principal cosponsor of many of the landmark laws providing for Federal aid to education. The Senator also was the moving force behind the cold war GI bill, the Bilingual Education Act, and numerous other significant educational programs.

He has also taken the leading role in preserving some of the great natural scenery of his State—Padre Island, Guadalupe Mountain, and the Big Thicket. He has a great interest in the history and folklore of our Nation and his region.

As an Arkansan, I have always been proud to have Ralph Yarborough as a neighbor. We Arkansans have some claim on him too because his wife was the head of the home economics department of the Pine Bluff, Ark., High School at the time of their marriage and he has always said that he considered Arkansas as a second home.

I know that when Ralph Yarborough leaves the Senate he will continue to make a vital contribution to the Nation. I wish him the very best.

AMERICAN PRISONERS OF WAR

Mr. FULBRIGHT. Mr. President, through its representatives in Paris the Government of North Vietnam has done me the courtesy of responding to my letter of June 24, 1970, to Premier Pham Van Dong requesting information on American prisoners of war held in North Vietnam. The North Vietnamese reply, which I am told consists of a letter and a list of names, has been transmitted through a member of the Foreign Relations Committee staff whom I asked to go to Paris to receive it. I personally appreciate the courtesy of the North Vietnamese reply. The families of the prisoners and the American people will appreciate this humanitarian gesture coming at the Christmas season.

The list, which I am told contains the names of 339 American prisoners of war, will arrive here tonight. The list will be turned over to the Department of State as soon as it is available. I am advised, however, that the list appears to contain no additional names beyond those which have been previously made available. The new information which the North

Vietnamese reply is said to contain is that the Government of North Vietnam now declares this list to be final and definitive. I have asked the Department of State to provide an evaluation of the North Vietnamese reply by comparing the information it contains with its own prior information. I have also asked the administration to convey all pertinent information to the families of the prisoners as quickly as possible.

I am advised that the North Vietnamese reply may also contain information about American prisoners who have died. Until this information has been received and evaluated I think it inappropriate to comment on it in detail.

Should a careful study of the North Vietnamese reply confirm that men who we had hoped might be alive in fact are not, it will be tragic news both to the families of the men involved and the American people in general. It will nonetheless put an end to the doubt and uncertainty which have preyed on the minds of the families of American fighting men missing in action. For that humanitarian gesture on the part of the North Vietnamese we will all be grateful. It is my sincere hope that this step will be followed by further humanitarian initiatives by both sides.

Nothing, in my opinion, would do more to advance the objective of a negotiated, compromise peace than a policy of magnanimity by both sides with respect to the prisoners they now hold. Should the North Vietnamese Government at any time see fit to release the prisoners it now holds, in exchange for the prisoners held on our sides, there can be no doubt of the favorable and appreciative reaction of the American people. That reaction in turn could conceivably have a constructive effect on the policy and negotiating position of the U.S. Government.

In expressing once again my appreciation of the North Vietnamese reply to my letter of June 24, of which a copy is appended to this statement, I take the liberty of expressing the hope that the Government of North Vietnam, the Government of South Vietnam, and the U.S. Government as well, will give their thoughtful consideration to further humanitarian actions which might hasten the coming of peace.

I ask unanimous consent that my letter to Premier Pham Van Dong be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 24, 1970.

His Excellency PHAM VAN DONG,
Premier of the Democratic Republic of Vietnam, Hanoi.

MY DEAR MR. PREMIER: A year ago I wrote President Ho appealing to him to make public the names of those Americans your Government is holding as prisoners of war. I now make the same appeal to you to publish an official list of those American military personnel held prisoner by your Government.

In his reply to me, President Ho stated: "With regard to captured American military men, the question will be solved at the same time as the whole of the 10-point solution, it cannot be taken as a separate issue . . . ."

The terrible plight of prisoners should not be involved in a dispute over political and military issues. Irrespective of the nature of the Geneva Convention of 1949, in the hands the conflict, a prisoner is, in the words of of detaining power "as a result of circumstances independent of his will." He should be promptly identified, afforded an adequate diet and medical care, permitted to communicate with other prisoners an with the exterior, promptly repatriated if seriously sick or wounded, and at all times be protected from abuse and reprisals. These are purely humanitarian considerations, not political or military.

We know that the war has brought tragedy, sadness, hardship and uncertainty to the people of your country, as well as to people of mine. I am, in my official capacity, doing everything I can to end this tragic affair, and believe that any humane action on your part in regard to American prisoners of war would have an important beneficial effect in hastening this objective.

Sincerely yours,

J. W. FULBRIGHT.

Mr. FULBRIGHT. Mr. President, I yield the floor.

THE FINANCIAL PLIGHT OF THE AIRLINES

Mr. MAGNUSON. Mr. President, the severity of the economic condition of the airlines of this Nation merits the deep concern of this body and of every citizen of the United States. The gravity of their financial plight exceeds even the most pessimistic of forecasts and it is now anticipated that 1970 will be the worst financial year in airline history.

For the 12 months ended September 30 of this year, the scheduled airlines had a net loss of $66.2 million. It is estimated that the 11 trunk airlines plus Pan American, whose combined operations accounted for 90 percent of total ton miles flown by U.S. scheduled airlines in 1969, will experience a loss before taxes of approximately $123 million for the entire year 1970.

The future earnings outlook for these 12 major carriers is even bleaker. Even assuming an upturn in the economy in early 1971, the Air Transport Association projects a loss of $192 million in 1971 and $279 million in 1972.

The dimensions of this crisis are magnified by the commitments the airlines have made to reequip their fleets with new and advanced technology aircraft and thus insure the continued preeminence of the United States in world air transportation. Working closely with aircraft manufacturers, the airlines are investing some $5.5 billion in bigger, more powerful, yet cleaner and quieter aircraft. Thus while sustaining U.S. aviation leadership, the airlines are also making an investment in improving the quality of the environment.

The airlines have not been idly wringing their hands while their losses spiral upward. On the contrary, they have fought back to overcome the mounting cost pressures which lie at the root of their dilemma. These pressures come not only from labor costs, now rising by more than 11 percent a year, but from the rising costs of nearly everything the airlines must buy to provide service to the public. Such costs, coupled with the depressed state of the economy which has so seriously frustrated the anticipated growth of airline traffic, have placed the industry in a serious financial bind. How are the airlines fighting back against these cost pressures? First, they have undertaken a program of general belt tightening, including such cost-cutting steps as reductions in advertising and the elimination of certain refinements in passenger services. Then they have furloughed about 7,000 employees so far this year, in addition to which thousands of jobs have been lost by attrition, thus bringing the total level of employment for many carriers below the 1969 level.

But perhaps the most severe measure to which the airlines have had to resort to cut costs has been the reduction of service to the public. According to a reent survey embracing the Nation's top 1,000 city pairs, which represent 75 percent of the Nation's air service, there were 340 fewer daily airline flights operating in those markets in November than during the same month a year ago. Actually, the number 340 is understated because it is known that there are other cutbacks in the smaller markets that must be added to this total.

I cannot overemphasize to this body and to the entire Congress the seriousness of these cutbacks, representing as they do a material reduction of the very service the airlines are in business to provide. What these cutbacks mean is the erosion of a vital national asset. Yet, despite these and other measures to improve their earnings, the airlines still face mounting losses.

What, then, are the remaining possible solutions?

To help the airlines get started on an economic turnaround, I urge that the Government agencies responsible for developing a viable national air transport system bring to their decisionmaking process a sharpened awareness of the serious financial plight of the airline industry.

The airlines at their peak of productivity could not have kept pace with the increase in labor costs—costs which exceed the general average for all U.S. industry. I would urge that ways be found to reduce such costs.

Finally, the sharp decline in the growth rate in domestic airline traffic from 1968 to date is compelling testimony of the dependence of improved airline earnings on an upturn in the U.S. economy as a whole. I strongly urge that administration policies now proposed or underway to bring about such an upturn be given all possible support.

This country cannot afford to see another transportation system go the way of the railroads or the merchant marine. It should not happen and it need not happen.

With proper remedial measures now, it will not happen.

PROHIBITING PRIVATE PENSION REDUCTIONS AS SOCIAL SECURITY INCREASES (AMENDMENT NO. 1117 TO H.R. 17550)

Mr. JAVITS. Mr. President, last week I introduced amendment No. 1117 to the pending social security bill and requested that it be printed in the RECORD. I now wish to withdraw this amendment because I have received a letter from the Treasury Department which makes it unnecessary.

The amendment I proposed would provide that employers having pension plans under which benefit payments are correlated with social security would have the allowable amount of their deductions under the Internal Revenue Code for private pension contributions, reduced in cases where increases in social security benefits resulted in a deduction of the benefits paid by the pension plan to retired employees.

Last year the Congress voted a substantial increase in social security benefits: At the time I was troubled by complaints that were received from retired persons indicating that the retirement benefits they were receiving from private pension plans were being watered down by reason of the increased amount of social security benefits they were entitled to receive. It was appalling to me that in these inflationary times, the result of voting social security increases was to deprive the retiree by reduction of his other pension income of the very money he needed to cope with the rising cost in living. So this year, I submitted an amendment to the pending social security bill to impose strict penalties as the means of putting an end to this unjust practice.

I have received a letter from the Deputy Assistant Secretary of the Treasury, John S. Nolan, which states that the Treasury Department has changed its position and will no longer permit this practice to take place. I am informed that this change in position is based on the revised regulations of the Treasury which expressly limit social securitv deductions to an amount based on the Social Security Act of 1968 or the Social Security Act in effect at the time at which the deduction is first applied—generally, when the employee first becomes entitled to receive his retirement benefits. Because of this change in the Treasury Department position, and on the expectation that the Treasury will take whatever steps are necessary to see to it that no retired employee unjustly suffers as a result of social security increases the Congress may provide, I have determined that it is unnecessary to press for the adoption of my amendment.

Mr. President, I ask unanimous consent that the letter of Deputy Assistant Secretary of the Treasury, John S. Nolan, as well as the letter of former Assistant Secretary of the Treasury, Stanley S. Surrey, referred to in the Assistant Secretary Nolan's letter, be printed in the Record at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:

The Department of the Treasury,
Washington, D.C., December 16, 1970.

Hon. Jacob K. Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: This is in reply to the request of Mr. Gordon of your office for the present position of the Treasury Department concerning the effect of increases in Social Security benefits upon benefits paid to retired employees under so-called offset plans.

Revenue Rulings 69–4 and 69–5, copies of which are attached, provide specific rules for determining whether a pension, annuity, profit-sharing or stock bonus plan is properly integrated with Social Security benefits. Section 7 of Revenue Ruling 69–4 provides that an offset plan (i.e., a plan under which an employee's retirement benefit is reduced by a stated percentage of his Social Security benefit) is properly integrated only if the rate at which the offset is computed does not exceed (1) 83⅓ percent, if the offset is computed on the basis of the benefit to which the employee would be entitled under the Social Security Act as in effect in 1968, or (2) 75 percent, if the offset is computed on the basis of the benefit to which the employee is or would upon application be entitled under the Social Security Act as in effect at the time at which the offset is first applied. Thus, increases in Social Security benefits cannot result in an increase of the amount of the Social Security offset. This represents a change from the position in former Assistant Secretary Surrey's letter of April 28, 1967, to the Honorable Jennings Randolph, Chairman of the Subcommittee on Employment and Retirement Incomes of the Senate Special Committee on Aging.

In light of the foregoing, I believe that the amendment you have proposed to the pending Social Security bill is unnecessary. As you may have been informed, we have submitted to the Office of Management and Budget a proposed report opposing the amendment.

Sincerely yours,

John S. Nolan,
Deputy Assistant Secretary.

Treasury Department,
Washington, D.C., April 28, 1967.

Dear Senator Randolph: This has reference to our prior correspondence concerning the hearings your subcommittee has held on the subject of "Reduction of Retirement Benefits Due to Social Security Increases." This letter is intended to provide the subcommittee with a discussion of the relevant tax provisions and appropriate background information.

Pension plans which meet the requirements contained in the Internal Revenue Code qualify for favorable tax treatment. One of the principal conditions that must be met is that contributions or benefits under the plan must not discriminate in favor of officers, stockholders, supervisors, or highly compensated employees.

However, the code specifically provides that, for the purpose of these requirements, a plan may qualify even though it excludes employees whose entire compensation is not in excess of the maximum wages subject to social security contributions. Alternatively. the plan may provide different rates of contributions or benefits for these employees than are provided for other, or higher paid employees. In general, by these provisions Congress intended to permit the qualification of plans which are designed to supplement the social security program. Therefore, under the code, if plan benefits are satisfactorily integrated with benefits under the Social Security Act, the plan will qualify, notwithstanding differences in coverage or benefits as between employees whose earnings are below the maximum social security wage base and those whose earnings are in excess thereof.

There are various types of integrated pension plans, each supplementing social security in a different manner. One type, commonly referred to as an "excess" plan, provides a retirement benefit equal to a specified percentage of the employee's average earnings in excess of the wage level at which the plan integrates with social security, frequently the maximum social security wage base. In order to qualify under the code, the pensions which these plans provide may not be relatively greater than the retirement benefits which the lower paid employees receive under the social security laws attributable to the employer's social security contributions. Under this type of plan, plan benefits are not subject to modification by reason of increases in social security benefits payable to a retiree which occur subsequent to his retirement.

Under another type of integrated plan, the benefits provided by the employer's plan supplement the benefits provided by the social security program by an offset type of benefit formula. This type of plan provides the employee with the difference between a total amount specified in the plan and his social security retirement benefit, or a designated percentage thereof. Thus, the employee is granted a total pension of a fixed amount, with the excess over the portion furnished by the social security system being furnished by his employer's plan. These plans may qualify under the present code provisions if the amount of the reduction for social security benefits is not as great as to include any portion thereof which may properly be considered attributable to employee contributions to the social security system.

However, the offset for social security benefits may be adjusted following retirement by reason of increases in social security benefit schedules. Thus, the effect of such a plan may be to reduce plan benefits as social security benefits increase. However, in some cases employers have amended the pension plan to restore the reduction in plan benefits so that the retiree realizes the full increase in social security benefits.

The Internal Revenue Services advises that their statistical compilations do not reflect the number of tax qualified offset type pension plans. Accordingly, I am unable to furnish you with data indicating the incidence of these plans or the total number of present and retired employees covered by such plans.

I trust the foregoing will be assistance to the subcommittee in its consideration of this important subject.

Sincerely yours,

Stanley S. Surrey,
Assistant Secretary.

DOSSIERS OF DEFENSE DEPARTMENT OF OFFICEHOLDERS

Mr. JAVITS. Mr. President, one of the points with respect to this controversy which is going on in the country regarding records the Department of Defense is keeping on officeholders, if any, there was a voluntary statement made by the Secretary of Defense in testifying before the Committee on Foreign Relations, of which I am a member, on December 11, 1970, page 97, in which he offered to give any dossier on personal lives and ideological views to the chairman of the committee if he wanted it. As I wanted to find out whether the same thing that has been alleged is going on in Illinois is also going on in New York, I asked the Secretary of Defense by letter delivered last night, if he had any such dossier on me.

I ask unanimous consent to have printed in the Record that letter, to which I hope to get an early reply.

There being no objection, the letter was ordered to be printed in the Record, as follows:

December 21, 1970.

Hon. Melvin R. Laird,
Secretary of Defense,
The Pentagon,
Washington, D.C.

Dear Mr. Secretary: Recent disclosures that Army Intelligence activities have been directed toward civilian office holders and political candidates in the State of Illinois are most disturbing. If true, this practice is to be condemned in the strongest terms and corrected without delay.

I am particularly concerned because more than a year ago I contacted the Department of the Army about just such invasions of civilian privacy—specifically the data bank at Fort Holabird—and was assured by the General Counsel of the Department, Robert E. Jordan III, that the Army has been "keenly sensitive to the longstanding American tradition separating the military from involvement in domestic politics." Though undoubtedly sincerely observed by the officials of your Department, as Mr. Jordan stated, this tradition may not have guided the actions of some local military commanders who may have ordered these investigations.

Accordingly, pursuant to your offer made to Senator Fulbright at the Foreign Relations Committee on December 11, 1970, I would appreciate your forwarding to me for my personal reference only, a copy, if any, of any dossier (other than of my military record or official acts) relating to me which is in the possession of the Department of Defense; that seems to me to be the best way to find out if any such practice exists as to office holders in New York.

Thank you for your courtesy and cooperation.

With best wishes,
Sincerely,

JACOB K. JAVITS.

Mr. JAVITS. Mr. President, I have no particular need to have an interest in what anyone in the Pentagon may think of me, but I am interested in whether the practice is being pursued about officeholders in New York.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator may proceed.

FUELS AND ENERGY STUDY AND POLICY DEVELOPMENT

Mr. RANDOLPH. Mr. President, on July 16, 1970, for myself and 62 other Senators, I introduced S. 4092, to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure that U.S. requirements for low-cost energy will be met, and to reconcile environmental quality requirements with future energy needs. The Commission would have been composed of six Members of the Congress, and 15 members appointed by the President—nine of them from departments, offices, and agencies of the executive branch—and six of them from among members of the public who have particular knowledge and expertise with respect to fuels and energy.

In the House of Representatives, several generally similar measures were introduced. But the House did not hold a single hour of hearings on any of its bills and has not shown an inclination to act on them.

The Senate Committee on Interior and Insular Affairs, chaired by the distinguished junior Senator from Washington (Mr. Jackson), through its Subcommittee on Minerals, Materials and Fuels, chaired by the able Senator from Utah (Mr. Moss), held timely hearings last summer on S. 4092, during which no oppositon was voiced. In fact, the hearings and subsequent written testimony provided positive evidence of the need for a study of the energy demands and of the fuels and energy resources, requirements and policies of the United States. Those hearings further produced evidence of urgency for an evaluation of all possible alternative methods of energy production and of the relative merits of all energy sources, including fossil fuels, synthetic fuels derived from natural fossil fuels, nuclear, and any other practical sources.

Based on such studies and evaluations, S. 4092 would have required that the Commission recommend those programs and policies which are most likely to insure, through maximum use of indigenous resources, that the Nation's rapidly expanding requirements for low-cost energy will be met, and in a manner consistent with the need to safeguard and improve the quality of the environment.

But the Nixon administration has rejected the legislative-executive-public partnership proposed as Commission composition in S. 4092. It is officially on record in a letter from the Office of Budget and Management as being opposed to the bill. The communication from OBM to Interior Committee Chairman Jackson was delivered during the postelection recess of the Congress. The executive establishment seems to feel it has sole jurisdiction and responsibility, including that of recommending and structuring legislation. I do not agree that Congress can or should wait for the executive branch to ask for specific actions and authority.

In view of the administration's reluctance to participate in a joint executive-congressional study along the lines proposed in S. 4092, Senator Jackson and I have reviewed alternatives. We are in agreement that the most feasible vehicle for an urgently needed congressional effort would be a resolution empowering the Senate Committee on Interior and Insular Affairs to make a detailed fuels and energy study and to report its recommendations during the 2-year life of the next Congress, beginning in January 1971 and extending to January 1973. No other means is known that can activate this vital effort without further lengthy delay.

The Interior Committee has primary jurisdiction in the Senate for fuels and energy policy, even though other committees have some degree of jurisdiction. With the requisite funding and with cooperation by other committees, and by the executive branch, our Interior Committee can effectively undertake the mission originally intended for the Commission proposed by S. 4092.

Senator Jackson and this Senator are preparing a draft resolution for introduction early in the 92d Congress to authorize a fuels and energy study and for the development of policy guidelines. The draft resolution is patterned in substantial degree after Senate Resolution 105 from the 87th Congress, which authorized the last major study of this important segment of our economy undertaken by Congress. When the proposed resolution is completed it will be circulated for review and cosponsorship soon after the 92d Congress is convened and organized.

Mr. President, I commend the junior Senator from Washington (Mr. Jackson) for his cooperation in seeking to launch an objective and far-reaching study and evaluation of the Nation's critical fuels and energy problems. As sponsor or active cosponsor of much of the Nation's important legislation on environmental protection and public resource development, Senator Jackson is uniquely qualified to perform a major role in the review of existing policies and, where appropriate, the development of new national fuels and energy policies or policy guidelines.

Mr. JACKSON. Mr. President, I compliment the senior Senator from West Virginia (Mr. Randolph) on his fine statement. I want to assure the chairman of the Public Works Committee and other Members of the Senate that I share his views on the critical need for an indepth review of the Nation's fuels and energy situation. I want also to state that this subject will receive the careful and considered attention of the Senate Interior Committee during the next Congress.

It is my view, after consultations with other committee chairmen and Members of the Senate, that the goals, purposes, and objectives of S. 4092 can best be achieved by a direct congressional study of the Nation's fuels and energy policies. As Members of the Senate are aware, the Nation's energy policies have important ramifications for the consumer, for the quality of our environment, for national security, and for our economy. Because of this I believe it is very important that the Congress be involved, with full opportunity for public hearings and participation, in any effort to review present policies and, where appropriate, the recommend new policies.

It has been 9 years since the adoption of Senate Resolution 105, which was sponsored by the senior Senator from West Virginia. In my judgment, it is time for Congress to exercise its responsibility and to undertake a study and review along the lines of that proposed by the Senator in S. 4092.

As the distinguished senior Senator from West Virginia has said, we are preparing a measure to authorize and to finance the fuels and energy effort by the committee of which I am chairman. Provision will be made for direct cooperation with other Senate committees and joint committees.

SENATE RESOLUTION 498—A CONTINUING RESOLUTION

Mr. MANSFIELD. Mr. President, I just heard the remark, "This is the first I have heard of this resolution," which will be presented at the desk shortly. I am delighted that that remark was made, because the joint leadership has tried to keep clear of all the interested people, so that what it did, it did on its own; and what the consequences are, it will accept as its own.

Mr. President, on behalf of the Republican leader and myself, I send to the desk a resolution and ask for its consideration.

The PRESIDING OFFICER (Mr. CASE). The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 498

Whereas, the conference report on H.R. 17755 has been before the Senate for six days and the Senate has refused to limit debate thereon, and

Whereas, there is no likelihood that the Senate will be able to resolve this issue before the termination of the 91st Congress: Therefore be it

Resolved, That it is the sense of the Senate that the final disposition of funding for the development of the supersonic transport be deferred, and that the conference committee on H.R. 17755 be reconvened; and be it further

Resolved, That it is the sense of the Senate that the level of appropriations for the Department of Transportation for fiscal year 1971 be as prescribed in the conference report on H.R. 17755 with the exception of the funding for the supersonic transport which shall be continued at the level of $290 million per annum until March 30, 1971; and be it further

Resolved, That it is the sense of the Senate that prior to March 30, 1971, the Senate will have the opportunity to vote on the funding for the remainder of the fiscal year 1971 for this program.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. STENNIS. Mr. President——

Mr. JACKSON. Mr. President, reserving the right to object——

Mr. MAGNUSON. Mr. President, reserving the right to object, is this a unanimous-consent request?

Mr. MANSFIELD. Not unanimous consent.

The PRESIDING OFFICER. It takes unanimous consent to consider the resolution.

Mr. JACKSON. Reserving the right to object, Mr. President——

The PRESIDING OFFICER. The Senator from Washington reserves the right to object.

Mr. STENNIS. Mr. President, has a request been made for its immediate consideration?

The PRESIDING OFFICER. The Senator from Washington has the floor on his reservation.

Mr. JACKSON. I yield to the Senator from Mississippi.

The PRESIDING OFFICER. Is there objection to the Senator's yielding?

Mr. STENNIS. I thank the Senator.

I just ask whether there has been a request for immediate consideration.

Mr. MANSFIELD. For its consideration.

The PRESIDING OFFICER. Such a request has been made and is now pending before the Senate.

Mr. STENNIS. Reserving the right to object—I ask unanimous consent that I may yield to the Senator from Nevada. He has held the hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, if the Senator will yield——

Mr. JACKSON. I yield.

Mr. BIBLE. This is the first I have seen of this resolution. I do not know what the full import or the full impact of it is. I certainly think we are going to be required to study the resolution. As I understand it, however, it still puts us back into a rather direct confrontation with the House of Representatives. We have found the House to be unyielding to date.

We are looking for the various alternatives to work this out. We met, in accordance with the request or directions of the distinguished leaders of both the majority and the minority. We conferred further with our counterparts on the House side. I could not see that there was any give in their position. The House feels that if the conference report is agreed to, it goes to the White House. If it is rejected, it will result in the appointment of new conferees, and we would seek a further conference. It seems to me that that is the orderly procedure by which we must attempt to come out of this impasse.

I would say to the distinguished Senator from Mississippi that my impression is that this proposal does not move us very much farther down the road, because it still does not bring us to grips with the problem with our counterparts on the House side.

I believe that this does not get at the problem. The conference report should be voted up or down. If it is rejected, a new conference can be called for, and new conferees or the former ones can go back into conference with the House of Representatives. Every indication we have had so far is that after that we will be right back where we are. We have done our best to try to work out a solution, but so far we have hit an impasse, or at least a rather unyielding attitude on the part of the other body.

Mr. JACKSON. Mr. President——

Mr. STENNIS. Mr. President——

Mr. PASTORE. Mr. President, reserving the right to object——

Mr. JACKSON. I have the floor.

The PRESIDING OFFICER. The Chair has the control of the time, if the Senator will permit the Chair to make that observation. But the Chair wants to be agreeable to everyone and wants to hear everyone, within reason.

Does the Senator from Mississippi have something to say?

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. This is on a reservation, but the time is under the control of the Chair.

Mr. JACKSON. Is the reservation still in effect?

The PRESIDING OFFICER. The Chair considers it still in effect.

Mr. STENNIS. Mr. President, if I may be recognized, I reserve the right to object, and I shall be quite brief.

I have no complaint whatever about this resolution. I want to make that clear. But, as one conferee, I certainly was not consulted about it. I think that is correct, also, of the Senator from Nevada. I am not certain.

Mr. BIBLE. I think the majority leader will indicate that.

Mr. MANSFIELD. No one was consulted except the leadership.

Mr. STENNIS. It is new, and I can give my reaction quickly.

As a procedural matter, I do not believe that this is a correct approach, at this stage, for the House. There is a reference in the resolution to a continuing funding of the SST until the end of March. That is a matter that would have to arise in the House. They would pass on that, it being in the nature of an additional appropriation bill; and, under their prerogatives, it would have to originate there. Certainly, they should be consulted fully about a matter such as this before the Senate agrees to a sense of the Senate resolution.

It is contrary, I respectfully submit, to the procedure and to the way to persuade them to do something different from their present position. So I strenuously object, Mr. President. Until this thing has sunk in and is understood in the House more than it is now, I object to its immediate consideration.

The PRESIDING OFFICER (Mr. CASE). Is the Senator from Mississippi objecting?

Mr. STENNIS. Yes, Mr. President.

Mr. PASTORE. Mr. President, are we going to be able to say something, too?

Mr. JACKSON. I have not said a word yet.

Mr. MANSFIELD. I want to reiterate again that the joint leadership deliberately kept this away from the conferees who were carrying on the meetings to see if some solution could not be achieved. We did so, so that they would be perfectly in the clear on what they have all said about not being consulted; and they are absolutely correct. But I repeat, that was a deliberate move on the part of the joint leadership.

So far as the rights of the House are concerned, may I say to the Senator from Mississippi that they have not been infringed on one bit. This is a sense of the Senate resolution, an attempt on the part of the leadership to face up to a difficulty which seems to be almost impossible to solve at the present time. The clock is running out. We think that this is the proper procedure. We think that the Senate should have the right to express itself, if it so desires, on a compromise proposal which I believe goes a long way toward meeting the objections on both sides, with the only limitation being a limitation on time.

Mr. JACKSON. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. Yes, indeed.

Mr. JACKSON. Is this resolution not the same as the previous proposal of the

Senator from Wisconsin (Mr. PROXMIRE) except for the difference of 30 days?

Mr. MANSFIELD. I do not know. If the Senator from Wisconsin is in the Chamber, I would appreciate his answer to that on the basis of time and amount.

Mr. PROXMIRE. No. This was not the proposal of this Senator. We discussed several alternatives. The $290 million amount was never at any time, to my knowledge, considered, that we would go that far. The date was certainly not in mind. We did have the notion that there would be some kind of continuing resolution.

Mr. JACKSON. Was it $285 million in your proposal instead of $290 million?

Mr. PROXMIRE. No. What we were discussing was the possibility of having funding for the SST at a rate—the Senator from Illinois might help me on this.

Mr. BIBLE. $20 million.

Mr. PERCY. May I reply to that? If the Senator from Montana would yield—

Mr. MANSFIELD. I yield.

Mr. PERCY. We have an understanding between us that we would not discuss any proposal, one proposal against another, but if my colleagues will free me to do it, I shall be happy to do it.

Mr. MANSFIELD. We have had no idea——

Mr. PERCY. I did not know about the resolution until it was handed to me this moment.

Mr. JACKSON. I would like to ask the Senator from Nevada (Mr. BIBLE) or the Senator from Mississippi (Mr. STENNIS) what the proposal was. We should know exactly what we are talking about now, in view of the fact that the Senate is discussing this continuing resolution, and in view of the fact that this is now contained in the resolution.

Mr. BIBLE. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. BIBLE. It has not been contained in the resolution. It has been thoroughly aired in the newspapers. I read it Sunday morning myself. I thought we had come to an agreement. It was pretty well aired around. I do not think it is any violation of what we are attempting to do. We are attempting to get this resolved. One possibility we considered was funding it for an additional 2 months at the rate of $24 million a month. I think that is correct, that this—for 2 months—was proposed. That was proposed and there was also a proposal with the possibility of funding it for 3 months.

This is all in the area of the agreement. The resolution is in the same rough area of the agreement we had, give or take $1 or so.

Mr. PROXMIRE. I believe it would be unfair to characterize this as a proposal of the Senator from Wisconsin or the Senator from Illinois, or the Senator from Mississippi, or the Senator from Nevada. This was something that we discussed as an alternative in our sponsorship of this, as alternatives available but not identified with any party to the conference. Is that correct?

Mr. BIBLE. It was discussed in friendly fashion. The figures went back and forth. There was no firm agreement, nothing of a binding nature. It was to arrange an attempt to get out of this impasse.

Mr. SCOTT. I think the trouble is that the Senate is drowning in amity.

Mr. BIBLE. It may be. We are also trying to bear in mind that we have counterparts on the opposite side of the Capitol; trying to keep that in mind as well, so that we can try to work ourselves out of this dilemma.

Mr. MANSFIELD. Will the Senator from Nevada yield to the Senator who has the floor?

Mr. BIBLE. I yield. [Laughter.]

Mr. MANSFIELD. It is my understanding that this was one of the reasons for the resolution at this time, that it has been well nigh impossible to get together with the House on this particular matter. We have got to break out of it some way or allow the appropriation bill to die at midday on January 3, 1971.

Let me emphasize again, as the members of the conference have, and as the two most interested Senators have, that it was deliberately kept away from everyone so that no one would be involved, so that no one knew anything about it, have any blame, any credit, or any responsibility.

Mr. SCOTT. Mr. President, I would like to make a brief statement, that this is a joint resolution, therefore a resolution offered on the responsibility of the leadership, one of whom has one point of view in the matter in controversy and the other is on the other side of it. So we are not prejudging the matter. The majority leader and I would vote differently on this. But we were prepared, before the Senator from Rhode Island raised certain points this morning, to consider a course of action which led to this because, as the Senator from Rhode Island said this morning, the obligation of the leadership is to try to solve the unsolvable, to try to surface some kind of solution. We have done it. In doing it, we have said to Senators, if you do not like this proposal, you can do another one. But we think this is the fairest, because we are opposed to each other if it comes to a vote. The only thing the leadership can do here is to point up that there has got to be a solution to every legislative problem, and this is one which we propose.

Mr. PASTORE. Mr. President, I applaud the leadership's taking the leadership on this question. We are at an impasse. All we are getting are words, words all over again and words again. Sometimes we reason that both sides are severely polarized and we have got to break the logjam. We do not alone have just the transportation appropriations bill. We have the family assistance plan. We have social security. Millions upon millions of Americans are finding it hard to get along, especially at this time of the year. They have been promised a little bit of an increase and we have not considered that yet. Then we have the continuance of the extension of the excise tax. We have all this to take care of and only 6 days left in which to do it.

The big question is, What do we do about it? As I suggested some time back, the Senate resolution is a continuing resolution and whether we like it or not, we cannot go on forever, because the leadership has a tremendous responsibility, and I want to applaud them for it. I think that if this comes up, I will vote for it. This is one time I think all of those who are philosophically opposed to cloture should vote for it. One of the troubles is that those who are for the SST have a very strong conviction about voting for cloture. That is why we are stagnating here, because we cannot get cloture, because of the philosophical convictions of some Senators who, at the same time, are for the SST. That is the maze we are in.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. PASTORE. Wait until I get finished, please.

Mr. SCOTT. That is very fair. [Laughter.]

Mr. PASTORE. If we are going to break this impasse, we have to do something and I want to repeat that this is one time when the leadership stood up and proved their quality.

Mr. MANSFIELD. Mr. President, before I yield to the Senator from Washington (Mr. JACKSON), may I say that the Senate has had a chance to vote twice on cloture. I think that the Senator from Rhode Island has put it correctly when he said that even this procedure causes difficulty because 11 to 14 of those who voted against cloture are those who would vote for the pending conference report.

Then we have this particular procedure to follow. We then have the question of tabling on the question of acceptance.

There are no other weapons that I know of. What we are trying to do is to use them to bring this to a head.

Mr. President, I yield to the Senator from Washington.

Mr. MAGNUSON. Mr. President, there is one other motion that the leadership could make. They could make a motion to vote on a day certain on the conference report and the Senate could do something.

Mr. MANSFIELD. Mr. President, I would be glad to vote on a day certain.

Mr. PASTORE. They would filibuster that.

Mr. MAGNUSON. I understand that. What we are trying to do is to get a vote.

Mr. PASTORE. Let us not encourage any further filibusters.

Mr. MAGNUSON. They will not be voting on the conference report. They would be voting on whether to vote a day certain.

Mr. MANSFIELD. I would be glad to vote on a day certain. What date would the Senator suggest?

Mr. MAGNUSON. Any day. New Year's Eve, if the Senator wants.

Mr. JACKSON Mr President, I just want to make two observations. There has been a lot of discussion in the press about the House position on this matter. I have talked with GEORGE MAHON, the distinguished chairman of the House

Committee on Appropriations, with whom I had the privilege of serving when I was in the House. He called me and wanted to make it very clear that the House intends to stick by the House rules.

I pointed out that the pending resolution, of course, has as its effect the changing of the rules of the Senate, because it would again attempt to direct the conferees to follow the mandate of this resolution, when the rules of the Senate provide, as every Senator knows, that we must vote up or down on the conference report before we can move in that direction.

The other side is exercising all its rights under the Senate rules and has insisted that the rules of the Senate be followed. I think that in fairness we are at an impasse. The House has made it abundantly clear that if we go back to conference they are not going to budge from their position. They are opposed. I am authorized to say this. They are opposed to breaking out any one item and acting on that item without regard to the rest of the bill.

That is the position of GEORGE MAHON, the chairman of the Appropriations Committee. He made it very clear. He called me, I did not call him. There should be no misunderstanding on that point.

Obviously the answer to this impasse is to vote cloture so that we can get a vote on the conference report and vote it up or down. This is what we have been trying to do for some time.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, if the Members of the Senate noticed a few minutes ago, the majority leader was smiling out loud. I think that was perhaps because I passed him a note stating that the conferees have agreed upon an excellent food stamp program for the next 3 years.

I did vote against the SST. I voted against both cloture motions, but not for the reasons that many others opposed it.

I would very gladly vote to see everyone in the State of Washington or in any other State kept on the job for the indefinite future. But I do not believe that the way to cure an extended recession which we might call the situation which we are experiencing at the present time, with so many people being laid off, is to put several hundreds of millions of dollars into any one or any half dozen giant organizations, whether they be railroads or manufacturing plants.

I believe that we have to restore prosperity from the ground up and need a national policy which is applicable to all industries, large and small.

I know it is not easy to work out, but it can be done and it ought to be done.

I think that the majority leader has now offered a proposal which I can support. We know perfectly well that the SST is not going to be flying over Washington, D.C., before the 1st of April. In the meantime these people will be kept employed and we will have time to decide what to do for the future.

I want to say that having voted against the SST in every way up to this time, I am willing to vote to keep the men in the scientific community employed for the next 3 months until we have had a chance to see what we can work out. But I want it understood that by so doing I am not giving approval for continuing my support for the development of this giant plane beyond that time.

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I would like to join with the Senator from Vermont (Mr. AIKEN). I voted against both cloture motions. I voted against the SST. The realities of the situation to my mind always dictated this to be a business and economic decision.

The suggestions made by the leaders are essentially the suggestions of the Senator from Rhode Island (Mr. PASTORE) as to how the matter ought to be settled.

I speak because I think it is important. As I said the other day, so that people do not get the wrong impression about the votes on cloture, I point out that I want to see this matter settled. I think the great majority of the Senate wants to see it settled.

I will support the leadership resolution.

I would suggest this for the consideration of the Senator from Washington (Mr. JACKSON). He can still block it. I am advised that we could table the conference report. We could then ask for new conferees and then instruct the conferees and they would go to conference with the House conferees and bring back a new conference report. In that way every rule can be observed. Any Senator could still kill it. We are not trying to override the rules. We can do it in accordance with the rules.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I move that the Senate vote on the resolution at 2 p.m. on Tuesday, December 29; and I ask for the yeas and nays on the motion.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. BENNETT). The Senator will state it.

Mr. JACKSON. Mr. President, is the motion of the Senator from Pennsylvania to vote on the Senate resolution in order at this time?

The PRESIDING OFFICER. The motion of the Senator from Pennsylvania is not in order at this time.

Mr. SCOTT. Mr. President, I withdraw the motion temporarily. It was made for the purpose of indicating a willingness to fix a date on which to vote. It is not in order at this time.

I may renew the motion later, but I would like the Senator to consider the desirability of voting at 2 o'clock, Tuesday, December 29.

Mr. STENNIS. Mr. President, what is the pending matter before the Senate?

The PRESIDING OFFICER. The pending matter is still the adoption of the conference report.

THE SST

Mr. DOLE. Mr. President, I should like to return to my remarks of yesterday regarding the letter sent to the Speaker of the House and the President of the Senate, dated June 14, 1963, signed by President Kennedy, with reference to the SST. This touched off a colloquy involving the Senator from South Dakota (Mr. GOVERN) the Senator from Wisconsin (Mr. PROXMIRE) and me which deserves your further consideration.

I asked the Senator from South Dakota what change had occurred since 1963, now that we had invested some $700 million in a program initiated by the late President Kennedy, that we should now turn our back on the program.

The Senator from South Dakota suggested that we know a great deal more about the problems of the environment today than we did in the early 1960's but he failed to state one environmental fact—one kernel of evidence—that would cause reasonable men to take the drastic action he proposes against the SST program. He also suggested that gross national product and matters associated with balance of payments were overriding considerations in the early 1960's, inferring that they are not important today.

Mr. President, I suggest that gross national product and balance of payments matters are just as important today as they were on June 14, 1963. In fact, in many ways such as our current high unemployment, the reasons for continuing today are more evident than in 1963.

The Senator from South Dakota stated that he does not want to suggest that for all time we ought to dismiss the possibility of building the SST, but he thinks that we ought to slow down this project, postpone it for the time being until we have more answers to the environmental concerns.

The approach to the SST program is aimed at exactly what the Senator suggests. Build prototypes and test them extensively before allowing production. This is the only sure way to ascertain that environmental questions are answered. At this point in time the two prototype aircraft are actually in initial construction. About 14,000 people are now on the payroll to accomplish this job. This team has been assembled with great care and represents the finest aviation talent in the world. It is, of course, impossible to hold this team at a standstill, and it is equally impossible to disband it and at a later date try to reform it without incurring tremendous expenses.

The time to make the determination of whether the SST should be put into fleet-wide service is when the prototype airplane has demonstrated not only its environmental effects, but also its economic viability. That is the time to judge the program. Many people today have already made judgment against the SST. In essence they are judging the plane guilty before the trial.

No scientist has suggested that the two prototype aircraft will, in themselves, have an adverse effect on the environment. The Government's plan is to complete these two prototypes and enter them into an extensive flight test program while simultaneously implementing a comprehensive environmental research program to answer the unknowns concerning supersonic fleet operation impact on the environment.

The flight test program and the environmental research effort will be structured so as to provide answers needed to make the decision concerning the production of the U.S. SST before such production effort is initiated.

The prototype aircraft will be particularly beneficial as a testbed for noise reduction devices with potential application to the production model. Engine installation effects, and aircraft performance characteristics can best be determined by installing suppression devices on the prototype aircraft. In other words, the most conclusive answers concerning noise suppression devices can best be obtained by flying the two U.S. SST prototype aircraft.

To delay the development of the prototype aircraft would have little or no effect on the world's participation in supersonic flight. Foreign SST programs are entering the production phase. The simple fact is that the age of supersonic flight was ushered into the world over 20 years ago and with or without U.S. participation, this form of aviation will continue and increase.

I agree that if there is any possible detrimental effect on the environment from supersonic flight, the United States should take the leadership in making this determination. But this can be done simultaneously with the completion of the U.S. SST prototype endeavor, thus reducing the risk of losing our country's leadership in commercial aviation in the 1980's; maintaining the SST team intact and most economically achieving an American aviation objective started ten years ago.

The Senator from Wisconsin has suggested that all of the supersonic R. & D. questions could be answered by the operation of military aircraft and engines already available.

Military aircraft can certainly fulfill a valuable supporting role, however, much extrapolation and lack of conclusiveness will degrade this scientific endeavor if the SST prototype aircraft are not also available.

Mr. President, there are no Department of Defense programs to develop any aircraft resembling the SST prototypes. In the mid 1950's, requirements for military aircraft and those for commercial transports took different paths. Our military needs centered on supersonic dash capabilities, rather than a sustained supersonic flight as we see in the SST. Also, military considerations rather than passenger comfort and economy of operation have, necessarily, dictated the design of DOD aircraft. Any attempt to use only military supersonic aircraft to test the environmental effects of commercial supersonic transports would be of limited value.

The Secretary of Defense recently indicated that current military aircraft programs are not adequate to demonstrate the problems of commercial supersonic operations. In July of this year Secretary Laird stated:

> There are clear national advantages to the further development and growth of aeronautical technologies such as titanium, propulsion, operational techniques, etc., that are inherent in supersonic cruise vehicles such as the supersonic transport, and which are currently not available elsewhere in the free world.

It is because of these reasons, that, for the past 9 years, three administrations—two Democratic and one Republican—have decided to fund the SST development effort.

With the much valued help of the DOD, as well as that of the entire U.S. scientific community, the DOT has assembled a research program aimed directly at filling these gaps of scientific knowledge related to the environmental impact of supersonic flight operations. This program, to be conducted concurrently with the construction of the two SST prototype aircraft, will provide the United States with the needed additional environmental knowledge required to assure that the age of supersonic flight will have no significant adverse effect on the world environment.

SOCIAL SECURITY AMENDMENTS OF 1970

Mr. MANSFIELD. Mr. President, if I may, I ask unanimous consent in accordance with the agreement reached some days ago that the Senate resume the consideration of Calendar No. 1443, H.R. 17550.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

> H.R. 17550, a bill to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

The PRESIDING OFFICER. Without objection the Senate will continue with the consideration of the bill.

The Senate will be in order. The majority leader cannot be heard.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCHWEIKER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order the Senator from Delaware is recognized.

Mr. WILLIAMS of Delaware. Mr. President, I am going to make another effort to see if we can get this particular bill off dead center.

Mr. TALMADGE. Mr. President, we cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Delaware may proceed.

Mr. WILLIAMS of Delaware. Mr. President, I am going to make another effort to see if we can get this bill off dead center and to a point where the Senate can vote either up or down on various provisions in which we are interested.

There is no question but that there seems to be quite a bit of controversy on this bill.

Mr. President, may we have order?

The PRESIDING OFFICER. Senators will be seated. The Senate will be in order.

The Senator may proceed.

Mr. WILLIAMS of Delaware. Mr. President, since no one is interested, perhaps this is a good time to present the unanimous-consent request.

The PRESIDING OFFICER. What is the request?

Mr. WILLIAMS of Delaware. I thought I would get silence if I made that suggestion.

The Senator from Pennsylvania appears ready to object, but I hope he will not object when the request is presented.

We have a problem here where there is considerable discussion and controversy about whether the Senate should or should not agree to the family assistance plan. There is also a controversy with regard to the trade agreements.

I am going to make the suggestion that we delete titles III, IV, and V from the bill, which deal with trade, the catastrophic insurance, the welfare amendments, and also delete the Ribicoff-Bennett amendment and the Scott amendment and the Talmadge amendment, which I offered for the trade agreements. That would strip the bill down to titles I and II. Title I is social security and cash benefits and title II provides revisions in medicare and medicaid. If we would strip the bill down to those two titles we could get this bill enacted this afternoon. We could soon dispose of the social security section and on Monday the medicare and medicaid section and take the bill to conference. This would get these social security increases out to the public at an early date.

If the proposal is to be successful it would be necessary to have a gentleman's agreement that these controversial matters now being deleted will not be submitted as a part of the revised bill, because if one of them is submitted the others will be submitted, and we will be back where we are now.

If that is done we could ask unanimous consent to consider the amendments in titles I and II en bloc for the purpose of procedure, and they could be considered as original text for the purpose of amendment. Further, I would agree to limit the time on all amendments to 1 hour.

I do not know whether we could get such an agreement, but there must be a recognition of the fact that this bill will not become law as long as the trade sections and guaranteed annual income features are added to it. In the meantime, a lot of people who are hoping for an increase in social security benefits are going to be disappointed.

I am wondering if the Senator from Pennsylvania could go along with such a proposal.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. SCOTT. I would say, first, to the Senator that I would like to read to the Senate a letter of today's date addressed to Representative Gerald R. Ford of the other body. This may help answer the Senator's question. The letter states:

December 22, 1970.

Hon. Gerald R. Ford,
U.S. House of Representatives,
Washington, D.C.

Dear Jerry: In response to your question about my attitude toward the Social Security legislation now stalled in the Senate, be assured that I favor quick enactment.

Some Senators contend that Social Security legislation cannot be salvaged in this Senate unless welfare reform, appropriation bills and other vital measures are sacrificed. I am not yet willing to concede the Senate's indifference or impotence. I have urged the Senate to bring to vote all of this important work that lies before it. There is still plenty of time to do what is necessary before January 3.

Should the Senate be unable or unwilling to adopt these vital measures by then, I will resubmit the Social Security benefit increases and welfare reform, along with the other key bills that remain unenacted. And I will propose that the Social Security increases be retroactive in their effect to January 1, 1971, so that no Social Security recipient is harmed by the Senate's failure to act.

Sincerely,

Under the circumstances whereby the President has made clear his desire for the inclusion of welfare reform and social security, and the feeling we should act on both, I have not, of course, lodged any objection at this time but I would wait until the Senator submits his proposal.

Mr. WILLIAMS of Delaware. I will submit it as a unanimous-consent proposal because it is always gratifying to find the Senator supporting the President, and I would not want to let this session of Congress go by without giving him that opportunity.

Mr. SCOTT. The Senator knows I support the President about as often as any Member of the Senate, and I cite the Congressional Quarterly as evidence of that.

Mr. WILLIAMS of Delaware. I am well aware of the Senator's record. He always votes with him when he thinks the President is on his side.

Mr. SCOTT. When the President is right, which is the largest part of the time.

Mr. WILLIAMS of Delaware. Seriously, I think this proposal is the only logical solution. As the Senator from Connecticut will confirm, I supported him before on a series of unanimous-consent requests to limit debate. I would like to see this matter voted on, up or down—all features of the bill.

As the Senator from Connecticut knows, I am opposed to the pending Ribicoff-Bennett amendment, and I expect to vote against it. However, I have no objection to the Senate voting, and I shall abide by the decision of the Senate.

Mr. President, I ask unanimous consent now that the time on all amendments in this bill be limited to 2 hours and that time on the bill not exceed 4 hours with the time equally divided. I ask unanimous consent that we start voting, that the amendment of the Senator from Connecticut be the first amendment voted on, and that we vote on all amendments to amendments, up or down, at this session.

The PRESIDING OFFICER. Is the Senator from Delaware now proposing that as an unanimous-consent agreement?

Mr. WILLIAMS of Delaware. I withhold it now, but I am going to propose it.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. RIBICOFF. Mr. President, will the Senator agree that we vote on the Ribicoff-Bennett proposal under the unanimous-consent request at 5 o'clock Tuesday, December 29?

Mr. WILLIAMS of Delaware. Why wait until Tuesday? Is the Senator afraid to vote tonight? We could vote in 2 hours.

Mr. President, I ask unanimous consent that time start running immediately, that there be a time limitation on all amendments, including the Ribicoff amendment, of 2 hours, and that there be a limitation of time on all amendments to amendments.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. JAVITS. Mr. President, obviously the Senator knows he will get no such unanimous-consent proposal agreed to.

Mr. WILLIAMS of Delaware. I am an optimist.

Mr. JAVITS. I am sorry. I have the reservation. The Senator knows that he will not get such a unanimous consent. On the other hand, the suggestion of the Senator from Connecticut (Mr. Ribicoff) is an excellent one. If the Senator from Delaware wishes to get a vote on the Ribicoff amendment, I do not think anyone is afraid to do so. With respect to the Senator's proposal, I have no objection to voting today on the Ribicoff-Bennett amendment, but the Senator knows very well when he wraps it up with everything else, it is going to be objected to; and so if necessary, if the Senator insists on pressing his request, I will object.

Mr. President, I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. WILLIAMS of Delaware. Mr. President, I presented this proposal in good faith. I realize that one amendment at a time could be taken up, and we could get consent on it if every Senator agreed. On the other hand, we are not going to get anywhere unless we get consent to all of them. I think that is perfectly proper procedure.

Under this agreement the very first rollcall vote would be on an amendment to which I have very strong objections and one on which I will do everything I can to urge the Senate to defeat. I am willing to have that as the very first vote. I do not know what more one could offer.

Since there has been an objection there is another possibility. In the parliamentary situation in which we find ourselves, the Ribicoff amendment, much to his regret, is not subject to amendment. The Senator from Iowa has amendments which he would like to be considered and thinks they should be. The Senator from Oklahoma has amendments which he would like to offer.

Since I cannot get consent to the first request, I ask unanimous consent that we eliminate from the pending bill the Ribicoff-Bennett amendment and the Scott amendment and the trade amendment which I offered on behalf of the Senator from Georgia (Mr. Talmadge). That would leave the bill—if the Senator from Pennsylvania will just wait a minute before objecting because it is like introducing amendments without reading them; sometimes it is disastrous to object before one knows what is being asked.

That is the first part of the proposed agreement.

The second part would be to consider all the committee amendments en bloc and treat the bill as original text. Then it would be open to amendment.

I would be willing to go along with that, with the further proviso that the Senator from Connecticut (Mr. Ribicoff) be recognized first, in order that he may offer his family assistance amendment. It would then be the pending business before the Senate and would be subject to amendment by the Senator from Oklahoma or the Senator from Iowa, or whoever else wanted to offer amendments. Then we could vote on them. That would be proper procedure. I would be willing to enter into a time limitation on these amendments.

I have discussed this matter with the Senator from Connecticut. This is not taking his amendment down. It is only taking his amendment down temporarily, and he could again offer it to any part of the bill. In that manner we would get to a vote. His amendment would be the first to be offered and could be put anywhere in the bill. Then we could proceed in an orderly manner.

I would be perfectly willing to present that combined package as a unanimous consent request, all with the provision that the Senator from Connecticut be the first Senator to be recognized.

I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, there are millions of people in this country who are almost wholly dependent for their welfare and happiness on their social security checks. There are presumably hundreds of thousands of others who are desperately in need of medicare benefits, of which the Senator from Delaware has spoken.

I do not think it is a good Christmas present for those people to tell them that we are going to insist on a situation in the Senate which denies them even a little bit of help which we could give them to enable them to enjoy life a little more and to enjoy a little better health when we vote on the request of the Senator from Delaware. I think I would be ashamed to object to it.

Mr. RIBICOFF. Mr. President, I wonder if we can make it clear and whether the Senate understands what the proposal of the Senator from Delaware is. I would like to have it made clear.

My understanding is that the Senator from Delaware proposes that we withdraw both the Williams and Talmadge amendment, the Scott and Ribicoff and Bennett amendments, that all the committee amendments be adopted en bloc, and that the bill be considered as original text; that at that stage the Ribicoff-Bennett amendment will be the first amendment to be offered to the bill; and that then, of course, since it is in the first degree, that it will be subject to amendments from the floor; that a time limitation be agreed upon on all amendments to the Ribicoff-Bennett amendment and a time limitation on the Bennett-Ribicoff proposal. There will be definitive votes on all those amendments.

That is the only limitation the Senator has in mind at this point.

Mr. WILLIAMS of Delaware. Mr. President, I would have no objection to such a limitation if we could get it. The Senator from Connecticut has outlined it correctly. I repeat, in this consent we would withdraw both the Williams-Talmadge and the Ribicoff-Bennett-Scott amendments. That would leave the bill at that point as reported by the committee. Then we would agree to all the committee amendments en bloc and treat them as original text for the purpose of amendment. Then at that point, as part of the same request, the Senator from Connecticut would be recognized to offer the Bennett-Ribicoff amendment, or whatever amendment he wished, as a substitute for part of the bill or as an addition to the bill, and to offer it in any manner or at any point he wished. In that way we could proceed to a vote.

As far as I am concerned, the agreement could provide that the Senator from Oklahoma would be the next one recognized to offer an amendment. I do not care who offers the amendment, but let us get to voting on it.

I think the Senator from Oklahoma has an amendment. I know the Senator from Iowa has an amendment.

I repeat, so that we can get started, I would be willing to have it understood that included as a part of the agreement is the understanding that after the Senator from Connecticut offers his amendment, the next amendment will be that of the Senator from Oklahoma. I do not care who gets the floor after that. I just mentioned the Senator from Connecticut so that he would know he would have the first opportunity to offer his amendment.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. Is the Senator offering a time limitation on all amendments to be offered?

Mr. WILLIAMS of Delaware. No. That request was objected to earlier.

After the Senator from Oklahoma offered his amendment he might ask for consent to vote on it in 30 minutes or an hour. Or at that time we may get a broad, general agreement. That would be all right. If we tied it up this far we would at least have it before us in an orderly manner.

The Senator from Connecticut has repeatedly pointed out that if we are going to vote on his proposal it should be open to amendment. The Senator from Oklahoma and the Senator from Iowa have amendments; I do not know of any other Senator who has an amendment.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. RIBICOFF. First, I would like to make a preliminary comment that I have known right along that the Senator from Delaware has been violently opposed to the family assistance plan. He has been consistent in his opposition. Right from the start he has said he would not stand in the way of a vote on the family assistance plan. He was not going to filibuster. He agreed to have a vote. He wanted his position explained. He wanted other Senators to have an opportunity to explain their positions.

I have never felt such a sense of self-righteousness that I thought the Bennett-Ribicoff amendment had to be adopted word for word as submitted. I have always felt that other Members of this body should have the opportunity of offering amendments to this complicated proposal.

I wonder if I could make inquiry of the two Senators who I know have definite amendments. I do not know about other Senators, but I know the Senator from Iowa and the Senator from Oklahoma have a series of amendments to offer. Would there be a willingness on their part to have a time limitation on their amendments to the Bennett-Ribicoff amendment, under the request made by the Senator from Delaware?

Mr. HARRIS. Mr. President, will the Senator from Delaware yield, so that I might respond to that?

Mr. WILLIAMS of Delaware. I yield.

Mr. HARRIS. May I say that I think the idea of making the committee bill original text is the way to move on this measure, as I have said earlier, and I hope we may be able to agree to do that. I certainly would be willing to have a limitation of 30 minutes, 15 minutes to a side, on the amendments which I wish to offer, because I am anxious that we get an up-or-down vote on the welfare reform proposal in amendable form.

So I would be willing to agree to any such time limitation. I can speak only for myself; there may be others who want to be heard on the question of time, but I would like to see this bill made original text for the purpose of amendment, and, at least on the welfare proposal and social security, the medicare and medicaid proposals, child care, and the health insurance and catastrophic illness proposals, have some time limitation.

Mr. MILLER. Mr. President, will the Senator from Delaware yield so that I may respond?

Mr. WILLIAMS of Delaware. I yield to the Senator from Iowa.

Mr. MILLER. Mr. President, I have only one printed amendment, but, as I think the Senator from Connecticut knows, I have three or four others, at least, that I would like to offer.

I stated the other day just what the Senator from Oklahoma has said, that the way to proceed on this matter, in my judgment, was to have a time limitation. I think it might be better not to have a uniform time limitation, because some of these amendments would require longer discussion than others; but I certainly would be most happy to join in any agreement on an ad hoc basis, preferably to have a time limitation.

The Senator from Connecticut says that he would like to have this time available and the opportunity available, and yet it was my understanding that the other day when the Senator from Pennsylvania filed a technical amendment, the Senator from Connecticut and the Senator from Utah were the ones who put their amendment on that technical amendment and locked it up.

Mr. RIBICOFF. That is right.

Mr. MILLER. And that was with full knowledge, as I understand it; it was planned, and without consultation of others of us who have amendments, certainly not with me and I know without consulting with at least one or two others who have amendments.

I am pleased that there has been a little reassessment of the matter. I am not going to be a dog in the manger about it. I want to see progress made. But I just think that, in fairness I should point out that the mess we are in now has been made, made deliberately by those who filed the technical amendment and the amendment to it.

I am willing to go along notwithstanding that, and work out an agreement, but let us all very clearly understand that we are in this mess because of a deliberate act. There was nothing accidental about it at all.

Mr. RIBICOFF. Mr. President, may I respond?

Mr. WILLIAMS of Delaware. I yield to the Senator from Connecticut.

Mr. RIBICOFF. There certainly was not anything accidental. It was deliberate, and the reason why it was done that way was that we did not get a unanimous-consent agreement on the original proposal made by the Senator from Delaware; and the Senator from Delaware, on a parliamentary basis, has introduced his amendment, and a filibuster was going on that amendment.

The Senator from Utah, the Senator from Pennsylvania, and I realized that unless we followed this procedure, we would never get a vote on the family assistance program, because we would have a filibuster on the trade provision. I deplored it, but we had no other alternative than this procedure to bring the family assistance program before the Senate as the pending order of business. We did this deliberately; yes.

Mr. WILLIAMS of Delaware. Mr. President, I find no fault with the procedure followed by the Senator from Connecticut. He followed the Senate rules which apply to all of us.

But I suggest that we not spend time talking about what happened in the past. We know what happened. Let us talk about where we are and what we can do. We are tied up in a confused mess here, let us face it. If we are not going to reach any agreement we might as well lay the bill aside, because everyone in this Chamber knows it is not going to be voted on unless we can get some such agreement. I am just trying to get it to a vote.

I have no objection to a vote. I have never been so conceited as to think that I alone am right and everyone has to agree with what I say. I just wanted Senators to be afforded an opportunity to listen to a little of what I have to say, and let me at least get it off my chest. They have, and I think that now an orderly procedure would be to start voting on the entire bill.

Let us vote on the various proposals, either up or down.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. I yield for a question.

Mr. MILLER. I know the Senator from Delaware is trying very hard to help the Senate untangle itself. But suppose that the unanimous-consent request that he is proposing to present is agreed to, and then suppose the Senator from Connecticut goes ahead and presents his amendment, and then amendments to the amendment are offered—and there can be a good many of them—and along about next Tuesday or Wednesday, we have wound up the action on the family assistance plan. What do we do then? There are Senators here who are very much interested in the trade amendment. Where would we go at that point?

Mr. WILLIAMS of Delaware. Mr. President, if the Senator will just withhold that I shall tell the Senate where we shall be next Wednesday. We shall be getting ready for a New Year's dinner, but let us think about Christmas dinner right now. I would like to at least get started on this bill. If we can get that far we shall be farther than we are now, and we shall be farther than we are going to be if we do not get this off dead center.

Mr. President, I am going to make my unanimous-consent request at this time, and I want the Senator from Connecticut to follow it.

First, I ask unanimous consent that both the Ribicoff amendment and the Scott amendment, the Williams amendment, and the Talmadge amendment be deleted from the bill, and following that deletion and as a part of the unanimous-consent request, that the remaining committee amendments—which would just be a stripped bill, with nothing but committee amendments—then be agreed to en bloc, and that, for the purpose of further amendment, it be treated as original text in the bill; and that after that, the Senator from Connecticut be the first one to be recognized, where he can present his amendment, and that he have the authority, at the conclusion of his speech and the presentation of his amendment, if he wishes, to yield to the Senator from Oklahoma to present an amendment to his amendment. He can do that, and we will at least be off to where we can vote up or down on something.

If the Senator from Oklahoma does not have his amendment ready, the Senator from Connecticut can yield to whomever he pleases to present an amendment, and at least we would be voting.

I ask unanimous consent that this be done en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object, I have been waiting patiently for the Senator to yield, because this is exactly the path we traversed the other day, and I shall object, and do object, if that is needed right now, for this reason, if I may just explain the point:

The prospect of a vote on the family assistance plan is delightful, but it does not mean anything to the poor unless something is going to happen on the bill, as the Senator from Iowa properly pointed out. Everyone knows—I am not going to say the Senator from Delaware knows, because that is his business—but I know and most other Senators know that unless we strip from this bill everything but titles I and II, nothing is going to happen. So those who are really desirous of working on social security—and I am—and those who are really desirous of working on the miscellaneous matters in title II, have a remedy, as a matter of fact. A motion can be made, notwithstanding the pendency of the Ribicoff-Bennett amendment, to do exactly that on a motion to recommit, and report back forthwith.

So, Mr. President, airs of injured innocence, or of seeking to make the record, or get a vote, or seek amity, which materially compromise substantive issues, do not impress me. I am not afraid of it. I believe that a historic issue faces the Senate in respect to the trade war and the world. That is very important to the poor, the rich, the middle class, and all America, and I am not going to see it sloughed off if I can help it—maybe I cannot—under all of these general pleas for consensus.

Mr. President, we all know what it is about. We are not children. We all know very well that there are deep issues when you get by titles I and II. No one has any objection to titles I and II, or dealing with them, in the hope that we can do something for our people so that they will get their checks a couple of months, perhaps, earlier than they would if we acted on it next year.

But to engage in this byplay, I think, is a bit unworthy of the Senate.

We have been over this track before. This is nothing different than what we decided before. Obviously, if I am going to oppose the trade section, I am going to oppose it with every move I have open to me, and one is to recommit it to the committee which put trade on—with no need for it; we do not even give the House of Representatives the dignity of considering their bill. We have put on all these amendments; they did not do that, we did.

So, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WILLIAMS of Delaware. Mr. President, so that the record will be clear, I agree with the Senator from New York in regretting that the Finance Committee put the trade bill on this bill. I voted against it in the committee and will be voting against that amendment when it comes to the floor.

So on that point I do not take a back seat to the argument against the trade section. I think it would be a mistake to pass that bill, but, at the same time, let us get the record straight.

I have heard the Secretary of Health, Education, and Welfare describe this bill as a three-headed monster, and he referred to the fact that it was three different bills all in one. I want to get the record straight. It is not a three-headed monster; it is only a two-headed monster at this point. The House bill embraced the social security bill and medicaid and medicare, which is titles I and II. In my opinion, that is the way the bill should have been acted upon and reported to the Senate. As the Senator from Connecticut knows, that is what I tried to do. I opposed putting the trade section on this bill.

Let us get the record straight. The administration supported putting the trade bill on this act, and the committee adopted it over my objections. That is one of these so-called monsters. Now here today the administration is trying to put the family assistance plan on the bill, which is the other monster.

I did not like the word "monster" in describing this action, but if the administration and the Cabinet officers want to describe this as a three-headed monster that was put together by the Finance Committee, as one member of the Finance Committee and one who has been proud to have been a member of it for 20 years, I want to make it clear that it is a monster only because the administration persuaded enough members of the committee to put on one head of the monster and that now they are trying to persuade the Senate to put on the other head. Let the administration not denounce action which they supported. I think the committee should have acted on the trade bill separately but the committee had every right to vote on these proposals.

The Senator from Georgia knows that I took this position in the committee. I resent those who would condemn the committee for following their request. The committee by a majority vote—and a comfortable majority vote—voted to put this trade section on this bill. They had a right to do it. The Senator from Connecticut and the Senator from Utah have a right to offer their amendment even though that amendment was defeated in the committee. I defend their right to offer it. They are entitled to a vote, and I am only trying to help them out. I think they and other Senators are entitled to a vote, whether or not we are for their proposal. I happen to be against both of these proposals which are proposed to be added to social security. I voted against these amendments in the committee, and I will vote against them on the floor.

But I get tired of the halo some administration people put around their heads about how they want this bill when at the same time they are blocking the Senate from consideration.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. TALMADGE. As every Member of the Senate knows, the Constitution of the United States provides that this body shall adjourn sine die on January 3. At that time, all bills pending before Congress die. Only treaties remain alive when Congress adjourns sine die.

It has been obvious to every Member of the Senate now for a number of days that no matter of great controversy could pass in the limited time remaining for us to transact business during this Congress. Today is December 22. We are recessing today to go home and spend Christmas with our families, to return on December 28. That leaves only 4 or 5 days in which we could possibly transact business before the Senate. That leaves little or no time to handle conference matters with the House of Representatives and take final action.

What I think the Senate should do is to wrap up the conference reports upon which it can reach agreement. In those matters on which we cannot reach agreement, we ought to pass continuing resolutions, so that the operations of the U.S. Government can be adequately funded until the next Congress convenes. We should lay aside matters of great controversy, such as the guaranteed annual income and the trade matter, which I happen to support.

The Finance Committee has pending on the calendar the excise bill, which has been passed by the House of Representatives. We could attach to that bill, by way of amendment, the social security increase that the House of Representatives passed, which is 5 percent, or the increase which the Senate Finance Committee has passed, which is 10 percent. Those are not matters of great controversy. I think we could act on them speedily, and we could adjourn and go home.

In the closing days of this Congress, when the Senate has been spinning its wheels—and every Member of the Senate knows it has been spinning its wheels—it is a disservice to the U.S. Senate and a disservice to the country.

I would hope that we would act accordingly, that we could wrap up the matters upon which we can act. We could increase the social security benefits for our aged people, and I would hope we would defer the other matters, when every Member of this body knows that we are not going to take final action until the new Congress convenes next year.

Mr. WILLIAMS of Delaware. I thank the Senator.

I know that the Senator from Georgia as well as the Senator from Arizona have felt very strongly about the need for trade legislation. They had a perfect right to offer this amendment to the committee, and the committee overwhelmingly supported their position. I appreciate the fact that the Senator from Georgia and those who cosponsor this amendment, in recognition of the situation we are now in, are willing to recognize the facts of life and allow us to set aside the trade amendment and agree that we can go on with the social security.

Mr. President, perhaps we cannot get unanimous consent, but perhaps we can get majority approval. I am ready to move that H.R. 17550 be recommitted to the Finance Committee with instructions to report back forthwith, after making the following deletions:

Delete titles 3, 4, and 5. Titles 3, 4, and 5 and the trade amendments, the catastrophic insurance, and the welfare amendments.

Delete the pending Williams-Talmadge trade amendment.

Delete the pending Ribicoff-Bennett-Scott assistance amendment.

If that motion were approved it would leave in the bill only title 1, which deals with changes in the Social Security Act, and title 2, which relates to changes in the existing medicaid and medicare programs.

If this motion is agreed to, I would then agree to a unanimous-consent request that all committee amendments in titles 1 and 2 be approved en bloc and that they be treated as original text for the purpose of amendment. If that consent is granted I would then be willing to support or ask unanimous consent for a time limit not to exceed 1 hour on any amendments—and we might dispose of it either this afternoon or tomorrow and let it go to conference.

Later, after the social security bill is passed, if they want to lay before the Senate another minor bill now on the calendar, we have them there, they can make the trade amendments or the family assistance amendment the pending business and maybe get a vote. But let us get social security out of the way first.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. JAVITS. I have just heard Senator TALMADGE make the statement he did, which I know to be a very difficult statement for him politically. Mine is difficult enough, considering the number of people who want FAP in my State and the relatively fewer people who are opposed to the trade legislation. It is a more difficult statement for him politically, and I should like to note that fact. It is very statesmanlike. What is more important, it is a heavy admission against interest. I wish to tell my colleague how much at least one Senator appreciates what he has said.

Mr. TALMADGE. I am grateful to the senior Senator from New York for his generosity.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. JAVITS. I should like to say, also, if the minority leader will indulge me—he is entitled to be recognized first—that what I think Senator WILLIAMS has proposed is probably the only practical way out.

Mr. RIBICOFF. My understanding is that the Senator from New York objected.

Mr. WILLIAMS of Delaware. Not to this.

Mr. JAVITS. I do not object to that.

Mr. WILLIAMS of Delaware. This proposal would move that H.R. 17550 be recommitted to the Finance Committee, with instructions to report back forthwith, after making the following deletions:

Delete titles III, IV, and V.

Delete the pending Williams-Talmadge trade amendment.

Delete the pending Ribicoff-Bennett-Scott family assistance amendment.

That would leave us nothing in the bill but titles I and II.

I would hope that we could confine this bill, then, to nothing but the germane amendments and to the Social Security Act and dispose of the bill. If the administration thinks anything can be gained by adjourning this Congress with the family assistance measure pending we could lay before the Senate some other bill on the calendar, offer the trade amendments and the family assistance amendment, and adjourn. But it is not going anywhere. This plan would at least get rid of the social security bill and get it in conference.

I assure the Senator that I would cooperate and help expedite a vote. The Senator from Georgia (Mr. TALMADGE) has assured me that he would cooperate. I have talked with several other colleagues, the Senator from Oklahoma included, and they are perfectly willing for us to act on this social security bill. I do not think we have any choice except to approve this social security bill before we adjourn. We can start voting within 10 minutes on the first committee amendment, which will be social security, and then move right along. So far as I am concerned, I would agree to a unanimous-consent time limit of 30 minutes on every committee amendment if not adopted en bloc. I am ready to vote on any of them.

Mr. RIBICOFF. Mr. President, one of the problems is that the distinguished chairman of the committee is not present. Unfortunately, he is in New York. My understanding is that the airplanes are not flying because of the bad weather today and he is stuck there and cannot get back; so that it is difficult for me, and I would not assume to take the responsibility of agreeing to a proposal that he would have to make a decision on as chairman of the committee.

Mr. WILLIAMS of Delaware. I appreciate that. I thought that someone had talked to the chairman.

Mr. RIBICOFF. I did not talk to him personally. I got this message from the staff.

Mr. TALMADGE. Mr. President, I concur in what the Senator from Connecticut (Mr. RIBICOFF) has just said. Although I am in agreement with the proposal of the Senator from Delaware, I do not think that we should take affirmative action on this matter until the chairman of the committee is present. He talked to my office this morning. He was expecting to return from New York about 3:30 p.m., so I would think he would be in this Chamber in a relatively short period of time, and I would hope, therefore, that the Senator from Delaware would defer action on his proposal——

Mr. WILLIAMS of Delaware. I certainly will.

Mr. TALMADGE. Until the chairman of the committee can be present.

Mr. WILLIAMS of Delaware. I certainly will. I was under the impression that he had been consulted. Certainly I shall not press the proposal at this time.

Mr. SCOTT. Mr. President, as I understand the Senator's later motion, he has dropped from his proposals any protection for a vote on the family assistance plan on this bill, and as the Senator knows, I have a commitment that would not permit me to agree to any consent which would involve substitution——

Mr. WILLIAMS of Delaware. I appreciate that.

Mr. SCOTT. To any part of the bill without also getting the opportunity to follow on with the family assistance plan, much as the Senator has proposed it, because I like it and would have liked to go along——

Mr. WILLIAMS of Delaware. I like it better.

Mr. SCOTT. I like it better, too.

Mr. WILLIAMS of Delaware. But we need some kind of an agreement. I think the majority will vote for this compromise suggestion, and the Senator can vote against it; but let us see if the Senate cannot work its way out of this dilemma. I certainly will withhold this motion until the chairman comes back; but I will renew it, and then I hope that we can get this bill acted upon. Senators should not overlook this point—the approval of this motion is the only way we can get a chance to pass an increase in social security benefits before adjournment. I will withhold my motion and yield now to the Senator from Iowa (Mr. MILLER) for 20 to 30 minutes.

I yield the floor.

Mr. RIBICOFF. Before the Senator yields the floor, I wonder, since we have to wait for the chairman to get back before we can make any decision on this proposal, whether the Senator from New York, the Senator from Iowa, the Senator from Delaware, or the Senator from Oklahoma—would the Senator from Delaware be willing to make a unanimous-consent request or accede to a unanimous-consent request, that if we took another minor bill that was at the desk—I do not know what the title is—there are some there—to attach to it the family assistance plan and open it up to amendments with time limits, so that before we go home on January 3, 1971, we would have an opportunity to vote on this family assistance plan up or down.

Mr. WILLIAMS of Delaware. I have no objection——

Mr. TALMADGE. Mr. President, would the Senator yield at that point?

Mr. WILLIAMS of Delaware. I am not going to agree to voting, as the Senator knows, as I am not going to support this. What we would run into is just an agreement on a time limit, on that alone, and then I am caught in the position of having to work against the Senator from Georgia, who would be caught in a box with his amendment. We will not get that kind of agreement. I have no objection to getting this to a vote. The Senator knows that.

Mr. RIBICOFF. I am just questioning around for alternatives.

Mr. WILLIAMS of Delaware. I know that. I would be glad to discuss it with the Senator, but I think that if we are going to have to give all groups something, I would very much like and feel strongly that we need a test plan. The administration has said if they cannot get the family assistance plan, they would rather not have anything. I disagree with that. I think they are making a big mistake. But if that is the way they feel, since we would be taking away from the administration the family assistance plan, they would be losing, I am willing to yield on the point of the test and lock it all out and let it go over till next year. We will not get agreement that we will reach agreement—we all are having to give and take.

Mr. TALMADGE. I would strongly object to Senators picking out controversial propositions with which they are in agreement, with a time limit on their particular controversial proposal, but without a limitation of time on other controversial matters which other Senators might strongly support.

Mr. WILLIAMS of Delaware. That is the point. The Senator can go home to his constituents and say, "We gave all and got nothing." At the same time, I will withdraw the motion and I will be glad to confer with Senators or anyone else in the meantime until the chairman gets back.

Mr. TALMADGE. If the Senator will yield at that point, I have been advised that the distinguished chairman of the committee is still bound by the weather in New York, so I do not know what time he will arrive. He is making every effort to get here.

Mr. WILLIAMS of Delaware. Can the Senator reach him? Mr. President, I yield the floor to the Senator from Iowa (Mr. MILLER). Maybe we can reach him by telephone.

The PRESIDING OFFICER (Mr. SCHWEIKER). The Senator from Iowa (Mr. MILLER) is now recognized.

Mr. MILLER. Mr. President, I yield briefly to the Senator from Wyoming (Mr. HANSEN).

INCREASE IN GRAZING FEES

Mr. HANSEN. Mr. President, in recent days, the Departments of the Interior and Agriculture have announced increases in grazing fees on Bureau of Land Management lands and forest lands.

This is a serious matter to the owners of livestock in the West who have to graze on either the forest lands or the Bureau of Land Management lands.

I know, because that happens to be my business, the raising of livestock.

I have a permit to graze 782 head of cattle on national forest lands in western Wyoming, on the Teton National Forest. My wife has a permit in the Grand Teton National Park for 569 head of cattle.

The proposed increase in grazing fees will cost us around $1,185, give or take a few cents.

There is no question about our being able to pay the extra fees that will be charged by virtue of this increase, but it is important to note that for many marginal operators in the West, we should reflect on the fact that the price of live cattle today is about the same as it was 20 years ago; and that, together with the fee increase may well spell the difference between being able to stay in business and going out of business for many of them.

That concerns me. It concerns me because it will hasten the exodus from rural America into the great cities of this country. It will fly in the face of this administration's earnest desire to make living profitable and desirable in the rural areas of America.

I want to point out that the Public Land Law Review Commission undertook an exhaustive survey of the whole question of the use and administration of the public lands of the United States. This Commission spent 5 years of time at a cost of some $7 million in order to come up with recommendations that it felt would serve as a guide to Congress and to the executive branch of the Government in trying to make the best use of the public lands of this country for all of the people of the country in the long run.

It is in that context that I speak this afternoon. I am certain that every Member of the Senate is probably aware of the fact that I am in the livestock business. I know that both the Secretary of Agriculture and the former Secretary of the Interior likewise are well aware of the fact that I have a grazing permit in the national forest and that my wife has a grazing permit in the Grand Teton National Park. But in order that there be no mistaking the impact that this increase in fees will have upon many small ranchers, let me say that with respect to the ranchers who have to work part time at other jobs in order to make their operation successful, it is important that we consider the impact that this fee increase would have.

I was president of the Wyoming Stock Growers Association. I was second vice president of the American National Cattlemen's Association. I know firsthand and intimately a number of stockmen throughout all of the Western States. I have talked with their representatives. I know the great concern they feel over the withholding of this increase in the grazing fees until Congress or the executive branch of the Government may have the opportunity to implement the recommendations of the Public Land Law Review Commission.

The entire question and problem revolves around the issue of whether the costs or the value of a permit should be reckoned along with other expenses in making a comparison between the cost of grazing cattle or sheep under permit upon the public lands of the United States as compared with grazing upon privately owned lands.

The senior Senator from Wyoming (Mr. MCGEE) introduced a bill earlier this year in Congress which would include the cost or value of a permit in determining the total cost of grazing upon public lands in order that a fair and accurate comparison could be made between the cost of grazing upon the public lands and upon privately owned lands.

While I have no illusions about that bill clearing Congress this session, it is my intention, if the senior Senator from Wyoming reintroduces the bill in the next session and I hope he will do so next year—to join with him and to press for its early adoption.

If this is done, I would say a major step will have been taken in order to deal fairly and equitably with the users of public land in the United States and in order to assure that the people of the United States receive full and fair value for the use of their lands and that no undue hardship is visited upon the grazers on the public lands because of the failure of the administration to take into account the very real costs of owning a grazing permit.

I thank my distinguished colleague, the senior Senator from Iowa, for his courtesy in giving me this opportunity to address myself on a subject which I feel is very important to the economy of the West.

It should be pointed out that while the price of livestock is about the same as it was 20 years ago, as we all know, the cost of meat has increased very markedly. And because of this, there is a widespread illusion that the average typical cattleman or sheepman is enjoying a profitable operation.

That is simply not the case.

I thank my colleague the Senator from the great State of Iowa.

SOCIAL SECURITY AMENDMENTS OF 1970

The Senate continued with the consideration of the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

Mr. MILLER. Mr. President, the pending amendment by Senators RIBICOFF and BENNETT was maneuvered so that, under the rules of the Senate, it is not open for any amendment at all.

We hear reports that the President is most anxious to have a vote on this amendment.

I find it hard to believe that the President understands the serious deficiencies in this amendment. If he did, I would expect him to urge the proponents to call back their amendment and make several modifications to it or to, at least, recall it and then file it in such manner as to permit amendments to be made.

The Senators from Delaware and Nebraska already pointed out some of the deficiencies. I would like to point out some additional ones.

An analysis by the able staff of the Senate Finance Committee was prepared with respect to this amendment last November 5, when it was before the committee as the House-passed bill with certain modifications.

Table 1 on page A18 of the analysis discloses that as of January 1970 there were nearly 10.5 million welfare recipients in this country; that under what is now the amendment that is before us, the total eligible for welfare would be nearly 24 million. I ask unanimous consent that the table be printed in the RECORD at this point in my remarks.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

TABLE 1.—PROPORTION OF POPULATION ON FEDERALLY AIDED WELFARE UNDER PRESENT LAW AND ADMINISTRATION REVISED REVISION

		Federally aided welfare recipients, January 1970		Welfare recipients eligible under administration revised revision	
	Civilian resident population	Number	Percent of population	Number	Percent of population
Total, United States	203,769,700	10,436,197	5.1	23,806,300	11.7
Alabama	3,505,000	255,400	7.3	665,800	19.0
Alaska	252,000	10,274	4.1	25,100	10.0
Arizona	1,685,000	72,440	4.3	204,600	12.2
Arkansas	1,996,000	115,000	5.8	269,700	18.5
California	19,213,000	1,655,400	8.6	2,323,400	12.1
Colorado	2,665,000	114,110	5.5	308,000	17.8
Connecticut	3,009,000	97,140	3.2	187,900	6.2
Delaware	537,000	23,860	4.4	55,000	10.2
District of Columbia	783,000	47,490	6.1	65,900	8.4
Florida	6,332,000	295,900	4.7	683,600	10.8
Georgia	4,565,000	328,400	7.2	1,025,500	22.5
Hawaii	747,000	29,072	3.9	62,700	8.4
Idaho	717,000	22,100	3.1	54,400	7.6
Illinois	11,031,000	446,100	4.0	806,300	7.3
Indiana	5,136,000	98,100	1.9	298,100	5.8
Iowa	2,785,000	92,300	3.3	235,700	8.5
Kansas	2,288,000	73,940	3.2	158,600	6.9
Kentucky	3,192,000	211,200	6.6	523,500	16.4
Louisiana	3,724,000	346,500	9.3	934,200	25.1
Maine	967,000	48,920	5.1	145,400	15.0
Maryland	3,732,000	157,850	4.2	262,800	7.0
Massachusetts	5,475,000	282,500	5.2	438,500	8.0
Michigan	8,798,000	316,200	3.6	646,400	7.3
Minnesota	3,714,000	108,120	2.9	320,300	8.6
Mississippi	2,336,000	211,000	9.0	806,100	34.5
Missouri	4,637,000	255,200	5.5	443,600	9.6
Montana	688,000	18,880	2.7	52,200	7.6
Nebraska	1,437,000	43,550	3.0	167,700	11.7
Nevada	452,000	15,570	3.4	37,000	8.2
New Hampshire	720,000	14,260	2.0	39,800	5.5
New Jersey	7,128,000	318,720	4.5	508,800	7.1
New Mexico	976,000	69,260	7.1	194,400	19.9
New York	18,369,000	1,327,400	6.7	1,079,900	10.8
North Carolina	5,110,000	194,000	3.8	960,600	18.9
North Dakota	600,000	16,583	2.8	96,900	16.2
Ohio	10,786,000	355,400	3.3	799,800	7.4
Oklahoma	2,545,000	188,700	7.4	366,200	14.4
Oregon	2,044,000	93,800	4.6	143,500	7.0
Pennsylvania	11,797,000	511,800	4.3	1,234,800	10.5
Rhode Island	886,000	45,810	5.2	67,200	7.6
South Carolina	3,686,000	88,000	3.2	490,800	18.6
South Dakota	650,000	22,110	3.4	107,400	16.5
Tennessee	3,971,000	205,400	5.2	741,800	18.7
Texas	11,097,000	478,800	4.3	1,521,500	13.7
Utah	1,049,000	42,760	4.1	55,100	5.3
Vermont	444,000	48,000	2.1	28,800	10.3
Virginia	4,504,000	109,400	2.4	431,300	9.6
Washington	3,386,000	153,450	4.5	312,300	9.2
West Virginia	1,819,000	115,580	6.4	275,300	15.1
Wisconsin	4,242,000	101,180	2.4	238,400	5.6
Wyoming	317,000	7,447	2.3	20,000	6.3
Puerto Rico	2,763,000	264,930	9.6	800,000	29.0
Guam	87,700	2,072	2.4	3,400	3.9
Virgin Islands	59,000	2,319	3.9	2,900	4.9

Mr. MILLER. Mr. President, the table shows the tremendous increase in potential welfare recipients the pending amendment would lay a foundation for in the various States and possessions.

In Puerto Rico, for example, which has a population of 2.7 million, almost 10 percent of the people, or 265,000, are now on welfare. This total could rise to 800,000, or 29 percent of the population.

In Louisiana, 9 percent of the population, or 346,000, are on welfare; but this total could rise to 834,000 or 25 percent of the population.

In Mississippi, 9 percent of the population, or 211,000, are on welfare; but this total could rise to 806,000, or over 34 percent of the population.

In my own State of Iowa, 3.3 percent of the population is now on welfare; and this could rise to 8.5 percent under the pending amendment.

The percentage increase that this amendment could cause for each of the States and possessions is set forth in table 2 on page A19 of the staff analysis, and I ask unanimous consent that this table be printed in the RECORD at this point in my remarks.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

TABLE 2.—INCREASE IN WELFARE RECIPIENTS UNDER ADMINISTRATION REVISED REVISION

	Federally aided welfare recipients, January 1970	Welfare recipients eligible under administration revised revision	Percent increase
Total United States	10,436,197	23,806,300	128
Alabama	255,400	665,800	161
Alaska	10,274	25,100	146
Arizona	72,440	204,600	183
Arkansas	115,000	369,700	222
California	1,655,400	2,323,400	41
Colorado	114,110	368,000	221
Connecticut	97,140	187,900	93
Delaware	23,860	55,000	130
District of Columbia	47,490	65,900	39
Florida	295,900	683,600	131
Georgia	328,400	1,025,500	212
Hawaii	29,072	62,700	116
Idaho	22,100	54,400	146
Illinois	446,100	806,300	81
Indiana	98,100	298,100	204
Iowa	92,300	235,700	155
Kansas	73,940	158,600	114
Kentucky	211,200	523,500	148
Louisiana	346,500	934,200	170
Maine	48,920	145,400	197
Maryland	157,850	262,800	67
Massachusetts	282,500	438,500	55
Michigan	316,200	646,400	104
Minnesota	108,120	320,300	196
Mississippi	211,000	806,100	282
Missouri	255,200	443,600	74
Montana	18,880	52,200	176
Nebraska	43,550	167,700	285
Nevada	15,570	37,000	138
New Hampshire	14,260	39,800	179
New Jersey	318,720	508,800	60
New Mexico	69,260	194,400	180
New York	1,227,400	1,979,300	61
North Carolina	194,600	960,600	394
North Dakota	16,583	96,900	485
Ohio	355,400	799,800	125
Oklahoma	188,700	366,200	94
Oregon	93,800	143,500	53
Pennsylvania	511,800	1,234,800	141
Rhode Island	45,810	67,200	47
South Carolina	83,900	490,800	485
South Dakota	22,110	107,400	386
Tennessee	205,400	741,800	262
Texas	478,800	1,521,500	218
Utah	42,760	55,100	29
Vermont	18,000	46,800	160
Virginia	109,400	431,300	294
Washington	153,450	312,300	104
West Virginia	115,580	275,300	138
Wisconsin	101,180	238,400	136
Wyoming	7,447	20,000	169
Puerto Rico	264,930	800,000	202
Guam	2,072	3,400	64
Virgin Islands	2,319	2,900	25

Mr. MILLER. On page A17, the analysis discloses that the U.S. average of all the States could be 12 percent on welfare under the pending amendment; moreover, that 15 States would find from 15 to nearly 35 percent of their populations eligible for welfare.

Now I understand that not everyone entitled to welfare would claim it, because we have found this to be true under present law. Many of those who would be eligible would be eligible for only a very small amount of welfare, depending on the level of income of the socalled "working poor" which the administration's proposal seeks to cover. As a matter of principle, I can support some assistance to the "working poor", because this appears to be essential in order to carry out a change in philosophy of welfare so that there will be an incentive to work rather than not to work.

During the hearings, I called attention on several occasions to the Secretary of Health, Education, and Welfare that the tremendous numbers of eligibles—especially in certain states—was of deep concern to many of us on the Finance Committee. I urged him to give us some optional changes which would reduce the number, while at the same time preserving the essentials of the new program.

I specifically suggested that by using a cost of living differential by regions of the country, and as between urban and rural welfare residents, in computing the total welfare package, not only would greater equity be incorporated into the total welfare program, but the number of eligibles would be substantially reduced.

It was not until the San Clemente conference with the President last September 3 that the Department of Health, Education, and Welfare came forward with even one option, and this was most unsatisfactory. Their analysis of the option showed that by merely dividing welfare eligibles between those living in metropolitan statistical areas and those living in nonmetropolitan statistical areas, nearly a half billion dollars could be saved. Such savings of taxpayers' dollars is important—especially if it achieves equity among recipients.

The trouble is that such a simplistic solution would not save as much money or be as equitable as it should. A metropolitan statistical area in one part of the United States will have a different cost of living than one in another part of the country. Why, for example should a welfare recipient in the Birmingham, Ala., area receive the same amount of welfare as one living in the New York or Chicago area? Furthermore, why should a welfare recipient living on a small farm receive the same amount as one living in a city of 25,000?

Even the Office of Economic Opportunity has established that for those living on a farm the poverty standard shall be only 85 percent of that for those living in the cities.

To point up the need for a cost of living differential in this new welfare program, I invite attention to table 1 of a report from the Bureau of Labor Statistics, issued on December 1969. This table reveals the differences in cost-of-living for a "lower budget" family of four among regions of the United States and between various cities within each region, and also between the cities and the nonmetropolitan areas—places with populations of 2,500 to 50,000—within each region. It will be noted that the differences are very substantial. For example, the cost of family consumption items is $5,593 in Boston, Mass.; but it is only $4,680 for nonmetropolitan areas in the Southern region. Of course, the difference in cost for heat, as between Boston and a smaller city in the South, would acount for a considerable amount of this. In Anchorage, Alaska, the cost is $7,673 and in Honolulu, Hawaii, $6,367.

These figures relate to a "lower budget" family which would be somewhat higher than for a welfare family living at the poverty line, but they point up what I have been saying about the need for a cost-of-living differential in this program. Is it equitable, I ask, for the same amount of welfare to be paid to a family of four, for example, in the same financial situation, living in a small town in the South as the amount to be paid in Alaska? It certainly is not. And we should never forget that welfare is supposed to be based on need.

I ask unanimous consent that the table be inserted in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS

TABLE 1.—ANNUAL COSTS OF A LOWER BUDGET FOR A 4-PERSON FAMILY,[1] SPRING 1969

Area	Total budget [2]	Cost of family consumption							Personal taxes
		Total	Food	Housing [3]	Transportation [4]	Clothing and personnel care	Medical care [5]	Other family consumption	
Urban United States	$6,567	$5,285	$1,778	$1,384	$484	$780	$539	$320	$619
Metropolitan areas [6]	6,673	5,364	1,803	1,418	457	796	557	333	638
Nonmetropolitan areas [7]	6,092	4,935	1,663	1,235	603	713	460	261	536
Northeast:									
Boston, Mass	7,035	5,593	1,867	1,583	475	776	556	336	759
Buffalo, N.Y	6,791	5,412	1,849	1,384	489	851	507	332	698
Hartford, Conn	7,163	5,804	1,927	1,631	498	842	556	340	684
Lancaster, Pa	6,445	5,185	1,842	1,303	434	791	479	336	618
New York-northeastern New Jersey	6,771	5,410	1,913	1,324	408	827	598	340	679
Philadelphia, Pa.-New Jersey	6,628	5,279	1,902	1,271	442	794	542	328	692
Pittsburgh, Pa	6,487	5,200	1,819	1,267	475	789	511	339	643
Portland, Maine	6,567	5,352	1,809	1,413	433	798	542	357	562
Nonmetropolitan areas [7]	6,290	5,073	1,779	1,186	617	732	502	257	572
North Central:									
Cedar Rapids, Iowa	6,653	5,342	1,687	1,579	446	808	496	326	655
Champaign-Urbana, Ill	6,857	5,570	1,754	1,711	453	774	554	324	614
Chicago, Ill.-northwestern Indiana	6,799	5,512	1,848	1,519	464	794	557	330	619
Cincinnati, Ohio-Kentucky-Indiana	6,278	5,079	1,758	1,260	478	778	471	334	568
Cleveland, Ohio	6,651	5,368	1,786	1,411	491	802	536	342	626
Dayton, Ohio	6,513	5,239	1,739	1,471	446	785	461	337	627
Detroit, Mich	6,543	5,268	1,817	1,310	480	788	538	335	626
Green Bay, Wis	6,255	4,952	1,680	1,334	436	748	448	306	677
Indianapolis, Ind	6,706	5,396	1,782	1,561	468	777	476	332	649
Kansas City, Mo.-Kansas	6,550	5,282	1,799	1,376	469	818	500	320	619
Milwaukee, Wis	6,721	5,275	1,726	1,483	455	784	511	316	788
Minneapolis-St. Paul, Minn	6,714	5,267	1,725	1,458	476	787	488	333	790
St. Louis, Mo.-Illinois	6,572	5,297	1,832	1,381	488	790	489	317	624
Wichita, Kans	6,537	5,269	1,755	1,444	464	789	501	316	619
Nonmetropolitan areas [7]	6,408	5,152	1,686	1,421	589	740	456	260	616

Area	Total budget[2]	Cost of family consumption: Total	Food	Housing[3]	Transportation[4]	Clothing and personnel care	Medical care[5]	Other family consumption	Personal taxes
Urban United States—Continued									
South:									
Atlanta, Ga	$6,201	$5,048	$1,651	$1,334	$452	$750	$514	$347	$527
Austin, Tex	5,812	4,776	1,663	1,115	436	720	530	311	437
Baltimore, Md	6,491	5,176	1,678	1,420	492	746	509	331	671
Baton Rouge, La	5,997	4,911	1,672	1,210	477	727	505	320	474
Dallas, Tex	6,214	5,077	1,633	1,346	449	738	583	328	510
Durham, N.C	6,196	4,983	1,617	1,346	428	749	524	319	590
Houston, Tex	6,130	5,017	1,692	1,233	492	723	556	321	491
Nashville, Tenn	6,151	5,037	1,622	1,386	451	744	488	346	491
Orlando, Fla	6,033	4,944	1,606	1,323	440	727	514	334	474
Washington, D.C.—Maryland-Virginia	6,907	5,501	1,781	1,567	488	780	549	336	732
Nonmetropolitan areas[7]	5,712	4,680	1,583	1,128	597	671	438	263	439
West:									
Bakersfield, Calif	6,424	5,176	1,784	1,193	479	815	584	321	544
Denver, Colo	6,425	5,206	1,705	1,409	450	802	533	307	579
Los Angeles-Long Beach, Calif	7,030	5,628	1,787	1,509	467	817	709	339	648
San Diego, Calif	6,792	5,444	1,750	1,461	484	783	630	336	614
San Francisco-Oakland, Calif	7,309	5,832	1,850	1,676	491	866	602	347	701
Seattle-Everett, Wash	7,197	5,817	1,935	1,662	486	837	564	333	683
Honolulu, Hawaii	8,168	6,347	2,162	2,013	541	750	534	347	1,080
Nonmetropolitan areas[7]	6,561	5,230	1,728	1,359	618	789	477	259	682
Anchorage, Alaska	9,913	7,673	2,289	2,661	806	882	719	316	1,416

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[1] The family consists of an employed husband, age 38, a wife not employed outside the home, an 8-year-old girl, and a 13-year-old boy.

[2] In addition to family consumption and personal taxes shown separately in the table, the total cost of the budget includes allowances for gifts and contributions, life insurance, occupational expenses, and social security, disability, and unemployment compensation taxes.

[3] Housing includes shelter, household operations, and housefurnishings. All families with the lower budget are assumed to be renters.

[4] The average costs of automobile owners and nonowners are weighted by the following proportions of families: Boston, Chicago, New York, and Philadelphia, 50 percent for both automobile owners and nonowners; all other metropolitan areas, 65 percent for automobile owners, 35 percent for nonowners; nonmetropolitan areas, 100 percent for automobile owners.

[5] In total medical care, the average costs of medical insurance were weighted by the following proportions: 30 percent for families paying full cost of insurance; 26 percent for families paying half cost; 44 percent for families covered by noncontributory insurance plans (paid by employer).

[6] For a detailed description see the 1967 edition of the "Standard Metropolitan Statistical Areas," prepared by the Bureau of the Budget.

[7] Places with populations of 2,500 to 50,000.

Note: Because of rounding, sums of individual items may not equal totals.

Mr. MILLER. Additionally, for 15 years, the Internal Revenue Service has been following a practice of imputing income to those who grow a substantial amount of the produce they consume. Where this is done by a family receiving welfare, it is obvious that the need for welfare is not as great as in the case of a family which does not do so.

The upshot of all this is that an amendment to the welfare reform bill was designed to cover these important areas of deficiency in the bill. It not only would direct the Secretary of Health, Education, and Welfare to make the studies needed to determine the cost of living differentials and the imputed income from growing a substantial amount of produce being consumed, with the assistance of the Department of Labor and the Treasury Department, but the adjustments in welfare would be put into effect by January 1, 1972.

This amendment was offered, along with several other amendments and the so-called "core" bill—representing several revisions to the House-passed welfare reform bill—by the Senator from Connecticut in the Senate Finance Committee. It was clearly understood that if the committee agreed to the Senator's motion, and it became attached to the social security bill, members of the committee would then have the opportunity to present further amendments to the welfare reform package. I might add that I had several other amendments besides the cost-of-living differential amendment, which was part of the package offered by the Senator from Connecticut. Senator RIBICOFF's motion lost. I ask unanimous consent that a copy of the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

VARIATIONS FOR DIFFERENCES IN COST OF LIVING AND FOR THE VALUE OF FOOD PRODUCED FOR HOME CONSUMPTION

(Senator MILLER's cost of living equalizing amendment)

Insert on page C107, after line 15:

"SEC. 108. (a) The Secretary of Health, Education, and Welfare shall, through arrangements with the Department of Labor and Treasury, with any other agency or organization, public or private, which he may find appropriate, conduct continuing studies to—

"(1) establish the variations which exist in the cost of living between urban and rural areas, different parts of the same States, and among appropriate regions in the United States, and

"(2) determine the monetary value to a family of producing food for home consumption.

"(b) On the basis of the variations in the cost of living established as a result of the studies conducted pursuant to subsection (a), the Secretary shall, on or before January 1, 1972, make such adjustments in any or all of the amounts prescribed in sections 442(a), 442(b), and 452(a) of the Social Security Act, as amended by this Act and in the amounts of food stamps provided under the Food Stamp Act of 1964, as may be necessary to insure that total combined public assistance, insofar as practicable, made equitable for recipients wherever they may reside in the United States.

"(c) The Secretary shall by regulations which become effective on or before January 1, 1972, prescribe a schedule of earned income which is to be imputed to any family which produces a substantial amount of food for home consumption, for purposes of determining eligibility for and the amount of family assistance benefits payable under part D and supplementary payments under part E of the Social Security Act, as amended by this Act. To the extent practicable, the Secretary shall include such adjustments and such schedule in the pretest programs authorized by section 105.

"(d) The findings of the Secretary which are implemented under the preceding subsection shall also be applicable, insofar as possible, to any payments to individuals or payments for medical care on behalf of individuals which are made on the basis of need under programs aided or assisted under the Social Security Act.

"(e) Before January 1, 1972, the Secretary shall report to the Congress and describe the adjustments which he proposes to make and the regulations which he proposes to issue pursuant to subsection (b).

"(f) There are authorized to be appropriated such sums as may be necessary to conduct the studies authorized by subsection (a)."

Mr. MILLER. Now, the Senator from Connecticut and the Senator from Utah have offered the pending amendment which some of us thought was the same package that had been offered in the Finance Committee. But it is not the same, and the changes were certainly not discussed with me. In the case of the cost of living differential provisions, the pending amendment merely directs the Secretary of Health, Education, and Welfare to make the necessary studies and then report back to the Congress. The directive to implement these differentials by January 1, 1972, has been deleted. My amendment No. 1099 would restore the original language.

And so we now have before us, a package called "welfare reform" which would treat all welfare recipients alike, whether they lived in Anchorage, Alaska, Boston, Mass., Chicago, Ill., a little town in Alabama, Puerto Rico, or on a small farm growing much of their own produce. This violates the fundamental principle of need as a basis of welfare. It is discriminatory and inequitable. It results in adding millions of people to the welfare eligibility list who do not need to be added, and it, therefore, is excessive in its cost to those who pay the taxes to fund it. On this one count alone, it should be rejected. And I would hope that the President will have this serious deficiency brought to his attention so that he will know how his welfare reform program has been distorted.

It simply will not do to say—as the Secretary of HEW did at page 600 of the hearings—that State supplement variations take care of the problem. These variations, where they exist, are anything but scientifically based, and this is because the States do not have the capability to do so. Only the Bureau of Labor Statistics has that capability.

There is another provision in the pending amendment which is inequitable. I refer to the "disregard" of income in section 443(b)(4) on page 10. This provides that welfare payments shall not be reduced to the extent of earnings of a family of $60 per month plus one-half of the earnings beyond that.

Senator CURTIS of Nebraska gave the Finance Committee several specific, real-life examples he had received from the Douglas County, Nebr., welfare office showing that, because of the present disregard formula for welfare, some welfare recipients have been able to draw welfare even though their income was considerably higher than that of other families not on welfare. Yesterday he presented these same examples to the Senate.

It seemed to me that most of the members of the committee were deeply concerned about such a situation, and when we came to the disregard provisions under the work incentive program, we amended them, as set forth on page 465 of the pending bill. Under our change, the first $60 of earned income of individuals employed full time are disregarded; for those working part time, the first $30 is disregarded; plus one-third of up to $300 additional earnings and one-fifth of earnings in excess of $300 in each case.

I do not know why the authors of the pending amendment did not draft the disregard provisions of their amendment to reflect this change; and their failure to do so will simply mean that there will be more eligibles for welfare who do not need it.

Another defect in the pending Ribicoff-Bennett amendment has to with section 464 on page 46, relating to the obligation of deserting parents. For some reason, this amendment was drafted to delete the provisions agreed upon by the committee, set forth in section 540 on page 467 of the bill. These make it a misdemeanor to cross State lines to avoid parental responsibilities. They were discussed by the committee with representatives of the Department present, who raised no objection to them at all.

The pending amendment provides for a disregard of income from vocational rehabilitation allowances, and since the welfare program is supposed to be geared to the needs of recipients, there seems no good reason to not take such allowances into account. It might be said that these are calculated to provide an incentive, but there is no need for such incentive if the work and training requirements of the welfare reform program are effectively administered.

These are, of course, all in addition to defects clearly pointed out by the Senator from Delaware in earlier remarks.

In fairness, I should say that some defects in the House-passed bill have been overcome. For example, the cash penalty for refusing to work has been increased and the penalty cannot be frustrated by an increase in State supplements. However, the eligibility for food stamps has not yet been coordinated with the penalty, and this should be done.

As I pointed out during the executive session the other evening, the only Members of the Senate who know any of the details of the Ribicoff-Bennett amendment and its implications are those of us who serve on the Senate Finance Committee, many of whom spent weeks and months of our time during the hearings and committee deliberations on the program. To offer this amendment on a take-it-or-leave-it basis, with so many Members uninformed about it and with such serious defects clearly in it, renders a disservice to the Senate and to the American people.

Running our sessions around the clock, coming in on Sunday and even on New Year's Day, convening the new Congress on January 3—all of these together do not alter the situation at all. This amendment needs some very important modifications or what now masquerades in the name of "welfare reform" will become "welfare inequity" plus a taxpayers' revolt. Because of the inconsiderate and foolhardy way this deeply important matter has been brought before us, with no opportunity to modify it whatsoever, I seriously doubt that a good piece of legislation is possible of enactment. I am willing to try. I have always been willing to try. But this willingness has not been reciprocated, and that is a tragedy.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. MILLER. The Senator from Iowa is pleased to yield to his friend, the Senator from Wyoming.

Mr. HANSEN. Mr. President, I would like to compliment our distinguished colleague, the Senator from Iowa, for the statement he has just made. It has been my privilege to serve with him and to observe firsthand his great background of experience, knowledge, and understanding in a field in which I would suspect no Member of the Senate exceeds his expertise. As some Members of the Senate know, he is a tax lawyer. He worked for the Federal Government for several years before he eventually became a Member of this body. I have not met anyone, since I have been a Member of Congress, who is more expert on tax matters on this side of the Capitol.

I think we should heed well the important pronouncement he has made. I quite agree with him that to deny the Senate the opportunity to amend in any way or to consider in any way a whole series of amendments, which I think must be considered if we are going to come to any kind of workable piece of legislation, certainly does not auger well for good government.

It is unfortunate that the family assistance bill was brought before the House in such a way as to preclude any discussion or offering of amendments with alternative proposals, which the senior Senator from Iowa has tried to get considered in this body. He made many important contributions as a member of the Finance Committee.

I say now that if we were to adopt the pending amendment, we would not reform in a constructive way the mess in which welfare now finds itself.

I agree with the President of the United States that welfare must be reformed. It is extremely costly. It is not serving the purpose of encouraging people to move away from welfare into private employment. We would all like to have the objectives that have been spelled out by the President of the United States become fact. I do not think they will become fact under the terms of this amendment.

I doubt very much if anyone who has studied this proposal objectively would have any very real reason to believe that the President's goals would be achieved by the adoption of this amendment. I recall the observation made by the distinguished Senator from Connecticut when he said that had he known then what he now knows, he never would have recommended that the medicare and medicaid programs, which it is estimated will be $216 billion in the red when they have been in operation in 20 or 25 years, be adopted without first having been tried. That is the way I feel about the family assistance plan that is now before us.

I would hope that the Members of the Senate would study closely and heed the very profound observations made by my distinguished colleague from Iowa.

Mr. MILLER. I thank my friend from Wyoming for his generous remarks. I can also state that day after day the Senator from Wyoming was nearly always in attendance. I am sure he was in attendance as much as anyone on the Finance Committee through all the hearings and deliberations on the welfare reform proposal. I am sure he can verify the fact that the Senator from Iowa was second to none in the committee in making every effort to give the administration an opportunity to present its case and to work with the administration in trying to make some progress on this bill, even though there were some who felt so highly opposed to it that they in good conscience felt it could never be cleaned up to be a satisfactory program.

I might say that I conferred, whenever I had an opportunity, whenever I was approached, and on some occasions on my own initiative, with representatives of the Department of HEW, in an effort to point out the shortcomings I felt were in the measure, to work with them in trying to develop some ways of overcoming its shortcomings.

I might say that in some cases I was satisfied. I had questions about some of the features of this bill, and sat down and spent considerable time in trying to find out the answers to those questions; and on a great many occasions I would say that I was satisfied with the answers I received.

But the Senator from Wyoming will vouch for the fact that most of us on the committee were concerned about one thing, probably, more than anything else, and that was the thought of the tremendous increase in the number of eligibles for welfare, running up to as many as 25 or 35 percent of the people in a single State. The reaction seemed to be, "My God, what are we coming to in this country, when this is the kind of a program we might possibly adopt in the Senate?"

So one of the first things I tried to do during the hearings was point out, frankly and honestly, to the Secretary our concern over this matter. We asked, "How can we do equity; how can we have reform and at the same time not have such a tremendous number of eligibles for public assistance? Please give us some options so we can look them over."

What did we get? We got one, and not a very good one at that. When I came out with my cost-of-living differential amendment, everything was going to be just fine. That was going to be added on to the package offered by the Senator from Connecticut. I voted to add it on, and it was defeated.

What happened then? The amendment was torn to pieces before it was put on the pending amendment by the Senator from Connecticut and the Senator from Utah; and I have never yet received a very good answer, I might say; in fact, I do not think there is a very good answer to it.

Mr. President, I yield the floor.

Mr. RIBICOFF. Mr. President, much has been said as to the attitudes of various Governors concerning the family assistance program. I ask unanimous consent to have printed in the RECORD at this point various statements and indications in support of the family assistance program by Governors and Governors-elect.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

SUPPORT OF FAP BY GOVERNORS AND GOVERNORS-ELECT

In recent weeks we have received a great amount of support for early passage of FAP from both Governors and Governors-elect.

REPUBLICAN GOVERNORS' ASSOCIATION

On December 16, 1970, in Sun Valley, Idaho, Governor Peterson of Delaware presented the Family Assistance Plan and the Ribicoff-Bennett Amendment to the Republican Governors' association in Executive Session. The group voted to support the plan with 14 in favor, 2 opposed, and 3 abstentions. (See copy of telegram to Secretary Richardson enclosed.)

BIPARTISAN GOVERNORS' MEETING WITH THE PRESIDENT

On December 11, 1970, several Governors and Governors-elect met with President Nixon and later with Secretary Richardson and expressed their support of the Family Assistance Plan. Governor Ogilvie was the sponsor. The meeting was held at the request of the Governors because of their great interest in the legislation. Governors attending the meetings were Ogilvie, Cahill, Scott, Peterson of Delaware, Peterson of New Hampshire, Ray and Smith of Texas. Also attending were Governor-elect Shapp and Lt. Gov.-elect Dwight of Massachusetts.

GOVERNORS SUPPORT OF FAP BEFORE THE SENATE FINANCE COMMITTEE

Four Governors testified in favor of the President's Family Assistance Plan on September 10, 1970, before the Senate Finance Committee—Governor Licht of Rhode Island, Governor Ray of Iowa, Governor Holton of Virginia, and Governor McCall of Oregon.

INDIVIDUAL GOVERNOR'S SUPPORT

Governor Sargent—Massachusetts. Wired Secretary Richardson December 15, 1970, saying, "I support the Family Assistance Program." (See telegram.)

Governor Curtis—Maine. Notified Secretary Richardson by letter on December 11, 1970 of his endorsement of the Family Assistance Plan. (See letter.)

Governor Dempsey—Connecticut. Notified Secretary Richardson on November 27, 1970 that he continues to support the basic concepts of the Family Assistance Plan. (See letter.)

Governor Cahill—New Jersey. Wrote all Governors urging support of the Family Assistance Plan on November 19, 1970 and asking Governors to assist in getting a Senate vote during the post-election session. (See letter.)

Governor Evans—Washington. Wrote all Governors on August 27, 1970 urging the support of the Family Assistance Plan. (See letter.)

Governor Ogilvie—Illinois. Issued a press release strongly supporting the Family Assistance Plan and its final enactment this year. (See statement.)

Governor Rockefeller—Arkansas. On September 25, 1970 Governor Winthrop Rockefeller of Arkansas sent President Nixon the attached letter strongly endorsing FAP and requesting that Arkansas be selected for a pretest. This letter was released to the press and widely publicized in Arkansas. (See copy of letter.)

Governor Tiemann—Nebraska. At the express wish of Governor Tiemann, Robert McManus, Director of the Nebraska State Department of Welfare, has testified before the Senate Finance Commmittee that the State of Nebraska generally supports the Family Assistance Act.

BOSTON, MASS.

ELLIOTT RICHARDSON,
Secretary of Health, Education, and Welfare, Washington, D.C.

I support the Family Assistance Program and have wired both Senator Kennedy and Senator Brooke asking them to support the program in the final legislation. I would, however, like to see the following included: Family budget figure raised to $2200; a State hold-safe provision setting the 1971 budget as the flat-ceiling on State welfare spending; and a mandatory period be set up for State-Federal planning.

GOV. FRANCIS W. SARGENT.

STATE OF MAINE,
OFFICE OF THE GOVERNOR,
Augusta, Maine, December 11, 1970.

Hon. ELLIOT RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR SECRETARY RICHARDSON: Thank you for your letter of November 13, 1970 regarding the revised Family Assistance Plan legislation.

We have already communicated with our congressional delegation indicating our endorsement of H.R. 16311, although we are mindful that the legislation has limitations, primarily from a fiscal point of view. We are one of the states which are experiencing a severe demand on our appropriated funds for categorical welfare; in fact, it is clearly going to be necessary to request an emergency appropriation from the legislature in order to complete the fiscal year. We envision the FAP legislation, particularly with its most recently proposed amendments, as being the only long-range answer to this dilemma.

I appreciate having the opportunity to comment on this important legislation.

Sincerely,

KENNETH M. CURTIS,
Governor.

STATE OF CONNECTICUT,
EXECUTIVE CHAMBERS,
Hartford, November 27, 1970.

Hon. ELLIOT L. RICHARDSON,
Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: This will acknowledge your letter of November 13, 1970, relative to the Family Assistance Plan.

Connecticut continues to support the basic concepts contained in the plan, namely, a national income floor, coverage for the working poor, national eligibility standards and federal administration. However, we continue to be concerned with the small amount of fiscal relief this plan provides States like Connecticut, which have already established high welfare standards.

I have asked our Welfare Commissioner, John Harder, to review the material submitted with your letter, and will submit any additional comments deemed appropriate upon completion of that review.

We endorse the need for welfare reform and look forward to the day when the Federal Government assumes complete responsibility for this national problem.

Sincerely,

JOHN DEMPSEY,
Governor.

STATE OF NEW JERSEY,
OFFICE OF THE GOVERNOR,
Trenton, November 19, 1970.

Copy of Letter sent by Governor William T. Cahill to all Governors on the Family Assistance Plan

DEAR GOVERNOR: I am writing to you today to solicit your aid in attempting to resolve what I regard as a seriously critical situation nationally, and one which I am sure has caused you deep concern in your own State. I refer to our Nation's public welfare assistance programs.

Nationally, welfare costs and caseloads have been soaring upward in geometric proportions. Secretary of Health, Education and Welfare, Elliott L. Richardson, announced only this week that welfare caseloads for the current year have already increased by a factor of 20% over last year, and at this rate the number of caseloads is more than doubling every five years.

The problem, as competent surveys and statistical studies have repeatedly indicated, is that as presently structured, our welfare system is not really aiding those who truly need and deserve assistance. It is totally lacking in an effective delivery system and unresponsive to the many profound changes which have taken place in our Nation since our original welfare programs were first developed. It is clear that the original system did not envision the high degree of urbanization that we have today; the dramatic increase in numbers and classes of people who would eventually be seeking assistance; the shift in emphasis from the very old to the very young, and the associated problems of increased unemployment; and the high degree of mobility which has come to characterize our modern society. The government's response to these critical changes over the years has been a patchwork process that has largely been a failure.

I feel that as Governors of the sovereign States, charged with administering the welfare programs, we must lead the way in the push for a total overhaul of the public welfare assistance programs from the bottom up. We now have an eleventh hour opportunity with the President's Family Assistance Plan now pending in the Senate. This measure, which passed the House earlier this year, presents a sensible approach to welfare reform, including, for example, wage incentives, job training, day care, assistance in finding jobs, penalties for not accepting reasonable employment, and a national minimum welfare standard of $1600. If passed, the act would become effective on January 1, 1972, and all States would receive an influx of substantial Federal funds as early as during the second half of fiscal 1972 to assist them in meeting the welfare problem head-on.

This is the last chance, probably for years, for us to achieve meaningful welfare reform. While I cannot guarantee that the President's welfare reform program will be without some flaws, I am nevertheless convinced that it presents a far more acceptable alternative to the present system. As Secretary Richardson stated on Sunday, "This isn't a conservative-liberal issue; it's a question of sensible reform of an existing mess."

I therefore ask you to urge the U.S. Senators from your State to give the President's welfare program their support if it comes up for a vote during the present post-election session.

Sincerely yours,

WILLIAM T. CAHILL,
Governor.

STATEMENT ON THE FAMILY ASSISTANCE PLAN

The Administration of the State of Illinois has carefully reviewed the Family Assistance Plan now under consideration by the Senate Finance Committee.

After extensive consultation and thorough consideration of the implications of the proposal, I am convinced that the program is fundamentally sound. The Senate has before it the greatest single opportunity to reform by one legislative act the way government treats poor people that any legislative body in this nation has had in three decades.

The President has adjudged our welfare system a "colossal failure." On the basis of my experience as the Governor of a major industrial state I must agree.

The present system is a waste of state and federal money. It is a system that no one likes. And for good reason.

I have heard Illinois residents complain of intolerable injustices in the system. Benefits are granted begrudgingly, without dignity and often arbitrarily. Desertion of families by fathers is encouraged. The present system builds in incentives not to work.

I have also seen another side. The system places state government in an impossible fiscal and administrative situation. I have seen astronomic growths in caseload insidiously eat up moneys planned for other important state programs. I have watched these incredible increases in our caseloads undermine the ability of my state to deliver services such as child care, job training and work referrals which are badly needed to get people off of welfare. These sky rocketing costs have diverted scarce dollars from housing, education and health programs which are essential to break the dependency cycle. I have experienced the frustration of seeing directives not carried out because the system is unwieldy and hopelessly complex.

To my mind the present welfare system is the single greatest threat to the continuing vitality and fiscal health of the state.

This archaic and haphazard system simply must be reformed. The Family Assistance Plan is the way to do it. Meaningful improvement can come only from the bold and comprehensive change mandated by this landmark legislation.

The Family Assistance Plan would benefit the citizens of Illinois and other states in the following ways:

(1) It would provide, for the first time, federal assistance for families in which the father works full time but does not earn enough to keep his family out of poverty. It would do this with the most effective mechanism I know—dollars, rather than services, the effectiveness of which we have no adequate ways of measuring. I believe this approach gives the poor a freedom of choice in purchasing goods and services that will inspire those qualities of human dignity and motivation essential for true human renewal. Moreover, the Nixon plan giving an earnings supplement to the working poor builds in a direct dollar incentive to work. For many worthy citizens of Illinois, Family Assistance will provide deserved and significant new help.

(2) It will require fundamental changes in the administration of welfare which are long overdue. Enactment of Family Assistance would clear away what the President has described as a "federal welfare quagmire" and permit the states to revamp their welfare delivery system. Only if eligibility determination for financial assistance is separated from the provision of the myriad of social services, can better management be achieved. In Illinois, in anticipation of the enactment of legislation such as this, we have already taken steps to test out the basic precepts of the President's plan in a designated geographical area. We need and welcome the challenge and the opportunity this legislation provides.

(3) The plan will assist the states to meet the crushing fiscal burdens of welfare; figures now available show ADC costs for August were fully 43% over the costs just one year ago. This is a rate of growth that totally dwarfs our annual revenue growth of 6%. Its size means that we must either cut back severely on existing state programs in other important areas, or place further strains on a state revenue structure that is highly regressive compared with the federal. Neither of these alternatives is sound in policy or makes sense to the people.

I have repeatedly urged the federal government to come to the aid of the states with revenue sharing. For the same reasons, it must more fully fund welfare costs. The Family Assistance Plan is revenue sharing *now*. This is the real New Federalism.

Many shortcomings of the welfare system today exist because we have merely tinkered with its details and added band-aid solutions, thereby warping its underlying objective. The result is an unworkable system for moving people out of poverty into the mainstream of American life. It is my strong hope that well-intentioned efforts to improve the Family Assistance legislation will not be responsible for its failure. It is time for all persons truly interested in the improvement of our welfare system to come to the support of this legislation.

It is imperative that the states that bear the most direct responsibility for welfare have a major voice in shaping welfare reform policy. We all know that this legislation does not provide the full federal funding of welfare that the National Governors' Conference has sought. In my own budget message last April, I called upon the federal government to assume this cost and said "The greatest single contribution that the government could make to state and local government would be to pay *all* public aid grants." Nonetheless I am convinced that the Family Assistance Plan is a giant step in this direction. We must recognize and accept the administrative problems which are inherent in shifting from the entrenched system to this new departure. But we cannot let these considerations distract us from the benefits this change will bring. We should not wait for the achievement of perfection while the vicious poverty cycle in this country continues unabated.

No one piece of legislation could do everything I would like to see done in the field of social welfare.

The Family Assistance Plan is the right beginning. There will be other opportunities for further reform. I am convinced they will come only if we succeed in this initial effort. Only if we turn the corner with this legislation will we be able to meet the pressing demands for similar fundamental reform in medical care and other essential programs.

As the Governor of Illinois I stand four square behind the Family Assistance Plan and offer my services to assist in its passage. I intend to work with the Governors of the Midwest Governors' Conference as well as the chief executive of the large industrial states to see what can be done to move the Nixon Family Assistance Plan out of the Senate Finance Committee and into final enactment this year.

COPY OF LETTER SENT TO GOVERNORS FROM GOVERNOR DAN EVANS, WASHINGTON (ON FAMILY ASSISTANCE PLAN) AUGUST 27, 1970

Late in July, I sent you the impact of the Family Assistance Plan (HR 16311) and indicated some of the problems in the legislation as presently drafted. Subsequently, members of my staff met with representatives of the Department of Health, Education, and Welfare, and reached agreement on certain substantive issues. In my opinion, these changes would resolve, with certain exceptions, the major problems in the plan.

The major changes on which agreement was reached are:

1. Expenditures for Aid to Families with Dependent Children-Unemployed Parents and Aid to Families with Dependent Children-Foster Care will be excluded from the expenditure base for computing the "hold safe" requirement.

2. The wide discretion granted to the Secretary of Health, Education, and Welfare with respect to payment levels under State Supplementation apparently has already been discussed with the Senate Finance Committee. If this discretion is not modified by the Committee so as to make mandatory consultation with the states on these payment levels explicit in the law, HEW has agreed to include such a provision in the rules.

3. If sufficient funds are not available to the states, expenditures under Title XX can be limited on the basis of a state's own priorities although a balanced program of services will be necessary. Additional services could be provided by municipalities with a population of 250,000 or more if there were sufficient local funds. Non-federal expenditures for services must be at least as high as fiscal 1971.

4. Under Title XVI the recognition of the economy of shared living arrangements was considered by HEW to be implicit in computing the $110 standard. HEW agrees, however, that this requirement should be made explicit in the law.

5. Under the emergency assistance provision of Title XX, the intent apparently was that the states define the conditions and content, with the Secretary of HEW setting the outer limits. HEW agrees, however, that the law should be modified to indicate that "emergency" is to be defined by the state.

The representatives of HEW considered that our suggestions with respect to Title XIX would be more appropriately considered with the health insurance legislation to be introduced next February rather than in connection with the Family Assistance Plan legislation as such. HEW will work with the states on appropriate modification of Title XIX prior to the submittal of such legislation.

We still have a concern that a state might not be able to meet its fiscal obligations under the bill at some time in the future. HEW has agreed to work with us to develop language that will permit the Secretary to waive part of a state's liability, should serious fiscal problems develop.

Although we still have certain questions about some aspects of the law, e.g., the liberalized definition of disability, and the fragmentation of services that would be possible if cities of over 250,000 instituted their own services program, the above changes overcome our major financial objections to the legislation. We have always been in favor of the intent of the Family Assistance Plan, and, with these financial modifications incorporated in the legislation, we will give it our firm support.

One further area that you may wish to examine is the provision in Title XX of the bill which permits cities of over 250,000 to elect to operate their own social services program. This could make the equitable provision of social services extremely difficult in many states, and interposes another level in an already complex system. I urge that you carefully examine the impact of this provision on the ability of your state to deliver services effectively.

I trust that you and your staff will review the suggested changes and the impact on your state. Given these changes, the "hold safe" provision appears to become a substantive rather than nominal limitation on state expenditures. We have appreciated the positive attitude of HEW staff and consider that solid progress has been made.

We hope that you, like ourselves, will support the legislation as modified.

Sincerely,

DANIEL J. EVANS,
Governor.

SEPTEMBER 25, 1970.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

MY DEAR PRESIDENT NIXON: I am most impressed by what I have learned about the Family Assistance Program. I congratulate you on your courage and vision in presenting it to the people of this country.

I am urging that you give serious consideration to Arkansas as a demonstration state. Our state stands ready to work night and day with you in this historic undertaking. I have no doubt whatsoever that we can prove the capability such a program requires.

The people of Arkansas without exception, I believe, share in endorsing the first principle of FAP—to help people to help themselves.

With all good wishes,

Sincerely,

WINTHROP ROCKEFELLER,
Governor.

SUN VALLEY, IDAHO.

Secretary ELLIOTT L. RICHARDSON,
Department of Health, Education, and Welfare, Washington, D.C.:

At an executive session of the Republican Governors' Association this noon, I presented the matter of the Family Assistance Plan and the Ribicoff-Bennett amendment. The RGA voted to support the President's Family Assistance Plan with 14 in favor, 2 opposed and 3 absentions.

RUSSELL W. PETERSON,
Governor of Delaware.

Mr. CASE. Mr. President, as a cosponsor of the pending Ribicoff-Bennett amendment, I urge the Senate to act promptly to adopt the measure.

The debate over welfare reform and the proposed family assistance plan has gone on in the Congress for many months. Before the issue reached us in the form of legislative proposals, it had been debated over a period of several years by private citizens, advisory councils, welfare directors, and State officials.

So there is no lack of information on this issue, nor is there any need for further study or prolonged tests of the pending proposal, or alternative proposals, to determine whether reform is needed. Those who have examined existing welfare programs know the system is inefficient, unfair, and inequitable.

There are no national standards for either benefits or eligibility. There is no uniformity in Federal cost-sharing, and the administration of public assistance varies widely from State to State.

As has been pointed out, what we have, in short, is really 54 different programs in 54 different jurisdictions throughout the United States. Each State sets its own standard of need. Each State determines who will be eligible. Each State decides how much it will pay. And each State gets a different share from the Federal Government.

Is it any wonder the system is not working and the people it is supposed to help are frustrated?

The continuation of a system so demonstrably inequitable and inefficient is not fair to the poor—especially those who need help and are not getting it under the categorical approach—and it is not fair to States and cities.

Welfare is no longer a local problem. We have become a highly mobile society and we have encouraged people to seek employment in urban centers where jobs and industries are located. The movement of people into cities and their inability to obtain employment, because of lack of skills and lack of opportunity, has caused welfare rolls to mushroom. Most of these people have no recourse but to seek help through the aid to dependent children program.

In my own State of New Jersey, three-fourths of all our public welfare expenditures go into this program. According to Governor Cahill, the average monthly number of welfare recipients rose from 106,000 to 306,000 during the past 5 years, an increase of nearly 200 percent. Net expenditures for this program—Federal, State, and county—rose from $59 to $216 million, a rise of approximately 270 percent. And State expenditures increased from $17 to $99 million, or a rise of 500 percent. I am told that total State expenditures for welfare—and medicaid—are expected to increase as much as 53 percent, or $100 million, next year alone.

Obviously, neither New Jersey nor other States experiencing similar skyrocketing costs can afford to continue to bear the financial cost of what must be recognized as a national problem. Help from the Federal Government is long overdue.

The family assistance plan does not do all I think it should, but it does represent a substantial improvement over the conglomeration of the 54 programs we currently have. Moreover, as now amended, FAP would provide, in addition to national minimum standards and work incentives, fiscal relief to the States on a permanent basis by freezing their future welfare costs to 90 percent of their 1971 costs.

The Ribicoff-Bennett amendment is the product of weeks of effort by the administration and various Members of Congress to develop a fair, workable bill. It represents, I believe, the best hope of moving toward welfare reform this year.

Of course, even if FAP is adopted, it will not provide the kind of immediate help needed by local governments. There will be a lag of at least 12 to 18 months before the new program is implemented by the States, during which time welfare costs are expected to continue to escalate.

That is the reason I recently introduced an amendment to title II of H.R. 17550 to increase the Federal share of the cost of medicaid and current public assistance programs from the present minimum of 50 percent to a new minimum of 72 percent.

The effect of my amendment would be to provide $2.3 billion in urgently needed Federal aid to three-fourths of the States, including those States bearing the heaviest burden of welfare costs. My amendment is not offered as a substitute for FAP but simply as a way of providing some relief until the family assistance program, if adopted by Congress, goes into effect.

I hope it will be possible to vote on both the Ribicoff-Bennett amendment and on my amendment before the Senate adjourns.

Mr. WILLIAMS of New Jersey. Mr. President, 35 years ago this Nation made a commitment to enable the elderly to live a life of dignity and self-respect in retirement. Enactment of the Social Security Act was a landmark in social legislation. It once again affirmed the high value we place upon human dignity throughout a lifetime.

Today social security protects workers and their families from loss of earnings because of retirement, death, or disability.

Without these benefits, many older Americans would be forced to go on the relief rolls or to depend upon relatives who frequently would not have the resources to support them.

And without these benefits 19 out of 20 beneficiaries would not even achieve a moderate standard of living.

Yet, the vast majority of older Americans are experiencing a retirement income crisis which is worsening, rather than improving:

Nearly 5 million elderly persons fall below the poverty line;

Over 2 million are on welfare; and

Only about 1 in 5 has a job, usually part time and at lower wages.

Today older Americans are twice as likely to be poor as compared to younger persons. One out of every four persons 65 and older—in contrast to one in nine for younger individuals—lives in poverty.

Even more disturbing, their aggregate numbers in poverty are now increasing, for the first time. Since 1968 the total number of elderly persons living in poverty jumped by nearly 200,000—from 4.6 to 4.8 million. In sharp contrast, the number of younger persons who would be considered poor declined by almost 1.3 million, about a 6-percent reduction.

These figures clearly show that piecemeal, stopgap measures are just not going to work. Today's retirement income problems cannot be solved by adding a few dollars every year or two to social security.

Immediate and far-reaching action is needed on several fronts.

The bill before us today has several provisions which will be of vital help to individuals living on limited fixed incomes.

Several provisions, in fact, represent a major step forward in dealing with the present retirement income crisis. They are identical or very similar to proposals I have advanced in my omnibus social security legislation and other proposals to help the aged.

A 10-PERCENT BENEFIT INCREASE

In May, the House of Representatives passed a 5-percent across-the-board raise, effective in 1971. This increase would, of course, be welcome by our Nation's 20 million older Americans.

However, our cost of living has been rising at an annual rate of about 6 percent—the most rampant inflation in nearly 20 years.

At this rate, the 5-percent benefit increase would be wiped out before a social security beneficiary received his first check reflecting this raise.

Spiraling inflation continues to rob the pocketbook of every American. But no group is hurt more badly than older Americans living on fixed incomes.

As prices go up, their meager purchasing power goes down—usually quite sharply.

For an average retired couple, a 10-percent benefit increase would mean an additional $118 in annual benefits above the House level, or approximately $10 a month.

MINIMUM BENEFITS

Another significant improvement in the Finance Committee bill is the substantial increase in minimum monthly benefits.

Minimum benefits for a single person now amount to $64 a month.

The 5-percent increase authorized in the House bill would only have the effect of raising this present inadequate base by $3.20 a month—from $64 to $67.20.

This is only a token amount and would be completely unrealistic for a person subsisting in poverty.

The Senate bill would help to improve this measure substantially by providing a minimum monthly benefit of $100. This badly needed reform can be one of the most significant measures in the bill before us.

LIBERALIZATION OF THE EARNINGS TEST

Under present law, a person under 72 may earn up to $1,680 in annual income before his social security benefits are reduced.

For many senior citizens who need to work because of inadequate social security benefits, this limitation operates as a formidable barrier.

In both the House and Senate bills, the existing earnings test is raised to a more realistic level—$2,000 before social security benefits would be reduced.

In addition, $1 in benefits would be withheld for each $2 of earnings above the $2,000 cutoff point. Under existing law, this one for two feature only applies to a $1,200 earnings band—from $1,680 to $2,880. Thereafter, $1 in benefits is withheld for each $1 of earnings.

A 100-PERCENT BENEFIT FOR WIDOWS

Another far-reaching reform in both the House and Senate versions is my measure to provide 100-percent benefits for widows.

At present, they receive only 82 percent of the primary benefit of their deceased spouse.

One of the pressing reasons for making this urgently needed change is that approximately six out of every 10 widows living alone have incomes below the poverty line. Especially disadvantaged are the Nation's very oldest women.

Another compelling argument for this measure was advanced by Dr. Joseph Pechman of the Brookings Institute:

> An increase in the widow's benefits to a full 100 percent of P/A (the primary benefit amount that had been payable to the husband) would more effectively aid the poor, per dollar of added cost, than any other change in the system, including a minimum benefit.

It is estimated that this change alone can provide an additional $260 in annual income for widows. Approximately 2.7 million widows and widowers will be benefited from this change.

AGE-62 COMPUTATION POINT FOR MEN

My proposal to provide an age-62 computation point for benefits for men—the same as now exists for women—has also been incorporated in both the House and Senate bills.

Under present law, 3 more years are used in computing benefits for a man than are used for a woman of the same age.

This difference in the treatment of men and women can result in significantly lower benefits being paid to a retired man than are paid to a retired woman with the same average earnings.

When the change in the committee bill is fully operational, the benefits for most men would be higher than under present law. And higher benefits would be paid to the dependents of retired men and to the survivors of men who die after age 62.

LIBERALIZED ELIGIBILITY REQUIREMENTS FOR DISABILITY INSURANCE

A number of improvements were also made in the Finance Committee bill to improve the present disability provisions.

For example, the Senate bill reduces the waiting period to qualify for disability benefits 6 to 4 months.

Moreover, blind persons will be able to qualify for disability benefits, provided they have worked under social security for 6 quarters.

UPDATING RETIREMENT INCOME CREDIT

In addition, the Finance Committee bill also incorporates my proposal to update the retirement income credit for retired teachers, firemen, policemen, and other Government annuitants.

The purpose of the credit is to place these pensioners on a substantially equivalent tax basis with social security beneficiaries.

Social security benefits are, of course, tax exempt. Government annuitants receive comparable tax relief by claiming a 15-percent credit on their qualifying retirement income—their pensions, annuities, rents, interest, and dividends.

But the credit no longer provides equivalent relief because it has not been updated for 8 long years. During that time, there have been three badly needed social security increases. And hopefully, we will soon enact a fourth raise to help bring retirement income up to a more realistic level.

My amendment—which was adopted in modified form—would help to correct this longstanding inequity.

It would do this by raising the maximum amount for computing the 15-percent credit from $1,524 to $1,872 for a single person and from $2,286 to $2,808 for an elderly married couple.

This could mean a possible tax savings of $52 for a single retiree and $78 for a married couple.

SECTION 225

One especially objectionable feature in the House-passed bill was section 225, which provided for a one-third cutback in Federal funding after 60 days for medicaid patients in hospitals or 90 days for persons in nursing homes or mental institutions.

This is in spite of the fact that two-thirds of all nursing home residents require more than 90 days' care.

This ill-advised proposal could have dealt a crippling blow to the availability or quality of care for medicaid patients.

Since medicaid patients are unable to pay for their own medical care, this crushing burden would fall directly on the States. And we know that virtually every State in the Union lacks sufficient resources to assume this additional substantial burden.

In the committee bill, there would be cutbacks in Federal funding for institutional care only when adequate professional review and medical audit functions are not effectively applied. However, States properly carrying out these functions would not be affected by any cutback provision.

FINANCING OF COST-OF-LIVING INCREASES

In spite of the overall worthiness of the bill, one especially controversial provision has arisen, and that is the method of financing the cost-of-living increase.

To pay for these increases, approximately 50 percent would come from raising the tax rates and 50 percent from increasing the taxable wage base.

The effect of this measure is that a large portion of this burden would be shouldered by people earning low incomes—people who can least afford a tax increase.

Since the payroll tax rate would be uniformly applied to all covered individuals, workers with low earnings would pay a proportionately higher percentage of their total income than higher paid persons.

Once again, this underscores the need for well-timed and well-conceived use of general revenues to help finance a portion of the social security program.

The advantage of this approach is that it would provide a more equitable means for financing this essential, but still imperfect program.

It would not result in burdensome payroll taxes being imposed upon today's workers. And it would make the tax structure for financing the program more progressive.

Mr. President, the overall study of the "economics of aging" by the Senate Committee on Aging—of which I am chairman—has helped make the case for badly needed reform in social security.

The bill before us today represents a significant step forward in many respects. But our task is still not complete. Further reform is still needed and will be discussed in much greater detail in the Committee on Aging's final report on the economics of aging, which will be issued in the very near future.

A recent letter from Mr. Nelson Cruikshank, president of the National Council of Senior Citizens, makes a very perceptive analysis of some of the major provisions in the 1970 social security bill. His comments about the financing of the cost-of-living increase, especially merit the serious attention of all Members of the Senate.

Mr. President, I ask unanimous consent that this letter be printed in the Record for my colleagues to read.

There being no objection, the letter was ordered to be printed in the Record, as follows:

National Council of Senior
Citizens, Inc.,
Washington, D.C., December 14, 1970.
Hon. Harrison A. Williams, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator Williams: This is in reference to H.R. 17550 (Social Security Amendments of 1970) which we understand is being reported by the Senate Finance Committee and will probably be before the entire Senate this week.

As you know, this is a very complex bill containing many proposals for changes in the basic Social Security program in Medicare, Medicaid, and Public Welfare. In one way or another practically all these proposals affect the well being of the older people of this country and we would have preferred that there were time for us to make an analysis of all the proposals and to present our views in detail. However, it appears that in the short time remaining to this Congress this will not be possible.

There are some major provisions of this measure before you on which we would appreciate the opportunity of presenting our views.

CASH BENEFITS

The first of these is the matter of increasing the cash benefits under the Old-Age, Survivors and Disability programs. The House-passed bill provides but a meagre five percent across-the-board increase. The Finance Committee bill provides a 10% increase with $100 per month minimum benefit. While this represents a substantial improvement, it still falls short of meeting the economic needs of the elderly who, in the face of inflationary increases in living costs, are witnessing the erosion of their already meagre incomes.

About 9 out of 10 older people now receive Social Security benefits and are largely dependent on them as witnessed by the fact that one quarter of the married couple beneficiaries and one half of the non-married have other income of less than $40.00 a month per person. Average Social Security benefits are $117 a month for retired workers.

Inflation has hit older people the hardest because their incomes rise slowly—if at all—and because the greatest price increases have taken place in such necessities as home maintenance, insurance, taxes, medical care and transportation. The most seriously affected are older widows or unmarried women who form the largest single element in the older population. The average Social Security benefit for widows is $101 a month.

It is for such reasons that we appeal to you to give primary consideration to increases in cash benefits. Whatever disposition the Senate may make of the many other proposals contained in H.R. 17550—this is one on which we feel confident you will want to take immediate action. And we urge you to take such action as will assure that whatever comes out of conference will provide not less than a 10 percent increase with the minimum benefit of $100 a month.

COST OF LIVING INCREASES

Secondly, we have some very definite views of the proposals for increases in benefits geared to increases in living costs which we would like you to consider.

We are, of course, not opposed to increases whatever their basis. But we want to emphasize the position we have consistently taken, namely that cost-of-living percentage increases applied to the present low level of benefits as a base, will not alone meet the income needs of the elderly. To do this requires substantial improvements in present benefit amounts. Future needs could then be met in large measure by automatic increases based on cost-of-living figures.

But if the steadily improving *standard* of living provided by the dynamic American economy is to be shared by the elderly, Congress must continue, as it has in the past, to review periodically the requirements and resources of the Social Security system and make such adjustments as appear necessary and feasible in the light of current economic and social conditions.

Both provisions for automatic adjustment and for continuing responsibility of the Congress in this area appear to be provided in the escalator provision of the Senate Committee bill. Except that in this bill the provisions for financing the increases are less equitable, in our view, than those of the House-passed bill which would finance the increased benefits by increases in contribution and benefit bases, also geared to increases in cost-of-living.

Consequently, we would urge that the provisions for financing the cost-of-living increases contained in the House bill be retained along with the provision for "intervening" by the Congress, as contained in the Finance Committee bill. We feel strongly that the burden of rising benefits geared to cost-of-living should not be borne by workers (and their employers) in the lower wage brackets, as would be the case under the financing provision of the Senate Committee bill.

RETIREMENT TEST

Finally, we support the proposed changes in the retirement test which are identical in both the House-passed bill and the Senate Committee bill. The liberalizations of the test both for the present and those for the future geared to cost-of-living, appear as moderate adjustments required by changing conditions. We are opposed to any proposals for eliminating the test entirely, or for more far-reaching changes than those contained in the present bill.

The National Council of Senior Citizens, like many members of Congress, I am sure, has been called upon to request elimination of the retirement test on the allegations that the Social Security program should not "prevent people from working." In response to these requests we made a thorough study of the purpose and operation of the test and concluded that it would be most unfair to the great majority of retirees if this test were to be eliminated. After wide distribution of the results of this study by every means available, our membership has supported our opposition to removal of the test.

The main reasons for this position are (1) most elderly are not able to work, even if jobs in the present labor market were available, (2) removing the test would be of benefit to less than 10 percent of the elderly and this would include those who need help least of all; professional people, business executives and others who for the most part do not rely mainly on Social Security benefits for their livelihood and (3) the cost which would run about $2.75 billion the first year and more in later years, would undoubtedly prevent increases in benefits for those much more in need.

We appreciate your giving our views consideration as this very vital measure comes before you for action. If we can be of any assistance in further clarifying our position, or in any other way, please feel free to call on us.

Sincerely and respectfully yours,
Nelson H. Cruikshank,
President.

Mr. FANNIN. Mr. President, presentations by several members of the Finance Committee, from both parties, have illustrated the fallacy that the family assistance plan would create incentives for people to work rather than not to work. Supposedly workfare was the foundation of this program but it is now evident we need a pilot project to make it possible for information to be developed to prepare legislation for programs to accomplish this objective.

We need to determine what can be done to provide jobs for people under this program. At the present time we have a serious unemployment problem in this country and we must find a solution. Many of these people are on welfare.

Mr. President, the Secretary of Health, Education, and Welfare has estimated the current welfare caseload in the Nation at 12.6 million.

This is an increase of 2 million persons over the same date 1 year ago.

Secretary Richardson has also been quoted as saying that in some States the hike in welfare caseloads is up as much as 30 percent over last year. This means that caseloads in some areas are more than doubled every 5 years.

President Nixon has set the current welfare budget at $8.7 billion—yet it is expected that the actual cost this fiscal year will soar over $10 billion.

This welfare load already is a very substantial burden on the hard-working people of our Nation.

And yet, here we are discussing a program to double the number of persons who qualify to collect welfare payments.

This simply is not fair to those people in our society who work day in and day out to carry their own weight.

Mr. President, we have run the gamut of suggestions as to what income a person is entitled to as a birthright in this Nation. It ranges from $1,600 to more than $7,000—depending on which advocate of the guaranteed annual wage you may talk to.

What in the world has happened to our country?

Why are we so determined to travel down the same road that proved so disastrous to the British?

Our Nation became great and powerful by offering people opportunities—not by guaranteeing them handouts. Our people have prospered because of their sweat and toil and their willingness to sacrifice.

Perhaps it is a bit old fashioned, but I believe that some of the principles that made our country great still are valid. I do not see why we should pick the year 1970—or 1971—to switch to a socialistic philosophy which is contrary to our heritage.

Those who have promoted the various guaranteed annual wage programs over the years have dwelled on the plight of the poor. And I can appreciate this concern. I too am concerned about the plight of the poor. We certainly have not done enough for the aged and the ill who are deserving of much more consideration.

But let us talk for just a moment about the plight of the working man and woman and his family.

Throughout our history the bulk of Americans have been willing—and in most cases even thankful—to labor hard for their livelihood. They have been justly proud to carry their own weight and do an extra bit to help their Nation.

Millions have started work in their teens. Mostly they have had precious little education. Many have worked all their adult lives, 5 and 6 days a week at labor that is perhaps monotonous, perhaps tedious, perhaps physically exhausting. These proud masses have not sought—nor would most of them have accepted—a chance to freeload on their fellow workers.

Now, suddenly in the latter half of the 20th century, we have a strange, new movement afoot. There is a faction that contends that people have a right to freeload on their fellows, that no one has an obligation to help carry his share in paying the price of making society run.

Advocates of the guaranteed annual wage—or the family assistance plan as it is called in this case—make it sound as though welfare payments somehow materialize magically. They foster the old, worn myth that the State is something with endless resources that can provide for the needs and desires of everyone.

But we know better. Or at least I hope we do.

The Government has nothing to give to anybody that it does not first take from someone else.

If we double the welfare roles, then we multiply accordingly the amount of tax money that we must extract from the hard-working man to give to the nonproductive members of our society.

This is not a scheme to take from the rich and give to the poor.

It is a scheme to take from the middle- and low-income worker—already struggling against inflation—to give to the poor, whether the poor be deserving of help or not. Again, I say that I am not being critical of persons who have a legitimate claim to welfare, such as the aged or the ill who cannot work.

Mr. President, I am pleading for the man who is determined to do whatever he can to pay his own way in the best of American tradition. This is the man who would be the victim of the misguided legislation we are considering.

There is a lot of talk about the right of every man to live with dignity.

Too many of those people willing to live off the labor of others do not know the meaning of the word "dignity."

We have an unfortunate situation in our Nation at the current time where many well-educated or well-trained men and women, eager to work, cannot find employment in their chosen field.

These people are having a hard time maintaining their dignity. But many of them are doing it, and doing it the hard way. It is dignity when an engineer takes a job as a cab driver because he is determined to support his own family rather than go on the public dole.

It is dignity when a cab driver who is out of work seeks any kind of manual labor to support his family.

Recently there was a newspaper article which indicated that a job lacked proper dignity because it paid a workman only $3 per hour.

To me, a man who fails to work at a job paying $300 a month in wages so that he can collect $300 a month in welfare has no dignity.

Mr. President, what we need is to reform our welfare system—not expand it.

The proposal we have before us just adds another layer to the same old mess.

We must have a program to encourage people to get off welfare. We must have something to break the pattern of generation after generation of welfare families. We must halt the proliferation of welfare provisions that encourage people to keep their hands out.

The Government is only the intermediary in this—the handout really comes from the man who has done his day's work. It is taken from the workingman and from the workingman's family.

What we need is a workfare program.

We need meaningful reforms that will adequately provide for those unfortunate people who cannot possibly support themselves. We need to kick the perennial freeloaders, those who can work but will not, off the welfare rolls. And we need to offer incentives to put the prospectively productive members of our society back to work.

There are those in our Nation who would sit back gladly and accept a free ride. They would feel not the slightest embarrassment or remorse. They believe people who work are suckers. These people are immoral.

And there are other disadvantaged people we are trying to inspire to work who would be irrevocably damaged by any guaranteed annual wage scheme. These people are willing to subsist, and to have their children subsist. They would be content with $2,000 a year; they would be prosperous with $3,000 per year; they would be overwhelmed with $4,000 per year.

These people are not immoral. Their mores—or lifestyle to use the modern cliche—has never looked upon labor as a virtue and they feel no scruples about living forever on whatever is given to them. As I said, subsistence is the essence of their life. This program would be ruinous to them.

Mr. President, we already have seen the phenomenon of welfare recipients organizing to demand more and more from the Government. We have seen them "occupy" the office of a secretary of welfare.

Now, we have before us a plan to double the number of persons who would have credentials to join such pressure organizations and join in such disruptive tactics.

We would have roughly one out of nine persons in this country on welfare. This quarter of a million persons would be a tremendous political bloc. The politician playing to this group would have to offer more and more benefits. He would have to promise to take more and more from the assembly line workers, butchers, mechanics, office workers, and other productive members of society to give to those who not only cannot work but those who simply do not want to work.

Mr. President, if this were a good program—and it is not a good program, but if it were a good program—now would be the wrong time to try to launch it.

Our Federal Government already is faced with a deficit of $10 to $15 billion—and perhaps even more—during the current fiscal year.

What we need at this time are programs to put people in jobs, not on welfare rolls. We have an unacceptably high rate of unemployment. Welfare is not the answer.

Those who have been trying to sell us the family assistance plan talk vaguely about getting welfare recipients eventually into jobs. Yet their program makes no provision for new jobs. No one is saying where these jobs are going to come from.

What escapes me, Mr. President, is the logic of some of the people who are 100 percent for expanding welfare and yet dead set against other legislation to protect American jobs. It is inconceivable that we can survive as a nation of welfare recipients after we have exported virtually all of our manufacturing jobs.

I think that the welfare reform issue is very closely tied in with the trade bill, Mr. President, and that is why I felt compelled to mention it at this point.

I certainly am not opposed to welfare reform.

In the Finance Committee, I voted for a pilot program to test out some of the reform theories. We would have a chance to see what incentives are effective in getting people off welfare and into productive work.

This is the only sensible way to approach the issue.

Voting for a multibillion dollar new welfare program without a pilot project is like voting for production of a multibillion dollar new airplane—we might take the SST as an example—without providing for testing of prototypes.

I want to see if the family assistance plan will fly.

And more important, I want to see if it is going to fatally pollute the atmosphere of our Nation.

The proposal before us is fraught with dangers. It is built on estimates and assumptions of doubtful value.

A trial run could either prove that the proposals are sound—or demonstrate that disaster would strike a full-blown program if it were attempted.

I firmly believe that the family assistance plan as now offered would be a disaster for the Nation.

This is not something I say lightly.

I have supported 99 percent of President Nixon's programs, but I most definitely oppose the program before us and everything offered so far by the administration.

President Nixon had a good idea—a work incentive program to cure the ills of the welfare system.

The idea obviously went astray in the Department of Health, Education, and Welfare. The program presented to us is not only a continuation of the same old misdirected welfare concept, but an expansion of the fiasco.

We have a program here which is aimed strictly at increasing the welfare rolls. It offers no real incentives to put people to work. It offers no machinery for encouraging or preserving jobs, or of getting welfare people into productive positions.

If this program is approved, I say again, it will be a disaster for our country.

Mr. MATHIAS. Mr. President, we are debating the most important domestic legislation of this Congress. I regret that we are doing so under the pressures of adjournment and under a tangled parliamentary situation. The administration's Family Assistance plan is so important that it deserves our most earnest and direct consideration.

The President has called this legislation the keystone of his entire program of domestic reforms. I was proud to cosponsor the original version of the plan last year and am pleased to join in sponsoring the current proposal. It is the product of years of study by many perceptive individuals, including the Vice President, who was among the first to advocate a Federal floor under welfare payments as a means of relieving the fiscal burdens on the States.

This legislation, if adopted, will have a constructive impact on millions of Americans, both those who, as taxpayers, are now forced to support the obsolete welfare system, and those who, as recipients, are subject to its inequalities and whims.

Especially important is the import of the Nixon proposal for the coming generation of Americans. We have an opportunity here and now to take a long step toward freeing millions of children from the tragic welfare cycle of dependence and poverty, and enabling them to grow up in a united family, in an atmosphere of dignity and self-reliance. In an eloquent address to the White House Conference on Children on December 13, the President spoke of the meaning of the Family Assistance plan for the next generation. I ask unanimous consent to include the text of the President's remarks in the Record at the conclusion of my statement.

Mr. President, the Family Assistance Plan is based on the premise that all Americans need money to live and incentive to work. Beyond that, it establishes national uniform eligibility standards, and narrows the present variations in benefits. It combines strong work incentives with work requirements. It will lift a great and growing financial burden from State and local governments, enabling them to turn their limited resources to other pressing public problems.

This legislation is not perfect; no bill of this scope could fully satisfy everyone. But it is a bold step forward and deserves Senate approval this year.

There being no objection, the text of the President's remarks was ordered to be printed in the Record, as follows:

REMARKS OF THE PRESIDENT AT THE WHITE HOUSE CONFERENCE ON CHILDREN

Mr. Secretary, Mr. Mayor, Mr. Chairman, and ladies and gentlemen, all of the delegates to this Conference:

Before I begin my prepared text, I would like to express my deep appreciation to all of you who have come to this Conference, and also for the very special entrance that was arranged on this occasion.

One of the great privileges for the President of the United States, of course, is to hear Hail to the Chief. I have heard it many times since I became President almost two years ago. I have never heard it played better than by the East Atlanta School from over here, an elementary school.

Speaking as one who played a very poor second violin in a high school orchestra, I appreciate all of the work and the talent that is represented therein by the leader who was able to develop those talents.

I am very proud tonight to share with six of my predecessors, starting with Theodore Roosevelt and most recently, Dwight Eisenhower, the honor of convening a White House Conference on Children. I take very special pleasure in welcoming all of you here.

Our concern at this Conference is with the well-being of 55 million individual human beings who happen to be children under the age of 14, and who represent one-fourth of all the people in America.

When I refer to them as 55 million individual human beings, I mean to put the emphasis precisely on that—in the fact that nothing is so intensely personal as the private world of the child; nothing so removed from the statistical abstractions of a chart or a computer.

In talking about our children, we are talking about our world and about its future, but in the most special, the most human, the most individual sense of anything we do or consider.

The refreshing little flower emblem that has been used as the symbol of this Conference is a reminder to us of one very simple and very basic truth: that the world of the child is different and very special, and full of promise and very much alive.

It also reminds us that whether we speak of a community of 200 people or of 200 million, the important thing to remember is that no two are alike.

I am sure some of you have heard the little television commercial, a musical one, that has the little ditty that goes "No one else in the whole human race is exactly like you."

Because of this, what is right for one child may be all wrong for another.

Here in Washington, in government, we have a tendency to think about things in the mass, about cities of more than a million or less than a million, of people over 65 or those under 21, about whole school systems or health delivery systems.

Just yesterday, I spent a great part of the day working on next year's Federal budget, on billions for this and billions for that, and how perhaps $100 million could be saved here in order to do something we want to do someplace else; trying to balance the needs and hopes of dozens of government departments and agencies that operate thousands of programs involving millions of people. Sometimes after a day like that, I find myself reflecting on both the necessity and then the impersonality of it all. Budgets have to be made and they have to be followed because that is the way the real world operates. And governments have to deal with great masses of people because this is the way governments operate.

But how far removed this can get us from the perspective of the individual person. How great a tendency there is in government to lose track of people as people, to get so wrapped up in charts and projections and columns of numbers that we lose sight of what ultimately it is all about.

If there is one thought more than any other that I would like to leave with you, all of the 4,000 delegates to this Conference, it is this: to remember that what matters is one person, one child, unlike any other, with his own hopes and his own dreams and his own fears, who lives at the center of his own separate and very personal world.

I am sure that each one of you is here taking part in this great Conference because you do care not only about children in the mass, but about the child. I hope you will help us in government to keep the focus on that one child.

One of the special glories of America is that we are a nation of individuals and individualists. We produce people, not automatons. We recognize diversity not as an evil but as a virtue. We turn not to one institution alone but to many to perform the great task of achieving a better life for all of us.

We recognize, of course, the role for government, for the church, the home, the school, the volunteer agencies that are so distinctive a feature of American life. And we do know that this is a case in which individual cooks, and additional cooks, do enrich the broth.

There is, of course, a large and vital role government must play in insuring the best possible opportunities for the child.

Tonight I would like to speak briefly to you about just one government program, a Federal Government program, presently being considered by the United States Senate, which I believe particularly deserves your support.

The great issue concerning family and child welfare in the United States is the issue of family income.

For generations, social thinkers have argued that there is such a thing as a minimum necessary family income, and that no family should be required to subsist on less. It is a simple idea, but very profound in its consequences.

On August 11, 1969, over a year ago, I proposed that for the first time in America's history we in this great, rich country establish a floor under the income of every American family with children. It has, in turn, been called by others the most important piece of domestic legislation to be introduced in Congress in two generations.

In terms of its consequences for children, I think it can be fairly said to be the most important piece of social legislation in the history of this Nation. I am sure you know the story of the legislation. In April, it passed the House of Representatives by almost 2-to-1. Then it became mired down in the Senate. It is still stuck there, but it is not lost. There is still an opportunity for the 91st Congress to change the world of American children by enacting Family Assistance.

In these closing days of that Congress, I want to emphasize once again unequivocally my personal support for the welfare reform this year, and to urge your support for welfare reform this year.

In the last 10 years alone—listen to this—the number of children on welfare in America has tripled to more than six million. Think of it—six million children—six million children caught up in an unfair and tragic system that rewards people for not working instead of providing incentives for self-support and independence; that drives families apart, instead of bringing them together; that brings welfare snoopers into their homes, that robs them of pride and destroys dignity. I believe we should change that.

The welfare system has become a consuming, monstrous, inhuman outrage against the community, against the family, against the individual, and most of all against the very children who are our concern, your concern, in this great Conference, the children it is meant to help.

We have taken long strides—not enough, but long strides—toward ending racial segregation in America. But welfare segregation can be almost as insidious.

Think what it means to a sensitive child.

Let me give you one example. My daughter Tricia does tutoring at an inner-city school here in Washington. She tells me of her deep concern each day to see the welfare children herded into an auditorium for a free lunch, while the others bring their lunches and eat in the classroom.

We have to find ways of ending this sort of separation. The point is not the quality of the lunch. As a matter of fact, she tells me that the free lunch is probably nutritionally better than the ones the others bring from home.

The point is the stigmatizing by separation of the welfare children as welfare children.

I remember back in the Depression years—and if this dates me, if you can remember, you can remember, too—of the 1930's, how deeply I felt about the plight of those people my own age who used to come into my father's store when they couldn't pay the bill, because their fathers were out of work, and how this seemed to separate them from others in our school.

None of us had any money in those days, but those in families where there were no jobs and there was nothing but the little that relief then offered suffered from more than simply going without. What they suffered was a hurt to their pride that many carried with them for the rest of their lives.

I also remember my older brother. He had tuberculosis for five years. The hospital and doctor bills were more than we could afford.

In the five years before he died, my mother never bought a new dress. We were poor by today's standards, and I suppose we were poor even by Depression standards.

But the wonder of it was that we didn't know it. Somehow my mother and father, with their love, their pride, their courage and self-sacrifices were able to create a spirit of self-respect in our family so that we had no sense of being inferior to others who had more.

Today's welfare child is not so fortunate. His family may have enough to get by on and, as a matter of fact, they may have even more in a material sense than many of us had in those Depression years. But no matter how much pride and courage his parents have, he knows they are poor and he can feel that soul-stifling patronizing attitude that follows the dole.

Perhaps he watches while a caseworker—a caseworker who himself is trapped in a system that wastes on policing talents that could be used for helping—watches while this caseworker is forced by the system to poke around in the child's apartment, checking on how the money is spent, or whether his mother might be hiding his father in the closet.

This sort of indignity is hard enough on the mother. It is enough of a blow to her pride and to her self-respect. But think of what it must mean to a sensitive child.

We have a chance now to give that child a chance—a chance to grow up without having his schoolmates throw in his face the fact that he is on welfare and without making him feel that he is therefore something less than other children.

Our task is not only to lift people out of poverty but from the standpoint of the child our task is to erase the stigma of welfare, illegitimacy and of hardship, and to restore pride, dignity and self-respect for every child in America.

I don't contend before this sophisticated audience of critics that our Family Assistance Plan is perfect. Secretary Richardson, who has been before the Senate, will be able to answer questions that you may put to him because he has been before a very, very critical body.

But I am only going to suggest this: In this confused, complex and intensely human area no perfect program is possible, and certainly none is possible that will please everybody. But this is a good program, and a program immensely better than what we have now, and vastly important to the future of this country—and especially to the neediest of our children. It is time to get rid of the present welfare program and get a new one, and now is the time to do it.

For the United States Senate to adjourn without enacting this measure would be a tragedy of missed opportunity for America and particularly for the children of America.

I have dwelt at some length on Family Assistance because of its vital and even historic importance and because now is the time for Senate decision.

This represents, as I indicated, one of the things the Federal Government can do to give children a better opportunity.

There are others: our programs for the right to read, our emphasis on the first five years of life through the new Office of Child Development in the Department of HEW, on education reform, on food, nutrition, and in many others, where we are trying to meet what I believe is a great responsibility that rests with the Federal Government.

I know in this Conference you will have many new ideas for things we in Government, in the Federal Government, might do.

We shall do our best to meet our responsibility in those areas where the Federal Government can best do what needs to be done. But I would also stress that equally and often more important is what States and communities do, and the school, the church, the family, the mass media, the volunteer organizations, each of us as individuals. For the child is not raised by government; the child is raised by his family. His character is shaped by those people he encounters in his daily life.

I think especially of the millions of Americans who give their time, their energy and their heart to volunteer activities working with children. You know them in your communities—thousands, hundreds of thousands all over America.

Before becoming President, I served as National Chairman of the Boys Clubs of America. I saw from the inside the wonderful work organizations like the Boys Clubs and others do, and also the spirit and dedication of the people who make them possible. There are churches and service organizations, hundreds, thousands of organizations all across America, helping. They can help more.

And most important, these volunteer organizations can do what government cannot do: they can give heart and inspire hope, and they can address themselves not simply to children as a group but to that one special, precious child.

Before closing tonight, I would like to leave with you a few very personal reflections from the perspective of the office I hold.

A President of the United States always thinks about the legacy that he would like to leave the country from the years he serves in this office. I think often about that in terms of what I can leave for America's children.

I know that the first thing I would like to do for them is to bring peace to America and to the world. And here I speak not just of ending the war, but of ending it in a way that will contribute to a lasting peace, so that theirs, at last, can be what we have not yet had in this century—a generation of peace.

I speak not only of the absence of war, but also of a peace in which we can have an open world in which all the peoples of the world will have a chance to know one another, to communicate with one another, to respect one another.

The second thing that as President I would like to leave for America's children is a strong, productive and creative economy—one that can provide every family with a floor under its income higher than what is now the ceiling for most of the world's peoples.

I want to leave them an economy that provides jobs for all with equal and full opportunity, jobs producing not for war but producing for peace.

And beyond this, I want, as you want, America's children in the last generation of this century to have the best education, the best health, the best housing that any children have had anywhere, anytime.

I want them to enjoy clean air, clean water, the open spaces, to restore the heritage of nature that is rightfully theirs.

Although we will always have differences here in America, because this is a very diverse country, I hope that Government can help achieve a better understanding among the generations, the races, the religions, among those with different values and different life styles.

I would like to do all this and do it in the climate of freedom.

I want this generation of children to develop a new sense of patriotism.

Edmund Burr pointed out that patriotism translated literally means love of country. And he went on further to say that for us to love our country, our country must be lovely.

We do love our country—most of us—but we know it has many unlovely features. I want young Americans to learn to love America, not because it is the richest country, or the strongest, or merely because they were born here, but because America is truly a good country and becoming better, because it is truly a lovely country.

I am convinced that in my term as President we made some progress towards these goals that I outlined and I think that we by the end, will have made more progress. But even if all these goals could be fully achieved, it still would not meet our duty to our children.

No matter what Government does for people, no matter what we provide in the way of income, housing or food, we still have not reached the essential element as far as a full and meaningful life is concerned, because what is most important is that every person in this country must be able to feel that he counts.

We have to let 55 million very young Amercans, as well as those a little older perhaps, know that what they do matters, that their ideas count, that the country needs their thoughts, their creativity, their contributions.

I recall Dr. Walter Judd once said that he loved his daughter very much, and then when she asked him to help her with her arithmetic, he really could do it much better than she could, the easiest thing for him to do would be simply to do it for her. But because he loved her, he would not do it for her. He helped her learn to do it herself.

While this conference will and should make recommendations as to what Government can do for children, about how we can make life better for them, let us remember that what is most important is to provide the opportunity for each of our children to participate, for each child.

It is not just a matter of what more Government is going to do for him, but how his own life is going to be enriched so that he can do something for his fellow man.

A sense of dignity, a sense of identity, of pride, of self respect—these no government can provide. Government can help to create better conditions. It can help remove obstacles to the child's development. It can mobilize research and provide services. It can offer advice and guidance. But all these only help to make success possible.

The love, understanding, the compassion, the human concern that touch the child and make him what he can become—these are provided by people, people like you.

And the way we shape the character of the next generation we test our own character as people. And the vigor and the realism with which we approach the needs of the next generation, of each and every child in that generation, tests our devotion to humanity and our belief in ourselves.

I am confident we will meet that test. And I am grateful, very grateful, to all of you here for the concern you have shown, the dedication you have demonstrated, in helping us to do so.

Your recommendations at the conclusion of your conference on Friday will receive the most careful consideration by the various agencies to which they will be referred and by the President of the United States, not only because we in this Administration respect your view, but also because we share your concern. We share your concern about our Nation's children, our children. We share your concern that our children should receive the best that America can give them.

Now, ladies and gentlemen, having concluded my formal remarks, I would like to give you a very special invitation and explain the nature of it.

When I learned about this conference, I suggested to your Chairman, Steve Hess, that Mrs. Nixon and I would like to receive all of the delegates to the conference at the White House. He said, "There are 4,000."

I checked with our staff to see whether that would be possible, and they figured out that based on an experience over the past two years of moving receiving lines as fast as we possibly could, it would take six hours and 18 minutes to get 4,000 people through the line.

I said we couldn't do that because I thought the people at the end of the line might get tired by the end of six hours and 18 minutes.

But I do think you should know that tomorrow the Christmas decorations at the White House will be completed. Those who have seen them think they are the most beautiful they have ever seen.

We have various nights blocked out. Monday night is the Congress; Tuesday night is the Congress; Thursday night are the diplomatic children, and so forth.

But Wednesday night belongs to you.

We have arranged for a special tour. Mr. Hess and his staff will arrange the buses and all the other various means of transportation that are needed to get you there.

We have arranged a special tour of the White House to see the Christmas lights and we hope that some members of our family can be there at least part of the time to greet some of you.

Thank you very much. We wish you the very best.

AUTHORITY FOR THE SECRETARY OF THE SENATE AND THE PRESIDENT PRO TEMPORE OR ACTING PRESIDENT PRO TEMPORE TO TAKE CERTAIN ACTION DURING THE ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate following completion of business today, December 22, until noon December 28, 1970, the Secretary of the Senate be authorized to receive messages from the President of the United States and the House of Representatives, and that the President pro tempore or Acting President pro tempore be authorized to sign duly enrolled bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on December 19, 1970, the President had approved and signed the following acts:

S. 336. An act to amend section 3(b) of the Securities Act of 1933 to permit the exemption of security issues, not exceeding $500,000 in aggregate amount, from the provisions of such act;

S. 703. An act for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually;

S. 1366. An act to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corporation; and

S. 4187. An act to authorize the Secretary of the Army to convey certain lands at Fort Ruger Military Reservation, Hawaii, to the State of Hawaii in exchange for certain other lands.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. FANNIN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations received today, see the end of Senate proceedings.)

SUPPLEMENTAL FOREIGN ASSISTANCE AUTHORIZATION—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. FANNIN). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 21, 1970, p. 43133, CONGRESSIONAL RECORD.)

Mr. HANSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the agreement reached by the conferees on H.R. 19911, the supplemental foreign aid authorization bill, is very favorable to the Senate position. At a time when there have been comments about the fact that the Senate position has not prevailed in some recent conferences, I take pleasure in presenting a conference agreement which supports the Senate's position on all major points in dispute.

The principal differences between the House and the Senate on this bill concerned the Senate's restrictions relating to aid to Cambodia. The Senate bill contained three restrictions; the House bill none. The Senate's restrictions were:

First, a prohibition on the sending of U.S. troops or advisers to Cambodia;

Second, a policy statement that aid furnished Cambodia shall not be construed as a commitment to defend that country; and

Third, a requirement that the President give Congress prior notice before giving Cambodia additional aid through use of the emergency authority in the Foreign Assistance Act.

The House accepted all of these provisions without change. I believe that this outcome should help reassure Senators who are troubled over the possibility that aid to Cambodia may lead to deeper involvement and a repeat of Vietnam. During this session the Senate has spent many weeks debating the issues involved in these restrictions and with the adoption of this conference report, those efforts will finally come to fruition. The Senate will have again taken the lead in reasserting the Congress proper role in the formulation of foreign policy.

There was only one money item in dispute and that was the result of the Senate's adoption of the amendment of the Senator from Alaska, which reduced military aid for Korea by $5.8 million. The Senate receded on this amendment. I hope that the State Department will take all appropriate steps to protect the interests of American fishermen and, in particular, that both it and the Defense Department will see that foreign aid to Korea does not result in increasing competition for our fishing industry.

Mr. President, I move the adoption of this conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. MILLER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. AIKEN. Mr. President, I was one of nine Senate conferees on this bill, and seven of us signed the report. We signed the report because of an understanding we had that if this authorization bill could be satisfactorily arranged—and this bill is now arranged so that it is perfectly satisfactory to the Senate—that then the Defense Department appropriation bill would also have language taken out of it which, in effect, nullified the Cooper-Church amendment, which the State Department advised me was not objected to in any way by the White House or the State Department.

If it had not been for that assurance, I am certain that the majority of the Senate conferees would not have signed the report.

Mr. CASE. Mr. President, will the Senator yield at that point?

Mr. AIKEN. I yield.

Mr. CASE. The Senator is absolutely correct about that. I know as to several of our colleagues on the conference, and I say specifically for myself, that if the Senator from Vermont had not given me the assurance he has just mentioned about the House willingness to take that language out of the Defense Appropriation Act, I would not have been one of the conferees who signed this report.

Mr. AIKEN. I feel responsible, in a way, because I did assure the Senator from New Jersey that such an agreement had been reached. I was assured by the top-ranking member of the Appropriations Committee that it had been reached, and that the objectionable language in the Department of Defense appropriation bill would be removed. This amendment was particularly obnoxious to the Senate committee. It was interpreted by some as being an encouragement to the President to expand the war. Nevertheless, both the White House and the State Department said they did not ask for the amendment. I understand that they did not go along with the amendment, and they would go along with the proposal which they had from the Senate Foreign Relations Committee. So that was that.

I do not know how much truth it reflects, but the report on the news ticker indicates that House Appropriations Committee members have disavowed any understanding such as I had, which I was told in good faith had been reached, and which would result in bringing out three bills which were in conference, including this bill, the supplemental appropriation bill, and the Department of Defense appropriation bill, which we could all agree to, and get them cleaned up.

As I say, I do not know whether those reports are true or not. I am simply stating the understanding that I had when we signed this conference report; and had we not had this assurance with respect to the House amendment which nullified the Cooper-Church amendment, which the White House did not sponsor, we would never have signed this report.

That is about all I have to say. But I want to make this perfectly clear before a vote is taken. I hope that the report, both by the press and what we have had in the way of hearsay, is not true; because I think that, when an agreement is reached, we are entitled to have that agreement kept by all who are parties to it.

I am not saying that they will not keep this agreement. I am simply saying that, in light of the report which is coming over the UPI ticker here and coming from other places, I wanted the RECORD to show what our understanding was before we reached this agreement on aid to Cambodia. Two of the conferees, members of the Committee on Foreign Relations, did not sign the report. I am satisfied that others would not have done so except for our assurance that the other measure would be so worded as to bring about the conditions for which we all hope.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. BAYH. The Senator from Indiana has the greatest respect for the Senator from Vermont. He knows how closely the distinguished Senator has followed this entire debate and controversy. Is it fair for the Senator from Indiana to ask his friend, the Senator from Vermont, whether the Senator from Vermont feels safe in voting for this conference report? Does he intend to vote for the conference report?

Mr. AIKEN. Yes, because the Senator from Vermont cannot at this time prove that the reports coming over the ticker and that are heard orally around this place are true. But I can assure the Senator from Indiana that the credibility of the administration is at stake.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. AIKEN. I yield.

Mr. STENNIS. The Senator made reference to reports coming over the ticker about this——

Mr. AIKEN. That is correct.

Mr. STENNIS. The news ticker, saying that the Appropriations Committee had repudiated the agreement?

Mr. AIKEN. In effect, yes.

Mr. MANSFIELD. If the Senator will yield, I rather doubt that there was an agreement as such. I think there may have been contacts. I would take the word of the Senator from Louisiana (Mr. ELLENDER).

Mr. AIKEN. I have talked with Senator ELLENDER.

Mr. STENNIS. Mr. President, I was not doubting the word of anyone. I do not know what the agreement was. I was not in on it. But I do not think we ought to say on the floor of the Senate that the committee has repudiated an agreement unless that is an established fact. It is just a news ticker impression.

Mr. AIKEN. I am not saying that they have. I certainly hope they will keep their agreement, even though it was not signed, sealed and written. I wanted understood—if such an event happens—the conditions under which the Senate conferees signed the report.

Mr. STENNIS. I thank the Senator.

Mr. AIKEN. I am not accusing anyone of anything, but I want the record to be clear.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I am very interested to know whether the statement made by the managers on the part of the House, which is now before the Senate on this Cambodian matter, would or would not contemplate the existence of what is called the MAG—that is, a Military Assistance Group—in Cambodia. There is much concern here that once one of these Military Assistance Groups is put in, it is the beginning of a chain of action that leads to troops.

The particular statement on the part of the managers relates to U.S. military personnel provided to supervise the distribution and care of U.S. military supplies and equipment delivered to Cambodia.

That can be done, of course, by individuals operating out of the military section of the embassy or by a MAG.

Mr. MANSFIELD. It is my understanding that it does not include a MAG, that it will be done by the military attachés in the Embassy.

Mr. JAVITS. I thank the Senator.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. SPARKMAN. I am glad the Senator brought that up. As a matter of fact, I was going to bring it up.

Of course, the Senator knows that the managers on the part of the Senate do not file a report or a statement. The managers on the part of the House do.

I am certain that the Senator will agree with me that their statement does not necessarily constitute law. That just happens to be a unilateral interpretation that they have given to this, and we certainly had nothing of this in mind. In fact, I believe it was clearly stated in our discussions in the committee that this work would be handled by aides out of the Embassy.

Mr. JAVITS. That is the important point.

Mr. SPARKMAN. They have it, for one thing, in the latter part, where it refers to training Cambodians in South Vietnam. There is nothing in the measure that would point this up or that would dispute it. It is my understanding that we are doing that now. This measure, as I interpret it, does not affect that.

Mr. JAVITS. I should like to say to the Senator that I support the conference report, that I think they have rendered the country a great service in settling this matter.

I understand Senator AIKEN's worries, and I agree with him. But I believe that, as we talked originally in an effort to settle this matter, when things lean on each other, they probably will work out. We have many other recourses if they do not.

Mr. SPARKMAN. Speaking of these reports, I think it is understandable that reports of different kinds and rumors get out. During the last several days, under the management of our coach and general manager, we have had many conferences—sometimes several conferences in the same day—and it is very easy for rumors or reports to get out which do not necessary state the true conditions.

Mr. JAVITS. I think it is important for the Senate that Senator SPARKMAN and Senator MANSFIELD express it authoritatively, that this language does not indicate the existence of any understanding that there will be a MAG; but, on the contrary, that an understanding does exist that if any military personnel are required, it will be personnel operating out of the military section of the embassy.

Mr. SPARKMAN. Of course, the effect of a statement such as this, or a statement by one of us, if we made it, would affect the legislation only in the event that it is ambiguous. I do not think the proposed legislation is ambiguous. Certainly, we threshed it out thoroughly on the floor of the Senate when we were debating the measure. I think it is clear and can be understood easily.

Mr. JAVITS. I think the Senator has made a fine record on it, and I thank him very much.

Mr. AIKEN. Mr. President, may I add that in the RECORD of December 21, 1970, Senator Church interpreted and explained the situation and included in his remarks a letter from Secretary Rogers in which he states that the bill we are now considering, the Senate bill, which contains the Cooper-Church amendment, in no way conflicts with the administration's programs. The complete colloquy is there.

Mr. COOPER. Mr. President, from the interpretation pursued by the Senator from New York (Mr. JAVITS), I think it is clear that section 7 on page 2 of the conference report is determinative of what the conferees intended and which the President shall observe with respect to the use of ground forces or advisers. The Senator from Idaho (Mr. CHURCH), who has worked so faithfully to achieve this end, is not here now, but I am happy to say for him that this was the kind of agreement he desired and would support and I am happy to support the report. I also received a letter from the Secretary of State on December 19 which is, in substance, the same as that received by Senator CHURCH. I ask unanimous consent to place his letter in the RECORD at this point. I thank Senator SPARKMAN and the conferees for what they have done. I would like to say also that the Secretary of State and the administration deserve great credit for the important role they have played.

I ask unanimous consent to insert in the RECORD the letter of the Secretary of State, dated December 19, 1970:

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> THE SECRETARY OF STATE,
> *Washington, D.C., December 19, 1970.*
> Hon. JOHN SHERMAN COOPER,
> *U.S. Senate.*
>
> DEAR SENATOR COOPER: Following the conversations over a period of time that Assistant Secretary Abshire and I have had with you, I should like to reaffirm that the Administration's programs, policies and intentions in Cambodia in no way conflict with Section 6 of H.R. 11991.
>
> Sincerely yours,
> WILLIAM P. ROGERS.

Mr. COOPER. On December 15, in a colloquoy with Senator CHURCH, the distinguished chairman of the Armed Services Committee, Mr. STENNIS, expressed well the intent of the Cooper-Church amendment with regard to the responsibilities of the President to protect U.S. troops along the Cambodian border of South Vietnam. I quote a passage between Senator CHURCH and Senator STENNIS that helps define those responsibilities:

> Mr. STENNIS. It seems to me that the colloquy has made it clear that this language does not take any of the responsibility nor the power away from the President of the United States to do what he thinks is reasonably necessary, within reasonable limitations of time, in destroying arsenals, armories, armies, or anything else that is in close proximity to our borders, which we have designated by the general term "sanctuaries," as in the past.

The PRESIDING OFFICER. The question is on adoption of the conference report to H.R. 19971.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PELL), the Senator from Georgia (Mr. RUSSELL), the Senator from Illinois (Mr. STEVENSON), the Senator from Georgia (Mr. TALMADGE), and the Senator from Maryland (Mr. TYDINGS), are necessarily absent.

On this vote, the Senator from Washington (Mr. MAGNUSON) is paired with the Senator from Michigan (Mr. HART). If present and voting, the Senator from Washington would vote "yea" and the Senator from Michigan would vote "nay."

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH) and the Senator from Illinois (Mr. STEVENSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from Texas (Mr. TOWER) is necessarily absent because of death in his family.

I further announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Idaho (Mr. JORDAN), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) would each vote "yea."

On this vote, the Senator from South Carolina (Mr. THURMOND) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 41, nays 20, as follows:

[No. 444 Leg.]

YEAS—41

Aiken
Allen
Baker
Bayh
Bennett
Brooke
Byrd, Va.
Cannon
Case
Cook
Cooper
Cranston
Curtis
Dole
Fannin
Fong
Griffin
Gurney
Hansen
Holland
Hollings
Hruska
Javits
Mathias
McGee
McIntyre
Miller
Muskie
Packwood
Pastore
Percy
Prouty
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Williams, Del.
Young, N. Dak.

NAYS—20

Byrd, W. Va.
Fulbright
Goodell
Gravel
Harris
Hughes
Kennedy
Mansfield
McCarthy
McClellan
McGovern
Mondale
Nelson
Proxmire
Randolph
Ribicoff
Symington
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—39

Allott
Anderson
Bellmon
Bible
Boggs
Burdick
Church
Cotton
Dodd
Dominick
Eagleton
Eastland
Ellender
Ervin
Goldwater
Gore
Hart
Hartke
Hatfield
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Metcalf
Montoya
Moss
Mundt
Murphy
Pearson
Pell
Russell
Saxbe
Stevenson
Talmadge
Thurmond
Tower
Tydings

So the conference report was agreed to.

CONTINGENT ORDER FOR PRO FORMA SESSION ON THURSDAY, DECEMBER 24, 1970, AND FOR ADJOURNMENT FROM DECEMBER 24 TO DECEMBER 28

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, if no concurrent resolution is received from the House of Representatives, the Senate stand in adjournment until 10 o'clock Thursday morning next, for the purpose of a pro forma meeting only, with no business, just a gavel up and down.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I further ask unanimous consent that if we do come in on a pro forma basis next Thursday, that on that day we stand in adjournment until the hour of 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that if a concurrent resolution from the House of Representatives seeking to do what the Senate has already done is received, it supersede the order that has just been granted.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 1626) to regulate the practice of psychology in the District of Columbia, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. McMillan, Mr. Fuqua, Mr. Cabell, Mr. Nelsen, Mr. Broyhill of Virginia, and Mr. Winn were appointed managers on the part of the House at the conference.

INTERGOVERNMENTAL PERSONNEL ACT OF 1970

Mr. MUSKIE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 11.

The PRESIDING OFFICER (Mr. Gravel) laid before the Senate the amendment of the House of Representatives to the bill (S. 11) to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government and State and local governments, and for other purposes which was to strike out all after the enacting clause, and insert:

That this Act be cited as the "Intergovernmental Personnel Act of 1970."

DECLARATION OF POLICY

Sec. 2. The Congress hereby finds and declares—

That effective State and local governmental institutions are essential in the maintenance and development of the federal system in an increasingly complex and interdependent society.

That, since numerous governmental activities administered by the State and local governments are related to national purpose and are financed in part by Federal funds, a national interest exists in a high caliber of public service in State and local governments.

That the quality of public service at all levels of government can be improved by the development of systems of personnel administration consistent with such merit principles as—

(1) recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;

(2) providing equitable and adequate compensation;

(3) training employees, as needed, to assure high-quality performance;

(4) retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;

(5) assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religious creed and with proper regard for their privacy and constitutional rights as citizens; and

(6) assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

That Federal financial and technical assistance to State and local governments for strengthening their personnel administration in a manner consistent with these principles is in the national interest.

Sec. 3. The authorities provided by this Act shall be administered in such manner as (1) to recognize fully the rights, powers, and responsibilities of State and local governments, and (2) to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration.

TITLE I—DEVELOPMENT OF POLICIES AND STANDARDS

DECLARATION OF PURPOSE

Sec. 101. The purpose of this title is to provide for intergovernmental cooperation in the development of policies and standards for the administration of programs authorized by this Act.

ADVISORY COUNCIL

Sec. 102. (a) Within one hundred and eighty days following the date of enactment of this Act, the President shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, an advisory council on intergovernmental personnel policy. The President may terminate the council at any time after the expiration of three years following its establishment.

(b) The advisory council of not to exceed fifteen members, shall be composed primarily of officials of the Federal Government and State and local governments, but shall also include members selected from educational and training institutions or organizations, public employee organizations, and the general public. At least half of the governmental members shall be officials of State and local governments. The President shall designate a Chairman and a Vice Chairman from among the members of the advisory council.

(c) It shall be the duty of the advisory council to study and make recommendations regarding personnel policies and programs for the purpose of—

(1) improving the quality of public administration at State and local levels of government, particularly in connection with programs that are financed in whole or in part from Federal funds;

(2) strengthening the capacity of State and local governments to deal with complex problems confronting them;

(3) aiding State and local governments in training their professional, administrative, and technical employees and officials;

(4) aiding State and local governments in developing systems of personnel administration that are responsive to the goals and needs of their programs and effective in attracting and retaining capable employees; and

(5) facilitating temporary assignments of personnel between the Federal Government and State and local governments and institutions of higher education.

(d) Members of the advisory council who are not regular full-time employees of the United States, while serving on the business of the council, including travel time, may receive compensation at rates not exceeding the daily rate for GS-18; and while so serving away from their homes or regular places of business, all members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employment intermittently.

REPORTS OF ADVISORY COUNCIL

Sec. 103. (a) The advisory council on intergovernmental personnel policy shall from time to time report to the President and to the Congress its findings and recommendations.

(b) Not later than eighteen months after its establishment, the advisory council shall submit an initial report on its activities, which shall include its views and recommendations on—

(1) the feasibility and desirability of extending merit policies and standards to additional Federal-State grant-in-aid programs;

(2) the feasibility and desirability of extending merit policies and standards to grant-in-aid programs of a Federal-local character;

(3) appropriate standards for merit personnel administration, where applicable, including those established by regulations with respect to existing Federal grant-in-aid programs; and

(4) the feasibility and desirability of financial and other incentives to encourage State and local governments in the development of comprehensive systems of personnel administration based on merit principles.

(c) In transmitting to the Congress reports of the advisory council, the President shall submit to the Congress proposals of legislation which he deems desirable to carry out the recommendations of the advisory council.

TITLE II—STRENGTHENING STATE AND LOCAL PERSONNEL ADMINISTRATION

DECLARATION OF PURPOSE

Sec. 201. The purpose of this title is to assist State and local governments to strengthen their staffs by improving their personnel administration.

STATE GOVERNMENT AND STATEWIDE PROGRAMS AND GRANTS

Sec. 202. (a) The United States Civil Service Commission (hereinafter referred to as the "Commission") is authorized to make grants to a State for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects contained within the State's application are consistent with the applicable principles set forth in clauses (1)-(6) of the third paragraph of section 2 of this Act, to strengthen personnel administration in that State government or in local governments of that State. The authority provided by this section shall be employed in such a manner as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration.

(b) An application for a grant shall be made at such time or times, and contain such information, as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section only if the application therefor—

(1) provides for designation, by the Governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the approval program or project at the State level;

(2) provides for the establishment of merit personnel administration where appropriate and the further improvement of existing systems based on merit principles;

(3) provides for specific personnel administration improvement needs of the State government and, to the extent appropriate, of the local governments in that State, in-

cluding State personnel administration services for local governments;

(4) provides assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes; and

(5) sets forth clear and practicable actions for the improvement of particular aspects of personnel administration such as—

(A) establishment of statewide personnel systems of general or special functional coverage to meet the needs of urban, suburban, or rural governmental jurisdictions that are not able to provide sound career services, opportunities for advancement, adequate retirement and leave systems, and other career inducements to well-qualified professional, administrative, and technical personnel;

(B) making State grants to local governments to strengthen their staffs by improving their personnel administration;

(C) assessment of State and local government needs for professional, administrative, and technical manpower, and the initiation of timely and appropriate action to meet such needs;

(D) strengthening one or more major areas of personnel administration, such as recruitment and selection, training and development, and pay administration;

(E) undertaking research and demonstration projects to develop and apply better personnel administration techniques, including both projects conducted by State and local government staffs and projects conducted by colleges or universities or other appropriate nonprofit organizations under grants or contracts;

(F) strengthening the recruitment, selection, assignment, and development of handicapped persons, women, and members of disadvantaged groups whose capacities are not being utilized fully;

(G) training programs related directly to upgrading within the agency for nonprofessional employees who show promise of developing a capacity for assuming professional responsibility;

(H) achieving the most effective use of scarce professional, administrative, and technical manpower; and

(I) increasing intergovernmental cooperation in personnel administration, with respect to such matters as recruiting, examining, pay studies, training, education, personnel interchange, manpower utilization, and fringe benefits.

LOCAL GOVERNMENT PROGRAMS AND GRANTS

SEC. 203. (a) The Commission is authorized to make grants to a general local government, or a combination of general local governments, that serve a population of fifty thousand or more, for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the mayor(s), or chief executive officer(s), of the general local government or combination of local governments that the programs or projects are consistent with the applicable principles set forth in clauses (1)-(6) of the third paragraph of section 2 of this Act, to strengthen the personnel administration of such governments. Such a grant may not be made—

(1) if, at the time of submission of an application, the State concerned has an approved plan which, with the agreement of the particular local government concerned, provides for strengthening one or more aspects of personnel administration in that local government, unless the local government concerned has problems which are not met by the previously approved plan and for which, with the agreement of the State government concerned with respect to those aspects of personnel administration covered in the approved plan, it is submitting an application; or

(2) after the State concerned has a statewide plan which has been developed by an appropriate State agency designated or established pursuant to State law which provides such agency with adequate authority, administrative organization, and staffing to develop and administer such a statewide plan, and to provide technical assistance and other appropriate support in carrying out the local components of the plan, and which provides procedures insuring adequate involvement of officials of affected local governments in the development and administration of such a statewide plan, unless the local government concerned has special, unique, or urgent problems which are not met by the approved statewide plan and for which it submits an application for funds to be distributed under section 506(a).

Upon the request of a Governor or chief executive authority, a grant to a general local government or combination of such governments in that State may not be made during a period not to exceed ninety days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later: *Provided*, That the request of the Governor or chief executive authority indicates that he is developing a plan under (1) above, or during a period not to exceed one hundred and eighty days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later, provided the request of the Governor or chief executive authority indicates that he is developing a statewide plan under (2) above.

(b) An application for a grant from a general local government or a combination of general local governments shall be made at such time or times and shall contain such information as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section only if the application therefor meets requirements similar to those established in section 202(b) of this Act for a State application for a grant, unless any such requirement is specifically waived by the Commission, and the requirements of subsection (c) of this section. Such a grant may cover the costs of developing the program or project covered by the application. The Commission may make grants to general local governments, or combinations of such governments, that serve a population of less than fifty thousand, if it finds that such grants will help meet essential needs in programs or projects of national interest and will assist general local governments experiencing special problems in personal administration related to such programs or projects.

(c) An application to be submitted to the Commission under subsection (b) of this section shall first be submitted by the general local government or combination of such governments to the Governor for review, comments, and recommendations. The Governor may refer the application to the State office designated under section 202(b)(1) of this Act for review. Comments and recommendations (if any) made as a result of the review, and a statement by the general local government or combination of such governments that it has considered the comments and recommendations of the Governor shall accompany the application to the Commission. The application need not be accompanied by the comments and recommendations of the Governor if the general local government or combination of such governments certifies to the Commission that the application has been before the Governor for review and comment for a period of sixty days without comment by the Governor. An explanation in writing shall be sent to the Governor of a State by the Commission whenever the Commission does not concur with recommendations of the Governor in approving any local government applications.

INTERGOVERNMENTAL COOPERATION IN RECRUITING AND EXAMINING

SEC. 204. (a) The Commission may join, on a shared-costs basis, with State and local governments in cooperative recruiting and examining activities under such procedures and regulations as may jointly be agreed upon.

(b) The Commission also may, on the written request of a State or local government and under such procedures as may be jointly agreed upon, certify to such governments from appropriate Federal registers the names of potential employees. The State or local government making the request shall pay the Commission for the costs, as determined by the Commission, of performing the service, and such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

TECHNICAL ASSISTANCE

SEC. 205. The Commission may furnish technical advice and assistance, on request, to State and general local governments seeking to improve their systems of personnel administration. The Commission may waive, in whole or in part, payments from such governments for the costs of furnishing such assistance. All such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

COORDINATION OF FEDERAL PROGRAMS

SEC. 206. The Commission, after consultation with other agencies concerned, shall—

(1) coordinate the personnel administration support and technical assistance given to State and local governments and the support given State programs or projects to strengthen local government personnel administration, including the furnishing of needed personnel administration services and technical assistance, under authority of this Act with any such support given under other Federal programs; and

(2) make such arrangements, including the collection, maintenance, and dissemination of data on grants for strengthening State and local government personnel administration and on grants to States for furnishing needed personnel administration services and technical assistance to local governments, as needed to avoid duplication and insure consistent administration of related Federal activities.

INTERSTATE COMPACTS

SEC. 207. The consent of the Congress is hereby given to any two or more States to enter into compacts or other agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance (including the establishment of appropriate agencies) in connection with the development and administration of personnel and training programs for employees and officials of State and local governments.

TRANSFER OF FUNCTIONS

SEC. 208. (a) There are hereby transferred to the Commission all functions, powers, and duties of—

(1) the Secretary of Agriculture under section 10(e)(2) of the Food Stamp Act of 1964 (7 U.S.C. 2019(e)(2));

(2) the Secretary of Labor under—

(A) the Act of June 6, 1933, as amended (29 U.S.C. 49 et seq.); and

(B) section 303(a)(1) of the Social Security Act (42 U.S.C. 503(a)(1));

(3) the Secretary of Health, Education, and Welfare under—

(A) sections 134(a)(6) and 204(a)(6) of the Mental Retardation Facilities and Community Health Centers Construction Act of 1963 (42 U.S.C. 2674(a)(6) and 2684(a)(6));

(B) section 303(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)(6));

(C) sections 314(a)(2)(F) and (d)(2)(F) and 604(c)(8) of the Public Health Service Act (42 U.S.C. 246 (a)(2)(F) and (d)(2)(F) and 291d(a)(8)); and

(D) sections 2(a)(5)(A), 402(a)(5)(A), 505(a)(3)(A), 1002(a)(5)(A), 1402(a)(5)(A), 1602(a)(5)(A), and 1902(a)(4)(A) of the Social Security Act (42 U.S.C. 302(a)(5)(A), 602(a)(5)(A), 705(a)(3)(A), 1202(a)(5)(A), 1352(a)(5)(A), 1382(a)(5)(A), and 1396a(a)(4)(A)); and

(4) any other department, agency, office, or officer (other than the President) under any other provision of law or regulation applicable to a program of grant-in-aid that specifically requires the establishment and maintenance of personnel standards on a merit basis with respect to the program;

insofar as the functions, powers, and duties relate to the prescription of personnel standards on a merit basis.

(b) The Commission shall—

(1) provide consultation and technical advice and assistance to State and local governments to aid them in complying with standards prescribed by the Commission under subsection (a) of this section; and

(2) advise Federal agencies administering programs of grants or financial assistance as to the application of required personnel administration standards, and recommend and coordinate the taking of such actions by the Federal agencies as the Commission considers will most effectively carry out the purpose of this title.

(c) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of any Federal agency employed, used, held, available, or to be made available in connection with the functions, powers, and duties vested in the Commision by this section as the Director of the Management and Budget shall determine shall be transferred to the Commission at such time or times as the Director shall direct.

(d) Personnel standards prescribed by Federal agencies under laws and regulations referred to in subsection (a) of this section shall continue in effect until modified or superseded by standards prescribed by the Commission under subsection (a) of this section.

(e) Any standards or regulations established pursuant to the provisions of this section shall be such as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own individual systems of personnel administration.

(f) Nothing in this section or in section 202 or 203 of this Act shall be construed to—

(1) authorize any agency or official of the Federal Government to exercise any authority, direction, or control over the selection, assignment, advancement, retention, compensation, or other personnel action with respect to any individual State or local employee;

(2) authorize the application of personnel standards on a merit basis to the teaching personnel of educational institutions or school systems;

(3) prevent participation by employees or employee organizations in the formulation of policies and procedures affecting the conditions of their employment, subject to the laws and ordinances of the State or local government concerned;

(4) require or request any State or local government employee to disclose his race, religion, or national origin, or the race, religion, or national origin, of any of his forebears;

(5) require or request any State or local government employee, or any person applying for employment as a State or local government employee, to submit to any interrogation or examination or to take any psychological test or any polygraph test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters; or

(6) require or request any State or local government employee to participate in any way in any activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

(g) This section shall become effective sixty days after the date of enactment of this Act.

TITLE III—TRAINING AND DEVELOPING STATE AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 301. The purpose of this title is to strengthen the training and development of State and local government employees and officials, particularly in professional, administrative, and technical fields.

ADMISSION TO FEDERAL EMPLOYEE TRAINING PROGRAMS

SEC. 302. (a) In accordance with such conditions as may be prescribed by the head of the Federal agency concerned, a Federal agency may admit State and local government employees and officials to agency training programs established for Federal professional, administrative, or technical personnel.

(b) Federal agencies may waive, in whole or in part, payments from, or on behalf of, State and local governments for the costs of training provided under this section. Payments received by the Federal agency concerned for training under this section shall be credited to the appropriation or fund used for paying the training costs.

(c) The Commission may use appropriations authorized by this Act to pay the initial additional developmental or overhead costs that are incurred by reason of admittance of State and local government employees to Federal training courses and to reimburse other Federal agencies for such costs.

GRANTS TO STATE AND LOCAL GOVERNMENTS FOR TRAINING

SEC. 303. (a) If in its judgment training is not adequately provided for under grant-in-aid or other statutes, the Commission is authorized to make grants to State and general local governments for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs, on the certification of the Governor of that State, or the mayor or chief executive officer of the general local government, that the programs are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to train and educate their professional, administrative, and technical employees and officials. Such grants may not be used to cover costs of full-time graduate-level study, provided for in section 305 of this Act, or the costs of the construction or acquisition of training facilities. The State and local government share of the cost of developing and carrying out training and education plans and programs may include, but shall not consist solely of, the reasonable value of facilities and of supervisory and other personal services made available by such governments. The authority provided by this section shall be employed in such a manner as to encourage innovation and allow for diversity on the part of State and local governments in developing and carrying out training and education programs for their personnel.

(b) An application for a grant from a State or general local government shall be made at such time or times, and shall contain such information, as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section, only if the application therefor meets requirements established by this subsection unless any requirement is specifically waived by the Commission. Such grant to a State, or to a general local government under subsection (c) of this section, may cover the costs of developing the program covered by the application. The program covered by the application shall—

(1) provide for designation, by the Governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the program at the State level;

(2) provide, to the extent feasible, for coordination with relevant training available under or supported by other Federal Government programs or grants;

(3) provide for training needs of the State government and of local governments in that State;

(4) provide, to the extent feasible, for intergovernmental cooperation in employee training matters, especially within metropolitan or regional areas; and

(5) provide assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local governmental expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes.

(c) A grant authorized by subsection (a) of this section may be made to a general local government, or a combination of such governments, that serve a population of fifty thousand or more, for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the mayor(s), or chief executive officer(s), of the general local government or combination of local governments that the programs or projects are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to train and educate their professional, administrative, and technical employees and officials. Such a grant may not be made—

(1) if, at the time of submission of an application, the State concerned has an approved plan which, with the agreement of the particular local government concerned, provides for strengthening one or more aspects of training in that local government, unless the local government concerned has problems which are not met by the previously approved plan and for which, with the agreement of the State government concerned with respect to those aspects of training covered in the approved plan, it is submitting an application; or

(2) after the State concerned has a statewide plan which has been developed by an appropriate State agency designated or established pursuant to State law which provides such agency with adequate authority, administrative organization, and staffing to develop and administer such a statewide plan, and to provide technical assistance and other appropriate support in carrying out the local components of the plan, and which provides procedures insuring adequate involvement of officials of affected local governments in the development and administration of such a statewide plan, unless the local government concerned has special, unique, or urgent problems which are not met by the approved statewide plan and for

which it submits an application for funds to be distributed under section 506(a).

Upon the request of a Governor or chief executive authority, a grant to a general local government or combination of such governments in that State may not be made during a period not to exceed ninety days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later: *Provided,* That the request of the Governor or chief executive authority indicates that he is developing a plan under (1) above, or during a period not to exceed one hundred and eighty days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later, provided the request of the Governor or chief executive authority indicates that he is developing a statewide plan under (2) above. To be approved, an application for a grant under this subsection must meet requirements similar to those established in subsection (b) of this section for State applications, unless any such requirement is specifically waived by the Commission, and the requirements of subsection (d) of this section. The Commission may make grants to general local governments, or combinations of such governments that serve a population of less than fifty thousand if it finds that such grants will help meet essential needs in programs or projects of national interest and will assist general local governments experiencing special needs for personnel training and education related to such programs or projects.

(d) An application to be submitted to the Commission under subsection (c) of this section shall first be submitted by the general local government or combination of such governments to the Governor for review, comments, and recommendations. The Governor may refer the application to the State office designated under section 303(b)(1) of this Act for review. Comments and recommendations (if any) made as a result of the review and a statement by the general local government or combination of such governments that it has considered the comments and recommendations of the Governor shall accompany the application to the Commission. The application need not be accompanied by the comments and recommendations of the Governor if the general local government or combination of such governments certifies to the Commission that the application has been before the Governor for review and comment for a period of sixty days without comment by the Governor. An explanation in writing shall be sent to the Governor of a State by the Commission whenever the Commission does not concur with recommendations of the Governor in approving any local government applications.

GRANTS TO OTHER ORGANIZATIONS

SEC. 304. (a) The Commission is authorized to make grants to other organizations to pay up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, up to 50 per centum) of the costs of providing training to professional, administrative, or technical employees and officials of State or local governments if the Commission—

(1) finds that State or local governments have requested the proposed program;

(2) determines that the capability to provide such training does not exist, or is not readily available, within the Federal or the State or local governments requesting such program or within associations of State or local governments, or if such capability does exist that such government or association is not disposed to provide such training; and

(3) approves the program as meeting such requirements as may be prescribed by the Commission in its regulations pursuant to this Act.

(b) For the purpose of this section "other organization" means—

(1) a national, regional, statewide, areawide, or metropolitan organization, representing member State or local governments;

(2) an association of State or local public officials; or

(3) a nonprofit organization one of whose principal functions is to offer professional advisory, research, development, educational or related services to governments.

GOVERNMENT SERVICE FELLOWSHIPS

SEC. 305. (a) The Commission is authorized to make grants to State and general local governments to support programs approved by the Commission for providing Government Service Fellowships for State and local government personnel. The grants may cover—

(1) the necessary costs of the fellowship recipient's books, travel, and transportation, and such related expenses as may be authorized by the Commission;

(2) reimbursement to the State or local government for not to exceed one-fourth of the salary of each fellow during the period of the fellowship; and

(3) payment to the educational institutions involved of such amounts as the Commission determines to be consistent with prevailing practices under comparable federally supported programs for each fellow, less any amount charged the fellow for tuition and nonrefundable fees and deposits.

(b) Fellowships awarded under this section may not exceed two years of full-time graduate-level study for professional, administrative, and technical employees. The regulations of the Commission shall include eligibility criteria for the selection of fellowship recipients by State and local governments.

(c) The State or local government concerned shall—

(1) select the individual recipients of the fellowships;

(2) during the period of the fellowship, continue the full salary of the recipient and normal employment benefits such as credit for seniority, leave accrued, retirement, and insurance; and

(3) make appropriate plans for the utilization and continuation in public service of employees completing fellowships and outline such plans in the application for the grant.

COORDINATION OF FEDERAL PROGRAMS

SEC. 306. The Commission, after consultation with other agencies concerned, shall—

(1) prescribe regulations concerning administration of training for employees and officials of State and local governments provided for in this title, including requirements for coordination of and reasonable consistency in such training programs;

(2) coordinate the training support given to State and local governments under authority of this Act with training support given such governments under other Federal programs; and

(3) make such arrangements, including the collection and maintenance of data on training grants and programs, as may be necessary to avoid duplication of programs providing for training and to insure consistent administration of related Federal training activities, with particular regard to title IX of the Higher Education Act of 1965.

TITLE IV—MOBILITY OF FEDERAL, STATE, AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 401. The purpose of this title is to provide for the temporary assignment of personnel between the Federal Government and State and local governments and institutions of higher education.

AMENDMENTS TO TITLE 5, UNITED STATES CODE

SEC. 402. (a) Chapter 33 of title 5, United States Code, is amended by inserting the following new subchapter at the end thereof:

"SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

"§ 3371. Definitions

"For the purpose of this subchapter—

"(1) 'State' means—

"(A) a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States; and

"(B) an instrumentality or authority of a State or States as defined in subparagraph (A) of this paragraph (1) and a Federal-State authority or instrumentality; and

"(2) 'local government' means—

"(A) any political subdivision, instrumentality, or authority of a State or States as defined in subparagraph (A) of paragraph (1); and

"(B) any general or special purpose agency of such a political subdivision, instrumentality, or authority.

"§ 3372. General provisions

"(a) On request from or with the concurrence of a State or local government, and with the consent of the employee concerned, the head of an executive agency may arrange for the assignment of—

"(1) an employee of his agency to a State or local government; and

"(2) an employee of a State or local government to his agency;

for work of mutual concern to his agency and the State or local government that he determines will be beneficial to both. The period of an assignment under this subchapter may not exceed two years. However, the head of an executive agency may extend the period of assignment for not more than two additional years.

"(b) This subchapter is authority for and applies to the assignment of—

"(1) an employee of an executive agency to an institution of higher education; and

"(2) an employee of an institution of higher education to an executive agency.

"§ 3373. Assignment of employees to State and local governments

"(a) An employee of an executive agency assigned to a State or local government under this subchapter is deemed, during the assignment, to be either—

"(1) on detail to a regular work assignment in his agency; or

"(2) on leave without pay from his position in the agency.

An employee assigned either on detail or on leave without pay remains an employee of his agency. The Federal Tort Claims Act and any other Federal tort liability statute apply to an employee so assigned. The supervision of the duties of an employee on detail may be governed by agreement between the executive agency and the State or local government concerned.

"(b) The assignment of an employee of an executive agency either on detail or on leave without pay to a State or local government under this subchapter may be made with or without reimbursement by the State or local government for the travel and transportation expenses to or from the place of assignment and for the pay, or supplemental pay, or a part thereof, of the employee during assignment. Any reimbursements shall be credited to the appropriation of the executive agency used for paying the travel and transportation expenses or pay.

"(c) For any employee so assigned and on leave without pay—

"(1) if the rate of pay for his employment by the State or local government is less than the rate of pay he would have received had he continued in his regular assignment in the agency, he is entitled to receive supplemental pay from the agency in an amount equal to the difference between the State or local government rate and the agency rate;

"(2) he is entitled to annual and sick leave to the same extent as if he had continued in his regular assignment in the agency; and

"(3) he is entitled, notwithstanding other statutes—

"(A) to continuation of his insurance under chapter 87 of this title, and coverage under chapter 89 of this title or other applicable authority, so long as he pays currently into the Employees' Life Insurance Fund and the Employee's Health Benefits Fund or other applicable health benefits system (through his employing agency) the amount of the employee contributions;

"(B) to credit the period of his assignment under this subchapter toward periodic step-increases, retention, and leave accrual purposes, and, on payment into the Civil Service Retirement and Disability Fund or other applicable retirement system of the percentage of his State or local government pay, and of his supplemental pay, if any, that would have been deducted from a like agency pay for the period of the assignment and payment by the executive agency into the fund or system of the amount that would have been payable by the agency during the period of the assignment with respect to a like agency pay, to treat his service during that period as service of the type performed in the agency immediately before his assignment; and

"(C) for the purpose of subchapter I of chapter 85 of this title, to credit the service performed during the period of his assignment under this subchapter as Federal service, and to consider his State or local government pay (and his supplemental pay, if any) as Federal wages. To the extent that the service could also be the basis for entitlement to unemployment compensation under a State law, the employee may elect to claim unemployment compensation on the basis of the service under either the State law or subchapter I of chapter 85 of this title.

However, an employee or his beneficiary may not receive benefits referred to in subparagraphs (A) and (B) of this paragraph (3), based on service during an assignment under this subchapter for which the employee or, if he dies without making such an election, his beneficiary elects to receive benefits, under any State or local government retirement or insurance law or program, which the Civil Service Commission determines to be similar. The executive agency shall deposit currently in the Employee's Life Insurance Fund, the Employee's Health Benefits Fund or other applicable health benefits system, respectively, the amount of the Government's contributions on account of service with respect to which employee contributions are collected as provided in subparagraphs (A) and (B) of this paragraph (3).

"(d)(1) An employee so assigned and on leave without pay who dies or suffers disability as a result of personal injury sustained while in the performance of his duty during an assignment under this subchapter shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

"(2) An employee who elects to receive benefits from a State or local government may not receive an annuity under subchapter III of chapter 83 of this title and benefits from the State or local government for injury or disability to himself covering the same period of time. This provision does not—

"(A) bar the right of a claimant to the greater benefit conferred by either the State or local government or subchapter III of chapter 83 of this title for any part of the same period of time;

"(B) deny to an employee an annuity accruing to him under subchapter III of chapter 83 of this title on account of service performed by him; or

"(C) deny any concurrent benefit to him from the State or local government on account of the death of another individual.

"§ 3374. Assignments of employees from State or local governments

"(a) An employee of a State or local government who is assigned to an executive agency under an arrangement under this subchapter may—

"(1) be appointed in the executive agency without regard to the provisions of this title governing appointment in the competitive service for the agreed period of the assignment; or

"(2) be deemed on detail to the executive agency.

"(b) An employee given an appointment is entitled to pay in accordance with chapter 51 and subchapter III of chapter 53 of this title or other applicable law, and is deemed an employee of the executive agency for all purposes except—

"(1) subchapter III of chapter 83 of this title or other applicable retirement system;

"(2) chapter 87 of this title; and

"(3) chapter 89 of this title or other applicable health benefits system unless his appointment results in the loss of coverage in a group health benefits plan the premium of which has been paid in whole or in part by a State or local government contribution.

"(c) During the period of assignment, a State or local government employee on detail to an executive agency—

"(1) is not entitled to pay from the agency;

"(2) is deemed an employee of the agency for the purpose of chapter 73 of this title, sections 203, 205, 207, 208, 209, 602, 603, 606, 607, 643, 654, 1905, and 1913 of title 18 section 638a of title 31 and the Federal Tort Claims Act and any other Federal tort liability statute; and

"(3) is subject to such regulations as the President may prescribe.

The supervision of the duties of such an employee may be governed by agreement between the executive agency and the State or local government concerned. A detail of a State or local government employee to an executive agency may be made with or without reimbursement by the executive agency for the pay, or a part thereof, of the employee during the period of assignment.

"(d) A State or local government employee who is given an appointment in an executive agency for the period of the assignment or who is on detail to an executive agency and who suffers disability or dies as a result of personal injury sustained while in the performance of his duty during the assignment shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within 1 year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

"(e) If a State or local government fails to continue the employer's contribution to State or local government retirement, life insurance, and health benefit plans for a State or local government employee who is given an appointment in an executive agency, the employer's contributions covering the the State or local government employee's period of assignment, or any part thereof, may be made from the appropriations of the executive agency concerned.

"§ 3375. Travel expenses

"(a) Appropriations of an executive agency are available to pay, or reimburse, a Federal or State or local government employee in accordance with—

"(1) subchapter I of chapter 57 of this tile, for the expenses of—

"(A) travel, including a per diem allowance, to and from the assignment location;

"(B) a per diem allowance at the assignment location during the period of the assignment; and

"(C) travel, including a per diem allowance, while traveling on official business away from his designated post of duty during the assignment when the head of the executive agency considers the travel in the interest of the United States;

"(2) section 5724 of this title, for the expenses of transportation of his immediate family and of his household goods and personal effects to and from the assignment location;

"(3) section 5724a(a)(1) of this title, for the expenses of per diem allowances for the immediate family of the employee to and from the assignment location;

"(4) section 5724a(a)(3) of this title, for subsistence expenses of the employee and his immediate family while occupying temporary quarters at the assignment location and on return to his former post of duty; and

"(5) section 5726(c) of this title, for the expenses of nontemporary storage of household goods and personal effects in connection with assignment at an isolated location.

"(b) Expenses specified in subsection (a) of this section, other than those in paragraph (1)(C), may not be allowed in connection with the assignment of a Federal or State or local government employee under this subchapter, unless and until the employee agrees in writing to complete the entire period of his assignment or one year, whichever is shorter, unless separated or reassigned for reasons beyond his control that are acceptable to the executive agency concerned. If the employee violates the agreement, the money spent by the United States for these expenses is recoverable from the employee as a debt due to the United States. The head of the executive agency concerned may waive in whole or in part a right of recovery under this subsection with respect to a State or local government employee on assignment with the agency.

"(c) Appropriations of an executive agency are available to pay expenses under section 5742 of this title with respect to a Federal or State or local government employee assigned under this subchapter.

"§ 3376. Regulations

"The President may prescribe regulations for the administration of this subchapter."

(b) The analysis of chapter 33 of title 5, United States Code, is amended by inserting the following at the end thereof:

"SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

"Sec.
"3371. Definitions.
"3372. General provisions.
"3373. Assignments of employees to State or local governments.
"3374. Assignments of employees from State or local governments.
"3375. Travel expenses.
"3376. Regulations."

REPEAL OF SPECIAL AUTHORITIES

SEC. 403. The Act of August 2, 1956, as amended (7 U.S.C. 1881-1888), section 553 of the Act of April 11, 1965 as amended (20 U.S.C. 867), and section 314(f) of the Public Health Service Act (42 U.S.C. 246(f)) (less applicability to commissioned officers of the Public Health Service) are hereby repealed.

SEC. 404. This title shall become effective sixty days after the date of enactment of this Act.

TITLE V—GENERAL PROVISIONS

DECLARATION OF PURPOSE

SEC. 501. The purpose of this title is to provide for the general administration of titles I, II, III, and V of this Act (hereinafter referred to as "this Act"), and to provide for the establishment of certain advisory committees.

DEFINITIONS

SEC 502. For the purpose of this Act—

(1) "Commission" means the United States Civil Service Commission;

(2) "Federal agency" means an executive department, military department, independent establishment, or agency in the executive branch of the Government of the United States, including Government owned or controlled corporations;

(3) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States, and includes interstate and Federal-interstate agencies but does not include the governments of the political subdivisions of a State; and

(4) "local government" means a city, town, county, or other subdivision or district of a State, including agencies, instrumentalities, and authorities of any of the foregoing and any combination of such units or combination of such units and a State. A "general local government" means a city, town, county, or comparable general-purpose political subdivision of a State.

GENERAL ADMINISTRATIVE PROVISIONS

SEC. 503. (a) Unless otherwise specifically provided, the Commission shall administer this Act.

(b) The Commission shall furnish such advice and assistance to State and local governments as may be necessary to carry out the purposes of this Act.

(c) In the performance of, and with respect to, the functions, powers, and duties vested in it by this Act, the Commission may—

(1) issue such standards and regulations as may be necessary to carry out the purposes of this Act;

(2) consent to the modification of any contract entered into pursuant to this Act, such consent being subject to any specific limitations of this Act;

(3) include in any contract made pursuant to this Act such covenants, conditions, or provisions as it deems necessary to assure that the purposes of this Act will be achieved; and

(4) utilize the services and facilities of any Federal agency, any State or local government, and any other public or nonprofit agency or institution, on a reimbursable basis or otherwise, in accordance with agreements between the Commission and the head thereof.

(d) In the performance of, and with respect to the functions, powers, and duties vested in it by this Act, the Commission—

(1) may collect information from time to time with respect to State and local government training programs and personnel administration improvement programs and projects under this Act, and make such information available to interested groups, organizations, or agencies, public or private;

(2) may conduct such research and make such evaluation as needed for the efficient administration of this Act;

(3) shall include in its annual report a report of the administration of this Act; and

(4) shall make such arrangements as may be necessary to avoid duplication of programs providing for training and to insure consistent administration of the related Federal training activities, with particular regard to title I of the Higher Education Act of 1965.

(e) The provisions of this Act are not a limitation on existing authorities under other statutes but are in addition to any such authorities, unless otherwise specifically provided in this Act.

REPORTING REQUIREMENTS

SEC. 504. (a) A State or local government office designated to administer a program or project under this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal funds and the operation of the approved program or project as the Commission may require, and shall keep and make available such records as may be required by the Commission for the verification of such reports and evaluations.

(b) An organization which receives a training grant under section 304 of this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal grant funds and the operation of the training program as the Commission may require, and shall keep and make available such records as may be required by the Commission for the verification of such reports and evaluations.

REVIEW AND AUDIT

SEC. 505. The Commission, the head of the Federal agency concerned, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of a grant recipient that are pertinent to the grant received.

DISTRIBUTION OF GRANTS

SEC. 506. (a) The Commission shall allocate 20 per centum of the total amount available for grants under this Act in such manner as will most nearly provide an equitable distribution of the grants among States and between State and local governments, taking into consideration such factors as the size of the population, number of employees affected, the urgency of the programs or projects, the need for funds to carry out the purposes of this Act, and the potential of the governmental jurisdictions concerned to use the funds most effectively.

(b)(1) The Commission shall allocate 80 per centum of the total amount available for grants under this Act among the States on a weighted formula taking into consideration such factors as the size of population and the number of State and local government employees affected.

(2) The amount allocated for each State under paragraph (1) of this subsection shall be further allocated by the Commission to meet the needs of both the State government and the local governments within the State on a weighted formula taking into consideration such factors as the number of State and local government employees and the amount of State and local government expenditures. The Commission shall determine the categories of employees and expenditures to be included or excluded, as the case may be, in the number of employees and amount of expenditures. The minimum allocation for meeting needs of local governments in each State (other than the District of Columbia) shall be 50 per centum of the amount allocated for the State under paragraph (1) of this subsection.

(3) The amount of any allocation under paragraph (2) of this subsection which the Commission determines, on the basis of information available to it, will not be used to meet needs for which allocated shall be available for use to meet the needs of the State government or local governments in that State, as the case may be, on such date or dates as the Commission may fix.

(4) The amount allocated for any State under paragraph (1) of this subsection which the Commission determines, on the basis of information available to it, will not be used shall be available for reallocation by the Commission from time to time, on such date or dates as it may fix, among other States with respect to which such a determination has not been made, in accordance with the formula set forth in paragraph (1) of this subsection, but with such amount for any of such other States being reduced to the extent it exceeds the sum the Commission estimates said State needs and will be able to use; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced.

(5) For the purposes of this subsection, "State" means the several States of the United States and the District of Columbia.

(c) Notwithstanding the other provisions of this section, the total of the payments from the appropriations for any fiscal year under this Act made with respect to programs or projects in any one State may not exceed an amount equal to 12½ per centum of such appropriation.

TERMINATION OF GRANTS

SEC. 507. Whenever the Commission, after giving reasonable notice and opportunity for hearing to the State or general local government concerned, finds—

(1) that a program or project has been so changed that it no longer complies with the provision of this Act; or

(2) that in the operation of the program or project there is a failure to comply substantially with any such provision;

the Commission shall notify the State or general local government of its findings and no further payments may be made to such government by the Commission until it is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Commission may authorize the continuance of payments to those projects approved under this Act which are not involved in the noncompliance.

ADVISORY COMMITTEES

SEC. 508. (a) The Commission may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such advisory committee or committees as it may determine to be necessary to facilitate the administration of this Act.

(b) Members of advisory committees who are not regular full-time employees of the United States, while serving on the business of the committees including traveltime may receive compensation at rates not exceeding the daily rate for GS-18; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

APPROPRIATION AUTHORIZATION

SEC. 509. There are authorized to be appropriated, without fiscal year limitation, such sums as may be necessary to carry out the programs authorized by this Act.

REVOLVING FUND

SEC. 510. Section 1304(e) of title 5, United States Code (relating to the revolving fund of the Civil Service Commission), is amended—

(1) by striking out "of $4,000,000" in paragraph (1); and

(2) by inserting ", which appropriations are hereby authorized" immediately before the semicolon at the end of paragraph (2)(A).

LIMITATIONS ON AVAILABILITY OF FUNDS FOR COST SHARING

SEC. 511. Federal funds made available to State or local governments under other programs may not be used by the State or local government for cost-sharing purposes under grant provisions of this Act, except that Federal funds of a program financed wholly by Federal funds may be used to pay a pro-rata share of such cost sharing. State or local government funds used for cost sharing on other federally assisted programs may not be used for cost sharing under grant provisions of this Act.

METHOD OF PAYMENT

SEC. 512. Payments under this Act may be made in installments, and in advance or by way of reimbursement, as the Commission may determine, with necessary adjustments on account of overpayments or underpayments.

EFFECTIVE DATE OF GRANT PROVISIONS

SEC. 513. Grant provisions of this Act shall become effective one hundred and eighty days following the date of enactment of this Act.

Mr. MUSKIE. Mr. President, S. 11, the Intergovernmental Personnel Act of 1970 represents the culmination of 5 years of continuous legislative activity by the Congress. Enactment of this bill will be a major step in the strengthening of our State and local governments through improved personnel administration and more efficient recruitment and training of personnel, particularly in the administrative, professional, and technical categories.

S. 11 can be traced back to the views and recommendations of the Municipal Manpower Commission, whose 1962 report pointed up the need to revitalize local governments through better use of vigorous, capable, and dedicated public servants.

Increased citizen demands for more and better public services have placed extraordinary strain upon State and local governments. We have delayed much too long in acting on the critical need of properly qualified public service personnel and in assisting State and local governments in meeting this need. Presently, too many positions at the State and local level requiring highly specialized personnel are filled by unqualified persons, because of a lack of funds and proper recruitment and training programs. It is this problem of governmental manpower needs which S. 11 would meet.

The real beginnings of this legislation stem from studies conducted by the Senate Subcommittee on Intergovernmental Relations during 1965 and 1966. In its report, "The Federal System as Seen by Federal Aid Officials," the subcommittee found the basic problem to be one of tension among administrators and officials at various levels—tension created by the failure of State and local governments to upgrade the capability of their civil employees.

As a followup to this report, the subcommittee proposed S. 3408, the Intergovernmental Personnel Act of 1966. Extensive hearings were held on this proposal during the 89th Congress, and on S. 699 the same proposal, during the 90th Congress. S. 699 was passed by the Senate with a substantial majority, but the House never acted on the legislation.

S. 11, the Intergovernmental Personnel Act of 1970, which passed the Senate on October 27, 1969, is a strengthened version of the 1968 bill. It combines the best elements of the original legislation with improvements resulting from hearings held in the House earlier this year.

The principal provisions of S. 11, as passed by both the Senate and the House, will accomplish the following purposes:

First, the bill calls for the establishment of an advisory council on intergovernmental policy, whose members will be appointed from all levels of Government by the President. The purpose of this council will be to study and make recommendations concerning personnel policies and programs with a view to improving the personnel administration and training programs of State and local governments, and improving the coordination between all levels of government in the area of employment policies and practices.

Second, the bill would authorize the Civil Service Commission to make grants to State governments—and under certain circumstances to local governments—to cover a portion of the cost of developing and implementing programs to improve State and local personnel administration, to recruit and train State and local employees, and otherwise to carry out the purposes of the legislation. The Federal Government would bear up to 75 percent of the costs of these programs during the first 3 years after enactment, and up to 50 percent thereafter.

Third, the bill would authorize the Civil Service Commission to make grants to State and local governments to provide fellowships for graduate-level study to professional and technical employees of State and local governments. These fellowships would cover up to one quarter of the salary of persons selected for training under the programs as well as part of their tuition and fees for study at educational institutions.

Fourth, the bill authorizes the Civil Service Commission to establish joint recruiting and examining programs, on a shared-cost basis, under agreements with State and local governments. The bill would further authorize the Commission to prescribe regulations covering the training programs established under the legislation, and to make appropriate provisions to avoid duplication among Federal programs providing for the training of State and local government employees.

These are the basic provisions of the bill which were acceptable to both the House and the Senate. The differences between the Senate and House versions of S. 11 are minimal, and reflect agreement on behalf of all of the objectives sought through the Senate version.

The basic issues dealt with in the House version of S. 11 are as follows:

First. The bill authorizes such sums as are necessary to allow requests for specific amounts consistent with budgetary requirements. The authorization is open-ended as to amount and duration. The Civil Service Commission estimates a request of $20 million for the first year of operations under the act, $30 million in the second year, and $40 million annually thereafter.

Second. With regard to State and local government relations, the general effect of S. 11 is to place the Governor of each State in a strong executive position with respect to implementation of authorized programs, although without absolute veto authority. All applications under title I and II must be submitted to the Governor for review, comments and recommendations. At the same time, a city is assured that its application will reach the Commission with or without the Governor's recommendations and comments. If comments are made by the Governor and the Commission does not follow them, an explanation in writing must be given to the Governor. This permits full opportunity to develop a State plan with agreement of the local governments, while at the same time permitting local governments to apply for Federal assistance to local programs under certain circumstances.

Third. Provisions authorizing grants to train personnel employed in Federal grant-in-aid programs—set forth in the Senate bill—have been deleted by the House. The House feels that these provisions are objectionable inasmuch as they might appear to authorize Federal interference in State and local affairs. In large measure however, this capacity can be obtained under the terms of the many functional grant programs already established.

Fourth. S. 11, as passed by the Senate, provided for a revolving fund with which to finance programs. This provision has been dropped from the House version inasmuch as subsequent legislation enacted by this Congress, Public Law 91–189 provides for such a fund.

Fifth. S. 11, as passed by the Senate, also provided an exemption from conflict of interest requirements for public employees. This was to permit former Federal agency employees to seek employment in similar work with State and local governments. The Justice Department requested that this exemption be stricken from the bill since they saw no justification for exception to what are Government-wide policies.

Sixth. The House has amended the Senate bill to prohibit duplication of programs available under titles I and IX of the Higher Education Act of 1965, and has added provisions which would authorize training programs for nonprofessional employees, through use of on-the-job techniques.

S. 11, as thus modified by the House, is an improved bill. It has been endorsed by the National Governors' Conference, the Conference of Mayors, the National Association of Counties, and by the administration.

Before concluding, I should like to stress the cooperative and completely bipartisan spirit in which the legislation has been developed and brought before the Senate for final passage. Many, in both Houses, have worked together over a period of years to produce a bill which would be responsive to the personnel needs of our State and local governments, today and in years to come. Special recognition should be given to the senior Senator from South Dakota (Mr. MUNDT), who is the ranking minority member of the Subcommittee on Intergovernmental Relations and the parent Committee on Government Operations, for the deep interest he has taken in this work and for his proposals now incorporated in the measure we have before us.

Special mention should also be made of Chairmen John Macy and Robert E. Hampton of the Civil Service Commission who were most helpful in shaping the bill into its present form, and of Dr. David E. Walker, Assistant Director of the Advisory Commission on Intergovernmental Relations and Mr. Albert H. Aronson, Director, Office of State Merit Systems, Department of Health, Education, and Welfare, for their innovative suggestions.

Mr. President, I urge that the Senate agree to the House passed version of S. 11, the Intergovernmental Personnel Act of 1970. Its passage will mark a significant stride forward in the improvement of public administration in the United States.

Mr. President, I now move concurrence in the House version of S. 11.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. JAVITS. Mr. President, this is a very interesting bill which the Senate should know about. The bill proposes to train and help improve the quality of State and local governments' personnel, by offering the assistance of the Federal Government—both in terms of funds and actual technical assistance.

The PRESIDING OFFICER. The Senate will be in order. Even the Chair has difficulty in hearing.

The Senator may proceed.

Mr. JAVITS. Mr. President, I speak in connection with the bill only because the Senator from South Dakota (Mr. MUNDT), the ranking minority member of the committee, is ill, as we know, and I rise now only because I rank immediately after him. During the 90th Congress and the beginning of this Congress, the Senator from South Dakota had a very important hand with the Senator from Maine in working out this bill. I speak only because the Senator from South Dakota cannot be with us.

This is a very worthwhile effort to do something about upgrading the quality of training received by State personnel. This is a constructive bill and it took a long time to work out the problems. I gather the problems have now been worked out and that the Senator from Maine is now prepared to have the bill passed.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. PERCY. Mr. President, I wish to add one further point. The bill not only helps in connection with the existing conditions but it looks ahead to the future. State and local governments would be growing at such a rapid rate that they will have to recruit 2.5 million additional employees. This bill will supplement and implement the training of those people. Certainly, if we go into revenue sharing we will have to have skilled people at the State and local levels, and this bill will help in that regard.

Mr. JAVITS. Mr. President, will the Senator yield further for a question?

Mr. MUSKIE. I yield.

Mr. JAVITS. I wish to ask the Senator if he is satisfied with the bill as it now stands and with what he wants the Senate to do; and that it meets the compromise view of himself and the Senator from South Dakota (Mr. MUNDT).

Mr. MUSKIE. Yes. I would like to express my appreciation for the work which was done in connection with this bill during two Congresses by the Senator from South Dakota (Mr. MUNDT). In addition, we have had the full cooperation of the Civil Service Commission in both administrations and support from the Conference of Mayors, the League of Cities, and the National Association of County Hospitals. Everyone concerned has made an input and we have an excellent piece of legislation. I am delighted to accept the recommendations of the Senator from South Dakota.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

SECURITIES INVESTOR PROTECTION ACT OF 1970—CONFERENCE REPORT

Mr. MUSKIE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19333) to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 18, 1970, pages 42580–42588, CONGRESSIONAL RECORD.)

Mr. MUSKIE. Mr. President, I expect there will be considerable discussion of this conference report because of the special interest of the Senator from Massachusetts (Mr. BROOKE) in some provisions in the report. I wish to ask the Senator from Massachusetts whether we may expect a rollcall vote. I do not know, but I do expect the discussion will last for 45 minutes or longer, to clarify the point in which the Senator from Massachusetts is interested.

Does the Senator from Massachusetts expect to ask for a rollcall vote?

Mr. BROOKE. I have no intention of doing so.

ORDER OF BUSINESS

Mr. WILLIAMS of Delaware. Mr. President, earlier I made a suggestion which I thought would meet with the approval of most Senators. In talking with them I think a majority of the Members on both sides of the aisle are perfectly willing to take this action, which was to recommit the pending bill on social security, welfare, and trade, with instructions to delete those controversial proposals and report it back forthwith, but with nothing included except social security, medicare, and medicaid.

I was hoping we could get that decision tonight so Senators would know what our position will be on Monday. I was trying to get a vote on that proposal tonight.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. Mr. President, I hope the distinguished Senator from Delaware will offer his motion to recommit. I think it is very likely to carry, and it is entirely possible we could finish the social security bill Monday.

Mr. WILLIAMS of Delaware. Mr. President, I would be willing to agree to a limitation of time of 5 minutes or 10 minutes to a side. We have discussed the matter adequately, and we could vote in 10 minutes.

Mr. MUSKIE. Mr. President, this is a piece of legislation we can get out of the way. This is important legislation. The Senator from New York (Mr. JAVITS) has spoken several times on the floor of the Senate about its importance, including a colloquy with the distinguished majority leader last evening. We worked it out. It had not been as visible a problem as some of the other problems, but it is a real one. There have been many negotiations today to work out the problem of the Senator from Massachusetts, and we have the bill ready to go. I would like to move ahead with it today. This is a piece of legislation we could enact tonight in the Senate, and I would like to get it done.

Mr. RIBICOFF. Mr. President, in answer to the distinguished Senator from Delaware, I hope we do not act on this problem tonight for several reasons. First, the chairman of our committee is not present in Washington at this time. I do not know when to expect him. He is snowbound in New York. I think in due courtesy to the distinguished chairman no action should be taken until he is here.

The Senate should understand if we take action tonight on this proposal, for all practical purposes it would kill the family assistance plan without giving an opportunity to the Senate to vote on it.

The Senator from Delaware and I tried to work out the matter so that we would have had an opportunity to vote on family assistance and allow the Ribicoff-Bennett amendment to be open to amendment, but there was objection and we could not work it out.

I know the Senator is trying to bring about an expeditious decision on the basic issue.

I wonder if the Senator from Delaware would agree to put off the vote on the motion to recommit to a time certain on Monday.

Mr. WILLIAMS of Delaware. The only trouble is that we debated another matter from 9 a.m. until 3 p.m. today and at 3 p.m. we started on this matter. I hear so much enthusiasm on the part of Senators to bring this matter to a vote, I do not understand that when we get ready to vote there is a reluctance.

I would be willing to agree to vote at 5:30 p.m. Call the roll on this motion right now. The matter has been fully debated. We know what we are doing. I am ready to vote.

Mr. President, I ask unanimous consent that we vote at 5:30 p.m. on this proposal.

Mr. MUSKIE. Mr. President, I have listened all afternoon to much of the discussion on questions raised by the distinguished Senator from Delaware. I am in full sympathy with his desire to bring several of these issues to a head, but nothing has happened. This is something that can happen. I would like to proceed and get it out of the way.

If the pattern of the early afternoon is a precedent for what would happen now if I yielded, it would be 1 hour or an hour and a half from now and I would still be waiting to get action on this matter which could be disposed of in 45 minutes.

So with all respect to the Senator from Delaware, I would like to proceed with the discussion on this bill, which is the pending business, if I am correct.

The PRESIDING OFFICER. It is the pending business.

Mr. WILLIAMS of Delaware. I understand the Senator's position. I want the RECORD to show that we could vote at 5:30. I have been willing to vote since 3:30. Everybody talks about voting and nobody wants a rollcall. I think we should sit down and call the roll.

Mr. MUSKIE. The Senator has made my argument better than I could. I think we should get on with this legislation, which we can dispose of.

Mr. WILLIAMS of Delaware. Perhaps we can have a vote later in the evening.

Mr. MUSKIE. I hope so.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. MILLER. Did the Senator plan to ask for the yeas and nays?

Mr. MUSKIE. No, I had not planned to do that. One point that we will try to clarify in the debate is of concern to the Senator from Massachusetts. He has indicated he will not request a rollcall vote. I do not intend to, but any Senator who wants to can ask for a rollcall vote.

Mr. President, this bill, which comes back to us from conference, is the so-called broker-dealer insurance bill which I introduced on June 9, 1969. Events which have occurred since that time have made this legislation a matter, I think, of national urgency.

During 1969 and 1970, approximately 110 firms have disappeared from the securities industry because of financial difficulties. The majority of these firms were merged into other firms and their customers did not suffer. However, some are still undergoing liquidation and their customers have not yet received the money or securities due them. It is unlikely that the customers of these firms will ultimately lose because of the responsible action taken by the New York Stock Exchange and its member firms, as well as other exchanges and firms. In 1964, for example, the New York Stock Exchange established a trust fund, made up contributions from all its member firms, to indemnify customers against possible losses through the failure of a broker or dealer.

Until just recently, these trust funds appeared to be adequate protection. But, the tremendous acceleration of the difficulties of the industry within the last 2 years has depleted most of these trust funds. Indeed, the trust fund concept itself is no longer adequate in view of the potential losses.

For this reason, it has become necessary to enact the legislation embodied in the conference report now before the Senate. The members of the Senate Banking and Currency Committee and the House Interstate and Foreign Commerce Committee have worked long and hard on this legislation. We spent many hours of troubled contemplation on the matter due to our recognition of one key point: The enactment of this investors protection program is not the answer to the problems now confronting the securities industry. It is not even a partial answer, for the major problems are derived from the structure of the industry itself. And this, I think, gets to the point which concerns the Senator from Massachusetts and so many of the rest of us.

This fact became obvious to all during the hearings held in connection with this legislation prior to its presentation to the Senate and the House. Although we were able to ascertain that the problems of the industry were structural in nature and that positive legislative or regulatory steps must be taken in order to alleviate these problems, we were continually frustrated in our efforts to decide precisely what steps should be taken immediately. This frustration was caused primarily because of a devastating lack of precise information concerning the exact condition of the industry and the causes of the problems it is experiencing. We recognized that to take positive steps to make changes in the industry without knowing the precise effect of these changes could very well bring about the very event we were so arduously working to avoid: a disaster in the stock market of major proportions. Each time we contemplated a specific reform, we learned that the immediate institution of this reform, though it might be needed in the long run, might cause the failure of another large number of brokers or dealers. This in turn, we were told, would accelerate further the deterioration of the industry, might cause more investors to lose money, and might expose the insurance fund being authorized by this legislation to heavy losses.

We decided that it was necessary to go ahead with the insurance program at this time. However, we are all agreed that it is only the first of many steps that are necessary to be taken in order to ultimately solve the problems of the securities industry.

The bill agreed to by the conference committee did not specify what reform steps are to be taken in various areas. But the legislation does specify that the Securities and Exchange Commission shall institute rules and regulations designed to bring about reform in certain crucial areas. This device gives the Securities and Exchange Commission the necessary authority and the necessary mandate to move in an orderly way toward a resolution of the problems of the industry. I shall discuss the specific problem areas in a moment.

I have previously discussed the great frustration experienced by the Members of the House and the Senate while dealing with this legislation. But I am sure that that frustration was shared by the Securities and Exchange Commission and by the officials of the various stock exchanges and of the various brokers and dealers. Obviously, they wished to cooperate with us in the passage of a sound insurance program. And I believe that they agree fully that basic structural changes must be made in order to create a sound securities industry. Neither the Securities and Exchange Commission nor the industry could provide us, however, with the necessary specific information with which we could enact sound reform legislation. This was true simply because this information is not available.

It is for this reason that the House Interstate and Foreign Commerce Committee and the members of the Senate Banking and Currency Committee have undertaken to hold hearings in the near future on the problems now facing the securities industry. The legislation before us today also contains a provision for a study of unsafe and unsound practices in the securities industry to be performed by the Securities and Exchange Commission. I am looking forward to the full cooperation of both the securities industry and the SEC in these undertakings so that we might move rapidly toward the solution of the problems of the industry.

The two bills passed by the House and Senate were identical in many respects. There were, however, certain key differences. I believe it will be helpful at this point to discuss the resolution of those differences.

The bill passed by the House of Representatives provided for a seven-man Board of Directors of the Securities Investor Protection Corporation. Of these seven members, four would have been representatives of the securities industry. Thus, the House provided that the Board of Directors would be controlled by members of the securities industry. This was based upon the premise that the money being utilized initially by the Securities Investor Protection Corporation is paid by the members of the industry. The House bill further provided that if the Treasury borrowing authority authorized by the legislation was ever utilized, the President would have been required to appoint four additional public Directors in order to convert the Board into one with a public majority.

The Senate bill, on the other hand, provided for a five-member Board of Directors. The Board would have been made up of the Chairman of the SEC, the Secretary of the Treasury, the Chairman of the Federal Reserve Board, and two members, appointed by the President with the advice and consent of the Senate, from the securities industry. The Senate believed that the House formula was inadequate to protect the public interest because the action, or inaction, of the corporation, even before Treasury borrowing authority, might very well accelerate the use of the Treasury borrowing authority. Since the purpose of the legislation is to benefit the public as a whole, the Senate decided that the securities industry representation of the Board should be a minority.

I am happy to report that the conference committee agreed to a compromise Board makeup which retains the important concept of a Board of Directors with a public majority. The conferees agreed that there would be a seven-member Board of Directors. One member would be an employee of the Department of the Treasury designated by the Secretary of the Treasury; one member would be an employee of the Federal Reserve Board designated by the Board, five members would be appointed by the President with the advice and consent of the Senate. Of the five members appointed by the President, three are required to be persons associated with and representative of the different aspects of the securities industry. Those three members shall not all be from the same geographical area of the United States. The remaining two members shall be appointed by the President and shall be the Chairman and Vice Chairman of the new corporation. The legislation specifies that they shall be selected "from the general public from among persons who are not associated with any broker or dealer, within the meaning of paragraph (18) of section 3(a) of the 1934 Act, or similarly associated with a national securities exchange or other securities industry group and who have not had any such association during the 2 years preceding appointment."

The conferees considered specifying that these two individuals be required to have an understanding of the securities industry. However, the conference committee agreed not to so specify, and also to require that these two individuals cannot have been associated with the industry for a 2-year period prior to their appointment in order to assure that these two members are indeed representative of the general public rather than of the interests of the securities industry.

During the debate on the Senate floor, several amendments were adopted. The first would have required that the SIPC set entrance requirements for new brokers or dealers applying for the insurance protection in the future. It also provided that SIPC would make a study and report within 6 months of unsafe and unsound practices in the securities industry and what the SIPC was doing to correct these situations.

The second amendment would have specified certain action to be taken with respect to the custody and use of securities belonging to customers and with respect to the maintenance of cash or free credit balances. It also would have required that reserve requirements for cash and free credit balances be set up.

These amendments were readily agreed to during the debate because I believe we all felt that these are among the necessary steps that must eventually be taken in order to ultimately solve the problems of the industry.

These provisions were discussed long and vigorously during the conference. I believe it is fair to say that a majority of the conferees are greatly concerned about the problems contemplated by these amendments. But it was the view of the majority of the Conferees that to require action at this time, with the specificity contained in the two amendments, might very well cause more problems within the industry that would be solved. This would have in all likelihood resulted in a great drain on the insurance fund and would cause problems concerning not only the stability of the industry but also in public confidence. In addition, the prevailing view of the conferees was that the authority and even the mandate contained in the two amendments was either explicit in the amendment being made by this bill to section 15(c)(3) of the Securities Exchange Act of 1934.

That new language prohibits any broker or dealer from using interstate commerce in an attempt to make a sale if it is in contravention of "such rules and regulations as the Commission shall prescribe as necessary or appropriate in the public interest or for the protection of investors to provide safeguards with respect to the financial responsibility and related practices of brokers and dealers including, but not limited to, the acceptance of custody and use of customers' securities, and the carrying and use of customers' deposits or credit balances. Such rules and regulations shall require the maintenance of reserves with respect to customers' deposits or credit balances, as determined by such rules and regulations."

Thus, the language of the statute provides that rules and regulations shall be promulgated in those areas of concern dealt with by the two amendments I have just discussed.

These are the two amendments offered by the distinguished Senator from Massachusetts, which we will discuss later in the colloquy on the floor today.

I think it is helpful to note the discussion contained in the statement of the managers on the part of the House with respect to this provision.

That report says:

> It was the clear intent of your committee that the general authority provided in the amendment to section 15(c)(8) contained in the original House bill (and clearly the language of the conference substitute) grants to the Commission authority to set forth in Commission rules the details contained in the Senate amendment. By not embodying that detail in the legislation, the Commission's hand is stronger in that it has the flexibility to meet changing situations and needs. Indeed, a situation may develop in which the Commission determines that it is in the public interest to promulgate rules even more restrictive than the specific provisions contained in the part of the Senate amendment in question. The Commission, under the conference substitute, has broad power, and it is expected that it will use that power in a strong and vigorous manner to protect the interests of investors and the public interest.
>
> With respect to the entrance requirements for future broker-dealers, the conference substitute does not contain the specifics of the Senate amendment. Obviously, this amendment was designed to raise ultimately the standards in this industry, and your conferees strongly share that desire. However, your conferees believe that this, too, can better be handled by the broad grant of rulemaking authority to the Commission in section 15(c)(3).

I fully subscribe, and I believe the other Senate conferees will agree with me, to the expectation expressed by the House managers that the Securities and Exchange Commission will immediately and vigorously utilize the new authority given in section 15(c)(3) to promulgate regulations covering this subject matter. We are in full accord that these type regulations are needed as part of the necessary reform which must occur within the securities industry.

Another difference contained in the two versions of the bill passed by the respective House was the respect to the maximum possible assessment ceiling. The Senate bill provided that that maximum could not exceed one-half of 1 percent of the gross revenues of the securities industry. The House bill provided for a 1-percent ceiling. The conference committee agreed to accept the 1 percent ceiling with a specific provision in the bill that the extra one-half of 1 percent can only be used in times when the financial condition of the industry is sufficiently strong to support the increased assessment without compounding any financial difficulties of the industry, with increased danger to investors that that would imply.

One of the floor amendments on the Senate bill which I have just discussed included a provision for a study and report to Congress of unsafe and unsound practices in the securities industry coupled with a report of what is being done to alleviate these problems. The amendment as adopted on the Senate floor would have required this study and report to have been conducted by SIPC. That provision was retained by the conference committee although it was modified to have the Securities and Exchange Commission do the study and report rather than SIPC.

The Senate approved another floor amendment which lowered the maximum insurance protection per customer from $50,000, which was the amount approved by the Senate Banking and Currency Committee, to $20,000. The bill passed by the House provided for maximum coverage in the amount of $50,000.

The conference committee agreed to retain the maximum of $50,000 total insurance coverage, not more than $20,000 of which can be for cash.

Mr. President, these are the major provisions which were worked out in conference. I was impressed throughout the conference with the virtually unanimous agreement in principle of all the conferees as to what was needed in this legislation. The primary differences occurring in the conference were due to varying judgments by the members as to precisely what was the most effective and safe manner of dealing with these particular problems at this time. I believe the resulting bill is a good compromise and, given the accord among the conferees, will result in the provision of this necessary insurance protection to investors and, more importantly, will result in immediate steps being taken by the Securities and Exchange Commission and the industry toward reform in those areas I have discussed, as well as in other areas.

I yield to the Senator from Utah (Mr. BENNETT), who is the ranking minority member in the conference.

Mr. BENNETT. Mr. President, I join with the Senator from Maine, who is chairman of the committee that handled this legislation, in recommending that the Senate approve the conference report on the Securities Investor Protection Act of 1970. I have listened to the statement of the floor manager of this bill, the Senator from Maine, and wish to lend my support to that statement. I do not intend to speak at length. Certainly in the closing days of this Congress we can do without unnecessary repetition and time consuming statements.

Having carefully read the statement of managers on the part of the House, I find that it is in complete accord with my understanding of the decision of the conferees. I would only add that in my opinion our decision on the Board of Directors of the Securities Investor Protection Corporation will result in neither a pro-Government nor proindustry Board, but will result in a Board which will take into consideration the views of the industry, the views of the public, and the views of the Federal Government. As was so clearly brought out in the statement of managers, this bill does not nor is it intended to solve the basic problems of the securities industry at this time. It does, however, provide additional authority for the Securities and Exchange Commission to promulgate rules and regulations through which these problems can be solved. Furthermore, it directs the Securities and Exchange Commission to promulgate such rules and regulations.

There has been some concern that the conference committee did not accept certain provisions of the Senate bill which were adopted on the Senate floor at the last minute. It has even been reported that the conference report is regarded as a cave-in to the brokerage industry.

I offered one of the amendments which was accepted on the Senate floor at the last minute and which was dropped by the conference committee. I argued for the amendment in the conference, but the final decision of the conferees was to delete it. I do not argue at this time with the decision of the conferees, despite the fact that I believe the bill would have been better if it contained my amendment. Furthermore the action by the conferees to either alter or delete the other last minute floor amendments was not a cave-in to the brokerage industry. Let there be no mistake. No member of the conference committee to my knowledge was interested in continuing improper industry practices. The conferees were very concerned that to accept amendments which had neither the backing of the SEC, the Treasury, or any industry experts, without change would result in bringing about the bankruptcy of marginal firms and untold hardship on their customers, which may very well be avoided if we allow the Securities and Exchange Commission to work out solutions to the major problems in the industry in a more gradual manner. The majority of both the Senate and House conferees were opposed to approving legislation, the consequences of which were uncertain and which could result in an immediate draw on the $1 billion Treasury backup which is provided in this legislation.

We have in the conference report a balanced approach to the problem, I believe. Our major attempt at this time is to bring about investor confidence. Once this has been done, I am sure the SEC will act without delay, as we have directed, to help solve the problems which exist in the industry.

The letter which the Securities and Exchange Commission sent to Senator SPARKMAN, the chairman of our committee should assure any who may have questioned the responsiveness of the SEC to congressional direction, that the Commission will act in accordance with the new legislation and the intent of the conferees.

I ask unanimous consent to have the letter printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., December 22, 1970.
Hon. JOHN J. SPARKMAN,
Chairman, Banking and Currency Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We understand that a question has arisen concerning the action which the Commission would take pursuant to the authority granted by H.R. 19333 as reported by the Conference Report appearing in the Congressional Record of December 18, 1970, upon the enactment thereof with respect to such matters as the segregation of customer's securities and the maintenance of reserve with respect to customer's free balances. With respect to the maintenance of reserves, Section 7(d) of the bill is clear that the Commission shall, by rules and regulations require the maintenance of reserve with respect to customer's free balances and the Commission proposes to do so. The exact timing and nature of such regulations will necessarily depend upon conditions existing at the time and we must, of course, follow the requirement of the Administrative Procedure Act concerning notice and opportunity for public comment with respect to such regulations.

With respect to customer's securities in the custody of a broker dealer, the statement of the managers on behalf of the House makes it clear that the Commission has the authority to adopt rules with respect to such segregation which are fully comparable to those suggested in the Senate amendment which was not adopted by the Conference. Existing Section 8(c) of the Securities Exchange Act and Rule 8(c)(1) thereunder, prohibit the commingling of customer's securities with those of persons other than a customer including the broker dealer himself and also prohibit the hypothication of customer's securities for indebtedness which exceeds the aggregate indebtedness of all customers to the broker dealer with respect to securities of customers in the custody of such broker dealer. The bill would contain additional authority for the Commission to adopt rules concerning the segregation of customer's fully-paid and excess margin securities and the conditions under which securities held for the account of customers may be subjected to liens. The report of the managers states that the Commission under the bill would have broad power and it is expected that it will use that power in a strong and vigorous manner to protect the interests of investors and the public interest.

The Commission fully expects to conform to this direction and to adopt, again in conformance with the Administrative Procedure Act, appropriate regulations requiring the segregation of customer's fully-paid and excess margin securities and respecting the circumstances under which securities may be subject to liens.

Sincerely yours,
HUGH F. OWENS,
Commissioner.

Mr. PROXMIRE. Mr. President, I want to commend the able leadership of Senator MUSKIE on the broker-dealer insurance bill. He saw the need for an insurance program to protect small investors from brokerage firm failures long before the need became generally recognized by the securities industry, by the SEC, and by the Treasury. Indeed, his early sponsorship of the legislation helped to educate the public and the administration on the need to insure the small investor against brokerage house failures. That we now have a general consensus on the need for investor insurance is due in no small part to the efforts of Senator MUSKIE.

Although I believe we need an insurance program to protect investors, I did not sign the conference report on this legislation. It was a difficult decision on my part. We need an insurance program, but we also need substantial reforms in the securities industry. To provide insurance without specific guarantees that the necessary reforms will be enacted would be the height of fiscal irresponsibility. It would be like handing a blank check to Wall Street without insisting that they take steps to upgrade their financial practices.

In fact, one may well argue that an insurance program without reform is worse than no bill at all. The forces of the marketplace may eventually act to force broker-dealers into reforming their financial practices. If the investing public loses confidence in the financial solvency and prudence of brokerage firms, the business will gradually shift to those firms willing and able to conduct themselves with a higher degree of financial responsibility. Indeed, this is the classic way a free enterprise economy weeds out marginal and inefficient firms.

Unfortunately, in the case of brokerage firms, the classic free enterprise solution can be painful. The customers of failing firms would suffer if the firm was not financially solvent. For this reason, an insurance program has been proposed. But unless long-term reforms are also pushed through, the problems of the securities industry will grow worse and not better. There is even a danger that the temporary relief afforded by an insurance program will make the industry less willing to tackle the tough problems which have brought it to the edge of insolvency. In this sense, an insurance program without reform is counter productive and worse than no legislation at all. It would merely postpone the inevitable day of reckoning and accentuate the resulting financial chaos. Moreover, the Federal taxpayer would be forced to pay a large part of the bill since the Securities Investor Protection Corporation is authorized to borrow up to a billion dollars from the Treasury if it runs out of money. The Secretary of the Treasury is also permitted to reduce the interest rate, presumably to zero, if he found it to be in the national interest.

Mr. President, I am by no means alone in my argument that a weak insurance bill is worse than no bill at all. The president of the Nation's largest brokerage firm testified before our committee last April and made substantially the same point. At that time, Mr. Donald T. Reagan, president of Merrill Lynch said:

> I would like to explain to you why I believe that insurance plans, of whatever kind, treat only the symptoms and not the cause of the disease.

Mr. Reagan went on to list three areas of needed reform—additional capital, tighter rules on the definition of capital, and restrictions on the use of customer funds. Mr. Reagan concluded by saying that—

> Once such regulations are in effect, the need for a huge insurance fund will be less acute. We would not be worrying about giving each passenger a parachute. Instead, we will be directing our attention to a safe navigation.

Mr. President, Mr. Reagan could not have put the matter more succinctly. We need better navigation, not a parachute. This is not some ivory tower professor speculating about the problems of the industry. It is from the president of the Nation's largest securities firm. His words should be given great weight.

Unfortunately, not all members of the securities industry had quite the same view of the problem as Mr. Reagan. An industry task force developed a proposed insurance bill with Treasury-SEC backing which was notably lacking in financial safeguards. The insurance program would have been run by industry appointed men. The assessment formula was inadequate compared to the Federal Government's financial commitment. Moreover, the bill failed to specify the list of practices the industry would have to modify in order to get insurance. Some of these weaknesses were corrected in committee and on the floor of the Senate under the able leadership of Senator MUSKIE. But in my view, the bill recommended by the conference committee is deficient in two respects.

First of all, it deletes a provision in the Senate bill which I introduced to establish entry requirements with respect to new broker-dealers applying for insurance protection. Second, it deletes a provision offered by Senator BROOKE which would require brokerage firms to segregate securities held for their customers. It was argued in the House managers report that the SEC already had adequate authority under the bill to establish similar requirements. If this is the case, I have a hard time understanding why any one would object to their inclusion in the bill. The SEC has demonstrated a notable lack of urgency in policing the securities industry to date. It can certainly do no harm and might do some good if Congress prescribed specific guidelines in this area.

Senator BROOKE has described the Senate provision dealing with the segregation of securities, and I support his statements on the need to have these protections spelled out in the bill. I would like to outline for the Senate the need for establishing entry requirements on new brokerage firms before they gain access to the insurance program.

Entry requirements, are of course, nothing new. They have been a prerequisite on all previous insurance programs which have involved acclaim upon the Federal Treasury. The FDIC is directed to screen commercial banks before they become eligible for deposit insurance. The FSLIC is directed to screen savings and loan associations before they become eligible for deposit insurance. And the National Credit Union Administration is authorized to screen credit unions before they become eligible for share insurance. Indeed, Senator BENNETT, the author of the credit union share insurance bill insisted on these entry provisions, and properly so, in order to protect the solvency of the insurance fund.

My amendment to the Senate bill would have applied the same entry requirements to new brokerage firms who applied for insurance after the effective date of the legislation. It would have directed that brokerage firms be rejected for insurance if they do not meet the requisite standards of financial responsibility. It was aimed at minimizing the risk to the insurance fund and to the Treasury by preventing the entry of new firms which are likely to present an undue risk to the fund. No private insurance company would agree to issue insurance policies without some type of underwriting examination. The SIPC and the SEC should be no less demanding.

As originally drafted, my amendment would have required the SIPC to screen new brokerage firms. It was pointed out that the SEC should be the agency to perform this task, and I was willing to modify my amendment to this extent. Also, some of the house conferees apparently felt that the specific entry requirements were too detailed and that more general language would have been preferable. Again, I would have been willing to modify my language to this extent.

Unfortunately, before any of these modifications could be formally presented to the House, a motion was made on the Senate side to recede from the entire amendment. This motion carried, and the House conferees thus had no opportunity to vote on accepting the entry provisions subject to the specific modifications which had been suggested. Had the modified provisions been offered by the Senate, I believe, there is a good chance they would have been accepted by the House conferees.

In recounting this history of the conference committee, I want to make it clear that I intend no criticism whatsoever of Senator MUSKIE who strongly supported the Senate position on entry requirements. I am also gratified for the support of Senator SPARKMAN, the chairman of the Banking and Currency Committee.

My refusal to sign the conference report is in no way a reflection upon the leadership of Senator MUSKIE or Senator SPARKMAN. Nor is it a protest that my particular amendment was rejected by the conference committee. Had the Senate conferees formally presented the modified entry proposal to the House and if the House stood adamant in rejecting any entry provision, I would have accepted the decision, although reluctantly. However, it was not the adamance of the House, but the willingness of a majority of Senate conferees to recede which led to the conference dropping the entry provision.

I am sure that those Senate conferees who voted to recede did so on the merits of the issue, and I intend no personal criticism of them either, even though I think they were wrong. In the final analysis, each Senator must act to uphold the public interest as he sees it. However, the experience on this bill once again illustrates the weakness in Senate conference committee procedures where a majority of Senate conferees apparently opposed to the Senate position are appointed.

By dropping the entry requirements and the securities segregation provisions of the Brooke amendment, the bill before us today is considerably less certain in its impact than the bill which passed the Senate.

I have less confidence than others that the SEC will act vigorously to protect the solvency of the insurance fund when it permits new firms to enter the brokerage business. I would hope that the managers of the legislation can assure the Senate that it is the intent of the conference report that the SEC act with vigor in the areas covered by the Brooke and Proxmire amendments. We certainly need to leave the SEC to act with enough flexibility. I only hope the legislative history is clear enough to indicate that Congress expects prompt action from the SEC in these areas.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MUSKIE. I should like to say that I fully supported the Senator's amendment on the Senate floor because I thought it made sense. I was troubled that this legislation might be interpreted to permit new broker-dealers to come into the business not in accordance with new standards but with the old standards, which have resulted in such tremendous problems.

We discussed this question very vigorously in conference. Many conferees were concerned—and this is revealed in the House manager's report—that if we were to apply rigid standards to new entrants into the field, it would result in discrimination between them and those broker-dealers already in the field. So I felt that was something those now in the business could live with, because what we are talking about are standards toward which they should move. But that was the nature of our conference. So I did support the Senator's position in the conference. I regret it was not supported fully, but may I say now, looking upon this side of it, undertaking to build some steam under the effort to move in the direction of the Senator's amendment, that I ask unanimous consent to have printed in the Record section 15(c)(3) of the Securities and Exchange Act of 1934. The House conferees assured us that the SEC will do exactly what the Senator's amendment proposes to do. Second, I ask unanimous consent that the entire House manager's report be printed. This gives only the House interpretation of the authority in that section. I put that in the Record in order to support the Senator's position and in order to build a fire under the SEC to move in the direction of the Senator's position.

There being no objection, the material was ordered to be printed in the Record, as follows:

COMPROMISE PROPOSAL

Section 15(c) of the Securities Exchange Act of 1934 is amended by adding at the end thereof the following new paragraph:

"(6)(A) Securities received or held by a broker or dealer to which any customer is entitled to immediate possession without the payment of any sum to such broker or dealer shall not be pledged by, or loaned by or to, such broker or dealer, unless a written agreement designating the specific securities to be pledged or loaned is first obtained from such customer with knowledge of the consequences thereof and proper safeguards are provided. No broker or dealer shall lend or pledge securities received or held by such broker or dealer for the accounts of customers not so entitled to immediate possession in an amount that is not fair and reasonable in view of the aggregate indebtedness of such customers to such broker or dealer. The Commission shall, by such rules or regulations as it deems necessary or appropriate in the public interest or for the protection of investors, prescribe the amount or amounts that are fair and reasonable in relation to aggregate indebtedness.

"(B) Except for securities to be transferred or delivered or otherwise removed from custody or segregation in connection with any transaction effected by or for the account of such customer or in accordance with any instruction by or on behalf of such customer when a broker or dealer receives or holds securities for a customer that, pursuant to subparagraph (A) above cannot be loaned or pledged and that are in excess of all loan value or margin requirements imposed by law, by any national securities exchange or registered national securities association or by such broker or dealer,

"(a) such broker or dealer shall maintain such securities (i) in the custody of a bank (including a bank acting as transfer agent or registrar) which has an aggregate capital surplus and undivided profits of such specified minimum amount as may from time to time be prescribed by the Commission by rule or regulation, or of a central certificate service of any clearing corporation or any similar depositary, (ii) in any manner which conforms with a determination by the Commission that such property is held for the account of customers of the debtor in such other manner as the Commission, by rule or regulation, for the protection of customers and other creditors on a fair and equitable basis, shall have determined to be sufficiently identifiable as the property of such customers, or (iii) in accordance with such rules as the Commission shall prescribe in the public interest and for protection of investors, or

"(b) if such customer is entitled to immediate possession of such securities without payment of any sum to such broker or dealer and requests in writing delivery of such securities, subject to the terms of any pledge or loan made in conformity with subparagraph (A) above, such broker or dealer shall promptly deliver such securities to such customer or to the transfer agent or registrar for such securities for registration of such securities in the name of, and delivery to, such customer. Such request may be given at any time with respect to particular securities or may be a standing request for all securities.

"(C) For the purpose of this paragraph (6), the term "customer" shall not include a broker or dealer except as the Commission may otherwise provide and shall not include any person to the extent that such person has an interest in or claim for cash or securities which by contract, agreement, or understanding, or by operation of law, are part of the capital of a broker or dealer or has an interest or claim for cash or securities that is subordinated to the claims of creditors of such broker or dealer.

"(D) This subsection shall become effective pursuant to regulations promulgated by the Commission. In no event, however, shall the effective date of this subsection be later than one year from the date of enactment of the Securities Investor Protection Act of 1970.

"(E) The foregoing provisions shall not limit the authority otherwise granted to the Commission by any other provision of law."

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19333) to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck all after the enacting clause of the House bill and inserted a substitute text. The conference agreed to a substitute for both the text of the Senate amendment and the text of the House bill.

The conference substitute uses the structure and format of the House bill. Aside from technical, clerical, and minor drafting changes, the substantive differences between the bill as passed by the House and the substitute agreed to in conference are noted below.

1. Board of Directors.—The House bill provided for a convertible Board of Directors. The board would have had seven members—a majority of whom would have been industry representatives—until there was an application for funds from the United States Treasury. At that time the President would have been required to appoint four additional public directors so as to convert the Board into one that had a majority of public members. Under the House bill the Board of Directors would have had 4-year, staggered terms, and the Chairman would have been elected by the Board.

The conference substitute provides for a seven member Board of Directors composed as follows:

One member, designated by the Secretary of the Treasury, from the Department of the Treasury;

One member designated by the Federal Reserve Board from the Federal Reserve Board; and

Five members appointed by the President with the advice and consent of the Senate. Of these five members, three are to be persons associated with and representative of the securities industry and two are to be from the general public. The term for each director is three years, and the terms are staggered. The chairman and vice chairman are to be designated by the President from the two members selected by him from the general public.

2. Ceiling on assessments.—The House bill, as amended by the Interstate and Foreign Commerce Committee (the "committee") amendment on the House floor, provided for a ceiling on assessments of 1 percent of gross revenues from the securities business.

The conference substitute includes this 1 percent ceiling, but it specifies that assessments above ½ of 1 percent should only be used in times when the financial condition of the industry is sufficiently strong to support such an increased assessment without compounding any financial difficulties of the industry (with the increased danger to investors that that would imply). This is totally inconsistent with the debate on this amendment on the House floor. At that time it was stated that the committee did not intend that the Board of Directors impose an assessment above ½ of 1 percent without regard to what the industry could properly afford. It was clearly recognized that this increased assessment should be imposed only when the conditions in the industry could economically accept an assessment above ½ of 1 percent and if it is needed for the proper buildup and maintenance of the SIPC fund. When good times occur, the interests of the securities industry, as well as the public interest, may be well served by a higher than ½ of 1 percent assessment.

3. Gross revenues from the securities business.—The House bill, in effect, exempted revenues from the sale of mutual funds, variable annuities and investment advice to registered open-end investment companies, as well as revenues from the business of insurance. In addition, it exempted commissions earned in connection with the distribution of bonds, bills and notes of the U.S. Treasury when the broker was acting as agent for the Federal Reserve Board.

The conference substitute continues the exemption for commissions on the sale of mutual funds and variable annuities; revenues for the business of insurance; and revenues derived from the rendering of investment advice, but the exemption would include advice to both open-end and closed-end registered investment companies.

The conference substitute does not include an exemption for commissions earned in the sale of U.S. Treasury securities. In initially providing for such an exemption, your committee sought to protect reporting dealers for the Federal Reserve Board from suffering competitive disadvantages with certain commercial banks which are also recognized as reporting dealers. However, it became apparent to the conferees that such relief could not be formulated without other unintended effects—notably competitive disadvantages between broker-dealers who are recognized as reporting dealers and broker-dealers who are not so recognized. The conference substitute, therefore, does not include an exemption on this subject.

The conferees attention was also directed to the section of the bill which provides that gross revenue of a broker-dealer shall be computed on a consolidated basis with the broker-dealer's subsidiaries. This is desirable in order to avoid the possibility of evasion of assessments by the use of subsidiaries. It should be clear, however, that in the case of subsidiaries, as in the case of the parent broker-dealer, gross revenues from the securities business shall include only such revenues as are defined in the bill.

In addition, both the Securities and Exchange Commission (the "Commission") and SIPC are given certain exemptive powers in view of the possibility that certain revenues will be subject to assessments when this is not equitable nor in accordance with the purposes of the Act. For example, the Commission or SIPC well might determine that it would be inequitable and not in accordance with the intended purposes of this legislation to include in the assessments levied on a parent company income that a subsidiary which is a registered investment company receives from investments which are really investments for the benefit of its (the subsidiary's) public investors (and the income from which insures to the benefit of its public investors).

4. *Extent of customer protection.*—The House bill provided that SIPC should advance monies necessary to satisfy claims of each customer of a member-broker dealer in liquidation, but that such advances should not exceed $50,000 for any one customer.

The conference substitute continues the $50,000 limitation, but provides further that, insofar as all or any portion of a customer's claim is for cash (as distinct from securities), the amount advanced for such claim to cash shall not exceed $20,000.

5. *Financial responsibility of broker-dealers.*—The House bill would have amended section 15(c) (3) of the Securities Exchange Act of 1934 so as to grant broad rule making authority to the Commission to promulgate rules to provide safeguards with respect to the financial responsibility and related practices of broker-dealers.

The conference substitute also provides for such broad rule making authority but strengthens it by requiring that the Commission promulgate such rules and by specifying that such authority includes authority to make rules relating to the acceptance of custody and use of customers' securities and the carrying and use of customers' deposits or credit balances. In addition, it specifies that such rules shall require the maintenance of reserves with respect to customers' deposits or credit balances.

The intent of the House provision has always been that the general authority granted to the Commission by the original House language includes the specific language now contained in the conference substitute. Your committee has been concerned about the need for a general upgrading of financial responsibility requirements of broker-dealers, and it recognized this when it stated in its report: "It is clear that the protections provided by the proposed SIPC fund are really only an interim step. The long-range solution to these problems is going to be found in the ultimate raising of the financial responsibility of the brokerage community." Your committee has always intended that the provisions of the House bill would give the Commission broad authority to deal effectively with this matter.

Two parts of the Senate amendment were extensively and thoughtfully discussed in the conference, but are not included, in their specifics, in the conference substitute. One of these parts sets forth, in detail, certain requirements for a broker-dealer with respect to the custody and use of customers' securities. The other would have, in effect, required entrance requirements for future broker-dealers before they would have been admitted into SIPC membership.

With respect to the detailed provisions on custody and use of customers' securities, it was the clear intent of your committee that the general authority provided in the amendment to section 15(c)(3) contained in the original House bill (and clearly the language of the conference substitute) grants to the Commission authority to set forth in Commission rules the details contained in the Senate amendment. By not embodying that detail in the legislation, the Commission's hand is stronger in that it has the flexibility to meet changing situations and needs. Indeed, a situation may develop in which the Commission determines that it is in the public interest to promulgate rules even more restrictive than the specific provisions contained in the part of the Senate amendment in question. The Commission, under the conference substitute, has broad power, and it is expected that it will use that power in a strong and vigorous manner to protect the interests of investors and the public interest.

With respect to the entrance requirements for future broker-dealers, the conference substitute does not contain the specifics of the Senate amendment. Obviously, this amendment was designed to raise ultimately the standards in this industry, and your conferees strongly share that desire. However, your conferees believe that this, too, can better be handled by the broad grant of rulemaking authority to the Commission in section 15 (c) (3). In addition to having the advantage of flexibility, this also avoids the disadvantages which your conferees found in the Senate amendment—namely, the discriminatory features of having different standards for existing broker-dealers as opposed to broker-dealers registering in the future; and the situation in which the customers of some broker-dealers would be protected by the SIPC fund and the customers of other broker-dealers would not have such protection.

Your committee shares completely the concerns which are indicated by these parts of the Senate amendment. However, your conferees believe strongly that the concerns will be better and more flexibly handled by giving the Commission a broad delegation of authority to deal with financial responsibility and related practices of broker-dealers. Your conferees, as your committee, expect and direct the Commission to be vigorous in this area. As was stated in the debate on this bill on the floor of the House and in your committee's report: ". . . [Y]our committee directs and expects the Commission to be alert and strong in this area. This will, of course, require similar alertness and strength from the self-regulatory organizations, and if that is not forthcoming, the Commission and, if necessary, the Congress, will have to insure it."

5. *Study of industry practices.*—The conference substitute adds a provision which did not appear in any form in the original House bill. This provision requires that the Commission make a study of unsafe and unsound practices of broker-dealers, and that the Commission report to the Congress, within twelve months, the steps being taken to eliminate these practices and its recommendations for additional legislation which may be necessary to eliminate such practices.

6. *Minimum initial assessments.*—The House bill provided for an initial assessment of one-eighth of 1 percent of gross revenues from the securities business for 1969, with a minimum assessment of $250.

The conference substitute also provides for an initial assessment of one-eighth of 1 percent but reduces the minimum assessment to $150.

7. *Required size of SIPC fund.*—The House bill provided that the Securities and Exchange Commission could increase the ultimate size of the SIPC fund.

The conference substitute provides that the Commission may increase or decrease the ultimate size of the fund.

8. *Public access to information.*—The House bill provided that the public would have access to information about the affairs of SIPC unless SIPC or the Commission determined that disclosure would not be in the public interest. The conference substitute contains this same provision.

The conferees' attention was focused on this provision, and they clearly intend that any documents or information shall be provided under conditions and in a manner which will assure that customers of SIPC members and the public interest in confidence in the securities markets will be protected.

HARLEY O. STAGGERS,
JOHN E. MOSS,
JOHN M. MURPHY,
JAMES HARVEY,
HASTINGS KEITH,
Managers on the Part of the House.

Mr. PROXMIRE. I want to ask the Senator from Maine, as to his interpretation of the intent of the legislation, that the SEC should provide financial standards and give assurance that the firms which will be admitted to the insurance program will follow the practices that will provide security and safety for investors, and that they have safeguards that will protect the investor.

Mr. MUSKIE. That is what I understand to be the House managers' intention. I reassure the Senator on that point. I am glad that I can make that clear on the floor of the Senate today.

Mr. PROXMIRE. That is the same kind of attempt to insure safety as we have in the FDIC for people who make deposits in banks.

Mr. MUSKIE. That is right.

This is not to detail the specificity of the kinds of things, but what we should make sure of, and what the Senator is concerned with, is that as new people come into the field, they will meet the standards of performance and safeguards for investors that the current condition in the securities market dictates to be in the public interest. That is what should be the standard. That is what the FDIC does. That is what the agency does. This is what is specifically stated to be done under, of course, the supervision of the SEC.

Mr. BROOKE. Mr. President, I rise today to discuss issues of utmost importance regarding the conference report on the Securities Investor Protection Act of 1970, H.R. 19333. I am deeply concerned about the condition of the securities industry, both from the standpoint of investor and taxpayer protection, but also because of the economic implications involved.

While this bill may protect certain investors up to specified limits, it does not address the underlying problems which have contributed to the precarious position of the securities industry. At a time when the Federal Government stands ready to back up an industry-funded corporation with $1 billion in Treasury borrowing authority, I believe Congress must give serious consideration to the question of whether this bill provides those reforms which are necessary to eliminate future crises. The Senate-passed measure provided necessary safeguards; however, these safeguards were rejected in the conference committee without House consideration of the provisions.

In objecting to certain aspects of this conference report, I recognize the fine effort which the Senator from Maine (Mr. MUSKIE) has made to achieve a sound and responsible piece of legislation which protects both investors and the Public Treasury, while at the same time contributing to the stability of the securities industry. Mr. MUSKIE introduced legislation which the industry opposed strenuously from the beginning; however, as conditions became more serious, representatives of the industry modified their earlier stance while nevertheless opposing vital reforms.

The primary issue at stake is whether brokerage houses will be able to use investors' cash and securities for whatever needs they deem fit. The magnitude of the problem becomes evident when one realizes that New York Stock Exchange members alone now hold approximately $2.2 billion of investors' cash, commonly referred to as "free credit balances," in addition to approximately $47 billion of customers' securities. There are presently no restrictions on the use of free credit balances and, although it is contended that the SEC has authority, there is no evidence that strict segregation of customers' securities from those of broker-dealers is being attained.

Inasmuch as the threat of customer losses in recent months has stemmed from the failure of brokerage houses to adequately segregate cash and securities belonging to investors, there is some reason to believe that proper attention to these issues might, in fact, obviate the need for an insurance program. While I believe that insurance is useful under certain circumstances, I also believe we must address the issue of proper segregation if responsible legislation is to be enacted.

The conference committee adopted the Senate provision requiring the establishment of reserves against cash which is a step in the right direction. While the SEC will be charged with the responsibility of developing reserve requirements in an amount and according to a time table which it deems appropriate, the ultimate goal is indisputable. We must attain a level of reserves which will adequately protect the funds of American investors.

When this issue was discussed on the Senate floor, the Senator from New Hampshire (Mr. MCINTYRE) and I engaged in a colloquy concerning the proper amount and timetable for these reserves. At that time, I did not specify any figures, but rather expressed my feeling that the SEC should move with deliberate speed, taking into account the ability of the industry to respond.

I believe these reserves may ultimately approximate 90 or 100 percent of free credit balances; however, the exact requirement must be settled upon by the SEC. I would also like to see initial reserve requirements pegged at 25 percent of free credit balances, with the level of reserves increased over a period of approximately 2 years to the levels previously mentioned; however, I will await SEC judgment on this matter.

I am pleased to note that the conferees rejected any assertion that the SEC should take into account or be bound by reserve requirements promulgated by the Federal Reserve Board with respect to commercial banks. I believe reserves against free credit balances have no relation to those required of commercial banks and, in fact, I believe they should be considerably higher than commercial bank reserve requirements when the initial regulations are promulgated.

Even though section 15(c)(3) of the conference version does not specify how these reserves are to be kept, it is clear that a failure to adequately segregate reserves from brokerage house funds would not carry out congressional intent. Therefore, it is contemplated that reserves will be maintained in the form of Government securities or other similar obligations of a nature and in a manner which will carry out the brokerage industry's fiduciary obligation to its customers.

While the conference committee dealt with the issue of free credit balances, it failed to deal with the issue of proper segregation of customers' securities. As previously stated, the magnitude of concern is reflected in the fact that approximately $47 billion of customers' securities are held by New York Stock Exchange members alone. The statement of managers on the part of the House refers to section 15(c)(3) as vesting sufficient authority in the SEC over this matter. It should be noted, however, that the Commission has presumably possessed power to act in this area for some time but has failed to do so.

It has been argued that the insurance program adopted by the conferees adequately protects investors; however, while the program might protect them in their capacity as investors up to the statutory limits specified, it most assuredly will not protect them in their capacity as taxpayers. The Treasury and, in turn, the American taxpayer could be "on the hook" for $1 billion if customer losses occur. There have been no specific steps taken to insure that brokerage houses will properly segregate customer securities and hence reduce the incidents of risk.

Despite stock exchange rules which prohibit the pledging of customers' securities against bank loans, many large brokerage houses engage in this practice. Under existing law, banks would be able to seize these securities in the event of bankruptcy although their right to do so might be stayed for a limited period of time pursuant to requirements adopted by the conferees. The fact that brokerage firms are able to pledge fully paid for customers' securities against bank loans certainly justifies the need for stricter provisions.

The need for proper segregation of customers' securities is also evident in the fact that one large New York stock exchange firm physically lost $15.5 million in securities last year. While the "back offices" of many brokerage firms have been in a state of chaos in recent months, losses of this nature can hardly be tolerated.

Few investors who trade through brokerage houses and entrust their cash and securities to broker-dealers for safekeeping are aware of the consequences of doing so. While they will now be protected as investors up to specified limits under the SIPC bill, they will not be protected in their role as taxpayers in the event that losses occur and the Treasury borrowing authority is used. Furthermore, if such authority is used, a "transaction charge" or an additional levy may be made on their purchases and sales of securities which will cost them additional money. Thus, they will ultimately pay dearly for industry shortcomings in one form or another unless steps are taken to institute reforms.

The industry wants this legislation for many reasons. First, it will presumably reduce the present outflows of cash, as customers are reassured that their funds are secure. In doing so, brokerage houses will have the use of customers' funds exceeding $4 billion, thus enabling them to earn several hundred million dollars which otherwise would not be available to them. This legislation—as embodied in the conference report—also permits broker-dealers to continue using customers' securities at will and provides little incentive for future reforms since Treasury borrowing authority will be available to cover losses. Finally, I fear that the industry will be able to dispose of a series of political issues which have plagued it for years and thereafter be tempted to withstand congressional pressures for reform.

In summary, if we do not impose reasonable reforms on the industry now as a quid pro quo for this legislation, industry resistance in the years to come will frustrate congressional efforts in this area. I do not believe that the bill under consideration without more will adequately address these serious problems. When one realizes that in excess of $50 billion of the public's funds are involved, the gravity of the problem is appreciated.

I introduced stringent measures on the Senate floor which were adopted by my colleagues to regulate the handling of securities. I am pleased to say that these measures were adopted unanimously by the Senate. I am sorry to note, however, that the Senate position was not upheld in conference.

If this bill is adopted in the form urged upon this body by the conferees, it will not correct the basic causes of brokerage house problems and will potentially subject the public treasury to unprecedented drains. I do not believe we can tolerate this result.

The Senate-passed bill contained sufficient safeguards and, at the same time, flexibility to enable the industry to function responsibly; however, further compromises were reached before the issue was addressed in the conference. While neither the Commission nor the Treasury Department officially supported this compromise, the staffs of both governmental entities agreed that it was "technically acceptable."

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of this compromise proposal.

There being no objection, the compromise proposal was ordered to be printed in the Record, as follows:

Section 15 (c) of the Securities Exchange Act of 1934 is amended by adding at the end thereof the following new paragraph:

"(6) (A) Securities received or held by a broker or dealer to which any customer is entitled to immediate possession without the payment of any sum to such broker or dealer shall not be pledged by, or loaned by or to, such broker or dealer, unless a written agreement designating the specific securities to be pledged or loaned is first obtained from such customer with knowledge of the consequences thereof and proper safeguards are provided. No broker or dealer shall lend or pledge securities received or held by such broker or dealer for the accounts of customers not so entitled to immediate possession in an amount that is not fair and reasonable in view of the aggregate indebtedness of such customers to such broker or dealer. The Commission shall, by such rules or regulations as it deems necessary or appropriate in the public interest or for the protection of investors, prescribe the amount or amounts that are fair and reasonable in relation to aggregate indebtedness.

"(B) Except for securities to be transferred or delivered or otherwise removed from custody or segregation in connection with any transaction effected by or for the account of such customer or in accordance with any instruction by or on behalf of such customer when a broker or dealer receives or holds securities for a customer that, pursuant to subparagraph (A) above cannot be loaned or pledged and that are in excess of all loan value or margin requirements imposed by law, by any national securities exchange or registered national securities association or by such broker or dealer.

"(a) such broker or dealer shall maintain such securities (i) in the custody of a bank (including a bank acting as transfer agent or registrar) which has an aggregate capital surplus and undivided profits of such specified minimum amount as may from time to time be prescribed by the Commission by rule or regulation, or of a central certificate service of any clearing corporation or any similar depositary, (ii) in any manner which conforms with a determination by the Commission that such property is held for the account of customers of the debtor in such other manner as the Commission, by rule or regulation, for the protection of customers and other creditors on a fair and equitable basis, shall have determined to be sufficiently identifiable as the property of such customers, or (iii) in accordance with such rules as the Commission shall prescribe in the public interest and for protection of investors, or

"(b) if such customer is entitled to immediate possession of such securities without payment of any sum to such broker or dealer and requests in writing delivery of such securities, subject to the terms of any pledge or loan made in conformity with subparagraph (A) above, such broker or dealer shall promptly deliver such securities to such customer or to the transfer agent or registrar for such securities for registration of such securities in the name of, and delivery to, such customer. Such request may be given at any time with respect to particular securities or may be a standing request for all securities.

"(C) For the purpose of this paragraph (6), the term "customer" shall not include a broker or dealer except as the Commission may otherwise provide and shall not include any person to the extent that such person has an interest in or claim for cash or securities which by contract, agreement, or understanding, or by operation of law, are part of the capital of a broker or dealer or has an interest or claim for cash or securities that is subordinated to the claims of creditors of such broker or dealer.

"(D) This subsection shall become effective pursuant to regulations promulgated by the Commission. In no event, however, shall the effective date of this subsection be later than one year from the date of enactment of the Securities Investor Protection Act of 1970.

"(E) The foregoing provisions shall not limit the authority otherwise granted to the Commission by any other provision of law."

Mr. BROOKE. Mr. President, the Senate conferees voted however to recede on this provision and thus deleted essential reforms from legislation which the industry deems vital to investor confidence and to the health of their business.

As stated earlier, it is doubtful that the securities industry will be receptive to future reforms in light of the fact that it resisted enactment of this legislation and offered support only after industry conditions deteriorated substantially and investor confidence waned. These factors must also be seen in light of the fact that enactment of this bill will reassure American investors that all is well in the securities industry when, in fact, reforms are vitally needed.

I believe we must think not only of investors but of the impact on taxpayers generally if losses occur in the industry. Brokers and dealers must be thought of as fiduciaries in regard to the handling of customers' cash and securities. To require less would be to abrogate our responsibilities.

Mr. President, this is a very serious matter. I am aware that the investment industry knows of the gravity of this problem. Most of the securities men that I have talked to in recent months have indicated that they are aware that this practice is not morally right and should not be condoned.

I refer the industry to a case which was reported in 92 Northeastern Reporter at page 128, People against Meadows.

Mr. President, I will paraphrase very briefly from this case. It involved a principal who instructed a broker to purchase stock. The broker, in turn, notified the principal that he had made the purchase at the specified price and the principal then transmitted to him a certain sum of money. He placed these funds on deposit in his private bank account and never delivered the stock.

He was found guilty of embezzlement.

I think this is an important case which I call to the attention of the securities industry and their counsel, because I think that case on its facts is on point with regard to practices which have been engaged in for a long period of time by the securities industry.

Mr. President, I also call the attention of the securities industry to a Harvard Law Review article on the subject, entitled "Federal Regulation of Over-the-Counter Brokers and Dealers in Securities."

It is in the Harvard Law Review, volume 59, 1945 to 1946, beginning at page 1237. I refer to the footnotes on page 1272.

They read:

There are authorities tending to show that the use by a securities firm in its own business of funds in its possession belonging to customers is unauthorized under the law of agents. "Restatement, Agency 33."

It also refers, among other cases to *People* v. *Meadows*, 199 New York, 92 Northeastern, the 1910 case to which I have previously referred.

Mr. President, in an attempt to compromise this matter, I have had consultations with the distinguished manager of the bill, the Senator from Maine (Mr. Muskie), the distinguished chairman of the Banking and Currency Committee, the Senator from Alabama (Mr. Sparkman), the distinguished ranking minority member of the committee, the Senator from Utah (Mr. Bennett), and with the distinguished chairman of the Securities Subcommittee, the Senator from New Jersey (Mr. Williams), and the distinguished ranking majority member of the committee, the Senator from Wisconsin (Mr. Proxmire).

We have attempted to work out a compromise, because all of us feel that the stability of the securities industry is paramount at this time. In an effort to compromise, we have also talked with the Securities and Exchange Commission. The Securities and Exchange Commission, in turn, sent a letter dated December 22, 1970, addressed to Hon. John J. Sparkman, chairman of the Banking and Currency Committee, which I wish to read into the Record.

It reads as follows:

Dear Mr. Chairman: We understood that a question has arisen concerning the action which the Commission would take pursuant to the authority granted by H.R. 19333 as reported by the Conference Report appearing in the Congressional Record of December 18, 1970 upon the enactment thereof with respect to such matters as the segregation of customer's securities and the maintenance of reserve with respect to customer's free balances. With respect to the maintenance of reserves, Section 7(d) of the bill is clear that the Commission shall, by rules and regulations require the maintenance of reserve with respect to customer's free balances and the Commission proposes to do so. The exact timing and nature of such regulations will necessarily depend upon conditions existing at the time and we must, of course, follow the requirements of the Administrative Procedure Act concerning notice and opportunity for public comment with respect to such regulations.

With respect to customer's securities in the custody of a broker dealer, the statement of the managers on behalf of the House makes it clear that the Commission has the authority to adopt rules with respect to such segregation which are fully comparable to those suggested in the Senate Amendment which was not adopted by the Conference. Existing Section 8(c) of the Securities Exchange Act and Rule 8(c)(1) thereunder, prohibit the commingling of customer's securities with those of persons other than a customer including the broker dealer himself and also prohibit the hypothication of customer's securities for indebtedness which exceeds the aggregate indebtedness of all customers to the broker dealer with respect to securities of customers in the custody of such broker dealer. The bill would contain additional authority for the Commission to adopt rules concerning the segregation of customer's fully-paid and excess margin securities and

> the conditions under which securities held for the account of customers may be subjected to liens. The report of the managers states that the Commission under the bill would have broad power and it is expected that it will use that power in a strong and vigorous manner to protect the interests of investors and the public interest.
>
> The Commission fully expects to conform to this direction and to adopt, again in conformance with the Administrative Procedure Act, appropriate regulations requiring the segregation of customer's fully-paid and excess margin securities and respecting the circumstances under which securities may be subject to liens.
>
> Sincerely yours,
>
> HUGH F. OWENS,
> *Commissioner.*

Mr. President, I have been very critical of the failure of the Securities and Exchange Commission in the past to use its authority to bring about reforms in this area. I am satisfied, however, that the Commission—pursuant to this letter addressed to our distinguished chairman—is not only aware of its authority but intends to exercise that authority fully in keeping with the intent of the Senate and House conferees as set forth in this bill. And further that they will also draw upon that authority which has been granted to them under prior legislation to carry out their responsibilities. I feel this is a giant step in the right direction. I commend them for their cooperation in this regard.

Mr. President, with the assistance of all those I have named before—and I would add the senior Senator from New York (Mr. JAVITS)—I have been in touch with the New York Stock Exchange and I have received from them the following telegram. The telegram reads as follows:

> We are pleased that the Senate will shortly be considering the conference report relating to the Securities Investor Protection Act of 1970, HR 19333. In doing so, we feel it is appropriate to express our understanding that our members will adhere to the rules and regulations promulgated by the SEC pursuant to Section 15(c)(3) of the Securities Exchange Act of 1934. It is our understanding that this section would require the adoption of rules and regulations establishing reserves against free credit balances of customers, as determined by such rules and regulations, and would also authorize the SEC to require segregation of securities owned by customers from those owned by brokerage houses. We assure you and your colleagues of our cooperation in a spirit of constructive reform, as we believe this provision represents a suitable objective of the regulatory structure governing our industry.

I have been very critical also of the New York Stock Exchange and broker-dealer firms across the country because of these practices which I deem to be both immoral and illegal. I feel that in sending this telegram they have indicated not only an awareness of this serious problem, but also their commitment to curtail these practices and to cooperate with the Securities and Exchange Commission in doing so.

I am very hopeful that in addition thereto our distinguished chairman, the Senator from Alabama (Mr. SPARKMAN) and the distinguished chairman of the Securities Subcommittee, the Senator from New Jersey (Mr. WILLIAMS) early in 1971, and hopefully on or before March 1, if possible, will have hearings so that we can delve further into these practices and develop as much evidence as we possibly can in moving toward reform in this general area.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. BROOKE. I am pleased to yield.

Mr. SPARKMAN. I am very glad the distinguished Senator from Massachusetts has brought out that point. I supported the amendment of the Senator from Wisconsin, which has been discussed heretofore. I supported it in conference. I supported the amendment of the Senator from Massachusetts in the conference. Unfortunately, we lost by a single vote, as the Senator is aware.

I remember a long time ago when I first read in a broker's statement that they could use as part of their own operations the funds and the securities left with them. I was shocked. I did not know that was true, but I never paid too much attention to it until we got into this matter and we saw there was considerable trouble in the securities industry.

The distinguished Senator from Massachusetts offered his amendment to the bill, it was agreed to, and went to conference.

I am pleased the Securities and Exchange Commission has given us this assurance and I know they will do what they say they will do. Certainly, we shall be watching. We have oversight over the Securities and Exchange Commission but I am confident they will do what they say. I am pleased with the telegram from the New York Stock Exchange because that seems to give every indication of full cooperation.

I will say for the RECORD, as I have said to the Senator from Massachusetts personally, that I shall be very glad just as soon as we conveniently can do so after convening the new Congress to arrange hearings to give us an opportunity to go fully into this matter. I do not mean casual hearings; I mean hearings in depth.

I have talked to the Senator from New Jersey, who is the chairman of the subcommittee, and I am sure he will cooperate fully to that end. I know the Senator from Maine who initiated this legislation will do likewise.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. WILLIAMS of New Jersey. Mr. President, this subject matter has not been heard by our subcommittee. It should be heard, and as far as I am concerned, as chairman of the subcommittee it will be heard as soon as possible in the next session.

Mr. BROOKE. I thank the distinguished chairman of the Committee on Banking and Currency, and also the Chairman of the Securities Subcommittee, the Senator from New Jersey (Mr. WILLIAMS), for their assurances of early hearings.

I think the statement made by our distinguished chairman that he was shocked when he found out such practices existed is certainly not uncommon in the Nation.

I just cannot believe that most investors would knowingly permit their money or securities to be used by broker-dealers for their own purposes. I have brought this question up with several of our colleagues in the Senate, who were unaware of these practices—men of business background, men of legal background—who just did not realize that these practices existed.

I think we have a simple rule involved here. It involves the fundamental difference between "mine" and "thine." If I hold your money in safekeeping for you and use that money for my own personal uses, I think it is quite clear that I have been guilty of embezzlement and that I would be chargeable for the use of that money. There should be no difference because the securities industry is involved.

The securities industry says this has been the practice. Of course, the mere fact that they have been doing it for a number of years does not make it right, nor does it make it right that circumstances are such that to do otherwise would be injurious to them financially. That is very unfortunate. We regret that. We want to maintain stability in the securities business. We want to maintain, and increase, public confidence in the securities industry.

I think what we have done to now, with the agreement on the part of the SEC and the spirit of cooperation on the part of the New York Stock Exchange; however, this is only a modest beginning. But I think we ought to warn them, as our chairman has said, that we will be giving this matter careful attention. We will be watching them. We will be expecting them to restructure and eliminate these practices which are really not fully understood and accepted by the American investing public.

So I thank the distinguished chairman and the distinguished Senator from New Jersey for their comments and for their reassurance of an in-depth hearing on this very important matter.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. BROOKE. I yield to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. I warmly commend the Senator from Massachusetts for his efforts in this respect. As the Senator from Alabama (Mr. SPARKMAN) and other Senators have said, very few people understand what is going on with investors' money. As a matter of fact, the amount of money involved is tremendous—$3 billion in cash. I talked to one of the leaders in the industry, a very fine and honest man, and he told me that if we did not permit them to use that cash to get a return on it, they would be deprived of $3 billion a year. In other words, the brokers now earn about a 10-percent return on other peoples' money.

In addition to that, one firm alone, Merrill Lynch has $18 billion in customers' securities available to them. Merrill Lynch has an excellent reputation for thorough honesty but this gives some impression of the huge funds available.

It is my understanding that in other countries, in England; for example, this availability of cash to be used by brokers just is not done. It is not permitted. What happens is that the investors' money is deposited. We could argue that the American investor's money should be escrowed and put in complete safekeeping and any return on it should go to the investor, and not the broker.

This is a clear conflict of interest involved. After all, if the investor has an account with the broker, the broker has every reason not to make a prompt investment. Why should he, when he gets a return on the investor's money?

What the Senator from Massachusetts is doing is vitally important to tens of millions of investors. It is particularly important to have this protection now, while we have some bargaining power. The industry wants this insurance bill. It wants it now and in the worst way. We think they should have it, but now would have been the time to insist on the Brooke provision.

It is very unfortunate that the amendment of the Senator from Massachusetts, which Chairman SPARKMAN and Senator MUSKIE supported vigorously, was not accepted by the House. If that had been the case, it would have been a substantial reform.

It is well that we have been assured that this Senate will provide oversight of this new insurance program but we will not have the bargaining power in the future we have this year. Now is the time to drive the bargain. Unfortunately, we are not going to do it. But the Senator from Massachusetts has done a superb job of making the record for protecting the investors in the future as they have not been in the past.

Mr. BROOKE. I thank the Senator. He has been very ably discussing reform in this industry. I know he had some problems also that he had hoped would have been resolved along with the granting of insurance, which we all agree is essential if the industry is to maintain its stability. But I have great faith and confidence in the Securities and Exchange Commission. I know they are honorable men. I know that they will abide by the letter to the Senator from Alabama (Mr. SPARKMAN). I also have confidence and faith in the president of the New York Stock Exchange.

I am well aware that we will have voted borrowing $1 billion in Treasury borrowing authority for them and that next year, when we begin hearings, the bill will have been passed and they will have had that available to them. However, we will still have oversight. We must insure that the investing public has complete protection, because that is what we are striving for in this legislation.

So I think while this legislation may not be all we would like, circumstances today are such that we cannot go all the way. But we are serving notice and putting them on guard as to congressional intent. That congressional intent, as I interpret it, is to give maximum protection to the investing public which will in turn inure to their benefit and to the stability of our economy.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BROOKE. I yield to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, in the first place, I wish to confirm the telegram which the Senator received from the New York Stock Exchange, signed by the president of the exchange, Bob Haack, and by the chairman of the board, Bernard Lasker.

I have personally talked twice today with Mr. Haack about the draft of the telegram, so I can assure the Senator that Mr. Haack authored the final version which the Senator has received. The form in which the Senator has it is almost the same form in which Mr. Haack, his lawyer, and I agreed over the telephone would be satisfactory.

I think all the encomiums which have been paid to the Senator are richly deserved. It is a fact that the stock exchange practice which he has described is, generally speaking, not vividly known to those who have brokerage accounts, but the fact is that they do sign a customer's agreement, or the broker will not take their accounts. That is one of the rules of the exchange.

I have maintained brokerage accounts for family trusts, et cetera, and I have always insisted on receiving checks for cash received, and I have always asked that securities be delivered to me. That is what every investor should do. There is no reason why every investor cannot protect himself and make sure that the firm is a good one.

One reason why the brokerage houses have the cash and securities is that the customers do not draw them down. Margin accounts are a different story. In that case the account is such that the client is speculating; he must run certain risks in borrowing money, and the broker must borrow money in his name. But with respect to cash accounts, there is one thing that every investor in the United States should understand and that is there is no reason in the world why he should not draw his cash when he has a cash account. When he buys securities, he ought to take delivery on them, and when he has cash, he ought to draw it down. Brokerage houses do not pay interest; therefore there is no reason why the investor should not draw the money down.

Also I think it is only fair to say that agreement is required, as I say, to these customers' accounts. We would not revoke SEC legislation because of the doctrine of caveat emptor. That is what was argued once against the SEC: You buy securities, and if anyone misrepresents them, they go to jail. But that is long after you have lost your money.

It is the same here. If a broker becomes insolvent, and your securities and cash, even though you are entitled to them, are mixed up with those of every other customer, after that broker becomes insolvent, either you get them after a long time or you get a percentage of your money. Obviously this is no longer an acceptable procedure, when the hard-earned savings of millions of investors are in question.

I think the Senator has performed a great service. He has put his finger on one of the real ills of this business, and one of the real reasons for having insurance.

The Senator is certainly not a man who decides these things lightly or can be easily influenced, but he finally decided what I hoped and prayed he would decide, that the jeopardy to the whole economy of the Nation—and perhaps of the world, because we are the center of international finance here in the United States, and especially New York City—if one or more houses went bad, or even if there was a serious threat that they would, was so great that it for the present outweighs the problem which he very properly pointed out.

So he has obtained what I think are very solid and solemn assurances of three kinds. I would like to recapitulate them, because I think it is important that our colleagues understand them. First, from the committee members, that they will dig into this problem; second, from the SEC, that it is going to use the regulatory powers in this bill and its other powers that it has always had; that was one of the Senator's big points—and third, a commitment which I think is a commitment of honor from the New York Stock Exchange.

To me, the most important sentence in the wire from the stock exchange is the last one. Senator from Wisconsin (Mr. PROXMIRE) says, "Well, right now they want this." They certainly do want it; they need it; that is why they want it. They need this bill urgently.

Senator PROXMIRE says, "You have got them right now." I might tell my colleague, "You have always got them. There is such a body of legislation on the books with respect to securities and their regulation, that the members of this industry had better be in right with the Banking and Currency Committee, or they will be in even more trouble than they are now.

So I emphasize the importance of the last sentence, which says:

> We assure you and your colleagues of our cooperation in a spirit of constructive reform, as we believe this provision represents a suitable objective of the regulatory structure governing our industry.

That is the commitment which I think the Senator wanted, and has got.

One final point, and then I shall be through. I know the purpose of the Senator's comments today. None of this was designed to injure the securities business. That would be the worst thing we could do. Hence, we had to temporize with reality. The fact is that these practices—failure to segregate accounts—have persisted for so long, and become so ingrained in this business, that we need time and some practical means for the phasing out of them; and that is what the Senator expects the SEC will do; and I would like to tell him I join with him in his expectation. After all, it is my State and my city which are most intimately involved here, and I am very conscious of the problems of the securities market as well as its great advantages to our country. But I assure the Senator I will join with him to see that measures are taken promptly to deal with the problems.

Again I congratulate my colleague for performing what I think is a highly statesmanlike act in letting this legislation pass, because it is urgently needed right now.

Mr. BROOKE. Mr. President, I assure the distinguished Senator from

New York that I welcome his assurance and am very grateful for his rich contribution.

I call the distinguished Senator's attention to the CONGRESSIONAL RECORD of December 10 of this year, at page 40905, where the distinguished Senator from New York (Mr. JAVITS) read a telegram which he had received from Bernard J. Lasker, chairman of the board of the New York Stock Exchange.

It reads as follows:

> Assuming the SIPC legislation presently pending in Congress becomes law, I will recommend to the board of governors that the exchange provide assistance, if necessary, to the customers of the First Devonshire Corp., Charles Plohn & Co. and Robinson & Co. I am confident that the board of governors would follow my recommendation.

I call that to the distinguished Senator's attention because it would appear now that this bill is going to pass—and I, for one, have some personal knowledge of First Devonshire Corp.; that is a company in my own State which is in bankruptcy at the present time, and many investors are having great difficulty and spending large sums of money getting legal counsel to try to identify their cash and securities held by that company in bankruptcy.

I think this is one of the problems that we are trying to resolve. So it would be most helpful if the distinguished Senator from New York would remind the chairman of the New York Stock Exchange that when this bill is finally passed and signed by the President he has a commitment to fulfill. These companies are in very serious trouble, and the investors involved are in very serious trouble. This situation must be rectified.

Mr. JAVITS. If the Senator will yield, I will follow up on this matter promptly. The Senator's concern is entirely warranted, because the customers of those firms will not be covered by this bill. I promise the Senator I will follow it up. This is a matter which concerns me as much as it does the distinguished Senator from Massachusetts (Mr. BROOKE), Many of these customers are residents of my own State, and I have been following closely the developments affecting their interests. I might have been reluctant to give my full, unqualified support to this bill had I not been assured by Messrs. Lasker and Haack that the stock exchange will treat these individuals and their difficulties fairly and expeditiously. We now have a commitment, in the strongest form possible given the democratic structure of the exchange; I will remind Mr. Lasker of it, and I have not the slightest doubt that it will be honored.

Mr. BROOKE. That will be very kind.

Mr. President, again I thank the distinguished Senator from Maine (Mr. MUSKIE) for his leadership regarding this legislation and for his assistance in trying to work out the difficulties. I am satisfied that they have been resolved in the best manner possible under existing circumstances, and I want him to know that many, many investors across the country are very grateful for his leadership.

Mr. MUSKIE. I thank the distinguished Senator from Massachusetts, and compliment him on the superb record he has made in support of his presentation.

Mr. McINTYRE. Mr. President, I shall vote for the adoption of the conference report on the broker-dealer insurance bill. Before doing so, however, I want the record to be clear regarding my feeling that the bill, while perhaps the best that could be arrived at in the closing days of the Congress, still requires more amendments which will have to be added in future years.

To begin with, although I can understand the reasons for the action of the conferees in retaining the $50,000 insurance limit per account for securities, I am disappointed that they did so. I am, however, pleased that the conferees were persuaded of the merits of my suggestion that the limits be reduced to $20,000, so far as cash is concerned, but I wish that they had come to the same conclusion regarding securities.

The investors who will be receiving the benefits of the $50,000 insurance represent the wealthiest segment of our society. Fifty thousand dollars is a great deal of money. According to the most recent census, less than 1 percent of all American households earn that much money in any year of their existence.

Now by saying all this, I do not mean to detract from the importance or the urgency of this legislation. It is clearly needed as an essential first step toward averting panic in our financial markets, panic which could result in adversely affecting the well-being of all Americans, whether they have investments or not. I can understand how the House conferees might wish to insist on a $50,000 figure, and certainly the Senate debate last week showed how strongly some Senators feel about that limit, but I for one cannot agree with it.

I particularly regret that the conferees were unable to agree with the full proposal of the junior Senator from Massachusetts, as modified, which would have been, in my opinion, a very basic first legislative step toward requiring full segregation of client's and broker's assets. This is a step which must be taken, and if the industry does not move promptly on its own to do so I am hopeful that we may face the issue on the Senate floor in the next Congress.

I cannot finish my comments on this bill, Mr. President, without adding one further word on its origins. This is a good example of congressional initiation of solutions to our Nation's problems. At a time when the securities industry itself was unwilling to take the action which was necessary to put its own house in order, when the Securities and Exchange Commission was too paralyzed by its own inertia to act for the protection of investors, when the administration failed to perceive the public interest as requiring basic investor safeguards, the Senator from Maine (Mr. MUSKIE) not only saw the problem but was able to propose a solution which has proven to be a workable one. He deserves a great deal of credit for this, and the Congress as an institution deserves credit for acting upon his suggestion and passing this bill.

Mr. President, the Monday edition of the Washington Post carries a good analysis by Philip Greer of the difficulties in the Stock Exchange and the SEC which permitted the present situation to arise. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WALL STREET IGNORES WARNINGS TO CURE INTERNAL ILLS

(By Philip Greer)

NEW YORK, December 20.—Early in 1967, the 33 governors of the New York Stock Exchange attended an unusual screening of a motion picture produced by an accounting firm just for their viewing. The 30-minute film illustrated the bottlenecks which the firm had found in the back offices of its brokerage clients. The governors watched politely, thanked the acountants—and did nothing.

Late in 1969, top officials of the NYSE were briefed by outside investigators who, in the course of probing another matter, found that one of the exchange's largest members was in severe financial trouble. The NYSE people ordered the broker to make up a plan to secure more capital and, until the crunch became almost lethal this year, did nothing else.

That in a nutshell, typifies Wall Street's "self-regulatory" response to the procedural and financial foul-ups that very nearly wrecked the securities industry in 1969 and 1970. It has been slow-moving, unwilling—or unable—to recognize emergencies, incapable of taking the definitive action called for, steadily postpones the inevitable.

If there is one conspicuous truth to emerge from the crisis it is the failure of industry self-regulation and the absence of aggressive governmental oversight.

Broker after broker interviewed for this series—some whose firms were in trouble and some who were not—charged that neither the NYSE, which has primary responsibility for policing its members, nor the Securities and Exchange Commission, whose actual power extends far beyond its mandated "oversight" stance, fully grasped the extent of Wall Street's erosion until very late. Even then, they add, while the exchange thrashed around in frantic efforts to hold faltering firms together, the SEC provided virtually no leadership at all.

It would be unfair to place all the blame on any individual, either at the big board or at the SEC. The crisis began when the commission was chaired by Manuel F. Cohen and reached its peak with Hamer H. Budge at the helm. The big board's first warning came when Keith Funston held the presidency and the most damaging effects were felt under Robert W. Haack.

Neither can Wall Street's institutions be fully faulted for the inaction that led to the crisis. While the organization of the NYSE, for example, does not lend itself to prompt action, it has been hampered by the attitudes of the membership and the governors.

For the most of the crisis period, the NYSE placed its heaviest reliance on the special trust fund and its guarantee—mostly implied—that public investors would be protected if brokerage firms were forced into liquidation. The trust fund, which started at $25 million (and rose to $55 million when the exchange was forced to forego plans for a new headquarters building) proved to be as much a hinderance to effective regulation as it was a help in sending mortally wounded firms to a quiet grave.

The trust fund was begun in 1964, following the bankruptcy of Ira Haupt & Co. after the "salad oil scandal." Realizing that their business was just beginning to blossom and fearing a body blow to investor confidence from the $12 million bankruptcy, the governors assessed members for $10 million and established lines of bank credit for an additional $15 million.

The very fact that the exchange had the trust fund and could make payments to the public—neither the SEC nor the American Stock Exchange had funds for that purpose—made it the top dog in any matter involving liquidation of firms. One condition attached to the fund is that the NYSE must appoint the liquidator for the firm. If the exchange did not want to close a firm, it simply did not appoint the liquidator. Both the SEC and the Amex could close firms, but both ran the risk of causing losses to the investing public.

Irving Pollack, director of the division of trading and markets at the SEC, agrees that the trust fund gave the NYSE the upper hand in dealing with faltering firms. "We were lulled by the trust fund," Pollack says.

"They (exchange officials) used to come down here and say, 'look, SEC, this is a businessman's problem, not something the government should get into.' "

Pollack also notes that, in late 1967, analysis of complaints coming to the SEC indicated that paperwork processing in back offices—ultimately the chief cause of Wall Street's financial crisis—was becoming bogged down. "We wrote to ten of the largest firms," he says. "Nine of them said you can't help us, it's temporary due to the high volume. The tenth listed the steps it had taken."

It was not until the spring of 1968, when complaints increased, that the SEC gave priority to back-office operations. Historically, complaints from the public about undelivered securities have rung a bell at the commission, because they were a sign of illegal "bucket shop" operators. Checking the complaints, however, the commission found the developing back-office snarl and started a broad probe, eventually inspecting the back offices of about 800 brokerage firms, according to Pollack.

By that time, the exchange also knew its members were in trouble. Early in June, the NYSE ordered all trading halted one day a week to allow back offices to catch up on their paperwork. At that time, the value of undelivered securities stood at $2.67 billion.

The closings—usually on Wednesdays—hardly served their purpose. With the market shut down, many salesmen, who were needed to help unsnarl records, simply took the day off. Those who came in spent their time drumming up business for the following day and Thursdays were often tumultuous in all the markets. By the end of 1968, the value of "fails" had risen to $4.1 billion and the exchange decided on a new tack—open five days a week but only four hours a day instead of the normal five and a half.

Such palliatives were popular at the exchange. Later on, as the crisis deepened, the governors established a "crisis committee" to monitor the more afflicted firms. Though the problem was centered in large, multi-branch retail firms, none of the four members came from that segment of the business. It's chairman was Felix G. Rohatyn, from the investment banking firm of Lazard Freres & Co. The other members were the exchange's chairman, who is a floor trader and specialist, the vice-chairman—from an investment banking firm—and a partner from a bond-trading firm.

A partner in one of the firms that was monitored by the crisis committee, who requested anonymity, remembers it this way. "When the governors found out, they were petrified, worried about their own personnel liability. So they created the Rohatyn Committee, which didn't have a single soul who knew what a firm like this was all about."

There were other "corrective" steps that didn't work. For example, the exchange ordered that all "fails" over 30 days be balanced out by buying and selling stock in the market. While that cut the total of fails, it also created more trades and more confusion in back offices.

There is also some question about the effectiveness of the Rohatyn Committee. When Goodbody & Co. was headed for the rocks last September, the exchange was told by the committee that the firm had to set up a reserve of $2.1 million because of unsettled differences in its records. When the auditors finished, they found the reserve should have been $10.1 million. That was the beginning of the Goodbody crisis.

While the trust fund existed, the exchange was able to gloss over many problems. Theoretically, the fund should regenerate itself. The money is used only to facilitate the movement of stocks, so that the books can be closed. In practice, it doesn't work that way. By the summer of 1970, with ten firms being liquidated under the fund and one more—Hayden, Stone, Inc.—being kept alive with it, the fund ran out of money and the exchange's luck almost went with it.

First, three smaller firms were shut down for violating exchange capital requirements. With no money left in the fund, the customers of those firms were left to care for themselves and some have brought suit against the exchange.

The heaviest blow, however, was the near-collapse of Hayden, Stone and Goodbody, two of the five largest member firms in the business. Exchange officials, including Chairman Bernard J. Lasker, president Haack and Rohatyn searched for—and finally found—rescuers for both firms. Hayden, Stone was split up and merged with Cogan, Berlind, Weill & Levitt, Inc., and Walston & Co. Goodbody was taken over by Merrill-Lynch, Pierce, Fenner & Smith, Inc., with the exchange membership insuring Merrill for up to $30 million in possible losses. A third firm, F. I. du Pont, Glore Forgan & Co., almost went over the brink, but was saved by its virtual sale to a group headed by Texan H. Ross Perot.

And where was the SEC through all of this? Retiring Chairman Budge told the convention of the Investment Bankers Association earlier this month: "Personally, I think there are very few things wrong with this industry."

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The question is on agreeing to the conference report.

The report was agreed to.

AUTHORITY FOR THE SECRETARY OF THE SENATE, THE PRESIDENT PRO TEMPORE AND THE VICE PRESIDENT TO TAKE CERTAIN ACTION DURING THE ADJOURNMENT

Mr. MUSKIE. Mr. President, I ask unanimous consent that during the adjournment of the Senate following the completion of business today, December 22, until Monday, December 28, the Secretary of the Senate be authorized to receive messages from the President of the United States and from the House of Representatives, and that the President pro tempore or Acting President pro tempore of the Senate be authorized to sign duly enrolled bills.

The ACTING PRESIDENT pro tempore. Does the Senator wish to include the Vice President in his request?

Mr. MUSKIE. Yes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SOCIAL SECURITY AMENDMENTS OF 1970

The Senate continued with the consideration of the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The question now recurs on the amendment offered by the Senator from Connecticut.

Mr. KENNEDY. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHANGE OF NAME OF CERTAIN PROJECTS FOR NAVIGATION ON THE ARKANSAS RIVER

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 13493.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate H.R. 13493, to change the name of certain projects for navigation and other purposes on the Arkansas River, which was read twice by its title.

Mr. MANSFIELD. I ask unanimous consent that the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. RANDOLPH. Mr. President, this bill would designate the Arkansas River navigation project under construction by the Corps of Engineers, as the McClellan-Kerr Arkansas River navigation system. In addition, it would designate other projects in the overall system in honor of a deceased Member of the House of Representatives, the Honorable W. F. Norrell of Arkansas. It also honors the late John Murray of the Little Rock Chamber of Commerce. Both of these individuals were long associated with the project.

The bill also names various features of the project for geographical and historical features associated with the project.

We all know the efforts our colleague Senator MCCLELLAN has made in fostering the development of the Arkansas River Basin. He served with distinction as a member of the Committee on Public Works during the years when the Arkansas River project was in its formative stage. He later served and is still a member of the Subcommittee on Public Works Appropriations, where under his able sponsorship funds were obtained for construction of the many elements of the waterway.

The name of this great waterway would also be shared by a former Member of this body, the Honorable Robert S. Kerr of Oklahoma. Senator Kerr was also a member of the Committee on Public Works and chairman of its Subcommittee on Flood Control—Rivers and Harbors. He was long a champion of the canalization of the Arkansas River. Prior to coming to the Senate he devoted much of his efforts while Governor of the State of Oklahoma to development of the Arkansas River Basin.

Mr. President, both Senator McClellan and Senator Kerr played a major role in the development of the Arkansas River navigation project and it is fitting that the waterway which will bring navigation from the Mississippi River some 450 miles to the heartland of the Nation, near Tulsa, Okla., be named in their honor.

I accordingly move the passage of H.R. 13493.

Mr. HARRIS. Mr. President, by enacting this legislation, the Senate will honor two of its most able, most effective and most dedicated Members—and will give credit where credit is due—to John L. McClellan of Arkansas and the late Robert S. Kerr of Oklahoma.

These two men are truly the "fathers" of the vast Arkansas River navigation program, now nearing completion. It is fitting and proper that the project be named after them, and I urge the Senate to adopt this resolution.

More than 20 years have passed since Senators McClellan and Kerr pushed through the legislation authorizing the first work on a $2.5 billion program to extend navigation from the Mississippi River up the Arkansas River across the State of Arkansas and through northeastern Oklahoma to Tulsa.

At that time, the skeptics came forth in great numbers. They called the project a pipe dream. Some said it was a boondoggle.

But, Kerr and McClellan never gave up. They knew what great impetus this project would give to the economic development of the heartland of America. They kept pressing forward, even during the tribulations of a "no new starts" philosophy in Government in the mid-1950's—and eventually they persevered.

These two men—Kerr and McClellan— fully realized what a dramatic impact this waterway would have on the States of Arkansas and Oklahoma. They had vision. I am proud to have stood with both of them, first with Kerr as a young man and member of the Oklahoma State Senate and later with McClellan as a Senate colleague, following his leadership in the drive for completion.

I wish it were possible for all Senators to tour the Arkansas River, as I did recently, and see firsthand the large port developments and industrial plants taking shape at this very moment. The navigable channel is to be opened to Tulsa in the next few weeks, and we are planning appropriate dedication ceremonies there next June.

Barge traffic on part of the system, already in operation, has more than doubled the anticipated tonnage. In 1968, the channel was opened through eastern Arkansas to Little Rock. Officials had estimated traffic the first year at 1 million tons, but the actual tonnage in those first 12 months totaled 2.225 millions.

The States of Oklahoma and Arkansas and, in a very real sense, the entire Nation, are indebted to Senator McClellan and the late Senator Kerr for their leadership in building this important inland waterway—a waterway which, I hope, will soon bear their names.

The bill was ordered to a third reading, read the third time, and passed.

NAMES OF CERTAIN FEDERAL BUILDINGS

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 19857.

The ACTING PRESIDENT pro tempore (Mr. Allen) laid before the Senate H.R. 19857, to name certain Federal buildings, which was read twice by its title.

Mr. MANSFIELD. I ask unanimous consent that the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

AUTHORIZATION FOR SPEAKER OF THE HOUSE TO ACCEPT AND WEAR THE CAVALIERE DI GRAN CROCE, OF THE ORDER AL MERITO DELLA REPUBBLICA

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 1420.

The ACTING PRESIDENT pro tempore (Mr. Allen) laid before the Senate House Joint Resolution 1420, authorizing the Honorable John McCormack, to accept and wear the Cavaliere di Gran Croce, of the Order Al Merito della Repubblica, an award conferred by the Government of the Republic of Italy, which was read twice by its title.

Mr. MANSFIELD. I ask unanimous consent that the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 1521 and the succeeding measures in sequence.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ESTABLISHING CIRCUIT COURT EXECUTIVES

The bill (H.R. 17901) to improve judicial machinery by providing for the appointment of a circuit executive for each judicial circuit was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1511), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the bill is to improve the administration of justice in the Federal appellate courts by providing for the appointment of a circuit court executive for each judicial circuit.

GENERAL STATEMENT

H.R. 17901, reported herein, is the product of nearly 3 years of careful legislative study.

On February 29, 1968, Senator Tydings introduced legislation (S. 3062, 90th Cong.) to provide each judicial circuit with a court administrator, trained in modern managerial techniques. A hearing on the proposed legislation was held on July 25, 1968.

On March 12, 1969, Senator Tydings introduced S. 1509 a revised version of the earlier bill, that incorporated suggestions made during the hearing held on that bill. Senator Scott cosponsored S. 1509.

Subsequently, on April 15, 16, and May 5, 7, 1969, testimony was heard on S. 1509, as part of extensive hearings addressed to the omnibus judgeship bill (S. 952, Public Law 91–272) and related proposals.

During these hearings, testimony was taken not only on the need for additional district judgeships, but also upon the need for court executives or administrators and upon other proposals designed to increase the administrative efficiency of the Federal judicial system. On the basis of this testimony from Chief Judges Weick, Brown, Lumbard, and others, S. 952 was refined to include provisions for the creation of court executives in each of the 11 circuit courts of appeals and in approximately 18 multijudge district courts (those with more than six permanent judgeships).

With this and other amendments, S. 952 was passed by the Senate on June 23, 1969.

In the House of Representatives, however, the court executive provisions were deleted from the bill. In its report on S. 952, the House Judiciary Committee indicated sympathy with the need for providing the courts with expert managerial assistance, but expressed its view that S. 952 was an inappropriate vehicle for providing such assistance. As enacted, S. 952 (Public Law 91-272) did not contain the court executive provisions.

Subsequently, on June 2, 1970, Senator Tydings and Senator Hruska introduced S. 3916, incorporating a revised proposal for providing the circuit councils with the assistance of court executives. In the same date, H.R. 17901, the bill herein reported, and H.R. 17906 were introduced by Congressman Celler and Congressman McCulloch, respectively. All of these bills were identical.

On July 8, 1970, hearings on the proposed legislation were held before Subcommittee No. 5, House Committee on the Judiciary. Testimony was received from the Director, Administrative Office of the U.S. Courts, and the president of the American Bar Association, and the Associate Deputy Attorney General of the United States, all of whom endorsed the concept of the court executive. The then president of the American Bar Association advised the committee of the establishment of the Institute of Court Management sponsored by the American Bar Association, the American Judicature Society, and the Institute of Judicial Administration. The project is financed by a $750,000 grant from the Ford Foundation under which a 2-year program to train prospective court administrators has been undertaken.

In the past 8 years the caseload of the Federal appellate courts has more than doubled. In fiscal 1969, 10,248 new cases were commenced, a 12-percent increase over the prior year; in 1970, 11,662 new cases were docketed, a 14-percent increase. A similar increase in the appellate courts is forecast for fiscal 1971. The tasks of administering these growing circuit courts with their growing numbers of appeals has fallen on the chief judge of the circuit. Recent estimates are that the chief judges devote one-third to one-half of their time performing administrative and management duties rather than the job for which they were primarily appointed, that of adjudicating.

H.R. 17901 would permit, not require, each judicial council to appoint a circuit executive from among persons who were determined by a board of certification to be qualified by experience and training to administer a court system. The executive would serve at the pleasure of the judicial council. The duties of the circuit executive would be determined by the judicial council of the circuit, and H.R. 17901 furnishes a list illustrative of the duties which may be assigned. These duties would be performed under the general supervision of the chief judge of the circuit.

A circuit court executive could free the chief judge of the court of appeals from the day-to-day chores of managing the court's business by performing such duties as setting up and maintaining adequate accounting and budgeting systems, formulating and administering personnel policies, and maintaining property control. He could also oversee the compilation of statistics on the operation of the court. The executive would bring modern management techniques of these functions as well as apply them to studies of the courts of appeals and the courts in the circuits to determine ways in which their operations could be improved. The committee believes that improved management of the courts should have a substantial effect on the ability of judges to perform their judicial function without having to spend significant time on court administration.

H.R. 17901 authorizes that Judicial Conference of the United States to establish the annual salary of the circuit executive, not to exceed $36,000 per annum. It is estimated by the Administrative Office of the U.S. Courts that the approximate cost of a court executive, including secretarial assistance, per circuit would be $45,000 annually.

SECTION ANALYSIS

H.R. 17901 contains one section which amends section 332, title 28, United States Code, by designating the paragraphs therein (a), (b), (c), and (d), respectively, and by adding two new subsections (e) and (f). The subsections that follow refer to the subsections in section 332, title 28, United States Code.

Subsection (e) authorizes, but does not require, the judicial council of each circuit to appoint a circuit executive from among persons who are certified by the Board of Certification which is established in subsection (f) below.

The subsection also specifies 10 types of duties illustrative of those which may be delegated to the circuit executive. It is expressly provided that all duties delegated to the circuit executive shall be subject to the general supervision of the chief judge of the circuit.

Subsection (f) establishes a Board of Certification which is directed to promulgate standards for certifying persons as qualified circuit executives. Such standards are to include experience in administrative and executive positions, familiarity with court procedures, and special training. The Board is directed to consider all applicants who apply for certification, certify those who are qualified, maintain a roster of those certified, and furnish the standards for certification.

The subsection provides that the Board shall consist of five members, three of whom shall be appointed by the Judicial Conference, at least one of which shall have had experience in executive recruitment and selection. The additional two members shall be the Director, Administrative Office of the U.S. Courts, and the Director, Federal Judicial Center. Judicial Conference appointees shall serve for 3-year terms except that the initial appointees shall serve for staggered terms. Three members shall constitute a quorum but no action shall be taken unless three members of the Board agree.

The subsection directs the Director, Administrative Office of the U.S. Courts to provide staff assistance to the Board and provides that the expenses of the Board are to be borne by the expense funds appropriated to the Federal judiciary. The Board members who are officers or employees of the United States shall serve without compensation. Other members shall receive the daily rate for GS–18.

The subsection provides that the salary of each circuit executive shall be established by the Judiciary Conference of the United States, but shall not exceed $36,000 per annum. The circuit executive shall serve at the pleasure of the judicial council of the circuit and may appoint, with the approval of the council, employees in such number as may be approved by the Director, Administrator of the U.S. Courts.

DEVELOPMENT OF THE CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK

The bill (H.R. 19342) to establish and develop the Chesapeake and Ohio Canal National Historical Park, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1512), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

H.R. 19342 would establish and develop the Chesapeake and Ohio Canal National Historical Park in the District of Columbia and the States of Maryland and West Virginia, and would thus preserve an outstanding recreational, natural, and historical resource for public enjoyment and appreciation.

LEGISLATIVE HISTORY

Efforts to protect and preserve the historic Chesapeake and Ohio Canal and its environs have extended over the past two decades. During the 85th, 86th, and 87th Congresses, this committee and the Senate approved legislation to establish the canal as a national historical park. The passage of H.R. 19342 by the House of Representatives by voice vote on October 5, 1970, marked the first time that such legislation has received the approval of the other body.

In concept and in most of its specific provisions, H.R. 19342 is very similar to S. 1859, introduced by Senator Mathias and endorsed by Senator Tydings. The bill also incorporates most of the recommendations of the Department of the Interior.

After an extensive hearing in Washington on December 15, the committee is convinced that the legislation enjoys the support of a wide spectrum of conservation organizations and a great majority of the elected officials and citizens of the Potomac valley, and indeed, from throughout the Nation.

HISTORICAL BACKGROUND

The natural wealth of the Potomac Valley has been treasured since colonial days. "Nature has declared in favor of the Potomac," George Washington wrote to Thomas Jefferson. Jefferson himself declared that the view from Harpers Ferry, one of the most spectacular vistas in the Nation, was "worth a voyage across the Atlantic."

Even before the American Revolution, the Potomac Valley was envisioned not only as a flourishing economy in itself, but as a commercial gateway to the West. George Washington was among those who became interested in the prospects of developing a navigable waterway from the Potomac estuary to points west of Cumberland, Md. After resigning his commission as commander in chief of the Continental Army, Washington began his efforts to fulfill this mission in 1784 when he helped to secure a charter for the "Potomac Co."

By 1802, the Potomac Co. had substantially completed the river and canal system which it hoped would become a major artery of commerce. Washington, as president of the company, devoted considerable amounts of his time to the project. Despite great ingenuity in engineering, however, it proved impossible to remove all obstacles to navigation, and the company's charter was ultimately revoked in 1821.

In the 1820's, general enthusiasm for internal improvements grew and the Erie Canal demonstrated the economic practicality of waterborne commerce. The failure of the Potomac Co. was regarded as a temporary setback rather than a permanent defeat. New plans were pursued, involving the construction of a 360-mile canal over the Alleghenies to connect the Potomac tidewater with the Ohio River. The dream of linking Georgetown with Pittsburgh by water was a persistent and influential one, given an added impetus by growing competition from the railroads also pushing west from Baltimore.

After studying the route for the canal, considering its dimensions and estimating its construction costs, promoters of the canal for the Potomac Valley organized the Chesapeake and Ohio Canal Co. in June 1828. This company absorbed the charter rights of the old Potomac Co. At the groundbreaking in Georgetown on July 4, 1828, an occasion of great pomp and civic pride, President John Quincy Adams declared:

"The project contemplates a conquest over physical nature, such as has never yet been achieved by man. The wonders of the ancient world, the Pyramids of Egypt, the Colossus of Rhodes, the Temple of Ephesus, the Mausoleum of Artomisia, the Wall of China, sink into insignificance before it—insignificance in the mass and momentum of human labor required for the execution—insignificance in the comparison of the purposes to be accomplished by the work when executed."

The elaborate ceremony was followed by years of toil. Using axes, stump pullers, shovels, and scrapers, thousands of laborers, including more than a thousand indentured workmen from England and Ireland, cleared the path for the canal and gouged a ditch more than 15 feet wide. The first section opened was the stretch from Little Falls to Seneca, Md.

Beset with all kinds of problems—including dissension among the laborers, the cholera epidemic of the early 1830's, and legal complications with the Baltimore & Ohio Railroad Co.—progress was slow. By 1833 only 62 miles of canal were completed and the $3 million with which the company had started was nearly depleted. After the State of Maryland assumed a large part of the financial burden the canal moved on and navigation was possible to a point 7 miles west of Hancock by 1839, but there the canal terminated and was not opened to Cumberland until 1850. By this time the dream of a canal connecting the tidewaters and the Ohio River had been abandoned. More than $11 million had been spent constructing the 184.5-mile canal.

Boats began to use the canal as soon as the first section was completed. In the main, cargoes were limited to flour, grain, building stone, and whiskey, but it was not until after 1850, when the canal reached Cumberland, that a profitable level of commerce developed. From that area, coal was routed to the tidewater region via the canal. Trade grew rapidly and eventually more than 500 boats plied the canal, but in 1871 traffic reached its peak and began to decline as coal operators shifted their trade to the railroad. The flood of 1889 literally washed out the company and, with insufficient capital to repair the damage, forced it into bankruptcy. The trustees in bankruptcy operated the canal until 1924 when operations ceased.

In 1938, the United States purchased the narrow canal right-of-way stretching from Georgetown, D.C., to Cumberland, Md. Altogether, it included 5,253 acres and extended for 184.5 miles.

Since its acquisition, the lower portion of the canal, about 22 miles, has been restored to operation by the National Park Service. The western segment of the canal from Seneca to Cumberland was designated as a national historical monument by President Eisenhower on January 18, 1961. The entire property is now administered as a part of the National Capital region of the National Park Service.

PRESENT OPPORTUNITIES

The narrow Chesapeake and Ohio Canal property in Federal ownership today provides 184.5 miles of history, beauty, and refuge, reaching from the streets of the Nation's Capital through hills and meadows to the rugged slopes of the Alleghenies. The setting along the canal and the nearby Potomac River is peaceful and picturesque. Students of nature have an exceptional opportunity to view numerous birds and a variety of other wild creatures which inhabit the area. A luxuriant plant life abounds along the route. In season the dogwoods and tulip trees, and the violets, touch-me-nots, wild sunflowers, black-eyed susans, goldenrods, and asters add flares of color and interest to the towpath.

The canal today also serves as a path through American history. Although it never fulfilled President Adams' vision as "a great central chain of union" between Chesapeake Bay and the Ohio Valley, the canal even in its present state is probably the finest relic of the great engineering feats of the canal-building era. Modern visitors marvel at the sturdy locks, the arched masonry aqueducts, and the magnificent Paw Paw Tunnel, which reaches over 3,000 feet through a mountain. Equally fascinating is the lively culture of the canallers, which survives in many valley towns and is being rediscovered by professional and amateur historians. In addition to its intrinsic historical attractions, the canal also is in close proximity to colonial sites such as Georgetown and Fort Frederick, and Civil War battlefields such as Harpers Ferry and Antietam.

Located within easy reach of the millions of people in the District of Columbia, Maryland, and neighboring Virginia, West Virginia, and Pennsylvania, the Chesapeake and Ohio Canal is already extremely popular. Even with the limited restoration which has been done and the rudimentary public facilities available, nearly 2½ million visitor days were estimated for the area in 1969. Use of the present national monument (Seneca to Cumberland) this year, between January and September, has been estimated at over 1,770,000 visitor-days, while the lower segment of the canal, from Georgetown to Seneca, has been heavily used and is actually crowded on pleasant weekends. Many hiking and conservation groups have developed special programs focusing on segments of the canal. The area's Boy Scout Councils have created a special merit badge for hiking the canal, and since 1967 over 60,000 Scouts have walked or cycled over 1.6 million miles along the towpath.

The canal now provides a great variety of public recreation virtually on a shoestring. Its present property and status are clearly inadequate, however, to serve present and future recreational needs, to insure protection of its vast and varied scenic and natural assets, and to provide stabilization and interpretation of its historical features.

The acquisition plan for this park is intended to preserve and protect the scenic Potomac riverscape and the environs of the canal, and to provide new opportunities for public use and enjoyment of the canal and the river. Through this expansion program the national historical park will gain the scope required to serve increasing recreational demands, and to resist the growing pressures of metropolitan growth in the Washington area.

The development plan for this historical park emphasizes the historic features of the canal. Much of the money required for the park will be used for restoration purposes. Some of the locks and lockhouses, aqueducts, tunnels, and bridges will be restored or stabilized, and much of the canal and towpath will be repaired and parts of it restored and rewatered. Interpretive exhibits will be developed.

All of this activity and expense would not be justified unless adequate efforts were made to accommodate the visiting public. For this reason, the development plan envisions appropriate facilities to disperse the millions of visitors expected in this area each year. Adequate parking areas, camping areas, and related visitor facilities must be available to serve those who will use the park. As conceived by the National Park Service, these should be unobtrusive and yet be constructed to meet the anticipated future needs, since projections suggest that nearly 6 million visitor days are expected by 1985.

Once developed and properly managed, this park will serve a wide spectrum of recreational needs. For young and old, however energetic or lazy, the park will provide places to hike and cycle, to fish, to paddle a boat or canoe, or simply to sit quietly, free of the rush and roar of a contemporary society. For naturalists and historians, the park will offer countless opportunities for study and investigation. With many points of public entry along its 184.5 miles, this unique ribbon of beauty and tranquillity will answer the varied needs of millions, from the 2-hour summer picnic to the 2-week solitary camping trip. It will be a national asset for all seasons, all ages, and all Americans.

NEED

Although the Chesapeake and Ohio Canal never realized the ambitions of its founders, it can now fulfill a new national mission as a valuable and irreplaceable historical and recreational resource. H.R. 19343 authorizes the additional land acquisitions and the development and restoration necessary to enable this waterway, to benefit millions, from the Chesapeake to the Ohio and beyond.

In many respects this legislation is in response to public demand, expressed in the continuing and growing public support for such a bill and evidenced even more clearly through burgeoning public use of the towpath. To date, the efforts of the National Park Service to respond to public interest and needs have been hampered by the extreme narrowness of the public property and the lack of funds. H.R. 19342 remedies these problems and opens the way for a unique addition to the national park system, one which will also serve as the backbone of future recreational and conservation programs in the valley of the Nation's Capital.

Mr. MATHIAS. Mr. President, the Senate has just given unanimous approval to H.R. 19342, to establish the Chesapeake and Ohio Canal National Historical Park, thus clearing this important legislation for the President's signature.

After more than a decade of efforts to preserve and develop this great natural and historical resource, today's Senate action is deeply gratifying to me and to countless residents and friends of the Potomac Valley.

The Chesapeake and Ohio Canal National Historical Park will be among our finest national recreational areas. Along its 184.5 miles, Americans of all ages and interests will be able to find beauty, calm, and recreational opportunities unmatched anywhere in the East. From the heart of the Nation's Capital to Cumberland, the C. & O. Canal will offer millions of Americans the chance to become acquainted with a unique slice of our history and the varied scenic and natural attractions of this region.

I will not attempt to list all of the individuals and groups who have taken part in the long campaign which has culminated in the Senate's approval of this bill today. Their energetic walking, working and waiting has provided a notable example of citizen involvement in the battle to save and secure our irreplaceable natural heritage. To all who have contributed to this effort, I extend my thanks.

I do want to record my particular gratitude to the distinguished chairman of the Committee on Interior and Insular Affairs, Senator JACKSON, and the chairman of the Subcommittee on Parks and Recreation, Senator BIBLE. Without their sustained interest in the C. & O. Canal, and their recognition of the importance of action this year, this bill would never have become a reality.

It is heartening to note that, in reporting H.R. 19342 to the Senate, the Interior Committee recognized the legitimate concerns which had been expressed in the recent public hearing, and included in its report language which explicitly protects Maryland's jurisdiction over the Potomac River and maintains necessary access to the river under the act of August 1, 1953. With these safeguards, the Chesapeake and Ohio Canal National Historical Park will be a great national resource and an asset to the entire Potomac Valley.

Mr. President, I ask unanimous consent to include in the RECORD at this point the statement I presented to the Committee on Interior and Insular Affairs on December 15 in support of H.R. 19342 and my own similar bill, S. 1859.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR CHARLES McC. MATHIAS, JR.

Mr. Chairman, I deeply appreciate this opportunity to testify in strong support of H.R. 19342 and my similar bill, S. 1859, to establish the Chesapeake and Ohio Canal National Historical Park. Your willingness to hold this hearing today, at the busiest time in the Congressional year, is typical of the hospitality to this project which you have displayed many times over the years.

Nine and one-half years ago, when I was a freshman Representative from the Sixth Congressional District of Maryland, I appeared before this subcommittee to endorse legislation introduced by Senator J. Glenn Beall, Sr., to create the Chesapeake and Ohio Canal National Historical Park. At that time, on April 12, 1961, I stated, "Considerations of need, of opportunity and of economy urge approval" of the park.

As you know, Mr. Chairman, shortly after that hearing this committee and the Senate did approve C & O Canal legislation. Ever since then we have been working and waiting for consideration of it by the House. This year our efforts finally bore fruit with the unanimous passage of H.R. 19342 by the House on October 5.

In concept and in its major features H.R. 19342 is very similar to my bill, S. 1859. A few points should and can be clarified through legislative history, as I have outlined below. But in the main H.R. 19342 is a very good bill, and I am pleased to urge you to approve it now.

The considerations of need, opportunity and economy which were attractive in 1961 are absolutely compelling in 1970. In 1961, when I first introduced C & O Canal legislation, my objectives were to preserve this historic waterway and to encourage recreational use of it. Now our obligation is to respond to demonstrated public interest and increasing use, before the Canal deteriorates beyond repair or the price of preservation soars beyond our reach.

We literally can't afford to wait. Nine years ago the Interior Department testified that it would cost about $1.5 million to acquire 10,000 acres along the Canal between Cumberland and Seneca in Montgomery County. Now the Department has requested and H.R. 19342 authorizes $20 million to acquire at least an interest in about 12,156 acres between Cumberland and Georgetown. With the extension of the proposed park into Washington, the area to be acquired has increased twenty-one percent compared to 1961, but with the passage of time, the cost has gone up twelve *hundred* percent.

Yet even at today's high prices, the C & O Canal National Historical Park is within our grasp. If we delay, at tomorrow's prices it could be beyond our means.

Mr. Chairman, the Chesapeake and Ohio Canal is an exceptional public resource. In its 184.5 miles, the Canal capsules the Potomac Valley's growth, its commercial hopes, its enduring natural values and its great human appeal. Envisioned by President John Quincy Adams as "a great central chain of union" between the Eastern seaboard and the West, the Canal never reached the Ohio Valley, but is still the finest example of our nation's canal-building era and its impressive engineering feats. Equally fascinating is the lively culture of the canallers, a unique slice of American history which survives today in many Potomac Valley towns and is being rediscovered and preserved by area historians.

A trip along the C & O Canal offers a breadth of natural assets unequalled anywhere. The towpath, starting as an urban trail a few steps from the streets of Georgetown, proceeds up the valley through beautiful hills and meadows to the rugged mountain slopes of the Alleghenies. No other park can boast such varied scenery, wildlife and history so close to millions of Americans, and yet so undisturbed.

For over three decades, from the end of commercial operations in 1924 until the 1950's, the Canal was an abandoned ditch, largely neglected and unused. During the past fifteen years, however, the public has rediscovered the Canal with energy and appreciation. Over 1.5 million people—hikers, bikers, campers, canoeists, sportsmen and naturalists—used some segment of the Canal last year. Area Boy Scouts have been particularly active: since 1967, when a special Canal merit badge was created, over 60,000 Scouts have hiked or cycled over 1.6 million miles along the towpath.

The potential public use of the Canal is staggering. Over 5.3 million Americans live in the District of Columbia and those parts of Maryland, Virginia, West Virginia and Pennsylvania within an hour's drive of some section of the Canal. The valley is within relatively easy reach of about 9 million Americans now, a total that will exceed 12 million by 1985.

The Canal now is in no shape to serve these millions. As one hikes along the towpath today, the need for legislative action is evident at every mile. In some areas National Park Service personnel have worked wonders in providing rudimentary public services within the severe constraints of inadequate funds and very narrow property lines. But at major points of public entry there is a clear need for inobtrusive parking lots, modest picnic areas and campgrounds, boat ramps and other basic public facilities. There is an obvious need to expand the narrow, 5250-acre Canal property to insure scenic protection, to provide more space for public enjoyment, and to enlarge public access to the Potomac River before the shoreline succumbs to the pressures of metropolitan growth.

Equally evident is the need to stabilize the major features of the Canal itself before they succumb to the erosions of time. The National Park Service has already largely restored the magnificent Paw Paw Tunnel. But many of the historic masonry aqueducts are crumbling. Locks have ceased to work. Over half of the Canal's 174 culverts are badly silted or otherwise need repair.

Finally, except at Great Falls there is a lack of interpretive programs and exhibits to educate this generation of Americans about the area's natural wealth and 19th-century commerce and engineering.

All of these needs would be met by H.R. 19342, which is, as I have stated, very similar to my own bill, S. 1859. As passed by the House, H.R. 19342 would grant National Historical Park status to the Canal, authorize acquisitions of land and interests in land up to a total park of about 20,000 acres, and authorize funds for both acquisition and the initial stages of restoration and development. The bill establishes a citizens' advisory council to promote communications between the Interior Department and area citizens and officials. Finally, it includes provisions intended to promote cooperation between Federal and State park programs, and necessary access across the Canal to the Potomac River.

Mr. Chairman, there are a few aspects of H.R. 19342 which I urge the committee to clarify in the course of action on the bill. I am prepared to offer amendments if necessary, but believe that strong legislative history should be adequate. The points are:

1. *Maintenance of state jurisdiction over the Potomac.* The State of Maryland owns the Potomac River to the low-water mark on the Virginia side. Concern has been expressed that, unless an explicit disclaimer is included in the bill, the riverfront acquisitions authorized might inadvertently lead to Federal preemption or abridgement of the jurisdiction over the river and its water which the state has traditionally exercised.

Certainly no such result is intended. The Interior Department has stated that the Maryland side of the Potomac would be the southern boundary of the park and of Federal jurisdiction. During House floor debate Congressman Saylor, one of the prime sponsors of the legislation in the House, stated, "The Potomac River is not included in this legislation and will not be subject to administration by the Secretary under the terms of this bill."

To make the legislative intent unmistakable, I urge you to state in your report on the bill that nothing in H.R. 19342 is intended or should be construed to alter or abridge Maryland's jurisdiction over the Potomac River.

2. *Access to the Potomac for utilities.* Along its entire 184.5-mile length, the Canal property lies between Western Maryland communities and the Potomac, the area's major water source. The possibility that access across the Canal for water lines and other necessary utilities might be denied by the Federal Government has been a prime source of area apprehension for many years.

In 1953 Congress, recognizing the indisputable need for guaranteed access for local utilities, approved the Act of August 1, 1953 (67 Stat. 359). Section 1 of that Act states:

"The Secretary of the Interior is hereby authorized and directed to grant perpetual easements, subject to such reasonable conditions as are necessary for the protection of the Federal interest, for rights-of-way through, over, or under the parkway lands along the line of the Chesapeake and Ohio Canal, now or hereafter acquired, for the purposes of electric, telephone, and telegraph lines or conduits, gas, oil, and water pipelines, tunnels, and water conduits, or for other utility purposes incident to industrial, commercial or agricultural use, or to the supply of water for domestic, public, or any other beneficial use. . . ."

Section 4 of the Act authorizes the Secretary, "in his discretion," to grant additional easements "for railroad tracks or for other utility purposes," subject to appropriate conditions.

The primary importance of the Act of August 1, 1953, is its guarantee that access for utilities, under reasonable conditions, will be granted by the Federal Government. During the 17 years since enactment of this legislation, it has not caused or permitted any wholesale intrusions on or degradation of the Canal and its environment. To the contrary, the Act has actually been invoked only twice, most recently for the construction of a major underground water line by the Frederick County Metropolitan Commission, which found that a perpetual easement was necessary to assure financing of its project.

Mr. Chairman, the Department of the Interior has endorsed the 1953 Act and recommends its continuation and its application to the National Historical Park. H.R. 19342 does not refer to the 1953 Act at all. Given this silence in the bill, I urge the committee to adopt report language to the effect that given the importance of local access, the limited nature of the 1953 Act, and its inclusion of environmental safeguards, the committee regards the 1953 Act as fully applicable to the park.

3. *Options for landowners.* Under general law, the Department of the Interior is authorized to negotiate a wide range of arrangements with owners of land within the boundaries of national parks. The Department has expressed its intent to pursue a number of approaches, including scenic easements, acquisition of development rights, provisions for life tenancy or tenancy for a

stated number of years, and leaseback or sellback agreements, where appropriate. Such alternatives are especially valuable with regard to the conservation groups and sportsmen's clubs which own lands along the Canal and have been reliable trustees of the area for many years. I hope the committee will express its support for a flexible approach which minimizes the disruption of present landowners wherever present usage is not incompatible with the park.

In conclusion, I believe the Chesapeake and Ohio Canal National Historical Park is needed and should be created now. This legislation is fully justified in its own right; it assumes double importance as the backbone of environmental protection efforts for the Potomac Valley as a whole. As Secretary Hickel stated in transmitting his official endorsements of the legislation to Congress on May 27, the establishment of the C. & O. Canal National Historical Park "will constitute an essential first step in a continung program of protection and development of the entire river."

I strongly support this legislation and urge this subcommittee to approve H.R. 19342 and bring it before the Senate for action this year.

GULF ISLANDS NATIONAL SEASHORE

The Senate proceeded to consider the bill (H.R. 10874) to provide for the establishment of the Gulf Islands National Seashore, in the States of Alabama, Florida, Louisiana, and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, line 4, after the word "numbered", strike out "NS GI 7100II, and dated July 1970:" and insert "NS–GI–7100J, and dated December 1970:".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the action of the Senate in passing Calendar No. 1523, H.R. 10874, an act to provide for the establishment of the Gulf Islands National Seashore, and so forth, be rescinded and that the bill be placed back on the calendar.

The PRESIDING OFFICER (Mr. SPARKMAN). Without objection, it is so ordered. The action of the Senate will be rescinded and the bill will be placed back on the calendar.

VOYAGEURS NATIONAL PARK

The Senate proceeded to consider the bill (H.R. 10482) to authorize the establishment of the Voyageurs National Park in the State of Minnesota, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments. On page 2, line 10, after the word "the", where it appears the third time, strike out the word "park." and insert "park: *Provided further*, That the Secretary shall not acquire other lands by purchase for the park prior to such donation unless he finds that acquisition is necessary to prevent irreparable changes in their uses or character of such a nature as to make them unsuitable for park purposes and notifies the Committees on Interior and Insular Affairs of both the Senate and the House of Representatives of such findings at least thirty days prior to such acquisition.".

On page 7, after line 18, insert:

(c) All mining and mineral activities and commercial water power development within the boundaries of the park shall be prohibited, and further, any conveyance from the State of Minnesota shall contain a covenant that the State of Minnesota, its licensees, permittees, lessees, assigns, or successors in interest shall not engage in or permit any mining activity nor water power development.

And on page 8, line 18, after "(3)", insert "recreational".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1513) explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 10482, as introduced by Representative John Blatnik, is to provide for the establishment of the Voyageurs National Park in the State of Minnesota.

DESCRIPTION OF THE AREA

The area involved in H.R. 10482 is located along the United States-Canadian boundary just east of International Falls in the famous Minnesota lake country. Altogether, the proposed park consists of approximately 139,000 acres of land and 80,000 acres of water. Most of the land involved is located on, or in the vicinity of, the Kabetogama Peninsula (103,-850 acres), but part of it, popularly referred to as the Crane Lake area, is within the boundaries of the existing Superior National Forest (35,280 acres).

If established, the park will be dominated by three large lakes—Rainy Lake, Kabetogama Lake, and Namakan Lake—which, along with hundreds of smaller lakes in the area, were gouged in the land by the great ice sheets which shaped this entire region thousands of years ago. Taken together, these lakes and the network of connecting waterways make this area a unique and beautiful setting for a national park.

No other area of the national park system is quite like the region which H.R. 10482 would designate as a national park. The Kabetogama Peninsula bounded as it is by the waters of the three prominent lakes, is relatively undeveloped and is accessible mainly by water. Along the shoreline, the landscape varies from intimate bays and coves to shores composed of rocky glacial debris and exposed smooth glaciated areas.

The interior lands also bear the marks of the Ice Age. Most of the once barren bedrock surface has long since developed a thin layer of soil, but, in some places, the glaciers deposited some of the fertile soils collected as they moved and, in other, exposed rock remains visible. These factors largely control the vegetation of the area. There are a few groves of Norway, jack and white pines along the shorelines, and boggy areas support black spurce, cedar and ash, but the aspen, birch, balsam, white spruce, oak and maple are more common at the higher elevations. At one time, some of these areas were climax forest, but fires were probably instrumental in altering the habitat to subclimax forests. The nature of the forest and its related vegetation, of course, is an important factor in the animal life in the area. Caribou, which have now completely disappeared from the scene, require climax vegetation, while moose and deer favor subclimax forests.

Now the area continues to support, in addition to moose and deer, black bear, beavers, timber wolves, muskrat, fox, mink, weasel, otter, fisher, coyote, bobcat, Canada lynx and other species, as well as a wide variety of birds. When the landscape has completely returned to its natural condition, it is anticipated that caribou will be re-introduced in the area.

In addition to the geological and natural values which this part of the country offers, it has a rich historical background. Here, before the West was settled, the French-Canadian Voyageurs paddled and portaged their canoes in search of furs. Engaging in commerce with the Indians along the way, these early adventurers plied their way among the maze of lakes and streams which gives this place its fame and gives the park its name. Recapturing the color and romance of those times will not be easy, because there is little physical evidence of their travels remaining in the area. The Voyageurs are gone, but the lands and waters they knew and traversed remain. Some places have been substantially altered by man in the decades that followed but the forests and shorelines, and islands within the proposed park boundaries which are characteristic of the places they knew can depict this phase of our cultural inheritance.

BACKGROUND AND NEED

Consideration was given to setting aside the proposed Voyageurs National Park before the turn of the century, but the need for special status was not considered urgent at that time. It is now apparent that with the available land base for parks rapidly shrinking, and with the nearly geometric rise in recreational demands of a more mobile and affluent society, this area is most deserving of national park classification. The Voyageurs area has been under serious consideration for inclusion in the national park system since the early 1960's, when the State of Minnesota asked the National Park Service to study the area.

Because this area contains significant natural and geologic features worthy of national recognition, because it possesses nationally significant scenic and recreational values, and because it offers an opportunity to interpret, for the edification of the public, the historic role of the Voyageurs in our cultural heritage, it was recommended for national park classification by the Park Service in 1964.

In 1969, several members of the Subcommittee on National Parks in the House of Representatives visited this area to get some firsthand experience with its potential as a national park facility and to conduct a local hearing on the proposed legislation. Many witnesses were heard, both for and against the park. Later, in July 1970, extensive hearings were held in Washington.

Following passage of H.R. 10482 by the House of Representatives on October 5, 1970, the bill was referred to this committee. The Parks and Recreation Subcommittee chaired by Senator Bible held 2 days of hearings on H.R. 10482 on December 4 and 7 in Washington, D.C.

BASIC PROVISIONS OF H.R. 10482, AS AMENDED

As recommended by the Senate Committee on Interior and Insular Affairs, H.R. 10482 authorizes the Secretary of the Interior to establish the Voyaguers National Park when (1) he deems sufficient interest in the lands and waters within the park have been acquired for administration in accordance with the act, but (2) not before the lands owned by the State of Minnesota and its political subdivisions have been donated to him for the park.

While it is not unusual to require the donation of State-owned lands to the United States, the Congress has not always required that the State action precede the establishment of the park. In this instance, however, the State and county holdings are substantial and are essential to a viable national park. To assure the management of these lands in a manner compatible with the park, the committee concluded that these publicly owned lands should be transferred to the Secretary prior to the actual establishment of the park.

The bill also expressly prohibits the Secretary of Interior from acquiring privately owned lands located with the park boundaries until such time as the State of Minnesota and its political subdivisions donate their lands. Only in the case of an emergency where certain uses of privately owned lands within the park boundaries can be demonstrated to pose a threat to the integrity of the park may the Secretary acquire private property prior to land donation by the State and its political subdivisions. In the event such an instance should arise, the Secretary would be required to inform the Interior Committees of both the House and Senate 30 days in advance of acquisition of the circumstances which he feels compel him to complete the purchase expeditiously.

The committee has received assurances from the Governor and attorney general that the State of Minnesota could and would make its lands available for the national park. (See telegram of December 19, following departmental reports.) If this legislation is enacted into law, it is the desire of the committee that the State and its political subdivisions move without hesitation to donate these properties so that land price escalation of privately owned lands will be minimal. If delays occur, creation of the park as presently envisioned may be jeopardized since the bill contains an appropriation authorization ceiling of $26,014,000 for land acquisition. Land price escalation during the past several years has averaged 5 to 10 percent per year, with prime recreational land rising at an even higher rate.

The bill retains a provision added by the House for inclusion of the Crane Lake area in the proposed Voyageurs National Park. The Crane Lake unit contains approximately 35,000 acres of land and 18,250 acres of water all within the boundaries of the Superior National Forest. This committee agrees that this area should be made a part of the park because it meets the same high standards of the other portions of the proposed park and because the Kabetogama Peninsula and the Crane Lake area are united by continuous and contiguous waters traveled by the voyageurs, and comprise an integrated ecological unit. The committee felt that the Crane Lake addition would be afforded greater protection as part of the proposed park than in its present status within the 3-million-acre Superior National Forest.

The committee also added language prohibiting mining and mineral activities and commercial water power development within the park boundaries. These are nonconforming uses and such language may be superfluous. However, it was felt necessary as an added safeguard.

The committee considered amended section 302 by deleting the word "recreational" as it pertains to fishing because it wished no implication that the Secretary's authority as it applies to fishery regulation should apply only to recreational and not commercial fishing. However, we decided against such an amendment since he has at present authority to regulate both, consistent with State law, and he should take whatever steps necessary to insure a properly managed fishery resource.

Lastly, the committee amended section 302 by adding the word "recreational" when referring to the use of watercraft in the proposed park. This was done because of the concern of the committee over the possibility that certain watercraft owners might attempt to establish a permanent residence within the park during the summer months. Many national parks have a 2-week limitation on the length of stay, and the addition of the word "recreational" in this measure would insure that the right to enjoy national parks was not abused by people equipped to and desirous of establishing residence in the area. The Secretary should have adequate authority to make appropriate regulations in this regard.

This section also enables the Secretary, in planning for the development of the park, to include the use of snowmobiles and other winter sports activities when they are appropriate conforming uses. It should be emphasized that the use of over-the-snow vehicles are permitted in Yosemite, Sequoia-Kings Canyon, Lassen Volcanic, Yellowstone, Grand Teton, Crater Lake, Olympic, and Mount McKinley National Parks.

COMMITTEE AMENDMENT AND SECTION-BY-SECTION ANALYSIS

The preamble of the bill merely states that the purpose of the legislation is to establish the Voyageurs National Park in order to preserve the area and its natural and scenic values for the benefit of all Americans for all times.

Section 101 authorizes the Secretary to establish the park by publication of a notice in the Federal Register, but it forbids its establishment before the lands belonging to the State and its political subdivisions are donated. The section also prohibits acquisition of any private lands until the State and its political subdivisions have donated their land within the park boundaries. Only in instances of emergency where private land must be acquired to protect the quality of the proposed park may the Secretary purchase property prior to donation of land by the State and its political subdivision. In the event the Secretary finds that emergency acquisition is necessary, 30 days notice of such findings by the Secretary must be given the Interior Committees of both the House and Senate prior to actual acquisition.

Section 102 establishes the boundaries of the park by reference to a map which generally included the Kabetogama Peninsula and the Crane Lake Addition, but the committee, also, required the Secretary to attach a legal description of the area to the map within one year after acquiring title to the publicly owned lands. Under the terms of the bill, the Secretary may make minor adjustments in the boundaries of the park, but such revisions may not add more than 1,000 acres to the park.

Section 201 provides that the Secretary may acquire by donation, purchase or exchange, any privately owned lands within the park boundaries, but it reiterates that lands owned by the State or its subdivisions may be acquired only by donation. To avoid severance damages, the Secretary is granted the usual authority to acquire a complete property even if it is partly outside the park boundaries, but any property outside the boundaries must be used for exchange purposes or disposed of as provided by law. When it appears certain that the publicly owned lands will be transferred to him for the park, the Secretary should consider all offers to sell properties within the park boundaries as expeditiously as possible.

Section 202 extends to those owning improved properties which are used as noncommercial residential dwellings the right to retain the use and occupancy of them for terms of 25 years or life, at the election of the owners. When such a right is retained, the Secretary is required to pay the owner the fair market value of the property less the fair market value of the right retained. Similarly, persons holding leases for noncommercial or residential purposes on lands donated by the State of Minnesota may be permitted to continue their use and occupancy for a term of up to 10 years. In the event that any right of use and occupancy is terminated, the Secretary must pay the fair market value of the right terminated.

Section 203 permits the Secretary to negotiate with owners of commercial, recreational, or resort properties for the continued operation of such enterprises if he deems them necessary for the accommodation of visitors.

Section 204 provides that if the State of Minnesota decides to exchange State lands located outside the park for privately owned timber lands within the park, then the Secretary may pay any difference between the value of the timberlands exchanged and the higher value, if any, of those lands for recreational purposes.

Section 301 provides that the lands acquired for the park shall be administered by the Secretary of the Interior in accordance with the general statutory authorities regarding the national park system. Within 4 years from the rate of the establishment of the park, he is to cause studies to be made to determine if any part of this park should be designated as wilderness. A new subsection (c) was added to this section which provides that the Secretary shall prohibit any exploration or development of minerals or development of water power resources within the park, and that—

"any conveyance from the State of Minnesota shall contain a covenant that the State of Minnesota, its licensees, permittees, lessees, assigns, or successors in interest shall not engage in or permit any mining activity nor water power development."

Section 302 explicitly provides for fishing within the park, but emphasizes that this activity is subject to regulations issued by the Secretary and applicable to State and Federal laws.

This section also permits the State to continue its fishery management activities at Shoepac Lake if a mutually acceptable plan can be agreed upon by the State and the Secretary.

Section 303 authorizes the Secretary to include in his development plans for the park, provisions for the use of oversnow vehicles, seaplanes, and all types of watercraft.

Section 304 disclaims any intent to abrogate in any way any existing international agreement or treaty concerning the use of any waters within the park boundaries.

Section 305 provides specific statutory authority for the Secretary to construct such roads within the park as may be necessary to assure access to public facilities within the park.

Section 401 contains the authority to make appropriations to carry out the purposes of this act. As indicated below, appropriations are limited to no more than $26,014,000 for land acquisition and $19,179,000 for development. In addition, the bill allows the Secretary to adjust his request for appropriations for development in accordance with standard construction cost indexes. In the event that it is anticipated that this feature of the bill will be implemented the Committee expects to be advised of the circumstances that require such action in advance of any request for appropriations in excess of the ceiling specified.

COST

The bill recommended by the committee contains the usual provision limiting the amounts authorized to be appropriated to the amounts which the Department indicated would be needed. For land acquisition, including privately owned lands in the Crane Lake addition, the bill authorizes the appropriation of $26,014,000. For the purpose of development of the area, the bill calls for the appropriation of $19,179,000, but it should be noted that this does not include any funds for development at Crane Lake.

The committee was advised that the privately owned lands in the Crane Lake addition are valued at more than $5 million, but that the usual detailed development plan for this area had not yet been formulated. In light of this fact the committee was disinclined to add to the development authorization ceiling an amount which it could not reasonably justify. Instead, it was decided that it would be more appropriate for the Secretary to make the necessary study of the area and forward a development plan for it, together with reliable cost estimates. It is anticipated that this information will be submitted to the Congress within 1 year after the enactment of this legislation and that it can then consider authorizing legislation for the implementation of the development plan.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPARKMAN). Without objection, it is so ordered.

APPROPRIATIONS FOR FOREIGN ASSISTANCE AND RELATED PROGRAMS, 1971—CONFERENCE REPORT

Mr. McGEE. Mr. President, I submit a report of the committe of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. SPARKMAN). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 14, 1970, p. 41427, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. The question is on adoption of the conference report.

The conference report was rejected.

Mr. McGEE. Mr. President, I move that the Senate insist upon its amendments and request a further conference with the House on the disagreeing votes of the two Houses thereon, and that the Presiding Officer appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McGEE, Mr. ELLENDER, Mr. HOLLAND, Mr. MONTOYA, Mr. FONG, Mr. PEARSON, and Mr. YOUNG of North Dakota conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 87) providing for an adjournment of the two Houses of Congress, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H.R. 212. An act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes;

H.R. 17255. An act to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air;

H.R. 17825. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes; and

H.R. 17853. An act for the relief of Carlo Bianchi & Co., Inc.

ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives.

The PRESIDING OFFICER (Mr. SPARKMAN). laid before the Senate the amendment of the House of Representatives to the concurrent resolution (S. Con. Res. 87) providing for an adjournment of the two Houses of Congress, which was to strike out all after the resolving clause, and insert:

That when the Senate adjourns on Tuesday, December 22, 1970, it stand adjourned until 12 o'clock meridian on Monday, December 28, 1970; and that when the House adjourns on Tuesday, December 22, 1970, it stand adjourned until 12 o'clock meridian on Tuesday, December 29, 1970.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

DISPOSITION OF FUNDS APPROPRIATED TO PAY JUDGMENTS IN FAVOR OF THE MISSISSIPPI SIOUX INDIANS

Mr. McGOVERN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 14984.

The PRESIDING OFFICER (Mr. SPARKMAN) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 14984) to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359-363, and for other purposes.

Mr. McGOVERN. Mr. President, the Indian Claims Commission awarded more than $12 million to the Mississippi Sioux Tribes who are residents of North and South Dakota and Minnesota. Funds have been appropriated to satisfy the judgment, and it is necessary to enact legislation to provide for the distribution and use of these funds.

As passed by the House, H.R. 14984 provided that the funds would be distributed on the basis of rolls to be prepared by the Secretary of the Interior containing the names of living descendants of the aboriginal bands. The Senate amended the bill to insert a different formula, suggested and recommended by the Indians, for the distribution of the money. The Senate passed the amended bill on November 14, and on November 16 the House rejected the Senate amendment but did not request a conference to resolve the different versions of the bill.

The Mississippi Sioux Indians, along with many other Indians in this country, have waited many, many years to have their claims against the United States adjudicated, and the funds due and owing them paid for past injustices. It is most regrettable that our colleagues in the other body did not see fit to consider the Senate language, or at least agree to discuss the language the Senate adopted at the urging of the beneficiaries of this award. The hour is growing late, and if the Indians are to receive any benefits from their funds in the immediate future, this can only be done if the Senate recedes from its position.

Mr. President, reluctantly I move that the Senate recede from its amendment to the bill, H.R. 14984, thereby agreeing to the measure as passed by the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Dakota.

The motion was agreed to.

TRIBUTES TO SENATOR YOUNG OF OHIO ON MONDAY

Mr. KENNEDY. Mr. President, it is the intention of the leadership, if the Senator will yield further, that I ask unanimous consent that an hour be set aside, when the Senate convenes on Monday, December 28, 1970, at the hour of noon, for an opportunity for Members of the Senate to pay tribute to a retiring Member of the Senate, the distinguished Senator from Ohio (Mr. YOUNG).

The PRESIDING OFFICER (Mr. SPARKMAN). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I ask that the Senate be in order because I know that the Senator from Indiana does not mean to speak long tonight on this subject. But he is intensely interested in this vital matter which concerns 18-year-old voting. I am sure that Senators will wish to have his counsel.

The PRESIDING OFFICER. There will be order in the Senate.

CONSTITUTIONAL AMENDMENT ON 18-YEAR-OLDS VOTING IN STATE AND LOCAL ELECTIONS

Mr. BAYH. Mr. President, I appreciate the thoughtful remarks of the Senator from West Virginia. I wish to ask the Senate's indulgence for just a very few minutes this evening. I wish to call attention to and better define the colloquy that the Senator from West Virginia and the Senator from Indiana cooperated in last evening.

I do so because I think the subject matter is of some significance, even though I realize that the hour is late, and that this session is about to come to a close increases the urgency of the need for action.

We are all aware of yesterday's Supreme Court ruling. The Court upheld the major portion of the Voting Rights Act of 1970. But they did strike down the 18-year-old voting provision, insofar as it applied to State and local elections.

I agree, Mr. President, with the Supreme Court that 18 year olds should be entitled to vote. I think that idea has great merit. I do not intend to enumerate all the merits this evening, but I only intend to say that I think yesterday's decision was a giant step in the right direction.

However, I think it is important for us to understand that the Supreme Court decision, while shoring up the hope of many young people that they will have the chance to exercise their franchise and work within the system and thus make a very great productive contribution to our system, has also created some rather significant problems.

I have had a number of calls and a number of inquiries from various individuals in different parts of the country pointing out that this will impose a significant hardship on secretaries of State, election boards, election commissions, county clerks, and others who will have to compile two separate and distinct voting registers, one voting register for the 18-, 19-, and 20-year-olds who are entitled to vote in Federal elections and another for the 21-year-olds who are entitled to vote in all elections.

Certainly we have to recognize the complexity and confusion that will result from the Supreme Court decision. I do think there is a way for us to solve this problem, however.

I do not make this suggestion lightly, but only to point out the problem and our responsibility to try to solve it.

A number of Members of the Senate have spoken eloquently of the need to give 18-year-olds the right to vote.

Since the passage of this legislation, the Senator from West Virginia, the Senator from Massachusetts, the Senator from Montana, and the Senator from Washington, just to name a few, have pointed out the need to pursue a constitutional amendment to try to shore up the weakness which will follow as a result of this Supreme Court decision.

I think we still have an outside chance, admittedly not a very good chance, but an outside chance of passing the constitutional amendment proposed by the Senator from West Virginia, the one that has 73 sponsors.

I belive the Senator from Massachusetts introduced a joint resolution yesterday. Earlier in this Congress a number of other Senators also introduced joint resolutions that would amend the Constitution to give the 18-, 19-, and 20-year-olds the right to vote in all elections. The approval of two-thirds of the membership of the House, two-thirds of the membership of the Senate, and three-fourths of the State legislatures is required, of course.

I do think the present situation is intolerable. We have an administrative quagmire in which each local and State election official will be faced with an insurmountable task of determining who is supposed to vote in what election. It seems strange that the Supreme Court of the United States has said that 18-, 19-, and 20-year-olds are qualified to vote for the President of the United States, but they are not qualified to vote for a school board member, a mayor, a county alderman, or State legislator.

I offer as a proposal to the Senate that we bring up one of the two House joint resolutions that have already passed the other body and that have been the subject of some significant debate in the Senate. We have two such resolutions. One is House Joint Resolution 681, which relates to electoral reform. The other is House Joint Resolution 264, the Equal Rights amendment. Both of these, I reluctantly suggest, are safely in the legislative graveyard for this Congress.

I suggest we use House Joint Resolution 681 as a vehicle for amending the Constitution to allow 18-year-olds to vote in all elections.

Mr. President, we could make one of these measures the pending order of business for a brief period of time, and then ask to substitute the language of Senate Joint Resolution 147, which is cosponsored by 73 Senators. We thus would have a chance to see if two-thirds of the Senate was in favor. If they were we could quickly send the measure to the House, the House could act and the measure could be sent to the States for possible ratification.

I know this is an irregular way to proceed. For those who might feel this course of action is precipitous, let me point out that Senate Joint Resolution 147 and other measures have been the subject of extensive hearings before the Subcommittee on Constitutional Amendments, of which I am chairman. The matter has been discussed up one side and down the other. We have had testimony by Senators and other witnesses. The committee has held open hearings and has held executive sessions.

On July 28, 1970, Senate Joint Resolution 147 was passed by the subcommittee and it is now before the Committee on the Judiciary.

We were advised by the attorneys who were arguing the case before the court that it would be unwise to seek full committee action on these matters while this issue was pending before the court because the court might say, "Let us see what Congress does before we act." We wanted to see if the court would sustain the Voting Rights Act of 1970.

The subject has been discussed on the merits during the debate on the Voting Rights Act of 1970. This is not a new subject for this body. By a vote of 64 to 17 the Senate voted to attach this provision to the 1970 Voting Rights Act.

Interestingly enough, if one goes back to the debate on the Voting Rights Act of 1970 in connection with which the Senator from Massachusetts and others played a significant role, it will be found that Senator after Senator who voted with the 17 Senators who opposed the measure, said, "I am for the 18-year-old vote but I think it should be done in the form of a constitutional amendment."

I think we would have almost unanimous support today in this body to do this with a constitutional amendment.

Time is of the essence. Most of the State legislatures will be meeting early in January. Many have only a very short session. We ought to give them the chance to decide whether three-fourths of them would vote to ratify the amendment.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. RANDOLPH. Mr. President, it is true that I have 73 cosponsors on Senate Joint Resolution 147. It is also factual I have letters from Members of the Senate who are not cosponsors, in the number of eight, making approximately 82 Members of the Senate who are in favor of the constitutional amendment and who are either cosponsors, as has been indicated—74 of them—or others who are in support of my resolution.

It has been my responsibility to bring this issue to the attention of the Senate over and over again. I did talk with many of my colleagues one by one over a period of months to encourage them to affix their signatures to Senate Joint Resolution 147. There have been hearings, very thorough hearings, and a favorable report from the subcommittee so ably chaired by the Senator from Indiana. I have discussed the matter with the able Senator from Nebraska (Mr. HRUSKA) earlier today. He has a concern, as a member of the Judiciary Committee, as to procedural steps.

I feel the Senator from Indiana is laying the groundwork, as we did a little earlier and a little less adequately yesterday, for possible discussion and action. But whether we are able to accomplish the course of action mentioned by the knowledgeable Senator from Indiana in the coming week prior to the conclusion of the 91st Congress will be a determination for Senators, both Republican and Democrat, and by those persons who are members of the Committee on the Judiciary, and of course, the Democratic and Republican leadership of this body.

I wish to again express my appreciation for those who have joined in the Senate joint resolution that I have sponsored, a Senate joint resolution which has been introduced and has the support of 74 Senators, and eight other Senators supporting it, and they have so stated.

I trust whatever methodology is conceived and carried forward may be the sense of the Senate and the sense of Congress as we move to meet the deficiency which has been well set forth by the Senator from Indiana. As we come to the important elections of 1972 we want to be able to have a participation of our youth in voting for all the offices, Federal, State, and local.

It is my desire to continue to be very active in this matter as I have been over a long period of time. Indeed, when the first resolution I introduced in 1942 was an opening wedge, I continued in the House of Representatives, when I was a Member of the other body, and since coming to the Senate in 1958 I have continued to work on this matter in this body. I have testified as a witness before the subcommittee of which the Senator from Indiana is the chairman. I have continued talking almost on a weekly basis to one or more Senators in the hope that the constitutional approach might resolve this question.

Mr. BAYH. Mr. President, I appreciate the thoughts of the distinguished Senator from West Virginia. For the sake of the record, there was a rather extensive debate at times and some of our colleagues thought it was possible to go the route of the statute instead of the constitutional amendment.

I must admit, as I think the record will show that I was concerned about the constitutionality of this part of the act. Now, in hindsight, I want to salute our colleagues, Senator Kennedy, Senator Randolph, Senator Mansfield, and other Senators who felt this could be done.

We have done half the job. And during that debate we had a full discussion of the merits of giving young people the right to vote. Now the law of the land is that young people shall have the right to vote for Federal officials, for the President and Vice President and Members of the House and the Senate. I think we must take this last step to try to be consistent and give young people the right to vote for officials who are much closer to them.

Young people are deeply concerned that there is no place for them in the system. They cannot seem to get a handle on it. There is no relationship between them and the Government in meaningful form.

Although the Supreme Court decision is a step in the right direction, it seems to me that we have the obligation to try to rectify the injustice that still remains. We should help give them a voice in Government that is closest to the young people of America—their school boards, their township trustees in Indiana, the other local officials with whom they might rub shoulders at regular intervals. They cannot now have a voice. in choosing of those people, although they, fortunately, have a voice now in voting for their Representatives and Senators and President and Vice President.

As the Senator from West Virginia knows, I consulted with the leader to see if he had any objection to this, and he has not. I have been sitting here since the termination of the germaneness rule hoping we could put this matter to a test to see what the will of the Senate was. I think it is now too late to push it to a vote.

I would like to propose a unanimous consent request after the Senator from Nebraska speaks. I understand he desires to be heard. I think it would be appropriate for us to hear from him before proposing this unanimous consent request.

I yield to him.

Mr. HRUSKA. I thank the Senator for yielding.

Mr. President, this probably would not be the time to comment on the content, the substance, and the holding of the decision rendered yesterday by the Supreme Court. As a matter of fact, the Senator from Nebraska at least has not had time to read the opinion—or I should say opinions, because I understand there are five of them. It will take a little reading and a little analysis to find out what it is all about.

Mr. BAYH. If the Senator will yield, may I say only five.

Mr. HRUSKA. Only five. So this would not be the time to make a comment on that decision.

I would like to make the view of the Senator from Nebraska clear. I disagreed with the proposition of trying to make this change by legislation. I have frequently said so. It is for the States to make a decision upon one of two ways. One way is by themselves, as several have done. My State did it only last month. It changed the age to 20 after a vain attempt to lower the age to 19, 2 years ago. That is one way to do it, to have the States lower the age themselves, and all the 50 States are entitled to that privilege. The other way the States could speak on the subject would be to have before them a concrete proposal to amend the Constitution which had been proposed by a joint resolution of Congress, and then if three-fourths of the States should ratify that proposal, it would become a part of the Constitution.

In either event, it would be action taken by a State itself, and not by a Congress that seeks to speak for all the States and all the citizens in regard to a measure which all of us realize does, in fact, involve a change in the Constitution.

This is not an ordinary matter. It is not a matter which involves only legislation which can be repealed next year or perhaps next month. It is a matter which, once the joint resolution is approved, is sent out by the Congress. It does not need the signature of the President. It goes right to the State legislatures for their consideration and possible ratification.

That would mean that whatever we produce here ought to be pretty nearly letter perfect. It ought to be something that cannot be changed. It ought to be something that had better be as nearly perfect as we can get it.

Are we at that point just because we have had part of the measure held constitutional by the Supreme Court? There are several versions. There can be various languages. There can be the proposition of treating only the States or local communities, or both. The arrangement of words sometimes gives some concern and is the subject of some discussion.

The Senator from Indiana remembers the almost innumerable meetings we had, trying to arrange words and put some out and put some in, in the amendment dealing with presidential succession. We all knew what we wanted. We wanted to reach some method by which the goal all of us had in mind could be achieved, and yet it took a long time.

I would like to ask the Senator from Indiana whether or not, in his own mind, he believes that there could be so summarily put on the floor of this body a measure that will be sufficiently exact, sufficiently perfect, sufficiently satisfactory to a difference of opinion in this regard, namely, the matter of language, the technical matter, affected as it is by five opinions filed by the Supreme Court only yesterday.

I doubt very much that at this time of the session, with only a few days remaining, many Members of both bodies of this great Congress are going to sit down and read those opinions and try to fit them together and say, "This is what we want." They would not be speaking in generality. They would be speaking with a certain number of words arranged in a certain way.

I just wonder what the suggestion of the Senator from Indiana is to an analysis of that kind. I was not aware that this matter was being brought up this afternoon until the very enthusiastic and persistent devotee of such a constitutional amendment, the Senator from West Virginia (Mr. Randolph), spoke to me about it. I honor him for what he has done, speaking and acting as he has done ever since 1962. That is a long time.

I pose that question for the consideration of both of my colleagues.

Mr. BAYH. I think the question of the Senator from Nebraska is well taken. I could live to be 100 and not forget for a moment the exercises in frustration that the Senator from Nebraska and the Senator from Indiana went through in trying to find something that would conform to our real intention and not open doors that we did not want opened, or create liabilities that we did not want to create, as far as the 25th amendment was concerned. Indeed, he was very helpful in committee and on the floor. As he will recall, we were discussing this up to the last moment. He was helpful there and in the conference. I think the record will show the contributions he has made.

I think it is accurate to set forth that when we were dealing with the problem of the succession with respect to the vice presidency and when we were dealing with the problem of how to deal with presidential disability we were dealing with a matter that was significantly more complicated, as far as describing just what we wanted to accomplish is concerned, than when we are trying to accomplish the relatively simple task of saying a person can vote and he shall not be denied the right to vote. This is not untested language. We are using language taken directly from the 19th amendment, which gave women the right to vote.

If it had not been for the fact that this matter and these amendments—I used the plural to the Senator from West Virginia and others—had been the subject of hearings and the subject of discussion in a subcommittee of this body, and has been the matter of some significant debate on the floor relative to the merits of giving a person the right to vote or not, I would not bring it up at this particular moment.

Mr. President, a parliamentary inquiry; if I may.

The **PRESIDING OFFICER**. The Senator will state it.

Mr. BAYH. Is it appropriate to send to the desk an amendment to a House joint resolution which is on the calendar, but which is not the pending order of business?

The **PRESIDING OFFICER**. The amendment will be in order.

Mr. BAYH. I would like to send to the desk an amendment which I hope, before we adjourn finally tonight, can be proposed to House Joint Resolution 681, which is on the calendar. If the clerk would just read that amendment, and I think Senators who are present will be able to see it is very simple.

The **PRESIDING OFFICER**. The amendment will be stated.

The assistant legislative clerk read as follows:

Strike out all after the resolving clause, and insert in lieu thereof the following:

"That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress.

" 'ARTICLE

" SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age. The Congress shall have power to enforce this article by appropriate legislation.' "

The **PRESIDING OFFICER**. The amendment will be received and printed, and will lie on the table.

Mr. MILLER. Mr. President, will the Senator from Indiana yield for a question?

Mr. BAYH. I am happy to yield.

Mr. MILLER. Do I understand the Senator is proposing to have this printed as an amendment to the so-called direct election of the President constitutional proposal?

Mr. BAYH. That is right.

Mr. MILLER. May I just say to the Senator that, as he knows, there are a good many of us in the Senate who are in favor of the 18-year-old voting amendment, but, on the other hand, are very much opposed to the direct election of the President.

Mr. BAYH. I have been made painfully aware of that fact.

Mr. MILLER. I would hope the Senator would see fit to offer this as an amendment to some other House-passed vehicle, so that those who are in favor of what he is suggesting here will be able to join together, because otherwise I fear that, by offering it as he is doing, he is jeopardizing the chances of his amendment being favorably acted on by the Senate.

Mr. BAYH. Let me suggest that this is a concern that the Senator from Indiana anticipated, and I appreciate the fact that the Senator from Iowa has brought it to the attention of the Senate.

The only other House joint resolution which is on the calendar is the equal rights amendment, and I must say I defy anyone to distinguish between the controversy involved in these two measures. They have both been the subject of significant controversy, and I say, in as much good faith as is possible, to the Senator from Iowa, that I have already prepared another amendment to the equal rights for women amendment, in case he prefers to use that vehicle.

I can submit them both, and then the Senate can consider which of these two they prefer.

What I would like to propose, since the hour is late—and I do not want to try to foist this idea off on an unsuspecting Senate, with Senators gone home now thinking that the Senate has concluded its business, I would like to propose the following unanimous-consent request:

I ask unanimous consent of the Senate that on Monday next, following the suspension of the germaneness rule, that the hour between 3 and 4 p.m. be set aside for the discussion of this particular matter, with one other proviso: That failing the availability of a quorum on Monday next, that the same hour be set aside on the following day, Tuesday, between 3 and 4 p.m., so that the Senate may consider the matter.

There are some Senators who do not like the Supreme Court decision, and did not like the attachment of this measure to the Voting Rights Act, but the Supreme Court has upheld it, it is the law of the land. I think we need to make a last effort to try to rectify some of the confusion that will follow by applying one set of rules to who can vote for Representative, Senator, and President and another set of rules as to who can vote for everyone else.

Mr. MILLER. Reserving the right to object, may I ask the Senator from Indiana if he would elaborate a little more on his unanimous-consent request?

I understood him—and I would like to be corrected if I misunderstood him—to say that he wanted to have 1 hour set aside for a discussion. Then I heard him say something about consideration.

Is he contemplating merely discussion, just speeches, no action, or is he contemplating possible action?

Mr. BAYH. The Senator from Indiana would like to have action. I think we are not going through this exercise just to give our friends in the gallery something to write about. The Senator from Iowa and anyone else who is present here now, by objecting, or later by interposing an objection, can keep this kind of thing from happening. But I think we are on better grounds by putting the Senate on notice.

The Senator from Indiana is within his rights now, as I understand it, to move that this be made the pending order of business, and that then that would be subject to debate in the Senate. I do not want to do that; I would like to see, after a period of considering this, if the Senate next Monday would be willing to do it. If there are any significant number of our fellow Senators who feel that this is a bad idea, rather obviously, at this date in history, they can individually kill this measure.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MILLER. Will the Senator yield further?

Mr. BAYH. I yield to the Senator from Iowa.

Mr. MILLER. Mr. President, as I indicated earlier, one of the concerns I had over this matter is that it is an amendment to a very controversial measure. The Senator is going to put a number of his colleagues in the position of favoring what he is offering, but being very strongly opposed to what he is offering it to; and he is going to deprive them of an opportunity to vote for something they want. Because if he knows the Senators around here, and I am sure he does, they are not about to be blackjacked into passing something they want along with something they do not want, as much as they would want the resolution he is talking about.

It seems to me that at this late hour of the day, to talk about motioning it up, while the Senator is within his rights to move it, others are just as much within their rights to suggest the absence of a quorum when there is no quorum present, so this is just an empty gesture.

I think the Senator ought to wait until Monday, if he feels strongly about the matter, to be offering a motion or such a request. I would hope he would not put such a request, because I think it is much better to have this stand on its own two feet. It can be acted upon very early in the next session of Congress, and will have a lot of support. I grant that the present situation looks like a chaotic situation, the way the Supreme Court's decision left it yesterday. So I think the Senator can get strong support, and I would guess probably a majority or perhaps even unanimous support, I do not know, for this matter on its own merits. But to attach it to something that caused the Senate to lose so much time and have such a horrible controversy I think would be unfortunate, and I would hope the Senator would reconsider.

Mr. President, in view of what I have just stated, I object to the unanimous-consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. BAYH. Mr. President, I want to make sure that my friend from Iowa heard the entire resolution.

Mr. MILLER. The Senator heard it.

Mr. BAYH. Because if this were to be a hybrid vehicle on which the Senate was asked to vote, then I think the Senator from Iowa would certainly be well taken, as an opponent of direct election, to interpose his interjection.

But the proposal of the Senator from Indiana starts out:

> Strike out all after the resolving clause and insert in lieu thereof.

So we would not have any electoral reform if the Senator from Indiana's proposal is accepted. The only thing remaining would be the 18-year-old vote.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. MILLER. Mr. President, the Senator knows that if the amendment should be adopted, both of these constitutional amendments are in conference. The House has already acted on the direct election of the President—ill advisedly, I think, but they have. We do not know what the conference committee might do. It might end up with both of them, coming back with both of these proposals before the Senate. It is open to that action by the conference.

I am afraid we are getting ourselves bogged down in further discussions, of which I think we have already had too many.

I understand what the Senator is trying to do, and I know he is trying to do it in good faith. But I think he ought to raise this matter sometime next Monday of Tuesday, when more of our colleagues are present, because this is a very late time to bring up this question. I would hope that he would not press it.

Mr. BAYH. I simply do not believe that there is any way for that to happen.

Mr. MILLER. I must say, after having just finished a conference with the House today, that the House Members are pretty strong-willed people, and the Senator would find a conference consisting of members probably all of whom, or certainly most of whom, voted for the constitutional amendment calling for the direct election of the President; and he is going to find that they are pretty strong willed. He will probably also find that the possibility of just saying, "Let's take both of them," could well be the result of the conference. I do not think we ought to open this thing up for such a possibility. This is very much in the ball park, I might say.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. HRUSKA. Mr. President, I find myself in agreement with the Senator from Iowa, and I subscribe to his views.

This is an effort to amend the organic law of this Nation, and we will be undertaking it literally in the closing hours of a very busy, grueling session of this Congress. That is not the type of atmosphere, it is not the type of condition, under which something like this would be done.

I am going to support the proposition, the joint resolution. It is my intention to do so. I shall do so. But I would not rest easily, as a Member of this body, to proceed with a reduced membership in both bodies. Only 2 hours ago we had a little more than 60 Members here, and that is this week. On Monday, I venture to say, further attrition will occur.

I do not know whether the chairman of the Committee on the Judiciary has been consulted. It is in his domain. We have not had an opportunity to consult with the full leadership on our side. I do not know what scheduling of time they have. I do not know whether the Senator from Indiana has an information on it.

But here we are, trying to usurp some of the very precious time of the waning hours of this Congress for a specified purpose which will bear no fruit on the basis of 1 hour's discussion. It cannot. It cannot possibly result in any action.

I would join the Senator from Iowa in the request and the suggestion that the unanimous consent request not be propounded at this time. I reserve the right to object, Mr. President, if it is renewed.

Mr. BAYH. I appreciate the very strong feelings of the Senator from Nebraska. I think that perhaps the use of the word "usurp" is a little strong, a little inconsistent with some things that have happened on the floor of the Senate in the last 10 hours.

So far as productivity is concerned, I think, also, that we can look at some of the things that have been said, some of the motions that have been made, some of the efforts that have been made that have not been very fruitful.

I must say that this is the first time I recall that a Member who wanted to have an hour set aside to discuss something that is a subject of significant concern to some 11 million people has been accused of the type of inconvenience that the Senator from Nebraska suggests.

Mr. HRUSKA. Mr. President, we are trying to run the affairs of a body that has 100 Members. The leadership is sort of entrusted to the business of scheduling the time, particularly in the last hours of a Congress. I do not think it is unreasonable to suggest that the leadership be consulted and that we find out whether or not the time on Monday afternoon is scheduled for something else. I think that makes ordinary commonsense.

Perhaps the convictions of the Senator from Indiana are so strong and so deep that he wants to plow ahead and do a world of things within 60 minutes. But that is not the way it is done, and it should not be done that way. It is not in the interest of orderly procedure, particularly at this time of a congressional session.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. BAYH. I should like to point out that the Senator from Indiana previously had discussed this matter with the majority leader, and he had no objection to my bringing it up tonight. In suggesting to him earlier that it would be better not to try to have a vote or bring it up tonight, I suggested putting it over until next week, and at that time he seemed to be in agreement. The Senator from Indiana made it clear as to the plowing on, et cetera, that on this type of thing there is no way that can be done unless there is general agreement in the Senate. There is no way to slip something over on anyone.

Mr. HRUSKA. This Senator would have no objection to debate and discussion of it, if the time is not allocated for something else. We have had quite a little bit of volume of talking these past few weeks, and I know that the addition of another 1, 2, or 3 hours will not make much difference unless it impinges on our opportunity to get out of here sometime before December 31.

Several Senators addressed the Chair.

Mr. RANDOLPH. Mr. President, I wonder whether, in view of the discussion and the concern of Members who are all, as I understand it, wanting to come to grips with this challenge to act affirmatively, that we reason together. The situation involves the party leadership. The Senator from Indiana has acted constructively this evening in focusing attention on the need to move ahead. There is no Member of the Senate more intensely interested in acting on this matter—I say with all due deference to my colleagues—than the Senator from West Virginia.

Mr. HRUSKA. Subject to the convenience and to the plans of the leadership for allocation of the time, I certainly have no objection.

Mr. RANDOLPH. I do think the leadership would look favorably upon giving time early next week to the presentation of this issue.

Mr. MILLER. The word "discussion" is very important. The Senator from West Virginia picked it up. I asked him earlier in trying to get the meaning of the Senator's unanimous-consent request, whether he contemplated mere discussion or possible action. I understand him to indicate possible action. If it is mere discussion that is one thing, but of course the Senator from Nebraska has raised the other question; that is, even though there is discussion; how does it fit with the schedule?

We have this proposition involving millions of social security recipients. I venture to say that everyone here is deeply concerned about that, which is something of almost immediacy. I do not think that action on the proposition the Senator from Indiana is making, coming early next year, will be any different from taking action on it tomorrow; but in the case of social security, that is something else. And then there are some other things that are pending. We have been hung up for several days on deliberation over the Department of Transportation appropriation bill, with the SST controversy. So I suggest to him that it may be deferred until Monday. Discussion is one thing, action is another. I would hope that the Senator would not press the action. If he wants to have consideration, that might be all right, but there again, I would not want to have discussion possibly hamper our action on social security. I know that he would not, either. But I do not know, at this late hour, what the schedule is for Monday. I understand motions will be made early on Monday morning to try to get this thing resolved once and for all.

Mr. KENNEDY. Mr. President, we have listened to the exchange here going on now for almost up to the hour, to decide whether we will have an hour of debate next Monday or whether we will not have an hour's debate.

I would only suggest that, inasmuch as, I believe, the distinguished Senator from Indiana has approached the majority leader on this question of time, I am sure that we will be able to arrange an hour sometime on Monday next. I am confident that we can do it after the convening of the Senate on Monday, when we would have a better knowledge of what business then is to be taken up.

I would like to suggest, as one who supports strongly the approach of the distinguished Senator from Indiana, that we alert the Senator from Indiana on Monday as to what time can be available for this discussion, and to alert further those who have indicated today a considerable interest in this discussion.

I would ask the acting minority leader whether this seems an appropriate way to proceed. Can we not resolve this dilemma?

Mr. GRIFFIN. I would certainly concur in what the acting majority leader has said, that it would seem to be appropriate to bring this matter to the attention of the majority leader on Monday next and see if something cannot be worked out, and perhaps we can all go home tonight.

Mr. KENNEDY. With the good wishes of the assistant minority leader and myself, I am sure that we can persuade our superiors to accord this time to the Senator from Indiana.

Mr. BAYH. Well, as I have tried to make apparent to my colleagues—and I appreciate the contribution of the Senator from Massachusetts and the Senator from Michigan—I thought the Senate should be placed on notice before we proceeded to a further discussion or a further consideration. I did not want to travel under a false flag.

If the Senator from Indiana dared to propose a unanimous-consent request, after consulting with the majority leader, if he has no objection, that an hour for discussion of this matter be set aside after the hour of tributes to the Senator from Ohio (Mr. Young) on Monday next, would there be any objection interposed?

Mr. HRUSKA. I do not think the Record should be allowed to stand to the effect that there is the inference here that someone objects to the Senator from Indiana discussing this for an hour, 2 hours, or 3 hours. It is the time and the fashion in which the time would be set aside for that purpose to which I object, because I do not know what other plans have been made for that time. So far as the discussion is concerned, that is one thing. On the other hand, if it is going to be made the business of the Senate and an effort is made for a rollcall vote, or things of that kind, that is a different dish of tea. I think we should be entitled to know whether that is in prospect because I imagine we might try to enlighten the people and the Members of this body as to some of the implications, and the things that would flow from consideration, rather precipitately, at an unfortunate time, which is a weighty matter.

Mr. RANDOLPH. Mr. President, this will be my final comment. I am grateful for the opportunity to have engaged briefly in this colloquy. I think it is very important that on Monday next, at the earliest time following the tributes to the Senator from Ohio (Mr. Young), that this problem be debated. Our discussion tonight has been wholesome. The hour is late. But I say to the Senator from Indiana again that he knows of my intense interest and I do feel that on Monday next we should have the opportunity to discuss this matter, perhaps on that afternoon. Certainly the Senator from Massachusetts and the Senator from Michigan have indicated that would perhaps be possible.

I do hope we may proceed with the thought of a discussion early next week at an appropriate time, hopefully Monday afternoon.

Mr. HRUSKA. Mr. President, I presume that the rule of germaneness would have to be disposed of or outlived. I do not know what effect that would have on the time limit that is being talked about.

Mr. MILLER. Mr. President, may I ask the distinguished Senator from Massachusetts what is the order for resuming the Senate on Monday next? Do I understand the first order of business will be the time set aside for tributes to the Senator from Ohio?

Mr. KENNEDY. The Senator is correct. The majority leader, as the Senator knows, had set the two-session schedule, the first in which to consider the transportation conference report, and the second, principally, to consider the social security package program. He has not indicated that that would be the continuing schedule when the Senate returns. We had hoped that we would be able to make some progress during the course of the day today. He and the minority leader made an appropriate motion earlier this afternoon, designed to affect some programs.

It may be that he will set a similar schedule on Monday for the remaining time of the session.

I am sure that, with the joint efforts of the assistant minority leader and myself, as well as the majority and minority leaders, we can give assurances to the Senator from Indiana that there would be an hour's time on Monday that could be allocated. We could probably do this after tributes have been paid to the Senator from Ohio.

I know that we can make the promise in the best of faith. I am sure that we can give that assurance.

Mr. MILLER. Mr. President, in order to avoid the germaneness rule, could we not agree to have a special order?

Mr. BYRD of West Virginia. Mr. President, there is no question with respect to avoiding the germaneness rule.

Mr. MILLER. Mr. President, the Senator from Nebraska indicated concern about whether the time for the remarks of the Senator from Indiana might conflict with the germaneness rule.

Mr. BYRD of West Virginia. It would not, because there would be no pending business or unfinished business before the Senate.

Mr. MILLER. Mr. President, I appreciate the comments of the Senator from West Virginia. All I want to say is that we could have a special order, as we do almost every day, in which the Senator from Indiana would be recognized for a period of not to exceed 1 hour following the tributes to the Senator from Ohio.

Mr. BAYH. Mr. President, that is what I sought, not only for myself, but also for other Senators. Let me say frankly that as the Senator from Indiana was not looking for an opportunity to come here and hear himself talk for an hour. All I was suggesting was that by alerting the Senate, Senators could be advised and all Senators would be able to discuss the matter. By discussing it, we could come up with an agreement either to agree or disagree.

I would like to point out that, although this is what some might call a precipitous introduction, it is a subject that has been raised before. Some might say that to pursue this matter in the next session would be a better course of action.

Let me suggest right now that no one knows exactly when we are coming back for the next session. We have indicated that we will not be coming back until the last part of January.

Let me add that a number of State legislatures are meeting early next year, and many of them only for 60 or 61 days.

If we are anxious to straighten out the confusion that exists, the best chance to act is now so that all of the State legislatures next January and February will have a chance to ratify this particular proposal. Unless we do it now, we will not get it done. That is a hard fact of life, and the Senate ought to be on notice that that is the situation.

Mr. MILLER. Mr. President, we are probably exceeding the 1 hour's discussion this evening. I am sympathetic with the idea of having a time set aside for a discussion by the Senator from Indiana and other Senators. I myself might wish to join in. But I think that we could just hold this open until Monday when we resume and avoid any further hassling about it, because I do not know of anyone who would not want to have that hour, or even more, set aside.

Mr. BAYH. Mr. President, the Senator from Indiana is very appreciative of the courtesy shown him tonight.

I want the Record to show that I have been here since this morning. I sat here until the germaneness period expired. I have listened to some discussions which some might consider not to be productive or even germane. However, I felt that to each Senator who discussed a matter, whether it concerned welfare or beef, that matter was important to that Senator and therefore to the entire Senate.

I think this is worthy of consideration. I will not proceed further. However, I will be here the first thing on Monday.

Mr. MILLER. Mr. President, I should like to make the suggestion that if he wishes, the Senator from Indiana might propound a unanimous-consent request that following the tributes to the Senator from Ohio on Monday, not to exceed 1 hour be set aside immediately thereafter for discussing the proposal of the Senator from Indiana, and that this will be subject to revocation on the part of the majority or minority leader. I doubt if that will happen. That would take care of it.

UNANIMOUS-CONSENT REQUEST

Mr. BAYH. Mr. President, I propose such a unanimous-consent request.

The PRESIDING OFFICER. Will the Senator state the unanimous-consent request?

Mr. BAYH. Mr. President, I ask unanimous consent that, following the tributes on Monday, an hour be set aside for the discussion of the proposal which has just been sent to the desk, said unanimous-consent agreement to be invalidated at the wish of the majority or minority leader.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Mr. President, reserving the right to object, I wonder if we ought to put that responsibility on the majority or minority leader.

Mr. BAYH. Mr. President, I withdraw the request. I will be here Monday. I think we will have a chance to discuss it.

Mr. ALLEN. That is exactly what the junior Senator from Alabama was going to suggest, that this request be made Monday.

I think there would be a larger attendance of Senators present, and the majority and minority leaders will both be here.

I do not think we should have a request that is encumbered with so many qualifications.

Mr. BAYH. Mr. President, I made my original unanimous-consent request only because I do not think that anything like this should or could be passed unless the entire Senate is aware of it. It seems to me that the Senate would be more on notice if it were in the RECORD.

I would like to make one remark to my friends, the Senator from Iowa and the distinguished Senator from Nebraska.

If we are concerned about a conference, it is my understanding that the Senate could object to conferees being appointed. The only thing that could possibly happen if this measure passed the Senate would be to get the approval of the House to the amendment of the Senate. This is the only thing the Senator from Indiana has in mind. With that, I yield the floor.

Mr. MILLER. Mr. President, I would just like to make this comment about that possibility that the Senator from Indiana has suggested.

I do not believe that type of procedure, while I understand it is available, is calculated to win friends and influence people in the House of Representatives. I think that kind of procedure should be avoided, if at all possible, and should be followed only in the case of a genuine emergency. I do not believe the matter the Senator from Indiana is going to be discussing, with which I am in sympathy, is that kind of an emergency. I think we have to think about our friends on the other side, and especially at this time of year when we may be trying to get our friends on the other side to agree to whatever action we may take on such terribly important matters as social security and the Department of Transportation bill.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 17473) to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965, with an amendment, in which it requested the concurrence of the Senate.

TAXES, FLOOR STOCKS REFUNDS

Mr. LONG. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 17473.

The PRESIDING OFFICER (Mr. SPARKMAN) laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 17473) to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965, with the following amendment, which was on page 2 of the Senate engrossed amendments, strike out line 8 and all that follows thereafter down through line 15 on page 4.

Resolved, That the House concur in the amendment of the Senate to the title of the aforesaid bill.

Mr. LONG. Mr. President, it is my judgment that this late in the session we would do well to agree to the House amendment and, insofar as the House has disagreed to one of the Senate amendments, that that amendment be sent to the House as part of a subsequent bill.

In order to get on with the business, rather than further delay the matter, reserving the right of the Senator from Iowa to offer his amendment on a subsequent bill, which I would support when offered, I urge that the Senate agree to the House action, which means that we would agree to the amendment the House agreed to, and we would agree to recede with regard to the amendment the House did not accept. I so move.

Mr. HRUSKA. Mr. President, I see a member of the committee here, the Senator from Iowa, and I should like to inquire as to whether or not he is familiar with this and whether his views coincide with those expressed by the distinguished Senator from Louisiana.

Mr. MILLER. Mr. President, I have discussed this matter with the Senator from Louisiana. While I am not at all pleased by the action of the House, I recognize the desirability of this particular amendment getting cleared up at this time. I propose to offer my amendment to another bill that is pending before the Senate when it will be called up.

This amendment, incidentally, was unanimously agreed to by the Senate Finance Committee but I do not see any particular harm done in offering it to a subsequent bill, which we will do this coming week.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

ROUTINE MORNING BUSINESS

By unanimous consent, the following routine morning business was transacted:

COMMUNICATION FROM AN EXECUTIVE DEPARTMENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letter, which was referred as indicated:

REPORT ON MATTERS CONTAINED IN THE HELIUM ACT

A letter from the Assistant Secretary of the Interior, transmitting pursuant to law, a report on matters contained in the Helium Act dated December 1970 (with an accompanying report); to the Committee on Interior and Insular Affairs.

PETITIONS

Petitions were presented and referred as indicated:

By Mr. PASTORE (for himself and Mr. PELL):

A resolution of the General Assembly of the State of Rhode Island and Providence Plantations; to the Committee on Banking and Currency:

"RESOLUTION MEMORIALIZING CONGRESS TO AMEND THE HOUSING ACT OF 1937 AS AMENDED TO PROVIDE FOR HEALTH ROOMS AND HEALTH SERVICES WITHIN HOUSING DEVELOPMENTS FOR THE AGED

"Whereas, The State of Rhode Island has over 3,000 public housing units especially designed for the elderly constructed, and some 4,500 elderly are housed therein; and

"Whereas, 2,000 other public housing units for the elderly are under construction or in the planning stage; and

"Whereas, These housing units are for the elderly that are on a fixed and low retirement income; and

"Whereas, The elderly as a group are in need of public transportation which is not readily available to travel to health agencies to obtain necessary health services; and

"Whereas, The majority of elderly need varied and continuing health services, and most of the housing developments for the elderly provide health room space within the community building; now, therefore, be it

"Resolved, That the general assembly of the state of Rhode Island hereby urges the Congress of the United States to request the Department of Housing and Urban Development and the Department of Health, Education and Welfare, to provide for adequately furnished, equipped and properly staffed health rooms within housing for the aged; and be it further

"Resolved, That the Secretary of State be and he is hereby authorized and directed to transmit duly certified copies of this resolution to the senators and representatives from Rhode Island in the Congress of the United States.'

A resolution of the General Assembly of the State of Rhode Island and Providence Plantations; to the Committee on Finance:

"Resolution Memorializing the Congress of the United States To Enact Legislation Authorizing the Federal Government to Assume All Welfare Payments Including All Costs Incidental to the Administration of the States' Programs

"Whereas, Rising costs of municipal services are creating many problems; and

"Whereas, To alleviate this condition many states have assumed the welfare payments of their municipalities; and

"Whereas, This action was feasible because of the broader tax base enjoyed by the state over the municipality; now therefore be it

"Resolved, That the general assembly of the state of Rhode Island and Providence Plantations hereby memorializes the Congress of the United States to enact legislation authorizing the federal government, with its still broader tax base, to assume all welfare payments including all costs incidental to the administration of the states' programs; and be it further

"Resolved, That the secretary of state be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the Rhode Island members of the Congress, with the hope that each will exert his utmost to accomplish legislation in keeping with this memorial."

A resolution of the General Assembly of the State of Rhode Island and Providence Plantations; to the Committee on Labor and Public Welfare:

"Resolution Memorializing Congress To Amend the Provisions of the Fair Labor Act of 1938, as Amended, To Permit 'School Dropouts' To Be Employed Gainfully in Industry Under Appropriate Regulations Promulgated by the Secretary of Labor

"Resolved, That the members of Congress of the United States be and they are hereby respectfully requested to make such amendment to the Fair Labor Standards Act of 1938, as amended, so that minors who are school drop-outs, so called, may be gainfully employed in industrial and manufacturing occupations involving the operation of machinery, under appropriate regulations to be promulgated by the secretary of labor for their safety and protection; and be it further

"Resolved, That the secretary of state be and he is hereby respectfully requested to transmit to the senators and representatives from Rhode Island in Congress of the United States duly certified copies of this resolution in the hope that each will use every endeavor to have favorable action taken by Congress on this special matter."

A resolution of the General Assembly of the State of Rhode Island and Providence Plantations; to the Committee on Public Works:

"Resolution Memorializing the Congress of the United States To Initiate or Cause To Be Initiated a 90–10 Sewer Program Similar to the 90–10 Existing Highway Programs

"Whereas, The making of our environment a fit place in which to live will be America's great challenge of the immediate future; and

"Whereas, The solution to the problem of ecology will hold the key to our very survival; and

"Whereas, The various states and local communities will be compelled to take drastic and long-delayed steps to clean our air and rid our streams and waterways of contamination; and

"Whereas, Many communities will be faced with the construction of sewer systems and water purification plants for which they are ill-equipped financially to provide; and

"Whereas, Air and water pollution know no artificial boundaries, and the solution calls for interstate cooperation as well as an all-out national effort; and

"Whereas, The 10 million dollars set aside for anti-pollution programs will not be adequate to met the crisis; and

"Whereas, It is likewise obvious that the states and local communities cannot afford to join with the federal government on the proposed 40–60 ratio or anything approaching it; now therefore be it

"Resolved, That the members of the Congress of the United States from Rhode Island initiate and work for the passage of legislation calling on the Federal Government for the allocation to the states funds for anti-pollution work on a 90–10 basis, the same as is provided for the joint federal-state construction of highways; and be it further

"Resolved, That the secretary of state be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the senators and representatives from Rhode Island in the Congress of the United States in the hope that thy will use every effort to accomplish the purpose of this resolution."

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The ACTING PRESIDENT pro tempore (Mr. ALLEN) announced that on today, December 22, 1970, the Vice President signed the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

S. 1. An act to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs;

S. 578. An act to include firefighters within the provisions of sections 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in hazardous occupations;

S. 704. An act to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act;

S. 719. An act to establish a national mining and minerals policy;

S. 2102. An act for the relief of Percy Ispas Avram;

S. 2193. An act to assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the act; by assisting and encouraging the States in their efforts to assure safe, healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes;

S. 3619. An act to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes;

S. 3835. An act to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism;

S. 4106. An act to amend the Public Health Service to authorize the assignment of commissioned officers of the Public Health Service to areas with critical medical manpower shortages, to encourage health personnel to practice in areas where shortages of such personnel exist, and for other purposes;

H.R. 380. An act to amend section 7 of the act of August 9, 1946 (60 Stat. 968);

H.R. 956. An act to rename a lock of the Cross-Florida Barge Canal the "Henry Holland Buckman lock";

H.R. 3107. An act to officially designate the Totten Trail Pumping Station;

H.R. 4982. An act for the relief of Thomas J. Back;

H.R. 4983. An act for the relief of James M. Buster;

H.R. 6049. An act to amend the definition of "metal-bearing ores" in the Tariff Schedules of the United States;

H.R. 6100. An act for the relief of Hershel Smith, publisher of the Lindsay News, of Lindsay, Okla.;

H.R. 6778. An act to amend the Bank Holding Company Act of 1956, and for other purposes;

H.R. 6854. An act to provide for the free entry of a peal of eight bells and fittings for use of Smith College, Northampton, Mass.;

H.R. 7264. An act for the relief of Mrs. Pearl C. Davis;

H.R. 7334. An act to designate the lake formed by the waters impounded by the Libby Dam, Montana, as "Lake Koocanusa";

H.R. 9183. An act to amend the Tariff Schedules of the United States to provide that imported articles which are exported and thereafter reimported to the United States for failure to meet sample or specifications shall, in certain instances, be entered free of duty upon such reimportation;

H.R. 10150. An act for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex.;

H.R. 10704. An act for the relief of Samuel R. Stephenson;

H.R. 11547. An act to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans;

H.R. 12128. An act for the relief of William Heidman, Junior;

H.R. 12564. An act to rename a pool of the Cross Florida Barge Canal "Lake Ocklawaha";

H.R. 12621. An act for the relief of Lt. Robert J. Scanlon;

H.R. 13182. An act for the relief of Frank E. Dart;

H.R. 14271. An act for the relief of Jack A. Duggins;

H.R. 14683. An act to designate as the John H. Overton Lock and Dam the lock and dam authorized to be constructed on the Red River near Alexandria, Louisiana;

H.R. 15270. An act for the relief of Thaddeus J. Pawlak;

H.R. 15272. An act for the relief of David L. Kennison;

H.R. 15505. An act for the relief of Jack B. Smith and Charles N. Martin, Junior;

H.R. 15911. An act to amend title 38 of the United States Code to increase the rates, income limitations, and aid and attendance allowances relating to payment of pension and parents' dependency and indemnity compensation; to exclude certain payments in determining annual income with respect to such pension and compensation; to make the Mexican border period a period of war for the purposes of such title; and for other purposes;

H.R. 15979. An act to provide that the interest on certain insured loans sold out of the agricultural credit insurance fund shall be included in gross income;

H.R. 16502. An act for the relief of Gary W. Stewart;

H.R. 16506. An act to amend the Internal Revenue Code of 1954 to clarify the applicability of the exemption from income taxation of cemetery corporations;

H.R. 16940. An act to extend until December 31, 1972, the suspension of duty on electrodes for use in producing aluminum;

H.R. 16965. An act for the relief of Richard N. Stanford;

H.R. 17750. An act to grant the consent of Congress to the city of Boston to construct, maintain, and operate a causeway and fixed-span bridge in Fort Point Channel, Boston, Massachusetts;

H.R. 18858. An act to change the name of the West Branch Dam and Reservoir, Mahoning River, Ohio, to the Michael J. Kirwan Dam and Reservoir;

H.R. 19504. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes;

H.R. 19855. An act to designate the lake formed by the waters impounded by the Butler Valley Dam, California, as "Blue Lake"; and

H.R. 19890. An act to name a Federal building in Memphis, Tennessee, for the late Clifford Davis.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

H.R. 19857. An act to name certain Federal Buildings (Rept. No. 91–1515).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

S. 4601. A bill to amend section 162 of the Internal Revenue Code of 1954; to the Committee on Finance.

By Mr. SCOTT:

S. 4602. A bill for the relief of Marlena Christine Westerman; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF A BILL

S. 2031

At the request of the Senator from New Hampshire (Mr. Cotton) the Senator from Delaware (Mr. Boggs) was added as a cosponsor of S. 2031, to provide for the correction of inequities in the crediting of National Guard technician service in connection with civil service retirement.

SENATE RESOLUTION 498—SUBMISSION OF A RESOLUTION SEEKING SENSE OF THE SENATE FOR A COMPROMISE ON APPROPRIATIONS FOR DEPARTMENT OF TRANSPORTATION, 1971

Mr. MANSFIELD (for himself and Mr. Scott) submitted a resolution (S. Res. 498) seeking sense of the Senate for a compromise on appropriations for Department of Transportation, 1971, which was ordered to lie over under the rule.

(The remarks of Mr. Mansfield when he submitted the resolution appear earlier in the Record under the appropriate heading.)

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, December 22, 1970, he presented to the President of the United States the following enrolled bills and joint resolutions:

S. 1. An act to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

S. 578. An act to include firefighters with the provisions of sections 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in hazardous occupations.

S. 704. An act to amend the Act of October 15, 1966 (88 Stat. 953; U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act.

S. 719. An act to establish a national mining and minerals policy.

S. 2102. An act for the relief of Percy Ispas Avram.

S. 2193. An act to assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the act; by assisting and encouraging the States in their efforts to assure safe healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes;

S. 3619. An act to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes;

S. 3835. An act to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism;

S. 4106. An act to amend the Public Health Service to authorize the assignment of commissioned officers of the Public Health Service to areas with critical medical manpower shortages, to encourage health personnel to practice in areas where shortages of such personnel exist, and for other purposes;

S. 4571. An act to amend the Central Intelligence Agency Retirement Act of 1964 for certain employees, as amended, and for other purposes;

S.J. Res. 173. Joint resolution authorizing a grant to defray a portion of the cost of expanding the United Nations headquarters in the United States; and

S.J. Res. 249. Joint resolution to extend the time for the proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971.

EMERGENCY SCHOOL AID ACT OF 1970—AMENDMENTS

AMENDMENTS NOS. 1173 THROUGH 1178

Mr. ALLEN (for Mr. Ervin) submitted six amendments, intended to be proposed by him, to the bill (H.R. 19446) to assist school districts to meet special problems incident to desegregation in elementary and secondary schools and to provide financial assistance to improve education in racially impacted areas, and for other purposes, which were ordered to lie on the table and to be printed.

(The remarks of Mr. Allen when he submitted the amendments appear earlier in the Record under the appropriate heading.)

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENT

AMENDMENT NO. 1179

Mr. McCARTHY submitted an amendment, intended to be proposed by him, to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which was ordered to lie on the table and to be printed.

PROPOSED AMENDMENT OF THE CONSTITUTION RELATING TO ELECTION OF THE PRESIDENT AND VICE PRESIDENT—AMENDMENT

AMENDMENT NO. 1180

Mr. BAYH submitted an amendment, intended to be proposed by him, to the joint resolution (H.J. Res. 681) proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President, which was ordered to lie on the table and to be printed.

ADDITIONAL STATEMENTS OF SENATORS

CHRISTMAS IN BUTTE

Mr. MANSFIELD. Mr. President, as we move toward adjournment we also come upon a favorite and most festive time of the year—Christmas—which is a time of giving and a time when we try to forget the many complex problems we face throughout the world.

We all are receiving hundreds of Christmas cards and messages of greeting, but occasionally something special comes across a Senator's or Congressman's desk during the holiday season. This week I received a touching report on the activities of the Montana Association for the Blind, Inc., in Butte, Mont. Mrs. Frank Mollish reports of many fine acts of kindness and generosity to the blind of this western Montana city. During this yuletide season I think it is fitting to bring to those of my colleagues here in the Senate some good examples of just a few of the good deeds being done for those afflicted with blindness. They are not being forgotten in the city known for the "richest hill on earth."

Mr. President, I ask unanimous consent to have the text of Mary Mollish's letter printed at the conclusion of my remarks.

My wife, Maureen, and all members of the Montana congressional delegation extend holiday greetings to the Silver Bow blind.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Montana Association
for the Blind, Inc.,
Butte, Mont., December 14, 1970.

Dear Mr. Mansfield: The Forest Service called me recently to tell me of their progress in choosing a site for our Camp for the Handicapped. It seems that Echo Lake is one site, and "a lake near Butte" is the other one. I immediately remarked that Echo Lake is not acceptable because of its distance of 48 miles from Butte—blind and retarded and crippled people depend on others for transportation, and probably would be able to go there only infrequently. Also, Echo Lake is a commercial venture, and there are many private cabins there. I don't think there would be much privacy for our afflicted groups. The Ranger refused to tell me the location of the other site, other than it is near Butte. I was reminded of my experience with second-grade Bluebirds, who also like to be mysterious. If you should receive any news on this, Mr. Alf and I would love to know, too.

Butte has bought nearly 3,000 of our calendars this year. Forty cents from each calendar goes to the State Association, and three cents to our Silver Bow Blind. We'll make over $300.00 for our Chapter, and I'll pay each blind person 50c an hour for the time spent in selling. The Retired Teachers, 4-H Clubs and the Lions Club help us sell them.

Joe Roberts is giving the Blind a Christmas party at Lydia's Thursday night. This is a wonderful treat, and they are happy and excited. Each blind person will receive a gift certificate from Hennessy's for $20.00—a gift from an anonymous donor. This person gives me money periodically to be spent for the needy Blind. Last week I bought an electric dryer for the family of a blind man who has five children, and sent a Christmas gift certificate for $100.00 to the family of a little boy who lost an eye. We help with medical expenses, etc. that the Welfare and other agencies can't provide for. People in Butte are kind and good, and they care about their own.

Butte is taking on its annual festive air. The headframes are lighted, the streets are crowded, and Christmas trees are being brought in from the country. If charity covers a multitude of sins, so does the lovely white snow and Butte is beautiful. I'm happy a kind Providence brought me here.

The Silver Bow Blind and I wish you and Mrs. Mansfield and your daughter Anne (that's the name of my girl-child, too) a most Happy Christmas and a Good New Year.

Yours sincerely,

Mrs. Frank Mollish.

SPLENDID AMERICAN AWARD

Mr. SCOTT. Mr. President, earlier this month the Thomas A. Dooley Foundation made its annual Splendid American Award. It honors public figures who have most contributed to humanitarian endeavor internationally. And if I may editorialize slightly—we sure need more of this kind of contribution.

This year the man selected is someone whom I personally admire because he has made so many contributions in the fight against illicit drugs shipment.

Many of my colleagues, I am sure, know this gentleman personally and are aware of his outstanding work with Interpol in the continuing fight against drugs.

The remarks made by this year's Splendid American honored by the Thomas A. Dooley Foundation should make one sit back and reflect. I wish to share these comments on the floor today. They are from the acceptance speech given by Sam Pryor, who puts it eloquently.

As an American, I am most grateful to the Thomas Dooley Foundation and may I tell you what I told my fellow international narcotic agents last October speaking to them at their annual banquet after their week-long meetings in Honolulu discussing the seriousness of the world narcotic abuse problem and what I said also to my 15 grandchildren.

Several years ago Mrs. Pryor and I decided to go around the world—promising each other not to discuss politics, war, economics—not to look at television—not to listen to the radio—not to read newspapers, but without these influences to look at the world as it really and truly is. We found we live in a very beautiful world—yes, beauty everywhere. But we could not help imagining how beautiful it was before people came. People cause unhappiness, pollution, war, poverty, disease, and self-destruction by narcotics. Yet the majority of the people of the world are good but they need guidance, help, and leadership—so they can lead the minority toward communicating and understanding each other—leading them toward the goal to eliminate hunger, disease—toward health, happiness, and peace.

This is the role the Dooley Foundation is playing. They are bringing happiness to all they contact in their work through their doctors, their nurses, their showboats—but particularly through these girls like those who are with us tonight. The Dooley Foundation needs and deserves our help to make this a better world—finally do not forget we are living in one world—Mrs. Wendell Wilkie who is with us tonight—her husband, Wendell Wilkie, reminded us of this in his book "One World."

May God bless the Dooley Foundation: They need and deserve our help to make this the better world. Thanks to you and may God bless you all.

PRISONER OF WAR ISSUE

Mr. KENNEDY. Mr. President, two leading Arkansas newspapers recently published editorials dealing with the prisoner-of-war issue and in particular, the role of the Senator from Arkansas, the distinguished chairman of the Foreign Relations Committee, in attempting to bring about the solution of this particularly vexing problem.

I found these two editorials to be particularly well-reasoned and appropriate, especially in light of today's developments in which I am honored to be actively involved together with the Senator from Arkansas.

Perhaps no Member of the U.S. Senate has done as much to help bring about an exchange of information and the eventual release of American fighting men held as prisoners in North Vietnam as has the Senator from Arkansas. I, therefore, ask unanimous consent that these editorials be printed in the Record.

There being no objection the editorials were ordered to be printed in the Record, as follows:

[From the Arkansas Democrat, Dec. 15, 1970]

Fulbright Again

Sen. J. W. Fulbright is in the middle of another of those tearing and tedious arguments with the administration over the conduct of the Vietnam war. And as usual he is being misunderstood and maligned throughout the nation.

Senator Fulbright was instrumental in stopping the passage in the Senate of a resolution praising the administration for its raid last month on a North Vietnamese prison camp in an unsuccessful attempt to rescue some Americans. The resolution passed the House 374 to 15, but the Senate version has been referred to the Foreign Relations Committee at Fulbright's insistence.

Apparently, the senator is convinced that the Pentagon knew all along that there were no prisoners in the compound. Their purpose in conducting the raid, Fulbright fears, was either to frighten the North Vietnamese into negotiating seriously in Paris or to try to make our withdrawal from Vietnam a little more palatable by giving it some dashes of bravado. Senator Fulbright finds either reason unacceptable, saying the first one won't work and the second one is pointless.

In any event, Fulbright thinks that Congress passing a resolution would encourage the Nixon administration to make more such forays. He does not want this to happen, and we find it hard to believe that anyone would who gives it serious thought. If nothing else, such muscle-flexing is a senseless risk of American lives.

The trouble is, of course, that not enough of us give such things serious thought. This raid was a daring feat—an accomplishment by men of skill and courage, and, naturally, as Americans, we are proud of them. President Nixon calls the raid a success, and for many of us, it's hard to disagree with the President even when he calls a swan a duck, which he plainly is doing in this case. Then, we read about Fulbright blocking the resolution, we hear him sharply questioning the secretary of defense, and we then react with our glands instead of our brains.

Let's think about this real hard for a moment: If you drove across town in the Christmas traffic, found a parking place, and went from one store to another looking for a particular gift but couldn't find it, would you call your shopping trip a success? You might say it was tiring, unselfish, even bold, and you might even decide that it was well thought-out and brilliantly executed because you didn't bash in a fender. But a success? Not unless you had gotten what you went after.

This is Fulbright's point. If the raid had been successful, or even if there wasn't this damaging evidence to indicate that it was phony, no one could object. In fact, most Americans support anything that would get our prisoners out of the hands of the North Vietnamese, who have treated them barbarously.

At one point, Defense Secretary Melvin Laird told members of Congress that one of the reasons for the raids was to show the relatives of our captured servicemen that this country was concerned about them. Fulbright answered: "Was there ever any doubt about that?"

Of course not. Like every other member of the Congress, Senator Fulbright has often spoken out against the Communists for not living up to the Geneva Convention on the protection of prisoners. He has personally written to both Ho Chi Minh and the premier, Pham Van Dong, asking them to abide by the Geneva Convention. Also, Fulbright sought out the prime minister of Sweden, who has entre to North Vietnam, and asked him to intervene in behalf of our prisoners.

Senator Fulbright is very bitter about Vietnam, and, unfortunately, it comes through in his statements about it. He skips the niceties and the qualifiers that we expect to hear in the language of our public officials. So this is why some who skim the surface of the news think of him as unpatriotic, a "Commie hack" or someone who is concerned about our fighting men.

The truth is, of course, that Fulbright, as a U.S. Senator, feels his responsibility to all Americans keenly—more than maybe any other member of that body—and he does not think he can fill it by following the crowd.

[From the Arkansas Gazette, Dec. 11, 1970]

How To Bamboozle in Patriotism's Name

The standard for political courage adopted by John F. Kennedy in his book on just that subject surely will do as well as any other. By that test, Senator J. W. Fulbright continues to demonstrate that he possesses just about as much of the commodity as anybody around.

How much easier it would have been simply not to have made his one-man stand against precipitate Senate approval of a resolution in praise of the Son Tay raiders! How easy it will be to misinterpret Senator Fulbright's "stop and consider" signal as a failure to recognize the physical courage of the commando team for what it so clearly was!

In a situation such as this, however, it is almost impossible to separate the performance of the men who actually carried out the assignment from the performance of the men who ordered them to carry it out, men who performed neither as coolly nor as effectively as the raiders themselves and who, in fact, may not have performed even sensibly. The essential difference, of course, is that the men were not asked to pass on the wisdom of the venture—only to execute it. However, as Senator Fulbright knows from past experience there is no way to write a congressional resolution of this particular kind in such a way that "support" for the survivors of the failed mission will not be widely interpreted as support for the architects of the failure.

Still, why can't the Senate go ahead anyway and pass a quick resolution in praise of the men, as the House already had done, and by an overwhelming vote of 347-to-15? Who could be hurt by it?

The most obvious answer is, the men who would be ordered into any second "Son Tay" that the administration might be foolish enough to lay on in the future—them and the American POWs they would be assigned to "rescue", if, the next time, any should happen to be there.

We have placed "rescue" in quotes in the above, for the very good reason that there now are quite serious doubts in Washington that the prisoners were ever there at Son Tay or, at least, were ever there at any time recent enough to have made the billed rescue attempt even remotely credible on the basis that it was billed at the time that it was ordered. To put it less delicately, there is a strong reason for belief that the Son Tay mission was ordered—and the lives of the men involved deliberately risked—in the full knowledge or at least near certainty that there were no prisoners there, for reasons that Senator Fulbright and some of the rest of us would like to try to find out.

Hence the 10-day delay in a vote on the issue that Senator Fulbright now has won from the full Senate, time enough to consider at least some of the ramifications of this allegedly "routine" resolution of support for the instruments of yet another effort by the Nixon administration to bamboozle the American people in the name of in uncritical "patriotism."

Mr. Nixon and those who think like him in the matters of this kind know that the American people dearly love to be bamboozled in the name of patriotism, which is why there ought to be at least a few people unafraid and willing to ask the hard questions, such as, "Was this trip [Son Tay] really necessary."

Senator Dole of Kansas—who has become a principal party-lining apologist for administration foreign policy in the Senate—has stated what amounts to the only case for Senate passage of the Son Tay resolution in the following terms:

"This is the American spirit in the highest tradition. I want to applaud the action. In my opinion it was successful."

In Robert Dole's opinion it was successful, but is was not successful by any test that once would have been thought of as rational. Nor is uncritical acceptance of Senator Dole's unreason "the American spirit in the highest tradition." Quite the contrary, if anything.

JACKSON REPORT ON U.S. SECURITY AND THE MIDDLE EAST

Mr. JACKSON. Mr. President, yesterday I released a report that I have submitted to the Armed Services Committee on "The Middle East and American Security Policy" which I am hopeful will prove interesting and helpful to many Senators who share my concern at the threat to Western interests that arises from Soviet ambition in the Middle East.

This report, which follows my recent trip to the North Atlantic Assembly and Israel, is sharply critical of the "Rogers formula," which I believe to be unnecessary and unwise. The Rogers formula, which calls for Israel's withdrawal from occupied territory except for insubstantial alterations to the pre-June 1967 borders, appears to prejudge the extent of the alterations that would constitute defensible borders, diminishes the Israeli bargaining position and ultimately encourages the Arabs to adopt a rigid rather than flexible position.

At the moment when it appears that negotiations under the Jarring talks will soon resume, I believe the United States is pressing a formula for settlement that is damaging to the Western position.

I emphasize in my report that we have often, and especially recently, acted on the assumption that because the Soviets do not want all-out war in the Middle East they must desire all-out peace. When we come to appreciate that between the desire to avert war and the desire for peace there is an enormous range of Soviet policy objectives, we shall have taken the first essential step in designing an effective Middle East policy.

I ask unanimous consent that the report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

December 21, 1970.

Hon. John Stennis,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

Dear Senator Stennis: On November 16 I returned from participation in the North Atlantic Assembly meeting in Europe, followed by a visit to Israel. As you know, I have been concerned for some time by the threat to vital American interests arising out of the deepening involvement of the Soviet Union in the Middle East.

Section 501 of Public Law 91–441 (91st Congress), which I introduced in June 1970, was enacted in response to this serious and continuing threat, which the Congress has declared to be a "clear and present danger to world peace."

I traveled to Israel to assess the nature and extent of Soviet penetration of the Middle East, to discuss with high Israeli officials the nature of their concern, and to determine those military and political measures that the United States might prudently undertake in support of the stability of the region as a whole and the security of the state of Israel.

In Israel I was able to travel extensively. I visited the Golan Heights, where I met with the Commanding General of the Northern Command, and from there followed the present cease-fire lines along the Jordan, the scene of considerable terrorist activity and cross-border shelling. I had occasion to visit the northern Sinai, traveling through Gaza and Al Arish to Al Qantarah and Israeli positions along the Suez Canal. I had an opportunity to discuss the security situation in the Sinai with the armor Commander of the area, and to visit Israeli fortifications at various points along the Bar-Lev Line.

In Jerusalem I had a most helpful and informative discussion with Prime Minister Golda Meir. I was able to discuss the state of the Israeli economy, and the impact of a defense budget taking 27–29% of the GNP, with Finance Minister Pinhas Sapir, and the Governor of the Bank of Israel, David Horowitz.

In Tel Aviv I met with Defense Minister Moshe Dayan, Chief of Staff Bar-Lev, and the chief of military intelligence, General Yariv; and, at a major Israeli base, with the Commander of the Air Force, General Hod. These later discussions were particularly exhaustive and detailed, and especially helpful in view of the complex strategic situation associated with the determination of defensible borders.

My visit, though a brief one, enabled me to meet with dozens of Israeli officials at all levels. I talked with Air Force squadron leaders, pilots, base commanders and intelligence and logistics specialists, with Army personnel, and with the young men and women who serve in the front lines of the Israel Defense Forces. I met with the Director General of the Ministry of Foreign Affairs, and with several members of the ministry.

I left Israel with two major convictions: First, that the Israelis are determined to provide for their own defense, even under adverse conditions, and that they have the skill, determination and courage to do so. The frontline of Western defense in the Middle East is manned by the men and women of Israel, who ask only for assistance in obtaining the tools with which to defend themselves and for the prudent diplomatic support of their friends and allies.

Second, that the people of Israel and their elected representatives deeply desire a secure and lasting settlement that will enable them to live within secure, recognized and defensible borders.

I have tried, in the attached report, to bring together my impressions of the political and military situation in Israel as I was able to observe it, and as I believe it affects the peace and security of the Middle East generally.

I wish to thank our Ambassador in Tel Aviv, Mr. Walworth Barbour, for a most kind and helpful reception.

Sincerely yours,

Henry M. Jackson.

The Middle East and American Security Policy

(Report of Senator Henry M. Jackson)

Three times since World War II—in 1948, in 1956 and then again in 1967—the Middle East has been torn by general war. In the intervals between these increasingly destructive conflicts, lesser violence has been the order of the day: raids, reprisals and acts of brutal terrorism. For the people of the region, mistrust and hostility, tension and insecurity have become inescapable burdens of daily life. But for the Soviet Union, these emotions are the fertile ground upon which its political influence has been able to take root and spread.

For some time, I have been warning that as the Soviet Union approached parity with the U.S. in strategic arms, its leaders would be likely to become more energetic in trying to spread Soviet influence and more willing to run dangerous risks in the international arena. That this prospect was not groundless is indicated by the deepening Soviet penetration of the Middle East we have witnessed in recent years. One would expect this increased Soviet activity to be concentrated in those countries that are without formal defensive ties with the United States; for it is in such areas that the Soviets would be tempted to conclude that the risk of a direct confrontation (perhaps escalating to the nuclear level) is minimal.

My concern for the consequences for NATO and the West of the accelerated Soviet penetration of the Middle East was the key reason for my participation in the meeting of the North Atlantic Assembly in Europe in November, and for my visit to Israel which followed.

THE MIDDLE EAST AND WESTERN SECURITY

Soviet hegemony in the Middle East would gravely imperil the vital flow of oil, essential for industry and defense, from the Middle East to Europe and Japan. 70% of Europe's oil now comes from that region; for Japan the figure is 80%, and there are no near term prospects for the development of adequate and economic alternative sources of supply. The capacity of our NATO allies to resist Soviet pressure over a prolonged crisis would be drastically impaired if the petroleum pipeline could be shut down by Moscow.

With the exception of Iraq, and to an increasing extent, Libya, the major oil producing and exporting countries of the Middle East are politically moderate, commercially aligned with the West and inclined to view with disfavor the growth of Soviet influence among their radical neighbors. Iran, Kuwait, Saudi Arabia and the Gulf States are, not surprisingly, extremely sensitive to the direction of American policy in the Middle East. Signs of American weakness in the Middle East in the fact of increasing Soviet pressure would call into question our determination to contain Soviet influence there, thus weakening the capacity of the more moderate Arab states to resist the encroachments of Soviet influence. American vacillation or uncertainty in standing by its friends and allies in the Middle East could set in motion a crisis of confidence that would make accommodation with the Soviets, on Soviet terms, their only alternative to unremitting and unopposed pressure from Moscow. Moreover, uncertainty as to America's concern carries with it a high risk that the Soviet Union might drift into an unanticipated confrontation with the United States. Such miscalculation as that evidenced by the Soviets in Cuba in 1962 is extremely dangerous, and policies that increase the likelihood of miscalculation are a subtle and inadvertent invitation to extreme crises.

The Middle East is today the "soft underbelly of Europe," not only because it possesses oil that Europe requires, but because of its strategic location. Our position in the Mediterranean, to say nothing of the Persian Gulf and Indian Ocean, is severely prejudiced by Soviet encroachments in the countries lining its shores.

There is another reason why the United States cannot remain indifferent to political developments in the Middle East. This country and Israel, whose security is threatened by the current crisis in that region, are bound together by shared values, cultural affinities and a common ethical and religious heritage. The United States actively participated in helping to create the State of Israel, and since its founding the people of this young nation have won the admiration of the great majority of Americans by the valor they have demonstrated in standing firm before their hostile neighbors. Unlike some countries of the Middle East, Israel is a stable democracy, and a profoundly egalitarian and spirited one. These qualities, too, inspire the respect of many Americans, who feel something like a sense of personal involvement in the destiny of Israel. Today Israel is serving as the front line of Western defense in the Middle East.

The peace and stability of the Middle East is now threatened by the aggressive ambition of the Soviet Union, which transcends the tragic conflict between Arabs and Israelis and, indeed, is based upon its exploitation. This policy of Russia to manipulate the conflict in the region for its own advantage is the key reality upon which American Middle East policy must be based.

RUSSIA'S HISTORIC AMBITION IN THE MIDDLE EAST

There is, of course, nothing new about Russian interest and ambition in the Middle East and the area of the Persian Gulf. It is interesting to note that Catherine the Great, desiring to hasten the collapse of the Turkish Empire by threatening it from the rear, rendered military assistance to the Mameluk Ali-Bey of Egypt. In 1788 she urged "the chiefs of the government of Cairo" to shake off the yoke of the Suzerain and to make a treaty of alliance with her, promising them every assistance in vessels, troops, war munitions and money.

With the close of World War II and the emergence of the Soviet Union as the second ranking world power, Moscow openly pressed claims to bases on the Mediterranean shores of Africa. Before and during the Potsdam Conference. both Stalin and Molotov attempted to secure Soviet trusteeship over Libya. As reported in the official records, Secretary of State Byrnes felt that, "the Soviet foray into a region so close to the Suez Canal and the Persian Gulf shook up one of the former Italian colonies, preferably Churchill more than any other episode at the Conference."

In the postwar period it was the Soviet threat to Turkey and Persia that drove these countries to seek American support, thus initiating the sequence of events that led to the Truman Doctrine and the extension of NATO to Turkey.

After the Korean peace in 1953, the Soviets again turned their attention to the Middle East. This time they did not attempt a direct attack on the Turkish or Persian positions—both of which were reinforced by Western-supported alliances. Instead they chose a tactic of leapfrogging and went to the Arab countries which lay beyond Turkey and Persia, particularly Egypt.

Professor Bernard Lewis, a respected authority on the Middle East, writes:

"There seems little doubt that the initial purpose of the Soviet intervention in Arab affairs from 1955 onwards was to take Turkey and Persia from the rear, and achieve a position from which these countries could be menaced and deflected from their policy of alignment with the Western powers."

Thus, using Egypt as its Trojan horse, the Soviet Union has made itself the most influential extra-regional power in Syria, Iraq, Yemen, the People's Republic of South Yemen, Libya, the Sudan and probably Algeria, countries that contain some 70% of the people of the Arab Middle East and produce in excess of 55% of its gross national product.

In Egypt the Soviet Union has established a major naval base at Alexandria; and Algiers, Latakia, Port Said, Tartus, Port Sudan, Aden and Berbera have become her ports of call.

THE EXTENT OF SOVIET PENETRATION

Since 1955 the extent of Soviet penetration of the Middle East has increased at an accelerating rate. As of this date, there are 10,000 to 15,000 Soviet personnel in Egypt, a large number of whom are involved in the command, control and operation of a sophisticated network of surface to air missiles. Russian soldiers have been integrated into Egyptian units down to the company level and, for the first time in postwar history, Russian pilots are flying missions from bases located in foreign territory: the UAR. (Indeed, some of these Russian pilots have actually been shot down in air-to-air combat with Israeli pilots.) Mechanics, communications specialists, intelligence experts (whose activities are at least partly directed at the U.S. Sixth Fleet) and other technical advisers are now working alongside Egyptian military forces.

The air traffic control of the Egyptian combat air force is carried out by Russian military personnel. The extensive air defense network deployed along the Suez Canal, most of it in violation of the U.S. initiated ceasefire, has a large complement of Soviet operating personnel. In fact, the operation of the many sophisticated SA-3 missile complexes deployed throughout the UAR is entirely in Russian hands.

As of December 1970, Soviet ships call at Alexandria at a rate approaching one every four days, discharging military cargoes that include bridging equipment that could be used for a military crossing of the Suez Canal, the present ceasefire line.

According to State Department calculations, the Soviet Union, by the end of 1967, had already poured into the Middle East military equipment and related assistance valued at more than $3 billion, of which $1.5 billion went to the UAR. This compares with a total of $5.5 billion in Communist military aid to all non-Communist states from 1954 through 1967. During 1967 (before the recent heavy investment in increasingly sophisticated weapons, estimated by some at an additional $1.5 billion), the UAR became the largest single recipient of such military assistance. Moreover, approximately one-third of all Soviet economic credit to underdeveloped countries made its way to the Middle East, with over $1 billion going to Egypt alone.

A few figures will serve to give some indication of the level of armament the Soviets have lavished upon the UAR:

40 heavy tanks.
1,200 medium tanks.
150 amphibious tanks.
900 armored personnel carriers.
1,750 field guns.
50 surface-to-surface missiles.
12 submarines.
19 missile firing patrol boats.
465 combat aircraft including approximately 300 bombers and fighter-bombers.
Several thousand surface-to-air missiles and associated radar and launchers.

Impressive as these statistics are, they took on added meaning for me when, during my recent trip to Israel, we stopped at a military hardware "graveyard" on the outskirts of Tel Aviv. This was a huge area some two blocks long and one block wide filled with captured Soviet tanks, personnel carriers and military trucks—a fraction of the battered remnant of the Six Day War.

The heavy equipment losses sustained by Egypt and Syria in the Six Day War, incidentally, far from discouraging the Soviets from a continuation of their unchecked arms policy in the Middle East, have actually been replaced by new and larger shipments. In the case of the UAR, for example, Soviet shipments of both aircraft and armor had reached, in January of this year, 170% of their June 1967 levels. In the Syrian case the figures are 220% and 180% respectively. Moreover, older weapons lost in 1967 have been replaced by newer, more sophisticated and costly versions in practically all categories. For example, MIG-15 and MIG-17 fighter-bombers have been replaced with the far more effective SU-7's; MIG-19's have been replaced with MIG-21's, and the T-34 tank of wartime vintage with the superior T-54/55.

SOVIET STRATEGY: THE EXPLOITATION OF INSTABILITY

Why has the Soviet Union lavished such large sums of money on the UAR, Syria and other Arab countries? I don't believe that it is because the Soviet Union is in genuine and unselfish sympathy with the claims of the radical Arab states to the territory of Israel. Russia voted for the partition of Palestine and the creation of Israel and was among the first countries to recognize Israel's independence. At the time the central motive was a desire to dislodge British influence from the area, a desire that has been supplanted by a keen desire to drive American influence from the Middle East. Indeed, this is the crux of Soviet policy in the Middle East: to drive out Western influence, and to increase its own.

In pursuit of these ambitions, the Soviets have been intriguing to keep the conflict between Arabs and Jews alive. A realistic peace settlement that guaranteed the security of all states in the area, or even a lessening of tensions and hostility—these are precisely the things the Soviet Union does not want to see come about. Dr. Bernard Lewis has stated this conviction that it was in large measure due to Russian prompting and encouragement that President Nasser took the steps that eventually culminated in the Six Day War. Since that war, Russian arms shipments have continued at an accelerating rate. And more recently, we have seen the Russians and Egyptians cooperate in a calculated and prolonged violation of the agreed cease-fire that shows every sign, from the way in which the first infringements were executed, of having been planned by Soviet personnel.

By keeping the Middle East in a state of ferment, the Soviets hope to make the radical Arab countries so dependent on them for arms, economic assistance, technical expertise and diplomatic backing that, gradually and imperceptibly, these countries will be drawn firmly into the Soviet orbit.

In short, if there were no Arab-Israeli conflict, the Soviets would invent one. The flagrant exploitation of the tragic conflict between Arabs and Jews ranks high among the cynical designs of Russia's postwar policy.

Soviet involvement in the Middle East has, more generally, been based on a policy of encouraging and assisting radical expansionist regimes to realize their designs on their neighbors. This policy encompasses not only assistance to Egypt, Syria and Iraq in their collective determination to destroy Israel, but also assistance to Iraq against Kuwait and Iran, Syria against the Hashemite Kingdom of Jordan, and Egypt in adventures in Yemen, Lebanon and the Congo.

I have often thought that, in its foreign policy, the Soviet Union is like a burglar who walks down a hotel corridor trying the handles of all the doors. When he finds one unlocked, in he goes. Looking back on the history of the last decade, it is unfortunately all too clear that Egypt and the other radical Arab states were such unlocked doors. It is too late now to try to keep the Soviets out. But we *can* limit the amount of mischief they will be able to do from these bases of operation.

In this connection, it is worth observing that Soviet imperialism in the Middle East is faced with a number of very real constraints and obstacles. Arab nationalism is a powerful force, and as the Kremlin's heavy hand comes to meddle more and more openly in the internal affairs of Arab countries, we can expect the Soviet-Arab collaboration to be subjected to many strains. These strains will doubtless be aggravated by the inevitable tensions that develop when skilled personnel of an advanced country are sent to an underdeveloped country to work side by side with its less competent personnel. It is perhaps ironic that the extent to which Arab nationalism sets itself in opposition to the Soviet ambition to dominate the Middle East will in large measure depend on whether the United States has made it clear, by its support of Israel and the moderate Arab states, that for those countries that choose it, resistance to outside domination is still very much a live option.

SOVIET NAVAL POLICY IN THE MIDDLE EAST

The acquisition by the Soviets of naval installations in the Mediterranean comes at a time when the desire to expel the Sixth Fleet from those waters has become a specific Soviet objective. In April 1967, not long before the Six Day War, Leonid Brezhnev told an audience of European Communists that: "There is no justification whatever for the constant presence of the U.S. fleet in waters washing the shores of southern Europe . . . The time has come to demand the complete withdrawal of the U.S. Sixth Fleet from the Mediterranean."

The development of Mediterranean bases has been paralleled by a sharply higher level of Soviet naval activity. In the first six months of 1967, Soviet operating days in the Mediterranean were 400% greater than for all of 1963. Submarine operations there have increased, in the same period, by 2,000%. The present fleet numbers approximately 40 ships and, on occasion, reaches a figure closer to 60. Soviet jet medium bombers, based in Egypt and bearing Egyptian Air Force markings, routinely monitor the movements and training activities of the Sixth Fleet.

Soviet naval penetration of Mediterranean ports is not only facilitated by her intervention on the side of the radical Arab states in the Arab-Israeli conflict, but is an intermittent element in the conflict itself. There is no doubt that the augmenting of the Soviet fleet in the Mediterranean by 10 warships in May and June of 1967 contributed to the willingness of the Egyptians and Syrians to mobilize for war.

THE STRATEGIC IMPORTANCE OF THE SUEZ CANAL

The utility of the Soviet Navy, as well as its merchant fleet, would be dramatically increased by the reopening of the Suez Canal, which has been closed since the Six Day War. With the Canal open to Soviet passage, ships based in Odessa can circulate efficiently throughout the Mediterranean and Indian Oceans. With the Canal closed, Soviet naval access to the Indian Ocean is by way of Vladivostok or, from Odessa, via the Cape of Good Hope. The additional distance to, say, the Persian Gulf that Soviet ships must travel as a result of the closure of the Canal is many thousands of miles. One typical Soviet sea route helps to indicate the magnitude of the distances involved. The journey from Odessa to Bombay through the Canal is 4,200 nautical miles. The same Odessa-Bombay trip by way of the Cape of Good Hope involves a distance of 11,900 miles, nearly triple the Canal route.

More important, perhaps, is the fact that with the Canal open the Soviets can use ships of either their Atlantic or Pacific fleet to reinforce the other in the event of a diplomatic or military crisis. Finally, when the Suez Canal is open and functioning normally, it is a hard currency earner of substantial value to the Egyptians.

For all these reasons, then, the Soviets and the Egyptians have a common interest in seeing the Canal reopened as soon as possible. To the Soviets, it is a matter of top priority, a fact which may partly explain their encouragement of the Egyptian war of attrition against Israeli forces along the Bar-Lev Line.

The opening of the Canal, which could be accomplished only by Israeli acquiescence, must be considered a trump card in any forthcoming settlement of the Arab-Israeli dispute. As such, agreement on this point should be withheld until a settlement of the fundamental issues is reached.

With the Canal back in operation, one of the chief incentives the Soviets have to make concessions on other outstanding differences will vanish. For this reason, among others, we share a common interest with Israel in the security of the Bar-Lev Line, the Israeli network of fortifications on the east bank of the Canal.

THE WAR OF ATTRITION AGAINST ISRAEL

The war of attrition, which has been quieted by the current cease-fire, claimed heavy Israeli casualties during the period from March 8, 1969 until the cease-fire went into effect on August 7/8, 1970. In July, 1969, for example, 39 Israelis were killed along the Bar-Lev Line and some 76 were wounded in intense Egyptian artillery attacks. While these figures may not appear impressive, the equivalent numbers for the vastly larger American population would be 3,000 and 6,000 respectively.

In the period following the March 8 shelling, thousands of rounds were routinely directed at Israeli positions along the cease-fire lines. There had been prior breakdowns in the cease-fire that had gone into effect upon termination of the Six Day War, but the events of March 1969 marked the beginning of what Nasser termed the "war of attrition."

About three months later, in July 1969, Israel, using her aircraft as "flying artillery", began to counter the costly Egyptian artillery attacks with air strikes against Egyptian positions on the west bank of the Canal, with the result that the number of Israeli casualties declined considerably.

The effects of the cross-Canal exchanges of larger millimeter fire have been dramatic. I visited Al Qantarah, a once thriving Egyptian town with a population of 50,000, located on the Israeli side of the cease-fire lines. Al Qantarah, which was abandoned by Egypt in the aftermath of the Six Day War, has been virtually reduced to rubble by the constant Egyptian shelling of Israeli positions nearby.

I am convinced that the Israelis are in a good military position to hold the Bar-Lev Line should they choose to do so. Israeli fortifications along the Canal have been constructed with ingenuity, and losses from Egyptian shelling could be held to tolerable levels in the event that the present cease-fire were to yield to a resumption of hostilities.

Israeli concern over a possible crossing of the Canal by an invading Egyptian force lends strategic importance to the Bar-Lev Line, although there may be ways in which reliance on this static defense can be diminished.

The defensive importance of the Canal lies in the topography of the Sinai and the ease with which large military forces can be moved through the broad expanse of desert to the east of the waterway. I traveled by helicopter from Tel Aviv to the Canal across the northern Sinai, a trip which impressed me with the importance of the Canal as a natural barrier to large scale military movement. Nowhere in the northern Sinai is there a remotely comparable topographical feature that would impede an invasion of Israel from the west.

The Suez Canal can, of course, be crossed along virtually its entire length. Its value lies in the vulnerability of military units to interdiction both at a limited number of staging areas along the Canal and during an actual crossing. Israeli deployments of armored units in the Sinai are well positioned to prevent a crossing of the Canal, especially since the Air Force could be expected to exact a heavy price against concentrations at the Canal itself.

It is known that the Egyptian army has received equipment from the Soviets that could be used to cross the Canal. Egyptian troops have been observed training in the use of bridging equipment and amphibious operations.

The utility of the Canal as a defensive position has been seriously impaired by the installation of an extensive air defense system along its west bank. For some time prior to the U.S. initiated cease-fire of August 7, the Soviets and Egyptians had endeavored to build up an integrated air defense system along the Canal consisting of anti-aircraft cannon and surface-to-air missiles supplemented by MIG interceptors piloted by both Egyptian and Russian airmen. The Israeli Air Force was highly successful in suppressing this development while also conducting air strikes to interdict Egyptian shelling of the Bar-Lev Line. As the Soviet-Egyptian effort to deploy SAM's intensified, however, Israel faced a mounting level of attrition from ground fire.

THE AUGUST 7 INITIATIVE

Unfortunately, the August cease-fire made it possible for the Soviets and Egyptians to construct the air defense network that had proved unobtainable in the face of Israeli air strikes.

The August cease-fire provided that, "Both sides will refrain from changing the military status quo within zones extending 50 kilometers to the east and west of the cease-fire line [the Suez Canal]. Neither side will introduce or construct any new military installations in these zones. Activities within the zones will be limited to the maintenance of existing installations at their present sites and positions and to the rotation and supply of forces presently within the zones."

No sooner did the cease-fire with its standstill provision start, than the first Soviet-Egyptian violations occurred. The extent of the illicit movement of men and equipment removes any doubt that the violations might have been spontaneous or unauthorized. Indeed, the movement greatly exceeded the level of activity characteristic of the weeks before the cease-fire and must be seen as a calculated effort to take advantage of Israeli compliance. The hand of the Russians, even more than that of the Egyptians, was at work in the planning and execution of the violations.

In any event, it was unwise in the extreme for the American Government which was sponsoring the cease-fire, to agree to starting the cease-fire in the middle of the night, under the cover of darkness, an oversight that was carefully exploited by the Soviet Union and the UAR.

In my view, the calculated violation of the cease-fire strongly parallels Soviet behavior during the Cuban missile crisis. Even more than that, however, it looks like the familiar Soviet tactic of beginning negotiations—which were then to take place under the Jarring mission—with aggressive behavior designed to test the adversary's resolve. Berlin in 1961 comes to mind.

By failing to corroborate at once Israeli evidence of Soviet-Egyptian violations, we merely invited still further illicit movement of missiles and other military equipment in the 50 km cease-fire zone. The result has been a massive Soviet-Egyptian build-up so that today the west bank of the Canal is lined with new and larger artillery and the most elaborate system of air defense ever deployed.

THE SOVIET-EGYPTIAN SYSTEM OF AIR DEFENSE

The heart of the Soviet designed air defense system consists of SA-2 and SA-3 missiles supplemented by radar controlled anti-aircraft cannon and MIG interceptors. These weapon systems are, individually, of considerable effectiveness. The combination, however, provides an extremely formidable defense, and one to which neither we nor the Israelis have a ready response. The SA-3 is effective at low altitudes and, in combination with anti-aircraft cannon, makes it difficult and costly for planes to penetrate and operate by flying at extremely low altitudes. The addition of SA-3's, which have been installed in large numbers during the cease-fire and in blatant violation of its standstill provision, has thus frustrated the Israeli tactic of low altitude penetration. The SA-2 high altitude missile system, also installed in large numbers during the cease-fire, is effective against aircraft flying at altitudes not covered by the SA-3. Moreover, the recently installed SA-2's are an improved version that utilizes radar frequencies much more difficult to counter with electronic means and radar-homing air-to-surface missiles.

The position of some elements of this air defense network is such that they are effective against aircraft operating several miles on the Israeli side of the Canal. The net effect is to imperil the effectiveness of the Israeli Air Force as a means of preventing both cross-Canal fire and an actual crossing of the Canal itself.

U.S. MISHANDLING OF CEASE-FIRE VIOLATIONS

In my judgment, we should have immediately insisted through diplomatic channels that the illicitly emplaced Soviet missiles be removed prior to, and as a condition of, substantive negotiations. Our failure to do so has encouraged the Soviets in the belief that they have much to gain, and little to lose, by overt duplicity.

In my view, the Soviets clearly gambled that the U.S. response, if any, would be weak and ineffective. That they should have engaged in this deliberate deception is serious enough; that we should have proved their estimate of our response correct is more serious still. This deliberate deception, executed within hours of an agreement, must raise considerable doubt as to the validity of Soviet assurances and agreements elsewhere.

Moreover, our bargaining position vis-à-vis the Soviets has been severely damaged. We should remember that weakness and hesitancy with respect to the cease-fire violations can have far-reaching consequences for America's bargaining reputation. Fred Iklé has stressed the importance of this reputation in the following terms:

> "A government acquires a reputation much as an individual does. On the basis of its performance in past negotiations, others will impute to it a diplomatic style, certain motives and objectives, attitudes toward the use of force, a degree of political will, and other attributes of power. Bargaining strength depends not so much on what these attributes really are as on what others believe them to be. Hence the importance of this reputation. . . ."

The diminution of confidence in U.S. assurances in a case so clearcut as the August cease-fire must affect us adversely elsewhere in the world; and this will continue to be the case even if the Soviets refrain from exploiting the appearance of our retreat. Our failure to insist on adherence to the terms of an initiative proposed and arranged in Washington, and concurred in by Moscow, may well have the effect of encouraging the Soviets to run greater risks elsewhere in an effort to consolidate the momentum of their advantage.

Israel's confidence in our willingness to stand by our repeated assurances of support for her security has been badly shaken. In Cairo and Damascus and especially among our friends and allies in the Middle East our position has suffered, rather than gained, by the impression of weakness and indecision.

Among the Arab population of the Middle East such credit as may be given for American restraint is undoubtedly going, not to Washington, but to Moscow, on the grounds that American inaction resulted from timidity in the face of Russian pressure.

A POLICY FOR RECTIFYING THE ADVERSE EFFECTS OF THE CEASE-FIRE VIOLATIONS

At this point in time mere insistence on a roll-back of the illicitly emplaced missiles appears futile and unproductive. It is my impression that most Israelis share this view. But this does not imply that we are without means to rectify the adverse military and political impact of the cease-fire violations. We have both military and diplomatic options available to us that may go some way in making plain to the Soviets our determination to restore the military balance that prevailed before August 7.

One such measure is the provision of adequate compensatory arms to Israel. We have begun to do that under section 501 of the Defense Procurement Act with the provision of some $500 million in military credits. Among the military equipment purchased by Israel under this credit program, aircraft and devices for the suppression of surface-to-air missiles are of vital importance.

The problem of restoring the military balance in the Canal region could be remedied if we had, or were able quickly to develop, some system or systems capable of efficiently countering SA-2 and SA-3 missiles. But nothing in the current American arsenal can make more than a partial contribution to this mission. If the present uneasy cease-fire deteriorates and hostilities resume, the Israeli Air Force would pay a high price in lives and aircraft in attempting to destroy the SAM defense system. We can assist in mitigating this situation by doing what we can to assure that the Israelis will have the aircraft necessary for this purpose. A failure to do so might well force Israeli recourse to an alternative strategy, which I would hope could be avoided, of attacking less well defended targets elsewhere in the UAR if hostilities should be resumed.

My own view is that the size of the Israeli Air Force will have to be increased considerably as a result of the SAM deployment in the vicinity of the Canal, and that other equipment will be required as well. There is no denying the fact that the military balance in the Middle East has shifted as a result of the violations. This does not mean that Israel is no longer in a position to provide for its own defense. On the contrary, I am convinced that the Israeli people have the skill, determination and capability to defend themselves. Nowhere in Israel did I encounter signs of uncertainty on this point. But the military balance, in this case as in others, is not a simple matter of black or white, security or insecurity. There are, rather, degrees of security and insecurity.

Any way one looks at it, the burden Israel must bear to sustain an adequate level of security is greater now than before the U.S. guaranteed cease-fire. For one thing, a resumption of the earlier level of hostilities along the Canal would claim a higher number of Israeli casualties, both on the ground and in the air, than was the case prior to August 7, 1970.

Israel is presently spending between 27 and 29 percent of its GNP on defense, a large fraction of which is used for procurement of weapons and ordnance. For a country with a gross national product the size of Israel's, this burden of defense expenditures is severely prejudicial to economic stability, particularly in its excessive claim on limited foreign exchange reserves.

One serious, and often overlooked, problem faced by Israel is the severe economic dislocation that results from the absorption of manpower and capital by the defense effort. One plausible strategy for weakening Israeli defenses is to require that she continually maintain a high state of readiness, utilizing much of her trained manpower for defense purposes. Such a "war of economic attrition", if actively supported by the Soviets through her Egyptian and Syrian clients, is a severe threat to Israel's industry and economic development.

Israel has always in the past paid for weapons acquired in the United States. For many of the 22 years of its history Israel was forced to pay prime rates for second-hand arms. As the United States has come to appreciate its own security interest in the Middle East, Israel has had access to sophisticated aircraft and other weapons manufactured in this country. A realistic appraisal of the Israeli economic and financial situation indicates that it will not be possible for Israel to maintain the level of defense expenditures necessary to meet the increased threat from Soviet-supplied countries without American financial assistance, both for weapons and economic development.

Israel's immediate arms requirement for the next fiscal year (1972) will at least equal the $500 million credit extended this year.

Unless some relatively inexpensive method to suppress SAM missiles is discovered, which seems unlikely, grant aid for certain items will be needed.

I had occasion to visit installations of the Israeli Air Force, including a base at which newly acquired American Phantoms were being phased in, to visit Israeli Army units near the Suez Canal, and to meet with the officers and men of the Northern Command at the Golan Heights and of the Southern Command along the Suez Canal. None of the men or women of the Israel Defense Forces, from the Chief of Staff to the commanding officers to squadron leaders to recruits, has the slightest doubt that Israel can defend itself against any force or combination of forces in the Middle East, barring, of course, a massive Soviet invasion. All that is asked of us is help in getting the essential means in adequate quantities with which they can do the job.

In addition to assuring an adequate supply of arms, we can help affirm our determination that the calculated contravention of the August 7 cease-fire will not succeed by giving solid support to Israel's "right to live in peace within secure and recognized boundaries" as she returns to the Jarring talks, and in any subsequent deliberations.

Israel agreed to indirect negotiations through the offices of Ambassador Jarring in the framework of the Security Council Resolution (Number 242) of November 22, 1967. Israel, Egypt and Jordan have all accepted the Security Council Resolution; it has been rejected by Iraq and Syria. The resolution calls for the "withdrawal of Israeli armed forces from territories occupied in the recent [June 1967] conflict." It also calls for the "termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force." Finally, Resolution 242 affirmed the necessity for (1) "guaranteeing freedom of navigation through international waterways in the area"; and, (2) "for guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones."

It is my conviction that the present Israeli leadership has no desire to retain territory acquired in the Six Day War,[1] except insofar as the possession of certain occupied territory contributes to the goal of "secure and recognized boundaries." This was a topic on which I heard the views of the Israeli Prime Minister and senior members of the Israeli Cabinet and armed forces. Such an impression is, of course, inevitably a matter of judgment, and it should be noted that there are individuals, and even political parties, within Israel who would press more extensive territorial claims. But the current government certainly, and the leadership likely to enjoy power for the foreseeable future, are unanimous on this point.

THE GEOGRAPHY OF ISRAEL AND ISRAELI SECURITY

It is almost impossible to travel within the pre-1967 borders of Israel without being continually in sight of territory formerly occupied by Arab armies. In Israel's largest city, Tel Aviv, more than half a million people live less than 15 miles from the formerly Jordanian village of Kalkilyah from which terrorist attacks and artillery were directed against Israel. The road from Tel Aviv to Haifa runs along a narrow strip of Mediterranean coast less than 10 miles wide at the point where the 1949 Armistice line with Jordan comes closest to the coast. The densely populated Upper Jordan Valley lies under the imposing shadow of the Golan Heights from which Syrian guns regularly shelled Israeli settlements prior to the Six Day War. The most precarious situation was that of Jerusalem, which was almost completely enclosed by Jordanian-held territory, except for a narrow corridor in the west through which there winds, along a route at points directly under the guns of former Jordanian fortifications captured during the June war, the vital highway connecting Jerusalem with Tel Aviv.

The military significance of the border changes that resulted from the Six Day War are apparent from little more than a glance at the accompanying maps. (Maps not printed in RECORD.) Before the war virtually all of populated Israel with the exception of a strip of Mediterranean coast around the city of Haifa was vulnerable to artillery in Arab territory with a range of 16 miles, or to Russian artillery rockets of the kind used so indiscriminately by both Arab and Vietcong terrorists. (It should be noted that the large area in Southern Israel shown on the map as beyond the range of Arab artillery is the virtually uninhabited Negev desert.) The northern and southern halves of the country could be divided by attacks from Jordan across the narrow coastal strip between Haifa and Tel Aviv. Although such an attack could not be carried out by the Jordanian army alone, the possibility made the introduction of other Arab armies into Jordan a possible *casus belli* and necessitated the organization of the Israeli army into separate regional commands.

The much narrower corridor connecting Tel Aviv and Jerusalem was subject to interdiction by even the Jordanian army alone. Along the Mediterranean coast the Gaza Strip provided a salient that enabled the Egyptian army to deploy barely thirty miles, along flat and sandy coast, from the city of Tel Aviv and Israel's major population concentration. In the south, an Egyptian push across the open Negev desert separating the Sinai from Jordan, in some places by only a few miles, could cut the vital port city of Eilat off from the rest of the country. In the north, the Syrian army, while too weak to use its topographical advantage to attempt a major assault on the centers of Israeli settlement around the Sea of Galilee and along the upper Jordan River, could nevertheless utilize this advantage to subject towns and farms to heavy shelling, shelling which could only be halted by a difficult assault up the steep Syrian heights and a consequently large number of Israeli casualties.

The problem of ground defense tells only part of the story. As the events of 1967 demonstrated, air power is potent in the Middle East, and the defense of Israel against air attack was almost impossible within the pre-1967 borders. Former Egyptian air fields at Al Arish are only 80 miles, or twelve minutes flying time, from Tel Aviv. These short distances not only mean that warning time is practically non-existent and opportunities for air defense severely limited, but they allow maximum flexibility for attacking aircraft in choice of payloads and attack routes and maximum time over targets. Syrian, Jordanian, and Iraqi air bases were located at greater distances from targets in Israel, but most of the length of their approaches was over Arab territory, with only a few miles, and fewer minutes, for detection and destruction over Israeli territory. The limited area of Israel made dispersal of her own air force difficult. Under these circumstances it is little wonder that the greatest fear in Israel during the crisis of 1967 was of catastrophic civilian casualties in air attack should the Arabs obtain even a temporary initial advantage if war were to break out. These strategic circumstances explain much of the instability in the situation produced by the 1967 Egyptian build-up in Sinai, and dictated the bold high-risk tactics of the Israeli Air Force in the opening hours of the war.

The old borders were insecure in one other important respect. Despite Israel's small area, her borders were extremely long and tortuous. This meant that infiltration could not be prevented by defensive installations and patrols, and reprisals were resorted to instead. While this had little to do with the instability of the crisis of May 1967, it had much to do with the increase in tensions that led to it.

ISRAELI SECURITY AND THE SIX-DAY WAR

The changes produced by the Six Day War were dramatic. While the area controlled by Israel increased from 20,000 to 90,000 square kilometers, the length of the land borders actually decreased from 600 to 400 miles. The artillery threat against Israeli population was removed everywhere, except for small areas south of the Sea of Galilee and around Eilat. The threat of artillery fire from Jordan and invasion of Gaza was removed. Instead of facing the Egyptians across the open border in the Negev, the Israelis now have the natural defenses provided by the Suez Canal and terrain which rises to the east of it. Instead of facing Jordan and Syria up steeply rising terrain, Israel now enjoys a topographical advantage as well as the natural barrier provided by the Jordan River.

The most important changes were probably those involving air power. The distance from Egyptian air fields to Tel Aviv has been increased from 80 to more than 250 miles, with a comparable increase in Israeli warning time and opportunities for anti-aircraft fire While air fields in other Arab countries are no further than they were before, control over a greater portion of the air routes from Iraq, Syria and Jordan greatly simplifies the problem of air defense.

The most important effect of these changes is that Israel is now able to confront an Egyptian army of 250,000 men with only a fraction of the force that was necessary in 1967 to face an Egyptian army in the Sinai of 180,000 men and barely half the armor and aircraft that Egypt has at present. Not only has the immediate threat to Israel's survival been removed, but the much greater freedom of maneuver which she now enjoys has enabled the fighting that has taken place since 1967 to be contained on a level below all-out war.

THE ROLE OF THE UNITED NATIONS

I cannot share the optimism of those individuals who envisage a prominent role for the United Nations as guarantors of a peace settlement in the Middle East. In Israel I found no interest, much less enthusiasm, for an arrangement under which the survival of the State of Israel might be entrusted to the United Nations.

The Israeli memory of the days leading up to the Six Day War is as vivid as my own, and they are understandably unwilling to risk a repetition of the abject failure of the United Nations to keep the peace in 1967.

In preparing this report I came across a statement I made on May 20, 1967, just prior to the outbreak of the June war. I said that: "Secretary General Thant has downgraded the United Nations and has done irreparable harm to its peacekeeping potential by his precipitate action in withdrawing the UN buffer that has helped keep the peace between Israel and the Arabs for 11 years."

I can find nothing in the record of the United Nations in the intervening three and one-half years that would cause me to revise that judgment. Indeed, my view then that the Secretary General had ". . . pulled the props out from under the precarious Near East peace," was all too clearly demonstrated sixteen days later.

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[1] All concerned parties are in general agreement that Jerusalem must remain unified under some arrangement guaranteeing the rights of Arabs and Jews and the security of and access to the holy places of the area.

THE IMPORTANCE OF DEFENSIBLE BORDERS AND THE "ROGERS FORMULA"

I believe that the argument for supporting the Israeli claim to defensible borders would be a compelling one, even if our doing so were not an obvious means of carrying out our pledge that Israel would not emerge from the August 7 cease-fire in a less secure position than she enjoyed prior to it. The simple fact is that the effect of the cease-fire has been to weaken the Israeli position in the event of a resumption of hostilities, and therefore to weaken as well its bargaining position in the Jarring (and any subsequent) talks.

The United States has taken the position that any settlement of the territorial dispute arising out of the Six Day War should be based on Israeli withdrawal from the occupied territories except for "insubstantial alterations" of the pre-war boundaries.

Precisely what is meant by the term "insubstantial alterations" is unclear. What is clear is that commitment by the United States to the general nature of a settlement in advance of negotiations was unnecessary and, I believe, unwise. Moreover, the public statement of this view, by weakening the Israeli position in advance, merely compounded the initial error of making gratuitous concessions.

It would be a grave mistake to apply the vague formula of "insubstantial alterations" in a manner inconsistent with the more fundamental notion of defensible borders—"secure and recognized boundaries" in the words of the UN Resolution. It would be much preferable to adopt a more functional formula—perhaps something like "the minimum territorial adjustment *consistent with the establishment of defensible borders*," but the precise formulation is of less consequence than the logic that underlies it. I am hopeful, in this regard, that the Administration shares the view that the interests of lasting peace, as well as the credibility of the American position, lies in the search for a more, rather than a less, secure agreement, and that the crucial element here is the physical security of any revised map of Israel.

For Israel to abandon the security of her present borders in exchange for ephemeral concessions from the other side would endanger not only Israel's survival, but the peace of the world as well. Behind the present cease-fire lines Israel has room to maneuver. She can cope with crises (such as acute rises in the level at which the war of attrition is prosecuted) without precipitate action and without resort to full scale mobilization.

If, however, after a peace settlement that fails to provide for defensible borders, the same Soviet-Egyptian forces now contained behind the Suez Canal were deployed along, say, the pre-1967 borders, Israel could not wait in readiness in a purely defensive posture. She would have to meet any acute threat with the same high level of mobilization that was necessary in 1967, a level of readiness that simply cannot be sustained for more than a few days. Unless the crisis which requires it can be resolved quickly by peaceful means, the result would be a repetition of the general war that engulfed the Middle East in 1967, but with a highly uncertain outcome. Along more rather than less defensible borders, therefore, the urgency of crises is substantially lessened.

I have chosen to dwell at length on the importance of negotiating defensible borders in the context of a general settlement because I believe that a failure to do so will provide the seed, and the incentive, for continued insecurity, tension and eventual war.

It seems to me that the "Rogers formula," with its emphasis on part of the UN Resolution (withdrawal from occupied territories) at the expense of the ultimately more significant element (secure and recognized boundaries) is short-sighted and ill-advised.

The stability of any agreement will depend, above all, on the extent to which it provides *physical* security for Israel.

Physical security, as the UN resolution implies, prominently includes the establishment of such measures as demilitarized zones. Given the fact that the routes eastward from the Suez Canal are few in number and of limited handling capacity, there is much that could be accomplished by the total demilitarization of the Sinai, provided that resort to this device is of genuine strategic significance and not a partial and merely symbolic offering.

A secure peace must involve a clear recognition by the Arabs that the existence of Israel is no longer at issue. It must not be possible for a peace settlement to be regarded as merely a tactical step on the road to eventual liquidation of the State of Israel. Calculated ambiguity is a frequent tool of diplomacy, but ambiguity on such a fundamental issue is dangerous. The acknowledgment in a peace settlement of Israel's "right to live in peace within secure and recognized boundaries" must be made in language and by procedures so clear-cut that no conflict in interpretation is possible.

But language alone is not enough. A settlement which relies only on language will be no more successful than the Kellogg-Briand Pact renouncing war as an instrument of national policy. That agreement was tellingly characterized by Senator James Reed of Missouri as "a sort of international kiss." A settlement of the Middle Eastern conflict must be more than an "international kiss." It must not only recognize Israel's right to "secure and recognized boundaries"; it must incorporate concrete arrangements that make clear in advance that any attempt to violate those boundaries would be doomed to failure.

I wish to be perfectly clear on my view of the importance of defensible borders for Israel. Obviously the choice is not between *defensible* and *indefensible* borders but, rather, between borders that are more as opposed to less defensible. Because I am aware of the deep distress of Egypt and Jordan over the occupation of parts of their territory, I tend to the view that Israel should press for only such territory as is absolutely essential for the purposes of national defense. Moreover, I believe that Israel should consider seriously the use of demilitarized zones rather than continued occupation wherever possible, and in the context of an overall settlement. My quarrel with the Rogers formula is that it appears to prejudge the extent of the alterations that would constitute defensible borders, diminishes the Israeli bargaining position, and, I believe, ultimately encourages the Arabs to adopt a rigid rather than flexible position.

National security, for Israel as for the United States, ultimately depends on political as well as military factors, and in this regard it is worth noting that in the search for security there is a trade-off between territory and external guarantees. The extent to which guarantees and territory are interchangeable is clearly a subject for negotiation, but neither United Nations forces nor those of third countries will have the permanence of topography.

CONCLUSION AND RECOMMENDATIONS

One of the central problems in our efforts to bring peace to the Middle East has been a preoccupation with the notion that the conflict between Israel and the Arab nations lies at the core of the instability we seek to alleviate. One result is that we have been far too sanguine in our hopes for Soviet cooperation in resolving that unhappy conflict.

The Soviets understand that a Middle East characterized by peace and harmony, by stability and cooperative Arab-Israeli relations, would deprive them of their access to the continuing penetration of the Arab world. A genuine peace in the Middle East would diminish the importance of Soviet military support to Egypt; Syria and Iraq would not require large numbers of Soviet tanks any more than Egypt would require the presence of the Russian Air Force if a secure negotiated settlement could be obtained. The unhappy truth is that the Soviets, far from urging the radical Arab states to make peace with Israel, are determined to keep tensions high and to nurture the distant hope that Israel will one day be destroyed. If the Arab states were ever to despair of the eventual destruction of Israel, and if they were left free to determine their own best interests, I believe that the problems of the Palestinians could be solved, Israel could obtain recognition for defensible borders, and the countries of the Middle East could set about the business of cooperating in economic and political development.

American policy in the Middle East has not been sufficiently sensitive to these considerations. We have often, and especially recently, acted on the assumption that because the Soviets do not want all-out war in the Middle East they must desire all-out peace. When we come to appreciate that between the desire to avert war and the desire for peace there is an enormous range of Soviet policy objectives, we shall have taken the first essential step in designing an effective Middle East policy.

Nothing is so likely to facilitate Soviet policy in the Middle East as a settlement imposed on Israel that leaves her in the vulnerable and exposed position that existed prior to the Six Day War. Such a settlement would guarantee that the tensions upon which Soviet policy is based would continue to be exploited with tragic consequences for Arab and Jew alike.

In summary, these are my recommendations:

1. We need to recognize that the central problem in the Middle East is the Soviet drive for hegemony, and that

2. The maintenance of a high level of tension between Israel and the Arab states is the primary vehicle by which the Soviet Union seeks to accomplish this objective.

3. We should assume, therefore, that for the foreseeable future the search for peace and stability in the Middle East will be resisted, rather than supported by Soviet policy.

4. We should recognize that the best prospect for peace in the Middle East lies in discouraging radical Arab hopes for the eventual military defeat of Israel—hopes that lead to a menacing and destabilizing alliance with the Soviet Union and that deepen Soviet influence in the region as a whole.

5. We should recognize, and make clear our determination to resist, the Soviet threat to our friends and allies in the Middle East, particularly Greece and Turkey, Iran and those moderate Arab nations who desire our support. To that end:

(a) We should actively encourage our NATO allies to join with us in a strengthening of our common defensive capabilities in the region; and

(b) We should take immediate steps to explore measures to increase the strength and effectiveness of the U.S. Sixth Fleet.

6. In the special case of Israel, whose security is directly and immediately affected by American policy, I would recommend the following:

(a) We should faithfully implement the basic policy expressed in Section 501 of the Defense Procurement Act of 1971—which is now the law of the land—to furnish to Israel the means of providing for its own security in order to restore and maintain the military balance in the Middle East.

(b) Recognizing that the Israeli economy can no longer sustain its recent high level of defense procurement, we should stand ready to assist Israel not only by credit sale but with grant aid for certain military equipment essential to her security.

(c) We should assist Israel in the development of an improved indigenous defense production capability in certain areas through the provision of production rights for equipment of U.S. manufacture.

(d) We should drop the "Rogers formula" of supporting only "insubstantial alterations" in the 1949 armistice lines, substituting, in its place, a formula that recognizes the primacy of establishing defensible borders for Israel.

(e) Our approach to a settlement should, above all, emphasize concrete, physical arrangements to assure Israel's security which, if imperiled, merely invites Soviet exploitation and plants the seed of future war.

MAN OF PRINCIPLE—RETIREMENT OF SENATOR WILLIAMS OF DELAWARE

Mr. HANSEN. Mr. President, this morning's edition of the New York Times calls attention to one of this body's departing Members, Senator John J. Williams of Delaware.

The editorial, entitled "Man of Principle," is a keen assessment of the important role Senator Williams has played in the legislative process for 24 years.

I commend it to the attention of my colleagues and ask unanimous consent that it be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record at this point:

Man of Principle

As a farewell gesture, Senator John Williams, Delaware Republican, has introduced a constitutional amendment making it mandatory for Federal judges and members of Congress to retire at 70. Mr. Williams, spry and active at 66, chose to step down this year rather than gain certain re-election to a fifth term, because another six years in the Senate would have brought him past his own deadline for retirement. It is possible to debate the exact age which should be set—and we think he is setting it too low—but Senator Williams is entirely right that judges and Congressmen should be subject to mandatory retirement.

Senator Williams has been a highly useful member, particularly in the exposure of official wrongdoing and in the unending struggle for ethical behavior in public office. Singlehandedly, he did much to break open the Internal Revenue scandals in the early 1950's and the Bobby Baker scandal a decade later.

We have disagreed with Mr. Williams on social and economic issues such as his opposition this year to President Nixon's welfare plan. But he has been the very model of a conscientious conservative. In his decision to retire at this time as in so much else in his public career, he has shown himself to be a man of principle.

STATISTICS CHANGE BUT NOT FBI DIRECTOR HOOVER

Mr. YOUNG of Ohio. Mr. President, the FBI, J. Edgar Hoover's private domain, is expanding its personnel adding thousands of employees and officials to this bloated bureaucracy. Recently with total personnel of 13,500 only 48 individuals were black. No integration here. In a nation of more than 20 million black Americans, two-fifths of 1 percent of FBI officials at that time were Negroes. Now with personnel gyrating to more than 19,000 and Senators being critical in recent years over this discrimination, J. Edgar Hoover has added some additional black employees so now the percentage is all of 1 percent.

Hoover complained that Attorney General Robert Kennedy during his last 6 months in office pressured him "half a dozen times to hire more Negro agents." He alleged Kennedy wanted him to lower FBI standards just to hire Negroes. He said he did not speak to Attorney General Kennedy during the final 6 months that Kennedy was Attorney General. Fancy that with the FBI Director supposedly a subordinate official in the office of Attorney General. J. Edgar Hoover cannot win any award for fair hiring practices.

ADDRESS BY EARL B. DICKERSON

Mr. STEVENSON. Mr. President, earlier this month I had the privilege of attending a dinner honoring Earl B. Dickerson. At the dinner, Mr. Dickerson delivered an address which reflects the vision, energy, and wisdom he has consistently displayed as a leader of the black community.

The address is at once a chronicle, an indictment, and a prognosis. It recalls Mr. Dickerson's personal journey out of the abject poverty of rural Mississippi and into a brilliant legal, business, and civic career; it indicts American society because "the accident of birth has demanded an unconscionable price for being black;" and it illuminates the goal of black liberation—"liberation to the extent that the whole of American society is open where the black man may decide for himself where he wants to live, to work, to educate his children, and to choose whom his friends will be." Far from being inconsistent with integration and interracial cooperation, Mr. Dickerson's conception of black liberation depends on them.

Because Mr. Dickersons' address will be of interest to all who seek equal justice and equal opportunity, I ask unanimous consent that it be printed in the Record:

There being no objection, the text of the remarks was ordered to be printed in the Record, as follows:

Remarks of Earl B. Dickerson on the Occasion of the 14th Annual Joint Negro Appeal Dinner Honoring Earl B. Dickerson, December, 6, 1970

To be allowed to address this prestigious assembly of concerned citizens is a privilege (for me) beyond all measure of expression. I am truly honored to be among you who continually demonstrate such a magnificent regard for the concept that each underprivileged child is *also* a very special and precious being that civilized society is obliged to nurture, to train, and to love.

I noted in an earlier news item announcing this 14th Annual Joint Negro Appeal Dinner that I was "Elder Statesman in civil rights and philanthropy in the Black community." I am not at all certain that I am deserving of so generous an appelation; but it is in the context of a dedicated observer and active participant in the struggle of Black America for over fifty years that I wish to share new memories this evening. I would like first to reflect upon those tumultuous past decades as they relate to the issues of race, and then briefly contemplate with you some premonitions and expectations of the future as it now begins to present itself—dimly luminous—like the horizon just before sunrise.

When I arrived in Chicago as a young boy in 1907—more than 63 years ago—I was filled with those youthful visions of a new found freedom that looked for a personal and tangible solution to the problems and injustices of life that had stricken my life as a child in Mississippi. It was my hope that behind me lay the denials of the rights and privileges of full citizenship—the lynchings and other unlawful cruelties that seemingly forever branded Black people with the marks of slavery and inferior citizenship. I was at that time intellectually unacquainted with the invidious national policy enunciated in the "separate but equal" doctrine proclaimed by the Supreme Court of the United States in 1896, in the now infamous decision of Plessy vs. Ferguson.

Then the country had sought to absolve itself from the curse of slavery through adoption of the 13th, 14th, and 15th Amendments to our Constitution. Yet, it was the failure of Reconstruction that preserved, and even accentuated the inequalities of Black citizenship, despite restoration of the unitary character of the American government, and establishment, in legal terms, the equality and freedom of all American citizens. While Lincoln proclaimed that this Nation could not endure half free and half slave, that is exactly how it had endured. As we entered the first two years of the 20th Century, there were 214 lynchings of Black men—the melting pot had been irreparably cracked.

For those of you in the audience old enough to remember, I will not recite the infinitely long list of ills that lie beneath the exterior surface of racial equality, and that render the United States a racist society. I am, however, aware of the so-called generation gap; and in that context, I would like to emphasize to our younger audience, who may have become politicized only during the sit-ins, the pray-ins, and the marches that we conducted during the early sixties; or since Watts in 1965; or even as recent as the deaths of the Black Panthers in December, 1969; that the struggle, the awareness, the cause celebre, did not begin with these more recent activities.

Whatever index of social and economic conditions we choose—employment, education, housing, health, or what have you—the struggle was embarked upon many, many years ago; and, for the most part, by unpublicized, unsung Black people.

I have injected this reminder not to put down the young people and their current attitudes, but simply to illustrate that we perhaps operate from different vantage points of observable, meaningful reality. This does not mean that one group is "a priori" shortsighted or lacking in historical perspective, and that another group is less militant or necessarily too conservative. I mean only that we may have different reference points by which we do, and will continue to judge objective facts.

Before moving into the main thrust of my remarks, I would like to comment just a bit further in connection with the widely promulgated generation gap;

The crises of the Great Western Industrial societies that occur from time-to-time throughout history are no mystery. They are capable of prediction, and have been analyzed and explained by many of the great socio-economic thinkers. The one outstanding feature of these crises is the fact that there is much room for argument among the various schools of thought, I do not believe that anyone will argue, regardless of his vantage point on either side of the gap, that progress is bad. The divergency of views stems from a hard look at the system by which that progress has been and is being made. The posture of our young people, it seems to me, suggests that the system, in its short-sighted quest for gain, has wasted both men and nature. A mounting increase in the crime rate, extremes in social and economic inequality, neglect of basic social needs, personal alienation, internal disorder and war, are manifestations of the system for which they are desperately seeking a remedy. There can be no question that in the face of all this, our leadership generally has failed us dreadfully, I personally join them in their assault upon the alloy of inflexibility and hypocrisy that continue to stifle the implementation, protection, and advancement of human values. To the young people and those who join them, I say, "right on"! And hopefully, you have room for me within your ranks.

Oddly enough, it was for many of these very same reasons that I initially fled the South. You must realize that just as the "Man of LaMancha", my dreams were not soon to be realized. I found, along with all the other Black people in search of better economic opportunities in the big cities, that our emigration gave rise to the concentrated Black community within the city—a kind of "sovereignty within a sovereignty." The concentration of Blacks in housing with a specified area, however, was not the result of fortuitous events or choice, but one of sinister design. This pattern of segregation was sanctioned in a number of municipalities, like Louisville, Baltimore, and Atlanta, where the Black population was growing; and by 1912, the first group of laws condoning racial separation in housing were enacted. Patterned after the legal actions used to isolate and exclude the Chinese on the West Coast of the United States, these racially restrictive laws gave rise to the exploitation, extreme congestion, poor sanitation, poor health, and high mortality which were to become hallmarks of the urban Black man.

Employment opportunities were almost non-existent, except for the more menial and onerous of tasks. Notwithstanding the poor prospects for securing satisfactory employment, Blacks continued to migrate to the cities and, thereby, further exacerbated what was, at best, sub-marginal social and economic prospects. Family disorganization and dissolution were natural consequences of the difficulties faced by Black Americans.

When no relief from these aggravated problems could be expected from local and State governments, Black people naturally turned to Washington for legislative solutions. However, there was no respite to be obtained from that quarter. The muckraking activities of the "Teddy" Roosevelt Administration which vigorously attacked corruption, dishonesty, privilege and exploitation in high places, would only counsel the Black man to be patient; that time and education were the only solutions to his problems.

In addition to the violence of poverty, illiteracy, and ghetto confinement, lynchings and wholesale terrorism became a very important component in the system of punishment for Black people in the United States. To be sure, most of the violence occurred in southern States, but the north was by no stretch of the imagination "Simon Pure"; and notably those states comprising the midwest contributed significantly to the total disregard for law as applied to Blacks.

The "Door of Hope" was slammed shut. While we were preparing to make the world safe for democracy, the first Congress of the Wilson Administration considered and unparalleled number of bills proposing discriminatory legislation against its minority citizens. Fortunately, most of the bills failed; but Mr. Wilson, not to be outdone, among other things, signed an executive order that segregated Black employees of the Federal Government, in terms of eating and rest room facilities. This action was negotiated to freeze Blacks for the next forty-five years at the lower end of Federal employment.

It was not until the onset of World War II that the first feeble attempts were made to erase some of the sordidness from the picture of Black life in America. Under the leadership of President Franklin Roosevelt, the first Fair Employment Practices Commission was established; to which I was appointed as a member. It may be argued, however, that the FEPC move was predicated more upon wartime expediency and a concern for the growing disaffection among the Black electorate, than a deep humanitarian desire to correct the inequities of "separate but equal."

It was also during the '40s that the first successful major attack upon the use of racially restrictive covenants as a device to preserve segregated housing was made. In the case of Hansberry vs. Lee that I argued in the Supreme Court of the United States in 1940, the first concentrated attack against racially restrictive covenants was made involving the city of Chicago—the Southside of Chicago, known as the Washington Park Racetrack Subdivision. For the first time, Blacks were able to move into the 26 square block area bounded by 60th Street to 63rd Street, South Park to Cottage Grove. This was our first penetration into the area continuous to the University of Chicago. The Hansberry decision became the basis for the subsequent decision in Shelley vs. Kramer (1948) which held that Federal and State courts may not enforce restrictive covenants. This inimical device had been defeated for all time.

We turned the corner in the 20th Century saga of the Black man in the United States on May 17, 1954. The Supreme Court, in Brown vs. Board of Education, ruled in brief "that in the field of public education, the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal." This truly monumental legal victory provided Black Americans the long sought vehicle that would, hopefully, provide them access into the mainstream of American Life on an integrated basis equivalent vis-a-vis their White counterpart. For the first time, it established a new national policy of integration, rather than separation of the races.

Following the Brown decision, Black Americans from every region of the land actively participated in the all-out effort to embellish and add new dimensions to the Civil Rights picture. His own willingness to campaign actively, aggressively, and without fear of physical reprisal characterized the new militant in the struggle for first-class citizenship.

What became immediately apparent to those involved was the age-old lesson taught by men such as W. E. B. DuBois, who, very early, determined that in the pluralistic history of the United States, the ability of a minority to advance in the face of majority prejudices depends upon its ability to develop a countervailing power. We have observed this concept in practice for years in the Irish, Italian, Polish, and Jewish communities. It is really astonishing that so conventional a concept, when raised in the Black community, evoked so bitter a controversy. The slogan "Black Power" has been subject to a variety of interpretations, ranging from Civil War to geographic apartheid. Yet, our lives have been influenced to a greater or lesser degree by "Political Power", "Labor Power", "Military Power", and a host of others. For me, and for millions of other Black Americans, the concept of Black Power was no more malignant than an attempt to establish race pride, ethnic identity to restore a modicum of dignity to blackness, and to define the direction Blacks were to move, in order to obtain first-class citizenship status.

Despite the national polemic that grew all out of proportion surrounding Stokely Carmichael's cry in that Mississippi schoolyard in 1966, just what are the facts of life for the great masses of Black people?

Although there were some perceptible economic improvements in a small segment of the Black population, the United States Bureau of the Census reported in 1967 that the costs of being Black continued to be severely demanding. The median incomes for both Whites and Non-whites (consisting mainly of Blacks, but also containing other minority representations) indicate that income increases are directly related to the attainment of higher levels of education. The differences in median incomes as a function of education levels cited in that report measure one aspect of the continuing cost of being Black. The incremental differences range from over $1,000 in annual income for a person with less than a full elementary education, to almost $3,000 for a person with less than a full high school education. Sixty-eight per cent of Non-white families fell into the category of those with less than a full high school education or below. The smaller income earned because of lower educational levels for the Non-whites is further compounded when applied to the extremely complicated and rarely quantifiable social costs they must additionally pay. In the area of unemployment, the picture even today is equally alarming.

In November of this year, the Bureau of Labor Statistics (of the Department of Labor) released figures that indicated young Black workers are suffering their worst period of unemployment since 1963. Although there has been a steadily rising unemployment rate for the total national civilian workforce during the year, the jobless rate among Black teen-agers rose to a calamitous 34.9 per cent.

Although a controversy raged between Dr. W. E. B. DuBois and Booker T. Washington as to the most practicable and effective type of education for Black people, they were, nevertheless, agreed that only through an improvement in the quality and levels of education would the complete assimilation and acceptance of Blacks into American life be facilitated. This controversy, you may recall, began at the turn of the Century. Yet today, 67 years after the DuBois-Washington polemic, and 16½ years following the Brown vs. Board of Education decision, our children, for the most part, continue to attend segregated and distinctly inferior elementary and high schools. These conditions are aided and abetted by an equivocating and vacillating administration policy on school desegregation, compounded by a failure to enforce the law.

Is there any wonder, as one listens to these few examples of impoverishment, or to the interminable list of failures haunting the history of the Black man in America, that the overwhelming frustrations accompanying his impotence have not, from time-to-time, been accompanied by violence?

The assassination of Dr. Martin Luther King in April of 1968 set into motion a tidal wave of civil disturbances that engulfed the country. In response thereto, a disturbed nation commissioned some of its best minds to study and report on the causes of those disturbances. The National Advisory Commission on Civil Disorders of which our own Governor Otto Kerner was Chairman, highlighted in a number of ways what we have always known: the fact that the accident of birth has demanded an unconscionable price for being Black.

In delineating the historically futile attempts to reduce the social and economic costs of color the report finally concludes that:

1. Riots were not just discovered; or, for that matter, even in recent years. The United States has an extensive history of racial violence, and an equally long history of failing to cope with its causes.

2. Black people have been victimized by White violence throughout their history in

this Country. The movement to attain full equality has only recently erupted into violence.

3. The causes of violence are summed up in the term, "White Racism"; and include all of the obvious and the more subtle forms of race prejudice in education, employment, housing, and the administration of justice.

In short, the report describes a repetitive process over a long period of time. Black people, since emancipation from slavery, have attempted to assert, largely through nonviolent means, their rights as full and free citizens of the country in which they were born. And it is an uncommonly sad reflection upon American Society that each time these claims for freedom have been made, they have been met with an intractable resistance—usually violent—from the Whites.

Today, as we are about to close-out the first year of the new decade of the seventies, Black people in America continue to find themselves with not a great deal of hope: divided, polarized, and alienated from the National Administration—an administration that follows the Southern Strategy, and whose leader was quoted as having remarked that he would follow a middle course between "two extremes": between instant desegregation, and segregation forever!!

The disaffections of the Black community are being currently expressed in the debate over Integration versus Separatism. Some of you may have read recently where the Congress of Racial Equality announced the abandonment of integration as an effective technique for achieving its goal in favor of a separatist posture. I have frequently said, and say now, that we as a people have been literally separated for over 350 years; and presently, integration is not a fact in American life. But, on the other hand, for those who prefer to engage in divisive absurdities by supporting the notion that our problems will be solved if we collectively move into a separate state, or leave en masse for Africa, I must summarily dismiss them as being tragically misguided.

We have contributed too much of our blood, sweat, and tears to insure the gains our Country has enjoyed; and we have certainly shared all out of proportion in its failures, to be willing to throw in the towel at this juncture.

For over fifty years, as was mentioned earlier, I have been dedicated to the ultimate attainment of an integrated society as the means for solving this Country's racial dilemma. But for the past several years, now, I have seriously questioned whether integration per se is the appropriate answer. During this time, I have been extremely impressed with the intellectual search for an outward expression of "identity"—the kind of personal awareness that, at once, establishes ethnocentric roots where only superficial ones existed before and, at the same time, creates a new kind of unifying awareness among Blacks—a unity which had been traditionally repressed by devices that tended to keep us "other-directed".

I think most of us now recognize the underlying fallacy in the concept of total integration was the assumption that there is something fundamentally wrong with being Black; and, hopefully, through integration, we should divest ourselves of the stigma by constantly diluting our blackness. When viewed in the light of this "new identity", one begins also to see, by extrapolation, how the few viable institutions we as Black people have, would falter, and ultimately disappear.

The economic theory of Black Capitalism, the elimination of powerlessness, and the concept of "Liberation" recently enunciated, all imply these conclusions.

I am more than ever, convinced that the idea of "Liberation" should become the national goal for Black Americans—Liberation to the extent that the whole of American society is open where the Black Man may decide for himself where he wants to live, to work, to educate his children, and to choose whom his friends will be. I believe that we should rally to this approach to freedom, opportunity, and right; not only for ourselves, but for all Americans.

In the pursuit of "Liberation", we must continue to seek to align ourselves with interested White Americans, and maintain those healthy relationships which have assisted our progress throughout the years. There is only one stipulation that I might add; and that is, the necessity for Black people to become full and equal partners in any alliances that may be developed. To do otherwise would perpetuate the myth that has enslaved us for the past 350 years.

It will be crucial and essential for us to be concerned with the institutions outside, as well as those we hope to develop and sustain within the Black community. For example, I think it to be quite obvious that if all the businesses in the ghetto areas of Chicago were owned and operated by Black people, it would meet a pitifully small percentage of the employment and economic needs of our people.

We must acquire responsible positions at the decision making and policy levels of management in those institutions which dominate America, and greatly affect the social and economic development of a large portion of the Western World. We must do this, as well as seek to control our own local institutions.

I hasten to add that such a program cannot approach success without collective and cooperative intergroup action, as well as individual efforts. No single brain, however capacious or inventive, will be able to sketch out, in its infinite detail, the final plan for "Liberation". No single life will be able to supply all the experience that will be required. No single eye, however far-seeing, will be adequate to forecast the future. No single being, Black or White, however exalted, will be able to prevail over the complexity of prejudices that abound. Our final Liberation will only be accomplished through the deliberation of many, many minds, the patient comparison of many disparate views, the reconciliation of diverse interests, the surrender of obstinate personal predilections, the balancing of forces, the matching of action and reaction of genuine debate that broadens visions and engenders the deeper, lasting commitment. Only then will our objective have been won.

Finally, as I sincerely express my deepest thanks to all of you here this evening, it must be forever clear, to Black and White alike, that Black consciousness, Black institutions, and even Black Power, are not an anathema to an open, "Liberated" society. Nor do they, in any measure, connote Black separation.

Such are my thoughts tonight. Let us go forward from this 14th Annual Dinner of the Joint Negro Appeal determined, as we view the dawn dimly luminous on the horizon, that we shall achieve Liberation and, thereby, make freedom and equality a final reality in our great land—today!

It may be well to close with these prophetic words from Dr. DuBois:

"One ever feels his twoness—an American and a Negro.
Two souls, two thoughts, two unreconciled strivings
Two worn ideals, and one dark body, whose dogged strength keeps it from being torn asunder.
The history of the American Negro is the history of this strife—
This longing to attain self-conscious manhood,
To merge his double self into a better and truer self
For he simply wishes to make it possible for a man to be
Both Negro and American."

RETIREMENT OF JUDGE SIMON E. SOBELOFF

Mr. HOLLINGS. Mr. President, on December 31, 1970, Simon E. Sobeloff, Judge of the U.S. Court of Appeals for the Fourth Circuit will be retiring marking the end of a distinguished legal career spanning more than half a century. For the past 14 years Judge Sobeloff has served on the fourth circuit bench serving as chief judge from 1958–1964. Having practiced law in the fourth circuit and appeared before his court, I can attest to the high degree of professional and administrative ability of Judge Sobeloff. He has been a most able and scholarly judge and his decisions demonstrate a most competent and conscientious man who approached his legal responsibilities with a spirit of openmindedness as well as understanding of the difficulties of our legal processes.

From the time Judge Sobeloff graduated from the University of Maryland Law School in 1915 to this day he has served as a dedicated public servant. From city solicitor of the city of Baltimore to Solicitor general of the United States to chief judge of the U.S. Court of Appeals for the Fourth Circuit, Simon E. Sobeloff has served his Nation and his profession with distinction and devotion.

I wish him happy retirement and know he will enjoy the feeling of having performed a life of excellence in service to the bench, the bar, and the Nation.

THE SUPREME COURT'S DECISION LOWERING THE VOTING AGE IN FEDERAL ELECTIONS

Mr. McGEE. Mr. President, I count myself among those who welcome the Supreme Court's decision of yesterday upholding Congress action in lowering the voting age to 18, if only for election of Federal officers. There are, of course, many ramifications to this decision. For those of us with the responsibility, it would seem to me, the job now is clear. We should move ahead expeditiously to provide, through a constitutional amendment to be proposed to the States, for a uniform voting age in all elections in all parts of this great Nation.

The expansion of the franchise to young adults 18 and over has had my support continuously, Mr. President, and I will support efforts to further expand this principle to State elections. My own State recently rejected a proposal to lower the voting age, as did some others. Significantly, however, the proposition did obtain more than a majority of the votes cast, indicating, I feel, a genuine appreciation by most present voters for the ability of today's youth to participate responsibly in our democratic processes. Certainly, youth has a stake in American democracy. And no generation has been better prepared by age 18 for such participation. Credit is due, I think, to our educational system and to the mass media, which have helped to inform and involve today's young people in the events of their Government at all levels.

Mr. President, the movement to lower the voting age has been a long one, marked by some successes at the State level along the way. Now, I believe, we have reached the benchmark from which the final effort can be successfully launched to provide all Americans 18 and over with the right to vote for the public officials who will guide their Government's policies at all levels.

I AM A CARD-CARRYING AMERICAN

Mr. STENNIS. Mr. President, on a recent trip to Mississippi, I was pleased to learn of a patriotic new project adopted by the Public Relations Association of Mississippi. The association is sponsoring an "I Am a Card-Carrying American" campaign which, I believe, is worthwhile and which I think, if successful, would rekindle the fire of "love of country" in thousands of hearts across this land. The project has the endorsement of many of the business leaders of the State of Mississippi and, although the effort is nonpolitical, many government leaders have also endorsed the program.

I would like, Mr. President, to quote a few lines from an explanation of the project as put out by the Public Relations Association of Mississippi:

> I Am a Card Carrying American was designed for the sole purpose of hearing from the majority and to give the opportunity as an individual to reaffirm their faith and allegiance to the United States of America.
>
> This is a positive project for every individual man, woman and child in our Nation. A program that is non-political, nonsectarian, and non-racial. It is a project of the people.

Mr. President, I noted that as part of this project each card-carrying American receives a kit which includes an American-flag lapel pin, and other paraphernalia, including a pledge signed by each member, a copy of which is sent to the President of the United States. That pledge simply says:

> I acknowledge: That to have a good America I must actively be a good American. That for every legal and moral right there is a responsibility. I cannot long retain the freedoms that I as an American enjoy unless I am willing to accept my individual duties and perform them—in the true American spirit.

Mr. President, I am convinced this project has potential in that it could create a renewed national interest in the flag and for those precepts for which it stands. I am proud a group such as this has undertaken this project, and doubly proud that it was started in my home State of Mississippi.

A DAY WE TURNED OUR BACKS

Mr. HRUSKA. Mr. President, national attention was riveted on the recent incident of outrageous conduct on the part of those who permitted a Lithuanian would-be defector to be forcibly removed by Soviet seamen from a U.S. Coast Guard cutter.

The shocking conduct on the part of those in charge of the American vessel is most difficult to understand. Irate citizens from my State and from other States have protested. Among those who did so editorially was our one-time valued and very effective Senator from California, William F. Knowland. Now busily engaged with the Oakland (Calif.), Tribune, he found time to devote one of his editorials to the subject.

Mr. President, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A DAY WE TURNED OUR BACKS

> President Nixon was reported to have been "outraged" over the conduct of those who permitted a would-be Lithuanian defector to be forcibly removed by Soviet seamen from a U.S. Coast Guard cutter Nov. 23.
>
> There was little in the official reports on the incident yesterday from the two governmental agencies involved to mollify either the President or any American citizen proud of our nation's history and traditions—of the very fact that America was colonized and founded as a sanctuary for those fleeing from Old World political oppression and persecution.
>
> The incident occurred as the U.S. Coast Guard cutter Vigilant and a Soviet trawler were moored together off New England. A luckless Lithuanian radio operator aboard the Russian vessel, Simas Kudirka, 35, leaped aboard the Vigilant and begged for political asylum.
>
> Several hours later, incredibly, Soviet seamen were permitted to come aboard the U.S. ship, search out the hiding Kudirka, and—according to witnesses—beat, kick and drag him back to the Soviet trawler. U.S. Coast Guardsmen reportedly stood by without interfering, despite the man's pleas on bended knees for help.
>
> The gist of one official report yesterday, from Secretary John A. Volpe of the Transportation Department—which administers the Coast Guard—was that "before this incident the Coast Guard had not received from the State Department guidance as to general policy with regard to defectors."
>
> The official State Department report based most of its own defense on alleged confusion over just what was taking place aboard the Vigilant, and when. The State Department report did acknowledge that some time after being notified the incident was in progress it in turn informed the Coast Guard "that the possible defector should not be encouraged and noted the possibility of a possible provocation."
>
> What, if anything, the official explanations have explained remains a mystery.
>
> Why any American, particularly a military officer—as Secretary Volpe suggests—should require "guidance as to a general policy" on whether to unhesitatingly grant at least temporary asylum to a man pleading for a chance at freedom, is an even deeper mystery.
>
> "Mother of Exiles" is the name Emma Lazarus gave to the Statue of Liberty in her famous sonnet, and it fits. Through the years, the United States has welcomed thousands of foreigners fleeing persecution in their native lands. Most recently, they have included thousands upon thousands of refugees fleeing persecution in Nazi Germany, Communist Hungary and Fidel Castro's Cuba.
>
> If America means anything to oppressed people the world over, it means that somewhere in this world—although perhaps practicably unreachable—a place does exist where hope and freedom awaits them.
>
> Simas Kudirka dared to reach out for that promise and had it in his grasp, only to see it wrenched back again through the indifference and inaction of a simpering bureaucracy whose apparent first concern was to caution against "a possible provocation" and whose last concern apparently was the history and tradition of a proud nation which once was able to boast to the entire world that it was the land of the free and the home of the brave.

A WALK IN THE WOODS

Mr. PELL. Mr. President, on Thanksgiving Day, there appeared in the Providence, R.I., Journal an engaging and delightful column by Bradford W. Swan telling of the joy of a walk in the Rhode Island woods after a holiday dinner.

As we approach another holiday, I hope my colleagues will find a moment to read this column, entitled "Why Not a Walk in Woods?" and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY NOT A WALK IN WOODS?

(By Bradford F. Swan)

> If you find you can no longer stand the hurly-burly of the holiday household with its confusion, its floods of visitors and relatives, its screaming children, and its piles of dirty dishes, take to the woods.
>
> And this advice goes for not only the males of the household but also the over-worked females, be they devotees of Women's Lib or just tired housewives or active teenagers.
>
> Seriously, aside from offering peace and quiet, a walk in the woods in the winter can be just as rewarding as in any other season of the year, and, in a sense, the ways in which it is different from a spring, summer, or fall walk, make it even more pleasant.
>
> For instance, in winter the woods are less crowded, most of the outdoors people having taken to the ski slopes, the skating rink, or the snowmobile. If you just walk, or snowshoe, or go ski-touring, you can have whole forests to yourself, and the calm and peace thereof passeth all understanding.
>
> Almost the only sounds you hear in the winter woods are the booming of the big winds which set the frost-stiffened trees a-creak and the rattle of dry branches rubbing and scratching upon one another. Birds do not sing and the little animals go silently about their business without the usual chatter and scolding. But both are there and the bold chickadees and busy nuthatches sit on branches almost within touching distance, as though glad of your company in their silent world.
>
> Before the snows come it is fascinating to discover how much you can see in what a casual glance would tell you was a dead—or sleeping—world. For instance, I was a grown man before it dawned on me that the oaks don't drop their leaves the way other deciduous trees do. Their brown and sere leaves hang on tenaciously, many of them until the bursting of buds in spring push them from their precarious hold. They rattle away in the winds of winter with a ghostly hissing. Since so much of our hiking territory in Rhode Island is covered with scrub oaks, this leaf business is something you'll notice on a winter walk.
>
> Then, too, every now and then the carpet of old fallen leaves opens up and things worth noticing appear. For example, you can frequently spot a cluster of the light green, leathery leaves of a creeping mayflower plant. Of course there are the Christmas ferns which remain green all winter, and so, strangely, does the common woodfern which keeps its snow-burdened fronds until another season. The little rock-crop also remains green, a spot of color against the dull brown of fallen leaves and the gray of the rocks on which it lives.
>
> Pipsissewa gets greener than ever, it seems to me, when fall rains wash away the dust of summer. For red there's the checkberry carpeting the green mossy areas. Ground pine trails among the dry leaves, and of course the mountain laurel remains green and shiny all winter. In fact, it isn't until the deciduous trees have shed their leaves that

one realizes how much of the forest world is evergreen—and that doesn't include our softwoods, the pines and hemlocks and spruces.

Before the first snows, too, is the best time for the trail-cutter to go to work. With the trees bare of leaves you can see a long way in the woods and you can line up a trail better than any other time of the year. The fallen leaves may obscure the footway but they are nowhere near as bad about this as a foot or two of snow will be; then you can't even discern boulders and ditches.

And when that first tracking snow comes, another fascination is in store for the winter hiker. Here is a whole new "book" to be read. You can see where the shrew marched on tiny feet, where the red squirrel gnawed voraciously on a pine cone, gobbing the seeds and spitting out the hard brown "petals."

If you see a set of tracks no bigger than a cat might make that seem to go straight about their business, with no side excursions, you're on the trail of a fox. The fox always seems to know where he wants to go and often his tracks will run straight as a die for as far as you can see.

You can see where the rabbit ran, and the deer, and it is great fun to read this writing in the snow that the beasts and birds leave as they move around through their wintry world.

Ah, and the peace and quiet! How wonderful after the jubilation around the Christmas tree and the groaning board!

ANNOUNCEMENT OF POSITION ON VOTE

Mr. PEARSON. Mr. President, when the vote came last night on the effort to override the President's veto of manpower training bill, S. 3867, I was necessarily absent. If I had been present and voting, I woud have voted "nay," to sustain the President's veto of this legislation.

I ask unanimous consent that the permanent RECORD be changed to reflect this position.

THE AUTOMOBILE EXCISE TAX

Mr. HART. Mr. President, back in October 1917, the Congress enacted a temporary emergency excise tax on the manufacture of motor vehicles to help finance World War I. The tax on passenger cars, cars at that time being considered a luxury, was finally repealed in May 1928, along with the tax on buses; the truck tax had been repealed 2 years earlier. That action set some kind of a track record for "temporary" excise taxes on automobiles—less than 11 years from enactment to repeal.

In June 1932, a desperate effort was being made to balance the budget in accord with the best economic thinking of the times. Congress felt that people who could afford the luxury of new cars in the middle of a depression could well afford to contribute to this effort, and the motor vehicle excise was "temporarily" reestablished at a 3-percent rate. With the imposition of other luxury taxes to finance our mobilization for World War II, the tax on passenger cars was raised to 7 percent in October 1941—again, purely as a "temporary" wartime measure. Ten years later, the rate was raised to 10 percent—but only as a temporary measure, you understand, to help finance our share in the Korean hostilities. Indeed, the measure even provided that the rate would automatically fall back to the "temporary" World War II rate once hostilities ceased.

Most of us here know the story. The legislative history of a decade shows nothing but a series of annual temporary extensions of the 10-percent rate.

Finally, in June 1965 Congress passed and the President signed a bill eliminating most of the World War II excise taxes, only 20 years after the end of that war. The exceptions were automobiles and telephone calls, both of which it was decided to phase out rather than eliminate immediately.

The rate on automobiles was reduced to 7 percent retroactive to May 15, 1965, with the provision that it drop to 6 percent for 1966, 4 percent for 1967, 2 percent for 1968, and 1 percent after January 1, 1969. The drop to 6 percent took place on schedule, but by that time the costs of the war in Vietnam were mounting. And once again we heard the old refrain.

At the administration's request, Congress restored the 7-percent rate from March 16, 1966, through March 31, 1968, but with a firm promise that the rate would drop to 2 percent for the rest of 1968 and to 1 percent after January 1, 1969. The ultimate goal of the 1965 legislation would be achieved.

In 1968, we again postponed the reduction and extended the 7-percent rate through 1969. We made another firm commitment to our constitutents, however; this time we promised the rate would drop to 5 percent in 1970, 3 percent in 1971, 1 percent in 1972, and the tax would be eliminated by January 1, 1973.

Everyone knows what happened last year. We postponed everything for 1 more year—but we pledged that the rate would drop in 1971, again in 1972 and 1973, and the tax would be abolished after December 31, 1973. I submit, Mr. President, that this move just about exhausted the patience of the public.

Now, once more, we are being called into the breach. We are told that we cannot afford to honor the commitment we made only last year. The 5-percent rate we promised for the coming year must be put off until 1974, and further reductions are to be interminably delayed. As recently as 1968 we vowed that the tax would expire by the end of 1972. Now we are telling the American people that this was only a pie-in-the-sky dream of ours, not to be taken seriously, but that it might—it just might—come true by 1982.

The principal maxim of 17th century taxation, and earlier for all I know, was "pluck the goose where it squawkes the least." This cynical principle, Mr. President, is about the only reason for the continuation of a manufacturer's excise tax on automobiles. We have endured it now, at the present temporary rate or higher, for just over 30 years. It provides a nice amount of revenue, one which no government would like to relinquish. On an average car listing retail for $3,200, the manufacturer's excise tax is about $170; by the time this gets pyramided up with local taxes and finance charges on the excise tax itself, it costs the retail customer over $200. But in the excitement of buying a new car, the average customer is far more likely to damn the manufacturer or the dealer for this element of cost than he is his Congressman or Senator. So we can get away with it.

Let us make no mistake about this—if we pass this proposed extension, this latest in a long series of broken promises to the American public, it is because we think that once we can "get away with something" one more time. Mr. President, I submit that the integrity of this body requires us to reject such an attitude—that at the very least, we must honor a commitment made by the Members of this very Congress in our own first session.

Are there any reasons other than senatorial consistency for carrying out a pledge made only last year? If there were not such reasons, my plea to you would be for simple consistency. I would only say that we should stop this charade of postponing year after year for a quarter of a century a promised reduction in the automobile excise tax.

But there are good reasons for getting rid of this tax as soon as we can. A new automobile might possibly have been a rich man's luxury in 1917; perhaps even in 1932, when most people hardly knew what the income tax was, one could argue that anyone who could buy a new car could pay some tax on it; and in 1940 the tax could be justified as a means of reducing the demand for cars, so that manufacturers would have facilities available for defense production. Today the automobile is a very basic necessity to most of our population, and the tax hits hardest those who can least afford it. And no one would argue that we need to reduce automobile consumption as a defense measure. Historical rationales for the tax no longer apply.

Beyond equity, however, the state of the economy offers a powerful argument for staging out this tax. The Nation's unemployment rate is high and rising, and at the same time we are faced with both wage and price inflation. Under the circumstances, it is instructive to review the argument offered by Secretary of the Treasury Fowler to the Senate Finance Committee for elimination of the "temporary" excise taxes:

> But an equally compelling reason for the elimination or reduction of many of these selective excises is that they are incompatible with a tax system that leaves the private economy the maximum opportunity for growth. These taxes were imposed largely in war and emergency in part to restrain production and consumption in the taxed products and services and encourage the transfer of the material and manpower resources dedicated to these products to other areas deemed more essential to the war effort. Imposed in part for this reason, it is only logical that they should be removed as a part of a normal peacetime economy. This removal of a burden on the private sector will bolster the economy in a particularly valuable way since it will strengthen the competitive forces in the marketplace, and it will entail significant price reductions, thereby contributing to wage-price stability.

These were good words when they were spoken in 1965, and they make sense today. Our need is even greater than it was then for policies which will leave the private economy the maximum opportunity for growth, strengthen competitive forces in the marketplace, and through significant price reductions contribute to wage-price stability. The presently scheduled elimination of the automobile excise tax is the type of policy which will contribute to these goals.

Therefore, Mr. President, both consistency and sound economic reasons demand that we let the automobile excise tax fall to 5 percent on January 1, to 3 percent in 1972, to 1 percent in 1973, and to disappear entirely by 1974. If anything, we should speed up the phaseout of this tax, I do not know how other Senators may vote, but I cannot in good conscience vote in favor of any further delays in this matter.

THE ATTACK ON THE TOBACCO INDUSTRY

Mr. COOK. Mr. President, this is the Yuletide season. The spirit of peace on earth and goodwill toward man reigns throughout the world. Even the protracted bitterness and violence of real war pauses as if in deference to the Prince of Peace. In the Middle East, the guns are silent. In Southeast Asia, the guns are silent.

But sadly, there is no peace, or even temporary truce, in the Senate as unremitting vendetta continues to be waged against the tobacco industry and the tobacco farmers and workers and manufacturers who supply the demand for the millions of Americans who consume the product.

Last Friday, the Senator from Utah provided this body with an example of such a shocking attack. Its unfairness would have required an answer at any time. But coming just at this time of year it becomes a compelling duty to decry its extreme bias, bitterness, and verbal violence.

Quite obviously, the Senator from Utah believes he is engaged in a war against this perfectly legal product. And equally obviously, he believes that all is fair in war and that the ends justify the means. But, Mr. President, the Members of this deliberative body should know better than most that the ends do not justify the means. They should know that even war—real or symbolic—has rules. And they should take to heart Oliver Cromwell's plea to the Long Parliament when he beseeched them "in the bowels of Christ, think it possible ye may be mistaken."

Let me then try to point out some of the facts that cast serious doubt on his opinion that tobacco is linked with problems of health. I call this view "an opinion" advisedly, because, Mr. President, it is simply not a fact.

Item: While the left hand of the Department of Health, Education, and Welfare is attacking cigarettes, the right hand is pointing to another possible culprit. The National Center for Air Pollution Control states the following:

> Deaths from lung cancer have been increasing rapidly in recent years, and while many factors are probably involved, the striking difference between the urban and rural mortality rate for lung cancer points to one of them—air pollution. The rate in our large metropolitan areas is twice the rural rate, even after full allowance is made for differences in smoking habits. The death rate from lung cancer is apparently directly proportional to city size, and the same can be said, in general, for levels of air pollution.

Item: The President's Council on Environmental Quality in its first annual report also recognizes that there is more complexity to the question of the causes of chronic disease than the antitobacco lobbyists' oversimplification. For this distinguished body has declared the following:

> The causes of chronic diseases which constitute the major public health problems of our time are difficult to determine. Assessing the contribution of particular pollutants to these conditions is complicated by the seemingly infinite variety of pollutants to which persons, particularly those in urban areas, are exposed from the day of their birth. And it is difficult to separate pollution from the other biological and physical stresses to which people are subjected.
>
> Nonetheless, it is well established that air pollution contributes to the incidence of such chronic diseases as emphysema, bronchitis, and other respiratory ailments. Polluted air is also linked to higher mortality rates from other causes, including cancer and arteriosclerotic heart disease. Smokers living in polluted cities have a much higher rate of lung cancer than smokers in rural areas.

Item: A respected financial publication, Barron's, has over the weekend published a comprehensive review of the so-called war against tobacco, which I request permission to insert in the Record. Its concluding paragraph, however, is worthy of quotation at this point, because it reveals the end of the road along which the antitobacco careerists' good intentions are taking the American people:

> What began as a well-intentioned, if perhaps misguided, effort to educate the citizen thus has escalated into an exercise in authoritarianism, the effects of which threaten to ripple far and wide. As *Barron's* years ago observed: 'With reformers education frequently seems to turn into coercion. Perhaps it's significant that the first attack on cigarettes was launched in Nazi Germany (which grudged the foreign exchange needed to buy tobacco); that it was embraced by Sir Stafford Cripps and his fellow blue-noses of British Labour; and that it has become at least semi-official in the so-called Great Socity . . . The public interest, as we have said before, covers a multitude of sins, from the venial to the deadly. Smoking may be a minor issue, but contempt for due process of law looms large."

Mr. President, this is the road that prohibitionists diverted this Nation into traveling at the end of World War I. Styles change and the new thrust is aimed at advertising. Do not prohibit the product, say the neoprohibitionists—prohibit its advertising. But the intention is the same.

The Senator from Utah may be forgiven if he cannot recognize the doubt about the scientific evidence against cigarette smoking. The same cannot be said for his inability to remember the confidence he had in the tobacco industry at the time it volunteered to go off the broadcast media. "I have no doubt that the cigarette industry will undertake its commitments in the highest of good faith," he said then.

Indeed, last December he attacked the broadcasting industry's attempt to delay the end of broadcast cigarette advertising. He said:

> It is a repudiation of a commendable and statesmanlike effort of the cigarette industry to achieve self-regulation, a principle which I am confident is in the best American tradition and is to be preferred by responsible legislators of all parties.

I agree with my colleague's views of the tobacco industry at that time. But I cannot agree with—and I do not see how he rationalizes—his latest charge of "unconscionable hucksterism running amuck in the cigarette industry."

Is it unconscionable hucksterism to voluntarily go off the air in order to avoid having their advertising reach children who are such inveterate television viewers? This is what the tobacco industry did.

Is it unconscionable huckersterism for the tobacco industry to voluntarily propose to list the tar and nicotine content in all of the remaining advertising left to them? That is what this industry is at this very time trying to work out with the Federal Trade Commission. Is this industry's initiative not another "commendable and statesmanlike effort of the tobacco industry to achieve self-regulation" to use the words of praise of my distinguished colleague from Utah?

Mr. President, the world we live in is indeed, a troubled place. The temper of our times works against calm and dispassionate consideration. Neither life nor legislation can be based on simplistic solutions which are based on less than the full facts. We cannot in good conscience do to an entire industry—farmers, workers, manufacturers, and consumers—what we could not and would not do in a court of law to a criminal. We cannot condemn the accused until we have proven his guilt. The trial is not yet over, the verdict is not yet in. So why are so many men who know better—or should know better—ready to impose sentence?

My words may have little impact on my colleague, although I hope that they will. But perhaps he will read once again an editorial from a great newspaper in his own State of Utah, the Salt Lake City Tribune:

> Unless tobacco itself is outlawed, simple logic dictates it must be permitted to advertise. If discrimination is allowed against one individual or industry the door is opened for discrimination against all.

Mr. President, I ask unanimous consent that the article and the editorial be printed at this point and conclude my remarks with its eloquent statement.

There being no objection, the editorial and article was ordered to be printed in the Record, as follows:

[From the Salt Lake Tribune, July 24, 1969]

Smokescreen Hides Danger

By "volunteering" to withdraw cigarette advertising from radio and television by 1970, the tobacco industry has temporarily removed some of the heat being applied by the Federal Communications Commission, the Federal Trade Commission and a group of congressmen under the de facto leadership of Utah's Sen. Frank E. Moss.

But the basic issue posed by cigarette advertising has not been faced: Can the government, in apparent defiance of First Amendment guarantees, bar the advertising of a legally grown and marketed product? If so, what is to prevent it from also banning advertising of other products and services which can be shown to be dangerous under some circumstances?

It is obvious anti-smoking forces do not intend to stop with their initial victory. Already plans are being shaped to bring pressure on other media to severely restrict or eliminate cigarette advertising. After that what?

For more than 50 years the automobile has been killing and injuring people and, unlike the cigarette, there is not the slightest doubt about the motor vehicle's capacity for dealing death. Will the same people who worry so much for cigarette smokers have equal concern for drivers and pedestrians?

Will aspirin, swimming pools, razor blades, step ladders, high fat foods and any number of other products that can and do cause death and injury follow the cigarette into advertising limbo?

We suggest the current furor over cigarette advertising is an over-reaction to the 1964 report of the Surgeon General's Advisory Committee on Smoking and Health which established a statistical link between smoking and various ailments but failed to show how the diseases were caused.

A population conditioned from infancy to believe that smoking was slightly sinful and somehow unhealthy was easily convinced that proof of the latter belief was now at hand. Smoking became a ready-made target for politicians in search of a cause, for social uplifters, health addicts and anyone else eager to proclaim and profit—politically or otherwise—from the clean life. In the resulting stampede to get on the side of the pure some basic rights of the other side were violated or ignored. So were some important facts of life.

Advertising helps persuade people to smoke. That's its mission. But arrayed against commercial advertising is a host of anti-smoking persuaders that neutralize the commercials. The final choice rests with the individual who either takes the calculated risk of lighting up or decides against it. That is freedom of choice. Products legally sold must be permitted to advertise. Unless tobacco itself is outlawed, simple logic dictates it must be permitted to advertise. If discrimination is allowed against one individual or industry the door is opened for discrimination against all.

[From Barron's, Dec. 21, 1970]

Plague of Censorship: Worse Things Than Cigarettes Threaten the Body Politic

Mr. MAXWELL. "Our next speaker is Doctor William B. Ober, attending pathologist at Beth Israel Hospital, New York. . . . He is also a special consultant for the National Cancer Institute and the Veterans Administration Hospital.

Dr. OBER. "Thank you very much, Mr. Maxwell. I was very pleased when you started off today's proceedings with a reference to James I. . . . He was the man who set up a committee to translate the Bible, resulting in the King James version, which is a perfectly respectable piece of work. But like the work of so many other committees, it has had to be revised ever since. . . . I am very curious to know what the next committee, if they appoint a new committee in the Surgeon General's department, will come out with. Because a great deal depends upon who sits on that committee. . . .

"As was pointed out by a gentleman who is much more expert on statistical methods than I, most of the data relating smoking to lung cancer is based upon a statistical association. People like yourselves, who are analysts much more accustomed than I to using computers, are familiar with the term, 'IGO, garbage in, garbage out. The input in most of these studies has been based upon death certificates. Death certificates at best have a margin of error of about 25% and at worst I would say about 50%. If you put in that sort of garbage, you are going to get garbage out, and that is precisely what they have gotten."

While it may be news to the Federal Communications Commission, which last week ruled to the contrary, the issue of smoking and health, far from lapsing into the realm of the non-controversial, is still very much alive and kicking. Six months ago the New York Society of Security Analysts held a roundtable, chaired by John C. Maxwell, Jr., of Oppenheimer & Co., featuring several authorities whose views (life the foregoing) clash violently with those of the U.S. scientific establishment. Thus, Theodor Sterling, professor in the Department of Applied Mathematics, Washington University (St. Louis), after detailing a number of inconsistencies and contradictions in the famous 1964 Surgeon-General's Report, concluded: "I think that the role of cigarette smoking in causing health problems is far from easy to understand. Certainly we are not ready to make any quantitative claims about how much disease is caused by how much smoking." According to Dr. Louis Soloff, chief of the Division of Cardiology at Temple University, a good many studies, including one recently published in the official journal of the American Heart Association, disclosed no relationship between smoking and the incidence of coronary artery disease. To quote the blunt Dr. Ober: "As a matter of cold, hard fact, there is considerably more scientific basis to the statement that sexual intercourse is a primary factor in the cause of carcinoma of the cervix than there is for any statement regarding the cause of any form of cancer of the lung. But I haven't heard anybody come out with a program against (it)."

With respect to their convictions, the eminent panelists plainly would rather fight than switch. Right or wrong, these days they have plenty of company. Despite massive tax increases and a barrage of exhortation to kick the habit, carried free of charge over radio and television, domestic consumption of cigarettes in 1970 showed a small but significant increase (abroad, where Washington persists in promoting the sale of American tobacco, the gain was larger). Meanwhile, opposition to Big Brother's heavy-handed and coercive tactics lately has mounted apace. In early December, six radio stations, claiming violation of their Constitutional rights, brought suit in U.S. District Court to nullify the Public Health Cigarette Smoking Act of 1969, which, effective January 2, prohibits broadcasts of cigarette advertising. Again, upon learning last week that the FCC, under a brand new interpretation of the much-abused Fairness Doctrine, will allow stations to continue officially-inspired propaganda, without rebuttal, while banning commercials, several tobacco companies promptly sought legal redress. No matter how allegedly beneficient, despotism is a cancerous growth. The filthy weed may or may not be harmful to one's health. To the body politic, which depends for its existence on the rule of law, the spreading abuse of authority can be fatal.

What has happened to date is enough to make anyone, even inveterate non-smokers (like ourselves), sick. Three years ago, in what we viewed at the time as an alarming decree ("Dangerous Lengths," October 2, 1967), the Federal Communications Commission ruled that its so-called Fairness Doctrine, originally designed to ensure unbiased coverage of politics, also applied to cigarette commercials. Since then every plug for Marlboro Country, or "Springtime—it happens every Salem," has been matched by a public service message inveighing against the evils of smoking. (One unforgettable spot, which made Winston seem like a paragon of good taste, featured a TV performer actually in the terminal stages of lung cancer.) With much huffing and puffing, Congress last year passed the Public Health Cigarette Smoking Act of 1969, which, after New Year's Day makes it a misdemeanor, punishable by a fine up to $10,000, to "advertise cigarettes on any medium of electronic communication subject to the jurisdiction of the FCC." The agency, in turn, last week, decreed that as of the same date, radio and television stations no longer must broadcast antismoking appeals. If they choose to do so, however, they need not give equal time to the tobacco industry. As the FCC blandly explained, cigarette smoking no longer is a matter of public controversy. The issue, in short, has been officially settled.

Faced with this judgment from on high, the Tobacco Institute somehow has missed the chance to put out a press release saying simply: "And yet it moves." We're pleased to fill in. More to the point, eminent men of science continue to voice loud and clear their dissent from the new dogma. During last year's Congressional hearings, 42 witnesses by no means all of them in thrall to tobacco interests, appeared or filed statements before the House Interstate and Foreign Commerce Committee questioning the claims against smoking. At last June's Security Analysts' seminar, the skeptics made a highly persuasive case. Thus, Professor Sterling observed: "Smoking habits of populations in different countries appear to be completely unrelated to differences in lung cancer mortality. For instance, the highest known lung cancer rates occur in Austria, Czechoslovakia, England, Scotland and Wales. The United States, Canada, South Africa, Australia and New Zealand report roughly one-tenth of the lung cancer rates that are found in these other countries. And the smallest lung cancer rates are in such countries as Italy, France and Israel. Yet the per capita smoking rates are by far the greatest in the United States, Canada, South Africa, Australia and New Zealand. They are probably the lowest in Austria and Czechoslovakia. And they're somewhere in between in England and France."

Here is what Dr. Milton Rosenblatt, president of the Medical Board of Doctor's Hospital, New York City, and associate clinical professor of medicine at New York Medical College, had to say: "Lung cancer has been known to exist for 150 years, or more than a century before cigarette smoking became popular. During the 19th Century hundreds of articles and theses on this subject were published in the European medical journals. The clinical manifestations of the disease were fully described by English and French; physicians and the basic pathologic concepts were established in Germany before the era of cigarette smoking.

"It is significant that the lung cancer that was prevalent a hundred years ago had the same biologic characteristic as that currently observed. In both periods the disease occurred predominantly in men and in older age groups. Despite the prodigious increase in cigarette smoking by women during the past four decades, there has been no encroachment on male predominance. If cigarettes contained a lung cancer producing substance, the effect should have manifested itself by this time with a comparable rise in female lung cancer and a reduction in the sex ratio, which still remains at about six males to each female."

The last member of the panel, a lawyer whose firm has represented several tobacco manufacturers in tobacco and health litigation, made perhaps the sharpest point. "Because of my firm's involvement in these cases, I've become acquainted with the evidence available on both sides. I've also become quite aware that no case has ever been lost by any of the cigarette manufacturers, nor has any case ever been settled. . . . There have been many claims made against the cigarette companies by the Public Health Service, voluntary health organizations and others. Those who make such positive charges should be able to prove them. When the so-called proof has been made available and has been examined and has been taken into account, and open hearings have been held, I believe that the evidence submitted has been found to be lacking . . ."

Whatever the FCC may pretend, the issue of smoking and health, in our book at any rate, remains wide open. In consequence, the new twist which the Commission is seeking to give the Fairness Doctrine, as well as the legislation that inspired it, strikes us as indefensible. Regarding the latter, plaintiffs' attorneys point out that production and sale of cigarettes (and even the shipment of federally subsidized tobacco abroad, to foreigners who thus presumably are encouraged to contract lung cancer and the many other ills to which flesh is heir) are not against the law. By the same token, cigarette advertising in non-electronic media—magazines, newspapers, billboards, matchbox covers, car cards and skywriting—for the moment at any rate (the measure contains a thinly veiled threat of further Congressional usurpation) is legal. Hence, persuasively argue the radio stations, the restriction which uniquely injures their business is a piece of "arbitrary, capricious and invidious discrimination." As to the FCC ukase, the industry's petitioners make an equally powerful case. The decree, they charge, runs counter "to the entire course of Commission and judicial decisions interpreting and applying the Fairness Doctrine"; violates various sections of the Communications Act of 1934, notably one prohibiting "censorship"; and falls afoul of the First Amendment to the Constitution, which, even with respect to matters officially deemed closed, guarantees the right to freedom of speech.

RANK HATH ITS PRIVILEGES

Mr. YOUNG of Ohio. Mr. President, Colonel Barr, a wing commander of the 40th Supply Squadron in Aviano, Italy and Colonel Monnesette of the same outfit have taken extraordinary good care of their families according to an indignant wife of another officer. She and her husband were assigned to a beaten-up cottage and had to purchase furniture and furnishings out of their own pocket, of course. Not so the two colonels, she reports. Colonel Barr and his wife moved into a three-story home with spacious grounds. That home also was in a bad state so the base civil engineers spent some thousands of dollars to put the house and grounds in order. When a new toilet seat was not exactly the right shade to suit the lady of the house, additional money was spent. These items were paid for by our taxpayers ostensibly for the base but immediately diverted to embellish the colonel's home. Colonel Monnesett's home received two crystal light fixtures, unit cost $169, 10 other light fixtures $75, exhaust fan $43, two medicine cabinets total cost $47.70, and other items—grand total of this one order $507.01. This, according to indignant Americans in this outfit who added to the furnishings of their quarters at their own expense, was only a partial list of items paid for out of the "barracks funds" for the personal enjoyment and comfort of the colonels and their ladies. It includes only the cost of the materials, and does not include the costly man hours of labor which were expended by base employees on orders from officers to deliver and install these items.

When Wheelus Air Force Base in Libya closed down, shipments from the deactivated base arrived in Aviano, including five large air-conditioning units. The senior officer in charge made no records or at least kept no records of receiving these five large and expensive air-conditioning units. Only three are left. It is said that two colonels "liberated" two units for the use of their families. In reality this is a theft for personal and private use of these two expensive units.

ARCHIE MANNING ON CITIZENSHIP

Mr. STENNIS. Mr. President, a young Mississippian in a talk before a group of high school students recently, reminded them of some very sound and basic principles, which, if followed, would be of great benefit to all the young people of the Nation.

The young gentleman to whom I refer is Archie Manning, an outstanding athlete at the University of Mississippi. He is a superior leader and a person of splendid character with a high sense of responsibility.

The fact that he was picked as third runnerup in the Heisman Trophy balloting to select the best football player of 1970 is evidence of his ability as an athlete.

The substance of his remarks indicates that he not only is wise for his years but that he is capable and willing to use his influence in a very effective way to help other young people meet the very serious problems that have become so much a part of their lives daily.

In his remarks to these young people, he emphasized the hazards of drug use and impressed upon them the responsibilities that each of us has to ourselves and to our society.

In this day when we must offer our youth the best in young leaders, I commend this young man most highly for his very sound philosophy and for his willingness to share it with others and ask unanimous consent that his remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Excerpts of a Speech Made by Ole Miss Quarterback Archie Manning in His Hometown of Drew, Miss., Friday, July 17, 1970.

Citizenship is very similar to an athletic contest.

To compete in life requires the same kind of preparation to compete in football or any other sport. To be successful in either requires full preparation. You must prepare yourself in such a way that you can do your best at all times.

To be successful, in citizenship as in athletics, it is necessary to train faithfully, which requires self-discipline and often makes it necessary to give up some pleasures that would be temporarily pleasant but, in the long run, would defeat your effort.

One of the most important parts of preparation is obtaining an education and much of the success you have later will be determined by how well you apply yourself during the early stages of your life.

In life, as on the athletic field, you should always strive for excellence and do the very best you can with what you have. At first, it may seem that you can accomplish very little, but everyone has some talent which can be developed through determination, dedication and with responsible guidance which is always within reach of those who really want to try.

There is another very important similarity between preparation for citizenship and preparation to compete on the athletic field. Each participant must respect and obey the rules. It would be impossible to conduct an athletic contest if all the contestants obeyed only the rules with which they agreed and felt free to violate those rules which stand in their way.

No athletic contest could be successfully conducted if those who are participating refuse to accept and abide by the rules of the game.

We must never forget the rules of society must be followed. This means that laws must be obeyed. If the rules of football are unsatisfactory, the way for change to be made is through proper appeals to the rule-making authorities, not by attacking the referee whose responsibility it is to enforce the rules. The same thing is true in life. The way to change laws is through influencing law making authorities in a proper way and not by attacking those whose duty it is to enforce the law.

One of the most valuable assets an individual can have is a keen mind and a strong body. Young people should especially keep this in mind in our present society where the opportunity and temptation is growing to seek pleasure and entertainment by doing things that harm both the mind and body. For instance, an entire life can be ruined in the few moments that a young person experiments with narcotics. The temptation may be great to be *"in"* and to do the *"thing"* with everyone else and it sometimes will take courage to do the *right* thing instead of doing the *"in thing."*

THE RETIREMENT OF SENATOR SPESSARD HOLLAND

Mr. JACKSON. Mr. President, I have had the proud privilege of serving with Spessard Holland for 18 of his 24 years in the U.S. Senate.

He brought to the Senate a distinguished record of service. He was an outstanding student in college—Phi Beta Kappa. He had a distinguished combat record in World War I, receiving the Nation's second highest award for valor, the Distinguished Service Cross. He was an outstanding member of the Florida bar. His public service began as a prosecuting attorney, subsequently a county judge, followed by service in the State senate before becoming Governor of Florida.

This distinguished soldier, lawyer, scholar, statesman brought to the Senate one of its finest and keenest analytical minds. He has a special ability to get to the heart of an issue, supporting his position with the best of logic. He has given real meaning to debate in the Senate. He can disagree with you without being disagreeable.

This warm, friendly, conscientious, modest, dedicated colleague will be sorely missed in this body. Mrs. Jackson joins me in extending our felicitations and best wishes to Senator **Holland** and his wonderful wife, Mary, as they return to Florida.

YOUNG IN MORE THAN NAME

Mr. McINTYRE. Mr. President, the thought that there are only a few days left for the privilege of serving with the senior Senator from Ohio saddens me.

I will miss **Steve Young**.

I will miss his wit, his probing intellect, his sense of integrity, his honesty and his consistent willingness to take up the cudgel for the underdog.

He and I have served for some years on the Armed Services Committee, and he has been a willing worker, a helpful counselor, and a dedicated member of my Subcomittee on Research and Development.

The reports of his age are grossly exaggerated, Mr. President, for his is more than a surname—it is a most apt description.

May his years in the future bring **Steve Young** the rewards he so richly deserves.

Best of luck, **Steve**.

FAST ACTION BY HUMBLE HELPS SOLVE PROBLEMS CREATED BY EXPLOSION

Mr. WILLIAMS of New Jersey. Mr. President, on December 4, the Humble Oil & Refining Co. plant in Linden, N.J., was the scene of a major explosion. The cause of that explosion has yet to be determined but investigators are looking into the possibility that a case of sabotage may be involved.

Regardless of the cause, what followed after the explosion forms the basis of a dramatic story both of human courage and human understanding. When flames soared, seemingly out of control, the officials and employees of the plant demonstrated their training and their courage in fighting the fire. That courage and expertise was duplicated by firefighting and police agencies in the area. The actions of all of those people helped to avert the possibility of greater tragedy.

To their great credit, the mangement of the Humble Oil & Refining Co. responded with equal dispatch to take care of the human problems created by the explosion. Many windows were smashed and properties damaged by the force of that blast.

People whose properties were damaged quite naturally feared that a long period of time and much redtape would be involved before they could settle their claims.

However, Humble, while the flames from the explosion still flared, moved to set up the machinery to provide the settlements which would enable property owners to make repairs.

Already, thousands of claims have been settled. The reports that have reached my office indicate that those settlements have been most satisfactory.

Mr. President, I think that the events following the December 4 explosion should not pass unnoticed. They represent an outstanding example of a corporation recognizing the problems that even one broken window can present to an individual homeowner.

I have received a letter from Mr. Leon T. Kendall of Elizabeth, N.J., which expresses sentiments shared by many, many residents of the area.

Additional details on the explosion and aftermath were contained in an excellent article which appeared in the December 12, 1970, issue of Business Week magazine.

Mr. President, I ask unanimous consent that the letter from Mr. Leon T. Kendall and the article from the December 12 edition of Business Week be inserted in the Record at this point.

There being no objection, the letter and article were ordered to be printed in the Record, as follows:

Elizabeth, N.J.,
December 15, 1970.

Hon. Harrison A. Williams, Jr.,
Old Senate Office Building,
Washington, D.C.

Dear Senator Williams: I want to bring to your attention the splendid job the Humble Oil Company did to help the local residents of New Jersey affected by the damaging blast and fire at their Linden plant on December 4. Their response was prompt, efficient and most sensitive to the needs of the people affected by the near catastrophe. The enclosed article from *Business Week* magazine, reporting how the company organized itself to respond to the needs of people, tells one side of the story. Even more vital to those of us in Elizabeth, is the human side of the story, the specifics of how the company's plans worked out in practice.

Consider my own experience. On Sunday afternoon, within fifteen hours after the 11:00 PM Saturday night blast, I was boarding up broken windows at the home of my elderly parents. There was a knock at the door. It was Humble's insurance adjustor with pad in hand going door-to-door ready to survey damages, to record them and explain to people still in a state of shock how Humble would make things right. By Tuesday, in less than 48 hours, a dollar settlement offer (considered generous by almost all) was made by phone to those with damages, and in our case accepted. The Saturday morning mail contained a check that will finance the necessary repairs.

When one considers the magnitude of the damage, the area it covered, and the frustration and mental anguish which could have ensued, I believe that Humble has earned and deserves recognition for the good corporate neighbor they proved to be. I cannot underestimate how much this action meant to my parents and relatives who actually were advised by police to evacuate their homes, at midnight, did so, but spent the night out of the danger zone with me, fitfully tossing and turning with worry that their home of fifty years at any minute might be no more.

Sincerely,

Leon T. Kendall.

The Refinery Blast That Rocked Humble

"Yeah, listen good. I'm going to tell you a message about Esso refinery once, hear. Get it right the first time. Esso was lucky last week. This time it's going to burn, baby, burn. Got that, pig?"

An hour and a half after those ominous words were telephoned to the Linden, N.J., police department late last Saturday, the sprawling, 1,700-acre refining and petrochemical complex just across a narrow channel from Staten Island was rocked by a shattering detonation, followed by a searing inferno so intense that the glow could be seen in the black sky 40 mi. away.

Large crowds were attracted to the flames like night insects to a bulb, but to the employees at the refinery, the immediate challenge was to get the refinery—a spaghetti-bowl of interconnecting pipelines—"off stream" and out of operation before fire spread to hundreds of storage tanks, ranging in capacity from 40,000 to 60,000 bbl.

The blast went off in the processing unit area shortly after 11 p.m., wiping out parts of the main refinery and severely damaging the four-story main office building, an employee locker room, a cafeteria, and a quality control lab. The crude-distillation and conversion units in the main processing area were obliterated.

About 200 employees were on the grounds of the refinery, which bubbles round the clock producing gasoline, jet fuel, asphalt, and heating oil. Almost all the workers were inside the central control room, a concrete-block structure, and miraculously escaped injury. But six, working outside, were hurt. Local hospitals reported admitting 31 other nearby residents with injuries mostly cuts from flying glass. During the day, 750 of the 1,400 employees would have been on the grounds.

REFLEX

Immediately after the blast, shift superintendent Frank Staneck triggered a "general alarm" procedure. One phone call went to an outside answering service, with lists of employees to alert. The service called the members of the refinery's rescue squad, the winner eight weeks earlier of a "world championship" rescue competition in Atlantic City. Unit supervisors, staff people, and medical personnel were alerted. Then the operators went on to a list of top plant management.

At 11:40 p.m., plant manager Fred Westphal reached the refinery. By that time, he says, "our emergency procedures were already being implemented by plant personnel." Within two hours the plant was almost completely shut down. By 4 a.m., some 500 employees, trained in firefighting, had the flames under control. By 5:30 a.m., the fire was confined to a couple of small areas.

Almost as soon as Westphal got to the plant, he was on the phone to Humble headquarters in Houston. By 6 a.m., Humble Vice-President Oral Luper was on the scene with a representative of Humble's adjustment service. An hour later, the refinery released a special telephone number for damage claims. By midweek, 3,000 nearby residents had phoned it with claims.

REROUTING

In Houston, Humble supply manager Terry A. Kirkley launched a study of the options open to several tankers bound from the Gulf Coast with crude for Bayway's docks on Arthur Kill. Rather than tie up the crude, arrangements were made to sell one tanker's cargo on the open market while several others were rerouted.

With both Bayway and its sister petrochemical complex—a big producer of ethylene—shut down indefinitely, Humble began a study of the supply possibilities for its Northeastern marketing apparatus. They will have to be supplied either from other Humble refineries, inventory at Bayway, or products purchased from other refiners if Humble is to protect its share of Northeastern markets.

Meanwhile, Westphal this week formed a six-man committee to probe the cause of the blast. While Humble tended to play down the sabotage threat, Linden police, federal agents and state officials were poking through the rubble seeking evidence to confirm that the blast was no accident.

THE MARINES IN THE BATTLE OF HUE

Mr. BELLMON. Mr. President, recently it was stated on the floor of the Senate that we are top heavy with too many generals, and that in some instances we seem to reward our generals for their blunders by promoting them.

These comments are contained in the Congressional Record for December 10, 1970, on page 40810.

This opinion, Mr. President, is consistent with a previous comment found in the Congressional Record on page 32827, dated September 21, 1970. In those remarks, the distinguished senior Senator from Ohio called for the restructuring of the military of this country based on mistakes recorded in history, and as an example alleged errors by our commanders at the Battle of Hue during the Tet Offensive of 1968. In particular, I would like to correct the Record as it relates to Marine actions and conduct of operations leading to the recapturing of the city.

In the September 21, 1970, issue of the Congressional Record on page S16019, the next to the last paragraph in the third column on the page cited, reference is made to the Marine Corps operations in the vicinity of Hue during the 1968 Tet Offensive in South Vietnam. Much of the information on which the remarks were based was, I believe, in error.

While the paragraph in question correctly stated that the Vietcong held the Citadel in the center of the old imperial capital for 26 days, it is not true that the Marines "attacked the Citadel with frontal assaults day after day and night after night, sustaining heavy losses in killed and wounded to the extent that the Marine brigades involved had suffered so severely it was necessary to withdraw them from combat and to allow time to train the large numbers of replacement marines."

During the fighting in Hue, news media used the term "Citadel" to refer to both the old walled city and the old imperial palace grounds which lie in the southern part of the walled city.

Regardless of which location was intended in our colleague's remarks, the fact is that no frontal assault was made by Marine units on the Citadel. Initial U.S. Marine Corps operations in support of the recapture of the old city were confined to attacking Vietcong and North Vietnamese units holding the city south of the Perfume River. RVN units were given the task of clearing the old city. Our tactics were designed to block enemy access to, and egress from the walled city on the south, while Vietnamese forces were retaking the old city.

On February 11, after a request for assistance from the RVN commander, a battalion of marines was inserted by helicopter and landing craft into the northeastern portion of the old walled city. The mission assigned this battalion was to clear enemy forces from the southeastern quarter of the walled city, a sector which did not encompass any part of the old palace grounds. This one battalion, which operated within the city, did not frontally attack the old palace grounds but attacked on an axis parallel to the palace in order to isolate the enemy stronghold.

Our units engaged in the battle of Hue, did not have to be withdrawn from combat "to allow time to train the large number of replacement marines." All of the Marine battalions that had been committed to action in Hue successfully completed their missions and were, upon termination of hostilities in and around the city, assigned to new sectors of responsibility in the 3d Marine Division area. None of these battalions required more than 3 days relaxation, and refurbishing from the Marine Corps Base at Phu Bai before again being in contact with the enemy in their newly assigned sectors.

In summary, RVN forces were assigned the principal mission of recapturing the old imperial city, which they did with assistance from one Marine battalion that was employed in isolating the enemy stronghold. The bulk of the Marine forces were utilized in isolating the city of Hue. In no case were Marine tactics a series of "frontal assaults day after day and night after night."

ALBERT GORE—A PRINCE OF THE SENATE

Mr. McINTYRE. Mr. President, when I came to the Senate nearly a decade ago, I was a good friend and great admirer of the late Senator Estes Kefauver, of Tennessee.

It was not long after I began my service here, however, that I came to know and respect Senator Kefauver's colleague from Tennessee, Albert Gore.

I found Albert Gore was a Prince of the Senate—probably its finest present-day orator. He used his great talents to gain the admiration of his colleagues for his advocacy of causes he believed in and legislation he felt strongly should be adopted. He displayed brilliance in his efforts.

Albert Gore is a warm person and delightful as a companion. He is modest about many things but not in his love for and belief in the Senate.

I was shocked by the verdict of November 3. It brought to a close 30 years of candor, wit, and vitally needed humanity in the Senate.

Albert Gore will be sorely missed.

Whatever Albert and Pauline Gore plan for the future, I know their hopes and desires will be crowned with happiness, health, and accomplishment.

LITTLE CHRISTMAS JOY FOR POW FAMILIES

Mr. BROOKE. Mr. President, sounds of joy, sounds of laughter, sounds of a very present Christmas fill the air across our great land and much of the world. But to a special few Americans there must be no little cacaphony where the rest of us hear melody.

To the wives and families of those Americans—some 1,500 of them—who are missing in action or prisioners of war of the North Vietnamese, Christmas is less a time of pure joy than a time of renewed hope. They must replenish their spirits at this time of year to brace themselves for the grim weeks and months ahead.

And at this time of year, a time of family sharing, they must take on the added degree of courage to make certain that their inner concerns and inner griefs are not allowed to destroy completely the happiness of their children and others with whom they have daily and close contact.

There is nothing we can do for these people that would have more effect than to continue our every effort to bring their men home quickly. Failing that, to give these families the knowledge that their men are being given humane and decent treatment would bolster their spirits and add to their Christmas.

PENTAGON SCARE TACTICS

Mr. YOUNG of Ohio. Mr. President, annually during the past 12 years, I have observed when the Defense Department appropriation bill is before the Senate for debate and vote, Pentagon spokesmen try to scare the daylights out of us. Just recently they exerted all pressure possible claiming that unless more billions are spent on weaponry, then by 1974 or 1976 will come the terrible fate of our Nation being No. 2. How frightening. One wonders if tremendous nuclear superiority is so essential to a nation, how come the Soviet Union has gone along so well in second place during the past 25 years? The truth is Russian leaders have been concentrating on raising the standard of living of their own people. We Americans should give top priority to doing just that for our own people.

LATE, LAMENTED PLAYING FIELDS

Mr. BAKER. Mr. President, I was delighted to learn yesterday that the New York Times had momentarily abandoned its endless consideration of Charles Reich's book, "The Greening of America," in deference to an unusually thoughtful opinion about something whose fault lies in the very fact that it is too green.

I refer to a piece of opinion called "Late, Lamented Playing Fields," which appeared on the op-ed page of the Times in the December 21 editions. The statement is by Thomas C. Jorling, minority counsel of the Committee on Public Works and a guiding spirit in the work of that committee on environmental legislation.

The University of Tennessee was among the first universities to install artificial turf, where, after then-Coach Doug Dickey, it was affectionately known as "Doug's Rug." As Tom Jorling acknowledges, the turf does have its strong points.

I think it is hard to overestimate the importance of competitive athletics. They provide a context within which the great values of our civilization are expressed and nurtured: Fairness, discipline, courage, endurance, cooperation, strength, example. Moreover, sports give us an arena for channeling natural aggressiveness and competitiveness into constructive modes of endeavor.

Mr. President, so that our colleagues may have an additional opportunity to read Tom Jorling's article in the New York Times, I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Late, Lamented Playing Fields

(By Thomas Jorling)

Superstadiums, most graphically represented in the Houston Astrodome, have been popularly accepted as a "good thing." The dissent expressed here is based on a judgment that superstadiums are not mere playing fields for athletic events but rather facilities drastically modifying the nature and character of the sporting events held there.

Let us start with artificial turf. In addition to allegedly reducing injuries, artificial turf always looks green on color TV (a commercial value), requires very little groundskeeping care and management (a commercial value), and avoids the need for tarpaulins and the labor associated therewith (a commercial value). But what else? Artificial turf reduces variables in baseball, football or whatever other event is conducted on its surface. No longer do we have a distinction between "mudders" and dry field runners. No longer do we have frozen fields, fast fields or slow fields.

Luck, it is now advocated, is no longer a factor in baseball games because grounders, for instance, will always bounce the same way. Are not "bad hops" one of the elements of the game without which it becomes less of a game? In Cincinnati, with its artificial infield, we lament the fact that the classic shortstop play from the hole can no longer be performed.

The impact is not restricted to the participant. In fact, it may more significantly affect the fan. Fans do not attend athletic events to see precision drill. They are induced into a stadium to vicariously participate in a human event in which response to varying conditions is a premium.

Many have said that the classic Green Bay/Dallas game of 1967 should never have been held, it was too cold, the field was frozen, the wind was bitter. And yet, how many fans retain pride in the human experience derived from attending that contest? How many players who participated will carry and cherish that experience to their deathbed? How many fans or ball players would remember the Green Bay/Dallas game if it had been played in the Houston Astrodome?

It is well to ask whether anyone is consciously developing these stadiums with any view to the impact on the athletic events by which they are constructed. My guess is no. I don't believe, although I have seen no evidence, that the decision to install artificial turf, or in the case of the Houston Astrodome, a roof and air-conditioning equipment, was made by individuals involved and experienced with athletic events.

Basic decisions controlling most aspects of our lives are made upon the basis of short-term commercial value. The cumulative effect of such decisions made without reference of the future can only be one of increasing uniformity. We have an obligation, not just in athletic events but in our more important social decisions, to consider a broader base. Society must choose its future rather than having its future chosen for it through a process of short-term commercial gain. Athletic events as an element of society should follow the same pattern.

THE SOVIET BASE AT CIENFUEGOS

Mr. GURNEY. Mr. President, as we know, Time magazine reported on Monday that the Soviet submarine base in Cienfuegos Harbor in Cuba is nearing completion. In response to a question about that article, Mr. Ronald Ziegler, the Presidential press secretary, according to today's Washington Post said:

> We expect the Soviet Union will abide by both the letter and the spirit of the 1962 "understanding" between President Kennedy and Soviet Premier Nikita S. Khrushchev.

The article continues:

> Ziegler recalled that on October 13, the Soviet News Agency Tass assured us that the Soviets would not build a military base in Cuba which would contradict the understanding of 1962. That would include the naval submarine base.

Mr. President, candidly, I am not reassured by this statement. I must admit that I do not think Mr. Ziegler's answer was responsive; indeed, it could be construed as an avoidance of the question.

Time reports that the Soviet base in Cuba is nearing completion. Is that statement true or false? I think we have a right to know. The record of Tass for veracity is not an extraordinary one. Nor am I satisfied by reference to an "understanding" we really know nothing about.

I think the first I ever heard of this "understanding" was in 1964 when the books by the late President Kennedy's advisers began to appear—Mr. Schlesinger's book, Mr. Sorenson's book, and so forth. Senator Robert Kennedy's posthumous book made further reference to it and most recently Khrushchev's memories or alleged memories—allude to it.

Stories are contradictory, vague, and imprecise. Khrushchev's understanding of it is apparently considerably different from our own. We do not know its limits, we do not know what the commitments are; we do not know whether the Soviets consider it—whatever it may be—binding still. If it exists and is breached by the Soviets, are we to consider it still binding on our country?

Mr. President, I find no reassurance whatsoever in the Tass statement of October 13 which said the Soviets would not build such a base. The question is not what Tass has assured us to be the facts, but rather what the facts are.

Is it sufficient to sweep aside a charge of this magnitude simply with reference to a Tass news agency "commitment?" I think not.

Either the Time story is true or it is false. We have, I insist, a right to know which it is and promptly.

Since Mr. Ziegler mentioned the "letter and the spirit" of the "undertaking," I think we should know something more about those characteristics—just what that entails.

Mr. President, I have a great deal of faith in our President, in his ability and his judgment. I have no desire to question that judgment, or to reflect on his conduct of the Nation's foreign affairs. On the whole question of the Cienfuegos base, I would be satisfied with a Presidential assurance that there will be no permanent Soviet nuclear submarine base in Cuba. But, we have had no such categorical assertion by the administration. Mr. Ziegler's statement—his apparent avoidance of the direct question—has not reassured me; it has alarmed me. A quotation from Tass does not still my fears—it is simply not good enough. We must have something more substantial on which to rely. I think the very least we can expect at this juncture is a simple, unadorned, unequivocal response to the question: "is there a permanent Soviet submarine base now under construction in Cienfuegos Harbor in Cuba?"

If there is not, let the administration say so and end the speculation.

If there is such a base under construction, let us know it at once—so that we can decide the course to be taken. This question is posed, not out of idle curiosity, by concern for our national security. Let us have the facts and let us have them now.

SENATOR TOM DODD LEAVES AFTER 16 YEARS OF SERVICE IN THE HOUSE AND THE SENATE

Mr. McINTYRE. Mr. President, I rise to speak of the senior Senator from Connecticut, a fellow New Englander, who is completing 16 years of service in the House and the Senate of the United States.

Tom Dodd has spent nearly all his working life in public service—FBI agent, Connecticut Director of the National Youth Administration, assistant to the U.S. Attorney Generals for 7 years, and a principal prosecutor at the Nuremberg Trials on Axis Criminality before his service in the Congress.

His work in Senate Committees on Juvenile Delinquency and Crime has been outstanding.

Always charming in manner, Tom Dodd has nonetheless held his views strongly and fought for his beliefs.

Tom Dodd has been a real friend to me and I wish the best to him and his lovely wife Grace in whatever pursuits they become engaged in the years to come.

THE SMALL BUSINESS ADMINISTRATION PROMOTES FOREIGN TRADE

Mr. GURNEY. Mr. President, I like to bring to the attention of the Members of this body a very significant press release issued by the Small Business Administration—SBA.

This press release announces SBA cosponsorship of a small business trade conference in Israel, to be held on February 8–10, 1971, by the prestigious American Bar Association jointly with the Israel Bar.

Much of the credit for this SBA participation must be attributed to the efforts of Marshall J. Parker, SBA Associate Administrator for Procurement and Management Assistance, who has jurisdiction over that agency's foreign trade program. In the capable operation of this program, Mr. Parker is instrumental in alerting qualified American small business exporters to trade opportunities abroad and providing support and assistance to them to avail themselves thereof.

It is extremely gratifying to see the constructive and enthusiastic manner in which this small agency is responding to the export needs of the country. We have become so inundated with daily criticisms of the SBA that it is a welcome respite to observe such positive action taking place.

It should also be pointed out that the cosponsorship of a trade conference in Israel constitutes a recognition of the importance of that embattled country as a trading partner of the United States. The United States ranks highest among exporters to Israel according to recent Department of Commerce market surveys. Notwithstanding its war for survival in a Soviet Union-fanned war, Israel continues to offer very good sales opportunities for products manufactured, principally and largely, by American small business concerns.

It is, therefore, gratifying to note that neither the American Bar Association nor SBA have allowed themselves to be deterred by the war from pursuing America's peaceful trade with that country. It is most encouraging to witness the involvement of these dedicated organizations in such a worthwhile effort.

I ask unanimous consent to have the press release printed at this point in the RECORD.

There being no objection the news release was ordered to be printed in the RECORD, as follows:

SBA COSPONSORS UNITED STATES-ISRAEL TRADE CONFERENCE IN TEL AVIV

WASHINGTON, D.C., November 27.—The Small Business Administration announced today that it will cosponsor a conference designed to strengthen trade ties between the United States and Israel.

SBA Administrator Hilary Sandoval, Jr., said that the conference, titled "Doing Business in the United States and Israel," will be held in Tel Aviv February 8–10, 1971.

The conference is being organized jointly by the American Bar Association and the Israel Bar and will also be cosponsored by the Government of Israel Investment and Export Authority.

"The conference," Sandoval said, "will bring together recognized legal authorities and business representatives of both countries to explore practical application of laws and regulations affecting trade between the two countries.

"It will also afford American small business concerns opportunities to establish contacts with Israel businessmen interested in buying U.S. products or entering into joint ventures in either of the two countries in such industrial areas as furniture, plastics, shoes, cosmetics, automotive parts, weaving and spinning, metals, electronics, textiles, chemicals (detergents), food processing, pharmaceuticals, and electrical components for which Israel industry is seeking American cooperation."

Persons interested in attending the conference should notify Dr. Denis A. Cooper, Director, Technical Planning Staff, Office of Procurement and Management Assistance, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416 (Telephone: 202-382-1106).

Travel information will be provided by Foreign Tours, Inc., 1140 Avenue of the Americas, New York, New York 10036 (Telephone: 212-390-3000).

INSURANCE FOR PRIVATE PENSIONS

Mr. HUGHES. Mr. President, we have considered legislation this year in the areas of finance and banking in an effort to prevent financial difficulties for the millions of Americans whose lives are affected by these industries. But I would like to comment briefly on another problem which is just as critical in my opinion: the failure of private pension plans for the American worker.

The administration asked for legislation to bring about Federal regulation of one-bank holding companies. This was done to maintain the separation between banking and other businesses. I supported the legislation and I congratulate the chairman of our Banking and Currency Committee for his fine efforts in bringing this legislation through to its conclusion.

The Senate and House have passed different versions of the Federal Broker-Dealer Insurance Corporation to protect the American investor whose assets are sometimes lost because of the financial failure of broker-dealer firms.

But I regret that this session of Congress is drawing to a close without enactment of legislation to protect the American worker whose private pension rights are lost when his employer goes out of business and leaves him with no pension benefits.

Mr. Leonard Woodcock of the United Automobile Workers eloquently described this problem in a letter to Members of the Senate on July 2, 1970, from which I quote:

> In contrast to the handful of brokerage firms that have experienced difficulties and the one railroad recently forced into receivership, some 4,000 pension plans were terminated in the United States between 1955 and 1965. These terminations, all too frequently, subjected affected workers to the double tragedy of lost jobs and loss of substantial prospective pension rights at a stage in life when they had little or no opportunity to earn further pension entitlement.

On December 10, Senator HARTKE amended the Securities Investor Protection Act to establish a program in the Department of Labor for reinsurance of private pension plans by the Federal Government. Unfortunately, his amendment was not approved.

I expected to vote for this amendment and I would have voted for it had there been an opportunity.

I am aware that Senator WILLIAM'S subcommittee of the Committee on Labor and Public Welfare is conducting a comprehensive study of pensions which will likely result in broad and far reaching legislation at some time in the future. But I am impressed with the urgency of the situation for those American workers whose private pension plans will terminate during the coming months and whose retirement depends in large part on the benefits of these programs.

I hope that the administration and Congress will consider this problem immediately and show the same concern and commitment for working men and women that we have shown for financiers and investors.

TRIBUTE TO SENATOR McCARTHY

Mr. CANNON. Mr. President, I wish to join with my colleagues in paying tribute to EUGENE MCCARTHY who is voluntarily retiring from the Senate.

Senator MCCARTHY entered the Senate with me in January 1959. During his years with us on the Hill, he has brought an air of thoughtful contemplation to issues which tend to become caught up in the rush of events that plague us all.

Now EUGENE MCCARTHY will be able to devote his full time to the philosophical pursuits which have already caught the Nation's attention, though by necessity only a hobby till now. With so wide a background in the governmental process, Senator MCCARTHY should be able to develop an imaginative approach to political science.

I extend my best wishes to Senator MCCARTHY on his retirement. I know we shall all miss him, and hope that we shall see him when he returns to visit the Washington where he has had such a fulfilling career for so many years and where he has contributed so much of himself.

TRIBUTE TO SENATOR MURPHY

Mr. PROUTY. Mr. President, I would be remiss if I allowed the distinguished Senator from California (Mr. MURPHY) to retire without saying that his presence here has meant much to me and his absence will be deeply felt.

GEORGE MURPHY brought to the Senate a gentle Irish humor and a tough mind that stem from a life of rich experiences and hard work.

To those who have not read his autobiography "Say, Didn't You Used To Be George Murphy?" I commend the book for its vivid portrayal not only of GEORGE MURPHY'S life, but of his times.

To be sure, his book contains glamour in his account of Broadway and Hollywood in the 1930's. But he also describes the tough days when he sought to rid his union of labor racketeers and Communist influence.

GEORGE MURPHY was president of the Screen Actors Guild and is one of only a few union members to serve in this body.

His labor background has been particularly helpful to me and other Senators who serve with GEORGE on the Labor and Public Welfare Committee.

It is in the committee where I have come to know GEORGE best.

I could spend hours recalling his important contributions to education, health, manpower, and poverty programs, but I will limit myself to highlighting a few of his accomplishments.

GEORGE was one of the prime movers in enacting the Bilinqual Education Act of 1967 and he has continually pressed for expansion of the program. He developed and saw enacted the dropout prevention program and he followed its successful application with interest and pride.

On the Health Subcommittee he has authorized and pushed programs to expand our Nation's supply of family physicians and been an essential drafter of all our health programs. Similarly as the ranking Republican on the Manpower, Employment and Poverty Subcommittee, he has shaped the vast expansion of programs developed in recent years.

GEORGE is also the ranking Republican on the Special Subcommittee on Aging and we have worked closely toward the same ends to provide security and purpose for our older Americans.

Outside the Labor and Public Welfare Committee, I also am familiar with GEORGE'S effectiveness as a legislator.

The Murphy amendment to the Air Quality Act of 1967 has allowed California to adopt more stringent standards for the control of automobile emissions than exist in the Nation as a whole.

We shall all remember GEORGE

Murphy's legislative achievements. The programs he has authored and pushed will long continue to help our citizens.

But I shall remember too that the man who has worked so diligently is also a man of great wit and charm. I shall never forget George's anecdotes, quips, and remembrances. So often they provided the needed respite from tension. I shall always marvel at the way George could move immediately from a moment of hilarity to hours of serious deliberations. George has a wonderful love of life that is revealed at once in a lighthearted banter and in his diligent work for his fellow man. As often as he has reminded us of the joy of life, he has reminded us of the serious tasks that remain before us.

In his autobiography, he recounts the frequent encounter with people who ask "didn't you used to be George Murphy?" His stock reply is "I still am." He still is George Murphy and I am glad he is.

WILL SPAIN CHOOSE FREEDOM?

Mr. CHURCH. Mr. President, strong winds of change are blowing in Franco's Spain. What the long-term results of the current storm—the military trial of 16 Basques in Burgos—will be no one can predict. Men of freedom and hope everywhere are closely watching the court's verdict, and the reaction of the Spanish people to it.

Signs of openness are being displayed by certain Cabinet members and other leading citizens to liberalize the Goverment of Spain, yet intolerance by the regime toward the Basque community remains. It is my firm hope that the legitimate aspirations of the Basque people may be realized. Their success could lead to greater freedom for many others, for Spanish workers, students, housewives, even large segments of the military and the church.

I ask unanimous consent that numerous articles relating to the trial be inserted here in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Nov. 3, 1970]

Basque Resentment at Franco Regime Intensifies

(By Richard Eder)

San Sebastian.—The fishing port of Bermeo curves around an inlet on the Bay of Biscay, with the white, red-roofed houses climbing steeply up the deep green hills that mark the coastline of the Basque country.

An ancient stone watchtower, still serving as a beacon for the town's 135 tuna boats, stands on the quay beside the two-story shed that is the warehouse, auction hall and meeting place of the fishing cooperative.

Late one afternoon, the owner of a fishing-boat was showing a visitor around the dock, where young women pushed baby carriages and old women loaded nets into donkey carts.

The fisherman pointed to the reports of tides, weather and fishing conditions that are chalked on slates and hung outside the cooperative. He spoke with anger:

"There are 18,000 people in this town, and virtually all of us speak Basque. Yet those signs are required to be written in Spanish."

It is perhaps in the towns and villages of Vizcaya and Guipúzcoa—two of the four Basque provinces of Spain—that resentment of the regime of Generalissimo Francisco Franco is at its bitterest. It is in these towns and rural areas that the repressive acts of the authorities, usually the local detachment of the Civil Guard, are most severe. And it is in these areas that resistance, which has increased sharply this year, is the most frequent.

Bermeo, 15 miles north of Bilboa, lives almost completely estranged from the authorities. The Civil Guard detachment, housed in the former residence of an official of the pre-Civil war republic, is virtually an occupation garrison. Its troopers exercise and play soccer alone. The troopers—few of whom are Basque—were taken there from other parts of the Spain, as is the custom. When off-duty, they lounge on the front steps of their headquarters and stare at the passersby, who avoid looking back.

Even the local police informer, a man known as Ardaucho—Basque for toper—whose job is to hang around the bars and listen to what people are saying, is at a serious disadvantage. He does not speak Basque.

Bermeo has had an agitated year. In July, 35 busloads of Basques arrived from nearby villages after the authorities had prohibited them from climbing Mount Aitxagorri. Climbing mountains in large groups is one of the forms of communal celebrations by which the Basques assert their cultural and national traditions.

The arrivals began by dancing in the main square to the sound of drums and xistu—a shrill pipe—and singing songs in Basque. The Civil Guard moved to break them up and there was general fighting.

The climactic moment came with the release of a monkey, which had been brought back by one of the fishing boats from Dakar, dressed up in a tiny version of the Civil Guard's green uniform and black tricorn hat.

Perhaps the incident with the greatest repercussions was the arrest and beating of one of the most distinguished figures here. He is Miguel Castells, president of the province Catholic Action Association, a notary and a prominent lawyer.

His arrest was a mistake and he was quickly released. However, he was later tried and found guilty of having insulted the police and was fined.

The judge asked for an investigation of why Mr. Castells had emerged from police custody with injuries that took two weeks to heal.

MORE POLARIZED

It is too soon to predict what the results of all this will be. Over and over, people intereviewed here and in Bilbao, including some highly conservative bankers and businessmen, echoed the sentiments expressed by one: "What the Government has done this year has polarized us politically as never before."

A Government official estimated that 90 per cent of the Basques here now opposed the regime. Many people who deplore the extremism of E.T.A. concede that the events of recent months have given it a strong following among youth.

The proclamation of Oct. 25 of a three-month extension to the state of exception has further embittered the Basques, accentuating a complaint voiced by one banker.

"The only solution they have for us is repression," he said. "It does not occur to them to take a single step toward a political solution at the same time."

When the emergency decree is finally lifted, many predict an upsurge of opposition activity on the part of E.T.A. and of traditional parties—Nationalists, Socialists and Communists.

"It is not that I think that E.T.A. is logical, with the army and police as strong as they are, and with a people that basically hate violence," one lawyer said. "But this estimate does not count on one imponderable; the regime's infinite capacity for offending us."

A current example of this is the change made by censors in the film "Ama Lur," a lovingly made documentary showing the life and traditions of the Basques. It ends with a choral effect in which voices representing a long line of Spanish kings are heard swearing to uphold the regional freedoms promised to the Basques. Then the film cuts to a final shot of the Guernica oak.

As first filmed, the oak stood bare-branched under a bleak sky, in the falling snow. As the film is being shown now, after the change, the oak stands in full foliage under a brilliant sky.

[From the Long Island Press, Nov. 10, 1970]

Basque Separatists Expect No Mercy in Franco Court

London.—Thirty-two men and women will be tried by the Spanish government in Burges in the next few weeks, including, in absentia, 16 who escaped to other countries. They are alleged members of the Basque Separatist party, the ETA, which over the last decade has been using classic "strike and run" tactics in San Sebastian, Pamplona, Bilbao and other Basque towns of northern Spain.

The secrecy of the trial—it is to be closed with armed guards surrounding all the entrances—and the 18 months of preparation which have led up to it are widely seen as signs that the regime of Gen. Francisco Franco is determined to silence dissent with a show of power.

The prosecutor is demanding the death penalty for six of the men and women, together with jail sentences totaling 700 years for the rest. The trial is expected to last only a few hours.

The fear that the accused will not have an impartal hearing has led to protests from outside Spain by the Roman Catholic Church, the International Commission of Jurists and various political movements as well as to recent demonstrations—all illegal by Spanish law—within Spain itself.

The 32 defendants, who include priests, students and workers, were indicted on a mass of charges arising out of ETA activities since 1968—but only 15 will be in court. Sixteen are living in Britain, France or Eastern Europe. One girl who has been in custody for 18 months will not be in court; she is in a prison hospital, the result, her colleagues claim, of torture inflicted during interrogation. The chief prosecutor, Grandados Mezquita, claims she has been removed from the main prison because she is turning state's evidence.

ETA stands for Euzkadi 'ta Azkatasuna—"Freedom for the Basques" in the Basque dialect. The movement sprang, in the late 1950s, out of the Basque Nationalist party as a result of the discontent of the younger Basques with the party's lack of dynamism.

The ETA preaches Marxist-Leninist theory, though it owes no allegiance to any Communist party, it stands for complete Basque autonomy with a Basque representative at the United Nations; it even claims that the adjacent Basque area of southwest France should be taken into the new nation.

[From the Nation, Nov. 16, 1970]

Pact With Spain: Any Port in a Showdown

(By Lawrence Fernsworth)

(Note.—Mr. Fernsworth was a staff correspondent in Spain for The Times of London during both the Republican and Civil War periods. He is the author of Spain's Struggle for Freedom (Beacon Press) and other books on that country.)

Washington.—Spain's rusting dream of becoming a domestic Mediterranean power with a voice in the politico-military affairs of the world, and as a *de facto* and eventually elected member of NATO, has been given a polish by the new so-called bases agreement. It bears the disarming official title of "Agreement of Friendship and Co-operation Between the United States of America and Spain," and on September 26 became effective for five years, with an optional extension for another five years.

At a hearing on August 26, twenty days after the agreement had been signed in blatant disregard of the Senate's prerogative to give its advice and consent, two Under Secretaries of the department involved—State and Defense—solemnly assured the Senate Foreign Relations Committee that nothing in the agreement involved the United States in a commitment to Spain. U. Alexis Johnson, State's Under Secretary for Political Affairs who, in the company of Deputy Secretary David Packard of the Department of Defense, worked out the agreement with their opposite numbers in Spain, testified under oath: "The Administration does not consider this a commitment to Spain. If it did there is no question that it should be submitted for ratification. There is no difference of view on that."

When Sen. Frank Church of Idaho asked: "What do you mean by commitment? Do you believe that an obligation or commitment of that nature can be taken only in writing?" Johnson replied, "Yes, I do." Deputy Secretary Packard agreed with this position, with the single reservation that there was a commitment for the United States to respond militarily if facilities occupied by its forces in Spain were attacked. That, he said, would be an attack against the United States. Johnson assented.

When Sen. Clifford Case of New Jersey asked whether the agreement by itself constituted "any additional power in the Executive to act without reference to Congress," Packard replied: "I could not see anything in that." Case pressed the point.: "That is an absolutely flat statement on your part—and [to Johnson] on your part, Mr. Secretary, also?" Johnson replied, "Yes, it is."

Notwithstanding these assurances, Sen. J. W. Fulbright, chairman of the committee, commented: "A simple reading shows the language represents a commitment. . . I do not believe disclaimers by the Administration to the Congress lessen the obvious commitment that exists." He said also: "The Spanish agreement represents the boldest attempt by the Executive branch since World War II to have a security commitment by Executive agreement and thus avoid the need for Senate advice and consent."

The crux of the question was whether the agreement committed the United States to the defense of Spain. Senator Church, taking the two Secretaries at their word, has now introduced a resolution expressing the sense of the Senate "that nothing in the said resolution shall be construed as a national commitment by the United States to the defense of Spain." This means, he explained, to the defense of Spain "against either external or internal attack."

In fact, the qualifying language of the two Secretaries left the question of commitment wide open. There are pointed implications in their testimony, as well as in the agreement itself, that not only would the United States be involved with Spain in either a limited or a general war but also would be with it against any kind of internal show of force, as in a popular uprising that would attack a "facility" occupied by U.S. forces. Such an attack would be considered an attack on the United States as well as on Spain.

Aligning himself with the reservation expressed by Packard, Johnson said: "If someone chose to attack a facility on which we are present, it would—they would obviously be attacking us as well." The nature of the "facility" was not defined, and that raises another question: could it be an information center, a consulate or any nonmilitary place at which U.S. forces have been stationed?

The controlled Spanish press was prompt to affirm "the Spanish position" that a commitment does exist. Their word for commitment, *compromiso,* has a meaning even stronger in their language than does commitment in ours. It is interwoven with the Spanish concept of honor, and as such irreversible. *"Compromiso"* was emphatically repeated in articles and editorials. One official government journal, *Arriba*, used the word four times in a short editorial.

And Spain's own Chief of State, Generalissimo Francisco Franco, standing beside President Nixon in Madrid, announced to the nation that the agreement between the two countries was—as *The New York Times* reported—"a commitment without reserve." There can be no doubt that Franco chose to make such a statement in full knowledge that the U.S. Government was being informed by the Executive branch that no commitment existed.

The high points of the agreement may be succinctly stated as follows:

(*1*) A new system of defense covers both the Mediterranean and undefined areas of the Atlantic.

(*2*) The United States and Spain will stand together in case of attack from without or within.

(*3*) The United States is pledged to "support the Spanish defense efforts," to "modernize its defense industries," and to grant military assistance on a broad scale that includes the transfer of naval units, planes and weapons.

(*4*) A link with NATO is provided by making the American military commander of NATO the principal adviser to a "joint committee on defense matters" that may arise between the two countries.

(*5*) the two governments are joined in "the exploration and use of space," which has assumed a primarily military character.

(*6*) The cost to the United States for the initial five years of the agreement is put at $400 million. The cost of its Spanish bases since 1953, the year of the first agreement, is officially stated to have been $3.141 billion.

The Mediterranean agreement, in principle, completes the erosion of what has been known as the "Mediterranean equilibrium," established in the 18th century by Britain's acquisition of Gibraltar.

The precarious situation of the U.S. Sixth Fleet in the Mediterranean casts a shadow across the reinforced partnership. Despite President Nixon's repeated references to the power of that fleet as a shield against aggression—as when in Rome he called it "the mightiest fleet that has ever been assembled in the history of the world," or when in Madrid he proclaimed that the reconstructed "Spanish-American friendship" is "an indispensable pillar of peace in the Mediterranean"—its vicissitudes are revealed by secret testimony given before Sen. Stuart Symington's Foreign Relations Subcommittee on United States Security Agreements and Commitments Abroad, published in somewhat censored form while the President was in Europe.

That testimony provides the picture of a fleet regarded by most Mediterranean nations as an intruder and pariah. It suggests that the United States is running scared to patch up resentments, as for instance on the part of the Turks whom Russia is now wooing; it intimates that the United States is trying to make a deal with Tito, who thinks that both America and Russia should get out of the Mediterranean; it reveals how the United States is trying to get a solid foothold in Malta and thinks that both Malta and Israel should come under NATO. All of this is surely the key to President Nixon's Mediterranean safari, the purpose of which mystified his press entourage.

In the Symington testimony, one can read the statement of Rodger Davies, Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs, that "at the present time we have no other areas [besides Greece] in the Eastern Mediterranean where our Sixth Fleet can freely put into port." He further revealed that even our relations with Greece, which the Pentagon is desperately courting, could reach an "inconvenient point," and that while in all parts of the Mediterranean the Sixth Fleet "can stay at sea," its "port facilities are increasingly limited."

The fleet's awkward situation also explains why Defense Secretary Melvin Laird visited Turkey and Greece at the time when Mr. Nixon was visiting in the Mediterranean, and informed their governments that he had come as the President's representative. He took pains to impress upon them the dangers of the Soviet buildup. In a press conference he said: "The Soviets have increased their steaming days in the Mediterranean from 750 five years ago to 17,000 days now."

The United States fears that continued Soviet pressure will lure Turkey away from its U.S. alliance. The Turks have still not recovered from their anger over President Johnson's opposition to their entrance into Cyprus in 1964. They contend that by that action the United States interfered with a "right." When the fleet visited Istanbul thereafter, an angry mob attacked the sailors and dumped ten or twelve of them into the sea.

Even now, despite the Montreux convention, Soviet ships "use the Dardanelles as they wish," Secretary Davies testified. Under that pact, Turkey is the guardian of the Dardanelles.

Testimony by Davies and by Robert J. Pranger, Deputy Assistant Secretary of Defense, brought other details to the attention of the Symington subcommittee. The U.S. fleet is denied entry into Arab ports, into Algeria and other Mediterranean ports; the Greeks might not extend port privileges if the United States suspended military aid—which it has resumed in full panoply and which was never really cut off. The fleet cannot berth in France, but one of its ships did receive a token welcome in Yugoslavia. The fleet, in fact, is fairly well confined to the Mediterranean littoral. If Greece closed its ports, only Spain and its islands, Portugal, Italy and Morocco would be available to entry.

The fleet's need for friends seems to have inspired the release, while Nixon was visiting abroad, of a report on a "Trip to the Mediterranean Area" by a group from Chairman L. Mendel Rivers' House Armed Services Committee, which spared no words in urging the need for a realignment of U.S. politico-military associations in that region. It pictured the fleet's carriers as "sitting at anchor much of the time, a very dangerous situation in the present circumstances." The situation, it said, "gives the impression that the United States—having once sailed high and wide across the Mediterranean—is now content to let the Russians take over most of the operations in that ocean."

The report mentioned another need, as yet little discussed in public: "overflight rights for military purposes across Spain have become vital . . . with Switzerland and Austria neutral, and France undependable."

The well-informed letter, "Without the Censor's Permission," that appears regularly in the Spanish-language *Iberica*, published in New York, comments on still another aspect of the agreement. "We notice," says the informant, "that the U.S. Air Force in Spain now extends its field of action so as to include Italy, Greece and Turkey. It will have the mission of providing logistic support to the North American Air Bases in the so-called forward air safeguard of the Mediterranean region. . . . It is estimated that

10,000 members of the U.S. air army will constitute the 'Mediterranean Command.' "

The Pentagon's uses for Spain have changed radically since the original bases agreement was signed in 1953. The goal originally achieved, the acquisition of take-off platforms for manned bombers, has become obsolete by reason of the ICBM and the Polaris systems. But the uses of Spain as a home port for Polaris submarines and a haven for the Sixth Fleet; as an overflight area on the way to the Near and Far East; as a *"Champ de Mars"* for joint exercises by the Spanish and U.S. military forces; as an arsenal and a depot from which to give logistic support to U.S. Mediterranean allies, plus other purposes already set forth in this article, all give the U.S.-Spanish agreement new dimensions and a heightened military importance.

The question of commitment persists. Senator Case went into it further in a colloquy with Secretary U. Alexis Johnson at the Foreign Relations hearing. He asked whether a commitment was not:

"In a sense just an obligation by the United States to do something in the future which says nothing about what shall put the United States in motion to carry out that obligation"—and

"Whether a commitment was not a power created in the Executive to fulfill an obligation when the time comes or conditions arrive, without reference to Congress? That is another meaning or a bit of the content of the word 'commitment' is it not?"

Secretary Johnson said "Yes." Sen. Claiborne Pell, of Rhode Island, who did a seven-year hitch in the diplomatic service, and who called the agreement "a masterpiece of skillful draftsmanship," wryly remarked that the United States and Britain both interpreted the SEATO treaty in different ways, and that "the implications are that the United States might also have its unique interpretation of the Spanish agreement."

[From the New Republic, Nov. 21, 1970]

Friends and Enemies

There are rumbles about a dangerous drift in this country toward neo-isolationism. The danger is real, but it is not the Senator Fulbrights who are responsible for it. They do want to pull out of a degrading war in Asia, for that ruinous conflict itself is a major cause of revulsion against any and all foreign entanglements. But the Fulbrights do not want to isolate America from the East or the West. It is not they who, in their dreams, see mankind divided between saved and sinners, choosing for America only the very exclusive company of the former. It is the President of the United States who dreams that dream and is driven by it to withdraw into a contracting circle of "friends."

We had an example of this last May, when the Administration jumped on Henry Ford for having accepted an invitation to visit Russia to discuss building an automobile plant there. It jumped on him because Defense Secretary Melvin Laird claimed that the Russians plotted to use Ford to make trucks that would be shipped to North Vietnam. Some trucks might have been shipped to Hanoi; the Soviet Union does supply North Vietnam. But those supplies are dwarfed 30 to 1 by American aid to Saigon. And anyhow, the Russians wanted the trucks for themselves. Nevertheless, Ford had to abandon his project, and Mr. Ford commented somewhat bitterly that the Soviet invitation had been accepted in good faith, "because it is the expressed policy of the United States government to encourage trade with eastern European countries." That had been the State Department's impression, too, which is why it okayed the Ford deal in the first place. But Mr. Laird, not Secretary Rogers, had the ear of the President.

In September, Universal Oil of Chicago lost an order to build part of a Polish refinery, because the Administration refused to grant an export license; Poland trades with our enemy, North Vietnam. Here again, the arrangement had State Department blessing (the Rumanians received identical American equipment back in 1967), but the Department was overruled and the Pentagon prevailed. Neither the Russians nor the Poles were asking for anything free (as our "friends" do); nor were they asking to be handed blueprints for the latest U.S. anti-ballistic missile. Why the White House refusal? What prompts the Administration to block even such small steps toward normal trade relations? And how, given decisions such as these, can the President hope to move from confrontation and toward that era of negotiations he promised us in his inaugural address?

Indochina, of course, has distorted our perspective; that is not new. To be a "friend" of Lyndon Johnson was to refrain from open skepticism about his Vietnam operations. But Mr. Nixon's behavior, and not only toward Communist regimes, suggests that Vietnam is not the full explanation. What we see re-emerging is the Richard Nixon of 1950, the Cold Warrior. It is not only that the President builds no bridges; he detonates plans to lay bridges. That could not be his intention; he could not deliberately be seeking to foreclose opportunities for peaceful coexistence. But intentions aside, the practical result is a widening gulf not only between America and what used to be called "the Communist world," but between America and Europe, America and Africa and Asia, and even much of Latin America.

For the world moves, and even the World's Greatest Power can do little to stop it. Eastern Europe, following Rumania's lead in 1967, is headed toward full diplomatic relations with West Germany, France, Italy and West Germany are helping the Polish five-year development plan, a vital component of which is the Plock Oil Refinery where the Nixon Administration barred our participation. Fiat is building cars in the Soviet Union and would if it could, happily build the trucks Mr. Ford will not build. The Iron Curtain that has divided Europe has not been dismantled, but it is getting to look more and more like a sieve. And yet, the list of American exports to Communist countries that require licenses under the Trade Administration Act is longer than that of any other NATO nation.

No matter how insistently we badger them, few of our NATO allies have much use for the idea of throwing a noose around Castro Cuba's neck. And no matter how ardently we play on their sympathies (or their dependence), fewer and fewer of our "friends" have any faith in the American determination to "contain" Communist China. Last week, Canada and Italy joined the growing number of nations which have envoys in Peking; Belgium and Austria are likely to follow. West Germany is already mainland China's largest trading partner. The barriers erected against China at the door of the United Nations are breaking down. Yet the most the Nixon Administration is willing to concede is that it might not oppose China's entry to the UN, *if* Taiwan is not expelled. Meanwhile, Chiang Kai-shek is given another $157 million worth of arms; his aging troops on Taiwan have cost the American taxpayer about $5 billion to date; and Americans still participate in his military rehearsals, named "Forward Thrust," which are aimed at the mainland.

Sometimes the Administration's shortcircuiting of contacts seem explicable only in terms of ineptness. Thus, its recent snubbing of India, Zambia and Tanzania. The leaders of all three have been critical of our policy in Vietnam. India in particular has called for unconditional withdrawal of US troops. But that is flimsy justification for the cold-shouldering of Indira Gandhi by US officials, both in New Delhi and in New York, when she flew to the United Nations' 25th anniversary. And when Mrs. Gandhi declined Mr. Nixon's invitation to dine at the White House with other government heads, it was not just because of personal pique. The Administration's resumption of arms to Pakistan—fighter and bomber aircraft and other weapons—has the Indians thoroughly alarmed; they are unpersuaded that the arms are necessary to prevent Pakistan's getting too chummy with Peking. Pakistan, naturally, will take the aid and go right on backing mainland China's entry to the United Nations.

Having discombobulated Mrs. Gandhi, Mr. Nixon then pulled last minute switches on the presidents of Zambia and Tanzania. Both Kenneth Kaunda and Julius Nyerere were anxious to see him during their visit for the UN meeting. It was the second time in a year the White House had turned down Nyerere, and Mr. Nixon was too busy campaigning in the South to find time for Kaunda. China, meanwhile, is building Zambia and Tanzania a railroad (to employ 14,000 Chinese), and is busy elsewhere in Africa, while the Nixon Administration's policy centers on trying to replace Belgian financial influence in the Congo with American—and on keeping Ethiopia on "our side." The US donates $300 per Ethiopian soldier, compared to $1 per head for economic aid to all the rest of Africa.

The United States is far from being alone in the world; neo-isolation has not gone that far. Spain is to receive fighter bombers, artillery and American instructors; the full-scale military aid to Greece that President Johnson halted has been resumed; Thailand, Laos and now Cambodia get big US subsidies; we are tied to Thieu-Ky by an investment of around $100-billion so far, and watch the next two budget deficits for additions. But we are not buying friends, we are buying trouble.

[From the New York Times, Nov. 28, 1970]

Forty-nine Are Arrested in Spain as Trial of Basques Nears

(By Richard Eder)

MADRID, Nov. 27.—Pressed by growing protest over the forthcoming court-martial of 16 Basques—and by doubts among its own adherents—the Government suddenly arrested 49 members of the opposition last night and early this morning.

One of those arrested was Prof. Enrique Tierno Galvan, a prominent Socialist and a philosopher. But Professor Tierno was released shortly after noon today after spending the night in police headquarters and undergoing questioning. Eighteen lawyers, professional men, students and worker representatives, arrested with Professor Tierno, were expected to be released after questioning.

It was not known whether 30 students, arrested at another meeting would be held. The arrests reflected the Government's fears that opposition groups would have some success in their announced intention to call strikes and demonstrations when the court-martial is held. The trial—for which the military prosecutor has asked six death sentences—is now scheduled for next Thursday.

SUBVERSIVE PLANNING CHARGED

A Government source said this afternoon that Professor Tierno and the others, who were seized at 1 A.M. while meeting in the office of a publishing house, were "planning an action of a subversive nature."

Professor Tierno disputed this account today. "In fact, the meeting was being held to discuss the publication of a series of books reflecting various political viewpoints," he said. "While waiting for everyone to arrive we were talking, as is natural, about the situation and, of course, about the court-martial."

He said that the police appeared soon after the last of the 19 participants arrived—private meetings can be legally held without permission if fewer than 20 attend—and searched everyone for clandestine papers or other incriminating material.

"They found nothing," the professor said, "and they seemed puzzled what to do. The inspector made a lot of telephone calls, and finally he took us to headquarters."

"It has been a mistake, I think. They cannot make conversation a crime. That would be too much."

The court-martial of 16 members of the Basque resistance movement has caused serious political difficulties for the Government. Six of those on trial are accused of involvement in the killing of a police inspector, Meliton Manzanas, in 1968, and death sentences have been asked for them.

There is a growing move abroad, in Europe, to protest the trial. This was capped yesterday by the publication of a note from the Vatican asking that no lives be taken. Inside Spain, a widespread conviction that the requested death penalties are excessive, and that a civil rather than a military court should try the case, has resulted in a series of public pressures on the Government.

Two bishops in Basque dioceses have publicly spoken out against the trial. They have been supported by lawyers and professional groups, and a few days ago a protest with 900 prominent signatures was delivered to the president of the Parliament.

The court-martial, or at least the proposed death sentences, are unpopular inside the Government as well. A number of ministers have privately expressed their concern. Several high army officers—including, according to some reports, Gen. Tomas Garcia Rebull, who commands the military district with jurisdiction over the court-martial—are opposed to death sentences and do not want to have to deal with the protests that might follow them.

On the other hand, there is reported to be strong interest in police circles in seeing that somebody is executed for the police inspector's death. Nobody seems to know the position of General Franco, who in the past has commuted a number of death sentences, but cannot be counted on with certainty to do so in this case.

Many Government sources predict he will commute the sentences if they are imposed. The problem remains that if the court-martial goes ahead and imposes the death sentence considerable political damage will have been done—not to mention the probability of strikes and disorders—before the time comes for commuting sentences.

[From the Idaho Statesman, Nov. 28, 1970]

Ties With Idaho Sought—Spanish Basques Ask Help To Save Culture

(By Carrie Ewing)

A dual purpose—seeking Idaho congressional assistance, and cementing Basque relationships in Idaho to those of the homeland—has brought three Basque representatives to Boise.

Pedro Beitia, Washington, D.C., representing the exiled government in Paris, met Friday morning with Secretary of State Pete T. Cenarrusa. He was accompanied by Inaki Zubizarretta, associate professor of architectural design at North Carolina State University, Raleigh and Javier Unzurrunzaga, a graduate student in architecture at the same institution.

Beitia also acts as an interpreter with the World Bank. He spoke Friday evening in the liberal Arts Building at Boise State College. An historical documentary film, "The Sons of Gernika," portraying the Basque movement for independence beginning in 1930, was shown.

With Cenarrusa the three discussed the impending trials of 32 Basques, 16 of whom have escaped to other countries and will be tried in absentia. They are accused of terrorism, anti-state activties and murder and complicity in the death of a San Sebastian police chief two years ago at Irun on the French border.

The three Boise visitors petitioned Cenarrusa, of Basque decent, to arrange a meeting with Idaho's congressional delegation in order that they "may put forward their case."

Contending the police chief was a "torturer" of Basque people, they say his death was caused by his own countrymen, and the blame has been placed on the ETA (Euzkadi Ta Askatasuna—Freedom for the Basques) organization. The Spanish government has described the ETA as a "separatist, terrorist and Communist group."

Beitia said trails of the 32, unless intervention by "outside interests" is effective, are to be conducted by a military tribunal swiftly and secretly. The original plan, he said, is that the 16 Basques still imprisoned in Spain, including two priests and three women, would be court-martialed in secret at Burgos, the military center of the Basque region.

Six of the defendants face death by garroting if found guilty on charges of military rebellion or terrorism, Beitia said. The prosecution has demanded prison sentences totaling 774 years against the group.

Zubizarreta explained the need for cementing Basque relationships.

"In 1931 the Spanish government gave the Basque people the opportunity to vote for the kind of government they wanted—86 per cent voted for autonomy (independence). This was not granted until 1936, but was lost in 1937–39 during the Spanish Civil War.

"We want to be independent," he said, "because the Spanish government oppresses us, has outlawed our culture, and discriminates against us. We are not treated as equals, and in order to continue our cultural background we have to use clandestine means."

In spite of all the restrictions, he said the Basque population of 2½ million, in an area of 20,000 kilometers, is the most highly industrialized portion of Spain. The four Basque provinces produce a large percentage of the total economic income of Spain.

"Nevertheless," Zubizarreta said, "the Basque region does not even have a university. All of the youth who have studied in the Basque provinces have to take their final examinations in Spanish cities.

"All the oppression" he added, "has led to emigration of the Basque people to America, Argentina, Chile, Uruguay, Venezuela, Mexico, Peru and Costa Rica."

The Basques in these countries are known for their folklore and romantic ways, he noted.

"But we have many more things to offer: a very rich history, scientific and historical discoveries, religion. And now we are making a concentrated effort toward cultural development, because pressure along this line has relaxed. These efforts are in the arts, anthropology, linguistics, architecture, industry, banking, highly developed music, he said, and far outranks any Spanish contribution.

"So, we feel the need for cultural ties with our Basque brothers in other countries. We want to start a flow of communication between the Basques of Idaho with Basques of the homeland and other lands. We want to seal a link," Zubizarreta said.

[From the Milwaukee Journal, Nov. 29, 1970]

Storms Stir Beneath Calm in Spain

(By Larry Fernsworth)

(Note.—The surprise postponement Friday of the mass trial of Basque separatists before a closed military tribunal in Burgos, Spain, reflects a serious split in the Spanish cabinet over the harshness of the government campaign against the Basques of Northern Spain, the Manchester Guardian reports. Many Roman Catholic clergy and others within Spain and abroad have protested against the trial, which was to open Monday, and even Pope Paul asked the Madrid government to lift the secrecy surrounding the trial. Thursday, a delegation of Spanish opposition leaders went to the American embassy in Madrid asking that the U.S. use its influence to prevent invoking of the death penalty. The accompanying article about the discontent in Spain is by a newsman who recently revisited that country, where for several years he was correspondent for the Times of London. He is the author of "Spain's Struggle for Freedom" and other books on that country.)

The Spain where the trial of Basque nationalists is to be held is a land of grim happenings, quite in contrast to the Spain in holiday dress which President Nixon was shown on his visit there last month. He was carefully shielded from knowledge of such events, although he might have known about them by reading the free press of Europe, or the uncensored writings of exiles, or if he could have had private talks with nongovernmental Spaniards.

But the Spain of Generalissimo Francisco Franco has its military courts and its Tribunals of Public Order to take care of Spaniards who "slander the nation."

Glimpses of this other Spain emerged as I traveled through the country not long ago, renewing old aquaintances. They are further elaborated in Spain's underground press, publications by Spanish expatriates in places like Paris, Toulouse and New York's "Iberica"; in letters that Spaniards manage to send to the outside world and in international journals of wide circulation and high prestige like Le Monde of Paris and the Journal de Geneve. Few such reports are carried in most United States newspapers.

CATALOG OF TROUBLES

Some recent items from uncensored sources:

"Workers paralyze the subway of Madrid. . . . The government threatens to militarize striking workers. . . . Three construction workers shot dead when police open fire on striking construction workers in Granada. . . . Police beseige 500 workers in Granada cathedral for four days. . . . Basques in Pamplona clash with police as they protest against the assassination of strikers. . . .

"Spanish intellectuals and workers cry out against new military agreement with Spain, accuse the US of collaborating with Franco and other dictators. . . . Spanish intellectual leaders are heavily fined without benefit of trial for presenting petition of protest against the bases agreement to US Secretary of State Rogers on his visit to Spain. . . . Carlists importing arms to oppose accession of Don Juan Carlos as king after Franco.

"Anticlericalism of the right grows in Spain as worker priests and other Catholic activists side with the left. The Vatican gives no comfort to Franco, wants the Concordat radically altered, wants the state shorn of its powers to intevene in the church and to nominate bishops. . . . Police harass Basque priests who refuse to bless opening of a branch bank, calling it a publicity stunt."

"Thirty-six Spanish lawyers punished for protesting against rigged secret trials of civil and military courts. . . . Basque lawyers suspended. . . . Students join with Basque guerrillas—one gets 33 years in prison, another gets 20. . . . Civil Guard batters Basque students. Government dissatisfied with police chief of Basque provinces—No. 1 torturer, whose technique failed to silence Basque rebels, is removed."

BASQUES BEAR BRUNT

As you learn of these grim happenings in Spain, it seems you always find the Basque people bearing the brunt of the Franco regime's oppressive attention.

Basque priests have particularly angered the government by throwing in their lot with Basque workers and by wholeheartedly espousing the cause of Basque nationalism.

The government's anger rose high when they asked the United Nations in May of last year to investigate the violations of human rights by the Spanish government. They asked the International Red Cross to investigate prison atrocities. They called upon the minister of justice to abide by the law. They asked the hierarchy of their own church to rally to the defense of the people.

Five Basque priests who started a hunger strike in the residence of the Roman Catholic Bishop of Bilbao issued the following statement in the hope of calling world attention to the warfare being conducted against the Basques by the Spanish dictatorship:

"The Basque people live under an authentic reign of terror. . . . Human rights are abolished while citizens are persecuted and tortured. . . . The police hunt human beings like animals. . . . Radio-TV and the press are in the hands of the government, the facts are concealed, untruths are spread for the benefit of the regime."

The Spanish government called the Basque action "military rebellion." Police broke into the bishop's residence in violation of the Concordat and arrested the priests. Their lawyers were given four hours to prepare their case before a military court. Two received 10 year prison sentences. The other three received 12.

This was one—but only one of the incidents in the warfare against the Basque people during the 30 years of the Franco regime.

There are many Basque priests in prison along with Basque workers, students and political figures who have stood together in the struggle for their concept of Basque independence.

Leaflets of the Basque underground described some of the prison horrors of which the Basque priests complained.

Women as well as men were stretched out on long tables with feet and heads hanging over the edges, former prisoners reported. While several police held them down, water was drenched over their faces, into ears, nose and mouth.

When 31 women, ages 18 to 28, were jailed for alleged "illegal propaganda," their questioning was accompanied by psychological torture, it was reported. They were made to listen to taped screams of human terror, cries of anguish, of suffering, interspersed with hysterical shrieks of laughter. Then they themselves were insulted, clubbed and whipped.

Although the Basques are fighting for what they call their independence, most do not, by that term, mean separation from Spain.

They mean independence in the sense of the right to govern themselves within the framework of their own culture as they did in centuries past and according to the charter of self-government enjoyed under the Spanish Republic, which the onslaught engineered by the Franco-Mussolini-Hitler collaboration obliterated in the Spanish Civil War of the 1930's.

"We want independence, not merely for today or tomorrow but for all time," a Basque underground leader told me. "We want the government of Spain to respect our personality. Our culture is neither Spanish nor French but Basque. We are looking ahead. We are asking "what happens after Franco?" We want to share in whatever happens. We see a new future for Spain, foresee that it will be obliged to emerge from its isolation.

"We are democratic in every sense of the word and we want our share in bringing about democracy after the passing of Franco and to make our contribution to the Spanish order.

"All Spaniards are in the same boat. A new generation has grown up since the Spanish Civil War of the thirties and that new generation is irritated. A monarchy, if such is to follow the passing of Franco, must be neutral element for all Spaniards."

But the Basques do not accept the kind of monarchy carved out for Spain by Franco who named as his successor Don Juan Carlos, son of the exiled Don Juan de Bourbon who, in turn, is the son of the deposed late King Alfonso XIII.

Carlos represents what Spaniards label "continuismo," meaning continuation without interruption of what Franco calls his "sacred crusade." Neither the Basques nor any of the other liberating forces of Spain want any of that.

They look hopefully toward the elder Don Juan who did not participate in the Civil War and who has pledged himself not to make war on any political party.

HIERARCHY IS CAUTIOUS

The Franco regime is further infuriated against the Basques because they have the moral support of the liberal wing of the church, including some bishops. While many priests wholeheartedly side with the workers and with the liberating movements, not only of the Basques, but of the Catalans and of Spaniards in all parts of the country, a benevolently inclined part of the hierarchy at the same time acting cautiously and there are popular complaints that they ought to be more forthright.

Pope Paul VI himself has made gestures favoring the Basques and other elements seeking freedom from the dictatorship's oppression.

Franco's warfare against the Basques began during the Civil War, when Basque churches were bombed even while priests were celebrating mass. After the capture of long-resisting Bilbao in 1936, 14 Basque priests were shot without trial, more than 200 priests were imprisoned. Today Basques in exile affirm that "many of them lie in unremembered prisons, locations unknown."

Franco's propagandists have often asserted that what happened was because the Basques were "Reds," and such alibis were chorused by Franco's claque abroad. While some of the Basques did turn toward communism, most are obviously nationalists, fighting for their human rights.

[From the Christian Science Monitor, Dec. 4, 1970]

SPAIN AND THE BASQUES

There is something both pathetic and particularly pleasing about the Basques. Their mysterious language may be Europe's eldest. They are tough, dignified, law-abiding, hardworking, artistic, and few in number. They have striven to hold their own against ceaseless outside pressures which would whittle away their lands, their tongue, their culture, their very self-being. It has been a magnificent struggle.

But, as sometimes happens in these cases, small groups have resorted to violence and killing. Now 15 young Basques are on trial in Burgos, Spain, for the assassination two years ago of the head of the Spanish Political Police in a Basque province. To complicate the problem, a splinter group of the Basque nationalist movement has kidnapped the West German honorary consul of San Sebastian, threatening to kill him if there are convictions in the trial.

It is no easy task for any nation, Spain included, to know how to deal wisely and fairly with minorities determined to win various degrees of self-determination. But this is a problem which is growing in many parts of the world. Means must be found to protect racial individuality without sacrificing national unity. The starting point must be an all-around appreciation for every man's and every race's uniqueness. Although murder and kidnapping are never justified, Spain will succeed best with the Basques if it shows understanding and flexibility, not rigidity.

[From the Washington Post, Dec. 4, 1970]

SIXTEEN BASQUES GO ON TRIAL IN SPAIN

BURGOS, SPAIN, Dec. 3.—The government of Gen. Francisco Franco opened its military trial of 16 Basque separatists today and thousands of workers walked off their jobs in cities across the country to protest the courtmartial. The fate of a kidnaped West German consul also hangs in the balance.

The 16 Basques face charges ranging from banditry to terrorism and murder. The prosecution is demanding the death sentence for six of them and jail terms totaling 752 years for all.

Reports from San Sebastian said labor stoppages were all but total in the Basque province of Guipuzcoa. Twenty persons were reported arrested in several clashes between workers and police.

Sources in Vizcaya, another Basque province, said as many as 12,000 workers were on strike there, but other sources said the figure was much higher. The heavily industrialized province has a total labor force of 250,000.

Madrid University, which was supposed to open today after a three-day holiday, will remain closed until Monday to prevent disturbances, police said.

An empty bus burned in Seville during a demonstration Wednesday night.

CONSUL'S KIDNAPING

West Germany's honorary consul in San Sebastian, businessman Eugene Beihl, was kidnaped outside his home Tuesday by a group claiming to belong to the Basque terrorist organization ETA. An ETA communique from Madrid, however, said the kidnaping was done by a renegade group using its initials and denounced the abduction.

The kidnapers have so far failed to get in touch with Spanish authorities or German diplomatic officials in Spain, but they sent word to a French Basque group that Beihl's fate would depend on the outcome of the Burgos trial.

(Reuter, citing Basque sources in France, reported that a West German government representative had arranged to meet a leader of a Basque association near St. Jean de Luz to discuss the possible release of Beihl.)

[In Paris, a West German Embassy spokesman confirmed that such contacts were planned, the Reuter dispatch added, quoting him as saying: "Time is very short, we have to act."]

Beihl's car, in which he was abducted, was found abandoned yesterday near the foothills of the Pyrenees. There were no signs of violence.

There was speculation that Beihl had been taken to France through one of the rugged pathways smugglers use to cross the border.

TRIAL CRITICIZED

The trial, which may last five or six days, has aroused widespread criticism. The Vatican and the Spanish Conference of Catholic Bishops have asked that any death penalties be commuted to jail terms. The bishops appealed for the "utmost clemency."

Seventeen persons, including writers, lawyers and industrialists, staged a sit-in to protest the trial last night at the Barcelona branch of the Association of Friends of the United Nations. They said they would go on a hunger strike.

Student and worker demonstrations were expected today in Barcelona and elsewhere despite police warnings they would act with "the utmost energy and rigor."

CIVIL COURT URGED

Informed sources said the governing board of the Barcelona Bar Association has suggested to the military authorities in Burgos that the trial be passed to a civil court.

Police in Madrid arrested 19 students yesterday for holding an unauthorized meeting to protest the court-martial. Baton-wielding riot police in Barcelona dispersed several hundred demonstrating university students shouting "liberty" and "police assassins."

The six defendants facing possible death sentences are accused of planning the August, 1968, murder of a provincial political police chief at his home in the border town of Irun, Guipuzcoa Province.

Among the other defendants accused of practicing terrorism or aiding terrorism are two priests and two women. According to Spanish law, terrorism is a military crime.

[From the Christian Science Monitor, Dec. 4, 1970]

MADRID TRIALS CONTINUE—BASQUE DRAMA NEARS CLIMAX

(By Richard Mowrer)

MADRID.—Tough repressive measures including the imposition of a state of emergency throughout Spain are ready to be brought into play by Generalissimo Francisco Franco's government as a tension-packed drama moves toward a climax.

The drama centers on two related events: the trial before a military court in Burgos, northern Spain, of 16 Basque separatists, six of whom face possible capital sentences; and the kidnaping of a West German diplomat.

Eugen Beihl, honorary consul in San Sebastian, was abducted the night of Dec. 1 and is being held as hostage against the Basques on trial. At this writing his whereabouts are unknown.

The kidnapping was at first attributed to the clandestine separatist organization ETA (Euzkadi Ta Askatasuna—"Basque Land and Liberty"). But it now appears that ETA disclaims responsibility. A breakaway segment from ETA is said to have committed the deed.

ETA is reported to have decided earlier this year to sheer away from terror tactics in the hope of winning a broader base of support in the Basque regions of northern Spain. The breakaway group is said to disagree with this policy.

What seems certain is that the kidnapping of Mr. Beihl has strengthened the government's hands. The regime will seize the opportunity, observers believe, to equate the abduction with the recent kidnappings by French-Canadian separatists in Quebec Province.

Whatever sympathy Basque separatism or Basque nationalism enjoyed abroad and in the Basque country itself is now felt to be jeopardized by the kidnapping of Mr. Beihl and the Spanish Government is not likely to miss this opportunity to exploit the new situation.

It would be out of character in any case for an authoritarian regime like Spain's to give in to threats and terrorism from dissident groups. The feeling here is that the Franco government will not make concessions which could be interpreted as weakness and loss of face.

Nor is the regime likely to bow to foreign pressure if it feels that to do so would create serious problems on the home front by encouraging dissent.

CLEMENCY URGED BY MANY

But the government nevertheless is under heavy pressure from many quarters to exercise clemency should any of the accused Basques in Burgos be found guilty.

Two bishops in the Basque provinces of Guipuzcoa and Vizcaya, Jose Girarda and Jacinto Argaya, have petitioned the authorities to abolish the capital penalty regardless of the outcome of the trial. This week the 13th Episcopal congress of Spanish bishops meeting in Madrid dispatched a declaration to the Ministry of Justice in support of this stand.

The secretariat of state at the Vatican in Rome has interceded with the Spanish Government for clemency at the Burgos trial. Lawyers associations in Spain have waged a persistent campaign to abolish capital punishment. Students in Madrid, Bilbao, and Barcelona have demonstrated on campus and in the streets.

The Burgos military trial, which opened Dec. 3 despite the kidnaping of the West German consul, threatens to spark strikes and new demonstrations in various parts of the country. Extensive security measures have been taken to cope with expected eruptions of violence linked to protests in Madrid and Barcelona, as well as in the troubled north.

Behind the trial of the ETA separatists, among them two priests and two women, is the generations-old struggle of the Basques for local autonomy and independence.

Two-and-a-half million Basques live in a green, mountainous land bordering the Bay of Biscay, astride the French-Spanish frontier. Nine-tenths of the Basque region is in Spain.

Nobody knows the origins of the Basque race, a proud, gifted, stubborn people whose strange tongue, full of k's, x's, and z's has no known roots, whose national game jai-alai, a form of handball played in walled courts with wooden paddles or curved wicker baskets, is reputed to be the fastest ball game in the world.

The Basques have a tradition going back 10 centuries of regional independence with democratic institutions. They lost their regional charter of rights, the Fueros, in 1839. The central government in Madrid held against the Basques the active support they gave the Carlist cause in the civil wars of the period.

PARTY FOUNDED IN 1893

In 1893 the Basque National Party was founded in the small town of Larrazabal, near Bilbao. It began as a movement for an independent Basque land (Euzkadi) separated from France and Spain. Later it dropped the idea of independence and pushed instead for local autonomy.

In the early days of the Spanish Civil War of 1936 the Republican government in Madrid granted full autonomy to the hard-core Basque provinces, Guipuzcoa and Vizcaya, isolated by Franco's Nationalist armies. In June 1937, the Nationalists captured Balbao and that was the end of Basque autonomy.

In 1956 impatient, younger generation members of the Basque National Party broke away to create the "direct action" underground movement ETA. Since then ETA has taken an increasingly left-wing slant, calling for the creation of a "socialist" Basque state.

Operating on the theory that violence breeds repression, which in turn escalates popular dissent against authority, ETA embarked three years ago on a campaign of terrorism directed mainly against the police. The ETA people now on trial are allegedly implicated in the murder of a high security police chief, Meliton Manzanas, in Irun in 1968.

The slogan of Basque separatism is "Zazpiak bat"—"the seven are one." This refers to the four Spanish Basque provinces—Guipuzcoa, Vizcaya, Alava, Navarra; and the three French Basque regions—Basse-Pyrenées, Labourd, and Soule.

In democratic France, where things are quiet, the Basques seem satisfied with the way things are. It is in authoritarian Spain that the Basque issue has taken a violent form.

[From the New York Times, Dec. 4, 1970]

SPAIN REINFORCES BURGOS AS BASQUES' TRIAL OPENS

(By Richard Eder)

BURGOS, SPAIN.—The ornate, heavily guarded trial room of the Sixth Military District here was the quiet center of a political storm today as Spain began the court-martial of 15 Basques.

The Basques are accused in the murder of a provincial head of the Political Police, and their case has become a symbol of the continuing struggle between the Basque ethnic group and the central Government in Madrid. There have been widespread protests and petitions against the trial, in particular against the use of a military tribunal, from whose sentence there is no appeal.

The northern provinces of Guipuzcoa with Vizcaya were jammed with police reinforcements that rolled in throughout the night. Perhaps 100,000 workers in Balbao, San Sebastian and a dozen smaller towns were on strike to protest the court-martial.

A number of clashes, none especially serious, took place during the day. Tonight there were reports of a large demonstration in the industrial section of San Sebastian and of smaller demonstrations in Barcelona, Valencia and Seville.

As the trial opened the Government continued its search for the honorary consul of West Germany in San Sebastian, Eugen Beihl, who was kidnapped Tuesday. It is believed that the men who seized the 69-year-old businessman at his home are part of an activist movement seeking independence for the Basques.

A statement issued by the West German Embassy said it was "in close and continuous contact with the Spanish authorities, and had full confidence that they will do everything possible to save the life and secure the liberation of Mr. Beihl."

The West German consul in Bordeau Christian Sell, has met with Basque exile groups in St.-Jean-de-Luz, just across the French border, notably with Teleforo de Monzon, an exile leader who has reportedly been suggested as an intermediary.

HINTS OF DISAPPROVAL

The leaders of E.T.A., a guerrilla group that has been the target of a long government campaign, have shown signs of strongly disapproving the kidnapping. According to Basques who have been in touch with the leaders, some of whom are in France, they take the view that it may increase the chances that death sentences will be imposed on the six defendants who are accused of direct involvement in the killing.

There were unconfirmed reports that the group had sent a message to the kidnappers that argued that their action had accomplished all it could in attracting world attention to the court-martial and they urged Mr. Beihl's release.

How strong a line the Governor of Generalissimo Francisco Franco would take was not clear. The press has been allowed to give full coverage to both the kidnapping and the court-martial, and some observed evidence viewed that as that the public was being prepared for strong measures.

A Cabinet meeting will be held tomorrow, and there was speculation that it might decide to impose a state of emergency. A proclamation by the Civil Governor of Guipuzcoa today strongly hinted at such a course if the ferment continued.

Meanwhile, in Burgos, a cold, austere Castilian city that was General Franco's headquarters during the Civil war and is second to no other city in Spain in its loyalty to the Caudillo and its abhorrence of Basques, liberals and other troublemakers, strong security measures were taken.

ONE HUNDRED AND FIFTY SPECTATORS ADMITTED

The 120 members of the public and the 30 or so journalists allowed in the courtroom were searched. During recesses they were kept in a courtyard guarded by soldiers with submachine guns.

The 16 prisoners—it has been recommended that one of them, Mara Aranzazu, be set free and there is no charge against her—sat handcuffed in pairs facing the military judges. Twenty-six gray-helmeted policemen stood behind them.

The defendants are accused of being active members or adherents of E.T.A.—the initials stand for the Basque words "Basque nation and liberty"—and of carrying out a number of bombings, bank robberies and the distribution of clandestine propaganda. Of the six accused of planning the killing of the police inspector, Meliton Manzanas, two and a half years ago, one, Francisco Izco, is charged with the actual shooting.

The defense lawyers asked the presiding judge, Col. Manuel Ordovas, a cavalry officer and former member of an Olympic riding team, to have the handcuffs removed. The colonel, a gray-haired man with a thin mustache, asked the lieutenant of the court guard if he could guarantee security if the prisoners' hands were free. He replied in the negative, but they were loosened.

The first day was taken up with the reading of the first part of a 30,000-word summary of an investigating officer's report.

Before the trial the defense submitted a motion asking that the court disqualify itself. As military commanders, they argued, the judges had shown prejudice against Basque conscripts under their command. The prosecutor, a stout, dark-haired captain named Carlos Granados, showed a strong anti-Basque prejudice in previous court-martials, they added.

On three such occasions, in summing up his appeal for death sentences, Captain Granados had urged that those advocating separatism "be sent to a volcanic and desert island where, like slavering dogs, they would be obliged to scratch their nourishment from the soil with their fingernails."

The motion was rejected by Colonel Ordovas, who cut short an attempt by the lawyers to argue it.

[From the Washington Post, Dec. 7, 1970]

Basque Testifies He Was Tortured

Burgos, Spain.—The youngest defendant in the trial here of 16 Basque separatists testified yesterday that police had beaten and tortured him.

In the first testimony heard after four days of trial, Jesus Abrizqueta Corta, 21, told a seven-man court-martial that he had been beaten by about 30 policemen at the police station for nine days after his arrest. This was followed by 22 days in solitary confinement, he said.

On Saturday, the investigating magistrate who prepared the case against the defendants read an account of the torture of another of the accused.

The 16 Basques are accused of terrorism and rebellion against the government. The prosecution reportedly will seek death sentences for six defendants and prison terms totaling 752 years for the others.

As the defense moved to enlarge details of police behavior, the court president shut off this line of questioning, saying the police were not on trial.

Later, however, he permitted a defense lawyer to ask Abrizqueta if he would have confessed to murder if he had been tortured as much as another defendant—who, unlike Abrizqueta, is charged with murder—had been.

"Yes," Abrizqueta replied.

[From the Christian Science Monitor Dec. 7, 1970]

Spain Orders Quasi Marshal Law

(By Richard Mowrer)

Madrid.—Although so far it is only in the Basque province of Guipúzcoa that the government has declared a state of exception, the trial of 16 Basque nationalists has generated tension throughout the land.

The decision to clamp down hard was reached at a Cabinet meeting here Dec. 4 presided over by Generalissimo Francisco Franco.

The state of exception is to last three months but can be extended automatically for further three-month periods. It gives the police free rein in addition to the considerable powers they already enjoy in authoritarian Spain. They are empowered to:

Arrest persons at will.

Detain them indefinitely.

Deport them to other parts of the country.

Carry out searches anywhere anytime.

Also, residents in Guipúzcoa Province who want to change domicile will have to get the authorities' permission to do so.

The government's drastic security measure comes as the controversial trial of 16 Basques moves inexorably toward a climax. It follows the kidnapping Dec. 1 of the West German honorary consul at San Sebastián, Eugen Beihl, held by Basque dissidents as hostage for the lives of the Basques on trial.

SENTENCES DISCUSSED

Six of the defendants face possible death sentences. All, among them three women and two Roman Catholic priests, are being tried before a military court in Burgos, Northern Spain.

Judging from the agitation related to the Burgos trial that has erupted in different parts of Spain in the past two weeks, the issue has become a national one.

In cities as far apart as Barcelona, Oviedo, Gerona, Bilbao, and Madrid, there have been demonstrations demanding the abolition of the death penalty in Spain, protesting the Burgos court martial.

A number of Spanish lawyers' organizations have joined in with declarations and appeals in Madrid so much so that the bar association here has been closed until further notice.

Two Roman Catholic prelates in northern Spain have publicly appealed for clemency should the Burgos court hand down death sentences; so has the Spanish bishops' episcopal congress recently convoked in Madrid.

WORKERS PROTEST

In the Basque region itself, an estimated 100,000 workers have protested by going on strike even though strikes are illegal.

This is a situation the central government has coped with before. But what is new is its depth and magnitude. Dissent and violence in the name of local autonomy or independence is an old story in the Basque provinces of Spain.

But this time dissidents in other, distant parts of Spain have latched on to the Basque dispute and the trial in Burgos to bait and harass the caudillo's aging regime, now in its 34th year.

Prior to the government's declaration of a state of exception in Cuipuzcoa, the official Spanish news agency Cifra reported that Spain is the target of a vast Communist plot master-minded from abroad to stir up trouble and protests. This included Communist support for the Basque clandestine organization ETA, although, Cifra said, ETA is not Communist.

REPORT GIVEN

Reporting on the Cabinet meeting's decision to impose what amounts to a modified form of martial law on the province of Guipuzcoa, Information Minister Alfredo Sanchez Bella said that the government was satisfied that the "immense majority of Spaniards and the totality of the press" condemned terrorist acts, which, in any case, would not affect the normal course of justice.

The fact remains that cracks that have appeared in Spain's body politic run deep, and Basque separatism, highlighted by the Burgos trial and the kidnapping of the West German consul, is only one symptom of the country's troubled mood.

A younger generation that couldn't care less about the regime's civil-war origins is coming to the fore. Franco supporters themselves are divided into progressives and hard liners, the Roman Catholic Church, closely linked to the regime, appears now to be disengaging from it.

The Army, which traditionally has the final say in moments of national crisis, is not of one mind, according to private reports, as to the suitability of trying the 16 Basques before a military court. The Army prefers to remain apart from politics, these reports say, yet the Burgos trial is to a considerable extent, political.

[From the Idaho Statesman, Dec. 7, 1970]

Homedale Man From Spain Accuses Basque Center of Discrimination

Editor, The Statesman:

Three months ago my wife and I arrived in the United States of America and we are now living in Idaho. We are both teachers from La Maucha, in Spain, and we came here through a Fulbright Grant to learn new techniques in education. My wife teachers in a bilingual program in Homedale as I am teaching Spanish at TVCC in Ontario.

We are very happy living in Idaho and we have many good friends. I would especially like to point out that we know a lot of Basques, who all are very kind in helping and receiving us in a very friendly manner. Our good impression of all Basque people in Spain was confirmed here. I needed to explain this for better understanding of the reason for this letter.

We had, some time ago, information about the Basque Center and also about a trip to Spain next summer. We were interested in both. After getting needed information we sent two checks to the Bureau members to obtain travel information and reservations.

We were very surprised when we received a telephone call asking us about our race. We answered that we were both Spaniards. They told us that we could not be center members, nor could they give us travel reservations. We have received the checks that they returned to us.

All the Basques who are aware of this kind of doing, after we told them, think they are deplorable. In view of this, I wonder if the needs of the Basque Center represent the feeling and wishes of all the Basque people.

I would like, through this letter, for all Basque and Idaho people, to know about these actions. If the center's rules require being of the Basque race as a condition to be a member I think it is a discrimination rule, unworthy of Basque and all Spanish traditions and culture.

What would the Basques think if in Idaho there were a Spanish Center closed to them? To better understand this! What would all Idaho people think if there were a center only for Quebec people and closed to all other Canadians?

This action is absolutely contrary to one which would ease the problems of Basques and other Spanish people living together. Furthermore, it is contrary to the promotion of good relations between all people of the world.

I am contemplating on sending a similiar letter to a Spanish newspaper in the Basque Country in order that they may know the real facts about some heads of the Basque Center in Idaho.

Teodoro Alonso.

Homedale.

[From the Idaho Statesman, Dec. 9, 1970]

Non-Basque Boisean Defends Basque Center's Exclusiveness

Attention: Teodore Alonzo.

Your letter to The Statesman published Monday has been read. You complain of exclusion from activities of the Boise Basque Center, a private organization of people of Basque origin.

By your own statement, you are not Basque, but Spanish. Coming, as you do, from a people long renowned for courtesy, I am astounded that you would presume to force yourself upon any private American organization where you are not wanted. I do realize that many such organizations have not been allowed in Spain for many years, while in our country they may well be deemed the basis of our freedom.

It is unfortunate, but necessary, that you be reminded that you and your wife are guests of the American people of whom the Basques of whom you speak are a respected and integral part.

The last paragraph of your letter, in which you speak of "sending a similar letter to a Spanish newspaper in Basque country" is most reprehensible, and such a threat should not be countenanced by any American citizen. Should you do so it would be a duty incumbent upon all of us to take steps as might be necessary to legally bring your welcome among us to an end, especially as you are teachers.

I am neither Spanish nor Basque. Were I invited to participate in an activity of the Basque people I would feel honored. To attempt to attend without being invited I would abhor as being the worst of bad manners.

Since you have chosen to make your letter public, it would seem that a public letter of apology would be most appropriate.

Kenneth L. Hill.

Boise.

[From the New York Times, Dec. 8, 1970]

Basque Trial Delay Is Raising Questions

(By Richard Eder)

Madrid.—The Basque court-martial in Burgos, marked yesterday by accounts of torture and statements of opposition to the regime, was suddenly adjourned today for at least 24 hours.

The move added to the tense atmosphere that has built up in Madrid over the last week.

The president of the court-martial, Col. Manuel Ordovas, came in person this morning to the Burgos Hotel where the defense lawyers—and dozens of journalists—are staying to explain the adjournment. The colonel, a trim, erect man, dressed in sport clothes for the visit, a most unusual one by the standard of Spanish military protocol.

He said the adjournment had been necessitated by the illness of Capt. Antonio Troncoso, the legal officer at the trial of 15 Basques accused in the killing of a police chief. The lawyers tended to believe that Captain Troncoso—who looked pale yesterday—might be ill. But they suspected that the Government might be considering whether it wanted to keep the trial public, in view of the kind of testimony the accused are giving, or put it behind closed doors.

There is the grave problem posed by the kidnapping of Eugen Beihl, honorary German consul in San Sebastián. Mr. Beihl was abducted from his home Tuesday night and apparently is being held as a hostage for the Burgos prisoners who face possible death sentences. They are accused of having planned or carried out the murder of Meliton Manzanas, the chief of the secret police in San Sebastián in August, 1968.

Today the West German Ambassador, Hermann Meyer-Lindenberg, received a handwritten letter from Mr. Beihl, posted, like previous notes, from Vitoria.

The note read:

"I hope these lines come to you. I do not know specifically what they hope to gain from my detention. I strongly urge you to see that my wife is protected and my daughter stays in Germany. I have been treated humanely up to now. I shall be sincerely grateful for whatever you and the (German) Federal Government can do for my release."

Mr. Beihl's uncertainty over the demands of his captors—members of a splinter group of the ETA guerrilla organization seeking Basque autonomy—is shared by the Germans. No specific release terms have been set, other than the statement that the consul's fate was linked to that of the accused at the court-martial. The initials ETA are for the Basque words for "Basque nation and freedom."

There is no specific indication of what the Spanish Government is doing to obtain Mr. Beihl's release, although the belief is growing among observers at Burgos that may help free the German.

[From the New York Times, Dec. 9, 1970]

Basque Court Restricts Testimony of Defendants

(By Richard Eder)

Burgos, Spain.—The court-martial of the 15 Basques accused of terrorist activities resumed here today after a one-day recess, but with the presiding officer cutting off the kind of defense testimony he had permitted on Sunday.

No longer were the accused allowed to give searing descriptions of the interrogation methods that they said had produced their confessions. Nor were they permitted to make detailed statements of their opinions about Spain and the Basque revolution they were working for.

As the court-martial reconvened this morning in the big barracks downtown, Col. Manuel Ordovas, the cavalryman presiding over the five-member panel, restricted testimony on police mistreatment to assertions that it had occurred. He refused to allow lawyers to question the accused about their beliefs, upbringing or what had led them to work in the ETA organization, which advocates violence to bring about a Socialist Basque state in what is now the northern part of Spain.

At the start of today's proceedings, each defendant's lawyer made a point of congratulating the court's judge advocate, Capt. Antonio Troncoso, on his quick recovery from the illness that had been described as the cause of the one-day recess. The lawyers appeared to be implying that the recess was used for a reconsideration of the way the court martial is being conducted.

The first of the accused to be brought up from the well at the front of the court in which the 16 prisoners sit was José Dorronsoro. One prisoner, Maria Urruti, sits with the others, although the prosecutor has decided to ask for her acquittal.

Mr. Dorronsoro, a thin-faced former seminarian, answered the prosecutor's questions with loud and contemptuous no's. He is accused of having helped plot the killing of Melitón Manzanas, police chief of Quipuzcoa, and death sentences have been asked for him and five others allegedly involved.

His lawyer, Pedro Balerdi, asked if he had been mistreated.

Mr. Dorronsoro said that he had been, and that he had never been brought before an investigating judge, as is required. President Ordovas allowed this, but he cut off the repeated attempts of Mr. Ruiz to get him to elaborate, until finally the lawyer burst out:

"Perhaps the court would prefer if I sent it telegrams instead of developing my case."

A second lawyer, Gregorio Peces Barba, tried to ask Mr. Dorronsoro why he thought he was being judged by court-martial, whereas he had been tried by regular court on other charges concerning ETA activities. The use of a court-martial is one of the most sensitive points about this trial.

Q. Do you know why, at one point, you were tried by . . .

The Court. Irrelevant.

Q. Can I finish my question?

The Court. No, sir.

Q. But questions must be finished before they can be ruled impertinent.

Finally, Colonel Ordovas allowed him to finish the question and immediately ruled it irrelevant.

Another lawyer, Miguel Castels, began:

Q. You say you were mistreated?

A. Yes, sir.

Q. How were you mistreated?

The Court. You may say you were mistreated. You may not say how you were mistreated. We are not trying the police here.

Q. Do you feel you have freedom to answer here?

A. No, sir.

As the session wore on, the exchanges between the lawyers and the president grew angrier. The prosecution's case, at least as regards the killing of Inspector Manzanas, rests mainly on what the prisoners say about each other in their confessions. The defense feels that the confessions were produced by coercion, and that it must be given scope to demonstrate this.

[From the New York Times, Dec. 10, 1970]

Basque Trial Disrupted by Defendant's Outburst

Burgos, Spain.—The court-martial of 15 Basque nationalists came to an abrupt end here today after one defendant advanced on the tribunal and his manacled companions struggled with policemen.

During the pandemonium two military judges drew their swords, and prisoners and spectators, most of them relatives of the accused, broke into shouts and singing.

The court was cleared of prisoners, spectators and newsmen, and the defense lawyers, announcing that their clients no longer wanted to be defended, asked permission to leave.

Col. Manuel Ordovas, the president of the five-member panel, refused, and the lawyers sat stonily through a three-hour presentation by the military prosecutor, Capt. Carlos Granados.

He maintained his demand for death sentences for the six defendants who are accused of having arranged the killing of an inspector of the political police, Melitón Manzanas, in August, 1968.

As for the others, who are accused of banditry, the prosecutor reduced by 30 years his original call for a combined total of 754 years and one day in prison.

With the trial over after a week, the judges retired to consider their verdict. The deliberations are expected to take two to eight days, and the judges are not allowed to leave the red-brick military barracks where the court-martial has been conducted until they finish. Beds were set up for them this morning.

The trial has become the center of the most serious political storm that Spain has known since the Civil War. It has aroused demonstrations in many places, particularly in the Basque country in the north, and last week Basque guerrillas kidnapped the honorary West German consul in San Sebastián, Eugen Beihl.

The outburst at the tribunal today was partly a protest by the accused against the restrictions on their testimony, although the court has been more lenient in this respect than other Spanish military panels. Mainly it appeared to be a demonstration of the defendants' rejection of the regime of Generalissimo Francisco Franco and an assertion of the fighting spirit of the guerrilla group to which most proudly admit belonging.

There had been rumors before the session that there might be trouble after the last of the prisoners' declarations had been heard. The Burgos barracks, where security precautions had been relaxed in the last few days, bristled with green-bereted paratroopers carrying submachine guns.

The small courtroom had even more plainclothesmen than usual, including two young women in midicoats.

Colonel Ordovas, who clamped down severely yesterday on the lawyers' examination of the accused, returned to his milder manner of earlier days. He not only allowed the last prisoner, Mario Onaindia, to talk freely but he watched with considerable amusement and only token efforts at rebuke as Mr. Onaindia, a tall, strapping man, infuriated the military prosecutor by terming his question irrelevant or rephrasing them.

Mr. Onaindia, one of the six accused in the killing of Inspector Manzanas, denied the charge. His activities were not military, he said, but political.

After 20 minutes or so, his lawyer, Miguel Castells, asked if he considered himself a prisoner of war. Two of the other accused have made this statement, on the ground that their organization, ETA, was fighting a war to set up a Basque socialist state.

[From the New York Times, Dec. 10, 1970]

To the Basques it is Their Uniqueness That is on Trial in Spain

(By Richard Eder)

Burgos, Spain.—Two-thirds of the way north from this drab Castilian town, where 15 Basques are on trial, the train hurdles one of those sharply defined geographic boundaries that are more common in fairy tales than in life.

It is like "The Wizard of Oz," say, where one crosses a line and suddenly finds himself in the land of the Quadlings, where everything is red and the people are different.

The bare, rocky countryside of Castille, basically golden yellow, comes to sudden end at a steep gray mountain wall. The train climbs through cuts and gorges, and all at once everything is green and rolling, with neat, red-roofed cottages, and with haystacks and grazing cattle zigzagging up the hillsides.

And the people are different. To the Basques it is the difference that is on trial in Burgos.

BEYOND THE USUAL VIEW

True, the young people facing the five judges are associated with a group that goes beyond what most Basques conceive as a proper way to conduct their quarrel with the rest of Spain.

ETA—the initials stand for Euskadi ta Azkatasuna, or Basque nation and freedom—is shattered and divided now. In its best days it numbered no more than 200 or so activists, who set off bombs, held up banks, carried guns and, once in a long while, used them.

One victim was Inspector Meliton Manzanas, chief of the political police for Guipúzcoa Province. It is his death that figures in the main charge in the court-martial and that could result in the execution of up to six of those on trial.

The Basques are not unwarlike—the 19th century in Spain was marked by the bloody fighting of the Carlist wars in the north—but they are prosperous farmers, artisans and tradesmen. Though they have been dubious and skeptical of the young hotheads in ETA, they did not really disapprove of the killing of Mr. Manzanas, whom they considered a sadist obsessed with stamping out all manifestations of their way of life.

The court-martial, with its proposed death sentences, has gone far to convince the Basques that they are being persecuted by the Government of Generalissimo Francisco Franco. The formulation is important. The Basque rebelliousness reflects hatred not only of dictatorship as such but of the centralizing form it takes.

One question, posed the other day at the court-martial, serves to show why what the accused are saying has found an echo in the Basque provinces. Juan Abrisqueta was asked about his schooling.

He and his companions, despite two years in jail, beatings and the threat of execution, still look startlingly young. They have the square-featured good looks and fresh complexions and the air of carrying an extra quart of blood in them that are characteristic of their people, who eat better, weigh more and get a great deal more exercise than other Spaniards.

"They made me speak Spanish," the young man said, "and they punished me because I pronounced the letter 'R' too heavily."

The Basque language, difficult, guttural and related to nothing else human, is more the symbol than the reality of the Basque community. It is venerated, as Mr. Abrisqueta's bitter words show, but it is spoken less widely than it is venerated.

In the villages and farmhouses it is still commonly heard but in San Sebástian and Bilbao it is rare. One sign of the times, in fact, is the study groups of young university students who spend hours at night trying to learn at least a bit.

The Basques, a race that was here when the Iberians came, live in all parts of Spain—not to mention a shepherd group in Idaho. As a community, they exist in four Spanish provinces—Guipúzcoa, Vizcaya, Alava and Navarre—as well as in three French departments near the border.

Guipuzcoa is solidly Basque and Navarre is predominantly so. The Navarrese, having fought on General Franco's side during the Civil War, were politically hostile to the Guipuzcoans and Vizcayans, who were and are republicans. Recently, however, Basque nationalism has made inroads among the younger Navarrese.

Vizcaya contains some of the strongest of the Basque communities—the port of Bermeo and the towns of Guernica and Durango, for instance. Its capital, Bilbao, however, has seen heavy immigration from other parts of Spain and its Basque character is diluted. Alava tends to be Basque in the north and Castilian in the south.

WEIGHT LIFTERS AND HIKERS

Culture and community life among the Basques are quite different from those of the Spaniards. The Basques are weight lifters, choppers of trees, hikers and mountain climbers. Evidence of that was the pile of ancient knapsacks in front of the judges' bench—evidence seized by the police when they caught four Basques in a mountain cabin.

Indeed, the civil guard has had some unaccustomed exercise breaking up meetings that started at the bottom of the green hills and got more and more political along the way up.

In the countryside the Basques' houses are individual, one to a farm, instead of being bunched in villages, as in the south. They are sentimental, sturdy, democratic and contemptuous of other Spaniards.

At the end of the Middle Ages the Basques lived with local lords or chieftains, but with a strong element of community self-government. As the Kingdom of Spain developed, the Basque provinces came in under guarantees of a certain degree of autonomy.

That autonomy persisted until after the Civil War when, General Franco punished Vizcaya and Guipúzcoa by taking away their privileges. The Basque government, which was federated with the defeated republic, had gone into exile and the symbols of Basque nationalism—language schools, publications and songs and dances—were forbidden or restricted.

TREATMENT IS ROUGHER

In recent years many restrictions have been removed, but the Basques still feel discrimination. Several times before, when states of emergency were proclaimed, they applied only to the Basque provinces. The one invoked last week after the kidnapping of the honorary West German consul in San Sebastián, applies only to Guipúzcoa.

The civil guard, drawn from non-Basques, is undeniably rougher with the Basques than with other Spaniards. Until recently, the Basques say, Basque military recruits serving in the Burgos district, which takes in the northern provinces, were discriminated against in matters of leave, promotion and discipline.

All this—the replacement of a democratic form of government by a dictatorship, the abolition of limited autonomy, the years of cultural restrictions—has changed the mild nationalism of the older Basques into more active and uncompromising forms.

The ETA group is an extreme. More representative, and more dangerous for the Government, are the 100,000 workers who struck in the Basque provinces last week to protest the trial, the hundreds of shopkeepers who shut their doors despite official pressure and the crowds who defied the police and civil guard and sometimes fought them.

[From the New York Times, Dec. 11, 1970]

The Basques Confront Franco

By incredibly mishandling a trial of Basque nationalists, Generalissimo Franco's Government has stumbled into one of its worst political crises since the end of the Spanish Civil War.

The fifteen defendants, members of a Basque guerrilla organization known as E.T.A., are charged with terrorism and the murder of a hated provincial police chief. Many Spaniards other than the Basques were incensed by the decision to try the defendants by court-martial rather than in a regular court, and to demand the death penalty for six, with long prison terms for the other nine.

Despite severe restrictions on testimony by the military judges, the defendants were able to make the point that their "confessions" during two years in prison had been extracted by police coercion and brutality. The over-all result was to produce solidarity among outraged Basques, many of whom had never been sympathetic to E.T.A., and to provoke strikes, demonstrations and protests throughout Spain that included elements usually in support of the regime. Even the Vatican joined Catholic bishops of Spain in pleading for clemency.

The hope must be that General Franco belatedly realizes the extent of the crisis in Basque country and elsewhere and will intervene if the Army court is not disposed to clemency. But the danger is that Franco at 78 may react to the pressures—including the kidnapping of a West German consul by Basque terrorists—by supporting harsh treatment for the defendants as an act of defiance against his critics.

[From Christian Science Monitor, Dec. 11, 1970]

Basque Trial—A Crossroads: Spain Scans Ideology Route Map

(By Richard Mowrer)

Burgos, Spain.—The case of the Basque separatists may well have brought Generalissimo Francisco Franco's authoritarian regime to a crossroads where a choice will have to be made between two routes:

Exercising leniency and preserving the image projected abroad of a regime liberalizing itself to win acceptance as a partner of democratic Europe.

Reverting to a stronger line, dealing harshly with rebelliousness so as to keep control of a deteriorating situation within the country.

With the military trial of the 16 Basque separatists ended and the court's judgment awaited, all eyes are on the caudillo.

For only he can commute death sentences, and it is expected that before the weekend is over he will be faced with the decision of whether to exercise his prerogative.

Seven lives hang in the balance: those of the six defendants for whom the military prosecutor has demanded the supreme penalty, and that of the West German consul, Eugen Beihl, whom Basque extremists threaten to "execute" if any of the Basques on trial are put to death.

If the Army court sitting in this austere, windswept garrison town of Old Castile Province takes a tough line, as expected will General Franco take a softer course? The complexities of the whole affair are such that no one can be sure.

If one or all six of the Basque prisoners are executed, serious trouble threatens not only in the Basque areas of Spain but in other parts of the country, including Madrid. In this eventuality, the regime would have no choice but to meet force with superior force or abdicate, observers believe.

Yet, if no Basques are executed, the "soft" line risks being construed by the regime's opponents as a sign of weakness inviting further challenge.

In recent years, the Franco regime has been divided between hard liners and progressives. The hard liners have watched with anger and anxiety the erosion of the regime's old-time tough, no-nonsense authority as the progressives in the government have pushed for easing of authoritarian constraints at home to make Spain more acceptable abroad.

GULF EXPECTED TO WIDEN

The trial of the 16 Basques and whatever follows will, in the opinion of qualified observers, widen drastically, perhaps dangerously, the gulf between the regime's hawks and doves.

The Burgos trial at first was tuned to the "soft" line then prevailing in Madrid. Intended intially to be held behind closed doors, later it was opened to the public and to foreign reporters.

Most of the defendants admitted to being members of ETA, the secret extremist Basque guerrilla organization. Then, with slight hindrance from the presiding judge, Col. Manuel Ordovas, they went on to denounce and describe tortures allegedly inflicted on them by the police.

It was at this point that the trial was suspended for one day, apparently for consultations with Madrid, although illness on the part of one of the prosecutors was said to be the cause.

ATTITUDE CHANGES?

When the trial resumed it immediately became clear that the presiding judge's attitude had changed. Questioning of the defendants by the defense, previously accorded considerable scope, was now cut short.

The Basque defendants staged a spectacular revolt in the courtroom. They instructed their lawyers to stop defending them, and denounced the court's validity.

Mario Onainda Natxiondo, bank clerk and ETA member for whom the death sentence has been asked, rose dragging with him a companion to whom he was handcuffed and lunged toward the judges, shouting a Basque war cry. The other defendants followed suit.

COURT CLEARED

Within minutes the court was cleared of spectators, press, prisoners, and guards.

But the defense lawyers were not allowed to leave. Depositions were read in the almost empty courtroom and the trial formally ended, in the prisoners' absence, several hours later.

The military is clearly unhappy at having been placed, as one observer put it, "in the position of washing the police's dirty linen." The trial should have been held before a civilian tribunal, some officers concede privately, but it's their job to obey orders.

The military finds itself in the position of having its authority challenged, a situation that makes a tough verdict by the Burgos court practically mandatory.

[From the Washington Star, Dec. 13, 1970]

COURT VERDICT AWAITED—FINAL FATE OF BASQUES MAY BE UP TO FRANCO

(By Richard Mowrer)

MADRID.—As a panel of five army officers deliberates on the fate of 16 Basque nationalists, it is expected that Gen. Francisco Franco will soon be the central figure in a drama nearing its climax.

For only Franco can commute death sentences and the belief here is that at any moment he will be faced with the decision whether or not to exercise his prerogative.

Seven lives hang in the balance: those of the six young men for whom the chief prosecutor of the Burgos military court has demanded death, and that of Eugen Beihl, the kidnaped West German consul whom the Basque underground has threatened to "execute" if a death sentence is carried out.

If death penalties are imposed they would first have to be confirmed by Lt. Gen. Tomas Garcia Rebull, commander of the 6th Military Region headquartered in Burgos.

After that it would be up to Franco.

Spain's tough 5-foot-4 Caudillo, who marked his 78th birthday Dec. 4 and the same day decreed a three-month state of exception in the turbulent Basque province of Guipuzcoa, has on occasion commuted death sentences.

Two years ago he changed the death penalty imposed on a Basque terrorist to 40 years. In 1963, however, he declined to commute the death sentence imposed by a Madrid military court on a former police officer under the republic, the Communist Julian Grimau.

Grimau died before a firing squad one hour before dawn, standing against a wall of Carabanchel Prison, outside Madrid. Despite pressures from abroad, or quite possibly because of them, Franco ignored appeals for clemency.

The Basques waiting to hear the verdict of the Burgos court are in very serious trouble but so, because of them, is Franco's regime.

GAINS NATIONAL DIMENSION

Until now Basque turmoil was a regional affair, but it has taken on a national dimension.

Demonstrations to protest the court martial of the Basque extremists have erupted in many parts of Spain during the past two weeks, with the promise of worse to come if death sentences are carried out.

The trial has galvanized public opinion abroad. The abduction of Beihl has further complicated the picture.

The cabinet itself is reported to be deeply divided between the hardliners who fear that leniency will destroy the authority of the state and spur dissidents to greater efforts, and the "progressives" who have worked diligently to project abroad the image of a regime liberalizing itself.

The "image" is in danger of being shattered if the pleas from politicians, statesmen and churchmen in Western Europe are ignored and if a deteriorating situation in Spain generates repression.

The Spanish military, who regard themselves as traditionally the final arbiter in moments of crisis, are divided and unhappy over the trial of the Basques and its political overtones. There is a strong current of resentment that the job of judging terrorists for the murder of a police official was foisted on the army.

[From the Washington Star, Dec. 13, 1970]

SPAIN'S BASQUE "NATION"

(By Richard Mowrer)

MADRID.—At the root of the Basque problem taking the spotlight in Spain is 77 years of striving by a proud, gifted, stubborn people for local autonomy and independence.

For generations the rallying cry of the Basques has been "For God and our ancient laws." Today the call has a tragic ring as a small but fanatically dedicated group of Basque separatists wages a silent, vicious, escalating war against the Franco regime.

The clandestine terrorist organization ETA (Euzkadi Ta Azkatasuna: The "Basque land and liberty") is in mortal combat, its commandos killing or be killed, kidnaping or being captured and sentenced to death or life imprisonment.

Who are the Basques? Nobody really knows. In terms of ethnic origins and linguistic roots they are a mystery. Their strange, almost impossible tongue of k's, x's and z's has no known link with any language, live or dead.

The Basque country extends along the southeast rim of the Bay of Biscay, backs up into the Pyrenees, straddles the French-Spanish border. Nine-tenths of it is in Spain. Most of the 2.5 million Basques who populate the area live on the Spanish side.

The Basques are intensely Roman Catholic. They have a tradition of independence, in terms of local laws and customs, going back 1,000 years.

The Basques lost their centuries-old "fueros," or regional charter of rights, in 1839. They had made the mistake of backing the losing side in the Carlist wars of the period and the central government in Madrid was vindictive.

In 1893 Sabino de Arana Goni founded the Basque National party in a restaurant in the town of Larrazabal, near Bilbao. The BNP began as a movement for an independent Basque land (Euzkadi) separated from Spain and France. Later it dropped the idea, favoring instead the attainment of local autonomy for the Basques.

When the Spanish republic displaced the monarchy in 1931 the BNP's hopes revived and it set its sights on autonomy first, then independence.

In 1932 the Spanish Basque provinces of Vizcaya and Guipuzcoa voted overwhelmingly in favor of autonomy, 87 percent and 86 percent respectively. But the inland province of Alava was split, with only 48 percent in favor. Navarra voted massively against.

Nothing more happened until the Spanish civil war broke out in 1936. Navarra went over to Franco. The republican government in Madrid on Oct. 1 granted full autonomy to the hard-core Basque provinces, Guipuzcoa and Vizcaya, cut off in northern Spain. They were the republic's second front until the Franco forces finally broke their resistance in June 1937 by capturing Bilbao, the industrial city and seaport.

It was during the campaign against the Basques that the Nazi "Condor Legion" first experimented with saturation bombing from the air, using the town of Guernica as its target.

In 1956 impatient Basque militants splintered from the old Basque National party, regarding it as too mild. A year later the secret underground "direct action" group, ETA was formed. Its founders defined it as a

"Basque revolutionary liberation movement based on patriotic resistance, independent of all parties, groups or organizations."

Five years ago it revealed a marked shift to left-wing revolutionary ideology. ETA stated as its objective "The independence and reunification of the Basque land, the transformation of its economic, social and cultural structure, the creation of a Socialist state."

ETA's tactics center on the principle of "action-repression," that is, resort to violence with the object of provoking repression, and so on in escalating sequence.

ETA commando units have derailed trains, dynamited police stations and army garrisons in northern Spain, robbed banks for funds, printed and circulated subversive leaflets. They have also killed.

Quite often in northern Spain one sees scrawled on walls the equation: 4+3=1. Spelled out this means: the four Basque provinces in Spain (Guipuzcoa, Vizcaya, Alava, Navarra) plus the three Basque regions in France (Soule, Labourde, Basse-Navarre) equal one united Basque state.

Most Basques shrug off "Zazpiak Bat" ("The Seven are One") as unrealistic and not feasible. But wanting local autonomy and not having it does generate a strong undercurrent of resentment in Spain.

[From the Washington Post, Dec. 14, 1970]

LOCK SELVES IN SPANISH MONASTERY—300 INTELLECTUALS PROTEST BASQUE TRIAL

(By William Cemlyn-Jones)

MADRID, December 13.—About 300 Spanish artists and intellectuals locked themselves up this weekend in the mountain monastery of Montserrat as a protest against the Burgos court martial of 16 Basque nationalists.

Painters, including Joan Miro, 77, and Antonio Tapies; poets, architects, writers, actors and film directors, have joined in this peaceful demonstration by the intelligentsia to show their concern over the methods adopted by Gen. Franco's government to repress the rebel Basque patriots.

The Benedictine monastery of Montserrat is perched on top of a jagged mountain range 30 miles west of Barcelona. It is the mythical repository of the Holy Grail. The abbot, like his predecessor who was expelled from Spain six years ago, is an outspoken critic of the Franco regime.

POLICE KEEP WATCH

[Police blocked traffic to the monastery Sunday, AP reported from Montserrat. Civil guards in tricorn hats patrolled outside the monastery but there was no sign they would try to interfere with the gathering. Assemblies of more than 20 persons in Spain without permission of the government are illegal.]

This was the latest in a continuing series of demonstrations and protests which are breaking out all over Spain.

The verdict and sentences on the accused Basque nationalists are not expected until Tuesday or Wednesday. Events during the past week have shown that if even one death sentence is imposed, the reaction in Spain will almost certainly be violent and will not be confined to the northwestern Basque provinces.

All the Spanish opposition, from Communists to liberal Roman Catholics, have united on this issue and have made the Basque trial a common cause.

At the same time, the hard-line conservatives within the government have also made their position completely clear. On Saturday the Spanish vice president, Adm. Luis Carrero Blanco, accompanied by five cabinet ministers, attended a ceremony, the Presentation of Colors at the academy of the armed police.

The ministers of justice, education, army, navy and the home secretary were joined by the chief-of-staff, Lt. Gen. Diaz-Algeria, symbolically showing their unflinching solidarity with forces of law and order in the face of the present disorder.

The Papal Nuncio in Madrid has addressed an appeal to the Basque extremist organization, the ETA which kidnaped the West German consul in San Sebastion and are holding him as a hostage, to spare his life.

Informed sources said about 200 persons were arrested in San Sebastian Saturday night under the state of emergency imposed on the city and its surrounding province of Guipuzcoa more than a week ago, Reuter reported.

[Those held included 40 bank clerks who staged a silent strike in memory of a young Basque, Roberto Perez Jauregui, who died after being shot by civil guards last week during demonstrations protesting the Burgos trial. Police entered the paralyzed bank and herded all 40 into vans about an hour after the stoppage began.]

[From the New York Times, Dec. 15, 1970]

DEFENSE LAWYERS FOR BASQUES WEEP FOR CLIENTS AND SHARE THEIR DANGER

(By Richard Eder)

BURGOS, SPAIN, December 10.—"I don't believe I have wept since I was a boy. Maybe once, when my wife came to see me in Almeria."

Juan Maria Bandrés, sitting over a 4 P.M. lunch here yeserday, still looked shaken. He and five or six of the other lawyers at the Burgos court-martial had watched in tears as their young clients, handcuffed, singing and shouting, were taken off by the police.

The defense lawyers have a strong emotional link with the 13 men and the two women they are defending. Most of them, like their clients, are Basques, and they share profoundly the conviction that there is a Basque nation, and that it has been oppressed ever since the Civil War ended in 1939.

Some of the lawyers have paid for these convictions and for their insistence on defending compatriots arrested for what the courts call "separatist activities"—or, in the case of the ETA guerrilla group tried here—"separatist-terrorist-Communist activities."

José Antonio Echevarrieta, a spindly, bearded lawyer with a flashing wit and an illness that obliges him to use crutches, was set upon one night in the hallway of his apartment and beaten bloody.

ARRESTED AT HOME

Mr. Bandrés was picked up at 5 A.M. one day last December at his home in San Sebastián. He was driven in a police car across Spain—spending the night in the jail in Córdoba—and set down, with his suitcase, in the remote mountain village of Purchena, in the province of Almeria. Two other lawyers at the court-martial were banished at the same time.

Mr. Bandrés remained in Purchena for three months. His wife gave birth to a boy and then joined him as soon as she could.

At the Burgos court-martial, as in all Spanish military trials, the defense lawyers have been at a striking disadvantage. Many of the proofs and witnesses they request are denied them. In a number of areas where their case might be helped—for example, eliciting evidence of police mistreatment—they are cut off.

In addition, of course, their clients are generally "guilty" of many of the acts with which they are charged—acts that are not illegal in other countries: distributing propaganda, holding meetings, in other words, political activity.

Confronted with those difficulties, the lawyers practice legal resistance quite as much as legal defense. When the foreign press is admitted, as in the current case, they seek not so much to prove that their clients did not violate Spanish law as that the laws are such that any decent man in conscience ought to violate them.

THAT MISSING SWORD

A number of images of the Burgos trial remain in the mind.

Gregorio Peces-Barba, a Madrid lawyer with a solemn, oratorical manner and a startlingly quick mind, proposing that the proceedings be started all over again because the prosecutor had forgotten to wear his sword.

Mr. Echevarrieta shouting at the presiding judge, who had cut off almost every word of his effort to interrogate his client: "These are six death sentences that are being asked!"

And Mr. Bandrés, whose manner is diffident and introspective and who, when he explodes, does so as if some unutterably tragic point of no return had been reached—even though there was such a point only five minutes earlier.

His sweetness is more deadly than his explosions. Interrogating one of the accused, who the police had picked up to identify a companion, Mr. Bandrés asked if the accused had noticed anything unusual about the other man's face. The president interrupted, declaring the question irrelevant.

"If the court pleases," Mr. Bandrés said, "if it is a matter of a face-to-face identification, it seems to me most relevant to know whether one of the faces is swollen or disfigured."

These were games, but very serious games. It is conceivable that after the verdict is in there will be reprisals against some of the lawyers. In any event, there was tension, and the lawyers tried to relieve it—by passing notes during the session, for instance.

"He is a truck-driver with a truckload of participles," one note remarked of the prosecutor, a heavy-featured captain with a ponderous, hortatory delivery.

"He knows how to read, but badly," another said of the investigating judge, who spent most of three days reading out the indictment.

"Waiter: whisky, please. I have to be serious"—this from a lawyer about to interrogate his client.

The lawyers have now gone home to await the verdict. Mr. Bandrés returned to San Sebastián, where he is a considerable, if slightly scandalous, figure.

"Scandalous" seems a strange word to apply to a man whose manner is so mild and affectionate and who describes himself as a practicing—others say devout—Roman Catholic, though a Catholic of the left.

"What I like, in fact, is to be at home with my wife, wear slippers and listen to music" he has said.

FROM BEETHOVEN TO TALK

Sometimes Mr. Bandrés does manage to stay home, put on a sweater and curl up on a tasseled sofa to listen to Beethoven's Seventh Symphony. Then some friend turns up, sits politely for a while, begins to wave his arms as if he were conducting and finally drags his host into discussing some urgent case that must be attended to.

Mr. Bandrés has, in fact, become something of an essential personage in the Basque country, and it was he who coordinated the efforts of the other lawyers at the court-martial.

Mr. Bandrés was brought up at the Sacred Heart School in San Sebastian, where the teachers, he said, "thought that to be Christian meant being anti-Basque and pro-German."

He worked his way through law school and then was sent to military service—in the Spanish territory of Ceuta, in North Africa. He was assigned to the infirmary. "Here," he said, "I found I was able to do things for people; arrange a pass for a soldier with a dying mother, get a change of assignment in cases of hardship."

"It is possible," he added, "that I may have been just a bit more helpful if the patient was Basque."

He considers himself a man of the left as well as a Basque nationalist, and he talks musingly about Premier Fidel Castro, the Prague uprising and other things. But he belongs to no party. What makes him a leader among the Basques is his ability to take the anguish that he and his friends feel about the situation and translate it into a series of small, practical steps.

He is trusted and consulted by bishops, members of ETA, his fellow lawyers and a wide range of others. The Government does not consult him, but it is likely that if some future Spanish regime—or even some variation of the present one—decides to come to terms with the Basques, it will try to make its peace with Mr. Bandrés. He may or may not be willing.

[From the New York Times, Dec. 15, 1970]

SPAIN GIVES POLICE DETENTION POWER—PROTESTS ON BASQUES BRING SUSPENSION OF PROVISION FOR PROMPT HEARING

MADRID.—The Government of Generalissimo Francisco Franco, under strong political pressure as a result of the trial of 15 Basque nationalists, gave the police special powers tonight to hold people for up to six months without a hearing.

The decree, adopted at an emergency session of the Cabinet, suspends for six months Article 18 of the Fuero de los Españoles—a sort of bill of rights—which requires that anyone who is arrested be brought before a judge within 72 hours. A similar, somewhat broader restriction, adopted 10 days ago, applied only to the Basque province of Guipúzcoa.

Since then at least 200 persons have been detained in this province alone. Presumably the number of arrests under tonight's nationwide measure will run many times higher.

The latest restriction, which could prove to be drastic although it fails to include powers of banishment and censorship that the Government has invoked on other occasions, was a response to the continuing torrent of dissension aroused by the court-martial, which began Dec. 3 in Burgos.

Special powers of arrest as in the latest measure have not been enforced in Spain for many years except when invoked under emergency powers. The last time such powers were invoked nationally was early in 1969.

The rule requiring arraignment 72 hours after an arrest has generally been strictly observed in Spain except during periods when the guarantee has been suspended.

If the most spectacular pressures on the Government have come from the liberals and the left, those most dangerous to the Government may have come from the right and, above all from the army.

.Many army officers, including some top generals, have let it be known in the past weeks that they believed the Government was handling things badly. There was widespread resentment of the use of a military court-martial to try the 15 Basques. Death sentences have been asked for six of the defendants.

SAW PERMISSIVENESS

Some officers believed the Government was being overly permissive in allowing the protest demonstrations of the last two weeks. Others, of more liberal view, charged the Government's repressiveness caused the protests.

According to several military sources, a petition addressed to General Franco has circulated among the officers of units around Madrid. The petition reportedly asked that the army be permitted to fulfill its constitutional role of defending the country's institutions.

The most recent rumors to hit Madrid which has been choking on them for the last two weeks, concerns possible military uprisings or ultimatums. Well-placed sources report that at present, no significant army group seems prepared to do much more than talk about its complaints.

Even this is significant in a regime whose leader has never conceded that army officers had the right to discuss politics—not, at least, since he took command of the army uprising that started the Civil War in 1936.

MILITARY MEETINGS HELD

In the last few days, and without recent precedent, a series of meetings has been held at the principal military headquarters in the Madrid area. At these meetings, according to reliable reports, senior officers have been briefed by their superiors on the situation, and have been allowed to air their misgivings.

If the emergency arrest powers are aimed partly at convincing the army that the Government, despite General Franco's age and its own divisions, is not weak, they are apparently intended also to calm the regime's extreme right wing.

The preamble of the decree pointed squarely at the wide-spread campaign of protest against the Basque court-martial that has given fire to a broader protest against the dictatorship. It cited "the superversive maneuvers of minority groups of activits" and said that the exercise of civil rights "is not to threaten the spiritual, national and social unity of Spain."

NEW LEFTIST OPPOSITION

The weight of the new decree is likely to fall upon the wide range of liberal and leftist opposition that has sprung to life. Apart from strikes and street demonstrations, there have been public statements and concerted actions that have ranged most of the nation's intellectuals, many professionals, and part of the Roman Catholic Church against the regime.

One of the most impressive of these actions ended tonight. Some 280 Cathlonian artists and intellectuals had conducted a 48-hour sit-in in the 1,000-year-old Benedictine Abbey of Montserrat, near Barcelona.

The abbot Cassia Just, a mild-mannered but strong-willed musicologist, had resisted repeated calls by the Government to evict the demonstrators. At one point, an official reportedly told the abbot by telephone that the meeting was a "provocation."

"So was the Burgos court-martial," the abbot reportedly replied.

[From the Washington Star, Dec. 16, 1970]

PRESSURE IN SPAIN

The extension from the Basque provinces to all of Spain of special powers of arrest is an indication that the hardliners around Generalissimo Franco have prevailed. And that is bad news for everybody, including the Opus Dei cabinet members.

Spain has been in turmoil in recent days as the result of the trial by courtmartial of 15 Basque nationalists of the ETA terrorist organization. The prosecution is asking the death penalty for six of the separatists in connection with the murder of a particularly odious official of the secret police. The accused claim confessions were extracted from them by torture. The evidence against them seems largely circumstantial.

Other ETA members are holding an honorary West German diplomat hostage and threaten to kill him if the death sentences are imposed. West Germany, which has been putting heavy pressure on Madrid, is vital to Spain's economy and is its best friend in its search for association with the European Common Market.

While all the noise is coming from the Spanish Left, the real danger is on the political Right, which is suspicious of the slightly liberalizing efforts of Opus Dei technocrats such as Foreign Minister Lopez Bravo and Economic Development Minister Lopez Rodo. These ministers, in concert with the politically moderate General Diaz Alegria, the Spanish chief of staff, reportedly have urged restraint on Franco in his handling of the Basque problem.

But the suspension of Article 18 of the Spanish bill of rights, which provides that any arrested person must be brought before a magistrate and charged within 72 hours, would seem to indicate that the moss-backs within the army have won, that the regime is preparing to ride out such difficulties as may eventuate from the sentencing of the 15 Basques.

These sentences are expected hourly. The United States government is not without influence in Madrid. The Nixon administration should make an eleventh-hour attempt to procure clemency for the accused men, both on humanitarian grounds and because disorder in the Iberian peninsula is in nobody's interest.

[From the Christian Science Monitor, Dec. 16, 1970]

BASQUE TURMOIL PERILS FRANCO REGIME—SPANISH POLICE GET MORE MUSCLE

(By Richard Mowrer)

MADRID.—Alarmed by a growing challenge to its authority in the form of continuing disorders throughout the country, Generalissimo Francisco Franco's government has decreed nationwide emergency measures giving the police full power for six months.

From now on people may be arrested without charge and held indefinitely.

The move was decided on at an emergency Cabinet meeting Monday night presided over by General Franco. It follows the clamping of a state of exception on the Basque province of Guipúzcoa Dec. 4, the caudillo's 78th birthday.

Monday's measure is not so sweeping as the state of exception imposed on Guipúzcoa for three months, which gives the police unlimited powers to arrest and detain people at will and to carry out searches anywhere, anytime.

The granting of additional powers to the police may seem academic when applied to an authoritarian country like Spain. However, the law requires that an arrested person either be brought before a magistrate and charged within 72 hours of his detention or released. This legal hindrance has now been removed.

HIGH TENSION GENERATED

The crackdown is the latest element in a situation that has generated high tension in Spain. The focal point is the trial before a Spanish military court of 16 Basque nationalists, six of whom face possible capital sentences for terrorism.

The court's verdict is expected to be announced this week. If it is a harsh one, an eruption of protest riots is feared, particularly in the Basque portion of Spain. Pleas for clemency have poured in from abroad, backed by street demonstrations in parts of Western Europe. But whether these will sway the Franco regime remains to be seen. The hard liners in the government are reportedly opposed to any concessions that could be interpreted by the opposition in Spain as a sign of weakness.

The situation is made more complex by the kidnapping of the West German consul in San Sebastian, Engen Beihl. Abducted on Dec. 1, he still hasn't been found. His captors are a splinter group of the Basque extremist underground movement ETA. They have let it be known that Mr. Beihl is being held hostage against the lives of the Basques now awaiting the court's decision.

Even if none of the Basques are sentenced to death and executed, there is no assurance that Mr. Beihl will be released.

Monday's emergency Cabinet meeting had some unusual, possibly significant, aspects. It is noted that, while Minister of the Interior Tomas Garciana Goñi and the ministers of the three armed services were present, three of the Cabinet's "liberal" ministers were absent: Foreign Affairs Minister Gregorio López Bravo, Economic Development Minister Laureano López Rodó, and Public Works Minister Fernández de la Mora.

Mr. López Bravo was in Lisbon, 50 minutes flying time away Mr. López Rodó was in northwest Spain, Mr. Fernández de la Mora was in Paris. None of the three, the first two reputedly leaning to leniency for the Basques for the sake of Spain's relations abroad, was recalled.

But Prince Juan Carlos, General Franco's designated successor, was summoned from a concert at the Teatro Real in Madrid. According to reliable sources, the Prince did not attend the Cabinet meeting proper, but it had been decided that he should be a party to the Cabinet's decisions, at least to the extent of being informed of them right away.

Meanwhile, proregime elements, groups, and veterans' organizations are rallying around the Franco state in this moment of crisis, pledging their loyalty and denouncing "minority groups who disturb the tranquility and peace of Spain."

[From the Washington (D.C.) Post, Dec. 17, 1970]

Franco Forces Rally as Verdict on Basques Is Awaited

(By Anatole Shub and Miguel Acoca)

MADRID.—Hardline adherents of Generalissimo Francisco Franco began mobilizing public support throughout Spain today for the expected condemnation of 16 Basque nationalists tried at Burgos last week.

With tension high in both government and opposition circles, there was still no indication of when the five military judges at Burgos, who have been deliberating since Dec. 9, will pronounce sentence. The prosecution has asked the death penalty for six of the defendants, accused of banditry, terrorism, and murder.

The trial, the unprecedented delay in sentencing, and Monday's suspension of the right of habeas corpus throughout Spain have provoked what many diplomatic observers consider the country's gravest crisis since the 1936–39 civil war.

The crisis has been heightened by the kidnaping of a West German honorary consul by Basque guerrillas, who have threatened to kill him if any of the Burgos defendants are executed.

In Burgos today, hundreds of pro-Franco civil war veterans and members of other "patriotic" organizations rallied to denounce Basque terrorists and pledge firm support to the government. The demonstrators were addressed by Lt. Gen. Tomas Garcia Rebull, the military commander who must approve the sentences the tribunal hands down.

Another mass rally has been called in Madrid for Thursday noon, in memory of three men allegedly murdered by Basque terrorists in 1968 and 1969. Pro-government observers expect a large turnout by military men and ultra-rightist groups.

The press, meanwhile, has been reporting dozens of messages of support to Franco from political leaders and veterans organizations, many of the messages have denounced as anti-Spanish the campaign aboard on behalf of the defendants.

With government, army and church leaders reportedly divided over the trial, the new hard line drive was interpreted by qualified observers as a strong indication that there may be several death sentences and, probably, executions. Opposition leaders have made it clear that any executions will set off strong protest demonstrations throughout the country.

Acting under their emergency powers, police were rounding up leaders of outlawed labor organizations in Madrid and in the Basque provinces. Major Spanish universities have been closed, and intensive police patrols were reported tonight in and around the Basque industrial stronghold of Bilbao.

With Franco's regular cabinet meeting scheduled for Friday, political observers in Madrid speculated that the verdict would be announced in time for the government to commute possible death sentences and thus head off internal and external protest. However, defense attorneys, who must be notified in advance of the sentencing, said that they do not expect a decision before Monday.

Despite the tribunal's silence the Spanish press continued to give extensive coverage to the national and international controversy over the trial. It has published a Vatican appeal for clemency, foreign press interviews with exiled Basque leaders and photographs of the captive West German honorary consul, Eugen Beihl.

West German sources said they had no new word on the kidnapers' conditions for Beihl's release.

[From the New York Times, Dec. 17, 1970]

Basque Activists—Heroes or Villains?

(By Richard Eder)

MADRID.—In a crowded Bilbao restaurant, a couple of weeks ago, a Swedish journalist asked a Basque lawyer why the Basque guerrilla group known as ETA should be judged any differently from say, the French Canadian extremists who recently kidnapped a Briton and killed a Canadian. The question reflects the confusion that has marked the present Spanish crisis, growing out of the court-martial of 15 ETA members on charges of banditry and, in the case of six, of killing a secret-police inspector.

The question is not sufficiently answered by the slogans of demonstrators in the other European capitals or by accounts sent by some European journalists that present the trial in the Basque city of Burgos as a simple case of Franco tyranny versus democratic resistance.

LINE INCLUDES NIXON

It is also not answered by the official Spanish accounts threaded through the local press, which describe ETA as a plain Marxist-Leninist separatist terrorist gang. The groups activity is compared to that of the Quebec extremists or the American Weathermen. And a common line of opposition to this activity is drawn neatly from Prime Minister Pierre Elliott Trudeau to President Nixon to Generalissimo Francisco Franco.

The Basque lawyer's answer was: "You cannot speak in the same way of those who use violence against a dictatorship as of those who use it, for whatever laudable purpose, against a government that allows free expression and political activity."

The lawyer was a Basque nationalist and a man of the left, and he was at least sympathetic to ETA, which calls for violence to create an independent, socialist Basque state. Another answer comes from quite a different viewpoint, that of one the few non-Basque lawyers in the Burgos defense.

"I did not agree with perhaps 30 per cent of the views of the other lawyers," he said. I was not defending ETA nor even Basque nationalism. I was fighting the use of court-martials for political cases, and the use of police torture to build the prosecution's case."

OPPONENT OF FRANCO

This lawyer, a liberal, is a public opponent of the Franco Government. He has little sympathy for the vision of an independent Basque state that is shared, at least romantically, by many Basques who shun the violent methods of ETA.

The entire defense panel at Burgos—whose political views range from moderate to extreme left, and whose views on Basque nationalism range from impassioned advocacy to puzzled incomprehension—were horrified by the kidnapping of Eugen Beihl, honorary West German consul in San Sebastian, on Dec. 1.

The lawyers say they do not approve of kidnapping, and all say they foresaw political repercussions for the Burgos, trial, which began Dec. 3.

Those tried at Burgos, for six of whom death sentences are asked, have been behind bars for nearly two years and have no conceivable connection with the kidnapping. But the kidnapping did allow official spokesmen to blur what would originally have been a trial before world opinion of the peculiar problems of the Franco dictatorship, and to argue that it was simply one more instance of a member of the world community's wrestling with a problem that affects them all.

Moreover, ETA is spilt into various groups, with varying ideas about the tactics of violence, and the kidnappers are classified as part of a splinter group that has still to be identified.

VIOLENCE ORGANIZED

Police pressure on the Basques precedes by a long time the killing of the police inspector, the bank-robberies and the detonating of bombs.

Despite the group's belligerent rhetoric, virtually all of the ETA operations—including the setting off of bombs in deserted places at midnight—were so organized to avoid killing anyone. But plainclothesmen and the civil guards were arresting Basques—and in some cases torturing them—10 and 15 years ago, for writing and distributing propaganda, for running language schools, for flying Basque flags or even for playing the xistu, or Basque flute.

If Spain were a democracy, and if the Basque culture, language and forms of community organization had been allowed to develop freely, would there have developed a strain of separatist violence? It is interesting to note that in France, where the Basques are free to organize their own lives—although the centralism of the French Government annoys them—the ideas of the French Basque equivalent of ETA have failed to take hold.

[From The New York Times, Dec. 18, 1970]

More Than 100,000 Demonstrators in Madrid Shout Their Support of Franco

(By Richard Eder)

MADRID, December 17.—The largest crowd Madrid has seen in 25 years, except perhaps at football games, gathered today to shout its support for Generalissimo Francisco Franco.

The demonstrators included Falangist groups, Government employes let off for the day, civil war veterans, many of the middle aged and the middle class, fewer of the young and very few workers.

Their number was estimated by the national press agency at 500,000 and by other Spanish newsmen at 100,000 to 200,000. Madrid's population is three million.

The demonstration had a double political significance. In part in was a repudiation, by those most closely connected with the Government of the climate of opposition and controversy that has surged up in Spain in recent weeks.

It was also a show of force by groups within the Government that have felt themselves slipping from power against the faction—known variously as the technocrats or the Opus Dei group—that has dominated the Government for a year.

Most of the signs carried by the crowd and the slogans it shouted occasionally were things like "Viva Franco!" "Viva Espagna!" and "ETA al paredón" ("ETA to the wall").

The last was directed at the Basque guerrilla organization, ETA, 15 of whose adherents are awaiting sentence from a court-martial in Burgis on charges ranging from banditry to murder. The trial has served as focus for the current crisis here.

Some of the signs today emphasized the second theme, "Franco Si, Opus No," one read and another bore a complicated denunciation of the efforts of Foreign Minister Gregorio López Bravo to promote better relations with Eastern Europe.

The mood of the crowd, and many of the shouted remarks, made it even clearer that if this was a pro-Franco demonstration it was also a call to General Franco to get a new Cabinet.

The demonstration began with a mass at the Church of the Incarnation, in memory of two policemen and a taxi driver killed in encounters with ETA. It was celebrated by the Rev. Miguel Oltra, a Franciscan who heads a right-wing association of priests that had been repudiated by the local bishops.

Afterward the crowds moved into the big square in front of the Royal Palace. There were shouts, singing, waving of signs but not speeches. Two small planes flew overhead trailing streamers with patriotic slogans. After three-quarters of an hour, General Franco, who had arrived by helicopter, appeared on the palace balcony accompanied by his designated heir, or chief of state, Prince Juan Carlos de Borgon.

The 78-year-old generalissimo dressed in a suit and a gray overcoat, spoke for about 40 seconds. He thanked the crowd for its enthusiasm and added:

"Because we have a state of law, because we have made our Constitution and our institutionale laws, we have a solution for all our problems. Thank you for your vigilance, for this explosion of faith and enthusiasm backed by the people, the true people with faith in the destiny of our country."

FALANGISTS DOWNGRADED

When General Franco reorganized his Cabinet in October of last year, he relegated to an inferior position the Falangist faction that until then had been the main stay of all his governments. Power was taken by the technocrats, a conservative but more European-minded group, some of whose leading members belong to the Roman Catholic organization, Opus Dei.

The Opus faction consists of economists, administrators and profesionals. The regime's only mass base—veterans' group, officials, in the provincial governments and the syndicates—are Falangist-oriented. The Falange, a rightist group, supported General Franco in the Spanish Civil War.

Meanwhile, the West German Embassy here was reported to be becoming increasingly uneasy about Engen Beihl, Bonn's honorary consul at San Sebastian, who was kidnapped by Basque terrorists two weeks ago.

A letter, purported to be from the consul, was made public yesterday in St.-Jean-de-Luz, across the French border. It said he was losing hope.

Presumably, his fate depends on the decision of the Spanish court-martial involving the Basque nationalists.

[From the Washington Post, Dec. 18, 1970]

FRANCO APPEARS AT HUGE "UNITY" RALLY

(By Anatole Shub)

MADRID, December 17.—Generalissimo Francisco Franco mobilized today a well-organized demonstration of national unity, at which he made a rare public appearance himself.

The demonstration, attended by about 100,000 people, seemed clearly aimed at preparing public opinion for possible death sentences for one or more of the 16 Basque nationalists tried by a court martial in Burgos last week. Referring to the Basque nationalist organization ETA, the crowds shouted "ETA to the wall" and carried banners vowing death to the ETA.

The demonstration, in which blue-shirted veterans of the Falange or Fascist party were active, also seemed to be in part directed against liberal tendencies in the Roman Catholic church and against the church-influenced Opus Dei technocrats, an important group in Franco's cabinet. There was no indication, however, that Franco intended it to take this direction.

Massed before the old royal palace and marching through the old city to other squares, demonstrators carried the red, black and red Falange flag as well as the red-yellow-red national flag. They frequently sang the Falange anthem, Cara al Sol and thrust up their right arms in the old Fascist salute.

Their banners included: "No Red Bishops, Vatican," "United Italian Marriages, Don't Disunite Spain," and "God Save Us From Weak Governments." In addition to frequent chants of "Franco si, ETA no," there were cries of "Franco Si, Opus no."

Although Falange militants dominated the demonstration, in which clergy were few and workers even fewer, its official inspiration was clear from police, army and technical arrangements and from the appearance of Franco, his designated heir Prince Juan Carlos and other high dignitaries on a balcony of the palace.

Thanking the crowd for its vigilance, faith and enthusiasm, Franco in a two-minute speech gave no hints of the possible sentences in the Basque trial. His only presumed reference to it was Delphic. "As we have a state of law," he said, "so we have a solution for all problems."

The 72-year-old chief of State, who has ruled Spain since 1939, appeared reasonably fit in a gray-blue coat and hat as he joined in chanting patriotic slogans and singing the Falange anthem. Prince Juan Carlos, who likewise wore civilian clothes, refrained from singing the anthem, which many Spanish citizens identify with militant fascism.

The demonstrators, who had been massed before the palace awaiting Franco's appearance for more than an hour, moved on afterward to the Madrid district military headquarters, where they were addressed by the regional commander, Lt. Gen. Joaquin Fernandez de Cordova. Vowing the army's readiness to follow Franco's orders Cordova attacked Basque terrorism as profoundly alien to the majority of the Spanish people and denounced the sympathy given abroad to the Basque defendants.

"Countries which have problems of their own, on whose streets people are shot without trial," Cordova said, "arrogate to themselves the freedom to lie and also the freedom to support crime and terrorism."

The Madrid demonstration today followed a similar rally yesterday in Burgos, where the five-man military tribunal has yet to pass sentence on the 16 Basques variously accused of banditry, terrorism and murder. The death penalty has been asked for six of the defendants, ETA guerrillas have seized a West German honorary consul, Eugen Beihl, as hostage for their comrades' lives.

Despite more or less discreet hopes expressed for clemency by the Vatican and by the West German, French and U.S. governments, Spanish officials even before the rallies appeared to be conveying the impression that there would be one or more death sentences followed, probably, by executions.

The case could be referred to the supreme military tribunal, or the sentences could be commuted by Franco, but officials have been stressing such themes as the independence of the court martial, the convincing evidence, popualr indignation against the terrorists, and the inadmissibility of losing face under pressure from abroad.

"We have shown that Spain knows how to walk alone," Gen. Cordova told today's demonstrators, adding that the country could do so again if necessary.

Many observers believe the tribunal's decision may be announced in connection with Friday's cabinet meeting, or else when Franco's vice president, Adm. Luis Carrero Blanco, addresses the Cortes (parliament) on Monday.

[From the Washington Evening Star, Dec. 21, 1970]

STILL NO VERDICT: DELAY ON BASQUES MAY BE ARMY PLOY

(By Richard Mowrer)

MADRID.—Strenuous behind-the-scene maneuvering by the army is believed responsible for the extraordinary delay in announcing the verdict in the case of 16 Basque separatists tried before a military court in Burgos.

The trial, in which six death sentences were demanded by the prosecution, ended Dec. 9.

Decisions of Spanish military tribunals normally are handed down within 48 hours after cases have been heard. Death sentences are carried out within 12 hours unless commuted to life imprisonment by the chief of state Gen. Francisco Franco.

DAY AFTER DAY

But the verdict in the case of the 16 Basques has been put off day after day.

With Christmas approaching the impression was growing that the delay was planned so Franco could, in a gesture of Christian compassion, and without seeming to give in to pressure, commute the expected death sentences.

But this explanation is now seen as having been supplanted by another: The Spanish army's eagerness to dissociate itself from an unsavory affair full of political implications.

It is believed that Capt. Gen. Tomas Garcia Rebull, commander of the 6th Military Region who must confirm any death sentences imposed by the Burgos court before he passes them on for Franco's final decision, is extremely reluctant to approve them if they materialize.

He is said to be resorting to delaying tactics to win time to extricate the army from having to take a decision it might later regret.

MISTRIAL POSSIBLE

Legal circles here think a mistrial even may be declared because of evidence in court that confessions had been extracted from some of the defendants by torture, a procedure repugnant to the military.

If this happens the case would be submitted to the Supreme Council of Military Justice which could declare its incompetence and refer it to a civil tribunal.

High ranking officers have publicly proclaimed the army's readiness to act "if the peace and unity of the country" are threatened. Lt. Gen. Alfonso Perez Vineta, captain general of Catalonia, said in Merida:

"The army won't permit a return of disorder and indiscipline that once put the country in danger (a reference to the turbulent days of the republic which led to a military uprising and the civil war of 1936). If necessary we shall launch a new crusade to rid our country of the lawless and godless."

POLITICS SHUNNED

But the army prefers to steer clear of politics, intervening only when it believes a dangerous national crisis exists. Opinion as to whether such a crisis now exists appears divided.

It is perhaps significant that Lt. Gen. Jose Ruiz Fornells, captain-general of the 7th Military Region, felt compelled to proclaim: "I can promise you that the army is firmly united and immune against any attempt to divide it."

WRITTEN REMINDER

A reminder that the army should remain above politics is contained in a letter received by Garcia Rebull, whose contents have since been circulated privately.

The letter was written by one of the regime's outstanding military figures, Lt. Gen. Rafael Garcia Valino, who retired from the army two years ago.

He told Rebull, "It is unwise for the army to allow itself to be put in a position of having to rule on cases when there already exist adequate organisms for dealing with them . . . My life has been and remains that of a military man. For this reason I feel obliged to express my opinion on anything that affects the army.

"I would like to think that we have not taken over those functions which belong to ordinary jurisdictions. The army draws on the people for its strength, to be the nation's bulwark and to serve it. It should shun involvement in quarrels which could separate the army from the people."

In 1963 Garcia Valino, now 72, as captain-general of the 1st Military Region (Madrid) confirmed the death sentence—which Franco did not commute—imposed on Communist Julian Grimau, a police official during the republic.

[From the Idaho Statesman, Dec. 14, 1970]

BASQUE BLASTS ALONSO LETTER

EDITOR, The Statesman:

I am answering the letter of Teodoro Alonso, Homedale.

If you are thinking the action of the Basque Center could ease the problems of the Basque and Spanish being together, you have another thought coming. The Basque Center has their rules made up, years ago, before you and I came here Camarade.

I am also a teacher, coming to this country 20 years ago, to escape rejection brutality of the Spanish after we lost our independence. So, you talk about discrimination, because you couldn't take advantage of a ticket on base of membership. What can we say when we were denied from the Spanish food, clothes, speech, freedom of movement and the exercise of our profession? What do you call this Camarade? I call it brutality.

As for the idea of sending a similar letter to the newspaper in Spain, wasn't Don Quixote or Dulcinea's idea either. Poor Cervantes and La Mancha would be ashamed of your philosophy.

Now, get courage camarade, and send this letter with yours to the Spanish newspapers or order it to be hung on a windmill in La Mancha to be flown in all directions because we are the ones to have the cause for complaint.

Mr. Alsonso, this is not Spain, in which the grants, prize and rights are bestowed according to the membership of the dictatorship party. This is the great America in which the rights are equal for all. Not as in Spain. This is the land of blessed.

Thanks, Mr. Hill, for your letter to The Statesman. God bless you and all citizens of this wonderful land.

As a proud American citizen and Basque. Hurrah! ETA brothers of the motherland, in this moment of brutality and persecution, my heart and prayers are with you.

MRS. ELISA JAYO.

Emmett.

PROJECT CROSSROADS

Mr. MATHIAS. Mr. President, our prisons are overcrowded, underfunded, and understaffed. Too many correctional institutions harden the casual offender into a committed criminal. It often radicalizes inmates, breeds anger, retribution, and recidivision. Our correctional system is too often not a positive contribution. Both the criminal and society suffer.

There are a growing number of criminologists who believe that the only way to break this vicious cycle is to avoid the correctional institution, at least until it has established modern and relevant rehabilitative techniques. Halfway houses, residential centers, and so forth, have begun in an effort toward accomplishing this objective. Society demands such effort in the search for law and order for every man's safety and security, as well as for the pursuit of justice.

Project Crossroads, a Labor Department funded manpower project attempts to keep prospective defendants out of jail by putting them into jobs. It is a creative and innovative program which gives manpower services to young first offenders. It is not a free ride. Prospective defendants upon arrest are interviewed by the Crossroads staff to decide whether they meet the qualifications for participation in the program. If they do, and with the consent of their counsel, the judge, and the district attorney, the individuals are placed into jobs and given remedial and manpower services. If after a couple of months they do not show signs of adjustment, they are placed back on the court calendar for trial. Nothing is lost.

If the program is successful, the individual may avoid the judicial system with its expenditure of precious time and meager money, and circumvent the doubtful success of the correctional institution. But above all, there is a possibility that a human life is saved—that a human life may become productive both to himself and to the community. It is an experiment worthy of close study and careful evaluation.

The following two articles, one as it appeared in the November 4 issue of Manpower Information Service publication and the other by the Crossroads help to explain the program.

Mr. President, I ask unanimous consent that the above-mentioned articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Project Crossroads, October 1970]

AN EXPERIMENTAL AND DEMONSTRATION PROGRAM FUNDED BY THE U.S. DEPARTMENT OF LABOR, MANPOWER ADMINISTRATION

I. INTRODUCTION

Crime has become one of the most virulent diseases of our society—a disease for which no certain cure has been found. The President of the United States, in his State of the Union Message, called for ". . . war against the criminal elements which increasingly threaten our cities, our homes and our lives." The President asked for "new and stronger weapons" to wage this war.

Perhaps, through Project Crossroads and similar programs we may identify a few "weapons" which we believe can be effective in the continuing search for answers to this growing problem.

Given an opportunity for a job that pays a decent salary, with a chance for advancement, and provided adequate training to qualify for the job, will a young person choose crime? We don't believe he will. This isn't a simple solution of course, for each youth presents a different problem and a new challenge. It is only by recognizing the needs of each individual that we can reach young people in their first conflict with the law.

If these young people can be turned aside from lawbreaking before they have established a "record," there is a greater hope that they will refrain from committing further acts of delinquency and crime. One of the most crippling handicaps a young person can have in seeking a career is a record of conflict with the law. If redirection and new motivation can be achieved before the habit of lawbreaking has been established, prevention, the most powerful weapon against crime, is in our hands.

MRS. ISABELLA J. JONES,
Executive Director, National Committee for Children and Youth.

II. WHY PRETRIAL DIVERSION

The concept of pretrial diversion embraced by Project Crossroads has three points of focus: the criminal defendant himself, the criminal justice system which must respond to his social deviance, and the community to which both belong. In the first instance, the project aspires to provide accused offenders with an assist along the road to social and economic viability through the application of intensive, short-term manpower services.

In the second area, the project hopes to demonstrate a feasible method of making the criminal justice system flexible in its operation and more effective as a rehabilitation vehicle. The former is achieved by building into the system an alternative to the three traditional dispositional possibilities: discharge without supportive services, release on probation (formal or informal) with a modicum of support, and incarceration, usually the least desirable of all. At the same time, the system's effectiveness as a rehabilitative and deterrent mechanism is enhanced by the availability of relevant, personalized and intensive services for young offenders who may be on the threshold of a criminal career, and for whom normal court processing would in all probability be a negative and hardening experience.

Thirdly, as a result of this intervention, the community as a whole gains from the reduction in recidivism or repeated criminal activity among the group served as well as from their improved employability and productivity.

Project Crossroads was designed for implementation in two phases. Phase I (January 15, 1968-May 15, 1969) was devoted to exploration and development in the areas of program concepts, staffing, administration, human services, and the utilization of community and VISTA volunteers. It had an enrollment goal of 350 first offenders. During Phase II, which covers the period of May 16, 1969, the December 15, 1970, program effectiveness is being measured and assessed, with particular reference to the feasibility of its replication in other jurisdictions. At the end of Phase II, during which 500 additional enrollees will have been served, the project will become a component of the new Superior Court of the District of Columbia.

III. HOW THE PROJECT OPERATES

A. Organization and staffing

The project staff of 14 paid workers and seven VISTA volunteers is divided into three components: counseling, employment services, and education. The counseling section of five community worker-counselors and one supervisor is responsible for both the screening of prospective enrollees and the provision of close guidance and supportive services for assigned caseloads which average about 20–25 youths per counselor.

The employment section of three placement officers and a manpower specialist has the task of evaluating the employment and training needs of enrollees and placing them in good positions offering skill upgrading, good pay and upward mobility.

The education section of the project is staffed by seven VISTA volunteers assigned by EOE to provide community involvement in the Crossroads program. The VISTAs recruit and coordinate a volunteer staff of about 45 tutors to provide individualized tutoring and test preparation services to project participants and other youths referred by community agencies.

Backing up the three operational components are a project director, an assistant director, and two secretaries.

One of the project's experimental and demonstration features has been the utilization of non-professional staff in what have been traditionally professional occupational roles. Consequently the project is staffed primarily by non-professional workers most of whom are culturally and experientially similar to the participant population. These workers have demonstrated their ability and dedication to the goals of the project and have earned the respect and praise of their professional counterparts in other community agencies with which they work.

B. Recruiting participants

Project Crossroads recruits participants from both the Juvenile and General Sessions (adult) Courts of the District of Columbia. In the adult jurisdiction, project recruitment procedures closely parallel normal court processing of defendants. Project community workers screen all defendants detained in the court cellblock prior to each day's arraignment, and interview those who meet enrollment criteria. If an eligible defendant desires to participate in the program, the consent of the United States Attorney's Office and of assigned defense counsel is then obtained and an identifying card attached to the defendant's papers in arraignment court. When the defendant's case is called, usually within 2–3 hours of his initial interview, his case is continued for 90 days to permit project participation and the youth goes directly from the courtroom to the project office only one block away.

Recruitment procedures are different for the project's Juvenile Court program. There court Intake Officers, who interview each youth referred to the court on a delinquency complaint and decide whether or not he is to be petitioned for a court hearing, refer cases meeting Crossroads criteria to a project community worker stationed in the court. If the youth desires to enroll after the program has been explained to him, the intake officer is notified and the youth invited to the project office, preferably with a parent or guardian, to be formally enrolled and assigned a counselor-community worker. The cases of juvenile participants are also calendared to permit a 90-day project enrollment period.

Following are the project's enrollment criteria as of September, 1970:

1. Sex, age: Males and females between 16 and 26.
2. Residence: Washington, D.C., Metropolitan Area.
3. Employment status: Unemployed, underemployed, or job in jeopardy because of arrest; for juveniles, tenuous school enrollment or school dropout.
4. Present charge: Petit larcency, auto theft (attempted), receiving stolen property, false pretenses, forgery, soliciting for prostitution, attempted burglary II, simple assault (relative), unlawful entry, presence in illegal establishment, destroying property, procuring. Irrespective of charge, drug addicts, alcoholics, and defendants with serious psychological disorders are excluded.
5. Pretrial release status: Must qualify for personal recognizance under the criteria of the District of Columbia Bail Agency.
6. Prior record: For adults, no previous adult conviction nor incarceration for more than one year as a juvenile; for juvenile participants, no adjudication of involvement within preceding 12 months, no pending case less than six months old, no previous incarceration for six months or more.

C. Counseling and personal assistance

Each new Project Crossroads participant is assigned a community worker-counselor who is responsible for providing supportive services for the duration of his project program and for submitting biweekly evaluation reports on his project performance to the appropriate court.

The initial contact between counselor and participant is usually the "intake interview" conducted on the latter's first visit to the project office after recruitment. During this interview the program is explained in detail and the counselor ascertains the youth's immediate needs—usually employment and, in many cases, emergency financial assistance—and any personal or family problems that may require referral to local social welfare agencies.

During the first couple of weeks when a participant's project program is being developed, his counselor maintains frequent or even daily contact with the youth. When the participant is settled into a job and/or school situation, the counselor is expected to maintain personal contact with him at least once weekly and telephone contact as frequently as possible. Home visits are the primary focus of personal contacts, since any rehabilitative efforts must take into account the factors of a youth's home environment which may be somewhat responsible for his social problems. Visits to a participant's job as well as school and neighborhood visits are also emphasized.

Although group counseling is not an integral part of the project's supportive services, counselors are encouraged to hold group sessions with members of their caseloads whom they feel will benefit from group discussion of mutual problems.

An important facet of Project Crossroads is its role as a middleman between participants and local social welfare service organizations. While many participants and their families have needs far beyond the budgetary and staff capabilities of the project, they often lack knowledge of the availability of appropriate resources or of the necessary procedures to obtain access to them. These needs range from medical and dental care to legal assistance, to emergency food, shelter and clothing. Liaison has been established with public and private organizations able to address these various needs and arrangements made for expedited access to services for participants and their families.

D. Employment and training placement

After his initial interview, each participant is accompanied by his counselor to the project's employment section where a job placement officer discusses the various employment and vocational training opportunities available to him through the project. The employment staff arranges employment interviews for the youth in any occupational area he expresses interest in, and will continue to do so until a suitable placement is made. If the participant desires and is qualified for a job not then available, the staff attempts to develop an appropriate opening.

Application forms for government jobs and most of the local manpower training programs are kept in the employment section and all necessary arrangements for testing or interviewing for such positions can be made directly from the project office. There is a close working relationship with the Manpower Training and Employment Security Administration (MTESA) of the District of Columbia, with sharing of information and mutual support.

The employment staff and counselors periodically review the status of each participant to determine if a change in employment is necessary or advisable, either because of job dissatisfaction, lack of upward mobility, or the availability of new jobs for which the participant is better suited.

E. Education services

Each new participant is given an orientation on the project's remedial education program by one of the VISTA volunteers responsible for that component. Individual tutoring is available four evenings per week in the project office and specialized programs such as preparation for the high school equivalent diploma examination, remedial reading, job test preparation and the preparation for armed forces qualifying examinations are offered. The participant is encouraged to avail himself of the education program to any extent he desires and which is compatible with his job or school schedule. The education staff also provides assistance to youths who wish to re-enroll in school and those who are seeking admission to colleges. A scholarship fund donated by friends of the project has been established at two local colleges for qualified project participants.

Ancillary activities conducted by the education component include field trips, films, seminars with guest speakers, and intraproject sports competitions.

F. Court review

Biweekly progress reports on each enrollee are forwarded to the appropriate court for inclusion in the youth's case file, with copies to defense counsel and/or parents.

At the end of the prescribed 90-day period, a participant's counselor may make one of three recommendations to the court at a disposition conference: (1) dismissal of pending charges based on satisfactory project participation and demonstrated self-improvement; (2) extension of the continuance to allow the project staff more time to work with the individual, or (3) reversion of the defendant to normal court processing, without prejudice, because of unsatisfactory performance in the program. In addition, at any time during the 90-day period a participant may be unfavorably terminated and revert to normal court processing and trial either because of chronic uncooperativeness or the commission of a new offense.

IV. SUMMARY RESULTS

From the start of court recruitment in April, 1968, through September, 1970, a total of 825 young offenders had been enrolled in the project, 72 of whom were still active. Charges against 468 enrollees had been dropped due to their successful project participation, while 285 were returned to normal court processing, primarily because of unsatisfactory program performance. The respective dismissal rates for program participants were 76% for General Sessions Court (adult) enrollees and 40% for Juvenile Court enrollees.

In keeping with the manpower orientation of the project, approximately 1000 job and training placements have been made for participants, including non-enrollees, and over 6000 hours of remedial education and test coaching was provided by volunteer tutors under the direction of the project's VISTA component.

Research evaluations of the project indicated that the intensive supportive services provided by project staff during the three-month enrollment period had a substantial stabilizing effect on participants in the post-project period. For example, the employment rate among former enrollees a year after leaving the project was more than double that at the time of enrollment, and recidivism among former participants was one-third less than that of a control group which did not receive project services. Equally important from the point of view of program replication, the project exhibited a benefit-cost ratio of at least 2:1, and a program cost of little over $500 per enrollee.

BACKGROUND OF THE NATIONAL COMMITTEE FOR CHILDREN AND YOUTH

The National Committee for Children and Youth grew out of historical concern by leaders in education, social service, religion and health for the total well-being of America's children and youth. Its roots trace back to the first White House Conference called by President Theodore Roosevelt in 1909 and similar conferences convened of presidents in each succeeding decade. A provision for organized followup activity, built into the plans and financing for the 1960 White House Conference on Children and Youth, called by President Eisenhower, resulted in the creation of the NCCY on November 1, 1966.

But NCCY is more than a followup agency. In doing that job it quickly evolved into an essential national point of focus on children and youth in the rapidly changing decade of the sixties, helping its national, state and local constituency keep aware of developments, stimulating governmental and voluntary cooperation, and undertaking demonstration projects to pioneer new services.

While keeping its focus on the positive, i.e., helping all of America's children grow into knowledgeable, healthy and responsible citizens, NCCY helps the agencies deal with such problems as delinquency, dropouts, lack of opportunity, urban and rural slums, weakening family ties, etc. Beyond that, however, and in response to the very multiplicity of agencies and programs, governmental and voluntary, NCCY serves an essential coordinating function, helping avoid wasteful duplication, promoting exchange of experiences and stimulating cooperative activity. NCCY is thus in itself a pioneering experiment in organization for effective concern for all children and youth.

[From the Manpower Information Service, Nov. 4, 1970]

HIGHLIGHTS OF CURRENT REPORT

"Substantial Unemployment," Job Vacancies Rise: The list of areas with 6 percent or more unemployment rose again as of November 1 with the addition of Los Angeles and four other major areas to lift the total to 170 in all. Manufacturing job vacancies dropped to 137,000 in August, mostly in durable goods.

Industry Help South for Blue Collar Workers: Again pointing to the plight of the blue collar worker, Assistant Labor Secretary Jerome M. Rosow tells businessmen it is in their "self interest" to help out. He cites "job enrichment" and sensitivity training for foremen among series of recommendations.

New Career Interns Upgraded in Federal Plan: An in-house upgrading program in the Office of Education is designed to move clerical employees out of dead-end jobs into professional positions. Three-year program, seen as "model" for other federal agencies, mixes classroom study with new work assignments.

Pollution/Poverty Attacked in Training Effort: A $1.2 million contract to train 1,000 disadvantaged persons as waste treatment plant operators is signed between the Federal Water Quality Administration and the Labor Department. Funds will be allocated among 27 states for both training and upgrading.

Kentucky Tests Home Repair Project for Needy: A pilot home repair demonstration project for the aged and disabled in four rural communities successfully uses unemployed in rebuilding effort. Federal-state-local agencies recommend project expansion but find $500 per-house federal maximum is insufficient.

JOBS Contracts Advance but Impact Doubtful: Despite declining economic activity, the National Alliance of Businessmen's JOBS training contracts are on the rise. Appeal of training funds seen as one factor in upsurge, but net employment gain is questioned. MIS examines new trends in $200 million program.

Administration Releases Funds for Education: Some $498 million in education funds withheld by the Department of Health, Education, and Welfare were released after a legal decision that they were a mandatory appropriation of Congress. Education programs for needy get $160 million, Voc Ed gains $64 million.

"Project Crossroads" Guides Offenders to Jobs: A three-year pilot rehabilitation project in Washington, D.C., provides manpower services to young first offenders before trial. Counseling, job placement, and remedial services are offered in project aiding more than 1,300 youths arrested for misdemeanors.

Bus Project Links Ghettos to Suburban Jobs: A one-year pilot project by the St. Louis Model Cities Agency tests the feasibility of subsidized transportation of ghetto residents to suburban jobs. Study sees pitfalls in city-to-suburb transportation; favors "flexible" routes, smaller buses for task.

Studies Rate Fairness of Minority Job Testing: Procedures for testing minority job applicants are reviewed in study of research reports, *Employment Testing and Minority Groups*. The reports examine the relationship between ability test predictions and performance by blacks; review test validation procedures.

PRETRIAL "PROJECT CROSSROADS" OFFERS DELINQUENTS JOBS, NOT JAIL

On the theory that a solution to urban crime requires more than post-imprisonment rehabilitation programs, an experimental effort known as Project Crossroads in Washington, D.C., has devoted nearly three years to a different approach to rehabilitation—stepping in with manpower services before young first-offenders are tried and sentenced. Eight hundred young people have been enrolled in the project's counseling, job placement, and remedial education services immediately after their arrest on misdemeanor charges, and 500 other youthful offenders have participated as well. With the cooperation of the D.C. Juvenile or General Sessions Courts, those who show satisfactory progress toward leading socially productive lives may have their charges dropped. Weighing the project's costs against the youths' earnings and their lowered recidivism rate, Crossroads staff feel the approach is a success and "an efficient use of society's resources."

Funded by a federal manpower demonstration grant and operated since early 1968 by the National Committee for Children and Youth, Project Crossroads has had such promising results in Washington that the Labor Department hopes to sponsor variations of its approach in other cities. Cleveland and Minneapolis are soon to become sites of two more pre-trial intervention projects, while others may be launched next year in Boston, Baltimore, San Antonio, San Jose, and perhaps other cities.

NONPROFESSIONAL STAFF

Crossroads is similar in many ways to the Manhattan Court Employment Project run by the Vera Institute of Justice in New York (see MIS, April 22, 1970, page 24). Also a pre-trial program of manpower services, the Vera program employs ex-convicts as counselors on the theory that they will be more sympathetic to the problems of defendants, having had the same problems themselves. But Crossroads Director Leon Leiberg asserts that Crossroads is unlike the New York project in that its entire staff—counselors, job developers, and back-up administrators alike—are to be nonprofessionals; persons whose backgrounds are like those of their clients. Though the indigenous inner-city staffers are aided by VISTA volunteers, Leiberg and an assistant are the only professionals on Crossroads staff. When the Washington project completes its experimental phase and gets on its feet as a permanent institution working with the courts, these two men will bow out of the picture—probably within the next few months.

Use of a nonprofessional staff has proved to be a great improvement over what Leiberg terms the traditional "do-good" sort of counseling. But he points out that numerous problems arose during its evolution. The former inmates, high school dropouts, and chronically unemployed persons who were hired had to be trained to work within the system, he noted. Their training had to bridge a communications gap, refining their understanding of various manpower terms and techniques such as job development and counseling. Many felt initially that their being black and empathetic would be enough to help them reach their clients, and they tended to disregard professional approaches.

For this reason, an in-service training program was made mandatory for the staff. Crossroads hired one professional training person who organized seminars, casework conferences, and participation in a special course on group leadership at Washington's Federal City College. Particularly noteworthy was the college's response to the project. Not only did it create the course to fit the needs of Crossroads staff, but it opened all of its regular classes to the staff members regardless of their previous academic standing.

Leiberg feels that in-service training of nonprofessionals has been a key to the success of the project. He is confident that when he turns over Crossroads' direction to the top nonprofessional under his command, the program will be in good hands.

Alternative to trial

The concept of giving youthful offenders an opportunity to do something constructive rather than sending them to court has caught the imagination not only of Crossroads staff but of D.C. court officials as well. According to Leiberg, the U.S. attorney in Washington welcomed the plan because it offered a meaningful alternative between the extremes of dismissing the case at once and sending it to trial. Since 60 percent of Washington's crime at the time the project was launched was attributed to juveniles (youths under 18), Crossroads could aid not only the youths but the overloaded court machinery. The police, too, have been enthusiastic about the plan, Leiberg says.

This is not to say that it was easy to win support for Project Crossroads, however. Before the project could get off the ground, some skeptics had to be convinced of the idea's soundness, Leiberg says. Arguments were raised, suggesting that the legal rights of a defendant would be violated, that he might be presumed guilty without a trial, if he entered into this sort of rehabilitation program. Crossroads countered that no person would participate unless he and his legal counsel approved.

In the nearly three years since Crossroads began serving 16 to 22 year olds, more than 1,300 young men and women have participated. Of these, 800 had been accused of such offenses as burglary, auto theft, larceny, forgery, or prostitution; the names of eligible defendants are taken each morning from police lock-up files. Another 557 were enrolled unofficially, having heard of the program through friends or publicity posters.

Job seen as key

Crossroads emphasizes getting a job. "We feel it is important to find work quickly, but there are no broom and dishwashing jobs," Leiberg comments. Within 48 hours of his first interview with a Crossroads counselor, an enrollee is placed in some sort of employment—not the most desirable work, perhaps, but enough to sustain him and help him pay his bills. When the counselor has had a chance to assess his needs and search out a better opportunity, he may move on; participants usually hold three or four jobs while they are enrolled in Crossroads.

Job counselors keep in touch with areas employers and the Washington Job Bank. Typical jobs may be with banks, government, or airlines. Sometimes enrollees are referred to training programs, and for those lacking education, VISTA volunteers conduct evening tutoring sessions at Crossroads headquarters.

The project offers both group and individual counseling, focusing on employment goals and personal problems of enrollees. Each participant has a counselor who is responsible for him for the full 90 days. It is the counselor who keeps in touch with the court every two weeks on an enrollee's progress and who appears before the D.A. shortly before the trial is set to arrange dismissal of the case.

Generally, four to six months elapse in Washington between the time a defendant is originally apprehended and the date of his trial, Leiberg noted. Crossroads staff is usually able to tell within 30 or 40 days if a participant is not responding to counseling and job placement services, in which event his case reverts to a court trial. Two thirds of the enrollees do complete the program, though. If they have shown progress, Crossroads reports this to the court and requests that the case be dismissed. The court has been very cooperative.

Wider use anticipated

Crossroads' effect on young first-offenders indicates that this approach holds promise in treating the problems of juvenile delinquency and crime. Of 400 participants whose cases have been followed up by a Crossroads survey, 80 percent are still employed. Only 10 percent are repeat offenders. Enrollees who fail to complete the program tend to have both higher recidivism rates and more unemployment.

At a cost of $506 per enrollee, the expenses involved in a pre-trial intervention program make it "very, very competitive" with court, jury, and trial costs, Leiberg asserts. So far, its budget has come entirely from the Labor Department demonstration grant. Since the grant expires this fall, Leiberg—with the backing of the court—has sought money from the D.C. budget to make Crossroads a permanent, independent organization working under the Superior Court of the District of Columbia. Leiberg estimates that Project Crossroads would need about $21,000 a month initially, later perhaps doubling in size. However, Congress must approve all D.C. appropriations and has not yet acted on the court appropriations for 1971.

Leiberg, who has been consulting with the Labor Department on initiating similar programs in other cities, feels Project Crossroads has demonstrated several important points for planners of pre-trial intervention. The criminal justice system in many cities needs reform, he declares. In Washington, the courts have recently been reorganized in an effort to make them more efficient. A pretrial program like Crossroads, he feels, can help further relieve the court system of its growing load as well as intervening before a potentially good citizen has spent time in the harmful atmosphere of a prison.

The use of nonprofessionals, too, has been shown to be a vital aspect of successfully aiding young offenders. Their rapport, their common experiences are helpful in gaining enrollees' respect, as well as the support of the inner-city neighborhood. At the same time, Leiberg observes, recruitment of nonprofessionals adds urgency to the need for planning permanent sources of funds. It would not be fair, he asserts, to train nonprofessionals like guinea pigs and leave them stranded when federal demonstration funds expire.

Further experiments along the lines of Project Crossroads will explore other administrative features which might enhance a pretrial manpower program. Some will test the approach in neighborhoods which are predominantly Spanish-speaking, poor white, or Indian. One may even test the idea of making the pretrial program a private money-making venture, Leiberg hinted.

WORK INCENTIVES UNDER PROPOSED FAMILY ASSISTANCE PLAN

Mr. PERCY. Mr. President, on December 19, 1970, in response to a question I raised with Senator WILLIAMS of Delaware about work incentives under the proposed family assistance plan, the Senator discussed a number of points which I feel merit more consideration by the Senate. I would like to take this opportunity to present my views on several of these points, an opportunity I did not have at the time I raised the question.

First of all, Senator WILLIAMS stated that there are work incentives under current law and that family assistance would cut those incentives in half in my State of Illinois. The Senator was referring to the marginal income increases for female-headed families resulting from marginal increases in earnings. It should be brought out that there are substantial income notches under present law which the proposal will remove and that it is this aspect of the reform which reduces the marginal earnings incentive. However, to leave these existing notches in place would be to retain the tremendous disincentives inherent in present programs.

An income notch is a point at which total income declines as earnings increase because of the loss of some sizable program benefit. Today we have major notch disincentives associated with Medicaid, the food programs, and the AFDC earnings disregard, to say nothing of the failure of current AFDC programs to assist the intact family headed by working fathers. All of these disincentives are removed by family assistance and related administration proposals.

Senator WILLIAMS has stated that we can work out the mathematics so that we can have much higher marginal incentives with no income notches. He is right, we can do this, but only at great cost to the Federal Treasury.

The reason is that the more slowly you reduce a welfare benefit as earnings increase, the higher the amount of earned income it takes before the recipient is no longer eligible for assistance. That would mean that income eligibility levels would be much higher than those proposed for family assistance, resulting in many more people being covered at much greater cost.

What the administration has done to fashion a program which has adequate work incentives for most people, and combined these incentives with sensible work requirements and improved manpower and child care services to produce a program which helps the people who need help the most, moves them toward economic independence, and costs in the neighborhood of $4 billion. To do more would be admirable, but the Federal budget could not sustain such costly liberalizations at this time.

Senator WILLIAMS, in his remarks of last week, cited several examples where female family heads earning $7,000 could have higher total incomes by earning less. According to my understanding of table 3 on page 27 of the Finance Committee's November 5 print, his example of this effect in Chicago was in error. In fact, total income would be higher at the $6,000 earnings level than at any lower level.

Nevertheless, I think such examples generally miss the major work incentive issue. We should be more concerned with work incentives for fathers, since mothers frequently must care for young children and have more limited participation in the labor force. Also, incentives for persons earning $6,000 and $7,000 a year are not nearly so important as they are for those less well established in jobs.

With these points in mind I would like to call attention to a table prepared for me which focusses on the situations where work incentives are most important. The table shows incentives for a male-headed family of four in Chicago, Ill., under various changes in the father's work status. The table shows that he would retain 32 percent of his earnings if he obtained a part-time job. If he quit the job or refused to take it, the family's benefits would be reduced to the point that the earnings incentive would then go up to 67 percent. For a man working full time at the minimum wage, he would retain 24 percent of additional earnings if he found a job paying $2 an hour.

The only case where this marginal earnings incentive is not substantial is if he moved from part- to full-time work. The reason is that States must supplement family assistance for unemployed, but not for fully employed, fathers. Thus, the family would lose the State supplemental portion of the benefit with full-time work. However, this constitutes a great improvement over current law. Under AFDC, the family would lose its entire assistance payment when the father achieved full-time employment, resulting in a large disincentive to work.

In summary, I think Senator WILLIAMS' remarks overlooked the most important incentive features of the family assistance proposal and how they improve the current situation. The plan is not perfect by any means, but its enactment would mean a great change for the better in the welfare area and start a long-needed overhaul of our approach to the welfare problem.

Mr. President, I ask unanimous consent to have the table printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

EXAMPLES OF WORK INCENTIVES UNDER FAMILY ASSISTANCE—MALE-HEADED FAMILY OF 4 IN CHICAGO, ILL.

Change in work status	Net income [1]	Percent of earnings retained
Case 1:		
From no work	$3,915	----------
To 20 hours per week, minimum wage.	4,430	32
Case 2:		
From 20 hours per week, minimum wage	[2] 4,430	----------
To 40 hours per week, minimum wage	4,001	[3] 5
Case 3:		
From 40 hours per week, minimum wage	4,001	----------
To 40 hours per week, $2 per hour	4,197	24
Case 4:		
From 20 hours per week, minimum wage	4,430	----------
To no work	[2] 3,361	----------
To 20 hours per week, minimum wage	4,430	67

[1] Annual income, including earnings, family assistance benefits, State supplemental benefits for less than full-time work, food stamp bonuses (using the administration's proposed benefit schedule), and the difference between premium value and contributions for the proposed family health insurance plan. Incomes have been reduced by the amounts of Federal, State, and local income taxes and social security taxes.

[2] $3,934. Assumes refusal of work which resulted in benefit reduction penalties.

[3] The lack of a work incentive in going from part- to full-time work at the same wage results from the fact that unemployed father benefits terminate when the father is working more than 30 hours per week. However, this situation under family assistance is much better than under current law. Under family assistance, the family would retain the Federal FAP benefit. Under current law, the family loses all cash assistance and therefore faces a tremendous work disincentive, or income "notch."

CLEARING OF MISUNDERSTANDING ON ANIMAL WELFARE ACT OF 1970

Mr. DOLE. Mr. President, over the past several days there has been a flood of confusion over certain provisions of the Animal Welfare Act of 1970, H.R. 19846, that passed the Senate by unanimous consent on December 8. This bill was identical to S. 4539 which I introduced in the Senate on November 24.

I am informed that the White House has received several thousand telegrams in opposition to this bill, and that over 200 congressional offices have contacted the Department of Agriculture as a result of outside pressure objecting to the bill.

It is my understanding that as a matter of general inquiry, these objections have come from hobby dog breeders who have interpreted this bill as bringing their dogs for the first time under Federal regulation. Apparently, their objection stems from the definition of "dealer" in section 3 of the bill which, by omitting intervening phrases, states:

> Dealer means any person who . . . sells any animals . . . for exhibition purposes or for use as pets.

Mr. President, this definition on its face appears to bring hobby dog breeders under Federal regulation. But, this definition cannot be read by itself. It must be considered in context with the existing law which it in no way changes. The existing law, section 3 of Public Law 89–544, specifically exempts any hobby dog breeder who derives less than a substantial portion of his income from the breeding and raising of dogs on his premises and the selling of such to a dealer or research facility. This provision has exempted hobby dog breeders from Federal regulation in the past, and will continue to do so in the future.

I am very sorry because of the confusion that has surrounded this important bill. The basic legislative intent all along has in no way been to bring hobby dog dealers under Federal regulations, but basically in an effort to enhance the humane treatment of our animals.

Mr. President, I ask unanimous consent that this letter signed today by Mr. Duncan Wright, president of the American Dog Owners Association, to President Nixon stating that the American Dog Owners Association has no objection to the animal welfare bill be included in the RECORD at this point.

Also, I ask unanimous consent that this letter dated today from the Department of Agriculture insuring that this legislation is not an effort to regulate hobby dog breeders and owners be included in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN DOG OWNERS
ASSOCIATION, INC.,
Detroit, Mich., December 22, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On December 8, 1970, a bill was passed by the Senate and sent to you for signature to amend the Act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets. This bill, H.R. 19846, contained certain provisions which, in the opinion of the American Dog Owners Association, were detrimental to American dog fanciers pursuing the breeding and exhibiting of pure bred dogs as a sport and hobby.

The American Dog Owners Association communicated to you on Saturday, December 19, 1970, our request that H.R. 19846 be vetoed. In substance, this bill was acceptable but in our opinion contained certain ambiguities regarding hobby breeders which needed clarification.

Today the American Dog Owners Association, as a representative of major elements of the American dog fanciers, reached an agreement with the U.S. Department of Agriculture that the Association will be invited to participate in drafting regulations for implementation of the bill.

Further, we have been assured by the Department that it is not the intent of the legislation to impose Federal regulations over hobby breeders.

In view of this agreement and our opinion that those areas of the bill which we consider deficient can be corrected by regulation, we have no further objection to your signing the bill into law.

Respectfully,
DUNCAN G. WRIGHT,
President.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., December 22, 1970.

Hon. ROBERT DOLE,
U.S. Senate

DEAR SENATOR DOLE: This is in reference to your telephone request to the Department for information concerning the Animal Welfare Act of 1970 as it relates to hobby breeders and owners of only a few dogs.

The Department recognizes the concern of these breeders that the bill would prevent them from showing their dogs, that it might prohibit the sale of their puppies, and that they might be required to obtain a dealer's license in order to continue their hobby. The bill, as it passed the Congress, specifically excludes dog shows from its provisions. It also would not require licensing of persons who derive less than a substantial amount of their income from the breeding and raising of dogs and cats on their own premises for sale to dealers or research facilities. Owners would be free to enter their dogs in shows without restriction under the bill, and there is nothing in it which would require the dogs to be sold to any group or individual.

The Department recognizes the concern of dog owners and organizations. It expects to invite representatives of these concerned groups to consult with the Department in formulating regulations and standards of care if the bill becomes law. A draft of the proposed regulations will be published in the Federal Register and adequate time allowed for the public to comment on the proposal before the regulations become effective. We believe that this procedure will result in workable and reasonable standards with adequate care assured for the animals.

Sincerely,
NED D. BAYLEY,
Director of Science and Education.

AMERICAN BICENTENNIAL CELEBRATION

Mr. BYRD of Virginia. Mr. President, plans for the American Revolution Bicentennial celebration to be held in 1976 were set in motion by a joint resolution of Congress in 1966.

The responsibility for organizing and conducting the celebration was delegated to the American Revolution Bicentennial Commission. This Commission has proceeded under a succession of able leaders to formulate many admirable projects and goals.

As a member of the Bicentennial Commission, I feel it is my duty to call to the attention of the Senate, one facet of the Commission's plans about which I have reservations. There is, at present, a study being conducted concerning a possible national exposition in Philadelphia in 1976.

As originally envisioned, the bicentennial was to have been a commemoration of the events of 1776, and the spirit of those historic days. This commemoration was to have been national in scope.

The July 4, 1970, report of the Commission to the President discussed plans for a project known as Open House USA. The Commission in that report recommended a multicity exposition "to celebrate the American quest for life, liberty, and pursuit of happiness."

I call to your attention the fact that the Commission specifically stated that there should be no "commercially oriented world's fair in the traditional sense."

After listening to the exposition plans of three cities, the Commission invited Boston to develop a program; it endorsed Miami's idea for a trade center; and it informed Philadelphia that if that city would "commit itself" to an exposition which would be noncommercial, it would invite Philadelphia to undertake such a venture. Nothing was said about Federal funding.

The matter has been under consideration by the Office of Management and Budget for several months. No official figures have been released, even though Public Law 91–269 requires the Secretary of Commerce to submit a written report concerning the feasibility and financing of any proposed exposition to be held in the United States.

The International Agency in charge of classifying such expositions has listed the proposed Philadelphia event as a category II exposition, which means that the host country must pay for the exhibit spaces.

The city of Philadelphia, according to the chairman of the Bicentennial Commission, has made it clear that it did not want to stage the exposition alone. Obviously the Federal Government will be called upon to pay for much of this exposition, which, as presently planned is not at all national in scope.

The staggering cost of the proposed U.S. exposition is of utmost concern to me. I associate myself with Senator BROOKE of Massachusetts who made an excellent speech on the floor of the Senate last week.

I feel that it is important that the Members of the Senate understand that $1.2 billion has been set by the city of Philadelphia as the price of the exposition and various urban renewal projects which the city feels are needed.

The Federal Government is being asked to pay half of this amount, or $556.6 million.

Of the costs for the exposition alone, the Federal Government was asked for $49.8 million. The remainder of the Government donation is for urban renewal, mass transit, and highway costs.

Senator BROOKE's speech may have borne fruit. According to a newsstory in the New York Times of Friday, December 18, the city of Philadelphia may ask that their proposal be withdrawn. If so, I am pleased, and I feel Senator BROOKE deserves much of the credit.

I am concerned lest there be a repetition of this nonessential expenditure of Federal tax revenue.

If there is to be an exposition in any one city, I strongly recommend that the Secretary of Commerce should lay down specific guidelines detailing the extent of Federal participation in any such event. The Congress should have the full benefit of the findings of the Office of Management and Budget prior to the approval of any financial authorizations.

I feel that the Commission must inform the public of its plans, complete with cost estimates of any future proposals. No law has been, nor should be, passed by Congress granting the Commission a blank check.

The proper observance of our 200th anniversary demands far more than a celebration centered around a costly and questionable project such as this.

I do not condemn the Commission, for that body has labored arduously and has produced many meritorious ideas. I do question this one facet of their planning and ask the Senate to be alert to prevent any future extravagance.

VISTA

Mr. KENNEDY. Mr. President, I am dismayed at the preliminary determination of the Office of Management and Budget to do away with the VISTA program as part of its decision to downgrade the antipoverty program.

The congressional liaison section of the Office of Economic Opportunity has confirmed that the new Office of Management and Budget has recommended a 23 percent in OEO funding for 1972.

This act comes fast on the heels of OEO's efforts to stall the legal services program; first, by restricting its autonomy, and finally by firing its director Terry Lenzner and his deputy, Frank Jones.

Now we see the unveiling of the administration's game plan for the New Year. Although the size of the cutbacks in reseach and development, community action and health and nutrition are appalling, the decision to totally eliminate VISTA—Volunteers In Service To America is the most deplorable.

By destroying VISTA, the administration is closing one of the few roads left open for the constructive activists of our Nation to seek change within the system. To these volunteers and to the poverty communities at whose pleasure they serve, the destruction of VISTA is the most unfortunate example of the policy of "benign neglect" that this administration has engineered in the past 2 years.

Time and again we have argued on the campuses of our colleges and universities that the system can be made to respond. The administration itself has asserted that it wants to see the nonviolent involvement of our young people. Yet how can the administration maintain its credibility when it places VISTA on the funeral pyre. The young people see the poverty that exists in our affluent society and then they watch as the administration prepares to destroy the major avenue of domestic service open to them.

Over the past 5 years of the VISTA program, I know of no substantive evaluation that calls for the program's elimination. The GAO report filed last March offers only minor criticisms of administration and training procedures that now are being remedied. The oversight committees of the Congress continually have recommended expansion of VISTA and its full funding. During his confirmation hearings, Donald Rumsfeld said:

> I think the VISTA program is an important one, and can be strengthened and improved.

Mr. Rumsfeld as well as previous OEO directors have recognized the contribution of VISTA in presenting a challenge to people of all ages to serve their Nation by helping other citizens to help themselves.

And I would urge the administration to examine the history of VISTA, how it came into being and the reasons why it came into being. This administration may forfeit its claim to the allegiance of the youth of this Nation and the poor of this Nation if it continues to advocate the death of this program.

The idea for a domestic peace corps was discussed by President Kennedy in 1960 and then he named a Cabinet-level Study Group to consider its creation. The study concluded that the volunteer corps would work in the ghettos, in Appalachia, and with the migrants and the Indians—wherever the dispossessed of our land were struggling for a better life. In the State of the Union Address in 1963, the "prospect of a domestic Peace Corps" was announced and a month later the President sent to Congress a message on youth, which said:

> The logic and value of a National Service Corps has been demonstrated by the work and success of our Peace Corps overseas. Although the U.S. is the wealthiest nation the world has ever known, the poverty of millions provides fertile fields for those citizens with the desire and the ability to be of assistance.

Congressional hearings were held and in 1965 the national service corps was incorporated into the antipoverty program as VISTA. In the past 5 years, some 22,656 volunteers have served in every State in the Nation. Today, another 4,620 volunteers are in communities, and 414 are in training. VISTA has stood as a way for young Americans to lend their skills and talents and abilities to strengthen the voice of the poor and to contribute something of themselves to their fellow man.

At a moment when the Congress of the United States and the Supreme Court have extended their faith in the Nation's young people by approving the right of 18-year-old's to vote, it would be particularly unfortunate if the executive branch were to adopt the opposite approach by suggesting the disbanding of VISTA.

Time still remains for the administration to reverse itself, to bring its budgetary limitation and restrictions in line with its rhetoric of concern for the problems of poverty in this Nation. One way it can tell the poor of this Nation and the young of this Nation that it is not totally blind to their demands is to recommend the continuation and expansion of the VISTA program and the full funding of the other OEO programs.

BOMBING HAS ALREADY FAILED

Mr. CRANSTON. Mr. President, the United States officially stopped bombing the territory of North Vietnam on November 1, 1968. Nevertheless, we have adopted a policy where all incursions over the territory of any nation in Indochina can be justified for either tactical or reconnaissance purposes.

The United States retains complete air superiority in Southeast Asia. Events in the last few weeks demonstrate that the Nixon administration is prisoner of a philosophy that says American involvement on the ground can be reduced while our involvement in the air increases. If the American goal is peace in Indochina through the process of deescalation and negotiated settlement, the inconsistency between diminishing the ground war and increasing the air war must be evident to the administration.

In an extremely lucid editorial entitled "But Bombing Has Already Failed" the Los Angeles Times presents the serious pitfalls in the administration's recent indications that it is ready to rely once again on bombing of the North. As the Times so ably documents, there are no indications now that bombing will be more effective today than it was 3 years ago.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

[From the Los Angeles (Calif.) Times Dec. 21, 1970]

BUT BOMBING HAS ALREADY FAILED

The Nixon Administration is theatening to resume the bombing of North Vietnam.

There is no doubt now about the threat. This is the sequence: Until recently the Administration predicated resumption of the bombing of North Vietnam only upon violation of that three-part "understanding" with Hanoi which led to the stopping of the bombing in 1963. The Administration said, until recently, the "understanding" was that North Vietnam would not fire on unarmed reconnaissance planes over North Vietnam, would not attack major population centers in South Vietnam, and would not infiltrate on a large scale through the demilitarized zone.

The first hint of a change in the government's position came with Secretary of Defense Melvin R. Laird's warning of Nov. 13 that strikes against aircraft would bring about "protective reaction," a term that indicated a stronger retaliation than the United States had hitherto engaged in. Thereafter followed the widespread bombing of military sites in North Vietnam coincidental with the abortive raid on the prisoner camp at Son Tay.

Then President Nixon in his Dec. 10 press conference added to his warnings about attacks on recon planes a new and more explicit warning: "If as a result of my conclusion that the North Vietnamese, by their infiltration, threaten our remaining forces, if they thereby develop a capacity and proceed possibly to use that capacity to increase the level of fighting in South Vietnam, then I will order the bombing of military sites in North Vietnam, the passes that lead from North Vietnam into South Vietnam, the military complexes, the military supply lines."

Last week Laird pointedly quoting from a statement made by Secretary of Defense Clark Clifford at the time of the 1968 bombing halt, warned North Vietnam that bombing could be resumed if Hanoi does not proceed "in good faith" with negotiations.

Setting aside the argument about what was actually understood in that 1968 "understanding," the main point here is that the Administration has expanded, has changed, its public position about that understanding. The Administration has in fact put itself in a position to claim, if it wishes, that the current situation justifies the bombing of North Vietnam. At the least the Administration's several statements amount to a serious warning to Hanoi.

Why? Perhaps to jolt Hanoi into making concessions at Paris. Perhaps to deter Hanoi from launching a damaging dry-season offensive. Perhaps to justify to Hanoi and to public opinion a decision to damage the warmaking capability of the North Vietnamese within North Vietnam itself.

But there is no experience in this long war to justify a reliance on threats made against Hanoi. Neither is there any experience to justify a reliance upon the bombing of North Vietnam to force the North Vietnamese into concessions. Neither is there any experience to justify reliance on air power significantly to damage the North Vietnamese war effort. The bombing of North Vietnam failed, and that failure was recognized by President Johnson when he stopped the bombing.

No evidence has been offered to date for believing that bombing North Vietnam or threatening to bomb North Vietnam, will be more effective now than in the past.

ANNUAL REPORT OF SENATOR PERCY

Mr. SCOTT. Mr. President, the distinguished senior Senator from Illinois (Mr. PERCY) recently prepared an annual report for his constituents which I found both interesting and informative. It puts the year 1970 into context, highlighting the important foreign and domestic legislation which was passed during the second session of the 91st Congress, but also reminding us of those areas in which we failed to live up to our responsibilities. I was particularly interested in some of the predictions of things to come.

Mr. GRIFFIN. Mr. President, I am glad to associate myself with the remarks of the distinguished minority leader. Having had the opportunity to read the report of the distinguished Senator from Illinois, I commend it to my colleagues and his constituents. Furthermore, I can say that the Senator from Illinois deserves a significant share of the credit for much of the vital legislation we have enacted.

Mr. BAKER. Mr. President, I especially appreciate the memorial efforts and accomplishments in 1970 of the senior Senator from Illinois in behalf of our former colleague, Senator Everett McKinley Dirksen.

I am reminded particularly of his successful bill to name the Federal office building in Chicago after Senator Dirksen; his efforts to designate I-74, extending across the entire width of the State of Illinois, as the Everett McKinley Dirksen Highway; his participation in the dedication of the Everett McKinley Dirksen Chair of Political Science at Bradley University in Peoria; his support of the Dirksen Forum, a nonpartisan political science forum conducted monthly in Washington; his work in aiding the Dirksen Library in Pekin; and his support of the Dirksen prayer amendment.

Mr. President, I agree with the leadership of my party that the senior Senator from Illinois has written a very perceptive report to the people of Illinois. I ask unanimous consent that it be printed in the RECORD.

There being no objection the report was ordered to be printed in the RECORD, as follows:

1970 REPORT OF SENATOR CHARLES H. PERCY

The first year of the new decade is nearly over, and I believe that we can look back upon it with some satisfaction.

With much left undone on the domestic front, with the economy in a precarious condition, with a debilitating war continuing in Southeast Asia and a tenuous cease-fire all that separates the Mideast from another outbreak of fighting, we remain a long way from our twin goals of world peace and domestic tranquility.

Yet I believe that we have made measurable progress both nationally and internationally in 1970. We have begun to reorder our priorities, reform our governmental institutions and redefine our foreign policy. There were many disappointments, some of which I will discuss in this report, but in my judgment there are legitimate grounds for optimism about our future.

FOREIGN AND NATIONAL SECURITY AFFAIRS

Indochina

As it was during the second half of the 1960's, Indochina was the principal foreign policy concern of the United States in the year 1970. President Nixon continued to guide the nation on a course of steady withdrawal from the war, a course which I have strongly supported since its inception, indeed urged during the Johnson Administration. By next May, 265,000 American troops will have been brought home under the President's plan. Already, South Vietnamese forces have assumed the bulk of the combat burden and American casualties have been sharply reduced. It is my earnest hope now, that we can realistically look forward to the day when we have disengaged ourselves completely from this tragic war.

On October 7, the President announced a new imaginative five-point initiative for peace in Southeast Asia, including several of the steps I previously had advocated, such as a standstill cease-fire, an Asian peace conference and repatriation of prisoners of war. The peace proposal was very gratifying to me, since I believe it created a new climate for the long-stalled negotiations in Paris.

The day after the President's address to the nation, I introduced a Sense of the Senate Resolution which said that his initiative was "fair and equitable and lays the basis for ending the fighting and moving toward a just settlement of the Indochina war." My resolution, which was cosponsored by a bipartisan group of 22 Senators, was adopted unanimously by the Senate the same day it was introduced, meaning that for the first time in several years the Senate spoke with one voice on Indochina policy. Our chief negotiator in Paris, Ambassador David K. E. Bruce, told me that the passage of this resolution was "the biggest shock the Communist negotiating team has yet had".

During the brief congressional recess this fall, I undertook a trip with the encouragement of the State Department and the White House in order to meet personally with several chiefs of state and other world leaders and obtain their support for President Nixon's peace proposals.

In talks with the leaders of Great Britain, France, Finland, the Netherlands, Italy, Nigeria and Ethiopia, I stressed the necessity of their using the diplomatic channels available to them to make Hanoi, Peking and Moscow understand that the two preconditions to serious negotiations laid down by the Communists were unrealistic. These two matters—the removal of the current South Vietnamese government and recognition of the National Liberation Front as its legitimate replacement, and the setting of June 30, 1971 as a definite withdrawal date for all American forces—clearly should be matters for negotiation, not arbitrary preconditions.

As the year drew to a close, there were a few hopeful signs, faint though they were, emanating from the Paris peace talks. North Vietnam acknowledged that the United States would never accept preconditions and indicated a willingness to discuss a deadline that is "logical and reasonable." Some progress also was made toward solving the problem of how to effectuate a cease-fire, an important part of the President's October offer.

Earlier in the year, the Senate spent several weeks debating amendments arising out of the Cambodian incursions. I was a cosponsor of the Cooper-Church Amendment, which was adopted by the Senate. In my view, this amendment effectively prohibits future American involvement in Cambodia without Congressional authorization, while in no way impugning the constitutional power of the President as Commander-in-Chief.

However, I could not vote for the McGovern-Hatfield Amendment, believing that it would not be an effective means of ending the war, and would, in fact, detract from our efforts to negotiate a settlement in Paris. A majority of my colleagues concurred and the amendment was defeated.

Middle East

As I suggested at the outset, the cease-fire in the Middle East is a very uneasy one. But the fact that the guns now are silent and the killing has been stopped in this troubled part of the world is a tribute to the diplomatic initiative taken by President Nixon and Secretary of State Rogers. I have fully supported their efforts to insure that Israel remains strong enough militarily to deter any aggressive activity that could jeopardize the continuance of the cease-fire.

Nuclear arms race

Another heartening development has been the continuation of the SALT talks with the Soviet Union. To speak of nuclear weapons is to ponder the survival of man; there can be no higher priority than the limitation of such arms. Consequently, I am extremely pleased that the negotiators on both sides have not permitted propaganda outbursts or their very real differences over such matters as Vietnam and the Mideast to distract them from the crucial issues they are considering. This fall, when I was in Helsinki, I had an opportunity to meet with our delegation, headed by Ambassador Gerard Smith, for a full discussion of the SALT negotiations.

NATO

During the past year, my longstanding proposal to bring about a more equitable sharing of the cost burden of the defense of Europe with our NATO partners was accepted in principle by the NATO Defense Ministers.

For years, it has seemed ludicrous to me for the United States to continue to commit $14 billion annually to the defense of Europe at a time when we must turn our resources to pressing problems at home and when our allies can easily afford to bear a larger share of the expense. Naturally I was pleased by the willingness of the European nations to agree to the concept of burden-sharing, but the proposal made by our European partners, $950 million over five years, including just $165 million in direct relief for this country, is patiently inadequate. I intend to press for a more realistic offer in 1971.

ABM

The Safeguard anti-ballistic missile system was again a focal point of the fight over national priorities in the Senate. I opposed the ABM because I believed that deployment at two additional sites would further escalate the arms race at a time when we were attempting to negotiate arms limitation agreements with the Soviets, would not enhance our security and would constitute a misuse of tax monies needed for urgent domestic needs.

The ABM battlefield this year consisted of two major amendments to the Military Procurement Authorization Bill, one introduced by Senators Cooper and Hart and the other by Senator Brooke. I voted for Cooper-Hart, which would have eliminated $334 million of authorized funds for Safeguard and directed that the number of sites be limited to the two approved in 1969. I decided to vote against the Brooke Amendment, however, for it would not have reduced expenditures, and under it funds would have been spent at a faster rate in fiscal 1971 than will be the case under the Administration's program.

Foreign trade

Protectionists in the Congress made a strong effort this year to legislate import quotas and thereby reverse the commitment to freer trade that has characterized American policy for more than three decades.

Fortunately, however, it appeared in the waning days of the 91st Congress that the trade bill, which I strenuously opposed and fought on the floor of the Senate, would not be adopted by the Senate. My objections to the bill were numerous: It would have increased our already dangerous rate of inflation; it would have protected the inefficient and, of prime importance to the economy of our state, it unquestionably would have led to retaliatory action by the European nations and Japan against American agricultural exports, particularly soybeans and corn from Illinois and in addition would cost Illinois tens of thousands of jobs.

In my judgment, the death of the trade bill in the 91st Congress, which would have carried us back to the disastrous days of the Smoot-Hawley legislation of the 1930's, represents a major victory for the people of Illinois.

DOMESTIC LEGISLATION: THE YEAR OF REFORM

Since my last yearly report to you in December of 1969, the Congress has faced up to its responsibilities in many areas, passing several notable pieces of landmark legislation. We failed in other areas.

Though the pace with which we conducted the nation's business was often exasperatingly slow, we managed—only partially because of the first lame-duck session in nearly two decades—to write what I deem to be on balance a positive record.

One reason for this assessment of the second session of the 91st Congress was the broad effort which we made to dig into the fundamental structure of government and make it more responsive. Again, there were some frustrations, in the form of sound reforms that were rejected or smothered by procedural tactics, but there were several encouraging developments.

Welfare

Let me begin with the most revolutionary reform, and the one which, at this writing, appears destined to be my principal disappointment—the Family Assistance Plan, President Nixon's proposal for a thorough overhaul of our archaic welfare system.

This nation's present public assistance programs are a moral, economic and administrative disgrace. They promote family breakup, destroy the will to work, degrade the recipient through a series of demeaning eligibility tests and diminish us as a people by their very existence.

The Family Assistance Plan would place a $1,600 federal floor under welfare payments, ending the wide disparity that exists between states such as Illinois and Mississippi. It contains strong work incentives, which would help move many thousands of Americans off the welfare rolls and onto payrolls, where they would contribute to the support of their communities rather than being supported by them. It offers job training to the unskilled and provides day care facilities for working mothers with small children. In sum, it rebuilds the machinery of the welfare system from the ground up, and represents one of the most significant pieces of social legislation since the 1930's.

Because I believe so deeply in the need for welfare reform, I was dismayed as we moved into the final days before adjournment by the failure of the Senate to enact the Family Assistance Plan. But the bill has passed the House, hearings have been held in the Senate and it has been offered for purposes of debate on the Senate floor, with my sponsorship. I am confident that it will become law in the new Congress.

Postal service

The Post Office Department, with its chronic deficits and its labyrinthine political arrangements, was recreated in 1970 as the United States Postal Service, an independent establishment within the executive branch. Hopefully now, through implementation of modern business techniques, and by taking politics out of the Post Office, the American people will begin to receive the type of efficient mail service that has been denied them for too long.

Social Security

Basic reform also seems certain to come to the Social Security system. Widespread support developed in 1970 for my bill, introduced originally in 1967, to establish a permanent "escalator" provision, which would insure that benefits increase at a pace consistent with increases in the cost of living. This would mean that the elderly, who, because of their fixed incomes, have paid a tragically high cost for inflation, would be able to plan their financial futures with greater confidence.

Congress recognizes the need to raise the earnings limitation beyond which Social Security recipients begin to lose their benefits. While this would be a welcome step, I believe that the limitation eventually should be phased out altogether. To tell individuals who have contributed to our economic system for four decades or more that they cannot receive their full Social Security benefits unless they sharply curtail their work activities is to authorize an unconscionable waste of our national talents and experience.

Executive reorganization

To streamline the functioning of the executive branch, the Congress approved President Nixon's proposals for an Office of Management and Budget and an Environmental Protection Agency. As a member of the Senate Committee on Government Operations, I worked closely with the Administration on these basic organizational reforms.

The Office of Management and Budget absorbed all of the functions of the Bureau of the Budget, but also contains within it a new Domestic Council, a priority-setting mechanism for domestic affairs comparable to the National Security Council that operates in the realm of foreign affairs.

The Environmental Protection Agency consolidated all major programs to combat pollution in a single agency independent of existing departments, paving the way for a unified battle to save our environment and eliminating a jungle of overlapping jurisdictions.

Neither of these new agencies has attracted a great deal of public attention, but it is difficult to overstate their importance. In an era when many thoughtful Americans have begun to scrutinize seriously our national goals and values in an attempt to decide which of them deserve precedence, it is vital that there be machinery within the government to sift priorities and make recommendations to the President. Similarly, with the evolution of the environment issue into a national crusade, with its having moved to its rightful position near the top of our list of priorities, it is imperative that there be an effective institutional basis for sound environmental management.

Congressional reform

The movement toward reform even extended into the Congress, with passage of the Legislative Reorganiaztion Act, the first congressional reform measure since 1946. The new law opens more of the operations of the legislative branch to public examination by insuring that the voting positions of Congressmen are publicly revealed, takes steps to expedite legislative proceedings, modernizes the processing of federal fiscal and budgetary data, increases staff assistance and establishes a Joint Committee on Congressional Operations to continue the study of congressional functioning.

Change is so rare in the Congress that even a modicum of institutional reform must be applauded. But the problem of revitalizing the Congress making it more responsive to the will of the people, is far from solved. The seniority system, which rewards longevity and the accident of residence in a one-party state, is a pervasive—and often stultifying—influence on our operations. It must be modified. We must make all of our procedures more democratic if we are to regain the confidence of an increasingly skeptical public.

It was the absence of democratic procedures in the Congress which was responsible in my view for our failure to enact three additional pieces of valuable reform legislation. I strongly supported each of these measures and will work for their adoption in the 92nd Congress.

Consumer protection

The first of these, the Consumer Protection Act, was the product of eight months of work in the Senate Government Operations Committee, upon which I serve. It was overwhelmingly approved in the Senate, by a vote of 74–4, but was killed by a 7–7 tie vote in the House Rules Committee, which is far from representative of the House as a whole.

This bill represented the best thinking of both the Administration and of a bipartisan group of Senators. It would have spelled an end to the haphazard attempts to deal with consumer problems through the establishment of a Council of Consumer Advisers, a Consumer Protection Agency, a program of consumer protection grants to state, local and private organizations, and various other progressive features.

Yet this strong, fair bill is dead because the votes of seven men denied the full House of Representatives any opportunity to consider it—an absurd result. And the beleaguered consumer is left to be protected by the uncoordinated efforts of some 34 different departments and agencies in the federal government.

Electoral reform

The electoral reform bill, which would have amended the Constitution by abolishing the antiquated Electoral College and providing for the direct, popular election of the President, was a victim of verbosity. It was talked to death in the Senate after passage in the House.

We are now faced with the specter of an election in 1972 in which a candidate without a plurality could be elected President, a paralyzing possibility which the 1968 presidential election should tell us is not remote. The 1968 election had brought the need for reform to the fore, yet the clear wishes of the people—as expressed in numerous polls—and the majority of Congress were thwarted because of our inability in the Senate to find enough votes to shut off a filibuster on the issue. We were not defeated on the merits of the issue, but by a procedural requirement—the need for a two-thirds vote to close off debate—and I was reminded again of the overriding need for an easing of the cloture rule.

Revenue sharing

In 1967, I was one of the earliest sponsors of legislation providing for the sharing of federal revenues with the state and local governments, and I was distressed again this year by the failure of this key proposal to emerge from the House Ways and Means Committee.

I do not believe that all wisdom resides in the federal government; there are many local problems which can best be attacked at the local level. But the state and local governments, with growing problems and a desperate shortage of new revenue, must have federal financial assistance, with no "strings" attached, if they are to launch innovative programs and resume their proper roles as full partners in the federal system.

Revenue sharing has the full support of President Nixon and an almost unanimous endorsement from the chief executives of the states, counties and municipalities of this country. I strongly suspect that it also would be approved by a majority of both houses of Congress. But we will never know if my feeling is correct until the revenue sharing concept is permitted to stand or fall on its merits by a vote in both the House and Senate.

OTHER HIGHLIGHTS ON THE DOMESTIC FRONT

Almost every major piece of domestic legislation can be construed as a reform measure, since it affects to some degree the way in which government approaches a particular national problem. Consequently, there were many new laws or amendments passed by the second session of the 91st Congress which might properly fall under the rubric of reform. Under any heading, however, they constituted significant, forward-looking congressional action.

Let me touch on these measures, all of which I either co-sponsored or actively supported, and mention their principal provisions.

Mass transportation

Authorized $3.1 billion over six years in loans and grants to state and local governments for mass transportation, which I regard as one of our most overwhelming urban problems.

Railpax

Created a semi-public corporation to operate a nationwide, intercity rail passenger system.

Drug Abuse Act

Establish a National Institute for the Prevention of Drug Abuse and Drug Dependence, authorized $190 million in grant programs and made a key distinction in consideration of the drug problem by lightening the penalties for simple possession and cracking down severely on "pushers" and manufacturers.

Organized Crime Control Act

Recognized that organized crime saps our national economic and moral strength and provided new legal weaponry for the battle against it.

Voting rights

Extended the Voting Rights Act of 1965, under which 900,000 black Americans in the South were given the franchise, for another five years; limited residence requirements for voting in presidential elections by providing nationwide standards, and lowered the voting age to 18 in federal elections, which will add approximatey 11 million young people to the rolls in federal elections now that the action has been upheld by the Supreme Court. Since the right to vote is the most fundamental of all over civil rights, I was pleased that the Congress fought efforts to weaken the Voting Rights Act and eventually succeeded in strengthening it.

Water Quality Improvement Act

Established the Office of Environmental Quality in the Executive Office of the President; provided harsh penalties for those liable for oil spills; controlled the flushing of raw sewage into our waters.

Clean Air Act amendments

Recognized that auto exhaust fumes are responsible for between 60 and 80 percent of our air pollution and ordered the automobile industry to build by 1975 cars that are 90 percent cleaner than those which exist today; established nationwide air pollution standards and toughened enforcement procedures.

Nerve gas

Prohibited the disposal of chemical or biological warfare agents unless they are first detoxified or otherwise made harmless to man and his environment. I introduced this bill shortly after the Army dumped 12,000 concrete-encased nerve gas rockets into the ocean last August, over the strong—but futile—protests of a concerned American public.

Housing

Increased the availability of mortgage credit for the financing of urgently needed housing; made available for immediate use a total of $2.75 billion for federally assisted low- and moderate-incoming housing.

Supersonic transport

The Senate ordered the deletion of a $290 million appropriation for the SST from the Department of Transportation Appropriations Bill. Since the SST has come to symbolize the effort to reorder our national priorities, I was very gratified by the success of our effort to place the Senate on record as opposed to further subsidies for an airplane that would produce unacceptable noise levels and other environmental hazards and is a very bad risk from an economic standpoint. At a time when we must turn our limited resources to the human needs of millions of Americans, there clearly could be no justification for an airplane that offered no benefits other than a modest reduction in travel time for those who travel abroad.

It is clear that the final decision in the SST will be made by a subsequent Congress, not the 91st. I was glad to have taken a leadership role in this fight however, for I believe that the groundwork has been laid for a continued careful examination of our priorities in the Congress in the months and years ahead.

Agriculture

Because agriculture is central to the economic health of Illinois, I devote special attention to legislation affecting farmers. The year 1970 was particularly important in this area because the basic farm law was due to expire at the end of this year and new legislation was required.

I cast my vote against the Senate farm bill in September because it simply was not good enough for the farmers of Illinois. It could easily have been described as the "Cotton Protection Act of 1970" because of the manner in which it favored cotton interests and discriminated against feed grain producers.

I offered a series of amendments in an effort to remove the bill's anti-Midwest bias, but when the Senate rejected all but one of them, I had no choice but to register my protest with a "no" vote.

The conference report on the farm bill was substantially the House version, a distinct improvement, though still not enough to insure the prosperity of Illinois farmers.

Moreover, as I mentioned earlier in this report, the trade bill represented an additional threat to the farmers of our state, and it came dangerously close to passage. I strongly suspect that the battle against the protectionists will have to be fought again in years to come.

The economy

The issue which dominated all others—foreign or domestic—in 1970 was the economy. Unemployment reached an unacceptable level; prices continued to rise and inflation imperiled every wage-earner; the stock market, after a precipitous drop, made a modest, though not thoroughly comforting, comeback; the fiscal 1971 federal budget appeared headed for a deficit of between $15 and $20 billion. The state of the economy concerned virtually every American.

In an effort to help bring the budget into balance, and thereby reduce inflationary pressures and restore stability to the economy, I undertook a program designed to reduce non-essential federal spending by at least $4 billion. By the beginning of December, I already had proposed cuts totaling $3.4 billion.

Among my major recommendations were: Eliminating the appropriation for the SST (a $290 million annual saving); rejecting the request for 40 additional F–111 aircraft, ending a scandalously expensive project that has yielded planes so inadequate that they have been grounded ($350 million); opening the shipping of surplus American agricultural commodities to competitive bidding, rather than requiring that 50 percent of these foodstuffs be shipped in American vessels ($130 million); and reducing the number of unnecessary moves by military families ($140 million).

In a private meeting, I also urged the President to bring the prestige of his office to bear on the battle against inflation. The continuing cycle of inflationary wage settlements and subsequent price rises must be stopped and, for those of us who believe that wage and price controls would be ineffective at this time in history, utilizing the moral force of the Presidency seems to be a necessity.

To increase public confidence in the stock market, I co-sponsored and worked vigorously for passage by the Senate of legislation that would protect the small investor in the event of failures by brokerage houses.

At year's end, I have begun to notice a few signs that our economic health is returning, although the prognosis is far from clear. The increase in the money supply by the Federal Reserve Board should step up the growth rate of the economy and help reduce joblessness, particularly in the construction industry. Housing starts have increased appreciably over the past two months. The securities market continues to show greater strength. The prime interest rate charged by banks dropped again at year end.

On the other hand, the rate of inflation has been disappointingly resistant to government's efforts to curb it. And the federal budget is dangerously out of control in some areas.

This economic uncertainty troubles me greatly, and I intend to devote much of my attention in 1971 toward finding better approaches that will end it. We must wage an all-out war against inflation, without further damage to our economy and without further loss of jobs.

ILLINOIS AFFAIRS

As a United States Senator, one of my most important functions is to provide a link between the sprawling federal bureaucracy, with its myriad agencies and programs, and the governmental units and individual citizens of Illinois.

Casework

Several thousand of the letters, telegrams and telephone calls I received this year involved requests for assistance in such areas as Social Security, veterans affairs, Selective Service, federal grant and loan programs, immigration, education, employment and many more. I have sought to expedite these requests wherever possible, and I hope that any of you who may need assistance in the future will not hesitate to call upon me. Remember—aiding constituents is an integral part of my job, not an extra chore.

Appointments

In the Area of Presidential appointments which require the advice and consent of the Senate, Federal judges, U.S. attorney's and Federal marshals, we take most seriously our responsibility to recommend men and women of preeminent qualifications in 1970. We were especially pleased when the President nominated and the Senate confirmed the appointments of three very distinguished men: John Paul Stevens to the Seventh Circuit Court of Appeals, Frank McGarr to the Federal District Court and William Bauer as U.S. Attorney for the Northern District.

Keeping in touch

The vast majority of the approximately quarter million pieces of correspondence I received in 1970 dealt with legislative matters pending before the Congress. These expressions of opinion, whether they support my views or not, are extremely helpful as an indication of the prevailing sentiment in Illinois, something which is difficult to discern. Moreover, I sometimes find that my mail suggests new problems that require legislative attention and offers sound recommendations for improving existing programs.

Beyond reading the mail, I try to keep in touch with the thinking of the poeple of Illinois through frequent trips back to the state and by inviting special groups to Washintgon to discuss problems of mutual concern.

During the past four years, I have returned to Illinois approximately 200 times. Frequently I have conducted "listen-ins" in various parts of the state, which give the people a chance to discuss their problems with me without an appointment. I strongly believe that a public official should be as accessible to the citizens he serves as his Senatorial duties will allow.

Last January, I sponsored an all-Illinois College Conference on the '70's as a means of bringing the ideas of student leaders and faculty members from throughout the state to bear on key national problems. The college and university representatives exchanged views with officials in the Nixon Administration and other public figures, and I believe the sessions were very profitable for both groups.

In August, more than 80 police chiefs, sheriffs and other interested officials from Illinois came to Washington for my Conference on Law Enforcement and Individual Rights, during which they met with representatives of the Justice Department, the federal judiciary, the Senate and the Washington Police Department. The conference focused on the most basic issue in the field of law enforcement—the rights of the individual versus the rights of our society as a whole—and I found it quite productive.

Lake Michigan

One of our most precious natural assets in Illinois is Lake Michigan, which is now seriously jeopardized by our carelessness. Experts tell me that the lake already is 70 percent polluted.

To prevent Lake Michigan from going the way of Lake Erie, which has been accurately described as a "dead sea," I proposed this year a complete restructuring of the Great Lakes Basin Compact. As it is now written, the Compact is distinguished by its ineffectiveness; it does little more than compile and distribute recommendations that are not binding.

My proposals—if adopted by the member states to the Compact and approved by the Congress—would put some teeth into the agreement and prevent Lake Michigan from becoming a giant cesspool. Under my plan, it would be possible to set standards for water quality, to strictly enforce these standards and to raise revenues for pollution control.

But, if the condition of Lake Michigan made us aware of man's capacity to destroy, we also had evidence in 1970 of our ability to create new facilities that will husband our resources. In September, I had the privilege of speaking at the dedication of the Shelbyville reservoir, an exciting $56 million project forged out of an alliance involving federal, state and local governments. In addition to the magnificent recreational opportunities it offers, the reservoir project will be a boon to the economy of central Illinois and protect the area from flood damage.

I also sponsored several pieces of legislation in 1970 that were designed specifically to meet the needs of Illinois.

Mass transit

The transportation crises which plagued such cities as Chicago, Danville, and Joliet prompted me to introduce an amendment to the Housing Act of 1970 to provide federal assistance for failing mass transit systems. The amendment was adopted by the Senate, but failed in conference with the House. I have no doubt that the Senate will approve my bill again in the 92nd Congress, but I will need help from the Illinois delegation in the House to insure that it becomes law.

Rehabilitation

To enable the Rehabilitation Institute of Chicago to expand its important humanitarian work, I sponsored an amendment to the Health, Education and Welfare Appropriations Bill to provide the Institute with federal funds for a new Rehabilitation Research and Training Center. After Senate passage of my amendment, a conference committee approved $1.75 million for the center. I hope we will be able to keep this outstanding project on schedule until its completion.

Everett McKinley Dirksen

I scored perhaps my easiest legislative victory this year when both houses of Congress voted overwhelmingly to support my bill to name the federal building and courthouse in downtown Chicago in memory of my late colleague, Senator Everett McKinley Dirksen. So high was the esteem in which Senator Dirksen was held that more than 80 Senators joined me in this legislation. In July, following the signing of the bill by the President, I participated in dedication ceremonies for the Dirksen Building.

Illinois campuses

As the fall term opened, I addressed an open letter to college and university students, faculty and administrators on the approximately 80 campuses in Illinois. In that letter, I said:

"To stand up against those who would substitute force for reason on our campuses will mean inconvenience and may require courage. But moderates must join together to stem the tide of campus violence by firmly stating that they will not permit it. If they abdicate their responsibility, in all likelihood they will invite swift and unwelcome intrusions into their affairs by the heavy hand of government. Make no mistake about it; given the choice between anarchy and repression, government will always choose repression. And even a free people will support such measures, abhorrent as they might be. . . .

". . . I am earnestly suggesting that all members of the academic community in Illinois dedicate themselves to insuring peace on their campuses in this academic year. With a strong commitment to non-violence, you can rescue your institutions from an obstreperous minority who would sacrifice your right to teach and to learn to further their own ultimate interests—interests that you do not share, no matter how they are disguised."

THE ELECTIONS

From a Republican standpoint, the 1970 elections results in Illinois were very grim, and no amount of literary legerdemain will disguise that fact. I believe that Republicans generally did not devote enough effort to transmitting our very real accomplishments at all levels of government to the voters and concentrated too heavily on simplistic slogans that were understandably resented by the electorate.

A drastic revision in tactics is in order if Illinois is to be returned to the Republican column in 1972. Our state will be crucial to President Nixon's re-election bid, as it was to his election in 1968, and only a vigorous, united effort, stressing the positive aspects of our record, will prevent a repetition of this year's verdict.

I sincerely believe that good government is good politics. It is apparent to me, therefore, that there is no better way to prepare for electoral success in 1972 than by writing a solid list of achievements over the next two years. Only by demonstrating its capacity to govern effectively can a political party convince the people that it is entitled to represent and lead them.

I intend to work with President Nixon wherever possible for the enactment of imaginative, responsive programs that will be the foundation of victory, and I am confident that Governor Ogilvie and the State Legislators will do the same in Springfield.

Cost of campaigns

Along with many other Americans, I have grown increasingly disturbed by the astronomical cost of running for public office in this country. We have reached a point at which a candidate for a statewide office in a large state must either be wealthy himself or accept large contributions that could compromise him in the public eye after he is elected.

The Congress passed legislation this year which would have limited the amount of money that political candidates could spend on radio and television advertisements. Although I had some reservations about this bill, I agreed with the principle behind it and would be willing to abide by its provisions if I should be a candidate for re-election in 1972.

But I did not believe that this legislation represented a comprehensive effort at reform. It provided controls over just one type of campaign expense, broadcasting costs, and omitted any reference to expenses for mailings, newspaper advertisements, public opinion surveys, campaign staff and travel. Moreover, I felt that the legislation as passed by the Congress gave an undue advantage to incumbents. For these reasons, I voted against the bill when it was considered by the Senate and later voted to sustain President Nixon's veto of the measure.

I have committed myself to introducing broad reform legislation early in 1971 that would come to grips with all of the problems raised by the mixing of large sums of money with politics. I look forward to the time when we permit the voters to choose their representatives on the basis of issues and not image; on records of achievement, not advertising claims; on sensitivity to constituents, not submission to contributors.

A JUDGE AND SENATORIAL JUDGMENT

Finally, I would like to comment on the Carswell nomination because it was one of the most controversial issues of 1970 and because it bears upon my philosophy of what a United States Senator should be.

I know some of you in Illinois disagreed vehemently with my decision to vote against the confirmation of Judge Carswell for a seat on the Supreme Court, and I personally found it difficult to oppose the wishes of a President of my party.

Yet it was apparent to me, after a thorough study of the testimony of the confirmation hearings and of the other available evidence, that Judge Carswell was glaringly deficient in legal scholarship and in his sensitivity to the aspirations of all Americans for full membership in our society. When I considered that confirmation might have meant that Judge Carswell would sit on the Supreme Court until the year 2000, I felt that I had no alternative but to vote against him.

Naturally, I hope that the majority of the people of Illinois support my position on this issue, and on many of the other complex issues that I must decide by a simple "yes" or "no" vote. But I realize that in all likelihood there will be a few instances in which I will find it necessary to vote contrary to the prevailing opinion in my party or in my state.

I have always assumed that the people of Illinois elected me as their Senator because they had confidence in my judgment, and that I would justify their faith in me on most issues. If that is not the case, I am sure I will discover that fact soon enough.

No public official disregards the opinions of his constituents, insofar as they can be measured. Yet I see my basic role as your trustee, entrusted with your interests and empowered to represent them as my conscience and judgment dictate. I would contrast this role to that of an instructed delegate, who must rigidly adhere to what he understands the wishes of his constituents to be. This may be a subtle distinction, but I regard it as central to the operation of a representative form of government.

I hope I have represented you well. I know I have tried to do so for the past four years. And I know that I have not done violence to my own convictions

PREDICTIONS

Looking ahead to the future is always more perilous than recording the period through which we have just passed. But for those of us who must make public policy, it is a valuable exercise. If we are to act positively, rather than to crises, we must try to anticipate what the year 1971 and subsequent years will hold.

So, with no guarantees on the quality of my crystal ball, I predict that:

1. Despite temporary flare-ups, American withdrawal from Indochina will be steady, and that in approximately a year all American ground fighting will have ceased.
2. Some progress will be made in the Paris peace talks in 1971 after two years of absolutely no accomplishment.
3. A far more effective burden-sharing arrangement will have been worked out with our NATO allies than ever before.
4. The Soviet Union will continue to lessen tensions between herself and Communist China.
5. In spite of ragged and mutually suspicious relationships between the United States and the Soviet Union, the basis for an agreement will be reached under which each country will abandon plans for ABM systems throughout her territory, except for command headquarters in Washington and Moscow.
6. Relationships between the United States and the United Kingdom will be closer in 1971 than at any time in the past two decades as a result of the mutual respect and common ideology of President Nixon and Prime Minister Heath.
7. The new Secretary of the Treasury-designate, Democrat John Connally of Texas, will become one of the most visible and powerful members of the President's Cabinet.
8. The Senate will develop procedures and practices to speed up its handling of the nation's business. If it continues on its present course, it will require a 14-month calendar year.
9. The seniority system in both the Senate and the House will come under increasingly sharp attack.
10. An effort will be made, with my support, to change the fiscal year of the federal government from July 1–June 30 to a January 1–December 31 calendar year. This move would help insure that appropriations bills are approved before the new years opens. Under the disgraceful procedures followed now, final action often is delayed as much as six months into the new fiscal year.
11. Barring any precipitous change in policy, such as that represented by the Cambodian incursions, our campuses will be quieter in 1971 than they were this year. The malaise that has affected our youth has by no means disappeared, but students seem to be just as "fed up" with violence as the rest of the country.
12. The movement toward a shorter work week will continue, as more offices any factories adopt a larger number of three-day weekends.
13. The Senate will change its rule of 190 years standing and permit me to appoint the first girl Senate page ever selected from Illinois.

As we approach what promises to be a very active new year in the Senate, I will need your continued support and counsel. If I can be of service to you in any way, I hope you will contact my offices in Washington, Chicago and Springfield.

PRESCRIPTION FOR PROSPERITY

Mr. SPARKMAN. Mr. President, at a time when the problems of the economy are on everyone's mind in this country—indeed, at a time when the state of the economy is our No. 1 domestic problem—it is encouraging to see that some of our business leaders are speaking out and offering helpful suggestions on what might be done.

Two weeks ago, one such corporate executive used the forum of his company's annual shareholders meeting to propose a six-point program to get the United States moving forward on the economic front.

This executive was Charles G. Bluhdorn, chairman of the board of Gulf & Western Industries. And whether or not we all agree with Mr. Bluhdorn's "prescription for prosperity," we should welcome his concern and the suggestions generated by it.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

Good morning, ladies and gentlemen.

On behalf of the management of Gulf & Western Industries, I welcome you to the thirteenth annual meeting of the company. All of us appreciate your interest in coming here this morning to get a first-hand report on the progress of your company during the past year.

Before I turn the meeting back over to Mr. Judelson, the president of Gulf & Western, I want to talk about some matters that are of vital importance to you, both as shareholders of this company and as citizens of this country.

As the sixty-fourth largest industrial corporation in this country, Gulf & Western is a key contributor to our economy and very much a part of the fabric of America.

None of us at Gulf & Western holds public office, but we are responsible just the same for the interests of a large group of people.

I am referring to you and your fellow shareholders—some one hundred thousand strong. And to the seventy-five thousand employees of this company and their families. And to the thousands of people, from one end of this nation to the other, with whom we do business.

As chairman of Gulf & Western, I have several responsibilities. The most immediate, of course, is to oversee the company's daily progress and profitability. In addition, all of us in the management of Gulf & Western feel responsible for the economic well-being of our employees and our shareholders beyond paychecks and dividends. And as chief executive officer of this company, I am necessarily concerned with broader issues, such as the state of the economy.

These responsibilities are all interwoven. The state of the economy, for example, directly affects the profit performance of this company. And the profit performance of this company directly affects the economic well-being of our employees and our shareholders.

So let me turn for a few minutes to the economy. Taking its measure in this month of December 1970, we find that:

Unemployment, in personal terms the cruelest of all the economic indicators, has risen to an alarming 5.8 percent of the total labor force—the highest figure since 1963. This means that this morning more than four and one-half million men and women in this country have no jobs and no steady income.

Prices, for everything from maple syrup to machine tools, are up an average of 6 percent over a year ago—and still rising.

Wages have gone up this year by an average of nearly 7 percent. Just compare the American worker's average hourly wage, which is now pushing four dollars, with the pay of a Japanese or Italian worker who makes eighty cents an hour, or a Frenchman who makes one dollar an hour, and you get some indication of the competitive threat to the United States.

And while wages are rising, productivity—historically the pride and mainspring of American industry—has unfortunately not kept pace. And if we don't watch our step, this lagging productivity together with our uncompetitive wage posture, is going to price us right out of world markets.

Total corporate profits have slipped 18 percent below last year—from $100 billion to $82 billion.

Finally, the gross national product, the sum total of all the goods and services the nation produces, is stagnant. And in constant dollars our real output actually is down—one clear bit of evidence pointing up this country's economic difficulties.

Let's look at them.

Unemployment, up.

Prices and wages, up.

Productivity, lagging.

Profits, down.

GNP, flat.

That's not how this country was built. This country was built on action.

And Washington has begun to act. One result is that interest rates, which recently soared to historic highs, have descended to a lower altitude.

This will help ease some of the pressures. But the major problems stubbornly persist.

Washington's game plan was to trade higher unemployment for lower inflation.

It has been 50 percent successful: we have got higher unemployment; we also have higher inflation.

It is very distressing to pay the price we are paying—idle men, idle machines—and to get as little relief from inflation as we are getting.

In 1970 this country was short-changed by some $45 billion. That is, the economic output of the United States was $45 billion less than its potential. Forty-five billion dollars—just about equal to the assets of U.S. Steel, Mobile Oil, IBM, Ford and General Motors all put together.

There has to be a better way. And I am sure that the experts in Washington are burning the night oil looking for it.

I am very optimistic about the future. But I have to tell you that America is engaged in an economic struggle that is as serious a test as this nation has faced in the last twenty-five years.

Many solutions have been suggested, from mandatory wage and price controls to a new tax on the profits of companies that make inflationary wage settlements. Neither of these is really workable.

The fact of the matter is: there is no single answer, no cure-all. But perhaps a combination of things may help.

As citizens we are all concerned about the right course to take to get this country moving ahead. As a businessman I am doubly concerned. But merely being concerned is not enough. As a businessman I have a responsibility to make my voice heard. And that is what I am doing today.

In today's new climate of corporate consciousness, businessmen are looking up from their balance sheets and taking a broad view. And they're doing this for a very good reason. Because what affects the economy affects every company in this country. And what affects every company affects every share holder.

In my view our best economic course lies in a carefully-compounded, courageously applied prescription for prosperity made up of these six ingredients:

One, a moderately expansive monetary and fiscal policy to rouse the sluggish economy. But Washington should not push the monetary-fiscal accelerator through the floorboard.

Two, as a counterpart to this expansion—and this is vital—a system of voluntary wage-price disciplines, suggested by Washington and carried out by all segments of business and labor.

Three, to help stimulate capital spending—and this also is vital if we are to compete successfully in the world marketplace with modern plants and equipment—I suggest restoration of the investment tax credit. Eventually this can mean a 3-billion-dollar-a-year shot-in-the-arm for the economy. This can pay for itself many times over in extra investment by businesses in more modern—and more productive—facilities.

Four, an enlightened antitrust policy that is designed to be stimulating instead of stifling, progressive instead of penalizing. It is absolutely ridiculous that American business should have to compete with Germany and Japan and the United States Department of Justice all at the same time. At a time when the United States is pursuing a naive merger policy more becoming the 1870s than the 1970s, Europe is doing exactly the opposite. Recognizing the hugeness of the prize at stake, European governments are encouraging their firms to become larger through mergers, and thus more competitive and more efficient. While Europe is just beginning to recognize this most basic of all economic laws, we in America are flirting with danger by flouting it. And if we continue to pursue this disastrous course, we will find our markets both at home and abroad shrinking, our balance of payments in even greater disarray, and our economic vitality sapped.

Five, a program of extremely selective protectionism to help close the wage-productivity-performance gap in this country. Specifically, the President should be empowered to impose emergency import quotas on specific goods if a foreign country disregards the rules of competitive fair play and tries to flood our markets and destroy some segments of our industry. Furthermore, I call upon other nations who are competing industrial powers to open their doors without rectriction to American investment in the same manner and spirit that we open our doors to them.

Six, the President of the United States must go before the nation on television once, or twice, or as many times as is necessary, to alert the American people to the gravity of the economic problems of the seventies. It is not enough for him to talk to business and labor leaders. It is your pocketbook that is suffering and you are entitled to know directly from the man you elect every four years what the consequences of a continuing wage-price spiral mean to you.

If this six-point program is what it takes to get a full-employment, full-income, full-performance economy, then Washington should take these steps without delay.

There is one more area of concern to all of us that I want to touch on. That is the quality of life in America—from housing to health, from education to environment.

The need in each of these areas is vast and pressing. But I ask you, how can we expect to meet the tremendous costs that these needs entail if we don't have the money to pay the bills?

And believe me, we can't pay those bills unless and until we have a vital, growing, full-performance economy.

Surely we have learned by now that unless there is economic growth there is stagnation.

That unless there is economic growth there will be no increase in corporate profits. And remember, if there is no increase in corporate profits there is no increase in tax revenues for the government.

And if there is no economic growth there is no chance to meet fully our social responsibilities.

In a strong economy everyone gains. In a week economy no one gains.

Our first order of national business must be to put the American economy back on the right course. And to restore the confidence of the American people in our economic system, which has made this country the leader of the free world.

Thank you.

A CHRISTMAS STORY

Mr. McGOVERN. Mr. President, in the New York Times of December 22, 1970, Tom Wicker has written a sad Christmas story. It is the story of the attempt by the Senate and its Select Committee on Nutrition and Human Needs, of which I have the honor to be chairman, to help the Nixon administration to meet its commitment to end hunger in America.

At the time he wrote his column, Mr. Wicker felt compelled to conclude:

> Thus ends, it appears, this tale of putting an end to hunger in America for all time.

But this story will not have such an ending. There are those who are pledged to write a happy ending. We will do our best this year to help the administration meet its own commitment. But this year will not be the end of the story.

Next year, I hope that Mr. Wicker will be able to write a new and more positive chapter.

Mr. President, I ask unanimous consent that the article "A Christmas Story" be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Christmas Story

(By Tom Wicker)

Washington, Dec. 21.—Once upon a time a wave of public indignation arose when persons as different as Robert Kennedy and Senator Ernest Hollings of South Carolina discovered that in prosperous America there were millions of hungry people, many of them helpless children.

So great appeared the public interest that the Senate established a Select Committee on Nutrition; at its hearings in 1969 a Public Health Service survey showed that malnutrition in America was as widespread and serious as in the underdeveloped countries, resulting in physical and mental damage to untold numbers of children, and thus imposing a tax on society far into the future.

These and other events produced a Presidential message to Congress in May 1969 in which Mr. Nixon said that "something very like the honor of American democracy" was at stake in the effort he demanded "to put an end to hunger in America itself for all time." The White House Conference on Food and Nutrition, later arranged by Mr. Nixon, specifically endorsed a measure called the McGovern-Javits bill to expand and reform the food stamp program.

Mr. Nixon had made his own food stamp proposals, but the bill went well beyond them, calling for a nationwide program (about a third of the nation's counties have no food stamp program), simplified procedures for receiving stamps, an increase from $106 to $134 a month in stamp allotments for a family of four (which still would provide only the so-called "low cost" food budget), and a funding level that would rise to $2.5 billion in fiscal 1972.

This measure passed the Senate by 56 to 39 in September of 1969. The Administration indicated that it could accept it, even though it had preferred a more modest effort to end hunger in America for all time. But when the scene shifted to the House, there was no carefully prepared study by a special committee; instead, the matter went to the dark, medieval chambers of the House Agriculture Committee, where it languished like an undernourished child.

The attitude of Chairman W. R. Poage of Texas has been well-expressed by Mr. Poage himself. "You know what happens in the beehive," he said. "They kill those drones. This is what happens in most primitive societies. Maybe we've just gotten too far away from the situation of primitive man."

Unmoved by ample evidence of widespread hunger in America, Mr. Poage ultimately produced a bill that wrote into the food stamp program a requirement that recipients had to work if they were able, and that cut off food stamps from an entire family if any one member refused to work. It also required states to pick up 10 per cent of the cost of the stamps, a proposal patently designed to keep hard-pressed states from expanding or even having a program since the cost-sharing could run into millions. Nor was there in the Poage bill any specific fund authorization, which left the program precariously dependent on the annual mercy of the Budget Bureau and the appropriations committees.

But last week in the House, Mr. Poage was able to produce a letter from Agriculture Secretary Hardin giving Nixon Administration endorsement of the Poage bill against a bipartisan substitute much nearer the Senate version. Even so, the Poage bill passed by only 119 to 116 in an unrecorded vote, which a number of members apparently missed because they were attending Christmas and farewell parties.

The Administration is reported to have hoped the Poage bill would force Senate conferees to scale down the McGovern-Javits bill. This reckoned without W. R. Poage and the House conferees, all of whom would have been right at home in Dickensian London. Instead of a reasonable compromise to put an end to hunger in America for all time, the House group is demanding that the Senate take the Poage bill or nothing.

Senator George McGovern and the other Senate conferees say they already have made fourteen specific concessions (eliminating free stamps for the very poor, for instance, as well as a provision that would have made it possible to buy soap and other hygiene articles with the stamps). They have further offered to accept a less drastic form of work requirement and split the difference between $106 and $134, if the House conferees would accept the simplified procedures for receiving food stamps and drop the state cost-sharing proposal. But Mr. Poage and the others have adamantly refused compromise, on the strength of their 119-to-116 mandate and their beehive mentality.

Rather than accept the regressive Poage bill, Mr. McGovern now plans to return to the Senate and ask that the present inadequate food stamp program be continued unchanged. Thus ends, it appears, this tale of putting an end to hunger in America for all time.

BVD WILL SKIP PARTY TO PLAY SANTA TO INDIANS

Mr. FANNIN. Mr. President, in Arizona we owe a special gratitude to many good companies which have invested in business on our Indian reservations.

These firms have put time, faith, and money into plants which are intended not only to make a profit but to help Indian families lift themselves out of poverty or dependence on the government.

Not many years ago BVD started a plant at Winslow, Ariz., to employ mainly Navaho and Hopi Indians. Despite the unfair competition from foreign imports, this plant remains in operation—and I hope it will not fall victim to the import deluge.

But what I want to do today is to insert in the Record a word of Christmas cheer concerning this plant and the employees of BVD.

The version of the story I offer came from the December 9, 1970, Tucson Daily Citizen. It demonstrates the generosity that BVD employees in New York have shown toward their fellow BVD employees some 3,000 miles away.

Mr. President, I ask unanimous consent to have this brief story printed in the Record.

There being no objection the story was ordered to be printed in the Record, as follows:

BVD Will Skip Party To Play Santa to Indians

Winslow.—The New York parent office of this city's BVD plant will skip a Christmas party to play Santa Claus to Navajo and Hopi children.

A spokesman said the funds usually spent for the party bought 368 gifts for the Arizona children, whose parents work in the Winslow undergarment factory.

Charles Clark, BVD plant manager in Winslow, said the gifts will be distributed Saturday morning at the Rialto Theater. All the gifts were shipped from New York.

Clark said the idea to give up the party came from Rita Johnson, a secretary in the New York office.

The Winslow BVD plant's work force is mainly Navajo and Hopi Indians.

STATE DEMOCRATS VOTE TO ELECT ALL DELEGATES TO CONVENTION

Mr. HUGHES. Mr. President, 2 years ago, a movement to reform Democratic Party procedures was born out of the shambles of the 1968 Democratic National Convention. Many concerned Democrats were fearful that this movement could not work, that it would divide Democrats and make it more difficult to bind up the old wounds, or that it would lead to the formation of a new party.

But alongside the discrimination and the bossism of the 1968 convention, our party had no choice. The Democratic Party has a proud heritage of popular participation in its decisionmaking process. A party built on popular control risks extinction if it does not respond to the demands of democracy.

Mr. President, I ask unanimous consent to insert into the Congressional Record a recent article from the New York Times which offers dramatic proof of our party's wisdom in seeing party reform through. The efforts of the New York State Democratic Party in opening up its delegate selection process to its rank and file members is all the more remarkable in light of the major divisions among Democrats in the State just 2 short years ago. In many other States, including North Carolina, Rhode Island, Maryland, and Alabama, among others, the Democratic Party has made closed procedures as recently as 1968 a subject which should be cosigned to the history books.

At this time of unprecedented challenge to the legitimacy of our major institutions, our reform effort is strong evidence that peaceful change is still possible. We are not finished yet, but we are on the right path. I believe that the work of the McGovern Commission on Party Structure and Delegate Selection and the O'Hara Commission on Rules will make the Democratic Party better prepared for the challenges of the 1970's.

For the sake of the future of our two-party political system, in which I deeply believe, I hope that the Republican Party will follow suit with a national effort to make their party more responsive to all members in terms of present-day realities.

There being no objection, the article was ordered to be printed in the Record, as follows:

State Democrats Vote To Elect All Delegates to Convention

(By Thomas P. Ronan)

Albany, December 12.—The Democratic State Committee voted unanimously here today, to change its rules to provide that all delegates to the party's national conventions be elected by popular vote at a primary.

Under the system now in effect, the committee itself selects about one-third of the delegates, with the others elected in the primary.

The new system, which party reformers considered a long step toward democratization of committee procedures, will go into effect in time for the primary elections in 1972, the next Presidential election year.

County leaders have had a major voice in the choice of the at-large delegates named by the state committee in the past. This group of delegates has usually included these county leaders as well as the party's elder statesmen and contributors of substantial funds, familiarly known as "fat cats."

The power of the county leaders in the selection of the at-large delegates has, in the opinion of party reformers, given them undue influence in the choice of Presidential candidates and has led to repeated charges of "bossism."

The practice of state committee selection of delegates was criticized by a commission, headed by Senator George S. McGovern of South Dakota, that was set up by the National Committee after the turbulent 1968 Chicago convention to recommend changes to democratize the party's structure and selection of delegates.

Under the new rule, all of the delegates will be elected from Congressional or Senatorial Districts in a primary with the number of delegates from each district to be determined under a formula taking into account the size of the district's population and its Democratic vote in the previous Presidential election. Up to now, delegates have been alloted on the basis of population alone.

ACCORD WITH STATE LAW

The proposed rules changes put before the committee members provided for the selection of delegates through primaries in Congressional Districts, as the state election law now requires.

Under an amendment suggested by Joseph F. Crangle, Erie County leader, the state committee voted to ask the State Legislature to amend the election law to make the State

Senatorial districts the election units. If the Legislature does not make the change in time for the primaries in 1972, Congressional districts will be used by the Democrats in this state.

Mr. Crangle said that the use of the Senatorial Districts, which are smaller than the Congressional Districts, would help candidates representing minority views to win election as delegates.

While changing from Congressional to Senatorial Districts would require action by the Legislature, the change to direct election of all delegates does not.

HALF OF MEMBERS PRESENT

About half of the 345 state committee members attended the meeting at the DeWitt Clinton Hotel. The attendance was considered excellent in view of the bad weather in many areas upstate. Many of the missing members had given their proxy votes to those attending.

The members seemed delighted at the show of unity demonstrated by the unanimous vote. They grinned at each and applauded cheerfully.

The meeting, the first since the Democrats suffered their disastrous defeat in the Nov. 3 statewide election, was relatively quiet. But there were some heated arguments over procedural questions.

The commission headed by Senator McGovern called on the state parties to limit the choice of delegates by the committee process to no more than 10 per cent of the total, but said it preferred that none of the delegates be selected in that manner.

DISTRIBUTION IN 1968

At the 1968 national convention, the New York delegation had 190 votes. Of these, 123 were held by delegates elected as three-member slates in the state's 41 Congressional districts, 65 were held by at-large delegates chosen by the state committee and the remaining two were held by the national committeeman and committeewoman.

The meetings at which the at-large delegates were selected by the state committee in 1968 was one of the most raucous in the committee's history. Supporters of Senator Eugene J. McCarthy for the Presidential nomination stormed out in protest against what they called the small at-large vote allotted them. Negro and Puerto Rican Democratic leaders also charged the minorities had been treated unfairly.

John J. Burns, the state Democratic chairman, then had to call a second meeting at which the Negroes, Puerto Ricans and McCarthy supporters all received greater representation among the at-large delegates.

TRIBUTE TO SENATOR McCARTHY

Mr. WILLIAMS of New Jersey. Mr. President, when Gene McCarthy and I served in the House together, he called to my attention the plight of the migratory worker—a problem he was deeply concerned with and one which became a matter of dedication and highest priority to me in my career in the Senate.

It is because of this unique sensitivity that Eugene McCarthy already belongs to history. No other person in our time has so altered the course of our destiny through his commitment to peace. It was the same sensitivity and vision that gave direction toward that goal. He gave hope to the young who so desperately needed the inspiration of his leadership.

From the quiet campus paths of St. John's and St. Thomas to L'Enfant's more direct routes to power, Gene McCarthy again chooses to follow the sound of a different drummer. My admiration for his convictions, my indebtedness for the stimulation of his intellect and the inspiration of his quiet wit will not diminish as he carries these attributes into the future.

SENATOR CASE—ADVISE AND CONSENT

Mr. COOPER. Mr. President, in the past few years the Senate has taken several steps to strengthen the ability of the Congress to make sound judgments in foreign affairs and security matters. The national commitments resolution defined when and how the United States is committed to defend a foreign nation by sending or promising to send its troops. Such a commitment requires the approval of the Congress.

Senator Symington has chaired a subcommittee of the Foreign Relations Committee looking into the nature and extent of U.S. commitment abroad. It has been an extremely helpful effort and Senator Symington is to be commended for his forceful, energetic, and intelligent leadership.

Senator Case of New Jersey who has participated in all efforts to maintain congressional responsibility and who led our efforts to secure a mutual standstill on the nuclear arms race, has introduced a bill which would require the Executive to send to the Congress notification of all Executive agreements within 60 days of execution. Its purpose is to enable the Congress to take action if necessary before the United States becomes too deeply involved in a process in which U.S. forces might have to be used. I ask unanimous consent that an article from the New Republic of December 19, 1970, commenting upon Senator Case's proposal be inserted in the Record at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the Record as follows:

ADVISE AND CONSENT

"Foreign policy must take precedence in the White House. It must also take precedence in this Senate. The only safe way to grant the necessary priority in foreign policy is to restore bipartisanship, not on a political party basis alone but between the branches of Government before decisions are made. That, in turn means restoring the habit of consultation between the White House and the Congress, for only consultation gives substance to the idea of bipartisanship."—Senator George Aiken.

President Nixon has an opportunity to do what Senator Aiken wants by supporting, or at least not opposing, Sen. Clifford Case's proposal to formally require the executive branch to tell Congress about all international agreements within 60 days of making them. It's an old idea, originating with Republicans in the Eisenhower administration but never enacted. Treaties, of course, must be ratified by the Senate. And existing law requires the Secretary of State to make an annual accounting to Congress of agreements which the administration chooses not to call treaties.

But that law is honored in the breach, usually on the grounds that national security considerations preclude public disclosure. In practice this means the President can make secret promises of military and other support without any congressional oversight or public debate. If we ever learn of them at all it's often too late to do anything to affect policy. Senator Stuart Symington's Foreign Relations Subcommittee on US Security Agreements and Commitments Abroad has provided a number of examples of once-secret pacts that make the case for Case—a 1966 contingency plan under which US troops would help Thailand repel a North Vietnamese attack launched from Laos, a quid-pro-quo agreement with Korea involving military aid for the Koreans in exchange for Korean troops in Vietnam, military aid to Ethiopia in return for a base.

As Senator Aiken said in his Senate speech November 24, the Vietnam war is itself the prime example of failure of consultation between the President and Congress. In 1965, '"the aim of preventing defeat in Vietnam was replaced by the aim of military victory—and the great escalation started, without consultation with the Senate." Aiken, senior Republican on the Foreign Relations Committee, generally supports Nixon. He believes, naively in our judgment, that "if there is discontent in the Senate over the conduct of foreign policy, it is because President Nixon has not yet restored the habit of consultation that lapsed during earlier years." (Aiken says he might even have supported the invasion of Cambodia if only he'd known about it in advance.)

The legislation revived by Senator Case was originally introduced in 1954 by the conservative Republican Sen. William F. Knowland with the support of the State Department. It differed from Case's proposal in that it would have forced disclosure to senators, but not representatives. The Case bill would require the Secretary of State to send Congress transcripts of all agreements as soon as possible, but in no event later than 60 days after they've been completed. In those cases where public disclosure would be, in the President's opinion, "prejudicial to the national security," the texts of agreements would go to the Senate Foreign Relations and House Foreign Affairs Committee and be protected by "an appropriate injunction of secrecy to be removed only upon due notice from the President." The Members under such circumstances would know but couldn't tell. For a branch of government whose function is to advise and consent, that's preferable to not knowing at all.

It's too early to tell from where support for Case will come. Soundings are being made at the State Department and the White House. On the Foreign Relations Committee all but perhaps hawkish Sen. Gale McGee are likely to be receptive. Senator Aiken hasn't yet said he'll go along, though failing to do so would seem to contradict his views on consultation. Senator Fulbright, a private supporter, has been publicly silent, as has Senator Symington, whose only move so far was to insert in the Congressional Record a newspaper report explaining the Case bill.

VIETNAM

Mr. McGEE. Mr. President, within the past week I had an opportunity to read a lengthy report on a 15-day factfinding trip to South Vietnam and Cambodia by a delegation of 12 students and young people representing American Youth for a Just Peace. The document runs some 38 double-spaced pages, but it contains so much meat and commonsense that I would strongly urge all Senators to take the trouble to read it.

The delegation said that they were surprised and troubled by the gap between their image of Vietnam based on a reading of the American press, and the reality they saw when they got there.

They said:

> Instead of a bleak, war-ravaged landscape, we found—with some exceptions—a green, fertile, incredibly beautiful country.
>
> Instead of a closed, authoritarian, regimented society, we found a highly pluralistic one, studded with autonomous social groups—Hoa Hao, Cao Dai, Dai Viets, An Quang and moderate Buddhist, Chinese merchants, 12 major political parties, the Vietnamese Confederation of Labor (CTV), diverse student organizations, etc.—having an independence of action and freedom of expression unknown in dictatorships. This fact was first dramatized to us by the "welcome" we received from the Saigon Student Union: a hostile condemnation which appeared in the form of several articles in the opposition press. It was interesting for us to note that of the 35 or so Saigon dailies, 15 are in the opposition category.

Their report noted that the Vietnamese Army is now up to 1.1 million and that the Peoples Self-Defense Force which functions as an adjunct to the army now totals 4 million, of whom some 800,000 are already armed. These serve as volunteers, without pay. The report said:

> They testified to the loyalty of their people to the government and the fact that the government has the confidence to arm its ordinary citizens.

Referring to the improved security situation, the delegation pointed out that they had traveled on many isolated roads without armed escort and that they had spent the night in Tien Nam hamlet outside Hue which was only recently under Vietcong control. They quoted a U.S. adviser to the constabulary forces in Phu Tam village as saying that he felt safer walking at night in Phu Tam than he would in most major U.S. cities.

The report includes a section on "politics and elections." According to the delegation, all of the members of the opposition parties to whom they spoke are opposed to a precipitous U.S. withdrawal, and, with the exception of certain militant Buddhists, opposed to a coalition government with the Vietcong. The report said:

> It was called to our attention that coalitions with the Communists in 1945–46 and 1954–55 ended in total domination by the Communists, with all the other nationalists murdered or forced into exile.

There are many other interesting sections in the report dealing, among other things, with labor, students and youth organizations, and prisoners of war.

The report also contains a very frank discussion of some of the shortcomings and vulnerabilities of the South Vietnamese government, including its handling of the problem of inflation, the treatment of disabled veterans and restrictions on democracy.

In Cambodia, the delegation was hosted by the Association of Cambodian Students and members of the Congress of Cambodian Intellectuals.

The report said:

> A fierce spirit of nationalism prevades Cambodia. It was manifest in everyone to whom we spoke. It is the key factor in explaining Cambodia's determined and growing resistance to the North Vietnamese, whom the Cambodians view as foreign invaders. It explains the strength of the Lon Nol government. It makes for a cohesion and unity which augurs well for Cambodian freedom and independence from communist domination.
>
> We found that the most vocal support for the Cambodian government comes from the students and intellectuals. They have rallied behind their 'establishment' with a fervor that amazed us. Almost all students have enlisted in the militia and army. The army has grown—based on volunteers only—from 30,000 to 140,000. While it desperately needs equipment and supplies, it has an abundance of courage and will to fight and to sacrifice for what Cambodians call the "struggle for national salvation."

In their conclusion the delegation says that they are convinced that what is needed in our own country is more knowledge, more understanding, and great patience.

Mr. President, I ask unanimous consent to insert into the RECORD at this point relevant portions of the text of the report submitted by the group of 12 students and young people who visited South Vietnam and Cambodia representing American Youth for a Just Peace. I hope all Senators will find the time to read it.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT ON A TRIP TO VIETNAM AND CAMBODIA

Relevant portions of a final report on trip to Vietnam and Cambodia by American youth for a just peace

We, the *American Youth for a Just Peace*, have recently concluded a 15-day fact-finding trip to South Viet Nam and Cambodia to learn as much as we could about the South Vietnamese and Cambodian peoples, and the war.

We went to Viet Nam and Cambodia as a private, non-partisan organization comprised of students and young people committed not only to peace, but to a *just* peace; to peace with freedom; to a peace which will not reward aggression and thereby foster future wars.

On the condition that maximum freedom of action be granted to us, and that no restrictions be imposed on our findings, we gratefully accepted the official invitation of the Government of Viet Nam and the Government of Cambodia, who defrayed our travel and in-country expenses.

Our trip has been informative and exhausting. We traveled extensively throughout South Viet Nam, from the DMZ to the Central Highlands, the Coast and the Delta. In Cambodia we not only stayed in Phnom Penh, but flew to the provincial capital of Kampong Chom, which was attacked by the Communists and occupied briefly in May. We spoke to a wide variety of people ranging from Catholic, Cao Dai, Buddhist, and Hoa Hao leaders, Hoi Chanh, POW's, R.D. cadres, journalists, and ranking Vietnamese and Cambodian military and government officials. We also had lengthy conversations with President Thieu and General Lon Nol.

We know that there is much more we can learn, but we also believe we have learned a great deal.

GENERAL IMPRESSIONS—VIETNAM

We were surprised and troubled by the gap between our image of Viet Nam from reading the press before we arrived, and the reality we have seen.

Instead of bleak—war-ravaged landscape, we found—with some exceptions a green, fertile, incredibly beautiful country.

Instead of grinding, all pervading poverty, we saw a surprisingly wide level of economic well-being which must place Viet Nam in the front ranks of developing nations.

Instead of a closed, authoritarian, regimented soviety, we found a highly pluralistic one, studded with autonomous social groups—Hoa Hao, Cao Di, Di Viets, An Quang and moderate Buddhist, Chinese merchants, 12 major political parties, the Vietnamese Confederation of Labor (CVT), diverse student organizations, etc.—having an independence of action and freedom of expression unknown in dictatorships. This fact was first dramatized to us by the "welcome" we received from the Saigon Student Union: a hostile condemnation which appeared in the form of several articles in the opposition press. It was interesting for us to note that of the 35 or so Saigon dailies 15 are in the opposition category.

Instead of a population indifferent to the struggle against communist aggression or partial to the Viet Cong, we met dedicated hard-working people whose level of courage and sacrifice has been an inspiration to us.

In this respect it is instructive to recall that during the Tet Offensive the communists failed to generate a "general uprising" against the government; failed to provoke mass defections in the armed forces; failed to create an administrative collapse. It seems to us that the comeback that was made since Tet—the fact that the communist attacks were beaten back; that the armed forces were expanded and improved; that thousands of destroyed buildings were rebuilt and refugees resettled; that the ARVN forces could display the aggressiveness and combativeness which they did during the Cambodian operation—reflects the strengths and determination of this society to persevere in the anti-communist struggle and build enduring institutions.

SECURITY—MILITARY PROGRESS

There is a limit to what any group can see in ten days. But we were able to broaden our understanding by talking to many Vietnamese and many Americans who have spent months and even years in Viet Nam. All of those to whom we spoke were agreed that there was an improved security situation throughout the country, ranging from very much improved to vastly improved.

Security is, of course, a product of many things. It is a product in the first instance of the improved military situation.

1. We noted that since the Tet Offensive of 1968 the enemy has held no ground, won no major battles, and has been unable to launch any major offensive this year or last.

2. Everyone to whom we spoke hailed the Cambodian intervention as a major victory for the Allies and a crippling blow to the enemy. It denied the enemy his rest and recreation haven, disrupted his best supply lines, and destroyed tons of stocks of food, weapons and ammunition. The general consensus in Viet Nam was that the intervention thwarted a major communist offensive against the vital Delta. In Cambodia, everyone to whom we spoke praised the intervention for having "saved Cambodia."

3. The enemy has lost over 700,000 men, suffered many more wounded, and continues to sustain a high rate of casualties. North Vietnamese prisoners with whom we spoke were mostly in their mid-teens. They told us that the training cycle in the North had been reduced from six to three months; that they were demoralized to find themselves increasingly fighting their own people instead of American forces. We found that the South Vietnamese are indeed assuming a larger burden of the fighting. Last August, Americans were suffering 40% of the casualties. Today Americans suffer less than 20% of the casualties and the South Vietnamese suffer almost 80%. Last August, the U.S. was inflicting 60% of the enemy casualties and the South Vietnamese 40%. By mid-1970 it was the other way around.

4. The defection rate of enemy soldiers to the Allies remains very high—approximately 3,000 per month for the past year.

There have been many articles in the press dealing with the high desertion rate from the South Vietnamese army. Although there has been a substantial improvement in the past year, it is still true that the South Vietnamese army does have a high desertion rate. However, there is a world of difference between desertion and defection—and this is a point that most articles fail to make.

The soldiers who desert the South Vietnamese army hardly ever go over to the enemy. With rare exceptions, they desert because the pay is low, and their families are having difficulty making ends meet, and they want to get back to their villages. There are many instances where soldiers who have deserted from ARVN have later turned up as volunteers in their local Popular Forces units or village militia.

Those who come over from the Viet Cong side, however, are not deserters. They are defectors who have turned completely against the communists, and are willing to risk their lives in escaping and risk the brutal penalties they know will be imposed on them if they are ever captured by the communists. Very frequently they come over to the government side with their weapons, and with increasing frequency when they come over they lead the government forces to communist weapon caches and installations.

The Viet Cong political infrastructure has proved somewhat more resistant than the Viet Cong armed forces. However, Viet Cong political cadres are also beginning to defect in increasing numbers—even cadres of long standing. A few days after leaving Viet Nam, we received the news that the number two man in Ba Xuyen province turned himself in to local authorities, ending 20 years as an active Viet Cong agent. He stated that his surrender was necessitated by the "practically universal realization that the communists will not come out of the present conflict victorious."

5. Since President Thieu's call for general mobilization in mid-1968, the South Vietnamese forces have expanded to 1.1 million, equivalent in the U.S. to 14 million. The most significant aspect of this growth has been the expansion and increased effectiveness of the Regional Forces, the Popular Forces, and the People's Self Defense Forces (PSDF's) who have taken on the burden of local village defense. This has released Vietnamese regulars and U.S. troops for forward defense actions against main force enemy units, and these units, we found, have been driven to the remote, unpopulated, western border areas of the country.

The People's Self-Defense Forces now total 4 million, with some 800,000 armed. They constitute an adjunct to the 1.1 million army. They serve without pay voluntarily. They testify to the loyalty of the people to their government and the fact that the government has the confidence to arm its ordinary citizens.

6. Our own experience pointed at the improved security situation. We spent the night in Tien Nan hamlet outside the city of Hue, which only two years before was occupied by the Viet Cong and North Vietnamese; traveled on many isolated roads without armed escort; observed U.S. advisors working unarmed in outlying isolated districts; traveled down a branch of the Mekong river in Ba Xuyen province, where two years ago the Viet Cong had regularly collected taxes from passing boats. A U.S. advisor to the constabulary forces in Phu Tam village in Ba Xuyen said he felt safer walking at night in Phu Tam than he would in most major U.S. cities.

SECURITY-PACIFICATION PROGRAMS

Security is also the product of a much improved relationship between the central government and the peasants. This development attests to the success of the government of Viet Nam pacification program—the "other war"—involving a wide spectrum of nation-building activities. We were impressed by the nationwide scope and well-planned integration of the pacification program; the magnitude of financial and human resources that the government has invested in this program; and its emphasis on decentralization, which in our view is helping to engender local control and self-reliance.

The official statistics put out by the government of Viet Nam on classification and security which we saw upon our arrival were impressive indeed. According to the latest hamlet evaluation system, only 1.1 percent of the population of South Viet Nam, or 200,000 persons out of a total estimated population of 17.9 million, is living outside government control. During the past month, the portion of the population under government control rose to 16.5 million, or 92.4% of the population. The number of South Vietnamese living in contested areas was quoted at just over 1 million, or 6% of the population. During our short stay, we sought to determine to what degree these statistics were valid. Obviously, we did not have the ability to swear for every percentage point, but our overwhelming impression was that pacification continues to make progress from one week to the next, and the curve is steadily upward.

Some of the most significant aspects of this program that we had the opportunity to study and observe are:

The work of the Revolutionary Development Cadre, with whom we spent two days at the Revolutionary Development Center near the city of Vung Tau. 150,000 of these cadres, mostly young boys and girls, have graduated from a four to six months' training program and are now operating in teams in villages throughout Viet Nam, helping to provide security and upgrade living standards. We believe that their effectiveness can be measured in part by the fact that the Viet Cong have made them a primary target and that of all armed units confronting the enemy their losses have been the highest in proportion to the total numbers. We were deeply moved by the kibbutz-like atmosphere at the camp and by the idealism and enthusiasm of the cadre whom we met.

The Refugee Resettlement Program, under which some 700,000 out of 1 million refugees have been resettled or returned to their local villages. We visited and spoke to the chief of one village, whose inhabitants had returned to rebuild their village after four years of refugee status.

The strengthening of the rural economy. We were amazed by the numerous signs of economic well-being in the countryside, such as Hondas in the villages, motor-powered boats in the Delta, Singer sewing machines and transistor radios in thatched huts, clusters of television antennas, large stockpiles of commodities and foodstuffs in the marketplaces, and the sight of new schoolhouses, new roads, and other construction projects.

We were especially impressed by the government of Viet Nam's program of allotting each village its own budget—one million piasters ($10,000) for villages with elected officials, and 400,000 piasters ($4,000) to villages with appointed officials. The village councils have been given the freedom to determine how and for what projects the money is to be used. This program is engendering village democracy and local responsibility, and demonstrating to the villagers that association with the government brings real benefits.

Village elections have been held in over 90% of the villages and hamlets, with some 40,000 officials being elected. This program restores a tradition of village democracy which was interrupted by President Diem, who appointed his own village officials. We believe that the village elections have promoted legitimacy, leadership, and village know-how.

Government Information Service. The government employs 200 to 350 persons per province to maintain and supervise an information program designed to create a greater sense of national cohesion. In many of the villages we visited, we saw bulletin boards and hamlet reading rooms with news of regional and national interest regarding the progress of the war. Also, we saw public TV sets in the marketplaces which broadcast news, "how to" information to the farmers, and programs like *Mission Impossible.*

The Land to the Tiller Act of 1970. This Land Reform Act, approved by the National Assembly in March, 1970, will distribute 2.5 million acres to more than 500,000 rural families and will completely end land tenancy in South Viet Nam—a truly revolutionary accomplishment. Under this program, the government pays the landlord for the land, gives it to the farmer free, and lets him keep his crop. The Viet Cong program, on the other hand, killed the landlord, gave the land to the farmer, and then confiscated most of his crops. And even the formality of peasant ownership under the Viet Cong is fraudulent, because if the Viet Cong should ever win, the South Vietnamese peasants would be forced into collectives at the point of a bayonet, in the manner pioneered by Ho Chi Minh when he achieved the monopoly of power in North Viet Nam.

This entire complex of mutually reinforcing programs could be rapidly undone by a precipitous American withdrawal. Barring that, however, and assuming that American withdrawal will continue on a graduated basis geared to the ability of the South Vietnamese to assume the burden of their own defense, we believe that Viet Nam can look with hope and confidence to the future.

POLITICS AND ELECTIONS

The common denominator on the Viet Nam political scene is the widespread opposition to the Viet Cong by nearly all political parties. Members of the opposition parties to whom we spoke uniformly expressed their support for the government's anti-Viet Cong policy. As a corollary to this, the parties oppose a precipitous U.S. withdrawal, and, with the exception of some individuals among the militant Buddhists, oppose a coalition government with the Viet Cong. It was called to our attention that coalitions with the communists in 1945/46 and 1954/55 ended in total domination by the communists, with all other nationalists murdered or forced into exile.

Apart from unity on this issue, however, we encountered a wide diversity of views and opinions regarding domestic and international affairs, and heard many critical comments of the Thieu-Ky administration.

Political interest was heightened during our visit by the senatorial elections, which we had the opportunity to observe. These elections represented the fifth major set of elections which have been held since the overthrow of Diem in 1963. The others are:

1. National elections for the Constitutional Assembly in 1967;
2. Presidential and National Assembly elections in 1967;
3. Village and hamlet elections in 1967, 1968, 1969 and 1970;
4. Municipal Council and Province Advisory Council elections in 1967 and 1970.

President Thieu told us that government via elections is so widespread in Viet Nam now that virtually every Sunday an election is held somewhere in the country.

It is true that in all these contests, the Viet Cong have not been represented. But the important point for us was that an impressively high number of eligible voters have been participating in all of these elections and ignoring the absence of the Viet Cong. President Thieu, many months ago, invited the Viet Cong to participate in the elections—an invitation which they totally ignored. It seems to us that if the Viet Cong had the support of the people as they claim, they would have jumped at the chance for achieving power through the ballots when their fortunes on the battlefield have reached such a low point.

We were impressed by the amount of preelectoral activity and the diversity of the 160 candidates for 30 senatorial seats. Everywhere we traveled, even to the most remote villages, we saw the campaign posters of the various centending slates. The finances to produce these posters were supplied by the government. At various polls we visited, election officials were present to guard against possible violations. Following the elections, there were no charges of electoral fraud, even from candidates who narrowly failed in their bid.

We were impressed by the fact that 65% of the voters went to the polls in a non-Presidential election year; that only one of the 16 slates was an all military one, and that it lost; that the militantly anti-government An-Quang Buddhist slate of candidates received the most votes; that of the three slates that President Thieu wanted to see elected, only one triumphed.

Doctor Tai, a member of the victorious An-Quang slate with whom we spoke, told us: "I have the freedom to work directly for my goals and aims within the framework of the constitution." Opposition congressman Ly Qui Chung, author of the *Neutralization of Indochina Peace Plan,* told us that "despite my opposition to the government, I am given every freedom to express my criticism."

We believe that a major weakness in South Viet Nam's political process is not the absence of opposition groups, but the presence of so many fragmented and competing political parties. There are 43 registered parties, twelve of which are considered major parties. Few of these have a mass following or a platform with a well articulated philosophy which distinguishes them from other parties.

Given this situation, we believe that the political process in Viet Nam will be strengthened by combinations and mergers of the various parties into blocs with mass membership and more decisive influence. The prospect of a political confrontation with the Viet Cong lends urgency to this development.

Without question, South Viet Nam is far from being a perfect democracy. However, considering its feudalistic and recent colonial past, considering the infancy of so many of its democratic institutions; considering that it has been in the midst of a major war for survival; we believe that it deserves high marks for the democratic strides it has made and for the level of freedom which exists.

LABOR

One of the most important indices of a pluralistic society is the existence of an independent trade union movement free of government control. From the standpoint of this criterion—whatever its other weaknesses—the South Vietnamese must be given a very high rating indeed. From lengthy conversations which we had with Mr. Tran Quoc Buu, President of the Vietnamese Confederation of Labor, and other labor leaders in the CVT, we began to understand what a potent force organized labor constitutes in the life of the South Vietnamese society.

Five-hundred and twenty-five separate unions are registered with the Ministry of Labor with over 600,000 dues-paying members. This is a truly remarkable figure in view of the fact that the United States, with its tremendous industrial and agricultural proleteriat, has a union movement with a total membership of approximately 15 million. The majority of Vietnamese union members—nearly half a million—are affiliated with the CVT, which is the largest non-governmental mass membership organization in the country.

The CVT is comprised of independent unions and five federations, the largest of which is the Tenant Farmers Federation with a membership of 180,000 peasant farmers. We learned that the Tenant Farmers Federation played a major role in the 1950's to limit landlord exploitation by lowering land rents, and that its lobbying campaign was instrumental in the passage of the Land to the Tiller Bill. The other federations in the CVT are:

Fishermen, 71,000; Transport Workers, 21,821; Plantation Workers, 16,441; Textile Workers, 1,625. Major affiliates include the Petroleum Workers, Hotel and Restaurant Employees, Technical and Clerical Employees, Union of US AID Employees, the Dock Workers, Airline Workers, and the Musicians and Artists Union.

Mr. Buu explained that the CVT has gone on strike many times, even in the midst of the war (between 1965 and 1968 there were 241 strikes), and won many of its demands, testifying to the independence of the CVT from government control. We specifically asked if the CVT was the object of repressive measures by the government and were told that on the whole CVT enjoyed virtually complete freedom to organize and to bargain collectively. In January of this year 15,000 workers in Saigon's unions staged a 24-hour sympathy strike for jobless bus drivers.

In addition to gains for the worker that have come through collective bargaining and strikes, the CVT is attracting more followers by providing cheap services, such as importing and distributing small diesel-powered tractors purchased through CVT organized cooperatives; setting up welfare funds and credit unions. Twenty-five social welfare centers have been established by the CVT throughout Viet Nam—centers that include primary and adult education classes, medical clinics, credit facilities. Throughout the country many refugees are housed in CVT-owned buildings.

The CVT leaders told us of their bitter hatred and strong opposition to the Viet Cong, the North Vietnamese, and communism in general. We learned that over 60 officials of the trade union movement have been assassinated by the Viet Cong, and that an assassination attempt on Mr. Buu's life had been made about six weeks ago. The CVT has published pamphlets on working conditions in North Vietnam condemning the deplorable conditions of the workers; the puppet unions set up by the communist state and their failure to protect their workers' interest.

It was the view of the labor leaders that the Viet Cong have adopted a deliberate policy of murdering and attacking CVT cadres because the VC do not seek to redress legitimate grievances, but rather maintain and exploit them in their own interests.

In October 1969 the CVT changed its policy of remaining politically neutral by forming the Farmer-Worker Party as a parallel organization to "assure continuous and strong representation for the workers in the legislature." The formation of this national political party affiliated with an organization as large as the CVT will undoubtedly have a significant political impact. Mr. Buu made clear to us, however, that the CVT and the Farmer-Worker Party supports the government's war effort. It struck us as ironic that the Communists should claim to be the "vanguard of the proletariat," when the only organized proletariat in South Viet Nam is solidly arrayed against them.

Considering that the CVT and the labor movement is such a significant social force, we are amazed that so little is known about it. Many of those war critics who feel strongly about the rights of labor and consider themselves friends of the trade union movement, would have a different appreciation of the situation in South Viet Nam and of the conflict between Hanoi and Saigon. For the blunt fact is that if Saigon wins there would be a further proliferation of free trade unions in South Viet Nam, whereas if Hanoi wins there will be no free trade unions in the whole of Southeast Asia.

STUDENT AND YOUTH ORGANIZATIONS

Our trip to Viet Nam took place during final examinations and the college recess, and so our contacts with students were not extensive as we would have liked. However, we did meet with students from Hue University, the National Military Academy in Dalat, the Federation of Catholic Youth, students working with the Vietnamese Confederation of Labor, the former President of the Saigon Student Union, and an activist, anti-communist student group. We found, that although the generation gap is not nearly as serious in Viet Nam as it is in the U.S., the Saigon government has a youth problem, just as every democratic country in the world has a youth problem.

Most of the youth organizations in Viet Nam, and there are several dozen of them, are involved in socio-economic type programs or activities such as athletics, singing, socializing, Boy Scouts, etc. Political clubs at the universities are few, and attract a small percentage of the student population. It was our impression that the most active of these clubs tend to be anti-government and neutralist, and there appears to be little doubt that the communists are doing their utmost to exploit the situation. Although the degree of their influence is hard to determine, there is no doubt that they are there. One young man to whom we spoke, a former member of the militant Saigon Student Union, openly told us he looked forward to a Viet Cong victory. In his conversation with us, we were surprised to hear him using the cliched arguments of the New Left in the United States to justify his adulation of Hanoi. The contact between members of the Saigon Student Union and leading New Left campus spokesmen in the U.S. is close. Indeed, Charles Palmer, ex-president of the National Student Association, wrote the Saigon Student Union that we were coming, and Palmer/SSU attacks against us appeared simultaneously in the U.S. press and the opposition press in Saigon.

Several members of our group spent several hours in talks with 16 university students who work part-time for the Vietnamese Confederation of Labor. The conversation covered many aspects of student attitudes regarding the war. The most significant attitude which emerged was their fierce anti-communism—an anti-communism which came precisely from their devotion to the working class and to the future of organized labor in Viet Nam.

At the University of Hue, we found that partiality, or sympathy for the communists harbored by many students before the Tet Offensive of 1968, was shattered when the North Vietnamese occupied the city of Hue and massacred 6,000 civilians, including student leaders well-known for their opposition to the South Vietnamese government.

This is a grim price to pay for political realism. It demonstrated to us that in the relatively immunized environment of the cities, propaganda can still have a telling impact, and that a more effective information and education program on communism may be needed on Viet Nam's campuses.

PRISONERS OF WAR

Our group spent several hours at a prisoner of war camp for North Vietnamese POW's. The camp was run by the South Vietnamese government and unlike the camps in North Viet Nam, is open to regular and unannounced inspection by international bodies, such as the International Committee of the Red Cross. The camp we visited had both Catholic and Buddhist places of worship, a large clinic with full-time personnel and facilities for minor surgery, classrooms for elementary instruction and vocational skills, special facilities and personnel for training POW invalids to use artificial limbs, and recreational areas. We noticed that the facilities were clean and sanitary, that the prisoners appeared healthy and in good spirits, and that they were given a daily allotment of money for their work.

These humane practices stand in stark contrast with the treatment afforded U.S. and other Allied prisoners by the Viet Cong and the North Vietnamese, who have never allowed regular international inspection of their camps, and who in violation of the Geneva Convention relative to the treatment of prisoners of war, treat their prisoners as "war criminals." We know from the testimony of American POW's who either escaped or were released from North Viet Nam that torture, starvation, and other inhumane acts are commonplace.

CAMBODIA

We spent five days in Cambodia, all of them in Phnom Penh, except for a day's visit to the northeastern city of Kampong Cham and the town of Ton Le Bet, which was occupied and left in ruins by the NVA forces in May. We spoke to a wide variety of people, including government officials, army officers, Buddhist monks, students intellectuals, etc. We were honored by being accorded an hour's audience with General Lon Nol. He summarized Cambodia's position as follows:

1. President Nixon's decision to eliminate the Viet Cong's border sanctuaries saved Cambodia from certain conquest by the communists.

2. In March, Red Chinese Premier Chou En Lai boasted that the communists would conquer Cambodia within two weeks' time. It has now been almost six months, during which time Cambodia has been able to expand her army from 30,000 soldiers to 140,000 and to begin to organize her defenses.

3. The critical factor will be whether Cambodia can obtain the necessary ammunition and military equipment which is in short supply. The General expressed the hope that military assistance beyond the 40 million which the United States has promised him would be forthcoming.

4. Given the necessary tools to do the job—to expand and modernize Cambodia's armed forces—Lon Nol was confident that Cambodia would survive and that the enemy would be driven out.

One of our first acts upon arrival was to visit the Ministry of Education and there observe a moment of silence for students and teachers who have been killed by North Vietnamese troops, including students and teachers at the high school and university at Kampong Chan, which we later visited (63 killed, 2,098 missing, hundreds wounded). Because we were hosted by the Association of Cambodian Students and members of the Congress of Cambodian Intellectuals—an organization composed mainly of the heads of faculty departments—we were able to spend many hours with them in formal and informal discussions. They vehemently rejected the claim that the war in Cambodia is a civil war, pointing out that this was an open invasion of Cambodia by 70,000 North Vietnamese troops. They added that the number of Cambodians who had been imprisoned to fight alongside the North Vietnamese, or were doing so voluntarily, was no more than nominal and there would have been no uprising of any kind if it had not been for the massive North Vietnamese invasion.

It is difficult to imagine large numbers of Cambodian peasants voluntarily joining an invading army of foreigners who neither look like Cambodians nor speak the same language, especially in view of the long history of animosity between Vietnamese and Cambodians. We learned that the ouster of Prince Sihanouk was sparked by worker-peasant demonstrations in those provinces where the communists had established sanctuaries and in effect governed an angry and resentful population.

While there is no way of obtaining precise figures on Cambodians in the ranks of the North Vietnamese—2,000 Khmer Rouge guerrillas and perhaps several thousand more recruits since March—we do know that more than 700,000 Cambodians (10% of the total population) have fled from the communist occupied areas and now live as refugees. We visited a small refugee camp in Phnom Penh and found that the refugees were simple peasant and mountain people.

None of our student friends had a kind word to say about Sihanouk, who seemed to be held in universal contempt as a traitor to his country, and a puppet of the enemy. One student with whom we spoke stated: "The communists claim they are for the common people. So why do they support a 2,000 year-old monarchy whose prince has been selling out his people?"

We were told that under Sihanouk no one was allowed to join any political party except his; that membership in the party was obligatory for all civil servants; that a free press was non-existent and that with Sihanouk's ouster, scores of political prisoners were released. General Lon Nol said that the present "Government of National Salvation" sees itself as representing a transition from royal rule to a republic and that a republican government would be formed within a few months.

A measure of the suffering which the communists have inflicted on Cambodians was brought visibly home to us when we visited the ruined town of Ton Le Bet. The destruction was incredible.

Obviously, we had no way of knowing how much of the destruction was caused by the communists and how much was caused by the Cambodian forces and by their Allies. Presumably, both sides were responsible for a certain amount of destruction. But the essential point that has to be made is that Ton Le Bet would still be a happy, thriving Cambodian town instead of a charred and devestated hull if North Viet Nam had not invaded Cambodia. In this basic moral sense, it is the communists who are completely responsible for the tragedy of Ton Le Bet and for the similar tragedies that have befallen scores of Cambodian towns and villages.

We cannot understand why there has been no television coverage of the disaster of Ton Le Bet. The demolished buildings, and the empty streets, reminded us of bombed cities in World War II. We consider it most unfortunate that so little has been done by the American media to convey the destruction and the heroism of the people in this ravaged little country, by honestly portraying the facts.

If this had been done, Americans would have a clearer understanding of what is happening in Cambodia and Southeast Asia.

A fierce spirit of nationalism pervades Cambodia. It was manifest in everyone to whom we spoke. It is the key factor in explaining Cambodia's determined and growing resistance to the North Vietnamese, whom the Cambodians view as foreign invaders. It explains the strength of the Lon Nol government. It makes for a cohesion and unity which augurs well for Cambodian freedom and independence from communist domination.

We found that the most vocal support for the Cambodian government comes from the students and intellectuals. They have rallied behind their "establishment" with a fervor that amazed us. Almost all students have enlisted in the militia and army. The army has grown—based on volunteers only—from 30,000 to 140,000. While it desperately needs equipment and supplies, it has an abundance of courage and will to fight and to sacrifice for what Cambodians call the "struggle for national salvation."

The Cambodians are dismayed to think that the world can believe the claims of the communists that this is a civil war. They spoke with outrage and exasperation when we asked them if there was any truth to the charge. They talked of Prince Sihanouk as a "puppet playboy prince"; a traitor to a truly neutral Cambodia, and a servant of Cambodia's enemies.

In an open letter entitled "From the Intellectuals of Cambodia to our Intellectual Friends throughout the World," a letter which to our knowledge is unknown to the American people, the Cambodians Intellectuals said:

"Cambodia's political, social, and economic problems today stem directly from years of mismanagement under the Sihanouk regime. Few realize how close he brought Cambodia to the brink of disaster. Sihanouk's hollow "peace" policy allowed the Vietnamese communists free access to Cambodia's border provinces and allowed them to use our territory to carry on and to prolong the war.

"The annals of history will lay the full blame for the current crisis in Southeast Asia at the feet of the communist leaders in Peking and Hanoi . . . these leaders have the gall to cry out, "American aggression." This is a joke in Cambodia. The Americans came with some aid for us, for the Cambodians themselves to ward off the North Vietnamese and Viet Cong attacks. Had our enemy succeeded, we would have been swallowed up. Cambodia would be no more. We, the Cambodian people, are grateful to the United States.

As you read these lines, we ask you to put aside your political doctrines, your "domino theory," or other theories, your bitterness against the Americans or others involved in the problems of Southeast Asia. Stripped of these trappings, you will understand that Cambodia wants to survive. And we ask you to remember that this is not and never has been a civil war. Cambodia has been invaded by foreign enemies, the Viet Cong and the North Vietnamese. We know that our cause is just. Our country must be free, free of the tyranny of the infamous prince and free from the domination of the North Vietnamese and the Viet Cong.

"We need your support. Long live Cambodia!"

We are proud that the United States has come to the aid of Cambodia. But we believe that the Nixon administration weakened its case by seeking to justify its intervention in Cambodia almost exclusively on the grounds of protecting American lives in Viet Nam. Needless to say, the U.S. intervention did accomplish this objective. But it accomplished much more than that; it saved a little country from certain conquest. In so doing, it has served America's highest ideals: that every nation has the right to self-determination; that every nation is entitled to peacefully pursue and fulfill its own nationhood; and that little nations must be protected from aggression.

Had the matter been put in this way, had the full facts about the North Vietnamese been given to the public, had Cambodian intellectuals and students been brought over at an early date to tell their story to their American counter-parts, had all these things been done, we might not have witnessed a national outpouring of student protest directed not against the open North Vietnamese aggression, but against the American action in seeking to defend Cambodia.

We hope that this administration will continue to give Cambodia whatever support it needs in order to maintain its freedom. And that it will do so openly and affirmatively, without being defensive or apologetic about it.

SHORTCOMINGS AND VULNERABILITIES

In many important areas the South Vietnamese government, as we have indicated in the preceding sections of our report, has performed well or even outstandingly. There are certain areas, however, where its performance has been inadequate, and inevitably this has created certain vulnerabilities.

Our own criticisms of the shortcomings of the South Vietnamese government are motivated by a desire to encourage the government to do those things that must be done to improve the quality of their society and to shore up their defenses against the communists.

In general, we found that the South Vietnamese government is strongest in the countryside, where, according to communist theory on guerrilla warfare, it is supposed to be weakest, and that it is weakest in the cities, where it is supposed to be the strongest.

Whereas communist guerilla warfare theory teaches that the cities will fall when they have been surrounded and isolated from the countryside, in Viet Nam there appears to be the possibility that the communists may reverse the procedure and seek to crumble the regime in the cities first, because they have been making no headway in the countryside.

Inflation: Perhaps one of the most serious threats faced by the South Vietnamese government is the continuing inflation of the South Vietnamese currency. It is not yet a runaway inflation. But it has been moving so rapidly that income, especially in the cities, always lags behind the increase in prices. This has imposed tremendous hardships on members of the armed forces, on government servants, and on veterans and others who must live on meager pensions. Inevitably, this has made for social and political instability, and it is helping to create a situation which the communists will be able to exploit in many ways.

The government, according to our information, is seeking to devise measures to deal with this situation. But unless they move rapidly and avoid the temptation of half-hearted measures, the vast progress that has been made since Tet may all come undone.

Corruption: A certain degree of corruption exists in every society, and history teaches that corruption flourishes particularly in time of war. The total elimination of corruption is an abstract ideal which no government in history has yet been able to achieve. But effective governments constantly seek to limit the scale of corruption by exposing it and punishing it whenever it is discovered.

Vietnamese and Americans to whom we spoke told us that the government has not been as zealous as it might have been in the prosecution of corruption, and that corruption therefore had grown to dangerous proportions. This, we were told, was undermining the entire war effort because it undercut the credibility of the government and the respect it enjoys among the people.

It is our earnest hope that the South Vietnamese government will take measures to intensify the anti-corruption campaign it launched some time ago. Nothing would do more to restore the credibility of the government and gain it increased popular support than the exposure and imprisonment of a few of the high ranking officers and government officials who have been taking advantage of a war to enrich themselves.

Treatment of Disabled Veterans: In recent months, there have been a number of demonstrations by disabled veterans demanding more generous pensions and allowances from the government, because they found it quite impossible to subsist on what the government paid them. In response to these demonstrations, the government has now agreed to increase the pensions and allowances. But we have the strong impression from conversations with veterans and with the minister in charge of Veterans Affairs that what the government has done comes very late, and that it is still too little. The Minister conceded to us that the veterans have legitimate grievances. Indeed, we had the impression that he was very sympathetic to them. He said, however, that he was unable to get the kind of budget he would like to have to deal with the problem in an adequate way.

We realize that the funds available from the South Vietnamese government are limited and that there are many high priority claims on these funds. However, from a moral standpoint and from a strictly selfish standpoint, we hope that the South Vietnamese government will decide that proper treatment for disabled war veterans deserves the very highest priority in planning the allocation of government funds.

Restrictions on Democracy: The South Vietnamese government has been the target of much criticism because it has imposed certain restrictions on democracy. From the fact that there is press censorship and that some of the opponents of the regime have been in prison, these critics appear to conclude that the South Vietnamese government is a totalitarian regime, morally on the same plane as the regime in Hanoi.

In previous paragraphs, we have set forth the evidence that South Vietnamese society is basically pluralistic and that it accords a remarkable degree of freedom to its critics. We do not join those self-righteous critics who demand nothing less than absolute democracy from the South Vietnamese government. Every government in time of war finds itself constrained to impose certain restrictions; and these restrictions are as a rule much greater where internal conflicts are involved. In this connection, it might help some of our critics to overcome the arrogant self-righteousness which characterizes their remarks if we remind them that President Lincoln during the Civil War had some 20 to 30,000 citizens imprisoned without habeas corpus, that his prisoners included congressmen, diplomats, and city mayors, and that he did not hesitate to suspend or close down offending newspapers when he felt that they were undermining the war effort.

The South Vietnamese government, however, cannot afford to invoke the example of Abraham Lincoln to justify every arrest and every act of censorship. It is caught up in a situation where a contrast must be made, as sharply as possible, between the partially limited freedom that exists on our side and the total absence of freedom on the other side. It must therefore walk the very delicate line which separates those restrictions which are essential to the national security from those that are arbitrary and unessential.

We hope that the South Vietnamese government will, therefore, weigh every act of restriction or repression with the utmost care before taking action.

NOMINATION OF GEORGE BUSH TO BE U.S. AMBASSADOR TO THE UNITED NATIONS

Mr. MATHIAS. Mr. President, it was a matter of personal gratification for me to learn that the President had nominated the Honorable GEORGE BUSH to be U.S. Ambassador at the United Nations. I have known GEORGE BUSH for many years. I served with him in the other body and I consider him a warm and close personal friend. But because he is my friend I am not incapacitated from making an objective judgment with respect to this nomination. I take not only a personal pleasure in this choice but I also think it is an appointment that offers great promise for the Nation's representation at the United Nations.

GEORGE BUSH is no stranger to the world of great affairs. As the Members of the Senate know, he is the son of our former colleague, Prescott Bush, the Senator from Connecticut. All of GEORGE BUSH's life has been spent in an atmosphere of awareness and interest in the events of national and international significance. His own service in the Congress has been positive and constructive and has contemplated a broad range of activity and interest. He has, in addition, carved out for himself an enviable reputation as a businessman and community leader in the State of Texas. Not only his heritage of political concern, but his own record of independent inquiry and individual initiative all lead to the conclusion that he will bring great talent and energy to the post of Ambassador at the United Nations.

Over and above that, he will also bring the unique quality of being fully in the President's confidence. It is contemplated that GEORGE BUSH will revive the previous practice of United Nations Ambassadors in sitting with the President and the Cabinet as a fully coequal member of the Cabinet. He will have the complete freedom of access to the President that the responsibility of the job demands and that is guaranteed by the trust the President accords him. It is this quality of the relationship between the President and the Ambassador-designate which lends a special significance to the nomination.

In addition to all these pertinent considerations, there is also GEORGE BUSH's youthful personality and outlook, and his persuasive manner. These are not inconsiderable qualities for an ambassador. To these are added the great charm and graciousness of Mrs. Bush, who will help the Ambassador to complete a diplomatic team of unusual potential. I think the interests of the American people and their Government at the United Nations will be well served by Ambassador GEORGE BUSH.

ADJOURNMENT TO MONDAY, DECEMBER 28, 1970

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with Senate Concurrent Resolution 87, that the Senate stand in adjournment until 12 o'clock noon on Monday, December 28, 1970.

The motion was agreed to; and (at 8 o'clock and 20 minutes p.m.) the Senate adjourned until Monday, December 28, 1970, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 22 (legislative day of December 15), 1970:

IN THE NAVY

Vice Adm. Ralph L. Shifley, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, Section 5233.

Rear Adm. Charles S. Minter, Jr., U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

HOUSE OF REPRESENTATIVES—*Tuesday, December 22, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Glory to God in the highest and on earth peace, good will toward men.—Luke 2: 14.

O God, to whom glory is sung in the highest, while on earth peace is proclaimed to men of good will, we bow before Thee with hearts overflowing with gratitude for the coming of Christ into our world. May He—

"Cast out our sin and enter in.
Be born in us today."

Like the shepherds may we in spirit kneel before the manger child in wonder, love, and praise. Like the wise men may we follow the star that shines forever in our sky and like them offer Him the gifts of our love. In truth may we make room for Him in all our hearts through all our days.

In His holy name we pray. Amen.

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 444]

Abbitt
Adair
Alexander
Andrews, Ala.
Andrews, N. Dak.
Ashley
Aspinall
Ayres
Baring
Barrett
Bell, Calif.
Berry
Biaggi
Blanton
Blatnik
Brasco
Brock
Brooks
Broomfield
Broyhill, N.C.
Burke, Fla.
Burlison, Mo.
Burton, Utah
Button
Caffery
Camp
Carey
Cederberg
Celler
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Collins, Ill.
Conyers
Corbett
Cowger
Daddario
Delaney
Denney
Cramer
Dent
Diggs
Dingell
Dowdy
Dulski
Dwyer
Edwards, Calif.
Edwards, La.
Esch
Evins, Tenn.
Fallon
Farbstein
Fascell
Ford, William D.
Fountain
Friedel
Fulton, Tenn.
Gettys
Giaimo
Gibbons
Gilbert
Gray
Griffiths
Gubser
Haley
Hall
Halpern
Hanley
Hébert
Henderson
Hull
Hungate
Jarman
Johnson, Calif.
Johnson, Pa.
Karth
Landrum
Langen
Latta
Leggett
Lennon
Long, La.
Lowenstein
Lujan
Lukens
McCarthy
McClory
McCulloch
McDade
McDonald, Mich.
McKneally
Martin
Mathias
May
Meskill
Michel
Mikva
Miller, Calif.
Mills
Minshall
Mize
Monagan
Montgomery
Moorhead
Morton
Moss
Murphy, Ill.
O'Konski
Olsen
O'Neal, Ga.
Ottinger
Passman
Patman
Pelly
Pepper
Pettis
Pike
Powell
Pryor, Ark.
Quie
Rarick
Reifel
Rivers
Roudebush
Rousselot
Ruppe
Ruth
St Germain
Saylor
Schadeberg
Scherle
Scheuer
Shipley
Sikes
Smith, N.Y.
Snyder
Steele
Steiger, Ariz.
Stephens
Stratton
Sullivan
Symington
Tunney
Waggonner
Whalley
Winn
Wold
Wolff
Wyatt
Wydler
Zwach

The SPEAKER. On this rollcall 278 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

Mr. GROSS. Mr. Speaker, I object to dispensing with further proceedings under the call.

MOTION OFFERED BY MR. ALBERT

Mr. ALBERT. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma (Mr. ALBERT).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will state that the rollcall has just disclosed a quorum is present.

So the motion was agreed to.

THE JOURNAL

The SPEAKER. The Clerk will read the Journal of the proceedings of yesterday.

Mr. GROSS. Mr. Speaker, I demand that the Journal be read in full.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

CALL OF THE HOUSE

Mr. GROSS (during the reading). Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 445]

Abbitt
Adair
Addabbo
Alexander
Andrews, Ala.
Andrews, N. Dak.
Ashley
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Berry
Blatnik
Brademas
Brasco
Brock
Brooks
Broyhill, N.C.
Burke, Fla.
Burlison, Mo.
Burton, Utah
Button
Caffery
Camp
Casey
Cederberg
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collins, Ill.
Conyers
Corbett
Cowger
Cramer
Culver
Daddario
Delaney
Denney
Dennis
Dent
Diggs
Dowdy
Dulski
Dwyer
Edwards, Calif.
Evins, Tenn.
Fallon
Farbstein
Fascell
Fisher
Flowers
Ford, William D.
Fountain
Friedel
Fulton, Tenn.
Giaimo
Gibbons
Gilbert
Gray
Green, Oreg.
Green, Pa.
Griffiths
Haley
Hall
Halpern
Hanley
Hansen, Wash.
Harsha
Hébert
Henderson
Hull
Hungate
Jarman
Johnson, Calif.
Johnson, Pa.
Karth
Kleppe
Landrum
Langen
Latta
Lennon
Long, La.
Lowenstein
Lujan
Lukens
McCarthy
McClory
McCulloch
McDonald, Mich.
McEwen
McKneally
Mailliard
Martin
Mathias
May
Meskill
Michel
Mikva
Miller, Calif.
Mills
Minshall
Mize
Monagan
Montgomery
Moorhead
Morton
Moss
Murphy, Ill.
Murphy, N.Y.
O'Hara
O'Konski
Olsen
Ottinger
Patman
Pelly
Pepper
Pettis
Pike
Powell
Pryor, Ark.
Railsback
Rarick
Reifel
Rivers
Roudebush
Rousselot
Ruppe
Ruth
St Germain
Saylor
Schadeberg
Scherle
Scheuer
Shipley
Sikes
Snyder
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Sullivan
Symington
Teague, Calif.
Thompson, N.J.
Tiernan
Tunney
Waggonner
Weicker
Whalen
Whalley
Winn
Wold
Wolff
Wyatt
Zwach

The SPEAKER. On this rollcall 269 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

Mr. GROSS. Mr. Speaker, I object to dispensing with further proceedings under the call.

MOTION OFFERED BY MR. ALBERT

Mr. ALBERT. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma (Mr. ALBERT).

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 67, noes 9.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 278, nays 9, not voting 146, as follows:

[Roll No. 446]

YEAS—278

Abernethy
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Annunzio
Arends
Ashley
Beall, Md.
Belcher
Bennett
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burton, Calif.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Carey
Carney
Carter
Casey
Celler
Chamberlain
Chappell
Clark
Clay
Cleveland
Cohelan
Collier
Collins, Tex.
Colmer
Conable
Conte
Corman
Coughlin
Crane
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dennis
Derwinski
Dingell
Donohue
Dorn
Downing
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Feighan
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Foreman
Forsythe
Fountain
Fraser
Frelinghuysen
Frey
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gettys
Gonzalez
Goodling
Green, Pa.
Griffin
Gubser
Gude
Hagan
Halpern
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Jonas
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Leggett
Lloyd
Long, Md.
Lowenstein
McCloskey
McDade
McEwen
McFall
McMillan
MacGregor
Madden
Mann
Marsh
Matsunaga
Mayne
Meeds
Melcher
Miller, Ohio
Minish
Mink
Mizell
Mollohan
Morgan
Morse
Mosher
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill, Mass.
Passman
Patten
Pepper
Perkins
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robison
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ryan
Sandman
Satterfield
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Stratton
Stubblefield
Stuckey
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Waldie
Wampler
Ware
Watson
Watts
Weicker
Whalen
White
Whitehurst
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion

NAYS—9

Ashbrook
Blackburn
Devine
Dickinson
Gross
King
McClure
Schmitz
Skubitz

NOT VOTING—146

Abbitt
Adair
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Aspinall
Ayres
Baring
Barrett
Bell, Calif.
Berry
Blatnik
Brasco
Brock
Brooks
Brown, Mich.
Broyhill, N.C.
Burke, Fla.
Burlison, Mo.
Burton, Utah
Button
Caffery
Camp
Cederberg
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Collins, Ill.
Conyers
Corbett
Cowger
Cramer
Daddario
Delaney
Denney
Dent
Diggs
Dowdy
Dulski
Dwyer
Edwards, Calif.
Edwards, La.
Esch
Evins, Tenn.
Fallon
Farbstein
Fascell
Fisher
Ford, William D.
Friedel
Fulton, Tenn.
Gaydos
Giaimo
Gibbons
Gilbert
Goldwater
Gray
Green, Oreg.
Griffiths
Grover
Haley
Hall
Hanley
Hébert
Henderson
Hull
Hungate
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Landrum
Langen
Latta
Lennon
Long, La.
Lujan
Lukens
McCarthy
McClory
McCulloch
McDonald, Mich.
McKneally
Macdonald, Mass.
Mahon
Mailliard
Martin
Mathias
May
Meskill
Michel
Mikva
Miller, Calif.
Mills
Minshall
Mize
Monagan
Montgomery
Moorhead
Morton
Moss
Murphy, Ill.
O'Konski
Olsen
O'Neal, Ga.
Ottinger
Patman
Pelly
Pettis
Philbin
Powell
Pryor, Ark.
Rarick
Reifel
Rivers
Rodino
Roudebush
Rousselot
Ruppe
Ruth
St Germain
Saylor
Schadeberg
Scherle
Shipley
Sikes
Snyder
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Sullivan
Symington
Tunney
Vigorito
Waggonner
Whalley
Whitten
Wiggins
Winn
Wold
Wolff
Wyatt
Zwach

So the motion was agreed to.

The result of the vote was announced as above recorded.

The doors were opened.

THE JOURNAL

The **SPEAKER** pro tempore. (Mr. NATCHER). The Clerk will proceed to read the Journal of the proceedings of yesterday.

Mr. **ALBERT**. Mr. Speaker, I ask unanimous consent that further reading of the Journal of the proceedings of yesterday be dispensed with.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The **SPEAKER** pro tempore. Without objection, the Journal of the proceedings of yesterday will stand approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. ARRINGTON, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 17853. An act for the relief of Carlo Bianchi & Co., Inc.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1681. An act for the relief of Dennis Yiantos; and

S. 4481. An act granting and ceding to the city of Alexandria, in the State of Virginia, certain waterfront land along the Virginia shoreline of the Potomac River, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18306) entitled "An act to authorize United States participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1181) entitled "An act to provide for potato and tomato promotion programs."

The message also announced that the Senate having proceeded to reconsider the bill (S. 3867) entitled "An act to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes," returned by the President of the United States with his objections, to the Senate, in which it originated.

The message also announced that the said bill did not pass, two-thirds of the Senators present not having voted in the affirmative.

SPECIAL ORDER GRANTED

Mr. **ANNUNZIO**. Mr. Speaker, I ask unanimous consent that on Monday, December 28, at the conclusion of all business, and any special orders heretofore entered into, I may address the House for 60 minutes to pay tribute to Hon. WILLIAM T. MURPHY of Illinois upon his retirement from the House.

The **SPEAKER** pro tempore. Without objection, it is so ordered.

Mr. **HOSMER**. Mr. Speaker, reserving the right to object—and I will not object, possibly—I would like to inquire of the granting of this unanimous-consent rerequest respecting activities on the 28th of December would in any way interfere with action which might be later taken by the House not to come in on that particular day?

The **SPEAKER** pro tempore. It would not.

Mr. **HOSMER**. I thank the Speaker.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PROGRAM FOR TODAY

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I have requested this time in order to ask the distinguished majority leader the program for today.

Mr. ALBERT. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, we have remaining on the calendar one resolution and one bill under a rule. These are the two chief items of business, House Resolution 1238, the Speaker's Office Facilities Act, and H.R. 19953, the Emergency Rail Services Act.

Following the consideration of these two bills the Committee on Ways and Means will call up some 25 or 26 bills which have been unanimously reported from that committee. These bills will be called up by unanimous-consent request. We will seek to get unanimous consent to concur in six Senate amendments on other Ways and Means Committee bills.

As for conference reports, we do not have any conference reports at the desk at this time. We will take them up if they come over from the Senate. I understand that one is under consideration in the Senate now, and that is the International Financial Institutions Act, H.R. 18306. There is also a possibility of Senate action I am told by representatives of the Senate on the potato and other commodity production programs and the Foreign Aid Supplemental Authorization Act. If they come over we will take them up for consideration.

Of course, if there should be a complete break in the logjam over there, we will be glad to take up all of the conference reports they can send us.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I want to thank the majority leader for advising the common, garden variety Members of the House as to the program for today. I had anticipated last night, as late as it was, that there would be an announcement as to what we would be confronted with today. So, I thank the majority leader for this belated schedule.

Mr. ALBERT. I thank the gentleman from Iowa for those comments. It was so late and so many Members had left the floor when the motion to adjourn was made, it would hardly have been advisable. I think everyone was tired also.

However, I apologize for not making that announcement last night.

Mr. GROSS. Mr. Speaker, if the gentleman from Michigan will yield further, I am well aware of the lateness of the hour last night because I had supper well after midnight.

Is there any word that can be given to the Members as to an adjournment, recess, or whatever you may wish to call it over Christmas?

Mr. ALBERT. The Senate, as the gentleman knows, has passed an adjournment resolution which provides for adjournment over from tonight until Monday, the 28th, at noon. We have not made a decision yet as to whether we will take that up in that form or seek to amend it. We would like the indulgence of the House on that matter. I think the minority leader concurs with me in this: that we wait and see what happens during the day before we come to that resolution. I think we will take that resolution up as a matter of fact whether we adopt it or amend it or not. I think we owe that to the other body as a matter of comity to take it up at the end of the day.

Mr. GERALD R. FORD. I think an appropriate comment would be that I have reservations about the Senate resolution, particularly when they cannot give us any assurance that if we come back on Monday there would be final action taken as to this Congress. But I do agree with the distinguished majority leader that we ought to await further developments later in the day. Hopefully, there could be some compromise achieved or some vote taken that would obviate the need and necessity for the approval of that resolution. So, until we have a bit more time, I think it is wise for the leadership on both sides to await developments in that regard.

RELATING TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES IN THE 91ST CONGRESS

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1309 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1309

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 1238) relating to the Speaker of the House of Representatives in the Ninety-first Congress. After general debate, which shall be confined to the resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. Albert). The gentleman from Massachusetts (Mr. O'Neill) is recognized for 1 hour.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1309 provides for an open rule with 1 hour of general debate for considering House Resolution 1238, relating to the Speaker of the House of Representatives. I intend not to go into any eulogies about the Speaker, nor to go into any praise of his great deeds. The facts are that he is retiring after 42 years in this body, and having served longer as Speaker on successive terms than any other one individual.

The purpose of House Resolution 1238 is to facilitate the administration, settlement, and the conclusion of matters pertaining to or arising out of his incumbency as Speaker of the House.

The resolution provides for the Speaker to retain the use of his Boston Federal office, including the furniture and equipment, and he will be entitled to reimbursement in amounts equal to those received by Members for office expenses, for telephone service, including long-distance telephone calls, and telegrams, and for stationery and for other office supplies.

Withdrawals from the stationery allowance are not allowed. However, the Clerk of the House is authorized and directed to pay the amount of the purchases made by the Speaker. The Speaker, upon request, is to be furnished by the Clerk with airmail and special delivery stamps in the amount to which a Member is entitled.

The Speaker would be provided with a staff, to be paid for from the contingent fund of the House, limited to one administrative assistant and one secretary, with annual salaries not to exceed $7,500 base in the first instance, and $3,275 base in the second instance.

The resolution also extends the Speaker's franking privilege to 2 years following the expiration of his term as a Representative.

This will merely allow him to conclude the cleaning up of files and the work that, because of his busy office of the Speaker, he has been unable to do.

Mr. Speaker, I hope that the rule is adopted.

I now yield to the gentleman from California.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1309 provides for a 1-hour open rule for the consideration of House Resolution 1238, relating to the Speaker of the House of Representatives of the 91st Congress.

I believe that the total amount in the resolution per annum for 2 years will be $49,990 each year. I believe some amendments will be offered, at the request of the Speaker, which will reduce this amount to approximately $38,000 for each of the 2 years. However, I have not seen the amendments and, therefore, I cannot speak definitely concerning them.

Mr. Speaker, may I inquire of the gentleman from Massachusetts if he wishes me to proceed to extend time on my side?

Mr. O'NEILL of Massachusetts. Mr. Speaker, the gentleman from California may proceed.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Speaker, there is a fine old English ditty that goes like this:

Christmastime is coming and the geese are
getting fat.
Please put a penny in the old man's hat.
If you haven't a penny, a ha'penny will do.
If you haven't got a ha'penny, God bless you.

Mr. Speaker, it should not be necesary to spend an extended amount of time on this resolution. Every Member should be aware of what is here proposed for the resolution has been subject of private discussion among House Members since early October when it surfaced in the House Administration Committee.

The resolution would provide the most expensive going-away present ever bestowed on a Speaker of the House of Representatives. It would give to the retiring Speaker, who will draw retirement benefits of $44,000 a year, an office in Boston, Mass., for the next 2 years, and with that office would go most of the supporting provisions of a duly elected, sitting Member of Congress.

This means that in addition to an office staff, even though somewhat reduced, the former Speaker would be entitled to an office expense allowance, stationery and stamp allowance, the franking privilege, and telephone-telegraph allowances.

This is unprecedented.

It also means that the Federal Government will be compelled to provide fully equipped office space for the Member of the House who will succeed the present Member from the Ninth Congressional District of Massachusetts.

A Speaker of the House is not elected by the voting taxpayers of the Nation. He is elected a Member of the House of Representatives in a single district and by a partisan vote. He is elected Speaker of the House by a partisan vote.

Therefore, the Nation, as such, owes him nothing merely by reason of the fact that he was a Speaker. It would be one thing for the House to approve a simple resolution "honoring" a retiring Speaker. It is quite another thing for Members of the House, as in this proposed resolution, to impose their will upon the presumed charity of all the taxpayers to provide this retiring Speaker with a going-away present that will cost many thousands of dollars over the period of the next 2 years. I predict that if this resolution could be submitted to all the taxpayers of the Nation for rejection or approval it would be sunk without a trace.

This resolution would set a bad precedent and it is unwarranted. It ought to be defeated.

Mr. O'NEILL of Massachusetts. Mr. Speaker, in retrospect, there is not a Member of this House who was a Member when a Speaker retired before. The retirement of a Spaeker is a historical event. I think we owe it to our respect of the office that we adopt the resolution. I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HAYS. Mr. Speaker, pursuant to House Resolution 1309, I ask unanimous consent that House Resolution 1238 be considered in the House as in the Committee of the Whole.

The Clerk read the title of the resolution.

The **SPEAKER** pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 1238

Resolved, That the Speaker of the House of Representatives in the Ninety-first Congress (hereafter referred to in this resolution as the "Speaker") is entitled to retain, for the period of two years immediately following the expiration of his term of office as a Representative in Congress in the Ninety-first Congress, the complete and exclusive use of the Federal office space which is currently made available for his use in the congressional district represented by him and which shall be maintained by the Government in a condition appropriate for his use as he may request, together with all furniture, equipment, and furnishings currently made available by the Government for his use in connection with such office space, including any necessary replacements of such office furniture, equipment, and furnishings, in order to facilitate the administration, settlement, and conclusion of matters pertaining to or arising out of his incumbency in office as a Representative in Congress and as Speaker of the House of Representatives.

SEC. 2. The Speaker is entitled to reimbursement, from the contingent fund of the House, for the period of two years immediately following the expiration of his term of office as a Representative in Congress in the manner provided by applicable provisions of the Legislative Appropriation Act, 1955, as amended by the Act of June 13, 1957 (71 Stat. 82; Public Law 85–54), and by the provisions of House Resolution 831, Eighty-eighth Congress, adopted August 14, 1964, enacted as permanent law by section 103 of the Legislative Branch Appropriation Act, 1966 (79 Stat. 281; Public Law 89–90; 2 U.S.C. 122a), in an aggregate quarterly amount equal to the aggregate quarterly amount to which a Member of the House of Representatives is entitled under such provisions of law as in effect on the date of adoption of this resolution or as amended or supplemented after such date, for office and other expenses incurred in connection with the administration, settlement, and conclusion of matters pertaining to or arising out of his incumbency in office as a Representative in Congress and as Speaker of the House of Representatives.

SEC. 3. The Speaker is entitled to reimbursement, from the contingent fund of the House, for the period of two years immediately following the expiration of his term of office as a Representative in Congress in the Ninety-first Congress, in the manner provided by House Resolution 161, Ninetieth Congress, adopted May 11, 1967, enacted as permanent law by the Second Supplemental Appropriation Act, 1968 (82 Stat. 218; Public Law 90–392; 2 U.S.C. 46g–1), in a quarterly amount equal to the quarterly amount to which a Member of the House of Representatives is entitled under such provisions of law as in effect on the date of adoption of this resolution or as amended or supplemented after such date, for charges for telephone service incurred in connection with the administration, settlement, and conclusion of matters pertaining to or arising out of his incumbency in office as a Representative in Congress and as Speaker of the House of Representatives.

SEC. 4. There shall be paid out of the contingent fund of the House such amounts as may be necessary to pay toll charges on long distance telephone calls and charges on telegrams, cablegrams, and radiograms, made or sent by or on behalf of the Speaker, in the period of two years immediately following the expiration of his term of office as a Representative in Congress in the Ninety-first Congress, in connection with the administration, settlement, and conclusion of matters pertaining to or arising out of his incumbency in office as a Representative in Congress and as Speaker of the House of Representatives, aggregating, for each year of such two-year period, not to exceed the total number of units then currently authorized for each Member of the House for each session of the House. Such units shall accumulate and be available for use by the Speaker until the close of such two-year period. For the purposes of this subsection—

(1) one minute of a long distance telephone call shall be four units;

(2) one word of a telegram, cablegram, or radiogram shall be one unit, except that one word of a night letter shall be one-half unit; and

(3) the word "session" means the period beginning at noon on January 3 of each calendar year and ending at noon on January 3 of the immediately following calendar year.

SEC. 5. (a) The Speaker may send mail as franked mail under sections 4161 and 4164 of title 39, United States Code, and send and receive mail as franked mail under section 4162 of that title, for an additional period of eighteen months immediately following the close of the period specified in those sections following the expiration of his terms of office as a Representative in Congress in the Ninety-first Congress. The postage on such mail, including registry fees if registration is required, shall be paid and credited as provided by section 4167(a) of title 39, United States Code. When the provisions of sections 3210, 3211, 3213, and 3216(a) of title 39, United States Code, as enacted by the Postal Reorganization Act, became effective, the references in this subsection to sections 4161, 4162, 4164, and 4167(a) of title 39, United States Code, shall be deemed references to sections 3210, 3211, 3213, and 3216(a) of that title, respectively.

(b) For the period of two years immediately following the expiration of his term of office as a Representative in Congress in the Ninety-first Congress, the Speaker shall be entitled to the benefits afforded by section 733 of title 44, United States Code.

SEC. 6. In order to provide staff assistance to the Speaker in connection with the administration, settlement, and conclusion of matters pertaining to or arising out of his incumbency in office as a Representative in Congress and as Speaker of the House of Representatives, the contingent fund of the House is hereby made available, for the period of two years immediately following the expiration of the terms of office of the Speaker as a Representative in Congress in the Ninety-first Congress, to enable the Clerk of the House to pay the salaries of an Administrative Assistant, who shall be paid at a basic per annum rate of not to exceed $7.500, as determined by the Speaker, and a Secretary, who shall be paid at a basic per annum rate of not to exceed $3,275, as determined by the Speaker, designated and appointed by the Speaker to serve as members of his office staff in such two-year period. Each person so designated and appointed as Administrative Assistant or Secretary shall be held and considered, for the duration of such appointment, as—

(1) an "employee" for the purposes of subchapter I of chapter 81 (relating to compensation for work injuries) of title 5, United States Code; and

(2) a "congressional employee" within the meaning of section 2107 of title 5, United States Code, for the purposes of—

(A) subchapter III (relating to civil service retirement) of chapter 83 of such title,

(B) chapter 87 (relating to Federal employees group life insurance) of such title, and

(C) chapter 89 (relating to Federal employees group health insurance) of such title.

Sec. 7. The contingent fund of the House of Representatives is hereby made available to provide to the Speaker, for the period of two years immediately following the expiration of his term of office as a Representative in Congress in the Ninety-first Congress, an allowance for stationery and other office supplies in an amount for each year of such two-year period, which shall remain available until the close of such year, equal to the amount of the stationery allowance then currently in effect for each Member of the House for each regular session of the Congress. The Clerk of the House shall, out of the stationery allowance provided by this section, pay, on invoices transmitted to the Clerk by the Speaker for payment, the amount, of all purchases made by or on behalf of the Speaker for stationery and other office supplies, or reimburse the Speaker, on vouchers signed and transmitted to the Clerk by the Speaker for reimbursement, in the amount of all such purchases.

Sec. 8. The Clerk of the House of Representatives shall procure and furnish to the Speaker, upon his request, for the period of two years immediately following the expiration of his term of office as a Representative in Congress in the Ninety-first Congress, United States airmail and special delivery postage stamps in an aggregate amount, for each year of such two-year period, equal to the aggregate amount of such stamps to which a Member of the House is entitled for each regular session of the Congress under all provisions of law then currently in effect. The contingent fund of the house is hereby made available to carry out the purposes of this section.

Sec. 9. The foregoing provisions of this resolution shall become effective on the date of the enactment of this resolution as permanent law.

Mr. HAYS. Mr. Speaker, House Resolution 1238 sets forth certain emoluments for the present Speaker after retirement. The bill introduced in the committee by the gentleman from Maryland (Mr. Friedel) outlines in the bill that the Speaker would be allowed to retain his present Federal office space in the District. It gives him office expenses outside of the District of Columbia in the amount of $100 a month; telephone service outside of the District of Columbia, $100 a month; long distance telephone and telegrams, the same as a Member; franked mail privilege for 2 years; staff assistants, one administrative assistant, and one secretary, stationery allowance the same as a Member, with no cash withdrawal; airmail and special delivery stamps.

Being the conservative—and I use that word in connection with expenses—the type of person he is, the Speaker has asked me to offer four amendments, which I shall do at his request.

One would delete the long-distance telephone calls, except the $100 a month for his local calls.

One would delete the staff administrative assistant and a few secretaries at a gross pay of $10,900 a year.

One would delete the airmail and special delivery stamps.

Therefore, he would have left merely his present office space, his office expense, and telephone expense of $100 a month each franking period for 2 years, two secretaries, and a stationary allowance which would provide him with what he would spend for stationery, but no cash withdrawal.

AMENDMENTS OFFERED BY MR. HAYS

Mr. HAYS. Mr. Speaker, the amendments to which I have referred are at the Clerk's desk. I offer the amendments, and ask unanimous consent that they be considered en block.

The Clerk read as follows:

Amendments offered by Mr. Hays: Beginning on Page 3, line 20, strike out Sec. 4 down through Page 4, line 20. On Page 6, line 3, strike out "$7,500" and insert in lieu thereof "$3,000". On Page 6, line 5, strike out "$3,275" and insert in lieu thereof "$3,000". Beginning on Page 7, line 15, strike out Sec. 8 down through page 8, line 2.

Renumber the following sections accordingly: Sec. 5, Sec. 6, Sec. G, and Sec. 9.

The SPEAKER pro tempore (Mr. Holifield). Is there objection to the request of the gentleman from Ohio that the amendments be considered en bloc?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio in support of his amendment.

Mr. HAYS. Mr. Speaker, I have already described the amendments. The language is a little technical, but they do exactly what I said they would do. They would strike out "$7,500," inserting in lieu thereof "$3,500," thus cutting the base down—we are still operating on a base—which would make a gross salary of $10,929, and cutting the $3,275 base down and inserting in lieu thereof the "$3,000," which would also make that identically the same.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Ohio.

Mr. DEVINE. Mr. Speaker, on behalf of the minority, I pose no objection to the amendments offered by the gentleman from Ohio.

The SPEAKER pro tempore (Mr. Holifield). The question is on the amendments offered by the gentleman from Ohio, considered en bloc.

The amendments were agreed to.

Mr. HAYS. Mr. Speaker, I move to strike out the last words.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio for 5 minutes.

Mr. HAYS. Mr. Speaker, it is not my purpose to eulogize the Speaker. I think his record here speaks for itself. He has been a Member of this body for 42 years. As has been said earlier, he has had a longer period of continuous service as Speaker than anyone. The only one who has served a longer time than he has was the late great Speaker who was here when I came, the late Sam Rayburn, of Texas.

I read in the newspaper, and I do not know whether this is true, because not everything we read in the paper is accurate, that this is the first Speaker to retire voluntarily. A great deal of mail comes into the office and a great deal of it still will be addressed to Mr. John McCormack, and he will still receive a great deal of it. What this does is to allow him to forward that mail or to answer it or to otherwise deal with it. Knowing him as I do, if the mail deals with the business of the new Speaker, it will be forwarded to the new Speaker, and if it is personal, John McCormack will handle it.

The office of the Speaker is second only to the President of the United States in power in this country, and we provide retiring Presidents with a staff to take care of the mail that comes to them—not for 2 years but for as long as they live. I do not see anything wrong with this precedent. I do not know whether we will ever have another Speaker to retire, but if we do, I think we should follow the same procedure.

I disagree completely with the gentleman from Iowa that if this were put to a vote of the people, in the vast expenditures of the bureaucracy, they would not sink it without a trace, but they would vote for it, because almost any bureaucrat of sub-Cabinet level downtown spends a great deal more than this in a year and will accomplish a great deal less with it.

I do not want to complicate this matter by being facetious or otherwise, but not being a Scrooge type myself and in the spirit of Christmas, I might say to the gentleman from Iowa that if he will retire, I would try to get the same thing for him.

Mr. FRIEDEL. Mr. Speaker, on October 6, 1970, it was my pleasure to have introduced House Resolution 1238, and on October 13, 1970, the Committee on House Administration, having considered this resolution, recommended that it pass.

It is universally known that by far the most important influential position in the House of Representatives is that of Speaker. Indeed, the Speaker today frequently is described as the third most powerful figure in our Government and therefore the world, standing second in line of succession to the Presidency of the United States. The high office of Speaker has attained that eminence through a long evolutionary process.

The framers of the U.S. Constitution, in authorizing the House to choose its Speaker, followed the long-established custom of the House of Commons of England. This historic Chamber, over the many years that are now recorded in the annals of history, had many truly great men. This House, where the people govern through their duly elected Representatives, was indeed fortunate to have had as its Speaker, dedicated and patriotic leaders of men. I need not call the roll for their names are well known.

I can say, without fear of successful contradiction, that the distinguished gentleman from the Commonwealth of that great New England State of Massachusetts will rank among the greatest and most beloved of those who filled the chair of Speaker of the House of Representatives.

The pages of the Congressional Record over the same 40 years that this House has been truly blessed to have had him in its midst, speak far more eloquently of his service than any words of mine. A man of the eminence and stature of John McCormack really defines rhetorical description. His integrity, dedication, and constructive and fruitful leadership over the years defies further description. This wise and gracious man who has served continuously as Speaker longer than any other man is truly unique.

Because of the imminent retirement of the Speaker, his long years of service, far beyond the call of duty, both as Representative and Speaker, and the deep respect and warmest affection the membership of the entire House holds for him, House Resolution 1238 is but mere tangible evidence and embodiment of this great respect and the high regard in which he is held and esteemed by his colleagues and associates.

This resolution, I submit, is for the very practical purpose of facilitating the administration, settlement, and conclusion of matters pertaining to or arising out of the incumbency in office of the Speaker—both as a Representative in Congress and as Speaker of the House.

I am sure I do not have to belabor the fact that our Speaker is not only a distinguished legislator but an eminently fair and just man, who elevated his high office to a new and even higher place than ever before. Members of both sides of the aisle love him as a warmhearted individual, a dedicated public servant, and above all, a truly great American.

In order to ease the transition and to settle matters relating to the Speaker's official and very extensive legislative and administrative matters, the House resolution authorizes for the use of the Speaker, for a period of 2 years immediately following the expiration of his present term of office as a Representative in the 91st Congress, and originally the various allowances granted Members for the operation of their office.

However, our great Speaker, in keeping with his legendary modesty and concern for the taxpayers, has asked me to amend the resolution to eliminate the normal allowances for stamps, long-distance calls, and the position of administrative assistant and provide instead for two secretaries at a reduced salary of $10,929 each.

It is a fact that the bulk of the Speaker's vast amount of mail, messages, and material is addressed to him personally, and hence, would be delivered only to him and not to his successor, it seems elementary that he will obviously need assistance in the handling and answering of the voluminous amount of various official documents and correspondence. After all, it pertains to the Congress and to our Nation, so in simple justice, I most strongly urge and recommend the favorable passage of House Resolution 1238.

Yesterday's Washington Post had a fair editorial about this matter which I would like to insert at this point in the Record:

[From the Washington Post, Dec. 20, 1970]

With all the partying on Capitol Hill and the sentimental farewells that are being said to retiring Speaker John W. McCormack, it may be lese majeste to suggest that there is danger of overdoing it. But Mr. McCormack himself is reported to have told retiring Congressman Friedel, chairman of the House Administration Committee, to go slow with the goodies that had been incorporated in a special bill for the Speaker. The bonus conscious legislator from Baltimore had loaded the gift-box for the Speaker with $39,000 a year for clerical help in addition to a two-year lease on his present Boston office, $1,200 a year for office expenses, free mailing privileges, $700 for airmail, $3,000 a year for stationery and an allowance for long-distance telephone calls. The current word is that the bill will be amended to eliminate the item for long-distance calls and to reduce the salaries of two clerical assistants to a total of about $21,000.

This would leave the Speaker with expense money equivalent to what is provided to sitting members of the House, although with a greatly reduced staff. We think the Speaker properly curtailed the perquisites that were originally proposed and that the taxpayers will not begrudge him the more modest benefits now in the works.

Mr. McCormack is the only Speaker who has retired to private life, and it is a practice to be encouraged when age overtakes the presiding officer of the House. Although we have often disagreed with the Speaker and felt that he should have relinquished leadership in the House to a younger man some years ago, we join in saluting him for long and conscientious service as he leaves and hope that Congress will grant the modified perquisites.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of House Resolution 1238, which would extend for a period of 2 years from the effective date of the Speaker's retirement certain emoluments of office which are associated with service as a Representative to Congress.

The provisions of the resolution are entirely fitting and proper for a retiring Speaker, the only one in recent memory. These provisions would also constitute tangible evidence of the esteem and affection in which the gentleman from Massachusetts (Mr. McCormack) has been held for nearly four and a half decades by his colleagues on Capitol Hill and the people of the United States. They are indeed small recompense by a grateful Nation for the Speaker's outstanding leadership and selfless dedication, the hallmarks of his long and distinguished congressional career.

The resolution would simply enable the Speaker to retain the use of his district office in order that matters growing out of his lengthy service would not have to be concluded hastily. He would also have certain office allowances and staff assistance to make the transition from holder of one of the most powerful public offices in the Nation to a private citizen as smooth as possible. Besides, Mr. Speaker, the real beneficiaries of this resolution will be the people of the United States, for it will permit the Speaker to sift and organize the vast amount of documents, records, and information he has accumulated over the years so that they may constitute a meaningful part of our Nation's history for us and our posterity.

Mr. Speaker, as a representative from Hawaii, I would like to express again the eternal gratitude of the people of Hawaii for John McCormack's leadership in the fight for statehood for the then Territory of Hawaii. As House majority leader, the gentleman from Massachusetts (Mr. McCormack) was instrumental in convincing his colleagues, and then Speaker Sam Rayburn that the Territory of Hawaii had earned every right to statehood and was ready to take her place among the other 49 States of the Union. Intangible though the gratitude of the people of Hawaii may be for having been granted statehood, that gratitude nonetheless is as real as the provisions of the pending resolution. Indeed, even after this resolution has expired by its terms, the gratitude of the people of the 50th State will continue, undiminished and unending.

Mr. Speaker, House Resolution 1238 deserves our unanimous vote.

GENERAL LEAVE TO EXTEND

Mr. HAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the resolution (H. Res. 1238).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, a parliamentary inquiry. Is this on the passage of the resolution?

The SPEAKER pro tempore. It is.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 218, nays 69, not voting 146, as follows:

[Roll No. 447]

YEAS—218

Adams
Albert
Anderson, Calif.
Annunzio
Arends
Bennett
Bevill
Biaggi
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan

Burke, Mass.
Burleson, Tex.
Burton, Calif.
Byrne, Pa.
Cabell
Carey
Carney
Carter
Casey
Celler
Chamberlain
Chappell
Clark
Cohelan
Collins, Tex.
Colmer
Conte
Corman
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Wis.
de la Garza
Dellenback
Dennis
Derwinski
Dickinson
Dingell
Donohue
Dorn
Downing
Eckhardt
Edmondson
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Feighan
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Giaimo
Gonzalez
Gray
Green, Pa.
Griffin
Gubser
Gude
Halpern
Hamilton
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Holifield
Horton
Howard
Ichord
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kluczynski
Koch
Kyros
Leggett
Long, Md.
Lowenstein
McCloskey
McFall
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mann
Marsh
Matsunaga
Mayne
Meeds
Melcher
Miller, Ohio
Minish
Mink
Minshall
Mollohan
Morgan
Morse
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Passman
Patten
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Quie
Rees
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ryan
Sandman
Scheuer
Schwengel
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Springer
Staggers
Stanton
Steed
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Ware
Watts
White
Whitten
Widnall
Wiggins
Williams
Wright
Wydler
Wyman
Yates
Young
Zablocki

NAYS—69

Abernethy
Anderson, Ill.
Ashbrook
Beall, Md.
Belcher
Betts
Biester
Bray
Brinkley
Byrnes, Wis.
Cleveland
Collier
Conable
Coughlin
Crane
Davis, Ga.
Devine
Duncan
Edwards, Ala.
Findley
Fish
Frey
Gettys
Goodling
Gross
Hammerschmidt
Hastings
Hogan
Hosmer
Hunt
Hutchinson
Jacobs
Jarman
King
Kleppe
Kyl
Landgrebe
Lloyd
McClure
McEwen
Mailliard
Mizell
Myers
Nelsen
O'Neal, Ga.
Price, Tex.
Quillen
Railsback
Reid, Ill.
Robison
Roth
Schmitz
Scott
Sebelius
Shriver
Skubitz
Smith, Calif.
Stafford
Talcott
Teague, Calif.
Thomson, Wis.
Vander Jagt
Wampler
Watson
Whalen
Whitehurst
Wylie
Yatron
Zion

NOT VOTING—146

Abbitt
Adair
Addabbo
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Ashley
Aspinall
Ayres
Baring
Barrett
Bell, Calif.
Berry
Brasco
Brock
Brooks
Brown, Calif.
Broyhill, N.C.
Burke, Fla.
Burlison, Mo.
Burton, Utah
Bush
Button
Caffery
Camp
Cederberg
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Collins, Ill.
Conyers
Corbett
Cowger
Cramer
Daddario
Delaney
Denney
Dent
Diggs
Dowdy
Dulski
Dwyer
Edwards, Calif.
Evins, Tenn.
Fallon
Farbstein
Fascell
Ford, William D.
Foreman
Fraser
Friedel
Fulton, Tenn.
Gaydos
Gibbons
Gilbert
Goldwater
Green, Oreg.
Griffiths
Grover
Hagan
Haley
Hall
Hanley
Hawkins
Hébert
Henderson
Hull
Hungate
Johnson, Calif.
Johnson, Pa.
Kuykendall
Landrum
Langen
Latta
Lennon
Long, La.
Lujan
Lukens
McCarthy
McClory
McCulloch
McDade
McDonald, Mich.
McKneally
Martin
Mathias
May
Meskill
Michel
Mikva
Miller, Calif.
Mills
Mize
Monagan
Montgomery
Moorhead
Morton
Mosher
Moss
Murphy, Ill.
O'Konski
Ottinger
Patman
Pelly
Pepper
Pettis
Pollock
Powell
Pryor, Ark.
Randall
Rarick
Reifel
Rivers
Roudebush
Rousselot
Ruppe
Ruth
St Germain
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Shipley
Sikes
Snyder
Steele
Steiger, Ariz.
Stephens
Sullivan
Symington
Taft
Tunney
Waggonner
Weicker
Whalley
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wyatt
Zwach

So the resolution was agreed to.

Mr. STUCKEY changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 1626, REGULATING PRACTICE OF PSYCHOLOGY IN THE DISTRICT OF COLUMBIA

Mr. CABELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1626) to regulate the practice of psychology in the District of Columbia, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Texas? The Chair hears none, and, without objection, appoints the following conferees: Messrs. MCMILLAN, FUQUA, CABELL, NELSEN, BROYHILL of Virginia, and WINN.

There was no objection.

ANNOUNCEMENT BY THE CHAIR

The SPEAKER pro tempore. The Chair would like to state for information of Members that the Chair will receive unanimous-consent requests for official business, for extensions in the RECORD or for corrections of the RECORD, but not for 1 minute speeches that will be taken, at this time.

PROVIDING FOR CONSIDERATION OF H.R. 19953, EMERGENCY RAIL SERVICES ACT OF 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1315 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1315

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19953) to authorize the Interstate Commerce Commission to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes. After general debate, which shall be confined to the bill and shal continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. O'NEILL of Massachusetts. Mr. Speaker, at the conclusion of my remarks, I yield 30 minutes to the gentleman from California (Mr. SMITH).

Mr. Speaker, House Resolution 1315 provides an open rule with 1 hour of general debate for consideration of H.R. 19953, the Emergency Rail Services Act of 1970. The resolution also provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment.

H.R. 19953 authorizes the Interstate Commerce Commission to provide financial assistance to certain railroads in order to preserve essential rail services.

The bill is designed to prevent a clear threat to the public welfare. The Nation's largest transportation system, Penn Central, will cease within a matter of weeks, with an overwhelming impact to be felt in every region of the United States. H.R. 19953 is an interim measure to avert an immediate crisis.

The legislation provides that the trustees of any railroad undergoing reorganization under section 77 of the Bankruptcy Act, upon approval of the court, may apply to the Interstate Commerce Commission for the guarantee or purchase of certificates. The Commission is authorized to guarantee or purchase such certificates upon certain findings.

As a condition to a guarantee, the Secretary of the Treasury, after consultation with the Commission, shall require that the proceeds of the sale of certificates will be used solely for meeting payroll and other expenses which, if not met, would preclude continued provision of essential transportation services by the railroad; other revenues of the railroad will be used, to the fullest extent possible, for such expenses; proceeds from the sale of assets will be devoted to the fullest extent possible to the provision of essential transportation services by the railroad; and, in the event of actual or threatened cessation of essential transportation services by the railroad, the Secretary shall have the option to purchase or lease trackage rights over the lines and equipment necessary to provide services and, in the event of a default in payment of principal or interest as provided by the certificates, expenses incurred by the United States shall be considered as having been applied to the purchase or lease price.

The certificates shall bear interest at a reasonable rate, in line with the prevailing rates in the private market.

The outstanding aggregate principal amount of all certificates guaranteed under the act shall not exceed $125 million.

Mr. Speaker, I urge the adoption of the rule in order that the legislation may be considered.

Mr. Speaker, we realize that the Penn Central has been a muddled mess. It is probably the largest corporation in America today, with some 220, I believe, subsidiaries. But if this railroad were to cease operations, the State of Rhode Island would fall or topple economically within about 3 days. The States of Connecticut, Massachusetts, and the rest of New England will last probably 6 weeks. That is what the economic impact of this particular bill means.

Mr. Speaker, the city of New York, Greater New York, and New Jersey would probably economically last about 3 weeks. Everything east of the Mississippi would be affected. Forty-one percent of all the commerce, of all the transportation, commercial transportation that takes place in the United States travels over the roads of the Penn Central. Just imagine it, 41 percent.

Now, it is not going to cost the Government one dime. This great corporation which as I said is a muddled mess, with 222 subsidiaries has somewhere between $6 billion and $7 billion worth of assets which are all tied up at the present time by the Federal court.

Mr. Speaker, the Federal court has recommended and nominated bankruptcy referees to handle the bankruptcy matter and they feel this legislation is very badly needed.

I just say to you, gentlemen, this: If you think the General Motors strike worstened the economy of this country, it is hard to imagine, if we do not pass this legislation, if the stopping of the Penn Central from operating about 3 weeks from now, how it would really tie up the economy of this Nation. Everyone would be affected, no matter what part of the country you come from.

I say to the House this loan is absolutely guaranteed. There is the $6 billion or $7 billion in this great railroad empire and the United States would get first call over and above all liens. We are desperate for the enactment of this legislation in the Eastern section of the country. I hope the rule is adopted.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I am happy to yield to the distinguished chairman of the Committee on the Judiciary.

Mr. CELLER. I want to indicate that this morning Mr. Willard Wirtz, one of the receivers of Penn Central Railroad and a former Secretary of Labor, a very distinguished and eminent gentleman who honestly cannot be questioned, told me that the revelations which were made recently in a certain report had nothing whatsoever to do with the receivership.

And that they had no part or parcel in those actions related in that report, and that he said that the receivers have instituted actions against those who are the malfactors mentioned in that report, and actions have been commenced in the Federal court by the receivers to have restitution made by those who have misused their trust and whose names were mentioned in that report this morning. And he earnestly asked this House to pass this bill for the very reasons that the gentleman from Massachusetts (Mr. O'Neill) has now indicated.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I concur with the statement of the gentleman from New York, and may I say that with the adoption of the rule you will get a tremendous insight into the whole problem of the Penn Central from the gentleman from West Virginia and the gentleman from Illinois.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I may not have heard correctly, so that is why I am asking the question:

I thought I understood the gentleman to say during the course of his presentation that this would not cost the U.S. Government any money?

Mr. O'NEILL of Massachusetts. We are guaranteeing the loans up to $150 million for railroads of this type. They have assets that are tied up in the court bankruptcy action at the present time, of about $6 billion or $7 billion. Now, the U.S. Government would get the first call, or the first rights, at that $6 billion or $7 billion. So there is no possible way in which the U.S. Government can lose on this transaction—no possible way.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, is what the gentleman saying this: That whatever liens there are against the Penn Central properties, they will be subordinated to the lien of the U.S. Government?

Mr. O'NEILL of Massachusetts. Exactly.

Mr. YATES. Which will be given in support of this loan?

Mr. O'NEILL of Massachusetts. This takes precedence over any liens that are outstanding against the Penn Central.

Mr. YATES. I thank the gentleman for yielding.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I now yield to the gentleman from California (Mr. Smith).

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in order to save time I will not repeat anything that the distinguished gentleman from Massachusetts (Mr. O'Neill) has said. I concur in the statement that the gentleman has made, with one or two exceptions.

While the gentleman says that this will not cost the Government anything, I do not know that we can look into the future and say that this will always be a preferred lien. Labor liens might come first, and it is possible it might be that at some time we will have to pay out some money toward this guaranteed loan.

Further than that, I do not think we should mislead ourselves that this amount of money will take care of all of the ills that beset the Penn-Central. The Pennsylvania Railroad and the New York Central Railroad, after they combined, had some very poor management. They diversified themselves into all types of real estate, businesses, hotels, and everything else, which they have made money on ostensibly, and in doing so neglected the railroad.

In any event, insofar as the railroad is concerned, the Penn Central is of particular national importance. It serves a heavily populated area. Most of the coal for electric powerplants, food products, and many other items of necessity could not be shipped to the consumers if this railroad were shut down, so it is clearly in the national interest that this operation continue.

I believe that it was a week or so ago that we passed a bill extending the time in which the railroad employees could not strike, based on the fact that one of the four unions refused to agree with the arbitration figures. At that time it is my understanding that the Penn-Central had $75 million, which probably would have taken care of their expenses through March 1. However, in connection with that bill, increased salary rates were included, which we passed. This took about $46 million of the $75 million to pay retroactive salary increases. Conceivably that amount might have enabled the Pennsylvania Railroad to pay its expenses through March 1.

Had we passed other legislation earlier recommended by the President to have compulsory arbitration in matters like that, then possibly we would not be in the position we are now faced with.

Of the $125 million, $100 million I believe will be used principally for the Penn-Central. The other $25 million is kept aside, as I understand it, in order to possibly take care of three other railroads which are in imminent danger of going bankrupt.

In any event, Mr. Speaker, I do not see that there is anything else we can possibly do, even if we get through to March 1. If the powers that be—and I understand there are very brilliant men who are trying hard to work this out, and that salaries have been cut down, and they are trying to salvage other properties and dispose of them, and most of them, I understand, are pretty heavily mortgaged—but if they succeed in working it out, that will be fine; if not, we will be back by March 1 trying to work out something else to keep this railroad going, which is an essential necessity to the welfare of many, many people of the United States of America.

I support the rule, Mr. Speaker, but so far as I am personally concerned, I will have to vote "present" on final passage because I inherited some few shares of Pennsylvania Railroad stock from my father which, unfortunately, I did not sell when they went up as high as the seventies. I still have them. I will have to vote "present" in order to avoid any conflict of interest.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. YATES. Mr. Speaker, I just want to clarify a point. Did I understand the gentleman in discussing the security arrangement for protecting the Government's investment, did I understand him to say that the Government may have a prior lien rather than will have a prior lien?

Mr. SMITH of California. I am only interpreting this on the basis of my opinion as an attorney and as to how I feel.

The language says that we will—that is the Government—will have the first lien on all of the property. I think as to the railroad, it amounts to $3½ billion or $4 billion and overall assets amount to $6½ or $7 billion. In the building field, when there is a construction loan on houses or buildings, you know that a mechanic's lien comes first. Laborers might have a prior lien for their salary in this instance. The court might give them preference over the Government.

But I am just expressing my personal opinion. Others may differ with me completely. But I do not think we can cut out the salaries of people who have earned them. I do not think we can answer that without getting into court, however, the bill says that we will have a prior lien on all the assets. That is what the bill says.

As I say, I am expressing my personal opinion and that is the way I interpret it.

Mr. YATES. If the bill says that, would this not put the duty on the trustees to require that the Government obtain a prior lien in order to obtain the money?

Mr. SMITH of California. You cannot tell what the wages might be as time goes on. If there are certain mortgages, they will have to be taken off the record. This places it first—and the mortgages will have to be rerecorded. It is not too easy to do that.

Of course, the trustees is under the direction of the court and I think they are very capable men from what I understand, and I do hope they can work out of this very difficult situation.

Mr. EVANS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. EVANS of Colorado. Is it your understanding that the provisions of this bill require positive action on the part of the current mortgage holders to subordinate their mortgages to the Government certificates?

Mr. SMITH of California. I do not find anything in the language that says action like that has to take place so far as I can see.

The language says that it is a first lien.

Mr. EVANS of Colorado. Would it be your interpretation of the legislation that this would have to be done?

Mr. SMITH of California. All I can say is that I have expressed my personal opinions on the legal interpretation, but I believe the gentleman from West Virginia will explain it. He is much more knowledgeable than I am.

Mr. EVANS of Colorado. I thank the gentleman.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield to the gentleman from Montana (Mr. MELCHER) for 7 minutes.

Mr. MELCHER. Mr. Speaker, yesterday, late in the day, I inserted a short statement on the proposed Guaranteed Loan Bill for Bankrupt Railroads to call attention of the House to the extremely dubious nature of such a proposition. With very limited study and with the scandals of the management of Penn-Central and its numerous subsidiaries I stated then, and I repeat now, it would be a wiser course for the House to refuse to consider the bill or if it is considered, to soundly beat it.

I have no doubt of the sincerity of the Committee in responding to the urgency of the Penn-Central Railroad continuing in operation, and I do not question the integrity of the trustees of the railroad who have appeared before the Senate Committee and the House Interstate and Foreign Commerce Committee requesting immediate action by Congress to guarantee loans without which the trustees claim, the Penn-Central Railroad will cease operation within 30 to 45 days. The trustees urge Congress to guarantee loans up to $125 million for the Penn-Central immediately, and frankly state that a like amount will be needed before spring to keep the railroad in operation.

I have reviewed the testimony, and I have noted in their presentation a refusal by the Philadelphia Federal Reserve Bank to extend credit to the railroad under existing conditions under any terms. The trustees' testimony before both the House and Senate committee is to the effect that no banking interests will extend credit to the Penn-Central. Attachment A, sheets 3 and 4 of the testimony of the trustees before the Senate committee are pertinent for consideration by the House. And I quote:

> The key unit in what is loosely referred to as the Penn-Central is the Penn-Central Transportation Company which on June 21, 1970, filed for reorganization under Section 77 of the Bankruptcy Act. We hold the property of the Transportation Company as trustees responsible to Judge Fullam for the conduct of its business—

I am continuing to quote:

> All the stock of the Transportation Company is owned by Penn-Central Company. . . . Penn-Central Company is not in bankruptcy.
>
> Penn-Central Transportation Company owns and operates the Penn-Central Railroad. In addition, it has a controlling interest in over 100 subsidiary corporations. It has large holdings in non-transportation properties, chiefly real estate. Its ownership includes, for example, 5 large New York City hotels and, through a subsidiary corporation, a substantial interest in Executive Jet Aviation, Incorporated.
>
> The largest Penn-Central Transportation Company subsidiary is the Pennsylvania Company in which Penn-Central Transportation Company holds 100 percent of the common stock, the preferred stock being held publicly.

Mr. Speaker, sheets 3 and 4 list some of the subsidiaries of the Pennsylvania Company, but not all, and frankly states that the largest subsidiary controlled by Penn-Central Transportation Co. also holds "sub-subsidiary" corporations under them, and concludes on page 3 with this sentence:

> Pennsylvania Company is not in bankruptcy.

At the top of the vast holdings is the Penn-Central Co., the holding company, which is not affected by Judge Fullam's jurisdiction, and whose stock is traded on the New York Stock Exchange currently at 5⅞. In the middle is the Penn-Central Transportation Co., which is under the jurisdiction of Judge Fullam, and whose actions are controlled by the trustees. The assets of this company, as of September 30 of this year, are listed as $4.6 billion, with an equal amount of liabilities.

Included in these assets is the Pennsylvania Co., which is not in bankruptcy, and whose preferred stock, which is owned publicly, is traded regularly currently at $43½, and which paid a dividend on July 15 of this year of $1.15⅝ on the publicly owned stock.

Mr. Speaker, the scandals involved in the mismanagement of the Penn-Central holdings are beginning to unfold, one aspect which currently is being investigated by the House Banking and Currency Committee. In another action reported by the Washington Star, a lawsuit has been filed in the U.S. District Court in Philadelphia by two bondholders of the Pennsylvania Company accusing 10 banks and officials of using their inside knowledge in financial affairs of the bankrupt Penn-Central Transportation Co. in an attempt to keep the railroad solvent temporarily while they liquidated their holdings.

I remind the Members of the House the Pennsylvania Co. is not in bankruptcy. It is not subject to jurisdictions of Judge Fullam. It is not subject to the control of the trustees.

Mr. Speaker, all of the Penn-Central conglomerate from top to bottom should be considered as one pot and all of the assets should be in this one pot to keep the Penn-Central Railroad running. The holding company, the subsidiary corporations, and the "sub-subsidiary" corporations, whatever their assets are, should be under the jurisdiction, the surveillance and the tight control of the court and the trustees before this House should give any consideration to guaranteeing the loans. Rather than considering this bill, the House should pass a resolution calling for sweeping investigations to unravel the entwined holdings and manipulations that have led to this sorry condition of an important segment of our transportation industry. It is true that continuing operation of this railroad company is in the national interest.

But, "Fools rush in where angels fear to tread." Under the conditions that exist and the scandals that have unfolded and probably will continue to unfold, prudent banking interests of this country refuse to participate in loans to this giant.

Guaranteeing a loan as provided in this bill is no less a risk to the taxpayer of this country than would an outright loan be under the same conditions stipulated. I do not pretend to present to the House all of the possible abuse of public trust that has been or is now being consummated within the tangled web of corporate holdings involved in the Penn-Central, but I do strongly urge that no action be taken by Congress to guarantee loans until first all of the assets are pooled together under jurisdiction of the court and are used for furtherance of running the railroad.

I call for House investigation of all aspects of the management of the various holdings of the company. I point out that congressional surveillance is also needed of the Interstate Commerce Commission handling of this affair. The trustees, in their testimony, pointed out that while the management of the Penn-Central Railroad showed $83 million lost in 1969, that they find that 1970 losses will be swollen to nearly $350 million and that the report to the ICC of the 1969 losses were "dubious allies of the truth." There is apparent need for better and more accurate reporting to the Interstate Commerce Commission by railroads if the charge leveled by the trustees against the management of Penn-Central's 1969 loss figure is accurate.

In essence, Mr. Speaker, we do not have all the facts to judge the capability of Penn-Central Holding Co. and the Pennsylvania Co.—the other portion of the holdings that is not in bankruptcy—to provide additional funds to run a railroad. Until these facts are presented, would be derelict and foolish to start guaranteeing loans to this mess. We do have the responsibility for the good of the country to investigate all of its shortcomings, all of the mismanagement, and to insist that all of the holdings be placed in the same pot under the scrutiny of the court and under jurisdiction of the trustees.

Until this is done I call for defeat of the bill.

I submit for the record attachment A, sheets 3 and 4—chart sheet 4 not printed in the Record—of the testimony of the trustees before the Senate Commerce Committee. These are the sheets previously referred to.

PENN CENTRAL CORPORATE STRUCTURE

The key unit in what is loosely referred to as "Penn Central" is the *Penn Central Transportation Company* (PCTC, or "the transportation company") which resulted from the merger, in February 1968, of the Pennsylvania Railroad Company and the New York Central Railroad Company. This is the company which on June 21, 1970, filed for reorganization under Section 77 of the Bankruptcy Act. We hold the property of the transportation company as Trustees, responsible to Judge Fullam for the conduct of its business. Its Board of Directors no longer operates the Company.

All of the stock of the transportation company is owned by *Penn Central Company*, which was set up in October 1969. Its principal asset is the stock of PCTC.

Penn Central Company is not in bankruptcy; it exercises no control over PCTC, nor do the Trustees exercise any control over the holding company.

PCTC owns and operates the Penn Central railroad. In addition, it has a controlling interest in over a hundred subsidiary corporations. Some of these are railroad companies, others are not.

PCTC has large holdings in non-transportation properties, chiefly real estate. Its ownership includes, for example, five large New York City hotels and, through a subsidiary corporation, a substantial interest in *Executive Jet Aviation, Inc.* The largest PCTC subsidiary is the *Pennsylvania Company*, in which PCTC holds 100 percent of the common stock (the preferred stock being held publicly). Pennsylvania Company in turn holds a controlling interest in a number of subsidiaries, of which the largest are: *Buckeye Pipe Line Company; Great Southwest Corporation; Arvida Corporation*. Pennsylvania Company also owns, in conjunction with the transportation company, a 24 percent interest in *Madison Square Garden Corporation*. Its various other holdings include several rail companies that operate as an integral part of the Penn Central railroad network. The largest subsidiaries controlled by Pennsylvania Company also have "sub-subsidiary" corporations under them. Pennsylvania Company is not in bankruptcy.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. MELCHER. I yield to the gentleman from New York, the chairman of the Committee on the Judiciary.

Mr. CELLER. Mr. Speaker, what the gentleman says concerning investigation may be proper and true, but what if the railroads stop and we have this cataclysmic result in the various cities and States while the investigation is going on?

Mr. MELCHER. I am sensitive to and cognizant of the very serious nature of the proposals here, but I must admit that I would prefer to remain untainted and unstigmatized by the scandals that are being unfolded before this country on this particular corporation and all its holdings. Until all of the assets and holdings of the conglomerate are used to operate the railroad under jurisdiction of the court and trustees, we cannot be certain that loan guarantees are the right course for Congress.

Mr. O'NEILL of Massachusetts. Mr. Speaker, may I say to the House that there is no question, as I said at the outset, that the management of Penn Central is in a muddled mess. There is no question there were scandals there. There is no question about the irregularities and evils. I do not declare myself to be any kind of expert with respect to financial matters of corporations. I think the gentleman from Montana is not a financial expert, either, and I think he is greatly confused. I think, for example, the Penn Central Co. is not in bankruptcy. The Penn Central Co. is not in bankruptcy, I repeat. The Penn Central Co. has assets between $6 and $6½ to $7 billion. They own all the stock of the Pennsylvania Central Transportation Co., which is about $4½ billion, which is in bankruptcy. That is in bankruptcy. The whole empire would go down the drain if we did not have action of this type today.

How did the railroad get itself into such condition? It was not only because of poor management, but we also passed legislation a couple of weeks ago which added $48 million to what they have to pay because of the increase. By the order of the ICC in their merger they had to include the New York, New Haven & Hartford Railroad, bringing them added millions of dollars of losses each year.

There is no question that the U.S. Government is not going to lose one dime in this transaction. There is no question, further, that this is going to tie the economy of the United States into futile knots if we do not pass this legislation today.

So, Mr. Speaker, with that statement I will yield to the gentleman from Washington (Mr. Adams) for 6 minutes.

(Mr. ADAMS asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. ADAMS. Mr. Speaker, I had not intended to speak on the rule, but the remarks which have been made make it apparent to me that the House must have a clear picture of what is the crisis at the Penn Central, so I will place in the RECORD at this time the report of the trustee and balance sheet of the Penn Central Transportation Co., assets and liabilities; the income statement of the Penn Central Transportation Co., indicating through September of this year a cash loss of $233,691,065; and a chart which will show the flow of funds through this corporation and the forecast for the years 1970 and 1971.

The information is as follows:

ATTACHMENT C

PENN CENTRAL TRANSPORTATION CO., DEBTOR

GENERAL BALANCE SHEET

[In accordance with regulations of the Interstate Commerce Commission]

	Sept. 30, 1970	Dec. 31, 1969
ASSETS		
Current assets:		
701 Cash (in transit $4,094,256; 1969—$13,484,465)	$43,839,700	$61,117,923
702 Temporary cash investments	211,882	10,077,775
703 Special deposits	842,933	9,135,779
704 Loans and notes receivable	1,332,232	1,495,183
706 Net balance receivable from agents and conductors	101,800,349	92,258,004
707 Miscellaneous accounts receivable	79,510,703	58,854,455
708 Interest and dividends receivable	4,083,335	5,019,842
709 Accrued accounts receivable	175,716,827	135,553,420
710 Working fund advances	1,543,954	1,307,879
711 Prepayments	3,303,145	6,903,184
712 Material and supplies	85,998,488	89,669,579
713 Other current assets	8,292,411	6,421,902
Total current assets	506,475,959	477,814,925
Special funds:		
715 Sinking funds	609	609
716 Capital and other reserve funds (excludes company's issues $4,293,320: 1969–$5,422,071)	24,383,238	6,619,024
717 Insurance and other funds	11,992,641	13,083,267
Total special funds	36,376,488	19,702,900
Investments:		
721 Investments in affiliated companies:		
Stock.		
Leased railroads	550,440,239	550,043,865
Other railroads	88,151,380	91,522,530
Pennsylvania Company	118,278,014	118,278,014
Other companies	29,880,129	31,546,379
Bonds, notes, and advances:		
Leased railroads	119,665,028	186,020,502
Other railroads	117,516,030	102,354,231
Other companies	91,834,362	73,478,895
Total investments in affiliated company	1,115,765,182	1,153,244,416
722 Other investments:		
Stock:		
Railroads	4,385,841	4,385,841
Madison Square Garden Corp	11,499,995	11,499,995
Other companies	427,863	427,835
Bonds, notes and advances:		
Railroads	4,497,821	4,467,607
Other companies	3,035,725	2,497,218
Total other investments	23,847,245	23,278,496
723 Reserve for adjustment of investment in securities—Cr	17,591,229	
Total investments	1,122,021,198	1,176,522,912
Properties:		
731 Road and equipment property:		
Road	1,849,865,167	1,833,946,687
Equipment	1,692,621,696	1,725,339,946
Other property accounts	(12,066,402)	(14,173,342)
	3,530,420,461	3,545,113.291
732 Improvements on leased property:		
Road	265,622,336	263,695,436
Equipment	3,440,594	3,529,793
General expenditures	4,852,976	4,854,626
Total	273,915,906	272,079,855
Total transportation property	3,804,336,367	3,817,193,146
735 Accrued depreciation—Road and equipment	(884,196,277)	(875,534,971)
736 Amortization of defense projects—Road and equipment	(40,079,586)	(41,545,417)
Recorded depreciation and amortization	(924,275,863)	(917,080,388)
Total transportation property less recorded depreciation and amortization	2,880,060,504	2,900,112,758
737 Miscellaneous physical property	$97,606,515	$96,050,816
738 Accrued depreciation—Miscellaneous physical property	(42,912,281)	(41,223,764)
Miscellaneous physical property less recorded depreciation	54,694,234	54,827,052
Total properties less recorded depreciation and amortization	2,934,754,738	2,954,939,810
Other assets and deferred charges:		
741 Other assets	17,691,826	35,859,113
742 Unamortized discount on long-term debt	1,244,836	1,406,522
743 Other deferred charges	39,410,901	39,511,978
Total other assets and deferred charges	58,347,563	70,777,613
Total assets	4,657,975,946	4,699,758,160
LIABILITIES AND SHAREHOLDERS' EQUITY		
Current liabilities:		
751 Loans and notes payable	36,430,000	102,048,000
752 Traffic and car service balance—Cr	11,093,093	3,378,136
753 Audited accounts and wages payable	162,457,183	43,317,081
754 Miscellaneous accounts payable	30,134,392	25,595,191
755 Interest matured unpaid	15,182,652	12,720,449
756 Dividends matured unpaid	312,904	10,805
757 Unmatured interest accrued	3,351,340	15,428,097
758 Unmatured dividends declared	119,366	162,917
759 Accrued accounts payable	286,686,512	230,499,421
760 Federal income taxes accrued	667,857	357,662
761 Other taxes accrued	57,918,705	39,784,234
763 Other current liabilities	44,676,641	10,153,259
Total current liabilities	649,030,645	483,455,252
Long-term debt due within 1 year:		
764 Equipment obligations and other debt	96,516,017	106,058,013
Long-term debt due after 1 year:		
765 Funded debt unmatured	1,088,010,225	1,140,722,655
766 Equipment obligations	457,468,766	493,862,259
768 Debt in default	108,524,137	
769 Amounts payable to affiliated companies	127,277,433	118,710,975
Total long-term debt due after 1 year	1,781,280,561	1,753,295,889
Reserves:		
771 Pension and welfare reserves	6,195,272	6,646,084
772 Insurance reserves	5,169,239	5,489,319
774 Casualty and other reserves	147,177,734	161,028,212
Total reserves	158,542,245	173,163,615
Other liabilities and deferred credits:		
781 Interest in default	26,893,608	
782 Other liabilities	27,509,287	28,797,678
783 Unamortized premium on long-term debt	72,116	75,911
784 Other deferred credits	57,361,601	61,399,187
785 Accrued depreciation—Leased property	168,291,695	167,343,379
Total other liabilities and deferred credits	280,128,307	257,616,155
Shareholders' equity:		
791 Capital stock issued	241,137,030	241,137,030
Capital surplus:		
794 Premiums and assessments on capital stock	87,610,462	87,610,462
795 Paid-in surplus	1,002,403,106	1,002,403,106
Total capital surplus	1,090,013,568	1,090,013,568
Retained income:		
797 Retained income—Appropriated		1,422,000
798 Retained income—Unappropriated	361,327,573	593,596,638
Total retained income	351,327,573	595,018,638
Total shareholders' equity	1,692,478,171	1,926,169,236
Total liabilities and shareholders' equity	4,657,975,946	4,699,758,160

Notes: (1) The above statement is presented in accordance with accounting regulations of the Interstate Commerce Commission and such regulations do not agree in certain respects with generally accepted accounting principles. (2) The transportation company's results of operations are included without adjustment, except as described in note 3 below, which ultimately may result from the company's entry into reorganization under the Bankruptcy Act on June 21, 1970. These results include the period prior to the appointment of the Trustees in Reorganization and for this prior period do not constitute the report of the Trustees. Debt in default classified in the balance sheet represents obligations not paid on their scheduled maturity dates. The payment of certain debt obligations has been deferred by court order. The reorganization proceedings have resulted in technical defaults on substantial additional portions of the transportation company's debt. (3) Provision, in the estimated amount of $17,591,229 is made for impairment in value of investments in Lehigh Valley Railroad, which entered reorganization July 24, 1970, under the Bankruptcy Act, and incidental holdings as to which realization has become doubtful since reorganization of the Penn Central Transportation Co.

PENN CENTRAL TRANSPORTATION COMPANY, DEBTOR

INCOME STATEMENT

[In accordance with regulations of the Interstate Commerce Commission]

	Jan. 1 to Sept. 30		September	
	1970	1969	1970	1969
Railway operating revenues:				
Freight	$1,053,823,896	$989,486,094	$115,922,114	$114,194,831
Passenger	108,626,187	109,938,203	11,270,918	11,472,045
Mail	33,409,160	41,849,461	3,990,351	4,363,055
Express	1,885,276	2,461,881	349,483	68,857
Switching	16,348,680	16,358,503	1,774,414	1,921,198
Demurrage	22,071,938	17,220,230	2,580,490	2,509,236
All other	41,300,199	45,028,249	4,561,578	7,314,189
Total	1,277,465,336	1,222,342,621	140,449,348	141,843,411
Railway operating expenses:				
Maintanance of way and structures	164,851,598	137,084,547	17,941,129	13,596,665
Maintenance of equipment	242,760,645	203,855,062	24,559,342	21,969,492
Traffic	17,119,742	17,980,990	1,793,894	2,000,769
Transportation	665,377,830	588,807,728	71,615,810	65,562,381
Miscellaneous operations	8,310,875	8,866,785	828,573	895,358
General	80,192,250	74,953,787	8,498,213	8,419,059
Total	1,178,612,940	1,031,548,899	125,236,961	112,443,724
Net revenue from railway operations	98,852,396	190,793,722	15,212,387	29,399,687
Railway tax accruals	113,140,290	84,103,383	11,958,748	12,127,688
Hire of equipment—Debit balance	148,655,983	135,484,913	19,002,322	12,832,019
Joint facility rents—Debit balance	3,605,122	3,572,925	418,444	280,699
Net railway operating income (loss)	(166,548,999)	(32,367,499)	(16,167,127)	4,159,281
Other income:				
Revenue from miscellaneous operations		146,539		
Income from lease of road and equipment	148,088	204,539	9,910	20,677
Miscellaneous rent income	8,862,103	8,598,546	1,110,526	928,025
Income from nonoperating property	14,748,925	15,595,752	1,494,753	1,761,810
Separately operated properties—Profit	54,751	3,687	6,084	
Dividend income	18,705,676	53,477,774	444,907	14,173,220
Interest income	3,935,127	3,247,745	399,033	483,771
Income from sinking and other reserve funds	1,066,240	542,375	152,812	52,544
Release of premiums on funded debt	$3,796	$3,850	$422	$427
Miscellaneous income	19,894,680	7,390,961	624,411	1,789,292
Total other income	67,419,386	89,211,768	4,242,858	19,209,766
Total income (loss)	(99,129,613)	56,844,269	(11,924,269)	23,369,047
Miscellaneous deductions from income:				
Expenses of miscellaneous operations		29,335		975
Taxes on miscellaneous operating property	41,428	41,435	3,980	5,828
Miscellaneous rents	537,676	563,600	45,922	28,965
Miscellaneous tax accruals	1,184,208	1,182,602	131,490	146,546
Separately operated properties—Loss	2,697,064	3,328,194	272,249	812,734
Maintenance of investment organization	1,066,821	944,376	117,371	68,993
Income transferred to other companies	367,592	179,744	25,354	92,101
Miscellaneous income charges	18,952,705	2,009,752	174,994	317,434
Total miscellaneous deductions	24,847,494	8,279,038	771,360	1,473,576
Income (Loss) available for fixed charges	(123,977,107)	48,565,231	(12,695,629)	21,895,471
Fixed charges:				
Rent for leased roads & equipment	24,547,656	19,885,737	2,959,303	2,284,641
Interest on funded debt:				
Fixed interest not in default	52,054,400	61,843,491	4,205,542	7,778,036
Interest in default	25,815,499		4,521,400	
Interest on unfunded debt	6,964,805	6,763,574	351,921	1,101,271
Amortization of discount on funded debt	331,598	286,965	26,803	28,120
Total fixed charges	109,713,958	88,779,767	12,064,969	11,192,068
Ordinary income (Loss)	(233,691,065)	(40,214,536)	(24,760,598)	10,703,403
Prior period items		(8,817,778)		(8,817,778)
Net income (Loss)	(233,691,065)	(49,032,314)	(24,760,598	1,885,625

NOTES

1 The above statement is presented in accordance with accounting regulations of the Interstate Commerce Commission and such regulations do not agree in certain respects with generally accepted accounting principles.

2 The transportation company's results of operations are included without adjustment, except as described in note 3 below, which ultimately may result from the company's entry into reorganization under the Bankruptcy Act on June 21, 1970. These results include the period prior to the appointment of the Trustees in Reorganization and for this prior period do not constitute the report of the Trustees.

Interest in default provided in the income statement represents interest on obligations not paid on their scheduled maturity dates. The payment of certain debt obligations has been deferred by court order. The reorganization proceedings have resulted in technical defaults on substantial additional portions of the transportation company's debt.

3. Provision, in the estimated amount of $17,591,229 is made for impairment in value of investments in Lehigh Valley RR., which entered reorganization July 24, 1970, under the Bankruptcy Act, and incidental holdings as to which realization has become doubtful since reorganization of the Penn Central Transportation Co.

ATTACHMENT B

SOURCE AND APPLICATION OF FUNDS (IN ACCORDANCE WITH REGULATIONS OF THE INTERSTATE COMMERCE COMMISSION)

[In millions of dollars]

	1971		
	Advance financial plan	Advance[1] financial plan	1970 forecast
Source:			
Net ordinary earnings (loss) for company	(188.2)	(47.5)	(300.9)
Adjustments to Earnings:			
Depreciation	96.3	96.3	97.9
Deferral of payments—Reorganization	174.9	174.9	87.5
Accounts payable increase			92.0
Accrual for anticipated wage increases			46.5
Other adjustments to earnings	(8.9)	(8.9)	30.9
Totoal adjustments	262.3	262.3	354.8
Net cash provided by operations	74.1	214.8	53.9
Other sources:			
Proceeds from sale of property and salvage	35.9	35.9	32.5
Government contribution, Northeast corridor	1.5	1.5	4.6
Passenger service subsidies	8.3	28.3	
Other			(14.4)
Subtotal	65.7	65.7	22.7
Total source other than financing	139.8	280.5	76.6
Application:			
Capital program—equipment	14.7	14.7	13.0
Capital program—road	74.6	74.6	68.0
Debt retirement (1971—equipment only)	63.0	63.0	89.3
Debt service—commercial paper			21.9
Merger reserve	10.0	10.0	16.4
Retroactive wage payment for 1970	46.5		
Passenger service expenses net of revenues	28.3	28.3	
Other			25.2
Total application	237.1	190.6	233.8
Net increase (decrease) in cash—other than financing	(97.3)	89.9	(157.2)
Cash at beginning of year	20.5	20.5	58.0
Financing to maintain cash balance	97.3		119.7
Cash at end of year	20.5	110.4	20.5

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[1] These figures exclude any increase in current rate of pay and any retroactive adjustment for labor agreements not settled as of this date.

Note: The above figures, for 1971, do not include a $183,500,000 capital equipment program that needs to be financed. The 1970 forecast does not include capital equipment financing of $112,300,000 of which $75,500,000 has been secured.

In reply to my very good friend from Montana—and he is my very good friend—I want to point out that the purpose of this legislation is to provide that you gentlemen will not be required on the 8th of January, approximately, of next year, either to require nationalization of the railroads, to put troops on the railroads, or in some other fashion to make this railroad run.

This is not a crisis of the type which is generally referred to in bankruptcy of not having enough assets as opposed to liabilities. The trustees believe there are sufficient assets. As they drive through these corporate shells and sue the various people involved these assets will come in.

This is the testimony of Mr. Willard Wirtz, who is one of the trustees, and also the testimony of Mr. Langdon. I have no reason to question these men; and I want to state that no one else has questioned their facts.

The Department of Transportation came in to testify, through Secretary Volpe. He supports what we have done.

The ICC came in to testify, and they do, too. I mention the ICC, because they have charge of watching these accounts and these balances as they go up and down.

Here is the problem. They have to meet a payroll on January 6. Their balance, according to every prognostication which they can make—and this is the way they do it—is that they take in about $8 million a day and they spend about $8 million a day, which means they have to have a bank balance of about $8 million, or people do not honor their checks.

I am talking about the trustees now. They are not paying local taxes. They are not paying interest. They are not making any payments of that nature, because they are under the control of the bankruptcy court. But they do have to pay their men. Their men demand cash.

According to the testimony, on January 7 they will have a payroll of $3.3 million, and on that day with the other receipts and disbursements they will end up with a balance of $6.1 million. On January 8 they will have paychecks of $7.4 million. That brings it down, with the other receipts and disbursements, to $2.2 million.

One can argue about the day, but at some point in the early part of January they will run out of cash to pay their men.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Indiana.

Mr. JACOBS. The gentleman is referring to the fact that this bankruptcy corporation will have to pay its men. How much does the head man draw while this railroad is in bankruptcy?

Mr. ADAMS. All the former head men that have been in it have been fired.

I will have to refer to the chairman for the exact amount the man running it today is being paid. He just came in from the Southern Railroad.

Mr. STAGGERS. The gentleman who has been brought in to run this railroad, Mr. William Moore from the Southern Railway, is one of the finest railroad men, I understand, in America. His salary under the trustees will be $165,000 a year.

Mr. JACOBS. What about the President who has retired? Is he not drawing a retirement pension of about a quarter million dollars a year?

Mr. ADAMS. No, he is not. That retirement pension is presently in litigation, and the trustees have indicated they will pursue all the appropriate remedies in bankruptcy court against all the individuals involved. They already have cut off the $250,000 pension that had been voted in the past, to answer the gentleman's question specifically.

Mr. JACOBS. The head man for the railroad, in effect, now is working for the trustees in bankruptcy; is that correct?

Mr. ADAMS. That is correct.

Mr. JACOBS. Therefore he is in the nature of a public servant, and he is drawing $165,000?

Mr. ADAMS. That is correct.

Mr. JACOBS. And they still owe money on the pictures of the girls, I understand.

Mr. ADAMS. That is a different part of the corporate enterprise and this man was not in control of the corporation then. We are certainly willing to discuss that when we get into the Committee of the Whole.

Now, in conclusion—and we are going into this in greater detail in the Committee of the Whole House on the State of the Union, but I want to assure the gentleman from Montana that I do understand his concern that these are treated as trustee certificates under title 11, United States Code, section 205, which provides that these are expenses of administration. That is why they come ahead of secured creditors.

Lawyers in the House can argue about this if they want to do so, but in the past this has been done and it has been successfully done. These trustee certificates are credit instruments issued by the Treasury which would be guaranteed by the Government. There is a great amount of insulation.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. Yes; I yield to the gentleman from Ohio.

Mr. VANIK. I have two questions to propound to the gentleman from Washington.

Under the provisions of this bill the gentleman stated that the Secretary shall not guarantee any certificate unless the certificate is treated as an expense of administration and receives the highest lien on the railroad property and priority and payment under the Bankruptcy Act. Nothing we do in this bill can change anything under the Bankruptcy Act having to do with the bankruptcy law.

Mr. ADAMS. We are not undertaking to change all the parts of the Bankruptcy Act. We have not chosen that course. We have taken the course of instructing the Secretary as to when and whether he shall guarantee, and the judge must approve these as expenses of administration before they are issued.

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman from Washington has expired.

Mr. SMITH of California. Mr. Speaker, I yield the gentleman 2 minutes.

Mr. ADAMS. I thank the distinguished gentleman from California for yielding to me this additional time.

Mr. VANIK. Mr. Speaker, will the gentleman yield further?

Mr. ADAMS. Yes; I yield further to the gentleman from Ohio.

Mr. VANIK. I would like to say that my concern is that this provision, notwithstanding that the courts may decide—and there may be court litigation on the validity of the priority of the lien and the Government's right to protect itself, may be adversely affected by court decisions which may say that we do not have the priority that we believe we have.

Mr. ADAMS. All I can say to the gentleman from Ohio is that we have checked the court decisions which are most recent and they indicate that certificates can be issued and guaranteed. Of course, there can always be a lawsuit.

Mr. VANIK. If there is a pay out under the guarantee from where will the funds come? Where will the money have to come from to pay off in the event there is a claim under the guarantee?

Mr. ADAMS. That must then come from appropriations by coming to the Congress and by our saying we appropriate so much with which to pay the lawsuits.

Mr. VANIK. Would that be in a general appropriation bill or would it be in the budget under a specific governmental department?

Mr. ADAMS. It could come up either way. My surmise would be that the Department of Transportation would come in with a request for an amount which it felt was necessary.

Mr. VANIK. Can the gentleman assure me that it will not come out of the Defense budget?

Mr. ADAMS. I cannot assure the gentleman of anything along that line, but I do not think so.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Texas.

Mr. GONZALEZ. We have talked about a salary of $165,000 for an official and then the name of a trustee was injected into this. How much of it would the trustees get?

Mr. ADAMS. I cannot answer that now but if you wish we will during general debate go into it in detail. There are four trustees and they are Mr. Willard Wirtz, George P. Baker, Richard C. Bond, and Jervis Langdon.

Mr. GONZALEZ. Are they not receiving about $75,000 a year?

Mr. ADAMS. My understanding is that they are. I might say to the gentleman that I do not either defend or advocate salaries for these people, but someone has got to run this railroad and you are going to have to pay someone to do it. I am not defending the past management.

All I can say is it is in bankruptcy, and that is all at this point we can do to it.

But, I want to say to the gentleman, and make very clear to the House, that prior to March 31 of this next year the House of Representatives and the other body, together with the executive departments, are going to have to decide what they want to do with this railroad. We are trying to carry it on until the Congress can come back and meet and decide what we want to do. And we will give full opportunity to the Members, and this Member pledges that: that there will be special orders taken where Members who oppose that can come in and take part, and make any proposals they might wish to make.

Mr. GONZALEZ. Mr. Speaker, all I can say is that this is a heck of a way to run a railroad.

Mr. ADAMS. I agree with the gentleman.

Mr. DELLENBACK. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Oregon.

Mr. DELLENBACK. Mr. Speaker, insofar as the matter of priorities is concerned, while there may be some legal questions raised on the basis of what we have done and what we will be striving to do with this legislation, and other existing rights which are already in existence, do I understand that it is the intention of this legislation to establish the very highest priority that we can do, that we can establish, insofar as the claims of the Government are concerned?

Mr. ADAMS. The gentleman is correct.

Mr. DELLENBACK. I ask the question for the purpose of establishing legislative intent, so that in the event there ever is a court test, to the maximum degree we can do so by legislation we are striving to put the claims of the United States as security for these liens at the very top of the pile?

Mr. ADAMS. The gentleman is again correct.

Mr. DELLENBACK. Mr. Speaker, I thank the gentleman very much.

Mr. ADAMS. Mr. Speaker, I thank the gentleman from California for yielding me the extra time.

Mr. FRIEDEL. Mr. Speaker, I rise in wholehearted support of H.R. 19953, the Emergency Rail Services Act of 1970. The continuation of the essential rail passenger and freight service to the vital and dynamic northeastern portion of the United States is absolutely essential. My Subcommittee on Transportation and Aeronautics has heard from all of the various and concerned or affected groups who are vitally related to this important segment of our transportation system.

Perhaps the most telling testimony was given by Mr. Charles P. Roche, executive vice president of the Freight Forwarders Institute of America. The impact of curtailment of service to small shippers along the line of the Penn Central given by Mr. Roche certainly convinced me that the legislation now before us is absolutely necessary. We simply cannot allow the hundreds of thousands of people who earn their daily bread from business activities dependent on rail transportation to be unemployed.

Mr. Speaker, as the act itself states, this is an emergency situation. I urge all my colleagues to seriously consider only the fact and futures of the employees, small businessmen and small shippers who are dependent on this rail service when they vote on this emergency measure.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MELCHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 263, nays 30, answered "present" 1, not voting 139, as follows:

[Roll No. 448]

YEAS—263

Adams
Albert
Anderson, Calif.
Anderson, Ill.
Annunzio
Arends
Ashbrook
Beall, Md.
Belcher
Bennett
Betts
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Carey
Carney
Carter
Casey
Celler
Chamberlain
Cohelan
Collier
Collins, Tex.
Colmer
Conable
Conte
Corman
Coughlin
Crane
Culver
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Edwards, La.
Erlenborn
Esch
Eshleman
Evans, Colo.
Feighan
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frey
Fulton, Pa.
Fuqua
Gallagher
Garmatz
Gettys
Giaimo
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Gross
Grover
Gubser
Gude
Hagan
Halpern
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Hogan
Holifield
Horton
Hosmer
Howard
Hunt
Hutchinson
Ichord
Jarman
Jonas
Jones, N.C.
Karth
Kee
Keith
King
Kleppe
Kluczynski
Koch
Kuykendall
Kyros
Landgrebe
Lloyd
Long, Md.
Lowenstein
McCloskey
McClure
McDade
McFall
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Matsunaga
Mayne
Meeds
Minish
Mink
Minshall
Mizell
Mollohan
Morgan
Morse
Mosher
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patten
Perkins
Philbin
Pickle
Pirnie
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Robison
Rodino
Roe
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ryan
Satterfield
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Wampler
Ware
Watson
Watts
Weicker
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion

NAYS—30

Abernethy
Bevill
Blanton
Brinkley
Broomfield
Burton, Calif.
Chappell
Cleveland
Conyers
Eilberg
Gonzalez
Harrington
Hicks
Jacobs
Jones, Tenn.
Kastenmeier
Kazen
Kyl
Leggett
Melcher
Miller, Ohio
Nichols
Pike
Poage
Roberts
Sandman
Schmitz
Steed
Waldie
Whitten

ANSWERED "PRESENT"—1

Daniel, Va.

NOT VOTING—139

Abbitt
Adair
Addabbo
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Ashley
Aspinall
Ayres
Baring
Barrett
Bell, Calif.
Berry
Brasco
Brock
Brooks
Brown, Calif.
Broyhill, N.C.
Burke, Fla.
Burlison, Mo.
Burton, Utah
Button
Caffery
Camp
Cederberg
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Collins, Ill.
Corbett
Cowger
Cramer
Cunningham
Daddario
Delaney
Denney
Dent
Diggs
Dowdy
Dulski
Dwyer
Edwards, Calif.
Evins, Tenn.
Fallon
Farbstein
Fascell
Flynt
Foreman
Fraser
Friedel
Fulton, Tenn.
Galifianakis
Gaydos
Gibbons
Gilbert
Goldwater
Griffiths
Haley
Hall
Hanley
Hébert
Heckler, Mass.
Henderson
Hull
Hungate
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Landrum
Langen
Latta
Lennon
Long, La.
Lujan
Lukens
McCarthy
McClory
McCulloch
McDonald, Mich.
McEwen
McKneally
Martin
Mathias
May
Meskill
Michel
Mikva
Miller, Calif.
Mills
Mize
Monagan
Montgomery
Moorhead
Morton
Moss
Murphy, Ill.
O'Konski
Ottinger
Patman
Pelly
Pepper
Pettis
Powell
Pryor, Ark.
Rarick
Reifel
Rivers
Rogers, Fla.
Roudebush
Rousselot
Ruppe
Ruth
St Germain
Saylor
Schadeberg
Scherle
Shipley
Sikes
Sisk
Snyder
Steele
Steiger, Ariz.
Stephens
Sullivan
Symington
Tiernan
Tunney
Waggonner
Whalley
Winn
Wold
Wolff
Wright
Wyatt
Zwach

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Hall.

Mr. Waggonner with Mr. Cederberg.

Mr. Long of Louisiana with Mr. Snyder.

Mr. Caffery with Mr. Pettis.

Mr. Rarick with Mr. Bell of California.

Mr. Barrett with Mr. Andrews of North Dakota.

Mr. Addabbo with Mr. Clancy.

Mr. Symington with Mr. Wyatt.
Mr. Hull with Mr. Foreman.
Mr. Henderson with Mr. Winn.
Mr. Johnson of California with Mr. Johnson of Pennsylvania.
Mr. Brasco with Mr. McDonald of Michigan.
Mr. Brooks with Mr. Ayres.
Mr. Dent with Mr. Corbett.
Mr. Delaney with Mr. Latta.
Mr. Dulski with Mr. Rousselot.
Mr. Evins of Tennessee with Mr. Zwach.
Mr. Flynt with Mr. Reifel.
Mr. Fulton of Tennessee with Mr. Wold.
Mr. Gaydos with Mr. Adair.
Mrs. Griffiths with Mrs. Heckler of Massachusetts.
Mr. Hanley with Mr. McClory.
Mr. Abbitt with Mr. Goldwater.
Mr. Anderson of Tennessee with Mr. Berry.
Mr. Andrews of Alabama with Mr. Langen.
Mr. Alexander with Mr. Scherle.
Mr. Lennon with Mr. Pelly.
Mr. Tiernan with Mr. Lujan.
Mrs. Sullivan with Mrs. Dwyer.
Mr. Wolff with Mr. Broyhill of North Carolina.
Mr. Wright with Mr. Lukens.
Mr. Miller of California with Mr. Saylor.
Mr. Montgomery with Mr. Brock.
Mr. Monagan with Mr. Ruth.
Mr. Pryor of Arkansas with Mr. Denney.
Mr. Shipley with Mr. Steiger of Wisconsin.
Mr. Ashley with Mr. McCulloch.
Mr. Mikva with Mr. Clay.
Mrs. Chisholm with Mr. Rogers of Colorado.
Mr. McCarthy with Mr. Diggs.
Mr. Aspinall with Mr. Whalley.
Mr. Jones of Alabama with Mr. Cunningham.
Mr. Burlison of Missouri with Mr. Burke of Florida.
Mr. Moss with Mr. Steele.
Mr. Pepper with Mr. Schadeberg.
Mr. St Germain with Mr. Burton of Utah.
Mr. Sikes with Mr. McEwen.
Mr. Sisk with Mr. Don H. Clausen.
Mr. Stephens with Mr. O'Konski.
Mr. Haley with Mr. Morton.
Mr. Galifianakis with Mr. McKneally.
Mr. Fascell with Mr. Del Clawson.
Mr. Hungate with Mr. Martin.
Mr. Landrum with Mr. Mathias.
Mr. Dowdy with Mrs. May.
Mr. Edwards of California with Mr. Button.
Mr. Gibbons with Mr. Ruppe.
Mr. Fraser with Mr. Mize.
Mr. Patman with Mr. Roudebush.
Mr. Moorhead with Mr. Meskill.
Mr. Tunney with Mr. Cowger.
Mr. Brown of California with Mr. Michel.
Mr. Daddario with Mr. Cramer.
Mr. Mills with Mr. Camp.
Mr. Fallon with Mr. Gilbert.
Mr. Farbstein with Mr. Friedel.
Mr. Rivers with Mr. Ottinger.
Mr. Murphy of Illinois with Mr. Clark.

Mr. COHELAN and Mr. LANDGREBE changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 18582, FOOD STAMP ACT

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill, H.R. 18582, the food stamp bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT (H. REPT. NO. 91-1793)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 18582), to amend the Food Stamp Act of 1964, as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That section 2 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"SEC. 2. It is hereby declared to be the policy of Congress, in order to promote the general welfare, that the Nation's abundance of food should be utilized cooperatively by the States, the Federal Government, local governmental units, and other agencies to safeguard the health and well-being of the Nations population and raise levels of nutrition among low-income households. The Congress hereby finds that the limited food purchasing power of low-income households contributes to hunger and malnutrition among members of such households. The Congress further finds that increased utilization of food in establishing and maintaining adequate national levels of nutrition will promote the distribution in a beneficial manner of our agricultural abundances and will strengthen our agricultural economy, as well as result in more orderly marketing and distribution of food. To alleviate such hunger and malnutrition, a food stamp program is herein authorized which will permit low-income households to purchase a nutritionally adequate diet through normal channels of trade."

SEC. 2. (a). Section 9(e) of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"(e) The term 'household' shall mean a group of related individuals (including legally adopted children and legally assigned foster children) or non-related individuals over age 60 who are not residents of an institution or boarding house, but are living as one economic unit sharing common cooking facilities and for whom food is customarily purchased in common. The term 'household' shall also mean (1) a single individual living alone who has cooking facilities and who purchases and prepares food for home consumption, or (2) an elderly person who meets the requirements of section 10(h) of this Act."

(b) Add the following sentence at the end of subsection 3(f) of the Food Stamp Act of 1964, as amended: "It shall also mean a political subdivision or a private nonprofit organization that meets the requirements of section 10(h) of this Act."

(c) Subsection (j) of section 3 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"(j) The term 'State' means the fifty States and the District of Columbia, Guam, Puerto Rico, and the Virgin Islands of the United States.".

(d) Add the following new subsection at the end of section 3 of the Food Stamp Act of 1964, as amended:

"(l) The term 'elderly person' shall mean a person sixty years of age or over who is not a resident of an institution or boarding house and who is living alone, or with spouse whether or not be has cooking facilities in his home."

(e) Section 3 of the Food Stamp Act of 1964, as amended, is amended by adding the following new subsection:

"(m) The term 'authorization to purchase card' means any document issued by the State agency to an eligible household which shows the face value of the coupon allotment the household is entitled to be issued on presentment of such document and the amount to be paid by such household for such allotment."

SEC. 3. Subsections (a) and (b) of section 4 of the Food Stamp Act of 1964, as amended, are amended to read as follows:

"(a) The Secretary is authorized to formulate and administer a food stamp program under which, at the request of the State agency, eligible households within the State shall be provided with an opportunity to obtain a nutritionally adequate diet through the issuance to them of a coupon allotment which shall have a greater monetary value than the charge to be paid for such allotment by eligible households. The coupons so received by such households shall be used only to purchase food from retail food stores which have been approved for participation in the food stamp program. Coupons issued and used as provided in this Act shall be redeemable at face value by the Secretary through the facilities of the Treasury of the United States.

"(b) In areas where the food stamp program is in operation, there shall be no distribution of federally donated foods to households under the authority of any other law except that distribution thereunder may be made: (1) during temporary emergency situations when the Secretary determines that commercial channels of food distribution have been disrupted; (2) for such period of time as the Secretary determines necessary, to effect an orderly transition in an area in which the distribution of federally donated foods to households is being replaced by a food stamp program; or (3) on request of the State agency: *Provided*, That the Secretary shall not approve any plan established under this Act which permits any household to simultaneously participate in both the food stamp program and the distribution of federally donated foods under this clause (3)."

SEC. 4. Section 5 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"SEC. 5. (a) Except for the temporary participation of households that are victims of a disaster as provided in subsection (b) of this section, participation in the food stamp program shall be limited to those households whose income and other financial resources are determined to be substantial limiting factors in permitting them to purchase a nutritionally adequate diet.

"(b) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall establish uniform national standards of eligibility for participation by households in the food stamp program and no plan of operation submitted by a State agency shall be approved unless the standards of eligibility meet those established by the Secretary. The standards established by the Secretary, at a minimum, shall prescribe the amounts of household income and other financial resources, including both liquid and nonliquid assets, to be used as criteria of eligibility. Any household which includes a member who has reached his eighteenth birthday and who is claimed as a dependent child for Federal income tax purposes by a taxpayer who is not a member of an eligible household, shall be ineligible to participate in any food stamp program established pursuant to this Act during the tax period such dependency is claimed and for a period of one year after expiration of such tax period. The Secretary may also establish temporary emergency standards of eligibility, without regard to income and other financial resources, for households that are victims of a disaster which disrupted commercial channels of food distribution when he determines that such households are in need of temporary food assistance, and that commerical channels of food distribution have again become available to meet the temporary food needs of such households: *Provided*, That the Secretary shall in the case of Puerto Rico, Guam, and the Virgin Islands, establish special standards of eligibility and coupon allotment schedules which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Puerto Rico and the respective territories; except that in no event shall the standards of eligibility or coupon allotment schedules so used exceed those in the fifty States.

"(c) Notwithstanding any other provisions of law, the Secretary shall include in the uniform national standards of eligibility to be prescribed under subsection (b) of this section a provision that each State agency shall provide that a household shall not be eligible for assistance under this Act if it includes an able-bodied adult person betwen the ages of eighteen and sixty-five (except mothers or other members of the household who have the responsibility of care of dependent children or of incapacitated adults, bona fide students in any accredited school or training program or persons employed and working at least 30 hours per week) who either (a) fails to register for employment at a State or Federal employment office or, when impractical, at such other appropriate State or Federal office designated by the Secretary, or (b) has refused to accept employment or public work at not less than (i) the applicable State minimum wage, (ii) the applicable Federal minimum wage, (iii) the applicable wage established by a valid regulation of the Federal Government authorized by existing law to establish such regulations, or (iv) $1.30 per hour if there is no applicable wage as described in (i), (ii), or (iii) above. Refusal to work at a plant or site subject to a strike or a lockout for the duration of such strike or lockout shall not be deemed to be a refusal to accept employment."

SEC. 5. Subsections (a) and (b) of section 7 of the Food Stamp Act of 1964, as amended, are amended to read as follows:

"(a) The face value of the coupon allotment which State agencies shall be authorized to issue to any households certified as eligible to participate in the food stamp program shall be in such amount as the Secretary determines to be the cost of a nutritionally adequate diet, adjusted annually to reflect changes in the prices of food published by the Bureau of Labor Statistics in the Department of Labor.

"(b) Notwithstanding any other provision of law, households shall be charged for the coupon allotment issued to them, and the amount of such charge shall represent a reasonable investment on the part of the household, but in no event (2) more than 30 per centum of the household's income: *Provided,* That coupon allotments may be issued without charge to households with income of less than $30 per month for a family of four under standards of eligibility prescribed by the Secretary: *Provided further,* That the Secretary shall provide a reasonable opportunity for any eligible household to elect to be issued a coupon allotment having a face value which is less than the face value of the coupon allotment authorized to be issued to them under subsection (a) of this section. The charge to be paid by eligible households electing to exercise the option set forth in this subsection shall be an amount which bears the same ratio to the amount which would have been charged under subsection (b) of this section as the face value of the coupon allotment actually issued to them bears to the face value of the coupon allotment that would have been issued to them under subsection (a) of this section."

SEC. 6. (a) Subsection (c) of section 10 of the Food Stamp Act of 1964, as amended, is amended by inserting immediately preceding the first sentence the following: "Any household which is receiving public assistance and which makes application for the benefits of this Act shall be certified for eligibility solely by execution of an affidavit, in such form as the Secretary may prescribe, by the member of such household making application. Certification of a household as eligible in any political subdivision shall, in the event of removal of such household to another political subdivision in which the food stamp program is operating, remain valid for participation in the food stamp program for a period of sixty days from the date of such removal."

(b) Subsection (e) of section 10 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"(e) The State agency of each State desiring to participate in the food stamp program shall submit for approval a plan of operation specifying the manner in which such program will be conducted within the State, the political subdivisions within the State in which the State desires to conduct the program, and the effective dates of participation by each such political subdivision. In addition, such plan of operation shall provide, among such other provisions as may by regulations be required, the following: (1) the specific standards to be used in determining the eligibility of applicant households; (2) that the State agency shall undertake the certification of applicant households in accordance with the general procedures and personnel standards used by them in the certification of applicants for benefits under the federally aided public assistance programs; (3) safeguards which restrict the use or disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the provisions of this Act or the regulations issued pursuant to this Act; (4) for the submission of such reports and other information as from time to time may be required; (5) that the State agency shall undertake effective action, including the use of services provided by other federally funded agencies and organizations, to inform low-income households concerning the availability and benefits of the food stamp program and insure the participation of eligible households; and (6) for the granting of a fair hearing and a prompt determination thereafter to any household aggrieved by the action of a State agency under any provision of its plan of operation as it affects the participation of such household in the food stamp program. The State agency shall, notwithstanding any other provision of law, institute procedures under which any household participating in the food stamp program shall be entitled, if it so elects, to have the charges, if any, for its coupon allotment deducted from any grant or payment such household may be entitled to receive under any federally aided public assistance program and have its coupon allotment distributed to it with such grant or payment. In approving the participation of the subdivisions requested by each State in its plan of operation, the Secretary shall provide for an equitable and orderly expansion among the several States in accordance with their relative need and readiness to meet their requested effective dates of participation."

(c) Add the following new subsection to section 10 of the Food Stamp Act of 1964, as amended:

"(h) Subject to such items and conditions as may be prescribed by the Secretary in the regulations issued pursuant to this Act, members of an eligible household who are sixty years of age or over or an elderly person and his spouse may use coupons issued to them to purchase meals prepared for and delivered to them by a political subdivision or by a private nonprofit organization which: (1) is not receiving federally donated foods from the United States Department of Agriculture for use in the preparation of such meals; (2) is operated in a manner consistent with the purposes of this Act; and (3) is recognized as a tax exempt organization by the Internal Revenue Service: *Provided,* That household members or elderly persons to whom meals are delivered are housebound, feeble, physically handicapped, or otherwise disabled, to the extent that they are unable to adequately prepare all of their meals. Meals served pursuant to this subsection shall be deemed 'food' for the purposes of this Act."

SEC. 7. (a) Subsections (a) and (b) of section 14 of the Food Stamp Act of 1964, as amended, are amended as follows:

"(a) Nothwithstanding any other provisions of this Act, the Secretary may provide for the purchase, issuance or presentment for redemption of coupons to such person or persons, and at such times and in such manner, as he deems necessary or appropriate to protect the interests of the United States or to insure enforcement of the provisions of this Act or the regulations issued pursuant to this Act.

"(b) Whoever knowingly uses, transfers, acquires, alters, or possesses coupons or authorization to purchase cards in any manner not authorized by this Act or the regulations issued pursuant to this Act shall, if such coupons or authorization to purchase cards are of the value of $100 or more, be guilty of a felony and shall upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years or both, or, if such coupons or authorization to purchase cards are of a value of less than $100, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than $5,000 or imprisoned for not more than one year, or both."

(b) Section 14 of the Food Stamp Act as 1964, as amended, is amended by adding the following new subsection:

"(e) No person shall be charged with a violation of this or any other Act, or of any regulation issued under this or any other Act, or of any State plan of operation on the basis of any statements or information contained in an affidavit filed pursuant to section 10(c) of this Act, except for fraud."

SEC. 8. Subsection (b) of section 15 of the Food Stamp Act of 1964 as amended, is amended to read as follows:

"(b) The Secretary is authorized to pay to each State agency an amount equal to 62½ per centum of the sum of (1) the direct salary, travel, and travel-related cost (including such fringe benefits as are normally paid) of personnel, including the immediate supervisors of such personnel, for such time as they are employed in taking the action required under the provisions of subsection 10(e)(5) of this Act and in making certification determinations for households other than those which consist solely of recipients of welfare assistance; (2) the direct salary, travel, and travel-related costs (including such fringe benefits as are normally paid) of personnel for such time as they are employed as hearing officials under section 10 (e) of the Act."

SEC. 9. Section 16(a) of the Food Stamp Act of 1964, as amended, is amended by striking "$170,000,000 for the six months ending December 31, 1970" and inserting in lieu thereof "$1,750,000,000 for the fiscal year ending June 30, 1971; and for the fiscal years ending June 30, 1972 and June 30, 1973 such sums as the Congress may appropriate.".

And the Senate agree to the same.

W. R. POAGE,
JOHN L. MCMILLAN,
THOMAS G. ABERNETHY,
WATKINS M. ABBITT,
PAGE BELCHER,
CHARLES M. TEAGUE,
WILLIAM C. WAMPLER,
Managers on the Part of the House.

ALLEN J. ELLENDER,
SPESSARD L. HOLLAND,
HERMAN E. TALMADGE,
GEORGE D. AIKEN,
JACK MILLER,
CARL CURTIS,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 18582, to amend the Food Stamp Act of 1964, as amended, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The Senate struck out all after the enacting clause of H.R. 18582 and substituted a Senate amendment which, while dealing with the same subject matter, differed from it in a number of major respects. The amendment herewith reported embodies the agreement of the conferees on the various points of difference in the House bill and the Senate amendment and was agreed to by the conferees as a substitute for the Senate amendment.

The conference substitute generally follows the form and substance of the House bill but it incorporates the following provisions not included in the original House bill:

1. WORK AMENDMENT

The conferees modified the House language requiring certain unemployed able-bodied persons to register for and accept employment as a condition of eligibility for receiving food stamps. The conference substitute clarifies the persons and the jobs which are specifically covered by this provision. The substitute provides that certain able-bodied persons, including those employed and working for less than 30 hours per week, would be required to register for and to accept employment for jobs covered by State or Federal minimum wage laws or Federal wage regulations. In addition, the substitute makes it clear that any jobs which are not covered by such laws or regulations would not be considered available unless an hourly wage rate of $1.30 is provided. Thus under the terms of the substitute no person would be required to accept a job which paid less than (1) the applicable Federal minimum wage, (2) the applicable State minimum wage, (3) the applicable Federal regulation, or (4) $1.30 per hour if such job were not specifically included in items (1), (2), or (3) *supra*.

The conferees also wish to make clear their intention that the Secretary not impose a requirement for any person to accept a job which is located an unreasonable distance (such as in a distant State) from the residence of such person.

The conference substitute also makes it clear that the refusal to accept work at a plant or site which is subject to a lock-out is the equivalent to the refusal to accept work at a struck plant or site and thus will not, by itself, be the basis for denying food stamp assistance to any person.

In approving the substitute, the conferees were aware of the language included in other welfare and assistance plans. It is the recommendation of the conferees that in any future welfare legislation there should be a uniform application of "workfare" criteria. While it is hoped that the criteria established by this legislation will be the standard, the Agriculture Committees will consider in the future any necessary changes that might be needed to make such programs and the food stamp program consistent in regard to this important feature.

2. VALUE OF COUPON ALLOTMENT

The House bill established the value of the coupon allotment to food stamp recipients at a level which the Secretary finds will provide a "nutritionally adequate diet." The Department informed the Committee that this is currently $106 per month for a family of four. The Senate amendment proposed to establish a "low cost food plan" standard which the Department stated would require $134 per month for a family of four.

The conference substitute retains the House standards, but adopts the language of the Senate amendment requiring the Secretary of Agriculture to make an annual adjustment to reflect increases for food in the "Cost of Living" index published by the Department of Labor.

3. FREE STAMPS

The House bill prohibited free stamps and required a payment by recipients of 50 cents per person, up to a maximum of $3.00 for a family of six or more. The Senate amendment provided free stamps for the very poorest.

The conference substitute provides authority for the Secretary to give free stamps to those who are in the greatest need of assistance. The bill establishes the criteria that families of four persons having an income of less than $30 per month may receive free stamps. The conferees intend that the Secretary will set comparable free stamp benefits for families of more (or of less) than four persons as well as for individuals who are the very poorest.

4. AMENDING STATE PLANS

The House bill provided that State plans of operation approved by the Secretary prior to the date of enactment of this legislation would be specifically preserved, but could remain in effect for no more than 180 days after enactment of this legislation. The Senate amendment carried no comparable provision.

The conference substitute, like the Senate amendment, omits this provision because the conferees feel it is unnecessary. The conferees intend that all State plans which are in effect as of the date of enactment of this bill shall continue to be in effect until such time as they are changed in an orderly manner in accordance with the provisions of this Act.

5. DEFINITION OF HOUSEHOLD

The House bill did not alter the definition of "household" under section 3(e) of the Act. The conference substitute includes language which is designed to prohibit food stamp assistance to communal "families" of unrelated individuals.

The substitute, of course, contemplates that the term "related" shall apply to the relationship between married spouses and to such degree of blood relation and other legal relation (such as adoption and foster children) that the Secretary by regulation may prescribe. The requirement for household members to be related does not apply to persons over 60 years of age.

6. DEDUCTION FROM OTHER FEDERAL PAYMENTS

Under the House bill if a household so authorized it, the food stamp purchase requirements could be withheld from any Federal assistance payment. Under the Senate amendment and the conference substitute households may elect to have their purchase requirements deducted from any federally aided grant or public assistance payment and to have its coupon allotment distributed with its grant or payments.

7. STATE SHARING

The House bill required the several States to commence sharing in the bonus value of food stamps at the rate of 2½ percent the first year, followed by 2½ percent incremental increases until reaching a level of 10 percent State sharing in fiscal year 1974. The Senate amendment omitted this provision.

The conference substitute deletes this provision.

8. APPROPRIATIONS AUTHORIZATION

The House bill provided "open-end" authorizations for appropriations for the period beginning January 1, 1971, and ending June 30, 1973. The Senate bill provided appropriation authorization of $1.25 billion for FY 1970, $2.0 billion for FY 1971, and $2.5 billion for FY 1972.

The conference substitute provides for an appropriation authorization of $1.75 billion for FY 1971 (the present appropriation for FY 1971 is $1.42 billion) and such sums as may be necessary (i.e. an "open-end" authorization) for FY 1972 and FY 1973.

9. SELF-CERTIFICATION

The House bill did not contain any provision dealing with the self-certification of recipients. The Senate bill provided that certification would be executed by an affidavit carrying criminal responsibility for fraud.

With respect to public assistance recipients, the conference substitute adopts the Senate provision in regard to self-certification. The substitute leaves unchanged the Secretary's authority in regard to determining the eligibility of persons who are not receiving public assistance.

W. R. POAGE,
JOHN L. MCMILLAN,
THOMAS G. ABERNETHY,
WATKINS M. ABBITT,
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CHARLES M. TEAGUE,
WILLIAM C. WAMPLER,
Managers on the Part of the House.

EMERGENCY RAIL SERVICES ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19953) to authorize the Interstate Commerce Commisson to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 19953, with Mr. NATCHER in the Chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I yield myself whatever time I might require.

Mr. Chairman, I would just like to give a brief history of what is taking place here.

On Thursday, a week ago, two members of the trustees of the Penn Central came to my office, Mr. Wirtz and

Mr. Langdon. They told me that we are faced with an emergency which threatens this Nation's welfare and security. Unless necessary legislation is enacted by this Congress, there is the prospect bordering on certainty that before the 92d Congress can act the Penn Central Railroad system will have ceased operation.

I would like to illustrate what this could mean.

Over 90,000 persons now employed by the Penn Central would be out of work. Their annual wages amount to over $1 billion.

Coal mines in Illinois, Indiana, Ohio, Pennsylvania, and my own State of West Virginia would be without transportation service.

Each of the four major automobile producers would lose service to plants now served exclusively by the Penn Central.

A majority of the coal-burning electric power-generating plants of 48 utilities now served by the Penn Central would be without transportation service. This would affect the supply of electric power in Delaware, the District of Columbia, Illinois, Indiana, Maryland, Michigan, New Hampshire, New York, New Jersey, Ohio, and Pennsylvania.

Products from the west coast such as aluminum, canned goods, gypsum, lumber, plywood, pulp, dairy products, and produce, which move to eastern distribution or processing centers served exclusively by the Penn Central would be bottled up.

Thirty-four Army installations, 13 Navy installations, 12 Air Force bases, and certain other defense facilities now served exclusively by the Penn Central would be without rail service.

These are only illustrations of the problem; a detailed list would take hours.

As you know, the Penn Central Transportation Co. is under reorganization under section 77 of the Bankruptcy Act. The four trustees, with former Secretary of Labor Willard Wirtz acting as their spokesman, appeared before our Subcommittee on Transportation and Aeronautics last Tuesday. In effect they told us that the Penn Central Railroad will probably stop running within the next month or month and a half unless legislation like H.R. 19953 is enacted. They have explored every possibility of self-help and none of them can save the railroad. Secretary of Transportation Volpe and Dale Hardin, the Acting Chairman of the Interstate Commerce Commission, appeared before the subcommittee in the afternoon and concurred in the need for the legislation reported out by the Interstate and Foreign Commerce Committee.

This legislation would be administered by the Secretary of Transportation acting after consultation with the ICC. Its benefits would be limited to railroads in reorganization under section 77 of the Bankruptcy Act. This would cover three other railroads besides the Penn Central—the Central of New Jersey, the Boston & Maine and the Lehigh Valley.

The Secretary of Transportation would be authorized to guarantee the payment of certificates issued by the trustees of these railroads, but only after making detailed written findings required by the legislation.

Thus, there is no direct grant or loan of Federal moneys involved. However, let me make clear that we have incorporated so-called back-door financing to permit payment if there is default on the guaranteed certificates. I am told this is essential if the certificates are to be sold on the market. In return for guaranteeing the certificates, the Secretary would be required to obtain for the United States the highest lien on the railroads property exclusive of certain rolling stock, and priority in payment under the Bankruptcy Act.

At any time, the aggregate amount of outstanding certificates guaranteed by the Secretary could not exceed $125 million. Now, in this connection, Mr. Chairman, let me emphasize the emergency, short-range nature of this legislation.

This legislation is only intended to make certain that bankrupt railroads—whose cessation of services would endanger the public welfare—remain in operation until the Congress can legislate with respect to them. Before there is any prospect of the Penn Central Railroad moving into the black—which at the earliest is 1974—it will probably require between $225 million and $375 million in addition to the amounts provided for in H.R. 19953. How these funds should be made available to the Penn Central, I would rather not commit myself at this time. But let me emphasize that H.R. 19953, as reported, may not, and I hope will not, require the expenditure of Federal funds.

Mr. Chairman, let me say that I believe that the enactment of this legislation is of the utmost importance.

I dislike as much as any Member of this House coming in at this late date or any date asking for guarantees for a railroad company. When we had hearings before our committee I said at that time that the railroad had been run in the wrong way, that things had been done that I felt were completely wrong, that men had been overpaid, that they were getting into things that did not mean a thing to the operation of a railroad, and its activities should never have been diversified. But bringing these things up at this time is beating a dead cat.

The trustees told me in my office that if the railroad is allowed to go down on January 8, within 1 or 2 weeks New York City will be without heat and perhaps without light.

I am saying these things because these are some of the things that were told me, and I believe these men.

I believe the time now has come to act. As the chairman of the committee and a Member of this House, I bring this bill to the Members. I am sorry it is so late in the session. We could not help that. I do not know of any other solution. If anybody has any more wisdom on this matter I would like to hear from them. Every precaution has been included to insure that the Government will not lose any money, and we have first lien on everything with the exception of wages and rolling stock.

Mr. Chairman, in concluding, I should like to pay tribute to our Subcommittee on Transportation and Aeronautics which under its able chairman, the honorable SAMUEL FRIEDEL, has worked diligently during the Congress on a great volume of legislation. Some of which will be on the books for years to come. Let me name all the members of that subcommittee. It is made up of JOHN DINGELL, of Michigan, JAKE PICKLE, of Texas, and BROCK ADAMS, of Washington, on the majority side. On the minority side, there is SAM DEVINE, of Ohio, GLENN CUNNINGHAM, of Nebraska, ALBERT WATSON, of South Carolina, and DAN KUYKENDALL, of Tennessee. No subcommittee has worked harder in this Congress than our subcommittee on Transportation and Aeronautics. I should also like to recognize at this time the able and tireless assistance rendered the subcommittee and full committee by Bill Adams of the Legislative Counsel's Office.

Mr. HARVEY. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Michigan.

Mr. HARVEY. Mr. Chairman, I thank the chairman of the committee for yielding. I think he knows the great respect I have for him and the great committee which he chairs. The hearings were held on 1 day when I had to be out of town, so I could not be present at the hearing, but I am bothered by this one thing, and the chairman suggested that if anyone has an alternative he should come forward with it. This is why I propose this question to the chairman.

Let me preface my remarks by saying this. I think the Federal Government indeed has an interest in this. As the report spells out, more than 40 percent of our national defense traffic is moved by the railroads, and that is certainly in itself is a bona fide interest as far as all Members of this House are concerned.

But, by the same token, so do the other major industries across the country who use the rails to move their products have an interest, whether they manufacture automobiles or steel or household appliances. No matter what they are, as enumerated in the report, major industries have a like interest in the movement of their products and the continuance of this rail service.

So I ask my chairman: Why is it that the trustees have not proceeded to secure at least a partial guarantee from some of these other major users? It would seem to me instead of just coming to us for a guarantee of $125 million, they could very well go to some of the major users of the railroads and say: "If it is so vital—and it is—for this particular product to continue to move from one portion of the country to the other, then will you not help guarantee this loan so the railroad can keep your industry's products moving at the same time?"

I have so far been unable to find the answer to that. I hope my chairman can explain it to me.

Mr. STAGGERS. Mr. Chairman, I believe the trustees did honestly try by different means through the banks and other industries to solve this. Some banks say that even with a 100-percent Federal loan guarantee they will not lend money. They have gotten in so far. I think the trustees have honestly tried, as well as others, to get this money in every way they can. Let me read from Willard Wirtz' testimony:

> The short of it is that we cannot raise the money for the certificates without some guarantee.

If they had the time and we had the time, it is possible that this could be worked out, but the time is on us, right now.

Mr. HARVEY. Mr. Chairman, I appreciate that very much. I think the chairman of the committee has stated the major importance of it, but to make my point clear again, I am not talking about the willingness of the banks to make these particular loans. I am talking about the willingness of the major industries across the country to guarantee the loan certificates. It seems to me they should be interested in doing this, and it seems to me the trustees should be asking them to do this, and so far as I can tell the trustees have not been asking for this.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Illinois.

Mr. SPRINGER. Actually, I may say to my distinguished colleague from Michigan, at the present time Penn Central is losing not only on its passenger service, but also on its freight service, because many of these industries, instead of doing what the gentleman suggested, are taking action which they consider to be in their best interest, in the interest of the stockholders, by seeking other means of transportation because of this threatened crisis which will arise on January 8. In other words, because they are not sure they will be able to have this transportation service they are shifting to trucks or any other form of transportation they can. They believe that is wise and in their own best interest. I do not know that either I or the gentleman from West Virginia could blame them for being sure that after January 8 they have some other means of at least conveying a part of the transportation in their business.

This is one of the real problems.

I know the gentleman, not having been present, would not realize this is so.

Immediately now they are losing money on their freight for the very reason the gentleman pointed out, and there is nothing they can do about it.

The trustees have indicated that as soon as they can reassure these many industries and so forth along the rights-of-way they can do their business it will be restored. This is only a temporary thing.

I believe that is the answer to the gentleman's inquiry.

Mr. HARVEY. May I conclude on this one note: It does seem to me it is as much in the interest of the directors of General Motors, General Electric, Ford, or United States Steel, or a whole host of other companies right across the country, in making this basic decision to help on this guarantee, as it is in the interest of the Federal Government.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Washington.

Mr. ADAMS. I understand the gentleman's concern. We asked that specific question not once, but twice in the RECORD. Mr. Wirtz said:

> We have tried for three or four months on this business of floating trustees' certificates. I have to say putting in short the result of those three or four months that we cannot float trustees' certificates without government guarantees.
>
> Mr. ADAMS. Would you repeat that?
>
> Mr. WIRTZ. Yes. We have been trying through our own offices and through Mr. Guest to see if there is any possibility of a private issue of trustees' certificates to be used for operating expenses, and I can only summarize although we could go into a great deal of detail on that, the short of it is that we cannot raise the money which we need through the issuance of trustees' certificates without a government guarantee.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I should like to observe that stockholders of these major companies who use the Penn Central probably would have some cause of action against their corporate organizations if they used corporate funds to help bail out the Penn Central. I wonder what the stockholders of the United States, the taxpayers, have as their right if we bail them out?

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Indiana.

Mr. MYERS. As a former banker I know that many times in smaller situations than this I have been faced with companies nearing bankruptcy because of poor management.

As has been testified here this afternoon, as to what the witnesses testified before the committee, this has been the case. I know as a banker frequently before the bank would invest more money we would require a change in management.

This the railroads have done already, have they not?

Mr. STAGGERS. That is right.

Mr. MYERS. Did the committee hear any of the bankers who now hold loans against these three railroad companies? Did any of them testify they would not advance any money under any circumstances, contingent upon new management?

Mr. STAGGERS. None of them testified, to my knowledge.

Mr. MYERS. It seems to me that may be a possible solution. Very often we hear that whenever there is a problem anyone who is in trouble looks to the Federal Government, to the poor old taxpayer, to bail him out.

It seems to me that these banks now holding these loans would be interested in securing their existing loans.

I know the trustees probably testified before the committee that they could not borrow the money. Although I am not trying to tell the gentleman whom to invite as witnesses before the committee, the banks have as much interest in making sure that these railroads keep operating as anyone in the Nation. In fact, perhaps they have a greater interest.

I would think, as a banker, perhaps for not as large a bank, they would be interested in advancing loans, only for new management, which could bring new success.

The gentleman feels that they will succeed. I do not see why the banks would not be interested in advancing more money, at least for operations.

Mr. STAGGERS. All I can say is that the gentlemen who appeared before the committee I believe are men of integrity, and they said they had tried every possibility.

Mr. SPRINGER. Mr. Chairman, if the gentleman will yield, may I say to my distinguished colleague from Indiana that practically every bank in America has a piece of action and all of them are up to the legal limitation. You cannot loan beyond the legal limit, as the gentleman knows.

Mr. MYERS. I think the banking laws in every State, as well as the Federal laws, provide that in order to secure a particular type of loan you can take a kind of security and I think under this restriction to limit, you can make a new loan.

Mr. SPRINGER. I think the gentleman will find that the testimony of the trustees was to the effect that they are at the limit of the banks that presently own anything.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it seems as if this committee always comes to this House with the most difficult questions. There certainly is not any desire on our part to do that. We came here to you 2 weeks ago with reference to the settlement of the rail strike and my colleagues in their wisdom certainly did not see fit to follow my advice with reference as to how to settle that railroad strike. But may I say that I have never been even in spite of the fact you did not follow my suggestion nevertheless I am not one that believes in finding out how or why the camel broke his leg. That is water over the dam. The question is, What are we faced with today? That is the real problem.

Now, the thing that brought us immediately into this question was the action that the House did take 2 weeks ago when you voted a 5-percent and 32-cents-an-hour retroactive pay package to January 1, 1970. This House so voted. And, what was the result? Well, this retroactive pay is something like $50 million which will be payable sometime in February. An additional $16 million; that is, deficit, is expected by March 31, 1971.

Now, what is the situation if nothing is done? Without cash, without some vote of this House today and concurrence by the Senate and by the President, the Penn Central would close its shop on January 8 or thereabouts, take a day or two either side of that—and I think you are in safe territory. What will the result be if the Penn Central closes? Other roads will quickly follow by stoppages.

As you can well imagine, at least 130 smaller railroads immediately hook onto the Pennsylvania for long transportation. They will stop immediately along with it.

Now, the Penn Central has 20,000 miles of track in 16 States and Canada, from St. Louis to New York. The area covered by the Penn Central is, roughly, 41 percent of the railroad business in this country. In other words, two-fifths of all the business in railroading is carried on by the Penn Central.

This gives you some idea of the magnitude of the Penn Railroad system, and what would happen if it stopped, period.

Now, the greatest effect, of course, would be east of the Appalachians. I think practically all business would come to a halt east of the Appalachians, because almost everything you can think of from food to steel east of the Appalachians is hauled by railroads. Some trucks could absorb so much, but actually the truckers, because of the shortage of their system, could possibly absorb a small percentage, but not very much.

In addition to that, the Penn Central is the largest carrier of mail in this country. Also affected would be electric power for 74 million of the 200 million people in this country, food for eight of the largest cities, and raw materials for all of the factories east of the Appalachians, and a great part of that between the Mississippi River and the Appalachians.

Let me say this: There has been some question about the trustees, and may I say to those who are not lawyers that the trustees are working under a court order and are not the people who got the railroad in the trouble that it is in. The trustees themselves cannot do much of anything. If any of you have ever had any experience under section 77(b) of the Bankruptcy Act, there is almost nothing that can be done except by an order of the court, signed by a judge of the U.S. district court which has direct supervision of the railroad during the time that it is in bankruptcy.

Now, I do not want to give you an idea that the trustees are just wandering around in space trying to settle an argument out here, because they are in direct control of the operation of the road, but they are under the direction of the Federal judge at all times and any kind of a decision of any consequence means that they must go in before the judge under a petition and get an order in order to carry out whatever they see fit to do.

Now, I do not believe that you could find four better men than these who have been selected. One went through the bankruptcy of the Rock Island Railroad. One was dean of the Business School at Harvard, and an expert in transportation. The other two, Willard Wirtz you all know as the Secretary of Labor in the Cabinet of the last President preceding President Nixon, and Mr. Richard Bond, who I understand is a merchant in Philadelphia, but a man who has taken a great interest in civic affairs in Philadelphia, a man of independent means, a person of considerable consequence in the area affected.

So you have picked four well-known, well-qualified trustees to run the road. Now you have also taken Mr. William H. Moore off of the Southern Railroad and put him in charge of this.

The Southern, in my estimation, and I hope that I am not hurting anybody's feelings in the railroad industry, nor any of my friends who may be in it, I would say that the Southern, if it is not the best-run railroad in the country it is one of the half a dozen best-run railroads in the country.

May I also say that the Southern has a reputation for being a rather rough, tough outfit, and that is the reason they are a good road. They have been in a good many arguments with me, and I have been on the other side, so I have had some experience with them. Labor has had some experience with them also, and so has industry. They are good operators. They do not ever intend to be in the red, if I understand them, and I think that is the kind of character in Moore that you are putting in charge of the Penn Central Railway System. And it is going to take that kind of character, may I say to my colleagues, if you bring this railroad out of the red and put it in the black.

Now that I have given you the fact sheet, I would like to review what is in the legislation. You have heard a lot of argument here and there have been a great many questions asked, but no one has said what this legislation does do.

Now this legislation gives the Department of Transportation an opportunity to make guaranteed loans up to $125 million to railroads being reorganized under section 77(b). Penn Central is the big one—there are three others that could come in.

This means that the Department of Transportation and Mr. Volpe who is in charge of it can lend money to any of these railroads that he wants to, which are already in bankruptcy but he has to find that there are five criteria followed.

He has to find this and record it and show it to the court—

First, that the stopping of the service in the public interest is simply unacceptable—period.

Second, that the service may stop imminently—and by imminently I mean in a few days.

Third, that there is no way to prevent this stoppage without making the loan and that there is no possibility of getting the loan without the guarantee.

Some of my distinguished colleagues have raised this question—why do not they go someplace else and get a loan?

He has to find, as a matter of fact, that this criteria, the third criteria that I just mentioned—that they cannot get the loan anyplace else.

The fourth criteria and a very important one—do you have a good opportunity, if we make the loan, that this railroad can survive and work out of this difficulty that it is in?

Then the fifth criteria, and the one which is very important to us, if we are going to be a guaranteeing agency, that the assets are available to cover this loan, if it is liquidated.

Now you have $4,560,000,000-plus of assets in the Penn Central system. You are asking for a loan of $125 million possibly?

If my figures are right, that is a 2.8-percent loan. Did everybody absorb that? This is a 2.8-percent loan on the total assets of the corporation.

So I think if my colleague, the gentleman from Massachusetts, who has been handling this matter for the Committee on Rules said that this was about as good a guaranteed loan as you could possibly get because of the banks' loans run roughly up in the neighborhood of 50 percent.

We are making a 2.8-percent loan. In addition, we are the first mortgagee.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. JACOBS. If this is such a good deal, why would not the banking industry grant the loan?

Mr. SPRINGER. That is what they are doing. We are guaranteeing the loan. Yes, but you are not going to get anybody to lend them any more money with the mortgages that are outstanding. But what I am saying is some bank will make the loan and all we are doing is guaranteeing it.

Mr. JACOBS. Yes, I am sure that any bank would make the loan if the U.S. Government guarantees the repayment of the loan.

Mr. SPRINGER. That is exactly it. But they will not make any more loans because they are lending up to the hilt. What we are doing is guaranteeing the loan and they become the subrogee of us—so that the bank which makes this loan has our guarantee and stands in our shoes when they go into court if this loan has to be collected.

Mr. PUCINSKI. Is the Penn Central in receivership now?

Mr. SPRINGER. It is, yes, there is a petition.

Mr. PUCINSKI. How long has it been in receivership?

Mr. SPRINGER. My recollection is since June or July.

Mr. PUCINSKI. About 6 months?

Mr. SPRINGER. That is right.

Mr. PUCINSKI. Have the receivers presented to the court a plan for a reorganization?

Mr. SPRINGER. They have.

Mr. PUCINSKI. Has the plan been approved by the courts?

Mr. SPRINGER. Let me say this—they have presented a preliminary plan—that would be a better way to put it.

Mr. PUCINSKI. I cannot understand—and I wish the gentleman would explain why we here in this Congress are being asked to bail this railroad out when the receivers have had 6 months in which to capitalize on the assets which amount to $4.5 billion to which the gentleman has just referred—they could have done it and could have refinanced and had a reorganization plan a long time ago.

It seems to me they are dragging their feet and waiting for Uncle Sam to bail them out.

Mr. SPRINGER. The assets are mortgaged. No one will loan any more money on them. A railroad is not a salable property. It is not like a house or something like that. You do not sell it.

Mr. PUCINSKI. That is true. Your 2.8

figure is not quite correct. You gave the House the impression that they have $4.5 billion of assets.

Mr. SPRINGER. Correct.

Mr. PUCINSKI. And they are going to borrow $125 million, which will be secured by the Federal Government?

Mr. SPRINGER. Right.

Mr. PUCINSKI. And you say, "This is really a very good move because they have $4.5 billion of assets to cover this loan." Now you say they have a mortgage against those assets.

Mr. SPRINGER. They have. But we are the first mortgagee. I will not yield further at this time. I will explain it to the gentleman, but I shall have to continue with my remarks. We are the first mortgagee. We would go ahead of all other mortgagees in this matter ourselves.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I will yield to the gentleman as soon as I finish with my statement.

Mr. MYERS. You are speaking of subordinating the loan.

Mr. SPRINGER. I think I have made it clear. They are subordinated. We are ahead of every other mortgage indebtedness of any kind except wages and rolling stock. Those are the only things we are not ahead of. You have to have that to operate your business. You have to pay your wages every week.

Mr. MYERS. That is statutory?

Mr. SPRINGER. That is statutory. I have stated what the criteria is for making the loan. What must the railroads agree to do? First, to use the money for payroll expenses. Other revenues will be used and may be used for other purposes if they are allowed under an order of the court.

If there is any sale of any assets, they will be used to provide transportation services. So if there is any sale by the order of the court, this will all come back to the corporation, so there is no chance of separating these assets for the benefit of any other mortgagee. So we are always the party who comes ahead of any other indebtedness.

There has been some argument here that certificates must have the highest priority in the bankruptcy. This is merely a reiteration, may I say to my colleagues, of what I have said before.

There are other provisions with reference to records, court supervision, spending, auditing, and financing of the certificates by the Department of Transportation.

Let me just say this: I have watched one other railroad in recent years, one out in my own territory. It happens to be the Northwestern. The gentleman from Illinois is familiar because his city is on one end of the Northwestern. I refer to the record which Ben Heineman made with that railroad, which was, in fact, when he took it over, two strips of steel and a bunch of baggage and rolling stock. It was not worth much of anything. He was and is one of those rare administrators, and if I had had my choice of who would have run this railroad, it would have been Ben Heineman. May I say that some of the things he did were pretty ruthless. He had to fire some 6,000 people. He got rid of a lot of executives. But he put that railroad in the black, and it is part of the system. It did not get unloaded on the Federal Government.

Somewhere, gentlemen—I do not know, but somewhere along the line those who are running this railroad are going to have to come through with something of the kind of management that Ben Heineman did with the Northwestern, in my opinion, if they are to make it a success.

Let me just say this: There are two or three things that are handicapping this railroad seriously. I think the Interstate Commerce Commission made a great mistake. But still you are talking about how the camel got its leg broken.

They made it a condition when the Pennsylvania and the New York Central joined hands. They made those railroads as a condition of going together take the New Haven, which is a dead dog and has been losing money for 20 years. They also made them take the Philadelphia transit system, which is another dead log. That is one thing. Their passenger service has lost hundreds of millions of dollars within the last few years.

What is the hopeful sign within this area? Railpax, when we get into it a little further, and corridors have been set up. Sixteen already have been indicated by Mr. Volpe, the Secretary of Transportation. Four of the 16 thus far designated will be in the Penn Central system. It means then that they will be subsidized in that field on those four corridors, so they not only can bring their service up to where it ought to be, as we have it on the Metroliner from here to New York, but also they can within the 2-year period discontinue the unprofitable rail passenger service with which they are overburdened at this time.

Unless we can make some of these reforms, there is not a chance in the world to do anything with this. That is what I think the administrator of this road intends to do. As bad as this railroad has been painted, I do not think it is anywhere near that bad—I am not talking about what was done, and there were some pretty bad things done—but this is financially, that the road is not in anywhere as nearly a bad financial condition as the Northwestern was when Ben Heineman took it over.

May I say in talking with the trustees, my conversation was principally with Mr. Wirtz, and he thought there was a good chance that within 2 or 3 years they could get this into the black, providing they can get some of these reforms which simply have not been made.

Certainly there is no public interest whatever in a railroad in bankruptcy continuing some of these unprofitable operations which have been imposed on them by the ICC and they have not been able to do anything about those operations. There is not any hope unless the administrator is given the right to execute some of the reforms which have to be done—and I am talking about the public interest.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, the gentleman has spoken of some very hard decisions the railroads are going to have to make. I agree with him. But once we start bailing them out, is all the pressure not removed for them to make some of these hard decisions, such as firing thousands of deadwood executives and closing down some inefficient and unnecessary operations? Is not all the pressure taken away? This is what bothers me.

Second, are we not beginning something which we know by intuition is irreversible? Once we start picking up the tab, there will be no end. I have heard Members talking about coming nationalization of railroads, and I think it is ironic that we should begin taking a first step toward nationalizing railroads at the same time we are trying to denationalize the post office away from Government ownership and control.

Mr. SPRINGER. I am not for nationalization of the railroads and I want to make it clear I am not.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I would like to answer my good friend, the gentleman from Maryland, by saying this was before the committee very fully. If my friend will direct his attention to the time when this was before the Interstate and Foreign Commerce Committee, he will find the gentleman from Washington (Mr. ADAMS), and I and the gentleman from California (Mr. MOSS), were sternly opposed to going in and bailing out the leadership and management of the Penn Central.

The bill, if my friend will yield further, and I think this point should be made, and it is a point my friend, the chairman, has made, and my friend the gentleman from Washington (Mr. ADAMS), has made, is this is not a bill to help the railroads. This is a bill solely to guarantee trusteeship certificates. If anybody is talking about the poor leadership and rascality and poor judgment, I think those problems were involved, and for the most part we are not relieving of responsibility those who were involved in the rascality and stupidity and poor judgment. I must say we are not relieving the old leadership and old management that have been kicked out. But we have a new management and new leadership in. We are trying to restore viability. This will not assist any railroad anywhere in the Nation. It will assist in guaranteeing trusteeship certificates for railroads which are in bankruptcy proceedings.

Mr. SPRINGER. Mr. Chairman, I am sorry I cannot yield any more time.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, in order to evaluate the Penn Central problem, I have calculated the long-term debt of the Penn Central at $1,691,642,927. The long-term bonds and their current quote is as follows:

Name of security	Identification	Market value based on $100 bond
N.Y. Central	6 percent of 80	18
Do	6 percent of 90	27¾
Do	5 percent of 2,013	11⅝
Do	4½ percent of 2,013	10⅝
Do	4 percent of 1,998	10
N.Y.C. & L.S	3½ percent of 97	24½
N.Y.C. & M.C	3½ percent of 98	12
N.Y.C. & S.L	3¼ percent of 80	57¼
Penn Ry	4¼ percent of 81	16
Do	4¼ percent of 84	15

Today, the long-term debt of the New York Central, Penn Central, and all other parts of the empire has a market value of about 16 percent of the $1,691,642,927 or $270,662,868. The short-term debt appears as follows:

Todays short-term debt totals	$649, 030, 645
Less short-term assets	506, 475, 959
Net short-term debt	142, 554, 686

According to reports which I have received, there are 24,113,703 shares of Penn Central common stock outstanding which have a market value today of $5.75 per share. A $130 million investment would buy all of it at today's market values—control could be obtained with a fraction of this kind of an investment.

At today's prices, the net short-term debt could be paid off with $142 million, the long-term debt could be bought for about $270 million, and all of the common stock could be acquired for about $130 million. Whatever assets exist could be acquired for about one-half billion dollars.

I do not advocate the nationalization of the railroads—that should be the last resort—but I do advocate a better deal for the country.

I grieve for innocent Americans who believed in the American dream of investment in the free enterprise system and invested in Penn Central. Some were motivated by profit—others made what they thought was a safe investment for their retirement. Whatever their motive, they are the losers. They bought bonds for $1,000 which are now traded for $100. They bought stock as high as $77 which is now worth approximately $5.75 per share. They have been washed out of their profit and security. They are sadder, older, and wiser.

My fear is that what we do today might provide a real bonanza for those who are lurking in the wings—the new owners of stock at knockdown prices—the new owners of bonds who buy for 10 cents on the dollar—and then stand high in priority in eventually getting as much as a full dollar in return.

The distinguished chairman of the Interstate and Foreign Commerce Committee tells us that two of the trustees state that there is an emergency—that the railroad may have to shut down in January—that cities may run out of coal. He tells us that the Secretary of Transportation, John A. Volpe, that the Interstate Commerce Commission, and that the Federal Railroad Administration support this bill.

If this bill is of such grave emergency to the United States and its people, why has not the President messaged the Congress on the urgency of this legislation? Why did not the President place this bill on his list of priorities for action this session? Apparently he does not feel the threat of disaster as keenly as the trustees or the other administration spokesmen.

The railroads affected by this bill own valuable excess property which is critically needed by the Federal, State, and local governments. Without affecting railroad operations, these railroads could sell right-of-ways to the public for mass transit development for urban improvement. It seems to me that it might be more prudent for the Secretary of Transportation to buy such assets as would have tangible value to the Federal Government. He could provide the amount of this loan guarantee by purchasing usable assets of that value.

The Penn Central mess is having a devastating effect on every section of America. I am not convinced that this input of loan guarantee will work out solutions. School and local government in my community are pinched with the loss of unpaid Penn Central taxes. Throughout a wide segment of America—public highway projects, grade eliminations, and urban development projects are held back because of the problems of dealing with a defunct railroad. These problems will not be helped by this infusion of public credit. These public improvements will be held up for years and years until the litigation and liquidation has been cleared.

I know how deeply and extensively the members of this committee have labored over a solution to this problem. However, there must be a better free enterprise solution. There must be a better way to guarantee to the taxpayer that: First, he will get his money back; second, that he is not creating a potential windfall for the speculator; the taxpayer must be assured that this is not the first installment of a really big Treasury drain we cannot afford.

Why not negotiate a cash deal and buy some of these very valuable assets and give them an input into the railroad of income?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SPRINGER. Mr. Chairman, I yield 3½ minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, the gentleman from North Carolina (Mr. BROYHILL) and I filed minority views on this legislation because we objected to the short-range nature of it and the fact that it offers no permanent solution to a problem which has existed for some time.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I am sorry. I only have 3½ minutes and I cannot yield at this time. I am sure the gentleman can get some time under the 5-minute rule.

Mr. Chairman, I think asking the Federal Treasury to guarantee the debt of the Penn Central is a little like asking Polly Adler to be a character reference for Fannie Hill. The Government is further in debt than the railroad and it must share the blame for the railroad's plight because it has been its regulator. We are all very much implicated in this whole process. This is one of the most heavily regulated industries in the United States, and there has been very little effort on the part of this Congress or the Federal Government to correct the difficulties that have arisen in this industry from bad regulation over a long period of time.

We know that a shutdown of Penn Central would be serious and its economic impact would be great. All of us must be concerned about the employees and customers of this railroad. But, how serious is it to close down an industry or business that is going broke doing a job poorly?

What of the corporate responsibility here? Who should be left holding the bag—subsidiaries or stockholders as opposed to the taxpayers—if one assumes mismanagement of this business operation? And if one assumes that mismanagement of a corporate operation, how can we justify saving this industry and this particular business with public funds?

On the other hand, if one assumes governmental culpability for misregulation or other reasons in the bankruptcy and ultimate failure of this road, how can we justify taking this action today without doing something to cure the basic problems created by that governmental failure?

Mr. Chairman, we know what the problems are. They are inequitable Federal regulations, inequitable Federal subsidies, inequitable taxes, and inequitable labor law throughout the various modes of the transportation industry.

Mr. Chairman, I had planned to offer an amendment to this legislation to require the Secretary of the Department of Transportation to come up with specific recommendations to cure the long-range problems—the chronic ills which affect this industry and have precipitated the acute crisis we face today. However, in the interest of trying to avoid creating a parliamentary situation on this legislation which would require a conference on Senate and House versions of this bill, I shall not go ahead and pursue that course. I have too much respect for the committee which reported the bill.

But I do think it is worth noting that the Ash Commission is going to make some recommendations with reference to bringing equity in transportation regulations. With reference to the equalization of taxes, there has been a bill before the Interstate and Foreign Commerce Committee for some time which has not been heard. Legislation on the labor problems in this industry has been proposed by the gentleman from Texas (Mr. PICKLE) but not considered by our committee. And the President has spoken on the importance of this legislation, I might say to the gentleman from Ohio (Mr. VANIK). He recommended national emergency strike legislation, but that has been before the Committee on Education and Labor for almost a year and not been heard. And of course, we have had no decision from the administrative level on the varying inequitable subsidies in this industry. So part of the blame must repose there, but much of it must be borne by Congress for the failure of the Government in this closely regulated industry. It would appear to me from this sad record that Americans would make very poor Socialists.

Now, do we really want to set a precedent which may apply to any business whose collapse could bring about an economic impact on the Nation such as, for instance, Lockheed, Boeing, American Motors, and others you could think of? You complete the list.

Mr. Chairman, I think we should do more than just spend more taxpayer money on this problem. This has been a badly regulated industry by the Federal Government for years and it has been marked by poor management. We all know what has happened to it. Let us now do something to cure the disease rather than just bandage the cancer.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Chairman, I yield 4 minutes to the gentleman from Washington (Mr. Adams) a member of the committee who heard the testimony.

Mr. ADAMS. Mr. Chairman, I think one continuing thread of the argument that has been made against this bill indicates that it is not a permanent solution and that we should do better. I want to assure the House that the testimony is absolute that you will have this railroad back on your hands before the 31st of March, and you will have to decide on a permanent solution. Maybe the permanent solution is nationalization. Maybe it is to continue with what I call selective nationalization, which is these railroads gradually going bankrupt.

The reason we have to pass this bill is because we must meet a liquidity crisis between now and the 8th of January, and this House would not be in session, so we could in a period of time spell out the final solution. I hope we can by March 31. I hope all of you will join in it.

The second thread of the argument was why have not the trustees done something to have enough money? I have in my hand here—and I hope some of the Members who want to see it will come in and look at it, this is the corporate structure of the Penn Central Co., the Penn Central Transportation Co., the Pennsylvania Co. and its subsidiaries—it is a very long, highly complex corporate structure. But we did go into this with the trustees and we asked why you have not sold out this subsidiary? And the biggest one, and the one people complain about the most is the Pennsylvania Co. which holds land.

The Penn Central Transportation Co., the Railroad Co., which is in reorganization, owns the stock of that company, but it is pledged for a $300 million loan which the transportation company has already taken in and spent.

So when it comes to selling the stock of the Pennsylvania Co. it has to either do it at a fire sale, or simply let the one who has the pledged assets take it over.

Now, the situation may compare with the other subsidiaries, and we went after the trustees again and again on "When are you going to liquidate? How are you going to realize cash?"

They gave us a prognosis of 3 to 5 years to bring this out of bankruptcy and they are going to sell off many assets to do it.

The interest of the chairman of the committee, and the others that worked on this (Mr. Springer) and myself, has been simply to keep this railroad as an operating entity until January 8, and then do something permanently about it.

Now, maybe you do not want to, but I will tell you that we were told by the trustees, and I have no reason to doubt this, that they will start embargoing freight during the Christmas holidays, they have to, because they can take no more perishables aboard because those perishables would be destroyed when they could no longer run the railroad.

Another alternative would be to put troops on the trains and we have tried to get a little time so the House can think about that before we do it. There is precedent for this. The President came in and asked us, as Mr. Dingell pointed out, for $750 million this summer to bail out any railroad. We refused to do this because we were worried about the Penn-Central, and we did want to keep it afloat, since there were a lot of shenanigans, so instead we have waited until they were bankrupt before offering Government help.

From 1958 to 1962 Congress authorized $500 million in loan guarantees for the railroads of America. That statute went out of existence in 1962. So far as I know, and the testimony indicates this, we have never lost any money on any of those guarantees, and we were guaranteeing in the past some very bad prospects, like the New Haven Railroad, among others.

We have tried, and I again want to emphasize this, we have tried to give this House a period of time to make up its mind on what the Members want to do permanently with America's railroads.

Now, I will yield to the gentleman from Ohio.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPRINGER. Mr. Chairman, I yield the remaining time on this side to the gentleman from Tennessee (Mr. Kuykendall).

Mr. KUYKENDALL. Mr. Chairman, I hope that the direction of the testimony and the statements different members of the committee have given has tended to point out that we are no longer under any circumstances trying to bail out the management of the Penn Central Transportation Co.

I wish that some of you had an opportunity to go back and read the testimony when the former chariman of the board of Penn Central Co. was before our committee, and you will find that he did not have a very comfortable time.

Now who wants this legislation? And who is opposed to this legislation?

I think it is interesting to anyone who says that we are bailing out Penn Central should bear in mind that the Penn Central Co. is opposed to this legislation. Why are they opposed to this legislation?

My colleagues, I am of the considerable opinion that the Penn Central Railroad has been trying to get out of the railroad business for quite some time. I think the Penn Central Holding Co. would still like to get out of the railroad business and they want to sell it to Uncle Sam at 100 cents on the dollar so that they can get their money back. That, in my opinion, is the fact of the situation.

So if you are for the nationalization of the railroads—if you want to be absolutely certain that we are going to have this massive transportation system dumped in our lap as of the middle of January—just vote against this legislation.

If you want a chance—a chance to prevent the nationalization of this property, then vote for this legislation. Certainty? Absolutely not. Good odds? Not even good odds but a chance to prevent the nationalization of this property.

As the gentleman from Illinois said, there have been several instances of good management taking over rundown property such as the Northwest and the Southern before Mr. Brotzman took it over and they have made good profit-making railroads out of this particular property that they took over.

So I think that we are in a national emergency. But the big thing here is that we have had a combine of management that I think is grossly irresponsible that have tried to drain the assets away from this railroad and dump it on Uncle Sam and then get their money back.

I do not think we should let this happen. I think the receivers of this particular railroad—the four terrific trustees who have been appointed—have given us every evidence and indication that they have the intention of divesting the railroad of these other properties and getting in the railroad business.

I will close with this statement which you will find in the Record.

I asked Mr. Moore who is the president, Do you find any corelation between the railroads who have stuck strictly to the business of running the railroad and those who have been successful? He said he definitely did.

So the railroads that stuck to their knitting, of running a railroad—which is what the receivers have indicated—those that will control—they have made a profit out of running the railroad. Those of them that are run by holding companies have ended up like this one.

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from New York (Mr. Reid).

Mr. REID of New York. Mr. Chairman, I rise in support of H.R. 19953, the Emergency Rail Services Act of 1970. This legislation is reportedly necessary to prevent a complete shutdown of the Penn Central Railroad within a matter of weeks. This railroad's cash situation in early January will be critical. The halting of the Nation's largest railroad is something we cannot afford; such a situation would have a devastating effect on our economy as well as on commuter and other passenger transportation.

Senator Javits and I first recognized

the need for Federal loan guarantees for the Penn Central and similarly afflicted railroads last June when the Penn Central first declared bankruptcy. I said at that time, and I repeat now, that support for such loan guarantees in no way implies approval of the management practices of the railroad. In fact, extremely poor management and misallocation of resources seem to be among the principal reasons for the Penn Central's continuing crisis. It would appear that in the past undue resources were put in real estate and divested from railroad operations. I am pleased to see in the bill before us a number of safeguards to insure that the funds so guaranteed will be used only for operating expenses of the railroad and that other revenues of the company also must be applied to this purpose.

Mr. Chairman, it is a sad commentary on our free enterprise system that the Federal Government is, in effect, the hostage of a bankrupt company—whether it be a railroad or an aircraft manufacturer. The public interest requires that the railroad be kept operating, but I believe that the public interest also requires that a better method be found to avert such economic disasters in the future. Moreover, it is essential railroad regulations—often dating from the 1890's—be totally reviewed and that consideration be given to costs of rights-of-way and signaling uniquely borne by railroads (but not by airlines and truckers) as well as the competitive future of railroads in our free enterprise transportation system. We need a new national transportation policy.

The bill provides for up to $125 million in loan guarantee certificates subject to six strict criteria and only upon approval of the court. The United States and the taxpayer stand ahead of every other mortgage and indebtedness except statutory wages and rolling stock.

I hope workers will support this bill as an emergency step mindful that we need new approaches urgently to save our railroads.

Mr. STAGGERS. Mr. Chairman, I yield the remaining time to the gentleman from Michigan, a member of the committee.

Mr. DINGELL. Mr. Chairman, no member of the committee is happy to have to bring this bill before you at this particular time.

However, the matter was brought to our attention on the 15th of December of this year. The committee worked with all the speed that it knew how to work and our staff worked late at night in close consultation with the Department of Transportation and the commission and with the trustees in trying to come up with a minimum bill.

I believe everyone recalls that just a little while back we had before us a piece of legislation to stop a nationwide railroad strike, and everyone can remember the cries of calamity and disaster which rang through this hall in contemplation of that particular piece of legislation. I want to make it very plain that if you read the report, pages 5 and 6, you will see what the Penn Central's shutting down means to the Eastern United States; indeed, what it means to the whole of the Nation. So I would commend you to consider this legislation in that frame of view.

More importantly, I would like to make a couple of points very clear. First of all, the old management is gone. They have been kicked out. This is not a bill to bail out railroads or to bail out corrupt, inefficient, and probably jailable management of the Penn Central. This is a piece of legislation to enable the trustees to get the credit and the capital that they need to run the railroad. It is my opinion and the opinion of the committee that we have done everything we possibly can to protect the interests of the United States and to assure that the interests of the United States and the taxpayers not be jeopardized by the guarantee.

And I want to make very clear that there is not one cent of loans in the bill. There only are guarantees, and the guarantees run to the trustees, and we have sought to impose controls which assure that the United States is first to be repaid even above secured creditors. I think those facts should make it very plain. When you consider that we are guaranteeing something only about $125 million, and when you consider that the assets of this corporation are around $7.5 billion, I think it makes it very plain to all of us that this is a good example that it is good business, and that to keep this railroad running is not only in the public interest but also highly desirable.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. RANDALL. Mr. Chairman, I oppose H.R. 19953, which has been described as the Emergency Rail Service Act of 1970. It provides for $125 million in certificates guaranteed by our Government, which thus become actual obligations of the United States.

It is most interesting to note that with so much money involved, there is not a word in the bill itself to give a hint that the principal beneficiary is the Penn Central Railroad. But no matter how it is labeled, H.R. 19953 in truth and in fact has as its principal objective to bail out the Penn Central Railroad. The committee report indulges in a long discussion of section 77 of the Bankruptcy Act, and has a lot of fine print about court supervision.

The report, interestingly enough, describes this as an interim measure to avert an immediate crisis. Does this mean there will be one or more of similar loans later on? The report goes so far as to suggest that the utility power of 74 million people, and foodstuffs to the Nation's largest cities, would be jeopardized if we do not give our immediate financial assistance right now. The report is so persuasive, that it leaves the impression that without this financial aid, Penn Central will terminate its operations some time in January 1971.

While many of the allegations of the committee report are quite factual, some of them are purely conjectural and most speculative. We all recognize that good rail transportation is important to our economy. However, to suggest that if we do not make this loan a third of our people will be without electricity and eight of our largest cities without foodstuffs, is going to considerable lengths to enlist support of this bill.

The report presents some statistics of what percentages of the total bulk and raw materials railroads transport, all in order to prove the role of the railroad in our Nation's economy. The fallacy of this kind of argument lies in the fact that while the Penn Central may be the largest single rail operation, we should not be asked to jump to the conclusion that Penn Central is synonymous with our entire rail structure and that the problems of just one of our railroads may so disrupt our Nation's transportation as to affect the national economy. Put differently, I hope we are not being asked to believe the parallel of the proposition circulated a few years ago, that what is good for General Motors is good for the country. I hope we do not have to accept the conclusion that what is good for Penn Central must be good for the entire country.

Now, Mr. Chairman, the problems of Penn Central are not new or unheard of. For that reason the timing of this legislation is bad. If we do not act to bail out the Penn Central, then the alternatives which have been suggested in the report certainly do make unpleasant reading. No opponent of this bill is going to say that the Penn Central is so unimportant as to be deserving of no Federal action. The real problem would seem to be, what happens next if we take this step to approve this financial support. I am reliably informed that the problems of this railroad are so great that in a very short time we will be asked to increase financial aid. In other words, there is no assurance this present money will provide a permanent solution to the Penn Central problems. If the information I have is accurate, we might just be engaging in a very expensive exercise in futility.

I was interested in the minority views, which point out that we should all first know what cost reduction programs have been initiated and what overall policy reforms have been instituted to reduce losses, before we give them $125,000,000. It was interesting to note that the minority views in the report wondered why the trustees in bankruptcy had not alerted the country earlier about their impending crisis. The minority report is in my opinion quite sound in its reasoning when it points out that we are now being asked to trust to luck that things will get better for the Penn Central, when we have not been shown all the alternatives that could be exercised by this huge and bewildering corporation. The question we must all ponder is, whether the trustees themselves will come up with firm and positive action to get the Penn Central mess straightened out, because that certainly cannot be done by an infusion of this amount of Government money.

Now, Mr. Chairman, under a paragraph entitled "Cost of Legislation" the report states that this bill will not necessarily require the expenditure of any funds from the Federal Treasury. In other words, this is said to be only a guarantee and that the railroad will pay back all the money we let them have.

That kind of thinking is the most foolish kind of optimism. It is like an acquaintance who comes to a person and asks him to be the accommodation maker on a promissory note. The usual conversation is, "If you will just be my cosigner, it will not cost you a cent." It has been my sorry and sad experience to have had to pay off some notes that I was good enough to accommodate someone on as a cosigner.

There are many things wrong with this bill, Mr. Chairman. One of the reasons I cannot support this bill is that if we pour $125 million into the Penn Central, then we impliedly agree that free enterprise has failed and we have expressed a willingness to take this step toward the nationalization of our railroads, which is one of the hallmarks of a socialistic state.

However, this measure sets a very dangerous precedent. Today, it is the Penn Central. If we bail out this big railroad, then we have taken the first step. Tomorrow it may be other railroads. Then it will be the airlines. Of course, always standing in the wings will be Lockheed and other giant corporations that expect a generous measure of Government financial assistance.

But, Mr. Chairman, while I suppose the reasons for opposition may vary from Member to Member, those of us in the Middle West know that out there we have a current unemployment rate approaching 6 percent. Then those who argue that there would be some paydays missed by the Penn Central employees, may not have heard of the failure to fund hundreds of small water and sewer project applications in our communities of the 5,500- to 10,000-population bracket, that have gone on month after month and year after year unfunded. If there could be just a little bit of funding for these small water districts and sewer districts, work could be provided in areas which have felt the crunch of inflation, high interest rates, and unemployment, all at exactly the same moment.

Yet another objection which I suspect is shared by many Members from the Middle West is that there is a considerable expanse of geography in what is called the Farm Belt where corn has suffered from blight, which has resulted in a very small yield, and where because of the extremes of excessive rainfall which prevented the planting of a crop or excessive drought which shortened the yield of a crop, there are some places which are virtual disaster areas. Penn Central may be faced with an emergency, but there are thousands and thousands of farmers in the Middle West that are going to be faced with a disaster and bankruptcy which is as real as that of the Penn Central, if there is no funding for Farmers Home Administration loans to finance the planting of the new crop next spring. I have not heard of any effort to provide funding for these farmers who face bankruptcy, and in fact the farm bill which we enacted appears to be of no immediate help or assistance to these hard-pressed farmers.

I have talked to numerous small bankers in our congressional district. They tell me many more of our small farms will be abandoned if they cannot get Farmers Home Administration loans very soon. No, Mr. Chairman, with hogs bringing a disgraceful 15 cents a pound and our hard-pressed farmers unable to get a Farmers Home Administration loan because there are no Federal funds, why on earth should we hand over $125 million to clean up the Penn Central mess?

The CHAIRMAN. Pursuant to the rule, the Clerk will read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Rail Services Act of 1970".

DEFINITIONS

SEC. 2. For the purposes of this Act—

(1) "Secretary" means the Secretary of Transportation.

(2) "Commission" means the Interstate Commerce Commission.

(3) "Railroad" means any common carrier by railroad subject to part I of the Interstate Commerce Act (49 U.S.C. 1–27).

(4) "Certificate" means certificates issued by trustees of a railroad pursuant to subsection 77(c)(3) of the Bankruptcy Act, as amended (11 U.S.C. 205(c)(3)).

FINANCIAL ASSISTANCE

SEC. 3. (a) The trustees of any railroad undergoing organization under section 77 of the Bankruptcy Act, as amended (11 U.S.C. 205), upon approval of the court, may apply to the Secretary for the guarantee of certificates. The Secretary, after consultation with the Commission, is authorized to guarantee such certificates upon findings in writing that—

(1) cessation of essential transportation services by the railroad would endanger the public welfare;

(2) cessation of such services is imminent;

(3) there is no other practicable means of obtaining funds to meet payroll and other expenses necessary to provide such services than the issuance of such certificates;

(4) such certificates cannot be sold without a guarantee;

(5) the railroad can reasonably be expected to become self-sustaining; and

(6) the probable value of the assets of the railroad in the event of liquidation provides reasonable protection to the United States.

The Secretary shall publish notice of his intention to make such finding in the Federal Register not less than fifteen days prior to such finding, give interested persons, including agencies of the Federal Government, an opportunity to submit written data, views, or arguments (with or without opportunity for oral presentation), and give consideration to the relevant matter presented. The Secretary for good cause shown and upon a finding that extraordinary circumstances warrant doing so may waive the requirements of the preceding sentence.

(b) As a condition to a guarantee, the Secretary, after consultation with the Commission, shall require that:

(1) the proceeds of the sale of certificates guaranteed under this Act will be used solely for meeting payroll and other expenses which, if not met, would preclude continued provision of essential transportation services by the railroad;

(2) other revenues of the railroad will be used, to the fullest extent possible, for such expenses;

(3) proceeds from the sale of assets will be devoted to the fullest extent possible to the provision of essential transportation services by the railroad; and

(4) in the event of actual or threatened cessation of essential transportation services by the railroad, the Secretary shall have the option to procure by purchase or lease trackage rights over the lines of the railroad and such equipment as may be necessary to provide such services by the Secretary or his assignee, and, in the event of a default in the payment of principal or interest as provided by the certificates, the money paid or expenses incurred by the United States as a result thereof shall be deemed to have been applied to the purchase or lease price. The terms of purchase or lease shall be subject to the approval of the reorganization court and the operation over the lines shall be subject to the approval of the Commission pursuant to the provisions of section 5 of the Interstate Commerce Act, but in no event shall the rendition of services by the Secretary or his assignee await the outcome of proceedings before the reorganization court or the Commission.

(c) The Secretary shall not guarantee any certificate unless the certificate is treated as an expense of administration and receive the highest lien on the railroad's property and priority in payment under the Bankruptcy Act. The rights referred to in the last sentence of section 77(j) of the Bankruptcy Act shall in no way be affected by this Act.

(d) A certificate under this Act shall bear interest at such per annum rate as the Secretary deems reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Federal Government; nor may its maturity date, including all extensions and renewals thereof, be later than fifteen years from the date of original issuance. The Secretary may prescribe such other terms and conditions as he deems appropriate. In each case, the Secretary shall consider the feasibility of requiring the railroad to dispose of nonrailroad assets as a condition to a guarantee.

(e) At any one time the outstanding aggregate principal amount of all certificates guaranteed under this Act shall not exceed $125,000,000.

(f) The Secretary shall issue such rules and regulations as are appropriate to carry out the authority granted by this Act.

ACCESS TO CARRIER RECORDS

SEC. 4. The Secretary is authorized to, and shall as necessary, inspect and copy all accounts, books, records, memorandums, correspondence, and other documents of any railroad which has received financial assistance under this Act concerning any matter which may bear upon (1) the ability of such railroad to repay the loan within the time fixed therefor, (2) the interest of the United States in the property of such railroad, and (3) to insure that the purpose of this Act is being carried out.

AUTHORIZATION TO ISSUE OBLIGATIONS

SEC. 5. (a) To enable the Secretary to carry out his rights and responsibilities under section 3 of this Act, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. There are authorized to be appropriated to the Secretary such sums as may be necessary to pay the principal and interest on the notes or obligations issued by him to the Secretary of the Treasury.

(b) Any guarantee made by the Secretary under this Act shall not be terminated, canceled, or otherwise revoked, except as provided by the terms and conditions prescribed by the Secretary under section 3(d) of this Act; shall be conclusive evidence that such guarantee complies fully with the provisions of this Act, and of the approval and legality of the principal amount, interest rate, and all other terms of the certificates and the guarantee; and shall be valid and incontestable in the hands of a holder of a guaranteed certificate except for fraud or material misrepresentation on the part of such holder.

(c) The Attorney General shall take such action as may be appropriate to enforce any right accruing to the United States by reason of its having paid money or incurred expenses as a result of making such guarantees.

ASSISTANCE OF DEPARTMENTS AND OTHER AGENCIES

SEC. 6. (a) In carrying out the provisions of this Act the Secretary may use available services and facilities of other departments, agencies, and instrumentalities of the Federal Government with their consent and on a reimbursable basis, and shall consult with the Interstate Commerce Commission in carrying out the provisions of this Act.

(b) Departments, agencies, and instrumentalities of the Federal Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the provisions of this Act.

COURT SUPERVISION

SEC. 7. In addition to other duties prescribed by section 77 of the Bankruptcy Act, the court shall maintain supervision of the expenditure of funds obtained pursuant to section 3 for the purpose of assuring that such funds are used solely for purposes set forth in subsection (b) of such section, shall make periodic findings regarding such expenditures, and shall report those findings to the Secretary.

AUDIT

SEC. 8. The Comptroller General of the United States, or any of his duly authorized representatives, shall have access to such information, books, records, and documents as he determines necessary effectively to audit financial transactions and operations carried out by the Secretary in the administration of this Act. The Comptroller General shall make such reports to the Congress on the results of any such audits as are appropriate.

GUARANTEE FEES

SEC. 9. The Secretary shall prescribe a guarantee fee in connection with each loan guaranteed under this Act which shall be collected from the railroad upon repayment of the loan guaranteed. Such fee shall be in an amount that the Secretary estimates to be necessary to cover the administrative costs of carrying out the provisions of this Act with respect to such loan. Sums realized from such fees shall be deposited in the Treasury as miscellaneous receipts.

REPORTS

SEC. 10. The Secretary shall make an annual report to the President and the Congress with respect to his activities pursuant to this Act, including an evaluation of the financial conditions of railroads which have outstanding certificates guaranteed under this Act. The Secretary shall also make a report to the President and the Congress on the financial condition of each railroad having a loan guaranteed under this Act ninety days after the making of such guarantee and annually thereafter throughout the existence of such loan.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the substitute committee amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. VANIK. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. VANIK. Mr. Chairman, I would like to take this time to ask the question that I did not get a chance to ask in my earlier colloquy. I wonder if the distinguished chairman of the Committee on Interstate and Foreign Commerce can tell me if the banks which lend money to the Penn Central under this guarantee can treat such loans as a part of their reserves as a Federal guaranteed security, a reserve against which they can make other loans—in other words, is this treated like the purchase of a Federal bond upon which the bank or the lending institution can then develop a multiplier-of-credit situation?

Mr. STAGGERS. I do not know the answer to the gentleman's question. That would certainly be up to the Federal Reserve Board. I do not see how it would have any connection with this subject whatsoever, because we are not guaranteeing the bank anything—nothing.

Mr. VANIK. We are guaranteeing repayment of the loan.

Mr. STAGGERS. No, sir; only the trustees' certificate. No loan is being guaranteed anywhere.

Mr. VANIK. As I understand the gentleman, what we are authorizing in this bill is a Federal guarantee on a trustee's certificate, and we are guaranteeing this to a lender, most likely a bank. My question is a very important one.

Mr. STAGGERS. If the gentleman will yield, I would say the gentleman from Indiana has just informed me that they would not be so treated.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Indiana.

Mr. MYERS. They would be in exactly the same position as a GI guaranteed loan, Farmers Home Administration, or the Federal Housing Authority. They are not considered part of the reserve as a guarantee or to be used as a basis on which to borrow money.

Mr. VANIK. Will the gentleman tell me if that is by his own knowledge?

Mr. MYERS. As a banker, yes.

Mr. VANIK. My concern was whether this was indeed becoming more of a banker's bill rather than a railroad bill.

Mr. MYERS. I think it is a banker's bill, yes; very much so. They want additional security, what they do not now have. I do not blame them, but I do not know that that is our responsibility.

Mr. VANIK. I have just one other thing that I would like to ask about, a problem that is created by this Penn Central disaster in my community and in almost every State in the eastern half of the United States. We are completely paralyzed with respect to a good part of our public improvement programs on highways, on underpasses, because of the impossibility of dealing with a defunct railroad authority. As long as the rights of the railroad and all of this business is tied up, it is almost impossible to get the railroad to provide any granting of rights for easements or the selloff of any of their properties in order to permit us to build overpasses or underpasses or new highway systems or to develop our communities.

I might also suggest that we have another problem that is not at all going to be handled by this situation. I have schools in my community and in my State which are tremendously affected by the nonpayment of taxes by the defunct railroad.

Can the gentleman tell me whether or not any of this loan money that we are going to make available through this guarantee will be used to pay taxes to school districts and to local governments which are located in the community through which the defunct railroad passes?

Mr. DINGELL. Mr. Chairman, if the gentleman will yield, I will have to tell the gentleman that this is a matter under the jurisdiction of the court, which, as the gentleman knows, has directed the trustees not to pay State and local taxes. That issue is shortly to be thrashed out. This committee does not have the information which the gentleman would like with respect to this particular point.

Mr. VANIK. From what I can gather, the gentleman is telling me that the chances of having any of this loan money end up in the payment of taxes to the local governments, which must carry on their responsibility not only to their people but also to the defund railroad, are very low, that there is not much likelihood they are going to get any of this tax money.

Mr. ADAMS. Mr. Chairman, if the gentleman will yield, the testimony on this is that taxes presently are not being paid. When we come back on March 31 and decide we want to keep this alive, it will take between $75 million and $150 million plus this $100 million to meet all the obligations which would include local taxes.

Mr. DINGELL. Mr. Chairman, if the gentleman will yield further, I would like to inform him the estimates of the trustees are they will want or they indicate they contemplate the expenditure for local taxes of something like $64 million.

Mr. MELCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at the top of this giant structure, this giant conglomerate, is the Penn Central Co., the holding company, which is not in bankruptcy, which is traded on the New York Stock Exchange, and also trading on the New York Stock Exchange is the Pennsylvania Co., and that is not in bankruptcy, the former trading at $5⅞ and the latter at $43½ currently.

Mr. Chairman, I want to draw particular attention to the holdings of this company which are not involved in bankruptcy. I cannot judge the outcome or the effect of the loan guarantee should we pass this bill and the Senate concur and the President sign it and it becomes law. I cannot judge the effect of these loan guarantees on those mass holdings of the Pennsylvania Co. and the other holdings of the parent holding company, the Penn Central, but I do wonder and I do ask: Will these holdings and their creditors, their loans, their notes, and their mortgages that will be relieved of any possible foreclosure sale to the extent that the loan guarantees prevent that and will be protected by these Government loan guarantees—what avenues, what openings for more contriving, more manipulation are involved in these holdings that are not under the jurisdiction of the court and are not supervised or controlled by the trustees?

I have eminent respect for the trustees and for this committee and for the Senate committee that heard this testimony.

But I would remind all the Members that there has been very little time and very little indepth study of the proposition involved. It took years to entangle this web of Penn Central mismanagement. To think that any committee of the Congress, however wise and however judicious and however diligent, can in the time of 2 weeks properly draft legislation of this magnitude is beyond my comprehension.

I do not think the trustees are trying to mislead the committees or the Congress, and they freely admit that, with respect to the first guaranteed loan of $125 million for which they are now asking, that they also will need the same amount to be guaranteed, before the first day of spring.

I believe we need to investigate what effect this transfusion by means of loans will have on the sale of the stock of the holding company, also. As was pointed out by the gentleman from Ohio, this watered down stock at 5⅞ today was at 35 at the start of the year and I am told was formerly at 70. If it should all of a sudden become worth a great deal more money simply because of the start of these transfusions, who is to gain? The gain will not accrue to the taxpayers that would take the risks under the bill.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. MELCHER. I yield to the chairman of the Interstate and Foreign Commerce Committee.

Mr. STAGGERS. I would be willing to go along with a lot of the statements the gentleman has made, but I say we have the situation before us now. Is the gentleman suggesting that we hold off and hold a hearing or that we pass a bill? I should like to ask the gentleman which it is he wants us to do.

Mr. MELCHER. Mr. Chairman, I would prefer that all the assets of all the holding companies be put in one pot, so that they can come under the jurisdiction of the judge and they can come under the control and supervision of the trustees.

Mr. STAGGERS. We are for that, too, but that is not the case now. We have something before us right now.

Mr. MELCHER. Thank you, Mr. Chairman.

Short of pooling all Penn Central holdings, I do not believe the Congress should act on this legislation. This avenue has not been adequately pursued. This avenue has not been completely pursued. The court can act. The trustees are desirous of this very point, and the court can act accordingly. To do less will not clear up the mess in which the Penn Central now muddles.

Statements made by the committee members that the Government would come ahead of existing mortgages of all the holdings of the Penn Central are very misleading, because not all of the holdings of the Penn Central conglomerate are in bankruptcy. Not all of them are subject to the court or the control of the trustees. Despite the pleadings of the committee and of the trustees, not all these possible avenues have been pursued, and I believe we would be best off to pursue them before acting on the bill.

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, to use a clean and unencumbered metaphor, I shall not attempt to discover how the camel broke his leg by beating a dead horse, for that, I think, is water under the bridge.

I wish to go back into the history of this matter only to this extent. This bill is quite a different thing from H.R. 18125. That bill as it came before our committee would have pumped $750 billion into failing railroads in the country. It contained no requirement that the Government's interest be placed ahead of all other creditors.

That bill was subject to the criticism that has been made of this one.

The bill which is before us here is quite a different thing. All we are talking about is the order of priority of creditors here.

We are not talking about putting $125 million into the railroad. We will get our $125 million out because we stand as close to the head of the line among creditors as the statute can place us.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I am a little puzzled by the statement of the gentleman, because if it is true that the Government would occupy such a very high position in this matter, then why cannot they get the money from the banking industry? I have no doubt but what the net worth of the railroad is enormous. This is a relatively small loan.

Mr. ECKHARDT. I think I can answer that question. It is simply this: I do not paint as rosy a picture as some of those who have talked about this situation. I think the Penn Central is hocked up to the gills. It is encumbered to the full extent that it can borrow money. The only way additional operating money can be obtained is the same way that operating money is always obtained by a bankrupt corporation in trusteeship and that is to provide that that operating money be secured, first, by assets which will not cover the entire encumbrance of the company, if the assets were sold at that time——

Mr. LONG of Maryland. I understand that, but if the gentleman will yield further——

Mr. ECKHARDT. Let me read you how that works out. The provision appears on page 12 of the bill. It says:

> (c) The Secretary shall not guarantee any certificate unless the certificate is treated as an expense of administration and receive the highest lien on the railroad's property and priority in payment under the Bankruptcy Act.

Then, it makes the one exception of rolling stock which is already subject to an equipment trust.

What we are doing, in effect, is placing the Government in a prior position so that additional money which would not be lent because the assets of the railroad would not properly secure it can flow in and those who lend that money are put in the position of Government itself as a prior creditor. That is what was not done in the original bill and that is the reason the gentleman from Washington (Mr. ADAMS) and myself, the gentleman from Michigan (Mr. DINGELL) and the gentleman from West Virginia, the chairman of the committee, and practically every other member of the committee was dissatisfied with that earlier bill.

The only thing we are doing here is providing for operating money which as the gentleman from Washington (Mr. ADAMS) said is going to provide for operation of a few months. We do not solve the question, but we do not risk Federal money. The committee has guarded against that risk. I think the gentleman from West Virginia, the distinguished chairman of the Committee on Interstate and Foreign Commerce, and the able members of the Subcommittee on Transportation, Mr. DINGELL, Mr. ADAMS, and others deserve great credit in writing a bill which guards so well against risking public money. I shall support the bill.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. YATES. Mr. Chairman, I move to strike the requisite number of words.

Will the gentleman from Texas permit me to ask the gentleman a question? The various gentlemen who have addressed the House previously have indicated if this bill is not approved the railroad will close on or about January 8. The gentleman has just stated, and the gentleman from Washington (Mr. ADAMS) has said that this money will keep the railroad in operation until January 9.

It seems to me that there is no assurance the railroad will operate beyond that time as a result of this bill, is that true?

Mr. ADAMS. Mr. Chairman, will the gentleman yield? I thought I indicated——

Mr. YATES. I yield to the gentleman.

Mr. ADAMS. I thought I indicated, and I hope I made it clear, that the $100 million is to keep this railroad operating until approximately March 31 so that the Congress can decide what they want to do with the railroad. That is the whole purpose, to give this Congress an opportunity to decide what will happen, and we felt that March 31 was the period of time we needed to do this in, because we have to organize, we have to hold hearings, and everybody who has a proposal on this has to make it, and we have to put together a bill to decide what to do with the railroad.

Mr. YATES. How long does this loan run before it matures? It is 15 years, is it not?

Mr. ADAMS. These are 15-year notes which were recommended to us as being marketable at a lower rate of interest than the 5-year certificates which were originally prepared.

That was to give us the flexibility in this particular case to go through a whole series of options. But if we buy it out, as somebody said before, these will come in on top and will be used as part of the purchase price, and if there is some other way to keep it running they then become trustee certificates that are paid off first as money becomes available, which the trustees said it looks now like 3 to 5 years.

Mr. YATES You are buying 90 days in order to find out what can be done to revive the railroad?

Mr. ADAMS. Precisely.

Mr. YATES. And at the end of the 90 days does the gentleman believe that the road will be in the same precarious financial condition that it is in today?

Mr. ADAMS. I am convinced of it, there is no way out for this railroad.

Mr. YATES. Then why make a loan?

Mr. ADAMS. The reason for making the loan is to decide what we are going to do with the road so that the Northeast, New York, Chicago, and the rest can have railroad service. Now, I do not have a preconceived position on that as to whether we should try to keep it a private enterprise, and nationalize it, leave it in bankruptcy, or what. I think this House has to work its will, but I say that from the testimony that prior to March 31 you must act.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, let me say that I agree with my colleague entirely in that the whole purpose of the committee was to be assured that the $125 million would be adequately secured, and would have preference in its claims against the entire assets of the corporation which are greatly in excess of that amount. Now, if we buy that time and we keep the railroad operating, it seems to me to be worth it.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I thank the gentleman for yielding. It seems to me that the gentleman cannot have it both ways. On the one hand, we are told the Government is not risking very much because this is a very high-priority loan, and yet somehow even with this high-priority security you cannot get money from private industry.

Now, I am willing to accept that perhaps we are not risking a great deal on this, but I do think that there are two questions involved. First, what is the financial obligation we are undertaking? Second, what is the moral obligation? Far more significant than this financial installment we are putting down is the fact that we are being told that 90 days from now, or what-have-you, the railroads are going to come to us and say, "Put more money in, or we will collapse." That is what is basically involved.

Mr. YATES. Is that not what is going to be presented to the Congress during the 90-day respite?

Mr. ADAMS. Mr. Chairman, if the gentleman will yield, that is precisely what is going to be presented to the Congress and to the committee. And I hope we have said it strong and well enough so that you will know that you are going to have to decide what to do with the Penn Central before March 31. And nobody on the committee that I know of has a better package plan to present to this House. If we had, we would have tried to pass it in this period of time, but we could not do it.

Mr. YATES. I do not like this bill. It presents us with hard choices. In view of the emergency, I see no alternative at this time except to vote for it and to see, hopefully, what plan is presented during the next 3 months to relieve this terribly complex situation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KUYKENDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, may I ask a question of the gentleman from Washington?

A few moments ago the gentleman from Washington made a remark which I know the gentleman and I both had previously spoken on, and that is that he said that there was no chance for this railroad. It is my understanding that what the gentleman meant by this statement is there is no chance in the next few months.

Mr. ADAMS. Mr. Chairman, if the gentleman will yield, that is correct.

Mr. KUYKENDALL. That the receivers all made it very clear that this was their considered judgment, that if they were allowed to proceed on this basis that they could have this railroad back in operation in between 3 and 4 years, but as far as the immediate future is concerned it is definitely that we are going to have to give them relief in the immediate future.

Mr. ADAMS. That is correct. But I want to make certain again that Members understand that prior to March 31 a decision must be made as to whether or not the Government wants to give the trustees this chance for the future. They prognosticate that in 3 to 5 years three things have to happen: first, they have to sell off enough assets to improve their cash position; second, that they have management good enough so they can run it at a profit; and, third, that they have to work out with other railroads in the country so that they have a viable system.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman.

Mr. DINGELL. I would urge, first of all, if anybody has any ideas as to how this matter is going to be resolved to present themselves to the Commerce Committee between now and the first of March next year when we will be considering a final way out of this thicket that we are in.

I would also like to recommend to the membership of this body the reading of the language on page 10 of the bill beginning on line 1 down through line 13 as to the findings that the Secretary has to make before he can guarantee one nickel, which includes the following:

That the cessation of services is imminent.

That there is no other practicable means of obtaining funds to meet the payroll.

The certificates cannot be sold without a guarantee.

This is an extremely important thing, that the railroad can reasonably be expected to become self-sustaining.

The probable value of the assets of the railroad in the event of liquidation provides reasonable protection to the United States.

How much more can you ask?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman.

Mr. YATES. The colloquy earlier indicated that the critical period is the next 90 days.

What do the trustees intend to do or what does this Committee on Interstate and Foreign Commerce intend to do within the next 90 days to take care of this emergency?

Mr. KUYKENDALL. One thing, let me say to the gentleman from Illinois, and this was discussed in length in the committee and with the witnesses—one of the major paths or tasks that they have already decided to seek as an answer is the divestiture of as many of its nonrailroad properties, as possible.

Let me give you an example of what they intend to do. In questioning one of the governing boards of a particular subsidiary, one of the many companies that they must manage, I think the speaker for this particular board of directors did not have a single member on it from the parent company.

They have got to be reorganized and get more order before they can get some of the assets back.

That is the only one of the tasks to be taken in the next 90 days which will give us an idea of what can be done here. But the fact that we passed labor legislation 2 weeks ago brought us in here about 60 days earlier than we expected to be. I think that is the key to the thing.

Mr. ROBERTS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am not going to support this legislation despite the fact that I think the committee has done a good job. If that seems unusual, I want to make a short explanation.

Back during the depression we had a lot of failing businesses, and we organized what became known as the Reconstruction Finance Corporation.

You heard the gentleman from Ohio just state the name of five or six of the major companies in this country that are important, maybe more important even than the Penn Central, to the defense of this country. These corporations also in serious financial trouble.

As soon as we come back, I am going to do my best to introduce—and I hope many of you will join me in setting up an organization something like the old Reconstruction Finance Corporation, to make business loans or to guarantee these loans. But, also, an organization that can look after and guarantee that we get some new management, where needed. An RFC-type agency can really put some restrictions on loans and supervise management which the House cannot do. I hope you will join me in preparing and introducing this badly needed legislation.

I commend the committee for what they have done on such short notice. But I do not think it is the answer. I think we have two or three aircraft plants, we have the airlines, and we have several other major corporations, good business outfits, that are in serious trouble, and we are going to have to do something about it. I do not think we ought to "single shot" it, as this bill does.

Mr. JACOBS. Mr. Chairman, I move to strike out the requisite number of words.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. JACOBS. Mr. Chairman, the thing that disturbs me most about the debate or the discussion up to now is the fact that innumerable times the question has been propounded that if this is such a good deal for Uncle Sam to have a priority as described on page 12 of the bill over all other creditors, if it is such a good deal, why is the banking industry not interested in it? Why will they not touch it with a 10-foot pole or, shall we say, a 15-year-loan pole? I think therein lies the explanation.

You can go to a bank and borrow money for 15 years to buy a house, but you cannot go to a bank and borrow money for 15 years to have one night out on the town. In essence, that is the kind of loan that has been described here.

The gentleman from Maryland asked the question two or three times, and never really specifically got an answer to the question that he asked: Why the banking industry would not be interested in this loan with the creditors agreeing that priority be given for this $125 million loan. And that is the answer. You do not borrow $125 million for 15 years from a bank just in order to put off a decision for 90 days.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. In just a moment if you please. On the question of assets, of course, the railroad has tremendous assets. One of those tremendous assets of one of the railroads in this country is in my hometown. They have been trying to sell it for 10 years. That is the Union Station there, a beautiful thing. It cost a lot of money. But it is like a cast iron pea shooter. Nobody wants to buy it. When they go to sell the assets of this railroad to pay off this $125 million loan, which rail are they going to torch out of the system, cut out of the system and sell? Those are some of the subjects that have not been discussed.

Mr. ADAMS. Mr. Chairman, will the gentleman yield at that point?

Mr. JACOBS. I yield to the gentleman from Washington.

Mr. ADAMS. The reason that the banks will not purchase trustees certificates is twofold. First, most of those involved with this business are up to their legal limits and are not allowed to place any more money into it. Second, the banks themselves—this is like a guarantee of an FHA loan—the reason the Government had to guarantee them so banks would take them was because they felt it was easier to get their money from the Government and for the Government to go in and collect the money from the debtor if it had to be done. That is why in this bill we have put in guarantee fees in case there is any expense of it.

Mr. JACOBS. Do not go beyond that point. Let me ask the gentleman, if this is in the nature of an FHA guarantee of a loan—and that is my understanding—the Government itself is not lending the money——

Mr. ADAMS. That is correct.

Mr. JACOBS. Then who is going to lend the money? The bank?

Mr. ADAMS. The bank.

Mr. JACOBS. What about that bank's having reached its legal limit?

Mr. ADAMS. Those banks cannot. What I am saying is that you are going to have to go to a different set of banks. This was testified to in the hearings——

Mr. JACOBS. Why not go to that different set of banks without U.S. banking?

(At the request of Mr. ADAMS, Mr. JACOBS was permitted to continue for 2 additional minutes.)

Mr. ADAMS. We specifically asked financial advisers where these could be sold. I am talking about the trustees now. They hope to sell some of them to pension funds and other groups. They require a 15-year limit. The banking industry is not eager to take those loans. I agree with the gentleman. But what we are saying is that the Government will collect its money.

Mr. JACOBS. Cannot the gentleman see that if the trustee is going to go to some other bank than the one that is already up to its limits, under the circumstances if this bill passes, and if this is such a good deal, why not go to these other people in the first place?

So if these banks are up to their legal limit already and if this is such a good deal, why not pass a statute changing their legal limit and giving them an opportunity to get in on this deal?

Mr. ADAMS. I tried to tell the gentleman, maybe these are some of the things we will want to do on a permanent basis, but right now the banks will not buy the trusteeship certificates because they do not want to buy into litigation and tie up their money.

Mr. JACOBS. I think it is a bad deal and I think Uncle Sam is going to get his whiskers pulled on this the same as he is on most other things.

Mr. ADAMS. We are saying he will get his money back out.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, I think we should bear in mind, in answer to the gentleman's question, that this is not a guarantee insofar as any lending institution or bank is concerned. No bank in its right mind is going to buy into a lawsuit and lend money to someone literally in bankruptcy.

Mr. JACOBS. All I ask is that the committee vote as if it were in its right mind this afternoon.

Mr. GIAIMO. The only way to get the banks to lend money on trusteeship certificates is with this bill. They do not want to buy into a lawsuit and have to wait for liquidation to get their money. The only way to get the banks to lend money on trusteeship certificates is to give them a priority position, right behind wages, and the only way to do that is with a Government guarantee. That is the purpose of the guarantee.

Mr. JACOBS. Let us make it clear the lending institution will be giving nothing. It is getting 8 or 9 or 10 percent. It is Uncle Sam who will be giving. The bankers will make their interest, and the railroad people are going on drawing their big salaries, whoever is president now will continue, and my constituents will pay for the night on the town for the next 90 days. That is why I am opposed to this.

Mr. GIAIMO. The gentleman is correct. The bank will be making money, but the bank will be advancing the money.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

(On request of Mr. GIAIMO, and by unanimous consent, Mr. JACOBS was allowed to proceed for 1 additional minute.)

Mr. GIAIMO. If the gentleman will continue to yield, the bank will be giving something for which it will be getting well paid. It will be giving the cash which is necessary to continue these railroads past the middle of January, which will keep northeastern business going. I assure the gentleman that if the economy of the Northeast stops because of the fact the Penn Central closes down, literally chaos is going to hit this country.

Mr. JACOBS. Then, just let me close by saying, someone has said that what is good for a certain corporation is good for America, and I would say that what is bad for the banking industry is bad for the taxpayers of this country.

Mr. GIAIMO. The gentleman may say that, but I would remind the gentleman who comes from Indiana that if the railroad stops in January, the industries of the gentleman's own State of Indiana, as the industries and the commerce and the economy in my own State of Connecticut, are going to hit rock bottom like we have never seen before.

All we ask, all this committee and the

Congress is asking, is: give a priority, not to the railroad, a guarantee, not to the railroad, but give it to the referee in bankruptcy so he can proceed with the reorganization of this railroad.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the debate we have had this afternoon has been a healthy and informative one for us. I think many of the Members understand the issues better than when we started out. It is so easy to stand on this floor and complain about what is happening to the railroad industry. We could all cry out that the iron horse is a sick turkey. We all know that. We could all cry out at the mess which the Penn Central has found itself in.

The real question is, Do we really have a national crisis on our hands? I am convinced, as a member of the subcommittee that heard this testimony, that we do have. The question is, What is our alternative to this bill? No one has really come forward today with a good, sensible alternative. We could say that we will let the trains stop. Would any of us really allow that? We might be tempted to, but really we cannot afford that. We just cannot do it. It would be an act of nonfeasance of the highest degree. We could let the Government take it over. We could say, let it stop and then we will put our people in charge of it. That could be an alternative, but we do not want to nationalize our transportation industry and that at this time would certainly not be the proper course to take.

Or we could in the Congress make certain appropriations to give cash to this railroad and bail it out and say, "We will have better days down the line." That would not be a proper course.

What we have recommended is that, through these loans, on these certificates, we will leave the railroad operating under the direction of the trustees and under the direction of the court, in the hope that in time to come they can get in the black and go forward under the free enterprise system.

We either take that course or some other one of these alternatives which are not feasible.

I submit that we are buying time. We say we need this money now to meet the payroll expenses within the next 3 weeks, and then we will have some 3 months nearly, to try to decide what is the best course.

I hope we approve this bill. We ought to take a vote on it now. We ought to support the committee, because it is a good approach. It is about the only sensible approach we have. No other proposal has been offered today.

The gentleman from Texas (Mr. ROBERTS) may be right that we may need some type of RFC organization later on. I note that one of our colleagues, the gentleman from Texas (Mr. PATMAN), has such a measure. Perhaps it should include transportation. That is something to look at next year.

Right now we have a crisis and we have to keep the trains rolling, and I believe this bill is the proper approach.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the requisite number of words.

I should like to be more convinced than I am that we are in a situation where the railroads absolutely cannot get their money anywhere else except from the Federal Government.

I have not had an opportunity to do any research on this, but I do know a little about economic history, and I have a recollection of railroads going bankrupt throughout the history of the United States. I cannot think offhand of any railroad that has ever actually stopped functioning because it went bankrupt.

If the gentleman can show me that this is the usual procedure and that they have not been able to get loans and have actually stopped trains, I would be a little more inclined to go to the rescue.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Texas.

Mr. PICKLE. The Secretary of Transportation appeared before our committee and made a very strong statement that we have a crisis of national character on our hands. A former Secretary of Labor, the Honorable Willard Wirtz, made the same statements to the members of the committee in no uncertain language. The other trustees who appeared said over and over that there is no other reasonable alternative.

I ask the gentleman to look at page 9 of the bill, to section 3, which refers to "financial assistance." There are statements concerning the fact that the Secretary must consult with the commission before he is authorized to guarantee any of these certificates; and, if the gentleman will bear with me, I should like to read what the bill says he must do before he can make these loans:

> (1) cessation of essential transportation services by the railroad would endanger the public welfare;
>
> (2) cessation of such services is imminent;
>
> (3) there is no other practicable means of obtaining funds to meet payroll and other expenses necessary to provide such services than the issuance of such certificates;
>
> (4) such certificates cannot be sold without a guarantee;

Then there are two other provisions. We can see the safeguards.

I do not want the gentleman to use all of my time. I would like to comment on this: You and I have been in this House for some time and I think you realize that if we believed everything that Secretaries and bureaucrats said when they came before our committees this Government would be run even worse than it is now.

There are a lot of loopholes in the statement which the gentleman has made. However, the gentleman has not answered my question. Is it absolutely certain from our history of railroad operations that you have got to come in with the Federal Government to bail them out and give them cash in order to keep the railroads functioning? I do not know of any precedent of that kind in the history of the United States.

Mr. Chairman, I am not terribly bothered by this $100 million. This is a relatively small amount, considering the money we throw around in this body. What bothers me is that this is just the beginning of a long-term commitment. In my opinion 90 days from now they will come back and say, "If you do not give us some more money, we are going to collapse." This is a kind of economic blackmail.

What is your alternative?

Mr. LONG of Maryland. I would like to call their bluff. I do not honestly believe if we refused to give them this loan that the railroads are going to stop running.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from West Virginia.

Mr. STAGGERS. All I would like to say is that I hope we do soon vote, because I think we have had enough discussion of this matter.

I would ask the gentleman is he willing to take the chance that this railroad close down its operations on January 8 and run the risk of the citizens in the northeastern and the eastern part of the United States to be denied the delivery of fresh vegetables and fruit, the delivery of hospital equipment, the delivery of heavy equipment and steel which this Nation so badly needs to operate, are you going to take that on your conscience?

Mr. LONG of Maryland. The gentleman from West Virginia has me almost in tears with the prospect he paints. I have no idea but what the railroads would try to pull a blackmail, but I do not think it is genuine. My guess is that if Uncle Sam were not waiting in the wings, they would find some other means or someone else from whom to borrow the money.

Mr. CABELL. Mr. Chairman, I would like to call the attention of this body to the fact that the business which we are discussing at this time is the fact that the Penn Central Railroad has not gone through the rigors. Our western railroads years ago went through the rigors. They paid their debt to society for their mismanagement and they are now a profitable institution. They did it without Federal funds. I hope we will not set the precedent at this time of bailing out the Penn Central and the eastern banks with taxpayers' money and give them a free ride by the use of Federal money.

Mr. LONG of Maryland. I agree with the gentleman. There is no end to it once you start.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 19953) to authorize the Interstate Commerce Commission to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes, pursuant to House Resolution 1315, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The **SPEAKER.** Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The **SPEAKER.** The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BROWN OF OHIO

Mr. **BROWN** of Ohio. Mr. Speaker, I offer a motion to recommit.

The **SPEAKER.** Is the gentleman opposed to the bill?

Mr. **BROWN** of Ohio. I am, Mr. Speaker, in its present form.

The **SPEAKER.** The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. BROWN of Ohio moves to recommit the bill H.R. 19953 to the Committee on Interstate and Foreign Commerce.

The **SPEAKER.** Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The **SPEAKER.** The question is on the motion to recommit.

The motion to recommit was rejected.

The **SPEAKER.** The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **LONG** of Maryland. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 165, nays 121, answered "present" 2, not voting 145, as follows:

[Roll No. 449]

YEAS—165

Adams
Albert
Anderson, Ill.
Anderson, Tenn.
Annunzio
Beall, Md.
Betts
Biaggi
Biester
Bingham
Boggs
Boland
Bow
Brademas
Bray
Broyhill, Va.
Byrne, Pa.
Byrnes, Wis.
Carey
Carter
Celler
Chamberlain
Clark
Conable
Coughlin
Culver
Daniels, N.J.
Davis, Wis.
Dellenback
Dennis
Dingell
Donohue
Dorn
Downing
Eckhardt
Erlenborn
Eshleman
Evans, Colo.
Feighan
Flood
Flowers
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frey
Fulton, Pa.
Fuqua
Gallagher
Garmatz
Gettys
Giaimo
Goodling
Green, Oreg.
Griffin
Gude
Hamilton
Hansen, Wash.
Harsha
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hogan
Hosmer
Howard
Hunt
Jarman
Jonas
Kee
Keith
King
Kleppe
Koch
Kuykendall
Kyros
McCloskey
McDade
McEwen
McFall
MacGregor
Mann
Matsunaga
Meeds
Minish
Mink
Mollohan
Monagan
Morgan
Morse
Morton
Mosher
Murphy, N.Y.
Natcher
Nelsen
Nix
O'Hara
O'Neill, Mass.
Passman
Patten
Perkins
Philbin
Pickle
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Pucinski
Quie
Railsback
Reid, Ill.
Reid, N.Y.
Rhodes
Riegle
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Satterfield
Schneebeli
Sebelius
Shriver
Skubitz
Slack
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Stratton
Stuckey
Taft
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vigorito
Wampler
Ware
Watson
Weicker
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wydler
Wyman
Yates
Yatron
Zablocki
Zion

NAYS—121

Anderson, Calif.
Ashbrook
Ashley
Belcher
Bennett
Bevill
Blackburn
Blatnik
Bolling
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Mass.
Burleson, Tex.
Burton, Calif.
Cabell
Casey
Chappell
Cleveland
Cohelan
Collier
Collins, Tex.
Colmer
Conyers
Corman
Crane
Davis, Ga.
de la Garza
Derwinski
Dickinson
Duncan
Edwards, Ala.
Eilberg
Esch
Findley
Fisher
Flynt
Foley
Ford, Gerald R.
Fountain
Galifianakis
Gonzalez
Green, Pa.
Gross
Gubser
Hagan
Halpern
Hammerschmidt
Hanna
Hansen, Idaho
Harrington
Harvey
Holifield
Horton
Hutchinson
Ichord
Jacobs
Jones, Ala
Jones, N.C.
Karth
Kastenmeier
Kazen
Kyl
Landgrebe
Leggett
Long, Md.
Lowenstein
McClure
Macdonald, Mass.
Madden
Mahon
Mailliard
Marsh
Mayne
Melcher
Miller, Ohio
Mizell
Myers
Nedzi
Nichols
Obey
Olsen
O'Neal, Ga.
Pike
Poage
Pollock
Price, Tex.
Purcell
Quillen
Randall
Rees
Reuss
Roberts
Rosenthal
Roybal
Ryan
Sandman
Scheuer
Schmitz
Schwengel
Scott
Steed
Stokes
Stubblefield
Talcott
Taylor
Teague, Tex.
Vanik
Waldie
Watts
Whalen
White
Whitten
Wilson, Charles H.
Wright
Wylie
Young

ANSWERED "PRESENT"—2

Daniel, Va.
Smith, Calif.

NOT VOTING—145

Abbitt
Abernethy
Adair
Addabbo
Alexander
Andrews, Ala.
Andrews, N. Dak.
Arends
Aspinall
Ayres
Baring
Barrett
Bell, Calif.
Berry
Blanton
Brasco
Brock
Brooks
Broyhill, N.C.
Burke, Fla.
Burlison, Mo.
Burton, Utah
Bush
Button
Caffery
Camp
Carney
Cederberg
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Collins, Ill.
Conte
Corbett
Cowger
Cramer
Cunningham
Daddario
Delaney
Denney
Dent
Devine
Diggs
Dowdy
Dulski
Dwyer
Edmondson
Edwards, Calif.
Edwards, La.
Evins, Tenn.
Fallon
Farbstein
Fascell
Fish
Foreman
Friedel
Fulton, Tenn.
Gaydos
Gibbons
Gilbert
Goldwater
Gray
Griffiths
Grover
Haley
Hall
Hanley
Hébert
Henderson
Hicks
Hull
Hungate
Johnson, Calif.
Johnson, Pa.
Jones, Tenn.
Kluczynski
Landrum
Langen
Latta
Lennon
Lloyd
Long, La.
Lujan
Lukens
McCarthy
McClory
McCulloch
McDonald, Mich.
McKneally
McMillan
Martin
Mathias
May
Meskill
Michel
Mikva
Miller, Calif.
Mills
Minshall
Mize
Montgomery
Moorhead
Moss
Murphy, Ill.
O'Konski
Ottinger
Patman
Pelly
Pepper
Pettis
Powell
Pryor, Ark.
Rarick
Reifel
Rivers
Roudebush
Rousselot
Ruppe
Ruth
St Germain
Saylor
Schadeberg
Scherle
Shipley
Sikes
Sisk
Smith, Iowa
Snyder
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Sullivan
Symington
Tunney
Vander Jagt
Waggonner
Whalley
Winn
Wold
Wolff
Wyatt
Zwach

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Symington for, with Mr. Hébert against.

Mr. Addabbo for, with Mr. Waggonner against.

Mr. Brasco for, with Mr. Burlison of Missouri against.

Mr. Dent for, with Mr. Rarick against.

Mr. Kluczynski for, with Mr. Abernethy against.

Mr. Gray for, with Mr. Fulton of Tennessee against.

Mr. Grover for, with Mr. Andrews of Alabama against.

Mr. Shipley for, with Mr. Jones of Tennessee against.

Mr. St Germain for, with Mr. Blanton against.

Mr. Delaney for, with Mr. Montgomery against.

Mr. Brooks for, with Mr. Clay against.

Mr. Barrett for, with Mr. Abbitt against.

Mr. Aspinall for, with Mr. Farbstein against.

Mr. Dulski for, with Mr. Steiger of Wisconsin against.

Mr. Edmondson for, with Mr. Broyhill of North Carolina against.

Mr. Hanley for, with Mr. Conte against.

Mr. Corbett for, with Mr. Zwach against.

Mr. Meskill for, with Mr. Henderson against.

Mr. Johnson of Pennsylvania for, with Mr. Lennon against.

Until further notice:

Mr. Miller of California with Mr. Del Clawson.
Mr. Edwards of Louisiana with Mr. Reifel.
Mr. Long of Louisiana with Mr. Snyder.
Mr. Fascell with Mr. Kramer.
Mr. Evins of Tennessee with Mr. Adair.
Mr. Pepper with Mr. Devine.
Mr. Pryor of Arkansas with Mr. Fish.
Mr. Sikes with Mr. Camp.
Mr. Stephens with Mr. Winn.
Mr. Landrum with Mr. Rousselot.
Mr. Alexander with Mr. Scherle.
Mr. Hicks with Mr. Pelly.
Mr. Hull with Mr. Mize.
Mrs. Sullivan with Mrs. Dwyer.
Mr. Caffery with Mr. Lukens.
Mr. Dowdy with Mr. Brock.
Mr. Edwards of California with Mr. Ruppe.
Mr. Gilbert with Mr. Collins of Illinois.
Mr. Ottinger with Mr. Diggs.
Mrs. Chisholm with Mr. Tunney.
Mr. McMillan with Mr. Ruth.
Mr. Johnson of California with Mr. Steele.
Mr. Hungate with Mr. Hall.
Mr. Wolff with Mr. Langen.
Mr. Fallon with Mr. Don H. Clausen.
Mr. Gibbons with Mr. Cunningham.
Mrs. Griffiths with Mr. Arends.
Mr. Sisk with Mr. Vander Jagt.
Mr. Smith of Iowa with Mr. Ayres.
Mr. Moss with Mr. Goldwater.

Mr. Moorhead with Mr. McDonald of Michigan.
Mr. McCarthy with Mr. Minshall.
Mr. Baring with Mr. Whalley.
Mr. Carney with Mr. Saylor.
Mr. Daddario with Mr. Foreman.
Mr. Mikva with Mr. Schadeberg.
Mr. Murphy of Illinois with Mr. O'Konski.
Mr. Mills with Mr. Burke of Florida.
Mr. Friedel with Mr. Bell of California.
Mr. Gaydos with Mr. McCulloch.
Mr. Haley with Mr. Roudebush.
Mr. Rivers with Mr. Cowger.
Mr. Patman with Mr. Steiger of Arizona.
Mr. Denney with Mr. Wold.
Mr. Burton of Illinois with Mr. Berry.
Mr. Andrews of North Dakota with Mr. Button.
Mr. Michel with Mr. Bush.
Mr. Floyd with Mr. Martin.
Mr. Latta with Mr. McClory.
Mr. Cederberg with Mr. Clancy.
Mr. Pettis with Mr. Mathias.
Mr. McKneally with Mrs. May.

Mr. GALIFIANAKIS changed his vote from "yea" to "nay."

Mr. ALBERT changed his vote from "nay" to "yea."

Mr. O'HARA changed his vote from "nay" to "yea."

The doors were opened.

The title was amended so as to read: "A bill to authorize the Secretary of Transportation to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes."

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19911) entitled "An act to amend the Foreign Assistance Act of 1961, and for other purposes."

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will be in order. It gives the Chair pleasure to use this gavel which was sent to him by Governor Burns of Hawaii.

CONFERENCE REPORT ON H.R. 19911, SUPPLEMENTAL FOREIGN ASSISTANCE AUTHORIZATION

Mr. MORGAN. Mr. Speaker, I call up the conference report on the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 21, 1970.)

Mr. MORGAN (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GROSS. Mr. Speaker, reserving the right to object, I take it that the gentleman will explain the result of the conference?

Mr. MORGAN. I intend to do so.

Mr. GROSS. I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MORGAN. Mr. Speaker, we have just finished a difficult conference and have not been able to get everything that we wanted.

We were not in a strong bargaining position.

Time was not on our side.

In essence, however, we believe that the bill as agreed to by the conferees will enable the President to provide increased military and economic assistance to selected countries which will enable those countries to protect and defend their own security interests.

The managers on the part of the House agreed to accept five of the principal Senate amendments to H.R. 19911 because of the importance of this authorization to the continued withdrawal of American soldiers from South Vietnam and Korea and the fact that there is an urgent requirement for additional funds—now.

Mr. Speaker, there is no difference in the total amount authorized by the House and that authorized in H.R. 19911 as agreed to by the conferees.

The amount authorized to be appropriated is $550 million.

As a result of Senate amendment the bill authorized these funds on a line item basis. The amounts authorized, however, for each country and program conform to the amounts requested by the President in his supplemental foreign assistance authorization message, with the exception that the Congress increased the authorization for economic assistance $15 million which is to be used for the relief of the victims of the recent disaster in East Pakistan. Thus, the funds requested are for specified programs to achieve specific foreign policy objectives.

The House conferees do not like the idea of authorizing on a line item basis. They were of the opinion, however, that the appropriation of these funds as soon as possible is so important to the foreign policy objectives of the United States that an exception should be made in this one instance.

The Senate amendment also contained language which places a restriction on U.S. involvement in Cambodia. Briefly stated, this language prohibits the use of any funds authorized or appropriated under the Foreign Assistance Act or any other act from being used to finance the introduction of U.S. ground troops into Cambodia, or to provide military assistance advisers to or for Cambodian military forces in Cambodia.

The Senate refused to delete these provisions. Because of the fact that funds allocated for Cambodia are almost exhausted and that there is an immediate requirement for additional funds for military assistance, the House conferees agreed to accept this Senate amendment.

The amendment as passed by the Senate also contained language to the effect that the grant of military and economic assistance to Cambodia did not constitute a commitment by the United States to defend that country. The provision is similar in language and intent to the provisions of section 650 of the Foreign Assistance Act of 1961. For that reason, the House conferees agreed to accept the Senate amendment.

The Senate also added an amendment which requires the President to notify the Speaker of the House of Representatives and the chairman of the Senate Committee on Foreign Relations 30 days in advance—10 days in an emergency—that he intends to use the transfer authority granted to him under the provisions of the Foreign Assistance Act of 1961, as amended, to provide military and economic assistance to Cambodia.

The managers on the part of the House agreed to accept this amendment to the Foreign Assistance Act of 1961 because they were of the opinion that the assistance already given to Cambodia, and that which will be made available under this authorization, will be sufficient to enable that country to defend its security and independence over the next 6 months, which is the period covered by this authorization.

It was also thought that the situation in Cambodia is such that any additional requirement for military or economic assistance for that country will be apparent far enough in advance to enable the President to make additional assistance available to Cambodia and to notify the Congress in accordance with the provisions of this section.

In another amendment, the Senate included language which requires that military and economic assistance furnished under the provisions of this bill be subject to the standard safeguards and requirements of the Foreign Assistance Act of 1961.

The House conferees were in full agreement with this amendment.

The statement of managers on the part of the House that accompanies the conference report on H.R. 19911, inadvertently omitted any reference to section 6 of the bill as it passed the House. That section was adopted in the House during the consideration of the bill. It deals with the matter of the suspension of economic and military assistance to countries that do not take appropriate steps to prevent narcotic drugs entering the United States from such countries.

I want to assure the House that there was no lack of sympathy on the part of all the conferees for the objective of the amendment. The issue was whether this bill is the most appropriate vehicle for achieving that objective. The U.S. Government has made known its position to countries that are potential sources of narcotics. Those governments are undertaking increasingly stronger measures to deter the production and export of drugs. We had to weigh the positive steps that are being taken against the possible negative effects that the amendment might have in pursuit of our foreign policy objectives. Accordingly, the managers on the part of the House agreed to delete this section.

Mr. Speaker, I hope the House will judge this bill we have brought back from conference in terms of the importance of what it does and not in terms of its shortcomings, which I freely acknowledge. The need for additional funds is urgent if U.S. policy objectives in Southeast Asia, Korea, and the Middle East are to be achieved. The authorization and appropriation of these funds will insure the continued withdrawal of American troops from Vietnam. It should enable the Vietnamization program to proceed apace and it should contribute to peace in the Middle East.

I am certain that I speak for the House conferees when I say that I am convinced that this bill is the best that we can do. The executive branch poses no serious objection to the Senate amendments. The national interests of the United States require enactment of this bill. I urge the House to accept the bill that has been agreed upon by the conferees of both Houses.

Mr. MORGAN. Mr. Speaker, I yield now to the ranking minority member on the conference committee, the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Speaker, I rise in support of the conference report on H.R. 19911 that we are considering here today.

In my opinion the agreement that has been reached on the various provisions of the bill should be reasonably satisfactory to the great majority of the Members of this body.

Since the House considered this bill, the administration has made it clear that it seeks only to use U.S. Armed Forces prudently and with a clear definition of this country's security goals. Events since mid-1970 have confirmed the restraint and integrity with which the President is pursuing this country's goals in Asia.

The record of debate clearly establishes that the Congress has no desire to weaken the powers of the President as Commander in Chief. The President retains his discretionary powers in this respect, which is wise and justified.

The administration has indicated that it intends to keep the Congress fully informed as concerns U.S. assistance programs for Cambodia. Indeed, the administration has exercised admirable restraint and shown that it is determined to avoid a repetition of our unhappy experience in Vietnam.

While there are provisions in the compromise now before us which I personally do not consider desirable, on the whole the report does meet urgent requirements and I feel that the House should support the conference report and I urge it to do so.

Mr. MORGAN. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. FULTON).

Mr. FULTON of Pennsylvania. Mr. Speaker, I rise in support of this conference report because it is one of those necessary kinds of items that we need until we can in the Foreign Affairs Committee look into the foreign aid program in the coming year, 1971.

I would ask the chairman one question. As far as the ability of the President to act in an emergency, in the chairman's judgment, does the President have sufficient flexibility or does this restrict the President so much in the case of emergency that we might endanger our U.S. security or U.S. military forces in any place?

Mr. MORGAN. Certainly it does restrict the President, but as I said before, it should keep Cambodia going until we can next year enact legislation that will take care of the situation in Cambodia adequately.

Mr. FULTON of Pennsylvania. While it is restrictive, it is not too restrictive?

Mr. MORGAN. It is restrictive.

Mr. FULTON of Pennsylvania. But the Secretary of Defense and the Secretary of State feel we can live with these restrictions?

Mr. MORGAN. They have both assured me of that.

Mr. FULTON of Pennsylvania. I feel we should support the conference report.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, I feel this late in the session, after numerous conference reports have been debated, it might not be amiss too much to observe that any group of conferees that has to meet with their Senate counterparts deserves our appreciation. There is not anything worse than to send our fine, stable, responsible Members of the House over to meet with the dissimilar types in the other body. So I commend the chairman of the Foreign Affairs Committee and our ranking Republican Member for facing the group they faced.

Mr. Speaker, all in all I feel this is an acceptable report that should be adopted.

Mr. MORGAN. Mr. Speaker, I hope that the gentleman from Illinois will stay around until he reaches a place on the Foreign Affairs Committee so that I can take him with us to conference, because we need his help.

Mr. DERWINSKI. It will be a pleasure to cooperate.

Mr. FINDLEY. Mr. Speaker, during consideration of this bill by the Committee on Foreign Affairs, I offered an amendment in order to make clear that approval could not be construed as giving congressional sanction to a commitment to defend Cambodia or to authorize the introduction of U.S. military advisers into Cambodia.

The amendment I offered, which was rejected as I recall by a vote of 18 to 9, read as follows:

> SEC. 3. The military and supporting assistance funds authorized for Cambodia by the amendments made by the first two sections of this Act shall be used exclusively for purposes the President determines to be essential to the withdrawal of United States military personnel from South Vietnam, and in no case shall be used to establish or maintain United States military advisory personnel in Cambodia.

Mr. Speaker, the United States presently has no treaty obligation to Cambodia. By mutual agreement, our obligation to that state under the SEATO Treaty was terminated long ago. We have had no AID or military assistance program there since 1963.

H.R. 19911, therefore, has major importance because it sanctions a commitment where none presently exists. It authorizes both military and supporting assistance to the Government of Cambodia, and thus brings the Congress squarely to the question of a new commitment.

When Congress approves for the first time money and arms for a foreign government, it thereby sanctions a new commitment in some form.

Because the sanction of an initial commitment can become the foundation of broad involvement—as happened in Vietnam—the action is one of gravity.

I argue that the Congress should approve the emergency request by the President, but should establish as policy that the military assistance funds authorized for Cambodia shall be used exclusively for purposes the President determines to be essential to the withdrawal of U.S. military personnel from South Vietnam, and in no case used to establish or maintain U.S. military advisory personnel in Cambodia.

One reason my amendment lost was the objection of the administration. Fortunately the administration reversed its position, as evidenced by its acquiescence in the language of section 7 as set forth on page 2 of the conference report now before us.

This language embraces completely the points embodied in my earlier proposal. Section 7 is a valuable addition to the bill.

Mr. MORGAN. Mr. Speaker, I move the previous question on the conference report.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

ARTICLES INTENDED FOR PREVENTING CONCEPTION

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4605) to amend the Tariff Act of 1930 and the United States Code to remove the prohibitions against importing, transporting, and mailing in the U.S. mails articles for preventing conception, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

> Page 2, strike out all after line 7 over to and including line 16 on page 3 and insert:

"Sec. 5. (a) Section 4001 of title 39 of the United States Code, relating to nonmailable matter, is amended by adding at the end thereof the following new subsection:

" '(d) (1) Any matter which is unsolicited by the addressee and which is designed, adapted, or intended for preventing conception (except unsolicited samples thereof mailed to a manufacturer thereof, a dealer therein, a licensed physician or surgeon, or a nurse, pharmacist, druggist, hospital, or clinic) is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postmaster General directs.

" '(2) Any unsolicited advertisement of matter which is designed, adapted, or intended for preventing conception is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postmaster General directs unless the advertisement—

" '(A) is mailed to a manufacturer of such matter, a dealer therein, a licensed physician or surgeon, or a nurse, pharmacist, druggist, hospital, or clinic; or

" '(B) accompanies in the same parcel any unsolicited sample excepted by paragraph (1) of this subsection.

An advertisement shall not be deemed to be unsolicited sample excepted by paragraph if it is contained in a publication for which the addressee has paid or promised to pay a consideration or which he has otherwise indicated he desires to receive.'

"(b) The eighth paragraph of section 1461 of title 18 of the United States Code is amended by inserting 'or section 4001(d) of title 39' after 'this section'.

"Sec. 6. Effective on the date that the Board of Governors of the United States Postal Service establishes as the effective date for section 3001 of title 39 of the United States Code, as enacted by the Postal Reorganization Act—

"(1) such section 3001 is amended—

"(A) by redesignating subsection (e) as (f); and

"(B) by inserting after subsection (d) the following new subsection:

" '(e) (1) Any matter which is unsolicited by the addressee and which is designed, adapted, or intended for preventing conception (except unsolicited samples thereof mailed to a manufacturer thereof, a dealer therein, a licensed physician or surgeon, or a nurse, pharmacist, druggist, hospital, or clinic) is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs.

" '(2) Any unsolicited advertisement of matter which is designed, adapted, or intended for preventing conception is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs unless the advertisement—

" '(A) is mailed to a manufacturer of such matter, a dealer therein, a licensed physician or surgeon, or a nurse, pharmacist, druggist, hospital, or clinic; or

" '(B) accompanies in the same parcel any unsolicited sample excepted by paragraph (1) of this subsection.

An advertisement shall not be deemed to be unsolicited for the purposes of this paragraph if it is contained in a publication for which the addressee has paid or promised to pay a consideration or which he has otherwise indicated he desires to receive,';

"(2) section 4001(d) of title 18 of the United States Code, as added by section 5(d) of this Act, is repealed; and

"(3) the eighth paragraph of section 1461 of title 18 of the United States Code, as amended by section 5(b) of this Act, is amended by striking out '4001(d)' and inserting in lieu thereof '3001(e)'.

Sec. 7. The amendments made by this Act (other than by section 6) shall take effect on the day after the date of the enactment of this Act.

Mr. BOGGS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the amendment and that it be printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object, is the gentleman undertaking the disposal of some 20 bills that come from the Ways and Means Committee?

Mr. BOGGS. It is my intention to take up the bills which passed the House unanimously some time ago and which passed the Senate with certain amendments, and to consider the Senate amendments. In most cases only minor Senate amendments are involved. I would then hope also to be able to take up bills unanimously reported by the Ways and Means Committee.

Mr. GROSS. The bill the gentleman is calling up now is not on this long list of bills?

Mr. BOGGS. It is not. This bill passed the House unanimously, and later passed the Senate with a minor, technical amendment.

Mr. GROSS. I could not find it on this list of bills. I am just trying to ascertain what schedule the gentleman is using.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. I can explain to the gentleman that I believe there are six bills which passed the House previously which have some minor amendment or two. That will be the first group the gentleman, as I understand it, is going to call up.

I assume that the gentleman will explain the nature of the Senate amendment in those cases where that is involved, so that the Members can be assured of an explanation.

Mr. BOGGS. That is right. I appreciate the gentleman's clarifying explanation.

Mr. GROSS. May I ascertain at this point, so I will not have to interrupt, whether all amendments to these bills the gentleman now proposes to call up are germane to the bills?

Mr. BOGGS. Yes; for the most part they are germane. There is only one about which there might be a question.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Yes, there is one bill, H.R. 17473, which was passed, which does have an amendment as to which there is a question of germaneness, because the amendment does relate to a charitable deduction whereas the basic bill related to a forced stock arrangement. I give the gentleman the number of that bill so that he can be alerted to it. It is H.R. 17473.

Mr. GROSS. I am interested particularly in whether it is completely extraneous to the subject matter of the bill.

Mr. BYRNES of Wisconsin. It is an amendment of the Internal Revenue Code. All of them are germane to that extent.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana to dispense with further reading of the amendment?

There was no objection.

Mr. BOGGS. Mr. Speaker, the purpose of H.R. 4605, which passed the House on June 22, 1970, is to remove the prohibitions against importing, transporting, and mailing in the U.S. mails articles for preventing conception. The Senate amendments are technical in nature. They would conform the provisions of H.R. 4605, as passed by the House, to the new provisions of the Postal Reorganization Act which was approved August 12, 1970, as Public Law 91–375.

Mr. Speaker, I urge that the House concur in the Senate amendments to H.R. 4605.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE A CORRECTION IN THE ENROLLMENT OF H.R. 4605

Mr. BOGGS. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 797) and ask unanimous consent for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 797

Concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 4605

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 4605) to amend the Tariff Act of 1930 and the United States Code to remove the prohibitions against importing, transporting, and mailing in the United States mails articles for preventing conception, is authorized and directed to strike out "title 18" in section 6(2) and insert in lieu thereof "title 39".

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DUTY ON PARTS OF STETHOSCOPES

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 7311) to amend item 709.10 of the Tariff Schedules of the United States to provide that the rate of duty on parts of stethoscopes shall be the same as the rate on stethoscopes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, strike out lines 1 to 8, inclusive.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, let me say that I will reserve the right to object on these various bills as they come up, not for the purpose of objecting to them, because in these cases I am in favor of the bills, but in order to yield to the gentleman from Louisiana so that the House may have an explanation of the Senate amendment.

Mr. Speaker, I yield to the gentleman from Louisiana.

Mr. BOGGS. I thank the gentleman from Wisconsin.

Mr. Speaker, H.R. 7311, as passed by the House on May 13, 1969, would provide that the rate of duty on imports of parts of stethoscopes shall be the same as the rate of duty on imports of stethoscopes. The Senate amendment to H.R. 7311 is technical in nature. The amendment would delete subsection (c) of the House bill which was intended to make clear the tariff concession status on parts of stethoscopes with respect to the tariff adjustment and adjustment assistance provisions of the Trade Expansion Act. The Committee on Finance of the Senate was informed that this subsection is unnecessary.

I have been subsequently informed that the provision is unnecessary to the purpose intended by the House-passed bill.

I urge that the House concur in the Senate amendment to H.R. 7311.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

AMENDING INTERNAL REVENUE CODE RELATING TO DISTILLED SPIRITS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 10517) to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 8, after line 10, insert:

"SEC. 7. AMENDMENTS OF SECTION 5232.

"(a) The first sentence of section 5232(a) (relating to transfer of imported distilled spirits) is amended to read as follows: 'Distilled spirits imported or brought into the United States in bulk containers may, under such regulations as the Secretary shall prescribe, be withdrawn from customs custody and transferred in such bulk containers or by pipeline to the bonded premises of a distilled spirits plant without payment of the internal revenue tax imposed on such distilled spirits.'

"(b) Section 5232(b) (relating to withdrawals) is amended by striking out 'Imported distilled spirits' and inserting in lieu thereof 'Distilled spirits'."

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, I do so in order to yield to the gentleman from Louisiana for a brief explanation of the Senate amendment.

Mr. BOGGS. I thank the gentleman from Wisconsin.

Mr. Speaker, H.R. 10517, as passed by the House on July 6, 1970, would make a series of amendments to the distilled spirits tax provisions of the Internal Revenue Code. These amendments, in general, are designed to remove restrictions no longer needed for effective enforcement of the revenue and regulatory aspects of such provisions of the Internal Revenue Code.

In approving H.R. 10517, as passed by the House, the Senate amended the bill by adding a provision which would amend sections 5232 (a) and (b) of the Internal Revenue Code. Section 5232(a) presently permits, under certain conditions, imported distilled spirits in bulk containers to be withdrawn from customs custody and transferred into Internal Revenue bonded warehouses without payment of the internal revenue tax imposed on such distilled spirits. However, distilled spirits produced in Puerto Rico and the Virgin Islands when shipped into the United States in bulk containers may not be withdrawn from customs custody and transferred in such bulk containers or by pipeline into Internal Revenue bonded warehouses without payment at the time of such withdrawal and transfer of the applicable excise tax imposed on such distilled spirits. The Senate amendment would extend such privilege to shipments of distilled spirits in bulk from Puerto Rico and the Virgin Islands.

I am informed that the Treasury Department supports the Senate amendment. Mr. Speaker, I believe the Senate amendment is meritorious and urge that the House concur in the Senate amendment to H.R. 10517.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR AN ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

Mr. ALBERT. Mr. Speaker, I call up Senate Concurrent Resolution 87 and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 87

Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Tuesday, December 22, 1970, they stand adjourned until 12 o'clock meridian on Monday, December 28, 1970.

AMENDMENT OFFERED BY MR. ALBERT

Mr. ALBERT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALBERT: Strike out all after the resolving clause and insert in lieu thereof the following:

"That when the Senate adjourns on Tuesday, December 22, 1970, it stand adjourned until 12 o'clock meridian on Monday, December 28, 1970; and that when the House adjourns on Tuesday, December 22, 1970, it stand adjourned until 12 o'clock meridian on Tuesday, December 29, 1970."

The SPEAKER. The question is on the amendment offered by the gentleman from Oklahoma (Mr. ALBERT).

The amendment was agreed to.

The Senate concurrent resolution, as amended, was concurred in.

A motion to reconsider was laid on the table.

PROPOSED ADJOURNMENT OF THE HOUSE UNTIL TUESDAY, DECEMBER 29, 1970

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, some of the Members know that I had hoped we could amend the resolution sent over from the other body so we would come back on the 2d of January, but the other body indicated that if that were done they would not approve the resolution as amended. I believe that this is the best possible resolution of the situation that we could achieve.

Mr. Speaker, I do hope that the other body will get down to work on Monday, and I hope they will continue to work on Tuesday with the hope and expectation that between their working on Monday and Tuesday and our willingness to cooperate on Tuesday, we can conclude the business of this Congress on Tuesday of next week.

Mr. Speaker, I do think it is vitally important that all of our Members be here, because there will be several things that might develop that would require a quorum.

I wonder if I might suggest to the distinguished majority leader if there is a chance of getting the House to come in at 11 o'clock on Tuesday morning next week so hopefully we might get started earlier, and perhaps finish earlier?

Mr. ALBERT. Mr. Speaker, would the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I have no objection personally to that, although I have not conferred with the Speaker. I do urge all Members to be here on Tuesday. This is vital. The House will recess an extra day, that is, one more day than the other body will recess. I think they need the additional day's work more than we do, but it is necessary for Members to be here when the House returns on Tuesday.

May I also urge the Members to remain until we finish tonight, because we would like to have the table as clean as possible, and we hope to wipe the slate as clean as possible before we leave here tonight so that we will have that much less to do when we come back. I urge all the Members to stay here this evening. I think we can quickly dispose of most of the business.

Mr. Speaker, I will therefore ask unanimous consent, at the request of the minority leader, that when we come in on Tuesday, December 29, we adjourn to come in at 11 o'clock a.m.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. In considering the matter, I am not sure that such a request is parliamentarily possible in the light of a concurrent resolution.

Mr. GROSS. Mr. Speaker, I was just going to ask that question.

Mr. ALBERT. Mr. Speaker, I withdraw my unanimous-consent request.

The SPEAKER. The gentleman from Oklahoma withdraws his unanimous-consent request.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Mr. Speaker, what was the determination with respect to the reconvening of the House on Tuesday?

The Speaker. The Chair will state that the House will meet at 12 o'clock noon, on Tuesday, December 29, 1970.

Mr. GROSS. I thank the Speaker.

SHRIMP BOATS AND OTHER "SPECIAL SERVICE" VESSELS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 16745) to exempt shrimp vessels from the duty imposed on repairs made to, and repair parts and equipment purchased for, U.S. vessels in foreign countries, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, strike out lines 3 to 9, inclusive, and insert: "That section 466 of the Tariff Act of 1930 is amended to read as follows:

" 'Sec. 466. Equipment and Repairs of Vessels.

" '(a) The equipments, or any part thereof, including boats, purchased for, or the repair parts or materials to be used, or the expenses of repairs made in a foreign country upon a vessel documented under the laws of the United States to engage in the foreign or coasting trade, or a vessel intended to be employed in such trade, shall, on the first arrival of such vessel in any port of the United States, be liable to entry and the payment of an ad valorem duty of 50 per centum on the cost thereof in such foreign country; and if the owner or master of such vessel shall willfully and knowingly neglect or fail to report, make entry, or pay duties as herein required, such vessel, with her tackle, apparel, and furniture, shall be seized and forfeited. For the purposes of this section, compensation paid to members of the regular crew of such vessel in connection with the installation of any such equipments or any part thereof, or the making of repairs, in a foreign country, shall not be included in the cost of such equipment or part thereof, or of such repairs.

" '(b) If the owner or master of such vessel furnishes good and sufficient evidence that—

" '(1) such vessel, while in the regular course of her voyage, was compelled, by stress of weather or other casualty, to put into such foreign port and purchase such equipments, or make such repairs, to secure the safety and seaworthiness of the vessel to enable her to reach her port of destination;

" '(2) such equipments or parts thereof or repair parts or materials, were manufactured or produced in the United States, and the labor necessary to install such equipments or to make such repairs was performed by residents of the United States, or by members of the regular crew of such vessel; or

" '(3) such equipments, or parts thereof, or materials, or labor, were used as dunnage for cargo, or for the packing or shoring thereof, or in the erection of temporary bulkheads or other similar devices for the control of bulk cargo, or in the preparation (without permanent repair or alteration) of tanks for the carriage of liquid cargo;

" 'then the Secretary of the Treasury is authorized to remit or refund such duties, and such vessel shall not be liable to forfeiture, and no license or enrollment and license, or renewal of either, shall hereafter be issued to any such vessel until the collector to whom application is made for the same shall be satisfied, from the oath of the owner or master, that all such equipments or parts thereof or materials and repairs made within the year immediately preceding such application have been duly accounted for under the provisions of this section, and the duties accruing thereon duly paid; and if such owner or master shall refuse to take such oath, or take it falsely, the vessel shall be seized and forfeited.

" '(c) In the case of any vessel designed and used primarily for purposes other than transporting passengers or property in the foreign or coasting trade which arrives in a port of the United States two years or more after its last departure from a port of the United States, the duties imposed by this section shall apply only with respect to (1) fish nets and netting, and (2) other equipments, and parts thereof, and repair parts and materials purchased, or repairs made, during the first six months after the last departure of such vessel from a port of the United States.' "

Page 2, line 2, strike out "articles entered" and insert "entries made in connection with arrivals of vessels".

Page 2, line 6, strike out "the entry of any article" and insert "any entry in connection with the arrival of a vessel used primarily for the catching of shrimp".

Page 2, after line 15, insert:

"Sec. 3. Effective with respect to entries made in connection with arrivals of vessels on or after the date of the enactment of this Act (or treated under section 2 as made on the day after such date), sections 3114 and 3115 of the Revised Statutes of the United States (19 U.S.C. 257 and 258) are repealed."

Amend the title so as to read: "An Act to limit, in the case of certain special service vessels, the application of the duties imposed on equipments and repair parts purchased for, and repairs made to, United States vessels in foreign countries."

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object—and I do not object—I do so in order to allow the gentleman from Louisiana to explain the amendments.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Louisiana?

Mr. BOGGS. Mr. Speaker, H.R. 16745, which passed the House on June 22, 1970, would amend section 3114 of the Revised Statutes of the United States to exempt U.S. vessels which are primarily used for the catching of shrimp from the 50-percent ad valorem duty imposed on repairs made to, and equipment purchased for, U.S. vessels in foreign countries.

The amendment to H.R. 16745, proposed by the Committee on Finance and approved by the Senate would amend H.R. 16745, as passed by the House, in a number of respects.

First, the Senate amendment would extend the proposed exemption from duty on repairs made in foreign countries to any "special service" vessel of the United States that is not used primarily to carry passengers or cargo. As indicated previously, the House bill would exempt only vessels primarily used for the catching of shrimp.

Further, under the Senate amendment, such duty exemption on repairs performed abroad would apply only to such repairs made after the first 6 months of any voyage in which such vessel operated in international or foreign waters for a period of 2 years or more.

The amendment made by H.R. 16745, as approved by the Senate, to section 3114 of the Revised Statutes of the United States is to apply to the arrival of vessels on or after the date of enactment of the act. However, the amendment to section 3114 of the Revised Statutes would apply to arrivals of shrimp vessels made after January 1, 1969, under certain conditions, as provided in the bill as passed by the House.

Mr. Speaker, I believe that the Senate amendment is meritorious. I urge that the House concur in the Senate amendment to H.R. 16745.

Mr. BYRNES of Wisconsin. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AMENDING TARIFF SCHEDULES

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17068) to amend the Tariff Schedules of the United States to provide for a partial exemption from duty for aircraft manufactured or produced in the United States with the use of foreign components imported under temporary importation bond, with the Senate amendments thereto, and consider the Senate amendments in the House.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 4, after line 7, insert:

"Sec. 3. (a) Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by redesignating subsections (h), (i), and (j) as (i), (j), and (k), respectively, and by inserting after subsection (g) the following new subsection:

"'(h) Upon the exportation of jet aircraft engines that have been overhauled, repaired, rebuilt, or reconditioned in the United States with the use of imported merchandise, including parts, there shall be refunded, upon satisfactory proof that such imported merchandise has been so used, the duties which have been paid thereon, in amounts not less than $100.'

"(b) The amendments made by subsection (a) shall apply with respect to articles exported on or after the date of the enactment of this Act."

Amend the title so as to read: "An Act to amend the Tariff Schedules of the United States to provide for a partial exemption from duty for aircraft manufactured or produced in the United States with the use of foreign components imported under temporary importation bond, and for other purposes."

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, I do so in order that the gentleman from Louisiana may explain the Senate amendments and also the proposed limitation on the Senate amendment which I think the gentleman intends to offer.

Mr. BOGGS. That is correct.

Mr. Speaker, this involves the treatment of certain exempt aircraft.

We have an amendment from the Finance Committee, adopted by the Senate, which I will ask to be reported in a minute.

Mr. Speaker, H.R. 17068, as passed by the House on July 6, 1970, would provide for a partial exemption from duty for returned American aircraft which were manufactured in the United States with the use of foreign articles which had been admitted duty free under bond. Briefly, the bill provides that returned American aircraft would, in general, be subject to a duty equal to the amount of duty which would have been payable on the foreign articles had they not been entered free of duty under bond.

In approving H.R. 17068 as passed by the House, the Senate amended the bill to provide drawback privileges to imported articles used in the repair or overhaul of jet aircraft engines in the United States which are subsequently exported. At present "overhaul, repair, rebuilding and reconditioning" are not considered to be "manufactured or produced" in the context of the drawback provisions of the Tariff Act of 1930.

It is understood that if firms overhauling or rebuilding jet aircraft engines could use the drawback provisions and obtain a rebate of the duty originally paid on the imported parts, it would enhance their competitive ability vis-a-vis aircraft engine overhauling operations in other countries. Mr. Speaker, I believe the purpose of the Senate amendment is meritorious. Although the Committee on Ways and Means has not had the opportunity to review this matter, I would urge that the House concur in the Senate amendment with an amendment restricting the use of the drawback provisions in this instance to jet aircraft engines manufactured or produced abroad.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

MOTION OFFERED BY MR. BOGGS

Mr. BOGGS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Boggs moves to concur in the Senate amendment to the text of the bill with the following amendment: On page 1, line 5, of the Senate engrossed amendments, insert immediately after "engines" the following: "manufactured or produced abroad".

The motion was agree to.

MOTION OFFERED BY MR. BOGGS

Mr. BOGGS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Boggs moves to concur in the Senate amendment to the title of the bill.

The motion was agreed to.

A motion to reconsider was laid on the table.

EXTENDING THE PERIOD FOR FILING CERTAIN MANUFACTURERS CLAIMS FOR FLOOR STOCKS REFUNDS UNDER SECTION 209(b) OF THE EXCISE TAX REDUCTION ACT OF 1965

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 17473) to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, after line 2, insert:

"Sec. 2. Section 231(d)(1) of the Tax Reform Act of 1969 is amended by striking out 'July 1, 1970' and inserting in lieu thereof 'January 1, 1971'.

"Sec. 3. For purposes of the tax imposed by section 2001 of the Internal Revenue Code of 1954 (relating to the estate tax), the value of the taxable estate of Martha W. Brice, who died on November 2, 1969, shall be determined by deducting from the value of the gross estate of the said Martha W. Brice (in addition to any other deductions and exemptions allowed by part IV of subchapter A of chapter II of such Code) an amount equal to any amounts transferred, prior to the time prescribed by law (including any extensions thereof) for the filing of an estate tax return for such estate, from the proceeds of such estate to a charitable use specified by item III of the will of the said Martha W. Brice, executed on July 3, 1969.

"Sec. 4. (a) Section 56 of the Internal Revenue Code of 1954 (relating to imposition of minimum tax for tax preferences) is amended—

"(1) by striking out paragraph (2) of subsection (a) and inserting in lieu thereof the following:

"'(2) the sum of—

"'(A) the taxes imposed by this chapter for the taxable year (computed without regard to this part and without regard to the taxes imposed by sections 531 and 541) reduced by the sum of the credits allowable under—

"'(i) section 33 (relating to foreign tax credit),

"'(ii) section 37 (relating to retirement income), and

"'(iii) section 38 (relating to investment credit); and

"'(B) the tax carry backs and carry overs to the taxable years."; and

"(2) by adding at the end of such section the following new subsection:

"'(c) Tax Carry Backs and Carry Overs.—If for any taxable year—

"'(1) the taxes imposed by this chapter (computed without regard to this part and without regard to the taxes imposed by sections 531 and 541) reduced by the sum of the credits allowable under—

"'(A) section 33 (relating to foreign tax credit),

"'(B) section 37 (relating to retirement income), and

"'(C) section 38 (relating to investment credit), exceed

"'(2) the sum of the items of tax preference in excess of $30,000.

then the excess of the taxes described in paragraph (1) over the sum described in paragraph (2) shall be a tax carry back to each of the 3 taxable years preceding such year and a tax carry over to each of the 5 taxable years following such year, except that such excess may not be a carry back to any taxable year ending on or before December 31, 1969. The entire amount of the excess for a taxable year shall be carried to the earliest of the taxable years to which such excess may be carried, and then to each of the other taxable years to the extent that such excess is not used to reduce the amount subject to tax under subsection (a) for a prior taxable year to which excess may be carried.

"(b) The amendments made by subsection (a) shall apply to taxable years ending after December 31, 1969. In the case of a taxable year beginning in 1969 and ending in 1970, the excess referred to in section 56(c) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall be an amount equal to the excess determined under such section (without regard to the sentence) multiplied by a fraction—

"(1) the numerator of which is the number of days in the taxable year occurring after December 31, 1969, and

"(2) the denominator of which is the number of days in the entire taxable year."

Amend the title so as to read: "An Act to extend the period of filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965, and for other purposes."

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, and I do so in order that the gentleman from Louisiana may explain the two Senate amendments which I believe he will ask the House to concur in and the one Senate amendment that I expect the gentleman to ask that the House disagree with.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Louisiana.

Mr. BOGGS. There are three Senate amendments. It is my understanding there is objection to one of them and a request for concurrence in the other two. I will attempt to explain the amendments.

H.R. 17473, as it passed the House, permitted a manufacturer who complied with all the requirements of the Excise Tax Reduction Act of 1965 with regard to floor stock refunds, except that he did not file his claim by February 10, 1966, or August 10, 1966, as the case may be, to file a claim for refund by the 19th day after the date of enactment of this bill. The Senate agreed to this provision without change.

However, the Senate has added three other provisions to this bill, two of which we believe it is appropriate to adopt.

The first of the two amendments, which appear appropriate, relates to a transitional rule with respect to moving expenses. The Tax Reform Act of 1969 limited the deductibility of moving expenses to cases generally where an individual's place of employment was 50 miles or more farther from his old place of residence than was his prior place of employment. The prior rule had allowed limited deductions where a 20-mile test was met rather than this 50-mile test. However, a special transitional rule allowed taxpayers to elect the old moving expense deduction rule where the employees had been notified by their employer of a move before December 20, 1969, and the amounts were paid or incurred for the moving expenses before July 1, 1970.

The Senate amendment retains this transition rule but modifies it to cover cases where the deduction for moving expenses relates to amounts paid or incurred before January 1, 1971, again so long as the employees were notified by the employer of the move before December 20, 1969. This amendment is substantially identical to a bill which the Committee on Ways and Means has unanimously reported and to which the Treasury has indicated it has no objection. In view of this we see no problems with this amendment.

That is the first amendment, I might say to the gentleman from Wisconsin, adopted by the Senate.

Mr. BYRNES of Wisconsin. It is intended to ask the House to concur in that amendment?

Mr. BOGGS. Exactly.

The second Senate amendment to which we see no objection deals with a situation where a decedent in her will specifically left $1 million to the University of South Carolina for the construction of a building to represent a memorial for her husband. However, the will also expressed the desire that the heirs provide a further amount for the same purpose. It is also understood that a codicil was prepared which would have specifically provided for the larger amount being set aside for this charitable purpose but was not actually attached to the will.

The heirs now would like to fulfill the intent of the decedent and give an additional $4 million to the University of South Carolina, but financially in order to do so need to have this recognized as a charitable deduction in the estate of the decedent. The Senate amendment has this limited objective.

While we do not believe that generally it is desirable to permit heirs to decide on charitable contributions after the death of a decedent and treat them as though the contributions were made by the decedent, in this case there are sufficient facts and circumstances indicating that this was the intent of the decedent to allow the charitable contribution deduction in this one situation.

Mr. BYRNES of Wisconsin. It would be treated as deductible?

Mr. BOGGS. That is correct, giving a charitable contributions deduction.

Mr. BYRNES of Wisconsin. It is my understanding that that amendment is agreeable.

Mr. BOGGS. That amendment is agreeable, I understand.

Mr. BYRNES of Wisconsin. There is an amendment, Mr. Speaker. I do not know whether there is a necessity to explain it, except the motion will be to disagree to that amendment.

Mr. BOGGS. That is correct.

Mr. Speaker, the third amendment made by the Senate is one that we cannot accept and believe should be deleted from the bill. In the 1969 Tax Reform Act we added a provision providing that a 10-percent minimum tax is to be imposed in those cases where an individual or a corporation has items of income or deduction which receive preference under the tax laws. However, this tax is imposed only where these amounts exceed $30,000 plus the regular tax liability of the individual or corporation involved. This amendment would provide that to the extent that an individual or corporation has regular tax liability in excess of his tax preference items this excess amount may be carried back and used as a deduction in computing a minimum tax in any of the past 3 years or if not used up in this manner, may be carried forward and used to offset preference income otherwise subject to the minimum tax in any of the 5 succeeding years.

After considering various kinds of minimum taxes, the Congress settled on the present form in no small part because of its simplicity. The tax rate is relatively low and the tax computation is simple. There are many adjustments which could be made which are not made in order to maintain the simplicity of this tax. The Senate amendment represents the first step in a departure from this concept of a simple minimum tax. We believe that it is an undesirable step to take.

I should also say that this is a very expensive step to take as well. The staffs of the Treasury Department and Joint Committee on Internal Revenue Taxation, taking into account the effect that this would have on both corporations and individuals, estimate that this would result in an annual revenue loss of close to $100 million. When it is recalled that the minimum tax in total is expected to raise approximately $635 million a year, this represents a major change which we believe should not in any event be considered by the Congress without an adequate opportunity for consideration of the proposal.

I should also add that the Treasury Department has indicated that it strongly opposes this amendment which we recommend be deleted from the Senate-passed bill.

Mr. BYRNES of Wisconsin. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

MOTION OFFERED BY MR. BOGGS

Mr. BOGGS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOGGS moves to concur in the Senate amendment to the text of the bill, with the following amendment: On page 2 of the Senate engrossed amendments, strike out line 8 and all that follows thereafter down through line 15 on page 4.

The motion was agreed to.

MOTION OFFERED BY MR. BOGGS

Mr. BOGGS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOGGS moves to concur in the Senate amendment to the title of the bill.

The motion was agreed to.

A motion to reconsider the several motions was laid on the table.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM THE SENATE AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED BY THE TWO HOUSES AND FOUND TRULY ENROLLED, NOTWITHSTANDING ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Tuesday, December 29, 1970, the Clerk be authorized to receive messages from the Senate and the Speaker be authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

BILLS FROM THE COMMITTEE ON WAYS AND MEANS

Mr. BOGGS. Mr. Speaker, I might say for the benefit of the Members of the House that we have concluded the bills that have been passed by both the House and the Senate. I have before me the list of the 29 bills which have been unanimously reported by the Committee on Ways and Means, and it is my understanding that these bills were printed in the RECORD at least 10 days ago and made available to all Members of the House.

I want to say also that the bills were all reported unanimously by the Committee on Ways and Means and all the departments affected thereby have approved of the proposed bills.

TO PROVIDE FLOOR STOCK REFUNDS IN THE CASE OF CEMENT MIXERS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 17658) to provide floor stock refunds in the case of cement mixers, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, normally we follow the process of reserving the right to object and asking for an explanation. I think it may satisfy the membership if it is announced that all of these bills that are called up at this time were reported without objection unanimously by the Committee on Ways and Means, and in each case the departmental reports were favorable. I make that statement in order to save time, but I might say that an explanation will be put into the RECORD, I assume by the gentleman from Louisiana, and in some cases I will also join with a statement in an extension of remarks.

I wonder under those circumstances if it may be unnecessary to take this time for a verbal explanation, but any Member desiring to do so certainly should feel free to ask for such an explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill as follows:

H.R. 17658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) where before January 1, 1970, and after June 30, 1968, any cement mixer subject to the tax imposed by section 4061 of the Internal Revenue Code of 1954 during such period, had been sold by the manufacturer, producer, or importer, and on January 1, 1970, was held by a dealer and had not been used and was intended for sale, there shall be credited or refunded (without interest) to the manufacturer, producer, or importer an amount equal to the tax paid by the manufacturer, producer, or importer on his sale of the cement mixer, if—

(1) claim for such credit or refund is filed with the Secretary of the Treasury or his delegate on or before the end of the ninth month beginning after the date of enactment of this bill, based upon a request submitted to the manufacturer, producer, or importer on or before the sixth month beginning after the date of enactment of this bill, by the dealer who held the cement mixer in respect of which the credit or refund is claimed; and

(2) on or before the ninth month beginning after the date of enactment of this bill, reimbursement has been made to the dealer by the manufacturer, producer, or importer for the tax on the cement mixer or written consent has been obtained from the dealer to allowance of the credit or refund.

(b) For the purposes of this section—

(1) The term "cement mixer" means—

(A) any article designed (i) to be placed or mounted on an automobile truck chassis or truck trailer or semitrailer chassis and (ii) to be used to process or prepare concrete, and

(B) parts or accessories designed primarily for use on or in connection with an article descirbed in subparagraph (A).

(2) The term "dealer" includes a wholesaler, jobber, distributor, or retailer.

(3) A cement mixer shall be considered as "held by a dealer" if title thereto has passed to the dealer (whether or not delivery to him has been made), and if for purposes of consumption title to the cement mixer or possession thereof had not at any time prior to January 1, 1970, been transferred to any person other than a dealer. For purposes of subsection (a) and notwithstanding the preceding sentence, a cement mixer shall be considered as "held by a dealer" and not have been used, although possession of such cement mixer has been transferred to another person, if such cement mixer is returned to the dealer in a transaction under which any amount paid or deposited by the transferee for such cement mixer is refunded to him (other than amounts retained by the dealer to cover damage to the cement mixer). Moreover, such a cement mixer shall be considered as held by a dealer on January 1, 1970, even though it was in the possession of the transferee on such day, it was returned to the dealer (in a transaction described in the preceding sentence) before January 31, 1970.

(c) No manufacturer, producer, or importer shall be entitled to credit or refund under subsection (a) unless he has in his possession such evidence of the inventories with respect to which the credit or refund is claimed as may be required by regulations prescribed by the Secretary of the Treasury or his delegate under this subsection.

(d) All provisions of law, including penalties, applicable in respect of the taxes imposed by section 4061 of such Code shall, insofar as applicable and not inconsistent with subsections (a), (b), and (c) of this section, apply in respect of the credits and refunds provided for in subsection (a) to the same extent as if the cerdits or refunds constituted overpayments of the taxes.

With the following committee amendments:

Page 2, line 5, strike out "end of the ninth month" and insert "last day of the ninth calendar month".

Page 2, line 6, strike out "bill" and insert "Act".

Page 2, beginning in line 7, strike out "on or before the sixth month" and insert "on or before the last day of the sixth calendar month".

Page 2, line 9, strike out "bill" and insert "Act".

Page 2, line 11, strike out "the ninth month" and insert "the last day of the ninth calendar month".

Page 2, line 12, strike out "bill" and insert "Act".

Page 3, line 19, strike out "it" and insert "if it".

The committee amendments were agreed to.

Mr. BOGGS. Mr. Speaker, the purpose of H.R. 17658 is to provide for floor stocks refunds in the case of tax-paid cement mixer bodies and parts and accessories which were in the hands of dealers on January 1, 1970.

It will be recalled that until July 1, 1968, cement mixer bodies and parts and accessories thereof were held not to be subject to the truck tax or to the tax on truck parts and accessories. Effective as of that date, however, the Internal Revenue Service, by ruling, held these bodies and parts and accessories to be subject to tax.

In the Tax Reform Act of 1969, Congress removed the tax on cement mixer bodies and parts effective January 1, 1970. That act, however, did not provide for floor stocks refunds as we customarily do in such situations.

Because of the absence of the usual floor stocks refund provision in the 1969 act, dealers have had to absorb excise taxes ranging up to $700 to $800 for each mixer on which tax had already been paid in dealers' inventory on January 1, 1970. This has had the effect of placing heavy financial burdens on dealers with tax-paid stocks of cement mixers and places them at a competitive disadvantage as compared with dealers who purchased stock from manufacturers tax free in 1970 after the Tax Reform Act provision went into effect.

Mr. Speaker, the granting of refunds for tax-paid floor stocks in such situations is customary, and the pending bill, which allows refunds for tax-paid stocks in dealers' hands on January 1, 1970, will supply this provision, which was unintentionally omitted from the Tax Reform Act.

Mr. Speaker, the Treasury Department has no objection to the enactment of H.R. 17658, and the committee is unanimous in recommending its approval by the House.

Mr. BYRNES of Wisconsin. Mr. Speaker, I support H.R. 17658, a bill to provide, in the case of cement mixers mounted on truck chassis, floor stock refunds of the 10 percent manufacturers' excise tax on trucks.

The bill would correct an unintended hardship arising from provisions of the Tax Reform Act of 1969, which exempted all cement mixers sold after December 30, 1969, from the excise tax on truck bodies. When these provisions were enacted, the Congress did not, as is customary in such cases, provide floor stock refunds to relieve dealers who held tax-paid floor stocks at the date the exemption became effective.

As a result, and in the absence of remedial legislation, dealers would be forced to absorb from $700 to $800 in excise tax expenditures for each mixer on which the tax has been paid, and which was in inventory as of January 1, 1970.

This would impose a heavy financial burden on such dealers and put them at a severe competitive disadvantage in relation to manufacturers selling tax-free mixers and dealers who acquired stock this year.

Mr. Speaker, there is ample precedent for the action contemplated in H.R. 17658. Section 6412 of the Internal Revenue Code provides for floor stock refunds as of October 1, 1972, when the tax on automobile bodies and chassis is scheduled to be reduced. The Excise Tax Reduction Act of 1965 provided for floor stock refunds on appliances, musical instruments, photographic equipment and other items. And the Congress traditionally has endeavored to avoid discriminating among dealers with varying inventories.

Accordingly, this bill provides for the granting of refunds on cement mixers held by dealers on January 1, 1970, and on which the excise tax was paid. The

Treasury Department has indicated no objection to H.R. 17658, and the committee has reported it unanimously. I hope the House will approve it now and thus remove an inequity in the law.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that I may extend my own remarks prior to the passage of the bill, in explanation of the bill, and that I may extend my remarks on the remaining bills to be called up; and I ask unanimous consent for the same permission for the gentleman from Louisiana (Mr. Boggs), as to extension of remarks prior to the passage of the bills.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BOGGS. Mr. Speaker, in that connection, some of the authors of the various bills have requested the same privilege to extend their remarks, and I ask unanimous consent that they may be permitted to do so.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

JOINT INCOME TAX LIABILITY OF INNOCENT SPOUSES

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 19774) to amend the Internal Revenue Code of 1954 to provide that in certain cases a spouse will be relieved of liability arising from a joint income tax return, which was unanimously reported to the House by the Ways and Means Committee.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object—and I shall not object—this bill seems to do something for innocent spouses. Did the committee provide for common, everyday spouses?

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill, as follows:

H.R. 19774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6013 of the Internal Revenue Code of 1954 (relating to joint returns of income tax by husband and wife) is amended by adding at the end thereof the following new subsection:

"(e) Spouse Relieved of Liability in Certain Cases.—

"(1) In general. Under regulations prescribed by the Secretary or his delegate, if—

"(A) a joint return has been made under this section for a taxable year and on such return there was omitted from gross income an amount properly includable therein which is attributable to one spouse and which is in excess of 25 percent of the amount of gross income stated in the return,

"(B) the other spouse establishes that in signing the return he or she did not know of, and had no reason to know of, such omission, and

"(C) taking into account whether or not the other spouse significantly benefited directly or indirectly from the items omitted from gross income and taking into account all other facts and circumstances, it is inequitable to hold the other spouse liable for the deficiency in tax for such taxable year attributable to such omission.

then the other spouse shall be relieved of liability for tax (including interest, penalties, and other amounts) for such taxable year to the extent that such liability is attributable to such omission from gross income.

"(2) Special rules.—For purposes of paragraph (1)—

"(A) the determination of the spouse to whom items of gross income (other than gross income from property) are attributable shall be made without regard to community property laws, and

"(B) the amount omitted from gross income shall be determined in the manner provided by section 6501(e)(1)(A)."

Sec. 2. (a) Section 6501(c)(1) of the Internal Revenue Code of 1954 (relating to limitations on assessment and collection) is amended by adding at the end thereof the following new sentence: "In the case of a joint return under section 6013, the preceding sentence shall not apply to a spouse who establishes that, at the time the return was made, he or she did not know, and had no reason to know, that the return was false or fraudulent."

(b) Section 6653(b) of such Code (relating to failure to pay tax) is amended by adding at the end thereof the following new sentence: "In the case of a joint return under section 6013, this subsection shall not apply to a spouse who establishes that, at the time the return was made, he or she did not know, and had no reason to know, of the fraud."

Sec. 3. The amendments made by the first two sections of this Act shall apply to all taxable years to which the Internal Revenue Code of 1954 applies. Corresponding provisions shall be deemed to be included in the Internal Revenue Code of 1939 and shall apply to all taxable years to which such Code applies.

With the following committee amendment:

Page 3, strike out line 6 and all that follows down through line 10, and insert in lieu thereof the following:

"Sec. 2. Section 6653(b) of the Internal Revenue Code of 1954 (relating to failure to pay tax) is amended by adding at the end thereof the following new sentence: 'In the case of a joint return under section 6013, this subsection shall not apply with respect to the tax of a spouse unless some part of the underpayment is due to the fraud of such spouse.' "

The committee amendment was agreed to.

Mr. BOGGS. Mr. Speaker, H.R. 19774 would provide relief in the compelling situations which have been brought to the attention of the Committee on Ways and Means in connection with the imposition upon innocent spouses of large liabilities for taxes and penalties attributable to income omitted from a joint return by the other spouse.

Mr. Speaker, under existing law, individuals filing a joint income tax return are jointly and severally liable for any tax liability found to be due. This general joint and several liability rule is necessary for administrative simplicity since a joint return does not separately show the respective incomes of husband and wife and the statute imposes a single tax on their aggregate income.

Numerous cases have both brought to the committee's attention in which the imposition of joint liability upon an innocent spouse has resulted in grave injustice. A typical situation is one in which a husband embezzles funds and omits the proceeds from gross income. Because of the fact that the wife of the embezzler filed a joint return with him for the year in which the income should have been reported, the Internal Revenue Service may, under existing law, hold the innocent spouse liable for the tax liability resulting from the underpayment and for the 50-percent fraud penalty due as a result of the fraudulent omission from income.

This liability may be imposed upon the spouse even though she had no knowledge of her husband's activities and even though she did not benefit in any way from the use of the embezzled funds. Several cases of this nature have involved situations in which the innocent spouse has been deserted by her husband and the funds gained by embezzlement or theft have been squandered and spent by the wrongdoer.

Mr. Speaker, the pending bill, H.R. 19774, seeks to correct the unfairness in these situations and to bring Government tax collection practices into accord with basic principles of equity. First, the bill provides that when three conditions exist, the innocent spouse is to be relieved of tax liability, including interest and penalties, to the extent that such liability is attributable to an omission from gross income. These three conditions are:

First. A joint return has been filed and the omission from gross income attributable to one spouse amounts to more than 25 percent of the total gross income stated on the return;

Second. The innocent spouse establishes that in signing the return he or she did not know of, and had no reason to know of, the omission from income; and

Third. Taking into account whether or not the spouse significantly benefited from the items omitted from gross income and all other facts and circumstances, it is inequitable to hold the spouse in question liable for the deficiency in tax.

Mr. Speaker, section 2 of the bill also amends the present provision imposing a 50-percent fraud penalty when an underpayment is due to fraud. In this case, the bill provides, in effect, that if one spouse is shown to be guilty of fraud in the filing of a joint return, the other spouse is not to be liable for the fraud penalty unless it is established that he or she is also guilty of fraud. This potential relief from the fraud penalty applies even though the spouse in question may be jointly liable for the underpayment of tax due.

Mr. Speaker, the Committee on Ways and Means is convinced that the changes that would be brought by H.R. 19774 are necessary to simple equity and justice in the administration of our tax laws. The committee is unanimous in recommending its passage by the House.

Mr. BYRNES of Wisconsin. Mr. Speaker, I support H.R. 19774, a bill which would in certain cases relieve a spouse of liability connected with omissions from gross income on joint tax returns.

Under present law, persons who file joint returns are jointly and severally liable. This is administratively sound because the joint return does not show separate entries of husband or wife, and because the statute calls for the imposition of a single tax on the aggregate income.

However, the committee's attention was called to cases in which one spouse had no knowledge of the other's income or failure to report it, and did not benefit at all from the unreported income, yet was held liable for its omission from the joint return. The members agreed that such injustices should be averted, and attempted to do so in this bill by providing that an innocent spouse would be relieved of liability attributable to an omission from gross income, if:

First, the omission amounted to more than 25 percent of total gross income;

Second, the innocent spouse established complete ignorance of the omission; and

Third, it would be inequitable to hold the innocent spouse liable, taking into consideration whether or not he or she benefited from the omitted income.

The bill also provides that the 50-percent fraud penalty would not apply to a spouse unless some part of the underpayment on the joint return were due to the fraud of that spouse.

In short, the committee has endeavored in this bill to protect the innocent spouse in cases involving a significant understatement of income once that innocence has been established.

No departmental or other objection to the bill was heard, and the committee was unanimous in reporting it.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INCOME TAX TREATMENT OF CERTAIN SALES BY CORPORATION OF REAL PROPERTY HELD MORE THAN 25 YEARS.

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 19790) relating to the income tax treatment of certain sales of real property by a corporation, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill, as follows:

H.R. 19790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for purposes of the Internal Revenue Code of 1954 any lot or parcel of real property sold of exchanged by a corporation which would, but for this Act, be treated as property held primarily for sale to customers in the ordinary course of trade or business shall not, except to the extent provided in (b), be so treated if—

(1) no shareholder of the corporation directly or indirectly holds real property primarily for sale to customers in the ordinary course of trade or business; and

(2)(A) such lot or parcel is a part of real property held for more than twenty-five years at the time of sale or exchange acquired before January 1, 1934, by the corporation as a result of the foreclosure of a lien (or liens) thereon which secured the payment of indebtedness held by one or more creditors who transferred one or more foreclosure bids to the corporation in exchange for all its stock (with or without other consideration), or

(B)(i) such lot or parcel is a part of additional real property acquired before January 1, 1957, by the corporation in the near vicinity of any real property to which subparagraph (A) applies, or

(ii) such lot or parcel is wholly or to some extent a part of any minor acquisition made after December 31, 1956, by the corporation to adjust boundaries, to fill gaps in previously acquired property, to facilitate the installation of streets, utilities, and other public facilities, or to facilitate the sale of adjacent property, or

(iii) such lot or parcel is wholly or to some extent a part of a reacquisition by the corporation after December 31, 1956, of property previously owned by the corporation;

but only if at least 80 percent (as measured by area) of the real property sold or exchanged by the corporation within the taxable year is property described in subparagraph (A); and

(3) there were no acquisitions of real property by the corporation after December 31, 1956, other than—

(A) acquisitions described in paragraph (2)(B)(ii) and reacquisitions described in paragraph (2)(B)(iii), or

(B) acquisitions of real property used in a trade or business of the corporation or held for investment by the corporation; and

(4) the corporation did not after December 31, 1957, sell or exchange (except in condemnation or under threat of condemnation) any residential lot or parcel on which, at the time of the sale or exchange, there existed any substantial improvements (other than improvements in existence at the time the land was acquired by the corporation) except subdivision, clearing, grubbing, and grading, building or installation of water, sewer, and drainage facilities, construction of roads, streets, and sidewalks, and installation of utilities.

In any case in which a corporation referred to in paragraphs (1), (2), (3), and (4) is a member of an affiliated group as defined in section 1504(a) of the Internal Revenue Code of 1954, such affiliated group shall, for purposes of such paragraphs, be treated as a single corporation.

(b)(1) Gain from any sale or exchange described in subsection (a) shall be deemed, for purposes of such Code, to be gain from the sale of property held primarily for sale to customers in the ordinary course of trade or business to the extent of 5 percent of the selling price.

(2) For the purpose of computing gain under paragraph (1), expenditures incurred in connection with the sale or exchange of any lot or parcel shall neither be allowed as a deduction in computing taxable income, nor treated as reducing the amount realized on such sale or exchange; but so much of such expenditures as does not exceed the portion of gain deemed under paragraph (1) to be gain from the sale of property held primarily for sale to customers in the ordinary course of trade or business shall be so allowed as a deduction, and the remainder, if any, shall be treated as reducing the amount realized on such sale or exchange.

(c) The provisions of subsections (a) and (b) shall apply to taxable years beginning after December 31, 1957, and before January 1, 1984. In case refund or credit of any overpayment resulting from the application of the provisions of subsections (a) and (b) to any of such taxable years is prevented by the operation of any law or rule of law (including sections 7121 and 7122 of such Code) refund or credit of such overpayment, may, nevertheless, be made or allowed if claim therefor is filed within one year from the date of enactment of this Act.

SEC. 2. (a) Section 1237 of the Internal Revenue Code of 1954 is amended by:

(1) in subsection (a), striking out the parenthetical expression: "(including corporations only if no shareholder directly or indirectly holds real property for sale to customers in the ordinary course of trade or business and only in the case of property described in the last sentence of subsection (b)(3))" and inserting in lieu thereof the words "other than a corporation";

(2) in subsection (b), striking out the last sentence.

(b) The amendments made by subsection (a) shall be effective for taxable years beginning after the date of enactment of this Act.

With the following committee amendments:

Page 1, line 4, strike out "sold of" and insert "sold or"

Page 2, line 2, strike out "held for" and insert "(i) held for"

Page 2, line 3, strike out "or exchange" and insert "or exchange, and (ii)"

Page 4, beginning in line 16, strike out "In case" and all that follows down through line 23.

The committee amendments were agreed to.

Mr. BOGGS. Mr. Speaker, H.R. 19790 is, in essence, a perfecting amendment to a provision of law originally enacted in 1956. The bill is concerned with section 1237 of the Internal Revenue Code of 1954, which specifies cases in which those who subdivide property for sale may obtain capital gains treatment, as distinguished from ordinary income treatment, with respect to the gain on sales of such property.

In 1956 Congress amended section 1237 to make its rules available in the case of corporations acquiring property as a result of the foreclosure of a lien, which property is subsequently subdivided. The 1956 rule also was intended to apply to property adjacent to the foreclosed property. There have been difficulties, however, in administering and interpreting this provision, Mr. Speaker, and the pending bill is designed to provide a perfecting amendment clarifying the intent of the original provision. In general terms, this clarifying amendment restricts the capital gains treatment in the case of corporations to situations where property was acquired by foreclosure of a lien before 1934, where the property has been held for 25 years before sale, and where no additional property was acquired after 1956. The provision also applies to property in the near vicinity of the foreclosed property so long as it does not constitute more than 20 percent of the property sold in any year. This provision will apply to sales made after 1957 but only to years which are open at the time of enactment of this bill.

The Treasury Department has indicated it has no objection to the enactment of H.R. 19790, Mr. Speaker, and the Committee on Ways and Means is unanimous in recommending its approval by the House.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TAX TREATMENT OF CERTAIN TRANSFERS OF PROPERTY TO FOREIGN CORPORATIONS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 19686) to amend section 367 of the Internal Revenue Code of 1954, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill, as follows:

H.R. 19686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 367 of the Internal Revenue Code of 1954 (relating to foreign corporations) is amended to read as follows:

"SEC. 367. FOREIGN CORPORATIONS.

"(a) General Rule.—In determining the extent to which gain shall be recognized in the case of any of the exchanges described in section 332, 351, 354, 355, 356, or 361, a foreign corporation shall not be considered as a corporation unless—

"(1) before such exchange, or

"(2) in the case of an exchange described in subsection (b), either before or after such exchange, it has been established to the satisfaction of the Secretary or his delegate that such exchange is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes. For purposes of this section, any distribution described in section 355 (or so much of section 356 as relates to section 355) shall be treated as an exchange whether or not it is an exchange.

"(b) Application of Subsection (a)(2).—Subsection (a)(2) shall apply in the case of an exchange by a foreign corporation of—

"(1) stock in one foreign corporation for

"(2) stock in another foreign corporation, if the corporations referred to in paragraphs (1) and (2) differ only in their form of organization, and if the ownership of the corporation referred to in paragraph (1) immediately prior to such exchange is identical to the ownership of the corporation referred to in paragraph (2) immediately after such exchange."

Sec. 2. The amendment made by this Act shall apply with respect to exchanges occurring after December 31, 1967.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

That (a) section 367 of the Internal Revenue Code of 1954 (relating to foreign corporations) is amended to read as follows:

"SEC. 367. FOREIGN CORPORATIONS.

"(a) General Rule.—In determining the extent to which gain shall be recognized in the case of any of the exchanges described in section 332, 351, 355, 356, or 361, a foreign corporation shall not be considered as a corporation unless—

"(1) before such exchange, or

"(2) in the case of an exchange described in subsection (b), either before or after such exchange,

it has been established to the satisfaction of the Secretary or his delegate that such exchange is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes.

"(b) Application of Subsection (a)(2).—Subsection (a)(2) shall apply in the case of a mere change in form in which there is an exchange by a foreign corporation of—

"(1) stock in one foreign corporation for,

"(2) stock in another foreign corporation,

if the corporations referred to in paragraphs (1) and (2) differ only in their form of organization, and if the ownership of the corporation referred to in paragraph (1) immediately before such exchange is identical to the ownership of the corporation referred to in paragraph (2) immediately after such exchange.

"(c) Section 355 Distributions Treated as Exchanges.—For purposes of this section, any distribution described in section 355 (or so much of section 356 as relates to section 355) shall be treated as an exchange whether or not it is an exchange.

"(d) Contributions of Capital to Controlled Corporations.—For purposes of this chapter, any transfer of property to a foreign corporation as a contribution to the capital of such corporation by one or more persons who immediately after the transfer, own (within the meaning of section 318) stock possessing at least 80 percent of the total combined voting power of all classes of stock of such corporation entitled to vote shall be treated as an exchange of such property for stock of the foreign corporation equal in value to the fair market value of the property transferred unless, before such transfer, it has been established to the satisfaction of the Secretary or his delegate that such transfer is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes."

(b) Section 1492 of such Code (relating to nontaxable transfers) is amended—

(1) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and "or"; and

(2) by adding at the end thereof the following new paragraph:

"(3) To a transfer to which section 367(d) applies."

(c) The amendments made by this section shall apply to transfers made after December 31, 1967; except that sections 367(d) and 1492 of the Internal Revenue Code of 1954 (as amended by this section) shall apply only with respect to transfers made after December 31, 1970.

Mr. BOGGS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with, and that it be printed in the Record.

The **SPEAKER.** Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The **SPEAKER.** The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BOGGS. Mr. Speaker, H.R. 19686 would amend the rules under section 367 of the Internal Revenue Code, which presently provides that if a foreign corporation is involved in an exchange which otherwise would be a tax-free transaction, tax-free treatment is not available unless prior to the transaction the Internal Revenue Service has made a determination to the effect that the transaction is not being made to avoid Federal income taxes. Under current practice this determination is made by the issuance of a ruling.

H.R. 19686 modifies this provision in two respects. First, the bill provides that the required determination may be obtained after, as well as before, the transaction in the case of a transaction which involves only a change in the form or organization of a second, or lower, tier foreign subsidiary. The committee is convinced that such situations are unlikely to involve avoidance of Federal income taxes, and in the interest of avoiding delay in effectuating such transaction, the bill provides that the ruling may be obtained subsequent to the transaction.

In the second situation to which the bill is directed, however, prior clearance under section 367 would be required. The bill provides that a contribution of property to the capital of a foreign corporation by one or more of the controlling shareholders of the corporation is to be treated as a taxable exchange unless the required determination is obtained from the Internal Revenue Service prior to the transaction.

Mr. Speaker, the first of the cases dealt with by the bill involves a mere change in the form of organization of a second or lower tier foreign subsidiary, and as indicated previously, the bill would allow the required ruling under section 367 to be obtained subsequent to such a transaction. This treatment would be available in the case of an exchange by a foreign corporation of its stock in a second foreign corporation for stock in a third foreign corporation if three requirements are met: First, the transaction must be merely a change in form of the type which would qualify as a "change of form F reorganization" under section 368(a)(1)(F) of the Code; second, the second and third corporations may differ only in their form of organization; and third, the ownership of the second and third foreign corporations must be identical.

Turning again, Mr. Speaker, to the second situation dealt with by the bill, that which would require an advance ruling under section 367, the committee's attention was called to the fact that a recent court case held that the advance ruling provision did not apply to a capital contribution to a controlled foreign corporation if the shareholder did not receive any stock in return. The requirements of this provision would clearly have been applicable, however, had stock been received by the shareholder. The Committee on Ways and Means believes that there is as much opportunity for tax avoidance in the case of capital contribution of property to a controlled foreign corporation where no stock is received in return as in the case where stock is received. Accordingly, the bill provides that the advance ruling requirements of section 367 are to apply to capital contributions to foreign corporations by controlling shareholders of the corporation.

Mr. Speaker, as I previously indicated, the Department of the Treasury has no objection to the enactment of H.R. 19686 and the committee is unanimous in recommending its passage by the House.

Mr. BYRNES of Wisconsin. Mr. Speaker, I rise in support of H.R. 19686, a bill to improve the present ruling procedures governing tax-free exchanges between domestic corporations and their foreign subsidiaries. The present law provides that unless a favorable ruling is first received from the Internal Revenue Service, to the effect that an exchange does not involve a plan of tax avoidance, nontaxable transfers will be taxable.

The basic rules governing prior rulings procedures in these cases are under review by the Treasury Department and the joint committee staff, and the committee will probably be considering amendments in the next Congress. However, it was felt that the two specific situations dealt with by this bill needed immediate attention. The first situation involves a change in a so-called second tier foreign subsidiary that amounts to no more than a change in form presently treated as a tax-free "F"-type reorganization under the code. The bill will permit such a change to take place without prior clearance where there is no change in ownership between the first and second tier foreign subsidiaries. Secondly, the bill provides that where property is contributed by U.S. stockholders to a foreign subsidiary that they control, prior rulings procedures will remain applicable even though stock is not taken in return. A court decision has held that the prior rulings procedures are inapplicable in this situation. The committee concluded that since the stockholders control the foreign corporation, the potential for abuse is inherent in such a transfer even though stock is not received.

Mr. Speaker, these changes will result in improvements in the rules relating to prior rulings that are justified both on grounds of equity and efficiency. The Treasury Department has expressed no opposition to the bill and the committee reported it unanimously. I urge my colleagues to join me in supporting this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CERTAIN PROVISIONS OF INTERNAL REVENUE CODE OF 1954 RELATING TO BEER

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6562) to amend certain provisions of the Internal Revenue Code of 1954 relating to beer, and for other purposes, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill as follows:

H.R. 6562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (c)(2) of section 5052 of the Internal Revenue Code of 1954 is amended to read as follows:

"(2) Removals. Any removal of beer from the brewery."

Sec. 2. Paragraph (d) of section 5053 of such Code is redesignated as paragraph (e), and a new paragraph (d) is added as follows:

"(d) Removals for Research, Development, or Testing. Under such conditions and regulations as the Secretary or his delegate may prescribe, beer may be removed from the brewery without payment of tax for use in research, development, or testing (other than consumer testing or other market analysis) of processes, systems, materials, or equipment relating to beer or brewery operations."

Sec. 3. Paragraph (a) of section 5056 of such Code is amended to read as follows:

"(a) Beer Returned or Voluntarily Destroyed. Any tax paid by any brewer on beer produced in the United States may be refunded or credited to the brewer, without interest, or if the tax has not been paid, the brewer may be relieved of liability therefor, under such regulations as the Secretary or his delegate may prescribe, if such beer is returned to any brewery of the brewer or is destroyed under the supervision required by such regulations: *Provided,* That, in determining the amount of tax due on beer removed on any day, the quantity of beer returned to the same brewery (of the brewer) from which removed shall be allowed, under such regulations as the Secretary or his delegate may prescribe, as an offset against or deduction from the total quantity of beer removed from that brewery on the day of such return."

Sec. 4. Paragraph (b) of section 5056 of such Code is amended to read as follows:

"(b) Beer Lost by Fire, Theft, Casualty, or Act of God. Subject to regulations prescribed by the Secretary or his delegate the tax paid by any brewer on beer produced in the United States may be refunded or credited to the brewer, without interest, or if the tax has not been paid, the brewer may be relieved of liability therefor, if such beer is lost, whether by theft or otherwise, or is destroyed or otherwise rendered unmerchantable by fire, casualty, or act of God before the transfer of title thereto to any other person: *Provided,* That, in the case of loss by theft, the tax shall be collected unless the Secretary or his delegate finds that the theft occurred before removal from the brewery without connivance, collusion, fraud, or negligence on the part of the brewer, consignor, consignee, bailee, or carrier, or the employees or agents of any of them: *Provided further,* That, in any case in which beer is lost or destroyed, whether by theft or otherwise, the Secretary or his delegate may require the brewer to file a claim for relief from the tax and submit proof as to the cause of such loss: *Provided further,* That, in every case where it appears that the loss was by theft, the burden shall be upon the brewer to establish to the satisfaction of the Secretary or his delegate that such loss did not occur as the result of connivance, collusion, fraud, or negligence on the part of the brewer, consignor, consignee, bailee, or carrier, or the employees or agents of any of them.

Sec. 5. Paragraph (c) of section 5056 of such Code is amended to read as follows:

"(c) Limitations.—No claims under this section shall be allowed unless filed within 6 months after the date of such removal from the market, loss, or destruction, or if the claimant was indemnified by insurance or otherwise in respect of the tax."

Sec. 6. Paragraph (b) of section 5401 of such Code is amended to read as follows:

"(b) Bonds. Every brewer, on filing notice as provided by subsection (a) of his intention to commerce business, shall execute a bond to the United States in such reasonable penal sum as the Secretary or his delegate shall by regulation prescribe as necessary to protect and insure collection of the revenue. The bond shall be conditioned (1) that the brewer shall pay, or cause to be paid, as herein provided, the tax required by law on all beer, including all beer removed for transfer to the brewery from other breweries owned by him as provided in section 5414; (2) that he shall pay or cause to be paid the tax on all beer removed free of tax for export as provided in section 5053(a), which beer is not exported or returned to the brewery; and (3) that he shall in all respects faithfully comply, without fraud or evasion, with all requirements of law relating to the production and sale of any beer aforesaid. Once in every 4 years, or whenever required so to do by the Secretary or his delegate, the brewer shall execute a new bond (or a continuation certificate) in the penal sum prescribed in pursuance of this section, and conditioned as above provided, which bond or continuation certificate shall be in lieu of any former bond or bonds, or continuation certificate(s), of such brewer in respect to all liabilities accruing after its approval. If the contract of surety between the brewer and the surety on an expiring bond or continuation certificate is continued in force between the parties for a succeeding period of not less than 4 years, the brewer may submit, in lieu of a new bond, a certificate executed, under penalties of perjury, by the brewer and the surety attesting to continuation of the bond, which certificate shall constitute a bond subject to all provisions of law applicable to bonds pursuant to this section."

Sec. 7. Paragraph (a) of section 5402 of such Code is amended to read as follows:

"(a) Brewery. The brewery shall consist of the land and buildings described in the brewer's notice. The continuity of the brewery must be unbroken except where separated by public passageways, streets, highways, waterways, or carrier rights-of-way, or partitions. If parts of the brewery are separated they must abut on the dividing medium and be adjacent to each other: *Provided,* That where facilities under the control of the brewer for case packing, loading, or storing are located away from the brewery but within reasonable proximity thereto, such facilities may be approved by the Secretary or his delegate as a part of such brewery if the revenue will not be jeopardized thereby."

Sec. 8. Section 5411 of such Code is amended to read as follows:

"Sec. 5411. Use of Brewery.

"The brewery shall be used under regulations prescribed by the Secretary or his delegate only for the purpose of producing, packaging, and storing beer, cereal beverages containing less than one half of 1 percent of alcohol by volume, soft drinks, vitamins, ice, malt sirup, and byproducts; for the purpose of processing spent grain, carbon dioxide, and yeast; and for such other purposes as the Secretary or his delegate by regulation may find will not jeopardize the revenue."

Sec. 9. Section 5416 of such Code is amended to read as follows:

"Sec. 5416. Definitions of Package and Packaging.

"For purposes of this subchapter, the word 'package' means a bottle, can, keg, barrel, or other original consumer container, and the such package."

Sec. 10. A new section 5417 is added to word 'packaging' means the filling of any such Code as follows:

"SEC. 5417. PILOT BREWING PLANTS.

"Under such regulations as the Secretary or his delegate may prescribe, and on the filing of such bonds and applications as he may require, pilot brewing plants may, at the discretion of the Secretary or his delegate, be established and operated off the brewery premises for research, analytical, experimental, or development purposes with regard to beer or brewery operations. Nothing in this section shall be construed as authority to waive the filing of any bond or the payment of any tax provided for in this chapter."

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

That (a) section 5056 of the Internal Revenue Code of 1954 (relating to refund and credit of tax, or relief from liability) is amended to read as follows:

"Sec. 5056. Refund and Credit of Tax, or Relief From Liability.

"(a) Beer Returned or Voluntarily Destroyed.—Any tax paid by any brewer on beer produced in the United States may be refunded or credited to the brewer, without interest, or if the tax has not been paid, the brewer may be relieved of liability therefor, under such regulations as the Secretary or his delegate may prescribe, if such beer is returned to any brewery of the brewer or is destroyed under the supervision required by such regulations. In determining the amount of tax due on beer removed on any day, the quantity of beer returned to the same brewery from which removed shall be allowed, under such regulations as the Secretary or his delegate may prescribe, as an offset against or deduction from the total quantity of beer removed from that brewery on the day of such return.

"(b) Beer Lost by Fire, Theft, Casualty, or Act of God.—Subject to regulations prescribed by the Secretary or his delegate, the tax paid by any brewer on beer produced in the United States may be refunded or credited to brewer, without interest, or if the tax has not been paid, the brewer may be relieved of liability therefor, if such beer is lost, whether by theft or otherwise, or is destroyed or otherwise rendered unmerchantable by fire, casualty, or act of God before the transfer of title thereto to any other person. In any case in which beer is lost or destroyed, whether by theft or otherwise, the Secretary or his delegate may require the brewer to file a claim for relief from the tax and submit proof as to the cause of such loss. In every case where it appears that the loss was by theft, the first sentence shall not apply unless the brewer establishes to the satisfaction of the Secretary or his delegate that such theft occurred before removal from the brewery and occurred without connivance, collusion, fraud, or negligence on the part of the brewer, consignor, consignee, bailee, or carrier, or the employees or agents of any of them.

"(c) Limitations.—No claim under this section shall be allowed (1) unless filed within 6 months after the date of the return, loss, destruction, or rendering unmerchantable or (2) if the claimant was indemnified by insurance or otherwise in respect to the tax."

(b) Section 5052(c)(2) of such Code (relating to definition of removed for consumption or sale) is amended to read as follows:

"(2) Removals.—Any removal of beer from the brewery."

Sec. 2. Section 5053 of the Internal Revenue Code of 1954 (relating to exemptions from imposition of tax on beer) is amended by redesignating subsection (d) as (e), and by inserting after subsection (c) the following new subsection:

"(d) Removals for Research, Development, or Testing.—Under such conditions and regulations as the Secretary or his delegate may prescribe, beer may be removed from the brewery without payment of tax for use in research, development, or testing (other than consumer testing or other market analysis) of processes, systems, materials, or equipment relating to beer or brewery operations."

Sec. 3. (a) Section 5401(b) of the Internal Revenue Code of 1954 (relating to bonds) is amended by striking out the last sentence and inserting in lieu thereof the following: "Once in every 4 years, or whenever required so to do by the Secretary or his delegate, the brewer shall execute a new bond or a continuation certificate, in the penal sum prescribed in pursuance of this section, and conditioned as above provided, which bond or continuation certificate shall be in lieu of any former bond or bonds, or former continuation certificate or certificates, of such brewer in respect to all liabilities accruing after its approval. If the contract of surety between the brewer and the surety on an expiring bond or continuation certificate is continued in force between the parties for a succeeding period of not less than 4 years, the brewer may submit, in lieu of a new bond, a certificate executed, under penalties of perjury, by the brewer and the surety attesting to continuation of the bond, which certificate shall constitute a bond subject to all provisions of law applicable to bonds given pursuant to this section."

(b) Section 5402(a) of such Code (relating to definition of brewery) is amended to read as follows:

"(a) Brewery.—The brewery shall consist of the land and buildings described in the brewer's notice. The continuity of the brewery must be unbroken except where separated by public passageways, streets, highways, waterways, or carrier rights-of-way, or partitions; and if parts of the brewery are so separated they must abut on the dividing medium and be adjacent to each other. Notwithstanding the preceding sentence, facilities under the control of the brewer for case packing, loading, or storing which are located within reasonable proximity to the brewery packaging facilities may be approved by the Secretary or his delegate as a part of the brewery if the revenue will not be jeopardized thereby."

(c) Section 5411 of such Code (relating to use of brewery) is amended to read as follows:

"Sec. 5411. Use of Brewery.

"The brewery shall be used under regulations prescribed by the Secretary or his delegate only for the purpose of producing, packaging, and storing beer, cereal beverages containing less than one-half of 1 percent of alcohol by volume, vitamins, ice, malt, malt sirup, and other byproducts and of soft drinks; for the purpose of processing spent grain, carbon dioxide, and yeast; and for such other purposes as the Secretary or his delegate by regulation may find will not jeopardize the revenue."

(d) Section 5412 of such Code (relating to removal of beer in containers, etc.) is amended by stirking out "barrels, kegs, bottles," and inserting "packages,".

(e) Section 5416 of such Code (relating to definitions of bottle and bottling) is amended to read as follows:

"Sec. 5416. Definitions of Package and Packaging.

"For purposes of this subchapter, the term 'package' means a bottle, can, keg, barrel, or other original consumer container, and the term 'packaging' means the filling of any package."

Sec. 4. (a) Part II of subchapter G of chapter 51 of the Internal Revenue Code of 1954 (relating to operations) is amended by adding at the end thereof the following new section:

"Sec. 5417. Pilot Brewing Plants.

"Under such regulations as the Secretary or his delegate may prescribe, and on the filing of such bonds and applications as he may require, pilot brewing plants may, at the discretion of the Secretary or his delegate, be established and operated off the brewery premises for research, analytical, experimental, or development purposes with regard to beer or brewery operations. Nothing in this section shall be construed as authority to waive the filing of any bond or the payment of any tax provided for in this chapter."

(b) The table of sections for part II of subchapter G of chapter 51 of such Code is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 5416. Definition of package and packaging.

"Sec. 5417. Pilot brewing plants."

Sec. 5. The amendments made by the first four sections of this Act shall take effect on the first day of the first calendar month which begins more than 90 days after the date of the enactment of this Act.

Mr. BOGGS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with, and that it be printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BOGGS. Mr. Speaker, H.R. 6562 provides a series of amendments to the beer tax provisions of present law.

Each of these amendments would change regulatory provisions dealing with beer, but only under such regulatory authority and other restrictions as are designed to assure efficient supervision of operations and collection of tax by the Internal Revenue Service.

The amendments can be summarized as follows:

First. The bill permits credits or refunds if beer is returned to another brewery of the same brewer, and offsets are permitted if the beer is returned to the brewery from which it was removed.

Second. The bill permits credits or refunds in the case of loss by theft and also where the beer is rendered unmerchantable.

Third. The bill permits tax-free research and development.

Fourth. The bill permits the bonding requirements to be met by certifying the continuation of an existing bond, in place of the present requirement that a new bond be secured.

Fifth. The bill codifies present regulations defining the area of a brewery and permitting certain facilities to be near the main facilities, rather than requiring them to adjoin the main facilities.

Sixth. The bill eliminates the requirement of separate facilities for the bottling of beer and cereal beverages.

Seventh. The bill codifies present regulations permitting the establishment of experimental breweries.

Mr. Speaker, each of the foregoing amendments provided by the pending bill would remove restrictions no longer needed for effective enforcement of the revenue and regulatory aspects of the beer tax.

The Treasury Department has no objection to the enactment of H.R. 6562, and the Committee on Ways and Means is unanimous in recommending its passage by the House.

Mr. BYRNES of Wisconsin. Mr. Speaker, I rise in support of H.R. 6562, a bill including a number of amendments to the Internal Revenue Code as it applies to beer and brewing.

The major proposed changes are as follows:

First. Credits or refunds would be permitted if beer were returned to another brewery owned by the same brewer. Present law requires that beer be returned to the same brewery from which it was removed before a credit or refund can be awarded.

Second. Credits or refunds would be permitted in the event of loss by theft—as long as there was no collusion of the brewer, his employees or associates—and where the beer had been rendered unmerchantable, even though not actually destroyed.

Third. Beer could be removed from a brewery without payment of tax for use in research and development, or related projects. Consumer testing or market analysis would not be acceptable reasons for removal.

Fourth. Brewers would be permitted to obtain continuation certificates on bonds for tax liability, instead of having to file for new bonds every 4 years. The committee understands that this would not change the bonding requirements otherwise.

Fifth. Existing regulations defining the area of a brewery would be codified, and packing and storage facilities would be accepted as part of a brewery under the same circumstances now applying to loading facilities.

Sixth. Bottling of beer and cereal beverages would no longer have to be accomplished in a separate section of a brewery, as under present law, and the terms "bottle" and "bottling" would be discarded in favor of "package" and "packaging." The committee was informed that both changes would be in keeping with modern brewing practices.

Seventh. Experimental breweries, now recognized in regulations, would be recognized by statute.

Mr. Speaker, the provisions of this bill are designed to bring the tax law into closer harmony with business practices without creating collection difficulties. The Treasury Department indicated that it has no objection to this bill, and the committee was unanimous in reporting it.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING SECTION 905 OF THE TAX REFORM ACT OF 1969

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 17984) to amend section 905 of the Tax Reform Act of 1969, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill, as follows:

H.R. 17984

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 905 of the Tax Reform Act of 1969 (Public Law 91-172) is hereby amended as follows:

(a) in paragraph (1) strike out "(2) and (3)" and insert in lieu thereof "(2), (3), and (4)"; and

(b) at the end of such subsection add the following new paragraph.

"(4) The amendments made by subsections (a) and (b) shall not apply to a distribution by a corporation of specific property (held on December 1, 1969, by the distributing corporation or a corporation which was a wholly owned subsidiary of the distributing corporation on such date) in redemption of stock outstanding on November 30 1969, which is redeemed and canceled before December 31, 1970, if—

"(A) such redemption is pursuant to a resolution adopted before November 1, 1969, by the Board of Directors authorizing the redemption of a specific amount of stock constituting more than 10 percent of the outstanding stock of the corporation at the time of the adoption of such resolution; and

"(B) more than 40 percent of the stock authorized to be redeemed pursuant to such resolution was redeemed before December 30, 1969, and more than one-half of the stock so redeemed was redeemed with property other than money."

With the following committee amendments:

Page 2, line 1, strike out "specific".

Page 2, line 6, strike out "December 31, 1970," and insert "July 31, 1971,"

The committee amendments were agreed to.

Mr. BOGGS. Mr. Speaker, the purpose of H.R. 17984 is to add another appropriate transitional rule to section 905 of the Tax Reform Act of 1969.

That section of the 1969 act, in general, provides that if a corporation distributes appreciated property to a shareholder in redemption of his stock, gain is recognized to the distributing corporation. Transitional rules in the act continued nonrecognition of gain, however, in those limited cases in which a definite program or commitment on the part of the taxpayer was evident before the time the matter was discussed in Congress. Under the act's present transitional rules, this definite program or commitment must be evidenced by a binding contract, a public offer or a written description of the program filed with a public agency.

A substantially similar type of situation was brought to the attention of the Committee on Ways and Means which the committee unanimously feels should be provided for under the transitional provisions. This new transitional rule, which would be added by the pending bill, would continue nonrecognition of gain in situations in which a corporation had in fact already begun a plan of redemption pursuant to directors' resolution adopted before congressional consideration of the 1969 provision and where a substantial part of the plan had been carried out prior to the date of enactment of the Tax Reform Act.

Mr. Speaker, the committee is convinced that a preexisting authorization to redeem, taken together with the fact that to a significant extent a program of redemption had already been carried out, is substantially the equivalent of those situations originally covered in the transitional rules in section 905.

The Department of the Treasury has no objection to the enactment of this bill, and as previously indicated, the Committee on Ways and Means unanimously recommends its approval by the House.

Mr. BYRNES of Wisconsin. Mr. Speaker, I rise in support of H.R. 17984, a bill having to do with the treatment of appreciated property distributed by corporations to shareholders in redemption of their stock.

Under the Tax Reform Act of 1969, corporations would recognize a gain in such cases, except under certain special circumstances covered by transitional rules.

The effect of these transitional rules has been to continue the nonrecognition of gain in cases where a definite program of redemption had been undertaken and was apparent prior to congressional consideration of the matter. Such a program would be evidenced by a binding contract, a public offer, or a filing with a public agency regarding the redemption.

However, since the act has been in effect, a fourth situation fitting the principle behind the three existing transitional rules has been called to the attention of the committee.

Essentially, Mr. Speaker, this fourth situation is one in which a corporation actually started plans for redemption, pursuant to a resolution adopted by its board of directors, and carried out a substantial portion of the plans before enactment of the Tax Reform Act of 1969.

This situation would not be covered under the existing transitional rules because it does not involve a binding contract, public offer or a description filed with a public agency. However, the committee believes it meets the intent of the transitional rules and should, therefore, be added to them.

The Treasury Department assured the committee that it has no objection to the enactment of this legislation. Mr. Speaker, the bill was reported unanimously by the committee, and I urge the House to add its approval now.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

TRANSITION RULE FOR MOVING EXPENSES

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 17917) to amend the Tax Reform Act of 1969, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill, as follows:

H.R. 17917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 231(d) of the Tax Reform Act of 1969 is amended by inserting after subparagraph (2) the following new subparagraph:

(3) The amendments made by this section shall not apply (at the election of the taxpayer made at such time and manner as the Secretary of the Treasury or his delegate may prescribe) with respect to moving expense paid or incurred before December 31, 1970 in connection with the commencement of work by the taxpayer as an employee at a new principal place of work, provided the change is necessitated by a relocation of an office or other facility of his employer and the plan of relocation was announced by the employer on or before December 19, 1969."

With the following committee amendment:

Strike out all after the enacting clause and insert:

That section 231(d)(2) of the Tax Reform Act of 1969 is amended by striking out "before July 1, 1970," and inserting in lieu thereof "on or before December 31, 1970,".

The committee amendment was agreed to.

Mr. BOGGS. Mr. Speaker, H.R. 17917 would extend the cutoff date of a transition rule in the new provisions relating to moving expenses contained in the Tax Reform Act of 1969.

It will be recalled that the 1969 act modified the rules with respect to the deduction of job-related moving expenses to allow deductions for certain additional categories of moving expenses and to provide other rules generally liberalizing the deduction. One provision went the other way, however, and tightened the moving expense rules by requiring that the employee's new place of employment must be 50 miles or more—instead of the 20 miles under prior law—farther from his old residence than was his prior place of employment. Because this constituted a more strict rule, the Tax Reform Act provided that the taxpayer could still elect to have the old rules apply for amounts paid or incurred before July 1, 1970, if the taxpayer had been notified by his employer on or before December 19, 1969, of a move.

It has been brought to the attention of the Committee on Ways and Means that some workers who were notified of a pending move on or before December 19, 1969, were not able to complete their moves before the July 1, 1970, cutoff date. For example, it was brought to the committee's attention that in a number of instances the anticipated new jobs were not available soon enough at the location to complete moves prior to the present cutoff date.

The Committee on Ways and Means has concluded, therefore, that it would be equitable to extend the cutoff date from the present "before July 1, 1970," to "on or before December 31, 1970." The 6-months extension of the cutoff date provided by H.R. 17917 would still apply, however, only in those situations where an employee had been notified by his employer of the move on or before December 19, 1969.

Mr. Speaker, the Department of the Treasury has no objection to the enactment of this bill, and the Committee on Ways and Means is unanimous in recommending its approval by the House.

Mr. BYRNES of Wisconsin. Mr. Speaker, I rise in support of H.R. 17917, a bill to extend the cutoff date of the special transition rule applied to moving expenses in section 231 of the Tax Reform Act of 1969.

As passed, the Tax Reform Act liberalized most moving expense provisions, except in the case of the requirement as to the distance moved. In this case, the new place of employment must be at least 50 miles, instead of 20 miles, farther from the prior residence than the former place of employment. Because this was a stricter provision than under prior law, a special transition rule was included which allowed taxpayers to elect the old moving expense deduction rule in cases where the employee had been notified by his employer of a move on or before December 19, 1969, and the amounts were paid or incurred for the moving expenses before July 1, 1970.

It has been brought to the attention of the committee that some employees who were notified of a pending move on or before December 19, 1969, were not able for varying reasons to complete their moves before the July 1, 1970, cutoff date, thus denying them moving expense deductions available under prior law. The committee has deemed it equitable to extend the cutoff date in the transition rule from "before July 1, 1970," to "on or before December 31, 1970," thus enabling taxpayers to elect to have moving expenses paid or incurred in this additional 6-month period treated under the old moving expense rules.

The bill was unanimously reported, and I urge my colleagues to join me in support of its enactment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SECTION 165(g) OF THE 1954 CODE

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 19369) to amend section 165(g) of the Internal Revenue Code of 1954 which provides for treatment of losses on worthless securities.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill, as follows:

H.R. 19369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 165 of the Internal Revenue Code of 1954 (relating to losses) is amended—

(a) by striking out in section (g)(3) (A) "at least 95 percent of each class of its stock" and inserting in lieu thereof "stock possessing at least 80 percent of the voting power of all classes of its stock and at least 80 percent of each class of its nonvoting stock", and

(b) by adding at the end of subsection (g) (3) the following: "As used in subparagraph (A), the term 'stock' does not include nonvoting stock which is limited and preferred as to dividends."

SEC. 2. The amendments made by this Act shall apply with respect to taxable years beginning on or after January 1, 1970.

Mr. BOGGS. Mr. Speaker, H.R. 19369 would reduce from 95 to 80 percent the amount of stock a parent corporation must own in a subsidiary corporation in order to claim an ordinary loss deduction, rather than a capital loss, if the stock it holds in the subsidiary becomes worthless.

This amendment would conform the percentage of ownership requirements for such ordinary loss treatment with the 80 percent ownership requirement which presently applies to the filing of consolidated returns by corporations.

Originally, Mr. Speaker, both the consolidated return filing requirements and the ordinary loss deduction requirements were equal with a 95 percent of ownership in subsidiary rule applicable in each situation. The concept was that the companies in the 95-percent ownership relationship were considered closely enough related to, in effect, treat them as one operating business. In the case of consolidated return treatment, the losses of one could be offset against the income of the other. In the case where the securities of the subsidiary company become worthless, the loss, in effect, should be regarded as a loss of part of the business of the parent corporation rather than a loss on an investment.

Mr. Speaker, in the Internal Revenue Code of 1954, the required ownership requirements for consolidated returns was reduced from 95 to 80 percent but a similar change has not been made, to date, with respect to the rule for ordinary loss treatment for worthless securities of a subsidiary. Accordingly, the bill, H.R. 19369, makes this conforming change, applicable to taxable years beginning on or after January 1, 1970.

Mr. Speaker, the Treasury Department has no objection to the enactment of this bill, and the Committee on Ways and Means is unanimous in recommending its approval by the House.

Mr. BYRNES of Wisconsin. Mr. Speaker, I rise in support of H.R. 19369, which would change the ownership requirement for a parent corporation wishing to claim an ordinary loss deduction on worthless stock in a subsidiary.

Present law allows an ordinary loss deduction, instead of capital loss treatment generally provided for worthless securities, only if the parent corporation owns at least 95 percent of each class of the subsidiary's stock. H.R. 19369 would change this ownership requirement to 80 percent, which is the same percentage of ownership required in order for a parent company to file a consolidated income tax return with its subsidiary.

Inasmuch as an 80-percent-control interest is considered an appropriate degree of relationship for the purposes of treating two or more corporations as one business under the consolidated return provisions of the tax law, the committee felt it also would be an appropriate degree of relationship for the treatment of worthless stock in a subsidiary.

The Treasury Department is not opposed to the bill, and it was unanimously approved by the committee. Mr. Speaker, I urge its enactment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TAX TREATMENT OF CERTAIN STATUTORY MERGERS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 19562) to amend the Internal Revenue Code of 1954 in relation to corporate reorganizations.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill, as follows:

H.R. 19562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 368(a) of the Internal Revenue Code of 1954 (relating to corporate reorganizations) is amended by adding the following paragraph:

"Sec. 368. (a) (2) (E) Statutory Merger Using Stock of Controlling Corporation Where Acquired Corporation Survives.—The acquisition by one corporation of substantially all of the properties of another corporation which in the transaction is merged into the acquiring corporation shall not disqualify a transaction under paragraph (1) (A) if immediately after such merger (i) the corporation formerly in control of the merged corporation controls the acquiring corporation, and (ii) the former stockholders of such acquiring corporation own, as the result of owning stock of such corporation, no stock other than voting stock of such controlling corporation."

Sec. 2. That section 368(b) of the Internal Revenue Code of 1954 (relating to parties to corporate reorganizations) is amended by adding the following sentence thereto:

"In the case of a reorganization qualifying under paragraph (1) (A) of subsection (a) by reason of paragraph (2) (E) of that subsection, the term 'party to a reorganization' includes the corporation formerly in control of the merged corporation referred to in such paragraph (2) (E)."

With the following committee amendment:

Strike out all after the enacting clause and insert:

That section 368(a) (2) of the Internal Revenue Code of 1954 (definitions relating to corporate reorganizations) is amended by adding at the end thereof the following new subparagraph:

"(E) Statutory merger using voting stock of corporation controlling merged corporation.—A transaction otherwise qualifying under paragraph (1) (A) shall not be disqualified by reason of the fact that stock of a corporation (referred to in this subparagraph as the 'controlling corporation') which before the merger was in control of the merged corporation is used in the transaction, if—

"(i) after the transaction, the corporation surviving the merger holds substantially all of its properties and of the properties of the merged corporation (other than stock of the controlling corporation distributed in the transaction); and

"(ii) in the transaction, former shareholders of the surviving corporation exchanged, for an amount of voting stock of the controlling corporation, an amount of stock in the surviving corporation which constitutes control of such corporation."

(b) Section 368(b) of such Code (relating to parties to corporate reorganizations) is amended by adding at the end thereof the following new sentence: "In the case of a reorganization qualifying under subsection (a) (1) (A) by reason of subsection (a) (2) (E), the term 'party to a reorganization' includes the controlling corporation referred to in subsection (a) (2) (E)."

(c) The amendment made by this section shall apply to statutory mergers occurring after December 31, 1970.

The committee amendment was agreed to.

Mr. BOGGS. Mr. Speaker, H.R. 19562 would amend the provisions of the tax law relating to tax-free statutory mergers of corporations to permit a tax-free statutory merger when stock of a parent corporation is used in a merger between a controlled subsidiary of the parent and another corporation, and the other corporation survives—a transaction called a reverse merger.

The Department of the Treasury has no objection to this measure, and the Committee on Ways and Means is unanimous in recommending its passage by the House.

Inasmuch as the reorganization sections of the Internal Revenue Code are perhaps its most complex provisions, Mr. Speaker, the most lucid means of explaining the pending bill is by use of an example. Under existing law, corporation X, an unrelated corporation, may be merged into corporation S, a subsidiary of corporation P, in exchange for the stock of corporation P in a tax-free statutory merger. However, if for business and legal reasons wholly unrelated to Federal income taxation it is considered more desirable to merge S into X rather than merging X into S, so that X is the surviving corporation—a reverse merger—the transaction is not a tax-free statutory merger.

Although the reverse merger does not qualify as a tax-free statutory merger, it may, in appropriate circumstances, be treated as a tax-free stock-for-stock reorganization. However, in order to qualify as a tax-free stock-for-stock reorganization, it is necessary that the acquisition be solely for voting stock and that no stock be acquired for cash or other consideration. Thus, if a small amount of the stock of X, the unrelated corporation, is acquired for cash before the merger of S into X, there often may be doubt as to whether or not the transaction will meet the statutory requirements of a stock-for-stock reorganization.

The Committee on Ways and Means believes that there is no reason why a merger in one direction, S into X in the example, should be taxable when the merger in the other direction, X into S, under identical circumstances is tax free. Moreover, the committee sees no reason why in cases of this type the acquisition needs to be made solely for stock.

Under this new provision, such a statutory merger may be tax free if it meets several conditions, among which are: First, the corporation surviving the merger must hold substantially all of its own properties and substantially all of the properties of the merged corporation—except stock of the controlling corporation distributed in the transaction. Second, in the transaction former shareholders of the surviving corporation must receive voting stock of the controlling corporation in exchange for an amount of stock representing control in the surviving corporation.

Mr. Speaker, as previously indicated, the Treasury Department has no objection to the enactment of H.R. 19562, and the committee is unanimous in recommending its passage by the House.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend the Internal Revenue Code of 1954 with respect to certain statutory mergers."

A motion to reconsider was laid on the table.

CREDIT FOR FOREIGN TAXES PAID BY CERTAIN FOREIGN CORPORATIONS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 18549) to amend sections 902(b) and 902(c) of the Internal Revenue Code of 1954 to reduce the 50-percent requirement to 10 percent between first and second levels and to include third-level foreign corporations in the tax credit structure if the 10-percent test is met.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill as follows:

H.R. 18549

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 902(b) of the Internal Revenue Code of 1954 is amended to read as follows:

"(b) Foreign Subsidies of First and Second Foreign Corporation.—

"(1) If such foreign corporation owns 10 percent or more of the voting stock of a second foreign corporation from which it receives dividends in any taxable year, it shall be deemed to have paid the same proportion of any income, war profits, or excess profits taxes paid or deemed to be paid by such second foreign corporation to any foreign country or to any possession of the United States on or with respect to the accumulated profits of the corporation from which such dividends were paid which—

"(A) for purposes of applying subsection (a) (1), the amount of such dividends bears to the amount of the accumulated profits (as defined in subsection (c) (1) (A)) of such second foreign corporation from which such dividends were paid in excess of such income, war profits, and excess profits, taxes, or

"(B) for purposes of applying subsection (a) (2), the amount of such dividends bears to the amount of the accumulated profits (as defined in subsection (c) (1) (B) of such second foreign corporation from which such dividends were paid.

"(2) If such first foreign corporation owns 10 percent or more of the voting stock of a second foreign corporation which, in turn, owns 10 percent or more of the voting stock of a third foreign corporation from which the second foreign corporation receives dividends in any taxable year, the second foreign corporation shall be deemed to have paid the same proportion of any income, war profits, or excess profits taxes paid by such third foreign corporation to any foreign country or to any possession of the United States on or with respect to the accumulated profits of the corporation from which such dividends were paid which—

"(A) for purposes of applying subsection (a)(1) the amount of such dividends bears to the amount of the accumulated profits (as defined in subsection (c)(1)(A)) of such third foreign corporation from which such dividends were paid in excess of such income, war profits, and excess profits taxes, or

"(B) for purposes of applying subsection (a)(2), the amount of such dividends bears to the amount of the accumulated profits (as defined in subsection (c)(1)(B)) of such third foreign corporation from which such dividends were paid."

"(3) For purposes of this subpart, subsection (b)(1) shall not apply unless the percentage of voting stock owned by the domestic corporation in the first foreign corporation and the percentage of voting stock owned by the first foreign corporation in the second foreign corporation when multiplied together equal at least 5 percent, and for purposes of this subpart, subsection (b)(2) shall not apply unless the percentage arrived at for purposes of applying subsection (b)(1) when multiplied by the percentage of voting stock owned by the second foreign corporation in the third foreign corporation is equal to at least 5 percent."

SEC. 2. That subsections (c)(1)(A) and the first three lines of subsection (c)(1)(B) of section 902(c) are amended to read as follows:

"(c) APPLICABLE RULES.

"(1) ACCUMULATED PROFITS DEFINED. For purposes of this section, the term 'accumulated profits' means with respect to any foreign corporation—

"(A) for purposes of subsections (a)(1), (b)(1)(A), and (b)(2)(A), the amount of its gains, profits, or income computed without reduction by the amount of the income, war profits, excess profits taxes imposed on or with respect to such profits or income by any foreign country or any possession of the United States; and

"(B) for purposes of subsections (a)(2), (b)(1)(B), and (b)(2)(B), the amount of its gains, profits, or income in excess of the income, war profits, and excess profits taxes imposed on or with respect to such profits or income."

SEC. 3. The amendments made by this Act shall apply with respect to all taxable years of domestic corporations, ending after the date of enactment of this Act, but only in respect of dividends received or deemed to be received from foreign corporations after such enactment."

With the following committee amendments:

Page 1, line 7, strike out "such foreign corporation" and insert "the foreign corporation described in subsection (a) (hereinafter in this subsection referred to as the 'first foreign corporation')".

Page 3, line 9, insert a comma after "(1)".

Page 3, line 19, strike out the quotation marks.

Page 4, strike out line 7 and all that follows down through line 25 and insert:

"Sec. 2. Section 902(c)(1) of the Internal Revenue Code of 1954 is amended—

"(1) by striking out 'subsections (a)(1) and (b)(1),' in subparagraph (A) and inserting in lieu thereof the following: 'subsections (a)(1), (b)(1)(A), and (b)(2)(A),' and

(2) by striking out 'subsections (a)(2) and b(2),' in subparagraph (B) and inserting in lieu thereof the following: 'subsections (a)(2), (b)(1)(B), and (b)(2)(B),'.

Page 5, line 4, strike out "dividends received" and all that follows down through line 5 and insert the following: "dividends paid by one corporation to another corporation after the date of the enactment of this Act."

The committee amendments were agreed to.

Mr. BOGGS. Mr. Speaker, H.R. 18549 modifies in two respects the indirect foreign tax credit which is presently allowed domestic corporations for foreign income taxes paid by a first tier or second tier foreign corporation on earnings that are distributed to the domestic corporation.

First, the bill would extend the indirect foreign tax credit to foreign income taxes paid by third tier foreign corporations in which the second tier foreign corporation has at least a 10-percent ownership interest. Second, the bill would reduce the required percentage of ownership for allowance of the indirect foreign tax credit between first and second tier foreign corporations from the present 50 percent requirement to 10 percent. A credit would not be available in either of these two situations, however, unless the domestic corporation has at least a 5-percent indirect ownership interest in the second and third tier foreign corporations.

Mr. Speaker, it has become increasingly common for U.S. taxpayers to engage in joint ventures at the second tier level in foreign countries in situations where there is not a 50-percent ownership between the first and second tier levels. In many instances, foreign law will require a substantial degree of local ownership so that it is becoming increasingly difficult for a first tier foreign corporation to have the presently required 50-percent ownership in a second tier foreign subsidiary.

In addition, Mr. Speaker, it has become more and more common, and at times necessary, in international business practice for U.S. taxpayers to engage in business in foreign countries through foreign subsidiaries at the third tier level.

Mr. Speaker, the explanation for the development of the present structure of the indirect foreign tax credit is largely historical, and there is no sound reason why it should not be amended to conform the tax law to the realities of modern business practices. Extension of the credit, as provided in the bill, is entirely consonant with the principle of the indirect credit as allowed under present law. Moreover, the Committee on Ways and Means does not anticipate significant administrative difficulties with the new rules because of the improved reporting and more complete information that is available today to compute and verify the foreign tax credit.

The Treasury Department has indicated to the committee that it has no objection to the enactment of this bill. The Department recognizes, however, as does the committee, that there are a number of other problems in present tax law related to foreign income. The committee, therefore, wishes to make it clear that the action taken with respect to this bill will not in any way affect or foreclose any future consideration of other problems involving U.S. taxation of foreign income.

The committee is unanimous in recommending passage by the House of H.R. 18549.

Mr. BYRNES of Wisconsin. Mr. Speaker, I rise in support of H.R. 18549, a bill to amend the foreign income tax credit as it applies to corporations.

The foreign tax credit permits a U.S. citizen or domestic corporation to credit foreign income taxes paid during the taxable year against their U.S. income. Additionally, under rather complex provisions, a domestic corporation is permitted to credit against its income taxes a part of the foreign taxes paid by a foreign corporation in which it owns 10 percent or more of the stock—a first tier corporation. Where the first tier corporation in turn owns 50 percent or more of a second foreign corporation—second tier corporation—the domestic corporation may also be entitled to a credit for part of the taxes paid by the second foreign corporation. In both cases, the amount of foreign taxes the domestic corporation may credit is related to the dividends it receives directly or indirectly from the foreign corporations.

The committee has been informed that U.S. foreign subsidiaries often engage in joint ventures through a second tier foreign corporation under circumstances that prevent the required 50 percent ownership of the second tier corporation from being satisfied. These circumstances are often compounded by requirements concerning local ownership of businesses imposed by some foreign countries. The bill before the House therefore reduces the 50-percent ownership requirement between the first and second tier foreign corporations to 10 percent.

Additionally, the committee has been advised that it is often necessary and advantageous for U.S. corporations to engage in business in foreign countries through foreign corporations at the third tier level. The underlying rationale for permitting indirect tax credits to a domestic corporation for foreign taxes by a first and second tier foreign corporation also applies to a third tier foreign corporation. The committee therefore has extended the foreign tax credit for indirect foreign taxes to the third tier level. In view of the extensive records that must be filed under provisions of existing law in order to claim the credit for indirect foreign taxes already allowed, the committee has been assured that there will be no unwarranted administrative burden imposed on either taxpayers or the Treasury by this liberalization.

Mr. Speaker, the amendments included in this bill will conform the rules relating to the foreign tax credit more closely to present business practices. The bill was unanimously reported, and the Treasury Department expressed no objections. I urge my colleagues to join me in support of its enactment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPLICATION OF INVESTMENT CREDIT RECAPTURE RULE TO LEASED AIRCRAFT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 17988) to amend section 47 of the Internal Revenue Code of 1954 to allow aircraft to be leased for temporary use outside the United States without a recapture of the investment credit.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill as follows:

H.R. 17988

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 47(a) of the Internal Revenue Code of 1954 (relating to certain dispositions of section 38 property) is amended by adding at the end thereof the following new paragraph:

"(6) AIRCRAFT USED OUTSIDE THE UNITED STATES AFTER APRIL 18, 1969.—In any case in which—

"(A) any aircraft was section 38 property with respect to the taxpayer for the taxable year in which placed in service, and

"(B) after April 18, 1969, such aircraft is leased from an air carrier (as defined in section 101 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301)), other than under a lease purchase arrangement, for use predominately outside the United States for a term (including any renewal periods) not exceeding three years under any one lease and in compliance with the provisions of the Federal Aviation Act of 1958, as amended, and the rules and regulations promulgated by the Civil Aeronautics Board thereunder, such aircraft shall not be treated as ceasing to be section 38 property with respect to the taxpayer by reason of the use of such aircraft in the manner described in subparagraph (B) or by reason of the registration of such aircraft under the laws of a foreign country for a period or periods not exceeding three years in total."

With the following committee amendment:

Strike out line 7, page 1, and all that follows down through page 2, line 17, and insert the following:

"(6) AIRCRAFT USED OUTSIDE THE UNITED STATES AFTER APRIL 18, 1969.—

"(A) GENERAL RULE.—Any aircraft which was new section 38 property for the taxable year in which it was placed in service and which is used outside the United States under a qualifying lease or leases shall be treated as not ceasing to be section 38 property by reason of such use until such aircraft has been so used for a period or periods exceeding 4 years in total. For purposes of the preceding sentence, the registration of such aircraft under the laws of foreign country shall be treated as use outside the United States.

"(B) COMPUTATION OF QUALIFIED INVESTMENT.—If an aircraft described in subparagraph (A) is disposed of or otherwise ceases to be section 38 property, the increase under paragraph (1) and the adjustment under paragraph (3) shall not be greater than the increase or adjustment which would result if the qualified investment of such aircraft were based upon a useful life equal to the lesser of (i) the actual useful life of such aircraft with respect to the taxpayer, or, (ii) twice the number of full calendar months during which such aircraft was registered by the Administrator of the Federal Aviation Agency and was used in the United States operated to and from the United States, or operated under contract with the United States. For purposes of the preceding sentence, an aircraft shall be treated as used in the United States for any calendar month beginning after such aircraft was placed in service, if such month is included in a taxable year ending before January 1, 1971, for which such aircraft was section 38 property (determined without regard to this paragraph).

"(C) QUALIFYING LEASE DEFINED.—For purposes of subparagraph (A), the term 'qualifying lease' means a lease from an air carrier (as defined in section 101 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301)) which complies with the provisions of the Federal Aviation Act of 1958, as amended, and the rules and regulations promulgated by the Civil Aeronautics Board thereunder, but only if such lease was executed after April 18, 1969."

SEC 2. The amendment made by the first section of this Act shall apply to taxable years ending after April 18, 1969.

The committee amendment was agreed to.

Mr. BOGGS. Mr. Speaker, H.R. 17988 would amend the investment credit provisions of the Internal Revenue Code to allow aircraft to be leased for temporary use outside the United States without a recapture of the investment credit.

Members of the House will recall that the investment credit was repealed for property acquired after April 18, 1969, but vestiges of it are being phased out under the transitional rules adopted in connection with its repeal.

Mr. Speaker, under the investment credit provision in order for an airplane to initially qualify as investment credit property, it must be principally used in the United States or be operated either to or from the United States or be under contract with the United States. This requirement has been interpreted by the Treasury Department to mean that the plane must be used in the specified manner for more than half of each taxable year. If an airplane, with respect to which an investment credit was previously allowed, ceases to be used for a taxable year in this manner, then the airplane ceases to qualify as investment credit property and the investment credit previously allowed is recaptured in whole or in part.

In recent years U.S. air carriers have acquired airplanes based on a projected demand which was accounted for in significant part by governmental airlift requirements, particularly those associated with Southeast Asia. Governmental airlift needs, however, have been decreasing from past levels, and as a result, a number of domestic airlines find they have excess equipment. The only practical use of the excess airplanes at the present time, other than letting them remain idle and deteriorate, is to lease them on a temporary basis for use outside the United States. If this were done, however, such leases would have to apply for periods under 6 months in any given year, in order to avoid a recapture of the previously allowed investment credit. This procedure is quite expensive, and in some cases, it is not possible to effect leases for such a short period of time.

Mr. Speaker, since a large part of the excess equipment which U.S. air carriers presently have, or have on order, was acquired in view of governmental needs which no longer exist, the Committee on Ways and Means does not believe it is appropriate to require domestic air carriers, in order to preserve the investment credit they previously received, to either let the excess planes remain idle or to go through this impractical rotation procedure.

H.R. 17988, therefore, provides that a new airplane which qualified for the investment credit for the year it was placed in service may be used outside the United States for up to half of the period taken into account in determining the amount of the credit allowed with respect to the airplane and still not be subject to investment credit recapture. In effect, Mr. Speaker, this would apply the concept of the present Treasury regulations which require an airplane to be used principally in the United States, but over the longer period used in computing the amount of the credit allowable, instead of on a year-by-year basis.

Inasmuch as the maximum period which may be taken into account in computing the amount of an investment credit is 8 years, the bill provides that there would in all cases be a recapture of the investment credit if an airplane is used outside the United States under the type of lease described or, under the laws of a foreign country, for more than 4 years.

Those provisions would only apply, however, if the airplane is used outside the United States under a lease from a U.S. air carrier which is made after April 18, 1969, and which complies with the provisions of the Federal Aviation Act of 1958 and the Civil Aeronautics Board's rules and regulations under that act.

Mr. Speaker, H.R. 17988 would enable excess aircraft, which would otherwise remain idle, to be used in an economic manner. The Treasury Department has no objection to the bill's enactment, and the Committee on Ways and Means is unanimous in recommending its passage by the House.

Mr. BYRNES of Wisconsin. Mr. Speaker, I support H.R. 17988.

The investment credit, which Congress repealed last year, required that qualifying property be held at least 4 years, and the amount of the credit varied with the length of the holding period. The taxpayer was permitted to claim one-third of the credit for property held from 4 to 6 years, two-thirds for property held from 6 to 8 years, and the entire credit for property held over 8 years. When property is sold prior to the length of time assumed when the credit was claimed, the excess credit previously allowed is "recaptured."

The law also requires that the investment credit on an airplane be recaptured as of any year in which the plane is used outside of the United States for more than half the year—in effect, such use is treated as a disposition for purposes of the recapture rules. Due to the acquisition of airplanes by U.S. carriers to meet Government airlift requirements, particularly those associated with Southeast Asia which have been declining recently, many airlines have excess capacity.

In order to utilize this capacity, some airlines have entered into leases for use of aircraft outside the United States on a temporary basis. However, if these aircraft are to remain eligible for the investment credit, they may not be used more than 6 months during any year outside of the United States. In order to avoid violating this rule, the airline must go through the expensive and impractical procedure of rotating aircraft under the lease every 6 months.

The committee feels that as long as the aircraft is not used outside the United States during more than one-half of the holding period on which the credit is predicated, the recapture provisions should be inapplicable. This accomplishes the same overall result as existing law by substituting a longer period, conforming to the holding period on which the credit is predicated, for the annual test now utilized. It will avoid the expensive rotating procedures required to avoid recapture under existing law while preserving the underlying intent of the law.

The bill was not opposed by the Treasury, and was unanimously reported by the Ways and Means Committee. I urge all of my colleagues to join me in supporting this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CERTAIN PASSIVE INCOME OF SUBCHAPTER S CORPORATIONS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 19627) to amend section 1372 of the Internal Revenue Code of 1954, relating to passive investment income.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill as follows:

H.R. 19627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraph (C) of section 1372(e)(5) of the Internal Revenue Code of 1954 (relating to passive investment income of small business corporations) is amended by inserting at the end thereof the following new sentence: "Gross receipts derived from sales or exchanges of stock or securities for purposes of this paragraph shall not include amounts received by an electing small business corporation which are treated under section 331 (relating to corporate liquidations) as payments in exchange for stock where the electing small business corporation owns more than 50 percent of the stock of the liquidating corporation."

(b) The amendment made by subsection (a) shall apply to taxable years of electing small business corporations ending after the date of the enactment of this Act. Such amendment shall also apply with respect to any taxable year ending before October 7, 1970, but only if—

(1) on such date the making of a refund or the allowance of a credit to the electing small business corporation is not prevented by any law or rule of law, and

(2) within one year after the date of enactment of this Act and in such manner as the Secretary of the Treasury or his delegate prescribes by regulations—

(A) the corporation elects to have such amendment so apply, and

(B) all persons (or their personal representatives) who were shareholders of such corporation at any time during any taxable year beginning with the first taxable year to which this amendment applies and ending on or before the date of the enactment of this Act consent to such election and to the application of the amendment made by subsection (a).

(c) If the assessment of any deficiency in income tax resulting from the filing of such election for a taxable year ending before the date of such filing is prevented before the expiration of one year after the date of such filing by any law or rule of law, such deficiency (to the extent attributable to such election) may be assessed at any time prior to the expiration of such one-year period notwithstanding any law or rule of law which would otherwise prevent such assessment.

(d) If the election of a corporation under subsection (a) of section 1372 of the Internal Revenue Code of 1954 would have been terminated because of the application of subsection (e)(5) of such section (before the amendment made by subsection (a) of this Act) but for the election by such corporation under paragraph (2) of subsection (b) (and the consent of shareholders under such corporation, such election under section 1372 (a) of such code shall not be treated as terminated for any year beginning before the date of the enactment of this Act as a result of—

(1) such corporation filing its income tax return on a form 1120 (instead of a form 1120S), or

(2) a new shareholder not consenting to such election of such corporation in accordance with the requirements of subsection (e)(1) of such section 1372.

With the following committee amendments:

Page 2, beginning in line 1, strike out "owns more than 50 percent of the stock" and insert "owned more than 50 percent of each class of the stock".

Page 3, line 11, strike out "Act" and insert "section".

Page 3, line 13, strike out "corporation" and insert "paragraph".

The committee amendments were agreed to.

Mr. BOGGS. Mr. Speaker, H.R. 19627 amends provisions of the tax law applicable to small business corporations—so-called subchapter S corporations—which are taxed in a manner similar to partnerships.

It will be recalled that when the subchapter S provisions were first enacted in 1958, Congress determined at that time to make them applicable to operating businesses as distinguished from businesses which received significant amounts of passive investment income, such as royalties, rents, dividends, interest, annuities, and gains from sales or exchanges of stock and securities. Accordingly, a rule was included in the 1958 enactment providing that in those cases in which a corporation derives more than 20 percent of its gross receipts from passive investment sources, it becomes ineligible for subchapter S treatment and loses its election to continue as a small business corporation.

Mr. Speaker, this passive investment income limitation has presented especially difficult problems where corporations carrying on active business have realized capital gains which have unexpectedly disqualified them for subchapter S treatment. For example, the Tax Court recently held that passive investment income for purposes of subchapter S includes capital gains received by a corporation in the liquidation of another corporation. These gains are so treated even though the business operation is clearly active, as evidenced by the ownership by the corporation involved of more than 50 percent of the liquidated corporation's stock. As a result, in those cases where such a gain brings the corporations passive income over the 20-percent limitation, the company becomes ineligible for subchapter S treatment, even though the company is obviously an operating business.

Mr. Speaker, the Committee on Ways and Means does not believe it necessary that the passive income limitation operate in such fashion. Accordingly, the pending bill, H.R. 19627, provides that, for purposes of applying this limitation, a capital gain occurring upon the liquidation of a corporation is not to be considered passive income for subchapter S purposes if the subchapter S corporation has more than a 50-percent interest in the corporation which is liquidated. This treatment would be applied generally to taxable years ending after the date of enactment of the bill. It would also apply, however, to years which were open on October 7, 1970, the date of introduction.

Mr. Speaker, the Treasury Department has no objection to the enactment of this measure, and the Committee on Ways and Means is unanimous in recommending its passage by the House

Mr. BYRNES of Wisconsin. Mr. Speaker, I support H.R. 19627.

The bill amends the rather complex provisions of the Internal Revenue Code relating to subchapter S corporations. As the Members may remember, Congress enacted subchapter S in order to permit small businesses to elect corporate status without losing the tax benefits generally associated with conducting the business as a sole proprietorship. By electing subchapter S status, the profits may be "passed through" to other stockholders, thus avoiding the tax at the corporate level.

However, in order to insure that these benefits available to small businesses were provided only to active businesses, we also denied this special treatment to corporations who derived more than 20 percent of their income from passive investments—dividends, interest, and profits on the sale or exchange of securities.

These and other features of the subchapter S provisions have, in the words of some tax commentators, made it a "trap for the unwary." As specific situations have been called to the committee's attention in the past, that have resulted in unintended inequities, the law has been amended.

The bill provides that gain on the sale of stock by a subchapter S corporation in a corporation in which it owns a controlling interest will not be counted as passive income. Stockownership in this context does not reflect a passive investment, but the active conduct of a trade or business through a subsidiary. Gain pursuant to the sale of stock in this business, which is essentially a liquidating operation, should not result in disqualification for subchapter S status.

Although the committee hopes to consider comprehensive amendments in the subchapter S provisions in the next Congress, it was felt advisable to remove this inequity as quickly as possible. The bill will apply to taxable years that were open on October 7, 1970. The Treasury Department has expressed no objection to the bill and the committee was unanimous in recommending it. I urge my colleagues to join me in approving this bill.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed, and a motion to reconsider was laid on the table.

CERTAIN REGULATED INVESTMENT COMPANIES

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6742) to amend the Internal Revenue Code of 1954 to provide a longer period of time for disposition of certain assets in the case of regulated investment companies furnishing capital to development companies, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 851(e) of the Internal Revenue Code of 1954 (relating to investment companies furnishing capital to development corporations) is amended—

(1) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) LIMITATIONS.—

"(A) EXCESS INVESTMENTS AFTER 15 YEARS.—If—

"(i) at the close of any taxable year (whether beginning before, on, or after the date of the enactment of this subparagraph), more than 25 percent of the value of the total assets of an investment company is represented by securities of issuers with respect to each of which the investment company holds more than 10 percent of the outstanding voting securities of such issuer and in respect of each of which or any predecessor thereof the investment company has continuously held any security for 10 or more years, and

"(ii) at the close of the fifth taxable year following such taxable year (but only if such fifth taxable year begins after the date of the enactment of this subparagraph), the investment company has not reduced by at least 40 percent its holdings of each issue of securities described in clause (i) which represented the excess investment in such securities (as determined under paragraph (5)),

the provisions of this subsection shall not apply at the close of any quarter of such fifth taxable year to such investment company, unless at the close of such year the securities described in clause (i) represent 25 percent or less of the value of its total assets (or are reduced to 25 percent or less of such value within 30 days thereafter).

"(B) EXCESS INVESTMENTS AFTER 20 YEARS.—The provisions of this subsection shall not apply at the close of any quarter of a taxable year to an investment company if at the close of such quarter more than 25 percent of the value of its total assets is represented by securities of issuers with respect to each of which the investment company holds more than 10 percent of the outstanding voting securities of such issuer and in respect of each of which or any predecessor thereof the investment company has continuously held any security for 20 or more years preceeding such quarter unless the value of its total assets so represented is reduced to 25 percent or less within 30 days after the close of such quarter."; and

(2) by inserting after paragraph (4) thereof the following new paragraph:

"(5) RULES FOR APPLICATION OF PARAGRAPH (2)(A).

"(A) EXCESS INVESTMENT.—For purposes of paragraph (2)(A), the excess investment with respect to any issue of securities described in clause (i) of such paragraph held by an investment company is an amount equal to an amount determined by multiplying—

"(i) the aggregate value of the securities described in clause (i) of such paragraph, reduced by an amount equal to 25 percent of the value of the total assets of the investment company, by

"(ii) a fraction the numerator of which is the value of such issue of securities and the denominator of which is the aggregate value of all securities described in such clause (i) held by the investment company.

"(B) SUBSTITUTION FOR LESS-APPRECIATED SECURITIES.—If the percentage appreciation in value per share of any issue of securities described in clause (i) of paragraph (2)(A) is less than the average percentage appreciation in value per share of all issues of securities described in such clause, the reduction, or any part thereof, in the holdings of such issue required under clause (ii) of paragraph (2)(A) shall be treated as satisfied by a reduction (in addition to the reduction required under such clause) of a dollar amount of the holdings of any other issue of securities described in clause (i) of such paragraph, the average appreciation in value per share of which is higher than the average appreciation in value per share of all issues of securities described in such clause, equal to the dollar amount of such issue which would have to be disposed of to effectuate such reduction or such part. This subparagraph shall apply only if the investment company files a statement, at the time of making its return for the taxable year, identifying the transaction or transactions in which its holdings of such other issue were reduced in substitution for a reduction in the holdings of such issue.

"(C) TIME FOR MAKING DETERMINATIONS.—For purposes of subparagraph (A) of this paragraph and clause (ii) of paragraph (2)(A), all determinations shall be made as of the close of the applicable taxable year referred to in clause (i) of paragraph (2)(A). For purposes of applying subparagraph (B) of this paragraph, all determinations shall be made at the time of the transaction identified by the investment company under such subparagraph."

(b) Section 851(d) of such Code (relating to determination of status of regulated investment companies) is amended by adding at the end thereof the following new sentence: "If a corporation meets the requirements of subsection (b)(4)(A) at the close of any quarter of any taxable year (whether beginning before, on, or after the date of the enactment of this sentence) by reason of the application of the provisions of subsection (c), this subsection shall not apply to such corporation for any subsequent quarter of any taxable year (beginning after the date of the enactment of this sentence) for which the Securities and Exchange Commission fails to make the determination provided for in paragraph (1) of subsection (c) or for which the corporation fails to satisfy the limitation set forth in paragraph (2)(A) of subsection (c) or the limitation set forth in paragraph (2)(B) of such subsection."

(c) The amendments made by subsection (a) shall apply to taxable years beginning on or after January 1, 1967. The amendment made by subsection (b) shall apply to taxable years beginning after the date of the enactment of this Act.

With the following committee amendments:

Page 3, line 22, strike out "paragraph" and insert "paragraphs".

Page 5, strike out line 24 and all that follows down through line 20 on page 6 and insert:

subparagraph.

"(6) Termination of status.—If a corporation meets the requirements of subsection (b)(4)(A) at the close of any quarter of any taxable year (whether beginning before, on, or after the date of the enactment of this paragraph) by reason of the application of the foregoing provisions of this subsection, subsection (d) shall not apply to such corporations for any subsequent quarter of any taxable year (beginning after the date of the enactment of this paragraph) for which the Securities and Exchange Commission fails to make the determination provided for in paragraph (1) or for which the corporation fails to satisfy the limitation set forth in paragraph (2)(A) or the limitation set forth in paragraph (2)(B)."

(b) The amendment made by subsection (a) shall apply to taxable years beginning on or after January 1, 1967; except that section 851(e)(6) (as added by subsection (a)) shall apply only with respect to taxable years beginning after the date of the enactment of this Act.

The committee amendments were agreed to.

Mr. BOGGS. Mr. Speaker, H.R. 6742 relates to the asset diversification requirement for a so-called development company which qualifies for regulated investment company tax treatment. The advantage of this tax treatment is that the company only pays tax on the income which it retains and does not pay any tax on the income which it distributes to shareholders. This bill has been reported unanimously by your committee and the Treasury has indicated that it does not object to its passage.

Present law generally requires a regulated investment company to diversify its investments within prescribed limits. There is a limited exception, however, for a development company. This is a company which is principally engaged in furnishing capital to new, small businesses, businesses principally engaged in developing or exploiting new products.

A development company can rely on the exception to the general asset diversification requirement only if no more than 25 percent of the value of its assets represents securities of issuers in which, first, the company has held an interest for 10 years or more, and second, the development company's holdings represent more than 10 percent of the voting stock of each issuer. Even after this 10-year period, however, a development company may retain its "excess holdings" and continue to qualify as a regulated investment company. It can do so by relying on a savings provision in present law which applies to regulated investment companies generally.

A case has come to the attention of the committee of a development company relying on the savings provision I have just described to continue to qualify as a regulated investment company. The company continues to qualify for this preferential tax treatment even though the company can no longer make "development company" type investments in small, new businesses principally engaged in developing or exploiting new products. This situation—that of a former development company qualifying as a regulated investment company even though it is not making investments in small, new businesses—frustrates the purpose of providing the present exception for the development company and making preferential tax treatment available to it.

The Committee on Ways and Means does not believe this situation should be permitted to continue. As a result, the committee has decided to limit the general saving provisions so that a development company cannot rely on it. The result generally is to require a development company, if it is to continue to qualify for regulated investment company tax treatment, to dispose of its "excess holdings."

The sudden withdrawal of the right of a development company to rely on the general savings provision of present law would, the committee believed, be unfair to companies which in good faith are relying on this provision. The committee's bill, therefore, permits a development company a 20-year period, as contrasted to the 10-year period of existing law, in which to dispose of its excess holdings so as to continue to qualify for regulated investment company tax treatment. The bill requires a company to evidence its intent to dispose of its excess holdings, however—if the company wants to retain regulated investment company tax treatment—by disposing of at least 40 percent of its excess holdings not later than the close of the 15th year. The company must dispose of all its excess holdings by the close of the 20th year for it to continue to qualify for regulated investment company tax treatment.

Mr. BYRNES of Wisconsin. Mr. Speaker, I support H.R. 6742.

This bill is in substance identical to legislation that passed both the House (H.R. 15025) and the Senate (S. 2767) in the 90th Congress, but neither of these bills was enacted into law. My remarks on the House floor at that time—appearing in the CONGRESSIONAL RECORD, volume 114, part 22, page 28696, expressed my views on the substance of this proposal, so I will not go into any great detail at this time.

Briefly, the bill amends complex provisions of the Internal Revenue Code governing the taxation of regulated investment companies. The committee has been informed of situations where provisions of the law designed to encourage certain investment companies to provide capital to corporations developing innovative products are not accomplishing their intended purposes.

The rules generally applicable to regulated investment companies require diversification of investment which is consistent with the overall goal of Congress in providing special tax benefits for these companies. In order to encourage "development companies" to provide capital to promising and innovative enterprises, the diversification requirements are less restrictive for certain investments of development companies. But at the end of a 10-year period from the date such an investment is made, the general diversification requirements are again applicable.

Investments in companies developing new technology may, if they are successful, appreciate and represent a proportion of an investment company's assets that at the end of the 10-year period is greater than the statute allows. If these shares must then be dumped on the market in order for the investment company to meet the diversification requirements, they may have to be sold at substantially reduced market prices.

The bill provides an additional 10-year period during which a company may gradually sell off this type of security in order to get down to the requirements of the general diversification rules. However, they must clearly show that substantial progress is being made by the fifth year, or they will not be entitled to any additional time.

In view of the safeguards written into the bill, rules are provided that will enable development companies to more readily achieve the goals the law contemplates consistent with the general framework for the taxation of investment companies.

The Treasury Department has expressed no opposition to the bill, and it was unanimously reported by the committee. I urge my colleagues to join with me in support of its enactment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REFUNDS IN THE CASE OF CERTAIN USES OF TREAD RUBBER

Mr. BOGGS. I ask unanimous consent for the immediate consideration of the bill (H.R. 18251) to amend the Internal Revenue Code of 1954 to provide refunds in the case of certain uses of tread rubber, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill as follows:

H.R. 18251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraph (L) of section 6416(b) (2) of the Internal Revenue Code of 1954 is amended to read as follows:

"(L) in the case of tread rubber in respect of which tax was paid under section 4071(a) (4)—

"(i) used or sold for use otherwise than in the recapping or retreading of tires of the type used on highway vehicles (as defined in section 4072(c),

"(ii) destroyed, scrapped, wasted, or rendered useless in the recapping or retreading process, or

"(iii) used in the recapping or retreading of tires the sale of which is later adjusted, in which case the overpayment shall be in proportion to the adjustment in the sale price,

unless credit or refund of such tax is allowable under subsection (b) (3);".

(b) The amendment made by subsection (a) applies to—

(1) tread rubber destroyed, scrapped, wasted, or rendered useless in the recapping or retreading process on or after the date of the enactment of this Act, and

(2) adjustments of sales of tires, which adjustments are made on or after the date of the enactment of this Act.

With the following committee amendment:

Page 2, strike out line 4 and all that follows down through line 17 and insert in lieu thereof the following:

"(iii) used in the recapping or retreading of a tire the sale of which is later adjusted pursuant to a warranty or guaranty, in which case the overpayment shall be in proportion to the adjustment in the sales price of such tire,

unless credit or refund of such tax is allowable under subsection (b) (3);".

(b) Section 6416(b) (3) of such Code is amended by inserting after subparagraph (C) the following new subparagraph:

"(D) in the case of tread rubber in respect of which tax was paid under section 4071(a) (4) used in the recapping or retreading of a tire, such tire is sold by the subsequent manufacturer or producer on or in connection with, or with the sale of, any other article manufactured or produced by him and such other article is by any person exported, sold to a State or local government for the exclusive use of a State or local government, sold to a nonprofit educational organization for its exclusive use, or used or sold for use as supplies for vessels or aircraft, unless credit or refund of such tax is allowable under subparagraph (C);".

(c) (1) Section 6416(b) (2) (F) of such Code is amended by inserting after "paragraph (3)" the following: "(or in the case of the tread rubber on a recapped or retreaded tire, resold for use as provided in subparagraph (D) of paragraph (3)),".

(2) Section 6416(b) (3) (A) of such Code is amended by inserting "(D)," after "(C),".

(3) Section 6416(b) (4) (A) of such Code is amended by striking out "section 4071" and inserting in lieu thereof "section 4071 or a recapped or retreaded tire in respect of which tax under section 4071(a) (4) was paid on the tread rubber used in the recapping or retreading".

(d) The amendments made by this section shall take effect on the first day of the first calendar month which begins more than 10 days after the date of the enactment of this Act.

The committee amendment was agreed to.

Mr. BOGGS. Mr. Speaker, the purpose of H.R. 18251 is to provide credits or refunds for the tax on tread rubber used in recapping or retreading tires under circumstances similar to those in which a credit or refund is available under present law for new tires. The bill is thus designed to equalize the credit and refund provisions for rubber in recapped or retreaded tires on the one hand and new tires on the other.

Mr. Speaker, the bill would amend

the excise tax law to provide credits or refunds on the manufacturer's excise tax on tread rubber when tax-paid tread rubber: first, is wasted in the recapping or retreading process; second, is used in the recapping or retreading of tires, the sale of which is later adjusted; or third, is used in the recapping or retreading tires which are exported, are sold to State and local governments, are sold to nonprofit educational institutions, or are sold as supplies for vessels or aircraft.

Mr. Speaker, credits or refunds are available in the foregoing situations when new tires are involved and the Committee on Ways and Means has concluded that the differences in impact between the new tire tax and the tread rubber tax are not warranted. The committee has, therefore, unanimously approved H.R. 18251 to correct this situation.

The Treasury Department has no objection to the enactment of this bill.

Mr. BYRNES of Wisconsin. Mr. Speaker, I rise in support of H.R. 18251, a bill to amend the Internal Revenue Code of 1954 to provide refunds in the case of certain uses of tread rubber.

Under present law, a manufacturer's excise tax of 5 cents a pound is imposed on the sale of tread rubber; a credit or refund is allowed if the tread rubber is used or sold for use otherwise than in the recapping or retreading of tires of the type used on highway motor vehicles.

The committee recognized that present law as described above created several instances where a manufacturers tax is imposed on tread rubber when in a similar situation a manufacturers tax would not be imposed in the case of a new tire. To correct this situation, H.R. 18251 would amend this law to make available a credit or refund in the following three situations: First, where tread rubber is destroyed, scrapped, wasted, or rendered useless in the recapping or treading process; second, where warranty adjustments are made with respect to recapped or retreaded tires; and, third, where recapped or retreaded tires are exported, sold to a State or local government for the exclusive use of a State or local government, sold to a nonprofit educational organization for its exclusive use, or used or sold for use as supplies for vessels or aircraft.

These changes are intended to provide a credit or refund under parallel circumstances in the case of both recaps and new tires. The bill is reported unanimously by the committee, and the Treasury Department has indicated that it has no objection to its enactment, and I, therefore, urge my colleagues to join me in support of its enactment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WAGERING TAX AMENDMENTS OF 1970

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 322) to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill as follows:

H.R. 322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Short title, etc.

(a) Short Title. This Act may be cited as the "Wagering Tax Amendments of 1969."

(b) Amendment of 1954 Code. Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a provision of the Internal Revenue Code of 1954.

(c) Effective Date.—The amendments made by this Act shall apply after the date of the enactment of this Act.

Sec. 2. Modifications to Insure Constitutional Rights and Facilities Collection.

(a) Amendment of Chapter 35.—Chapter 35 (relating to taxes on wagering) is amended to read as follows:

"SUBCHAPTER A—TAX ON WAGERS

"Sec. 4401. Imposition of tax.
"Sec. 4402. Cross references.

"Sec. 4401. Imposition of Tax.

"(a) Wagers.—There shall be imposed on wages, as defined in section 4421, an excise tax equal to 10 percent of the amount thereof.

"(a) Wagers.—There shall be imposed on wagers, as of any wager for the purposes of this subchapter, all charges incident to the placing of such wager shall be included; except that if the taxpayer establishes, in accordance with regulations prescribed by the Secretary or his delegate, that an amount equal to the tax imposed by this subchapter has been collected as a separate charge from the person placing such wager, the amount so collected shall be excluded.

"(c) Persons Liable for Tax.—The following persons shall be liable for the excise tax imposed by this subchapter:

"(1) Principals and punchboard operators.—Each person who is a principal or a punchboard operator, as defined in section 4421, shall be liable for and shall pay the tax under this subchapter on all wagers placed with him or in a pool or lottery conducted by him.

"(2) Agents. Each person who is an agent, as defined in section 4421, and who fails to register under section 4412 shall be liable for and shall pay the tax imposed by this subchapter on all such wagers received by him.

"Sec. 4402. Cross References.

"For penalties and other administrative provisions applicable to this subchapter, see sections 4421 to 4424, inclusive; and subtitle F.

"SUBCHAPTER B—OCCUPATIONAL TAX

"Sec. 4411. Imposition of tax.
"Sec. 4412. Registration.
"Sec. 4413. Certain provisions made applicable.
"Sec. 4414. Cross references.

"Sec. 4411. Imposition of Tax.

"(a) Persons Liable for Tax.—There is hereby imposed—

"(1) Principals and agents.—A special tax of $1,000 per year to be paid by each person who is a principal or an agent.

"(2) Pickup men, employees, and punchboard operators.—A special tax of $100 per year to be paid by each person who is a pickup man, an employee, or a punchboard operator.

"(b) Rate of Tax.—Whenever a person is liable for the special tax under more than one of the rates applicable under subsection (a), such person shall be liable for only one such tax payable at the highest applicable rate.

"Sec. 4412. Registration.

"(a) Registration Requirements.—Each principal, agent, pickup man, employee, and punchboard operator shall register with the official in charge of the internal revenue district in which such person is principally engaged in the activity which makes him liable for tax under this chapter. The form of the registration and the information to be provided by such person shall be prescribed by the Secretary or his delegate in such regulations as may be necessary to carry out the purposes of this chapter.

"(b) Firm or Company.—Where subsection (a) requires the name and place of residence of a firm or company to be registered, the names and places of residence of the several persons constituting the firm or company shall be registered.

"(c) Supplemental Information.—In accordance with regulations prescribed by the Secretary, he or his delegate may require from time to time such supplemental information from any person required to register under this section as may be needed for the enforcement of this chapter.

"Sec. 4413. Certain Provisions Made Applicable.

"Sections 4901, 4902, 4904, 4905, and 4906 shall extend to and apply to the special tax imposed by this subchapter and to the persons upon whom it is imposed, and for that purpose any activity which makes a person liable for special tax under this subchapter shall be considered to be a business or occupation referred to in such sections. No other provision of sections 4901 to 4907, inclusive, shall so extend or apply.

"Sec. 4414. Cross References.

"For penalties and other administrative provisions applicable to this subchapter, see sections 4421 to 4424, inclusive; and subtitle F.

"SUBCHAPTER C—MISCELLANEOUS PROVISIONS

"Sec. 4421. Definitions.
"Sec. 4422. Applicability of Federal and State laws.
"Sec. 4423. Disclosure of wagering tax information.
"Sec. 4424. Territorial extent.

"Sec. 4421. Definitions.

"(a) Wager.—For purposes of this chapter—

"(1) In general.—The term 'wager' means—

"(A) any wager with respect to a sports event or a contest placed with a person engaged in the business of accepting such wagers,

"(B) any wager placed in a wagering pool with respect to a sports event or a contest, if such pool is conducted for profit, and

"(C) any wager placed in a lottery conducted for profit.

"(2) Exceptions. The term 'wager' does not include—

"(A) any wager placed with, or any wager placed in a wagering pool conducted by, a parimutual wagering enterprise licensed under State law,

"(B) any wager placed in a coin operated device with respect to which an occupational tax is imposed by section 4461, or any amount paid in lieu of inserting a coin, token, or similar object, to operate a device described in section 4462(a)(2), if an occupational tax is imposed with respect to such device by section 4461, or

"(C) any wager placed in a sweepstakes, wagering pool, or lottery—

"(i) which is conducted by an agency of a State acting under authority of State law, and

"(ii) the ultimate winners in which are determined by the result of a horserace.

but only if such wager is placed with the State agency conducting such sweepstakes, wagering pool, or lottery, or with its authorized employees or agents.

"(b) Lottery. For purposes of this chapter—

"(1) In general. The term 'lottery' means the numbers game, policy, and similar types of wagering.

"(2) Exceptions. The term 'lottery' does not include—

"(A) any game of a type in which usually—

"(i) the wagers are placed,

"(ii) the winners are determined, and

"(iii) the distribution of prizes or other property is made, in the presence of all persons placing wagers in such game; and

"(B) any drawing conducted by an organization exempt from tax under section 501 and 521, if no part of the net proceeds derived from such drawing inures to the benefit of any private shareholder or individual.

"(c) Principal. For purposes of this chapter, the term 'principal' means any person (other than a punch board operator) who is engaged in the business of accepting wagers or who conduct any wagering pool or lottery.

"(d) Agent. For purposes of this chapter, the term 'agent' means any person who is engaged in receiving wagers for or on behalf of a principal.

"(e) Pickup Man. For purposes of this chapter, the term 'pickup man' means any person who knowingly is engaged in transmitting in any manner wagers, or information, records, or payments relating to wagers, between any principal, agent, pickup man, employee, or combination thereof.

"(f) Employee. For purposes of this chapter, the term 'employee' means any person (other than an agent or pickup man) who knowingly is employed to assist in any capacity in an activity which makes another person liable for special tax as a principal, agent, or pickup man.

"(g) Punchboard Operator. The term 'punchboard operator' means any person who accepts wages only in the form of chances on a punchboard, 'five card draw game,' or similar gaming device for profit, either on his own behalf or on behalf of another person.

"Sec. 4422. Applicability of Federal and State Laws.

"The payment of any tax imposed by this chapter with respect to any activity shall not exempt any person from any penalty provided by a law of the United States or of any State for engaging in the same activity, nor shall the payment of any such tax prohibit any State from placing a tax on the same activity for State or other purposes.

"Sec. 4423. Disclosure of Wagering Tax Information.

"(a) General Rule.—Except as otherwise provided in this section, neither the Secretary nor any other officer or employee of the Treasury Department may divulge or make known in any manner whatever to any person—

"(1) any original, copy, or abstract of any return, payment, or registration made pursuant to this chapter,

"(2) any record required for making any such return, payment, or registration, which the Secretary or his delegate is permitted by the taxpayer to examine or which is produced pursuant to section 7602, or

"(3) any information derived, directly or indirectly, from any such return, payment, registration, or records.

"(b) Permissible Disclosure.—A disclosure otherwise prohibited by subsection (a) may be made in connection with the administration or civil or criminal enforcement of any tax imposed by this title. However, any document or information so disclosed may not be—

"(1) divulged or made known in any manner whatever by any officer or employee of the United States to any person except in connection with the administration or civil or criminal enforcement of this title, nor

"(2) used, directly or indirectly, in any criminal prosecution for any offense occurring prior to the effective date of this Act.

"(c) Use of Documents Possessed by Tax payer.—Except in connection with the administration or civil or criminal enforcement of any tax imposed by this title—

"(1) any stamp denoting payment of the special tax under this chapter,

"(2) any original, copy, or abstract possessed by a taxpayer of any return, payment, or registration made by such taxpayer pursuant to this chapter, and

"(3) any information derived, directly or indirectly, from any such document,

shall not be admitted as evidence or used for any purpose against such taxpayer in any action, suit, or other judicial or administrative proceeding.

"(d) Inspection by Committees of Congress.—Section 6103(d) shall apply with respect to any return, payment, or registration made pursuant to this chapter.

"Sec. 4424. Territorial Extent.

"The taxes imposed by this chapter shall apply only to wagers accepted in the United States, or wagers placed by a person who is in the United States—

"(a) with a person who is a citizen or resident of the United States, or

"(b) in a wagering pool or lottery conducted by a person who is a citizen or resident of the United States."

(b) Repeal of Public Disclosure Requirement.—Section 6107 (relating to list of special taxpayers for public inspection) is hereby repealed.

(c) Repeal of Posting Requirement.—Section 6806 (relating to posting occupational tax stamps) is amended to read as follows:

"Sec. 6806. Posting Occupational Tax Stamps.

"Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax (other than the tax imposed under subchapter B of chapter 35 or under subchapter B of chapter 36), shall place and keep conspicuously in his establishment or place of business all stamps denoting payment of such special tax."

(d) Clerical Amendments.—

(1) The table of sections for subchapter B of chapter 61 (relating to miscellaneous provisions) is amended by striking out:

"Sec. 6107. List of special taxpayers for public inspection."

(2) Section 6110 (relating to cross references) is amended by adding at the end thereof the following new paragraph:

"(6) For prohibition on disclosure of wagering tax information, see section 4423."

Sec. 3. Criminal Penalties.

(a) Unauthorized Disclosure by Government Officials. Section 7213 (relating to unauthorized disclosure of information) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by adding after subsection (d) the following new subsection:

"(e) Wagering Tax Returns. Any officer or employee of the United States who violates section 4423 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000, or imprisoned not more than 1 year, or both, together with the cost of prosecution; and the offender shall be dismissed from office or discharged from employment."

(b) Elimination of Mandatory Minimum Fine.—Section 7262 (relating to violation of occupational tax laws relating to wagering—failure to pay special tax) is amended by striking out "be fined not less than $1,000 and not more than $5,000" and inserting in lieu thereof "be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5,000, or imprisoned not more than 3 months, or both, together with costs of prosecution."

(c) Failure To Post Tax Stamps.—Section 7273 (relating to penalties for offenses relating to special taxes) is amended to read as follows:

"Sec. 7273. Penalties for Offenses Relating to Special Taxes.

"Any person who shall fail to place and keep stamps denoting the payment of the special tax as provided in section 6806 shall be liable to a penalty (not less than $10) equal to the special tax for which his business rendered him liable, unless such failure is shown to be due to reasonable cause. If such failure to comply with section 6806 is through willful neglect or refusal, then the penalty shall be double the amount above prescribed."

(d) Clerical Amendments.—

(1) Section 5692 (relating to penalties relating to posting of special tax) is amended by striking out "section 7273(a)" and inserting in lieu thereof "section 7273."

(2) Section 7609(a) (relating to inspection of books, papers, records, and other data) is amended by striking out paragraph (5) and redesignating paragraph (6) as paragraph (5).

Sec. 4. Immunity for Witnesses in Tax Matters

(a) Grants of Immunity.—Chapter 75 (relating to crimes, other offenses, and forfeitures) is amended by adding at the end thereof the following new subchapter:

"Subchapter E—Immunity

"Sec. 7351. Immunity for witnesses.

"Sec. 7351. Immunity for Witnesses.

"(a) General Rule.—Whenever in the judgment of a United States Attorney the testimony of any witness, or the production of books, papers, or other evidence by any witness, in any case of proceeding before any grand jury or court of the United States relating to the administration or civil or criminal enforcement of any tax imposed by chapter 35 of this title, is necessary to the public interest, the United States Attorney, upon the approval of the Attorney General or an Assistant Attorney General designated by the Attorney General, shall make application to the court that the witness shall be instructed to testify or produce evidence subject to the provisions of this section and upon order of the court such witness shall not be excused from testifying or from producing books, papers, or other evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a criminal penalty or forfeiture. But no such witness shall be prosecuted or subjected to any criminal penalty or forfeiture for or on account of any transactions, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor shall testimony so compelled nor evidence so produced be used as evidence in any criminal proceeding (except prosecutions described in subsection (b) against him in any court.

"(b) Exceptions.—No witness shall be exempt under the provision of this section from prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this section."

(b) Clerical Amendment.—The table of subchapters for chapter 75 (relating to crimes, other offenses, and forfeitures) is amended by adding at the end thereof the following:

"Subchapter E. Immunity."

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

Section 1. Short Title, Etc.

(a) Short Title.—This Act may be cited as the "Wagering Tax Amendments of 1970".

(b) Amendment of 1954 Code.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a provision of the Internal Revenue Code of 1954.

(c) Effective Date.—

(1) In general.—The amendments made by this Act shall take effect on the first day of the third month which begins after the date of the enactment of this Act, and shall apply only with respect to wagers placed on or after such first day.

(2) Transitional rules.—

(A) Any person who, on the first day of the third month which begins after the date of the enactment of this Act, is engaged in an activity which makes him liable for payment of a tax imposed by section 4411 of the Internal Revenue Code of 1954 (as in effect on such first day) shall be treated as commencing such activity on such first day for purposes of such section and section 4901 of such Code.

(B) Any person who, before the first day of the third month which begins after the date of the enactment of this Act—

(i) become liable for and paid the tax imposed by section 4411 of the Internal Revenue Code of 1954 (as in effect on July 1, 1970) for the year ending June 30, 1971, shall not be liable for any additional tax under such section for such year, and

(ii) registered under section 4412 of such Code (as in effect on July 1, 1970) for the year ending June 30, 1971, shall not be required to reregister under such section for such year.

Sec. 2. Modification To Insure Constitutional Rights and Facilitate Collection.

(a) Amendment of Chapter 35.—Chapter 35 (relating to taxes on wagering) is amended to read as follows:

"CHAPTER 35—TAXES ON WAGERING

"Subchapter A. Tax on wagers.
"Subchapter B. Occupational taxes.
"Subchapter C. Miscellaneous provisions.

"Subchapter A—Tax on Wagers

"Sec. 4401. Imposition of tax.
"Sec. 4402. Cross references.

"Sec. 4401. Imposition of Tax.

"(a) Wagers.—There is hereby imposed on wagers (as defined in section 4421) an excise tax equal to 10 percent of the amount thereof.

"(b) Amount of Wager.—In determining the amount of any wager for purposes of this subchapter, all charges incident to the placing of such wager shall be included; except that if the taxpayer establishes, in accordance with regulations prescribed by the Secretary or his delegate, that an amount equal to the tax imposed by this subchapter has been collected as a separate charge from the person placing such wager, the amount so collected shall be excluded.

"(c) Persons Liable for Tax.—The following persons shall be liable for the excise tax imposed by this subchapter:

"(1) Principals and Punchboard Operators.—Each person who is a principal or a punchboard operator (as defined in section 4421) shall be liable for and shall pay the tax under this subchapter on all wagers placed with him or in a pool or lottery conducted by him.

"(2) Agents.—Each person who is an agent (as defined in section 4421) and who fails to register under section 4412 shall be liable for and shall pay the tax imposed by this subchapter on all wagers received by him.

"Sec. 4402. Cross References.

"For penalties and other administrative provisions applicable to this subchapter, see sections 4421 to 4425, inclusive, and subtitle F.

"Subchapter B—Occupational Taxes

"Sec. 4411. Impositon of taxes.
"Sec. 4412. Registration.
"Sec. 4413. Certain provisions made applicable.
"Sec. 4414. Cross references.

"Sec. 4411. Imposition of Taxes.

"(a) Persons Liable for Tax.—There is hereby imposed—

"(1) Principals and Agents.—A special tax of $1,000 per year to be paid by each person who is a principal or an agent.

"(2) Pickup men, employees, and punchboard operators.—A special tax of $100 per year to be paid by each person who is a pickup man, an employee, or a punchboard operator.

"(b) Limitation.—Any person who, but for this subsection, would be subject to a special tax under both paragraphs (1) and (2) of subsection (a), shall be liable only for the tax imposed by paragraph (1).

"Sec. 4412. Registration.

"(a) Registration Requirements.—Each principal, agent, pick up man, employee, and punchboard operator shall register with the official in charge of the internal revenue district in which such person is principally engaged in the activity which makes him liable for tax under this subchapter. The form of registration and the information to be provided by such person shall be prescribed by the Secretary or his delegate in such regulations as may be necessary to carry out the purposes of this chapter.

"(b) Firm or Company.—Where under subsection (a) the name and place of residence of a firm or company is required to be provided, the names and places of residence of the several persons constituting the firm or company shall be provided.

"(c) Supplemental Information.—The Secretary or his delegate may, in accordance with regulations prescribed by him, require from time to time such supplemental information from any person required to register under this section as may be needed for the enforcement of this chapter.

"Sec. 4413. Certain Provisions Made Applicable.

"Sections 4901, 4902, 4904, 4905, and 4906 shall extend to and apply to the special taxes imposed by this subchapter and to the persons upon whom they are imposed, and for that purpose any activity which makes a person liable for a special tax under this subchapter shall be considered to be a business or occupation referred to in such sections. No other provision of sections 4901 to 4907, inclusive, shall so extend or apply.

"Sec. 4414. Cross References.

"For penalties and other administrative provisions applicable to this subchapter, see sections 4421 to 4425, inclusive, and subtitle F.

"Subchapter C—Miscellaneous Provisions

"Sec. 4421. Definitions.
"Sec. 4422. Applicability of Federal and State laws.
"Sec. 4423. Disclosure of wagering tax information.
"Sec. 4424. Territorial extent.
"Sec. 4425. Credit for State and local taxes paid by licensed persons.

"Sec. 4421. Definitions.

"(a) Wager.—For purposes of this chapter—

"(1) In general.—The term 'wager' means

"(A) any wager with respect to a sports event or a contest placed with a person engaged in the business of accepting such wagers,

"(B) any wager placed in a wagering pool with respect to a sports event or a contest, if such pool is conducted for profit, and

"(C) any wager placed in a lottery conducted for profit.

"(2) Exceptions.—The term 'wager' does not include—

"(A) any wager placed with, or any wager placed in a wagering pool conducted by, a parimutuel wagering enterprise licensed under State law,

"(B) any wager placed in a coin-operated device with respect to which an occupational tax is imposed by section 4461, or any amount paid in lieu of inserting a coin, token, or similar object, to operate a device described in section 4462(a)(2), if an occupational tax is imposed with respect to such device by section 4461, or

"(C) any wager placed in a sweepstakes, wagering pool, or lottery—

"(i) which is conducted by an agency of a State acting under authority of State law, and

"(ii) the ultimate winners in which are determined by the results of a horserace, but only if such wager is placed with the State agency conducting such sweepstakes, wagering pool, or lottery, or with its authorized employees or agents.

"(b) Lottery.—For purposes of this chapter—

"(1) In general.—The term 'lottery' includes the numbers game, policy, and similar types of wagering.

"(2) Exceptions.—The term 'lottery' does not include—

"(A) any game of a type in which usually—

"(i) the wagers are placed.

"(ii) the winners are determined, and

"(iii) the distribution of prizes or other property is made,

in the presence of all persons placing wagers in such game; and

"(B) any drawing conducted by an organization exempt from tax under section 501 or 521, if no part of the next proceeds derived from such drawing inures to the benefit of any private shareholder or individual.

"(c) Principal.—For purposes of this chapter, the term 'principal' means any person (other than a punchboard operator) who is engaged in the business of accepting wagers or who conducts any wagering pool or lottery.

"(d) Agent.—For purposes of this chapter, the term 'agent' means any person who is engaged in receiving wagers for or on behalf of a principal.

"(e) Pickup Man.—For purposes of this chapter, the term 'pickup man' means any person who knowingly is engaged in transmitting in any manner wagers, or information, records, or payments relating to wagers, between any principal, agent, pickup man, or employee and any other principal, agent, pickup man, or employee.

"(f) Employee.—For purposes of this chapter, the term 'employee' means any person (other than an agent or pickup man) who knowingly is employed to assist in any capacity in an activity which makes another person liable for special tax as a principal, agent, pickup man, or punchboard operator.

"(g) Punchboard Operator.—The term 'punchboard operator' means any person who accepts wagers only in the form of chances on a punchboard, 'five card draw game,' or similar gaming device for profit, on his own behalf.

"Sec. 4422. Applicability of Federal and State Laws.

"The payment of any tax imposed by this chapter with respect to any activity shall not exempt any person from any penalty provided by a law of the United States or of any State for engaging in the same activity, nor shall the payment of any such tax prohibit any State from placing a tax on the same activity for State or other purposes.

"Sec. 4423. Disclosure of Wagering Tax Information.

"(a) General Rule.—Except as otherwise provided in this section, neither the Secretary or his delegate nor any other officer or employee of the Treasury Department may divulge or make known in any manner whatever to any person—

"(1) any original, copy, or abstract of any return, payment, or registration made pursuant to this chapter,

"(2) any record required for making any such return, payment, or registration, which the Secretary or his delegate is permitted by the taxpayer to examine or which is produced pursuant to section 7602, or

"(3) any information come at by the exploitation of any such return, payment, registration, or record.

"(b) Permissible Disclosure.—A disclosure otherwise prohibited by subsection (a) may be made in connection with the administration or civil or criminal enforcement of any tax imposed by this title. However, any document or information so disclosed may not be—

"(1) divulged or made known in any manner whatever by any officer or employee of the United States to any person except in connection with the administration or civil or criminal enforcement of this title, nor

"(2) used, directly or indirectly, in any criminal prosecution for any offense occurring before the effective date of the Wagering Tax Amendments of 1970.

"(c) Use of Documents Possessed by Taxpayer.—Except in connection with the administration or civil or criminal enforcement of any tax imposed by this title—

"(1) any stamp denoting payment of the special tax under this chapter,

"(2) any original, copy, or abstract possessed by a taxpayer of any return, payment, or registration made by such taxpayer pursuant to this chapter, and

"(3) any information come at by the exploitation of any such document,

shall not be used against such taxpayer in any criminal proceeding.

"(d) Inspection by Committees of Congress.—Section 6103(d) shall apply with respect to any return, payment, or registration made pursuant to this chapter.

"Sec. 4424. Territorial Extent.

"The taxes imposed by this chapter shall apply only in the case of—

"(1) wagers accepted in the United States, and

"(2) wagers placed by a person who is in the United States—

"(A) with a person who is a citizen or resident of the United States, or

"(B) in a wagering pool or lottery conducted by a person who is a citizen or resident of the United States.

"Sec. 4425. Credit for State and Local Taxes Paid by Licensed Persons

"(a) General Rule.—There shall be allowed as a credit against the taxes imposed by sections 4401 and 4411, in the order provided by subsection (b), the sum of—

"(1) the taxes paid or accrued by a licensed person with respect to wagers placed with him, or in a pool or lottery conducted by him, during any year under a law of a State or political subdivision thereof which imposes an excise tax or similar tax with respect to wagers, and

"(2) the taxes and fees paid or accrued by a licensed person for any year (or portion thereof) under a law of a State or political subdivision which imposes an occupational tax, license fee, or similar tax or fee on an activity which makes such person liable for payment of a special tax under section 4411.

"(b) Order.—The credit allowable under subsection (a) for taxes and fees paid or accrued by a licensed person for any year shall be allowed—

"(1) against the tax imposed by section 4411 on such person for such year.

"(2) if such credit exceeds the tax imposed by section 4411 on such person for such year, against the taxes imposed by section 4401 on wagers placed with such person, or in a pool or lottery conducted by such person, during such year, and

"(3) if such credit exceeds the taxes described in paragraphs (1) and (2) for such year, in such amounts as such person may designate under regulations prescribed by the Secretary or his delegate, against the tax imposed by section 4411 for such year on licensed persons who are agents, pickup men, or employees of such person.

"(c) Limitation.—No credit shall be allowed under this section for any tax or fee imposed under a law of a State or political subdivision unless such tax or fee is paid not later than the earlier of—

"(1) the last day provided by such law for payment, or

"(2) the last day of the year following the year (or portion thereof) for which such tax or fee was imposed.

"(d) Payment of Tentative Taxes.—Any licensed person who establishes to the satisfaction of the Secretary or his delegate that, for any year, he reasonably expects to be allowed a credit under this section with respect to the taxes for which he is liable under sections 4401 and 4411, may elect, under regulations prescribed by the Secretary or his delegate, to pay tentative taxes equal to the amount of such taxes reduced by the amount of the credit reasonably expected under this section for such year. Payment of such tentative taxes for any year shall not relieve such person from payment of the liability for the taxes imposed for such year by sections 4401 and 4411, reduced by the credits allowed under this section, both determined as of the close of such year.

"(e) Definitions.—For purposes of this section—

"(1) The term 'licensed person' means a person who (A) is licensed under the laws of a State or a political subdivision thereof to engage in one or more activities with respect to wagers, and (B) solely by reason of such activities, is liable for payment of a special tax under section 4411.

"(2) The term 'year' means the one-year period beginning on July 1, except that, in the case of the period in which falls the date of the enactment of the Wagering Tax Amendments of 1970, such term means the period beginning on the first day of the third month which begins after such date and ending on June 30 following such date."

(b) Clerical Amendment.—Section 6110 (relating to cross references) is amended by adding at the end thereof the following new paragraph:

"(6) For prohibition on disclosure of wagering tax information, see section 4423."

Sec. 3. Criminal Penalties.

(a) Unauthorized Disclosure by Government Officials.—Section 7213 (relating to unauthorized disclosure of information) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection

"(e) Wagering Tax Returns.—Any officer or employee of the United States who violates section 4423 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000, or imprisoned not more than 1 year, or both, together with the cost of prosecution; and the offender shall be dismissed from office or discharged from employment."

(b) Creation of a New Felony Crime and the Elimination of the Mandatory Minimum Fine for a Misdemeanor Violation.—Section 7262 (relating to violation of occupational tax laws relating to wagering) is amended to read as follows:

"Sec. 7262. Violation of Wagering Excise and Occupational Tax Laws.

"(a) Willful Failure to Pay Excise Tax.—Any person required to pay the tax imposed under subchapter A of chapter 35 who willfully fails to pay such tax at the time or times required by law or regulations shall, in addition to being liable for the payment of the tax, be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or up to treble the amount of the tax with respect to which the failure occurred, whichever is greater, or imprisoned not more than 5 years, or both, together with the costs of prosecution.

"(b) Failure To Pay Excise Tax.—Any person required to pay the tax imposed under subchapter A of chapter 35 who fails to pay such tax at the time or times required by law or regulations shall, in addition to being liable for the payment of the tax, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $5,000 or up to double the amount of the tax with respect to which the failure occurred, whichever is greater, or imprisoned not more than 1 year, or both, together with the costs of prosecution.

"(c) Willful Failure To Pay Occupational Tax.—Any person required to pay a special tax imposed under subchapter B of chapter 35 who willfully fails to pay such tax at the time or times required by law or regulations shall, in addition to being liable for the payment of the tax, be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or imprisoned not more than 5 years, or both, together with the costs of prosecution.

"(d) Doing Any Act Without Having Paid Occupational Tax.—Any person who does any act which makes him liable for payment of the special tax imposed under subchapter B of chapter 35 without having paid such tax shall, in addition to being liable for the payment of the tax, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $5,000, or imprisoned not more than 1 year, or both, together with the costs of prosecution."

(c) Clerical Amendments.—

(1) Section 7203 (relating to willful failure to file return, supply information, or pay tax) is amended by inserting "(other than a tax imposed by chapter 35)" after "required under this title to pay any estimated tax or tax".

(2) The table of sections for subchapter B of chapter 75 is amended by striking out the item relating to section 7262 and inserting in lieu thereof the following:

"Sec. 7262. Violation *of wagering excise and* occupational tax laws."

The committee amendment was agreed to.

Mr. BOGGS. H.R. 322 revises the wagering tax provisions of the tax laws to remove constitutional infirmities in those provisions, facilitates, and increases collection of such taxes, provides a credit against the tax on wagers, and the occupational tax in the case of persons who pay similar taxes to State and local governments, and increases the criminal penalties of existing law.

Mr. Speaker, the bill has been reported unanimously by the Committee on Ways and Means, and the Treasury Department and the Justice Department recommend its enactment.

Mr. Speaker, as a result of two Supreme Court decisions, *Marchetti* v. *United States* (390 U.S. 39) and *Grosso* v. *United States* (390 U.S. 63), the wagering tax provisions of existing law have become largely unenforceable. These decisions held that a person may validly refuse to comply with the Federal wagering tax statute by asserting the privilege against self-incrimination under the fifth amendment to the Constitution in those situations in which compliance with the statute could incriminate him.

The bill seeks to cure the constitutional infirmities found in these cases by amending the disclosure and use of information rules pertaining to taxpayer compliance with the wagering tax law. Specifically, the bill provides that no Treasury Department official or employee may disclose, except in connection with the administration or enforcement of internal revenue taxes, any document or record supplied by a taxpayer in connection with such taxes or any information come at by the exploitation of any such documents or records. Additionally, the bill provides that certain documents relating to wagering taxes, and information come at by the exploitation of such documents, may not be used against the taxpayer in any criminal proceeding, except in connection with the administration or enforcement of internal revenue taxes. The bill also provides penalty provisions to insure that Government personnel will abide by the nondisclosure rules.

Mr. Speaker, under present law little revenue is collected from the occupational tax. The Committee on Ways and Means has determined that proper enforcement of these provisions requires significant additional manpower and believes that the occupational taxes should be substantially increased. The Treasury Department has estimated that these taxes will yield $20 to $25 million annually.

Under existing law, the annual occupational tax is imposed at a rate of $50. The bill increases the occupational tax from $50 to $1,000 for principals and agents, and punchboard operators will be subject to a $100 tax. Additional categories of persons not now subject to the tax will be subject to a $100 annual occupational tax. These persons include pickup men and other employees of a gambling enterprise.

Existing law also imposes a 10-percent tax on wagers. Liability for this tax is placed on persons in the business of accepting wagers and on persons who receive wagers for or on behalf of others but who fail to comply with the requirements of the occupational tax in that they fail to provide certain information regarding those for whom they are receiving wagers. The bill makes such persons, referred to as "agents" in the bill, liable if they fail to comply with any of the registration requirements.

Another principal feature of the bill is a credit provision for State and local taxes. Existing law does not provide for any reduction in the wagering taxes on account of any State or local taxes paid which are analogous to the wagering taxes, nor does it provide any exemption from the wagering taxes for persons liable for similar State or local taxes. The committee believes that relief should be afforded persons liable for the Federal wagering taxes who are also required to pay similar State or local taxes. Accordingly, the bill provides a credit against both the tax on wagers and the occupational tax for State or local taxes which are similar in nature to the Federal taxes.

Mr. Speaker, the committee also examined the penalty structure of existing law and finds that it impedes enforcement of the wagering taxes by not providing penalties commensurate with the seriousness of the crime involved in nonpayment of wagering taxes. In pursuance of this finding, the bill upgrades the penalty provisions and makes a willful failure to pay the tax on wagers a felony. Failure to pay the tax on wagers without the element of willfulness would be a misdemeanor, however. Similar penalty rules are provided in the cases of the occupational taxes.

Mr. Speaker, these are the principal provisions of H.R. 322. As previously stated, the bill has been recommended by both the Department of the Treasury and the Department of Justice, and the Committee on Ways and Means is unanimous in urging its passage by the House.

Mr. BYRNES of Wisconsin. Mr. Speaker, I support H.R. 322, a bill to amend provisions of the tax law relating to the occupational gambling and wagering taxes.

Mr. Speaker, the principal purpose of this bill is to amend the wagering tax provisions of the Internal Revenue Code to comply with defects found in two Supreme Court cases. The Supreme Court found that complying with the occupational and wagering taxes imposed by the Internal Revenue Code might subject an individual to criminal prosecution based on his gambling activities and that the penalties imposed for noncompliance therefore violated an individual's right against self-incrimination. The bill before the House amends the law to provide that any document or record supplied to the Treasury Department by a taxpayer in connection with wagering taxes must remain completely confidential information that may be used only in connection with the enforcement of the tax laws. Additionally, these documents may not be used against a taxpayer under the bill in connection with any criminal proceeding except in connection with the administration or enforcement of the internal revenue laws.

The bill also changes the rate structure of various taxes in order to raise additional money to finance the enforcement program associated with these provisions. Additionally, in order not to interfere with States deriving revenue from similar taxes, a credit is provided against the Federal tax for payments of similar taxes to a State.

Finally, the bill readjusts the sanctions imposed for failure to comply with these provisions to provide additional deterents, and limits the number of inspections of a taxpayer's books of accounting in connection with enforcement of the wagering tax to correspond to the limits provided in income tax audits.

Mr. Speaker, our wagering tax laws are ineffective at the present time and this bill is urgently needed. The bill is strongly supported by both the Treasury Department and the Justice Department and was unanimously reported by the committee. I urge all my colleagues to join me in supporting its enactment.

Mr. POFF. Mr. Speaker, on the first day of the 91st Congress I introduced H.R. 322 as part of a 10-bill package of anticrime legislation. The substance of most of that legislation has been enacted into law as parts of other bills, such as the Organized Crime Control Act of 1970. H.R. 322 is a tax measure, and thus was considered separately from the other bills. I am gratified that the Committee on Ways and Means has now completed its action on H.R. 322, and hopefully the House will add its blessing to this significant measure, which was endorsed by President Nixon in his message to the Congress on organized crime of April 23, 1969. Indeed, this bill is the only legislative proposal mentioned by the President in that message which has not yet been enacted into law.

The wagering tax statute was first enacted by the Congress in 1951. It imposed a $50 occupational tax on persons who accepted bets and wagers or operated various forms of lotteries, and a 10-percent excise tax on gross wagers received. Certain forms of gambling, such as parimutuels, slot machines, State-operated lotteries, charitable drawings, and casino and social-type gambling were exempt. Basically, the tax covered sports, books and numbers-type lotteries. In addition, only two categories of persons involved in a gambling business were covered: "Principals"—those whose money is ultimately at stake against the betting public, and their agents—those who receive wagers for their principals by dealing with the betting public. Other employees of the gambling businesses were not covered.

A final feature of the original law was one which disclosed its true purpose of penalizing illegal gambling, and which ultimately led to its downfall in the courts. The law placed an affirmative duty on the Internal Revenue Service to make information provided to it by taxpaying gamblers available to local officials for possible prosecutive use.

On January 29, 1968, the U.S. Supreme Court ruled that persons accused of failure to comply with the requirements of the wagering tax law could invoke their fifth amendment privilege against self-incrimination. *Marchetti* v. *United States*, 390 U.S. 39 (1968) (occupational tax); *Grosso* v. *United States*, 390 U.S. 63 (1968) (excise tax).

As a result of the decisions, the present wagering tax law is of no force and effect. Those who engage in the business of accepting wagers will not voluntarily pay the tax. Thus, the immense profits derived from illegal gambling remain tax free and, more important, continue as the principal source of revenue of organized crime.

H.R. 322 is designed to reinstate the wagering tax law by removing the constitutional infirmity. It would prohibit the Internal Revenue Service from disclosing to outside sources any information submitted by the taxpaying gambler. This, as the Justice Department has said, is the "price of constitutionality."

H.R. 322 would also improve the wagering tax law as a revenue measure by substantially increasing—to $1,000—the occupational tax for principals and agents, and by providing a new occupational tax of $100 for certain employees.

As amended by the committee, the bill also provides for a tax credit for State and local taxes paid under similar provisions in State law, and for increased sanctions for violations of the wagering tax law. These amendments are improvements and have my full support.

I urge my colleagues to approve H.R. 322, as amended by the committee.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CERTAIN CUBAN EXPROPRIATION LOSSES

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 18693) to amend section 165(i) of the Internal Revenue Code of 1954 which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object, I wonder if the gentleman from Louisiana, would give us a brief explanation of the purpose of this bill?

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, H.R. 18693 would amend the provisions of present law relating to the deduction for Cuban expropriation losses of individuals so as to permit the carryback and carryover of losses of individuals resulting from the Cuban expropriation of "investment property."

Mr. Speaker, as a result of what is really an anomaly of existing law, an individual's foreign expropriation losses on "investment property," that is, property held for the production of income not in a trade or business as distinguished from "trade or business property" or "personal use property," may not be carried back or carried forward to other years except to the extent the taxpayer has investment income.

To be distinguished from this treatment of "investment property" is the treatment of net operating losses arising from foreign expropriation losses of an individual's property used in his "trade or business," which unused losses may be carried forward 10 years under present law. In similar manner, in the case of "personal use property," such as a residence, a special rule in present law provides for a 3-year carryback and 5-year carryforward of losses resulting from Cuban expropriation.

Mr. Speaker, the Committee on Ways and Means considers it anomalous that unused Cuban expropriation losses of business property and personal use property may be carried to other taxable years, but unused Cuban expropriation losses of investment property may not. H.R. 18693, therefore, provides that Cuban expropriation losses of individuals with respect to investment property are to be treated in the same manner as Cuban expropriation losses of individuals with respect to personal use property—that is, as casualty losses which may be carried back 3 years and carried over 5 years under the net operating loss provisions.

The bill also modifies the requirement that the expropriated property must have been held by the taxpayer in Cuba on December 31, 1958. Under the modified requirement, the property must have been held at some time during the period from December 31, 1958, through May 16, 1959. The modified requirement applies to personal use property under present law, as well as to investment property under the bill. A trade or business expropriation loss, however, may be deducted when sustained without regard to these limitations. The bill also makes provision for the filing of claims for refund under the new rules.

Mr. Speaker, the Department of the Treasury has no objection to the enactment of this bill, and the Committee on Ways and Means is unanimous in recommending its passage by the House.

In similar manner, in the case of personal use property such as a residence, there is a special rule under the present law which provides a 3-year carryback and a 5-year carryforward of losses resulting from Cuban expropriation.

Mr. GROSS. Then this is a benefit to Cubans who may be in this country?

Mr. BOGGS. It may be—it is possible. But the intent and thrust of this bill is, if it benefits anyone it benefits Americans in this country who have had investments in Cuba.

Mr. GROSS. Oh, I see, this applies to American investments?

Mr. BOGGS. That is correct.

Mr. GROSS. I thank the gentleman.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman.

Mr. YATES. Does this apply only to Cuba? What about expropriation from another country?

Mr. BOGGS. It only applies to Cuba.

Mr. YATES. What happens with respect to an American investment in a country like Chile?

Mr. BOGGS. That would require special legislation.

Mr. YATES. It would require special legislation in order to get the tax benefits of this kind?

Mr. BOGGS. It already applies by general statute in the case of a business investment, in the case of a trade or business. But in the case of investment income, special legislation would be required.

Mr. YATES. Is there a distinction between an investment for business purposes and the type of bill that the gentleman is presenting to the House at this time?

Mr. BOGGS. This covers investment credits rather than carrying on or operating a trade or business. A trade or business is already covered generally. A good example would be someone operating a sugar mill in Cuba and he would be covered under the provisions of the law having to do with a trade or business. But someone investing in that trade or enterprise would not be covered.

Mr. YATES. So this carries back as to the income rather than to a capital investment; is that correct?

Mr. BOGGS. That is correct; yes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill as follows:

H.R. 18693

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 165(i) of the Internal Revenue Code of 1954 (relating to certain property confiscated by the government of Cuba) is amended—

(1) by striking out "or (2)" in paragraph (1)(B),

(2) by striking out "December 31, 1958." in the last sentence of paragraph (1) and inserting in lieu thereof "May 16, 1959."

(3) by striking out "held by the taxpayer on December 31, 1958," in paragraph (2)(B) and inserting in lieu thereof "held by the taxpayer on May 16, 1959," and

(4) by striking out "January 1, 1965." in paragraph (3) and inserting in lieu thereof "January 1, 1965, except that if such overpayment results from a loss that would be deductible under subsection (c)(2) if paragraph (1) did not apply, refund or credit may be made or allowed if claim therefor is filed before January 1, 1971."

(b) The amendment made by subsection (a) of this Act shall apply in respect of losses described in section 165(c)(2) of the Internal Revenue Code of 1954 sustained in taxable years ending after December 31, 1958.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill as follows:

With the following committee amendment:

Strike out all after the enacting clause and insert:

That (a) section 165(i) of the Internal Revenue Code of 1954 (relating to certain property confiscated by the government of Cuba) is amended—

(1) by striking out "or (2)" in paragraph (1)(B);

(2) by striking out "on December 31, 1958" in the last sentence of paragraph (1) and inserting in lieu thereof the following: "on one or more days in the period beginning on December 31, 1958, and ending on May 16, 1959";

(3) by amending paragraph (2)(B) to read as follows:

"(B) For purposes of subsection (a), the fair market value of property held by the taxpayer on one or more days during the period beginning on December 31, 1958, and ending on May 16, 1959, to which paragraph (1) applies, on the day on which the loss of such property was sustained, shall be its fair market value on the first day in such period on which the property was held by the taxpayer."; and

(4) by striking out paragraph (3) thereof.

(b)(1) The amendments made by subsection (a) of this section shall apply in respect of losses sustained in taxable years ending after December 31, 1958.

(2) Notwithstanding any law or rule of law, refund or credit of any overpayment attributable to the amendments made by subsection (a) may be made or allowed if claim thereof is filed after the date of the enactment of this Act and before July 1, 1971. No interest shall be allowed with respect to any such refund or credit for any period before January 1, 1972.

The committee amendment was agreed to.

Mr. BYRNES of Wisconsin. Mr. Speaker, I rise in support of H.R. 18693, a bill to provide a loss carry back and carry forward for Cuban expropriation losses on investment property.

Under present law, unused Cuban expropriation losses of business property and tangible property held for personal use may be carried forward to other taxable years. But unused Cuban expropriation losses of investment property—property held for the production of income not in connection with a trade or business—is not accorded the same treatment.

The committee felt that treatment accorded expropriation losses of property held for personal use certainly should be given to expropriation losses of investment property, which is more closely related to business property, on which losses traditionally have been carried to other years.

The committee also attempted in this bill to correct what it considered to be another inequity in existing law, which requires that expropriated property held for personal use must have been held by the taxpayer on December 31, 1958, which was actually before the Cuban Government began its widespread policy of expropriation. Consequently, H.R. 18693 would require that this property—as well as the investment property covered by this bill—must have been held between December 31, 1958, and May 16, 1959. This slight liberalization will remove an unintended inequity.

The committee unanimously reported this bill, Mr. Speaker, and the Treasury Department expressed no objection. I urge all my colleagues to join me in supporting this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CAPITALIZATION OF COSTS OF PLANTING ALMOND GROVES

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 19242) to amend section 278 of the Internal Revenue Code of 1954 to extend its application from citrus groves to almond groves, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill as follows:

H.R. 19242

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the text of section 278 of the Internal Revenue Code of 1954 (relating to capital expenditures incurred in planting and developing citrus groves) is amended by striking out "citrus grove" each place it appears and inserting in lieu thereof "citrus or almond grove".

(b) The heading for section 278 of such Code is amended to read as follows:

"SEC. 278. CAPITAL EXPENDITURES INCURRED IN PLANTING AND DEVELOPING CITRUS AND ALMOND GROVES."

(c) The table of sections for part IX of subchapter B of chapter 1 of such Code is amended by striking out the item relating to section 278 and inserting in lieu thereof the following:

"Sec. 278. Capital expenditures incurred in planting and developing citrus and almond groves."

SEC. 2. The amendments made by the first section of this Act shall apply to taxable years beginning after the date of the enactment of this Act.

With the following committee amendment:

Page 2, immediately before line 8, insert:

(d) Subsection (b)(2) of such section 278 is amended to read as follows:

"(2) planted or replanted before—

"(A) December 30, 1969, in the case of a citrus grove, or

"(B) December 30, 1970, in the case of an almond grove."

The committee amendment was agreed to.

Mr. BOGGS. Mr. Speaker, H.R. 19242 would amend the provision of present law, section 278 of the Internal Revenue Code, which requires the capitalization of expenditures incurred in developing a citrus grove, to also make this section applicable to almond groves.

Mr. Speaker, last year in the Tax Reform Act of 1969 the Congress eliminated a preference that was resulting from the tax rules formerly applicable to the development of citrus groves. A combination of the special cash accounting rules available to farming, which had allowed current expensing of such costs against nonfarm income, the capital gains treatment available on sale of such groves and the unfavorable economic consequences of these rules on the citrus growing industry, prompted the Congress to enact new section 278 of the code. This section requires the capitalization, rather than the current expensing, of expenditures incurred in the first 4 years of the development of a citrus grove.

Mr. Speaker, the situation in the case of almond groves has been shown to be substantially the same as that which formerly existed in the case of citrus groves. The pending bill, therefore, includes almond groves under section 278 and provides that the expenditures attributable to purchasing, planting, cultivating, maintaining, or developing an almond grove must be capitalized if the expenditures are incurred prior to the end of the third taxable year after the year in which the grove is planted. Expenditures incurred during this period cannot be deducted as a current expense but instead must be charged to capital account.

Mr. Speaker, this bill is reported unanimously by the Committee on Ways and Means and the Treasury has no objection to its enactment.

Mr. BYRNES of Wisconsin. Mr. Speaker, I rise in support of H.R. 19242, a bill to extend to almond groves the same capitalization and writeoff provisions which were made applicable to citrus groves under the Tax Reform Act of 1969.

Under present law, the expenditures for purchasing, planting, cultivating, maintaining and developing an almond grove can be expensed and a deduction taken currently, during the early years of the life of the asset. This combination of a current deduction against ordinary income for expenses of a capital nature, coupled with the capital gains treatment available when the almond grove is sold, combines to produce significant tax advantages and savings for grove owners.

This can be a break for high-income taxpayers and also can lead to unfavorable economic consequences for the almond industry. It can result in large speculative, tax-motivated plantings which bid up the prices of land suitable for groves. There also may be overproduction, causing a price decline. In either case, growers who depend upon income from the groves as their major source of livelihood would be disadvantaged.

This was essentially the thinking of the Congress when it enacted the Tax Reform Act of 1969, which required that expenditures incurred in the first 4 years of development of a citrus grove must be capitalized and written off over the life of the grove, rather than expensed and deducted in the year the expenses were paid or incurred.

The Treasury Department voiced no objection to this bill, and it was reported unanimously by the committee.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INTEREST RATES UNDER THE RENEGOTIATION ACT OF 1951

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 19566) to amend the Renegotiation Act of 1951, and for other purposes, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill, as follows:

H.R. 19566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF INTEREST RATE ON EXCESSIVE PROFITS.

(a) Section 105(b)(2) of the Renegotiation Act of 1951, as amended (50 U.S.C. App., sec. 1215(b)(2)), is amended—

(1) By striking out "rate of 4 per centum per annum" each place it appears and inserting in lieu thereof "rate per annum determined pursuant to the penultimate sentence of this paragraph for the period that includes the date on which interest begins to run".

(2) By inserting in subparagraph (A) thereof "at the same rate" between "in addition thereto, interest" and "shall accrue and be paid".

(3) By adding at the end thereof the following new sentences:

"Interest shall accrue and be paid at a rate which the Secretary of the Treasury shall specify as applicable to the period from the date of the enactment of this sentence to December 31, 1970, and to each six month period thereafter. Such rate shall be determined by the Secretary of the Treasury taking into consideration current private commercial rates of interest for borrowing for a period of approximately five years."

(b) The amendments made by subsection (a) shall apply only with respect to amounts of excessive profits determined by the Renegotiation Board and the amounts of additional excessive profits determined by the Tax Court after the date of the enactment of this Act, except that, with respect to any such amount determined before such date, interest at the rate of 4 per centum per annum shall accrue and be paid on such amount to the date of the enactment of this Act, and interest at the rate per annum determined under the amendments made by subsection (a) for the period ending December 31, 1970, shall accrue and be paid on such amount from the date of the enactment of this Act to the date of repayment.

SEC. 2. MODIFICATION OF INTEREST RATE ON REFUNDS.

(a) Section 108 of the Renegotiation Act of 1951, as amended (50 U.S.C. App., sec. 1218), is amended by striking out "at the rate of 4 per centum per annum" in the last sentence and by inserting before the period at the end of such sentence "at the rate per annum determined pursuant to the penultimate sentence of section 105(b)(2) for the period that includes the date on which interest begins to run."

(b) The amendments made by subsection (a) shall apply only with respect to amounts finally adjudged or determined after the date of the enactment of this Act to have been erroneously collected by the United States pursuant to a determination of excessive profits, except that, with respect to amounts so adjudged or determined to have been erroneously collected by the United States before such date, interest shall accrue and be paid to such date at the rate of 4 per centum per annum and shall accrue and be paid from such date to the date of repayment at the rate per annum determined under the amendments made by subsection (a) for the period ending December 31, 1970.

With the following committee amendment:

Strike out all after the enacting clause and insert:

SECTION 1. MODIFICATION OF INTEREST RATE ON EXCESSIVE PROFITS

(a) Section 105(b)(2) of the Renegotiation Act of 1951, as amended (50 U.S.C. App., sec. 1215(b)(2)), is amended—

(1) by striking out "rate of 4 per centum per annum" each place it appears and inserting in lieu thereof "rate per annum determined pursuant to the next to the last sentence of this paragraph for the period which includes the date on which interest begins to run";

(2) by striking out the phrase "interest shall accrue and be paid" the second place it appears in subparagraph (A) and inserting in lieu thereof "interest at the same rate shall accrue and be paid";

(3) by adding at the end thereof the following new sentences:

"Interest shall accrue and be paid at a rate which the Secretary of the Treasury shall specify as applicable to the period beginning on January 1, 1971, and ending on June 30, 1971, and to each six-month period thereafter. Such rate shall be determined by the Secretary of the Treasury taking into consideration current private commercial rates of interest for new loans maturing in approximately five years."

(b) The amendments made by the subsection (a) shall apply only with respect to amounts of excessive profits determined by the Renegotiation Board and with respect to the amounts of additional excessive profits determined by the Tax Court after December 31, 1970.

SEC. 2. MODIFICATION OF INTEREST RATE ON REFUNDS

(a) Section 108 of the Renegotiation Act of 1951, as amended (50 U.S.C. App., sec. 1218), is amended by striking out "at the rate of 4 per centum per annum" in the last sentence and by inserting before the period at the end of such sentence "at the rate per annum determined pursuant to the next to the last sentence of section 105(b)(2) for the period which includes the date on which interest begins to run".

(b) The amendments made by subsection (a) shall apply only with respect to amounts finally adjudged or determined to have been erroneously collected after December 31, 1970, by the United States pursuant to a determination of excessive profits.

The committee amendment was agreed to.

Mr. BOGGS. Mr. Speaker, H.R. 19566 would amend the provisions of the Renegotiation Act of 1951 respecting interest rates required of contractors on excessive profits determinations by the Renegotiation Board and correlatively, in cases where overcollections are refunded by the Government to contractors.

Under existing law interest at the rate of 4 percent is required on unpaid excessive profits beginning 30 days after the Renegotiation Board's determination and running until these excessive profits, or any lesser excessive profits as determined by the Tax Court, are actually repaid to the Government. The converse is likewise true in that under present law a 4-percent interest rate is also applicable to refunds to contractors of amounts repaid the Government under order of the Renegotiation Board and subsequently found by the Tax Court as not due.

Mr. Speaker, while the present 4-percent statutory rate was reasonable when it was adopted, it is obviously unrealistic in view of presently prevailing interest levels. The bill, H.R. 19566, therefore, would substitute for the inadequate 4-percent rate of present law a provision that will always apply a current rate of interest both with respect to excessive profits determinations and refunds on overcollections.

Under the bill the rate of interest to be used is to be determined by the Secretary of the Treasury for the 6-month period beginning on January 1, 1971, and for each 6-month period thereafter. The Secretary is to determine the rate by taking into consideration current rates of interest on new private commercial loans maturing approximately 5 years in the future. The prevailing rate will be determined on the basis of a 5-year period because this approximates the average time over which interest has been paid on excessive profits recovered under the Renegotiation Act in the past.

Mr. Speaker, the Renegotiation Board favors the enactment of H.R. 19566, and the committee is convinced that providing interest rates that reflect the prevailing commercial rates of interest on borrowed money will be more equitable both to contractors and the Government. The committee is unanimous, therefore, in recommending passage of this bill by the House.

Mr. BYRNES of Wisconsin. Mr. Speaker, I rise in support of H.R. 19566, a bill to amend the Renegotiation Act with respect to interest rates on excessive profits determinations and on refunds where excessive profits determinations are found to be in error.

Under present law, the interest on excessive profits is charged at a fixed rate of 4 percent, which was reasonable when the Renegotiation Act was enacted in 1951, but which is far out of line with more recent prevailing rates.

To bring this particular interest charge into line with prevailing levels, H.R. 19566 would provide a flexible rate, varying from time to time with the current cost of borrowing.

A new rate would be determined by the Secretary of the Treasury for every 6-month period beginning with January 1, 1971. Only excessive profit determinations and overcollections made after December 31, 1970, would be affected.

The bill also would change present law relating to the interest on refunds. The new and variable rates would be charged to the contractor in cases where it was established that there were excessive profits and to the Government where excessive profits as initially determined were repaid and the Tax Court subsequently ruled that there were no excessive profits or that they were less than the sum determined by the Renegotiation Board. In the first instance, it seemed clear to the committee that the contractor would, in effect, be borrowing money from the Government, and in the second instance, the Government would be borrowing from the contractor, and interest should be paid accordingly.

The bill is endorsed by the Renegotiation Board, and no objection to it was registered before the committee. It was, therefore, unanimously reported.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill relating to the interest rate under the Renegotiation Act of 1951."

The motion to reconsider was laid on the table.

COMPUTATION OF POLICYHOLDERS' SHARE OF INVESTMENT YIELD ON LIFE INSURANCE COMPANY TAX RETURNS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 19881), consolidated returns of life insurance companies, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill, as follows:

H.R. 19881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 818 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsection:

"(g) Computation of Policyholders' Share of Investment Yield on Consolidated Returns.—For purposes of this part, in the case of a life insurance company filing or required to file a consolidated return of income tax for a taxable year, the computation of the policyholders' share of investment yield (including all determinations and computations incident thereto) shall be made as if such company were not filing a consolidated return."

(b) Effective Date.

(1) The amendment made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1957.

(2) Notwithstanding any law or rule of law other than section 7121 of such Code, in the case of a company subject to taxation under section 802 of such Code, the time prescribed for the filing of returns of income tax under substitle A of such Code for taxable years beginning after December 31, 1957, and ending before the date of enactment of this section shall extend to and include the 90th day after such date enactments. The preceding sentence shall apply—

(A) only with respect to a taxable year for which a return was timely filed (determined with regard to extensions of time therefor and without regard to this section) and with respect to which the company filed or was required to file a consolidated return under section 1501 of such Code pursuant to an election first made for a taxable year ending before March 13, 1969, and

(B) only if the taxpayer files a separate return for all of such years on or before such 90th days, or on or before such later date (including extensions of time therefor) otherwise provided by law for the filing of such return.

(3) Paragraph (2) shall have effect under the provisions of such Code only with respect to, and to the extent of, increases or decreases in income tax liabilities which result solely from the differences in the computation of such liabilities on the separate returns and under the election in effect under section 1501 of such Code.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

That (a) section 818 of the Internal Revenue Code of 1954 (relating to life insurance company accounting provisions) is amended by adding at the end thereof the following new subsection:

"(g) Computation on Consolidated Returns of Policyholders' Share of Investment Yield.—For purposes of this part, in the case of a life insurance company filing or required to file a consolidated return under section 1501 for a taxable year, the computations of the policyholders' share of investment yield under subparts B and C (including all determinations and computations incident thereto) shall be made as if such company were not filing a consolidated return."

(b) The amendment made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1957.

Sec. 2. (a) If—

(1) any insurance company subject to taxation under section 802 of the Internal Revenue Code of 1954 filed a consolidated return under section 1501 of such Code for any taxable year beginning after December 31, 1957, and ending before March 13, 1969, and

(2) not later than one year after the date of the enactment of this Act—

(A) such company elects (in such manner as the Secretary of the Treasury or his delegate may prescribe) to have this section apply,

(B) such company files consents to the application of this section of all companies which at any time during any taxable year beginning after December 31, 1957, and ending before March 13, 1969, were members of the same affiliated group as such company, and

(C) such company (and each company referred to in subparagraph (B)) files a separate return for the first taxable year beginning after December 31, 1957, for which such company filed a consolidated return and for each taxable year thereafter ending before the date of the enactment of this Act.

then notwithstanding any law or rule of law the requirement of filing a consolidated return shall be replaced by a requirement of separate returns for each company referred to in paragraph (2)(C) for each taxable year to which paragraph (2)(C) applies with respect to such company. Paragraph (2)(C) shall not apply with respect to any company for any taxable year the allowance of a credit for which is barred on the date of enactment of this Act by res judicata or through the operation of section 7121 or section 7122 of the Internal Revenue Code of 1954.

(b) If the making or allowance of any refund or credit, or the assessment of any deficiency, of income tax for any taxable year to which subsection (a)(2)(C) applies is prevented before the expiration of 2 years after the date of the enactment of this Act by any law or rule of law (other than sections 7121 and 7122 of such Code and other than res judicata), such refund or credit may nevertheless be made or allowed, and such deficiency may nevertheless be assessed, at any time before the expiration of such 2-year period, but only to the extent that the overpayment or deficiency is attributable to an election made under this section. No interest shall be allowed on any credit or refund described in the preceding sentence, and no interest shall be assessed with respect to any deficiency described in the preceding sentence, for any period before the day which is one year after the date of the enactment of this Act.

The committee amendment was agreed to.

Mr. **BOGGS**. Mr. Speaker, H.R. 19881 resolves the principal ambiguities which have arisen under the Life Insurance Company Income Tax Act of 1959 regarding the manner in which the provisions governing the taxation of life insurance companies are to be correlated with the provisions of the tax law governing the treatment of affiliated companies which file consolidated income tax returns. In general, the bill provides that life insurance companies which file consolidated tax returns are to compute the amount of their investment yield which is taken into account in determining their taxable income as if they were filing separate returns. In addition, it is provided that life insurance companies which previously filed consolidated returns under the 1959 act may elect to refile on a completely separate basis for those prior years.

Mr. Speaker, in the Life Insurance Company Income Tax Act of 1959, Congress extensively revised the income tax treatment of life insurance companies. This revision, however, did not include rules dealing with the taxation of a group of affiliated life insurance companies which elected to file a consolidated income tax return. The Internal Revenue Code as well as the Treasury regulations under both the life insurance company provisions and the consolidated return provisions have remained silent on the manner in which these two complex areas of the tax law relate to each other and are to be applied.

The litigation that has resulted—*Jefferson Standard Life Insurance Co.* v. *United States*, 408 F. 2d 842 (CA 4, 1969)—held that life insurance companies filing consolidated returns should compute the amount of their investment yield which is taxable to them as if they were filing separate returns. The Committee on Ways and Means believes that this is an appropriate holding in view of the method provided in the code for taxing life insurance companies.

The committee is concerned, however, with the effect the principle enunciated by the court could have in the case of prior years where there was a lack of any official guidance as to the manner in which these provisions of the tax law were to be coordinated. The court's holding deprived life insurance companies of the advantages they anticipated receiving from filing consolidated returns—primarily the elimination of intercorporate dividends—while not returning to them various benefits each company in the group would have had if completely separate returns had been filed in the first instance—principally not having to pay the 2-percent penalty tax imposed prior to 1964 on companies which filed consolidated tax returns.

Mr. Speaker, in view of these considerations, H.R. 19881 adopts the principle that life insurance companies filing consolidated tax returns are to compute their share of their investment yield as if they were filing separate tax returns.

Mr. Speaker, the Department of the Treasury has no objection to H.R. 19881, and the committee unanimously recommends its passage by the House.

This rule is made applicable as of the effective date of the Life Insurance Company Income Tax Act of 1959. In addition, the bill deals with the problem of those insurance companies who, faced with a complex and unclear law, chose to file consolidated tax returns on the basis of the method of computation which it has subsequently been decided was incorrect. In these cases, the bill provides that these companies may file separate tax returns for all prior years to which the Life Insurance Company Tax Act of 1959 was applicable beginning with the first year for which a consolidated return was filed. If this is done, the companies are to be allowed any credit or refund of tax, or reduction in a deficiency of tax, which may result solely from filing their returns on a separate, rather than a consolidated, basis. It is important to note that for this treatment to be available, however, the companies must file separate returns for all prior consolidated return years to which the 1959 act is applicable—other than years for which there has been a court decision or a closing agreement. In other words, the previous consolidation must be completely undone for this rule to apply.

The election of a life insurance company to file separate returns under the bill, the filing of the required consents to that election of affiliated companies and the filing of separate returns must be made within 1 year after the date of enactment of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROTEST OF CUSTOMS DECISIONS BY TRANSFEREES OF WAREHOUSED MERCHANDISE

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 19391) to amend the Tariff Act of 1930 to grant to the transferee of merchandise in bonded warehouse the right to administrative review of customs decisions, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill, as follows:

H.R. 19391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 557(b) of the Tariff Act of 1930 (19 U.S.C. 1557(b)) is amended by striking out the fourth, fifth, and sixth sentences and inserting in lieu thereof the following: "The transferee shall also have the right to receive all lawful refunds of money paid by him to the United States with respect to the merchandise the subject of the transfer, and shall have the right to file a protest under section 514 of this Act the same extent that such right would have been available to the transferor. Notice of liquidation shall be given to the transferee in the form and manner prescribed by the Secretary of the Treasury."

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered for warehousing on or after the date of the enactment of this Act.

Mr. BOGGS. Mr. Speaker, the purpose of H.R. 19391 is to amend section 557(b) of the Tariff Act of 1930 in order to grant to the transferee of merchandise in bonded warehouse the right to administrative and judicial review of customs decisions.

H.R. 19391 would restore to the transferee of merchandise in bonded warehouse, after withdrawal of the goods and liquidation of the entry, the same right to file a protest pursuant to section 514 of the Tariff Act of 1930, as amended, as was possessed by the importer of the merchandise.

As a result of customs court decision with regard to the notice of liquidation to transferees and in consideration of the cost of separately notifying the transferee of merchandise of the liquidation of import entries, the Treasury Department recommended the withdrawal of the right of the transferee of merchandise in bonded warehouse to file protests under section 514. That recommendation was adopted by the Congress in the Customs Simplification Act of 1953.

The Treasury Department has informed the committee on Ways and Means, in submitting the proposal contained in H.R. 19391, that it is now recognized that the denial of this protest right to transferees may result in inequities. Under existing law, the transferee has the legal obligation to pay additional duties and must put up a bond to insure payment of such duties. In the absence of this legislation, however, the transferee has no direct right to secure administrative and judicial review of customs decisions affecting his merchandise, except in extremely limited and unusual circumstances.

The importer of record, who has the right to file protests on behalf of the transferee, may be unable or unwilling to do so. Thus, without an independent right to file protests, transferees in such situations are without a remedy.

The committee is convinced that the independent right of a transferee of merchandise in a bonded warehouse to file protest to secure administrative and judicial review of customs decisions affecting his merchandise should be restored.

The bill provides that the notice of liquidation shall be given to the transferee in the form and manner prescribed by the Secretary of the Treasury. Your committee is informed that if such notice cannot be handled satisfactorily in the daily bulletin of liquidation, then adequate and timely notice of liquidation would be mailed to the transferee.

The act would become effective with respect to articles entered for warehousing on or after the date of enactment.

The committee unanimously recommends enactment of H.R. 19391.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELIMINATION OF DUTY ON CERTAIN NATURAL RUBBER

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 19526) to eliminate the duty on natural rubber containing fillers, extenders, pigments, or rubber-processing chemicals, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill as follows:

H.R. 19526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That rate column numbered 1 for item 446.10 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "7% ad val." and inserting in lieu thereof "Free".

SEC. 2. (a) The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(b) The rate of duty for item 446.10 in rate column numbered 1 of the Tariff Schedules of the United States, as amended by the first section of this Act, shall (1) be treated as not having the status of a statutory provision enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out a foreign trade agreement to which the United States is a party, and (2) supersede the staged rates of duty provided for such item in annex III to Proclamation 3822, dated December 16, 1967 (32 Fed. Reg., No. 244, pt. II, p. 19089).

Mr. BOGGS. Mr. Speaker, the purpose of H.R. 19526 is to amend the Tariff Schedules of the United States to make duty free the imports of natural rubber containing fillers, extenders, pigments, or rubber-processing chemicals when entered at the column 1 rate of duty under item 446.10 of the tariff schedules.

Imports of unprocessed natural rubber have long been free of duty. Processed natural rubber, that is, natural rubber containing fillers, extenders, pigments, or rubber-processing chemicals, is presently dutiable at 7 percent ad valorem—the most-favored-nation or trade agreement rate—under item 446.10 of the Tariff Schedules of the United States—TSUS. The rate of duty under TSUS item 446.10 is scheduled to be further reduced to 5 percent ad valorem by January 1, 1972, pursuant to the rate reduction agreed to in the Kennedy Round of trade negotiations.

Natural rubber consumers in this country, particularly small extruded-goods manufacturers, very often require natural rubber containing small amounts of processing chemicals. Such chemicals can easily be added in the country producing the natural rubber.

Elimination of the duty on TSUS item 446.10 should benefit domestic manufacturers by reducing the cost of this specialized rubber material. We have been informed that domestic rubber manufacturers do not object to the elimination of the duty on processed natural rubber. Finally, developing countries which produce natural rubber, principally Malaysia, have expressed an interest in the removal of this tariff barrier to their exports.

H.R. 19526 was originally proposed in draft form to the Congress by the Secretary of Commerce. No objection to the bill was made by any other Government agency. The Committee on Ways and Means has received no objection from any other interested party.

The committee unanimously recommends passage of H.R. 19526.

Mr. BYRNES of Wisconsin. Mr. Speaker, I rise in support of H.R. 19526, a bill to eliminate the duty on natural rubber containing fillers, extenders, pigments, or rubber-processing chemicals.

Imports of unprocessed natural rubber have been free of duty for a long time and would not be affected by removing the duties on the processed rubber covered by this bill.

Elimination of the duty would eliminate a cost burden on domestic rubber manufacturers, as well as a barrier to our trade with certain less developed countries, principally Malaysia.

This bill originally was proposed by the Commerce Department, and no objection was heard from any other Government agency or interested party. Against this background, Mr. Speaker, the committee unanimously recommended it for enactment. I urge my colleagues to join me in supporting this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TARIFF CLASSIFICATION OF CERTAIN SUGARS, SIRUPS, AND MOLASSES

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7626) to amend the Tariff Schedules of the United States, with respect to the tariff classification of certain sugars, sirups, and molasses, and for other purposes, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill as follows:

H.R. 7626

Be it enacted by the Senate and House of Representatives of the United Staes of America in Congress assembled,

SECTION 1. That the article description for item 155.40 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended to read as follows: "Sugars, sirups, molasses, and mixtures thereof; all the foregoing derived from sugar cane or sugar beets and containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the product) equal to over 6% by weight of the total soluble solids, if imported for use other than (a) the commercial extraction of sugar, or (b) human consumption".

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act. Upon request therefor filed with the customs officer concerned on or before the one hundred and twentieth day after the date of enactment of this Act, entries and withdrawals of articles described in item 155.40 of the Tariff Schedules of the United States (as amended by the first section of this Act) which were made after August 30, 1963, and before the date of enactment of this Act shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entries or withdrawals had been made on the date of the enactment of this Act.

SEC. 3. Upon request therefor, filed with the Customs Officer concerned on or before the 30th day after the date of enactment of this Act, warehouse entries made in the period February 1967 to May 1967, inclusive, shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated with the assessment of duty at the rate of 0.012 cent per pound of total sugars with respect to sugar products withdrawn from warehouse for consumption after manipulation in accordance with section 562 of the Tariff Act, upon the furnishing of appropriate evidence that such sugar products were actually used for purposes other than (a) human consumption or (b) the commercial extraction of sugar.

With the following committee amendment:

Page 1, line 3, strike out "SECTION 1."

The committee amendment was agreed to.

Mr. BOGGS. Mr. Speaker, the purpose of H.R. 7626, as reported, is to amend item 155.40—relating to molasses, including dried molasses, for use other than the commercial extraction of sugar for human consumption—of the Tariff Schedules of the United States—TSUS—by broadening the article description to make certain other products derived from sugarcane and sugar beets dutiable at the existing rate—0.012 cent per pound of total sugars—imposed by such item. H.R. 7626 also would provide for the liquidation or reliquidation of certain specified entries of sugar at Philadelphia at the rate of 0.012 cent per pound of total sugars.

Invert or high-test molasses, the principal product covered by this bill, is usually used for other than human consumption or commercial extraction of sugars. Its primary uses are for the distillation of alcohol, as livestock feed, and other industrial uses.

Prior to August 31, 1963—the effective date of the TSUS—imports of "invert or high-test molasses" were dutiable at the rate of duty applicable under paragraph 502 of the former tariff schedules—section 1 of the Tariff Act of 1930—to molasses imported for use other than the commercial extraction of sugar for human consumption. The assessment of duty at this rate was based on the "similitude" provision in paragraph 1559 of such section 1.

The same duty treatment, by similitude, was also accorded to certain other products containing over 6 percent by weight of soluble nonsugar solids which products resulted from a manipulation in bonded warehouse consisting of the admixing of sugars and molasses. The Bureau of Customs practices based on similitude under such paragraph 1559 were not of public record, and these particular similitude practices were not called to the attention of the Tariff Commission when it drafted item 155.40 of the new tariff schedules. As a result, the products which were covered by such practices are presently dutiable under the TSUS at rates considerably higher than the rate of 0.012 cent per pound of total sugars imposed under item 155.40.

In the absence of the charge in classification as proposed by H.R. 7626, as amended, imports of these products will remain dutiable at rates considerably higher than they were prior to the new tariff schedules.

The first section of the bill would amend the item description for item 155.40 to include: "sugars, sirups, molasses, and mixtures thereof; all the foregoing derived from sugarcane or sugar beets and containing soluble nonsugar solids—excluding any foreign substance that may have been added or developed in the product—equal to over 6 percent by weight of the total soluble solids, if imported for use other than (a) the commercial extraction of sugar, or (b) human consumption." The item description as provided in the bill as reported will provide greater clarity and certainty in classification and in particular, will avoid a conflict with the definition of liquid sugar as set forth in the Sugar Act of 1948 (7 U.S.C. 1101(f)).

Section 2 provides that the amendment made by the first section will be effective on or after the date of enactment of the bill. Section 2 further provides that the entries of articles described under 155.40—as amended by the first section of the bill—which were made after August 30, 1963, and before the date of enactment, may be liquidated or reliquidated as though such entries or withdrawals had been made on the date of enactment. This provision for retroactive liquidation or reliquidation is subject to a request being filed therefor with the customs officer concerned on or before the 120th day after enactment.

Section 3 of the bill, as amended, provides for the liquidation or reliquidation of certain entries of sugar at Philadelphia, Pa., at the rate of duty of 0.012 cent per pound of total sugars, upon the furnishing of appropriate evidence that the sugar was not used for human consumption or for the commercial extraction of sugar.

A misunderstanding between the Bureau of Customs and the importer making the entries of the sugar products referred to in section 3 with regard to warehouse manipulation privileges and the requirements as to end use resulted in a higher duty assessment than that originally indicated by the Bureau of Customs or anticipated by the importer. The committee is convinced that in this instance, the rate of duty of 0.012 cent per pound of total sugars should be assessed providing the importer furnishes appropriate evidence as to end use.

Favorable reports on H.R. 7626 were received by the committee from the Departments of State, Treasury, Agriculture, Labor, and Commerce, and the Office of the Special Representative for Trade Negotiations. An informative report was received from the Tariff Commission.

The committee unanimously recommends enactment of H.R. 7626, as amended.

(Mr. MATSUNAGA asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MATSUNAGA. Mr. Speaker, as the introducer of H.R. 286, a similar bill, I rise in support of H.R. 7626, which would amend the Tariff Schedules of the United States with respect to the tariff classification of certain sugars, sirups, and molasses.

This legislation relates to an imported commodity which is commonly referred to as invert or high-test molasses. Sometimes called industrial molasses, it is a dark brown sirupy liquid which is made by adding an acid or yeast to sugarcane or sugar beet juice that has been boiled. This process results in an inversion of the sugars and the prevention of crystallization. Invert molasses is used for purposes other than human consumption or the commercial extraction of sugar. It is used primarily in fermentation processes, animal feeds, and citric acid production.

Although invert molasses is a relatively crude product of the sugar industry, it is an important export commodity for sugar-producing countries when world sugar prices are low. In recent years, the Dominican Republic has been the major supplier of invert molasses to the United States. Industry sources indicate that at least 24 million gallons of the product were imported during the years 1965, 1966, and 1967 from the Dominican Republic. This legislation would clarify the tariff classification of such imports.

Historically, imports of invert molasses were dutiable at the rate applicable to molasses imported for uses other than the commercial extraction of sugar for human consumption. In 1956, the duty rate applicable to that commodity was reduced from 0.015 cents to 0.012 cents per pound of total sugars. However, according to the Tariff Schedules of the United States—TSUS—effective August 31, 1963, invert molasses became classifiable as a sugar sirup under item 155.30 or item 155.35 at the much higher duty rates of 0.6625 cents per pound of total sugars and 2.9 cents per gallon, respectively. In the Tariff Classification Study preparatory to the adoption of the TSUS, the Tariff Commission specifically recognized that invert molasses could be classified under item 155.40 covering industrial molasses. Subsequently, the United States offered, and the Dominican Republic accepted, a binding on TSUS item 155.40 at 0.012 cents per pound of total sugars as an equal replacement for the old binding of the duty on molasses under the superseded Tariff Act of 1930. That old binding, as we have seen, was 0.012 cents per pound in 1956.

The situation became further confused in the fall of 1967, when the Bureau of Customs ruled that invert molasses containing over 6 percent nonsugar soluble solids was dutiable as a sugar sirup under item 155.35, at the rate of 2.9 cents per gallon, rather than as inedible molasses under item 155.40, at the rate of 0.012 cents per pound.

The Government of the Dominican Republic has expressed considerable concern over the reclassification of invert molasses, and indicated an estimated loss of over $1 million in annual exports to the United States. Our State Department has indicated that the loss of this amount of foreign exchange would place additional burdens on the extensive United States aid program in the Dominican Republic.

Mr. Speaker, in view of the customs treatment of invert molasses prior to adoption of the revised Tariff Schedules and the previously negotiated tariff binding, it would be equitable to correct the tariff description which led to the Customs ruling classifying invert molasses at the higher rate of duty. The enactment of H.R. 7626 would accomplish this and restore equity to a situation that is actually the result of no one's fault. H.R. 7626 would also establish a procedure for making the 0.012-cent rate applicable to shipments of invert molasses which were entered after August 30, 1963, and before the date of enactment. In addition, the bill would provide for the liquidation or reliquidation of certain specified entries of sugar at Philadelphia at the rate of 0.012 cent per pound of total sugars.

Mr. Speaker, the bill only seeks to correct an unintended inequity under our present laws and I strongly urge a favorable vote for this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUSPENSION OF DUTY OF CERTAIN BICYCLE PARTS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 19670) to suspend the duties on certain bicycle parts and accessories until the close of December 31, 1973, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart B of part 1 of the appendix to title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., pt. II, Aug. 17, 1963; 77A Stat.; 19 U.S.C. 1202) is amended as follows:

Immediately preceding item 915.25 insert the following new items:

"912.05	Generator lighting sets for bicycles (provided for in item 653.39, pt. 3F, schedule 6).	Free	No change	On or before 12/31/73.
912.10	Derailleurs, caliper brakes, drum brakes, 3-speed hubs [with] *incorporating* coaster brakes, 3-speed hubs [without] *not incorporating* coaster brakes, click twist grips, click stick levers, multiple freewheel sprockets (provided for in item 732.36, pt. 5C, schedule 7).	Free	No change	On or before 12/31/73."

SEC. 2. The amendments made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of enactment of this Act.

With the following committee amendments:

Page 2, in the article description for item 912.10 appearing immediately above line 1, strike out "with" and insert "incorporating", and strike out "without" and insert "not incorporating".

The committee amendments were agreed to.

Mr. BOGGS. Mr. Speaker, the purpose of H.R. 19670, as reported, is to suspend to the close of December 31, 1973, the duties on imports of certain bicycle parts and accessories.

H.R. 19670 is intended to improve the competitive ability of domestic producers of bicycles by temporarily suspending the duty on imports of certain bicycle parts and accessories, thereby reducing their costs. The temporary suspension of duties would only apply to imports from countries to which the United States extends most-favored-nation treatment under column 1 of the Tariff Schedules of the United States.

The bill would temporarily suspend the duty on generator lighting sets for bicycles provided for in item 653.39 of the Tariff Schedules of the United States—TSUS. The committee was informed that generator lighting sets for bicycles are not produced domestically and that apparently no domestic manufacturer is interested in making such sets.

Imports under TSUS item 653.39 presently are dutiable at 19 percent ad valorem, and such duty is not scheduled for further reduction pursuant to any trade agreement concession.

H.R. 19670 would also suspend the duty on derailleurs, caliper brakes, drum brakes, three-speed hubs incorporating coaster brakes, three-speed hubs not incorporating coaster brakes, click twist grips, click stick levers, and multiple freewheel sprockets. These parts and accessories presently are dutiable under TSUS item 732.36 at the rate of 21 percent. The committee is informed that with one exception the parts and accessories imported under TSUS item 732.36, on which the duty would be suspended temporarily, are not produced domestically.

The committee has amended the bill with regard to coaster brakes, which are produced in the United States. The amendment would assure that only coaster brakes that are physically joined to three-speed hubs would be accorded duty-free entry. Your committee is informed that the domestic producer of click stick levers, who is a manufacturer of bicycles, does not object to the temporary duty suspension on this article. As to the other articles included under TSUS item 732.36 on which the duty would be suspended by H.R. 19670, the committee is informed that there appears to be no domestic manufacturer interested in making the articles for sale in competition with the low-priced foreign-made articles.

The rate of duty under item 732.36 was subject to a tariff concession pursuant to the Kennedy round of trade negotiations and is scheduled for further reduction to 15 percent ad valorem by January 1, 1972.

The temporary suspension of duty on the bicycle parts and accessories provided for in H.R. 19670 would be beneficial to domestic manufacturers of bicycles, particularly in competing with imported bicycles.

No objection was received from any interested Government agency to the bill, as amended, nor was any objection received from domestic producers of bicycle parts to the bill as reported by your committee.

The committee is unanimous in recommending passage of H.R. 19670.

Mr. BYRNES of Wisconsin. Mr. Speaker, I rise in support of H.R. 19670, a bill to suspend, through 1973, the duties on certain bicycle parts and accessories.

Specifically, the bill would suspend the duty on generator lighting sets which the committee understands are not produced in the United States. It also would suspend duties on a number of other articles under item 732.36 of the Tariff Schedules. However, the committee was informed that only one of these articles is produced domestically, and that the domestic producer in this instance also manufactures bicycles and does not object to the duty suspension on this particular part.

The committee was further informed by domestic bicycle manufacturers that the elimination of these duties would substantially reduce their costs and thus improve their competitive position with respect to imported bikes.

For this reason, and because the committee heard no objection from departments or agencies of Government, it unanimously reported this bill. I urge my colleagues to join me in supporting this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELIMINATION OF DUTY ON UPHOLSTERY REGULATORS AND UPHOLSTERS' REGULATING NEEDLES AND PINS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill H.R. 10875, to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterers' regulating needles, and upholsterers' pins free of duty, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill as follows:

H.R. 10875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That schedule 6, part 3, subpart E of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by striking out "upholstery regulators, and", and by inserting "and upholstery regulators, upholsterer's regulating needles, and upholsterer's pins" after "other hand needles," in the item description preceding item 651.01;

(2) by striking out "and upholstery regulators" in item 651.04; and

(3) by inserting after item 651.05 the following new item:

" 651.06 Upholstery regulators, upholsterer's regulating needles, and upholsterer's pins........................ Free Free "

Sec. 2. The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act.

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of H.R. 10875 to amend the Tariff Schedules of the United States and to make duty free the imports of upholstery regulators, upholsterers' regulating needles, and upholsterers' pins.

H.R. 10875 would provide for the duty-free treatment for imports of upholstery regulators, upholsterers' regulating needles, and upholsterers' pins by establishing a new item 651.06 in the Tariff Schedules of the United States—TSUS—under which all imports of these articles would be free of duty.

The committee was informed that there is no commercial production of these articles in the United States and that the domestic upholstery trade is dependent on imports of these articles. Imports of upholstery regulators and upholsterers' pins and regulating needles are not separately reported. However, it is known that the volume of such imports is small.

The committee received favorable reports on H.R. 10875 from the Departments of Labor, Commerce, Treasury, and State. No objection to the bill was received by your committee.

The committee is unanimous in recommending passage of H.R. 10875.

Mr. BYRNES of Wisconsin. Mr. Speaker, I rise in support of H.R. 10875, a bill to permit the duty-free importation of upholstery regulators, upholsterers' regulating needles, and upholsterers' pins.

These are tools used by the domestic upholstery industry. During consideration of the bill, the committee was told that there is no domestic commercial production of the articles, and that the American upholstery industry depends upon imports, which are low in volume.

No objection to the bill was voiced to the committee, and favorable reports on it were received from the Treasury, State, Commerce, and Labor Departments.

The committee was unanimous in recommending prompt enactment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DUTY-FREE ENTRY OF CARILLON FOR THE UNIVERSITY OF CALIFORNIA AT SANTA BARBARA

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 14995) to provide for the free entry of a carillon for the use of the University of California at Santa Barbara, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore. Is there objection to the reqeust of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill as follows:

H.R. 14995

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to admit free of duty a carillon imported June, 1969, for the use of the University of California at Santa Barbara.

Sec. 2. If the liquidation of the entry of the article described in the first section of this bill has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

Mr. BOGGS. Mr. Speaker, the purpose of H.R. 14995 is to provide duty-free entry of a carillon for the use of the University of California at Santa Barbara.

H.R. 14995 would authorize and direct the Secretary of the Treasury to admit free of duty a carillon for the use of the University of California at Santa Barbara. The bill further provides that if liquidation of the entry has become final, such entry shall be reliquidated and the appropriate refund of duty made.

The committee was informed that the carillon for the use of the University of California at Santa Barbara was entered in 1969 at the aggregate value of $63,046. Total duties of $8,160.35 were assessed and paid. In the favorable consideration of this bill and similar bills in the past, the committee has been informed by appropriate agencies of Government, including the Tariff Commission, that such bells are not produced in the United States.

The committee unanimously recommends enactment of H.R. 14995.

Mr. BYRNES of Wisconsin. Mr. Speaker, I rise in support of H.R. 14995, a bill to permit the duty-free entry of a carillon for use by the University of California at Santa Barbara.

This is virtually identical in principle to legislation which has been approved by the Congress in the past. The product involved is not produced in the United States, and there has been no departmental or other objection to the measure.

The committee, therefore, ordered it reported favorably by a unanimous vote, and I urge the House to approve it now.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DUTY-FREE ENTRY OF CARILLONS FOR INDIANA UNIVERSITY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 19113), to provide for the free entry of a 61-note bell carillon and a 42-note subsidiary cast bell carillon for the use of Indiana University, Bloomington, Ind., which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill as follows:

H.R. 19113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to admit free of duty a 61-note cast bell carillon and a 42-note subsidiary cast bell carillon for the use of Indiana University, Bloomington, Indiana.

Sec. 2. If the liquidation of the entry of the article described in the first section of this Act has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

Mr. BOGGS. Mr. Speaker, the purpose of H.R. 19113 is to provide for the duty-free entry of a 61-note cast bell carillon and a 42-note subsidiary cast bell carillon for the use of Indiana University, Bloomington, Ind.

H.R. 19113 would authorize and direct the Secretary of the Treasury to admit free of duty a 61-note cast bell carillon and a 42-note subsidiary cast bell carillon for the use of Indiana University, Bloomington, Ind. The bill further provides that if liquidation of the entry has become final, such entry shall be liquidated and the appropriate refund of duty made.

The committee was informed that the 61-note cast bell carillon and the 42-note subsidiary cast bell carillon for the use of Indiana University at the time of entry were valued at $40,000 and the estimated duty was $1,800 to $2,000. In favorably considering similar bills in the past, and in this instance, the committee has been informed by appropriate agencies of Government, including the Tariff Commission, that such bells are not produced in the United States.

The committee unanimously recommended enactment of H.R. 19113.

Mr. BYRNES of Wisconsin. Mr. Speaker, I rise in support of H.R. 19113, a bill to provide for the duty-free entry of a 61-note cast bell carillon and a 42-note subsidiary cast bell carillon for Indiana University.

The carillons are not produced domestically, and no departmental or other objection to the measure was registered with the committee, which reported it unanimously.

The bill is similar to others enacted by the Congress, and I join in urging House passage at this time.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REASONABLE APPROVAL OF RURAL HOSPITAL FOR MEDICARE PURPOSES

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 19470) to amend title XVIII of the Social Security Act to modify the nursing service requirement and certain other requirements which an institution must meet in order to qualify as a hospital thereunder so as to make such requirements more realistic insofar as they apply to smaller institutions, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. PICKLE. Mr. Speaker, reserving the right to object, I notice that the bill H.R. 19470 is similar to the bill, which I introduced last September, and other Members joined me, giving relief to these small rural hospitals. Certainly this legislation should be moved forward. I understand that the essence of this legislation reportedly at least is in the social security bill. That bill may or may not move forward. Regardless of that, it is the intent of the committee to move this legislation forward to give relief to the small hospitals.

Mr. Speaker, I would like to speak in favor of the purpose of this bill. The necessity for this legislation was brought about by the Social Security Administration's demands that all hospitals provide 24-hour coverage by registered nurses in order to receive medicare certification. Due to a general shortage of manpower, many small hospitals cannot find nurses to comply with this requirement.

I fully realize that this requirement, where it can be met, is beneficial to the patients and to our national health service. However, until we get enough nurses to fill the need, it is harsh medicine to close these rural and smalltown hospitals. Many small hospitals in Texas and other States face the strong possibility of closing if they are cut off from medicare funds.

This bill that we are considering will keep these small hospitals open, but at the same time it will be consistent with the goal of trying to give the best health service possible. Under this bill the Secretary can waive the 24-hour requirement if the hospital meets the following requirements:

First. The hospital has at least one registered nurse on duty on the day shift and is continuing to make a bona fide effort to comply with the 24-hour requirement with respect to the other shifts. During the shifts which do not have a registered nurse present, there must be a licensed practical nurse on hand.

Second. The hospital must be in a geographic area where hospitals are in short supply and the closest other hospitals participating in medicare are not readily accessible to people of the area.

Third. Nonparticipation of the hospital in the medicare program would seriously reduce the availability of hospital services to medicare beneficiaries residing in the area.

Under this legislation the Secretary would regularly review the particular situation of each hospital and the waiver of the 24-hour registered nurse requirement would be granted on annual basis for not more than 1 year at a time.

The waiver authority under this bill expires in 1975. The purpose of this expiration date is to cause Congress to reassess the supply of medical personnel at that time to see if the waiver provision is still needed. This reassessment of the need for the waiver is in line with our overall purpose of seeing that the best medical care possible is supplied. Mr. Speaker, I think this is a good bill and one that is desperately needed.

I withdraw my objections to the consideration of this legislation.

Mr. BOGGS. The gentleman is correct. Of course, it is our very firm hope that the bill will move ahead in the other body, but it is very difficult to give any guarantee.

Mr. PICKLE. I commend the committee for bringing this forward.

Mr. BOGGS. The gentleman's colleague from Texas joined him in sponsoring this legislation.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, I commend the committee for bringing this bill out. It is a much needed bill. As one who has had experience in having a rural hospital closed down because of this particular deficiency, I welcome this bill. I hope it will help all the rural areas of this country.

Mr. BOGGS. I might say to the gentleman the Senate Finance Committee has reported this bill and the overall bill, and for us to pass it will make it possible for them to consider this separately.

Mr. Speaker, I yield to the author of the bill, the gentleman from Texas (Mr. BURLESON).

Mr. BURLESON of Texas. Mr. Speaker, I join the gentleman and my associates who have explained the situation, which is really critical. There is no question about the need or the reasonableness or the practicality of this approach.

Mr. Speaker, when H.R. 19470 was originally introduced, it provided a broader judgment and discretion on the part of HEW and our State health officials in establishing standards for hospitals under medicare.

There must be adequate standards for adequate health care. This we all recognize. There is, however, the practical aspect of what can be immediately provided in certain areas of the country.

In many small towns of the more rural sections there is only one hospital. In many instances it is miles removed from a larger town hospital and is necessary to the community. To establish standards and requirements which cannot be met at this time and a few years in the immediate future, would work an extreme hardship on medicare patients who have no other place to go.

Medicare patients should not be required to leave their home community, their familiar surroundings and, particularly, their doctor for care in another area not familiar to them.

The bill before the House permits discretion on the part of the Secretary of Health, Education, and Welfare to determine, under certain criteria, whether a registered nurse must be required around the clock at these particular hospitals. Originally, the bill which I introduced included a relaxation of rather stringent requirements in connection with physical facilities. Since there is some latitude already permitted in connection with these standards, H.R. 19470 was amended in the Ways and Means Committee to apply only to registered nurses. Under present law it appears there is no discretion on the part of those who make these determinations to waive for any period of time this provision.

Mr. Speaker, it is my feeling that a greater latitude should be given in the requirements of physical facilities but, in this measure, we are reaching for the possible and it is needed immediately. The Senate Finance Committee has tentatively adopted language applicable only to the nursing requirement and, therefore, it is hoped that with narrowing my original proposal we can get this much accomplished in the hope that these other things will come along in due time.

The bill before us is temporary in nature in that it allows the nursing requirement discretion to be exercised for a period of 5 years. The Secretary may determine on a year-to-year basis whether a hospital can provide around the clock nursing care and if it is found that such is impractical and impossible, then the requirement may be waived year by year for the next 5 years.

I repeat that physical facilities are not involved in this more narrow legislation since some discretion can evidently be applied. The requirements necessary to the interest of the health and safety of patients must be protected to the greatest possible extent. The requirement of a sprinkler system is an example of these requirements. It is true enough that some of the hospitals in the "access" category at the present time must show that efforts are being made to comply with safety standards. Although it is going to be difficult for some of the small rural hospitals to meet this standard, it is likely most will make the effort and, with time allowed, will be able to qualify in a reasonable time. The nursing requirement, however, creates a situation which can not be solved until there is available more nursing and health care personnel. As you know, Mr. Speaker, we have passed legislation for this purpose and other proposals are pending which, it is hoped, within the period allowed, will alleviate the present situation in connection with the availability of nursing care.

I urge the passage of this much needed revision in the Social Security Act which will give relief for this specified time and not work such a hardship on medicare patients who depend entirely upon local care and facilities.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, will the gentleman tell the House why the same thing should not be accorded for the urban as well as the rural nursing homes?

Mr. BOGGS. Mr. Speaker, I yield to the gentleman from Texas to respond.

Mr. BURLESON of Texas. Mr. Speaker, if I may respond to my colleague, the gentleman from Illinois, there is pending legislation which will do exactly what the gentleman expresses a concern about. There is a gap between urban hospital care and rural care. There is legislation pending which I think will take care of both situations. The gentleman is exactly right. There is a critical situation in the urban areas, and it may be that legislation will be considered by the Ways and Means Committee in the early part of the coming session which will address itself to that problem.

Mr. YATES. Mr. Speaker, I thank the gentleman for that assurance.

Mr. BOGGS. There is no intention on the part of the committee to discriminate against the urban hospitals or nursing homes. The bill was presented to us as an emergency measure and it contains many safeguards which were written into it.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill as follows:

H.R. 19470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1861 (c)(5) of the Social Security Act is amended by inserting "(A)" after "(5)", and by inserting before the semicolon at the end thereof the following: ", or (B) in the case of an institution having fifty or fewer inpatient beds, provides (under the general supervision of a registered professional nurse) twenty-four-hour nursing service rendered by licensed practical nurses (including vocational nurses) or registered professional nurses, or both".

SEC. 2. Section 1861(c)(8) of the Social Security Act is amended—

(1) by inserting "(A)" after "except that"; and

(2) by inserting before the period at the end thereof the following: ", and (B) such other requirements when applied to an institution having fifty or fewer inpatient beds may not include (i) a requirement that the institution have fire sprinklers, (ii) a requirement that any specified number of deaths in the institution be subject to autopsy, or (iii) any nursing service requirement more stringent than the requirement imposed by paragraph (5)(B)".

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

That section 1861(e)(5) of the Social Security Act is amended by adding immediately after the semicolon at the end thereof the following:

"except that until January 1, 1976, the Secretary is authorized to waive the requirement of this paragraph for any one-year period with respect to any institution, insofar as such requirement relates to the provision of 24-hour nursing service rendered or supervised by a registered professional nurse (except that in any event a registered professional nurse must be present on the premises to render or supervise the nursing service provided during at least the regular daytime shift), where immediately preceding such one-year period he finds that—

"(A) such institution is located in a rural area and the supply of hospital services in such area is not sufficient to meet the needs of individuals residing therein,

"(B) the failure of such institution to qualify as a hospital would seriously reduce the availability of such services to such individuals, and

"(C) such institution has made and continues to make a good faith effort to comply with this paragraph, but such compliance is impeded by the lack of qualified nursing personnel in such area;".

The committee amendment was agreed to.

Mr. BOGGS. Mr. Speaker, the purpose of the bill, as amended, which was introduced by our colleague, the Honorable OMAR BURLESON, is to permit certain hospitals which have had difficulty in securing required nursing services to continue to participate in medicare for up to 5 years under specified conditions.

The Secretary of Health, Education, and Welfare would be empowered to grant waivers, no longer than a year at a time, on the requirement that the hospital have registered professional nurses on duty around the clock. The requirement could be waived only if:

First, the hospital has a registered nurse on the day shift and is making bona fide efforts to hire registered nurses for all shifts;

Second, the hospital is located in an isolated geographic area with no other medicare hospitals within a reasonable distance; and

Third, hospital services to medicare beneficiaries in the area would be seriously reduced if the hospital could not participate in medicare.

Enactment of this bill will assure that medicare beneficiaries living in remote areas will not be denied access to the only hospital care available in their communities. The committee is unanimous in recommending enactment of H.R. 19470.

Mr. BYRNES of Wisconsin. Mr. Speaker, I rise in support of H.R. 19470, a bill which would enable small hospitals in rural areas to continue qualifying as providers under medicare even if they are temporarily unable to obtain certain nursing services required by the law.

As we all know, Mr. Speaker, a number of hospitals throughout the country have great difficulty in finding and employing enough professional registered nurses. This is particularly true in sparsely populated areas.

Although the medicare law was designed to recognize hospitals with facilities, equipment, and personnel deemed adequate by nationally accepted standards, it also was designed to assure continuing availability of institutional care for medicare beneficiaries. Consequently, the Social Security Administration has adopted the practice of certifying certain institutions as "access" hospitals, which means that they can retain medicare status if they strive to upgrade staff and plant deficiencies which have been documented.

One of the most prevalent documented deficiencies has been in registered professional nursing staffs. And in order to deal with this particular problem, H.R. 19470 would authorize the Secretary of Health, Education, and Welfare to waive the requirement that an access hospital have registered professional nurses on duty 24 hours a day if the following conditions could be met:

First. The hospital would be required to have at least one registered nurse on the day shift and would have to show that it was making a continuing effort to fill the gap on other shifts.

Second. It would have to be situated

in a remote area where hospitals as well as nurses were in short supply.

Third. Participating hospitals would have to be so scarce and/or far away that nonparticipation of this particular access hospital would "seriously reduce" the availability of hospital services to medicare beneficiaries.

The proposed waiver could be granted by the Secretary only for a year at a time, and would expire at the end of 1975.

Mr. Speaker, the committee was unanimous in reporting this bill, and I urge the House to take affirmative action now.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

COUNTING OF CERTAIN FEDERAL EMPLOYMENT TOWARD RETIREMENT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2984) to permit service performed as a temporary employee of the field service of the Post Office Department to be counted toward civil service retirement, which was unanimously reported to the House by the Committee on Ways and Means.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill as follows:

S. 2984

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 115 of the Social Security Amendments of 1954 is hereby repealed.

SEC. 2. (a) The repeal of such section 115, made by the first section of this Act, shall not apply in the case of a person who, on the date of enactment of this Act, is receiving or is entiled to receive benefits under any retirement system established by the United States or any instrumentality thereof unless he requests, in writing, the office which administers his retirement system to apply it in his case.

(b) Any additional benefits payable pursuant to a request made under subsection (a) of this section shall commence on the first of the month following enactment of this Act.

Mr. BOGGS. Mr. Speaker, such equal treatment is now precluded by section 115 of the Social Security Amendments of 1954, which section S. 2984 would repeal.

Under existing law, some temporary, part-time and intermittent employment by the Federal Government is covered by the social security program rather than by the civil service retirement program or other retirement programs for Federal employees. Certain of these positions were covered under social security by the Social Security Amendments of 1950; others were covered under the Social Security Amendments of 1954. Federal civilian employment covered under the 1950 amendments is creditable for civil service retirement purposes if the employee is later employed in a position subject to the civil service retirement system. Those covered under the 1954 amendments may not have such service later credited under civil service retirement simply because of the enactment of section 115 of the Social Security Amendments of 1954.

By the terms of section 115, Federal employees who acquired social security coverage under the 1954 amendments may never receive credit under a retirement system for Federal employees for this service covered by social security. Most of the employees so affected are those who receive temporary appointments in the field service of the Post Office Department, but section 115 applies also to a small number of other temporary employees.

An employee who has service which becomes creditable for retirement purposes as a result of this bill may, if he wishes, make a deposit to the Civil Service Retirement Fund equal to retirement deductions for the period, plus interest. If he failed to make this deposit, his retirement annuity would be reduced by 10 percent of the amount owed as deposit. This is the same treatment as is given to the temporary employees brought under social security by the 1950 amendments who later acquire coverage under the civil service retirement system.

Mr. Speaker, enactment of the bill would affect around 345,000 Post Office employees and would require additional appropriations to the civil service retirement and disability trust fund of an estimated $21.1 million a year.

The bill has the approval of both the U.S. Civil Service Commission and the Department of Health, Education, and Welfare. Your committee is unanimous in recommending its enactment.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

DISREGARDING OF OASDI AND RAILROAD RETIREMENT INCOME IN DETERMINING NEED FOR PUBLIC ASSISTANCE

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 19915) to make permanent the existing temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill as follows:

H.R. 19915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective with respect to months after October 1970, section 1007 of the Social Security Amendments of 1969 is amended by striking out "and before November 1970".

Mr. BOGGS. Mr. Speaker, under section 1007, the States were required to take action to assure that recipients of public assistance under the federally aided adult public assistance programs—the old-age assistance, aid to the blind and aid to the permanently and totally disabled programs—who also received a social security benefit increase under the 1969 amendments would realize an increase in combined income from public assistance and social security equal to $4 a month or the amount of the social security benefit increase received by the recipient if less. A State could meet this requirement either by disregarding a portion of the recipient's social security payment or by raising the State's standard of assistance for all recipients under the program involved.

Section 1007 of the 1969 amendments as originally enacted applied only to public assistance payments made before July 1970. The provision was enacted on a temporary basis in order to allow Congress time to consider the problem with which it dealt more thoroughly in connection with the work it had planned to do on major welfare proposals this year.

This matter has already been considered an acted upon by the House. In April, the House of Representatives passed H.R. 16311, the administration's proposed welfare legislation. One of the sections of this bill provided for making section 1007 permanent law in the same manner as H.R. 19915.

Under legislation enacted in June of this year, the provision was extended for another temporary period, through the end of October. The pending social security bill (H.R. 17550) as reported in the Senate contains a provision extending the application of section 1007, through December 31, 1971.

Mr. Speaker, I believe it is important that action be taken on this bill so that States will not discontinue applying the $4 income disregard. This legislation is required to protect many recipients against a cut in their public assistance payments. It is also required in order that the States may know whether or not they should continue to apply the income disregard provision.

Mr. Speaker, this bill was favorably reported unanimously by the committee.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOGGS. Mr. Speaker, I renew my request that all Members may be permitted to extend their remarks on this series of bills that we have just passed.

I thank the Chamber for being so patient.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

CONFERENCE REPORT ON H.R. 18306, INTERNATIONAL FINANCIAL INSTITUTIONS

Mr. REUSS. Mr. Speaker, I call up the conference report on the bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the exchange stabilization fund by the General Accounting Office, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. Albert). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 21, 1970.)

Mr. REUSS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 1 hour.

Mr. REUSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House-passed bill providing for participation by the United States in various international financial institutions contained the following provisions:

First, a proposed increase in the U.S. quota in the International Monetary Fund in an amount of $1,540 million as part of a general and special increase in the Fund quotas. This increase involves no budgetary expenditure since it represents merely a transfer or exchange of assets by the United States in the Fund;

Second. A proposed increase of $246.1 million in the U.S. capital subscription to the World Bank. Of this increase in our subscription to the World Bank, $221.5 million would be callable and, therefore, involves no budgetary expenditure. Only $24.6 million would be paid into the Bank by the United States;

Third. A proposed contribution of $100 million to the Asian Development Bank Special Fund over a 3-year period; and

Fourth. A proposal increasing the resources of the Inter-American Development Bank comprised of both callable capital in the amount of $673.5 million involving no budgetary expenditure, and a paid-in capital subscription of $150 million payable in a letter of credit in three equal annual installments; and a U.S. contribution to the Fund for special operations of $1 billion in three installments, the first of which would be $100 million and two subsequent installments of $450 million each.

In addition, the House-passed bill provided for an audit of the exchange stabilization fund, an annual report of the National Advisory Council to the Congress concerning loans made by the IBRD, IDA, IDB, and ADB, and, finally, a provision allowing the Secretary of the Treasury to make certain adjustments in employee benefits for various U.S. financial institutions.

Mr. Speaker, the House provisions concerning the audit of the Exchange Stabilization Fund, the annual report of the National Advisory Council, and the employee benefit provisions were, with minor changes in the first two instances, accepted by the Senate conferees.

The provisions providing for the International Monetary Fund and the International Bank for Reconstruction and Development were identical in both bills and, therefore, not in conference.

Unfortunately, the Senate conferees remained adamant in their position on funding for the Asian Development Bank and the Inter-American Development Bank.

The bill passed by the other body contained no authorization for appropriations for the Asian Development Bank and, reluctantly, your House conferees were forced to recede to the Senate in this instance or else, in the opinion of your conferees, have no legislation enacted at all this year for any of the international financial institutions in which the United States participates.

Both the House and Senate-passed bills contained identical provisions providing additional contributions to the authorized capital stock of the Inter-American Development Bank and, therefore, were not in conference. However, contrary to the House provision authorizing the appropriation of funds for a total of $1 billion for the Inter-American Development Bank, the Senate provision provided only for the first year authorization of $100 million for this institution. Again, reluctantly, your House conferees were forced to recede to the Senate.

In so doing, however, I wish to point out that it is not the intention of the conferees to alter in any way the past procedure of allowing the U.S. Governor to the IDB to commit our Government to the resolutions of April 1970 of the Inter-American Development Bank, contingent, of course, upon subsequent authorization and appropriation by the Congress.

In the conference bill before us, what the conferees have done is to make payment of the subsequent two installments to the Inter-American Development Bank by the United States subject to congressional authorization and appropriation. This will provide the Congress with a continuing opportunity to review IDB activities before any subsequent funds are provided.

It is not only anticipated, but the firm conviction of your conferees that the U.S. Governor to the IDB should proceed as in previous authorizations for the IDB by the U.S. to commit the United States to pay the full amount of the proposed U.S. subscription to the resources of the Fund for special operations. In so doing, the United States will be in a position to continue to support this regional international lending institution and, at the same time, assure ourselves of the fact—since subsequent review, authorization and appropriations will be called for—that the Bank is carrying out its activities in accordance with our understanding of its functions and objectives.

I now append an exchange of letters with the Treasury concerning the Bretton Woods Recreation Center:

The Under Secretary of the
Treasury for Monetary Affairs,
Washington, D.C., November 30, 1970.

Hon. Henry S. Reuss,
House of Representatives,
Washington, D.C.

Dear Henry: I would like to provide you with information about the Bretton Woods Recreation Center that has recently come to my attention. As you will recall, creation of the Center was financed by the International Monetary Fund in order to provide recreational facilities for its international staff coming from 116 countries which were not available in the Washington area.

It has been our understanding, and you had been so informed, that under the policy of the IMF the Center was expected to become entirely self financing so far as operating costs are concerned. I now find that, while this remains the objective, dues and charges paid by members have continued to fall short of operating costs. The operating deficits which have been sustained have been met by the International Monetary Fund. These operating deficits amounted to $65,000 in 1968 (the first year of operation) and $60,000 in 1969. The deficit for the fiscal year ending in April 1971 is expected to be $61,000. Further, the Fund has met certain additional capital costs totaling $102,000. These Fund contributions to expenses have been met from its earnings which are derived largely from charges to borrowing member countries.

I want to assure you that the United States Government is seeking to eliminate Fund contributions to the remaining operating dificit of the Center as quickly as possible and to avoid further financing of capital improvements for the Center by the Fund. I have asked the U.S. Executive Director to explore with his colleagues all steps that should be taken to achieve this objective.

With best wishes,

Sincerely,

Paul A. Volcker.

December 15, 1970.

Mr. Paul A. Volcker,
Under Secretary for Monetary Affairs Department of Treasury, Washington, D.C.

Dear Mr. Under Secretary: Thank you for your letter of November 30, in which you report that operating costs of the Bretton Woods Recreation Center are being met by the International Monetary Fund, in the amounts of $65,000 in 1968, $60,000 in 1969 and $61,000 for the fiscal year ending in April 1971, and that the fund "has met certain additional capital costs totaling $102,000."

I am disturbed because this information is contrary to the information given the House Committee on Banking and Currency by the Treasury during the hearings on this year's International Financial Institution's legislation. On July 1, 1970 (hearings on H.R. 18236, pp. 194–195) the Treasury informed us concerning the Bretton Woods Country Club, that "the operating expenses are those of the members." The full Treasury statement follows.

The International Monetary Fund decided in 1966 to facilitate the establishment of a recreation center to which its international staff would have access. The basic reason for this decision was to provide recreational facilities for the international staff of the Fund, which comes from many of the 116 countries that form the membership of the Fund. Recreational facilities of the kind which the Fund considered would be appropriate for this purpose are generally available in the Washington area only through private membership organizations. For the purposes of an international staff such as that of the Fund, such private membership organizations pose three main difficulties.

1. Large initiation fees are charged, which usually are not refundable when the membership is discontinued. This makes membership financially difficult, particularly for individuals, of whom there are a number at any given time on the staff of the Fund, who do plan to remain in Washington for more than a very few years.

2. Waiting lists for membership are often rather long, with a considerable time required before membership can be achieved. This is again difficult for those who do not plan to stay long, and can be particularly discouraging to new foreign residents who are anxious to make social contacts.

3. Membership in such private organizations is not generally open to individuals who come from Africa and Asia, as a very appreciable proportion of the Fund staff does.

In providing for the recreational facilities, the Fund itself purchased approximately 280 acres of land, and the Fund has also financed, and owns, the capital improvements. These include an 18-hole golf course, a swimming pool and bath house, a modest snack bar, other playing fields, a golf house, and picnic areas. The Fund has spent approximately $1.1 million for land and about $1.0 million for capital improvements, for a total of $2.1 million, and considers that it could recover this investment if the facility were to be sold in the future. The World Bank has not participated in the financing of the Center.

The operation of the facility is by the Bretton Woods Recreation Center, Inc., a private non-profit organization incorporated under the laws of Maryland. The Fund permits the Association to use the land and capital improvements which it owns, and by appropriate arrangements protects the value of its investment and ensures that it will be used for the primary purpose of improving the morale of its international staff. Membership in the Center is open to any employee of the Fund and, to the extent the capacity of the facility will permit, to limited numbers of others, who come almost entirely from the staffs of other international organizations headquartered in Washington.

Members of the Center pay operating dues and the Center is expected to be entirely self-financing so far as operating costs are concerned.

On the basis of this testimony, I informed the House during the Floor debate on September 14, 1970, that "the expenses of that Country Club are borne by the members of it". (Congressional Record, September 14, 1970, p. 31463).

I shall take the first opportunity that presents itself to call to the attention of the House the incorrect information which has unfortunately been disseminated.

I want to make clear once again that the Congress expects the United States Treasury to take the position in the International Monetary Fund that the Fund is not to make any more capital contributions or contributions for operating expenses, for the Bretton Woods Recreation Center. While the creation of the Bretton Woods Recreation Center is justified, there is no reason why golf-playing members or employees of the IMF should be subsidized over their non-golf-playing colleagues, or that the United States, through its interest in the capital and earnings of the Fund, should join in such subsidy. While your November 30, 1970, letter states that IMF contributions "have been met from its earnings which are derived largely from charges to borrowing member countries", the United States should take no more joy in the frittering away of the Fund's earnings than it should in the impairment of the Fund's capital.

Your letter says that you've asked "the Executive Director to explore with his colleagues all steps that should be taken to achieve" an end to further Fund contributions to capital and operating expenses. The United States cannot govern the Fund, but the United States Executive Director should surely cast his vote against what is regarded as an improper expenditure of the Fund. I therefore request a prompt report of the voting position taken by the U.S. Executive Director, and the current state of Fund activity, with respect to the Bretton Woods Recreation Center.

Sincerely,

HENRY S. REUSS,
Chairman, International Finance Subcommittee, House Committee on Banking and Currency.

Mr. Speaker, the question of U.S. taxes paid by U.S. citizens working in these international institutions has been raised in this body several times. I have prepared a memo on this subject for the benefit of the House, as follows:

U.S. TAXATION OF U.S. EMPLOYEES OF INTERNATIONAL FINANCIAL INSTITUTIONS

Asian Development Bank.—U.S. citizens who are staff employees of the Bank pay U.S. taxes on the same basis as do all U.S. citizens residing abroad. They do not receive reimbursements from the Bank for U.S. tax payments.

The U.S. Executive Director of the Bank and his Alternate pay U.S. tax on the same basis as United States residents. They do not receive any reimbursement from the Bank nor do they enjoy non-resident tax status even though they are residents abroad.

International Monetary Fund, World Bank Bank and Inter-American Development Bank.—All of these institutions give the same tax treatment to U.S. employees. This treatment is described in the attached paper.

PAYMENT OF UNITED STATES INCOME TAXES BY AMERICAN EMPLOYEES OF WORLD BANK GROUP

American staff members of the World Bank and its affiliated organizations are not now, and have never been, exempt from United States federal, state and local income taxes on their salaries and other compensation from the World Bank Group. They pay income taxes on these and other earnings just as other American citizens.

The World Bank Group organizations were established by and operate under international treaties called "Articles of Agreement," signed by their respective member countries (115 in the case of the World Bank). In accordance with general international practice, the Articles of each organization prohibit member countries from taxing compensation paid by the organization to employees "who are not local citizens, local subjects or other local nationals." But a member country is not prohibited from taxing the World Bank Group compensation received by its own citizens. In accordance with the Articles, World Bank Group employees who are not American citizens are exempt from United States taxes on their Bank Group compensation. They are of course subject to U.S. tax laws as to income from sources outside the Bank Group. American employees, on the other hand, are fully subject to federal, state and local income taxes on their Bank Group pay.

At the Inaugural Meeting of the Board of Governors of the World Bank in March 1946 at Savannah, Georgia, a resolution was passed calling on the member countries of the Bank to take the necessary action to exempt from national taxation the salaries and allowances paid by the Bank to their own citizens and nationals. The By-Laws of the Bank include a provision, also adopted at that Inaugural Meeting, directing that "pending the necessary action being taken by members to exempt from national taxation salaries and allowances paid out of the budget of the Bank," staff members shall be reimbursed by the Bank for taxes they are required to pay on their Bank salaries and allowances to the countries of which they are citizens.

In accordance with that provision of the By-Laws, the World Bank Group states all staff salaries and other compensation on a net-of-tax basis, but pays its American employees additional amounts calculated to yield after taking account of federal, state and local income taxes on the total of their compensation (including these additional amounts) the same net-of-tax compensation as their non-American colleagues of equal pay status receive. The result of this system of tax reimbursement, which is necessary to ensure equitable treatment of Americans whose pay is subject to U.S. income tax and non-Americans whose pay is *not* subject to tax, is that the World Bank Group pays its American staff members substantially higher amounts than its non-American employees of equal rank. For the fiscal year ending June 30, 1970 this meant an extra expenditure for the Group of $3,029,000 on account of federal income taxes, and of $582,000 on account of state and local income taxes, representing 12% of the Bank's total payroll (including Americans and non-Americans).

The tax exemptions of staff members of international organizations are granted for the benefit of the organizations rather than the staff members. The exemption enables the organization to pay lower salaries than it would have to pay if the salaries were subject to tax.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I am very glad to yield to the gentleman from Iowa who was most helpful to our committee in first calling this matter to our attention.

Mr. GROSS. I thank the gentleman for yielding.

Mr. Speaker, I well recall the colloquy we had when this bill was before the House. I want to commend the gentleman from Wisconsin for his continuing interest in this matter. I trust that unless it is resolved satisfactorily that the gentleman will take further action by virtue of the position which the committee has taken to convince these people that capital outlays for this purpose were never the intent of the Congress.

Again, I commend the gentleman and thank him for yielding.

Mr. REUSS. I thank the gentleman from Iowa for his comments. The gentleman can be assured that we will be tenacious in this and I think the matter will be resolved satisfactorily.

Mr. HANNA. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from California.

Mr. HANNA. I know the gentleman's position and I know that he and the other conferees pursued very vigorously the position of the House in regard to the Asian Development Bank and the Inter-American Development Bank.

I want to express to the gentleman my feeling of disappointment that the other body did not see the wisdom of the position taken by the House.

I would hope that both bodies, especially the Senate, will reestablish what I think is the credibility of the United States with regard to these two institutions. I think we were moving in the right direction on the Asian Development Bank to encourage the Japanese to become more aggressive in taking a position of prominence in the Bank, and saying that we would match them in terms of our commitment to the Bank.

I know the gentleman in the well agrees with me that that should zealously be pursued early next year as to our position in terms of the Inter-American Development Bank, because here are two places in this world where we have the possibility of building future trade for our sophisticated industries, and if we do not plant the seeds we will not get the future crops.

Mr. Speaker, I think that the Members of the other body who thought they were serving the interest of the United States were certainly short-sighted in terms of the decisions made there.

Again I say that I am persuaded that the gentleman in the well agrees with the position that I have just expressed.

Mr. REUSS. I completely agree with the gentleman from California. It would seem to be little short of outrageous that after years of spending $30 billion or more a year making war, we are unwilling to spend $100 million trying to heal the wounds and enable those countries in that area to get started in peaceful progress. It is particularly unfortunate that just as we persuaded our Japanese friends that they ought to make a bigger contribution, which they did, that we find ourselves wanting. I can assure the gentleman that I shall work with him in the next Congress to see that we place a similar matter before this body, and I think once again we will prevail in it.

Mr. HANNA. I thank the gentleman for yielding.

Mr. REUSS. Mr. Speaker, I yield 20 minutes to the gentleman from New Jersey.

Mr. WIDNALL. Mr. Speaker, I thank the gentleman for yielding, and I will not require the full 20 minutes.

I would like to report that I concur with the statement made by the gentleman from Wisconsin. I believe that he has reported accurately on the sum of the results of the conference we had with the Senate.

I regret very much that the Senate conferees seemed to me—and I think to others on the House side—extremely shortsighted when it came to the future development in the areas where they made drastic cuts. We have to face up to the fact that nature is going on year by year, and that the development and evolvement of countries are going on year by year, and when we were participating in that through the Asian Development Bank that was concrete evidence of our desire to cooperate with other nations in that area of the world in doing our part, and without trying to grab the credit for such participation, that is, equally participating on our part with the Japanese, and a substantial participtation by not only the Asian nations, but others who are not in the Asian area.

We would like to have come back to the House with a better report that would reflect more of the thinking of the House when it passed these bills. I just feel that we are going to have to go through this again when we realize fully the facts of life as to what has been done with this conference.

I think that we have made a compromise that preserved some of the best that was in the original bill. I just hope that we will pass this and we will check back on what has been done, and we can look forward to more progress in the future.

Mr. Speaker, at this time I would yield such time as he may consume to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Speaker, I thank the gentleman for yielding. I, too, concur with the disappointment that has been expressed here on the floor this evening regarding the conference report, but probably more particularly and appropriately the action of the other body, or the conferees of the other body with respect to this report.

I think in view of the past history of the gentlemen from the other body who apparently caused most of the problems with respect to a direct compromise being effected, in view of his previous history in legislation of this nature, I think that it goes beyond disappointment even to the point where I think that he has probably epitomized what is wrong with lameduck sessions.

There were many of us who worked very hard on this legislation from the House side. Many Members of this House for some time have felt that a unilateral program of financial assistance to underdeveloped or developing countries was not the right or adequate approach. As a consequence, the idea of multilateral financing was developed, and regional banks, and the Inter-American Development Bank and the Asian Bank were developed where basically we say to other nations that we are willing and even eager to assume not just our proportionate share of the responsibility of helping other nations in their development, but we are willing to assume a disproportionate part, but will insist that other nations bear some of that responsibility and we will constantly strive in our efforts to cause other nations to assume greater and greater responsibility.

This spring the very realization of our aim occurred when with respect to the Inter-American Development Bank we were able to get our Latin neighbors to accept not a one-to-three responsibility with respect to funding for special operations but a one-to-two responsibility. In fact, that is the very first time in the history of the bank. The increase in the amount of replenishment in actual dollars was greater by our Latin friends than by this country. That is the first time in history.

Yet, although my colleagues here in the House very properly and very significantly supported this legislation, we have found it rather cut to pieces in the other body.

It is most disturbing that I am required to concur with the gentleman from Wisconsin when if, and I hope I am paraphrasing him correctly—when he says that what he is advocating we support this evening, and that is the conference report. It is not what he would advocate if he really had his "druthers".

The gentleman from Wisconsin is totally consistent with me in his beliefs that we are doing tonight is not right from the standpoint and content and substance of the conference report. But I am sure he feels the report should be supported and we advocate the same.

I would like to ask the gentleman from Wisconsin to clarify a couple of things that have occurred either in the colloquies or in the content of the conference report.

I would like to ask the gentleman to, in effect, confirm, reiterate, exaggerate, if he might, and emphasize the final sentence of the report on page 6 dealing with the IDB, in which it has been said by the managers on the part of the House:

> It is not our intention to limit in any way the past procedure of allowing the United States Governor to commit the United States to the full amount of its proposed contribution by signifying our agreement to contribute to the FSO in accordance with the applicable IDB resolution.

And, further, that the Secretary of the Treasury is authorized to sign the subscription to the Bank; and, finally, we shall move very early in the next session of Congress to correct this wrong.

Mr. REUSS. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from Wisconsin.

Mr. REUSS. The gentleman has asked me to exaggerate. I am not going to do that, but I will iterate and reiterate that the bill which is now on its way to enactment authorizes and directs the U.S. Governor, the Secretary of the Treasury, to commit the United States to a 3-year reinforcement and replenishment of the Fund for Special Operations according to the Punta del Este resolution. In so doing that, of course, it will be clear to the other signatories, because the law we are passing will be at an end, and that an authorization and an appropriation for both the second and the third years will be necessary. However, that is nothing in and of itself unusual. The tradition is for Congress to be seized with the obligation of making the appropriations in successive years. I am confident that Congress will of its own free will and volition both authorize and appropriate the sums which we are now authorizing the U.S. Governor to indicate his acceptance of. In a word, I agree with the observations of the gentleman from Michigan.

Mr. BROWN of Michigan. I thank the gentleman. Would the gentleman not, before I ask a final question, agree that he concurs substantially in what I have said regarding the position he finds himself in as the chairman of the conferees on the House side, and the potential or anticipated impasse which would have occurred had we not accepted the conference report as it was being submitted?

Mr. REUSS. I agree completely. It is customary for managers in a conference to come back and brag a bit about how they were successful with their colleagues in the other body. In this case, however, I admit they scarcely left us our horses for the spring plowing. But it is better than no bill at all, and that which it lacks can be improved next year.

Mr. BROWN of Michigan. If the gentleman will respond to one further statement, there is one sentence in that same paragraph on which I would like clarification.

Mr. SCOTT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count.

Mr. SCOTT. Mr. Speaker, I withdraw the point of order.

The SPEAKER pro tempore. The gentleman withdraws his point of order.

The gentleman from New Jersey is recognized.

Mr. WIDNALL. Mr. Speaker, I have no further requests for time.

Mr. REUSS. Mr. Speaker, I have no further requests for time. I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 13493. An act to change the name of certain projects for navigation and other purposes on the Arkansas River;

H.R. 17901. An act to improve judicial machinery by providing for the appointment of a circuit executive for each judicial circuit;

H.R. 19342. An act to establish and develop the Chesapeake and Ohio Canal National Historical Park, and for other purposes;

H.R. 19857. An act to name certain Federal buildings; and

H.J. Res. 1420. Joint resolution authorizing the Honorable John W. McCormack, Speaker of the House of Representatives, to accept and wear the Cavaliere di Gran Croce, of the Order Al Merito della Repubblica, an award conferred by the Government of the Republic of Italy.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested. A bill of the House of the following title:

H.R. 10482. An act to authorize the establishment of the Voyageurs National Park in the State of Minnesota, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill of the House of the following title:

H.R. 17473. An act to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965.

The message also announced that the Senate recedes from its amendment to a bill of the House of the following title:

H.R. 14984. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359–363, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19333) entitled "An Act to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges."

The message also announced that the Senate further insists upon its amendments to the bill (H.R. 17867) entitled "An act making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes," requests a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McGee, Mr. Ellender, Mr. Holland, Mr. Montoya, Mr. Fong, Mr. Pearson, and Mr. Young of North Dakota to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to a bill and a concurrent resolution of the Senate of the following titles:

S. 11 An act to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes; and

S. Con. Res. 87. Concurrent resolution providing for an adjournment of the two Houses of Congress.

SUPPLEMENTAL APPROPRIATION BILL, 1971

Mr. MAHON submitted the following conference report and statement on the bill (H.R. 19928) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes:

Conference Report (H. Rept. No. 91–1794)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19928) "making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 19, 25, 28, 40, 41, 47, 67, 68, 69, 73, 75, 76, and 79.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, 14, 20, 21, 24, 26, 30, 32, 35, 37, 38, 42, 43, 49, 51, 55, 63, 64, 65, 66, 70, 72, 74, 80, 82, 83, 85, 86, 87, 88, 89, and 90, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum named by said amendment insert "$3,000,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$19,150,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$15,000,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"DEPARTMENT OF AGRICULTURE

"Forest Service

"FOREST PROTECTION AND UTILIZATION

"For an additional amount for 'Forest land management', $150,000.

"For an additional amount for 'Forest research', $108,000.

"CONSTRUCTION

"For an additional amount for 'Construction', $198,000."

And the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$400,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

"MANPOWER TRAINING ACTIVITIES

"For an additional amount for 'Manpower Training Activities', $17,500,000: *Provided*, That the additional amount appropriated herein is for the Manpower Development and Training Act of 1962, as amended, and shall remain available until June 30, 1972."

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"MENTAL HEALTH

"For an additional amount for 'Mental Health', $6,500,000, of which $5,000,000 shall be for grants for special community projects as authorized by section 1(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513), and $1,500,000 shall be for grants and contracts for education projects as authorized by section 1(c) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513)."

And the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

"For an additional amount for:

"'Joint Economic Committee,' $3,750.

"'Joint Committee on Atomic Energy', $5,000.

"'Joint Committee on Printing', $11,700."

And the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$21,400,000"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "$280,000, of which $200,000 shall"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$9,428,000"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$48,000,000"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$70,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 18, 22, 27, 29, 34, 44, 45, 48, 50, 52, 53, 58, 59, 60, 61, 62, 71, 81, and 84.

George Mahon,
John J. Rooney,
Otto E. Passman,
Joe L. Evins,
Edward P. Boland,
William H. Natcher,
Daniel J. Flood,
Tom Steed,
Julia Butler Hansen,
Frank T. Bow,
Charles R. Jonas,
John J. Rhodes,
Robert H. Michel,
Glenn R. Davis,
Managers on the Part of the House.
Robert C. Byrd,
John O. Pastore,
Spessard L. Holland,
Allen J. Ellender,
John L. McClellan,
Warren G. Magnuson,
John Stennis,
Gale W. McGee,
Milton R. Young,
Margaret Chase Smith,
Roman L. Hruska,
Gordon Allott,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19928) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments; namely:

CHAPTER II—DEPARTMENT OF DEFENSE

Amendment No. 1: Appropriates $3,000,000 for "Surface Effects Ships" instead of $10,000,000 proposed by the Senate.

The $20,000,000 request for this program was reduced by $10,000,000 by the Senate in the consideration of the Military Authorization Bill (H.R. 17123). The report on this action was issued on July 14, 1970. The item was restored to the authorization bill but deleted by both Houses in the Defense Appropriation Bill (H.R. 19590). The Department was on notice that there was considerable opposition to the full funding of the program by the Navy in the Congress. Nevertheless, the Navy continued to obligate funds at the level of the Budget request and in excess of the rate of the previous year permitted under the Continuing Resolution.

The conferees do not desire to terminate the program at this time and have agreed to provide an additional $3,000,000. The Navy is directed to seek any further funding required in fiscal year 1971 through the Congressional reprogramming process.

CHAPTER III—DISTRICT OF COLUMBIA

Amendment No. 2: Changes chapter number.

Amendment No. 3: Deletes item proposed by the Senate to appropriate $34,178,000 for "Loans to the District of Columbia for capital outlay".

Amendment No. 4: Appropriates $10,612,000 for "Capital outlay" as proposed by the House instead of $44,790,000 as proposed by the Senate.

CHAPTER IV—FOREIGN OPERATIONS

Funds appropriated to the President

Amendment No. 5: Conforms chapter number.

Military assistance

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides language that makes the availability of the appropriation contingent upon enactment of authorizing legislation.

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides language that states the obligations incurred from funds appropriated in this item cannot exceed the total amount authorized in H.R. 19911, or similar legislation.

Economic assistance

Supporting Assistance

Amendment No. 8: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which appropriates $155,000,000 instead of $150,000,000 as proposed by the House and $195,000,000 as proposed by the Senate.

Amendment No. 9: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides language that makes the availability of the appropriation contingent upon enactment of authorizing legislation.

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides language that states the obligations incurred from funds appropriated in this item cannot exceed the total amount authorized in H.R. 19911, or similar legislation.

Contingency Fund

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which appropriates $7,500,000 instead of $15,000,000 as proposed by the Senate. The language making the appropriation available until expended as proposed by the Senate is deleted.

Export-Import Bank of the United States

Limitation on Administrative Expenses

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides $8,000 for entertainment allowances to be financed from available funds.

Excess Foreign Currencies for Pakistan

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides that excess Pakistani rupees shall be available for one year from the date of enactment of authorizing legislation to assist in the relief, rehabilitation and reconstruction of East Pakistan.

CHAPTER V—INDEPENDENT OFFICES

Amendment No. 14: Changes chapter number.

Amendment No. 15: Reported in disagreement. The managers on the part of the House will offer a motion to insist on an appropriation of $250,000 for Salaries and expenses, Federal Trade Commission, as proposed by the House instead of $500,000 as proposed by the Senate.

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to appropriate $8,000,000 for

Operating expenses, Public Buildings Service, instead of $11,350,000 as proposed by the Senate, and insert Senate language authorizing the use of such funds for employment of guards and special policemen under the charge and control of the General Services Administration and the Postal Service.

Amendment No. 17: Appropriates $19,150,000 for additional court facilities instead of $14,150,000 as proposed by the House and $34,150,000 as proposed by the Senate.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to appropriate $2,452,000 for sites and expenses, public buildings projects, for the proposed project at San Diego, California.

Amendment No. 19: Deletes the amendment of the Senate to appropriate $205,000 for salaries and expenses, Office of Administrator, General Services Administration, for expenses of a new Consumer Product Information Coordinating Center.

Executive Office of the President

Amendment No. 20: Inserts heading.

Amendment No. 21: Appropriates $500,000 for salaries and expenses, Council on Environmental Quality and Office of Environmental Quality, as proposed by the Senate.

Funds appropriated to the President

Amendment No. 22: Reported in disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to appropriate $8,500,000 for "Appalachian Regional Development Programs" as proposed by the Senate, but to delete the Senate provisos that would change grant formulas of present law. The committee of conference is agreed that the funds provided shall be used only for airport projects.

Department of Housing and Urban Development

Amendment No. 23: Appropriates $15,000,000 for Urban Research and Technology instead of $5,000,000 as proposed by the House and $25,000,000 as proposed by the Senate.

CHAPTER VI—DEPARTMENT OF THE INTERIOR

Amendment No. 24: Changes chapter number.

Amendment No. 25: Appropriates $500,000 for "Bureau of Land Management, management of lands and resources" as proposed by the House instead of $1,050,000 as proposed by the Senate.

The Conferees agree that the land-use survey in Alaska is of high priority. However, until the new Secretary of Interior has had an opportunity to appraise this program and there is specific evidence of cooperation on this project by the State of Alaska, funding for this activity has been deferred. It is further agreed that the significance of the Trans-Alaska pipeline should receive proper attention in any study of this type that may be performed.

Amendment No. 26: Appropriates $50,000 for "Bureau of Indian Affairs, resources management" as proposed by the Senate.

Amendment No. 27: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides $3,561,700 for "Bureau of Indian Affairs, payment to the Ute Tribe of the Uintah and Ouray Reservation".

Amendment No. 28: Appropriates $50,000,000 for "Bureau of Mines, helium" as proposed by the House instead of $56,100,000 as proposed by the Senate.

Amendment No. 29: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment to provide $2,155,000 for "National Park Service, management and protection" instead of $2,125,000 as proposed by the House and $1,855,000 as proposed by the Senate. The increase over the amount provided by the House includes $30,000 to implement Public Law 91-462 authorizing a study of the feasibility and desirability of establishing a unit of the national park system to commemorate the opening of the Cherokee Strip to homesteading.

Related agencies

Amendment No. 30: Changes heading.

Amendment No. 31: Appropriates $456,000 for "Department of Agriculture, Forest Service" instead of $606,000 as proposed by the Senate. Of the total amount provided, $258,000 is for forest protection and utilization of which $150,000 is for forest land management and $108,000 is for forest research; and $198,000 is for construction.

Amendment No. 32: Appropriates $775,000 for "Smithsonian Institution, restoration and renovation of buildings" as proposed by the Senate.

Amendment No. 33: Appropriates $400,000 for "National Council on Marine Resources and Engineering Development, salaries and expenses" instead of $250,000 as proposed by the House and $600,000 as proposed by the Senate.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment to provide $2,500,000 for "Youth Conservation Corps, salaries and expenses".

CHAPTER VII—DEPARTMENT OF LABOR

Amendment No. 35: Changes chapter number.

Amendment No. 36: Appropriates $17,500,000 for "Manpower training activities" instead of $5,000,000 as proposed by the House and $49,230,000 as proposed by the Senate.

Department of Health, Education, and Welfare

Amendments Nos. 37 and 38: Insert headings.

Amendment No. 39: Appropriates $6,500,000 for "Mental health" instead of $43,000,000 as proposed by the Senate. The conferees did not include funds for the proposed Alcohol Abuse and Alcoholism Prevention and Rehabilitation Act of 1970. The bill has passed the Senate and was scheduled for action in the House later in the day that the conferees made this decision. The conferees are agreed that if this bill becomes law, the most serious consideration will be given to the proper level of funding in the next session of Congress.

Amendment No. 40: Strikes the appropriation of $12,000,000 for "Maternal and child health" proposed by the Senate.

Amendment No. 41: Strikes the appropriation of $5,000,000 for "National Institutes of Child Health and Human Development" proposed by the Senate.

Amendment No. 42: Appropriates $8,000,000 for "Research and training" as proposed by the Senate.

Amendment No. 43: Appropriates $1,900,000 for "Office of Child Development" as proposed by the Senate.

CHAPTER VIII—LEGISLATIVE BRANCH

Amendment No. 44: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which would make permanent, as provided for in the Resolution, the provisions of House Resolution 1238 of the 91st Congress, adopted in the House on December 22, relating to the Speaker of the House of Representatives.

Amendment No. 45: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment to appropriate a total of $3,096,032 for various Senate items, and insert provisions relating to the employment and compensation of certain Senate employees.

Amendment No. 46: Appropriates $3,750 for "Joint Economic Committee" as proposed by the Senate; $5,000 for "Joint Committee on Atomic Energy" as proposed by the Senate; and $11,700 for "Joint Committee on Printing" as proposed by the Senate instead of $9,200 as proposed by the House.

Amendment No. 47: Deletes item proposed by the Senate to appropriate $1,209,000 for "Restoration of Old Senate Chamber and Old Supreme Court Chamber in the Capitol".

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment to appropriate $189,500 for "Senate Office Buildings".

CHAPTER IX—PUBLIC WORKS

Amendment No. 49. Changes chapter number.

Amendment No. 50: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment appropriating $25,500,000 for Atomic Energy Commission, Plant and Capital Equipment. The amount provided is to initiate a program to improve fire protection, safety, and operating conditions at various installations of the Commission. The conferees agree in reference to the renovation of the plutonium recovery facility at Rocky Flats, Colorado, that upon completion of a study of various alternatives, including replacement or renovation of existing facilities, that the Atomic Energy Commission should advise the Joint Committee on Atomic Energy and the Appropriation Committees of the House and Senate of the results of the study before proceeding with the detailed design phase of planning.

Amendment No. 51: Inserts heading.

Amendment No. 52: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment appropriating $300,000 for Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil, General Investigations. The amount provided includes $200,000 for a study of the seepage problem affecting the town of Niobrara, Nebraska, and $100,000 for the development of a plan for a comprehensive study of Long Island Sound, N.Y. and Conn. The latter amount shall be available solely for the preparation, under the supervision and direction of the Water Resources Council, of the study plan for review by the Appropriations Committees of the House and Senate prior to the consideration of additional funds for actual initiation of the study.

The conferees are in agreement regarding report language inserted by the Senate under Corps of Engineers—Civil, Construction, General that, within funds available for the Libby Dam and Reservoir project, Montana, the Corps of Engineers shall proceed with the required detailed planning for a central sewage connection and treatment facility in connection with the pending relocation of the town of Rexford, Montana.

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment, with an amendment appropriating $1,000,000 for Corps of Engineers—Civil, Operation and Maintenance, General, instead of $2,000,000 as proposed by the Senate. In addition, the conferees direct that $1,000,000 be allocated from available funds to provide a total of $2,000,000 to finance 200 additional positions for the balance of the current fiscal year to implement the revised permit requirements under the Refuse Act of 1899 pertaining to industrial discharges into navigable waters and their tributaries.

Amendment No. 54: Appropriates $21,400,000 for Environmental Protection Agency, Pollution Control Operations and Research, instead of $20,400,000 as proposed by the House and $23,400,000 as proposed by the Senate. The increase over the House bill amount is for study and demonstration of methods for the elimination and control of acid and other mine water pollution in the Monongahela River Basin. The portion of the study and demonstration relating to the potential economic development in the Basin shall be carried on under the direction of the Appalachian Regional Development Commission.

CHAPTER X—DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES

Amendment No. 55: Changes chapter number.

Amendment No. 56: Appropriates $260,000 for International conferences and contingencies instead of $200,000 as proposed by the House and $300,000 as proposed by the Senate.

Amendment No. 57: Appropriates $9,428,000 for salaries and expenses, United States Attorneys and Marshals instead of $5,928,000 as proposed by the House and $12,928,000 as proposed by the Senate. The amount allowed will provide 300 additional positions for courtroom security.

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, with an amendment, which provides that of the additional funds for salaries and expenses, United States Attorneys and Marshals, $1,610,000 shall remain available until expended for acquisition and repair of security equipment, instead of $3,220,000 as proposed by the Senate.

Amendment No. 59: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing for the purchase of 500 passenger motor vehicles by the Federal Bureau of Investigation.

Amendment No. 60: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to provide an additional $489,000 for support of United States prisoners for fiscal year 1970.

Amendment No. 61: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to provide an additional $7,000,000 for salaries and expenses, Bureau of Narcotics and Dangerous Drugs.

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to provide $700,000 for research, engineering, analysis, and technical services, Office of Telecommunications, instead of $1,000,000 as proposed by the Senate.

Amendment No. 63: Inserts heading.

Amendment No. 64: Appropriates an additional $54,000 for salaries, Supreme Court, as proposed by the Senate.

Amendment No. 65: Appropriates an additional $20,000 for fiscal year 1970 and $63,000 for fiscal year 1971 for printing and binding, Supreme Court reports as proposed by the Senate.

Amendment No. 66: Appropriates an additional $25,000 for care of the building and grounds, Supreme Court of the United States as proposed by the Senate.

Amendment No. 67: Appropriates $400,000 for salaries and expenses, Commission on Bankruptcy Laws of the United States as proposed by the House instead of $600,000 as proposed by the Senate.

Amendment No. 68: Deletes the proposal of the Senate to appropriate $850,000 for salaries and expenses, Equal Employment Opportunity Commission.

Amendment No. 69: Deletes the proposal of the Senate to appropriate $143,000 for the National Commission on Fire Prevention and Control.

Amendment No. 70: Inserts heading.

Amendment No. 71: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to provide an additional $3,000,000 for salaries and expenses, Small Business Administration instead of $5,000,000 as proposed by the Senate.

Amendment No. 72: Appropriates $100,000,000 for Disaster loan fund, Small Business Administration, as proposed by the Senate.

Amendment No. 73: Appropriates $350,000 for salaries and expenses, Tariff Commission as proposed by the House instead of $450,000 as proposed by the Senate.

CHAPTER XI—DEPARTMENT OF TRANSPORTATION

Amendment No. 74: Changes chapter number.

Amendments Nos. 75 and 76: Restore language as proposed by the House providing that the appropriation for Operations, Federal Aviation Administration, is to be derived from the Airport and Airway Trust Fund.

Amendment No. 77: Appropriates $48,000,000 for Facilities and Equipment (Airport and Airway Trust Fund) instead of $36,000,000 as proposed by the House and $60,000,000 as proposed by the Senate.

Amendment No. 78: Appropriates $70,000,000 for Grants-in-Aid for Airports (Airport and Airway Trust Fund) instead of $50,000,000 as proposed by the House and $115,000,000 as proposed by the Senate.

Amendment No. 79: Provides that $10,000,000 of the appropriation for Grants-in-Aid for Airports (Airport and Airway Trust Fund) shall be available for airport planning grants as proposed by the House instead of $15,000,000 as proposed by the Senate.

Amendment No. 80: Appropriates $40,000,000 for Federal Grants to the National Railroad Passenger Corporation, Federal Railroad Administration, as proposed by the Senate.

Related agency

Amendment No. 81: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the Senate amendment appropriating $40,685,000 (together with such amounts as may be necessary to pay interest) for payment of loan guarantees, Interstate Commerce Commission.

CHAPTER XII—DEPARTMENT OF THE TREASURY

Amendment No. 82: Changes chapter number.

Amendment No. 83: Authorizes the purchase of six passenger motor vehicles for the Bureau of Customs as proposed by the Senate instead of nine as proposed by the House.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which will appropriate $5,026,000 for the Internal Revenue Service, Compliance, as proposed by the Senate instead of $750,000 as proposed by the House. The motion will also embrace the Senate language authorizing purchase of additional passenger motor vehicles, amended to delete the limitation of $800 on the purchase price per vehicle in excess of the general purchase price limitation.

Amendment No. 85: Appropriates $960,000 for salaries and expenses of the Domestic Council under the Executive Office of the President, as proposed by the Senate instead of $210,000 as proposed by the House.

CHAPTER XIII—CLAIMS AND JUDGMENTS

Amendment No. 86: Changes chapter number.

Amendments Nos. 87 and 88: Appropriate $43,130,510 for claims and judgments as proposed by the Senate instead of $41,747,738 as proposed by the House.

CHAPTER XIV—GENERAL PROVISION

Amendments Nos. 89 and 90: Change chapter and section numbers.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1971 recommended by the committee of conference, with comparisons to the 1971 budget estimate total, and the House and Senate bills follows:

Budget estimates of new (obligational) authority, fiscal year 1971	$1,928,985,264
House bill, fiscal year 1971	1,525,365,538
Senate bill, fiscal year 1971	2,089,107,792
Conference agreement	[1] 1,853,372,792
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 1971	−75,612,472
House bill, fiscal year 1971	+328,007,254
Senate bill, fiscal year 1971	−235,735,000

[1] Includes amounts in amendments reported in technical disagreement. Also includes $250,000 in amendment No. 15 reported in disagreement.

George Mahon,
John J. Rooney,
Otto E. Passman,
Joe L. Evins,
Edward P. Boland,
William H. Natcher,
Daniel J. Flood,
Tom Steed,
Julia Butler Hansen,
Frank T. Bow,
Charles R. Jonas,
John J. Rhodes,
Robert H. Michel,
Glenn R. Davis,
Managers on the Part of the House.

Mr. MAHON. Mr. Speaker, I call up the conference report on the bill (H.R. 19928) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

Mr. MAHON (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement of the managers on the part of the House.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. SCHMITZ. Mr. Speaker, reserving the right to object, can the chairman tell me if this conference report contains an appropriation for the authorization of S. 2108.

Mr. MAHON. What is that reference, may I ask the gentleman?

Mr. SCHMITZ. That is referring to the Bureau of Population Control.

Mr. MAHON. Is the gentleman talking about family planning?

Mr. SCHMITZ. Yes.

Mr. MAHON. The funds for family planning which was included in the Senate version of the bill were stricken from the bill in conference.

We took the position that Congress had provided adequate funds for this purpose for the current fiscal year. The funds were not in the House version of the bill.

Mr. SCHMITZ. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, this supplemental bill is the final appropriation bill of the session.

The bill has been in conference with the other body for several days. The legislative authorization for certain funds in this bill has cleared the Senate and House today, enabling us to reach an agreement with the Senate conferees on all of the items in disagreement in this supplemental bill.

The conference bill contains a total of $1,853,372,792. This is $75,612,472 below the budget requests.

It is $328,007,254 above the bill as it passed the House.

And it is $235,735,000 below the Senate figure.

I think it might be appropriate to point out some of the major items in the bill.

Mr. JONAS. Mr. Speaker, would the gentleman yield before he leaves that point?

Mr. MAHON. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Speaker, the gentleman mentioned how much more this conference report is above the House-passed bill. I think that point should be noted, and it should be pointed out $235 million in this bill went to the Senate in budget request that we did not even consider.

Mr. MAHON. This is right. I thank the gentleman.

Mr. JONAS. That is one reason why the conference report is so much higher than the House-passed bill.

Mr. MAHON. It is the main reason.

One of the major items added in the Senate upon submission of a budget estimate by the President was $100 million for the disaster loan fund under the Small Business Administration. This is a very necessary and important item in this bill.

Another one of the items in the bill of some special interest to Members is the $48 million included in the bill for airway safety equipment.

There is $43 million in the bill to pay claims and judgments.

From the standpoint of law enforcement, $7 million is in the bill for the Bureau of Narcotics and Dangerous Drugs, providing for additional agents and beefing up their operations otherwise.

We provide in this bill $14 million for additional agents for the Federal Bureau of Investigation. In other words, law enforcement assistance.

Unemployment compensation, $66 million.

There was considerable controversy over housing research in the regular independent offices-HUD bill. We provided in that bill, I believe, $25 million. We provide an additional $15 million for housing research to try to make breakthroughs for a better housing program at a lesser cost to the purchaser.

The law requires that we make appropriations for the civil service retirement fund. We met the requirement of the law by providing in this bill $158 million for civil service retirement.

Those are some of the major items.

The bill provides $255 million for aid to Cambodia.

The largest item in the bill is $500 million for military credit sales to Israel—an item which was of course also in the House bill.

Then there is provided military assistance in the sum of $340 million. These very large sums are not foreign aid in the normal meaning of the term. This is military assistance.

Mr. Speaker, I shall be glad to yield for questions. I will insert a table of the exact amounts, item by item. The statement of the managers of course explains what the conference agreement is on each Senate amendment.

Mr. WIGGINS. Mr. Speaker, will the gentleman yield for a question?

Mr. MAHON. I yield to the gentleman from California.

Mr. WIGGINS. Mr. Speaker, one of the minor items in the conference report is the funding of the bankruptcy commission created by Congress this year. To refresh the chairman's recollection, the House figure was $400,000 and the Senate figure was $600,000. It is my understanding that the Senate receded and the conferees came back with the House figure.

Mr. MAHON. That is correct, and I would ask the gentleman from New York (Mr. Rooney), who worked more closely on that item, to respond to the gentleman.

Mr. ROONEY of New York. In the conference we pointed out that we took testimony indicating that they intended to have seminars at colleges and universities, with the taxpayers' money, to teach bankrupts that they should not become bankrupts again.

On bankruptcies arising from installment buying, they get after this man who does not make the payments on the piano and then someone says, "Why do you not go bankrupt? It will cost you so much. I know a fellow who will do it for so much," and you will see the fellow collecting for the piano again. With this type of bankruptcy I do not see any reason to send them to colleges and universities.

Mr. WIGGINS. I might say that I totally agree with the gentleman.

Mr. ROONEY of New York. I knew the distinguished gentleman would. Let me state to the distinguished gentleman that I talked with the distinguished chairman of the full Committee on the Judiciary, the gentleman from New York (Mr. Celler), and with the ranking gentleman on that committee, the gentleman from Colorado (Mr. Rogers) and I do not think there is any problem.

Mr. WIGGINS. I merely wish to clarify the intention of the conferees in approving this $400,000 sum. It is my understanding that it is the intention to fund the activities of the bankruptcy division for the remainder of the fiscal year only and the $400,000 is appropriated for that purpose. During the remaining life of the Commission it would be proper for them to seek the balance of their authorization and, of course, your committee would give appropriate consideration to that request; is that true?

Mr. ROONEY of New York. No; that is not correct, because this $400,000 is to cover the entire period.

Mr. WIGGINS. That is the 2-year period.

Mr. ROONEY of New York. Which is the life of the Commission.

Mr. WIGGINS. That is correct.

Mr. ROONEY of New York. I will say to the distinguished gentleman that we could rent a nice suite of rooms on the Boardwalk in Atlantic City and send them down there, the retired head of the Bankruptcy Commission and the President of the Bankruptcy Commission, and let them spend a couple of weeks there and they could come up with a pretty good new bankruptcy law.

Mr. WIGGINS. I will not quarrel at this point with the gentleman's conclusion, but suffice it to say I believe the gentleman is wrong. As this Commission progresses with its work and as it develops, it should utilize the funds appropriated for it, and if the need develops, they will at least receive sympathetic consideration of their view for an additional appropriation?

Mr. ROONEY of New York. We always view everything with sympathetic consideration, but we do take testimony and when we learn that something is wrong about an item, we try to save some money for the taxpayers.

Mr. WIGGINS. I totally agree with the gentleman. I think we have made our point. However, with respect to testimony in the future I would like for the gentleman's subcommittee to help toward an understanding of this matter.

Mr. ROONEY of New York. We shall be glad to receive the gentleman's views and recommendations.

Mr. CLARK. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. CLARK. Would the gentleman from Texas please explain amendment No. 22 which appears on page 10 as to what the conferees have done in this regard?

Mr. MAHON. Amendment 22, I would say to the House, has to do with Appalachia. It provides $8.5 million for air port development in Appalachia.

Now, the amendment as written in the other body provided that these funds would be available for the payment of the total cost of airport development in Appalachia—100 percent. The House conferees took the position that we were willing to provide necessary additional funds for airports in Appalachia, recognizing the special difficulties that arise there and taking into consideration the very serious accident which recently took place in West Virginia.

The House conferees took this into consideration and agreed to provide for the Appalachia area the sum of $8.5 million, but the House conferees did not agree to change the formula as the Senate had proposed. We felt that the appropriate legislative committees should first judge if a change in the formula for airport assistance to communities was appropriate; that it should be considered in the regular legislative process, not in an appropriation bill. So we did not agree to the language in the amendment which would have given this special preference.

Already in Appalachia the Federal Government can provide up to 80 percent of the cost of an airport, generally speaking, whereas outside of Appalachia the Federal Government provides 50 percent.

Mr. CLARK. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Pennsylvania.

Mr. CLARK. Then this language is deleted which starts "Provided, such funds shall only be available"?

Mr. MAHON. The gentleman is correct.

Mr. CLARK. Mr. Speaker, as a member of the Committee on Public Works I am 100 percent in agreement with the action taken by the House conferees.

Mr. MAHON. Mr. Speaker, I thank the gentleman for his statement, and we anticipate approval of the action taken by the House conferees.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, I thank the gentleman for yielding.

As the gentleman from Texas has so well described, there is a very serious problem with airports built in mountainous terrain. It costs far more money for site preparation when you have to move mountains or shave off the tops of mountains. We have the double handicap in Appalachia that it is impossible in many instances to raise sufficient matching funds, even with the extra supplementary grants allowed under Appalachian Regional Act legislation. It seems to me that every passenger on an airline, no matter what State he comes from, should be provided with protection for his safety. I would certainly hope that the Congress will come to grips with this crisis in air safety, and both authorize and appropriate sufficient funds so that every passenger, no matter what State he comes from, will be protected at whatever airport he flies into.

The November 14 air tragedy in my hometown of Huntington, W. Va., resulted in the loss of 75 lives, and these 75 came from 12 different States. When the other body passed the provision allowing use of 100 percent Federal funds, it furnished the hope that we might start quickly to improve safety features of Tri-State Airport by installing a glide slope for the instrument landing system and lengthening the runway to 6,500 feet. I think it is very unfortunate that the language of the other body was not accepted for that reason. I appreciate very much, as the gentleman has described, the fact that there is $8.5 million available, however, which will enable us to go forward on some safety improvements.

Mr. MAHON. I would say that there are communities in Appalachia and all over the United States that are in financial difficulty, and they are communities which are interested in air transportation. We have some laws which are very helpful in connection with these programs, and it was felt that any additional law providing further special assistance in Appalachia and elsewhere should be considered by the appropriate legislative committees. So we struck the proposed preferential language from the bill.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Speaker, do I understand the distinguished gentleman correctly that you have put into this supplemental $8.5 million for airport support in Appalachia?

Mr. MAHON. That is correct.

Mr. HARSHA. But you did not pinpoint this to any patricular airport?

Mr. MAHON. No; it is not pinpointed for any particular State, town, or area in Appalachia. It is within the jurisdiction of the appropriate authorities to provide these funds, but the money is to be used for airports.

Mr. ROONEY of New York. Mr. Speaker, if the gentleman will yield further, I think this whole matter came about and was brought to the attention of the distinguished junior Senator from West Virginia as a result of the tragic loss of life at Huntington, W. Va.

Mr. HARSHA. I am aware of that.

Mr. ROONEY of New York. And in the conference the Senator contended that that was one of the principal bases for requesting the approval of this money.

Mr. HARSHA. I understand that, and I thank the gentleman. I am fully aware of that, because my district abuts the area in which this tragic accident occurred, and of course my district is in Appalachia, and we are very concerned with this airport.

Now, also we have before the Committee on Public Works the jurisdiction over this Appalachia program and, as I understand it, under the law you cannot participate above 80 percent, that is, for Federal participation. Do I further understand that there is no exception to that particular feature with possible 100 percent Federal participation in this particular matter?

Mr. MAHON. The gentleman is correct, because we did not want to go beyond the limits of the present law, which limits the Federal participation at 80 percent in Appalachia, and 50 percent elsewhere.

Mr. HARSHA. I thank the gentleman.

I would further point out that, as a member of the committee that deals with Appalachia, and as a Member of Congress whose district abuts the airport, many of the people in my district do not want to use that airport, and are vitally concerned with it. I would still feel that the distinguished chairman of the Committee on Appropriations is eminently correct, that we should not here try to change the law and make the participation 100 percent when the basic law limits this to 80 percent, and I would concur with the distinguished gentleman's judgment on that.

Mr. MAHON. I thank the gentleman.

I would point out that all of the $8.5 million, according to the conference agreement, is for airport development.

Mr. Speaker, I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I was simply going to comment—I wonder what Appalachia wants—bodies as well as blood? West Virginia is already getting 80 percent in grants for airport construction, which is far better than most of the rest of the country. In this case it tried to get 100 percent financing of an airport.

Mr. MAHON. The action of the conference would not change the basic law nor would it provide 100 percent.

Mr. GROSS. No; the conference would not and I commend the conference for at least holding the line at 80 percent. My question is whether it ought to be even 80 percent.

Mr. MAHON. Under leave granted, Mr. Speaker, I include an item-by-item comparative tabulation of the amounts in the conference bill and agreement:

SUMMARY STATEMENT OF CONFERENCE ACTION—SUPPLEMENTAL APPROPRIATIONS BILL, 1971 (H.R. 19928)

H. Doc. No.	Department or activity	Budget estimate	House bill	Senate bill	Conference action	Conference action compared with—		
						Budget estimate	House bill	Senate bill
	CHAPTER I							
	DEPARTMENT OF AGRICULTURE							
	AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE							
	Indemnity payments to dairy farmers		$300, 000	$300, 000	$300, 000	+$300, 000		
	Total, chapter 1, new budget (obligational) authority		300, 000	300, 000	300, 000	+300, 000		
	CHAPTER II							
	DEPARTMENT OF DEFENSE							
91-241	Research, development, test, and evaluation, Navy	($10, 000, 000)		10, 000, 000	3, 000, 000	+3, 000, 000	+$3, 000, 000	−$7, 000, 000
	Total, chapter II, new budget (obligational) authority	(10, 000, 000)		10, 000, 000	3, 000, 000	+3, 000, 000	+3, 000, 000	−7, 000, 000
	CHAPTER III							
	DISTRICT OF COLUMBIA							
	Federal Funds							
91-406	Federal payment to the District of Columbia	17, 571, 000	11, 794, 000	11, 794, 000	11, 794, 000	−5, 777, 0000		
91-406	Loans to the District of Columbia for a capital outlay	34, 178, 000		34, 178, 000		−34, 178, 000		−34, 718, 000
	Total, Federal funds	51, 749, 000	11, 794, 000	45, 972, 000	11, 794, 000	−39, 955, 000		+34, 178, 000
	District of Columbia Funds							
91-406	General operating expenses	(895, 000)	(776, 000)	(776, 000)	(776, 000)	(−119, 000)		
91-406	Public safety:							
	1971	(12, 938, 000)	(12, 902, 000)	(12, 902, 000)	(12, 902, 000)	(−36, 000)		
	1970	(9, 861, 000)	(9, 801, 000)	(9, 861, 000)	(9, 861, 000)			
91-406	Education:							
	1971	(15, 370, 000)	(10, 425, 000)	(10, 425, 000)	(10, 425, 000)	(−4, 945, 000)		
	1970	(9, 772, 000)	(9, 772, 000)	(9, 772, 000)	(9, 772, 000)			
91-406	Highways and traffic	(89, 000)	(56, 000)	(56, 000)	(56, 000)	(−33, 000)		
91-406	Sanitary engineering	(540, 000)	(503, 000)	(503, 000)	(503, 000)	(−37, 000)		
91-406	Settlement of claims and suits	(7, 225)	(7, 225)	(7, 225)	(7, 225)			
91-406	Capital outlay	(46, 655, 000)	(10, 612, 000)	(44, 790, 000)	(10, 612, 000)	(−36, 043, 000)		(−34, 178, 000)
	Total, District of Columbia funds	(96, 127, 225)	(54, 914, 225)	(89, 092, 225)	(54, 914, 225)	(−41, 213, 000)		(−34, 178, 000)
	RELATED AGENCY							
	Commission on the Organization of the Government of the District of Columbia							
91-404	Salaries and expenses	325, 000	325, 000	325, 000	325, 000			
	Total, chapter III, new budget (obligational) authority (Federal funds)	52, 074, 000	12, 119, 000	46, 297, 000	12, 119, 000	−39, 955, 000		−34, 178, 000
	CHAPTER IV							
	FOREIGN OPERATIONS							
	Funds Appropriated to the President							
	Foreign Assistance							
91-418	Military credit sales to Israel	500, 000, 000	500, 000, 000	500, 000, 000	500, 000, 000			
91-418	Military assistance	340, 000, 000	340, 000, 000	340, 000, 000	340, 000, 000			
	Economic Assistance							
91-418	Supporting assistance	195, 000, 000	150, 000, 000	195, 000, 000	155, 000, 000	−40, 000, 000	+5, 000, 000	−40, 000, 000
	Contingency fund			15, 000, 000	7, 500, 000	+7, 500, 000	+7, 500, 000	−7, 500, 000
	Total, foreign assistance	1, 035, 000, 000	990, 000, 000	1, 050, 000, 000	1, 002, 500, 000	−32, 500, 000	+12, 500, 000	−47, 500, 000
	Export-Import Bank of the United States							
S. Doc. 91-114	Limitation on administrative expenses	(8, 000)		(8, 000)	(8, 000)		(+8, 000)	
	Total, chapter IV:							
	New budget (obligational) authority	1, 035, 000, 000	990, 000, 000	1, 050, 000, 000	[1] 1, 002, 500, 000	−32, 500, 000	+12, 500, 000	−47, 500, 000
	Limitation	(8, 000)		(8, 000)	(8, 000)		(+8, 000)	
	CHAPTER V							
	INDEPENDENT OFFICES							
	Civil Service Commission							
91-404	Salaries and expenses	Language	Language	Language	Language			
91-382	(By transfer)	(685, 000)	(485, 000)	(485, 000)	(485, 000)	(−200, 000)		
91-382	Payment to Civil Service retirement and disability fund	157, 816, 600	157, 816, 600	157, 816, 600	157, 816, 600			
	Federal Trade Commission							
91-382	Salaries and expenses	500, 000	250, 000	500, 000	250, 000	−250, 000		−250, 000
	General Services Administration							
S. Doc.	Operating expenses, public buildings service	11, 350, 000		11, 350, 000	8, 000, 000	−3, 350, 000	+8, 000, 000	−3, 350, 000
91-382	Automatic data processing fund	20, 000, 000	20, 000, 000	20, 000, 000	20, 000, 000			
91-382	Additional court facilities	34, 150, 000	14, 150, 000	34, 150, 000	19, 150, 000	−15, 000, 000	+5, 000, 000	−15, 000, 000
91-382	Sites and expenses, public buildings projects	2, 452, 000		2, 452, 000	2, 452, 000		+2, 452, 000	

Footnotes at end of table.

H. Doc. No.	Department or activity	Budget estimate	House bill	Senate bill	Conference action	Conference action compared with—		
						Budget estimate	House bill	Senate bill
S. Doc. 91-114	Salaries and expenses, Office of the Administrator	$205,000		$205,000		−$205,000		−$205,000
	Total, General Services Administration	68,157,000	$34,150,000	68,157,000	$49,602,000	−18,555,000	+$15,452,000	−18,555,000
	Total, Independent Offices:							
	New budget (obligational) authority	226,473,600	192,216,600	226,473,600	207,668,600	−18,805,000	+15,452,000	−18,805,000
	By transfer	(685,000)	(485,000)	(485,000)	(485,000)	(−200,000)		
	EXECUTIVE OFFICE OF THE PRESIDENT							
	Council on Environmental Quality and Office of Environmental Quality							
S. Doc. 91-114	Salaries and expenses	500,000		500,000	500,000		+500,000	
	Funds Appropriated to the President							
	Appalachian regional development program			8,500,000	8,500,000	+8,500,000	+8,500,000	
	DEPARTMENT OF DEFENSE							
	Office of Civil Defense							
91-404	Construction of facilities, civil defense	496,000	496,000	496,000	496,000			
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
	Urban research and technology		5,000,000	25,000,000	15,000,000	+15,000,000	+10,000,000	−10,000,000
	Total, chapter V:							
	New budget (obligational) authority	227,469,600	197,712,600	260,969,600	232,164,600	+4,695,000	+34,452,000	−28,805,000
	By transfer	(685,000)	(485,000)	(485,000)	(485,000)	(−200,000)		
	CHAPTER VI							
	DEPARTMENT OF THE INTERIOR							
	Bureau of Land Management							
91-382 91-404	Management of lands and resources	1,050,000	500,000	1,050,000	500,000	−550,000		−550,000
	Bureau of Indian Affairs							
91-404	Education and welfare services	17,000,000	16,925,000	16,925,000	16,925,000	−75,000		
	Resources management			50,000	50,000	+50,000	+50,000	
S. Doc. 91-114	Payment to the Ute Tribe of the Uintah and Ouray Reservation	3,561,700		3,561,700	3,561,700		+3,561,700	
	Total, Bureau of Indian Affairs	20,561,700	16,925,000	20,536,700	20,536,700	−25,000	+3,611,700	
	Bureau of Mines							
91-382	Health and safety	1,400,000	1,400,000	1,400,000	1,400,000			
91-382	Helium fund (borrowing authority)	56,100,000	50,000,000	56,100,000	50,000,000	−6,100,000		−6,100,000
	Total, Bureau of Mines	57,500,000	51,400,000	57,500,000	51,400,000	−6,100,000		−6,100,000
	Bureau of Sport Fisheries and Wildlife							
91-382	Construction	161,000	161,000	161,000	161,000			
	National Park Service							
91-382	Management and protection	2,585,000	2,125,000	1,855,000	2,155,000	−430,000	+30,000	+300,000
91-382	Construction	2,420,000	2,420,000	2,420,000	2,420,000			
	Total, National Park Service	5,005,000	4,545,000	4,275,000	4,575,000	−430,000	+30,000	+300,000
	Total, Department of the Interior	84,277,700	73,531,000	83,522,700	77,172,700	−7,105,000	+3,641,700	−6,350,000
	RELATED AGENCIES							
	DEPARTMENT OF AGRICULTURE							
	Forest Service							
	Forest protection and utilization:							
	Forest land management			300,000	150,000	+150,000	+150,000	−150,000
	Research			108,000	108,000	+108,000	+108,000	
	Construction			198,000	198,000	+198,000	+198,000	
	Total Forest Service			606,000	456,000	+456,000	+456,000	−150,000
	Smithsonian Institution							
S. Doc. 91-114	Restoration and renovation of buildings	775,000		775,000	775,000		+775,000	
	EXECUTIVE OFFICE OF THE PRESIDENT							
	National Council on Marine Resources and Engineering Development							
91-382	Salaries and expenses	600,000	250,000	600,000	400,000	−200,000	+150,000	−200,000
	Youth Conservation Corps							
	Salaries and expenses			2,500,000	2,500,000	+2,500,000	+2,500,000	
	Total, related agencies	1,375,000	250,000	4,481,000	4,131,000	+2,756,000	+3,881,000	−350,000
	Total, chapter VI, new budget (obligational) authority	85,652,700	73,781,000	88,003,700	81,303,700	−4,349,000	+7,522,700	−6,700,000

Footnotes at end of table.

SUMMARY STATEMENT OF CONFERENCE ACTION—SUPPLEMENTAL APPROPRIATIONS BILL, 1971 (H.R. 19928)—Continued

H. Doc. No.	Department or activity	Budget estimate	House bill	Senate bill	Conference action	Conference action compared with— Budget estimate	Conference action compared with— House bill	Conference action compared with— Senate bill
	CHAPTER VII							
	DEPARTMENT OF LABOR							
	Manpower Administration							
91-404	Manpower training activities	$5,000,000	$5,000,000	$49,230,000	$17,500,000	+$12,500,000	+$12,500,000	−$31,730,000
91-404	Unemployment compensation for Federal employees and ex-servicemen and trade adjustment activities	67,050,000	66,650,000	66,650,000	66,650,000	−400,000		
91-404	Limitation on grants to States for unemployment compensation and employment service administration (trust fund)	(25,500,000)	(25,500,000)	(25,500,000)	(25,500,000)			
91-404	Limitation on unemployment insurance service, salaries and expenses (trust fund)	(1,100,000)	(1,000,000)	(1,000,000)	(1,000,000)	(−100,000)		
	Wage and Labor Standards Administration							
91-404	Wage and labor standards, salaries and expenses	250,000	250,000	250,000	250,000			
	Bureau of Labor Statistics							
91-404	Salaries and expenses	500,000	500,000	500,000	500,000			
	Total, Department of Labor	72,800,000	27,400,000	116,630,000	84,900,000	+12,100,000	+12,500,000	−31,730,000
	Limitations (trust fund)	(26,600,000)	(26,500,000)	(26,500,000)	(26,500,000)	(−100,000)		
	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE							
	Health Services and Mental Health Administration							
	Mental health			43,000,000	6,500,000	+6,500,000	+6,500,000	−36,500,000
	Maternal and child health			12,000,000				−12,000,000
	Total, Health Services and Mental Health Administration			55,000,000	6,500,000	+6,500,000	+6,500,000	−48,500,000
	National Institutes of Health							
	National Institute of Child Health and Human Development			5,000,000				−5,000,000
	Office of Education							
	Research and training			8,000,000	8,000,000	+8,000,000	+8,000,000	
	Departmental Management							
S. Doc. 91-114	Office of Child Development	1,900,000		1,900,000	1,900,000		+1,900,000	
	Total, Department of Health, Education and Welfare	1,900,000		69,900,000	16,400,000	+14,500,000	+16,400,000	−53,500,000
	RELATED AGENCIES							
91-382	Cabinet Committee on Opportunities for Spanish-Speaking People: Salaries and expenses	50,000	50,000	50,000	50,000			
91-404	Commission on Railroad Retirement: Salaries and expenses	300,000	300,000	300,000	300,000			
91-404	Railroad Retirement Board: Limitation on salaries and expenses (trust fund)	(1,200,000)	(1,200,000)	(1,200,000)	(1,200,000)			
	Total, related agencies	350,000	350,000	350,000	350,000			
	Limitation (trust fund)	(1,200,000)	(1,200,000)	(1,200,000)	(1,200,000)			
	Total, chapter VII:							
	New budget (obligational) authority	[2] 75,050,000	72,750,000	186,880,000	101,650,000	+26,600,000	+28,900,000	−85,230,000
	Limitations (trust fund)	(27,800,000)	(27,700,000)	(27,700,000)	(27,700,000)	(−100,000)		
	CHAPTER VIII							
	LEGISLATIVE BRANCH							
	Salaries, Officers and Employees							
S. Doc. 91-114	Salaries, officers and employees	871,624		878,352	878,352	+6,728	+878,352	
	Contingent Expenses of the Senate							
S. Doc. 91-114	Senate Policy Committees	5,000		5,000	5,000		+5,000	
S. Doc. 91-114	Inquiries and investigations	2,185,020		2,185,020	2,185,020		+2,185,020	
S. Doc. 91-114	Miscellaneous items	27,510		27,510	27,510		+27,510	
S. Doc. 91-114	Stationery (revolving fund)	150		150	150		+150	
	Total, Senate	3,089,304		3,096,032	3,096,032	+6,628	+3,096,032	
	House of Representatives							
	Gratuities to widows of deceased Members		85,000	85,000	85,000	+85,000		
	Salaries, Officers and Employees							
91-420	Committee employees	625,000	550,000	550,000	550,000	−75,000		
91-420	Office of the Legislative Counsel	45,000	45,000	45,000	45,000			
	Contingent Expenses of the House							
91-420	Miscellaneous items	680,000	500,000	500,000	500,000	−180,000		
	Total, House of Representatives	1,350,000	1,180,000	1,180,000	1,180,000	−170,000		
	Joint Items Contingent Expenses of the Senate							
S. Doc. 91-114	Joint Economic Committee	3,750		3,750	3,750		+3,750	
S. Doc. 91-114	Joint Committee on Atomic Energy	5,000		5,000	5,000		+5,000	
S. Doc. 91-114	Joint Committee on Printing	2,500	9,200	11,700	11,700	+9,200	+2,500	
	Total, joint items	11,250	9,200	20,450	20,450	+9,200	+11,250	

Footnotes at end of table.

H. Doc. No.	Department or activity	Budget estimate	House bill	Senate bill	Conference action	Conference action compared with—		
						Budget estimate	House bill	Senate bill
	Architect of the Capitol							
	Capitol Buildings and Grounds							
	Capitol buildings		$30, 000	$30, 000	$30, 000	+$30, 000		
S. Doc. 91-114	Restoration of old Senate Chamber and old Supreme Court Chamber in the Capitol.	$1, 209, 000		1, 209, 000		−1, 209, 000		−$1, 209, 000
S. Doc. 91-114	Senate office buildings	189, 500		189, 500	189, 500		+$189, 500	
91-404	Acquisition of property, construction and equipment, additional House office building (liquidation of contract authorization).	(1, 250, 000)				(−1, 250, 000)		
91-404	John W. McCormack Residential Page School	50, 000	50, 000	50, 000	50, 000			
	Total, Architect of the Capitol	1, 448, 500	80, 000	1, 478, 500	269, 500	−1, 179, 000	+189, 500	−1, 209, 000
	Appropriation to liquidate contract authorization	(1, 250, 000)				(−1, 250, 000)		
	Government Printing Office							
	Office of the Superintendent of Documents							
91-420	Salaries and expenses	265, 000	265, 000	265, 000	265, 000			
	Cost-Accounting Standards Board							
91-382	Salaries and expenses	1, 100, 000	820, 000	820, 000	820, 000	−280, 000		
	Total, chapter VIII, new budget (obligational) authority	7, 264, 054	2, 354, 200	6, 859, 982	5, 650, 982	−1, 613, 072	+3, 296, 782	−1, 209, 000
	Appropriation to liquidate contract authorization	(1, 250, 000)				(−1, 250, 000)		
	CHAPTER IX							
	PUBLIC WORKS							
	Atomic Energy Commission							
91-382	Plant and capital equipment	25, 500, 000	(³)	25, 500, 000	25, 500, 000		+25, 500, 000	
	DEPARTMENT OF DEFENSE—CIVIL							
	Department of the Army							
	Corps of Engineers—Civil							
	General investigations			300, 000	300, 000	+300, 000	+300, 000	
	Operation and maintenance, general			2, 000, 000	1, 000, 000	+1, 000, 000	+1, 000, 000	−1, 000, 000
	Total, Corps of Engineers—Civil			2, 300, 000	1, 300, 000	+1, 300, 000	+1, 300, 000	−1, 000, 000
	INDEPENDENT OFFICES							
	Environmental Protection Agency							
91-382	Pollution control operations and research	20, 400, 000	20, 400, 000	23, 400, 000	21, 400, 000	+1, 000, 000	+1, 000, 000	−2, 000, 000
	Total, chapter IX, new budget (obligational) authority	45, 900, 000	20, 400, 000	51, 200, 000	48, 200, 000	+2, 300, 000	+27, 800, 000	−3, 000, 000
	CHAPTER X							
	DEPARTMENT OF STATE							
	Administration of Foreign Affairs							
91-382	Payment to Foreign Service retirement and disability fund	2, 000, 000	2, 000, 000	2, 000, 000	2, 000, 000			
	International Organizations and Conferences							
S. Doc. 91-114	International conferences and contingencies	318, 000	200, 000	300, 000	280, 000	−38, 000	+80, 000	−20, 000
91-382	Special contribution to the United Nations	20, 000, 000				−20, 000, 000		
	Total, International conferences and contingencies	20, 318, 000	200, 000	300, 000	280, 000	−20, 038, 000	+80, 000	−20, 000
	Total, Department of State	22, 318, 000	2, 200, 000	2, 300, 000	2, 280, 000	−20, 038, 000	+80, 000	−20, 000
	DEPARTMENT OF JUSTICE							
	Legal Activities and General Administration							
91-382 and S. Doc. 91-114	Salaries and expenses, U.S. attorneys and marshals	14, 057, 000	5, 928, 000	12, 928, 000	9, 428, 000	−4, 629, 000	+3, 500, 000	−3, 500, 000
	Federal Bureau of Investigation							
91-389	Salaries and expenses	14, 150, 000	14, 150, 000	14, 150, 000	14, 150, 000			
	Federal Prison System							
S. Doc. 91-114	Support of U.S. prisoners: Fiscal year 1970	(489, 000)		(489, 000)	(489, 000)		(+489, 000)	
	Bureau of Narcotics and Dangerous Drugs							
S. Doc. 91-114	Salaries and expenses	7, 609, 000		7, 000, 000	7, 000, 000	−609, 000	+7, 000, 000	
	Federal Prison Industries, Incorporated							
91-382	Limitation on administrative and vocational training expenses, Federal Prison Industries, Incorporated	(75, 000)	(75, 000)	(75, 000)	(75, 000)			
	Total, Department of Justice	35, 816, 000	20, 078, 000	34, 078, 000	30, 578, 000	−5, 238, 000	+10, 500, 000	−3, 500, 000
	Fiscal year 1970 (by transfer)	(489, 000)		(489, 000)	(489, 000)		(+489, 000)	
	Limitation	(75, 000)	(75, 000)	(75, 000)	(75, 000)			

Footnotes at end of table.

SUMMARY STATEMENT OF CONFERENCE ACTION—SUPPLEMENTAL APPROPRIATIONS BILL, 1971 (H.R. 19928)—Continued

						Conference action compared with—		
H. Doc. No.	Department or activity	Budget estimate	House bill	Senate bill	Conference action	Budget estimate	House bill	Senate bil
	DEPARTMENT OF COMMERCE							
	Office of Telecommunications							
S. Doc. 91-114	Research, engineering, analysis, and technical services	$1,000,000		$1,000,000	$700,000	−$300,000	+$700,000	−$300,000
	Maritime Administration							
91-404	State marine schools (liquidation of contract authorization)	(105,000)	($105,000)	(105,000)	(105,000)			
	Total, Department of Commerce	1,000,000		1,000,000	700,000	−300,000	+700,000	−300,000
	Liquidation of contract authorization	(105,000)	(105,000)	(105,000)	(105,000)			
	THE JUDICIARY							
	Supreme Court of the United States							
S. Doc. 91-114	Salaries	54,000		54,000	54,000		+54,000	
S. Doc. 91-114	Printing and binding Supreme Court reports:							
	Fiscal year 1970	20,000		20,000	20,000		+20,000	
	Fiscal year 1971	63,000		63,000	63,000		+63,000	
S. Doc. 91-114	Care of the buildings and grounds	25,000		25,000	25,000		+25,000	
	Total, Supreme Court of the United States:							
	Fiscal year 1970	20,000		20,000	20,000		+20,000	
	Fiscal year 1971	142,000		142,000	142,000		+142,000	
	Total	162,000		162,000	162,000		+162,000	
	Court of Claims							
91-382	Salaries and expenses	12,000				−12,000		
	Courts of Appeals, District Courts, and Other Judicial Services							
91-382	Salaries of judges	1,910,000	1,400,000	1,400,000	1,400,000	−510,000		
91-382	Salaries of supporting personnel	2,700,000	1,900,000	1,900,000	1,900,000	−800,000		
91-420	Fees and expenses of court-appointed counsel	6,700,000	5,700,000	5,700,000	5,700,000	−1,000,000		
91-382	Fees of jurors	1,400,000	1,000,000	1,000,000	1,000,000	−400,000		
91-382	Travel and miscellaneous expenses	1,560,000	1,360,000	1,300,000	1,360,000	−200,000		
91-382 and 91-420	Administrative Office of the U.S. Courts	202,400	70,000	70,000	70,000	−132,400		
	Total, Courts of Appeals, district courts, and other judicial services	14,472,400	11,430,000	11,430,000	11,430,000	−3,042,400		
	Commission on Bankruptcy Laws of the United States							
91-420	Salaries and expenses	600,000	400,000	600,000	400,000	−200,000		−200,000
	Total, the Judiciary:							
	Fiscal year 1970	20,000		20,000	20,000		+20,000	
	Fiscal year 1971	15,226,400	11,830,000	12,172,000	11,972,000	−3,254,400	+142,000	−200,000
	Total	15,246,400	11,830,000	12,192,000	11,992,000	−3,254,400	+162,000	−200,000
	RELATED AGENCIES							
	Equal Employment Opportunity Commission							
S. Doc. 91-114	Salaries and expenses	850,000		850,000		−850,000		−850,000
	Foreign Claims Settlement Commission							
91-382	Payment of Vietnam and U.S.S. "Pueblo" prisoner of war claims	265,000	265,000	265,000	265,000			
	National Commission on Fire Prevention and Control							
91-404	Expenses	500,000		143,000		−500,000		−143,000
	Small Business Administration							
S. Doc. 91-114	Salaries and expenses (by transfer)	(5,000,000)		(5,000,000)	(3,000,000)	(−2,000,000)	(+3,000,000)	(−2,000,000)
S. Doc. 91-114	Disaster loan fund	10,000,000		100,000,000	100,000,000		+100,000,000	
	Tariff Commission							
91-382	Salaries and expenses	450,000	350,000	450,000	350,000	−100,000		−100,000
	Total, related agencies	102,065,000	615,000	101,708,000	100,615,000	−1,450,000	+100,000,000	−1,093,000
	By transfer	(5,000,000)		(5,000,000)	(3,000,000)	(−2,000,000)	(+3,000,000)	
	Total, chapter X, new budget (obligational) authority:							
	Fiscal year 1970	20,000		20,000	20,000		+20,000	
	Fiscal year 1971	176,425,400	34,723,000	151,258,000	146,145,000	−30,280,400	+111,422,000	−5,113,000
	Total	176,445,400	34,723,000	151,278,000	146,165,000	−30,280,400	+111,442,000	−5,113,000
	By transfer:							
	Fiscal year 1970	(489,000)		(489,000)	(489,000)		(+489,000)	
	Fiscal year 1971	(5,000,000)		(5,000,000)	(3,000,000)	(−2,000,000)	(+3,000,000)	(−2,000,000)
	Total	(5,489,000)		(5,489,000)	(3,489,000)	(−2,000,000)	(+3,489,000)	(−2,000,000)
	Appropriation to liquidate contract authorization	(105,000)	(105,000)	(105,000)	(105,000)			
	Limitation	(75,000)	(75,000)	(75,000)	(75,000)			

Footnotes at end of table.

H. Doc. No.	Department or activity	Budget estimate	House bill	Senate bill	Conference action	Conference action compared with—		
						Budget estimate	House bill	Senate bill
	CHAPTER XI							
	DEPARTMENT OF TRANSPORTATION							
	Federal Aviation Administration							
91-408	Operations (airport and airway trust fund)	$8,963,000	$6,000,000		$6,000,000	−$2,963,000		+ $6,000,000
	Operations			$6,000,000				−6,000,000
91-408	Facilities and equipment (airport and airway trust fund)	[1] 36,000,000	36,000,000	60,000,000	48,000,000	+12,000,000	+$12,000,000	−12,000,000
91-408	Research and development (airport and airway trust fund)	[1] 33,000,000	24,000,000	24,000,000	24,000,000	−9,000,000		
91-408	Grants-in-aid for airports (airport and airway trust fund):							
	Planning grants	10,000,000	10,000,000	15,000,000	10,000,000			−5,000,000
	Development grants (appropriation to liquidate contract authorization)	(40,000,000)	(40,000,000)	(100,000,000)	(60,000,000)	(+20,000,000)	(+20,000,000)	(−40,000,000)
91-408	Payments to the airport and airway trust fund (intragovernmental transaction)	(576,989,000)				(−576,989,000)		
91-408	Safety regulation	3,537,000	1,000,000	1,000,000	1,000,000	−2,537,000		
	Total, Federal Aviation Administration	91,500,000	77,000,000	106,000,000	89,000,000	−2,500,000	+12,000,000	−17,000,000
	Consisting of:							
	Trust funds	87,963,000	76,000,000	99,000,000	88,000,000	+37,000	+12,000,000	−11,000,000
	Federal funds	3,537,000	1,000,900	7,000,000	1,000,000	−2,537,000		−6,000,000
	Federal Railroad Administration							
S. Doc. 91-114	Federal grants to the National Railroad Passenger Corporation	40,000,000		40,000,000	40,000,000		+40,000,000	
	RELATED AGENCY							
	Interstate Commerce Commission							
S. Doc. 91-114	Payment of loan guaranties	40,685,000		40,685,000	40,685,000		+40,685,000	
	Total, chapter XI, new budget (obligational) authority.	712,185,000	77,000,000	186,685,000	169,685,000	−2,500,000	+92,685,000	−17,000,000
	Appropriation to liquidate contract authority	(40,000,000)	(40,000,000)	(100,000,000)	(60,000,000)	(+20,000,000)	(+20,000,000)	(−40,000,000)
	Intragovernmental transaction (Federal funds payment to trust fund).	(576,989,000)				(−576,989,000)		
	CHAPTER XII							
	TREASURY DEPARTMENT							
	Bureau of Customs							
91-382	Salaries and expenses	500,000	500,000	500,000	500,000			
	Bureau of the Mint							
91-382	Salaries and expenses	(language)	(language)	(language)	(language)			
	Internal Revenue Service							
91-382	Revenue accounting and processing	118,000	118,000	118,000	118,000			
S. Doc.	Compliance	6,200,000	750,000	5,026,000	5,026,000	−1,174,000	+4,276,000	
91-114	Total, Treasury Department	6,818,000	1,368,000	5,644,000	5,644,000	−1,174,000	+4,276,000	
	EXECUTIVE OFFICE OF THE PRESIDENT							
	Domestic Council							
91-382	Salaries and expenses	960,000	210,000	960,000	960,000		+750,000	
	Office of Management and Budget							
91-382	Salaries and expenses	1,036,000	900,000	900,000	900,000	−136,000		
	Total, Executive Office of the President	1,996,000	1,110,000	1,860,000	1,860,000	−136,000	+750,000	
	Total, chapter XII, new budget (obligational) authority	8,814,000	2,478,000	7,504,000	7,504,000	−1,310,000	+5,026,000	
	CHAPTER XIII							
	Claims and Judgments							
91-420 and S. Doc. 91-117	Claims and judgments	43,130,510	41,747,738	43,130,510	43,130,510		+1,382,772	
	Total, new budget (obligational) authority:							
	Fiscal year 1970	20,000		20,000	20,000		+20,000	
	Fiscal year 1971	1,928,965,264	1,525,365,538	2,089,087,792	1,853,352,792	−75,612,472	+327,987,254	−235,735,000
	Grand total	1,928,985,264	1,525,365,538	2,089,107,792	1,853,372,792	−75,612,472	+328,007,254	−235,735,000
	Limitations	(27,883,000)	(27,775,000)	(27,783,000)	(27,783,000)	(−100,000)	(+8,000)	
	By transfer:							
	Fiscal year 1970	(489,000)		(489,000)	(489,000)		(+489,000)	
	Fiscal year 1971	(5,685,000)	(485,000)	(5,485,000)	(3,485,000)	(−2,200,000)	(+3,000,000)	(−2,000,000)
	Total, transfers	(6,174,000)	(485,000)	(5,974,000)	(3,974,000)	(−2,200,000)	(+3,489,000)	(−2,000,000)
	Appropriations to liquidate contract authorization	(41,355,000)	(40,105,000)	(100,105,000)	(60,105,000)	(+18,750,000)	(+20,000,000)	(−40,000,000)

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[1] In addition, excess Pakistani rupees are made available for relief, rehabilitation and reconstruction in East Pakistan.

[2] Excludes $22,500,000 for payment to the Corporation for Public Broadcasting (H. Doc. 91-404) not considered in connection with this bill.

[3] Deferred pending authorization.

Mr. MAHON. Mr. Speaker, I yield to the gentleman from Ohio (Mr. Bow).

Mr. BOW. Mr. Speaker, inasmuch as this is the last appropriation bill of this session, I believe I should point out that the Joint Committee on the Reduction of Federal Expenditures has recently issued its staff report, No. 14, on the 1971 budget. The information it contains is especially pertinent in view of some of the remarks that have been made on this floor in recent weeks about how this Congress is cutting the budget by reducing appropriations.

Yes, Mr. Speaker, we are reducing appropriations—but the only substantial reduction is in Defense. And it may be that our reductions here have been too severe when you consider that our national security is involved. In many of our appropriation bills there was no significant change. In others, such as Education, Housing, Agriculture, and Labor-HEW, we have added over $1.2 billion. Except for our action on the Defense bill, this Congress has increased the budget—and by a considerable amount.

But Mr. Speaker, claiming credit for reducing appropriations is like a half-truth. It ignores the many actions of this Congress that have authorized "mandatory" and "backdoor" spending. These kinds of legislative bills have added $8.4 billion in spending authority to the President's budget in the House. Over $6.8 billion of this kind of authority has already become law. This will add at least $3 billion in expenditures this fiscal year and billions more in years to come. These amounts cannot be overlooked.

As I have said many times before, Congress has been on record for a long time in trying to avoid back-door spending. It is one way we can protect the Treasury of the United States. It is one way we can respect the Constitution which provides that no moneys may be expended except by appropriation. This year this House has failed to protect the Treasury to date by the amount of $8.4 billion.

In addition congressional action on over $4 billion worth of income producing or revenue legislation requested by the President has not been completed. These moneys should not be forgotten when people express concern about the possibility of decreased receipts next spring. The absence of these moneys will also help to insure a deficit for fiscal year 1971.

Yes, Mr. Speaker, we will have a deficit this year. I do not know how much it will be or whom it will help, but I do know whom it will not help.

It will not help 25 million people fighting a losing battle to make their social security checks cover the cost of living.

It will not help 9 million or more citizens on public assistance.

It will not help millions of middle-class Americans caught between taxes and a cost of living that all of us want to bring down.

So, Mr. Speaker, none of my colleagues should be claiming credit for this Congress for reducing the budget. As the most recent joint committee budget scorekeeping report shows—it did not really happen that way.

Mr. MAHON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 6. Page 5, line 21, insert: "*Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 7. Page 5, line 23, insert: "*Provided further*, That obligations incurred from funds appropriated herein shall not exceed the total amount authorized in H.R. 19911, or similar legislation."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 7 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 8. Page 6, line 4, strike out "$150,000,000" and insert "$195,000,000".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 8 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$155,000,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 9. On page 6, line 4, insert: "*Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 9 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 10. Page 6, line 6, insert: "*Provided further*, That obligations incurred from funds appropriated herein shall not exceed the total amount authorized in H.R. 19911, or similar legislation."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 10 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 11. Page 6, line 10, insert:

"CONTINGENCY FUND

"For the additional amount for 'Contingency funds', $15,000,000, to remain available until expended: *Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 11 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

"CONTINGENCY FUND

"For the additional amount for 'Contingency funds,' $7,500,000: *Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation "

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 12: Page 6, line 15, insert the following:

"EXPORT-IMPORT BANK OF THE UNITED STATES

"LIMITATION ON ADMINISTRATIVE EXPENSES

"In addition to the amount otherwise made available for entertainment allowances for members of the Board of Directors, for the current fiscal year, $8,000 shall be available for such purposes."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 12 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 13: Page 6, line 21, insert the following:

"EXCESS FOREIGN CURRENCIES FOR PAKISTAN

"For assistance for relief, rehabilitation and reconstruction in East Pakistan in addition to funds otherwise available for such purposes, such amounts of Pakistani rupees as the Treasury Department determines to be excess to the normal requirements of the United States on the date of enactment of this Act, such amounts to remain available for a period of one year from the date of enactment of H.R. 19911, or similar legislation."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 13 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement:

The Clerk read as follows:

Senate amendment No. 15: Page 8, line 6, strike out "$250,000" and insert "$500,000".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House insist on its disagreement to the amendment of the Senate numbered 15.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 16: Page 8, line 8, insert the following:

"OPERATING EXPENSES, PUBLIC BUILDINGS SERVICE

"For an additional amount for 'Operating expenses, Public Buildings Service', $11,350,000: *Provided*, That this appropriation and the 'Buildings management fund' (40 U.S.C. 490(f)), shall be available for employment of guards for all buildings and areas owned or occupied by the United States and under the charge and control of the General Services Administration or the Post Office Department (or the Postal Service), and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), but shall not be restricted to certain Federal property as otherwise required by the proviso to said section: *Provided further*, That the limitation on the amounts deposited for Administrative operations in the Administrative Operations Fund for the current fiscal year is increased by the amount of the administrative expenses appropriated herein."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 16 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert: "$8,000,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 18: Page 9, line 23, insert the following:

"SITES AND EXPENSES, PUBLIC BUILDINGS PROJECTS

"For an additional amount for 'sites and expenses, public buildings projects', $2,452,000, to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 18 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 22: Page 10, line 13, insert the following:

"FUNDS APPROPRIATED TO THE PRESIDENT

"APPALACHIAN REGIONAL DEVELOPMENT PROGRAM

"For an additional amount for 'Appalachian Regional Development Programs', $8,500,000, to remain available until expended: *Provided*, That such funds shall only be available for increasing the Federal contribution to projects under the Airport and Airways Development Act of 1970; and *provided further*, That, when the Secretary of Transportation determines that the project enhances safety, the total Federal contribution may be 100 percent notwithstanding the provisions of section 214(b) of the Appalachian Regional Development Act of 1965, as amended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 22 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

"FUNDS APPROPRIATED TO THE PRESIDENT

"APPALACHIAN REGIONAL DEVELOPMENT PROGRAM

"For an additional amount for 'Appalachian Regional Development Programs,' $8,500,000, to remain available until expended."

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record.)

Mr. HECHLER of West Virginia. Mr. Speaker, the Nation was shocked at the tragedy which occurred on the evening of November 14, 1970, when the entire Marshall University football team, coaches, athletic staff as well as many prominent Huntingtonians—friends of Marshall University—were killed in the crash of a Southern Airways chartered DC–9 attempting to land in the fog and rain at the Tri-State Airport in my hometown of Huntington, W. Va.

There were 75 wonderful people on that plane, including the pilot, copilot, and crew, and all 75 men and women perished in that terrible accident. Commencing December 14, the National Transportation Safety Board held hearings for 3 days in Huntington, W. Va., at which many witnesses testified on the probable and possible causes of the crash. There has been a vast amount of speculation, informed and uninformed, about the reasons why the plane was coming in too low and struck the tops of tall trees, cart-wheeled after striking the mountainside, and burned.

I submit, Mr. Speaker, that the State of West Virginia is doubly handicapped when it comes to building airports which will reduce the margin of safety error to a minimum, so as to protect the lives and safety of those who fly into these airports. I challenge anyone who has flown into either Charleston or Huntington, W. Va.—hilltop airports with runways of 6,300 and 5,280 feet, respectively, to compare and contrast these airports with other airports around the Nation. In West Virginia and other sections of Appalachia, we have very little level ground on which to build airports, hence the price of moving earth to shave the tops off mountains runs very high. That is our first handicap. Our second handicap is that every mile of road in West Virginia costs more than in flat areas, and we simply do not have sufficient funds in the economy of our State to raise millions of dollars needed in matching funds to build safe and secure airports.

Let me give you a specific example, Mr. Speaker. In 1967, the Federal Aviation Administration selected a site for a new airport with a runway upwards of 8,000 feet—capable to being easily extended to 10,000 feet—which was located 24.5 miles from Charleston and 25.5 miles from Huntington, half a mile north of Interstate Highway 64. The new airport was to be located almost midway between these two cities which are 50 miles apart and joined by an interstate highway. After an extensive, impartial, and objective study, the FAA strongly recommended that the communities get together and support construction of such an airport. Bond elections were held in two counties, and carried by 85 percent majorities, but a bond election failed in Kanawha County in which the city of Charleston is located. Critics of the new, safe, superior airport claimed that enough local financing did not exist to build this new airport, and unfortunately it has not been built.

It seems to me, Mr. Speaker, that wherever an air traveler boards a plane, whatever State he comes from, he should have his safety protected and his life not jeopardized by flying into airports that are inferior. In answer to this observation, there are those who state that FAA maintains safety standards, and would close any airport in West Virginia which is unsafe. I submit that safety is a relative matter which consists of many factors, and no matter how high your standards may be, a combination of many factors can reduce the margin of error. It stands to reason that some airports are relatively safer than others. Dulles Airport would probably be near the top of the list in relatively safe airports. I regret that I cannot say the same for West Virginia's airports.

In order to improve the existing airports in West Virginia, it is certainly essential to lengthen the runway at the Tri-State Airport to 6,500 feet and install a glide slope for the instrument landing system. Beyond this, it is as important now as it always has been to move forward quickly toward construction of a modern regional airport to serve both Charleston and Huntington. I certainly wish that the Senate version of the supplemental appropriation bill had prevailed, for this would have enabled an immediate start on necessary improvements at the Tri-State Airport in Huntington, by allowing for 100 percent Federal expenditure—instead of the upper limit of 80 percent now authorized by the basic FAA legislation which provides 50 percent, plus the 30-percent supplement provided by the Appalachian Regional Act. Although I am pleased that $8.5 million has been added for the Appalachian Commission, I regret that the formula will not allow 100-percent Federal funding for the construction of necessary safety features at Tri-State Airport.

I have conferred on several occasions with my colleague from West Virginia, Senator BYRD, who sponsored the 100-percent amendment which passed the other body. I have also conferred with my colleague from West Virginia (Mr. SLACK), who serves on the House Committee on Appropriations. I have also talked with my colleague from West Virginia (Mr. STAGGERS), who is chairman of the Committee on Interstate and Foreign Commerce. Earlier today, the gentleman from Alabama (Mr. JONES) indicated informally that he would be glad to speak in favor of retention of the provision sponsored in the Senate by Senator BYRD. I consider this significant, because the gentleman from Alabama (Mr. JONES) is a key sponsor of the authorizing legislation, as a member of the Public Works Committee.

I am disappointed that the House conferees did not come to agreement with the Senate conferees on this item, since we are dealing with the lives and safety of people from many States. There were residents of 12 different States among the 75 who lost their lives in the Marshall tragedy. I repeat that residents of every State in the Union should have their safety fully protected, no matter where they fly commercially, and their life and safety must not be jeopardized because a State has to build an expensive airport in mountainous terrain or does not have the matching funds to provide a superior airport. Congress must face up to this problem, because it is a national problem which legislation now on the statute books fails to meet.

(Mr. ROONEY of New York asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROONEY of New York. Mr. Speaker, I should like to advise the House of the yeoman-like work of a member of the House Appropriations Committee, the distinguished gentleman from West Virginia (Mr. SLACK) in obtaining for his State approval by the House conferees of the $8.5 million provided in amendment in disagreement No. 22 for upgrading and improving airports in West Virginia. The upgrading and improving includes extensions of runways and modern electronic equipment designed to insure safety of aircraft and passengers during takeoffs and landings.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 27: Page 12, line 1, insert the following:

"PAYMENT TO THE UTE TRIBE OF THE UINTAH AND OURAY RESERVATION

"For reimbursement to the Ute Tribe of the Uintah and Ouray Reservation for tribal funds that were used to construct, operate, and maintain the Uintah Indian irrigation project, Utah, and for interest thereon, as authorized by the Act of September 18, 1970 (Public Law 91–403), $3,561,700: *Provided*, That the Secretary of the Interior may, in his discretion, pay directly to the tribe, or the tribal trust fund, any or all of seventy-two and eight hundred and thirty-eight one-thousandths per centum (72.838 per centum) of the foregoing amount."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 27 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendments No. 29: Page 13, line 8 strike out "$2,125,000" and insert "$1,855,000"

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 29 and concur therein with an amendment, as follows: In lieu of the amount stricken and inserted by said amendment, insert "$2,155,000".

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Speaker, I thank the gentleman from Texas for yielding.

I notice the figure in the conference report is $30,000 above either the House or the Senate figure. Can the chairman explain this to me?

Mr. MAHON. The gentleman is inquiring as to amendment No. 29. It was reported in technical disagreement.

The managers on the part of the House have offered a motion to recede and concur in the Senate amendment with an amendment to provide $2,155,000 for the National Park Service, "Management and Protection," instead of the $2,125,000 as proposed by the House and $1,855,000 as proposed by the Senate. The increase over the amount provided by the House includes $30,000 to implement Public Law 91–462 which authorizes a study of the feasibility and desirability of establishing a unit of the national park system to commemorate the opening of the Cherokee Strip to homesteading. It was brought back in disagreement and therefore is subject to a decision by the House. It was not included in the conference report. It is above the figure of either house, so under the rules of conference it had to be brought back outside the formal conference report in technical disagreement and made subject to a separate motion.

Mr. BROWN of Michigan. And the chairman then is suggesting that the figure be the $30,000 in excess of the figure as it passed the House.

Mr. MAHON. Yes, that is what the conferees agreed to do.

Mrs. HANSEN of Washington. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. Mr. Speaker, may I say this is the figure the House approved with the exception of the item of $30,000 for the Cherokee Strip.

Mr. BROWN of Michigan. So it is the opinion of the chairman that it is necessary for the House to take this action because it was not in the House bill?

Mr. MAHON. That is essentially correct. The conference amount is above the total amount originally approved by either the House or the Senate.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 34: Page 14, line 14, insert:

"YOUTH CONSERVATION CORPS

"SALARIES AND EXPENSES

"For expenses necessary to carry out the provisions of the Act of August 13, 1970 (Public Law 91–378), establishing the Youth Conservation Corps, $2,500,000, to remain available until expended: *Provided*, That $1,250,000 shall be available to the Secretary of the Interior and $1,250,000 shall be available to the Secretary of Agriculture."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 44: Page 20, line 1, strike "VII" and insert "VIII".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 44 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by the Senate amendment, insert the following:

"VIII

"LEGISLATIVE BRANCH

"HOUSE OF REPRESENTATIVES

"The provisions relating to the Speaker of the House of Representatives carried in House Resolution 1238, Ninety-first Congress, shall be the permanent law with respect thereto."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 45: Page 20, line 3, insert:

"SENATE

"CONTINGENT EXPENSES OF THE SENATE

"INQUIRIES AND INVESTIGATIONS

"For an additional amount for 'Inquiries and Investigations'. $2,185,020.

"LEGISLATIVE REORGANIZATION

"For additional amounts for increased costs as authorized by the Legislative Reorganization Act of 1970, related costs, and for other purposes, as follows:

" 'Salaries, Officers and Employees', $878,352: *Provided*, That effective January 1, 1971, the per annum compensation of the six expert transcribers in the Office of the Secretary shall not exceed $16,008 each, and the Secretary of the Senate may employ and fix the compensation of a Special Assistant and a Clerk at not to exceed $16,472 each in lieu of two Clerks at not to exceed $15,312 each.

"CONTINGENT EXPENSES OF THE SENATE

" 'Senate Policy Committees', $5,000.

" 'Miscellaneous Items', $27,510.

" 'Stationary (Revolving Fund)', $150.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 45 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 48: Page 23, line 6, insert:

"SENATE OFFICE BUILDINGS

"For an additional amount for 'Senate Office Buildings' $189,500, to remain available until June 30, 1972."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 48 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 50: Page 24, line 9, insert:

"ATOMIC ENERGY COMMISSION

"PLANT AND CAPITAL EQUIPMENT

"For an additional amount for 'Plant and capital equipment', $25,500,000, to remain available until expended: *Provided*, That this paragraph shall be effective only upon enactment into law of S. 4557, 91st Congress."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 50 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 52: Page 24, line 18, insert:

"GENERAL INVESTIGATIONS

"For an additional amount for 'General Investigations', $300,000, to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 52 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 53: On page 25, line 1, insert:

"OPERATION AND MAINTENANCE, GENERAL

"For an additional amount for 'operation and Maintenance, General', $2,000,000, to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 53 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$1,000,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 58: On page 26, line 12, insert: "of which $3,220,000 is for acquisition and repair of security equipment for Federal court facilities and shall remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 58 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert "$1,610,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 59, on page 26, line 18, insert: "including the purchase for police-type use without regard to the general purchase price limitation for the current fiscal year 500 passenger motor vehicles."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 59 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 60: On page 26, line 22, insert:

"SUPPORT OF UNITED STATES PRISONERS

"For an additional amount, fiscal year 1970, for 'Support of United States prisoners', $489,000, to be derived by transfer from the appropriation for 'Salaries and expenses, Bureau of Prisons', fiscal year 1970."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 60 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 61: On page 27, line 9, insert:

"BUREAU OF NARCOTICS AND DANGEROUS DRUGS

"SALARIES AND EXPENSES

"For an additional amount for 'Salaries and expenses', including purchase of not to exceed two hundred and eighty-eight passenger motor vehicles for police-type use without regard to the general price limitation for the current fiscal year; and not to exceed $145,000 for payment of accommodations in the District of Columbia in connection with training activities, $7,000,000."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 61 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 62: On page 27, line 19, insert:

"OFFICE OF TELECOMMUNICATIONS

"RESEARCH, ENGINEERING, ANALYSIS, AND TECHNICAL SERVICES

"For expenses necessary for the conduct of telecommunications functions assigned to the Secretary of Commerce pursuant to Executive Order 11556 of September 4, 1970, including activities authorized by 15 U.S.C. 272(f) (12) and (13), $1,000,000, to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 62 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert "$700,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 71: On page 30, line 20, insert:

"SALARIES AND EXPENSES

"For an additional amount for 'Salaries and expenses', $5,000,000, to be transferred from the 'Disaster loan fund'."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 71 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert "$3,000,000".

The motion was agreed to.

The **SPEAKER** pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 81: On page 34, line 18, insert:

"RELATED AGENCY

"Interstate Commerce Commission

"payent of loan guarantees

"For an additional amount for 'Payment of Loan Guaranties', $40,685,000, together with such amounts as may be necessary to pay interest."

MOTION OFFERED BY MR. MAHON

Mr. **MAHON**. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 81 and concur therein.

The motion was agreed to.

The **SPEAKER** pro tempore. The clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 84:

Page 35, strike "$750,000" and insert the following. "including the purchase of one hundred and fifty passenger motor vehicles for police-type use, in addition to those heretofore authorized, without regard to the general purchase price limitation for the current fiscal year, but not in excess of $800 per vehicle, $5,026,000."

MOTION OFFERED BY MR. MAHON

Mr. **MAHON**. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 84 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "including the purchase of one hundred and fifty passenger motor vehicles for police-type use, in addition to those heretofore authorized, without regard to the general purchase price limitation for the current fiscal year, $5,026,000."

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. **MAHON**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the conference report just agreed to, and to include pertinent extraneous matter and tables.

The **SPEAKER** pro tempore (Mr. Albert). Is there objection to the request of the gentleman from Texas?

There was no objection.

ANOTHER BLOW AT THE COAL INDUSTRY: OIL IMPORTS

(Mr. **HECHLER** of West Virginia asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. **HECHLER** of West Virginia. Mr. Speaker, in reading the front page of this evening's paper, I see the President has struck another blow at the coal industry by increasing the oil import quota by 100,000 barrels per day. Mr. George A. Lincoln, Director of the Office of Emergency Preparedness, told newsmen about this action which will probably have an adverse effect on the coal miners of West Virginia.

Mr. Speaker, I think it is very unfortunate at this time that the President should increase the oil import quota.

Mr. **BURKE** of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. **HECHLER** of West Virginia. I yield to the gentleman from Massachusetts.

(Mr. **BURKE** of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. **BURKE** of Massachusetts. Mr. Speaker, the gentleman from West Virginia knows full well that this additional 100,000 barrels of oil a day is just a drop in the bucket. I realize that the gentleman from West Virginia has been the cause, more or less, for keeping these restrictions on imports more than any other Member of the House. I know he is concerned about the coal miners and the economy in West Virginia. In fact, the gentleman keeps talking about West Virginia as though there were no other States in the Union. Cannot the gentleman stop talking about West Virginia. Does he think that West Virginia is the only State in the Union?

I would suggest to the gentleman that he pay a little bit of attention to other parts of the country, particularly New England, which is faced with frigid weather without adequate fuel and oil supplies because of the brinksmanship that is being played by the administration with reference to increasing these oil imports. They could increase these imports from Canada by another 200,000 barrels a day, and it would not affect the security of the United States or Canada one iota.

I hope that the gentleman will let up a little bit in his strenuous and successful efforts on behalf of the people of the State of West Virginia, and perhaps give some more consideration to New England.

Mr. **HECHLER** of West Virginia. I thank the gentleman for his contribution, but I have run out of time to answer.

The **SPEAKER** pro tempore. The time of the gentleman has expired.

FURTHER CONFERENCE ON THE BILL H.R. 17867, MAKING APPROPRIATIONS FOR FOREIGN ASSISTANCE, FISCAL YEAR 1971

Mr. **PASSMAN**. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes, with Senate amendments thereto, insist on disagreement to the Senate amendments and agree to the further conference requested by the Senate.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. **GROSS**. Mr. Speaker, reserving the right to object, could this possibly be the annual foreign giveaway bill?

Mr. **PASSMAN**. That is correct. This is the regular bill that passed the House and passed the Senate and was sent to conference. The conference agreement was brought back to the House and passed the House and sent to the Senate and the Senate rejected it. The Senate appointed new conferees and are asking for a new conference.

Mr. **GROSS**. It seems to be a rather devious course that this bill is taking.

Mr. **PASSMAN**. There are a lot of things that take that procedure at this time of the year.

Mr. **GROSS**. Would it be any great loss if this bill never again saw the light of day and stopped traveling back and forth between the two bodies?

Mr. **PASSMAN**. The gentleman and I have views in common on this legislation. But we must do everything in our power to maintain the House position.

Mr. **GROSS**. If the gentleman can assure me that he will keep our views on a common plane with respect to the foreign handout bill, I will withdraw my reservation of objection.

Mr. **PASSMAN**. I will assure the distinguished gentleman from Iowa that I will try to do that.

Mr. **GROSS**. With that assurance, Mr. Speaker, I withdraw my reservation of objection.

Mr. **PASSMAN**. May I wish all a Merry Christmas.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Louisiana? The Chair hears none, and, without objection, appoints the following conferees: Messrs. Passman, Natcher, Mrs. Hansen of Washington, and Messrs. Cohelan, Long of Maryland, McFall, Mahon, Shriver, Conte, Reid of Illinois, Riegle, and Bow.

There was no objection.

TAKE PRIDE IN AMERICA

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Miller) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. Church membership in the United States has nearly doubled since 1940 from 64,502,000 to 128,470,000 in 1968.

REPRESENTATIVE TAFT PRAISES CLEVELAND PRESS FOR STORIES ENCOURAGING NORTHERN OHIOANS TO WRITE NORTH VIETNAM GOVERNMENT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. TAFT) is recognized for 5 minutes.

Mr. TAFT. Mr. Speaker, the Cleveland Press recently invited northern Ohioans to write letters to the North Vietnamese Government, urging the release of American prisoners of war. They are to be commended for this public service.

Over 21,000 responded and the letters were sent to Scripps-Howard's Paris correspondent Richard Boyce, for presentation to the North Vietnamese delegation at the peace talks. Predictably, they refused to accept the letters.

U.S. Ambassador Bruce suggested to Mr. Boyce, as an alternative, that stories about the letters from Ohioans be inserted in the CONGRESSIONAL RECORD, because it was his understanding that translated copies of the RECORD are read by the North Vietnamese delegation in Paris.

With that hope, I include the Cleveland Press articles, in full, in the body of the RECORD:

PRESS POW NOTES SPURNED, U.S. ENVOY SAYS HE'LL HELP

(By Richard H. Boyce)

PARIS.—North Vietnam's peace talks delegation here has slammed the door on the the POWrite-a-thon letters you Clevelanders wrote pleading for American prisoners of war.

But do not give up hope. Today the 21,000 letters flown to Paris will be shown to David K. E. Bruce, head of the U.S. delegation to the Paris Peace Talks.

Ambassador Bruce promised to study them personally, and perhaps he can find a way to get them—or at least some of them—into the hands of the North Vietnamese delegation.

Members of the American delegation assured me that Bruce is "in deep sympathy" with the Cleveland letter campaign, sponsored by The Press, as he is with other letter-writing groups in the U.S.

He has talked with a number of such groups, has read selections of the prisoner-plea letters they have brought—almost none of which the North Vietnamese have accepted.

Before being turned over to Ambassador Bruce, the letters spurned by the Hanoi delegates were placed on display in the Pan American World Airways ticket office on the Christmas-decorated Avenue des Champs Elysees. Many, many Parisians noted the impressive stack of mail.

Earlier yesterday the letter presentation was attempted at the North Vietnamese delegation, headquarters in Choisy-le-Roi, a Paris suburb.

No explanation for the cold refusal was given by the Communists.

As soon as the Vietnamese at the door saw the impressive containers of letters, he slammed the door without saying a word.

Later, this correspondent telephoned a member of the North Vietnamese delegation, asking information about the Cleveland letters. He was told, "we have not accepted any letters. We do not accept letters."

Asked if he was aware of widespread resentment in Cleveland and throughout the United States because of North Vietnam's brutal treatment of American prisoners, the Communist official said:

"That is American propaganda. Our people continue to practice a policy of humanity toward prisoners."

Yet the Communist delegation's refusal to accept or read any of the letters was not explained.

While Clevelanders' letters were on display at Pan-Am I joined officials of the airline in reading them at random.

We were deeply impressed by the sincerity and eloquence with which you Clevelanders pleaded your case for the American prisoners of war hidden behind the bamboo curtain of North Vietnam.

Here are some examples of the touching messages we read . . .

The John R. Zanath family of 5624 North Circle View Dr. Seven Hills, wrote:

"In the name of humanity and the hope this action will help end a war which has caused misery and suffering to people in your country and ours—release them!"

In the same vein of simple eloquence was the plea of Leona K. Schroeder, 4465 South Hills Dr.

"Neither your boys nor our boys did it by choice. God bless them all. We in America do care."

"Please," wrote Mrs. Ray J. Young of 794 Quilliams, Cleveland Heights. "Surely it can have no bearing on the outcome of this war."

Jim Morgan of 7336 Brookside Pkwy., Middleburg Heights, challenged the Communists to "prove you are humane."

Nancy Davigon of 6775 Smith Rd., counts herself blessed because her man "came home from Vietnam." She wrote to Xuan Thuy, chief of the North Vietnamese delegation: "I'm sure you have heard this (plea) a thousand times. I hope you hear it a thousand more."

PRESS IS FLYING POW APPEAL TO PARIS TALKS

More than 21,000 letters representing the hopes and prayers of Great Clevelanders for captive American servicemen are airborne today heading for Paris and the North Vietnamese peace negotiating team.

With them went a personal letter from Press Editor Tom Boardman which summed up the sentiments of Press readers who called for freedom for the prisoners and relief for their families.

"It is the hope of those who have expressed themselves through these messages that these matters can somehow be set apart from the agonies of combat and dealt with as a pressing human question," Boardman wrote.

Boardman said the "messages constitute an appeal to you and to your government to agree to make the release of prisoners a matter of urgent and hopefully productive negotiations.

"And, meanwhile, they express the hope that channels of communication between prisoners and their families will continue to improve, and that the full list of those held will be made available, so that the uncertainty in which so many families now live may be cleared away."

The letters were loaded aboard a Buckeye Air Freight plane at Cleveland Hopkins Airport. They were transferred in Detroit to a Pan American Airlines Clipper cargo plane. They are due to arrive in Paris this afternoon.

"I was an Air Force pilot," said Buckeye Air Freight representative Bog Karns. "Some of my friends have been captured in Vietnam. I sure hope this does some good."

The shipment of letters will be met in Paris by newsman Richard Boyce who has covered the Paris peace talks for The Press and other Scripps-Howard Newspapers.

Boyce has made arrangements for the U.S. peace negotiation team to review the letters. He is attempting to deliver them to the hands of the North Vietnamese delegation.

The first dispatch from Paris should reach The Press in time for publication tomorrow.

NIXON LAUDS PRESS POW LETTERS

President Nixon today voiced his encouragement and approval of the Press POWrite-a-thon project aimed at seeking freedom and relief for American prisoners of war in Southeast Asia.

As more than 10,000 messages of concern were being prepared for their journey from The Press to the Paris peace talks, President Nixon sent Press Editor Tom Boardman the following telegram:

"DEAR TOM: The initiative which you and The Clevland Press have undertaken in behalf of American held prisoner in North Vietnam is deeply gratifying.

"What you and your readers are doing can make an important difference, not only in the vital task of achieving humane treatment, as well as early release for our men, but also in assuring them and the members of their families that they have not been forgotten.

"For our part, we in government will continue to do everything we can through every means available to bring our prisoners of war home as soon as possible."

"Sincerely,

RICHARD NIXON."

Tomorrow the letters from Press readers will be sent to Richard Boyce, Press correspondent at the Paris peace talks.

Boyce will deliver them to peace negotiators and keep readers informed of their impact.

POW WRITE-A-THON: LET'S TELL HANOI

The Press urges its readers to join in a massive effort to obtain freedom for the American servicemen held prisoner in Vietnam.

We make this appeal today after deliberation and consultation with U.S. State Department officials and after encouragement by Ohio Sens. Stephen M. Young and William Saxbe.

Press readers are asked to share this effort by launching their own personal appeals for freedom to the heads of the North Vietnamese government.

There are no reliable figures on how many U.S. servicemen are alive and captive in Southeast Asia. Of some 1500 men reported missing in action, only about 300 have been seen alive and in prison in North Vietnam.

The wives, the parents, the children of these men have been living a nightmare.

Some have had the consolation of seeing their loved ones in a blurred photo or a grainy newsreel clip—alive a month ago, a year ago.

Others have lived solely on hope and prayer with nothing but faith to carry them through years of not knowing whether their young men are dead or alive.

The suffering, the frustration of their existence cuts across political lines. There are no politics to despair.

The American Government has offered to exchange prisoners with the government of North Vietnam at a ratio of 30 men to one. The offer was made, not in the interest of politics or strategy but in the interest of humanity—Humanity on both sides of the battlefield. The offer was rejected.

The Press today asks its readers to join in a POW Write-a-thon to demonstrate to the North Vietnamese this nation's concern for the plight of prisoners, theirs and ours. And for the plight of families—theirs and ours.

Printed with this article is a message form containing space to write of your concern to Xuan Thuy, the chief negotiator for the Democratic Republic of Vietnam.

There is room for a short message in the name of human compassion, asking that the prisoners be freed, that the families now living in darkness at least be granted the consolation of knowing if their loved ones are alive or dead.

This form will be printed again in The Press next week.

After that, the letters will be bundled and delivered to the Paris peace negotiations to be turned over to North Vietnamese diplomats.

Part of the frustration of six years of painful war has come from the inability of American citizens to do anything personally without aligning themselves with political factions; without worrying about whether their actions will help or harm our soldiers in the field.

Here is a chance for a peace demonstration held in the name of brotherhood.

The Press hopes its readers will send in the Write-a-thons, and take part in an attempt to show the North Vietnamese we are concerned about our men.

And to demonstrate to the families of the captives that they have not been abandoned by their countrymen.

THE REALITY OF THE CAPTIVE NATIONS AND THE PRESSING NEED FOR A SPECIAL COMMITTEE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DERWINSKI) is recognized for 5 minutes.

Mr. **DERWINSKI**. Mr. Speaker, the recent events of the suppressed defection of the Lithuanian sailor and the riots and political changes in Poland underscore again the blunt reality of the captive nations as well as the pressing need for a Special House Committee on the Captive Nations in the 92d Congress. Relatively few of us are aware of the continuing discussion and popular activities bearing on the captive nations. Captive Nations Week, and our policy toward the Red empire in toto. To cite several self-explanatory items on these issues, I bring to the attention of our Members the following:

First, a vitriolic article on "U.S. Anticommunism" in the Moscow periodical International Affairs for November 1970;

Second, an impressive report on the Tampa Captive Nations Week observance for 1970, conducted by the Kiwanis clubs;

Third, an article in the Christian Crusade Weekly on "America's Unused Weapon—The Captive Nations";

Fourth, an editorial on "Complete Victory of the Struggle for Freedom in the 1970's" in Asian Outlook, as well as the messages and addresses delivered at China's Captive Nations Week rally;

Fifth, an address on "The National Captive Nations Committee, U.S.A.," an Annual Action for World Freedom, given at the Fourth World Anticommunist League Conference in Japan; and

Sixth, a proclamation of Captive Nations Week by Mayor Frank A. Sedita of the city of Buffalo.

The material referred to, follows:

[From International Affairs, November 1970]

U.S. ANTICOMMUNISM

(By A. Borisov)

Stories in the American press, statements made by US politicians and other public figures and, finally, the actions of the US government in the international arena all point to the fact that the influence of the ultra-right reactionary forces on the shaping of Washington's foreign policy course has grown.

The American ultra reactionaries—behind whom stands the military-industrial complex—are alarmed by the development of the world revolutionary process and demand that every means of struggle against the socialist community and the workers' and national liberation movement be mobilised. The expansion of the American imperialist aggression in Southeast Asia met the approval of the reactionary circles of the USA; it was not without reason that George Wallace, the well known representative of these circles who ran for President a couple of years ago, said quite frankly that Richard Nixon's Administration "is taking some positions that we took in the campaign in '68".

With the American ultra exercising increasing influence on U.S. government policy, the more rabid anti-communist forces are once again making wide use of a provocative campaign which goes under the hypocritical name of Captive Nations Week. This year it was held for the twelfth time in the United States and use to kindle hatred against the Soviet Union and other socialist countries.

Such annual anti-Soviet campaigns are conducted on the basis of US Senate Joint Resolution 111 of July 17, 1959, which later, as Public Law 86–90 made it incumbent on the President of the USA to designate annually, in a special proclamation, the third week of July as Captive Nations Week.

This law was passed by the Congress at a time which American imperialism was experiencing a serious crisis in its anti-communist policy. There were those in Washington who felt that the obvious bankruptcy of the so-called "doctrine of liberation" demanded new and more flexible forms of struggle with the countries of the socialist community. Realistically thinking bourgeois figures felt that the continued pursuance of the policy of "balancing on the brink of war" under conditions where the correlation of world forces was unfavorable to imperialism could present a danger to the future of capitalism. Those years saw the beginnings of a tendency among such realistic politicians not to brush aside the principle of peaceful coexistence among states with different socio-economic systems.

It was with these tendencies that the ultra right forces of the USA undertook to give battle as they once again began advancing slanderous "arguments" about the enslavement by "Russian communism" of other peoples in the Soviet Union and the mythical export of revolution from the USSR Resolution 111 accused the Soviet Union of "enslaving" the East European countries and declared the socialist camp to be "dire threat" to the security of the United States.[1]

The direct instigators of the resolution were reactionary émigré organizations, such as the US based Assembly of Captive European Nations, the Conference of Americans of Central and Eastern European Descent, and American Friends of Captive Nations. Each of these organisations represents the ardent foes of socialism—people who have suffered political and moral disaster in their own countries and have found asylum overseas.

The Congress of the USA became the chief propaganda tribune for reactionary émigré circles. It is characteristic that after a special organisational centre was established for conducting the Week—namely, the National Captive Nations Committee, with headquarters in Washington and 75 branches in other parts of the country—over one-third of the members of the House of Representatives and about a third of Senators became members, prompting *The Washington Post* to write that the "annual Captive Nations charade might better be called Captive Congressmen Week".[2]

Indeed, many American congressmen have really been caught by the itch of anti-communism. They use this measure not only to kindle hatred towards socialism, but also to advance their personal careers. Referring to this, a Chicago newspaper, *The Polish American*, noted that the propaganda campaign provides an "excellent opportunity for our Congressmen and Senators to make stirring addresses" to their own advantage without any risk to their political careers. Last year, 53 members of the House of Representatives and six senators made unbridled anti-communist speeches during July "week". With off-year congressional elections coming up this year, a number of congressmen again tried during the July campaign to attract the votes of the Americans of East European extraction. Not only is Congress involved in conducting this bitter anti-communist campaign; the governors of a number of states as well as the mayors of some large cities are adding fuel to the flames.

But all these are only the external attributes of July's anti-communist activities; the chief aim is to fight the very idea of socialism and to attempt to discredit the foreign and home policies of the Soviet Union and the other countries of the socialist community. The organisers of this campaign vigorously oppose any relaxation of international tension and support the aggressive actions of American imperialism.

The official programme for the 1970 National Captive Nations Committee calls for "total victory in Vietnam" and contains a protest against the development of equitable trade with socialist countries. The authors of this document have proposed to establish a Freedom Academy to train personnel for carrying out subversive activity against the socialist states. They demand that the government step up its psychological warfare against the Soviet Union and its allies, thus actually advocating a complete re-examination of American policy towards the USSR and a return to the more violent methods in the policy and practice of anti-communism of the 1950s.

In this Lenin anniversary year, the organisers of the Week have given special priority to the launching of an ideological campaign against Marxism-Leninism. A special resolution by the World Anti-Communist League adopted in connection with the Captive Nations Week has summoned its members to intensify the campaign against the ideology of Leninism, and has also demanded the disruption of any efforts by UNESCO and by democratic forces in the capitalist countries to honour the Lenin anniversary on a wide scale.

The campaign of the organisers and participants of Captive Nations Week against improving relations between the United States and the Soviet Union manifested itself with particular bitterness when the Soviet-American consular convention was being ratified. The question of concluding this convention was debated for seven years. The National Captive Nations Committee was one of the main opponents of its ratification. Member of the House of Representatives Bray testified that this Committee and other emigrant organizations had launched an especially savage propaganda campaign against its ratification after the convention was signed in 1964. In their statements and anti-Soviet actions, the emigrant rabble and their patrons fell in line with such profascist organisations as the American Legion, the John Birch Society, and the like.

Anti-communist propaganda took on such a frantic nature that even the businessmen's mouthpiece, *The Wall Street Journal*, had to write that "the pact's foes have their heads in the clouds. It hardly serves the US interest to sabotage a deal in its own advantage".[3] Soon after this admission, the Senate ap-

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Footnotes at end of article.

proved the Soviet-American consular treaty with a vote of 66 for, 28 against and 6 abstentions. Thus, its opponents lacked only 3 votes to block ratification.

Along with a demand for "total victory in Vietnam", the programme of Captive Nations Week also includes rejection of expanding trade with socialist countries if they show no readiness to make "political concessions".[4] The reactionary circles have even worked out a certain special "trade scale" of such concessions. Having lost all elementary sense of reality, the organisers of the Week state that socialism "will not last" without trade support from the capitalist world.

Using this kind of propaganda, many prominent members of the US ruling circles try to show that to trade with the countries of the socialist community is the same as giving them economic aid. In this connection, *The Washington Post* wrote of the "Neanderthalic view" of most of the members of Congress, according to which "ordinary commercial trade is equated with foreign aid".[5]

But it is precisely this view of the Congressmen that turns out to be decisive when the matter comes to considering foreign trade questions. Here is one example. As far back as May 1966, a bill was introduced in Congress on expanding trade between the West and the East, although *The New York Times* did warn at the time that American trade policy towards the socialist countries "still is little changed from the most frigid days of the cold war".[6] And, indeed, the bill was buried by the congressmen, just as were subsequent similar proposals introduced in Congress during Richard Nixon's Administration. It was a question of tariff reductions on goods from the socialist countries according to the most-favoured-nations principle, which has long become standard practice in international trade. But even this meagre measure was subjected to violent criticism in the Congress.

In February 1968, through the efforts of the placemen of the reactionary emigrant circles in Congress, the Export-Import Bank of the USA—created during Franklin D. Roosevelt's Presidency for financing foreign trade—was deprived of the right to offer even short-term credits to socialist countries, because the latter are aiding the people of Vietnam in their struggle against American aggression. Member of Congress Fino, who played an active role in getting this decision adopted, stated: "If a Soviet bloc nation stops aiding North Vietnam, it becomes eligible for Export-Import Bank dealings." [7]

Of course, concentrated reactionary pressure has not always had complete success in political clashes within the US ruling circles, and there have been voices raised in Congress urging a more realistic appraisal of the international situation. After a sharp fight, the Senate in late 1969 approved a draft bill (with a vote of 49 to 24) reducing the number of categories of so-called strategic goods from 1,300 to 200. In doing this, the Congressmen undoubtedly took into account the difficulties of the American balance of payments and the fact that the volume of the Eastern European market is steadily expanding.

The facts show that the provocative activity of the organisers of Captive Nations Week increases sharply whenever the international situation is aggravated. For instance, in July 1968, the Week was held under slogans calling for support of the anti-socialist counterrevolutionary forces in Czechoslovakia. The ringleaders of the reactionary emigration demanded that the Johnson Administration interfere in the internal affairs of Czechoslovakia in order to isolate it from the socialist community and facilitate the restoration of capitalism in that country. As *Look* magazine frankly wrote, the anti-communist development of events "would have ultimately made it possible . . . to sweep the communists out of power. If this had happened, Czechoslovakia would for all practical purposes have left the Communist camp".[8]

When five fraternal socialist countries came to the aid of the Czechoslovak people, the ultra-rightists in the USA increased their pressure on Washington. The programme of the extreme reactionary forces was soon concretised in a letter to Secretary of State Dean Rusk from the head of the National Captive Nations Committee, Dobriansky. The letter demanded that diplomatic relations between the United States and the Soviet Union, Poland, Hungary and Bulgaria be severed immediately, that trade agreements and cultural exchange pacts with these countries be suspended, that a NATO meeting be called to work out a more aggressive policy, and that full use should be made of the UN tribune to oppose the USSR and other socialist states. Dobriansky called on the American government to give "immediate and unstinted support of the Captive Nations".[9]

Meanwhile, a violent anti-Soviet campaign broke out with new vigour in Congress. Senator Hruska urged that the whole American policy towards the Soviet Union be re-examined, while his colleague Dodd called for the convocation of an extraordinary session of the UN and the use of economic sanctions against the five socialist countries.

As a result of the fierce pressure from the reactionary forces, implementation of the cultural exchange programme with the European socialist states was halted, inauguration of air service between Moscow and New York was postponed, and ratification by Congress of the Nuclear Non-Proliferation Treaty was held up for more than six months.

Having lost touch with reality, the emigrant reactionaries clung to the hope that capitalism would be restored in the socialist states. In the autumn of 1967, Dobriansky's book, with the pretentious title of *The Vulnerable Russians*,[10] was published. In it a big build-up was given to bourgeois nationalists and all kinds of renegades who had taken up arms against the Soviet people. The author of this vindictive scrawl literally falls over himself, attempting to prove that the Soviet Union is "vulnerable in the national respect." This preacher of fascist ideology, repeating the hackneyed propaganda theses of Goebbels' ministry, openly advocates a preventive war against the USSR.

The American ultras wasted no time in latching on to Dobriansky's book. They sang its praises in their speeches in Congress and published enthusiastic reviews in many newspapers and magazines.

The designs of our political and ideological adversaries for weakening the unity of the peoples of the Soviet Union in one way or another are, however, far from new. "It is, of course, no secret," said L. I. Brezhnev "that our class adversaries and the various reactionary forces outside our country still gamble on subverting the unity of the peoples of the USSR. It is well known how similar calculations by the Hitlerites ended in an inglorious fiasco; they were smashed to pieces when they came up against the monolithic unity of our people. But reactionaries are called reactionaries because they are unable to heed the lessons of history. However, their present insidious machinations are doomed to dismal failure. The unity of the Soviet peoples, who have learned the power of friendship, brotherhood and allround cooperation through their own historical experience, is unshakable." [11]

The present tactical plan of the leaders of the reactionary emigration in the USA and its influential patrons is obvious. They have taken stock of the fact that it was precisely when the Republicans occupied the White House that Captive Nations Week originated In 1964, the slogans of this campaign in essence became an inseparable part of Goldwater's platform. And it was none other than Dobriansky, as the Republican Party's adviser on nationalities, who succeeded in 1968 in getting a special point on "assistance to the Captive Nations" introduced into the Republican platform.

The organisers of the notorious Week and their patrons stand on the extreme right flank of American reaction. Indeed, this is the miserable rock bottom of anti-communism in the United States. The aims and methods of these groups even from the viewpoint of American politicians are so odious that representatives of the US ruling circles often have to restrain the ardour of the emigrant leaders.

While the American leaders feel it unwise under present conditions to comply with some of the more militant demands of the organisers of Captive Nations Week, they are not against using their anti-communist slogans, especially since the patrons of the reactionary emigration actively support the US governments' militaristic course. For example, in August 1969, of the six senators who gave traditional anti-Soviet speeches during the Week, five voted to continue the missile armaments race.

Recent years have seen a consolidation of the alliance between the reactionary emigration and a number of government, military and public figures in the United States who share the views of the ultras. Active participants of anti-communist campaigns conducted within the framework of the Week have been, for example, former Commander of US armed forces in Vietnam and present US Army Chief of Staff General Westmoreland; FBI chief J. Edgar Hoover, and racist Senator Thurmond. The well known American reactionary trade-union leader, George Meany, has been Honourable President of Captive Nations Week since 1965. The traditional parade in Chicago in honour of the Week has been headed for a number of years by Chicago's Mayor Daley and Commander of the American Legion Murphy, both acting in close contact with the ringleader of emigrant organisations.

By supporting Captive Nations Week, official Washington contradicts its own declarations. Richard Nixon, who has often spoken in favour of moving from the "era of confrontation" to an "era of negotiations", admitted in his book *The Six Crises* that the Weeks have brought about a worsening in Soviet-American relations. According to columnist Drew Parson, Richard Nixon, during his visit to the Soviet Union in 1959, had to apologise for the action of the American Congress, saying that "Congress was foolish to pass the resolution".

The American communists have repeatedly exposed the inspirers of Captive Nations Week. They have emphasized that the reactionary emigration acts in close alliance with such ultra-Right organisations as the Minutemen, the John Birch Society and the Ku Klux Klan. The US Communist Party's *Political Affairs* magazine wrote that "in addition to neo-Nazi parties and the ultra-Right movement, there are a large number of war criminals in our country who, during World War II, helped the Nazis 'rid Europe of Communists and Jews' ".

Criticism of the activity of the organisers of the Week also comes from within the liberal bourgeoisie of the USA. A characteristic appraisal in this connection was given on the pages of *The Washington Post* by George Kennan. He wrote: "Needless irritations, such as the Captive Nations resolution and various antiquated trade restrictions, are still permitted to impede the development of Soviet-American relations".

Such a position unquestionably takes into account the attitude of ordinary Americans.

Footnotes at end of article.

As T. Sorensen, a former Adviser to John Kennedy, admitted, the American people would not be willing "to turn back the cold war clock to a point where we broke off diplomatic relations with Moscow . . . forbade trade relations of any kind with the USSR and refused to listen seriously to any of its disarmament proposals." [12]

It is obvious to the majority of Americans that the reactionary émigré group based in the US has long been a political corpse. It would be naive to suppose that its anti-communist provocation activities could represent any kind of threat to the socialist states. However, it is impossible to ignore the fact that the anti-Soviet commotion made by this reactionary émigré group is having some effect on US foreign policy.

There is no question that improvement in relations between the United States and the socialist states is possible only on the basis of the principles of peaceful coexistence. Only such a policy—and not the organisation of provocations and anti-Soviet slander—meets the interests of world peace.

FOOTNOTES

[1] *Congressional Record,* Vol. 105, Pt. 11, pp. 14105–14106.

[2] *Washington Post,* July 10, 1967.

[3] *Wall Street Journal,* March 14, 1967.

[4] *Congressional Record,* Vol. 115, Pt. 20, p. 26629.

[5] *Washington Post,* June 10, 1968.

[6] *New York Times,* May 23, 1966.

[7] *Congressional Record,* Vol. 114, Pt. 2, p. 2304.

[8] *Look,* Oct. 1, 1968.

[9] Quoted from *Congressional Record,* Vol. 114, Pt. 24, p. 31209.

[10] Lev E. Dobriansky, *The Vulnerable Russians,* New York, 1967.

[11] *Pravda,* April 15, 1970.

[12] *Congressional Record,* Vol. 115, Pt. 9, p. 12060.

REPORT: "CAPTIVE NATIONS WEEK OBVERVANCE"—JULY 19–26, 1970

REPORT: "CAPTIVE NATIONS WEEK OBSERVANCE"—JULY 19–26, 1970

(International Relations Committee, Kiwanis Clubs of Division 8, Tampa, Fla., Michael J. Miklas, chairman)

INTRODUCTION

In accordance with Joint Congressional Resolution, Public Law 86–90, the President of the United States is directed to designate the third week in July as "Captive Nations Week"—"until such time as freedom and independence shall have been achieved for all the captive nations of the world."

In view of the continuing conflict in Viet Nam, the uneasy truce in Korea, the expansion of Communist Russian imperialism into the Mediterranean and Mid East and the spread of organized violence in our colleges and Universities, it is most fitting that we remember those famous words, "Eternal vigilance is the price of liberty." Unfortunately, the twenty eight captive nations have all already lost their identities as free nations by either internal subversion or external communist military might. All Kiwanians pay tribute to the brave patriots who fought valiantly, and are still fighting to liberate their nations from the Communist terror.

God forbid that we should ever lose our freedom in the United States. However, in the mad rush of this turbulent world we are too apt to forget to thank God for our country, and our Constitution and its guarantees of freedom of religion, freedom of the press, right of public assembly and right to pursuit of happiness.

In memory of all of the captive nations with their millions of souls that yearn for freedom, and in order to remind our fellow Americans of their continued plight, the International Relations Committee of Kiwanis Division 8 planned a weeks program of activities in observance of "Captive Nations Week." The exhibits that follow present the entire weeks activities.

PRESS RELEASE

Michael Miklas, International Relations Committee Chairman for the Kiwanis Clubs of Division 8, announced that the Kiwanis Clubs will sponsor "Captive Nations Week" observances during July 19–25, in memory of those Captive Nations that have lost their freedom to Communist Imperialism. There are now over 25 Captive Nations among which are China, Rumania, Poland, Czechoslovakia, Hungary, East Germany, Latvia, Lithuania, Cuba, and many others. It is these and all other brave nations living under the complete tyranny of the Communist Imperialism that are being remembered, and especially this year, the bravery of the small captive Czechoslovak nation now trodden down again after taking a stand against the clenched Russian Communist fist and the army which invaded their land to keep them from realizing any form or demonstration of liberty. These people, although under Soviet Communist rule for many years, have maintained within themselves the love of liberty which throughout all of their history they have fought so valiantly to keep.

In accordance with a Joint Congressional Resolution, Public Law 86–90, the President of the United States designates the third week in July as "Captive Nations Week"—"Until such time as freedom and independence shall have been achieved for all the Captive Nations of the World."

The President's Proclamation further states that "it remains a fundamental purpose and intention of the Government and peoples of the United States of America to recognize and encourage constructive actions which foster the growth and development of national independence and human freedom."

Within the turmoil of our own nation and the vocal anti-war demonstrations, one becomes increasingly aware that freedom cannot be attained for any nation until all nations are free. The South Vietnamese people who have fought valiantly and bitterly for many long years with tremendous loss of life, property, and their young men, continue to struggle so that they, too, may be free to govern themselves. It is not their wish to submit to Communist Imperialism any more than it was the wish of the Jews to be exterminated by Hitler. Every nation has the right of self-determination without which the world will know no peace but only terror and a return to the dark ages would become a reality.

In view of the present war in Vietnam and the spread of Russian Communist Imperialism to Cuba with its tentacles now reaching into the near East, Mr. Mikas stated that it is very apropos that we remember those famous words, "eternal vigilance is the price of liberty." Unfortunately, these Captive Nations, by internal subversion and external Communist military might, have fallen and lost their identity as free nations. God forbid that this would happen to the United States. All Kiwanians pay tribute to the brave patriots who so valiantly fought, and are still fighting, to liberate their nations from the Communist terror.

Mr. Miklas observed that, in the mad rush of this changing, turbulent world, we are so apt to forget to thank God for our Country and our Constitution and its guarantees of freedom of religion, freedom of the press, right of public assembly and right to pursuit of happiness; rights that are denied to the people in the Captive Nations.

It is the hope of all Americans that those refugees from the devastated countries will some day be able to return to their native lands with their own families, their own customs and their own traditions and ways of life; that truly these Captive Nations may once again know the freedom they once enjoyed.

The activities of "Captive Nations Week" will be inaugurated at the City Hall at 10 A.M. on Thursday, July 16th, when Mayor Dick Greco will issue a Proclamation declaring the week of July 19–25 as "Captive Nations Week" for the City of Tampa. Representatives of the various Captive Nations will attend in colorful native costumes and an International Dance group will perform folk dances. All of the Kiwanis Clubs will feature "Captive Nations" speakers at their meetings during the week.

Judge Carswell will speak at the 7:15 A.M. "Ladies Day" breakfast meeting of the Palma Ceia Kiwanis Club at the International Inn on Wednesday, July 22nd.

PUBLIC LAW 86–90—PROVIDING FOR THE DESIGNATION OF THE THIRD WEEK OF JULY AS "CAPTIVE NATIONS WEEK"

(Adopted by the 86th Congress of the United States of America in July 1959)

Whereas the greatness of the United States is in large part attributable to its having been able, through the democratic process, to achieve a harmonious national unity of its people, even though they stem from the most diverse of racial, religious, and ethnic backgrounds; and

Whereas this harmonious unification of the diverse elements of our free society has led the people of the United States to possess a warm understanding and sympathy for the aspirations of peoples everywhere and to recognize the natural interdependency of the peoples and nations of the world; and

Whereas the enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful coexistence between nations and constitutes a detriment to the natural bonds of understanding between the people of the United States and other peoples; and

Whereas since 1918 the imperialistic and aggressive policies of Russian communism have resulted in the creation of a vast empire which poses a dire threat to the security of the United States and of all the free peoples of the world; and

Whereas the imperialistic policies of Communist Russia have led, through direct and indirect aggression, to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, and others; and

Whereas these submerged nations look to the United States, as the citadel of human freedom, for leadership in bringing about their liberation and independence and in restoring to them the enjoyment of their Christian, Jewish, Moslem, Buddhist, or other religious freedoms, and of their individual liberties; and

Whereas it is vital to the national security of the United States that the desire for liberty and independence on the part of the peoples of these conquered nations should be steadfastly kept alive; and

Whereas the desire for liberty and independence by the overwhelming majority of the people of these submerged nations constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace; and

Whereas it is fitting that we clearly manifest to such peoples through an appropriate and official means the historic fact that the people of the United States share with them their aspirations for the recovery of their freedom and independence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the third week of July, 1959, as "Captive Nations Week" and inviting the people of the United States to observe such week with appropriate ceremonies and activities. The President is further authorized and requested to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world.

Tampa City Council Meeting, July 16, 1970

Mayor Dick A. Greco presented the Proclamation designating the week of July 19th as "Captive Nations Week" to Michael Miklas, Committee Chairman.

German, and Hungarian folk dances were performed by dancers of each national origin in native costumes.

Groups of representatives from Cuba, Czechoslovakia, Hungary, Latvia, Lithuania, and Poland in colorful native costumes were present to add their support to the objectives of "Captive Nations Week".

The City Council, unanimously passed a Resolution approving Mayor Greco's Proclamation of "Captive Nations Week" to be sent to President Richard Nixon and the Florida Congressional delegation with the recommendation that they propose the formation of a "Special House Committee on Captive Nations" for education in freedom by contrast to redirect the energies of our citizens and young people to the supreme goal of freedom for all people who have lost it.

The program was covered by TV Stations WFLA and WTVT who showed it on their 6 p.m. and 11 p.m. News programs.

[From the Tampa Tribune, July 18, 1970]

Tampa To Mark "Captive Nations Week"

"Captive Nations Week" will be celebrated in Tampa and other cities July 19–25, Michael Miklas, chairman of the international relations committee of area Kiwanis Clubs, has announced.

The week serves to keep in memory "Those captive nations which have lost their freedom to Communist imperialism," said Miklas in a news release.

There are more than 25 "captive nations," he said, including China, Rumania, Poland, Czechoslovakia, Hungary, East Germany, Latvia, Lithuania and Cuba.

By joint Congressional resolution, the President has proclaimed the third week in July "Captive Nations Week."

The week will be featured in talks at local Kiwanis Club meetings.

Proclamation of the City of Tampa

Whereas, the joint resolution approved July 17, 1959 (73 Stat. 212), authorizes the President of the United States of America to issue a proclamation each year designating the third week in July as "Captive Nations Week," until such time as freedom and independence shall have been achieved for all the captive nations of the world; and

Whereas, all people yearn for freedom and justice; and

Whereas, these basic rights unfortunately are circumscribed or unrealized in many areas in the world; and

Whereas, the United States of America has an abiding commitment to the principles of independence, personal liberty, and human dignity; and

Whereas, it remains a fundamental purpose and intention of the Government and people of the United States of America to recognize and encourage constructive actions which foster the growth and development of national independence and human freedom.

Now, therefore, I, Dick A. Greco, Jr., by virtue of the authority vested in me as Mayor of the City of Tampa, Florida do hereby designate the week beginning July 19, 1970, as "Captive Nations Week" and I invite the people of this city to observe this week with appropriate ceremonies and activities of all people for national independence and human liberty.

Dated at Tampa, Florida this the 19th day of July, 1970.

Dick A. Greco, Jr., *Mayor*.

[From the Tampa Tribune-Times, July 19, 1970]

This Is Captive Nations Week—A Memorium for All Captive Nations

who lost their freedom thru the force and might or political intrigue of Communist Russian imperialism, including: Estonia, Lativa, Lithuania, Albania, Bulgaria, Yugoslavia, Poland, Rumania, Czechoslovakia, North Korea, Hungary, East Germany, China, Tibet, North Vietnam, Cuba, the nation of the U.S.S.R. and others. Who will restore freedom to these nations under Communist tyranny?

Published in the interest of Freedom by the Kiwanis Clubs of Division 8, Michael Miklus, Chairman.

Captive Nations Week Program of the Kiwanis Club of Midtown Tampa, Fla.

Monday, July 13, 1970, 12:15 p.m. Sheraton-Tampa—Henry E. Madsen, Lt. Governor Division Eight, Robert W. Thal, Florida District Governor.

"Vision Is the Telescope in the Observatory of Opportunity." Arnold H. Glasou.

Program this week: (7/13/70)—Don Elliot, our stock market expert, will discuss the present market situation and will attempt to offer some insight on the future market trend.

Program last week: (7/6/70)—Mr. Murdock Beaton of the First Methodist Church repeated what has been said to this club by others—by personal contact and knowledge of other peoples habits, likes, dislikes, and tradition many problems of this world could be resolved. Mr Beaton is proving this each year at Christmas, with an International Music Festival, where people of the West Coast of Florida, that have a foreign background and heritage, gather together and share their food, song, dance and ideas. In short, Murdock believes that if people have a chance to share with others what they have made and love, a more harmonious relationship is bound to evolve.

Program next week: (7/20/70)—This week is Captive Nations Week: Mike Miklas will be in charge of the program.

Special report: President-Elect, Bill Cox, just back from Detroit and the International Convention, reported that most projects and community concerns over the nation are directed towards the young people. According to Bill, all liked our Kiwanis Chorale program.

Absent: Alderman, Alfonso, Anderson, Andrews, Barkin, Beach, Bogue, Edwards, Hodges, Jennewein, Jessee, Lehawald, Madsen, Meighan, Millsap, Myers C., Myers D., O'Neil, Scott, Shea, Sherman, Stewart, Van Middlesworth, Ware, Wiehrs—Is everyone on vacation???

Visiting Kiwanians: Lt. Governor Elect Tom Smith, Jr., Temple Terrace; Gray Wyman, Tampa; Ed Woodell, Tampa; Calvin Mitchell, Tampa.

Club Grading: Midtown had a score of 101 for the month of May, due to the fine work of Ken Jackson with the Tampa Catholic Key Club.

Family Reunion Day: This will be August 9th this year. Tell your friends about the idea, then have a reunion with your own clan.

Humor: Cricket Match—Compatible insects.

Scripture: Surely in vain the net is spread in the sight of any bird. Proverbs 1, 17.

[From the Tampa Tribune, July 20, 1970]

This is Captive Nations Week

In Memoriam

Russia

Itself a captive nation—captured thru force and political intrigue by a small dedicated band of communist imperialists. No free elections permitted—its citizens never free to come and go as they please either within or outside the Iron Curtain. When will the people of Russia be free? Published in the interest of Freedom by the Kiwanis Clubs of Division 8, Michael Miklus, Chairman.

[Radio feature, WFLA Radio, July 20, 1970]

Ask the Expert

Roger Courtney conducted this excellent radio talk show on "Captive Nations Week" with the following guests:

Pauline Robinson Miklas, State President, National League of American Pen Women; Mario Quevedo, Cuban Refugee; Michael Miklas, Committee Chairman.

[From the Tampa Tribune, July 21, 1970]

This Is Captive Nations Week: A Memorium for All Captive Nations—Hungary

Hungary, a valiant nation that lost its freedom by military takeover. The army that perpetuated this vicious deed was the army of the Imperialistic Soviet Union. Published in the interest of Freedom by the Kiwanis Clubs of Division 8, Michael Miklas, Chairman.

[TV feature, WTVT, July 21, 1970]

Tampa Bay Topics

Michael Miklas, Committee Chairman, appeared as guest on this Civic Affairs Program to discuss, "Captive Nations Week."

International Airport Kiwanis Club, Tuesday, July 21, 1970

Michael Miklas, Committee Chairman and Mario Quevedo, a Cuban refugee, presented a program on "Captive Nations Week."

North Tampa Kiwanis Club, Tuesday, July 21, 1970

Pauline Robinson Miklas, State President, National League of American Pen Women presented the program at the dinner meeting of the Club on "Captive Nations Week".

[From the Tampa Tribune, July 22, 1970]

This Is Captive Nations Week—In Memoriam—Poland

The homeland of Chopin, where music once sounded, tears and weeping fill the air. Invaded by the Communist Russia Imperialists—30,000 members of its finest officers' corps murdered at Katyn Forest—its honor and liberty strangled! Who will free Poland! Published in the interest of Freedom by the Kiwanis Clubs of Division 8, Michael Miklas, Chairman.

[From the Tampa Times, July 22, 1970]

Captive Nations Week

A rather pitifully small advertisement is appearing in the paper this week reminding readers that this is Captive Nations Week. It reads: "A Memoriam for All Captive Nations."

The reference, of course, is to those East European states which fell behind the Iron Curtain following World War II. Some have retained their national identity while others, both in terms of population and boundaries, are hardly more than a memory to historians. For instance, the Baltic states of Lithuania, Latvia and Estonia are now integral parts of the Soivet Union. And there are ugly hints that vast numbers of their former populations found cold graves in Siberia.

Poland exists as a national entity but its voice is the voice of the Kremlin. East Germany is the less fortunate part of what is now a hyphenated Germany. And Czechoslovakia tried vainly to lift its head above the clouds of oppression into the clear air of freedom—only to have it, clubbed down again by the Russian military machine.

Hungary is a living tragedy, its existence a monument to those valiant freedom-fighters who faced Soviet tanks with rocks and proved their courage, but lost their lives. Add to the list of slave states Romania and Bulgaria. Only Yugoslavia has managed to maintain some degree of independence from the Kremlin. Albania is a Peking satellite.

It is quite easy to forget all this in the turmoil over domestic policies, the war in Southeast Asia and our own petty pursuits at home. But the captive nations are there and so are the captive people, pawns manipulated by the men in the Kremlin to the advantage of the Soviet Union.

Each year that passes less and less is said about Russia's East European colonies and their quisling governments. The Communists shout, "Imperialist" at the United States as it fights to defend the free people of Southeast Asia. And the cry is echoed in some of our higher government circles and academic halls.

But we do not recall hearing a George McGovern or a William Fulbright or a Frank Church address himself to the proposition that the real imperialists in this world are the Communists. The Soviet Union maintains control over the lives of millions with no other license than its military might. Free elections, freedom of expression, freedom of thought is considered the highest form of treason.

Even within the Soviet Union, itself, critics of the Communist system are scorned by the government and the owners of some of Russia's best minds have been confined to insane asylums because they had the courage to see the stupidities of Red bureaucracy and speak their minds.

There is not much to be done at the moment about the captive nations, except to remember that in dealing with Moscow we are literally dealing with a slave trading government.

It exploits its people and the people under its thumb to the advantage of a new ruling class. Imprisoned in the vastness of this police state are millions who, if they could, would flee. But the Soviet Union's borders are closed. A harsh wall of concrete and barbed wire slashes through Berlin, separating the free city from the Communist sector. But the wall is still frequently challenged by those willing to risk their lives to escape the poverty, the depression and the controls imposed by the Red regime.

And those who care ask, how much longer will the captive nations remain captive?

Palma Ceia Kiwanis Club,

Wednesday, July 22, 1970

Judge G. Harrold Carswell of Tallahassee spoke on "Captive Nations Week" at the breakfast meeting.

The speaker was presented on the evening news programs by both WTVT and WFLA TV.

The Tampa Tribune and Wall Street Journal had reporters at the meeting and Clearwater Sun published the Judge's remarks.

[From the Tampa Tribune, July 23, 1970]

Carswell Attacks Liberals, Says Senate Balance Needed

(By David Watson)

There must be a balance in the U.S. Senate before there can be a balance on the U.S. Supreme Court, former federal Judge G. Harrold Carswell said in Tampa yesterday.

Carswell said this conclusion played a part in his decision to step down from the bench and toss his hat into the political ring as a candidate for the Republican nomination to the senate.

The candidate said his conservative philosophies are in tune with those of President Nixon, and Nixon's are in tune with those of Florida.

Carswell was nominated to the Supreme Court by the president but lost the confirmation in the senate. Vengeance is not his purpose in running, he said.

But, he asserted, the Democratic Party, in power, is completely dominated by extreme liberals who have succeeded in running out the south. They don't want it, he said.

Despite that, he said, he believes the president will get some conservative balance on the Supreme Court, although it will take time.

He said he believes he can work well with the senate which denied him his appointment, and added that he has learned that many who voted against his confirmation are not now happy that they did so.

Although his announcement as a candidate was made in an appearance with Gov. Claude R. Kirk, Carswell said he is running an independent campaign on his own merits.

As for quoted statements that his primary election opponent, Congressman William C. Cramer, was urged to run by President Nixon, Carswell said that he himself had the confidence of the President or he would not have been nominated for the high court.

All he hears of Cramer's record of service is in terms of years in office, he said. Carswell reminded that he served 17 years in office himself, as prosecutor and judge.

While Cramer's experience is in writing legislation, he said, his own dealt in daily application of legislation in every walk of life.

His campaign shows him that Floridians are especially concerned about crime, he said, and that includes drug traffic.

While legislation is needed to fight drug abuse, he said, a major need is a program to inform youth of the dangers of drugs. This can be done through the schools, he said, but also through every other media of communication.

As for law enforcement, Carswell said there has been too much "leaning over backward" to protect violators and it is time to consider the problems of enforcement agencies.

He said he finds that Floridians are generally in support of the president's policies on Vietnam, and said he believes the president has kept his commitments.

Carswell took exception to an observation by Democratic senatorial candidate Farris Bryant, who raised questions about a national fund-raising campaign on behalf of the Republican and who said Floridians should elect a senator on their own.

Carswell said he chose to believe it is a U.S. Senator from Florida who is about to be elected, not a Florida senator.

Looking over the party fences, Carswell said the Democratic nominee will have "a terrible burden" in that he would be committed on his first votes to keeping such "extreme liberals" as Sen. Birch Bayh and Edward Kennedy in power.

[From the Clearwater Sun, July 24, 1970]

Carswell Raps TV Networks, Press

Tampa.—Judge Harrold Carswell charged that national television and the "Northern liberal press typically ignored the one billion enslaved human beings behind the Communist Curtain" and distracted Americans to their plight during Captive Nations Week by focusing attention on Vietnam and Florida's migrant problem.

Speaking to the Palma Ceia Kiwanis Club here, Carswell commemorated the 11th annual Captive Nations Week observation which was signed into law by President Eisenhower.

"There are one billion souls on earth who do not enjoy the freedom we take for granted," the former federal judge said. "That one-third of humanity appreciate freedom . . . know it with a pang in their hearts . . . because it has been taken from them."

"But, did you see anything about Captive Nations Week on television or in the newspapers?" the Republican candidate for the U.S. Senate asked.

"Of course not. Highlights of last week's television programming were an all-star baseball game, an intimate account of a company of American boys suffering the hell of war in Vietnam, Birch Bayh discussing his campaign for direct election of the President and a so-called documentary, a swan song for that liberal Chet Huntley, on the migrants who work in Florida."

"Those flamboyant liberals—the limousine liberals—who permeate the U.S. Senate and the national news media are supposed to be concerned with minorities," Judge Carswell said. "They categorize Americans and capture the votes of the minorities. They try to build their power base by piecing together blocs of Americans by race, by economics, by region of residence.

"Why aren't the liberals concerned with the minority of mankind behind the Communist Curtain? One-third of the living population of the world, after all, is a minority," said Carswell.

The former federal judge said the liberal-dominated national news media "seems bent on distracting the American public from the fact the Captive Nations Week were enslaved by the ever-encroaching, ever-expanding Communism controlled by the imperio-colonialistic polices of Russia and Red China."

[From the Tampa Tribune, July 23, 1970]

This Is Captive Nations Week—in Memoriam—Czechoslovakia

Twice invaded by the army of the Communist Russian Imperialists in full battle force. Tanks blasted even the most innocent—its former leader Jan Masaryk murdered—its newest leader Dubcek kicked out and headed for an uncertain fate. The toll rises. Who will return freedom to Czechoslovakia? Published in the interest of Freedom by the Kiwanis Clubs of Division 8, Michael Miklas, Chairman.

[TV Feature, WTVT, July 23, 1970]

Tampa Bay Topics—Civic Affairs Program

Guests appearing to speak on "Captive Nations Week": Mario Queseda, Cuban Refugee and Michael Miklas, Committee Chairman.

[From the Tampa Tribune, July 24, 1970]

This Is Captive Nations Week—in Memoriam—Tibet

Invaded by hordes of Communist Imperialists, their spiritual leader the Dalai Lama forced to flee to refuge in other lands. His people pray for his return. Who will restore freedom to Tibet? Published in the interest of Freedom by the Kiwanis Clubs of Division 8, Michael Miklas, Chairman.

[From the Tampa Tribune, July 24, 1970]

U.S. Ignored Pleas for Help

Zephyrhills.—Last week was Captive Nations Week and my heart was sickened when I saw the little notices in a black border reminding us of those countries in slavery all these years behind the Iron Curtain, and our once great nation, which from her founding always stood for righteousness and justice, doing nothing toward their liberation; nothing except to pass a resolution and then turn her back upon their cry for help.

The Republican platform of 1952, calling for efforts toward liberation of these enslaved peoples, has been completely discarded. The text of this platform read, "The Government of the United States, under Republican leadership, will repudiate all commitments contained in secret understandings such as those of Yalta which aided Communist enslavements. It will be made clear, on the highest authority of the President and the Congress, that United States policy, as one of its peaceful purposes, looks happily forward to the genuine independence of those captive peoples."

Dwight D. Eisenhower was elected President running on that platform, but he ignored that plank and refused aid to the Hungarian freedom fighters soon afterward and allowed them to be slaughtered and crushed, in spite of the fact that they were given hope to expect help by Radio America.

Franklin D. Roosevelt instituted this great betrayal and all of our Presidents and Congresses since have taken no steps to rectify this horrible injustice. Does not that put this nation of ours in a very hypocritical position?

F. B. A.

[From the Tampa Tribune, July 25, 1970]

This Is Captive Nations Week—In Memoriam

CUBA

This pearl of the Caribbean reduced to chaos by Communist Imperialism and now a base for exporting Communist revolution and terror throughout the Western Hemisphere. Who will restore freedom to Cuba? Published in the interest of Freedom by the Kiwanis Clubs of Division 8, Michael Mikas, Chairman.

Fidel Castro Once Swore He Was Not a Communist

(By William Giandoni)

You can say what you like about Fidel Castro without fear of exaggeration.

The Cuban prime minister admits that he deliberately deceived the Cuban people by swearing that his revolution "was as Cuban as the palms," that it was not Communist-dominated or even far left leaning.

He even lied to the peasants who made up his guerrilla band by leading them to believe that they were fighting for the right to own a bit of land of their own.

But even with those things against him, and they are not the ugliest that Cubans know to be true of Castro, he is more firmly entrenched in power now than ever. He enjoys the firm support of the Soviet Union, and he is safe behind a U.S. pledge not to permit the invasion that it would take to dislodge his Communist dictatorship.

Considerable confusion exists in the United States over the point, one of the outcomes of the missile crisis.

But the State Department record shows that the late President John F. Kennedy did guarantee Cuba's inviolability in a letter to Soviet Premier Nikita Khrushchev dated Oct. 27, 1962, in return for removal of Soviet missiles from Cuba.

"We, on our part, would agree," Kennedy wrote Khrushchev, "to give assurances against an invasion of Cuba."

Although the United States later talked of on-the-spot checks of removal of the weapons systems, Kennedy at the time wrote only of "appropriate United Nations observation and supervision," without spelling it out.

There is no questioning the stranglehold that Castro and the Communists have on Cuba.

Recognition of that fact obviously plays a part in the campaign in favor of hemispheric resumption of relations with the Castro dictatorship. Mexico is the only Latin country with an ambassador in Cuba at present.

Castro seems here to stay, at least as long as the rarely mentioned Kennedy pledge is honored.

There is resistance within Cuba. Firing squads that the Cuban Communists popularized a decade ago are still to be heard, though less frequently than before. Early in the current sugar harvest, Castro felt it necessary to go on radio and TV to warn that anyone caught sabotaging the effort to produce 10 million tons would be sent to the "paredon" (wall) in front of a firing squad.

Outside of Cuba there is still hopeful talk among the half-million or more exiles of mounting some military action against the Castro regime.

But it sounds futile. Every few days you can hear the Cuban radio advise listeners in advance not to be concerned about the sonic booms that shake town and country when the fast-flying MIGs of the Cuban air force maneuver in the skies.

Even if the exiles had the rifles and munitions they would need, which they do not have and cannot get, or the troop transports and landing craft to move an invasion force of significant size, which they do not have and cannot get, they would still lack air superiority.

And, no matter how strongly they feel, they well know that it was Castro's control of the skies in April, 1961, that killed whatever chances the U.S.-backed invasion at the Bay of Pigs may have had.

That was the last real opportunity that the United States had to rid the hemisphere of Castro. After 1961, the Soviets began the arms buildup that led to the missile crisis the following year.

The opinion may be widespread in the United States that President Kennedy won the showdown in the Caribbean in October, 1962. But the Communists never saw it that way. And the rest of the hemisphere began to have its doubts when the United States did not take advantage of the virtually unanimous support it then had from the Latin governments, and root Communism out of Cuba.

Soviet Premier Nikita S. Khrushchev stated the Communist view of things as soon as the furor over emplacement of Soviet missiles in Cuba died down.

"Socialist Cuba exists," the Soviet leader said. "Cuba remains a beacon of Marxist-Leninist ideas in the Western Hemisphere. The impact of her revolutionary example will grow.

"The government of the United States has given a pledge not to invade Cuba."

That was the situation years ago, and that is pretty much the way things are now.

Castro and the Communists defied the Cuban people. Castro and the Communists defied the rest of Latin America. Castro and the Communists defied the United States.

And they got away with it.

Even now, Khrushchev's estimate of the situation appears accurate. Only his prediction that Cuba's revolutionary example will grow might be subject to challenge.

[From the Tampa Times, July 27, 1970]

Just Propaganda

Tampa.—In my opinion The Times' editorial, "Captive Nations Week," was another piece of artful propaganda on the part of right-wingers in this area to instill further fear into the hearts and minds of Americans so as to make it easier for this nation to be taken over by a military-industrial dictatorship.

Such is the ultimate aim of the John Birch Society, the Minutemen, the Ku Klux Klan and a few other units of their kind.

Remember, too, a lot of Cuban escapees and refugees who still believe in dictatorship are pressuring these right-wingers to get rid of the Castro regime so they can get back their cushy jobs in Cuba under another dictator who will be as ruthless toward the mass of Cuban people as Castro ever was.

Larry Pickup.

Program of the Kiwanis Club of Midtown Tampa, Fla.

Monday, July 27, 1970, 12:15 p.m., Sheraton-Tampa—Henry E. Madsen, Lt. Governor Division Eight; Robert W. Thal, Florida District Governor.

"We are what we accept ourselves as being. We can be what we convince ourselves we can be." Elmer G. Leterman.

Program this week: (7/27/70)—Our speaker this week shall be Joe Zolupasky of the Tampa Sports Authority. Mr. Zolupasky will inform the Club of coming events to the Stadium and the general operation of the Sports Authority.

Program last week: (7/27/70)—At the last minute Representative William Cramer was called back to Washington and unable to attend the luncheon. However, Mrs. Mike Miklas came forward and provided the club with a most informative talk along the theme of Captive Nations. Mrs. Miklas stated that their entire family has as their foremost project the opposition of all forms of Communism because there are over one billion people in twenty three nations under Red domination. According to Mrs. Miklas, the greatest imperialistic nation today is the USSR as she grasps control of countries as quickly as the English and French gave them freedom. Be Alert urges Mrs. Miklas—Be Alert.

Program next Week: (8/3/70)—The Foreign Affairs Committee brings Midtown member, Joe Connor with a look into China.

New father: Congratulations to Lenny Gilbert on the arrival of a new Gilbert to Tampa.

Absent: Alderman, Alfonso, Andrews, Barkin, Belt, Connor, Cox, C., Dell, Hodges, Jennewein, Knaus, Lehwald, Meighan, Myers, C., Myers D., O'Neil, Porter, Shea, Sherman, Wagner, Ware.

Guests: Bill Van Middlesworth had as his guest, P. J. Harvey, Jr. Warren Dawson was the guest of Marshall Jessee. Lloyd Anderson's guests were Mr. and Mrs. Bob Morris.

Ladies Day: It was a pleasure to have these lovely ladies with us for lunch—Mrs. Anderson, Beach, Bogue, Burns, Cochran, Miklas, Ossi, Scott and Van Middlesworth.

Visiting Kiwanians: Tampa, Mark Mooney; Brandon, Roy Hashell and O. Harrell; Temple Terrace, Lt. Governor Elect Tom Smith, Jr.; International Airport, Roger McIntosh, Shelton Thorne, Bus Turner, and Ted Melching.

Humor: Dating Machina—IBM finds our match unsuitable—Does that make us uncomputable?

Resolution No. 7231–E

A resolution approving, amending, and endorsing the action of the mayor in proclaiming the week of July 19, 1970, as "Captive Nations Week"

Whereas, the joint resolution of Congress approved July 17, 1959 (73 Stat. 212), authorized the President of the United States of America to issue a proclamation each year designating the third week in July as "Captive Nations Week" until such time as freedom and independence shall have been achieved for all the captive nations of the world, and

Whereas all peoples yearn for freedom and justice, and

Whereas, these basic rights unfortunately are circumscribed or unrealized in many areas in the world, and

Whereas, the United States of America has an abiding commitment to the principles of independence, personal liberty, and human dignity, and

Whereas, it remains a fundamental purpose and intention of the Government and people of the United States of America to recognize and encourage constructive actions which foster the growth and development of national independence and human freedom, and

Whereas, Dick A. Greco, Jr., by virtue of the authority vested in him as Mayor of the City of Tampa, did designate the week beginning July 19, 1970, as "Captive Nations Week", and

Whereas, it is the consensus of this Council that such action of the Mayor should be approved, commended, and endorsed by this Council, now, therefore,

Be it resolved by the City Council of the City of Tampa, Florida:

SECTION. 1. That the City Council does hereby approve, commend, and endorse the action of the Mayor of the City of Tampa in proclaiming the week of July 19, 1970, as "Captive Nations Week".

SECTION 2. That the City Council further commends this action to our delegates in the Congress of the United States and recommend and urge that they sponsor, propose, and support the formation of a Special House Committee on Captive Education for Freedom by contrast to redirect the energies of our citizens and particularly our youth to the supreme goal of freedom for all who have lost it.

[From the Christian Crusade Weekly, Apr. 19, 1970]

AMERICA'S UNUSED WEAPON—THE CAPTIVE NATIONS

The reality of life under communism is difficult for the average uninformed American to understand. Those who have never tasted the bitter dregs of life under a Communist dictatorship cannot imagine the reality of such a horrible existence. The blindness to that reality is increased by reports from uninformed fellow citizens who have taken guided tours of the Soviet Union or other Communist-enslaved lands. It is easy for the Red conspirators to deceive people visiting their enslaved lands if such people have never experienced life under communism or have not learned the truth about it through reading and study. Such people have no idea of the extent to which the outer behavior of human beings can be controlled in a total dictatorship. The inhabitants of Communist-ruled lands had better act happy and speak favorably of their government when confronted by tourists. If they do not, they are in serious trouble, to say the least. Behind the Iron Curtain there is an extensive system of citizens spying on other citizens. They are even supposed to turn in the name of anyone who hears an adverse remark and fails to report it. People in Communist-enslaved lands are kept under control through terror and fear.

The delusion that conditions are normal or near-normal in Communist-ruled nations is aided by the unrealistic picture given Americans through much of our nation's press. The presentation of facts by those who know better apparently reach only a small proportion of our population. Actually, the mere fact of the existence of a so-called Iron or Bamboo Curtain should be sufficient proof that nations ruled by communism are terrible places in which to live, to put it mildly. If the contrary were true, why should the Communists have to resort to stringent means such as extensive networks of barbed wire fences, machine gun emplacements, vicious dogs and other insidious means to keep people from leaving these nations? The thousands who risk their lives to flee from Communist-enslaved lands should be ample proof of the true conditions of life under communism.

More Americans need to read information such as that put out in 1959 after the House Committee on Un-American Activities (now the House Internal Security Committee) held a series of hearings during which Ukrainian refugees told of the horrors inflicted upon them and their compatriots by international communism. Among those testifying was Mykola Lebed, who revealed the following methods of terror used by the Communists in the Ukraine:

"To those members of the Ukrainian movement who were caught, as well as their families, the NKVD and NKGB applied the following measures of terror: With hot irons they tortured those prisoners who were caught. They cut into the skin and tore the skin off from the living body. They also nailed people on the cross . . . They cut out eyes, broke bones in legs and arms and extracted nails . . . These methods of terror were applied not only to prisoners in interrogation rooms and cells, but also in public places, forcing people to get together to witness these atrocities . . . These methods were applied in order to terrorize the population of Ukraine and depress its will to resist the regime . . ." (*The Crimes of Khrushchev,* Part II, Committee on Un-American Activities, House of Representatives, September 9–11, 1959, pages 3, 4)

Nicholas Prychodko, who lived in the Ukraine from 1918 until 1944, recounted his personal experiences to the Committee: "I got no explanation for the first two months while I was in prison. Later on, they accused me of being a member of the nationalist Ukrainian underground organization . . . At first, I was 21 months in a Kiev prison. During that time I was called several times for interrogation. I was severely beaten during those interrogations. My person was humiliated. The investigators spit in my mouth and hit me with the leg of a chair. To this date, I have pains in my back from those beatings.

"At other times I was beaten by a small plank from which protruded about 20 small nails . . . I was in slave labor camps in Ivdel, about 600 miles northeast of Sverdlov. At the end of my time in the concentration camp, I was on the edge of death because of the extremely hard work and scarce food. In the entire complex there were 350,000 slaves. In the particular camp in which I was interned, there were around 3,000 slave laborers. The rate of death was approximately 15 per day while I was there . . ." (*Ibid.*, page 38)

On many occasions, representatives of the captive peoples who have escaped tyranny have attempted to bring their plight to our nation and the entire Western world. One such attempt was made on September 6, 1964, by Horia Sima, former prime minister of Rumania. In this appeal, which was printed in pamphlet form, he said:

". . . The industrial development of Rumania leaves its people without any benefits. The factories built all over the land are places of torture, workshops of a huge prison. Men and women have to work day and night to make a reality of the four, five, and six-year plans of the regime, without ever being able to share in the products of their labors. Everything that is produced in Rumania is exported, in order to import new machineries, which will create new industries, while the working masses must make another effort, and go through another period of hunger, in order to pay for the industrial acquisitions. This demented system of industrialization, typical of all Communistic societies, continues like a vicious circle, the only hope of escape from it for the individual in death . . .

"Unscrupulous newspapermen, sometimes paid with Communist International funds, write in responsible newspapers of the West about the 'decent' life of the Rumanian people. Life in Rumania is not 'decent,' nor is it endurable, it is an infernal life. These unscrupulous newspapermen dishonor their noble profession . . . and thus become accomplices to the tyrants of the Rumanian people. Rumania, like all other enslaved nations, is governed today by a race of monsters who appear to enjoy human suffering, and whose historical vocation seems to be the usage of crime as a principle of government . . .

"Famine in Rumania is not a sporadic factor . . . starvation in Rumania is organized by its government, who by [its] methods of collectivism has completely ruined the agriculture of the country, and sells 90 per cent of the products of a starved nation to other countries . . . Of those of you who will go to Rumania as tourists, we ask that you bring with you some cans of milk, and that you give them to a child. This will be the best propaganda in favor of the Western world . . ."

The March-April, 1966, issue of *ACEN News,* a bimonthly review of the activities of the Assembly of Captive European Nations, contained an article by Dr. Bela Fabian, a former member of the Hungarian Parliament and chairman of the Federation of Hungarian Former Political Prisoners. In his article, Dr. Fabian mentioned the false reporting by some Western newsmen visiting Budapest. These newsmen, he said, wrote "lengthy dispatches about the difference between conditions in pre-revolutionary and post-revolutionary Hungary" and they reported that there was "no more 'doorbell shock' " and that "there are no more nightly searches in Budapest." Dr. Fabian commented, "At the very same time that these dispatches were being filed, the secret police conducted night searches in some 500 homes."

VOTING WITH THEIR FEET

Throughout the years many people have fled from the captive nations in spite of all difficulties placed in their way. Many have lost their lives attempting to escape the tyranny. Those escaping come from all walks of life. A number of defectors from captive nations have been high government officials. One of the most recent of these was Jiri Mladek, number three man in Prague's United Nations delegation. Mladek, who managed to get his wife and 20-year-old son out to freedom and received asylum in the United States, had become disillusioned by the increasingly harsh realities of Czech communism. (*Human Events,* February 28, 1970)

Throughout the years millions have fled from Communist tyranny and the volume of those fleeing tell a very important story. They are actually voting with their feet. Never in history have so many people rejected the governments of their own nations by deserting them as has been the case since international communism came into power in a large part of the world.

In his syndicated column appearing in newspapers around the country on July 6, 1969, Henry J. Taylor wrote: "More than a million desperate Hungarians fled Hungary when the Reds took over and during the reconquest. A full 200,000 are to this day seeking safety in Switzerland alone . . . This million is equaled by people who fled Czechoslovakia, Poland, Rumania and Bulgaria, where fear rises like a black gas.

"Four million Koreans fled South when the Reds seized North Korea. A million Vietnamese fled to South Vietnam when Ho Chi Minh took over North Vietnam. Thirteen million Chinese fled the mainland to Formosa when Red Mao Tse-tung took over. Hong Kong alone has absorbed more than a million escapees from Red China. . . . There are nearly seven million first-generation immigrants from Iron Curtain countries now in the United States. . . . "

THE CLOSEST CAPTIVE NATION

One of the captive nations from which many refugees have fled is only 90 miles from our shores. Unfortunately, many Americans are unaware of the true conditions in this Communist fortress, Red Cuba.

Some recent information regarding the dissatisfaction of Cubans with Communist rule came from a Black Panther, Andrew Ferrell, who visited Red Cuba. Presumably he has since been kicked out of the Black Panther Party for his revelation of Communist tyranny. He was branded a "traitor" to the Panther cause in a pamphlet circulated in Europe.

The Tulsa Tribune of December 1, 1969, reported: "'We ran into all kinds of dissatisfied Cubans,' Ferrell said. 'You know, like people were saying, "Hey, man, you're crazy. What did you come down here for? Everybody's leaving here and going there (America)." This is insane.' He said he doubted these people at first but encountered more and more of them. . . ."

THE COMMUNIST VIEWPOINT

Naturally, the Communist conspirators take a dim view of anti-Communist refugees. They consider them to be "Fascists" and criminals. In a report to the National Committee of the Communist Party, U.S.A., in New York City on January 20, 1961, Gus Hall, general secretary of the party, said: "A serious force for reaction and fascism in the country is the existence of innumerable Fascist refugee groups, who are used by reaction as shock troops for violent demonstrations against the Socialist world and against all people's movements. They are a center of counterrevolutionary activities . . ."

An article in the September, 1966, issue of *Political Affairs*, official Communist monthly, attacked these refugees as follows: ". . . there are a large number of war criminals in our country who during World War II helped the Nazis 'rid Europe of Communists and Jews.' They come from Lithuania, Latvia, the Ukraine, Russia, Yugoslavia, Estonia and other countries, and they are here by the hundreds . . . The Soviet government has in many cases requested our government to deliver these criminals so that they could be tried or so that the verdicts already decreed [against them] could be carried out . . .

"The above criminals . . . are active in the organizations of the so-called 'captive nations,' they have their own press and conduct war-inciting activities through demonstrations, picket lines, etc. These organizations are aided by governments. This is done by addressing their meetings, by supporting their parades, and by various other methods. Many of these war criminals came here after the war with the help of important people . . ."

The real problem bothering the Communists in regard to these refugees was revealed clearly further on in the *Political Affairs* article: "*The New York Times* states: 'According to unofficial estimates, there are about a hundred thousand members in several hundred active immigrant associations in America which are organized by exiles from countries which are now under Communist rule. Most of them are strongly nationalistic and anti-Communist and maintain informal connections with their countrymen who are still behind the Iron Curtain.' . . ."

THEY DESERVE OUR SUPPORT

Actually, the vast majority of the people in these captive nations and refugees who have escaped from them are our allies and therefore deserve our moral support. Rep. Michael A. Feighan (D-Ohio) tried to make this point on the floor of the House of Representatives on August 13, 1969: ". . . they are our allies. They seek our support to help them achieve freedom from the tyranny which has been imposed upon them by subversion, terror, and military force. Their goals are the same as our: liberty and national independence.

"For these captive peoples to remain our allies, it is essential that the citizens of the United States, along with those of the other free nations of the world, provide their moral support and encouragement. We must keep alive the aspirations of these people by showing our concern for their current plight and by strengthening our alliance with them. . . .

Sympathy and affection for people suffering under tyranny has long been a tradition of the American people and their leaders. However, in the case of the captive nations under communism, this American feeling has been held back because the facts of life under communism have been so blurred by propaganda picturing Red-enslaved nations as normal countries in which the people respect and love their governments. In the case of these captive nations, Americans should have even more interest than just that of sympathy for the oppressed people. The fact is that their enslavement imperils us. The United States of America is the ultimate goal of communism, and each nation added to the empire of Red-enslaved captive nations is another step toward complete encirclement of the United States. This is the basic issue in South Vietnam, Red Cuba and other nations. The matter is not as simple as our so-called "antiwar" Liberals attempt to make it. Nor is it as simple as the promulgators of a murderous no-win policy would have Americans believe.

WHY NOT OPPOSE THEIR PLOT AGAINST US?

In light of the above facts, the all-important question arises as to why our country does not follow a policy of active opposition to the Communist determination to enslave us. The captive nations should be our first line of defense.

The actual truth of the matter is that Red dictatorships fall relatively easy. This was pointed out by Brig. Gen. Frank L. Howley (U.S.A. retired), former American military governor of Berlin and vice chancellor of New York University. In testimony before the Senate Internal Security Subcommittee on April 28, 1955, he warned that Americans "should not be fooled into thinking that the people of any country are behind the Communist government." He went on to explain:

"I say that because when I was in Guatemala before the revolution, if you judged by what was in the newspapers or what you heard over the radio, or what you saw on streamers all over the city, and what you heard these Communists say, and these Communist-led 'setups'—if you listened to them, all the people were in back of this wonderful thing, and they were speaking for the people. The fact was that when this government was challenged in the way in which it was challenged, by force—and it was a government which was maintained by force . . . there was practically nobody in back of the Communist government . . . At that time the President—he called himself President, though he had really seized that control—he called on the army to rally and repel this little force that was sitting down there in the jungle.

"The army said 'No.' Then he called on the trade unions. The trade unions were not really trade unions; they were set up by Communists and controlled by Communists. So he called on the trade unions, and I think that nobody but two or three Communist leaders responded. He called on the people to rise up and defend their government. But they knew that they weren't defending their government, and they weren't going to waste any time in defending these Communists. And so the President ran and hid in the cellar of an embassy where, according to South American custom, he was safe. He is now a citizen of Switzerland."

Later in his testimony, General Howley said: ". . . we must take positive steps and plan everything to see that these Communist governments fall, whether it is in Guatemala or somewhere else. And they fall with surprising ease." If our policy makers were to follow such advice and act accordingly, the international Communist conspiracy would be doomed.

However, it is most unfortunate that our policy makers are either ignorant of the true attitude of the people in captive nations or else they fear the Communist dictators and take an attitude that any step to help their subjects would cause "war."

In 1961 Lt. Gen. Arthur G. Trudeau, Army research and development chief, circulated a paper discussing this question:

"The Soviets apparently do not fear they will start general war when they assist Communist rebels in Laos . . . Why should we fear general war in providing assistance to freedom fighters in Eastern Europe? The people are on our side . . . We must find a way to overthrow a Communist regime in power short of general war and even short of limited war . . . I still see no reason why we should accept a tyrant government in Laos, Belgian Congo, or any Latin American country.

"If they (Communists) can afford a million dollars a year on propaganda alone in Latin America and support a Communist government in our backyard, we can support free governments in Eastern Europe or any other area dominated by Communists. . . We can provide military assistance to an anti-Communist revolution." (*The Tulsa Tribune*, April 7, 1961)

This document proposed that the United States attempt to subvert Communist armies. It recognized the fact that the majority of people from all walks of life in Communist-enslaved lands desire freedom for their nation, rather than the continuation of Red dictatorship. A forgotten fact pointed out was that the "Hungarian army joined the freedom fighters, not the Communist regime." According to the newspaper report, this document circulated by Gen. Trudeau was greeted "only by loud silence in the Defense Department's upper reaches."

During 1969 a Latvian citizen appealed to his compatriots behind the Iron Curtain and to nations not yet under Communist slavery to arise and oppose this satanic tyranny. Ivan A. Yakhimovitch was arrested after he joined other Soviet defenders of civil rights during 1968 in protesting the persecution of Liberal Soviet writers and other dissenters, as well as the Soviet invasion of Czechoslovakia. On March 24, 1969, the eve of his arrest, he managed to get out an open letter to the people which was also published in the West. In part the letter stated:

"The days of my liberty are numbered. On the eve of my imprisonment I appeal to the people who are sealed in my memory and heart. Listen to me! . . . The strong and mighty of this world are dominant only as long as we are on our knees. Let us arise!" (*Latvian Information Bulletin*, January, 1970)

The *Washington Post* of December 13, 1969, published a Moscow dispatch revealing that "Yakhimovitch was undergoing psychiatric examination in Moscow . . . Commitment to a mental institution is a common Soviet method of dealing with dissidents. It saves the domestic embarrassment of a secret, Stalin-like trial and the foreign embarrassment of a public trial whose transcript may leak. . . ."

THE KERSTEN AMENDMENT

Nineteen years ago, former Rep. Charles J. Kersten (R-Wis.) made an effort to bring about an American policy which would make use of our unused weapon, the captive nations and the enslaved people in them. In 1951, Mr. Kersten succeeded in getting an amendment attached to the Mutual Security Act, which could have meant the beginning of the end for the international Communist conspiracy. The Kersten Amendment provided $100 million to be used to help persons who had escaped from or who resided in

Communist-dominated countries, either to form them into military units of their own nationality or for other purposes. Several months later the amendment still had not been put into effect. Therefore, Mr. Kersten reiterated the main purposes of it on the floor of the House of Representatives on June 10, 1952:

"The principal measure to be taken under my amendment and which is spelled out therein is the creation of national military units of escapees from behind the Iron Curtain. These military units should have their own national flags and emblems, their own distinctive uniforms or identifying insignia. The units should be attached to NATO or to the American Army for command purposes. Free battalions of Poles, Czechs, Slovaks, Hungarians, Rumanians, Bulgarians, Albanians, Chinese, Lithuanians, Latvians, Estonians, Byelorussians, Ukrainians, and Russians would be strong magnets of defection from Stalin's satellite armies and his own Soviet forces. They would weaken the will of the Communist forces to fight the West and might well be catalytic agents in the ultimate liberation of their native lands.

"As these units would grow and strengthen, the necessity for American troops in Europe would be greatly reduced. As one official in the Pentagon remarked to me, 'One Pole, Czech, Hungarian, or other battalions of Eastern European nationals is worth a division of American, British or French troops in opposing Stalin's satellite armies.' Such units would, according to a high American official just returned from Europe after spending three and a half years with Iron Curtain refugees, disintegrate the morale of Red-controlled armies.

"To put a hypothetical case: If America were taken over by the Reds and our armed forces were under the military control of the Soviets, what effect would the setting up of real American units with American uniforms and American battle flags on the Mexican or Canadian border have? What would be the effect on the will to fight for Stalin on the part of the average young American under this control? Would our sons fight for Stalin?

"The possibilities for defection exist not only among the satellite countries of Eastern Europe, but within the Soviet Union itself . . . if we create these free battalions of Hungarians, Poles, Czechs, Slovaks and the others, we let these people behind the Iron Curtain know in a most practical way that we are willing to assist them. Then, in the event of war, the 60 satellite divisions, which Stalin is now counting on to fight on his side, may well turn their guns around and fight with us instead of against us. These victimized soldiers would come over to join the West singly or in groups or by mass surrender, as they did in the early part of World War II before the Germans mistreated them. Or they may create armed insurrections within their own territory . . ."

Needless to say, this amendment brought violent reaction from the Kremlin, and, unfortunately, our policy makers refused to put it into effect. Rep. Kersten pointed out that over eight months had elapsed since the passage of his amendment and, as far as he could determine, not a dollar of the fund had been used. To our knowledge, none of it has ever been used effectively since that time for the all-important purpose for which it was established. In fact, it would appear that very few Americans have ever even heard of this important amendment which could have been used—*and still could*—to counteract the enormous peril posed by international communism.

In this 1952 House speech Mr. Kersten reminded his fellow Congressmen that in the early part of 1951 General MacArthur was removed from Korea because he was fighting to win. He said, "There is something horrible about fighting only to negotiate with criminals. In this case the horror involves the abandonment of the 800 million peoples of the Soviet Union and of the captive nations . . ." Of course, the policy situation described by Rep. Kersten almost 18 years ago has become much worse and the Red slave empire has expanded considerably since that time.

RESULTS OF LEAVING THEM ENSLAVED

There have been numerous incidents throughout the years of international communism's taking aggressive action against our nation from the base of a captive nation. A number of our airplanes have been shot down and nothing was ever done about it. From the base in North Korea the enemy captured our intelligence vessel, the *Pueblo*. From the base in Red Cuba, attacks have been expanded on freedom throughout Latin America.

WHAT WILL THE NIXON ADMINISTRATION DO?

The big question at present is what is the Nixon Administration going to do about it? Indications thus far are not encouraging. In his syndicated column appearing in newspapers around the country on July 10, 1969, Paul Scott reported the following regarding the President's Rumanian visit:

". . . In an intelligence warning that the President has disregarded, the Central Intelligence Agency has linked the Rumanian invitation to a new Russian campaign to try to get the Nixon Administration to repudiate a 10-year-old Congressional proclamation on the Captive Nations of Eastern Europe. . . . Since Eisenhower issued the first Captive Nations Proclamation in 1959, all Presidents have followed his lead although over the years their statements have been considerably watered down. All mention of Communist aggression or Soviet domination of the Eastern European nations was dropped from the most recent White House pronouncements because of pressure from Moscow. . . ."

Speaking on the floor of the House of Representatives on July 24, 1969, Rep. John M. Ashbrook (R-Ohio) said: "As a strong supporter of President Nixon, I hoped that we would see forceful and effective pronouncements in the field of foreign relations and a strategic shift in foreign policy. After waiting for six months, I must say that I have seen no basic change in either the State Department or our foreign policy. Possibly the best example of this 'business as usual' trend at the State Department is indicated by the President's 1969 Captive Nations declaration. It was frustratingly inane and perfunctory . . . no mention of the repressive Communist policies, no mention even of the word 'Communist' or the Soviet Union (was contained in the declaration)."

CAPTIVE NATIONS WEEK

The vast majority of Americans have probably never even heard of Captive Nations Week, which was established by Congress in 1959. Public Law 86–90 designated the third week in July of each year as Captive Nations Week in order to remind the world of the plight of people living in nations enslaved by international communism. Informed Americans should urge their Senators and Representatives to prevail upon Mr. Nixon to make a stronger declaration this year which points the finger right at the heart of international communism's tyranny over millions of enslaved human beings.

Furthermore, efforts should begin right away to bring the light of publicity on Captive Nations Week of 1970. Governors, mayors and civic leaders should be urged to make public recognition of this observance and hold appropriate ceremonies and meetings. The fact that those millions of human beings enslaved by communism are potentially our most valuable friends and allies must be put across to uninformed citizens. An awakening to the shameful neglect of our forgotten allies in the captive nations could do much toward bringing about a change in our self-defeating, "no-win" foreign policy which will ultimately lead to Communist conquest of the United States of America.

Citizens must not forget that our nation is the prize captive nation of the future toward which all Communist efforts are ultimately aimed. Our leaders must be stirred to make use of America's powerful unused weapon—the captive nations under Communist tyranny.

COMPLETE VICTORY OF THE STRUGGLE FOR FREEDOM IN THE 1970'S

Mankind has already entered the brilliant decade of the 70's. The bold landing on the surface of the moon, the imposition of man's control over the vast reaches of outer space, and the development of peaceful uses of atomic energy all manifest the soaring progress of man. Man's happiness and his freedom have greatly increased as he has learned to subjugate Mother Nature and to overcome his material deficiencies. A lustrous new century of freedom is imminent.

Despite this era of soaring progress, however, there still exists on our globe the malevolent power of Communism, which as the unchanging and inalterable goal of conquering the whole world and enslaving mankind. Today one third of the population of this globe has fallen into the clutches of Communism, has seen its freedom and rights shattered and usurped, and has witnessed a grave threat to its very existence. Moreover, the malignancy of this malevolent power has continued to spread and expand unabated, with the result that still more have had their freedom and happiness placed in grave jeopardy. At this time when we are promoting observance of the 1970 "Captive Nations Week," we cannot but feel ashamed and alarmed that due to the failure to make the splendor of freedom known to all mankind, the terror of enslavement is continuing to spread into new regions. On the other hand, we can note with optimism that there is a trend, gaining strength day by day throughout the entire world, towards striving for freedom and struggling against slavery.

In the history of the world's anti-Communist movement, both the "Captive Nations Week" and the "January 23 Freedom Day" have been the manifest symbols of opposition to slavery and the struggle for freedom of all mankind. This movement, which has been directed at the goals of liberating those behind the iron curtain and assisting the people of the captive nations to struggle for freedom, has not only stressed the expansion of righteousness in the free world and supported the lofty ideal of the rights of man, but has also simultaneously encouraged the people behind the iron curtain to strive for freedom and to retain their will to survive and their self-confidence. Today, although the world is still "half slave and half free," it can be seen from the overall anti-Communist situation, from the splintering of the parties and the Communist movement behind the iron curtain, and from the increasing consolidation and unity of the forces within the free world that the anti-Communist revolution has embarked upon a propitious new course. In view of these circumstances, our present endeavor to promote "Captive Nations Week" and to issue a call to strive for the victory of freedom in the 70's is extremely significant.

During the past half-century, a total of more than a billion people has been subjugated behind the iron curtain. This tragic situation has, of course, been the direct result of the utilization by adherents of Communism of the techniques of infiltration, subversion armed might to realize their plot of communizing the world. Nonetheless, the laxity of the free world in regard to alertness and the flourishing of appeasement have been strong contributing factors in the advent of the Communist catastrophe. Moreover, among all the nations and regions which have suffered the red disaster, it must be acknowledged that the Chinese people have been the most tragic as well as the most majestically heroic. As far back as 1921, after the Comintern's plan to expand into Western Europe had met with frustration. China became the primary objective of Communism's strategy of territorial aggrandizement. From that time on, the Communist Party obstructed the unification of China, hindered the reconstruction of China and endeavored to transform the China mainland into the Asian base of Communism's expansive aggression. The genuinely tragic thing was that prior to the fall of the mainland, other countries lacked a correct knowledge of the anti-Communist struggle. As a result of this, there was more passive onlooking than sympathy, and there was more obstruction than assistance, which ultimately led to the complete communization of the mainland.

The fall of the mainland to the Communists transformed countless Chinese citizens into the sacrificial lambs of the tyranical Maoist regime. During the last twenty years, the people of the entire world have clearly seen the blood yreality, they have borne witness to the deaths under the Maoist tyranny of thousands of Chinese, and they have observed the Communist-controlled mainland become a genuine hell on earth for the people. The ambitions of Mao are not confined only to enslaving the Chinese people, however. He has appropriated the theories of Marx, Lenin and others whose goal was to communize the world and has adopted the line of armed aggression in order to effect his plot of outward expansion and to realize his dream of controlling the entire world. Therefore, from the Korean War to the Vietnam War, from Asia to Africa, from the Middle East to South America, there is practically not a single catastrophe which has not been personally engendered by Mao himself, which has not been incited and fanned by the Maoists. All of this serves as evidence that the fall of the Chinese mainland not only brought about tthe erection of the most gigantic iron curtain in the world, but at the same time created the principal threat to world peace.

During the past twenty years, we in the Republic of China have proudly stood on the front line of the free world's struggle against the Communists. On the one hand we have been making preparations for the recovery of the mainland, and on the other we have continually been opening up a political struggle against the Communists. As a result of our more than forty years of anti-Communist experience, we have come to profoundly understand that the anti-Communist war is actually a war of ideology against ideology. If we want to achieve final victory in this war, we must first shatter the enemy on the political battlefield. After many years of continuous effort, we have reaped a harvest which on the one hand is characterized by tremendous human spiritual resources both at home and abroad. This has brought about the formation of a unifed force dedicated to the destruction af Mao and the salvation of our country. On the other hand, due to the effectiveness of our political program, we have not only brought about a surging tide of wrath against the Communist tyranny among our compatriots on the mainland, but we have also directly or indirectly hastened the disintegration of the Communist Party, the rise of extreme chaos among the ranks of the cadres, and the widespread disaffection among the Communist armed forces. As we confront this most propitious set of circumstances, we increasingly feel the necessity of intensifying our political warfare, of accelerating the pace of the collapse of the Communists, and above all of eradicating the source of the disaster which has befallen Asia and the entire world. At the same time, we are profoundly convinced that because we have taken the initiative on the political battlefield, we will be able to smash the iron curtain around the mainland and fulfill our responsibility of emanacipating our suffering compatriots.

Nevertheless at a time when we have progressed to the decisive stage in the anti-Communist struggle, we must continue to emphasize that this struggle is not the individual affair of one country or of one region. Even though we have never desired that any nation be dragged into our efforts to destroy Mao and save our country, we do harbor the hope that while we are carrying out our responsibility our allies will provide moral and material support. Even more important than this in our opinion, however, is that the allies endeavor to achieve a unified stand in the common struggle against the Communists. We would especially welcome such unity of attitude and action among the anti-Communist nations of Asia.

The spearhead of the Communist expansive activities is presently directed not only at Vietnam, but also at Laos, Cambodia, Thailand and various other countries. We must never allow the Maoists to achieve control of a communized Asia, and we must absolutely prevent them from ever again winning the advantage in any region. We especially must not commit the errors of allowing the Communist Party to strike and of agreeing to yield concessions to them. We must, on the basis of united strength and united action, struggle for our common victory. We firmly believe that the foundation of world freedom is the preservation of freedom in Asia. The Asian people have perceived that in the struggle against the Communist enslavers in Asia, they must develop their own strength and establish their collective security. At the same time, their friends in the free world must understand the needs of the Asian people, they must respect the ambitions of the Asian people, and on this basis they must support the efforts of the Asian people. We believe more firmly than ever that the Asian countries must rely on their own strength and their own struggle in order to achieve a genuine solution.

The establishment of an Asian collective security system is currently the most pressing need in the endeavor to preserve Asian freedom. Although SEATO still exists, it has for all intents and purposes become paralyzed, and is completely unable to respond to the demands of the current situation. In view of the pressure exerted by the appeasement elements within the United States and the new Asian policy of the Nixon administration, it is clear that Asians must now unite on the basis of self-salvation and world-salvation. They must cast off neutralism and the tenets of appeasement. Through a policy of unity they must counteract the obstacles placed in their path from without; they must decide the fate of the Asian people through their own spirit and initiative; they must preserve Asian security through the strength of Asian countries; and most importantly of all, they must share with the entire free world the burden of mutually safeguarding the freedom of mankind and of mutually protecting world peace. Speaking concretely, the Asian and Pacific Council (ASPAC), which has already been founded, is a good beginning for an Asian and Pacific area regional security organization. We must continue to strengthen, consolidate and develop it, progressing from economic cooperation and cultural exchange to political cooperation and military alliance. Recently we were extremely gratified to note the call for strengthening the unity and cooperation among Asian nations made by Korea, Vietnam, the Philippines, Thailand and other nations. We warmly and urgently await news of more concrete measures in this direction, which Asian security and freedom will rest. In this way we can strive for an all-out victory for freedom in the 70's.

PRESIDENT CHIANG KAI-SHEK'S MESSAGE

To: Chairman Ku Cheng-kang and the Mass
Rally of Civic Organizations of Republic
of China in Support of the Struggle for
Freedom by People in Captive Nations.

At the proposition of the U.S. Congress, the United States since 1959 has been observing the third week of each July as Captive Nations Week to express the determination to uphold justice, safeguard human rights, oppose slavery and support the oppressed Iron Curtain people's struggle for freedom and survival. At its outset, this movement very soon elicited a profound response from all the other free democratic nations of the world. It has since spurred vigorous rises of freedom forces in the free world and promoted surging tides against tyranny behind the Iron Curtain. We are firmly convinced that once the two groups of forces—the free world's supporting strength and the Iron Curtain people's anti-Communist power—are brought into contact and merged as one, an accelerated downfall of Communist tyranny will be a certainty.

Under the impacts of man's desire for freedom, many tyrannical regimes based on totalitarian slavery systems have been overthrown and extinguished one after another in the course of history. The Communist totalitarians today far exceed all the preceding tyrants in their atrocious and villainous disregard of human nature, destruction of human rights and persecution of people. Furthermore, they have driven more than 1,000 million people into a state of living death. But tyranny is destined to perish and slavery ultimately will fail. The harder the oppression, the stronger the opposition grows. With their acts in opposition to right principles, the Communists have created a dark reverse current never before known in history, but we believe that man ultimately will overcome and cross this channel of ruthless waves and reach the shore of happiness and freedom.

The Chinese Communists are resorting to all extremities in their oppression of our mainland compatriots. After their so-called great proletarian cultural revolution, Mao Tse-tung and his cohorts are still treading their venturous leftist line. Internally, slogans of war preparation are used to strengthen military control and erase antagonistic elements. This has resulted in clashes of troops, fights among workers and peasants, sending of youths to remote rural areas and rectification of cadres. Externally, the regime is still attempting to bring scourges to the whole world by spreading the Indochinese disturbance. At this time as the entire Chinese mainland is filled with the wrath of heaven and the anger of the people, anti-Maoist and anti-Communist forces are growing constantly everywhere waging struggles of life or death against the regime and gradually shaping up an anti-Mao and national salvation united front, ready at any time to join forces with our great army of National Revolution. In his search for freedom, man can bring forth great strength that no form of tyranny can suppress. No matter what may come, we must hold fast to our stand as protectors of freedom and strive to launch a mainland counterattack at an early date, thereby freeing our compatriots from their indescribable plight. This is our solemn responsibility for the love of our compatriots and also is the way to wipe out the source of scourges in Asia root and all.

Text of Madame Chiang's Address at Symposium

(Editors Note.—Following is the official text of Madame Chiang Kai-shek's opening address to the International Symposium on Chinese Painting which was held at the Palace Museum on June 18.)

Mr. Chairman, Honored Guests, Ladies and Gentlemen:

It gives me much pleasure to open this conference on Chinese painting and to bid all of you a warm welcome. Twice in the last thirty years a small selection from the Palace Museum has been shown abroad: once in England in 1936, and once in the United States of America in 1961. Today, with the new wings of the Museum recently completed, we are able at last to have more space to display the treasures in rotation and to invite such a distinguished group of scholars and lovers of Chinese art to participate in a symposium. It therefore gives me great pleasure to express our appreciation of the importance of the gathering here. We are not only assembled in this hall from the most widely separated places, we are also joined here as friends by an enduring and profoundly significant tradition spanning more than two millennia, a tradition by which we have been inspired and which we all humbly strive to understand intelligently.

In the history of Chinese painting one finds instances of men drawn together through a common love and understanding of the art and who became fast friends. It is fair to say that each of the remarkable transformations, which at intervals revitalized the enduring truths of Chinese art, had at its fulcrum, such associations of friends. This is true of literature no less than of painting. You are all familiar, I am sure, with such famous gatherings as the *lan-t'ing hsiu ch'i,* the "nine friends in painting", the *hsi-yuan ya-chi,* and others. What is today strikingly coincidental is that we are also on the threshold of such a transformation—a transformation in which we endeavor to re-capture our own best hours.

We are acutely conscious of the great value of a mature art which has been developed and re-vitalized through the centuries. Chinese painting can be said to represent an important part of China's long cultural heritage. Its esthetic, humanistic, and technical qualities are recognized achievements of a living civilization. Many of us are, however, struck by the revolutionary changes in structure which gave this art its enduring validity, and by the uncertainty of its future development. Younger artists today are chafing for a change. It is thus both symptomatic and timely that we find ourselves re-examining and re-evaluating our traditional past. Looking through the subjects to be discussed at this symposium, I am impressed by the prominence given to the different aspects of continuity and change.

As a student of Chinese painting, I venture to suggest that while each art form has its own sphere of activity and technical limits, a study of the changes in subject matter as well as in technique of the great masters might well point to new paths in Chinese painting. For instance there is no question that Shih-t'ao's paintings were a departure from the masters whom he had scrupulously followed in his younger days. But as we study his works more closely in relation to his times, his personal life and philosophy, we begin to better appreciate the new approach he succeeded in bringing to his works. I am not here defending experiment against tradition. I am merely stating the value of ever seeking for higher plateaus. However, it takes the spirit and genius of Shih-t'ao to do Shih-t'ao's work.

Chinese painting is unique in the world's art, for it is inseparably linked to poetry. Together they have contributed to the enrichment of our civilization. To those of us whose ears are attuned, Chinese painting communicates with a quiet voice and speaks with inexhaustible wisdom. And because Chinese painting is pre-eminently that of poetic moods and inspiration, it is highly literary, possesses a quality of profound harmony and has a gift of transcending tranquility which gives it singular appeal.

Some of you may have learned that we are here in the midst of a cultural renaissance movement. This movement is being promoted not as a form of neo-classicism, but as a fresh attempt to re-evaluate the past and to search for and preserve the more enduring qualities in our cultural heritage.

In a world riven by strife and discordant with invective, we have come together to exchange views and with such a galaxy of participants as assembled here we may justly look for spirited debate, but mark, it is argument in search of agreement. We should encourage the growth of new and fertile ideas, and nourish them on the spiritual harmony which is the essential glory of Chinese painting. Thus, drawing upon all the resources at our command and utilizing the knowledge available to us, we hope to progress towards a deeper understanding of China's cultural past and in some way to be of assistance to the development of her cultural future. These goals and just these goals alone would be worthy of this symposium.

Ladies and gentlemen, once again let me bid you all a warm welcome and wish this symposium every success.

Speeches: Vice President C. K. Yen's Address at the Mass Rally

Mr. Chairman, Distinguished Guests, Freedom Fighters, Refugee Representatives, Ladies and Gentlemen:

It is of very great significance that, for the promotion of justice and protection of human rights, we people from various circles of the Republic of China are gathered here today at this meeting in support of the Captive Nations Week and at the same time to unfold a campaign to win victory freedom in the 1970s.

The movement supporting captive nations was started 11 years ago by the U.S. Congress. Because of its just objectives and lofty ideals, the movement has continued to receive enthusiastic support from all the other free nations. Tied together with the January 23rd Freedom Day Movement, the Captive Nations Week Movement has aroused widespread free world sympathy and support for the enslaved people and, by piercing through the Iron Curtain, has strengthened the captive people's determination and courage to seek freedom and survival. Even though more than 1,000 million people are still shut behind the Iron Curtain today, the overall world situation indicates that the 1970s will provide a decisive turning point for the victory of freedom over slavery and of democracy over totalitarianism. For this reason, we people gathered here today must solemnly pledge ourselves as freedom fighters and tell the world of our firm stand, high spirit and determination as well as readiness to tear down the Iron Curtain and put an end to tyranny.

A year ago when we gathered to mark the 10th anniversary of Captive Nations Week, I pointed out that the world still remained only half free and that "while this tragedy was brought about as a result of Communist infiltration, subversion and armed aggression designed to communize the whole world, it was also attributable to the free world's failure to be on the alert and the rising tendency to appease Communism." Because of this bitter lesson, I urged the free world to start a global movement of self-purification. The year since then has recorded many farsighted free world leaders' endeavor to expose Communist intrigues and expand anti-Communist forces. Examples include the publication by the U.S. Congress of a study report on Amerasia papers, thereby telling the world of the true circumstances surrounding the fall of the Chinese mainland; the growth of the American public's anti-Communist strength and the awakening of the silent U.S. masses as evidenced in the establishment of the American Council for World Freedom; and the forceful accusations directed at the Communist bloc as a whole and the Peiping regime in particular by such well-known anti-Communist organizations as the World Anti-Communist League, the Asian Peoples' Anti-Communist League, the Asian and Pacific Council and the Asian Parliamentarians' Union. In the same past year, however, short-sighted appeasers have continued to air their flirtatious views on the international stage. Unless this situation is corrected in time, the free world's anti-Communist unity will be hampered, the Communist camp's expansionist ambition encouraged and all of mankind plagued by even more dreadful scourges. This is why I want at this time to reiterate our view of worldwide struggle against Communism.

First, we must emphasize again that this struggle is not to be confined to any one country or area. It must be an all-out global action because its consequences are bound to affect all the people without exception. Even though the Communist bloc is being plagued by internal strifes, its external move to communize the entire world and enslave the whole of mankind remains unchanged. Because peace cannot be had separately and freedom cannot be enjoyed alone, no nation can evade its share of anti-Communist responsibility. At this moment as the anti-Communist war in Southeast Asia is undergoing a crucial phase and appeasers are still active everywhere, it is imperative that all the free world governments and people clearly recognize the need of an all-out endeavor, calmly examine the situation and start shouldering a greater responsibility on the anti-Communist battlefront.

Next, we must tell the free world loud and clear that Mao Tse-tung and his followers are not just the Chinese people's public enemies, for they are the world's chief troublemakers bent on endangering all of mankind. If the free world were to ignore the Chinese Communists' aggressive and belligerent true faces and scheme of world conquest and seek compromise and peaceful coexistence with them, this act of treating enemies as friends would be tantamount to admitting wolves into our midst and raising tigers to harm ourselves. We would be endeavoring only to bring extreme dangers to our own security. Such foolish and ignorant actions would frustrate the free world's anti-Communist determination and promote the Peiping regime's atrocious expansionist attempts. The millions of people now behind the Iron Curtain would be left indefinitely and helplessly in their state of utter misery.

Ladies and Gentlemen: President Chiang Kai-shek has long pointed out that the source of all the evil in the world lies in Asia and with the fanatic Mao group on the Chinese mainland. The Peiping regime must be destroyed if we are to have peace and tranquility for Asia and all of the world. We Chinese are aware of our unimputable duty to destroy the Communist regime on the mainland, but we need for our historical struggle spiritual support from all the other free nations. We hope that all the freedom-loving people of the world will bring forth their moral courage, give full play to the power of justice and wipe out all the dark clouds of appeasement in the face of Communists. This will help us attain our goal of freedom for mankind and peace for the world.

Thank you.

Address by Dr. Ku Cheng-kang, General Chairman, at the Mass Rally of Civic Organizations of Republic of China in Support of the Captive Nations Week and for Expanded Efforts to Win Victory for Freedom in the 1970's

Vice President Yen, Distinguished Guests, Ladies and Gentleman:

This year starts the decade of the '70's in the 20th century. At this brilliant moment as man's history is making advances into the space age, it is truly a shame to mankind that tyranny continues to exist behind the Communist Iron Curtain where people are still being enslaved. Together with all the other freedom-loving people of the world, we must endeavor to provide assistance to all captive nations and enslaved peoples in their efforts to regain freedom. For this year's Captive Nations Week and this meeting today, therefore, we have advanced the slogan "Victory for Freedom in the 1970's" as a beacon for our constant march ahead. We must have the courage as well as determination to destroy the Communist powers of enslavement, free all the captive nations, give freedom back to the enslaved people, and usher in a happy era of freedom, democracy and peace in history, all within the decade of the 1970's.

Such an advocation of ours today may sound unrealistic to many people. It is true that under the present circumstances, with the evil flames of Communism still as outrageous as they are and with the airs of appeasement and compromises spread throughout the world, we may appear to lack grounds for a strong confidence about victory for freedom in the 1970's. But I have a different answer and I want to present a number of points to support my view.

First, love of freedom is part of human nature and been one motivating power in the development of history. Human rights are now well defined and men are probing deep into space. No one can now be content under shackles of slavery. This is why campaigns against slavery are spreading wide behind the Iron Curtain and may burst out as enormous flames of freedom at any time. This tendency is clearly shown by the resistance of intellectuals and working masses in the Soviet Union, by the anti-Russian struggles of peoples in Eastern Europe, and by the anti-Mao and national salvation campaigns of Chinese mainland people. Now heights are possible at any time in the struggle against slavery.

Second, no matter how ferocious the evil powers of Communism may appear, there is no denying that the entire Communist movement is on the decline and the whole Communist system is disintegrating at an increasingly faster pace. Both Soviet Russia and the Peiping regime have revealed irreparable internal controversies and crises. Their administrative systems are shaky at all levels. The irreconcilable rift between Moscow and Peiping has weakened the strength of the Communist camp and will lead at an accelerated pace to that camp's complete downfall.

Third, even though the reverse current of appeasement is still strong, the silent masses of various nations are awakening and rising. In the first half of this year, for example, public support in the United States for President Nixon's policies was heightened and many people at many places were fighting anti-war elements. The anti-Communist strength of Japan is increasing fast and evidences include the recent Plenary Session of the Committee for the Promotion of Sino-Japanese Cooperation, which smashed Chou En-lai's scheme behind his so-called Four Principles of Trade, and the general conferences of the World Anti-Communist League and the Asian Peoples' Anti-Communist League to be held soon in Japan. The anti-Communist coup in Cambodia was a result of the Cambodians' resolute rejection of Sihanouk's Communist-leaning false neutralist line. The people of the Philippines, with their recent bitter experience in fighting the Communists' atrocious subversive attempts, have urged President Marcos to adopt a very strong anti-Communist stand. At the recent general elections, the people of Britain demonstrated their hatred and denial of the Labor Party's leftist-leaning line. There are many other evidences but those that I have just mentioned are enough to make us see the true intention of the people of various nations who are rising in new surging waves of freedom.

Fourth, freedom forces everywhere are increasingly joining together for all-out anti-Communist moves. Since the change of situation in Cambodia, confrontation between the two world camps has become clearer and on an expanded scale. The Vietnamization of war has developed the conflict into one for the entire Indochinese peninsula. There is even the tendency that the war in Vietnam will become one for the whole of Asia. The Republic of Vietnam is now endeavoring to establish military alliance with Thailand, Laos and Cambodia. Even Britain has corrected its decision to withdraw troops from Asia and is moving toward a lineup of Commonwealth forces involving fighters from Britain, Australia, New Zealand, Malaysia and Singapore. The Republics of China, Korea and the Philippines are advocating the establishment of a regional security organization for Asia and the Pacific. Even though there still are certain difficulties to be overcome, the people in general are coming to realize that such a security organization is the only effective way toward Asian nations' self and mutual salvation. In the implementation of its new Asian policy, the United States will have no other alternative but to encourage and support the establishment of such a regional security organization. This direction toward common defense and united anti-Communist campaign is also one of worldwide nature. Once the trend assumes a concrete shape, the whole world situation will turn decisively in favor of the freedom camp.

So, at this opening stage of the new decade, there are evidences that man's struggle for freedom is beginning to shed new light of hope for victory. When all the developments of the four categories that I have mentioned are put together in an appropriate manner, we can very well create earth-shaking changes overnight and destroy all the Communist forces of enslavement. The more effort we exert, the sooner victory for freedom will come to us. For this reason and in view of the current situation and objective needs, I am presenting the following three points as our major guidelines in our drive toward freedom and victory against slavery.

First of all, we must not only arouse but also organize the silent masses of the various nations. Fight against the Communist should not be merely a matter of recognition. Action is what counts. Recognition without organization leads to no positive striking power against the enemy. The Communists and their fellow travelers in the United States, for instance, have been effective in exercising minority influences over the majority and in covering up their illegal activities with legal fronts. They can be effectively dealt with only through organizing the silent masses. Once in possession of organized power, the silent masses will be able to strike back as they wish and smash any Communist attempt at subversion. The Congress, mass media, campuses and all the public activities will no longer have to be controlled by leftists and appeasers.

Secondly, as we protect our own freedom, we must even more gallantly help the enslaved peoples behind the Iron Curtain regain their freedom. This is because the freedom and security of free people can be truly protected only after all the enslaved people have regained their freedom. If we were to shun the responsibility of helping the more than 1,000 million people who are longing for freedom we would be committing not just a moral crime but a strategic blunder as well. If the free world can provide these enslaved people with spiritual and material assistance, the Iron Curtain can be smashed from within. There will be no direct combat engagements for outsiders nor any danger of a large-scale international war. If, for instance, the other free nations can positively support the Republic of China's political ventures on the Chinese mainland, strengthened activities behind the enemy lines can lead to wide-spread anti-Communist struggles and bring the mainland people's anti-Mao movement to a climax, thereby putting a complete end to Mao rule. Once the evil Chinese Communist regime is destroyed, a chain reaction certainly will be touched off among the Iron Curtain nations, causing them to fall apart one after another.

Thirdly, instead of making any concessions on any anti-Communist battlefront, we must make full use of the new anti-Communist situation that is now shaping up, unite all the available forces and start strong counterattacks against the enemies. The anti-Communist combats on the battlefields of Vietnam, Laos and Cambodia must be continued heroically. We must know that the enemies are now troubled by difficulties. We should never allow ourselves to be frightened by the false battle cries of such enemies. If the free world is strongly united in a spirit of mutual help and cooperation, we will have far more strength and a much better position than the Communists. We will then not only be able to check the international Communists' aggressive moves but also can make the captive nations and enslaved peoples free themselves and regain their freedom.

I am firmly convinced that if the free world correctly follows these guidelines and march gallantly ahead, we all can attain our goal of victory for freedom in the 1970's. The United States is the nation that started the Captive Nations Week Movement and is still providing the major driving force in mankind's struggle for freedom. Because of America's national spirit and glorious tradition in upholding international justice, we firmly believe that the Americans will be able to break through the heavy fog of appeasement, heist high the bright torch of freedom and march hand in hand with all the anti-slavery forces of the world in a joint effort to make the 1970's a decade of overall victory for freedom.

Address by U.S. Congressman Dr. Philip M. Crane at the Mass Rally

Chairman Ku, Distinguished Guests, Ladies and Gentlemen:

The great work that the China Chapter of the World Anti-Communist League has done to fight for freedom for your people reflects the outstanding leadership of Dr. Ku Cheng-kang and Mr. Huang Shao-chu, President and Secretary General of the China Chapter, respectively.

A word must be said regarding one man who is recognized as one of the truly great leaders of the world today. For nearly fifty years President Chiang Kai-shek has contributed much to the forces of freedom while standing as a bulwark against the aggressive forces of Communism. Through his effective leadership your people have been able to establish on this island an economically stable and militarily strong fortress which remains a beacon of light to the oppressed people of Mainland China. Apparently ageless, the indomitable Generalissimo continues to represent the hopes and aspirations of the Chinese people and all free men everywhere.

Before I was elected to the Congress last year, I was a professor of history and I have always been a student of history. Therefore, I have always appreciated the role that

China serves as an example to the rest of the world for endurance. Her people have suffered tyrannies that have lasted for decades, but the history of China is written not in these short periods of time but in centuries and millenia. Certainly, the longing of the Chinese people for freedom will outlive the tyranny of the present Communist regime on the mainland.

At the outset I want to stress the fact that President Nixon and his administration continue to value highly our close friend and staunch ally, the Republic of China. This is my first visit to Taiwan and, like most of your visitors, I have been greatly impressed by the remarkable economic progress made by your people in recent years. A short decade ago, the Republic of China was a recipient of U.S. foreign aid: now you have instituted your own foreign aid program for many other nations. You can be justly proud of your economic achievements.

Permit me now to give a brief resume of the speech I will make tomorrow.

As President Nixon announced when he outlined his Guam doctrine, the time has come for the responsibility of collective defense to be shared. The United States will continue to furnish military and economic assistance, but we look to the nation, or group of nations, directly threatened to provide the primary defense against military challenges. In the past under previous administrations, this was not the case: despite the fact that our allies in Asia sought to share the burden. Back in 1965, and again in 1966, The United States refused to allow the Free Chinese to provide troops in South Vietnam, although such troops were offered. However, the Nixon administration welcomes the several thousand of your fellow citizens who are presently helping in South Vietnam. The United States now encourages this sort of mutual assistance.

Permit me also to comment on the continuing progress of Vietnamization, began a year ago by President Nixon. The initial efforts to implement this policy have been highly successful, particularly since May of this year, when action was taken against the Communist invaders of Cambodia. However, Vietnamization can only be viewed as a part of a larger program of Asianization: an alliance of free Asian Nations. Such an alliance, recommended years ago by Philippine Congressman Ramon Bagatsing in the form of a free Asian force, has become a critical necessity because of the expanded activities of the Communists in Southeast Asia. Not only have the North Vietnamese threatened the very survival of Cambodia, but their activity has been renewed in Laos as well as in Thailand.

Communist uprisings have been crushed in Malaysia, Indonesia, and the Philippines and we fought a long war to maintain freedom in Korea. But the fact that such aggression has taken place is proof that the menace to free Asia is a very real one.

But I don't have to tell you that; it is obvious that you more than anyone else, realize the threat to the freedom-loving peoples of this area of the world. In order to successfully defeat this aggression the initiative must be seized and maintained by the forces of freedom. That initiative can only be seized if the allies are properly armed and permitted to take the offensive. I will have more to say on this subject tomorrow.

In closing, I would like to compliment the fine work being done by the World Anti-Communist League and in particular, its affiliate, the Asian Peoples' Anti-Communist League. Great contributions have been made to the Anti-Communist movement by these groups, much of whose leadership comes from people of the Republic of China. The Fourth Conference of the World Anti-Communist League scheduled for September is anticipated by many Americans who wish you success with this conference, and continued success in all of your endeavors.

Again, I am pleased to be your guest here, and I salute you on behalf of my countrymen and all freedom loving peoples everywhere.

Address Delivered by Ku Cheng-kang, President of the APU 5th General Assembly, at the APU 8th Council Meeting

Mr. Chairman, Honorable Delegates and Observers, distinguished guests, ladies and gentlemen:

At this 8th Council Meeting of the APU, I have the honor to extend to the Honorable Delegates and Observers my heartiest welcome in my capacity as President of the APU 5th General Assembly. I wish in particular to pay my highest respects to the Honorable Delegates from Cambodia whose country is waging a heroic war against Communist aggression and for the preservation of its own independence and freedom. At the same time, I wish also to assure the Honorable Delegates from Cambodia of our deepest concern over the situation in Cambodia as well as our sympathy and support.

Over half a year has elapsed since the APU 5th General Assembly. In the interval, we have been mapping out measures for the implementation of the various resolutions adopted by the 5th General Assembly and have also written to the national groups concerned to take effective measures for their implementation. Regarding the resolution on economic assistance to Laos, we have written separately to the ECAFE, the International Development Bank, and the Asian Development Bank asking them to render whatever assistance they can, and have received preliminary replies to my request. We have also written to the various APU National Groups to do their best for the relief of Laotian refugees. We have sent large quantities of relief materials to Laos through the Free China Relief Association. The Governing Board of the Asian Development Center, which held its second meeting in Manila in the middle of last month, has made a number of decisions relating to the fulfillment of its functions. Most important of all, as a result of the understanding reached between the Hon. Jose B. Laurel, Jr., Speaker of the Philippine House of Representatives, and the Hon. Dato C. M. Yusuf bin Sheikh Abdul Rahman, Speaker of the Malaysian House of Representatives, during the APU 5th General Assembly last November, the two great countries have now resumed normal diplomatic relations. This significant event will naturally have beneficial repercussions on the current situation in Asia. From a review of these facts, it is clear that the APU is making earnest endeavors to carry out the tasks it has taken upon itself.

In the last half a year serious developments have again occurred in the Asian situation. All in all, they tend to demonstrate the urgent need for the creation of an Asian and Pacific regional security organization which I have been advocating both at APU meetings and on other occasions.

All of us have seen that the series of events from the anti-Communist coup d'etat in Cambodia to President Nixon's decision to send American troops into that country to wipe out the Communist sanctuaries there has led to the emergence of an entirely new situation in Asia and in the world as a whole. It constitutes a historic turning point. Though it is still too early to predict the future course of events, far-reaching influences are already quite manifest. With your permission, I should like to point out a few features of the new situation and its possible future development.

First, the so-called neutralist but actually pro-Communist Cambodian government of the past has been replaced by a staunchly anti-Communist government. This fact not only shows the decline of neutralism as a political force, but also has led to vital and favorable changes in the strategic situation in Southeast Asia.

Secondly, the very dispatch of American troops into Cambodia is ample proof that the U.S. policy of disengagement is unrealistic and is ill-suited to the current situation in Asia. Though President Nixon's courageous decision did meet with strong opposition in the United States for a time, the necessity for such an action has not only been well understood by most people in other parts of the world, but also been gradually accepted by the broad masses of Americans themselves. President Nixon's June 30 report on the withdrawal of all U.S. forces from Cambodia contained an outline of guidelines for future policy. He said, inter alia, "We will encourage and support the efforts of third countries who wish to furnish Cambodia with troops or material." This is a very wise and necessary step to take.

Thirdly, the overall struggle between the two rival camps is now clearer than ever before. On the one hand, there is the united front of Prince Sihanouk, North Vietnam, Viet Cong, Pathet Lao, and Cambodian Communists established under the aegis of the so-called Indochinese People's Supreme Council with the active support of the Peiping regime, which has been openly clamoring to fuse the wars in Vietnam, Thailand, Laos, and Cambodia into one single war and calling upon all Communists in those countries to fight side by side against their common enemy. Opposed to them are the Republic of Vietnam and the anti-Communist alliance she is actively planning to set up among Vietnam, Thailand, Cambodia, and Laos with the possible vigorous support of the United States.

Fourthly, Thailand's decision to dispatch troops into Cambodia to come to her assistance is fraught with significance. This kind of direct participation in the war is tantamount to the concrete realization of the concept of collective security, and an action for common defense. This fact augurs well for the eventual creation of an anti-Communist military alliance among the countries on the Indochinese Peninsula. At the same time, it has also paved the way for the establishment of a system of mutual defense in Southeast Asia as well as the emergence of an Asian and Pacific regional system of security.

Therefore, it can be readily seen that recent developments in Cambodia have brought in their wake important changes in the general situation in Asia as a whole. They not only have turned the war in Vietnam into an Indochinese war, but also are continuing to turn it into an Asian and even an Asian-Pacific war. The ultimate outcome may well be the early realization of an Asian and Pacific regional security organization that I have been advocating in recent years.

Now that American forces have been withdrawn from Cambodia, the Lon Nol Government in Cambodia will certainly be confronted with an extremely difficult situation. Under such circumstances, it is our obligation to support Cambodia and, at the same time, to save Asia. For this purpose, the continued presence of Vietnamese forces in Cambodia is a correct and essential step the Government of the Republic of Vietnam has taken. The dispatch of Thai forces into Cambodia is also a courageous and wise action on the part of the Government of Thailand. I take advantage of this opportunity to pay my respects to the Honorable Delegates from Vietnam and Thailand for the actions their countries have taken.

Furthermore, we should like to see the early conclusion of a military alliance among Vietnam, Thailand, Laos, and Cambodia, so that the forces of freedom may take concerted action to counter the concerted action of the Communist camp. The decision made by the newly elected Conservative Government of Britain to reconsider the policy laid down by its Labor predecessor to withdraw all British forces from Asia is a wise and timely decision. The much discussed formation of a British Commonwealth defense setup among the United Kingdom, Australia, New Zealand, Malaysia, and Singapore is a positive measure designed to cope with the needs of the current situation, and we earnestly hope that it will soon materialize. But we must not be content with only that. Most important of all, we must continue to work for formation of an Asian and Pacific regional security organization. For it is only by means of such an organization that a strong enough force could be mustered to deter Communist aggression and meet the Communist challenge.

In view of the current situation which I have just briefly reviewed, it would seem to me that we of the APU should concert our actions and take the following measures:

First, we should urge all other governments to render all-out assistance to the Lon Nol Government in Cambodia and the Government of the Republic of Vietnam in their anti-Communist struggle.

Secondly, we should do our utmost to do away with such erroneous conceptions as appeasement, neutralism, and non-alignment so as to remove the obstacles that have been hindering the Asian countries from joining forces to oppose Communism.

Thirdly, we should take positive steps by both speech and action to hasten the early establishment of a system of collective defense in Southeast Asia and the formation of an Asian and Pacific regional system of collective security.

As President Chiang Kai-Shek has pointed out in his address before the APU 5th General Assembly, "Some Asian lands have huge populations and abundant resources. Some possess an immense industrial potential and have formidable military forces. If the strengths of these separate countries are combined, the result will be a massive cultural, political, economic and military force of justice sufficient to assure the peace and security of Asia and the world. An Asian epoch of freedom, security, prosperity and progress will be opened up." This, I believe, is the direction the course of history will take and is in perfect accord with the APU objectives. It is my fervent hope that we of the APU will do our level best to bring about the realization of its objectives so as to preserve the freedom and peace of Asia and the world as a whole and usher in a bright era in the 1970's.

Remarks by President Ku Chen-kang of WACL/APACL China Chapter at Dinner Honoring Delegates and Guests to the Third Asian Writers Conference

President Lin, Honorable Delegates, Distinguished Guests, Ladies and Gentlemen:

On behalf of the China Chapter of the World Anti-Communist League and the Asian Peoples' Anti-Communist League as well as the 10 other international organizations in the Republic of China that are jointly playing host to the special guests and delegates to the Third Asian Writers' Conference from Asia and other parts of the world, I have the honor to extend to every one of you, ladies and gentlemen, our hearty welcome.

All of you are writers of national and international renown. As such, you have made outstanding contributions to the promotion of better understanding among peoples of the world. Through your works you have given full expression to what is best in human nature and have contributed to the ennobling of the human spirit.

Throughout the history of human civilization, the power of the pen has been almighty. It has stood for goodness and justice and has pointed out the direction towards which the times are moving. Civilization not only has been preserved and transmitted through the pen, but also has been further developed by the same means. Of the various kinds of written works, those on philosophy embody human wisdom, those on science typify human reason, and those on literature reflect the human soul. For this reason, literature has exerted a greater influence on the human heart than any other kind of work and has been a driving force in history. The effects of literature are incalculable.

One of the threshold of the 1970s, man is now able to land on the moon and is making one conquest after another in space exploration. Such being the case, man should be free to enjoy all the benefits of science, his dignity should be respected, and he should lead a happy and contended life. Unfortunately, this is not the case. The wicked forces of Communism in all parts of the world are trying their best to fashion a slave society in which there is no freedom to speak of, and to create a reign of terror by which one billion people have been shut behind the Iron Curtain and tyrannized by their Communist task masters. Even the free peoples of the world are being threatened by the same wicked forces and are therefore compelled to wage a life-and-death struggle against them.

We are encouraged to note that in this titanic struggle so many eminent writers have taken their stand for the cause of freedom and justice and that, even in Soviet Russia, on the Chinese mainland, and in other Communist countries, not a few writers have disregarded persecution and made sacrifices of themselves as champions of freedom. We have the profoundest admiration for the indomitable spirit manifested by these courageous writers of our time, and we are fully confident that, through their efforts, freedom will ultimately triumph over Communist tyranny.

I am convinced that, in our future fight for the cause of freedom, every one of you in this distinguished gathering will give full expression to the Asian peoples and will, by the use of your pen, expose the true nature of Communism in order to wake up the silent majority and make it possible for the forces of freedom to reassert themselves to create a happier tomorrow. Please be assured that we in this country will emulate your example and do our best to work for the realization of a new era of freedom for the world as a whole.

My colleagues and I, who are co-hosting this dinner in honor of the special guests and delegates to the Third Asian Writers' Conference, will now drink to the health of our distinguished guests, to the successful conclusion of the Asian Writers' Conference, and to the coming victory of the forces of freedom all over the world!

Special Articles: Current Development's in Asia

I. AFTER THE WITHDRAWAL OF U.S. TROOPS FROM CAMBODIA

(By Huang Shao-tsu)

Recent developments in Cambodia have proved the soundness and necessity of President Nixon's decision to send Allied troops into that country. Early indications are that his objectives have been fulfilled: First the Communist sanctuaries along the Vietnamese-Cambodian border have been destroyed, thus seriously weakening and even temporarily paralyzing the strike capability of the Viet Cong against South Vietnam. Second, with the disruption of the Sihanouk Trail, it has become all the more difficult for the Maoists to provide supplies to the Viet Cong, Third, the Lon Nol Government has had a breathing spell. The survival of a pro-West regime in Cambodia will eventually benefit the whole of Indochina.

However, there are still questions: How long can the Allied forces enjoy these fruits? What will be the developments after the withdrawal of all American troops from Cambodia? Undoubtedly, the answers to these questions hinge on two factors: the decisions and actions of the enemy and the efforts of the free world. We will undertake below a brief analysis of these two factors.

The Communists in Asia naturally have realized the unfavorable conditions following the movement of the Allied forces into Cambodia. Therefore, they are bound to adopt countermeasures. They also know that the fighting in Cambodia is not only an extension and continuation of the Vietnam war but also will determine the outcome of all their war efforts. Consequently, the Peiping Communists who have pulled the strings from behind the scenes are seen taking the following actions as a means of counterattack:

(1) Demonstrate their support for Sihanouk's exile government in Peiping through strong anti-U.S. statements.

(2) Prepare to erect a government under Sihanouk in the Vietnamese-Cambodian border areas or in the Communist-controlled areas inside Cambodia in order to counter the Lon Nol government in Phnom Penh.

(3) Provide large amounts of aid to North Vietnam through new military and economic agreements.

(4) Actively support the activities of the united front formed by Sihanouk and the Vietnamese, Laotian and Cambodian Communists in accordance with the resolution of the Indochina Summit Conference.

The above measures exclude the possibility that the Maoists may get directly involved in the war. This is Peiping's basic strategy at the present stage. Furthermore, instability inside mainland China as well as the struggle between Peiping and Moscow has forced the Maoists to be cautious.

Then, what has been the reaction of the free world? Generally speaking, its efforts have brought about both military and political success. In view of Peiping's backing for Sihanouk's exile government, the Lon Nol regime has also been stepping up its diplomatic activities. It has already resumed diplomatic relations with Saigon and Bangkok. While Peiping is accelerating its aid to Hanoi, the free world has joined hands in giving military and non-military aid to Cambodia. Most significant of all is the discussion of the formation of an anti-Communist alliance by South Vietnam, Thailand, Laos and Cambodia, to oppose the Communist united front in Indochina.

However, we believe that all the moves taken by the free world so far may still prove to be insufficient to cope with the situation following the American withdrawal from Cambodia. Effective measures, we believe, should include: (1) Establishment of a collective security system in the Asian-Pacific region toward which a military alliance of South Vietnam, Thailand, Laos and Cambodia is an encouraging first step. (2) Stepped-up military and economic aid from the United States to free countries in Indochina in order to strengthen their defense against Communism.

In his message to the American people on June 30 announcing the completion of the withdrawal of U.S. troops from Cambodia, President Nixon stressed the decision of his government to encourage and support a third country which is willing to send troops or materials to help Cambodia. This is an intelligent and necessary measure.

II. REGIONAL COOPERATION AND UNITY IN ASIA

The fifth ministerial meeting of the Asian and Pacific Council (ASPAC) was held in Wellington, New Zealand from June 17 through 19. The communique issued at the conclusion of the conference merely asserted the importance of economic, cultural and social cooperation. However, a rather positive attitude was reflected in the statement that after hearing the reports on the Cambodian situation made by Japan and Malaysia, the delegates expressed concern over future developments in that country, indicating that their countries would take all possible steps to provide effective support to the Lon Nol government. Although the performance of ASPAC has lagged far behind what it should have done the organization has made steady progress. Economic cooperation and cultural exchanges, if properly carried out, can contribute much to the material and spiritual growth of the anti-Communist force. Nevertheless, current developments demand that the regional organization make faster and greater progress. Just as Dr. Wei Tao-ming, foreign minister of the Republic of China, pointed out in his speech to the ministerial meeting on June 17, "Communism depends on perpetual struggle to achieve its aim of world revolution. This concept is fundamental to it, and nothing can change it. Appeasement, therefore, will only whet the enemy's appetite, increase the difficulties and perplexities of the Free World and prolong the confusion, trouble and human misery. Today the only way to confront this challenging situation is for us to hold fast to our principles, to augment our own individual defense capability, and to increase our regional cooperation."

After the June 17 meeting, the Chinese foreign minister talked optimistically about the future of ASPAC. We share this optimism.

III. BRITAIN AND ASIAN SECURITY

Amid the victory of the Conservative Party in the British election there have been reports that the Conservative government is planning to initiate the formation of "defense troops of the British Commonwealth" involving Britain, Australia, New Zealand, Singapore and Malaysia. This news, if accurate, is truly encouraging, it demonstrates that the new conservative government is indeed prepared to revise the Labor Party's plan of withdrawing British troops east of the Suez Canal. This will certainly have a far-reaching impact on the situation in Asia.

The Labor government's announcement that troops would be withdrawn from Asia in 1971 and President Nixon's "New Asian Policy" of non-involvement have undoubtedly effected the military balance in Asia and encouraged Communist aggression in this area. However, objective developments compelled the U.S. government, in the process of a phased reduction of ground forces in Vietnam, to decide to send troops into Cambodia. Before the election, the Conservative Party time and again affirmed its policy of keeping British armed forces in Asia. Early post-election reports indicated that the Conservatives will keep their promise. Even if, as some reports have noted, the British troops in Asia will only be a "token force," their presence will have the following effects: (1) A moral boost not only to Singapore, Malaysia, Australia, and New Zealand but also to other Southeast Asian countries. (2) Indirect support to the U.S. government, and (3) An obstacle to Communist expansion in Asia.

We have no knowledge yet of the details of the British defense plan. However, we should like to offer a few suggestions in this regard:

1. Even the establishment of the "defense troops of the British Commonwealth" will not be enough to meet the needs of the present situation. The British government should simultaneously help speed up the military construction of Singapore and Malaysia.

2. The defense plan should also aim at the protection of the security of neighboring countries which do not belong to the commonwealth. As a matter of fact, Australia and New Zealand have already sent troops to South Vietnam. Thailand and Malaysia have joined hands in their anti-Communist campaign in border areas for the past six years. Most important, the Southeast Asian Treaty Organization includes Singapore, the Philippines and Indonesia in the same regional security system. So in forming a "commonwealth defense unit," the British government should take all these defense commitments into consideration.

3. Finally, the British should realize that a security system that involves the entire Asian region is the real answer to all problems in this area. We hope that creation of smaller regional security systems will lead to the realization of this goal.

THE CAMBODIAN POLITICAL SITUATION AND THE CHINESE COMMUNISTS

(By Tang Shao-chi)

Like spring thunder, a coup d'etat erupted in the little kingdom of Cambodia in the South China Peninsula on March 18 which overthrew its pro-Communist dictatorial Chief of State Prince Norodom Sihanouk. On the morning of March 19, Sihanouk flew from Moscow to Peiping with his mother-in-law, aunt, personal advisor, Cambodian ambassador to East Germany and technical advisor to seek help. Headed by Chou En-lai, Li Hsien-nien, Hsieh Fu-chih and Wu Fa-hsien, the Chinese Communist leaders met them and held a conference. Apparently, the situation was quite tense.

At last Sihanouk found his sanctuary in Peiping, and the Chinese Communists supported him. They collaborated readily as each was anxious to make use of the other. Knowing that the Chinese Communists have long wanted to communize Vietnam, Laos and Cambodia, Sihanouk was willing to be their puppet. Similarly, the Chinese Communists knew only too well that Sihanouk wanted to retrieve his kingdom. They stepped up their subversion and sabotage in this area. Such a conspiracy cannot last long. If Cambodia's new government under Lon Nol can achieve stability or free nations can furnish timely support to Cambodia, Sihanouk's attempt to return will fall through and the Chinese Communists' clamoring will be of no avail.

CHINESE COMMUNIST INFILTRATION INTO CAMBODIA

After seizure of the China mainland, the Chinese Communists drove Ho Chi Minh into dividing the Indo-China Communists into the Viet Cong, the Pathet Lao and the Cambodian Communists. They also supported the Cambodian Communists in the latter's armed struggles against the French and the Sihanouk kingdom in northeast and western Cambodia. Subsequently, the Cambodian Communists established guerrilla bases in Siemreap, Battambang, Phasat, Kompong Thom and Svay Rieng. In July 1954 the Geneva Conference decided to carve up Vietnam, neutralize Laos and passed a resolution on the Cambodian question. Briefly, the resolution on the Cambodian question called for Cambodia to become an independent, self-governing and neutral nation which would participate in no military alliance, cease hostile actions against the Cambodian Communists and hold a plebiscite including the Cambodian Communists. After the conclusion of the Geneva Conference, the Chinese Communist policy toward Cambodia underwent a drastic change, as they went from supporting the Cambodian Communists in the latter's armed rebellion to befriending the Cambodian government. After cessation of armed struggles, the Cambodian Communists infiltrated into various strata of the society and participated in various political activities in the name of the "People's Clique," labelling themselves supporters of the Sihanouk regime.

Between December 1957 and January 1958, the Chinese Communists made use of the "Asian Peoples Solidarity Conference" in Cairo to pass resolutions against imperialism, economic problems and cultural problems. A resolution was passed to establish chapters for Afro-Asian peoples' solidarity organizations in various countries. After the conference was concluded, the Chinese Communists stepped up international united front activities and strengthened their diplomatic relations with various nations in Asia and Africa. On July 24 of the same year, the Chinese Communists established diplomatic relations with Cambodia and extended their subversive influence into Cambodia. Later, the Chinese Communists extended economic assistance to Cambodia on four occasions and presented material support (economic assistance amounted to over U.S. $50 million.) In addition, the Chinese Communists signed an "Amity and Non-Aggression Treaty," "Aeronautical Cooperation Agreement," "Aeronautical Transportation Agreement," and "Economic and Cultural Cooperation Agreement" with Cambodia which enticed Cambodia to sever relations with Thailand and Vietnam. On the other hand, they forced Cambodia to establish diplomatic relations with North Vietnam and to permit the Viet Cong to establish a "permanent mission" in Phnom Penh. In 1961, as the Cambodian Communists revived, 14 Cambodian Communists were arrested in Phnom Penh for participating in underground activities. In 1962, Wang Yu-nien, the Chinese Communist "ambassador" to Cambodia was recalled when he was charged with engaging in subversive activities.

In 1964, together with expanded aggression in the South China Peninsula, the Chinese Communists drew closer to Cambodia in order to travel by way of Cambodia and supply the Viet Cong with weapons and ammunition and further control Cambodia's political, economic and military activities. Being subservient to the Chinese Communists, Sihanouk was willing to become the Chinese Communists' mouthpiece in international diplomacy. On June 2 of the same year, when Sihanouk visited Nice, he told the press that "the United States and Vietnam jointly invaded Cambodia" and that "the excuse that there are Viet Cong forces in Cambodia is absolutely wrong." He therefore asked France to permit Cambodia to buy military materiel against possible aggression of the enemy. On June 7, while in Grasse, France, Sihanouk attacked the U.S. proposal calling on United Nations forces to patrol the Cambodian-Vietnamese border, and condemned the U.S. hostility towards Cambodia. On September 4, the "Sino-Cambodian Friendship Association" was established in Phnom Penh. On September 5, the Sihanouk government issued a communique in which the United States was accused of actively supporting the "Free Cambodian" anti-government activities. On September 9, Sihanouk personally presided over the opening ceremony of a cement factory bearing the names of Queen Kossamak and Liu Shao-chi. On September 13, Sihanouk indefinitely postponed the date for the newly appointed U.S. ambassador to Cambodia to present his credentials. His reason was that "the United States and its servants are gradually becoming more and more hostile toward Cambodia." Meanwhile, Sihanouk's mouthpieces, the "Fatherland Daily" and the "Cultural Daily" published articles urging the Cambodian people "to guard against the double U.S. intrigues of assassinating Sihanouk and inciting the enemy to invade Cambodia." On Sept. 26, Sihanouk visited the China mainland for the fifth time to take part in the activities celebrating the 15th anniversary of the puppet "National Day" on October 1. On October 5, a joint communique signed by Liu Shao-chi and Sihanouk was published by the Chinese Communists and Cambodia in which they accused the "American imperialists" of breaching the Geneva Agreements of 1954 and 1962 and of engaging in aggression and interference in Cambodia, Vietnam and Laos.

Prior to his departure from Peiping, Sihanouk "decorated" Liu Shao-chi, Chou En-lai, Soong Ching-ling, Tung Pi-wu, Chu Teh, Peng Chen, Chen Yi, and Chang Han-fu. He also issued a statement praising the Chinese Communists "for wanting no compensation in what they give us and for providing very important economic and military aid with no strings attached." At this time, Sihanouk had sided himself entirely with the Chinese Communists, becoming a dog on their leash.

In April, 1966, the Chinese Communist "Deputy Priemier" Li Hsien-nien visited Phnom Penh and signed the "Economic and Cultural Cooperation Agreement" and promised new economic aid including support for the expansion of a cement factory and a paper mill, and the building of a hospital, a medical college and a large-scale sports city. In the "conference minutes" between the Chinese Communists and the Cambodians, the Chinese Communists agreed to render assistance to Cambodia in building laboratories and experimental factories for the Kompong Chanang Royal University and to provide three sets of oralogical equipment and a number of surgical implements. Between October and November the Chinese Communists successfully urged Cambodia to hold the so-called "First Athletic Meet of Asia's Newly Emerging Forces" in Phnom Penh, boasting how the meet demonstrated the spirit of "promoting friendship, mutual progress, mutual development and solidarity against imperialism in Asia." During the year, the Chinese Communists sent athletic teams to Cambodia and invited Cambodian athletic teams to visit the mainland. Cambodia sent men and women's ping pong teams to take part in the International Ping Pong Tournament sponsored by the Chinese Communists. On August 25, the Cambodian football team went to Peiping for a visit. On June 18, the director of the Technical Bureau, Cambodian Sports Bureau, arrived in Peiping for a visit. On May 7, the Cambodian weight-lifting team visited Peiping.

The Chinese Communist groups which visited Phnom Penh included the visit of the "Sports Delegation" headed by Huang Chung. Vice Chairman of the "National Sports Committee" on January 8; the "Peiping Women's Basketball Team" led by Chang Ching-chi, "vice chairman of the Peiping Basketball Association" on April 17; the "men and women's badminton teams" led by Liu Wen-chou, "deputy director of the Cauton athletic association." In November, the 69-member Chinese Communist "Wuhan Acrobatic Troupe" visited Cambodia. Other exchanges of visits included the Chinese Communist "goodwill delegation" to Cambodia headed by Shang Chien (Chen Yi's wife) and a similar Cambodian "goodwill delegation" to Peiping. Chen Heng, who played a key role in the recent Cambodian coup, attended the "Afro-Asian Authors' Emergency Conference" in the capacity of chief of the Cambodian delegation and was active in Peiping. During this period, the relations between the Chinese Communists and Cambodia could not have been closer. At one time, the Chinese Communists favored the formation of a "five-nation axis" of Pyongyang. Peiping, Hanoi, Phnom Penh and Jakarta, attempting to draw Cambodia into the Chinese Communist-controlled sphere of influence and turn Sihanouk into an obedient tool.

SIHANOUK SOBERS UP FOR A TIME AFTER CULTURAL REVOLUTION

In September, 1965, after the rebellion of the Indonesian Communists engineered by the Chinese Communists failed. Sukarno the lunatic who took the same risky path as Sihanouk, escaped death as he nearly became the sacrificial lamb on the altar of the Chinese Communists' red revolution. This incident taught Sihanouk a bitter lesson. Facts told him that to realize their aims, the Chinese Communists are willing to take on their dearest comrades as targets in the revolution. However, Sihanouk got too deeply involved and could not extricate himself in time. As late as the first half of 1966, Cambodia still maintained close ties with the Chinese Communists.

As the Chinese Communists' Cultural Revolution continued its development, their external relations took the form of violent revolution instead of smiling offensive. Since August, 1966, the Chinese Communists began to export large quantities of "Mao's Works," "Mao's Selected Works" and "Mao's picture badges" and to incite the Cambodian Communists lying in hiding to resume military operations and secretly worked to overthrow Sihanouk's rule. These led to Sihanouk's resentment and a number of Cambodia's measures against Communism. In May 1967, Sihanouk sent the Secretary General of the Cambodian Foreign Ministry to Peiping. Apart from secretly discussing the so-called problems on mutual cooperation, the primary purpose of the visit was to seek the Chinese Communists' understanding on why Cambodia had to check the activities of the Cambodian Communist guerrillas. Feeling increasing Chinese Communist pressure, Sihanouk was compelled to take preventive measures on September 1. He disbanded the Sino-Cambodian Friendship Association, accusing it of subversive and sabotage activities and announced the formation of the new Sino-Cambodian Friendship Association by nationalizing the new organization. On September 11, Sihanouk again accused the Chinese Communists of interfering in Cambodia's internal affairs and pointed out that the Chinese Communists continued their subversive activities despite measures taken by the Cambodian government. On the same day, Cambodia's minister of economic affairs and minister of public health, two pro-Communist ministers, were relieved of their duties, and more than ten pro-Chinese Communist newspapers were ordered. On September 13, Sihanouk delivered an address to more than one thousand people who "took the neutral line." In the address, he indicated that he would recall Cambodian diplomatic personnel in Peiping in order to avoid their humiliation and frankly admitted past mistakes in policy toward the Chinese Communists.

On September 14, Sihanouk pointed out that Chou En-lai's demand that overseas Chinese in Cambodia be permitted to "support Mao" and "read Mao's Quotations" was ridiculous. In October of the same year, Cambodia discovered that the Phnom Penh office of the Hsin Hua News Agency was engaged in subversive and sabotage activities in Cambodia, distributing "Mao's Works" and articles published by the "People's Daily' urging the Cambodian people to stage open rebellion. The Cambodian government therefore announced the abrogation of an agreement between the Cambodian News Service and the Hsin Hua News Agency on the exchange of information.

In 1968, the Cambodian Communist started the anti-government civil war in the mountains of Battambang Province in Northwest Cambodia and attacked a number of sentry posts in Ratanakiri Province on the border of Laos. In February, when anti-Soviet demonstrations erupted in Phnom Penh, Cambodian authorities immediately charged the Chinese Comunists with instigation and denounced them. In March, the Cambodian Communist guerrillas spread from Battanbang Province to Kohkong Province, Rompong Speu Province and Kampot Province in the west and northwest, ambushing sentry posts of government forces, seizing weapons, disturbing villages, slaughtering village chiefs and threatening the villages into taking to the jungles with them. Sihanouk severely condemned the outside forces which incited the Cambodian Communists to stage rebellions. He ordered the government forces to step up mopping up operations and execute six Cambodian Communists. He even openly attacked the Red Guards, saying that they could not be permitted to rise in Cambodia. At one time, when the Cambodian military and police arrested a group in Phnom Penh which had plans for the assassination of Tito in Cambodia, the Cambodian government stated that the case was linked with the Chinese Communists as a number of Chinese were involved. Sihanouk said that the pro-Chinese Communist Chinese had become "bolder and more conceited." By this time, the Chinese Communist Cambodian relations had noticeably worsened.

Notwithstanding the above, from 1967 until Sihanouk was overthrown, Cambodia still persisted in its anti-American stand in foreign affairs and continued to permit the Viet Cong to use Cambodian territory as a supply base and sanctuary. In June, 1967, Sihanouk was pressured by the Chinese Communists and North Vietnam into permitting the puppet Vietnamese organization to set up a "permanent mission" in Phom Penh and to enjoy diplomatic privileges. In addition, Sihanouk spared no effort to draw the Chinese Communists into the United Nations. Apart from exporting violence, subversion and sabotage, the Chinese Communists dealt in bribery and personal relationships. They made use of all the cultural and economic organizations in their "embassy" in Cambodia to befriend and bribe Cambodia's military and political officials at the top levels. This was an open fact. Their increased military and economic assistance and reiteration of support for Cambodia's neutral, non-alliance policy had certain effects on Sihanouk. In January, 1958, the Chinese Communists, in accordance with their original schedule, provided military assistance to Cambodia which included eleven planes, forty guns, one coastal boat and some medical equipment. In March of the same year, the Chinese Communists and Cambodia exchanged notes on an agreement calling for Chinese Communist assistance in the construction of a textile mill in Battambang. In June, Sihanouk presided over the dedication ceremonies of a Chinese Communist-supported glass factory and the Siemreap Airport. In September, the Cambodian foreign minister visited Peiping and the main topic of his conference with Chem Yi was still the support to the Viet Cong in their southward invasion. What was most tragic was that while the Chinese Communists were providing military and economic assistance to Cambodia, the Cambodian Communists increased their activities. From May to August, 1968, the Cambodian Communists successively raided government officials and patrol units. In August, the Cambodian Communist terrorists threw hand grenades in Phnom Penh, attempting to force Sihanouk into abandoning his measures.

In November of the same year, Sihanouk admitted that expanded rebellions of the Cambodian Communists had threatened the security of Cambodia. For the first time, he conceded the presence of North Vietnamese forces and Viet Cong guerrillas in Cambodia. By 1969, the Cambodian Communists had stepped up their rebellious activities on the border of Cambodia and Vietnam in the east. In March, the Cambodian Communists attacked the sentry posts of government forces in the east, killing a number of troops and civilians. Later, a number of villages in Ratanakiri Province and vehicles travelling on highways on the border of Cambodia and Vietnam were attacked by the Cambodian Communists. By this time, the armed strength of the Chinese Communists was reported to be as high as over 3000 and their sympathizers and supporters were as many as 60,000–70,000. This fact proves that Sihanouk's two-sided practice of anti-Communism at home and pro-Communism abroad was no match for the Chinese Communists who struck and befriended him at the same time.

SIHANOUK A WILLING PUPPET AFTER THE COUP

What was even more unfortunate was that Sihanouk's alertness and awakening with respect to the Chinese Communists was just one of his erratic and opportunistic moves. Despite his admission that the Viet Cong forces were stationed in his country using force in burning and selling, and extorting the local people, and his subsequent announcement that he would go to Moscow and Peiping urging the Viet Cong forces to pull out from his country, a righteous struggle of anti-Communist forces led to breaking into the puppet North Vietnamese and Viet Cong "embassies' in Phnom Penh. Soon Sihanouk "was deeply saddened." By the time the coup broke out in Cambodia and he was deposed as the chief of state, he was willing to betray his country and people by selling out to the Chinese Communists for their assistance so that he could subvert his own country and restore his rule.

After Sihanouk's defection, the Chinese Communists issued a series of "statements" and "messages to the people" through the Hsin Hua News Agency and also three messages to the Viet Cong, the Pathet Lao and the Albanian Communists in appreciation of their support. In addition, Hsin Hua News Agency published comments from the Afro-Asian region accusing the United States of instigating the Cambodian coup. On March 20 and 21, it published Sihanouk's long statement in which he stated that the Cambodian National Assembly had no right to remove him as the chief of state and rebuked the attack made by the Lon Nol government on his corruption. The final portion of this statement sounded like the swearing of riff-raff. He stated: "I do not wish to regain the power that I have in reality lost, neither do I wish to retain the insignificant title of Cambodia's chief of state. I want to make it known to the world and swear in front of my people that the extreme rightist reactionary group, lackey of the American imperialists, will collapse in the near future. When that time comes, I shall tender my resignation to the regime which truly belongs to the Cambodian people—the farmers, the workers, and the students." He added: "I fully understand that I myself, my former collaborators, including those presently in the Phnom Penh government and the National Assembly will have no foothold and no influence. Once again, I solemnly swear before the Cambodian people that as soon as the regime formed by our people and youth is able to stand strongly in Phnom Penh, I shall give up the highest position."

Despite his swearing that he has no desire for power and that he regarded the position of chief of state as insignificant, Sihanouk did not mean what he said. In his two "Messages to the Cambodian People" on March 23 and April 4, he made the so-called five-point "solemn announcement" in the former as listed below:

(1) In the name of the "legal chief of state respected by all the Cambodian people," he dissolved the Lon Nol government and the two houses.

(2) He asked the Cambodian people and the foreign nationals living in Cambodia not to carry out the regulations, laws and orders and sentences and decisions made by the Lon Nol-Matak-Chen Heng government now or in the future.

(3) He claimed the establishment of a new people's solidarity government and a provisional consultative assembly.

(4) He called for the establishment of a people's liberation army.

(5) He called for the establishment of the "Cambodian People's United Front" uniting all the anti-imperialist, anti-colonial, neutral, progressive, socialist, Buddhist and nationalist elements and stipulating anti-Lon Nol government and anti-U.S. struggles as the primary tasks of this organization.

Finally, he urged his followers to conduct guerrilla operations in the jungle, saying that he would be able to provide them with ammunition and weapons in time or send them to the remote military schools of the front to study military science. He also tried to lure Cambodians living in or near Europe to see him in Moscow or Peiping and take part in the so-called "People's United Front."

In his "Message to the Cambodian People" on April 4, apart from reiterating his call for his followers to go into the jungle and engage in rebellious activities, he openly said that he "would open struggles until my reputation is restored and a fair judgment on me is made and asked the so-called "progressive and socialist intelligentsia" to forgive him for his past, erroneous judgment "against the interests of the people and the nation" and to engage in armed revolution with him. The progressive, socialist intelligentsia" and the "progressive, socialist youth" named by Sihanouk are actually the Cambodian Communists. In his decadence as a puppet, Sihanouk has become shameless, begging the Cambodian Communists for mercy. His words became as bloodthirsty as those of the Chinese Communists.

Since the Cambodian coup, the Chinese Communists have looked upon themselves as the guardians of Sihanouk in exile. Although the Chinese Communist regime did not issue a formal statement on the coup until Chou En-lai visited North Korea when he made two statements upon arrival in Pyongyang on April 5, the Hsin Hua News Agency, in the form of a news report, accused in succession the United States of "all along engineering the coup in Cambodia" saying that the United States, Vietnam, Thailand and Loas worked together in fighting the Communists and that the Indonesian government "conspired" with Cambodia's new government by sending Indonesian advisors to Phnom Penh. Beginning on March 25, the Hsin Hua News Agency published the messages between Sihanouk and the Pathet Lao's Souphanouong, North Vietnam's Premier Pham Van Dong, "Chairman of the Presidium of the Central Committee, South Vietnam People's Liberation Front" Nguyen Thuc Huu, and the "Chairman of the Provisional Revolutionary Government of the South Vietnamese Republic" as well as the support and clamoring of the mouthpieces of the Viet Cong, Pathet Lao and Albanian Communists. What is worthy of note is that in all messages between Sihanouk and the Viet Cong, no mention was made of the Viet Cong incursion into Cambodian territory. They made such remarks as "the policy of always maintaining brotherly and friendly relations with the Kingdom of Cambodia" and "the willingness to maintain our relations of friendship and solidarity at any cost." Such remarks were undoubtedly the results of much coordination at the direction of the Chinese Communists.

There is a rumor that in the latter part of March Sihanouk visited Hanoi. Since his arrival in Peiping on March 19, all the enigmatic "political clown's" "statements," "talks," "letters," and "messages" were published by the Hsin Hua News Agency. Another speculation is that when North Vietnamese leader Pham Van Dong visited the China mainland at the invitation of the Chinese Communists, he gave assurances of support to Sihanouk. Regardless of the truth behind the above-mentioned, since the Chinese Communists have decided to support Sihanouk's restoration, they have to consult the North Vietnamese Labor Party, the primary Communist Party in the Indo-China peninsula. In his second "Message to the Cambodian People" on April 4, Sihanouk mentioned that "recently, Socialist Vietnam, through its highest leader and in the presence of the most important guarantor, solemnly assured me that in the future its people and youth will respect the independence, sovereignty and present territorial integrity of our country." Who is this "most important guarantor?" It goes without saying that it is the Chinese Communists.

Having achieved unanimity with North Vietnam, the Chinese Communists issued their first formal statement through Chou En-lai at the "state dinner" by Kim II Sung in his honor in Pyongyang on April 5. The statement supported Sihanouk's restoration. Chou said: "Recently the American imperialists openly instigated the Cambodian rightist group to stage a coup d'etat against Prince Norodom Sihanouk, Chief of State of Cambodia. This marked new, outrageous provocation by the American imperialists against the peoples of Cambodia, Laos, Vietnam and Asia. On March 23, Cambodian Chief of State Norodom Sihanouk issued a message to the Cambodian people and a five-point statement in which he severely denounced the crimes committed by the American imperialists and the rightist group. He called upon all patriotic Cambodians to unite and form the Cambodian People's United Front to undertake determined struggles against the American imperialists and their lackeys. The Chinese government and the Chinese people firmly support the correct position of Prince Sihanouk, Chief of State of Cambodia, as well as his policy of independence, neutrality, democracy and maintenance of national sovereignty and territorial integrity." This statement and the facts stated above indicate that under Chinese Communist instigation, North Vietnam, the Viet Cong and Pathet Lao have become an entity ready to support Sihanouk in launching armed struggles inside the territory of Cambodia. Paying no heed to the interests of Cambodia and its people, Sihanouk has sided with the Chinese Communists, hoping to rely on the Cambodian Communists' armed rebellion to realize his design of restoration.

CHINESE COMMUNISTS DO NOT DARE ENTER CAMBODIAN WAR

After the entry of U.S. forces into Cambodia, the focal point of world opinion has been on the development and trend of the Cambodian situation. The trend of the situation in Cambodia and the South China peninsula is such that the possibility of the Chinese Communists' direct intervention in the war in Cambodia is most noteworthy. Judging from the Chinese Communists' recent indications, this problem requires careful study.

In recent months, the Chinese Communists have stepped up their activities in the South China Peninsula. After calling the summit conference of the Indo-China Communist Parties and the pro-Communist leaders, the Chinese Communists announced the recognition of Sihanouk's ghost "regime," promising firm support. In order to put up a front, Mao Tse-tung, Lin Piao and Chou En-lai received Sihanouk. A few days ago, after Mao met Le Duan, North Vietnamese leader, arrangement was made for Le Duan and Sihanouk to meet. All these activities indicate that a signal has been given to North Vietnam by the Chinese Communists to fan the war in the South China peninsula.

However, the Chinese Communists' attempt to expand the wor in the South China peninsula does not mean that the Chinese Communists will directly intervene in the wars in Vietnam and Cambodia. Having learned the bitter lesson of prohibitive casualties in the Korean War, the basic position of the Chinese Communists on this type of war is "to instigate the other people to fight the war as much as possible and avoid direct participation." For years, the Chinese Communists have adhered to this principle. For instance, the Chinese Communists participated in the Vietnam War in various ways, but have always avoided open and direct participation. Their policy is to let more Vietnamese and Americans bleed and die, while they will wait for the opportune time to pick the "fruits of victory." This policy is known to the Communist leaders of North Vietnam. This also explains why the North Vietnamese stand between the Russians and the Chinese Communists and do not wish to be one-sided.

Since the Chinese Communists avoid direct participation in the Vietnam War, it is less likely that they will participate in a war in the more remote and more unfavorable Cambodia.

The above is the Chinese Communists' subjective situation. A further political analysis of the objective situation will reveal that the Chinese Communist lack the capital to fight a war.

In commenting on the ability of the Chinese Communists to fight a war, most westerners base their analysis on the purely military viewpoint. Little do they realize that "warfare is a continuation of politics." In the long run, military strength is governed by political factors. This is something that any observer must grasp firmly.

What kind of a situation then, is confronting the Chinese Communists?

Despite the fact that the Chinese Communists have sent a man-made satellite into orbit, they still face a widely-split political situation in which people resist fiercely.

At the Chinese Communist "Ninth National Congress," Mao hollered for "unity" and claimed that the Congress was one of "unity." A split situation still exists from the "central" government to the local level organizations within the Chinese Communist Party in the more than one year since then. The situation did not improve because of his hollering. The split of the Chinese Communist Party has its long historical background and has become deepened and more serious since the turbulence of the Cultural Revolution. The Chinese Communists now admit that the so-called factionalism, mountain-topism, little groupism and anarchism exist within the party, cadres and armed forces, greatly hampering the "full implementation" of the Chinese Communist policies. This is a frank admission of splits among the Chinese Communists.

As to people's resistance, one look at the clamoring of the Chinese Communist newspapers and broadcasting stations for "firm supression of the class enemies" will reveal the intensity of the people's resistance. The "class enemies" indicated by the Chinese Communists are the small number of "new class" enemies and the millions of anti-Mao and anti-Communist people on the mainland. For years the Chinese Communists have not softened in their slaughter of the "class enemies" who resist them. However, the number of such enemies rises as they keep killing them. After the massacre of the Cultural Revolution, the anti-Mao and anti-Communist "class enemies" included people of different levels in the society and even youth. Among the hundreds of millions of people on the mainland, the Maoists are completely and thoroughly isolated. Any sensible Chinese understands this, and only western appeasers shut their eyes and refuse to look this fact squarely in the eye.

Judging from the basic political situation, we can see that observations made purely from the military viewpoint are untenable. Thus, the view that the Chinese Communists are capable of sending military forces for operations outside of the China mainland is also untenable. Examining the political characteristics, we can see that the Chinese Communists are paper tigers. Internal splits, people's resistance and disenchantment of the armed forces have decided against the Chinese Communists' direct articipation in an external war. Economic chaos and regression, diplomatic isolation and especially the Russian threat in the north combine to show that the Chinese Communists have a difficult time defending themselves, not to speak of the strength and the audacity to take part in the South China peninsula.

The Chinese Communists regard the western appeasers and capitulators as their fellow-travellers and friends. The Chinese Communists respect only strength. In early 1965, when the United States adopted a firm attitude toward the aggression of North Vietnam, the Chinese Communists were frightened and nearly asked the Soviet "big brother" for help. When the American appeasers and capitulators were actively clamoring, the Chinese Communists were elated and responded enthusiastically. Such cruel facts are worthy of meditation by all appeasers and capitulators.

President Nixon made a wise decision to move American forces into Cambodia to strike the hornet's nest, for this move was outside the expectations of the Chinese Communists and North Vietnam. During the past two weeks, the Chinese Communists were caught unprepared and were trying to devise remedial measures. Their difficult position reflects the soundness of President Nixon's decision.

In helping Sihanouk's "regime," Mao seems to have wrested the initiative from Soviet Russia in the present struggles in the South China peninsula. In reality, this may turn out to be Mao's greatest strategic faux pas in the past decade. This strategic faux pas is that Mao is bogged down in the swamp left behind by Sihanouk and is unable to disengage himself or intervene directly. Mao has hastily placed his bets on Sihanouk. In the end, Mao the political gambler will lose his shirt.

EXPECTATIONS FOR THE MEETING OF THE COMMITTEE FOR PROMOTION OF SINO-JAPANESE COOPERATION

(By Pi Shu-chang)

The 15th Committee for Promotion of general meeting of the Sino-Japanese Cooperation is scheduled to open in Tokyo on July 6 and to last for three days. The Chinese committee members and various advisors, led by convenor Ku Cheng-kang, plan to arrive in Japan on July 5. Although the Committee for Promotion of Sino-Japanese Cooperation is essentially an organization comprised of private citizens, the participants on each side are highly influential within their respective countries' political and economic circles. Consequently, these meetings have consistently made profound and concrete contributions to the advancement of friendly cooperation between China and Japan, and have become an important bridge to strengthening the Sino-Japanese alliance.

The current meeting of the Committee for Promotion of Sino-Japanese Cooperation to be held in Japan has attracted special attention from various quarters. The left-wing press in Japan has adopted an attitude of denigrating and belittling the activities and achievements of this organization. This attitude of opposition was seen in the slanted coverage prior to the meeting, which included introductory and speculative reports and editorials, as well as downright fabrications. Since last April, when Yoshimi Furui signed the "Extension of Trade Memorandum Agreement" with the Maoist clique in Peiping, and then issued a joint communique highly insulting to the Sato government, industrial and commercial circles in Japan have had to confront the dilemma and the threat posed by Chou En-lai's so-called "four (trade) principles." Among these "principles" was the stipulation that the Communist regime would refuse to permit trade ties with any Japanese firm that maintained friendly business relations with the Republic of China. Following this announcement, the left-wing press in Japan added fuel to the fire, manifesting the fact that the entire opposition in Japan was seemingly ready to knuckle under to the Maoist pressure. The left-wing media further stressed that the meekest possible posture must be adopted at the forthcoming meeting of the Committee for Promotion of Sino-Japanese Cooperation in order to avoid antagonizing Mao. Because of all this, it is clear that the meeting called at this time is faced with a critical test which will increasingly attract the attention of numerous quarters.

The true situation is not, however, exactly the same as the exaggerated picture presented by the left-wing press. It is true that a certain number of Japanese firms have been unable to resist the threat and the seductiveness of Chou's "four principles" and have therefore prostrated themselves before Mao. But, through the leadership of such men as Shigeo Mazano, Teizo Horikoshi and Kogoro Vemura of the "Economic Group Joint Committee," there have been repeated declarations of a firm stand during the last month, which have strongly countered this most recent plot by Mao to split the two sides. Last June 5 the Japanese committee members of the Committee for Promotion of Sino-Japanese Cooperation met in Tokyo to discuss the Japanese stand to be taken at the 15th general meeting. Despite the proclamation at that time that the Japanese posture at the meeting from the standpoint of their political attitude would be comparatively softer, developments during the last month have been characterized by public announcements which have greatly clarified the true situation. To sum up, we have the hope that the Japanese side will adopt at the forthcoming talks an attitude which, from the standpoint of promoting Sino-Japanese unity and cooperation, will not be negative and retrogressive, but will rather be positive and progressive.

Among the indications that the Japanese will adopt a positive attitude is the fact that the size of their delegation—more than 70 representatives—exceeds that of past committees. Moreover, the most important Japanese firms such as Mitsubishi Shoji, Mitsui Bussan, Marubeni-Iida and Ito Chu will all send delegations to the meeting.

This action by Japanese industrial and commercial firms gives an eloquent and resolute answer to the "four principles" of Chou En-lai, and it is a clear choice as far as relations with either the Republic of China or the Maoist regime are concerned. Another point which provides rather clear evidence of Japanese intentions is that the Japanese have extended an invitation to the members of the "Japanese-Korean United Effort Committee" (or "Committe for Promotion of Japanese-Korean Cooperation") to participate as observers at the meeting. The unity and cooperation among these nations clearly indicates the future course of their political interrelationship, all of which will provoke the great envy of Mao. It can thus be seen that the political character of this meeting has not diminished at all, but has rather increased enormously.

Of course, due to the limitations imposed by the present political situation in Japan, we cannot set our sights for this meeting too high. Japan has recently participated in several other international conferences in Asia. Her performance as far as conscientiously endeavoring to promote Asian mutual defense and a unified anti-Communist effort is concerned, however, has generally been very lackluster. In view of this, we cannot realistically hope for any breakthrough at the upcoming meeting. The focal point of this meeting must be the strengthening of economic cooperation. Prior to the convocation of the meeting, the Japanese agreed at a conclave of the Sino-Japanese Trade Promotion Association to increase by US $1,600,000 the amount of goods they would purchase during the present year from the Republic of China. On the basis of this decision in principle, we hope that the two sides, as equal nations, will discuss in greater detail the distance separating them in their trade at the forthcoming meeting of the Economic Subcommittee of the Committee for Promotion of Sino-Japanese Cooperation, and will thus be able to achieve more concrete results. At the same time, one of the major outcomes of this meeting is expected to be the granting of assistance to us in the form of the extension of a US $3,000,000 loan. In addition to the above, both sides have already brought forth a number of appropriate and timely proposals in the realm of cultural exchange. In our opinion, however, more important than any of the above is the genuine realization by both sides that friendship and unity between China and Japan are in the interests of both nations and are of the utmost significance to the future of all Asia. Only if this is perceived will we be able to establish honest and candid cooperation. In this way, the meeting will have enormous influence. Vice President Yen has already finalized plans to visit Japan during this meeting and to help direct the nation-wide China Day Celebration. It is our greatest hope that both sides will be able to seize this opportunity to jointly smash the enemy's plot to split and divide, that they will be able to promote friendly Sino-Japanese relations, and that they will be able to develop this relationship to a new stage more firm and complete than before.

Southeast Asia And The Middle East

(By Lai Ching-hu)

ANALYSIS AND REASSESSMENT OF CURRENT POLICIES OF THE UNITED STATES TOWARD THE ABOVE TWO REGIONS

In this world split into free nations and Communist bloc, the cold wars in Southeast Asia and the Middle East have escalated into hot wars.

It has been advocated for years that World War III, which is generally expected to bring an end to the existence of mankind, be avoided in every way possible. As a matter of fact, this world has never enjoyed any genuine peace since the Second World War. The so-called "cold war" might just as well be called a continuation of the second world war, as the beginning of World War III.

For more than twenty years, Washington and Moscow have confronted each other in many ways, though never on a battlefield. The ammunition and weapons employed by the belligerent nations in Southeast Asia and the Middle East are furnished by the U.S. and the Soviet Union. Nevertheless, there is one thing that may serve to reassure the world: Washington and Moscow have not yet declared war against each other. And as yet, no nuclear weapons made by either nation have been found in the two hot war fields.

THE VIETNAMIZATION OF THE VIETNAM WAR AND THE CAMBODIAN INCURSION

In all honesty, the U.S. has always been reluctant to stage or get involved in any war. It is the Soviet Union which enjoys seeing the world in chaos. It is a fact that the U.S. was "forced" by the Communists to get involved in the Indochina war. Therefore the U.S. made it clear at the beginning that the U.S. troops would not invade North Vietnam, but that an independent, anti-Communist South Vietnam should continue to exist.

It was hoped that this kind of balance would be maintained for good. With the increasing pressure from the anti-war campaign in the U.S., Washington, has long planned to withdraw its troops from Vietnam and to carry out the Vietnamization project as early as possible.

However, the North Vietnamese and Viet Cong, under the guidance of Moscow and under the influence of the Peiping regime, are engaged in hit-and-run warfare to stalemate the U.S. troops; and, in Paris, they are taking time to talk nonsense. Apparently they intend to gain time to wear away the free world and in the long run to effect the Communist world revolution as the Communist bloc has long been dreaming.

With the fall of the plain of Jars in Laos into the hands of Pathet Lao forces and seeing the Lon Nol regime tottering after the overthrow of Prince Norodom Sihanouk in Cambodia, the U.S. troops combined with South Vietnamese forces to invade Cambodia and destroy the once-inviolate Communist sanctuaries. The Cambodian operation improved the Vietnam situation but expanded the war scale, thus complicating the Indochinese situation.

The Communist Chinese have long contemplated putting Southeast Asia under their thumb. Racially and geographically, the Red Chinese are closer than the Russians to South Asia, and it is accordingly easier for them to propagandize, to infiltrate, and to launch military intervention in Indochina. Meanwhile, in vying for the leadership of the Communist campaign in Asia, the Communist Chinese have to try every means possible to rid Indochina of Soviet influence. Thus the ousted Cambodian Prince Norodom Sihanouk was welcomed by the Maoist clique and Sihanouk's puppet regime in exile was established. A few days ago, Mao Tse-tung showed up at the demonstration held at Tien An Men to shout again his cliche of protesting American aggression in Indochina. Whether the Communist Chinese will send armed forces into Cambodia as they did in North Korea will remain anybody's guess. Nobody can be certain that they have no such intention.

THE INTERNAL STRIFE IN THE UNITED STATES AND ITS IMPACT

President Nixon, when taking his post, assured his countrymen that he would bring an end to the Vietnam war. Later, in order to soothe the country, he announced his Vietnamization program and his plan of scheduled withdrawal of GI's from Vietnam.

In the more than one year since his inauguration, President Nixon not only has told the enemy again and again his real intention of seeking peace, but has begun his plan of evacuation and at the same time strengthened the Vietnamese by training them intensively and supplying them with more arms.

Had nothing happened in Laos and Cambodia recently, it is believed that the GI's would have continued to withdraw from Vietnam according to the timetable, no matter what would have become of South Vietnam after the U.S. evacuation.

Because of the length of time the Vietnam war has lasted, and because of the rising anti-war atmosphere at home, Americans in general have become disgusted with the never-ending and nonvictory war.

Just when President Nixon was reiterating his plans to pull American armies from Vietnam, the Laotian and Cambodian incidents occurred. Those feckless, near-sighted, pro-Communist American politicians and intelligentsia held Nixon responsible for what had happened in Loas and Cambodia, without uttering a word of reproach about the enemy's hysterical, unreasonable and absurd speech and attitude at the Paris talks, or about the enemy troops which, hidden in their sanctuaries, had been endangering the safety of American soldiers. The campuses across the U.S. were plagued with student insurrections and demonstrations. Quite a few universities and colleges became havens for political extremists and fanatics, even with the blessing of the presidents and many faculty members. The leading doves on Capitol Hill have criticized President Nixon severely and threatened to retaliate against the 1964 "Gulf of Tonkin" resolution and to vote against all future foreign aid bills.

The most unfortunate situation for the Nixon Administration is that for more than a year, the U.S. has suffered economic inactivity, inflation, a plunging stock market, and an increase in unemployment. For all these, the leftists and liberals asserted, the Indochina operation was to blame. If we listen to the Senate Foreign Relations Committee, we cannot help wondering if those who spoke out at the committee meeting are the delegates of the international Communists. When we read the editorials in the *New York Times* or the *Washington Post*, we are puzzled as to whether we are reading the editorials of Moscow's Pravda and the Chinese Communist "People's Daily."

At the same time that people annoyed with and troubled by the anti-Vietnam war noises, they are also concentrating upon and worrying about the clash taking place in the other hot war arena at the other end of the world—the Middle East. It is true that the conflict in this area, its casualties and level of hostilities are on a small scale compared with those of the Indochina war. Yet it is also true that the confrontation between the Israelis and the Arabs has been getting worse since the six-day war of 1967. With her population of two million pitted against about fifty million surrounding Arabs, we admire Israeli perseverance and courage. On the other hand, we should never ignore the stubbornness of the Arabs. The Middle East is therefore the powder keg which cannot stand a single spark produced by a clash between the U.S. and the Soviet Union.

Up to now, neither the agreement achieved by the U.N. Security Council, nor the conciliation offered by the U.S., the Soviet Union, the U.K. and France has done any good in the Israeli-Arab dispute. It is obvious that if the situation worsens, some day these powers will be pulled into the war. In fact, with Washington embroiled and preoccupied in Indochina, the Russians have slipped almost naturally into the Middle East vacuum, furnishing the Arab states with military supplies and equipment, and firmly establishing their position in the Mediterranean and the Red Sea. Recently Soviet pilots together with the Egyptian air force engaged in air combat against the Israelis over the Suez Canal.

President Nixon is well aware of the gravity of the situation in the Middle East. He knows well that the political and economic influence of the Jews in the U.S. cannot be neglected. And yet, with a view to maintaining the balance and peace among the Mideast nations, he warned Moscow to stop intervening in Mideast affairs on the one hand and on the other refrained strictly from selling to Israel the warplanes which Israel had requested. His Mideast policy is obviously invulnerable. Surprisingly enough, those doves who have constantly been insisting on the complete pullout of the U.S. troops from Vietnam to restore world peace have recommended that the U.S. should not only sell to Israel all the planes Israel asked, but also furnish Israel with large quantities of ammunition, weapons, and military supplies, even at the expense of irritating the Arab states and of risking a military clash with the Soviet Union. (More than two-thirds of of the Senators appealed to the State Department to sell warplanes to Israel.)

Their contradictory as well as unscrupulous attitudes toward the Indochina war and the Mideast war have manifested that they are near-sighted, two-faced hypocrites who view the U.S. foreign policy with two different sets of standards. It is natural for the American Jews to be loyal to their people. As for the non-Jewish American politicians, they are striving to win the votes from American Jews at the cost of their country's safety and interest. Can this be called loyalty to the country? From this, we may deduce what strong influence the Jewish lobby in America has on the U.S. Congress.

THE PROSPECTS OF THE TWO BATTLEFIELDS

So far the two frontlines still mean a confrontation between the East and the West blocs. It is clear that the North Vietnamese and Viet Cong have suffered a great setback since the combined forces of South Vietnam and the U.S. launched their offensive into Cambodia. In the Middle East, however, where the Arabs have enjoyed an influx of Russian armaments, it is clear that the Israelis have not in the least been discouraged, nor have their fighting capacity and morale abated. The conspiracy of the international Communists evidenced in these two hot wars has failed, contrary to the Communists' expectations.

Despite criticism at home, President Nixon's Cambodian incursion to destroy the Communist sanctuaries and to shore up the newly established Lon Nol government is considered a successful operation, with countless caches destroyed, numerous weapons captured, tons of ammunition and weapons seized, and more than six thousand North Vietnamese and Viet Cong killed. Moscow's cold attitude toward ousted Prince Norodom Sihanouk and the Peiping regime's failure to follow through on its commitment to Sihanouk proved that the U.S. and South Vietnam combined operation was a tremendous success from the strategic point of view.

In spite of the Soviet malignancy and the hostile Arab states around her, Israel, with her solid confidence and formidable morale, continues not only to command the air with her air force, but to take the military lead on the whole. She is going to remain irresistible in the foreseeable future as long as moral and material support from the U.S. keeps on.

Nixon set June 30 as the deadline for withdrawing the U.S. troops from Cambodia. He will also pull the U.S. troops out of Vietnam to meet his Vietnamization program. He will on the one hand consent to sell warplanes to Israel, and on the other warn the Soviet Union not to fuel the Mideast fire so as to avoid the direct conflict between the two blocs. These foreseeable prospects will have a decisive impact on the two hot wars as well as on world peace in following years.

The Communists will never give up their plot of world revolution, nor will they dare to start a nuclear war which may exterminate both sides. The U.S. combat troops will be pulled out of Cambodia by the end of June. The South Vietnamese and newly arriving Thai troops will stay on and fight with Cambodians against the Communists in Cambodia. Even if the day comes when all the U.S. soldiers are pulled out of Vietnam, the Indochinese issue will not be completely settled. Neither Washington nor Moscow is willing to see the Mideast war expand, but neither of them can make the Israelis or the Arabs bring an end to the stalemated war. In my opinion, the current Indochina and Mideast policies of the Nixon Administration are rather reasonable, correct, and worthy of praise.

THE SPIRIT OF THE SEVENTIES—UNITED STATES AND FREE ASIA

(By Mrs. Anna Chennault)

Both the Free Asians and the U.S. have many important decisions to make in the morning of the 70's. Is the U.S. determined to continue to be a strong nation, or is she willing to retreat into isolation? And the Asians, are they working toward a free Asia?

The West and the East are entering the new era of the 70's together. We must recognize the tremendous transitions of the Eastern world with understanding and sympathy, and at the same time prepare for its consequences.

America, as a free nation, cannot stand strong and free alone. A powerful nation remains powerful only as long as it maintains a strong foreign policy.

England and France after they retreated from a once strong position, suffered these consequences.

We recognize the fact that Asians make up almost two thirds of the human race. In the 70's the Asians are entering a new era, for they have come into their own—a new spirit—an Asian reality. That is to say, they want to plan and organize their own destiny. In the 70's the key decisions concerning the Asians should not be made in London, Paris, Moscow or Washington, D.C., without the participation of the Asian countries concerned. It is regrettable, and perhaps to a certain extent a misfortune, that in the Western World we have too many so-called Asian experts. In the areas of Asian affairs we are famous for our quantity rather than quality. Too many voices have outshouted the Asian voice, which is just the one which should be heard right now. We Americans must learn how to listen—to find new ways to express our trust—to promote the combined interests of the free people in the West and in the East in order to secure a better future for America and for Asia.

War and peace in the 70's has created confusion and conflict around the world and there is no easy solution. For the past three decades outstanding leaders around the world have been faced with these same problems, only in different forms. Their problem has been to do what is best for their people.

War has never been popular, but the formula to peace has never been easy. All leaders of the free people want a just and lasting peace.

President Nixon's decision on Cambodia is to bring a just peace to Southeast Asia. It may not be a popular decision, but it is the right one. Sometimes, as a leader of a nation, he has to do what is best for national security instead of finding the easy way out, which a minority prefers.

In this nuclear age, collective security has become a necessity. America must stop apologizing for her actions to bring justice and peace around the world. Americans should not be defensive about helping other people fight for their freedom.

Without question power is a lonely business. It is difficult to be popular and powerful. But, for our own survival, this country cannot afford to be isolated. Hitler of Germany, Tojo of Japan, and Stalin of Russia have taught us this lesson of history. Only until other powers, who are now feeling their muscles, want peace more than power of expansion, will this world be secure from conflicts and threats. The United State's position is to keep the "balance of power" in order to avoid conflict. All our spiritual aspirations will come to nothing if we weaken the physical assurance of our national security. For a strong national security in this nuclear age is the most effective foundation for freedom and peace.

At this late hour, it is important for people of good will and good intentions to maintain some practical common sense and to be realistic about international problems. We simply must realize that the aggressors with whom we deal only understand one kind of language—that is, active force and consistent determination.

President Nixon's decision to intervene with American forces in Cambodia is a courageous one. He has, with open eyes, taken an enormous domestic political risk in what he believes to be the greater national interest.

And he has had to consider more than the national interest of the United States. He has had to take into account what the effect would have been on Russian policy and strategy in the Middle East if America had refused to try to stop the Communist drive in Cambodia. There can be no doubt that such a refusal would have still further strengthened the Russian belief that no American intervention in the Middle East was to be feared and that it would therefore be quite safe for Soviet forces to become more directly involved in the Arab-Israeli conflict.

Refusal to intervene in Cambodia would also have strengthened the powerful influences in West Germany which believe that America is an unreliable ally and that an accommodation with the Soviet Union must therefore be sought while there is time.

If the Cambodian operation is carried out with success, hopefully, this operation will be completed before the monsoon season arrives in June. Once the monsoon season comes, it will be difficult for the enemy to move. It will give the South Vietnamese troops time to build up their strength and for the United States to carry out our plans for withdrawal.

Now that the North Vietnamese are losing, they are using the weapon of assassination even more often. About 1,500 Americans are missing from flights over North Vietnam. Are they dead or alive? The presumption is that most of them are prisoners. Yet, the Hanoi regime refuses to deliver or forward mail. Hanoi has not listed the prisoners and has refused to check off the names of American lists. Several years ago, the Moscow propaganda masters decided that their main hope for winning in South Vietnam consisted in undermining the American will to fight. They launched an attack on American morale, playing on the theme that their Vietnam invasion was not an invasion but a civil war, that the issue was of no consequence to the American people.

I had an opportunity to visit and talk with some of the North Vietnamese prisoners. Some were young boys of 13 and 14 and they told me their government publicized the news of our demonstrations and protests against the Vietnam War. It was their impression that no one in the United States supports the President's policy on Vietnam. Our fighting men deserve our support.

It is ironical that the Communist propaganda offensive should be gaining effectiveness just when the Communists are in serious trouble. Today in Asia the appeal of Communism is at its lowest point since World War II. The economic failures in China and North Vietnam are well known in Asia in contrast to the economic succeses in free nations like Japan, Taiwan, Korea, Thailand and Singapore. Communism can now only be spread by force, infiltration, terror, murder and subversion.

Castro cries for "20 Vietnams in America." They are using a slogan, "War of National Liberation" in Asia, Latin America, Black Africa and the Middle East.

Russia wants the United States to suffer a crushing military and moral defeat in Vietnam and she is spending billions of rubles to make sure that happens.

For the past two years this country has had its share of disturbances and violence. The test of our time is to prove if man can manage the growth of wealth and power with the growth of spirit and character. We must not allow ourselves to be destroyed by the problems we have created. We must distinguish the difference between peaceful change through democratic process and destructive violence which brings disaster. We must distinguish the difference between protests and revolt, between demonstrations and destruction, between violence and nonviolence. We shall not condemn those who disagree with us but we must put an end to violence in all forms. We must decide whether we intend to have our decisions, our lives ruled by a violent minority. I am sure people in the East and the West realize the existence of such dangers. It is time for us to put a stop to all violence.

Every generation makes mistakes. We must have the patience to listen, but more important, the strength to explain. I don't agree the generations belong to the Second World War, the Korean War, and that those who have given their lives in Vietnam and those who have fought in Vietnam need to apologize to the demonstrators and the protestors. We can be proud of some of our achievements.

One of the most sensational achievements of the century has been our mission to the Moon. In the medical field, the heart transplant operation has shown we have come a long, long way.

We have succeeded in almost abolishing polio, and we have spent billions of dollars to improve health and welfare. We have publicly announced our war against poverty, racial discrimination. We have sent aid to over fifty nations around the world to improve their living conditions, we have helped other people to overcome poverty and above all, we can take pride in the fact that America has been one of the most generous nations in the world in helping the other less fortunate peoples.

In America a psychology of defeat has brought a new growth of isolationism to our people. This new kind of attitude deeply disturbs me. This is exactly what the Communists want. For their assumption is this—if the American public talks itself out of supporting freedom in Vietnam it most certainly will not support freedom anywhere in the Pacific and therefore not in Berlin or in the Middle East. They see Asia as a turning point in all our past policy toward supporting freedom.

The Communists in Asia fully realize they cannot compete with us in military strength but they know how to work on so-called "public opinion" in an attempt to out-last our patience. Hanoi and Haiphong realize they cannot capture Saigon by force. They have tried many times and failed. They know the only way to enter Saigon is to talk their way in. Unfortunately, for many years the Vietnam War effort has been frustrated by technical decisions based more on the political invention of limited war rather than military facts and reasoning. In Asia people still believe in decorating their heroes and shooting their enemies, while we in a more comforting position are having difficulty finding the definition of "hero" in our dictionaries. We are people in a hurry—we are so used to instant coffee, instant tea, we are inclined to look for "instant solutions" to the extent we sometimes make the mistake of trying to force our kind of system on others.

What did we do wrong in Vietnam? We can simplify it in one sentence. "We have fought a limited war for a limited objective." We have not only limited our weapons, we have even informed our enemies and to such an extent to assure them that certain areas would not be bombed, that we would not attack unless we were attacked. We have accepted our enemy's denials that North Vietnam had an army in Laos. Facts have proven that the Communists' army in Laos has attacked U.S. forces as well as the South Vietnam forces. For political reasons, in an effort to bring about negotiations, we have deprived our own troops of air protection. We do not like to talk about our casualties but American casualties have been appalling since the negotiations started. What have we accomplished in the negotiations except the shape of the table?

We are fighting a peculiar war. Our military leaders are frequently being called to testify before the Congress to reveal publicly our military tactics and strategy. On the other hand our enemy has accomplished its objective—they are fighting the war according to their own plan and they don't have to answer to any public criticism.

Since we have taken the weaker position the world crisis has increased, not eased.

Let's take a look at what is happening. The pressure on Laos has reached a critical point. The crisis in the Middle East has risen to the point of explosion. Small powers order us to get out of Vietnam—our allies forsake us.

We have the greatest military forces in the world's history. Its effectiveness is magnificent, its morale is high but we are doing everything possible to destroy what we have accomplished.

Our enemies in Vietnam have an objective but our armed forces from the beginning of their fight in Vietnam have not even been allowed their military objective.

In the past, our men were bitter over orders from Washington against pursuing North Vietnamese troops into the so-called "privileged sanctuaries" and destroying their bases. However the diplomatic situation outweighs the military advantages of untying the hands of allied troops. Now the situation has changed. Anyone who wishes to see us get out of South Vietnam should understand the Vietnamization will move more quickly with the Cambodian sanctuaries destroyed than if they were permitted to remain "privileged" as under Sihanouk.

I am not an expert on military tactics but I do think we all possess some common sense. The final military objective is to break the will of the enemy to fight. To accomplish this they must be defeated in battle—they must be cut off from their bases and the bases destroyed. But the U.S. armed forces in Vietnam have never been permitted by Washington to invade, or to destroy, or even to bomb the major bases of the enemy. We are not allowed to negotiate to obtain information from our prisoners of war. Today American public opinion is confused. The most popular issues at this time in America are law and order, pollution control, racial disturbances, the high cost of living and they seem to blame everything on Vietnam.

The current controversy on how fast America can pull out of Vietnam has become a political scuffle—not a great debate—because the people are not given all the facts and the consequences by the news media. However, there would be a great debate if the subject was Back to America or on to Hanoi or Save the Middle East from Turning Red. This actually is the basic issue and only the American people can help the President make that decision.

We are so deeply involved in the debate over Southeast Asia it might be helpful if we begin to recognize some of the hard facts on the Middle East.

If the Vietnam outcome proves unfavorable we can be certain Soviet Russia will put more pressure on the Middle East conflict; then the American people would have an even tougher decision to make.

What about our friends in Asia? How do they react on the issue of Southeast Asia, on the Middle East, or on fighting for their own freedom and their own future?

For the past few years, I have observed the new spirit of a new Asia. They have come a long way. The land reform project in Taiwan has been a shining example to underprivileged people who fight for their freedom. The Koreans after long years of hard work have brought their country back to normal after the Korean War. If we can encourage the Asians to fight for their own freedom, we will not have to take on the responsibility to act as policemen and relief agencies around the world.

One of the most outstanding achievements in Asia has been in economics. Two years ago the Asian Banking Corporation was formed with headquarters in Tokyo, Japan. Certainly, the progress in Japan has not only challenged the Western World but also encouraged the other free nations in Asia to make improvements in their own economic conditions. Singapore under the leadership of Prime Minister Lee has become the showcase of Southeast Asia and the economic boom in Thailand has attracted businessmen from not only the United States but Europe as well.

All this demonstrates that when people are free they are the best producers. The sharp contrasts of the standard of living between people in the free nations and those living under communist control is the best example of how free enterprise can help improve world conditions and how the totalitarian system hurts the economy of a nation. Surely the people of Asia have learned their lesson the hard way and no people in Asia want to live under Communism.

Exactly how much do the West and the East know about each other?

Let us make a comparison between the differences of American and Asian psychology. America is a young nation enjoying glory, strength and power in an unravaged land. The Asians are much older and homogeneous with much longer traditions and they have known life much longer. They have a more fatalistic acceptance of its tragedy which we have so far escaped. They know less about applied science although they invented much of our basic research. They talk less about individual liberty and political freedom but they are much more practical and thoughtful about the nature of man and they pay off in long-term family and group objectives. They still believe in the accumulation of the benefits of work and effort from generation to generation while we in the United States belive in quick fortunes and early retirement.

They don't have a New York *Times*, a Chicago *Tribune* or a Wall Street, a Hollywood, a Pentagon or a military-industrial complex, although I'm sure they wish they had. They are a hard-working people. Unfortunately their enterprises often have been interrupted by wars and conflicts such as we cannot visualize. In substance, the continent of Asia has been in a continuous war since the British for opium profit turned against the Chinese people by using the Chinese's own invention of gunpowder. As a result of such tragic experiences, the Oriental people are patient, they are used to long wars and rebuilding after destruction. I saw that happen in China during the Second World War when I was a little girl and later in Korea. More recently, I saw the rebuilding of Saigon's destruction after the Tet offensive. Their sense of history runs in deeper currents than ours. They have never substituted short-term solutions for long-term objectives. For that reason, as our enemies they are always willing to wait us out, and as our friends always despairing of our restless itch to cut and run with gains as well as losses.

After talking with leaders of Korea, Taiwan, Japan, the Philippines and Vietnam, I realize it is difficult for all Asians to understand the confusion and the agony we are going through in the constant reappraisal of our central objective in terms of our mutual interest, namely, freedom and peace in Asia, Europe and in the Middle East.

Like all intelligent people, the free people of Asia, in particular, worn by tragedies unbelievable to us are anxious for peace, but they are not willing to settle in terms of "peace at any price," for they know that is not peace. They look at Hungary, Czechoslovakia, Korea, with a deeper sense of history that instinctively warns them. Specifically, they know the ultimate difference between a "good settlement" and a "bad settlement" of the Vietnam War. They understand better than we, that the expansionist Communist objective is to talk, negotiate a breathing spell with us now, and then take over Vietnam and Southeast Asia later, when it will be more difficult for us to go back. A "good settlement" in Vietnam would discourage further Communist aggression to stabilize a situation in Southeast Asia, the Middle East, the Pacific, or in Europe. A "bad settlement" will not only invite Communist takeover in Southeast Asia in the next couple of years, but might tempt the North Koreans to reopen the Korean War.

People in Asia, as well as the United States, are now deeply concerned about the situation in Laos, Cambodia and Thailand.

People in the East, who have had long experience in dealing with the Communistic power which has been trying to take them over since the Russian Revolution in the 1920's, understand the "Name of The Game." To them, "Communism tastes the same—hot or cold—raw or cooked." They point out that peace and security are established by demonstrating to the aggressors that "aggression does not pay." There are certain things which are not negotiable—individual liberty, political freedom.

While we in the United States are concerned and worried about world problems, our friends in Asia are deeply troubled by our self-doubt and lack of confidence. They simply cannot understand why Americans have become so defensive and apologetic for their actions and demonstrations to preserve peace, security and justice around the world.

A friend pointed out that each day, the thousands of people from all over the world, who seek entry into the United States, should be an outstanding testimony for Americans, that we who believe in free enterprise surely have something better to offer, that our Democratic system is certainly better than that enforced behind the bamboo and iron curtains." And yet, Asians cannot comprehend why the United States, with the wealth and power is so full of self-doubt. Another friend jokingly remarked, "Every time the Communists sneeze the Americans catch cold."

I am fully convinced from my own realistic experience, that the forces of freedom are stronger than the forces of tyranny. The free people of Asia are making steady progress toward their own destiny. Rising young leaders from Singapore to Korea sincerely believe in promoting political stability and economic advancement. There is new confidence among these young leaders. They are better educated and so more aware of the forces of the future. As the era of colonialism and imperialism comes to an end in East Asia, they know there is a vacuum that cannot be replaced by the most dangerous aggressors, it must be filled by the free and independent people of Asia with the assistance of those whose help is welcome because they have no ambitions of territorial expansion. Our consistent, not self-doubting willingness to help is the message people of America must try to convey to our friends in Asia for our own security.

The leaders of a free people, whether in the West or the East, have to accept the burden that successful involvement is not through protest to satisfy that minority few, but by creative and progressive actions which benefit the majority many. Free Asians recognize their need for energetic maturity and the West must recognize that without strong friends in Asia there will be no peace anywhere.

As I can see it, the U.S. foreign policy has one basic premise. That is, we try to prevent any single power to mobilize the people and resources of any continent, whether it is in Europe or in Asia. Because that single power would have to be totalitarian, therefore, against our freedom in America. Foster their hope—help to protect their independence, for the freedom-loving people is our way to encourage other peoples not to make their land or their resources available to a single totalitarian master.

American politics is more or less run by poll readings and computers—with a flavor of Madison Avenue here and there.

Because of the complicated daily events, Americans really depend on TV and radio and newspapers for their information, and to a certain extent, to form the so-called public opinion. For that reason, it is extremely important to present the public with the facts, not opinion.

In the 70's "Decentralization" and "Power To The People" are the cries of the hour, and all leaders in the various nations are hearing these cries at every level. However, we must remember a Government is an organization comprised of human beings who provide administrative, military and diplomatic services. The conflicts between governments and its peoples are healthy only so long as the competition and cooperation continue, is healthy only so long as both sides expand the checks and balances. Each country, and its people, must find its own way of checks and balances. The days of Colonialism and Imperialism are over. The needs of those abroad must be accomplished by the natives of the nations concerned. Americans can help, can serve as a secure base area for those who fight for their freedom. Americans have eventually begun to learn that we must never undertake to export the American system to other foreign countries. The Philippines, China, Vietnam, Korea, Japan, Singapore, Malaysia all the free nations in Asia must find the appropriate level of freedom for themselves.

As the world enters a new era, the United States' position is to emphasize peace through strength. We must try to prevent any single power to monopolize the peace of any continent, whether it is in Europe, Africa, Latin America or in Asia, because that single power will have to be totalitarian, therefore against our idea of freedom.

I am an optimist. I realize there is no easy way to peace, but I also realize peace will never be achieved by surrender to blackmail, or by compromise with the enemies of freedom and justice.

For the last two decades, many leaders of the Free World have wasted their efforts and abilities trying to reconcile the un-reconcilable, to compromise with the uncompromising, and to placate the implacable.

It is useless to seek peace through disarmament. Disarmament will one day come from peace but never peace from disarmament.

Nor is peace an end in itself. It is an attitude of spirit, and the challenge of all free men.

DRAFT OF SUPPORT FOR THE "CAPTIVE NATIONS WEEK" MOVEMENT AND THE "STRUGGLE FOR FREEDOM AND VICTORY DURING SEVENTIES" MOVEMENT ON LARGER SCALE BY PEOPLE OF ALL WALKS OF LIFE IN THE REPUBLIC OF CHINA

A. EXPLANATION

Seeing that the end of the Korean war was a tremendous discouragement to the people behind the Iron Curtain who aspired to be liberated, and finding the fact that the free nations were losing confidence in the U.S. determination to lead the anti-Communist movement in the world, the U.S. Congress, in order to make known its support for President Eisenhower's policy of liberating the Iron Curtain, agreed in 1959 to decide on the third week of every year as "Captive Nations Week." The decision was ratified by President Eisenhower.

Later, the House of Representatives organized a "Captive Nations Week" Committee to help carry out the Congress resolution. In July of the same year, the House initiated various corresponding movements and called on the free world to respond to the "Captive Nations Week" movement.

The Committee of People of All Walks of Life in the Republic of China in Support of the People Behind the Iron Curtain to Struggle for Freedom" and the APACLROC decided that the "Captive Nations Week" movement and the "1, 2, 3 Freedom Day" initiated by the Republic of China were the same in theory. Therefore, immediately after they had got in touch with the American Committee of Supporting Captive Nations in 1961, they responded to the call with the purpose of intensifying the worldwide anti-Communist movement.

In every July during the past ten years, a mass rally was held to observe the movement. In addition, there have been various anti-Communist activities, propaganda and psy-war activities. Every year representatives from the U.S. Congress have taken part in our activities. They brought back with them information on our activities and made reports to the U.S. Congress. The reports were recorded in the Congressional Record.

Like the "Freedom Day" movement, the "Captive Nations Week" movement has been gaining in influence. It was unanimously resolved in the 1967 WACL APACL Congress that the "Freedom Day" movement and the "Captive Nations Week" movement should be the main task to be performed by the member countries. In the 1968 WACL and APACL Congress held in Saigon, an agreement was reached to expand "Freedom Day" into "World Freedom Day". In the WACL and APACL Congress held in Bangkok last year, a message calling for stressing "World Freedom Day" and "Captive Nations Week" was passed.

President Nixon has announced the phased withdrawal of U.S. troops from Vietnam to meet the rising anti-war atmosphere at home. He has also varied his policy toward the Soviet Union and the Chinese Communists under the pressure of the appeasement advocates in the U.S.

The change in the U.S. attitude will surely have an evil impact on the resolve of many anti-Communist nations. The anti-Communist determination of the captive people will also be undermined. Therefore in order to prevent this counter-current, it is necessary to work harder to carry out the WACL APACL resolutions in connection with the "World Freedom Day" and "Captive Nations Week" movements. The anti-Communist strength among the American people has become bigger and bigger. The "Silent Majority" is no longer silent. The *"American Association for Supporting World Freedom"* was thus organized. The demonstration for winning freedom and victory led by Rev. McIntyre, and the publication of the preface to the *Amerasia Papers* by Dr. Kubek, manifest the fact that anti-Communism needs more support. Nixon's decision to send troops into Cambodia clearly showed that the President has firm determination to uphold righteousness and safeguard freedom. The Republic of China has made every effort to lead the WACL and APACL movements. At the suggestion of APACLROC, we have decided to substitute "support" for "respond to" the "Captive Nations Week" to emphasize the significance of this movement. To keep in line with the present world situation, a political slogan: "Struggle for Freedom and Victory during the 70's" will be presented at the rally marking the "Captive Nations Week" this year. Through past experience, we made out the draft for observing "Captive Nations Week" this year.

B. SCHEME

(A) Domestic area (the period from July 16, Thursday, 1970, through July 22, Wednesday, 1970 is "Captive Nations Week")

(1) For the Whole Country

1. Ask the Department of Political Warfare of National Defense Ministry to instruct Kinmen and Matsu that various struggle-for-freedom and anti-enslavement activities should be held during the week. The psy-war against the mainland coast should be intensified.

2. Ask Taiwan Provincial Government and the Provincial Office of Kuomintang to instruct county or municipal governments and party offices to help local civic bodies to observe the "Captive Nations Week," according to the local conditions with reference to this draft.

3. Ask the Ministry of Education, the Department of Education of TPG, and the Education Bureau of the Taipei City Government

to instruct all the universities, colleges, middle schools, primary schools to stress to the faculties and students the significance of the "Captive Nations Week" movement.

4. Ask the Government Information Office of the Executive Yuan, *the Information Commission of TPG*, and *the Information Department* of the Taipei City Government and the Cultural Bureau of the Ministry of Education to instruct all the news agencies, newspapers, magazines, radio and T. V. stations in the country to stress the significance of the movement, to report in detail the news of various activities taking place, and to present a series of commentaries, editorials and articles in connection with the movement.

5. Ask the Taiwan Postal Administration to instruct all the post offices to affix on every piece of mail a postmark bearing the slogan, "Support Captive Nations Week Movement" during the week.

6. Ask the Political Welfare Department of the Taiwan Garrison Command to instruct all the cinemas to project slogan-slides on screens during the week.

7. Ask the U.S. Congress to send delegates to take part in the activities in China during the week.

8. At 12:30, noon, on July 15 (Wednesday), a news conference will be held to report the preparatory work and the working program.

9. At 9 A.M., on July 17 (Friday), a mass rally by people of all walks of life in the Republic of China will be held at the City Hall.

10. On July 16 ask the China Mainland Famine Relief Association to preside over an anti-Mao, anti-Communism symposium with anti-Communist freedom-seekers participating.

11. On July 18 (Friday) ask the Civic Organizations Activity Center to sponsor a symposium in support of the "Captive Nations Week" and "Struggle for Freedom and Victory During 70's" movements. Meanwhile ask the Islamic Federation of China to preside over a religious rite.

12. On July 19 (Saturday), ask the Overseas Chinese Association to sponsor a symposium on "Expansion of the United Front against Communism" and "Supporting the Struggle for Freedom and Victory During 70's Movement" by Overseas Chinese all over the world.

13. On July 20 (Sunday), ask the Chinese Youth Corps to hold an international young people's symposium in support of the "Captive Nations Week" and "Against Appeasement." Meanwhile ask Catholic and Protestant Churches to sponsor religious activities.

14. On July 21 (Monday), ask Chinese Women's Association to sponsor a symposium in support of the "Captive Nations Week" and the "Struggle for Freedom and Victory During 70's."

15. Ask Chen Shen Broadcasting Company to sponsor a symposium on the air in support of the "Captive Nations Week" and the "Struggle for Freedom and Victory During 70's."

16. Ask Buddhists, Taoists and other religious bodies to set a date respectively for themselves during the week to hold religious rites in connection with the movements.

17. Make a number of balloons during the week to help make the propaganda more effective.

(*B*) *Overseas areas*

18. Ask Section 3 of the Central Committee of Kuomintang, the Overseas Affairs Commission and the Overseas Chinese Association to help Overseas Chinese units and newspapers make use of every means possible to respond to the activities concerned.

19. Ask the Overseas Department of the Broadcasting Corporation of China to broadcast in various languages the activities in China in support of the "Captive Nations Week" and "Struggle for Freedom and Victory during the 70's" with a view to expanding international propaganda and political impact.

20. Send copies of the draft of the working program of marking the "Captive Nations Week" and the "Struggle for Freedom and Victory during the 70's Movement" in the Republic of China to the APACL and WACL Secretariats and ask them to forward the copies to member and observer countries with the intention of expanding the movements across the world.

(*C*) *For the areas behind the iron curtain*

21. Ask the radio stations in charge of psychological warfare to arrange on-the-spot broadcasts and special programs to transmit continuously to the Chinese mainland and the areas behind the Iron Curtain in Europe so as to arouse anti-Communist feelings of the captive people.

22. Ask Central, Kuan Hua, Military, Air Force, Fu Hsing, and Chen Yee Radio Stations to intensify psychological offensives against the Chinese mainland. Also ask the Department of Political Warfare of the Ministry of National Defence to launch psy-war propaganda against the mainland by means of air-drifting, sea-floating, broadcasting, and loudspeaking from the area of Kinmen and Matsu.

DOCUMENTS: ARRIVAL STATEMENT OF DR. KU CHENG-KANG AT THE KIMPO AIRPORT IN SEOUL

(EDITOR'S NOTE.—Dr. Ku led a 9-man parliamentarian good-will mission in South Korea (June 23–June 27) with the hope of strengthening the friendship and cooperation among parliamentarians of the two countries.)

It is my privilege and pleasure to visit the Republic of Korea with members of the Republic of China Parliamentarian Mission at the invitation of Speaker Lee of the Korean National Assembly.

Under the distinguished leadership of President Park and with the concerted efforts of the Korean National Assembly and the Korean Government, the Republic of Korea has scored great achievements in various domestic activities, especially economic reconstruction and has made immense contributions in external activities in safeguarding Asia's security and freedom. All these deserve our admiration. At present, the Republic of Korea and the Republic of China, as brother nations and friends in adversity, are fighting together for their national freedom and the freedom of mankind. Members of the Republic of China Parliamentarian Mission and I have visited your country on many occasions. At this time we wish to avail ourselves of the opportunity to express our admiration for President Park and extend our greetings to members of the Korean National Assembly and our Korean friends.

At a time when the world is filled with tension and the situation in Southeast Asia is most serious, it is meaningful that the Parliamentarians of our two Nations deepen understanding, increase cooperation, develop common wisdom and unite all anti-Communist forces for the realization of victories in our anti-Communist endeavors.

RESPONSE BY DR. KU CHENG-KANG AT DINNER GIVEN BY THE KOREAN NATIONAL ASSEMBLY

Honorable Speaker Rhee, Distinguished Parliamentarians, Ladies and Gentlemen: My fellow parliamentarians and I from the Republic of China feel deeply honored to have this opportunity to visit the Republic of Korea at the invitation of Speaker Rhee. Your hospitality at this dinner tonight is truly memorable. On behalf of my mission, I want to extend to all of you our sincere gratitude.

On this visit of ours, we have brought with us the friendship of the people of the Republic of China toward the poeple of the Republic of Korea. Most members of our mission have visited this country many times. But this visit is especially significant because we are here at the beginning of a new decade when the anti-Communist situation in Asia and the world is starting a new phase of development and because we are here to exchange views about the world with all of you distinguished parliamentarians of this great nation. We feel closer to you and, for that reason, we are truly excited.

Under the able leadership of your great President Park, all of you people of the Republic of Korea have worked together strenuously and constructively. You have made great endeavors to build up the nation as you continue your fight against the enemies. Over the last few years you have made especially fast progress and noteworthy achievements in your military, political, economic, cultural and other fields. We understand very well that among the key factors behind this rapid progress are the great efficiency and effectiveness with which the Korean National Assembly has been carrying out its lawmaking assignments. This deserves our heartfelt admiration.

The Republics of China and Korea have built up the strongest anti-Communist bastions in Asia today. The two nations also have provided outstanding models of democratic government and free society. The peoples of the two nations should work harder hereafter in awakening the other free Asian Nations and in promoting the free Asians' unity and struggle. We firmly believe that the close cooperation and joint efforts of the Republics of China and Korea will continue to contribute positively to the protection of security, freedom and peace in Asia and the entire world.

We are truly grateful for the Korean National Assembly's strenuous preparations for our visit. We thank you very much for your great hospitality. My colleagues and I will now drink to the well-being of your President Park, to the growth and prosperity of your great nation, and to the health and happiness of Speaker Rhee and all of you ladies and gentlemen. Thank you very much.

ADDRESS BY WACL HONORARY PRESIDENT KU CHENG-KANG AT THE WACL/APACL KOREA CHAPTER

Mr. Chairman, Ladies and Gentlemen: On this visit to the Republic of Korea with a Parliamentarians' Mission from the Republic of China at the invitation of the Honorable Rhee Hyo Sang, Speaker of your National Assembly, I feel very happy and excited to see all of you colleagues of the WACL/APACL Korea Chapter again. I have been to Seoul many times, each time seeing new signs of rapid progress not noted on previous visits. As a faithful friend of the Republic of Korea, I am privileged to share your honor and pride. I extend to all of you my heartfelt respect for you and your fellow countrymen's nation-building efforts and achievements under the able leadership of President Park.

The growth of your national strength has had positive effects on the entire Asian and world situation. Important contributions have been made. One notable example of your endeavor along the direction of time is your promotion of the anti-Communist movement. You have made the Asian Peoples' Anti-Communist League grow up as the World Anti-Communist League.

As you are well aware, APACL held its inaugural conference in this country. The proposal to establish WACL was also made in this country. Regarding both APACL and WACL, Korea and the Republic of China have from the very beginning cooperated and endeavored closely together. The two nations have provided the main motivating power for the APACL and WACL movements. We have sown the seeds together. We have watered the field together. And now our efforts have borne fruit. Our seedlings have grown into strong trees.

Needless to say, it is not easy to promote our WACL and APACL movements against the reverse current of appeasement. We are rowing our boat against the stream. This is a very difficult task. But the Korean government is providing the WACL Secretariat with strong material and spiritual assistance. The Korea Chapter is positively working for the growth of WACL. As WACL's honorary president and concurrently president of the WACL/APACL China Chapter, I have felt duty-bound to exert myself to the utmost. All these have combined to serve as the core of strength for the continuation and development of the WACL movement. Our efforts are not just for the Republic of China or the Republic of Korea. We are working for the freedom and security of the whole of Asia. We are striving for the freedom and peace of mankind. This responsibility entrusted to us by our time is a very heavy one. But we have been gallantly shouldering this responsibility.

In the three years since the establishment of WACL, we have seen notable developments and achievements. The organization is much stronger now. The Thai, Philippine and Japan Chapters have been reorganized and strengthened. We can now bring forth a much greater joint strength. As regards our external relations, we can say that through our close cooperation with all the other international anti-Communist organizations, WACL is now the true center of all the freedom forces in the world. We have worked for the establishment of the World Youth Anti-Communist League. We also have helped the establishment of the American Council for World Freedom. Torches of anti-Communism are now in the hands of the younger generation as well. We also are positively and effectively arousing the silent masses of various nations and promoting the rise of freedom forces throughout the world. We can say that we are truly representing the correct reasoning and highest conscience of our time and that we are marching precisely in the direction of history.

For the Executive Board meetings of WACL and APACL in Tokyo in mid-May. General Lee Eung-joon, chairman of this chapter, was present. The meetings made suitable preparations for this year's WACL and APACL Conferences. At this opening stage of the 1970s, the proposed WACL Conference in Japan will have very important political significance and will certainly enable the league to take big forward strides.

The overall goal of the WACL movement is now victory for freedom in the 1970s. I want therefore to lay before you three basic guidelines for the joint efforts of all the WACL people.

First, our major task for the present stage should be to expand the international anti-Communist united front, develop the anti-Communist unity of the people into anti-Communist cooperation among the governments, and establish a regional security system for Asia and the Pacific.

Second, we must arouse the silent masses, stimulate their anti-Communist fighting spirit, strongly oppose and hit back at the appeasers, middle-of-the-roaders and nonalignment factions that are adding fuel to the flames of Communism.

Third, we should positively cultivate the younger generation's anti-Communist knowledge and strength and make the young people become the main force in our allout fight to protect freedom in the 1970.

I will be always with you in our joint endeavor to attain the goals I have just mentioned. Lastly, I want to thank you once again for giving me this opportunity to talk with you and share with you my views about the APACL and WACL movements. With our experience of constant struggle for more than a decade, we are now looking forward to a surging tide in the 1970s. I will always stand by your side and put forth every ounce of my energy for our joint victorious attainment of the World Anti-Communist League's lofty goals.

CHINA TODAY—TAIWAN FREEWAY TO COST $468 MILLION

The Chinese government created a special agency early June in preparation for the launching of the largest engineering project in Taiwan.

The new agency, officially called Taiwan Area Freeway Construction Bureau (TAFCB) takes care of the planning, financing, designing and supervision of a 375-kilometer (234 miles) freeway linking Keelung in north Taiwan and Kaohsiung in south Taiwan.

The freeway will cost some US$468 million, the most expensive project ever launched by the Chinese government in Taiwan.

Construction will start in March, 1971 and will be completed in December, 1975 in three stages according to priority designated by experts.

An international tender will be held in October under the supervision of the World Bank to select the contractor. So for many world renowned construction companies have decided to take part in the bidding.

At least three months are needed for the winning bidder to make preparations for the construction. About US$87 million worth of road construction equipment has to be procured, either locally or abroad, before construction begins.

Once the work starts, at least 5,000 operators are needed to man the various pieces of mechanical equipment. To recruit and train such operators is an immense job.

Some 90 million cubic meters of land have to be removed. The volume is ten times larger than the Cross-Island Highway which is so far a milestone of Taiwan's highway construction.

The land removed is enough to build a wall of two meters high and one meter wide around the equator.

Because of the rugged terrain in western Taiwan, 61 "three dimensional interchanges" will be built to ensure free motor traffic, in addition to more than, 1,000 crossings.

According to the priority designated by experts and approved by the Central Government, the Keelung-Yangmei section will be constructed in the first stage. This section, totaling 70 kilometers, calls for a total outlay of US$121 million.

The second stage includes the construction of Yangmei-Hsinchu section (22-km), Chiayi-Tainan section 55-km) and Tainan Fengsha section (55-km). It needs a total of US $146.4 million.

The last stage is for the construction of the Hsinchu-Taichung section (86-km), Taichung-Tounan section (65-km) and Tounan-Chiayi section (22-km), totalling 173 kilometers. The construction cost is US$206,950,000.

Construction of the first stage will start in March, 1971 and will be completed in December, 1973. The second stage will be started in January, 1972 and completed in June, 1974. The last stage will begin in July, 1972 and end in December, 1977.

The foundation of the freeway will be 43 meters wide for eight-lane traffic and 27 meters wide for four-lane traffic. The designated speed is 120 kph (76 mph) on plain area and 100 kph (62.5 mph) on hilly area.

According to a feasibility report worked out by De Leuw Cather and International, a consultant engineering company in Chicago, the investment-return rate of the highway is as high as 22.3 per cent calculating from the tangible benefits envisaged.

It is estimated that in 1990, 15 years after the opening of the freeway, the aggregate benefits will reach US$2,045 million, including US$1,155 million in terms of time value saving and the reduction of operation cost; and 570 million saved from investment in the improvement of the existing highways.

The bureau is headed by M. H. Hu, deputy director of Taiwan Highway Bureau, who has taken part in the project from the very beginning. The new bureau has a staff of 200, all veteran highway engineers and experts.

NEW PORT TO ACCELERATE INFRASTRUCTURE BUILDUP

Taiwan will have its fourth international seaport before this decade is out. The port, located at Wuchi near Taichung, central Taiwan, represents another giant stride taken by the government in its allout infrastructural buildup.

The construction of Taichung port calls for a total outlay of NT$8,318 million, according to the final study report prepared by Japanese harbor experts. And the port will be completed in December 1980.

By July, 1974, he added, the port will be partially operational. The port will then be able to handle two million tons of cargo annually.

Construction will start at the end of this year or early next year. It will take a decade to complete the whole project.

The capacity of the port will reach four million tons of cargo a year in 1976.

After 1980, the overall capacity of the port will reach eight million tons a year.

The project includes the construction of 2,500 meters of breakwaters, 1,000 tons of sand prevention dikes, 6,290 meters of dikes, 7,550 meters of deepwater wharves, 5,090 meters of shallow-water piers, 35.85 kilometers of railway, 47.77 kilometers of highway, and 290 meters of embankments.

About 60 million cubic meters of mud will be dredged. Thirty-five godowns, three silos and three wharves for hazardous cargo will be built. The port will also have a container terminal 279,860 square meters in area, a cargo yard of 549,020 square meters and an oil pier.

The area of the port is encompassed by Tachia river to the north. Tatu river to the south, and the harbor highway to the east. It totals 990 hectares in area.

The port, after completion, will accelerate the economic and social development in central Taiwan, create more job opportunities and prevent the exodus of rural population to north Taiwan.

The ever-increasing volume of Taiwan's foreign trade led to the government decision to build more international seaports.

Consideration of building new seaports in Taiwan started six years ago when harbor congestion began to become serious as a result of the island's fast expanding trade. Ships have to wait for days and even weeks to unload their cargoes.

The three existing seaports, Keelung, Kaohsiung and Hualien, cannot cope with the fast growing volume of exports and imports. Efforts were made to expand the cargo handling capacity of Kaohsiung and Keelung, but the situation has not been improved very much.

In 1967, according to statistics of Ministry of Communications, the total loading volume of the three seaports totalled 11,269,000 metric tons, 11 per cent over the set goal. Seeing that the volume will increase to 25 million metric tons in five years as a result of the economic development, the Ministry of Communications stepped up its effort to open new seaports.

Experts of the Ministry of Communications estimated that if the foreign trade grows at a rate of 12 per cent a year, Taiwan will have to handle 17 million metric tons of cargo by 1972.

A special committee was set up in August, 1968 to make a detailed study and concrete plans on the matter. Foreign harbor experts and economists were invited to help in the survey and research work.

MAINLAND TODAY: MAO'S OSTRICH POLICY ABOUT OPEN KILLING

The new wave of mass trials and executions on the Chinese mainland in January this year has an intriguing side that, to most people, is as inexplicable as the fresh outburst of outright killing.

That other side is the silence of mainland mouthpieces about the excessive measures now being taken. One is left to wonder why after all the fuss surrounding each open trial and shooting, the press is not allowed to report about the event.

Some three months ago, we reported in this column that Mao Tse-tung was suddenly trigger-happy again. Killing as a way to suppress people was halted after the massacre of the early 1950's had gone too far.

But Mao is now resorting to his old murder tactics in a frantic move toward domestic peace and unity. He is different this time in that he apparently is avoiding publicity beyond the immediate circles concerned.

NO PRESS REPORTS

Trials as usual are taking place publicly. Sentences are handed down summarily. Death convicts are often paraded. Then comes noisy shooting. But this is followed by a press blackout. People in the areas concerned may talk about the executions but the news is not to spread to the other parts of the mainland.

The Communists are still as merciless as they can be. Victims are tortured, spiritually and then physically. People are killed without being told why. Charges are often invented. Executions take place in the name of the people, regardless of whether the masses approve of such killing. Whoever dares to openly object to the killing stands a good chance of facing the firing squad himself.

People on the Chinese mainland have learned well that things done for them and in their name are invariably of Peiping's own invention. The word "people" is used whenever the small number of top rulers want to do something against the people.

LISTING

These public trials and executions have taken place over the past few months:

A mass trial at the Workers' Stadium in Peiping January 27 was followed immediately and on the spot by the execution of 19 young students. It was ironic that the youthful blood had to be shed in a sports stadium for youths and workers.

More than 190 persons were arrested from January through April in Ying-chiang County of Yunnan, then taken to an open place for public trial and execution under anti-revolutionary charges. About 60 per cent of them were formerly in the military. Others used to be landlords or rich farmers.

One public trial at Puehhsiu-shan of Canton March 7 ended with the execution of 27 anti-Mao Red Guards and corrupt elements.

Four groups were executed in Canton on March 28 and 29. The first group had 23 persons, the second had 19 and the last two had a total of 38. All the shooting took place near Liuhua Bridge. Some of the victims were from Hongkong, visiting relatives in Canton.

Twelve persons lost their lives after a March 1 public trial on the playground of the Yun-fu County Middle School in Kwangtung.

Early in March, 17 persons were executed in the Swatow Special District. Twelve others from Lu-hai-feng were also killed.

In Hsing-ning County of Kwangtung, 25 persons were executed on March 28. About a dozen of them had attempted to sneak out of the mainland. Three were overseas Chinese returnees. Five were former servicemen who had taken up various jobs.

In the province of Fukien, a public trial at Foochow on February 24 led to the execution of 26 persons all at a time. This was witnessed by an estimated crowd of 100,000. An execution in Amoy involved 16 victims. They had been paraded through Red Guard Road and Tatung Road.

The 16 persons shot after a mass trial in Huiyang County included a former district mayor, a steamship company executive and hospital superintendents.

All these above-mentioned atrocities have been made known to the outside world by intelligence sources and visitors returning to Hongkong.

But, as mentioned already, the Communists are not permitting the mainland radio stations and newspapers to report about these trials and executions. This is quite unlike the past practice of giving maximum publicity to anti-revolutionary crimes.

HEAD IN SAND

These are most probably the reasons behind the odd silence of the mainland press about the recent trials and executions:

1. Mao Tse-tung is finding it increasingly harder to deceive the people. High-handed measures are not bringing the results he wants. Killing has to be done when his enemies have to be dealt with. But Mao does not want too much publicity for fear that the people in general may turn more resolutely against him. Now the people being executed are Red Guard leaders, military officers, economic officials, overseas Chinese and workers. These anti-Maoists already have widespread support on the mainland. Punishment as a lesson is all right but cannot be allowed to start unnecessary commotion.

2. Many economic officials are being punished because of their sympathy for the suffering masses. Actions to protect the people's interests are not what the Peiping regime wants. Anti-revoluntionary crimes are not taken literally by the people. The regime cannot let offenders go but dares not relate too much about their offenses.

3. Many strong anti-Maoists are soldiers and students. Many of those sent down to the countryside for reform through labor have had to be executed. The names and backgrounds of mass trial victims cannot be publicized lest the press reports should affect the millions of other persecuted persons in any way that may prove harmful to the regime.

This is an ostrich policy. Ostriches are known to bury heads in the sand when they perceive danger. The Communists will sooner or later choke themselves that way.

CORRESPONDENCE FROM MANILA: THE SUPPRESSING OF STUDENT DISTURBANCE IN THE PHILIPPINES—WITH THE ASSISTANCE OF THE WACL AND APACL PHILIPPINES CHAPTER

(By Lai Jei-yuang)

The surge of student disturbance which took place on June 26, 1970 in the Philippines has rapidly diminished within a few months. Although this was achieved partly because of President Marcos' strong will and determination in opposition to Communism, the WACL and APACL Philippines Chapter's assistance were also worthy of note.

The Philippines was one of the founders of the Asian People's Anti-Communist League and the World Anti-Communist League. The government of the Republic has given full support to the past WACL and APACL Conferences. Since the establishment of the APACL, Manila has been the site of the general conference three times, and the incumbent WACL Secretary-general, Dr. Jose Ma Hernandez, is also Filipino.

In order to positively expand the Chapter's activities and to prepare for participating in the 4th WACL and 16th APACL Conferences to be held in Kyoto, Japan this coming September the WACL and APACL Philippines Chapter was reorganized last June 30 with the election of 15 directors and 4 executive members. Former Speaker of the Congress, Congressman Cornelio F. Villareal, was elected Chairman of the Board and Congressman Ramon D. Bagatsing was elected President.

Other members of the newly elected Board of Directors were Col. Ernesto P. Golez, the *Examiner of Asia News Weekly* Atty. Leon O. Ty, Congresman Fermin Z. Caram, Jr., Congressman Frisco F. San Juan, President of Chiang Kai-shek College, Dr. Pao Shih-tien, leader of Filipino overseas Chinese Don Antonio Roxas Chua and Atty. Antonio M. Meer. Among them, Mr. Meer was elected first Vice President of the Executive Board and Mr. Chua, the second Vice President. The post of Secretary-general was given Col. Golez.

Coincidentally, on the night of last June 30, while members of the WACL and APACL Philippines Chapter were meeting in the Manila Hotel for their reorganizing, thousands of students were congregating in front of the Presidential Office launching demonstrations and violence in which five men died and hundreds were wounded. It was truly a "night of terror."

One of the Chapter directors later told the reporter that the reorganizing, carried on simultaneously with the student disturbance, was very significant and that they felt more responsible for suppressing it and bringing peace to the society again.

Right after the officers took their oath of office, the WACL and APACL Philippines Chapter, according to the demands of the domestic situation, unceasingly extended their work throughout the country. First of all they secretly held a symposium with leading officers of military intelligence, listening to their report on the Communist organization, power and background in the Philippines. The report indicated that several radical student organizations such as the Patriotic Youth Party and Philippines Democracy Promotion Association were all Communist branch organizations existing in the Philippines. It further indicated that most of those who joined the demonstration were good students. They were only hoping to instigate the government to offer some appropriate changes and reforms but were not in agreement on utilizing violence to overthrow the existing system.

On the contrary, those who advocated overthrowing the government and caused a lot of trouble in every demonstration were only a rebel minority.

The Chapter then exchanged views with leaders of education, journalism and youth on the youth problem and, by means of education and tools of mass communications, they widely revealed to their people the Communist conspiracy of infiltrating into the Philippines.

After the demonstration took place in Manila, newspapers, radios and television, made every effort to make their reports as detailed as they could. Some reporters only listened to the demonstrators, thus making their reports exaggerated and unreal.

Perceiving this fact, the WACL and APACL Philippines Chapter, at its first public symposium with newspapermen, magazine producers, chief editors and writers of special articles, asked the officers of military intelligence to report on the background of student disturbances and the current situation of Communist infiltration and, on the other hand, listened to the participants' opinion about the effect of student disturbances on the social order. They unanimously concluded that, in order to safeguard peace and democracy in the Philippines, all news media should avoid the danger of being utilized by the Communists.

Later on, they held another symposium with sponsors and editors of every radio station and TV corporation. The same conclusion was drawn.

The third symposium invited all the presidents of universities and colleges to attend. They unanimously adopted a resolution urging their students to shun the demonstrations so that they would not be used by the Communists.

In addition, fruitful results had also resulted from the two symposiums held with the sponsors of every advertising company as well as the leaders of youth and women's organizations.

The Filipino student disturbance erupted on June 26, reached its climax in February and March, diminished in April and vanished in May. As to whether there will be a recurrence it is too early to speculate.

Echo—From Our Friends Abroad

Dear Dr. Ku Cheng-kang: The Australian political scene is becoming worse. We are facing a Vietnam moratorium on May 8, 9 and 10th. There are about 75 politicians from the Australian Labour Party taking part in the moratorium. Straight after the moratorium I will speak in Melbourne and Adelaide analyzing the political happenings in Australia.

I must also mention to you that the Australian representation at the conference in Bangkok was not the best. It seems that there are people who are prepared to use the conference as an outlet for a holiday. This is most unfortunate. There are seriously minded anti-Communist politicians in Australia and in the nearest future I will submit their names to you for consideration of eventually inviting them to attend the Tokyo conference. I have also discussed this matter with the Australian minister for foreign affairs Mr. William MeMahon. I do think he realizes that Australia must take a more serious attitude towards the conference.

Yours sincerely,

Elga Rodze.

Dear Dr. Ku Cheng-kang: Recently I had the pleasure of sending you reports of our anti-Communist activities here in Australia, and now I am enclosing 3 additional photopictures of the anti-Communist public meeting on the 19th April and also our demonstration in Sydney, on April 22nd.

I sincerely hope that you will be able to publish them, so as to let the people everywhere know that we are continuing our dedicated fight against the Communist criminals, regardless of serious obstacles and difficulties.

I was hoping that we might be able to organize a demonstration against the Communists at the same time as the Communists and their hirelings staged the so-called "Anti-Vietnam Moratorium," which is in progress now here in Australia, but I deeply regret to say that Australian organizations, which we have approached, have declined to take part for fear that our activity might lead to violence. Personally I think that it is the attitude of the *defeatists,* and a very poor excuse for refusing to counter the pressure and blatant lies of the Communists.

As it is quite evident to us that the Australian organizations will not participate in anti-Communist activities, we will continue to rely on our own forces in the future, and we are now planning to make a big anti-Communist march through Sydney during the Captive Nations Week on Sunday, 12th July.

We don't seem to hear of any activity by the Australian Chapter of WACL, which is a tragedy, because the Communist disease must not be left unchallenged. It must be fought and it must be defeated!!!

Yours faithfully,

A. Olechnik.

Our Activities: Former Canadian Prime Minister Visiting WACL/APACL China Chapter

Former Canadian prime minister John G. Diefenbaker called on Dr. Ku Cheng-kang, president of WACL/APACL, June 6 at the latter's chapter. Regarded as one of the strongest anti-Communist leaders in Canada opposing the recognition of the Peiping regime, John G. Diefenbaker, member of the Canadian Parliament, extensively exchanged views with the renowned Chinese anti-Communist fighter, with emphasis placed on the importance of no recognition of the Peiping regime by his government. With several decades of anti-Communist experience, Dr. Ku told the distinguished visitor from afar that the final goal for the government of the Republic of China as well as its people is to destroy Mao's regime, to recover the Chinese mainland and to deliver the enslaved people from under the Chinese Communists.

Parliamentarian Diefenbaker was the guest of honor at a dinner party hosted by Dr. Ku. Also invited to the dinner party were President Huang Kuo-shu of the Legislative Yuan, Secretary-General Huang Shao-kuo of the National Security Council, Cardinal Paul Yu-pin, President Chien Shihliang of the Academia Sinica, President Huang Chi-lu of the Academia Historica and Deputy Secretary-General Hsieh Jantzu of the Central Committee, Kuomintang.

WELCOMING INDIAN PARLIAMENTARIANS

Smt Sucheta Kripalani, member of the Indian Parliament, called on Dr. Ku Cheng-kang June 9. In their meeting, Smt Sucheta Kripalani expressed the wish of the majority of Indian people to maintain close ties with the Republic of China. After being briefed on the development of WACL and APACL, the Indian parliamentarian highly praised the remarkable achievements made by WACL and APACL as well as the China Chapter under the excellent leadership of Dr. Ku and promised to devote herself to the course of promoting Sino-Indian relationship.

Dr. Ku received Behari Vajpayee, member of Indian Parliament and leader of the Bharatiya Jana Sang June 12. In the meeting, both of them agreed that the organization of the Asian Parliamentarians' Union should be expanded by inclusion of the Indian Parliamentarians belonging to the opposition party.

CABLE FROM PRESIDENT OF COSTA RICA

President Jose Figueres of the Republic of Costa Rica cabled Dr. Ku Cheng-Kang, president of WACL/APACL China Chapter June 9 stating "AGRADEZCO AMABLE MEMSAJE OCASION INAUGURACION PRESIDENCIAL PUNTO COMPLACEME REITERAR SENTIMIENTOS RESPALDO MOVIMIENTO WACL." President Jose Figueres was the vice chairman of the First WACL Conference held in Taipei in September of 1967. Since then Dr. Ku has been maintaining contact with President Jose Figureres.

JOINT MEETING OF COMMITTEES OF WACL/APACL CHINA CHAPTER

A joint meeting of the three Committees (International Publicity, Psychological Warfare, and Research and Publication) of WACL/APACL China Chapter was held June 16 at the Chapters' conference room. It was understood that, at the meeting, resolutions to prepare a "General Program of Action for World Freedom in 1970's" to be referred to the forthcoming WACL Conference for adoption, and to call on leaders of Asian free nations participating in the following APACL Conference for convocation of a conference on Asian security were adopted.

In addition, extensive exchanges of views on the major proposals to be referred to the 4th WACL Conference and the 16th APACL Conference to be held in Japan this fall as well as on the contents of a series of publications on "Fundamental Principles Against Appeasement" and "Formation of Asian-Pacific Regional Security Organization" were made at the meeting.

Dr. Ku presided over the joint meeting in which more than 90 dignitaries and authoritative experts of the Republic of China participated.

DINNER PARTY IN HONOR OF DELEGATES TO THE THIRD ASIAN WRITERS CONFERENCE OF THE INTERNATIONAL P.E.N.

In order to extend the warmest welcome to special guests and delegates of the 3rd Asian Writers' Conference of the International P.E.N., the WACL/APACL Chapter, in conjunction with its ten international organization member units such as the Committee for Promotion of Sino-Japanese Cooperation, the Sino-American Cultural & Economic Association, the Sino-Australian-New Zealand Cultural & Economic Association, the Sino-Indian-Burmese Cultural Association, the Sino-Japanese Cultural & Economic Association, the Sino-Korean Cultural Association, the Sino-Malaysian-Singapore Cultural & Economic Association, the Sino-Philippine Cultural & Economic Association, the Sino-Thai Association, and the Sino-Vietnamese Cultural & Economic Association, hosted a dinner party June 9 at the International Hall of the Ambassador Hotel, Taipei in their honor.

At the dinner party, Dr. Ku representing the host units delivered a speech stressing free expression and for all mankind which was responded to by Arved Viirlaid, a writer of Estonia in exile.

The Third Asian Writer's Conference of the International P.E.N. was held in Taipei June 16 thru 19 of this year with about 150 special guests and delegates from 20 countries.

HOLDING SYMPOSIUM FOR PHILIPPINE EDUCATORS' GOODWILL MISSION TO THE REPUBLIC OF CHINA

Dr. Ku received a ten-member Philippine Educator's Goodwill Mission to the Republic of China headed by Dr. Benito F. Reyes, president of the City University of Manila, June 20 at his Chapter. In addition to a briefing on the development of WACL and APACL, Dr. Ku arranged a symposium between the distinguished visitors and Chinese authoritative experts on Chinese Communist affairs. At the symposium, counter measures against Communism and prevention of Communist aggression in Southeast Asia were touched. The conclusion was reached that the most important task in the course of anti-Communism is to have the younger generation rise up against the evil thought of Communism and organize themselves more actively as a strong anti-Communist mass organization.

The goodwill mission which was organized by presidents and directors of various Philippine universities flew in to Taipei June 17 at the invitation of the Chinese government for a 10-day visit.

STEPPING UP PREPARATIONS FOR WACL/APACL CONFERENCES

Osami Kuboki, president of the International Federation for Victory over Communism and vice president of the WACL/APACL Japan Chapter, called on Dr. Ku June 15. It was understood that Kuboki exchanged views with Dr. Ku and his key personnel twice on June 15 and 16 respectively. All problems in connection with the forthcoming WACL/APACL Conferences including letters of invitation, chairmen of the Conferences, fund raising, hotel accommodations, publicity program, convocation of WYACL conference, proposed list of participants site for WACL Secretariat, and theme for WACL/APACL Conferences were discussed. Kuboki's trip to Taipei is considered beneficial to the step-up of preparations for the forthcoming WACL/APACL Conferences.

DR. KU'S VISIT TO THE REPUBLIC OF KOREA

At the invitation of Speaker Lee Hyu Sang of the Korean National Assembly, Dr. Ku heading an eight-member Chinese Congressmen's Goodwill Mission to Republic of Korea, left Taipei for Seoul June 23. Members of the Mission included Dr. Ku and Secretary-General Kuo Cheng from the National Assembly, members of the Legislative Yuan Wang Jen-yan and Shen Lin-yun, members of the Control Yuan Ma Jui-ching and Chou Pai-lien and two secretaries Tan Ying, deputy secretary-general of WACL/APACL China Chapter and Hsu Fu-teh, secretary of the National Assembly and concurrently director of the Public Relations Department, China Chapter.

During their stay in Korea, Dr. Ku and his mission members have called on high ranking officials of the government of the Republic of Korea, leaders of the Korean National Assembly, and met with presidents of international anti-Communist organizations and overseas Chinese leaders for exchange of views on Asia and world situation, and promoting democratic reconstruction and anti-Communist cooperation between the Republic of Korea and the Republic of China.

The Mission was reportedly making visits to Korean military installations. Dr. Ku wound up his visit and returned to Taipei June 28 by way of Japan.

The National Captive Nations Committee, USA in Annual Action for World Freedom

(By Dr. Lev E. Dobriansky)

Mr. Chairman and Distinguished Delegates to the Fourth Conference of the World Anti-Communist League, it is my privilege again to report concisely and essentially on the concrete annual action taken by the U.S. National Captive Nations Committee for world freedom—in Asia, Eastern Europe and Cuba. As in the many years past, it is our policy here not to dwell on ideological rhetoric and theoretic abstractions, but rather to highlight in an essentialist operational framework the major and specific deeds of NCNC and its affiliate members toward the grand and consummate objective of world freedom, eternally rid of the cancer of Soviet Russian imperio-colonialism and so-called Communist imperialism.

Also as in the past, words in themselves are inadequate to express fully and completely our profoundest gratitude to the Japanese Chapter of WACL for making this historic conference in Japan possible. It is assuredly no note of societal flattery in one case or slight in other cases to state that Japan and its dedicated people is conferred by sheer economic power and industry to assume the critical responsibility of insuring freedom in Asia as these requisites have imposed a similar politico-moral responsibility on my country to insure freedom in other parts of our world. The remarkable work of the Japanese Chapter is a solid step toward this politico-moral responsibility, and we pay overwhelmingly tribute to its historic performance.

Despite the over-publicized troubles we have in the United States, NCNC has maintained a steady course in pointing to the most basic realities of the world situation that substantially have not changed these past three decades. Many see ever-present change of a Heraclitean form in transient superficialities and have shown themselves to be blind to the conditional, permanent structure of the Red Empire, with its some 27 captive nations. The prime objective of NCNC in this period has been, and is, to maintain the level of sobriety and realism concerning this structure, and we have no doubt that the time will come when from this current objective we shall move to one of operational goals directed at the liberation and freedom of the captive nations. On this score, the spiritual and moral resources of my country are boundless, and only require the emergence of a situation of critical confrontation with the main enemy to be tapped into an explosive force. At that time, the superficial problems of the present will be viewed as so many societal winds.

It has been in this interpretative context that this past year NCNC has realized the following accomplishments and activities:

(1) The vertiable privilege of having addressed the Third WACL Conference in Bangkok, Thailand on the subject of "Enslaved Peoples Under Communism" was quickly capitalized in its publication by a number of widely circulating periodicals and organs. The address and major documents of the Conference were published in the U.S. *Congressional Record* of February 5. In the following months, the address was also published in the *WACL Bulletin*, the *ABN Correspondence*, the *Ukrainian Bulletin* and other publications. This diverse publication led to numerous inquiries about WACL and several engagements for lectures and addresses.

(2) Prior to the Third WACL Conference we managed to have another Congressional resolution passed, calling for the printing of 10,000 copies of the official book which we compiled and edited under the title of *The Captive Nations Week Movement*. At the beginning of this year the widest distribution was given to this informative book in the United States, the U.N., and the world capitals. Through the auspices of NCNC many of you present here received a copy of this work. The reaction to this background work was most salutary and interesting.

(3) As in all previous years, NCNC supported the celebration of Freedom Day by the Republic of China. The important January 23 event was observed by inspired messages, American representation in Taipei, and publication of the event's activities and addresses in the U.S. Congressional Record. Dr. Ku Cheng-kang received most deserving tribute for his leadership in this vital political observance.

(4) Concurrent with these operations, NCNC propagated immediately after the Third WACL Conference the strategic concept of Asianization, Not Vietnamization, of the Indo-China war. Long before the Cambodian development, we advanced this concept on December 10, 1969 in a lecture to the U.S. Army Mobilization Group at the National Press Club in Washington, D.C. The head of this group is the Honorable Bryce Harlow, a close aide to President Nixon. In Miami, Florida, this was further discussed over the Alan Courtney show over NBC's WIOD on December 23 and 30. Following Cambodia, it was refreshingly re-discussed over the same show on May 27. It was also argued on a panel consisting of the Honorable John R. Rarick and two Department of State representatives on March 12 over the Georgetown University TV-Radio Forum. In addition, lectures were delivered on the subject during the spring before Republican Women's clubs, Lions International and others. And the February 15 issue of the Miami periodical *Insight Into The News* carried an article on the subject by me, which the Honorable E. Ross Adair of Indiana and high-ranking Member of the U.S. House Foreign Affairs Committee introduced into the *Congressional Record* on August 14, with remarks as its foresight and perspective.

(5) Conveying the spirit and sentiments of WACL, NCNC was a main participant in the formation of the American Council for World Freedom. The week-end formative conference on February 27–March 1 was a milestone in the direction of a WACL chapter in the U.S. At this conference and a subsequent executive board meeting on June 1, NCNC consistently upheld this necessary direction and shall persistently work for its consummation in cooperation with all other responsible American anti-communist groups.

(6) In the course of these many months, NCNC has steadfastly upheld the actions of President Nixon in Vietnam, Cambodia, and against the myopic isolationist elements in the U.S. By direct messages, releases and consultations NCNC's record on this score is clear and unequivocally supporting. At a State dinner in the White House on August 4, honoring President Mobutu of the Democratic Republic of the Congo, it was my privilege to reassure President Nixon of our complete support of his policy in Asia and our hopes for a developed Asianization program designed to secure all of non-communist Asia and liberate its communist portions.

(7) Throughout the year and to the very present, NCNC has gained the support of numerous American legislators for the objectives and actions of WACL. As a measure of this, material bearing on WACL's Freedom Academy in Korea, the Third Conference in Bangkok, the observance of Captive Nations Week in Asia and other activities have been prominently featured in the Congressional Record. It is truly remarkable the responses, both favorable and hostile, that are precipitated in the U.S. and even beyond through this official publication.

(8) With President Nixon's urging the ratification of the Genocide Convention by the U.S. Senate, NCNC participated on April 27 in hearings on this issue before the Senate Foreign Relations Committee. On May 14, the Honorable Edward J. Derwinski introduced NCNC's testimony in favor of the convention into the *Congressional Record*. Here, as in many other spheres, the U.S. has lagged behind other countries in politically and morally preventing the most heinous of crimes that Mao Tse-tung, the Russian imperio-colonialists and other Red totalitarians have callously indulged in. The importance of this U.N. convention for all of our countries cannot be too strongly emphasized.

(9) In mid-spring of this year NCNC embarked on another educational and informational project with a world-wide distribution of the Congressional reprint "Captive Nations in the 70's." With the material support of one of its member organizations, the Ukrainian Congress Committee of America, NCNC had this piece reprinted from the April 20th *Congressional Record* and over 5,000 copies were sent to opinion-makers in the U.S. and abroad. Here, too, many of you received this reprint which spells out clearly the strategic importance of the captive nations in Eastern Europe, the USSR, Asia and Cuba to the world struggle against the Red regimes.

(10) Following this, and as in all previous years since July, 1959, NCNC launched upon preparations for the usual nation-wide observance of the 1970 Captive Nations Week. These preparations, extending from requests to the White House down to guidance of local committees and groups throughout our broad country, are time-consuming and costly. In the long run of our struggle, they are crucially important. Despite the changing political climates in the U.S., every President since the Eisenhower Administration eleven years ago has issued a Presidential Proclamation of the Week. And when Dr. Henry A. Kissinger stated in a letter to NCNC on July 2 that "I can assure you . . . of the President's personal interest in the Proclamation and that it will be issued shortly," we in NCNC were reassured of the prudent and fundamental course being pursued by our Government.

(11) Under the guidance of NCNC the 1970 Captive Nations Week Observance in the U.S. realized reasonable success. The President issued a well-worded Proclamation, and as always the response in Congress was enthusiastic. On July 15, the Speaker of the House of Representatives, John W. McCormack paid special tribute NCNC in these words:

"A special tribute is in order, I feel, to the National Captive Nations Committee of Washington, D.C, who for 12 years have spearheaded this annual observance of Captive Nations Week."

In New York, Cleveland, Chicago, Philadelphia, New Orleans and many other cities the observance was well conducted. The NCNC Chairman was with Mayor Sam Yorty in the Los Angeles observance. In Washington, D.C. a special lecture was delivered on the captive nations by the Honorable Edward J. Derwinski at Georgetown University. The *Congressional Record* for July and August is replete with published material on the 1970 Week. Also, Congressman Philip Crane of Illinois represented NCNC at the Week's observance in the Republic of China, which on record is the finest anywhere.

(12) Strongly relevant to critical problems in the Sino-Russian rift, the democratic reconstitution of Asia, the Middle East and Central/Eastern Europe, the issue of the captive non-Russian nations in the USSR has been of concentrated interest to NCNC. It is supporting, among many interrelated matters, H. Res. 979 in the U.S. Congress dealing with Ukraine, the largest captive non-Russian nation in the USSR as well as in Eastern Europe. Similar efforts are being directed at the U.S. Senate. The strategic importance of these captive nations in the USSR cannot be overly stressed, for they bear on the power of Moscow and its world-wide exercise, as seen, for example, in the Russian rape of Czechoslovakia in 1968.

(13) The educational undertaking of NCNC for the creation of a Special House Committee on the Captive Nations in the U.S. Congress continues unabated. This objective was widely expressed during the 1970 Captive Nations Week observances. It has also been repeatedly written about and broadly circulated. Starting with the 1970 Captive Nations Week, a signature campaign has been under way for the establishment of this crucial committee. With the Congressional races in November, the issue will be pressed in districts about the country and should be of considerable importance come the next Congress in 1971. NCNC keeps abreast of every aspect and development of this.

(14) Albeit of indirect significance, a measure in the U.S. Congress which should be of considerable interest to both the peoples in the Free World as well as those in the Red Empire is the Ethnic Studies Centers bill. NCNC has also concentrated its efforts on the passage of this bill so that Americans generally will become more sympathetically familiar with the traditions, customs and aspirations of the peoples of the world. In the United States every national and racial strain is representative—this is the uniqueness and historical experiment of mankind in America—and these contemplated ethnic studies centers, starting from the secondary schools upward, would bring a greater and more appreciative understanding and feeling of the cultures and wants of the peoples of Asia, the Middle East, Africa, Latin America and elsewhere on our common globe. Because of its foreign policy implications as well as purely cultural purposes that incidentally would lighten the burden of every Ambassador in Washington, NCNC submitted testimony on March 25 to the U.S. House Subcommittee on Education in full favor of this vital measure. It has also used its facilities to educate popular favor of the bill. This is a continuing action aimed at fruitful success in the period ahead.

(15) And, with the invaluable assistance of the Ukrainian Congress Committee of America, an organizational member of NCNC, we are preparing for wide distribution of the new book written by the chairman under the title of *USA and the Soviet Myth*. The introduction to the work is provided by the Honorable William G. Bray of Indiana, who is a high-ranking Member of the U.S. House Armed Services Committee. The book presents an unusual structure of world power politics that affects the interests of every country represented here. Due for publication this fall, NCNC is presently preparing for its world-wide distribution far beyond what it set for the chairman's earlier publication on *The Vulnerable Russians* in 1967.

In conclusion, Mr. Chairman and distinguished delegates, these are the highlights of NCNC's performance in the struggle against Red totalitarian imperialism throughout the world. Moscow's strategic psycho-political policy of "peaceful coexistence" is reaping the benefits of time, military-technologic catch-up, and subversive incursions on all continents for the Red Empire. Those in official or private circles who are not aware of this subtle development are really, one must regretfully admit, playing into Moscow's hands. We in NCNC are certain without an iota of doubt that this deceptive policy by the Russians will exceed itself at some point when the full importance of the captive nations for the survival of the Free World will be thoroughly and completely realized. Our fervent prayer is that this realization will prevail before an otherwise inevitable confrontation emerges between the Free World and the Red Empire. In short, to prevent this otherwise inevitable outcome, with its unpredictable results, NCNC will continue to advance a concept and operational scheme designed both to deepen the insecurity of the Red Empire and to advance the borders of world freedom both in Asia and Eastern Europe. It will do so in concrete deed, not just by rhetoric. By concentrating on the captive nations in toto—in Asia, in the USSR, in Eastern Europe, in Latin America—we sincerely feel that the greatest catalyst for mobilizing the forces of world freedom is in the freedom of the captive nations. What so-called revolutionary, in the Free World bearded or otherwise, could possibly profess a higher idealism than this!

CITY OF BUFFALO, OFFICE OF THE MAYOR, PROCLAMATION

Whereas, the aggressive and overtly hostile policies of Russian and Chinese Communists have led to subjugation and enslavement of a large number of once free and independent nations; and

Whereas, ample proof exists that these unwilling captives are desiring liberty and independence from their captors and have proven, time and time again, their dissatisfaction with their fate; and

Whereas, the powerful deterrent these nations constitute with their passive as well as active resistance by checking and hampering the grandiose ambitions of the Communist imperialists has been recognized by many experts; and

Whereas, the United States is committed to defend freedom and peace with justice all over the world because by such stand the preservation of our own hard-won freedom is being guaranteed; and

Whereas, the freedom aspiring peoples of the Captive Nations know that the United States is the stronghold of human decency with a deep dedication toward helping others to achieve a sovereign life and is willing to aid others at a great cost to her as shown in Vietnam; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week of July of each year as Captive Nations Week, urging the citizens of our great country to observe said week with appropriate prayers, activities and rallies and expressing their moral support for the just aspirations of captive peoples to attain a full measure of freedom and independence.

Now, therefore, I, Frank A. Sedita, Mayor of the City of Buffalo, do hereby proclaim July 12–18, 1970 as "Captive Nations Week" and call upon the citizens of Buffalo to join with their fellow citizens in observing this week with appropriate prayers for the deliverance of the oppressed and subjugated nations the world over.

FRANK A. SEDITA,
Mayor of Buffalo.

CONGRESS EXTENDS THE LIFE OF THE "DELTA QUEEN"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 15 minutes.

Mr. HAMILTON. Mr. Speaker, I am pleased that the Congress has realized the special circumstances pertaining to the historic riverboat *Delta Queen* and that it has decided to extend the operating life of this vessel by 3 years, until November 1973. The legislation that passed December 17, 1970, will permit it to operate while a replacement is being built, and will give Congress time to decide how to assist in saving one of the last symbols of the bygone era.

The victory of the *Delta Queen* has been a victory for the people, for sentiment, and for history. Whenever I talk with the residents of the river communities I am impressed by the intensity of their desire to preserve the majestic *Queen*. It symbolizes for them a colorful and proud history of stirring achievement and obstacles overcome, and a good life in a fertile and plentiful land. They identify with the *Delta Queen*, and it gives to them a sense of continuity with things past.

We cannot, and should not, escape history. And this country needs every symbol it can muster of the rich heritage of our past. Often when we think of history, we think of the history of the Nation, its heroes, its grand documents, sweeping principles, its wars. But, in a less grand and yet deeper sense, there is the history which focuses on things closer to us. The *Delta Queen* reminds those of us from the river communities of the roots of our experience. It contributes in an enjoyable and pleasant way to our better understanding of the early days, and it enriches us by emphasizing our connections with the past.

The law that retired this vessel on November 2 of this year was enacted in 1966 following a pair of disastrous ship fires in the Atlantic Ocean. The legislation, perhaps inadvertently, was broad enough to encompass passenger vessels carrying overnight passengers on our inland rivers. For the purpose of safety standards, the *Queen* was placed in the same category as deep-draft vessels traveling on the high seas. These standards forbid any ship to operate which carries more than 50 overnight passengers if it is not built entirely out of steel. The *Delta Queen*, with its steel hull, but wooden superstructure, has received two exemptions from this prohibition, the last one of which expired in November.

The plight of the *Queen* became a national issue months before the expiration date of her exemption. The "save the *Queen*" movement was centered in the States along the Ohio and Mississippi Rivers that have been served by this vessel. In my own congressional district, six counties of which border the Ohio River in Indiana, scores of residents had expressed to me their desire that the *Queen* be allowed to continue to operate. I recall one letter that was typical of the people's sentiment. The writer said:

> You're not old enough to have enjoyed the old stern wheel boats but to us older folks there's nothing like them.

This sentiment has been echoed by over 196 editorials appearing in 147 newspapers across the country. This represents 134 cities in 31 States, many of which are not along the rivers the *Queen* plies. Moreover, there have been over 20 separate bills introduced in the House that would totally exempt the *Queen* from the applicable safety restrictions.

These indications of support for the *Delta Queen* are completely warranted. As one well-known devotee of the Mississippi River commented: "When the last steamboat, the *Delta Queen*, is gone America will never be quite the same."

The *Queen* wins friends wherever she goes. Children, adults, boaters, fishermen, and even motorists turn from whatever they are doing to watch the huge, red paddlewheel churn the river, pushing the boat at a leisurely 10 miles an hour. "Leisurely," along with "historic," are the two adjectives that befit the *Queen*. She reminds us of days when journeys were not so swift, when there was no desire just to get from one place to another by the fastest means possible, and when there was time for contemplation and reflection.

In the words of a contemporary poet of the river:

> Slow? Sure, I guess she's slow;
> (Like a white swan all apreen.)
> If you must be always on the go
> Don't ride the *Delta Queen*.
> No, not the *Delta Queen*.

The *Queen* conjures up visions of Mark Twain, of the delightful comic opera "Showboat" and tunes like "Old Man River." She has a calliope, standard equipment for a paddlewheeler, that squeaks out such tunes as "Camptown Races" and "Alexander's Ragtime Band." She has become so famous that a picture of her appears at each State roadside park in Ohio and she is the No. 1 tourist attraction in her home port, Cincinnati, and has been for nearly half a century.

Mr. Speaker, I am glad to see this Congress vote for history and sentiment and a bit of drama, and vote to permit the *Queen* to operate. I am confident she will preserve her untarnished safety record of 44 years of operation without a loss of a single life. The Coast Guard has year after year granted her a license to operate. The *Queen* this year alone has had one general inspection and three quarterly inspections of safety equipment by the Coast Guard, passing all four.

Safety requirements are needed for oceangoing vessels that are not essential for boats that are navigated on inland waters. The dangers that the two face are vastly different, the speeds at which they travel are not the same, and the distance they operate from shore is not the same. The *Delta Queen* travels only on rivers. The waters in which she travels are no deeper at their deepest point than her middle deck. She is never more than a few hundred yards from shore, and, should an emergency arise, all the captain need to do would be to hit the rudder and she could be beached probably before the lifeboats reached the water. Unlike ocean liners, her staterooms open directly onto outside decks and there are no long enclosed corridors where passengers or crewmembers could be trapped.

Mr. Speaker, the *Delta Queen* is the most luxurious paddlewheel passenger boat ever built, and also the safest. Every compartment and public room is equipped with automatic sprinklers and other safety devices such as fire extinguishers, fire hydrants, fire alarms, and emergency tools that are strategically located throughout the vessel.

To have forbidden the *Delta Queen* to continue to operate because of her failure to adhere to safety restrictions designed for ocean liners would have been most unfortunate. The Congress, in its wisdom, has permitted future passengers on this historic vessel to make the words of poet John Dyer, written two and a half centuries ago, come to life:

> And see the rivers how they run
> Through wood and mead, in shade and sun,
> Sometimes swift, sometimes slow,
> Wave succeding wave, they go
> A various journey to the deep. . . .

FAREWELL TO THE 91ST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. STAGGERS) is recognized for 20 minutes.

Mr. STAGGERS. Mr. Speaker, the Greeks had a word for it. So did the Romans. Senator Cicero, worn out by baffling problems of his day, the strike on the Alpine Rapid Transit, the holdup of the old Etruscan National Bank & Trust Co., the muggings in broad daylight on the Appian Way, the hijacking on the Aegean Sea, and the like, stood up in the Senate and cried out: "O Tempora! O Mores'." Which, being interpreted roughly, means: "Why does not Congress quit and go home, and give the country a rest?"

It would not be quite true that the people blamed the Roman legislative assembly for the disorders that plagued the country in the fading days of the Republic. Nor would it be true that the American people charge the Congress with the evils of our time. It is only that there is an ardent search for some governmental force or policy which would bring back the peace and prosperity we all desire. It is a search for a scapegoat. And Congress, being a large and therefore amorphous body, easily wins the nomination. "There ought to be a law."

Unfortunately, laws are words. Unfortunately also, the troubles of our time do not yield to words, just as they did not yield to words in the Roman times. Nor is it certain that they would yield to deeds. Deeds indeed are passionately urged on one hand in our times. On the other hand, they are as passionately opposed as being likely to aggravate our troubles rather than dissolve them.

Caught in the whirling winds of uncertainty, our Government as a whole has tended to follow a middle course, satisfying neither those who espouse strong action nor those who would do nothing. And the Congress has given its sanction in the legislation it has passed. A beginning has been made on the colossal job of controlling the evils which hang so ominously over us. The brakes have been applied, but not so suddenly as to wreck the social machinery.

The question that concerns us today is: Are we really getting our social and political problems under control?

The evidence exists more in the form of trends than in strong movements in one direction or the other. Such as: Active fighting in Southeast Asia slackens somewhat; tension in the Middle East takes the form of talking rather than shooting; violence in our colleges and universities meets with increasing public condemnation; enforcement of criminal law is bolstered; industrial conflict in two major instances has been avoided or brought to a settlement clothed with some degree of reason; welfare and housing programs move forward along logical lines.

These trends follow the general character of the legislation the 91st Congress has been able to pass. It is unnecessary to itemize that legislation here. The public is tired of hearing about it. Some criticism can be made of every bill that has been passed. It is not perfect. It is only a beginning. It is possibly experimental. But it can hardly be questioned that it works, at least temporarily. Talking is better than violent action.

Referring again to Cicero and his times, we are reminded that the Romans took a different course. The extremists on both sides resorted to direct action. Dictator Julius Caesar gave way to Emperor Caesar Augustus, to Nero, to the long line of tyrants. Then darkness settled over all of Europe and the night of civilization reigned for half a thousand years.

With us, the light still shines. Changing the metaphor, the house of our society has been shaken, but not moved from its foundations. It is habitable, and capable of being restored to its earlier peace and tranquility.

In effect, the Nation endorsed this view of the situation at the November elections. The 92d Congress that will convene in January 1971 will be made up largely by those who served in the 91st. There will be 55 new Members of the House, or about 13 percent, and 11 new Senators, or 11 percent. But the replacements do not necessarily indicate dissatisfaction with the old Members. Some of these did not seek reelection for various reasons. Some were candidates for other offices. The Nation seemed to say, as a general rule: "It is better to stick to experience." The incumbents are entitled to take some pride in the result.

In a few days the constitutional life of the 91st will expire. It is time to look forward, rather than backward. The record of the 91st is written. Those of us who struggled to find a way through the perplexities and frustrations in which we have been entangled look back on it with a measure of satisfaction. The only ones who designate the 91st as a "do nothing" Congress or as an irresponsible one are those who were not faced with the task of reconciling widely divergent opinions and interests. Nevertheless, in lieu of examining the work of the 91st in detail, it seems more profitable to consider what will probably face us in the 92d.

One holdover from the 91st says: "The 92d Congress will have as its major business the unfinished business of the 91st Congress." Another points more definitely to our objective: "We are coming to a time for a reordering of our priorities, when the needs of security must be balanced with the needs of the people."

Using the latter statement as a guide, we can foresee the questions that the Nation will be asking, and for which we must find an answer. Here are some of them:

How much money are we going to spend—can we afford to spend? What new taxes, if any, must we levy? Shall we turn some of our national tax receipts over to the States to spend as they see fit, or shall we keep a firm grip on the use of all appropriations? What shall we do about the big subject we call "foreign aid?" Can we control inflation by methods presently in use, or do we need more stringent measures? What reshaping of our programs for welfare and for health insurance is practicable? Can we control pollution without strangling our industries? What is the proper Federal role in the attack on crime and violence? What can the Federal Government do to provide better housing? How can we restore confidence in government reports of its operations and in industry claims about its products?

The public must be involved in the decisions that are made, in the decisions that will take the form of laws. All of us, the people for whom laws are made as well as the lawmakers, should be prepared to consider problems with reason rather than with prejudice or bias. Neither the lawmakers nor the public should work in the dark. Both should know what the other is thinking before thought is crystallized in law, and while there is still time to choose the best and most promising course.

Hopefully, this is the way we shall take up our task when the new Congress begins. We need your wisdom. We solicit it. There will still be differences of opinion to iron out. Hence there must be tolerance to add to wisdom. When another new year begins to roll in, may we all find ourselves far along the way to a solution of our major problems of state.

THE ADMINISTRATION'S EFFORTS TO ENFORCE POLLUTION CONTROL LAWS: WEAK AND INADEQUATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, on December 9, 1970, Mr. William D. Ruckelshaus, Administrator of the new Environmental Protection Agency notified the mayors of Detroit, Cleveland, and Atlanta that their municipal operations were discharging effluent into interstate waterways in "violation of the established State and Federal water quality standards," and that hearings would be held next month "to outline the pollution problem and to ascertain what appropriate remedial action may be taken on a voluntary basis."

On December 18, 1970, Attorney General John N. Mitchell, at a press briefing, commended Mr. Ruckelshaus for "the aggressive manner" in which he "has taken hold of this new agency." The Attorney General then announced two suits against the Armco Steel Corp. and the Jones & Laughlin Steel Corp. for discharging cyanides into our waterways. Both suits were brought under the 1899 Refuse Act. He also announced the establishment of a Pollution Control Section in the Justice Department, staffed with nine lawyers, to handle these and similar cases.

Where water quality standards, including implementation plans and schedules, are violated, EPA should act swiftly to enforce them, whether the violator be an industrial or municipal polluter. Similarly, where a polluter has failed to obtain a Corps of Engineers permit under the 1899 Refuse Act, the corps and the Justice Department should act to enforce the law.

I am concerned that the administration, in its pollution control effort, has not developed a meaningful program of full enforcement of our pollution control laws. Let us examine the situation.

Mr. Ruckelshauss' announcement that he had just issued 180-day notices under the Federal Water Pollution Control Act was certainly dramatic. He spoke before the mayors of our cities, including the mayors of these three cities.

Nearly a month earlier the Regional Director of the Federal Water Quality Administration wired Washington, in the case of Atlanta:

> Atlanta has consistently and continually dragged its feet in providing adequate treatment. Its lack of basic commitment was manifest last week when aldermanic board refused to take action needed rate increases. Alderman quotes such as "Let them sue us." "Will they put us all in jail?" And we've had deadlines before." All attest to this lack and the basic attitude of Atlanta officials.
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> If Atlanta is not challenged now we may expect delays by all other governmental and industrial bodies under jurisdiction of the Upper Chattahoochee enforcement conference. This will effectively halt cleanup of this important river. Further delay now is unconscionable.

Interestingly, there have already been two hearings or conferences to enforce the law in regard to the Chattahoochee River and its tributaries. The first was held in July 1966.

Section 10(e) of the Federal Water Pollution Control Act states:

> (e) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any person is being endangered, he shall recommend to the appropriate State water pollution control agency that it take necessary remedial action. The Secretary shall allow at least six months from the date he makes such recommendations for the taking of such recommended action.

Upon conclusion of the 1966 conference, the conferees and the Secretary of the Interior adopted the following conclusions and recommendations:

> 1. The Chattahoochee River is an interstate stream forming part of the border between Alabama and Georgia.
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> 2. The Chattahoochee River between Atlanta, Georgia, and Fort Gaines, Georgia, is polluted due to discharges of wastes from municipalities, industries, and the discharge of oxygen-deficient waters from impoundments including hydro-electric and navigation operations.
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> 3. Water of high quality is required for many present and future uses of the Chattahoochee River, including public water supply; the propagation of fish, aquatic and wild life; and recreation, including swimming, boating, fishing and other water-contact activities.
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> 4. For the most part, action taken to date by municipalities and industries has not been sufficient to control pollution of the Chattahoochee River.
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> 5. The installation of adequate remedial facilities has been delayed because of the complex nature of the municipal and industrial waste treatment problems.
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> 6. All municipalities and others discharging domestic wastes shall provide treatment sufficient to protect the above enumerated water uses. This will mean the minimum installation of secondary treatment with adequate disinfection of the effluent where indicated. Industries shall install comparable remedial facilities for industrial waste discharges.
>
> 7. All necessary remedial facilities to control pollution of that portion of the Chattahoochee River covered by this conference shall be completed and in operation on or before July 1, 1971. The State water pollution control agencies of Alabama and Georgia shall require all those responsible for water pollution within the area covered by the conference to submit, within the area covered by the conference to submit, within 12 months, a time schedule including completion of plans and specifications, arranging of financing and awarding of contracts; to insure that the July 1, 1971, deadline is met.

Section 10(f) of the FWPC Act provides that if, at the end of the 6-month period established for remedial action, "such remedial action has not been taken or action, which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution has not been taken, the Secretary shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a hearing board of five or more persons appointed by the Secretary."

If the board finds "pollution is occurring and effective progress toward abatement thereof is not being made it shall make recommendations" and the Secretary shall give the polluters at least 6 months to abate the pollution. If action is not taken in that time, he may request the Attorney General to sue on behalf of the United States to abate the pollution.

To date no such public hearing has been called by the Secretary, despite the mandate of the law.

Instead, on February 17, 1970, nearly 3 years later, the first conference was reconvened. At this conference, the conferees and the Secretary concluded and recommended:

> 1. Within thirty days after notification by the Federal Water Pollution Control Administration or appropriate State water pollution control agency to the municipalities and industries concerned, such municipalities and industries shall notify their appropriate State water pollution control agency giving assurances that they will meet the requirements of the conference and indicating the date such requirements will be met.
>
> It is understood that this means all municipalities and others discharging domestic waste provide a minimum of secondary treatment with adequate disinfection of the effluent where appropriate. Industries shall install comparable remedial facilities for industrial waste discharges. All necessary remedial facilities to cover pollution of that portion of the Chattahoochee River covered by this conference shall be completed and in operation on or before July 1, 1971.
>
> 2. As soon as possible after this thirty-day date has expired, representatives of the State water pollution control agencies of Alabama and Georgia and the U.S. Department of the Interior shall meet to determine acceptability of compliance and, where appropriate, recommend further action be taken to assure abatement of pollution.

If nearly 3 years had not elapsed between these conferences, we might by now have achieved the desired pollution control. At the very least, the Government might have long ago instituted an abatement suit. This would have been the second suit in the history of the Federal Water Pollution Control Act. The first involved the city of St. Joseph, Mo., 14 years ago.

Instead of enforcing the law, the Federal Water Quality Administration has simply traded time for persuasion. FWQA has been reluctant to go beyond the conference stage, despite repeated failures by the polluters to comply with the conference recommendations.

Now FWQA, through EPA, has begun a new procedure of enforcement of the Water Quality Act of 1965 (Public Law 89-234), which provides for the establishment and enforcement of water quality standards. Atlanta has been given notice that at the end of 180 days and after an informal hearing EPA might bring a suit to enforce these standards.

But I am skeptical. EPA will use this hearing to persuade, as was done by FWQA several months ago in the case of Toledo. EPA will gain a new agreement, probably with new deadlines, and then will wait. Atlanta will continue to pollute.

Meanwhile, what about the industrial polluters of the Chattahoochee conference area? According to data supplied to the House Subcommittee on Conservation and Natural Resources last June, not one of them has a Corps of Engineers permit under the 1899 act. Yet, Mr. Ruckelhaus did not announce to the mayors, and the Attorney General did not announce to the press, that EPA, the corps, or the Justice Department was instituting suits against these industrial polluters.

As a matter of fact, the history of enforcement of the 1899 act by those agencies is spotty. No plan exists that we know of which would lead us to conclude that the law will be fully enforced.

The corps wants to enforce the act. It announced, last July 30, 1970, a policy of full enforcement of the 1899 law. But only 3 days before, the Justice Department's Assistant Attorney General, Mr. Shiro Kashiwa, who will supervise the new Pollution Control Section, wrote to the Conservation Foundation that such a permit program would not "be an effective way to abate pollution." Since then, the administration, through the Council on Environmental Quality, has been debating the merits of the corps' program and trying to reconcile the two views. The delay has meant that EPA will enforce the law against Atlanta, but not against the industrial polluters along the Chattahoochee.

The administration has used the 1899 law against the continuing dischargers who pour mercury or cyanide into our waterways, but not against those who pollute our waterways continuously with other wastes. The horrendous discharges which are in the public limelight do not escape prosecution under the 1899 law within the framework of the negative policy of the Justice Department, but the less public dischargers which daily violate the law are given new life under Justice's policy.

It is time for the administration to develop and utilize an evenhanded policy of enforcement. It is not enough to enforce the law against the cities which pollute our waters, and to ignore the industrial polluters of these same waters.

Further, even as to the cities, the administration must do more to meet Federal commitments to help them construct the waste treatment facilities which they desperately need to comply with the law. We all know the story. In 1966, we told the States and municipalities to go ahead and accelerate their waste treatment works, and the Federal Government would provide $3.45 billion over the next 5 years. Some States and cities acted on this promise and others waited to see if the funds would, in fact, come. Not until fiscal year 1970 did funds come in meaningful amounts, over administration objections. In that year, the Congress appropriated $800 million for this program.

For this fiscal year—1971—the Congress has authorized $1,250,000,000. The administration did not ask for this sum. Rather, it sought to abandon the grant program altogether, at a time when significant funds were finally being appropriated as a start toward redeeming past pledges, and to substitute a contract program. The Congress, however, refused to fling aside the grant program, and continued it with a $1 billion appropriation.

The seriousness of our past failures to fund this program is amply demonstrated by EPA's recent action against Cleveland, Detroit, and Atlanta. Each of these cities has undertaken substantial financial commitments to improve and expand waste treatment facilities to comply with Federal and State water quality standards. But the Federal contribution toward this effort by these three cities represent a little more than 10 percent of the total cost of this endeavor.

Since May 1968, projects costing about $200 million have been initiated by these three cities. Each is eligible to receive up to 50 percent of this cost in Federal grants. According to EPA's own figures, they received grants totaling slightly more than $18 million for these projects or less than 10 percent of the total project costs.

Detroit and Atlanta are seeking to build more waste treatment facilities at an estimated cost, according to EPA, of about $80 million, of which the Federal Government will provide less than 10 percent, or $9 million.

How many municipalities have a similar problem? Mr. Ruckelshaus has said he is looking at 100 more such cases. Faced with the requirements of Federal and State water quality standards, each city, like industry, must act promptly to comply with those standards if we are to improve our environment measurably in this decade. They could meet these standards if the Federal Government delivered on its promises. But the Federal Government has failed.

In 1966, we hailed the passage of the Clean Water Restoration Act (Public Law 89-753), which unshackled the Federal water pollution control program from the unrealistically low dollar limitations on grants to cities, and offered an opportunity for larger cities, like Detroit, Cleveland, and Atlanta, to participate in 30, 40, or 50 percent grants, depending on certain conditions. But few, if any, large cities, or even small ones, have received in even the 30 percent category. This is because the Federal funding of this program has been inadequate, and the backlog of needed projects in each State has been great.

The time is long overdue for the administration to develop an overall pollution control program that is effective.

FATE OF SOCIAL SECURITY LEGISLATION

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include a letter from the President of the United States.)

Mr. GERALD R. FORD. Mr. Speaker, I have been concerned about the fate of social security legislation in view of the impasse in the Senate. In response to my query, the President has informed me by letter that if the social security bill is not enacted in this session of the Congress, he will resubmit the legislation to the 92d Congress with a request that it be made retroactive to January 1, 1971. The President has not given up hope that the Senate will act on social security before adjournment, but he wanted us to have this reassurance. The President's letter follows:

THE WHITE HOUSE,
Washington, D.C., December 22, 1970.

Hon. GERALD R. FORD,
U.S. House of Representatives,
Washington, D.C.

DEAR JERRY: In response to your question about my attitude toward the Social Security legislation now stalled in the Senate, be assured that I favor quick enactment.

Some Senators contend that Social Security legislation cannot be salvaged in this Senate unless welfare reform, appropriations bills and other vital measures are sacrificed. I am not yet willing to concede the Senate's indifference or impotence. I have urged the Senate to bring to vote all of this important work that lies before it. There is still plenty of time to do what is necessary before January 3.

Should the Senate be unable or unwilling to adopt these vital measures by then, I will resubmit the Social Security benefit increases and welfare reform along with the other key bills that remain unenacted. And I will propose that the Social Security increases be retroactive in their effect to January 1, 1971, so that no Social Security recipient is harmed by the Senate's failure to act.

Sincerely,

RICHARD NIXON.

AMERICAN PRISONERS VERSUS THIEU AND KY

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BINGHAM. Mr. Speaker, on this 22d day of December 1970, it is clear to all that the President's Indochina policies are bankrupt. They point not to peace, but to an endless, and perhaps wider, war.

The Vietnamization program is more and more evidently a method of keeping the war going, rather than a device for ending it. The President threatens to resume the bombing of North Vietnam, thus heightening east-west tensions and giving to Uncle Sam once again a brutal face, and there is no talk of a scheduled and complete American withdrawal.

What this means is that the American prisoners will continue indefinitely their existence of death in life behind the bars of North Vietnamese jails. For so long as the fighting goes on, and so long as there is no commitment for a total American troop withdrawal, there is no way that the administration can secure the release of these unfortunate men.

The administration apparently acted in recognition of that fact when it launched the desperate November 21 raid, risking the lives of brave men in a fruitless attempt to rescue some of the prisoners. Quite obviously now, any further raids will be bound to fail, because Hanoi will keep their American prisoner-hostages on the move and in small groups. And a large-scale invasion is out of the question for many reasons—and would probably result in the death of the prisoners anyway.

Yet it is clear that President Nixon could secure the release of the prisoners if he were determined to do so. It might be enough for him to set a date for total American withdrawal—as recent statements from Hanoi have suggested. At most he would have to agree also to an interim government in South Vietnam, pending internationally supervised elections, that would include representatives of all groups, but not General Thieu and Ky.

These are essentially the terms the other side has set for a negotiated settlement, and they are far milder than the impossible demands of Hanoi and the NLF a few years ago.

But the administration refuses to agree to either step and mulishly repeats and repeats—contrary to fact—that the other side has been intransigent and has shown no interest in negotiating.

The ugly conclusion is inescapable: the Nixon administration considers it more important to go on propping up Generals Thieu and Ky, so that they can stay in power, than it does to end the killing and free our long-suffering American prisoners.

DeGaulle is remembered and honored for his statesmanlike acceptance of the inevitable in Algeria, undertaken in spite of long-standing commitments to thousands of "colons." President Nixon could make a similar place for himself in the history books, by demonstrating the same kind of courage.

SUPREME COURT DECISION ON VOTING

(Mr. MIZELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIZELL. Mr. Speaker, I rise at this time to comment on yesterday's decision by the Supreme Court, upholding the right of Congress to enfranchise 18-, 19-, and 20-year-olds to vote in Federal elections.

On April 24 of this year, I made public my belief that the voting age should in fact be lowered to 18. At that time, I said:

> I personally have all the confidence in the world in the ability of our young people to pass judgment on themselves and on the world that surrounds them.

I stated that the 18-year-olds of Georgia and Kentucky, the 19-year-olds of Alaska, and the 20-year-olds of Hawaii were no better and no worse equipped to assume the responsibility of participating in the democratic process than their counterparts in North Carolina.

I still hold firmly to that belief, and in that respect I was gratified by the Supreme Court's decision of yesterday.

But I hold as firmly the belief that this was not the best nor the correct means of enfranchising 11 million young people.

I have stated on several occasions that the way to see this reform enacted is by the constitutional amendment process. The Supreme Court has upheld, by the slimmest of margins, the right of the Congress to give the vote to 18-year-olds in Federal elections only.

By that same margin, the Court denied Congress the right to enfranchise these young people in State and local elections.

As a result, administrative chaos has been visited on hundreds of local election commissions, which are now faced with the task of compiling dual registration roles and perhaps even setting up two separate kinds of voting apparatus, one to accommodate voters over 21 years of age and another to serve those under 21.

Had the issue been resolved by constitutional amendment, requiring the concurrence of three-fourths of the States, there would not have been this towering inconsistency. Instead, there would have been a uniform resolution of the matter, arrived at with the participation of both Federal and State Governments, as the Constitution explicitly directs.

The matter is not closed yet, and it will probably still be alive in the election year beginning less than 13 months from now.

But for now, I am pleased that the 18-year-olds of North Carolina will have the right and the responsibility to have a voice in selecting their government. I am sure my confidence in them will be borne out as they exercise their new right.

TRADE BILL OF 1970

(Mr. MIZELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIZELL. Mr. Speaker, I rise today to call my colleagues' attention to a deplorable condition which has developed in the U.S. Senate.

The textile bill, for whose passage so many of us labored for so long a time, lies paralyzed in that body with no apparent hope for relief during the lifetime of this Congress.

While the Members of the Senate have argued semantics for the better part of 2 years, on a wide variety of inconsequential issues, thousands upon thousands of textile jobs have been lost throughout this Nation.

The House has taken appropriate remedial action at long last, but it now appears all our efforts were in vain. The legislation which would have assured a large measure of relief from the blight of textile unemployment languishes hopelessly under a mountain of unfinished business which has all but buried our colleagues in the Senate.

During the Senate's debate on the recently vetoed manpower bill, the hue and cry went up about doing something constructive about the unemployment problem in this country. The Senate at first decided the way to solve that problem was to create thousands of public jobs, at a cost of billions of tax dollars. Yesterday, they reversed that decision by upholding the President's veto, and still the problem of unemployment begs for an answer.

The essence of the trade bill of 1970 was to provide a constructive means of providing, through the private sector, protection for thousands of jobs, at much less cost to the American taxpayer.

The Senate has apparently decided to abandon that proposal, and debate instead the relative merits of whether or not $210 million should be spent on a supersonic transport, whose construction will involve another 150,000 jobs. More than $800 million has already been spent on that project, and now that the light can be seen at the end of the tunnel, some Senators are strongly in favor of aborting the whole project, letting those thousands of jobs go to foreign manufacturers and relinquishing our leadership role in aviation.

It appears extremely paradoxical to me that the Senate claims to be up in arms over the unemployment problem, when they consistently refuse to enact, or even consider, realistic solutions to the problem.

Apparently this is the case, however,

and the Senate must bear full responsibility for the rising tide of unemployment if it refuses to comply with the will of this House, the request of the administration, and the desire of the people.

I urge that body to weigh the gravity and the inconsistency of this situation, and set upon a course of action that will lead to resolution of the unemployment crisis in the textile industry and a relief to the unemployment problem of the Nation at large. Time is not on the side of the Senate, nor is the electorate.

NEWSPAPER REPORTER'S INVESTIGATION MERITS A PULITZER PRIZE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, a crusading newspaperwoman, Mary Perot Nichols deserves a Pulitzer Prize for a series of articles authored by her which appeared in the Village Voice. Those articles describe corruption on the waterfront of the city of New York. As a result of those articles the waterfront commission recently determined that a conflict of interest existed on the part of Anthony Scotto, a union leader who was found to have—in violation of the law—an undisclosed business interest with one of the companies licensed to do business on the waterfront.

I have written to the Honorable James D. Hodgson, Secretary of Labor, on a number of occasions inquiring as to what action would be taken by the Department of Labor. My most recent letter to him of December 8 remains unanswered. I have ascertained from the Waterfront Commission of New York Harbor that a copy of its findings in this matter was delivered to the U.S. Department of Labor.

At this point, Mr. Speaker, I place in the RECORD the articles of Mary Perot Nichols as well as the correspondence which I have had with the U.S. Department of Labor:

[From the Village Voice, Sept. 11, 1969]

The Mayor Faces Life: Study in Sophistication

(By Mary Perot Nichols)

I'm tired of double-standard liberals. And I'm especially tired of double-standard liberals and radicals who piously proclaim that they don't believe in guilt by association in assessing public figures when, in fact, they do. In last week's Voice Nat Hentoff wrote a letter to the editor which brought this fit of acute ennui upon me.

Hentoff attacked Congressman Edward Koch for referring "blithely to the 'Scotto involvement'" with Mayor Lindsay. "On the basis of what acts (as contrasted with FBI charts' and John Mitchell releases)?" Hentoff asks and then adds, "That's some civil libertarian example our Congressman sets for the 17th C.D."

It's too bad that Hentoff didn't check the facts on Scotto himself before he made this attack, because if he did, he would have found that Koch was rightly concerned about the matter. On August 21 the New York Times published the FBI list of New York Mafia families. The list included the name of Anthony Scotto, president of the powerful Brooklyn Local 1814 of the International Longshoremen's Association as a "capodecima" (captain of 10) in the Carlo Gambino Mafia family.

Scotto is not only a founder of the Independent Party—created July 31 to give Mayor Lindsay an independent line on the voting machine—but he is listed on the nominating petition of that party as a member of the Committee on Vacancies.

Now what Nat Hentoff attempts to do is pooh-pooh the FBI Mafia family list by attacking its origin, which was from the office of Attorney General John Mitchell. (Guilt by association, Nat?) But what he doesn't do is make any independent check on whether the FBI list might have some truth to it. This is what Hentoff should have done, and this is what Mayor Lindsay should have had done for him before he got mixed up with Scotto. Granted the FBI list was released after the Mayor became politically identified with Scotto—but there was ample material on the record before the list was made public.

Hentoff could have found out what it was, as I did, in a few hours of telephoning. There was, for example, an article by Milton Lewis in the World-Journal-Tribune of October 10, 1966. (Lewis is an extremely reputable reporter, now with Channel 7's "Eyewitness News.") Lewis reported that on July 29 of that year, Anthony Scotto, in the company of Anthony Anastasio, president of Local 1716 of the ILA, paid a visit "to the Utica home of Joe Falcone, who was a delegate to the infamous underworld 1957 meeting of about 60 Dons at Apalachia, New York." The purpose of the visit to Falcone, the Mafia boss of Utica, was so that "Anastasio could enlist the aid of Falcone in a Supreme Court family suit."

Why, even Scotto believes in "guilt by association," Nat. In denying to Lewis that he went to visit Falcone, he said, "I wouldn't know Joe Falcone if I fell over him. I feel I'm sophisticated enough not to be with the wrong people."

Add to what's on the record the fact that Scotto's rise to head of the Brooklyn waterfront was somewhat meteoric for such a young man. Scotto was the son-in-law of Anthony ("Tough Tony") Anastasio, brother of the infamous head of Murder, Inc., who was murdered in a barbershop in 1957. Could it be that Scotto's connections had something to do with his career opportunities, Nat? And when you are taken care of in such a significant way, don't you have a certain debt to those who have helped you?

Now, the thing that bothers me about Hentoff's position is that if Mario Procaccino had put Tony Scotto on *his* ballot, and Koch had said he was concerned with Procaccino's "Scotto involvement," Hentoff would not have said one word. In fact, Hentoff would probably have just said to himself, 'Aha! I knew all along that guy was in with the Mafia." If I'm being unfair to you, Nat, don't hesitate to speak up.

One reason I know Hentoff has a double standard for those who annoy him politically and those who are his political heroes is that when John Lindsay committed the extraordinary civil-liberties gaffe of denying George Wallace the right to rent Shea Stadium during last year's election, Hentoff didn't carry on at all. If you said anything in any publication I missed, Nat, please send it to me and I will apologize.

There is more that Lindsay's people could have found out about Scotto before getting the Mayor involved with him, and if you insist, Nat, I will publish one item a week about it from now to election day.

But let's get down to the real issue. The real issue is not one of civil liberties. A man with Scotto's connections has no civil liberties claim to being made a political associate of the Mayor of the City of New York. Quite the contrary, the Mayor—or *any* public official, for that matter—has the obligation to stay away from anyone about whom there is good evidence of a tie-up with the Mafia. The Mayor should be just as "sophisticated" as Scotto claims he is. If you disagree, Nat, let our readers know.

What worries you, Nat, also worries me: that is that Mario Procaccino might become the mayor of New York City. But it should also worry you, as it does me, that the Lindsay forces are too goddam stupid to win this election. If the Mayor wants to retrieve this situation, he should publicly tell Scotto to get out of his campaign and out of his life and he should fire whoever was responsible for clearing Scotto in the first place. Otherwise, one can only conclude that he learned nothing from the Marcus scandal.

Secondly, the Mayor should get some people around him who have some brains and political savvy. A Brooklyn politician I know (who is violently anti-Lindsay) told me he believed that "Scotto was planted on Lindsay by the Procaccino people so Lindsay couldn't make Procaccino out to be the Mafia candidate." It certainly does make it difficult for those who would like to fight Procaccino to comment on the people around him when the answer could be, "Well; what about the people around Lindsay?"

All of us, liberal or non-liberal, judge political candidates by the baggage they are likely to bring with them into office. We all want to know, before we cast our votes, who is likely to influence our candidates' decisions when they get into office. I am repelled by Procaccino's early association in this campaign with the big real estate crowd. (Abraham Lindenbaum and William Zeckendorf) that is trying to kill middle- and low-income housing for the West Village and substitute luxury skyscrapers. Anybody would be who has followed "Bunny" Lindenbaum's career over the years—he left the City Planning Commission rapidly after a fund-raising scandal in the Wagner 1961 election campaign. I also find it significant that Congressman John Rarick of Louisiana—who split from the Democrats and endorsed George Wallace last fall—is enthusiastic about Procaccino.

You aren't saying that I shouldn't be concerned, are you, Nat? By the way, what are you saying?

[From the Village Voice, Sept. 26, 1969]

Riposte to Hentoff: The Mafia! What's That?

(By Mary Perot Nichols)

Nat Hentoff sees no "proof" that Anthony Scotto, boss of the most powerful local of the International Longshoremen's Union, "is connected with the Mafia" (Voice, September 18). Apparently Scotto's visit to the mob boss of Utica a couple of years ago was insufficient to demonstrate his connections (Voice. September 11). Well what "proof" did we have that Carlo Gambino or Frank Costello were members of the Mafia? Yet I don't believe even "the last Puritan" (Hentoff's description), John Vliet Lindsay, would have put either of these two men on the Committee on Vacancies of his Independent Party, do you, Nat?

But first, let's get back to the one thing you and Congressman Ed Koch agree on. You both are disturbed by the Mayor's continued involvement with Manhattan Republican County Leader Vincent Albano. There is no question that Albano was the political fixer who pressured former Water Commissioner James Marcus on behalf of a Mafia-connected firm. Yet, had you, Nat, seen the Mayor on television this Sunday (CBS "Newsmakers") you would have been even more disturbed.

New York Times reporter Marty Tolchin asked Lindsay: "Mr. Mayor: the Federal Court of Appeals decision upholding the conviction of Jim Marcus called Vince Albano, the Manhattan Republican leader, the sinister figure who weaved the web which screens government officials and the underworld and the man who introduced Fried to

Marcus. This man has always been a political supporter of yours and, I understand, is a campaign aide now. How do you explain that? I'm speaking of Albano."

And the Mayor replied: "I had not received the impression that there was language that was that strong by any means at all." Then the Mayor went on to obfuscate about an earlier report on Albano and the Marcus case by Judge Bruce Bromley.

Now, for God's sake! The close paraphrase of what Judge Harold Medina had said about Albano and the other shady figures in the Marcus case appeared on the front page of the New York Times on July 9, 1969. Even if the Mayor didn't take the time to read the Medina decision, he doesn't ordinarily exhibit such a bad memory of information printed in the Times. But apparently Mayor Lindsay thinks he can get away with the Big Cover-Up on TV since so few people follow news stories with attention.

The Big Cover-Up is a harsh phrase, which I wouldn't have used had not Mayor Lindsay also attempted to cover up the earlier Bromley semi-whitewash of Albano by claiming it "confirmed the personal and political integrity of" Albano. As the Times then commented (November 30, 1968), "The Mayor may have been proving his loyalty to an old friend but, as a man of impeccable ethics himself, he wasn't doing much to promote a higher sense of ethics in the public service."

I was slightly unfair to you in my last article in one respect, Nat. I charged that you had not been critical of the Mayor for his "extraordinary civil liberties gaffe" in denying George Wallace the use of Shea Stadium. You cite your compaign biography of Mayor Lindsay in your defense. Yes, on page 343 you write "Congressman Lindsay would have immediately and repeatedly attacked Mayor Lindsay for having refused Shea Stadium to George Wallace." But did *you* "immediately and repeatedly" attack the Mayor in your newspaper column when it might have done more good, or did you wait almost a year to bury it between hard covers? Still, I apologize for saying you'd never criticized the Mayor in this issue.

But to get back to Scotto, the man Mayor Lindsay referred to as one of "New York's most distinguished citizens" when he announced his Independent Party on July 31. Less than a month later, the New York Times published a headline on its front page: "Scotto Is Called Captain in Mafia." The subhead read "ILA Officer Denies Charge—Lindsay Praises Him."

I had been informed that Scotto was proposed to the Mayor for the Independent Party by Victor Gotbaum, a most respectable labor leader, so that the Mayor could, unwittingly, have made a mistake.

Gotbaum admitted to me the other day that had he known the FBI list naming Scotto as a capodecima in the Carlo Gambino family was coming out the following month, he certainly wouldn't have proposed him. Gotbaum says he is a good friend of Scotto and that Scotto is a progressive labor leader. But Gotbaum has his own fish to fry in New York City's labor power struggles and admits he didn't really probe deeply into Scotto's past and present before the Times published the Mafia list—or after either.

But for the Mayor to come out with an endorsement of Scotto in the Times on the very day the list was published is certainly folly. He could have said, "I was shocked at what I read in the Times and I am checking into it," period. Instead, he permitted his spokesman to say, "The Mayor has had no information about the allegations reported in the Congressional Record, but it has been the city's experience over the past three and a half years that, under the leadership of Mr. Scotto, his union has engaged in numerous projects for the benefit of the working people of the city and especially the dramatic revitalization of the Brooklyn waterfront." Revitalized, indeed! By the Mafia! (See later references to a Life magazine article on the Mafia's waterfront activities.)

That was August 21, and presumably in the ensuing weeks, the Mayor could have informed himself on whether there was anything to the report that Scotto was, indeed, involved with the Mafia. Yet last Thursday, I asked the Mayor's press secretary, Tom Morgan, whether the Mayor had anything further to say on the subject since that Times story and Morgan replied: "The Mayor stands on his previous statement." Asked whether the Mayor had checked any further on Scotto with law enforcement agencies, Morgan said firmly, "No comment."

So let's review what the Mayor could have found if he'd done a little checking around.

For example, he could have checked with the Waterfront Commission, where it has been a subject of comment at the staff level that the Mayor has not sent his Commissioner of Investigation hotfooting over to see them.

Let's start with Scotto's suspicious beginnings. He married Marion Anastasio, daughter of "Tough Tony" Anastasio (brother of Albert of the barbership and Murder, Inc.), a member of the Carlo Gambino Mafia family which controlled the Brooklyn ILA union. Now let's assume Scotto was a nice clean young college guy who wanted to build a new kind of union and not become a hood like his father-in-law. So he had a wedding reception at the Hotel Plaza on Saturday, June 1, 1957, that was a little Appalachian convention! Scotto, his father-in-law-to-be, and a third person believed to be Albert Anastasio (soon to be murdered in a barbershop) made the arrangements themselves with Mr. Clyde Harris, sales director of the Plaza. Scotto, however, picked up the tab for the wedding, and, one assumes, could have had a strong say on the guest list.

Among the more notorious of the underworld characters on the guest list were: Carlo Gambino, Joe Colozzo, and Joe Pitts. We already know who Gambino is, but who are Colozzo and Pitts? To quote Life magazine's comprehensive article on "The Mob" (September 8, 1967). "Until now, Joe Colozzo had been just another of Tony Anastasio's gangsters in the Brooklyn longshoremen's union. Now he was Gambino's strongman—and Tony was suddenly nothing. That was the way it was in the Brooklyn ILA in 1957. That, according to the experts, is still the way it is today—regardless of recurrent publicity about a 'new look' on the seamy waterfront."

And who is Joe Pitts? His real name is Dominick Petito. A Daily News story by Joseph Martin, Lee Silver, and Kermit Jaediker on the "Cosa Nostra Over the Waterfront" (April 6, 1964) describes Pitts as "a heavy-lidded, barrel-chested hood with a penchant for expensive silk shirts . . . Pitts was described in McClellan Committee evidence as a member, somewhat lesser in importance than Colozzo, of the Gambino gang."

The Daily News notes that "at the McClellan hearings the New York police listed the suspected extra-curricular activities of those two ILA officers as follows: "Colozzo—labor racketeering, shylocking and bookmaking. Pitts—labor racketeering and shylocking."

Fortunately for later historians, the Scotto wedding reception was attended also by members of the Central Investigation Bureau and detectives from the Manhattan West Detective Bureau and the United States Treasury Department.

After "Tough Tony's" death in 1963 (of natural causes), young Scotto, who married into the family (with a small and a large F) was jumped over other top ILA officials, to his father-in-law's position in the union. Obviously someone had already indicated to the Mafia that Scotto wouldn't interfere with their control of the powerful Brooklyn local. Thereafter, Scotto went to work creating a great liberal p. r. image for himself while Mafia business went on as usual on the docks. He sucked up to a lot of public officials, even got himself to the White House with a group of Brooklyn elected officials, and was introduced to Senator Robert Kennedy.

It's interesting to note that one of those who sold Scotto to Robert Kennedy as an okay guy was Dom Peluso, a former Daily News reporter and now the $30,000 executive assistant to City Council President Francis X. Smith. Peluso has been on Scotto's payroll for years at $9000 or more per annum, ostensibly for legal assistance, but close observers think that what Peluso was really doing for Scotto was p. r. and Peluso is one of the best p. r. men in the business. He practically created the image of Frank Smith when Smith succeeded Frank O'Connor as Council president this year.

It's interesting to note too that Peluso hates Lindsay like poison and used to complain to his friends that O'Connor had no instinct for the jugular and refused to aim some of the barbs at Lindsay that Peluso penned for him. My questions about Peluso being on Scotto's payroll have caused a certain amount of consternation in Smith's office. The Council President denies any knowledge that Peluso was being paid by Scotto's union, even though I ran this information in "Runnin' Scared" earlier this summer (Voice, June 12). And Jim O'Donnell, Smith's press secretary, informed me last week that according to Peluso, the last check he got from Scotto's local was in 1967. If Peluso said that, he's lying. He's been on Scotto's payroll right through this year.

Peluso had another interesting occupation. He was, and may still be, the public relations director of the American Italian Anti-Defamation League, Inc., a group which has some unrespectable backers. Scotto was an officer of that charming group which was so odoriferous that Frank Sinatra, a guy with Mafia friends himself, couldn't wait to get out of it. In fact, when Sinatra came out for Lindsay this year, the American Italian Anti-Defamation League attacked him. Of the American Italian Anti-Defamation League, one Italian legislator said to me, "I took one look in the newspapers at who was at their first affair and boy, was I glad I didn't go." He noted that a number of his friends, innocently, had been roped in until they found out about it also. At that first event, a Madison Square Garden rally, the chief speaker was one Mario Procaccino. (The organization also had an anti-Semitic twist which is too complicated to go into here.) One final note about Peluso: he's still a close adviser of Procaccino. And to wind up that whole connection, Anthony Scotto, a founder of the Anti-Defamation group, also sweetened the primary pot of Procaccino's strongest organizational backer, Moe Weinstein of Queens, this spring.

What is the significance of the Scotto-Peluso connection? Well, while Scotto openly plays the reform game and cons people into thinking he's a great liberal, which puts him into the company of such respectables as Professor Dan Collins of New York University and Eleanor Clark French, both leaders of the New Democratic Coalition and founders of the Mayor's Independent Party, he is secretly playing the same old game under the table.

A Sicilian I know, who grew up in the Village and who has fought the Mafia all his adult life, said the following to me last week: "I never liked Ed Koch but he had the courage to say what he did about the Mayor and Scotto and I'm going to send him $50 in his next campaign."

The Sicilian is not the only anti-Mafia Italian around, Nat. There are thousands of them and they are going to support the mayoralty candidacy of State Senator John

Marchi. Marchi is the only candidate to date who has challenged his opponents to debate on the subject of organized crime, a challenge to which the media and press have paid very little attention.

On September 5, Marchi proposed a debate "devoted solely to the issue: what do the candidates propose to do about organized crime and Mafia operations in our city." Marchi further proposed "as a format to the debate on organized crime, that representatives of the media familiar with this issue serve as moderators and questioners of the three candidates in order that the problem be thoroughly discussed and explored." Marchi stepped up his request for a debate this Sunday on the Citizens Union "Searchlight" program and I would suspect he will continue to press on it.

What do you bet, Nat, that Lindsay and Procaccino keep on ducking this debate? One would have thought, after the Times dropped that bombshell on Scotto, and re-identified him as a member of the Committee on Vacancies in Lindsay's Independent Party, that they would have assigned the very able Mafia expert Charles Grutzner to follow through on the story.

How Lindsay's association with Scotto has apparently saved Scotto from this should be worrisome to a watchdog or the press.

In conclusion, I just want to point out what it is that is so bad about what Lindsay has done. He has given his respectability to the unrespectable (Albano and Scotto). By doing this, he encourages other public officials in his administration to think, without further checking, that Scotto and Albano are respectable and thus provides the kindling for a dozen more Marcus cases.

What does it matter how progressive or liberal Scotto is, if there is good reason to believe he still is close to the Mafia? The Mafia represent a perverted form of capitalism. It exacts its tribute from us all in the form of higher prices and shoddy goods forced on supermarket shelves by strong-arm methods (see the Life issue referred to above). But the highest tribute of all is that which the Mafia exacts from the ghettos. Mafia-distributed heroin destroys ghetto children and the Mafia-controlled numbers racket siphons millions of dollars out of the slums.

In the past week, Congresswoman Shirley Chisholm has been trying to tell the Mayor something about organized crime and police corruption in her area—Bedford-Stuyvesant—but he doesn't seem to want to listen.

If Mayor Lindsay wants to play Billy Budd, he should go on the stage. But if he wants to be a friend of the underclasses in this city, he should be careful not to give responsibility to their oppressors. We should expect that the Mayor have at least the care in selecting his associates that we demand a mere football player.

If you want to go another round, Nat, I'm ready to outline the relationships of Scotto and the ILA with Vincent Albano and some of Scotto's other business enterprises that clearly show he is not a labor leader in the Walter Reuther tradition. But if you are a real friend of the Mayor, Nat, I would think you would prefer me to concentrate on Mario Procaccino for the next few weeks.

[From the Village Voice, Jan. 14, 1970]

MAFIA ON THE WATERFRONT: WHO'S KEEPING THE LID ON?

(By Mary Perot Nichols)

Various assorted "new politics" liberals were quite shocked when the New York Times reported in August that the name of Anthony Scotto appeared on the FBI list of Mafia families as a member of Carlo Gambino's tribe. They were shocked because Scotto has enjoyed a liberal public image as president of the powerful Brooklyn Local 1814 of the International Longshoremen's Association, and because Mayor Lindsay had only a few weeks earlier announced Scotto as a founder of his new Independent Party for re-election and as a member of his Committee on Vacancies in that party.

Scotto's reputation had already been sullied by articles in Life magazine about the power of organized crime on the Brooklyn waterfront in 1967 and by a story by Milton Lewis (now on Channel 7's "Eyewitness News") in the World-Journal-Tribune in 1966. The Lewis story reported that Scotto, in the company of Anthony Anastasio, president of Local 1716 of the ILA, had paid a visit for help in a personal matter to the Mafia chief of Utica, Joe Falcone. At the time, Scotto denied to Lewis that he had made the trip, and said, "I wouldn't know Joe Falcone if I fell over him. I feel I'm sophisticated enough not to be with the wrong people." (See The Voice articles of September 11 and 25, 1969, on this subject.)

At any rate, the naming of Scotto as an alleged capodecima in the Gambino family did not come as a surprise to a number of Mafia-watching newspaper reporters or to law enforcement officials. In September, when I was writing those Voice articles about Scotto, I learned of an unusual secret hearing before the Port of New York Waterfront Commission the previous fall in which a waterfront carpenter had sworn that Scotto had tried to recruit him into the Gambino family. The Waterfront Commission case, which goes by the innocuous name of the Romano-Crivello hearing, also established that Scotto did indeed make the visit to Falcone.

Along with others watching the situation, I had expected the Waterfront Commission to have concluded its determination on the Romano-Crivello hearing by now. But a determination in the case would make the minutes of the hearing, which are politically hot stuff, available to the press. The foot-dragging on the case is coming, according to reliable sources, not from the New Jersey commissioner, Stephen Bercik, but from the New York one, Joseph Kaitz. Bercik is a tough anti-Mafia lawyer who has received the Mafia seal of disapproval. In the De Cavalcante tapes, a labor union "biggie" in New Jersey assured "Sam the Plumber" De Cavalcante that Bercik, who had been defeated for re-election as mayor of Elizabeth, would never get to be prosecutor of Union County. And he didn't. But, unfortunately for the Mafia, Bercik did get appointed later, by Governor Richard Hughes, to the Waterfront Commission.

Kaitz is a Republican Party wheelhorse who was appointed to the Commission in 1962 by Governor Nelson Rockefeller. He was known as "Walter Mahoney's boy" (Mahoney was the former majority leader of the State Senate) and was for some years in the insurance business with Mahoney. If the Crivello-Romano case remains suppressed, it may come to haunt Governor Rockefeller in the upcoming gubernatorial campaign where the subject of organized crime is expected to be a big issue.

What is it that the Waterfront Commission has been sitting on for well over a year? First, there is the detailed, sworn testimony of one Salvatore Passalacqua, formerly head cooper at Pier 1 at the Brooklyn Port Authority. Passalacqua says that Gasparo Romano, a union hiring agent, not only pressured him to join the Gambino family, but, on a Sunday in July of 1965, actually invited him to a meeting at the union office with Carlo Gambino, Anthony Scotto, Joe Colozzo (one of Gambino's strong men, according to Life magazine), and various Scotto or Gambino relatives and others.

Passalacqua testified that there, in a large room, across a table loaded with food and drink, he was issued a formal invitation by Colozzo, and seconded by Scotto, to join Gambino's family. In September, after Passalacqua made it clear he wasn't joining the family, he claims he was fired on a trumped-up charge that he left his post at the pier without permission. Passalacqua claims he had permission to leave to sharpen a saw.

Now the Passalacqua testimony was only the word of one man over others, but the fact that two defense witnesses, including one New York City official, tripped all over their stories in trying to discredit Passalacqua's, gives his story considerable credibility. The New York City official's testimony should be read carefully by the city's Department of Investigation because it was to him that Passalacqua originally went for help when he lost his job. In fact, this official did get Passalacqua a job for a time through Scotto at the Brooklyn Army Terminal. One might speculate that if Passalacqua had been such a bum on his original job, he would not have been given another one on the waterfront, unless it was hoped to silence him.

The second important revelation in the Crivello-Romano hearings was testimony by former State Police Sergeant Edgar D. Croswell, presently the city's Deputy Commissioner of Sanitation. (Croswell, then an upstate police sergeant, unveiled the famous 1957 underworld convention at Apalachin.) Croswell testified to the Waterfront Commission that Scotto and Anastasio had visited Falcone, who had been a delegate to the Apalachin convention. There was other testimony to the same effect which I would think was irrefutable but which will have to come out when and if the hearing minutes are made public.

Oddly enough, late Friday afternoon while I was still checking into all the above, I received an unsolicited phone call from one Anthony Scotto. He called me ostensibly because I had mentioned him in a Voice story the week before, but he seemed remarkably unsurprised about what I was working on. (Could there be a leak to him at the Waterfront Commission?) He even speculated as to my source, whom he claimed was a Villager who "had an obsession about him." The fact is there has been a lot of chattering about this case not only among law enforcement officials but among legislators because Passalacqua also testified a few months later at the Joint Legislative Committee on Crime headed by Senator John H. Hughes of Syracuse. The Waterfront Commission hearings, although closed to the press, were attended by other law enforcement officials.

Scotto then made a comment, which The Voice lawyer says may be libelous, on the state of Passalacqua's mental health. What could Passalacqua's motives have been? Scotto answered, "This is about the third story he concocted about me. . . . I got his job back for him three or four times. . . . He got fired. He's a disgruntled worker."

Scotto said Passalacqua's story had been discredited by a packet of information he had presented to the Hughes Committee. I promised to see Scotto's lawyer and inspect the information this week. The Hughes Committee took its testimony in executive session and it is not yet open to the press.

The ILA leader also claimed that the Waterfront Commission hearing officer had refused to take testimony from a witness who would have pledged that Passalacqua had tried to shake him down.

I asked Scotto why, if it weren't true, a man like Passalacqua would want to make a career out of testifying about something that he might get killed for saying. Said Scotto. "I think he really believes it. That's why he makes such a good witness."

Then Scotto proffered the thought that if he were the Mafia chieftain Passalacqua was claiming he was, what Passalacqua was doing "wasn't exactly normal" in that he was risking his life and limb. There are people, I suggested, who simply have to tell the truth no matter what kind of trouble it gets them into. I asked him if he'd seen the movie "Z" where there was another carpenter who just might be like Passalacqua. Scotto said he hadn't but promised that he would go see the movie.

There still remains the second problem—whether or not Scotto went to see Falcone. I told Scotto of Croswell's testimony, Scotto's answer: "I've testified before the grand jury in the Eastern District on that." Well, I said, if your testimony before the Eastern District grand jury exonerates you on that charge, would you sign a letter to the United States Attorney there requesting that I be allowed to see your testimony? Scotto's answer: "No."

The talk turned to Scotto's listing as a Mafia capodecima on the FBI list. I asked why he didn't make efforts to get his name off. "I know it's not true," said Scotto, "I'm not going to run around for the rest of my life being psyched by that. There are plenty of articles around saying I'm a knight in shining armor but I'm not that either." He also said, "If my name was O'Malley, I wouldn't be on there." I couldn't resist saying that a man named O'Malley would hardly have been named a capodecima by any Mafia family.

The Waterfront Commission was set up in 1953 to try to shake the hold of organized crime on the waterfront of the New York port. The exceptional delay in the Crivello-Romano case raises serious questions. Perhaps it's time for some superior law enforcement agency—or a Congressional committee—to look into just how effective the Commission has been against organized crime.

[From the Village Voice, Jan. 29, 1970]

Can the Mafia Work Miracles?

(By Mary Perot Nichols)

When you can hire Mafiosi and your labor troubles end, when you can't win a court suit over your children's custody but a Mafia chieftain can intervene and you get them back anyway—"how do all these miracles happen?" That was the disingenuous question put by Ralph Salerno, one of the country's leading consultants on the Mafia.

We were discussing the fact, now established on the record, that Brooklyn ILA leaders Anthony Scotto and Anthony "Toto" Anastasio did pay a visit in 1967 to Joe Falcone, the Mafia Chief of Utica, to get his help in a children's custody case. What the judicial system could not do for Anastasio, Falcone was miraculously able to accomplish.

Last week, I wrote about the Romano-Crivello case which the Waterfront Commission had been acting on for more than a year because (I believe) of implications in the case for one of the Northeast's most powerful Labor leaders, Anthony Scotto. Lo and behold, a few days after I began questioning the Commission on the case, and the day after the Voice appeared on the newsstands, the Waterfront Commission made its decision. For the first time in its 16-year history, the New York and New Jersey commissioners split in their opinions. One commissioner, Joseph Kaitz of New York, felt that a waterfront carpenter, Salvatore Passalacqua, was lying when he said he was invited to join the Carlo Gambino family by Gambino, Gaspar Romano (one of the defendants in the Waterfront Commission case), and Anthony Scotto at a meeting in the ILA union hall in 1965. The New Jersey Commissioner, Stephen A. Bercik, was just as convinced that Passalacqua was telling the truth.

I will not attempt to analyze the way the two commissioners arrived at their differing opinions. There are 2000 pages of testimony to read before I can do that. But one of the important links to the Mafia revealed in the testimony tends to make Passalacqua's story more believable. That is the Scotto-Anastasio trip to Utica, which both of them, heretofore, have publicly denied.

Anastasio was the nephew of the late "Tough Tony" Anastasio, Scotto's father-in-law, and the nephew as well of Albert Anastasio, of barbershop fame, who headed the infamous Murder Incorporated. His late wife's mother in Utica was trying to hang on to "Toto's" children, claiming that "Toto" was not a fit father. In spite of some splendid character references by former Brooklyn District Attorney Aaron Koota and from Criminal Court Judge Ross J. Di Lorenzo, "Toto" still failed to get the court to give him custoday. It was after he reached this impasse that "Toto" and Scotto went to a higher authority.

Under questioning by the Waterfront Commission's assistant counsel, Anthony Piazza, here's what Anastasio said.

Anastasio: "Your Honor, I had a custody case. My children were in Utica. They were taken care of there by a grandmother through my first wife. Being I was living in New York—when I asked this woman that I am ready to take my children back to New York, she said, 'I am trying to get my children to stay with me.' And we had to go to court. I lived in Utica for five or six years. When I heard this, I said I'd do everything in my power to get them back. If the devil lived in Utica, I would go to see him. This is the reason I went to Mr. Falcone. He was not a friend of mine. He was a friend of my in-laws, Your Honor. That is why, if the devil lived in Utica and he could help, I would go to see him."

Piazza: "Who did you go with when you went to Utica, Mr. Anastasio?"

Anastasio: "Anthony Scotto, to see if he could talk some sense into the woman. Not to go to court and create a scene. This is the reason I went to Anthony Scotto. Anthony Scotto went to see my ex-mother-in-law."

Piazza: "Mr. Anthony Scotto went with you to this woman?"

Anastasio: "I went to see Mrs. Moletta. But I didn't go there with the idea to see Mr. Falcone."

Piazza: "Did you and Anthony Scotto go to see Mr. Falcone?"

Anastasio: "When I went to see——"

Piazza: "Did you go with Mr. Scotto when you went to see Mr. Falcone?"

Anastasio: "I was forced to see Mr. Falcone."

There is some more back and forth and finally Anastasio admits, "Yes, I went to see Mr. Falcone with Mr. Scotto."

Unfortunately for Scotto and Anastasio, Falcone was under surveillance (perhaps Scotto and Anastasio were also) because he had been an attendee of the Apalachin Mafia convention. Anastasio probably knew this, which is why he didn't dare lie under oath before the Waterfront Commission.

Apparently the devil did live in Utica, because "Toto" did get the kids back. The court papers in Utica on this case are sealed, because the old lady is said to have said some very nasty things about Anastasio in her fight to keep the kids away from him.

Why is this important? Because it established Scotto's relationship to the Mafia in sworn testimony for the first time. The FBI list of Mafia chieftains in New York published last August on the front page of the New York Times, lists Scotto as a capodecima in the Carlo Gambino family. But a lot of people don't trust the FBI.

Now, those who don't accept the FBI list will have to ask themselves: could they, could any of us, not connected to the Mafia, run up to pay the Mafia chief a visit and get him to do such a favor?

This is only the beginning of the can of worms the Romano-Crivello case has opened up. As this story develops it will become clear that New Jersey is not the only place where the Mafia owns public officials.

[From the Village Voice, Feb. 12, 1970]

Tell the Truth and Pay the Price

(By Mary Perot Nichols)

Salvatore Passalacqua is a stubborn, proud, brave old man who believes in truth *and* justice. He is the waterfront carpenter who had the guts to open his mouth about a meeting he attended with Cosa Nostra boss Carlo Gambino and Brooklyn International Longshoremen's Association leader Anthony Scotto.

But Salvatore Passalasqua has learned, the hard way, that the voice of truth is not justice. The voice of truth is the turning away from him of law enforcement officials, the government, the Cosa Nostra, and his union, and a marked disinterest in his story by the city's press. And the loss of a $12,000 steady job as a foreman proper on the piers. An object lesson to all those who might want to talk in the future to law enforcement officials about the Cosa Nostra;

I have met Passalacqua and interviewed him for hours on several occasions. I have read the nearly 2,000 pages of testimony and exhibits in hearings before the Waterfront Commission on this story. I have also seen the results of a lie detector test which Passalacqua took voluntarily on March 30, 1967, from one of the best polygraphists in the business, Richard O. Arthur. And I believe Passalacqua's story.

I am not the only one who believes Passalacqua. There are law enforcement officials who believe him as well. One believer is Anthony Piazza, the former assistant counsel to the Waterfront Commission who tried the case in which he was involved, known formally as the Crivello-Romano case. Ralph Salerno, who has interviewed him and seen him testify before the Hughes Committee, believes his story of the Gambino meeting. Stephen A. Bercik, the waterfront commissioner from New Jersey, who was listed in the De Cavalcante tapes as someone the Cosa Nostra did not want to see become prosecutor of Hudson County, New Jersey, also believes Passalacqua.

In the recently, absolutely unprecedented split decision of the Waterfront Commission in the Crivello-Romano case, Bercik, an attorney, wrote in his opinion, "Commission's witness, Salvatore Passalacqua, has been a witness in a truly adversary proceeding where all of the rights, due process demands, and more, have been afforded the respondents. He withstood intensive and exhaustive cross-examination by able counsel and his testimony, in my opinion, is unimpeached."

Bercik went on to say: "It is my opinion that Gaspar Romano"—one of the defendants in the case and a union hiring agent—"by his association with the criminal Cosa Nostra family of the infamous Carlo Gambino has here attempted to thwart the legislature's intent by his deliberate acts in maintaining and fostering gangster control. But for the courage of a single witness, Salvatore Passalacqua, this web of criminal domination might have gone undetected."

Salvatore Passalacqua lives in a modest two-family house in Brooklyn. He used to live closer to the piers, but after he opened his mouth about Gambino, the waterfront neighborhood he lived in didn't seem exactly healthy. In fact, his life is still in danger, if the Cosa Nostra wants revenge. But it is too late to stop him from saying his piece. He has already done that.

It is interesting to note that both waterfront commissioners, Bercik, and Joseph Kaitz * * * testimony correct. He testified that Gaspar Romano, the hiring agent on Pier 1 where he worked in Brooklyn, and Thomas J. Crivello, a longshoreman, forced a middle-aged cooper named Francesco Pinto, a man with a sick wife and family to support, out of his job to give preference to Crivello's 19-year-old son, Peter. The Waterfront Commission unanimously found that

Crivello, acting in concert with ILA delegates Michael Porta and Anthony Pimpinella, persuaded Romano to fire Pinto for the benefit of Crivello, junior.

But to believe the other part of Passalacqua's story, and to stand up and say it, is politically hot stuff. Because, except for the testimony of Joseph Valachi, this is the most important eye-witness account extant of the involvement of one of the most important labor leaders in the Northeastern United States, Anthony Scotto.

According to Passalacqua, Gaspar Romano arranged for him to meet with Carlo Gambino, Anthony Scotto, John Scotto (Anthony's father), Paul Gambino, Joseph Colozzo (a known Mafioso as are the Gambinos), Anthony Pimpinella, Micheal Porta, Tito Balsamo, Joe Gambino, and Thomas Masotto at the Local 1814 union hall on a Sunday in July, 1965. Passalacqua arrived at the union hall and was sent upstairs to a room with about 15 persons in it and a table loaded with food and drinks. The above-mentioned were among those Passalcqua said he was introduced to and afterwards named under oath in the Waterfront Commission hearing.

Passalacqua said he demurred when asked to join, left the meeting, and was later approached several times on the pier where he worked by Romano, who urged him to join.

Later in the summer, Passalacqua went to the union hall to complain about not being given enough coopers to do the work on the pier. There he met Joe Colozzo (listed by the FBI as a capodecima in Gambino's family). Colozzo asked if he had assented to join the Gambino family and Passalcqua said he would not. Then Colozzo replied, "I don't have anything to do with you."

Shortly after that, on September 23, 1965, Passalacqua was fired on the flimsy excuse that he had left the pier without permission to sharpen a saw.

On September 27 of that year, Passalacqua went for help to Peter E. Zito, of the Mayor's Committee on Exploitation of Workers, and asked help in getting his job back. At the behest of Zito, Passalacqua submitted himself to an arbitration hearing before the New Joint Labor Relations Committee. But one look around the room at that hearing convinced Passalacqua that it was a kangaroo court. Sitting as one of the judges was Anthony Pimpinella, who Passalacqua said was at the Gambino meeting. On November 9, 1965, Passalacqua testified later, he told Zito about the Gambino meeting. Zito told Passalacqua to write down everything about the meeting, and Passalacqua did. Submitting a letter to Zito written in Italian on or around November 19. Oddly enough, Zito's own handwritten notes do not describe the Gambino meeting although they do reveal something else. Zito, in his own handwriting, describes Thomas Masotto as "Gambino's aide."

In his letter in Italian to Zito, Passalacqua describes Masotto as the "Protector of the American Stevedores" when he lists the people at the Gambino meeting. American Stevedores was the company that controlled Pier 1 where Passalacqua worked. What emerges clearly from the Waterfront Commission testimony, Zito's notes, and Passalacqua's testimony is that Pier 1 was indeed dominated by the Cosa Nostra. From the fact, it is not a very big jump to believing that the Cosa Nostra had their reasons for wanting everyone in a supervisory capacity to be under the "family" discipline.

Passalacqua told me that the owners of American Stevedores "were enamored of the Mafia" and they "kept Masotto around because he could push workers around and not have to worry about the wages he had to pay under collective bargaining." Passalacqua also noted that American Stevedores (now out of business) also kept in their employ "the son of 'Jimmy the Blond.' " "Jimmy the Blond" is another "labor consultant" like Masotto.

But the question arises, why would an old Italian carpenter from Sicily, where the Mafia mythology must have been strong, have dared to speak out? Why wasn't he in fear of his life? Passalacqua says in Sicily the Mafia did not affect his life. We knew the Mafioso there, said Passalacqua, as "malendrino" (a tough man), but he said he never heard of the Cosa Nostra until he came to this country. "When I was asked to join," said Passalacqua, "they said, "These are all our friends.' "

It was not that Passalacqua was not afraid. He was. He got threatening phone calls, but the worst moment came in July, 1966, when he heard from his relatives in Sicily that a strange woman had stopped in front of his aunt's house and said, in effect, "Isn't it terrible, the accident that happened to your nephew in America?" The aunt said "What happened?" and the woman answered, "He was decapitated in an automobile accident and his wife lost an arm."

Passalacqua took the letter at once to Peter Zito, who was scared enough then to call in the Police Department's Central Intelligence Bureau.

After the CIB interviewed Passalacqua, they called in the Waterfront Commission.

A year later, on July 17, 1967, Salvatore Passalacqua wrote Governor Nelson Rockefeller for help. "I am writing you this letter because I have been placed in extreme danger by an investigation conducted by the Waterfront Commission. The testimony I have given places Anthony Scotto of the ILA and others "under the domination of Carlo Gambino."

"Since the investigation began about a year ago," Passalacqua writes, "the persons I have named have all been called in and questioned by the commission and Scotto and Gambino now know that I have spoken."

Passalacqua urged the Governor to see that the Waterfront Commisson got on with its case because "as the main witness I am now in great danger—it would have been much better if I had never spoken. They even tested me under a lie detector," said Passalacqua, "and I passed 100 per cent."

He concludes his letter to Rockefeller with this: "Please help me get my job back—I write to you in the hope that your office will seek justice." Three years ago, Salvatore Passalacqua still believed in justice. Did his letter cause a great flurry of activity in Albany? Did the Waterfront Commission hurry to conclude its case? No, indeed. Waterfront Commission hearings were concluded in October, 1968.

But on August 5, 1969, Passalacqua was still trying to get relief. He writes to Waterfront Commissioners Kaitz and Bercik:

"My name is Salvatore Passalacqua. Maybe you heard about me. I was the foreman cooper who was fired from Pier 1 by Gaspar Romano for not joining the Mafia or as he says for not getting permission to sharpen a saw. For four (4) years I have been put out of my rightful spot. I have testified before the police, Senator Hughes (the Joint Legislative Committee on Crime), the FBI, the commission. Everybody believes me but the commission does not act.

"I am 62. I can only work an average two or three days a week. Mike Parta,"—correct spelling: Porta—"the delegate, has the foreman release me after one or two days. Is this your justice? If it is, go home. It's injustice.

"I told the truth. I received only threats and abuse. If I had joined the Mafia, I would be earning $15,000 a year instead of the pittance I now earn.

"One of the callers had said that Carlo Gambino and the Union had enough money to buy the commission and that I was a fool to testify. Too late I realize the terrible truth. It is true that the Mafia is stronger than the law?"

Passalacqua continues: "More than six months has passed since the hearing was finished. I think you should decide. When I spoke to Mr. Sirignano once he said he would help me." (William Sirignano is executive director of the Waterfront Commission.) "Where is the help? Did I commit a crime? Did I steal even one bottle of whiskey? What did I do? I refused to join the Mafia. For this I am hated. I am punished. I can't get a steady job. Is this justice? But I think I appeal in vain or the commission would have helped me by now.

"In the name of God you should decide for me.

"In the name of the Devil you can decide for Gaspar Romano."

It was not until last month that the Waterfront Commission made its decision—the split one. Before that they were fighting among themselves to bring Stephen Bercik into line so there would be no split. At one point, a law enforcement official who knew about the case said to me, "I think they are more afraid of a split decision than they are of Tony Scotto."

Why didn't Passalacqua join the Cosa Nostra? "Because I want to sleep tranquil at night. Because I have read in the newspapers what the Cosa Nostra does and I want no part of it." At first he wasn't afraid for a very naive reason: "I don't believe they have the courage to hurt me because they know I have done nothing wrong." Again, another time in the interview, Passalacqua said, "For my life, I have no fear for I have not merited a punishment."

But his own knowledge of his just position is clearly not sufficient. Passalacqua keeps a very large and very vicious dog. A law enforcement official I know won't enter Passalacqua's house without a gun because the dog once attacked him by mistake.

Asked now whether he would repudiate his story of the Gambino meeting to get his regular job back, Passalacqua simply asks, "To whom would I deny it . . . isn't justice the truth? With respect to this truth I married justice."

He is disillusioned with this country. "I believe that in this country there is but little justice. Many people for money or for fear sell their consciences."

"Why doesn't this story get to Rockefeller," Passalacqua asks. I want him to fire the men at the Commission because they have fooled me for five years." Everywhere Passalacqua works, he says, he is fired "when certain calls come in." He has seniority but can get no steady work. Evidence of this blacklisting is the fact that Passalacqua fought and won in one instance before the NYSA–ILA Seniority Board on September 11, 1968. The board ruled that Passalacqua's seniority rights were violated by the Universal Terminal and Stevedoring Corporation at Pier 7 on July 1, 2, and 3, 1968, and the company was ordered to pay him for the days they wouldn't let him work.

But Passalacqua is getting weary. He can't fight every case of hiring discrimination. And all the forces of society seem to have closed ranks against him. Unless some higher authority begins to investigate what happened at the Waterfront Commission, not only will Passalacqua never get justice, but New York State will come to look more and more like the State of New Jersey.

[From the Village Voice, Feb. 19, 1970]

A Bad Week in Mafia-Land

(By Mary Perot Nichols)

Congressman Edward I. Koch attacked the Waterfront Commission last Thursday for being soft on organized crime—the very function it was set up to specialize in—and the wheels of bureaucracy began to grind exceedingly fast. Koch's charges, leveled in a press conference, were that the Waterfront Commission had failed "to use its licensing powers" to keep the firm of the late Mafia leader Vito Genovese off the waterfront and that it had failed to move to get rid of a marine carpentry firm that had "maintained illegal business relationships with labor leader Anthony Scotto."

On Thursday, after the Koch press conference, the lights burned late in the Waterfront Commission office at 15 Park Row just below City Hall—even though it was Lincoln's Birthday Holiday. By late Friday afternoon, the Commission had pushed out a notice of a hearing requiring officials of C. C. Lumber Company, a firm dominated by Scotto's wife's relatives, to come to a hearing on February 25 and explain whether or not they had helped Scotto and his wife to violate sections of the state's Labor Management Improper Practices act.

Without getting technical, the question to be decided in the Lumber case is whether Scotto was playing both sides of the street; i.e., is the International Longshoremen's Association leader at the same time part of a corporation which hired longshoremen. The charge, if proven, will be a greater blow to Scotto's liberal image than revelations of his Mafia connections—which many liberals seem to find it easy to rationalize on the basis that he can't help falling in love with the daughter of a Mafioso, or taking the Mafioso's job when the old man dies. The latter is called "guilt by blood attainer" (See Murray Kempton, Voice, February 5). But to be a corporate executive who hires the men he represents as a labor leader? I want to hear how Scotto's liberal-left friends rationalize that!

The case the Waterfront Commission is now suddenly pursuing has been kicking around for some time. In March, 1968, testimony before the Joint Legislative Committee on Crime, headed by Senator John Hughes of Syracuse, revealed that Scotto had helped swing a $250,000 unsecured loan from the Kings County Lafayette Trust Company for Newbrook Enterprises, a firm related to two family enterprises, C. C. Lumber and Court Carpentry. The loan was for the purposes of buying the Englewood Golf and Pool Club, which curiously enough turned out to be a club frequented by the elite of Mafiadom. And the loan came from the same bank in which Scotto's ILA Local 1814 had deposited gobs of non-interest-bearing funds. Guarantors for the loan were Leo Lacqua (Scotto's wife's uncle), Joseph Lacqua (her cousin), and C. C. Lumber and Court Carpentry, which the Joint Legislative Committee on Crime in 1968 claimed were controlled by Scotto interests.

The Lacquas, by the way, were simple chicken pluckers (literally) who branched out into the liquor business. Then, through marriage into the Anastasia family (Marion Scotto's mother was a Lacqua), the Lacquas made the big time into Court Carpentry, the biggest marine carpentry firm on the waterfront. And they made even bigger time with old Tony Scotto, who could easily run to the bank for $250,000 loan.

At any rate, all these capitalists are now under scrutiny, and C. C. Lumber, which absorbed Court Carpentry, now stands in danger of losing its license on the waterfront.

The other part of Koch's attack on the Waterfront Commission was that although it secured legislation last year to get rid of Mafia-dominated firms like the Erb Strapping Company, the Greenwich Village fiefdom of the late Vito Genovese, it never used its new powers against that firm. Reportedly, the Waterfront Commission is now scurrying around to do something about that, and some action may be announced by the end of the week

William Sirignano, executive director of the Waterfront Commission, told The Voice that the Commission had been handicapped in the prosecution of these two cases because of the resignation last summer of its assistant counsel, Anthony Piazza. He also replied to rumors that he had been stalling on the Scotto and Genovese cases in order to give the firms a chance to change their ownership: Marion Scotto, he noted, was not out of the carpentry firm yet, and, he stoutly maintained, Erb Strapping "would not get absolution just because Vito Genovese died."

All in all, it was a bad week in Mafia land.

[From the Village Voice, Feb. 29, 1970]

THE CURIOUS CASE OF COMMISSIONER KAITZ

(By Mary Perot Nichols)

"My position hasn't changed in this case since the first day I heard of it." The speaker was so pleased with this exhibition of firmness that he repeated the statement. Thus Joseph Kaitz, the New York commissioner of the Waterfront Commission of New York Harbor revealed something a quasi-judicial officer should never reveal. Kaitz's remarks were made in an interview with me in late January in the presence of William Sirigano, executive director of the Commission; Stephen Bercik, the New Jersey commissioner; and Charles McGee, the Commission's secretary.

Kaitz was addressing himself to the Commission's extraordinary split decision last month over whether or not Salvatore Passalacqua, a waterfront carpenter, was telling the truth when he claimed he was invited to join the Carlo Cambino family by Brooklyn International Longshoreman's Association boss Anthony Scotto and others (Voice, January 29 and February 12).

Having read several thousand pages of testimony and exhibits in this case, I believe it is a case where reasonable men can differ—but not so widely as that the New Jersey commissioner, Stephen Bercik, believed Passalacqua was telling the truth when he said he was ushered into the Gambino presence in July, 1965, asked to join by Scotto, and later fired because he wouldn't. To this day, Passalacqua, a former foreman cooper, remains virtually blacklisted on the waterfront because he opened his mouth, and because a split decision by the Waterfront Commission legally means no decision. Where reasonable men could differ in his case is that one could say, "I don't know. I'm not sure. There is no corroborating eye witness to the Gambino meeting." And another could reasonably do what Bercik did—believe Passalacqua—because every witness brought in to impeach him by the defenses either made no points against him or ended up by impeaching himself. But Kaitz didn't take either of the two reasonable positions. He went after Passalacqua with all the fury of a cop who hates informers.

In his interview with me, Kaitz emphasized that never in his 33-year career in law enforcement had he heard such an incredible story as Passalacqua's. Well, I wondered about that, so I took a look at Kaitz's 33 years in law enforcement—and discovered that Kaitz figured in an event which is at least as incredible. Although it has lacked the attention Mafia historians have given to the famous case of Abe "Kid Twist" Reles, who plunged out the Half Moon Hotel in Brooklyn in 1941 as he was "singing" about who killed the gangster Arthur "Dutch Schultz" Flegenheimer, it has one interesting parallel. In 1939, at the height of the trial of Jimmy Hines (late Tammany leader) for taking protection pay-offs from Dutch Schultz in his $20 million policy racket, another prisoner died under mysterious circumstances. This prisoner was also expected, in another case, to testify about who killed Schultz.

The prisoner was George Weinberg, the man who carried the money between Schultz and Hines and who was quite an imaginative policy operator himself. To drum up trade in poor neighborhoods, Weinberg would rent flashy cars and hire men in fancy suits to drive around and say they had made a "hit" in the Schultz-Weinberg bank. According to a sober statement in the New York Times on January 30, 1939, "The * * * was sure-fire in Harlem, * * * Weinberg used a yellow automobile for the purpose."

Actually, I got so fascinated by the old-time gangster lore in the 1939 newspapers that I almost forgot about Kaitz. But I couldn't really, because Weinberg's alleged suicide in a mansion in White Plains where he was guarded by one Joseph Kaitz and other members of then District Attorney Thomas E. Dewey's staff kept intruding.

On Sunday, January 29, 1939, Weinberg allegedly got hold of Kaitz's gun and shot himself in the head.

On Monday, there were screaming headlines in all the newspapers about one of the three key witnesses in the Hines trial dying by his own hand. Was it a blow to Dewey's case? Would it be a fatal one? The stories went on and on. Then it appeared that Lloyd Paul Stryker, Hine's attorney, was at least as miffed as Dewey, if not more so, at Weinberg's death. This was to be the second trial of Hines, the first having ended in a mistrial, and Stryker was looking forward to tearing Weinberg apart on the witness stand.

Weinberg's testimony, in one form or another, was essential to Dewey's case because he was the only state's witness who testified that mob payments to Hines continued until late in 1936, or within the statute of limitations.

Well, there was some uproar for the next few weeks. It seems that the investigation of the Weinberg "suicide" (while he was "guarded" by Kaitz) was one of the most bungled in the history of criminology. Daily the press reported new non-findings by the clodhopping cops at the Westchester mansion. Governor Herbert Lehman demanded to know why no fingerprints were taken. Dewey retorted that fingerprints rarely show up on homicide weapons. A Daily News expert—and ex-G Man—scores the police for not using the science of poroscopy in getting prints from other parts of the hand.

Lehman attacks again and says no powder stains had been found on Weinberg's hands. It develops that the White Plains police department didn't know how to take a simple paraffin test on the hands, and Dewey's men didn't demand one. But to top it all, no ballistics test was made to see if the bullet that went through Weinberg's skull actually came from Kaitz's gun. This was another goof of the Westchester police, but apparently Dewey's men didn't demand this test to be made either.

All we finally have is Dewey's ringing assertion that "it is incontrovertibly established that George Weinberg committed suicide."

The New York and Westchester cops took to fighting over details of the case and who was to blame for all the bungling. In the meantime Kaitz was suspended by Dewey pending an investigation of whether he was guilty of neglect in leaving the weapon where Weinberg had access to it. And Dewey wins the right in the courtroom to introduce Weinberg's sworn testimony from the previous trial, which, of course, obviates any cross-examination by Stryker. Dead men can't be cross-examined.

When the story broke on Monday, the day after the shooting, Dewey announced that Weinberg had been depressed because he didn't know what would happen to his wife and two children and because of a stomach ailment. Amos O. Squire, the Westchester medical examiner, contradicts Dewey the next day and says no evidence of a stomach ailment was found. Squire, however, concurs that it was a suicide.

On the day of Weinberg's burial, Prosecutor William Wachenfeld of Essex County, New Jersey, expressed some unhappiness about the way prisoners were guarded in New York. He said he had planned to question Weinberg in the Dutch Schultz murder, "but I held off at the request of District Attorney Dewey, and now it is too late."

The stink was so great that on February 3, Dewey held a trial of Kaitz with the press invited in to ask questions on how the "suicide" happened. The hearing officer was Frank S. Hogan, then Dewey's administrative assistant. Kaitz testified that he had gone off duty at 10:30 a.m. but had then agreed to do some errands for Weinberg and pick up some detectives. Then he returned in the afternoon and, having learned that some prospective tenants were coming to the mansion, he went upstairs, put his gun in an inner pocket of his overcoat and hung it in his closet. The prisoners and the other detectives were downstairs finishing a meal. They were to go out for a drive while the visitors were there and Kaitz was to stay behind to see if they really were prospective tenants or folks from an outside mob. If the latter was suspected, it is hard to understand why Kaitz removed his gun, but at any rate he said he took it off so as not to frighten the prospective visitors.

At some point, Weinberg and another guard came upstairs, and Weinberg went to the bathroom next to Kaitz's room. According to the story, he then seized the opportunity to take the gun out of the inside pocket of the overcoat hanging in the closet and, in a split second, shoot himself. Hogan speculated at the Kaitz hearing that Weinberg must have noticed that Kaitz had left his gun in his room. There was no speculation as to how Weinberg found it so quickly or even how he noticed it was put there since he was downstairs. Then Kaitz first came up and removed it. Possibly he noticed Kaitz was not wearing it.

The charges lodged against Kaitz were "misconduct and incompetency in that you failed to keep George Weinberg under proper surveillance and your gun in your possession." The Hines trial ran on until almost the end of February and Hogan has been promising a report on the Kaitz matter to Dewey on all accounts but nothing came out.

In his trial summation, Stryker got some pretty nasty digs in at Dewey, virtually laying the "suicide" at his door. The next day, in his summation, Dewey fought back by making what the Daily News called "a startling suggestion: that the late George Weinberg had made a statement before he committed suicide last January 29. It was the first intimation," the News goes on, "that Weinberg had said anything before climbing upstairs in the witnesses' hideaway in White Plains and firing a bullet into his head from the gun of one of his guards."

Claimed Dewey, "Mr. Stryker said there must have been something to cause him to commit suicide. But if instructions had not been given by Judge Nott forbidding it, I would have called police who were with Weinberg (hardly disinterested parties) to tell what statement he made before he committed suicide." Dewey, of course, didn't have to produce this statement and apparently didn't because it never appeared in the press. His claim also completely contradicted another statement in the Times the day after Weinberg died. "Dixie" Davis, another prisoner, and the guards of the prisoners maintained that Weinberg never once mentioned suicide, reported the Times.

On February 26, 1939, Hines is found guilty on all counts of protecting the Dutch Schultz racket and Dewey is the hero of the hour. Weinberg's live testimony was clearly not essential to the conviction.

Amos Squire of Westchester's promised inquest is suddenly abandoned, and the Journal American reports that Frank Hogan is still preparing a report on the Weinberg "suicide."

The Weinberg story, and news of Kaitz's fate, drop out of the news except for one strange little item on March 22 in the Journal American which reports that no entry of Weinberg's "suicide" has ever been made in Supreme Court. "Thus," said the J.A., "it will devolve upon Dewey officially to notify the court today that 'the defendant Weinberg has since died'."

Not until May 17, 1939, do we get the news of Kaitz's fate. On page two in the New York Times is a little item: "Fined in Weinberg Case—Dewey aide loses 15 Days Pay Because of Suicide." Kaitz was fined for negligence in allowing Weinberg to get possession of the pistol but Hogan had recommended that he be cleared of the charge of negligence because he was not on guard duty at the time.

The Weinberg incident didn't blight Kaitz's career a bit. Curiously, he moved steadily upward in Republican law enforcement circles and in 1946 became a deputy commissioner of the State Liquor Authority with Dewey's blessing. From there he went to chief investigator of the State Crime Commission, to civil defense, to investigations director of the waterfront, and then to confidential assistant to State Senate Majority Leader Walter Mahoney. As confidential investigator to Mahoney he was one of the highest paid employees in Albany in 1959. Somewhere along the line, he and Mahoney formed the Gow-Kaitz insurance agency, among whose clients were some of the major liquor importers. Kaitz allowed, in the interview last month, that he had been in the insurance business with Mahoney but Mahoney just joined it as a friend—he never took any money out of it. The agency has recently been re-organized as Capitol Affiliates. Inc. with Kaitz as chairman of the board.

Kaitz admitted in the interview that he handled the insurance of liquor importers but added that "I had them before I came here." On the other hand, he noted somewhat inconsistently that he had had a steamship operator as a client when he came to the Waterfront Commission and " gave him up." It seems to me that an insurer of liquor coming in through the New York waterfront might have something to fear from incurring the disfavor of Anthony Scotto. Interestingly enough, the report on Kaitz's insurance firm by a prominent business information firm, which indicated $1.5 million gross a year, emphasized the international aspects of the insurance brokerage and advertises that Kaitz is "presently commissioner of the Waterfront of the state of New York."

Well, it is clear that curiouser things have happened in Mr. Kaitz's 33-year-law enforcement career than the Passalacqua case. What happened, I keep wondering, to the cops who were guarding "Kid Twist" Reles? Did they become commissioners, too? There is no statute of limitation on a homicide. Perhaps the Westchester D.A. should take a look at the Weinberg case.

[From the Village Voice, July 16, 1970]

SCOTTO AND THE LAW: THE CASE HARDENS

(By Mary Perot Nichols)

Is Anthony Scotto, Brooklyn ILA boss and alleged Mafia capodecina, above the law? The next few months should tell the story. Last week, the Waterfront Commission issued a report indicating that Scotto had not only betrayed his trust as a labor leader but had in fact, violated various sections of the State Labor Management Act. The report, by a Waterfront Commission hearing officer, Manuel L. Robbins, further held that the family firm with which labor leader Scotto had been improperly connected had over-billed its, ship-owner customers to the tune of $74,000 in one year. "Overbilling," stated Robbins in the report, "is larcenous in nature and immoral in its entirety."

The material turned up on Scotto about the games he played on the capitalist side of the fence at the Waterfront Commission hearings late last winter is not particularly new. Most of it was aired in executive session before the Joint Legislature Committee on Crime several years ago and was available to the Brooklyn District Attorney, the State Attorney General, and other law enforcement officials then. But they took no action. Because of Scotto's political clout, it is likely that the Waterfront Commission would never have followed up on this case had it not been prodded last winter by this newspaper and by Congressman Edward I. Koch (Voice, February 19, 1970). In fact, during the hearings the defense referred to Koch's pressure on the Waterfront Commission several times, which leads one to think that Koch's speaking out broke up a nice little deal the Commission had with the Scotto family firm.

But now the Commission has taken evidence and it does have a report in its hands recommending that the firm, known as C. C. Lumber Company, Inc., have its temporary stevedore permit revoked and that its application for permanent stevedore registration be denied. It will be hard for the two Waterfront Commissioners, in spite of their foot-dragging on this case, to do otherwise than accept the hearing officer's recommendation. But whether or not the evidence spread on the record in this case will now be used by Brooklyn District Attorney Eugene Gold or State Attorney General Louis Lefkowitz to prosecute Scotto and his allies is another question. Scotto has very powerful political connections. He makes large contributions to both political parties and to the election campaigns of various district attorneys. He also has a powerful friend in Mayor J. V. Lindsay. Undaunted by the fact that Scotto took the Fifth Amendment in this Waterfront Commission case and earlier in the year took the Fifth before the Joint Legislative Committee on Crime when he was asked if he was a member of the Carlo Gambino Mafia family (hardly a character reference for a mayoral appointment even though he was within his rights to do so), Lindsay appointed Scotto to the Maritime Port Council this May.

But then the Mayor wasn't visibly upset last August, shortly after he had named Scotto to his Independent Party Committee on Vacancies, when the New York Times published the list of New Yorkers that the FBI alleged to be in the hierarchy of local Mafia families and Scotto's name appeared as a capo in the Gambino family.

Scotto's chief sponsor among labor-leaders and persons close to the Mayor has been District 37 President Victor Gotbaum. Gotbaum is fairly puritanical as regards his own possible conflicts of interest. He resigned from the Mayor's Fusion Advisory Council last fall after the election because it could pose a conflict of interest for a man representing city employes. I wonder what Gotbaum is going to say about friend Scotto when he reads the Waterfront Commission report.

To understand what the Waterfront Commission report is all about, you have to know that there were three companies involved. C. C. Lumber, now the largest marine carpentry company on the waterfront, Court Carpentry, later absorbed by C. C. Lumber, and Newbrook Enterprises, which owned the premises out of which C. C. Lumber and Court operated. Court Carpentry was founded by Leo Lacqua, uncle of Marian

Anastasia Scotto (Anthony's wife), some years ago. The firm prospered, especially after it brought in Albert Anastasio (head of "Murder Inc." and brother of then Brooklyn ILA leader Anthony "Tough Tony" Anastasia) as a stockholder. Anthony Scotto married "Tough Tony's" daughter Marion in 1957 and, when Anastasia died, succeeded him as Brooklyn ILA chief. (The differing vowel endings in the two brothers' names were their choice.)

In 1959, Newbrook was organized and its stock was split into three equal shares between Leo Lacqua, Marion Scotto, and Leo's nephew, Joseph Lacqua, a former assistant district attorney in Brooklyn. Newbrook collected rent from Court Carpentry and C. C. Lumber. This rent was Newbrook's chief source of income. According to the Waterfront Commission report, "Marion Scotto in the beginning, managed the affairs of the corporation, but before or around 1961, Joseph Lacqua took over the management, though he was never reimbursed. . . . Nevertheless, Marion Scotto's salary continued all the way through to the 1968–69 fiscal year, although she performed little or no service since 1961. Several of her salary checks were deposited by her in a bank account which she held jointly with her husband Anthony Scotto."

Although Marion Scotto didn't earn her salary after 1961, her husband certainly lent a helping hand. According to the report, Scotto "executed and filed certain building department and mortgage loan applications for that corporation. On other occasions he held himself out as an officer of Newbrook and on one occasion he purchased property at an auction from the City of New York which he transferred to Newbrook."

One of Scotto's biggest contributions to Newbrook was, jointly with Joseph Lacqua, to negotiate a $250,000 unsecured loan from the Kings County Lafayette Trust Company. The Waterfront Commission hearing officer's report notes that "when the bank officers recommended its approval, he had before him the fact that Anthony Scotto was an officer of ILA and the fact that that labor organization had substantial sums on deposit in the bank. Line sheets of bank representatives did report this extraneous circumstance." The loan was used to buy the Englewood Golf and Pool Club in New Jersey, which, just coincidentally, turned out to be the playground of a number of prominent Mafia hoodlums.

According to the New York State Labor and Management Improper Practices Act, an officer or agent of a labor organization is prohibited from *directly* or *indirectly* having or acquiring any pecuniary interest which would conflict with his fiduciary obligation to the labor organization. He is also prohibited from having any direct or indirect financial interest in any business or transaction of an employer whose employes the labor organization represents. Willful and knowing violation of any of the various provisions of this state labor law is a misdemeanor punishable by imprisonment of not more than one year or by a fine of not more than $1000 or by both.

Robbins, the hearing officer, found that Leo Lacqua and Joseph Lacqua "knowingly participated in Scotto's violation of his fiduciary obligations"; that Leo Lacqua "committed a deceitful misrepresentation in the sworn interview at the Waterfront Commission on June 2, 1967, because he testified that Anthony Scotto had never acted on behalf of Newbrook and that Scotto had nothing to do with the company."

As for Joseph Lacqua, the former assistant district attorney, Robbins says, "Casting aside the special obligation of an attorney to know the law, Joseph Lacqua knew, as the record reveals, that Scotto was a high official of a labor union that represented employers of the two companies he and his uncle owned and operated. . . . Hence, it is abundantly clear that Joseph Lacqua, who acted jointly with Scotto at these points, could not blindly ignore the manifest conflicts in Scotto's dual position, conflicts which overtly infringed the latter's primary obligation to his union. Even a layman could sense the moral impropriety of this situation."

As for the damage Scotto might have done to the longshoremen he represented, Robbins comments: "The defense argument that Court and Lumber obtained no preferred union contract treatment because the New York Shipping Association negotiated on an industry-wide basis is not quite realistic. Where conflict exists, there are many subtle avenues for unjustifiable preferences. One such might well be the permission to hire non-union help when labor shortages existed. According to Lumber's witness [a Thomas Genovese] . . . Court had that sanction from the ILA. It must also be noted," Robbins observes, "that Leo Lacqua freely admitted in his interview that Scotto introduced him to potential customers. In any event, Lumber was not a member of that [labor] Association until 1969."

The ball is now in the court of Brooklyn District Attorney Gold Lefkowitz. There is also a possible violation on the part of Scotto of the federal Landrum-Griffin law. Keep tuned in to see what happens next.

[From the Village Voice, Nov. 19, 1970]

RUNNIN' SCARED

(By Mary Perot Nichols and the Voice staff)

The Waterfront Commission threw the largest marine carpentry firm in the New York port off the waterfront last week because of its alleged illicit relationship with Brooklyn ILA leader Anthony Scotto and his wife. However, it appears that Scotto's playing on the management side of the fence, in violation of various sections of the Labor and Management Improper Practices Act of New York State, is not going to evoke any prosecutorial fervor from Brooklyn D. A. Eugene Gold. Gold told us he had no plans to prosecute Scotto because the waterfront hearing officer's own report stated, according to Gold, that "there was no proof beyond a reasonable doubt," which, in fact, is not true. Gold said criminal prosecutions require different standards of proof than administrative tribunals like the Waterfront Commission. One wonders why he doesn't leave this decision to a grand jury rather than make it himself. Governor Nelson Rockefeller now has a supercop, Robert Fisher, who can supersede any D. A. in matters relating to organized crime (the FBI has alleged that Scotto is a capodecina in the Carlo Gambino family). But will Fisher intervene?

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., February 17, 1970.
Hon. GEORGE P. SHULTZ,
Secretary, Department of Labor,
Washington, D.C.

DEAR SECRETARY SHULTZ: I recently made a statement on the subject of the New York/New Jersey Waterfront Commission. A copy of that statement is enclosed for your information.

I was asked by the press whether the Department of Labor under the Landrum-Griffin Act was holding or had held an investigation into the alleged improprieties concerning Anthony Scotto's involvement with a firm doing business on the waterfront. I would appreciate being advised as to whether such an investigation has been undertaken by your Department and the present status of the same.

Sincerely,

EDWARD I. KOCH.

MARCH 9, 1970.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: This is in reply to your inquiry of February 17, 1970, relative to Anthony Scotto's reported involvement with a firm doing business on the New York waterfront.

This Department is interested in all information with respect to illegal activities in the labor-management field and consequently cooperates with Federal, State, and municipal law enforcement agencies in order to gather intelligence related to such activities. In those instances wherein possible violations of Federal statutes administered and enforced by this Department come to its attention, appropriate investigative, administrative, or legal action is taken.

We try not, however, to interfere with an investigation of another agency which would involve duplicative investigative attention. On the other hand, we enjoy an excellent liaison with the Waterfront Commission and upon the completion of their investigation of the matter to which you refer, I am sure that we will look into any matters indicating possible violations of Federal laws administered and enforced by this Department.

Sincerely,

GEORGE P. SHULTZ,
Secretary of Labor.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., July 16, 1970.
Hon. JAMES D. HODGSON,
Secretary of Labor, Department of Labor,
Washington, D.C.

DEAR MR. SECRETARY: I refer to my earlier correspondence with Secretary Schultz of February 17 and March 9 on the subject of Anthony Scotto and his alleged involvement with a firm doing business on the New York waterfront.

The Waterfront Commission has issued a hearing officer's report on the subject of CC Lumber Co., Inc. involving Anthony Scotto. A copy of that report is enclosed for your information. I would appreciate your advising me, after you have read that report, as to whether Anthony Scotto was required by law or regulation to file with your Department a statement setting forth his interest in Newbrook Enterprises, Inc. And in the event the federal regulations and laws governing union officers required such a filing, then I would appreciate knowing whether in fact any such filing was made by Mr. Scotto.

Sincerely,

EDWARD I. KOCH.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., August 6, 1970.
Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: Thank you for your letter of July 16, 1970 and the enclosed Waterfront Commission of New York Harbor report on the subject of CC Lumber Co., Inc., involving Anthony Scotto.

Section 202(a) of the Labor-Management Reporting and Disclosure Act (29 U.S.C. 432) requires that every officer of a labor organization and every employee of a labor organization, other than an employee performing exclusively clerical or custodial services, shall file a signed report with the Secretary of Labor listing certain conflict of interest transactions. A copy of the Act is enclosed.

Section 209(a) of the Act (29 U.S.C. 439) imposes a penalty of imprisonment for not more than one year, or a fine of not more than $10,000, or both, for willful violation of Section 202(a).

As of July 23, 1970, there was no record of any report filed with this Department by Mr. Scotto pursuant to Section 202(a) of the Act.

This matter is under investigation at the present time. Therefore, discussion on any aspect of this case would be inappropriate at this time.

Sincerely,

J. D. Hodgson,
Secretary of Labor.

U.S. House of Representatives,
Washington, D.C., December 8, 1970.
William P. Sirignano,
Executive Director, Waterfront Commission of New York Harbor, New York, N.Y.

Dear Mr. Sirignano: I would appreciate knowing whether the Waterfront Commission notified the Secretary of Labor of its report finding a conflict of interest in the matter of the CC Lumber Co., Inc. and Anthony Scotto. If it has, I would appreciate knowing the date the Secretary of Labor was notified and if no notification has been sent I would like to know whether the Commission intends to notify the Secretary.

Sincerely,

Edward I. Koch.

U.S. House of Representatives,
Washington, D.C., December 8, 1970.
Hon. James D. Hodgson,
Secretary of Labor,
Department of Labor, Washington, D.C.

Dear Mr. Secretary: I should like to refer to our earlier correspondence and your most recent letter of August 6. I should like to call to your attention if you are not already aware of the fact that the Waterfront Commission issued its final report confirming the examiners earlier report on the subject of CC Lumber Company, Inc. and Anthony Scotto. I would appreciate your advising me as to what action you intend to take in this matter now that that report has been issued.

Sincerely,

Edward I. Koch.

Waterfront Commission of New York Harbor,
New York, N.Y., December 10, 1970.
Hon. Edward I. Koch,
House of Representatives,
Washington, D.C.

Dear Congressman Koch: In reply to your letter of December 8, this is to advise you that the United States Department of Labor had a representative, Compliance Officer Thomas Broadnax, attend several of the sessions of the Administrative Hearing concerning CC Lumber Co., Inc. In addition, a a transcript of the Hearing as well as the Memorandum of Decision and Order of the Waterfront Commission were delivered to Mr. Broadnax for the United States Department of Labor.

Sincerely,

William P. Sirignano,
Executive Director and General Counsel.

WELFARE FAMILIES AND TAXPAYERS, BOTH VICTIMS IN NEW YORK CITY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the city of New York is now experiencing a welfare housing crisis that is embittering and victimizing both those who are on welfare and those who are supporting the city's heavy tax burden.

Several hundred welfare families have been placed in hotels by the department of social services at a cost to the city of some $260 to $400 a week—up to $1,600 a month—per family. These are not luxury hotels, they are New York City's worst, providing wretched living conditions in tiny rooms that are decorated with rat holes, peeling paint, and broken plumbing.

This situation has arisen as a result of the city's limit on rents for permanent housing for welfare families, often making it impossible to find places for them to live. At the same time, however, the city classifies hotel accommodations as temporary "emergency housing" and places no limit on the rates that can be paid.

Recently, I visited the Broadway Central Hotel where some 75 families have been placed. One woman living there with her three children told me that she had just been denied the opportunity of renting a $200 a month 5-room apartment because her size family was limited to a monthly rental of $165. And so she and her family were being kept in the hotel, in two rooms on separate floors, at a weekly rent of $400—$1,600 a month.

When I questioned this practice, the city of New York said that Federal and State regulations prevented them from authorizing higher rents for permanent apartments, and yet quixotically authorized enormous rentals for temporary housing, such as hotels. This just did not make sense to me and so I checked it; and I learned that there is no such law, and the limitations are the product of only city policy.

As a result of my making this public, the mother and her children have been relocated into an apartment at a $200 monthly rental with a savings to the city of $1,400 a month. And I have been informed by representatives of the city that their procedures are being changed and reasonable monthly rents are being authorized.

The tragedy of this situation is that both the welfare families and the taxpayers are being victimized. What does one say to the woman who has to turn over a $400 check each week to the hotelkeeper while her children go without clothing, and she is left to worry nightly that they will be bitten by rats or harmed by the thrice weekly fires? And then too, how does one answer the man who works hard, sometimes holding down two jobs, and sees his tax dollars being handed over in huge sums to the proprietors of fleabag hotels? Both taxpayers and welfare recipients alike have become embittered and are filled with hate, fear, and recriminations against one another. In my judgment, it is those who administer the welfare program in such a wasteful manner that are in great part responsible.

Mr. Speaker, I believe that the Federal Government should take over the entire welfare burden, but until it does, the city of New York has a responsiblity to administer it in an intelligent way.

LEGAL SERVICES PRAISED

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, the OEO legal service program has received its share of criticism. More often than not that criticism emanates from established institutions or special interest groups.

I recently received a copy of a letter from a number of assistant attorneys generals of Washington State expressing strong support for an independent legal services program. They said, in part:

> While Legal Service attorneys are generally our courtroom adversaries, we oppose actions which have the effect of lessening their independence and right to represent their clients free from any political or financial pressures. . . . Governments, both federal and state, are not immune from making errors which may be correctable only in a court of law.

There is no more credible endorsement than this. The author's day-to-day contact with the program is that of adversary, yet they praise legal services.

These Washington assistant attorneys general are to be commended, as is the Attorney General himself for allowing the letter to be sent. I say this even though the Attorney General is of a different political party.

The full text of the letter follows:

Office of the Attorney General,
Seattle, Wash., December 9, 1970.
Mr. Donald Rumsfeld,
Director,
Office of Economic Opportunity,
Washington, D.C.

Dear Mr. Rumsfeld: We are Assistant Attorneys General for the State of Washington. We provide legal services for the Department of Social and Health Services which includes the Division of Public Assistance. This letter is not written on behalf of the Attorney General, but is written with his knowledge. We do write, however, as Assistant Attorneys General and from the background and experience gained in such capacity.

We have become quite concerned by the recent action of the Senate Finance Committee recommending certain legal changes that would impose restrictions upon the types of lawsuits in which OEO Legal Services attorneys could become involved. This concern is superimposed on other recent developments involving the Legal Services program, which also appear to endanger its effectiveness and independence

It is our view that such actions seriously threaten to undermine the necessary role of the office of Legal Services as an effective tool in the war against poverty. These actions have the appearance of directly affecting the integrity and the political independence of the program, which qualities, it seems to us, are necessary if Legal Services is to continue to enjoy the support of both the legal community and the people it serves.

While Legal Services attorneys are generally our courtroom adversaries, we oppose actions which have the effect of lessening their independence and right to represent their clients free from any political or financial pressures. We share the same basic goals as Legal Services, that being justice for all citizens regardless of income. We are likewise interested in effective governmental programs for the poor. We have enjoyed some recent success in negotiating, rather than litigating differences with Legal Services attorneys and their clients—clearly the best way of resolving problems both from the point of view of the government as well as the poor. To continue to be effective in a negotiating capacity, Legal Services attorneys must be able to bargain from strong independent positions. Knowing that Legal Services attorneys are able to operate without being impaired by political restrictions provides a desirable impetus to fully inform and advise our clients and in turn have our clients heed our advice as to the legality of certain policies and actions. It is important, in formulating and implementing policy, to know that such policy may well have to stand up in a court of law.

We see Legal Services and other federally supported poverty law programs as virtually the sole means of access by the poor to the courts of our land. Governments, both federal and state, are not immune from making errors which may be correctable only in a court of law. It is a matter of record that administrative agencies, including welfare departments, have occasionally been found by the courts to have acted arbitrarily or unconstitutionally. Welfare law and policy, which is a combination of state and federal action, affects great numbers of our nation's poor and we believe that this segment of our population deserves to have undiluted legal services available to them. If Legal Services attorneys are barred from fully and effectively representing the poor in these matters, then we deny justice to a large segment of our population and return to a system where only the affluent members of society can look to the courts for relief from governmental activities which are believed to be arbitrary or unconstitutional.

We urge that both Congress and the Office of Economic Opportunity act positively to protect the independence and integrity of the Legal Services program. We further urge that the program be continued, at least at its present level of funding and operation, and that the attorneys in the program be allowed complete freedom in the representation of their clients.

Very truly yours,

Robert W. Dickey, William C. Collins, Donald J. Horowitz, Walter E. White, Robert M. McDonald, Stephen C. Way, David W. Schiffrin, John H. Bright, Daniel C. Rooney, Jane Dowdle Smith.

SGT. PAUL E. FABIAN, OF ROTTERDAM, N.Y., POLICE DEPARTMENT, DESIGNATED AS POLICEMAN OF THE YEAR

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, I am proud to bring to the attention of my colleagues in the House, even though somewhat belatedly because of the interruptions of our October recess, an outstanding honor that has come to one of my constituents in my new 29th Congressional District, in recent weeks.

Sgt. Paul E. Fabian of the Rotterdam, N.Y., Police Department was honored by a cover story in early October in Parade magazine and was presented with a special award as "Policeman of the Year" by the International Association of Police Chiefs at their 77th annual convention in Atlantic City, N.J., on October 6, 1970.

Sergeant Fabian was given this unique award because he has made a remarkable and unique contribution to our common fight against the deadly menace of drug abuse. His approach to this problem, which is faced in communities across the length and breadth of this land, not only sets a very useful example for other communities to emulate, but his obvious and sincere interest in young people should go far to restore the confidence and trust of these young people in the working policeman in their own community.

I am proud to join in saluting Sergeant Fabian for this achievement and this high honor. America needs more police officers like him.

At this point in the RECORD, Mr. Speaker, I am happy to include not only an official release from Parade magazine on Sergeant Fabian, but also news articles from the Knickerbocker News and Union Star of Schenectady, N.Y., for October 5, 1970, and an editorial from the Tampa, Fla., Tribune of October 9, 1970—both relating to Sergeant Fabian's accomplishments.

The articles follow:

Sgt. Paul E. Fabian, of Rotterdam, N.Y., Named Policeman of the Year in Fifth Annual National Police Service Awards Program

NEW YORK.—Sergeant Paul E. Fabian of the town of Rotterdam, New York was today named Policeman of the Year in the Fifth Annual Police Service Awards Program conducted by Parade Magazine and the International Association of Chiefs of Police. The 44-year old Police Sergeant, whose unique approach to the controlling of narcotics among the young, earned him this honor will be presented with a bronze plaque on October 6 at the 77th Annual Association Conference in Atlantic City, New Jersey.

The Sergeant is believed to be the only police officer in the nation using the weapon of immunity, admittedly illegal, as a means of straightening youngsters out.

Ten other police officers were cited for a wide variety of accomplishments ranging from the solution of murders to a bachelor officer who has taken in 13 homeless teen age boys over the past five years. All will receive Honorable Mention Plaques in recognition of their achievements in the diverse field of law enforcement.

They are: Patrolman Frank J. Albrecht, Riverdale, Ill.; Patrolman Anselmo M. Arredondo, Dallas, Texas; Patrolman David Biederman, Cincinnati, Ohio; Trooper Lloyd J. Bourg, Baton Rouge, La.; Patrolman George Howell, New York, N.Y.; Sergeant Robert B. Ingram, Miami, Fla.; Specialist Armand Lareau, Menlo Park, Calif.; Detective George Olsen, Tucson, Ariz.; Detective James P. Riddel, Fairfax County, Va.; and Detective James W. Stovall, Salem, Oreg.

Sergeant Fabian's technique has shown impressive results in Rotterdam with its population of 32,000 people. "By special arrangement with the District Attorney's office, I make a 'deal' with the kid," the Sergeant said, "I tell him he has immunity from punishment for anything he's done in the past. I tell him the slate is wiped clean up to the moment."

The result has been a willingness of youngsters to talk about their problems with the Sergeant and their families, to inform on pushers and other users, and to seek proper medical care to resolve their own problems.

"What I do," says Fabian, "is go right into the home of a drug-using kid and sit down with the youngster and his parents. I tell the boy or girl that we believe he's on drugs and we want to talk it over. Now, ordinarily, the kid would clam right up and the parents would refuse to believe anything bad about son or daughter.

"Almost invariably, once the youngster knows he won't be punished, he opens up and talks a flood. His suppressed guilt feelings pour out. In a healthy way his problem is surfaced right there in the home. And the communication with his parents that got lost somewhere along the line is suddenly renewed."

District Attorney Howard A. Levine, who agreed to go along with Sergeant Fabian's plan, although normally a police officer has no such authority to grant immunity, said the Sergeant's approach "is certainly paying off and should be widely imitated." Levine calls the immunity scheme "the most original idea in the drug field in a long time."

Rotterdam's Sgt. Fabian Named Parade "Policeman of the Year"

Rotterdam Police Sgt. Paul E. Fabian said today he was surprised, pleased and honored to be named Policeman of the Year in the fifth annual Police Service Awards Program conducted by Parade magazine and the International Association of Chiefs of Police.

"I sure never expected it," said Sergeant Fabian, who said he knew his name had been entered in the competition by Rotterdam Police Chief Joseph S. Dominelli. "The best I expected was an honorable mention."

Sergeant Fabian, 44, earned the honor for his unique approach to the controlling of narcotics among the young. He will be presented a bronze plaque tomorrow at the 77th annual chiefs' association conference in Atlantic City.

The Rotterdam officer is believed to be the only police officer in the nation using the weapon of immunity, admittedly illegal, as a means of dealing with youngsters caught in the narcotics web.

"By special arrangement with the district attorney's office, I make a 'deal' with the kid," Sergeant Fabian explained.

"I tell him he has immunity from punishment for anything he's done in the past. I tell him the slate is wiped clean up to the moment."

The result has been a willingness by youngsters to talk about their problems with Sergeant Fabian and their families to inform on pushers and other users and to seek proper medical care to resolve their own problems.

"What I do," Sergeant Fabian said, "is go right into the home of a drug-using kid and sit down with the youngster and his parents. Almost invariably, once the youngster knows he won't be punished be opens up and talks a flood. His suppressed guilt feeling pours out. The communication with his parents that got lost somewhere along the line is suddenly renewed."

Schenectady Council District Attorney Howard A. Levine said Sergeant Fabian's approach "is certainly paying off and should be widely imitated. Mr. Levine termed the immunity scheme the most original idea in the drug field in a long time. He said he is going along with Sergeant Fabian's plan.

Illegal But Effective

Perhaps the single crime problem worrying law enforcement officials the most is the drug menace. A completely new technique developed by a New York policeman offers encouragement to all drug fighters.

His approach is legally questionable, but results were what Detective Sgt. Paul E. Fabian of Rotterdam was after and he got them. The International Association of Police Chiefs was so impressed that it named him national Policeman of the Year.

Sgt. Fabian literally took the law into his own hands by offering suspected drug users immunity from prosecution if they would discuss truthfully with him their drug problem.

In one year's time in Rotterdam, a community of 32,000, the Fabian plan has produced the names of 40 pushers and innumerable leads to places where narcotics were being used. Many young addicts have admitted to their parents for the first time they were in trouble with drugs.

Sgt. Fabian reasoned that if grand juries and prosecutors could offer immunity to criminal suspects in return for information so could he. His chief and the district attorney agree Fabian's informal administration of immunity is illegal but it has helped prevent the spread of the drug evil in Rotterdam.

This immunity approach is especially effective with young people who have gotten hooked on drugs. We commend it to the consideration of Florida authorities.

THE GEOGRAPHICAL EXPRESSION OF MAINLAND CHINA

(Mr. DERWINSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, many keen observers of the international scene anticipate strong propaganda and diplomatic pressures in the year ahead for the recognition and admission of Red China in the United Nations. What we witnessed this past fall is just a foretaste of maneuvers planned for 1971. In this appeasement drive the same old arguments of Red China being a reality, of the need for understanding, of accommodation to insure global peace, and of the prospects for profitable trade will be revived with force and fervor. It will be as though we have never gone through this before, as though politico-moral principles enunciated clearly in the Charter of the United Nations now count for naught, as though our formidable ally, Free China, is not to be respected for its solid achievements in upholding the goals of freedom for the 750 million captive, mainland Chinese, in deterring the aggressions of Peiping in Southeast Asia and elsewhere and, by virtue of its remarkable economic progress, in realizing a solid model of growth and prosperity for the eventually liberated mainland Chinese.

Mr. Speaker, I am privileged to draw the attention of our Members to what may be properly regarded as an historic event in Free Chinese-American relations. On the basic level of academic and scholarship, the first Sino-American Conference on Mainland China was held just last week, December 14–19, under the auspices of the Institute of International Relations in the Republic of China. The second conference is already set for June 1972, in the United States and under the auspices of the Hoover Institution of Stanford University. Under the dual leadership of Prof. Wu Chen-tsai, president of the Institute in China, and Prof. W. Glenn Campbell, director of the Hoover Institution on War, Revolution, and Peace at Stanford University, this first conference proved to be an outstanding success.

One of the papers delivered at this conference carries the intriguing title "The Geographical Expression of Mainland China." Submitted by Dr. Lev E. Dobriansky of Georgetown University, the study offers a most interesting and comprehensive account of the so-called reality of Red China. I commend this paper to the studied reading of our Members and to all Americans concerned about the present pressures for recognition of this geographical expression. Also, I append the address given by Dr. Dobriansky in tribute to Dr. Ku Cheng-kang at a luncheon of the conference, held at the China Chapter of the World Anti-Communist League:

THE GEOGRAPHICAL EXPRESSION OF MAINLAND CHINA

(By Lev E. Dobriansky)

At a time when there is an evident, calculated political onrush to extend diplomatic recognition to the totalitarian Red regime on mainland China and to pressure its admission into the United Nations, the need for a holistic, institutionalist analysis of mainland China becomes more urgent than ever before. This type of analysis concentrates on the organic, the integrative forces in a given object, the overall movements in total process, going beyond the walter of particulars and even interrelated aggregates of socio-economic character. Its objective is a rational and dispassionate endeavor to understand the object as a whole, in its diverse but dominant totality, so as to perceive its meaning, prime directions, and significance for good or ill in varying contexts of systematic investigation. In short, the mode of analysis pursued here is that developed and furthered by the peculiarly American school of institutional economics.

With this introductory statement on the nature and objective of this paper, it should be evident at the start that the discourse is not one of an informational and data-gathering activity in any particularist sphere of mainland China. Such an empirical activity is, of course, indispensable to all scientific inquiries, and any exposition of worth necessarily presupposes and is based on the disclosures of this primary activity, but it, in and by itself, can never enable us to attain to the level of holistic analysis and meaningful interpretation, even with its results of empirical generalizations. Nor is the discourse here founded on a sole treatment of aggregate data, whether they be GNP's, total employment, investment totalities, Communist Party, armed services and other aggregates. Naturally, here, too such aggregate data, in so far as they are attachable are also indispensable for our knowledge of a societal object, but, whether interrelated or not, they, too, do not exhaust the precincts or possibilities of social scientific analysis. There still remains the most difficult level of social scientific thinking where, guided by both particularist and aggregate data and generalization, the painstaking endeavor is to penetrate the object under analysis in terms of its integrative being, process of becoming, predominant characteristics and features, and its super-aggregative possibilities.

Succinctly, these outlines of the methodology that had to be defined at the outset are basically conformable with Aristotle's perceptive understanding of a "political economy," inhabited and worked in by humans who by nature are political animals. The holistic scientific analysis is thoroughly and fully attuned to this true and oft-substantiated conception of man, and without doubt events and developments on mainland China, in the Soviet Union, and elsewhere in the Red domain of the world are best comprehended through this mode of analysis. Even in the United States, where, ironically enough, this type of analysis was first initiated and developed, but least understood and applied, there is a growing recognition of the necessary politico-economic fabric of any society, including an advanced one with proliferative, mechanical patterns of market intercourse and organization. Thus, in the mould of our technologico-economic civilization, this analysis may properly be called "cultural economic," unavoidably concerned with both particularist and aggregate social scientific data, but also necessarily stressing the genetical, the historical, the politico-economic, the irrational and illusory, as well as the accidental, in a movement of unfolding process rather than just one of higher degrees of scale and equilibrium in a non-existent statical context.

In applying all this to mainland China, striking similarities in developmental experience can be drawn from the longer history of the USSR, and no adequate analysis of this type can ignore experiential precedents in the order of totalitarian rule and imperialist ambition. Theorizing on the basis of additional experience and growing evidence for a different scene has its productive role, but it is scarcely sufficient unless it is subjected to qualification and correction by cumulative human experience, as in the case of the USSR. For example, if reference can be made again to the issue of recognizing Peiping in whatever form, it is striking, indeed, how old illusions on "reality," "prospective trade" and "peace" nurtured forty years ago with regard to the USSR are muddling minds today in relation to mainland China.[1] Then, the horrible fact of five to fifteen million humans decimated in a costly man-made famine and social experimentation moved few of these minds. As a former correspondent in China and the editor of the Selected Works of Mao Tse-tung has put it with only some quantitative inaccuracy, "Mao Tse-tung, in his betrayal of the Chinese people, has already slaughtered, exiled and imprisoned more than the total number of people killed and mutilated by Stalin and Hitler combined."[2] If the force of perennial power struggle is borne in mind, his additional observation is portentous: "And under Mao's chosen successor, Lin Piao, by Lin's own testimony, the worst is yet to come." Needless to say, for those in the field of action and decision-making it hardly speaks well to shun such prominent facts even if politico-moral principles are not unheld.[3] A full institutionalist analysis insures the permanence of such critical and reflective data.

A GEOGRAPHICAL EXPRESSION

Doubtlessly, those who currently employ supportive "reality" in their argumentation for extended recognition will be astounded by my characterization of mainland China as basically a geographical expression. In the obvious sense, mainland China is of course a geographical expression, with demarcated borders, typography, rivers, populational densities and the normal like. However, in the real sense of a broad politico-economic entity, under the guise of the People's Republic of China, it still remains largely a geographical expression, buttressed by the force of armed rule and virtual, self-imposed isolation. The political symbolism of the PRC is by all evidence defied by the absence of any people's democratic will and the hollowness of any republic. Worse still, the periodic successions of turmoil, chaos and confusion on the mainland—far exceeding in comparable spans of time anything seen in the evolution of the Soviet Union—indicate the brutal fact that there is no politico-economic entity and all the attributes of societal stability, normal operations and relative cohesion that this fundamental concept suggests.

Supporting this apt characterization of mainland China as "a geographical expression" is a special and appropriate concept of capital. What mainland China suffers from most is a deficiency and lack of this basic type of capital. Capital not in the standard economics meaning of the term, as real investment or fluid savings, but rather in the peculiar, and in this case most appropriate, Lassallean meaning. It has frequently been reported that Mao is by far more attracted to what Marx dubbed as the utopian socialists than to Marx himself. This one can readily believe since the origins, development and nature of what is euphemistically called Chinese Communism bear as much relevance to Marxism as they do to Thomism. Were Mao a careful student of Ferdinand Lassalle (1825–1864), the Louis Blanc of German socialism, and acquainted with his theory of Konjunctur, he would come to comprehend the significance of mainland China as a persistent negation of capital in the useful Lassallean sense. Capital, in this fundamental sense, means a necessary long-run convergence of political, economic, social and juristic conditions and circumstances providing an environmental state of relative tranquil-

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Footnotes at end of article.

lity and order for socio-economic progress and balanced development, whatever may be the scale of priorities.

This socio-economic concept of capital has more determinative meaning for our times than does the standard textbook one. Without its pervasive presence and accumulation, area investment, fluid savings and other forms of generated, subsidiary capital would be prevented, impeded or destroyed. Capital in this broad but fundamental sense is as important to the Soviet Union or the United States as it is to mainland China. As reflected in much higher degrees of societal institutionalization, the former enjoy it—and indirectly show it—by far more than does mainland China, where it is grossly deficient. Indeed, there is a direct ratio and thus escalating sensitivity between socio-economic capital and the subsidiary forms of capital in the more advanced countries and states than in the less advanced ones that aspire to realize goals of technico-economic progress—again, whatever may be the priorities. Obviously, as a case in point, enforced romantic notions of social organization, human nature and the like serve to undermine the expansion of socio-economic capital and thus restrict and detour the accumulation of the necessary subsidiary forms.

Briefly, then, this guiding concept of capital enables us to furnish a synthetic, essentialist picture of mainland China these past two decades and to justify its basic character as a geographical expression. Contrary to the current arguments of recognitionists, more than adequate information exists as to this grave capital deficiency. The prudent use of this concept affords insights into the disentitative fabric of the PRC and its convulsive properties, sustained in the last analysis by rigid totalitarian methods, military control in the diverse regions of the mainland, and its fragmented expansiveness and engendered immobilities. Any ensuing analysis under the guidance of this concept cannot but point to several real possibilities severely altering the human situation of Asia and beyond. It is fraught with immense danger as well as promise, depending on the actions taken and ultimately on the underlying interpretations and judgments assigned to the available evidence.

THE UNCULTURAL REVOLUTION

The excessive and incredible upheavals caused by the Great Leap Forward and the anti-intellectualist, so-called Cultural Revolution may seem sufficient to determine the grave lack of societal capital on the mainland. But the bases of analysis extend beyond these two spectacular and, from the viewpoint of cumulative human experience, irrational phenomena. They necessarily involve human nature, the Chinese character and tradition, inevitable social differentiation, and the romantic inanities of forced, egalitarian proletarianism. A complete social scientific investigation of the mainland must necessarily deal with these and other ultimate factors in order to explicate the phenomenal imbalances, discontinuities, wild fluctuations and truly chaotic conditions that have featured the brief socio-economic history of the so-called People's Republic of China.

Within the span of this paper, these salient points will be covered under (1) the uncultural revolution (2) the great leap backward (3) protracted backwardness and (4) the military and imperialist drives. As mentioned, our guiding, overall concept is capital in the Lassallean sense. Our theme is the striking deficiency of this fundamental capital in mainland China, thereby justifying the apt characterization of this area as a "geographical expression." The disbalancing phenomena, as seen in agriculture, industry, transportation, foreign trade, the whole sphere of social relations, and the political apparatus, not to overlook the treatment of other national entities on the mainland, both underwrite and measure the acute shortage of societal capital in this vital and explosive area of our world. From this compact analysis, then, one can draw the logical conclusions of decision-making import and policy action as to whether the geographical expression is fit for admission into the U.N. is worthy of direct diplomatic recognition, is a prospective market for prosperous trade, is a contributor toward world peace, and a host of other important considerations.

Concentrating on the dominant forces contributing to and sustaining the geographical expression, it is convenient for us to begin with the most recent convulsive episode of the mainland's tortuous development. The so-called Cultural Revolution, spanning from late '65 through '68 and being in essence an uncultural revolution, if standards of civilized existence and growth are observed, crystallized several of these forces. They can be efficiently categorized as follows: romantic utopianism, Mao cultism, power consolidation, and psychological revolutionism. With some prominent similarities to past experiences in the evolution of the USSR, these forces often are intermixed and operate concurrently and interrelatedly. Though heavy documentation can be offered for each, a concise pattern can be presented here, based on several salient points of evidence.

Clearly, it would not be too great an oversimplification to identify Maoism as Red Chinese Stalinism, with its cultism, spurious hero worship, extreme totalitarianism, and power consciousness. The spirit, words and deeds of Maoism conform thoroughly with this overriding Stalinist animus: "We must destroy and cast aside the rotten theory that with every advance we make, the class struggle of necessity will die down more and more . . . On the contrary, the further we advance . . . the greater will be the fury of the remnants of the broken exploiting classes.[4] Time and time again, in different words but with identical meaning, the same animus is expressed by Mao, who has a peculiar bent for putting it in terms of "enemies with guns" and even those without guns: "After the enemies with guns have been wiped out, there still will be enemies without guns; they are bound to struggle desperately against us, and we must never regard these enemies lightly."[5] Ironically enough, the former head of the PRC, Lin Shao-chi, who was eliminated by this doctrine of permanent revolution, in 1959 advanced a refined expression of it in his theory of undulating struggle whereby the struggle will persist at varying levels of intensity and will finally disappear "only when . . . burgeois political and ideological influences are finally wiped out."[6] Throughout the 60's, this same animus is given vent to in connection with a variety of pretexts. Thus, for example, Lenin's warnings are invoked as to the overthrown enemies of socialism that would "multiply their efforts tenfold and their hatred a hundred times in the obstinate fight to restore capitalism."[7]

This revolutionary animus, which reached a high point in the so-called Cultural Revolution, cannot but remind one of its identical use by Stalin in the 30's, tied in with his forced collectivization program, extensive purges in the Party and the armed forces, and established acts of genocide and mass deportations. Similarly, the manipulation of the animus served multiple purposes for Stalin as it has for Mao, among them being the purge of feared opponents in the ever-present power struggle, the constant fear of a freedom revolutionary outbreak, interminable manifestations of resistance to totalitarian planning, and the residual product of "revolutionary consciousness" for export on the part of a presumed wave of the future. Powerfully mixed with the animus was the personality cult under Stalin as it has been with Mao. If, as Khrushchev says, "it was during the war that Stalin started to be not quite right in the head," there are grounds to believe that Mao began to lose his bearings with the Great Leap Forward, only to be accentuated in the uncultural revolution."[8]

To be sure, in many respects the mainland situation differs from that in the Soviet Union, involving culture, traditional bonds, the democratic and moral magnetism of Dr. Sun Yat-sen, individualist farming, the very existence of a Free China and others. But when one soberly considers these differences, the magnitude of the unstabilizing impact of Maoist revolutionary proletarianism becomes all the more evident and, in the light of USSR's experience, all the more destined to failure and disaster. "Revisionist" though it has been, in the Soviet Union a reconciliation had to be pragmatically made with certain traits of human nature, such as self-interest, the better life, national and professional identity, increased mobility, apathy toward permanent revolutionary fervor, and adjustments to technological determinants. This in no way has lessened its posture as the prime enemy of the Free World; on the contrary, with enhanced productivity and channeled investments, it has magnified it. In the case of the mainland, as exemplified by the multi-faceted commune, the revolutionary animus went far beyond the Stalinist mould with its philosophical socialist utopianism, feeding on theories pre-dating Marx.[9]

Aside from its practical political uses, primarily purgative, it is this suffusive animus, put in terms of a proletarian cultural revolution, that dominates the scene of the mainland and in varying degrees influences, shapes, distorts, disbalances, rocks and shocks almost all spheres of so-called Chinese mainland society. Red guards were used by Stalin in the man-made famine of the early 30's, in Ukraine, northern Caucasus and southern Russia, but by no means were they unleashed with the reckless and tragi-comical abandon witnessed on the mainland, disrupting parts of the economy, decimating scarce professional resources, closing down the universities and schools and, of all things, virtually wrecking the structure and operational apparatus of the Communist Party. The last outcome demonstrates in itself the proximate, heavy dependence of Mao on the armed forces and security network, not to mention the significance of his heir-designate Lin Piao. Utopian, un-Marxist exhibitions in Soviet Russia during the short teens, in the form of communes, abolished money system, labor-time cards, free "love," sartorial as well as occupational egalitarianism, cultural divorce from the past and a host of other heralded but specious changes in human nature were left far and long behind when Stalin massively applied the permanent struggle doctrine. In Mao's case, an unbridled utopianism is combined with the doctrine for periodic cleansing of broad sections of the mainland populace.

Thus, far more in line with utopian socialists and associationists of the early 19th century than with Marxism, Maoism with its totalitarian power seeks to remake human nature through enforced proletarianization, entailing the elimination of social stratification, an economic levelization, and a developing egalitarianism that would abolish motives of profit, incentive, and individual material gain. Not unlike Tito who initially sought to out-collectivize the USSR in a shorter time period and with superior socialist results, Mao gives all evidence of attempting to out-communize the USSR and the rest of the Red Empire through this un-Marxism utopianism executed in a predominantly agrarian environment. This is no Red Chinese mystery; it is an oasis of ideologic madness, for even substantial technologic development alone, which the mainland conspicuously lacks for its size and needs, will predetermine differentiations, rewards and other

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inevitable socio-economic distinctions. If this is the bourgeoisification that Mao fears, such as has occurred long ago in the Soviet Union and later in other parts of Eastern Europe, the machine in its more sophisticated and advanced form predetermines it, regardless of all the verbal romanticism stacked against it.

What therefore has been propagandized as something new is plainly old and at that reactionary. In substance, for a brief period the Russians, too, had their propaganda against the "four olds": old ideas, old culture, old customs and old habits. They soon learned about human nature. Theoretically, the "new ideas" are at the least over 100 years old. In parts of the Free World, those who have declared themselves Maoist-oriented, invariably furnish the finest tribute to the "profundities of Mao's thoughts" by their overt philosophical illiteracy. However, taking all this into account, we cannot overlook the practical consequences of Mao's philosophical aberrations, over and above those mentioned.

The first Stalinesque consequence is the strengthening of the so-called dictatorship of the proletariat, which is de-Aesopianized language means eliminating all who refused to accept Mao's leadership without qualification. An Aeosopian version puts it as such: "Support should be given to those in power who are proletarians, precisely for the purpose of overthrowing those in power who are taking the capitalist road."[10] Like Stalin's purges, the list is long with numerous outstanding leaders in the party, government, and the military, such as Lo Jui-ching, Army Chief of Staff; Sun Yeh-fang, China's Liberman and former director of the Economic Research Institute in the Academy of Sciences; P'eng chen, head of the Peking Party Committee and Politburo member and, of course, Liu Shoa-chi, former head of state.

A second consequence is the perpetuation of "revolutionary consciousness" to appease further the regime's ever-present fear of bourgeoisification and democratic anti-communist resistance, to surpass propagandistically the Moscow regime in the phantasmal drive toward undefined communism, and thus leadership in the international communist movement, and to inspire various breeds in the Free World as instruments for the operations of Peiping's global political warfare. "People of the world," blurted Mao on May 20, 1970, "unite and defeat the U.S. aggressors and all their running dogs!" In the meantime, within the confines of his menagerie arrests of anti-communists are being made periodically, as in the area of the Maoist Army Garrison in Canton, apprehending leaders of an organization called the International Freedom party.[11] A third consequence is that with the Communist Party virtually in the vest pocket of the People's Liberation Army grounds have been formed for a protracted internal struggle.

This unending internal struggle, which will validate further the geographical expression, depress the basic capital to still lowerlevels, produce additional socio-economic dislocations, cause the mainland Chinese to fall further behind those in other underdeveloped areas, and will make plain mockery of the naive push for Peiping's recognition, is well in evidence. Concerning the so-called Cultural Revolution, as one source put it in 1967, "There will inevitably be many more in the future."[12] On this theme, as a joint editorial phrased it in 1969, "criticize all erroneous tendencies and erroneous ideologies within the Party and among the revolutionary ranks which violate Mao Tse-tung's proletarian line and policy."[13] Plainly put, too, are these words: "The brilliant course of the Chinese revolution shows that the Chinese people won political power through fighting with guns under the leadership of Chairman Mao and the Chinese Communist Party, and it is likewise with guns that they defend political power."[14] So now, in this gigantic tragi-comedy, the new struggle is propagandistically graced with a transfer from the Little Red Book to a booklet of five philosophical articles by Mao to improve the thinking of everyone on this higher plane, and if Mao's instructions cannot be understood, Vice Chairman Lin will explain them—"then they are easy to understand, and one understands them more deeply," according to a navy party committee.

THE GREAT LEAP BACKWARD

The basic and determinative process of internal struggle extends back, of course, well beyond the uncultural revolution episode, in fact back to 1949 and in potentiality for totalitarian rule back to the early 20's. Within the context of mainland China and its multifarious peculiarities, it cannot be emphasized too strongly that it is this process of permanent and unpredictable revolution, generated and accelerated by the ideologic and political forces mentioned, that has created and dominates this geographical expression. Not to see this is not to see the situation as a whole, despite the multiplicity of its diverse parts. Thus the so-called Great Leap Forward, a prime case for economic psychiatry, is in the light of our analysis a Great Leap Backward and only buttresses further the general thesis of this paper. For in the entire evolution of the Red Empire since 1917, no case can be compared with Mao's dominance as concerns the crude mangling of economics in a totalitarian mould by philosophical romanticism and callous power politics, enforced strongly within but being patently weak without.

If one wades through the mass of fragmented but nevertheless meaningful information and data regarding the mainland since 1949 and maintains the holistic bent underscored here, he cannot but logically arrive at the same ruling generalizations. Within the limits of this presentation, it is, of course, not my intention to recite these socio-economic data accumulated since 1949, for the organized sources are available for such scrutiny.[15] Instead, those essentials are selected to gain further insights into the convulsive properties of the geographical expression.

After seizing power in October 1949, the Mao regime typically embarked on a program of land collectivization and rapid industrialization, executed in stages and, despite certain quantitative gains down to 1958, performed at incalculable real costs of lives, time and resources. In all of the Red economies, physical aggregate figures for industrial and agricultural outputs can never measure the real and opportunity costs incurred for such advances—and these costs run incalculably and disproportionately high—nor can these figures, taken alone, ever be impressive from the viewpoint of total social efficiency, including those of presumably the most advanced Red economy, the USSR. Where, as in the case of the mainland, figures of physical magnitudes have decreased or spell virtual standstills, the condition of excessive costs becomes even more compounded.

In the primary agricultural sector of the land ostensibly liberated by "agrarian reformers," the reforms to 1952 involved far more than land redistribution. They were aimed at the elimination of so-called "ruling, rural classes" (so to speak, the Chinese kulaks) and subordinating the vast agricultural area as an instrument of economic totalitarianism at the disposal of the regime. In the process, over 10 million households were initially liquidated, and eventually about 116 million acres were confiscated and, in the standard initial Red stratagem, redistributed among 300 million peasants. It wasn't long that the stratagem became evident to the most ignorant peasant with the collectivization phase from '52 on, executed in three consecutive moves: mutual aid teams of 6 to 8 households each with common equipment; from '53, elementary cooperatives with land pools under single management; and from '55 on, the Chinese kolkhoz with collective ownership of land and means of production, except for the proverbial escape valve, the peasant's plot. In essence, the Soviet experience was repeated here, and by the end of '57, 120 million households were forcibly organized into 752,000 kolkhozi. Then the fantastic and tragi-comical Great Leap Forward in the predominant agricultural realm, which the Russians themselves viewed with horror.

Launched in April 1958, this mad institutional leap was accomplished with such romantic and harsh fervor that by October, 90 per cent of peasant households were merged into 24,000 huge, unmanageable communes, with the small plots now non-existent, tight central control, and peasants eating in public mess halls while the children played in communal nurseries. By the summer of '59, the grand retreat ensued and, by virtue of the incredible damage done, continued well into 1963; in short, reverting the whole system back to ante-'58. Great Leap Forward figures were admitted to be fabrications, and from 1960 to the present official statistics have been scarce, with the old Russian technique of percentage data being used. However, reasonable estimates point to a slow agricultural improvement from '61 to '64, with grain output rising from a low of 155 million tons in '60 to 165 million in '61 and 182 million in '62, but still behind the ante-'58 level. By '64 some restoration to this level seemed to be achieved, though the situation was marked by heavy imports of wheat from Canada and Australia, 6 million tons in '61, 4.5 million in '62, and 5 million in '63.

On the eve of the uncultural revolution plots were again forced into collective cultivation and state control was extended over the limited free agricultural markets. A stubborn problem seen in the USSR and elsewhere in the Red Empire, the promotion of peasant's incentives was lost upon the regime. Also, with the prospect of a population of 1 billion in 1980, the necessity of agricultural progress seemed to be overshadowed by Mao's utopianism. The salient point of all of this is the marked irrationality of the Great Leap Forward as measured without doubt in concrete performance. Totalitarian imposition of romantic notions do not guarantee efficient performance and maximum output, as the experiences of the USSR and other sectors in the Red Empire have well demonstrated. In sharp contrast to the United States, the Republic of China and many other areas in the Free World, it is a striking phenomenon that virtually all Red economies are beset by a persistent problem of adequately feeding their populations in bulk terms, not to speak in qualitative veins. Comparisons of adequacy and per capita output between the Republic of China and the mainland make the latter look dismally sick.

Substantially, the industrial picture during this period also shows up the clash between totalitarian romanticism and the stubborn requirements of technologic progress, which I maintain is the crowning mark of any civilized community today. From '49 on, as in agriculture, socialization of indus-

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try on the mainland advanced rapidly, with private enterprise in any way connected with the Nationlist Government being immediately confiscated and by 1952 almost all foreign enterprises were seized. By '58, some 70,000 private industrial enterprsies were reorganized under joint state-private management, nearly 2 million commercial establments were converted into state-private or cooperative stores, and the banking system was basically socialized. All this was standard Red "socialist" procedure and, as a matter of fact, executed at a slower tempo than one finds in comparable periods in the so-called communist states of Eastern Europe, which includes the USSR.

Significantly, the first two 5 year Plans followed the USSR model. As expected, the first plan of 1953–57 placed emphasis on rapid, heavy industrialization, aiming to double gross industrial production by the end of the Second Five Year Plan in '62, whereas, typically, agricultural production was to rise about 1/4 in the first plan and 1/3 in the second, with the investment ratio between industry and agriculture maintained at 7.5 to 1. As it turned out, during the first planned period and on the low scale of mainland industry the results were somewhat impressive. The average annual growth of industrial output was about 19 per cent and, typically, in agriculture reportedly only 4.5 per cent; in some physical terms, pig iron production tripled to 5.9 million tons, steel quadrupled to 5.4 million tons, and coal doubled to 130 million tons. Again, I emphasize, as in the cases of all the Red economies, such physical terms, perhaps impressive in themselves, are not really meaningful in the holistic framework of total social efficiency, balanced development, and viable strength.

Also according to standard Red patterns, light industry lagged behind the heavy and agriculture lagged behind both, with food grain increasing in the five year period actually by only 14 per cent to over 175 million tons at an annual growth rate of food production as low as 2.6 per cent, barely more than the natural increase in rate of population, reported at 2.2 per cent per annum. By mid-'56 the socialization of the low-scaled mainland economy was almost completed, and its industrialization was based on the development of heavy industry. For what it is worth, the mainland GNP is estimated for 1950 at about 55 billion yuan, valued at constant '52 market prices, and by '57 it rose to 102 billion, or an increase of 86 per cent at an average yearly increment of about 9 per cent.[16] Then the Great Leap Forward in '58—a further conclusive indication of the economic immaturity of Mao's romantic madness with a method.

In this real Great Leap Backward production targets for '58 were raised to double those of '57. The leap proved to be catastrophic. The regime first confirmed its success and then admitted falsifying published figures. It had a disastrous effect on agricultural production as some 60 million rural workers were transferred to participate in a backyard furnace campaign producing low-grade steel. The agricultural setback in turn slowed down industrial production and also offset the economic gains of the ante-'58 period. Aggravating the situation, Moscow sensibly suspended its economic assistance in the summer of '60, which constituted a most important support of the first Five Year Plan. Its 156 major projects provided the backbone of the plan. In the '50–59 period, Moscow supplied more than 10,000 technicians and specialists, more than 21,000 sets of scientific and technical documents, including over 1400 blueprints for large enterprises, and trade between the two imperialist areas increased noticeably, reaching a turnover of $2 billion in '59. By '62, the turnover was 1/3 of '59, the lowest since '50. One can be sure that Moscow won't have its fingers burnt again in this fiery geographical expression without full guarantees in applying the Brezhnev Doctrine.

As in agriculture, the industrial retreat was on in '60. The industrial tempo decelerated markedly to afford a concentration of resources on agricultural recovery. In the finest tradition of primitive economics, a "whole country support agriculture" program was pushed as 20 million laborers, city dwellers, bureaucrats and students were mobilized for work on the agricultural front. Resembling the USSR's New Economic Policy forty years before, peasants' initiative was appealed to, private land plots were returned, choice of sowing was allowed, and produce was marketed freely. In the '61–'64 period, on the eve of another upheaval, industry was virtually stagnant, foreign trade decreased sharply, annual plans, not to speak of five year plans, failed to materialize (the Third Five Year Plan was to have begun in '63 and then was scheduled to run '66–70) and an acute capital shortage ensued. Steel output, for example, declined from 13.3 million tons in '59 to 10 million in '62. Foreign trade in '58 was at $5.5 billion and by '62 at $2.3 billion. To meet the investment level of the Second Five Year Plan, some $7 billion was necessary annually, but what was available was diverted into the heavy costs of nuclear development, which led to the first atomic explosion in October, 1964 and the third by '66, a 2.6 million army and a huge militia of men and women which guard the geographical expression.

PROTRACTED BACKWARDNESS

For those who would dignify the regime on the mainland with recognition in the U.N. or directly, and for whatever specious reason, this incredible record of protracted backwardness should be played over and over again. Bearing in mind some of the apparent parallels and similarities with the development of Soviet Russia and then the Soviet Union, we cannot but note the patent irregularities, distortions and inadequacy of statistical data that form one among many indicators of the general condition of the mainland. Punctuated by overall confusion, administrative vagaries, ideological obtuseness, recurring shortages and spasms of starvation, agricultural performance is another powerful indicator of pervasive deficiency in societal capital. In the sphere of largely underdeveloped industry, where integration is at a premium and mismanagement the general rule, similar conditions and characteristics prevail. Innovation, modernization, and stable progress are attriubtes in virtual nonexistence. Major resultant disruptions can be seen in cognate economic sectors, such as transportation, foreign trade and final consumption, through the uncultural revolution to the present.

The prominent aspects of this amorphous reality in its dismal state of protracted backwardness are numerous and startling, so much so that doubtlessly few people are aware of them, whether on official or private levels. Transferred to the field of political action, in the course of '71 these and other facts should be publicly discussed before this geographical expression is again pressured into the U.N. One need only ask himself "How far have we insured peace in the world with Moscow in the League of Nations and then the United Nations?" The internal Russian record in the imperial state of the USSR is bad enough; the unbelievable Maoist record in this geographical expression is plainly monstrous.

With the paroxysms of the Great Leap Backward and the Uncultural Revolution, what planning organization there was, has been severely impaired as officials such as the Minister of Finance Li Hsien-nien, Minister of Agriculture Liao Lu-yen, and chairman Po Yi-po were pilloried with abuses in this vein: "We don't need brains! Our heads are armed with the ideas of Mao Tse-tung." Hardly a pitch for long-term development with millions of anti-intellectualist drop-outs or to satisfy the desperate need for modernization in an expression of 18th century environment with early 19th century ruling utopian thoughts. The statistical dearth itself reflects the reality of this expression. Occasional references are made to the Third Five Year Plan, yet no general growth rate for industry is published. In the First Five Year Plan the average national income yearly increase was 8.81 per cent; it is perhaps safe to estimate for '58–'68 one of only 0.34 per cent, giving on an unreliable fixed exchange rate an average per capita income of about $76. Even the population figure of 750 million mainland Chinese is suspect and, as one source puts it, "all efforts to estimate the size and rate of growth of China's population are fraught with considerable uncertainty."[17] Since the 1953 census there is no evidence that basic population statistics have been kept, and in this numbers game, so reminiscent of most of the Russian experience, your guess is good between 700 and the U.N. estimate of 759.6 million for 1970.

However, despite the guesstimal variances in all these figures, whatever the pick still furnishes a pointed indication of the dismal character of this fragmented "reality." In '69 its gross product was in the range of $70–$80 billion, or about 2/5 of Japan's GNP, and its per capita output ranged from $90–$100, about only ⅓ of the Republic of China. Those who suffer nightmares over the gigantism and threat of Mao's domain on the world scale should reflect on these and other estimates. Over 700 million people, with 90 per cent jammed on 12 per cent of land which is arable, and deep division existing among the 21 provinces, 5 autonomous regions and 3 centrally governed municipalities, make the mainland more of a cinderbox to the regime than any serious threat to our Free Asian allies.

The food-population problem is undoubtedly one of the major long-term problems. In '69 grain production totaled 188 million tons and in '70 this will be exceeded. With the 4.5 million tons purchased from Canada and Australia, a level of adequacy in food consumption is attainable. The output, however, is still below the 200 million tons of '65. In '67, there was an extensive slaughtering of cattle, pigs and poultry by the peasants. The forced migration of some 25 million city dwellers into the countryside during '68–'69, while not exactly a means of enhancing agricultural productivity, contributed to output recovery. Generally, farm life continues to be one of hard toil from dawn to dusk, with wooden plows and hand sickles much in evidence, and the entire family involved. Modernization is the basic need, and this calls for heavy investments in land reclamation, mechanization, irrigation projects, rural electrification, and fertilizer plants (fertilizers are still only 40 per cent of minimum requirements). In this predominantly agrarian economy, it also calls for an institutionalization of private plots, freer markets, peasant incentives, and a surcease of romantic actions against economism. On record, it is doubtful that the last would be allowed.

Industrially, both the Leap and the Cul-Rev cost the mainland a full decade of industrial growth. In '66, crude steel output was only 12.2 million tons, coal at 250, crude

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oil at 10, electric power at 40 billion kw hours. Fighting and sabotage during the Cul-Rev led to declines, as witness the admission of Peiping's Maoist chief Hsieh Fu-chih as to a 7 per cent decrease in the capital's industrial production.[18] With agriculture concentrating on food products, consumer goods industries will still lag behind the '58 peak; and the heavy goods industry continues to be hampered in growth capacity by the regimes intensive weaponry program. With only about 3 per cent of the labor force employed in modern industry and a steel output of about 12.5 million a year, as compared to the 130 million of the U.S., the mainland's industrial economy can be viewed as an expression of scale.

The overall picture is not any brighter or too promising in transport, foreign trade, final consumption, education, and even in economic planning. The travel mania of hundreds of thousands of Red Guards during the Cul-Rev to exchange "revolutionary experiences" was not without effect on the transport system, leading to goods' pileups, bottlenecks, and wasted resources. In mid-'67 the Central Committee had to call for a restoration of order.[19] Heavy amounts of capital investment are required for any modern transport system, and it will be some time before the mainland could begin to develop one in an area now featured by immobility, where 8 out of every 10 Chinese who can get anywhere is on foot. Most have no access at all to telephones, radios or newspapers. A striking underdevelopment is punctuated by 23,000 miles of railways, mostly single track, only 350,000 miles of highways, largely soft surfaced, and an acute shortage of buses and trucks. Such poor infrastructure accounts in large measure for the geographical expression of the mainland.

For those naive recognitionists who advance the argument of unlimited trade with the mainland—incidentally, an experience repeated over and over again with the Russians—the record and content of the mainland's foreign trade is sufficient to underscore the spaciousness of their argument. After all, in the lost fashion of elementary economics, foreign trade is a coefficient of given domestic economies, and from what we see of the mainland's, its prospects are bleak, indeed. To be even more elementary, trade is a two-way street, and the geographical expression within the fantastic Maoist mould has little to offer in return. So, on with the statistics and basic essentials. Similar to any Red foreign trade, the mainland's foreign trade functions are imports of the latest Free World technology, shoring up the pitfalls of domestic production and planning, and pretending in a Chinese Potemkin-like mode to exert through this medium an influence, usually among pygmy states, of the great "reality," in geography only. Peaked in '59 at $4.3 billion, the mainland's foreign trade declined to $2.7 billion in '63, recovered to about $3.7 billion in '65 and an estimated $4.7 billion in '69 for hardly any progress in ten years.

Even more important are these salient facts: (1) prior to '60, about ⅔'s of its trade was intra-Red Empire; since, about 70 per cent is with Free World countries which, in a way, contributed to Mao's socio-economic fantasia (2) the commodity composition has changed from imported machineries to imported foodstuffs and (3) short on hard foreign currency, it is exchanging high-value food products, such as rice, meats, vegetables, for cheaper items like wheat. Alongside this "sophisticated" foreign trade, the Peiping Potemkinists offer wheat to Egypt and Sudan, developmental aid to Iraq and Jordan, with generous interest-free terms over a 10 year repayment period—and with a 10 year grace period to boot!—far exceeding their Russian competitors, but all for conversion purposes to Mao's thoughts and even votes for U.N. admission. Recently, Mao has called for a crash program in the construction of large naval and merchant fleets to exceed the "several 10,000 ton ocean-going freighters, a few 15,000 ton oil tankers, and an icebreaker" and by the verbal theme "Let the great Red banner of Mao Tse-tung thought wave high on the shipbuilding front forever." [20]

Great Leap propaganda formed the illusion that three years of hard work and suffering would gain the Chinese worker 1,000 years of happiness. The gross fatuity of such typical propaganda is belied by the squalorous and desperate conditions of the exploited Chinese worker. A per capita income of less than $100 a year place him as one of the lowest in the world. Earnings by some are less than $15 a month. A diet of rice is what all but few Chinese have; meat, fish and even tea are luxury items. Food and clothing are strictly rationed. In the early '50's and also '60's industrial pay was mostly by piecework, and this encouraged maximum production. The Leap and Cul-Rev substituted Maoist "incentives" of the "common good" and togetherness, and production lapsed. Now the stress is on utilizing machines to the maximum, leading to an epidemic of industrial accidents. Soviet-type unions were virtually eliminated by the Cul-Rev. and the worker finds himself completely defenseless today. Refrigerator, TV sets, of which there are only a few thousand on the mainland, sewing machines, cars and other mechanical conveniences are restricted to the minority elite. Public health care remains primitive as "native medicine" with its herbs and locally made ointments still prevails. Movies are drenched in propaganda and Maoist "messages," and coerced attendance at political meetings, revived after the Cul-Rev, is obligatory for one member of every household. In short, omnipresent drabness punctuates the daily existence of the exploited mainland Chinese worker and peasant.

Considering the dominant, overall trends and developments depicted here, what other effects and outcomes could one logically expect? But for long-term, secular development the worst damage caused by Mao's methodical madness has been in education. Practically every government in the less developed areas of the world understands and values the basic capital represented by time-consuming education for the long-term growth and progress of its country and people. But in this geographical expression, where skilled human resources have chronically been in short supply, this unalterable truth has been recklessly negated by the Cul-Rev and Mao's "proletarian educational system," which the Russians played with over 40 years ago. Education was set back by at least 10 years by Mao's uncultural carnival, during which most universities were closed down. Today's political theatrics of dispatching worker and army propaganda teams to campuses to conduct "revolutionary mass criticism," "reeducate the intellectuals," purge non-leftists, and groom classroom platforms with farmers, workers and soldiers will undoubtedly accentuate the mainland's educational incapacity to meet the needs of the Chinese people by the civilized standards of our century. If the experiences of others, particularly the Russians and their "proletarian education," nursing schools molding the "socialist" or "Soviet" man, etc., don't serve as a constructive lesson, hard objective determinants of technology and economics will inevitably underwrite the painful cost of these political theatrics.

Finally, to speak of economic organization as a going, integrated concern in this massive expression is to speak of an illusion. Prior to '58, economic planning was attempted on a Soviet model, a single-track system of centralized planning for the benefit of centrally controlled state enterprises. In the Great Leap a shift was made to a double-track system, where local authorities in a planning unit of a geographical and hopefully self-sufficient area attempted to coordinate enterprises in their area, paralleling somewhat Khrushchev's sovnarkozi in the USSR.[21] This resulted in mass disruption of supplies between areas and regions. The debacle of the Third Five Year Plan is evidence enough of the extensive disorganization that has prevailed these past five years. Under the semblance of a Fourth Five Year Plan, ostensibly begun in January '70, it appears that "decentralization," a euphemism at best, is stressed, encouraging the construction of small factories, irrigation projects and other enterprises in so-called "people's communes." Motives behind it seem to be a reduced vulnerability of cities to attack, an improved capability of local sectors to defend themselves, relief of population congestion in cities, elimination of undisciplined Red Guards from the cities, and a reduction in urban unemployment. Priorities are directed at agriculture and light industry with the aim of accumulating in a self-reliant spirit surpluses for investment in heavy industry, supplemented in some degree by foreign loans and assistance. In short, the basic question of what type of economic organization is being sought remains moot, as the forces of Maoist utopianism, bureaucratic pragmatism, revived "capitalism," black marketeering and corruption vie with each other.

THE MILITARY AND IMPERIALIST DRIVES

In the light of this totalistic socio-economic pattern of expression on the mainland, it is submitted that concentrated nuclear development in this maze proves in itself the dominance of a militarized configuration that, with a more or less enforced isolation, permits the continuation of a semblance in politico-economic organization known as the People's Republic of China. So long as extensive military control in conjunction with Communist Party totalitarianism persists, this concentrated development will continue unabated and relatively unaffected by sectoral convulsions. Moreover, external forces, such as Moscow's play for influence and power on the mainland, the threat of the Brezhnev doctrine, and ambivalent American interest, will fortify further this top-priority development for emphasized security.

By all evidence, the essence sustaining the geographical expression with a semblance of organized effort and pulsation is military. As in the cast of all Red states, and the USSR in particular, an excessive, disproportionate amount of the annual gross product is allocated to the military, which in the last, ideal analysis is by nature a form of economic parasitism. Aside from the heavy costs of military nuclear development, about 20 per cent of the mainland's gross product is absorbed by the armed forces—the 2.5 million in the PLA and 7 million in militia and security forces. The military nuclear program has been undertaken with significant continuity and, as a sharp contrast to all other spheres of the expression, is somewhat of a vehicle for Red Chinese potemkinism, a badge of Peiping's ostensible super-power status concealing vast impoverishment and underdevelopment. Despite reported anti-Maoist incidents in '67 in Sinkiang province, a site of Peiping's nuclear industry, the program was pushed ahead, with a hydrogen bomb tested in June of that year and all indications that top-priority sectors of the economy connected with the military escaped the ravages of

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the Cul-Rev. It is expected that by 1975 a modest force of strategic nuclear missiles will be deployed.

This development, as well as the launching of a 381 pound satellite in '70, has more meaning for Peiping's potemkinist tactics and imagery, not to mention potentialities for blackmail, than it has for military capability on a global scale. It is greatly outpowered by the USSR and even more so by the U.S. With the largest armed force in Asia, it nevertheless poses a continuing threat to free Asian nations. However, American presence in Asia, in one form or another reduces this threat considerably.

If the advance reports are correct, it would be in complete conformity with the thesis developed here that the new draft constitution, supplanting the present one promulgated in 1954, will make Mao supreme commander of the armed forces and Lin Pioa deputy commander; and also that instead of "a people's democratic state" reference will be made to "a proletarian dictatorship," in which "Mao Tse-tung thought is the guiding principle for all work of the people of the whole country." The prime sustaining forces of the geographical expression—the military, the political totalitarian, and the cultist—find constitutional accommodation, to be stamped by the National People's Congress. More, despite ambassadorial exchanges and the like, the new constitution looms as a new propaganda issue between Peiping and Moscow. For example, Moscow's Radio Peace and Progess beamed to Inner Mongolia stressed on September 27 that the "Peking leaders intend to strengthen their aggressive extermination policy of force against the non-Han people by legal means—the new national Constitution".[22] All of which points to another dominant feature of the expression, namely its imperial character and the imperialist drive of the Peiping regime.

The subjects of Peiping's "nationalities problem," similar to that of Moscow, and its political warfare aspirations on a global scale, also similar to Moscow's, can be described at length. It is sufficient here to mention certain essentials that would complete the dimensions of our thesis and also point to aspects of the two subjects which are deserving of far more attention in Free World scholarship than they have been receiving. For years now Peiping has been condemning Moscow for what it calls "social" or "socialist imperialism" and has directed its political warfare efforts toward the numerous non-Russian nations in the USSR. It has viewed the "new Tsars" as being even more covetous than the "old Tsars" who occupied more than 1.5 million square kilometers of land now claimed by Peiping.

Now, the fact is that we are dealing with the two last remaining and important imperial complexes in the modern world. Although with obvious differences of scale (e.g. more distinctive nations in the USSR than in the PRC, greater non-Russian population in the former than non-Chinese in the latter, etc.) in substance the PRC is as imperial in character and possessed with imperialist drives as is the R.S.F.S.R. in the USSR. Emphasized by both sides in the Sino-Russian rift, this mutual character has been portrayed at length by both these past few years. Referring to the Chuangs (over 8.5 million) Uighurs (5 m.) Dungans (4.5 m.) Yis (3.5 m.) Tibetans (3 m.) Miao (2.5 m.) Manchurians (2.5 m.) and others, totaling over 45 million, one typical source stresses that "the national regions of the PRC have a colonial nature."[23] Another states, "the national culture of the less populous nationalities of China has been subjected to forced Sinization."[24] As so eloquently exposed by both sides to mutual discredit, a range of exploitation by Peiping extends beyond the mainland Chinese per se, and this parallel problem built into the imperial complexes of both, with critical potentialities for the future, must be honestly and objectively faced and discussed in the Free World.

Finally, under a colossal pretense, supported superficially by the huge population, area expanse, a large but largely unmodernized army, and space and nuclear badges of super-power status, in this awesome imagery Peiping has sought to influence, and perhaps even to dominate by remote control, in many regions of the less developed world, "the countryside of the globe." It is unnecessary here to recount in detail the scope and depth of this essentially political warfare operation, greased by arms shipments, diplomatic intrigue, financial support, low-grade aid, and Maoist revolutionary emotionalism. Here, too, substantially Peiping is following the path that Moscow has pursued since 1917, but the resources now at the former's disposal can scarcely be compared with those of the latter. Yet, support involvement in Indo-China, penetrations in the Mid-East,[25] railroad building in Tanzania, and political warfare activities on all continents, measure a disposal of resources that incurs a far greater marginal cost of sacrifice and deprivation to the peoples of the mainland than is the case of Moscow and its underlying populaces.

To conclude, the ideological fantasies of Maoism will protract the deficiency of societal capital on the mainland. Current gestures of pragmatism, "peaceful coexistence," diplomatic concourse, reduced self-isolation, Chou En-lai visitations, international air service and the like are only part of the play for the next act in out-competing Moscow in global revolutionary activity. With the death of Mao, a whole new range of possibilities will emerge, including that of Soviet Russian penetration, surcease of ideologic fanaticism, and the growth of societal capital. Whether this possibility may be realized to the distinct disadvantage of the Free World, will depend on the analytical outlook of Free World powers toward what has been depicted here as a geographical expression and also on the course of action they choose to pursue. The ultimate question is "Should societal capital be encouraged to grow in the realm of this geographical expression?" Applied to the mainland, as Mao has written, "a single spark can start a prairie fire." But also applied to the geographical expression, "We cannot comprehend a whole without seeing its parts, but we can see the parts without comprehending the whole." It is in terms of the whole that the ever-present possibility of the spark exists.

FOOTNOTES

[1] E.g. Hon. Stephen M. Young, "Canada Leads The Way," *Congressional Record,* November 18, 9170, p. 37906.

[2] Bruno Shaw, "A Warning Against Mao," *The New York Times,* November 13, 1970.

[3] David Lawrence, "Why U.S. Silence on Seating Peking," Syndicated Column, November 23, 1970.

[4] Joseph Stalin, *Mastering Bolshevism,* New York, 1946, pp. 21–22.

[5] Mao Tse-tung, *Selected Works,* Vol. 5, New York, p. 364.

[6] *Current Background* (Hong Kong), U.S. Consulate General, No. 595, October 5, 1959, p. 11.

[7] *Hung Chi,* No. 21, 1963, Joint Publication Research Service, Washington, D.C., December 6, 1963, p. 6.

[8] "Khrushchev Remembers," *Life,* New York, November 27, 1970, p. 64.

[9] See George Lichtheim, *The Origins of Socialism,* New York, 1969.

[10] *Hung Chi* Editorial, No. 12, 1966.

[11] *Tin Tin Yat Po,* Hong Kong, September 17, 1970.

[12] *Peking Review,* May 26, 1967, p. 47.

[13] "Firmly Grasping Revolutionary Great Criticism," *People's Daily, Liberation Army Daily, Red Flag,* August 25, 1969.

[14] Huang Yung-sheng. Chief of General Staff, *PLA 43rd Anniversary,* August 1, 1970.

[15] E.g. *An Economic Profile of Mainland China,* Vol. 1–2, Joint Economic Committee, U.S. Congress, Washington, D.C., 1967.

[16] William W. Hollister, *China's Gross National Product and Social Accounts, 1950–1957,* Illinois. 1958, pp. 1–7.

[17] *An Economic Profile of Mainland China,* Washington, D.C.. Vol. 2, p. 343.

[18] *Quarterly Economic Review,* London, July 1967, p. 6.

[19] "The Economic Cost," *Far Eastern Economic Review,* Hong Kong, July 27, 1967.

[20] *Peking Radio,* Summary of People's Daily, June 4, 1970.

[21] Andray Donnithorne, *China's Economic System,* New York, 1967, pp. 457–470.

[22] Christian Duevel, "Towards Early Adoption of New Soviet Constitution?", *Radio Liberty,* New York, October 28, 1970.

[23] T. Rakhimov. "The National Tragedy of the Peoples of China," *Radyanska Ukraina,* Kiev, April 12, 1970.

[24] "National Oppression of the Peoples of China," *Soviet Turkmenistany,* Ashkabad, April 29, 1970.

[25] E.g. Joseph S. Roucek, "Communist China's Penetration of the Middle East," *The Ukrainian Quarterly,* New York, Summer, 1970.

ADDRESS BY DR. DOBRIANSKY

Dr. Ku, Distinguished Guests and Illustrious Colleagues, this is veritably a profound privilege and pleasure for me to respond to the always sound and inspirational message delivered by our generous host. In all the years that I have known him, his messages have consistently and invariably been cast in the unrelenting spirit of freedom. As the spearhead of the Asian Peoples' Anti-Communist League and a founder of the World Anti-Communist League, of which he is now the honorary chairman for life, Dr. Ku has been guided not by emotionalism but rather by certain basic principles underlying his anti-Communism, which I, and I'm sure, most in this audience share. Along with countless others, I praise him highly for this, since the propaganda factor in the incessant Cold War against Red imperialism, of whatever brand, is ultimately more decisive than arms, whether conventional or nuclear.

In the United States anti-Communism has become a dirty word, curiously enough ever among anti-communists. Little has it been realized that this in the main has been the result of a persistent and sustained anti-anti-communist campaign being waged by both Moscow and Peiping. Not economic power nor nuclear weapons is the forte of either Moscow or Peiping, but rather psycho-political warfare in which propaganda figures most. The chief antidote to Red propaganda is the systematic and methodical propagation of truth drenched in the spirit of freedom—freedom of inquiry, freedom of mobility, and freedom of political choice, to mention only a few. These are some of the freedoms APACL and WACL, under Dr. Ku's direction and dedication, have been advancing.

No matter where or when, science and scholarship in a genuine sense thrive and develop on the sole basis of conviction in these freedoms. A scientist or scholar, worth his salt, cannot be neutral or indifferent when these freedoms are endangered, for the simple reason that his very being, his existence, is in fatal danger. Any politicalization of the campus or research center signals such danger, as many a German professor during Nazism, many an intellectual in the Soviet Union or in Red China or anywhere in the Red Empire can attest to, given the free opportunity. A scholar, like nations, should always strive to be impartial, but he can never be impartial—and hope to honestly exist—

when the very basis of such necessary impartiality is threatened for extinction. Then, of necessity, he must be partial toward freedom of thought and activity in order to remain impartial toward fact and reality. In short, he can never be impartial, by sheer assumptive conviction, toward the very negations of his free impartiality. In mini-short, he has to take his stand for general freedom to insure the freedom of his fundamental right to be impartial.

My friends and colleagues, today in Asia as well as elsewhere, including the United States, it seems to me that the indivisibility of freedom demands a three-tiered and interwoven activity—one, the free activity of the scientist and scholar to pursue the truth of whatever object impartially; two, the free activity of the civic leader to translate and convey the truth to the people; and three, the free activity of the people to determine the actions of officials in the implementation of the truth. As concerns the so-called China problem, there is really no fear of pursuing the truth if the truth about Red China is pursued relentlessly in the United Nations and throughout the world. As concerns the Russian problem, here, too, there can be no fear if the truth about Soviet Russian imperio-colonialism is laid bare before world opinion and represented peoples. All of this mans propaganda in the true sense of the word, the propagation of truth as the common denominator for scholar, people and government.

Regrettably, we in the United States, or our counterparts in Latin America, Africa or the Mid-East, haven't any facility comparable to the second tier that our Asian compatriots for freedom have, namely, a powerful free activity of the civic leader, whether in Korea, Japan, China, Vietnam, Thailand or the Philippines, to translate and convey the truth to the people, as fundamentally revealed and refined by the scientist and the scholar. APACL and WACL, the formidable transmitters of popularized truth for national freedoms and therefore against mythical communism and actual Red Totalitarianism and imperialism, are in greatest part the work and efforts of our dedicated host. By what I witnessed in Japan this past September, I have no doubt in my mind that these are the determinative agencies, the catalysts if you will, for an Asianization, not just a Vietnamization, program that will insure the peace of Asia and the security of the Pacific for us.

Our host, whose stamina and dedication to genuine truths would easily out-distance those of any youth we can offer for contest, is a prime mover in this vineyard of the three-tiered activity—the scholar, the civic leader and his people, and the representative government—in the continuing struggle for indivisible freedom and the consequent lasting peace with universal freedom. I humbly propose our toast to the continuance of his good works, to the considered emergence of the 3-tiered activity in other parts of the Free World, and to the firm and honest presentation of facts about the so-called "colossal reality" of mainland China in the trying period ahead.

DENIAL OF HUMAN LIBERTIES

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. THOMPSON of Georgia. Mr. Speaker, the Soviet Union has a peculiar knack for picking a scapegoat to draw attention away from the real issues before the world and this is particularly true with regard to the so-called show trials that are now underway in Leningrad.

Frankly, we must recognize the diabolical mind of the Soviets in their ability to seize upon a current topic of public interest, such as aircraft hijacking, and use that issue to draw public attention away from a far more serious matter such as the absolute denial of human liberties. This latter issue is truly what is behind the great display being made of the trials of nine persons for an alleged hijacking attempt. Certainly, all of us these days deplore hijacking and we support efforts throughout the world aimed at eradicating this evil that threatens the safety of all air travelers. So the Soviet Union has jumped on that issue to hide what it is doing to Jewish citizens of the Soviet Union.

Those of us in this body who have previously condemned Russia's cruel treatment of her Jewish citizens and most particularly the refusal to allow Jews to emigrate to Israel, can see through the attempt being made now in these trials to mask the denial of human liberty. It is interesting to note that immediately after the alleged hijacking attempt which is the subject of these trials, the homes of Jews throughout Russia were entered and searched. How could that have occurred unless there was a planned attempt to use this issue to draw world opinion away from the oppression of Soviet Jews? Obviously, they found the scapegoat they needed to cover up the real issue from world opinion. This Congress should declare now that it will not be fooled by this transparent act.

Freedom-loving people throughout the world should condemn and abhor the use of Soviet Jews by Communist leaders as pawns in a gigantic game of world opinion and public image-making.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JOHNSON of California (at the request of Mr. McFALL), for today, on account of official business.

Mr. WINN (at the request of Mr. GERALD R. FORD), for today and the balance of the week, on account of offical business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ANNUNZIO for 60 minutes, on December 28.

(The following Members (at the request of Mr. HOGAN) to revise and extend their remarks and include extraneous matter:)

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. TAFT, for 5 minutes, today.

Mr. DERWINSKI, for 5 minutes, today.

(The following Members (at the request of Mr. GETTYS) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, for 60 minutes, today.

Mr. HAMILTON, for 15 minutes, today.

Mr. STAGGERS, for 20 minutes, today.

Mr. REUSS, for 20 minutes, today.

Mr. McMILLAN, for 60 minutes, December 30.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FRIEDEL (at the request of Mr. ADAMS) immediately following the remarks of Mr. ADAMS during general debate in the Committee of the Whole today on the Emergency Rail Services Act of 1970.

Mr. RANDALL to revise and extend his remarks prior to the vote on the Penn Central bill just passed.

Mr. POFF (at the request of Mr. BYRNES of Wisconsin) during the consideration of H.R. 322 today.

(The following Members (at the request of Mr. HOGAN) and to revise and extend their remarks and include extraneous matter:)

Mr. BURKE of Florida in two instances.

Mr. GUBSER in three instances.

Mr. CONTE.

Mr. ERLENBORN.

Mr. HOSMER in three instances.

Mr. GERALD R. FORD in five instances.

Mr. SCHWENGEL in three instances.

Mr. TEAGUE of California.

Mr. SCHMITZ in three instances.

Mr. WYMAN in two instances.

Mr. TALCOTT in three instances.

Mr. TAFT.

Mr. DERWINSKI.

Mr. CUNNINGHAM in five instances.

Mr. GOODLING.

Mr. PRICE of Texas in two instances.

Mr. SPRINGER.

Mr. SEBELIUS.

Mr. DELLENBACK in two instances.

Mr. HANSEN of Idaho.

Mr. WEICKER.

Mr. NELSEN.

(The following Members (at the request of Mr. GETTYS) and to include extraneous material:)

Mr. McMILLAN.

Mr. PICKLE in five instances.

Mr. KARTH in two instances.

Mr. MARSH in two instances.

Mr. THOMPSON of New Jersey in three instances.

Mr. DELANEY.

Mr. JONES of Tennessee.

Mr. DINGELL.

Mr. ROONEY of Pennsylvania in two instances.

Mr. FEIGHAN in five instances.

Mr. EILBERG in two instances.

Mr. FARBSTEIN in two instances.

Mr. EDMONDSON in three instances.

Mr. MEEDS.

Mr. LOWENSTEIN in eight instances.

Mr. CULVER in six instances.

Mr. Gray in two instances.
Mr. Scheuer in four instances.
Mr. Bolling in two instances.
Mr. Fountain in two instances.
Mr. Kluczynski in two instances.
Mr. Steed.
Mr. Koch in two instances.
Mr. Fuqua.
Mr. Nichols in three instances.
Mr. Biaggi in two instances.
Mr. Long of Maryland in two instances.
Mr. Olsen in four instances.
Mr. Roybal in eight instances.
Mr. Ryan in three instances.
Mr. Hagan in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1681. An act for the relief of Dennis Yiantos; to the Committee on the Judiciary.

S. 4481. An act granting and ceding to the city of Alexandria, in the State of Virginia, certain waterfront land along the Virginia shoreline of the Potomac River, and for other purposes; to the Committee on the District of Columbia.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 212. An act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes;

H.R. 8933. An act to provide that the lock and dam referred to as the "Jackson lock and dam" on the Tombigbee River, Alabama, shall hereafter be known as the Coffeeville lock and dam;

H.R. 1367. An act for the relief of certain retired officers of the Army, Navy, and Air Force;

H.R. 13806. An act for the relief of Irwin Katz;

H.R. 13862. An act to authorize the naming of the reservoir to be created by the Little Goose lock and dam, Snake River, Wash., in honor of the late Dr. Enoch A. Bryan;

H.R. 17255. An act to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air;

H.R. 17825. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes;

H.R. 17853. An act for the relief of Carlo Bianchi & Co., Inc.;

H.R. 19436. An act to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes;

H.R. 19877. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; and

H.J. Res. 1162. Joint resolution to amend Public Law 403, 80th Congress, of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission.

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the following titles:

S. 4571. An act to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes.

S.J. Res. 173. Joint resolution authorizing a grant to defray a portion of the cost of expanding the United Nations headquarters in the United States; and

S.J. Res. 249. Joint resolution to extend the time for the proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971.

ADJOURNMENT

Mr. GETTYS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. In accordance with Senate Concurrent Resolution 87, the Chair declares the House adjourned until 12 o'clock noon on December 29 next.

Thereupon (at 8 o'clock and 52 minutes p.m.), pursuant to Senate Concurrent Resolution 87, the House adjourned until Tuesday, December 29, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2630. A letter from the Assistant Secretary of the Interior transmitting a report on matters contained in the Helium Act, for fiscal year 1970, pursuant to section 16 of the act (Public Law 86–777); to the Committee on Interior and Insular Affairs.

RECEIVED FROM THE COMPTROLLER GENERAL

2631. A letter from the Comptroller General of the United States, transmitting a report that U.S. participation in the International Labor Organization is not effectively managed, Department of State, Department of Labor, Department of Commerce; to the Committee on Government Operations.

2632. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements of the Disabled Veterans national headquarters for the year ended December 31, 1969, the life membership fund for the year ended June 30, 1970, and the Service Foundation for the 6-month period ended December 31, 1969, pursuant to the act of June 17, 1932, as amended by Public Law 90–208; to the Committee on Veteran's Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee of conference. Conference report on H.R. 18582. (Rept. No. 91–1793). Ordered to be printed.

Mr. MAHON: Committee of conference. Conference report on H.R. 19928; with amendment (Rept. No. 91–1794). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DELLENBACK (for himself, Mr. Hansen of Idaho, Mrs. Heckler of Massachusetts, and Mr. Michel):

H.R. 20004. A bill to provide assistance to community colleges through a program of statewide planning for community colleges, financial assistance for career education, technical assistance, and amendments to the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mr. ESCH:

H.R. 20005. A bill to provide an additional period of time for review of the basic national rail passenger system; to postpone for 6 months the date on which the National Railroad Passenger Corporation is authorized to contract for provision of intercity rail passenger service; to postpone for 6 months the date on which the Corporation is required to begin providing intercity rail passenger service; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FUQUA:

H.R. 20006. A bill to enable professional individuals and firms in the District of Columbia to obtain the benefits of corporate organization, and to make corresponding changes in the District of Columbia Income and Franchise Tax Act; to the Committee on the District of Columbia.

By Mr. MINISH:

H.R. 20007. A bill to establish a National Cancer Authority, in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. PICKLE:

H.R. 20008. A bill to authorize the Secretary of Agriculture to establish a program to enable individuals to enter into, and engage in, the production and marketing of farm-raised fish through the extension of credit, technical assistance, marketing assistance and research, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. WATTS:

H.R. 20009. A bill to impose an additional duty on the importation of articles of any foreign country if such country nationalizes or otherwise seizes property owned by citizens of the United States; to the Committee on Ways and Means.

By Mr. COHELAN (for himself and Mr. Miller of California):

H.R. 20010. A bill to provide that certain expenses incurred in the construction of a rapid transit station in Oakland, Calif., shall be eligible as local grants-in-aid for purposes of title I of the Housing Act of 1949; to the Committee on Banking and Currency.

By Mr. RYAN:

H.R. 20011. A bill to amend the act of September 11, 1964, establishing the Fire Island National Seashore; to the Committee on Interior and Insular Affairs.

By Mr. EILBERG:

H. Con. Res. 796. Concurrent resolution expressing the sense of the Congress with respect to U.S. policy toward political refugees; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HÉBERT:

H.R. 20012. A bill for the relief of Christine R. Anderson; to the Committee on the Judiciary.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

> (b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following registrations were submitted for the second calendar quarter 1970:

(NOTE.—The form used for registration is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_______ ◄

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◄

AFFIDAVIT

[Omitted in printing]

PAGE 1◄

A. Sothoron Kirby Able, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

A. Thomas G. Ahern, vice president, Wallach Associates, Inc., 136 E. 57th Street, New York, N.Y.
B. Sangamo Electric Co., Springfield, Ill.

A. Arcadia Research, Inc., Casco, Maine.

A. Arnold & Proctor, 1229 19th Street NW., Washington, D.C.
B. Hoffmann-La Roche, Inc., Nutley, N.J.

A. The Bank of New York Co., Inc., 48 Wall Street, New York, N.Y.

A. Robert E. Bauman, 328 Pennsylvania Avenue SE., Washington, D.C.
B. American Conservative Union, 328 Pennsylvania Avenue SE., Washington, D.C.

A. Bekins Van & Storage Co., 1955 South Valley Highway, Denver, Colo.

A. Jeffrey Bell, 328 Pennsylvania Avenue SE., Washington, D.C.
B. American Conservative Union, 328 Pennsylvania Avenue SE., Washington, D.C.

A. Betty Benford, 1250 Connecticut Avenue NW., Washington, D.C.
B. Samuel E. Stavisky & Associates, Inc., 1250 Connecticut Avenue NW., Washington, D.C.

A. Berkeley V. Bennett, 1625 Eye Street NW., Washington, D.C.
B. National Council of Health Care Services, 1625 Eye Street NW., Washington, D.C.

A. Wayne A. Bonney, 1900 L Street NW., Washington, D.C.
B. National Right To Work Committee, 1900 L Street NW., Washington, D.C.

A. Michael F. Brewer, % Project Pursestrings, 1616 K Street NW., Washington, D.C.
B. Project Pursestrings, 1616 K Street NW., Washington, D.C.

A. Brickle & Baker, 1835 K Street NW., Washington, D.C.
B. American Institute of Laundering, et al., Joliet, Ill.

A. Joe B. Browder, 917 15th Street NW., Washington, D.C.
B. Friends of the Earth, 30 East 42d Street, New York, N.Y.

A. C. Willman Brown, executive vice president, National Association of Marine Services, Inc., 11501 Georgia Avenue, Wheaton, Md.

A. Brown, Lund & Levin, 1625 Eye Street NW., Washington, D.C.
B. Pacific Northwest Power Co., Public Service Building, Portland, Oreg.

A. W. Warren Buck, Jr., 1835 K Street NW., Washington, D.C.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y.

A. Buffalo City Cemetery, 1411 Delaware Avenue, Buffalo, N.Y.

A. George Bursach, executive director, National Press Building, Washington, D.C.
B. American Society of Bank Directors, National Press Building, Washington, D.C.

A. S. D. Cadwallader, 1900 L Street NW., Washington, D.C.
B. National Right To Work Committee, 1900 L Street NW., Washington, D.C.

A. J. M. Chambers & Co., Inc., 2300 Calvert Street NW., Washington, D.C.
B. Cordage Institute, 370 Lexington Avenue, New York, N.Y.

A. Walter S. Clement, vice president, 915 L'Enfant Plaza SW., Washington, D.C.
B. Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va.

A. College of American Pathologists, 230 North Michigan Avenue, Chicago, Ill.

A. Committee to Except Assembled U.S. Textile Articles from Quotas, 608 South Hill Street, Los Angeles, Calif.

A. Elizabeth J. Connell, 240 M Street SW., Washington, D.C.
B. National Council of Health Care Services, 1625 Eye Street NW., Washington, D.C.

A. Continuing Presence in Washington, Inc., 815 17th Street NW., Washington, D.C.

A. Raymond L. Courage, Independent Natural Gas Association of America, 1660 L Street NW., Washington, D.C.
B. Independent Natural Gas Association of America, 1660 L Street NW., Washington, D.C.

A. Gregory B. Craig, 3525 Woodley Road NW, Washington, D.C.
B. Project Pursestrings, 1616 K Street NW., Washington, D.C.

A. Dawson, Nagel, Sherman & Howard, 1900 First National Bank Building, Denver, Colo.
B. Bekins Van & Storage Co., 1955 South Valley Highway, Denver, Colo.

A. Thomas Devine, Youth Franchise Coalition, 1525 M Street NW., Washington, D.C.
B. Youth Franchise Coalition, 1525 M Street NW., Washington, D.C.

A. Edison W. Dick, 618 Southern Building, Washington, D.C.

A. Hallett D. Edison, National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va.
B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va.

A. Harmon Elder, 1900 L Street NW., Washington, D.C.
B. National Right to Work Committee, 1900 L Street NW., Washington, D.C.

A. Edward J. Fahy, 312 Severn Avenue, Annapolis, Md.
B. Vallejo Chamber of Commerce, 2 Florida Street, Vallejo, Calif.

A. Federation of American Scientists, 203 C Street NE., Washington, D.C.

A. Fred Fejes, Youth Franchise Coalition, 1525 M Street NW., Washington, D.C.
B. Youth Franchise Coalition, 1525 M Street NW., Washington, D.C.
E. (9) $20.

A. J. Vaughan Gary, 10 S. 10th Street, Richmond, Va.
B. U.S. Coast Guard Selected Reserve Association, Washington, D.C.

A. José A. Gemell, 1250 Connecticut Avenue NW., Washington, D.C.
B. Samuel E. Stavisky & Associates, Inc., 1250 Connecticut Avenue NW., Washington, D.C.

A. Walter Gerson, Director of Government Relations, 3714 Washington Street, Kensington, Md.

B. National Association of Plumbing Heating Cooling Contractors, 1016 20th Street NW., Washington, D.C.

A. Howard Gillette, Jr., 2503 I Street NW., Washington, D.C.
B. Project Pursestrings, 1616 K Street NW., Washington, D.C.

A. Thomas J. Gilligan, 3513 McKinley Street NW., Washington, D.C.
B. National Council of Health Care Services, 1625 Eye Street NW., Washington, D.C.

A. Jay W. Glasmann, attorney, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. G. & W. H. Corson, Inc., Plymouth Meeting, Pa.

A. Jay W. Glasmann, attorney, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Pepsico, Inc., 500 Park Avenue, New York, N.Y.

A. Don A. Goodall, 416 Washington Building, Washington, D.C.
B. American Cyanamid Co., Wayne, N.J.

A. Richard I. Hersh, public relations, Box 1333, Syracuse, N.Y.
B. Agway, Inc., Box 1333, Syracuse, N.Y.

A. Frederic W. Hickman, 1 North La Salle Street, Chicago, Ill.
B. Trans Union Corp., 111 W. Jackson Boulevard, Chicago, Ill.

A. E. Joseph Hillings, 1025 Connecticut Avenue NW., Washington, D.C.
B. National Airlines, Inc., Post Office Box 2055, AMF, Miami, Fla.

A. Lee B. Holmes, acting director of Government relations, 1707 H Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.

A. Hydeman & Mason, 1001 Connecticut Avenue NW., Washington, D.C.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y.

A. Ronald J. James, 2100 M Street NW., Washington, D.C.
B. Urban Coalition Action Council, 2100 M Street NW., Washington, D.C.

A. James A. Johnson, 1818 R Street NW., Washington, D.C.
B. Project Pursestrings, 1616 K Street NW., Washington, D.C.

A. John L. Jones, 328 Pennsylvania Avenue SE., Washington, D.C.
B. American Conservative Union, 328 Pennsylvania Avenue SE., Washington, D.C.

A. Cornelius B. Kennedy, 888 17th Street NW., Washington, D.C.
B. Grocery Manufacturers of America, Inc., 1632 K Street NW., Washington, D.C.

A. Charles L. King, assistant general counsel, American Life Convention, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.

A. James D. Kittelton, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.

A. Kominers, Fort, Schlefer, Farmer & Boyer, 5th Floor, Tower Building, Washington, D.C.
B. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.
E. (9) $148.39.

A. Howard R. Koven and Abe Fortas, 208 So. LaSalle Street, Chicago, Ill., and Canal Square, 1054 31st Street NW., Washington, D.C.

B. Loeb Rhoades & Co., 42 Wall Street, New York.

A. Krooth & Altman, 1001 15th Street NW., Washington, D.C.

A. John P. Lagomarcino, 2100 M Street NW., Washington, D.C.

B. Urban Coalition Action Council, 2100 M Street NW., Washington, D.C.

A. Walter Lang, 1900 L Street NW., Washington, D.C.

B. National Right to Work Committee, 1900 L Street NW., Washington, D.C.

A. Law Students Against the War, Inc., 714 21st Street NW., Washington, D.C.

A. William Lazarus, American Retail Federation, 1616 H Street NW., Washington, D.C.

B. American Retail Federation, 1616 H Street NW., Washington, D.C.

A. Paul Leach, 2503 I Street NW., Washington D.C.

B. Project Pursestrings, 1616 K Street NW., Washington, D.C.

A. Wilbur O. Lowrey, Washington Representative, Shell Oil Co., 1700 K Street NW., Washington D.C.

B. Shell Oil Co., 50 West 50th Street, New York. N.Y.

A. Donald C. Lubick, 1800 One M & T Plaza, Buffalo. N.Y.

B. Buffalo City Cemetery, 1411 Delaware Avenue Buffalo, N.Y.

A Martha McCahill, 824 New Hampshire Avenue NW., Channel House, Washington, D.C.

B. Project Pursestrings. 1616 K Street NW., Washington, D.C.

A. Ralph J. Marlatt, 520 Investment Building, NW., Washington, D.C.

B. National Association of Mutual Insurance Agents, 520 Investment Building, Washington, D.C.

A. Byron-Eric K. Martinez, 5600 Lakewood Drive, La Mesa, Calif.

B. Continuing Presence in Washington, Inc., 815 17th Street NW., Washington, D.C.

A. Paul Menk 1130 17th Street NW., Washington, D.C.

B. American Courier Corp., 2 Nevada Drive, Lake Success, N.Y.

A. Larry L. Meyer, American Retail Federation, 1616 H Street NW., Washington, D.C.

B. American Retail Federation, 1616 H Street NW., Washington, D.C.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. Washington Mutual Investors Fund, Inc., Southern Building, Washington, D.C.

A. Joseph J. Minarik, 605 Harper Avenue, Jenkintown, Pa.

B. Americans for Democratic Action, 1424 16th Street NW., Washington, D.C.

A. Minnesota Mining & Manufacturing, 3-M Center, St. Paul, Minn.

B. Minnesota Mining & Manufacturing, 3-M Center, St. Paul, Minn.

A. Morison, Murphy, Abrams & Haddock, 1776 K Street NW., Washington, D.C.

B. Ethyl Corp., 330 South Fourth Street, Richmond, Va.

A. D. Michael Murray, 915 L'Enfant Plaza SW., Washington, D.C.

B. Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va.

A. National Committee To Save American Business From Conglomerate One-Bank Holding Companies, 1130 17th Street NW., Washington, D.C.

A. National Council of Health Care Services, 1625 Eye Street NW., Washington, D.C.

B. Multi-facility nursing homes, et al.

A. National Taxpayers Union, 415 Second Street NE., Washington, D.C.

A. Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va.

A. Leo W. O'Brien, 160 South Mawring Boulevard, Albany, N.Y.

B. Virgin Islands Legislature.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. Baldwin Piano Co., 1801 Gilbert Avenue, Cincinnati, Ohio.

A. Joseph G. W. Parry-Hill, AAAA Associates & Crews Inc., 3803 Military Road NW., Washington, D.C.

A. Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, 1775 K Street NW., Washington, D.C.

B. Automatic Data Processing, Inc., 405 Route 3, Clifton, N.J.

A. Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, 1775 K Street NW., Washington, D.C.

B. Book-of-the-Month Club, Inc., 280 Park Avenue, New York, N.Y.

A. Elver T. Pearson, American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.

B. American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.

A. John J. Pecoraro, 1925 K Street NW., Washington, D.C.

B. International Brotherhood of Painters & Allied Trades, AFL–CIO, 217–219 North Sixth Street, Lafayette, Ind.

A. Bruce E. Phillips, American Retail Federation, 1616 H Street NW., Washington, D.C.

B. American Retail Federation, 1616 H Street NW., Washington, D.C.

A. John K. Pickens, 201 North Washington Street, Alexandria, Va.

B. American Nursing Home Association, 1025 Connecticut Avenue NW., Washington, D.C.

A. Bruce Pike, 400 First Street NW., Washington, D.C.

B. National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C.

A. Political Action Team, Inc., 714 21st Street NW., Washington, D.C.

A. Project Pursestrings, 1616 K Street NW., Washington, D.C.

A. Arthur Lee Quinn, 723 Washington Building, Washington, D.C.

B. Hambro American Bank & Trust Co., 25 Broad Street, New York, N.Y.

A. G. J. Rauschenbach, Director, Congressional Relations and Corporate Development, Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C.

B. Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C.

A. Dwight C. Reed, National Soft Drink Association, Inc., 1128 16th Street NW., Washington, D.C.

B. National Soft Drink Association, Inc., 1128 16th Street NW., Washington, D.C.

A. Kenneth A. Roberts, 1026 17th Street NW., Washington, D.C.

B. Proprietary Association, 1700 Pennsylvania Avenue, Washington, D.C.

A. Stanley H. Ruttenberg, 1211 Connecticut Avenue NW., Washington, D.C.

B. Stanley H. Ruttenberg & Associates, Inc., 1211 Connecticut Avenue NW., Washington, D.C.

A. Richard M. Schmidt, Jr., 1920 L Street NW., Washington, D.C.,

B. Washington Office, American Book Publishers Council and American Educational Publishers Institute, 1826 Jefferson Place NW., Washington, D.C.

A. Scribner, Hall, Casey, Thornburg & Thompson, 1200 18th Street NW., Washington, D.C.

B. Jefferson Pilot Corp., Post Office Box 21008, Greensboro, N.C.

A. Sharon, Pierson & Semmes, 1054 31st Street NW., Washington, D.C.

B. Milton Hershey School Trust, Hershey, Pa.

A. James R. Sharp, 1108 16th Street NW., Washington, D.C.

B. American Fur Merchants' Association, 224 West 30th Street, New York, N.Y.

A. S. Richard Shostak, Esq., Stein & Shostack, Esqs., 608 South Hill Street, Los Angeles, Calif.

B. Committee to Except Assembled U.S. Textile Articles From Quotas, 608 South Hill Street, Los Angeles, Calif.

A. Leonard L. Silverstein, 1776 K Street NW., Washington, D.C.

B. United Nations Development Corp., 322 East 44th Street, New York, N.Y.

A. Samuel E. Stavisky & Associates, Inc., 1250 Connecticut Avenue NW., Washington, D.C.

B. Pan-American Coffee Bureau, 120 Wall Street, New York, N.Y.

A. Samuel E. Stavisky, 1250 Connecticut Avenue NW., Washington, D.C.

B. Samuel E. Stavisky & Associates, Inc., 1250 Connecticut Avenue NW., Washington, D.C.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.

B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y.

A. Carlyle V. Stewart, Jr., Stewart Management & Research Team, Inc., 627 National Press Building, Washington, D.C.

B. Firearms Lobby of America, 415 Second Street NE., Washington, D.C.

A. Carlyle V. Stewart, Jr., Stewart Management & Research Team, Inc., 627 National Press Building, Washington, D.C.

B. United Republicans of America, 415 Second Street NE., Washington, D.C.

A. John D. Stringer, 666 11th Street NW., Washington, D.C.
B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.

A. Stroock & Stroock & Lavan, 61 Broadway, New York, N.Y.

A. Sutton Shull & O'Rourke, 1108 16th Street NW., Washington, D.C.
B. Farmers & Manufacturers Beet Sugar Association, Second National Bank Building, Saginaw, Mich., and American Crystal Sugar Co., Boston Building, Denver, Colo.

A. Maurice B. Tobin, 1140 Connecticut Avenue, NW., Washington, D.C.

A. John M. Vansant, Jr., 127 Court Avenue, Albany, Ga.
B. Chattem Drug & Chemical Co., 1715 West 38th Street, Chattanooga, Tenn.

A. Virginia Students for Legislative Coordination, 2115 S Street NW., Washington, D.C.

A. Philip C. Wallach, Wallach Associates, Inc., 136 East 57th Street, New York, N.Y.
B. Sangamo Electric Co., Springfield, Ill.

A. Mr. Alan M. Warren, Suite 1008, 1025 Connecticut Avenue, NW., Washington, D.C.
B. Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex.

A. Vaughn Waters, 1900 L Street, NW., Washington, D.C.
B. National Right To Work Committee, 1900 L Street, NW., Washington, D.C.

A. Wheeler, Van Sickle, Day & Anderson, 25 West Main Street, Madison, Wis.
B. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis.

A. Wilkinson, Cragun & Barber, 1616 H Street, NW., Washington, D.C.
B. Association of Data Processing Service Organizations, Inc., 551 Fifth Avenue, New York, N.Y.

A. Wilkinson, Cragun & Barker, 1616 H Street, NW., Washington, D.C.
B. The Taos Pueblo, Taos, N. Mex.

A. Harry D. Williams, 1660 L Street, NW., Washington, D.C.
B. Ashland Oil, Inc., 1409 Winchester Avenue, Ashland, Ky.
D. (6) $100. E. (9) $1,000.01.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. J. P. Morgan & Co., Inc., 23 Wall Street, New York, N.Y.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. National Corporation for Housing Partnerships, 1133 15th Street NW., Washington, D.C.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the second calendar quarter 1970:

(NOTE.—The form used for registration is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_______ ◄

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◄

AFFIDAVIT

[Omitted in printing]

PAGE 1◄

NOTE ON ITEM "D."—(*a*) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $--------Dues and assessments
2. $--------Gifts of money or anything of value
3. $--------Printed or duplicated matter received as a gift
4. $--------Receipts from sale of printed or duplicated matter
5. $--------Received for services (e.g., salary, fee, etc.)
6. $--------TOTAL for this Quarter (Add items "1" through "5")
7. $--------Received during previous Quarters of calendar year
8. $--------TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $--------TOTAL now owed to others on account of loans
10. $--------Borrowed from others during this Quarter
11. $--------Repaid to others during this Quarter

12. $--------"Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": --------

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	(*"Period"* from Jan. 1 through ------------------, 19----)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $--------Public relations and advertising services
2. $--------Wages, salaries, fees, commissions (other than item "1")
3. $--------Gifts or contributions made during Quarter
4. $--------Printed or duplicated matter, including distribution cost
5. $--------Office overhead (rent, supplies, utilities, etc.)
6. $--------Telephone and telegraph
7. $--------Travel, food, lodging, and entertainment
8. $--------All other expenditures
9. $--------TOTAL for this Quarter (Add "1" through "8")
10. $--------Expended during previous Quarters of calendar year
11. $--------TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $--------TOTAL now owed to person filing
13. $--------Lent to others during this Quarter
14. $--------Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

PAGE 2

A. Kirby Able, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

A. Academic & Professional Alliance for a Responsible Congress, 11 West 42d Street, New York, N.Y.
D. (6) $9,069. E. (9) $3,594.20.

A. John J. Adams, 1819 H Street NW., Washington, D.C.
B. Ethyl Corp., 330 South Fourth Street, Richmond, Va.
D.(6) $160.

A. Clarence G. Adamy, National Association of Food Chains, 1725 Eye Street NW., Washington, D.C.
B. National Association of Food Chains, 1725 I Street NW., Washington, D.C.
D. (6) $500.

A. S. Allan Adelman, American Gas Association, Inc., 1660 L Street NW., Washington, D.C.
B. American Gas Association, Inc., 605 Third Avenue, New York, N.Y.
D. (6) $975. E. (9) $325.

A. Ad Hoc Committee of the Construction Industry Advancement Funds, 1016 20th Street NW., Washington, D.C.
B. None.

A. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C.
D. (6) $6,702.06. E. (9) $6,702.06.

A. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
D. (6). $5,449.93. E. (9). $7,450.27.

A. Aircraft Owners & Pilots Association, Post Office Box 5800, Washington, D.C.
B. As above.

A. Air Traffic Control Association, Inc., ARBA Building, 525 School Street SW., Washington, D.C.

A. Air Transport Association of America, 1000 Connecticut Avenue NW., Washington, D.C.
B. Same as above.
D. (6) $9,356.33. E. (9) $9,356.33.

A. John R. Ale, American Life Convention, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $730. E. (9) $10.25.

A. Willis W. Alexander, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 90 Park Avenue, New York, N.Y.
D. (6) $1,500. E. (9) $12,788.17.

A. Herbert F. Alfrey, President, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $496.

A. Mrs. Donna Allen, 3306 Ross Place NW., Washington, D.C.
B. National Committee Against Repressive Legislation, 555 North Western Avenue, Los Angeles, Calif.
D. (6) $1,040. E. (9) $1,455.32.

A. Kenneth D. Allen, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $5.18. E. (9) $8.71.

A. Nicholas E. Allen and Merrill Armour, 444 Shoreham Building, Washington, D.C.
B. Music Operators of America, Inc., 228 North LaSalle Street, Chicago, Ill.
D. (6) $1,687.50. E. (9) $74.78.

A. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Amalgamated Transit Union, National Capital Division 689, 100 Indiana Avenue NW., Washington, D.C.

A. American Automobile Association, 1712 G Street NW., Washington, D.C.
B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. American Cancer Society, 219 East 42d Street, New York City.
E. (9) $8,591.81.

A. The American College of Radiology, 20 North Wacker Drive, Chicago, Ill.
D. (6) $2,655.75. E. (9) $2,655.75.

A. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y.
D. (6) $200. E. (9) $200.

A. American Dental Association, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $4,418.81. E. (9) $4,418.81.

A. American Education Lobby, Inc., 20 E Street NW., Washington, D.C.
D. (6) $294.16. E. (9) $387.86.

A. American Farm Bureau Federation, Merchandise Mart Plaza, Chicago, Ill.
D. (6) $40,756. E. (9) $40,756.

A. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
E. (9) $52,082.07.

A. American Frozen Food Institute, 919 18th Street NW.. Washington, D.C.
D. (6) $81,732.01. E. (9) $1,849.69.

A. American Gas Association, Inc., 605 Third Avenue, New York, N.Y.

A. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill.
D. (6) $62,541.12. E. (9) $62,541.12.

A. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y.
D. (6) $261,444.67. E. (9) $2,759.20.

A. American Humane Association, 5351 Roslyn Street, Englewood, Colo.
E. (9) $1,500.

A. American Industrial Bankers Association, 1629 K Street NW., Washington, D.C.
D. (6) $2,150. E. (9) $2,150.

A. American Justice Association, Inc., Defense Highway, Gambrills, Md.
D. (6) $2. E. (9) $2.

A. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $8,564.96. E. (9) $39,361.99.

A. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $2,025. E. (9) $280.58.

A. American Lobby, Inc., 20 E Street NW., Washington, D.C.
D. (6) $847.50. E. (9) $2,330.25.

A. American Maritime Association, 17 Battery Place, New York, N.Y.
E. (9) $168.06.

A. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
E. (9) $24,404.87.

A. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $1,540.

A. American National Cattlemen's Association, 1540 Emerson Street, Denver, Colo.
D. (6) $83,549.11. E. (9) $1,654.88.

A. American Nurses' Association Inc., 10 Columbus Circle, New York, N.Y.
D. (6) $9,641.66. E. (9) $9,641.66.

A. American Optometric Association, c/o J. C. Tumblin, O.D., Post Office Box 5147, Knoxville, Tenn.
D. (6) $3,069.25. E. (9) $3,069.25.

A. American Parents Committee, Inc., 20 E Street NW., Washington, D.C.
D. (6) $1,449.02. E. (9) $1,350.13.

A. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.
E. (9) $3,925.56.

A. The American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C.
D. (6) $1,141.71. E. (9) $1,141.71.

A. American Society of Consulting Planners, 1819 H Street NW., Washington, D.C.
E. (9) $2,250.

A. American Stock Yards Association, 1712 I. Street NW., Washington, D.C.
D. (6) $1,350. E. (9) $1,000.

A. American Surveys, 2000 P Street NW., Washington, D.C.
B. National Customs Brokers & Forwarders Association of America, Inc., 80 Wall St., New York City, N.Y.
D. (6) $137.50. E. (9) $14.53.

A. American Taxpayers Association, 326 Pennsylvania Bldg., Washington, D.C.

A. American Textile Machinery Association, 1730 M Street NW., Washington, D.C.

A. American Veterinary Medical Association, 1522 K Street NW., Suite 828, Washintgon, D.C.
B. American Veterinary Medical Association, 1522 K Street NW., Suite 828, Washington, D.C
E. (9) $310.

A. Edward T. Anderson, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 2d Street NE., Washington, D.C.
D. (6) $1,207.

A. Walter M. Anderson, Jr., Alabama Railroad Association, Montgomery, Ala.
B. Alabama Railroad Association, 1002 First National Bank Bldg., Montgomery, Ala.
D. (6) $267 E. (9) $169.25.

A. William C. Anderson, American Farm Bureau Federation, 425 13th Street NW., Washington D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $1,937. E. (9) $81.80.

A. Erma Angevine, 1012 14th Street NW., Washington, D.C.
B. Consumer Federation of America, 1012 14th Street NW., Washington, D.C.
D. (6) $800.

A. George W. Apperson, Amalgamated Transit Union, Local Division 689, 100 Indiana Ave. NW., Washington, D.C.
B. Amalgamated Transit Union, National Capital Division 689, 100 Indiana Ave. NW., Washington, D.C.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C.
B. Conwood Corp., 701 North Main Street, Memphis, Tenn.
D. (6) $3,545. E. (9) $70.35

A. Arkansas Railroads, 1100 Boyle Building, Little Rock, Ark.

A. Carl F. Arnold, 1101 17th Street NW., Washington, D.C.
B. American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y.
D. (6) $3,937.50. E. (9) $1,986.13.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Fairchild Camera & Instrument Corp., 464 Ellis Street, Mountain View, Calif.
D. (6) $2,000. E. (9) $50.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Floor Covering Committee Affiliated with the National Council of American Importers, 295 Fifth Avenue, New York, N.Y.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Hoffman-La Roche Inc., Nutley, N.J.
D. (6) $8,750. E. (9) $471.10.

A. Associated Credit Bureaus, Inc., 6767 Southwest Freeway, Houston, Tex.
B. Associated Credit Bureaus, Inc., 6767 Southwest Freeway, Houston, Tex.
E. (9) $1,324.11.

A. Associated Dairymen, Inc., 1026 17th Street NW., Washington, D.C.
E. (9) $516.

A. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J.
B. Associated Railroads of New Jersey, Pennsylvania Station, Newark, N.J.
D. (6) $250. E. (9) $207.05.

A. Associated Third Class Mail Users, Suite 607, 1725 K Street NW., Washington, D.C.
B. Associated Third Class Mail Users.
D. (6) $300. E. (9) $300.

A. Association of American Physicians & Surgeons, Inc., 230 North Michigan Avenue, Chicago, Ill.
D. (6) $500. E. (9) $500.

A. Association of American Railroads, American Railroads Building, 1920 L Street NW., Washington, D.C.
D. (6) $9,478.18. E. (9) $9,478.18.

A. Association of Mutual Fund Plan Sponsors, 50 East 42d Street, New York, N.Y.
D. (6) $5,286.60. E. (9) $5,750.

A. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C.
E. (9) $210.

A. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y.
E. (9) $1,000.

A. Robert L. Augenblick, 1775 K Street NW., Washington, D.C.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C.
D. (6) $200. E. (9) $2.50.

A. Richard W. Averill, Director, Washington, Office, American Optometric Association, 1026 17th Street NW., Washington, D.C.
B. American Optometric Association, c/o J. C. Tumblin, O.D., Post Office Box 5147, Knoxville, Tenn.
D. (6) $800. E. (9) $301.

A. Michael H. Bader, 1730 M Street NW., Washington, D.C.
B. Association for Broadcast Engineering Standards, Inc., 1130 17th Street NW., Washington, D.C.

A. Mr. Harry S. Baer, 1725 De Sales Street NW., Suite 400, Washington, D.C.
B. National Aerospace Services Association, 1725 De Sales Street NW., suite 400, Washington, D.C.
E. (9) $2,420.

A. John C. Bagwell, Hawaiian Sugar Planters' Association, 723 Investment Building, Washington, D.C.
B. Hawaiian Sugar Planters' Association, Honolulu, Hawaii.

A. Ernest L. Barcella, General Motors Corp., Washington, D.C.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.

A. Arthur R. Barnett, 1140 Connecticut Avenue, NW., Washington, D.C.
B. National Association of Electric Companies, 1140 Connecticut Avenue, NW., Washington, D.C.
D. (6) $149.50.

A. David S. Barrows, 214 Century Building, Portland, Oreg.
B. Association of Oregon and California Land Grant Counties, Douglas County Courthouse, Roseburg, Oreg.
D. (6) $900. E. (9) $519.02.

A. A. Wesley Barthelmes, 1776 K Street NW., Washington, D.C.
B. Life Insurance Company of North America, 1600 Arch Street, Philadelphia, Pa.
D. (6) $121. E. (9) $71.

A. Ross Bass Associates, 4000 Massachusetts Avenue NW., Washington, D.C.
B. Record Industry Association of America, 1 East 57th Street, New York, N.Y.
D. (6) $6250.

A. Davis M. Batson, Director of Government Relations and Services, Ethyl Corp., 611 Madison Office Building, Washington, D.C.
B. Ethyl Corp., 611 Madison Office Building, 1155 15th Street NW., Washington, D.C.
D. (6) $450.

A. A. David Baumhart, Box 553, Lorain, Ohio.
B. Green Olive Trade Association, 80 Wall Street, New York, N.Y.
D. (6) $600. E. (9) $53.75.

A. Mrs. Dita Davis Beard, ITT Building, 1707 L Street NW., Washington, D.C.
B. International Telephone & Telegraph Corp., ITT Building, 1707 L Street NW., Washington, D.C.
D. (6) $2,450. E. (9) $3,395.

A. Lowell R. Beck, 2100 M Street NW., Washington, D.C.
B. Urban Coalition Action Council, 2100 M Street NW., Washington, D.C.
D. (6) $173.04.

A. Daniel S. Bedell, 1126 16th Street NW., Washington, D.C.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) $2,168.25. E. (9) $392.07.

A. James F. Bell, 1100 Connecticut Avenue NW., Washington, D.C.
B. National Association of Supervisors of State Banks, 1101 17th Street NW., Washington, D.C.
D. (6) $1,187.50. E. (9) $238.68.

A. Betty Benford, 1250 Connecticut Avenue NW., Washington, D.C.
B. Samuel E. Stavisky & Association, Inc., 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) $200. E. (9) $225.

A. Reed A. Benson, John Birch Society, 1028 Connecticut Avenue NW., Washington, D.C.
B. The John Birch Society, Inc., 395 Concord Avenue, Belmont, Mass.

A. Robert L. Bevan, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 90 Park Avenue, New York, N.Y.
D. (6) $100. E. (9) $20.41.

A. Walter J. Bierwagen, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Robert J. Bird, Esq., 918–16th Street NW., Washington, D.C.
B. Transamerica Corp., Occidental Center, Los Angeles, Calif.
E. (9) $79.91.

A. Mr. Sidney W. Bishop, American Insurance Association, 85 John Street, New York, N.Y.
B. American Insurance Association, 85 John Street, New York, N.Y.
D. (6) $2,656.25. E. (9) $65.10.

A. William Rhea Blake, 1918 North Parkway, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $2,530.06. E. (9) $310.57.

A. Bluejay Oil Co., 1108 National Press Building, Washington, D.C.
E. (9) $50.

A. Blumberg, Singer, Ross, Gottesman & Gordon, 245 Park Avenue, New York, N.Y.
B. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y.
D. (6) $6,875. E. (9) $100.30.

A. Eugent P. Bogan, Bogan & Freeland, 1000 16th Street, NW., Washington, D.C.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C.

A. John Borbridge, Jr., Tlingit Haida Indians of Alaska, Box 529, Juneau, Alaska.
B. Central Council of the Tlingit & Haida Indians, Box 529, Juneau, Alaska.
D. (6) $3,125[1] E. (9) $230.42.

A. G. Stewart Boswell, American Textile Manufacturers Institute, Inc., 1120 Connecticut Avenue NW., Washington, D.C.
B. American Textile Manufacturers Institute, 1501 Johnston Building, Charlotte, N.C.
D. (6). $1,728.20. (9) $143.41.

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[1] This sum represents allocation of 50 percent of total salary received from Central Council of Tlingit & Haida Indians of Alaska during second quarter of 1970, based on estimate of time spent on matters pertaining to legislative settlement of Alaska Native land claims.

A. J. Wiley Bowers, 325 Pioneer Building, Chattanooga, Tenn.

B. Tennessee Valley Public Power Association, 325 Pioneer Building, Chattanooga, Tenn.

A. Wayne W. Bradley, 1776 K Street NW., Washington, D.C.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.

D. (6) $2,062.50. E. (9) $355.03.

A. Charles N. Brady, Highway Department, American Automobile Association, 1712 G Street NW., Washington, D.C.

B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Joseph E. Brady, Sheraton Gibson Hotel, Cincinnati, Ohio.

B. National Coordinating Committee of the Beverage Industry.

A. Ophalandus Brasfield, 1126 16th Street NW., Washington, D.C.

B. International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America, Solidarity House, 80000 East Jefferson Avenue, Detroit, Mich.

D. (6) $833.94. E. (9) $272.70.

A. William C. Brashares, Esq., Peabody, Rivlin, Kelly, Cladouhos & Lambert, 1730 M Street, Washington, D.C.

B. National Tool, Die & Precision Machining Association, 1411 K Street, NW., Washington, D.C.

E. (9) $124.69.

A. Brickle & Baker, 1835 K Street, NW., Washington, D.C.

B. American Institute of Laundering, Joliet, Ill.

D. (6) $1,000.

A. Parke C. Brinkley, 1155 15th Street NW., Washington, D.C.

B. National Agricultural Chemicals Association.

A. Wally Briscoe.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.

D. (6) $135. E. (9) $16.50.

A. Florence I. Broadwell, 1737 H Street NW., Washington, D.C.

B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C.

D. (6) $4,512.80. E. (9) $931.

A. David A. Brody, Anti-Defamation League of B'nai B'rith, 1640 Rhode Island Avenue NW., Washington, D.C.

B. Anti-Defamation League of B'nai B'rith, 315 Lexington Avenue, New York, N.Y.

D. (6) $350.

A. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.

D. (6) $15,604.43. E. (9) $15,604.43.

A. E. Fontaine Broun, president, Man-Made Fiber Producers Association, Inc., 1000 Connecticut Avenue, Washington, D.C.,

B. Man-Made Fiber Producers Association, Inc., 350 Fifth Avenue, New York, N.Y.

E. (9) $75.

A. J. D. Brown, 2600 Virginia Avenue NW., Washington, D.C.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.

D. (6) $500.

A. Brown Lund & Levin, 1625 Eye Street, NW., Washington, D.C.

B. Cominco American Inc., West 818 Riverside, Spokane, Wash.

A. Brown Lund & Levin, 1625 Eye Street NW., Washington, D.C.

B. Ebasco Industries.

D. (6) $1,250.

A. Brown Lund & Levin, 1625 Eye Street NW., Washington, D.C.

B. General Public Utilities Corp., 80 Pine Street, New York, N.Y.

D. (6) $312.50. E. (9) $8.90.

A. Brown, Lund & Levin, 1625 I Street NW., Washington, D.C.

B. Pacific Northwest Power Co., Public Service Building, Portland, Oreg.

E. (9) $15.31.

A. Lyman L. Bryan, 2000 K Street NW., Washington, D.C.

B. American Institute of CPA's, 666 Fifth Avenue, New York, N.Y.

A. George S. Buck, Jr., Post Office Box 12285, 1918 North Parkway, Memphis, Tenn.

B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.

A. Bulgarian Claims Committee, c/o Moore & Schley, Cameron & Co., 2 Broadway, New York, N.Y.

E. (9) $15.43.

A. David A. Bunn, Consultant, 1211 Connecticut Avenue NW., Washington, D.C.

B. The Hearst Corp., 959 Eighth Avenue, New York, N.Y.

E. (9) $1,200.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C.

B. Parcel Post Association, 1211 Connecticut Avenue NW., Washington, D.C.

E. (9) $700.

A. George J. Burger, retained by Burger Tire Consultant Service, 250 West 57th Street, New York, N.Y.

B. Burger Tire Consultant Service, 250 West 57th Street, New York, N.Y.

A. George J. Burger, vice president Washington office, National Federation of Independent Business, 921 Washington Building, Washington, D.C.

B. Retained by National Federation of Independent Business, 921 Washington Building, Washington, D.C.

D. (6) $4,250. E. (9) $2,152.20.

A. Burley & Dark Leaf Tobacco Export Association, Post Office Box 860, Lexington, Ky.

D. (6) $15,117.09. E. (9) $589.35.

A. George Burnham IV, United States Steel Corp., 1625 K Street NW., Washington, D.C.

B. United States Steel Corp., 525 William Penn Place, Pittsburgh, Pa.

D. (6) $380. E. (9) $288.

A. George B. Burnham, 120 C Street NE., Washington, D.C.

B. Numerous stockholders of the Burnham Chemical Co., 120 C Street NE., Washington, D.C.

D. (6) $310. E. (9) $310.

A. Charles S. Burns, American Mining Congress, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, 1100 Ring Building, Washington, D.C.

D. (6) $825.

A. David Burpee, Seed Grower, Foodhook Farms, Doylestown, Pa.

B. W. Atlee Burpee Co., 18th and Hunting Park Avenue, Philadelphia, Pa.

E. (9) $114.96.

A. George Bursach, National Press Building, Washington, D.C.

B. American Society of Bank Directors, National Press Building, Washington, D.C.

A. Herbert H. Butler, 438 Pennsylvania Building, Washington, D.C.

B. United States Independent Telephone Association, 438 Pennsylvania Building, Washington, D.C.

D. (6) $125. E. (9) $270.

A. Robert B. Byrnes, 1514 17th Street NW., Washington, D.C.

B. National Railroad Pension Forum, Inc., 328 Pennsylvania Avenue SE., Washington, D.C.

E. (9) $340.39.

A. John H. Callahan, IUE Legislative Representative, 1126 16th Street NW., Washington, D.C.

B. International Union of Electrical, Radio & Machine Workers AFL–CIO–CLC, 1126 16th Street NW., Washington, D.C.

D. (6) $875. E. (9) $240.

A. Gordon L. Calvert, 425 13th Street NW., Washington, D.C.

B. Investment Bankers Association of America, 425 13th Street NW., Washington, D.C.

D. (6) $2,000. E (9) $946.70.

A. Donald L. Calvin, New York Stock Exchange, 11 Wall Street, New York, N.Y.

B. New York Stock Exchange, 11 Wall Street, New York, N.Y.

D. (6) $2,000.

A. Carl C. Campbell, Room 610, Ring Building, 1200 18th Street NW., Washington, D.C.

B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.

D. (6) $92.30.

A. Charles Argyll Campbell, 1615 H Street NW., Washington, D.C.

B. Chamber of Commerce of the United States of America, 1615 H Street NW., Washington, D.C.

A. Ronald A. Capone, Kirlin, Campbell & Keating, Farragut Building, Washington, D.C.

B. Committee of European Shipowners, 30–32 St. Mary Axe, London, E.C. 3, England.

D. (6) $5,625. E. (9) $758.08.

A. Michael H. Cardozo, 1 Dupont Circle NW., Washington, D.C.

B. Association of American Law Schools, 1 Dupont Circle NW., Washington, D.C.

A. Norval E. Carey, 1025 Connecticut Avenue NW., Washington, D.C.

B. Gulf Oil Corp., Pittsburgh, Pa.

D. (6) $1,000. E. (9) $375.

A. Philip Carlip, National Marine Engineers Beneficial Association, District 2, 650 Fourth Avenue, Brooklyn, N.Y.

B. National Marine Engineers Beneficial Association, District 2.

D. (6) $1,000. E. (9) $135.

A. Philip Carlip, Seafarers International Union, 675 Fourth Avenue, Brooklyn, N.Y.

B. Seafarers International Union.

D. (6) $2,500. E. (9) $1,465.

A. Carolinas Association of Mutual Insurance Agents, Inc., 501 Raleigh Building, Raleigh, N.C.

E. (9) $409.

A. Robert S. Carr, Washington representative, Hiram Walker & Sons, Inc., 1220 Pennsylvania Building, Washington, D.C.

B. Hiram Walker & Sons, Inc., 8232 Jefferson Avenue, Detroit, Mich.

A. Albert A. Carretta, 1815 H Street NW., Washington, D.C.
B. Work Glove Manufacturers Association, 1604 Chicago Avenue, Evanston, Ill.
D. (6) $462.50.

A. John R. Carson, 20 Chevy Chase Circle, Washington, D.C.
B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.
D. (6) $1,875.

A. Blue A. Carstenson.
B. The Farmers' Educational and Co-Operative Union of America, Post Office Box 2251, Denver, Colo.

A. Eugene C. Carusi, 1629 K Street NW., Washington, D.C.
B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y.
D. (6) $100.

A. Casey, Lane & Mittendorf, 26 Broadway, New York, N.Y.
B. South African Sugar Association, Post Office Box 507, Durban, South Africa.
E. (9) $3,136.40.

A. James B. Cash, Jr., Suite 1002, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 90 Park Avenue, New York, N.Y.
D. (6) $1,500. E. (9) $104.80.

A. E. Michael Cassady, Water Resources Associated, 1130 17th Street NW., Suite 500, Washington, D.C.
B. Water Resources Associated, 1130 17th Street NW., Suite 500, Washingon, D.C.

A. Francis R. Cawley, Agricultural Publishers Association, Wilson Plaza Building, 2425 Wilson Boulevard, Arlington, Va.
B. Agricultural Publishers Association, Wilson Plaza Building, 2425 Wilson Boulevard, Arlington, Va.
D. (6) $135. E. (9) $125.27.

A. Francis R. Cawley, Harcourt, Brace & World, Inc., 1625 I Street NW., Washington, D.C.
B. Harcourt, Brace & World, Inc., 1625 Eye Street NW., Washington, D.C.
D. (6) $140. E. (9) $111.84.

A. Central Council of the Tlingit and Haida Indians, Box 529, Juneau, Alaska.
E. (9) $3,355.42.

A. Chapman, DiSalle & Friedman, 932 Pennsylvania Building, Washington, D.C.
B. The National Committee for the Recording Arts, 1012 South Robertson Boulevard, Los Angeles, Calif.
E. (9) $721.86.

A. Chapman, DiSalle & Friedman, 932 Pennsylvania Building, Washington, D.C.
B. International Association of Game, Fish, and Conservation Commissioners, Secretary's Office, 5727 Blake Road, Minneapolis, Minn.
D. (6) $57.

A. James W. Chapman, Retired Officers Association, 1625 I Street NW., Washington, D.C.
B. Retired Officers Association, 1625 I Street NW., Washington, D.C.
D. (6) $2,000.

A. William C. Chapman, Industry-Government Relations, GMC, 1660 L. Street NW., Washington, D.C.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $2,500. E. (9) $2,040.02.

A. Neil L. Chayet, 15 Court Square, Boston, Mass.
B. Committee for Effective Drug Abuse Legislation, Box 572, 1629 K Street NW., Washington, D.C.
D. (6) $4,500. E. (9) $4,440.05.

A. Leslie Cheek III, American Insurance Association, 1025 Connecticut Avenue NW., Suite 515, Washington, D.C.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 515, Washington, D.C.
D. (6) $1,500. E. (9) $250.

A. Frank Chelf, Suite 303, Congressional Plaza Building, 220 C Street SE., Washington, D.C.
B. Conwood Corp., 701 North Main Street Memphis, Tenn.
D. (6) $1,800.

A. Mr. A. H. Chesser, 400 First Street NW., Suite 704, Washington, D.C.
B. United Transportation Union, 400 First Street NW., Washington, D.C.
D. (6) $7,500. E. (9) $400.

A. Edwin Christianson.
B. The Farmers' Educational & Cooperative Union of America, Post Office Box 2251, Denver, Colo.

A. Lowell T. Christison, Special Assistant for Communications, American Optometric Association, 1026 17th Street NW., Washington, D.C.
B. American Optometric Association, J. C. Tumblin, O.D., Post Office Box 5147, Knoxville, Tenn.
D. (6) $136. E. (9) $79.90.

A. Citizens Committee for Postal Reform, Inc., 206 Premier Building, 1725 I Street NW., Washington, D.C.
D. (6) $7,105. E. (9) $53,976.54.

A. Citizens Committee on Natural Resources, 1346 Connecticut Avenue NW., 712 Dupont Circle Building, Washington, D.C.
D. (6) $317. E. (9) $2,890.38.

A. Allen C. K. Clark, Shipbuilders Council of America, 1730 K Street NW., Washington, D.C.
B. Shipbuilders Council of America, 1730 K Street NW., Washington, D.C.

A. Earl W. Clark.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $1,500. (9) $76.22.

A. Robert M. Clark, The Atchison, Topeka & Santa Fe Railway Co., 1100 Connecticut Avenue NW., Washington, D.C.
B. The Atchison, Topeka & Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill.
E. (9) $300.

A. Clay Pipe Industry Depletion Committee, Post Office Box 13125, Kansas City, Mo.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. American Brands, Inc., 245 Park Avenue, New York, N.Y.
E. (9) $110.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. Brown & Williamson Tobacco Corp., Louisville, Ky.
E. (9) $110.

A. Earle C. Clements, 1176 K Street NW., Washington, D.C.
B. Philip Morris Inc., 100 Park Avenue, New York, N.Y.
E. (9) $110.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. Liggett & Myers Inc., 630 Fifth Ave., New York, N.Y.
E. (9) $110.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. R. J. Reynolds Industries, Winston-Salem, N.C.
E. (9) $110.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. The Tobacco Institute, Inc., 1776 K Street NW, Washington, D.C.

A. Walter S. Clement, 915 L'Enfant Plaza, SW., Washington, D.C.
B. Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va.
D. (6) $625. E. (9) $145.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. Avco Corp., 750 Third Avenue, New York, N.Y.
D. (6) $1,350. E. (9) $271.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. General American Transportation Corp., 120 South Riverside Plaza, Chicago, Ill.
E. (9) $4.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. Owens-Illinois, Inc., Madison Avenue and St. Clair Street, Toledo, Ohio.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. Realty Committee on Taxation, 299 Madison Avenue, New York, N.Y.
D. (6) $5,000. E. (9) $1,000.

A. College of American Pathologists, 230 North Michigan Avenue, Chicago, Ill.
D. (6) $4,875. E. (9) $4,456.30.

A. William J. Colley, 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $2,062.50 E. (9) $770.07.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington. D.C.
B. American Footwear Manufacturers Association, Inc., 342 Madison Avenue, New York, N.Y.
D. (6) $500. E. (9) $475.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C.
B. The Boston Herald Traveler Corp., 300 Harrison Avenue, Boston Mass.
D. (6) $1,000. E. (9) $400.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C.
D. (6) $300.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C.
B. Tool & Stainless Steel Industry Committee, c/o Carpenter Technology Corp., Reading, Pa.
D. (6) $1,250. E. (9) $525.

A. James F. Collins, 1000 16th Street NW., Washington, D.C.
B. American Iron & Steel Institute, 150 East 42d Street, New York, N.Y.
D. (6) $500. E. (9) $125.

A. Paul G. Collins, The Industrial National Bank of Rhode Island, 111 Westminster Street, Providence, R.I.

B. The Industrial National Bank of Rhode Island, 111 Westminster Street, Providence, R.I.

D. (6) $68.75.

A. Colorado Railroad Association, 702 Majestic Building, Denver, Colo.

B. Colorado Railroad Association, 702 Majestic Building Denver, Colo.

D. (6) $1,325. E. (9) $3,025.

A. Harrison Combs, Jr., 1437 K Street NW., Washington, D.C.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C.

D. (6) $3,931.98.

A. Committee for Automobile Excise Tax Repeal, Farragut Building, 900 17th Street NW., Washington, D.C.

E. (9) $211.07.

A. The Committee for Broadening Commercial Bank Participation in Public Financing, 50 South La Salle Street, Chicago, Ill.

D. (6) $250.

A. Congress of Railway Unions, 400 First Street NW., Room 800, Washington, D.C.

D. (6) $1,482.40.

A. Raymond F. Conkling, 1001 Connecticut Avenue NW., Washington, D.C.

B. Texaco Inc., 135 East 42d Street, New York, N.Y.

D. (6) $160. E. (9) $274.62.

A. Howard M. Conner, 1725 K Street NW., Washington, D.C.

B. Pacific Gas & Electric Co., 245 Market Street, San Francisco, Calif.

D. (6) $960. E. (9) $530.24.

A. James T. Conner, the Madison Building, 1155 15th Street NW., Washington, D.C.

B. National Agricultural Chemicals Association.

D. (6) $780. E. (9) $97.50.

A. John A. Connor, 2139 Wisconsin Avenue, Washington, D.C.

B. National Machine Tool Builders Association, 2139 Wisconsin Avenue NW., Washington, D.C.

D. (6) $4,998. E. (9) $176.

A. Robert J. Conner, Jr., 1100 Connecticut Avenue NW., Washington, D.C.

B. Chrysler Corp., 341 Massachusetts Avenue, Detroit, Mich.

D. (6) $425. E. (9) $245.

A. Bernard J. Conway, 211 East Chicago Avenue, Chicago, Ill.

B. American Dental Association, 211 East Chicago Avenue, Chicago, Ill.

D. (6) $2,254.80.

A. Conwood Corp., 701 North Main Street, Memphis, Tenn.

E. (9) $5.415.35.

A. Harry N. Cook, 1130 17th Street NW., Washington, D.C.

B The National Waterways Conference.

A. Howard Lee Cook, Jr., 1776 K Street NW., Washington, D.C.

B. American Medical Association, 535 Dearborn Street, Chicago, Ill.

D. $2,062.50. E. (9) $883.58.

A. Eileen D. Cooke, 200 C Street SE., Washington, D.C.

B. American Library Association, 50 East Huron Street, Chicago, Ill.

D. (6) $80.16.

A. Edward Cooper.

B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C.

A. Joshua W. Cooper, 626 South Lee Street, Alexandria, Va.

B. Portsmouth-Kittery Armed Services Committee, Inc., Portsmouth, N.H.

D. (6) $3,750. E. (9) $1,125.75.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D. C.

B. Council of Forest Industries, 1055 West Hastings Street, Vancouver, Canada.

D. (6) $3,000.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D. C.

B. Footwear Division, Rubber Manufacturers Association, 444 Madison Avenue, New York, N.Y.

D. (6) $6,000. E. (9) $36.50.

A. Cooperative League of U.S.A., 1012 14th Street NW., Washington.

B. Cooperative League of U.S.A., 59 East Van Buren Street, Chicago, Ill.

D. (6) $1,750. E. $2,275.

A. Darrell Coover, 215 Watergate Building, 2600 Virginia Avenue NW., Washington, D.C.

B. National Association of Independent Insurers, 30 West Monroe Street, Chicago, Ill.

D. (6) $2,000. E. (9) $538.

A. Corcoran, Foley, Youngman & Rowe, 1511 K Street NW., Washington, D.C.

B. The Committee for Broadening Commercial Bank Participation in Public Financing, 50 South La Salle St., Chicago, Ill.

A. Corcoran, Foley, Youngman & Rowe, 1511 K Street NW., Washington, D.C.

B. Lilly Endowment, Inc., 914 Merchants Bank Bldg., Indianapolis, Ind.

A. Allan D. Cors, 1629 K Street NW., Washington, D.C.

B. Corning Glass Works, Corning, N.Y.

D. (6) $175. E. (9) $126.70.

A. Robert M. Coultas, Suite 508, 1612 K Street NW., Washington, D.C.

B. Institute for Rapid Transit, 1612 K Street NW., Washington, D.C.

D. (6) $250.

A. Council for a Livable World, 201 Massachusetts Avenue NE., Washington, D.C.

D. (6) $91,554.18. E. (9) $64,458.33.

A. Council of Profit Sharing Industries, 20 North Wacker Drive, Chicago, Ill.

A. Council of State Chambers of Commerce, 1028 Connecticut Avenue, Washington, D.C.

D. (6) $626.25. E. (9) $626.25.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C.

B. Adhesive & Sealant Council, 1410 Higgens Road, Park Ridge, Ill.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C.

B. American Corn Millers Federation, 1030 15th Street NW., Washington, D.C.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C.

B. Classroom Periodical Publishers Association, 38 West Fifth Street, Dayton, Ohio.

A. Counihan, Casey, & Loomis, 1000 Connecticut Avenue, Washington, D.C.

B. Industrial Diamond Association of America, Inc., 2017 Walnut Street, Philadelphia, Pa.

A. Counihan, Casey, & Loomis, 1000 Connecticut Avenue, Washington, D.C.

B. Jewelers Vigilance Committee, Inc., 156 East 52d Street, New York, N.Y.

A. Counihan, Casey, & Loomis, 1000 Connecticut Avenue, Washington, D.C.

B. Kohler Co., Kohler, Wis.

A. Counihan, Casey, & Loomis, 1000 Connecticut Avenue, Washington, D.C.

B. Linen Supply Association of America, 975 Arthur Godfrey Road, Miami Beach, Fla.

A. Counihan, Casey, & Loomis, 1000 Connecticut Avenue, Washington, D.C.

B. National Association of Casualty and Surety Agents, 83 Maiden Lane, New York, N.Y.

A. Raymond L. Courage, 1660 L Street, NW., Suite 601, Washington, D.C.

B. Independent Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C.

D. (6) $300.

A. Paul L. Courtney, 1125 K Street NW., Washington, D.C.

D. (4) $300 or less. (6) $300 or less (7) $300. (8) $600.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.

B. American Machine Tool Distributors Association, 1500 Masschusetts Avenue NW., Washington, D.C.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.

B. Electronic Industries Association, 2001 Eye Street NW., Washington, D.C.

D. (5) $1,000. (6) $1,000. (8) $1,000. (12) $14.57.

E. (4) $2.30. (6) $12.27. (9) $14.57. (11) $14.57.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.

B. A. P. Moller, 8 Kongens Nytorv, Copenhagen, Denmark.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.

B. National Machine Tool Builders Association, 2139 Wisconsin Avenue NW., Washington, D.C.

A. Cox, Langford & Brown, 1521 New Hampshire Avenue NW., Washington, D.C.

B. Association of Research Libraries, 1527 New Hampshire Avenue NW., Washington, D.C.

D. (6) $500.

A. Cox, Langford & Brown, 1521 New Hampshire Avenue NW., Washington, D.C.

B. National Collegiate Athletic Association, Midland Building, Kansas City, Mo.

A. Gregory B. Craig, 328 Pennsylvania Avenue SE., Washington, D.C.

B. Project Pursestrings, 328 Pennsylvania Avenue SE., Washington, D.C.

D. (6) $881.49. E. (9) $1,377.27.

A. W. J. Crawford, P.O. Box 2180, Houston, Tex.

B. Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex.

A. Jay Creswell, Sr., Trustee the Universal exchange, Box 8701, Orlando. Fla.

A. Francis D. Cronin, American Mining Congress, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, Ring Building, Washington, D.C.

D. (6) $475.

A. Mr. H. C. Crotty, Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich.

A. J. A. Crowder, 1015 18th Street NW., Washington, D.C.
B. National Association of Wool Manufacturers, 1015 18th Street NW., Washington, D.C.
D. (6) $1,500.

A. F. Bosley Crowther 3d, American Gas Association, Inc., 605 Third Avenue, New York, N.Y.
B. American Gas Association, Inc., 605 Third Avenue, New York, N.Y.

A. Culbertson, Pendleton, 1815 H Street NW., Washington, D.C.
B. Canned Meat Importers' Association, % North American Foods, Division of Deltec International, Ltd., 401 North Michigan Avenue, Chicago, Ill.
D. (6) $830. E. (9) $314.57.

A. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $3,102.69. E. (9) $1,408.07.

A. John T. Curran, 905 16th Street NW., Washington, D.C.
B. Laborers' International Union of North America, 905 16th Street NW., Washington, D.C.
D. (6) $6,999.99. E. (9) $3,291.21.

A. John R. Dalton, 420 Merchants Bank Building, Indianapolis, Ind.
B. Associated Railways of Indiana, 420 Merchants Bank Building, Indianapolis, Ind.
D. (6) $2,083.33. E. (9) $117.55.

A. John Jay Daly, Direct Mail Advertising Association, Inc., 921 National Press Building, Washington, D.C.
D. (6) $2,250. E. (9) $1,150.

A. John C. Datt, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 100 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $1,219. E. (9) $32.85.

A. John Davenport, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 200 Florida Avenue NW., Washington, D.C.
D. (6) $190.

A. Aled P. Davies, 59 East Van Buren Street, Chicago, Ill.
B. American Meat Institute, 59 East Van Buren Street, Chicago, Ill.
D. (6) $1,000. E. (9) $110.60.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill.
B. Corporate Fiduciaries Association of Chicago.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill.
B. Inland Steel Co., 30 West Monroe Street, Chicago, Ill.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill.
B. Northwest Industries, Inc., 400 West Madison Street, Chicago, Ill.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill.
B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill.
E. (9) $57.15.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill.
B. Trans Union Corp., 111 West Jackson Boulevard, Chicago, Ill.
E. (9) $48.05.

A. Fred Davis, National Association of Manufacturers, 277 Park Avenue, New York, N.Y.
B. National Association of Manufacturers.
D. (6) $400. E. (9) $150.

A. Davis, Wright, Todd, Riese, & Jones, 4200 Seattle-First National Bank Building, Seattle, Wash.
B. Arctic Slope Native Association, Post Office Box 486, Barrow, Alaska.
E. (9) $2,398.10.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C.
B. D.C. Transit System, Inc., Washington, D.C.
D. (6) $1,250.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C.
B. Guild of Prescription Opticians, 1250 Connecticut Avenue NW., Washington, D.C.

A. Dawson, Quinn, Riddell, Taylor, & Davis, 723 Washington Building, Washington, D.C.
B. Air Transport Association, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $750.

A. Dawson, Quinn, Riddell, Taylor, & Davis, 723 Washington Building, Washington, D.C.
B. C.I.T. Financial Corp., 650 Madison Avenue, New York, N.Y.

A. Dawson, Quinn, Riddell, Taylor, & Davis, 723 Washington Building, Washington, D.C.
B. Indian Sugar Mills Association, Export Agency Division, New Delhi, India.
D. (6) $20,000.

A. Dawson, Quinn, Riddell, Taylor, & Davis, 723 Washington Building, Washington, D.C.
B. Ling-Temco-Vought, Inc., Dallas, Tex.

A. Charles W. Day, Washington Staff, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $128. E. (9) $109.

A. Tony T. Dechant.
B. Farmers' Educational and Co-Operative Union of America, Post Office Box 2251, Denver, Colo.
D. (6) $2,500. E. (9) $134.61.

A. DeHart, Broide and McCrory, Inc., Public Affairs Counsel, 1150 Connecticut Avenue NW., Washington, D.C.
B. Recording Industry Association of America, Inc., New York, N.Y.
D. (6) $1,237.50. E. (9) $204.61.

A. Richard A. Dell, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $150.

A. Vincent A. Demo, 25 Broadway, New York, N.Y.
B. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y.
D. (6) $6,250.

A. Max A. Denney, 1629 K Street NW., Washington, D.C.
B. American Industrial Bankers Association, 1629 K Street NW., Washington, D.C.
D. (6) $900.

A. Leslie E. Dennis, Brotherhood of Railway, Airline & Steamship Clerks, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $618.36. E. (9) $96.40.

A. C. H. DeVaney, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $1,937. E. (9) $64.95.

A. R. Daniel Devlin, 1000 16th Street NW., Washington, D.C.
B. Trans World Airlines, Inc., 10 Richards Road, Kansas City, Mo.

A. George S. Dietrich, Association For Broadcast Engineering Standards, Inc., 1130 17th Street NW., Washington, D.C.
B. Association For Broadcast Engineering, Standards, Inc., 1130 17th Street NW., Washington, D.C.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C.
B. Department of Water Resources, State of California, Post Office Box 388, Sacramento, Calif.
D. (6) $2,453.61. E. (9) $293.61.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C.
B. Sacramento Municipal Utility District, Post Office Box 15830, Sacramento, Calif.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C.
B. Yuba County Water Agency, Marysville, Calif.
D. (6) $1,225.28. E. (9) $25.28.

A. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.
D. (6) $16,375. E. (9) $4,696.16.

A. Discover America Travel Organizations, 1100 Conn. Ave., NW., Washington, D.C.
D. (6) $63,083.33. E. (9) $682.50.

A. William H. Dodds, UAW, 1126 16th Street NW., Washington, D.C.
B. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW, 8000 East Jefferson, Detroit, Mich.
D. (6) $1,237. E. (9) $215.95.

A. C. L. Dorson, Room 1128, Warner Building, 501 13th Street NW., Washington, D.C.
B. Retirement Federation of Civil Service Employees of the U.S. Government, Warner Building, 501 13th Street NW., Washington, D.C.
D. (6) $2,457.66. E. (9) $250.

A. Dow, Lohnes and Albertson, Suite 500, 1225 Connecticut Avenue NW., Washington, D.C.
B. Newspaper Committee for Cablevision, David R. Bradley, Agent, News Press & Gazette Co., Ninth and Edmond Streets, St. Joseph, Mo.

A. F. Raymond Downs, 1730 K Street NW., Washington, D.C.
B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio.
D. (6) $1.70. E. (9) $1.70.

A. Robert H. Doyle, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
D. (6) $3,281.

A. Franklin B. Dryden.

B. Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.

D. (6) $200. E. (9) $150.

A. Evelyn Dubrow.

B. International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y.

D. (6) $3,120. E. (9) $1,963.32.

A. M. L. DuMars.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

D. (6) $60.

A. J. D. Durand, General Counsel, Association of Oil Pipe Lines, 1725 K Street, NW., Washington, D.C.

B. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C.

E. (9) $210.

A. Henry I. Dworshak, American Mining Congress, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, Ring Building, Washington, D.C.

D. (6) $975.

A. Roy W. Easly, Association of Maximum Service Telecasters, Inc., 1735 De Salles Street, NW., Washington, D.C.

D. (6) $68.03.

A. Macon T. Edwards, 1918 N. Parkway, Memphis, Tenn.

National Cotton Council of America.

A. J. C. B. Ehringhaus, Jr., Association of American Railroads, Suite 212, 300 New Jersey Avenue SE, Washington, D.C.

B. Association of American Railroads, American Railroads Building, Washington, D.C.

D. (6) $51.63. E. (9) $169.39.

A. Harmon L. Elder, 1900 L Street N.W., Washington, D.C.

B. Wilson E. Hamilton & Associates, Inc., 1900 L Street NW., Washington, D.C.

D. (6) $$250. E. (9) $43.06.

A. John Doyle Elliott, 550 Quincy Street, Hyattsville, Md.

D. (6) $2,845.70. E. (9) $3,552.81.

A. John M. Elliott, 5025 Wisconsin Avenue N.W., Washington, D.C.

B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. D. A. Ellsworth, Brotherhood of Railway, Airlines & Steamship Clerks, 400 First Street NW., Washington, D.C.

B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.

D. (6) $4,219.74. E. (9) $793.60.

A. Richard W. Emory, 1400 Mercantile Trust Building, Baltimore, Md.

B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair, Timonium, Md.

E. (9) $63.78.

A. David G. Erskine, 1629 K Street NW., Washington, D.C.

B. American Industrial Bankers Assn., 1629 K St., NW., Washington, D.C.

D. (6) $500.

A. Ethyl Corp., 1155 15th Street, NW. No. 611, Washington, D.C.

E. (9) $450.

A. John D. Fagan, Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE, Washington, D.C.

B. Veterans of Foreign Wars of the United States.

D. (6) $2,575. E. (9) $35.

A. Richard E. Faggioli, 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C.

B. Standard Oil Co., 30 Rockefeller Plaza, New York, NY.

A. Clinton M. Fair, 815–16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $5,720.50.

A. Farmers' Educational & Co-Operative Union of America, Post Office Box 2251, Denver, Colo.

D. (6) $73,623.71. E. (9) $20,567.84.

A. Herbert A. Fierst, 607 Ring Building, Washington, D.C.

B. Council of Forest Industries of British Columbia, 1500 Guiness Tower, 1055 West Hastings Street, Vancouver 1, B.C.

D. (6) $7,749.99. E. (9) $230.

A. Herbert A. Fierst, 607 Ring Building, Washington, D.C.

B. Joint Committee of Printing & Publishing Industries of Canada, 117 Eglinton Avenue East, Toronto 12, Canada.

D. (6) $999.99. E. (9) $30.

A. Francis S. Filbey, United Federation of Postal Clerks, 817 14th Street NW., Washington, D.C.

B. United Federation of Postal Clerks, 817 14th Street NW., Washington, D.C.

D. (6) $3,739.77.

A. Thomas W. Fink, Room 610 Ring Building, 1200 18th Street NW., Washington, D.C.

B. National Cotton Council of America, P.O. Box 12285, Memphis Tenn.

D. (6) $33. E. (9) $15.

A. Firearms Lobby of America, 415 2d Street NE., Washington, D.C.

D. (6) $19,155.85. E. (9) $20,897.14.

A. Mello G. Fish, 100 Indiana Avenue NW., Washington, D.C.

B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.

D. (6) $775.75. E. (9) $141.94.

A. William J. Flaherty, 1221 Massachusetts Avenue NW., Washington, D.C.

B. Disabled American Veterans, 2725 Alexandria Pike, Cold Springs, Ky.

D. (6) $5,000.

A. Roger Fleming, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.

D. (6) $1,675. E. (9) $23.15.

A. Frank U. Fletcher, 1225 Connecticut Avenue NW., Suite 400, Washington, D.C.

B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y.

A. Law Firm of Fletcher, Heald, Rowell, Kenehan & Hildreth, 1225 Connecticut Avenue NW., Washington, D.C.

B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y.

A. Gene N. Fondren, Box 192, Taylor, Tex.

B. Texas Railroads.

D. (6) $4,000. E. (9) $787.16.

A. Gordon Forbes, 207 Union Depot Building, St. Paul, Minn.

B. Burlington Northern, Inc., et al.

D. (6) $500. E. (9) $485.02.

A. James W. Foristel, 1776 K Street NW., Washington, D.C.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.

D. (6) $2,250. E. (9) $339.82.

A. Ronald J. Foulis, 1140 Connecticut Avenue NW., Suite 1100, Washington, D.C.

B. United States Independent Telephone Association, 425 13th Street NW., Washington, D.C.

D. (6) $300.

A. John G. Fox, 2000 L Street NW., Washigton, D.C.

B. American Telephone & Telegraph Co., 195 Broadway, New York, N.Y.

D. (6) $133.32.

A. Walter L. Frankland, Jr., 1625 Eye Street NW., Washington, D.C.

B. Silver Users Association, 1625 Eye Street NW., Washington, D.C.

D. (6) $624.90. E. (9) $225.74.

A. Robert M. Frederick, 1616 H Street NW., Washington, D.C.

B. The National Grange, 1616 H Street NW., Washington, D.C.

D. (6) $4,125.

A. James O. Freeman, 812 Pennsylvania Building, Washington, D.C.

B. United States Savings & Loan League, 111 East Wacker Drive, Chicago, Ill.

D. (6) $1,875. E. (9) $62.

A. Philip P. Friedlander, Jr., 1343 L Street NW., Washington, D.C.

B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.

D. (6) $150. E. (9) $10.

A. Friends Committee on National Legislation, 245 Second Street NW., Washington, D.C.

D. (6) $63,569. E. (9) $15,028.

A. Frank W. Frisk, Jr., 2600 Virginia Avenue NW., Washington, D.C.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.

D. (6) $200. Allocation to lobbying is an estimate of the pro-rate share of time spent on this activity.

A. Paula Frohman, 2301 41st NW., Washington, D.C.

B. Zero Population Growth, 367 State Street, Los Angeles, Calif.

D. (6) $420. E. (9) $35.

A. Bernard Fuchs, 545 Fifth Avenue, New York, N.Y.

B. National Association of Residents & Interns Inc., 292 Madison Avenue, New York, N.Y.

D. (6) $607.50.

A. David C. Fullarton, 1000 Connecticut Avenue NW., Washington, D.C.

B. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.

D. (6) $396.

A. Garrett Fuller, 1307 Wyatt Building, Washington, D.C.

B. United Medical Laboratories, Inc., 6060 NE 112th Avenue, Portland, Oreg.

D. (6) $320. E. (9) $14.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. Royal Crown Cola Co., Columbus, Ga.

A. Gadsby & Hannah, 1700 Pennsylvania NW., Washington, D.C.

B. Anchor Corp., et al.

D. (6) $1,500. E. (9) $79.90.

A. James E. Gaffigan, American Hotel & Motel Association, 777 14th Street NW., Washington, D.C.

B. American Hotel & Motel Association, 221 West 57th Street, New York, N.Y.

D. (6) $100.

A. Henry E. Gardiner, Anaconda Co., 1511 K Street NW., Washington, D.C.

B. Anaconda Co., 25 Broadway, New York, N.Y.

D. (6) $750. E. (9) $15.

A. William B. Gardiner, Assistant Director of Legislation, Disabled American Veterans, 1221 Massachusetts Avenue NW., Washington, D.C.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky.

D. (6) $4,500.

A. Marion R. Garstang, 30 F Street NW., Washington, D.C.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.

D. (6) $200.

A. Gas Appliance Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va.

A. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C.

A. José A. Gemeil, 1250 Connecticut Avenue NW., Suite 540, Washington, D.C.

B. Samuel E. Stavisky & Associates, Inc., 1250 Connecticut Avenue NW., Washington, D.C.

D. (6) $300.02. E. (9) $325.

A. Arthur P. Gildea, 2347 Vine Street, Cincinnati, Ohio.

B. International Union of United Brewery, Flour, Cereal, Soft Drink, and Distillery Workers of America, 2347 Vine Street, Cincinnati, Ohio.

E. (9) $58.91.

A. Joseph S. Gill, 16 East Broad Street, Columbus, Ohio.

B. Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio.

E. (9) $232.73.

A. Howard F. Gillette, Jr., 328 Pennsylvania Avenue SE., Washington, D.C.

B. Project Pursestrings, 328 Pennsylvania Avenue SE., Washington, D.C.

D. (6) $623.50. E. (9) $661.86.

A. Dave Givens, Tennessee Railroad Association, 916 Nashville Trust Building, Nashville, Tenn.

B. Class I Railroads in Tennessee.

D. (6) $4,375. E. (9) $1,528.31.

A. James M. Goldberg, American Retail Federation, 1616 H Street NW., Washington, D.C.

B. American Retail Federation, 1616 H Street NW., Washington, D.C.

E. (9) $1,250.

A. Don A. Goodall, 416 Washington Building, Washington, D.C.

B. American Cyanamid Co., Wayne, N.J.

D. (6) $220. E. (9) $66.17.

A. Vance V. Goodfellow, 828 Midland Bank Building, Minneapolis, Minn.

B. Crop Quality Council, 828 Midland Bank Building, Minneapolis, Minn.

D. (6) $4,825.50. E. (9) $417.07.

A. W. S. Gookin, 403 North Brown Avenue, Scottsdale, Ariz.

A. Frederick D. Goss, 1000 Connecticut Avenue NW., Wahington, D.C.

B. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.

D. (6) $218.

A. Government Employes Council, AFL–CIO, 100 Indiana Avenue NW., Washington, D.C.

D. (6) $12,215.88. E. (9) $5,636.68.

A. Donald E. Graham, 1129 20th Street NW., Washington, D.C.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $1,437.76. E. (9) $69.27.

A. Cornelius R. Gray, 1712 G Street NW., Washington, D.C.

B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. James A. Gray, 2130 Wisconsin Avenue NW., Washington, D.C.

B. National Machine Tool Builders Association, 2139 Wisconsin Avenue NW., Washington, D.C.

D. (6) 9,375. E. (9) $402.30.

A. Robert K. Gray, 1735 K Street NW., Washington, D.C.

B. Hill & Knowlton, Inc., 150 East 42d Street, New York, N.Y.

D. (6) $2,300. E. (9) $185.

A. Mrs. Virginia M. Gray, 3501 Williamsburg Lane NW., Washington, D.C.

B. Citizens Committee for UNICEF, 20 E Street NW., Washington, D.C.

D. (6) $175. E. (9) $65.67.

A. Samuel A. Grayson, Union Pacific Railroad, 611 Idaho Building, Boise, Idaho.

B. Union Pacific Railroad, 1416 Dodge Street, Omaha, Neb.

E. (9) $707.34.

A. Clifford P. Greck, American Educational Publishers Institute, 432 Park Avenue South, New York, N.Y.

B. American Educational Publishers Institute, 432 Park Avenue South, New York, N.Y.

D. (6) $250.

A. William G. Greif, 1155 15th Street NW., Washington, D.C.

B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y.

D. (6) $1,000.

A. Fred J. Greiner, Evaporated Milk Association, 910 17th Street NW., Washington, D.C.

B. Evaporated Milk Association, 910 17th Street NW., Washington, D.C.

A. John F. Griner, American Federation of Government Employees, 400 First Street NW., Washington, D.C.

B. American Federation of Government Employees, 400 First Street NW., Washington, D.C.

D. (6) $11,596.90. E. (9) $38,714.57.

A. James J. Gudinas, Highway Department, American Automobile Association, 1712 G Street NW., Washington, D.C.

B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Dr. Harry P. Guenther, National Association of Supervisors of State Banks, 1101 17th Street NW., Washington, D.C.

B. National Association of Supervisors of State Banks, 1101 17th Street NW., Washington, D.C.

D. (6) $950.

A. Jerome R. Gulan, National Federation of Independent Business.

B. National Federation of Independent Business, 921 Washington Building, 15th Street and New York Avenue NW., Washington, D.C.

D. (6) $2,000. E. (9) $120.

A. Robert J. Habenicht, 1400 South Joyce Street, Arlington, Va.

B. A. H. Robins Co., Inc., 1407 Cummings Drive, Richmond, Va.

D. (6) $300. E. (9) $250.

A. Hoyt S. Haddock, 100 Indiana Avenue NW., Washington, D.C.

B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.

E. (9) $134.22.

A. Hoyt S. Haddock.

B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.

D. (6) $1,500. E. (9) $72.49.

A. John F. Hall, National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.

E. (9) $24.09.

A. J. G. Hall Industry-Government Relations, General Motors Corp., Detroit, Mich.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.

D. (6) $4,500. E. (9) $2,227.42.

A. Keith Halliday, 1725 K Street NW., Washington, D.C.

B. Associated Third-Class Mail Users, 1725 K Street NW., Washington, D.C.

D. (6) $300.

A. Norman S. Halliday, Magazine Publishers Association, Inc., 1629 K Street NW., Washington, D.C.

B. Magazine Publishers Association, Inc., 575 Lexington Avenue, New York, N.Y.

D. (6) $2,500. E. (9) $1,016.61.

A. Thomas A. Halsted, 201 Massachusetts Avenue NE., Washington, D.C.

B. Council for a Livable World.

D. (6) $5,749.98.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.

B. American Courier Corp., 2 Nevada Drive, Lake Success (NHP-PO), N.Y.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.

B. Labor Law Study Committee, 888 17th Street NW., Washington. D.C.

D. (6) $750. E. (9) $50.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.

B. National School Supply & Equipment Association, 79 West Monroe Street, Chicago, Ill.

D. (6) $350. E. (9) $25.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.

B. United Student Aid Funds, Inc., 845 Third Avenue, New York, N.Y.

D. (6) $250. E. (9) $15.

A. Robert N. Hampton, National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $1,463.74. E. (9) $41.97.

A. Edward F. Harding, 140 New Montgomery Street, San Francisco, Calif.
B. Pacific Telephone & Telegraph Co., 140 New Montgomery Street, San Francisco, Calif.
D (6) $374. E. (9) $679.07.

A. Franklin Hardinge, Jr., 144 Wentworth Ave., Pasadena, Calif.
B. California Savings & Loan League, 1444 Wentworth Ave. (Post Office Box R), Pasadena, Calif.
D. (6) $1,800.

A. William E. Hardman, 1411 K Street NW., Washington, D.C.
B. National Tool, Die & Precision Machining Association, 1411 K Street NW., Washington, D.C.
E. (9) $1,109.63.

A. Eugene J. Hardy, 918 16th Street NW., Washington, D.C.
B. National Association of Manufacturers.
D. (6) $2,500. E. (9) $113.41.

A. Andrew E. Hare, 1315 16th Street NW., Washington, D.C.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.
E. (9) $8.25.

A. Mrs. Mildred B. Harman, Representative Bureau of Legislation, National WCTU, Suite 640, Warner Building, 13th and E NW., Washington, D.C.
B. National Woman's Christian Temperance Union, 1730 Chicago Avenue, Evanston, Ill.
D. (6) $825. E. (9) $409.18.

A. William B. Harman, Jr., American Life Convention, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $440. E. (9) $261. 78.

A. L. James Harmanson, Jr., National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. Dennis E. Hart, Standard Oil Co. (Indiana), 1000 16th Street NW., Washington, D.C.
B. Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Ill.
D. (6) $996. E. (9) $15.74.

A. F. Donald Hart, American Gas Association, Inc., 605 Third Avenue, New York, N.Y.
B. American Gas Association, Inc., 605 Third Avenue, New York, N.Y.

A. David Hartsough, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $954.

A. Clifford J. Harvison, 1616 P Street NW., Washington, D.C.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C.

A. Lewis B. Hastings, Automobile Manufacturers Association, Inc., 1619 Massachusetts Avenue NW., Washington, D.C.
B. Automobile Manufacturers Association, Inc., 320 New Center Building, Detroit, Mich.
D. (6) $500.

A. Michael D. Hathaway, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $150.

A. Paul M. Hawkins, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $144.38. E. (9) $20.06.

A. Kit H. Haynes, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $1,875. E. (9) $86.48.

A. Hays & Hays, Warner Building, Washington, D.C.
B. Motor Commerce Association, Inc., 4004 Versailles Road, Lexington, Ky.

A. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $498.87. E. (9) $498.87.

A. Patrick B. Healy, 30 F Street NW., Washington, D.C.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.
D. (6) $300. E. (9) $157.10.

A. George J. Hecht, 52 Vanderbilt Avenue, New York, N.Y.
B. American Parents Committee, Inc., 20 E Street NW., Washington, D.C.

A. Kenneth G. Heisler, 1200 17th Street NW., Washington, D.C.
B. National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.
D. (6) $1,200.

A. Ross E. Heller, 100 Connecticut Avenue NW., Washington, D.C.
B. National Telephone Cooperative Association, 100 Connecticut Avenue NW., Washington, D.C.
D. (6) $579.

A. Phil D. Helmig, 1025 Connecticut Avenue NW., Washington, D.C.
B. Atlantic Richfield Co., 717 Fifth Avenue, New York, N.Y.
E. (9) $150.

A. H. W. Henderson, 908 West Broadway, Louisville, Ky.
B. Kentucky Railroad Association, 101 East High Street, Lexington, Ky.
E. (9) $130.52.

A. Edmund P. Hennelly, 150 East 42d Street, New York, N.Y.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y.
D. (6) $1,125. E. (9) $534.55.

A. Clinton M. Hester, attorney, 432 Shoreham Building, Washington, D.C.
B. National Football League, 410 Park Avenue, New York, N.Y.

A. Clinton M. Hester, 432 Shoreham Building, Washington, D.C.
B. Savage Arms, Westfield, Mass., et al.
E. (9) $33.05.

A. Law offices, Hester & Stone, 432 Shoreham Building, Washington, D.C.
B. United States Brewers Association, 535 Fifth Avenue, New York, N.Y.
E. (9) $214.60.

A. Andrew I. Hickey, Jr., 1133 15th Street NW., Washington, D.C.
B. Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C.
E. (9) $283.87.

A. M. F. Hicklin, 507 Bankers Trust Building, Des Moines, Iowa.
B. Iowa Railway Association, 507 Bankers Trust Building, Des Moines, Iowa.
E. (9) $222.57.

A. George T. Higgins, 1100 Connecticut Avenue NW., Washington, D.C.
B. Chrysler Corp., 341 Massachusetts Avenue, Detroit, Mich.
D. (6) $375. E. (9) $125.

A. John W. Hight, Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.
B. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.
D. (6) $100.

A. James J. Hill, Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Harry R. Hinton, 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $2,100. E. (9) $761.07.

A. Mrs. Mae Hipsley, 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $787.50. E. (9) $85.94.

A. Lawrence S. Hobart, 2600 Virginia Avenue NW., Washington, D.C.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.
D. (6) $350.[1]

A. Claude E. Hobbs, 1000 Connecticut Avenue NW., Washington, D.C.
B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa.
D. (6) $900. E. (9) $195.

A. Irvin A. Hoff, 1001 Connecticut Avenue, Washington, D.C.
B. United States Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C.

A. Hogan & Hartson, 815 Connecticut Avenue, Washington, D.C.
B. Hughes Tool Co., Houston, Tex.
D. (6) $29,311.25. E. (9) $257.85.

A. Lee B. Holmes, 1707 H Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.
D. (6) $750. E. (9) $5,797.

A. John M. Holt, 307 East McCarty Street, Indianapolis, Ind.
B. Eli Lilly & Co., 307 East McCarty Street, Indianapolis, Ind.
D. (6) $151.50. E. (9) $300.

A. John W. Holton, American Bankers Association, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 90 Park Avenue, New York, N.Y.
D. (6) $1,750. E. (9) $34.50.

A. Edwin M. Hood, Shipbuilders Council of America, 1730 K Street NW., Washington, D.C.
B. Shipbuilders Council of America, 1730 K Street NW., Washington, D.C.

A. Thomas B. House.

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[1] Allocation to lobbying is an estimate of the pro-rate share of time spent on this activity.

B. American Frozen Food Institute, 919 13th Street NW., Washington, D.C.
D. (6) $100.

A. Joe L. Howell, 1225 Connecticut Avenue NW., Washington, D.C.
B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill.

A. Joe L. Howell, 1225 Connecticut Avenue NW., Washington, D.C.
B. Allstate Insurance Cos., Allstate Plaza, Northbrook, Ill.

A. Charles L. Huber, Disabled American Veterans, 1221 Massachusetts Avenue NW., Washington, D.C.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.
D. (6) $6,875. E. (9) $955.70.

A. Edward W. Hummers, Jr., Fletcher, Heald, Rowell, Kenehan & Hildreth, 1225 Connecticut Avenue NW., Washington, D.C.
B. National Association of FM Broadcasters, 420 Madison Aevnue, New York, N.Y.

A. David J. Humphreys, Paulson, Humphreys & Leach, 1140 Connecticut Avenue NW., Washington, D.C.
B. Mobile Housing Association of America, 39 South LaSalle Street, Chicago, Ill.
D. (6) $3,000. E. (9) $365.24.

A. Robert R. Humphreys, Air Transport Association of America, 1000 Connecticut Avenue NW., Washington, D.C.
B. Air Transport Association, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $320. E. (9) $94.75.

A. James L. Huntley, Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C.
B. Retail Clerks International Association, 1775 K Street NW., Washington, D.C.
D. (6) $5,200. E. (9) $1,310.10.

A. Philip A. Hutchinson, Jr., the American Institute of Architects, 1735 New York Avenue NW., Washington, D.C.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C.
D. (6) $1,000. E. (9) $3,454.

A. Elmer P. Hutter, Professional Advocacy Before Government Officials and Law-making Bodies, Post Office Box 2255, Washington, D.C.
B. Norman E. Watkins, Washington, D.C., Secretary, et al.
E. (9) $253.

A. Elmer P. Hutter, Post Office Box 2255, Washington, D.C.
B. Elmer P. Hutter, Post Office Box 2255, Washington, D.C.
D. (6) $5.

A. Gerald Hyland, 1730 Rhode Island Avenue NW., Washington, D.C.
B. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $775.38. E. (9) $47.35.

A. Frank N. Ikard, 1271 Avenue of the Americas, New York, N.Y.
B. American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y.

A. Illinois Railroad Association, Room 808, 135 East 11th Place, Chicago, Ill.
B. Illinois Railroad Association, Room 808, 135 East 11th Place, Chicago, Ill.
D. (6) $3,185.50. E. (9) $2,558.86.

A. Bernard J. Imming, United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C.
B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C.
D. (6) $312.50.

A. Independent Broker Dealers' Trade Association, 1570 Main Street, Springfield, Mass.
E. (9) $450.

A. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
D. (6) $6,430.28. E. (9) $6,430.28.

A. Harry A. Inman, 1200 17th Street NW., Washington, D.C.
B. The New York Botanical Garden, Bronx Park, New York, N.Y.

A. Institute for Rapid Transit, 1612 K Street NW., Washington, D.C.
B. Bi-State Transit System, et al.
D. (6) $1,500. E. (9) $43.

A. International Brotherhood of Painters & Allied Trades, 217 North Sixth Street, Lafayette, Ind.
D. (6) $43,952. E. (9) $16,711.91.

A. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.
E. (9) $14,907.76.

A. Investment Company Institute, 1775 K Street NW., Washington, D.C.
E. (9) $2,512.90.

A. Iron Ore Lessors Association, Inc., 1500 First National Bank Building, St. Paul, Minn.
D. (6) $4,458.41. E. (9) $13,868.

A. William E. Isaeff, American Automobile Association, 1712 G Street NW., Washington, D.C.
B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Robert C. Jackson, American Textile Manufacturers Institute, Inc., Suite 840, 1120 Connecticut Avenue NW., Washington, D.C.
B. American Textile Manufacturers Institute, 1501 Johnston Building, Charlotte, N.C.
D. (6) $2,750. E. (9) $220.73.

A. Raymond M. Jacobson, 1819 H Street NW., Suite 800, Washington, D.C.
B. American Society of Consulting Planners, 1819 H Street NW., Suite 800, Washington, D.C.
D. (6) $2,250.

A. Walter K. Jaenicke, Legislative Relations, National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.
D. (6) $700. E. (9) $215.

A. Robert L. James, 730 15th Street NW., Washington, D.C.
B. Bank of America N.T. and S.A., Bank of America Center, San Francisco, Calif.
D. (6) $45. E. (9) $60.

A. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif.
E. (9) $200.

A. Daniel Jaspan, National Association of Postal Supervisors, Post Office Box 1924, Washington, D.C.
B. National Association of Postal Supervisors, Post Office Box 1924, Washington, D.C.
D. (6) $7,687.99. E. (9) $73.10.

A. Chas. B. Jennings, 1712 Eye Street NW., Washington, D.C.
B. American Stock Yards Association, 1712 I Street NW., Washington.
D. (6) $400.

A. H. Bradley Johnson, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $725.

A. Hugo E. Johnson, 600 Bulkley Building, Cleveland, Ohio.
B. American Iron Ore Association, 600 Bulkley Building, Cleveland, Ohio.

A. James A. Johnson, 328 Pennsylvania Avenue, SE., Washington, D.C.
B. Project Pursestrings, 328 Pennsylvania Avenue, SE., Washington, D.C.
D. (6) $623.50. E. (9) $335.30.

A. Reuben L. Johnson.
B. Farmers' Educational and Co-Operative Union of America, Post Office Box 2251, Denver, Colo.
D. (6) $4.566.02. E. (9) $107.39.

A. Spencer A. Johnson, National Home Furnishings Association, 1025 Vermont Avenue, NW., Washington, D.C.
B. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill.
D. (6) $300.

A. Ned Johnston, 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Herbert Jolovitz.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.
D. (6) $130. E. (9) $16.

A. Albert Jones, 1730 Rhode Island Avenue, NW., Washington, D.C.
B. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $735. E. (9) $277.59.

A. Charlie W. Jones, The Signal Cos, 815 Connecticut Avenue NW., Washington, D.C.
B. The Signal Cos., Inc., 1010 Wilshire Boulevard, Los Angeles, Calif.

A. George Bliss Jones, Alabama Railroad Association, Montgomery, Ala.
B. Alabama Railroad Association, 1002 First National Bank Building, Montgomery, Ala.

A. L. Dan Jones, 110 Ring Building, Washington, D.C.
B. Independent Petroleum Association of America, 1110 Ring Building, Washington, D.C.
E. (9) $22.50.

A. Dr. Oliver H. Jones, Mortgage Bankers Association, 1707 H Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.
D. (6) $400. E. (9) $1,916.

A. Ardon B. Judd, Jr., 1100 Connecticut Avenue, Washington, D.C.
B. Dresser Industries, Inc., 1100 Connecticut Avenue, Washington, D.C.

A. Francis M. Judge, 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C.

A. Thomas P. Kerester, 1025 Connecticut Avenue NW., Washington, D.C.
B. Gulf Oil Corp., Pittsburgh, Pa.
D. (6) $750. E. (9) $150.

A. Frank M. Karsten, 810 18th Street NW., Washington, D.C.

B. Affiliated Government Organizations, Brooklyn 1, N.Y.
D. (6) $100. E. (9) $31.65.

A. Gerald M. Katz, 1400 Mercantile Trust Building, Baltimore, Md.
B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md.
E. (9) $63.78.

A. Carleton R. Kear, Jr., Retired Officers Association, 1625 Eye Street NW., Washington, D.C.
B. Retired Officers Association, 1625 Eye Street NW., Washington, D.C.
D. (6) $750.

A. Howard B. Keck, 1801 Avenue of the Stars, Los Angeles, Calif.
B. The Superior Oil Co., 1801 Avenue of the Stars, Los Angeles, Calif.
E. $300.

A. W. M. Keck, Jr., 1801 Avenue of the Stars—Suite 1110, Los Angeles, Calif.
B. The Superior Oil Co., 1801 Avenue of the Stars, Los Angeles, Calif.
E. (9) $275.

A. Charles C. Keeble, Post Office Box 2180, Houston, Tex.
B. Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex.
E. (9) $19.60.

A. Eugene A. Keeney, American Retail Federation, 1616 H Street NW., Washington, D.C.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $1,250.

A. James C. Kelley, 1500 Massachusetts Avenue NW., Washington, D.C.
B. American Machine Tool Distributors Association, 1500 Massachusetts Avenue NW., Washington, D.C.

A. John T. Kelly, Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C.
B. Pharmaceutical Manufacturers Association.

A. Edward F. Kenehan, 1225 Connecticut Avenue NW., Washington, D.C.
B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y.

A. Harold L. Kennedy, Marathon Oil Co., 420 Cafritz Building, Washington, D.C.
B. Marathon Oil Co., Findlay, Ohio.
E. (9) $115.40.

A. James J. Kennedy, Jr., Brotherhood of Railway, Airline & Steamship Clerks, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $4,119.98. E. (9) $506.23.

A. Robert F. Kennon, 356 St. Charles Street, Baton Rouge, La.
B. Stroock & Stroock & Lavan, 61 Broadway, New York, N.Y.
D. (6) $1,500. E. (9) $363.36.

A. Franklin E. Kepner, The Berwick Bank Building, Berwick, Pa.
B. Associated Railroads of Pennsylvania, Room 1022 Transportation Center, Philadelphia, Pa.
D. (6) $1,800. E. (9) $307.03.

A. J. Don Kerlin, 1108 Stuart Road, Herndon, Va.
B. Time, Inc., Rockefeller Center, New York, N.Y.
D. (6) $425. E. (9) $450.

A. Charles L. King, Munsey Building, 1329 E Street NW., Washington, D.C.
B. Air Line Pilots Association, International, 1329 E Street NW., Washington, D.C.
D. (6) $71.

A. Charles L. King, American Life Convention, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $90. E. (9) $5.

A. Joseph T. King, 3600 M Street NW., Washington, D.C.
B. General Counsel for Associated Equipment Distributors.
D. (6) $5,000. E. (9) $1,065.93.

A. Mr. William S. Kingman, Sheraton-Park Hotel, Suite I–340, Washington, D.C.
B. Continental Telephone Corp., 222 South Central, St. Louis, Mo.

A. Kirkland, Ellis, Hodson, Chaffetz, Masters & Rowe, 1776 K Street NW., Washington, D.C.
B. Grocery Manufacturers of America, Inc., 1133 Avenue of the Americas, New York, N.Y.

A. Herbert C. Kirsten, 30 F Street NW., Washington, D.C.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.
D. (6) $3,560. E. (9) $260.54.

A. Ernest A. Kistler, 901 Hamilton Street, Allentown, Pa.
B. Pennsylvania Power & Light Co., 901 Hamilton Street, Allentown, Pa.
D. (6) $770. E. (9) $615.79.

A. James D. Kittelton, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $575.

A. Ralph W. Kittle, International Paper Co., 220 East 42d Street, New York, N.Y.
B. International Paper Co., 220 East 42d Street, New York, N.Y.

A. Robert E. Kline, Jr., 409 LaSalle Building, 1028 Connecticut Avenue NW., Washington, D.C.
B. Bowling Proprietors Association of America, Inc., West Higgins Road, Hoffman Estates, Ill.
D. (6) $1,250. E. (9) $65.19.

A. James F. Kmetz, 1437 K Street NW., Washington, D.C.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C.
D. (6) $5,904.

A. Keith R. Knoblock, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $475.

A. Robert M. Koch, 1315 16th Street NW., Washington, D.C.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.
E. (9) $31.60.

A. Kominers, Fort, Schlefer, Farmer & Boyer, 5th Floor, Tower Building, Washington, D.C.
B. American Institute of American Shipping, 1120 Connecticut Ave. NW., Washington, D.C.
E. (9) $81.06.

A. Horace R. Kornegay, 1776 K Street NW., Washington, D.C.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.
D. (6) $1,000. E. (9) $175.

A. Kenneth S. Kovack, United Steelworkers of America, 1001 Connecticut Avenue NW., Washington, D.C.
B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.
D. (6) $3,877.50. E. (9) $1,294.50.

A. June Kysilko Kraeft, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $170.

A. Germaine Krettek, 200 C Street SE., Washington, D.C.
B. American Library Association, 50 East Huron Street, Chicago, Ill.
D. (6) $637.80.

A. Lloyd R. Kuhn, Aerospace Industries Association, 1725 DeSales Street NW., Washington, D.C.
B. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C.
D. (6) $5,784. E. (9) $909.16.

A. Labor Bureau of Middle West, 1155 15th St. NW., Washington, D.C.

A. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
B. Labor-Management Committee.
D. (6) $9,873. E. (9) $8,512.28.

A. John P. Lagomarcino, 2100 M Street NW., Washington, D.C.
B. Urban Coalition Action Council, 2100 M Street NW., Washington, D.C.
D. (6) $312.11.

A. Mr A M Lampley, 400 First Street NW., Suite 704. Washington, D.C.
B. United Transportation Union, Railroad Labor Union 400 First Street NW., Washington, D.C.
D. (6) $7,000. E. (9) $200.

A. Ronald A. Lang, 330 Madison Avenue, New York, N.Y.
B. Synthetic Organic Chemical Manufacturers Association, 330 Madison Avenue, New York, N.Y.

A. Asger F. Langlykke, 1913 I Street NW., Washington, D.C.
B. American Society for Microbiology, 1913 Eye Street NW., Washington, D.C.

A. Albert Lannon, 1341 G Street NW., Washington, D.C.
B. International Longshoremen's & Warehousemen's Union, 150 Golden Gate Avenue, San Francisco, Calif
D. (6) $3,610.65. E. (9) $329.80.

A. James J. LaPenta, Jr., 905 16th Street NW., Washington, D.C.
B. Laborers' International Union of North America, 905 16th Street NW., Washington, D.C.
E. (9) $470 63.

A. Glenn T. Lashley, Public Relations and Civic Activities, District of Columbia Division, American Automobile Association, 1712 G Street NW., Washington, D.C.
B. District of Columbia Division, American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Donald F. Lavanty, American Optometric Association 1026 17th Street NW., Washington, D.C.

B. American Optometric Association, % J. C. Tumblin, O.D., Post Office Box 5147, Knoxville, Tenn.

D. (6) $384.50 E. (9) $363.50.

A. Law Students Against The War, Inc., 815 17th Street NW., Washington, D.C.

D. (6) $3,276.22. E. (9) $3,003.53.

A. George R. Lawrence, American Gas Association, Inc., 1660 L Street NW., Washington, D.C.

B. American Gas Association, Inc., 605 Third Avenue, New York, N.Y.

D. (6) $425. E. (9) $110.

A. William Lazarus, American Retail Federation, 1616 H Street NW., Washington, D.C.

B. American Retail Federation, 1616 H Street NW., Washington, D.C.

E. (9) $1,250.

A. Paul Leach, 328 Pennsylvania Avenue SE., Washington, D.C.

B. Project Pursestrings, 328 Pennsylvania Avenue SE., Washington, D.C.

D. (6) $559.01. E. (9) $2,138.

A. League for Economic Assistance and Development, Inc., 390 Plandome Road, Manhasset, N.Y.

D. (6) $656.84. E. (9) $656.84.

A. Robert F. Lederer, 835 Southern Building, Washington, D.C.

B. American Association of Nurserymen, Inc., 835 Southern Building, Washington, D.C.

D. (6) $20. E. (9) $267.84.

A. Charles W. Lee, Suite 302, Congressional Hotel, 300 New Jersey Avenue SE., Washington, D.C.

B. Emergency Committee for Full Funding of Education Programs, 300 New Jersey Avenue S.E., Washington, D.C.

D. (6) $500.00. E. (9) $50.00.

A. Legislation for Animal Welfare, Inc., 3045 P Street NW., Washington, D.C.

E. (9) $91.52.

A. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.

D. (6) $2,148. E. (9) $1,446.19.

A. Robert J. Leigh, 1000 Connecticut Avenue NW., Washington, D.C.

B. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.

A. Nils A. Lennartson, Railway Progress Institute, 1140 Connecticut Avenue NW., Washington, D.C.

B. Railway Progress Institute, 1140 Connecticut Avenue NW., Washington, D.C.

D. (6) $10,999.98.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C.

B. The American Waterways Operators, Inc., 1250 Connecticut Avenue NW., Washington, D.C.

D. (6) $4,500. E. (9) $18.95.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C.

B. Committee of Producers of Ferroalloys and Related Products, c/o Leva, Hawes, Symington, Martin & Oppenheimer.

A. Morris J. Levin, 910 17th Street NW., Washington, D.C.

B. Arden Publishing Co., Tucson, Ariz.

D. (6) $2,500.

A. Morris J. Levin, 910 17th Street NW., Washington, D.C.

B. Association of American Railroads, American Railroads Building, Washington, D.C.

D. (6) $1,250.

A. J. Stanly Lewis, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C.

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C.

D. (6) $3,103.50.

A. Liberty Lobby, Inc., 130 Third Street SE., Washington, D.C.

D. (6) $13,608.57. E. (9) $14,962.29.

A. Herbert Liebenson, National Small Business Association, 1225 19th Street NW., Washington, D.C.

B. National Small Business Association, 1225 19th Street NW., Washington, D.C.

D. (6) $4,500. E. (9) $1,200.

A. John Lindow, American Retail Federation, 1616 H Street NW., Washington, D.C.

B. American Retail Federation, 1616 H Street NW., Washington, D.C.

E. (9) $1,250.

A. Lester W. Lindow, Association of Maximum Service Telecasters, Inc., 1735 De Sales Street NW., Washington, D.C.

D. (6) $217.17. E. (9) $3.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, Loyalty Building, Portland, Oreg.

B. Master Contracting Stevedore Association of the Pacific Coast, Inc., San Francisco, Calif.

D. (6) $1,700. E. (9) $941.87.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, Loyalty Building, Portland, Oreg.

B. National Maritime Compensation Committee, Loyalty Building, Portland, Oreg.

A. Edward Lippert, 1816 South Street NW., Washington, D.C.

B. Americans for Democratic Action, 1424 16th Street NW., Washington, D.C.

D. (6) $2,625.09. E. (9) $543.96.

A. Charles B. Lipsen, Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C.

B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, L.C.

D. (6) $5,077. E (9) $894.53.

A. Robert G. Litschert, 1140 Connecticut Avenue NW., Washington, D.C.

B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Washington, D.C.

D. (6) $535.50. E. (9) $331.38.

A. Livestock Producers Committee, 2000 NBC Building, San Antonio, Tex.

B. Livestock Producers Committee, 2000 NBC Building, San Antonio, Tex.

D. (6) $59,000. E. (9) $93,000.

A. Paul H. Long, 1025 Connecticut Avenue NW, Suite 1014, Washington, D.C.

B. Standard Oil Co., 30 Rockefeller Plaza, New York, N.Y.

E. (9) $19.50.

A. James F. Lovett, 1000 Connecticut Avenue NW., Washington, D.C.

B. Westinghouse Electric Corp., 3 Gateway Center, Pittsburgh, Pa.

D. (6) $700. E. (9) $200.

A. Wilbur C. Lowrey, Shell Oil Co., 1700 K Street NW., Washington, D.C.

B. Shell Oil Co., 50 West 50th Street, New York, N.Y.

A. Milton F. Lunch, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.

B. National Society of Professional Engineers. 2029 K Street NW., Washington, D.C.

D. (6) $1,000.

A. Clarence T. Lundquist, 4822 Tilden Street NW., Washington, D.C.

B. Menswear Retailers of America, National Press Building, Washington, D.C.

D. (6) $8.

A. H. E. Mahlman, American Optometric Association, 1026 17th Street NW., Washington, D.C.

B. American Optometric Association, c/o J. C. Tumblin, O.D., Post Office Box 5147, Knoxville, Tenn.

D. (6) $700. E. (9) $23.85.

A. Robert L. Maier, 900 – 17th Street NW., Washington, D.C.

B. Kaiser Industries Corp., 900 – 17th Street NW., Washington, D.C.

A. Andre Maisonpierre, 666 11th Street NW., Washington, D.C.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.

E. (9) $1,070.

A. William J. Malatesta, 1629 K Street NW., Washington, D.C.

B. American Industrial Bankers Association, 1629 K Street NW., Washington, D.C.

D. (6) $750.

A. Ben J. Man, 100 Indiana Avenue NW., Washington, D.C.

B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.

D. (6) $1,200. E. (9) $529.40.

A. Carter Manasco, 5032 Chesterbrook Road, McLean, Va.

B. National Coal Association, Coal Building, 1130 17th Street NW., Washington, D.C.

D. (6) $6,625. E. (9) $120.40.

A. Mike Manatos, 1730 K Street NW., Washington, D.C.

B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio.

D. (6) $133. E. (9) $184.70.

A. Man-Made Fiber Producers Association, Inc., 350 Fifth Avenue, New York, N.Y.

E. (9) $875.

A. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C.

D. (6) $5,000. E. (9) $3,000.

A. Olya Margolin, National Council of Jewish Women, Inc., 1346 Connecticut Avenue NW., Washington, D.C.

B. National Council of Jewish Women, 1 West 47th Street, New York, N.Y.

D. (6) $3,250. E. (9) $184.76.

A. Rodney W. Markley, Jr., Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C.

B. Ford Motor Co., Dearborn, Mich.

A. Edwin E. Marsh, 600 Crandall Building, Salt Lake City, Utah.

B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah.

D. (6) $3,855.10. E. (9) $342.09.

A. Winston W. Marsh, 1343 L Street NW., Washington, D.C.

B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.

A. J. Paul Marshall, Association of American Railroads, Suite 212, 300 New Jersey Avenue SE., Washington, D.C.
B. Association of American Railroads, American Railroads Building, Washington, D.C.
D. (6) $155.21. E. (9) $155.15.

A. Thomas A. Martin, 1625 K Street NW., Washington, D.C.
B. Mid-Continent Oil & Gas Association, 300 Tulsa Building, Tulsa, Okla.
D. (6) $500. E. (9) $110.

A. Maryland State Fair and Agricultural Society, Inc.-State Fair, Timonium Fair Grounds, Timonium, Md.
E. (9) $63.78.

A. Mike M. Masaoka, Association on Japanese Textile Imports, Inc., 2021 L Street, NW., Washington, D.C.
B. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y.
D. (6) $1,000.

A. Mike M. Masaoka, Japanese American Citizens League, 2021 L Street, NW., Washington, D.C.
B. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif.
D. (6) $200.

A. Mike A. Masaoka, Masaoka-Ishikawa And Association, Inc., 2021 L Street NW., Washington, D.C.
B. West Mexico Vegetable Distributors Association, Post Office Box 848, Nogales, Ariz.
D. (6) $500.

A. Alfred Maskin, American Maritime Association, 1612 K Street NW., Washington, D.C.
B. American Maritime Association, 17 Battery Place, New York, N.Y.
D. (6) $125. E. (9) $15.

A. Walter J. Mason, Building and Construction Trades Department, AFL–CIO, 815 16th Street NW., Room 603, Washington, D.C.
B. Building and Construction Trades Department, AFL–CIO, 815 16th Street, NW., Room 603, Washington, D.C.
D. (6) $5,499.91. (E) (9) $2,084.77.

A. P. H. Mathews, Association of American Railroads, Suite 212, 300 New Jersey Avenue, SE., Washington, D.C.
B. Association of American Railroads, American Railroads Buildings, Washington, D.C.
D. (6) $489.90. (E) (9) $403.93.

A. Charles D. Matthews, 1140 Connecticut Avenue NW., Washington, D.C.
B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $530. E. (9) $545.27.

A. Charles E. Mattingly, National Legislative Commission, The American Legion, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $3,612. E. (9) $110.69.

A. C. V. & R. V. Maudlin, 1111 E Street NW., Washington, D.C.
B. Georgia Power Co., 270 Peachtree Street, Atlanta, Ga.

A. Arnold Mayer, 100 Indiana Avenue NW., room 410, Washington, D.C.
B. Amalgamated Meat Cutters and Butcher Workmen of North America, 2800 N. Sheridan Road, Chicago, Ill.
D. (6) $4,745. E. (9) $700.

A. Shane MacCarthy, 5223 River Road, Washington, D.C.
B. Printing Industries of America, 5223 River Road, Washington, D.C.
D. (6) $750. E. (9)$1,200.

A. John R. MacKenzie, Automobile Manufacturers Association, Inc., 1619 Massachusetts Avenue NW., Washington, D.C.
B. Automobile Manufacturers Association, Inc., 320 New Center Building, Detroit, Mich.
D. (6) $1,000.

A. Martha McCahill, 328 Pennsylvania Avenue SE., Washington, D.C.
B. Project Pursestrings, 428 Pennsylvania Avenue SE., Washington, D.C.
D. (6) $1,215.43. E. (9) $1,921.17.

A. William C. McCamant, 1725 K Street NW., Washington, D.C.
D. (6) $300 or less.

A. John A. McCart, Government Employee Council, AFL–CIO, 100 Indiana Avenue NW., Washington, D.C.
B. Government Employes Council, AFL–CIO, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $2,577.27.

A. W. W. McClanahan, Jr., National Coal Policy Conference, Inc., 1000 16th Street NW., Washington, D.C.
B. National Coal Policy Conference, Inc., 1000 16th Street NW., Washington, D.C.
D. (6) $437.50.

A. McClure & Trotter, 1100 Connecticut Avenue, NW., Washington, D.C.
B. Cities Service Co., 60 Wall Tower, New York, N.Y.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C.
B. Gulf Resources & Chemical Corp., 2125 Tenneco Building, Houston, Tex.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C.
B. Gulf & Western Industries, Inc., 1 Gulf & Western Plaza, New York, N.Y.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C.
B. Mobil Oil Corp., 150 East 52d Street, New York, N.Y.

A. E. L. McCulloch, National Legislative Representative and Assistant Grand Chief Engineer, Brotherhood of Locomotive Engineers, Room 814, 400 First Street NW., Washington, D.C.
B. Brotherhood of Locomotive Engineers, Engineers Building, Cleveland, Ohio.
D. (6) $284.60. E. (9) $81.50.

A. Albert L. McDermott, American Hotel & Motel Association, 777 14th Street NW., Washington, D.C.
B. American Hotel & Motel Association, 221 West 57th Street, New York, N.Y.
D. (6) $200.

A. Joseph J. McDonald, United Steelworkers of America, 1001 Connecticut Avenue NW., Washington, D.C.
B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.
D. (6) $3,877.50. E. (9) $616.20.

A. Joseph A. McElwain, 40 East Broadway, Butte, Mont.
B. The Montana Power Co., Butte, Mont.
E. (9) $38.58.

A. William G. McFadzean, Apostle Islands Residents Committee, 505 Foshay Tower, Minneapolis, Minn.
D. (6) $9,461.97. E. (9) $6,041.65.

A. Mrs. Barbara D. McGarry, 20 E Street NW., Washington, D.C.
B. American Parents Committee Inc., 20 E Street NW., Washington, D.C.

A. J. Raymond McGlaughlin, 400 First Street NW., Washington, D.C.
B. Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich.
D. (6) $6,000.

A. Marshall C. McGrath, International Paper Co., 220 East 42d Street, New York, N.Y.
B. International Paper Co., 220 East 42d Street, New York, N.Y.
D. (6) $560. E. (9) $66.48.

A. Peter E. McGuire, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemount, Ill.
D. (6) $2,492.34. E. (9) $1,662.97.

A. Clifford G. McIntire, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $1,250. E. (9) $6.02.

A. Clarence M. McIntosh, Jr., 400 First Street NW., Washington, D.C.
B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.
D. (6) $1,749.99.

A. William F. McKenna, 1200 17th Street NW., Washington, D.C.
B. National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.
D. (6) $145.

A. Marvin L. McLain, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $2,850. E. (9) $60.78.

A. Mrs. Teresa D. McLaughlin, Mortgage Bankers Association, 1707 H Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.
D. (6) $250. E. (9) $2,449.

A. John S. McLees, 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the U.S.A., 1615 H. Street NW., Washington, D.C.
D. (6) $330.41.

A. William F. McManus, 777 14th Street NW., Washington, D.C.
B. General Electric Co., 570 Lexington Avenue, New York, N.Y.
D. (6) $925. E. (9) $360.

A. C. W. McMillan, National Press Building, 14th and F Streets NW., Washington, D.C.
B. American National Cattlemen's Association, 1540 Emerson Street, Denver, Colo.
D. (6) $1,200.

A. Charles R. McNeill, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 90 Park Avenue, New York, N.Y.
D. (6) $2,000. E. (9) $803.26.

A. McNutt, Dudley & Easterwood, Attorneys at Law, 910 17th Street NW., Washington, D.C.
B. American Dredging Co., 12 South 12th Street, Philadelphia, Pa., et al.
D. (6) $3,150. E. (9) $173.56.

A. George G. Mead, Government Relations, 128 C Street NE., Washington, D.C.
B. The American Society of Radiologic Technologists, 645 North Michigan Avenue, Chicago, Ill.
D. (6) $4,000. E. (9) $794.65.

A. Medical-Surgical Manufacturers Association, 342 Madison Avenue, New York, N.Y.
B. Medical-Surgical Manufacturers Association, 342 Madison Avenue, New York, N.Y.
D. (6) $1,037.50. E. (9) $1,364.23.

A. Mr. Carl J. Megel, American Federation of Teachers, AFL-CIO, 1012 14th Street NW., Washington, D.C.
B. American Federation of Teachers, AFL-CIO, 1012 14th Street NW., Washington, D.C.
E. (9) $12,100.

A. R. Otto Meletzke, Life Insurance Association of America, 1710 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $183.15. E. (9) $3.77.

A. Mr. Ellis E. Meredith, 2000 K Street NW., Washington, D.C.
B. American Apparel Manufacturers Association, Inc., 2000 K Street NW., Washington, D.C.
D. (6) Approximately $400. E. (9) Approximately $360.

A. Lawrence C. Merthan, Hill & Knowlton, Inc., 1735 K Street NW., Washington, D.C.
B. Hill & Knowlton, Inc., 150 East 42d Street, New York, N.Y.
D. (6) $2,500. E. (9) $250.

A. Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C.
B. Same.
E. (9) $5,000.

A. George F. Meyer, Jr., Retired Officers Association, 1625 Eye Street NW., Washington, D.C.
D. (6) $812.50.

A. Larry L. Meyer, American Retail Federation, 1616 H Street NW., Washintgon, D.C.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $1,250.

A. James G. Michaux, 777 14th Street NW., Washington, D.C.
B. Federated Department Stores, Inc., 222 West Seventh Street, Cincinnati, Ohio.
D. (6) $500.

A. Midland Cooperative Dairy Association, Box 128, Cazenovia, N.Y.

A. Capt. A. Stanley Miller, 1629 K Street N.W., Washington, D.C.
B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y.
D. (6) $150.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Battelle Memorial Institute, 505 King Avenue, Columbus, Ohio.
D. (6) $20,000. E. (9) $12.22.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Washington Mutual Investors Fund, Inc., Southern Building, Washington, D.C.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Litton Industries, Inc., 9370 Santa Monica Boulevard, Beverly Hills, Calif.
D. (6) $25,000.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Lockheed Aircraft Corp., Burbank, Calif.
D. (6) $20,000.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C.
B. Dallas, Tex, Chamber of Commerce.
D. (6) $1,950.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C.
B. Gulf Intracoastal Canal Association, 2211 1st National Life Building, Houston, Tex.
D. (6) $2625.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C.
B. Texas Gulf Sulphur Co., Newgulf, Tex., and New York, N.Y.
D. (6) $2250.

A. Edwin Reid Miller, 1815 Capitol Avenue, Omaha, Neb.
B. Nebraska Railroads Legislative Committee, 1815 Capitol Avenue, Omaha, Nebr.
D. (6) $4,999.98. E. (9) $2,327.40.

A. Hermon I. Miller, 5116 Moorland Lane, Bethesda, Md.
B. National Turkey Federal, Mount Morris, Ill.

A. Joseph L. Miller, 1612 K Street NW., Washington, D.C.
B. Northern Textile Association, et al.
D. (6) $4,800. E.(9) $1,000.

A. Lester F. Miller, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $496. E. (9) $26.

A. Luman G. Miller, Portland, Oreg.
B. Oregon Railroad Association, Portland, Oreg.
E. (9) $694.

A. Robert H. Miller, Tenneco Inc., 402 Solar Building, 1000 16th Street NW., Washington, D.C.
B. Tenneco Inc., Post Office Box 2511, Houston, Tex.
E. (9) $68.75.

A. Jack Mills, 1776 K Street NW., Washington, D.C.
B. The Tobacco Institute, Inc.
D. (6) $1,000. E.(9) $250.

A. Daniel Minchew, 1000 Connecticut Avenue NW., Washington, D.C.
B. United States-Japan Trade Council, 100 Connecticut Avenue NW., Washington, D.C.
D. (6) $249.99.

A. Minnesota Mining & Manufacturing Co., 3-M Center, St. Paul, Minn.
B. Same.
E. (9) $25.

A. Clarence Mitchell, 422 First Street, SE., Washington, D.C.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y.
D. (6) $4,000.

A. Joseph E. Moody, 918 16th Street, N.W., Washington, D.C.
B. Bituminous Coal Operators Association, 918 16th Street, NW., Washington, D.C.
D. (6) $500.

A. O. William Moody, Jr., 815 16th Street, NW., Washington, D.C.
B. Maritime Trades Department, AFL-CIO, 815 16th St., NW., Washington, D.C.
D. (6) $2,500. E. (9) $1,375.

A. Susan Moon, 1030 15th Street NW., Washington, D.C.
B. American Nurses Association, Inc., 10 Columbus Circle, New York, N.Y.
D. (6) $2,566.99. E. (9) $4,361.82.

A. Carlos Moore, 25 Louisiana Avenue, NW., Washington, D.C.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.
D. (6) $6,249.

A. Albert P. Morano, 7 Mallard Drive, Greenwich, Conn.
B. Cheney Bros., Manchester, Conn.
D. $1,500.

A. Jo V. Morgan, Jr., 815 15th Street NW., Washington, D.C.
B. American Humane Association, Post Office Box 1266, Denver, Colo.
D. (6) $1,500.

A. Morison, Murphy, Abrams & Haddock, 1776 K Street NW., Washington, D.C.
B. Ethyl Corp., 330 South Fourth Street, Richmond, Va.
E. (9) $2.

A. Morison, Murphy, Abrams & Haddock, 1776 K Street NW., Washington, D.C.
B. Sperry & Hutchinson Co., 330 Madison Avenue, New York, N.Y.

A. James M. Morris, 1660 L Street NW., Room 804, Washington, D.C.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $2,500. E. (9) $853.11.

A. James G. Morton, 1825 Connecticut Avenue NW., Washington, D.C.
B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,500. E. (9) Under $50.

A. Jack Moskowitz, 2100 M Street NW., Washington, D.C.
B. The Urban Coalition Action Council, 2100 M Street NW., Washington, D.C.
D. (6) $496.88.

A. Lynn E. Mote, Northern Natural Gas Co., 1730 Rhode Island Avenue NW., Washington, D.C.
B. Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr.
D. (6) $2,000.

A. Motor Commerce Association, Inc., 4004 Versailles Road, Lexington, Ky.
D. (6) $100. E. (9) $77.

A. John J. Murphy, National Customs Service Association, 517 Shoreham Building, Washington, D.C.
B. National Customs Service Association, 517 Shoreham Building, Washington, D.C.

A. D. Michael Murray, 915 L'Enfant Plaza SW., Washington, D.C.
B. Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va.
D. (6) $250. E. (9) $70.

A. William E. Murray, 2000 Florida Avenue NW., Washington, D.C.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $185.

A. Kenneth D. Naden, National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $3,062.51. E. (9) $113.69.

A. John J. Nagle, 215 Watergate Building, Washington, D.C.
B. National Association of Independent Insurers, 30 West Monroe Street, Chicago, Ill.
D. (6) $2,000. E. (9) $586.

A. Augustus Nasmith, Pennsylvania Station, Raymond Plaza, Newark, N.J.
B. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J.
D. (6) $7,875. E. (9) $94.55.

A. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C.
D. (6) $877.50. E. (9) $877.50.

A. National Associated Businessmen, 1000 Conn. Avenue, Washington, D.C.
D. (6) $757.34. E. (9) $1,084.11.

A. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y.
D. (6) $15,169.04. E. (9) $13,228.92.

A. National Association of Credit Management, 44 East 23d Street, New York, N.Y.
E. (9) $112.90.

A. National Association of Electric Cos., 1140 Connecticut Avenue, NW., Washington, D.C.
D. (6) $2,916.70. E. (9) $9,665.03.

A. National Association of Food Chains, 1725 Eye Street NW., Washington, D.C.
D. (6) $500. E. (9) $500.

A. National Association of Insurance Agents, Inc., 96 Fulton St., New York, N.Y.
E. (9) $12,727.83.

A. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $663,992.48. E. (9) $78,552.50.

A. National Association of Margarine Manufacturers, 545 Munsey Building, Washington, D.C.
D. (6) $487.12. E. (9) $487.12.

A. National Association of Mutual Insurance Cos., 2511 East 46th Street, Indianapolis, Ind.

A. National Association of Mutual Insurance Cos., 2511 East 46th Street, Indianapolis, Ind.
B. National Association of Mutual Insurance Cos., 2511 East 46th Street, Indianapolis, Ind.

A. National Association of Postal Supervisors, Post Office Box 1924, Washington, D.C.
D. (6) $35,000. E. (9) $24,976.37.

A. National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C.
D. (6) $12,413.50. E. (9) $11,667.13.

A. National Association of Real Estate Boards, 155 East Superior St., Chicago, Ill.
E. (9) $16,023.23.

A. National Association of Social Workers, Inc., 2 Park Avenue, New York, N.Y.
D. (6) $1,500. E. (9) $1,500.

A. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va.
D. (6) $23,953.77. E. (9) $3,555.95.

A. National Automobile Dealers Association, 2000 K Street NW., Washington, D.C.
D. (6) $1,799.56. E. (9) $1,799.56.

A. National Boiler Council, 1155 15th Street NW., Washington, D.C.
D. (6) $500. E. $500.

A. National Coal Association, Coal Building, Washington, D.C.
D. (6) $438,666.80. E. (9) $9,682.95.

A. National Coal Policy Conferences, Inc., 1000 16th Street NW., Washington, D.C.
D. (6) $4,260.50. E. (9) $4,157.22.

A. The National Committee for the Recording Arts, 10000 Santa Monica Boulevard, Los Angeles, Calif.
D. (6) $11,825. E. (9) $11,724.31.

A. National Committee for Research in Neurological Disorders, ℅ 251 East Chicago Avenue, Chicago, Ill.
D. (6) $2,500.

A. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $11,616.77. E. (9) $11,616.77.

A. National Congress of Parents & Teachers, 700 North Rush Street, Chicago, Ill.
D. (6) $223,639.17. E. (9) $171.71.

A. National Council, Junior Order United American Mechanics, 3027 North Broad Street, Philadelphia, Pa.

A. National Council of Naval Air Stations Employee Organizations, 239 Beach Road, Alameda, Calif.
D. (6) $600. E. (9) $530.42.

A. National Council of Technical Service Industries, 888 17th Street NW., Washington, D.C.
B. National Council of Technical Service Industries (NCTSI), 888 17th Street NW., Washington, D.C.
D. (6) $811.20. E. (9) $688.81.

A. National Cystic Fibrosis Research Foundation, 202 East 44th Street, New York City.
E. (9) $1,500.

A. National Electrical Contractors Association, Inc., 1730 Rhode Island Avenue NW., Washington, D.C.

A. National Federation of Business & Professional Women's Clubs, Inc., 2012 Massachusetts Avenue, NW., Washington, D.C.
D. (6) $132,405.50. E. (9) $3,546.69.

A. National Federation of Federal Employees, 1737 H Street, NW., Washington, D.C.
D. (6) $272,819.73. E. (9) $16,953.33.

A. National Federation of Independent Business, Inc., 920–922 Washington Building, Washington, D.C.
D. (6) $16,886.14. E. (9) $16,886.14.

A. National Forest Products Association, 1619 Massachusetts Avenue, NW., Washington, D.C.
D. (6) $1,058.50. E. (9) $1,279.93.

A. National Grain & Feed Association 500 Folger Building, 725 15th Street, NW., Washington, D.C.
E. (9) $85.

A. The National Grange, 1616 H Street NW., Washington, D.C.
D. (6) $122,520.66. E. (9) $10,375.

A. National Home Furnishing Association, 1150 Merchandise Mart, Chicago, Ill.
E. (9) $395.55.

A. National Housing Conference, Inc., 1250 Connecticut Avenue NW., Suite 632, Washington, D.C.
D. (6) $9,006.40. E. (9) $28,954.64.

A. National Independent Dairies Association, 1735 K Street NW., Washington, D.C.
E. (9) $484.20.

A. National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.
D. (6) $10,990.68. E. (9) $1,389.23.

A. National Limestone Institue, Inc., 1315 16th Street NW., Washington, D.C.
D. (6) $1,536.50. E. (9) $1,536.50.

A. National Livestock Feeders Association, Inc., 309 Livestock Exchange Building, Omaha, Nebra.
D. (6) $6,616.09. E. (9) $6,616.09.

A. National Milk Producers Federation, 30 F Street NW., Washington, D.C.
D. (6) $7,537.04. E. (9) $7,537.04.

A. National Multiple Sclerosis Society, 257 Park Avenue South, New York City.
E. (9) $944.47.

A. National Patent Council, 1225 19th Street NW., Suite 409, Washington, D.C.
D. (6) $3,361. E. (9) $780.

A. National Realty Trust, 60 Hickory Drive, Waltham, Mass.

A. National Rehabilitation Association, 1522 K Street NW., Washington, D.C.
D. (6) $6,809.06. E. (9) $1,290.02.

A. National Retail Merchants Association, 100 West 31st Street, New York, N.Y.

A. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $3,050. E. (9) $8,520.

A. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
D. (6) $12,500. E. (9) $11,540.

A. National Tax Equality Association, Inc., 1000 Connecticut Avenue Building, NW., Washington, D.C.
D. (6) $763.63. E. (9) $840.89.

A. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.
E. (9) $1,193.

A. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.
D. (6) $160. E. (9) $160.

A. National Turkey Federation, Mount Morris, Ill.

A. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah.
D. (6) $12,679. E. (9) $5,764.06.

A. The Nation-Wide Committee on Import-Export Policy, 815 15th Street NW., Washington, D.C.
D. (6) $1,650. E. (9) $10,511.93.

A. Alexander W. Neale, Jr., 1101 17th Street NW., Washington, D.C.
B. National Association of Supervisors of State Banks, 1101 17th Street NW., Washington, D.C.
D. (6) $2,875. E. (9) $140.84.

A. Alan M. Nedry, 888 17th Street NW., Washington, D.C.
B. Southern California Edison Co., Post Office Box 351, Los Angeles, Calif.
D. (6) $2,500. E. (9) $809.55.

A. Robert B. Neville, 1155 15th Street NW., Washington, D.C.
B. National Restaurant Association, 1155 15th Street NW., Washington, D.C.
D. (6) $2,687.50. E. (9) $100.

A. Allen Neece, Jr., 537 Washington Building, Washington, D.C.
B. National Association of Small Business Investment Cos., 537 Washington Building, Washington, D.C.
D. (6) $300.

A. Mr. Samuel E. Neel, 1707 H Street NW., Mortgage Bankers Association of America, Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.

A. Frances E. Neely, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $1,394.

A. Ivan A. Nestingen, 1000 Connecticut Avenue NW., Washington, D.C.
B. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $300. E. (9) $252.

A. Louis H. Nevins, Realtors' Washington Committee of the National Association of Real Estate Boards, 1300 Connecticut Avenue NW., Washington, D.C.
B. National Association of Real Estate Boards, 155 E. Superior Street, Chicago, Ill.
D. (6) $2,833. E. (9) $128.35.

A. John A. Nevius, 1000 Vermont Avenue NW., Washington, D.C.
B. Association of Mutual Fund Plan Sponsors, 50 East 42d Street, New York, N.Y.
D. (6) $5,750. E. (9) $607.75.

A. E. J. Newbould, 1130 17th Street NW., Washington, D.C.
B. National Clay Pipe Institute, 350 West Terra Cotta Avenue, Crystal Lake, Ill.
D. (6) $150. E. (9) $10.

A. Sarah H. Newman, 1029 Vermont Avenue NW., Washington, D.C.
B. National Consumers League, 1029 Vermont Avenue NW., Washington, D.C.
D. (6) $1,650.

A. F. Clayton Nicholson, Box 15, Route 1, Henryville, Pa.
B. Northern Helex Co., 2223 Dodge Street, Omaha, Nebr.
D. (6) $2,100. E. (9) $583.47.

A. Patrick J. Nilan, United Federation of Postal Clerks, 817 14th Street NW., Washington, D.C.
B. United Federation of Postal Clerks, Washington, D.C.
D. (6) $5,753.40. E. (9) $1,316.01.

A. James W. Nisbet, Western Railroad Association, 280 Union Station Building, Chicago, Ill.
B. Western Railroad Association, 224 Union Station Building, Chicago, Ill.

A. Stanley D. Noble, 20 North Wacker Drive, Chicago, Ill.
B. Council of Profit Sharing Industries, 20 North Wacker Drive, Chicago, Ill.

A. Charles M. Noone, 1125 Connecticut Avenue, NW., Washington, D.C.
B. National Association of Small Business Investment Cos., 537 Washington Building, Washington, D.C.
D. (6) $1,500. E. (9) $181.92.

A. Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va.
E. (9) $1,090.

A. Robert H. North, 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.
E. (9) $45.77.

A. Ira H. Nunn, 1155 15th Street NW., Washington, D.C.
B. National Restaurant Association, 1155 15th Street NW., Washington, D.C.
D. (6) $3,375. E. (9) $250.

A. Seward P. Nyman, D.P.M., 20 Chevy Chase Circle, Washington, D.C.
B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.
D. (6) $650.

A. Richard T. O'Connell, National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $1,463.74. E. (9) $55.20.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. Investors Diversified Services, Inc., Investors Building, Minneapolis, Minn.
D. (6) $2,500. E. (9) $515.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C.
B. American Transit Association, 815 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,250. E. (9) $114.50.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C.
B. Baldwin Piano Co., 1801 Gilbert Avenue, Cincinnati, Ohio.
E. (9) $343.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C.
B. Upper Mississippi Towing Corp., 7703 Normandale Road, Room 110, Minneapolis, Minn.
D. (6) $2,500. E. (9) $111.

A. John A. O'Donnell, 1001 Connecticut Avenue NW. No. 716, Washington, D.C .
B. Philippine Sugar Institute, Post Office Box 978, Manila, Philippines.
D. (6) $500. E. (9) $250.

A. Jane O'Grady, Committee for Community Affairs, 1000 Wisconsin Avenue NW., Washington, D.C.
B. Committee for Community Affairs, 1000 Wisconsin Avenue NW., Washington, D.C.
D. (6) $297.84.

A. Richard C. O'Hare, 1120 Investment Building, Washington, D.C.
B. Harness Tracks of America, 333 North Michigan Avenue, Chicago, Ill.

A. The Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio.
E. (9) $614.93.

A. Robert Oliver, 400 First Street NW., Suite 706, Washington, D.C.
B. The Sperry and Hutchinson Co., 330 Madison Avenue, New York, N.Y.

A. Claude E. Olmstead, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $496. E. (9) $26.

A. Samuel Omasta, 1315 16th Street NW., Washington, D.C.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.
E. (9) $13.90.

A. Charles T. O'Neill, Jr., The American Bankers Association, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 90 Park Avenue, New York, N.Y.
D. (6) $2,000. E. (9) $165.70.

A. Jerry H. Opack, 1211 Connecticut Avenue NW., Washington, D.C.
B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill.

A. Kermit Overby, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW, Washington, D.C.
D. (6) $185.

A. J. Allen Overton, Jr., American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $1,200.

A. Raymond S. Page, Jr., Mill Creek Terrace, Gladwyne, Pa.
B. Campbell Soup Co., 375 Memorial Avenue, Camden, N.J.

A. Walter Page, Box 128, Cazenovia, NY.

A. Norman Paige, 1132 Pennsylvania Building, Washington, D.C.
B. Distilled Spirits Institute, 1132 Pennsylvania Building, Washington, D.C.

A. Lew M. Paramore, Water Resources Associated, Post Office Box 1310, Kansas City, Kans.
B. Water Resources Associated, 1130 17th Street NW., Washington, D.C.

A. J. Don Parel, Association of American Railroads, 300 New Jersey Avenue SE., Washington, D.C.
B. Association of American Railroads, American Railroads Building, Washington, D.C.
D. (6) $64.04.

A. Michael L. Parker, 3300 Crocker Plaza, San Francisco, Calif.
B. Kaiser Foundation Health Plan: Prepaid Group Medical Care, 300 Lakeside Drive, Oakland, Calif.
D. (6) $1,833.33. E. (9) $1,251.85.

A. George F. Parrish, West Virginia Railroad Association, Post Office Box 7, Charleston, W. Va.
B. West Virginia Railroad Association.
D. (6) $6,000. E. (9) $196.65.

A. Parsons, Tennent & Zeidman, 1025 Connecticut Avenue NW., Washington, D.C.

B. International Franchise Association, 1 East Wacker Drive, Chicago, Ill.
D. (6) $125.

A. Parsons, Tennent & Zeidman, 1025 Connecticut Avenue NW., Washington, D.C.
B. Council of Housing Producers, 1901 Avenue of the Stars, Los Angeles, Calif.

A. Robert D. Partridge, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $123.83.

A. Perry S. Patterson, Suite 1100, 1776 K Street NW., Washington, D.C.
B. Automatic Phonograph Manufacturers, et al.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.
B. New Process Co., Warren, Pa.
D. (6) $1,000.

A. Patton, Blow, Verrill, Brand & Boggs, Suite 700, 1200 17th Street NW., Washington, D.C.
B. Boating Industry Association, 333 North Michigan Avenue, Chicago, Ill.
D. (6) Under $500.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.
B. Donaldson, Lufkin & Jenrette, Inc., 140 Broadway, New York, N.Y.
D. (6) $300.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.
B. The Reader's Digest Association, Inc., Pleasantville, N.Y.
D. (6) $1,000.

A. Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y.
B. Alaska Federation of Natives, Anchorage, Alaska.
E. (9) $1,390.03.

A. Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y.
B. Computer Lessors Association, Inc., 1 Chase Manhattan Plaza, New York, N.Y.

A. Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, 1775 K Street NW., Washington, D.C.
B. The Denver Post, Inc., 650 15th Street, Denver, Colo.
E. (9) $2.50.

A. Peabody, Rivlin, Kelly, Cladouhos & Lambert, 1730 M Street NW., Washington, D.C.
B. Mass Retailing Institute, 570 Seventh Avenue, New York, N.Y.
D. (6) $500. E. (9) $173.46.

A. Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex.
E. (9) $2,641.81.

A. Mr. D. V. Pensabene, 1700 K Street NW., Washington, D.C.
B. Standard Oil Co. of California, 1700 K Street NW., Washington, D.C.
D. (6) $50. E. (9) $25.

A. J. Carter Perkins, Manager, Washington Office, Shell Oil Co., 1700 K Street NW., Washington, D.C.
B. Shell Oil Co., 50 West 50th Street, New York, N.Y.

A. A. J. Pessel, 1001 Connecticut Avenue NW., Washington, D.C.
D. (6) $750. E. (9) $245.

A. A. Harold Peterson, 715 Cargill Building, Minneapolis, Minn.
B. National REA Telephone Association, 715 Cargill Building, Minneapolis, Minn.
D. (6) $2,500. E. (9) $1,881.60.

A. Michael Petresky, 400 First Street NW., Washington, D.C.
B. Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit Mich.
D. (6) $2,550.

A. Walter T. Phair, 900 17th Street NW., Washington, D.C.
B. Kaiser Industries Corp., 900 17th Street NW., Washington, D.C.
D. (6) $425. E. (9) $350.

A. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C.

A. John P. Philbin, 1100 Connecticut Avenue, Washington, D.C.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y.
D. (6) $1,125. E. (9) $451.10.

A. Bruce E. Phillips, American Retail Federation, 1616 H Street NW., Washington, D.C.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $1,250.

B. Committee for Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C.
D. (6) $3,333.33. E. (9) $223.22.

A James H. Pipkin, Texaco Inc., 1001 Connecticut Avenue NW., Washington, D.C. D.C.
B. Texaco Inc., 135 East 42d Street, New York, N.Y.
E. (9) $760.

A. Plains Cotton Growers, Inc., 1720 Avenue M, Lubbock, Tex.
D. (6) $21,173.91. E. (9) $1,350.

A. J. Francis Pohlhaus, Washington Bureau, NAACP, 422 First Street SE., Washington, D.C.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y.

A. Political Action Team, Inc., 714 21st Street NW., Washington, D.C.
D. (6) $1,585. E. (9) $587.92.

A. Frederick T. Poole, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $418.

A. Carl Pope, 1340 Vermont Avenue NW., Washington, D.C.
B. Zero Population Growth, 367 State Street, Los Altos, Calif.
D. (6) $420. E. (9) $35.

A. Robert R. Poston, 908 Colorado Building, Washington, D.C.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y.
D. (6) $900. E. (9) $262.37.

A. George G. Potts, 520 Investment Building NW., Washington, D.C.
B. National Association of Mutual Agents, 520 Investment Building, Washington, D.C.
E. (9) $3,947.05.

A. Ramsay D. Potts, Shaw, Pittman, Potts, Trowbrige & Madden, 910 17th Street NW., Washington, D.C.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C.
D. (6) $2,250. E. (9) $29.40.

A. William J. Potts, Jr., 1730 M Street NW., Washington, D.C.
B. Association for Broadcast Engineering Standards, Inc., 1130 17th Street NW., Washington, D.C.

A. Richard M. Powell, National Association of Refrigerated Warehouses, 1210 Tower Building, Washington, D.C.
B. National Association of Refrigerated Warehouses, 1210 Tower Building, Washington, D.C.

A. William I. Powell, 1110 Ring Building, Washington, D.C.
B. Independent Petroleum Association of America, 1110 Ring Building, Washington, D.C.
E. (9) $15.60.

A. Carlton H. Power, 1918 North Parkway, Post Office Box 12285, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $540.

A. William C. Prather, 221 North La Salle Street, Chicago, Ill.
B. U.S. Savings & Loan League, 221 North La Salle Street, Chicago, Ill.
D. (6) $475.

A. William H. Press, Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C.
D. (6) $9,500. E. (9) $612.31.

A. Forrest J. Prettyman, 730 15th Street NW., Washington, D.C.
B. Association of Registered Bank Holding Companies, 730 15th Street NW., Washington, D.C.
D. (6) $250. E. (9) $15.10.

A. Mrs. Pearl B. Price, 406 Mayrant Drive, Dallas, Tex.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

A. Jerry C. Pritchett, 59 Ivy Street SE., Washington, D.C.
B. Mechanical Contractors Association of America, 5530 Wisconsin Avenue, Washington, D.C.
D. (6) $500. E. (9) $500.

A. Project Pursestrings, 328 Pennsylvania Avenue SE., Washington, D.C.
D. (6) $48,887.48. E. (9) $45,592.05.

A. Earle W. Putnam, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Joseph E. Quin, 1616 H Street NW., Washington, D.C.
B. The National Grange, 1616 H Street NW., Washington, D.C.
D. (6) $1,250.

A. William A. Quinlan, Route 1, Box 199, Annapolis, Md.
D. (6) $486.41. E. (9) $136.98.

A. Arthur Lee Quinn, 723 Washington Building, Washington, D.C.
B. Hambro American Bank & Trust Co., 25 Broad Street, New York, N.Y.

A. Luke C. Quinn, Jr., 1001 Connecticut Avenue NW., Washington, D.C.
B. American Cancer Society, New York City, et al.
D. (6) $10,749.98. E. (9) $10,649.34.

A. Thomas H. Quinn, 1750 Pennsylvania Avenue NW., suite 1303, Washington, D.C.
B. Committee for Study of Revenue Bond Financing, 1200 18th Street NW., Washington, D.C.
D. (6) $1,974.19. E. (9) $227.52.

A. Alex Radin, 2600 Virginia Avenue NW., Washington, D.C.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.
D. (6) $341.40.

A. Edward F. Ragland, 6917 Marbury Road, Bethesda, Md.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.

A. Railway Labor Executives' Association, 400 First Street NW., Room 804, Washington, D.C.
D. (6) $10,752. E. (9) $10,752.

A. Alan T. Rains, 777 14th Street NW., Washington, D.C.
B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C.
D. (6) $450. E. (9) $40.63.

A. Carl R. Ramsey, 239 Beach Road, Alameda, Calif.
B. National Council of Naval Air Stations Employee Organizations, 239 Beach Road, Alameda, Calif.

A. G. J. Rauschenbach, Director, Congressional Relations and Corporate Development, Communications Satellite Corp.
B. Communications Satellites Corp., 950 1 L'Enfant Plaza SW., Washington, D.C.
D. (6) $875.

A. Sydney C. Reagan, 6815 Prestonshire, Dallas, Tex.
B. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex.
D. (6) $150.

A. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y.
D. (6) $65,799.60. E. (9) $40,627.83.

A. John T. Reggitts, Jr., 95 Boonton Avenue, R.D. No. 2, Boonton, N.J.

A. W. W. Renfroe, Kentucky Railroad Association, 101 East High Street, Lexington, Ky.
B. Kentucky Railroad Association, 101 East High Street, Lexington, Ky.
E. (9) $717.06.

A. Research to Prevent Blindness, Inc., 598 Madison Avenue, New York, N.Y.
E. (9) $1,900.

A. Reserve Officers Association of the United States, 1 Constitution Avenue NE., Washington, D.C.
B. Reserve Officers Association of United States.
D. (6) $126,881. E. (9) $494.17.

A. Ronald E. Resh, 1300 Wyatt Building, Washington, D.C.
B. Wyatt and Saltzstein, 1300 Wyatt Building, Washington, D.C.
D. (6) $1,250.

A. Retired Officers Association, 1625 Eye Street NW., Washington, D.C.
D. (6) $3,562.50.

A. John A. Reusing, 1707 H Street NW., Mortgage Bankers Association of America, Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.
D. (6) $875. E. (9) $1,086.

A. Theron J. Rice, Continental Oil Co., 1130 17th Street NW., Washington, D.C.
B. Continental Oil Co., 30 Rockefeller Plaza, New York, N.Y.

A. Harry H. Richardson, 335 Austin Street, Bogalusa, La.
B. Louisiana Railroads, 335 Austin Street, Bogalusa, La.
D. (6) $33.75. E. (9) $79.03.

A. Lloyd C. Richardson, Jr., South Dakota Railroads Association, Post Office Box 489, Aberdeen, S. Dak.
B. Burlington Northern, et al.
D. (6) $87.50. E. (9) $477.02.

A. James W. Riddell, 723 Washington Building, Washington, D.C.
B. The Kellogg Co., Battle Creek, Mich.

A. James W. Riddell, 723 Washington Building, Washington, D.C.
B. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y.

A. Siert F. Riepma, National Association of Margarine Manufacturers, 545 Munsey Building, Washington, D.C.
B. National Association of Margarine Manufacturers, 545 Munsey Building, Washington, D.C.
D. (6) $435.

A. Mr. Richard N. Rigby, Jr., 1900 L Street NW., suite 301, Washington, D.C.
B. National Oceanography Association, 1900 L Street NW., suite 301, Washington, D.C.
D. (6) $400. E. (9) $59.50.

A. John Riley, 1625 L Street NW., Washington, D.C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $628.12. E. (9) $70.64.

A. John S. Rippey, 1725 K Street NW., Washington, D.C.
B. The Consumer Bankers Association, 1725 K Street NW., Washington, D.C.
D. (6) $2,000. E. (9) $400.

A. Paul H. Robbins, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
D. (6) $1,000.

A. Kenneth A. Roberts, 1026 17th Street NW., Washington, D.C.
B. Proprietary Association, 1700 Pennsylvania Avenue, Washington, D.C.
D. $500.

A. William S. Roberts, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Corporative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $75.

A. Charles A. Robinson, Jr., 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Corporative Association, 200 Florida Avenue NW., Washington, D.C.
D. (6) $185.

A. James A. Rock, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $178. E. (9) $7.22.

A. C. Richard Rogers, 1600 Rhode Island Avenue NW., Washington, D.C.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C.

A. Donald L. Rogers, 730 15th Street NW., Washington, D.C.
B. Association of Registered Bank Holding Companies, 730 15th Street NW., Washigton, D.C.
D. (6) $656.25.

A. Walter E. Rogers, 1660 L Street NW., Washington, D.C.
B. Independent Natural Gas Association of America, 1660 L Street NW., Washington, D.C.
D. (6) $1,000.

A. Nathaniel H. Rogg, 1625 L Street NW., Washington, D.C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $1,875. E. (9) $83.46.

A. William E. Rollow, Esq., National Capital Area Council of Sportsmen, 815 15th Street NW., Washington, D.C.
B. Attorney for National Capital Area Council of Sportsmen, 815 15th Street NW., Washington, D.C.

A. William E. Rollow, Esq., 815 15th Street NW., Washington, D.C.
B. The National Skeet Shooting Association.

A. Michael J. Romig, American Insurance Association, 1025 Connecticut Avenue NW., Suite 515, Washington, D.C.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 515, Washington, D.C.
D. (6) $1,500. E. (9) $250.

A. Michael P. Roudnev, 1825 K Street NW., Washington, D.C.
B. Del Monte Corp., 215 Fremont Street, San Francisco, Calif.
D. (6) $500. E. (9) $50.

A. Robert J. Routier, American Life Convention, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.

A. John Forney Rudy, 902 Ring Building, Washington, D.C.
B. The Goodyear Tire & Rubber Co., Akron, Ohio.

A. Albert R. Russell, Post Office Box 12285, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $461.55. E. (9) $85.37.

A. Joseph C. Russo, Jr., 1140 Connecticut Avenue NW., Washington, D.C.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $55. E. (9) $38.18.

A. J. T. Rutherford & Associates, Inc., 1555 Connecticut Avenue NW., Washington, D.C.
B. The American College of Radiology, 20 North Wacker Drive, Chicago, Ill.
D. (6) $1,500. E. (9) $1,155.75.

A. Stanley H. Ruttenberg, 1211 Connecticut Avenue NW., Washington, D.C.
B. Stanley H. Ruttenberg & Associates, Inc., 1211 Connecticut Avenue NW., Washington, D.C.
D. (6) $900. E. (9) $25.

A. Stanley H. Ruttenberg & Associates, Inc., 1211 Connecticut Avenue NW., Washington, D.C.
B. Amalgamated Clothing Workers of America, 15 Union Square, New York, N.Y.
D. (6) $900. E. (9) $1,925.

A. William H. Ryan, Machinists Building, Washington, D.C.
B. International Association of Machinists and Aerospace Workers, Machinists Building, Washington, D.C.
D. (6) $2,137.50. E. (9) $480.

A. Sachs, Greenebaum, Frohlich & Tayler, 839 17th Street NW., Washington, D.C.
B. Ontario Corp., 1200 West Jackson Street, Muncie, Ind.
D. (6) $2,110. E. (9) $15.90.

A. Carl K. Sadler, American Federation of Government Employees, 400 First Street NW., Washington, D.C.
B. Same.
D. (6) $5,722.50. E. (9) $8,157.57.

A. Robert A. Saltzstein, 1300 Wyatt Building, Washington, D.C.
B. American Business Press, Inc., 205 East 42d Street, New York, N.Y.
D. (6) $6,562.50. E. (9) $3,980.73.

A. Miss Patricia A. Samuel, 120 Maryland Avenue NE., Washington, D.C.
B. Women's International League for Peace and Freedom, 120 Maryland Avenue NE., Washington, D.C.
D. (6) $61,827.11. E. (9) $10,306.66.

A. Eric P. Schellin, 1225 19th Street NW., Suite 409, Washington, D.C.
B. National Patent Council, 1225 19th Street NW., Washington, D.C.
D. (6) $750.

A. Jacques T. Schlenger, 1400 Mercantile Trust Building, Baltimore, Md.
B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md.
E. (9) $63.78.

A. Edwin R. Schneider, Jr., Esquire, 1129 20th Street NW., Washington, D.C.
B. Mail Advertisers Educational Committee of the Major Mailers and Producers and Producers of the Mail Advertising Service Association International, Inc., 425 13th Street NW., Washington, D.C.
D. (6) $9,500. E. (9) $1,844.05.

A. Hilliard Schulberg, Suite 304, 1900 L Street NW., Washington, D.C.
B. Washington, D.C., Retail Liquor Dealers Association, Inc., Suite 304, 1900 L Street NW., Washington, D.C.
D. (6) $555. E. (9) $227.50.

A. Scribner, Hall, Casey, Thornburg & Thompson, 1200 18th Street NW., Washington, D.C.
B. Jefferson Pilot Corp., Post Office Box 21008, Greensboro, N.C.
E. (9) $3.

A. Scribner, Hall, Casey, Thornburg & Thompson, 1200 18th Street NW., Washington, D.C.
B. Realty Committee on Taxation, 299 Madison Avenue, New York, N.Y.
D. (6) $2,650.

A. Durward Seals, United Fresh Fruit & Vegetable Association, 777 14th Street, NW., Washington, D.C.
B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C.
D. (6) $212.50.

A. Ronald C. Seeley, 1357 Nicolet Place, Detroit, Mich.
B. Estate of Bert N. Adams, et al.
E. (9) $242.80.

A. Stanton Sender, 1211 Connecticut Avenue NW., Washington, D.C.
B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill.

A. W. O. Senter, 1725 DeSales Street NW., Washington, D.C.
B. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C.

A. Leo Seybold, Air Transport Association of America, 1000 Connecticut Avenue NW., Washington, D.C.
B. Air Transport Association, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,125. E. (9) $309.20.

A. Robert L. Shafer, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Pfizer Inc., 235 East 42d Street, New York, N.Y.
D. (6) $800. E. (9) $300.

A. Joseph H. Sharlitt, Esquire, 1129 20th Street, NW., Washington, D.C.
B. Mail Advertisers Educational Committee of the Major Mailers and Producers of the Mail Advertising Service Association International, Inc., 425 13th Street NW., Washington, D.C.
D. (6) $9,500. E. (9) $1,844.05.

A. James R. Sharp, 1108 16th Street NW., Washington, D.C.
B. American Fur Merchants' Association, 224 West 30th Street, New York, N.Y.
D. (6) $500. E. (9) $445.46.

A. Arnold F. Shaw, Esq., 503 D Street NW., Washington, D.C.
B. National Committee for the Recording Arts, 9300 Wilshire Boulevard, Beverly Hills, Calif.

A. Kenneth D. Shaw, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $750.

A. Shaw, Pittman, Potts, Trowbridge & Madden, 910 17th Street NW., Washington, D.C.
B. Committee on Foreign Owned Banks, 52 Broadway, New York, N.Y.
D. (6) $4,000. E. (9) $75.25.

A. Shaw, Pittman, Potts, Trowbridge & Madden, Barr Building, Washington, D.C.
B. Doubleday & Co., Inc., 277 Park Avenue, New York, N.Y.

A. John J. Sheehan, United Steelworkers of America, 1001 Connecticut Avenue NW., Washington, D.C.
B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.
D. (6) $5,212.50. E. (9) $2,185.67.

A. Laurence P. Sherfy, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $1,075.

A. Dale Sherwin, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $1750. E. (9) $25.33.

A. Ira Shesser, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

A. Max Shine, 1126 16th Street NW., Washington, D.C.
B. American Federation of Technical Engineers, 1126 16th Street NW., Washington, D.C.
D. (6) $992.50. E. (9) $20.

A. Shipley, Akerman, Pickett, Stein, & Kaps, 1108 National Press Building, Washington, D.C.
B. Independent Broker Dealers, 1570 Main Street, Springfield, Mass.
E. (9) $250.

A. Robert L. Shortle, Water Resources Associated, 1147 International Trade Mart Tower, New Orleans, La.
B. Water Resources Associated, 1130 17th Street NW., Washington, D.C.

A. Mr. Grant S. Shotwell, 1957 E Street NW., Washington, D.C.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C.
D. (6) $1,350. E. (9) $100.

A. Charles B. Shuman, American Farm Bureau Federation, Merchandise Mart Plaza, Chicago, Ill.
B. American Farm Bureau Federation, Chicago, Ill.
D. (6) $1,000.

A. David Silver, 1775 K Street NW., Washington, D.C.
B Investment Company Institute, 1775 K Street, NW., Washington, D.C.
E. (9) $31.

A. Silver Users Association, 1625 I Street NW., Washington, D.C.
D. (6) $335. E. (9) $1,578.68.

A. Lana H. Sims, South Carolina Railroad Association, 1003 Security Federal Building. Columbia, S.C.
B. South Carolina Railroad Association, 1003 Security Federal Building, Columbia, S.C.
D. (6) $97.62. E. (9) $144.11.

A. Mr. Hall H. Sisson, 1725 DeSales Street NW., Washington, D.C.
B. National Aerospace Services Association, 1725 DeSales Street NW., Washington, D.C.
E. (9) $220.

A. Six Agency Committee, room 302, 217 West First Street, Los Angeles, Calif.
D. (6) $10,160. E. (9) $3,000.

A. Carstens Slack, Phillips Petroleum Co., 1625 Eye Street NW., Washington, D.C.
B. Phillips Petroleum Co., Bartlesville, Okla.

A. William L. Slayton, the American Institute of Architects, 1735 New York Avenue NW., Washington, D.C.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C.
D. (6) $1,500.

A. Stephen Slipher, 812 Pennsylvania Building, Washington, D.C.
B. U.S. Savings & Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $3,750. E. (9) $10.80.

A. Smathers, Merrigan & O'Keefe, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. American Horse Council, 1776 K Street NW., Washington, D.C.
D. (6) $6,250. E. (9) $552.59.

A. Donald E. Smiley, Suite 1008, 1025 Connecticut Avenue NW., Washington, D.C.
B. Humble Oil & Refining Co., P.O. Box 2180, Houston, Tex.
E. (9) $211.97.

A. T. W. Smiley, Room 808, 135 East 11th Place, Chicago. Ill.
B. Illinois Railroad Association, Room 808, 135 E. 11th Place, Chicago, Ill.

D. (6) $3,185.50. E. (9) $2,558.86.

A. Wayne H. Smithey, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $2,296.20. E. (9) $1,098.20.

A. Mrs. Irvin A. Smith, North Dakota Railway Lines, 418 East Rosser Avenue, Box 938, Bismarck, N. Dak.
E. (9) $11.75.

A. Robert Wm. Smith, Washington Staff, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $1,201. E. (9) $287.

A. Dr. Spencer M. Smith, Jr., 1709 North Glebe Road, Arlington, Va.
B. Citizens Committee on Natural Resources, 1346 Connecticut Avenue NW., Washington, D.C.
D. (6) $543.31. E. (9) $1,932.62.

A. Wallace M. Smith, 425 13th Street NW., Washington, D.C.
B. American Unsubsidized Lines, 1054 31st Street, Washington, D.C.
D. (6) $1,300. E. (9) $64.40.

A. Association of American Railroads, 300 New Jersey Avenue SE., Washington, D.C.
B. Association of American Railroads, American Railroads Building, Washington, D.C.
D. (6) $386.32. E. (9) $208.

A. Frank B. Snodgrass, 1726 M Street NW., Washington, D.C.
B. Burley & Dark Leaf Tobacco Export Association, Inc., Box 860, Lexington, Ky.
D. (6) $487.50. E. (9) $101.85.

A. Edward F. Snyder, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $1,659.

A. Society for Animal Protective Legislation, Post Office Box 3719, Georgetown Station, Washington, D.C.
D. (6) $2,428.21. E. (9) $3,894.39.

A. Carl A. Soderblom, Nevada Railroad Association, 1 East First Street, Room 803, Reno, Nev.
B. Nevada Railroad Association, 1 East First Street, Room 803, Reno, Nev.
D. (6) $75. E. (9) $435.87.

A. J. Taylor Soop, 400 First Street NW., Washington, D.C.
B. International Brotherhood Electrical Workers, 330 South Wells Street, Chicago, Ill.
D. (6) $1,999.80.

A. Gary A. Soucie, 30 East 42d Street, New York, N.Y.
B. Friends of the Earth, 30 East 42d Street, New York, N.Y.
D. (6) $100.

A. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex.
D. (6) $150. E. (9) $150.

A. William W. Spear, 1000 16th Street NW., Washington, D.C.
B. Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Ill.
D. (6) $1,176.92. E. (9) $5.18.

A. Frank J. Specht, Schenley Industries, Inc., 1725 DeSales Street, NW., Washington, D.C.
B. Schenley Industries, Inc., 1290 Avenue of the Americas, New York, N.Y.

A. Mr. John F. Speer, Jr., 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Lawrence Speiser, care of American Civil Liberties Union, 1424 16th Street NW., Washington, D.C.
B. American Civil Liberties Union, 156 Fifth Avenue, New York, N.Y.

A. Nicholas J. Spiezio, Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.
D. (6) $400. E. (9) $1,916.

A. Joseph L. Spilman, Jr., 1625 K Street NW., Washington, D.C.
B. Mid-Continent Oil & Gas Association, 300 Tulsa Building, Tulsa, Okla.
D. (6) $500. E. (9) $90.

A. Louis P. Spitz, 1828 L Street NW., Suite 500, Washington, D.C.
B. American Association of Motor Vehicle Administrators, 1828 L Street NW., Suite 500, Washington, D.C.
D. (6) $1,000.

A. Lynn Stalbaum, 1026 17th Street NW., Washington, D.C.
B. Associated Dairymen, Inc., Room 713, 1026 17th Street NW., Washington, D.C.
D. (6) $450.

A. Melvin L. Stark, 1025 Connecticut Avenue NW., Suite 515, Washington, D.C.
B. American Insurance Assocation, 1025 Connecticut Avenue NW., Suite 515, Washington, D.C.
D. (6) $3,000. E. (9) $350.

A. Samuel E. Stavisky & Associates, Inc., 1250 Connecticut Avenue NW., Suite 540, Washington, D.C.
B. Pan-American Coffee Bureau, 120 Wall Street, New York, N.Y.
D. (6) $1,000. E. (9) $1,600.

A. Samuel E. Stavisky, 1250 Connecticut Avenue NW., Washington, D.C.
B. Samuel E. Stavisky & Associates, Inc., 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) $500. E. (9) $550.

A. Steinhart, Goldberg, Feigenbaum & Ladar, Crocker Plaza 3400, Montgomery at Post, San Francisco, Calif.
B. Valley Center Municipal Water District, Valley Center, Calif.
D. (6) $3,900. E (9) $728.05.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.
B. Green Olive Trade Association, Inc., 82 Beaver Street, New York, N.Y.
D. (6) $500.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.
B. Mallinckrodt Chemical Works, Post Office Box 5439, St. Louis, Mo.
D. (6) $500.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.
B. Teachers Insurance & Annuity Association of America, 730 Third Avenue, New York, N.Y.
D. (6) $8,610. E. (9) $1,180.96.

A. B. H. Steuerwald, Brotherhood of Railroad Signalmen, 400 First Street, Washington, D.C.
B. Brotherhood of Railroad Signalmen, 2247 West Lawrence Avenue, Chicago, Ill.

A. Eugene L. Stewart, 1001 Connecticut Avenue, Washington, D.C.
B. Man-Made Fiber Producers Association, Inc., 350 Fifth Avenue, New York, N.Y.
D. (6) $750. E. (9) $50.

A. Eugene L. Stewart, 1001 Connecticut Avenue, Washington, D.C.
B. Trade Relations Council of the United States, 1001 Connecticut Avenue, Washington, D.C.
D. (6) $350. E. (9) $50.

A. Eugene L. Stewart, 1001 Connecticut Avenue, Washington, D.C.
B. World Trade Committee of Parts Division, Electronic Industries Association, 2001 Eye Street NW., Washington, D.C.
D. (6) $750. E. (9) $50.

A. Travis B. Stewart, Hoffman-La Roche, Inc., 340 Kingsland Street, Nutley, N.J.
B. Hoffman-La Roche, Inc., 340 Kingsland Street, Nutley, N.J.
D. (6) $800. E. (9) $400.

A. Stitt, Hemmendinger & Kennedy, 1000 Connecticut Avenue NW., Washington, D.C.
B. Imported Footwear Group, American Importers Association, New York, N.Y.
D. (6) $450. E. (9) $450.

A. Sterling F. Stoudenmire, Jr., 61 St. Joseph Street, Mobile, Ala.
B. Waterman Steamship Corp., 61 St. Joseph Street, Mobile, Ala.

A. Francis W. Stover, National Legislative Service, VFW, 200 Maryland Avenue NE., Washington, D.C.
B. Veterans of Foreign Wars of the U.S., 200 Maryland Avenue NE, Washington, D.C.
D. (6) $5,350. E. (9) $449.28.

A. Walter B. Stults, 537 Washington Building, Washington, D.C.
B. National Association of Small Business Investment Companies, 537 Washington Building, Washington, D.C.
D. (6) $600.

A. G. Don Sullivan, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $475.

A. William M. Stover, Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C.
B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C.
D. (6) $852.27. E. (9) $100.

A. Strasser, Speigelberg, Fried, Frank & Kampelman, 1700 K Street NW., Washington, D.C.
B. Federation of American Scientists, 1700 K Street NW., Washington, D.C.
D. (6) $700. E. (9) None.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 1700 K Street NW., Washington, D.C.
B. The Hualapai Tribe of the Hualapai Reservation, Box 168, Peach Springs, Ariz.
D. (6) $469.50. E. (9) None.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 1700 K Street NW., Washington, D.C.
B. Salt River Pima Maricopa Indian Community, Box 120, Route 1, Scottsdale, Ariz.

D. (6) $875.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 1700 K Street NW., Washington, D.C.

B. San Carlos Apache Tribe, San Carlos, Ariz.

D. (6) $469.50.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 1700 K Street NW., Washington, D.C.

B. Seneca Nation of Indians, Box 231, Haley Community Building, Salamanca, N.Y.

D. (6). $7,500 E. None.

A. Herald E. Stringer, The American Legion, 1608 K Street NW., Washington, D.C.

B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.

D. (6) $5,304. E. (9) $718.88.

A. John D. Stringer, 666 11th Street NW., Washington, D.C.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.

E. (9) $470.

A. Norman Strunk, 111 East Wacker Drive, Chicago, Ill.

B. U.S. Savings & Loan League, 111 East Wacker Drive, Chicago, Ill.

D. (6) $2,250. E. (9) None.

A. Barry Sullivan, 536 Washington Building, Washington, D.C.

B. National Association of River & Harbor Contractors, 536 Washington Building, Washington, D.C.

D. (6) $750. E. (9) $73.71.

A. Frank L. Sundstrom, 1776 K Street NW., Suite 1200, Washington, D.C.

B. The Tobacco Institute, Inc., 1776 K Street NW., Suite 1200, Washington, D.C.

D. (6) $2,225. E. (9) $650.

A. John T. Sun, American Automobile Association, 1712 G Street NW., Washington, D.C.

B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. C. Austin Sutherland, 1616 P Street NW., Washington, D.C.

B. National Tank Truck Carriers, Inc., 1616 P Street NW. Washington, D.C.

A. Sutton Shull & O'Rourke, 1108 16th Street NW., Washington, D.C.

D (6) $6,952.09

A. Irving W. Swanson, Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C.

B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C.

A. Noble J. Swearingen, 128 C Street NE., Washington, D.C.

B. National Tuberculosis and Respiratory Disease Association, 1740 Broadway, New York, N.Y.

D. (6) $950. E (9) None.

A. John R. Sweeney, Solar Building, 1000 16th Street NW., Washington, D.C.

B. Bethlehem Steel Corp., 701 East Third Street, Bethlehem. Pa.

D. (6) $500. E. (9) $267.40.

A. Russell A. Swindell, Box 2635, Raleigh, N.C.

B. North Carolina Railroad Association, Box 2635, Raleigh, N.C.

D. (6) $143.76. E. (9) $258.53.

A. Synthetic Organic Chemical Manufacturers Association, 330 Madison Avenue, New York, N.Y.

D. (6) $608.41. E. (9) $608.41.

A. Russell D. Tall, 1129 20th Street NW., Washington, D.C.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. Rev. Charles C. Talley, 100 Angus Court, Charlottesville, Va.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

A. H. William Tanaka, 1819 H Street NW., Washington, D.C.

B. Ajinomoto Co. of New York, Inc., Squibb Building, 745 Fifth Avenue, New York, N.Y.

D. (6) $500. E. (9) $66.

A. H. William Tanaka, 1819 H Street NW., Washington, D.C.

B. Toshiba America, Inc., 477 Madison Avenue, New York, N.Y.

D. (6) $1,500. E. (9) $93.

A. Roy W. Terwilliger, 815 Connecticut Avenue NW., Washington, D.C.

B. The American Bankers Association, 815 Connecticut Avenue NW., Washington, D.C.

A. L. D. Tharp, Jr., 1660 L Street NW., Washington, D.C.

B. Independent Natural Gas Association of America, 1660 L Street NW., Washington, D.C.

D. (6) $300.

A. Evert S. Thomas, Jr., 1730 Rhode Island Avenue NW., Washington, D.C.

B. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.

D. (6) $1,292.31. E. (9) $831.13.

A. Clark W. Thompson, Tenneco, Inc., 402 Solar Building, 1000 16th Street NW., Washington, D.C.

B. Tenneco Inc., Post Office Box 2511, Houston, Tex.

A. Julia C. Thompson, 1030 15th Street NW., Washington, D.C.

B. American Nurses' Association, Inc., 10 Columbus Circle, New York, N.Y.

D. (6) $3,372.90.

A. William B. Thompson, Jr., Association of American Railroads, suite 212, 300 New Jersey Avenue SE., Washington, D.C.

B. Association of American Railroads, American Railroads Building, Washington, D.C.

D. (6) $47.98 E. (9) $117.

A. Eugene M. Thore, 1701 K Street NW., suite 503, Washington, D.C.

B. Medical Information Bureau, 35 Mason Street, Greenwich, Conn.

D. (6) $1,800. E. (9) $465.75.

A. E. Linwood Tipton, 1105 Barr Building, Washington, D.C.

B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Tobacco Associates, Inc., 1101 17th Street NW., Washington, D.C.

E. (9) $1,470.

A. Maurice B. Tobin, suite 809, 1140 Connecticut Avenue NW., Washington, D.C.

A. H. Willis Tobler, 30 F Street NW., Washington, D.C.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.

D. (6) $2,800. E. (9) $259.10.

A. David R. Toll, 1140 Connecticut Avenue, Washington, D.C.

B. National Association of Electric Cos., 1140 Connecticut Avenue, Washington, D.C.

D. (6) $804. E. (9) $744.82.

A. F. Gerald Toye, 777 14th Street NW., Washington, D.C.

B. General Electric Co., 570 Lexington Avenue, New York, N.Y.

D. (6) $750. E. (9) $34.30.[1]

A. John P. Tracey, 1705 DeSales Street NW., Washington, D.C.

B. American Bar Association, 1705 DeSales Street NW., Washington, D.C.

D. (6) $400. E. (9) $50.

A. Trade Relations Council of the United States, 1001 Connecticut Avenue, Washington, D.C.

E. (9) $400.

A. Transportation Association of America, 1101 17th Street NW., Washington, D.C.

E. (9) $429.18.

A. Richard S. Tribbe, 1000 16th Street NW., Washington, D.C.

B. Trans World Airlines, Inc., 10 Richards Road, Kansas City, Mo.

A. Matt Triggs, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.

D. (6) $2,312. E. (9) 79.67.

A. Bernard H. Trimble, 1730 Rhode Island Avenue NW., Washington, D.C.

B. National Electrical Contractors Association, 1730 Rhode Island Avenue NW., Washington, D.C.

A. Glenwood S. Troop, Jr., 812 Pennsylvania Building, Washington, D.C.

B. U.S. Savings & Loan League, 111 East Wacker Drive, Chicago, Ill.

D. (6) $5,000. E. (9) $80.25.

A. Joel B. True, 918, 16th Street NW., Washington, D.C.

B. National Association of Manufacturers, 277 Park Avenue, New York, N.Y.

D. (6) $625. E. (9) $250.

A. Galen Douglas Trussel, 918 16th Street NW., Washington, D.C.

B. National Association of Manufacturers, 918 16th Street NW., Washington, D.C.

D. $792. E. (9) $155.69.

A. Dick Tullis, 607 Maple Terrace, Dallas, Tex.

B. Superior Oil Co., Houston, Tex. and Los Angeles, Calif.

D. (6) $150. E. (9) $150.

A. W. Lloyd Tupling, Washington representatives, Trustees for Conservation, 235 Massachusetts Avenue NE., Washington, D.C.

B. Trustees for Conservation, 251 Kearny Street, San Francisco, Calif.

D. (6) none. E. (9) 461.

A. Richard F. Turney, 835 Southern Building, Washington, D.C.

B. American Association of Nurserymen, 835 Southern Building, Washington, D.C.

D. (6) $20. E. (9) $287.84.

A. John D. Tyson, assistant director, Government Relations.

B. International Paper Co., 220 East 42d Street, New York, N.Y.

D. (6) $456. E. (9) $103.76.

A. United Cerebral Palsy Associations, Inc. 66 East 34th Street, New York City.

E. (9) $1,602.81.

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[1] Does not include any allocation of overhead, clerical, etc., services provided by employes.

A. United Federation of Postal Clerks, 817 14th Street NW., Washington, D.C.
D. (6) $651,024.78. E. (9) $59,998.95.

A. U.S. Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C.
B. U.S. Cane Sugar Refiners Association, 1001 Connecticut Avenue, Washington, D.C.
E. (9) $246.04.

A. U.S. Savings Association & Loan League, 111 East Wacker Drive, Chicago, Ill.
E. (9) $37,339.66.

A. The Urban Coalition Action Council, 2100 M Street NW., Washington, D.C.
B. The Urban Coalition Action Council, 2100 M Street NW., Washington, D.C.
D. (6) $44,000. E. (9) $2,540.04.

A. John A. Vance, 1725 K Street NW., Washington, D.C.
B. Pacific Gas & Electric Co., 245 Market Street, San Francisco, Calif.
D. (6) $2,565. E. (9) $1,831.89.

A. Theodore A. Vanderzyde, Machinists Building, Washington, D.C.
B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,137.50. E. (9) $480.

A. Mrs. Lois W. Van Valkenburgh, 1673 Preston, Road, Alexandria, Va.
B. Citizens Committee for UNICEF, 20 E Street NW., Washington, D.C.

A. Venable, Baetjer, & Howard, 1400 Mercantile Trust Building, Baltimore, Md.
B. Maryland State Fair & Agricultural Society, Inc., Timonium State Fair Grounds. Timonium, Md.
E. (9) $63.78.

A. Richard E. Vernor, American Life Convention, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $765. E. (9) $3.55.

A. Mr. L. T. Vice, Suite 1204, 1700 K Street, NW., Washington, D.C.
B. Standard Oil Company of California, Suite 1204, 1700 K Street NW., Washington, D.C.
E. (9) $65.

A. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y.
E. (9) $20.86.

A. E. R. Wagner, 888 17th Street NW., Washington, D.C.
B. National Council of Technical Service Industries, 888 17th Street NW., Washington, D.C.
D. (6) $215.38. E. (9) $25.07.

A. Paul A. Wagner, 1126 16th Street NW., Washington, D.C.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) $742.50. E. (9) $218.06.

A. Harold S. Walker, Jr., American Gas Association, Inc., 605 Third Avenue, New York, N.Y.
B. American Gas Association, Inc., 605 Third Avenue, New York, N.Y.

A. Jack A. Waller, International Association of Fire Fighters, 905 16th Street NW., Washington, D.C.
B. International Association of Fire Fighters, International Union, 905 16th Street NW., Washington, D.C.
D. (6) $4,500.

A. Franklin Wallick, 1126 16th Street NW., Washington, D.C.
B. International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America, Solidarity House, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) $4,493.44. E. (9) $990.73.

A. William A. Walton, 800 Merchants National Bank Building, Eighth and Jackson Streets, Topeka, Kans.
B. Kansas Railroad Committee, 800 Merchants National Bank Building, Eighth and Jackson Streets, Topeka, Kans.
E. (9) $1,050.

A. Washington Consulting Service, 1435 G Street NW., Washington, D.C.
B. American Occupational Therapy Association, 251 Park Avenue South, New York, N.Y.
D. (6) $350. E. (9) $285.

A. Washington Consulting Service, 1435 G Street NW., Washington, D.C.
B. Rehabilitation Institute of Chicago, 401 East Ohio Street, Chicago, Ill.
D. (6) $900. E. (9) $800.

A. E. Jerome Webster, Jr.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C.
D. (6) $100.

A. Dr. Frank J. Welch, 3724 Manor Road, Chevy Chase, Md.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.

A. Joseph E. Welch, 1630 Locust Street, Philadelphia, Pa.
B. Wellington Management Co., 1630 Locust Street, Philadelphia, Pa.

A. Wenchel, Schulman & Manning, 1625 K. Street NW., Washington, D.C.
B. The Heckscher Foundation for Children, 52 Vanderbilt Avenue, New York, N.Y.
D. (6) $3,850.21.

A. Wenchel, Schulman & Manning, 1625 K Street NW., Washington, D.C.
B. Public Welfare Foundation, Inc., 2600 Virginia Avenue NW., Washington, D.C.
D. (6) $1,500.

A. Terrell M. Wertz, National Legislative Commission, The American Legion, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $3,210. E. (9) $20.

A. West Mexico Vegetable Distributors Association, Post Office Box 848, Nogales, Ariz.
E. (9) $500.

A. Western Railroad Association, 224 Union Station Building, Chicago, Ill.

A. Clyde A. Wheeler, Jr., Federal Bar Building, West Suite 620, 1819 H Street NW., Washington, D.C.
B. Sun Oil Co., 1608 Walnut Street, Philadelphia, Pa.
E. (9) $1,550.

A. John L. Wheeler, 1211 Connecticut Avenue NW., Suite 802, Washington, D.C.
B. Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, Ill.

A. Donald F. White, American Retail Federation, 1616 H Street NW., Washington, D.C.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $1,250.

A. John C. White, 1317 F Street NW., Washington, D.C.
B. Private Truck Council of America, Inc., 1317 F Street NW., Washington, D.C.

A. John S. White, Marathon Oil Co., 420 Cafritz Building, Washington, D.C.
B. Marathon Oil Co., Findlay, Ohio.
E. (9) $148.48.

A. Robert L. White, Jr., 1730 Rhode Island Avenue NW., Washington, D.C.
B. National Electrical Contractors Association, 1730 Rhode Island Avenue NW., Washington, D.C.

A. Douglas Whitlock II, 910 Washington Building, Washington, D.C.
B. Montgomery Ward & Co., Inc., 910 Washington Building, Washington, D.C.
D. (6) $500. E. (9) $150.

A. William E. Wickert, Jr., Solar Building, 1000 Sixteenth Street NW., Washington, D.C.
B. Bethlehem Steel Corp., 701 East Third Street, Bethlehem, Pa.
D. (6) $500. E. (9) $238.10.

A. Claude C. Wild, Jr., 1025 Connecticut Avenue NW., Washington, D.C.
B. Gulf Oil Corp., Pittsburgh, Pa.
D. (6) $1,000. E. (9) $250.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. National Congress of American Indians, 1346 Connecticut Avenue NW., Washington, D.C.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Hoopa Valley Tribe.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Estate of Albert W. Small, care of Mrs. Albert W. Small, 5803 Green Tree Road, Bethesda, Md.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. American Association of Presidents of Independent Colleges and Universities, care of John Howard, President, Rockford College, Rockford, Ill.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Computer Time Sharing Service Section of the Association of Data Processing Organizations, Inc., 551 5th Avenue, New York, N.Y.
E. (9) $1.50.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. American Society of Travel Agents, Inc., 360 Lexington Avenue, New York, N.Y.
E. (9) $629.46.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. College Placement Council, Inc., 65 East Elizabeth Street, Bethlehem, Pa.
E. (9) $3.70.

A. Wilkinson, Cragun & Barker., 1616 H Street NW., Washington, D.C.
B. Brigham Young University, Provo, Utah.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Quinaielt Tribe of Indians, Taholah, Wash.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.
E. (9) $48.15.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. The Three Affiliated Tribes of the Fort Berthold Reservation, New Town, N. Dak.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. The Taos Pueblo, Tatos, N. Mex.

A. Wilkinson, Cragun, & Barker, 1616 H Street NW., Washington, D.C.
B. Association of Data Processing Service Organizations, Inc., 420 Lexington Avenue, New York, N.Y.
E. (9) $659.43.

A. Wilkinson, Cragun, & Barker, 1616 H Street NW., Washington, D.C.
B. Araphoe Indian Tribe, Fort Washakie, Wyo.
E. (9) $24.37.

A. Wilkinson, Cragun, & Barker, 1616 H Street NW., Washington, D.C.
B. The Church of Jesus Christ of Latter-Day Saints, 47 East South Temple, Salt Lake City, Utah.
E. (9) $1.75.

A. Francis G. Williams.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C.
D. (6) $100.

A. Harding deC. Williams, 918 16th Street NW., Washington, D.C.
B. National Association of Manufacturers.
D .(6) $175. E. (9) $75.

A. J. D. Williams, Williams & Jensen, 1130 17th Street NW., Washington, D.C.
B. Pinkerton Holding Corp., 100 Church Street, New York, N.Y.

A. John C. Williamson, Realtors' Washington Committee of the National Association of Real Estate Boards, 1300 Connecticut Avenue NW., Washington, D.C.
B. National Association of Real Estate Boards, 155 E. Superior Street, Chicago, Ill.
D. (6) $5,000. E. (9) $261.40.

A. Kenneth Williamson, American Hospital Association, 1 Farragut Square South, Washington, D.C.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill.
D. (6) $10,000. E. (9) $6,053.22.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. Jonathan Development Corp., Post Office Box 68, Chaska, Minn.
E. (9) $27.

A. Wilmer, Cutler & Pickering, 900 17th Stret NW., Washington, D.C.
B. Automobile Manufacturers Association, Inc., 320 New Center Building, Detroit, Mich.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. Chronicle Publishing Co., Fifth and Mission Streets, San Francisco, Calif.
D. (6) $686. E. (9) $9.

A. Wilmer, Cutler & Pickering, 900 17th Street, Washington, D.C.
B. Massachusetts Institute of Technology, Cambridge, Mass.
D. (6) $997.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. National Corporation for Housing Partnerships, 1133 15th Street NW., Washington, D.C.
E. (9) $10.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. Stanford University, Stanford, Calif.
D. (6) $735.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. Yale University, New Haven, Conn.
D. (6) $800.

A. E. Raymond Wilson, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $345.

A. W. E. Wilson, 623 Oakley Drive, Shreveport, La.
B. Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex.
D. (6) $1,200. E. (9) $42.63.

A. R. J. Winchester, 900 Southwest Tower, Houston, Tex.
B. Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex.
D. (6) $900. E. (9) $499.18.

A. Richard F. Witherall, Colorado Railroad Association, 702 Majestic Bldg., Denver, Colo.
B. Colorado Railroad Association, 702 Majestic Bldg., Denver, Colo.
D. (6) $1,325. E. (9) $3,025.

A. Peter L. Wolff, 1 Dupont Circle NW., Washington, D.C.
B. Association of American Law Schools, 1 Dupont Circle NW., Washington, D.C.

A. Nathan T. Wolkomir, 1737 H Street NW., Washington, D.C.
B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C.
D. (6) $6,160. E. (9) $1,128.03.

A. William E. Woods, 440 National Press Building, Washington, D.C.
B. The National Association of Retail Druggists, One East Wacker Drive, Chicago, Ill.
D. (6) $750. E. (9) $150.

A. James Woodside, 1126 16th Street NW., Washington, D.C.
B. American Federation of Technical Engineers, 1126 16th Street NW., Washington, D.C.
D. (6) $240. E. (9) $20.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.
B. Flying Tiger Line, Inc., Los Angeles International Airport, Los Angeles, Calif.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.
B. Signal Companies, Inc., 1010 Wilshire Boulevard, Los Angeles, Calif.

A. Perry W. Woofter, 1101 17th Street NW., Washington, D.C.
B. American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y.
D. (6) $1,719. E. (9) $392.29.

A. World Trade Committee of Parts Division, Electronic Industries Association, 2001 Eye Street NW., Washington, D.C.
D. (6) $800. E. (9) $800.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Associacion Nacional De Cultivadores De Cana De Azucar, Post Box 4448, Cali, Colombia.
E. (9) $1.50.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. City of Palm Springs, Calif., Municipal Building, Palm Springs, Calif.
E. (9) $1.50.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y.

A. Wyman, Bautzer, Finell, Rothman & Kuchell, 1211 Connecticut Avenue NW., Washington, D.C.
B. Unionamerica, Inc., 435 South Figueroa Street, Los Angeles, Calif.
D. (6) $450. E. (9) $1.50.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Association of Motion Picture & Television Producers, 8480 Beverly Boulevard, Los Angeles, Calif., et al.
D. (6) $350. E. (9) $1.50.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Copyright Owners Negotiating Committee, care of Phillips, Nizer, Benjamin, Krim & Ballon, 477 Madison Avenue, New York, N.Y.
E. (9) $1.50.

A. John H. Yingling, 905 16th Street NW., Washington, D.C.
B. Association of Corporate Owners of One Bank, 905 16th Street NW., Washington, D.C.
D. (6) $500. E. (9) $73.33.

A. John H. Yingling, 905 16th Street NW., Washington, D.C.
B. First National City Bank, 399 Park Avenue, New York, N.Y.
D. (6) $100. E. (9) $85.05.

A. J. Banks Young, Room 610, Ring Building, 1200 18th Street NW., Washington, D.C.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn.
D. (6) $1,575.

A. Zero Population Growth, 367 State Street, Los Altus, Calif.
B. None.
D. (6) $1,032. E. (9) $1,032.

A. Albert H. Zinkand, Getty Oil Co., 1701 Pennsylvania Avenue NW., Washington, D.C.
B. Getty Oil Co., 1701 Pennsylvania Avenue NW., Washington, D.C.

A. John L. Zorack, Air Transport Association of America, 1000 Connecticut Avenue NW., Washington, D.C.
B. Air Transportation Association, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $900. E. (9) $464.60.

A. Charles O. Zuver, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 90 Park Avenue New York, N.Y.
D. (6) $850. E. (9) $135.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the first calendar quarter of 1970 were received too late to be included in the published reports for that quarter:

A. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.

D. (6) $7.100. E. (9) $5,918.88.

A. Aircraft Owners & Pilots Association, Post Office Box 5800 Washington, D.C.

B. As above.

A. Herbert F. Alfrey, National Rural Letter Carriers' Association 1750 Pennsylvania Avenue NW., Washington, D.C.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington D.C.

D. (6) $477 E. (9) $24.

A. Nichols E. Allen & Merrill Armour, 444 Shoreham Building, Washington, D.C.

B. Music Operators of America, Inc., 228 North LaSalle Street. Chicago, Ill.

D. (6) $900 E. (9) $336.02.

A. American College of Radiology, 20 North Wacker Drive, Chicago, Ill.

D. (6) $1,378.97. E. (9) $1,378.97.

A. American Conservative Union, 328 Pennsylvania Avenue SE., Washington, D.C.

D. (6) $22 291.79. E. (9) $6,881.93.

A. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D C.

E. (9) $2,358.45.

A. American Short Line RR Association, 2000 Massachusetts Avenue NW., Washington, D.C.

B. As above.

D. (6) $1,016.21. E. (9) $1,016.21.

A. Robert E Ansheles, 1028 Connecticut Avenue NW., Washington, D.C.

B. CITC Industries, Inc., 180 Madison Avenue, New York. N.Y.

D. (6) $412. E. (9) $81.

A. Arent Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C.

B. Conwood Corp., 701 North Main Street, Memphis, Tenn.

D. (6) $3,005. E. (9) $114.54.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.

B. Commissioner of Baseball, 680 Fifth Avenue, New York, N.Y.

E. (9) 10.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.

B. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y.

D. (6) $4,166.67. E. (9) $294.67.

A. Associated General Contractors of America, 1957 E Street NW., Washington, D.C.

A. Associated Railroads of New Jersey, Pennsylvania Station, Newark, N.J.

D. (6) $25,000.

A. Association of Mutual Fund Plan Sponsors, Inc., 50 East 42d Street, New York, N.Y.

A. A. V. Atkinson, Communications Workers of America, 1925 K Street NW., Washington, D.C.

B. Communications Workers of America.

E. (9) $4,483.98.

A. Atlanta Committee for Democratic Republican Independent Voter Education, 2540 Lakewood Avenue SW., Atlanta, Ga.

D. (6) $620. E. (9) $3,212.65.

A. John F. Banzhaf III, 530 N Street SW., Washington, D.C.

B. Legislative Action on Smoking & Health, 2000 H Street NW., Washington, D.C.

E. (9) $187.86.

A. Ernest L. Barcella, General Motors Corp., Washington, D.C.

B. General Motors Corp., 3044 W. Grand Boulevard, Detroit, Mich.

A. Robert W. Barrie, 2600 Virginia Avenue NW., Washington, D.C.

B. General Electric Co., 777 14th Street NW., Washington, D.C.

A. Ross Bass Associates, 4000 Massachusetts Avenue NW., Washington, D.C.

B. Record Industry Association of America, 1 East 57th Street, New York, N.Y.

D. (6) $6,250.

A. Davis M. Batson, Ethyl Corp., 611 Madison Office Building, Washington, D.C.

B. Ethyl Corp., 611 Madison Office Building, 1155 15th Street NW., Washington, D.C.

D. (6) $450.

A. Robert E. Bauman, 328 Pennsylvania Avenue SE., Washington, D.C.

B. American Conservative Union, 328 Pennsylvania Avenue SE., Washington, D.C.

D. (6) $1,666.

A. Bekins Van & Storage Co., 1955 South Valley Highway, Denver, Colo.

E. (9) $4,546.

A. Jeffrey Bell, 328 Pennsylvania Avenue SE., Washington, D.C.

B. American Conservative Union, 328 Pennsylvania Avenue SE., Washington, D.C.

D. (6) $325. E. (9) $38.

A. C. B. Blankenship, Communications Workers of America, 1925 K Street NW., Washington, D.C.

B. Communications Workers of America.

E. (9) $4,584.

A. John F. Bonner, Room 100, Philip Murray Building, Washington, D.C.

B. Industrial Union of Marine & Shipbuilding Workers of America, 1126 16th Street NW., Washington, D.C.

E. (9) $225.

A. Lyman L. Bryan, 2000 K Street NW., Washington, D.C.

B. American Institute of CPA's, 666 Fifth Avenue, New York, N.Y.

A. Buchanan, Ingersoll, Rodewald, Kyle & Buerger, 1800 Oliver Building, Pittsburgh, Pa.

B. Estate of Roy A. Hunt.

D. (6) $12,500.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C.

B. Parcel Post Association, 1211 Connecticut Avenue NW., Washington, D.C.

E. (9) $700.

A. Charles S. Burns, American Mining Congress, 1100 Ring Building, Washington, D.C.

B. American Mining Congress.

D. (6) $825. E. (9) $239.32.

A. David Burpee, Seed Grower, Fordhook Farms, Doylestown, Pa.

E. (9) $88.93.

A. Robert B. Byrnes, 1514 17th Street NW., Washington, D.C.

B. National Railroad Pension Forum, Inc., 328 Pennsylvania Avenue SE., Washington, D.C.

E. (9) $211.85.

A. Canal Zone Central Labor Union-Metal Trades Council, AFL–CIO, Post Office Box 471, Balboa Heights, C. Z.

D. (6) $1,159.01. E. (9) $2,993.66.

A. Robert S. Carr, Hiram Walker & Sons, Inc., 1220 Pennsylvania Building, Washington, D.C.

B. Hiram Walker and Sons, Inc., 8232 Jefferson Avenue, Detroit, Mich.

A. E. Michael Cassady, Water Resources Associated, 1130 17th Street, NW., Washington, D.C.

B. Water Resources Associated.

A. Donald E. Channell, 1705 DeSales Street NW., Washington, D.C.

B. American Bar Association, 1705 DeSales Street NW., Washington, D.C.

D. (6) $1,000. E. (9) 100.

A. Frank Chelf, Congressional Plaza Building, 220 C Street SE., Washington, D.C.

B. Conwood Corp., 701 North Main Street, Memphis, Tenn.

D. (6) $1,800. E. (9) 182.50.

A. Hal M. Christensen, 1750 Pennsylvania Avenue, Washington, D.C.

B. American Dental Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $2,250.

A. Albert T. Church, Jr., American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.

B. American Institute of Merchant Shipping.

D. (6) $45. E. (9) $3.46.

A. Citizens Committee on Natural Resources, 1346 Connecticut Avenue NW., 712 Dupont Circle Building, Washington, D.C.

D. (6) $15,071.98. E. (9) $5,168.67.

A. William F. Claire, World Federalists, USA, Inc., 2029 K Street NW., Washington, D.C.

B. World Federalists, USA, Inc.

D. (6) $6,250.02. E (9) $500.99.

A. Joseph S. Clark, World Federalists, USA, Inc., 2029 K Street NW., Washington, D.C.

B. World Federalists, USA, Inc.

E. (9) $1,833.07.

A. Carl A. S. Coan, Jr., 1625 L Street NW., Washington, D.C.

B. National Association of Home Builders of the United States, 1625 L Street NW, Washington, D.C.

D. (6) $4,874.99. E. (9) $272.94.

A. James F. Collins, 1000 16th Street NW., Washington,D.C.

B. American Iron & Steel Institute, 150 East 42d Street, N.Y., N.Y.

D. (6) $500. E. (9) $125

A. Committee of Foreign-Owned Banks, 52 Wall Street, New York, N.Y.
E. (9) $1,450.87.

A. Committee of Friends of the Museum of Modern Art, 21 West 53d Street, New York, N.Y.
D. (6) $8,413.05. E. (9) $8,413.50.

A. Paul B. Conrad, National Newspaper Association, 491 National Press Building, Washington, D.C.
B. National Newspaper Association.
E. (9) $123.09.

A. Conwood Corp., 701 North Main Street, Memphis, Tenn.
E. (9) $5,102.04.

A. Allan D. Cors, 1629 K Street NW., Washington, D.C.
B. Corning Glass Works, Corning, N.Y.
D. (6) $125.

A. Raymond L. Courage, Independent Natural Gas Association of America, 1660 L Street NW., Washington, D.C.
B. Independent Natural Gas Association of America.
D. (6) $300.

A. Francis D. Cronin, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress.
D (6) $475.

A. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $2,813.08 E. (9) $1,018.07.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C.
B. American Importers Association, New York, N.Y.
E. (9) $235.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C.
B. Japan Chemical Fibres Association, Tokyo, Japna.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C.
B. Japan Lumber Importers' Association, Tokyo, Japan.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C.
B. Japan Woolen & Linen Textiles Exporters Association, Osaka, Japan.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C.
B. Vorort des Schwiezerischen Handels-und Industrie-Vereins, Zurich, Switzerland.

A. F. Gibson Darrison, Jr., Penn Central Transportation Co., 2000 L Street NW., Washington, D.C.
B. Penn Central Transportation Co., 6 Penn Center Plaza, Philadelphia, Pa.
D. (6) $156.98. E. (9) $1,372.43.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C.
B. D.C. Transit System, Inc., Washington, D.C.
D. (6) $1,250.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C.
B. Guild of Prescription Opticians, 1250 Connecticut Avenue NW., Washington, D.C.

A. Dawson, Nagel, Sherman & Howard, 1900 First National Bank Building, Denver, Colo.
B. Bekins Van & Storage Co., 1955 South Valley Highway, Denver, Colo.
E. (9) $522.75.

A. Dawson, Nagel, Sherman & Howard, 1900 First National Bank Building, Denver, Colo.
B. Boettcher & Co., 828 17th Street, Denver, Colo.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C.
B. Air Transport Association, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $750.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C.
B. C.I.T. Financial Corp., 650 Madison Avenue, New York, N.Y.
D. (6) $8,000.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C.
B. Indian Sugar Mills Association, Export Agency Division, New Delhi, India.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C.
B. Ling-Temco-Vought, Inc., Dallas, Tex.

A. DeHart, Broide, Spitzer & McCrory, Inc., 1150 Connecticut Avenue NW., Washington, D.C.
B. Recording Industry Association of America, Inc., New York, N.Y.
D. (6) $1,125. E. (9) $149.40.

A. DeHart, Broide, Spitzer & McCrory, Inc., 1150 Connecticut Avenue NW., Washington, D.C.
B. The Wisconsin Corp., 1309 Hoge Building, Seattle, Wash.
D. (6) $225. E. (9) $37.30.

A. Vincent A. Demo, 25 Broadway, New York, N.Y.
B. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y.
D. (6) $6,250.

A. Alan DiSeuillo, Youth Franchise Coalition, 1525 M Street NW., Washington, D.C.
B. Youth Franchise Coalition.
E. (9) $20.

A. William DuChessi, 1126 16th Street NW., Washington, D.C.
B. Textile Workers Union of America, AFL–CIO, 99 University Place, New York, N.Y.
D. (6) $1,937.61. E. (9) $100.

A. William E. Dunn, 1957 E Street NW., Washington, D.C.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C.
D. (6) $3,000. E. (9) $400.

A. Henry I. Dworshak, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $975.

A. Hallett D. Edson, 3930 North Upland Street, Arlington, Va.
B. National Association for Uniformed Services, 956 N. Monroe Street, Arlington Va.
D. (6) $1,800.

A. Ethyl Corp., 1155 15th Street NW. Washington, D.C.
E. (9) $450.

A. Mello G. Fish, 100 Indiana Avenue NW., Washington, D.C.
B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $665.02. E. (9) $84.30.

A. Frank U. Fletcher, Fletcher, Heald, Rowell, Kenehan & Hildreth, 1225 Connecticut Avenue NW., Washington, D.C.
B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y.

A. Gordon Forbes, 207 Union Depot Building, St. Paul, Minn.
B. Minnesota Railroads Association.
D. (6) $500. E. (9) $518.81.

A. Forest Farmers Association Cooperative, 1375 Peachtree Street NE., Atlanta, Ga.
D. (6) $14,886.19.

A. Morley E. Fox, 300 New Jersey Avenue SE., Washington, D.C.
B. Central Arizona Project Association, 1124 Arizona Title Building, Phoenix, Ariz.
D. (6) $51.40. E. (9) $36.

A. Bernice Friedlander, 950 25th Street NW., Washington, D.C.
B. Legislative Action on Smoking and Health, 2000 H Street NW., Washington, D.C.
E. (9) $187.86.

A. Fuller, Seney, Henry & Hodge, Owens-Illinois Building, Toledo, Ohio.
B. Owens-Illinois, Inc., Madison Avenue and St. Clair Street, Box 1035, Toledo, Ohio.
D. (6) $726.50.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Anchor Corp., et al.
D. (6) $1,500.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Royal Crown Cola Co., Columbus, Ga.

A. The Glenmede Trust Co., 1608 Walnut Street, Philadelphia, Pa.

A. James M. Goldberg, 1616 H Street NW., Washington, D.C.
B. American Retail Federation.
D. (6) $1,000. E. (9) $1,000.

A. Hoyt S. Haddock, 100 Indiana Avenue NW., Washington, D.C.
B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
E. (9) $145.23.

A. John F. Hall, National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.
E. (9) $204.83.

A. John Hugh Henry, 440 National Press Building, Washington, D.C.
B. National Association of Retail Druggists. 440 National Press Building.

A. Rosalyn Hester, National Education Association, 1201 16th Street NW., Washington, D.C.
B. National Education Association, 1201 16th Street, Washington, D.C.

A. Frederic W. Hickman, 1 First National Plaza, Chicago, Ill.
B. Corporate Fiduciaries Association of Chicago.
D. (6) $45,132.41. E. (9) $3,514.16.

A. Frederic W. Hickman, 1 First National Plaza, Chicago, Ill.

B. Northwest Industries, Inc., 400 West Madison Street, Chicago, Ill.

D. (6) $13,417.84. E. (9) $386.96.

A. Frederic W. Hickman, 1 First National Plaza, Chicago, Ill.

B. Trans Union Corp., 111 West Jackson Boulevard, Chicago, Ill.

D. (6) $1,625. E. (9) $132.99.

A. John M. Holt, Eli Lilly & Co., 307 East McCarty Street, Indianapolis, Ind.

B. Eli Lily & Co., 307 East McCarty Street, Indianapolis, Ind.

D. (6) $235. E. (9) $483.83.

A. William J. Hull, 1660 L Street NW., Washington, D.C.

B. Ashland Oil, Inc., 1409 Winchester Avenue, Ashland, Ky.

A. William J. Hull, 1660 L Street NW., Washington, D.C.

B. Improvement Association, Inc., Cincinnati, Ohio.

A. Philip A. Hutchinson, Jr., The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C.

B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C.

D. (6) $1,000. E. (9) $4,100.

A. Gerald Hyland, 1730 Rhode Island Avenue NW., Washington, D.C.

B. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.

D. (6) $775.38. E. (9) $55.08.

A. Independent Brokers Dealers' Trade Association, 1570 Main Street, Springfield, Mass.

E. (9) $550.

A. International Brotherhood of Painters and Allied Trades, 217 North Sixth Street, Lafayette, Ind.

A. Ronald J. James, 2100 M Street NW., Washington, D.C.

B. The Urban Coalition Action Council, 2100 M Street NW., Washington, D.C.

D. (6) $190.68.

A. H. Bradley Johnson, American Mining Congress, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, Ring Building, Washington, D.C.

D. (6) $725.

A. Hugo E. Johnson, 600 Bulkley Building, Cleveland, Ohio.

B. American Iron Ore Association, 600 Bulkley Building, Cleveland, Ohio.

A. Albert Jones, 1730 Rhode Island Avenue NW., Washington, D.C.

B. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.

D. (6) $630. E. (9) $75.45.

A. Elmer A. Jones, 1145 19th Street NW., Washington, D.C.

D. (6) $750. E. (9) $331.51.

A. John L. Jones, 328 Pennsylvania Avenue SE., Washington, D.C.

B. American Conservative Union, 328 Pennsylvania Avenue SE., Washington, D.C.

D. (6) $1,400.

A. Edwin L. Kahn, 1000 Federal Bar Building, 1815 H Street NW., Washington, D.C.

B. B'nai B'rith, 1640 Rhode Island Avenue NW., Washington, D.C.

D. (6) $4,280.41.

A. Eugene A. Keeney, 1616 H Street NW., Washington, D.C.

B. American Retail Federation.

D. (6) $1,000. E. (9) $1,000.

A. Mr. and Mrs. Harry L. Kingman, 535 San Luis Road, Berkeley, Calif.

D. (6) $1,725. E. (9) $1,725.

A. James D. Kittelton, American Mining Congress, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, Ring Building, Washington, D.C.

D. (6) $191.66.

A. James F. Kmetz, 1437 K Street NW., Washington, D.C.

B United Mine Workers of America, 900 15th Street NW., Washington, D.C.

D. (6) $5,668.

A. George J. Knaly, International Brotherhood of Electrical Workers, 1200 15th Street NW., Washington, D.C.

B. International Brotherhood of Electrical Workers, AFL–CIO and CLC, 1200 15th Street NW., Washington, D.C.

D. (6) $5,000.06.

A. Keith R. Knoblock, American Mining Congress, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, Ring Building, Washington, D.C.

D. (6) $475.

A. John P. Lagomarcino, 2100 M Street NW., Washington, D.C.

B. The Urban Coalition Action Council, 2100 M Street NW., Washington, D.C.

D. (6) $264.43.

A. Legislative Action on Smoking and Health, 2000 H Street NW., Washington, D.C.

E. (9) $187.86.

A. William Lazarus, 1616 H Street NW., Washington, D.C.

B. American Retail Federation.

D. (6) $1,000. E. (9) $1,000.

A. League for Economic Assistance and Development, 390 Plandome Road, Manhasset, N.Y.

D. (6) $1,010. E. (9) $1,047.48.

A. Steven H. Lesnik, Lumbermens Mutual Casualty Co., 1155 15th Street NW., Washington, D.C.

B. Lumbermens Mutual Casualty Co., 4750 North Sheridan Road, Chicago, Ill.

E. (9) $675.

A. Liberty Lobby, Inc., 130 Third Street SE., Washington, D.C.

D. (6) $17,836.13. E. (9) $16,628.21.

A. Edward Lippert, 1816 S Street NW., Washington, D.C.

B. Americans for Democratic Action, 1424 16th Street NW., Washington, D.C.

D. (6) $3,413.58.

A. Lumbermens Mutual Casualty Company, 4750 North Sheridan Road, Chicago, Ill.

B. None.

E. (9) $1,335.

A. Jack F. McCarthy, 1700 K Street NW., Suite 601, Washington, D.C.

B. United Utilities, Inc., Utilities, 2330 Johnson Drive, Shawnee Mission, Kans.

A. Joseph B. McGrath, 1625 L Street NW., Washington, D.C.

B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.

D. (6) $6,312.50. E. (9) $1,247.32.

A. William K. McGrath, 1616 H Street NW., Washington, D.C.

B. American Retail Federation.

D. (6) $1,000. E. (9) $1,000.

A. Clarence M. McMillan, National Candy Wholesalers Association, Inc., 1430 K Street NW., Washington, D.C.

B. National Candy Wholesalers Association, Inc., 1430 K Street NW., Washington, D.C.

E. (9) $10.

A. Ian R. MacGowan, Youth Franchise Coalition, 1525 M Street NW., Washington, D.C.

B. Youth Franchise Coalition, 1525 M Street NW., Washington, D.C.

D. (6) $568.80. E. (9) $343.

A. Walter D. Malcolm, Esq., Bingham, Dana & Gould, 1 Federal Street, Boston, Mass.

B. New England Bankcard Association, Inc., 150 Tremont Street, Boston, Mass.

D. (6) $750.

A. Ben J. Man, 100 Indiana Avenue NW., Washington, D.C.

B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.

D. (6) $1,200. E. $394.38.

A. Edwin E. Marsh, 600 Crandall Building, Salt Lake City, Utah.

B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah.

D. (6) $3,949.68 E. (9) $473.23.

A. Albert E. May, American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.

B. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.

D. (6) $80. E. (9) $3.99.

A. Anthony Mazzocchi, 1126 16th Street NW., Washington, D.C.

B. Oil, Chemical & Atomic Workers International Union, 1840 California Street, Denver, Colo.

D. (6) $1,875. E. (9) $227.50.

A. Larry L. Meyer, 1616 H Street NW., Washington, D.C.

B. American Retail Federation.

D. (6) $1,000. E. (9) $1,000.

A. James G. Michaux, 777 Fourteenth Street NW., Washington, D.C.

B. Federated Department Stores, Inc., 222 West Seventh Street, Cincinnati, Ohio.

D. (6) $500.

A. Lester F. Miller, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $477. E. (9) $17.

A. Jack Mills, 1776 K Street NW., Washington, D.C.

B. The Tobacco Institute, Inc.

D. (6) $1,200. E. (9) $2,000.

A. Lynn E. Mote, Northern Natural Gas Co., 1730 Rhode Island Avenue NW., Washington, D.C.

B. Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr.

A. Henry T. Mudd, 523 West Sixth Street, Los Angeles, Calif.

E. (9) $5,011.39.

A. J. Walter Myers, Jr., Forest Farmers Association, 1375 Peachtree Street NE., Atlanta, Ga.

B. Forest Farmers Association Cooperative, 1375 Peachtree Street NE., Atlanta, Ga.

A. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y.

D. (6) $1,024.26.

A. National Association of Margarine Manufacturing, Munsey Building, Washington, D.C.

D. (6) $25. E. (9) $25.

A. National Association of Railroad Passengers, 417 New Jersey Avenue SE., Wasbington, D.C.

D. (6) $35,121. E. (9) $19,490.

A. National Association of Real Estate Boards, 155 East Superior Street, Chicago, Ill.

E. (9) $17,724.81.

A. National Committee for Research in Neurological Disorders, 251 East Chicago Avenue, Chicago, Ill.

E. (9) $6,000.

A. National Housing Conference, Inc., 1250 Connecticut Avenue NW., Suite 632, Washington, D.C.

D. (6) $62,352.19. E. (9) $29,527.35.

A. National Livestock Feeders Association, Inc., 309 Livestock Exchange Building, Omaha, Nebr.

D. (6) $6,616.10. E. (9) $6,616.10.

A. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

E. (9) $2,026.80.

A. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $2,968. E. (9) $8.772.

A. National Tax Equality Association, Inc., 1000 Connecticut Avenue Building, Washington, D.C.

D. (6) $745.11. E. (9) $862.23.

A. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah.

D. (6) $19,034. E. (9) $6,448.29.

A. Ivan A. Nestingen, 1000 Connecticut Avenue NW., Washington, D.C.

B. CUNA International, Inc., 617 Sherman Avenue, Madison, Wis.

D. (6) $300. E. (9) $236.55.

A. Robert D. Nordstrom, 1133 20th Street NW., Washington, D.C.

B. National Canners Association, 1133 20th Street NW., Washington, D.C.

D. (6) $400. E. (9) $100.

A. Leo W. O'Brien, 1605 Manning Boulevard, Albany, N.Y.

B. Virgin Islands Legislature.

D. (6) $1,875. E. (9) $650.

A. Claude E. Olmstead, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $477. E. (9) $18.

A. Roy W. Olson, 1341 G Street NW., Washington, D.C.

B. Organization of Professional Employees of USDA, 1341 G NW, Washington, D.C.

D. (6) $625.

A. Organization of Professional Employees of the U.S. Department of Agriculture, 1341 G Street NW., Washington, D.C.

D. (6) $1,198. E. (9) $1,565.08.

A. James H. Orr, 75 Federal Street, Boston, Mass.

D. (6) $2,523.32. E. (9) $5,059.91.

A. J. Allen Overton, Jr., 1100 Ring Building, Washington, D.C.

B. American Mining Congress, Ring Building, Washington, D.C.

D. (6) $1,200.

A. Raymond S. Page, Jr., Mill Creek Terrace, Gladwyne, Pa.

B. Campbell Soup Co., 375 Memorial Avenue, Camden, N.J.

A. Lew M. Paramore, Water Resources Associated, Post Office Box 1310, Kansas City, Kans.

B. Water Resources Associated, 1130 17th Street NW., Suite 500, Washington, D.C.

A. Perry S. Patterson, Suite 1100, 1776 K Street NW., Washington, D.C.

B. Automatic Phonograph Manufacturers.

A. Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y.

B. Alaska Federation of Natives, Anchorage, Alaska.

E. (9) $1,963.22.

A. Esther Peterson, 815 16th Street NW., Washington, D.C.

B. Amalgamated Clothing Workers of America, 15 Union Square, New York, N.Y.

D. (6) $3,499.99. E. (9) $229.77.

A. Mr. Bruce E. Phillips, 1616 H Street NW., Washington, D.C.

B. American Retail Federation.

D. (6) $1,000. E. (9) $1,000.

A. Richard M. Powell, National Association of Refrigerated Warehouses, 1210 Tower Bldg., Washington, D.C.

B. National Association of Refrigerated Warehouses, 1210 Tower Bldg., Washington, D.C.

A. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y.

E. (9) $22,660.51.

A. John A. Reilly, Esq., 59 Maiden Lane, New York, N.Y.

B. Estate of Bert N. Adams and others.

E. (9) $25 est.

A. Research to Prevent Blindness, Inc., 598 Madison Avenue, New York City.

A. Retired Officers Tax Credit Committee, Post Office Box 1965, Annapolis, Md.

D. (6) $52.50. E. (9) $162.57.

A. James J. Reynolds, American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Suite 930, Washington, D.C.

B. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Suite 930, Washington, D.C.

D. (6) $1,875. E. (9) $351.

A. Harry H. Richardson, 335 Austin Street, Bogalusa, La.

B. Louisiana Railroads.

D. (6) $25.35. E. (9) $73.78.

A. Lloyd C. Richardson, Jr., South Dakota Railroads Association, Post Office Box 489, Aberdeen, S. Dak.

B. South Dakota Railroads Association.

D. (6) $3,500. E. (9) $432.85.

A. James W. Riddell, 723 Washington Building, Washington, D.C.

B. The Kellogg Co., Battle Creek, Mich.

D. (6) $10,000.

A. James W. Riddell, 723 Washington Building, Washington, D.C.

B. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y.

D. (6) $5,000.

A. Siert F. Riepma, Munsey Building, Washington, D.C.

B. National Association of Margarine Manufacturers.

D. (6) $25. E. (9) $25.

A. John P. Roche, 150 East 42d Street, New York, N.Y.

B. American Iron and Steel Institute, 150 East 42d Street, New York, N.Y.

D. (6) $500. E. (9) $210.

A. Anthony Z. Roisman, 1910 N Street NW., Washington, D.C.

B. Berlin, Roisman & Kessler, 1910 N Street NW., Washington, D.C.

D. (6) $1,000. E. (9) $317.30.

A. John F. Rolph, III, 815 Connecticut Avenue NW., Washington D.C.

B. The American Bankers Association, 90 Park Avenue, New York, N.Y.

D. (6) $1,000.

A. Miss Patricia A. Samuel, 120 Maryland Avenue NE., Washington, D.C.

B. Women's International League for Peace and Freedom, 120 Maryland Avenue NE, Washington, D.C.

D. (6) $50,480.66. E. (9) $10,123.73.

A. Stanley A. Schroeder, American Mining Congress, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, Ring Building, Washington, D.C.

D. (6) $475.

A. Ronald C. Seeley, 1357 Nicolet Place, Detroit, Mich.

B. Estate of Bert N. Adams, et al.

E. (9) $228.31.

A. Theodore A. Serrill, National Newspaper Association, 491 National Press Building, Washington, D.C.

B. National Newspaper Association, 491 National Press Building, Washington, D.C.

E. (9) $111.49.

A. Shaw, Pittman, Potts, Trowbridge & Madden, 910 17th Street NW., Washington, D.C.

B. Committee of Foreign Owned Banks, 52 Broadway, New York, N.Y.

D. (6) $1,399.32. E. (9) $51.55.

A. Laurence P. Sherfy, American Mining Congress, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, Ring Building, Washington, D.C.

D. (6) $1,075.

A. Robert L. Shortle, Water Resources Associated, 1147 International Trade Mart Tower, New Orleans, La.

B. Water Resources Associated, 1130 17th Street NW., Washington, D.C.

A. Grant S. Shotwell, 1957 E Street NW., Washington, D.C.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C.

D. (6) $3,000. E. (9) $400.

A. Lana H. Sims, South Carolina Railroad Association, 1003 Security Federal Building, Columbia, S.C.

B. South Carolina Railroad Association, 1003 Security Federal Building, Columbia, S.C.

D. (6) $19.22. E. (9) $50.81.

A. William L. Slayton, the American Institute of Architects, 1735 New York Avenue NW., Washington, D.C.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C.
D. (6) $1,500.

A. Smathers, Merrigan & O'Keefe, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. American Horse Council, 1776 K Street NW., Washington, D.C.
D. (6) $6,250. E. (9) $140.30.

A. Dr. Spencer M. Smith, Jr., 1709 North Glebe Road, Arlington, Va.
B. Citizens Committee on Natural Resources, 1346 Connecticut Avenue NW., Washington, D.C.
D. (6) $3,000. E. (9) $2,118.60.

A. Gary A. Soucie, 30 East 42d Street, New York, N.Y.
B. Friends of the Earth, 30 East 42d Street, New York, N.Y.
D. (6) $100. E. (9) $75.

A. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex.
D. (6) $150. E. (9) $150.

A. Mrs. Annalee Stewart, 120 Maryland Avenue NE., Washington, D.C.
B. Women's International League for Peace and Freedom, 120 Maryland Avenue NE., Washington, D.C.

A. Stroock & Stroock & Lavan, 61 Broadway, New York, N.Y.
E. (9) $2,507.06.

A. Philip F. Stroupe, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $475.

A. G. Don Sullivan, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $475.

A. Sutherland, Asbill & Brennan, 1200 Farragut Building, Washington, D.C.
B. Carnegie Corporation of New York, 437 Madison Avenue, New York, N.Y.
D. (6) $2,259.

A. Sutherland, Asbill & Brennan, 1200 Farragut Building, Washington, D.C.
B. John M. Olin, Box B, Alton, Ill.
D. (6) $750.

A. Sutherland, Asbill & Brennan, 1200 Farragut Building, Washington, D.C.
B. Retail Credit Co., Post Office Box 4081, Atlanta, Ga.
D. (6) $7,500. E. (9) $481.62.

A. Sutherland, Asbill & Brennan, 1200 Farragut Building, Washington, D.C.
B. The Travelers Corp., One Tower Square, Hartford, Conn.
D. (6) $2,500.

A. Evert S. Thomas, Jr., 1730 Rhode Island Avenue NW., Washington, D.C.
B. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $1,107.70. E. (9) $650.99.

A. John P. Tracey, 1705 DeSales Street NW., Washington, D.C.
B. American Bar Association, 1705 DeSales Street NW., Washington, D.C.
D. (6) $400. E. (9) $50.

A. United Cerebral Palsy Assns., Inc., 66 East 34th St., New York City.
E. (9) $1,182.70.

A. Charles R. Van Horn, C&O–B&O Railroads, 17th and H Streets NW., Washington, D.C.
B. Baltimore & Ohio Railroad Co., and Chesapeake & Ohio Railway Co., Charles & Baltimore Streets, Baltimore, Md.
D. (6) $2,292. E. (9) $575.

A. John M. Vansant, Jr., 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Veterans of World War I, USA, Inc., 916 Prince Street, Alexandria, Va.
E. (9) $1,949.92.

A. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y.
E. (9) $348.19.

A. Thomas G. Walters, National Association of Retired Civil Employees, 1909 Que Street NW., Washington, D.C.
D. (6) $2884.80. E. (9) $2954.07.

A. James A. Warren, 5500 Prospect Place, Chevy Chase, Md.
B. Rea Express, 219 E. 42nd Street, New York, N.Y.
D. (6) $450. E. (9) $150.

A. Terrell M. Wertz, The American Legion, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $3,210. E. (9) $98.75.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Computer Time Sharing Services Section of the Association of Data Processing Service Organizations, Inc., 551 5th Avenue, New York, N.Y.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. The Taos Pueblo, Taos, N. Mex.
E. (9) $3.70.

A. Burton C. Wood, 1625 L Street NW., No. 400, Washington, D.C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $4,218.75. E. (9) $40.08.

A. Youth Franchise Coalition, 1525 M Street NW., Washington, D.C.
B. Youth Franchise Coalition, 1525 M Street NW., Washington, D.C.
E. (9) $343.

EXTENSIONS OF REMARKS

SEVEN PILLARS OF WISDOM—FOR COLLEGE PRESIDENTS

HON. JACKSON E. BETTS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. BETTS. Mr. Speaker, Prof. George D. Brabson of the law school at Ohio Northern University, Ohio, recently gave an address on the subject of the responsibilities of college presidents. I think it is a very thought-provoking statement and worthy of consideration by every Member of Congress. It is entitled "Seven Pillars of Wisdom for College Presidents" and the text of the speech is as follows:

SEVEN PILLARS OF WISDOM—FOR COLLEGE PRESIDENTS

(By George D. Brabson)

Somehow or other a lot of my fellow college Presidents seem to have the idea that the running of a college or university is a matter of their personal prerogative; that they have been put into office by a Board of Regents to take charge of a "Student Family", which they can handle more or less as indulgent Fathers; that their principal responsibilities are to keep the lid on, smooth out ruffled feathers and patch up the family quarrels in any old fashion just so they can report back to their Boards and Alumni that "all is well at dear old Siwash"—thanks to the Presidential diligence and to their skillful qualifications as "peacemakers."

I have a different concept of a college president. I don't think of him as a "Pater Familias" at all. I think of him first of all as a Public Trustee. To him has been committed a Public Institution—a place of learning which the State has placed in trust, and without which the State, or the Public if you choose, can neither make progress nor prosper. As such Trustee his first and primary obligation is to maintain that Institution in the interest of the Public—not in the interest of any particular body of students that happens to be there at any one time. His duty transcends that, and inheres to the benefit and interest of all the Public—the welfare of the people as a whole . . .

In the second place, as a Public Trustee the duties of a college President cannot be carried out by reference to his personal feelings and desires. He has no right to set up rules that reflect his personal tastes and judgments. These should be determined by reference to the welfare, the safety and the benefits to be derived by the Public, which establishes, pays for, and maintains such institutions directly or indirectly. The college President should have no axes to grind in such matters, and should refrain from allowing his personal views to dominate his judgments and his actions.

Lest it be contended that many of our colleges are privately owned or endowed and hence not public "public institutions"—it must be noted at once that any educational institution which opens its doors to the public for patronage; which is granted immunity from property taxation; and which receives donations and contributions free of income tax liability, must of necessity take on the characteristics of a public institution. Why? Because it exists by reason of the benefaction and consent of the State, directly or indirectly conferred on it.

In the third place, the college president should not allow the whims and demands of a "passing body" of students to establish the policies and rules by which the students are to be governed over the long period of the institution's lifetime. What one passing body of students may want in 1969 may become anathema to the body of students passing through in 1975. The wants of any passing body of students should always be subservient to the wishes and needs of the people as a whole, for whom the process of education was established, and whom it must serve if we are to continue as an enlightened nation. Hence it is the voice of the people themselves which should govern in such matters.

In the fourth place, it is a primary responsibility of a college president to protect and preserve the physical plant and facilities of his institution for the use and benefit of all the oncoming generations who are also entitled to have them. This is a trust as valid and as sacred as any committed to him. Unless the people can rest assured that the physical buildings, the equipment, the valuable libraries and documents, the laboratory devices and apparatus that have been paid for by the common people with years of labor and taxation are to be preserved from petty vandalism by hoodlums, the people will rise up and refuse to rebuild such institutions. The public is long suffering, but its patience is not endless, as many defeated bond issues have proven recently.

Some advocates of campus violence have tried recently to minimize the cost and extent of such vandalism by saying that "after all buildings and equipment are only so much bricks and mortar, and can be replaced while student lives cannot." All this may be very true of buildings but not of libraries and priceless documents. And no matter what the property may be that defense does not excuse the useless destruction and defilement of public property devoted to the most important function of our public life—the people's education. Regardless of how this problem is looked at the ultimate truth remains that college campuses are not for burning—unless we want to go back to savagery and pillage as our mode of living.

In the fifth place, the confrontation and cowing of the officials of a college or university by students by force of sheer numbers is neither a democratic process nor a legitimate means of communication, and is not to be tolerated. One President I know was called out at his campus residence at ten o'clock at night, and found a delegation of over one hundred students carrying written "non-negotiable demands" which they insisted that he accept and sign that evening, or they would proceed to take over his office and "sack the place."

There is an answer to such nonsense which any college President can and should employ, which for want of a better name we may refer to as the "Brabson Plan." It is simply this:

Yes, of course, meetings with the students may be held at any reasonable time and place to hear and discuss any complaint or grievance they care to present; and remedial measures must be given first order to preference so long as they are within the bounds of the President's duties as a Public Trustee.

But in carrying on such meetings and discussions each side must have equal numerical representation. For every student present at such meetings the President shall have one person representing the interests of the public. One man—one Vote—so to speak. It is neither fair nor democratic that an official holding office in the public trust should be overwhelmed with the sheer force of numbers, no matter what the occasion . . .

In the sixth place, one of a President's primary duties is to see to it that civil peace and order are maintained on the campus, so that the great body of students who come to pursue serious studies may do so. No real study or education can be achieved in an atmosphere of violence and the fear of bodily harm. Dissent should always be allowed and welcomed whenever it is genuine and honestly felt. But the number of dissidents, small or large, should not be permitted to disrupt the conduct of an educational institution, no matter what the issues are. Any institutional policy or rule may be made the subject of communication and consultation, conferences and genuine investigations by appropriate groups and committees. It should not be presented as a non-negotiable demand—to the sound of trampling feet and broken windows . . .

Seventh and finally, student dissent and protest is one thing—but student insurrection and insubordination against all forms of authority is something else. There are legitimate grievances which can be brought against almost any of our universities and colleges. Outmoded curriculums; pedantic methods of teaching; loss of student identity; hidebound grading systems; teacher tenure that favors the few—these are just some of the many legitimate ones.

The correction of such grievances must be undertaken and accomplished. But not through insubordination and violence, such as has taken place at Columbia, Cornell, Kent State of Ohio, and so on. The real problem is not lack of communication but a want of willingness to conciliate, and that on both sides of the fence. Conciliation does not mean a surrender of the rights of the public, nor does it mean to surrender the rights of the students.

Conciliation means setting up in advance the standards by which the rights and the duties and responsibilities of all the various groups are to be maintained. So far our colleges and universities have failed miserably in this respect, and as a result nobody really knows what the respective rights and responsibilities of students, of faculty and even of the public really are.

To find out and establish what those things should be is the first task of a college or university President . . .

GLOBAL EARTH DAY

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Monday, December 21, 1970

Mr. GRAVEL. Mr. President, there is a proclamation being circulated around Congress by John McConnell of WE, Inc., calling for observance of a global Earth Day on March 21, which is the vernal equinox.

The proclamation, to which I have added my signature, reflects sensitivity to humanity and respect for all forms of life. I hope the proclamation, which has been signed already by former Secretary John Gardner, Senator Eugene McCarthy, Margaret Mead, David Brower, and several members of the United Nations, will promote real efforts toward solving some of the problems of this planet. If man is to put himself on a trajectory toward ecological health and peace, he still has far to go. This is at least a start.

I ask unanimous consent to place the proclamation in the Extensions of Remarks.

There being no objection, the proclamation was ordered to be printed in the Record, as follows:

By the People of Earth, for the People of Earth

EARTH DAY PROCLAMATION

Whereas; A new world view is emerging; through the eyes of our Astronauts and Cosmonauts we now see our beautiful blue planet as a home for all people, and

Whereas; Planet Earth is facing a grave crisis which only the people of Earth can resolve, and the delicate balances of nature, essential for our survival, can only be saved through a global effort, involving all of us, and

Whereas; In our shortsightedness we have failed to make provisions for the poor, as well as the rich, to inherit the Earth, and our new enlightenment requires that the disinherited be given a just stake in the Earth and its future—their enthusiastic cooperation is essential if we are to succeed in the great task of Earth renewal, and

Whereas; World equality in economics as well as politics would remove a basic cause of war, and neither Socialism, Communism nor Capitalism in their present forms have realized the potentials of Man for a just society; nor educated Man in the ways of peace and creative love, and

Whereas; Through voluntary action individuals can join with one another in building the Earth in harmony with nature, and promote support thereof by private and government agencies, and

Whereas; Individuals and groups may follow different methods and programs in Earthkeeping and Earthbuilding, nevertheless by constant friendly communication with other groups and daily meditation on the meaning of peace and good will they will tend more and more to be creative, sensitive, experimental, and flexible in resolving differences with others, and

Whereas; An international Earth day each year can provide a special time to draw people together in appreciation of their mutual home, Planet Earth, and bring a global feeling of community through realization of our deepening desire for life, freedom and love, and our mutual dependence on each other,

Be it therefore resolved; That each signer of this People Proclamation will seek to help change Man's terrible course toward catastrophe by searching for activities and projects which in the best judgment of the individual signer will: peacefully end the scourge of war;

Provide an opportunity for the children of the disinherited poor to obtain their rightful inheritance in the Earth;

Redirect the energies of industry and society from progress through products . . . to progress through harmony with Earth's natural systems for improving the quality of life.

That each signer will (his own conscience being his judge) measure his commitment by how much time and money he gives to these purposes, and realizing the great urgency of the task, he will give freely of his time and money to activities and programs he believes will best further these Earth renewal purposes. (At least nine percent of the world's present income is going to activities that support war and spread pollution. Ten percent can tip the balance for healthy peaceful progress.)

Furthermore, each signer will support and observe Earth day on March 21st . . . (Vernal Equinox—when night and day are equal throughout the Earth) with reflection and actions that will encourage a new respect for Earth with its great potentials for fulfilling Man's highest dreams; and on this day will join at 1900 Universal Time in a global Earth Hour—a silent hour for peace . . .

ASSOCIATED BUILDERS AND CONTRACTORS PASS SEVERAL RESOLUTIONS CONCERNING THE CONSTRUCTION INDUSTRY

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. ESHLEMAN. Mr. Speaker, at their convention several weeks ago, the Associated Builders and Contractors passed several resolutions concerning matters of interest in the construction industry.

They believe these expressions of opinion will be of interest to most Members of Congress and have asked me to include the text of the resolutions in the Record. I am happy to do so at this time:

RESOLUTIONS

BLOUGH COMMITTEE CONTRIBUTES TO AMERICAN WELFARE

The so-called Blough Committee, otherwise known as the Anti-Inflation Users Conference, has made valuable contribution to the economic welfare of the United States for instituting a campaign to draw public attention to the disastrous inflation in construction.

Through education and persuasion, the Committee has awakened industrial leaders to their contribution to the inflationary spiral. It has pointed out the usefulness of open shop competition with the monopolies of the building trades unions in various sections of the nation. It has attempted through practical assistance in collective bargaining to improve the technical stance of unionized management vis a vis labor.

We, therefore, congratulate Mr. Blough and his Committee on their important efforts in this field and pledge full assistance of the Associated Builders and Contractors in restoring competition to the industry for the benefit of the nation as a whole.

ON VIOLENCE—ON CAMPUS AND OFF

Recently Senator Margaret Smith warned that extremism and nihilism on the college campus and elsewhere could lead to repression of Americans in a fashion dangerous to the liberties of our nation.

Mrs. Smith declared, "Extremism bent upon polarization of our people is increasingly forcing upon the American people the narrow choice between anarchy and repression.

"And make no mistake about it, if that narrow choice has to be made, the American people, even if with reluctance and misgiving, will choose repression.

"For an overwhelming majority of Americans believe that: Trespass is trespass—whether on the campus or off . . . Violence is violence—whether on the campus or off . . . Arson is arson—whether on the campus or off . . . Killing is killing—whether on the campus or off."

All four of these types of criminality have been manifest from time to time in the construction industry, and we applaud the declaration of Senator Smith and express the hope that the American people will take due note of the importance of rectifying this situation.

ON DISCRIMINATION AGAINST OPEN SHOP APPRENTICESHIP PROGRAMS

Whereas, the Bureau of Apprenticeship and Training of the Department of Labor has, in revision of Circular 66–67, destroyed the roadblocks to independent apprenticeship training programs so that they no longer need seek permission to Join Union-Management Programs to begin operations.

And, whereas, this action has been already of great benefit to Merit Shop groups such as the Associated Builders and Contractors,

We call upon the Bureau to broaden its stand against discrimination in this field and demand that State Apprenticeship Councils which still require independent programs be set up only with the sufferance of Joint Union-Management Councils cease such discrimination.

We urge the Bureau to enter into discussions with the offending State Councils and if the discrimination does not cease, to withdraw certification of existing state programs.

ON NEED FOR INCREASED PRODUCTIVITY IN THE CONSTRUCTION INDUSTRY

For several years the President's Council of Economic Advisers has called national attention to the fact that productivity in the construction industry is lagging substantially behind its rising cost.

There is no question that outlandish settlements in collective bargaining in the unionized section of the industry have played an important part in this lag. We urge, therefore, every effort be made to curb union monopoly where it is the root cause of inflation.

But the burden does not rest upon the shoulders of labor alone. It is also incumbent upon management in all phases of the construction industry to strive to improve our industry technologically and in job site production so that the tremendous needs of our nation for the construction product may be met at a price the would-be owner can afford.

We urge, therefore, that our members in their daily approach to the problems of management join hands in every effort to move our industry ahead to meet the challenge that the nation has posed.

ON 8(E)

Despite constant inflation in the construction industry due in large part to exorbitant wage increases resulting from collective bargaining, the immunities of the building trades unions in law continue to be disregarded by the U.S. Congress.

Of all the immunities, that of the exemption to the so-called Hot Cargo Act in 8(e) of the National Labor Relations Act continues to afford special privileges that lead to monopoly in the industry.

The section which permits preclusive contracts cutting off the opportunity of union firms to work with Merit Shop firms and vice versa is on the major contributions to this monopoly.

The section likewise buttresses the unions' efforts to boycott important time and money saving products and methods in the industry. Its interpretation by the courts has led to the privilege to boycott in order to retain or regain site tasks that are technologically obsolete.

We, therefore, call upon the Congress once more to repeal this pernicious section of the law as a first step in restoring competition in the construction industry as a curb upon inflation.

THE DAVIS-BACON ACT MUST BE REPEALED

It is fitting that in American history, once-important laws designed to remedy a public ill have constantly been repealed when they have outlived their usefulness. Such is the case with the Davis-Bacon Act.

The Davis-Bacon Act was passed in a time of national turmoil and depression when a day's labor stood between many a man and starvation. When the economic conditions which gave birth to this act were eliminated, the building trades unions, abetted by national administrations allied politically with the unions, seized hold upon the act to create a monstrous bureaucratic technique in wage determinations that has wasted billions of dollars of the taxpayers' money.

For the whole of American industry except construction, the Fair Labor Standards Act has for quite some time laid the ground floor under wage rates for most Americans. Even here, there are many economists who contend that this act has tended to the hurt of the downtrodden and least capable persons in our community.

But the wage rates set under the Fair Labor Standards Act are picayune compared to the so-called "prevailing wages," set under the Davis-Bacon Act.

There is general agreement in management that the Davis-Bacon Act has long outlived its usefulness. It is costly and disruptive to the construction industry. We therefore call upon the Congress of the United States to repeal the Act forthwith and save the taxpayers of this nation untold sums on Federal and federally-aided projects.

FLOCK OF EAGLES

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. ARENDS. Mr. Speaker, there is an old saying about eagles. It goes something like this—"Eagles don't flock together; you find them one at a time".

But, today, when you "Follow the Eagle" of U.S. savings bonds—when you buy them regularly through the "Payroll Plan," where you work, or the "Bond-A-Month" plan, where you bank—you are sure to find a flock of security nested up in your name sooner than you think.

Better still, the interest paid on all savings bonds is now at the improved rate of 5½ percent, when held to maturity, and retroactive to June 1, 1970.

By action of the Congress and signing by the President, all bonds bought before and after that date now earn interest at the more compatible rate, starting with the first semiannual interest period, beginning on or after June 1, 1970.

When I was a youngster in grade school in Melvin, Ill., all of us in our class were impressed by the big picture on the wall behind the teacher's desk. It showed General Washington crossing the Delaware on Christmas night, 1778.

You remember how his rowboats braved the ice floats moving swiftly downstream; how he rallied his troops, landed them safely on the other side, and licked the Hessians at Trenton.

In contrast to what we know of modern military movements, Washington's own field reports show that the passage was made by 2,400 men, 18 cannon, and 40 rounds of ammunition per man.

As we approach our Bicentennial, there are national leaders in the George Washington tradition who bring a special kind of modern-day meaning of "Minute Men" to the Treasury and its Savings Bonds Division. They are the volunteers in business, industry, and labor so vital to the promotion of the probonds.

They are patriots like B. R. Dorsey, president, Gulf Oil Corp., Pittsburgh, 1971 Chairman of the U.S. Industrial Payroll Savings Committee; George Meany, president, AFL–CIO, Chairman of the National Labor Committee for Savings Bonds; Douglas R. Smith, chairman and president, National Savings and Trust Co., Washington, Chairman of the Savings Bonds Committee of the American Bankers Association.

Listen with me to their words of wisdom, as they "Take Stock in America" in promoting the 1971 campaign. Douglas Smith says:

> The Savings Bonds Program is the best tool that the Government has to help the individual citizen establish identity with his Government. By buying Bonds, each citizen will help to control the unbridled inflation that has been so rampant in our economy for the past several years. It will also have the effect of spreading the debt of this great country out among a greater portion of its citizens

George Meany says:

The Payroll Savings Plan is the easiest, most convenient way of regularly saving money for most wage and salary workers. We of the AFL-CIO have an important stake in the program. Wage and salary workers are the major buyers of U.S. Savings Bonds. We are proud of our association with the Bond program, from its very beginning, and we will do our part to expand it.

B. R. Dorsey says:

The Payroll Savings Plan is the best self-defense against inflation. It is invaluable in helping the employee to develop a systematic saving program. With the new rate increase, Savings Bonds are a better-than-ever purchase for the employee who wants to improve his stake in the future.

Keeping alive the tenets of the "Father of our Country," we are proving that free people remain superior to controlled people. We are demonstrating that America is leading the way to final victory against the enemies of freedom.

Free people speak, sing, pray, cheer with feeling, with meaning, because they know faith and hope. They know what it means to work, fight, and save for the future that is free.

We are signing up for freedom and a "Flock of Eagles," when we participate in the payroll savings plan, where we work; when we buy via the bond-a-month plan, where we bank.

RETIREMENT OF REPRESENTATIVE MARSH OF VIRGINIA

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, December 21, 1970

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial which appeared in the Daily Progress, Charlottesville, Va., on Sunday, December 20, 1970, concerning the able Virginia Congressman JOHN O. MARSH, JR.

Mr. Gilbert Haile is the editor of the editorial page for the Daily Progress and Lindsay Mount is publisher.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MR. MARSH RETIRES

We are glad that Sen. Harry F. Byrd Jr., took time out Thursday in a speech to the Senate to praise the record of Rep. John O. Marsh, who is retiring after eight years representing the 7th Congressional District. Mr. Marsh's record is one deserving of praise.

"I have found," said Sen. Byrd, "in talking with his colleagues in the House and those members of the Senate who knew him that he is held in the highest esteem by his colleagues here in Washington.

"I want to commend him, for the excellent service he has rendered the people of my Congressional district. I commend Congressman Marsh on the outstanding and efficient work he has done in representing the people of the Seventh Congressional District of Virginia.

Sen. Robert J. Dole, a Kansas Republican, also had some nice things to say about Mr. Marsh, with whom he served in the House.

Jack Marsh "is an outstanding American," said Sen. Dole.

For reasons best known to himself, Mr. Marsh decided not to seek reelection this year for the House seat he had held for eight years. The decision not to seek reelection was a severe blow to the 7th District which grew accustomed during the years to the splendid representation and effective service it obtained from Mr. Marsh.

It is only right and proper that Mr. Marsh be recognized for his outstanding work as 7th District representative and that he be given a sincere, "well done."

MINORITY VIEWS ON DOUGLAS IMPEACHMENT INVESTIGATION

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. HUTCHINSON. Mr. Speaker, in order to fill requests for my minority views in the Douglas impeachment investigation, I submit for inclusion in the RECORD these views:

MINORITY VIEWS

I dissent. The Subcommittee assembled a very large array of documents pertinent to the charges and then, without taking a word of testimony under oath, finds no cause for action. The Committee's report undertakes to dispose of the charges on the basis of its own interpretation of the documentation without testing any of it in the crucible of cross examination. The Subcommittee was content to place its own interpretation on the documentary evidence which had been garnered *ex parte* and concluded to pursue the matter no further. Clearly, by disposing of the charges at this time, the special Subcommittee is passing judgment before all the evidence is in. In my view, the report should not dispose of the charges pending against Justice Douglas but rather should reflect the status of the investigation to this point.

The report contains a chapter on the Concepts of Impeachment. At the same time, it takes the position that it is unnecessary to choose among the concepts mentioned because it finds no impeachable offense under any. It is evident, therefore, that while a discussion of the theory of impeachment is interesting, it is unnecessary to a resolution of the case as the Subcommittee views it. This chapter on Concepts is nothing more than dicta under the circumstances. Certainly the Subcommittee should not even indirectly narrow the power of the House to impeach through a recitation of two or three theories and a very apparent choice of one over the others, while at the same time asserting that no choice is necessary. The Subcommittee's report adopts the view that a Federal judge cannot be impeached unless he is found to have committed a crime, or a serious indiscretion in his judicially connected activities. Although it is purely dicta, inclusion of this chapter in the report may be mischievous since it might unjustifiably restrict the scope of further investigation.

The Subcommittee's report, which is called a final report, addresses itself only to the question of impeachment. Admittedly no investigation has been undertaken to determine whether some of the Justice's activities, if not impeachable, seem so improper as to merit congressional censure or other official criticism by the House. There is considerable precedent for censure or other official rebuke even though a particular activity, while improper, was found not impeachable. This Subcommittee, however, did not investigate with the thoroughness requisite for judging questionable activities short of impeachment. The majority concludes that it finds no grounds for impeachment and stops there. In my opinion, it should have pursued the matter further.

Illustrative of this point is the Dr. Abdulrahman incident. Here was an immigration case where a Kurd whose visas had expired was ordered deported back to his own country. He appealed the order of deportation. Justice Douglas wrote the Commissioner of Immigration, saying that he did not know Dr. Abdulrahman personally but did know the condition of the Kurds in that country and gave his opinion that the man would be subjected to persecution if he were returned. The position of the Immigration Service was that there were Kurds in the Government of that country, and with Kurds in the Government, the fear of a law-abiding subject against persecution may have been baseless. Subsequent general legislation which passed the Congress provided the legal authority under which Dr. Abdulrahman could remain in the United States and it became unnecessary for him to pursue his appeal. Someone must have asked Justice Douglas to intercede for Dr. Abdulrahman, who according to the Justice was unknown to him. And the Justice did intercede. Who was so uninformed as to believe it proper for a Justice of the Supreme Court to lend his name and influence in a matter which could reach his court; and why did the Justice accede to such a request or pressure? The Subcommittee doesn't know the answer to either of these questions. It hasn't pursued either of them. And if it had considered its authority to inquire into the propriety of activities which it thought not to be impeachable, the Subcommittee would have inquired further into this incident, to leave no stone unturned.

The documentary evidence which the Subcommittee accumulated on the question of whether the Judge was practicing law is sufficiently persuasive on that issue to have indicated a more exhaustive investigation, including testimony under oath. It is evident that Mr. Parvin asked Justice Douglas for legal advice. Whether the Justice utterly renounced those requests for legal advice is debatable. I am not sure that he succeeded in convincing Mr. Parvin that he was not a legal counselor in matters affecting the Parvin Foundation. Nor am I satisfied that the Justice did not permit himself to be used as a legal advisor by President Juan Bosch with respect to an agreement between the Dominican Republic and the Swiss Consortium, Overseas Industrial Construction. Many people would take issue with the statement in the report that it did not amount to a practice of law, since the Justice gave Bosch the same kind of advice a lawyer gives. He gave advice as to the legal effect and deficiencies of a proposed contractual agreement.

In my view, a Justice of the Supreme Court must avoid even the appearance of impropriety. I conceive the function of the Subcommittee to have been broad enough to include an investigation into improper conduct in its search for impeachable conduct. The decision not to do so, and to conclude the inquiry at this point is a mistake, in my judgment.

I would have the Subcommittee file a second interim report with the Judiciary Committee, setting forth the status of the inquiry to date and conceding frankly that the task is incomplete, the evidence is not all in.

EDWARD HUTCHINSON.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

A TIME FOR DECISION

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. DOWNING. Mr. Speaker, while the Congress was in recess prior to the November elections, the Director of Langley Research Center, Mr. Edgar M. Cortright, delivered a most timely and intensely interesting address, "A Time For Decision" at the National Space Club Luncheon, National Press Club, Washington, D.C.

Have you ever asked yourself, "Where do we go from here?" Mr. Cortright's intriguing address has some of the answers.

I am pleased to include it in the RECORD so that those who may not have seen it will have the opportunity to read it.

The address follows:

A TIME FOR DECISION

(Address by Edgar M. Cortright)

Several years ago I read an article with the provocative substitle, "I'm 45 Years Old and Trying to Decide What to be When I Grow Up." I also read a book titled, "The Revolt of the Middle-Aged Man," which, by the way, my teen-aged daughter picked up for me. Both dealt with the concerns of men who have reached the middle years with some level of achievement—at some personal cost—and who begin to wonder, as Peggy Lee would vocalize "Is That all There Is?" Perhaps some of you have been there?

Have you ever tried to draw an analogy between nations and individuals? It's quite revealing.

Nations are, of course, comprised of many individuals. National attitudes are reflected in the news media by relatively few; and national policy set by still fewer. So the psychology of individuals and the psychology of nations do relate in both an apparent and a real sense.

Suppose those titles had read, "I'm 200 Years Old and Trying to Decide What to be When I Grow Up," and "The Revolt of the Middle-Aged Land." Would that ring a bell?

What are some of the symptoms of the middle-aged man in either quandry or revolt? According to these sources:

(1) He questions the value of the goals he has tried so hard to achieve;

(2) He feels guilty about the cost to his family and his personal life;

(3) He searches frantically for a new way of life in order to:

(a) Make up for past neglects;

(b) Renew himself with new goals;

(4) He worries about being "over the hill;"

(5) He may become timid, indecisive, and ineffectual;

(6) He fears the future.

Now how about the middle-aged land?

(1) Are we not questioning most of our national goals of the past two generations?

(2) Do we not feel guilty about the cost of these goals to some of our "family?"

(3) Are we not searching frantically for a new way of life to right all past ways and to challenge the coming generations?

(4) Are we not starting to worry about being "over the hill?"

(5) Do we not show signs of becoming timid, indecisive, and ineffectual?

(6) And how many of us fear the future rather than looking forward to it?

Am I being too dramatic? A year ago I would have thought so. Today I'm not so sure.

My hypothesis is, of course, very simple. At the peak of our national manhood, in our middle years as a nation, we are showing signs of coming unglued. And if we don't do something about it we could be in for a lot of trouble in the future.

To press the analogy just one step further—what do we do about the middle-age neurosis? Most importantly we must come to terms with reality; we must make some positive decisions for the future. Facing reality means answering these questions—among others:

(1) What are we?

(2) What would we like to be?

(3) What are our practical constraints?

(4) What legacy should we leave our youth?

These are not simple questions, but some oversimplified answers might be these:

(1) We are a rich and powerful country, with the highest standard of living, the most advanced technology, and the greatest capacity to do good works of any nation in the world.

We are also a nation with some egg on our face. We have many problems that need solving—and many people who need help.

But our strengths overshadow our weaknesses, and our successes overshadow our failures, and this is the base we build on.

(2) I think the vast majority of people want to be what we have been—the vocal minority notwithstanding: energetic and industrious, progressive, innovative, inquisitive, courageous, compassionate, and generous. Free people. Leaders.

At the same time we want our country to be better than it has been. The problems of our poor, our cities, our air, and our water must be attended to. But need we become "dropouts" from the world society in which we live in order to work these problems?

(3) And what about the practical constraints? Even if we wanted to drop out of technological competition and become completely preoccupied with what we have come to call "social problems," could we really do so? Our global environment is competitive and belligerent. We must remain preeminent in technology in order to be competitive both commercially and militarily. Without preeminence in both areas we could become the victims of power blocs of one type or another. We could lose the standard of living we have attained, let alone improve it. The survival of the fittest is a natural law which still applies.

(4) I think we should feel less guilty about the fact that this country has some serious domestic problems to solve. Our legacy to our children must necessarily include many such unsolved problems. But, more importantly, it must provide a basically strong system from which to operate, and as many of the tools to do so as we can provide. Then with challenging long-range goals and a can-do attitude the next generation can take care of its own future. And I for one think they can do it.

Now if these answers really constitute "facing reality" by this country, we are then led to the last step in the process—decision making. It is here that we can make or break ourselves. And because of the perilous and controversial nature of the decisions which face us today, there is a natural reluctance to face up to them. But make them we must—because failure to make a decision for one reason or another is usually tantamount to a negative decision. All of us in positions of leadership should expect to be measured by the timeliness and effectiveness of our decisions.

As I read the mood of the country, the majority favor evolution not revolution. But we may expect the great debate over national priorities to rage on for some years. This calls for what I term "interim" or "holding" decisions, decisions which tentatively direct our national energies into those channels which seem best for the future but which do not attempt radical surgery. They do not constitute final positions on our priorities forever more. But they let us build on the past—for the future—in a way that the country can adjust to. While this may not be the most daring approach to our problems, it is an eminently practical one.

Now each element of the federal government has its role to play in this process. And while my assessment of the situation has been very broad, to say the least, as a member of NASA management I feel qualified to be specific about aeronautical and space matters. It so happens that this is an extremely important and sensitive area at this time. For, unfortunately, some have chosen to create a false issue over technology in general and aerospace technology in particular. Let's call the issue, "Technology vs. Mankind." Let's call it false because, despite some unwanted side effects, technology remains our servant and not our master.

We in NASA recognize that our program no longer enjoys the number one priority but is now but one of a number of priority areas competing for scarce funds. But we also recognize that our program, in addition to its intrinsic value, sets the pace for much of the technological development of this country and promises to do so for the foreseeable future. (What other candidates are there?) We do not believe that we could long survive and prosper without this preeminent technological position.

Therefore, we have to stand and fight off the stampede by other groups to acquire funds now being channeled into our national technology through NASA and the Department of Defense. It is a veritable "run on the bank." The withdrawal slips carry such catch terms as relevancy, poverty, pollution, and housing, and are designed to shame us into sacrificing our space program and national technology in the name of "humanity."

Like most thinking Americans I have worried a lot about humanity. My first reaction was to retrench as gracefully as possible and to make do with less. But I don't feel obliged to sit passively by and see progress of a decade of dedicated national effort squandered for some worthy but nebulous goals which are yet to be translated into hard programs. It amazes me to see the casual detachment of some who would do just that. I would reverse the logic and say—in the name of humanity we should maintain our national technology.

We in NASA are paid to advise the Administration as to what future opportunities lie before us in aeronautics and space—and what these opportunities mean to the technological strength of this nation in the decade ahead. We are doing just that. After careful deliberation NASA has developed a sound and progressive program for the 1970's, but one which is restrained to the realities of our fiscal posture. You may be sure that we are doing our best to persuade the Administration as to its worth. We think the chances of support are good. The President has already evidenced his understanding of the importance of the space program to our national technology, and the majority of congressmen have been providing solid support for many years. This takes just as much vision and guts these days as it did in 1958—perhaps more—but I think it's there. We'll soon know.

Let me say a few words about the program we have developed. The program calls for:

1. *The continued exploration of the Moon.* Four more Apollo flights are scheduled, two in 1970 and two in 1972. The last three of these will have an expanded capability to allow access to more difficult landing sites, longer durations on the lunar surface, a larger payload, and the use of a roving vehicle to aid in the exploration of the lunar surface.

Two additional missions, in 1974, were recently deleted. We came to the decision to cancel these missions reluctantly because it curtails by two the number of scientifically important regions of the Moon that we will be able to explore in the Apollo program, and means that manned exploration of the Moon by the United States will be suspended in 1972. Resumption of lunar exploration in the 1980's will depend on and be one of the principal uses of space nuclear propulsion using the NERVA engine now under development. This engine, of course, will also provide us with the capability to conduct other high energy missions and is an important element in the integrated long-term plan for the future.

2. *The exploration of the planets.* Programs now underway include the Mariner Mars 1971 orbiter missions, the 1973 Venus-Mercury mission, launches of small Pioneer spacecraft to Jupiter in 1972 and 1973, and the major Viking project for unmanned landing missions to Mars to be launched in 1975. Under current planning, work will soon begin on "Grand Tour" missions to explore the outer planets to take advantage of the rare launch opportunities for such missions that will occur later in the 1970's. These will include missions to Jupiter, Saturn and Pluto launched in 1976 and 1977 and missions launched in 1979 to Jupiter, Uranus, and Neptune.

. . . *and the universe.* The principal new feature of our space science programs during the 1970's will be the development of a new High Energy Astronomy Observatory (HEAO) to obtain high quality data on X-ray, gamma-ray, and cosmic-ray sources in space. In addition, studies will begin on future HEAO satellites and large space telescopes to be carried into space by the space shuttle in the last half of the decade. The HEAO and large space telescope projects have a top priority for the exploration of the universe beyond the planets.

3. *A substantial reduction in the cost of space operations.* Because it is reusable, the space shuttle will have an operating cost substantially lower than the cost of current systems. I think the shuttle will revolutionize our use of space in ways that we cannot even imagine today. Because it will be cheaper to carry payloads into orbit, because it will be possible to bring them back, because it will be possible to try out some experiments without the absolute assurance that they will work, we will do things in space that we would not even consider doing today. The space shuttle will be used for manned and man-tended experiments and to place unmanned scientific, weather, Earth resources and other satellites in Earth orbit and bring them back to Earth for repair and ruse. In the future, the space shuttle will also transport men, supplies, and scientific equipment to and from space stations.

In addition, the space shuttle may well be the precursor of very high speed transportation from place to place on Earth.

4. *An extension in man's capability to live and work in space.* The Skylab project, now in advanced stages of development, is directed at this goal. Skylab will extend man's exposure to the space environment to 56 days, will perform an important manned solar astronomy experiment, and will extend those carried out in the unmanned ERTS program. After its launch in late 1972 and three revisit missions through the first half of 1973, no further manned missions using Apollo hardware are planned. The space shuttle/space station will be our next steps to extend further man's capability to live and work in space. The space station, working with the shuttle, will be our next project for long duration utilization of man's capabilities in space. However, we will not proceed with the space station development as quickly as with the space shuttle.

5. *A speedup of the practical applications of our space technology.* This is the area where we can make a direct contribution to our domestic problems, where we are making use of space and space techniques to help us directly here on Earth. In Earth resources, we are developing a capability to make ecological surveys from space. Survey can be made in geography and cartography, in agriculture and forestry, geology, hydrology, and oceanography. We can update maps and provide information for land use planning; we can take an inventory of wheat or corn or cotton, and at the same time determine the health of our crops; we can help locate our natural resources; can predict floods, and help locate good commercial fishing grounds. All of these things have been done experimentally, and hold great promise for the future. The ERTS A and B program will move ahead in concert with aircraft-borne and ground research, and manner experiments in Skylab, to provide a sound experimental basis for future decisions on possible operational systems optimizing the use of space, aircraft, and ground-based sensors. We will continue to work closely with the other interested agencies. In communications, the ATS F and G programs will proceed as planned with the wide range of communications and other applications technology experiments. We are planning a cooperative experimental applications satellite with Canada (CAS–C), with important experiments at very high frequencies whose use may help space communications avoid or reduce serious frequency congestion in the future.

In meteorology, programs underway include the Nimbus experimental satellites and the two synchronous meteorological satellites which are planned for launch in 1972 and 1973 to permit continuous observation of major weather systems. Future steps include the development of a third generation operational weather satellite system, the TIROS N, to provide improved methods of obtaining quantitative environmental data to improve the capability of ESSA's National Operational Meteorological Research Program (GARP), an international cooperative research program designed to increase the understanding of the general circulation of the atmosphere.

6. *Greater international cooperation.* In each of the areas discussed before we have given special attention to the identification and pursuit of opportunities for international cooperation in space. The space shuttle project is of special importance for future international cooperation. With the approval of the President, and working closely with the State Dept., NASA has launched a major effort during the past year to escalate substantially the level of international participation in the major space programs of the 1970's. The focus of this effort, and the area in which foreign countries, particularly in Europe, have expressed the greatest interest is the space station/shuttle system. At the present time, after the first formal Government-level discussions in Washington in September 1970, Europe is considering the nature and degree of participation, including financial participation, they wish to propose.

7. *An expanded aeronautics program.* During the past decade aeronautical research and development in this country has not received adequate attention. The situation must change rapidly if we are to retain our position as master builders of the world's aircraft.

Civil aviation has aggressively capitalized on the existing research bank, and by outengineering the competition has led the world in high-speed long-range transportation. About 75% of the world's jet transports are made in the USA. This has become a major factor in our balance of trade and its importance is destined to grow as explosively as the world's population itself. But the research bank needs replenishing, and at least three major opportunities cry for attention.

a. V/STOL transports.
b. Sonic transports.
c. SST's.

And beyond these the hypersonic transport is a possibility for opening up Asia to rapid and efficient transportation.

NASA, in concert with the Department of Transportation and the Department of Defense is preparing an experimental airplane program to facilitate the early introduction of practical V/STOL aircraft into the commercial system. We have chosen the externally blown flap and augmentor wing jet STOL airplanes for initial attention. Jet VTOL aircraft will come later.

These machines will require advanced avionics and ground facilities to make them economically viable. They offer real promise for alleviating the inconvenience and hazards of airport congestion. We envision a combination of V/STOL and high-speed ground transportation as offering the best hope for continued mobility as the megopolis continues to spread.

We are also preparing a program to develop an Advanced Technology Experimental Transport using Whitcomb's supercritical aerodynamic concepts to explore the problems of efficient cruise at Mach numbers approaching one. We feel that this will be the next step beyond the current jumbo jets for transcontinental flight, but that the concept is sufficiently risky to require a research airplane. These aircraft would cruise about 100 mph faster than current jets and, if they are successfully developed, will no doubt dominate the market for the 1980's.

We are convinced that a return to the experimental airplane concept is in the national interest and we will try to convince our bosses of this.

A NASA research airplane in the SST category is not required since a prototype SST is already under development. I feel strongly that a commercial SST is a certainty. What is uncertain is who will build and sell it. I feel equally certain that most of us will one day fly in it at competitive fares and will rejoice in its speed and comfort. By 1980, 30 million people will fly the Atlantic each year. Many should be flying on SST's. Because we had the courage to pioneer new aircraft types in the past we now can travel cheaper by air than we could 20 years ago—despite inflation. By 1980, nearly half a billion Americans will buy airline tickets each year—and most of them will be ordinary people enjoying their new-found freedom to see the world. Modern transport aircraft are not "rich men's toys" as some would hold, but the way everyone travels over long distances.

And what about military aircraft. I would personally strongly support a return to the prototype or "fly-before-long" concept as producing the best aircraft. And in this field, to be second is to be last. We at Langley have carried out extensive studies of foreign military aircraft configurations. They are good. They are very good. The Soviets, for example, have aeronautical facilities that probably excel over ours, according to Gen. Ferguson. Their aircraft show a skillful use of these facilities by design teams that are kept sharp by a steady stream of prototype aircraft. NASA will continue to dedicate about half its aeronautical effort to assisting the Armed Services in holding their own against such formidable competition.

Time is running short for this talk and for some of the national decisions I have addressed. I think that the fields of aeronautics and space have a case, a compelling case, even in these days of relevancy. They are in fact very relevant, indeed. It's our job to speak up and say so. For, after all, it's our country, too.

OBSERVATIONS ABOUT OUR POW PROBLEMS

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. DICKINSON. Mr. Speaker, Mr. Philip W. Porter, retired editor of the Cleveland, Ohio, Plain-Dealer, writing in the Chagrin Valley, Ohio, Herald Sun, has made some very cogent observations about our prisoner of war problems. I believe his comments will be useful to others, and so I insert them in the RECORD at this point:

OBSERVATIONS ABOUT OUR POW PROBLEMS

(By Philip W. Porter)

Much has been written and spoken about the plight of more than 1,000 American prisoners held by the North Vietnamese and the frustrations of their wives and children, who in many cases don't even know if their men are alive or dead. For those involved it's a nagging personal tragedy, seemingly insoluble as long as fighting continues and beyond that. For those not personally involved, but who wish to help, it's time for some realistic thinking.

Despite newspaper campaigns, appealing to the Hanoi government to be humane is totally futile. Hanoi has shown all along that it intends to use the prisoners for propaganda and cares nothing about them as individual humans.

Their rationale is that these men, mostly shotdown aviators, has no business flying military aircraft over their country, that they were intruders participating in a civil war between Vietnamese. So, in their view, the Geneva Convention on fair, proper treatment of war prisoners does not apply.

Most ordinary Americans, I fear, have not the slightest idea what the Geneva Convention is (they may even believe it is a gathering of delegates in Switzerland). Actually it is an agreement, signed years ago by many presumably responsible, civilized nations with the International Red Cross, defining mutual responsibilities of warring nations to care for prisoners and the specific rights of prisoners to receive this care. (What? You say responsible, civilized nations don't make war? Well, idealistic chums, they've been making war for thousands of years and are likely to continue, so come down out of the clouds.)

Under this agreement, all prisoners are supposed to be given food, lodging and medical care equivalent to that of the soldiers who captured them, to receive regular mail and special packages of food, clothing, medicine, vitamins, tobacco, etc. from their families and the Red Cross. Their own nation is supposed to receive, via Red Cross, a complete, accurate list of the captured men, so relatives will know they are alive.

All soldiers of warring nations have been briefed on this since time immemorial. And during World Wars I and II, the Convention was observed. Conditions varied from prison camp to prison camp (as told graphically in such post-war novels as The Bridge Over the River Kwai, Slaughterhouse Five etc).. But families back home knew their men were held and identified.

The families of men held prisoner now in North Vietnam do not know this. The wives might adjust stoically to death, but not to uncertainty. That's what is so tragic about the present situation. Some wives have seen photos of men who look like their husbands. Some have occasionally received cryptic letters, but they remain uncertain.

The North Vietnamese, though they agreed to the Geneva Convention, have released no authentic lists, have given no guarantees to the Red Cross, won't let the Red Cross inspect POW camps. They have refused to talk to such well-meaning idealists as Texas millionnaire H. Ross Perot, who last Christmas flew a chartered plane full of prisoners' wives to Indochina, hoping to get some firm information. The only Americans Hanoi will talk to are our anti-war activists.

The realization that the North Vietnamese do not intend to loosen up and become human, despite the de-escalation of the war, was what motivated the recent surprise raid by our troops on a POW camp, a daring feat which unhappily accomplished nothing, since the prisoners had previously moved out. At least it served notice that we do not intend to let the present impasse last forever.

In view of all this, it is particularly galling to learn that the much-publicized Prof. Sidney Peck, the busy peacenik demonstrator from Case-WRU, was recently in Hanoi and was given a batch of letters, presumably from POWs. Hanoi does not give information or letters to the United States Government, but it gives them to such as Prof. Peck.

Can you imagine antiwar protesters (there were plenty before Pearl Harbor) slipping easily into Germany during World War II, getting the red carpet treatment and coming back with such material? They would have been jugged for treason the moment they set foot in the U.S., if they were ever allowed to leave Germany.

Hitler was a monster, but the Germans did abide by the Geneva Convention and dealt with the Red Cross. Hanoi, on the contrary, makes its own rules. They have no more intention of relenting on prisoners than they have of engaging in serious discussion at the so-called peace talks in Paris. They are simply fighting a war of nerves with us, waiting for us to quit, using prisoners as pawns.

It was a miserable mistake, a colossal blunder, for us to have gone into Vietnam in force, taking over their war, an undeclared land war, largely guerrilla, in far-off Asia. We are now pulling out gradually. But while we are withdrawing, we must face the grim fact that the enemy, being Oriental, thinks in terms of decades rather than months, and pays no attention to the western ideals of fair play, dignity of human life or truth in government statements.

Despite newspaper and magazine urgings, and the assent of our state department, it's an exercise in futility to write to Hanoi about our POWs. It may relieve your conscience but it will score no points. It will be regarded by Hanoi as a sign of weakness and internal dissension.

Think about the prisoners the next time you see misguided kids and adults who should know better waving Viet Cong flags as they parade and demonstrate with obscenities. We are all fed up with the war, but it's disgusting to applaud or appease those who are using our prisoners of war as pawns for propaganda.

THE BEAUTY OF CHRISTMAS

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. RAILSBACK. Mr. Speaker, it is heartwarming to observe in the rush of the Christmas holiday time those sensitive and understanding thoughts such as were expressed in a message which I recently received from the Moline, Ill., Forum of the American GI Forum of the United States. Written by a wonderful constituent, Maria Solis, the message puts in understandable human terms, the beauty of Christmas. In order to share this message, I include it as follows:

THE BEAUTY OF CHRISTMAS

(Written by Maria Solis)

The beauty of Christmas is—
These passing days and days to come, all with significance.
It's the Christ Child being born, in the hearts of man.
It's the joy of preparing and the feeling we get.
It's the sun in the morning, casting out its brilliant light;
It's the stars in the sky ever so bright;
It's youth in all its splendor;
It's the beauty of the rosebud;
It is the exchange of giving the gift of friendship and of love, in sharing of our happiness;
It is the spirit and its glow coming from within, with love from the soul, it's the beauty of this light that should be a never ending glow.
That is "The Beauty of Christmas".

PLIGHT OF JEWS IN THE U.S.S.R.

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. MAILLIARD. Mr. Speaker, we are receiving ominous reports that the Soviet Union is planning a mass political trial of a large group of Jewish people. During the past 6 months, the KGB is reported to have arrested 34 Jews in an apparent attempt to quell expressions of discontent by those who object to their government's intransigence and unwillingness to grant exit permits to thousands of their fellow Jews desiring to join their relatives in Israel. The possibility of such trials taking place harkens back to the dark days of Stalin's infamous "show trials" of 1936–40 when thousands of Jews and other Russian people were executed by the NKVD.

In order to discourage a tragic recurrence of such "liquidations," freedom-loving people in the United States and around the world are demonstrating their grave concern over the persecution of Russian Jewry. I recently received a letter from Mr. Lawrence Goldberg, chairman of the Jewish Community Relations Council serving San Francisco and Marin Counties, which protests current anti-Semitic actions by the Soviet Government and lists some 300 names of Bay Area citizens who have publicly expressed their deep concern.

Because the United Nations is the best existing avenue of protest, I have requested that our Department of State relay Mr. Goldberg's communication to our United Nations delegation for use by the Human Rights Commission.

Mr. Speaker, I urge all of our citizens, in both public and private life, to speak out against this blatant discrimination in order that the weight of world opinion be brought to bear on the Soviet Government.

LOUIS E. DRAGO

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. MURPHY of New York. Mr. Speaker, to have known Louis E. Drago, late National Executive Committeeman from the State of New York of the American Legion was to have known a distinguished, dedicated public servant, and American. He was, until his death, my friend and adviser on veterans affairs and I was fortunate to have his sound, courageous, and foresighted counsel and the benefit of his broad and constructive criticism and thinking. He was a good man, truly great and unselfishly dedicated to the cause of the American Legion—and one who was proud to be a Legionnaire—added distinguished luster to the world "veteran." For he was always of, with, and for the veteran, his widow and children. It is worthy, therefore, that his life and character compiled with the assistance of his devoted friend and Legion Adjutant, Stephen C. Sanzillo, be spread for those interested in the cause of good government to read and study.

LOUIS E. DRAGO: SEPTEMBER 6, 1897—NOVEMBER 27, 1970

Louis E. Drago was born in Brooklyn, New York, on September 6, 1897, and resided there his entire life. He graduated from P.S. 85 and also from Jamaica High School in Queens. He received his Bachelor of Arts Degree from Cornell University in 1920 and his Bachelor of Laws in 1922 and was admitted to the practice of law in the State of New York in 1924. Here he specialized in the practice of criminal law until 1942 when he was appointed as Secretary to Justice Michael F. Walsh, Justice of the Supreme Court of the State of New York. Following Justice Walsh's death, he was appointed Secretary to Justice Anthony J. DiGiovanna, President of the Board of Justices of the Supreme Court in Kings County of the State of New York from which position he retired in 1967 to resume the practice of law.

On May 15, 1918, he left his studies at Cornell University and enlisted as a private in World War I with the 79th Division at Camp Meade, Maryland. On August 25, 1918, after attending the 4th Officers' Training Camp he was commissioned as a Second Lieutenant of the United States Infantry. He was honorably discharged from the military services on April 23, 1919, to return to Cornell.

In 1925, he joined the Brooklyn Post No. 500 of the King County American Legion where he served on various committees until he transferred to the J. W. Person Post No. 14 in the same county and of which he was a member when he died. In 1939–40–41, he was elected Commander of the Post.

He commenced his long service in the Kings County American Legion in 1939, serving as Chairman of the Oratorical Contest. Here he served on many committees both as a member and as chairman, among them being Public Relations, Legal, Children's Camp, Waste Collection, Publicity, Armistice Ball, Re-Employment of World War II Veterans, Distinguished Guests, National Commander's Dinner, Welfare, Hospitalization. Judge Advocate, Americanism, Resolutions, County Convention, House, Poppy, Charters, County Band, Budget and a Delegate to the County, State and National Convention since 1942. In 1945 he was elected, without opposition, as Commander of the Kings County American Legion.

In the State of New York, he became active in 1945, serving on several committees and being chairman of the State Membership Committee for 3 years. His work was outstanding to the degree that he was elected State Commander in 1950, which was followed in 1957, by his unanimous election as National Executive Committeeman from New York State in which post he represented the entire 230,000 American Legionnaires in New York State at the National level. On the National scene, he was chairman of the National Committee Advisory Council, Chairman of Committee on Committees, Liaison on the National Convention Committee and received many testimonials from Past National Commanders attributing much of their successes to Mr. Drago's good counsel. He was given a pen by President Lyndon B. Johnson upon the occasion of the President signing the eligibility amendments to the Legion charter permitting Vietnam Veterans to apply for membership.

During World War II, he served as Appeal Agent for the United States Selective Service System attached to Local Draft Board No. 134, Brooklyn, N.Y.

In 1947, he received the Certificate of Merit from B'nai B'rith for contribution to better racial understanding and interfaith relationship and also selected by that organization as one of the outstanding leaders in the interfaith movement.

Following World War I, he married Martha E. Groce, of Greer, S.C., from which union came one daughter, June. She married Lawrence O'Keefe and has two daughters. Also surviving is his brother, Charles Drago, Judge of the Criminal Court of the City of New York.

American Legion Services were held at the O. B. Davis Funeral Home in Port Jefferson Station, Long Island, with hundreds of Legionnaires and friends making the long trip in very rainy weather. The J. W. Person Post No. 14 conducted the services. Rev. Alfred C. Thompson, Kings County Chaplain, gave the prayer. There were short remarks from Department of N.Y. Commander Raymond T. Wellington, 2nd District Commander, N.Y., George P. Gaffney and Kings County Commander S. Harry Rosenfeld. Peter J. Danzilo, Sr., Mr. Drago's oldest friend in the American Legion, gave the eulogy.

He was buried at the Pinelawn National Cemetary. A full Honor Guard, consisting of a U.S. Marine Major, two Marines, two Navymen and two Armymen as pallbearers. A regulation Firing Squad fired the traditional three volleys and a bugler sounded "Taps." Mrs. Drago was presented with the American flag by the Marine Major.

Rev. Alfred C. Thompson, Kings County Chaplain, gave the Commital prayer.

I shall pass thru this world but once;
Any good that I can do, any kindness that
I can show to any human being;
Let me do it now, let me not defer it, or
neglect it,
For I shall not pass this way again.

STEPHEN C. SANZILLO,
County Adjutant.

THE LATE HONORABLE WILLIAM L. DAWSON

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. FISHER. Mr. Speaker, the late William Levi Dawson was one of the most able and respected Members of this body. He was elected to the 78th and succeeding Congresses. His tenure covered nearly 28 years of distinguished service.

Bill Dawson's successful career should be an inspiration for all to emulate. Born in the State of Georgia, he graduated from Albany, Ga., normal school, and Fisk University in Nashville. Later he graduated from Northwestern University Law School. He was first lieutenant during World War I, and saw service in Europe.

Returning to Chicago he practiced law, served as a city alderman, before being elected to the Congress.

Mr. Dawson came to Congress when I did. I observed him through the years. He always played the role of a gentleman, attentive to any who had occasion to deal with him, and exercised constructive influence.

I extend to Mrs. Dawson and other members of the family my deepest sympathy in their bereavement.

BISHOP MYERS AND THE PERIPHERAL CANAL

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. WALDIE. Mr. Speaker, it is understandable and commendable when church officials take notice and act on issues of social importance.

Recently, in my State of California, the Episcopal bishop of the diocese of California, the Right Reverend C. Kilmer Myers, announced his concern regarding a major water transfer project in our State and the prime conveyance facility of that project—the proposed Peripheral Canal.

Bishop Myers then received correspondence from State officials telling him, in effect, "Stick to the affairs of theology and leave the water matters to us."

Mr. Speaker, Bishop Myers responded to those officials in a most noteworthy and informative manner.

I would like at this time to place his letter to Mr. William Gianelli, director of the California Department of Water Resources, in the CONGRESSIONAL RECORD.

The letter follows:

DECEMBER 7, 1970.

DEAR MR. GIANELLI: I am sorry that various commitments have kept me from an earlier reply to your letter of November 10th, in which you comment on my concern over the plans for building the Peripheral Canal.

I can readily understand the basis for your belief in the wisdom of the state's decision to proceed with construction of the canal and I agree with you that many of the benefits from the water projects which you enumerated are indeed a matter of reality.

It was a source of some distress, however, to note your doubts as to the competence and the propriety of the Episcopal Church—and, by implication, my scientific expertise—to deal with such technological affairs as the Peripheral Canal. A suggestion that "water projects are not the Bishop's business" seems implicit, if not indeed explicit, in your comments.

I would be the last to deny your unstated but unmistakable judgment that I am not a scientist of any professional competence and therefore not qualified to evaluate the ecological consequences of building the canal. But I believe that you overlooked the fact that I *am* the repository of scientific anxiety and that I speak, not for myself, but on behalf of countless scientists of incontestable qualifications who remain unconvinced by arguments that the Peripheral Canal will in no way result in the stagnation of San Francisco Bay resulting from a reduction in fresh water outflows from the Delta.

As Bishop of California, I have a broad canvas of spiritual duty to the communicants of our Church, who represent, as I am sure you will appreciate, many and differing points of view on many issues. If the Church is to be relevant to the society it serves, it must not confine itself, as some of its critics suggest, to liturgy and canon law or such other matters of philosophical controversy or dispute of interest primarily to professional churchmen. Our involvement in these issues, admittedly, can and now well may be, a source of discomfort for the laity. But my duty extends to consideration of the quality of our daily lives—the daily lives of the totality of our society, both within and without the Episcopal Church, and as the Bishop, I cannot remain silent in the face of what appears to me to be a clear and present danger to them and their children to come, either within or without the immediate flock of my denominational responsibility.

In discharging that duty, I have asked a number of recognized scientists, educators, physicians and people from other professions, disciplines and occupations to advise me on all manner of the problems facing us today.

One of the most important of the many challenges confronting the society of which we are a part in the years ahead is that of healing the environment, so much of which has been ravaged and laid waste by those who sincerely but mistakenly believe that man can subdue the earth. Foremost among concerns to environmentalists in the Bay Area is the growing realization that as yet there are no firm, final, unamendable guarantees that the Peripheral Canal will not interfere with the flow regime of the Delta in such a fashion that the result will be a prolonged, artificial drought—a drought which, in turn, will lead to stagnation of the Bay; tidal action alone is insufficient for the essential flushing action to keep it clean.

This has been and is the basis for my conviction that we must seek a reconsideration of this project. Ecologists call for better and more convincing proofs or guarantees that construction of the canal will bring about no detrimental effect on the ecology of both the Delta and the Bay.

I am convinced that these Californians are justified in feeling less than sanguine about the consequences of the canal.

Actually, the concern which I express is to be understood as an appeal to proceed no further with construction of the canal until adequate guarantees of fresh water outflow can be made to the satisfaction not merely of those conservationists who contest your policy—not out of subjective economic consideration but, rather, out of selfless concern for the environment—but for the millions of this and future generations who will be the legatees of our decision at this point in time. My doubts—which are their doubts—do not constitute, by any standard, an intransigent opposition to the canal as such. I, and they, ask only that the project be reexamined—and in concert with the ecologists as well as the engineers.

This could be done by submitting the Peripheral Canal issue to an impartial survey and reevaluation by an independent research agency or organization; such a study would necessarily include, as a guarantee of impartiality, comprehensive input from both proponents and opponents of the project. Likewise, full consideration would be given to the ecological impact on San Francisco Bay, the consequences of increased urbanization in the Los Angeles region and, among other things, the economic effect of the actual construction of the canal.

This same study would also properly include a determination of the means for separating responsibility for environmental impact studies from the Department of Water Resources, possibility by transfer of this aspect of the matter to an independent commission—there are many environmentalists today who feel that there is an inherent danger and inconsistency in a policy which charges the purveyor of water to assume the concomitant responsibility for evaluation of the effect of its impoundment and transfer on the environment.

In short they feel, and I agree, that the agency that sells the water should not at the same time be the custodian of this precious resource or the arbiter of its beneficial use.

Our water resources represent a matter of abiding and immediate concern and anxiety to countless Californians. The enclosed letter from David Seckler is typical of the many letters that I am now receiving and which reflect their common doubts about the Peripheral Canal. In identity, the writers range through all occupations and professions, from agricultural specialist to economist; Mr. Seckler's letter is only one of many I could offer as examples.

As the Bishop of the Diocese of California, I am interested in all life and I know that you, as an Episcopalian, share my concern. As Christians, we are responsible for the whole of God's creation, which explains why the 121st Convention of the Episcopal Diocese of California, on November 6th of this year, with my concurrence, adopted a resolution seeking a complete, competent and independent study of the project.

Also, as the Bishop of California, I should like to express my appreciation for your own concern in writing to me and opening a dialogue which, I am sure, has for its purpose the ultimate resolution of this problem for the greatest good of the land and people of our great State.

Faithfully yours,

C. KILMER MYERS,
Bishop of California.

PENNSYLVANIA—FUTURE BATTLEGROUND OF THE GYPSY MOTH

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. GOODLING. Mr. Speaker, the gypsy moth is on the rampage and bringing tremendous destruction to the forests of northeastern United States.

The gypsy moth causes severe losses because it is a leaf eater. Gypsy moths are voracious feeders and defoliate trees in a remarkably short period of time. Many of the trees so attacked expire because they cannot stand this defoliation.

The State of Pennsylvania is particularly vulnerable to the gypsy moth because it has an abundance of those tree species upon which the gypsy moth thrives; that is oak, birch, basswood, alder, willow, and poplar.

The gypsy moth has been combatted either through biological controls or via the use of chemicals.

Biological controls take the form of parasites and predators that feed on the gypsy moth, and these have been used with some success in various New England areas. Sterilization of male moths is also in its experimental stage, but to date this approach has not proved too successful. Biological controls are a long-range aspect.

With respect to chemicals, a lead arsenate spray has proved reasonably effective in helping to control gypsy moth populations, but the most effective chemical control agent has been DDT. DDT has, however, been condemned as a harmful chemical, and it has been discontinued in gypsy moth control since back in the early 1960's. Since then, the gypsy moth has had a foliage feast in the State of Pennsylvania, and it is expected that unless something is done to check this pest, the forests of Pennsylvania will be in a critical state by 1972.

What is needed to keep the forests of the northeast free from being eaten up by the gypsy moth is a research breakthrough.

In the meantime, we have a crtical problem of the present, and because biological controls are considered a "long range" prospect for control, we are going to have to place particular emphasis on chemicals for short range controls. In this, chemicals like DDT will have to be appraised totally, not only for the harm they could bring to our environment, if any, but for the good that they already have demonstrated themselves capable.

The Pennsylvania Forestry Association has recently issued a publication entitled Pennsylvania—Future Battleground of the Gypsy Moth. Because this article is timely and vividly portrays the hazard of the gypsy moth in relation to the forests of Pennsylvania, I insert it into the CONGRESSIONAL RECORD and recommend it to the attention of all those who have a deep concern over those dangers which confront our environment:

PENNSYLVANIA—FUTURE BATTLEGROUND OF THE GYPSY MOTH

(By James O. Nichols)

The time is rapidly approaching when Pennsylvanians concerned with the conservation of our forests will become directly involved in the fight against the destructive gypsy moth (*Porthetria dispar* L.). Within the next few years, this insect is expected to become one of the major problems faced by everyone engaged in forestry practices in the state's oak region. While this may sound like an "alarmist" attitude, let's take a minute to look at the history of this creature, why it is considered so destructive, and the present dilemma that we now find ourselves in.

The gypsy moth is an invader, having been brought to Massachusetts 101 years ago by a French scientist conducting laboratory experiments. Some of the caterpillars (larvae) escaped, and within 20 years the problem became serious. Effective control work was accomplished in Massachusetts from 1890 to 1900 and then dropped when it was thought that the threat was no longer important. Spread of the moth continued, however, and surviving insects increased enormously during the next five years. All of New England, New York, and New Jersey were found to be infested by 1922, and in 1932 an infestation covering 400 square miles was discovered in Luzerne County, Pennsylvania. The rate of spread southwestward would have been much faster had not prevailing winds been against it.

Gypsy moth caterpillars are readily separated from all other insects. They are hairy, grow to about two inches long, generally grayish in color peppered with numerous small and darker spots, and have three light stripes down the body. Its most distinguishing characteristic is two rows of colored spots along the back, the first five pairs being blue and the remaining six pairs a brick-red color.

They begin hatching after a period of warm weather in late April, but in cool spots, such as northern slopes and in northern counties, hatching may be delayed until mid- or late-May. Most of the feeding is done at night. They are voracious feeders, each larva capable of devouring three or four oak leaves per day during the latter half of its 10-week life span. About three-quarters of all foliage eaten is consumed in the last larval stage, which occurs from mid-June to mid-July. When food becomes scarce they do considerable wandering.

Experience and research has shown that many trees die after two years of heavy defoliation, and after three years 50 per cent or more of an oak stand may be lost. Most pines, spruce, and hemlock will die after one complete stripping of foliage. The insect population may also collapse after three years of outbreak conditions, due to the actions of disease on starving caterpillars, but by then the damage is done.

The larva then enters the pupal stage for transformation to the adult moth. Pupal cases are reddish-brown in color, about one inch long, and may be attached to almost any object. Adult emergence is usually at its height in mid-July, and they are found until late August. The moths do not feed, their only function being one of reproduction. The male moth is brown in color with a wingspread of one and one-half inches, and has dark arrowhead markings on the forewings. It is a strong flier. The female is nearly white with black markings, is much larger than the male, and has a wingspread of two or two and one-half inches. She is heavily laden with eggs and thus is unable to fly.

Egg laying occurs soon after the moths mate. Each female lays an oval mass an inch or more long, containing 300 to 800 eggs, and then covers them with buff-colored hairs. These eggs may be found almost anywhere, usually close to where the mature larva crawled to pupate. The insect remains in the egg stage until the following spring, and exposed eggs can withstand winter temperatures down to approximately —20 degrees F. Anywhere from 500 to 2,000 egg clusters per acre will result in heavy defoliation.

Most of our common defoliating insects favor one or two species, or families of trees; but the gypsy moth has a wide range of hosts. Destructive population buildups occur in forest areas where tree species are 20 per cent or more oak, birch, basswood, alder, willow or poplar. In such cases, associated species usually are also heavily defoliated, including such common trees as the maples, beech, hickory, black cherry, hemlock, larch, and all species of pine and spruce. It will not normally feed on arborvitae, ash, black locust, catalpa, dogwood, grapevines, hackberry, holly, honey-locust, horsechestnut, sycamore, walnut, yellow poplar, and a few other plants.

In Pennsylvania, where the oaks predominate on approximately 10 million acres, or nearly 60 per cent of the forest area, the gypsy moth has built up to explosive levels within five years after a few insects became established. One of its favorite breeding grounds is ridge tops where chestnut oak and white oak are the primary species. From these places, wind currents can pick up and carry sufficient numbers of young larvae to defoliate shade and ornamental trees at least 10 miles away. The buildup rate is much slower in northern hardwood stands where oak is a minor component, and the potential for damage in these areas is lessened. This is one reason the problem has not been as great in New England as it has been, or will be, in eastern New York, New Jersey, Pennsylvania, and further south. Another reason is that climates south of New England will be more favorable to the insect. Consequently, most observers believe that the battle against the gypsy moth is just beginning.

From its initial discovery here, both Pennsylvania Department of Agriculture and U.S. Department of Agriculture officials have waged a constant battle to keep the moth from spreading. During the Depression years, literally thousands of WPA and CCC workers were employed to treat infestations by laboriously spraying woodlands with lead arsenate. Other methods used then, and still in use today, consisted of creosoting egg masses in the winter months when they are easily seen, placing sticky bands on trees to trap caterpillars, and killing caterpillars that congregate under burlap tied around trees. These tactics largely prevented serious defoliation and widespread dispersal of the pest.

The use of DDT in aircraft sprayers began in 1944. DDT proved to be extremely effective when applied at the rate of one pound per acre. It remained on the trees long enough to kill larvae that hatched over prolonged periods. DDT is now a dead issue, since it was discontinued in gypsy moth control after 1963. It should be pointed out, however, that in the 20 years of its use in Pennsylvania, no detectable larvae survived a single aerial treatment on 1,180,000 acres. In other words, no area was sprayed more than once in the 20-year period. There were hundreds of workers and observers who scoured the treated woodlands, but no one ever came up with a surviving larva or a new egg mass.

The demise of DDT has produced predictable results. For 30 years the insect was confined almost entirely to the six northeastern counties of Wayne, Pike, Monroe, Lackawanna, Luzerne, and Carbon, plus a relatively small area in Bucks County. In the last seven years the moth has spread to every county east of the Susquehanna River and to eight counties west of the River, as far as Centre County. Parts of Delaware and Maryland have also become infested within the last two years.

The natural direction of spread is expected to be southwestward, down the ridge and valley areas of Pennsylvania and into West Virginia. Quarantines are in effect, but they only serve to protect against long-distance spread, and all infested shipments or carriers of egg clusters cannot be spotted. Last year, camping trailers and mobile homes, carrying egg masses from the Northeast, were intercepted in various parts of the nation.

The primary insecticide used during these seven years has been carbaryl (Sevin). It is a non-persistent material and good enough to kill 90 per cent or more of the gypsy moth larvae. But because it is not persistent, and the gypsy moth may hatch over a one-month period, infestations should be treated two or three times to obtain results comparable to DDT.

This, of course, results in higher costs at a time when funds are hard to obtain; and it also tends to increase the amount of public criticism. A disturbing factor is that insects surviving 1969 treatments with carbaryl in Schuylkill County are increasing at a fast enough rate to again cause heavy defoliation by 1972. Consequently, everyone realizes that pesticides are not a cure-all but a temporary stop-gap.

The factors of high treatment costs, lack of funds, lack of an insecticide as good as DDT, the general inadequacy of biological control methods, public attacks on chemical control programs, and the general anti-pesticide attitude of recent years, have all played a part in the dilemma we find ourselves in today. Prior to last year, the largest areas severely defoliated in the state were 30 acres in 1957 and 60 acres in 1968. An 800-acre defoliated area was found on the Blue Mountain range in Monroe County in 1969. It was not treated. Results were predictable, and 8,000 acres were stripped in the area this year. In 1971, the defoliation will continue on a geometric progression. The insect can now be found virtually everywhere in Monroe, Pike, Schuylkill, and Carbon counties. The insect population explosion in these counties will probably occur in 1972. We are running about three or four years behind New York and New Jersey, states where several hundred thousand acres have been defoliated in the last few years.

The gypsy moth has always received considerable publicity, so much so in fact that some people believe any tree defoliator is a gypsy moth. Actually, 99 percent or more of our residents have never seen one to date. Until a few years ago, the policy in the Department of Agriculture was to treat about a mile around any observed or trapped moth, in order to knock out any possible infestation before it could build up. (Infestations are detected by the use of sex-attractant traps placed at periodic intervals.) Complaints began to mount because the public could not understand why extensive acreage was being treated when there was no defoliation and the residents could not find any insects. Whether the method was good or bad policy has long been debated, but it served to delay the ultimate problem that we face today.

Research scientists have been trying for over 60 years to find a biological answer to the moth, importing from Europe and rearing by the millions various parasites and predators. These undoubtedly have had some effect in New England where the insect appears to be gradually assuming the status of a native, but still important, pest. The parasite releases have yet to work to any significant extent in New York, New Jersey, or Pennsylvania. Millions of dollars have also been spent on trying to perfect other methods of control, including sterilizing male moths, releasing sex-attractant baits to confuse males, and spraying with a polyhedral virus disease that afflicts the caterpillars. These to date have not proven successful. Research is now expected to accelerate through the efforts of the National Gypsy Moth Advisory Council, which was organized last year. A research breakthrough is clearly needed.

Many biologists tend to downgrade the impact of the moth, since in the long run it will unquestionably be desirable to have standards containing mixtures of species rather than pure oak. The main concern in Pennsylvania, however, is not likely to be the value of forest timber lost, even though it will be considerable. The problem is the impact on people and on investments in trees considerd valuable for other purposes. The oaks in the Pocono resorts do not have much timber value, but they are about the only species present. A million dollar state park may be without visitors; this has happened in other areas. The homeowner in a forested environment who sees his trees die one by one will have to be placated. Wildlife will suffer from reduced acorn production.

The problem confronting pest control officials now is: what to do in the face of exploding populations? It is expected that the wrath incurred in the past from the 5 per cent of the population who has succeeded in curbing pesticide programs will be nothing compared to the outcry of the other 95 percent who want something done. In New Jersey, $100,000 was appropriated for gypsy moth control in 1969; but, due to public pressure, the funds had to be used on biological weapons. This was fine for a long-term project, but there were no biological tools to stop the immediate outbreak and 40,000 acres were completely stripped. This year, again due to public pressure, about four times as much was spent on chemical programs to prevent a repeat. Meanwhile, over 10,000 oaks died in the Morristown National Historical Park. The opinion of a housewife on Long Island this summer perhaps sums up the feeling of people who find thousands of big caterpillars swarming over their property. She was quoted in the New York Times, "It's a question of survival, the caterpillars or us."

COMMANDO TACTICS TO SAVE THE ENVIRONMENT

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. ROBISON. Mr. Speaker, I include in the Record an article which appeared in the December 10, 1970, issue of the Washington Post. The accuracy of the article is, I believe, incidental to the lesson contained therein for, even if the events did not occur as reported, they are not beyond the realm of possibility. I remember reading recently about a concerned citizen in one city who, after calling the pollution-control unit of that city on repeated occasions to complain about smoke issuing from two industrial smokestacks, climbed the stacks during the night and painted a huge "X" on each so that the inspector would not have any trouble locating them—as he apparently had in the past judging from the lack of enforcement of the local pollution ordinances.

These incidents are indicative of a major problem that exists in many areas of pollution control. Laws may be present forbidding the pollution and, indeed, we may go through a pro forma enforcement of those laws but, in all too many instances, the costs to those against whom the laws are directed are so great that political pressures militate against strict enforcement. Hence, the citizen who is tired of seeing black smoke pouring out of an industrial stack, or disturbed by seeing and smelling raw sewage floating down his rivers, may very well become so incensed at the lack of action taken against the offenders—even though punitive measures are available—that he may be motivated to try the self-help method out of sheer frustration.

Such actions—while we might sympathize with the effort—cannot be condoned; but then neither can we condone the lack of enforcement of environmental protection legislation—federally, statewide, or locally. The effort to protect the environment must be pursued in good faith by all parties.

I include the following article, then, to illustrate the frustrations that some of our citizens feel relative to the continued degradation of the environment:

Environmentalists Use Commando Tactics in Miami Area

(By Stanley M. Brown)

Miami.—Last April six young Miami residents scaled a six-foot fence, ducked a sleepy night watchman and sneaked into a dimly lit sewage treatment plant, thus launching one of the most unorthodox campaigns yet in the battle to save the environment.

Quickly and silently the black-clad intruders approached six huge waste vats scattered through the building. In each they deposited a bomb filled with dye. Minutes later they regrouped and started making their way out.

Everything went with military precision until the chainlink fence collapsed under the weight of a 250-pound participant, causing the watchman to call police.

Before the raiders could reach their hidden getaway cars, a police cruiser roared up. They fled into a mangrove swamp and hid—swarmed for more than an hour by mosquitoes they dared not slap—until the police finally gave up their search.

By daybreak, after similar raids on two more sewage plants, half the inland canals in the Miami area turned bright yellow. Back at their headquarters, their mission accomplished, Eco-Commando Force 70 issued communique No. 1.

The tiny organization—composed of a few professional men and women, students and blue collar workers—declared that they dyed the waste "to show what happens to sewage dumped in our waterways."

"If the dye is not carried downstream, residents should be warned of dangerously high concentrations of pollutants," their communique said. "Dade county citizens need not worry about this attack—unless their drinking water turns yellow."

The sewage raids got little publicity and were regarded by local officials as nothing more than a not-so-funny prank. But the commandoes, who describe Miami as "the polluted paradise," were far from through.

On Independence day, they struck again—this time with such embarrassing impact that Dade County Sheriff E. Wilson Jurdy was ordered to find the raiders and arrest them. The charges were not specified.

Thousands of July 4th vacationers and tourists who flocked to this area's beaches were startled by red signs that warned: "Danger Polluted. No Swimming. No Fishing. Potentially Dangerous Concentrations of Pathogenic Bacteria Have Been Found at or Near This Location."

In communique No. 2, the commandoes reported dangerous bacteria concentrations had been found by officials at most area beaches, "but the beaches are not closed because it would hurt the tourist trade.

"There is a real health danger to those who dare swim in Miami's water," the communique said. "Infections of cuts and sores are quite likely. Gastro-intestinal upsets are also possible. Less likely, but still possible, are cases of hepatitis, typhoid and other virulent diseases. Fungus infections are another danger."

County Manager Hoke Welch dismissed the beach pollution warning as "contrary to the facts." He would not elaborate.

At this point, the commandoes went deep underground to plan their third mission. Their attorney advised them to disband. They refused and said if captured, "we'll plead self-defense."

On Oct. 22 the commandoes went two miles offshore to the end of the Miami beach sewage outfall pipe. There they dumped 700 sealed beer bottles into the 40 million gallons of raw sewage that daily flows from the pipe. City officials claim the raw sewage is carried far to sea by the Gulf Stream.

Inside each wax-sealed bottle was a note telling where it had been dropped. The commandoes asked the finder to mail two enclosed post cards to the editor of his newspaper and the governor, telling them where the bottle was found and noting "this is where Miami's sewage goes."

So far, over 75 bottles have been found on beaches from nearby Hollywood to 120 miles northward at Vero Beach, "carried by the same wind and water currents that move Miami's raw sewage."

On Nov. 10 the commandoes wrote President Nixon and warned him that the beach in front of his Key Biscayne vacation retreat is "washed by the raw sewage pouring from the ocean outfalls which stud our coastline." They asked the President to join them in a fight against area polluters."

The White House did not respond.

At carefully-arranged meeting recently in a crowded pub, the leaders of Eco-Commando Force 70—they introduced themselves by first names only—frankly admitted they chose a commando-style attack on pollution "for dramatic impact."

"Recognized conservation groups stand up and scream all the time, but they do little good," Bob said. "We can do what the established groups can't or won't do.

"And because we're a secret group, we keep the county and state officialdom jumping," Ed chimed in. "They don't know how many of us there are, or what we're liable to do next. One official guessed there were 100 of us."

"And obviously," Sarah added, "we would like to avoid arrest. We've got careers to protect and extremely limited resources for bail bond and attorney fees."

The leadership corps of the commandoes includes a marine biologist, a micro-biologist, a medical student, a landscape architect, a medical technician, a nurse, a teacher and a print shop owner—all under 30.

"We're an affinity group," Bruce explained. "We met through other groups and have known each other for a long time. We have no set leadership structure. When someone gets an idea, it goes in the pot and if enough of us like it, we do it."

The commandoes say they have a reserve force of 30 raiders they can call upon if needed in a large-scale mission.

TRIBUTE TO THE HONORABLE ALLARD K. LOWENSTEIN

SPEECH OF

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. SYMINGTON. Mr. Speaker, because we live in a time when honest and thoughtful dissent is deliberately misinterpreted as destructive demagogery, Al Lowenstein's arrival in this House was viewed in some quarters with alarm. His departure should be viewed by us all with regret.

Flamboyant news accounts of his political initiatives preceded him here, and caused many who had never met him to assume he would not be inclined or equipped to engage in orderly debate, or what is accepted here as orderly debate. How wrong they were. He proved both keenly inclined, and superbly equipped. He did not speak very frequently. He did speak eloquently and sensitively to the great questions before the country. And I think I can observe that he earned the respect of those who were persuaded by him and those who were not. Never trivial or vindictive, his high regard for this House was reflected in every word he spoke, as well as his many initiatives to render Congress a more effective instrument of the national will. I will miss him, and in my judgment, the House will too.

VIETNAMIZATION—A GOOD BUY?

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. BINGHAM. Mr. Speaker, along with a number of my colleagues, I recently received a letter from Mrs. Bernice Davidson of Oceanside, N.Y., which contains a devastating appraisal of President Nixon's Vietnamization program.

Her letter follows:

OCEANSIDE, N.Y.,
December 7, 1970.

Subject Vietnamization.
Honorable CONGRESSMAN,
House of Representatives
Washington, D.C.

DEAR CONGRESSMAN: In these days of high prices and high taxes, I would like to pose this question. Are you a careful shopper? If your answer is yes, then I believe you will not buy Vietnamization.

When you're buying a toaster, a car, a house, don't you do a lot of comparison shopping, before you plunk your money down? Naturally the intensity of the shopping would depend largely on the importance and size of your investment.

When you finally decide to buy, doesn't it boil down to whether the item suits your needs, and whether you are getting the best buy for your hard earned cash?

You are now being asked to buy an old worn out war, which hawks and doves agree is rotten, savage, corrupt, unfortunate tragic, etc., etc., and what's more, they agree this war is unwinnable.

This product is now being trotted out and polished up, and placed on the market in a nice new package, and labeled "VIETNAMIZATION". No matter how pretty the package, the stench of death, destruction, and disaster, can't be held under wraps forever.

We've already made a big juicy down payment. When the deal was made, we called it "Guns & Butter". As a good shopper, the question is, did we need it, and did we get our money's worth?

Here's the deal we made:

1—We send half a million American boys to fight.

2—We train one million Vietnamese boys to fight.

3—We buy and train 50,000 other Asian boys to fight.

4—We build and pay for Airports in Thailand for bombing Vietnam, Laos and Cambodia.

5—We keep Thieu & Ky in power.

Here's the down payment for the Vietnamese:

1—1,000,000 bodies, by our own count.

2—Hundreds of thousands of men, women & children burned & maimed.

3—Destruction and pollution of cities.

4—Destruction and pollution of the countryside, food crops, & rivers.

5—Millions of homeless refugees.

6—Inflation and corruption.

7—Drugs & prostitution.

8—Inhuman prison conditions.

9—Thousands of political prisoners.

10—Disabled veterans shot at.

11—Presidential runner up in jail.

Here's the down payment we Americans made:

1—50,000 boys, American boys, dead.

2—300,000 American boys, maimed.

3—100 billion dollars spent.

4—Unparalleled inflation.

5—Record unemployment.

6—Deteriorating housing.

7—Deteriorating hospital care at higher prices.

8—Reduced budget for vital research.

9—Reduced federal aid to students.

10—Epidemic of drug problems.

11—Increase in crime.

12—Increasing resistance to the draft.

13—Tens of thousands of desertions.

14—Campus unrest.

15—Massive disunity and dissent.

16—A pervasive and overwhelming feeling of depression, apprehension, suspicion, and a severe case of the blahs.

Most Americans no longer expect to win this war. Yet President Nixon speaks emotionally of not wishing to be the first President to lose a war, which means he still hopes to win this war, by VIETNAMIZATION.

After years of complete control of the air and sea, saturation bombing, napalming, defoliation, and a superiority of manpower, by our own figures, of a ratio of 6 to 1, we have been unable to win this war. At this point, you are expected to believe, that by gradual withdrawal and Vietnamization, we can still hope to win.

We have already bought and paid for "Guns and Butter." Now let's undo the ribbons, and examine the contents of "Vietnamization."

Here's what you get if you buy "Vietnamization":

1—A change in the body count, more Vietnameze and Cambodian bodies, fewer American bodies.

2—We are now obliged to maintain in power, militarest Lon Nol, in addition to Thieu and Ky.

3—We will now be training Cambodians, so that Thieu and Ky can Cambodianize the war.

4—We must retain the system of involuntary servitude, called the draft, so that we can continue to send replacements, for returnees.

5—We will sign a blank check, to pay for all this, and keep on paying until we accomplish the miracle of stablizing the highly unpopular and discredited Thieu and Ky and Lon Nol.

6—When we see the light at the end of the tunnel again, and it's not obscured by the pollution, and the war has come to an honorable end, we can then turn our attention to pursuit of happiness, for those of us who are left.

Sincerely,

BERNICE DAVIDSON.

FISH FARMING ASSISTANCE ACT

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. PICKLE. Mr. Speaker, I am well aware that most discussions about fish farming usually start with a grin, but the discussion gets serious in a hurry when people realize the potential this relatively new industry has on agriculture and could have on our economy.

As you know, earlier this year, I sponsored the first annual catfish farming seminar in my district and nearly 300 people from throughout Texas attended. This is solid testimony to the local interest in supplementing agriculture income.

Since that meeting last February, I have been working on methods to create Federal participation. Working through the normal process, I have discussed this matter with EDA, SBA plus the Texas Savings and Loan Association and the Texas Bankers Association. Everyone is interested, but no clear-cut program has developed which would spell out Federal participation.

Mr. Speaker, the bill I am introducing today would be a start in the right direction. I would incorporate two basic features. First, it would place all responsibility for marketing and research, for technical assistance and equipment development under the jurisdiction of the Department of Agriculture. Presently, the Department of Interior through the Bureau of Sports Fisheries, and the Department of Commerce through the National Marine Fisheries Services are doing a capable and efficient job. However, Mr. Speaker, the day is not too far off when we will consider fish farming in its rightful place—a genuine livestock industry. Plus, working through USDA, we have the opportunity to avoid costly duplication of Government interests and operation.

Second, this legislation would authorize the Federal Government to make various forms of financial assistance available to the fish farmers throughout the Nation. Under this tentative approach in this legislation, the Government would participate to the extent of 90 percent of the cost of a proposed venture, but would limit the direct loans to 50 percent. The balance of the governmental assistance would come in the form of guarantees.

Already, Mr. Speaker, I have discussed this with my colleague Charles Griffin, who has introduced similar legislation, and we plan to make a concerted bipartisan push the beginning of the next session of Congress.

NATIONAL READING CENTER'S 10 MILLION TUTORS PLAN

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. QUIE. Mr. Speaker, as a member of the National Reading Council, it was recently my privilege to attend its second conference held here in Washington.

The morning session, held at the George Truesdell Elementary School, was an especially rewarding experience since it gave us the opportunity to witness first hand a number of outstanding reading programs at the school.

I want personally to commend Truesdell's principal, Mrs. Marjorie Savage, and her staff for the remarkable work they are doing in combating reading problems.

The afternoon session was held at the National Geographic Society, and as always, visiting that wonderful building is a treat in itself.

I was quite impressed during the meeting with details of a Ten Million Tutors Plan which was announced by the council's chairman, Walter W. Straley, as one of the top priorities of the council's working arm, the National Reading Center.

It is an ambitious plan, but there is a great need in this country for millions of tutors to help combat illiteracy and reading deficiencies, and I feel certain that this plan will succeed under the able leadership of the center's executive director, Dr. Donald G. Emery.

The figure of 10 million volunteers for 1-to-1 tutoring is a feasible one since the National Reading Center will request assistance of high school and college students, as well as young and adult volunteers in hundreds of national organizations, many of which are already engaged in volunteer tutor plans.

Emphasis will be placed on parents and others in reading/teaching of the preschool child.

A steering committee will be the guiding force behind the 10 million tutors plan with the assistance of a professional staff furnished by the National Reading Center. Proper training materials will be developed for tutors at all levels. The center also will provide programs for communities willing to participate.

Members of the steering committee for the 10 million tutors plan include: Miss Shirley Campbell, student at Morris College; Mrs. Michael Collins, wife of the Assistant Secretary of State; Walter G. Davis, Director, AFL–CIO Department of Education; Mrs. John Ehrlichman, wife of the special assistant to President Nixon; Mrs. Daniel Flood, wife of the Congressman from Pennsylvania; Mrs. Loretta Hanes, volunteer tutor; Mrs. Patricia Hewitt, of East Moline, Ill.; Mrs. James Hodgson, wife of the Secretary of Labor; Mrs. Henry Jackson, wife of the Senator from Washington; Gary Kelsey, junior at Spingarn High School, District of Columbia, a student tutor; Dr. Sam Lambert, executive director of the National Education Association; Mrs. Robert McNamara, wife of the head of the World Bank; Mrs. Grace MacNeil, president, Girl Scouts of America; Louis Nunez, national director of ASPIRA; Mrs. Elliot Richardson, wife of the Secretary of Health, Education, and Welfare; George Rhodes, Assistant Superintendent of District of Columbia Secondary Schools; Mrs. Marjorie Savage, principal, Truesdell School; Mrs. Walter Washington, wife of the mayor of the District of Columbia; Mrs. Grace Watson, Office of Education; and Mrs. Elinor Wolf, Office of Voluntary Action.

I believe that my colleagues will be interested in details of the 10 million tutors plan and I submit excerpts from the draft outlining the plan and an article which appeared in the December 17 edition of the Washington Post:

Excerpts From Draft of National Reading Center's Ten Million Tutors Plan

THE CRISIS IN READING

For many people in this nation the door to the whole world of knowledge, inspiration, self-development, and new insights available through the printed word has never opened. Nothing has replaced reading as the key to learning and yet one out of every four students nationwide has significant reading deficiencies and in large city school systems up to half of the students read below expectations. There are more than three million illiterates in our adult population and it is estimated that five million young job applicants annually require some remedial reading assistance before they can be trained for entry level jobs in business. To break this cycle will not only require the continued interest and work of the nation's schools through developmental reading programs, but also the help of many concerned and thoughtful citizens. A major effort to help remedy the problem is through the effective use of volunteer tutors in reading.

MOVING AGAINST THE CRISIS

The National Reading Council proposes to greatly expand the use of volunteer tutors to aid in improving reading skills throughout the country. Projected, this plan could involve as many as ten million tutors by 1976. While ten million volunteer tutors may at first appear unobtainable, the mobilization of our high school and college youth should contribute a substantial portion of the necessary manpower.

In addition, parents, people in business and many national organizations such as the Office of Voluntary Action, National School Volunteer Program, Inc., and hundreds of local organizations will be called upon to help. The concept of tutoring is not new and for the most part has been successful. Expanding the plan and providing the necessary training and the proper sustained mechanism to effectively use volunteer tutors to help large segments of our population must be strengthened.

A nationwide survey made by the United States Department of Labor, Manpower Administration, indicates a growing interest in activities of an educational nature for volunteer efforts. Authorities indicate paraprofessionals definitely have a role in teaching reading and a one-to-one tutoring arrangement can be effective. All evidence indicates that significant gains in reading accrue even when the "teacher" is neither fully nor professionally trained.

PARENTAL PARTICIPATION

With the importance of parental involvement in mind, the National Reading Council has had a primary goal in the development of materials to provide a range of experiences and situations through which a parent will grow accustomed to working with his child, not strictly in a tutorial function, nor as a surrogate teacher, but with the special enjoyment and pleasure of seeing himself as a resource to the child and in their activities together.

The creation of materials and guides for their use, directed toward the largest possible number of parents, should serve both to improve a child's receptiveness to knowledge and to increase parents' awareness of the signficance of the contribution they can make toward their child's future development. Parents of well over 18 million preschool children are the best motivated group to aid their children in reading readiness so essential to learning to read.

YOUTH TUTORING YOUTH

The recruiting of high school students and even junior high school students as tutors for low achieving elementary school pupils can contribute greatly to the manpower resources needed for successfully meeting the need for ten million tutors.

Research has shown that tutorial programs upgrade the reading skills of not only the pupil, but the tutor as well. There are some 22.3 million young people as a source of tutorial assistance for the large percentage of our 36.6 million elementary school pupils in urgent need for reading remediation. Several current national surveys of youth attitudes and values indicate they are concerned about local social issues and want to become actively involved in helping to resolve them.

STRENGTHENING THE WORK OF THE SCHOOLS

Efforts to increase the use of volunteers in school systems throughout the country must be viewed as supportive to these systems. Volunteers are offered to teachers and other professional educators as a means of releasing such professionals from nonprofessional functions. If volunteers can provide assistance to children with mild to moderate reading debilities, teachers and reading specialists can be freed to engage in essential diagnostic work and remedial programs for children with more severe reading difficulties who require extensive and professional therapy.

THE PROPOSED PROGRAM

The concept of increasing the role of volunteers to help with reading problems of school children and adults is feasible and can be expanded to fill the need for as many as ten million people by 1976. When people better understand the seriousness of reading disabilities in our nation and that they can help, the ranks of tutors will grow rapidly as citizens have always joined together to aid in resolving major social problems.

The plan being developed by the National Reading Council is as follows:

A steering committee has been appointed to help develop the plan in detail and guide it to the implementation stage.

The National Reading Council plans a cooperative effort to help the hundreds of organizations already involved in volunteer tutor work since there is a need for proper training materials and mechanism to sustain the effort. If an organization does not exist now, one or several can be developed in the local community. Materials developed by the National Reading Center will be made readily available to these organizations.

The National Reading Center will gather the existing body of knowledge on reading tutors and evaluate material that may contribute to this effort. Completing this task should not require much time since some work has already been done.

Develop material to be used by parents to provide reading readiness for their preschool children.

Materials will be developed by the National Reading Center to aid a school or a community to organize a volunteer tutor group. This will include how to recruit volunteers, how to administer, how to gain the support of the community and the schools.

An expansion of pre- and in-service training programs will be developed to insure maximum effectiveness of the tutor.

This will include concept films and a workshop program to acquaint volunteers with general tutorial procedures. The film series will be developed to provide immediate training to the more qualified volunteers, and will enable the tutorial effort to start at the earliest possible opportunity.

Wide scale assistance from the nation's colleges and universities will be requested to expedite the implementation of the workshop. This assistance will take the form of providing both personnel to train tutor trainers and facilities in which workshops could be held. A network of such training centers across the country will provide a location in proximity to many thousand potential tutors.

[From the Washington Post, Thursday, December 17, 1970]

Ten Million Tutors Sought

(By Gayle Tunnell)

Ten million volunteer tutors will be found, trained and equipped to work with poor readers on a one-to-one basis over the next six years, the National Reading Council has announced.

The Ten Million Tutors Plan is one of the first concrete proposals to emerge from the Nixon administration's intention to eliminate functional illiteracy among Americans by the end of the decade. The national "Right to Read" effort was announced over a year ago as a high-priority goal.

The plan calls for the National Reading Center, the council's working arm, to coordinate public and private efforts to recruit and train volunteers and to develop appropriate teaching materials for them to use.

Walter W. Straley, chairman of the council, predicted that many of the nation's 18 million parents of pre-school children and 25 million college, high school and junior high students would volunteer "if we find ways to provide motivation, materials and training."

Using students as tutors is particularly appropriate, Straley said, because research shows that the great advantage goes to the tutor, while "the lesser, but still important advantage, goes to the tutee."

Although the volunteer tutoring plan is national in scope, there is special emphasis on District of Columbia schools. Council members spent yesterday morning at Truesdale Elementary School, 8th and Ingraham Sts., N.W., observing urban reading programs.

The National Reading Center hopes to at least double the estimated 250,000 to one million volunteers now at work by 1971, Straley said, reaching the 10-million goal by 1976. He said existing tutoring programs are hampered by a high dropout rate and by the fact that untrained volunteers are unwelcome in some schools.

According to Straley the Ten Million Tutors program could cost $50 million a year once 5 million to 10 million volunteers are involved. Funds would come from local and state, as well as federal, sources.

Organized to coordinate the "Right to Read" effort, the council received $1.5 million in federal funds this year. Straley said he would probably request $3 million next year.

The National Reading Center will work with the President's Office of Voluntary Action to set up 160 volunteer centers across the country and will coordinate tutoring efforts of more than 200 existing public and private organizations.

STRANGE VETO OF THE MANPOWER BILL

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. EILBERG. Mr. Speaker, the President's veto last week of the Employment and Manpower bill is yet another instance in the continuing series of ill-advised decisions by the administration. During this Congress, we have witnessed the rejection of the Office of Education Appropriations bill, the Hill-Burton Public Health Law Amendments, and the Department of Housing and Urban Development Appropriations bill. And now the manpower bill has been vetoed.

When will the White House realize that the American people have demanded that our Nation's priorities be reordered? When will it become convinced that our country's internal problems have to be solved?

At this point, I would like to place in the RECORD an editorial concerning this latest administration veto which appeared on December 18 in the Washington Post for the consideration of the Membership:

Strange Veto of the Manpower Bill

President Nixon's veto of the employment and manpower bill is a strange sequel to his pull-together appeal in his news conference last Friday. At that time he said that, with the election over, he has a responsibility "to work with those men and those women elected by the people in 1970" and that he hoped Democrats and Republicans would work with him on future programs. But his veto probably kills a bill on which there was a large measure of compromise—a bill designed to aid the economic recovery in which he is so much interested.

The President rests his case on two chief complaints about the bill. First, he contends that, as finally passed, it would perpetuate and increase the "narrow categorical programs" which he wished to abolish in favor of "a single, broadly defined manpower program." Second, he says the bill is "completely unacceptable" because 44 per cent of the funds authorized would go for "deadend jobs in the public sector." The "WPA-type jobs," he says, would not expand individual opportunity but would "relegate large numbers of workers to permanent subsidized employment."

If these objections rested on solid ground, a veto would appear to be justified. But the President's view of the bill differs sharply from that of its sponsors. Instead of creating more uncoordinated programs, sponsors of the bill say, it would achieve about two-thirds of the consolidation the President requested. One estimate is that the bill would reduce the number of sponsors of manpower programs from 10,000 to possibly 400. The Senate refused to go all the way with the administration's proposed merger of manpower training programs under the authority of the states and cities, because it believed that there is still room for some innovative or demonstrative training programs on the federal level. It is difficult to find justification of the veto in this relatively minor deviation from the White House view.

Far more serious is the fear that the bill would subsidize make work of the type that was discredited during the great depression. But Congress built in substantial safeguards against any reversion to WPA days. The basic purpose of this section of the bill is to provide training for persons who could be usefully placed in state and local governmental jobs that are now filled. Many of these jobs are in hospitals, public recreation, sanitation service and so forth. In the past the unemployed have been trained for a great variety of jobs, but many have found nothing to do at the end of their training. Congress proposed to provide funds so that they could get some actual work experience in the public service, with the expectation that most of them would then graduate into private employment.

The Senate refused to compel a fixed quota of the trainees to move out of public jobs within a specified period. But it wrote several safeguards into the bill. The Secretary of Labor could reject any state or municipal plan lacking provisions for upgrading trainees and helping them to move on to better jobs. The bill as passed would also require an annual review of the situation, with power in the secretary to cut off funds for any program that might lapse into the WPA pattern.

Some of the language in the veto message raises a serious question as to whether the President fully understands what Congress was trying to do. It is a pity that he did not further scrutinize the bill with the help of Senator Javits or the U.S. Conference of Mayors, whose spokesmen were clamoring to be heard. Rumor has it that the Department of Health, Education and Welfare and the Office of Economic Opportunity were also eager to have the bill signed.

If Congress fails to pass the bill over the President's veto, it seems probable that the controversy will flare up again in the tense political atmosphere of 1972 when the present Manpower Training Act expires. The Senate Committee on Labor and Public Welfare has indicated that it will have no time for manpower legislation in the 1971 session. An upset of this veto could in the end be an advantage to the President as well as to the unemployed who are looking for additional training and opportunities.

PLANNERS MUST RECOGNIZE THE NEEDS OF THE WEST

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. JOHNSON of California. Mr. Speaker—

> It has been said railroads built the West. It now can be said they should save the West. They will not if Washington planners do not recognize the needs of the West.

The words quoted above are from an editorial published recently in the McClatchy Press in California following the initial announcement regarding designation of a preliminary rail passenger system.

I feel very strongly that the system as now conceived fails to recognize the needs of some 35 million people living in the Pacific Coast States which represents one of the fastest growing areas in this Nation.

Though the preliminary system does have spokes eminating from a Chicago hub to Seattle, San Francisco, Los Angeles, Houston, and New Orleans, there is no rim on this western portion of the wheel. I have today urged Secretary Volpe to repair this oversight with a letter which follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 21, 1970.

Hon. JOHN A. VOLPE,
Secretary of Transportation, Department of Transportation, Washington, D.C.

DEAR MR. SECRETARY: In connection with the establishment of a basic national rail passenger system recently authorized by the 91st Congress, you set your goal as establishing a balanced surface and air transportation system for this Nation. I applaud this goal heartily.

I would concur completely in your statement: "I believe that Americans will ride the railroads in increasing numbers if they are given good, fast, clean, safe and efficient service between metropolitan centers. I also believe that we need rail passenger service, or else the congestion on our highways and in our airways will become intolerable."

The preliminary national rail passenger system set forth by you as a result of the legislation establishing the National Rail Passenger Service Corporation is, I believe, just that: "preliminary". I recognize that the initial system you designated is indeed a starting point and I would call upon you to expand this system prior to the time that you implement it after receiving the necessary comments.

The system now designated reaches approximately 105 million Americans according to your statement. I feel that necessary steps must also be taken to reach a substantial number of those omitted from your first proposal. Additionally, I feel that those 105 million to whom you refer are in many ways not adequately served.

Might I point out that a passenger desiring to go by rail from Houston to Los Angeles, for instance, can only do this by way of Chicago. To carry this further, the person going from Los Angeles to San Francisco or Seattle, again, can only do this by way of Chicago.

I would therefore suggest very emphatically that the broken spoke in your transportation wheel be mended and that the system be modified prior to its implementation to include service from New Orleans to Los Angeles by way of Houston, if you desire, and service from San Diego to Los Angeles, San Francisco and Seattle.

Rails, as you well know, historically have played a tremendous role in the development of the West and our existing railroads are among the best in our Nation.

I would like to quote an editorial from the McClatchy Newspaper in California which, I believe, sums up the situation very well:

"It has been said railroads built the West. It now can be said they should save the West. They will not if Washington planners do not recognize the needs of the West."

Mr. Secretary, in conclusion, may I urge you to recognize the needs of the West and to expand the basic transportation system now before it is put into effect in order to provide the service to the millions of people residing in the Pacific Coast states, people whose needs were ignored in the original proposal.

Sincerely yours,
HAROLD T. (BIZZ) JOHNSON,
Member of Congress.

Additionally, I would like to share with my colleagues some of the comments made by two of the leading newspapers of California, the McClatchy Press which publishes the Sacramento, Modesto, and Fresno Bees, and the Los Angeles Times.

I insert at this point first, the editorial from the Bee, and second, the comments from the Los Angeles Times:

NATIONAL RAIL NETWORK SHOULD INCLUDE BETTER SERVICE TO GROWING WEST COAST

The proposed national network of through-passenger railway service announced by Transportation Secretary John A. Volpe in Washington has a glaring omission. It does not include a north-south route on the West Coast, and of the 16 lines proposed 13 are oriented in the East and only three are suggested for the West.

Because the plan is just in the beginning stage it is important the north-south connection and Western interests be protected before it is too late. The route is needed now and will be even more necessary as the population and commerce in the West continue to grow.

The newly created national rail passenger corporation to administer the nation's passenger railroads should take into consideration the needs of the West as well as those of the East and Midwest.

Volpe has designated connections between San Francisco and Chicago, Los Angeles and Chicago and Seattle and Chicago. This is commendable, of course, but it does not take care of the need for routes from, say, San Diego to Seattle. Commerce on the West Coast does not go just one way—west-east.

There is another factor overlooked so far in Volpe's recommendations. It has not been decided whether to place Sacramento on the east-west line. It would be nothing short of criminal to bypass the Capital City of California in any new passenger railway proposal and to neglect the urgent needs of the valley cities.

Fortunately, California and other Western states congressmen have started a concerted effort to persuade the Nixon administration to pay more attention to this area.

Rep. John E. Moss of the 3rd, Sacramento County, District, a member of the House Interstate and Foreign Commerce Committee which worked on the basic legislation intending to provide better rail passenger service, plans to place Western interests before Volpe.

Rep. Lionel Van Deerlin of San Diego pointed out in a House talk more than 40 million persons a year travel the corridor from San Diego and Los Angeles alone. Certainly this should be evidence enough to convince Volpe of the need for north-south considerations.

It has been said railroads built the West. It now can be said they should save the West. They will not if Washington planners do not recognize the needs of the West.

U.S. RAILROAD PLAN IS NOT ENOUGH

The proposal by Congress and the Administration to save what's left of the nation's rail passenger service may be too late. It certainly is too little.

As announced this week, the plan could have an adverse effect upon existing north-south service in California and along the entire West Coast. Los Angeles-Chicago and San Francisco-Chicago are the sole California routes initially included in the government-sponsored network.

Only 14 major U.S. cities would be linked by passenger lines in the system to be operated by a quasi-public corporation known as Railpax. More than half of the 366 passenger trains now in operation had to be dropped from the badly under-funded proposal.

"I wish the system could be bigger, more all-encompassing," said Transportation Secretary John A. Volpe. But to salvage diminishing passenger service and help deficit-ridden railroads, Congress provided a mere $40 million in grants plus another $300 million in loans and loan guarantees.

In contrast to the billions spent on subsidizing motor vehicle and air traffic, the money allocated to save passenger trains seems ridiculously low.

It can be argued that the railroads are primarily to blame for their loss of passengers. Since carrying freight is far more profitable, rail companies have allowed service on passenger trains to deteriorate or have abandoned the trains altogether.

The passenger train, though, is far too valuable a national resource to be allowed to die, particularly at a time when intercity airliners are crowding the skies and their passengers are jamming surface routes to and from airports. And intercity highways are also becoming increasingly crowded.

Trains can move people at comparable cost, with less air pollution, and more directly from downtown to downtown than can aircraft.

The Metroliner operating between New York and Washington is an example of fast, comfortable service that has generated ever-increasing patronage.

High-speed trains operating in the heavily traveled corridor between Los Angeles and San Francisco would certainly have passenger appeal. But under the initial Railpax plan, no provision is made for them or even for preserving the existing service.

Under the legislation enacted this year, railroads would be able to unload their passenger service by "buying" into Railpax, the National Railroad Passenger Corp., according to a formula based upon their passenger service deficits. An estimated $200 million, helped out by federal loans, would thus be raised to allow Railpax to purchase the railroads' equipment and to operate the limited number of routes.

Other intercity and interstate routes serving California were not included, a Transportation Department spokesman told The Times, "because the service wouldn't make money . . . not even reach a break-even point over a five-year period."

Yet there are a total of 7,483 miles of railroad track in California, and the Southern Pacific's commuter service along the San Francisco Peninsula carries almost 5.5 million passengers annually.

At least one member of the California Public Utilities Commission deplores the threatened extinction of rail passenger traffic within the state. "We must do everything possible," A. W. Gatov told The Times, "to maintain existing rail facilities so that mass transportation can effectively replace the motor vehicle monopoly of surface travel."

The Times concurs.

We believe that Congress must invest more money in preserving and improving rail passenger service, if we are to achieve a rational transportation policy for the nation.

TRIBUTE TO WILLIAM G. COLMAN—AN OUTSTANDING PUBLIC SERVANT

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. FOUNTAIN. Mr. Speaker, I would not want this session of the Congress to end without expressing my great admiration and appreciation of William G. Colman's outstanding service as executive director of the Advisory Commission on Intergovernmental Relations. Bill Colman served in this capacity from the time the ACIR began functioning, shortly after its creation by the Congress through Public Law 86–380 in late 1959, until his retirement early this year.

Under Bill's leadership during these first 10 years, ACIR developed from a fledgling organization into a widely respected agency whose excellent research and policy guidance has had a marked effect on all levels of government—Federal, State, and local.

When he was selected by the commission to direct its operations, Bill Colman had already distinguished himself in several public service careers.

Immediately before and after active service with the U.S. Navy in World War II, Bill established and administered personnel systems for the State governments of Missouri, Louisiana, and Oregon. Next Bill turned his talents to our foreign aid programs and served successively as public administration adviser to the Greek Government, a deputy director in the Economic Cooperation Administration, and acting chief of the ECA Mission to Korea.

Following a period of executive service with the Federal Civil Defense Administration and later with the Office of Defense Mobilization, in 1954 Colman became assistant director of research for the Kestnbaum commission. That temporary body, officially named the Commission on Intergovernmental Relations, was established by Congress, at President Eisenhower's request, to make the first official comprehensive study of our Federal system since the Constitutional Convention in 1787.

After the Kestnbaum commission completed its assignment in 1955, Bill went to the National Science Foundation as a consultant. He was the executive assistant to the NSF director when ACIR in effect drafted him to head up the new organization.

As a member of the ACIR selection committee set up to screen candidates and nominate a director, I can testify that in the course of interviewing many highly qualified candidates, the committee was most favorably impressed not only with Bill Colman's impressive background, but also with his great potential.

Our good judgment as well as our good fortune in recruiting him was more than vindicated by Bill's imaginative and skillful performance. Retirement from Federal employment, as those who know him would expect, has not meant the traditional rocking chair for Bill. As a consultant to public and nonprofit organizations, a university lecturer, and a member of the Montgomery County School Board, I am certain that he works at least as many hours as before "retirement." I am most pleased that the public has not lost his valuable services, and I wish Bill Colman well in all of his future undertakings.

Mr. Speaker, I am inserting at this point the resolution which was adopted by the Advisory Commission on Intergovernmental Relations at its December 19, 1969, meeting in recognition of Bill Colman's many contributions and devoted service.

WILLIAM G. COLMAN

Whereas Bill Colman has been the first and only Executive Director during the ACIR's ten year existence; and

Whereas in this period the American federal system has undergone turmoil unparalleled in the past 100 years, challenging the fledgling ACIR in a manner that could never have been foreseen by its Congressional fathers but testifying to the wisdom of their bringing this organization into being at this critical time; and

Whereas the ACIR in these formative years has met this challenge with considerable success as measured by:

The volume and excellence of its published reports,

The number of its policy recommendations put into effect by Federal, State, and local governments,

The relevance of those reports and recommendations to the critical issues of the day,

The rising demand for advice and consultation by Commission members and staff, and

The complimentary references to the Commission's work by governmental officials, mass media, learned journals, and public commentators of all varieties; and

Whereas this enviable reputation is testimony to the high caliber of Commission members past and, in all modesty, present and their dedication to the mission of the Commission, to the moral and financial support of the Federal Executive Branch and the Congress, and to the unwavering loyalty, attention, and understanding of the national associations of State and local officials; and

Whereas every governmental commission leans heavily on its staff for assistance and support in the day-to-day pursuit of its objectives and rises or falls to considerable extent on the quality of its staff; and

Whereas Bill Colman has served this Commission superbly by recruiting, molding, and directing the ACIR staff with a unique combination of energy, inspirational leadership, unrivaled knowledge of Federal, State, and local governments, imaginative approaches to intergovernmental issues, uncanny sensitivity to the multitude of personal and political forces that shape this complex field, and unsurpassed skill and pungency with the spoken and written word; and

Whereas Bill has built warm personal friendships with many Commission members, present and past over the years; and

Whereas—to our regret—Bill has elected to retire from government service at the end of this year;

Now therefore be it resolved that the Advisory Commission on Intergovernmental Relations wholeheartedly commends and thanks Bill Colman for a job superbly done over the past ten years in setting this organization firmly on course, extends to him its profound wish for continuing success in whatever career he chooses to follow hereafter, and hopes that as ex-Executive Director he will continue to give the Commission the benefit of his wisdom, counsel and friendship as the circumstances permit, which we hope will be often.

Done at Washington, D.C., this 19th day of December, 1969.

MEMBERS OF THE COMMISSION, DECEMBER 19, 1969

Robert E. Merriam, Chairman.

Richard G. Lugar, Vice Chairman.

From the United States Senate: Sam J. Ervin, Jr., North Carolina; Karl E. Mundt, South Dakota; Edmund S. Muskie, Maine.

From the United States House of Representatives: Florence P. Dwyer, New Jersey; L. H. Fountain, North Carolina; Al Ullman, Oregon.

From the Federal Executive Branch: Robert H. Finch, Secretary of Health, Education, and Welfare; Robert P. Mayo, Director of the Bureau of the Budget; George Romney, Secretary of Housing and Urban Development.

Governors: Buford Ellington, Tennessee; Warren E. Hearnes, Missouri; Nelson A. Rockefeller, New York; Raymond P. Shafer, Pennsylvania.

State Legislators: Senator W. Russell Arrington, Illinois; Senator B. Mahlon Brown, Nevada; Senator Robert P. Knowles, Wisconsin.

County Officials: John F. Dever, Middlesex County, Massachusetts; Edwin G. Michaelian, Westchester County, New York; Lawrence K. Roos, St. Louis County, Missouri.

Mayors: C. Beverly Briley, Nashville, Tennessee; Richard G. Lugar, Indianapolis, Indiana; Jack Meltester, San Leandro, California; William F. Walsh, Syracuse, New York.

Public Members: Howard H. Callaway, Georgia; Dorothy I. Cline, New Mexico; Robert E. Merriam, Illinois.

THE RIGHT TO LIFE

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. BOLLING. Mr. Speaker, Thomas J. Watson, Jr., chairman of the board of IBM in the following article recalls his opposition to national health insurance some 21 years ago and gives sound arguments in behalf of this program today:

REMARKS BY THOMAS J. WATSON, JR.

I have become increasingly appalled to read of a country which during the past two decades has dropped from seventh in the world to sixteenth in the prevention of infant mortality; in female life expectancy from sixth to eighth; in male life expectancy from tenth to twenty-fourth; and which has bought itself this unenviable trend by spending more of its gross national product for medical care—$1 out of every $14—than any other country on the face of the earth.

The country I am talking about is our own U.S.A., the home of the free, the home of the brave, and the home of a decrepit, inefficient, high-priced system of medical care.

I know experts disagree over our precise international standings. I realize that medical problems here and abroad are not identical. I know American medicine has scored many brilliant triumphs.

But on the evidence, we are clearly moving in the wrong direction; failing to fulfill adequately for all our people the first right set down in the Declaration of Independence—the right to life.

How do we extend coverage for medical bills to everyone? By stretching the umbrella of private health insurance which still doesn't come close to covering Americans today? No. We need a far more thoroughgoing reform.

That brings us up against an old taboo "socialized medicine." I completely believe in the American free enterprise system. But when the system fails to produce I think we should not flinch from looking to some sort of government intervention.

That, in American medicine today, means some new form of national health insurance.

What must we do to restore that right?

First, as the Carnegie Commission said in October, we have to beef up our arsenal: Train more doctors, more nurses, more paramedics; bail our medical and dental schools out of their deep financial troubles; break ground for new hospitals and clinics; in a word, spend more money.

Second, we must have better management, better organization, more efficiency.

I find it shocking to read of legal roadblocks against comprehensive prepaid group practice, which has repeatedly delivered better care at lower costs; of slums without a doctor; of highly trained medical corpsmen who, if they want to enter medicine as a civilian career, find just one job open to them—hospital orderly.

We cannot continue to live with facts like these.

Third, we must put health care within reach of every American.

Under our present system, the poor—especially the non-white poor—suffer by far the most. Non-whites have a life expectancy six years shorter than whites; twice the whites' infant mortality.

Twenty-one years ago President Truman urged a national health system. In 1949, as a dyed-in-the-wool free enterpriser, I accepted the argument, that we didn't need it. But I cannot accept that argument in 1970.

A variety of health insurance bills have been introduced in the Congress. But no comprehensive plan appears to be moving very fast. We do not need national health insurance as a political football in 1972. We need a new national health insurance law. I hope the Administration will put this at the top of its priority list for 1971.

To get that legislation, the partisans of varying plans—in the Congress, the American Medical Association, the A.F.L.-C.I.O.—must get together. To speed such compromise, I believe all of us as citizens should start now to build a bonfire of persuasion—to speak out, to demand change, and not stop until we get the legislation we need.

We can take pride in our system of universal public education, social security, and work laws.

The time has now arrived for us to have a system of universal public medicine to do for us what the Scandinavian and British systems have done for those countries: Put them medically at the top of the world.

We must bring the fullness of American medical care to all the American people. As the greatest nation in the world I believe we can do no less.

Thomas J. Watson Jr. is chairman of the board of International Business Machines. These remarks are excerpted from a speech delivered in Rochester, Minn., on the Mayo Foundation's Industry Day.

THE SPEAKER'S MOTHER, MARY ELLEN, "HAD EVERY INFLUENCE ON ME"

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, may I call the attention of the Members of the Congress a very well written article that appeared in the Sun-

day Star here in Washington D.C., by Donnie Radcliffe, Star staff writer.

The article follows:

THE SPEAKER'S MOTHER, MARY ELLEN, "HAD EVERY INFLUENCE ON ME"

"The Speaker is the hub of the whole Congress, not just the House. It's hard to beat him on anything."

Rep. Carl Albert, D-Okla, Majority Leader.

(By Donnie Radcliffe)

House Speaker John W. McCormack insisted on no bodyguards during the 14 months he was separated from the Presidency by only Lyndon Johnson's heartbeat.

His reason: not inflated bravery but concern for the Constitution's sacred division of power.

"I was Speaker of the House of Representatives and under the Constitution occupied the No. 1 legislative position. While I was next in line of succession, if I permitted the Executive branch to give me protection I was by indirection, at least, enabling the Executive branch to absorb to some extent the Legislative branch of government."

The 78-year-old Massachusetts Democrat remembered the incident vividly as he reminisced at his desk on the eve of retirement after 42 years in the House.

ARTFUL DEVICE

"It was an artful device," he said, "but it was correct, too."

He recalled how the day after President John F. Kennedy's assassination he telephoned the heads of the Secret Service and Federal Bureau of Investigation demanding that they call off their men who, as an aide put it, "had come out the walls" the moment the news had reached Washington.

The night of the shooting Mrs. McCormack reported to the Speaker she thought there were federal agents next door to their suite in the Washington Hotel.

The following morning, noticing the neighboring door ajar, the tall, white-haired McCormack looked in, saw three men and dispensing with the customary amenities asked them point blank if they were with the Secret Service or FBI.

They told him they were, one with the FBI and two with the Secret Service.

"I said 'I don't want any protection' and they said they had to, they were ordered."

To McCormack's quick mind, there was nothing in the law providing protection to the President and Vice President that said the Speaker had to be protected as well.

"If I had been Vice President," he said, throwing up his hands, "I would have had to obey."

"When he leaves the speakership, it will be the end of an era," a colleague once said. "Lyndon Johnson will be the last President born in a log cabin and McCormack will be the last Speaker who didn't attend high school."

Born in South Boston 79 years ago tomorrow, John William McCormack was one of 12 children (nine died at an early age). He was 13 years old when his stonemason father Joseph McCormack died.

They lived in the poor Irish Catholic community of Bay View, paying $1.50 a week rent—"we couldn't pay more, we couldn't get anything less."

With his father gone, John became head of the family earning $3.50 a week as an errand boy for a curb exchange stockbroker. On Sundays, he and his brothers Edward ("Knocko") and Daniel earned $8-$10 a week delivering newspapers.

"It enabled that wonderful mother of ours to keep us together."

Mary Ellen McCormack "had every influence on me—she still does today." As neighborhood confidante and adviser, his mother was "better educated probably than most of the others" who lived around them.

"She implanted in me character which is so important in the life of every individual."

Even as a youngster, John McCormack was an avid student of government. The day he obtained his first library card was a milestone in his life.

"I'd attend all kinds of rallies, some were violent demonstrations against women's suffrage." And the "strong, wild utterances" against giving women the vote perplexed him.

"I'd go back and look at that wonderful mother of mine and I'd say 'who dares tell me my dear mother couldn't vote better than most men in the community?' That settled the question for me when I was 13 years old."

To a youngster surrounded by poverty "the challenge was there" if only on the printed pages of Horatio Alger and Dick and Frank Meriwell.

"In those days novels were five cents apiece. I couldn't buy a five-cent novel so I used to swap second-hand ones. And I wouldn't swap a novel unless I got a Dick or Frank Merriwell that I hadn't read."

Horatio Alger was "inspirational—he overcomes great difficulty"—and even today John McCormack believes that such books should be "a must through the period of puberty and adolescence."

"It's the small matters that constitute turning points in the lives of so many persons," McCormack continued, lighting up a cigar. "Something happens at the time, you don't attach any significance to it, but as years go by you realize . . ."

For John McCormack, with only a grammar school education, the "turning point" was a job offering 50 cents more a week as errand boy in a law office.

"If the stockbroker's office had offered me $4 a week, I'd have stayed there. I'd probably have been a court officer or something, active in politics, you know. But the broker's office failed about a year later."

At $4 a week in Will T. Way's law firm, McCormack began studying law—"hard? yes, tough? yes"—in the way lawyers often were trained.

"I was determined to give that dear mother of mine the living she was entitled to—that was part of my stimulation, ever-carrying-on determination to attain my ambition."

At the age of 21, by then making $7 a week, he passed the bar.

"Two members of the feminine sex have played vitally important parts in my life—my dear mother and Mrs. McCormack, my wife," said the Speaker.

In 1920, young McMormack married Harriet Joyce of South Boston, a petite, blue-eyed lass whose "rich contralto voice—just like an organ"—had won her a contract with the Metropolitan Opera Co.

It was love at first sight—"no question about it"—when they met at a friend's house. And though he professes not to know how he did it, he persuaded her to give up her career to marry him.

Now ill in Providence Hospital where he is with her every evening, Mrs. McCormack has never been far from his side in their 50 years of marriage.

They did not go in for socializing, appearing at receptions and dinners only on rare occasions during their 42 years in Washington.

"Mrs. McCormack and I have led the life that we believe in, that we both wanted," said McCormack whose lifelong abstinence from alcoholic beverages is another Washington wonder.

"I have a fixed policy throughout my entire life that I never take a drink before 9 o'clock," he said he told a friend who offered him a drink a few years ago.

"After pausing a little, I smilingly said 'And after that it's too late.' The friend started to smile and I said to myself 'John, why didn't you think of this before?' "

The McCormacks' secret to a successful marriage was "no secret."

"We have always remained sweethearts."

He has depended upon her for companionship, encouragement and even, at times, advice.

"Not that I'm vain or anything," he told the photographer as he pulled out his comb, "but Mrs. McCormack says when you have your picture taken 'comb your hair'."

Proud of his wife's talents both as a painter and a singer, he said she sometimes sang to him when they were alone, including a particular favorite, "Mighty Like a Rose."

While the rest of official Washington might be party-hopping at night, the McCormacks would be keeping each other company.

She might watch television and he would write "sometimes 5, 10 or as many as 20" handwritten letters, something he called "a controlling influence on my nervousness to work—the nervousness of inactivity."

The first two years I was in the House, while I participated in some debates, I more or less devoted my time to watching the older members perform . . . I was the beneficiary of John Garner and Sam Rayburn and I didn't know they were noticing me."

From the Massachusetts legislature where he served in both houses, McCormack came to Washington in 1928 to fill an unexpired term of the late Rep. James A. Gallivan and the next regular term.

"I studied the rules of the House—I've been studying them ever since, matter of fact."

He did not limit himself to that and remembers well his first speech in February, 1929, urging repeal of the National Origins Clause which finally was repealed 40 years later.

The Democratic leadership had been watching the freshman congressman from Massachusetts.

"As we do—the leadership—now observe new members and form an opinion as to the type of members they are, whether they are just going to be one who plays to the public or take their work seriously, and whether they are going to contribute in a team manner to party action or not."

Fledgling Congressman McCormack asked John Nance Garner, about to become speaker, to help him get on the Judiciary Committee and was told—to his surprise—that the leadership had him earmarked for Ways and Means.

So he reminded Garner, politely of course, that "you have to be elected to Ways and Means in a Democratic caucus."

He wasn't asking for any commitment, he said, but if Garner would just "sort of blow your nose at me, I'll get the hint."

Garner told him to get the head of the Massachusetts delegation to send out letters of support to all the members, and "I knew that I had gotten more than his nose blown at me."

It led, of course, to lifelong friendships ("We were more than just colleagues") with Garner, later the vice president, and Sam Rayburn, McCormack's predecessor as speaker.

Rayburn's Texas delegation had been the first to vote unanimously for McCormack in his bid for Ways and Means and McCormack became the first Democrat ever elected to that powerful committee with only one full term of service.

"I don't mind being a candidate," the Speaker continued, "but when I'm a candidate I want to win."

McCormack only lost one election during his 50 years in politics, that one in 1926 when he tried to win the Democratic nomination for Congress away from Incumbent Jim Gallivan.

The idea that he had run only a token race, not really expecting to win, may still rankle him.

"I wasn't one of those who run to take a licking or two in order to win later on," he said.

Once in Congress, he rose from freshman legislator to Democratic whip, majority leader and in 1962, speaker.

"I was a Democrat, I supported Democratic measures . . ." was the credo he built his career upon.

A year ago, after published reports that his administrative assistant Martin Sweig and a New York lawyer Nathan Voloshen had used McCormack's office for unauthorized purposes, McCormack characteristically announced he would seek re-election.

But those close to him said he had decided a year or so earlier that he would not run in 1970. He announced his change of mind earlier this year "when the timing was right in Massachusetts," according to an aide.

"Mr. Speaker," interrupted an aide, "they're almost finished in the well, sir."

McCormack snubbed his cigar in an ashtry, bounded out of his swivel chair and strode across the room, pausing beneath the crystal chandelier that reportedly once hung in the White House but whose tinkling on breezy days annoyed Theodore Roosevelt so much that he ordered it removed.

"I don't like the word 'reminisce,'" McCormack kiddingly scolded, the now-familiar scowl wrinkling his forehead. "I'm still looking to the future."

Then disappearing through the door, the 45th speaker of the House, the first Roman Catholic in that post and the first in history ever to retire from it, thundered:

"Fifty cents a week—amazing!"

A DAY WE TURNED OUR BACKS

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. PETTIS. Mr. Speaker, the American people have been justifiably outraged over the inexcusable action that took place on the Coast Guard cutter *Vigilant*. People of all ideologies can concur that America must forever remain a bastion of freedom, with her arms open to the oppressed who cry out. I believe the following editorial sums up the matter very succinctly:

A DAY WE TURNED OUR BACKS

President Nixon was reported to have been "outraged" over the conduct of those who permitted a would-be Lithuanian defector to be forcibly removed by Soviet seamen from a U.S. Coast Guard cutter Nov. 23.

There was little in the official reports on the incident yesterday from the two governmental agencies involved to mollify either the President or any American citizen proud of our nation's history and traditions—of the very fact that America was colonized and founded as a sanctuary for those fleeing from Old World political oppression and persecution.

The incident occurred as the U.S. Coast Guard cutter Vigilant and a Soviet trawler were moored together off New England. A luckless Lithuanian radio operator aboard the Russian vessel, Simas Kudirka, 35, leaped aboard the Vigilant and begged for political asylum.

Several hours later, incredibly, Soviet seamen were permitted to come aboard the U.S. ship, search out the hiding Kudirka, and—according to witnesses—beat, kick and drag him back to the Soviet trawler. U.S. Coast Guardsmen reportedly stood by without interfering, despite the man's pleas on bended knees for help.

The gist of one official report yesterday, from Secretary John A. Volpe of the Transportation Department—which administers the Coast Guard—was that "before this incident the Coast Guard had not received from the State Department guidance as to general policy with regard to defectors."

The official State Department report based most of its own defense on alleged confusion over just what was taking place aboard the Vigilant, and when. The State Department report did acknowledge that some time after being notified the incident was in progress it in turn informed the Coast Guard "that the possible defector should not be encouraged and noted the possibility of a possible provocation."

What, if anything, the official explanations have explained remains a mystery.

Why any American, particularly a military officer—as Secretary Volpe suggests—should require "guidance as to general policy" on whether to unhesitatingly grant at least temporary asylum to a man pleading for a chance at freedom, is an even deeper mystery.

"Mother of Exiles" is the name Emma Lazarus gave to the Statue of Liberty in her famous sonnet, and it fits. Through the years, the United States has welcomed thousands of foreigners fleeing persecution in their native lands. Most recently, they have included thousands upon thousands of refugees fleeing persecution in Nazi Germany, Communist Hungary and Fidel Castro's Cuba.

If America means anything to oppressed people the world over, it means that somewhere in this world—although perhaps practicably unreachable—a place does exist where hope and freedom awaits them.

Simas Kudirka dared to reach out for that promise and had it in his grasp, only to see it wrenched back again through the indifference and inaction of a simpering bureaucracy whose apparent first concern was to caution against "a possible provocation" and whose last concern apparently was the history and tradition of a proud nation which once was able to boast to the entire world that it was the land of the free and the home of the brave.

PRIDE OF COMMUNITY

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. MILLER of California. Mr. Speaker, there are many ways in which we can contribute to the welfare of our Nation, and the continuance of our democratic way of life, and not the least of them is by buying U.S. savings bonds.

A very good friend of mine, now deceased, who was an outstanding citizen of our community came to this country from Denmark, worked hard and became a financial success. His one complaint to me during the war was that Americans did not buy enough savings bonds and, that in order to sell them, the Government had to pay interest on the money. He felt that our democratic form of government was the responsibility of all of the people and that we should all share in its support.

He was right but, fortunately, the Government does not demand this sacrifice of us and it does pay interest on the money we lend it.

I would like to include, as a part of these remarks, the following statement, which points up the importance of purchasing savings bonds:

PRIDE OF COMMUNITY

Abraham Lincoln said—"I like to see a person proud of the community in which he lives. And I also like to see someone living in such a way that his community is proud of him."

There is a long honor roll of distinguished volunteers who power the public-service programs of the American society. And, when the subject is U.S. Savings Bonds, volunteers are first to tell you that, as good Americans—"The Most We Can Buy Is The Least We Can Do!"

Most of us are proud that we are Americans. We like to brag about being "100-percent Americans". But, these are times for greater pride, extra effort—if we are to preserve our rights to enjoy the fruits of freedom.

When it comes to supporting and preserving a stable economy, there's no more certain way than signing up for the Payroll Savings Plan, where you work, or the Bond-A-Month Plan, where you bank.

What better proof of the brag about being top-side citizens. We might even wind up convincing ourselves that we're "100-plus-percent Americans"—the plus being the percentage that we put into Savings Bonds.

Of course, they are our own hedge against inflation—as they also aid the government in its management of our fiscal affairs. Plus—and a big one—the safety and security with which they help to stabilize our personal and family future.

Volunteers may feel that they are walking in the footsteps of the "Minute Men", who long ago earned a place of high honor in our history. In the war for our independence, they were the patriots who were ready to rise to arms—at a moment's notice—to defend their homes and their fledgling freedom.

Today, modern "Minute Men" maintain a special meaning for the Department of the Treasury and its Savings Bonds Program. They are the volunteers—like the valiant leaders of banking, business, labor, media and the professions in my great state of California—who promote and increase the sale of U.S. Savings Bonds.

I salute their enlightened self-interest and their distinguished public service. I encourage citizens of my state and every state to add to their brag about being "100-percent Americans".

The very act of becoming volunteers demonstrates Lincoln's concept of pride in community. The respect returned for jobs well done is pride expressed by the community in its volunteers. The roll is long; the record is clear!

And, remember—no one ever gets back one penny less than the amount that he puts into U.S. Savings Bonds. Where else can you find that kind of guarantee, with interest? And the interest is now 5½ percent—when held to maturity of 5 years and 10 months—when the half percent is added as a bonus for your prudence.

DRUG ABUSE

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. SYMINGTON. Mr. Speaker, I would like to take this opportunity to share with the House the recent initiative of a St. Louis teen magazine to deal with drug abuse in our area.

During the past few months, Prom magazine, which is published by Miller Publications of St. Louis, has featured a monthly series illustrating the disastrous effects that drugs have had on several St. Louis young men and women, Julian H. Miller II, publisher of Prom magazine, outlined the intent of this series in a recent editorial. He stated:

Many teenagers will accept and respect the facts that they receive from adults who are qualified to advise or inform young people about drugs. But some people, especially those who are rebellious or inclined toward drugs will not pay attention to "adult advice" from the so-called Establishment.

Who will they pay attention to? Mostly, they will pay attention only to other young people who were, themselves, rebellious and who actually have used drugs, because they can "identify" with those people. They realize that those young people know the good and the bad about drugs, from their own real "personal experiences". And if those writers can, in addition, be local students or drop-outs or recent graduates from our own St. Louis Area schools, writing under their real names and pictures, that is the most "relevant" of all—and that is what most local young people say they want to read, concerning the possible specific dangers of using and abusing certain drugs, and of getting further involved in the "drug culture".

Also, most young people want to read it privately, alone or with friends, not face it in a public lecture where "peer pressure" makes it difficult to accept or admit or react affirmatively.

I commend this outstanding publication to my colleagues, and I offer for insertion in the RECORD the following personal accounts of Miss Helen Petty and Mr. Tom McGowan, two young St. Louis Countians:

MY 6 MONTHS IN JAIL IN ST. LOUIS

(By Helen Petty)

(NOTE.—Helen Petty went to a junior high school in Affton and to O'Fallon Technical High School in St. Louis but she dropped out in her junior year "because I was doing drugs and lost interest in school". After several years of "problems", including illnesses and arrests, Helen entered Forest Park Community College.)

I started on drugs when I was 14. I didn't really plan to, I mean I didn't go looking for them, but they found me. A boy I knew who was older, he was 15, was selling amphetamines, uppers, to kids.

The first time I took anything it was not because I decided to "do drugs" it was just because I wanted to stay up all night with some people who were having a party, so I took two bennies. They really didn't do anything to me but then the next time, I started on dexedrine capsules, and they kept me "up" for a pretty long time. I got into the habit and kept on taking dexies and whites (bennies) and other amphetamines for years.

At first, the main trouble I would have from the uppers was that whenever I would stop I would be pretty tired and would sleep all the time and you get kind of crabby.

I LOST 30 POUNDS

But when I ran into the real problem was when I started shooting meth-amphetamine, speed. I lost 30 pounds and I was down to 80 pounds when I got busted. But after a while your body becomes accustomed to it, and instead of feeling "up" and running around, your exhaustion replaces the effect of the high, which is a real bummer, and I slept constantly. It was hard to get up and eat. You can't even make it out of bed and everything's in sort of a haze, a real rundown feeling. It's hard to believe but I used to fall asleep like right in the middle of a sentence.

The only thing that finally got me off amphetamines was when I got busted, and that was a year ago, in November 1969.

FORGED PRESCRIPTIONS

It happened because the huge amounts of amphetamine which I was using were hard to get so, you know, you start trying the forged prescription bit.

A girlfriend of mine from Olivette and myself went to pick up a refill on a phony prescription that I had gotten about two weeks before. It was at a discount store on Page, in Pagedale. We went into the store to pick it up and the County Police were there and they busted us for attempting to obtain a stimulant drug by fraud, because it was a fraudulent prescription.

The police took my girlfriend and me to the County Police station in Clayton and we were booked and searched and put in the holdover for 20 hours. They found pills in the bottom of my purse. I had a prescription for them but I didn't have it with me and they weren't in a prescription bottle. They charged me with illegal possession of a stimulant drug.

The next day my mother got me out on bond in the county, but a week later I was busted again—this time it was in the City of St. Louis—with a boy who graduated from Ladue High School and who was going to Forest Park Community College.

He had telephoned our "prescription" to a drugstore down in South St. Louis and then we went down there and I went in, paid for the prescription, walked outside, then I saw a police car. It was unmarked but I realized who it was and I threw the stuff away, but I didn't get it far enough away. I jumped in our car and I told the boy to drive off, but the police car blocked us and arrested us. The druggist had telephoned the police because he didn't believe it was a "doctor" who phoned it in.

"ILLEGAL POSSESSION"

So they had us for illegal possession of a drug. I was taken downtown to Central Booking and then they put me in the St. Louis city jail. My mother wouldn't go the bond, not because she couldn't afford it or anything like that, but she figured if I got out again I would probably run off to California—and she was probably right. She didn't want me to go to California at that time because I was on bond, and if I ran off, that would be "jumping bond", and she would lose her property that she had put up for my bond. So she let me stay there, in the St. Louis Municipal Jail, downtown on 14th Street.

I stayed there for six months, and let me tell you that was an "experience" you never forget.

THREE-YEAR PROBATION

After the six months in jail, I was granted probation and they let me out on May 15, 1970, and I am now on three-year probation. That means I have to report once a month for three years to the State Board of Probation and Parole downtown where I talk to my probation officer about an hour every month. I have to tell him what I have been doing and it's all kind of a hassle.

Maybe some kids wonder what jail is really like for a girl. Well it's pretty frightening. You get in there and you come upstairs on the elevator, and that's it—maximum security.

All the women are kept on the 6th floor and when you get there you enter this cage. Well there's really two rooms in the cage. One is the bedroom and when I was there, there were 28 girls and women and we all slept in the one room which was the bedroom. But every morning they woke us up at 6 a.m. and by 6:30 a.m. we all had to be out of the bedroom and into the other room. They locked the bedroom door at 6:30 a.m. so you can't go back into it until night. All day the 28 of us sat in the one room. They had tables and chairs and that's all. You can't really call it a "room" because, you know, it was more like a cage. It looked like a cage with wire mesh walls and you couldn't get near any windows at any time because they were high and separated by a catwalk, for security.

There was nothing but chairs and tables. You just sit there all day long. There was no privacy at all. There were open toilets right there, with just a little curtain.

You have absolutely nothing to do but sit at the tables, and you almost go crazy just sitting there. They've got books but they're mostly, I don't know, from about 1930. Religious novels and things like that. Nobody up there reads at all. Maybe you write a letter or you have a newspaper.

WILD FEMALES SCREAMING

There were just too many people in too close quarters and that caused tension and a lot of fights.

The fights there are really unbelievable. You will be sitting there and all of a sudden you'd hear crash, bang, and when you turn around you see one girl hitting another one with a chair or a pitcher. And some of those girls, you know, are pretty strong and rough. And then it would be mass hysteria, a bunch of wild females screaming. They said it was worse on the men's floor below and at the workhouse—they had stabbings and things like that.

And there's stealing. It's jail money and that's the only kind of money you are allowed to have. It's made of plastic and you can use it once a day when they come up to the cage with things like toothpaste.

Some of those women have been in jails or prisons all their lives. They started when they were teenagers, and some of them don't know anything else. Some of them are really weird and it looked like some of them should be in mental hospitals. It was unbelievable. People kicking the habit all around you, and other people just ignoring it because they are so used to it because they have been in jail before.

TERRIBLY LONELY

I guess really the worst part about being in jail for me was how I felt terribly lonely and all alone in the world, although surrounded by constant noise and strange people. I just can't describe the feeling and when I try to think back about it, it just seems like it was another world, but I can't forget it because they could put me in the penitentiary for years if I violate my probation.

At first I cried most of the time. You're so lost. You're completely uprooted and, you know, you are in such a strange environment. You haven't got anything in common with anyone else in there and you don't even have your own clothes or anything. For the first three months I used to just sit and cry—it seemed like all day and most of the night. Just totally lost.

Then after the first few weeks you get kind of resentful like "What do they think they're doing, putting me in here".

During my six months in jail, the only time I had any contact at all with the regular world was every Thursday, for a few minutes, when my mother came to visit me. She was the only visitor I ever had because you are not allowed to have any visitors except a parent or brother or sister.

And those weren't really what you would call visits. I could hardly see her because prisoners are not allowed outside of the cage, and visitors naturally are not allowed in. So you could only see her through this little glass plate that's in the wire screen wall and there was a tiny wood grill that you try to talk through. You can't see your visitor very well through all that, and there is no privacy.

I WAS HYSTERICAL

The first few Thursdays when my mother came to visit I kept screaming "get me out of here". I was hysterical and I was so scared I was shaking. The other women prisoners just laughed or ignored me, like they saw the same thing before.

When my mother saw me like that the first few weeks, she cried. I guess it really hurt her to see me in jail, and it used to break her up when I screamed and begged her to get me out. But she knew she couldn't do it because she knew I would skip town and bust my bond and then I could get sent off to a penitentiary for a long time.

The saddest case in jail was a pregnant girl who was 7½ months and she was kicking a habit. She had been on methadone because of heroin addiction. Her husband was downstairs in the men's part of the jail, a habitual criminal, being sent away for eight years. And here she is, stuck in City Jail, waiting to finish a 90-day sentence for something, and her baby was due in a month or two, and she is kicking a habit. I got out before she was due, so I don't know what happened to her.

CHRISTMAS IN JAIL

The saddest day for me during my six months in jail was Christmas Day last year. What happened on Christmas? Nothing. That's what made it so sad.

You knew it was Christmas—because you had a calendar on the wall and there were newspapers. And also you could hear the special church bells from a few blocks away at some church downtown.

But in ou little cage, there was no party, no nothing.

Oh yeah, they did give us each something for Christmas—an apple.

It was really depressing, you know.

We used to have three meals a day but on holidays and Sundays we only had two meals, because the people who worked in the kitchen had a shorter shift on Sundays and holidays.

Some of the girls in jail with me said there were bugs and roaches in other jails they'd been in, and they said they used to find hair and stuff like that in the food but I didn't see anything that bad here.

BEANS, BEANS, BEANS

The food is all pretty bad compared to what you are used to at home or even school. It's always the same and it's pretty watered down. They're on a small budget. They constantly gave us some sort of beans, at least once every day, like baked beans, lima beans, butter beans, red beans, black-eyed-peas, barbeque beans, bean soup, chile beans.

The coffee is black, no cream, no sugar. They never serve milk. You could buy milk when the commissary comes up once a day if you have enough money, but you can't buy sugar.

There isn't any hot water in the sinks. The only hot water is in the shower. There was no privacy in the shower except it had a sort of curtain like the toilets.

One thing that kids or anybody who's never been in jail don't seem to realize is the fact that you can never go outside. You're up on the sixth floor of the City Jail, and you're not going off the sixth floor. There's no way. You never go out. That's for security. There's just people, and mostly the kind of people you don't want to be with.

THEIR SIDELINES

And they are all "recruiting" for their sidelines. The hustlers want to teach you how to be a hustler and the shoplifters want to teach you how to shoplift and the pushers want to teach you how to deal. I must have gotten more "contacts" in City Jail than I did in two years on the street.

Some girl kept talking to me about burglarizing. She wanted me to be a burglar with her when we got out.

When you go into jail, if you were used to being pampered around home like by your mother—forget it. Nobody pays any attention to you or what you want.

And there is lesbianism in jails, and that causes more fights.

And you're not allowed to have your own clothing at all. You just wear this little green thing. They're old, and some of them are almost worn out and they have holes in them and usually they hang down to the floor.

And any boy with long hair who gets into jail, he better be ready to fight. Sometimes we used to even hear it at night, we were on the sixth floor, and the men were on the fifth and below.

LONG HAIR

A boy with long hair who goes to any jail is probably going to be in fights or have a lot of trouble. Most men in jail are either hardened criminals or at least they are rough characters and tough. A long-hair boy will come in and they will say or think instantly "Oh, isn't he pretty!" And there are homosexual attempts in jails all over the country. The old-timers get the "hippie boys" and they try to "make hippie girls out of them".

I knew a boy who was in a jail when I was home and he had long blond hair and he wrote me a letter that said "I'm really having some problems here from the older men. They haven't done anything yet, but it's really getting heavy. They do everything but write me mash notes". Long blond hair, you know, like they were "just crazy about him". In city jail where I was, so far as I know, the guards didn't allow anything bad to really happen, but I've heard that it can happen anyplace.

As I look back, I guess the way that drugs put me into jail was, when I first got into speed, and then stayed on it, I didn't want to stop because I would be suffering from severe lethargy where you feel like you can't move or you can't do this and you can't do that without speed so you want to keep getting high, so you have to keep getting the drugs some way. And on the streets around St. Louis or most cities I guess, speed is getting more dangerous because you never know what you're really getting. So you want to get the speed from drugstores, and that's how you get into the forged prescription bit, and that's what put me in jail.

Some kids weren't even that lucky, they did get speed on the streets or from pushers who don't care, and that's where it's getting more and more dangerous. A lot of street dope nowadays is cut with dangerous things and some of them can kill you or wreck you.

BLOOD-POISONING

Like plain baking soda. It burns your veins out. I had a friend that had to have all the main veins in his arm removed because somebody sold him speed cut with something and he shot it. He woke up one morning and he looked at his arm and it was all red streaks and yellow and purple. They took him to the hospital and it was blood-poisoning and they thought they would have to amputate his arm to save his life, but they were lucky and all they had to do was cut out the main veins in his arm. He lost his job because he can't work because he can't use his right arm anymore. He was a boy from U. City High School and he lived on Delmar.

I guess instead of talking about other people I should tell you how I cut myself up.

I was sitting at home and I looked down at my leg and I saw a little animal stick its head out from under my skin. I was really hallucinating and this animal looked so horrible that I got to chopping at with a cuticle clippers and I cut through all the layers of my skin until I cut the main nerve and then I stopped because it was like suddenly sticking your finger in an electric light socket, only it was more painful, and that was the only thing that stopped me. It was so much of a shock and there was so much blood all over me that I panicked and I thought I was starting to die.

When you hallucinate on acid you sort of know you're hallucinating. But here I was shooting all this speed and thinking I didn't feel it.

BLOOD ALL OVER ME

Well anyway about that time my mother came into my room and she almost fainted from seeing blood all over me. She screamed "What are you doing?" and I remember I just said "Well I have to do something with my hands".

Most parents just can't bring themselves to believe that things are happening to "their" child. A needle is just something that is just not supposed to be in upper middle class homes. I know parents who have a million dollars, and their son is carrying a little kit around. It's pretty strange.

I used to get violent once in a while. Like one time I destroyed all the furniture in my room. That's the way it was, I would go up and down on an emotional scale. Like one day I would have a terrible temper and I would just destroy things, like I would throw things around and cut up things and beat on things with a hammer. Other days I would just sit in my room and cry.

STEPPENWOLF

Once I was absolutely convinced that Johnny who was with Steppenwolf at that time, was downstairs in our house. He was their lead guitar on their first two records. I woke up my mother and I accused her of hiding Johnny someplace in the house. I was really out of it.

I know a lot of speed freaks who have turned on to junk, heroin. Some of them left the city because they couldn't find any "good heroin" here. And I know a couple of 17-year-old kids now that are always asking me "Do you know where I can cop any heroin?"

People don't realize it, but that's going to be the big thing. Heroin. You can only do speed so long and then you get burned out. Your emotional thing is kaput, you can't take it any more. Like it must have been at least two months after I stopped doing speed before I could turn the lights out at night and sleep in a dark room. Because speed makes you so paranoid and you see such ugly things on speed that when the lights are out you get scared. A friend of mine who was 25—when he first stopped doing speed I used to have to walk with him on dark streets, and he's a big man, six feet two, but he was paranoid.

He is doing heroin now. With heroin you keep getting higher. It's a constant rush, which is usually the big thing in shooting any kind of dope. I know some kids around St. Louis who are starting to shoot herion and they say "Wow this is really nice" but they have never been into places where they have seen people kicking the habit, like I saw them in City Jail where they used to have buckets by their bed to throw up in, and I used to help take blankets off other beds and pile them on the junkies but they were still freezing cold and miserable than you ever saw anybody in your life.

But that is the real thing that people around St. Louis are going to have to watch out for. Their kids are going to start doing heroin because you can do speed or acid for only so long, then it starts getting ugly and it's no fun anymore. You get emotionally burned out.

HARD TO DESCRIBE

I don't know what it is. I've been through it and it is still hard to describe, whether it's psychological or mental, you just can't take it anymore on just acid or speed. You start to get off and all you get is mad and upset and, you know, and so what are you going to do? You want to keep shooting, so you want to shoot something that calms you down and makes you feel better, and there seems to be easier connections now than there was a couple of years ago for heroin.

When you first do heroin it makes you feel kind of healthy, or at least you think you are. At first you don't have any bad symtoms, until you finally do get strung out. I know a boy who lives in Ladue who is doing heroin now. I also know an 18-year-old boy who was supposed to start Washington U. this year, but he's so strung out and hung up that he couldn't.

All my teeth are bad, from speed. Speed settles in your gums a lot of the time. Sometimes your cheeks are sunken in. Last month I saw a kid I used to know and now all his teeth are black, every one of them, from speed.

That time I went to jail, when I got there they thought I was a juvenile, you know, a little girl, because I was so skinny, all skin and bones because I had lost 30 pounds so I had to wear little girl's clothes. It's no fun to be in that kind of physical condition.

NO "PREACH"

I haven't said anything yet about marijuana, which most kids call grass or pot or weed, because the publisher of Prom Magazine said he wouldn't let me "preach" or put down grass in this story. He said I could only write my personal experience or my personal observations of my friends' experiences.

So I won't express any "opinion" about "Does grass lead to harder drugs, or can kids start on grass and just stay on grass and not anything else?"

But there is one "personal experience" which I observed about grass and which I don't think anybody else has written about, in any of these Prom stories, so I will.

It's about a friend of mine named Eddie who has been on grass for three years and he's never done any other drugs to any extent—he tried them, but he never cared for them, so he just stayed on grass.

IF EDDIE STOPS SMOKING

He smokes grass every day and if he stops it, he gets irritable and has temper tantrums. So he just keeps on smoking grass, and like he says, it keeps him really calm and tranquil and peaceful. He gets so "calm" he falls down in the street, but if he quits smoking it, all of a sudden he becomes a bunch of nerves, and at the slightest noise, he jumps.

I checked it out with a friend of mine who is a medical student. He showed me a doctors' magazine which had a story about "weed psychosis" in India and Lebanon where people have been smoking grass and hash for years and they have a common condition which they call "weed psychosis". The doctors in India are studying it now and they report that some people's minds and personalities are affected by it if they stay on it long enough. It is not habit-forming in the physical sense of the word. They say they get a mental dependence on it, you know, psychological or emotional dependence. Like "I can't go out tonight without blowing some grass, I'm too nervous". That's what Eddie goes through all the time.

The only time I know of that it was ever a big problem in this country was a year or two ago, right after they made that big fuss at the Mexican border, and that kept a lot of grass from coming into this country from Mexico, so they were really short on good grass in some places, and that's when some people found out they suddenly didn't have enough and they had that sort of problem.

"WEED PSYCHOSIS"

Anyway, ""weed psychosis" is much more common in India because, you know, they've been smoking it there for a long time. The story I read from the doctor in India said that emotionally it seems to do things to you when you stop smoking it if you have been on it a long time. He said a lot of them became "emotionally unstable".

I don't expect many St. Louis kids to believe that, because they probably never read any reports from India, and they probably don't have any older friends or parents who have been blowing grass for many years.

That's really all I know about grass, except the common things that everybody knows.

I suppose some kids or even some parents might say "Well what's wrong with staying tranquilized all the time?" Well, if you can be sure you will have a lifetime supply of grass, and if you don't mind the thought of being "tranquilized" all your life, I guess that's your privilege—but who wants to have that dependence, you know.

Sooner or later in the United States you are going to run into the problem. Like my friend Eddie with his "weed psychosis". He is so "tranquilized" now he can't even work, except to sell dope.

Even when more people hear about "weed psychosis" it probably won't change their habits because people always say, you know, "It won't happen to me". Yeah, right, "It can't happen here", like Frank Zappa says.

Well, there isn't much more I can write, and I wasn't even supposed to write this much. But there is one more thing I want to say. It's sort of obvious, but some kids don't seem to be aware of it because it hasn't happened to them or anybody they know personally.

"SUSPICION"

I mean that in St. Louis and I guess most other cities they've got this new thing, like The Task Force, that goes city and county and everywhere and they've got the Metropolitan Police and you're not going to be able to outrun them. And you're going to see for yourself, like I did, how policemen and the courts aren't too sympathetic to dopers and pushers. Even if your stuff "belongs to somebody else" or even if they only pick you up on "suspicion".

I thought I wouldn't get caught—like "jail" used to be in my mind like a far-flung thing that couldn't possibly happen to me.

But it did. And suddenly there I was in jail with those gray walls and the graffiti and the locks on the doors and getting finger-printed and the matrons searching me and the whole bit. And you could cry all you want, and you probably will, and they couldn't care less. They are getting very hard-nosed and they are getting more efficient all the time by using every modern idea to track down dope and dopers before they hurt themselves or somebody else.

Excuse me if that sounded like "preaching". I just meant it like, you know, just telling you about my "personal experience" of 6 months in jail.

I don't think you would like it.

Not even a little.

WHAT I SAW IN VIETNAM

(By Tom McGowan)

(NOTE.—After grade school in Ferguson at St. John And James, Tom McGowan went to C.B.C. for three years, then transferred to Clayton High School, where he graduated in June, 1966. At Clayton his special interests were journalism, debating and dramatics. He entered St. Louis University as a freshman but, half-way during his freshman year, "I started doing drugs and I got strung out and I couldn't study so I quit college". Later Tom was drafted and was in the Army in Vietnam until January, 1970. Now a sophomore at Forest Park Community College, Tom is active in Veterans For Peace and also in the Student Forum, which brings speakers to the college campus. His favorite pastime is music, especially acid rock and blues.)

When you're a teenager, you're superinsecure, and acid can really blow your brains, because it's a mind drug that goes into the inner head and it exaggerates your subconscious and it blows up your problems and it can make you panic. In other words, it can blast your head right into a psycho ward. That's what somebody told me in high school, and I soon found out they were right.

My first trip was a wild one. It was when I was a freshman in college. I was 18 but most of the guys I bummed with around town were older and more "experienced". I guess I was really naive about drugs. I didn't know much, and I cared less.

MY FIRST TRIP

One day some guy turned my roommate on. I thought it was just like another kind of drunk. The next week the "friend" offered to turn me on for 5 bucks. I expected to just get super-drunk. It was my first trip and I rushed for four straight hours. Wow! It hit my mind so hard I thought I was losing my head. It exaggerated my problems so big I started to panic. I thought I could feel the electrons shooting around in my head at super-speed until I almost freaked out completely. Luckily there were people there in the room who knew from experience how to relate to me, so that helped a little.

Teenagers just are not mature enough to be able to handle acid. Anyway, now I wouldn't touch a tab of acid with a 10-foot pole any more, because like somebody wrote in Prom last month, and it's true, most acid today is cut with strychnine or speed, and it's getting worse on the street all the time, and you just don't know what you're getting any more.

Speed isn't any better. And that's my understatement of the year. Speed made my metabolism rise and it made my heart pound four times faster. I know a guy, Joe, he got a collapsed lung and a heart murmur from speed, and the doctor says that one more shot will kill him.

HIT BY A CAR

My friend Harry and I used to do dope together before he split to California. He weighed 160 pounds then, but he has been speeding and now he is down to 92 pounds. His old friends don't recognize him any more. His wife was stoned and got hit by a car and broke a couple of bones and was in the hospital a long time. They hate each other now and it's mostly because their lives have been screwed up by speed.

My own first hit of speed was when I spent all night in a rock quarry with some kids. I dropped two orange wedges (acid and STP) and I tripped all night long. At 4:30 a.m. I did my first hit of speed. Speed gives you a super sense of security at first while you are rushing, but when you come down you get really paranoid. I suddenly thought I was being surrounded by pigs and I started "climbing up" in the rock quarry but I actually fell off the ledge and landed 30 feet below. I couldn't walk, partly from physical hurt but mostly from paranoia and panic. I was lucky I didn't land on my head.

YOU'RE A "SPEED FREAK"

Heroin is a physical thing, you can't get off, because you are physically addicted. Speed is a mental thing, it makes you a mental cripple, you just don't care about anything else except dope. You just want another hit of speed and then you're a "speed freak" and you don't want to get off it. You don't realize what it's doing to you, and you don't even care if you die. A couple of the kids that I went to high school with, they were normal healthy guys, and now they are 90-pound wonders . . . you wonder how they can even walk, they are all skin and bones and they look horrible, and you can't even say anything to them. They know it's bad, and they know they are wrecked, but they don't care. When they see you, they don't just say "Hi"—They say "Hi, got any speed?". Speed-freak chicks are even worse than the guys. It's even harder to get a girl off speed than a guy, so she is always hustling and shoplifting. They are never hungry and they don't realize it, so they just keep wasting away. Their arms are full of holes from shooting, and most of the speed-freaks I ever knew got hepatitis (liver disease) from dirty needles.

HE KILLED HIMSELF

Before I get to what I want to tell you about Vietnam, I want to sort of mention my good buddy Ed who died. It was from his first hit of acid. Ed's brother had moved in with some other freaks. They were highly intelligent and were digging a lot of poetry and the intellectual thing. Ed was only 16 and the other guys were a few years older, but one of them turned him on to LSD—his first "experience". He stayed high for four days and he didn't come down—it just built up and he stayed peaked out for four days. The acid itself may have worn off but his head kept him up there, and finally he just couldn't take it any longer, being that stoned—and he killed himself. He shot himself in the chest with their .22.

But the main thing that I want to tell you about is what I saw in Vietnam. Mr. Miller of Prom Magazine told me "no preaching, no opinions, just write whatever you know, that you saw with your own eyes in Vietnam". So here goes:

I was in the Army in Vietnam last year. My outfit was the 25th Infantry Division operating around Cu Chi and also around Dau Tieng. Our battalion was operating in the jungles and near a big rubber plantation. The first time the North Vietnamese hit us we really got beat up—we lost 14 killed and about 100 wounded. I was the oldest guy in the squad who was not hit, so suddenly I became the Squad Leader. By the time the year was over, I was one of only five guys out of the 150 that went through our platoon that didn't get killed or wounded.

There was mud up to your knees and you sweated in temperatures over 100° during the day and 40° at night. You would dig yourself a hole and crawl in, and you would sweat cold sweat for fear of a mortar round might land there and kill you. Real bullets don't sound like you hear them on TV shows. They really make a cracking sound, like a tiny sonic boom.

In case you never knew it, getting shot at is the scariest thing in the whole damn world. You hit the ground, but there's nothing else you can do—except sweat, and maybe pray, and just be totally scared.

DRUGS IN VIETNAM

Drugs in Vietnam? Of course there are—all over the place. But there's one thing that people in the U.S. don't seem to realize—the Vietnamese themselves don't smoke pot. Some Vietnamese men smoke opium, and some of their women eat beetle nut, which is a mild narcotic and which makes their teeth and gums turn black.

I smoked three different kinds of marijuana while I was in Vietnam. First there's Laotian grass, which is #1, the best. Then there is Cambodian grass, which is #2, then Vietnamese grass, #3. To the uninitiated, there really isn't that much difference between the three and they are all so strong—it can knock you on your rear. A couple of hits and you're stoned. A couple of more hits and you're really stoned. A couple of more hits and you are totally zonked. Mentally you really feel euphoria. You don't give a damn what's going on, friend or enemy. Physically, you just can't move. Your orientation is off, your balance is off.

PLAIN GARBAGE

Heroin is available in drugstores in Vietnamese cities and towns. It all has French or Japanese labels. Vietnam has no such thing as a Food and Drug Administration—the dope they sell you in drugstores could be pure dishwater and you wouldn't know it. The speed and acid you buy on the streets is just plain garbage—the worst in the world. There was one GI who shot what must have been straight rat poison. We found his body in an apartment and he must have been dead for several days—I had to carry him out, he smelled awful. I know of several guys who died from O.D. (overdose).

You can say that grass makes you feel good and calm and tranquil and peaceful and all that . . . but that's just another way of saying that when you're smoking pot, you get so relaxed that nothing really counts and you just don't care what happens to you—and out there in the boonies in Vietnam, that can be fatal.

Like there was this guy and he was out in the jungle on foot patrol, and he was stoned on pot—and now he's missing a leg—the leg that stepped on a booby trap, because he "forgot" to watch for them.

Then I had a buddy named Fred from Dallas, Texas, and he was out there and he got shot at. At first they missed him, but he was stoned and so confused that he just stood there—he didn't hit the ground like he should have—until he was shot in the stomach and that knocked him down.

Two of our guys, one from Kentucky and one from Minnesota, were blowing grass before they went out on patrol. They got super-careless and walked right into our own ambush—a mine which shoots out hundreds of pellets. The pellets blew about 15 holes into each of their bodies—Kentucky died on the spot. Minnesota was still alive when we pulled him in, but he died that night.

Once I swallowed some opium pellets. They are black and hard like licorice and you don't feel anything until like the next day when they finally dissolve in your stomach. Well, the day after I swallowed them we happened to be in a huge fire-fight with the Viet Cong and all of a sudden I felt myself getting off, and I was running in the fight but I felt like I was only going in slow motion, and I had one hell of a time handling myself. I thought I saw bullets coming only like 10 miles an hour—at me! I didn't get hit, but that was just dumb luck.

TRACKS IN HIS ARM

For a while I worked out of Saigon as a security guard, riding gun jeeps. We followed the MP patrols to defend them. We found one MP dead from O.D.'ing heroin, with tracks in his arm.

Then there was my buddy George from Chicago. This is one I will never forget because it all happened right in front of my eyes, just a little ways off. He was stoned on grass and so he forgot to set the timing and the head space on his 50-caliber machine gun and that caused the round to backfire and it blew up all over him and put pieces of shrapnel into his face and body. It was awful.

Then there was Old Mellow Pete from Brooklyn. He was riding an APC (Armored Personnel Carrier). He hit a mine and was blown off. He wasn't really hurt but he got right up and, because he was stoned, he walked the wrong way, right toward the enemy, and he got part of his face shot off.

HIT BY AN RPG

Even the medics—you would think they would know better from studying about medicine and drugs—but there was this medic who hit up on morphine in a bunker under fire in Dau Tieng. The area was overrun with Viet Cong. The bunker was hit by a RPG (rocket-propelled grenade) and three guys in the bunker were hit. One guy was dead instantly but the other two lay there wounded, but the medic was like he just didn't care, he just sat there stoned. You wouldn't believe this, but it was our guys and I know it happened—the two wounded guys were laying there hurt and bleeding and needing help, but the medic just sat there stoned from the morphine—and he was doing another hit when the Special Forces arrived at the bunker and found him. He got court-martialed and I never heard any more about him.

I gotta tell you about Buckwheat, that's what everybody called him, from North Carolina. He was with the artillery at a forward fire base and he was on opium. He stole a company truck and went barreling down the road right toward the Viet Cong. We sent a helicopter to look for him. The copter found the truck, wrecked. Three days later we advanced and went through that area and we found Buckwheat dead, naked, cuts all over his body, and his throat slit all the way from ear to ear. It almost made me vomit. We found out that after Buckwheat had wrecked the truck, he tried to steal a bicycle from a gook and that's when the North Vietnamese captured him and tortured him before they killed him.

In Saigon, some guys turned on to pot just in defiance, because they were "against war". Then pot led them into the general dope culture—the pot pushers often have hard stuff and are only too glad to sell it to you for a profit, or just to turn you on for kicks. On the streets of Saigon, they'll sell you anything in the whole wide world—and cheap.

ME?

Me? Yeah, I've been the whole route and, after all I've seen, drugs don't just bore me, they scare the hell out of me. Teenagers, including me when I was one, have to be nuts to get into drugs. Drugs do a massive assault on your head, and no teenager can handle that, because your head is just developing—and it still is, even when you're older—but especially when you're young.

Drugs will warp your personality, because they will change you in ways that you can't control and don't want, and you'll never be yourself again—I mean, not really yourself, not what you intended to be, and not what you could've been and should've been.

You're thinking about starting into drugs? If you do drugs, you will know a lot about drugs—and nothing about anything else.

And you will stay that way.

You may never come back.

You got "big problems"? Who doesn't? Everybody does, at every age in life. You got problems with your parents? You think you're the only one?

You got problems? Face them, and try to solve them. If you can't solve them, at least maybe you can soften them a little by talking them over with somebody. And if you can't even soften them, then learn to live with them, like everybody else does. Be a man. Don't chicken out, or you won't be worth a damn to yourself or to anybody else, ever.

PRAGUE DUNS REFUGEES ABROAD FOR LEGAL FEES ON DEFECTIONS

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. MARSH. Mr. Speaker, although many of us are aware of the 1968 unrest in Czechoslovakia, I suspect that many of us are not aware of the shakedown that is occuring under the guise of judicial proceedings directed against refugees who fled Czechoslovakia after the Soviet invasion.

For that reason, I bring to the attention of the House the following article from the New York Times, of December 16, 1970, by Tad Szulc, which describes a warped and distorted sense of justice as well as the mockery that is made of due process behind the Iron Curtain. The extortion and the blackmail resorted to in this new form of international piracy should be the subject of discussion in every international forum concerned with human rights. The article follows:

[From the New York Times, Dec. 16, 1970]

Prague Duns Refugees Abroad for Legal Fees on Defections

(By Tad Szulc)

Washington, December 15.—Many Czechoslovak refugees in the United States, Canada and Western Europe, who fled their country after the Soviet-led invasion in 1968, are being advised from Prague that they face criminal proceedings for "illegal" presence abroad.

Letters from "legal advisory centers" in Prague also inform them that they must make a "down payment" in foreign currency within five days to assure their "legal defense," or the fees will be collected from the refugees' "nearest relatives" in Czechoslovakia.

The payments range from about $70 to $100, and are to be credited to the Prague regional lawyer's union at an official Czechoslovak bank.

There are estimated to be 8,000 Czechoslovak refugees in the United States, 12,000 in Canada and 50,000 in other Western countries.

United States officials said that even if a relatively small number of the refugees agreed to the "down payments" and later the full trial costs, the money would represent a source of badly needed foreign exchange for the Czechoslovak Government.

State Department officials said they had been consulted by several persons who have received letters from Czechoslovakia. The officials said they could offer no assistance or advice since the matter was between a foreign Government and its nationals abroad.

Czechoslovak citizens here and elsewhere began receiving in October the notifications of action pending against them. On Nov. 13, the Prague evening newspaper Vecerni Praha reported that courts were dealing with "hundreds of cases" of illegal departures and illegal stays abroad.

The letters to the refugees inform them that under the provisions of Section 109 of the Czechoslovak penal code. "You can be tried in absentia and may be sentenced to prison for terms of six months to five years, to corrective measures and to confiscation of property."

Those aiding other Czechoslovak citizens to leave the country without permission are subject to prison terms of from 3 to 10 years. A virtual ban on foreign travel was imposed early in 1969.

In most cases, the property of refugees, including apartments and vehicles, has already been confiscated through administrative procedures.

A letter from the "legal advisory centers," signed by individual lawyers, tells a refugee that "since you have not chosen a defense counsel, I have been nominated to represent you."

A letter asks a refugee "to let me know if any circumstances exist which, as your lawyer, I could use for your defense in these proceedings. Especially, let me know whether you submitted an appeal asking for permission to prolong your stay abroad, or whether such an appeal is under consideration by the authorities."

The letters do not say what the final cost of "legal defense" will be, but it is understood that it may go up to $140. The exact number of refugees involved was not known.

Spokesmen for refugee groups here and in Canada said that in many cases the citizens abroad may be willing to pay for "legal defense" to avoid financial or other reprisals against relatives at home. In Canada, refugee groups have advised refugees not to reply to the letter, but to ask Canadian Government authorities to intercede with the Prague Government.

NEW RESIDENT HAS PRAISE FOR INDIANAPOLIS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. BRAY. Mr. Speaker, the following letter to the editor of the Indianapolis Star from that paper on November 18, 1970, written by Dr. Richard K. Curtis, is certainly worthy of inclusion in the Record. No one can accuse Dr. Curtis of being a part of anyone's public relations firm; he has merely told it as he saw it:

Professor Who Moved From Ohio Gives Views on Indianapolis

(By Richard Curtis, Ph. D.)

In the 1880's Matthew Arnold, British poet and critic, made a tour of this country, visiting numerous cities. Most of these, he concluded, "are so unfinished; they are like a new quarter still in the builders' hands." Life in America had "the capital defect: of being so uninteresting, so without savour and without depth." The one notable exception: Indianapolis.

Unlike Arnold, I am a native-born American, who has lived in a number of large cities including Worcester, Memphis, Providence, Chicago, St. Paul-Minneapolis, and Kansas City. It is safe to say that in the four months since I moved my family here from Ohio we have been singularly impressed with Indianapolis.

I wonder if those who caustically refer to it as "Naptown" are not themselves napping and not noting many of the extras Indianapolis has going for it:

1. It is a relatively clean city, with anti-pollution controls apparently enforced.

2. Numerous four-lane highways connect the hub with the outer belt lines permitting us to move rapidly through the city.

3. Wherever we look we see police squad cars, helping to maintain law and order.

4. Far from deteriorating, like most cities, the downtown is undergoing a metamorphosis, with a skyline to vie with any city.

5. The Uni-Gov form of management, a brilliant pioneering effort, not only provides taxes for rehabilitating the inner city, but remains surprisingly responsive to the needs of individual citizens. Last February my wife and daughter, on a visit to the city, were shopping on the circle when they were jostled by several youth, apparently just getting out of high school. I noted this in a letter to the paper, and in a day or so received a letter of apology from the chief of police, with the assurance that additional men were being stationed there at that time to prevent recurrences. Again, when the road by our new home fell into disrepair I notified the street department and within two days they were out to fix it.

6. The symphony orchestra and the new art museum are just a few of the cultural delights of the city. And who is to overlook the Pacers, champions of the ABA last year?

7. Higher education is being consolidated with the new IUPUI, making for what should be an excellent public university, with all of the attendant benefits this can confer on a growing city.

8. Most important, there is a genuine warmth of friendship and concern among the people of Indianapolis. Neighbors and colleagues alike, as well as members of various churches we have visited, have all contributed to the feeling we have that this is, even after 90 years, a city on the move.

POLITICAL OBSCENITY

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. BOLLING. Mr. Speaker, the following column by John Roche, On Political Obscenity, appeared in the Boston Sunday Advertiser of November 29:

On Political Obscenity

(By John Roche)

Though I donated three years of my life to the Army of the United States, I was never a model soldier. The problem was that I was born with a caustic wit (known to first sergeants as a "wise xxxxxx"), a flash temper, and absolutely no taste for witless routine. This combination made my life somewhat lively both for me and my long-suffering commanding officers until a smart colonel worked out a modus vivendi: I did all of his work and he protected me from the courts-martial that were invariably looming somewhere in the background. It was a good political arrangement: When he got his eagles, he even had me promoted to staff sergeant.

I put this in the record just to make it clear that the operation of the United States Army in World War II never impressed me with its efficiency, and with sufficient encouragement there are stories I can tell that might lead one to think that Japanese war bonds were not as big a risk as is often supposed. None of my stories, however, can hold a candle to those narrated by Edmund Love in his neglected little classic, "War Is a Private Affair," so I will pass on to the point of this reminiscence: that I doubt if anybody ever matched my record as an anti-militarist.

Yet last week I got up and walked out of a movie, "Catch 22," feeling a strong need to find a bathroom and retch—and an equally strong compulsion to find the producer and break his jaw. Never having read the book, I went to the show anticipating a "humorous" satire on the Air Force's role in Italy during World War II. I will never know how the movie ended, but by my standards it was rapidly moving toward a triumph of political obscenity.

Indeed, fully recognizing that I am something of an ideological nut, I found this film far more obscene than any of the silly sex stuff—"I Am Swedish" (boring), "The Dykes of Copenhagen," etc.—because it took the worst tragedy that has ever hit mankind, the war against Nazi Germany, and turned it into an episode from "The Godfather." It was just a racket.

The audience, largely composed of teenagers and people of college age, seemed to think the whole bit was hilarious. The Luftwaffe and the 15th Air Force as components in a criminal syndicate! What a great idea! They were practically rolling in the aisles. And as I looked at them and listened to their giggles while the establishment took another one in the chops, I went into a slow burn.

High school and college friends of mine went off to fight in what Winston Churchill miscalled "the soft underbelly" of Festung Europa. A good dozen of them are still there in the military cemeteries outside of Monte Cassino, Salerno, and Anzio. I emerged intact from my unheroic war—they have been dead a quarter of a century. And they fought and died to help destroy a monstrous brand of totalitarianism—not as "soldiers" in a Mafia family war.

No sense of humor, Roche? Well, maybe so. But I'm glad I left when I did. The way that "satire" was shaping up, the final scene might well have shown that Auschwitz was just an advertising venture sponsored by an enterprising gas company. And I might well be in jail for felonious assault.

JAMES A. FARLEY

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. MURPHY of New York. Mr. Speaker, James A. Farley predicts that the Democratic Party will recapture the White House in 1972. Ordinarily, a statement of this sort would be overlooked. But James A. Farley is no ordinary man, as you, Mr. Speaker, are well aware. He is Mr. Democrat and has had his finger on the political pulsebeat of the Democratic Party and the Nation for half a century. When Mr. Farley speaks, people sit up and listen. That is Ernest Cuneo with Mr. Farley. In it, Mr. Farley calls the shots as he sees them, poking here, jabbing there, but predicting a bright future for loyal party workers. I insert in the Record, the following article by Mr. Cuneo which appeared recently in the Paterson News.

[From the Paterson (N.J.) News, Dec. 8, 1970]

FARLEY RAPS THE NEW LEFT

(By Ernest Cuneo)

WASHINGTON.—Rested from his conspicuous absence as a vigorous campaigner in the recent New York election, pink-cheeked James A. Farley, Mr. Democrat himself, sniffed like a war horse scenting the battle-breeze of 1972. "My labors this fall were not strenuous," he drily observed "since I limited my endeavors to candidates who supported the Democratic ticket for mayor in 1969."

When man bites dog, that's news; when James A. Farley criticizes Democrats, that's bigger news.

"I felt, and I feel," he continued, "that those who are of limited loyalty to the Democratic Party when they are not candidates, have small call on party loyalty when they themselves demand its support when they are aspirants."

"I was happy to inform them of this when they made inquiry after I went to Europe before the primaries last June," he said, and it was apparent that he was very happy indeed to convey this information to the supplicants.

"I predict," said the famous predictor, "that the Democratic Party will elect its candidate in 1972. I predict this because the Democratic Party is rapidly reuniting. The noisy New Left has discovered that it does not speak for the rank-and-file Democrats.

'They are not the only ones who have mistaken the waves on the surface for the deep 1932, a most distinguished governor, a candidate for the nomination and a man of presidential timbre, Gov. Albert Ritchie of Maryland, received one of the greatest personal ovations it has ever been my good fortune to witness.

"Standing by him on the balcony, I was proud of the way my party registers its approval of men of worth in its ranks," the sage twinkled, "and I was glad to agree with the governor that the enthusiasm was as spontaneous as it was boundless.

'However, when Governor Ritchie asked me my opinion on his nomination, I frankly told him that it was a pity that he did not have the votes to go with the ovation, since I had already tied them up for my candidate, Gov. Franklin D. Roosevelt of New York.

"Now, of course, fellows like Senators Harold Hughes of Iowa, George McGovern of South Dakota, and Eugene McCarthy of Minnesota, put on quite a noisy roadshow, but when it comes down to actual votes, they have no real national foundation in the party. But unlike Governor Ritchie and other Democratic regulars, they were unwilling to abide by the decision of the party in 1968.

"Along with Sen. Edward Kennedy, California's Jesse Unruh and a few of the professionals masquerading as Democrats, such as John Kenneth Galbraith and his associates, they succeeded in splitting the Democratic Party enough in August to defeat the Humphrey-Muskie ticket in November. The American people, in general, and the regular Democratic Party members in particular, resent these rule-or-ruin tactics.

"Jesse Unruh was defeated by Gov. Donald Reagan, but he actually lost his 1970 election at Chicago in 1968. By the same token, the Reform Democrats and the Liberal Party in New York lost the 1970 election to Gov. Nelson Rockefeller when they refused to support the Democratic nominee for mayor of New York City in 1969."

Tactful pressure elicited that the urbane prophet reserved his penetrating snort (and he has one of the most famed snorts in American politics) for the presidential candidacy of Mayor John V. Lindsay.

"Can you imagine the party of Presidents Wilson, Roosevelt, Truman, Kennedy and Johnson giving its nomination to a Republican reject who failed to win his own party primary in 1969, after four years in office? Can you imagine the Democratic Party giving its presidential nomination to a Republican castoff at City Hall?

"Why," said the Grassy Point Giant, answering his own question, "nobody but the City Hall syncophants could drum up such a preposterous idea. The mayor is a victim of the heady incense supplied by the small claque he finds it necessary to surround himself with."

"Besides," beamed the most loyal of the Democrats, 'for 1972, the Democrats, as usual, have developed a whole forest of presidential timber.' Farley's face glowed with the satisfaction of a dedicated conservationist rapturously gazing at a vast expanse of towering timber. "I could name a dozen," he boomed, "all Democrats. Like Senators Ed Muskie and Henry 'Scoop' Jackson. Those two stand out like giant redwoods."

Regarding their chances of being elected in 1972, said Big Jim: 'As President Truman said to me in 1948, 'when the American people realize what's going on, they are going to kick the Democrats back into office.' The Democrats are going to receive a swift kick in the pants which will send them flying into the White House in 1972. It could be phrased with more polish, I suppose, but I prefer the facts unvarnished."

The former Democratic national chairman beamed, the perfect picture of a man confident of a swift beatific kick in the pants. Suddenly his huge trim 82-year-old figure sprang from his chair. "Want to walk with me?" he asked briskly.

"No, I don't," was the answer. 'You walk too fast."

SILVER SPRING NON-COM KILLED IN ACTION

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. LONG of Maryland. Mr. Speaker, S. Sgt. Donald J. Golden, a courageous young man from Maryland, was killed recently in Vietnam. I should like to honor his memory by including the following article in the Record.

SILVER SPRING NON-COM KILLED IN ACTION

The Army announced today that a sergeant from Silver Spring was killed in Vietnam yesterday.

The soldier was identified as Staff Sgt. Donald L. Golden, whose wife, Mrs. Kim H. J. Golden, lives in the 1900 block Rosemary Hills Drive in Silver Spring.

The Pentagon said Sergeant Golden had been killed in action.

CRASH EMPLOYMENT PROGRAM FOR RETURNING VETERANS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. EILBERG. Mr. Speaker, Mayor James H. J. Tate convened a special task force which met with him in Philadelphia on Friday, December 18, 1970, to develop a crash employment program for returning veterans.

Attending the conference were S. W. Melidosian, director of the Veterans' Administration Center in Philadelphia; Terrell Whitsitt, regional manpower administrator, U.S. Department of Labor; Charles P. Connolly, district manager, Pennsylvania State Employment Service; Joseph Dolan, area supervisor, Department of Labor's Bureau of Apprenticeship and Training; Milton Sharon, regional director of the Federal Civil Service Office; plus the chairman and members of the Philadelphia Veterans Advisory Commission.

At the same time, Mayor Tate deplored the action of President Nixon in vetoing a bill which would have provided "tremendous help" in alleviating the Nation's growing unemployment problem.

> We are launching this veterans employment program because of the need, and we expect to work closely with the national Jobs for Veterans program which is being organized under White House auspices.

Mayor Tate said:

> We have a special obligation to the more than one million servicemen and women who complete their military service each year and return to civilian life, most of them seeking to enter the civilian labor market.
>
> Accordingly, it is all the more regrettable that the President has seen fit to veto the $9.3 billion manpower bill which would have been tremendously helpful in alleviating the unemployment not only of veterans but of many civilians throughout our economy.

The mayor stated that jobs for returning veterans will be given the highest priority, and he announced that the task force will formulate an immediate action program to supplement existing activities already in effect by the various agencies represented at the meeting.

Once we have defined our action program, we will call upon all elements of the employer community in the Philadelphia area to make the strongest possible commitment to assist us in finding meaningful job opportunities for our returning veterans, he said.

The Philadelphia Veterans Advisory Commission chairman is Casper J. Knight, and the other commission members are Francis J. Lederer, Stanley Lewandowski, Leon Goldberg, Peter Galante, councilman Edward Cantor, and councilman Thomas McIntosh. The executive director of the commission is William Gormley.

RENEWAL OF THRIFT

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, history hangs, has always hung on the most delicate of threads—like Caesar and the Ides of March; the Greeks bearing gifts to the Trojans; Italy and the "Risorgimento" or new arising.

It was the rebirth or renewal of life, youth, vigor, zest which the Renaissance returned to man. With it came unheralded promise of giant strides in human progress yet to come—like the invention of printing and the discovery of America.

I like to look ahead and believe that we are poised on a new perimeter of great discovery. Perhaps we should more rightly call it rediscovery.

We are going to learn anew what it takes to work together, to achieve together—for the good of the common cause; for rights of the individual.

America won its freedom, fought for its right to survive, scaled the pinnacle of world progress—now faces up to challenges to its conscience and convictions.

Together, we are indivisibly concerned with the future, since there is where we will spend the rest of our lives. Together, we must gather and stand firm for the good that has made us great. Together, we must rally and attack the bad that wants to divide, to downgrade, to destroy.

And what of the future to which we are committed and our stamina to survive it? Finances are a factor—yours, mine, the Nation's. We must save, if we are to have. We must have, if we are to exist. The word is savings.

We can save best for and live best in the future, when we learn the happy habit of putting something away for a later day via U.S. savings bonds—the stable, safe, sure, sensible way to save.

You can buy them conveniently through the payroll plan, where you work; the bond-a-month plan, where you bank. And, where we work and bank, we must come together with a union of thoughts and deeds that echo the desires and needs of our respective communities of interest.

Of course, there is no better togetherness than the old-fashioned congregation of thrift. As we save, so do we pave the future with the best intentions of security—our own, the family, the Nation.

No one ever gets back one penny less than the amount that he puts into U.S. savings bonds. Where else can you find that kind of guarantee, with interest? And the interest is now 5½ percent—when held to maturity of 5 years and 10 months—when the half percent is added as a bonus for your prudence.

The security of the economy, local, State, Nation, is of one increasing purpose, the welfare of each and every citizen. So, I urge the people of my great State of Virginia to initiate their own renewal of thrift; I encourage them to buy and hold U.S. savings bonds.

DON'T WORRY ABOUT YOUTH

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. DERWINSKI. Mr. Speaker, the Lansing, Ill., Journal consistently emphasizes the positive development in the communities it serves. It is in this spirit that this publication in a front-page editorial Thursday, December 17, commented on the essay of Steven Marz of Lansing and the essay which he had submitted in the VFW Voice of Democracy Contest.

I insert in the RECORD, at this point, the article and Steven's essay:

DON'T WORRY ABOUT YOUTH

(By James Alvord)

Steven Marz is a young man with a big future. He is a member of a vast portion of today's youth that you don't hear too much about nowadays.

A 17-year old senior at Marian Catholic, Steve is a National Merit Honor Scholar, ranked 12th in his graduating class of more than 300. He lives with his parents at 17726 Roy St. in Lansing. It's a pretty proud household lately, as Steve just won a $50 Saving Bond in a VFW Voice of Democracy Contest at Marian.

At this point, Steve plans to become an English teacher and is considering Valparaiso, Michigan State and Northern Illinois for his future education.

From here, Steve will present his essay in a district contest, followed hopefully by state and then national competition.

Steve's essay, reprinted reflects a solid understanding of what this country of ours is all about. Read it . . . we are never too old to learn.

FREEDOM, OUR HERITAGE

"In America" is a song from the musical West Side Story. Its lyrics tell the audience that America is the land of opportunity, that only in America can people really be free. Oh, how true are those words!

How many countries allow all citizens to voice their opinions? In how many countries does the average family own its own home, two cars, and several appliances?

In America, underground newspapers like *The Seed* can flourish, suffering no government censorship. What censorship the other media undergoes is not politic, but only censorship of that which is in bad taste—violence and obscenity. American elections are truly free, with several different parties running their candidates. Could the SDS, the John Birch Society, the NAACP, and the Ku Klux Klan all exist in the same city anywhere else in the world?

Most people do not seem to realize the great freedom Americans possess. Ask the bra-burning, screaming women's liberation militant if she feels that she is free. Or ask the long-haired radical tossing molotov cocktails into courtrooms.

They have had this freedom handed to them with no labor on their part. They don't have to suffer to keep their freedom as their ancestors did to win it.

Imagine an SDS member aboard a ship bearing Pilgrims to the New World. He is the one cursing because there is no food, or because the woman next to him is violently retching after eating a raw rat for her dinner.

Or picture a women's liberation leader as a Pilgrim woman. She is the one who cries at the sight of the barren land, who runs screaming from the friendly Indians, who can't take the lack of luxuries.

Can you see these two in the Civil War? He is the soldier who runs from battle and she is the nurse who can't stand the sight of blood. He is the slave who doesn't work when he is set free, who won't even try to be a free man. She is the woman who breaks down at the sight of her burned down plantation.

In both World Wars, he is the deserter, the coward who tired of trenches, bloodshed, and gunfire. She is the woman back home who kills herself when she learns that her husband has been shot down, leaving her alone with two small children and no money.

Yes, I can just imagine these two fighting to maintain our freedom, or going on when all appears hopeless. Yet they are the ones who now shout for more freedom.

They can't realize that it is our heritage and our duty not to belittle what is left to us in a sacred trust and we must fight to maintain it, not in draft-dodging and bomb-throwing, not in bra-burning and name-calling. We of America have too much to lose to just throw it away on the whim of a radical. The heritage of freedom presented to us by our ancestors is the most unique in this world.

THE GREAT SPY SCARE

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. BRAY. Mr. Speaker, the following lead editorial from the December 21, 1970 Indianapolis Star puts a recent matter into much-needed perspective.

THE GREAT SPY SCARE

Reports of spying by United States military intelligence agencies on politicians, church figures, commentators, reporters, lawyers and other civilians have brought widespread reactions of indignation.

But there is no validity whatever to the claim there is "no place in a free society" for domestic intelligence operations to detect subversion that could impair or destroy U.S. military organizations. There decidedly is a place for such operations in a free society—if that society is to remain free.

A strong case can be made against having domestic surveillance of this type conducted by the military branches themselves. Such information gathering should be directed by a civilian agency. In our opinion it should be in the hands of the Federal Bureau of Investigation. Accordingly we hope that President Richard M. Nixon, as commander-in-chief, orders the armed forces to cease and desist from domestic investigation of civilians.

At the same time, we hope that the hue and cry raised over military intelligence surveillance of civilians does not blind intelligent and responsible Americans to the need for maintaining a highly effective operation for countering subversion against the U.S. armed forces.

The dismantling of the U.S. military establishment by any means available is an avowed goal of international Communist organizations and their fronts and fellow-traveler groups in the U.S. Since enactment of the Internal Security Act of 1950 these groups have waged unceasing assaults on that act, on all U.S. security investigative committees and agencies, and all state and municipal anti-subversive laws and agencies.

The current furor over domestic spying by the military should not be allowed to play into the hands of forces genuinely intent on destroying the U.S.

REPORT THAT SHOCKED NATION

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. DULSKI. Mr. Speaker, one of the great fiascos of my time was the Presidential Commission that went astray recently, the President's Commission on Obscenity and Pornography.

Last Friday, I sponsored a House resolution to denounce the Commission's report. That is the least that we can do in order to assure that none adopts the mistaken impression that the report has validity in law.

At the time the Commission report was issued earlier, I submitted for the RECORD the text of the excellent minority report. I also sponsored appropriate legislation to carry out a major recommendation of the minority: The putting into law of a clear definition of obscenity.

Mr. Speaker, a member of the Commission, Charles H. Keating, Jr., who concurred in the minority report, has written his views for the January 1971 issue of the Reader's Digest. Mr. Keating is a Cincinnati, Ohio, attorney who has appeared as amicus curiae in the prosecution of numerous obscenity cases.

Following is the text of Mr. Keating's article in the Digest:

THE REPORT THAT SHOCKED THE NATION

(By Charles H. Keating, Jr.)

(A much-distressed member of the Commission on Obscenity and Pornography examines the panel majority's bizarre proposal for handling the pornography problem.)

At a Los Angeles bar, men stare intently at a brightly lighted stage. There a young man and woman dance briefly, disrobe, then engage in sexual intercourse.

A woman in Putney, Vt., opens her mail to discover a slick brochure advertising "8-mm. color films." The ad has ten explicit color photographs of naked men engaging in homosexual acts, a woman entwined with two men, and naked men and women caressing each other. Each film is described in lurid language.

Three blocks from the White House, a 12-year-old boy notices a group of men peering at a window display. He walks over to a storefront filled with magazines depicting male sex organs and naked women with their legs spread apart.

These scenes, unheard of only a few years ago, are now commonplace examples of the ever-worsening pornography that is poisoning our society. Recognizing this peril, Congress in 1967 established the Commission on Obscenity and Pornography. Its task: to study the problem and recommend "means to deal effectively with such traffic in obscenity and pornography."

URGES REPEAL OF ALL LAWS

Incredibly, three years and $2 million later, a majority (12 of the 18 members) of the Commission recommended repealing all laws that restrict obscene materials from adults, and that even children be permitted all but pictorial pornography. In the sweeping words of last September's majority report: "The Commission does not believe that a sufficient social justification exists for the retention or enactment of broad legislation prohibiting the consensual distribution of sexual materials to adults." For many of us who have been battling smut, these words are no less than a Magna Carta for pornographers.

To understand how such a travesty could come about, one must look at the makeup of the Commission and at the often bizarre manner in which the panel went about its task.

In January 1968, President Johnson named William B. Lockhart, dean of the University of Minnesota Law School, chairman of the Commission. Dean Lockhart's statements over the years opposing anti-obscenity laws clearly showed his permissive approach to pornography. The body of the Commission was made up largely of persons with no law enforcement or legal background in the obscenity field. (All original members were appointed by President Johnson. I was appointed by President Nixon to replace a member who resigned.)

PROCEDURES ARE CITED

As the months passed, incompetence and bias became apparent. Consider these procedures:

1. *The Commission conducted meaningless sex experiments of questionable ethical nature.* Some 14 tests were conducted to determine individuals' sexual response to various types of erotic material. At Canada's University of Waterloo, the Commission had 56 male students view a series of slides selected for "their pornographic value." Electrodes wired to the students' necks, fingers and heads measured their arousal. At the University of North Carolina, a group of young men were paid $100 each to spend 90 minutes a day for three weeks looking at stag movies and pornographic books and to allow themselves to be checked for their reactions (including a test of their "penile erection") to the smut.

Why was it necessary to conduct dozens of experiments and interviews at taxpayer expense to demonstrate the obvious—that human beings are aroused by erotic materials? And why, at the same time, did the Commission fail to investigate adequately the relationship between obscenity and crime—a task which Congress specifically assigned to it?

2. *The Commission held no meaningful public hearings, and by and large reported only scientific "facts" that supported its preconceived notions.* After repeated demands for public hearings were turned down, Commissioners Morton A. Hill and Winfrey C. Link (who later filed a scathing minority report, in which I concurred) on their own conducted several ad hoc hearings in cities across the country. Finally, as a result of public pressure, the majority agreed to four days of hearings in Washington and Los Angeles during the waning days of the Commission's life, but there was insufficient time for many concerned citizens to testify.

MISUSED POLL RESULTS

Nonetheless, the Commission report authoritatively states that "a majority of American adults believe that adults should be allowed to read or see any sexual materials they wish." This statement apparently is based upon a Commission-sponsored poll which found that only two percent of Americans viewed pornography as a serious national problem.

But the pollsters had asked what people thought were "the two or three most serious problems facing the country today." Naturally, most people gave such answers as "war," "racial conflict" and "law and order." In contrast, a 1969 Harris Poll showed that 76 percent of Americans want pornographic literature outlawed, and a Gallup Poll found that 85 percent favor tougher anti-smut laws.

3. *The Commission unduly rushed into its final report.* Originally, a number of "technical reports" (studies prepared by the 22 staff members plus some 82 outside scientific contractors) were to be considered by four panels drawn from the 18 commissioners. The panels were, in turn, to submit their reports to the full Commission for final recommendations. But not all 70 of the reports for which the Commission forked out the greater part of its $2-million budget were completed in time to be used as a basis for the panel reports. That was bad enough; but then the full Commission went ahead with its recommendations *before* the four panels were able to submit *their* final reports.

Moreover, various technical studies were actually kept from me and other commissioners, despite repeated requests. I was able to obtain them—as well as time to submit a minority report—only by resorting to a lawsuit in federal court. As Sen. John McClellan (D., Ark.) said later: "Never before in the history of Congressionally created Presidential commissions have constitutional rights been so infringed upon that a commission member was compelled to seek judicial relief."

OPPOSITION TO REPORT

The Commission's report has already sparked forceful opposition in Washington. In October, the Senate, in an unprecedented action, overwhelmingly passed a resolution sponsored by Senator McClellan specifically repudiating the majority report on two grounds: (1) that "the findings and recommendations are not supported by the evidence," and (2) that "the Commission has not complied with the mandates of Congress." And President Nixon, having evaluated the report, said, "I categorically reject its morally bankrupt conclusions and major recommendations. So long as I am in the White House, there will be no relaxation of the effort to control and eliminate smut from our national life."

Nevertheless, the wide publicity given to the majority's suggested solutions to the obscenity problem calls for some straight answers.

For example, the Commission claims that "extensive empirical investigation provides no evidence that exposure to or use of explicit sexual materials plays a significant role in the causation of social or individual harms."

My answer is this: although proving cause-and-effect relationships in sociological matters is difficult, common sense tells us that it is ridiculous to imply that pornography has *no* effect. Since the current flood of erotica began in the early 1960s, sex crimes have multiplied. From 1960 through 1969, reported rapes increased 116 percent; arrests for rape went up 56.6 percent; and arrests for prostitution and commercialized vice shot up 60 percent. Such statistics at least appear to reflect some "significant" relationship between crime and pornography.

MAJORITY IGNORED OWN STUDIES

And, in fact, the Commission majority chose to ignore a number of results of its own studies which showed ill effects of smut. One involved 365 men, including prisoners, college students and Roman Catholic seminarians, and concluded: "The data clearly suggest that exposure to considerable pornography at early ages (under 14) plays a role in the development of sexually deviant life-style." Another Commission-sponsored study, of 464 reformatory inmates, showed again and again a relationship between high exposure to pornography and sexually deviant behavior at a young age.

More than a year before the Commission completed its work, I requested that a thorough study be made of police records to determine whether obscene materials are frequently involved in cases of anti-social sex conduct. Included in my memo were the results of a pilot project undertaken by the Citizens for Decent Literature, which asked police departments in several cities to compile lists of cases where pornographic material was related to sex crimes. Thirty-four such cases were mentioned in my memo; yet the Commission ignored these findings and refused to authorize a broad national study.

Wrong Definition. The Commission also claims that the prevailing view in the Supreme Court, lower federal courts and state courts is that the test of obscenity is: whether to the average person, applying contemporary community standards, the "dominant theme of the material taken as a whole appeals to prurient interest" and is *"utterly without redeeming social value."*

This interpretation, which would make it virtually impossible to find anything obscene, was an important factor in the majority vote to legalize pornography. But it is flatly untrue. The controlling test for obscenity was spelled out in 1957 by the Supreme Court's landmark decision in the case of *Roth v. United States.* Declaring that the First Amendment guarantees of free speech have never applied to obscene material, the Court held that "obscenity is not within the area of constitutionally protected speech or press."

WHAT THE COURT SAID

The Court went on to state that material is obscene when "to the average person, applying contemporary community standards, the dominant theme of the material, taken as a whole, appeals to prurient interest." *The Court did not say that the material must be "utterly without redeeming social value."* What the Court did say in this regard was: "Implicit in the history of the First Amendment is the rejection of obscenity as utterly without redeeming social importance." Clearly this was not part of the Court's *definition* of obscenity.

Up to You. Amid the public confusion over this admittedly complex legal question, what can be done? I made two principal recommendations in my minority report.

First: Action against obscenity at the community level should continue vigorously. We should insist that pornographers be arrested, prosecuted and jailed.

Second: Congress should enact a law that would prevent the U.S. Supreme Court from overturning an obscenity conviction simply because it does not agree with a determination of obscenity in a lower court. It is a long-established principle that the Supreme Court's role is to *review* law; it is not a fact-finding court.

Such legislation, which follows the intent of a bill sponsored by the late Sen. Everett M. Dirksen (S. 1077, still before Congress), would "free juries of local citizens to make the final determination as to whether a book, magazine or movie is obscene." At the same time, it would effectively refute the flagrantly biased findings of a handful of men who foisted their ideas on the Commission's majority report.

The issue is squarely up to the public. Citizens can sit back, do nothing and let the moral bankruptcy continue. Or they can join the crusade to stop the flood of pornography—at this time when there is such desperate need for enlightened, intelligent control of the poisons that threaten us and the generations to follow.

SOVIET JEWISH POLITICAL PRISONERS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. ROSENTHAL. Mr. Speaker, the world must continue to be reminded of the plight of Jews in the Soviet Union. The forms of persecution vary from time to time but the theme is, sadly, consistent: Soviet Jews are subjected regularly to political persecution and repression, are forbidden to teach, practice, preserve, and perpetuate their religion and culture and are forbidden to escape this anti-Jewish campaign by emigrating to Israel.

The American Jewish Conference on Soviet Jewry recently held a rally in Washington in conjunction with the Jewish Community Council of Greater Washington. The conference is composed of the 27 major national Jewish organizations in the United States. I was extremely pleased to note the variety of distinguished Americans who participated in this rally. They included: The Very Reverend Francis B. Sayre, Jr., dean, Washington National Cathedral; Bishop Stephen Gill Spottswood, president of the board, National Association for the Advancement of Colored People; Senator JACOB K. JAVITS, Republican of New York; Senator ABRAHAM RIBICOFF, Democrat of Connecticut; Senator RICHARD S. SCHWEIKER, Republican of Pennsylvania; Myer Feldman, former White House counsel and noted lawyer; Dr. David R. Hunter, deputy director general, National Council of Churches; Jerry Wurf, vice president, AFL–CIO and president, American Federation of State County and Municipal Employees; and Elihu Davison, steering committee, Baltimore-Washington Union of Jewish Students.

So that my colleagues can be kept fully informed on this important issue which will continue to abrade American-Soviet relations until the Soviet anti-Jewish campaign ends, I include below a current background report on "Soviet Jewish Political Prisoners" prepared by the American Jewish Conference on Soviet Jewry:

SOVIET JEWISH POLITICAL PRISONERS: BACKGROUND REPORT

Thirty-four Soviet Jews, arrested and held incommunicado within the past six months in Leningrad, Riga, Kishinev and Tbilisi, face the imminent prospect of political trials that can lead to life imprisonment, and even the death penalty.

The weight of evidence, filtered out to the outside world by close relatives and friends, leaves little room for doubt that regardless of the legal specifications that may be brought at the trials their trust will be anti-Jewish.

In the larger context of recent Soviet policy, it is clear that the immediate purpose of the arrests and any accompanying trials is to stifle the voices of the scores of Jews who, in the last year, have undertaken to struggle to leave the USSR for Israel, where they can maintain their Jewish identity. The long-range objective may be to crush a larger-scale renascent Jewish national consciousness among many thousands of Soviet Jews.

All the available information leads to the conclusion that last spring a high-level policy decision was made to initiate a nationally coordinated, concerted secret police (KGB) action against militant Jews which used entrapment and provocation and involved large-scale searches and seizures, confiscation of printed matter, interrogations and, ultimately, forced confessions that can be used as incriminating evidence in public trials.

The known facts are these:

At 8:30 A.M. on June 15, 1970, nine Riga Jews were apprehended at Leningrad's Smolny Airport as they were walking from the terminal to an airplane. That afternoon, *Vecherny Leningrad,* the main afternoon paper, carried a brief announcement of the action, indicating that those arrested had planned to hijack the plane out of the country. The same item appeared the next day in *Leningradskaya Pravda,* the main morning newspaper.

As a matter of policy the Soviet press rarely publishes crime news, and even then it is not until long after the event. The fact that these papers carried this report within less than twenty-four hours suggests that they were alerted in advance. The fact that the Jews were arrested while walking on the ground is a sure sign of the KGB's advance information and planning.

The probability of a meticulously coordinated police provocation is enhanced even further by the virtual simultaneity of other actions that day.

At about the same hour of the arrests at Smolny Airport, eight Leningrad Jews were arrested in scattered places—at work, at home, on assignment some distance from the city, and even on vacation as far away as Odessa. Within a few hours searches were carried out in dozens of homes in Moscow, Leningrad, Riga and Kharkov; scores of people were detained for questioning and then released. Since June there have been more arrests in Tbilisi, Kishinev, Riga and again in Leningrad, bringing the number of Jewish political prisoners at this date to thirty-six, including two sentenced prior to the new arrests.

The man in charge of "the Leningrad case," involving at least the prisoners from Riga and Leningrad itself, is the chief city prosecutor, S. Ye. Soloviov, well known to local Jews as an anti-Semite.

In 1961 he served as a judge in the city's criminal court, and presided over two notorious trials involving Jews. In one case, he handed down a series of death sentences for alleged economic crimes to a group of Jews. In another, he sentenced Leningrad synagogue leaders, including an 84-year-old man, to lengthy prison terms on charges of subversion. The charges were due to the defendants' determined efforts in behalf of Jewish religious observances, and their active contacts with synagogue leaders in other cities.

I

The new arrests and the ominous possibility of trials must be understood within the larger context of official policy, as reflected in the massive winter propaganda campaign against Israel during January–March 1970. What began as a concerted nationwide chorus of condemnation of Israeli policies swiftly degenerated into a general anti-Jewish campaign. Publications in the thousands all over the country, through articles, editorials, pamphlets, letters to the editor, and caricatures, assumed an anti-Semitic tone and character.

The campaign itself was an expanded, but more intensified, version of the Soviet propaganda line that now views Judaism as the ideological progenitor of Zionism, and Zionism as the equivalent of Nazism. The whole amalgam is a key element in the doctrine of

"International Zionism" as the Jewish ally and servant of Western imperialism—an updated and refurbished adaptation of the discredited Tsarist "Protocols of the Elders of Zion."

A number of Jews, both prominent and obscure, were pressed into service in this campaign, to proclaim their loyalty to the Soviet Union, to reiterate official apologetics about Soviet Jewry, to sign attacks on Israel and world Jewry, and to brand as betrayal any desire to leave for Israel. The apex was reached at a Moscow press conference on March 4, when 52 prominent Jews were brought together by the Foreign Ministry to speak to the world and, indirectly, to Soviet Jews.

What must have shocked the authorities, however, was the instantaneous reaction of dozens of Soviet Jews, as individuals and in groups, in Moscow, Leningrad, Riga and elsewhere, repudiating the assertions of the "house-broken" Jews and their right to speak for all of Soviet Jewry. It was very likely in reaction to this unprecedented audacity that the regime decided to intensify anti-Jewish pressures.

Of course, the authorities have been aware for some time of the growing frustration and resentment of many Soviet Jews at the discrimination they face in higher education and employment, the widespread anti-Jewish propaganda, the hostility they and their children frequently encounter in the streets, at school or at work, and, not least, at the deprivation of their cultural and religious rights, foreclosing the possibility of perpetuating their heritage and maintaining their group identity.

Furious with official anti-Semitism, and inspired by the spiritual self-regeneration which Israel represents to them, a rising generation of young Soviet Jews rejects this situation as intolerable. Tens of thousands have applied for exit permits to emigrate to Israel, With few exceptions, their applications have repeatedly been turned down.

Several hundred of the more daring have circulated appeals and open letters addressed to the Soviet leadership, to the UN Human Rights Commission, to UN Secretary General U Thant, to the International Red Cross, and also to President Richard Nixon and Israel Premier Golda Meir. In effect, they have appealed to public opinion and to the conscience of the world. Such letters have been written by individuals and by groups in every major city.

This wholly unanticipated upsurge of pride and national consciousness has manifestly so upset the regime that it has resorted to severely repressive measures. The striving for Jewish national identity has begun to be treated like a criminal or anti-social act, with procedures of intimidation used against many who applied for exit permits, including interrogation by the KGB, expulsion from the Party, suspension from the university, discharge from employment, and general social hostility at work.

II

But, what of the imminence of a trial of those arrested since June?

In order to better understand what may happen, it must be borne in mind that there are basically two separate groups involved in "the Leningrad case."

We know precious little about their fate. No indictment has been issued. The prisoners have been kept incommunicado. Relatives, friends and even potential defense counsel have been forbidden to visit them, and they have evidently been under the tensive interrogation. Since we have no precise idea of how they will be charged, it is only possible to speculate on the circumstances in which they will be tried, and the penalties they are likely to incur.

According to law, conspiracy to hijack an airplane is considered treason and is therefore subject to the death penalty. Even knowledge of such a plan and failure to report it can be subsumed under a charge of anti-Soviet activity and entails life imprisonment. Attempted hijacking can be treated as a plot to damage or steal State property, and may also entail the death penalty.

About the Riga group, relatives and friends living abroad but in the closest feasible contact at home believe that the Riga Jews were entrapped by someone in their midst.

We have learned, in a letter from the wives, mothers and sisters of eight of the Leningrad group, that police interrogators informed the women that the prisoners confessed to "anti-Soviet activity" and the attempted hijacking of a plane. The women made it clear that they believe these were forced confessions.

Forced confessions raise the ominous spectre of show trials. Such staged trials, using forced confessions as decisive evidence, are no innovation in Soviet law and public life, even though they have been in disuse in the last few years. This sad tradition goes back to the early 1920's and culminates, of course, in Stalin's notorious Great Purges of 1936–40, with their anti-Jewish component.

For Soviet Jews, this form of terror as an anti-Semitic expression began in earnest only after World War II, in the last five years of Stalin's death, known to them as "the Black Years." Those years witnessed a series of grim experiences: a massive anti-Semitic campaign of propaganda and purge against "unmasked cosmopolitans" (a thinly veiled and well-understood euphemism for Jewish intellectuals, large numbers of whom publicly "confessed" their sins); the liquidation of Jewish cultural institutions and the arrest and execution of hundreds of Jewish cultural leaders; a series of anti-Semitic show trials, replete with confessions, of the top leadership of Communist parties in the Soviet satellites, especially the infamous "Slansky trial" in Czechoslovakia, plotted by Stalin in 1952.

The wave of terror culminated with the announcement, in January 1953, of an alleged "plot" by which Soviet Jewish doctors had murdered, or were planning to murder, Soviet political leaders at the behest of an international Jewish conspiracy in league with Western imperialism—a charge that is closely akin to the present Soviet trilogy of Judaism—Zionism—Nazism! Only the death of Stalin, in March 1953, ended what most observers believed was going to be a vast new purge, with an emphasis on trials and the deportation of Jews.

It is also essential to recall the experience and the lessons of the more recent widespread economic crimes campaign of 1961–64. This was another of those nationally coordinated enterprises which the police authorities stage so well. All of the institutions of Soviet power were used to expose and eradicate those accused of alleged large-scale economic offenses, such as theft of State property, embezzlement, dealing in foreign currency, counterfeiting, and bribery.

The Communist Party apparatus, the Komsomol (Young Communist League), the militia, the secret police, the regular police, local prosecutors and courts, and the national and regional press were brought into service. Crude propaganda material, overtly anti-Jewish, blanketed the country and mass trials were staged in which the accused invariably confessed and were given stiff penalties.

For the purposes of this campaign, the death penalty was reinstituted after a lapse of many years. Of the several hundred executed, more than fifty per cent were Jews, who constitute just over one per cent of the total population. Just six years ago the International Commission of Jurists, in a meticulously detailed study, pointed up the anti-Semitic taint of the campaign. Certain Soviet jurists themselves, in a moment of criticism, noted its legal excesses.

More immediately and directly relevant to our present concern is the case of Boris Kochubiyevsky, the first of the Soviet Jewish political prisoners—a 33-year-old electronics engineer from Kiev, in the Ukraine.

Kochubiyevsky was arrested in December 1968, and five months later he was tried and sentenced to three years of forced labor for "anti-Soviet slander." His "slander" consisted of a public defense of Israel in June 1967, and his public assertion in September 1968 that Babi Yar—the ravine outside Kiev where the Nazis slaughtered scores of thousands of Jews in 1941—was a tragedy for the Jewish people. Also included were his statements, in a November 1968 letter to the Soviet leadership, that it was impossible for him to live as a Jew in the USSR since there are no Jewish educational, cultural or communal institutions, and that he consequently wanted to go to Israel.

In short, the accusations against Kochubiyevsky were essentially identical with the regime's real grievances against its present Jewish prisoners. His trial is now being viewed as a harbinger of gloom for additional trials, and as a foreboding precedent.

In the Kochubiyevsky case, *Khronika*, the generally reliable "Chronicle of Current Events" disseminated by the Soviet democratic underground, reported segments of the trial transcript as well as reports by persons present at the trial which painted the following picture.

Some proscution witnesses were provocateurs. Several repudiated the testimony they gave at the preliminary hearings; one admitted to having given his testimony while drunk; others said they testified under pressure from the KGB interrogators. The general public was kept away.

Not even friends or relatives were permitted inside the courtroom. At the same time, the KGB packed the courtroom with its own members, as well as with citizens who were mobilized and instructed to act hostile to the defense. Witnesses were sent out of the court immediately after their testimony, which is against Soviet legal procedures. The judge acted like a prosecutor, indulging in remarks that were hostile to the defense in tone and substance, and generally permitted anti-Semitic and hooligan behavior in his court. At the same time the defense counsel assumed the role of assistant prosecutor, not only accepting the basic validity of the charges against his client but actually indicating his disbelief of Kochubiyevsky's own defense.

It is, of course, entirely conceivable that Soviet authorities will attempt to underplay or even avoid, in any direct way, the essentially anti-Jewish, political character of the new case. Very likely apprehensive about protests in the outside world over a mass anti-Jewish trial, they may seek to divert attention to the narrow legal question of a hijacking plot through an emphasis on forced confessions. This would serve them especially well at a period when much of the civilized world has gone through a period of shock with regard to airplane hijackings.

But regardless of how the trial is conducted, and how Soviet propaganda handles it, it will be difficult to shift the focus from the fact that people are on trial for their convictions, and that Jews are being persecuted as Jews. The defendants had no desire to attack, change, subvert or overthrow the Soviet system. On the contrary, their only desire was to leave that system altogether, and to exercise their elementary human right to leave their country of origin and to settle in Israel, which they now regard as their ancestral homeland and as the sole place where they can live as Jews.

The materials confiscated from those interrogated and arrested demonstrate conclusively that this will be a Jewish case. Among the items seized were Hebrew grammars, Jewish history books, open letters of appeal for help to leave, postal cards from

Israel, and Jewish encyclopedias. In short, as some have written, everything with the words "Jew," "Jewish," "Judaism" was confiscated.

Within days after the June 15 action a young Leningrad Jew, Viktor Boguslavsky, wrote an impassioned letter pleading the innocence of his friends. He noted that "A lively interest in the fate of one's people and love for one's people cannot be considered an offense. Their only crime was that they were born Jews and they sought to remain Jews."

In July, Viktor Boguslavsky was arrested.

TRIED AND SENTENCED

(Ukrainian SSR)

Boris L. Kochubiyevsky: 34 years old. Engineer. Married. One child: a year-old daughter. Former address: Kiev, Ukraine SSR. Charged with anti-Soviet slander December 1968. Sentenced May 1969 to three years at hard labor.

Lilya A. Ontman: Married; family includes a sister and an adopted child. Former address: Chernovitz, Ukraine SSR. Charged with anti-Soviet slander. Sentenced January 1970 to two and a half years in prison.

AWAITING TRIAL (WITH ARREST DATES INDICATED*)

(Georgian SSR)

Abraham Danilashvili; June 1970.*

Biniamin Dzhaneshvili: June 1970.*

(Leningrad, Russian SFSR)

Vladimir Osherovich Mogilever: June 15, 1970;* 30 years old. Engineer. Wife: Yulia Issaevna Mogilever. One child: a two-year-old son. Address: Ul. Telmana D. 36, korp. 1, kv. 209.

David Iserovich Chernoglaz: June 15, 1970;* 30 years old. Agronomist. Wife: Berta Petrovna Veinger. One child: an eight-month-old infant. Address: Pr. Maklina D. 26, kv. 25.

Grigory Ilya Butman: June 15, 1970;* 37 years old. Engineer. Wife: Yeva Shmulevna Butman. One child: a four-year-old daughter. Address: Vitebsky pr. D. 23, korp. 4, kv. 33.

Lassal Kaminsky: June 15, 1970*, 40 years old. Engineer. Wife: Serfima Mayerovna Kaminsky. Two children: ten and seventeen. Address: Ul. Vosstaniya D. 6, kv. 4.

Lev Leibovich Korenblit: June 15, 1970*; 48 years old. Mathematician. Wife: Reveka Moiseyevna Korenblit. One child: a daughter. Address: UL Vereiskaya D. 12, kv, 10.

Solomon Dreizner: June 15, 1970*; 38 years old. Engineer. Married: wife hospitalized. One child: a five-month-old son. Address: 19 Olega Koshevogo, Apt. 23.

Anatoly Moiseyevich Goldfield: June 15, 1970*; 24 years old. Engineer, Unmarried. Mother: Liya Samsonovna Shimanovich. Address: Pr. Shaumyan D. 58, kv. 18.

Lev Naumovich Yagman: June 15, 1970*; 30 years old. Wife: Musya Khaim-Leibovna Yagman. Two children: 2 and 6 years old. Address: Ul. Karbysheva D. 6, korp. 1, kv. 80.

Viktor David Boguslavsky: July 12, 1970*; 30 years old. Unmarried. Mother hospitalized. Address: Pr. Shaumyana 47, apt. 25.

Hillel Zalmanovich Shur: September 5, 1970*; 34 years old. Marital status unknown. Sister: Kreina Zalmanovna Shur. Address: Ul. Zhukovskogo D. 20, kv. 20.

Viktor Shilbans: November 16, 1970*; 28 years old. Physician. Married.

Mikhail Korenblit: November 16, 1970*; Brother of Lev Korenblit.

(Riga, Latvian SSR)

Leib G. Khanokh: June 15, 1970*; 26 years old. Address: 21 Milisnas Street.

Meri Mendelevich Khanokh: June 15, 1970*; 20 years old. Wife of Leib G. Khanokh. Same address.

Yosif M. Mendelevich: June 15, 1970*; 23 years old. Brother of Mary M. Khanokh. Address: 176/44 Lenin Street.

Edvard Kuznetsov: June 15, 1970*; Address: 45 Vaidenbaum Street, apt. 22.

Silva Zalmanson Kuznetsov: June 15, 1970*; Wife of Edvard Kuznetsov. Same address.

Isak Zalmanson: June 15, 1970*; 26 years old. Brother of Silva Z. Kuznetsov. Same address.

Wolf Zalmanson: June 15, 1970*; 31 years old. Brother and Isak Zalmanson and Silva Kuznetzov. Same address.

Anatoly A. Altman: June 15, 1970*; 38 years old.

Boris Pestner: June 15, 1970*.

Mendel Bodnia; July 1970*; 33 years old. Wife: Zelda Bodnia. Address: Shkolnaya Street 7, apt. 2.

Arkady Shpilberg: August 4, 1970*; 32 years old. Engineer. Wife: Margarita Mikhailovna Shpilberg. One child: a daughter, Address: Lenina Street 205, apt. 6.

Boris Maftsier: August 4, 1970*; 23 years old. Wife: Genia Moiseyevna Maftsier. Address: Siltsiema Street 15, korp. 5, apt. 61.

Ruth Aleksandrovich; October 7, 1970*; 23 years old. Nurse. Address: Suvorova Street 16, apt. 20.

Mikhail Shepshelovich: October 16, 1970*; 27 years old. Address: Yuglas Street 5, apt. 42.

(Kishinev, Moldavian SSR)

Aleksander Galperin: July 24, 1970*; 24 years old. Unmarried. Mother: Makhlia Yefimovna Galperina. Address: 37, Ul. Tesbashevskaya 11–13.

Arkady Voloshin: August 15, 1970*; Address: Ul. Kievskaya 41, kv. 5.

Gari Kirshner: August 15, 1970*.

David Rabinovich: August 15, 1970*.

Abraham Trakhtenberg: August 15, 1970*.

Semeon Abramovich Levit: November, 1970*; Address: Ul. Svoboda 8.

SMOKING IN COMMERCIAL AIRPLANES: SOME COMMENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. HAMILTON. Mr. Speaker, as a nonsmoker, I am personally offended by the tobacco odors that invariably envelope airline passengers such as myself. I have expressed my views on this matter to the presidents of the airlines that I utilize, and their responses follow—identical language was used in the letters to Eastern and TWA. A relevant article from the December 17, 1970, Christian Science Monitor also follows:

SEPTEMBER 8, 1970.

Mr. GEORGE A. SPATER,
President, American Airlines,
New York, N.Y.

DEAR MR. SPATER: As a frequent passenger on your airlines, I write to voice an objection and make an inquiry.

My objection is to smoke-filled airplanes. I have never quite understood why the nonsmoking passenger must always defer to the smoking passenger and why the airlines operate on the assumption that most passengers prefer smoke-filled airplanes.

I have spent long periods of time on airplanes with burning, watery eyes, stale air, and a nauseated stomach.

When the planes are "stacked-up," smokers smoke more and conditions become even more unbearable.

After departing from the airplane, often with several hours of work ahead, I feel that I have been in a cigarette factory and my clothes and person carry the aroma (to use a polite word) for hours afterwards.

Several of my colleagues in the Congress have introduced bills to prevent smoking in commercial airplanes and I am tempted to follow their lead.

I thought, however, that it would be proper for me first to give you a chance to state your position.

I am anxious to know the thinking of your airline on this matter. Do you consider it a problem? Are you reassessing present policy? Are you seeking solutions? If so, what alternatives are you considering? What would the attitude of your airline be toward legislation to ban smoking from commercial airlines?

I look forward to your response.

With warm regards.

Sincerely,

LEE H. HAMILTON,
Member of Congress.

AMERICAN AIRLINES,
New York, N.Y., September 22, 1970.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HAMILTON: I am most interested in your comments on smoking aboard aircraft. I don't smoke myself and find it personally annoying to be forced to endure the smoke of others.

American Airlines most certainly does consider smoking aboard aircraft to be a problem, and not only because of my personal preference. We are reassessing our policy and seeking solutions.

We have worked with aircraft manufacturers to obtain better cabin air-conditioning and feel we are making progress. In our present fleet, the entire cabin air content is replaced each two to four minutes. In our newest aircraft, the 747, we provide separate sections of the cabin for smokers and nonsmokers. We expect to do the same on our new fleet of DC–10s which we expect to comprise the bulk of our fleet on high density markets within two years.

If we can solve this problem with better cabin air circulation and separate compartments for smokers, I would prefer to do it that way since I don't like to try to impose my own notions on others.

We are keeping up to date on surveys being made by manufacturers and federal agencies and have asked our medical department to review allegations that in-flight smoking can be a hazard to the health of non-smoking passengers. Our findings to date indicate the problem is one of discomfort or annoyance rather than of health.

With many thanks for giving us the benefit of your views and a chance to comment.

Sincerely,

GEORGE A. SPATER.

EASTERN AIR LINES INC.,
New York, N.Y., October 2, 1970.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR MR. HAMILTON: This is in reply to your thoughtful letter of September 8 in reference to smoking on airline aircraft.

During 1969, Eastern received 61 letters from passengers expressing reactions ranging from annoyance to outrage as a result of smoking by fellow passengers. A few of those letters expressed the view that this exposure to smoking of others might be dangerous, but the majority were focusing on the objectionableness of the smoke and, as you say, "the aroma." Obviously, for every passenger who took the time to write, there must have been a good many others who had the same reactions but did not have the time to put them in writing. Thus, the subject is not one that can be dismissed lightly.

On the other hand, the 61 complaints need to be put in proper perspective. During 1969 we carried approximately 21 million passengers and, thus received approximately one written smoking complaint for every 300,000 passengers carried. It is interesting to note, for example, that we received over four times as many complaints about our failure to provide some special diet meal (such as low-calorie, salt-free, etc.) as we did on the smoking problem.

In an effort to keep completely abreast of passenger thinking on this subject, we included "Smoking Aboard Aircraft" as a topic in a recent airline passenger survey which we conducted. One of the questions asked was "Do you feel that the airlines should adopt the policy of not permitting smoking by anyone on a commercial flight? The responses were: "Yes, should adopt a no-smoking policy"—13.4%; "No, should not adopt a no-smoking policy"—78.4%; and "Don't know"—8.2%. Of the sample, 47.7% were smokers, and 52.3% were non-smokers. It was particularly interesting to us to note that, even of the non-smokers, a majority was opposed to adopting a "no-smoking" policy.

Thus, in the absence of some convincing evidence that smoking is actually injurious to the health of our non-smoking passengers, our present position, based on what we believe to be the overwhelming desires of our passengers, would be to strongly oppose legislation banning smoking on airlines.

This is certainly not to say that we feel that no problem exists, or that we are content to turn our back on it. Each generation of new aircraft has enjoyed significantly improved air circulation systems, markedly increasing the exchange rate of air in the cabin. The manufacturers of our present aircraft would tell you that the individual ventilation nozzle, provided at each seat, is capable of enveloping the passenger in a cone of fresh air which will minimize, if not eliminate, the annoyance of smoke from other passengers. Obviously that is not the case, because we do know that you and many others like you find the smoke levels almost intolerable. For that reason, we are continuing to increase the fresh air exchange rate requirements for new aircraft—with the result that our Lockheed 1011 will achieve a complete change of air in the cabin each 3½ minutes. This exchange will be accomplished laterally, toward the side walls of the cabin, and, thus, achieve maximum efficiency. While I cannot promise that this will totally solve the problem, it should be a substantial step in the right direction.

An interesting sidelight to the possibility of banning smoking from aircraft was the comment we received from smokers that, if smoking were banned, they would simply retire to the lavatories to do their smoking. It isn't difficult to imagine how a few chain-smokers could create problems for the rest of the passengers of an even more serious nature than watering eyes.

We have also considered the possibility of trying to separate the smokers from the non-smokers. Our survey indicated, however, that 70% of our passengers felt that this separation is unnecessary. The separation raises some substantial problems in that it really means that we would have to have four sections in the aircraft—smoking and non-smoking sections in both the first-class and tourist compartments, and possibly reservations for each aircraft for four different types of passengers. We feel that the result would inevitably be a slight loss in utilization of seats which would be of far greater consequence than might be supposed. For example, a 1% reduction in utilization of Eastern's seats during 1970 would almost certainly mean the difference between a profit or a loss for the year, and, all things considered, it appears that an attempt to segregate passengers would probably create more problems and more passenger inconvenience than it could possibly cure. We are still analyzing these possibilities, however, and will continue to do so.

In short, we are dedicated to doing the most possible for all of our passengers, and we are not indifferent toward the smoking problem. We will continue to work on it, and, if you have further thoughts or suggestions, they will be much appreciated.

Sincerely,

F. D. HALL.

TRANS WORLD AIRLINES, INC.,
New York, N.Y., October 22, 1970.

HON. LEE H. HAMILTON,
U.S. House of Representatives, Cannon House Office Building, Washington, D.C.

DEAR CONGRESSMAN HAMILTON: I must apologize for this delayed response to your letter of September 8 regarding smoking on our aircraft. We share your concern in this matter and do indeed consider it a most serious problem. Since we deal daily with thousands of passengers of different backgrounds and varying tastes, we are ever conscious of the wishes of the travelling public.

As I am sure you are aware, TWA did extensive research into the problems of smoking on aircraft. As a result of this effort, effective June 1 we instituted separate no-smoking and smoking sections on all our aircraft. Specific cabins or rows of seats are designated for each preference, and the passenger makes his selection depending, of course, on the availability of accommodations in the area he chooses. These areas are designated both in first class and in the coach sections. This we found was the best possible system and fair to all passengers. Although what we are doing is not a perfect solution to the problem for people like yourself who object to smoking, I do believe that it is the most sensible compromise a public service organization can make.

We are aware that not all passengers are cooperative in that a few individuals may create a situation which can be disturbing to others who anticipate travelling in an atmosphere conducive to their comfort and pleasure. We are confident we have achieved uniformity of performance by our personnel and that our passengers recognize and accept the plan.

Signs indicating no smoking areas are prominently displayed inside the aircraft to reinforce our request for compliance on the part of our passengers. If a passenger does smoke in a nonsmoking area, our inflight personnel have been instructed to tactfully request that he either refrain from doing so or move to a smoking section.

As with any policy instituted to provide a new service to our customers, there is constant review and evaluation and should indications so dictate, we will initiate changes that correspond more closely to the public's desires. Again, I must emphasize that we are trying to satisfy a wide cross section of the public and we have tried to be fair in maintaining our policy in both classes of travel.

I would like to thank you for writing and also for your frequent travels with TWA. In the event you have any further questions, I will ask Mr. Tribbe to discuss them with you for we are always glad to do what we can in this regard.

Best regards.

Sincerely,

F. C. WISER.

NONSMOKERS PUSH FOR POLLUTION-FREE AIR TRAVEL

(By Keith Saunders)

WASHINGTON.—Nonsmoking airline passengers may yet be protected from the smokers.

True, a United States District Court Judge here has dismissed Ralph Nader's suit charging that smoking is a hazard to flight safety.

But this decision does not get at the question of whether the rights of nonsmokers are violated when they are subjected to cigarette smoke in a closed airplane cabin.

A second suit, in the form of a petition filed with the Federal Aviation Administration (FAA) by a college professor earlier this year, requested segregation of smokers from nonsmokers on all U.S. airlines.

The FAA petition, as well as Mr. Nader's court action stated that nonsmokers are forced to breathe smoke-contaminated air in the passenger cabin of planes and that this air may be injurious to the health of any nonsmoker. A further charge was that the annoyance and discomfort constituted discrimination.

FAA PROPOSES RULE

Antipollution measures and environmental protection being much in vogue in Washington this year, the FAA responded by publishing an advance notice of a proposed rulemaking applying to smoking on aircraft operated by air carriers, air travel clubs, and operators of commercial or corporate aircraft. The rulemaking may come within six months.

Meanwhile, the government agency had registered its strong disagreement with the assertion in Mr. Nader's petition that smoking poses a serious threat in the passenger cabin and that smoking by flight crew members can adversely affect their performance in the cockpit. It was on this point that it was upheld by Judge Joseph C. Waddy.

The crux of the issue, as FAA sees it, is how best to protect the nonsmokers from tobacco smoke during the time when he is buckled in a seat in a metal cylinder some 20,000 to 30,000 feet above the ground.

FAA Administrator John H. Shaffer therefore is of the opinion that it is highly desirable for the agency to exercise its statutory authority and explore in depth the extent to which exposure to tobacco smoke may be harmful to nonsmokers. The FAA has invited comments from air travelers, crew members, aircraft manufacturers, medical and technical experts, and other interested persons on a number of pertinent questions.

JOINT STUDY INITIATED

In another approach, FAA joined with the Department of Health, Education, and Welfare and the Department of Defense in initiating a study to measure the amounts of tobacco contaminants in aircraft in passenger use and to check the efficiency of planes' existing air circulation systems. Data also are being gathered on the number of smokers and nonsmokers aboard flights, personal attitudes toward smoking, and amount and type of tobacco used by smokers.

These studies now are slated for completion by the end of the year, and as soon as they have been evaluated the FAA will be in a position to publish in the Federal Register a notice of rulemaking, allow 30 days for comments, and then issue a formal ruling, probably by late spring.

What form the rule will take is difficult to guess. The evidence almost certainly will suggest that the nonsmoking traveler needs and deserves protection from tobacco contaminants while in flight. It is possible such protection can be provided through improvements in cabin ventilation, but aeronautical engineers are dubious on this score. If they are right, it becomes a matter of whether to segregate smokers from nonsmokers or to prohibit in-flight smoking.

Anticipating the proposed rule, several airlines recently have been testing such separation of smokers and nonsmokers—with inconclusive results to date. It is relatively easy to do this on a plane as large as the Boeing 747. For example, Pan American Airways allocates one of the three economy sections of its 747's and one corner of its main deck first-class section to smokers.

On other jetliners, setting up special sections for smoking passengers, if this is to be really effective, involves installation of movable partitions, and on virtually all existing planes other than the Boeing 747 this means at least two partitions—one each in the first class and the coach or economy sections.

This adds weight to the airplane, means less mobility for the cabin crews, causes extra work for airline personnel in determining who is to sit where, may complicate the showing of in-flight movies, and inevitably will make many smoking passengers unhappy.

The alternative to this would be to prohibit smoking aboard airliners. The obvious advantage of such a ban are that it would mean (1) fresher air for all passengers, (2) reduced fire hazard, (3) one less item for the flight crew to monitor, and (4) less of a job for the cleaning crews.

What will be the result if smoking on planes is prohibited? How will the nicotine-addicted air traveler take it?

MOST FLIGHTS SHORT

Domestic flights exceeding two hours' duration are the exception, rather than the rule, and millions of smokers uncomplainingly forego smoking for two hours while attending a movie.

In fact, according to the Civil Aeronautics Board, the average domestic airline flight is 384.6 miles—approximately the distance between Washington, D.C., and Dayton, Ohio. This is little more than an hour's flight by jet.

HANUKKAH AND SOVIET JEWRY

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE SENATE OF THE UNITED STATES

Monday, December 21, 1970

Mr. MINISH. Mr. Speaker, in December of every year, Jews the world over observe the festival of Hanukkah. This holiday celebrates the first great victory for religious freedom won by the Jews more than 2,000 years ago. It strengthened the belief that religious freedom is the right of every people, and that God desired man to worship Him in freedom.

Over 2,000 years ago, the Palestinian Jews were ruled by a pagan king, who seized their temple in Jerusalem, filling it with idols and forcing Jews to abandon their faith or face death. The stanch Jews, led by Judah Maccabee, defied the tyrant and revolted. After a 3-year battle, and although greatly outnumbered, the Jews succeeded in defeating their enemy and driving him out of Jerusalem.

While cleaning out the regained temple to rededicate it, Judah's men found a single jar of holy oil, enough only to keep the eternal light burning for 1 day. But the jar miraculously burned for 8 days and 8 nights, thereby allowing the temple's priests to prepare enough oil to keep the eternal light burning henceforth.

Judah Maccabee then proclaimed an 8-day holiday in celebration of the rededication of the temple of God. The Hanukkah candles that are lit on the 8 days of the festival symbolize the light of religious freedom to the descendants of Judah Maccabee. Hanukkah means "dedication," and on this holiday many Jews rededicate themselves to the ideals of their faith.

As Hanukkah approaches this year, we are reminded of its significance by the ongoing "trial" of Russian Jews, who are subject to life imprisonment and death for their religious persuasion. The Russian Jews who are facing trial have tried to keep the burning light of their faith lit at all costs. While religious freedom is the right of all people, this right has been abridged in Russia. For the information of my colleagues I will now insert in the CONGRESSIONAL RECORD a factsheet on Soviet Jewry, prepared by the American Jewish Conference on Soviet Jewry:

FACT SHEET ON SOVIET JEWRY

Q. *How many Jews are there in the Soviet Union?*

A. The 1959 official Soviet census recorded 2,268,000. A study released in September, 1969 by the official Soviet government press agency, NOVOSTI, made a projection based on the 1970 census which indicated a total of 3,000,000 Jews. However, other demographic estimates say that the figure may be as much as 3,500,000 on the basis that the 1959 census used faulty census techniques.

Q. *Where do they live?*

A. According to the last Soviet census, Jews are dispersed throughout 15 Union Republics; 38% of Soviet Jewry live in the Russian Republic; 37% in the Ukraine; 7% in Byelorussia. In the aggregate, well over a million Jews live in four Soviet cities: Moscow, Leningrad, Kiev and Odessa. There are sizeable numbers also in Vilna, Kishinev, Minsk, Riga and Tbilisi.

Q. *What is the official status of the Jewish community?*

A. In a formal sense, there is no Jewish "community" in the Soviet Union.

Soviet Jewry is identified both as a nationality group and as a religious faith. It has a fixed legal status as a nationality, a matter of strict juridical procedure. If both parents are Jewish, the children are listed as Jewish. If one parent is non-Jewish, there is then a choice at age 16, when internal passports are issued.

Among the 108 nationalities in the USSR, Jews rank eleventh in numbers—and the numerical spread from seventh to eleventh place is less than three-quarters of a million.

There is no Jewish religious community although individual synagogues have formal status in Soviet law. As distinguished from nationality, participation in the Jewish religion is, from a legal viewpoint, exclusively a voluntary act.

Q. *What is Soviet policy on nationality groups?*

A. Soviet ideology, Constitution, law and practice actively encourage nationalities, whether territorially dispersed or concentrated, to perpetuate their group existence through cultural and educational institutions and activities in their own languages. (In the long-run, however, signs indicate that "Russification" may be the objective for most nationalities, especially non-Slavic.)

Q. *How has present policy been applied to Soviet Jewry?*

A. In the first three decades of the Soviet regime, the state supported a wide network of cultural and educational institutions and activities for Jews in Yiddish, recognized as their official national language. For example, about 850 Yiddish language books were published in editions of several hundred thousand between 1932–39. Before World War II, there were ten permanent Yiddish theatres. As late as 1940, one hundred thousand youngsters were in Yiddish schools.

By 1948 Stalin had destroyed all Jewish communal-cultural institutions including publishing houses and printing presses which had issued a total of 110 publications in the previous three years. The educational system was dismantled. The famed Jewish State Theatre of Moscow was closed in 1949. Yiddish actors, writers, leaders were liquidated.

The essential elements of this policy were continued by Stalin's successors and for eleven years there were no books, publications or theatres.

Q. *What is the situation today?*

A. There is not a single Yiddish school or a single Yiddish class in the USSR, although Soviet law permits the organization of such classes at the request of ten parents. Intimidation has prevented such efforts.

There are no schools, classes or courses in any language to enable Jews to learn Jewish history, culture, literature or even their recent awful losses during World War II. The martyrdom of Soviet Jews during the Nazi holocaust has been constantly downgraded by Soviet authorities and press.

There is no Jewish publishing house or Jewish book distributing agency, but only occasional token nods toward Yiddish literature. A few classic Yiddish writers, long dead, have been published in small editions and, on occasion, living Jewish writers. In 1964 some book publication was resumed and through 1969 only 15 Yiddish books were issued. Since 1961 there has been a Yiddish literary magazine. *Sovietish Heimland,* originally a bi-monthly and now a monthly. Much of its edition of 16,000, down from its original 25,000, is for export. In a few instances, Yiddish and Hebrew writers, especially pro-left Israelis, have been published in Russian.

There is no Yiddish theatre with a permanent base. There is a small amateur troupe in Vilnius (Vilna), and there are a dozen individual professional performers. There are also a few amateur groups in other smaller cities.

Q. *How has Soviet policy been applied to other nationalities?*

A. "A comparison with other Soviet nationalities exposes the basic injustices of their (Soviet Jewry) situation, for even the smallest nationality groups in the Soviet Union are given the opportunity to pursue a cultural, social and political life of their own denied to Soviet Jews." *Bertrand Russell,* February 27, 1966.

Examples of nationality groups, smaller in population than Jews, provided educational and cultural facilities in their native tongue, are:

1. In the RSFSR (Russian Republic): Bashkirs, 948,000 population; Maris 498,000; Buryats, 252,000; Kumyks, 135,000; Nenets, 25,000; Koryaks, 6,300. (1960 estimates)

In the Ukraine: Poles 363,000; Moldavians, 239,000; Hungarians, 149,000. (1959 estimates)

2. Case example: The Soviet Germans (Volga Germans), dispersed and repressed by Stalin during and after World War II, were officially rehabilitated by his successors. Volga Germans have been encouraged to develop in less than ten years a complex of German language institutions: schools—publishing houses and book stores—libraries, radio and television broadcasts and stations—theatres—orchestras—and cultural associations. In 1964 alone, 233 German language books were published—a total of 13,015,000 copies. The key to this renaissance of German culture was the vigorous support by Soviet officials.

Q. *What is the official policy of the USSR toward religion?*

A. Ideologically it is committed to atheism, but formally it accords freedom of religious worship. According to official policy the Party, as distinguished from the State, carries on anti-religious propaganda. The State asserts the principle of equality of religion.

Q. *How has this policy been applied to Judaism?*

A. The principle of equality has been observed in the breach, insofar as Judaism is concerned. In Soviet society religious centers for various faiths are vital to meeting the various needs of religious groups. Unlike other recognized religious bodies, Judaism is not permitted any central or coordinating structure; each congregation must function in isolation. Rabbi Yehuda Leib Levin, of Moscow, one of less than a handful of known ordained rabbis functioning in congregations in the European part of the Soviet Union, has been increasingly utilized as a spokesman for religious Soviet Jews. In 1968 and in 1969 he was allowed to visit the United States and Hungary, respectively, the first such actions permitted in decades. He has participated in a few meetings of religious leaders of various faiths and denominations from the several Soviet Republics; but, at age 76, Rabbi Levin is the only rabbi in Moscow and does not represent any official group of religious Jewish communities.

Accordingly, Judaism, *unlike other faiths,*—

Cannot publish periodicals and devotional literature including journals, prayer books and Bibles. After years of world protest, 10,000 prayer books were permitted in 1968 and hundreds were actually distributed.

Cannot produce essential devotional articles such as "Talethim" (prayer shawls) or "Tfilin" (phylacteries);

Cannot have meaningful and official contracts with co-religionists abroad as contrasted to the experience of Protestant, Catholic and Moslem faiths;

Cannot publish (except in isolated instances, especially the "showpiece" Central Synagogue in Moscow) religious calendars, indispensable guides to religious holidays and observances.

Q. *Have there been other official pressures applied to Judaism?*

A. In contrast to other recognized religions, there are no Yeshivot, rabbinical schools or seminaries functioning at all because of bureaucratic maneuvers such as denial of housing permits to students. Thus, there are no replacements for the few aging rabbis.

The Soviet government allows theological students of many other faiths to study in their own institutions, and in foreign seminaries or religious educational institutions. Judaism is an exception.

Synagogues have been closed in almost systematic fashion as a result of both direct and indirect governmental action. In 1956, there were 450 synagogues in the Soviet Union. In April of 1963, there were under 100; according to non-Soviet sources, there are now about 65 synagogues.

By 1962, restrictions on the public banking and selling of matzoth, indispensable to the observance of Passover, blanketed the country. Only a few years ago the ban was eased in the large Jewish population centers, after widespread protests from outside the country.

Q. *What is the USSR policy on anti-Semitism?*

A. Soviet ideology condemns anti-Semitism and there are laws against incitement of hatred on religious, national and social groups. There have been a few public pronouncements, from Lenin in 1917 to Premier Kosygin in July, 1965, assailing anti-Semitism. In 1969, PRAVDA and IZVESTIA responded to criticism by denying the existence of anti-Semitism in the Soviet Union.

But there have also been frightening manifestations of anti-Semitism in Soviet practices, even in the post-Stalin years, such as the so-called "economic trials" in the early 60's.

In the guise of anti-religious propaganda, the attacks on Judaism have been virulent, anti-Semitic and racist. While Soviet officials criticized the notorious "Judaism Without Embellishment" by Trofim Kichko, after world-wide public protests, other equally vicious material has continued to be printed by government and Party publishing houses, newspapers and broadcast on State radio.

Since the June 1967 Six-Day War in the Middle East, Kichko in "Judaism and Zionism" (1968), Yuri Ivanov in "Beware Zionism" (1969), and other Soviet propagandists have intensified their anti-Jewish output, attempting to debase Jews and Judaism and suggest a world-wide Jewish "conspiracy" against socialism, using medieval stereotypes.

This campaign reached a peak in March of 1970, when mass meetings were organized and prominent Jews, under pressure, publicly denounced Judaism, Zionism and a natural affinity to Israel. In defiance of official displeasure, however, other Soviet Jews countered with petitions to the Soviet Government.

Q. *Is there discrimination against Jews?*

A. Apparently there is none in housing, nor in various aspects of social life. It also appears that employment opportunities in most fields are generally open, although advancement to highest ranks is almost impossible.

Discrimination against Jews does exist in vital, decision-making sectors of Soviet society, particularly government, political life and in fields involving foreign contact. The quota system at universities, the key to advancement in Soviet society, operates, according to one study, "to the particularly severe disadvantage of the Jewish population."

Q. *What is the overall impact of these practices on Soviet Jewry?*

A. Despite localized Jewish manifestations, Jewry in Russia is an atomized and isolated community, much of which lives in a state of insecurity. It is a community which, if Soviet policy persists indefinitely, would be doomed to cultural and spiritual extinction.

Q. *What has been the effect of these practices on Jewish consciousness?*

A. Despite hostile pressures, there are increasing expressions of vigorous and courageous Jewish identification. Examples:

In 1969 Soviet Jews began to assert their Jewish self-expression within the Soviet Union by a series of petitions to the United Nations and to leading Soviet authorities. For example, in November 1969, a dramatic petition to the United Nations was made public from 18 Jewish families in Soviet Georgia where there is still an atmosphere of Jewish belief and piety as well as strong affinity to Israel. These Jews demanded freedom to go to Israel where they would be fulfilled as Jews. Jewish consciousness is evident also in the Caucasus and Central Asia. Early in 1970 additional petitions were divulged at the United Nations from many other Soviet Jews in places as widespread as Moscow, Riga, Kiev, Leningrad and Kharkov.

A remarkable phenomenon in recent years has been that of tens of thousands of young Soviet Jews, who know little Yiddish or Hebrew, gathering to sing and dance outside synagogues in various cities on Simchat Torah. This practice has begun to spread to other festivals.

In those Western areas under Soviet control since World War II, the determination of those with strong Jewish backgrounds to remain Jewish is clearly evident. Hebrew is being taught on a "one-to-one" basis; informal study groups are being conducted.

Individual Jews, such as Boris Kochubiyevsky, have publicly protested, usually on pain of imprisonment. Jews have increasingly sought to leave for Israel or to rejoin broken or scattered families, there or elsewhere. It was estimated in November 1969 that tens of thousands had willingly registered to emigrate, despite the enusing counter-pressures at schools, factories and in local communities.

Nearly 500,000 Soviet Jews officially regard Yiddish as their "mother tongue." Thousands of others consider it a "second language," not listed on census tracts. The Soviet authorities speak of the lack of interest in Yiddish, but despite this thousands of Soviet Jews have jammed the halls for the token Yiddish concerts occasionally permitted.

Q. *Can anything be done to change Soviet policy?*

A. The voices of concern have been growing. Thousands of champions of human rights throughout the world have protested, despite Soviet denials. Major Communist and Socialist parties, including those in France, Holland, Austria, Britain, the United States and Australia, have publicly reflected their concern as has the Council of Europe, the United States Government and the Socialist International. The American Jewish community, and others, have demonstrated a determination to continue to expose the pattern of discrimination against Soviet Jewry until Soviet policy is reversed. In 1964, the American Jewish Conference on Soviet Jewry was organized. Recently other groups interested in advancing the cause of human rights for Soviet Jews have been formed in several European and Latin American countries.

Q. *Have protests and interventions been helpful?*

A. There is evidence to indicate that Soviet officials are increasingly concerned about the unfavorable impressions circulating abroad. Only after public protests became widespread did the Soviet Government launch a counter public relations campaign and make new promises and minor concessions. Articles on Soviet Jewry by Novosti Press Agency and in publications such as Soviet Life, aimed almost exclusively for foreign consumption, appear frequently. Other evidences:

Official condemnation in 1964 of Kichko's book;

A lifting of the ban on matzoth;

A few Jewish books in Yiddish or Russian;

A slight easing of emigration restrictions;

A virtual end to the economic crime trials;

The printing of 10,000 prayer books;

Publication of the previously mentioned, Yiddish literary journal, *Sovietish Heimland.*

While this tokenism is welcomed, it still fails to provide the basic cultural and religious instrumentalities essential for Jewish survival. However, it does give hope that ultimately the Soviet Government will act on the demands of an enlightened and outraged public opinion.

LITTLE BIT OF SPACE GOES LONG WAY WITH CONSUMERS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, the recent spinoffs of the U.S. space program have brought many good conveniences to the American public that have helped all us good taxpayers in ways which might not seem apparent. William H. Wylie, business editor of the Pittsburgh Press, in a recent article brought many of these unseen advances to our attention:

Little Bit of Space Goes Long Way With Consumers

(By William H. Wylie)

When the United States got into the space business on a big scale, it had to think small.

That's because in the early years the American space effort was married to a little rocket. Unlike the huge Russian boosters, it wouldn't lift big payloads.

Consequently, American space hardware had to be refined. And this has been a blessing for consumers, especially swingers caught up in the miniature world of transistors.

Those are the little gadgets that do the work of tubes—only much better.

They make it possible to manufacture

pocket-sized radios, tape-recorders and other scaled-down electronic products.

Of course, the space scientists weren't trying to please consumers. But their work produced some highly marketable spinoff.

Often this is forgotten by taxpayers shouldering the $2 billion bill for putting a man on the moon.

Not all the spinoff is pleasure-oriented. Far from it!

Lasers—another outgrowth of space science—are being used to perform delicate eye surgery. Someday they may make operations painless, even bloodless.

Epileptics may be better off because the U.S. decided to go to the moon. Scientists are working on a device which measures brain waves. It is hoped that an epileptic will be able to wear one and it will warn him before an attack occurs.

Less spectacular but possibly more useful are the techniques of system analysis that came out of the space program. They clear the way for a mathematical, logical approach to problem-solving.

Crime detection, housing and social problems are a few urban applications. These issues can be attacked with computers in the same way that space mysteries were solved.

The benefits of weather and communications satellites are more obvious. Not only has the forecaster's batting average improved, but it's possible for Tokyo baseball fans to watch a World Series in New York.

New structural techniques for aircraft that are stronger but lighter have been developed. The space effort also has brought about better wiring, pipes, metals, plastics, paints and insulating materials. Many of these have domestic applications.

More efficient methods of converting salt water to drinking water and new ways of generating electricity are other space discoveries.

Now the glamor is gone and an economy-minded administration in Washington is cutting back on the space program. This has led to unemployment, especially on the West Coast.

Seattle's jobless rolls have climbed to 12 per cent and that city fears 18 per cent by spring. Southern California, Massachusetts and other space-manufacturing areas also have been hit hard.

As unemployment rises, it's apparent how many jobs the space effort created.

Too often when critics decry the cost of Neil Armstrong's moon walk they overlook the beneficial side effects. True, many of these discoveries would have been made in time. But the space program made them available now.

PITTSBURGH ECONOMY BOOSTED BY AIRPORT

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. MOORHEAD. Mr. Speaker, many elements go into making a geographic area an industrial colossus.

In western Pennsylvania, where Pittsburgh is located, we were fortunate to have great quantities of iron ore and coal in our hills and mountains.

In the late 1800's and the early 20th century, the indigenous citizens were joined by great waves of immigrants from Eastern Europe and other places. These ready pools of labor worked the mines and mills and helped make Pittsburgh and its surrounding communities the steelmaking capital of the world.

In the middle 1940's a great highway, the Pennsylvania Turnpike, was built from one end of our State to the other, linking Pittsburgh with Philadelphia and the eastern seaboard.

This, too, developed Pittsburgh and western Pennsylvania and made an already attractive metropolitan area even more so.

But a more recent addition to Pittsburgh, and one which reaped a new type of benefit, was the Greater Pittsburgh Airport.

William Wylie, business editor of the Pittsburgh Press, wrote an article last week which described the impact that the airport has had on Pittsburgh, the Nation's second largest corporate city.

I include Mr. Wylie's article in the RECORD for the information of my colleagues:

AIRPORT IMPACTS $250 MILLION, 5 PERCENT OF DISTRICT JOBS

(By William H. Wylie)

How much impact does Greater Pittsburgh Airport have on the local economy?

It totals at least $250 million and probably many millions more.

For one thing, employment in the air and travel industries accounts for 5 per cent of the jobs in the Pittsburgh area.

That doesn't count thousands of jobs created by the more than 800 new businesses established here in the late '60s. Many of them were attracted by the airport facilities here.

These are a few of the findings revealed today by the Air Transport Association of America for Airlines Serving Pittsburgh.

The report was disclosed at a Chamber of Commerce breakfast. Cooperating in the airport study were the County Department of Aviation, the Pennsylvania Economy League and the Chamber.

The idea was to tell what Greater Pittsburgh Airport means to Southwestern Pennsylvania and the nearly five million people living here.

Passenger spending was a big item this year. Seven airlines carried nearly six million people in and out of the Moon Twp. complex.

They spent more than $181 million in the Pittsburgh area, the survey said.

Of that figure, hotels got the king-sized portion—$55 million. Restaurants came in for $49 million, retailers picked up $16 million and the balance went for various consumer purchases.

Because of its headquarters role, Pittsburgh is a big drawing card for business travelers. The report pointed out that 23 of the nation's largest corporations are based here—six of them in the billion-dollar-or-more sales category.

The capital investment of Pittsburgh-based companies is estimated at nearly $13 billion, according to the survey.

Nearly 50,000 residents are employed by companies directly involved or related to air transportation. That includes airlines, aviation service firms, hotels, resturants, tourist services and travel agencies. About 4,100 work at the airport. The rest are scattered throughout the area.

These workers earned $228 million this year, the report said. And that doesn't count income from other members of the family. It would be a significant figure because about 38 per cent of the families said a second member worked full or part time.

Commercial carriers pour a lot of money directly into the local economy. Last year they paid $2.9 million in landing fees at Greater Pitt and spent $1.2 million for rental of property of which $525,693 was for space in the airport terminal building.

About $11.3 million was spent for locally-purchased fuel. Approximately $250,000 was paid for local media advertising. And the carriers put out $147,000 for miscellaneous local purchases.

Also, state and local governments collected more than $3 million in taxes from the 5,900 airline and airport employes. These included levies on sales, real estate, gasoline, alcohol, tobacco and auto license plates.

The airport's most dynamic effect is hard to measure. This is its ability to attract new industry or induce existing firms to stay here and expand.

Chrysler Corp. recently completed construction of a parts depot on Route 30, five miles from Greater Pitt. More than 150 people earning $1.1 million annually are employed there.

A survey by the Regional Industrial Development Corp. (RIDC) of Southwestern Pennsylvania showed that 804 companies located here from 1966 to 1968. Each of the 359 manufacturing firms and 445 non-manufacturing companies had 10 or more employes.

Many of these firms said air transportation was influential in their decisions to set up shop in the area.

The survey noted that the Graphic Arts Technical Foundation moved here from New York and Chicago because of the airport. Lerner Shops of New York opened a distribution center here for the same reason. And a computer center established here by the Whittaker Corp. of Los Angeles is a by-product of the airport.

Also, air transportation was reported vital to more than 170 research labs in the district.

Meanwhile, a heavy investment is being made in the airport's future. A $200 million international complex is under construction and during the next five years airlines are expected to spend $10.5 million on capital improvements.

Obviously the airport's economic impact on the community will mushroom in the years ahead.

FARLEY FORESEES MUSKIE VICTORY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. ROONEY of New York. Mr. Speaker, under the privilege heretofore granted me by unanimous consent of the House I include with these remarks a newspaper article by Walter Trohan, quoting my good and respected friend, former Postmaster General James A. Farley, published in the Chicago Tribune of Friday, November 27, 1970:

FARLEY FORESEES MUSKIE VICTORY

(By Walter Trohan)

WASHINGTON.—The day after the recent elections, this commentator received a telephone call from the venerable, but sprightly, James A. Farley in which the architect of the long Democratic dominance in Washington said:

"Write this down in your diary or what have you and put it away for two years and then look at it: The Democratic ticket in 1972 will be Sen. Edmund S. Muskie of Maine and Sen. Henry M. [Scoop] Jackson of Washington, and they will defeat Richard M. Nixon and Spiro T. Agnew."

Since I have no other notebook than this column and because Farley is a prophet with honor in his country, take this means of sharing his latest prediction. It is news-worthy because Sen. George S. McGovern [D., S. D.] is about to jump the gun and be the front runner for the Democratic nomination.

Some may be interested in my reply, which was: "Don't you think the ticket is a bit bottom heavy?" Farley's answer was, "That could be, but just put it down."

I had no intention of being facetious in my remark about the Farley ticket. No one can say I am anti-Muskie, because I was among the first to propose him as a running mate to Hubert H. Humphrey, the 1968 Democratic standard bearer—who is about to return to the Senate, where he may again promote his political fortunes.

However, it is my serious belief that Jackson is one of the most underrated Democrats and one of the best of senators. Few remember he was Democratic national chairman in the campaign that brought John F. Kennedy to the White House. Altho J. F. K. and his various rat packs took Jackson's work for granted generally, they could not have won without him.

Farley made his reputation as a prophet in 1936 when he predicted F. D. R. would carry every state but Vermont and Maine. Some may say that as party chairman he had no choice but to make such a prediction. However, he organized the machinery that won the phenomenal victory.

Since that time, Farley has picked every Democratic nominee except one. In 1960 he favored Lyndon B. Johnson over Kennedy and it can be argued he was picking a winner even when he lost. He missed out on both Dwight D. Eisenhower elections, but he was misled by party loyalty, which seems to be a dying virtue, if it is a virtue.

Finally, I must confess I suggested that it will be most difficult to beat a somebody in the person of Nixon with a comparative nobody in Sen. Muskie. Nixon is bound to grow as time goes on, because he is in the White House, while Muskie is certain to be the target of all aspirants—open and secret—because he is now recognized as the leader.

It is sad but true that both parties stand in the need of leadership. Take away Nixon and Agnew from the Republicans and what have you got? Charity forbids the mention of names.

And take away Muskie and what have the Democrats got? Another collection of names, relatively unknown and certainly untried, except for Humphrey.

If any of us could get a dollar for every man who has dreamed of redecorating the White House we would have a campaign chest that would enable us to challenge Sen. Edward M. [Teddy] Kennedy [D., Mass.] and the family fortune said to be available to promote his ambition.

Many, yea multitudes, call themselves, but only one is chosen.

TOWARD CHANGING OUR GUN LAWS

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mrs. HANSEN of Washington. Mr. Speaker, I was gratified to see my colleague pass the bill modifying the Ammunition Registration Act yesterday, and I congratulate my distinguished colleague from the State of Oregon (Mr. ULLMAN) for sponsoring this bill and moving it through the House.

As we all know, the bill, H.R. 14233, modifies the Internal Revenue Code of 1954 by deleting .22-caliber rimfire ammunition from recordkeeping requirements.

This is a sensible piece of legislation, one which I have long felt was necessary. As you all know, this type of ammunition is the most popular among sportsmen and hunters, and it is hardly useful to keep track of all who buy it. Certainly, purchase of this type of ammunition should not automatically brand the buyer as a suspicious character.

Along with previous amendments to the law that deleted shotgun and sport-rifle ammunition from the statute, I think this bill is a good step toward eliminating repressive gun registration measures which I have long opposed. I do not believe that law-abiding citizens who target-shoot or hunt for their own pleasure should be restricted from doing so. I support this sensible legislation.

It is my intention to supplement Mr. ULLMAN's good work by working, next sessions, on a bill that will modify other facets of our existing gun laws.

These laws do not constitute Federal gun control as such, contrary to many of the statements made by gun enthusiasts. There is some indication that our present informal records have helped law enforcement people in apprehending criminals.

But overall, there is no indication that crime has dropped significantly because of our present gun laws. In fact, the Justice Department has announced that serious crime rose 10 percent nationally in the first 9 months of this year. While this is a lesser increase than last year, the trend toward increase is clear.

Therefore, I believe the Congress must find other ways of controlling the instruments of crime. I believe that the way to start is to modify existing gun statutes.

RAILPAC PROPOSAL NEGLECTS VITAL AREA IN SOUTHWEST

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. FISHER. Mr. Speaker, the preliminary report on the Transportation Department's plans for creation of a basic national rail passenger system, leaves much to be desired. It exposes a gaping hole in a balanced national system, as contemplated in the Rail Passenger Service Act of 1970.

There are two significant omissions:

First. The New Orleans-Houston-San Antonio-Uvalde-Del Rio-El Paso segment of the New Orleans-Los Angeles major eastwest transcontinental route.

Second. A segment which would connect Laredo to San Antonio-Austin-Houston-Chicago route.

The proposed system, which provides for 16 different passenger routes, neglects a very vital area of the Southwest. Texas, for example, one of the six most populous States, would be served by only one of the tentative routes. This is a north-south route which would either pass through the Dallas-Forth Worth area en route to Houston or go further east near Texarkana.

A study of geographical aspects, along with growth trends, makes a compelling case for both the north-south and an east-west route.

Mr. Speaker, the preliminary report points out that it was issued in response to the 1970 act creating the rail passenger system. That act provides for 30 days in which the recommendation may be reviewed. The Secretary of Transportation then has another 30 days to consider such comments and make the final determination of the system.

Guidelines contained in the law calls for modern efficient intercity railroad passenger service as a necessary part of a balanced transportation system.

It must be assumed, of course, that Mr. Volpe will make some changes and additions in the plan, which was rather hastily put together—considering the magnitude of the undertaking.

The Secretary's review should focus attention on the neglected requirements for the Southwest. When that is done, I feel confident the Southwest will receive the treatment it properly deserves.

THE EVIDENCE MOUNTS THAT THE FCC HAS BEEN A LAGGARD

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. DINGELL. Mr. Speaker, since 1966, when it was first brought to my attention that the FCC was still relying on an apportionment of the frequency spectrum which it made in 1949, notwithstanding the tremendous changes which have occurred in the uses and needs for frequency spectrum since that time, I have been carefully following developments in that field.

The most recent issue of a highly qualified publication in the field of communications, Industrial Communications, contains an article about a paper presented to the annual conference of the Institute of Electrical and Electronics Engineers Vehicular Technology Group in Washington, D.C., earlier this month. The paper was prepared by Mr. Norman Parker, an electronics engineer who in 2 recent years received the "first place" paper award of the IEEE Professional Group on Broadcast and Television Receivers, and who is active in a wide variety of professional groups dealing with television receivers. Because of his illness, the paper was given by Mr. Frihart who for 7 years was in charge of television tuner development by a major television receiver manufacturer, and then for 10 years was manager of Advanced Development Engineering for television receivers for that company, and now serves as director of engineering of the division of the company which produces television receivers. The qualifications of both men with respect to television receivers are, therefore, most impressive.

Mr. Parker's paper develops the point that TV receiver performance has improved substantialy since the FCC established its UHF channel assignment taboos 18 years ago and what may have been thought necessary in 1952, when little was known about UHF TV receivers, it is no longer applicable.

This is of great interest to me and of grave importance to the public interest because, as Mr. Parker notes, the present UHF TV taboos prohibit the use of up to 18 UHF TV channels for each channel which is being used to provide a television service to the public in a given area. For example, Mr. Parker notes that assigning adjacent channels to the same location would constitute a more efficient utilization plan, in view of the capabilities of present day TV receivers, than maintaining the present 55-mile separation taboo. He states that the 55-mile separation may actually constitute an increased interference situation.

Of even greater importance is his observation that the present capabilities of the better existing television receivers are sufficient to permit every TV assignment to be used with a table of assignments devised to provide signals of the right strength. He notes that such an assignment table would provide, as an additional benefit, for an overwhelming amount of additional educational and local television service. Indeed, under a plan which he develops in his paper, 16 TV channels, comprising 12 VHF and four UHF channels, could be repeated in such a way as to provide 12 local signals at all principal points and a minimum of four signals at all other points, all receivable by existing television receivers.

This would provide a vast improvement in the television service received by the public. A further benefit from such a pattern of assignments, Mr. Parker said, would be sufficient uniformity that the secondary effects guarded against by the UHF TV taboos would not exist and valuable spectrum would not need to be wasted to accommodate them.

As evidence of the capability of today's television receiver to receive such signals, Mr. Parker points to the fact that such a present day receiver can adequately receive and discriminate between adjacent signals when a coaxial cable is connected to the antenna leads in place of the antenna. He points out that today's television receiver has every-channel capability if the incoming signals are of relatively the same magnitude and of an adequate absolute magnitude. This would be the case, he says, under the pattern of assignments he discusses.

Mr. Parker emphasizes a factor many may not realize or remember—that it makes no difference to the TV receiver whether the signals arrive at the antenna terminal of the television receiver off the air or through a cable, provided there are similar signal strengths for adjacent channel signals.

I believe that Mr. Parker's comments go a long way toward confirming information which we have received at a number of hearings conducted by the Subcommittee on the Regulatory Agencies of the Select Committee on Small Business over the last few years. All of this information squarely points the finger of responsibility at the FCC for an almost total failure in the past to update its spectrum allocations and plan of assignments. In view of accumulating evidence on this failure, I intend to pursue the matter vigorously.

I also hope that the newly established Office of Telecommunications Policy which the President has set up to promote effective and innovative use of telecommunications technology, resources, and services will, itself, look into this area in which the FCC has been such a laggard.

I ask consent that the article from Industrial Communications, December 11, 1970, to which I have referred, be printed at the conclusion of my remarks:

Total of 16 TV Channels Could Provide United States With More and Better Service Free 312 Megacycles of Spectrum, If FCC Would Capitalize on Current Receiver Capabilities, Motorola Scientist Says; Suggests Use of 12 VHF, Four UHF Channels

If the Federal Communications Commission would concentrate on "co-location of transmitter antennas, equal transmission coverage, and radiating patterns," it could provide the United States with more and better TV service with only 16 assignable channels, and turn the other 312 megacycles of spectrum space marked for television over to other worthwhile purposes, one of the country's leading television receiver design officials reported last week.

The observation was contained in a paper by Motorola, Inc., Staff Scientist Norman Parker outlining a "proposal for the modernization of the UHF television taboos," presented to the annual conference of the Institute of Electrical & Electronics Engineers' Vehicular Technology Group in Washington. The paper was presented, in Mr. Parker's illness, by Neil Frihart, Director of Engineering for the Consumer Products Division of the Chicago electronics manufacturing firm.

The principal thrust of Mr. Parker's paper was that TV receiver performance has improved substantially since the FCC established its UHF channel assignment "taboos" 18 years ago, and what may have been thought necessary in 1952, when "little was known" about UHF TV receivers, he said, is no longer applicable.

With the use of twelve VHF channels and four UHF channels, Mr. Parker said, the Commission could meet "all of the objectives" of its present table of television assignments. The plan he outlined, the Motorola official said, will provide twelve channel choices for the nation's major centers of population, and four or more choices for all locations in between.

The present TV channel assignment "taboos", which prohibit the use of up to eighteen UHF TV channels for each channel that is being used to provide television service to the public in a given area, Mr. Parker said, are unnecessary and could be eliminated entirely. The Motorola scientist observed, in fact, that assigning adjacent channels to the same city would constitute a more efficient signal utilization plan than maintaining the present 55-mile separation taboo. The 55-mile separation, he said, may actually constitute "an increased interference situation."

While such steps as adding an extra coil in the tuner of a TV receiver, or the possible use of an active RF stage, may reduce the need for the TV taboos under the system as it generally stands at the moment, he said, far greater benefit may be obtained "if we devise a way of taking advantage of the present capability of television receivers to discriminate between signals of the proper magnitude. This means simply insuring that the television service received by the people of this country comes from a sufficient number of sufficiently strong signals", he said.

"This can be done", he said. "The present capabilities of the better existing television receivers are sufficiently great to permit every TV channel to be used with a table of television assignments devised to provide signals of the right strength. Such an assignment table would provide, as an additional benefit, for an overwhelming amount of additional educational and local television service. With some modifications, 16 channels comprised of 12 VHF and 4 UHF channels could be repeated in such a way as to provide 12 local signals at all principal points and a minimum of 4 signals at all other points, all receivable by existing television receivers.

"The basis for such a television assignment plan", Mr. Parker said, "would be clusters of television assignments with the signals provided at a relatively uniform level. If the area to be served by this cluster of television assignments is viewed as a hexagon, it is apparent that all points in the hexagon will receive service from all of the transmitters in the cluster. The size of the hexagon would be determined by the distance from the cluster at which the signal level would produce an acceptable signal or better. Beyond the boundaries of that hexagon, additional clusters of similar television facilities would be established. If these hexagons are placed adjacent to each other, then the service available at each vertex of each hexagon will be the sum of all of the service available in each of the three hexagons which have their vertices at that common point.

"Assuming the use of only 16 television channels divided into four groups of four channels each", he said, "it is possible to establish a repetitive use of the 16 channels in which every channel has a protective distance equal to the size of two hexagons. Using, for example, approximately the same co-channel protection presently being used, this would mean a hexagon size of approximately 80 miles, or a service range for each channel of approximately 40 miles. At this distance, high quality television service could be provided with equipment being used today."

"The service provided by such a pattern of assignments", Mr. Parker said, "would be of sufficient uniformity that the secondary effects guarded against by the UHF TV taboos would not exist and valuable spectrum would not need to be wasted to accommodate them."

"If there should be any doubt" about what he is suggesting, he said, "consider the capabilities of the present day television receiver when a coaxial cable is connected to the antenna leads in place of the antenna. A different signal can be transmitted on every channel in that cable and the television receiver can adequately receive and discriminate between such signals.

"Thus, it is clear that today's television receiver has every-channel capability if the incoming signals are of relatively the same magnitude and an adequate absolute magnitude. This would be the case under the pattern of assignments based on the proposed hexagons which have been described. It makes no difference whether the signals arrive at the antenna terminal of the television receiver off the air or through a cable provided there are similar signal strengths for adjacent channels. The receiver will perform equally well in each case."

HEALTH AND SAFETY CLAUSES

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. LOWENSTEIN. Mr. Speaker, America's labor movement has a proud history of innovation in the field of social welfare. The laboring men and women of this country can, indeed, be proud of the leadership taken by their own organizations in social welfare programs of all types.

The Oil, Chemical & Atomic Workers International Union, AFL–CIO, is following in that tradition, paradoxically enough, by proposing a program that would seem at first glance to be of benefit only to its members. The OCAW, under the leadership of President A. F. Grospiron, has announced it will seek formation of an employer-employee trust fund to finance research into the nature and removal of on-the-job hazards in the oil industry.

Certainly the union is to be praised for its determination that its members have safe and healthy places in which to work. But that is not all the story. The union has proposed a program that steps out of past practice and past thinking. This alone makes the proposal worthy of intense and dispassionate study.

To my mind, however, the major interest in the OCAW proposal lies in its possible applicability to a problem that afflicts almost all working men and women to some degree—on-the-job health and safety hazards. The practicality of the specific proposal outlined by the OCAW remains a matter of negotiation between it and the oil industry. But the freshness of the idea deserves attention from us all.

The material follows:

HEALTH AND SAFETY CLAUSES

Section 1. The Company shall institute and maintain all reasonable and necessary precautions for safeguarding the health and safety of its employees, and all employees are expected to cooperate in the implementation thereof. Both the Company and the Union recognize their mutual obligations to assist in the prevention, correction and elimination of all unhealthy and unsafe working conditions and practices.

Section 2. There shall be established a joint labor-management Health and Safety Committee, consisting of equal Union and Company representatives, but not less than two each nor more than four each. The Committee shall establish and adopt health and safety rules. It shall hold meetings as often as necessary, but not less than once each month, at a regularly scheduled time and place, for the purpose of jointly considering, inspecting, investigating, and reviewing health and safety conditions and practices and investigating accidents, and for the purpose of jointly and effectively making constructive recommendations with respect thereto, including but not limited to the formulation of changes to eliminate unhealthy and unsafe conditions and practices and to improve existing health and safety conditions and practices. All matters considered and handled by the Committee shall be reduced to writing, and joint minutes of all meetings of the Committee shall be made and maintained. Time spent in connection with the work of the Committee by Union Representatives shall be considered and compensated for as their regularly assigned work.

Either party may, on its own or in cooperation with the other party, arrange for an inspection of facilities by appropriate inspectors of government, independent agencies or the International Union; provided, however, that no request shall be made without fully informing the other party to this agreement, and provided further, that such inspections shall be made in the company of representatives of both labor and management and that all reports, advice, recommendations, opinions, findings, and anything else of pertinence, whether verbal or documentary, shall be made equally to the Union and to the Company.

Section 3. The Company agrees to provide and maintain such health and safety facilities, personal protective devices and in-plant apparatus for detecting and recording potential and actual safety, health and environmental hazards as recommended by the Health and Safety Committee, and the Company agrees further to provide a continuous training program to insure at all times that all employees are adequately trained in maintaining, handling and using such facilities and apparatus.

The Company further agrees to fully disclose, in writing, to each employee, the full identity of all chemical and related substances. Such identification shall include, but not be restricted to, the chemical, drug, biological or pharmaceutical name and/or names, relevant health and safety hazards and precautions, the maximum concentrations of exposures, health and safety precautions to be taken, health and safety symptoms, medical remedies and antidotes.

Section 4. The Company shall provide and maintain adequate medical facilities, competently staffed, and to provide, at no cost to the employee, medical services, including, but not restricted to, physical examinations at a frequency and extent determined from time to time by the joint labor-management Health and Safety Committee, and the Company further agrees to provide to each employee an accurate report of all medical findings and examinations for whatever cause such findings are made.

Section 5. No employee shall be required to perform work that endangers his or any other employee's health or physical safety or under conditions which are in violation of the health and safety rules, or any local, state or federal health or safety laws. An employee's refusal to perform such work shall not warrant or justify any present or future disciplinary action.

Section 6. The Company agrees to contribute $0.0010 for each barrel of crude refined to a special Health and Safety Fund, which shall be established primarily for the purpose of research of health and safety hazards and the elimination thereof in the industry. The Fund is to be administered by a three-member Board, consisting of one representative from the industry, one from the International Union, and the third is to be selected by the industry and Union representatives from the medical or science professions and is to be engaged in this type of research.

TRIBUTE TO ALLARD K. LOWENSTEIN

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. BROWN of California. Mr. Speaker, ALLARD LOWENSTEIN's presence here in the 91st Congress has been an important factor for those of us seeking peaceful and significant change in the direction and policies of the United States.

With leaders such as AL LOWENSTEIN there is still hope that such long needed changes are coming.

Of course, it is an extremely long process—and frustrating to the *n*th degree. There are no huge gains, no massive forward strides. Instead, there are the mundane day-to-day struggles carried on by men such as AL LOWENSTEIN, which, hopefully, will accomplish the changes necessary to guarantee a free, just, and equitable society for all mankind.

AL LOWENSTEIN was important. Important because of what he did here in the Congress; important because he was here; important because of what he represents.

ALLARD LOWENSTEIN was a truly national Congressman. He represented all Americans. And he was able to do this while working strenuously for and on behalf of constituents of New York's Fifth Congressional District.

I am glad to have served these past 2 years with Congressman LOWENSTEIN. I look forward to working with him in the future. As a leader and as a man, AL LOWENSTEIN will be missed in the Congress.

TRIBUTE TO WILLIAM G. COLMAN—AN OUTSTANDING PUBLIC SERVANT

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mrs. DWYER. Mr. Speaker, I am delighted to join with our distinguished colleague from North Carolina (Mr. FOUNTAIN) in paying a belated but deeply felt tribute to the former Executive Director of the Advisory Commission on Intergovernmental Relations, Mr. William G. Colman. As one of three Members of the House who serve on the Commission, it had been my great pleasure to have worked with Bill Colman throughout the first 10 years of the Commission's life. I can say without qualification that no individual contributed more to the success of the Commission during these formative years than did Mr. Colman.

Bill Colman served as the Commission's staff director from the day it was established in late 1959 through its 10th anniversary this past year. He retired early this year. He started with an idea and by virtue of his skillful leadership, vast understanding, and devoted service, he left an organization that had earned a unique reputation as a valuable and productive institution of government.

As many of our colleagues know, the Advisory Commission on Intergovernmental Relations belongs to no one level of government in the United States. It represents all three levels of government—Federal, State, and local—and its members are active officials in all three levels of government: Cabinet officials, Senators, Congressmen, Governors, mayors, State legislators, elected county officials, and private citizens.

Despite the fact that there was no existing precedent for this kind of institution in America, the Commission has flourished. It has grown in terms of public respect, influence on public policy, and in its volume of research and policy studies on some of the most difficult issues confronting the country—even while, as a governmental organization, it has resisted the almost inevitable impulse to grow in size and cost.

To a great extent, this dual accomplishment is a tribute to the leadership of Bill Colman. From the very beginning, Bill Colman's emphasis was on quality rather than on quantity, and he achieved this objective in outstanding fashion. He was largely responsible for recruiting and developing an extremely able staff which more than made up in the excellence of its product what it lacked in size. Completely trusted by Commission members, he helped to steer the Commission's work into crucial areas of public policy considerably in advance of the public attention which makes those areas matters of controversy. Consequently, the in-depth work of analysis and evaluation enabled the Commission to contribute substantially to the solution of policy questions when they reached the point of political decisionmaking.

Bill Colman's contributions to good government, especially in this difficult and disputed area of intergovernmental relations, may never be adequately recorded, for Bill Colman has always been a modest man. But those contributions were many and real. He possessed a masterful grasp of complex subject matter. He had a deep awareness of the different interests and potential conflicts of members representing different points of view. He was a skillful negotiator who helped bring these diverse positions and people together, and in a way that avoided unnecessary dilution of substance. He helped to bring out from all of us the best we had and helped to shape that best into recommendations on which most of us could agree and from which the country could benefit.

I have never met a finer person nor a more effective administrator in Government service than Bill Colman, and I want to record my high regard. Fortunately, Bill Colman's great talents have not been wasted during the 10 months or so since his retirement. As a consultant to numerous public and nonprofit organizations, he has continued to make the kind of contribution to public policy formation that will have lasting and beneficial effects for the country. I thank him for his unfailing and dedicated service to the country. I wish him well in whatever endeavors he pursues in the future.

AFTER 50 YEARS OF SERVICE—A WELL EARNED RETIREMENT FOR HERMAN C. ROSCOE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. CONYERS. Mr. Speaker, as a close friend of Federal employees in Detroit I frequently receive newsletters from the United Federation of Postal Clerks. Their most recent communication to me was a source of great interest as it announced the retirement of Mr. Herman C. Roscoe after over 50 years of dedicated service in the U.S. postal system.

His departure will be noted by great numbers of Detroiters both in and out of the Federal service. At this time, I wish to extend my most sincere congratulations to this dedicated and able public servant, an active citizen in his community, a constituent and a friend, and to extend to him my best wishes for many happy years ahead.

I include the newsletter of the United Federation of Postal Clerks, Detroit Local 295, in the Record at this point:

The clerk who remembers penny postal cards is retiring from Detroit postal service on December 31, 1970. That announcement was made today by Herman C. Roscoe, 2969 Oakman Blvd., Detroit, Mich. 48238. Since November 5, 1951, he was assigned to Penobscot Building Station where he leaves a host of satisfied postal patrons.

Research has not established whether he also remembers the half-starved equines that hauled the mail collection rigs to the pick-up letter boxes around the city in the early 1900's. These nags were hired by the Postmaster from Pete Wynn's livery stable in old Cork Town.

He will draw an annuity computed on 50 years and 3 months service, plus retirement credit for 2,951 accumulated sick leave hours. His monthly retirement check will be substantially higher than the original grant enacted into law May 22, 1920, the year he entered the postal service at Cleveland, Ohio. (He transferred to Detroit in 1929.) It provided annuities in amounts from $180 to $720 annually.

Throughout his career he never missed paying monthly dues in to the postal clerks AFL–CIO federation. Further, he never filed a grievance with union officers.

"We are taking note of this fabulous record" stated Ivory Tillman, Jr., President, Detroit Local 295, United Federation of Postal Clerks AFL–CIO. "He will be awarded the traditional beneficence from the union's fund, created for that purpose. Additionally, he will be presented with a 'Certificate of Retirement' now being engrossed in Washington, D.C., national headquarters; also a solid gold retirement pin, both emblematic of the fraternal esteem in which he is held by fellow members. His loyalty to the 'Federation' for a half century, stands as a feat worthy of emulation by all clerks in Detroit post office," President Tillman concluded.

PRESIDENT NIXON AGAIN CAN AGREE THAT TEXAS IS NO. 1

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. PICKLE. Mr. Speaker, I am indeed mindful of the time-honored tradition of this House by which we refrain from naming names of our colleagues when we are pointing to "errors."

However, I cannot let go unchallenged the grievous error on November 25 when the gentleman from Ohio (Mr. Wylie), in a frivilous slip of the tongue, referred to Ohio State as being the No. 1 football team in the Nation.

Although my colleague quotes liberally from such distinguished material as "A Hog on Ice and Other Curious Expressions" and other selected primers, he don't know nothing about football.

Mr. Speaker, this programed myopia, this misguided loyalty was brought to my attention by three of my constituents and I present you their pointed explanation:

Mr. Wylie and Members of the House:

In reference to the statement as printed in the Congressional Record, November 25, 1970, Vol. 116, No. 189, p. 10763, we wish the truth known concerning the number one collegiate football team in the nation. According to UPI and AP polls for the weeks of November 15–21, November 22–28, and November 29–December 5, The University of Texas Longhorns are Number 1.

Respectfully,

Christopher Guinn,
Larry Jones,
Freddie Martinez,
Students of the University.

Mr. Speaker, I realize that this point is one relevant only to the time in which it was uttered. But it is a point well taken, backed up by the havoc the University of Texas recently dealt to the Arkansas Razorbacks.

For the second consecutive year the University of Texas has been proclaimed the No. 1 football team in America. So far as I know, this has only happened one or two times in the 100 years of football. That is a most unusual accomplishment and it speaks well for every young man who plays for the University of Texas, and I think this accomplishment proves what some sportswriters have failed to note, and that is that the University of Texas is a team organization. Not many of the recent players have gone on to play pro football, but every year for 10 years these Longhorns turn out some of the best teams in the Nation.

Clearly this means that those boys play well together, they operate as a team, and they have great pride in their accomplishments.

The Irish of Notre Dame will be challenging the Longhorns again this year and every sportswriter in America will be watching that game with more interest than any other. It is hard to believe that their superbly played bowl game last year could be exceeded but the challenge is strong, the competition is keen and the desire on both will be at its maximum.

In all of these contests over the Nation, Mr. Speaker, we Americans are proud of our men who can exhibit such preparedness and who can manifest the finest in sportsmanship—the world needs more of this kind of competition.

Behind the glory of the Texas team is Coach Darrell Royal—a great coach and a great connoisseur of country music. Recently the Washington Evening Star ran an article that gives a little insight into this fine athletic leader and gentleman. I insert a reprint of that article as follows:

ALONG WITH FINISHING FIRST: ROYAL TRIES TO BE A GOOD GUY

(By Milton Richman)

Football coaches are human.

Any one of them might feel a little smug or self-satisfied if his team, like Texas, had been certified No. 1 in the nation and had a winning streak of 30 in a row.

Darrell Royal, whose unbeaten Longhorns are headed for the Cotton Bowl again for another New Year's Day showdown with Notre Dame, whom they beat 21–17 in the same place a year ago, isn't just any coach.

This is the third time in seven years he has had a national champion and when you pin him down and ask "Why you, and not someone else?" he comes up with a thought-provoking answer without conveying the impression he's trying to be unduly modest.

WHY TEXAS?

"The question more accurately put, I think," says Royal, who has coached the Longhorns 14 years, "is why Texas and not some other school? I'm not trying to eat humble pie or sound modest. I think if I were coaching at some other schools I might have been fired two or three times already.

"What I'm saying is that you have to be at the right school; you have to be able to attract the top material, and to do that you have to have the right curriculum, and you have to be lucky. When you have all that you still have to have a good coaching staff like I have.

"You also have to have an alumni who care. We have. You need a college president who cares about the athletic program. We have. You also have to have a Board of Governors who care and we have one. I think even our janitors care."

Royal readily tells you coaching college football has changed radically the past few years and that his philosophy has changed along with it.

"I find I'm coaching less," he said. 'I don't work with circles and X's so much and what I'm doing is spending more and more time in public relations and administration work. I don't have as much time for the technical end of coaching as I used to. I have excellent assistants, men I'm sure are capable of being head coaches in their own right, and they're the ones who handle much of the technical end of it such as the blocking and defense assignments."

Okay then, what specifically does Darrell Royal do to bring a ball club like the Longhorns home in front of everybody else in 1963, 1969, and 1970?

UNDERSTANDS YOUTH

"I think one of my biggest jobs is morale," Royal says. "I'm completely serious about that."

There were no morale problems at Texas this year, according to Royal. The so-called revolution among college football players supposed to occur this season never manifested itself among the Longhorns. Royal doesn't take any bows for that, but maybe he should. He has an understanding attitude about some of the youngsters of today.

"If boys like to wear their hair fuller or their sideburns a little longer, what's wrong with that?" he asked. "That doesn't bother me. What bothers me is if a boy talks back when you tell him to work a little harder or take an extra lap. Then it's a problem."

Did any of his players talk back to him this year?

"I don't recall any," Royal said. "I try to avoid any conflict like that. I don't mean I'm a jelly-fish. I put my foot down when I have to. But I'm careful when and where I do it."

All told the 46-year-old Royal has been coaching nearly half his life. Twenty years. His overall ambition sounds like a modest one but it ranks among the best I've ever heard.

"After I've completed my career and the final ballots are in," Royal said, "I'd like to be remembered as a guy who was fair, who was competent and who was liked. I would much rather be a little less successful and well thought of than the other way around. I wouldn't want to be lonely as an old man."

A BOW TO THE POST OFFICE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. DERWINSKI. Mr. Speaker, as we hope to close our deliberations before Christmas Eve, we must keep in mind that the Post Office is still struggling with the tremendous volume of mail that annually invades its facilities.

A very appropriate commentary on our postal service which was certainly motivated by the spirit of Christmas was carried in the December 18 New World, the official publication of the Chicago Catholic archdiocese. I join in the sentiment expressed in this commentary that the Post Office should be complimented for a job well done during Christmas 1970.

A BOW TO THE POST OFFICE

This is the time of year when the Post Office and its many employes, permanent and temporary, are overwhelmed with letters, Christmas cards, packages and, in the case of The New World and other publications, newspapers and magazines.

It is perennially amazing how the mail gets through, in spite of all the problems of transport, volume, and late mailings by many people.

At times the Post Office and its operations are much maligned; but certainly all of them deserve a bow now for their fine work during the Christmas mail deluge. It is a small note, but an important one for The New World. Last week's issue, for instance, was delivered in most subscribers' homes on Friday—even with the massive mailings of Christmas materials the Post Office also had to handle.

And so, a bow to the Post Office and all those who work in the many aspects of its most important function in today's world.

WQED-PITTSBURGH SETS PACE FOR NATIONAL DRUG SERIES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. MOORHEAD. Mr. Speaker, WQED-Pittsburgh's special programing, "The Turned-On Crisis," which I had the privilege of calling to the attention of my colleagues in the November 16 RECORD, has resulted in a national war against drug series beginning in February.

I am very proud of WQED's month-long effort which included more than 120 hours of prime-time special programing on drug information, rehabilitation, prevention, and legislation.

WQED was the country's first community educational television station, and has shown that it is still a pacesetter.

The Christian Science Monitor of December 11 describes this crucial new series. The article is included herewith for the attention of my colleagues:

TV AIMS SALVO AT DRUG TRAP

(By Alan Bunce)

NEW YORK.—Television will go to war against drug abuse in the United States with three series—separate but related—to begin in February.

In the medium's most important attack on the problem to date, the Public Broadcasting System will carry eight hour-long programs in prime time over its 200 stations as the first wave of its multilevel "project on drug abuse in your community." Called "The Turned On Crisis," this carefully planned assault places a heavy stressed on the word "your."

TV has aired other specials and documentaries on drugs in the last few years. The TelePrompTer Corporation's closed-circuit "King Heroin" is the most striking recent example.

FOLLOWUP ACTION URGED

But the new project calls not only for the three series but for citizens' followup action wherever they are aired. Local affiliates will produce their own shows to buttress the national campaign. Groups throughout the country are being urged to join stations in the effort, and local governments will be pressed to take specific action as the result of disclosures the TV shows will make.

They are the joint effort of PBS's parent organization, the Corporation for Public Broadcasting, and Pittsburgh's public TV station WQED, where they were produced.

"The First Dimension" launches the February series with figures as diverse as golfer Arnold Palmer and United States Surgeon General Jesse L. Steinfeld. It's hosted by Emmy Award winner Denise Nichols, whose own show, "Room 222," is currently on ABC–TV.

Other hours range from Off-Broadway's "The Concert"—staged by ex-addicts—through encounter sessions, to big-name rock stars who tell the over-30 group they'd better listen to rock music because that's where the message is. Celebrities like David Susskind and Fred Rogers ("Misterogers" to young viewers) speak out through panel discussions and other formats.

Despite the CPB's image as an "educational" medium, this is curiously its first venture into a broadcast education project. Set up by Congress in 1967, its main job has been to nourish public television through a 15-man board appointed by the president of the United States.

With "The Turned On Crisis" its sights will be fixed on the kind of broad and entrenched social evil which TV—with its vast, varied reach—is so good at challenging.

SCHOOL ANGLE COVERED

Besides the programs starting in February, a six-part series for educators will begin in March, 1971. "Because We Care" aims its message at teachers, school-board members, and anyone else searching for means of arming children against the drug-culture pressures they will be facing.

Then in November, the third series—"Nobody But Yourself"—will offer six 20-minute programs to some of the key figures of the whole campaign: seventh, eighth, and ninth graders. In classrooms throughout the country they will learn about drug abuse, the law, and themselves in dramatic vignettes that show how constructive personal decisions can be made.

But first, plenty of field-testing in the Pittsburgh area will refine the programs' approach and enable the producers to gain the needed subtlety and effectiveness.

PSYCHODRAMA USED

Scanning titles in "The Turned On Crisis" gives a picture of its scope. "High Is Not Very Far Off the Ground" uses psychodrama and debates between youths and adults to probe the issue of "legislating morality."

In "To Keep It You Have to Give It Away," rehabilitation is seen in its many—and often conflicting—forms, while "The Shade of a Toothpick" surveys drug prevention in streets and schools across this nation.

In preview glimpses of certain programs, the camera invaded a sobbing boy's private moments with a psychiatrist, caught shouting confrontations, and revealed other evidence of the issue's acuteness and volatility.

Some results have already been gained. A "mini" town meeting in the WGED test area produced its very first black-white meeting on a nonracial theme, and one woman has already offered her 10-room house as a rehabilitation center.

If that's any sign of the projects potential impact when it begins national coverage the drug trap will be facing a tough opponent.

THE CITY BUDGET

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to call to the attention of my colleagues a December 11, 1970, editorial of the Pittsburgh Press, noting the accomplishments of the recently submitted city of Pittsburgh budget. It is good to note in a day when governmental costs are increasing that the progressive administration of our good mayor, Peter Flaherty, can provide services to the taxpayers by balancing the budget and not raising taxes.

The editorial follows:

The City Budget

To the long-suffering and overburdened taxpayers, the outstanding feature of the 1971 city budget presented by Mayor Peter F. Flaherty to City Council is the fact that he is asking no increase in taxes.

According to the budget, the city will spend more in 1971—$1.6 million more—than it did in 1970. That is understandable in a time of inflation, particularly in view of the salary increases gained by Pittsburgh police and firemen through arbitration awards that prompted the mayor to include a 7 per cent across-the-board pay increase for other city employes.

The city can spend more without taxing more because of a surplus of $2.1 million expected to remain in the treasury at the end of 1970 operations. Meaning, of course, that the taxpayers already have put out the money that will help balance next year's budget.

Most citizens will applaud Mayor Flaherty's feat in reducing the city payroll, in one year, from a high of 7,001 to about 6,100 jobs. For most taxpayers are convinced that any public payroll includes a number of non-essential positions which can be eliminated without harming public services.

Mr. Flaherty confirms that view. He says, candidly, that hundreds of jobs on the payroll were political in their origin, and he promises to continue paring until all unnecessary personnel are weeded out.

Other local governments could profitably emulate this cost-cutting program.

Satisfaction with the budget job done by the mayor does not, however, relieve City Council of its obligation to go over each item and search for further economies.

Council should, for instance, take a close look at that 7 per cent across-the-board pay increase for non-uniformed employes. For the mayor would apply it even to department heads and other upper-bracket employes who got substantial raises only last year.

Mr. Flaherty included in his budget message the reassurance to the people of the city that payroll cuts and other economies will not result in any reduction of vital services. "We are performing better with less," he says.

If council believes otherwise, it is council's duty to dig into the details and produce any evidence of deterioration of city services.

Unless and until such evidence is brought forth, Mr. Flaherty's budget will stand as a welcome departure from the "tax more, spend more" policies that have marked so many public budgets of recent years.

TRIBUTE TO THE BULL ELEPHANTS

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. GERALD R. FORD. Mr. Speaker, I rise to pay tribute to an organization unique to Capitol Hill known as the Bull Elephants, which is comprised of 800 male assistants to Republican House Members and Senators, plus associates in the Federal Government and business community downtown.

The Bulls meets about once a month to hear distinguished speakers in the Government, communications, media, and political consulting field, as well as to hold seminars on how to increase their political effectiveness and professional abilities. A corollary function to these activities is to promote fellowship between Republican offices.

The late President Dwight D. Eisenhower delivered his last public address before the Bulls in November 1967, and a tape of the talk is on deposit at the Eisenhower Memorial Library. Every member of President Eisenhower's Cabinet spoke before the Bulls at one time or another, as have all but two of President Nixon's so far.

An annual summer event since the Bull Elephants' founding back in 1953 has been the stampede, an all day stag picnic barbeque in the countryside. For the past 4 years the Bulls have invited as their special guests wounded patients of the Vietnam war from the nearby service hospitals at Bethesda and Walter Reed. At each of these stampedes, unknown to one lucky serviceman the Bulls have flown in his wife, arranged a 1-week leave, and paid for hotel and all other accommodations. In recognition of this practice, President Nixon sent the Bulls a telegram at their last stampede saluting them for reassuring the wounded patients "that the people of America are aware of and appreciate their sacrifices."

Under the bylaws of the club an election will be held next month for the steering committee, which represents the same eight geographical regions as our Republican policy committee.

Meanwhile, all Republican Members join me in saluting the outgoing steering committee and other officers for a "job well done" these past 2 years. They are:

Chairman, Hal Eberle—Corbett of Pennsylvania;

Secretary, Jack Foulk—Wylie of Ohio;

Treasurer, Jerry James—Belcher of Oklahoma;

Program director, Don Olson—Nelsen of Minnesota;

Membership chairman, Tony Raymond—Post Office and Civil Service Committee;

Stampede chairman, Sid Hoyt—Devine of Ohio;

Board members Monty Winkler—Teague of California; John Watkins—Denney of Nebraska; Vern Loen—Quie of Minnesota; Jim Robinett—Hall of Missouri; Bill Monohan—Horton of New York; Tom Lankford—minority printer.

GYPSY MOTHS, A NEW THREAT TO CALIFORNIA

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. GOODLING. Mr. Speaker, on various occasions I have introduced to the Record materials designed to bring to the attention of my colleagues the threat that is being posed by the gypsy moth to the forests of Northeastern United States.

Just recently an article written by Dr. William Hazeltine of Orville, Calif., and entitled "Gypsy Moths, a New Threat to California," reveals that the gypsy moth threat is evident not only in the Northeast but in California as well. In addition, as per the article, gypsy moth eggs "have been found in Minnesota, Wisconsin, Virginia, Texas, and Florida."

Dr. Hazeltine, in his article, touches on a multitude of interesting aspects relating to the gypsy moth threat, including the prospect of a reexamination of the ban on DDT for gypsy moth control. Because this article is timely and meaningful, I introduce it to the Record for the attention of my colleagues:

Gypsy Moths, a New Threat to California

A plague of Eastern U.S. forests may be moving West. A second group of Gypsy Moth eggs have been found in California by Agriculture Department Inspectors within the past 3 months.

Close inspection and destruction of egg masses is one way to delay the introduction of this pest into new areas. The eggs are laid in clusters and covered with moth scales, so the patch looks like a piece of buff colored chamois skin, about 1 inch long. Anyone who has had trailers or camp equipment in the North East this past summer is urged to make a close inspection for suspicious looking fuzzy clumps of eggs.

The potential damage to California forests and shade trees is fantastic. A year ago, the damage estimate to Eastern forests was set at 2 to 4 million dollars, and in 1970, many areas experienced worm population explosions. Close to 1 million acres are now infested, from New England to New Jersey, and West to Pennsylvania. Eggs have been found in Minnesota, Wisconsin, Virginia, Texas and Florida, as well as California.

The Gypsy Moth Caterpillars feed on a long list of plants, but prefer trees like oak and other hardwoods. As the worms grow, they will feed on evergreens such as pine and fir. Heavy infestations can easily kill trees by repeatedly stripping the leaves. Large areas in the East have dead snags where living trees used to stand.

California appears well suited to the moth's needs. The climate is similar to its native home in France, and there are plenty of trees for food. Oaks, pines and fir trees of the Sierra Nevada foothills, and the Coast mountain ranges should provide plenty of space for this unnecessary pest. High risks to California exist because the Eastern population is so high. There are more chances of eggs being laid and carried to new areas, simply because there are more eggs being produced by the larger numbers of moths.

The Gypsy Moth was purposely imported into New England from France a hundred years ago. Since its escape about 80 years ago, it has been generally limited to forests of New York and New England. Early controls were applied by hand, and later replaced by area treatment. Control was excellent until environmentalists began telling people DDT was bad. When DDT use was stopped, the explosion began. The female moth does not fly, so spread was slow until rapid transportation began moving the eggs to new areas.

The time to act to protect our environment from this threat is now. It appears to be too late to stop the Eastern infestation but California introduction can be delayed if incoming eggs are found and destroyed. The chances of importation and establishment is directly related to the efforts made to find the eggs.

Work on natural control measure has been in progress for years. Biological control research has been pursued for 60 years, and introduced natural enemies probably have had some effect but pesticides are also necessary for good control. The environmentalists' campaign to get rid of pesticides, such as DDT, looks like the major reason for the present infestation. Before the real consequence of letting the environmentalists dictate policy, we may see more extensive destruction of the same environment, everyone says they want to save.

The public may well have to choose between a little DDT, or a lot of natural environmental degradation. The public may even begin to insist that the questionable evidence for a pesticide ban should be examined.

STRENGTHEN ALLIES—NOT ENEMIES

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. Speaker, Demosthenes, in his "Orations," said:

> For in the worst feature of our past lies our best hope of the future—in the fact, that is, that we are in the present plight because you are not doing your duty in any respect; for if you were doing all that you should do, and we were still in this evil case, we could not then even hope for any improvement.

The purpose of foreign policy is to preserve national independence and liberty. The guiding principle for the achievement of these ends of foreign policy is that one strengthens one's own and allied nations and, if possible, weakens present and potential aggressor nations.

This indisputably sound approach to relations between the United States and foreign nations seems to have been either forgotten or discarded by certain people who make our foreign policy. A recent example of behavior which contradicts the first principles of foreign policy is a deal underwritten by the tax supported Export-Import Bank to sell 10 million dollars' worth of locomotives to Algeria.

Algeria is solidly in the enemy camp. The present dictator of that nation, Houart Boumedienne, is a convinced Marxist and devotee of Fidel Castro, who received training in the Soviet Union and Red China. He took over Algeria by a coup in 1965. Since that time Algeria has shown itself to be even more hostile toward the United States, if that is possible, than it was previously.

Algeria is the North African headquarters for over 20 Communist insurgent organizations ranging from the Vietcong, to the Angolan Liberation Front, to the international branch of the Black Panther Party. It is interesting to note that the Black Panthers set up their headquarters in the building which was utilized by the Vietcong prior to moving to more spacious accommodations.

Algeria serves as a basic training center, along with the Soviet Union, Cuba, and Red China, for the various guerrilla organizations set up to overthrow the non-Communist governments of Portuguese Angola, Guinea, Mozambique, Rhodesia, South Africa, and Chad. It supplies guns, ammunition, and cadre to the terrorist operations running out of Tanzania and Zambia. The Soviet Union has poured over $250 million of military equipment into Algeria since 1967; has set up air bases in central Algeria; and utilizes Algerian port facilities for its growing naval armada in the Mediterranean.

In 1967, Algeria broke off diplomatic relations with the United States, and just recently voted, along with the Soviet Union, against a United Nations resolution which called upon all signers of the Geneva Convention of 1949 to abide by its provisions. This resolution was aimed at the North Vietnamese Communists and their continuing barbaric treatment of American prisoners of war.

Why, in the light of these and other obvious manifestations of hostility toward the United States and all free men, was the sale of $10 million worth of locomotives to Algeria approved and financed by a tax-supported institution? The Commerce Department's rationale is that if we did not sell Algeria the locomotives, someone else would, and that this sale would put U.S. suppliers in on the ground floor for further sales to Algeria as it embarks on a $60 million railway expansion project.

Whatever merit the Commerce Department's remarkable arguments may have, this deal obviously goes against the first tenet of sound foreign policy. It strengthens a hostile nation. These locomotives will become part of the Algerian material base which it utilizes to pursue its objectives—the subversion of Africa and the extension of Soviet power.

On the other hand, the United States continues to be a party to the United Nations economic sanctions against the Republic of Rhodesia. Although last March the United States did cast its very first veto in the U.N. Security Council, against using force to overthrow the Rhodesian Government—a promising sign of sanity in an organization which is sometimes referred to as Fantasyland East—we continue to cooperate in the self-defeating sanctions.

Rhodesia is a solidly pro-Western nation. The Rhodesian Prime Minister, Ian Smith, has offered to help the United States resist Communist aggression in Southeast Asia with, in his words "troops, supplies, anything we can spare without leaving our own country wide open to attack." In word and deed Rhodesia has shown itself to be alined with the forces of the free world.

Thus our foreign policy toward Africa in this case is a double contradiction. While we strengthen a hostile nation which provides quarters for the Vietcong representatives, we contribute to the weakening of a friend who has offered to help us in our fight against the enemy in Vietnam.

Your Government officials in Washington are hired to look after your interests and no one else's. What Demosthenes pointed out to the men of Athens holds today for the men of America. We are in our present plight in part because our policymakers are doing things which run directly counter to our national interest, in an attempt to attain peace through appeasement. Demosthenes also admonished his people to beware "lest in striving to be rid of war, you find yourselves slaves."

HON. PHILIP J. PHILBIN

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. **BURKE** of Massachusetts. Mr. Speaker, I wish to join my colleagues in the U.S. Congress in paying tribute to one of the great Americans of today. Congressman PHILIP J. PHILBIN represents everything that is fine in our Government today. His great contribution to his district, his State, the Nation, and the world for peace and understanding with honor is unsurpassed. PHILIP PHILBIN has given a lifetime of service to our beloved Nation, during World War I, in the service of the late beloved Senator David I. Walsh, as counsel to important Senate committees, as a Member of the U.S. Congress. PHIL PHILBIN with a solid background, All-American football player on one of the great teams of Harvard, a playing participant in one of the Rose Bowl games, a graduate of Columbia Law School. This cultured gentleman, scholar, soldier, statesman never once faltered during his service to his fellow man.

During my entire lifetime I have never had the privilege of meeting a man with greater knowledge about our Government, a person with a complete understanding of the arts, music, and the theater. PHIL PHILBIN has a deep understanding of life, always the gentleman he has carried himself in a manner as to earn for himself the everlasting respect of every responsible person who knew him. Loved by his people, PHIL was always ready and alert to their problems. PHIL PHILBIN could walk with kings, he could mingle with the very poor, but he never lost the common touch.

Yes, one of the outstanding privileges it has been mine to enjoy is his warm friendship, counsel, and advice. He is a true, loyal friend. God bless him in the years ahead. He has enriched the lives of all of us. I include in the RECORD three articles that were the remarks made by PHILIP PHILBIN that sheds a light on this great man:

JEROME KERN

(By PHILIP J. PHILBIN)

Mr. Speaker, I would feel greatly remiss if I were not to make some reference in the House to the recent and most lamented passing of the great American composer, Jerome Kern, whose sudden and unexpected death shocked and deeply grieved music lovers throughout the world.

Naturally our sympathy and condolences are extended to Mrs. Kern and members of his family for their irreparable loss. But it is the Nation that has sustained by his death a loss that cannot adequately be measured by mere mortal words.

For more than 30 years the charming, sprighty music of Jerome Kern has brought pleasure, relaxation, and uplift to millions of our people. He was a prolific writer of tuneful melodies but always maintained the highest professional standards. There was something truly worthwhile in even his most obscure compositions. He never wrote a tune that did not possess some quality of rhythmic, melodic merit.

As a very young man, I can vividly remember the deep and thrilling impression I received from his music. Throughout the years I have followed his compositions with fidelity because Jerome Kern, more than any modern composer, seemed to me, best to typify, best to exemplify and express in music the spirit of the Nation. His melodies were as broad in range as the country itself and covered as many moods as fit over the human consciousness. Some of his tunes had an ecstatic gayety; some took on the quality of nostalgic American folk songs; while others possessed the sparkle of romance.

Jerome Kern's tunes were unpredictable. They followed a pattern all his own. They were never hackneyed or commonplace. They elevated the spirit and stimulated the senses with a wholesome fervor of the joy of living. His talents in his field were unexcelled by any American composer and, in my opinion, he will rank as one of the greatest composers of popular music of all time. It is little wonder that the immortal Victor Herbert early singled him out to be his successor in writing beautiful music for the American people.

In the life of our country we have had few such talented and gifted artists as Jerome Kern. Perhaps he marks the end of the most romantic period of music in American history, although I hope this will not be the case. I hope that others will take up his task where he left off, but when one thinks of Kern's music, one must admit that there are few contemporary composers approaching his standards. Perhaps Sigmund Romberg, Rudolf Friml, Cole Porter, and Richard Rogers would be the only remaining figures in this school, but when I name them because of the luster and outstanding quality of their work, I do not mean to disparage many other popular composers who are making outstanding contributions to current American music.

From a personal standpoint, I am deeply appreciative of the high standard attained by many contemporary composers and am especially interested in the efforts of my intimate and loyal friend, John Redmond, whose work in the popular field has been so conspicuous and holds out such brilliant promise.

Kern was a modest man, and he never permitted his great professional and financial success to go to his head. He had few close friends, and he worked and lived for his art. He was possessed of the rarest taste and discrimination in securing effective orchestration and staging for his matchless melodies and often worked for hours, days, and weeks to get the effect he desired.

His compositions were universal. It is a long, wide step from the lilting, lovely tunes of Oh Boy and Sonny to the stirring music of Ol' Man River, but to Jerome Kern, greatly gifted soul, it was an easy transition. He wrote about the simple things of everyday life, and that was his appeal to the millions of Americans who found in his melodies and themes some counterpart in their own lives.

Kern never was "high hat," personally or musically. He thoroughly loved music and took just as much satisfaction and pleasure out of his "swing" and "boogie woogie" as he did from his more soulful melodies. In this sense he may be said to have marched along with the times, although I have never thought and do not think that all modern forms of music are necessarily evidence of artistic progress and advancement.

Throughout future years Americans will continue to sing the beautiful, touching songs, the joyous melodies, the appealing tunes which he wrote, and many of his works will be written into the folklore of American music. Songs like Ol' Man River will certainly live as long as American folk music is sung.

Kern wrote many melodies which, like those of his friend and admirer, Victor Herbert, from whom he drew so much inspiration, will enjoy popularity as long as human beings are touched by the beauty, appeal, spirituality, and rapture of music. Rapture is perhaps the word which best describes Jerome Kern's music. It has the power to enthuse, the power of transporting our people away from everyday humdrum, trials, and tribulations and lifting them into the comforting, invigorating spheres of imagination and delight.

I could not here recount the many outstanding works of Jerome Kern, nor can I adequately treat or credit the many lyric writers who collaborated with him to make his songs so remarkable.

In their wide scope, his works embraced a fundamental philosophy, a reverence for eternal verities, contemplation and reflection of things outside mundane existence, an infectious spark of the joy and zest of living, or a profound understanding of human emotions.

Jerome Kern is gone. All that was mortal of him has been assigned to the nameless dust. But we have no doubt that his spirit will live on in his immortal melodies to bring joy and happiness to our people throughout the years, to refresh the lonely and to inspire all those who love good music with some better sense of the true nobility of life.

Jerome David Kern was born on January 27, 1885. At the time his family was living on Sutton Place, in New York City, and it was there that, as a boy barely of school age, his musical career began. First, there were piano lessons for himself and his two brothers from their mother, and later on Jerome, at least, "graduated" to a more professional teacher living nearby. When the boy was 10 the family moved to Newark, N.J., and while at the high school there he played organ for the school assembly in addition to composing music for and helping direct the school shows.

After graduating from high school in Newark in 1902, Kern continued his musical studies at the New York College of Music, where his eminent teachers included Alexander Lambert and Paolo Gallico, and also undertook the study of harmony under a private teacher, Austin Pierce. His real ambition in those days, however, was to complete his musical studies in Europe, according to the prevailing fashion—but here he ran up against the not unusual parental objections, particularly on the part of his father. For a while it looked as though Jerome were fated to become a permanent member of the elder Kern's merchandising concern; but when one of the boy's first deals left the Kerns in not-so-proud possession of 200 pianos instead of only 2, as planned, the father decided that his son might, after all, be better suited for music than for business.

During the next few years Kern made several trips to Europe, studying both in Germany and in England. In between times he held a number of jobs in New York, the first of which was with the Old Lyceum Publishing Co. as a pianist and song plugger at a salary of several dollars a week. Later he became connected with the music-publishing firm of T. B. Harms, in which he eventually came to be vice president. It was at an early pre-swing jam session in a back room at Harms that the aging Victor Herbert is reported to have clapped the budding composer on the shoulder and remarked, "Here is the young man who will inherit my mantle."

The American public's introduction to the future musical heir of Victor Herbert came in 1910, when Kern rewrote and provided the original music for a New York show of thus far dubious merit called Mr. Wix, of Wickham. The result was no masterpiece, but apparently the solid musical foundation and the native melodic gift of the young composer were unmistakable. The critic, Alan Dale, inquired, "Who is this Jerome Kern, whose music towers in an Eiffel way above the average primitive hurdy-gurdy accompaniment of the present-day musical comedy? In 1911 appears the first original Kern score for Broadway, The Red Petticoat, which achieved a mild success; and then, 3 years later, came The Girl From Utah and the first of the true Kern song hits, They Didn't Believe Me.

Perhaps the most famous of the early Kern songs, however, was the Magic Melody in Nobody Home, dating from 1915, when the composer was already well on his way to the top of the musical-comedy ladder. The effect this song had upon thinking musicians, as well as upon the musical public at large, is indicated by the late Carl Engel, one-time chief of the Music Division of the Library of Congress, in an essay on jazz written in 1922. "A young man," writes Engel, "gifted with musical talent and unusual courage, has dared to introduce into his tune a modulation which was nothing extraordinary in itself, but which marked a change, a new regime in American popular music. It was just the thing that the popular composer in the making had been warned against by the wise ones as a thing too "highbrow" for the public to accept. They were the foolish prophets. The public not only liked it; they went mad over it. And well they might; for it was a relief, a liberation * * *, unless I am very much mistaken. The Magic Melody, by Mr. Jerome Kern, was the opening chorus of an epoch."

In 1915, however, Kern was no doubt too busy composing one musical comedy score after another to spend much time thinking about new epochs. That year marked the beginning of probably the greatest decade in the history of American musical comedy, and certainly the most productive decade—for sheer quantity—of Kern's career. During the season of 1917–18 alone he is reported to have had as many as 20 different shows running simultaneously in Europe and America.

With the twenties, which Kern ushered in to the tunes of Sally (with Marilyn Miller), the musical show business reached a climactic era in which shows were judged by the gorgeousness of their girls and the expensiveness of their staging, rather than by the quality of their musical scores, and in which rhythmic jazz motifs left little room for simple melody.

Yet the most successful—certainly the most enduring—musical comedy of the sophisticated twenties was un-Broadwayesque, unsophisticated Showboat, with its Only Make Believe, Why Do I Love You, Ol' Man River, and other songs which live and will continue to live because of their melodic freshness and individuality. In the words of one writer, "Showboat, as finally produced by Ziegfeld at the Ziegfeld Theater on December

27, 1927, was not only revolutionary; it was also a gilt-edged investment. It ran more than a year, grossing about $50,000 a week; was revived for a second successful run (1932); and was sold several times to the movies. If the critics called it our best folk operatta, the audiences called it grand entertainment and were refreshed, rather than upset, by its new treatment of musical-comedy materials." Not only in this country was its effect felt in the musical world; a news report of September 1929 tells of three Vienna opera houses vying for the privilege of presenting Showboat and quotes Viennese critics to the effect that its music must be placed in one line with that of Hindemith and Kranek, celebrated classical composers of rather severe mien. Today, almost 20 years after its initial performance, Showboat is again on the boards in New York and fetching new encomiums from a younger generation of critics. The January 28, 1946, issue of Life, features its new success.

But Showboat, which would have provided a fitting climax to many a composer's career, was only the beginning of a new era for Jerome Kern. In a time of depression which gave little encouragement to art in general and even less to such a luxury article as the musical comedy, Kern brought out new shows which were as successful financially as they were original artistically. The Cat and the Fiddle of 1931 was followed in 1932 by Music in the Air and in 1933 by Roberta. It was the latter show, transferred to the screen, that gave Kern his first big success in Hollywood and inaugurated the last period of his life, in which he came to be associated with Hollywood rather more than with New York. A number of his earlier Broadway hits were filmed, and he composed original scores for new films, such as Swing Time and High, Wide, and Handsome. He and his wife—formerly Eva Leale—settled permanently in Beverly Hills, Calif., and lived in close proximity to the movie colony. It was curiously fitting, nevertheless, that when a cerebral hemorrhage struck him down last November and brought him to his end Kern had just returned to New York to prepare for the current revival of Showboat. Thus, he died on November 11, 1945, close to the scenes of his earliest and greatest triumphs.

In the New York Times of the following day the composer was described as "a small, jovial man with white hair and keen blue eyes behind horn-rimmed glasses," who spoke in sporadic outbursts and had "a tremendous amount of nervous energy." This "nervous energy," in the course of some 40 years, had produced a total of 104 shows for the stage and screen, from which the number of individual "hit" songs alone can hardly be counted. It was an unusual characteristic of Jerome Kern's that almost all of his composing was done for musical comedy. Only in his later years did he compose independent pieces—The Last Time I Saw Paris, a response to the German onslaught; a Portrait for Orchestra; Mark Twain; and a Scenario for Orchestra on Showboat. So far as purely orchestral forms of composition are concerned, Kern felt a diffidence that his few ventures probably did little to overcome. For from having the egomaniacal illusions supposedly characteristic of great composers, he called himself "a musical clothier—nothing more or less," and explained that "I write music to both the situations and the lyrics in plays."

Other critics, however, have refuted the composers' modesty and have not taken quite so pedestrian a view of Jerome Kern's function as a creator. Certainly he is one creative artist who did not have to wait until years after his death before achieving both critical and public recognition. Just as Kern's acumen and taste in collecting rare books had long made good copy for the Sunday supplement journalists, so had his peculiar genius for combining inspired melody with humor, dramatic sincerity, and sound musical workmanship long been talked of by long-haired critics. One of these critics was Robert Simon, who introduced Kern to the select clientele of Modern Music as early as the January-February issue of 1929. In an article focused primarily on the then new Showboat, Simon characterized Kern as "a well-trained, practical musician, who not only knows what a fugue is, but even can write one without hiring a ghost composer," and made the following evaluation, which is even more pertinent today:

"He is fundamentally a sound craftsman, and herein he differs from almost every other composer of musical comedy today. There are many who labor patiently over individual songs, but Kern is virtually the only one who looks on his score as an identity. * * * Many a young man with a retentive ear has succeeded in patterning his efforts after the manner of Kern, only to discover that they did not come to life. * * * Kern, in his way, is as inimitable as Ring Lardner."

Time does not permit me to enumerate or allude to all the compositions of Jerome Kern. They are legion and embrace many subjects covering years of conspicuous effort. However, I think it is most appropriate that we should set forth here a list of his more important works:

LIST OF BETTER-KNOWN WORKS

Musical comedies for the stage: The Girls From Utah (1913); Nobody Home (1915); Very Good, Eddie (1915); Have a Heart (1917); Sally (1920); The Bunch and Judy (1922); Sitting Pretty (1924); Sonny (1925); Showboat (1927); Sweet Adeline (1929); The Cat and the Fiddle (1931); Music in the Air (1932); Roberta (1933).

Musical comedies for the screen: Men of the Sky (1931); I Dream Too Much (1935); Swing Time (1936); When You're in Love (1937); The Joy of Living (1938); You Were Never Lovelier, Cover Girl, and Centennial Summer, yet to be released by Twentieth-Century Fox; and Cavalcade, M-G-M, yet to be released.

For symphonic orchestra: Showboat (Scenario for Orchestra); Portrait for Orchestra (Mark Twain).

Song: The Last Time I Saw Paris.

The American people will be ever indebted to Jerome Kern, whose beautiful melodies illuminated one of the most colorful periods of our history. Posterity will surely honor him because down through the years these melodies will continue to bring enjoyment, fullness, and richness to the lives of our people.

For his assistance in preparing biographical data upon the life and works of Jerome Kern, I am deeply indebted to Mr. William Lichtwanger, of the staff of the Congressional Library.

[From the CONGRESSIONAL RECORD, Jan. 4, 1965]

COLE PORTER

(By PHILIP J. PHILBIN)

Mr. Speaker, the entire musical world and popular music lovers everywhere were deeply saddened by the recent passing of one of America's greatest musicmakers—the illustrious Cole Porter.

In the twenties and thirties, creative musical genius seemed to be at its peak. It was a time when the lovely music of Victor Herbert, Jerome Kern, Sigmund Romberg, Rudolph Priml, Vincent Youmans, Franz Lehar, Oscar Strauss, Enmeric Kalhman, Richard Rodgers, Cole Porter, and other colorful writers, was heard in Broadway musicals and throughout the country and the world.

There were countless writers and lyricists in this period producing large numbers of popular songs as well as many fine operettas and musical comedies. The whole country was singing. Music was in the air and in the hearts of the people. Grand opera had the great Caruso and a host of other gifted singers who sang with such eclat and impetuosity that their golden voices literally made the rafters ring and tinkle the Waterford glass crystals in the ceilings of the Nation's opera houses, concert halls, and theaters.

From and of this great, talented, dynamic, music-producing, music-loving generation came Cole Porter. His was not a Horatio Alger career. He was born with a silver spoon in his mouth. He was one of Yale's and Harvard's most favorite sons, the writer of some of the Eli's most rousing football songs.

But he had a musical lyre in his brain, an irrepressible song in his heart, and Park Avenue lyrics in his head. Someone said he was the master of sophisticated melody and urban lyrics which was another way of saying that he wrote love songs for society and the smart set, but woke up to find that he was writing them for all the people, thus giving support to Kipling's premise that "the colonel's lady and Rosie O'Grady are sisters under the skin."

Cole Porter more than held his own among his gifted fellows, who were the greatest musical creative artists of the New York and Hollywood studios. To use the words of the inimitable Swede Nelson, peerless raconteur and musical savant, Porter's songs were "suave, sportive and gay, often profound and always emotional." It could be said that his words were definitively on the emancipated side as measured by the tear jerkers of the gay nineties and the prewar teens. They had a hint of abashed and penitent naughtiness, as a boy calling a name and running, but their piquant flavor caught the country and made Porter one of the truly top men in American and continental popular music.

The sentimentalized lyrics of his "An Old Fashioned Garden" yielded to "You'd Be So Nice to Come Home To" and the world was gay, everybody happy.

Cole Porter went up the ladder fast even though he suffered quite a few disappointments on the way up. But his struggles with the musical entrepreneurs and jealous competitors are for another time. In the song writing business of his day, unlike today when aspiring artists are merely playing a form of Russian roulette against the "establishment" and most of them fall by the wayside, he won his spurs, because he got the chance to show his wares, and they proved fabulously marketable. The public gobbled them up and shouted for more.

I wish I could more fully sketch the life and works of this great man, because I think the American people, whom he served so well, whom he entertained, pleased and at times thrilled and inspired, should pause to recall and pay fitting tribute to this gifted man who wrote some of the greatest popular music of this century. I am sure that others will take the time to portray this appealing story in its completeness and its glory. It is a vital part of our popular musical history and heritage during the past half century.

Porter might well be said to have been a prolific writer. Many of his works never came into real production. But many of them did, and these are the ones that cheered young America and young Europe and brought a sparkling effervescence to the social life of our period.

Of course, a man of this degree of genius had to have some connection with Massachusetts and New England. Born in Peru, Ind., he was educated at famous Worcester Academy in Worcester, Mass., the heart of the Commonwealth, so-called, near my beloved Third District and famous hometown, Clinton, and then at Yale where no doubt the Whiffenpoofs and the Whiffletrees rocked him into a sort of insensitivity to anything weaker than spiritus frumenti. In this climate no doubt his psyche found solid nourishment, and his wits and his tastes were hammered into a bon vivante diadem shedding sparkling musical thoughts in all directions.

And then the frosting on the cake—Harvard Law School and the Harvard School of Music where Cole rounded out his musical appreciation and techniques, and where he caught a vivid understanding of indifference as practiced on Beacon Hill, the Commonwealth Avenue of his day, and the dedicated salons of Fifth and Park Avenues, where a distracted hauteur prevailed, nor somewhat shaded by the advent of the nouveau riche.

One thing is certain: Cole learned counterpoint at Harvard and harmony, too, for his music exudes the exhilirating sensation of motion and soul-stirring quality of depth.

The Yale "Bull Dog Song" and "Bingo Eli Yale" adorn Porter's composers repertoire—his first offerings—now standard college songs.

Porter was a war hero in World War I and went to the front as a French officer and then studied music in Paris where he enriched his knowledge of life and absorbed European culture.

Soon thereafter his career started to move. "Kitchy Koo of 1919," "Greenwich Village Follies," "Paris," "Wake Up and Dream," "Fifty Million Frenchmen," "The New Yorkers," "Gay Divorcee," "Anything Goes," "Jubilee," "Red, Hot and Blue," "You Never Know," "Leave It To Me," "DuBarry Was a Lady," "Panama Hattie," "Let's Face It," "Something for the Boys," "Mexican Hayride," "The Seven Lively Arts," "Kiss Me Kate," "Out of This World," "Born To Dance," "Rosalie," "Something To Shout About," "Broadway Melody," "You'll Never Get Rich," followed.

His musicals contained many songs everybody came away humming and singing "Let's Do It," "You're the Top," "I Get a Kick Out of You," "What Is This Thing Called Love," "Blow, Gabriel, Blow," "You Do Something To Me," "Begin the Beguine," "You've Got That Thing," "Just One of Those Things," "Love for Sale," "It's DeLovely," "Night and Day," "I've Got You Under My Skin," "Easy To Love," "Anything Goes," "In the Still of the Night," "Rosalie," "My Heart Belongs to Daddy," "Do I Love You, Do I," "You'd Be So Nice to Come Home To," "I Love You," "Don't Fence Me In," "Old Fashioned Garden," "So In Love," "Wunderbar," "Always True to You in My Fashion," "True Love," and many others.

The loss of such a man leaves a great void in the world. For he brought something to the American people and to mankind—something that brought them surcease and joy, that brought them lift and new heart, that made them sing and dance and live with verve and spirit.

Surely this is a great contribution. The world urgently needs more of it, but there will be no more Cole Porters. Such genius is not welcome in the music marts of this modern age. It cannot live. It never gets a chance. It is swept under the mat of the modern music bund operators. Popular taste and preference no longer select America's songs. That function is now performed by the "establishment" which keeps a tight rein on the kind of music America sings. How long will the American people remain supine in the face of this condition? Will we ever have music like Cole Porter's again? Only the American people can answer this question.

One of the best services that the people and the Congress can render to the memory of Cole Porter would be to put an end to the present shocking perversion of American musical tastes.

It will take the determined action of the people and the courageous efforts of the Congress to do it right. But it should and must be done in the interests of our youth and to redeem the labor and contributions of Cole Porter and other composers who shaped our traditional popular music and the great masters who created the world's classical music which we love so much.

Hail and salute to Cole Porter. He had a great life. He did a great deal for the country and the world, because he made life better and brighter for millions of people.

His good deeds and great works will long remain after him. His melodies and words will be sung and repeated for years to come wherever there is youth, as long as stirred memories can bring back the golden days of yesteryear, the smiling faces of dear ones at play, and the soft, insinuating strains of magical music wafted on the gentle breeze of a moonlit night.

Long live the music and the memory of the great Cole Porter. May the angelic choirs welcome and cherish him. And may he find eternal peace in his heavenly home.

To his dear ones, I extend my most sincere and deeply heartfelt sympathy for the truly irreparable loss they have suffered. And I express condolences as well to his close friends, his esteemed brethren, his fellow composers of ASCAP, and the American public, for they too have suffered a great loss in the passing of this great, gifted man of song, Cole Porter.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and include therein a recent, fine, moving editorial on Cole Porter from the columns of the widely famed Boston Herald, which is timely, heartfelt and extremely well done, and also an exceptionally well documented, ably and feelingly written piece from the celebrated Boston Record-American by Boston's outstanding dramatic and music critic and columnist, the brilliant Elliott Norton, who captures precisely the lofty, courageous spirit of Cole Porter and his buoyant personality:

"COLE PORTER

"A Warner Bros. script writer assigned to the task of preparing a screen biography of Cole Porter in 1946 complained to his superiors after combing the studio's file on the songwriter: 'There's no struggle—all along the line.'

"In both the economic and the artistic sense the script man was very nearly right. Cole Porter's parents were well-to-do and his grandfather eventually left him a million dollars. He published his first song at the age of 13 and remained a prolific, facile composer until late in life.

"Lucius Beebe once said of Porter: 'It is really the simple things of life which give pleasure to Mr. Porter—half-million-dollar strings of pearls, Isotta motorcars, cases of double bottles of Grand Chamberlain '87, suites at Claridge's, brief trips aboard the *Bremen*, a little grouse shooting.'

"Yet Porter's songs reflected no dilettantism. They were the work of a superlative craftsman distinguished by their melodic originality and the wittiness and worldliness of their lyrics.

"True Porter fans will remember him not only for such great standards as 'Begin the Beguine,' 'Wunderbar' and 'Don't Fence Me In,' but also for literally scores of less famous but no less elegant gems, including 'All Through the Night,' 'Miss Otis Regrets' and 'Ace in the Hole.'

"Cole Porter, now dead at 71, was a giant of American popular music. He leaves a bountiful musical legacy to his countrymen."

"BEST OF PORTER WRITTEN IN ILLNESS

"The best of Cole Porter was joyous, jubilant music, reflecting in melody and in rhythm the spirit and essence of the 1920's and 1930's and, in the best of all his Broadway shows, 'Kiss Me Kate,' the cocky, jaunty optimism of an American generation.

"Porter wrote as he felt. Most of the time, despite many years of a brutal and debilitating illness, he felt good. He lived joyously, celebrating life continuously in the words and music he created for many musical comedies and movies and in a great series of songs.

"As a young man, he was wealthy. During his adult years he was rich. He lived exuberantly as the son of a man of means, as the million-heir of an opulent uncle and as one of the most successful and highly paid song writers of the world. He had sumptuous homes here and abroad, servants, cars, yachts when needed, and enough rich and witty friends to make his life seem, at times, one long celebration.

"At first nights in Boston, he was the only carefree one among the creative artists. The others, librettists like Howard Lindsay and Russell Crouse, who collaborated with him on such shows as 'Anything Goes' and 'Red, Hot and Blue' might be nervous or jittery, or, at the best, tense. Porter was not.

"Even after the accident that crippled him and which was ultimately to make him a recluse, he attended a premiere in the highest of high spirits.

"Having written his songs, he was ready to enjoy the show. He hobbled down the aisle painfully, with aluminum crutches clamped to his arms. Once in his seat, with the curtain up and the orchestra playing, he forgot his pain, forgot conventional modesty, too, and even forgot that he, as the most sophisticated showman of them all, wouldn't be expected to laugh at jokes he had heard many times before.

"He laughed at every funny line, applauded the entrances and exits of the stars he admired, and his own music, too, including the overture. He obviously loved the theater, its excitement and his part in it.

"In the years between 1937 and 1958, Cole Porter wrote the scores of shows like 'Leave It to Me,' 'Kiss Me, Kate,' and 'Can Can,' and such songs as 'My Heart Belongs to Daddy,' which made a star of Mary Martin, and 'I Love Paris in the Springtime.' This despite a riding accident which had smashed almost every bone in his body, which left him a victim of osteomyelitis, and necessitated more than 50 separate operations, in the last of which his right leg was amputated.

"The accident occurred in 1937, when he was thrown by a horse, which then fell on him. Although he seems to have been in constant pain night and day, and would be for most of the rest of his life, he wrote 'Leave It to Me' within a year.

"To make it possible for him to compose, his wife had his piano jacked up on blocks; in that way, they could get his wheelchair under it.

"The late Moss Hart, who went around the world with Porter the year before the accident to gather material for 'Jubilee,' reported afterward that for all his seeming lightheartedness, Cole Porter worked hard at his music. His smiling public personality did not reflect his serious interest in his work.

"He was modest in private conversation, insisting that he could never tell which of his songs would become favorites. What he liked most and what the public most enjoyed were not necessarily the same songs. For the popularity of some numbers, he gave credit to others. 'Begin the Beguine,' which he introduced into 'Jubilee' in Boston after the opening night, attracted little attention at the time. He credited Artie Shaw with making an arrangement and a recording which converted the then forgotten song into a universal favorite.

"His last show, 'Silk Stockings' in 1955, was not his best. There was in his music for that musical comedy little of the magic that had made so many others memorable. After that, he lost interest and lost heart.

"In death, he left behind a great many wonderful songs and one musical play, 'Kiss Me, Kate,' which ranks with the best ever written."

[From the CONGRESSIONAL RECORD, Jan. 29, 1959]

THE IMMORTAL VICTOR HERBERT

(By PHILIP J. PHILBIN)

Mr. Speaker, Sunday, February 1, marks the 100th anniversary of the beloved American composer and great American, Victor Herbert. It is my understanding that the occasion will be appropriately celebrated by proclamations of mayors of principal cities, nationwide television and radio shows, articles in newspapers throughout the country, and other fitting observances. I desire to bring to the attention of the House on his great birthday the cherished significance of the life, brilliant career, and memorable contributions of this great American.

Victor Herbert was not only one of the most-loved creators of musical works ever to appear on the American scene—he was also fittingly a courageous champion of the rights of his fellow composers to a just return for the public performance for profit of their compositions. Too often we tend to forget that the product of a creator's heart and brain, when made public in the form of a copyrighted work, belongs to the creator and is just as much his property as his house or his automobile. Use of his property for profit by others is deserving of compensation.

I am proud to say that in the United States of America, under our free-enterprise system, in general we respect composers' property rights, and that the U.S. Constitution guarantees every creator protection for his works over a term of years. The majority of the Nation's talented writers of music receive fees from the public performance of their compositions through the oldest and best-known performing right society, the American Society of Composers, Authors, and Publishers, which Victor Herbert founded in 1914, with the help of John Philip Sousa and other of his eminent contemporaries so very dear to the hearts of the American people.

Born in Dublin, Herbert journeyed to Germany as a small boy and there received his musical education. When he was 15, he chose music as his vocation and the cello as his solo instrument. It was as a cellist that he met his wife, the celebrated German soprano, Therese Forster, and was hired by the Metropolitan Opera to come to the United States with her in 1886.

Herbert was not long in this country before he began establishing a reputation on his own—first as a cellist with some of our leading orchestras, then as an assistant conductor. For 4 years he was leader of the 22d Regiment Band before accepting a post as conductor of the Pittsburgh Symphony.

His years in Pittsburgh brought the orchestra there new stature and enhanced his own reputation as a musical interpreter. By 1904 he had established his own orchestra, which he led for many years in concerts in New York and other cities.

Leading his orchestra, Herbert became an important early recording artist for the Edison and Victor Cos. He was the first to function as an A. & R. man for the Edison organization.

Throughout this period of development in the performance of music, Herbert was composing a variety of musical works—a list that eventually included not only some of the most popular melodies of the twentieth century, but more than 40 operettas, 2 grand operas, orchestral suites, chamber pieces, choral works, and recital pieces for piano, violin, cello, or the voice.

In 1916 he became the first man to compose an American musical score for a full-length motion picture, "The Fall of a Nation." He was working on an orchestral film overture at the time of his death.

As I have stated, Herbert was a leader in helping his fellow composers. Aware for some years that European copyright laws guaranteed a composer the right to payments whenever his works were performed for profit, he became a leader in this country in the fight to protect musical property from unauthorized use. In 1914, largely through his efforts, the American Society of Composers, Authors, and Publishers was formed, and Herbert served as a director and vice president until his death 10 years later.

The amazing diversity of Victor Herbert's music accomplishments is little known largely because he is so very well known as the creator of some of the Nation's most popular melodies. Today, on the 100th anniversary of his birth, and 35 years after his death, he remains one of the most listened-to composers of all time. For scarcely an hour goes by without the performance of an immortal Herbert tune, somewhere: "I'm Falling in Love With Someone," "March of the Toys," "Ah, Sweet Mystery of Life," "A Kiss in the Dark," "Indian Summer," "Sweethearts." Without surrendering his professional standards, Herbert had above all the gift of writing music that would capture the sentiments—as well as the ears—of a great song-loving public.

I would like, Mr. Speaker, at the risk of some repetition, to elaborate on some major, but by no means all, great achievements in Victor Herbert's astonishingly brilliant musical and public career. I regret not to be able in the time available to me to cover more of the personal life, famous works, and public as well as musical interests and accomplishments.

There is no danger that Victor Herbert's best melodies will be forgotten by the American people. But there is always danger that Victor Herbert's full significance will fail to be realized at its true worth. As man and musician he rendered inestimable services to his adopted country, and our musical development would be far different from what it is had this genial Irishman not been among us.

Victor was born in Dublin on February 1, 1859, the grandson of Samuel Lover, celebrated Irish author, artist and song writer, and son of Fanny Lover Herbert whose intense and sensitive nature was transmitted to her offspring. Edward Herbert, the boy's father, died when Victor was still a young child, and his widow was immediately concerned about the boy's training and education. It was fortunate that she married again, to a German physician practicing in Stuttgart, Germany. Here Victor grew to young manhood, studying the classics and developing his musical abilities which had revealed themselves when he was still a stripling. His chosen instrument was the violoncello, which he completely mastered, but he also studied composition and was on his way to success as a classical composer long before he ever dreamed of leaving Europe. His early songs, pieces, and suites reveal that rich vein of melody which later made him America's favorite theatrical composer.

Playing in the Stuttgart Court Orchestra he met Therese Foerster, leading soprano of the court opera, and wooed her while acting as her coach and accompanist. When she was offered a contract by the Metropolitan Opera Co. in New York she refused to come unless Victor, her new husband, came too. Consequently, in the early fall of 1886 young Mr. and Mrs. Herbert debarked in New York, full of anticipation for the future which would be as surprising as it was unpredictable.

Herbert immediately established himself as a man of energy, ambition, and independence. He was not long satisfied in being one of the cellists in the Metropolitan Orchestra. He quickly established himself as a teacher, he played in other ensembles, he became a leading spirit in the promotion of chamber music—then tragically rare in New York—he was a conducting protege of Anton Seidl, and he made his influence felt far and wide. No small part of this influence stemmed from the fact that he was the leading cello virtuoso of the day, the peer of any artist in Europe, and certainly the finest in the Western Hemisphere.

A man with Herbert's boundess energy, unique capacity for friendship, and highly developed technical skill could not long remain satisfied with any one job or activity. In 1893 he became the director of Gilmore's Band—officially known as the 22d Regiment Band of the New York National Guard. Herbert was intent upon bringing music and people together, and the band offered him an excellent opportunity. He quickly restored the band to its former prestige and made it the best organization of its kind in America. Its selection for and success in playing at the inauguration of President McKinley in 1897 emphasized the excellence that Herbert brought to this aspect of musicmaking.

Band directing, however, is still not the same thing as symphonic conducting. When the conductorship of the Pittsburgh Symphony Orchestra fell vacant in 1898, Herbert was the successful candidate for the position, and for 6 years he distinguished himself as the director of a major symphony orchestra. Not only did he present excellent concerts in the steel city, but he closely rivaled Theodore Thomas in taking symphonic music to scores of communities eager for new artistic experiences. And in so doing he made his remarkable personality known to an ever-widening circle of friends and admirers.

But above all things Herbert was a composer. He possesed the vein of melody already referred to, and he had the skill to dress this melody in sumptuous romantic harmony and sparkling instrumentation. Realizing that the severities of the concert hall left little scope for bringing his music to the people he experimented in 1894 with an operetta, "Prince Ananias," the first of an incredible number of stage productions. While only reasonably successful it initiated his career as an operetta composer which has yet to be surpassed in terms of beauty, artistry, and long range popularity. His first stage masterpiece was the operetta entitled "The Serenade"—1897, followed quickly by two more splendid works, "The Fortune Teller"—1898, and "The Singing Girl"—1899. These productions made clear that a new and powerful musical force was making itself felt in America, and the critics hailed Herbert as the equal of the operetta masters of Europe.

Herbert's deserved success was not unnoticed by jealous enemies. Attacked and slandered in the pages of the old Musical Courier, Herbert fought back and vindicated himself in a way which benefited all composers subjected to similar ill treatment. When the courtroom battle was ended Herbert resumed his creative career, comfortably aware that he had vanished the viciousness of tawdry journalism.

Early in the 20th century Herbert began to produce a bewildering series of operettas which confirmed the impression of earlier years. As he wrote score after score it was impossible that they all be equally meritorious; he wrote too fast for that. Fortunately we measure a great man's work by the best he achieves, not by his failures or indifferent successes.

The first great triumph of the new century was "Babes in Toyland," produced in 1903 and still a perennial favorite of the American people. What would musical Christmas today be without "The March of the Toys"? In 1905 "Mademoiselle Modiste" took the country by storm and Fritzi Scheff became Herbert's leading interpreter. This show was sprightly and sparkling, and the languorous "Kiss Me Again" has never lost its persuasive appeal. In 1906 "The Red Mill" began to exert its enchantment; and, after several less popular works, in 1910, "Naughty Marietta" brought new delight to a national audience.

Perhaps the most beautiful of all American operettas, this work remains a high point of America's musical theater. It was richly scored, dramatic in concept and treatment, lavishly colorful, and highly imaginative. The mention of only a few of its excerpts brings fond and precious memories to mind: "Tramp, Tramp, Tramp," "Neath the Southern Moon," "I'm Falling in Love With Someone," "Ah Sweet Mystery of Life." After this superb score, Herbert's subsequent masterpieces included "The Enchantress," 1911; "Sweethearts," 1913; "The Only Girl," 1914; "The Princess Pat," 1915; and "Eileen," 1917. Interspersed among these and following them were additional ambitious operettas which were almost, if not quite, their equal, the last one deserving special mention being "Orange Blossoms," 1922, with his last immortal melody, "A Kiss in the Dark."

It must be admitted that as Herbert grew older the style of American operetta was changing. The influence of ragtime and noisier, more raucous utterances were in the ascendancy. Herbert's spaciousness and dignity and Old World charm were not as much sought after as they had been. The beauty of his music was identified with a period, and the people who welcomed the newer styles had little patience with what the old master could offer. But the power of this old master resides in the fact that the music of his operettas, if not the productions themselves, is as eloquent today as ever.

Even this brief survey of Herbert's operetta career fails to cover his contribution to American music. He made two important attempts at grand opera. The first was "Natoma"—1911—an ambitious opera based upon the Spanish-Indian life of southern California early in the 19th century. When produced by the Chicago Opera Co. the leading singers were Mary Garden and John McCormack. It remained in the repertoire for 3 years and focused the attention of the country upon the problems of the American opera composer. While not permanently successful, its many pages of excellent music and its chronological importance keep it a landmark in the development of American musical drama. Herbert's second grand opera was "Madeleine"—1914—which was produced by the Metropolitan Opera Co. This was a one-act incident in the life of a French opera singer of the 18th century. Peculiarly enough Herbert here endeavored to write in a style which was neither natural to him nor appreciated by lovers of Italian bel canto. Its revival, if a suitable occasion could be found, would be interesting and worth while.

Important as Victor Herbert was as a composer his services to American music went much further. It should always be remembered that Herbert thought in terms of aiding his colleagues. He wanted composers to receive their just due; he wanted them to have a fair return for their efforts; he opposed the attempts of manufacturers and managers and proprietors to make money from music while the composer remained unpaid. The first opportunity for service in this direction came to Herbert in the early years of this century preceding the adoption of the copyright law of 1909. Campaigning vigorously and tirelessly Herbert, the composers' chief representative, succeeded in obtaining the clause giving musical creators a share in the royalties of phonograph recordings. The amount seemed small, only two cents a side, but it was more than the manufacturers wished to pay.

Without Herbert's great efforts in the struggle the composers might have gained nothing. It is also significant to note here that Herbert himself made no phonograph records until after his triumph was won. With the victory assured he and his celebrated concert orchestra began issuing a series of records which became enormously popular, first for Edison and later for Victor.

The next great opportunity for Herbert to serve his fellow composers occurred with the establishment of ASCP—American Society of Composers, Authors, and Publishers—in 1913 and 1914. Although the copyright law extended certain exclusive rights to composers it provided no means for enforcement, and a concerted effort had to be made before the full effect of the law could materialize. Herbert and eight enlightened colleagues determined to found a society which would represent the composers struggling to obtain earnings which were—and are—rightfully theirs. Every composer of the present day who profits from performance of his music owes an enormous debt of gratitude to Herbert, the chief and most influential founder of ASCAP.

This triumph was not easily won. Proprietors who used music in their halls and restaurants were opposed to giving the composer a share of their profit. It took 3 years of litigation and finally the august Supreme Court of the United States with Herbert always the key figure in the picture, to place American composers within reach of security and economic independence. Not that they became wealthy overnight—but they achieved a firm position of bargaining power and they found a means of asserting ownership of their own products which was impossible previously. And this they owed to Victor Herbert, the champion of composers' rights.

When Herbert died in New York on May 26, 1924, America lost one of her greatest sons. In addition to his innumerable triumphs as composer and artist he had made a host of friends who loved him dearly, and why not? He was one of the most lovable of men, jovial in his sociability, princely in his generosity, deeply sincere in his relations and activities. He brought happiness to the American people and he added a new meaning to musical integrity. He was enormously productive and he participated in many forms of music-making. His death was the occasion for front page headlines in practically every newspaper of the United States. In his passing the country seemed to realize that it had lost a great man, as indeed it had. A friend of Herbert's and one of the cofounders of ASCAP, Raymond Hubbell, remarked that the death of Herbert was like the disappearance of the sun. He was not the only one that felt this way, but the sun had only seemed to set. Its rays shine on in the warmth of Herbert's music, and his personality will be with us as long as we have the sensitivity to respond to his art and quicken to his name.

I fear it is hardly possible with these feeble words to appraise adequately the work and influence of the noble, gifted Irish-American, Victor Herbert. Passionate lover of and fighter for personal liberty and self-determination, composer of songs and inspiration, courage, and love, warm and loyal in his friendships, vital and vigorous in his work for many fine causes, sympathetic, robust, and warmhearted, few men in his own field have left deeper impress upon his times. Throughout recorded time his immortal melodies will ring down the unbroken channels of history, bringing sweetness, brightness, inspiration, and love to myriads yet unborn. The strains of "Thine Alone," and its kindred will live forever in the hearts of the people. The memory of Victor Herbert will live forever. May he continue to inspire us.

I am much indebted and very thankful to my friend, the distinguished author and writer and learned biographer of Victor Herbert, Dr. Edward W. Waters, for his valued advice and assistance.

[From the CONGRESSIONAL RECORD, Sept. 2, 1960]

OSCAR HAMMERSTEIN II

(By PHILIP J. PHILBIN)

Mr. Speaker, the recent passing of Oscar Hammerstein II brought deep sadness and grief to the entire musical world and the Nation.

The world of song indeed was dealt a severe blow with the passing of this great composer whose enduring talents contributed so much to the musical theater. This great loss was registered by a spontaneous outpouring of tributes in the press and over the airwaves.

For many years now the lyrics and librettos of this genius writer, so skillfully interwoven into myriads of unforgettable melodies of the greatest popular composers of our era, have given lift, zest, and happiness to millions and millions of people everywhere.

Oscar Hammerstein knew a material success in his field such as never before had come to any lyricist in the American theater or American music, but he never allowed it to go to his head.

He was a strange blending of the realist and the idealist hardheaded and understanding of what the American people wanted and how to get it to them, and seemingly wedded indissolubly to his dreams of artistic creativity.

Hammerstein was not content to wander in the carefully cultivated fields of the past. He insisted on plowing new ground, on reshaping the patterns of traditional American musical comedy. With his supertalented mate, the great Richard Rodgers, he made skillful use of various creative and stagecraft techniques, and brought superduper, musical extravaganzas to Broadway and Hollywood featuring live, sprightly music and sparkling lyrics, sometimes with an ideological touch, vastly expanded, lavish and costly production setups and stepped up public relations, press agentry, and organizational efficiency.

Early struggles and past reverses forgotten, this sensational team of talent, verve, and high gifts soon made the cash registers at the box office ring, the diskjockeys' turntables spin, and the royalty checks pour in. Nothing in theatrical musical history could measure up to the tremendous success of stage, screen, and music world of this pair of inspired geniuses, Oscar Hammerstein and Richard Rodgers.

Oscar Hammerstein was a business and practical realist as well as a creative and talented idealist. He and Richard Rodgers outstandingly great in their field, demonstrated great skill and ability in setting up and pushing their various productions in the theater as well as other related fields.

Every theatrical offering cannot win public approval. On the whole, however, there was probably no team in American music that recorded so many smashing successes. Their musical plays have been built into the American musical tradition, and their songs are, and will be, sung throughout the country and the world for generations to come.

Hammerstein was most fortuitous in his collaborations and wrote lyrics for real giants of the music world like the incredible Jerome Kern, Sigmund Romberg, Rudolph Friml, and Georges Bizet. Eagerly learning from past and contemporary song and libretto writers, he retained what he thought was good, and then moved on to newer forms of folklore and interpretative pageantry often flavored mildly with social philosophy.

Perhaps one of the most astute things he did was to draw from the rich artistic storehouse of the fabulous, most successful writer, Otto Harbach, whom he greatly admired.

There is no doubt but that Harbach exerted profound influence upon Hammerstein's career, style, and approach; in fact, he once described a winning formula derived from the master Harbach, comparing the elements of a musical play to the ingredients of a fire—logs, kindling, matches, a good fireplace, coming out best when everything worked—"logs crackle, and the bark sputters when the blue and gold flame waves and flies toward the chimney and sends out warmth and good feeling to cheer a room full of people." Then he concluded, with characteristic modesty, things work out "because some plodding, perhaps some very not brilliant fellow, knows how to put one log on top of another in just the right way."

That Hammerstein knew how to do this with consummate skill is a demonstrated fact of the American theater. In gifted and versatile ways, he could look across the crowded firelit rooms, see strangers enjoying "enchanted evenings," and start America and the world singing the magical songs which he and Dick Rodgers turned out.

Hammerstein was deeply attached to many public and charitable causes and his spirit of generosity and warm, loyal fellowship prompted him to take deep interest and exert unselfish efforts for fellow writers who were less fortunate than he.

He was a stanch, able, diligent officer and worker for ASCAP, and repeatedly gave of himself to grapple with its problems and to further its broad interests.

In this connection, he came on occasions to Washington, the last of which, I think, was about a year ago when he appeared at a meeting of the House Subcommittee on Judiciary, then considering a bill which would permit songwriting to receive a just share of the fruits of their writing.

As I dwell upon the many works of this great writer and review in my mind some of the great songs he wrote that will be remembered for many, many years to come, I realize how impossible it is for me to express adequate appreciation, let alone do justice, for the works of this superb, creative mind. It will be for others to outline in more specific detail the scope and lofty quality of his magnificent achievements.

Oscar Hammerstein touched deeply into the soul of America. He brought cheer and happiness to millions. He brightened mundane, routine life. He portrayed the homely virtues and he relit the fires of romance, love, and adventure in many hearts. He went his busy, active way with dignity, modesty, humility, and a love of his fellowman.

He strove by all appropriate means, to help provide for creative people of the musical world some measure of economic security, as well as incentives whereby composers and authors might add new works to the glorious repertory of musical Americana. The memory of Oscar Hammerstein II will live in his wonderful songs, which will continue to bring joy and comfort to millions of hearts throughout the world.

The passing of Oscar Hammerstein is something more than a personal loss to his dear ones and a multitude of friends. It is a great and an irreparable loss to the artistic world of letters and music. It leaves an irreplaceable void in a great profession and in the country that can never be filled.

The Nation and the world will deeply mourn this vital, restless spirit who animated his times with the ageless motion of "Old Man River," and the "Sound of Music" and so many other appealing compositions.

To his bereaved family, to his dear friend, Richard Rodgers, and the many close friends who mourn Oscar Hammerstein, I tender my most profound and most heartfelt sympathy.

May the Good Lord maketh his face to shine upon him.

Mr. Speaker, under unanimous consent I include in the RECORD as part of my remarks articles from the New York Times and Washington Post on Mr. Hammerstein.

The material follows:

"[From the New York Times, Aug. 24, 1960]

"OSCAR HAMMERSTEIN 2D IS DEAD; LIBRETTIST AND PRODUCER WAS 65

"DOYLESTOWN, PA., August 23.—Oscar Hammerstein 2d, the Broadway librettist and producer died early Tuesday of stomach cancer at his home, Highland Farms. His age was 65.

"Mr. Hammerstein had been ill for some time. He underwent abdominal surgery last September.

"DEVELOPED NEW FORM

"In his long career as librettist, lyricist, and producer Mr. Hammerstein played an important role in developing the musical play into an integrated dramatic form as opposed to the previously conventional boy-meets-girl revue.

"When he collaborated at the age of 28 on the musical hit "Wildflower," musical comedy was still following the stereotyped form it had inherited from the 1890's. Mr. Hammerstein believed that musical comedy was a cartoon of natural speech, and sought to write the dialog and lyrics for his shows with a folksy flavor.

"In 'The King and I,' he considered that he had achieved a newer medium in which each song advanced the action. When this show opened in 1951 at the St. James, with Yul Brynner and the late Gertrude Lawrence in the leads, Mr. Hammerstein was 56 years old.

"In the ages between 28 and 56, Mr. Hammerstein scored many notable successes. One of his first was in the collaboration with Jerome Kern on 'Show Boat,' a musical adaptation of an Edna Ferber story. The production, which was to be widely acclaimed as a classic of the American musical theater, opened at the Ziegfeld Theater on December 27, 1927, and had 572 performances. It enjoyed at least four major revivals and was made into motion picture three times.

"SERVED IN HOLLYWOOD

"Beginning in the 1930's, Mr. Hammerstein spent 10 years in Hollywood writing musical motion pictures. This was a dark period for him, but it ended when he formed a partnership in 1943 with Richard Rogers. When the two turned out the smash hit 'Oklahoma,' for the Theater Guild in 1943 their success was firmly established.

" 'Carousel,' in 1945, was well received when it opened at the Majestic Theater, where it had 890 performances. The musical was based on Ferenc Molnar's 'Liliom.'

"In April 1949, the Rogers and Hammerstein hit 'South Pacific' made its bow at the Majestic. It was produced by the partners in association with Leland Hayward and Joshua Logan.

"This adaptation of James Michener's 'Tales of the South Pacific' won a Pulitzer Prize in 1950, took eight Antoinette Perry awards and received the award of the New York Drama Critics Circle. It starred Mary Martin and the late Ezio Pinza.

" 'South Pacific' and 'Oklahoma!' also have been described by critics as classics of the American theater. Their lyrics and melodies have passed into the country's folkways. In their original engagements, 'Oklahoma!' ran for 2,248 performances, a record for musicals on the American stage; 'South Pacific' for 1,830, and 'The King and I' for 1,244.

Motion pictures were made of 'Oklahoma,' 'Carousel,' 'The King and I' and 'South Pacific.' In 1955 'Oklahoma!' was sent to Paris as part of a 'Salute to France.' At the Brussels World's Fair of 1958 'Carousel' was one of the hits.

"Although three subsequent Rodgers and Hammerstein musicals, "Me and Juliet," "Pipe Dream" and "Flower Drum Song" did not live up to the best of their work, their stature continued to grow.

"Mr. Hammerstein's last collaboration with Mr. Rodgers was "The Sound of Music," starring Miss Martin. It opened on Broadway on November 12, 1959, at the Lunt-Fontanne Theater, where it is still running. In June, Twentieth Century Fox said it paid more than $1,000,000 for the movie rights. The show won five Antoinette Perry awards.

"HIS BEST KNOWN SONGS

"Among the best known songs for which Mr. Hammerstein wrote lyrics were "Rose Marie," "Indian Love Call," "Who?," "One Alone," "Desert Song," "Ol' Man River," "Only Make Believe," "Why Do I Love You?," "Can't Help Lovin' Dat Man" and "Lover Come Back to me."

Others were "Stouthearted Men," "Why Was I Born?," "The Song is You," "I've Told Every Little Star," "When I Grow Too Old to Dream," "The Last Time I Saw Paris" (Motion Picture Academy Award, 1945), "All the Things You Are," "The Surrey With the Fringe on Top" and "People Will Say We're in Love."

"Oscar Hammerstein 2d was part of the three-generation theatrical dynasty that began with his grandfather, Oscar Hammerstein. The first Hammerstein owned and operated the Manhattan Opera House, once a serious rival to the Metropolitan.

"He was also the impressario of a variety house called Hammerstein's Victoria, at Seventh Avenue and Forty-second Street, a highly successful enterprise. He eventually lost his money in unsuccessful attempts to produce opera here and in England.

"William Hammerstein, father of Oscar 2d, achieved fame as a showman independently of Oscar I. William and his brother Arthur were both producers. Despite this background, the theater did not appeal to young Oscar as a career.

"He was born on July 12, 1895, on West 125th Street and attended the Hamilton Institute before entering Columbia. He received a B.A. degree there in 1916 and a law degree 2 years later.

"Mr. Hammerstein worked in a law office for a year at a salary of $15 a week. When summons serving became difficult, he reflected upon his contributions to college theatricals. In 1918, he had written the book and lyrics for "Home James," the varsity show, and had acted a principal comedy role in the production. When his mind turned from law to show business, his uncle Arthur gave him a 1-year apprenticeship in the theater at $20 a week.

"MANAGER FOR ED WYNN SHOW

"In 1918 Mr. Hammerstein was stage manager for an Ed Wynn show called "Sometime." A year later he was general stage manager for Arthur Hammerstein. His first play, a four-act drama, was produced out of town and closed there as a failure. By 1920 he had worked on the books for three musical productions, two in association with Otto Harbach and Frank Mandel. His first real hit was "Wildflower," which opened in 1923.

"Long before his association with Mr. Rodgers, Mr. Hammerstein was writing lyrics for successful works by such composers as Sigmund Romberg, Rudolf Frimb and Vincent Youmans. In 1924 he collaborated on "Rose Marie" and "Sunny." "The Song of the Flame" came in 1925, "Desert Song" in 1926, "Show Boat in 1927 and "New Moon," "Good Boy" and "Rainbow" in 1928.

"The year 1929 found Mr. Hammerstein working on "Madeline" and "Sweet Adeline;" 1931 brought "The Gang's All Here," followed by "Music in the Air" in 1932 and "May Wine" 3 years later. In 1941 his musical "Sunny River" failed in New York.

"By that time Mr. Hammerstein had finished an adaptation for a Negro cast of the opera "Carmen" under the name "Carmen Jones." One day he received a call from Mrs. Rodgers, who told him the Theater Guild wanted to produce a musical based on Lynn Riggs' "Green Grow the Lilacs." Mr. Hammerstein agreed to write the lyrics.

"Thus began what he later called "a perfect partnership" with the composer who had written "The Garrick Gaieties" with the late Lorenz Hart in 1925. Mr. Rodgers was also a Columbia graduate.

"In 1951, Mr. Hammerstein was president of the Authors League of America. In October of that year, Rodgers and Hammerstein staged a new production of "Music in the Air." They were also associated in producing "Annie Get Your Gun," "I Remember Mama," and "The Happy Time." The partners maintained offices at 488 Madison Avenue, but Mr. Hammerstein did most of his work at his farm near Doylestown.

"Mr. Hammerstein's first marriage, to Mirna Finn of the stage, ended in divorce in

1929. They had two children, William Hammerstein, now a producer-director, and Alice (Mrs. Philip Mathias), who followed in her father's path and became a writer of lyrics.

"His second wife was Dorothy Blanchard of Melbourne, Australia, who understudied Beatrice Lillie in "Charlot's Revue" in 1924. They had a son, James.

"A private funeral service for Oscar Hammerstein 2d, the librettist and producer, will be held for the family today at Hartsdale, N.Y.

"A spokesman for the family said yesterday that a memorial service for the friends and associates of Mr. Hammerstein, who was cremated, would be held within 2 weeks.

"Meanwhile, tributes to the talent and personality of the famed lyricist were made by theatrical and civic notables and organizations.

"Richard Rodgers, the longtime collaborator who composed with Mr. Hammerstein much of the memorable music for which the two were famed, yesterday said simply, "I am permanently grieved." Mr. Rodgers' previous collaborator, Lorenz Hart, also died, on November 22, 1943.

"Mary Martin, star of "The Sound of Music," which is still running at the Lunt-Fontanne Theater, said his "gentleness, his kindness, and his greatness of soul" would live forever in the hearts of his friends and "in the memory of the millions whose lives will be enriched by the beauty and the honesty of his words."

"ATKINSON GIVES TRIBUTE

"The former drama critic of the New York Times, Brooks Atkinson, said:

"The theater has lost a giant who was also a man of conscience. The more successful he became, the more humble he was personally. He and Mr. Rodgers created the modern musical theater and we are all indebted to the fine part that he played in it."

"The American Society of Composers, Authors, and Publishers, of which Mr. Hammerstein was a director, closed its offices yesterday and in a statement cited him as a "uniquely talented man; a giant in stature and in his profession."

"Among other organizations paying tribute was the Actors Equity Association, which said "his life's work transcended the boundaries of theater, for justice, tolerance, and fair play pervaded not only his creative works, but his personal relationships as well."

"The Eleanor Roosevelt Cancer Foundation and the National Association for the Advancement of Colored People, with which he had worked, cited "his deep concern for humanity."

"Mr. Hammerstein's family requested that, in lieu of flowers, contributions be sent to Welcome House, a home for children of Doylestown."

"[From the Washington Post, Aug. 24, 1960]

"THEATER WORLD MOURNS DEATH OF HAMMERSTEIN

"NEW YORK, August 23.—Funeral services will be held Wednesday afternoon for Oscar Hammerstein II. The Broadway librettist and producer died early today of cancer in Doylestown, Pa. He was 65.

"At the request of Mr. Hammerstein's family, the time and place of the private service were not disclosed. Mr. Hammerstein's body was cremated Tuesday morning in Philadelphia, and interment will be in the New York area. A public memorial service will be held within the next 2 weeks.

"While the entertainment world mourned its loss and realized that the last Richard Rodgers-Oscar Hammerstein musical play had been written, Rodgers, Leland Hayward, and Richard Halliday, coproducers with Mr. Hammerstein of "The Sound of Music," decided that a scheduled performance of the Mary Martin musical would be given tonight.

"PERMANENTLY GRIEVED

"Rodgers, the composer whose work with Mr. Hammerstein began in 1942 and became one of the most fruitful collaborations in the history of the American theater, said Tuesday:

"I am permanently grieved."

He and Mr. Hammerstein's family were joined in their grief by hundreds of notables in all walks of life, and by countless spectators who had filled the theaters and seen for themselves Mr. Hammerstein's lyrically optimistic view of life.

"The dearest man I've ever known is gone," Miss Martin said before undertaking her starring role in tonight's performance of "The Sound of Music." In a sense, Miss Martin became the personification of the Rodgers and Hammerstein spirit when she played Nellie Forbush the "cockeyed optimist" of "South Pacific."

"But his gentleness, his kindness, his greatness of soul will live forever," Miss Martin said.

"DIES ON HIS FARM

"Mr. Hammerstein had undergone abdominal surgery while "The Sound of Music" was in preparation last year, and his illness forced him to be inactive during part of the show's rehearsal and tryout period.

"His death came today at 12:30 a.m. at his home, Highland Farms, near Doylestown. Mr. Hammerstein is survived by his wife, Dorothy, his daughter, Alice (Mrs. Philip Mathias), and his sons, William and James. In lieu of flowers, the family said that contributions might be made to Welcome House, the home for orphans of mixed Asiatic parentage in Doylestown. Mr. Hammerstein was president of the organization, in which Mr. Rodgers and Pearl Buck also are active.

"Tributes from Mr. Hammerstein's associates stressed not only the librettist's professional talents, but his personal attributes. Howard Lindsay, the playwright, said Mr. Hammerstein's lyrics revealed his basic qualities of 'simplicity, sincerity, honesty."

"On the occasion of Gertrude Lawrence's services," Mr. Lindsay recalled, "Mr. Hammerstein said in so many words: 'Mourning does not become the theater. Mourning is a surrender to an illusion that death is final.'"

"In Paris, Joshua Logan, the producer and director who wrote the stage version of 'South Pacific' with Mr. Hammerstein, said:

"'He is going to be immortal. His songs will never die. There is no question but that Hammerstein will be remembered as long as people sing.'

"'His death is a great blow to the theater,' said Lawrence Langner, codirector of the Theater Guild. 'He was not only a poet but also a philosopher and a great humanitarian.'

"Until Mr. Hammerstein's death, he and Rodgers were working on several additional songs for the film version of 'State Fair.' They also were discussing a new stage version of 'Allegro,' an earlier Broadway musical.

"Before joining forces with Rodgers, Mr. Hammerstein also collaborated with Jerome Kern, and spent 10 years in Hollywood writing musical motion pictures. He and Rodgers were to have been guests of honor on September 18 at the Waldorf Astoria Hotel at a dinner in support of the Eleanor Roosevelt Cancer Foundation. Proceeds from the dinner were to have been used to establish the Rodgers & Hammerstein Fellowship Fund at the Foundation.

"Mayor Robert F. Wagner, of New York, in a condolence message to Mrs. Hammerstein said, 'The world has lost a great artist who brought happiness to millions.'

"In Washington, Senator JACOB K. JAVITS, Republican, of New York, said the country had suffered a great loss to its theatrical, musical, and artistic life in the death of Mr. Hammerstein. 'He was a wonderful human being,' the Senator said.

"EQUITY SENDS WIRE

"On behalf of Actors Equity, Ralph Bellamy, its president, sent a telegram of condolence to Mrs. Hammerstein in which he said:

"'We shall always remember him as a great artist, but first we shall remember him as a friend whose loss fills us with sadness.'

"Stanley Adams, president of the American Society of Composers, Authors, and Publishers, described Mr. Hammerstein as a 'giant in stature and in his profession.' ASCAP offices were closed today in tribute to the lyricist, who became a member of the society in 1923 and had served as a director since 1939.

"Kathy Dunn, a 12-year-old member of 'The Sound of Music' cast, was told of Mr. Hammerstein's death today at Idlewild Airport here after her return from a European seminar of the Felician Nuns.

"'He was really wonderful and kind,' Kathy said. 'I brought back some holy water for him from Lourdes, and I also had a written blessing for him from Pope John XXIII.'"

USDA CALCULATES CUT IN COTTON INCOME

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. JONES of Tennessee. Mr. Speaker, I was alarmed to learn last month that cost-price pressures on the American farmer continue to accelerate at a very rapid rate.

In fact, during the month ending on November 15, U.S. Department of Agriculture figures show that inflation-recession pressures drove the farm parity ratio to a new 37-year low of 68.

What that means in plain talk is that the farmers are not making enough to keep their heads above water.

Unfortunately, the situation is going to become even worse in the case of the cotton producer if a new and unwarranted provision of the 1971 cotton program is permitted to go into effect.

On December 8 USDA officials announced details of the 1971 program including an important feature changing the basis upon which price support loans are made, and indirectly affecting the manner in which cotton is traded. That regulation—drafted, studied, and approved apparently by the top officials at the U.S. Department of Agriculture—requires that loans be made on a net, rather than gross, weight basis, and it is going to cost the cotton producer approximately $4.25 on every bale of cotton he grows. Unfortunately, USDA's program announcement made no mention of the latter.

Those responsible for the policy recognize that the cotton farmer has already been hit hard by spiraling costs and sagging profits. They should also realize that he cannot afford further cuts in income. Yet USDA has lowered the loan level from 20.25 cents per pound—gross weight plus 45 cents premium for standard micronaire—to 19.50 cents—per pound net weight and no micronaire premium. By using the well-known Government gobbledygook, the USDA administrators have attempted to make farmers believe that the 1971 loan rate is only 75 cents less than the 1970 rate. In reality, because of discontinuance of the micronaire premium and their decision to go to net weight trading, the loan is reduced 2 cents per pound or $10 per bale. With a crop of 12 million bales—that means a reduction of $120 million in the income of cotton farmers. To make matters worse, it will not mean any savings to the Government.

Basically this new arbitrary regulation establishing the loan on net weight means that farmers will continue paying approximately $4.50 for the bagging and ties used at the gin to package a bale of cotton but that they will not continue to get back any of that expenditure when the cotton is sold. In the past farmers have recouped most of their costs for bagging and ties when the cotton was sold because traditionally cotton has been traded on a gross weight basis.

Consider a hypothetical example: The average bale of cotton weighs 500 pounds gross weight, including about 21 pounds of bagging and ties. It is sold on a gross weight basis. So if cotton is selling for 20.25 cents per pound, that means the farmer will get back about $4.25, or within 25 cents of what he paid originally for the bagging and ties.

The Department of Agriculture has decreed that price support loans are to be made available only on a "net weight" basis. Since the loan in reality establishes the market price, USDA is actually setting the market price for all cotton sold on a net weight basis. Why? Do not we normally pay for the entire weight of everything that we buy including the packaging?

Farmers in my district feel that this new regulation will only cause confusion and dissatisfaction throughout the cotton industry.

Moreover, incredible as it may seem, this scheme was tried several years ago and abandoned because it simply would not work. For 6 years—from 1939 to 1944—USDA required net weight trading but was forced to return to gross weight trading as a means of simplifying the administration of the loan program and to make loan rates and market prices directly comparable. That is USDA's own admission: to simplify the administration of the program.

Obviously if the cotton farmer and the rest of the cotton industry had been willing to convert to net weight trading during the 6-year period when the practice was tried, then cotton would have been traded today on a net weight basis. The real point is that this method of trading was tried and found wanting—and more than likely the same thing will happen again unless the Department of Agriculture reverses its decision.

It is true that most cotton moving in international trade is traded on a net weight basis. Quotations in Liverpool, for example, are made on a net weight basis. However, there are many other differences in international trading of cotton. Why then should USDA require such a change simply for the sake of conformity in international commerce while other differences in international trading of much greater significance remain in effect? Is it merely a case of changing major policy purely for convenience of departmental bookkeepers, while forgetting about the disastrous economic impact on farm income? The cotton farmers in my district will find that to be a very poor explanation for why they must give up $4.25 per bale in income.

In addition, if we convert overnight as the Department of Agriculture proposes, it is going to cost the Government a substantial sum of money. At the moment, approximately 3 million bales of cotton are held by the Commodity Credit Corporation, and each one of those bales of cotton was purchased by CCC on a gross weight basis. That means that the Government either owns or has loans outstanding on over 3 million bales of cotton that will automatically decrease in value by about $4.25 once the new regulation goes into effect with an overall loss of approximately $13 million. This loss, of course, must be sustained by the taxpayers.

It is time for the Department of Agriculture to stop preaching economy when it talks to farmers and practicing profligacy in its own operations.

This provision definitely should not be permitted to go into effect. It can only make the farm income situation worse, and it is already bad enough as it is.

BEAT THE PRESS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. HOSMER. Mr. Speaker, following the President's recent press conference, editorialists and columnists alike have commented on the quality of the performance of the press itself. One would assume that after all the lamenting about the infrequency of these events, the press would have been better prepared with the choice and the wording of questions.

I include at this point in the RECORD a column by William Broom, chief of the Washington Bureau of the Ridder Publications and the December 14 Detroit News editorial:

PERFORMANCE OF PRESS NOTHING TO RAVE ABOUT

(By William Broom)

WASHINGTON.—The Washington press corps and the White House have been squabbling again about the frequency and format of the Presidential press conference.

The press had waited four months to confront the President on Dec. 10 and in the last few days before the big event had become quite restive. As a group, the Washington press corps runs somewhat to narcissism. A few of the regulars went so far as to hold a group meeting to discuss ways of improving their questions (which smacks of collusion) and of bringing heavier pressure to bear for more frequent contact with the President.

This is one argument the press can't win. The press can't win because the press itself can't agree on its position. The press is pluralistic and its uneven performance Thursday night exposed the conflicting interests within its ranks. With a national rail strike in progress, there was not a question about it. Although the President grossly failed to answer one-third the questions put to him, no newsman followed up immediately to pry loose a response. At no point were there two questions in a row on the same subject.

In the press' defense, it might be said that in four months of waiting, a lot of questions had piled up demanding answers. Perhaps, but the pattern of questioning seemed no different from the usual, scattershot and disconnected. The Presidential press conference, particularly the live television variety, is more like shooting fish in a barrel than an exercise in meaningful interrogation.

There is no law that says a President must hold press conferences. Most since Theodore Roosevelt have chosen to do so because it is the most effective device Presidents have found to get their side of the story over to the American people. Each President has been free to set his own ground rules and each exercised that choice in different ways, acknowledging a responsibility to inform the public while showing himself to best advantage.

President Nixon revealed that he, too, is dissatisfied with the present situation. He is concerned about over-exposure on television and the equal time doctrine, he said. He offered several alternatives to the present format, said he is open to suggestions, and told reporters they would have to select the participants if news conferences limited in size are held.

The press ought to exercise great caution in any response it makes, or in fact, whether to respond at all to the President's invitation. The American people are the jurors who decide whether the President is leveling with them or not. It is the President's responsibility to be communicative and to his advantage.

If the press determines how often news conferences are held and their format, who will be blamed if the President is judged by the public to be less than candid and uncommunicative—the President or the press? There is a matter of credibility at stake here and it is not solely confined to the President. Nor is there any guarantee of improved press conference content if the press controls them.

As an institution and as a device for producing information that makes the President more understandable and accountable, the Presidential press conference can stand improvement. The press can make its most effective contribution by worrying less about the President's performance and more about its own.

[From the Detroit News, Dec. 14, 1970]

PRESS FLUNKS NIXON QUIZ: JUST PUBLIC SCOLDS

After grumbling and grousing because the President hadn't held a TV news conference in four months, some members of the press last week did everything they could to make Mr. Nixon's televised press conference an irrelevant and unproductive exercise.

Fortunately, Mr. Nixon and the more responsible members of the press prevented it from being that. Still, there was a great deal of valuable presidential, press, public and TV time wasted which could have been used in a manner that would have served viewers better.

With obvious asperity and in some cases what bordered on rudeness, some newsmen spent those valuable few minutes with the President scolding, needling and trying to embarrass him. So intent were they upon this harassment and upon grandstanding for the TV cameras that they neglected to ask one single question about the day's most important story, the railway dispute.

Instead, they wanted to know whether he approved of J. Edgar Hoover's calling

Martin Luther King a liar, whether he has repented since making his public comments on the Manson trial, whether he has really brought the country together or has instead divided it more seriously—whether, figuratively speaking, he has quit beating his wife.

If those old wounds needed at all to be uncovered and rubbed into new rawness, the questioning could have been done with greater finesse and less hostility. The President was, we believe, charitable in making patient answers instead of telling the questioners, as a famous predecessor would have done, to go stand in a corner.

From the standpoint of the conduct of some members of the press, it was one of the worst presidential press conferences since the dawn of television. If last week's conference were to be the pattern of the future, the President would be thoroughly justified in holding such conferences infrequently.

TV press conferences can play an important role in the exposure of the President and his views to the public, which deserves a regular accounting from the highest political officer of the land. If TV performed that service last week, it was despite rather than because of some of the newsmen who participated.

THE NATIONAL BASKETBALL ASSOCIATION CELEBRATES ITS SILVER ANNIVERSARY SEASON

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Tuesday, December 22, 1970

Mr. CRANSTON. Mr. President, on the night of January 12, 1971, the Golden State of California will have the great privilege of playing host, in San Diego, to the annual National Basketball Association's all-star game.

While on the face of it, this might seem to be just another basketball game, it is far more than that. To be telecast nationwide by ABC–TV, the game will mark a high point in the NBA's celebration of its silver anniversary.

In its 25 years, professional basketball has set a record of accomplishment which can be admired by any other business enterprise. Under the dynamic leadership of its young, aggressive, and dedicated commissioner, Walter Kennedy, professional basketball has proved itself a worthy companion of America's two other major professional sports—baseball and football. In its early years, limited to old and drafty gymnasiums, the NBA lived on a hand-to-mouth basis and contributed only an occasional evening of entertainment in those few cities where it had been established. But the vision of its individual team owners, men blessed with a rare combination of sports- and civic-mindedness, prevailed.

Today, the NBA operates in 17 major cities, and contributes in almost every instance to the basic economy of those cities. In Los Angeles, for example, it was professional basketball which led to the construction of the Forum, one of the most beautiful sports arenas which exists in our country today. Other similar arenas have gone up, and continue to go up, in city after city, under the economic spur afforded by professional basketball.

The field of professional sports has a unique advantage over other business enterprises. Far from being anonymous, its "workers" are recognized as stars and idols. In every NBA city, basketball clinics have been established, enabling basketball's stars to work directly with aspiring youngsters.

It is through such clinics, and many other civic-minded activities, that many NBA players have an opportunity to return to the game what the NBA and the game itself has given to them. For many of today's great stars were plucked originally from the ghettos, where athletic ability afforded the only relief from the conditions of poverty which turn so many of our disadvantaged youth to lives of crime.

Basketball has for years been giving new hope and actual success to hundreds upon hundreds of such young men. Basketball has provided a major incentive for staying in school, not only for earning a college degree, but also for the chance of joining the professional ranks open to them by the widely expanded National Basketball Association.

The Golden State of California is proud to play host to the NBA All-Star game on January 12 in San Diego. We are proud also to be actively associated with one of America's great sports, with Commissioner Kennedy and his splendid staff, and with all the fine young men who have proved once again that America is still the land of opportunity.

NEWS RELEASE OF DONALD E. JOHNSON, ADMINISTRATOR OF VETERANS' AFFAIRS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, December 22, 1970

Mr. THURMOND. Mr. President, I am sure that many Members of this body share my feelings of shock and disbelief over the recent testimony of Harvard Sociologist Dr. Charles J. Levy. Appearing before the Subcommittee on Veterans' Affairs of the Labor and Public Welfare Committee, Dr. Levy made outrageous charges concerning Vietnam veterans who have returned to the United States.

Today Donald E. Johnson, Administrator of Veterans' Affairs, has made an excellent statement refuting Dr. Levy's testimony and the spurious means by which he reached his conclusions. Mr. Johnson's statement is comprehensive and certainly deserves the attention of the Senate.

Mr. President, I ask unanimous consent that the news release of Donald E. Johnson, Administrator of Veterans' Affairs, be printed in the Extensions of Remarks.

There being no objection the news release was ordered to be printed in the RECORD, as follows:

NEWS RELEASE FROM VETERANS' ADMINISTRATION

The head of the Veterans Administration today branded recent Congressional testimony by a Harvard University sociologist as demeaning and an insult to the millions of veterans who have served in Vietnam.

Donald E. Johnson, Administrator of Veterans Affairs, took issue with testimony presented earlier this month to the Subcommittee on Veterans Affairs of the Senate Labor and Public Welfare Committee by Dr. Charles J. Levy.

"I not only question the broad applicability of his conclusions," Johnson said, "but there is considerable doubt in my mind about the validity of the research on which Dr. Levy's testimony was based."

Dr. Levy's testimony, the Administrator noted, was built around only eight quotations he had selected from taped interviews with just 60 Marine veterans of Vietnam.

The VA chief said Dr. Levy had indicated his findings were typical of Vietnam veterans in general by informing the subcommittee that the 60 men interviewed were "representative of most men in the Armed Services."

The quotations used in Dr. Levy's prepared testimony, Johnson added, tended to show that America's veterans of Vietnam:

(1) Are violence-prone upon return home. "As in Vietnam," the doctor testified, "the targets of their hostility may be those on their side." He then quoted one man telling about splitting his sister's leg with a lamp when she yelled at him, and throwing a portable TV at his mother when she spoke to him. Another man quoted "thought nothing of biting a person's ear off."

(2) Enjoyed maltreating severely disabled South Vietnamese servicemen. The quotation used to demonstrate this point told of Marines throwing a one-legged South Vietnamese ally in need of hospital care out of a truck, and concluded with, "We all had a good laugh bout that."

(3) Were "invariably positive" in their good thoughts about the Viet Cong and North Vietnamese Army enemies, but despised members of the allied South Vietnamese armed forces. Two of the quotations used in this testimony referred to the South Vietnamese as deviates.

(4) Hated their own United States commissioned and non-commissioned officers. Two such officers were deliberately murdered according to the testimony quotations.

"Even if these stories were true," Johnson declared, "it is an insult to infer that they are typical of most of our American veterans of the fighting in Vietnam."

"Saddest of all," he added, "is that such testimony should be given top billing at a hearing convened for the avowed purpose of helping Vietnam veterans in their return to civilian life. I can think of nothing more damaging or less helpful to these veterans than to be pictured in the light of this kind of testimony."

The VA Administrator said the chairman of the subcommittee, Senator Alan Cranston, apparently shared some of this same feeling. He noted that Senator Cranston interrupted Dr. Levy's prepared testimony to say, "I find your statement very shocking and startling and very deeply disturbing. I didn't know what you were going to say until late last night in any detail."

Senator Cranston told the witness he had a great many questions about the interview quotations to determine the extent they were representative of Vietnam veterans, and "to determine how much of it is hearsay and how much it goes beyond hearsay . . ."

"Unfortunately," said Johnson, "most of the media reported only Dr. Levy's prepared-in-advance testimony. Generally unreported were the witness' admissions—mostly under questioning by Senator William B. Saxbe—that his 'typical' veterans were in fact 60 Vietnam Marine veterans from just one neighborhood in one city in America."

The VA Administrator pointed out that the more than 2,500,000 veterans who have served in Vietnam, including 430,000 Marines, entered service from every point in the

United States, and included representatives of every race.

"Yet," he added, "Dr. Levy admitted his interview group came from only one branch of military service, from only one community in the Boston area, and were all white. He also admitted that some in the group were not honorably discharged from military service."

Johnson said he could find no indication in the testimony that Dr. Levy had even tried to substantiate the stories told him by the interview group except for possibly cross-checking individual conversations in the interviews that happened to be on the same subject.

"It is my personal opinion that at least some of those interviewed were telling tall war stories, or even, perhaps, pulling the doctor's leg. Since the sociologist is not a veteran and has never been in Vietnam, so far as I know, he lacked even that much personal background to weigh the authenticity of the tales he was told."

Johnson noted Senator Saxbe's comment at the hearing that, "I have had some experience with sitting around and listening to war stories for 30 years, and it has been my experience that most of them were not true . . ." He asked Dr. Levy, "Doctor do you believe these things they say here?"

Dr. Levy replied, "I don't think that is relevant. I mean the fact is what I am trying to do here is record what these men have told me."

The VA Administrator said that for Dr. Levy to generalize and brand most Vietnam veterans on the basis of his sampling was not only a gross extension of so-called scientific research, but is entirely contrary to the observations of Veterans Administration personnel who have personal contact with thousands of Vietnam servicemen and veterans each day in Vietnam as well as at home.

Noting that he has visited with combat troops in trips to Vietnam; has a son recently returned from combat in Vietnam, and talked with many hundreds of Vietnam veterans in VA programs, Johnson said:

"By every yardstick known to VA people who have regular contact with thousands of Vietnam veterans, these young men are readjusting remarkably well to civil life. All they ask is an equal opportunity to compete without penalty for time out for military service.

"Certainly they should not be additionally handicapped by being labeled as some sort of vicious freaks."

The VA Administrator cited Dr. Levy's testimony that, "The thinking of these veterans seems to be dominated by a fear of their own violence. They therefore tend to withdraw from the outside world."

He then noted that nearly 1,000,000 Vietnam veterans are sufficiently "with" the outside world that they are right now seeking to make up for lost years through education and training under the G.I. Bill.

"Dr. Levy," he suggested, "might look around him on the Harvard campus where nearly 3,000 Vietnam era veterans have gone to school under the G.I. Bill during the last four years.

"He would find that more than 900 Vietnam era veterans are attending Harvard today. It is difficult to associate the term 'withdrawn' with the fact that most of these veterans are studying for careers in such outgoing pursuits as business, teaching, medicine, diplomacy, and the ministry."

Pointing out that Dr. Levy had testified to "an overwhelming need for a boot camp in reverse that will help the men undergo what might be called de-Vietnamization," Johnson said an earlier witness before the Cranston Subcommittee—an associate of Dr. Levy's at the Harvard Medical School—had recommended that all veterans of combat fighting in Vietnam be detained three or four weeks in special camps for "psycho-social detoxification" before being permitted to return home.

"In effect, what these witnesses are saying," the VA chief declared, "is that Vietnam veterans—like mad animals—need to be confined in camp so their fangs can be extracted before they are turned loose on the people who stayed home.

"This type of thinking," he said, "is typical of much you read and hear that Vietnam veterans come home with a killer instinct. I submit that there is not an iota of scientific proof that this is so.

"On the contrary, I would argue that Vietnam veterans, having met military entrance requirements, and having been subjects to disciplined, teamwork living during their tours of duty, are much less likely to commit an act of violence than non-veterans."

Another Dr. Levy recommendation, Johnson said, was that American troops should engage in constructive work in Vietnam as a form of emotional rehabilitation. "Only in this way will each man acquire enough self-regard to again consider himself a 'person'," Dr. Levy testified.

"This makes you wonder," said the VA chief, "if the doctor is even aware that our troops in Vietnam have been engaged in the largest civic action program in the history of our Armed Forces. These 'non-persons' have taken on willingly and voluntarily such compassionate tasks as building or rebuilding huts and churches, feeding the hungry, clothing the naked, and caring for the sick."

Added Administrator Johnson:

"It is high time the war critics stopped using our Vietnam veterans as whipping boys in their denunciation of the war in Vietnam. These veterans fought the war bravely and with determination. They neither started nor expanded the conflict.

"In my estimation, our Vietnam veterans are the cream of our young manhood today—and will be the leaders of the nation tomorrow.

"The recognition of this fact should be expressed the nation over, and I, for one, am glad to voice the feeling of pride that exists in American families who have contributed sons, brothers and husbands to the military service of their country."

COMPTROLLER GENERAL'S OFFICE IS DERELICT

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. PICKLE. Mr. Speaker, on November 25, along with several members of the House Commerce Committee, I wrote a letter to the Comptroller General of the United States, Mr. Elmer B. Staats. As of today, I have received no reply from General Staats.

The letter dealt with the diversion of airport trust funds, a subject which several Members in both the Senate and the House have made floor speeches expressing their concern.

In November, there was a charge from several sources that the administration intended to divert some $250 million in funds designated for the airport and airways development trust fund to cover general administrative expenses in the Federal Aviation Agency.

In the letter to General Staats we asked for an opinion as to the propriety and legality of the intended use of the trust fund by the administration.

I would not have been dismayed had General Staats taken a week to reply to our letter, but it has nearly been a month. Not just one Congressman signed this inquiry but several did. This should have been a signal to General Staats that was a substantial amount of desire for a prompt answer.

The fact that we have received no reply makes me suspect the administration is waiting until all transportation appropriations are enacted before commenting on the propriety of their actions in dealing with the trust fund. I suspect they want the money in their pockets before they comment on whether they have the right to have it there.

If this is the case, it is reprehensible, made more so because indirectly the Office of the Comptroller General is involved. If it is not so, the opinion should have been issued. The failure to issue the opinion leaves the House suspicious.

The airways and airport trust fund must not be raided or proliferated. It must not be borrowed against to help out the budget problem of the administration.

COMMUNITY COLLEGE ASSISTANCE ACT

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. DELLENBACK. Mr. Speaker, today, as chairman of the House Republican Task Force on Education and Training, I am joining with other members of the task force—Mr. HANSEN of Idaho, Mrs. HECKLER of Massachusetts, and Mr. MICHEL—to introduce the Community College Assistance Act.

The task force has devoted a considerable amount of time and energy to looking at the potential, the needs, and the problems of community colleges. Beginning in the fall of 1969, we met with officials of the U.S. Office of Education to discuss their tentative plans for community college legislation. Later, we visited a number of community college and technical institutes in the Washington area and in our home districts. An informal discussion meeting was held with leaders prominent in the community college area, including Dr. Robert J. Leo, Dallas County Junior College District, Texas; Dr. Albert A. Canfield, chairman of the National Council of State Directors of Community Junior Colleges; William S. Hayes, president of the Alice Lloyd Community College, Kentucky; Ervin L. Harlacher, president, Brookdale Community College, Monmouth County, N.J.; Norvel Smith, president, Merrit College, Oakland, Calif.; and S. V. Martorana, vice chancellor for 2-year colleges, State University of New York. At a breakfast meeting we discussed community colleges with Edmund Gleazer, the executive director of the American Association of Junior Colleges, and Frank Menzel, the government relations officer of the same association. This was followed by further discussions with representatives of the education commission of the States, the

Governors' Conference, the American Council on Education, and the American Association of Junior Colleges.

These activities and additional task force research has convinced us that not only are community colleges growing at a phenomenal rate but they are fulfilling a number of crucial functions in post-secondary education.

During the last few years, a new community college has opened somewhere in the United States once each week, on an average. In 1961, there were 678 community colleges enrolling 750,000 students; by 1969, there were 1,050 community colleges enrolling 2.1 million students. This year, 1970, the total number of community colleges exceeds 1,060 and enrollment has climbed to 2.5 million. This means that almost 35 percent of all institutions of higher education are 2-year community colleges and that about 30 percent of all post-secondary students attend these schools. In fact, among freshmen entering college in 1969, more enrolled in 2-year colleges than in 4-year institutions.

As we talked to people about community colleges, we found that two conflicting misconceptions were frequently expressed. Some felt that community colleges were mere extensions of high school—a sort of 13th and 14th grade program which provided programs similar to those of secondary schools. Others, however, felt that community colleges, or junior colleges, were simply 4-year colleges in an abbreviated form. We found, from our first-hand contacts as well as through research, that community colleges are truly unique institutions different from either high schools or 4-year colleges.

One of the most unique features of public community colleges is their accessibility. They provide financial accessibility, stemming from low tuition or in many cases no tuition at all; geographic accessibility resulting from the location of community colleges close to the people and communities they serve, enabling the vast majority of students to commute to school from their homes; and academic accessibility resulting from the variety of programs and educational goals available at community colleges.

The programs offered by community colleges fall into three principal categories—2-year programs leading to the associate degree, usually in a job-oriented field; freshman and sophomore college work designed to permit students to transfer to senior or 4-year colleges; and programs needed by the community's residents such as short career preparation and career advancement courses, general interest courses, cultural events, and community services.

Community colleges have a unique student body also. A great many of them are people who hold down full-time jobs, support families, and are established members of their communities. The community college, for them, provides a way to advance their career skills, to get the college education they had to forgo when they were younger Because of the high participation of adults in community college programs, the average student age at most community colleges is 25 or 26.

Within the overall structure of society, community colleges meet a number of important needs. First, they provide a way to approach the trend toward universal postsecondary education without diminishing university excellence. Every year the percentage of high school graduates going on to college increases despite the fact that some students lack academic inclination, skills, or interest. Nevertheless, they find themselves drawn to college campuses, perhaps because they wanted to follow their friends, or perhaps because they or their parents felt they would have a better chance in life with a college education. It is not surprising that many of these students are dissatisfied with the typical university fare. As a result, they may be unsuccessful in their academic work and they may become involved in disruptive student activities. Had they attended a community college instead, there is a good chance that they will have found academic courses geared to their abilities and readiness as well as vocational courses designed to prepare them for meaningful and satisfying careers, and their college experience would have been far more valuable to them and to society. If the United States is to continue the trend toward universal postsecondary education, and do so without compromising the quality of higher education, it will be necessary to rely heavily upon community colleges. This would enable those who really want a university education to pursue it, while those who really want and need a different kind of post-high-school education would find it available to them as well.

Yet this is not to imply that students would be divided into two categories for community colleges serve to keep options open for their students. Many high school graduates are at the most crucial decisionmaking point in their lives. Should they go on to college? Or should they prepare directly for a career? Some students are not yet mature enough to answer these important questions, much less to break away from their homes and parental supervision. At a local community college, they can, in effect, try the best of all possible worlds. They can take both academic and vocational courses, if they wish. They can attend college, but still have the support of family, friends, and familiar surroundings. They can take a program of academic or vocational studies that rewards them with an associate degree or certificate in 2 years or less but which still enables them to go on to a 4-year degree should they wish to do so at a later time. Thus, by attending a community college, students can pursue both occupational and academic goals, both immediate and long-range plans.

This point was mentioned by President Nixon on March 19, 1970, when he proposed legislation pertaining to higher education:

> Too many people have fallen prey to the myth that a four-year liberal arts diploma is essential to a full and rewarding life, whereas in fact other forms of post-secondary education—such as a two-year community college or technical training course—are far better suited to the interests of many young people. . . . A traditional four-year college program is not suited to everyone. . . . Our young people are not sheep to be regimented by the need for a certain type of status-bearing sheepskin.

Not only do community colleges serve to keep options open for many students, but they make the option of a college education possible when otherwise it might have been out of the question altogether. Studies have shown that in areas where there is a community college, a much higher percentage of high school graduates go on to college than in areas where there are only 4-year institutions or no post-secondary educational institutions at all.

Community colleges have a singular ability to meet the adult educational needs of their communities. It is here that the "town and gown" can truly meet—where young and old, black and white, rich and poor, farmer and technician, scholar and businessman can widen their perspectives, pursue their interests, develop their talents and enrich their lives. Through their response to the particular demands unique to their local situations, community colleges can serve as catalysts to focus community concern and interest on local needs and problems by bringing together the people with the skills, motivations, and authority to meet such needs or solve such problems.

Lastly, and perhaps most importantly, community colleges provide the career preparation that is so badly needed both by our country and by our students. It seems paradoxical that today, with relatively high unemployment rates, there are still thousands of jobs going begging. The reason? These jobs require special skills and technical training, and there are simply not enough qualified, trained applicants to meet the demand. Secretaries, medical technicians, teachers' assistants, electronic technicians, dental assistants, practical nurses, air conditioning specialists, policemen, automobile mechanics, environmental technicians—the list is seemingly endless. A service to both students and to the Nation, community colleges provide opportunities for motivated high school graduates to learn the skills needed to begin careers in these critical skills areas and to continue to upgrade their abilities once launched in a field of specialization.

Despite these encouraging aspects of the community college movement, there remain a number of problems that must be resolved if community colleges are to meet their potential as a unique form of post-secondary education rather than to mimic other types of institutions. As with all burgeoning institutions, community colleges have the expected "growing problems"—inadequate facilities, insufficient trained teachers and counselors, and disproportionate Federal assistance in comparison with 4-year institutions. Yet there are other concerns at least as vital to the future of the community college movement.

PLANNING

Many States still lack a coordinated comprehensive approach to planning for the establishment and development of community colleges. The importance of planning should not be underestimated.

Dr. Edmund J. Gleazer, Jr., executive director of the American Association of Junior Colleges, for example, observed that:

> Community colleges are strongest and most comprehensive in those few states that already have taken the lead in planning for systems of community colleges and are well along the road to an integrated overall higher education effort. Invariably, these are the same states where post secondary educational opportunity falls within commuter distances of the highest percentages of the people.

The States seem to be well aware of the need for community college planning. Albert A. Canfield, chairman of the National Council of State Directors of Community Junior Colleges, stated that:

> We need legislation which will give us time to plan and prepare for an orderly and effective expansion of our services and facilities . . . We need legislation that recognizes and accepts varying state organizations and implementation.

The Education Commission of the States' Task Force on Community Colleges has also called attention to the need for Federal legislation to encourage effective comprehensive planning for community colleges and to provide funds for accomplishing this aim.

The bill being introduced today is no panacea for all of the problems touched upon above. It is intended in these closing days of the 91st Congress to serve as a stimulus for further thinking in this critically important area and to make certain suggestions based upon the task force's studies.

Essentially, this is a bill which would provide financial assistance to the States to plan for the development and improvement of comprehensive community colleges and would further provide $100 million in Federal funds to assist community colleges in establishing and developing occupational education programs.

The bill being introduced today provides in title I for Federal funds to encourage and develop the planning process for community colleges at the State level. Among the 50 States, there exists a wide discrepancy among the degrees of advancement of State-level organizations for planning for community colleges and just as wide a discrepancy among the degrees of progress being made to establish a system of comprehensive community colleges. Thus we allow wide flexibility, in our bill, in the way each State chooses to develop and organize its planning effort. In each State, whichever State agency has primary responsibility for community colleges will also have the responsibility for administering these Federal planning funds. We expect that the pattern will vary widely. In a dozen States there are State boards of community colleges or junior colleges. In five States, community colleges fall under the Chancellor of Higher Education. In five States, chief State school officers responsible for elementary and secondary education have responsibility for community colleges. In three States, community colleges fall under the State university.

The report of the Carnegie Commission on Higher Education, The Open Door—June 1970—summed up problems that States must plan to overcome:

> How to stimulate the growth and development of community colleges in States that are barely beginning to establish them or have thus far failed to make a beginning;
>
> How to provide more adequate financial support for the community colleges and to bring about a more equitable distribution of the financial burden among federal, state, and local governments;
>
> How community colleges can achieve improved quality and, in many cases, a broader selection of both academic and occupational programs;
>
> How to strengthen the relationship among highly selective universities and colleges, less selective four-year and five-year institutions, and non-selective community colleges;
>
> How to ensure that the community colleges will maintain not only open access but also low tuition policies; and
>
> How to encourage appropriate private two-year colleges and institutions to become more comprehensive and to serve community needs in the manner exemplified by the best of the public community colleges.

To this list, we would add the necessity for State level planning for community colleges to take into account the activities of such other institutions in the State as vocational schools, comprehensive secondary schools, adult education agencies, State manpower agencies, labor unions, business and industry, and the general public. For this reason, we provide that these institutions and groups must be represented on an advisory council to the agency responsible for planning for community colleges, a step which we hope will result in the development of close coordination between the capacities of community colleges and the needs of those they serve.

CAREER EDUCATION

As I mentioned before, community colleges have a special role to play in helping people prepare themselves to take advantage of the exciting and challenging career opportunities that are going begging because there are too few well-trained skilled workers. Community colleges are accessible to the students who want career training. And they are in close touch with the resources of their communities and its manpower needs. They can devise meaningful combinations of work and study for their students, and they can do this with much better information about the kinds of careers which will actually be available in the community upon their students' completion of formal course work.

These potentialities, however, are matched by some difficult problems. Occupational programs are much more expensive than typical classroom courses. Teachers must be recruited, for example, from the ranks of well-paid skilled workers in business and industry. Extensive and expensive workshops and laboratories must be constructed and equipped. Career education classes typically must maintain much smaller student-teacher ratios than classroom lecture courses.

The repercussions of the expense of career education are often felt when budgetary problems necessitate cutting back, limiting expansion, or trimming corners. Far more students can be handled at less cost in academic university-parallel programs than in occupational programs, and too often when confronted with the choice, community college administrators decide that occupational programs rather than academic programs must be restricted. The unfortunate result in many areas has been a gradual shifting of the balance in favor of liberal arts programs and away from career education.

The legislation we are introducing today provides $100 million for career education programs in community colleges. By career education programs, we mean instructional programs, carried on at the postsecondary level, which are designed to prepare students for entry into, or advancement in, positions of gainful employment that require postsecondary training. These programs usually do not require a baccalaureate degree but can lead to 4-year college and professional school options.

Despite this emphasis on occupational education, this does not mean that we intend to encourage career training at the expense of all other alternatives. The Carnegie Commission correctly emphasized the need for comprehensive community colleges which encompass academic, occupational and general education programs to allow the students a wide range of choices. Thus, although the legislation we are introducing today would provide a substantial new source of Federal funds to encourage the development and improvement of occupational training programs, we also require that in order to be eligible for these funds, a State must have developed a comprehensive statewide program for improvement, development and construction of community colleges including occupational-technical programs, adult continuing education programs, counseling-advising programs and university-parallel programs.

U.S. OFFICE OF EDUCATION

There are over a dozen Federal programs that relate to community colleges, yet there is nowhere in the U.S. Office of Education a single distinct office to serve as a focal point for community colleges. The Community College Assistance Act approaches this situation in two ways. First, it authorizes the establishment of an agency within the Office of Education which shall be the principal agency for programs and activities relating to community colleges. This agency will administer the programs for State planning and occupational education authorized in this act as well as coordinate all other programs affecting community colleges which are administered by the Office of Education. Second, the act authorizes this agency to provide technical assistance to the States and agencies in developing community college capabilities.

AMENDMENTS

The bill proposes a number of changes in existing legislation. The first concerns title I of the Higher Education Act. This program is intended to strengthen the community service programs of colleges and universities so that they can effectively relate to and actively assist in the solution of community problems. Because they are supported at grassroots level and serve their local communities, we feel that community colleges are the best institutions to provide community services programs. Yet in fiscal year 1969, community colleges received only 9.2 percent of the funds appropriated for title I, and 2-year institutions in 28 States and territories received no funds at all. Our legislation would earmark 50 percent of the title I funds for community colleges.

Under the library assistance program, title II, of the Higher Education Act, colleges must maintain their previous financial effort for libraries in order to be eligible for funding. In most situations this is feasible and simply means that colleges do not use Federal funds to replace money they might have spent on libraries. In the case of many new institutions just starting out, however, this provision precludes them from participating in the program. In their first year, they spend inordinately large amounts on establishing an initial library collection. Then their annual expenditures taper back to the levels needed to maintain and develop their library. Yet to participate in the title II program, they would have to continue to spend annually the same amount they spent to establish their library. To correct this situation, we have proposed an amendment which would allow the Commissioner to make exceptions where he deems appropriate to the maintenance of effort requirement in the case of institutions less than 5 years old.

A similar situation prevails in the developing institutions program, title III, which excludes institutions less than 5 years old. Again, we are proposing an amendment which would allow new institutions to participate in this program.

Finally, we are proposing changes in the Higher Education Facilities Act. As the situation now stands, public community colleges are eligible for funding under section 103 of the act and all other institutions are eligible under section 104. In each State a State commission is organized to develop plans for the use of funds under both sections 103 and 104—this commission is, by and large, dominated by representatives of 4-year institutions. The only section to receive appropriations this year was section 103, pertaining to community colleges. Yet because of the makeup of the State commissions, community colleges in many States found that they had little to say in the administration of these funds. Private community colleges found that they had been excluded from funding because they were eligible under section 104. The amendments we are offering would change the existing situation by setting up two State commissions in lieu of the one that now exists—one for section 103 and another for section 104, and by making private community colleges eligible to participate under section 103.

At this point, I would like to summarize briefly the contents of the Community College Assistance Act and to insert the language of the act:

SUMMARY OF THE COMMUNITY COLLEGE ASSISTANCE ACT

TITLE I

Authorizes $10 million annually for fiscal year 1971 through fiscal year 1974 for grants to State community college agencies to implement Statewide plans for development of community colleges.

To allow planning time, this Title would be in effect for one year before the other sections of the bill.

TITLE II

Authorizes $100 million for fiscal 1972, $150 million for fiscal 1973, and $200 million for fiscal year 1974 to assist community colleges with career education programs. The Commissioner would allot funds on the basis of the number of full-time equivalent students enrolled in career education programs at each participating institution.

In order for the community colleges in a State to participate, the State community college agency would have to submit to the Commissioner the Statewide plan authorized under Title I.

TITLE III

Authorizes $1.5 million annually for Commissioner of Education to make technical assistance available to community colleges. Directs Commissioner to establish a special agency within the Office of Education responsible for community college programs.

TITLE IV

Definitions, including a broad definition of the term "career education" as used in this act.

TITLE V

Technical amendments to the Higher Education Facilities Act.

Amendments to the Higher Education Act would:

(1) Earmark 50% of Title I funds (community service) for community colleges.

(2) Authorize Commissioner to make Title II funds (library assistance) available to new community colleges less than five years old.

(3) Make Title III funds (developing institutions) available to community colleges less than five years old.

H.R. ——

A bill to provide assistance to community colleges through a program of Statewide planning for community colleges, financial assistance for career education, technical assistance, and amendments to the Higher Education Act of 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Community College Assistance Act".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to assist the States in making postsecondary education available to all persons in all areas of each State by assisting States in planning, developing, strengthening, and improving community colleges, including the development of career education programs, adult continuing education programs, counseling-advising programs, community service and enrichment programs.

TITLE I—STATEWIDE PLANNING FOR COMMUNITY COLLEGES

STATE APPLICATIONS

SEC. 101. The Commissioner shall approve any application for funds for planning for carrying out the purpose of this Act if such application—

(1) provides that such funds shall be administered by the State agency with primary responsibility for community colleges;

(2) provides that a State advisory council broadly representative of community colleges, other institutions of higher education, vocational schools, comprehensive secondary schools, adult education agencies, State manpower agencies, labor unions, business and industry, and the general public will be established to advise such agency;

(3) provides that such State agency will make such reports, in such form, and containing such information as the Commissioner may from time to time reasonably require, and to assure verification of such reports, give the Commissioner, upon request, access to records upon which such information is based; and

(4) sets forth policies and procedures designed to assure that Federal funds made available under this title will not be so used as to supplant State or local funds, but to supplement and, to the extent practicable, to increase the amounts of such funds that would in the absence of such Federal funds be made available for the purposes of this title.

AUTHORIZATION

SEC. 102. There is authorized to be appropriated for the purpose of this title the sum of $10,000,000 for the fiscal year ending June 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975. The sums appropriated pursuant to this section shall be used for making payments to States whose applications for funds for carrying out such purposes have been approved.

ALLOTMENT TO STATES

SEC. 103. The sums appropriated pursuant to section 102 shall be allotted by the Commissioner among the States on the basis of the amount needed by each State for the purpose of this title, except that no such allotment to any State shall be less than $50,000.

TITLE II—FINANCIAL ASSISTANCE FOR CAREER EDUCATION

STATE PLANS AND PAYMENTS

SEC. 201. (a) Any State desiring to receive its allotment of Federal funds under this title shall submit a State plan, in such detail as the Commissioner deems necessary, which—

(1) provides for the administration of such plan by the State agency primarily responsible for community colleges, with advice from the State advisory council designated in section 101 above;

(2) sets forth a comprehensive statewide program for the improvement, development, and construction of community colleges in the State for the purposes of this Act, including but not limited to the development and carrying out of occupational-technical programs, adult continuing education programs, developmental programs, counseling-advising programs, and university parallel programs;

(3) takes into account existing State plans for vocational education and any other State plans for education;

(4) provides for the necessary State and local financial support to carry out such program with assistance under this part;

(5) sets forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds but to supplement and, to the extent practicable, to increase the amounts of such funds that would in the absence of such Federal funds be made available for the purposes of providing career education;

(6) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State (including such funds paid by the State to community colleges) under this title; and

(7) provides for making such reports in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this title, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

ADMINISTRATION OF STATE PLANS

SEC. 202. (a) The Commissioner shall approve any State plan and any modification thereof which complies with the provisions of section 201 and shall pay to such State, from its allotment for each fiscal year, the reasonable cost, as determined by the Commissioner, of carrying out such portion of the approved plan that provides for the establishment or improvement of career education.

(b) In the event the Commissioner shall not approve a State plan submitted under this title, or any modification thereof, he shall first afford the State agency or institution submitting the plan reasonable notice and opportunity for a hearing.

(c) Whenever the Commissioner, after reasonable notice and opportunity for hearings to the State agency or institution administering a State plan approved under section 201, finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of such section, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision,

the Commissioner shall notify the State agency or institution that the State will not be regarded as eligible to participate in the program under this title until he is satisfied that there is no longer any such failure to comply.

AUTHORIZATION

Sec. 203. (a) The Commissioner shall, in accordance with the provisions of this title, make payments to the State agencies primarily responsible for community colleges, for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975.

(b) For the purposes of making such payments, there is authorized to be appropriated the sum of $100,000,000 for the fiscal year ending June 30, 1973, $150,000,000 for the fiscal year ending June 30, 1974, and $200,000,000 for the fiscal year ending June 30, 1975.

ALLOTMENTS

Sec. 204. The Secretary shall allot the sums appropriated under section 203 among the States so that the amount allotted to each State bears the same ratio to such appropriation as the number of full-time equivalent students enrolled in career education programs at community colleges and technical institutes in the State bears to the number of such students in all States.

TITLE III—TECHNICAL ASSISTANCE

Sec. 301. (a) The Commissioner shall, directly or through grant or contract, make technical assistance available to States and to agencies participating or seeking to participate in programs assisted under this Act on a continuing basis to assist them in developing and carrying out State plans.

(b) Payments under this section may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Commissioner may determine.

(c) There are authorized to be appropriated for the purpose of this section such sums as may be necessary for the fiscal year ending June 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975.

Sec. 302. (a) The Secretary shall take all necessary steps to coordinate programs under his jurisdiction, affecting community colleges. To this end he shall establish in the Office of Education an agency which shall be the principal agency for programs and activities relating to community colleges and which shall, unless otherwise specified, carry out Titles I, II, and III of this Act.

(b) No later than January 31 of each calendar year, the Commissioner shall report to Congress on activities carried out under Titles I and II of this Act and other activities of the Office of Education pertaining to community colleges.

TITLE IV—GENERAL PROVISIONS

DEFINITIONS

Sec. 401. As used in this Act—

(1) The term "Commissioner" means the United States Commissioner of Education.

(2) The term "Secretary" means the Secretary of the Department of Health, Education, and Welfare.

(3) The term "community college" means any technical institute, junior college, or any other educational institution in any State which—

(A) is legally authorized within such State to provide a program of education beyond secondary education;

(B) admits as regular students high school graduates or equivalent, or persons at least 18 years of age;

(C) provides a two-year post-secondary educational program leading to an associate degree, or acceptable for credit toward a bachelor's degree, and also provides programs of post-secondary vocational, technical, occupational, and specialized education;

(D) is a public or other nonprofit institution; and

(E) is accredited as an institution by a nationally recognized accrediting agency or association, or if not so accredited—

(i) is an institution that has obtained recognized preaccreditation status from a nationally recognized accrediting body, or

(ii) is an institution whose credits are accepted on transfer, by not less than three accredited institutions, for credit on the same basis if transferred from an institution so accredited, and for purposes of this paragraph, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

(4) The term "career education" means a nonbaccalaureate program at a community college which prepares students enrolled in such program for entry into, or advancement in, specific technical or semiprofessional positions of gainful employment, including but not limited to industry, engineering, business, paramedical and health-related occupations, and those occupations which involve skills designated by the Secretary of Labor as those in which a critical manpower shortage exists.

(5) The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

JUDICIAL REVIEW

Sec. 402. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its plan submitted under section 202, such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

PROHIBITIONS

Sec. 403. Section 422 of the General Education Provision Act is amended by inserting "the Community College Assistance Act of 1970," after "the International Education Act of 1966."

TITLE V—AMENDMENTS TO THE HIGHER EDUCATION ACT AND HIGHER EDUCATION FACILITIES ACT OF 1963

STATE COMMISSIONS FOR COMMUNITY COLLEGES

Sec. 501. (a) Section 105(a) of the Higher Education Facilities Act of 1963, is amended as follows by striking out the first sentence of the section and inserting, in lieu thereof, "Any State desiring to participate in the grant program with funds allotted under section 103 of this title shall designate for that purpose an existing State agency which is broadly representative of the public and of public and private nonprofit community colleges in the State, or, if no such State agency exists, shall establish such a State agency, and submit to the Commissioner through the agency so designated or established (in this title referred to as the State Commission for Community Colleges) a State plan for such participation. Any State desiring to participate in the grant program under section 104 of this title shall designate for that purpose an existing State agency which is broadly representative of the public and of institutions eligible to participate in such program, or, if no such State agency exists, shall establish such a State agency, and submit to the Commissioner through the agency so designated or established, a State plan for such participation." (In this title referred to as the "State Commission for Colleges and Universities.")

(b) Subsequent references to "State Commission" in this title shall be amended accordingly.

PRIVATE NONPROFIT INSTITUTIONS

Sec. 502. (a) Title I of the Higher Education Facilities Act of 1963, is amended by striking out "public community colleges and public technical schools" where it occurs in sections 103(a); 103(b)(2); 104(a) ; 105(a)(3); and 107(b), and substituting "public and private nonprofit community colleges."

(b) Section 401(g) is renumbered section 401(g)(i) and section 401(g)(ii) is added as follows: "The term 'private nonprofit community college' means an institution of higher education owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and which is organized and administered principally to provide a two-year program which is acceptable for full credit toward a bachelor's degree or a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge, and, if a branch of an institution of higher education offering four or more years of higher education, is located in a community different from that in which its parent institution is located."

COMMUNITY SERVICES AND CONTINUING EDUCATION PROGRAMS

Sec. 503. (a) Section 105(a) of the Higher Education Act of 1965 is amended as follows by striking out the word "and" at the end of clause (5), and inserting after clause (6), "and (7) provide for the allocation of federal funds to institutions of higher education in such a manner as to assure that at least fifty percentum of such funds are allocated to community colleges."

(b) Section 1201 of the Higher Education Act of 1965 is amended by inserting after clause (k), (1) The term "community college" means any technical institute, junior college, or any other educational institution in any State which—

(A) is legally authorized within such State to provide a program of education beyond secondary education;

(B) admits as regular students high school graduates or equivalent, or persons at least 18 years of age;

(C) provides a two-year postsecondary educational program leading to an associate degree, or acceptable for credit toward a bachelor's degree, and also provides programs of postsecondary vocational, technical, occupational, and specialized education;

(D) is a public or other nonprofit institution; and

(E) is accredited as an institution by a nationally recognized accrediting agency or association, or if not so accredited—

(i) is an institution that has obtained recognized preaccreditation status from a nationally recognized accrediting body, or

(ii) is an institution whose credits are accepted on transfer, by not less than three accredited institutions, for credit on the same basis if transferred from an institution so accredited, and

for the purposes of this paragraph, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

COLLEGE LIBRARY RESOURCES

SEC. 504. Section 202 of title II, part A of the Higher Education Act of 1965 is amended by inserting the phrase, "except that in the case of community colleges in existence less than five years the Commissioner may make exceptions where he deems appropriate," after "June 30, 1965," in clause (a) and at the end of clause (b).

DEVELOPING INSTITUTIONS

SEC. 505. (a) Section 302(d) of the Higher Education Act of 1965 is amended by inserting before "has met" the following: ", if an institution which provides an educational program for which it awards a bachelor's degree,".

(b) Section 306 of such Act is amended by striking out "(other than developing institutions)".

MILITARY POLICE STATE?

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, December 22, 1970

Mr. BYRD of Virginia. Mr. President, for a number of years this body has been graced by the presence of a Senator who has performed a devoted service to his country as a guardian of constitutional rights.

Senator ERVIN, the senior Senator from North Carolina, has been eternally vigilant as to the authority of the sovereign States, and as to the liberty of individual citizens.

In his scholarly efforts, he has been consistent in asserting that the mandate of the Framers of our Constitution must be followed to the letter. Recently, he has been engaged in an investigation of what might well be a shocking violation of individual rights.

I salute Senator ERVIN for the service he has performed and ask unanimous consent to have placed in the Extensions of Remarks, an excellent editorial from the December 18, 1970, issue of the Northern Virginia Daily of Strasburg, Va., entitled "Military Police State," which deals with Senator ERVIN's investigation of military surveillance of civilian officeholders.

The editor of the Northern Virginia Daily is James J. Crawford.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MILITARY POLICE STATE

Current news regarding compilation of dossiers on the activities of public figures and private citizens by Army intelligence investigators could be lost in the Christmas rush, but it shouldn't be. The revelation concerns a development which is extremely significant and should be fully exposed.

It comes from the office of Sen. Sam J. Ervin, Jr., of North Carolina, a veteran member of the Senate, and certainly not one for extravagant, unfounded dramatics. The information concerns a rather elaborate Army intelligence apparatus, operated by so-called domestic investigators who have been spying on private citizens for several years, and was supplied the senator by a former agent whose veracity is apparently unquestioned.

Many people in public office and in private life have been under surveillance, according to Sen. Ervin. Targets have been individuals who have opposed the government's policies. Sen. Ervin explained it this way:

"It was enough that they opposed or did not actively support the government's policy in Vietnam or that they disagreed with domestic policies of the Administration or that they were in contact or sympathetic to people with such views."

High-ranking political figures, as well as a host of state and local officials, political contributors, newspaper reporters, lawyers and church leaders have been subjects of this dubious distinction. The snooping has gone far beyond the military's earlier claims that investigations of civilians were limited to those who "demonstrated a penchant for violence."

The list of those on whom dossiers have been compiled is said to include such well-known public figures as Illinois Senator-elect Adlai Stevenson III, former Illinois governor Otto Kerner, now a federal judge, Rep. Abner Mikva and Sen. William J. Fulbright. All of these have been frequent critics of government policy.

If, indeed, the activities of the Army intelligence in gathering information on civilians have been this extensive, who knows how many more American citizens may be included on this list. Or for what reasons. The danger is that such a list which is compiled today to include only those who oppose the Vietnam war, if that were the case, could tomorrow include civilians who simply oppose the party in power.

What is involved here is an insidious activity which, if allowed to go on unchecked, can lead to a military police state. This is not the American way.

Sen. Ervin states that the informant who was the source of his information will be called to testify next February before the subcommittee on constitution rights, which he heads.

Good. It will be none too soon to start putting an end to this un-American practice.

REAGAN—THE CHAMPS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. PICKLE. Mr. Speaker, the Reagan Raiders have done it again. Last weekend, they met and conquered the Odessa Panthers for the State championship in AAAA Texas high school football.

This is the third crown in 4 years for Coach Travis Raven and his "Little Southwest Conference" champion. For the past 5 years of University Interscholastic League competition, the Reagan dynasty has chalked up a record as a true powerhouse, with a 57-6-1 record. This ranks them with the other legends of Texas schoolboy football: the Waco team of the 1920's, the Amarillo 11 of the 1930's and the Abilene team of the 1950's. Never, in 14 playoff contests have the Raiders lost.

Obviously, Mr. Speaker, we take our football serious in Austin, and all of Texas for that matter. We are proud of our young men. And we know they have the character to carry the fight. Congratulations are again in order for the Reagan Raiders of Austin, Tex.

RADIO COMMENTATOR ALAN COURTNEY REMARKS ON "A TROUBLED AMERICA"

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. BURKE of Florida. Mr. Speaker, for the past several years, many in our great Nation, including myself, have offered commentary on the malaise of America, and where we, as a free people, are heading.

Mr. Alan Courtney, one of south Florida's leading radio commentators, who has his own nightly radio talk show, in an editorial offered some very poignant remarks on the subject. I have listened to Mr. Courtney's program for many years and have, therefore, heard his comments on a great number of subjects, and I truly believe that he has captured the gist of what appears to be troubling our great Nation today.

Mr. Courtney is one of the original pioneers of radio, having started his illustrious career in 1929 on the Mutual Broadcasting Network where he was then one of the Nation's leading disc jockeys. In 1948 he pioneered the radio talk show idea in New York City. In 1949, he came to the Miami area where his program became the first regularly scheduled radio talk show in the country.

Since his conception of a regular radio talk show with the public was started, it has been copied and has become a regular feature of radio and television stations across the country. As a result, literally millions of Americans have been offered the opportunity to discuss their views, both pro and con, on any subject. It truly personifies a part of what is great about America; namely, the constitutional right of free expression of ideas and beliefs.

Needless to say, Mr. Courtney has been honored by many groups and organizations across the Nation. One honor that I know he is distinctly proud of is a Public Service Award which he received from FBI Director J. Edgar Hoover.

For the past 21 years, many people of

south Florida have recognized how lucky they are to have Alan Courtney and his open-phone forum which continues to draw hundreds of listeners who forsake a "night on the town," or their sleep, to talk with Mr. Courtney, or one of his many interesting guests.

Mr. Courtney is a sincere, dedicated man. He organized a foundation called "Americans in Distress"—AID—which helps raise money in order to assist those unfortunates who may have been hit with a catastrophe.

Alan Courtney loves America. His views that follow come from the heart and I am sure once you read them you will agree.

I am sure that he would also like to hear your views on the subject and you may direct such views to Mr. Alan Courtney, radio station WIOD, Miami, Fla.

His comments, which I feel you should read, are as follows:

COMMENTS BY ALAN COURTNEY

For some years now we have been exposed to a variety of books, articles, and lectures about "The Troubled America" . . . "The Silent Majority" . . . "The Silenced Majority" . . . "The Revolutionary Minority" and the image of a nation determined to destroy itself through frustration, confusion, discontent, and a people no longer sure of its destiny.

Now that everyone old enough to understand the world around him agrees that we are going through a serious stage of domestic unhappiness and uneasy stages of what might be described as domestic guerrilla warfare, the issue is no longer the repetition of what ails us. The issue is what must be done to help correct it, without resorting to a cure worse than the disease!!

What I am going to say I feel will alienate some of our friends and inflame our critics all the more.

Certain historical causes, I believe must be conceded, if we are going to redirect the course of our great Republic to a safe and sound road ahead.

The creation of a revolution within a highly civilized and democratized country takes time, effort, persistence, and deception. It takes organization, finance, and know how. It takes unprincipled devotion to achieve a goal, and it requires that the ninety-five percent be constantly lulled or distracted into believing they must accommodate their own executioners lest they destroy their own freedom and their own pursuit of happiness.

The strange combination of individuals and organizations who have been dedicated to altering the United States into some kind of paternalistic form of Socialism called Liberalism, wherein nobody goes hungry, nobody is deprived, nobody is unhappy, and justice reigns supreme, has long been the basic motivation and drive that most of us my age are personally familiar with.

Since most Americans were, until the mid-thirties, by tradition, education, and choice, traditional "Jeffersonian Liberals", it never dawned on these sincerely motivated people that their cause was being slowly undermined and corrupted by a minority of highly educationed revolutionaries in dignified spectacles . . . while most Americans have always been alert to the obvious dangers of violent crime and overt demagoguery, most Americans have been extremely naive in the area of modern day politics and international geo-political warfare.

It is natural and understandable that anarchy, permissiveness and amoral or immoral behavior, and thought, is more easily tolerated by the liberal, than the conservative. Revolution to the doctrinaire liberal is something he dreams of and works for, even if his or her effort is not always known or obvious to others. The liberals backed every revolution of the left for the last forty years when FDR recognized the Soviet Union. To the ritualistic liberal, revolution to the left was for the uplift of mankind—a revolution to the right was turning back the clock to despotism.

It took decades for many of the liberal leaders to admit they were dangerously wrong. They still refuse to concede the Communist brand of tyranny for what it is. But they will spring to the forefront like Pavlov's dogs upon the slightest emergence of what they immedately condemn as "Fascism" or "Nazism".

Over the last forty years our schools and colleges have miseducated and misled millions of Americans to believe in distorted versions of history, while assuming the very fashionable technique of debunking our heritage, our heros, and our patriotism.

Permissiveness and progressive education became the big crusade.

Every domestic failing and domestic evil was blown up into a mammoth monster of hysterical proportions to the point where the only way to save the Nation was to destroy it first and then rebuild it somehow from the ashes.

The moderate evolutionary liberal who clings to much of his fabianized indoctrination, now is trying to bring us together and deplores the polarization, as he calls it, of those like the late Senator McCarthy, General Douglas MacArthur, the late Senator Bob Taft, J. Edgar Hoover, The House Committee on Unamerican Activities, the "Police Brutality", they are so fond of referring to, the dangerous "Military-industrial Complex", the National Guard, and any strict construction of the Constitution, law and justice.

The signs along the road going back over the years to those who know full well the irreputable lessons of history were:

The growing centralization and bureaucratic power of agencies from Washington, as well as in some of the States, that assumed they were carrying out a mandate to compel everybody to be "good" and "free" . . .

The art of compulsive order originated and grew into a Frankenstein under the liberals, supported by frightened conservatives who were afraid to challenge the fallacies and follies of their liberal friends and brothers.

The liberals adopted a paradox of schizophrenic values. On one hand they claimed they believed everybody must be equal, everybody has a right to preach the overthrow of our Government, and our society, as well. Everybody was guaranteed a right to an income from the cradle to the grave and everybody has a right to do anything he damn pleases.

This was steadily moved into the powerful force called "Civil Disobedience" . . .

The first modern demagogue who exploited and capitalized upon this alien doctrine was the late Martin Luther King.

What started out as a rather innocuous testing of the "Back of the Bus" business, only was the starting point to build a following to further emphasize and inflame "The Revolution" as the media so proudly hailed it night and day. TV could perhaps be condemned as the worst of all culprits in their daily presentation of something they called "The Revolution at Home" . . . every misfit and anarchist and Communist and con man was brought before the cameras day after day lecturing, posturing and promoting the case of revolution against the "Establishment". Here again is an alien slogan, just as "Ghetto" was deliberately built in the minds of millions of naive people to be an authentic meaning for neighborhoods where economic conditions of most, were less than other neighborhoods, where white poor people dwelled. The "Ghetto" was then made the symbol of oppression.

Strikes to get more for doing less, became an accepted fact.

Criminals were described more and more as sick people of underprivileged who had to turn to crime to survive.

Courts started to play God and Solomon with our laws.

Defense attorneys started to become part of the criminal community in search of techniques on "How to beat the rap," rather than how to secure justice!

The barriers of established norms were broken down by those who started to depart from rules and codes that were long accepted by almost every responsible American.

We are today finally aroused as never before.

It has taken a long time.

The bombings and violence and terroristic tactics of kidnapping and assassination is a typical pattern of red revolutionary techniques that the gullible still pretend does not apply.

Those who claim that it must get far worse before it gets much better are saying in a sense that for decades so many Americans "went along to get along", the necessity now of even changing some of their own wrong ideas and behavior comes upon them with a rather unpleasant threat to their long held liberal abstractions of utopian solutions.

This is why, for example, Spiro Agnew is pictured by the unrepentent liberals as the one who is keeping us apart! What a farce! Every normal adult liberal with the slightest degree of intellectual integrity knows full well the causes of our present plight of domestic unhappiness (using this word in broad terms). He knows, but won't concede his own past record of extremism which he rationalized as middle of the road or moderation.

The United States must survive . . . it will . . . despite those who helped carry the disease they now are attributing to others.

DILEMMA FOR FEEDLOTS

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. SEBELIUS. Mr. Speaker, I am sure that every American citizen is aware of the urgent and well publicized need for our Nation to clean up and protect our environment.

Pollution is everyone's problem. The task of cleaning up our environment calls for a total mobilization by all of us. It cannot be a matter of simply sitting back and blaming someone else or any particular industry. The task is ours together.

Unless each individual citizen accepts the responsibility for a pollution-free America, all of the local, county, State, and Federal plans put together will not result in "America the Beautiful" or "America the Safe."

Mr. Speaker, an editorial written by Mr. Fred Brooks, editor of the Garden City Telegram in Garden City, Kans., most accurately describes the point I am trying to make. Mr. Brooks points out the fact that the Kansas feedlot industry is now going through a most uncertain period as a result of possible feedlot enforcement regulations on both the State and Federal levels. I commend this editorial to all of my colleagues who, I am sure, are interested in protecting our environment with realistic and workable standards:

DILEMMA FOR FEEDLOTS

Kansas has lost four feedlots and a cement plant because of federal and state anti-pollution regulations. The loss to the state's economy is estimated at $40 million.

Now it is losing another feedlot, one which is providing a $5 million annual market for hay, silage and feed grains in addition to its service to beef producers.

The Crofoot Feedlot at Strong City has announced it cannot continue to operate because of the uncertainty of future federal regulations.

The owner of the feedyard is willing and ready to spend $250,000 to build waste treatment facilities to comply with state standards. But he has no assurance that this expenditure would qualify for secondary treatment standards which the federal government plans to impose in 1975.

Farmers and livestock men are concerned about the future of agriculture in the state. And the state's environmentalist shares that concern. Melville Gray, chief of state ecological operations, is paid to protect the environment. But he sees the possibility that federal standards to come might wipe out feedlots in Kansas.

There is no quarrel that reasonable regulations are needed to control pollution from feedlots. And the feedlots are complying with state regulations requiring holding ponds—or they are shutting down.

But feedlot owners are not going to pay huge sums for pollution controls when they don't know what the federal standards will be five years from now.

Two years ago the average person didn't know what the word ecology meant. Now emotions are running and unreasonable and sometimes vague regulations are the result.

We need to clean up the environment. But unrealistic standards will do more harm than good.

THE GREAT RETREAT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. SCHMITZ. Mr. Speaker, a recent article by Mr. James Burnham entitled "The Great Retreat" spells out the current thrust of our foreign policy in no uncertain terms. There is very little that can be added to Mr. Burnham's assessment. Any observer with a mind not clouded by liberal mysticism which regards strength as being a danger for the one who possesses it and surrender as being in the national interest understands that the picture outlined by the author is quite realistic.

The most engrossing portion of the article is the section on the language of retreat. Cliches such as "we cannot be a global policeman" and "our deepest challenge must be to evoke the creativity of a pluralistic world" substitute for rational thought not only among the general public but, most unfortunately, in the upper policy echelons. These little phrases that cover up big losses are a vivid and frightening manifestation of a mental condition noted by Alexander Hamilton when he said:

> Men, upon too many occasions do not give their understanding fair play; but yielding to some untoward bias, they entangle themselves in words and confound themselves in subtleties.

How far have we wandered from the only sound national policy in matters relating to the security of the Nation: Peace through strength, or, when strength fails to deter aggression, peace through swift victory.

The article follows:

THE GREAT RETREAT

Suppose we ask: What, in the widest sense, is the current strategic posture of the United States? Once we open our eyes, we can have little doubt of the answer: withdrawal, retreat, on every front, in every field. Not merely defense ("containment"). Retreat.

Many of us overlook the fact of universal retreat because we do not expand our focus to take in the pattern as a whole, and because within each separate sector the withdrawal is covered by one or another sort of verbal camouflage. In Southeast Asia it is called not "retreat" but "Vietnamization." The cutbacks, perhaps liquidation, of the SST is not a bugout but a responsible concern for the environment. Naval aircraft get laid up as part of the struggle against inflation. And so on.

What counts is the vector, the direction of motion. No one can dispute that we are moving out of (i.e., retreating from) Vietnam, not moving in (i.e., advancing). Is our space program—the greatest enterprise ever undertaken by our country—expanding or contracting? It wouldn't take an unemployed aerospace scientist, engineer or technician more than a tenth of a second to answer that one.

The Navy is scrapping or laying up ships by the hundreds, building them by twos and threes. When a handful of hot-headed soldiers in a desert semi-nation order us out of a strategically situated air base on which we have spent hundreds of millions, we don't even argue, we run away, tail between legs. Rickety Latin American juntas grab the mines, oil wells and installations that exist solely because of our expertise, work and money. We don't even think of resistance; we pack up and leave. Month by month, without public fanfare, our battalions slip away from Western Europe. At a frown from a Latin American Marxist, we give up the critical station built on a remote island over which he claims jurisdiction, and prepare to get out of the great astronomical complex our brains and wealth have been constructing high in the local mountains for the enlightenment of all men.

BRAINS INTO REVERSE

Covering our negativism by demagogic ecology claptrap, we are on the verge of surrendering our historical predominance in air transport. We watch passively as the Soviet Union first matches and then surpasses our strategic weapons power. We sail idly in circles as, in one water after another, new Soviet warcraft enter to challenge our aging ships. We hardly notice as the cadres of our incomparable aerospace industry—source and foundation of our scientific-technological primacy—dissolve into idleness. The "brain drain" that for two decades drew to us tens of thousands of the most talented and vigorous scientists, engineers and technicians from all the rest of the world, is reversing.

It is difficult to name a major sector of national activity—geographic, military, diplomatic, economic, social, scientific, technical—on which we are holding, not to speak of advancing; the great retreat is almost universal. There is no lack of explanation: "We can't be global policeman"; "we must rearrange our priorities"; "we have to stop polluting"; "curing our cities is more important than going to the planets"; "we must make recompense for our generations of guilt"; "we must liquidate our disguised imperialism"; "we can't impose our interests on others"; "we must give up the arrogance of power"; "we've got to strengthen the dollar"; "foreign adventures and space projects will bankrupt us"; "we can't save those who won't try to save themselves"; etc. etc. However convincing any one of these may be made to seem when taken by itself, viewed in their entirety they are transparent derivations (in Pareto's sense), rationalizations. They obscure but do not alter the effective reality; the vector of U.S. withdrawal, general retreat.

The retreat of the U.S. is the more striking because our main rivals are not retreating but continuing to advance. However awkward their performnace in this or that field, the Soviet Union, China and Japan, are thrusting upward and outward all along the line. They are not cutting down, pulling back, putting in mothballs.

Of all currently faddish beliefs, perhaps the most illusory is the revived isolationist dream that the U.S. can cut its "involvement" with the rest of the world and attain happiness, well-being and love by concentrating efforts and wealth on the domestic problems of poverty, ignorance, crime, urban decay etc. The truth is, rather, the opposite. The great retreat marks a decline in the nation's energy that makes us less likely to get anywhere with these domestic problems—as is manifestly the case. But apart from that somber truth, it is absurd to suppose that just because we should stop "interfering" with others, they would stop interfering with us. Does anyone really believe that if we pulled our Sixth fleet out of the Mediterranean, the Kemlin would pull out its Mediterranean fleet?

IF NOT LIBYA, WHAT?

In the life of all nations there are successive up and down cycles for the various sectors and for the whole, until the last dip begins. If we have not yet reached that end phase, there will have to be some sort of reversal soon, in at least one or two sectors, if not the whole. A month ago in *NR* (Nov. 17) Charles Benson proposed a dramatic and sweeping method for reversal in a decisive sector: the seizure of Libya. The response indicates (not unexpectedly) that most people considered this proposal either outrageous or unserious. Why so? Once you get your mind out of prevailing stereotypes, what is so absurd about this project? And if you think it absurd but are not yet reconciled to permanent retreat, how about coming up with something better?

ARCHBISHOP AMBROSE SENYSHYN ON CHRISTIANITY IN SOVIET UKRAINE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. DERWINSKI. Mr. Speaker, recently Archbishop Ambrose Senyshyn delivered the first lecture of the newly established Ukrainian Catholic Studies Foundation of St. Josaphatis Seminary. The subject of his lecture was "Christianity in Soviet Ukraine." The essence of the lecture is well described in the column of William Willoughby of the Evening Star. In his December 19 account, Mr. Willoughby well states that it is a "Message to Americans—It's No Time for

Fiddling." His reaction to this first lecture is worth reading.

The lecture follows:

MESSAGE TO AMERICANS—IT'S NO TIME FOR FIDDLING

(By William Willoughby)

"The Fiddler on the Roof" probably is the most delightful musical to come out aside from "My Fair Lady." For those who didn't see it during its two flits in and out of Washington, it's the story of a Jewish family in Russia, just prior to the Bolshevist Revolution. Things were tough. Real tough.

But Tevya, the head of the little family in Anatevka, had two things going for him through it all—an intimate acquaintance with God and a good sense of humor. His acquaintance with the Bible, however, was a classic chapter and verse example of malapropism.

Tevya talked with God the way God must like to be talked with. Man to man. One time when things were going real bad for Anatevka, old Tevya got just a little out of fettle with God.

"God," he said, "I'm glad you've made us the chosen people, but please, couldn't you choose someone else some of the time?"

Tevya's prayers have been answered—but not by God. Any person who's religious enough to be honest in Russia seems to be saying the same thing. The show of religious freedom in the Soviet Union isn't at all what it appears to be in print.

Last month, 2,000 Jews gathered at Washington Cathedral to protest atrocities and pressures against 3.5 million of their religious and ethnic kindred behind the Iron Curtain. Ostensibly, they were protesting the circumstances of the Leningrad trial now going on in which several Jews are among those accused of attempting to hijack an airplane. Jews the world over see this as an example of anti-Semitism rearing one of its many heads.

But as valid as the plaints of the Jews are, Christians likewise are feeling the pressures against them. Communism hasn't found having God as a house guest too convenient. Especially, since God had been in the house a long time before communism took it over.

Growing concern for religious conditions in the Soviet federation of republics and unwilling satellites is being shown by Baptists, who, by Russian standards, are a significant Protestant element in the country.

An integral part of Christianity is the Great Commission of Christ to teach and preach the Gospel. Such activity is called proselytizing over there, and what Christians ought to be doing as an outgrowth of their faith can bring them prison terms.

Some of the biggest sufferers since the revolution have been the Byzantine-Ukrainian Catholic and the Ukrainian Autocephalous Orthodox Church in the Ukraine. Church leaders are complaining, but seem to get nowhere. About the best they can hope for is to keep their plight before the public. And maybe get God's ear.

The other day here in Washington a significant step was taken by the Ukrainian Catholic Church when it dedicated the Ukrainian Catholic Studies Foundation at St. Josaphat's Seminary near Catholic University.

In the inaugural speech, Archbishop Ambrose Senyshyn, who heads the 500,000 members in the United States, made 21 charges of genocide and other crimes perpetrated against his church and other branches of Christianity in the Ukraine.

He said all this is happening notwithstanding constitutional guarantees of religious freedom.

The Communists, he said, are bamboozling the outside world by displaying to foreigners a few "show" churches. As long as these remain open they can cover up a deep-seated intolerance of religion while appearing to be tolerant.

Among the charges Senyshyn made is that the Soviet Union caused to be killed or to die in prison many thousands of bishops, priests, nuns, vergers, professors of theology and prominent faithful. They also destroyed or confiscated historical churches, monasteries, seminaries, schools, icons, chalices and other church property.

Even Christian cemeteries and monuments were destroyed and the stone was converted into building blocks for roads and sidewalks.

One of the key elements in deterring religion, Senyshyn said, is the Union of Atheists run by the Communist party, which is supplied with various propagandist means at government expense. This contrasts sharply with the churches' inability to minister outside their doors.

Hoodlums have been sent into churches to disrupt services and to attack priests and the faithful. Terroristic measures have been used to disuade priests from hearing confession, celebrating mass and caring for needs of churchmen.

In some cases the population has been organized for anti-religious demonstrations under duress of arrest if they did not participate. From bishops on down, charges of collaboration with the Nazis have been leveled by the Communists.

Senyshyn said the Soviet Union closed all his church's schools and denied the religious press the right to publish, closing all publishing facilities.

Some more subtle actions have taken their toll. The children of the clergy, for instance, are denied their right to get an education and denied entitlement to work for normal wages unless they severed all connection with their parents.

By declaring the clergy and other functionaries of the churches "non-working elements," they were denied certain civil rights available to other members of Soviet society.

Atheists have been dressed in priests' vestments, who, with cross in hand, held wild masquerades in the streets and ridiculed God, faith, the church and the priesthood so as to discredit the dignity of belief in God.

But Senyshyn knows something the Communists don't. Tevya knew it, too, in the Jewish understanding of things.

"The fathers of the church have always taught us that the blood of the martyrs is the seed of the church," Senyshyn said: "The Ukrainian Catholic Church has not ceased shedding her blood, and because of this alone, coupled with an ardent faith in God's divine providence, we can expect a glorious future for the Catholic Church, not only in the Ukraine, but in every country where faithful Ukrainian Catholics have made their home."

And Senyshyn had an unspoken but clearly implicit message to all Americans: Take stock of the true freedoms we have and never sell them short.

This is no time to be fiddling on the roof.

AN UNPUBLISHED ARTICLE GIVES PERSPECTIVE ON ARMY ENGINEERS

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. EDMONDSON. Mr. Speaker, in April of this year, the Atlantic Magazine published an article by Miss Elizabeth Drew entitled "Dam Outrage—The Story of the Army Engineers." The article was highly critical of the work of the Corps of Engineers—an organization often under attack today.

I have since discovered that Atlantic Monthly subsequently contacted Dr. Arthur Maass of Harvard University to solicit his comments on the article.

Dr. Maass has been on the faculty at Harvard since 1949 and has an established reputation as one of the Nation's outstanding academicians in the field of natural resource analysis, organization, and administration. He was the author of Muddy Waters, the Corps of Engineers and the Nation's Rivers, in 1951—a sharp criticism of the water resource development program in this country at that time. He has remained a critical observer of the program and its administration to this day. Apparently the Atlantic editors were confident he would applaud the Drew attack.

Dr. Maass did indeed write a response to the Drew article. His paper was forwarded to the editor who apparently decided that the comments received were not those that they had expected. A shortened version of the Maass article was sent to Dr. Maass for his approval. I would gather that it was with some misgivings that Dr. Maass agreed to the abridged version. A number of months passed and without publication of the Maass paper.

A recent inquiry to Atlantic Magazine determined that because of the long lapse of time since publication—for which they were responsible—they did not plan to publish the Maass comments, at least in the foreseeable future.

While I am in no position to know the full details of this matter, it does not seem to me that the public has received fair treatment. What Dr. Maass was doing was in the best interest of presenting an objective and constructive picture of important matters before interested parties in this country.

In the interest of fairness to the readers of Atlantic Magazine, and also to the facts of the case, I am including the full text of Dr. Maass' article, denied publication in Atlantic for unexplained reasons, in the CONGRESSIONAL RECORD:

THE UNPUBLISHED COMMENTS OF DR. ARTHUR MAASS

Sir: Your historical note relating Miss Drew's April article on the Army Engineers to the *Atlantic's* issue of 100 Aprils ago was certainly in order, for the piece is little more than early American muckraking. Her arguments and facts are selected to support a pre-conceived conclusion which is designed to appeal to the reader's moral indignation. Journalists have come far since then in their capacity to analyze and report on complex issues such as those that Miss Drew pretends to treat. It is a pity to see the *Atlantic* do so much less. Your readers, if the large number of them whom I know are a cross section, will buy a magazine with careful, sophisticated, even scholarly analysis, providing it is well written.

Miss Drew's piece uses history poorly in a second sense. She condemns today's Corps for what the Corps did in the recent past; and she has scarcely investigated what it is doing today.

First some examples of her biased selection and use of arguments and facts. Somehow one is expected to believe with Miss Drew that the findings of engineers retained by opponents of a Corps project are more reliable and technically more competent than those of the Corps. Somehow one is expected to believe that experts who change their minds over time from approval of a project to disapproval are wise and courageous (e.g. the U.S. fish experts who in 1963 reported that fishery benefits of reservoirs in the Oklawaha River section of the Cross Florida barge canal should exceed losses to fish and wildlife, but who in 1970 raise questions about their earlier professional views) whereas those who change from opposition to approval have low motivations—they simply "dust off old projects."

Somehow one is expected to believe that elected representatives who support Corps projects are "self-serving politicians," whereas those who oppose them are noble statesmen. I daresay that Senators Mondale and Nelson who receive an accolade for their opposition to the St. Croix River project, which they no doubt deserve, would cringe at being called "self-serving politicians" each time they support a Corps project in Minnesota and Wisconsin, which they frequently do.

Somehow one is expected to believe that local interests that oppose Corps projects are right and good, whereas those that promote them are wrong and probably bad, and that although the Corps should be responsive always to the former and never to the latter, the opposite is the case, *quel domage*.

How responsive should the Engineers be to local interests, or to "people power" as it is sometimes called today? In the past the Corps has been criticized for being too responsive to them, including on occasion too responsive to interests that have opposed their projects (e.g. those who opposed a high dam on the lower Cumberland River in Kentucky). Is Miss Drew saying that the Engineers should be more responsive or less responsive? What criterion does she use to distinguish right from wrong, good from bad, statesmen from self-serving politicians, reliable and competent from unreliable and incompetent experts, proper from improper responsiveness to local interests?

The only clear criterion in her article is whether the result condemns or supports the Army Engineers. Under the surface there seems to be another criterion, whether the result supports "environmental quality", today's "idea", as against economic development. But this concept remains so thoroughly undeveloped, unanalyzed, and inchoate in her writing that the article does not rise above a muckraking attack on the Army. What is environmental quality? What factors contribute to it? How do we evaluate and compare the need for a reservoir to supply municipal and industrial water to that for preserving a wild area in the reservoir site? What about the growing influence of the new environmental coalition and the response of the several executive bureaus and Congressional committees to it? The Army Engineers, as will be seen in the following paragraphs, are concerned with these questions today; Miss Drew largely ignores them, for she is preoccupied with thrashing the Engineers. She condemns Corps projects that fail to give special attention to environmental quality; but she condemns also those that do give such attention, because in the latter case the Corps, as she sees it, is simply finding "new purposes, or rationales" for its projects.

To discover what are the Corps' concepts for water resource development today an investigator should look at the Engineers' most recent planning methods, rather than their current construction program, for projects that are being built today were planned some years ago. But Miss Drew, although she must have learned about new planning procedures because they are controversial and well known, has chosen to ignore the present in these terms. Let me, then, indicate in barest outline what is involved.

Unlike other improvement programs such as highways for which little economic analysis is made, the planning of water resource developments is in terms of a somewhat rigorous analysis of their benefits and costs. The criterion for measuring these benefits and costs is a limited one, however, namely, the impacts of a proposed project on national income—the national economic efficiency criterion. The most interesting and controversial aspects of water resource planning today are the efforts to broaden the criterion for measuring benefits so that they will include national objectives in addition to efficiency—for example, benefits from improving the quality of the environment, or from providing assistance to under-developed regions of the country such as Appalachia. Of all agencies of government, the Corps of Engineers is the leader in developing techniques for multiple, as against single, objective planning and in urging other agencies, including the cabinet-level Water Resources Council and the Bureau of the Budget, to adopt these techniques. The Corps is today using multiple-objective planning techniques in a number of its surveys, but they are encountering opposition from groups, both within and outside of government, that are opposed to the new planning.

The reasons why benefit-cost analysis was identified with national income alone when the technique was perfected in the late 1930's, why it has remained so limited until now, why the Army Engineers are today the leader in promoting innovations, and why certain groups oppose change—these make a fascinating and intellectually interesting story. But Miss Drew gives us none of it; and her several paragraphs on benefit-cost analysis are dominated by failure to comprehend the difference between economic analysis of projects and policies for repayment of their costs.

It is interesting, for example, that the representatives of several Conservation organizations are today opposed to multiple-objective benefit-costs analysis. At first this may seem irrational, for under the new method the objectives of these groups, relating to quality of the environment, would be evaluated for the first time in the all-important benefit analysis. On closer examination one finds that Conservation groups have been able to establish alternate means for accommodating their interests—namely, the requirement that water resource development plans be reviewed by certain government bureaus—the Fish and Wildlife and National Park Services, for example—that represent their concerns. No doubt the Conservation groups adopted this alternative means initially because their interests were not recognized adequately in a single-purpose (national income) benefit-cost analysis. Having perfected the alternative to the point where the review requirement approximates a veto on development in many situations, they are now loathe to give it up, however, for their interests are served frequently by preventing any development at all. These Conservation groups prefer, in other words, a flat veto to a decision process in which the benefits of their objectives can be compared to those of other objectives.

Why, one may ask, is the Engineers' construction program of today based on old planning concepts that the Corps is in the process of changing. The answer is related in part to institutional arrangements that developed in response to the old methods. Not only Conservationists, but others whose interests receive insufficient attention under the national income method that is used to design and evaluate projects in the first instance have sought to protect their interests by obtaining a voice in the process by which project plans are reviewed. "Full coordination with all possible interests"—not simply the most important ones—has become the standard for planning review. An "ideal planning process" has been devised, with various stages of framework, comprehensive, survey, and other categories of planning, each with several levels of review that, if it were followed in full, would require over 20 years from the start of planning to the start of construction. The ideal procedure isn't followed, of course, but lead time is nonetheless so long that projects being constructed today would be designed differently if they were planned today. This story, too, is interesting intellectually. Which interests have sought to prolong the planning process? What roles have the Army's public hearings, various interagency committees, the Bureau of the Budget, and Congressional committees played in this development? Miss Drew gives us none of the answers. Her statement that Corps projects are not examined very closely is the opposite of the truth; they are examined and reexamined, and reviewed and rereviewed interminably. And her comment that old and rejected plans are frequently dusted off and approved without further review is far off target.

I have been a severe critic of the Army Engineers in the past, as you may know, (See *Muddy Waters: The Army Engineers and the Nation's Rivers,* Harvard University Press, 1951), and I am critical today, as she is, of some of the projects that are being built, but I cannot support either the character and the level of analysis or the major thrust of her article. There is no virtue in pursuing the style and substance of 100 Aprils ago if our knowledge and events have made them obsolete.

THE LESSON FROM NTA

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. ERLENBORN. Mr. Speaker, a report carried in newspapers and over the airwaves this past weekend deserves the thoughtful consideration of this body, and indeed this entire Nation.

In brief, U.S. Surgeon General Jesse L. Steinfeld announced that sodium nitrilotriacetate—NTA—one of the chemicals urged as an alternative to phosphates—has caused grave birth defects in animals. This finding, discovered in Government studies carried out at the National Institute of Environmental Health Sciences in North Carolina, gives substance to little-heard earlier warnings that NTA could prove even more dangerous than phosphates.

Phosphates, as we all know, are the magic ingredient we have employed in recent years to make our white clothes whiter and colored clothes brighter. While performing this magic, however, indications are that phosphates have also contributed in large measure to the pollution of our waters.

Specifically, this past spring, the House Committee on Government Operations contended in its report, "Phosphates in Detergents and the Eutrophication of America's Waters" that:

> The evidence against phosphates as a major polluter of our waters was of such proportions that the use of phosphates should end by 1972. One alternative, the authors of the report suggested, was NTA.

My point is not to debate the merits of phosphates; and certainly it is not my purpose to question the necessity to curb, and ultimately to put an end to, the spoiling of our waters.

Along with CLARENCE BROWN and EDWARD GARMATZ, two of my colleagues on the Committee, I agreed then that there is much evidence to indict phosphates. We added:

> But there is the possibility that it may not be true or that it may be only true in part. Certainly all the evidence is not in.

We argued that:

> It is a big step from questioning phosphates to recommending that they can be effectively or safely replaced by nitrates. To suggest that nitrates have been proven harmless is as arguable as to suggest that phosphates have been proven guilty.

In sum, our point was that phosphates may be harmful to the water that is essential to life; but, if we accept the first replacement that comes along—without pausing to make a searching examination of it—we may find it to be more imminently packed with peril.

The point of my dissertation today could well be we told you so. More important, however, is the lesson to be learned. In our haste to solve a problem, let us not grasp the first straw in the wind. We may well leap from the frying pan into the fire.

CHRISTMAS AND THE FAMILY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. SCHMITZ. Mr. Speaker, philosophers and wise men of all civilizations have recognized that the family is the cornerstone of human society. Christianity gave a special dignity to the family, but pagan societies as well—Rome, for example—recognized that no State which did not safeguard and respect the family could long survive. Our own country has held the family in high esteem, and with good reason, since to a very large extent our frontier was tamed and our Nation built by families. Christmas in America has always been in a special way the festival of the family.

Recently, however, there has been a growing number of outright attacks on the essential concept of the family. These attacks have come not just from a few underground publications, but from mass-circulating magazines and the Government itself.

In an earlier newsletter I discussed two particularly flagrant examples of Government interference with the primary right of parents to care for their children. In Mexico, N.Y., six children of Mr. and Mrs. Gerald Gracey were forcibly removed from their home and parents and placed in foster homes, because Mr. and Mrs. Gracey refused to send them to a public school which was teaching them "sex education" in conflict with their religious beliefs. They were returned only under intense public pressure on the judge who had ordered this family broken up. In Little Rock, Ark., according to testimony presented before a subcommittee of the House Government Operations Committee in September, Mrs. Daniel Youngs and her two children were harassed and persecuted for 2 years by school officials because she refused to allow them to be given behavior-control drugs.

At the same time as basic parental rights are under attack, "women's lib" and other strident voices cry out that motherhood itself is obsolete. Look magazine, for instance, recently carried an article by a senior editor entitled "Motherhood: Who Needs It?" The critics of motherhood lobby for free abortion on demand so that children conceived need not be born, and for Government child-care centers so that children who are born need not be cared for. It is hard to see how personal irresponsibility could go much further.

Finally, marriage is under attack. The divorce rate continues to skyrocket and most State legislatures, far from making it more difficult for marriages to be sundered, are making it easier. Last year California passed a divorce "reform" law which essentially permits a family to be destroyed whenever either marriage partner feels like it. A report presented to the recent White House Conference on Children called for the legal recognition of new "family" groups, such as communal group marriages and homosexual "families."

The enemies of the family often refer to the agonies of our Nation's children as somehow justifying their position. Clearly many children in America today are abused in subtle and not so subtle ways. On the one hand there is the Dewey-Spock school of permissiveness, which denies children the security of objective values and reasonable discipline in the home On the other hand, there is the growing number of cases of child beating and neglect.

Yet it should be obvious that our children can only be given lasting help by strengthening the family, not by accelerating its breakdown. Continued weakening of family ties will make children in effect become orphans—wards of the State. Has anyone ever known a child who would be happier without any home or family?

Most of us draw especially close to our families at the Christmas season. There could not be a better time for renewing our commitment, not only to the security and the strengthening of our own family ties, but to the institution of the family itself, on which our whole civilization ultimately depends.

1969–70 REPORT OF SENATOR WILLIAM B. SAXBE OF OHIO

HON. WILLIAM B. SAXBE

OF OHIO

IN THE SENATE OF THE UNITED STATES

Tuesday, December 22, 1970

INTRODUCTION

Mr. SAXBE. Mr. President, nearly 2 years have passed since I came to the Senate of the United States.

What follows is the first of what I intend to be an annual report to my constituents detailing my activities during that period.

The role of a Senator and a senatorial office are extremely broad and varied and on any given day virtually run the gamut. A typical day, for example, may range from my casting a vote on the Senate floor on something as historically significant as the Nuclear Non-Proliferation Treaty, to meeting the press in my office to hosting my State's delegates to Boy's or Girl's Nation.

In short, the life of a Senator is often one of extremes. In this report, I intend to outline for my fellow Ohioans, the men and women who sent me here, something about my personal thoughts and actions in connection with the major votes of the Senate in the 91st Congress.

Taking an over-view of my first 24 months here, I authored six separate bills, I introduced amendments to five others, and I was a cosponsor on some 60 other pieces of legislation. Measures I initiated, which I shall explore in more detail later in this report, ranged from bills to provide tax credits for industries installing pollution abatement equipment, to a resolution setting up a study commission to examine campus violence in America.

During that same period, I sought to keep tabs on the tremendous flow of mail into the Washington office, plus that which is forwarded from my State offices in Cleveland and Columbus.

You might be interested to know that since the beginning of 1970, my office received 125,000 letters covering literally hundreds of subjects. The mail averages out to about 11,000 letters a month, or 2,750 a week or about 550 each working day. While many of these letters do not require answers, the majority do. In the same 12-month period dating to last January 1, for example, my office sent out 85,000 answers to letters we received—a monthly average of 7,400. This does not include some of my more personal replies, nor the matters dealing with individual casework. The casework section of my office has helped some 1,000 Ohioans who had some sort of problem with the vast Government bureaucracy—in matters ranging from social security and veterans' affairs, to passports, grants, contracts, and the like.

During these same 24 months, I have made trips back to the State for speeches and appearances whenever possible or feasible. I also sought to travel on official business at every opportunity because I realize that, once I begin compiling seniority and my committee responsibilities increased, it would become more difficult to get away from the Capitol. So I want to enhance my knowledge of world affairs early in my career, when time is more readily available.

And now for some specifics. I propose to divide my report into two broad general categories. First, foreign relations, where some of the most widely discussed votes of 1969 were centered; second, domestic concerns ranging from crime to the economy to health care to drug abuse. I have also broken down each category by subject to make the report easier to read.

FOREIGN RELATIONS: THE ARMS RACE

In the 20th century there has been an erosion of the Senate's role in foreign relations. I came to the Senate with the commitment to restore the historic constitutional balance between the executive and the legislative branches.

Since the end of World War II, we have spent approximately 1 trillion dollars on armaments and Armed Forces. When I took office in 1969, our Federal expenditures for defense and defense related costs were greater than all Federal, State, and local outlays for social security, health, education, housing, and agriculture. Yet the military budget seemed destined to grow, spurred by a seemingly self-propelled mechanism which operated with little or no attention to merit or national needs. I was determined to seek new priorities and to restore the Senate's role in foreign affairs.

During President Eisenhower's term, many generals were resigning in protest at his refusal to yield to their desires for more arms. When Secretary McNamara took office, it was with the avowed aim of establishing greater civilian control over the military. Yet, the harsh fact of the matter is that when he left, the military had greater influence over American policy than at any time in our national history.

I was pleased with President Nixon's "Guam Doctrine"—that we should assume a low profile in our foreign affairs. It is my firm conviction that gunboat diplomacy ended with the creation of nuclear weapons. An arms race in a nuclear age is unthinkable. A halt to the nuclear arms race does not require unilateral disarmament. We can maintain our nuclear deterrent provided by our intercontinental ballistic missiles—ICBM—bombers and Polaris submarines while we negotiate in good faith with the Soviet Union.

This is what I have meant in public statements when I said that we must confront the assumption of risk and turn it from a risk of war to a gamble for peace. This decision need not be irrevocable. It is a calculated risk—one that can be reversed if conditions or events change.

One of my first acts in the U.S. Senate was to participate in the ratification of the Nuclear Non-Proliferation Treaty—NPT. The treaty's fundamental purpose was to retard the further spread of nuclear weapons by prohibiting the nuclear weapons states that are signatories to the treaty from transferring nuclear weapons to countries that do not possess them. Further, it prohibits the nonnuclear powers from receiving, manufacturing, or acquiring nuclear weapons.

I was encouraged by the commencement of the strategic arms limitation talks—SALT—between the United States and the Soviet Union in Helsinki a little over a year ago. These talks are an outgrowth of the NPT. The SALT talks present us with a rare opportunity and challenge—rare because for the first time, there is a rough balance between the strategic nuclear arsenals of the two super powers, and challenge to overcome the threat of a new nuclear arms race. My optimism has been somewhat tempered by the lack of an immediate moratorium on the testing and the deployment of the multiple independently-targeted re-entry vehicle—MIRV—ABM, and the huge Soviet SS9 missiles.

I cosponsored and voted for Senate Resolution 211 on April 9, 1970, expressing the sense of the Senate favoring mutual suspension of further deployment of strategic weapons systems—MIRV, SS9, ABM—by the U.S.S.R. and the United States. The resolution passed 72–6. Unfortunately, however, neither side has heeded this advice.

To restore the Senate to its constitutional role in treatymaking, I voted in favor of the National Commitments Resolution (S. Res. 85). This resolution provided in part that:

> A national commitment by the United States results only from the affirmative action taken by the Executive and Legislative branches of the United States government by means of a treaty, statute, or concurrent resolution of both houses of Congress specifically providing for such commitment.

On October 13, 1969, I cosponsored two bills and one resolution designed to increase the effectiveness of Congress' role in foreign policy and defense. Senate Joint Resolution 160 would create a joint congressional committee to review and recommend changes in national priorities and resource allocations. S. 3024 would establish a temporary national security commission. This commission would make recommendations to the Congress with respect to the improvement of policy for national security and the effectiveness of procedures and organizations in those agencies of the Federal Government which function in the area of defense. S. 3023 would create an office of defense review. This office would have the continuing mission to provide reports giving independent evaluation of defense and national security matters such as arms length relationships between defense procurement agencies and suppliers of goods and services, defense procurement cost estimates and performance of weapons systems, and the preparation of alternative defense budgets. Their hopes for passage now or in the near future are dim.

WEAPONS SYSTEMS

During my first 2 years in the Senate, many questions have been raised concerning the desirability, workability, and effectiveness of various weapon systems authorized in the military procurement authorizations before us for fiscal 1970 and 1971. Foremost among them is the safeguard antiballistic missile system. I have been opposed to deployment of the ABM because I am convinced after much study, debate, briefings and hearings that it will not work and it is but another step in our skyrocketing military expenditures.

First, we do not, in fact, need Safeguard. Our nuclear forces consist of three separate weapon systems: land-based missiles, intercontinental bombers, and Polaris submarines. Even if the United States suffered a heavy attack on one system—the land-based minute man missile system, for example—and it was destroyed, our ability to strike back would still be preserved through our Polaris submarine fleet and our bombers.

Second, the ABM would be the most complicated weapon systems ever developed and its reliability could never be truly tested under attack conditions with many weapons exploding within a short time; with hundreds of incoming missiles to be tracked and their trajectories to be calculated; and with, perhaps, a break in communications due to radar blackout.

Three, the key component of the safeguard system is the missile site radar—MSR—which controls the firing of the ABM. While the minute-men are in hardened silos that can withstand a megaton explosion less than half a mile away, the MSR installation is not nearly as hard. It is therefore, very vulnerable to smaller offensive missiles with less than pin-point accuracy.

Four, clouds of metallic chaff, balloons, or other light-weight decoys could be devised and deployed with relative ease by such tactics. Defense can be rapidly exhausted and the attacker can successfully penetrate them with enough surviving warheads to destroy the target. Even if we build into our missiles the capacity to distinguish decoys from real warheads, the enemy then only has to send in more warheads than we have ABM's and exhaust our defense in this way.

Finally, it is several times less expensive to produce an offensive missile than it is to produce a defensive one. Therefore if our efforts at the SALT talks fail it would be much more effective to continue to deploy the MIRV, ICBM. A MIRV is one that has many warheads on top of a single launcher, each warhead independently directed to a different target. It thus becomes impossible to tell by satellite surveillance how many warheads are on top of a single launcher. The accuracy of such a weapon has disturbed the strategic equation by making possible for the first time a counterforce capability—first strike—of destroying the other side's intercontinental ballistic missiles while still in their silos.

On August 6, 1969, the Senate voted on three amendments to strike the authorization of funds for phase I of the Safeguard program. Opponents of the program were defeated on all three attempts, the closest vote being a 50–50 tie. A majority was necessary to carry the amendment.

This year on August 12, opponents again were defeated in an attempt to halt completely further deployment of the Safeguard anti-ballistic-missile system at the phase I sites of Malstrom, Mont., and Grand Forks, N. Dak., and again in an attempt to allow completed deployment at those phase I sites but prohibit deployment at the additional phase II sites at Whiteman, Mo., and Warren, Wyo. The vote on the latter amendment was 47 in favor to 52 opposed.

I have spoken out on other weapons systems—not so much against the systems as against the procurement policies and auditing procedures of the Defense Department in purchasing the system. For example, the C–5A airplane will cost the Government approximately $2 billion more than originally planned. I hope that with patience and prudence we can make some headway in the selection and purchase of our weapons systems.

As a final note, I was greatly encouraged by the administration's response to the Presidentially-appointed Fitzhugh Commission Report to Secretary Laird. The report recommended increased efficiency and cost consciousness in the Defense Department's procurement policies.

VOLUNTEER ARMED FORCES

The 91st Congress has expressed itself to the effect that lottery selection is workable, necessary, and an improvement over the previous system of selective service. I agree.

I do not support, however, the all volunteer army proposal, which failed. It seems to me that those who favor an all volunteer army do not make the necessary distinctions between those endeavors where voluntary individual initiative has served America so well and those where it cannot be expected to do so. We are profoundly not a militaristic people. We are not a society whose values have ever given great prestige to a military career for itself, honorable as it is.

Those susceptible to volunteering would primarily be the poor, less educated and less sophisticated segments of our youth population. Is it proper for our Nation to be defended by those who have been favored by it least? Is not the burden of the common defense something that all segments of society should share equally, or at least share an equal risk of sharing?

The Army is an old and powerful institution, fixed in its ways and resistant to change. The major pressures for change must come and are coming from the GI's themselves, aided by a concerned and alert public. The attention of Congress, the press, the Federal courts, and anxious parents would drift far from the indignities of military life the moment that life was proclaimed to be voluntary.

INDOCHINA

Not only have I urged Congress to live up to its responsibilities in providing for the common defense through the SALT talks, weapons systems analysis, and procurement procedures; I have also urged this Senate to assume its constitutional treatymaking and warmaking powers in an effort to reduce our commitments abroad.

I have been a consistent and persistent critic of our involvement in the Vietnam war. As anyone knows who listened to what I had to say during the campaign of 1968, I favor United States withdrawal from South Vietnam. In a speech in Cleveland in September 1969, I called for the beginning of an immediate withdrawal of U.S. combat troops. At that time I said the following:

> I believe our mission there is accomplished. It is time to announce this to the world and begin getting out. I think we should turn over our military hardware to the South Vietnamese government and withdraw.
>
> Communist aggression, which brought American military forces to South Viet Nam in the first place, has largely been stabilized and most of our goal has been accomplished. We have stopped the invasion from North Vietnam, stabilized the government of South Vietnam, furnished supplies to the South Vietnamese army, opened up supply routes and trained the South Vietnamese army. We cannot maintain that government forever. We have got to tell the South Vietnamese that we have done our job; now they must do theirs. . . .

To seek more now is unrealistic. The decision was made by a previous administration to fight a limited war in a limited way. To defeat an enemy on the battlefield one must isolate him and destroy him. This option has been discarded. Therefore, I believe we have accomplished all we can.

I do not want my call for an immediate withdrawal to be misunderstood however. I think it is simplistic and irresponsible to say that the way to get out of Vietnam is to load the troops on ships and leave. We do not want a Dunkirk, a bloodbath. We want a responsible withdrawal over a period of several months; a withdrawal that would permit us to disengage the enemy without further loss of life.

When I arrived in Washington to assume my Senate responsibilities, there were 535,500 troops in South Vietnam. Today this number has been reduced to 344,800. But I still favor a faster rate of withdrawal.

I have voted twice for the repeal of the Tonkin Gulf resolution, as an amendment to the Foreign Military Sales Act, and as a concurrent resolution. This resolution approved August 10, 1964, provided the peg upon which our Vietnam involvement was hung. It approved:

> All necessary steps, including the use of armed forces, to assist any member or protocol state of the Southeast Asia collective defense treaty requesting assistance in defense of its freedom.

And it allowed the "President, as Commander in Chief to take all necessary measures to repell any armed attack against the forces of the United States and to prevent further aggression." Unfortunately, both the Foreign Military Sales Act and the Senate concurrent resolution are doomed to die in the Senate-House conference committee because of the refusal of the House of Representatives to approve of this language.

I was dismayed by our incursion into Cambodia on April 30 of this year. I was impressed with the concern of the nearly 3,000 people who visited my office in the weeks following the Cambodia incursion. I cosponsored and voted for the Cooper-Church amendment to the Foreign Military Sales Act which passed the Senate on June 30, 1970. It prohibited the expenditure of funds for one, retaining U.S. forces in Cambodia, two, paying U.S. military advisers to the Cambodian forces, three, paying foreign mercenaries to fight in Cambodia, or four, conducting any combat activity in the air above Cambodia in direct support of Cambodian forces.

The Cooper-Church amendment is little different from the Cooper-Mansfield amendment to the 1970 Defense Appropriations bill which was agreed upon by both houses and signed by the President. That amendment forbade funds appropriated by that act to be used to finance the introduction of American ground troops into Laos or Thailand. The Cooper-Church amendment attempted to add Cambodia to that list.

Although I am disheartened by the fact that the Cooper-Church amendment and the repeal of the Gulf of Tonkin Resolution failed to pass the House of Representatives, I believe that the U.S. Senate has expressed its firm conviction that the Indochina war should be rapidly deescalated.

I did not vote for the McGovern-Hatfield amendment. I had grave reservations about it as an effective means to end the war. The sponsors of this legislation deserve the appreciation of the people for their efforts to bring to the Congress and the President their deep conviction, shared by millions, that the war in Vietnam should be brought to a close. However, I feel that the McGovern-Hatfield amendment would detract from our efforts to negotiate a settlement of the war.

I have said that I favor an immediate withdrawal. Yet, we must never fail to realize that the President and the President alone is the force who can end this war. This is why we must, as much as is possible, support the President. Although I favor a faster rate of withdrawal than is currently taking place, I do not believe that such a withdrawal can be facilitated by a cutoff of funds as envisioned in the McGovern-Hatfield amendment. This reduces the flexibility that the President must have to withdraw our troops safely.

I have cosponsored two resolutions calling for the release of all Americans held as prisoners of war. One calls upon the State Department, Defense Department, the United Nations, the peoples of the world, to vigorously use all peaceful persuasion at their disposal to bring the facts concerning the treatment of our prisoners of war by the government of North Vietnam, the National Liberation Front of South Vietnam, and the Pathet Lao to the attention of the world to elicit international support and respect for measures to obtain the prompt release of our prisoners. The other resolution seeks in part, information on the status of U.S. prisoners of war held in North Vietnam and by the National Liberation Front, and evidence that these prisoners are being treated humanely in accordance with the provisions of the Geneva Convention. I believe that rational discussion and rapid disengagement will promote the fastest possible release of our prisoners of war, rather than a continuation of the present hostility which may place their lives in jeopardy and endanger the lives of our remaining troops.

EUROPE AND NATO

I recently returned from the North Atlantic Treaty Organization—NATO—assembly. It costs the United States $14 billion annually to support NATO and keep some 350,000 American troops in Europe. I believe that the European nations enjoying the unlimited prosperity of the Common Market can pay their own way and share the load. With these facts and figures in mind, I view with favor Senator MANSFIELD's resolution calling for the sense of the Senate that a substantial reduction of U.S. forces permanently stationed in Europe can be made without adversely affecting either our resolve or ability to meet commitments under the North Atlantic Treaty.

GREECE

On March 12, 1970 I spoke on the Senate floor calling for full restoration of rights in Greece. After the events of April 1967, when a small group of men forestalled what they considered to be a serious threat to their nation, there came a period of strict control over the freedom of the Greek people. As the anxiety of the crisis passed, and as the new leaders of the government settled into their self appointed jobs, some of the strictures and bans were relaxed, but some still prevailed. Parliamentary government remains in suspension. Individual rights of the Greek people are circumscribed by law. Free speech is banned, not by law but by intimidation with fears of reprisal. I believe that the Greek Government could act with more speed in returning Greece to a democratic course. When will Greece again be a Democracy? I ask not as an accuser or a critic, but as a concerned friend.

Until that time, I do not believe that the United States should furnish armaments to the Greek army which can be used to subjugate its own people instead of the designed purpose of defending itself from its enemies abroad. It is true that Greece is strategically important to NATO's south eastern flank. However, if we destroy from within the form of civilization which NATO is supposed to defend, the defense of the geographical area becomes meaningless. At the present time, Greece has more than enough arms to defend itself from threats in addition to the nuclear shield provided by the United States.

Therefore, I voted on June 29, 1970, for the Hartke amendment to prohibit further military assistance to Greece except what was already in the pipeline. On December 12, 1969, I voted against an amendment to strike the committee provision to limit military assistance to Greece. Both efforts to limit arms to Greece failed. However, the closeness of the votes should be a lesson to the Greek junta and a warning against continuation of curtailment of democracy in Greece.

MIDDLE EAST

The Middle East stands at the crossroads of civilization. It is the birth place of the three great Western religions, Judaism, Islam, and Christianity. It is the land bridge between Europe, Asia, and Africa. It contains the world's largest known resources of oil. Because of its importance, it is an area of simmering confrontation between the United States and the Soviet Union.

During the campaign of 1968 I advocated the immediate delivery of phantom jets to Israel. Those planes have since been delivered. On January 6, 1969 I signed a statement with Senator JAVITS and 14 other Senators expressing deep concern over the rapidly deteriorating situation with respect to peace in the Middle East. I have expressed concern over one-sided Security Council resolutions against Israel, called for the additional sale of more phantom jets to Israel, settlement of the Arab refuge problem, and establishment of an organization for economic cooperation in the Middle East.

I advocated direct negotiations between the parties. I still do. I supported Secretary Rogers' peace initiative. To my dismay the United Arab Republic and its Soviet advisers violated the agreement within the cease-fire zone. However, the cease-fire continues. For this I am grateful. I have urged military aid for Israel in the form of weapons and material but not troops. We cannot deprive Israel of the arms to provide for her national and personal survival. We must see that the Russians do not overwhelm Israel.

On June 1 of this year I signed a letter along with three quarters of my colleagues urging Secretary Rogers to provide Israel with the aircraft it so urgently needed for its defense. I voted on September 1 of 1970 in favor of the Jackson committee amendment to the Military Procurement Authorization bill of 1971. Section 501 of that bill provided in part:

> That Congress views with grave concern the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement which cannot be ignored by the United States. In order to restore and maintain the military balance in the Middle East, by furnishing to Israel the means of providing for its own security, the President is authorized to transfer to Israel, by sale, credit sale, or guarantee, such aircraft, and equipment appropriate to use, maintain and protect such aircraft, as may be necessary to counteract any past, present or future increased military assistance provided to other countries of the Middle East. Any such sale, credit sale, or guarantee shall be made on terms and conditions not less favorable than those expended to other countries which receive the same or similar types of aircraft and equipment.

Since then President Nixon has sought roughly half a billion dollars to finance credit sale authorized under this amendment. The new deal includes roughly 180 M–60 and M–48 tanks, 18 Phantom F–4 fighter bombers, six Phantoms for reconnaissance missions and 175 millimeter long-range artillery as well as strike air-to-ground missiles to combat the san 2 and san 3 missiles the Soviet Union supplied to the United Arab Republic during the cease-fire.

While I realize that the preceding report does not cover all of the foreign affairs matters that the Senate dealt with, I believe I have touched on the most significant subjects.

I should like to turn now to matters closer to home and review my activities in those areas during the last 2 years.

DOMESTIC AFFAIRS: THE ECONOMY

Virtually every piece of legislation acted upon by Congress has some effect on the Nation's economy, but there were several measures in the 91st Congress which will have a profound impact for better or worse, on the State of our Nation's health in the future. I refer specifically to the 1969 Tax Reform Act and congressional action on Presidential vetoes of several major appropriations bills.

The necessity for true tax reform was apparent at the beginning of this session inasmuch as there had not been any major tax reform legislation since 1954, a period of 16 years. During this period, indeed, earlier, there were some glaring inequities in the existing tax structure. It was for this reason that I was initially enthusiastic about a tax bill which would eliminate the inequities and provide reform.

My enthusiasm soon turned to disenchantment, however, as I saw what form the House-passed version of the bill was in and as I watched what occurred to the measure on the floor of the Senate. The House bill passed August 7, 1969, and would have provided $9.3 billion in tax reductions and only $6.9 billion in tax reform. The Senate provision passed on December 18, 1969, in the waning days of the first session of the 91st Congress and provided for a phenomenal $11 billion in eventual tax reductions and only $5.6 billion in needed reform.

During the period of time that H.R. 13270, as the tax bill was known, was under consideration by the Senate my position remained constant. I voted against all the proposed amendments to this measure save one, despite the insistent urgings from the representatives of many special interest groups concerning amendments which affected their members. I voted against the bill itself when it came to a vote in the Senate. I voted against acceptance of the House-Senate conference report and called upon President Nixon to veto the bill.

My rationale for the negative votes on the tax bill was straightforward, uncomplicated and twofold in nature. As I have stated frequently, I believe that there are priorities which are unmet and for which expenditures must be made. To fund these expenditures we must, I feel, cut expenses in other areas of our national budget such as the antiballistic missile system and other questionable projects that will eventually build up into many more billions of dollars than their proponents and supporters have originally indicated.

Cutting expenses alone, however, is not enough. To meet our responsibilities for those many priorities we must be willing to tax ourselves. To borrow the money to tackle these problems is an exercise in self-delusion, for we are merely diluting the money available to the point that we have lost ground.

I am aware that advocacy of increased taxation is unpopular. That is why the 1969 tax reform legislation became transformed into what is known as a Christmas tree bill, something in it for everybody, and provided for basically tax reduction rather than true reform. I felt that to support the bill and the amendments was to avoid my responsibility to my constituents. That is one reason I voted as I did.

My second reason for voting against the bill and for calling on the President to veto it was due to the inflationary aspects of the legislation that you and I are paying the price for right now.

When we as a nation spend in excess of what we take in we must borrow to make up the difference. Our borrowing is based in good part on credit. It is paper and stands for nothing more than an I O U, a check from our own Government, and as it becomes cheaper and cheaper people are paying more money for the same thing.

The effect of the 1969 tax bill was a net decrease in revenue to be received by the Federal Government. At the same time expenditures continue at the same level, or more accurately, at an accelerating rate. The result is more dollars chasing fewer goods, or in a word—inflation. Those penalized are the American taxpayers who through a cruel hoax are being forced to pay the most vicious tax collector of all, an inflationary economy.

Allow me to restate my two reasons for opposition to the bill. First a belief that this country must face its responsibility and be willing to tax itself to find the solutions to the problem through meaningful tax reform, not simply tax reduction. Secondly, the abhorrence of the inflation which a tax bill like H.R. 13270 engenders because proposed revenues do not measure up to committed expenditures in the public sector of the economy. As a footnote, it might be added that even as I write this report to you, my constituents, responsible fiscal experts and public officials are urging the 92d Congress which convenes next month to take up again the question of tax reform.

Not withstanding the objections which I and many of my colleagues had to this measure and despite his own reservations, President Nixon signed the Tax Reform Act of 1969 into law on December 30 of that year.

On more than one occasion, President Nixon was forced to veto important appropriation bills because the Democratic controlled Congress had authorized more funds than the administration had requested in its budget message. In each instance, the President cited the inflationary result of the increased spending authority provided by the Congress.

The measures to which I refer are the $4.4 billion fiscal 1971 education appropriations bill, the appropriations bill for the Departments of Labor, and Health, Education, and Welfare, for 1971 and legislation to extend the Hill-Burton construction program for an additional 3 years at a cost of $2.79 billion.

In each of these instances I supported the President's efforts to hold down inflation. No one takes particular satisfaction in voting to sustain vetoes on such important measures as the authority for hospital construction expenditure or appropriations for education, but it was, in my opinion, the height of fiscal irresponsibility to do otherwise.

In the case of the Hill-Burton extension and the 1971 Education Appropriations, the Congress overrode the President's veto. The presidential veto of the appropriations for the Departments of Labor and HEW was sustained. Subsequently, a revised appropriations measure which was more in line with the President's request was approved.

LAW, ORDER, AND JUSTICE

No single issue has been more important in the 91st Congress, or will be more important in the future, than that commonly known to politicians running for office in 1970 as law and order. This issue leads my list of priorities for the future. However, I would like to go beyond the rhetoric of law and order and speak to each of its dual aspects: law enforcement and the administration of justice.

Our systems for law enforcement and the administration of justice are in disarray. Daily we more surely convince citizens that our society has failed because of the breakdown of these two most important elements of our democracy. All of us suffer the consequences, whatever our income and whatever our station in life. But, the poor and the uninformed suffer most acutely the frustrations of a faulty system, a system of inadequate protection, incomplete representation, delays, and inefficiencies.

Crime threatens injury and death to citizens and law enforcement officers throughout our Nation. For example, in Ohio's central cities with population of over 250,000 the approximate number of serious crimes per 1,000 inhabitants last year stands as follows: Cleveland, 60; Dayton, 46; Akron, 43; Columbus, 39; Cincinnati, 26; Toledo, 26. Serious crimes include murder, rape, robbery, aggravated assault, burglary, larceny of $50 and over, and auto theft.

The cost of fighting crime has now reached $51 billion a year. This equals more than 5 percent of our gross national product. In short, our economy is paying tribute to an ever-increasing criminal society. Criminals in this underground society range from the sophisticated, organized white-collar criminal to the mugger lurking even in some of our best neighborhoods. We must overcome present roadblocks to law enforcement and the administration of justice if we are to begin solving more complex problems of our inner cities.

During the 91st Congress, three important bills came to the floor of the Senate directed at solving our crime problems. They were the Organized Crime Control Act of 1969, the District of Columbia crime bill, and the amendments to the Omnibus Crime Control and Safe Streets Act of 1968.

The Organized Crime Control Act contained provisions designed to curb the infiltration of legitimate business by organized criminals. It provides for expanded immunities for prosecution witnesses, authorizes judges to increase sentences of habitual or professional criminals, compels more detailed testimony before grand juries, permits special grand juries to issue reports on misconduct by appointed Government officials, and strengthens existing legislation against organized gambling and racketeering. The measure passed and it is now law.

I voted for the bill because organized crime has become increasingly diversified and entrenched in legitimate businesses. Criminals engaged in this white-collar crime often employ terrorism, extortion, tax evasion, bankruptcy fraud and manipulation, as well as other sophisticated measures designed to drive lawful owners and officials from their businesses. Also, wherever organized crime existed, it frequently corrupted public officials and exerted extensive political influences which insulated its activities from government interference.

Corrupt officials and law enforcement officers operated in conspiracy to support organized crime. The syndicate could not continue to operate without corrupt judges and prosecutors, or without the assistance of a handful of bribed policemen. This law will be an able tool in the apprehension and conviction of organized criminals.

In July the District of Columbia Court Reform and Criminal Procedure Act of 1970 came to the Senate floor. I voted for the bill, which was passed and is now law. The bill provides a complete reorganization of the present court system in the District of Columbia, including the creation of a local court system for the adjudication of all local criminal and civil matters.

The law also transformed the legal aid agency experiment into a fully equipped public defender service authorized to provide legal counsel for up to 60 percent of all indigent criminal defendants, and to aid the courts in establishing an effective court-appointed counsel system for the remaining 40 percent. A bail agency was required to make recommendations to the courts on the full range of pretrial release conditions.

Most controversial in this bill were the "no-knock" provisions and a limited pretrial—preventive—detention alternative for certain dangerous defendants. This provision was restricted to 60 days with an expedited trial. Much rhetoric and emotionalism surrounded these two issues. Opponents referred to "no-knock" as a blueprint for a police state. However, the provisions included in the District of Columbia Crime bill codified existing laws. The District of Columbia crime bill went one step further; a requirement that no-knocking be conducted whenever possible on the basis of court approval only.

Pretrial detention had been attacked on the ground that it violated the 8th amendment to the Constitution of the United States as well as the due process clause of the 5th amendment. It did neither. The 8th amendment did not expressly deny or grant the right to bail. And, it did not prevent Congress from defining the classes of crime in which bail would be denied.

I chose to vote for this measure, agreeing that the bill was the keystone of President Nixon's program against crime in the Nation's Capital. The current level of criminal activity in Washington has reached 78 serious crimes per 1,000 inhabitants. Therefore, law enforcement and judicial reorganization was indispensable to any permanent reduction in criminal activity in the District of Columbia.

Late in September, the Senate Judiciary Committee reported a bill amending the Crime Control and Safe Streets Act of 1968. This legislation authorized $3.55 billion in Federal law enforcement aid to States and communities in fiscal 1971, 1972, and 1973. It established a new grant program to improve correction facilities, with emphasis on community-based correction. Under the program, grants may be for up to 75 percent of the cost of any particular project; 85 percent of the funds for such grants shall be given in block grants to States. The legislation also required that all State plans allocate an adequate share of the benefits of law enforcement aid to areas with high law enforcement problems. I voted for this legislation, even though there was some controversy over the effectiveness of Federal funds being used by States and localities only for the purchase of hardware and riot control equipment.

However, I felt that this was a distinct improvement over the 1968 law in that it allows for much more flexible Federal assistance to local law enforcement agencies and allows for substantial increased Federal share of the cost of law enforcement. The legislation also calls for better cooperation between State planning agencies and local law enforcement units. It increases to 70 percent the Federal share of the cost of most law enforcement programs. It also allows for some payments of grants for salaries for regular law enforcement personnel and limits to 70 percent the share of program cost, which may be paid with discretionary funds.

Several Senators criticized the bill for disregarding the need to insure that a larger share of Federal aid was allocated to areas with the greatest crime problem, and because its provisions are still rather rigid. I am somewhat in agreement with this criticism, but feel the measure was an essential step to better Federal participation in the reduction of crime.

Going beyond the Omnibus Crime Control Act, I am presently working on a comprehensive crime bill that will be introduced early in the 92d session. I feel our criminal justice system can be greatly improved by using sound management of increased Federal funds, better law enforcement recruiting training and personnel procedures, as well as better pay for police, prosecutors, judges, and court officials, and correction employees. The heart of the program, which has been endorsed by three other Senators who are assisting my drafting efforts, is a Federal subsidy for local law enforcement agencies which agree to provide matching funds roughly equal to their normal budgets. These agencies would also meet Federal guidelines. To qualify for Federal funding the local police departments must agree to statewide coordination and cooperation in such above-named areas as training, equipment, and pay. Police parochialism stands in the way of effective crime fighting. The more Federal money you put into the present system, the more you increase the separateness and the fragmentation of current crime-fighting forces. My program, administered on the State level, will be voluntary, but so financially attractive that hard pressed local departments will want to participate. This program would take over much of the work of the Law Enforcement Assistance Administration—LEAA—now being funded by the Omnibus Crime Control Act discussed above.

It is my hope that such legislation will repair the breakdown in justice and order, restoring confidence in the citizens of our country, by providing adequate law enforcement protection, better legal representation in our established bars of justice without delay or inefficiences. This program will be geared to a "model state" at its inception with the hope that such a model will be so successful that all of the States will choose to participate in the near future, if the bill becomes law. You will hear a lot more about this program in the weeks ahead.

HEALTH CARE

While health care for all Americans is a continuing concern of mine, an area that particularly bothers me is the all too frequent deprivation of our senior citizens. I have said it before and I say it again now: The forgotten American is the old American. He is that individual who helps make up the faceless army numbering nearly 10 million today. He marches to a distant, fading drum. He is too old to work, too young to die, too proud to beg.

During the 91st Congress the Senate passed several measures which extended and improved health care in the U.S. As a member of the health subcommittee and the full Committee on Labor and Public Welfare, I have been an active participant in the formulation of these new laws.

One of the critical health problems has been the acute shortage of hospital beds and health centers. The new Hill-Burton bill will partially correct this situation with its increased funding and improved method of financing hospital and medical facility construction.

I introduced two amendments to this bill: One increasing the funding for outpatient facilities by $30 million a year for 5 years; and the other, enlarging the scope of the "outpatient" category to include neighborhood health centers for both rural and urban areas. These amendments were designed to relieve the pressure on the inpatient bed situation and at the same time, to make a positive effort toward getting adequate health services to the rural and urban poor.

Other significant measures passed by this Congress which are products of our health subcommittee include the mental retardation bill, the Health Services Improvement Act, and the allied health bill. The mental retardation bill enlarges coverage to include other disabilities such as epilepsy and cerebral palsy and expands the grants to include services as well as facilities. The health services bill extends and improves the research and training programs run by the regional medical program and comprehensive health-care planning services to combat major diseases such as cancer, strokes, heart and kidney disease. The allied health bill provides grants and loans for the education and training of medical and paramedical personnel, and a special emergency provision for medical schools in distress. I supported and voted for all these bills because they corrected some of the existing problems in the health field and looked toward improving services and facilities for all Americans.

Despite the passage of these worthwhile provisions, there still remains—and there will continue to be—a health-care crisis in our country which is not being met by current legislation. Present problems and shortages cannot be solved by simply pouring more and more money into existing programs; instead, the entire health-care delivery System must be revised. In this light, together with 3 of my colleagues, have introduced a comprehensive national health insurance bill which envisages many changes in the organization and delivery of health-care.

Let me say immediately that our bill does not contain provision for a national health service with the government owning and operating facilities. Rather, the Government would merely assist in the financing and administration, but the health services would be provided by private practicioners and institutions. The Federal Government would take an administrative role through a health security board appointed by the President and confirmed by the Senate, to insure adequate services, high standards, and controlled costs.

The national health insurance program would make benefits available to all Americans, not just the poor or the elderly. It would replace the present medicare and medicaid systems, inadequate, incomplete, and costly; and instead provide comprehensive services with built-in standards and cost control. The program's biggest obstacle is its high cost. However, if we subtract from the total the present costs of medicare and medicaid, then the balance does not seem so prohibitive, especially since it would benefit everyone.

The program would be financed through a health security trust fund. The providers of health services such as physicians and dentists, would be compensated by various methods of their choice: fee-for-service, capitation payments, or retainers.

The organizational structure would move in the direction of group practice with teams of professional, technical, and supportive personnel in order to have a more efficient use of existing medical personnel. In addition, the bill would provide for the training of more doctors, and would give incentives for medical personnel going into the more isolated and less desirable sections of the country.

I do believe that the need for comprehensive national health insurance and concomitant changes in the organization and delivery of health care is our single most important issue in health policy today.

ENVIRONMENTAL CRISIS

Like crime, doing something about air and water pollution calls for more than lip service. Our efforts to control pollution have been inadequate. We are making very little progress and in some respects, losing ground, to our own contamination. We are further along the road to disaster than most people, including business and government leaders, would like to admit. In fact, most of them completely underestimate the complexity and danger of this very crucial problem.

Existing pollutants must be controlled and we must anticipate new hazards. Emissions from cars, trucks, and buses compose the largest single source of air pollution—upward of 90 million tons of contaminants into the atmosphere every year, about 60 percent of the total.

Autos present a special problem, obviously. The National Air Qualities Standard Act of 1970 established that 1976 model cars must achieve at least 90-percent reduction from the 1970 pollution standards. This actually advances the air pollution standards for autos at least 5 years. The bill also extended national emission standards to all vessels and aircraft. I voted for this very crucial measure, which readily passed the Senate.

It is clear that, despite renewed effort and a growing awareness of the problems, Federal attempts to control air and water pollution have fallen short. Government and industry must shoulder the responsibility of this problem on a 50–50 basis.

No business can afford the added cost of pollution-control equipment if its competitors evade it. And regulation by governmental bodies is impossible until industry ceases to find loopholes in pollution control legislation.

Collaboration also must extend beyond a Federal Government-industry relationship. If rivers are to be free from pollution, many industries and municipalities must cooperate.

I recently introduced legislation that illustrates the regional cooperation necessary for pollution control. My bill will provide for continuing and extending Federal grants to State conservancy districts for pollution control management and planning purposes. This bill was incorporated into the new Water Quality Improvement Act.

Congressional cooperation and leadership is also extremely important for Ohio in that many things short of legislation can be done to urge that research and demonstration programs for pollution in our State are fully funded. By working together, Senators from the States surrounding the Great Lakes were able to obtain $20 million for the Great Lakes cleanup program, the amount authorized by the Water Quality Improvement Act signed into law on April 13, 1970. I feel that this congressional cooperation is essential and will continue to press for it, especially in this vital area of pollution control.

More importantly, a sense of cooperation and responsibility must be instilled in government and industry to produce the most effective pollution abatement programs. In July, I introduced two bills that will allow government and industry an opportunity to share equally in the cost of pollution control. Government has long been lax in enacting laws setting forth adequate standards to prevent pollution.

We are now just beginning to enact strong laws that can be effectively enforced. However, the sense of responsibility must be instilled in industry to abate pollution, and industry must at the same time be given the financial incentive and ability to participate in tandem with government to abate and cleanup the ravages of industrial pollution.

It was with this in mind that I introduced two bills designed to enlist industry's aid in fighting air and water pollution.

The first bill was written to mesh with the administration's pollution control proposals. It amends the water pollution control act and makes available to industry a revolving loan fund for the acquisition, construction, and installation of water pollution equipment and facilities. This legislation is directed at small to medium-sized businesses which could borrow up to $350,000 from a loan fund to buy and install pollution-abatement equipment. This fund would be administered by the Interior Department and would be self-sustaining.

A companion bill would provide an incentive tax credit for firms embarking on construction programs for pollution abatement facilities. This legislation permits a 20-percent tax credit to firms installing pollution control equipment. The credit would apply to all costs of the control facility, including building improvements, machinery, equipment and total land costs. This bill would equalize the costs of pollution abatement between government and industry.

These bills were never considered in any great detail but both measures will be reintroduced in January. And the Small Business Administration has shown considerable interest in the revolving loan fund bill to the point of considering merging it with plans for comprehensive SBA legislation in the 92d Congress. The incentive tax credit bill has received good response, and I will press for early hearings on the measure in the Senate Finance Committee.

Public opinion is the most powerful weapon in our arsenal of pollution control. It will ultimately be the catalyst that forces the cooperation of all facets of Government and industry to provide the citizens of our country with a better way of life and a cleaner, more enjoyable environment. I hope all Ohians will raise their voices to make this a reality.

DRUG ABUSE

President Nixon has described the problem of drug and narcotic abuse as a serious threat to the health and safety of millions of Americans and I could not agree more. Experts tell us that conservative estimates peg the increases in drug users, both young and old, at 30 to 50 percent a year. At that rate, according to one estimate, a majority of youths between 12 and 21 would use drugs within 4 to 7 years. Drug abuse has been a growing problem throughout the last decade, but the scope and enormity of the problem has risen to the epidemic stage in the last 2 years.

The 91st Congress reacted to this social problem by enacting a Comprehensive Drug Abuse Prevention and Control Act. This bill was designed primarily to correct existing inequities in present law and, simultaneously, to strengthen penalties for the hardened criminal who trafficks in drugs. I voted for the comprehensive drug bill and supported its key provisions. The legislation lowered the penalty for the first offender in marihuana-connected arrests to a misdemeanor, while greatly increasing the penalties for the professional criminals trafficking in drugs to a 12-year prison term. I voted for the so-called "no-knock" provision of the bill because I believe that we must give expanded law enforcement powers if we are to curb the rising epidemic in drug abuse.

Another bill passed by this Congress and enacted into law is the Drug Abuse Education Act. This bill received my support in the Labor Subcommittee on Alcoholism and Narcotics, as well as my vote on the Senate floor. It increases funds for existing drug education programs; and provides for the developing of new and improved curriculum, training of counselors and the establishing of model programs.

Finally, the Senate in 1970 passed two bills which recognize drug and alcohol abuse as a medical problem demanding scientific treatment and control. Both bills were written in our Subcommitee on Alcoholism and Narcotics, and received my support there and later, on the Senate floor. The two measures are similar in design and impact—one dealing with drug dependence and the other with alcohol. They establish national institutes within the Department of Health, Education, and Welfare to direct and to coordinate programs, and they provide funds for setting up Federal, State, and local programs for treatment and rehabilitation. The alcohol abuse bill has passed both Houses and is now law. Hopefully, the drug rehabilitation bill will be enacted during the coming year.

AGRICULTURE

Farmer's prices increased only 67 percent since 1947, while at the same time the cost to the consumer increased nearly 200 percent. At the same time the American farmer's expenses reached historic heights. Gross farm income in 1948 was $34.7 billion compared to $54.6 billion in 1969. Net farm income was $15.9 billion in 1948 compared to only $16 billion in 1969. In other words, farm expenses soared from $18.7 billion in 1948 to $38.5 billion.

These figures summarize the position that the American farm producer is not receiving a fair share for his contribution to the Nation's economy. And this was the situation that set the stage for the Agriculture Act of 1970.

It is obvious that this was not the time to reduce farm income. Yet, the House-passed farm bill would have done exactly that for most segments of agriculture. Not a single major farm organization endorsed the House bill, or even spoke favorably of it.

However, the Senate gave some income protection to farmers. The Senate bill would give farmers greater freedom of decisionmaking and remove some of restraints which had hampered farmers in their efforts to attain maximum efficiency. This legislation also provided more freedom for farmers to decide how they would use their acreage and still qualify for Federal payments under control programs.

I supported and voted for the Agriculture Act of 1970. It is a 3-year program designed to give reasonable assurance to consumers that food and fiber would be available at reasonable prices while a distinct effort was made to improve farm income, and encourage market growth at home and abroad. The bill provided for administrative flexibility which should allow for more effective program operation, while keeping Government costs down.

The act allows farmers more freedom to plan their own production, thereby increasing individual production efficiency. Hopefully, farmers will realize a larger part of their income from sales and become less dependent on payments to sustain a viable agriculture economy.

The new legislation contains nine sections. The first is concerned with limitations on the maximum payment the single producer could receive under any one of the commodity programs. The ceiling on the amount of subsidy that can be collected is $55,000 in any 1 year under each of the three major crop programs—wheat, cotton, and feed grains. In other words, a farmer could collect $55,000 under each of the three programs, or a total of $165,000. The great majority of the farmers receive payments much less than $55,000. In fact, there were almost 2 million farmers receiving under $3,000 each.

Wheat, feed grains, and cotton are the nucleus of the "set aside" approach contained in the bill. The set aside program eliminates the old crop-by-crop controls that have been part and parcel of past programs. It provides instead a single set-aside of acreage that a cooperating farm would agree to keep out of production. In addition, the farm will maintain its conserving base—although this base might be updated in order to more accurately reflect current farming practices.

Beyond his "set-aside" and conserving base, the farmer will have maximum choice in growing whatever he wishes on his remaining land except for those crops which remain under quota because of previous legislation not affected by this act. These crops include rice, sugar, peanuts, tobacco, and other long staple cotton. In Ohio, wheat and feed grains are emphasized. Under the "set-aside" provisions for wheat, farmers will have to idle 13.3 million acres in 1971, leaving a nationwide figure of 55 to 60 million acres to be harvested. The 1972–73 "set-aside" will increase to 15 million acres. The price support of $1.25 per bushel will be inclusively guaranteed for the 3 years of the program.

In regard to feed grains, corn, barley, and grain sorghum set-aside acreage is left to the discretion of the Secretary of Agriculture. In 1971, farmers will be guaranteed $1.19 a bushel for corn, or $1.35 if the required "set-aside" is 20 percent of corn base acreage.

Farmers will decide the best use of their land, machinery, and other capital resources. If the farmer participates, he will be eligible for a commodity loan on all of his production crops.

This combination of a more flexible, market-oriented farm policy crop conversion program was intended to utilize diverted acres for sound public benefit. It also supports the firm commitment of Congress and the Department of Agriculture to work for a better rural-urban balance that will benefit the cities and rural America. If these objectives are accomplished, the Agriculture Act of 1970 will be considered landmark legislation. It was with those objectives in mind that I voted for it.

OCCUPATIONAL HEALTH AND SAFETY

As a member of the Labor and Public Welfare Committee, I have been privileged to assist in the formulation of the Occuupational Safety and Health Act of 1970. After extensive hearings, committee deliberations, Senate debate, and House-Senate conference, the Senate passed an effective and viable industrial protection measure.

I voted in favor of this bill because I believed legislation on this subject should be passed by the Congress of the United States. Each year more than 14,000 people are killed as a result of occupational accidents and more than 2 million persons are disabled.

I favored and voted for an independent board approach to the promulgation and enforcement of occupational safety and health standards. The concentration of power within the Department of Labor as proposed by some would not promote the stated objectives of this legislation. I am pleased that Congress provided for fair procedures by means of the establishment of an Occupational Safety and Health Review Commission as an independent adjudicatory body. I was additionally pleased that the House-Senate conference committee accepted the Saxbe-Schweiker amendment. That amendment required exclusive use of the courts for restraining conditions constituting an imminent danger to health and safety.

I would like to call attention to the fact that this historic bill does not take away forever the powers of the States to regulate occupational safety and health. The bill does contemplate that the States can reclaim their control over their domestic safety and health. I hope that the States will move to reassert their traditional role in this area.

The Occupational Safety and Health bill of 1970 followed the passage of the Federal Coal Mine Health and Safety Act of 1969 which also came out of my Committee on Labor and Public Welfare. This legislation was designed to prevent disasters such as the Farmington, W. Va., explosion which took the lives of 78 coal miners. Also, it attempts to reduce the incidents of the dreaded coal mine disease of black-lung—pneumoconiosis.

AID TO VETERANS

As a veteran myself, I have a deep interest of veterans legislation. As a member of the Veterans Subcommittee of the Labor and Public Welfare Committee, I have had an opportunity to make my voice heard on all matters before it.

The Senate passed the Veterans Education and Training Assistance Amendments Act on October 23, 1969. I was pleased to have played a role in the committee consideration of this act. The bill increased the veterans education benefits by 46 percent. I was a cosponsor of this legislation and voted for it.

The Senate also has passed similar health care bills for veterans which improve and extend avaliable benefits. I am also proud that this legislation was reported out of my committee and with my support. I also have voted for these bills on the Senate floor.

Both the House and Senate have passed, with my support, legislation to increase monthly payments to widows of servicemen and veterans whose deaths were related to their military service. And since benefits are directly related to financial need, the legislation also increased the income limitations of the recipients.

I shall continue to urge Senate action for all those who have served their country and made it a better place to live.

CONCLUSION

As my second year drew to a close I found myself deeply involved in a project which may result in the first substantial changes in the daily procedure of the United States Senate in more than a century.

Along with 3 other freshman Senators from both sides of the aisle, I have developed after several months' work a series of proposed rule changes aimed generally at speeding up and streamlining some of the more archaic procedures of the world's most deliberative body. Briefly, our proposals would do such things as cutting down the time and length of speeches not directly related to the business at hand; making the daily agenda of the Senate more businesslike, and adopting a schedule where Senators could plan ahead a month or two with the knewledge that they would not be missing crucial votes during, say, a trip home for a speech.

Minority leader HUGH SCOTT and the majority leader (Mr. MANSFIELD) have responded favorably to the vast bulk of the proposals, as have most of the Senators already sounded out. It appears that some if not all of these suggested changes may become reality early in the 92d Congress. I shall keep you informed on the progress.

Speaking of making changes in the Senate's schedule reminds me that no report would be complete without at least a word about my activities away from the Senate floor. In the last 2 years, I have tried to get back to the State as often as possible for speeches and appearances, meetings and, in short, a chance to stay as close as my schedule permits to the people I represent. While it is impossible to get back as often as I would like, I have visited all of the areas of Ohio in those 24 months.

Knowing that an informed electorate is a strong electorate, I have made a special effort to meet the press as often as I could. These sessions range from small, informal interviews in my office, to full-scale news conference with the Ohio press every several weeks. I also try to sit down with the media representatives in the State whenever I return.

As most of you know, I have also instituted a newsletter which has been going out on a fairly regular basis since April, 1969. The latest edition, which shall detail some of my thoughts about Senate reform and the new session, will be coming out in January.

Any report such as this must, because of space limitations if nothing else, omit some things and gloss over others. That is true of this one. But my initial report hopefully has covered most of the matters that have concerned you in the last 24 often stormy months—and so those are the matters that concerned me.

I sincerely hope that the report interests you and I shall look forward to any comments you might be willing to make about it. In closing, permit me to offer all of you my best wishes for a happy and meaningful new year. Thank you.

IN FOOTBALL AND DRIVING, DEFENSE PAYS OFF

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. BOLLING. Mr. Speaker, Howard Pyle, president of the National Safety Council, attributes the lower traffic death toll to a number of factors, including the fact there are more drivers on the road who are qualified by special training. More than 2 million have taken the National Safety Council's defensive driving course over the last few years, thus demonstrating acceptance of civic and moral responsibility to improve their driving competencies.

In the October 1970, issue of Traffic Safety magazine, published by the National Safety Council, an article appeared relating the demands of defensive driving to those of defensive football, particularly to those defensive techniques used by the world champion Kansas City Chiefs. The parallels are both intriguing and compelling, and the overriding themes of both activities are alertness and good sportsmanship, in the same way that every demonstration of good citizenship requires awareness and fair play. It is tempting to consider that we may all possess the capacity to become championship driver-citizens.

Following is the article by Peter G. Barkley, director of the National Safety Council, which is entitled, "In Football and Driving, Defense Pays Off":

IN FOOTBALL AND DRIVING, DEFENSE PAYS OFF

If you're looking for an interesting mental exercise, try this. The next time you watch a football game make comparisons between the demands on a defensive football player and a defensive driver. You'll find a remarkably large number of similarities.

This observation was made by one of the best defensive ends in pro football, Jerry Mays, co-captain of the world champion Kansas City Chiefs, when he was the featured speaker at a dinner meeting of the Greater Kansas City Area Safety Council in 1965. I didn't hear his talk but was intrigued with the thesis.

Some of the comparisons are easily drawn. To be effective on defense in football, or as a defensive driver, you must "read" traffic patterns and react correctly and quickly to avoid being destroyed by the "other guy."

You need peripheral vision to avoid being "blind-sided" in either type of traffic. In both you must employ the elements of defensive driving—knowledge, alertness, foresight, judgment and skill.

A motorist passing a line of parked cars sees a ball rolling into the street. It's his clue that a child may be chasing the ball.

Defensive football players receive similar clues. When an outside linebacker sees both offensive guards pull out of the line to block, he knows a running play is probably developing in the direction to which the guards pull. If the offensive end on the linebacker's side blocks, it probably means a running play is coming at him. If the end doesn't block, it is probably a pass or a running play to the opposite side.

These are the kinds of comparisons observant football fans can readily make. However, there are many more similarities, some not so obvious.

I recently got some valuable help on this subject from Tom Pratt, defensive line coach for the Kansas City Chiefs; Tom Bettis, their defensive backfield coach; and Bill Hamilton, their sports information director.

Pratt and Bettis are the prime architects of the Chiefs' great defensive unit that contributed greatly to the team's success over the year, especially in the Chiefs' 23–7 victory over the Minnesota Vikings, which won them the world championship in the Super Bowl game played in New Orleans last January. I came away from my discussions with these men with increased respect for the Chiefs.

In my opinion, dedication and discipline are the outstanding qualities of the Chiefs. In their efforts to repeat as champions (and Coach Hank Stram has publicly stated several times that this is their goal for 1970) these qualities will be most valuable.

On April 1, just two and a half months after their Super Bowl victory, the Chiefs reported to training camp in Kansas City to begin 16 weeks of general conditioning in preparation for the 1970 season. Full-scale workouts began in July. The Chiefs opened the season by beating the College All-Stars, 23–7, then completed a six-game exhibition schedule before starting their challenging 14-game season.

Obviously it takes this kind of practice and study to stay on top in football. It also takes a lot of effort to be a top driver. To stay safe in traffic a driver must learn to operate his vehicle skillfully and become thoroughly familiar with the rules of the road in his locality. He must then put this knowledge into practice every time he gets behind the wheel—even if it's only to drive to the corner store. He must also update his knowledge constantly. He can do this by keeping abreast of new traffic conditions and laws in his own community and in any area through which he plans to travel and by periodically taking refresher driving courses.

The National Safety Council's Defensive Driving Course is the positive approach to driving. It teaches a driver to anticipate the driving situations he will meet on the road. Being forewarned, he is to some extent forearmed. Coach Hank Stram follows the same principles. By drilling the Chiefs on the tactics he believes an opponent will employ, he prepares for the "traffic" patterns he expects his team to encounter in actual play. He sums up his approach this way, "Everything we do is designed verbally and artistically. Nothing happens by accident."

The DDC instructor tells his class that there are only six ways in which a vehicle can be involved in a two-car crash. These are with: the vehicle ahead, the vehicle behind, the vehicle coming in the opposite direction, the vehicle at an angle intersection, the vehicle passing him and the vehicle he is passing. The purpose of DDC is to teach the driver to be alert to the dangers these "opposing" vehicles may present and to avoid conflict with them, or to cope with such conflict when avoidance is impossible.

Similarly, the basics of defensive football remain unchanged and the players must be thoroughly grounded in them. There is, however, one major difference that makes it considerably tougher for the player than for the driver. Each week he's faced with a new opponent, and each opponent presents star players with their own variety of skills. This means a new defensive game plan, new alignments, different coverage, decisions on when and how often to "blitz," etc.

Defensive driving instructors define a preventable accident as "one in which you failed to do everything you reasonably could have done to prevent it." That's not a bad description of a touchdown from a defensive coach's point of view. His responsibility is to determine the reason for the defensive breakdown and how it can be prevented the next time. His objective, like that of the driver trainer, is to minimize the frequency and repetition of errors.

Driver trainers and defensive drivers study accident records to determine how accidents can be prevented. Football coaches study game films to see how opponents can be outmaneuvered.

The Chiefs' coaching staff grades each player from the game film. They can determine such things as how the players reacted mentally and physically to various situations, how well they "read" the offensive actions, how well they tackled, and how well they concentrated.

The Chief's next opponent will see the same film and know what mistakes the Chiefs made and what players made them. Of course this works both ways. The Chiefs are also able to get a line on their opponents' strengths and weaknesses by viewing films of their previous performances.

Pro coaches get additional information on other teams' capabilities from scouting reports. By the time two teams face each other, each has a pretty good idea of the other's strategy and has worked out countermeasures to upset it.

In preparing for a game the Chiefs' defensive unit is put through drills that simulate the conditions their coaches expect them to encounter on the field. How well they learn to cope with the "traffic patterns" in which they are likely to be involved could mean the difference between victory and defeat.

The Chiefs' defensive unit has been a key factor in the team's success. These men don't make the headlines, but they get the job done. Their satisfaction comes from contributing to team success. Similarly, the defensive driver who avoids an accident doesn't get his name in the paper. His reward is his survival and the satisfaction of knowing that he is not responsible for death or injury to another.

One mistake could cost the defensive driver his life. The defensive player isn't penalized quite as heavily, but one defensive mistake could lead to a touchdown by the opposing team—which might cost his team the game.

GUESSING GAME

One of the most striking dissimilarities between football and driving is that a cardinal rule of good defensive driving is to *show* your intentions to other drivers, while the skilled football player does all he can to keep his opponent from guessing his intentions.

The Chiefs are good at this guessing game. Coach Stram is known for his creativity, and his innovations are widely discussed in football circles. Football observers have said, "The Chiefs played the offense of the 1970s before the '70s got here." Stram insists that his men always try to steal that fraction of a second that gives them an edge, and always try to give the other team something it isn't expecting.

One of the Chiefs' defensive formations is the "triple-stack" defense which sets up a number of camouflaged moves and gives the defense the appearance of being in anything from a three-man front to a seven-man front. Its purpose is to keep the other team's quarterback guessing about the Chiefs' defensive intentions and disturb the offense's concentration.

On offense, the Chiefs try to keep the defense guessing. They have 66 sets (alignments) and 300 plays in their repertoire. They use the shifting-I and "play-action" pass plays to create a split-second of indecision by the defense. It may be all the time needed to spring a running back loose or complete a long pass.

Unfortunately man drivers also keep the other guy guessing—and for drivers, that's poor technique. On the road, there's no place for competition; everybody should be playing on the same team.

Perhaps the closest parallel between defensive driving and defensive football is found in the definition of defensive driving itself, "driving to avoid accidents despite the incorrect actions of others and despite adverse conditions of weather, road, light, traffic, vehicle, and driver."

For defensive football the definition might be paraphrased, "playing to prevent the opponent from scoring despite its offensive tactics and despite adverse conditions of weather, terrain, light, skill of opposing team, and impaired physical condition."

Football players can't ignore adverse weather, they must play the game. Here the defensive driver has an edge on them. Sometimes he can change his plans so he will not have to drive in it, or if caught out in it, he can sometimes pull off the road until conditions are more favorable.

Rain or shine, the football player must perform. His only safeguard is to be prepared. Defensive play must be adjusted for adverse weather. Players are hampered in their ability to start and stop and maneuver on a rain-soaked or snow-covered field. Their balance and body control are affected.

Varying light conditions also hamper players and drivers. The defensive driver reduces the glare from the sun with visor and sun glasses. Football backs and ends settle for a dab of eye-black on each cheek.

Loss of key players at crucial times can be an extremely adverse condition for a ball team. The Kansas City Chiefs have had some experience with this type of problem. It hampered them in their efforts to get into the Super Bowl, when they had to win play-off games against the New York Jets, the defending Super Bowl champions, and the Oakland Raiders, who had the best record in pro football in 1969.

The National Safety Council instructor's manual for DDC makes the point that the driver who makes a perfect trip must avoid five types of errors; accident, violations, vehicle abuse, schedule delays, and discourtesy. Football team must avoid the same errors.

Accidents. Accidents, or injuries, are painful and costly. They can ruin a season—and even a life.

Violations. Violations by the defense usually mean a first down for the other team, except for the five-yard, off-side penalty. The most expensive defensive violation is pass interference. Offensively, the road to victory is rocky enough without incurring a penalty when you're in scoring position or mounting a sustained drive.

Vehicle (Player) Abuse. Many football games are won in the final minutes, so the difference between a championship season and a winning one can be the physical condition of competing teams. The Chiefs try to maintain player condition by a program designed to achieve a constant level of conditioning. Proper player condition lessens the chance of injury.

Schedule Delays. A football team has 60 minutes to get the job done.

Discourtesy. Prospective Chiefs are rated on their character. Coach Stram insists that all members of the squad represent Kansas City and the team with grace, style, class, and dignity. However, football is a game of violence, and players are rated on their "hitting" ability. You don't win games by "yielding the right of way"; players who yield soon become "ex-Chiefs."

The defensive football player must apply the Standard Accident Prevention formula. He must "recognize the hazard," "understand the defense" and "act in time." He must also see the big picture and use both short-range and long-range judgment.

The short-range hazard for the defense lineman is the offensive blocker, particularly the three nearest him. They are the ones who can hurt him first and end his participation in the play.

While he is fighting off blockers, he must also see the "big picture." His job is not done until he reaches the ball carrier. He has only split seconds to react and make decisions.

Defensive halfbacks usually concentrate on one opponent, and their first thought is to protect against the pass, especially the "bomb" that can mean a quick six points. This demands the most intense concentration and immediate reaction.

Obviously, the successful football player must be physically powerful—with a mind to match. Selecting him is an important part of the coach's job.

It is a job somewhat parallel to that of the fleet supervisor. Both are looking for men with special physical qualifications who also have the mental capacity to get the desired performance from their physical capabilities. They need men who can assimilate and retain information and who can react immediately and accurately to unusual situations.

When it comes to physical requirements, such as size, weight, speed, and playing ability, the Chiefs rely heavily on information provided by their talent scout, Tommy O'Boyle.

But they also try to find out what kind of man the prospective player is. They ask themselves such questions as: what are his attitudes, his motivations is he courageous? would he sacrifice personal glory for team success? The fleet supervisor asks himself similar questions.

I'm sure there are more similarities than I have listed between defensive driving and defensive football. It was fascinating making these comparisons, and I think many DDC classes would find it an interesting exercise, too. If you're a DDC instructor, you might take a little time out to give one of your classes a shot at it. Such a new approach might speed up the learning process and liven up the class.

TEXAS A. & I.—NO. I

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. DE LA GARZA. Mr. Speaker, we produce champions in the 15th Congressional District of Texas—and I am deeply proud of the latest champions, members of the Texas A. & I. football squad, the Javelinas, of Kingsville.

The Javelinas are the national intercollegiate football champs. They won the title by defeating Wofford College in the 15th annual National Association of Intercollegiate Athletics champion bowl game at Greenville, S.C. The score I might add was a lopsided 48 to 7.

This south Texas football team has winning ways. Their victory was the second championship in a row and the third overall for the Javelinas. Both titles are NAIA records. I might add we are truly No. 1 because this is no selection by sportwriters. The Javelinas played for their championship.

The man who has coached the Javelinas to these victories is Gil Steinke, himself a product of Texas A. & I. And just as there is something special about the team there is also something special about the coach. He admits that, philosophically, his coaching methods adher to the old school.

"We do not have a real permissive operation," says Gil Steinke, "the kids do not always get to do exactly what they want."

Mr. Speaker, I could propound this theory that the country would be better off if this coach's philosophy was applied across the board—but I will not dwell on that. I simply want to offer my warmest congratulations to Coach Steinke and his champions and to let the world know that south Texas is proud of them.

CHEAP NUTRITIONAL FOOD

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. OLSEN. Mr. Speaker, there recently came to my attention a booklet published by the General Foods Corp. for the benefit of its employees. It was entitled, "GF News, Commitment, a report of GF's actions in the field of social responsibility." The booklet tells in my opinion a story of important and effective actions by this very large company to improve the world in which it does business, and in which we live.

One article particularly attracted my attention. It has to do with the development of a new highly nutritious low cost food item called, "Golden Elbow Macaroni." It begins by making the point that there is a peculiar thing about many foods designed to lessen hunger and malnutrition and that is that "those who need them won't eat them."

There are several reasons for this. Many foods developed especially for this purpose have an unfamiliar taste, some are not "belly filling," others carry the stigma of being "poor people's food."

The General Foods product may provide an answer. At least it is indicated in the article that tests in several places overseas and in the United States offer promise that this is so. The pasta form is familiar; the taste apparently appeals to many, particularly in the South and among the Indians of the Southwest.

It is said that in terms of quantities suitable for 100 savings, Golden Elbow can be had for $3.75. Sirloin steak with equal protein would cost $19.94. Regular macaroni of equal nutrition value would cost $30.90.

I have heard from independent sources that this General Foods product represents an important technological breakthrough, and offers substantial promise in the war against hunger, a war that has by means been won.

At a time when American business is so often charged with failure to act, much less lead, in the social field, and when this charge is leveled at food companies with regard to their obligations concerning nutrition, it is encouraging to read of one company's efforts. I know somewhat efforts are also extended by other firms.

In fact, my conclusion is that what these critics are really saying is that only the great American food industry has the knowledge, the resources, the capabilities to effectively tackle the problems of hunger and malnutrition. If my conclusion is correct, it would be well for all of us to give them all possible encouragement. And that is why I ask to have placed in the Record this salute to General Foods.

PRICE SAYS NO TO FURTHER U.N. SUBSIDY

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. PRICE of Texas. Mr. Speaker, I strongly oppose the House acting to give the United Nations a special $20 million grant just so it can expand its bureaucratic base of operations in New York City.

This Nation is in tough straits financially. We are suffering the grim effects of an inflation caused by Federal waste and fiscal mismanagement during most of the last decade. We are fighting a war against an implacable foe in Southeast Asia. And we are attempting to order our affairs here at home.

We clearly do not have enough financial wherewithal to meet the pressing problems facing this Nation. What, then, makes anyone think we can afford to subsidize the United Nations' expansion program? In my view, we already pay far too much money to support its activities, especially given the fact that on occasion after occasion and in crisis after crisis, the United Nations has been inept and impotent as a world peacekeeping organization.

From the ranks of those who support this legislation, the argument has been made that if the United States does not come up with at least $20 million, the U.N. will be forced to remove its headquarters from New York and will seek more suitable accommodations in another country. To this argument, I say fine. If this is what it takes to get the United Nations out of the United States, I am for it.

At the same time, Mr. Speaker, I would suggest that serious thought be given to the possibility of getting the United States out of the U.N. altogether. To date, U.S. involvement in the U.N. has largely been a waste of time and a waste of money. This Nation simply cannot afford to sponsor such an expensive international debating society. What few good things the United Nations accomplishes can surely be separated out, appropriately reorganized, and cooperatively funded at modest costs.

VETERANS DAY ADDRESS

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. GUBSER. Mr. Speaker, with the thought that it will be of interest to readers of the Record, I am submitting herewith the address given at a Veterans Day ceremony at the Palo Alto Veterans' Hospital by Lt. Col. John L. Armstrong:

VETERANS DAY ADDRESS

(By Lt. Col. John L. Armstrong)

Quoting from President Nixon's Proclamation: "On this Veterans Day our thoughts are especially with those who have returned from the war in Vietnam and those who are still a part of it, with those who are held as prisoners and those who lie in hospitals, with those who are missing in action and those who died in combat. All of these men and women have proved themselves worthy inheritors of the great traditions which veterans of other wars established and maintained. Though much has changed in our country through the decades, the selfless devotion of our fighting men has not changed.

"It is important that all of our servicemen and all of our nearly 28 million living veterans understand that there is something else which has not changed in this country: the gratitude and respect which the American people feel for them. . . ."

Hark—they are here in ghostly assemblance, the men of our land long dead, and our hearts are standing at attention while we wait for their passing tread. We, sons of today, we salute you "You" sons of an earlier day: We follow—close order—behind you, where you have pointed the way; the long grey line of us stretches through the years of a century told, and the last man feels to his marrow the grip of your far off hold. Grip hands with us "now" though we see not, grip hands with us, strengthen our hearts, as the long line stiffens and straightens with the thrill that your presence imparts.

It is Veterans Day—Nineteen and seventy—a day which affords this entire, indivisible nation an opportunity, not only to assess its accomplishments of the yesterdays, but also to examine its duties and responsibilities of today and the tomorrows. This is a good year to make such an examination. Fifty five years ago "The Guns of August" roared in Europe. WWI began. There in the dark skies, the bright flares spelled it out—war to end all wars—war to make the world safe for democracy. Did we win the war and lose the peace? Or did a new tide of international events sweep in a new scourge—World War II? And it was only 5 years from VJ Day to Korea. Today 300,000 American sailors, airmen, and soldiers are serving in Vietnam to help stem the tide of ruthless communist aggression. What? Oh, what? Must that ghostly assemblance think of us? Have they fought and died in vain? I think not. Indeed, how brash to even question it.

So history marches on, in step with the perpetual tempo of time itself. From the history books have come legions of patriots who were cradled in the difficulties of their epoch. But where are today's patriots? And from whence will come our patriots of tomorrow? Some of us are very concerned that our schools do not teach patriotism. That the parents in America today don't set the example of being a good citizen, that our affluent society makes it so easy for the young men and women that they have lost the challenge. In fact they cop out when getting an education seems difficult, or maintaining freedom seems dangerous.

Well, I don't have an answer. But I do have enough faith in God and our democratic system of government to believe that we will always have strong leaders to take us down the by ways of history, a nation of proud citizens and great accomplishments.

However, we cannot be complacent. We must be vigilant. Freedom is not free. The freedoms, liberties, and rights which we have today were bought and paid for by the most noble people of our land—you veterans.

So today it is proper that we interrupt our daily routines and business to reflect upon patriotism, democracy, liberty, and the veterans who are honored this day. What rights do we have? How and when were they given to us? What have we done to earn them?

We have no birth rights, really, that were not earned for us one way or another. Those rights were bought with death, with wounds, with the inconvenience of military service, and with the burdens of war borne by our civilian compatriots. There is a common quality which sparked our veterans to have courage on an unknown battlefield—to have resolution during unrecognized hardships. And that quality is patriotism. So we honor our veterans—both living and dead. We thank them for gaining and preserving our liberty. But we cannot meet our obligation to them with laurels and eulogies alone. The veteran offers an enduring example of duty well performed. He doesn't ask about the price. He doesn't question the necessity. He knows. Somehow, he feels something in his heart that tells him—"do it even if it may cost me my life." I saw it at Pearl Harbor, I saw it in Korea, and I saw it in Vietnam. We at home may not know what it's all about, but there are hundreds of thousands who have fought in Vietnam who know what it *is* all about—and they don't cop out.

As I see it, the greatest need in America today is for an awakening—on a grand scale—of the public conscience. While America is being torn apart by a mere fraction of the total population, the average citizen dozes. He complacently smirks at the crazy demonstrators on TV. He avoids being involved in a positive constructive manner. He listens to the pacifists advocating peace at *any* price. Well, we have got to ask him if he is ready to pay that price—any price. We cannot let opportunistic politicians seize on this tragic moment to backslide and pick up a few votes.

None of us here has any quarrel with Communism as an ideology—if that's what some people want—an enforced political regime—let them have it. But I think all of us here don't want Communism exported to our country. We stand steadfastly opposed to its goal of world domination. Yes indeed there's nothing wrong with hating something. The courts and law enforcement people hate crime. Former drug users hate drug abuse. People in the military hate war. The Bible teaches to hate sin. Patriots hate despotism.

Hear what Thomas Jefferson said: "I have sworn eternal hostility to any form of tyranny over the minds and hearts of men."

On the other hand there is lots to be said about loving and caring. We can love our country, we can care about what will happen if we remain complacent too long.

Listen to what General MacArthur said about the veterans: "His name and fame are the birthright of every American citizen. In his youth and strength, his love and loyalty, he gave all that mortality can give. He needs no eulogy from me or from an other man. He has written his own history and written it in red on his enemy's breast. I do not know the dignity of their birth, but I do know the glory of their death. They died unquestioning, uncomplaining, with faith in their hearts, and on their lips the hope that we would go on to victory."

So grip hands with us "strengthen our hearts" for we *must* fight as valiantly as they did to insure the same blessings for our posterity. And—if our God so wills it—for that blessed peace throughout the world. It *will* come when the brazen throat of war has ceased to roar. President Wilson said:

"Only *free* people can hold their purpose and their honor to a common end, preferring the interests of *mankind* to any narrow interests of their own."

Let's make further note of our corps of veterans. You know? A soldier is a lonely man at times. At some time or another he must make a terrible and soul-searching decision—will I, or won't I, kill my fellow man in the defense of my country, my home, my family, my freedom? And wars are won—not only by industrial might—but also by the *moral fibre* of a nation's men. Yes, in the final analysis victories are won by the *men*—lonely individuals whose skill "courage" determination—moral strength—and willingness to die firmly establish the full measure of our nation's strength. Abraham Lincoln said that "God must have loved the *common* man because he made so many of them" and many common men have defended democracy. In the first World War, one of every 22 Americans was actually in uniform; in World War II, one of every nine; in Korea one of every thirty. Today one in every eight living Americans in a veteran of wartime service. The advent of great 20th century technological and international developments indeed make for closer and more immediate contact among nations of the world. It took thousands of years for man to move faster than a horse. Then, in only 50 years he learned to travel 18,000 miles per hour orbiting the earth in a capsule. From the isolationism of the early 1900's, we are now the recognized leader of the free world. Enormous responsibilities are imposed upon us individually and as a nation. Yes, the tasks to be performed by our armed forces in the "Time-Distance," shrunken world of today have never been so numerous or difficult. President Johnson reminded us that "Aggression unchallenged is aggression unleashed." As a result you find 2½ million men in uniform—of which 40 percent are deployed outside the United States.

However, the man on a far flung outpost can be little better than his country men at home. He is but their shield and he reflects the actions and ideals of the United States people. The citizenry of a nation constitute the ultimate strength of that nation.

As we seek peace in the world, we must remember, and be guided by our heritage, and use our strength with wisdom. We in America are holding high the torch of freedom, the olive branch of peace, the white gown of morality for the whole world to see. Those who would move forward in the light of this torch we are ready to help. Those who would extinguish it we are prepared to resist. Indeed ours is a noble calling, one that we would do well to rededicate ourselves to, not only on Veterans Day, but all the days of our lives. And let us hope that our sons of the tomorrows will have that faith and patriotism, passed on to them as it was passed on to us from the men of that long grey line grip hands with us—strengthen our hearts.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

THE "DELTA QUEEN" GOES TO WAR

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. SCHWENGEL. Mr. Speaker, the *Delta Queen* appears to have emerged victorious from her "war" with the bureaucrats and the Congress. I have just learned of her participation in an earlier war. The December 1970 issue of the Naval Reservist details her military service during World War II. This provides another, if somewhat belated, reason for exempting her from the deep-draft safety statutes.

RIVERBOAT RESERVISTS ON THE OLD "DELTA QUEEN"

The saga of the *Delta Queen*, last of the overnight accommodation stern-wheelers to ply the inland waterways of America, spans 43 years—including a 6-year stint in the Navy as YFB (District Craft—Ferryboat and Launch) 56 in San Francisco Bay.

The proud old paddlewheeler was scheduled to end her regular round trips between Cincinnati and New Orleans on 2 November, and the occasion brought back special memories for some Naval Reservists.

They were among the more than 100 present-day and former Navymen from the San Francisco area who gathered at the Naval Station Treasure Island, opposite the city of San Francisco, to swap sea stories about their days on board *Delta Queen*. Many of them had their first "sea duty" on the old riverboat while she was part of the U.S. Fleet between 1940 and 1946.

"About 300 Naval Reservists in the San Francisco Bay area were called up in 1940 and reported to the *Delta Queen* for transportation to the Naval Station on Yerba Buena Island," recalled Lee Mineau, a San Francisco businessman.

The Reservists' first introduction to active duty was pleasant, but far from typical.

"The civilian crew was still on board, and the dining tables were covered with white table cloths. We used the ship's best china and silverware. In fact, the ship's waiters served us at mealtime."

"This didn't last long," he added.

Before the Navy purchased the vessel she was used as an overnight passenger and freight boat on the Sacramento River between Sacramento and San Francisco. In the Navy *Delta Queen* was used as a training and barrack facility at Yerba Buena Island and, later, at Treasure Island.

The transition of the stern-wheeler to a naval vessel was not without its problems. The layers of grease in the galley were reported to be so thick that all efforts failed to dislodge it. A subsequent fire did the job. Whether or not it was deliberately set by a fussy cook is not known.

Lou Spadia, owner of the San Francisco 49ers football team, and Roy Gilbert, an administrative assistant in the 49er organization were two of the San Franciscans who served on board. And five members of the original *Delta Queen* Navy "crew" are still participating in the Naval Reserve program at Treasure Island.

The Navy declared the flat-bottomed boat surplus in 1946, and she was sold to a Cincinnati firm. Since the late 1940s she has carried passengers on the Ohio and Mississippi Rivers, helping to preserve a part of America as it was during the riverboat era.

A full passenger list is 192, with a crew of 75, and every trip this year has been a near sellout.

However, the *Queen* has been declared unsafe according to modern sea regulations, and her future is uncertain.

LTJG BARRY STEPHENSON, U.S.N.R.

"THE STATE'S RIGHT TO KNOW"

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. CONTE. Mr. Speaker, the University of Massachusetts earlier this month inaugurated its 17th president, Robert Coldwell Wood. The university, and, indeed, the entire Commonwealth of Massachusetts is honored and privileged to have such an outstanding man heading this great school located at Amherst in my First Congressional District.

Dr. Wood has long been known to the Members of this body as an eminent political scientist, chairman of the department of political science at the Massachusetts Institute of Technology, internationally known urban affairs specialist, and talented administrator.

Dr. Wood has also served the executive branch of this Government, both as Under Secretary and later as Secretary of the Department of Housing and Urban Development.

The university and the State have been extremely fortunate to secure the services of this man and I am sure his tenure as president will be marked by great success.

At this time, Mr. Speaker, I insert in the RECORD Dr. Wood's inaugural address entitled "The State's Right To Know" which was delivered at his installation at the Statler Hilton Hotel, Boston, on December 9:

"THE STATE'S RIGHT TO KNOW"

ADDRESS BY ROBERT WOOD, PRESIDENT, UNIVERSITY OF MASSACHUSETTS

We are together today for purposes of continuity, commitment, and celebration.

We affirm the continuity of three traditions:

—A tradition of *scholarship* that goes back seven centuries to the medieval university.

—A tradition of *public education* that was written into the constitution of Massachusetts in 1780.

—A tradition of *service* that was central to the origins of this University in 1863.

These traditions are our strength and salvation. And it is deeply in my nature to preserve and cherish them.

In this time, however, preservation is not the only task and tradition does not suffice. Indeed it is open season on established mores, and the sacred cows of the campus—including university presidents—are being served up regularly for lunch. Higher education is being asked to defend its processes, its standards, its entire rationale.

Combatting the educational establishment can be a healthy exercise, so long as the weapons are those appropriate to an academic community. Recent changes in

U–Mass campus life and governance are—in the main—entirely sensible and probably overdue.

But most of the changes that have resulted from the turmoil and agitation of the past few years—not only at this University but across the country—are largely marginal and incremental: A pass-fail option, a few urban courses, a black studies program.

I think the time has come to undertake more systemic changes.

How do we build the public university of the future and not the public university of the 50's?

What should the future university teach?

How should we organize the university and its resources?

What should it look like?

These are the questions that intrigue and trouble me, the Trustees, the Chancellors and the Dean. Each month we are asked to review the plans for another carefully designed building—representing a major capital investment, based on certain educational premises, destined to be part of our scene for 50 years or more. Next spring we will be asked to act on tenure for faculty members who will still be teaching in the year 2000 and whose students will be running this state well beyond that.

If we don't try consciously to shape the University's future, the pressures of growth will shape it for us. And we will replicate the past.

It is my conviction that new patterns, new models must be found for University eduaction in the Commonwealth, our Liberal Arts education derives from the days of Cardinal Newman and the idea of training for a leisure class. The language requirement—recently under seige on the Boston campus—can be seen as a remnant of the conviction that no gentleman should be ignorant of Latin and Greek. Similarly our sometime preoccupation with graduate students and graduate schools comes from a venerable tradition of scholarly elitism that is now in sharp collision with the harsh facts of supply and demand.

Despite our 107 years, this is a youthful University: The Medical School is training its first 16 doctors; the ground—or the compacted trash if you will—has just been broken at the Boston campus; Amherst is growing like an adolescent. I am the first President of the University since the establishment of the three campus system with responsibility for development and management on a university-wide basis.

We can withstand and profit from an identity crisis.

I propose to structure a serious effort to discover what the future University of Massachusetts can and should be. To begin this process, the Trustees will be meeting informally toward the end of this month—at some cost to their holiday plans—for a two-day policy review.

As a major source of help, perspective and guidance in our endeavors, I am today appointing a President's Committee on the future University under the chairmanship of Vernon Alden, Chairman of the Board of the Boston Company, and distinguished former President of Ohio University. Mr. Alden and his committee members—representing students and faculty of the three campuses, the alumni, the public, labor and business, the professions, and the academic community both within and outside of the state—and will report to me and to the Board by the end of next summer. I think you will agree this committee is an extraordinary assemblage of talent and knowledge and creativity.

The committee will listen to those who know this University best—the students, the faculties, the deans. They will listen to our legislators and citizens who have a just concern with how the Commonwealth educates its children. They will explore new ideas that are floating around the educational community and identify the ones on which we should be working. I intend to listen *to* the committee members as well as *with* them, and I am deeply grateful they are willing to take on this assignment. Responsibility for acting on their recommendations rests, as always, with the Trustees of the University.

While we await the work of the committee and the emergence of some consensus on the future University, I would like to share with you three of my predispositions regarding university education.

First, I am pre-disposed to the old-fashioned idea of *pluralism* in education as in politics. Contemporary theories to the contrary, I aspire to no monolithic establishment, no rule by any elite, or counter-elite, no single pattern of institutional excellence. Within the universe of higher education there are a variety of valid tasks to be performed that demand the best of human wit, and energy and will. The idea that you're either Harvard or a trade school has had no real foundation since the emergence of the great public universities of the west and mid-west. It is completely gone today.

Excellence in informing and enriching society comes under many different educational guises. Within this University, it is important for each campus to find its particular identity and contribution. And even on a single campus, I would favor great latitude for individual preference as to program content and learning schedules. The most recent report of the Carnegie Commission on Higher Education identifies a national need to expand the options—

For deferring college after high school;

For entering career and apprenticeship programs rather than a university;

For changing career directions in school;

For returning to school in middle age.

We want to weigh each of these options at the University of Massachusetts.

My second predisposition is toward *utility*. In this credential society, our universities have become the great certifiers of employability for the young. I believe we owe them the substance as well as the certificate.

Much of traditional education is really a preparation for graduate work. Graduate study may be an excellent exercise but it inevitably prolongs the time of training and narrows the range of career choice by emphasizing teaching and the established professions. Today only about 5% of the average U-Mass freshman class—15% of the seniors—enter graduate school. Our primary job, for the next few years at any rate, is not so much to concentrate on graduate education for its own sake, but to ensure that it helps the bulk of our students who won't experience it directly.

In brief, this means an educational program in which graduate work enriches the undergraduate experience and is not undertaken indiscriminately. Because knowledge is the basis of utility, the University's own graduate program is essential to continued quality in our under graduate teaching. And where we go forward with graduate work, we should never settle for second place. But I am inclined toward research that will actually solve problems and toward education that really helps the student concerned.

Seventy-five per cent of our students come from families earning less than $15,000 a year and at least half are the first generation in their families to go to college. Only half can depend on family funds to finance their education and the rest depend on employment, personal savings, loans and scholarships. These students are in school at some sacrifice and they are there—at least in large part—to expand their career choices and their job opportunities.

Too many of them work hard to get B.A.'s in Psychology or American History or Greek Literature or even Political Science only to discover that a degree at that level just isn't worth much on the job market. I'm sure we can do more in counseling and perhaps in departmental candor. Some sophisticated market analysis could tell us a lot about employment opportunities for our graduates. But the real challenge comes in bringing the University and the real world together in new ways so that students become aware of society's needs and capable of responding to them.

One promising way of going about this—and this is my third and final predisposition of the morning—is through the *service function* of the University. I am concerned with the absorption as well as the production of knowledge. In field after field, the knowledge we have has out-run our ability to use it and our willingness to pay what it costs. Dramatic new designs for housing have not yet sheltered the poor. New technology in transportation does not now relieve congestion on city streets. New medical advances are still too often restricted to the knowledgeable, the rich, or the welfare patient.

The knowledge and skills that exist in this University are among the state's great natural resources. They represent opportunities to bring about not only incremental improvements in the environment but institutional change.

Both the nation and the university community have been in a period of what might be called a volunteeristic approach to change: from paint-ins in Harlem to Earth Day on the campus. These exercises owe much in spirit to the inspired use of non-violent resistance to destroy the remnants of public segregation in the south. But as applied to the stickier dilemmas of how to end the war, preserve the city, or upgrade the environment, this approach hasn't really worked.

I am persuaded that the real hope for change lies in an *institutional* approach. The University as an institution that represents both knowledge and change can work with other institutions that need knowledge and are receptive to change. This process—properly undertaken—can feed back to and strengthen the University's own educational and research capacities. And we begin to move forward. . . .

I don't want to overstate the case. The scientist as miracle workers is in disrepute—and *any* university professor will follow suit if we expect miracles. We are talking here about complex and subtle relationships and about solution-resistant problems.

But we are also on the threshold of a period of other opportunities. As the war draws to an end and the national economy begins to adapt to peacetime requirements, we have already begun to see a liberation of manpower resources capable of effective application to domestic social problems. By working with public agencies to define critical issues and develop realistic proposals, the University can play a major role in assuring that this capability is not wasted. Let me tell you about some of the ways in which we have already begun to move in this direction.

This state's minor economic miracle in cranberry culture and cooperative marketing owes much to the work of the University's historic centers of service: The Agricultural Extension Service and the Agricultural Experiment Station. Both the College of Agriculture and its related institutions are moving into new areas of assistance.

In one county the extension service is working on the drug problem and another has home economists working in three public housing projects. Several have organized family affairs trouble-shooting units. Dean Spielman is very much interested in bringing the assets of the college to bear on consumer protection, environmental and land use problems as well as regional planning and development. These assets include a great deal of both experience and equipment.

For five years the Amherst faculty has been engaged in a joint effort with the Belchertown State School for the mentally retarded led by Professor Benjamin Ricci. Special problems of helping retarded children and adults—from diet to the redesign of recreational equipment—have been tackled by faculty and students from the Departments of Nutrition, Biochemistry, Physical Education, Engineering, Economics, and Education. We want this program supported and expanded.

We are developing a joint research proposal with Commissioner Milton Greenblatt and the Department of Mental Health looking to the decentralization of the department's service delivery system. This joint endeavor could produce not only organizational and procedural recommendations for the department but proposals as to how the University might organize educational and training programs in management, clinical service, and community participation. This can be the work of our new Institute for Governmental Affairs.

—We are working with Public Health Commissioner Alfred Frechette on a child health study centered in Worcester and Falmouth. This state is a leader in public health and medicine, but the sobering fact is that one-third of our 19-year-olds can't pass the routine army physical.

—We are getting together with Sheriff John Buckley of Middesex County to work in the correctional area.

—The Labor Relations Research Center and the Institute of Labor Affairs are performing a number of services for the labor movement including consulting on contract problems, training for union leadership, and the development of special courses in the area of labor education.

—The Boston campus is working with model cities to help in mathematics programs. Boston has also begun "The Library and the City Child"—the first step to an urban library program.

—The two-year old center for business and economic research in the business school has been conducting a series of studies relating to the economic development of Springfield. I hope this can be the foundation for broader efforts in the conversion process. As the nation moves toward peace, we must be sure that our state resource of highly trained manpower is not lost.

As I said, these are just beginnings. But the excitement is there. I am very much aware that *any* consideration of university service must build on a basic "good neighbor" policy with regard to the neighborhoods and communities in which university facilities are located: Amherst, Worcester, Waltham, and—most particularly—Savin Hill and Columbia Point. What with competition for space and differences in priorities, we can hardly expect these relationships to be without tension. But I can promise that the University will take an active and positive role in resolving these tensions in ways that respect the interests of the community involved.

I emphasize Savin Hill and Columbia Point both because they are our newest neighbors and because I want to make quite clear that we are in the new Boston campus to stay. In fact the first contracts for driving piles are now being signed. I feel certain that our new facilities and services there can be organized in ways that promote mutual benefit and interaction rather than chilly coexistence—the small town rather than the Manhattan style of good neighbors.

Together with the Columbia Point Health Association, the residents of Columbia Point, Tufts Medical School, and any other parties who wish to participate, the University will seek support for a Health Center at Columbia Point in which the neighborhood and the University's needs can be joined.

Even with a commitment to service we are left with difficult questions of resource allocation. The University of Massachusetts is not rich. Although we are close to the top in recent progress, we still fall below the national average in per capita support for higher education.

Universities across the country are engaged increasingly in diverse non-educational activities: Running community health and day care programs, training paraprofessionals and Vista workers, running federal laboratories, helping city governments, building low cost housing. In part—thanks perhaps to the uncommon success of academics in the Manhattan project, post Sputnick space activities and computer technology—these new responsibilities have been *thrust* upon the universities. In part, they are responding to the prodding of conscience and the indignant young. In part, as with the downtown university that finds itself overtaken by urban blight, involvement is the result of self-interest rather narrowly defined. But as Professor Carl Kaysen has pointed out, universities have reached out for new activities since the 40's *primarily* because these new activities have an intellectual justification and are of interest to university faculties.

This reminds us, I think, of what universities are all about and rescues us from Clark Kerr's stark formulation of the university as a "service station." In assessing what kinds of involvement make sense, we must take account of the history, skills, make-up and nature of the campus concerned. But the basic gauge should be whether the involvement furthers the university's own particular responsibilities for education and scholarship.

As a land-grant University we inherit an historic commitment not only to public service but to equality of opportunity. The first annual report of the University's Board of Trustees in 1866 was largely devoted to the implications of this commitment. "Republicanism," the Trustees explained, "has undertaken in America to recast society into a system of equality. It proposes to create true and safe equality, not by conferring on the ignorant and degraded the rights of citizenship but by raising all, through education, to the full dignity of free men. Its purpose is to diffuse education and property among all the people, to give as nearly as possible every child an even start in the world, and an equal chance to be President, member of Congress, farmer or mechanic as he may choose.

To effect this, our fathers abolished hereditary rank. In England, the King's son is born to be a King, and the Lord's son to be a Lord, and the oldest son inherits all his father's land.

"In our country, the President's son has no better claim to be President than another, nor a Senator's son to be a Senator; and all the sons and daughters share alike the father's property.

"Then comes in the great regulator and elevator, general education, like a huge subsoiler, breaking up the old foundations . . . this, must finish the work."

The work of equality is *not* finished, of course—even now 100 years later. But our University forefathers' deep faith in the power of education reaches across the century to touch us still. Let us retain their commitment and use that power to break up the old foundations—poverty, ignorance, discrimination—that prevent the true greening of America. Let us retain it especially in the public university.

I am proud to be the 17th president of the University of Massachusetts.

Let us proceed to celebrate together.

HON. PHILIP J. PHILBIN

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. MORSE. Mr. Speaker, our colleague, PHIL PHILBIN is one of the finest, friendliest, and most unselfish men I have ever had the pleasure of knowing. He has served the House of Representatives during the past 28 years with great devotion. He has represented his Massachusetts constituents with boundless energy and skill. He has devoted most of his life to the service of his country.

He has always taken the time and cared enough about his colleagues to offer help with any problem, large or small, and his presence is a daily reminder of the value of a kind heart and a good word. I have been the beneficiary of his generous spirit for the 18 years that I have known him.

His untiring work on behalf of his constituents in Massachusetts has never been a mere job for PHIL PHILBIN; it has been rather an intensely personal, compassionate, and deep concern for the problems of all those he represented.

As a member of the Armed Services Committee, second in rank to the chairman, he handled demanding committee responsibilities with the same insight, conscientiousness, and uncommon service that has characterized all his public life.

For all of us PHIL PHILBIN has brought to this body a rare quality of kindness and warmth. He has enriched the lives of each of us.

PHIL PHILBIN is a gentleman in every sense of the word. He is a fine, decent human being—a man of great integrity. I am proud to have been able to work with him during the past 10 years and I wish him continued accomplishment and the greatest contentment, health, and happiness in the years ahead.

SOVIET PERSECUTION OF JEWS

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. WEICKER. Mr. Speaker, today, 13 Russian Jews are being tried in Russia for an alleged plot to hijack an airliner.

There was no actual hijack attempt. The individuals were arrested for allegedly plotting to take over an airliner to fly them out of the Soviet Union.

Not commenting on the guilt or innocence of the accused, I believe, however, that the freedom-loving people of the world should be aware of the underlying motives in this case.

Going back to the early 1920's, the Soviet Union has used show trials with forced confessions as decisive evidence as a means of propaganda.

These staged trials were used by Josef Stalin in his notorious purges in the 1930's and early 1940's to arouse anti-Jewish sentiment.

After World War II, the show trials resumed and the anti-Semitic campaign was intensified. The last 5 years before Stalin's death were known as the black years. In this anti-Semitic campaign against Jewish intellectuals the show trials were used to close Jewish cultural institutions, liquidate cultural leaders and deprive the Russian Jews of his religious rights.

The wave of terror hit its peak in January 1953, with the anti-Jewish hatred aroused by an alleged plot by which Jewish doctors were supposedly planning to murder Soviet political leaders. The death of Stalin ended the purge temporarily.

In the 1960's a new round of purges began with the Russian Jew being cited for economic crimes against the state. In this new purge, crude propaganda material, overtly anti-Jewish, blanketed the country and mass trials were staged where the accused invariably confessed and were handed stiff penalties. Of the several hundred executed more than 50-percent were Jews—who constitute just over 1 percent of the total population.

To date there has been a consistent propaganda campaign conducted by the Soviet Government to encourage anti-Jewish feeling. The results have been that the Russian Jew is discriminated against in higher education and employment. His children are abused and mistreated at school and at work.

The Russian Jew has been deprived of his cultural and religious rights thus foreclosing the possibility of perpetuating his heritage and maintaining group identity.

At the same time the Soviet Union has denied permission to tens-of-thousands of Russian Jews to emigrate to Israel. This is a direct violation of the United Nations Charter which cites the human right of an individual to leave his country of origin.

The United Nations should censor the Soviet Union for this charter violation and I urge the United States to instigate proceedings at the U.N. The freedom-minded people of this world must make it absolutely clear that we will not tolerate injustice or the violation of basic human rights.

ADDRESS BY DR. ROGER A. FREEMAN

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. GUBSER. Mr. Speaker, I am proud to claim as my constituent Dr. Roger A. Freeman, senior fellow at Stanford University's Hoover Institution on War, Revolution and Peace and formerly a Special Assistant to President Nixon.

On two recent occasions Dr. Freeman delivered addresses which I consider timely and important. I commend the remarks of this distinguished scholar to the attention of my colleagues and am therefore submitting them for inclusion in the RECORD:

MATH AND AFTERMATH IN THE PUBLIC SCHOOLS: THE CONCEPT OF ACCOUNTABILITY IN EDUCATION

(Address by Roger A. Freeman, before the Annual Fall Conference, California Elementary School Administrators' Association, Oakland, Calif., October 22–24, 1970)

Ever since President Nixon sent his Message on Education Reform to Congress last March, a lively discussion has been going on about its content, its meaning, its implementation. Some of his critics thought that the President should have recommended federal support of public school operations to the tune of several billion dollars a year and left everything else to the school administrators, the boards of education and the teachers. That is what the National Education Association and its allies have been demanding, for well over a hundred years, and still deem to be the solution to the problems which beset the schools. But no President ever has recommended such a program, nor is Congress likely to approve one if it were proposed, at least for as far in the future as we can see ahead. In fact, the chances for federal general school support appear to be slimmer now than they were twenty or twenty-five years ago.

In his message of March 3 the President followed a track that runs counter to the road his critics in the educational establishment would want him to travel: he introduced the concept of accountability: "School administrators and school teachers alike are responsible for their performance and it is in their interest as well as in the interest of their pupils that they be held accountable." He declared: "We have, as a nation, too long avoided thinking of the productivity of schools."

That conjured up in the minds of some school principals a vision of being tarred and feathered if their students fell short of the national norm on standard achievement tests. But that is not what it was intended to mean.

At the outset the President made it known to the staff charged with drafting the education message that he wanted its prime emphasis placed on reform and not on finances. This message was in preparation for six months and was as thoroughly studied, discussed, revised and edited as any presidential document could and should be; it went through several drafts before it was finally issued.

In contrast to many other messages it does not say: here is a problem and this is the solution. It admits that we do not know as much about the learning process as we should, that we have no ready answer to the question why so many children do not learn the essentials they need. It makes it quite clear however that the time is overdue to find out.

Accountability of the schools is not an entirely new concept. Some of us have been talking about it for a long time. Wilbur Cohen, President Johnson's last Secretary of H.E.W., criticized three years ago "the voluminous, yet unsuitable data now available for assessing the products of our education." He complained that "practically none of it measures the output of our educational system in terms that really matter—that is in terms of what students have learned." He added that it is an "incredible fact that the nation has, year after year, been spending billions of dollars on an enterprise without a realistic accounting of that investment."

In this, the first message on education reform by any president, Mr. Nixon made it clear that though far more money would be needed for education in future years, money alone was not the answer. Educational processes and methods would have to be made more effective and more productive. "We must stop congratulating ourselves for spending nearly as much money on education as does the entire rest of the world—$65 billion a year on all levels[1]—when we are not getting as much as we should out of the dollars we spend."

The President promised: *"As we get more education for the dollar, we will ask Congress to supply many more dollars for education."*

If we are to establish accountability for huge manpower and material resources, whether in education or in any other field, we must relate input to output, or investment to return.

Quantity is usually easier to gauge than quality, input easier to determine than output. But some measurement of quality is essential, particularly in education.

Until not so many years ago almost everyone active in education knew how to measure the quality of a school: class size (i.e., teacher-pupil ratio); qualification of the teachers (i.e., academic degree, years of experience, salary); number of books in the library; age, size and equipment of the building; and dozens of similar gauges.

The number of tables in the NEA's annual *Rankings of the States*, listing available statewide data, jumped from 32 to 132 just within the past dozen years. But the final and most widely recognized yardstick of school quality that included all other measurements was: dollars expenditure per pupil in average daily attendance.

There is just one trouble with these data: they all list input, the resources consumed by the schools, they don't measure the output or product.

We know how many young people go through the schools and how many graduate. We don't know how much they learn while they are there. We don't record the capacity and the skills and knowledge of the students when they enter school, nor when they leave. If we did, we would at least know how much was added in the meantime, though there still would be a question of how much of the increase should be credited to the school.

To be sure, the public schools administer many millions of intelligence and achievement tests each year. But the results of those tests are not systematically used. Moreover they are closely guarded secrets in most school systems, for fear that they would be used, and possibly abused. A few major cities—New York, Washington, Oakland—have published test results in recent years and also given us such input factors as class size or expenditure per pupil; some have added socio-economic data which can be correlated. Those reports enabled us to gain valuable insights—which I shall discuss later—but we have no longitudinal studies which record a pupil's progress through his entire school career. Project "Talent" plans a sequential study but it will be some years before final results will be in.

Some have tried to justify sharply increased educational spending, past and future, by giving improved education much of the credit for growth in the nation's economy. That better education advances economic growth will hardly be doubted. But how much the education which our schools actually provided contributed to greater production and higher incomes is problematical. Brookings economist Edward Denison tried to find an answer by a residual process: he credited education with whatever economic growth he could not trace directly to the infusion of manpower and capital investment. His estimate that almost one-third of our 1929–1963 economic growth was due to education has been profusely quoted. But it is very tenuous and has been seriously questioned by other economists who came up with a far smaller credit to education.

Some observers have related the years of formal schooling which an individual completed to his income level, in order to show the high return on investment in education and thereby, indirectly, prove the value of a quality education. The Census Bureau computed lifetime earnings (from 18 to death) as follows:

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[1] In the school year 1969/70. The corresponding figure for the current academic year, 1970/71, exceeds $70 billion. For the first time since the 1930s, the American people will in fiscal 1971/72 be spending more on education than on national defense.

[In 1968 dollars]

	Based on 1956 earnings	Based on 1968 earnings	Increase, 1956–68
Men with—			
Some elementary school	168, 287	219, 996	51, 709
8 years elementary school	228, 872	285, 344	56, 472
4 years high school	312, 622	382, 678	70, 056
4 or more years college	477, 137	602, 864	125, 727
Increase:			
8 years elementary over dropout	60, 585	65, 348	4, 763
High school over elementary	83, 750	97, 334	13, 584
College over high school	164, 515	220, 186	55, 671

In 12 years then the value of an elementary education increased by $56,472, of a high school education by $70,056, of a college education by $125,727.

These figures have been widely used and interpreted as meaning that a young man could add $97,000 to his lifetime income by attending high school, $220,000 by attending college. But that seems to overstate the case.

There probably exists a positive casual relationship between school attendance and income level—with important exceptions. For example, a plumber is now paid $355 for a 40-hour week in San Mateo County which is more than the average teacher there gets. But to attribute all of the higher income of persons who have stayed in school for more years to the fact of their longer attendance is naive or misleading. Extended school attendance as well as economic success in later life, are casually related to the same personality traits more than to each other: higher intelligence, ambition, i.e., motivation to work hard, to plan ahead, to forego immediate gratification for future advance, etc. In other words, a man earns a higher income for the same reason for which he attends school for more years: brains and tenacity.

The tendency of spokesmen for the educational profession to claim credit for the schools for economic growth, for higher income, and for just about everything else that is good and wholesome in American life, to praise school attendance as the answer to poverty and a remedy for most other ills, is understandable. But it boomeranged when shortcomings in the schools' products were becoming painfully obvious, and when some of the promised improvements did not materialize. Many educators laid a trap for themselves when they exaggerated the returns from school education; not surprisingly they were blamed for deficiencies even though the failures often were not the schools' fault.

Illiteracy has been sharply declining in the United States: it was reported at 11.3% of the population by the 1900 Census, at 4.8% in 1930, at 2.4% in 1960. These rates are higher than in major European countries—but at least they are coming down. Moreover, the 1960 illiterates averaged 58 years of age and with better than 99% of our school-age children now attending school, we seem to be well on the way of resolving the problem without too many years.

But *functional* illiteracy, that is, inability to read and write sufficiently for a minimum functioning in today's economic, political and social life is far more extensive than the Census reports indicate. The Office of Education estimated that 24 million persons 18 years and over are "functionally illiterate"—they cannot read, write or count at a fifth-grade level. Yet, there were on last count only 6.4 million Americans, 14 years and over, who have attended school for fewer than five years. In a study on Chicago's southside, for example, 93% of the respondents were found to have completed at least the fifth grade; but fewer than half could read at a fifth grade level.

School attendance in a particular grade, and even graduation, do no longer guarantee a specific educational level—ever since the schools, some years ago, discovered the secret of perpetual promotion. There are now some high school graduates who cannot even read their diploma. For about a quarter century, school critics such as Canon George Iddings Bell, Arthur Bestor, Mortimer Smith and Admiral Hyman Rickover have blamed soft curricula and failure to maintain standards, for the inability of large numbers of public school children and graduates to master the 3Rs. The schools' defenders countered that by maintaining rigid standards the schools would be driving less able children from the classroom, which obviously would not help to raise their skills and knowledge. The root of the problem, they asserted, was inadequate financial support.

In the early 1960s Congress became increasingly concerned over the reported educational deficiencies among millions of the nation's children, particularly those from low-income backgrounds. To be sure, the schools' revenues and expenditures had risen tremendously—from $5.8 billion in 1950 to $18.5 billion in 1965 (and to $32 billion in 1970), which is a rate of increase more than twice as fast as enrollment and prices combined. But the added funds, it was asserted, had not reached the sections where the poor and their children lived and went to school. Class sizes had been coming down in the national average, it was said, because certain suburbs and other wealthy sections could afford to hire additional teachers while central city schools were increasingly plagued by crowding and excessively large classes. Small wonder that children from poor family backgrounds were lagging several years and falling behind further while the offspring of middle class and well-to-do parents progressed.

There were no statistical data available to prove these charges. But they seemed plausible enough and were widely believed. To establish once and for all the existing discrimination against children from low-income backgrounds, Congress ordered, in the 1964 Civil Rights Act, that a comprehensive survey be undertaken, to form the basis for future legislative corrective action. Some grumbled at the time that it was a waste of money to spend $1¼ million to find out what had long been common knowledge. But the survey was undertaken anyway—the most extensive ever of American schools—by James Coleman, a sociologist from Johns Hopkins University. You all know the results, which surprised Professor Coleman and everybody else—with the exception of a few heretical researchers who had been saying so right along.

Coleman summarized his findings: "The evidence revealed that within broad geographic regions, and for each racial and ethnic group, the physical and economic resources going into a school had very little relationship to the achievements coming out of it." He concluded that "if it were otherwise we could give simple prescriptions: increase teachers' salaries, lower class size, enlarge libraries, and so on. But the evidence does not allow such simple answers."

In response to questions by the Senate Select Committee on Equal Educational Opportunity, Professor Coleman reported in June 1970 that eight reanalyses by other researchers had not in any way altered the results. Reviewing the national debate on the Coleman Report, Christopher Jencks of the Harvard School of Education summarized his conclusions: "Variations in schools' fiscal and human resources have very little effect on student achievement—probably even less than the Coleman Report implied."

Coleman found that the teacher-pupil ratio "showed a consistent lack of relation to achievements among all groups under all conditions."

Ample evidence of this was available long before the Coleman report. The *Encyclopedia of Educational Research*, summarizing over 200 studies of class size and pupil achievement, reported in 1950 that—

"On the whole, the statistical findings definitely favor large classes at every level of instruction except the kindergarten . . . the general trend of evidence places the burden of proof squarely upon the proponents of small classes. . . ."

More recently, the most detailed report now available on any city school system (*New York City School Fact Book*, City University of New York, 1969) found:

"The evidence we have accumulated is somewhat surprising. We have recorded traditional variables that supposedly affect the quality of learning: class size, school expenditure, pupil/teacher ratio, condition of building, teacher experience and the like. Yet, there seems to be no direct relationship between these school measurements and performance. . . ."

A report on the Oakland Public Schools on 1966/67 state test results listed the median family income for each school. If we divide Oakland's 60 elementary schools in three groups, according to family income we find these results: in the lowest income group the median pupil-staff ratio was 1:20.5, in the highest income group it was 1:28.2.

SAT reading test results were:

	Grade—			
	1	2	3	6
Median of lowest income group	1.6	2.1	2.9	4.2
Median of highest income group	1.8	2.9	4.0	6.2
Difference	.2	.8	1.1	2.0

I could give you many similar examples. But that seems hardly necessary.

Coleman was careful to point out that "racial composition *per se* of the school was not related to achievement when the social class composition was controlled."

With the long held and still widely believed assumption of a positive cost-quality relationship disproved, and race not the controlling factor, how do we explain the troublesome phenomenon that some children learn well and some don't? We have long known that differences in achievement among pupils tend to be wider within schools and classes than among schools. This suggests that the student achievement is not as closely related to school features as we have been led to believe. Otherwise, performance within schools and within classes would be far more uniform than it is. Educational attainment seems to depend largely on forces over which today's schools exercise only limited control.

Coleman found the factor with the strongest correlation with student achievements to be the socio-economic-educational status of the parents. He, and many others, interpreted that as meaning that the home environment, the substance, level and intensity of conversations with the family, the presence or absence of books, the example, encouragement, stimulation and assistance by parents and other family member was the crucial element, aside from the contact with other children attending the same school. Few will question that home environment can be a powerful factor in motivating children to learn. But studies of adopted children suggest that characteristics of the natural parents are far more influential than environment. A study of one hundred adopted children by Marie Skodak and Harold Skeels, for example, found that "the intelligence of individual foster children appears to bear little relationship to measures of the foster home in which they are placed, while appreciable correlations appear between the I.Q. of the foster child and that of his own mother from whom he has been separated from birth."[2] Studies by Sir Cyrill Burt and others have found the I.Q.s of identical twins reared apart to be almost as closely correlated as the I.Q.s of identical twins reared together.

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[2] *International Encyclopedia of the Social Sciences*, 1968, vol. 7, p. 428.

Considering what we can observe throughout nature, is it really so surprising that a child's score on the educational achievement tests of school tends to parallel his parents' score on the economic achievement test of life?

Intensive studies in recent years by Arthur Jensen, educational psychologist at the University of California at Berkeley, confirm the conclusions of the pertinent scientific literature in the field. For example, Bernard Berelson and Gary A. Steiner summarized in their massive volume *Human Behavior: An Inventory of Scientific Findings* (New York, Harcourt Brace, 1964).

"Large differences in intelligence as measured by the standard intelligence tests, are due principally to heredity. Here is one expert's review of studies on how much difference in ability results from the types of environmental differences usually found among homes and communities. One summary with which most others agree fairly closely, is that the variation in tested intelligence among school children is accounted for 75% by heredity, 21% by environment, 4% by accidental factors." (P. 217).

Experience has shown that the schools can teach almost every normal child to read, write or count to the same extent to which it can teach him to sing, paint, sculpture, swim, run, play a musical instrument or play basketball, that is, according to his individual capacity to perform and succeed in each of these fields. It can no more teach *all* children to read or count at the national average, than it can teach *all* children to sing or swim or sculpture or play basketball at the national average. But some people seem to feel that in a country as rich and powerful as ours *everybody* ought to be above the average, or, at the least, at the average.

This reminds me of the alchemists who for nearly two thousand years, with a tremendous effort and at a huge expense, tried to do what we now know cannot be done. But they and their sponsors had a deep emotional need to believe that it can be done, so they kept trying and went undeterred from defeat to defeat, always expecting to find success around the next corner.

For how much longer will we let our latter day alchemists set goals for our public schools?

A few months ago at the Senate hearings to which I referred earlier, the Superintendent of Detroit Public Schools, Dr. Norman Drachler, pleaded with the committee in a manner that seemed facetious but was deadly serious:

"I might add, gentlemen, if this committee could do anything for education and equality, it would be wonderful if you would pass an act that would outlaw the national norm. It is a monstrosity for the school system . . . As long as we have a norm, 50 percent must be below that norm."

This means not, I believe, that we should abolish the national average as a statistical tool, but that we should outlaw it as a norm which all children are expected to meet. If school officials pretend that they can bring *every* child up to a national norm, they are bound to disappoint and frustrate many children, to antagonize their parents, shake the confidence of wide sections of the public and, in the end, diminish the schools' chances of attaining even the goals which are within their competence.

But the belief in the magic power of the dollar dies hard in and out of Congress, particularly among the potential beneficiaries of a federal program.

Title I of the Elementary and Secondary Education Act of 1965 sharply expanded the compensatory education programs which had been initiated in several cities during the late 1950s or early 1960s. Congress was promised then—and has been promised several times since—that the added federal funds would enable the schools to raise to national norms the cognitive skills of "deprived" children who are lagging one or several years behind their schoolmates.

Now, five years later, we know that Title I has done nothing of the sort. Most compensatory education programs have not raised the arithmetic and reading performance of the "benefited" children. That is what President Nixon reported to the American people in his Education Message of March 3.

"We must stop letting wishes color our judgments about the educational effectiveness of many special compensatory programs, when—despite some dramatic and encouraging exceptions—there is growing evidence that most of them are not yet measurably improving the success of poor children in school.

" . . *the best available evidence indicates that most of the compensatory education programs have not measurably helped poor children catch up.*

"Recent findings on the two largest such programs are particularly disturbing. We now spend more than $1 billion a year for educational programs run under Title I of the Elementary and Secondary Education Act. Most of these have stressed the teaching of reading, but before-and-after tests suggest that only 19% of the children in such programs improve their reading significantly; 13% appear to fall behind more than expected; and more than two-thirds of the children remain unaffected—that is, they continue to fall behind. In our Headstart program, where so much hope is invested, we find that youngsters enrolled only for the summer achieve almost no gains, and the gains of those in the program for a full year are soon matched by their non-Headstart classmates from similarly poor backgrounds."

Headstart has been called the most promising of all these programs, and it probably is: it has *promised* more than any other—but it has not delivered. We have been sending an increasing number of children to school at four years of age and at three, which is all to the good, though it has not produced lasting results. Some are now proposing that we start at birth. But the available evidence suggests that even intervention at birth may come about nine months late.

I could recite to you the failure of the Higher Horizons and More Effective Schools programs in New York City, of the Bannecker project in St. Louis, of the Madison project in Syracuse and of dozens of others. Virtually all of these projects were initiated and directed by experienced educators, resourceful and enthusiastic leaders such as Jacob Landers, Samuel Shepard, Mario Fantini, Carl Hansen, supported by large numbers of equally enthusiastic teachers. The "Pygmalion in the Classroom" charge of self-fulfilling low expectations is contrary to the truth. Most of the big city projects were staffed by men and women who sincerely believed that they would succeed in lifting their students' academic achievements to higher levels. But sooner or later they could no longer hide their failure, from themselves or from others.

Just five months ago, on May 21, Neil Sullivan, whom many of you remember as the superintendent of Berkeley schools until 1968, testified before a Senate committee:

"Berkeley, as most communities in 1964, with the passage of the Elementary and Secondary Education Act, put its first money into compensatory education. We went the whole route, lowered class size, provided remedial reading teachers, bought the machines, did those things that we thought were right.

"The results after 2½ or 3 years clearly indicated that not only did the child in the inner city not improve, he had retrogressed."

That experience was repeated in city after city. The U.S. Civil Rights Commission reviewed the major compensatory education programs since 1957 and found that "none of these programs seems to have raised significantly the achievements of participating pupils."

More Effective Schools in New York City has now been going for seven years. Its 21 schools have an average teacher-pupil ratio of 1:11.7 and spent in 1967/68 $1,275 per pupil. A similar-sized district in Queens Borough (No. 25 with 23 schools) had a teacher-pupil ratio of 1:24.6, spent $671 per pupil. Sixth grade arithmetic scores (norm 6.4) averaged: in District 25, 7.0; in the MES schools, 5.2—almost two years behind.

But the parents in the MES schools had been promised by city and school officials years ago that their children would soon catch up and perform according to norm. Is it any wonder that they no longer trust those officials and harbor bitter resentment, which on several occasions has exploded into violence?

Mayor Lindsay said last year: "Our schools are the most lushly funded school system in the nation . . . it has the best teacher-pupil ratio of any city . . . but the management of the thing is such that we just don't get the production." (*New York Times*, June 6, 1969) Achievements in New York City schools are substantially below national average, and they continue to slip.

New York City's school chief admitted last December: "We have been spending a great deal of money on solutions which have little relation to the causes. Nobody knows why certain children are not profiting from the educational program. . . . Money is being spent on new gimmicks but nobody knows the cause and effect relationship. . . . We have offered all kinds of solutions but they are not producing results and nobody knows why." (*New York Times*, December 4, 1969)

If this is the conclusion of the head of the country's biggest school system, which is already spending more than twice the national average per pupil, how can we justify pouring huge additional funds into the country's largest and fastest growing industry, education—now spending at the rate of $70 billion a year—until we know what works and what will give our taxpayers a proper return on their hard-earned dollars?

This is why President Nixon proposed that we try to find out what produces results in education before we add multi-billion dollar programs to our present total of educational spending.

Accountability is a tool to concentrate the attention and efforts of officials who set school policy and of principals and teachers who carry it out, on making tangible progress toward the designated goals of the drive to lift the cognitive skills of lagging children. "For years," the President said, "the fear of 'national standards' has been one of the bugaboos of education." He explained that "success should be measured not by some fixed national norm, but rather by *the results achieved in relation to the actual situation of the particular school and the particular set of pupils.*" (Emphasis supplied.)

So we shall have to measure the skills and knowledge of children when they enter school and at stated intervals during their years of attendance. We must then evaluate their progress in the light of *their own* capacity for growth and compare it with the advance which other, similarly situated, children achieved in the same school or elsewhere. Acountability should help to stimulate teachers, principals and school systems to vie with each other in friendly competition for the most effective instructional methods.

To conduct, sponsor, expand and strengthen research into instructional methods, the

President proposed to Congress the establishment of a National Institute of Education. It should help to find answers to some of the hundreds of questions which are puzzling those trying to solve our educational problems.

Here are some of the questions I would ask: Which are the most effective methods of teaching arithmetic, reading, writing to children who show little interest in those skills nor seem to possess much talent for them? Should we force all pupils into a Procrustes bed of standard curricula and national norms although we know that some children are tall and some are short, educationally speaking? Would it be more effective to shape various curricula to conform to children's differential capacities instead of trying to adjust all children to a uniform mold? If so, what goals should we set and how? Should we continue our present school structure, should we try new organizational ideas, or should we follow the pattern that prevails throughout most of the rest of the world? What is the potential of programed learning (machines), movies and other mechanical methods of instruction? Should we work largely through the public schools or should we try to broaden the variety of offerings by getting private schools involved, as much as possible? Admittedly, these are leading questions, dealing with highly controversial subjects.

The Office of Education and the Office of Economic Opportunity recently sponsored a few projects aimed to find answers to some of these questions. A far greater variety of instructional methods could be tested by free market methods if parents were given a choice in the type of school to which they want to send their children. At this time, the nearest (or assigned) public school enjoys a virtual monopoly because not many parents can afford to pay the high charges that private schools must demand which sustain themselves from tuitions. This could be remedied by a voucher plan which is now being tried out. NEA, AFT and other groups strongly oppose the voucher plan—whose results could prove embarrassing if some private schools succeeded where public schools failed. Income tax credits for school taxes or tuitions are another—and in my opinion more effective—way of reducing the economic penalty for the exercise of parental freedom of choice in the selection of a school.

The advantages and disadvantages of voucher and tax credit plans are also being explored by the President's Commission on School Finance.

James Coleman advanced another idea which is now being tested: performance contracting. Instruction is farmed out to a private school or organization whose fee is geared to the pupils' measured progress in the cognitive skills. This idea is as obnoxious as the voucher plan to those who believe in the superiority of the monopoly approach to education.

In conclusion: Much thinking will need to be revised, many long-established practices altered, if we are to succeed in preparing children from low-income backgrounds more effectively than we have so far for the social and occupational demands of life in the last third of the twentieth century. The needed changes will extend to many public policies and institutions. But the schools will of necessity play a key role in the process of turning children into self-sustaining adults, able to take their proper place and meet their responsibilities in our society. This is why those to whom the schools are entrusted will have to accept a greater responsibility for their product than they have in the past. I trust that they will live up to that responsibility.

(Address by Roger A. Freeman)

The demand for a "reordering of national priorities" has been strong in recent years and appears to be growing in intensity and power, as time goes on. It rests on the basic proposition that military expenditures have risen out of proportion in the past few decades and need to be cut back, while civilian public services have been starved, in absolute as well as in relative terms, and should be lifted to substantially higher levels. Thus the drive to reorder national priorities aims to multiply public funds for domestic functions, particularly in the field of social welfare, and to clip defense appropriations commensurately.

This movement is composed of two groups allied in a common strategy:

1. Those to whom for ideological reasons military activities are anathema, particularly when engaged in by the United States and other Western nations, and who therefore profess and pursue pacifist aims in this country.

2. Those who desire primarily to expand domestic public services as an effective instrument for the redistribution of income and who recognize defense cutbacks as a politically more palatable and therefore more promising source of funds than the available alternatives. They recognize the limitation to a boost in the funds for public assistance, urban renewal, environmental improvements, schools and colleges and dozens of similar programs if it is to be financed solely from the annual increase in federal revenues resulting from economic growth. They know that larger budgetary deficits lack widespread appeal at this time when rapid inflation has become one of the nation's most painful and intractable problems. And they are aware of the fact that to finance the proposed expansion in federal domestic programs by jacking up tax rates is politically even less attractive. Federal taxes are already at exorbitant levels because expenditures are so high. Everybody knows that federal spending has been soaring over the past ten or twenty years, far outpacing the growth rate of the nation's economy. Everybody, that is, who has not looked at the record.

The record shows that federal expenditures increased at about the same rate as the gross national product (GNP) or personal income (PI) over the past ten years, in fact for nearly twenty years. Since 1952 the federal budget has almost exactly tripled, as did GNP and PI.

This seems to suggest that we experienced over the past two decades, a balanced growth in governmental spending, when many people thought that we were living through times of runaway, spendthrift budgets. But it only *seems* balanced growth, until we analyze the component of budgetary growth: the share of defense was cut nearly in half, while the share of domestic public services more than doubled. Defense costs went up 57% between 1952 and 1971 which is just barely ahead of the simultaneous rise in prices; in relative terms, defense fell from 66% of the total budget to 36%, from 13.6% of GNP to about 7.1%. Spending for domestic purposes meanwhile multiplied 7.6 times (+662%) and its share of the budget jumped from 17% to 47%; the remaining 17% of the budget went for interest, veterans, international affairs and space. Outlays for education, health and welfare multiplied 12.4 times (+1142%), for all other domestic purposes combined, 3.2 times (+219%).

Only one-fifth of the $130 billion increase in the federal budget between 1952 and 1971 was allocated to national defense.

Some may feel that historical comparisons of governmental costs should include not merely federal spending because many domestic public services are partly or wholly performed at state and local levels. Between 1952 and 1969* all governmental expenditures in the United States (federal-state-local combined) for domestic purposes increased 420%: for education 489%, income maintenance 694%, health and hospitals 286%, for all other domestic services 299%. The increase for defense was: 74%, which subsequent changes have since reduced to 57%.

Outlays for national defense equalled 50% of all governmental expenditures in 1952, declined to 28% in 1969 and may be estimated close to 24% in the current fiscal year.

Some may feel that 1952 is not an appropriate year for such comparisons, because it was a war year. Actually, there is nothing improper about comparing a year in the late stages of the Korean war with a year in the late stage of the Vietnam war. But let us trace the trend the defense outlays farther back historically. U.S. Armed Forces expenditures reached $2 billion in no year prior to 1941 except at the time of World War I. It was precisely the military impotence of the United States—and of other Western nations—that invited Hitler's aggression in the 1930s and caused Japan's leaders to think that they could attack the United States at Pearl Harbor with impunity and would prevail in the end. They were proven wrong—at a cost of at least twenty-five million lives, of untold human suffering and of material values and destruction running into trillions of dollars.

But we did not learn our lesson. The United States dismantled its defense establishment between 1945 and 1948, cutting outlays from $80 billion to $12 billion. This unilateral disarmament prompted aggressive action by North Korea and Red China in which our Armed Forces barely escaped military disaster. The defense budget was then raised to $50 billion and is still at that level, if counted in dollars of constant value. The nations in the Communist orbit have meanwhile been increasing the magnitude and striking power of their military establishment.

If we are to define what the priorities of the United States ought to be over the next decade, we should first try to evaluate what the priorities accorded military and civilian purposes in the 1950s and 1960s have achieved. Of an estimated $230 billion increase in governmental expenditures (federal-state-local) between 1952 and FY 1971, about $27 billion (12%) was allocated to national defense, with most of the remainder going into domestic public services.

The United States has shifted "from the warfare state to the welfare state" during the past two decades. What harvest has it reaped over this changeover? What is the return on the $200 billion which we now invest each year in social welfare and other domestic services? What has been the effect of cutting the share of national defense from one-half of our combined public budgets to one-fourth?

At the very least we might expect to have come closer to the goals which the Founders of the Republic established: ". . . to insure domestic tranquility, provide for the common defense, promote the general welfare. . . ."

But the evidence is to the contrary. Crime, delinquency and most kinds of social ills, new and old, have been multiplying at a frightening rate, to a point where American citizens are now less safe than they have ever been—or than people are in most other countries, more divided and more bitter at each other. Nor have there ever before been such anarchy-like conditions in the United States—mob violence, arson, looting, terror bombing, wanton destruction, assault and killing of law officers—as we have seen in recent years, weeks and days. Educational institutions have become the breeding places, and often the cause, of civic strife and contempt of law. Schools and colleges rank lower now in the respect and affection of the American people than they have at any time. This, despite the fact that in the current year we are spending $73 billion for education—almost as much as all of the world's other nations combined. The core of many of our large cities has become a festering sore. After spending billions on urban renewal, slum clearance, public or publicly subsidized housing over the past two decades, we find that those programs have destroyed many more dwellings than they have built.

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*The latest year for which these data are presently available.

I cannot, in this short presentation, give you the details or specifics on the failure of hundreds of well-meant but ill-conceived social welfare programs. Let me cite how President Nixon summarized the picture for the nation's governors slightly over a year ago:

"We confronted the fact that in the past five years the Federal Government alone has spent more than a quarter of a trillion dollars on social problems—over $250 billion. Yet far from solving our problems, these expenditures had reaped a harvest of dissatisfaction, frustration, and bitter division.

"Never in human history has so much been spent by so many for such a negative result. The cost of the lesson has been high, but we have learned that it is not only what we spend that matters; but how we spend it."

But there are many sincere people who claim that there is nothing wrong with these programs that could not—or would not—be cured by doubling or tripling their amounts. So they demand a "reordering of national priorities" in the 1970s, a further shift from military to civilian purposes.

A "reordering of national priorities" is truly called for—but in the opposite direction, if our national defense is to serve its task.

Rates of increase in the spending for military or other purposes or changes in the percentage which those outlays equal of the total budget or GNP, do not, in themselves prove whether the amounts are too big or too small. The only meaningful way to measure the adequacy of our military preparedness is by the power of the countries against which we may have to defend ourselves some day. By that yardstick we fall woefully short. Our international position and our defensive strength reached their apex at the end of World War II and have been slipping ever since. Held against the power of its potential enemies the United States has never been as weak as it is now.

With a planned appropriation of $73 billion in the current fiscal year and over 3 million men in uniform, our defense establishment offers a mighty and imposing sight. But the crucial point is that our adversaries have for many years been building up their military strength while ours has been diminishing. The USSR is winning the arms race, the USA the disarmament race. It is not widely known that much of the Vietnam operations was carried on by depleting the rest of our defense establishment of its best men and equipment. We are now left with "Swiss cheese" defenses as the case of the Pueblo, of a reconnaissance plane downed by the North Koreans, of a Cuban MIG17 flight to Florida's Homestead Air Force base, and similar incidents prove.

We still enjoyed a decisive military superiority over the Soviet Union at the time of the Cuban missile crisis in 1962—which is why the Russians yielded to President Kennedy's ultimatum to reverse the course of their missile-carrying naval vessels which were then steaming toward Cuba.

In discussions with Russian officials in Moscow, a few months ago, I was told that they had resolved in 1962 to see to it that the Soviet Government would never again have to back down in a future confrontation with the United States. Next time they will call our bluff.

When I watched the Mayday Parade in Moscow's Red Square, just six months ago, standing only a few feet from Mr. Kosygin, Mr. Breshnev and Marshall Grechko, I was surprised to see no military hardware, no big weapons, such as I had observed there in years past. Had the Soviets finally turned peaceful? They gave the answer yesterday at the Revolution Day Parade when they again displayed their arsenal on Red Square, for all visitors to see and take note.

Not that the Soviet Union were planning to start a war with the United States, or that Red China is. They hope that a war may in the end not be necessary. They believe that they may achieve their immutable goal of Communist world domination without a war if current trends continue long enough because the United States will eventually be in no position to resist any action or demands or provocation with which our adversaries may someday choose to face us, close to our shores or anywhere in the world.

Moscow has been pushing one of the greatest armament programs ever, pulled abreast of us in many respects, is ahead of us in land-based intercontinental missiles, missile-launching and other submarines, antiballistic missiles and in several other major weapons systems. The Soviets are headed for a clear-cut arms superiority within a few years.

It takes five to ten years to develop, test, produce, and deploy a major weapons system. What we do now about our missiles and missile defense, about the F–14 and F–15 fighters, the MBT–70 main battle tank, C–5A cargo plane (whose fleet was cut from 120 to 81), the AMSA (advanced manned strategic aircraft)—now to be implemented as the M–1 new strategic bomber—the nuclear carriers and submarine programs will decide whether our defenses will be strong in the second half of the 1970's and beyond or whether the United States will have to yield to nuclear or other forms of blackmail. The Joint Chiefs appear to be fighting a losing battle. We seem to have declared an open season on national defense.

The frightening facts were made known in recent months by several of our leading military experts. They were presented as somber warnings to his colleagues in a speech on September 3, 1969, by the chairman of the Senate Armed Services Committee Senator John Stennis and by his counterpart in the House, Representative Mendel Rivers, on September 28, 1970, who told the lawmakers that "we seem hell-bent on national suicide." But the House, on October 8, cut defense appropriations $2 billion below the President's recommendations.

IN SUMMARY

Our national priorities must be recorded in the decade ahead if the United States is to survive as a nation. The trend of shifting huge resources into so-called social welfare programs, at the expense of our military preparedness, which prevailed during the 1952-1971 period must be reversed. We must review hundreds of domestic programs, compare their output with their input, measure in each case the tangible return which our taxpayers receive on their huge investment, and weed out or revise those with little or no return.

We will inevitably make some mistakes, but such mistakes can be corrected—in domestic programs. We may have no chance for a second guess, get no opportunity for a second try, in national defense. If we miss the first time, if we are not adequately prepared against our opponents to begin with, we may never get a second chance. The two oceans which shielded us till World War II have long since been made ineffective by technological progress. If at first we don't succeed—we are through.

Time is running out. If we do not act decisively now and in the decade ahead, we may be known in future history books as the generation that inherited America from its fathers, and lost it because we were too short sighted to preserve it for our children, too occupied with trivial day to day conveniences to assure the survival of free government in this world.

This must not happen.

THE OTHER SIDE OF THE STUDENT STORY

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. SCHWENGEL. Mr. Speaker, in this day and age, it is altogether too easy to paint a negative picture of the students at our colleges and universities. We are continually bombarded with stories of how our students are rioting, bombing, and generally disrupting our campuses. For this reason, it is especially heartening to hear of some of the constructive activities of students. The following press release from the University of Iowa, and the clipping from the Des Moines Sunday Register describe some of these constructive activities of students at the University. I, for one, am convinced that the students described in the release and clipping are much more representative of the student body as a whole than those we see so frequently on the television and in the headlines:

U OF I STUDENTS SPREAD CHRISTMAS SPIRIT

IOWA CITY.—University of Iowa students are helping to spread the Christmas spirit in the Iowa City area this season via gifts, songs, parties and food to the shut-ins and needy.

Delta Delta Delta social sorority and Pi Kappa Alpha social fraternity gave a supper party for children from Psychopathic Hospital Wednesday (Dec. 9) evening at the sorority house. The same night Alpha Chi Omega sorority members entertained fifth graders from Horace Mann School.

Thursday evening, members of Alpha Xi Delta sorority gave a party for the patients at the Beverly Manor Convalescent Center. Nearly 100 children and tutors from HACAP are guests this afternoon (Dec. 11) at a party sponsored by the advisors and men of Rienow II. Other dormitory housing units have contributed money for gifts and a buffet supper for the children at the Rienow II party.

Kappa Kappa Gamma coeds are entertaining handicapped children at University Hospital today, also. Alpha Gamma Delta sorority members are preparing Christmas baskets of food to give to the Johnson County Social Welfare Department.

Tuesday evening the men of Tau Kappa Epsilon fraternity and members of Alpha Phi sorority will sing carols for patients in the Veterans Administration Hospital. In addition to delivering cookies to shut-ins, whose names were provided by Iowa City church groups, members of Kappa Alpha Theta sorority and Phi Epsilon Pi fraternity will sing carols at the Iowa City Extended Care Center.

Residents at the Johnson County Home also will have carolers Tuesday from Alpha Delta Pi sorority and Lambda Chi Alpha fraternity.

Because they found that several hospitals already have many Christmas visits and other festivities scheduled by campus and civic groups, several U of I residence units have postponed their entertainments until later this winter.

[From the Des Moines Sunday Register, Dec. 13, 1970]

U OF I DORM HOSTS PARTY FOR NEEDY

(By Larry Eckholt)

IOWA CITY, IOWA.—Several hundred young people—most of them University of Iowa (U of I) students—jammed into a men's dormitory lounge here Friday afternoon, in part to see and hear a bearded, long-haired fellow and, in part, to spread messages of "Love" and "Peace on Earth."

The throng drew the interest of several top university officials—including the U of I president, the dean of students and a vice provost—who mingled with the young people.

CHRISTMAS PARTY

The occasion: A festive Christmas party for underprivileged children where students demonstrated the spirit of the Yuletide season to more than 100 happy guests of honor.

Friday's party was just one of more than a dozen events in which U of I students are helping to spread Christmas cheer to shut-ins and the needy this holiday season.

Sponsoring the party were residents and staff of Rienow II, a high-rise mens' dormitory. Special guests included about 70 children and their tutors from the Hawkeye Area Community Action Program (HACAP) and many children and their parents from South Park, the residential area adjacent to the men's dormitory complex.

There was plenty to do.

One little boy spent a lot of time preparing a sandwich made of minced ham and potato chips.

Other children made new friends, played games or listened to Christmas carols.

BIG ATTRACTION

Of course, Santa Claus was the big attraction. He and his helpers (including a vivacious Mrs. Santa whose name is Shirley Allen, a sophomore from Des Moines) distributed more than 200 presents to the children.

The gifts were donated by students. About 100 leftover presents will be donated to University Hospitals here where they will be given to hospitalized children, said Craig Waters, social chairman of the event, and a sophomore from Clarendon Hills, Ill.

U OF I PRESIDENT WILLARD BOYD STOPPED IN FOR A LOOK

When it was all over, Rienow II residents had an ecological disaster to clean up. Pop cans, paper plates, olive pits and all. But it was worth it.

Said Waters: When you see all of the happy kids, it makes you happy."

OTHER PARTIES

Other parties sponsored by U of I students last week included a supper party for children from Psychopathic Hospital given by Delta Delta Delta social sorority and Pi Kappa Alpha social fraternity and a party for patients from a local nursing home sponsored by Alpha Xi Delta sorority.

Alpha Gamma Delta sorority members are preparing Christmas baskets of food to be distributed by the Johnson County Department of Social Services. Other residence groups are planning to sing carols and deliver cookies to hundreds of patients in the area.

In fact, hospital officials report that so many Christmas visits and other festivities have been scheduled by campus and civic groups here that several U of I residence units have postponed their merrymaking until later this winter.

YOUTH RECEIVES AWARD FOR SAVING LIFE

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. GRAY. Mr. Speaker, America has carved herself out of the wilderness in less than 200 years to become the greatest country on the face of the earth, primarily because of the determination and dedication of her people. We always hear about the minority of our youth who are troublemakers and so many times the great actions of patriotism and heroism go unnoticed.

I have been notified by my friend, George M. Elsey, of the office of the American National Red Cross with headquarters here in Washington, D.C., of an act of mercy taken by one of my constituents, Mr. Tim Sutton, Rural Route 1, Harrisburg, Ill. Tim has been named to receive the Red Cross Certificate of Merit which is the highest award given by the American Red Cross to a person who saves a life by using skills learned in a Red Cross first aid, small craft, and water safety course. Young Tim Sutton saved the life of a child at the Harrisburg Park Pool on August 20, 1970.

I am enclosing a copy of Mr. Elsey's letter setting forth the details of this heroic action. I am indeed proud to represent such fine constituents and I commend the reading of the letter to my colleagues and offer my thanks and congratulations to this fine American boy.

THE AMERICAN NATIONAL
RED CROSS, NATIONAL HEADQUARTERS,
Washington, D.C.

Honorable KENNETH J. GRAY,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. GRAY: I wish to call to your attention a noteworthy act of mercy undertaken by one of your constituents, Mr. Tim Sutton, Rural Route 1, Harrisburg, Illinois 62946, who has been named to receive the Red Cross Certificate of Merit. This is the highest award given by the American Red Cross to a person who saves a life by using skills learned in a Red Cross first aid, small craft, or water safety course. The Certificate bears the signatures of the President of the United States, Honorary Chairman, and E. Roland Harriman, Chairman of the American National Red Cross. Presentation will be made by the Saline County Chapter.

On August 20, 1970, at the Harrisburg Park Pool, a child called to Mr. Sutton that a boy had gone under and not come up. Mr. Sutton brought the victim to the surface and immediately began artificial respiration as he was not breathing. He then pulled the boy out of the water on to the deck and resumed artificial respiration until he was breathing normally. The rescuer administered first aid for shock until the ambulance arrived. The attending physician at the hospital stated that Mr. Sutton had undoubtedly saved the victim's life.

Mr. Sutton's action exemplifies the highest ideal of the concern of one human being for another who is in distress.

Sincerely,

GEORGE M. ELSEY.

GOVERNMENT MEDICAL SCENE: THE VA AND MILITARY HOSPITALS

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. TEAGUE of California. Mr. Speaker. In recent months there has been considerable discussion of the Veterans' Administration's hospital system. Not too long ago a national magazine published a graphic article on the conditions of some of these hospitals. The article examined the conditions, I hope, in an attempt to evoke some constructive concern, and this is always good. However, I think the article involved a certain amount of sensationalism and omitted to deal with some of the efforts to improve veterans' hospitals.

Accordingly, I want to include in the RECORD an article which indicates the high priority the veterans' hospitals have with the present administration. I think we all agree that it is important that veterans' hospitals continue to provide high quality medical care to our nation's veterans.

The article follows:

GOVERNMENT'S MEDICAL SCENE: THE VA AND MILITARY HOSPITALS

(By Leon Schloss)

Only 45 years ago the United States spent a total of $4 billion to run the entire Federal establishment. Today—this year—the U.S. will spend more than that amount alone on the operation of military and veterans hospitals and medical-related fields.

This medical complex is easily the largest in the Free World—probably in the entire world. The two largest operations are the Veterans Administration (VA) and the military services, whose expenditures are about $2 billion apiece.

VA runs 166 hospitals with 125,000 operating beds, employing a staff of 157,000, including 5,000 full-time physicians, 10,000 part-time physicians, 700 full-time and 500 part-time dentists, and 16,000 full-time nurses.

Comparatively, the military services have 222 hospitals with 51,000 operating beds and a staff of 150,000.

Where such sums are involved there are inevitably critics. VA Administrator Donald E. Johnson does not take this lightly—much of which alleges that the Administration is cutting back on medical care and rehabilitation of Vietnam veterans. He told *Government Executive:*

"Only a little more than six months ago, President Nixon asked for $15 million more for Veteran Administration medical care than had been appropriated by Congress. Part of this extra money was used to hire nearly 1,800 additional full-time medical personnel.

"The President's initial VA medical care request for the Fiscal Year 1971 was $160 million greater than the initially approved appropriation for Fiscal Year 1970, and he upped this request by another $50 million even before Congress had acted on his original recommendations.

"As a result," Johnson continued, "VA's 166 hospitals are now operating at an expenditure level $210 greater than the initially approved appropriation for the last fiscal year. The extra money requested by the President will permit VA to add 5,700 more medical employees, bringing full-time medical employment to nearly 138,000—the biggest work force in the history of VA's Department of Medicine and Surgery. I submit that these fiscal facts by no means support the contention that VA hospital care has been 'cut by the Administration' or the statement that VA hospitals are providing 'inadequate medical care because of shortages in funds and personnel.' "

Vietnam casualties understandably much in the headlines today amount to only 10 percent of the VA medical burden.

Construction of hospitals is expensive. But the VA and military services feel that the new generation of facilities will lower end-costs of treatment through such advances as automated physical examination and the latest recording, evaluation and analysis techniques.

In Fiscal Year 1970 the military spent $52 million on hospital construction. The VA in Fiscal Year 1969 had $72 million worth of new construction in place and projected an overall estimated construction cost at $295 million. In addition, VA had $121 million worth of modernization projects in work, $10 million of which was in place.

Less than a month ago the Defense Department announced completion of studies of a health care system designed to provide its new generation of hospitals for the late 1970s. The studies were done by Westinghouse Electric Corp. of Pittsburgh, Pa. (at a cost of $892,000), and Arthur D. Little Inc., of Cambridge, Mass. (at a cost of $712,065).

The studies provide a detailed systems analysis of selected military hospitals, outpatient clinics and dispensaries to determine areas and procedures which eventually could lead to significant improvements in DOD hospital design, assignment of staff and cost of operation. Final reports will be available early next month.

The initial research disclosed that a 10 percent potential reduction in facility operating costs might be realized by using a computer-assisted planning scheme for design; by reorganizing ambulatory and intensive care subsystems; by building light-care (self-help) beds; by increasing automation in laboratory and radiology departments, and by using convenience food systems.

There also could be potential reduction in the need for scarce physicians, dentists and nurses by utilizing highly trained corpsmen as doctor assistants.

Certain recommendations (automation, light-care beds) will be tested in existing hospitals. Long-range plans include construction of a prototype hospital to be used as a development testbed for the new generation of hospital concept.

VA's Chief Medical Director, Marc J. Musser, cites a number of advancements in research and treatment. Among them:

New therapeutic techniques arrived at by medical research have made it possible to treat more patients without a corresponding increase in beds.

Breakthroughs in treatment of mental disease through use of tranquilizers and psychic energizers.

Research results which make tuberculosis no longer the serious problem it once was. VA no longer has to devote entire hospitals to TB patients.

Establishment of 50 cardiac catheterization units to diagnose heart disease better. Coronary care units have been established to preserve the lives of victims immediately following heart attacks. VA pioneered in open heart surgery and devised the "pacemaker" which electronically regulates the human heartbeat.

VA trains each year in its hospitals 40,000 medical specialists who take their skills to communities throughout the country. A training goal of 87,000 trainees has been set for 1975.

Other research milestones include organ transplants and progress with artificial kidneys. VA has the largest system of artificial kidneys in the world, with dialysis units available at more than 30 VA hospitals.

Advanced treatment of emphysema, the lung disease that affects half the male population of the United States.

Rehabilitation centers for the blind have been established. Research projects now include an electronic "reading machine" and a cane using laser beams to warn the user of overhanging hazards or such obstacles as curbs, furniture, holes or stairwells.

Tremendous progress in sensory aids and prosthetics. Some patients are now being fitted with artificial legs immediately following the amputation operation. Other developments give amputees new mobility and dexterity.

During Fiscal Year 1969 VA treated 800,000 patients in both VA facilities and non-VA hospitals—the largest number in VA history. Care was also provided to out-patients, who made 7,000,000 visits to VA clinics or fee-basis physicians during the year.

To give the picture for an average day in FY '69, one would find 93,000 patients in VA hospitals, 2,000 in non-VA hospitals, 12,400 in VA domiciliaries, 7,140 in state domiciliary homes, 600 in VA restoration centers, 3,700 in VA nursing home care units, 2,153 patients in state nursing homes, 3,177 in private nursing homes. All of this is done at an operating cost of only $52 per patient per day. Medicare reimburses community hospitals $78 per patient per day.

Veterans with service-connected disabilities can get treatment at a VA hospital regardless of their financial condition. But this was not the case, until recently, for veterans with disabilities not connected with their service. Before they could be admitted to a VA hospital patients were required to certify that they were "unable to defray the expenses of necessary medical care." This was the so-called "pauper's oath."

Under legislation recently signed into law by President Nixon, a provision authored by Sen. Alan Cranston (D-Calif.), chairman of the Veterans Affairs subcommittee, eliminates the "pauper's oath" for veterans 65 or older and veterans of any age who receive a pension for nonservice-connected total and permanent disability.

The paradox here is that the U.S. will actually save $8.5 million a year under the new law. Explanation: these veterans are automatically eligible for admission to civilian hospitals under Government-sponsored Medicare, regardless of their income. And Medicare, as stated above, costs the taxpayer about $26 a day more per patient.

VA Administrator Johnson, pursuing the Vietnam veteran situation, said: "The Vietnam veteran is the 'now' veteran. He has fought perhaps the loneliest war in history and now must be recognized and rewarded for his service. The facts indicate that he is being recognized and rewarded on an increasingly encouraging scale, especially in the vital area of education and training.

"I tell you today that, contrary to recent criticism of VA medicine by some news media, by some public officials, and by others, you need not doubt the quality or the availability of VA hospital and medical care. This year we will care for nearly 800,000 veterans, the greatest number in history—nearly 2,000 more than we cared for just 12 years ago.

"Expenditures for medical research this year will exceed $59 million, another all-time high. We will place under contract the largest volume of hospital construction in 21 years.

"Concerning the high and improving quality of VA hospital and medical care, you don't have to take my word for it. Just ask the tens of thousands of veterans whose lives have been saved in the past five years because of the existence of intensive care coronary, medical and surgical units in VA hospitals."

Johnson continued: "I want to make clear my intention that our VA hospitals are going to admit all veterans entitled to and in need of such care—the chronically ill as well as the acutely ill. Patients will not be rejected because of the character of their illness."

The U.S. has 28 million living veterans who, with their dependents and the survivors of deceased veterans, constitute nearly half the population of the entire country.

In building up the quality of the VA medical system to care for these millions, VA has established affiliations with most medical schools. To strengthen these affiliations, VA has located its new hospitals near medical schools. The association has benefitted both institutions by blending the demands of the Free World's largest medical system with the high standards and goals of the academic world of medicine. VA doctors frequently are awarded faculty appointments and the cross-fertilization improves both the quality of the hospitals and the schools.

SENATOR HOLLAND IS A MAN FOR THE AGES

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. FUQUA. Mr. Speaker, at the close of this Congress, a giant of our time will relinquish his seat in the U.S. Senate. When U.S. Senator SPESSARD L. HOLLAND completes this term, it will bring to a close the public career of the finest man ever to serve in that body and a man I respect and admire as no other.

This feeling is shared by the people of Florida who have honored him with the highest responsibilities within their power to bestow. I think it a tremendous tribute to say that they have never regretted any of those decisions.

If there is one word that I think would best typify Senator HOLLAND, it would be integrity. Men might disagree with him, but I have never met a man who did not respect him. He is that sort of rare individual.

And no tribute to Senator HOLLAND could ever be complete without mention of his charming wife, Mary. She is still first in the hearts of Floridians since the day she graced our State mansion as the wife of our greatest Governor.

There is something about this good and gracious lady that causes all of us to love and respect her as we do the Senator. She is that helpmate that made everything he did worthwhile.

Senator HOLLAND is a native of Florida, born in Bartow on July 18, 1892. A graduate of Emory University in 1912, he received his law degree from the University of Florida in 1916. At Florida he evidenced the unique qualities of leadership he has shown all of his life as he served as president of the student body.

He returned to Bartow after graduation to begin the practice of law and was named outstanding prosecuting attorney of Polk County in 1921. Thus, a fabulous career of public service was initiated.

In 1920, he was elected county judge and served two terms. In 1932, he was elected to the Florida State Senate and immediately he became a State leader. It was here that he gained the attention of the people of our great State and people still remember the distinguished service he rendered in that office.

From 1941–45 he served as Governor of Florida and there has never been a man who served in that office who left that position of trust with more respect and admiration than did SPESSARD HOLLAND. Those were difficult times for this Nation was engaged in World War II.

He was nominated for the U.S. Senate

in the campaign of 1946 and was appointed to serve in September of that year when Senator Charles O. Andrews passed away. Now 24 years later, he is ending his fourth term with the same respect and admiration which has followed him in every trust which has been thrust upon his shoulders.

Much has been said and will be said about Senator Holland in the coming days. His record of public service is well known, but I would like to address myself more to a man whom I respect and whose friendship and guidance I have cherished.

When I came to the Congress some 8 years ago, I suppose I was like most freshmen Members who have to learn their way. This great and good man was never too busy to assist a new Member—to offer him encouragement and guidance. It would not be inaccurate to say that I owe him more than I would ever be able to repay.

It is my hope that I can in some way follow in his footsteps in service to my great State—and I would say to all those who come after us that this is the man to emulate.

To his union with Mary Groover were born four children and today, I pay tribute to a loving husband and wife, father, and mother, grandfather, and grandmother.

This is a life that has been lived fully. This is a life that all of us can respect and admire.

As he leaves the Halls of Congress, I can state with feeling that no finer man ever honored these Chambers with his presence.

As he walks down the corridors for the last time as a U.S. Senator, he can do so with the full knowledge that for many of us, this was truly a man for the ages.

Florida and this Nation can never forget his service as long as honor, integrity, ability, and dignity are cherished.

Truly, this is a man for the ages.

OREGON'S HAPPY PLACE

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. DELLENBACK. Mr. Speaker, at a time when urban problems grab the headlines it is refreshing to read about towns which do not suffer from filthy air, soaring crime rates, and traffic congestion.

In the December, 1970 issue of Esquire magazine there is an article titled "Nine Happy Places." They are described as "communities in America where the kids look like the ones Norman Rockwell used to paint, and the scenery at the end of the town appears to have been created by some kind of omnipotent being."

One of those happy places in Asland, Oreg., a town of about 12,000 in the Fourth Congressional District.

That portion of the article is included for the enjoyment of my colleagues:

ASHLAND, OREGON

There is a line in *Rosencrantz and Guildenstern are Dead* to the effect that every exit is an entrance to somewhere else. It always draws elbow nudges from playgoers at the Ashland, Oregon, Shakespearean Festival's modern indoor theatre, where *R & G are D* alternates daily with *The Merchant of Venice*. Ashland is the "somewhere else" to which many of its residents fled from busier places. It is sophisticated, as the thirty-five-year-old Shakespearean Festival implies, but not uptight. While the modern and Elizabethan plays alternate indoors, three Shakespeare plays rotate daily on the outdoor stage of a perfect replica of the 1599 Fortune Theatre of London, which is snugged up against a tranquil swan lake beneath the forested Siskiyou mountains. Some of the citizens like to describe their town as a "movie set" New England village in southwestern Oregon, but it is more like a mature Sausalito or a tranquilized Westport, which is to say that there is a lot going on but no one gets in a swivet about it. The surroundings are a calming influence. Geraniums, pansies, daffodils, tulips and a profusion of wildflowers bloom on the parkway that divides the main street. Wild berries grow up the telephone poles, and townspeople pick them to make boysenberry pies which some of them sell in little roadside stands. Kids are encouraged to swim in Ashland Creek, well-stocked so they can fish there, too. People who own horses ride them along woodsy trails every day. Skiers skim across unpolluted Lake of the Woods above town in the summer (there is *no* pollution of air or water around Ashland), and in the winter they go to Mount Ashland, where there are five ski lifts and a modern lodge. Rugged hikers use the wilderness trails, but down in the village there is a more cultivated area called Lithia Park, designed by John McLaren, who designed Golden Gate Park in San Francisco.

"It's just what a park should be," said a newcomer who had just emerged from it. "It's about a mile long. It starts off with a swan pond and you follow a dirt path past fountains (of Lithia mineral springwater, free to anyone who wants it), a little museum, then a mini-zoo, with some peacocks and monkeys, and then a deer park where you can pet the deer. It all just happens." The streets, all tree-shaded, are lined with comfortable frame houses. Solid old Victorians, squared off on ample, well-landscaped lawns that really *are* greener (because of the clean 2000-foot-high air and mineral water), sell for $15,000 or $16,000. Taxes are low, too, about a third of what they are in a comparable Westchester County, New York, village. Even so, the public schools are reputedly among the best in Oregon. The townspeople are an agreeable mixture of ranchers, small businessmen, academics and students at Ashland's Southern Oregon College. The crime business is slow, and arrests are only seventy percent of the national average. There are ten local doctors who will make house calls and a community hospital is available for serious cases. Cabdrivers are no problem, since almost everyone drives his own car. They park when they like, free; the town fathers explain that Ashland folks just don't like parking meters. For most of them it takes no more than three or four minutes to get to work in the local fruit-packing, lumber, wood-products or steel-fabrication industries. "One of the joys of living here," says a haberdasher, "is that Oregon is still a small state, and the chances are you're going to meet the Governor or a senator somewhere along the line, so you have a feeling of involvement." One day, he says, the Governor came alone into his store and bought a pair of Bermuda shorts. "I don't know where else in this country you could find a thing like that."

HEROIC ATTEMPT TO RESCUE POW'S

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. HANSEN of Idaho. Mr. Speaker, the recent expedition into North Vietnam in an attempt to rescue some of our prisoners of war has evoked praise from all parts of the country.

I have long been saddened by the lack of good faith in the negotiations on the part of the North Vietnamese. In view of their refusal for a prisoner exchange, so heavily in their favor, and the absence of other signs of desire for a negotiated settlement, the President was right in authorizing the attempting to return of our prisoners of war.

I have written letters to the North Vietnamese asking for humane treatment of the prisoners as specified in the Geneva Accord, but these letters have been met with silence. There has been no response whatsoever.

The overwhelming passage of the House Resolution 1282 commending the men involved in the rescue attempt, of which I was a cosponsor, is evidence of the concern for the welfare of these men by Members of Congress.

One of the finest editorials which I have read on this subject appeared in the Twin Falls Times-News on December 3, 1970. I therefore include this editorial as part of my remarks in commendation of those men participating in the rescue attempt of our men imprisoned in North Vietnam:

ACE IN THE HOLE

Of all the criticism that has been made of the unsuccessful attempt to rescue American prisoners of war from a camp near Hanoi, the least persuasive is that it may have set back peace negotiations with the North Vietnamese in Paris.

How do you set back something that has never really begun?

Even some senators, sharing the universal desire for an end to this ugly war, have lulled themselves in to the belief that if we just keep plugging away in Paris, if we are patient enough, the impossible dream of achieving a "just and lasting" peace with a regime (North Vietnam) that is and always will be dedicated to the overthrow of another regime (South Vietnam) will somehow be magically realized.

The belief persists in the face of the fact that the United States is, month by month, reducing its military strength in South Vietnam. By this time a year hence, we will once again be essentially advisers and suppliers to the South Vietnamese rather than active combatants capable of mounting ground offensives on any significant scale.

The North Vietnamese, against most historical precedent (although fully in keeping with Communist precedent), as well as against simple humanitarianism, have chosen to make the prisoner of war question a central issue in the over-all peace (sic) talks.

And why not? The prisoners constitute one of the strongest cards they hold in their hands, statements by some prominent Americans do nothing to weaken that card.

For example, said Sen. Edward M. Kennedy in his response to the abortive rescue attempt:

"The quickest way you get the prisoners out is to announce that we're getting out lock, stock and barrel."

The only trouble with this is that the North Vietnamese may have a different understanding of "lock, stock and barrel" than does the senator or most other Americans.

They have not promised to release the prisoners of war once our troops are out of South Vietnam. They have said they will consider it at that time. There is nothing to stop them from raising the ante on the prisoners to include not only withdrawal of all U.S. troops but withdrawal of all U.S. support—of the Saigon government.

There is no end to the blackmail potential in their continued holding of American prisoners.

The North Vietnamese have spurned our offer of a prisoner exchange with a better than 10-to-one ratio in their favor. They refuse even to release the names of the prisoners. They have violated the Geneva Convention on prisoners of war in every respect.

Yet a daring attempt to rescue a few of them is questioned in the Senate as an abandonment by the Nixon administration of the negotiation process.

No senator said, if only for rhetorical effect, and at the risk of sparking an eruption on some campus:

"The quickest way you can get the prisoners out is for this body, this government, the nation, to make it plain to the North Vietnamese that there will be no more withdrawals and no more negotiations until an exchange of prisoners is agreed upon."

There seems to be an unspoken but definite feeling abroad in the land that all guilt for this war rest with the United States and that whatever happens to our fighting men held prisoners is part of the price we must pay for our sins.

We are thus left with the faint hope that somebody, out of the goodness of their hearts, the North Vietnamese will forgive us and will permit these unfortunate men, those who survive, to return to their homes and families.

We call it "negotiations."

PLIGHT OF SOVIET JEW

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. BIAGGI. Mr. Speaker, the plight of the Soviet Jew continues to cry out for justice. In these United States where the right to pray, to speak, to write, and to assemble are sacrosanct it is often difficult to imagine the difficulties that the Jew in the U.S.S.R. experiences in the pursuit of his faith.

However, we in the Western World can draw a close comparison with recent historical events. Not very long ago, Hitler's storm troopers marched across the European continent systematically annihilating 6 million Jews in their wake. The concentration camps and ovens of Auschwitz and Dachu and others will live in infamy as the most gruesome example of man's inhumanity to man in the history of civilization.

The Soviet Union, having studied the crime of Hitler, is now attempting to accomplish the same end only in a more sophisticated, virtually bloodless fashion.

This process in contrast to the tactics employed by the Nazis will have the effect of eliminating the Jews from the territorial limits of the U.S.S.R. without provoking the anger of the world community because of its subtlety. It becomes incumbent on all people of good will to make their voices heard now before it is too late.

How do they do this? The Jew is denied religious freedom. Through intimidation, discrimination and an oppressive bureaucratic attitude all Jews, and especially the young, find it virtually impossible and undesirable to practice their faith.

Moreover, they continue to deny those Jews who would voluntarily leave the country the right to migrate to Israel. One is easily reminded of the plea of the prophet before the Egyptian pharoahs. Were Moses alive today, he would certainly call out to the Russian pharoahs saying not simply, "Let my people go." but "Let them go—let them go to Israel."

Recently, in New York, there were demonstrations against the Soviet treatment of the 3.5 million Jews in the U.S.S.R. Although these demonstrations led to violence—which I cannot condone—it is easy to understand the deep emotions that motivated their actions.

For those demonstrating, the specter of a Third Reich rising again in the U.S.S.R. is clear. For those Jews held in bondage in their homeland, persecution and discrimination are very real. We in America whose tearful memories apparently fade with the passage of the years should never forget. Which of you, I ask, were the descendants of slaves and now are free? And which of you were immigrants in a strange land and now find a home? And which of you were poor and now find prosperity?

The fact is the Universal Declaration of Human Rights which was unanimously adopted by the members of the United Nations in 1948 clearly permits freedom of movement within and without of one's country.

It says in part:

> Everyone has the right to freedom of movement and residence within the border of each state.
>
> Everyone has the right to leave any country including his own and return to his country.

I would hope that the Soviets will respect the spirit of the United Nations Charter and its declarations. And I hope they would think back to their own suffering under the czar and at the hands of Hitler long enough to show compassion to another suffering group, the Jews of the Soviet Union.

THE DAY OUR FLAG SPOKE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. SCHWENGEL. Mr. Speaker, a constituent from my district, Mr. George T. Nickolas, has written a most eloquent story about our flag. His article was one of the 1968 winners of the Freedom Foundation's George Washington Honor Medal Award. The article was reprinted in the Davenport Times-Democrat through the courtesy of Iowa-Illinois Gas & Electric Co. I want to share this patriotic tribute with my colleagues:

THE DAY OUR FLAG SPOKE

(By George T. Nickolas)

The other day as I watched our Flag fluttering in the breeze, I was amazed to hear its cordial salutation: "Good morning, Citizen!" I was taken by surprise, and not knowing what to say, could only stammer, because what does one say to a Flag?

"You seem disturbed as you watch me waving in the breeze and I thought that you needed someone to talk to," responded our Flag. "Yes, Sir!" I replied. "I am disturbed by the actions of my fellow countrymen in the past few years—the abuse of freedoms in the name of freedom, the dishonor that is being wrought upon you, and the lack of patriotic display of your beauty."

"Citizen," the Flag began, "I can tell you of many actions in the past that are equal to the difficulties that are causing the torment in your heart today. I have seen the passing of many generations under my shadow. The Government of our country has changed its complexion many times without violent revolution.

"The democratic process of our country enables all of us to try things which are wrong, but remember that the same process also allows us to discard the wrong process with equal enthusiasm if we find that we cannot make it work.

"Popular election expresses the will of the people, but the basis of that will must be the true democratic spirit which alone can save us from the excesses of the rule of force.

"Should you feel despondent in the future, picture me swinging in the breeze before your eyes and remember our talk this day. Visualize my bright gleam of color, a symbol of yourself and the great free spirit that makes this nation hum. My stars and my stripes are your dreams and the dreams of all loyal Americans; they are bright with cheer and brilliant with the courage of many great men and women who have fought and died to keep me flying high in the breeze.

"Know you well, that wherever I may stand, I stand for the concept of freedom, the symbol of courage and the notion of dignity, and that I am the world's brightest beacon and hope for liberty, peace and self-government.

"I stand for America because citizens like yourself stand for America. I am in the final sense a reflection," concluded our Flag, "a composite of all the good deeds and actions of the people of this United States of America."

REPORT TO THE CONGRESS ON THE ORGANIZATIONAL MEETING OF THE LITTLE HOOVER COMMISSION

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. NELSEN. Mr. Speaker, I take this opportunity today to report to the Congress the initial action taken by the members of the Little Hoover Commission in their organizational meeting on December 16, 1970. The substance of this statement will also be released to the news media.

The Commission on the Organization of the Government of the District of

Columbia—the Little Hoover Commission—met for the first time on Wednesday, December 16 in the treaty Room of the Executive Office Building. This was an initial organization meeting to which the 10 presently appointed members of the Commission had been invited. Under the provisions of Public Law 91–405, the Commission is authorized for 1 year, from September 22, 1970 through September 21, 1971. Accordingly, it was the consensus of the appointed members that it was important to begin the work of the Commission as soon as possible, notwithstanding the fact that two members from the private sector of the community must yet be named by the Senate. Although seven members constitute a quorum, it was decided that it was imprudent to hold any kind of organization meeting of the Commission until at least the two senatorial members had been appointed. Those appointments, Senator SPONG and Senator MATHIAS, were made during the week of December 7, 1970.

As many of you may know, both the Senate and House Appropriations Committees held recent hearings on budget requests for a supplemental appropriation for the District of Columbia. At these hearings, requests were made on behalf of the Little Hoover Commission for its initial funding so that it might commence its work. In anticipation of favorable action on the budget requests and in light of the fact that time is running on the life of the Commission, it was considered important to get the members of the Commission together for whatever action they felt could be taken toward organizing and making the Commission an operable entity.

Since members themselves must elect their own chairman and a presiding officer was not provided for by appointment, Messrs. Richard Nathan, Assistant Director of the Office of Management and Budget and Robert J. Brown, Special Assistant to the President for Domestic Affairs—two of the Presidential appointments to the Commission—took the initiative in calling the meeting. The first meeting was relatively short but productive. There was an introduction of the members of the Commission currently appointed. Those appointed by the President, the House, and the Senate are as follows:

Presidential: Robert J. Brown, Thomas Fletcher, Elaine Jenkins, and Richard P. Nathan.

House: Myself, Hon. DON FUQUA, Hon. JOHN DUNCAN, and Marjorie Lawson.

Senate: Hon. WILLIAM SPONG and Hon. CHARLES MATHIAS.

Mayor Washington and Deputy Mayor Watt were also present at this meeting. Mayor Washington gave an introductory statement to the Commission members indicating that he and the District Government had supported the Little Hoover Commission legislation and pledging the continued support of his office and the District Government generally to the Commission during its study. He also outlined briefly some of the recent achievements of the District Government and some areas where he thought the Commission could perform a useful function on behalf of the District Government and its residents.

Deputy Mayor Watt also addressed the Commission members stressing that the Mayor, and the District Government shared one basic goal with the Commission: to provide the best possible service to the residents of the District of Columbia, with efficiency and economy, so that the District and its residents can derive the greatest benefit from the resources available. He added his commitment to that of the Mayor's to assist the Commission to the fullest extent during the period of its operation.

Deputy Mayor Watt indicated that he considered one of the best ways he and the District Government could assist the Commission would be to identify areas where the Commission's examination would be most rewarding and could produce the best results in terms of the congressional charge to the Commission. He saw two broad areas of productive study: first, study of how this municipal government accomplishes its job, and second, certain specific functions where service may be improved and greater efficiency achieved.

There was then a discussion by the members of the Commission of their views on the role of the Commission and possible areas of the District Government that might be examined by the Commission. In the course of this discussion, it was determined that, in light of the two vacancies on the Commission, there should not be a selection of a permanent chairman and vice chairman. The motion was made and seconded to appoint me as the temporary chairman pending the appointment of the other two members by the Senate. The Commission charged me with the task of establishing an agenda for the first meeting at which all of the members might be able to attend, and suggested that I might wish to appoint a small executive committee to come up with recommendations on staffing, organization, financing, possible duties and topics for future meetings, and so forth. I hope to name an executive committee in the next few days.

CARL ALBERT OF OKLAHOMA

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. STEED. Mr. Speaker, all Oklahomans are proud of our distinguished colleague, the gentleman from Oklahoma (Mr. ALBERT), the majority leader, of the House of Representatives.

Many persons have expressed an interest in the background and career of our colleague from Oklahoma. I think it important that Members know more about CARL ALBERT and include in the RECORD at this point under the unanimous-consent request an article from the March 24, 1962, issue of the Saturday Evening Post entitled "Little Giant from Bug Tussle" by the late Col. John M. Virden, an unpublished article entitled "Portrait of a Barefoot Boy from Bug Tussle" also by Colonel Virden, an article from the January 15, 1965, issue of Time and a biography of CARL ALBERT:

LITTLE GIANT FROM BUG TUSSEL

(By John M. Virden)

Congressman Carl Albert walked briskly into his picture-lined office on Capitol Hill shortly after noon on January tenth of this year, and almost fell through a huge floral map of Oklahoma. This fragrant message of congratulations to the newly elected majority leader was fashioned from 2000 white chrysanthemums, bordered in mistletoe (state flower). It had been delivered while Albert was in the well of the House being installed in the No. 2 position in the leadership of the Democratic Party in the House of Representatives.

When the stumpy, redheaded politician regained his balance, he plucked off a telegram that came with this wall of blooms. It read:

CONGRATULATIONS, CARL, WE KNOW HOW FAR YOU HAVE COME

Carl Albert has indeed come a long way, starting from an ugly little country schoolhouse called by the improbable name of Bug Tussle. It was almost exactly forty-five years from the day he first made up his mind to be a Congressman until he was sworn in as floor leader of his party in the House.

Like almost everything else that has happened to Albert, the majority leader's job was gained the hard way.

The death of Speaker Sam Rayburn last November threw the Democrats into disarray. A group from the ultraliberal wing of the party seemed to reason the House leadership was up for grabs.

Front runner in the move to unhorse acting Speaker John McCormack and acting Majority Leader Albert—or both—was Representative Richard Bolling, from Kansas City, Missouri, a member of the powerful Rules Committee. Bolling is an articulate intellectual liberal who left the classroom to run for Congress in 1948, and has been there since.

Bolling's first pitch, a cautious one, was at the Speaker's chair, under the mistaken assumption that President Kennedy would lend support to head off the almost certain election of fellow Bostonian McCormack to the powerful position. When the President firmly declined to interfere, the Missourian went after the majority leadership.

Long friendly to both Bolling and Albert, the Chief Executive again refused to lift a finger to influence the outcome of the leadership fight. But former President Harry S. Truman, who resides in Bolling's district, gave his blessing to Bolling's effort. The Americans for Democratic Action (ADA) flocked around him. They were joined by stray Democrats of like views, and some who simply wanted a change in the "moderate" leadership. It is impossible to say how many members backed Bolling; anywhere from 80 to 115 were claimed at one time or another as sure votes.

In newspapers and on television Bolling made a case for himself, depicting Albert as lacking sufficient drive to push the Administration's $92,500,000,000 program through the legislative mill. He gave a number of interviews and appeared on a national television panel program. On the other hand, Albert worked quietly from his small, cluttered office in the old postoffice building in McAlester, Oklahoma, making no splash in the press, or on television. A few days after Mr. Rayburn's funeral, Albert sent telegrams and letters and made phone calls to every Democratic House member saying simply that he was a candidate for majority leader and asking their support. When the replies came back, Albert had the required 131 votes in the bag, with some to spare.

Six days before the party caucus, Dick Bolling quit the contest with the pathetic remark, "I haven't got a chance." He was right. His support had withered as the countdown neared.

The beginning of Albert's political ambitions came one January day in 1917. Representative Charles D. Carter, a five-eights Chickasaw Indian who had been Congressman from Oklahoma's fareastern district since statehood came to Bug Tussle, made a speech and handed out some packets of seed to the kids.

"I suppose you'd have had to hear Charley Carter speak to understand this," Albert says. "He had snow-white hair, and that gift of the American Indian for oratory. I made up my mind I was going to be a Congressman just like Mr. Carter." Thirty years later Albert was elected Congressman from the same district Charley Carter had represented.

When Albert, all five-feet-four and 130 pounds of him, in a blue-serge suit, strove down the aisle of the House for the first time, he was an immensely proud young man. As he approached his assigned seat, a veteran Republican member, mistaking him for a page, beckoned to him. The Congressman-elect stuck out his hand in his best campaign manner, and the older solon laid a sheaf of papers in it, saying "Son, take these over to my office."

Without a word Albert carried the documents over to the House Office Building then ran back to the Capitol in time to answer "present" when the clerk called his name, preparatory to the swearing-in ceremony of the 80th Congress.

From that ludicrous initiation Congressman Albert might have been put down among the numerous one-gallus characters the forty-sixth state has elected to office since its admission to the Union on November 16, 1907. True, he was born in a log cabin, May 10, 1908, and he walked the usual two miles to a country school until he finished the first eight grades. Also, in the best political traditions, he grubstaked himself to an education by doing menial chores. But right there—unless you count the fact that Carl Albert is as disarmingly friendly as a limber-tailed hound pup—all similarity between him and the run-of-the-cottonpatch type of politician stops. Far from being a smooth-politicking rube, Albert can list three college degrees after his name, two of them from Oxford. He had traveled widely in Europe, North Africa and the Pacific area before he came to Congress.

Democrats in Congress sometimes refer to him as "the Little Giant from Little Dixie" and compare him to Abe Lincoln's political rival, Stephen A. Douglas. But down in "Lapland"—where Arkansas and Texas "lap" over into Oklahoma—the voters in his district are more likely to call him "the Little Giant from Bug Tussle."

Albert's district is made up of a tier of thirteen counties in Oklahoma's southeast corner. In it live 227,692 people—farmers, ranchers, oil-field workers, lumberjacks, sawmill hands, small tradesmen and the like. Most of the members of the Choctaw Indian tribe live in that area. Bounded on the north by the meandering and beautiful Arkansas River, it stretches down to the brick-colored Red River. There it faces Sam Rayburn's old domain on the Texas side.

It is a rough piece of Oklahoma, any way you look at it, and the poorest. Per capita income in Pushmataha—called "Shove" by the natives—County is about $700 per year, or roughly one third the national average. As a banker at Antlers put it, "This is one of the few places where old-age pensioners belong to the country-club set." Income is a little lower in nearby Johnston County, but a good deal higher in more industrialized Pittsburg and Carter counties.

The rugged Kiamichi and Winding Stair mountain cover almost half the district. This is open-range land where thousands of cattle roam at will, and seem to prefer bedding down in the middle of the public roads. If you hit one, you have bought yourself a cow. Cattle have the right-of-way even when they are sound asleep. One grizzled old rancher near Tuskahoma told this reporter, "What I like about this country is that I can drive my cattle from here to Mena, Arkansas, (sixty-four miles), and never have to get off my horse and open a damn wire gate."

Millions of acres of virgin timber and second-growth pine forests flourish in these wild mountains, supporting the biggest single industry in that section of the state, the giant Dierks Lumber Company. There is little love lost between the lumber combine and the small ranchers who pasture their herds in the forest leased to or owned by the Dierks Company.

How many wildcat stills have operated in these mountains the Internal Revenue Service won't even guess. Now that legal liquor has come to traditionally dry Oklahoma, the number of moonshiners is smaller, but there is still a ready market for their corn whisky, called Three Hours in the Fence Corner, guaranteed to make a man "feel single and see double in twenty minutes flat."

Bug Tussel is only a white clapboard, two-room rural schoolhouse, six miles due north of McAlester. It is set in an acre of lumpy Bermuda grass and boasts a storm celler big enough to hold the entire student body. Bug Tussle has changed little in the past fifty years. From 1915 to 1923 Carl was usually in the classroom at Bug Tussle when he was not in a cotton patch one mile north. His eight years in the country school fashioned his personality somewhat more than did the seven years he spent in universities. Albert has never lost the demeanor of the gifted country boy who walked to school dreaming of going to Congress, and someday rising to be a power in the land.

Ernie and Leona (Scott) Albert had five children—four sons and a daughter, all living. Carl is the eldest. Mrs. Albert, a gentle woman with an iron will, who encouraged her children "to be somebody in this world," was a bedridden invalid for several years before her death in 1936. Ernie Albert lived to see eldest son sworn in as a Congressman in 1947.

In 1923 the Alberts left the farm and moved into a small house on the edge of McAlester so the eldest son could attend high school. Ernie Albert went to work full time in the coal mines. Carl's bookish habits soon put him on the school's honor roll. After classes he did odd jobs, practiced debate speeches and developed a thundering oratorical style. He was president of the Student Assembly by his senior year.

In 1927 he and Louis Dakil, now an Oklahoma doctor, won the national high-school debating-team championship. Later Albert placed third in the National Oratorical Contest sponsored by the Associated Press. His subject: the Constitution of the United States. The prize was a three-month trip to Europe. In England he saw the tall spires of Oxford and set his heart on going there.

Ernie Albert, tenant farmer turned coal miner, told his ambitious son that if he meant to get a college education, he would have to do it on his own. When young Albert enrolled in the University of Oklahoma that autumn he had ten dollars left after paying his fees. By sundown he had a job that provided room and board. During his four years at the university, Albert was a waiter, a soda jerker, a dry-cleaning solicitor and a tutor.

In his freshman year Carl latched on to more money than he had ever seen before—$1500 as first prize in the National Collegiate Oratorical Contest—and made the university debating team. With a speech on World Peace he won the national collegiate oratory title in 1929. He joined Kappa Alpha social fraternity, and plunged into student politics as leader of the Antiadministration Party. The young man from Bug Tussle was moving fast.

Albert's college speech teacher recalls "his absolutely unshakable mental poise." But a fraternity brother at Oklahoma says his knack of making the short, hard words hit like a flail came from much practice, rather than born genius. He drilled himself under the Canadian River bridge some miles south of the campus. A friend would go along with him, usually at night, to listen and to heckle him. As Albert practiced by blasting his speeches across the dry sandbar, his companion would mutter rebuttals, yank his necktie, unlace his shoes or throw sand at him.

On graduation day at the University of Oklahoma in June, 1931, Carl Albert was President of the University Student Council, wore a Phi Beta Kappa key and had been selected as a Rhodes scholar. The late Dr. William B. Bizzell, then president, called him "the brightest mind that ever passed through this university." Those spires of Oxford were visible from Norman, Oklahoma, that day.

On the ship passage to England, Albert met two other bright young Rhodes scholars—Dean Rusk, now Secretary of State, and Fowler Hamilton, now Director of the International Development Administration.

During his years at Oxford, Albert used the long English weekends and his vacations to tour Britain, the Continent, North Africa and the Middle East. In the House of Commons he listened for hours to the deliberations and speeches of the British lawmakers.

The nadir of the depression lay on Oklahoma in 1934. A parching drought had turned half the state into a vast dust bowl and had driven thousands from the state. That year Carl Albert came home from Oxford, flat broke. His English law degrees didn't impress prospective employers. There were many well-educated young men on WPA or in CCC camps.

His ambition to run for Congress gnawed at him, but there was the matter of money to finance a campaign. So Albert took the first job he could get, as an office clerk in Oklahoma City. Two years later he switched over to the legal staff of an oil company and stayed in that job until 1941, when he volunteered for the U.S. Army, and went to Camp Polk, Louisiana, as a private in the 3rd Armored Division. He spent nine months in the ranks before the commanding general decided the diminutive lawyer might do something other than wrangle heavy tanks, and recommended him for a direct commission. There followed a fast brushup on military law at the Army's Judge Advocate General's School.

Albert reported to the Pentagon, wearing shiny new captain's bars, early in 1942.

"So he'p me, there wasn't another unmarried man in that whole office," says pretty Mary (Harmon) Albert, "but I saw Carl's two-oh-one file before he arrived. When he walked in to report, I tol' the other girls, Now, you stan' back and stop droolin' cause this one is mine, he's just' mah size.' "

Mary Harmon of Columbia, South Carolina, was then twenty-one, stood five feet, wore a Size 7 dress and was a Pentagon clerk. In no time she had captivated the captain.

On August 20, 1942, Miss Mary Harmon and Capt. Carl B. (for Bert, a name he loathes) Albert were married in the old Lutheran Church of the Reformation at Columbia. They had a year together in crowded, frantic wartime Washington before he went off to the war in the Pacific. Mary returned to South Carolina to finish college.

Thirty-three months later Lieutenant Colonel Albert came home again with a fine fruit salad of medal and campaign ribbons stitched over his left breast pocket. He had a small wad of money saved from his pay, and a deep desire to go home and run for Congress.

Two older lawyers told Albert to move in with them and they would toss him a few cases until he could get started. But he had not tried many cases when the late Congressman Paul Stewart decided his health would not stand another campaign. When Stewart withdrew in 1946, Albert jumped into the race.

There were six Democratic hopefuls in the primary. For one of the few times in his life, Albert was knocked back on his heels. Bill Steger of Durant bested him by more than 3000 ballots. But no one had a clear majority, and the two recently discharged war veterans battled it out in a runoff. Albert beat Steger by 391 votes. Later that fall he waltzed over his Republican opponent. In 1948 he beat his Democratic rivals by a comfortable margin and won the general election by six-to-one. In 1950 he enjoyed a politician's dream—no opposition.

Then came 1952, and Albert's primary battle was a real shindy. There he faced State Senator Kirksey Nix, a big, popular blue-jawed lawyer, handsome as a race horse.

"For a while I had Bug Tussle's pride treed right on top of his well-worn stump," says Nix, now a judge of the Oklahoma Court of Criminal Appeals. "But in the last two weeks of the campaign he laid the lash of that Biblical oratory on me. I don't see why folks call that guy 'little.' He's just wound up real tight. When he talks, he commences to unwind, and before he shuts up, he's ten feet tall."

Election-night tallies gave Albert every county. The elections of 1954, 1956, 1958 and 1960 were easy ones for Albert. Though he always campaigned as though he were running against a dozen men, he had only token opposition or none at all.

A few days after his re-election in 1954, Speaker Sam Rayburn told Albert he had been picked as the Democratic whip of the House, a position he was to hold for the next seven years.

When the venerable Mister Sam was asked why the little-known Albert was picked for a key slot in the party organization, he said, "There's nothing peculiar about it. . . . Carl has tact and energy, intelligence, education and a sense of responsibility. And mind you, sir, these things don't always go together. I've been watching House members since Woodrow Wilson's Administration and I can tell big timber from small brush."

The term "whip" is a misnomer when applied to Carl Albert. Albert's forte is persuasion, and the uncanny ability to "sense the temper" of the House in much the same way Mr. Rayburn could. One long-time colleague says that Albert is "close to being another Sam Rayburn, but with more hair and an Oxford education."

The new majority leader of the House is not likely to be mistaken for a page now. For one thing, he is about thirty pounds heavier than he was in 1947. Short, compact, he has a big head that looks as though it might have been stuck on as an afterthought. He has a long upper lip and a hard jaw which give him a perpetually solemn look one Washington wag described, with more candor than kindness, as the mien of a worried Teddy bear.

Politically he is harder to classify. Generally he is a progressive-moderate, a middle-roader who fights for anything he believes will help farmers, cattlemen or public schools. Labor, veterans and the Department of Defense count him as a dependable and able friend on the Hill. Those who have worked closely with him say Albert is probably the congressional champ at resisting pressure groups.

"Maybe I'm not original in my beliefs," Albert says, "but a public servant must have a mind and will of his own, or he'll wind up little more than an errand boy. Hear all sides, sure, but he must do what he feels is right—even when it does not jibe with popular demand. If I felt otherwise, I'd be ashamed of myself and would get out of politics."

On Washington's feverish cocktail circuit the Alberts are almost strangers, attending only the must functions and a few of the soitees at the embassies. Though he neither drinks nor smokes and is a slow hand with the small chatter, Albert enjoys these gatherings because they allow him to practice his Spanish and French.

Most of the time he works six days out of seven on Capitol Hill, but tries to get home in time for a leisurely dinner with Mary and their two children. Their daughter Mary Frances is fourteen and David Ernest is a bouncy lad of seven.

In Washington the Alberts live in a rented brick house at 4614 Reno Road. They own a small frame home at 827 East Osage Street in McAlester and live there during the months Congress is not in session. In Washington or in McAlester, Sundays are strictly reserved for church and the family. No politics. After services at the Methodist church, there is dinner at home. Sunday afternoons and evenings are devoted to "whatever Mary and the children want to do."

Carl Albert is too much of a practical politician to make calculated guesses about his future, other than to say that is up to the people of the 3rd Oklahoma District. His affection for "his House" is evident to anybody who talks to him for even a few minutes. There is no doubt that he is exactly where he wants to be, and he expects to stay there.

An enthusiastic friend of Carl who has known him since they were boys told this reporter: "Carl's time was bound to come. Far too many cowboys, plowboys and prairie yodelers and several other kinds of political freaks get elected to high office. Maybe his popularity year after year and now his election as majority leader in the House indicate a trend toward higher quality men in the important places in the government. The good Lord knows I hope so.

CARL ALBERT, MEMBER OF CONGRESS—PORTRAIT OF A BAREFOOT BOY FROM BUG TUSSLE

(By Col. John M. Virden, USAF—Ret.)

The first time I ever saw Carl Albert he was walking down a country lane that stretches exactly one mile due north of a two-room white clapboard school house named Flowery Mound, but called Bug Tussle by everybody except prim elderly ladies.

Carl was kicking up a great cloud of red dust with his bare feet as he churned along in that fast walk that is almost a jog-trot, so characteristic of him then, and now. He was reading a book, oblivious to everything else. He was dressed in blue and white striped overalls with mismatching blue denim patches on the knees. He wore a hickory shirt and a broad-brimmed straw hat that had "shot up to seed" from being rained on too many times. And that was all.

He could have been any eight-year-old tenant farmer's son on that summer day in the year 1916, in the poor red hills of Eastern Oklahoma. Poor as gully dirt, the land *and* the people.

Not just *kinda* poor, but real poor, the kind of poverty you can not only see, you can *feel it*, and *taste it*, and *smell it*.

Sargent Shriver, the Field Marshal of the current Poverty War, tells us that poverty begins at the level of $3,130 per year . . . any family with less income than that is in dire straits indeed. By that yardstick, the Bug Tussle Community would have been declared a *disaster area* in that hot summer of 1916 and for several decades thereafter.

Any tenant farmer making that kind of money would have been considered a well-heeled man. The fatuous say "Oh, but the dollar bought so much more in those simple days." It did, of course, but not *that* much more . . . for 1916 was an inflation year when America was drifting swiftly but surely into the maelstrom of the Great War that had already turned Europe into a slaughter pen . . . the fashionable silk shirt with broad stripes sold at $14 and eggs sold for 60¢ a dozen . . . and were to go to $1.00 six months later.

The Alberts were little different from the Virdens, who had just moved into the next house down the road, a log structure of two rooms, where Carl had once lived when his father tilled the land my father had just taken over to try to make a crop of cotton and corn, on a third-and-fourth agreement. Mister Shrode, who lived in McAlester, six miles away who owned both these poor old worn-out hillside farms and was certainly not making much money out of either of them.

None of this entered the heads of two country boys who confronted each other for the first time one hot day in early September 50 years ago in a dusty lane that separated the two eroded pieces of hillside land rented by their respective fathers.

Carl and I did not even know we were poor-folks, which was possibly a good thing, since everybody we knew was in almost exactly the same circumstances.

We said "howdy" and told each other our names, and shook hands with that one-pump handshake peculiar to country kids and full-blooded Indians.

Thus began a close friendship that has now endured for more than half a century, through bad times and good times, through high school and college, and three wars . . . in one of which both of us were to spend almost three years in the combat zone of the Pacific Theater.

But that hot day Carl pointed out the three room rough lumber house where he lived, said that they had some late watermelons, and that he'd heard that I'd just moved in next door. The next day he and his brother, Noel and I went swimming in Old Blue Hole in Buckluxy Creek just down the hillside from the Albert home.

Carl explained that Buckluxy, in Choctaw tongue, meant "Many terrapins." And there were many around this deep waterhole. But there was something else . . . Carl's father had rolled the running gears of his wagon into the creek hub-deep to soak up the spokes and fellers during the dry spell so common to Oklahoma.

It was just too tempting. After paddling around for an hour in the tepid swimming hole we rolled the wagon off into the water 10 feet deep and out of sight.

Two days later Mister Albert came over to our house to ask my father if he'd borrowed his wagon, a custom not uncommon in those days. My papa said no he had not, asked some pointed questions about where Mister Albert had left his wagon.

When Mister Albert, a small man with muscles like pine knots, who worked in the shallow coal mines at Krebs in the winter, explained about the creek, papa looked at me hard for a long minute. Then he said, "Come on, Neighbor, I think I know where your wagon is."

Mister Albert picked up Carl and his brother Noel as we went to the swimming hole. Papa carried a length of hemp rope. When we got to the Creek the two men stripped off their clothes and waded into the creek until the water was up to their chins. Mister Albert felt the end of the wagon tongue with his toes and dived down and tied the rope through the goose-neck and together the five of us pulled the running gears of the wagon onto dry land.

We three boys tried to laugh off the joke. But it was no go. Our respective papas did not laugh. Each cut a hickory limb. For the next few minutes any passerby would have thought somebody was killing yearlings down there on Buckluxy Creek, from all the bawling and bellering that was going on.

A half hour later we were sitting on the Albert's front porch digging our toes into the dust of the yard when Carl observed philosophically, "You know, Johnny, rolling papa's wagon into the deep end of Old Blue Hole was not such a good idea, was it?"

There were all too few of the golden days of early September in Oklahoma left when we could swim in the creek, get into the scrapes country kids have got into since the beginning of time, or find late bearing watermelons. The melons were not really very good and Carl's father told us one day, "There's six chills to the bite in every one of those things at this time of the year."

It was not the immediate opening of school that worried us. For this was before the nine-month school term came to Oklahoma. Mrs. Fanny C. Ross, a handsome and portly woman of great dignity and a very low boiling point, would not open Big Tussle until mid-November. Meantime, there was that little stubbly bumble-bee cotton to be picked, and the corn . . . which was certainly not "as high as an elephant's eye," to be gathered and stored in the crib.

After that was all done, then Mrs. Ross could have her chance at trying to pound some knowledge in our hard heads, until it was time to plant and hoe the cotton and corn again the following spring, six months later. Some years there was a six-weeks summer school at Bug Tussle, after crops were laid by, if there was enough money to pay the school teachers, and there usually was not . . . so we were free as birds from about the Fourth of July until cotton picking time in September.

How well Mrs. Ross, God rest her stern and noble soul! did her job with the rest of her "scholars" might be debatable. But with one red-headed and freckle faced third-grader she worked wonders.

For she laid the foundation for an education that was to lift Carl Albert out of that hillside cotton patch, to the University of Oklahoma, where he proved to be the greatest orator and the best debater our native state has ever produced. And Oklahoma is famous for leather-lunged public speakers.

What was much more important, on Carl Albert's graduation day at O.U. the late Dr. William B. Bizzell, handed out his degree and said, "There goes the brightest mind that has ever passed through this University."

The tall gothic spires of Oxford were already visible to Carl Albert that bright June day of 1931 . . . the barefoot boy from Bug Tussle had come a very long way. He had been selected as a Rhodes Scholar. He had a steamship ticket in his pocket. That would take him to London. His cabin-mate on the voyage was to be another bright young fellow named Dean Rusk, also en route to Oxford University, and who is now Secretary of State.

Carl was in such a rush to get off to England that graduation day that he could not spare time to be awarded his commission as a 2nd Lieutenant in the U.S. Artillery Reserve. Ten years later this cost him dearly, when he volunteered for the Army right after Pearl Harbor and spent nine months wrangling heavy tanks at Camp Polk, Louisiana, as a private, before some military genius reasoned that a man with three degrees, two of them in law, might do better in the Judge Advocates General's Department.

Six months later Carl was a newly-minted Captain, a military lawyer, assigned to the Pentagon.

The office to which he was assigned contained three other officers and a number of hastily-recruited civilian clerks, female. Among these latter was Miss Mary Harmon, age 20, weight 97 pounds, standing exactly five feet tall, who hailed from Columbia, South Carolina.

"So help me," Mary Albert says, "there was not another single man in that whole department. When Carl walked in I told the other girls, Now you-all can just stan' back and stop droolin' . . . this one is mine, he's just my size."

On August 20, 1940, Captain Carl Albert and Miss Mary Harmon were married in Columbia, South Carolina. They had a few brief months together in frantic, crowded wartime Washington. Then the Captain was shipped out to the war in the Pacific.

In the next 31 months he went through the island hopping campaigns that finally led to Japan a few days after VJ Day. By then he was a Lieutenant Colonel with a very fine fruit salad of medal and campaign ribbons stitched over the left breast pocket of his uniform jacket.

Tendered a commission in the Regular Army, and a job as one of the chief prosecutors at the Japanese War Crimes Trials in Tokyo, Albert declined with that he was going home to get re-acquainted with his young wife and then start running for Congress in the District where he was born.

That is exactly what he did. He won the election of 1946 by a razor thin edge. He has won every one since by a rock-slide margin.

A lot of things have happened to Carl Albert since we stood in the middle of a dusty country lane 50 years ago, and talked about September watermelons, how good the swimming was in Buckluxy Creek just down the hill.

That was the first time I ever saw him. There began a solid friendship that endures to this day.

The last time I saw Carl Albert he was sitting in the office of the Majortly Leader of the House of Representatives in the Capitol Building surrounded by furniture that, at the latest, could be classed as of the Very Early Grover Cleveland Period, though some declare that the decor is Late Andrew Jackson.

Whatever the period of Congressman Albert's office furniture, the fact remains that the one-time barefoot boy from Bug Tussle is today the most powerful man in the House of Representatives of the United States. What is equally important to an old friend of half a century is that he is the best-liked man in the House, and on both sides of the aisle that separates the two political parties.

The old school house at Bug Tussle stands lonely in a persimmon thicket, next to a small graveyard where lie several of the classmates Carl and I once knew. But on its white clapboard wall something has been added . . . there is a bronze plaque, marking Bug Tussle as a Historic Site, where the Majority Leader of the U.S. House of Representatives received his basic education. The historic plaque is signed by the President of the United States.

THE CONGRESS: AN ADEQUATE NUMBER OF DEMOCRATS

It was during the President's usual nap time, and it took a little while before the call was put through. Finally, Carl Albert, majority leader of the House of Representatives, was able to say: "Mr. President, I'm here with the new minority leader, Jerry Ford, and the dean of the House, Manny Celler, to report that the House is organized and ready for business."

"That's fine," said Lyndon Johnson. "I'm glad to know what's happening."

Soon afterward, with the parliamentary pomp, the exhilaration and the confusion of the opening sessions over, Oklahoma's mite-sized (5 ft. 4 in.) Carl Albert was back on the House floor, ready for almost anything that might happen in the 89th Congress. Strolling among the desks, Albert sized up and greeted the neophytes. "Hi, how are you getting along?" he asked, extending his hand. "Come by and see me if I can help you in any way." One eager newcomer asked when he could make a speech. Albert replied briskly: "When you feel ready and have something to say. Beyond that, there are no holds barred."

ENOUGH FOR TWO

All week long, the freshmen in both House and Senate moved uncertainly through their new surroundings. They were a diverse group, among them a machinist from Wisconsin, a mortician from New York, a spice merchant from Michigan, a labor leader from New Jersey, and a college dean of men from Iowa. Many have names that carry family echoes of one kind or another; in addition to Bobby Kennedy joining his brother, Ted, they ranged from Maryland's Democratic Senator Joe Tydings, stepson of the late Millard Tydings, to California's Representative John Tunney, son of the former heavyweight champion. Many were symbols of political upheaval; a Democratic Congressman from Maine who won by 40,000 votes, a Republican from Mississippi who won by nearly 7,000, and a Democrat from New York's suburban Westchester County, the first of his party elected there in over 50 years. There were 20 Roman Catholics, 63 Protestants, six Jews and ten who professed no denomination among the 99 newcomers to the 89th (there are now 107 Roman Catholics in Congress, with 88 Methodists in second place). They were youngish, the average age being 44.

But mostly they were Democrats—71 in the House, six in the Senate. And they helped set the cast of Capitol Hill for the next two years—the most lopsided Democratic Congress since the one that convened in 1937. If Lyndon Johnson has anything to say about it, it will also be one of the hardest-working sessions in memory, for he means to use it as his springboard to the Great Society. Contemplating the President's legislative program, Senator Everett Dirksen remarked wearily that "there would easily be enough to engross the time and the attention not of one but of a number of Congresses."

Yet chances are that Johnson will get most of what he is asking for in this session.

Arranged for L.B.J. The numbers are with him. In the Senate, Democrats outnumber Republicans 68 to 32, and while Southern Democrats will continue to oppose many liberal measures, enough Northern Republicans are likely to line up with Lyndon to keep the Senate reasonably safe for his program. But the Senate has been fairly dependably Democratic for several sessions. Such has not been the case in the House chamber that Johnson's Great Society bills will live or die. A muscular conservative coalition of Southern Democrats and rural Republicans had worked together to spoil or drastically slow down some favored bills of both John Kennedy's and Lyndon Johnson's Administrations. But now the Democrats have a 295-to-140 majority. Furthermore, they carried out a quick little revolution by making some significant changes in the rules and composition of key House committees—all carefully arranged to be pro-Johnson.

The true potential of the House can never be measured by the numbers alone. It springs from the state of 435 divergent minds, working within a welter of parliamentary mechanism and traditions. The task of making the Democratic majority consistently effective in this setting rests heavily on the Democratic leaders of the House—and none will feel the pressures more than Carl Bert Albert, 56, whose unassuming, somewhat puckish appearance masks not only a Rhodes Scholar but one of the sharpest political professionals in Congress.

He is second to Speaker John McCormack in the House party hierarchy, but Albert's delicate handling of the membership from the floor—developed to a profound proficiency after seven years as party whip and three as floor leader—will dictate to a large extent the pattern and timing of Lyndon's proposals. Says Albert: "I think we have a real opportunity to pull the party together."

Southern Discomfort. But first there had to be a little pulling apart. The leadership faced the thorny problem of disciplining two Dixie Democrats—Mississippi's John Bell Williams and South Carolina's Albert Watson—for defecting to Barry Goldwater during the campaign. Some hot-tempered Democrats, including Speaker McCormack, wanted them drummed out of the party. But Carl Albert and other cooler heads insisted on a less corrosive punishment, and the Democratic caucus merely stripped both renegades of their seniority on committees.

In the Senate, too, the Democrats staged a relatively minor North-South clash. Louisiana's Russell Long, 46, wanted to replace Vice President-elect Hubert Humphrey as majority whip—even though Huey Long's son has a notable record of anti-Administration votes, including those against medicare, aid to education, foreign aid, the nuclear test ban treaty, the Peace Corps and civil rights. Because of past political favors, because the liberals were badly organized—and because the White House carefully did not intervene—Russell Long won out over Rhode Island's John Pastore and Oklahoma's Mike Monroney. Said Russell after his election: "This means the Civil War is over." Indeed Long could go far to help swing at least a few Southern Democrats into the Administration's camp on some tough bills. And he has even hinted that he might ease his views on segregation: "I've been able to recognize that things move and to adjust myself to a changing world."

Canceling the Conservatives.—With party punishment thus meted out and leadership jobs filled, the Democrats proceeded to grease every possible skid for Johnson's upcoming legislation. Most important was the move to establish control over two major points of conservative power in the House—the Ways and Means and the Appropriations committees, long dominated by a coalition of conservative-minded Democrats and Republicans. When it was chaired by Missouri's late Clarence Cannon, one of the crustiest old tightwads in House history, Appropriations often choked off extra funds for almost anything that smacked of liberal legislation. Cannon died last spring, and the chairmanship went to Texas Democrat George Mahon, a loyal Lyndon man—but to Democratic leaders there was still a disturbing aura of conservatism about many of the 50 committee members. As for the 25-man Ways and Means Committee, headed by Arkansas Democrat Wilbur Mills, it had a long-time tilt to the right too—enough so that the committee managed to keep the Administration's medicare bill from ever getting to the House floor last year.

Thus, at their caucus on the Saturday before Congress convened, the Democrats made sure that henceforth things would be different. They did it by simply canceling a gentlemanly, if arbitrary, agreement made years ago between the late Speaker Sam Rayburn and G.O.P. Leader Joe Martin, to the effect that the ratio of party memberships on the two committees would be frozen, no matter what the makeup of the House. On Ways and Means, the majority party had 15, the minority 10, and on Appropriations the ratio was 30 to 20. The caucus voted to reject that standing ratio and make committee appointments on the basis of actual party membership in the House—and the Republicans had to go along. Thus Democrats would hold a hefty 34-to-16 margin on Appropriations and a 17-to-8 ratio on Ways and Means. Of course, the new members were to be of a distinct L.B.J. bent. Said Larry O'Brian, the President's No. 1 congressional liaison man: "Half the struggle of enacting the Johnson program was over Saturday evening."

AUTOCRATIC OUTRAGES

The liberal Democrats' next target was the once mighty Rules Committee, which must pass on every bill before it goes to a floor vote. Until 1961 Virginia's conservative Democrat Howard ("Judge") Smith had almost dictatorial powers, because of a coalition with Republicans. Smith's strength was dissipated in 1961 when John Kennedy and Speaker Rayburn rammed through a change in committee membership. But Lyndon's lieutenants in Congress wanted to take no chances of any kind, and the caucus approved new rules that would give Speaker McCormack broad powers to release any bill bogged down in the Rules Committee for more than 21 days. Opponents of the move complained that it meant a return to the bad old days when the Speaker was a near autocrat, but the speakership is still a long way from Uncle Joe Cannon and Tom Reed, who liked to announce his arbitrary decisions by declaring: "Gentleman, we have decided to perpetrate the following outrage . . ."

While the rules changes breezed through the Democratic caucus easily enough, they had to be approved by the full House—and, incredibly, the seemingly solid wall of Democrats was full of breaches on the session's first key vote. No fewer than 78 Democrats voted, along with 123 Republicans, to make amendments to the resolution. If 16 Republicans had not bolted to side with 208 liberal Democrats, carrying the rules changes 224 to 201, the majority party would have been beaten. Carl Albert, careful nose counter that he is, was startled, because it indicated defections by some Southern Democrats who had last year helped squeeze several Administration bills through the House. Said he: "I don't think we have a runaway majority."

For the Image. Whether Albert will have to count consistently on a few Republicans to augment his majority remains to be seen. At any rate, the G.O.P. minority in the House was undergoing upheaval too. Last month Michigan's Gerald Ford (*see following story*) had challenged the floor leadership of Charlie Halleck—on the grounds that old Charlie just did not fit the forward-looking image the party needed. Backing Ford was a group of rebels, including Wisconsin's Mel Laird, chairman of the G.O.P. Convention's Platform Committee at San Francisco, who went after the chairmanship of the Republican House caucus. It was a bitter fight, complicated by the fact that Conservatives Ford and Laird are anathema to some liberal Republicans. In a fit of pique, New York's John Lindsay actually backed Halleck. But Ford and Laird won. What did Ford think about Johnson's chances of getting his program through? Said he: "They certainly have adequate numbers of Democrats to put through everything they want—if they can hold the line."

The line will probably hold, if only because Lyndon Johnson is not likely to push too hard, will tend to ask only what he can reasonably expect to get. His legislative program and its probable fate in Congress shape up something like this:

HEALTH

Since 1961, Democratic Administrations have tried in vain to get a medicare bill that would offer hospital care for Americans over 65, paid for by an additional social security tax. This year Johnson made medicare the subject of his first message to Congress and embedded it in an elaborate package of other health projects. To make medicare acceptable, Johnson agreed with Wilbur Mills' plan to finance it with a separate payroll tax. The bill almost certainly will pass both houses. "That will be done quickly," predicted Albert. And New Mexico's Democratic Senator Clinton Anderson, a co-sponsor of the proposal, added: "This time it is going to be a law, not just a bill."

EDUCATION

This is the bill the President seems to be keenest about this session. It calls for $1.5 billion to be added the first year to the $4 billion now being spent for federal aid to education. Unlike Kennedy, who sent up a public school construction bill that roused a roaring controversy in 1961 by flatly excluding private and parochial (mostly Roman Catholic) schools, Lyndon tiptoed around the religious issue. About $1 billion of the package would go to public schools in "poverty-impacted" areas rather than across the board. The rest would be for individual scholarships and grants, and for carefully pinpointed programs such as expanded testing, guidance, and gifted children's facilities in both public and private schools. Albert called Johnson's cautious plan "a fringe attack on the education problem," but predicted it would still be tough to pass. Senate Majority Leader Mike Mansfield agreed: "It will be a problem—although the religious debate is less of a factor every year."

TAXES

Johnson wants to cut by about $1.5 billion federal excise taxes on retail items, perhaps including luggage, jewelry, cosmetics. Congress is eager indeed to slash excise taxes—so much so that there is considerable agitation to repeal nearly all of them. Frugal Lyndon wants to stop far short of that and may run into rugged opposition to holding the cuts down to his figure. But Albert is slightly optimistic, says: "I do think something can be worked out." The President also wants Congress to ensure quickie tax-cut procedures that would allow fast—but temporary—action should a recession appear in the offing. Well aware that the legislative branch is savagely jealous of its taxation powers, Johnson wisely planned to leave the authority for quick cuts with the Congress rather than ask for the power himself—as John Kennedy had done when he lost out on a similar proposal in 1962.

LABOR

While the President asked for repeal of the Taft-Hartley Act's Section 14–B, which allows states to have right-to-work laws that prohibit compulsory union shops, any real presidential pressure to force this measure through Congress would almost certainly create an uproar. It might harden the conservative-liberal schisms in both houses to the point where Johnson could lose valuable support on other more important bills. Though repeal of the clause was demanded in the 1960 and 1964 Democratic platforms, there seems little likelihood the President will risk a fight for it now. Says Mansfield: "We ought to have the legislation, but I am doubtful that we will get it this year." Johnson also wants to expand the federal minimum wage ($1.25 an hour) to cover another 2,000,000 people—mostly hotel, restaurant and laundry workers. That measure has a far better chance.

AGRICULTURE

Bluntly, the Johnson Administration has no idea what to propose for farm legislation this session. In his State of the Union address, Lyndon settled for brief platitudes, calling for "new approaches"—a phrase that drew laughter from him and his advisers as they drafted it. There is some talk in the Administration of lower support prices for larger, prosperous farmers, and higher ones for smaller growers. No matter what Johnson dreams up to mold the U.S. agricultural mess to fit the shape of a Great Society, 1965 farm legislation will be a sticky problem. Says Carl Albert: "This will be an urban-oriented Congress—and that means trouble for farm bills."

IMMIGRATION

An early push will be given to a favorite Johnson bill—revising immigration to give priority to highly skilled people rather than fixing quotas arbitrarily for each country. This bill may hit a snag in the House, for the immigration subcommittee of the Judiciary Committee is chaired by testy Ohio

Democrat Michael Feighan, who is as close to an isolationist as there is in today's Congress.

APPALACHIA

Johnson wants this bill badly for his "war on poverty." It would offer about $1 billion—mostly in job-creating road construction—to the deeply depressed eleven-state Appalachia region where the unemployment rate has risen to 15%. The Senate approved a bill last year, but the House never got around to it because Democratic leaders could not muster enough votes in the waning hours of the session. Chances are brighter in the 89th, although Albert admits, "We may have some trouble."

POVERTY

Johnson wants to double the $784 million appropriation he got last year for area-redevelopment and job-training programs. He will run into some skepticism from Congressmen with a show-us-some-results attitude, but sooner or later the liberal 89th will probably deliver.

URBAN AFFAIRS

In 1961 John Kennedy proposed a Cabinet office to watch over the Government's city-oriented programs such as urban renewal and commuter transportation, as well as the federal complex of housing agencies. He was slapped down at least partly because Southern Congressmen suspected he was doing it to get Federal Housing and Home Finance Administrator Robert Weaver, a Negro, into the Cabinet. Weaver is still waiting in the wings, although Johnson has not committed himself as to who will occupy the post if it is created. Johnson will probably get this one through eventually.

ART AND TRAINS

Visionary stardust glittered from many of the President's other proposals. He wants a modest $20 million to study the possibility of a high-speed (200 m.p.h.) train between Washington and New York, and he will seek federal authority to control industrial air and water pollution. Both measures will probably pass easily. But he will find it harder to get funds to set up his suggested National Foundation for the Arts—if he really tries it. Congress' traditional distaste for spending tax money on culture cuts across liberal-conservative or even party lines.

Beyond the President's program for new legislation, there will be tussles over old familiar issues. The Senate is girding again for its usual argument over reducing the two-thirds vote required for cloture on a filibuster, and Republicans in both houses have prepared proposals that would cancel the Supreme Court's order to reapportion state legislatures on the basis of population only. Foreign aid will be a battle again. In the Senate, two top Democrats—Arkansas' William Fulbright, chairman of the Foreign Relations Committee, and Majority Leader Mansfield—are agitating to have the bill split up instead of coming in "one big conglomerate mass." Their aim is to give Congress a chance to vote separately on various types of aid—a method that the White House strongly opposes. Foreign policy in general is already building up as potentially the most important debate in the 89th.

GOOD SOLDIER

The President will of course exert constant pressure on Congress, but will leave much of the overt maneuvering of members to House Majority Leader Albert. And Lyndon could scarcely ask for a better man on the Hill. Carl Albert is a fiercely competitive little man who was born to an Oklahoma coal miner, took his first schooling in a tiny wood-stove-heated school at Big Tussle (since renamed Flowery Mound). He worked his way through the University of Oklahoma, made the wrestling team, the debating team and produced a brilliant scholastic record in government, his major field. He won a Rhodes scholarship in 1931, took two law degrees at Oxford, where Secretary of State Dean Rusk was one of his classmates. Albert worked as a lawyer for several oil firms until 1940, briefly set up a private practice in McAlester, Okla., his home town. In 1941 he enlisted in the Army. Assigned briefly to Washington, he met and married a Pentagon clerk named Mary Harmon.

In 1946, as a newly released lieutenant colonel, Albert entered a five-man Democratic primary for Congress, eked out a 329-vote win out of more than 60,000 votes cast. Once elected, he immediately went to visit Sam Rayburn in Bonham, Texas, just across the Red River from Albert's home House district. Advised Rayburn: "Those who go along, get along." Answered Albert: "I'll be a good soldier."

POWER PLAYS

During his first few years on Capitol Hill, Albert watched Mr. Sam and studied his colleagues to learn how they voted and why. Says Albert now: "You learn the procedure, you learn the rules by the empirical method. It's a good way. I also learned the issues. And I stayed with my party as much as I could. I have been, I think, a real regular Democrat." In 1955, when Tennessee Democrat James Percy Priest decided he didn't want to be party whip again, Rayburn and then Majority Leader John McCormack pored over a list of House Democrats for a replacement. When they hit Albert's name, both said: "That's it."

Albert approached the job with dogged persistence. His responsibility as whip was to keep track of every Democratic vote on every major issue. Recalled Albert: "When I was whip, I'd get the reports in from the assistant whips. I'd call every doubtful member. I then could go down the list and know where the trouble was—which we could count on, which were absolute losses. Then I'd go to work on the rest of them."

Albert's technique was low pressure and easygoing. "You get criticized for not cracking the whip," he says, "but it doesn't make sense, for example, to make enemies that will lose you the farm bill to get the poverty bill, when you can get both." When Rayburn died in 1961 and John McCormack became Speaker, Carl Albert easily won the majority leader's job.

"I'm sot in the ways of the House," he says. And he is so "sot" that he works as hard at it as if he were still the whip, making it his business to "learn every member." Though Albert seems unassuming and mild-tempered, he is capable of using cold power plays. Last year, when Johnson was pressing heavily to get his anti-poverty bill through the House, Albert found many members reluctant to vote for it. He found out which public works projects were pending in districts of some recalcitrant partymen, informed the two committee chairmen dealing with public works, and added pointedly: "I would appreciate it if you will go to these members and tell them we need the votes." The bill passed handily.

Albert has long been a favorite at the White House. John Kennedy was highly impressed with Albert's ability, and in the last session Johnson often phoned Albert two or three times a day. Last summer it was Carl Albert whom Lyndon picked for the thorny job of heading the 1964 Democratic Platform Committee. Albert is virtually certain to succeed McCormack as Speaker.

NO CLIFFHANGING

Albert knows his Aristotle from his university days and has a great sense of the tradition of democratic legislatures, beginning with the Athenian lawmakers who met amid prayer, sacrifice and invective on the Pnyx, a hill near the Acropolis. He is too good a student of Capitol Hill, as well, to trust any kind of legislative majority by itself. He knows that Jefferson had more than 3-to-1 majorities in his Ninth Congress (1805-07), yet was not able to get the money in time for one of his pet projects—buying Florida. In the 41st Congress, Ulysses S. Grant had a 56-to-11 majority in the Senate, yet could not get his own party to support his desire to annex Santo Domingo. And Franklin Roosevelt's overwhelmingly Democratic 75th Congress (1937-38) turned on the President and killed many of his New Deal bills because F.D.R. had autocratically tried to pack the Supreme Court with liberals.

Albert is convinced that Lyndon Johnson will not make any such mistakes. Says he of Lyndon's ability as a congressional strategist: "He's one of the best who ever came down the pike. He moves when you don't know that he's moving, and his greatest talent is his tenacity and his endurance. Most Administration measures will not be handled in a rubber-stamp fashion. They'll be altered in the committees and altered on the floor. But they can be passed without the cliff-hanging operations we've had in the last few Congresses."

Beyond his loyalty to Lyndon and to the Democratic Party, Carl Albert has an even deeper pride in Congress as an institution. A liberal, he nevertheless scorns doctrinaire liberals—and political scientists—who seem to favor the executive and judiciary branches rather than the legislative, as the main instruments of progress. "A legislature in a country like ours, more than either the executive or the judiciary, has the power to effectuate new policy in a democracy. Its consensus is more of a national consensus than any other. And this very fact causes the legislature to be the real corner star of a democracy."

THE HEALTH BILL

"The health of our people is, inescapably, the foundation for fulfillment of all our aspirations," declared President Johnson in his special message to the Congress outlining a broad health-care program that he termed "practical, prudent and patient." Its goal, he said, was to lay a firm foundation for "the healthiest, happiest and most hopeful society in the history of man."

At the top of the list was the most controversial and most publicized item in the package: medical insurance for the aged. Johnson's medicare plan is similar to one that failed to pass last year,* except for one important difference: while the old plan would have been financed by a simple increase in social security taxes, the new plan sets up a separate trust fund to be administered under the social security program. The change precludes the possibility that unexpectedly high medical costs could endanger the solvency of the regular social security fund. It also means that workers will know just what medicare is costing them. As proposed, that cost will be a payroll tax of no more than .45 of 1% of each worker's annual earnings up to $5,600, with a matching contribution by his employer. This is in addition to the present social security tax of 3.625% from employer and employee, which is already scheduled to rise to 4.62% by 1971.

Medicare would cover some 16 million persons aged 65 or over. Another 2,000,000 persons (many self-employed) not previously eligible for social security would receive similar benefits from the Government's administrative budget. Those benefits include up to 60 days of hospital care paid entirely out of the fund except for the first day, up to 60 days of post-hospital care in approved facilities such a nursing homes, up to 240 home-nursing visits a year, and a certain outpatient diagnostic services.

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*The Senate passed medicare as an amendment to a bill increasing social security benefits. In Senate-House conference, House conferees refused to accept medicare, and the bill died.

Newest concept in the package is a proposal to set up 32 multipurpose regional centers in a massive attack against heart disease, cancer and strokes, as recommended by a special presidential commission (Time, Dec. 18). A prime function of the centers would be to diagnose these illnesses early and, in serious cases, help patients take advantage of such new lifesaving techniques as open-heart surgery and high-voltage radiation therapy. The centers would be federally financed extensions of existing medical schools, teaching hospitals and other medical centers. Staff personnel would be chosen by the institutions involved and would work directly for them. A five-year program is planned. Total cost: $1.2 billion, to be financed from general revenues, not out of the medicare tax.

A third major proposal is to permit the Federal Government to contribute to the costs of medical and dental care for needy children in states that are ready to share the expense. Federal aid also would be increased for children who are crippled, mentally retarded, or disabled. Health clinics for migratory workers and their children would be extended, as would community vaccination services. Such increased aid to children would cost $125 million the first year, $320 million the next.

Other items include scholarships for medical and dental students "who would otherwise not be able to enter or complete such training," grants to help cover the operating costs of medical and dental schools and improve their teaching, funds to modernize existing hospitals, loans to build and equip group-practice clinics, and new federal controls over the production and distribution of habit-forming drugs.

No one, of course, knows the cost of this breath-taking proposal. Since it would start slowly, it is estimated that it would merely take an extra $262 million out of general revenue, which would rise to $800 million the following year. This is probably conservative, and is on top of employee and employer contributions.

Biography—Representative Carl Albert

Congressman Carl Albert can look back on more than 23 years of distinguished service to the people of Oklahoma's Third Congressional District.

As a member of every Congress since his first election to the U. S. House of Representatives in 1946, Albert has served more years in the House than any previous Oklahoma representative.

From his first days as a freshman member—in an entering class which included John F. Kennedy and Richard Nixon—Albert has worked his way up through the ranks of the Democratic Party to occupy the powerful post of Majority Leader, and in the process has become one of the most influential men on Capitol Hill.

But working his way up is nothing new for Carl Albert. The oldest of five children born to Earnest Homer Albert, a coal miner, and Leona Ann Scott, Carl is a fourth generation Oklahoman. His maternal great-grandfather, Stacey R. Scott, settled in Krebs in 1887. His paternal great-grandfather, Eli Albert, came to Oklahoma in 1889, and lived the last few years of his life in Wilburton. Both ancestors were Civil War veterans.

When Carl was three, his father bought a farm seven miles northeast of McAlester in the community now known as Flowery Mound, but then called Bug Tussle. It was there that he grew up and received his first eight years of schooling.

As a student at McAlester High School, Carl took an interest in public speaking which eventually resulted in his winning a district championship in the Midwest Oratorical Contest and the right to compete for State honors. For his performance before the Justices of the Oklahoma Supreme Court, he was awarded the State championship, $100 and a trip to Kansas City for the semi-finals. Again he emerged victorious with first place and a three month tour of Europe.

After graduating from McAlester High as president of the student body and class valedictorian, Carl went on to the University of Oklahoma where he was elected president of the student body and a member of Phi Beta Kappa, and became National Oratorical Champion, for which he received a $1,500 cash prize and a trip to Honolulu.

He graduated from O. U. in 1931 and was awarded a Rhodes Scholarship to study at Oxford University in England, where he earned a B.A. and a B.C.L. in law. During his three year stay at Oxford, he was able to visit most of the countries in Europe and North Africa.

Upon his return to the United States, Albert worked as a law clerk with the Federal Housing Administration in Oklahoma City, before entering the Armed Services in 1941 as a private assigned to the Third Armored Division. After serving with distinction in the Pacific Theater during the War, for which he received a Bronze Star, Lieutenant Colonel Albert was discharged in 1946 and shortly thereafter announced for Congress.

Locked in a five-man Democratic primary race he managed to win the nomination with a 329-vote margin out of more than 60,000 votes cast. Later that year, Representative-elect Albert crossed the Red River to visit House Speaker Sam Rayburn at his home in Bonham, Texas, thus beginning a warm friendship which lasted right up until the revered Speaker's death.

"Mr. Rayburn," as President Johnson remarked at a dinner honoring Albert in Washington in 1966, "was a wise judge of men. He liked Carl Albert and respected him as a brilliant lawyer. He saw in him the common sense and good judgment that rounds out an educated man, and he really must have seen a lot of himself in Carl, because they were cut from the same pattern."

These qualities, his years of service on the House Committees on Agriculture, Administration and Post Office and Civil Service, plus his knowledge of House procedure and a long-standing record of support for the Democratic Party made Albert a natural choice to succeed James Percy Priest as Party Whip, or assistant Leader, in 1955.

The appointment, announced to Democratic members by Majority Leader (later Speaker) John W. McCormack, gave Albert the number three position in the House Democratic structure and the highest office ever held by an Oklahoman in Congress.

His new job carried with it heavy responsibilities and few material rewards, but Albert attacked it with sedulity, attending policy conferences and briefings, keeping abreast of legislation and rounding up votes for important bills. These additional duties, however, were always subordinate to his primary task—that of representing his constituents in the Congress of the United States.

After five hectic months, Albert was still able to speak of his job with enthusiasm: "Although it has meant longer hours and harder work for me, I have derived a great deal of personal satisfaction out of the results we have been able to obtain. It has been an illuminating experience."

Albert's low pressure technique, compassionate yet effective, earned him the respect of both members and the leadership, and made him their easy choice for the Majority Leader's spot when Sam Rayburn died in 1961.

As Majority Leader, the Speaker's right-hand man, Albert's job is to lead the Democrats in the day-to-day partisan struggles which occur on the Floor of the House. With the Speaker, he formulates the strategies designed to attract a majority vote within the House for all legislative measures important to the country. He is in constant touch with important legislation in every phase of its development and is responsible for announcing the weekly programs under which the proposals are brought up for consideration.

Albert brings to his position an idealism tempered, but not diminished by the pragmatism he has gained during his two decades as a member of Congress. He is widely known as the most careful nose-counter in the House, and at the same time is admired for his deep sense of history and political philosophy. As President Johnson put it, "Carl Albert is one of the true intellectuals in Washington."

Despite the great burdens of his office, Albert's first loyalty is still to the people he works for, his neighbors in Southeastern Oklahoma. Although he is involved with great issues which affect the entire nation and the world, he is always eager to help an elderly couple in obtaining Social Security payments, or to assist a community in funding a new sewer system. In fact, as his responsibilities have multiplied, so have his opportunities to help his people.

In recognition of his efforts on their behalf, the people of his district and of his State have seen fit to honor Carl Albert in many ways. Lake Carl Albert, nestled in the foothills of the Buffalo Mountains northwest of Talihina, assures the surrounding area of water even in prolonged droughts.

Carl Albert High School in Midwest City stands as a living monument to the Majority Leader's everlasting interest in education. Even the main thoroughfare in McAlester, his hometown, is dedicated in his name.

But perhaps the greatest gesture of appreciation for his diligent efforts on their behalf has been the continued support he has received from his constituents during the past 23 years, and which he will strive to maintain in the promising future.

ALABAMA ASSOCIATION OF SOIL AND WATER DISTRICT SUPERVISORS

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. NICHOLS. Mr. Speaker, on December 7, 1970, Alabama's distinguished senior Senator, the Honorable John J. Sparkman, addressed the 28th annual meeting of the Alabama Association of Soil and Water District Supervisors in Montgomery, Ala.

Mr. Speaker, I insert the Senator's speech into the Congressional Record so that my colleagues may read the address which deals with one of the major problems of today, pollution and what is being done to curb it.

Speech by Senator John Sparkman at the 28th Annual Meeting of the Alabama Association of Soil and Water Conservation District Supervisors, Montgomery, Ala., Dec. 7, 1970

Ladies and gentlemen, it is good to be with you. I was here in Montgomery just a week ago today, and I recall seeing quite a few of you at the Clean-up and Beautification Dinner that night.

I take a great deal of pride in the fact that, as the entire nation becomes increasingly aware of the need to conserve and improve our environment—I believe ecology is the popular word these days—Alabama is taking the lead in conservation and beautification progress.

The country *is* waking up to the tremendous need for conservation practices and programs. This need is not anything new to you and me. Throughout the years, you people have contributed so much to Alabama as you have carried out the progress of the Soil Conservation Service. And it has been my privilege to support these programs, first in the House of Representatives, and, for the last 24 years, in the Senate of the United States.

I was serving in the House of Representatives when some 35 or 36 Alabama District Supervisors met at Auburn on August 4, 1943, for the purpose of organizing the Alabama Association of Soil Conservation District Supervisors. Just before I moved over to the Senate in 1946, the National Association of Soil Conservation Districts was formed at a meeting in Chicago. A fellow-Alabamian, Mr. P. G. Compton of Gallion, had served as Chairman of the State meeting at Auburn, and he played a prominent role in the organization of the National Association at Chicago. It has been a pleasure for me, down through the years, to work with both your State and your National organizations for the betterment of Alabama and the nation.

I know that you are proud of Alabama, as I am. But I want to say to you that Alabama is proud of you and of what you are doing and what you have done. The record you have compiled over the more than 30 years since conservation districts were authorized in Alabama has truly been outstanding.

As you probably know, Alabama wasted no time in getting Districts organized. The state was completely covered by Districts in early 1941. Since then, your record has indeed been impressive. You have completed soil surveys on more than 12 million acres of Alabama land. You have made conservation plans for more than 48,000 Alabama farms comprising more than 9 million acres. You have created more than 70,000 miles of terraces on Alabama farms; more than 300 miles of diversions, and more than 7,000 miles of open drains. You have built more than 46,000 farm and wildlife ponds. You have planted trees on more than 3 million acres of land in Alabama. I could go on and on and on. You know your record. I just want you to know that I know it, too; and I am proud of you.

I am sure that you will agree with me, however, that we cannot afford to rest upon our laurels. Unless something is done, the ecological problems in America today will get worse. You can count on that. We must re-double our efforts to protect the environment in which we live, because that environment is threatened as it has never been threatened before. The trend must be reversed.

There is an environmental crisis in America today.

A majority of Americans, urban and rural alike, live near polluted waters and breathe polluted air.

It is predicted that by the year 2000, the United States will need a trillion gallons of water a day—nearly three times the estimated use in the mid-1960's.

Big chunks of farmland are being swallowed up for houses, factories, airports and highways. Demands on our forests are multiplying.

The population of the United States—now roughly 205 million—may total 280 million to 300 million persons by the end of this century.

All these developments put pressure on our resources.

Consider the fact that the average American in a life span of 70 years uses 26 million tons of water, 21,000 gallons of gasoline, 10,000 pounds of meat, 14 tons of milk and cream, 9,000 pounds of wheat, and great quantities of other products from the earth.

As proud as we are of what we have done, we must do more. It would be well, I think, for us to examine briefly just how we have gotten into the "fix" we are in.

The gasoline engine, which revolutionized transportation and replaced muscle power in agriculture and industry, is also a prime polluter of the atmosphere.

Our modern industries and our great urban and suburban development projects which are so important to the American standard of living are also prime polluters of lakes and streams.

Our scientific agriculture, which provides the most abundant and varied food supply in the world, is under scrutiny for its use of pesticides and weed killers and its great cattle-feeding operations which produce difficult problems of waste disposal.

As we have strived for a better life, we seem to have ignored the side-effects—the by-products of our struggle.

And so, here we are. What are we doing about it, and what *can* we do about it. I know one thing. The least guilty among us is the farmer. With the help of the Soil Conservation Service and others, the American farmer was fighting against pollution and waste long before it became so popular to do so. And that is why I find it completely incomprehensible that the Nixon Administration is apparently determined to scuttle the Agriculture Conservation Program. At a time when this entire nation and its great people and its great resources are being focused upon the search for solutions to our ecological problems of pollution and waste, it just does not make sense to me to do away with the one program that has a proven, 30-year record of effective conservation and anti-pollution practices. I do not think the Democrats in Congress will let them get away with it.

I do not think many people know and appreciate what the Soil Conservation Service has done and is doing in the field of pollution abatement. As you know, one of the big problems today is the disposal of large quantities of animal waste that result from our cattle, hog and poultry operations. The SCS, the Extension Service at Auburn, the State Health Department, the Alabama Water Improvement Commission and other agencies have joined together in the development of specifications for waste disposal lagoons, and some 379 Alabama producers have requested and received design assistance and ACP cost-sharing on the construction of these lagoons. This has been a popular and an effective pollution-abatement program. Apparently, the Nixon Administration does not think so.

Another problem that we have is sediment pollution. In Alabama, County and City governments, rural development committees, and many civic clubs have joined with the Soil Conservation Service in combating the erosion which causes this type of pollution. This, too, has been a popular and effective pollution-abatement program. Apparently, the present administration in Washington does not think so.

I mentioned earlier that by the year 2000, the United States will need a trillion gallons of water a day. If we are to provide sources of that much water, we must encourage and increase the programs of the Soil Conservation Service, which has done and is doing so much in the field of water conservation. Apparently, the administration does not think so.

Ladies and gentlemen, I think you know that one of our gravest domestic problems today is inflation. It is eating away at the income of the American family, and it is hitting hardest at the least able to fight back—our older, retired people.

One of the ways to fight inflation is to reduce the level of federal spending. Each time that President Nixon vetoes an appropriation bill; each time that he puts a so-called "freeze" on funds appropriated by the Congress; and each time that he fails to request continued funding for programs already in existence, he makes a big play on this matter of inflation. He has accused the Congress of being big spenders. I think he even called us spendthrifts at one time. But I want to take this opportunity to set the record straight. Every year since President Nixon came into office, the Congress of the United States has appropriated less money than President Nixon asked for. If we had gone along with his budget requests, the level of federal spending would have been vastly higher than it is. In the 1970 fiscal year, we cut the President's spending requests by some 7 billion dollars.

I know the seriousness of the inflationary problem. I support reducing the level of federal spending as one of the effective weapons in the fight against inflation. But, to me, and to many others in Congress—mostly Democrats I might add—it is a matter of priorities.

When inflation is eating away at American income, and especially at the income of those living on Social Security and other forms of fixed income, it makes no sense to me to veto an increase in Social Security benefits.

At a time when so many of our citizens—both urban and rural—are living in substandard housing, and when the demand for water and sewer facilities throughout the country is so high—and the need so critical—it makes no sense to me to veto the bill making appropriations for these programs.

And at a time when the soil and water and air and food upon which we all depend for our very existence is threatened as it is today with many forms of pollution and waste, it makes no sense to me to cut off funds for conservation cost-share programs and watershed development.

Yes, my friends, it is a matter of priorities. The President has his ideas of what should have priority, and the Members of Congress have their ideas. But remember, in the final analysis, it has been the Congress which has cut the over-all level of spending. Frankly, I am convinced that our thinking on this matter of priorities is right, and I expect to continue to work against inflation, but, at the same time, I expect to continue supporting adequate Social Security benefits, adequate housing, adequate water and sewer facilities, and last, but certainly not least, the conservation and pollution-abatement programs of the Soil Conservation Service that have done so much to protect and improve the environment in which we live. I hope that we in Congress may have your support.

BIG BROTHER IS WATCHING YOU

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, December 22, 1970

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled "Big Brother Is Watching You," which appeared in the Virginia-Pilot, Norfolk, Va., on Monday, December 21, 1970.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BIG BROTHER IS WATCHING YOU

The disclosure that the Army—and apparently the other services—engaged in extensive spying upon politicians, antiwar activists, black militants, liberals, right wingers, members of the press, and civilians even casually involved in activities under military surveillance has stirred a storm.

The first report that the Army had spied upon Senator Adlai Stevenson II, former Governor Otto Kerner, Representative Abner Mikva, and about 800 other civilians in Illinois provoked a prompt reply from Secretary of the Army Stanley Resor. But the denial he issued is unconvincing. For Mr. Resor said only that the Army hadn't been snooping upon Messrs. Stevenson, Kerner, and Mikva and "allegations to the contrary are without foundation in fact." His statement seems to confirm, tacitly, that the Army engaged in extensive surveillance of civilians, if not of Congressmen. And even his insistence that the Army wasn't spying on Senator Stevenson, etc., was contradicted by the former Army intelligence agent, John M. O'Brien, who had originally raised the subject. Mr. O'Brien who had originally raised the subject. Mr. O'Brien said he was sticking to his statement.

Corroborating evidence meanwhile has been supplied by other former military personnel who were engaged in "domestic data-gathering," to employ one of the euphemisms for the snooping. Although the first White House reaction was that it is "inconceivable," the notion isn't inconceivable to those who remember the U–2, the Bay of Pigs, the *Pueblo,* the raid on Son Tay, and other triumphs of intelligence work.

Billions of dollars go to support the bureaucracy of cloak-and-dagger types, conventional and electronic gumshoes, and miscellaneous monitors, sleuths, snoops, and special agents that has been created by the needs and neuroses of the Cold War and, lately, rising tensions in the U.S. All bureaucracies have a life of their own (the classic elaboration is Parkinson's Law) and it isn't inconceivable in the least that the civilians in the Pentagon aren't aware of everything that its "intelligence" represents.

But it is crystal clear that the military has no business spying upon the activities of civilians. Period. Any necessary surveillance should be undertaken by the FBI (and it is easy enough to believe that the Attorney General isn't always told what Mr. Hoover's men are doing, either) and/or the appropriate civilian law-enforcement agencies.

The principle is uncontested, as the official reaction shows. It is the practice that is in question. That is why the inquiry projected by Senator Ervin's subcommittee must be pressed vigorously.

DANGEROUS DRUGS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. SCHEUER. Mr. Speaker, recently two newspaper articles and one editorial have called attention to the continuing problem of overproduction of amphetamine-type drugs, including methamphetamines, methylphenidate, and phenmetrazine. All of these drugs are commonly known on the street as "speed" and can have dangerous effects on the central nervous system of the consumer. The House Select Committee on Crime under the outstanding leadership of the Honorable Claude Pepper has labored long and hard to bring these drugs under more effective Federal control, as described in a December 13 article and a December 17 editorial, both in the Los Angeles Times, and a December 15 article in the Miami Herald. Representatives from all over the world will be meeting in Vienna on January 11 to draft an international protocol on psychotropic substances. How will the United States look in the eyes of the world when it is so clearly evident that we have taken inadequate steps to control these dangerous drugs? I commend these excellent articles to the attention of my colleagues:

[From the Los Angeles Times, Dec. 17, 1970]

Limit Production of Amphetamines

Strong drug industry lobbying apparently has stalled any congressional action this year on controlling overproduction of the very dangerous drugs known as amphetamines.

And until Congress imposes effective manufacturing restraints, millions of "bennies," "speed," and other amphetamine stimulants will continue to find their way into illicit channels—and to cause serious medical, social and criminal problems.

Extensive expert testimony at House Select Crime Committee hearings emphasized that no more than half of the 8 billion amphetamine units produced annually in this country could possibly have a legitimate medical use. In addition to prescription for weight control, the drugs usually are limited to treating the relatively rare conditions of narcolepsy and hyperkinesia.

The "popping" of amphetamines, medical experts agree, can be a serious threat to physical and mental health. Methamphetamine, or "speed," can be and has been lethal.

Members of the crime committee have been pushing legislation requiring the attorney general, with the advice of the Health, Education and Welfare Department, to impose manufacturing controls. For as Rep. Charles Wiggins (R-Los Angeles) pointed out, the drug producers "have not practiced any self-restraint, have not limited production."

The Senate agreed. But the House adopted weaker provisions that allow the Department of Justice to impose quotas administratively if it desires. And the House version was the one that was included in the omnibus drug abuse bill finally passed by Congress earlier this year.

"The drug lobby had people all over the Capitol," said Rep. Claude Pepper (D-Fla.), chairman of the House crime committee, which has vainly been trying to strengthen the drug bill in the post-election session.

Although Smith, Kline and French, a leading legitimate producer of amphetamines, insists that "quotas have no meaning with respect to the operations of clandestine manufacturers," the FBI reported that 80% of the amphetamines seized in 1968 had been produced legally.

Illicit traffic in the drugs is a particularly tough challenge to California law-enforcement officials because of the ease with which readily available pills can be sent across the Mexican border and then shipped back into this state.

Congress should act, and act soon, on controlling so serious a menace to the well-being of the nation.

No amount of industry lobbying can hide the fact that far too many amphetamines are being produced and that far too many persons have suffered from the easy accessibility of the drugs.

[From the Miami Herald, Dec. 15, 1970]

Pepper Pushes Plan for Drug Quotas

(By Robert L. Jackson)

Washington.—A new congressional battle is shaping up over whether drug companies should be forced to curtail their production of amphetamines, the stimulants known to young addicts as "speed," "pep pills" and "bennies."

The drug industry is lobbying against the proposal, which is being pushed by leading members of the House Crime Committee.

These members are hoping for action in the closing days of this session. If not, they plan to renew their battle early next year.

At stake, according to those who advocate production quotas, is the health and well-being of thousands of potential addicts, some of them high school students.

Crime Committee Chairman Claude Pepper (D., Fla.), who is leading the drive to impose quotas, said eight billion amphetamine pills are manufactured each year in the United States.

This represents such a vast overproduction, Pepper said, that the figure is equal to 40 pills a year "for every man, woman and child in this country."

Since the manufacture of amphetamines is largely in the hands of four New York companies, Pepper's proposal would direct the U.S. attorney general to establish production limits "upon the advice and counsel of the secretary of Health, Education and Welfare."

Pepper, whose committee held extensive hearings last year, said 50 per cent of these eight billion pills "go into illicit channels of trade."

"They are not subject to any regulation," he said. "Limiting production by a quota system is the best way to get control."

Some major drug companies don't see it that way. They argue that rigid quotas for amphetamines would not eliminate drug abuse, and could impose a hardship on legitimate users of these drugs. They say only fly-by-night firms sell to customers they don't know.

"Even zero quotas do not prevent illicit drug trafficking," said Phil Jahle, Washington representative for Smith, Kline and French Laboratories, a major amphetamine producer.

"And quotas have no meaning with respect to the operations of clandestine manufacturers," Jahle said.

William Patton, assistant general counsel for the Washington-based Pharmaceutical Manufacturers Association, an industry group, added: "companies are generally opposed to the enactment of production quotas. They see them as not necessary and difficult to administer."

Rep. Jerome R. Waldie (D., Calif.), a committee member who has joined Pepper in the drive to impose quotas, said the legitimate need for amphetamines "does not exceed several hundred thousand pills annually," far below the billions being produced.

Committee hearings showed that a Chicago manufacturer shipped 1.2 million amphetamine pills to an unknown consignee in Mexico. Investigating the transaction, federal agents found the consignee's address was actually the 11th hole of a Tijuana golf course. The pills had gone into the black market and are believed to have been widely distributed in Southern California.

Amphetamines—and there are various types—are legitimately used to control narcolepsy, a chronic sleepiness, and hyperkinesia, a behavior disorder in children. They may also be used in controlling weight.

But committee members contend only a fraction of the amphetamines currently being produced are needed for these legitimate uses. They suggest that some procerned with profits from larger sales.

"Speed freaks," or those who become addicted to amphetamines or methamphetamines, either orally or through injections, can live on a "high" of feverish excitement for days.

But psychotic reactions or brain damage may develop later, sometimes leading the victim to commit crimes, some authorities say.

The Nixon Administration has withheld its support from Pepper's quota proposal, arguing that the Justice Department could impose controls on an administrative basis. But Pepper contends that in the absence of legislation, administrative procedures would face legal challenges, a process that could last for years.

The Justice Department's Bureau of Narcotics and Dangerous Drugs is not ready to recommend production quotas for amphetamines "at this time," its director, John E. Ingersoll, wrote Pepper.

"We are still in the process of gathering all the information on these myriad drugs and their combinations," Ingersoll said.

Despite the administration's coolness, the Pepper proposal passed the Senate in October by a vote of 40–16 under the sponsorship of Sen. Thomas F. Eagleton (D., Mo.)

But—largely because of drug industry lobbying, according to Pepper—the measure was killed by House conferees in a closed-door Senate-House conference committee. Pepper is drumming up new support among House members and is exploring ways of getting the proposition to a public vote on the House floor.

[From the Los Angeles Times, Dec. 13, 1970]

CONGRESSMAN WANTS QUOTA ON PEP PILLS

(By Robert L. Jackson)

WASHINGTON.—A new congressional battle is shaping up over whether drug companies should be forced to curtail their production of amphetamines, the stimulants known to young addicts as "speed," pep pills and "bennies."

The drug industry is lobbying against the proposal, which is being pushed by leading members of the House Crime Committee.

These members are hoping for action in the closing days of this session. If not, they plan to renew their battle early next year.

At stake, according to those who advocate production quotas, is the health and well-being of thousands of potential addicts, some of them high school students.

Committee Chairman Claude Pepper (D-Fla.), who is leading the drive for quotas, said 8 billion amphetamine pills are manufactured each year in the United States.

FORTY PILLS EACH

This represents such a vast overproduction, Pepper said, that the figure is equal to 40 pills a year "for every man, woman and child in this country."

Since the manufacture of amphetamines is largely in the hands of four New York companies, Pepper's proposal would direct the U.S. attorney general to establish production limits "upon the advice and counsel of the secretary of health, education and welfare."

Pepper, whose committee held extensive hearings last year in California and elsewhere, said 50% of these 8 billion pills "go into illicit channels of trade."

"They are not subject to any regulation," he said. "Limiting production by a quota system is the best way to get control."

Some major drug companies do not see it that way. They argue that rigid quotas for amphetamines would not eliminate drug abuse, and could impose a hardship on legitimate users of these drugs. They say only fly-by-night firms sell to customers they do not know.

ILLICIT TRADE

"Even zero quotas do not prevent illicit drug trafficking," said Phil Jahle, Washington representative for Smith, Kline & French Laboratories, a major amphetamine producer.

"And quotas have no meaning, with respect to the operations of clandestine manufacturers," Jahle said.

William Patton, assistant general counsel for the Washington-based Pharmaceutical Manufacturers Assn., added. "Companies are generally opposed to the enactment of production quotas. They see them as not necessary and difficult to administer."

Rep. Jerome R. Waldie (D-Calif.), a committee member who has joined Pepper in the drive, said the legitimate need for amphetamines "does not exceed several hundred thousand pills annually," far below the billions being produced.

"When we balance the equities, as to any inconvenience which might occur to the drug manufacturers as against the definitive tragedies no one argues about the situation demands action," Waldie said.

CRIME PROBLEM

Another California committee member, Republican Rep. Charles E. Wiggins, said the abundance of amphetamines "is creating incalculable problems—crime problems and social problems." Producers of this drug "have not practiced any self-restraint, have not limited production," Wiggins said.

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SENATE PASSAGE

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But—largely because of drug industry lobbying, according to Pepper—the measure was killed by House conferees in a closed-door Senate-House conference committee. Pepper is currently drumming up new support among House members and is exploring ways of getting the proposition to a vote on the House floor.

"The drug lobby had people all over the Capitol," he said.

The Pharmaceutical Manufacturers Assn., which Pepper said is coordinating the opposition, has a 70-member staff in Washington and a budget of $3.6 million a year. It represents 125 member companies in the prescription drug field.

Patton, the PMA assistant general counsel, said his group has been "very actively involved" in helping to draft drug abuse control legislation. But he denied that any specific lobbying has been waged, as an organization, against Pepper's proposal.

He conceded that most major manufacturers are against the measure.

A SOLDIER SHARES HIS THOUGHTS

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. ROONEY of Pennsylvania. Mr. Speaker, I would like to share with my colleagues a letter, touching in its simplicity and wisdom, a letter from deep within the "hell" of Vietnam.

Sgt. Danny J. Giannelli is the son of Mr. and Mrs. Faust C. Giannelli, who reside at 2433 SW. 26th Street, Allentown, Pa. They must be deeply proud of their son. He is not only a fine soldier, but also a perceptive, sensitive human being. Danny has expressed a philosophy of life well worth noting and remembering, a philosophy tempered by the brutal realities of the struggle in Southeast Asia. I am sure that his brother, Scott, will treasure that letter always, as it clearly evidences Danny's deep love for his family, his country, and his future.

His father brought this letter to WKAP, an Allentown radio station, where one of the disc jockeys read it over the air. An Army recruiter, Sgt. Jim Loughran, heard that transmission and brought Sergeant Giannelli's letter to my attention. I am pleased to give all my colleagues the opportunity to meet this fine young man through his letter to Scott:

A LETTER FROM SGT. DANNY J. GIANNELLI

DEAR SCOTT: Hi there, brother, how are you doing? I hope you are feeling fine and not letting the girls keep you up too late. You need sleep you know. Of course you don't have to pull perimeter guard, so I guess you're getting pretty much sleep anyhow.

I'm doing pretty good. We flew out here to our fire base today by helicopter, but it isn't worth rotting two years of your life away just to ride on a helicopter once in awhile.

How is my wife doing? I hope you are being good to her. After all you will be an uncle pretty soon. I hope you are listening to Mom and Dad. Are you? I used to think I sometimes knew better than they did but I signed 2 years of my life away to this army before I realized they are always (and I mean always) right.

There is only one decision you will have to make for yourself some day, and that is the girl you choose to marry. I made a real lucky one there (one of the few times I was right). When it comes time to make that decision make it well, then God bless you both and I hope you will choose a wife as wonderful as mine is (but that's quite a few years from now). In the meantime worry a lot about school. Believe me, Scott, education is precious. That is what makes our United States so great, and believe me our country is the greatest. No matter what those damn fool hippies may think. In most other countries they would not be allowed to think anything, because the government would probably kill them. You know if the U.S. wouldn't offer good jobs and a chance for a higher education, we would be at the level of morons like most of the people over here.

Do you realize the food over here (from the army) is sometimes pretty bad and even the few things we don't like, can't stand, and throw away the Vietnamese people pick out of the garbage cans and eat. Sometimes they get so hungry they even kill dogs and eat them. You know how good cows look and beef tastes? Well their cows are water buffalo. God are they pitiful. If one of our cows had a baby calf that looked like them the mother would probably stomp it to death.

Scott, this country is hell, so please always love the United States and your education. And when they play the Star Splangled Banner, cry because you're so proud to live in the greatest country in the world, and knock the hell out of anyone who ever puts our country down, or burns our flag and when he is down kick him a few times for your brother who is over here fighting for it.

Always keep your record clean, be a good boy and a good man. Always obey the law. Others may mock you but you'll be glad you did. Believe me, I know. I kept my record clean and it paid.

I can work at General Electric or any other place because of it. I wouldn't even be a Sgt. if I hadn't because they checked my record and found I had no police record, and do you now know why? Because of Mom and Dad. It was them and them alone who taught me right from wrong and instilled in me a sense of pride for myself and my country, and led me to believe in God. Yes, let me tell you about God. Remember when I used to sleep late and sometimes refused to go to church, but you went? I'll tell you, Scott, I was proud of you, very proud and I still am. I hope you still go and I hope you do believe in GOD. Yes, I sometimes had my doubts, but take it from a man who is in HELL. When the bullets start flying over your head everyone starts praying. It doesn't matter if a man was an atheist in the states he is a Christian now. And when the smoke clears everyone prays then to thank GOD for getting them through. And going to church is an honor and a privilege so take advantage of it. Remember you have the freedom to worship and go to church, and many people don't.

And don't you ever become prejudiced against race or color. Black people are every bit as good as you and I. Over here he is right beside you fighting for your life and his, and if a man ever gets hurt you won't hear him say, "don't you help me, you're black." You pull guard while he sleeps and he pulls guard while you sleep. And believe me if you can't love a man who protects your life then you won't have a life very long over here!

I'll tell you, Scott, I had to come over here to realize a lot of things but you don't. Listen to my advice and always obey Mom and Dad and you will turn out to be one hell of a good man!

I love you, Scott, and I am proud of you. Please don't ever let me down. God bless you, stay healthy and the best of luck to you in everything you do.

Your brother,

DAN.

P.S.— Be a good uncle to my son. Can you believe it, your brother is going to be a father? I hope the child turns out to be as good as you and me. It can only happen if Donna and I are as good as parents as Mom and Dad.

SUPREME COURT DECISION ON VOTING AGE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, December 22, 1970

Mr. BYRD of Virginia. Mr. President, the Supreme Court yesterday rendered an outrageous decision taking away from the States the right to set voting age qualifications.

The Richmond Times-Dispatch, whose editor of the editorial page is Edward Grimsley, published an excellent editorial today on this Court decision.

I ask unanimous consent that this editorial be inserted in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ALL SAILS

More than a century ago, Thomas Macaulay observed that the United States Constitution "is all sail and no anchor."

How right he was, how right he was. Yesterday's U.S. Supreme Court ruling on the voting age law confirmed that the Constitution is indeed "all sail," a vessel responsive to the erratic whims of a few powerful steersmen. The Constitution is equipped with what appear to be anchors, to be sure, but they are of no more value than a ship's figurehead.

One such "anchor" is the Tenth Amendment, which states, in one of the clearest sentences in the Constitution, that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

In the past, this amendment has proved unable to anchor the Constitution to the principle that the federal government cannot encroach upon the rights of states. And it failed again yesterday when the Supreme Court ruled that Congress has authority to establish the voting age for national elections, upholding the validity of a federal law lowering the voting age to 18 for presidential and congressional contests.

It should be stressed that the issue in the case was not whether 18-year-olds should be permitted to vote. It was, rather, a jurisdictional question: Does authority for fixing the voting age rest with Congress or with the individual states? Even men who are inclined to favor a voting age of 18 can weep for the blow yesterday's decision dealt the Constitution.

Nowhere does the Constitution state or even imply that the federal government has any responsibility whatever for determining the voting age for any election—federal, state or local. But it refers unmistakably to the states' authority in this area.

In Section 2 of Article I, and in the Seventeenth Amendment, the Constitution declares that voters who participate in Congressional elections "shall have the qualifications requisite for electors of the most numerous branch of the state legislature." In other words, whatever qualifications a state imposes upon voters who particiapte in its legislative contests should apply to those who participate in Congressional elections. Section 2 of the Fourteenth Amendment recognizes 21 as the standard voting age. The effect of Yesterday's decision is to nullify all of these provisions.

So Congress now has the authority to determine the age of men and women who will select its members and the President of the United States. At the moment it believes they should be 18. But how long will it be before some Congressman, awed by the "youth culture" that so impressed the Scranton commission, will insist upon lowering the voting age to 17? Or 16? Or 12? After all, there's nothing special about age 18.

MEMORIAL TO WOODROW WILSON

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, on October 19 last, the Woodrow Wilson International Center for Scholars, established by the Congress to be a living memorial to the 28th President, opened its door to its first 22 distinguished scholars from this country and abroad in its interim quarters in the Smithsonian Institution Building in Washington, D.C.

I would like to take this opportunity to congratulate our former—and soon to be again—colleague in the other House, the Honorable Hubert H. Humphrey, who serves the center as chairman of the board of trustees, for the excellent work which he and his associates have done to launch this new intellectual resource in the Nation's Capital.

As some of my colleagues will remember, the Woodrow Wilson International Center for Scholars was established by Act of Congress in October, 1968, to be:

> . . . a living institution expressing the ideals and concerns of Woodrow Wilson . . . symbolizing and strengthening the fruitful relation between the world of learning and the world of public affairs.

The fellowship program designed by the center seeks to carry out this mandate through the selection of persons of intellect from the U.S. and the international community to study a variety of issues—mainly contemporary in nature—which are not receiving the attention they deserve by other institutions of learning. In its opening period, the center has chosen to emphasize particularly two most important subjects: the development of international law and cooperation in the uses of oceans; and man's relationships and response to his deteriorating environment, with special attention to the new forms of international cooperation needed to address effectively those environmental problems that transcend national boundaries.

It is noteworthy that fellowship recipients are selected not only from the traditional academic disciplines but from a variety of other occupations and professions, including law, business, labor, diplomacy, journalism, and so forth. By fostering this diversity, essential to the effective consideration of complex problems, and by emphasizing communication and the exchange of ideas between the scholars and members of the Washington official, intellectual, and diplomatic communities, the center hopes to create an institution that, in keeping with the Wilsonian spirit, will not only contribute new insights into ways of dealing with a set of important issues, but will add an important new dimension to the intellectual life of this city.

The accompanying list of first fellowship appointments attests to the fact that the center is off to a most impressive beginning. As a representative of the State which gave Woodrow Wilson to the Nation and the world, and as one of the sponsors and floor manager of the legislation which created the center, I am pleased by this beginning, and commend the center to the attention and support of my colleagues and the Nation:

APPOINTMENTS OF FELLOWS AND GUEST SCHOLARS OF WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

A. FELLOWS

(1) Environment studies

Stephen V. Boyden, 44, Australia, Head of Urban Biology Group at Australian National

University. Writer and lecturer on broad biological consequences of advancing technology of advanced societies. Desires to work on book on "The Biology of Civilization" which will be an attempt to describe aspects of the contemporary human situation in biological perspective, and to discuss interaction between natural and cultural processes as they relate to problems of modern man.

Douglas M. Costle, 31, attorney and government official. After graduation from Harvard and the University of Chicago Law School. Costle served in legal capacities in the Civil Rights Division at the Justice and later the Commerce Departments. After practicing law with a firm in San Francisco, Costle returned to government as a senior staff associate on the Environment and Natural Resources Panel of the President's Advisory Council on Executive Organization under Roy Ash. Costle and one other have been given principal credit for formulation of President Nixon's reorganization plan and message on the new Environmental Protection Agency (EPA). He will concentrate at the Center on related basic values issues of the quest for a better environment and the international institutional and political questions which will call for sustained attention.

Pyong-Choon Hahm, 38, Professor of Law and Director of Graduate Studies, Yonsei University, Seoul, Korea. A graduate of Harvard Law School and a past Fulbright research scholar at Yale Law School, Hahm is the author of a book and several articles on law and politics in Korea and comparative judicial and cultural studies. He would like to work at the Center on the comparative analysis of Korean and American cultures, with special reference to the differences between eastern and western attitudes towards man-nature relationships. (Coming March, 1971.)

Elizabeth Haskell, 28, member of the research staff of the Urban Institute in Washington, D.C.; previously aide to U.S. Senator Jackson; will head small task force project funded largely by the Ford Foundation to analyze existing state environmental institutions, with special emphasis on New York and Washington state agencies, and to formulate general guidelines based on legal and public administration research, to assist state legislatures in developing comprehensive, environmental institutional arrangements. Currently co-authoring book on thermal pollution, she has in past year compiled two-volume compendium and evaluation of federal programs involved in urban waste management and regulation of quality of urban environment.

Paul G. Kuntz, 55, Professor of Philosophy, Emory University, Atlanta. A Ph. D. from Harvard, Kuntz has achieved a large number of academic honors and taught philosophy at Harvard, Smith and Grinnell before going to Emory in 1966. He is the author of several books on philosophy and numerous articles covering a wide range of humanist concerns. He plans to work at the Center on a book on a three-part concept of order in a deteriorating environment—the order of the person, the order of society and the order of nature.

Athelstan Spilhaus, 59, meteorologist, oceanographer, environmentalist; president, American Association for the Advancement of Science 1970–71. Self-employed as writer and consultant in Florida during the last year, Spilhaus has been president of the Franklin Institute in Philadelphia 1967–69; dean of the Institute of Technology at the University of Minnesota 1949–66; and has held a succession of teaching, consulting and board positions in the fields of meteorology, oceanography and other natural sciences. He has held presidential appointments—UNESCO, Seattle World's Fair and National Science Board—under Presidents Eisenhower, Kennedy and Johnson. His extensive writings have concentrated recently on environmental issues, particularly new town issues.

Robert E. Stein, 31, attorney for U.S. Section of International Joint Commission (U.S. & Canada) and Attorney Advisor, Legal Advisor's Office, Department of State; previously attorney, Arms Control and Disarmament Agency and American Law Institute; honor graduate, Brandeis University and Columbia Law School. Has well-developed study proposal for "organizing transnationally for environmental control".

(2) *Ocean studies*

R. P. Anand, 37, Professor and Head of Department of International Law, Indian School of International Studies, author of several books and numerous articles on international courts, arbitration and conflict settlement. Wants to write book on legal control of the seabed and ocean floor.

Edward Duncan Brown, 36, senior lecturer in International Law at University College, London; master of law with distinction, University College; Ph. D. thesis on institutional models for a legal regime of ocean space due for submission July, 1970; author of a number of articles and papers on ocean issues, particularly deep sea mineral resources, legal regimes and pollution problems. He plans to undertake a comparative study in depth of international models for a legal regime for deep ocean space.

Lucius C. Caflisch, 34, Assistant Professor of International Law, Graduate Institute of International Studies at Geneva, and lecturer in law at University of Geneva. Holds law degrees (*Licence en Droit* and *Docteur in Droit*) from the University of Geneva and a Master of Arts Degree from Columbia University. He has published international law articles in English, French and German journals. Caflisch wants to undertake research on legal questions relating to the pollution of the high seas, including the transport of oil and maritime accidents.

Moritaka Hayashi, 32, member of study group of ocean exploitation law at Japanese Institution of International Business Law in Tokyo; Lecturer at Hosei University in Tokyo; previous assignments with legislative reference bureau of the Japanese Diet. Has law degrees from both Waseda University in Tokyo and Tulane University in New Orleans, and has done advanced graduate study work at the University of Pennsylvania. Author of several articles and a book on various aspects of the law of the sea, particularly on continental shelf problems. He would like to do systematic research on Soviet attitudes toward ocean space, deep seabed and ocean floor problems, and the prospects for international cooperation with the West in this area. (Coming March, 1971).

E. W. Seabrook Hull, 47, marine affairs publicist. President and founder, Nautilus Press, and editor, *Ocean Science News* and *World Ecology 2000;* previously editor, *Underseas Technology;* editor with McGraw-Hill, Whaley-Eaton Service; author of books and articles on oceans; Master of Marine Affairs, University of Rhode Island. Wants to work on model international regime for prevention, control and clean-up of ocean pollution.

Vladimir Ibler, 56, Dean of Faculty of Law, University of Zagreb, Yugoslavia. Author of a number of publications on international ocean law and foremost Yugoslav scholar in field. Wants to explore new ways to extend international agreement to cover uses of the seabed and the political and economic dynamics of doing so.

Gerard J. Mangone, 52, Professor of Political Science, Temple University; previously principal deputy, Maxwell School, Syracuse; early interest in and writings about development of international law of oceans; considerable administrative experience. (He also serves as Executive Director of the President's Commission for the Observance of the 25th Anniversary of the United Nations). Mangone has made a long-term commitment to the Center as senior fellow and coordinator of ocean studies.

P. S. Rao, 27, a graduate of Andhra University, Waltair, India, Rao has just received his doctorate in international law at Yale for an excellent thesis on "Legal Regulation of the Exploitation of the Deep Seabed". He wants to undertake research on the international issues involved in offshore natural resources exploitation and world public order.

George E. Reedy, Jr., 52, writer; previously press secretary to President Johnson 1964–65; special assistant to the Vice President 1961–63; staff director, Senate Majority Policy Committee, 1955–60; member of (Stratton) Commission on Marine Science Engineering and Resources (1967–69). Based on his experience on the Stratton Commission and extensive subsequent research, Reedy now plans a book on marine policy problems for which he has received an advance from his publisher.

Hideo Takabayashi, 42, Professor of International Law, Ryukoku University, Kyoto, Japan; author of numerous articles and book on maritime and ocean law problems, particularly fisheries questions. Wants to undertake study of future regime of the use and exploitation of the seabed and ocean floor, with special emphasis on the needs of developing countries.

(3) *General studies*

R. C. Anderson, 51, Associate Director, Brookhaven National Laboratory; specialist in chemistry and American Literature; wishes to study role of science in modern society by an interview process with officials in the Executive and Legislative Branches. (October–November, 1970.)

Shlomo Avineri, 37, political scientist and historian; chairman of the Political Science Department of Hebrew University in Jerusalem; Ph.D from London School of Economics (1964). Author of recent works on Marx and Hegel, Avineri wishes to pursue his studies of possible options for the resolution of the Arab-Israeli conflict, with special attention to the role of the Palestinians on whom he is an acknowledged expert. (Coming Sept. 1971.)

C. Alton Frye, 33, Administrative Assistant to Senator Edward W. Brooke; political scientist, writer; Ph.D from Yale. Plans to write book on "A Responsible Congress: The Legislative Context of American Foreign Policy", for which he received a grant from the Council on Foreign Relations.

Rajeshwar Dayal, 61, presently senior fellow at Woodrow Wilson School, Princeton; previously Foreign Secretary and Head of Indian Foreign Service; Special Representative of U.N. Secretary General in Congo and head of U.N. Mission; Indian Permanent Representative to U.N.; High Commissioner to Pakistan; Ambassador to France, Yugoslavia, Bulgaria, Romania and Greece; Minister in Moscow. Wants to write book on international peacekeeping, conciliation and mediation, drawing particularly on U.N. Congo experience.

Jackson Giddens, 34, Assistant Professor of Political Science at MIT; Ph.D from Fletcher School of Law and Diplomacy. After five years of related studies, he wants to study in depth the origins and effects of Wilson's approach to communications with other nations, and use of propaganda. (Coming January, 1971.)

Jules Gueron, 62, Master of Conferences, Science Faculty, Sorbonne; specialist in physical chemistry; former Director, French Atomic Energy Commission; former Director General, European Atomic Energy Community. Wants to study (1) process by which U.S. Government science policy is developed; and (2) relevance of U.S. interstate regulating system for European Community. An internationally known physical chemist and science administrator as well as a philosopher and student of comparative political developments. (Coming June, 1971.)

Robert E. Lane, 53, Chairman of Political Science Department, Yale University; President 1970–71 of American Political Science Association; author of several books and numerous articles on American government and political life; wants to study how political science research can become more useful and better known to top Executive and Legislative Branch officials.

Yves-Henri Nouailhat, 35, French historian, writer; wishes to study relations between France and U.S. between 1914 and 1917. He has received a full grant from the American Council of Learned Societies for the coming year.

H. J. Rosenbaum, 29, Assistant Professor of Political Science, Wellesley College, and Latin American expert. Desires to study U.S. Military Assistance Program and its relationship to the political process and indigenous arms manufacture in Latin America.

H. I. Sharlin, 44, Professor of History (of science), Iowa State University. Desires to work on the role of 19th century science and technology in the formation of American attitudes.

Kurt Spillman, 32, Swiss historian at University of Zurich, now on research fellowship at Yale University; author of several publications, including article on Wilson. Wants to study "motives and goals of the peace concepts of Woodrow Wilson and Franklin D. Roosevelt: a case study of the gap between long-range objectives on foreign policy and the realities of making peace."

David Wise, 40, self-employed journalist and writer, Washington, D.C.; formerly Washington Bureau Chief, New York Herald Tribune, co-author of U-2 Affair (1962). The Invisible Government (1964), The Espionage Establishment (1967), numerous articles in leading newspapers and magazines; currently co-authoring college textbook on American political system. Wants to study processes through which government decision-making and action, especially in field of foreign policy are—or are not—translated into public information and public support.

B. GUEST SCHOLARS

Lynton K. Caldwell, 57, political scientist; professor of government at Indiana University; author of a number of books and publications on biopolitics, science, ethics and public policy and articles over several years on environmental questions. Now working on book on "Protecting the Biosphere: International Organization for Environmental Control" for publication in 1972 prior to U.N. Environmental Conference. Based on considerable travels books will concentrate on international understanding, cooperation and arrangements necessary for combatting environmental problems on international scale, influence of international business, science and technology and limitations of present international structure. Will conduct and participate in planned series of seminars at Center in 1971 on international environmental issues.

Aaron L. Danzig, 57, attorney, senior partner in law offices of Nemeroff, Jelline, Danzig, Paley and Kaufman, New York City; A.B. and LLB Columbia; LLM New York University; President, U.S. Financial Co., Inc., New York City; charter member World Peace through Law Center; chairman of U.N. Charter Commission; member Commission to Study Organization of Peace. Author of books and articles, including draft legal regimes on seabeds, U.N., etc. Plans to spend 3 weeks at Center developing treaty proposal on ocean pollution matters.

Wilton Dillon, 47, anthropologist, Smithsonian Institution, 1969 to date; currently working on AID project to initiate ecological studies in Ghana, Korea, Brazil and Kenya. With National Academy of Sciences (1963–69) as Head, African Affairs Section; Staff Director, Science Organization Development; and Director of Studies, Office of Foreign Secretary. Author of books and articles on development, social behavior, Science and African themes. Will spend part time at Center as guest scholar working on essay on management of science diplomacy.

Rene Jules Dubos, 69, micro-biologist and leading environmentalist; professor at Rockefeller University in New York City; first to demonstrate feasibility of obtaining germ-fighting drugs from microbes more than 20 years ago. Noted author of fourteen books, including Pulitzer Prize in 1969 for "So Human an Animal." Dubos has been concerned with the effects and environmental forces—physicochemical, biological and social—exerted on human life. His interest in the biological and mental effects of the total environment has involved him in the sociomedical problems of the underprivileged communities as well as the developed areas of the world. Dubos has indicated he will devote "ample time to participate in the activities of the Woodrow Wilson International Center" in defining environmental study objectives and in helping to find and select the scholars who would like to work on these problems at the Center in its opening year.

Edward Wenk, Jr., 50, professor of engineering and public affairs, University of Washington; Chairman, Committee on Public Engineering Policy, National Academy of Engineering; formerly executive secretary (1966–70), National Council on Marine Resources and Engineering Development; leading authority on multiple policy aspects of ocean uses; first advisor on science and technology, Legislative Reference Service, Library of Congress; Executive Secretary of Federal Council for Science and Technology; Director of Engineering in civil engineering, Johns Hopkins. Dr. Wenk will spend regularly two days a month on ocean studies at Center.

MOVIE INDUSTRY UNEMPLOYMENT

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. ROYBAL. Mr. Speaker, because of the serious unemployment situation in the motion picture industry, I include in the CONGRESSIONAL RECORD a statement by Mr. Ralph Peckham, business representative of the Motion Picture Set Painters, Local 729, of the International Alliance of Theatrical Stage Employees, and secretary of the motion picture health and welfare plan, which he presented before the U.S. Tariff Commission dealing with this important subject.

The statement follows:

MOVIE INDUSTRY UNEMPLOYMENT

(By Ralph Peckham)

Mr. Chairman and honorable members of the Commission, my name is Ralph Peckham.

I am business representative of the Motion Picture Set Painters, Local 729 of the International Alliance of Theatrical Stage Employees.

I am also secretary of the Motion Picture Health and Welfare Plan and have been a member of the board of trustees of that fund for the past fifteen years.

In addition, I am cochairman of the benefits committee and secretary of the finance committee of the fund.

In this capacity, I am presenting this brief to show the serious economic effect unemployment, caused mainly by foreign produced motion pictures and T.V. series, has on the employees of the American motion picture industry.

The Motion Picture Health & Welfare Fund is experiencing serious economic problems due to the lack of employment in the motion picture industry. These problems are in relationship to the loss of employment opportunities and the direct loss of contributions which support the motion picture health & welfare fund.

The fund receives 22.55% per hour for all hours worked in the motion picture industry and all of the benefits provided for the members of this fund are purchased from these contributions. The administrator of the motion picture health & welfare fund reported at the last meeting of the board:

"During the last six-month period, the fund paid out more in claims than it received in contributions."

Specifically: The Insurance Carrier Union Labor Life, has notified the fund that the deficit for the past year has been $2,699,650. This is broken down into two separate funds, i.e.,

Active Employees Fund—At a total deficit, over the past year, of $1,907,658.

Retirees Fund—At a total deficit, over the past year, of $791,992.

(For further details, see attached report.)

The greatest concern to the union representatives in the Motion Picture Industry is the *deprivation and human suffering.*

3,024 previously eligible employees of the Motion Picture Industry, and their families, are no longer eligible to receive hospital and medical benefits from the fund, for the present period (July 1, 1970 to December 31, 1970). They were unable to work the minimum requirement of 300 hours in the previous six-month qualifying period. These employees and their families have no medical and hospital coverage and can receive no assistance from the Motion Picture Health & Welfare Fund. If they should suffer injury or become ill, they must resort to public welfare for assistance.

In addition to the problem of reduced contributions to the fund, due to the loss of employment, the difficult situation has been compounded by the spiraling cost of hospital and medical charges. The insurance carrier has notified the fund that, effective July 1, 1971 the insurance premium will be increased $7.50 per member, per month, for the active employees (a total of $508.08 per year). In addition, the retiree fund has incurred a 50% rise in premium, resulting in the retirees' loss ratio of 9.10%, requiring an increase of $7.06 per member per month, for the retirees' coverage. New total payment will be $37.07 per retired member, per month ($444.85 per year).

After careful consideration of the economics involved, the trustees are reluctantly initiating the following curtailments:

1. Amend the insurance policy to limit future psychiatric care in a general hospital to a maximum of 14 days.
2. Eliminate the present pharmaceutical provisions and to initiate an in-house pharmaceutical facility for participants in the health and welfare fund.
3. Eliminate all abuses.
4. Establish stronger collective procedures in order to guarantee employers' payments to the fund.

In addition to the above, the board of trustees voted on November 11, 1970, to sell common stock in the amount of $1,671,500. To provide liquidity in meeting the hospital and medical charges.

The motion picture health and welfare fund is not an elaborate fund, as it only provides for basic coverage. It does not provide dental care and practically no psychiatric coverage.

The facts presented dramatically demonstrate the serious condition of the employees in the motion picture industry. There is no relief in sight. As stated by the trustees representing the motion picture studios at the health and welfare fund meeting on November 11, 1970, the conditions in the motion picture industry, as far as unemployment is concerned, are the worst in the history of the industry and will continue to get worse, as there has been a serious cutback in television production and we have lost the greatest advertising customer, the cigarette industry, effective January 1, 1971, to the media. There is a very limited number of feature motion pictures being scheduled for production in this country in the next six months.

We need your help and assistance in protecting the employees of the motion picture industry and saving this vital American motion picture and television communications media for the United States.

SCHLITZ HIRES NOTED SCIENTIST AS ADVISER IN POLLUTION FIGHT

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. REUSS. Mr. Speaker, the Joseph Schlitz Brewing Co. of Milwaukee has engaged Dr. Rene Jules Dubos, world-famed microbiologist and environmentalist, as an ecological consultant. I insert, at this time, an article from the Milwaukee Journal of December 6, 1970, on the appointment of Dr. Dubos:

SCHLITZ BREWS REMEDIES

(By Harry S. Pease)

The Jos. Schlitz Brewing Co. stepped into the fight for the environment Saturday by engaging Rene Dubos, world famous bacteriologist and Pulitzer Prize author, as an ecological consultant.

Dubos, 69, is a professor at Rockefeller University in New York City. His research led to the development of antibiotics, to studies of the organism that causes tuberculosis and to demonstration that adverse conditions in early life have long term effects on animal and human development.

"So Human an Animal," one of the 13 books he has written, won him a Pulitzer Prize in 1969. It reflects his interest in ecology.

The Schlitz appointment was announced by Robert A. Uihlein Jr., the brewing firm's president and board chairman.

"We are honored that Dr. Dubos, one of the world's leading scientists, will join the people of Schlitz to seek meaningful answers to the environmental dilemmas that face our society," he said.

"Dr. Dubos gained fame by finding answers to some of man's most pressing problems. We at Schlitz realize that he might very well come up with recommendations not always easy for us to implement.

"Well, that's why we asked him to help us. He will be a consultant to whom we will listen."

The part time post is the first industrial affiliation Dubos has agreed to in his long career.

The scientist will advise on environmental problems arising directly from the brewing industry. He also will consider ways in which the resources of money, technology and management skill in big business can best be used to safeguard and improve the natural heritage.

"Schlitz, like many other American firms, is worried both as a citizen and as a business," Dubos explained in an interview. "In part it was worried about hostility toward business, because business was being blamed for spoiling the environment."

He said he would think about three specific brewery problems at first—avoidance of pollution in waste water from the brewing process, what to do about litter of bottles and cans now in use, and means by which containers could be made so they would decompose after use.

Of his wider ecological tasks he said:

"I believe it is the responsibility of industry to support, in some way, research in these problems . . . perhaps to support students in research . . . perhaps to encourage the mass media to advocate improvement. . . .

"It would go all the way, beginning from some social awareness that I have. I would be a technical adviser and an acting public conscience. . . .

"How I shall do it I have no notion."

He continued to muse:

"You cannot work a solution only from technology. You must make it socially acceptable to the American people. I can bring in a kind of confidence that it can be done.

"At the present time I've been making a kind of name for myself by being an optimist."

POINTS TO EUROPE

Dubos is fond of pointing out that Europe, which has been under intensive human use for 4,000 years or more, remains habitable and pleasant. He recalls examples of areas that deteriorated and have been restored. He points to terrible turn-of-the-century conditions that have been improved.

"I'm convinced that it is the responsibility of those who can afford it to shout over the rooftops, 'Yes, we have problems, but we have the financial and intellectual resources to pull ourselves out of it,'" he said.

Dubos has little patience with prophets of doom or the problem solutions they propose.

"In all the studies that are currently being conducted on the condition of the environment, I always have the feeling that many of the people active in the environmental movement are creating a world where there would be no people," he said.

"I think what motivates many of my colleagues who say man is on the threshold of extinction is that it's a very easy way to achieve notoriety, which is a kind of fame."

CHANGE IS CONSTANT

Man always has and always will change his environment, Dubos declared.

"I'm almost intoxicated with the expression, 'creative stewardship of the earth,'" he said. "Let's try to make something out of it, something that meets human needs and aspirations.

"I think we always manage the environment, to such an extent that I don't like the word 'conservation.' It means keeping things unchanged.

"The problem is not whether you manage or do not manage, but whether you develop the knowledge and common sense to leave the environment in good condition for following generations. . . ."

A rarity among environmentalists in Dubos' seeing some good in the suburbs. By landscaping their lots, New York suburbanites have re-created a forest that was lost, he said.

"There are many more trees in the immediate neighborhood of New York than there were 75 years ago," he said.

The physical environment isn't the problem, he said. The suburbs include people so much alike that children in them grow up with almost as narrow an experience as children in the city slums.

He does not oppose science and technology; he only wants to expand their world view. And, although much of the agitation comes from university campuses, he doubts that many solutions will originate there.

"Where the scientists have been at fault is in not being willing to direct their studies to the consequences of their actions, even after they have been warned," he said. He said the academic pattern did not reward that kind of effort with promotions, honors or administrative posts.

"At the end of the last century everybody knew that much of disease came from malnutrition, came from dirt in the streets, came from awful working conditions, came from the whole messiness of the total urban environment," he said.

"Yet nobody in science considered that a respectable problem. It was citizens in the general public who forced a study of this problem."

Even then, he said, the study was not made in universities. It was private agencies like the Rockefeller Institute in New York, the Pasteur Institute in France, the Lister Institute in England and the Koch and Erlich Institutes in Germany that came to grips with the need, he said.

Dubos has lived in the New York area since coming to the United States from his native France in 1924, but he has one tenuous link with Wisconsin.

DECIDES TO MOVE

He was considering emigrating when he fell into chance conversation with Acher Hobson, a University of Wisconsin professor of agricultural economics, at a scientific meeting in Rome. Dubos was worried because he had little money, knew nobody in America well and did not even speak English.

Hobson encouraged him to try it, adding that he could manage a loan if Dubos got into financial trouble. "I know how to pick a winner," Hobson said.

Dubos took the step and went on to enormous professional success. He never met the UW professor again.

Dubos became an American citizen in 1938.

He will retire soon from Rockefeller University to take over his appointment as director of environmental studies at the new State University of New York in Purchase, N.Y.

NATIONAL URBAN GROWTH POLICY FOR COUNTRY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. DINGELL. Mr. Speaker, on December 3, 1970, the House approved H.R. 19436, the proposed Housing and Urban Development Act of 1970. The purpose of this legislation is to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner-city development. This bill represents the Congress response in aiding this country to achieve the housing goals of providing 26 million units of housing over the next 10 years.

During consideration of the bill on the floor of the House, my colleague, Congressman GARRY BROWN of the Third Congressional District of Michigan, offered a substitute housing bill which was rejected. One section of Congressman BROWN's bill. which he withdrew from consideration. would have amended the Public Utility Holding Company Act of

1935 to permit the acquisition by a registered utility holding company of securities of a subsidiary company engaged in the business of providing housing for persons of low or moderate income under programs authorized by the National Housing Act or any supplementary legislation, or any company organized to participate in housing programs under the Housing and Urban Development Act of 1968. Because of the interest in this legislative proposal and even though it was withdrawn from consideration, I would like to take this opportunity to state my reasons for opposing the measure.

The Public Utility Holding Company Act of 1935 was passed as a result of a 101 volume utility industry study conducted by the Federal Trade Commission. The study was so exhaustive that is has been described as "the most thoroughgoing investigation of an American industry that has ever appeared." The evils uncovered in the study and referred to in the act itself included inflationary writeups on the books of operating companies, which were found to complicate the regulation of rates; acquisitions of properties at grossly inflated prices; preoccupation of management with financial maneuvering rather than efficient production and distribution of gas and electricity in the meeting of local needs; and concentration of economic power too large for local regulation and presenting dangers of monopolistic control.

In the act itself, it is declared that the national public interest, the interest of investors in the securities of holding companies and their subsidiary companies and affiliates, and the interest of consumers of electric energy and natural and manufactured gas, are or may be adversely affected when subsidiary public-utility companies are subjected to excessive charges for services, construction work, equipment, and materials, or enter into transactions in which evils result from an absence of arm's-length bargaining or from restraint of free and independent competition. This danger of restraint of trade and independent competition is the basis for my opposition to an amendment allowing public utility firms to enter into the construction industry for the purpose of building low- and moderate-income houses.

Concentration is particularly troublesome in the energy industry. A number of committees of the Congress, Presidential task forces and Federal executive agencies are all engaged in studies directed at fashioning an appropriate policy to cope with our rather dramatic transition from an energy surplus to an energy deficit society. Further, all available data show staggering increases in common ownership of competing energy forms.

Hearings held by a House small business subcommittee, of which I am chairman, into promotional practices by public utilities clearly show the dangers inherent in allowing utility companies to enter into contracts for or the actual construction of residential property, whether it be low- or moderate-income or houses in higher brackets. By allowing an electric or gas utility company to construct and sell housing, competing energy fuels are almost automatically excluded from competition. The subcommittee hearings clearly showed that utility companies spend millions of dollars a year in cash payments to builders or developers, the sale of equipment at below-cost prices, free installation, and covenants on land requiring the use of only one type of fuel in the erection of any structures.

Since the hearing, a number of corrective actions have been taken by the Federal Trade Commission, the Department of Justice, individual States and the National Association of Regulatory Utility Commissions. Since it would be clearly counter productive within the context of those hearings to allow utilities to build markets for themselves from which competing energy forms might be excluded, I believe this would be a matter worthy of the fullest consideration before final judgments are made.

The need for and necessity of low- and moderate-income housing is of prime concern to me, and my voting record clearly shows my past and continuing support for legislation designed to alleviate this country's severe housing shortage. I am compelled to conclude, however, that there are many other avenues which can be followed in obtaining this country's goal of adequate housing for everyone without endangering competition and possibly fostering monopolistic control in the construction industry.

Thus, it is my position that we are discussing here a very important policy decision which will have profound impact in the decades ahead. Such judgments should be made only after appropriate forums are provided for all interested witnesses. Detailed consideration must be given to a myriad of factors for sufficient insight to be developed. In seeking to block Representative BROWN's amendment, I did not mean in any way to preclude proper consideration of this problem on its own merits during the next Congress. In fact, I favor such a course. It is clear, however, that this was a matter of sufficient importance to the public interest that it not be resolved by a last minute amendment from the floor, which could not, of course, have had the benefit of more than a very cursory consideration by this body.

TRIBUTE TO A LOVELY LADY

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. ROONEY of Pennsylvania. Mr. Speaker, during my term in office, I have followed with great interest the Tocks Island projects and the Delaware Water Gap National Recreation Area.

I was the cosponsor for the bill authorizing the national recreation area, and have given my fullest support through the ensuing years for both of these all-important projects. Naturally, I have also been deeply concerned with the impact these projects would have on the affected people of this region. And I have worked diligently to minimize the hardships that would be created. I feel very strongly that every precaution must be taken to see that the area is utilized fully for the purposes to which it is best suited.

Mrs. George R. Nyce of Allentown, Pa., wrote to me some time ago to express her feelings about the Tocks Island project. In her letter, she said:

> I may be "maudlin and senile"—But I am 77 years old and I remember the valley since I was five years old.
>
> So forgive me and read this bit of how I feel. But am so glad that it will be a wonderful place in years to come.

Mr. Speaker, I want very much to share Mrs. Nyce's fine poem with you and my distinguished colleagues. She is truly one of the "beautiful people."

The poem follows:

FAREWELL TO MY VALLEY

The River flows so peacefully
    Between the fields and hills
Widening as a quiet pond
    Or through a deep gorge spills.
Once birch canoes of Indians
    Moved silently by day
While in the night, their camp-fire light
    Cast shadows cross the way
Then white man came with eager tread
    To farm the fertile land
And worked to earn a livelihood
    With the strength of their own hands
In winter lumbering began
    They cut with axe and saw
Dragged huge logs near river bank,
    To wait the first spring thaw.
As rafters poled the timbers down
    The fields were turning green
And farmers worked hard with their plows
    To bring truth to their dreams.
The years passed by, and city-folk
    Cause to spend the summer,
We made our home a boarding house
    And welcomed each new comer
Then highways and great bridges grew
    Over our peaceful valley
And throngs of people, came this way
    Feeling Crowded alleys—
So engineers will build a dam.
    And we shall say farewell
But in our hearts, there'll always be
    Found dreams they cannot quell.

L. B. NYCE.

POLITICS KEEPS HIM YOUNG

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. EILBERG. Mr. Speaker, we are increasingly told lately that, as with other things in our youth-oriented culture, politics is becoming the province of the young. As with all generalizations there comes along an example that makes us pause and reconsider.

I am proud to call my friend a man who has participated in local politics for 70 years and remains active today as a Democratic committeeman in the 42d ward in Philadelphia, one of 15 wards which comprise my congressional district.

At 94, Abe Katz is a wonder. In my recent reelection campaign, I remember vividly Abe taking the floor at the opening of my headquarters and giving the kind of spirited political pep talk any of us in this Chamber would envy.

With the unanimous consent of my colleagues, I enter here in the RECORD a column by Mr. Sandy Padwe which appeared in the Philadelphia Inquirer on November 4 of this year and which describes far better than I can the remarkable accomplishments of Abe Katz:

HE'S "YOUNG" AT 94, THANKS TO POLITICS

(By Sandy Padwe)

Abe Katz works a 10-hour day at his finance company, then walks the streets of the 42d Ward in the Northeast campaigning and shaking hands, talking politics and making sure his voters will make it to a polling booth on Election Day.

At night, there are Democratic committee meetings and street corner rallies and sometimes those big $100-a-plate dinners.

Once, Abe Katz could breathe deeply at election time and inhale the crisp, fall air with its touch of burning leaves. But like so many other things, even that has changed. Now, people tell Abe Katz that it is dangerous to breathe the air in Philadelphia.

Abe Katz is 94 and a Democratic committeeman. He's been in local politics for 70 years. After all those bad cigars and smoke-filled rooms, air pollution doesn't frighten him.

Election Day is important to Abe Katz. He turns his office, on East Wyoming ave., into a command center where party workers are on the phones with the voters and where people can drop in for some political chatter between Abe Katz's frequent visits to the polling locations.

IF IT WEREN'T FOR POLITICS

"Ten-hour days are nothing for him; he has a lot of stamina," said Morris Katz, Abe's 64-year-old son. "Without all this he'd be lost. He loves it. If he gets tired, he has a bed in the back that he can use to rest."

Abe Katz agrees with his son. "If it weren't for politics," he said, laughing, "maybe I wouldn't be here. Politics keeps me healthy."

Abe Katz has clear blue eyes, a bald head, a loud voice and 70 years worth of political memories. The years haven't harmed his faculties. He is much more alert than many 50-year-olds.

He doesn't make many claims, but one bit of history Abe Katz insists upon concerns Theodore Roosevelt. Abe Katz says he was the first person to call Roosevelt, "Mr. President."

"You know," Abe Katz said, "that Roosevelt was once the police commissioner of New York City. Well, I started as a peddler in New York on the Lower East Side. I had a pushcart. I sold pears. Five for a dime. I used to sell them near Schwartz' restaurant at Houston and Clinton.

"Theodore Roosevelt used to eat in Schwartz' a lot and sometimes he bought pears from me. Even when he didn't, he'd wink at me or nod and say hello.

"One night, one of the policemen told me to move from the corner where I sold the pears. I went into Schwartz' and told Mr. Roosevelt about it. He came down later and spoke to the policeman. The next day the policeman comes up to me and says, "Why didn't you tell me you knew the commissioner?' That's when I started calling Roosevelt, 'Mr. President'."

SELLS ORANGES AT WORLD'S FAIR

From New York, Abe Katz moved to Philadelphia. He was still in the pushcart business. In 1904, he decided that the world's fair in St. Louis would be a lucrative site to sell oranges. Abe Katz went to St. Louis and had one of the prime spots outside the main gate.

"President Roosevelt," Abe Katz said, "came out for the opening ceremonies and when they were over he was leaving and walked past me, stopped and came back. It had been a few years since he had seen me. 'Do you have a brother in New York?' he said. Then I told him who I was and he laughed and invited me to Washington. I went there, too, on my way home from St. Louis and he showed me around his office and introduced me to everyone as the first man to call him, 'Mr. President'."

Abe Katz also claims to have saved Al Smith's life one particularly cold, blustery day following the Presidential election of Franklin Delano Roosevelt. "I was in Washington with some people from the John O'Donnell Democratic Club and we were celebrating FDR's victory," Abe Katz said.

"We bumped into a group of New Yorkers and Gov. Smith was with them. I knew him and said, 'Governor, you don't look well, is there something I can do for you?' Now, remember, this is just before prohibition ended.

"Gov. Smith says, 'Yes, I am dying from this cold weather, does anybody have a drink?' "

Abe Katz recognized a crisis. Here was Al Smith, Presidential candidate in 1928 and an advocate for the repeal of prohibition, without a warming drink. Abe Katz was stunned. "New York Irishman without any whisky," he said. "That was terrible."

"I knew a janitor," Abe Katz continued, "who worked in the basement of the Capitol Building in Washington and sold the stuff to senators and congressmen. So I went over to him and he says, 'For you, Katz, anything.' I got a quart and took it back to Gov. Smith. He guzzled it like it was soda. He thanked me and told me I saved his life."

It is a mistake suggesting to Abe Katz that maybe a 94-year-old man should slow his pace. Abe Katz seemed indignant and started talking about the Bible.

"Old man Abraham," he said, "was 150 when he became a father. I'm not 150 yet, but . . ."

All politicians have their stock speeches. So does Abe Katz.

THE NEW YORK STAATS-ZEITUNG UND HEROLD

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. DELANEY. Mr. Speaker, the Christmas season is a nostalgic time when most of us reflect on old friendships and recall many of the organizations and institutions which made our communities better places in which to live.

Such an institution is the New York Staats-Zeitung und Herold, the second oldest daily newspaper published in America, which is located in my congressional district.

This highly respected periodical began publication on Christmas eve, 1834, and has been a tower of strength in the community and in the Nation ever since. It was my privilege to know its late publisher, Mr. August Steuer, for some 40 years, and I am sure he would be proud to know his paper continues to flourish today, not only as a chronicle of the day's events, but as a reference source for scholars.

I would like to share with my colleagues a recent article concerning this outstanding newspaper, which appeared in the New York Sunday News. The article follows:

FOR THE STAATS, WEINACHTEN IS NOT JUST YULE

Just as lusty but not quite as old, as Santa Claus, the New York Staats-Zeitung und Herold will celebrate its 136th birthday on Christmas Eve.

The second oldest daily newspaper in America, which has never missed an issue even when anti-German feelings ran high in World War II the Staats was born on old Newspaper Row opposite City Hall.

It was the night before Christmas, in 1834, when the first issue of the newspaper hit the snow-covered sidewalks of New York. The city's bustling German-speaking community greeted their newspaper with a cheery "Froehliche Weinachten" (Merry Christmas).

WON'T CUT FREQUENCY

Yesterday, publisher Erwin Single said the newspaper will continue to publish six times a week and has dropped any thoughts of cutting down to twice a week because of skyrocketing labor and production costs.

"I think diversification of our interests will help us to break even on the paper," said Single, a former reporter who knows almost every facet of New York City life as well as his own ethnic corner.

INCOME FROM BUS TOURS

"We derive income from motor tours of American cities, cultural activities and other promotions, and that really keeps the newspaper going," he explained. The Staats operation may soon solve the financial problem that faces all foreign-language newspapers in this country.

"We may begin to operate bus tours for other newspapers to help them raise new funds for survival," Single said.

The publisher, with co-owner Erwin Steuer and production chief Wolfgang Hamel, sees a bright future for Staats.

MORE LEARNING GERMAN

Steuer, in his 30s, the youngest executive at Staats, said, "I wouldn't be here if I didn't think there is a great future for the paper. The whole idea of people learning a second language is reviving. The number of German-language schools for children on Saturdays is growing. They will want to read, and keep up with events, in German. That's why our big weekend edition that carries a cultural section is so big with the younger readers; and, of course, we run all the soccer scores. In the German-speaking community, soccer is No. 1."

Single is also president of the U.S. Soccer Football Association, and a key man in the Steuben Parade Committee.

PROGRAM UPGRADES EDUCATION OFFICE SKILLS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. SCHEUER. Mr. Speaker, the U.S. Office of Education has recently initiated an innovative program to provide upward mobility for nonprofessional employees. It is currently being considered for adoption by the entire Department of Health, Education, and Welfare. Called the New Careers Intern program, it is designed to place lower-grade employees into part-time paraprofessional positions for 3 years while they earn a 4-year B.A. degree at Federal City College. At the conclusion of the program, the participants have a college degree and a professional position and salary within the agency. The program promises to provide a steady flow of talented and qualified professionals who will greatly help integrate HEW's professional staff and open new channels of communications with its clients.

This imaginative effort to provide equal opportunity for upward mobility regardless of economic status, skin color or cultural group membership should not go unnoticed. This program will not only help build employee morale in the Office of Education by demonstrating a genuine concern for lower echelon workers, but also will provide a highly talented group of professionals who are intimately familiar with the problems, programs and possibilities of the agency. I commend the Office of Education for this bold new step, and hope the Secretary will adopt and extend it throughout the entire Department of Health, Education, and Welfare. I would like at this time, Mr. Speaker, to place in the RECORD an article on the New Careers Intern program from the Manpower Information Service Newsletter:

NEW CAREERS INTERN PROGRAM UPGRADES EDUCATION OFFICE SKILLS

The Office of Education has begun an in-house upgrading program which may become the model for other agencies concerned about workers in dead-end jobs. The New Careers Intern Program has been designed to advance 15 clerical workers (in the $6,500 to $8,000 pay range) to professional positions within the agency through on-job training and half-day sessions at Federal City College (FCC), from which they will receive a baccalaureate degree. During their three year training program, interns will receive a regular salary, starting at their present level and advancing one government pay grade each year.

The New Careers Intern Program was created and sponsored by the Bureau of Employee Development after one of their staff members, Daniel Sorensen, conducted a study of existing employment patterns within OE. Sorensen found that during 1969, 93 percent of the OE professional positions were filled by whites while 70 percent of the nonprofessional positions were filled by minorities, and many of the clerical positions were dead-ends for employees who did not have the educational background to advance. Sorensen also found that many bureau chiefs, having discovered their clerks were capable of doing more than secretarial work, had promoted them in terms of responsibility and job performance. However, the clerks could only receive payment for the secretarial work they did because they did not qualify for more advanced government pay scales.

Recognizing the need for technical and paraprofessional positions within the agency, Sorensen headed a task force which undertook a one month pilot project in the Bureau of Educational Personnel Development at OE. They attempted to create a single technician job. At the end of the month it appeared that they had merely created another dead-end position, but one with higher pay, rather than a springboard for future advancement. They concluded that for any development project to succeed, full support, including funds and commitments for future promotions, was needed from the administrators of OE.

Sorensen proceeded to convince the Commissioner of Education to support the development of a New Careers Program for upgrading the level of the educational bureaucracy. The Office of Education agreed to provide money for salaries, tuition, and books for the Career Interns, and a grant of $48,000 was obtained from the Manpower Development and Training Act to create a New Careers Institute at FCC.

THE SELECTION PROCESS

A brochure was sent out twice to all OE employees explaining the New Careers Program and eligibility. All interested persons were encouraged to apply. Two-hundred eighty clerical workers, out of the 600 eligible, applied, and from them, 15 had to be chosen to enroll.

No written examination was required, for Sorensen and his staff considered the existing ones to be culturally biased. Instead, Sorensen set up 13 three-member panels, consisting of two minority employees and one white, to interview each potential participant. Before the interview took place, panel members received copies of the applicant's life history (filled out by the applicant) and a supervisor's report. The purpose of the interview was to establish whether the applicant could handle college work and then advance into a professional job. Interview guidelines indicated that applicants should be rated on the following qualities: intellectual ability, emotional stability and maturity, judgment, creativity and imagination, empathy for the poorly educated and the economically poor, and a commitment to improving the educational opportunities of all people. These qualities were to be combined with judgments of the individual's motivation and maturity, ability in oral expression, bearing and manner, social adjustment, and possible personality conflicts.

Thirty-three semi-finalists were selected and interviewed by a final panel, consisting of the head of Federal City College's New Careers Institute, a young OE professional who had previously been a clerk, and a project officer from MDTA. Fifteen finalists, 14 of whom were black and one Puerto Rican (ten women and five men), were selected and taken off their old jobs. They were relocated in 15 newly created paraprofessional positions placed throughout OE.

HOW THE PROGRAM OPERATES

For four hours each morning the 15 interns attend FCC where they take a mixture of freshmen courses (English, math, and social science) and a special curriculum that is being designed. After two hours of class, enrollees have two hours of supervised study. In the afternoon they return to OE and their new jobs. After participating in the program for three full years, interns will receive a B.A. in Community Education; they will have received administrative training and experience; and, according to Sorensen, they will be able to hold down professional positions within OE and advance through the ranks.

Participants in the program will be evaluated periodically on the basis of their school work and the performance of their jobs. Because the purpose of the program is to upgrade employees and not to fail anyone, supportive services will be available for students when needed. Sorensen has also planned to analyze the newly created paraprofessional jobs, for at the end of one year, interns will be given the option to rotate or stay where they are.

PROGRAM PROSPECTS

The present plan for the future of the New Careers Intern Program is to continue selecting 15 participants each year. After the first three years, there will be a steady flow of upgraded OE employees joining the ranks of the educational professionals. Sorensen hopes the Career Interns will become as well known as the Management Interns, who are college graduates, training for government careers. Already other agencies are making inquiries about application of the OE program to their own needs. The Department of Agriculture, the Department of Housing and Urban Development, the Office of Economic Opportunity, and Head Start have expressed an interest in New Careers. Sorensen feels, "The program is happening because the time is ripe." The need for upward mobility within government agencies has finally been recognized and is being remedied, he says.

CHRISTMAS AND POINSETT

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. DORN. Mr. Speaker, the following is my Christmas message to the people of my congressional district:

CHRISTMAS AND POINSETT

Congress is still in session in Washington, so I went to Calvary Baptist Church for morning worship service. First went to Calvary when I was a freshman Congressman in 1947. My secretary, later associated with Senator Bob Kennedy and Senator Sam Ervin, virtually ordered me to attend church on Sunday and suggested Calvary at the corner of H and I Streets. Riots burned and destroyed much of this area in April 1968, but Calvary was not damaged.

This morning at Calvary I was impressed with the Christmas decorations. At least 50 poinsettia flowers were beautifully arranged from the two pulpits upward to the marble baptistry in a graceful sloping bank. Around the base of the poinsettias were white pine boughs lit with white lights. There were tall cedars on either side of the poinsettia arrangement and four huge lighted candles in front of the pulpits. My thoughts for a fleeting moment drifted back to the Garden Clubs and the florists of South Carolina. I thought of them and, yes, of our South Carolina Festival of Flowers to be held in Greenwood in July.

I sat with Brooks Hays, a Congressman for twenty years, who while serving in Congress, although a layman, was President of the Southern Baptist Convention for two consecutive years. We listened to the sermon by Dr. Clarence Cranford who was President of the American Baptist Convention at the same time Brooks Hays was President of the Southern Convention and both were attending Calvary. In those days Brooks Hays, Congressman Orin Harris of Arkansas, now a Federal Judge, and I taught lessons in the Vaughan Bible Class, one of the largest and oldest in the world.

Amos Kendall, Postmaster General under President Andrew Jackson, helped to organize Calvary Baptist Church and later contributed $60,000 to the building of the present sanctuary during the War Between the States. After serving in Jackson's Cabinet, Kendall became the attorney for Samuel Morse. The late Chief Justice Charles Evans Hughes was a member at Calvary and attended regularly; in his time he sat near where we were sitting.

Dr. Cranford in his superb Christmas message said the most challenging and inspirational two words to the fantastic scientific world are "try it." He suggested we try Christianity. Dr. Cranford said he tried it and "it works." Christianity had brought him more love, compassion, goodwill, brotherhood, courtesy, and understanding. Dr. Cranford pointed out that wherever Christianity prevailed there was more freedom, more justice, less ignorance, more concern for the diseased and the poor. Wherever Christianity, there are more rights for women, economic justice, charity and tolerance. Yes, more love of and fun for children. What would Christmas be without children? What would children be without Christmas? There would be no Christmas without a Baby born in a manger. Wise men realized this fact on that very night in Bethlehem.

The brilliant Napoleon exiled on St. Helena was sad, lonely, reserved and reflective. Napoleon there is reported as having said, "Alexander, Hannibal, Caesar, and myself founded our Empires on the force of arms and they have all passed away. Jesus Christ founded His Empire on love, and today millions worship at His feet."

From Calvary Church I walked to the National Gallery of Art and again saw Gilbert Stuart's painting of George Washington and the painting by Thomas Sully of Andrew Jackson with sword and uniform. Wandered to the Botanical Gardens with its gorgeously decorated Christmas trees and, yes, literally hundreds of beautiful poinsettias. Poinsettias of all sizes artistically arranged in sophisticated patterns—a wonderland avenue of red, white, and pink poinsettias. Washington is beautiful now—Christmas decorations everywhere challenge the imagination of creative minds. But wherever you go you find the poinsettia—in the offices of Congressmen and Senators, in homes, in the embassies, in hotel lobbies, in my apartment building—everywhere.

Joel R. Poinsett's portrait as Secretary of War hangs silently and somewhat lonely in the Pentagon. John C. Calhoun's portrait is likewise in the Pentagon as a former Secretary of War, but as the leader of a different South Carolina political philosophy.

Joel R. Poinsett was born in Charleston, South Carolina in 1779. Like so many of his aristocratic Charleston contemporaries, he spent his early childhood in England; attended private school in Connecticut and at Wandsworth near London, England; studied Medicine at the University of Edinburgh, Scotland; military science at Woolwich, England; studied law in Charleston and then traveled extensively in Europe for eight years. He was appointed by President Madison to investigate the struggle for freedom in South America where patriots struggled for liberty and independence against Spain. Later he returned to Charleston and declined an appointment by President Monroe as Commissioner to all of South America.

Poinsett was elected in 1820 to the United States Congress where he served with honor and distinction for more than four years and then resigned to accept appointment by President Monroe as the first United States Minister to Mexico. It was during his service to the Nation as Minister to Mexico that Poinsett introduced the poinsettia flower to the United States. Later Poinsett was appointed Secretary of War by President Van Buren. Joel R. Poinsett died in 1851 near what is now Statesburg, South Carolina. He was interred in the Holy Cross Episcopal Church Cemetery in Sumter County.

South Caroline's celebration of her 300th birthday is drawing to an end. We have honored our revered heroes of the past. All of America has paid tribute to South Carolina and her great contribution to the founding of the Nation as one of the original 13 colonies. Andrew Jackson's statue on horseback stands in Lafayette Square across from the White House, on the Battlefield of New Orleans, and in the Rotunda of the National Capitol. John C. Calhoun, his rival and fellow Carolinian, adorns the Capitol from one end to the other. Robert Y. Haynes' golden voice in the famous debate with Daniel Webster perhaps floats in space to be yet recorded by modern science. General Wade Hampton, one of the greatest generals of the Western World, drew his sword and left his blood on a dozen battlefields. Timrod and Hamilton grace the pages of literature, but no South Carolinian in all of her glorious history on the battlefields of the World or in the halls of Congress has left his name so warmly and graciously associated with cheer, love and peace as Joel R. Poinsett. Poinsett, like the Wise Men of Old, is indelibly associated with the birthday of the Prince of Peace.

He did it with a flower. Not with a sword, a brilliant speech or even the pen, but with a beautiful tropical flower, its leaves of scarlet like the setting sun and rich green like the Northern evergreen.

Throughout the world, the poinsettia is known and admired. Friendly Hawaii, Alaska, and even the firesides of the frozen North, every State in our great Nation, every community, the resting places of our dead, virtually every hearthstone, will be warmed and blessed by a flower—the poinsettia.

Merry Christmas and a Happy New Year.

Sincerely,

WM. JENNINGS BRYAN DORN,
Member of Congress.

DECEMBER 20, 1970.

THE LINDLEY-OLNEY LIONS CLUB OF PHILADELPHIA REMEMBERS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. EILBERG. Mr. Speaker, all of us meet with civic groups which make singular and important contributions to their communities. This fall I enjoyed the hospitality of one such group which has undertaken a project that merits the attention and approbation of my colleagues.

The Lindley-Olney Lions Club is a service group in my Philadelphia congressional district. It conducts the full range of activities typical of Lions Clubs throughout the country. Additionally, however, 5 years ago the membership decided that, as a gesture of unity and a reminder that some at home do not forget, the Lindley-Olney Lions embarked on a special program.

The members decided to mail the community newspaper, the Olney Times, to servicemen and women from the community scattered across the world. In those 5 years, 100,000 copies of the Times have found eager readers wherever servicemen and servicewomen from our community have been called to serve.

The program continues and currently the Lions are mailing about 300 copies of the Olney Times every week.

Because I believe the Lindley-Olney Lions deserve our special gratitude and special appreciation for their magnificent effort, I here, with the unanimous consent of my colleagues, enter their names on the RECORD:

Charles A. Agner
James R. Allison
William A. Anderson
Robert F. Barandon
Clifford M. Bender
George W. Bergey
Fred G. Binder
John Blum
Raymond B. Blunt, Jr.
Raymond J. Boldt
Samuel J. Bonanno
John J. Brady
David F. Bruce
Henry P. Carr, Esq.
Edward J. Dunbar II
Evan C. Eckert
Donald C. Engel
Enrique V. Fradera
Frank J. Gallagher
Paul J. Geisz
Peter Geraghty
Kenneth F. Glace
Walter Goessel
Herman M. Golove
Edward S. Green
Herman Grob
Fred H. Harper
Louis F. Henry
Harrington Herr
Fred J. Junkermann, Jr.
Dr. Morris Kaplan
Harry C. Kohlmeyer
Carl Koshaml, Jr.
John G. Kurz
Jacob H. Lang, Jr.
Philip J. Leavens
Louis Longo
Frank A. Mayer, Jr.
William Miller
John G. Muir
Charles E. Murray, Jr.
Dr. Jacob J. Olitsky
Thomas Quinn
Walter A. Reznisak
Max Robinson
John C. Schmidt, Esq.
Charles J. Schrank
James D. Scully
Louis Sherman, Esq.
Clarence M. Stone
Arthur A. Studenroth
Richard J. Tamagno
Stephen Tretina
John A. Waldis
John S. Wurst
Charles E. Zebe
Alfred Zeller

VOICE OF CONSUMERISM

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. SPRINGER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following editorial from the December issue of Transport Topics, which my colleagues might wish to read in view of the discussion among many of my colleagues with reference to the consolidation of the Interstate Commerce Commission, the Maritime Commission, and the Civil Aeronautics Board into a single agency:

VOICE OF CONSUMERISM

Seekers of change in the transportation regulatory setup often seek to wear the mantle of "consumerism," because that is one of the catch words of our time. But government leaders were given reason to question whether some of the proposed changes are really in the interest of the consumer.

The reason was given in the form of action by the National Industrial Traffic League which many consider to be the largest and oldest representative of consumer interests where transportation is concerned. The League (TT, 11–30–70, p. 1) voted against lumping the activities of the ICC, the Federal Maritime Commission and the Civil Aeronautics Board into a single agency.

As William A. Bresnahan, ATA president, said last week, it would be "difficult to pinpoint a single transportation problem or condition which cannot be handled as well or better by the three existing agencies than by one new agency—assuming comparable authority and resources."

Most people close to transportation—shippers and carriers alike—are mindful of the complexities of effective regulation. They are quick to recognize that these complexities could only be compounded by mixing the problems of ocean, air and land transportation under the jurisdiction of one super agency.

It seems evident that much of the support for an organizational reshuffle in the regulatory field comes from those who recognize that, by itself, reorganization would complicate things. Their answer to this is to lessen the degree of regulation over such things as minimum rates, entry controls and destructive competition. It seems that the cry of reorganization is more an attempt to discredit the present regulatory setup than it is a move to achieve effective regulation.

Those who would change the regulatory setup give scant acknowledgment to its achievements. It seems to make little difference to them that the present regulatory agencies have fostered a sound transportation system, serving the world's greatest industrial complex, under private ownership. Certainly this should indicate to any reasonable person that no fundamental changes are needed.

There seems to be a consensus to this effect among most of the transportation forms and the shippers who use them. The national policy makers should certainly heed these opinions.

THE SCOTT REPORT

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, my friend and constituent, Mr. Edward J. Sloane, of Springfield, Va., called my attention to a recent column by Paul Scott which he feels, and I agree, deserves wider attention than that it has received in the newspapers carrying Mr. Scott's column regularly. I insert the full text of the Paul Scott column for Friday, December 4, at this point in the RECORD:

THE SCOTT REPORT

(By Paul Scott)

WASHINGTON, December 4.—The establishment of Soviet Submarine "facilities" in Cuba has triggered a new controversy over the secret Kennedy-Khrushchev exchange of letters during the 1962 Cuban missile crisis.

Several members of the House Foreign Affairs Committee, which has the Cuban situation under study, have demanded that President Nixon release the correspondence in this exchange that has been kept secret.

Headed by Representative H. R. Gross (R. Ia.), the lawmakers want all the Kennedy-Khrushchev correspondence published to determine the full implication of the "understanding" reached by the two leaders on Cuba and its impact on present U.S. policy.

"Only by seeing what is in the Kennedy-Khrushchev correspondence," says Representative Gross, "will we be able to determine what type of commitments were made, and, whether the Russians have violated them by setting up submarine facilities in Cuba."

What isn't generally known is that Kennedy and Khrushchev exchanged more than 30 letters on subjects ranging from Cuba to the setting up of an international crisis commission to control disputes like the ones now developing in Cuba and Berlin.

The content of less than a dozen of these letters has been published. The most important letters dealing with the Kennedy-Khrushchev "understanding" on Cuba are still secret. Why?

In preparation for making a decision, the President has asked Secretary of State William Rogers to review the correspondence and recommend whether the letters can be declassified and published.

The State Department has vigorously opposed release of the still-secret part of the Kennedy-Khrushchev correspondence in the past for several reasons.

One objection is that the publication would violate an informal understanding made with the Russians at the time that several of Khrushchev's letters would not be released without prior Soviet approval.

Opposition to release of the letters was also based on the grounds that their content would "anger and excite anti-Castro Cuban groups in this country."

CHANGING SITUATION

The publication of former Soviet Premier Khrushchev's "memoirs" in the U.S. has caused the State Department to reconsider its first objection.

Several of Secretary Rogers' advisers have warned him that continued suppression of the highly controversial correspondence could eventually be an embarrassment to present Administration.

Since the White House has stated publicly that the President considers the Kennedy-Khrushchev "understanding" on Cuba to still be in effect, these State Department experts contend that the Administration should make the full details public before the Russians do.

Their concern is that the Russians are planning to use the Khrushchev "memoirs" to distort the meaning of the "understanding" reached by Kennedy and Khrushchev on Cuba to show that their activities on the island do not violate it.

Publication of one of Khrushchev's letters dealing with a Castro statement that Russia planned to establish a naval and fishing port, according to these State Department experts, would clearly show that the Soviets agreed not to undertake this type of activity in Cuba.

Other correspondence, including a long rambling letter from Khrushchev, also revealed that the Russians agreed that there should be U.N. inspection to determine if there were any offensive nuclear weapons in Cuba.

The legislators headed by Representative Gross now believe it would be a good time to make this commitment known to the world and for the U.S. to see if it can be carried out to determine if the Soviets are building a submarine base in Cuba.

Otherwise, the Gross group believes the U.S. should stop living up to its end of the "understanding" which apparently has been to protect Castro from attacks that Cuban refugees might try to launch from the U.S.

What President Nixon will finally do about the legislators request for release of the Kennedy-Khrushchev correspondence is conjectural. While he waits for the State Department's recommendation, aides say the President is reading proofs of Khrushchev's "memoirs" to see what he has to say about Cuba.

If nothing else, the new controversy over the Kennedy-Khrushchev letters should remind President Nixon that after eight years the U.S. has done nothing to help the Cuban people regain their freedom.

The movement of Chile into the Moscow-Havana Bloc would indicate that this U.S. policy if continued could be a disaster for most of Latin America and in time, the U.S.

CUBAN FALLOUT

From aerial photographs and other sources of information, American intelligence authorities report that Russia now has facilities at Cienfuegos, Cuba, capable of handling nuclear submarines. There are several barracks for crews and a soccer field. (Cubans play baseball while Russians play soccer). There are buoys for submarines to tie to; two powerless barges for minor servicing and disposal of radioactive wastes; and a tender of the UGRA class. Missile storage facilities are located nearby.

JOHN CONNALLY, A NATURAL LEADER

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. PICKLE. Mr. Speaker, the recent appointment of Hon. John B. Connally as Secretary of Treasury brings attention again to the outstanding capabilities of the former Governor of Texas.

Those of us who have known John Connally since his University of Texas days can vouchsafe for his natural talents as a leader. Through all these years in every undertaking, John Connally has demonstrated that he is a man of vision and forceful action. He will bring to the Cabinet a sense of awareness of our problems and a fierce determination to improve the economic status of every American. Having served as a former Secretary of Navy and former Governor of Texas, this man has proven his leadership.

Newspaper columnists have been speculating that there is great deal of unusual political involvement in this appointment. Indeed, some of the columnists have actually been speculating in the wildest manner that comes close to being journalistic fraud. The truth is that the President of the United States asked this outstanding man to serve in the Cabinet and Mr. Connally accepted because he felt he could render valuable service to his country. That is all the politics there is to it.

The question is whether Governor Connally can and will make a good Cabinet officer. Even his critics, Mr. Speaker, agree he is an outstanding attorney, administrator, and public servant. I can assure my colleagues he will prove to be a most refreshing and dynamic leader—and his type of leadership is sorely needed in our country now. John Connally will be an outstanding Secretary of Treasury.

THE NEED FOR A NATIONAL INSURANCE SYSTEM FOR PRIVATE PENSION PLANS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. BRADEMAS. Mr. Speaker, in the last 2 days the House has been asked to act on two bills which will have an important impact on some of the most powerful financial interests in our economy. Yesterday the House approved the conference report on a bill to create an insurance system to protect investors in stocks and bonds against financial loss due to the insolvency of securities brokers and dealers. Today the House will be considering a bill which authorizes the Federal Government to guarantee up to $125 million in loans to railroads in financial difficulties.

Both of these bills were strongly supported by the present administration. In his economic message of June 17, President Nixon described the investor-insurance plan as one of the measures needed to "help the people who need help most in a period of economic transition."

I voted in favor of these two bills when they came to the floor of the House because I felt they were urgently needed to increase the stability of two vital sectors of our economy and protect the public interest. But I feel it is indicative of the priorities of this administration that the President could have asked Congress to assist investors and the rail industry through such legislation while ignoring those in our society who have been hardest hit by the effects of this "period of economic transition"—American working men and women and their families.

Just last week we saw the President veto a manpower training bill which would have enabled thousands of jobless

Americans to remove themselves from the unemployment rolls. But in addition to such flagrant acts against the interests of American workers, the administration has failed to support other forms of legislation to protect the economic security of the worker.

Let me mention just one example. For several years now we have had before us in Congress proposed legislation of great importance to American labor. I refer to proposals, which I have cosponsored, to provide Government reinsurance of private pension plans so that employees covered by such plans will be protected if and when their employer is forced to go out of business. Yet the administration has failed to lend its support to this vital legislation.

Mr. Speaker, there are now 28 million American working men and women who are covered by private pension plans. The number is expected to rise to 42 million by 1980.

Yet these millions of low- and middle-income Americans now have virtually no protection against the possibility that the insolvency of their employers could deprive them both of their jobs and of the pension rights they may have acquired through years of hard work.

Between 1955 and 1965 approximately 4,000 pension plans were terminated in the United States. In all too many cases the workers involved were left with no way of securing their rights to retirement benefits from the pension funds to which they had in good faith contributed for so many years.

The people of South Bend, Ind., whom I have the privilege of representing in Congress, have good reason to be concerned about the absence of protection for employee pension rights. It was almost exactly 7 years ago to the day—December 20, 1963—that the Studebaker Corp. shut down its plant in South Bend, throwing thousands of workers out of their jobs and bringing about the greatest economic crisis in the city's history.

At the time of the shutdown, the company's pension fund had only enough resources to provide pensions to workers 60 years of age and older. As a result, 4,400 workers between the ages of 40 and 59, some of them with as much as 40 years of seniority, found their pension rights completely wiped out, with little prospect of finding employment elsewhere.

Mr. Speaker, proposals to prevent such catastrophes as the Studebaker shutdown have been pending before the Congress since 1961. The technical details of a self-financing insurance plan have been worked out. The enactment of a comprehensive plan to protect the pension rights of American workers should be one of the highest priorities of Congress.

But so far the present administration has given no evidence of being at all interested in giving the American working man this much-needed protection. Instead the administration has persisted in its belief that "those who need help most in a period of economic transition"—an interesting euphemism for economic recession—are the bankers, brokers and boards of directors of business.

This is a premise which I doubt would be accepted by many American working men and women. It would certainly be greeted with scorn by the 6,600 citizens of South Bend—7.6 percent of the labor force—who find themselves without jobs in this period of "economic transition." Unemployment in the South Bend area now stands at its highest level since the Studebaker shutdown in 1963. The jobless in our country need more than rhetoric from the President about "those who need help most" in weathering the economic depression which the administration's game plan has created.

Mr. Speaker, I include in the RECORD at this point a letter from Leonard Woodcock, president of the United Auto Workers, which discusses the need for a pension reinsurance plan:

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA–UAW,
Detroit, Mich., July 2, 1970.

DEAR CONGRESSMAN: I am writing to you and to the other members of the Congress to urge that at least as much consideration be given to public reinsurance of the accumulated private pension rights of workers as is being given to bailing out both Wall Street speculators whose brokers go bankrupt and the stockholders of the Penn-Central Railroad.

In his June 17 televised address on the state of the economy, President Nixon told the nation that we are in transition from a wartime to a peacetime economy. Senator Mansfield and economic indicators suggest that the word for our situation is recession. We in the UAW are struck by the fact that whether we are in an economy of war, peace or transition, in recession or what passes for prosperity, the conduct of government and economic affairs remains too largely in the grip of a double standard: all Americans are equal, but some Americans are more equal than others. Walter Reuther used to refer to this double standard as Park Avenue socialism for the rich and free enterprise for the poor. The President's program "specifically addressed to help the people who need help most in a period of economic transition" reflects that double standard. Mr. Nixon called for:

"Establishment of an insurance corporation with a Federal backstop to guarantee the investor against losses that could be caused by financial difficulties of brokerage houses."

Yet he made no reference to and indicated no support for a long-pending proposal to provide similar insurance to meet the urgent need of wage-earners and lower-salaried workers who stand to lose the protection of privately negotiated pensions if the companies they work for should go out of business before their pension programs are fully funded. Yet the closing of plants and the wiping out of workers' pension rights are an obvious potential consequence of a transition from war to a peace economy, while it is difficult to see any necessary connection between such a transition and trouble in brokerage houses.

Again, the collapse of the Penn-Central Railroad has brought on the spectacle of Administration figures falling over each other in their haste to shore up the managements and to protect the stockholders of the Penn-Central and other threatened lines through massive infusions of Federally guaranteed loans. The Secretary of Transportation admitted that such action to help the Penn-Central management would be "gambling" on "high-risk loans." Nevertheless he attempted to panic the Congress and the country with the hobgoblin of nationalization of the railroads if the risk were not taken. And the President himself, in his June 17 speech on the economy, authorized the gamble by calling for:

"Legislation that will enable the Department of Transportation to provide emergency assistance to railroads in financial difficulties.

We in the UAW are not in principle critical of financial aid to stricken corporations. Nor are we necessarily opposed to action to protect investors or even speculators from losses stemming from financial difficulties of brokerage houses. Yet we ask: Are these people—the well-heeled managements of conglomerate corporations and others affluent enough to be able to speculate in Wall Street—among "the people who need help most in a period of economic transition"?

We think not. These people may need help, but they certainly need help less than the poor, the unemployed, and millions of aging Americans for whom retirement brings a severe slash in income that frequently means ending their days in poverty.

The President gave a thought to these older Americans in his economic speech, proposing that the Congress tie Social Security benefits to the cost of living. This would be helpful, but tying a poverty retirement income to the cost of living would merely guarantee an unruffled prolongation of poverty.

It is the gross inadequacy of Social Security benefits that has given privately negotiated pension rights such crucial importance in workers' hopes and plans for retirement. Yet the President was silent with respect to the plight of the many American workers who own no railroads and possess no stock portfolios to speak of, only a private pension promise that offers them hope of a standard of life in retirement beyond the bare minimum possible under Social Security. Public reinsurance of private pension funds—similar to the insurance provided since the 1930s for bank deposits and akin to the backstop Federal protection the President asks for investors—would bring all of us closer together and nearer to fulfillment of the American dream of which Mr. Nixon spoke to such applause in his address to the Junior Chambers of Commerce.

The number of persons dependent upon private pension plans is far greater than the number of Wall Street speculators and Penn-Central stockholders whose problems have generated the urgent concern and precipitate haste of an army of would-be rescuers. Some 28 million persons are presently covered by private pension plans and it is forecast that 42 million will be covered by 1980.

In contrast to the handful of brokerage firms that have experienced difficulties and the one railroad recently forced into receivership, some 4,000 pension plans were terminated in the United States between 1955 and 1965. These terminations, all too frequently, subjected affected workers to the double tragedy of lost jobs and loss of substantial prospective pension rights at a stage in life when they had little or no opportunity to earn further pension entitlement.

We in the UAW have been pressing since 1961 for an insurance program to protect private pension funds. Delegates to a UAW convention that year, comparing the promissory nature of bank deposits and pension plans, declared:

"Pension plans also represent private promises, this time by employers, which they may not be able to keep if they get into deep financial difficulties before the plans have been fully funded. These plans are so widespread and private pensions to supplement social security have become such an integral part of our system of providing for retirement that their protection must also be accepted as an essential feature of public policy. The catastrophe to the worker who sees the security which his pension rights represent to him swept away by the failure of an employer is just as great as the catastrophe of the depositor who loses his lifetime savings in a bank failure. The solution is essentially the same."

Congress in the relatively prospering early 1960s was not impressed by the reality or urgency of this problem and failed to enact legislation which would have shored up the security of workers' pensions. Then, 5 days before Christmas 1963, the last car came off the South Bend line of the Studebaker Corporation, and as a result some 4,400 workers between the ages of 40 and 59, who had earned a vested pension right through ten or more years of service to the corporation, found that right meaningless when their plant shut down with only enough money in the fund to provide pensions to workers age 60 and over. As a result, workers with as much as 40 years of seniority who, even if they found another job, were too old to start acquiring new pension credits from another employer, were left stranded.

The collapse of Studebaker dramatized the predicament of its workers and of workers in other companies who might also find the paper promises implicit in unfunded pension rights repudiated as a result of plant closings. Still the Congress failed to enact a pension reinsurance law, leaning heavily on the argument that great technical difficulties in framing such a law stood in the way.

As of February 26, 1970, when Walter Reuther made a plea for a pension reinsurance law in one of his last statements to the Congress, the opposition no longer rested on technical difficulties; it was more or less conceded that, as Mr. Reuther said, for a small premium cost spread universally over all plans, they could be protected. The argument had now shifted to the claim that there was no need for such a protective mechanism, since only a small percentage of workers were affected in what was after all but an "incidental failure" of the present system.

Mr. Reuther stated that this is the logic to be expected from a computer but not from a human being. He called for:

"A balanced combination of adequate public and private pension plans, with appropriate public support assuring the fulfillment of expectations of the private sector . . ."

And he stated:

"As the richest nation in the world we cannot continue to deny our older citizens their measure of economic justice and human dignity. We must act now to assure society's promise to present retirees and to avoid the potential failure for even a small number of the millions of workers rightfully anticipating a secure retirement."

The closing down of plants or operations is not a rare occurence in any industry in our economy. In our own industry, we think of Hudson, Studebaker, Packard, Kaiser-Frazer as well as a host of smaller companies. Nor has it been rare in recent years for plants to close or operations to end, wiping out the hopes of security in retirement for men and women too old to start from scratch on other jobs. In recent years the UAW has been obliged to close out negotiated pension plans for a variety of reasons: a fire totally destroying the plant; the close-out of a smaller plant bought by a larger company; part of an operation discontinued because an obsolescent plant had become uneconomic. The latest closing of a plant under contract to UAW took place on July 1, 1970, with its pension plan 11 years away from full funding. Among the victims of that closing were a man and a woman, both 52 years old, each with 37 years of service. Because of their age, their entire 37 years with the company were washed out as far as pension benefits are concerned.

When plants are closed down, there is apt to be talk about "the price *we* pay for progress"—yet that price, is too often inequitably distributed, entailing, for example, a more efficient operation for the employer but unemployment and a wiped-out pension promise for the worker. Certainly from the fruits of the progress that we are all supposed to enjoy, assurance can be given that the security of pension benefits will be maintained.

The President speaks of the people who need help in a period of economic transition. But it should be clear that for wage earners and to a somewhat lesser extent for salaried workers, the "transition economy' 'is not a sometime thing but a permanent aspect of their lives. Blue-collar workers particularly work and live all their lives on the cutting and bruising edges of technological and economic change, in war and peace, in sickness and health, in youth and age. A special White House panel that studied the problems and needs of blue-collar workers has within the last few days transmitted a report to the President urging Administration action to deal with the economic and social needs of such workers, whom the report described as economically trapped and socially scorned. It is primarily these workers and their families, rather than railroad managers and speculators, who need help.

We detect a disproportion in the rationing of the President's concern, a show of preference for a kind of Wall Street or Easy Street welfare state which if indulged by the Congress would come dangerously close to—if it did not actually arrive at—a politics of class verging on the classic Marxian strain.

In this disturbing situation, we feel that the Congress has a strong role to play and a considerable responsibility to play it. The question of establishing a pension reinsurance system has been in Congressional limbo for years. The President of the United States has asked the Congress to produce legislation to insure investors against their losses. We earnestly hope that the Congress will now see the substantive and symbolic merit of enacting a pension reinsurance law without further unseemly delay Having thus offered assurance of retirement security to American workers, the Congress could then go on with good grace to consider the security needs of Wall Street speculators.

If we are to bring this country together, we are going to have to curb the impulse of Wall Street socialism in favor of much larger doses of Main Street and back-street democracy—on both sides of the railroad tracks. Treating Americans more equally would facilitate our progress not only toward a peacetime economy but toward a more peaceful society as well. Enactment of a law to protect negotiated pension funds would be one firm step in that direction.

Sincerely yours,

LEONARD WOODCOCK,
President, International Union, UAW.

FOR GOD AND COUNTRY

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. DORN. Mr. Speaker, the United States is no stronger or greater than the thousands of communities at the grassroots of our country. I commend to the attention of my colleagues in the Congress the following moving account of the Christmas parade in the beautiful southern city of Aiken, S.C., by Frank T. Galardi:

FOR GOD AND COUNTRY

(By Frank T. Galardi)

The credo of the American Legion, "For God and Country," was dramatically and reverently brought to a living reality by the United States Air Force, 861st Radar Squadron, stationed in Aiken, South Carolina, during a recent Christmas parade.

The Aiken Jaycees, sponsors of annual Christmas parades, extended invitations to churches, schools, fraternal organizations, clubs and business firms to participate in their 1970 Christmas event. Among the invitees was the 861st Radar Squadron.

The 861st, a small Air Force group of radar specialists, assumed a community responsibility once again, as they have countless times before, and pitched in by working alongside the many participants to bring a special message for all to see.

In a short and hectic three days, the enlisted and officer personnel of the Radar Station were sparked with vitality, enthusiasm and imagination. Their mission was to create a prize-winning float—one which would serve as a living monument to both God and country.

As thousands of spectators lined the streets of the lovely city of Aiken to witness the parade, one could hear a great din hovering over the main artery of the city's thoroughfare. Traffic being rerouted, school bands on the march, exploding guns and cannons of old soldier units, siren wails emitting from local volunteer fire units, echoes of peppery school cheerleaders, young sweet tones of Girl Scouts, motor noises from the scooters of the fun-loving Shriners, and the sound of horses hoofs beating a tattoo as highly spirited Palominos strutted, all to the delight of the animated spectators.

As the parade advanced, one could see at a distance a huge rainbow of colors. Once these colors came into focus, a float appeared supporting many flags. As the float neared a vantage point, Old Glory seemed to leap out to say, "Hello." The noises, which earlier had created a stacatto of sounds, seemed to subside abruptly and then suddenly one experienced a warm and glowing feeling—The 861st Radar Squadron "For God and Country" float was in full view—What a wonderful feeling of inner satisfaction! What a tremendous feeling of National pride! Imagine, in just a few fleeting seconds of viewing, Christmas and America took on a new meaning, or rebirth—all because a small Air Force group cared and assumed a role in community involvement.

One could, as he viewed the panorama of color, see Old Glory proudly waving above the flags of fifty states of our glorious Union, almost as though a mother were looking over her brood of many, many children—then, as the eye moved to consume the display, a white altar supported the religious symbols of the Cross, Star of David and Crucifix separated by brilliantly polished brass candleholders bearing white candles—At the foot of the altar, three young Airmen kneeled in prayer as a young Airwoman (WAF) stood alongside a small pump organ and at her right stood an Airman "Oldtimer" playing the role of Chaplain—above the milk-white altar hung the word "PEACE" done in old English lettering. The music at the pump organ was being pantomined by a pretty teenage daughter of an Airman 1st Sergeant as the delightful strains of sacred Christmas music came to the ears of the spectators via pre-recorded tape.

In viewing the "God and Country" float, one could see history flashing by—Valley Forge, The Alamo, Iowa Jima, Pearl Harbor, Vietnam, Washington, Jefferson, Lincoln—one could hardly digest all that the float and its theme meant to portray—Was it Peace Through Power or a grateful people on their knees thanking the Almighty for the countless blessing He has bestowed upon this great nation.

One could conclude that our military is the boy or girl next door who donned a uniform and became part of a group we in Aiken have come to know and love as the "military-civilian complex." This feeling of understanding is evidenced by the many joint community projects which we share.

As the "God and Country" float passed out of view and the noise of the applauding viewers ceased, one could say in silent prayer, "Thank you, Lord, please grant us the Peace for which these young men and women have fought and prayed and above all, grant us an honorable peace; one that Old Glory and her brood of fifty can accept since it is peace with honor that we seek and have earned."

As a grateful citizen, I say to the personnel of the U.S. Air Force, 861st Radar Squadron, "Thank you for a job well done." To me your float, "For God and Country," meant Honor, Glory, Night and Blessings to show the everlasting Spirit of America.

U.S. LEADERSHIP IN WORLD TRADE—A BLUEPRINT FOR THE SEVENTIES

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. MIKVA. Mr. Speaker, recently Mr. John P. Gallagher, president of the Chemtron Corp. of Chicago, delivered a speech in which he presented a blueprint for U.S. leadership in world trade for the 1970's. The speech was hopeful, and offered some insight on what we as a country must do to maintain our leadership. I believe Mr. Gallagher's remarks as a leading businessman will be of interest to my colleagues, and so include its final pages in the RECORD for their interest. The text follows:

U.S. LEADERSHIP IN WORLD TRADE—A BLUEPRINT FOR THE SEVENTIES

(By John P. Gallagher)

You've assigned me a broad subject and I'm not by nature given to broad statements. I would like to close by being very specific about what it will take to maintain U.S. trade leadership in the '70s. Let me preface my list by expressing considerable optimism. I have concentrated on our weaknesses and some adverse trends because they portend the need for constructive actions. I see these needed actions as taking the following specific forms.

(1) Defeat of the trade bill—either in the Congress or by Presidential veto. We can't afford to go backwards philosophically, and we can't afford the inflation, retaliation and adverse effects on poor people and underdeveloped nations of quotas or so-called protective tariffs.

(2) Strong support by business people, their trade associations and other entities for an abolition of tariffs and non-tariff devices that too often have been the response to business pleading. If we want to continue to promote exports we must stop all of our circuitous, disguised efforts at discouraging imports. William Blackie, Chairman of Caterpillar, speaking on this subject said "This means facing up to competition without protection of quotas, 'phony' customs valuations, anti-dumping sophistries and narrow 'nationalistic' restrictions against foreign bids to meet public tenders." I agree.

(3) We need a long term, unified government position on international trade that is sufficiently consistent between departments to permit business to make plans that can be used to compete effectively in world markets.

(4) Tax incentives are necessary to meet foreign competition, to increase exports and to correct our balance of trade position. The DISC proposal of the trade bill would have provided such incentives. Conversely, when American industry incurs higher rates of taxation than industries in other countries, we are at a competitive disadvantage. Remember that corporate taxes are a unique form of cost. There are no labor-saving devices that can be applied to reducing taxes. They must either be passed on to the customer or they reduce profits.

(5) We need forms of organization and management concepts that permit freedom to widely different conditions in various markets around the world. Some areas are characterized by trading blocs; others by strongly increased nationalism.

(6) Business must pioneer with its best people. There is no better developer of competent, young, high potential managers than international operations.

(7) We need better export financing—on internationally competitive terms and conditions.

(8) Finally, we need to be better businessmen. This means striving constantly for product superiority, being effective marketers adapting to the unique conditions of each market, making the most of our capital resources, and, always of utmost importance, controlling our costs to give the customer his money's worth.

Many years ago I had a Business School professor who said, "You must always remember that the fiscal year exists only in the mind of the accountant." I've since learned that some economists think that the decade exists as a discrete period of time and many analysts feel that there is such a thing as a fiscal quarter.

I believe that the '70s will be a continuation of the '60s just as the '60s continued the trends of the '50s. The U.S., among the countries of the world, is in a strong leadership position.

Our intent, desires and our continued prosperity depends upon our ability to compete as businessmen in international markets. We need a strong domestic economy. We need better government/business cooperation. The decade ahead will be exciting. We hope to improve the lot of the peoples of the world. We—you and I as American consumers and business people—have benefitted from our competitive environment. It is my hope that we may extend these benefits throughout the world. That is my blueprint for the '70s.

REDUCING FEDERAL GUN CONTROL

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. PRICE of Texas. Mr. Speaker, I commend my colleagues for voting to add .22-caliber rimfire ammunition to the list of other sporting-type ammunition presently exempt from the reporting requirements under the Gun Control Act of 1968. If the Senate concurs in this action, it will mean that sellers of .22-caliber rimfire, shotgun, and rifle ammunition will not have to make a record of any information about sales of this sort.

In my view, this change in the law is long overdue. More than 20 months ago, I introduced legislation which would have exempted sporting ammunition from the Gun Control Act. Congress, however, saw fit to act on my proposal on a piecemeal basis; last November the House exempted shotgun and rifle ammunition from the act, and now it has exempted .22-caliber rimfire ammunition as well. Taken together, these two actions fulfill the central purposes of my proposal; namely, to lift the onerous burdens of the Gun Control Act from the shoulders of the buyers and sellers of sporting ammunition.

As I have stated before, Mr. Speaker, regulating this type of ammunition is of no real usefulness in preventing or solving crimes. Now, both the Justice and the Treasury Departments have validated my claim. Based on 2 years of experience in administering the act, both Departments have reported there is not a single instance where any of the recordkeeping requirements for sporting ammunition has proved helpful in law enforcement or has led to the successful investigation and prosecution of a criminal offense.

In my mind, these conclusions state the obvious. Guns and ammunition do not kill people—people kill people. And as long as criminals think they can profit from crimes involving the use of guns, criminals will use guns to commit crimes. Thus, in a very fundamental sense, the Gun Control Act itself is an ill-conceived way to control crime. What is needed, rather, is upgrading and better equipping of our police departments, enacting new, tougher laws to deter potential criminals and to severely punish convicted felons, streamlining the criminal justice system, and reforming the penal system. These are the things that will help restore order with justice to our society, not gun control.

It is my fervent hope, Mr. Speaker, that this action by the House marks an even greater awareness of the fatal defects in the very concept of Federal gun control. And, I hope that one of the first orders of business in the 92d Congress will be the repeal of the Gun Control Act of 1968 in its entirety. The 92d Congress will have the opportunity to take swift action on this issue; because I will again, as I have done in the past, introduce legislation which, if enacted into law, will consign the Gun Control Act to the legislative wastebasket where it belongs.

THE BLOOD SHORTAGE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. KOCH. Mr. Speaker, the American Red Cross has announced that it is now facing the most serious shortage of whole blood in its 22-year history of blood collection. It is time that the Congress act to develop means for increasing the supply of donated blood which has become such an important form of medicine, particularly for the critically ill.

I have introduced a bill, H.R. 19524, that is designed to both meet today's chronic shortage of transfusable blood and at the same time improve the quality of blood in our hospital blood banks. The bill would provide a $25 tax deduction for each pint of blood donated to a nonprofit organization like the American Red Cross.

Currently, only 3 percent of the public gives blood. If we can increase this percentage by just one point, the shortage problem could be solved and the demand for commercial blood would be greatly reduced, if not totally eliminated.

The economic incentive in such a tax deduction is directed to the blue- and white-collar men and women who can look forward to a small but helpful tax break at the end of the year. It would not be attractive to the derelicts and dope addicts that have become such a danger to our blood banks because of the on-the-spot cash payments offered by commercial blood-collecting agencies. Today, the danger of contracting hepatitis from a transfusion of commercial blood is 10 times that of donated blood.

The tax deduction, limited to $125 per person a year for health reasons, would be available to all taxpayers, including those using the standard deduction. I believe that this measure would provide the incentive needed—at relatively little cost to the Treasury—to encourage a sufficient number of people to make this "charitable contribution."

I plan to reintroduce my bill on the first day of the 92d Congress. I invite my colleagues to cosponsor it with me, and I hope it can be considered by the Ways and Means Committee next year.

ECONOMIC OUTLOOK FOR THE AIRLINE INDUSTRY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. **PICKLE**. Mr. Speaker, high-flying inflation is hurting the airline industry. So hard, in fact, that one major carrier is predicting zero growth for next year.

Interestingly, businesses are cutting back on their flying executives, but the general public has shown an increase in personal and pleasure trips. Passenger counts, however, present but one dimension of the overall problem.

Donald J. Lloyd-Jones, an airlines executive, captured the mood of the industry in a recent address. I present his discussion here because he seems to be looking at various segments of the industry rather than simply his particular airline.

Mr. Speaker, obviously some of the language herein is obviously partisan to his own concerns, but the facts are hard and true. While I do not necessarily agree with all his recommendations and findings, I do think that Mr. Lloyd-Jones' remarks signal the trouble within the industry a matter of concern for each of us. Thus, I include the following remarks in the RECORD:

CURRENT INDUSTRY SITUATION

Pre-tax earnings of the domestic trunklines dropped sharply in 1970 despite substantial efforts by the airlines to control costs. The loss before tax of the eleven domestic trunklines will exceed $100 million, making 1970 the first loss year since 1961 and the largest single loss year in the history of U.S. commercial aviation.

Disappointing traffic growth was the principal factor in the earnings decline. A year ago at this time American had most pessimistic outlook in the industry with a forecast of 1970 traffic growth at 4%-5%; and most analysts were anticipating growth in the 8%-9% range. It is now evident that 1970 traffic will be lower than 1969, probably by 1%-2%. In prior recessions the industry has experienced periods of 12 months or more with no growth, but it has not experienced a calendar year loss in traffic since the late 1940's.

Three features of the decline in traffic during 1970 require special comment:

1. The decline in growth rate has been primarily in business travel; personal and pleasure travel has continued to grow throughout the year.

2. There have been two major airline strikes during 1970, covering periods totalling 273 days.

3. The full-year loss of 1%-2% in traffic disguises a rapidly deteriorating traffic picture. Traffic was level during the first half of the year; it is currently running about 5% below the comparable period in 1969.

These three features have affected the individual members of the industry differently, depending upon the individual carrier's seasonal pattern, the characteristics of its traffic and the degree of benefit or injury from strikes.

Heroic efforts by some portions of the industry have been insufficient to keep pace with the rapid drop-off in traffic. By the latter part of the year half of the ten trunk airlines not affected by strikes had reduced current available seat mile capacity below that of 1969 and had, in some cases, reduced departures by as much as 10%. In conjuction with these reductions more than ten thousand personnel have been furloughed by the industry, the majority of them in recent months. Many of these furloughs have involved the postponement of critical planning and developmental programs which could have adverse effects on industry costs in the years ahead. Nonetheless, the industry's current picture has continued to deteriorate throughout the year. Cost reductions have failed to keep pace with declines in revenues and the mid-year expectation of a $16 million loss for 1970 has deteriorated to the current $100 million loss projection.

Little help has come from the government. No significant fare relief was granted during the year and the fare increase granted in October 1969 has proven insufficient even to keep pace with the rise in cost of other goods and services. Recently another industry attempt at expense control was denied. A voluntary capacity control agreement was rejected by the Civil Aeronautics Board and onerous conditions imposed upon the reaching of any future such agreements. Particularly bothersome is the condition imposed by the Civil Aeronautics Board that such agreements, to be acceptable, cannot be longer than six months in duration. Six months is too short a period for airlines to realize major cost reductions in areas such as equipment planning, facility expenditures, flight crew headcount, etc. Fuel costs, landing fees, and certain maintenance expenses, which together account for only a small portion of total expense, are the only costs which can be reduced over such a short term.

Against this background airline creditors have become increasingly more cautious. Rates for airline financing have jumped to 11% or more and many former sources of airline capital have dried up completely.

B-747 INTRODUCTION

One cannot imagine a less favorable environment for the introduction of the B-747 into service. This aircraft was purchased by the airlines in expectation of continued strong traffic growth. The decline in traffic has meant low 747 load factors and the negation of many of the unit cost reductions provided by the 747.

Contrary to frequent articles appearing in the press, the 747 has performed as well or better than any new aircraft ever introduced into commercial service. Measured in terms of either premature engine removal rates or overall mechanical reliability the aircraft has equalled or out-performed other new aircraft at comparable stages in their introduction—and the 747 gives every indication of delivering the reductions in cost per seat mile which we anticipated.

OUTLOOK FOR 1971

The key to the 1971 airline profit picture lies in the area of traffic. Despite the relative disagreement between economists concerning when economic conditions will begin to improve materially and the rate at which such improvement will occur, there has rarely been a time when the range of probable traffic growth has been as narrow as it now appears to be for 1971. So long as one assumes that economic conditions will begin to improve relatively early in 1971 and will be accompanied by a general restoration of business confidence, I believe one can expect the seasonally adjusted rate of traffic to turn upward in the second quarter.

Given that assumption the primary determinant of 1971 traffic growth then becomes the rate at which recovery occurs. If airline traffic is recovering at a rate of 10% by the end of the year, 1971 could show an overall increase of 3% above 1970 levels. If, on the other hand, airline traffic is recovering only at a rate of 7% by the end of the year, 1971 passenger miles could be below 1970 levels by as much as 1%. The median of this range would indicate a 1% traffic growth for the year. We at American are using a zero growth rate for our planning purposes.

Needless to say a no-growth year for the domestic trunkline industry is ominous from the point of view of industry profits. Only positive action by the airlines and by the government can restore the airline industry to a profitable posture in 1971 and lay the groundwork for a return to more reasonable earning levels in 1972 and beyond.

Some of the solutions to the 1971 earnings outlook are under the direct control of the airlines; most are not. In areas which are controllable by the industry alone there are several favorable signs:

1. Capacity is already under fairly good control by most carriers. I look for seat mile increases in the U.S. domestic market of not more than 3%-4% in 1971, provided all airlines realistically assess their economic outlook.

2. Unit costs, which have increased at a rate of 5½% during 1970, should moderate in 1971. Inflationary pressures will still be present. In fact, we estimate that the average prices of goods and services purchased by the airlines next year will increase by 5.8%. Nonetheless, increasing use of wide-body jets and better utilization of manpower and materials should enable the airline industry to hold unit costs virtually level—with an outside chance of an actual reduction.

A 1% reduction in capacity can improve profits by only $35 million; a 1% reduction in unit costs can improve profits by only about $50 million. Neither of these avenues offers sufficient potential to do the job alone. Any real improvement in 1971 must depend upon a combination of fare increases, moderating inflation and multilateral capacity restraint. These areas, of course, lie outside the direct control of the carriers and require governmental/regulatory action. To that end we propose an eight point program to the government for its serious consideration:

1. Provide a modest increase in yields during the year 1971. This increase needs to be at least 5%.

2. Establish minimum and maximum fare levels within which fares may be set by competition without lengthy review by the Civil Aeronautics Board.
3. Create and preserve a more favorable climate for realistic agreements between airlines on capacity control (with duration long enough to be meaningful).
4. Recognize and act upon the real threat to the industry posed by the current seat war.
5. Adopt a positive attitude toward mergers which meet the criteria laid down by the Department of Transportation.
6. Restrict supplemental carriers to a more truly supplemental role.
7. Declare a moratorium on new route awards.
8. Develop a program to control runaway inflationary costs in regulated industries.

A LOT TO LIVE FOR

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. GUBSER. Mr. Speaker, my constituent John Riehl, now a senior at Del Mar High School in San Jose, was selected as the California State winner in the Pepsi-Cola Co.'s "Why You've Got a Lot To Live" national write-in competition. John's winning essay letter, written to Gov. Ronald Reagan, follows:

Hon. RONALD REAGAN,
Governor's Office,
Sacramento, Calif.

DEAR SIR: George Chaplin, a nineteenth century American poet, wrote in his poem *Mourn Not the Dead:*

"But rather mourn the apathetic throng—
The coward and the meek—
Who see the world's great anguish and its wrong
And dare not speak."

As an American high school student, I have formed positive opinions on what America is today and America's potential for the future. Thirty years ago, a blind person, as I am, was reduced to selling pencils on the street corner unless he possessed unusually great talents. Today, the blind by utilizing the tools at their command can receive an equal education, attend college and have the expectation of obtaining a job in whatever field their abilities are suited. Blind lawyers, computer programmers, college professors, social workers, mathematicians and electronic engineers are leading normal, productive lives except that they cannot see. Americans regardless of their race, creed or handicap have the opportunity to succeed if they will discard apathy and really try.

Young people today insist that American society is corrupt, immoral and decadent. I disagree with this generalization. Once again the voice of the vociferous majority is being heard. We must positively believe that America is the greatest and richest power in the world and still a land of opportunity. Never before have we as a nation faced such a multitude of seemingly unsolvable dilemnas. Racism, poverty, inflation, pollution, war, education and crime are problems Americans cope with daily. It is my belief that apathy, or perhaps a more apt word, selfishness, is a disease that permeates society and causes it to stagnate. When only sixty per cent of the eligible voters vote in a national election, when only eighteen per cent vote in a local election, isn't this apathy to the highest degree? I believe that all Americans must take an active interest and become actively involved in the problems of today. The silent majority must speak out or be equally silent concerning the consequences of their apathy.

Many factions are actively organized to split America. The North is polarized against the South; the Negroes are polarized against the whites; the Conservatives are polarized against the Liberals; the students against educators. Will it take another world war to make Americans realize that only a team effort can be successful? This generation of Americans is at a turning point. America can either veto the existence of every living thing on the earth with the touch of a button, or it can use its great resources to solve the problems that haunt today's society. Instead of deploying weapons, we can defuse the tensions and hatred that plague our country and actively campaign for a country in which men are not only born free, but live free.

Why do I have a lot to live for? I want to live to be a participating American. An American who dares to speak loudly and clearly on the problems my generation faces, to look at the problems and seek solutions, to do my small part in building a better, more meaningful society and not merely be a member of the "apathetic throng."

Very truly yours,

JOHN RIEHL.

Having met this young man personally, I wholeheartedly concur in the comments of his school's English department chairman that John is a "happy, bright, cheerful boy whose values and standards are an inspiration to all of us who know him." He is active in Scouts, in school debating, and is a licensed ham radio operator, He has a high scholastic average and is enrolled in an accelerated program.

John's words, as well as his spirit, represent all that is good and hopeful in our young people today. I commend his essay to the attention of readers of the CONGRESSIONAL RECORD.

COAST GUARD INCIDENT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. DINGELL. Mr. Speaker, there are questions still unanswered in the tragic case of the Lithuanian sailor, Simonas Kudirka, who sought asylum from his Soviet masters aboard a U.S. Coast Guard ship on November 23 and was denied it. I believe it is important that these questions be answered fully and candidly so that a disgraceful incident of this nature never will happen again.

In case there is anyone not familiar with the facts of the case, I will restate them briefly. Early in the afternoon of November 23, Mr. Kudirka, a radioman on the Soviet fishing ship *Sovietskaya Litva*, told a Coast Guard officer he intended to seek asylum. The Soviet ship at that time had rendezvoused with the Coast Guard cutter *Vigilant* off Martha's Vineyard, Mass., to discuss fishing rights.

The *Vigilant's* skipper, Cmdr. Ralph Eustis, radioed the news to his superior, Rear Adm. William B. Ellis, in Boston. From there Coast Guard headquarters in Washington was notified and finally, at 2:30 p.m., the Russian affairs desk of the State Department. Commander Eustis was instructed not to encourage the sailor and to keep Washington advised of what happens next.

At 4:30 p.m. Mr. Kudirka jumped from the Soviet ship to the deck of the Coast Guard cutter and pleaded for sanctuary. When informed of the situation, Admiral Ellis directed the ship's commander to seek a written request from the Russian captain for the return of Mr. Kudirka. This was done and three Russian sailors were allowed to board the *Vigilant* to take Mr. Kudirka back. He fought so hard that three additional Russian sailors had to be called for to subdue him. Finally, at nearly midnight, Mr. Kudirka was hauled back aboard the Soviet ship—5 hours, I should point out, after the Coast Guard had originally reported him back.

Any objective study of the facts in this case must lead one to the conclusion that it was handled in an incredibly inept manner. Secretary of Transportation, John Volpe, the Cabinet officer who has jurisdiction over the Coast Guard, was he informed of the pending defection? If so, at what time was he notified? What advice did he offer? Did he seek the advice of the White House or the State Department? If so, what advice did he get?

On the other hand, if Secretary Volpe was not notified, why was he not? What Department of Transportation officials were notified by the Coast Guard? If no one at DOT was notified, why not?

Since Mr. Kudirka was not returned to the Soviet ship until almost 12 hours after the Coast Guard first was notified of the possible defection, no one can say that there was not enough time to reach the proper authorities. There was, indeed, ample time. So it leads me to ask: What kind of administrative procedures does the Department of Transportation have to meet a situation of this nature? It is not an idle question. DOT, with its jurisdiction over commercial aviation, the railroads and highways, should have the machinery to act immediately—and wisely—in a crisis situation of this nature. Who knows when some other incident may occur?

I raise these questions, Mr. Speaker, because nowhere in any of the accounts that I have read of this tragedy have I seen the Department of Transportation acknowledge its role in the fiasco.

Mr. Speaker, since at least one national publication—Newsweek, December 19, 1970—has indicated that the top brass of the Department of Transportation were fully advised of everything that happened and may have, in fact, made the decision to release Mr. Kudirka, I believe that Secretary Volpe and his subordinates should be called upon to explain their role in this sordid affair. As a member of the Committee on Interstate and Foreign Commerce and the Committee on Merchant Marine and Fisheries which have jurisdiction in this area, I think the case should be examined in detail.

I call upon Secretary Volpe to fully report on the role of his Department in the affair.